CONGRESSIONAL RECORD:

38720

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FIFTY-FIRST CONGRESS, SECOND SESSION.

VOLUME XXII.

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VOLUME XXII, PART II.

CONGRESSIONAL RECORD,

FIFTY-FIRST CONGRESS, SECOND SESSION.

Mr. BRECKINRIDGE, of Arkansas. There ought to be some statement made. The report so far as read merely states that "the Senate recedes from its disagreement to the amendments of the House and agree to the same with an amendment as follows;" but does not say what follows.

Mr. MILLIKEN. Let the Clerk proceed to read further.

The Clerk read as follows:

Strike out all after the word "dollars" in line 9, to the end of the bill and insert—

Mr. MILLIKEN. Now, I ask unanimous consent to omit reading the remainder of the report, and will state to the gentleman that the form is exactly like the one which was first read in full.

Mr. BRECKINRIDGE, of Arkansas. Do I understand that it makes no money charge?

Mr. MILLIKEN. There is no money charge in it at all. It merely perfects the bill.

The SPEAKER. Without further objection, the reading of the report will be omitted.

There was no objection.

The report continues as follows:

"Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

"Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to said proposed sites.

"If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

"The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed $6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

"No money shall be used for the purpose mentioned until a valid title to the site for said building shall be vested in the United States, nor until the State of Massachusetts shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

"The building shall be unexposed to danger by fire by an open space of at least 40 feet on each side, including streets and alleys."

S. L. MILLIKEN,
Manager on the part of the House.
JOHN C. SPOONER,
G. G. VEST,
Managers on the part of the Senate.

The statement is as follows:

The effect of the report is to perfect the bill as amended and passed by the House.

The SPEAKER. The question is on the adoption of the report of the committee of conference.

The question was taken; and the report was adopted.

FORT ELLIS MILITARY RESERVATION, MONTANA.

Mr. CARTER. Mr. Speaker, I call up the conference report on the bill (H. R. 8049) to provide for the disposal of the abandoned Fort Ellis military reservation in Montana under the homestead law, and for other purposes.

Mr. BRECKINRIDGE, of Arkansas. I move that the House do now adjourn.

The Clerk proceeded to read the title of the bill.

Mr. BRECKINRIDGE, of Arkansas. Does that take precedence over a motion to adjourn?

The SPEAKER. The gentleman has the right to call up the conference report.

Mr. BRECKINRIDGE, of Arkansas. Has it preference over a motion to adjourn?

The SPEAKER. The Chair thinks it has.

Mr. BRECKINRIDGE, of Arkansas. Surely the consideration of a conference report does not take precedence over the consideration of a motion to adjourn.

The SPEAKER. The Chair does not quite understand the gentleman.

Mr. BRECKINRIDGE, of Arkansas. Does the Chair simply mean to have it submitted?

The SPEAKER. The Chair proposes to submit it to the House, and of course the House will determine what it will do with the conference report.

Mr. BRECKINRIDGE, of Arkansas. Do I understand that the motion to take up the conference report can take precedence over a motion to adjourn?

The SPEAKER. The gentleman has a right to call up the matter, and when it has been presented to the House then a motion to adjourn can be entertained if the House so decides.

Mr. BRECKINRIDGE, of Arkansas. That was my understanding.

The Clerk read the title, as follows:

A bill (H. R. 8049) to provide for the disposal of the abandoned Fort Ellis military reservation in Montana under the homestead law, and for other purposes.

Mr. BRECKINRIDGE, of Arkansas. I now make the motion to adjourn.

The question was taken; and the Speaker announced that the "noes" seemed to have it.

Mr. BRECKINRIDGE, of Arkansas. Division.

The House divided; and there were—ayes 10, noes 19.

Mr. BRECKINRIDGE, of Arkansas. I will state to the gentleman that I have no objection to this conference report being considered if it is not lengthy, but I want to adjourn and there is no quorum in the House.

Mr. CARTER. This report and the statement in connection with it have already been read, and I do not think there is any objection to the bill or to the conference report.

Mr. BRECKINRIDGE, of Arkansas. Very well; let it go on.

Mr. BYNUM. I raise the question of consideration on the report, Mr. Speaker.

Mr. BRECKINRIDGE, of Arkansas. I think it is time that we should adjourn, but I do not want to insist if this can be disposed of in a very few minutes.

The SPEAKER. The gentleman from Indiana raises the question of consideration.

Mr. McKINLEY. Pending that, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 58 minutes p. m.) the House adjourned.

EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communication was taken from the Speaker's table and referred as follows:

MAIL SERVICE IN RURAL DISTRICTS.

Letter from the Postmaster-General, replying to House resolution, dated the 13th ultimo, in reference to alleged irregular and inefficient mail service in rural districts—to the Committee on the Post Office and Post Roads.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred as follows:

A bill (S. 4484) for the relief of D. H. Mitchell—to the Committee on Claims.

A bill (S. 4632) to provide for a patrol steamer for the replacing of buoys in the St. Mary's River, Michigan—to the Committee on Commerce.

A bill (S. 4767) amendatory of an act entitled "An act to provide for taking the eleventh and subsequent censuses," approved March 1, 1889—to the Select Committee on the Eleventh Census.

RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolution was introduced and referred as follows:

By Mr. BINGHAM:

Whereas under resolution adopted December 30, 1890, the Committee on Public Buildings and Grounds have been requested to investigate the merits of a certain regenerative gas lamp for public lighting; and

Whereas it is claimed that the Siemens-Lungren regenerative gas lamp and the Gordon street light (owned by the Siemens-Lungren Company) are and have been largely and economically used for lighting halls and public places with greater efficiency and satisfaction,

Be it resolved by the House of Representatives of the United States of America, That the Committee on Public Buildings and Grounds give the said Siemens-Lungren Company a hearing and investigate the merits of said Siemens-Lungren regenerative gas lamp and said Gordon street light, and after investigating the matter report to the House by bill or otherwise the result of said investigation;

to the Committee on Rules.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. YODER, from the Committee on Invalid Pensions, reported favorably the bill of the House (H. R. 11212) granting a pension to Zeruiah A. Potter, accompanied by a report (No. 3386)—to the Committee of the Whole House.

Mr. STOCKBRIDGE, from the Committee on Commerce, reported favorably the joint resolution of the House (H. Res. 250) to apply appropriation for lighthouse on Simmon's Reef in payment for three light-ships in lieu thereof, accompanied by a report (No. 3387)—to the House Calendar.

Mr. STOCKBRIDGE also, from the Committee on Commerce, reported favorably the bill of the House (H. R. 12600) to provide for a patrol steamer for the replacing of buoys in the St. Mary's River, Michigan, accompanied by a report (No. 3388)—to the Committee of the Whole House on the state of the Union.

Mr. ROCKWELL, from the Committee on Foreign Affairs, to which was referred the bill of the House (H. R. 12739) to authorize the Department of State to deliver certain medals to the officers and crew of the United States steamship Baltimore, reported, as a substitute therefor, a joint resolution (H. Res. 264) to authorize the Department of State to deliver certain medals to the officers and crew of the United States steamship Baltimore; which was read twice, and, accompanied by a report (No. 3389), referred to the Committee of the Whole House.

Mr. DINGLEY, from the Committee on Ways and Means, reported favorably the bill of the House (H. R. 12544) directing the issue of a lost check, drawn by A. W. Beard, collector of customs at the port of Boston, Mass., in favor of De Blois & Co., accompanied by a report (No. 3390)—to the Committee of the Whole House.

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, severally read twice, and referred as follows:

By Mr. WALTER I. HAYES: A bill (H. R. 12989) to amend an act entitled "An act to empower the Secretary of War to permit the establishment, under certain conditions, of a horse railway upon and over the island of Rock Island and the bridges erected by the United States connecting the cities of Davenport and Rock Island therewith"—to the Committee on Military Affairs.

By Mr. FITCH: A bill (H. R. 12990) to amend an act entitled "An act to reduce the revenue and equalize the duty on imports, and for other purposes," approved October 1, 1890—to the Committee on Ways and Means.

By Mr. GEST: A bill (H. R. 12991) to amend an act entitled "An act to empower the Secretary of War to permit the establishment, under certain conditions, of a horse railway upon and over the island of Rock Island and the bridges erected by the United States connecting the cities of Davenport and Rock Island therewith"—to the Committee on Military Affairs.

By Mr. DUNNELL: A bill (H. R. 12992) to incorporate the National Electric Company—to the Committee on the District of Columbia.

By Mr. PEEL: A bill (H. R. 12993) to authorize the Fort Gibson, Tahlequah and Great Northeastern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes—to the Committee on Indian Affairs.

By Mr. SPOONER: A bill (H. R. 13024) to provide a suitable site for a post office in the city of Providence, R. I.—to the Committee on Public Buildings and Grounds.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. ATKINSON, of West Virginia: A bill (H. R. 12994) to correct the military record of the late James A. Barnes—to the Committee on Military Affairs.

Also, a bill (H. R. 12995) for the relief of JOHN M. LANGSTON—to the Committee on Claims.

Also, a bill (H. R. 12996) for the relief of Oakley Randall, of West Virginia—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12997) granting relief to Oakley Randall—to the Committee on Military Affairs.

By Mr. BAKER: A bill (H. R. 12998) granting an increase of pension to Joseph J. Bartlett—to the Committee on Invalid Pensions.

By Mr. BYNUM: A bill (H. R. 12999) granting a pension to Minnie Agnolia Ruse—to the Committee on Invalid Pensions.

By Mr. CLUNIE: A bill (H. R. 13000) for the removal of the charge of desertion against James Riley—to the Committee on Military Affairs.

By Mr. CUTCHEON: A bill (H. R. 13001) for the relief of William E. Childs—to the Committee on Military Affairs.

Also, a bill (H. R. 13002) for the recognition of Robert S. Rodgers as colonel of the Second Regiment Eastern Shore Maryland Volunteers—to the Committee on Military Affairs.

By Mr. GEAR: A bill (H. R. 13003) for the relief of Jennie Lenehan—to the Committee on Invalid Pensions.

By Mr. HENDERSON, of Illinois: A bill (H. R. 13004) for the relief of the representatives of Samuel T. Thompson, deceased—to the Committee on Claims.

By Mr. HOOKER: A bill (H. R. 13005) for the relief of Maurice O'Conner, late of the Mexican war—to the Committee on Pensions.

Also, a bill (H. R. 13006) for the relief of Thomas Shackelford, late of the Mexican war—to the Committee on Pensions.

By Mr. LANGSTON: A bill (H. R. 13007) for the relief of Alfred Conger, of Elizabeth, N. J.—to the Committee on Patents.

By Mr. LAWLER: A bill (H. R. 13008) for the relief of Joseph Hirst—to the Committee on Invalid Pensions.

By Mr. LODGE: A bill (H. R. 13009) for the relief of Mary A. Flynn—to the Committee on Claims.

Also, a bill (H. R. 13010) for the relief of Homer Eugene Sawyer—to the Committee on War Claims.

By Mr. McCREARY: A bill (H. R. 13011) for the relief of John W. Williams—to the Committee on War Claims.

By Mr. MOFFITT: A bill (H. R. 13012) to correct the military record of James W. Vandusen—to the Committee on Military Affairs.

By Mr. O'DONNELL: A bill (H. R. 13013) granting a pension to George W. Foster—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13014) granting a pension to Nicholas Grout—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13015) granting a pension to Huldah M. Wingate—to the Committee on Invalid Pensions.

By Mr. ROBERTSON: A bill (H. R. 13016) for the relief of Julia Galloi—to the Committee on War Claims.

Also, a bill (H. R. 13017) for the relief of Martin Gullory—to the Committee on War Claims.

Also, a bill (H. R. 13018) for the relief of Alphonse Menillon—to the Committee on War Claims.

Also, a bill (H. R. 13019) for the relief of Jean Baptiste Rabot—to the Committee on War Claims.

By Mr. SPOONER (by request): A bill (H. R. 13020) for the relief of Lankfort Mullis—to the Committee on Military Affairs.

By Mr. WADE: A bill (H. R. 13021) for the relief of John M. Layton—to the Committee on War Claims.

By Mr. WASHINGTON: A bill (H. R. 13022) increasing the pension of Daniel Birchett—to the Committee on Pensions.

By Mr. JOSEPH D. TAYLOR: A bill (H. R. 13023) granting a pension to Mary E. Armstrong—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAKER: Petition of General J. J. Bartlett, for increase of pension—to the Committee on Invalid Pensions.

By Mr. BARTINE: Resolutions of Utah Ore-Producers' Association, relative to coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. BELDEN: Petition of Hon. William B. Kirk and 202 others, citizens of Syracuse, N. Y., asking that national recognition be given to Theodore R. Timby, as the inventor of the revolving turret-gun battery used on the Monitor in the famous naval battle with the ironclad Merrimac in 1862—to the Committee on Naval Affairs.

By Mr. BLANCHARD: Petition of Joseph Tacke, private Company F, Third Missouri Infantry, for passage of special act granting him a pension—to the Committee on Invalid Pensions.

By Mr. CHEADLE: Petition of 345 members of the Friends' churches over twenty-one years of age, of Hamilton County, Indiana, for Sunday-rest law—to the Committee on Labor.

By Mr. DUNPHY: Petition of John H. Rogers, for compensation for additional services—to the Committee on Accounts.

By Mr. FARQUHAR: Memorial of James Stephens & Son, coal-dealers, and 55 others, citizens of New York, for the relief of Charles Stoughton, the projector of the Harlem River Canal improvement, New York, for services rendered therefor at the request of many commercial, civic, and other business men of the United States—to the Committee on Commerce.

By Mr. FITCH: Petition of manufacturers of and dealers in furs, protesting against passage of bill (H. R. 12538) increasing the duty on furs, seal skins, etc.—to the Committee on Ways and Means.

By Mr. FLICK: Petition of 20 farmers of Union County, Iowa, praying passage of the antioption bill—to the Committee on Agriculture.

Also, petition of 56 farmers of Adams County, Iowa, for passage of same measure—to the Committee on Agriculture.

By Mr. FUNSTON: Petition of Wyandotte Indians, for payment of a certain sum of money due them by the Government—to the Committee on Indian Affairs.

By Mr. GEST: Petition by 12 citizens of Hancock County, Illinois, for passage of House bill 5353, defining options and futures—to the Committee on Commerce.

By Mr. WALTER I. HAYES: Petition of 42 citizens of Scott County, Iowa, in favor of the option bill—to the Committee on Agriculture.

Resolutions of Penn Avenue Lodge, No. 1925, Farmers' Mutual Benefit Association, in favor of same measure—to the Committee on Agriculture.

Also, petition of citizens of Atalissa, Muscatine County, Iowa, in favor of same measure—to the Committee on Agriculture.

By Mr. EDWARD R. HAYS: Petition of citizens of Dallas County,

Iowa, urging the passage of the option bill, H. R. 5353—to the Committee on Agriculture.

Also, petition of other citizens of Dallas County, Iowa, for same measure—to the Committee on Agriculture.

Also, resolution of Alliance No. 1435, of same county and State, for same measure—to the Committee on Agriculture.

By Mr. HENDERSON, of Iowa: Resolutions of Farmers' Alliance No. 1576, Hardin County, Iowa, urging the speedy passage of House bill 5353, defining options, futures, etc.—to the Committee on Agriculture.

Also, paper by S. M. Cart, relating to Indian training school at Santa Fé—to the Committee on Indian Affairs.

By Mr. KERR, of Iowa: Petition of Pleasant Grove Alliance, Linn County, Iowa, in favor of passage of bill to prohibit dealing in options and futures—to the Committee on Agriculture.

By Mr. KERR, of Pennsylvania: Resolution of Pine Grove Grange, No. 898, Patrons of Husbandry, of Pennsylvania, John C. Greer, master, and W. W. Shawkey, secretary *pro tempore*, opposing the passage of the election bill and urging the Pennsylvania members to use all honorable means to defeat its passage—to the Committee on Elections.

Also, petition of officers and members of Du Bois Council, No. 376, Order of United American Mechanics, of Du Bois, Clearfield County, Pennsylvania, protesting against the unnatural increase in immigration of foreigners to the United States, and asking for legislation thereon, and also praying for the enactment of the Lodge bill—to the Committee on Immigration and Naturalization.

By Mr. LA FOLLETTE: Memorial circulated by the World's Woman's Christian Temperance Union, signed by C. W. Manly, S. Kelley, and 46 others, citizens of Wolf Creek, Cushing, and Sterling, Wis., praying that immediate and decisive steps be taken to aid in suppression of the alcoholic liquor traffic in the Congo Free State and Basin of the Niger, and to prohibit the exportation of intoxicants from this country into any part of Africa—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. LEE: Petition of James H. Shumate, of Fauquier County, Virginia, praying that his war claim be referred to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

Also, petition of John W. Elgin, of Fairfax County, Virginia, for same relief—to the Committee on War Claims.

By Mr. LODGE: Papers to accompany House bill 12944, for relief of S. M. Warren—to the Committee on Military Affairs.

Also, papers to accompany House bill 10874, for relief of Phœbe S. Curtis—to the Committee on Pensions.

By Mr. PEEL: Petition for grant of right of way to Fort Gibson Telegraph and Great Northeastern Railway Company—to the Committee on Indian Affairs.

By Mr. PERKINS: Petition and affidavits in support of the pension claim of Adam Deitz, of Kansas—to the Committee on Invalid Pensions.

Also, petition of F. G. Walter and other farmers of Kansas, asking for legislation that will prevent the dealing in options on farm products—to the Committee on Agriculture.

By Mr. REED, of Iowa: Memorial of Fidelity Alliance, No. 1833, Guthrie County, Iowa, asking for the passage of the option bill—to the Committee on Agriculture.

Also, petition of J. J. Snider and 35 others, citizens of Harrison County, Iowa, for same measure—to the Committee on Agriculture.

Also, memorial of Meadow Brook Alliance, No. 1372, of same county and State, for same measure—to the Committee on Agriculture.

Also, memorial of Lynn Alliance, No. 1168, Montgomery County, Iowa, for same measure—to the Committee on Agriculture.

By Mr. SPOONER: Petition of Lankfort Mullis, for muster, etc.—to the Committee on Military Affairs.

By Mr. STRUBLE: Petition of B. A. Biggerstaff and 58 others, citizens of Monona County, Iowa, urging the passage of House bill 5353—to the Committee on Agriculture.

Also, petition of John Oustot and 10 others, citizens of Woodbury County, Iowa, for same measure—to the Committee on Agriculture.

Also, resolutions of Glencoe Alliance, No. 1627, Woodbury County, Iowa, for same measure—to the Committee on Agriculture.

Also, resolutions of Friendship Alliance, No. 1305, Clay County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of W. H. Spencer and 41 others, citizens of Monona County, Iowa, for same measure—to the Committee on Agriculture.

By Mr. WILSON, of Missouri: Resolutions of the Nodaway Island Alliance, No. 3, Andrew County, Missouri, in favor of the farmers' antioption bill—to the Committee on Agriculture.

Also, petition of D. McCush and 32 others, citizens of Andrew County, Missouri, in favor of the passage of the farmers' antioption bill—to the Committee on Agriculture.

By Mr. WILSON, of Washington: Petition of 14 citizens of Whitman County, Washington, relative to options—to the Committee on Agriculture.

Also, resolutions of Collin Farmers' Alliance, Whitman County, Washington, No. 49, John L. Flaven, president; J. P. Rose, secretary, relative to options—to the Committee on Agriculture.

SENATE.

FRIDAY, *January* 9, 1891.

The Senate met at 12 o'clock m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, with his indorsement, a letter from the Commissioner of the General Land Office recommending an amendment of the act of September 29, 1890, so that the time fixed therein within which certain rights granted to settlers on the lands involved may be asserted shall begin to run from the actual restoration of the land under the act, and not from the date of the passage of the act, as now provided; which was read.

The VICE PRESIDENT. The communication and accompanying papers will be referred to the Committee on Public Lands and printed.

Mr. REAGAN. I do not know whether the communication should be referred to the Committee on Public Lands or the Select Committee on Irrigation, which has had the general subject under consideration.

Mr. EDMUNDS. The Committee on Public Lands reported the bill, I think.

The VICE PRESIDENT. The communication and the accompanying papers will be referred to the Committee on Public Lands, if there be no objection.

Mr. REAGAN. Very well.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT. The Chair has received a telegram from the Chamber of Commerce of New York, the oldest organization, he believes, of a commercial character in the United States, which will be read, if there be no objection.

The Chief Clerk read as follows:

NEW YORK, *January* 8, 1891.

At a large and enthusiastic meeting of Chamber of Commerce held at noon today the following resolution, on motion of Mr. John Inman, was unanimously adopted:

"Whereas the chamber for many years advocated the most liberal action on the part of the Government of the United States whereby justice may be done to the interests of American shipping, and competition on the part of Americans be rendered at least possible against the largely aided shipping of other countries, and the carrying of American commerce on the high seas be restored to American bottoms; and

"Whereas the bill now before Congress called the shipping and tonnage bill will, in our opinion, serve to bring about this end: Therefore,

"*Be it resolved*, That this chamber urges the prompt passage of the shipping bill now being discussed by Congress, and our Senators and Representatives, irrespective of party, are requested to use every effort in their power to procure its passage."

GEORGE WILSON, *Secretary*.

The VICE PRESIDENT. The memorial will be referred to the Committee on Commerce, if there be no objection.

Mr. FRYE. Both those bills have been reported from the Committee on Commerce and have passed the Senate. Therefore there is no need for a reference of the memorial to the committee. It should lie on the table.

The VICE PRESIDENT. The memorial will lie on the table.

Mr. CULLOM. I present resolutions of the Board of Trade of Chicago, Ill., deprecating any further legislation by Congress in regard to silver, setting forth that they believe further agitation of the subject will be injurious to the business and commercial interests of the country. I move that the resolutions lie on the table.

The motion was agreed to.

Mr. CULLOM presented a memorial of G. B. Williams and 17 other citizens of Belleville, Ill., and a memorial of the Board of Trade of Chicago, Ill., remonstrating against the passage of the Conger lard bill; which were ordered to lie on the table.

He also presented the following petitions, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Petition of 46 butchers of Chicago, Ill.;

Petition of citizens of Ransom, Ill.;

Petition of R. C. Brown and 23 citizens of Illinois;

Petition of Rockford (Ill.) Lodge, Farmers' Mutual Benefit Association;

Petition of L. B. Ault and 28 other citizens of Fulton County, Illinois;

Petition of J. M. Johnson and 17 other citizens of La Salle County, Illinois;

Petition of James Fulton and 14 other citizens of Woodford County, Illinois;

Petition of George Connard and 33 other citizens of Macon County, Illinois;

Resolutions of members of Farmers' Alliance, No. 71, Vermillion County, Illinois;

Resolutions of New Concord Lodge, No. 3146, Farmers' Mutual Benefit Association, Pulaski County, Illinois;

Resolutions of Rockton Lodge, No. 3217, Farmers' Mutual Benefit Association, Rockton, Ill.;

Resolutions of members of Harmony Alliance, No. 3, Canton, Ill.;
Resolutions of Wiley Alliance, No. 69, of Fulton, Ill.;
Resolutions of Emry Green Farmers' Alliance, No. 98, La Salle County, Illinois;
Resolutions of Cazenovia Farmers' Alliance, No. 15, Illinois;
Resolutions of the Elwin Lodge, Farmers' Mutual Benefit Association, of Macon County, Illinois;
Resolutions of members of Utica and Waltman Alliance, No. 83, Utica, Ill.;
Resolutions of Centre Point Farmers' Alliance, of Knox County, Illinois;
Resolutions of Farmers' O. K. Alliance, No. 72, of Illinois;
Petition of J. C. Truman and 36 other citizens of Winnebago County, Illinois;
Petition of D. G. Otto and 30 other members of Harmony Alliance, Fulton County, Illinois;
Petition of J. C. Drake and 10 other citizens of Tazewell County, Illinois;
Petition of J. Baker and 9 other citizens of Pulaski County, Illinois;
Petition of Frank Seaverns and 32 other citizens of Winnebago County, Illinois;
Petition of H. J. Moniot and 11 other citizens of Utica and Waltham, county of La Salle, Illinois; and
Petition of O. K. Lemere and 4 other citizens of La Salle County, Illinois.

Mr. CULLOM presented the petition of R. C. Brown and 23 citizens of Illinois, praying for the passage of the Paddock pure-food bill; which was ordered to lie on the table.

Mr. REAGAN presented a petition of citizens of San Angelo, Tex., praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. COCKRELL presented a petition signed by 124 laboring men of the city of St. Louis, Mo., praying for the passage of the Paddock pure-food bill; which was ordered to lie on the table.

Mr. COCKRELL. I present two memorials addressed to the Vice President, the President of the Senate, and headed.

FARMERS' MEMORIAL.
GROUNDS OF THE ST. LOUIS AGRICULTURAL AND MECHANICAL ASSOCIATION,
October 1, 1890.

remonstrating against all class legislation, including the Conger lard bill, and opposing its passage. The memorialists represent that they are farmers engaged in tilling the soil, raising cattle and hogs, and residing in the States of Ohio, Indiana, Illinois, Wisconsin, Michigan, Iowa, Missouri, Kansas, and Colorado, and at the time of affixing their signatures to the memorials were visitors at the great St. Louis fair. I move that the memorials lie on the table.

The motion was agreed to.

Mr. COCKRELL presented the following petitions, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Petition of G. W. Praiswater and 24 other citizens of Andrew County, Missouri;
Petition of A. J. Clements and 26 other citizens of Stoddard County, Missouri; and
Resolutions of Eureka Farmers' Alliance, No. 5, Andrew County, Missouri.

Mr. WILSON, of Iowa, presented the following petitions of Farmers' Alliances and citizens of Iowa, praying for the passage of the Conger lard bill; which were ordered to lie on the table:

Resolutions of Farmers' Alliance, No. 1833, of Yale, Iowa;
Resolutions of Farmers' Alliance, No. 1627, of Woodbury County, Iowa;
Resolutions of Farmers' Alliance, No. 1372, of Harrison County, Iowa;
Resolutions of Farmers' Alliance, No. 1688, of Decatur County, Iowa;
Resolutions of Farmers' Alliance, No. 837, of Linn County, Iowa;
Resolutions of Farmers' Alliance of Hardin County, Iowa;
Resolutions of Farmers' Alliance, No. 815, of Crawford County, Iowa;
Resolutions of Farmers' Alliance of Adair County, Iowa;
Resolutions of Farmers' Alliance, No. 1816, of Carroll County, Iowa;
Resolutions of Farmers' Alliance, No. 1521, of Howard County, Iowa;
Petition of 12 citizens of Howard County, Iowa;
Petition of 10 citizens of Crawford County, Iowa;
Petition of 11 citizens of Woodbury County, Iowa;
Petition of 37 citizens of Harrison County, Iowa;
Petition of 45 citizens of Decatur County, Iowa;
Petition of 15 citizens of Adams County, Iowa;
Petition of 89 citizens of Monona County, Iowa; and
Petition of 25 citizens of Union County, Iowa.

Mr. WILSON, of Iowa, presented the following memorials, remonstrating against the passage of the Conger lard bill; which were ordered to lie on the table:

Memorial of 16 citizens of the United States; and
Memorial of 17 citizens of the United States.

Mr. CASEY presented the following petitions, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Petition of the Highland Alliance, No. 83, of Steele County, North Dakota;
Petition of W. H. H. Dickinson and 33 other citizens of Edmunds County, South Dakota; and
Resolutions of the Loyalton Farmers' Alliance, No. 239, of Vermont City, S. Dak.

Mr. DOLPH presented the following petitions, praying for the passage of the Conger lard bill; which were ordered to lie on the table:

Petition of F. K. Hubbard and other members of Pleasant Valley Grange, of Pleasant Valley, Polk County, Oregon;
Petition of H. N. Knapp and 19 other citizens of Portland, Oregon;
Petition of F. C. Aubury and 20 other citizens of Monow, Oregon;
Petition of B. K. Searcy and 28 other citizens of Gilham, Oregon;
Petition of Seth Morgan and 14 other citizens of The Dalles, Wasco County, Oregon; and
Resolutions of the members of Three-Mile Farmers' Alliance, No. 2, Oregon.

Mr. MANDERSON presented the following petitions, praying for the passage of the Conger lard bill; which were ordered to lie on the table:

Petition of S. M. Darnell and 23 other citizens of Butler County, Nebraska;
Resolutions of the members of Silver Creek Center Farmers' Subordinate Alliance, No. 1704;
Petition of Robert S. Haines and 35 other citizens of Carter County, Nebraska;
Petition of James Clark and 21 other citizens of Burt County, Nebraska;
Resolutions of members of Pinnacle Hill Alliance, No. 1287, Cedar Rapids, Nebr.;
Petition of J. W. Moore and 36 other citizens of Boone County, Nebraska;
Petition of A. Warner and 12 other citizens of Antelope County, Nebraska;
Resolutions of Green Garden Alliance, No. 1669, of Antelope County, Nebraska;
Resolutions of Shiloh Alliance, No. 631, Adams County, Nebraska;
Resolutions of Christian Ridge Alliance, No. 1449, Boone County, Nebraska;
Resolutions of Excelsior Alliance, No. 914, of Cuming County, Nebraska;
Petition of H. M. Lathrop and 19 other citizens of Clay County, Nebraska; and
Resolutions of Inland Farmers' Alliance, of Clay County, Nebraska.

Mr. CAMERON presented the petition of Josiah W. Leeds and other citizens of the State of Pennsylvania, praying for the passage of Senate bill 4173, providing for a commission to inquire into and report upon the social vice; which was referred to the Committee on Education and Labor.

He also presented the memorial of A. C. McLean and 51 other citizens of Pittsburgh, Pa., remonstrating against the passage of the Conger lard bill; which was ordered to lie on the table.

He also presented resolutions adopted by the Flint and Lime Glass Manufacturers' Association of Pittsburgh, Pa., favoring the passage of the Torrey bankruptcy bill; which were ordered to lie on the table.

Mr. HAWLEY presented the following petitions, praying for the passage of the Conger lard bill; which were ordered to lie on the table:

Petition of Charles Robertson and 26 other citizens of Coventry, Conn.;
Petition of F. S. Truesdale and 31 other citizens of Naugatuck, Conn.; and
Petition of E. Cooley and 14 other citizens of Berlin, Conn.

Mr. EDMUNDS. I present the petition of Professor Henry C. Spencer, of the Spencerian Business College here, and others, praying for the passage of a bill prohibiting the sale of cigars and cigarettes to minors in the District of Columbia, and also a series of papers in the nature of petitions on the same subject from Dr. D. W. Prentiss, president of the Medical Society of the District of Columbia; Dr. Joseph Taber Johnson; Dr. C. B. Purvis, surgeon in charge of the Freedman's Hospital; from the president of Georgetown College; from Bishop John J. Keane, president of the Catholic University of Washington, D. C.; Rev. Dr. J. E. Rankin, president of Howard University; Rev. Dr. Tennis S. Hamlin and other Presbyterian clergymen and laymen; Rev. P. L. Chapelle, rector of St. Matthew's Church, Washington; Dr. D. R. Hagner, and a synopsis of the laws of twenty-nine States on the subject of this traffic, which I move be referred to the Committee on the District of Columbia.

I find that two years ago similar petitions of other parties were presented and printed as a document, and as some of these papers contain valuable statements and arguments, and they are conceived in a patriotic temper and with a good object, I ask that they be printed as a document to go with the others, if there be no objection.

Mr. HARRIS. I suggest to the Senator from Vermont that the papers he presents be printed as a document and lie upon the table, as the bill to which they refer will be reported this morning.

Mr. EDMUNDS. Very well; let them be printed as a document and lie on the table.

The VICE PRESIDENT. The petition and papers will be printed as a document and lie on the table, if there be no objection.

Mr. HISCOCK presented the following petitions, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Petition of P. E. Galligan and 16 other citizens of Lewis County, New York;

Petition of A. H. Allen and 19 other citizens of Montgomery County, New York;

Petition of B. F. Kent and 22 other citizens of Lewis County, New York;

Petition of B. W. Peckban and 29 other citizens of Lewis County, New York;

Petition of J. C. Wilson and 24 other citizens of Jefferson County, New York;

Petition of W. F. Rasbach and 13 other citizens of Herkimer County, New York;

Petition of George A. Day and 46 other citizens of Broome County, New York;

Petition of G. E. Phillips and 18 other citizens of Herkimer County, New York;

Petition of Mohawk Valley Grange (98 members) of Montgomery County, New York;

Petition of J. J. Wilcox and 41 other citizens of Lewis County, New York; and

Petition of J. W. Hotchkiss and 21 other citizens of Chenango County, New York.

Mr. HISCOCK presented a petition of 183 citizens of New York, praying for the passage of a national Sunday-rest law; which was referred to the Committee on Education and Labor.

He also presented a petition of the Stationers' Board of Trade of New York; the petition of the Paint, Oil, and Varnish Club of New York City; the petition of I. J. Kuntz, a photographer of Syracuse, N. Y.; and a petition of five business firms and citizens of the city of Rochester, N. Y., all praying for the speedy passage of the Torrey bankruptcy bill; which were ordered to lie on the table.

Mr. EVARTS presented the petition of F. T. Shay and other citizens of Buffalo, N. Y., praying for the passage of the so-called Paddock "pure-food" bill; which was ordered to lie on the table.

Mr. STOCKBRIDGE presented the memorial of H. H. Eustis, of Kalamazoo, Mich., and 16 farmers of Michigan, remonstrating against the passage of the Conger lard bill; which was ordered to lie on the table.

He also presented a petition of 54 citizens of Michigan, praying for the passage of the Paddock pure-food bill; which was ordered to lie on the table.

Mr. McCONNELL presented the following petitions, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Petition of J. J. Hafer and 32 other citizens of Latah County, Idaho; and

Resolutions of Alliance No. 42, Latah County, Idaho.

Mr. McCONNELL presented the memorial of R. Albright, Fred Albright, and Henry Johnson, of Tahlequah, Ind. T., and 32 cattle-raisers and farmers, declaring that a tax on compound lard is a tax on beef fat, a product of the cattle-farmers of the West, and therefore opposing the passage of the Conger compound-lard bill; which was ordered to lie on the table.

He also presented a petition of 45 farmers and visitors at the St. Louis (Mo.) fair, praying for the passage of Senate bill 3991, known as the Paddock pure-food bill; which was ordered to lie on the table.

Mr. VOORHEES presented the following petitions, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Petition of P. Perry Turner and 26 other citizens of Delaware County, Indiana;

Petition of Indiana State Grange (under seal), J. H. Walker, secretary; and

Petition of W. A. Ebert and 15 other citizens of Madison County, Indiana.

Mr. BUTLER presented the memorial of C. J. Shannon, jr., J. D. Deas, and other citizens of Camden, S. C., remonstrating against the passage of the Conger lard bill; which was ordered to lie on the table.

Mr. SAWYER presented a resolution adopted by the Chamber of Commerce of Milwaukee, Wis., favoring the passage by Congress of the Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented the petition of Charles Knoblock, of Racine, Wis., and 22 other citizens of Wisconsin, praying for the passage of the Paddock pure-food bill, instead of any incomplete measure that does not fully protect the people; which was ordered to lie on the table.

Mr. VEST. I present a petition of Enterprise Union, No. 174, of Montrose, Mo., praying for Congressional legislation reducing the pay of members of Congress to $10 per day during the sessions of Congress; also for the free coinage of silver, the abolition of the national-banking system, the reduction of the salaries of all public officers one-half, and the adjustment of all passenger and freight rates on railroads in the United States.

I move that the petition be referred to the Committee to Examine the Several Branches of the Civil Service, as it seems to relate principally to salaries.

The motion was agreed to.

Mr. VEST presented the petition of J. C. Somerville and other citizens of St. Louis, praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented the petition of John Willis Kraft and 23 other citizens of Benton County, Missouri, praying for the passage of the Paddock pure-food bill; which was ordered to lie on the table.

He also presented the petition of James Anderson, a cattle-raiser, and 18 other citizens of Pacific, Mo., praying for the passage of the Paddock pure-food bill and remonstrating against the passage of the Conger lard bill; which was ordered to lie on the table.

Mr. ALLISON presented the petition of Nicholas Kuhnen and a large number of other business firms of Davenport, Iowa, praying for the immediate consideration and passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented resolutions of the Vernon Alliance, No. 1711, of Dubuque County, Iowa, favoring the passage of the antioption bill and the Conger lard bill; which were ordered to lie on the table.

He also presented the following petitions, praying that the Conger lard bill, so called, be speedily enacted into a law; which were ordered to lie on the table:

Resolutions of the Ingraham Grange, No. 1242, Patrons of Husbandry, of Mills County, Iowa; and

Petition of C. F. McCormack and 14 other citizens of O'Brien County, Iowa.

Mr. ALLISON. I also present the petition of George New and 13 other citizens of O'Brien County, Iowa, praying for the speedy passage of House bill 5353, defining options and futures, etc. That, I understand, is a bill taxing certain products or operations, and I move that the petition be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. HALE presented resolutions of the Norwich (Conn.) Board of Trade, favoring the passage of Senate bill 4329, providing for a more thorough investigation by the Census Office of electrical industries; which were referred to the Committee on the Census.

Mr. PLUMB presented the memorial of George Henderson, of Topeka, Kans., and 16 other citizens of Kansas, remonstrating against the passage of the Conger lard bill; which was ordered to lie on the table.

He also presented a petition of citizens of Johnson County, Kansas, praying for the passage of the "option" bill; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of citizens of Johnson County, Kansas, praying for the speedy passage of the Conger lard bill; which was ordered to lie on the table.

Mr. SHERMAN presented the petition of Typographical Union, No. 5, of Columbus, Ohio, praying for the passage of the international copyright bill; which was ordered to lie on the table.

Mr. INGALLS presented sundry petitions signed by 660 citizens of Kansas, praying for the passage of a national Sunday-rest law; which were referred to the Committee on Education and Labor.

He also presented a memorial of citizens of Labette, Kans., and the memorial of A. C. Davis and 14 farmers of Hutchinson, Kans., remonstrating against the passage of the Conger lard bill; which were ordered to lie on the table.

Mr. INGALLS. I present a memorial of citizens of Kansas, farmers, alleging that the Conger lard bill is in the interest of a Boston pork manufactory, and remonstrating against its passage. I move that the memorial lie on the table.

The motion was agreed to.

Mr. TURPIE presented the petition of W. J. Crawford, of Crown Point, Ind., and 23 other citizens of Indiana, praying for the passage of the Paddock pure-food bill "in preference to any inadequate remedy that does not fully protect the people;" which was ordered to lie on the table.

Mr. BATE. I present the memorial of P. F. Williamson, of Memphis, Tenn., and 30 visitors at the St. Louis (Mo.) fair, who oppose both the so-called Conger lard and Paddock pure-food bills, and who "believe that the States can give the citizens ample protection in what they shall eat and drink." I move that the memorial lie on the table.

The motion was agreed to.

Mr. DAWES presented a petition signed by A. A. Ranney, Leopold Morse, Benjamin F. Butler, John D. Long, and other citizens of Boston, Mass., praying for the passage of the Conger lard bill; which was ordered to lie on the table.

Mr. CULLOM presented a memorial of citizens of Illinois, remonstrating against the passage of the Conger lard bill; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. STEWART, from the Committee on Military Affairs, to whom was referred the bill (S. 4397) to provide for the purchase of a site and the erection of suitable buildings thereon for a military post at San Diego, Cal., and for other purposes, reported it with an amendment.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (H. R. 11577) granting a pension to Martha Leach, reported it without amendment, and submitted reports thereon.

He also, from the Committee on Military Affairs, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 4431) to remove the charge of desertion standing against the name of Joseph G. Utter; and

A bill (H. R. 10520) to reimburse H. W. Keyes for money wrongfully paid the United States for commutation.

Mr. DAVIS, from the Committee on Military Affairs, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 3089) to extend the benefits of section 4 of "An act making appropriations for the support of the Army for the year ending June 30, 1866," approved March 3, 1865; and

A bill (S. 3102) for the relief of John W. Eckles.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (S. 4376) for the relief of William G. Tidwell, reported it without amendment, and submitted a report thereon.

Mr. MANDERSON. I am instructed by the Committee on Military Affairs, to whom was referred the bill (S. 4472) for the relief of Charles B. Stivers, to report it without amendment, and I ask that I may be permitted within a day or two to make a written report on the bill.

The VICE PRESIDENT. The bill will be placed on the Calendar and leave will be granted to file a report hereafter.

Mr. HARRIS, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 11814) to provide the assessor of the District of Columbia with plats of subdivisions outside the cities of Washington and Georgetown, reported it without amendment, and submitted a report thereon.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 11407) to improve car service on Fourteenth street extended, reported it without amendment, and submitted a report thereon.

Mr. EDMUNDS. I am instructed by the Committee on the Judiciary, to which was referred a petition of the governor and Legislative Assembly of the Territory of Utah, praying for such legislation as will enable the creation of a fourth judicial district in that Territory, and sundry other papers that have come to the committee on the subject, to report an original bill and recommend its passage.

The bill (S. 4811) to provide for the creation of a fourth judicial district in the Territory of Utah was read twice by its title.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 11098) for the relief of Lorenzo S. Coffin, late chaplain Thirty-second Regiment of Iowa Volunteers, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 2526) authorizing the President of the United States to grant an honorable discharge to William L. Lenau, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 1157) for the relief of Joseph Johnson, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 11766) to correct the military record of Marcellus Pettitt, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 8042) to remove the charges of desertion against Urs Ambrose Nunlist, reported it with amendments, and submitted a report thereon.

Mr. COCKRELL. The Committee on Military Affairs, to which was referred the petition of George Hume, of the State of Kansas, with sundry accompanying papers, have instructed me to report it back with a written report, and to ask to be discharged from its further consideration. It is a claim for compensation for some officers and soldiers called into the military service under the authority of the State of Kansas, and for whose payment or compensation the State of Kansas has made no provision and has not assumed either.

It has been the universal rule of the Treasury Department, so far as the Committee on Military Affairs knows, not to entertain jurisdiction to audit and allow the claims of States under the act of July 27, 1861, for reimbursement of expenditures in enrolling and equipping militia until the State has first either paid the claim itself or unconditionally assumed the payment of it. This has not been done in this case, and Congress has always held that it was not a fit tribunal to undertake to audit and allow the individual claims of officers and soldiers for services performed under State authority.

We therefore simply ask to be discharged from the further consideration of the petition. I ask that the report together with the accompanying exhibits may be printed. I desire to call the attention of the junior Senator from Kansas [Mr. PLUMB] to this report, but I see he is not in his seat at this time.

The VICE PRESIDENT. The committee will be discharged from the further consideration of the petition, and the report with the accompanying papers will be printed if there be no objection.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (S. 4560) to prohibit the sale of tobacco to, or its use by, minors under sixteen years of age in the District of Columbia, reported it with an amendment.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (H. R. 8588) to amend section 4178, Revised Statutes, providing for the marking of vessels' names at bow and stern, reported it with amendments.

Mr. CAMERON, from the Committee on Naval Affairs, to whom was referred the (bill S. 4212) for the relief of Henry E. Rhoades, reported it without amendment, and submitted a report thereon.

Mr. WILSON, of Iowa, from the Committee on the Judiciary, to whom was referred the bill (S. 4710) declaring null and void certain laws of the Territory of New Mexico, and for other purposes, reported it with amendments.

Mr. INGALLS, from the Committee on the District of Columbia, to whom was referred the bill (S. 3023) to define the route of the Baltimore and Ohio Railroad in the District of Columbia, and for other purposes, reported it without amendment.

Mr. SPOONER, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 4711) to provide for the erection of a Government building at Joliet, Ill., reported it with amendments.

He also, from the same committee, to whom was referred the bill (H. R. 4559) to provide for the construction of a public building at Rockford, Ill., reported it with amendments.

Mr. SAWYER, from the Committee on Post Offices and Post Roads, to whom was referred the bill (S. 4781) creating the office of Fourth Assistant Postmaster-General, reported it without amendment, and submitted a report thereon.

PRINTING OF A DOCUMENT.

Mr. MANDERSON. I am directed by the Committee on Printing to report back favorably a Senate resolution, and I ask for its present consideration.

Mr. COCKRELL. Let it be read for information.

The VICE PRESIDENT. The resolution will be read.

The Secretary read the resolution submitted by Mr. VEST December 30, 1890, as follows:

Resolved, That the Public Printer is hereby instructed to print and deliver to the document room 10,000 copies of Miscellaneous Document No. 24 of the present session, with the modifications indicated by the copy hereto attached.

Mr. MANDERSON. This document is quite short. The 10,000 copies proposed to be printed will cost $36, so that it is within the limit of $500. It consists of the proceedings of the convention of commercial associations which met at St. Louis and took into consideration the matter of the Torrey bankruptcy bill. The document presents in a short and succinct way the matters connected with that bill and an argument in its favor. The request for its publication was made by the Senator from Missouri [Mr. VEST]. I do not now see him in his seat. It seems to the committee that it is a matter of importance and will save to the members of the Senate very much time, as it is useful in correspondence with parties concerning the bankruptcy measure.

The resolution was considered by unanimous consent, and agreed to.

MAJ. JOSEPH W. WHAM.

Mr. HAWLEY. The Committee on Military Affairs, to whom was referred the bill (H. R. 7082) for the relief of Maj. Joseph W. Wham, paymaster, United States Army, instruct me to report it back and to ask to be relieved from its further consideration for the reasons I shall state. While the subject naturally belongs to the Committee on Military Affairs, a bill identical with this one was referred to the Committee on Claims and favorably reported and passed. Now the same bill comes from the other House, that body having acted upon the identical bill, but not the same piece of paper, and we ask to be excused from its further consideration. The Senator from Wisconsin [Mr. SPOONER] will request action on the bill.

The VICE PRESIDENT. The Committee on Military Affairs will be discharged from the further consideration of the bill, if there be no objection.

Mr. SPOONER. I ask unanimous consent that the House bill just reported, which is a copy of the bill which the Senate passed for the relief of the same party, be taken up at this time. The Senate bill was unanimously reported favorably by the Committee on Claims and passed by the Senate.

Mr. EDMUNDS. Let the bill be read for information.

The VICE PRESIDENT. The bill will be read for information.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That the proper accounting officers, in settling and adjusting the accounts of Maj. Joseph W. Wham, paymaster United States Army, are hereby directed to credit said Maj. Joseph W. Wham, paymaster United States Army, with the sum of $28,345.10, Government funds, of which he was robbed in Graham County, Arizona Territory, on the 11th of May, 1889, without his default.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FUNDS OF SOLDIERS' HOME IN THE DISTRICT OF COLUMBIA.

Mr. HAWLEY. From the Committee on Military Affairs I report back favorably the bill (H. R. 9919) to authorize the Treasurer of the United States to receive and keep on deposit funds of the Soldiers' Home in the District of Columbia. I beg leave to say that it is a very brief bill and a matter only of safe and convenient administration of the funds of the Soldiers' Home. The Secretary of War and the General of the Army ask for the passage of the bill. It is of very few lines, and I ask that the bill be put on its passage.

The VICE PRESIDENT. The bill will be read for information.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That the Treasurer of the United States be, and he is hereby, authorized and directed to receive and keep on deposit, subject to the checks or drafts of the treasurer of the Soldiers' Home in the District of Columbia, all funds which may now be under the control of the said treasurer of the Soldiers' Home, or may hereafter be furnished him or in any manner come into his possession for use in defraying the current expenses of maintaining the said Soldiers' Home, and, upon the request of said treasurer of the Soldiers' Home, there shall be transferred, from funds to his credit with the United States Treasurer, and placed to his credit with the assistant treasurer of the United States in New York City, N. Y., such sums as he may require monthly or quarterly for payments on account of "out-door relief" to members of the said Soldiers' Home residing at a distance therefrom.

Mr. HAWLEY. In brief the story is this: The existing law requires the funds of the Soldiers' Home in the District of Columbia to be kept partly in the Treasury and partly in banks. The administrators of that fund, the managers of the home, desire to be allowed practically to keep their bank account in the Treasury here.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. HARRIS. I desire to ask the Senator from Connecticut if the bill has been referred to the Secretary of the Treasury.

Mr. HAWLEY. Oh, the subject has been before the Department, and they say they will be glad to do it except the law just now does not permit it. They will be glad to do it if a statute is passed permitting them to receive it for that purpose. A part of the funds are kept there now. The Treasurer says he can not keep all the funds in the Treasury without a slight amendment of the law.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MARTIN, its Chief Clerk, announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House to the following bills:

A bill (S. 507) to provide for the erection of a public building in the city of Youngstown, Ohio;

A bill (S. 953) for the erection of a public building at Fort Dodge, Iowa;

A bill (S. 2405) to provide for the purchase of a site and the erection of a public building thereon at Lewiston, in the State of Maine; and

A bill (S. 3417) to provide for the purchase of a site and the erection of a public building thereon at Haverhill, in the State of Massachusetts.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice President:

A bill (S. 902) for the erection of a public building at Sioux City, Iowa;

A bill (S. 4112) to amend section 1225 of the Revised Statutes, concerning details of officers of the Army and Navy to educational institutions; and

A bill (S. 4692) for the relief of Abraham Lisner.

BILLS INTRODUCED.

Mr. HISCOCK introduced a bill (S. 4812) granting an increase of pension to General Isaac F. Quinby; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4813) granting an increase of pension to Joseph J. Bartlett, which was read twice by its title; and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DOLPH. Referring to the communication from the Secretary of the Interior, presented to the Senate this morning, accompanied by a letter from the Commissioner of the General Land Office, I greatly regret that there should have been delay and that the instruction was not sent out by which the lands forfeited could be entered. But in any event, at however an early date the instruction may be sent out, the amendment of the act proposed is a very necessary one. I have prepared a bill, which I introduce and ask to have referred to the Committee on Public Lands, to carry out the suggestions of the Interior Department. I give notice that I shall endeavor to have the bill reported to the Senate in the morning, and I shall then ask to have it considered. It is a very brief matter.

The bill (S. 4814) to amend "An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes" was read twice by its title, and referred to the Committee on Public Lands.

Mr. INGALLS introduced a bill (S. 4815) to correct the military history of Capt. James H. McDougal; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. ALLISON introduced a bill (S. 4816) establishing a port of delivery at Des Moines, Iowa; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 4817) to remove the charge of desertion against Francis M. Hansell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. FRYE (by request) introduced a bill (S. 4818) authorizing the President to take action on certain bills favorably reported in either House of Congress; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4819) to provide for the payment of the French spoliation claims, in accordance with the findings of the Court of Claims; which was read twice by its title, and referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (S. 4820) to amend the law relating to the residence abroad of the owners of American vessels in the foreign trade;

A bill (S. 4821) to regulate the rights and privileges of pleasure vessels and yachts of foreign build and ownership; and

A bill (S. 4822) to amend the law relating to bonds for marine documents.

Mr. DANIEL (by request) introduced a bill (S. 4823) granting a pension to Mary E. Douglass; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 4824) to amend and re-enact paragraph 6, section 1, of an act entitled "An act granting right of way and other privileges to the Hampton and Old Point Railway Company;" which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BUTLER introduced a bill (S. 4825) granting a pension to S. C. Mitchell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 4826) to place the name of John M. Cunningham on the retired list of the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

BILL RECOMMITTED.

Mr. FRYE. I ask unanimous consent that the bill (S. 4684) to amend certain sections of the Revised Statutes of the United States, namely: Sections 4400, 4405, 4445, 4490, and 4495 of Title LII, concerning the "Regulation of steam vessels;" 4234 of Title XLVIII, "Regulation of commerce and navigation;" and section 594 of Title LVIII, "Remission of fines, penalties, and forfeitures," may be taken from the Calendar and recommitted to the Committee on Commerce.

The VICE PRESIDENT. Is there objection to the request made by the Senator from Maine?

Mr. COCKRELL. What is the bill?

Mr. FRYE. It is a bill to amend certain sections of the Revised Statutes touching sail and steam vessels. There is a matter in it which requires further consideration.

The VICE PRESIDENT. The Chair hears no objection, and the bill will be taken from the Calendar and recommitted to the Committee on Commerce.

NICARAGUA CANAL.

Mr. MORGAN submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the sum of $207 is hereby appropriated, to be paid out of the contingent fund of the Senate, to be expended by the Secretary of the Senate in the purchase of 1,000 copies each of six maps and six plates that accompany the special report made in 1890 by Charles T. Hervey, civil engineer to the Maritime Canal Company of Nicaragua.

HOUR OF MEETING ON SATURDAY AND MONDAY.

The VICE PRESIDENT. Is there further morning business?

Mr. HAWLEY. If this is the proper time to make a request of the Senate, I wish to say that we have been meeting so continuously at 10 o'clock and for a time at 11 that it has been practically impossible that committee meetings could be held. Last night at a late hour the Senate agreed to meet at 12 o'clock to-day, but the notice was too late in many cases to call meetings of committees. I ask unanimous consent that when the Senate adjourns on Saturday it be to meet on Monday at 12 o'clock. Three-quarters of the Senators then will be in committees on Monday morning.

The VICE PRESIDENT. The motion to take effect from to-morrow?

Mr. HAWLEY. Yes, sir.

Mr. GORMAN. I suggest to the Senator from Connecticut, why not make an arrangement by unanimous consent that we meet to-morrow at 12 o'clock? We have an important meeting, I know, in the Committee on Printing to-morrow morning.

Mr. HAWLEY. I have no objection to making the hour of meeting at 12 o'clock to-morrow and letting Monday take care of itself.

Mr GORMAN. For to-morrow and Monday let the hour of meeting be 12 o'clock.

Mr. HAWLEY. I have no objection, if that is agreeable to the Senate.

The VICE PRESIDENT. The Chair understands that it is suggested the order for to-morrow and Monday be that on those two days the hour of meeting of the Senate shall be 12 o'clock?

Mr. HAWLEY. That is the request now made.

The VICE PRESIDENT. That will be considered as agreed to if there be no objection. The Chair hears no objection, and it is so ordered.

AMENDMENT OF COPYRIGHT LAW.

Mr. PLATT. I desire to give notice that on Monday, immediately after the consideration of the routine business, I shall ask the Senate to take from the table and consider the bill passed by the House (H. R. 10881) to amend Title LX, chapter 3, of the Revised Statutes of the United States, relating to copyrights.

WASHINGTON AND ARLINGTON RAILWAY COMPANY.

Mr. DANIEL. I ask the Senate to consider, out of its order, Calendar number 2155, being the bill (S. 3770) to incorporate the Washington and Arlington Railway Company of the District of Columbia.

The VICE PRESIDENT. The morning business is now concluded. The Calendar under Rule VIII being in order, the Senator from Virginia moves to take up the bill indicated by him.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3770) to incorporate the Washington and Arlington Railway Company of the District of Columbia.

The VICE PRESIDENT. The bill has been read at length and the amendments of the Committee on the District of Columbia partially considered. There is an amendment pending, which was offered by the Senator from Maryland [Mr. GORMAN]. It will be read.

The CHIEF CLERK. In section 10, line 4, after the word "power," it is proposed to strike out the words "of the kind described by this act;" so as to read:

That the tracks of said company on the bridge and the approaches to said bridge may be freely used for the passage of street cars with motive power, belonging to any individual or corporation legally authorized thereto, upon making just compensation for such use.

Mr. PLATT. I ask the Senator from Virginia to state what the effect of that amendment will be. I did not catch it as it was read. As I heard it read, it relates to allowing private individuals to run cars across the bridge, and I wish to know to what extent it goes.

Mr. GORMAN. I offered the amendment which is now under consideration, the object of which is to liberalize the bill and permit a bridge to be constructed which will accommodate steam railroads or other roads. There are some objections, I understand, to a provision authorizing the use of this bridge for anything but street railroad cars. I withdraw the amendment now and will bring up that question later on. That will relieve the bill at present of that question.

The VICE PRESIDENT. The amendment offered by the Senator from Maryland is withdrawn. The next amendment of the Committee on the District of Columbia will be stated.

The CHIEF CLERK. The committee report to insert as a new section the following:

SEC. 11. That if the corporation can not agree with the owner for the purchase, use, or occupation of land, gravel, earth, timber, or other material required for the construction, enlargement, or repair of any of its works, or if the owner be a married woman, infant, *non compos mentis*, or out of the District, the said corporation may apply to the marshal of the District of Columbia, and he shall issue his warrant or summons for a jury to meet on the land at a day therein specified, and being not more than ten or less than five days thereafter.

Mr. DANIEL. I beg leave to inquire exactly where that amendment comes in?

The VICE PRESIDENT. It is proposed to be inserted after section 10 as a new section.

Mr. DANIEL. I have in my hand certain amendments to this bill, which were prepared with great care by the Senator from Vermont [Mr. EDMUNDS], who gave it critical examination and who has authorized me to say that he would consider the bill unobjectionable and make no further objection to it if those amendments are agreed to. I do not know who offered the amendment now pending.

The VICE PRESIDENT. It is an amendment reported by the Committee on the District of Columbia.

Mr. GORMAN. Let it be again read.

The VICE PRESIDENT. The amendment will be again read.

The Chief Clerk again read the amendment.

Mr. DANIEL. I see that in section 11 the Senator from Vermont proposes an amendment to strike out the word "marshal" and insert the words "supreme court of the District of Columbia at any general or special term thereof," in order that the proceedings of condemnation may be conducted under the direction of the court.

Mr. HARRIS. That is an amendment to the committee amendment.

Mr. DANIEL. Yes, it is an amendment to the committee amendment.

Mr. HARRIS. I do not think there is any objection to that.

Mr. DANIEL. I move that amendment. It will be found printed in the amendments intended to be proposed by the Senator from Vermont [Mr. EDMUNDS].

The VICE PRESIDENT. The amendment to the amendment will be stated.

The CHIEF CLERK. In line 6 of the proposed section 11, after the words "apply to," strike out the word "marshal" and insert "supreme court," and in line 7, after the word "Columbia," insert "at any general or special term thereof;" so as to read:

The said corporation may apply to the supreme court of the District of Columbia at any general or special term thereof.

The amendment to the amendment was agreed to.

Mr. DANIEL. On page 13, in the proposed section 11, as consequential to the other amendment, in lines 7 and 8, I move to strike out all after the word "and" to the end of the section and insert the words:

Said court, after reasonable public notice and hearing, shall proceed with the condemnation of such land or property for the use aforesaid.

This conforms the language to the amendment already made.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 13, in the proposed section 11, line 7, it is proposed to strike out all after the word "and" to the end of the section, as follows:

And he shall issue his warrant or summons for a jury to meet on the land and at a day therein specified, and being not more than ten nor less than five days thereafter.

And in lieu thereof to insert:

Said court, after reasonable public notice and hearing, shall proceed with the condemnation of such land or property for the use aforesaid.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The VICE PRESIDENT. The next amendment reported by the Committee on the District of Columbia will be read.

The CHIEF CLERK. It is proposed to add as a new section the following:

SEC. 12. That the said United States marshal shall accordingly summon eighteen disinterested men, not related to either party; and if any of them refuse to attend he may then summon or call others immediately to make up the number of eighteen. Each party shall have the right, in person or by attorney or agent, if present at the time, to strike off three, and the marshal shall strike off such as shall not be so stricken off by the parties, until the number shall be reduced to twelve, who shall be a jury.

Mr. DANIEL. To that amendment I offer an amendment. In line 1 I move to strike out the words "the said United States" and insert the words "for the purpose of ascertaining the value of any land or property so condemned the said court may direct the marshal and the." That is a consequential amendment.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. In the proposed section 12, line 1, it is proposed to strike out the words "the said United States" and insert the words "for the purpose of ascertaining the value of any land or property so condemned the said court may direct the marshal and the;" so as to read:

That for the purpose of ascertaining the value of any land or property so condemned the said court may direct the marshal, and the marshal shall accordingly summon eighteen disinterested men, not related to either party, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on the District of Columbia was to insert as a new section the following:

SEC. 13. That the marshal shall then administer an oath or affirmation to every person of the jury that he will impartially and to the best of his skill and judgment value the land or other property required by the corporation, and also, if the same be land required for the construction of the said railroad or work, the damage which the owner will sustain, if any, by the taking of the land for such use. The jury shall accordingly inquire of such value and damage, and make report thereof in writing, to be signed by them all, and setting forth in case of land the boundaries of the land and the estate, interest, or use to be taken by the corporation. Such inquisition and report shall be returned by the marshal to the clerk of the circuit court of the District of Columbia.

The amendment was agreed to.

The next amendment was to insert as a new section the following:

SEC. 14. That such inquisition and report shall be confirmed by such court unless good cause be shown to the contrary, and when confirmed shall be recorded by the clerk of said court; but for cause the court may set it aside and order another inquisition, or more than one from time to time, to be conducted in like manner as the first and with like effect, until an inquisition and report shall be confirmed by the court. Upon such confirmation of the first or any subsequent inquisition and report and upon payment or tender of the amount fixed in the inquisition to be paid by the corporation, either to the owner or in court, as the court shall order, the said corporation shall be entitled to the property absolutely or for such estate, interest, or use as shall have been valued and

described in the inquisition and report, as fully as the same could be vested in the corporation by a valid conveyance from the owner, and the corporation shall have the right to take away any material so valued.

Mr. DANIEL. To that amendment I offer an amendment. In line 12, I move to strike out all after the word "property" and insert "according to the nature of such condemnation and appropriation for the uses mentioned in this act." The effect of that amendment is to condemn the property to the use of the railroad instead of undertaking, as it would seem, to condemn the absolute fee simple.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The CHIEF CLERK. In section 14, line 12, it is proposed to strike out all after the word "property," as follows:

Absolutely or for such estate, interest, or use as shall have been valued and described in the inquisition and report, as fully as the same could be vested in the corporation by a valid conveyance from the owner, and the corporation shall have the right to take away any material so valued.

And insert:

According to the nature of said condemnation and appropriation for the uses mentioned in this act.

Mr. SPOONER. I should like to inquire of the Senator from Virginia if there is no provision in this bill or in any of the amendments to it for an appeal from the award and the intervention of a jury, or is the court to be at liberty to try the question of damages? How is the question left finally by this bill?

Mr. DANIEL. It is left to a jury under section 12.

Mr. SPOONER. I had not noticed that provision.

Mr. DANIEL. It is to be left to eighteen disinterested men, not related to either party.

Mr. SPOONER. I know; but after they make an award, if the owner of any property or any interest which is sought to be condemned is not satisfied with the amount of damages awarded by the marshal's jury, what remedy has he? Has he any appeal, any right to a further hearing, any right of trial before the court?

Mr. DANIEL. Section 14 seems to contemplate the procedure in such a case. It provides—

That such inquisition and report shall be confirmed by such court unless good cause be shown to the contrary, and when confirmed shall be recorded.

The inquisition is made by the jury; report is made to the court; and if good cause is shown the court may refuse to confirm.

Mr. SPOONER. Would the Senator understand by that that if the property-owner were able to show to the court that the amount of damages awarded was inadequate the court would be at liberty to review the testimony on that subject?

Mr. DANIEL. Undoubtedly. I think so. The section further provides that—

But for cause the court may set it aside and order another inquisition, or more than one from time to time, to be conducted in like manner as the first and with like effect.

The bill seems to have the usual provision in respect to condemnations as to revision of awards and as to succeeding ones if the first is not satisfactory. That is in the amendment prepared by the Senator from Vermont.

Mr. HALE. Where is that?

Mr. DANIEL. In section 14. The condemnation proceedings are fully provided for in the amendment of the committee.

Mr. HALE. That is, not in the list of printed amendments prepared by the Senator from Vermont?

Mr. DANIEL. It is in the amendment reported by the Committee, and the Senator from Vermont has suggested an amendment to it, which simply, I understand, provides that the property shall be condemned to the use of the railroad company, striking out the words which would vest it absolutely.

Mr. SPOONER. The effect of that amendment is to vest in the railroad company the easement instead of the fee.

Mr. DANIEL. I so understand.

Mr. INGALLS. Has the Senator from Virginia concluded the amendments he desires to submit?

Mr. DANIEL. No, sir; I have a few more to present.

Mr. HALE. I wish to ask the Senator from Virginia, who is in charge of this bill, whether he has offered the list of amendments which I have been informed were prepared with very great care by the Senator from Vermont [Mr. EDMUNDS] and which are found in a printed list of amendments.

Mr. DANIEL. I have given notice that I should offer them in their order, but the committee's amendments are being first considered, and the amendments prepared by the Senator from Vermont to those amendments are being considered.

Mr. HALE. So that the Senator is offering those amendments?

Mr. DANIEL. I have merely so far offered the amendments proposed by the Senator from Vermont to the amendments of the committee, and I have given notice that I should offer the others.

Mr. HALE. The Senator is taking certain features in the Edmunds amendments, if I can call them so, and applying them to the committee's amendments where they are germane?

Mr. DANIEL. That is the case.

Mr. HALE. And he proposes afterwards to have all of the amendments in the printed list offered and acted upon?

Mr. DANIEL. Undoubtedly.

Mr. HALE. I hope that will be done. The Senator from Vermont is not here.

Mr. DANIEL. I have already given notice that I should do that, but in parliamentary practice the committee's amendments are to be first considered, and then it is appropriate to offer amendments to the committee's amendments before amendments are considered to the text of the bill, which the committee does not propose to amend.

Mr. HALE. Undoubtedly. I only wanted to understand if the Senator proposes to see that all the amendments of the Senator from Vermont are acted upon.

Mr. DANIEL. I shall see to it, as I gave notice that I should. I have no idea of doing otherwise. I believe the committee amendments are now through with.

The VICE PRESIDENT. The pending amendment to the amendment of the committee has not been disposed of. Is the Senate ready for the question on the amendment to the amendment?

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The question now recurs on agreeing to the amendment of the committee, to insert section 14 as amended.

The amendment as amended was agreed to.

Mr. DANIEL. Now I offer the amendment which I send to the desk.

The VICE PRESIDENT. The proposed amendment will be stated.

The CHIEF CLERK. Add a new section after section 14, as follows:

SEC. 15. That said railway shall be constructed in such a manner as not to injure or endanger any of the pipes, fixtures, or apparatus of the water works supplying the District of Columbia, or any part thereof, and the operations of said company shall always be subject to the control and direction, in this respect, of the Secretary of War, and subject to the right of the Secretary of War, or other lawful public authority, to interrupt the construction or use of said railway whenever necessary for the protection or repair of such water works, or in respect of any increase thereof or additions thereto. That neither the said corporation nor its successors or assigns shall erect, maintain, or use any overhead electric or other wires or apparatus within the District of Columbia, or any property of the United States either within or without said District.

The amendment was agreed to.

Mr. DANIEL. Now I offer the other amendments prepared by the Senator from Vermont [Mr. EDMUNDS], to which the Senator from Maine [Mr. HALE] referred.

Mr. HALE. Is the amendment which was just adopted a committee amendment?

Mr. DANIEL. No, sir.

Mr. HALE. It is one of the Edmunds amendments?

Mr. DANIEL. It is the last amendment, coming in at the end of the bill. I now offer the amendments in their order down to those which have already been adopted, as indicated in the proposed amendments of the Senator from Vermont.

The VICE PRESIDENT. The amendments will be stated in their order.

The CHIEF CLERK. On page 2, section 1, line 11, after the word "horse," it is proposed to strike out the word "cable;" so as to read:

For operating the same by horse or electric power.

Mr. GORMAN. Why strike out the word "cable?"

Mr. HALE. Will the Secretary read the text of the bill, so that we may see how it reads as proposed to be amended?

The CHIEF CLERK. In section 1, page 2, line 11, after the word "horse," it is proposed to strike out "cable;" so as to read:

With authority to construct and lay down a single or double track railway, with necessary switches, turnouts, and other mechanical devices for operating the same by horse or electric power, for carrying passengers or freight by the following route, namely, etc.

Mr. SPOONER. Do I understand the Senator from Virginia to propose an amendment to strike out the word "cable?"

Mr. DANIEL. The amendments which I am proposing are offered by me in courtesy to the Senator from Vermont [Mr. EDMUNDS]. I understood his objection to the use of the word "cable" to be that he apprehended a cable railroad would interfere with the water pipes as they are laid over the city.

Mr. SPOONER. There is already a provision that the water pipes shall not be interfered with. Whether the water pipes would be interfered with by the use of a cable is merely a matter of opinion and speculation, and that seems to be sufficiently guarded by the prohibition against interference. I should think it would be unwise to deprive this company of the power to use cable power if it should be in the public interests, as I think it might be, that such power should be so used.

Mr. DANIEL. I have no desire to do so, but the Senator from Vermont indicated that without these amendments he would probably object to the bill, and we have tried to put the bill in such a shape as to meet his approbation.

Mr. SPOONER. But the Senate, and not the Senator from Vermont, is passing upon this bill.

Mr. DANIEL. I am only explaining my relation to it.

Mr. SPOONER. I object, for one, in view of the fact that the safety of the pipes is sufficiently guarded in another section, to depriving the

company of the right to use the cable power if they think the public interest and convenience would be thereby subserved. I make the objection so that the amendment may not be passed *nem. con.*, but be submitted to the Senate.

The VICE PRESIDENT. The question is on the amendment. It will be considered as agreed to if there be no objection.

Mr. SPOONER. I objected to it, Mr. President.

The VICE PRESIDENT. The question, then, is on agreeing to the amendment.

The amendment was rejected.

The VICE PRESIDENT. The next amendment in order, proposed by the Senator from Virginia for the Senator from Vermont, will be stated.

The CHIEF CLERK. On page 2, section 1, line 12, after the word "passengers," it is proposed to strike out the words "or freight" and insert the words "parcels, milk, and truck;" so as to read:

For operating the same by horse, cable, or electric power for carrying passengers, parcels, milk, and truck.

Mr. GORMAN. What is the object of that amendment?

Mr. DANIEL. The object of that amendment is to allow the simple market matters to be brought in on this line and to prohibit the carrying of articles of freight that are usually known under the head of "freight." Small truck or market baskets or anything of that sort may come in.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The VICE PRESIDENT. The next amendment will be stated.

The CHIEF CLERK. On page 3, section 1, line 40, after the word "estate," it is proposed to insert "outside of the cemetery grounds;" so as to read:

And from thence by, on, and over such lines as may be selected by the said company, with the approval of the Secretary of War, to the northwest entrance of the Arlington Cemetery, and thence through the Arlington estate, outside of the cemetery grounds, to the south or west line thereof, in the State of Virginia.

The amendment was agreed to.

The next amendment was, on page 3, section 1, line 42, after the word "authorized," to strike out the word "coincide" and insert "occupied the same street or avenue;" so as to read:

Provided, That should any part of the track herein authorized occupied the same street or avenue with portions of any other duly incorporated street railway in the District of Columbia but one set of tracks shall be used when, on account of the width of the street or for other sufficient reason, it shall be deemed necessary by the commissioners of the District of Columbia.

Mr. HALE. Should the word "be" not be inserted before the word "occupied?"

Mr. DANIEL. That is simply a matter of verbal amendment. The word "coincide" did not seem to convey the exact idea, and the Senator from Vermont suggested the change.

Mr. HALE. It reads now:

That should any part of the track herein authorized coincide.

If you put in the word "occupied," there is no grammar about it unless you insert the word "be" before "occupied;" so as to read:

Provided, That should any part of the track herein authorized be occupied.

Mr. SPOONER. Let the amendment be again read for information, and then let the text be read as it would stand if amended.

The VICE PRESIDENT. The amendment will be again stated.

The CHIEF CLERK. On page 3, in section 1, line 42, after the word "authorized," it is proposed to strike out "coincide" and insert "occupied the same street or avenue;" so as to read:

That should any part of the tract herein authorized occupied the same street or avenue with portions of any other duly incorporated street railway, etc.

Mr. DANIEL. It seems that the word "occupied" ought to be "occupy."

Mr. HALE. That will do.

Mr. DANIEL. The word "occupy" will fill the idea.

The VICE PRESIDENT. That modification will be made. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

Mr. SPOONER. Is there a provison authorizing the condemnation of the right to use the tracks in case the two companies can not agree upon their joint use?

Mr. DANIEL. There is a provision that in case of disagreement between the companies the supreme court of the District of Columbia, on petition filed, may hear the matter and adjust it.

The VICE PRESIDENT. The next amendment will be stated.

The CHIEF CLERK. On page 3, section 1, line 44, it is proposed to strike out all after the word "used," down to and including the word "Columbia," in line 46, as follows:

When, on account of the width of the street or for other sufficient reason, it shall be deemed necessary by the commissioners of the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 3, in section 1, line 51, to strike out the second word "by" and insert the word "on;" so as to read:

In the case of disagreement, by the supreme court of the District of Columbia on petition filed therein by either party, and on such notice to the other party as the court may order, etc.

The amendment was agreed to.

The next amendment was, on page 3, section 1, line 58, after the word "Virginia," to insert "excepting the Arlington Cemetery grounds;" so as to read:

And said company is hereby authorized to run its said railway through the United States reservation known as Fort Myer and such other land of the United States in the State of Virginia, excepting the Arlington Cemetery grounds, as may be necessary to construct the railway between the points named in this bill.

The amendment was agreed to.

The next amendment was, on page 3, section 1, line 59, after the word "bill," to insert:

Only if the Secretary of War shall deem the same promotive of the public interests, and always subject to such conditions and regulations as the Secretary of War may from time to time impose.

The amendment was agreed to.

The next amendment was, on page 3, section 1, to strike out from line 60 to line 62, inclusive, as follows:

Provided, That in so doing the said company shall first have obtained the approval of the Secretary of War of the line of said railway through said property.

Mr. DANIEL. That is a consequential amendment to the one just adopted.

The amendment was agreed to.

The next amendment was, on page 4, in section 2, line 5, after the article "a" to insert "suitable;" so as to read:

That the railway hereby authorized and lying in the District of Columbia and on the bridge shall be constructed by said company of good materials, and in a substantial manner, with grooved rails of the best pattern, and of a suitable gauge to be approved by the commissioners of the District of Columbia and the Secretary of War jointly.

The amendment was agreed to.

The next amendment was, on page 4, section 2, line 5, after the word "gauge," to insert a comma and a dash, and the word "all;" so as to read:

And of a suitable gauge,—all to be approved by the commissioners of the District of Columbia and the Secretary of War jointly.

The amendment was agreed to.

The next amendment was, on page 4, section 2, line 10, after the word "order," to insert "to the satisfaction of the commissioners of the District of Columbia;" so as to read:

The tracks of said railway, so far as the same shall lie within the District of Columbia, and the space between the same and for 2 feet adjacent to the outer rails thereof, shall be at all times kept by said company well paved and in good order, to the satisfaction of the commissioners of the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 4, section 2, line 17, after the word "Columbia," to insert "and subject to the other provisions of this act;" so as to read:

And it shall be lawful for said company to make all needful and convenient trenches and excavations in any streets or spaces where its railway may be constructed, and to place in such trenches and excavations all the needful and convenient devices and machinery for operating said railway in the manner and by the means aforesaid, subject to the approval of the commissioners of the District of Columbia and subject to the provisions of this act.

The amendment was agreed to.

The next amendment was, on page 4, section 2, line 19, after the word "line," to insert "not in any avenue, street, alley, or other public place;" so as to read:

And also it shall be lawful for said company to erect and maintain, at such convenient and suitable points along its line, not in any avenue, street, alley, or other public place, as may be deemed advisable by said company or its board of directors, and subject to the approval of the proper authorities over the place or places where the same may be located, etc.

Mr. GORMAN. I call the attention of the Senator from Virginia to the amendment which has been made in line 17.

Mr. DANIEL. That is correct. It is subject to the other provisions of the act.

The VICE PRESIDENT. The question is on the amendment which was last read.

The amendment was agreed to.

The next amendment was, on page 4, section 2, line 21, after the word "approval," to strike out the words "of the proper authorities" and insert "and regulations from time to time made by the commissioners of the District of Columbia;" so as to read:

It shall be lawful for said company to erect and maintain, at such convenient and suitable points along its line as may be deemed advisable by said company or its board of directors, and subject to the approval and regulations from time to time made by the commissioners of the District of Columbia, over the place or places where the same may be located, an engine house or houses, boiler house or houses, and other buildings necessary for the successful operation of said road.

The amendment was agreed to.

The next amendment was, on page 5, section 3, line 1, after the word "company," to strike out the word "shall" and insert "may;" so as to read:

That the said company may receive a rate of fare not exceeding 5 cents for each passenger for one continuous ride over the route aforesaid or any part thereof, between the termini of said railroad, and shall sell tickets at the rate of six for 25 cents, etc.

The amendment was agreed to.

The next amendment was, in section 5, on page 3, line 13, after the

words "lieu of," to strike out "personal taxes" and insert "taxes on personal property;" so as to read:

And said company shall pay to the District of Columbia, in lieu of taxes on personal property for the next ensuing fiscal year, 2 per cent. of its net earnings upon traffic for the preceding year, as shown by said verified statement.

The amendment was agreed to.

Mr. SHERMAN. I should like to make an inquiry of the Senator from Virginia. I understand that the bill as it now stands allows this company to build a cable road along M or High street in Georgetown the whole length from Rock Creek to the bridge, and authorizes them to use a cable. Under authority already given the Washington and Georgetown Railway Company is now building a cable road between those points. It is utterly impossible for two cable railroad companies to use the same cable and it is impossible also for a horse railroad or any other kind of a railroad which travels more slowly than a cable line to use the same road as a cable road. The cable road must necessarily occupy an exclusive track. I ask how the Senator proposes to settle that difficulty.

Mr. STEWART. I suggest to the Senator that, so far as cable and horse cars are concerned, they are frequently used on the same tracks.

Mr. SHERMAN. But this is for a mile.

Mr. STEWART. For two or three blocks the two systems can operate very readily, and it is frequently done.

Mr. SHERMAN. I can see that, but the Washington and Georgetown Street Railroad Company is now constructing a cable road. It seems to me the very nature of a cable road would require the exclusive occupation of the tracks used by it. I do not see how the same tracks could be used by two different cable roads. As the Senator from Nevada [Mr. STEWART] says, horses might go over the road for a block or two, but as a matter of course the rate of speed by a horse car is much slower than the rate of speed by a cable car, and there would be constant danger of collision if they ran on the same tracks. It would be impossible to run a horse car on a cable road for the reason that it would be impossible to run cable cars at as slow a rate of speed as horse cars would run. The momentum or rate of travel by the cable system is fixed for the whole line, and the cars travel at a uniform rate; they must go at the same rate, and all the cars must necessarily travel 5 miles an hour, or whatever the rate of speed may be.

It seems to me, therefore, that this road had better be put on some other line parallel to M street. I merely submit the difficulties which occur to me to the Senator from Virginia, without desiring to interfere with the passage of the bill.

Mr. EDMUNDS. Mr. President, I had partly in view what the Senator from Ohio has said when I prepared an amendment in the Judiciary Committee room (I would say during the session of the Senate), striking out the word "cable," for the observations of the Senator from Ohio are practically, I am sure, correct, that it is incompatible with the nature of the two services, horse and cable, and probably motor car and cable (though that would not be so inconsistent with the use), to get on over the same line, and yet the nature of the streets in Georgetown, and in this town, too, is such that it would really be a public nuisance to have two separate sets of double tracks for two different railroads. That would make four tracks, which would be really destroying the value of the street for the common purposes of citizens.

But my chief desire in striking out the word "cable" was because I am informed by the Chief of Engineers (and the committee who had the aqueduct business in charge two or three years ago made a very careful examination into it) that when you get to that street in Georgetown where the mains supplying Georgetown and Washington with water lie, all the way up to The Three Sisters—there are four mains, I think, now lying in that street, certainly four beyond this end of the Aqueduct bridge, in Georgetown—and from that point on to where these gentlemen wish to cross the river, which is probably the best place to cross it, the roadway is necessarily very narrow. On the left-hand side of the road going up is the bank of the canal, protected on the roadside by a wall, I believe, the most of the way, and then by railings, etc., and on the right-hand side going up are for a considerable part of the way cliffs of solid rock. So the Chief of Engineers says (and I had a letter from him with a diagram showing it all, that I thought I had turned over to some one) it would be entirely dangerous to the pipes that now lie there, and upon which the cities of Washington and Georgetown depend for water, to undertake to lay a cable road there, which would occupy about all there was that was left of the street, and the slightest disturbance would endanger the water pipes, and it is really impracticable.

I explained this, as I thought, to the gentlemen interested in this bill who did me the honor to come to see me about it, and they were quite satisfied, if I correctly recollect their statement, that it would be improper to undertake to put a cable road there, and they therefore assented to the striking out of the word "cable," wanting, as they said—and I have no doubt they stated it with frankness and in good faith—to run motor cars through the city of Washington and up to the bridge where they cross the river.

Therefore, I must express my regret that the Senate has thought it fit not to agree to that amendment, and, if proper, I would ask the Senate to reconsider it, for that is a very serious danger.

Mr. SPOONER. I submitted one or two observations against striking out the word "cable." Of course I had not, nor had any member of the Senate so far as I know, any opportunity to be informed of the consent which the Senator from Vermont says was given by the gentlemen in interest to the amendment. I thought in the public interest it might become necessary some day, and important, that the company should have the power to utilize the cable system; and as the Senator had already guarded against any injury to the water pipes by absolutely prohibiting any use of this franchise that should in any manner interfere with the water pipes, it seemed to me that he had sufficiently protected that point.

The argument which the Senator from Ohio [Mr. SHERMAN] made would be equally against the joint use of that track for horse cars for a considerable distance. He says they could not use a cable road jointly on tracks for cars propelled by horses for a mile. If they can not, and I suppose they can not, use jointly that track with another company for a cable, it would seem to me to be pretty clear that they either ought to be permitted to put down separate tracks or else that they ought to go on another street, if there is another street which could be utilized without detriment to the public interest.

Mr. EDMUNDS. There is not any other street, I am quite sure. I did have a map—it is down in my committee room, where everything else is—showing where this line was drawn out, which was sent to me recently by the Chief of Engineers, and attention was called to the impracticability of having a cable road where these water pipes are. There is Water street, but the difficulty is that it does not go half far enough. That is a low street, is out of the line of communication, and they could not get back from it on the river side to get on to the place where they cross, as I now understand it. So I do not see how they could accomplish this enterprise unless they go a distance of half a mile or so, I should say, on the same street where the Washington and Georgetown cars now run.

Mr. SPOONER. Then they could only use the electric motor?

Mr. EDMUNDS. Then they could only use the electric motor, unless for a very short distance. There would not be much difficulty if both companies exercised care in running the horse cars. There is no difficulty at all in running horse cars on a cable line.

Mr. SPOONER. If but a short distance.

Mr. EDMUNDS. The place where they would strike High street or Bridge street, in Georgetown, can not be anything like a mile in distance, I should suppose.

The VICE PRESIDENT. The question is on the motion made by the Senator from Vermont to reconsider the vote by which the Senate rejected the amendment striking out the word "cable."

Mr. GORMAN. As I understand, the Senator from Vermont suggests that if this company is permitted to use a cable it will interfere with the water pipes. I did not hear very distinctly, but that is what I understood him to say.

Mr. EDMUNDS. That is the way I understand it.

Mr. GORMAN. Now, there is a provision in the bill, an amendment drawn by the Senator from Vermont and adopted, providing that this company shall in no case interfere with the water main, and that the road shall be constructed in that respect practically under the direction of the Secretary of War. So that ample provision has been made by the amendment guarding against any interference whatever with the water mains.

Mr. EDMUNDS. Will the Senator from Maryland allow me a moment?

Mr. GORMAN. Certainly.

Mr. EDMUNDS. I ought to have said, what I had at the moment forgotten, that there is a provision there which I believe was prepared by myself, but which, upon looking at the paper as I hastily came up to the Chamber, I did not observe, which will probably be adequate to secure the water mains, because the Secretary of War and Chief of Engineers will not permit them to lay down cable or any other kind of work that will endanger those. So that, so far as I am concerned, I do not think it will do any injury to the particular security I had in view to leave out the word "cable." But these gentlemen, as I understood them, were entirely satisfied to leave it that way.

Mr. GORMAN. I am satisfied that the Senator from Vermont will agree to let the word "cable" remain in the bill, for this reason: Nobody has taken more interest in it than he has, but he wants a better car service in the District of Columbia. Congress has prohibited by an act, I think by an amendment drawn by the Senator from Vermont himself, the use of electric wires overhead. Now, it has been clearly demonstrated, in every city where it has been tried, that it is impossible with economy and fair service to use electricity except by overhead wires. It has not yet been demonstrated that you can use it at all within reasonable bounds of economy by a conduit with the wires underground.

Mr. HALE. How is the road to be operated that we all see being constructed along G street to its intersection with Fifteenth street nearly opposite the Treasury? How are the cars to be propelled?

Mr. GORMAN. I understand that Congress has prohibited that company from using overhead wires on that part of its line. That is an extension of the road which comes down New York avenue to Sev-

enth street, and they intend to try the experiment upon that level ground of using storage batteries.

Mr. HALE. But not underground.

Mr. GORMAN. Not underground, for no preparation whatever has been made for it. They have experimented in Boston, Baltimore, and many other cities, and they have found the use of electricity a failure except by the use of overhead wires; that is to say, it is too expensive; the loss of power is so great that it makes the operation of a road about double the cost of horse power. Now, what we are anxious about is to have better service, and Congress authorized the present road, which extends east and west, to put in a new motive power.

The Washington and Georgetown Railroad Company made a most thorough examination in every city in the Union, and the report of their officers comes back to us that in the District of Columbia, with our streets and with our grades, the cable is the most economical and the best motive power that they can possibly adopt. Hence, they have put it on Seventh street, and they are now preparing to run it on the road from the Washington navy yard to Georgetown.

Here is proposition for a parallel and competing road from Seventh street to the upper end of Georgetown, and thence to Arlington. If you strike out the word "cable" you will practically confine them to one of the ordinary horse railroads. I submit to the Senator from Vermont that as he has made ample provision that no interference whatever with the water mains shall occur, more stringent, I think, than in regard to any other road in the District, he had better let the word "cable" remain in the bill and give them the opportunity, if they find it best, to use cable power.

Mr. EDMUNDS. I do not agree with the Senator from Maryland that the motor cars are a failure, even in an economic point of view. I do not mean to say that they can be run as cheaply, mile for mile, as a horse-car line, but I believe that the very last year, 1890, has shown in some places in the United States that with the continual gain that applied science is making in the use of electricity motor cars are entirely adequate for the usual purposes of street railways.

Mr. HARRIS. May I ask the Senator if he means the storage-battery car when he uses that term "motor"?

Mr. EDMUNDS. That is what I mean, that storage-battery cars can be used in that way. I am sure that I very recently saw a statement in reference to some city in the State of Washington—I think it was either Tacoma, or Seattle, or Olympia, one of those three cities—showing the progress of the town, the extent of its street-railway service, and the extremely good service that it has from motor storage-battery cars, as I understood it to be. I certainly understood last year from the president, I think it was, of the Eckington Railway, which had been under dicsussion, that his own engineers and electricians had found some devices or applications that gave very encouraging promise of the question being satisfactorily solved here, and that they were going to try it. Perhaps further experiments have shown that they could not do it.

The idea the Senator from Ohio has stated so well struck me; but my chief thought was directed to the absolute preservation of the water mains that occupy the whole of that country up there, and must necessarily do so; I did not give much consideration to that part of it; and as these gentlemen—if I correctly understood them, and I am very confident I did—repeatedly said that they were going to run motor cars this side of the bridge, and that is all they wanted to do, and so on, in order to make the whole thing complete and systematic I proposed to strike out the word "cable" where it applies to these two cities, so as to make it absolutely secure. But I repeat, and it is due to fair argument to say so, that I think the provision which I have proposed for the particular purpose I am speaking of would be adequate. So I am willing, so far as I am concerned, to let it stand on that, and we shall see how it will result. So, Mr. President, I withdraw my motion to reconsider, if there is no objection.

The VICE PRESIDENT. The motion to reconsider is withdrawn. The next amendment will be stated.

The CHIEF CLERK. On page 5, section 3, line 13, strike out the words "personal taxes" and insert "taxes on personal property;" so as to read:

And said company shall pay to the District of Columbia, in lieu of taxes on personal property for the next ensuing fiscal year, etc.

The amendment was agreed to.

The next amendment was, on page 5, section 3, line 14, after the word "year," to strike out the word "two" and insert "four;" so as to read:

Four per cent.

The amendment was agreed to.

The next amendment was, on page 5, section 3, line 14, to strike out the word "net" and insert the word "gross;" so as to read:

Of its gross earnings.

The amendment was agreed to.

The next amendment was, on page 5, section 3, lines 15 and 16, to strike out the words "as shown by said verified statement;" so as to make the clause read:

Upon traffic for the preceding year, which amount shall be paid to the collector of taxes, etc.

The amendment was agreed to.

The next amendment was, on page 6, section 3, lines 24 and 25, to strike out the words "of personal taxes" and insert "upon its personal property;" so as to read:

And all other assessments upon its personal property in the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 6, section 3, line 25, after the word "Columbia," to strike out the words "upon its property."

The amendment was agreed to.

The next amendment was, on page 7, section 5, line 5, after the word "be," to insert "made from time to time by said company and;" so as to read:

And shall run cars thereon as often as the public convenience may require, and according to a schedule to be made from time to time by said company and approved by the commissioners of the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 7, section 5, line 6, after the word "Columbia," to insert "but no steam cars, locomotives, passenger, or other cars for steam railways shall ever be run on said railway."

The amendment was agreed to.

The next amendment was stated to be on page 8, section 5, line 14, to strike out all after the word "railway" down to and including the word "aforesaid," in line 30.

The VICE PRESIDENT. This amendment, the Chair is informed, was agreed to when the bill was under consideration on the 18th of December. It is unnecessary to pass upon it again. The next amendmen will be stated.

The next amendment was, on page 11, section 7, to strike out the proviso down to and including the word "located," in line 23, as follows:

Provided, That said by-laws or any of them be not contrary to this act or any other law in force where its railway may be located.

The amendment was agreed to.

The next amendment was, on page 11, section 8, line 17, after the word "such," to insert the words "lawful and reasonable;" so as to read:

For the purpose of paying dividends at such lawful and reasonable times, etc.

The amendment was agreed to.

Mr. DANIEL. After the word "Virginia," in line 41, section 1, page 3, I move to insert the following proviso:

Provided, That said road shall cross the Chesapeake and Ohio Canal on a bridge that shall be so constructed as not to interfere with the use of the bed or towpath of the canal as a waterway or as a railway, and in a manner satisfactory to the Secretary of War.

The latter words are proposed at the suggestion of the Senator from Vermont.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Virginia.

The amendment was agreed to.

Mr. DANIEL. I wish to submit just one word of inquiry. In the section that was inserted after section 14, I should like to inquire if the words "or on any property of the United States either within or without said District" are contained in the amendment. They are stricken out in pencil mark in the copy of the amendment I have before me, and I believe they were intended to be left out.

The VICE PRESIDENT. The words were not stricken out.

Mr. EDMUNDS. No; the clause is not stricken out, and I think it had better be left to stand as it is.

Mr. DANIEL. Very well. I have no further amendment to suggest, Mr. President. On page 14, section 15, the original text still stands, I suppose?

The VICE PRESIDENT. It still stands.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COIN AND CURRENCY.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay the unfinished business before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 4675) to provide against the contraction of the currency, and for other purposes.

Mr. PLUMB. I wish to offer an amendment to the bill.

Mr. WILSON, of Iowa. I ask that the bill be temporarily laid aside for a few moments.

Mr. PLUMB. I am going to leave the Chamber, and I desire to offer an amendment to the first section of the bill, in the nature of a substitute. I ask that it be read and printed.

The VICE PRESIDENT. The amendment to be proposed by the Senator from Kansas will be read.

The CHIEF CLERK. Strike out section 1 and insert:

That the compulsory requirement of deposits of United States bonds with the Treasurer of the United States by national banks is hereby limited in amount to $1,000 of bonds for each and every national bank: *Provided*, That this act shall not apply to the deposits of bonds which may be required by the Secretary of the Treasury to secure deposits of public moneys in the national banks.

The VICE PRESIDENT. The amendment will be printed.

ADDITIONAL ASSOCIATE JUSTICE IN ARIZONA.

Mr. WILSON, of Iowa. I ask unanimous consent that the regular order may be laid aside for a few moments in order that the Senate may take up the first number on the Calendar, which would have been considered if the Calendar had been reached this morning, so as to dispose of the measure for the promotion of the judicial interests of the Territory of Arizona.

Mr. GORMAN. Let the bill be read, subject to objection.

Mr. WILSON, of Iowa. It is the bill (H. R. 6975) to provide for an additional associate justice of the supreme court of Arizona.

The VICE PRESIDENT. The bill was reported with an amendment in the nature of a substitute. The substitute will be read if there be no objection.

The CHIEF CLERK. The committee report to strike out all after the enacting clause of the bill and insert:

That hereafter the supreme court of the Territory of Arizona shall consist of a chief justice and three associate justices, any three of whom shall constitute a quorum; but no justice shall act as a member of the supreme court in any action or proceeding brought to such court by writ of error, bill of exception, or appeal from a decision, judgment, or decree rendered by him as judge of a district court, unless one of the other justices is disqualified to sit in such action.

SEC. 2. That it shall be the duty of the President to appoint one additional associate justice of said supreme court in manner now provided by law, who shall hold his office for the term of four years, and until his successor is appointed and qualified.

SEC. 3. That the said Territory shall be divided into four judicial districts, and a district court shall be held in each district by one of the justices of the supreme court thereof, at such time and place as is or may be prescribed by law. Each judge, after assignment, shall reside in the district to which he is assigned.

SEC. 4. That the present chief justice and his associates are hereby vested with power and authority and they are hereby directed to divide said Territory into four judicial districts, and make such assignments of the judges provided for in the first section of this act as shall in their judgment be meet and proper.

SEC. 5. That the said district court shall have jurisdiction, and the same is hereby vested, to hear, try, and determine all matters and causes that the courts of the other districts of the Territory now possess; and for such purposes two terms of said court shall be held annually, at such places within said district as may be designated by the chief justice and his associates, or a majority of them; and grand and petit jurors shall be summoned thereon in the manner now required by law.

SEC. 6. That all offenses committed before the passage of this act shall be prosecuted, tried, and determined in the same manner and with the same effect (except as to the number of judges) as if this act had not passed.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. PUGH. Mr. President, I would like to inquire if that bill was reported from the Committee on the Judiciary.

Mr. WILSON, of Iowa. It was reported from the Committee on the Judiciary. The amendment which has just been read was the amendment directed by the committee to be reported.

Mr. PUGH. Reported the 16th of December?

Mr. WILSON, of Iowa. On the 16th of December.

Mr. PUGH. I have no recollection of ever hearing of it before.

Mr. WILSON, of Iowa. I reported it by direction of the committee.

Mr. PUGH. I should like to hear some of the reasons stated for the proposed addition to the number of judges in that Territory. The bill proposes an increase of judges in that Territory, I understand.

Mr. WILSON, of Iowa. It proposes an increase of one. There are three judges now. The extent of the Territory, its division, and the condition and amount of business seem to render it necessary that they shall have another judge and another district. The other House passed the bill, sent it to the Senate, it went to the Committee on the Judiciary, was considered by that committee, and the amendment which has just been read was reported.

The principal difference—I may in fact say the only differences between the bill as passed by the House of Representatives and the substitute reported by the committee are that the substitute makes certain provisions for always having a quorum in the court of appeals or supreme court, and also leaves to the court the determination of the district. Those are the only differences between this amendment and the bill as it passed the other House.

Mr. PUGH. Can the Senator inform me the sources of information upon which the committee acted in giving this increase in the number of judges and the necessity for it?

Mr. WILSON, of Iowa. I obtained some information from the Department of Justice, and also through communications from citizens of the Territory. This is the only Territory that was left without a provision of this kind in respect of their courts, and the bill gives them four judges, as had been given to the others. The consideration which I gave to this bill, and also that of my colleague on the subcommittee, induced us to believe that the bill ought to pass in the form of the amendment which had been reported and which was just read at the desk.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The question is on the adoption of the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. WILSON, of Iowa. I now move that the Senate request a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the Chair was authorized to appoint the conferees on the part of the Senate; and Mr. WILSON, of Iowa, Mr. EVARTS, and Mr. VEST were appointed.

PUBLIC BUILDING AT YOUNGSTOWN, OHIO.

Mr. SPOONER. Mr. President, I present a privileged report.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 507) to provide for the erection of a public building at Youngstown, Ohio, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreements to the amendments of the House, and agree to the same with an amendment as follows:

In lieu of the part proposed to be stricken out, strike out all after the word "dollars," in line 11, to the end of the bill and insert:

"Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

"Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

"If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

"The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed $6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

"No money shall be used for the purpose mentioned until a valid title to the site for said building shall be vested in the United States, nor until the State of Ohio shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

"The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys."

JOHN C. SPOONER,
G. G. VEST,
Managers on the part of the Senate.

S. L. MILLIKEN,
P. S. POST,
Managers on the part of the House.

The report was concurred in.

STUBBS AND LACKEY.

Mr. SHERMAN. There is a little bill on the Calendar——

Mr. SPOONER. I desire to present another privileged report. I have several conference reports to present.

Mr. SHERMAN. I hope the Senator will indulge me just a moment. There is a little bill here which proposes to do a manifest act of justice, reported from the Committee on Claims, of which the Senator from Wisconsin is chairman. The bill is very short, and if the Senate will hear it read, and the report, which is only a third of a page long, I have no doubt it will receive unanimous assent. It is a case of very great hardship, and delay would be very great injustice.

Mr. SPOONER. Very well.

Mr. SHERMAN. It is the bill (H. R. 2309) for the relief of Stubbs and Lackey.

The PRESIDING OFFICER. The Senator from Ohio asks unanimous consent to proceed to the consideration of the bill which will be read.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be directed to pay to Albert Stubbs and Job Lackey, of Lebanon, Ohio, the sum of $2,128.87, in full of all work done by them, or by John B. Holbrook, in building a dike at Merriman Bar, and dams at Captina and Fish Creek Islands, in the Ohio River; and there is hereby appropriated, for such purposes, out of funds otherwise unappropriated and lying in the Treasury, the sum of $2,128.87.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. COCKRELL. I should like to hear the report or to have an explanation of the bill.

Mr. SHERMAN. There is a report.

Mr. SPOONER. All there is of it is this: These parties were surety upon the bond of a contractor to do certain work. The contractor, pending the work, absconded, leaving his men unpaid. The sureties, as they had a right to do, took charge of the work and performed the contract in accordance with its terms, and the work was accepted by the Government. Under the contract with the contractor a percent-

age, as is usual, was retained by the Government, amounting, I think, to a little over $2,000. These sureties were clearly, as a matter of law and equity recognized by the court, subrogated to the rights of the contractor. This bill is to pay to the sureties, who performed the contract, that retained percentage.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT HAVERHILL, MASS.

Mr. EDMUNDS. I think we had better have the regular order now. I am afraid we shall delay the financial debate.

The PRESIDING OFFICER. The Senator from Wisconsin gave notice of a further privileged report.

Mr. SPOONER. I have a privileged report to submit.

Mr. EDMUNDS. That is right.

Mr. SPOONER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3417) to provide for the purchase of a site and the erection of a public building thereon at Haverhill, in the State of Massachusetts, having met, after a full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreements to the amendments of the House, and agree to the same with an amendment as follows: Strike out all after the word "dollars," in line 9, to the end of the bill and insert:

"Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

"Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to said proposed sites.

"If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

"The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed $6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

"No money shall be used for the purpose mentioned until a valid title to the site for said building shall be vested in the United States, nor until the State of Massachusetts shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

"The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys."

JOHN C. SPOONER,
G. G. VEST,
Managers on the part of the Senate.

S. L. MILLIKEN,
Manager on the part of the House.

The report was concurred in.

PUBLIC BUILDING AT LEWISTON, ME.

Mr. SPOONER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2405) to provide for the purchase of a site and the erection of a public building thereon at Lewiston, in the State of Maine, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: Strike out all after the word "dollars," in line 10, and insert:

"Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

"Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into its possession relating to the said proposed sites.

"If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, map, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

"The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed $6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

"No money shall be used for the purpose mentioned until a valid title to the site for said building shall be vested in the United States, nor until the State of Maine shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

"The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys."

JOHN C. SPOONER,
G. G. VEST,
Managers on the part of the Senate.

S. L. MILLIKEN,
P. S. POST,
Managers on the part of the House.

The report war concurred in.

PUBLIC BUILDING AT FORT DODGE, IOWA.

Mr. SPOONER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 953) for the erection of a public building at Fort Dodge, Iowa, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreements to the amendments of the House, and agree to the same with an amendment as follows:

In lieu of the part proposed to be stricken out, strike out all after the word "dollars," in line 11, and insert:

"Proposals for the sale of lands suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

"Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to said proposed sites.

"If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

"The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed $6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

"No money shall be used for the purpose mentioned until a valid title to the site for said building shall be vested in the United States, nor until the State of Iowa shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

"The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys."

JOHN C. SPOONER,
G. G. VEST,
Managers on the part of the Senate.

S. L. MILLIKEN,
P. S. POST,
Managers on the part of the House.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MARTIN, its Chief Clerk, announced that the House had passed a bill (H. R. 12365) to authorize Oklahoma City, in Oklahoma Territory, to issue bonds to provide a right of way for the Choctaw Coal and Railway Company through said city; in which it requested the concurrence of the Senate.

NICARAGUA CANAL—CHARLES T. HERVEY'S REPORT.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved, That the sum of $207 is hereby appropriated, to be paid out of the contingent fund of the Senate, to be expended by the Secretary of the Senate in the purchase of 1,000 copies each of six maps and six plates that accompany the special report made in 1890 by Charles T. Hervey, civil engineer to the Maritime Canal Company of Nicaragua.

COIN AND CURRENCY.

The PRESIDING OFFICER. The regular order, Senate bill 4675, will be proceeded with.

Mr. DOLPH. I ask unanimous consent that House bill 5474 may be taken up and disposed of. It is a small matter and the justice and equity of the case is far more apparent than that of the bill which was taken up a few minutes ago on motion of the Senator from Ohio.

Mr. EDMUNDS. I think it is due to the gentlemen who wanted time to discuss the financial bill until next Wednesday that they should have that opportunity. If the gentlemen in charge of the bill and those who desire to support it or oppose have nothing to say upon it to-day of course I can not interfere, because I can not reverse the understanding that it was not to be voted upon until next Wednesday, but I think it is due to everybody who wishes to speak, if there be anybody, that he should have an opportunity now.

Mr. DOLPH. Of course it was understood that if anyone wished to take the floor on the bill he would interpose an objection. It will only take a few moments to dispose of the bill I ask the Senate to consider.

Mr. EDMUNDS. I shall insist on the regular order for awhile and see how we get on.

The PRESIDING OFFICER. The Senator from Vermont calls for the regular order, and the unfinished business will be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 4675) to provide against the contraction of the currency, and for other purposes, the pending question being on the amendment of Mr. STEWART to the amendment of the committee.

Mr. BLACKBURN. Mr. President, there has been so much said on behalf of the amendment which is pending before the Senate and so little in the way of argument said against it that it seems well-nigh superfluous to continue this discussion, at least upon the part of the friends of the measure. And yet, sir, I am not willing that this debate should close without bearing the testimony of my section and my people to the merits of the amendment that we are now considering. I am not willing to have it go to the country and to the world that this is simply an effort made by the representatives from silver States and that the rest of the country is indifferent to the result. There is not a silver mine within the limits of the great Commonwealth that sends me here, and yet I venture to assert that her people are as united, as earnest, as honest, and as clamorous in their demand for the free coinage of silver as are the people of Colorado, or California, or Idaho, or Nevada.

It would seem to an unprejudiced and fair-minded man that we, of all the civilized countries of this world, need a liberal per capita circulating medium when we come to consider the vast enterprises that are projected and are to-day and must for many years be in process of completion, when we remember that we occupy a continent, and that the movement of its crops from ocean to ocean seeking seaboard transportation to the markets for which they are destined requires an outlay and an expenditure of money far in excess of that to which any pent-up European country can possibly be subjected.

It would seem that these and many other considerations that may be submitted would entitle us to at least as large, as full a measure of per capita circulating medium as any of the countries of the Old World require or demand. And yet, sir, we have it not. These enterprises are required to go on, the crops of the country must be moved, its business must be maintained upon a relatively and comparatively small sum of money.

We are told by the official authorities of this Government that France, with a population of 38,250,000 people, is carrying in her circulation $900,000,000 of gold and $700,000,000 of silver and nearly $600,000,000 of outstanding notes, a total of metal and paper currency of $2,194,000,000 of money, which gives to her 38,250,000 people a total per capita of $57.36.

Contrast, if you please, with that our own monetary policy. I am speaking now of the most prosperous nation financially upon this earth; I am speaking of a nation whose financiers within late years have given evidence of superiority when compared with those of any other people; I am speaking of a nation that within the memory of every man who sits here by me on this floor was subjected to a payment of the heaviest war indemnity that one nation conquering ever inflicted upon a nation vanquished; and yet to-day it stands in the very front rank, the stay upon which universal credit has recently been forced to rest, the prop that saved England and the world from commercial panic if not bankruptcy within the last thirty days. Her people have no such necessities for a large circulating medium as ours, and yet they have a total per capita of more that $57, whilst we are asked to be content with a per capita of less than $23.

Great Britain carries to-day with her 38,000,000 people a gold circulation of $550,000,000, a silver circulation of $100,000,000, an outstanding note circulation of $190,000,000, a total of metallic and paper currency of $840,000,000, and a per capita of $22.01.

Germany carries with her 48,000,000 people $500,000,000 of gold to-day and $215,000,000 of silver. This, the single-standard country, this, the nation that bows down in its fetich worship to gold, carries in her circulation to-day $500,000,000 of gold and $215,000,000 of silver, and she carries $275,000,000 of paper, and gives to her people a per capita of $20.63. Ours is $22.36. And yet, Mr. President, the gentlemen who oppose the passage of this amendment, they who see danger in the adoption of a free-coinage law, tell us that their apprehensions are based upon a flood of silver that is to pour in upon this country.

You have to-day in circulation but $116,000,000 of silver money. Of all these countries, Britain alone is below the silver circulation of the United States. Germany, which demonetized that metal, carries more than $2 of silver to our $1, whilst France carries well-nigh $7 for every $1 that is in circulation in this country.

Mr. President, I have been listening and I have been reading the speeches made by those who oppose a free silver-coinage act. I have failed to find an argument or a suggestion that was entitled to serious consideration.

The Senator from New York [Mr. HISCOCK], who is not now in his seat, told us in his speech the other day that he was opposing the adoption of this amendment simply and solely because it would tend to contract the volume of our currency. He said that he was against it because its effect would be to increase the burdens of the debtor class of this country by a shriveling process to be applied to the circulating medium. I doubt not that he was sincere. I have known him too long and too favorably to mistrust his purpose; but this I may in fairness be permitted to say, that if he is sincere, if the reason assigned by him constitutes the ground of his objection, it is the first time in the modern history of this people that any man coming from that section, and representing the people who send him here, has ever had manliness enough to open his mouth in opposition to a contraction of the currency.

They tell us that silver from abroad will flood the country if we dare to open our mints to its coinage; they tell us that the foreign holder of silver from every nation and every clime will come clamoring here to have his foreign silver coins reminted at our expense. This debate, which has been, if not long, at least elaborate and instructive, would demonstrate to the satisfaction of every honest mind that this apprehension is groundless. There is no reason to entertain such a fear. It is proven conclusively that there is no country within the limits of the earth that holds any appreciable quantity of silver which can be induced to part with it.

But let us look at the bill which the Committee on Finance has offered to the Senate for its adoption. In its fourth section, which is an amendment offered by the committee of the Senate, it answers conclusively and disproves the ground of apprehension upon the part of the men who oppose the pending amendment. The committee that draughted the fourth section of this bill that I have in my hand was not afraid of an influx of currency. It was not alarmed at the idea that values were to be disturbed and business was to be overthrown by the unexpected and sudden introduction of an immense volume in addition to the present circulating medium of this land, because it provides expressly for the issue of $200,000,000 more than we have now.

As a single naked proposition I have no fault to find with that. I think we need more currency than we have now. I shall not quarrel with the committee for proposing to increase it to the extent of $200,000,000, which is provided in the fourth section of the bill as reported to this Chamber; but I do seriously complain of the method adopted in that fourth section. I reiterate the eloquent protest uttered by the Senator from Nevada [Mr. STEWART] when here within the last three days he called the attention of this Chamber and the country to the fact that this was a device upon the part of the committee looking to the perpetuation of a banking system that has already been doomed and which the people will no longer tolerate.

The fifth section of the bill provides that free coinage may be given to silver upon condition, and the very condition makes its admission to the mint impossible. It says that before this silver metal shall have the right of access to the mints of this country it shall first, as a condition precedent, have maintained its parity or above for one year at least. It requires of silver the execution of an impossibility. No silver advocate upon this floor ever claimed, no friend of that metal was ever idiotic enough to claim, that it could assert and maintain continuously for a year or more its parity in value until it was put upon even terms with the measure by which you intend to gauge it. You can not make silver the equivalent of gold; it is impossible for that parity of value ever to be reached, much less to be maintained as long as it is trampled under foot and treated as a debased and dishonored coin.

The architects of this bill have draughted wisely or at least they have draughted shrewdly in the execution of a purpose to thwart the will of the American people upon this great question. If the Senator from Ohio was correct in the opening remarks he made to this Chamber upon the first day the bill was brought up for discussion we are dealing with an issue wrapped in the short amendment offered by the Senator from Nevada, bigger, more important, more grave, and entitled to more serious consideration than any that has been presented to this Chamber during this or the preceding sessions.

Mr. President, I object to the bill that the committee have brought here, not only because of its fourth and fifth sections, to which I have briefly adverted, but I object to it for many reasons, and in order to sum them up and state them in a single sentence, I object to this bill because it falls short of the demands of the people and fails to give a just and full measure of relief.

Since 1873, when the people of this country discovered that silver had been stricken from the list of precious metals, there has been a well-nigh universal demand for its restoration to the position that it had held and honored through all the ages.

The people demand free coinage, and, what is more, they mean to have it. It is not in your power to deny it much longer. You have measured out your homeopathic doses of relief until they will no longer satisfy.

A limited coinage act of 1878, followed by the meager supplemental legislation that has come to us since, has not sufficed to satisfy the demands of the American people. They will have nothing less than an absolutely free coinage of this metal. The handwriting is upon the

wall, and even though one be blind he may read it in its glaring characters.

You may rely, and you do rely, upon the veto power that is vested in your President to protect you from the passage of this act. That will prove to be a vain reliance. He dare not furnish you that veto. When this amendment passes this Chamber and is enacted into law, so far as Congress is concerned, by the concurrence of the House of Representatives, your President dare not put his veto upon the bill, unless he is already prepared to sign the death warrant of a party already doomed.

But even if he give it to you it will not suffice you. Thank God the death knell of this Congress will soon be rung; and then comes another Congress whose House of Representatives will give free coinage to the American people by the vote that the Constitution requires to pass it over the veto of a President, and this Senate, as then constituted, will concur in the action of the people's representatives. So that relief for a clamoring and overburdened people is close at hand, whether you will it so or not.

The masses of our people are not prosperous; the producing classes of this country, the tillers of the soil, are encumbered with debts which they can not pay. In round numbers seven-tenths of our exports consist of the products of the soil. The prices of all these products have reached a nonremunerative figure.

The tiller of the soil finds himself unable, as the years go by, to either liquidate or abate the mortgage that covers his farm and plasters the homestead that shelters his wife and little ones more closely and more securely than the shingles that have rotted and that he can not replace. He asks for no class legislation by which he is to profit at the expense of his fellow, but he only asks that those who make the laws that govern him shall look and see if he is the victim of class legislation which brings him to poverty in order that others may be benefited.

He asks simply for relief from legislation which discriminates against him unfairly, and this he has a right to ask for; but when he appeals for this relief he is told that he has been too industrious; that in his effort to maintain his family and to pay his debts he has worked too hard and produced too much; that overproduction is the cause of his poverty, and, with an insolence which is equaled only by the greed that stands behind it, he is told to believe that by his honest toil he has become the author of all his own woes. It is hard for him to believe this, for he knows that the unfed teeming millions of the Old World are still hungry and pleading for the bread that is the product of his labor.

The sad experience through which we are passing is not a novel one. The history of the world teaches us that the volume of currency has never fallen below a proper apportionment on the basis of population and business without bringing disaster to all sections save the business and moneyed centers, and suffering to all citizens save those who are the holders and changers of money.

Reduction in the money volume, as measured by population and business, increases the value of the unit of money as it increases the purchasing power of this measure of values. As the value of this unit increases, the value of every article to which it is applied of necessity decreases. He or they who hold this talisman become the beneficiaries of the disturbance of values; or, in other words, the holders of money profit by the shrinkage in value of everything save that which they have for sale or for hire.

What we want and what we most need is not so much an elastic currency as a stable currency whose value shall be unchanged and unchangeable. This currency can only be secured by making its volume commensurate with the population and the business of the country. This is the only basis upon which you can undertake to fix the matter of volume. With me this is no party question. I denounce the anti-silver policy of every Administration with which this country has been blessed or cursed for twenty years. To me it does not matter that my own party is responsible for four years of this enduring wrong. Mr. Cleveland's Administration, in my judgment, is as justly amenable to criticism and to censure upon this score as were those of his predecessors or as is this one that came after him.

When honest toil is doomed to want and poverty by law, despite its labor and its products, no party shackles shall chain me to the defense of such a course.

The tillers of the soil throughout this land can endure no longer the burdens put upon their bowed, bent backs by injustice and partial legislation. They have at last determined to make their cause of grievance known and to demand that it be righted.

The Farmers' Alliance, now crystallizing into a national organization, is nothing more nor less than a protest against the class legislation which for a quarter of a century has fulfilled its purpose of robbing the masses to enrich the few. That they have just cause of complaint every intelligent man in this country knows and all honest men admit. They seek a redress of grievances that are not imaginary, but real, and the sense of fairness that characterizes the American people will give them the relief to which they are entitled.

Human ingenuity has not yet been able to furnish either justification or excuse for the demonetization of silver in this country. In 1873, when this foul deed was done, our silver dollar commanded a premium over gold. In the very hour of its taking off it stood confessedly the more popular and better metal of the two on which the country and its business rested.

Surely it was not stricken down because of its baseness; surely it was not rejected because the people discredited it. It had stood the strain of war, performing all of its vital functions as well as it had ever done throughout the ages that lie behind it. The volume of currency at that date no man dare say was too large for the country's wants, and yet, for purposes that may be suspected, but which may not be admitted, it fell, the victim of a blow delivered in the dark.

The authors of its dishonor did not dare to avow their fell purpose; they did not dare to give warning even in the title of their bill; they did not dare to name the metal at whose vitals they were striking; silver is not named in that act of 1873. They accomplished their work of assassination by omitting it and failing to name it as a metal to be coined.

The Senator from Ohio has more than once upon this floor sought to defend the methods by which this law was passed. I have heard him strive to paint it as an open and a fair transaction, but I have never seen him succeed in convincing anyone save himself. Great as his powers may be, he can not unwrite history.

The record stands despite his protest and denial, and that record shows that the Congress that passed the demonetization bill of 1873, under a misleading, false, and specious title, did not know that the bill demonetized silver. That record shows that the President who signed it did not know it, and the record shows that the people who, by its operation, were plundered and robbed had no knowledge of the outrage of which they were made the victims.

Mr. President, here I will ask permission of the Senate to read as part of my remarks an extract from a speech delivered in this Chamber at the last session of Congress by the honorable Senator from Nevada [Mr. JONES]. It was then that this Republican Senator from Nevada, in language more forcible and far more eloquent than I may command, told to the Senate and to the country the conditions that led up to the act of silver demonetization.

He said:

At the time silver was demonetized it might well have been supposed that a sufficiently large unearned increment had already been realized by the foreign and domestic holders of United States bonds. The greater portion of the debt of the Government was, when incurred, made payable simply in "lawful money," the interest alone being payable in coin. Yet in March, 1869, the bondholders secured the passage of an act of Congress entitled "An act to strengthen the public credit," containing a pledge to pay in coin or its equivalent not merely the interest, but the principal of all national obligations not specially provided to be paid otherwise.

And again—

I still read from the able speech of the Nevada Senator—

And again, when in 1870 Congress was about to provide for a refunding of the public debt, these clamorous creditors, not satisfied with having got the bonds at rates much below their face value and not satisfied with the pledge to pay in coin—a pledge made long after the contract was made and the debt incurred—insisted that not only should the new bonds be payable in coin, but in order to guard against any possible interpretation which might work to their detriment they did what has rarely been done in the history of monetary legislation, insisted that even the very standard of that coin should be fixed and nominated in the bond. They were willing to take no chances. They were not willing to place confidence in the sense of equity and fair dealing of the people of the United States. They held before Congress the covert threat that if the new issue of bonds did not provide for payment in "coin," instead of "lawful money," and did not prescribe the precise standard of coin in which they were to be payable it would be difficult if not impossible to place the bonds on the market.

So, by the refunding act of July 14, 1870, Congress provided for the payment in "coin of the present standard value," that is to say, in either gold dollars of 25.8 grains of gold, nine-tenths fine, or in silver dollars of 412½ grains of silver, nine-tenths fine, at the option of the United States. But even this extreme advantage to the creditors over payment in "lawful money" of the United States, in which the bonds were bought and in which they were legally payable, was insufficient. All but the most ingenious would imagine that having thus provided for payment in coin then bearing a considerable premium over the current money of the Republic, and having the very standard of that coin fixed in the act, the highest point of vantage had been reached. One device, however, and only one, remained by which the money of the payment could be still further increased in value, and this device did not escape the watchful eye and cunning hand of the public creditors.

They clearly saw that if by legislative enactment they could secure the rejection of one of the money metals they would succeed in enormously increasing the value of the metal retained. This they accomplished by the demonetization of silver, and thus by striking down one half the automatic money of the world and devolving the money functions exclusively on the other half, added thousands of millions of dollars to the burden of the debt.

THE PRETENSE TO "STRENGTHEN THE PUBLIC CREDIT."

It will be observed that this anxiety to strengthen the public credit was evinced by the bondholders after and not before the bonds were in their possession. No anxiety for the public credit was manifested by them at a time when the Government might be able to reap advantage from it. The Government having parted with the bonds at a heavy discount, their selling price in the market became a matter of no direct pecuniary importance to the people of the United States.

The "strengthening of the public credit" that was to be effected by the act of March 18, 1869, consisted of a rise in the price of the bonds for the benefit of the holder, at a time when they were no longer the property of the Government, but of private individuals. The real effect of the act, therefore, was not in any way to benefit the Government, but greatly to enrich, by an increment unearned and unbargained for, a few men who had already been greatly enriched by their dealings with the United States. The title of the act should have read "An act to strengthen the bank account and credit of the holders of United States bonds."

The excuse and apology for the act was that by its passage the refunding process then contemplated, and afterward provided for by the refunding act of

1870 might be rendered more certain of success; but if any advantage accrued from that cause, it was lost, and much more with it, by the increase which the act of 1869 effected in the burden of the bonded obligation, by pledging the nation to a payment in a medium much more valuable than the medium provided for in the contract. And again, in 1873, when all the bonds provided for by the refunding act of 1870 had been sold and had passed out of the hands of the Government, another act was passed, intended by the money-lenders again to strengthen the public credit, and again to the disadvantage of the people and to the exclusive and enormous advantage of the bondholders. It bore the innocent title—

"It bore the innocent title"—

of "An act revising and amending the laws relative to the mints, assay offices, and coinage of the United States." This act, bearing on its face no suggestion of any change more serious than that of regulating the petty details of mint management, has proved to be an act of momentous consequence to the people of this country. This is the act that demonetized the silver dollar, which it did by merely omitting that coin from the enumeration of the coins of the United States.

There was the act demonetizing silver, and the Nevada Senator has portrayed more forcibly and more plainly than I can do the conditions that surrounded and the influences and motives that led to its enactment.

The bondholder had bought his bonds at a heavy discount; he had paid for them in a depreciated currency; he had induced a Republican Congress to change the terms of the contract years after its execution, and make the principal as well as the interest of that bond payable in coin in defiance of the contract. He had then concluded that he could grind still more out of the taxpayers of the country by demonetizing silver, and leaving his bond, both as to its principal and interest, to be paid to him in gold and in gold alone. It was this that a Republican Congress in 1873 gave to him, and the limit of his greed was measured only because his avarice could reach no further.

When the financial legislation of this country for the last twenty years is carefully and impartially reviewed a candid mind is forced to the conclusion that Christ, with a lash, scourged from the temple a better gang than those who have framed and fashioned our policies.

We are the largest silver-producing country upon the earth. What reason, what excuse, what explanation, can be offered by any man for our striking down the metal of which we produce more than any other nation and enthroning as a single standard a metal over which we have no control?

I favor the amendment that proposes to give free silver coinage to this country.

During the sixteen years that I have been in Congress I have stood here as the earnest advocate of that metal's restoration to its old and honored place upon a fair, even plane of equality with gold. Whence comes the opposition to this amendment? Not from the West nor from the South; not from the producing sections of this country. Oh, no; but from the East, where the bonds are held and the wealth is massed. It comes mainly from that section whose people claim the right to dominate, not because of their contributions to the general fund, but because of their successfully levied exactions upon the people. Through the operation of cunningly devised and unrighteous tax laws and financial schemes like these they have come into possession of the earnings of men less cunning, but more industrious and more honest than themselves. And now they claim the right to rule by reason of their moneyed power.

You gentlemen may as well learn here and now that the American people, as recently demonstrated by their action at the polls, have come to consider their condition and the causes that have led up to it. It will be as well for you to learn now as later that your domination is ended; that the star of empire is moving westward. The scepter has departed from the tribe of Judah. The mighty West and the rejuvenated, prosperous South have endured the fleecing process until patience is exhausted. They mean that just laws shall be enacted and that unjust laws shall be repealed.

But we are warned not to give silver free access to our mints, and coupled with this warning we are told that if we do the gold in this country has already sprouted its wings with which to take its flight to foreign shores. No fact is offered to support this prediction; nothing is given us save the threat, and that consists of the opinion of men who have prophesied before, but who, in every instance, have proven to be false prophets.

These same dogmatic people told us that if the limited-coinage act of 1878 was passed there would not be left a single gold dollar within the limits of this country. Despite their threats, ay more, Mr. President, despite the veto of their President, we passed that act, and to-day there are more than three gold dollars in this land where there was one when they made these false predictions.

They told us more. They said that the passage of that limited-coinage act of 1878 would prevent the refunding of the national debt at a lower rate of interest; that it would debase the Government's credit; and yet under the operation of that law we have refunded the country's debt from a 4½ per cent. basis down to 3, and that coupled with a premium to-day of 125 in the markets of the world upon our outstanding 4 per cent. bonds. In short, these prophets told us everything that has not happened and never told us anything that ever has transpired. In olden times false prophets were stoned; but in this Christian era, for the benefit of the Senator from Ohio and those who follow in his lead, let us hope that they may be forgiven.

But the opponents of this amendment insist that its adoption will drive from our shores the gold that is here. No proof is offered, no argument submitted, no fact adduced to support the threat. But assuming all to be true that they would have us believe, let me ask, why would the gold leave this country?

What better or more profitable investment could that gold find abroad than is offered to it here, whether it be in real estate, in mines, in railroad stocks, or other enterprises in which productive industry engages? Tell me, pray, what clime or country offers greater inducement for its investment than it has with us. But granting everything; admitting that the gold that is now here should leave us instantly upon the passage of a free-coinage-of-silver bill; for the sake of the argument let us grant it all, what harm would come of that?

Practically it is not to-day an integral or an element in our circulation. Gold does not circulate among this people. I have not seen a gold coin within the twelvemonth past, and such I take it would be the testimony of the average American citizen.

Suppose it went abroad, it would not embarrass us. It would naturally go to the gold-standard countries of the world, and there it would perform for us a friendly, valuable service in maintaining the prices of the products that we furnish to those people.

In round numbers the output of the world's product of gold is a hundred millions of money. Almost one-half of this is deflected from the channels of trade and the arteries of commerce and goes into the arts; the remainder, if every dollar of it thus left unemployed by the arts was poured into the business channels of this country, would scarcely produce a ripple upon our financial surface.

But our friends of the opposition tell us that if we give free coinage to silver the country will be flooded and our own mints overcrowded with the silver of foreign holders. There are two answers to this suggestion. In the first place, it is not true and there is no ground upon which to base the apprehension. This debate has shown conclusively that there is no country of this earth which holds any appreciable amount of silver money or silver coin that can under any conditions or under any circumstances be induced to part with it. Suppose that foreign nations brought their foreign silver coin here to be reminted. What then would happen? If the Senator from New York is right he told us upon the day before yesterday that after it was done, after the French and the German or the foreign holders of silver coin had brought it here and had it recast without cost or charge in our mints, it would command nothing more than its bullion value in the markets of the world.

If that be true, Mr. President, the Senator from New York has furnished the answer to his own objection. If that be true, then the foreign silver-holder would reap nothing as his profit except the privilege of paying the ocean freights. He would go back with exactly what he brought when measured by the standard that the world applies. It is farcical. It does not reach the dignity either of an argument or of a suggestion that is worthy to be answered.

Mr. President, I am not an expert in the intricacies of finances. I am not authorized or fitted to speak for any save the average class of my countrymen who obey the laws, pay the taxes, and honestly endeavor to support the Government under which they live. From this standpoint, assuming to speak for that element of our people, I declare that I would gladly exchange the present depressed condition of the producing classes of my country for that which would follow the influx of a currency as good as silver used to be and always would have been but for the devices that were employed by those who were more heedful of personal advantage than of public good.

The financial policy of this Government, to which I have adverted, is but a part of that still broader and, if possible, more unfair and outrageous tariff system which for a quarter of a century has served its purpose of securing an unequal distribution of the products of American labor. And, strangely enough, our friends who oppose the adoption of this amendment find themselves unable to reconcile the inconsistencies of their position.

When the tariff is under discussion we are charged with being the advocates of British theories, but upon this issue the tables seem to have been turned. The British theory of a single, gold standard finds its champions in the Senator from Ohio and those who follow his leadership. He and they may not like England's tariff views, but they appear to be amazingly enamored with her financial or monetary policy, so long as it serves the purpose here as it has served there of the annuitants, the capitalists, the money-holders, and the money-changers, even though it grinds to poverty the toiling millions of our land. If we are British advocates upon the tariff, pray tell me who are her minions and hirelings here and now.

Mr. President, this debate has been so thoroughly exhaustive, so elaborate in detail, upon the part of the advocates of this amendment that it would not only be unnecessary and out of taste, but smack of vanity for me to offer any additional suggestions. I trust, sir, that the day is not far distant; I trust that the time has come, and that ere the ides of March shall be ushered in the Senators who represent the

sovereign States of the greatest Republic upon which the sun of God has ever shone, and the Representatives of the bravest, freest, manliest, and most intelligent people upon this earth will unite in doing one act of justice, restoring silver to the place and to the position which it held and which it honored for more than three thousand years.

Mr. MORGAN. Mr. President, in rising to discuss this very great question again, as I have done frequently since I have been a member of this body, I should feel embarrassed by the immense amount of statistics, learning, and information that has been flooded upon Congress and upon the country in regard to silver and gold coinage and the question of fixing a parity of value between these two metals, and I should not attempt to make any suggestions further than have already been made upon this question were it not that I consider that this is an opportune and emergent time for the Congress to come to the relief of the country. Our crops are very abundant; our mining interests are developing enormous yields of coal, iron, copper, and other metals; our forests are being cut down and transformed into commercial values, and, indeed, every industry in the country seems to have prosperous markets and to be engaged in active enterprise in forwarding the grand march of the progress of the people of the United States.

But notwithstanding the great abundance of our productions, notwithstanding that the farmers and mechanics, the artisans, the manufacturers, the miners, and the fishermen have all contributed in the most bountiful way to the volume of our productions and commerce, notwithstanding there is great zeal, earnestness, and activity in all classes of producing and commercial men, there is still some want, there is still something to be supplied, there remains something to be done to check and to remedy, if possible, an evil which is so hidden away, so hard to understand, it seems, that the wisest of minds seem almost incapable of comprehending what is needed.

We find that there was overtrading in the Argentine Republic and in other South American States. There had been very large investments upon credit which was based on the prospect of an abundant supply of English capital. The Argentine Republic engaged in an effort to swell the volume of its currency without a good basis of redemption and became largely indebted in England particularly and somewhat in France and in Germany, and when the period of liquidation came around it became necessary, it appears, that all the great capitalists should combine in France and in England to come to the relief of that one point, I may say, of overspeculation and overtrade in the world. I have not heard of any commercial or financial disturbance of a serious nature in any part of the earth except in that portion of South America. It is true that there has been in the United States a good deal of booming, a good deal of activity in the creation of debts based upon future prospects of increased value in real estate and otherwise, but nothing like a sum sufficient to disturb the commercial equilibrium of this country.

When the capitalists in Great Britain become alarmed, the men who have a gold policy, who rely upon gold for the redemption of every promise, public and private, and as the regulator of all values, not only in Great Britain, but through their exchanges and their clearing houses the regulator of values throughout the world, we find that the men who own gold and depend upon gold for the prosperity of that country become all at once timid, that gold is withdrawn from the banks and the great banking houses, and that capitalists become afraid in consequence of this speculative overtrading. A great foundation of finance like the Baring Brothers commences to topple upon its base after having stood firm for more than a century, and the cause of it has been, evidently, that the patrons of Baring Brothers, the men upon whom Baring Brothers could always rely in time of emergency for capital to sustain them in any pinch that might come, alarmed at the overtrading, had determined that they would raise the price of their gold in the markets of the world. They felt, and felt justly, that under existing conditions and circumstances they had the control of the monetary markets of the earth, and feeling thus they commenced to withdraw their deposits from the various public institutions and banks, and Baring Brothers found that they were drawing against resources of credit which would not yield them the money to meet their obligations.

Then there was a reflected action upon the United States, and all at once we found the money retiring from the banks in this country; it was being locked up in the private vaults and in the safety companies. Money was brought, we are informed, from New York into various cities. A large amount of it was brought into this city by some of the most prominent bankers here and stored in the vaults and lockups which are kept for that purpose in this place. The withdrawal of this money from the banks naturally caused them to limit their discounts. They began to be very much afraid that the speculative adventures for which they had loaned money in flush and easy times to men who were mere speculators in stocks and bonds, and the like of that, would fail, and they would not be able to sustain their credit, and they withdrew the use of their money from commercial purposes and from commercial hands, and locked what they could get into their vaults, refusing to make accommodations for the men engaged in legitimate trade in this country.

In easier times the banks had loaned their money to stock jobbers, and, when the least cramp occurred in the stock markets, they had to save themselves by refusing discounts to merchants and manufacturers.

Mr. President, the evil effect of this lock-up has extended through all the avenues of industry in the United States. It has affected the country which I belong to very materially indeed. I do not know how precisely to estimate it, but other men, who are wiser than myself in such matters, have estimated that we have made a loss in the South upon the present crop of cotton of not less than fifteen or twenty million dollars in the last six or eight weeks in consequence of this lock-up.

When we come to speak of the independence of the United States and to think of the duty of the people of this great Republic, containing now more than 62,000,000 inhabitants, of their having a financial policy which belongs to them and is based upon their own industry, their own commerce, and their own institutions; when we see how a spasm of this kind, occurring in the Argentine Republic, can be transferred across the Atlantic Ocean to Liverpool, London, Paris, and Berlin, and then be again reflected back upon the United States, and from the money centers of the United States out over the agricultural and mechanical and industrial and mining fields, and produce calamity—for it can be called by no milder name than that—amongst the people of this country, with this great abundance of material, the result of their labors, we must conclude that the time has come when the people of the United States should make their second declaration of independence.

It is not so much of consequence to us that we have the freedom of enacting our own laws and building up and sustaining our own institutions if those laws are to be set at naught, and those institutions are to be perverted from their benign purposes by the influence of opinion or financial distress across the water. It is not worthy of the American people in the present stage of our progress that we should any longer decline to base our financial policy upon our own unfailing industries, that are so actively and enormously increasing.

Allusion has been made during this debate, and it has been stated for years and years past, that we are producing in this country what is practically $50,000,000 of silver bullion every year. In ten years that is $500,000,000. If it could be realized that $500,000,000 in silver coin will be added to the production of gold coin in this country, carrying it up to about $800,000,000 of coin in the next ten years, and if the policy of the Government of the United States could be a fixed and settled one, that the coins which are produced by our own mines, even, should find free circulation according to the wants of the people for the next ten years, and that thereby $800,000,000 could be added to what is properly and justly called the basis of redemption of all promises in this country, no fact and no condition could be stated that would contribute more to the solid progress of this country.

What we need most is faith in ourselves and our own country. The trembling hands of our misers and hoarders of wealth are too feeble to reach out and grasp the blessings that abound in our own land and should bear fruit under our own laws.

The gold and silver coin or bullion of the world, Mr. President, is, after all and in spite of every opposition, the real money of redemption for all promises, public and private. Governments may twist this matter as they will, they may try to prohibit it if they choose, but, after all, every civilized nation will adhere to this policy. Whether the government of any nation does it or not, the people will adhere to the plan and policy of having the ultimate redemption of all promises, public and private, in coin of gold or coin of silver. Accepting that as an actual and true proposition—and I think no man will be rash enough to doubt or dispute it—we can not discard from our monetary system with safety to our own prosperity either coins of gold or coins of silver. We may attempt to do that, but the people, after all, will overrule the legislators, and they will accept and establish amongst themselves coins of gold and silver as the fundamental basis for the redemption of promises.

In several States, when there was need of more coined money, notably in California and North Carolina, private mints have coined gold and silver in large quantities that had free circulation among the people. No law can prevent the people from the use of gold and silver as money.

The safe basis upon which a circulation can be predicated on the experience of this nation and other countries in the use of gold and silver coin for the redemption of public promises is $1 of coin for $3 of paper promises. Any bank is considered to be entirely solid that is in the hands of honest men if that bank has the power at any time to bring to the front $1 of gold or silver coin for the redemption of $3 of its paper promises. The United States has two sources upon which it can rely for the redemption of its promises to pay. The first is the metallic basis of gold and silver coin struck from native bullion, and the next is the receipts through the customhouses and other taxation, and the expenditure for the support of the Government in the vast annual outlay that we have to make for conducting this immense establishment of ours, and also the expenses of the various State and local governments, including the large cities. We have here, in addition to the gold and silver coins, a basis of redemption in the taxation, through which enormous masses of money are collected annually out of the people and passed through the different treasuries of the United

States, the States, and local treasuries, and are dispensed again in a continued circuit of collection and expenditure amongst the people.

So that if the United States Government, or if any State government, or if any city government issues its promises to pay, after having secured to itself a basis of coin that represents one dollar in three of the actual circulation of money, the medium of taxation alone will employ so much of that money in actual and continual circulation that its redemption is a matter of absolute certainty, and, its redemption being absolutely certain, there can be no doubt about the value of the paper promises.

Mr. President, suppose that we have $800,000,000 of money, gold and silver, to come out of our mines in the next ten years—an actual production of the basis of redemption that the world receives in all of its latitudes and longitudes—and then suppose that the Government of the United States alone, to say nothing of the State governments and the other local governments, choose to predicate upon that basis its paper issues to the amount of 3 to 1, as any solvent bank would safely do and as the Government can very much better do than any solvent bank can, how can any man assume that the paper issued upon a basis of that kind is an inflation?

Who can have a distrust about it? Who can say that it is nonredeemable currency? Who can say that it is money that unnecessarily and unduly increases the circulation amongst the people? Who can say that when a government can produce this amount of bullion within ten years it can not wisely and not safely employ that production of its own mines for the purpose of facilitating trade and commerce and exchange and intercourse amongst its own people? Who can point to a better future for any government in this world than that which I now point to as the secured future of the United States in the production of $800,000,000 of coin in each decade as the basis for the redemption of all promises, public and private? Can Germany promise herself that much from her mines? Not a tithe of it. Can France do it? Not at all. Can England, with all of her vast possessions, her great colonies spreading themselves around the entire globe, can she from all of her colonies predicate a future of that kind upon the production of her mines? Not by any means. But here stands the fact confessed and indisputable that the United States of America every year produces more than half the yield of gold and silver that is in the world.

Now take that and say that in ten years it amounts to the very moderate sum of $800,000,000—and it will run up to a thousand million of dollars—and then predicate upon that fact, as a settled policy of the United States Government, the issue, if you please, of one for one, or two for one, or three for one, which is an absolutely safe calculation, and you have got assured to this country a money supply that is immutable and safe, a policy that is just as certain as the flow of the waters in the Mississippi River, that can be calculated upon without any failure in its results. You have it in your power to secure to this country a policy which in ten years' time, if we utilize it and appreciate its value and employ its magnificent results in our own industries and in our commerce, will make the United States the master of the world upon all questions of finance. We will cease to be beggarly dependents upon the financial policy of other countries.

In view of this fact why should we be here in the Senate of the United States trembling and fearful and almost in a state of panic lest if we seek to use this silver coin and avail ourselves of this natural advantage, some people may conclude that the Government of the United States is becoming slack in its ideas of honor and honesty and public credit and that these men will therefore withdraw their money from circulation and hoard it or send it abroad to some other market.

The policy of fear and apprehension, Mr. President, is not becoming to this people who have their feet planted upon this great rock of safety. There is no need to doubt the future when the present is so assured and the past has been so fruitful in splendid results from our mining industries. We have no need to fear, and yet that is what we are confronted with to-day. Imaginations of evil to come are brought into play. Senators who seem to be under the impression that any legislation on this subject at this moment of time might result in some additional weight to one side or the other of the tottering frame of our financial system dread to take a step to the front, dread to do anything. They are standing here almost in a state of petrification, afraid to turn in any direction to give relief to the people except the one indicated in the bill reported by the Senator from Ohio of extending our indebtedness $200,000,000, to borrow more money from people who have it in order to flood it out into the country through the redemption of our bonds at 25 per cent. premium.

Mr. President, this nation was not half so timid and—I use the word in no offensive sense—cowardly in 1863 as it is now. In 1863 a war was flagrant in this country, the turmoil, bloodshed, and the disaster of which no human tongue can describe in adequate phrase. Our people in the United States were agitated more in respect of their credit than they were in respect of anything else, because if the armies could then be maintained in the field and the great military operations could be continuously conducted, those who were on this side of that terrible line felt no apprehension as to the final result.

What did your Government do at that time? You had an occasion here to raise in one bill $900,000,000 in 1863. That was when the war was in its most desperate phase, when it required the most strenuous exertions on the part of this country to marshal its resources of every kind in men and money and material for the purpose of putting down that internal strife. What reliance did you rest upon then? You did not stop to pledge the honor of the United States that you would pay those $900,000,000 of loan in gold. Why did not your creditors in Germany and in France and particularly in England at that time, in 1863, demand of you that these bonds that you were throwing upon the world in blocks of $900,000,000 under a single act should be redeemed in gold coin? The demand is made now by Great Britain, by the merchants and factors, the commercial classes in Great Britain, that the bonds that you have got outstanding shall be paid in gold coin, that the Treasury notes that are outstanding shall be redeemed in gold coin, and that you shall so far demonetize silver that you can not ask a foreign creditor, no matter of what class he may be, old or new or prospective, that he will take anything but gold coin in the payment of your debts.

Now, why is it that we have shrunk into this poor and abject condition, that now in a time of peace and when prosperity rules in every department of trade and commerce we are called upon by these people abroad that we shall so shape our policy as to give them a positive assurance and give everybody else a positive assurance that hereafter the debts of the United States shall be redeemed alone in gold coin? Why do you resort to that now and why did not your fears alarm you to that extent in 1863? It was because at that time you were not half so much afraid of the awful rebellion that was proceeding in the United States as you are afraid to-day to give offense to the men who have the money power of the world in their control and who demand that silver shall be expelled from circulation and from commerce, and that gold, and gold only, shall be adopted as the standard for the redemption of all promises now and hereafter.

Let them price our securities at what rate they will; we are not dependent upon them. Our own people will take our securities whenever they are offered, with eagerness. They will more than emulate the example of the French when the Republic needed money to pay war tribute to the German Empire then recently born on the soil of France.

Now, I will read just a paragraph from that act of 1863 to show how correct I am in this statement:

That the Secretary of the Treasury be, and he is hereby, authorized to borrow, from time to time, on the credit of the United States, a sum not exceeding three hundred millions of dollars for the current fiscal year, and six hundred millions—

Nine hundred million dollars in all—

for the next fiscal year, and to issue therefor coupon or registered bonds, payable at the pleasure of the Government after such periods as may be fixed by the Secretary, not less than ten nor more than forty years from date, in coin, and of such denominations not less than $50 as he may deem expedient, bearing interest at a rate not exceeding 6 per cent. per annum, payable on bonds not exceeding $100, annually, and on all other bonds semi-annually, in coin.

What was "coin" at that time? Coin was silver and coin was gold. We had then the dollar of the coinage of 412½ grains, and we had then the subsidiary silver coin of 360 grains upon the basis of the French system, and this obligation we were then making included both the subsidiary and the dollar coin, if we had chosen so to construe it. The only word that would put down such a construction as that is the use of the word "dollars" in that act, but surely no one now can deny that the proposition at that time of the Government of the United States was that it would borrow $900,000,000 of money for the purpose of carrying on the war, and that the payment of the bonds issued for that money, for that loan, should be simply in the coin of the United States. The phraseology that was employed in the earliest issues of those bonds was continued through every one of the series, and no bond has been issued by the United States Government of that series, or as a successor or refunding bond of that series, that did not contain the same provision, and it spoke of the "coins of the United States," the legal, lawful coins of the United States of the standard value on the day that a certain act of Congress was passed, and the men who took our obligations all took them with that condition in them that they were to be paid simply in coin, without respect as to whether the coin was of gold or silver.

Mr. President, I ask again the question, how was it that in the time of this great public strife and contention the Government of the United States did not find it necessary to put into its statute books that its obligations should be redeemed in gold coin, and now, in a time of perfect and profound peace, the effect of our legislation is that our obligations of every kind and character, including the $200,000,000 that the Senator from Ohio desires to borrow, shall be paid and paid only in coins of gold? How is that? That results from the fact that you have demonetized silver. It is true that we are making limited issues of silver coin. We have a certain limited amount of silver coinage under the law of 1890; but that is a cramped condition, and one that can by no means meet the emergency as it will arise. That act really gives no credit to the United States based upon silver coin.

A part of the panic that seems to be felt by Senators on this subject is due to an apprehension on their part that after silver, which they say will be a cheaper money, has become of general and unlimited circulation in the United States, the gold will lift itself up and go

away into foreign countries. Now, let us observe the processes by which this thing is to be accomplished? How is gold to be transported to a foreign country? It must be done, if at all, in payment of some debt. Otherwise gold would be a mere commodity seeking some other market for sale. If the balances of trade are not against us, if, when we balance up all of the trade of the United States with all the outside nations of the world, we are still ahead, we are still producing and exporting more of value than we import, there can be no difficulty about the gold leaving us, or if it goes it makes no difference. We get for it something more valuable to us than gold when it goes abroad.

If gold departs from us under such conditions as those (which is entirely impossible), but if it should it would leave us none the poorer. Our prosperity would not be in the slightest degree impaired by the exportation of gold to meet a sudden market in some other part of the world if the balance is made up to us continually by gold payments, if we choose to demand gold, for the surplus products of this country exported from this to foreign countries. That argument to a man of plain, practical, common sense has not any value at all. It may do for those gentlemen who sit at their desks and pile up figures and calculations and run through all the intricacies of mathematics, and even into geometry and astronomy, in order to find out something about some solvent for a question that is to be solved only by practical common sense. It may not suit those gentlemen; it may not make their figures true; their calculations may not prove.

It seems in this day and time that, instead of godliness being the great mystery, great is the mystery of gold and silver. The hidden wonder of gold and silver eclipses that declaration in the Scriptures entirely about the great mystery of much better things. So great is the mystery of finance that a man of plain common sense dreads to attack the subject. A subject that seems simple enough to a plain and ordinary mind is so embarrassed with hovering clouds of calculations and conjectures that the whole horizon of truth and good sense is bedimmed and darkened and we go searching about through it with our lanterns to see if we can find a way out of the labyrinth. The truth is that plain people have to deal with it and in a plain way, and if the currency of this country can not be regulated until you inform all of the people who have got to vote upon questions of currency of all the hidden mysteries and calculations that are made by doctrinaires, we shall never have any legislation to regulate finance and we shall never have any prosperity so far as our financial system is concerned. The people are no more allowed to govern themselves about their monetary affairs than they are allowed to regulate the planetary system. But it is a plain proposition to a plain mind that if the people of the United States annually, through decades and double decades, send abroad commodities of their own production of greater value than those that they import into the country the balance must be paid to us, and that it rests with us to say whether that balance shall be gold or whether it shall be silver. It has to be paid. Does not the whole question depend upon that?

In that connection I put this proposition to Senators: What right have we to expect that the balances of trade during the next twenty years will be against us? Who can entertain that apprehension and make a daily companion of it upon any basis of experience or upon any prognostic that is justified by ordinary common sense? It is not an established impossibility, but conjecturally speaking and arguing from cause to effect it is an impossibility that the balance of trade during the next twenty years should be against us.

Our prospects of reciprocal trade with South and Central America, with Mexico and Canada, give us the almost positive assurance of increased balances of trade in our favor. We should hold towards this hemisphere at least the like advantage that Great Britain has in Africa, Europe, and Asia. We can do this if we will.

Mr. STEWART. If the balance of trade should be against us and we are on the gold standard, and foreign countries call for what little gold we have, the whole fabric of our industries would be crushed.

Mr. MORGAN. There is no question of that. It would be like taking the last bushel of meal out of the widow's barrel. There would be nothing left for the family to subsist upon. When the creditor abroad has a balance of trade against us and demands gold and we have nothing but gold to pay in and nothing left at home but gold or the narrow circulation of promises based upon gold, of course we are impoverished, and the balance of trade in a case of that kind becomes absolutely destructive. The scarcity of money that produces famine in our industries will be aggravated to starvation when its full work is accomplished.

But there is another view of this matter. We have to seek markets abroad. We can not desert them; we are obliged to take our productions to them. Can any Senator suggest a worse calamity that could happen to the people of the United States than that suddenly there should be no market for cotton or wheat or any other grain or for the manufactured productions in the United States of any kind or description, in foreign countries? Could anything happen to the people of the United States that would be so entirely disastrous to our prosperity as that the markets with which we trade beyond our own border should all be suddenly dried up, that there should be nothing that we could sell there, and, of course, having nothing to sell we would buy nothing? Our intercourse would be prohibited by circumstances that we could not possibly control, and that would, of all conditions, be the most calamitous.

Nothing can so dishearten enterprise and paralyze industry as a plethora of productions for which there is no demand.

Now I will illustrate that. The State in which I live is a large cotton-growing State. The particular region of the State in which I reside is the largest and best cotton-growing region of that State. We bestow no attention upon any grain except Indian corn. Sometimes we make a supply of that in a good season; at other times we do not; but we do not plant for a crop of Indian corn. As to wheat, barley, rye, and oats, we plant none of those except merely for the temporary purpose of pasturage or to give the plow animals early in the spring of the year a change of food. We import from the great grain-producing centers of the United States along the Ohio and Mississippi Rivers the grain, and at least 60 or 80 per cent. of all the substantial provisions that are used by the large masses of the people in the State in which I live who are engaged in the production of cotton. Now, suppose that we in Alabama should have a drought, or that dearth should be visited upon us by some providential interference, and our condition should be reduced so that we could not buy anything from the grain-producing regions, who would feel the pinch and burden of that calamity? We would feel it, of course, in our starvation, but the people who deal with us and who produce for us and who look to us for a market would themselves be the sufferers by the reflex action of our poverty and distress.

We speak, Mr. President, about a drainage of gold from this country. Could there be anything more beneficial to us really than that there should be prosperity in every market that we visit, that there should be gold and silver there to buy all that we have to sell? Is it not the same thing across the Atlantic Ocean that it is across the Ohio River? Are not the conditions just the same and would not the results be just the same? And now if we could withdraw from Great Britain, France, and Germany 90 per cent. of the gold they have there, Great Britain and Germany being gold countries theoretically rather than practically—if we could withdraw to the United States by some magnificent maneuver of finance 90 per cent. of the gold of England and the gold of Germany, let me ask you where would we get a market for our beef cattle, our grain, our provisions, our cotton, and what other of productions or manufactures we have got to send from our surplus to those countries? How can we get rich by impoverishing them? How can their dilapidation and their distress contribute to our prosperity? What use have we got for gold in the United States if it be not to stimulate commerce, trade, and traffic in our midst, to make redundant productions to send to foreign countries for sale.

Therefore, even if a turn in financial policy should send gold out of the United States in large quantities, I can not see that a people who are overproducing in agriculture and in manufactures and in all of the productions of soil and climate which are so rich and abundant here—I can not see how it is that a condition of affairs like that would really militate against the prosperity of our industrial classes in the United States. It might depreciate securities or something of that kind; it might affect Wall street; it might affect the Jews who deal in bullion; but when you come to ascertain what the actual result is upon the real industries of the United States I do not see that there is any danger to them at all in the exportation of gold from the United States in the ordinary channels of the interchange of commodities between the United States and foreign countries. So I do not participate in the slightest degree in the apprehensions which are being continually mentioned here, and which seem to be the whole weight and burden at this time of the opposition to the remonetization of silver and the restoration of that metal to its former position and relation amongst the people of the United States.

Mr. President, after this brief survey of what the effect might be as between us and foreign countries and after having presented in this inefficient way the great leading facts which show that after all there is no great danger in our gold being transferred from us to foreign countries, let us come home and see what the effect is here; for if we do not have prosperity in our midst it matters little to us whether foreign countries buy from us or not.

We must first produce; we must produce in a sufficiency to give every person in this country as good a living, as comfortable a condition as he is able to purchase with labor or money, and then we are to have a surplus over that to send out into foreign lands if we would be a really prosperous people. But our first duty, of course, is addressed to the proposition that we shall enable our people here at home to produce more than they have been producing. I know that many honorable Senators, and among them one of the most venerable who sits before me now [Mr. MORRILL], have given frequent advice in this country to the agriculturists that they should shorten up the production of cotton, that they should shorten up the production of wheat and the production of corn and the production of provisions in order to overcome the depression of the market, to raise prices amongst the agriculturists of the United States by refusing to permit the bosom of the earth to yield its natural fruits to humanity.

I do not wish to characterize a policy of that kind in any harsh words,

but I wish to demonstrate in a very few words its utter impracticability. It has been a dream amongst the cotton-growers in the South that we should shorten up our cotton crops because, knowing that we have a monopoly of that crop the world over, it has been thought by some of our wisest men that if we should make 3,000,000 bales instead of 9,000,000 we could three times increase the price of the 3,000,000 bales and save all the difference in cost and expenditure of labor in the making of 6,000,000 bales annually and that the best policy that we could pursue would be merely to cut our cotton crop down to one-third of the regular standard of production at the present time. That subject has gone through all manner of discussion. In the newspapers, in magazines, in debating societies, around the fireside, in commercial clubs, boards of trade, everywhere, that question has been continually mooted, and what has been the result? A rise of an eighth or a quarter of a cent in the price of cotton at this season of the year will cause the crop to be projected to its fullest possible capacity, and every man who is engaged in it will rush in precisely as they will go into a gold mine or a placer digging in California, where a new one has been discovered, and they expect by working out the surrounding lands to produce a great deal more of gold.

Mr. MORRILL. I know the Senator from Alabama would not intentionally misrepresent anything that I have said. I have often contended that the increase of consumers was necessary in order to take care of the crops we raise of corn and wheat and other agricultural products, and I have often shown that a smaller amount of cotton had been sold for more money in the aggregate than the largest crop of cotton in the South. I may have urged at some time, years ago, that the people of the South should diversify their agricultural products and raise less cotton and more of corn and some other things. I believe that is the extent to which I have gone.

Mr. MORGAN. I have been very unfortunate in reading the Senator's speeches, and in listening to them, too, if that was the only conclusion to which he arrived, that there should be a diversification of crops; but that is not the fear. If the people of the United States, who have perfectly free trade amongst themselves, in certain localities can raise flax, they have a right to sell their flax for all they can get for it and to raise as much of it as they can produce, notwithstanding another textile is raised in the South that is its competitor for the clothing of the human family. So when you can raise corn and wheat and products of different kinds in the Central and Western and Northwestern States of the Union and you can not raise cotton there, why is it not a correct and just and wise policy to let the laws permit every man and encourage every man in the raising of those crops which belong naturally to his soil? How shall I bring the moist slopes of the Alleghany Ridge here into competition with the dry plains of California in the production of grapes and other fine fruits? Who would be heard to say to California, "Cut down nine out of ten of your fruit trees and your grape vines and produce less of that rich and beautiful fruit in order to send it across here and get nine times as much for the reduced product as you now get for the enormous masses that you send here of those delightful edibles?"

That policy, Mr. President, will not do. The duty of the Government of the United States, as far as it has any duty—and I admit it has got a very great one—is to furnish a currency to the people of this country which is not only sufficient, but more than sufficient for the present wants of the country, a currency that is continually increasing, not by an inflation of promises to pay merely, but by a spread of the great, broad, metallic basis of redemption.

The next argument that is made against the coinage of silver, so far as it applies within the United States, is, that if you admit silver to free coinage, as was done heretofore for nearly three-fourths of a century, you will at once create a margin between silver and gold, a speculative margin, and speculators will get hold of it, and gold coin will be at one price and silver at another, notwithstanding the law has established between them a certain parity or fixity of value, an arbitrary one, it is true.

That is the argument now that is brought to bear, and that argument has been, I think, of all the rest, the most pointed and perhaps the hardest to answer, for we have seen here speculations in Wall street between gold and the promises of the United States Government, which ought to be and are equal to gold at any and all times. We have seen such speculations, and it was apprehended, and perhaps with some degree of justice, that if the full flood tide of the coinage of silver was let on, what is called the more precious money, according to the fixed ratio of value at the present time, would seek retirement, would go into the background lying in ambush and looking out for speculation, and that a margin would be created between that class of money and silver money. It looked as if there might be some reason for that, and yet we have found that, by the issue of silver certificates and gold certificates, that event has been entirely prevented and we have no authority for saying that there has been no opportunity at all within the last ten or fifteen years for having a margin between gold and silver coins in the United States. The national banks and the clearing house of New York attempted to make such a margin on one occasion. They absolutely refused to pass silver certificates through the clearing house, and we had to pass an act of Congress that the national banks should forfeit their charters if they refused to do it, and in that way we supposed we would get rid of the difficulty. Then some of the leading New York papers came out with advice to the banks that they should practically nullify that law by failing or refusing to offer the certificates as clearing-house money. You can condemn them, they said, and prevent Congress from accomplishing the purpose that it has placed in the law simply by refusing to offer them for exchange or to pass them through the clearing house.

The most powerful efforts have been made by the most powerful financial men in the United States to create this margin between silver coin and gold coin, and they have not been able to do it. On the contrary, when the Senator from Ohio [Mr. SHERMAN] was Secretary of the Treasury he carried into the Treasury of the United States as much as one hundred millions of gold, I think it was, which was exchanged in the subtreasuries for silver certificates. So far from their being able to create a margin between the coins of gold and coins of silver, the banks have failed. The Treasury adopted a different scheme, and the people have never thought of looking at a gold certificate or a silver certificate with a view of making a contrast between the two, or at a five-dollar gold piece or five dollars in silver with a view of selecting between the two which of them they would rather have unless it was a matter of mere convenience.

Now, there is another part of that subject which is worthy of consideration. Gold does not actively circulate as money. You can not make it circulate as money to any great extent. In the hands of the common laboring populations and industrial populations of the United States, they have not any use for it in their necessary transactions. They do not like it. They do not want it. It is too difficult to handle. It is too precious. The loss of a small mite of gold carries with it a very severe draft upon the labors and earnings of a common poor man. When it is lost, usually it is lost beyond recovery. The loss of a silver dollar is a matter that can be more easily reclaimed probably than the other. Gold does not circulate amongst the people. You have got your subsidiary coins here, 360 grains in two half-dollars, and 412½ grains in one round full dollar. There is a discrepancy between the two; and yet there is no laboring man in the country who would not just as soon have four quarters of a dollar or two half-dollars as a full silver dollar.

We can not dispense nor can any civilized nation in this world dispense with silver as coin to circulate amongst the people. The quantity of it which is necessary for the daily exchanges in the smaller transactions of life every nation has reserved to the people in its coin policy, no matter how golden it is, and has provided and continues to provide for its people a full supply of silver subsidiary coinage. Now, can any man say that it is just in an economical or monetary or financial sense to put in the hands of a common laboring man four quarters of a dollar that weigh 360 grains, and as a legal tender also for his day's work, when he would be entitled to 412½ grains of silver, if the amount of silver that he got made any difference to him?

Why do we stickle upon points like this when every day we are requiring the common laboring people of this land, and a great many who are not laboring people, to receive in exchange, as legal tender, coins that contain only 360 grains in place of 412½? Where is the logic or the morality or the consistency in that attitude on the part of this Government if there is any danger at all of there being a margin in value between four quarters of a dollar and one round silver dollar weighing 412½ grains? There is none. That is the answer to the whole problem. Your four quarters of a dollar are worth just as much to you under the legal-tender laws, as much in all the commercial transactions that you have any connection with, as if you had a dollar of 412½ grains. It is not the amount of silver in the coin, but the stamp of the mint upon it, that gives it legal value in domestic circulation.

Mr. President, the point that I have been trying to discuss, whether it rests in imagination or whether it rests in fact, that there might occur a discrepancy in the value of gold and silver coin, that there might be some speculative opportunity furnished to depress one and raise the other as circulating money in the country, is safely met and answered by a proposition which is contained in this bill, and which for the first time found its way into the laws of the United States in respect of coin and coinage since 1863, in our financial legislation in 1890.

I have already pointed out in the opening of my remarks that in 1863 the Government of the United States thought that its obligations were properly redeemable simply in coin. Then that feature of the redemption was in effect dropped out of all other obligations by the demonetization of silver, which made the obligation in the bonds then issued and all future contracts of the Government an obligation to pay in gold coin, and not in the coin of the United States, and it was not until 1890, in the last financial act which we passed in this Congress, that the words "coin of the United States" were again employed in our statutes. It was then that we got back as far as our condition was in 1863 in the declaration of our financial policy. It was then that we were willing to risk the policy and the reputation and credit of the United States in times of peace, upon the same words and the same basis of legislation that in 1863 we rested the success of the great internal war that was then being conducted in this country.

In the act of 1890 we provided for the issue of coin certificates pay-

able at the option of the United States Government in coins of gold or coins of silver. Now, a Senator has got one of those coin certificates in his pocket for $1,000 and he knows perfectly well that the credit of the United States is always good for the redemption of that $1,000 certificate in coin of gold or coin of silver according to his wish and preference, and while the law reads that the Government shall have the option (which, I think, is an improvident provision), yet it is morally certain that the Senator can go at any time he chooses to any subtreasury and have that $1,000 certificate redeemed either in gold coin or in silver coin. If silver in the market happens to be at a bullion premium he might possibly prefer it in silver coin, and if gold happened to be at a premium he might possibly prefer it in gold coin. He could not have a preference of that kind within the United States, unless it be in respect of a mere matter of personal convenience of carrying it about his person, for the legal-tender law operating in conjunction with the coin certificate places them both, in the eyes of the law and in the estimation of all commercial and financial circles, at an exact equilibrium and a perfect parity.

That device, Mr. President, has solved this whole question of a margin between gold and silver coins so far as it concerns the people of the United States. If to-day every one of our promises, including the greenbacks and national-bank notes, were promises which carried upon their face a pledge of redemption in coin they would all be just as good as gold, and they would all be just as good as silver, and they would all be just as good as gold and silver, combined with the credit of the United States; and you could not have anything better than that.

Now, sir, as to the basis of the redemption of these coin certificates, founded, as they are, upon the honor of the United States and secured by its great taxing powers, which we never have in times of direst necessity stretched to any degree that did not meet the hearty welcome of the people, based upon the power of taxation and upon a vast volume of annual collections and expenditure in the matter of conducting the Government. There could not possibly be any system of finance more perfectly secure than that of the United States when its Treasury notes are in the form of coin certificates. That is, of course, in respect to our own internal affairs.

How is it in respect of our foreign financial affairs? Your greenbacks do not go abroad, your national-bank notes do not go abroad in any large sums, none of the paper issues of the United States go to London, and none, you may say, of the paper issues of the Bank of England or the Bank of France or the Bank of Germany come here. These paper issues are not interchangeable commercially between these great nations, and they have not anything to do with the question of the adjustment of the difference in systems of finance between this country and foreign countries.

When you import gold sovereigns from Great Britain or other gold coins from France or Berlin, what are they when they touch the customhouse at New York, or Philadelphia, or Boston? They are commodities, they are bullion, and unless you choose by the laws of the United States, which would be a very unnecessary and unwise provision which we used to have, but have repealed, to make those coins legal tender in our own country; they have no money value at all, not as money. They have a bullion value, and nothing but a bullion value. So when your coins of the United States, your eagles, your five-dollar pieces, your twenty-dollar pieces, or whatever they may be, go abroad to other countries, they are measured there by their standard of value; they are measured there by the fineness of the gold and the quantity that is contained in the coin. They are mere bullion, and you could not make anything else out of them unless the laws of those countries receive those coins as legal tender for the satisfaction of debts. Therefore it is a matter of absolute impossibility, by legislation, to regulate the interchange of coins between this and any foreign country, even Mexico and Canada, so as that your coins, when they pass your border, shall cease to be bullion, and their coins, when they pass their border coming this way, shall cease to be bullion.

It is a traffic in bullion and nothing else, and the value of the bullion does not depend upon the mintage; it depends upon nothing of that kind. It depends upon what happens to be the bullion value of gold or the value of silver in the controlling markets of the world or the market of the particular country to which you send it.

To say nothing about what we might do possibly as a treaty-making power in arranging as legislators for the people of the United States a financial system including coinage, mintage, and all that, what have we to do with the question how these coins, whether they are of gold or whether they are of silver, are to be received in foreign countries? Why, Mr. President, there is no question concerning that except the redemption feature.

If coins of gold and coins of silver can be used interchangeably and indifferently as a basis of redemption in the United States you have got the whole question settled; there is nothing left of it after that. It is a domestic question; it concerns the United States and that alone, and we will legislate and legislate in vain in the effort to prescribe to foreign countries what they shall do with our coins when they get them there or what value they shall impute to them. If we take care of our own country and establish our laws upon our own foundations of industry and the yield of the mines in respect to the coinage of silver and gold on the bullion value of silver and gold, we shall do all that the people of the United States could possibly expect of us, and we shall make of this the richest country in the world. We have nothing to do but to turn our faces resolutely to the front and to proceed upon our own soil to legislate for our own people in our own way.

Now, I do not believe that all the figures that can be produced by the wisest doctrinaires of the world can overturn these plain, commonsense propositions. I think they are the basis of all of the financial policy of the United States or they ought to be, and when we examine these propositions in the light of experience, in the light of logic, in the light of reason, we find that they are not amenable to any sort of doubt in our own minds, and therefore we need not hesitate to go back to the days of 1863 and declare that the promises of the United States Government and all other promises shall hereafter be redeemed on the double metallic basis.

Mr. President, the observations I have had the honor to make this evening are merely introductory to the presentation in the Senate of the remarks that were made by one of the greatest men who ever adorned this body, and who has so recently departed from our midst that his voice can almost be heard ringing around this Senate Chamber. His presence is now almost a reality. The last speech that was made by the honorable Senator from Kentucky, James B. Beck, was certainly one of the finest and ablest of the presentations that have ever been made in this Senate.

His utterances were not intended for prophecy or as safe conjectures merely. They were based upon history and his own observation. But they were prophetic as well as historical, and they now come to mind both as admonition and encouragement. He was not able in the latest controversy that we had over this matter to participate in the debates; he had to stand by and look on with the most yearning anxiety as to the results. His advice was always valuable, and the remainder of the remarks that I shall make upon this occasion will be to ask the Senate to hear from the lips of Beck's friend and admirer, from the lips of a Senator who believed in his wisdom and his truth, his latest utterances in this body upon this subject. They are instructive; they are valuable; and it is only just to the memory of that great man that the Senate should listen again to his advice upon this very grave and important subject. Were he back here to-day he would not alter a line of what he had said. All the experiences of our people since he passed from this world, in their financial straits and struggles, have only verified what Mr. Beck said in this body the last time he addressed it upon this great subject.

If, as we hope and confidently believe, the people shall at last enjoy the triumph of the restoration of justice over greed and avarice in our coinage laws, it is only fitting and just that the name of James B. Beck should be recalled and his wisdom and faithful labors applauded in the rejoicings of the people.

Mr. FAULKNER. I suppose the Senator from Alabama is rather weary now, and will not be able to complete his speech this evening.

Mr. CAMERON. I move that the Senate——

Mr. MORGAN. I think it will take an hour longer for me to present my views on this subject.

Mr. DOLPH. Will the Senator allow me to call up a bill which will take but a moment?

Mr. CAMERON. I move that the Senate proceed to the consideration of executive business.

Mr. DOLPH. On that I call for the yeas and nays.

The PRESIDING OFFICER (Mr. PLATT in the chair). Before putting the question the Chair will lay before the Senate a bill from the House of Representatives for reference.

HOUSE BILL REFERRED.

The bill (H. R. 12365) to authorize Oklahoma City, in Oklahoma Territory, to issue bonds to provide a right of way for the Choctaw Coal and Railway Company through said city was read twice by its title.

Mr. CULLOM. Precisely such a bill, I think, has been reported from the Committee on Territories of the Senate. I ask, therefore, that the bill be laid upon the table for the present, and printed.

The PRESIDING OFFICER. That order will be made.

E. H. MIX AND OTHERS.

Mr. DOLPH. The Senator from Pennsylvania yields to me to ask unanimous consent to consider a bill to which there is no possible objection. It is House bill 5474.

The PRESIDING OFFICER. The Senator from Oregon asks unanimous consent for the consideration of the bill (H. R. 5474) to make payment to E. H. Mix, E. H. Griswold, D. D. Griffith, and C. C. Goodspeed on erroneous land-entry payments. Is there objection?

Mr. CULLOM. Let us hear it read first.

Mr. DOLPH. Let it be read.

The PRESIDING OFFICER. The bill will be read for information.

The Chief Clerk read the bill, as follows:

Whereas the said persons entered 80 acres of land at United States land office at La Grande, State of Oregon, and by mistake of the officers thereof paid the United States $5 per acre instead of $2.50 per acre, the legal price therefor: Therefore

Be it enacted, etc., That there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $200, and that the same be

made payable and be paid to E. H. Mix, E. H. Griswold, D. D. Griffith, and C. C. Goodspeed, of the State of Oregon.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading; read the third time, and passed.

The preamble was agreed to.

THE BLUFORD WEST SALINE.

Mr. CAMERON. I renew my motion that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The Senator from Pennsylvania moves that the Senate proceed to the consideration of executive business.

Mr. VOORHEES. I hope the Senator from Pennsylvania will allow me a moment, while I venture to ask the Senate to consider a bill which ought to have been passed a long time ago. It will take but a moment. There is not a particle of discussion about it. If the Senator will allow me to have the bill passed I shall be very glad to acknowledge his kindness. It is the bill (H. R. 8947) to pay the administratrix of the estate of Bluford West, deceased, for the Bluford West Saline, in Cherokee Nation.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. CULLOM. Let us hear it read first.

The PRESIDING OFFICER. The bill will be read for information.

The Chief Clerk proceeded to read the bill.

Mr. ALLISON. I think that had better go over.

Mr. INGALLS. Mr. President, is there a quorum present in the Senate?

The PRESIDING OFFICER. Objection is made to the consideration of the bill.

Mr. VOORHEES. This is a House bill that has passed the committee of the House, passed the other House, passed the committee of the Senate, and there is no objection to it at all. On the contrary, it was unanimously passed by the Committee on Indian Affairs. I see the Senator from Massachusetts [Mr. DAWES] present, and I ask him to state——

The PRESIDING OFFICER. The Chair must remind the Senator that debate is not in order, objection having been made to the consideration of the bill.

Mr. VOORHEES. I am not debating; I am only asking for information.

Mr. ALLISON. I dislike to object to the consideration of a case of this character, but——

Mr. VOORHEES. It is a little bit of a bill that ought to have been passed long ago.

Mr. ALLISON. That may be, but it is a pretty important matter; and I think we ought to have a fuller Senate when we consider it. I shall not object to it when we have a fuller Senate.

Mr. VOORHEES. There is no objection on the part of those who have investigated it, none whatever. The Senator from Massachusetts [Mr. DAWES] can tell you so. I think the Senator from Iowa will withdraw his objection if he reflects a moment.

The PRESIDING OFFICER. The Chair understands that objection is made to the consideration of the bill.

Mr. ALLISON. I will consent to its consideration later on.

EXECUTIVE SESSION.

Mr. CAMERON. I renew my motion.

The PRESIDING OFFICER. The Senator from Pennsylvania moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session, the doors were reopened, and (at 5 o'clock p. m.) the Senate adjourned until to-morrow, Saturday, January 10, 1891, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 9th day of January, 1891.

COLLECTOR OF CUSTOMS.

Joab W. Palmer, of Maine, to be collector of customs for the district of Bangor, in the State of Maine, to succeed Charles W. Roberts, whose term of office will expire by limitation January 27, 1891.

COMMISSIONERS ON INTERNATIONAL COIN AND COINS.

Nathaniel P. Hill, of Colorado, to be a commissioner to consider the establishment of an international coin or coins, as recommended by the International American Conference, etc., as provided for in the act making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1891, approved July 14, 1890.

Lambert Tree, of Illinois, to be a commissioner to consider the establishment of an international coin or coins, as recommended by the International American Conference, etc., as provided for in the act making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1891, approved July 14, 1890.

William A. Russell, of Massachusetts, to be a commissioner to consider the establishment of an international coin or coins, as recommended by the International American Conference, etc., as provided for in the act making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1891, approved July 14, 1890.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 7, 1891.

POSTMASTER.

Charles R. Luster, to be postmaster at Brunswick, in the county of Chariton and State of Missouri.

Executive nominations confirmed by the Senate January 9, 1891.

POSTMASTERS.

Frank W. Harriman, to be postmaster at Appleton, in the county of Outagamie and State of Wisconsin.

George A. Lincoln, to be postmaster at Cedar Rapids, in the county of Linn and State of Iowa.

Peter J. Potts, to be postmaster at Council Grove, in the county of Morris and State of Kansas.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January* 9, 1891.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. THOMAS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the consideration of business on the Private Calendar.

Mr. FARQUHAR. It was generally understood, I believe, that we should proceed with the unfinished business of the Committee of the Whole, which is the tonnage bill.

The SPEAKER. The Chair would like to recognize first the gentleman from Oklahoma [Mr. HARVEY] for the presentation of a bill.

CHOCTAW COAL AND RAILWAY COMPANY.

Mr. HARVEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (H. R. 12365) to authorize Oklahoma City, in Oklahoma Territory, to issue bonds to provide a right of way for the Choctaw Coal and Railway Company through said city, was read, as follows:

Be it enacted, etc., That Oklahoma City, in Oklahoma Territory, be, and the same is hereby, authorized to issue its bonds, payable in not less than ten nor more than twenty years, at 5 per cent. per annum, to the amount not in excess of $40,000, for the purpose of providing a right of way for the Choctaw Coal and Railway Company through said city.

The following amendment, recommended by the committee, was read:

Add the following after line 8:

"*Provided*, That the proposition to issue the bonds authorized by this act shall be submitted to the qualified electors of said city who have resided therein for thirty days prior to said election, and a majority of said electors shall vote therefor. The mayor and council of said city shall fix the time at which said election shall be held and shall give ten days' notice of the same: *Provided further*, That neither said bonds nor the proceeds thereof shall be used for any other purpose than that hereinabove set forth."

Mr. HARVEY offered the following amendments to the committee amendment:

Line 12, after "and" insert "assented to by."
Same line, strike out "shall vote therefor" and insert "voting thereon."
Line 17, strike out "hereinabove" and insert "hereinbefore."

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. ANDERSON, of Kansas. I object, Mr. Speaker, until some explanation is made of the bill.

Mr. HARVEY. Mr. Speaker, ever since the town of Oklahoma City was started there has been a controversy between the people of that city and this railroad company. Under the decision of the Supreme Court the railroad company is now entitled to a right of way through the city, 300 feet wide, running through the business and residence portion of the city, which is entirely built up. The object of this bill is to adjust the right-of-way difficulty with the railroad company, to give them a street and two blocks of land in lieu of the right of way which they are to surrender. The persons owning the property surrendered, who are to be benefited by this adjustment, are to contribute in part, and the general public in part. If this arrangement is not carried out, the railroad company, under the decision of the Supreme Court of the United States, can tear through the improvements and mutilate the city in a way that we do not want to have done. This is a matter that could be arranged in any city in the gentleman's district by a meeting of the city council in half an hour, but we are compelled to come to Congress for it.

Mr. ANDERSON, of Kansas. I would like to inquire of the gen-

tleman whether these bonds authorized in this bill are to be given to the railroad company or to the owners of this property.

Mr. HARVEY. The bonds are to be given to the owners of the property to compensate them for the loss of their improvements. The railroad is to have nothing whatever to do with the handling of this money. It is not for the purpose of paying the railroad company; it is to pay the parties whose improvements are taken for the new right of way.

Mr. ANDERSON, of Kansas. How long has that city been there and what is its population?

Mr. HARVEY. It is about two years old. The population is about 6,000.

The SPEAKER. Is there objection to the present consideration of this bill? [A pause.] The Chair hears none.

Mr. CANNON. Mr. Speaker, as there is no objection, I would like to know the amount of these bonds that are proposed to be issued.

Mr. HARVEY. Not to exceed $40,000, whatever amount is necessary to pay the owners of property whose improvements are taken in this way. That is what the money is intended for, and it is to be used for no other purpose but to compensate these parties for the loss of their improvements. It is not to go to the railroad company at all. It will take about $75,000 all together to pay for these improvements, but part of it is to be met by individuals.

Mr. CANNON. In other words, it is proposed to give this railroad company a right of way through this city and to bond the city to pay for it.

Mr. HARVEY. No, sir; nothing of the kind. The railroad company already has a right of way, running in an angling direction through the city. The Supreme Court has held that that right of way has attached, and the railroad company has now the right to enforce it.

Mr. ANDERSON, of Kansas. How did the railroad company acquire this right of way?

Mr. HARVEY. By an act of Congress.

Mr. STRUBLE. Mr. Speaker, this bill was reported from the Committee on Territories by the gentleman from Ohio [Mr. MOREY], and I think it might be well for the House to hear him on this subject.

Mr. MOREY rose.

Mr. OATES. Mr. Speaker, I would like to retain the right to object to this bill.

The SPEAKER. The matter is now before the House. The Chair asked for objection and none was heard, and the bill has been debated.

Mr. VAUX. I objected twice, Mr. Speaker.

The SPEAKER. The Chair asked for objections and heard none, and then stated to the House that there was no objection, and nothing was said to the contrary.

Mr. VAUX. I tried to get the Speaker's eye, and objected.

The SPEAKER. Did the gentleman rise in his place and object?

Mr. VAUX. I did, sir. I rose in my place and objected, as I am doing now.

Mr. SPRINGER. I think the gentleman objected, not at the particular time the Chair submitted the question, but when the request was made.

The SPEAKER. The Chair asked for objection, heard none, and announced that there was no objection.

Mr. VAUX. Two of my colleagues sitting alongside of me heard me object.

The SPEAKER. The Chair wishes the House would be in such order that objections may be heard when presented and that gentlemen may be heard when they address the House. This can be done by every gentleman remaining in his seat and refraining from conversation. The gentleman from Ohio [Mr. MOREY] will proceed.

Mr. MOREY. Mr. Speaker, this bill comes before the House upon a unanimous report of the Committee on Territories. It authorizes the city of Oklahoma to issue bonds not exceeding $40,000 in amount for the purpose of adjusting the right of way of the Choctaw Coal and Railway Company through the city of Oklahoma. It seems that this railway company under a grant from the Congress of the United States had laid its route diagonally over the territory now occupied by the city of Oklahoma, but it had not been definitely surveyed or established.

Mr. ANDERSON, of Kansas. When was this grant made and had the company located its line prior to the establishment of the city?

Mr. HARVEY. It had been located.

Mr. MOREY. Prior to the founding of the city of Oklahoma the route had been laid out, but had not been definitely surveyed; and under a decision of the Supreme Court it is held that the company's right attached——

Mr. ANDERSON, of Kansas. Had any location whatever been made?

Mr. MOREY. It is held under the decision of the court that the right of the company attached where the route should be finally located and surveyed.

Mr. ANDERSON, of Kansas. But had the company surveyed and located any line whatever?

Mr. MOREY. I understand not.

Mr. ANDERSON, of Kansas. Then this is a "game of grab" on their part.

Mr. MOREY. Under the decision of the Supreme Court it is held that the right attaches to the route which may be finally located by the railroad company.

Mr. HARVEY. If the gentleman will permit me, the fact is that the survey had been made, but no report filed with the Interior Department of a definite location. The line was marked through the city.

Mr. ANDERSON, of Kansas. Had stakes been driven and the line marked?

Mr. HARVEY. Yes, sir.

Mr. MOREY. Under this state of facts parties went on and selected lots. The laying out of the city was completed. Lot occupants have erected improvements upon their lots, and now a conflict arises between such occupants and the railroad company. The route as finally located would go diagonally through the city of Oklahoma. The Delegate from that Territory [Mr. HARVEY], who resides in the city of Oklahoma, comes here and shows that it is the wish of the people of the city that this matter be adjusted between the railroad company and those who have improved these lots without litigation and by giving to the railroad company a straight line instead of a diagonal line through the city.

Mr. OATES. Does this bill authorize the city of Oklahoma to issue bonds for the purpose of adjusting the right of way through that city?

Mr. MOREY. That is the purpose. This bill authorizes the city of Oklahoma to issue bonds to the amount of $40,000 for the purpose of adjusting this right of way.

Mr. OATES. The Government of the United States will not indorse these bonds or be at all liable for them?

Mr. PERKINS. Not in any way.

Mr. OATES. All right.

Mr. ANDERSON, of Kansas. I would like to know what was the width of this original right of way.

Mr. MOREY. I am not able to answer.

Mr. HARVEY. Three hundred feet.

Mr. MOREY. The object of this bill is to do away with the right of way claimed by the company and to purchase another right of way which will be more convenient to the city by creating less obstruction, and will at the same time settle this controversy between the railroad company and the owners of these lots.

Mr. ANDERSON, of Kansas. I wish to ascertain one fact in this connection. As I understand from my friend who stands beside me [Mr. HARVEY], the right of way granted to the company under the act of Congress has a width of 300 feet. According to the statements made here the company, under a decision of the Supreme Court, can claim right of way for 300 feet through that city. Now, what is the proposition which the company makes as to the width of the right of way which they will take provided this bill becomes a law?

Mr. MOREY. The proposition, as I understand, is this: That the railroad company shall surrender its claim to the original right of way and accept another suitable and adequate right of way, to be secured by the use of these bonds, which will not exceed in amount $40,000.

Mr. ANDERSON, of Kansas. This new right of way, I am informed, is to be 80 feet wide.

Mr. HARVEY. Yes, sir; running along a street.

Mr. ANDERSON, of Kansas. Anything else?

Mr. HARVEY. And for depot purposes the company proposes to acquire two blocks of ground now covered with buildings, which we propose to remove.

Mr. ANDERSON, of Kansas. In this bill, then, the company obtains a compromise under which the right of way 300 feet wide will be surrendered?

Mr. HARVEY. They surrender all claim to that right of way.

Mr. MOREY. I will only add, Mr. Speaker, that this proposition, before finally taking effect, is to be submitted to a vote of the people of Oklahoma City. [Cries of "Vote!" "Vote!"]

The question being taken, the amendments to the amendment were agreed to, and the amendment as amended was adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MOREY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. YODER. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole from the further consideration of the bill I send to the desk and put it upon its passage.

Mr. THOMAS. Mr. Speaker, I renew the motion to go into Committee of the Whole to consider business under the rule to-day.

The SPEAKER. That is equivalent to an objection.

The question was taken; and the Speaker decided that the ayes prevailed.

Mr. FARQUHAR. I demand a division.

The House proceeded to divide. Before the result was announced,

Mr. FARQUHAR said: I withdraw the demand, as it is evident the House desires to proceed with private business to-day.

Pending the announcement of the vote,

Mr. THOMAS said: Mr. Speaker, I ask unanimous consent that the Committee of the Whole be instructed to take up Senate bills as they appear on the Calendar, for consideration.

Mr. BOOTHMAN. I object.

The SPEAKER. It can be done only by unanimous consent. Is there objection?

Mr. ENLOE and Mr. SPRINGER objected.

The announcement of the vote on the motion of Mr. THOMAS was then made; and accordingly the House resolved itself into Committee of the Whole House, Mr. ALLEN, of Michigan, in the chair.

CITIZENS' BANK OF LOUISIANA.

The CHAIRMAN. The Clerk will report the first bill on the Calendar.

The Clerk read as follows:

A bill (H. R. 3209) to authorize the Court of Claims to hear and determine the claim of the Citizens' Bank of Louisiana, etc.

The bill was read, as follows:

Be it enacted, etc., That jurisdiction is hereby conferred on the Court of Claims to hear and decide, as if it had original jurisdiction of said case, the claim of the Citizens' Bank of Louisiana, with interest thereon, against the United States, growing out of the alleged unlawful seizure and covering into the Treasury of the United States of certain moneys of said bank by General B. F. Butler, commanding the United States forces in Louisiana in 1862, and either party shall have the right to appeal to the Supreme Court, and said cause shall be advanced on the docket and tried without delay by any court which may become invested with jurisdiction thereof by virtue of the provisions of this act, and the statute of limitations shall not be pleaded or entertained as a bar to recovery in said cause.

Mr. THOMAS. Mr. Chairman, the gentleman from Louisiana [Mr. WILKINSON], who has charge of the bill, is, I believe, not present, and I ask to have it laid aside until he is here.

Mr. BLANCHARD. I object to that.

Mr. THOMAS. If the gentleman from Louisiana desires its consideration to-day, of course I will not insist.

Mr. BLANCHARD. My colleague, Mr. WILKINSON, in immediate charge of the bill, is absent from the city; but I do not think that is any reason why the bill should lose its place on the Calendar and not be considered at this time.

Mr. ENLOE. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. ENLOE. I would like the Chair to try to get the private business of a personal character laid aside, so that we can determine what the public business of a private character is before the House.

The CHAIRMAN. The Chair will endeavor to preserve order on the floor.

Mr. THOMAS. The reason for making the request was that the gentleman from Louisiana [Mr. WILKINSON] was absent. I felt compelled to carry out my action in the committee, which was in opposition to the bill; and for that reason I desire to give him fair opportunity to be present.

If, however, the gentleman from Louisiana who has addressed the Chair desires the bill to be considered at this time, I will have no objection. I will submit the request, however, again that it be laid aside without prejudice.

Mr. BLANCHARD. Mr. Chairman, I do not think it is the desire of my colleague who is absent that this bill should be laid aside, and I therefore object.

The CHAIRMAN. The bill is before the committee for consideration.

Mr. HOLMAN. Let the report be read.

Mr. THOMAS. I rise to oppose the bill, but will wait until I hear what is said on the other side in its favor.

Mr. BLANCHARD. Mr. Chairman, the gentleman from North Carolina [Mr. BROWER] who reported this bill does not appear to be in his seat. In his absence and in the absence of my colleague from the First district of Louisiana who introduced this bill, I will take the floor for the purpose of having read the report made in this Congress by Mr. BROWER, and also a report made on this bill in the Senate of the United States in 1884 by Mr. Jackson, then a Senator from the State of Tennessee, and now a United States circuit judge. I first send to have read the report made by Mr. Jackson in the Senate during the Forty-eighth Congress.

The Clerk read as follows:

[Senate Report No. 403, Forty-eighth Congress, first session.]

Mr. Jackson, from the Committee on Claims, submitted the following report to accompany bill S. 85.

The Committee on Claims, to whom was referred the bill (S. 85) for the relief of the Citizens' Bank of Louisiana, have considered the same, and respectfully report:

That the Citizens' Bank of Louisiana is now and has been since 1836 a banking corporation duly established and organized by and under the laws of the State of Louisiana, having its principal place of business and banking house in the city of New Orleans. Shortly after the commencement of the late civil war this bank, together with all other banks in the insurrectionary States, was compelled to suspend specie payments, gold and silver having ceased to circulate, being superseded by the treasury notes of the Confederate States; which thereafter became the only currency in ordinary use or in which current daily business could be at all carried on. These Confederate notes, while in form and general aspect like bank notes, promised to pay the bearer the sum named in them "two years after the ratification fo a treaty of peace between the Confederate States and the United States of America."

Being issued by an organization or government of paramount force, "they must be regarded [as declared by the Supreme Court of the United States, 8 Wallace, 11], therefore, as a currency imposed on the community by irresistible force," and from the necessity of civil obedience on the part of all who remained within its jurisdiction this currency has been considered by the courts in the same light as if it had been issued by a foreign Government temporarily occupying a part of the territory of the United States. "Contracts stipulating for payments in this currency can not be regarded for that reason only as made in aid of * * * the domestic insurrection."

Such being the character of this currency and the situation of the Citizens' Bank, it became necessary for the bank to protect itself against loss in accepting deposits of Confederate notes. Accordingly, on the 16th September, 1861, this currency having then become the sole circulation in the city of New Orleans, the Citizens' Bank of Louisiana, in common with all the other banks of that city, adopted a printed form of agreement with all depositors, which was placed in their books of deposit, and stipulated that all deposits made after that date were to be "payable in the treasury notes of the Confederacy."

Subsequently, and under the terms of this agreement, the Confederate States treasurer and other officers and agents of the Confederacy made deposits in said bank of Confederate notes, and at the date of the capture of New Orleans by the Federal forces their accounts with said bank by reason of such deposits stood as follows:

Confederate States treasurer's account	$219,090.94
Special account	12,465.00
Deposits by officers:	
J. M. Huger, Confederate receiver	106,812.00
G. W. Ward, Confederate receiver	72,082.00
J. C. Manning, Confederate receiver	1,120.00
Maj. M. L. Smith	16,026.52
Maj. S. Maclin	6,814.57
Major Reichard	497.30
	434,908.33

When the city of New Orleans was surrendered to the United States Army under General Butler, a proclamation was issued by him dated May 1, 1862, one clause of which was as follows: "All the rights of property of whatever kind will be held inviolate, subject only to the laws of the United States." This, as stated by the Supreme Court—

"Only reiterated the rules established by the legislative and executive action of the National Government in respect to such portions of the insurrectionary States as should be occupied and controlled by the troops of the Union, and 'after that proclamation private property in the district was not subject to military seizure as booty of war.'"

In June, 1862, General Butler issued a circular order to the banks of New Orleans, requiring them to report and turn over to the military authorities all property in their banks, "whether of the character of general or special deposits, bills of exchange, or other evidence of debt belonging to any officer or person serving in any way the Confederate States, the State of Louisiana, or any Confederate State," any false return or omission to be punished by the confiscation of the property of the bank making such return. In compliance with this order the Citizens' Bank of New Orleans promptly reported to General Butler that the foregoing amounts were standing to the credit of Confederate States treasurer and other officers and agents of the Confederacy upon the books of the bank; that said deposits were made in Confederate notes, and were, by the terms of the deposit, payable in the same currency, etc.

General Butler, recognizing, as he states, that "in equity and good conscience the Confederate States could call for nothing more than they had compelled the bank to take, the United States only succeed to the rights of the Confederate States, and should only take that which the Confederate States ought to take," directed the bank to hold the first item of $219,090.94 standing to the credit of the Confederate treasurer as a special Confederate money deposit, subject to further order. He subsequently directed Jacob Barker, a prominent banker and business man of New Orleans, who seems to have acted as an intermediary between General Butler and the bank, to sell this $219,090.94 of Confederate notes which he did at 33⅓ cents on the dollar, realizing the sum of $73,030.31 in United States Treasury notes, which was paid over by the bank to John W. McClure, assistant quartermaster, by order of General Banks, August 31, 1863. This worked no wrong or injury to the bank. But the other deposits, standing to the credit of the Confederate receivers and officers of the Confederate States, amounting to $215,820.89, General Butler directed and required the bank to pay to his order, for the United States, in gold, silver, or United States Treasury notes, at once.

Against this, the bank earnestly protested, but without avail, and on the 19th June, 1862, it paid said amount to General Butler by check on the Bank of America of New York at five days' sight, and the amount was subsequently covered into the Treasury of the United States. The bank claims that this money should be refunded by the Government, into whose use and treasury it went. It is difficult to understand upon what principle the commanding general acted in making this distinction and discrimination between deposits made by the Confederate treasurer and by the other agents and officers of the Confederacy. Both classes of deposits were made in Confederate notes, and under the same agreement they were to be "payable in the treasury notes of the Confederacy." They were each the property of the Confederate States, standing precisely on the same footing and imposing upon the bank the same contract obligation. By the capture of New Orleans and the control thus acquired over those assets of the Confederacy, the United States did not become invested with anything more than the rights of the creditor making the deposits. They simply succeeded to the position and title of the depositors, and in assuming this control could not justly or lawfully disregard the terms of the contract under which the deposits were made and received, that they should be returned by the bank in treasury notes of the Confederacy.

This contract between the bank and its depositors made during the Confederate control of New Orleans was not only not illegal, but could have been enforced in the courts of the United States, as decided by the Supreme Court in Thorrington *vs.* Smith, 8 Wallace, 6. This contract being valid and conferring upon the bank an important right of property could not be properly disregarded after the proclamation of May 1, 1862, declaring that "property of whatever kind" would be held inviolate, subject only to the laws of the United States. The action of the commanding general can not be justified or sustained as a seizure under and in pursuance of the confiscation acts of 6th August, 1861, and 17th July, 1862. Under neither of those acts was the property of a banking institution made confiscable.

Nor had the military commandant, as such, any authority to enforce such payment as an act of confiscation. (See 16 Wallace, 495.) If this compulsory payment of the $215,820.89 be treated as an enforcement by military order of the bank's liability to the depositors, it is clear that the commanding general disregarded the bank's right under the contract of deposit to pay in Confederate notes. He doubtless assumed that such an agreement or understanding between the bank and the depositors was not valid or binding upon the creditors, such being the then current opinion, but in so doing he misapplied the law and imposed upon the bank a liability far in excess of its legal and equitable obligation.

It is, however, shown by the action of Jacob Barker in disposing of the $219,090.94 Confederate treasury notes, in 1862, at 33⅓ cents on the dollar in par funds, that this $215,820.89 in Confederate notes left in the hands of the bank might have been also disposed of at that rate (it does not appear whether they were actually so disposed of or not), which, in the opinion of your committee,

should be treated as an equitable abatement of the bank's claim on this item. Deducting 33⅓ per cent. from the $215,820.89, paid as aforesaid, will leave, without interest, the sum of $143,880.60 wrongfully exacted from the Citizens' Bank, and which, in the opinion of your committee, for the reasons already stated, constitute an equitable and meritorious claim against the United States.

The next item of the claim grows out of the following state of facts: The Citizens' Bank, early in 1862, during the period of Confederate occupation and control, became a subscriber to the amount of $306,400 for that amount of certain bonds of the city of New Orleans known as "city defense bonds."

It appears that this investment was made by the bank chiefly as a means of getting rid of the Confederate notes which it held, upon the theory that, whatever might be the fate of the Confederacy, the city of New Orleans would preserve its organization as a municipality and be liable for its debts. This subscription was paid for in Confederate notes, which the city intended to, and perhaps did, apply in part to its defense against the Federal forces then threatening it. This transaction between the bank and city was doubtless illegal, amounting, as it did, to the giving of aid and comfort to the enemies of the United States. But it was fully consummated and completed before the capture of the city by the Federal forces. On the 28th May, 1862, the bank returned $156,400 of said bonds to the city for cancellation. Why this was done does not appear.

In August, 1862, General Butler, by an order known as General Order 55, imposed upon the Citizens' Bank, as a penalty for having aided the rebellion, an assessment equal to the amount of its investment in said "city defense bonds," which he required to be paid in installments of 25 per cent. On the 9th August, 1862, the bank paid the first installment, amounting to $76,600, and received the following receipt, namely:

"HEADQUARTERS DEPARTMENT OF THE GULF,
"*New Orleans, August 9, 1862.*

"Received of Citizens' Bank of Louisiana $76,600, being the amount of an assessment upon it for aiding the rebellion, and to be appropriated to the relief of the starving poor of New Orleans.

"Per General Order No. 55.

"DAVID C. G. FIELD,
"*Financial Clerk.*"

It being called to his attention that the bank had previously returned to the city its bonds to the amount of $156,400, and that said assessment and payment of $76,600 was 25 per cent. on the original subscription of $306,400, General Butler made the following order:

"This amount ($156,400) having been canceled, the tax therefore should be remitted; but as the city has taken upon itself the cancelment of the bonds she ought in future to pay that portion of the tax; therefore let the $38,456.81 held at the credit of the city in the bank, being nearly 25 per cent. of the canceled bonds, be passed to the credit of the Citizens' Bank, they paying the whole tax.

"August 9, 1862.

"BENJ. F. BUTLER,
"*Major General, Commanding.*"

The city accordingly gave its check to the bank for this sum of $38,456.81, standing to its credit. This was a Confederate deposit, and the effect of the order and transaction was to make the bank pay $76,600 in par funds and get back $38,456.81 in a credit payable in Confederate notes. But, deducting this credit from the $76,600, the bank paid out in this assessment the sum of $38,-133.19.

On the 13th July, 1863, the bank paid another assessment of $37,500 and received the following receipt:

"OFFICE OF THE CHIEF QUARTERMASTER,
"DEPARTMENT OF THE GULF,
"*New Orleans, July 13, 1863.*

"Received from the Citizens' Bank of Louisiana, in obedience to Order No. 7, of 12th January, 1863, of Major General Banks, $37,500, amount assessed to said bank under General Order No. 105, being 25 per cent. on $150,000 subscription of said bank to the city defense bonds, to be appropriated to the relief of the starving poor of New Orleans.

"JNO. W. McCLURE,
"*Captain, Assistant Quartermaster.*"

On the 13th October, 1864, the bank, under General Order No. 144, was required to and did pay another assessment of $37,500, for which a receipt, signed by H. Robinson, colonel and provost marshal general, Department of the Gulf, was given, reciting that—

"Said amount being 25 per cent. on the assessment made by General Orders Nos. 55 and 105, of the year 1862, from headquarters of this department."

The bank claims that it paid a similar assessment of $37,500 on the 9th November, 1862, but no receipt therefor is found amongst the papers. The receipts produced show the three payments of $38,133.19, $37,500, and $37,500, aggregating the sum of $113,133.19.

The funds or collections from the bank appear to have been used and appropriated mainly in supporting and providing employment for the poor of New Orleans, consisting largely of the colored population, which crowded into the city after the Federal occupation of the same. Without pausing to discuss the question as to whether this military assessment was or was not consistent with the policy declared in the President's proclamation of August 16, 1861, and the proclamation of the commanding general issued upon taking possession of New Orleans in May, 1862, a majority of the committee consider that, as the funds raised thereby did not go into the Treasury of the United States, but were used and employed by General Butler, who was then exercising the powers and functions of the local municipal government, for the benefit of the city, which under whatever form of government must have made to the best of its ability some provision for the poor and starving persons within its limits, it would not be proper to review and correct this proceeding or make the United States liable therefor, and they accordingly recommend the disallowance of this item of the claim, amounting to $113,133.19.

Another branch of the bank's claim embraces numerous payments, aggregating about $70,000, made to the military authorities of the United States under and in pursuance of Special Order No. 202, dated New Orleans, August 17, 1863, issued by Major General Banks. Under this order the bank turned over the amounts standing upon its books to the credit of various individuals and banks located and residing in the insurrectionary States. In the case of the Planters' Bank *vs.* The Union Bank (16 Wallace, 495), the Supreme Court has decided that this order was invalid, and your committee in several instances where the funds of persons were received by the United States thereunder have recommended that the Government should refund the same. (See reports Nos. 41, 68, 148, to the present session of Congress.)

But it does not appear from the papers before your committee that the Citizens' Bank has been called upon or required to repay any of the parties whose funds were so turned over by it under said Order 202, except in one case, namely, the Ocoe Bank of Tennessee, located at Cleveland, Tenn., which had to its credit in the Citizens' Bank $8,000, which was paid over to John W. McClure, captain and assistant quartermaster, by the Citizens' Bank in compliance with said order on the 8th September, 1863. The Ocoe Bank subsequently transferred its claim for this deposit to Waterhouse, Pearle & Co., who brought suit thereon against the Citizens' Bank, and in 1873 recovered judgment for the amount with interest, notwithstanding the Citizens' Bank interposed as a defense that it had paid over the amount as aforesaid under Order 202.

This judgment the Citizens' Bank has paid, and is therefore legally and equitably entitled to have refunded to it this $8,000, which the commanding general without authority compelled it to pay over in September, 1863. It may be that the Citizens' Bank has been compelled to repay to others amounts turned over under said Order No. 202; if so, the papers before your committee do not disclose the fact. Hence on this branch of the claim the committee recommend only the payment of $8,000, which the bank was afterward compelled to pay the assignee of the Ocoe Bank of Tennessee.

The Citizens' Bank also produces and files with the papers before the committee the receipt of Bvt. Lieut. Col. DeWitt Clinton, bearing date of January 15, 1866, for various notes, bonds, and securities turned over to him by said bank, under and in pursuance of orders issued by General Canby, then commanding that department. Those securities consisted of the following items:

1. Bonds, notes, etc., of the Louisiana parishes, amounting to the sum of	$86,248.46
2. The warrant (No. 573) of the auditor of the State of Louisiana, account of Citizens' Bank, amounting to	165,016.99
3. The check (No. 108) to Governor Moore, of Louisiana, on the State Bank for	259,512.19
4. The Louisiana 8 per cent. bonds, dated March 1, 1862, amounting to the sum of	732,000.00
Aggregating the sum of	1,242,777.64

These assets were the property of the Citizens' Bank. Why or for what reason they were taken from the bank does not appear. It is more than probable that they were bonds and securities issued by the State and parishes during or in aid of the war; but it does not appear from anything in the papers before your committee either that the Government derived any actual benefit from these securities or that the bank sustained any positive ascertainable injury by this loss.

Under these circumstances the committee can make no recommendation of any allowance on this branch of the claim. The bank's right to relief on the two foregoing items considered equitably due should not be denied, under the circumstances that have surrounded it, because of the time that has elapsed since its funds were taken and appropriated by the Government.

It is doubtful whether its claim would ever have been enforced by suit in the Court of Claims, for want of jurisdiction in the court; and until December, 1872, when the Supreme Court of the United States decided (in Planters' Bank *vs.* Union Bank, 16 Wallace, 495) that after General Butler's proclamation of May 1, 1862, "private property in New Orleans was not subject to military seizure, that the military commanders of the Department of the Gulf had no authority to enforce by military orders the confiscation acts of 1861 and 1862, and that such orders were invalid," etc., it was supposed by the bank and its legal advisers that the acts of the commanding officers under which its funds and assets were seized and appropriated by the Government were within the scope of their authority, and if valid no recovery or restoration could be obtained.

Under this belief it delayed application for redress till after that decision was rendered, and followed the next year by the State courts of Louisiana in the suit of the assignees of the Ocoe Bank against the Citizens' Bank above mentioned. These decisions having declared the military orders under which its funds were taken and appropriated by the Government invalid, the Citizens' Bank was then advised that it had a valid claim upon the Government for reimbursement. Shortly thereafter its claim, together with the papers relating thereto, was placed in the hands of Hon. E. J. Ellis, a member of the House of Representatives from Louisiana, for the purpose of having the same presented to Congress for relief, the time for suing in the Court of Claims, if any such right ever existed, having then long expired.

The papers were inadvertently lost or mislaid by Mr. Ellis, who for this reason took no steps in the matter. The papers having been replaced after the delay of one or two years, a bill was introduced for the bank's relief. The case was before this committee during the Forty-seventh Congress, but was not considered or acted on. The Government has in no way been prejudiced by the claimant's delay in seeking redress. All the material evidence in the case is of a documentary character and on file in its own archives. The use of the money has been enjoyed by the Government all the while, so that the bank is the only sufferer by the time that has elapsed. Under such circumstances the Government should not interpose the bar of the statute of limitations, nor shield itself behind the defense of claimant's supposed laches.

Acting upon those considerations the committee deem it just and equitable for the United States to refund to the Citizens' Bank the two items or amounts, as follows:

1. Two-thirds of the $215,820.89 paid over to the Government June 19, 1862	$143,880.60
2. Amount of the Ocoe Bank deposit paid over to military commander and afterwards repaid to assignees of Ocoe Bank	8,000.00
Aggregating the sum of	151,880.60

Your committee think that this sum should be paid the Citizens' Bank. The bill should be amended as follows: In line 7, strike out the words "four hundred" and insert in lieu thereof the words "one hundred and fifty-one." And insert before the word "dollars," in line 8, the following: "eight hundred and eighty." And after the word "dollars," in eighth line, insert "and sixty cents." Also strike out lines 11 and 12. And as thus amended the committee recommend the passage of the bill.

Mr. BLANCHARD. I now send up to have read the report made in this Congress by the gentleman from North Carolina [Mr. BROWER] in favor of this claim.

The Clerk read as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 3209) to authorize the Court of Claims to hear and determine the claim of the Citizens' Bank of Louisiana, etc., report as follows:

The facts out of which this bill for relief arises will be found stated in House report from the Committee on War Claims of the Fiftieth Congress, a copy of which is hereto annexed for information.

Your committee adopt the said report as their own, and recommend that the bill do pass with the following amendments: In line 7 strike out the words "alleged unlawful," and in lines 5 and 6 strike out the words "with interest thereon," and strike out, in line 11, all after "Supreme Court," down to and including the word "act," in line 14.

[House Report No. 4120. Fiftieth Congress, second session.]

Your committee, after careful consideration, submit the following as the result of their conclusions:

The Citizens' Bank of Louisiana claims from the United States the sum of $215,820.89, exacted from it June 19, 1862, by the order of Maj. Gen. B. F. Butler, commanding the United States forces at New Orleans, which amount was turned over to the quartermaster and covered into the Treasury of the United States.

This case was before the Senate Committee on Claims in the Forty-eighth and Forty-ninth Congresses and reported favorably by said committees to the Senate, but minority reports signed by two members in the Forty-eighth and one member in the Forty-ninth Congress were also presented.

The record of the claim shows indisputably the following facts:

(1) The Citizens' Bank is a corporation under the laws of Louisiana, doing a general banking business since 1835, the stock being held in nearly every State of the Union and in Europe.

2. In 1861 it, together with all other banks in the Southern States, suspended specie payment, and its business was then transacted in Confederate treasury notes, which had wholly superseded coin in all business transactions.

3. September 16, 1861, the Citizens' Bank made a contract with all depositors, which contract was printed in all books of deposit, which stipulated that thereafter, to wit, after the 16th of September, 1861, all deposits made would be payable in the treasury notes of the Confederate States.

4. Thereafter, and under the terms of said contract, deposits were made by certain officers and agents of the Confederate government as follows:

Confederate States treasurer's account	$219,090.94
Special account	12,465.00
J. M. Huger, Confederate receiver	106,812.00
G. W. Ward, Confederate receiver	72,082.00
J. C. Manning, Confederate receiver	1,120.00
Maj. M. L. Smith	16,026.52
Maj. S. Maclin	6,814.57
Major Reichard	497.30
Total	434,908.33

The said sums were deposited in, and by said contract payable in, Confederate States treasury notes only.

5. The United States fleet under Admiral Farragut captured and occupied New Orleans about the 28th of April, 1862, and on May 1 General Butler, commanding, issued a proclamation to the people of the conquered city, in which he declared that "all the rights of property of whatever kind will be held inviolate, subject only to the laws of the United States."

6. A month afterwards, in June, 1862, General Butler ordered ("General Order No 40") all the New Orleans banks to report and turn over to the United States military authorities all property held by them, either "general or special deposits, bills of exchange, or other evidences of debt belonging to any officer or person serving in any way the Confederate States, the State of Louisiana, or any Confederate State."

7. June 11, 1862, the Citizens' Bank reported as follows:

CITIZENS' BANK OF LOUISIANA.
New Orleans, June 11, 1862.

GENERAL: In obedience to your General Order No. 40, I beg to inform you that on the 1st of May last there was to the credit of the treasurer of the Confederate States in this bank the sum of $219,090.94; and also on special account the further sum of $12,465; and this bank holding a larger amount in the notes of the Confederate treasury, an equivalent amount in said treasury notes has been set aside and is now held by the bank to offset the above-stated amount, and which notes I will return as the property of the Confederate States under your order.

Also, one small tin box, marked "Conf. States district court."

The following-named parties have also to their credit on deposit these sums, namely:

J. M. Huger, Confederate States receiver	$106,812.00
G. W. Ward, Confederate States receiver	72,082.00
J. C. Manning, Confederate States receiver	1,120.00
Maj. M. L. Smith, Confederate States receiver	16,026.52
Major Macklin, Confederate States receiver	6,814.57
Major Reichard, Confederate States receiver	497.30

As the deposits by the receivers were made in this bank by virtue of an order of the Confederate court, in accordance with the act of congress they were to that extent compulsory on the receivers as well as on the banks. To have refused to comply with the mandate of the court might have brought both parties into conflict with the constituted authorities for the time being.

All the above-mentioned deposits were made in the currency of the Confederate government by its appointed officers.

Had the bank resumed specie payment or become bankrupt in the mean time, those depositors would have had no claim to the coin or to a pro rata distribution of the other assets of the bank. They could only have claimed the currency deposited by them, and hence it may be classed as special deposits of Confederate funds, payable in same, in accordance with the contracts and understanding at the time. Under the circumstances the bank appeals to General Butler's sense of equity and justice to allow these deposits to be paid to whom it may concern in the same currency in which they were received.

Some time during the month of November last an order of sequestration was issued to the marshals of the Confederate States to take charge of the assets of the Bank of Kentucky, then held by this bank in the usual course of business.

The assets have never been removed from the bank, yet still are nominally beyond its control.

I therefore respectfully request from the commanding general an order to refund to the Kentucky bank, the owners of said assets, that the accounts may be made out accordingly and a due return forwarded to them.

The banks were informed on the seizure of their assets at the time, and one of them, the Bank of Kentucky, had a resident agent here at that time.

With great respect, your obedient servant,

JAMES D. DENEGRE, *President.*

Maj. Gen. B. F. BUTLER,
Commanding at New Orleans.

(8) To this showing General Butler replied in a characteristic letter, which closes as follows:

"Therefore, I must direct all the items but the first to be paid to my order for the United States in gold, silver, or United States Treasury notes, at once. The first item of $219,090.94 I will refer to the home government for adjudication; and, in the mean time, the bank must hold as a special deposit the amount of Confederate notes above mentioned, and a like amount of bullion to await the decision.

"BENJAMIN F. BUTLER,
"*Major-General, Commanding.*"

(9) General Butler then sold, through Jacob Barker, the first item, to wit, $219,090.94 in Confederate treasury notes, and realized about 33⅓ cents on the dollar, amounting to $73,030.31 in United States currency, which was covered into the Treasury. This proceeding was perfectly right and proper under the laws of war, and had General Butler proceeded in the same way with the deposits of the Confederate officers and receivers the Citizens' Bank would have had no claim against the Government. But he did not.

(10) On the contrary, he obliged the bank to pay over the whole of the balance of said deposits standing in the name of the Confederate receivers and agents, and which were undoubtedly the public moneys of the Confederate government, and which amounted to $215,820.89 in gold, silver, or United States currency. This was done by the bank on the 19th of June, 1862, in a check on the Bank of America of New York, and was covered into the Treasury of the United States.

Such are the facts.

As applicable thereto the following is submitted as embodying the law that must govern the case:

First. The order of General Butler obliging the Citizens' Bank to pay $215,820.89 in good and lawful money, was wholly illegal and without any authority in law, civil or military, because—

(1) Said order was a violation of his own proclamation of May 1, 1862, in which he declared that "all the rights of property, of whatever kind, will be held inviolate, subject only to the laws of the United States."

In the case of the Venice (2 Wall., 258), the Chief Justice said:

"Hence the proclamation of the commanding general at New Orleans must not be interpreted by such rules as govern the case of the ships taken at Genoa. Vessels and their cargoes belonging to citizens of New Orleans * * * after the publication of that proclamation must be regarded as protected by its terms."

In the case of the Planters' Bank *vs.* The Union Bank (16 Wall., 483), the court held that—

"A military commander commanding the department in which New Orleans was situated had not the right on the 17th of August, 1863, after the occupation of that city by General Butler, and after his proclamation of May 1, 1862, announcing that 'all the rights of property of whatever kind will be held inviolate, subject only to the laws of the United States,' to seize private property as booty of war, or, in face of the acts of Congress of 6th of August, 1861, and July 17, 1862, make any order confiscating it."

(2) Said order was a violation of a contract between the Citizens' Bank and its depositors. The deposits of the Confederate receivers were made in Confederate money, and they had agreed to take Confederate money in payment. This contract General Butler had no power to alter or derogate from. The Supreme Court (16 Wall., 483) has expressly declared that such a contract was legal and could be enforced. As such it formed an important right of property which General Butler was without authority to violate or change.

3. General Butler could only take whatever rights the Confederate government or its agents or officers had to any deposits or property in the Citizens' Bank. He did take the first item of deposit standing in the name of the Confederate States treasurer, namely, $219,090.94 in Confederate treasury notes and caused it to be sold and realized $73,030.31 in United States currency. The other deposits standing to the credit of the Confederate agents and receivers were equally the public moneys of the Confederate government, and as such were lawful booty of war. But he did not take the last-mentioned amount. On the contrary, he left the $215,820.89 in Confederate treasury notes in the vaults of the bank and compelled the bank to pay over $215,820.89 in "gold, silver, or United States Treasury notes." In other words, he failed to take from the bank's custody what he might have lawfully taken as booty of war and unlawfully seized and took away the property of the bank which he was without the slightest authority to take, and turned it over to the Treasury of the United States, where it now is and has been for twenty-four years.

The Supreme Court in the cases cited above has decided such a seizure to have been unlawful. And if the seizure was unlawful there would seem to remain on the part of the Government the plain duty of righting the wrong. How to do this best and most safely to the interests of all concerned is the question. The bill under consideration provides that the amount thus unlawfully seized be restored directly to the bank. But here arise the questions which it would seem were clearly within the province of the courts rather than the Legislature to determine.

First. What amount shall be returned to the bank? True, General Butler took the sum of $215,820.89 from the bank unlawfully. But he left in the hands of the bank a like sum in Confederate currency, which had some commercial value at the time. Whether the bank realized on it or not or whether it was left by the bank to become valueless by the result of the war, and, if so, whether the bank is not guilty of laches, are questions which enter into the case and which should be decided by the courts.

Second. General Butler declares that the deposit of $215,820.89 was made in gold, silver, or its equivalent. The proof is strong that it was made in Confederate currency. General Butler was not in New Orleans in 1861 when the deposit was made. He had no means of knowing in what kind of currency the deposit was made, nor does he give his authority for his assertion. But little weight is therefore to be attached to his declaration in this regard. Still it is a question in the case which the courts should determine, for if said deposits were in lawful money it would seem that the bank only gave up what it received.

Third. Whether the printed notice in the depositors' bank books, that "thereafter all depositors should be paid in Confederate currency," did not constitute a contract between the bank and the depositors which could not be impaired is yet another question for the decision of the courts rather than for Congress.

Finally. Whether, if General Butler did unlawfully seize the funds of the bank, interest is not justly due by the Government, which has had the use of the money since the seizure, is yet another question which the courts, and not Congress, should determine.

Your committee is therefore of the opinion that this claim should be referred to the Court of Claims, with right of appeal by either party, and that, considering the great length of time that has elapsed since the seizure, trial by preference should be awarded.

We therefore report a substitute for H. R. 3717, and recommend that the original bill be laid on the table and the substitute be passed.

Mr. BLANCHARD. Will the Chair be kind enough to state how much time I have remaining?

The CHAIRMAN. The gentleman has seventeen minutes.

Mr. BLANCHARD. Mr. Chairman, this bill, as will be noticed by the House, merely refers to the Court of Claims the claim of the Citizens' Bank of Louisiana against the Government of the United States, in order to ascertain the facts and the law governing the case. It makes no appropriation out of the Treasury at this time to meet any liability or supposed liability on the part of the Government to the bank.

This case is an old one, in the sense that it has been pending in Congress for some years, and it is a fact worthy of consideration that every committee, whether of the Senate or of the House, which has been called upon to consider it, has reported in its favor. In the Forty-eighth Congress, in the Senate of the United States, the appropriate committee considered the case of the Citizens' Bank, and reported in its favor; and in the following Congress, the Forty-ninth, the case was likewise reported favorably from the committee of the Senate to which it had been referred.

Mr. HAUGEN. Let me ask the gentleman if there was not a minority report in the Forty-eighth Congress.

Mr. BLANCHARD. Mr. Chairman, there is no such thing as "a minority report."

Mr. HAUGEN. Well, call it by whatever name you please.

Mr. BLANCHARD. There was submitted with the report of the committee the "views of the minority." In the Forty-eighth Congress two Senators only signed what is called the minority report, and in the Forty-ninth Congress one only, I believe.

Mr. HAUGEN. In opposition to the claim.

Mr. BLANCHARD. This case was considered by the War Claims Committee in this House in the Fiftieth Congress, and was reported favorably; and I know of no minority report or minority views submitted from that committee in opposition to it. In the present Congress the Committee on War Claims also considered the case and have reported it favorably through the gentleman from North Carolina [Mr. BROWER].

Mr. TAYLOR, of Illinois. What is the aggregate amount of the claim?

Mr. BLANCHARD. I will state it. In 1861 the Citizens' Bank of Louisiana was doing business in the city of New Orleans. On and after September 16, 1861, it stipulated with its depositors, and that stipulation was printed in all of the books of deposit which were issued to its depositors, that the moneys deposited in the bank after that date should be paid to the depositors in Confederate money. After that date deposits made in the bank were of Confederate money, and the bank stipulated with its depositors that they should receive from the bank the same money that they deposited with the bank.

Subsequent to September 16, 1861, there was deposited in the Citizens' Bank to the credit of the Confederate States treasurer's account $219,000 in Confederate notes, and later there were deposited to the credit of various agents of the Confederate treasury department other sums aggregating a little more than $215,000, making a total sum of $434,908 deposited in the Citizens' Bank of Louisiana in Confederate notes for account of the Confederacy. In April, 1862, Admiral Farragut occupied the city of New Orleans, and in May, 1862, General Butler assumed command of that department. Shortly thereafter he issued an order to all the banks of the city of New Orleans, directing them to turn over to him all notes, moneys, bills of exchange, etc., held by them for account of the Confederate States government.

The Citizens' Bank of Louisiana promptly reported that it held funds that would come within the scope of his order to the amount of $434,908, which had been deposited in that bank in Confederate money. They expressed their intention to comply with the order of General Butler to turn over that money to him for account of the United States, but they called his attention to their contract with their depositors to pay all deposits in the same money in which the deposits were made, and claimed the right to turn over in Confederate money the amount their books showed was held for account of the Confederate government and which they had received in Confederate money.

General Butler took under consideration this contention of the bank and finally decided that the first amount, $219,000, should be referred to the authorities at Washington for decision whether it could be paid in Confederate money, as claimed by the bank; but pending the reference of that matter to Washington he took charge of the $219,000 in Confederate notes and instructed Mr. Jacob Barker, a business man of the city of New Orleans, to sell it for gold or silver, or legal-tender notes of the United States, and in obedience to that order of General Butler Mr. Barker sold that $219,000 of Confederate notes for 33⅓ cents on the dollar and realized $73,030.30, which was received by General Butler and turned over to the Treasury of the United States, where it has since remained.

Mr. TAYLOR, of Illinois. There is no claim for that.

Mr. BLANCHARD. There is no claim for that. Now, as to the balance of the fund, $215,000, General Butler, strange to say, took a contrary course. He ordered the bank to hold that $215,000 in the bank in Confederate money, but he said, "You must pay over to me in gold, silver, or legal-tender notes of the United States its equivalent." And under that order the bank was compelled to pay over to General Butler, not the $215,000 in Confederate notes which the bank had received and which it held, but that much in gold, which was received by General Butler and accounted for into the Treasury of the United States, where it has since remained.

Now, then, mark the governing principle of this case. General Butler did not receive or exact from the Citizens' Bank of Louisiana the property belonging to the Confederate States, to wit, the $215,000 in Confederate notes, but took the private funds of the bank, to wit, $215,000 in gold, leaving the Confederate notes belonging to the Confederate government still intact in the bank. It surely will not be claimed by any one——

Mr. TAYLOR, of Illinois. Not belonging to the Confederate government, but belonging to individuals.

Mr. BLANCHARD. The Confederate government had no money in gold, silver, or United States Treasury notes in that bank. It only had $215,000 in Confederate notes and General Butler could exact that. By virtue of his occupation of that country in time of war, whatever he found there belonging to the Confederate government the United States Government succeeded to by right of conquest, but it only succeeded by right of conquest to what the Confederate government had there, which, in this case, was $215,000 in Confederate notes. And when General Butler exacted from the Citizens' Bank the payment of this $215,000 in gold, he put his hands into the private funds of the bank and despoiled it. He did not take from the bank what belonged to the Confederate States, but he took from the bank its own private funds to pay an indebtedness arising from the deposit by the Confederate government of Confederate notes in the bank.

And General Butler did this, notwithstanding he made use of this language in replying to the letter of the Citizens' Bank, requesting to be permitted, on his demand, to turn over to the United States Government just what it had in its possession belonging to the Confederate government:

> Only the notes—
>
> Says General Butler—
>
> of the Confederate States were deposited by the treasurer in the bank, and by the order of the ruling authorities then there the bank was obliged to receive them. In equity and good conscience, the Confederate States could call for nothing more than they had compelled the bank to receive.

And yet, after using that equitable and just language, he compelled this bank to pay over in gold and silver nearly one-half of the entire amount of Confederate money it held for the account of the Confederate government in its bank.

Mr. Chairman, the United States could have no greater claim against the bank, on account of this money, than the Confederate government itself had. Whatever claim the United States had to it arose from conquest, and by no possibility of right or reason could that claim be greater in extent and scope than was the right of the conquered. The United States merely succeeded to whatever rights the Confederacy had; neither more nor less.

Mr. ROWELL. Was not the amount deposited in gold and silver?

Mr. BLANCHARD. It was not.

Mr. ROWELL. Did not General Butler say so?

Mr. BLANCHARD. General Butler says in a letter written in 1884 it was, but the evidence is that it was not.

Mr. ROWELL. Was it not confiscated accounts?

Mr. BLANCHARD. It was deposited in the bank in the name of various Confederate States receivers under orders of court.

Mr. BOATNER. If my colleague will permit me, I will state to the gentleman from Illinois that the very question which he has asked is one of the reasons why the committee recommended that this claim be referred to the Court of Claims.

Mr. ROWELL. I understood the gentleman from Louisiana [Mr. BLANCHARD] to deny that it was received by the bank in gold and silver.

Mr. BLANCHARD. I do deny it.

Mr. ROWELL. Was it really deposited or was it money that had belonged to other parties and was confiscated by the Confederate government and held in the bank?

Mr. BLANCHARD. It was money deposited in the bank by receivers, holding the capacity of agents of the Confederate treasury or government.

Mr. THOMAS. Will the gentleman permit me?

Mr. BLANCHARD. The very purpose of this bill, should it be passed, referring this case to the Court of Claims, is to ascertain the facts. If it be true, as General Butler believes, that this money was deposited in gold and silver, which is denied emphatically by the bank, then the fact will be established in the Court of Claims, and the bank will take nothing under the judgment of the court.

Mr. ROWELL. Now, I understand you——

Mr. BLANCHARD. In a moment. But if, on the other hand, it be established in the court, as the bank contends, that this money was deposited in Confederate notes and held by it in Confederate notes under a contract with its depositor to pay in Confederate notes, why, the judgment of the court, under well-recognized principles of law and justice, must be in favor of the bank. Now I yield to the gentleman from Illinois for a question.

Mr. ROWELL. I understand the gentleman to say that this money was deposited by receivers. Is it true that they were simply parties appointed as receivers for confiscated funds found and continued in the bank and never taken out by the receivers?

Mr. BLANCHARD. My information about this case does not extend to the sources whence came this money which was deposited in the bank; but I can not see what difference it would make, so far as the bank is concerned, where the money came from or how obtained by the Confederate States.

Mr. ROWELL. It would only make this difference; it would be an attempt to substitute Confederate money for gold and silver by means of the receivers giving a technical transfer.

Mr. BLANCHARD. If it be true that this money was deposited in the bank in gold and silver, the court would ascertain that fact and would decree judgment against the bank; and all that the bank asks is to be permitted to go to the Court of Claims and there meet the Government in its own tribunal and establish the facts in the case.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. BLANCHARD. Mr. Chairman, I ask unanimous consent to proceed for ten minutes more.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent that he be permitted to proceed for a further ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BLANCHARD. These sums going to make up this aggregate of $215,000 were special accounts, and were as follows:

J. M. Huger, Confederate States receiver	$106,812.00
G. W. Ward, Confederate States receiver	72,082.00
J. C. Manning, Confederate States receiver	1,120.00
Maj. M. L. Smith, Confederate States receiver	16,026.52
Major Macklin, Confederate States receiver	6,814.57
Major Reichard, Confederate States receiver	497.30

Mr. TAYLOR, of Illinois. Has the bank ever been called upon to pay any of these accounts?

Mr. BLANCHARD. This money, the bank admitted, was funds or assets of the Confederate States, and the principle upon which this claim is based is (admitting that the Federal Army, by virtue of its occupation of that territory in time of war, by virtue of conquest, succeeded to whatever there was there belonging to the Confederate States government) that in the exercise of the right of the Federal Government to succeed to the ownership of whatever the Confederate government had there in virtue of conquest, they could only take from the bank what it held for the Confederate government, which in this case was $215,000 in Confederate notes, and not in gold and silver; and that General Butler, in exacting the payment of the amount in gold and silver, committed an act of spoliation on the bank.

Mr. ROWELL. Has it not been claimed that these deposits were made in the bank prior to the war?

Mr. BLANCHARD. Surely not.

Mr. ROWELL. I understand that the deposits were made before the war and that they were confiscated.

Mr. BLANCHARD. How could they have been made prior to the war when the accounts show that they were deposited in the bank for the account of the Confederate States receivers?

Mr. TAYLOR, of Illinois. My understanding is that they were deposits made prior to the war and were confiscated by the Confederate government. Were they not accounts made by individuals prior to the war and then confiscated by the Confederate government?

Mr. BLANCHARD. That is not my understanding of the case at all. If it be true that this money was received by the bank in gold and silver the Court of Claims will ascertain that fact and decree against the bank. If, as the bank contends and insists, it is proved in the court that the money was received in Confederate notes the judgment of the court would be in favor of the claimant.

That is all that there is in this case.

Mr. MILLS. Will the gentleman allow me to ask the gentleman from Illinois [Mr. TAYLOR] a question? On what ground was this property confiscated by the Confederate States? On the ground that it belonged to Union men?

Mr. TAYLOR, of Illinois. So I understand.

Mr. MILLS. Then on what ground can the United States claim this money, when it belonged to its own citizens who were loyal to the Government?

Mr. THOMAS. I will answer all those questions if I can get an opportunity. I have examined the facts in this case and am prepared to answer.

Mr. TAYLOR, of Illinois. I understand that it is not the citizens who are applying for this money, but the bank.

Mr. BLANCHARD. The fact is that the bank received that deposit, whatever gentlemen may aver to the contrary, after the 16th day of September, 1861, and received it in Confederate money.

Mr. GROSVENOR. Will the gentleman allow me a question?

Mr. BLANCHARD. In a moment. The bank received that deposit in Confederate money, and received it under a contract to pay the money back to the parties entitled to it in the very money in which it was received, namely, Confederate notes. Now I yield to the gentleman from Ohio.

Mr. GROSVENOR. What was the source from which the receivers obtained that money?

Mr. BLANCHARD. I will state to the gentleman from Ohio that my own information about this bill is limited. My colleague, Mr. WILKINSON, is absent. He introduced the bill, and the Citizens' Bank, or the people connected with it, are his constituents. I only take charge of the bill in his absence, and my knowledge does not enable me to answer the gentleman's question.

Mr. GROSVENOR. Is there not sufficient upon the record to show that the source from which they drew that money was the sequestration of the debts of Northern creditors, payable in lawful money, but sequestrated by the Confederate States, and the Citizens' Bank, as a depository, became a party to the act of the Confederate States in seizing that property?

Mr. BLANCHARD. The Citizens' Bank did not become a party to it at all, for the very good reason that the Citizens' Bank received these deposits under an order of the court, which was then being held in that country. These moneys, it seems, were under the jurisdiction of a court which had jurisdiction of the Citizens' Bank and of the receivers, and the court required the receivers to deposit the moneys in the Citizens' Bank and also required the Citizens' Bank to receive the deposits. So that the Citizens' Bank was in no sense a party to any proceeding antedating its reception of the money. It can make no difference, so far as this case is concerned, what was the source of this fund.

As to that source I personally am in ignorance. But the fact remains, and it is the salient fact in the case, that the Citizens' Bank received this money in Confederate States notes. It received the money pursuant to an order of court which it was obliged to obey. Having received the money in Confederate notes and holding it for account of parties who were Confederate States treasury agents, General Butler could legally exact from the bank the payment to him of that money only in the currency in which the bank received it.

Mr. HAUGEN. Will the gentleman state how much money was paid into the bank under the order of the court?

Mr. BLANCHARD. It is stated in the report $215,000, I think.

Mr. HAUGEN. Something over $200,000. Now, I have before me a report which contains a letter from General Butler on this subject. In that letter he speaks of this special deposit as $12,465, money paid into the bank under the order of the court. Then he goes on to say:

> The remaining deposits were deposits by the Confederate States receivers and their assistants. That is to say, the Confederate government confiscated Northern debts at par—i. e., those due Northern creditors at par—and required the Confederate debtors to pay those over to the receivers at par, and they were paid into the bank in its own bank bills at par.

Mr. BLANCHARD. I will say to the gentleman that I did not yield for a speech, but simply for a question.

Mr. HAUGEN. I only wanted to read that much of General Butler's statement.

Mr. BLANCHARD. Well, there is a wide difference between the bank and General Butler as to the fact to which the statement the gentleman has just read relates; and on the facts of the case four committees of Congress appear to agree with the bank and disagree with the general.

Mr. HAUGEN. Well, I take these statements as I find them made by General Butler. He was there and ought to know something about the matter.

Mr. BLANCHARD. As I have said, there is a wide difference between the bank and General Butler as to the facts, and that only emphasizes the wisdom of the committee which reported this bill, that the matter should be referred to the Court of Claims to ascertain the facts. If it be true, I repeat again, as General Butler believes, that this money was received in gold and silver, then the bank would have no claim. But if, on the other hand, as this claimant contends for, the money was received by the bank in Confederate notes and General Butler forced them to pay it in gold, then the judgment of the court must necessarily be in favor of the claimants.

Mr. THOMAS. Mr. Chairman, the facts in this case are very easily ascertainable from the testimony. I want to say, in the first place, that this is a very broad bill; and under it the court would unquestionably have jurisdiction not only to inquire respecting the $215,000, but also in regard to the $1,200,000 claimed to have been taken from the bank in the form of bonds and other securities. The bill involves a very large sum, and it is proposed to have the Court of Claims decide certain questions upon testimony against which, in the nature of the case, it would be very hard to make defense. Since 1862 many persons connected with these transactions have died. Testimony of record can not be found. And I want to say that the only evidence that there was that this sum of $215,000 deposited in this bank in Confederate money, which General Butler required to be paid in gold and silver or Treasury notes of the United States—the only evidence of the fact is that of some persons connected with this bank, who will be the beneficiaries of any judgment that may be rendered in favor of the bank.

Mr. STOCKDALE. If these claimants go into the Court of Claims and the evidence has been lost, how can that fact prejudice the Government? On the contrary, will not the loss of evidence operate to the prejudice of the claimants?

Mr. THOMAS. If gentlemen will listen a moment to the propositions I am going to submit, I think I can show that this loss of evidence may make a great deal of difference to the interests of the Government.

How did this sum of $215,000 get into that bank and in what kind of money was it paid to the bank at that time? This becomes a very important question. General Butler claims upon the very best of authority, as he believes, and I have never heard his statement disputed (it has been made upon this floor many times by him and also made in the form of affidavits), that this $215,000 was money sequestered or confiscated by the Confederate government as the property of persons who were indebted to Northern creditors; and this money was paid to the Citizens' Bank of Louisiana in bank notes of that institution, which were then as good as gold, which were in circulation all over the country, redeemable in gold, and which continued to be so redeemed long after General Butler left the city of New Orleans and after the war ceased.

There were other moneys, $219,000 and larger sums, which it was demonstrated went into the bank as Confederate money, which was

actually received by the bank in Confederate money. General Butler did not seek to make the bank pay this money in gold or silver or Treasury notes of the United States; but he had the Confederate notes sold and turned into gold and silver, not requiring the bank to be accountable in good money for what it had received in Confederate notes, though in justice and right the bank should have been made thus to pay. That institution used every dollar of the $219,000 as banking capital; it compelled the people of New Orleans and the State of Louisiana to receive every dollar of that Confederate money on a par with gold. It used the money as banking capital. Besides, at the time it was seized it had depreciated for the reason that New Orleans had been taken, Union victories had been won, the Confederacy was tottering, and the money upon which it based its financial affairs was going down. The bank ever since the rebellion commenced had had the use of this money at par. But General Butler was not desirous of making the bank redeem this money at par, but only required it to pay such amount of gold and silver as would equal the value of the Confederate notes at that time.

Mr. STOCKDALE. I presume the gentleman does not want to make an incorrect statement. He will therefore allow me to ask him who compelled the people of New Orleans to take Confederate money at par and when.

Mr. THOMAS. Well, that question is very easily answered.

Mr. STOCKDALE. I would like to have an answer.

Mr. THOMAS. The bank was under the Confederate government, and it was receiving the money of that government in the same way that we received the greenbacks.

Mr. STOCKDALE. But we did not receive it at par.

Mr. THOMAS. You gentlemen who served in the Confederate army received your pay in Confederate money at par, did you not?

Mr. STOCKDALE. We did not receive that money as being as good as gold. In fact, we were never compelled to receive it at par; it was always at a discount.

Mr. GROSVENOR. It discharged your claims, however.

Mr. STOCKDALE. If we wanted to take it. But it never was at par.

Mr. THOMAS. Now, it is beyond question that the $215,000 now in contention was taken from persons who owed Northern creditors, was paid in money of the Citizens' Bank of Louisiana or in gold and silver, and afterward deposited by the receivers appointed by the Confederate government to the credit of the Confederate government in the bank.

Mr. FORNEY. What sort of money was paid over by the receivers? That is what I want to know.

Mr. THOMAS. The money of the Citizens' Bank of Louisiana, mostly.

Mr. MILLS. I would like to know how the Government of the United States gets any claim to this money. I want to ask the gentleman's attention to that question, because if he is right I am going to vote with him, and if not I am going to vote the other way.

Mr. THOMAS. I think it will be easy to answer the gentleman's question.

Mr. MILLS. If the Confederacy had succeeded, this property might have gone into her treasury vaults and become public property; but as she did not succeed, did not the people in the South as well as the North retain the property rights that they previously had, and consequently would not this money belong either to the people who owed it to Northern creditors or to those Northern creditors?

Mr. THOMAS. Now, let me go a little further with the evidence and it will answer, itself, the question.

Mr. MILLS. It is very important that it should be known.

Mr. THOMAS. The gentleman from Texas, who asks the question, will see that the facts answer.

This, I repeat, being good money of the United States and of the same value as gold and silver, taken from persons who owed Northern men, and paid into the bank to the credit of the Confederate government——

Mr. BLANCHARD (interrupting). Paid in what?

Mr. THOMAS. Paid in bank bills of the Citizens' Bank of Louisiana, current money, dollar for dollar, then in circulation. This money was deposited in the bank to the credit of the Confederate government. So far as the acts of the Confederate government and of the courts of that government could make it, it was the property of the Confederacy. When General Butler found the money there he took it. He compelled the banks to pay as good money as they had received, and that is to-day in the Treasury of the United States. In answer to the gentleman from Texas, let me say again that money is to-day in the Treasury of the United States; and if it belongs to the Northern creditors, as I think it does, Congress can give it to them; the courts may do so; but under no circumstances conceivable can the Citizens' Bank of Louisiana claim it, for it never belonged to them. It either belonged to the Confederacy or to the Northern creditors, and it is in the Treasury of the United States subject to the action of Congress in relation to the matter. It seems to me that that is a plain, fair, and complete answer.

Mr. MILLS. Hardly.

Mr. THOMAS. Why?

Mr. MILLS. For the reason that the citizens whose property was confiscated may after the war have been compelled to pay their notes. If so, it belongs to them.

Mr. THOMAS. Of course. I am not contending to the contrary. It belongs as a matter of right to those people who have a legal claim to it; but what I am contending for is that under no circumstances could this bank have a legal claim.

Mr. FORNEY. What proof have you that that kind of money, good money, was paid over to the bank instead of Confederate money?

Mr. THOMAS. Well, I want to say that it was universally conceded at the time to be so. Nobody disputed it.

Mr. FORNEY. Have you proof of that fact before your committee?

Mr. THOMAS. Proof of that fact exists, and I am going to have it read.

Mr. FORNEY. I hope you will.

Mr. BLANCHARD. Will the gentleman yield to me for a moment?

Mr. THOMAS. I must beg not to be interrupted.

Mr. BLANCHARD. I yielded to the gentleman.

Mr. THOMAS. Yes; but I only had about a half minute.

Mr. BLANCHARD. And I yielded to various other gentlemen on that side of the House.

Mr. THOMAS. Very well; I will yield for a question.

Mr. BLANCHARD. Now, this bank received this money after September 16, 1861, did it not?

Mr. THOMAS. Yes.

Mr. BLANCHARD. And is it not a fact, as shown by the evidence in the case, that at the time that General Butler received it the bank by a contract with its stockholders, including these very depositors, had a right to pay them back in the same money the bank had received on deposit?

Mr. THOMAS. Oh, I know that the bank issued books of deposit with a little printed slip so specifying; but there is no evidence that any depositor agreed to it, or any creditor. On the contrary, as I am informed, the records of the courts of Louisiana, and particularly of New Orleans, are filled with suits commenced to recover the value of money deposited on the ground that the depositor had not agreed to such condition. It was a one-sided agreement altogether. The putting of the printed notice in the book of deposit and signed by the bank after a man had deposited his money——

Mr. BLANCHARD. No; before the deposit.

Mr. THOMAS. After the money was deposited.

Mr. BLANCHARD. Well, we differ on that fact.

Mr. THOMAS. Yes, we do.

Mr. BLANCHARD. Now, let me go on with the question. This money you said belonged to others; to Northern creditors.

Mr. THOMAS. Yes.

Mr. BLANCHARD. It was received by the bank, according to the position taken by the claimant, in Confederate notes.

Mr. THOMAS. No; I do not so admit.

Mr. BLANCHARD. Well, I say that is the position of the bank.

Mr. THOMAS. But we deny that.

Mr. BLANCHARD. And that is a fact to be ascertained by the investigation of the Court of Claims. Now, then, it was held by the bank subject to the credit of the Confederate States treasury agents, was it not?

Mr. THOMAS. Yes.

Mr. BLANCHARD. That is in evidence?

Mr. THOMAS. Yes; by receivers of the Confederacy.

Mr. BLANCHARD. Very good. Then, when General Butler, under the Order No. 40, required the bank to pay, not what it held, which you say belonged to the Northern creditors, only Confederate notes, but compelled the bank to pay its own funds——

Mr. THOMAS. Well, I did not yield to the gentleman for a speech.

Mr. BLANCHARD. I am getting to the question. Is it not a fact that the bank was compelled to pay its own notes?

Mr. THOMAS. I have been trying to make it clearly understood that on the facts as I understand them the evidence shows beyond all question that the money so paid into the bank by the receivers or Confederate agents were bank notes mostly of the Citizens' Bank of Louisiana.

Mr. COOPER, of Ohio. And equivalent to gold.

Mr. THOMAS. Yes, equivalent to gold, and were so after the war closed, even.

They suspended specie payment by order of General Butler, and petitioned him time and time again to resume specie payment; they were finally granted the privilege, and never failed to pay their notes until after the war closed, when they got into some financial difficulty and failed. Now, I think the evidence further shows that the original claimants, the owners of this Citizens' Bank, have no interest in this matter at all, but that some assignee of a bankrupt sale has got it to make a great speculation out of it.

Mr. BOATNER. Have you any authority for that statement?

Mr. THOMAS. I have this authority, that it is the statement of General Butler, who investigated the facts.

Mr. BOATNER. Have you the authority upon which General Butler made his statement?

Mr. THOMAS. I am stating what I understand the facts to be, from all the information I can get. Why, if this kind of a claim is to be allowed, we might as well commence at once to pay the Confederate debt. If this money belonged to anybody at all except these Northern men or the men from whom it was taken, it belonged to the Confederacy. And the idea of submitting to a court the question whether these men shall have what never belonged to them, or which they received in good money and were required to pay in good money, is contrary to my notions of justice and right. I do not believe the Congress of the United States ought to be asked to do that, and that is what it means.

Now, before I take up any more time in this manner I wish to have the views of the minority read, as contained in the report which the gentleman from Louisiana [Mr. BLANCHARD] caused to be read first, and which I know has been copied after thorough investigation, in several reports, and which I thought it was unnecessary to repeat, because I supposed that every man who was in Congress knew the facts.

In this report it will be shown that there was no contention at the time as to this $215,000 and odd. Everybody, except the bank, admitted, and they had to admit virtually, that they received this in good money and were only required to pay it back in the same money they got. Now they come in and say as a ground for this claim that it was received by them in Confederate money, and that the money was good for nothing, and that they were obliged to pay it back in good money, and they want the court to repay them for paying something for nothing, which, in my judgment, under the testimony, is a false pretense, without any foundation whatever. In other words, they want in this way to get hold of a quarter of a million nearly of the funds which were a part of the Confederate property in the hands of this bank, and which were properly confiscated, and as to which there was no pretense to the contrary.

Nobody pretends to say but what this belonged to the United States; at least that it did not belong to the Confederate government; for when that was overthrown all its property belonged to the Government of the United States. When it was taken the Government became the heir and inherited its property; and if this failed it does not go back to the bank. It goes to the men from whom it was violently and wrongfully taken by a usurping power, claiming to call itself the Confederate States of America.

Mr. HILL. Before the gentleman from Wisconsin closes, will he yield for a question?

Mr. THOMAS. Certainly.

Mr. HILL. I would like to know whether or not this Citizens' Bank that is referred to there is still in existence as a banking institution.

Mr. THOMAS. Not at all. It failed, as I am informed, either through proceedings in the State courts or in some other way. Either by assignee's or bankrupt sale it was all sold out, as I am told, and of course at a great discount, as I understand it; and the fact is, as I am credibly informed and believe, that not a man connected with that bank will receive a dollar.

Mr. HILL. Does the gentleman know whether or not the Bank of Louisiana, as it is called, is the successor in any way to this Citizens' Bank?

Mr. THOMAS. I do not know,

Mr. BOATNER. I will state to the gentleman from Illinois [Mr. HILL] that I think the gentleman from Wisconsin is totally and absolutely and entirely mistaken in his statement about the Citizens' Bank of Louisiana. The Citizens' Bank of Louisiana as a corporation never failed. That is my understanding. There was a mortgage department of the Citizens' Bank of Louisiana, which was created for the purpose of advancing money on plantations many years ago. It negotiated its bonds in Europe for a very large amount of money, which the State of Louisiana indorsed. The Citizens' Bank of Louisiana was unable, in its mortgage department, to meet the interest upon these bonds, and some act of the Legislature was enacted by which the mortgage department of the bank was reorganized; but the banking department of the Citizens' Bank has continued in operation from that day to this and has never been into court to my knowledge. It has never been into bankruptcy, of that I am certain, and it is to-day an existing, living institution in the city of New Orleans.

Mr. BLANCHARD. And owns this claim.

Mr. HILL. Is it doing business there?

Mr. BOATNER. Doing business at this time.

Mr. THOMAS. If that is the fact, the argument against paying this back is all the stronger. The bank has no claim here on the ground of sympathy.

Mr. BOATNER. We are not asking it on the ground of sympathy. It is a cold question of law and justice.

Mr. THOMAS. The claim of sympathy is the only claim that you have, it seems to me, because there is not a word of testimony to show the statement made by General Butler to be false, that this bank received this money in its own bills.

Mr. BOATNER. There is his own statement, made at the time, to the contrary.

Mr. THOMAS. And the further statement that these bills were at par with gold and silver at the time; and if they are to-day at par I have been misinformed.

I want to say in relation to this other branch of the case that there is $1,250,000 claimed by this bank, or by its representatives, for these bonds and mortgages that were taken away, and this bill is large enough to cover that, and it seems to me that it is intended to cover it. But I have not gone into that, for the reason that the committee itself says that they can find but little evidence upon which to found that claim, although they evidently leaned very far toward it.

I think that the committee has copied the report that was first made in this case. There has been no new light thrown upon it for a half dozen or more Congresses. It is about the same report. These facts which I have stated have been shown up year after year. This claim is old enough to be gray-headed, and undoubtedly will come up here for action in Congresses after we are all dead, and the claimants will insist, as they insist now, that it is only a question of evidence and of going to the courts, and will look at our successors in astonishment if they are not willing to have the courts decide it. Every court must be governed by only such evidence as is brought before it.

Mr. BUCHANAN, of New Jersey. And twenty-eight years have elapsed.

Mr. THOMAS. Twenty-eight years have elapsed and much of this testimony has been lost; much that General Butler alleges, and of what he said upon this floor, would be hard now to find; and I hope the committee will not permit this bill to pass. I ask to have the report of the minority read, which will clearly show the facts that I have stated.

The Clerk read as follows:

The undersigned is unable to agree with the majority of the committee. A bill similar in character to the one under consideration was reported favorably to the first session of the Forty-eighth Congress by a majority of the Committee on Claims. The undersigned and the then chairman of the committee submitted a minority report at that time, which fully expresses the views of the undersigned, and is as follows:

[Senate report 403, part 2, Forty-eighth Congress, first session.]

The undersigned, members of the Committee on Claims, being unable to agree with the majority of the committee in the views expressed in Report No. 403, respectfully submit their views as follows:

The Citizens' Bank of Louisiana was, during the years 1861 and 1862, a banking corporation incorporated and organized under the laws of the State of Louisiana and doing business at the city of New Orleans. It had a large specie reserve and issued its own bills as currency. Some time during the fall of 1861 it suspended specie payments, but at the time of the capture of the city of New Orleans by the Federal troops, in April, 1862, its bills were passing current as money at par, and it applied to General Butler, after the capture, for leave to redeem its bills in coin. This application General Butler refused, as the circulation of the bank was needed for the commercial purposes of the city. The proclamation of General Butler, of May 1, 1862, after the capture of the city, contained the following:

"The circulation of Confederate bonds, evidences of debt (except notes in the similitude of bank notes) issued by the Confederate States, or scrip, or any trade in the same is forbidden. It has been represented to the commanding general by the civil authorities that these Confederate notes, in the form of bank notes in a great measure, are the only substitutes for money which the people have been allowed to have, and that great distress would ensue among the poorer classes if the circulation of such notes should be suppressed. Such circulation, therefore, will be permitted so long as any one will be inconsiderate enough to receive them, until further orders."

On the 16th of the same month General Butler issued the following order:

"NEW ORLEANS, *May* 16, 1862.

"I. It is hereby ordered that neither the city of New Orleans nor the banks thereof exchange their notes, bills, or obligations for Confederate notes, bills, or bonds, nor issue any bill, note, or obligation payable in Confederate notes.

"II. On the 27th day of May instant all circulation of, or trade in, Confederate notes or bills will cease within this department; and all sales or transfers of property made on or after that day, in consideration of such notes or bills, directly or indirectly, will be void, and the property confiscated to the United States, one-fourth thereof to go to the informer."

Thereupon the several banks of the city gave notice through the newspapers that all persons having deposits of Confederate notes with them should withdraw such deposits before the 27th of the month, and that if such balances were not withdrawn before that date they would be at the risk of the owners. The banks sought by this means to throw the depreciated Confederate currency, held by them, upon the already impoverished people, and General Butler thereupon issued an order which explains itself, and was as follows:

"NEW ORLEANS, *May* 19, 1862.

"It is represented to the commanding general that great distress, privation, suffering, hunger, and even starvation have been brought upon the people of New Orleans and vicinage by the course taken by the banks and dealers in currency.

"He has been urged to take measures to provide, as far as may be, for the relief of the citizens, so that the loss may fall, in part at least, on those who have caused and ought to bear it.

"The general sees with regret that the banks and bankers causelessly suspended specie payments in September last, in contravention of the laws of the State and of the United States. Having done so, they introduced Confederate notes as currency, which they bought at a discount, in place of their own bills, receiving them on deposit, paying them out for their discounts, and collecting their customers' notes and drafts in them as money, sometimes even against their will, thus giving these notes credit and a wide general circulation, so that they were substituted in the hands of the middlemen, the poor and unwary, as currency in place of that provided by the Constitution and laws of the country, or of any valuable equivalent.

"The banks and bankers now endeavor to take advantage of the re-establishment of the authority of the United States here to throw the depreciation and loss from this worthless stuff of their creation and foisting it upon their creditors, depositors, and billholders.

"They refuse to receive these bills, while they pay them over their counters.

"They require their depositors to take them.

"They change the obligation of contracts by stamping their bills, 'redeemable in Confederate notes.'

"They have invested the savings of labor and the pittance of the widow in this paper.

"They sent away or hid their specie, so that the people could have nothing but these notes, which they now depreciate, with which to buy bread.

"All other property has become nearly valueless from the calamities of this iniquitous and unjust war, begun by rebellious guns turned on the flag of our prosperous and happy country floating over Fort Sumter. Saved from the general ruin by the system of financiering, bank stocks alone are now selling at great premiums in the market, while the stockholders have received large dividends.

"To equalize, as far as may be, this general loss; to have it fall, at least in part, where it ought to lie; to enable the people of this city and vicinage to have a currency which shall at least be a semblance to that which the wisdom of the Constitution provides for all citizens of the United States, it is therefore ordered—

"(1) That the several incorporated banks pay out no more Confederate notes to their depositors or creditors, but that all deposits be paid in the bills of the bank, United States Treasury notes, gold, or silver.

"(2) That all private bankers receiving deposits pay out to their depositors only the current bills of city banks, or United States Treasury notes, gold, or silver.

"(3) That the savings banks pay to their depositors or creditors on gold, silver, or United States Treasury notes, current bills of city banks, or their own bills, to an amount not exceeding one-third of their deposits, and of denominations not less than $1, which they are authorized to issue, and for the redemption of which their assets shall be held liable.

"(4) The incorporated banks are authorized to issue bills of a less denomination than $5, but not less than $1, anything in their charters to the contrary notwithstanding, and are authorized to receive Confederate notes for any of their bills until the 27th instant.

"(5) That all persons and firms having issued small notes, or 'shinplasters,' so called, are required to redeem them on presentation at their places of business, between the hours of 9 a.m. and 3 p. m., either in gold, silver, United States Treasury notes, or current bills of city banks, under penalty of confiscation of their property and sale thereof, for the purpose of redemption of the notes so issued, or imprisonment for a term at hard labor.

"(6) Private bankers may issue notes of denominations not less than $1 nor more than $10 to two-thirds of the amount of specie which they show to a commissioner appointed from these headquarters in their vaults, actually kept there for the purpose of redemption of such notes."

A Mr. Durand had deposited in the Bank of Louisiania Confederate notes when they were passing current. After the above order was issued he demanded the amount in money then. The bank refused payment, and Mr. Durand brought suit in the provost court against the bank to recover the amount of his deposit. Major Bell, provost marshal, decided against the bank, and ordered it to pay Mr. Durand in money. The bank appealed to General Butler. General Butler, in a lengthy decision, affirmed the decision of Major Bell. We quote from the closing portion of the opinion:

"The other objection, as to the merits of the decision, can, it seems to me, be disposed of in a word. If the order is a proper one, it must be obeyed. Its propriety can not be discussed by me. It is admitted that Durand is a depositor in the bank of what the bank chose to take as money, treated as money, credited to him as money, nay, forced upon the community as money. He has not been paid his deposit. The bank should pay him in specie. The decision following the letter of the order is that the bank may give him their own bills instead of money. Of that decision the bank has no cause to complain. Durand is now the creditor of the bank as a depositor. The decision makes him their creditor as a billholder. In equity they have nothing to complain of; he may have, because he does not get his gold, to which, by the laws of banking, laws of the State and the United States, he is entitled.

"He does not seek to reverse the decision. Let it stand."

It will thus be seen that by the law as administered by General Butler at that time in the city of New Orleans the banks were required to pay their depositors in their own bills or in specie, notwithstanding deposits had been made in whole or in part in Confederate notes.

On June 6, 1862, General Butler issued the following order:

"NEW ORLEANS, *June* 6, 1862.

"Any person who has in his possession or subject to his control any property, of any kind or description whatever, of the so-called Confederate States, or who has secreted or concealed or aided in the concealment of such property, who shall not, within three days from the publication of this order, give full information of the same, in writing, at the headquarters of the military commandant, in the customhouse, to the assistant military commandant, Godfrey Weitzel, shall be liable to imprisonment and to have his property confiscated."

In response to which the Citizens' Bank of Louisiana made the following return:

"CITIZENS' BANK OF LOUISIANA,
"*New Orleans, June* 11, 1862.

"GENERAL: In obedience to your General Order No. 40, I beg to inform you that on the 1st of May last there was to the credit of the treasurer of the Confederate States in this bank the sum of $219,090.94; and also on special account the further sum of $12,465; and this bank holding a large amount in the notes of the Confederate treasury, an equivalent amount in said treasury notes has been set aside, and is now held by the bank, to offset the above stated amount, and which notes I will return as the property of the Confederate States under your order.

"Also, one small tin box, marked 'Conf. States district court.'

"The following-named parties have also to their credit on deposit these sums, namely:

J. M. Huger, Confederate States receiver	$106,812.00
G. W. Ward, Confederate States receiver	72,082.00
J. C. Manning, Confederate States receiver	1,120.00
Maj. M. L. Smith, Confederate States receiver	16,026.52
Major Macklin, Confederate States receiver	6,814.57
Major Reichard, Confederate States receiver	497.30

"As the deposits by the receivers were made in this bank by virtue of an order of the Confederate court, in accordance with the act of Congress, they were to that extent compulsory on the receivers as well as on the banks. To have refused to comply with the mandate of the court might have brought both parties into conflict with the constituted authorities for the time being.

"All the above-mentioned deposits were made in the currency of the Confederate government by its appointed officers.

"Had the bank resumed specie payment or become bankrupt in the mean time, those depositors would have had no claim to the coin or to a pro rata distribution of the other assets of the bank. They could only have claimed the currency deposited by them, and hence it may be classed in reality as special deposits of Confederate funds, payable in same, in accordance with the contracts and understanding at the time. Under the circumstances, the bank appeals to General Butler's sense of equity and justice to allow these deposits to be paid to whom it may concern in the same currency in which they were received.

"Some time during the month of November last an order of sequestration was issued to the marshals of the Confederate States to take charge of the assets of the Bank of Kentucky, then held by this bank in the usual course of business.

"The assets have never been removed from the bank, yet still are nominally beyond its control.

"I therefore respectfully request from the commanding general an order to refund to the Kentucky bank, the owners of said assets, that the accounts may be made out accordingly and a due return forwarded to them.

"The banks were informed of the seizure of their assets at the time, and one of them, the Bank of Kentucky, had a resident agent here at that time.

"With great respect, your obedient servant,

"JAMES D. DENEGRE, *President.*

"Maj. Gen. B. F. BUTLER,
Commanding at New Orleans."

Upon the receipt of which General Butler addressed the bank the following communication:

"HEADQUARTERS, DEPARTMENT OF THE GULF,
"*New Orleans, June* 13, 1862.

"The return of the Citizens' Bank of New Orleans to General Order No. 40 has been carefully examined, and the various claims set up by the bank to the funds in its hands weighed.

"The report finds that there is to the credit of the Confederate States $219,090.94.

"This of course is due *in præsenti* from the bank. The bank claims that it holds an equal amount of Confederate treasury notes, and desires to set off these notes against the amount so due and payable.

"This can not be permitted. Many answers might be suggested to the claim. One or two are sufficient.

"Confederate States treasury notes are not due till six months after the conclusion of a treaty of peace between the Confederate States and the United States. When that time comes it will be in season to set off such claims. Again, the United States being entitled to the credits due the Confederate States in the bank, that amount must be paid in money or valuable property.

"I can not recognize the Confederate notes as either money or property. The bank having done so by receiving them, issuing them, banking upon them, loaning upon them, thus giving them credit to the injury of the United States, is estopped to deny their value.

"The 'tin box' belonging to an officer of the supposed Confederate States, being a special deposit, will be handed over (to me) in bulk, whether its contents are more or less valuable.

"The bank is responsible only for safe custody. The several deposits of the officers of the supposed Confederate States were received in the usual course of business; were, doubtless, some of them, perhaps largely, received in Confederate notes; but, for the reason above stated, can only be paid to the United States in its own constitutional currency. These are in no sense of language 'special deposits.'

"They were held in general account, went into the funds of the bank, were paid out in the discounts of the bank, and if called upon to-day for the identical notes put into the bank, which is the only idea of a special deposit, the bank would be utterly unable to produce them.

"As well might my private banker, with whom I have deposited my neighbor's check or draft as money, which has been received as money, and paid out as money months afterward, when my neighbor has become bankrupt, buy up other of his checks and drafts at discount, and pay them to me instead of money, upon the ground that I had made a special deposit.

"The respectability of the source from which the claim of the bank proceeds alone saves it from ridicule.

"The United States can in no form recognize any of the sequestrations or confiscations of the supposed Confederate States; therefore, the accounts with the Bank of Kentucky will be made up and all its property will be paid over and delivered as if such attempted confiscation had never been made.

"The result is, therefore, upon the showing of the bank by its return that there is due and payable to the Confederate States, and therefore now to be paid to the United States, the sums following:

Confederate States treasurer's account	$219,090.94
Confederate States special accounts	12,465.00
Deposits by officers:	
J. M. Huger, receiver	106,812.00
G. M. Ward, receiver	72,082.00
J. C. Manning, receiver	1,120.00
	411,573.44
M. L. Smith, receiver	16,026.52
S. Macklin, receiver	6,814.57
Reichard, receiver	497.30
Total	434,908.33

"This is the legal result to which the mind must arrive in this discussion.

"But there are other considerations which may apply to the first item of the account. Only the notes of the Confederate States were deposited by the treasurer in the bank, and, by the order of the ruling authority then here, the bank was obliged to receive them. In equity and good conscience the Confederate States could call for nothing more than they had compelled the bank to take. The United States succeed to the rights of the Confederate States, and should only take that which the Confederate States ought to take. But the United States, not taking or recognizing Confederate notes, can only leave them with the bank, to be held by it hereafter in special deposit as so much worthless paper.

"Therefore, I must direct all the items but the first to be paid to my order for the United States in gold, silver, or United States Treasury notes, at once. The first item of $219,090.94 I will refer to the home government for adjudication; and in the mean time the bank must hold, as a special deposit, the amount of Confederate treasury notes above mentioned, and a like amount of bullion, to await the decision.

"BENJAMIN F. BUTLER,
"*Major General, Commanding.*"

A few days afterwards the sum $215,820.89, the aggregate amount of the deposits standing to the credit of the Confederate receivers and officers in the Citizens' Bank, was paid by the bank to General Butler and covered into the Treasury of the United States.

It appears that in some instances there was pasted in the bank books of the depositors with the Citizens' Bank, about September 16, 1861, a printed slip in words and figures as follows, to wit:

"On the resumption of specie payment by this bank your balance on the 16th of September, 1861, or any portion thereof not drawn for, will be paid to you in coin. Deposits since that date are payable in Confederate notes of the Confederacy."

But we do not find that there was at any time any contract between the Citizens' Bank and its depositors by which the latter agreed to receive Confederate notes in payment for their deposits, unless such printed notice constituted such a contract, and we have not been able to ascertain whether such notice was ever brought to the attention of the Confederate States receivers and Confederate officers mentioned in the said return of the bank to General Butler's order. Neither is the testimony sufficient to satisfy the undersigned that the several deposits were made in Confederate notes.

The item of $12,465 was for money paid into the bank from the registry of the

court when Confederate notes were at par. The items of deposits by the Confederate States receivers were mainly, if not wholly, composed of debts due Northern creditors, which were confiscated by the Confederate government. The Confederate debtors were compelled to pay these debts at par to the receivers, and the amounts were deposited by the receivers in the bank in current funds in the State of Louisiana at the time—notes of the State banks, and probably in part Confederate notes, then current at par.

At the first session of the Forty-fifth Congress, Senator HOAR, from the Senate Committee on Claims, made an adverse report upon the claim of the New Orleans Gaslight Company to be reimbursed certain moneys which had been paid over by the company to G. W. Ward, Confederate receiver, and which constituted a portion of the deposit included in the return of the Citizens' Bank above set forth. The gaslight company having been afterward compelled to pay the amount to its Northern creditor, claimed to be entitled to be repaid the amount which had been paid over to General Butler by the Citizens' Bank. We quote from the report to show the character of the deposit by the said Ward as Confederate States receiver in the Citizens' Bank, as follows:

"First, in regard to the identity of the fund. The checks drawn by the petitioners in favor of Ward upon the Mechanics' Bank were doubtless paid by that bank to the Citizens' Bank, in which he deposited them. Whether they were paid in Confederate money, balancing credits between the banks, or in their own bills, or otherwise, does not appear. The sum so paid was mingled with a large sum standing in the name of Ward, receiver, and in an amount nearly equal to that paid by the petitioners to Ward, and drawn out by him in small sums."

It seems probable that all of the deposits by the receivers were of a similar character, and made in current funds, which were the bills of the State banks and Confederate notes. But, whether the deposits in the Citizens' Bank were made in Confederate notes or not, we are of the opinion that the claim of the bank should be disallowed:

First. For the reasons stated in the communication of General Butler to the bank, the collection from the bank of such deposits in current funds was, in the judgment of the undersigned, just and right and in accordance with the law as then being administered by competent authority within the city of New Orleans.

Second. The money of the bank standing to the credit of said Confederate receivers and officers became the property of the United States upon the capture of the city.

General Butler, at the time he required the bank to pay over such deposits, had undoubted authority to determine that they were payable in coin or in United States notes, and his decision upon that question should be treated as final and conclusive.

It may be considered unnecessary, inasmuch as the majority of the committee have recommended the disallowance of the second item of the claim, that the undersigned should present their views upon it. But as claims of the character of this one never become too stale to be pressed upon the attention of Congress, we are not willing, in any future investigation, to stand committed to the statements contained in the majority report in relation to this item. When General Butler took possession of New Orleans he found the city nearly on the verge of starvation. He at first made an arrangement with the city government to furnish employment to the starving poor of the city by which the city was to pay each man employed from its revenues 50 cents per day, and a larger sum for skilled labor, for each day's labor of ten hours, towards the support of their families, and the United States was to issue to each laborer so employed for each day's work a full ration for a soldier of wholesome food. But he soon found, as he said, "that the very distribution of food was a means faithlessly used to encourage the rebellion," and was compelled to take the whole matter into his own hands. He thereupon issued the following order:

"NEW ORLEANS, *August* 4, 1862.

"It appears that need of relief to the destitute poor of the city requires more extended measures and greater outlay than have yet been made.

"It becomes a question, in justice, upon whom should this burden fall.

"Clearly, upon those who have brought this great calamity upon their fellow-citizens.

"It should not be borne by taxation of the whole municipality, because the middling and working men have never been heard at the ballot box, unawed by threats and unmenaced by 'thugs' and paid assassins of conspirators against peace and good order. Besides, more than the vote that was claimed for secession have taken the oath of allegiance to the United States.

"The United States Government does its share when it protects, defends, and preserves the people in the enjoyment of law, order, and calm quiet.

"Those who have brought upon the city this stagnation of business, this desolation of the hearthstones, this starvation of the poor and helpless, should, as far as they may be able, relieve these distresses.

"There are two classes whom it would seem peculiarly fit should at first contribute to this end. First, those individuals and corporations who have aided the rebellion with their means and, second, those who have endeavored to destroy the commercial prosperity of the city, upon which the welfare of its inhabitants depends.

"It is brought to the knowledge of the commanding general that a subscription of $1,250,000 was made by the corporate bodies, business firms, and persons whose names are set forth in Schedule A annexed to this order, and that sum placed in the hands of an illegal body known as the "committee of public safety," for the treasonable purpose of defending the city against the Government of the United States, under whose humane rule the city of New Orleans had enjoyed such unexampled prosperity that her warehouses were filled with trade of all nations who came to share her freedom, to take part in the benefits of her commercial superiority, and thus she was made the representative mart of the world.

"The stupidity and wastefulness with which this immense sum was spent was only equaled by the folly which led to its being raised at all. The subscribers to this fund, by this very act, betray their treasonable designs and their ability to pay at least a much smaller tax for the relief of their destitute and starving neighbors.

"Schedule B is a list of cotton-brokers who, claiming to control that great interest in New Orleans to which she is so much indebted for her wealth, published in the newspapers, in October, 1861, a manifesto, deliberately advising the planters not to bring their produce to the city, a measure which brought ruin at the same time upon the producer and the city.

"This act sufficiently testifies the malignity of these traitors, as well as to the Government as their neighbors, and it is to be regretted that their ability to relieve their fellow-citizens is not equal to their facilities for injuring them.

"In taxing both these classes to relieve the suffering poor of New Orleans, yea, even though the needy be the starving wives and children of those in arms at Richmond and elsewhere against the United States, it will be impossible to make a mistake save in having the assessment too easy and the burden too light.

"It is therefore ordered—

"First. That the sums in schedules annexed, marked A and B, set against the names of the several persons, business firms, and corporations herein described be, and hereby are, assessed upon each respectively.

"Second. That said sums be paid to Lieut. David C. G. Field, financial clerk, at his office in the customhouse, on or before Monday, the 11th instant, or that the property of the delinquent be forthwith seized and sold at public auction to pay the amount, with all necessary charges and expenses, or the party imprisoned till paid.

"Third. The money raised by this assessment to be a fund for the purpose of providing employment and food for the deserving poor people of New Orleans."

By this order the assessment was made against the Citizens' Bank, which constitutes the second item of this claim.

General Butler, in a communication dated October, 1862, to Hon. E. M. Stanton, Secretary of War, said with reference to said Order No. 55:

"With these convictions I issued General Order No. 55, which will explain itself, and have raised nearly the amount of the tax therein set forth.

"But for what purpose? Not a dollar has gone in any way to the use of the United States. I am now employing one thousand poor laborers, as matter of charity, upon the streets and wharves of the city from this fund. I am distributing food to preserve from starvation nine thousand seven hundred and seven families, containing thirty-two thousand four hundred and fifty souls, daily, and this done at an expense of $2,000 per month. I am sustaining, at an expense of $2,000 per month, five asylums for widows and orphans. I am aiding the Charity Hospital to the extent of $5,000 per month."

And in the same communication he said, referring to the French and Prussian ministers, who had made complaints against the Government on account of this order:

"They will find that out of 10,490 families who have been fed from the fund, with the raising of which they find fault, less than one-tenth (1,010) are Americans; 9,480 are foreigners."

And in a communication to General Halleck, of September 1 of the same year, General Butler wrote:

"I am distributing, in various ways, about $50,000 per month in food, and more is needed. This is to the whites. My commissary is issuing rations to the amount of nearly double the amount required by the troops. This is to the blacks."

It will be seen from the above that during General Butler's administration at New Orleans the colored poor were fed from other funds; that the tax was not levied upon the basis of the amount of the city defense bonds held at the time of the levy by the bank, but upon the basis of its original subscription, and that, therefore, the subsequent order of General Butler, by which the city was made to contribute to the payment of the tax assessed against the bank on account of certain bonds having been surrendered and canceled, gives the claimant no right to relief.

The question as to whether the tax was "equal and uniform" ought not to be reviewed by Congress. It is evident, also, that the Citizens' Bank, in subscribing the amount of $306,800 to the city defense bonds, instead of being actuated by a purely business and prudential motive—*i. e.*, the exchange of Confederate notes for the city bonds, as intimated in the majority report—was claiming to be actuated by a patriotic devotion to the Confederate cause; that the assessment levied by General Butler was not a penalty, but a tax levied for a humane and necessary purpose; that the fund thus raised, instead of having been expended as stated by the majority report—mainly "in supporting and providing employment for the poor of New Orleans, consisting largely of the colored population which crowded into the city after the Federal occupation of the same"—was expended for the support of white Confederate women and children who would otherwise have starved, while their husbands, fathers, and brothers were fighting in the Confederate armies.

It appearing, therefore, that the fund derived from this tax was expended wholly for the support of the starving poor of the city of New Orleans, and that no portion of it ever reached the Treasury of the United States or was expended in any manner for the benefit of the United States, neither the Citizens' Bank nor any other corporation or person upon whom the said tax was levied can have any claim against the United States on account of the same.

We find it unnecessary to discuss the legal questions relating to the branch of this claim embracing payments made to the military authorities of the United States under and in pursuance to Special Order No. 202, dated August, 1863, issued by Major General Banks, as the report of the majority of the committee is in favor only of repayment to the Citizens' Bank of the $8,000 which the Ocoe Bank of Tennessee had to its credit in the Citizens' Bank, and which was turned over to the military authorities under said Order No. 202.

It clearly appears from the evidence accompanying this claim that said sum was turned over to the military authorities in Confederate notes, the circulation of which, as money, more than a year previously had been prohibited by order of the commanding general of New Orleans, and which were at the time neither current funds nor of any considerable value, and from which it does not appear that the United States ever received any benefit.

We are therefore clearly of the opinion that the claim should be wholly disallowed.

We append hereto, as a part hereof, a letter recently received from General Butler relating to this claim.

J. N. DOLPH.
ANGUS CAMERON.

[Law offices of Benjamin F. Butler, Washburn & Webster, No. 16 Pemberton Square, Rooms 1, 2, and 3. Frank L. Washburn. Prentiss Webster.]

BOSTON, *April* 24, 1884.

MY DEAR MR. SENATOR: You will find most of the facts which I state to you here in Parton's Butler in New Orleans, which you will find in the Congressional Library, but I will state the matter succinctly so far as I know.

It is true that the Citizens' Bank was an ordinary chartered bank, doing a banking business in New Orleans and issuing bills as currency. It is also true that it had suspended specie payments at some time during the reign of the Confederacy there, *i. e.*, somewhere about the 1st of October, as I remember, 1861; but when I came to New Orleans its bills were passing current as money at par, and it applied to me for leave to withdraw its bills and pay them up in gold, but I refused to give them that leave for the obvious reason that then I should have no currency, the entire currency of New Orleans being, when I got there, bank bills of the several banks of New Orleans, which had just before that $13,000,000 of specie, quite equal to their bills in circulation. But just before I arrived there the banks sent away into the Confederacy between five and six millions of specie, and hid in various places the rest, among others in places of sepulcher, all of which being done by blacks, as they did all the work, was of course told to me as soon as I got there, and I sent to Mr. Denegre, who was then president of the Citizens' Bank, saying that I should go and take the specie and take charge of it unless he put it back where it belonged, in the vaults of the bank; that I wanted it there for the basis of a currency. You will remember that at that time the greenback had not come to New Orleans. Confederate notes were worth about 62 cents on the dollar.

I believe it to be true that the banks entered into a combination in September, 1861, by which they made a condition with their depositors that after that date all their deposits should be made payable in treasury notes of the Confederacy, a very shrewd and unconscionable bargain, as I thought, because men deposited the notes of the banks which were amply solvent, and agreed to take the notes of the Confederacy, which were as amply insolvent, in payment of their deposits.

I now come to the point where the majority report is entirely one side of the fact. It says that—

Subsequently and under the terms of this agreement, the Confederate States treasurer and other officers and agents of the Confederacy made deposits in said bank of Confederate notes, and at the date of the capture of New Orleans by the Federal forces their accounts with said bank by reason of such deposits stood as follows:

Confederate States treasurer's account	$219,090.94
Special account	12,465.00
Deposits by officers:	
J. M. Huger, Confederate receiver	106,812.00
G. W. Ward, Confederate receiver	72,082.00
J. C. Manning, Confederate receiver	1,120.00
Maj. M. L. Smith	16,026.52
Maj. S. Maclin	6,814.57
Major Reichard	497.30
	434,908.33

Now, the majority report makes that account appear as though it was composed of one and the same class of items; that is, cash deposited in treasury notes of the Confederacy. That is true only of the first item of $219,090.84, that being an item of deposit by the Confederate States treasurer, and was deposited in their notes.

Will you permit me to finish with that account?

First, the report of the majority says:

"General Butler recognizing, as he states, that 'in equity and good conscience the Confederate States could call for nothing more than they had compelled the bank to take,' directed the bank to hold the first item of $219,090.94, standing to the credit of the Confederate treasurer, as a special Confederate-money deposit, subject to further order. He subsequently directed Jacob Barker, a prominent banker and business man of New Orleans, who seems to have acted as an intermediary between General Butler and the bank, to sell this $219,090.94 of Confederate notes, which he did at 33⅓ cents on the dollar, realizing the sum of $73,030.31 in United States Treasury notes, which was paid over by the bank to John W. McClure, assistant quartermaster, by the order of General Banks, August 31, 1863. This worked no wrong or injury to the bank. But the other deposits, standing to the credit of the Confederate receivers and officers of the Confederate States, amounting to $215,820.89, General Butler directed and required the bank to pay to his order, for the United States, in gold, silver, or United States Treasury notes, at once.

"Against this the bank earnestly protested, but without avail, and on the 19th June, 1862, it paid said amount to General Butler by check on the Bank of America, of New York, five days' sight, and the amount was subsequently covered into the Treasury of the United States. The bank claims that this money should be refunded by the Government, into whose use and Treasury it went. It is difficult to understand upon what principle the commanding general acted in making this distinction and discrimination between deposits made by the Confederate treasurer and by the other agents and officers of the Confederacy. Both classes of deposits were made in Confederate notes and under the same agreement, that they were to be 'payable in the treasury notes of the Confederacy.' They were each the property of the Confederate States, standing precisely on the same footing, and imposing upon the bank the same contract obligation."

Upon this statement of facts it is no wonder that the majority report says: "It is difficult to understand upon what principle the commanding general acted in making this distinction and discrimination between deposits made by the Confederate treasurer and by the other agents and officers of the Confederacy. Both classes of deposits were made in Confederate notes and under the same agreement, that they were to be 'payable in the treasury notes of the Confederacy.'"

It would have been a very remarkable proceeding upon the state of facts above detailed, and one of which General Butler would have been ashamed; but the facts were exactly different.

The commanding general ordered the Confederate States treasurer's account of $219,090.94 to be sold, having been paid into the bank in Confederate notes, and to be accounted for to him as the bank would have accounted to the Confederate treasurer, by paying over what it received, because, as he said in his order quoted in the majority report, that would be equity and good conscience, and, therefore, he required the bank to pay only that which they had received. Why the difference with the other deposits?

First, because the "special account" of $12,465 was for money paid into the bank from the registry of the court long before the Confederate notes were below par. The bank got full value. Why should not the bank pay out full value?

Again, the remaining deposits were the deposits by the Confederate States receivers and their assistants. That is to say, the Confederate government confiscated Northern debts at par—*i. e.*, those due Northern creditors, at par—and required the Confederate debtor to pay those over to the receivers at par, and they were paid into the bank in its own bank bills at par, which were good at par long after General Butler got to New Orleans, for he made his own deposits in the Citizens' Bank in its own bank bills.

Now, then, General Butler sent these amounts confiscated from Northern creditors to the Treasury of the United States, with a recommendation that they be paid over to the same Northern creditors, which recommendation has never been followed by the United States; but the money has been covered into the Treasury. I agree that the United States has no right to it, and ought to pay it over to somebody, and these somebodies are the Northern creditors who lost it, and when General Butler was in Congress he introduced bill after bill and resolution after resolution to have the money paid over to the Northern creditors; but there were always rabid Democratic Congressmen in Congress at that time who would not agree to any proposition General Butler made in behalf of Northern men, and equally rabid Republicans who would not agree to any proposition General Butler made, which, with the natural delays of business prevented anything being done. I wish the honorable First Comptroller of the Treasury would overhaul his own vote in that behalf and make a record when found. But there is not the slightest reason why the Citizens' Bank should have it. It does not belong to them; it never did belong to them; it was a deposit with them, and they have paid out what was deposited, and what earthly claim can the Citizens' Bank have upon this money? This sum is substantially and exactly none of theirs, and it is none of their business what becomes of it. The United States now holds it in trust for the Northern creditors, and the Court of Claims would so decide if Congress would pass a law giving them jurisdiction to hear it.

Afterwards, in June, I did issue a circular order to the banks of New Orleans requiring them to report and turn over to the military authorities all property in their banks, "whether of the character of general or special deposits, bills of exchange, or other evidence of debt belonging to any officer or person serving in any way the Confederate States, the State of Louisiana, or any Confederate State," and many sums were brought out by this order over and above the sums above mentioned, but they have nothing to do with this controversy. They are paid over to the military authorities, as I understand it, so that the case stands thus: General Butler made the Citizens' Bank pay over whatever money or property they would acknowledge they held on deposit which did not belong to the bank, but did belong to the enemies of his country, and wherever the bank had received par either in their own bills, or in gold and silver, or treasury notes when they were at par. That is, he required to be paid over to his order at par, so that they should pay out exactly what they had received. But in the cases where they received only Confederate treasury notes he only required them to account for Confederate treasury notes at the discount that they were when the account was made. It is admitted by the majority report that this last action was eminently just and proper; that is, that the bank should be made to account for what it had received. Why was not the other action just as proper which made them account for what they actually received?

The majority report states that "The next item of the claim grows out of the following state of facts: The Citizens' Bank, early in 1862, during the period of Confederate occupation and control, became a subscriber to the amount of $306,400 for that amount of certain bonds of the city of New Orleans known as 'city defense bonds.'"

Again it says: "In August, 1862, General Butler, by an order known as General Order 55, imposed upon the Citizens' Bank, as a penalty for having aided the rebellion, an assessment equal to the amount of its investment in said 'city defense bonds,' which he required to be paid in installments of 25 per cent. On the 9th of August, 1862, the bank paid the first installment, amounting to $76,600 and received the following receipt, namely:

"'Received of Citizens' National Bank of Louisiana $76,600, being the amount of an assessment upon it for aiding the rebellion, and to be appropriated to the relief of the starving poor of New Orleans, per General Order 55.'"

So far it is true, except that the great fact is steadily cast out of sight that the Citizens' Bank subscribed $306,400 to a Confederate loan for the defense of the city of New Orleans against the United States and her troops under General Butler. That was called a patriotic act at that time and was much praised in the Confederate newspapers. If the majority report is to be believed it was simply a cunning device of the bank to get rid of a lot of Confederate notes held by the bank, which were good for nothing, and get for them bonds of the city of New Orleans, which were then good, and they believed in any event would be good, plus the reputation for patriotism, by the way of interest or "grease money."

Now, they come to the United States and ask that they shall be repaid because General Butler did not allow their speculation to be quite as profitable as they hoped to make it.

The condition of things being that because of that defense the city of New Orleans was brought to a state of starvation, and the city being absolutely unable to take care of its suffering poor, General Butler, exercising the power and right that every commanding general in a captured place has, of making that place support in some way or other, by assessment or otherwise, its poor, ordered all the subscribers to that loan—and there were large numbers of them, amounting to millions—to pay, as he needed it, a tax equal to the amount of the loan, if it was necessary, for the purpose of supporting the starving poor of the city. The reason why General Butler adopted that list to make the assessment upon was that he knew if he taxed any of those parties he would be sure of taxing rebels and not Union men, and not wanting to make any mistakes in that regard he took the list of subscribers to that loan as a sort of directory as to whom he should tax to repair the wrongs that they had done to the poorer classes in New Orleans, to prevent their being starved.

It will be seen that the majority report says that, finding that the city had canceled a quantity of those bonds, General Butler gave the bank credit for that transaction and made an equitable adjustment at the time; and so far as the assessment of the tax, as it was called, is concerned, it was, it is submitted, justly dealt with. But the idea that "this was a Confederate deposit and the effect of the order and transaction was to make the bank pay $76,600 in par funds and get back $38,456.81 in a credit payable in Confederate notes," was simply an equalization of the matter. The "defense loan" was advanced to the city in Confederate notes by the banks, and some of that very money paid to the city was on deposit in the Citizens' Bank, and was paid back by the city to the bank through its check on its own deposit. Where was the injustice there?

What was done afterwards about this assessment I do not know. I have only heard that by some hocus pocus it was not paid after I left, all of it, as it would most certainly have been if I had remained there; and if it was not paid I am sorry for it.

I might stop here, but I prefer to notice a paragraph on page 5, as follows:

"The funds or collections from the bank appear to have been used and appropriated mainly in supporting and providing employment for the poor of New Orleans, consisting largely of the colored population which crowded into the city after the Federal occupation of the same."

As I have just said, I do not know what happened after I left New Orleans, but while I was in command there all this tax was paid out, and some more, in feeding the white Confederate women and children who would otherwise have been starved while their husbands, fathers, and brothers were fighting us in Virginia and elsewhere. I fed the black men in another way and from another fund, because I could feed them cheaper than I could feed the white people. And while I had no objection to the equalization of the poverty in color then, any more than I have now, I thought it was but just that the citizens of New Orleans should take care of their own white poor, and the United States should take care of their black poor which the operation of arms had brought into the city of New Orleans, and I proceeded to act upon that principle through the whole.

From an intimate knowledge of all that was done there in this behalf, I know there is not the slightest honest claim against the United States in this matter. If there were, it ought not to be prosecuted now, because the Citizens' Bank has long since gone into insolvency, although I left it solvent, with more than a hundred dollars in gold for every one hundred dollars of bills it owed, and no sum of money which the United States would give to the Citizens' Bank would ever reach the stockholders or creditors of that bank who were stockholders or creditors at the time it made these supposed losses, but would simply be swallowed up by a lot of sharks and grabbers who foment claims against the United States.

I have the honor to be, very respectfully, your obedient servant,

BENJ. F. BUTLER.

Hon. JOSEPH N. DOLPH,
United States Senate, Washington, D. C.

Respectfully submitted,

J. N. DOLPH.

During the reading of the report,

Mr. THOMAS said: Mr. Chairman, I think the main point upon which I rely in General Butler's statement has been read, and I ask that no more of it be read now.

Mr. DINGLEY. I hope the gentleman will have the whole letter printed.

Mr. THOMAS. I will ask leave that the whole of the report be printed.

It will be noticed that my statement, so far as relates to the fact that this money was received in the bank notes of the Citizens' Bank of Louisiana, is well sustained by General Butler's letter and statement, and there is further evidence that is ample. It seems to me, Mr. Chairman, that this bill has occupied about time enough, and I move that the

bill be reported back to the House with the recommendation that the enacting clause be stricken out.

Mr. BOATNER. Before that motion is put I wish to say that I would like to address the committee a few minutes upon this subject.

Mr. STOCKDALE. And I also would like about five minutes.

Mr. THOMAS. I do not want to press the matter, but I would like to get to the other bills.

Mr. STOCKDALE. The gentleman has occupied a very long time himself.

Mr. THOMAS. Not so long as the other side.

Mr. STOCKDALE. Oh, the gentleman is mistaken about that.

Mr. THOMAS. I have used within six minutes of an hour and the other side occupied an hour and ten minutes.

Mr. STOCKDALE. I may be mistaken, then.

Mr. THOMAS. But I do not wish to cut off the gentleman from Louisiana.

Mr. STOCKDALE. Nor the "gentleman from Mississippi."

Mr. BOATNER. I only desire, Mr. Chairman, to address the committee on this question because the gentleman who has just spoken has made many statements which I think are entirely unsupported by anything which is in the record, and he has declined to give his authority for those statements other than General Butler. Now, the committee in this report admits that General Butler has declined to furnish his authorities, and they have been unable to ascertain upon what authority he has made his statements. The statements which are made here by the gentleman from Wisconsin [Mr. THOMAS] upon the authority of General Butler—and they are repeated in the letter which has just been read—are absolutely contradicted by a letter which General Butler wrote at the time this subject was under consideration and at the time when he made his decision confiscating this money.

I want to call attention to a statement made on the second page of the report of the House committee, which contains the adoption of the report made in the Fiftieth Congress upon this same subject, in which Mr. James D. Denegre, the president of the Citizens' Bank of Louisiana, replying to the order issued by General Butler requiring him to furnish a statement of all moneys in that bank belonging to the Confederate States government, makes this assertion:

> All the above-mentioned deposits were made in the currency of the Confederate government by its appointed officers.

This statement was made by Mr. James D. Denegre with reference to the particular items which are now under consideration, under date of June 11, 1862. On June 13, 1862, General Butler answers this communication, and he declines to receive this money in Confederate notes, not because it had been deposited in the Citizens' Bank in currency; not because it was the money of loyal citizens which had been confiscated by the Confederate government, or on the ground that it was private funds placed in the vaults of the Citizens' Bank, but because he said that the Citizens' Bank, by accepting that money as Confederate funds, had treated Confederate funds as money and was estopped to deny it, while the General Government could not recognize a transaction in Confederate money; and he declared that inasmuch as the bank had received and receipted for it in money, he would require the bank to pay it in bullion, in coin, or Treasury notes of the United States.

Mr. SWENEY. Will the gentleman permit me to ask him a question?

Mr. BOATNER. Yes, sir.

Mr. SWENEY. I would inquire if he does not concede that in law the position of General Butler was well taken in respect to this matter?

Mr. BOATNER. No, sir; I do not. The Citizens' Bank was an institution which was under the jurisdiction of the Confederate States government, and it was compelled to recognize the Confederate States government as a *de facto* government. The Supreme Court of the United States has made the same recognition.

The bank was compelled to act as a depository of Confederate funds, because the Confederate States government, through its officers, saw fit to deposit them there, and it made a contract with the Confederate States government by which those funds, so deposited, were to be paid out in the same money in which they were received.

Mr. SWENEY. Is the United States Government bound by the contract of the bank with the Confederate States government? Please answer that.

Mr. BOATNER. I will answer that. I was proceeding to answer that. This money was deposited there in Confederate States currency. From your standpoint, from the standpoint of the argument which you now see fit to make, that not only was not currency, but it was waste paper; it was nothing. The bank in receipting for it receipted for nothing of value. The only value which it had was the value given by the stamp which the Confederate States government had put upon it, and that stamp, you admit and I admit, gave it no intrinsic value.

Now, according to your argument, if the officers of that bank by receiving such deposits made the bank liable in coin or bullion for whatever funds were deposited there by the Confederate States government, the secretary of the treasury could have ruined that bank by simply depositing ten millions, or any other number of millions, of money in Confederate currency, because then, upon the occupation of the city by General Butler, the bank would have been compelled to make good that money in coin, notwithstanding the fact that it had received the deposit in Confederate money only, because it was compelled to receive it, and notwithstanding it had stipulated that it would repay the deposit only in the kind of currency in which it was made! No committee has ever taken the position which you have taken or which General Butler took at the time, that the bank had recognized this money as having value and was therefore bound to account for it in coin.

But I desire now to call attention to the most significant fact, and that is that the sole ground upon which gentlemen are here to-day opposing allowing these claimants to go into court is the assertion of a certain state of facts based upon a statement made by General Butler more than twenty years after the transaction occurred, and diametrically contrary to the statement made by him at the time as to the causes and motives which induced him to confiscate this money and to require it to be paid in money of the United States.

It is said now that this money was confiscated because it belonged to loyal citizens and had been sequestered by the Confederate government and paid into the bank in par funds; that it was confiscated because the bank was bound to pay the money back to the parties from whom it had been taken and to whom it belonged. That is the claim that is now made, and it rests solely upon the statement of General Butler, and is not supported by any facts. Now, the facts, as shown by General Butler's own answer to the application of the Citizens' Bank, were very different. I read from General Butler's answers to the claim of the Citizens' Bank under date June 13, 1862. He says:

> I can not recognize the Confederate notes as either money or property. The bank having done so by receiving them, issuing them, banking upon them, loaning upon them, thus giving them credit to the injury of the United States, is estopped to deny their value. * * * The bank is responsible only for safe custody. The several deposits of the officers of the supposed Confederate States were received in the usual course of business; were, doubtless, some of them, perhaps largely, received in Confederate notes; but, for the reason above stated, can only be paid to the United States in its own constitutional currency. These are in no sense of language "special deposits."

And then he goes on to say:

> The result is therefore, upon the showing of the bank by its return, that there is due and payable to the Confederate States, and therefore now to be paid to the United States, the following sums.

And then he goes on to state the exact sums mentioned in this case. Again he says:

> But there are other considerations which may apply to the first item of the account.

He states those considerations, and then concludes that he will refer that item to Washington for adjudication, he acting upon the balance.

It will be seen that there is here no suggestion or insinuation that there is any difference in the kind of money of which these deposits are made up. There is no suggestion or insinuation that he confiscates this money because it was the money of loyal citizens and was paid into the bank in par funds; but he says that he confiscates it because it was the property of the Confederate government, and he requires its payment in lawful money because the bank, having received it as lawful money, was estopped from denying it that character.

Now, I ask the gentleman what becomes of his proposition, in the face of the contemporaneous testimony, the declaration of Mr. Denegre, a gentleman of the highest standing, made at the time; made under the sense of penal responsibility I might say, if he stated a falsehood; made to the commanding general of the United States forces under his direct order, in which declaration is the statement that the money had been paid in Confederate notes. If such was not the fact it could have been disputed and disproved by the books of the bank. If there had been a mere transfer of credit, if the money which was due to Northern creditors had been paid merely by a transfer on the books of the bank, that fact would have been shown by those books. The books of the bank ought to show, did show, and I am not afraid to state will show to-day the exact nature of these transactions and the exact sources from which these funds which passed to the credit of these receivers were received.

Therefore, Mr. Denegre making this statement, General Butler accepting the statement, not denying it, it is a perfectly clear proposition to my mind, and I think must be to the mind of any candid gentleman, that these parties should be permitted to go into court for the purpose of having the question decided as to whether the General Government is bound to repay this money or not.

It has been stated by the gentleman from Wisconsin [Mr. THOMAS] that this bank had failed and that this claim belongs to a speculator. I believe there is absolutely no authority whatever for this statement.

I do not believe the statement is true. I have been living in the State of Louisiana ever since the war—all my life, in fact; and if the Citizens' Bank of Louisiana has ever failed I have never heard of it.

I am satisfied the bank has never been in insolvency or bankruptcy. I am satisfied the banking department is going on now just as it was in 1862. The bank was, of course, immensely crippled by the confiscation of this money and by the withdrawal of these securities; but so far as I know it has met all its obligations except the interest upon the bonds which were guarantied by the State of Louisiana, and which were held in Europe, the mortgage department of the bank having

been separated by an act of the Legislature from the banking department.

I believe, then, Mr. Chairman, when it is shown that the statement which General Butler made in his letter and which is repeated by the gentleman from Wisconsin is absolutely contrary to the statement made by General Butler January 13, 1862, and when it is considered that each one of these committees by a majority report has found in favor of this claim, there can be no question that the claim should be sent to the Court of Claims. If the facts be as stated, if the defenses be as they are urged, if it be the fact that the Citizens' Bank did receive this money in par funds, that it was the property of loyal citizens which had been confiscated, and that the bank lost nothing by the payment, then as a matter of course that defense would prevail in the Court of Claims and the claim would be rejected.

It must be recollected that under the terms of this bill the bank must prove the facts upon which the claim is based. It must prove that these were Confederate funds, funds belonging to the Confederate government. It must prove that they were deposited in Confederate money, and that General Butler required payment of them in specie, and when such proof has been made I think there is a state of facts which certainly would entitle this bank to be repaid by the Government the amount of money which, under such circumstances it must be admitted by everyone, was unlawfully taken possession of by General Butler and turned into the Treasury of the United States.

Mr. GROSVENOR. Mr. Chairman, it is a thankless task to stand in this House year after year to resist an endless repetition of this sort of war claims. And it seems to me a startling circumstance that there could be brought into the House of Representatives of this country a majority report in favor of the passage of a bill like this.

I put my opposition to this bill on the ground asserted by the gentleman from Wisconsin [Mr. THOMAS], and I put it upon still stronger grounds. This is a claim substantially in equity. The gentleman from Louisiana [Mr. BOATNER] says that it stands upon legal grounds. Why, sir, if he bases this claim upon legal grounds, he has no claim upon the face of his best showing.

Mr. BOATNER. That is where there is a difference of opinion.

Mr. GROSVENOR. No, it is a difference of law.

Mr. BOATNER. If the defendant were a private individual instead of a General Government, the legal force of the claim would be established beyond question.

Mr. GROSVENOR. If a man in this country has a legal claim—a claim founded upon any law—he goes into a court to assert it, does he not?

Mr. BOATNER. Certainly.

Mr. GROSVENOR. Then why do you not go into court in this case?

Mr. BOATNER. Because we have to sue the sovereign and can only do so with the permission of the sovereign. According to the gentleman's position no man could ever have a just claim against the Government, because no man can sue the Government except by its own permission.

Mr. GROSVENOR. Another difficulty stands in your way; that is, a statute founded in the very highest principles of justice, although sometimes abused, the statute of limitations.

Mr. BOATNER. In reply to that I will say to the gentleman, it is a principle of law as old, I think, as the law itself that the statute of limitations never runs against a person who is unable to act. These people have been trying to act all these years; they never could act except by the permission of the Government. Therefore it seems to me it would be little short of turpitude for the Government to plead the statute of limitations against parties who have had no opportunity to present and establish their claim.

Mr. GROSVENOR. What was to hinder the claimant in this case from bringing suit in the Court of Claims twenty years ago?

Mr. BOATNER. Because there was no law under which the suit could have been instituted.

Mr. GROSVENOR. Why not?

Mr. BOATNER. Because Congress had not enacted any such provision of law.

Mr. GROSVENOR. If the claim is such a claim as the gentleman from Louisiana believes it to be, the claimant had a right to go into the Court of Claims and sue for it.

Mr. BOATNER. I do not know of any statute of the United States under which a suit could have been instituted on this claim.

Mr. GROSVENOR. But, Mr. Chairman, I want to be heard for a few minutes on this question. I am not going to occupy very much time.

Stripped of every matter of detail that is doubtful and coming directly to the salient facts, here is what took place exactly. There was organized in the southern portion of the country a confederacy or a rebellion against the United States and certain acts or qualities of sovereignty were attempted to be exercised or executed and enforced by the the so-called Confederate States government. Among other things attempted by them they attempted to confiscate the property of loyal citizens of this Government, being aliens to that government, which property was found in the possession of citizens of that government. They appointed certain agencies, enacted certain laws, moved forward upon certain lines of procedure to seize upon and take possession of the property of people of the Northern States and to turn it over to the so-called Confederate government.

Acting upon that authority and proceeding upon that line of policy, they seized certain property, credits—and I beg that the gentleman from Louisiana will follow me on this point—$215,000 of credits due, by people residing within the Confederate lines, to the people of the North, and transferred these credits over to the Confederate States government. What was the process by which this was done? They did not take the money of the man of the North, but they undertook to wipe out his claim on persons residing within the Confederacy. They said to the man of the South, the debtor, "We will stand between you and the creditor. Pay this money over to the Confederacy and we will give you a receipt in full."

Mr. BOATNER. Mr. Chairman——

Mr. GROSVENOR. And having done that—does the gentleman from Louisiana desire to ask a question?

Mr. BOATNER. I rose for the purpose of calling the attention of the gentleman from Ohio to this fact in connection with the point he is now discussing; that is, that the only sufferers by that transaction were the unfortunate Southern debtors themselves who paid the money twice over. The debt was confiscated by the Confederate government and paid, and after the war he was compelled to pay it again. That is the reason that the Northern creditor has never been to Congress for relief, because he was not a sufferer by the transaction.

Mr. GROSVENOR. Well, I suppose that I am as ignorant on that subject as my friend from Louisiana himself. I do not know whether they paid it or not.

Mr. BOATNER. I do know of certain of these claims being paid, because I know the defense that it had been paid was set up; the fact had been interposed in court, and was overruled on the ground that it was no bar to the prosecution of the claim.

Mr. GROSVENOR. Certainly; because such a defense ought not to be made. The man who starts into such a proceeding ought to stand his chances of success or failure as he does when he participates in any other crime. If it is successful it is a revolution; if it is non-successful it is a rebellion.

Mr. BOATNER. If the gentleman will permit me, I want to say that he is doing the parties injustice, for this reason: That any debtor who resided South, whether he was a foreigner or a citizen of the State, was compelled to make this payment. It was not a question of choice with him. It was a matter of compulsion. If he had been going around through the Confederacy hunting up somebody to pay over this money to, it would have presented a different case; but it was not his fault that he was forced to pay it to the Confederate government.

Mr. GROSVENOR. It was not his fault probably, but it was his misfortune.

Mr. BOATNER. And he suffered from it.

Mr. GROSVENOR. He suffered from it; and the taking of that money is one of the acts recognized by all writers upon the subject as a portion of the ravages of war. He has aided to build up the government, or the government has risen over his head and has despoiled him of his goods. That is his misfortune, if it was not his fault.

Mr. BOATNER. If the gentleman will permit me, I think he is laboring under a misapprehension. I want to call his attention to the fact that it was not the confiscated money which was taken by General Butler, but he compelled the Citizens' Bank of Louisiana to make good in legal-tender gold and silver the money deposited there by the Confederate government in Confederate currency. Therefore the principle the gentleman refers to has no application.

Mr. GROSVENOR. I am aware of the fact that this statement has been made over and over again; the gentleman is only repeating what has been said already in the debate. But it seems that there is a misapprehension upon this point. The facts do not altogether agree in reference to that. The Confederate government said to the debtor, "You are a citizen and you owe certain allegiance to this government." Let it be an enforced allegiance, if you please. If it was by his consent, well and good; he should suffer. If by force, it was his misfortune. The government said, "We will put an end to these claims of Northern creditors against you. We will give you a receipt which will bar the right of the Northern creditor to take this money from you."

The Confederacy took the money, and I do not care, for the purpose of this argument, whether it was taken in gold or silver, or lawful money of the United States, or in Confederate money; it was an act of war; it was the despoiling of a citizen of Louisiana by an act of war, which this Government is by no means responsible for and for which the Northern creditor surely ought not to be punished.

Now, what happened? They find a banking institution in Louisiana which received this money on deposit. I know of no principle of law or no rule of any court that compels a bank to receive money on deposit that it does not desire to receive. So it makes, to my mind, no difference whether it was received by the bank in the money stated

by the gentleman from Wisconsin [Mr. THOMAS], equal in fact to gold and silver, or whether they took it on deposit as money of the Southern Confederacy in depreciated currency.

It is enough for me to know that they undertook to carry out the decree of the Confederate government. They undertook to aid in the despoiling of the Northern creditor. They undertook to stand between the Southern debtor and the Northern creditor, and they were as much a party to the wrong done by the Confederate government as was the marshal who executed the process, the receiver who took the money, or the unlawful government which stood with its bayonets behind the civil process which he had issued. Now, what did they do? They took the money at their own hazard. If I am wrong about this position I am right about the next one. They took the money and it became their money.

My friend from Louisiana [Mr. BLANCHARD] is mistaken as to the legal effect of what was done. They took the money on deposit, but it was not a special deposit. It was not a deposit of so many pieces of paper representing the promise of the Confederate government. It was a credit passed upon their books. They had transferred by their act the credit itself to the Northern creditor and turned it over and made it a credit of the Confederate government.

Mr. BLANCHARD. Will the gentleman allow me to interrupt him right there?

Mr. GROSVENOR. Certainly.

Mr. BLANCHARD. Perhaps the gentleman overlooks the fact that the bank in receiving this money, in entering the deposit in the deposit book of the depositor, specially stipulated that it was to be returned in the identical money deposited.

Mr. GROSVENOR. That was a question between the bank and the Confederate government; but it did not bind the Northern creditor and did not bind the United States Government. That is the important point in answer to that. That was a part of their contract, if you please, with the Confederate government, which was not a lawful government, and a government which they undertook to contract with at their peril. Now, what happened? Why, they said to this government, "We will take it in gold and silver, but we are ready to pay it out to you in whatever you may demand."

Mr. BLANCHARD. To pay it out in Confederate notes.

Mr. GROSVENOR. Very well; to pay it out in Confederate notes, if you please. That bank took the money and undertook to contract with an unlawful contractor, a party who had no right to make such a contract as that, that they would pay out Confederate notes to the Confederate government, because the Confederate government could not well afford to go in there and depreciate it own currency and its own credit by refusing to take its own notes in payment of a debt due to itself; but when the time came for them to pay it the Confederate government was not there to draw the check. There was somebody else there to draw the check.

A MEMBER. General Butler was there.

Mr. LIND. Will the gentleman permit me a question right there? Is he familiar with any decision by which any court of the United States has recognized a contract between the Confederate government and any citizens?

Mr. GROSVENOR. No, and if I was familiar with it it would be bad for the court.

Mr. LIND. Then there was no contract?

Mr. GROSVENOR. I am talking about it from the standpoint that is urged on the other side. I say there was no more validity to the contract, no more binding force in that contract upon the Government of the United States or any citizen of the United States than there was in the proclamation of the president of the Southern Confederacy declaring it an independent nation. We are not bound to recognize it. We never have recognized it. The courts of Louisiana stand just as solidly upon that question as do the courts of Ohio and of New York. So that when the time came to pay that money what was the legal status? It was the money of certain Northern creditors.

The Government of the United States had a right to capture the property of the Southern Confederacy wherever it found it. It was booty of war. It was money to the credit of the Southern Confederacy, and was seized by the Government of the United States. It is said that it was seized in violation of a contract, but a contract that was totally invalid. The Government of the United States went into that bank and took that money out, placed it in its own treasury in trust and became a trustee—for whom? For those who had undertaken to be a party to the despoiling of the Northern creditor? What a monstrous proposition! They undertook to be a trustee for the man to whom that money was coming, the man to whom that money belonged. The man who had paid it once and may be compelled to pay it twice was despoiled by the acts of war. It was one of the ravages of war which we have never undertaken to compensate him for. The man to whom that money was due has a claim against this Government; if he has never received his money and now can not get it through the courts he has a right to come to Congress and ask that he may be compensated, inasmuch as the Government got that money, $215,000, and it did not cost the Government anything whatever.

Mr. BUCHANAN, of New Jersey. It cost them blood and treasure.

Mr. GROSVENOR. Now, Mr. Chairman, it strikes me that this is the legal status, and I hope I may never speak again on a claim which ought to be characterized simply as a war claim. I have made myself unpleasant toward gentlemen who have honestly asserted these claims during the last six years. I appealed to a Democrat on the other side of the House to-day and said to him, "I do not want to be heard any more on this subject. This attempt to open the doors to the Treasury of the United States is being made in so many different ways that I have got utterly tired of constituting myself as a sort of watch-dog against these claims." I admit that this claim is not exactly in line and keeping with the claims I have opposed so often, for the despoiling of the farms and the houses and the roads and the bridges of the South and the North alike.

But I say this claim stands without a shadow of legal foundation, and the fact that it has stood here for twenty-seven years is evidence against it. I have not undertaken to consider the question of what sort of money it must have been. The gentleman from Louisiana talks about Confederate notes as being the money in which these original deposits were made. I do not know when the first Confederate notes were issued. I am not aware whether as early as September, 1861, there was any such thing as Confederate government notes. If there were I would know more about it than I do now.

It was not my impression that the Confederate government had issued money that early. If it did, I assume that it had not gotten widely into circulation. I presume this money was the lawful money of the State of Louisiana, that was taken possession of, and this party became the custodians of it without any equitable interest in it, without any legal title to it, except as custodians, and when it was taken from them they were involved simply in the responsibility that they had as bailees of that money in a condition of war, when the party who had deposited it was exposed to the penalties of capture and confiscation afterwards.

Mr. THOMAS. Mr. Chairman, I now move that all general debate on this bill be limited to ten minutes.

Mr. STOCKDALE. Upon what reasoning or justice can the gentleman speak an hour and a half and then undertake to limit another gentleman to ten minutes? I wanted to say this: I was on the Committee on War Claims when a bill similar to this was considered in the last Congress, I have some knowledge of the subject, had an opinion on it then, and have now, and desire to express it.

Mr. THOMAS. I never desire to cut off debate at all until I am fully satisfied that the House is well informed on the subject; and hence it is that I have moved that debate shall be limited to ten minutes, and that will give the gentleman ten minutes. I do not desire to cut off debate.

Mr. STOCKDALE. I want to take the floor in my own right.

Mr. BLANCHARD. Mr. Chairman, I wish to make this remark. The gentleman from North Carolina [Mr. BROWER], who reported this bill, was not here to-day, and in his absence, at the request of my absent colleague, I took charge of the bill. The gentleman from Wisconsin [Mr. THOMAS], chairman of the Committee on War Claims, is the minority of the committee on this bill. It does not come altogether, I think, with good grace for him to attempt to take charge of this bill on the floor of the House when he is the minority of his own committee on that bill.

Mr. THOMAS. In reply, I wish to say that there are other bills that are entitled to consideration, and I do not think that only one bill ought to occupy all the day.

Mr. BLANCHARD. Well, all general debate is not legitimately through on this bill.

The CHAIRMAN. The committee will decide that question for itself. The Chair will put the question on the motion of the gentleman from Wisconsin, that all general debate on this bill be limited to ten minutes.

Mr. BURROWS. Mr. Chairman, I desire to call the attention of the Chair to the fact that general debate has not been limited and can not be limited in committee, but that the House will have to limit general debate. The rules only provide for the limitation of debate on paragraphs in committee.

The CHAIRMAN. But there is only one section in this bill.

Mr. BURROWS. That is true, but general debate has not been limited on the bill.

The CHAIRMAN. The Chair had in mind that the gentleman from Wisconsin asked for unanimous consent, which could be done in committee. Otherwise the limitation of general debate must be done in the House. The gentleman from Mississippi [Mr. STOCKDALE] is recognized.

Mr. GROSVENOR. I would suggest to the gentleman from Wisconsin to let the debate go on until it is through with.

Mr. STOCKDALE. Mr. Chairman, I desire to say in connection with this bill that, if the claim is based upon the ground that the gentleman from Ohio [Mr. GROSVENOR] states it is or upon the ground which the gentleman from Wisconsin [Mr. THOMAS] puts it upon—if they are correct as to the ground upon which it rests, I will vote against it. I was on the War Claims Committee of the Fiftieth Congress, by which this claim was considered, and gave it some attention, and un-

derstood it then and understand it now to rest upon a different basis entirely.

I want to present briefly to the House the view I took of this bill, or a similar bill, in the Fiftieth Congress, and the view I take of it now. I do not believe that the bill has been argued upon the basis that the claim puts itself upon or upon which it is put by the claimants and the majority of the War Claims Committee.

I do not presume that any gentleman upon this floor will claim that any custodian of confiscated money or property confiscated by the Confederate States government had any title to it, for the reason that when the Confederate government failed all the decrees of its courts were held to be void and of no effect; and I do not believe, further, that any gentleman will contend that the United States Government, having captured such money or property, got any title to it as against the original owner unless he in some way consented. Now, then, if these Northern creditors whose property was attempted to be confiscated had gone into the United States courts or the State courts of Louisiana before this money went into the hands of the military authorities of the United States, and they had filed their bills in the court to recover this money they would have succeeded in that suit, for, the decree of confiscation being void, the Confederate government had no title to it, and the creditor had two remedies, one against the original debtor and one against the bank for what it got if the debtors were insolvent.

Money improperly appropriated by an agent or invested by an agent, even in his own name, can not escape equity jurisdiction of a court at the instance of the owner of that money. When General Butler found that money deposited in the Citizens' Bank to the credit of the Confederate States government and took possession of it, he did it solely upon the ground that it belonged to that government, or at least he had no other right to take possession. If it did not belong to the Confederate government, his act of seizure could not make it so; and, unless we hold that the acts of the Confederate government were legal and the decree of confiscation diverted the title from the real owner, General Butler could do no more than take possession of it and hold it subject to the real owner. In succeeding to the rights of the Confederate government, the United States Government got no more right than the Confederate government had. Certainly, an heir can not inherit what the ancestor did not own.

The money stood there to the credit of the Confederate government so far as the books of the bank showed. If the decree of confiscation was void, the entry became erroneous and was, in equity, the credit of the original Northern creditor, who was the real owner. The right to take possession of it and hold it did not exist in General Butler nor anyone else, to the detriment of the real owner of the original debt. General Butler by his seizure, or the United States Government through him, acquired no more or better title than the Confederate government had, and that was none unless we hold the acts of the Confederate government to have been legal and the decrees of its courts valid. Now, if that had been Confederate property contributed by the citizens of a Confederate State, as the cotton which it purchased from its citizens and issued its bonds for was, why, then the Government of the United States would have gotten title, because the owner of the cotton had by his own act parted with his title and the title was in the Confederate government, or at least the citizen could not be heard to dispute it.

But it is not to be presumed that these Northern creditors willingly contributed that amount of money to the Confederate government. Now, I do not believe there is an authority on the face of the earth that goes so far as was announced by the gentleman from Ohio [Mr. GROSVENOR]. No civilized government has ever claimed that where money was deposited after being confiscated illegally, so that the act amounted to no confiscation, it was the despoilment of war. The authorities, I say, do not go so far as that. That would be to say that an illegal proceeding could be ripened into legality without any act of acquiescence of the owner. The gentleman can not show any such decision as that, nor can he show any such declaration in writers on international law.

Now, the question that I conceive to be presented by this bill is this: The bank claimed that they received a depreciated currency to the credit of the Confederate States. If you are going to punish this man or these parties for their wrongdoing, why, it is in the power of the Government of the United States to do what it pleases; but I want to argue this question, as I have always argued questions in Congress, upon the ground that the United States Government is going to treat this case and all cases upon an honest, equitable basis, regardless of the condition of the citizen or what he may have done heretofore.

We are not now determining the rights of property by the conduct of men who were in rebellion. That belongs to the court, if the case goes there, because these people will have to rebut every presumption that has been indulged in here by the gentleman from Ohio [Mr. GROSVENOR] and the gentleman from Wisconsin [Mr. THOMAS] as to their disloyalty before they can recover in court. This is a bill to provide for settling a naked legal right. Now, if that be true, is it possible that nobody can appeal to the Congress of the United States to settle a naked legal right or to be permitted to go into the courts for that purpose, without being met with the assertion that they were at one time in rebellion. It is true that the people were in rebellion in the Confederate States, but this man was not and this bank was not in rebellion.

It has been stated here by so good a lawyer as the gentleman from Ohio [Mr. GROSVENOR] that, no matter whether they yielded a forced obedience to the Confederacy or a willing obedience, the result is the same. Now the courts of the United States differ with the gentleman on that point. Why do you pay loyal citizens for property and refuse to pay disloyal ones? You do it upon the ground that the obedience of the loyal citizen to the Confederate government was an enforced obedience; that it was not his fault, but was the fault of the Government of the United States, which failed to protect him. This, I say, is purely a legal question, and it is not to be decided here by the past conduct of the claimant. When the case gets into court, there the claimant will be required to prove that he was free from these acts of wrongdoing which are charged against him in the past, and unless he can so prove he will not be allowed to recover.

Now, these claimants set up the fact that they received not $215,000, in fact, but that they received a nominal face value of money worth less than that amount; that in point of fact they never had in their possession $215,000; that they never received any legal money at all, but did receive certain Confederate notes, or purporting to be notes, not recognized as money, but worth a less sum than $215,000, and claim that they ought not to be held to answer for more than they received.

It is claimed by the opponents of this bill that the amount was deposited in Louisiana money, and they assert that that money was equal to gold. The claimants assert that the deposit was made in Confederate notes, not worth as much as gold; and this simple question of fact is all that is asked to be investigated by the Court of Claims.

How stands the case? One Senator and General Butler oppose this claim, and all the balance of the Committee on Claims of the Senate report in its favor; the majority of the Committee on War Claims of this House also report in its favor, and the report is made by as sound a Republican as there is in this body. Here is a claim on the one hand made and on the other hand denied. Now, what does this bill propose? It simply proposes to let these people go into the Court of Claims to have this question fully investigated and decided.

What is the objection to doing that? It is said by the gentleman from Wisconsin [Mr. THOMAS] that this money was received in bank notes at par. If that be true these parties ought not to recover anything, but if it be not true then they ought to recover. That question the court will decide. According to the position of gentlemen on the other side, if this bank had received on deposit a thousand-dollar diamond, General Butler could have decided that it was worth $2,000, and could have made the bank pay him that amount on account of it, and there would be no remedy because the property was spoils of war.

Such a thing is no more spoils of war than would be the drawing of money out of a man's pocket by force, and of course the Government does not recognize that as conferring nor divesting. Suppose it should turn out that the truth is that this bank received no money at all and that General Butler's action was based upon allegations that were not true, then this money would be in the same condition as money arising from the captured and abandoned property, which the Supreme Court of the United States holds does not belong to anybody except the people from whom the property was taken. That is as much spoils of war as this.

But I will take the doctrine of the gentleman from Ohio [Mr. GROSVENOR] in answer to the question of the gentleman from Minnesota [Mr. LIND] in which he said he never knew the courts of the United States to recognize a contract made with the Confederate government by any party. What was the Confederate money? It was a promise by the Confederate government to pay. Then, if this money was deposited in Confederate notes, there was no actual deposit of money, because the promises of the Confederate government never were recognized by the United States, it being a contract to pay money, and the bank could not in any event be required to pay more than such commodity was worth in the market.

Now I will ask the gentleman from Wisconsin how the present War Claims Committee of the House are divided on this question. How many members join in the minority report?

Mr. THOMAS. I do not remember.

Mr. STOCKDALE. Is there any other dissenting member of the committee besides the gentleman?

Mr. THOMAS. I believe I am the only one who made any opposition.

Mr. STOCKDALE. Now, then, we have this state of facts, Mr. Chairman: The Committee on Claims of the Senate makes a favorable report on this bill, in which all the members except one join, and the Committee of War Claims in the House, in a report joined in by every member except one, recommend the passage of this bill.

Mr. THOMAS. I do not understand that the Committee on Claims in the Senate has made any report in this Congress.

Mr. STOCKDALE. You introduced that report here.

Mr. THOMAS. That was a report made in the Forty-ninth Congress. The gentleman from Louisiana [Mr. BLANCHARD] caused a

majority report made in that Congress to be read, and I asked that the minority report of the same committee be read.

Mr. STOCKDALE. The minority report was made by one member of the committee and all the other members of that committee in the Senate were in favor of the bill. All of the War Claims Committee of this House report in favor of this bill except one gentleman, who brings in here the minority report of the Senate, representing the view of but one member of the Senate committee. The whole of that committee, except one member, recommend that this claim be referred to the Court of Claims. I say that the very nervousness of the gentlemen to get rid of this bill shows that they do not want it to have a fair hearing before the House, and they undertake to arouse a war sentiment against the measure instead of appealing to the law and the facts.

Mr. THOMAS. Allow me to say that I have exhibited no "nervousness" and I have been willing that there should be fair discussion on the bill.

Mr. STOCKDALE. You tried to confine me to ten minutes.

Mr. THOMAS. What I objected to was occupying all day with this claim. Permit me to say that in a very large majority of cases like this, where the report covers a great many facts and a great deal of testimony, the report of the committee is merely *pro forma*, the circumstances not being investigated thoroughly by the committee. I think that if the members of the Committee on War Claims had personally given careful investigation to this case they would think the same as I do in regard to it.

Mr. STOCKDALE. The gentleman reminds me very much of a man named Caruth, whom I knew and who was once on a jury. There were eleven men in favor of a certain verdict and he was against it. He said those eleven men were "the most stubborn men he ever knew." The gentleman from Wisconsin finds himself opposed to all the rest of the committee and also to the whole Senate committee except one member; and now he says the report of the majority is "simply *pro forma*." What, then, is the minority report? Why, sir, on that basis it has not even the respectability of a "*pro forma*" document.

Mr. GROSVENOR. Is the gentleman from Mississippi quite sure that every member of the Committee on War Claims except the chairman is in favor of this bill?

Mr. STOCKDALE. I base my position upon the statement of the gentleman from Wisconsin himself. He said he did not know of any member of the committee except himself who opposed the bill.

Mr. GROSVENOR. I am not called upon to disclose names and would not do so at any rate, but I have heard one member of the War Claims Committee say that he never heard of this claim in his life until it was brought up here to-day.

Mr. STOCKDALE. Well, he is not very strong on either side. I suppose the chairman of the committee counted a quorum—counted the man's hat, as is sometimes done here in the House.

Mr. BUCHANAN, of New Jersey. Sometimes the hat is worth more than the man.

Mr. STOCKDALE. Now, I say that a majority of both these committees hold that in the existing state of facts this matter ought to go to the Court of Claims, that the facts may be ascertained and determined, while one gentleman of the War Claims Committee in this House and one gentleman of the Committee on Claims in the Senate say they do not want the matter to take this course. Now, in good conscience and equity which opinion ought to prevail? Do you distrust the Court of Claims? That tribunal has never been swift to allow Southern claims that were not just or war claims of any sort.

But I was going on to say, if the amount here in question was deposited in Confederate money and General Butler converted the Confederate money and made it greenbacks, you will prove General Butler disloyal before you get through, for dealing in Confederate money contrary to law.

Now, if the statement of the majority report, made by as sound a Republican as there is in this House, be true, then I say the Government of the United States ought not to indorse General Butler in taking money to which he had no title and to which the Government has no title to-day.

When we come before the Congress of the United States and ask you simply to let these parties go into the Court of Claims, a court of the Government, and allow that tribunal to determine whether this Citizens' Bank of Louisiana ever received this money at all, some gentlemen here undertake to influence the question by appealing to the old feelings connected with the war, because these people were in the Confederacy, and the gentleman from Ohio goes so far as to say that, no matter whether the obedience to the Confederate government was enforced or voluntary, it is all the same, because it was the spoils of war. In that case the Northern creditor could not claim the money. I say there is no authority for the opinion.

Talk about the spoils of war. No man ever pretended that you could throw a man down, take the money out of his pocket, put it in the United States Treasury, and call that the "spoils of war." You can take property in time of war and use it for the purposes of the Government, and it is admitted the Government is liable for that. The reason the Government of the United States is not responsible for property destroyed as part of the spoils or ravages of war is because those who commit such ravages are not acting in their legitimate sphere in the service of the Government.

Mr. GROSVENOR. Does the gentleman say there are no "ravages of war" except those committed by soldiers or officers of the Government in the line of duty? The gentleman does not claim that?

Mr. STOCKDALE. I have had too much experience to say that.

Mr. GROSVENOR. Are not acts done outside of the line of duty by soldiers or Government officers just as properly classed as "ravages of war" as though they had been done on the battlefield by military command?

Mr. STOCKDALE. Certainly; and I say further that the reason the Government is not responsible and does not hold itself responsible for any such depredations is because they are not committed in the line of duty, but as wanton destruction.

Mr. GROSVENOR. Not at all. It is because the Government is not powerful enough at the time to protect the citizen and he takes the chances,

Mr. STOCKDALE. But that is not the doctrine at all here, where the war was within our own Government. That is true where a foreign power invades a country. The country invaded does not reimburse its citizens for the ravages of war; but this is not a case where Confederates inflicted the injury, that the United States Government could not avert, but injuries inflicted by itself on its own citizens, and the doctrine does not apply to it; it is entirely outside of the question of the ravages of war.

How can it be said that the deliberate act of a commanding general of the United States Army, taking property that the Army did not need and putting it into the United States Treasury, is ravages of war?

The United States Government can not afford to say it has money in its Treasury the fruits of ravages of war. No European government does that even with a foreign foe.

But now suppose, Mr. Chairman, that not a dollar of that money was in the Citizens' Bank and that General Butler had information which was satisfactory to him and which induced him to believe that there was such a condition of things, and ordered the bank to pay over the $215,000 into his hands first, and into the Treasury of the United States. Would these gentlemen under such circumstances call that the ravages of war and say that these men would have no remedy? I think not. I think they would hardly have assumed such a position. And yet that is just what they do say here to a certain extent. General Butler found an entry on the books of this bank, which they say was a deposit of Confederate money and which the depositors agreed to receive back in Confederate money. The gentleman from Wisconsin [Mr. THOMAS] says it was deposited in Louisiana money. We say, let it go to court to decide that point. How can you object with good grace?

Now, say that the contract with the Confederate government was void, as gentlemen contend, and I admit that it was utterly void, then where do you go? Why, you take the property in the bank that belonged to a Northern man supposed to be loyal to the Northern creditors. When General Butler did that he made himself the agent of the Northern creditor. The United States Government received the money and becomes the agent of the Northern creditor.

Mr. GROSVENOR. Then how does the bank interfere as to the agency established between the Government and the creditor, as the gentleman suggests?

Mr. STOCKDALE. That is exactly the point. On your assumed state of facts it can not. On ours it can.

Now, I said, if this was the fact as you understand it, that I would myself vote against the bill, and so I will. But is it the fact? It has been asserted as a fact that it was not received in Louisiana money. That is what the majority report alleges, that it was not received in Louisiana money, but in Confederate money. General Butler denies that statement. It is a question of fact to be ascertained by the court, and if General Butler took from the bank more money than it got from the commissioners, took the money belonging to the bank, then it has the right to interfere to get its own money back.

Mr. THOMAS. Will you yield for a question?

Mr. STOCKDALE. Yes.

Mr. THOMAS. You were a member of the War Claims Committee in the last Congress, I believe?

Mr. STOCKDALE. I was.

Mr. THOMAS. Had you this case under consideration?

Mr. STOCKDALE. Yes, it was considered by the committee.

Mr. THOMAS. What testimony did you hear, or your committee find, that this money was received by the bank in Confederate money?

Mr. STOCKDALE. Let me answer the question in this way: The papers were before the committee and there was testimony to that effect——

Mr. THOMAS. Who so testified?

Mr. STOCKDALE. But you are begging the question when you argue on that ground.

Mr. THOMAS. But that is a plain question. Did you find testimony of that character?

Mr. STOCKDALE. Yes, sir.

Mr. THOMAS. Whose testimony?

Mr. STOCKDALE. I have not the time to go over the testimony taken by the committee.

Mr. THOMAS. But you can state who so testified.

Mr. STOCKDALE. I repeat, the gentleman begs the question when he argues that way, for the reason that there is testimony on both sides.

Mr. THOMAS. I could not find any.

Mr. STOCKDALE. Well, it seems that the majority of the committee were more successful.

Mr. THOMAS. Did you look at any of the testimony yourself?

Mr. STOCKDALE. Yes; and the whole of the committee, except its chairman, seems to have found it. The committee has reported the facts here to the House; but the chairman did not succeed in finding any, and the reason is because he did not look for it. The testimony is there.

But, Mr. Chairman, that is not the question now. Suppose that two persons of equal credibility get up and say there is such testimony; it does not affect the issue here. We are dealing with the report of the committee. The majority of the committee say that such a state of facts exists. The gentleman from Wisconsin sets up his judgment in opposition to the committee.

Mr. BOATNER. The committee says there is no doubt about it.

Mr. STOCKDALE. Certainly; the committee report that there is no doubt on that point. The gentleman from Wisconsin gets up, however, and introduces a letter of General Butler, who was interested, who says that there was doubt about it, and that it must not go to the Court of Claims. Now, all I have asked for, and all the friends of this measure ask, is that it shall go to the Court of Claims; let the man prove up his loyalty, present all the facts to the court, and if the court be convinced that they are true, let them so hold. And let us ascertain the true value of the property then that General Butler forced the bank to pay $215,000 for. If these parties have no right, turn them out of court. Who suffers by that? They will have to pay costs.

There is nothing in the defense against the passage of this bill except a mere matter of feeling, because we have the privilege here to crowd them out; because of the condition of those people, who can not have a hearing before the courts of the United States organized to decide on just such claims unless we give them this authority. They are absolutely helpless. Are you afraid of your own courts?

Mr. BUCHANAN, of New Jersey. Why did not you pass this in the last Congress?

Mr. STOCKDALE. Why did not you pass it?

Mr. BUCHANAN, of New Jersey. I had no charge of it.

Mr. STOCKDALE. The gentleman asks why we did not pass it, when he knows that when one of these claims got up there were ten men on their feet all the time on that side raising objections.

Mr. BLANCHARD. We could not get it up for consideration.

Mr. BUCHANAN, of New Jersey. You had a Democratic majority.

Mr. STOCKDALE. And if the gentleman from New Jersey would follow the Democrats in other things he would be better off.

Mr. MILLIKEN. Well, you will have it all your own way next time.

Mr. STOCKDALE. May I ask, Mr. Chairman, how much time I have consumed?

The CHAIRMAN. Twenty-five minutes.

Mr. STOCKDALE. Then I will say this much more and yield the floor. We ask that this conflict of facts may be decided by the Court of Claims of the United States.

Now, General Butler established this very doctrine that we are claiming when he came to confiscate the bonds of the Confederacy; for he put them up and sold them for what they would bring on the market and took that money; but according to the gentleman from Ohio [Mr. GROSVENOR] and the gentleman from Wisconsin [Mr. THOMAS] he had a perfect right to take the bonds at their par value; and the same answer could be made in that case as here, that the bonds were promises to pay and he had no right to deny the full value of the promises that they held as money. If he received Confederate money he was only chargeable with the value of Confederate money.

There is not a court in the United States that has ever decided otherwise. The Confederate money never was at par. I do not care when it was deposited, it never was at par. The bonds never sold at par. The fifteen millions of cotton received at the commencement of the rebellion represented so much money, but the promises to pay by the Confederate government never were at par. They were always at a discount, and this money could not have been justly deposited at par. So the question now resolves itself into this and this alone: Is the Congress of the United States willing that these men shall go in and establish the fact that certain money was taken from them, which they never received, and wrongfully taken?

Now, Mr. Chairman, I yield whatever time I may have left to the gentleman from Louisiana [Mr. BLANCHARD].

The CHAIRMAN. The gentleman from Louisiana [Mr. BLANCHARD] is recognized for the balance of the time of the gentleman from Mississippi [Mr. STOCKDALE].

Mr. BLANCHARD. Mr. Chairman, it is but proper, perhaps, that I should close the debate upon this bill——

Mr. ROWELL. Before you close the debate I wish to make a few remarks against the bill. If you will yield to me a few minutes I will say what I have to say, and then if the gentleman wishes to close the debate he can do so.

Mr. BLANCHARD. I reserve my time, then, for the twenty-five minutes which I have.

The CHAIRMAN. The gentleman has twenty-five minutes.

Mr. BLANCHARD. I understand the gentleman from Illinois [Mr. ROWELL] desires to speak.

Mr. ROWELL. I only desire to occupy a few minutes.

Mr. BLANCHARD. I will reserve my time if I can have that understanding with the Chair, and yield the floor to the gentleman from Illinois.

Mr. THOMAS. Mr. Chairman, my only anxiety about this matter is to get at some other business, if possible, and therefore I am anxious to abridge the debate in this case as much as I can; and for that reason I make the inquiry whether or not the gentleman from Louisiana has already occupied more than an hour on this bill to-day.

The CHAIRMAN. The gentleman from Louisiana [Mr. BLANCHARD] had an hour and ten minutes. He is now speaking in the time of the gentleman from Mississippi [Mr. STOCKDALE].

Mr. THOMAS. Can that be done, according to the rules of the House?

The CHAIRMAN. The gentleman from Mississippi yielded the floor to the gentleman from Louisiana.

Mr. THOMAS. But, Mr. Chairman, I do not understand that that can be done under the rules of the House.

Mr. BLANCHARD. The gentleman from Mississippi [Mr. STOCKDALE] had an hour in his own right, but he only occupied thirty-five minutes of it.

Mr. THOMAS. But can he transfer that to the gentleman from Louisiana under the rules?

Mr. BLANCHARD. He yielded the remainder of his time to me.

Mr. THOMAS. Can he do that?

Mr. BLANCHARD. Unquestionably; that has been the course here from time immemorial.

Mr. THOMAS. I do not understand the rule to be as stated by the gentleman from Louisiana.

The CHAIRMAN. The gentleman from Louisiana [Mr. BLANCHARD] reserves his time and yields to the gentleman from Illinois.

Mr. BLANCHARD. If I have that understanding with the Chair, I reserve my time and the gentleman from Illinois [Mr. ROWELL] can take the floor.

Mr. ROWELL. I only want a few minutes.

Mr. LAIDLAW. Then reserve the balance of your time and give it to some one else.

Mr. ROWELL. Mr. Chairman, in the few minutes that I shall occupy, I only wish to say that if I understand the facts in this case there was, when General Butler took possession of the city of New Orleans, a credit to the Confederate government of something over $400,000 in this bank. Being on the ground, with all the witnesses living, he investigated the case and he found that some $218,000 of that sum had been deposited by the Confederate government in Confederate money; that some $250,000 of that deposit was made up of funds collected by Confederate receivers from people who owed Northern creditors, and that in September, 1861, the moneys so collected, and placed in the bank, were transferred into the account of the Confederate government.

Now, I have made diligent effort to find out when the first issue of Confederate money was provided for. I have not been able to find out accurately, but I have some recollection, and at the time at which this money was so deposited and thus collected there was no such thing as Confederate bills. The money was therefore deposited in the bank in other form than Confederate bills; that is, in lawful currency then in circulation. The only claim that this bank has, when you come to state it in a few words, is that subsequently to that time the bank made a contract with the Confederate government by which they were to be responsible to that government in Confederate money.

Therefore, they claim that by virtue of that contract they had transferred the deposit of lawful money into Confederate money, and that General Butler, representing the United States, was bound to recognize that contract, and that, inasmuch as he did not recognize it, they have a right to come to Congress and claim the difference between the value of Confederate money and of coin, upon no other ground in the world than they had so contracted with the Confederacy after Confederate money had gone into circulation, though the money that they received was not Confederate money, and though it was received before Confederate money was in existence.

Now, then, if this Committee on War Claims have overlooked that act and this Congress now finds it, if this Congress is willing to make a precedent of recognizing these contracts, thereby reimbursing this bank because of that contract, we ought to know it, and we ought to vote intelligently. The object of referring this question to the Court of Claims is to enforce a contract by which a certain kind of money deposited was changed into a certain other kind of currency, and to enforce it a quarter of a century after the occurrence; to enforce it when largely the witnesses are dead, when it is presumed that the bank or

its books shall have the advantage. Yet we are told that we are only asked the privilege of going into court.

Mr. STOCKDALE. Will the gentleman permit me to make a suggestion?

Mr. ROWELL. Certainly.

Mr. STOCKDALE. This report states that the amount was deposited in Confederate notes, and they could not have overlooked the fact. They may have been mistaken, but they did not overlook it.

Mr. ROWELL. This report is made up by the carelessness of the committee in overlooking the fact that there was no such thing as Confederate money at that time; and if you do put it upon the theory of the bank, that they had at a certain time issued bank books in which they contracted with their depositors to pay them in Confederate money, and the contract of the bank with the Confederate government was to honor its orders in Confederate money——

Mr. McKENNA. Will the gentleman permit me to make a suggestion?

Mr. ROWELL. Certainly.

Mr. McKENNA. Will it obviate the objection of the gentleman to this bill to add to the bill the proviso?

Provided, however, If the funds forming the basis of the said claim were deposited in the said bank in gold and silver or United States Treasury notes, no recovery shall be had.

Mr. ROWELL. It would not.

Mr. GROSVENOR. It was stated that it was paid in notes of the Citizens' Bank of Louisiana, which were worth par.

Mr. McKENNA. Let that addition, too, be made. Will that obviate the objection of the gentleman from Illinois?

Mr. ROWELL. I would ask the gentleman, who is to settle that fact after thirty years have expired since the deposits were made?

Mr. McKENNA. If the kind of money suggested by the gentleman from Ohio be added to the kinds of money I have alluded to, will that obviate the gentleman's objection?

Mr. ROWELL. It will not, because it is now a quarter of a century since the matter occurred. The facts were investigated by representatives of the United States Government when all the witnesses were accessible, and after the investigation they separated these two funds and announced this as the fact. Now, I do not know whether a single receiver of this confiscated money is living to-day. I do not know whether there is any evidence by which you can prove the affirmative fact anywhere in existence.

Mr. McKENNA. I suppose you make the bank prove it.

Mr. BLANCHARD. The onus is on the bank.

Mr. McKENNA. Certainly it is.

Mr. ROWELL. To my mind it is setting a bad precedent to go back to these confiscated moneys and overturn the action of officers acting in the light of knowledge then obtainable and thereby rendering the Government liable; for I know what it means. If the Court of Claims finds the facts and the law in favor of these claimants it means an appropriation. There ought to be a time when litigation depending upon facts should have an end. A quarter of a century is a long time to go back over and hunt all the facts upon which General Butler based his findings. But this bill is presented here and urged upon the false theory that because of the contract between the bank and the Confederate government the Government of the United States ought to recognize that contract and pay the difference between coin and Confederate money.

Mr. BLANCHARD. Mr. Chairman, I feel convinced that the fair-minded gentlemen on the other side of the House are disposed to give to this bank claimant a day in court if a *prima facie* case only can be made out in its favor here. There have been some wild statements made here to-day in regard to this case which have no foundation whatever except in the imagination of the gentlemen making them. The gentleman who last addressed the committee, the gentleman from Illinois [Mr. ROWELL], has made the statement that he recollects no order of the Confederate States government authorizing the issuance of money as early as September, 1861, and then presumes from this lack of recollection that there was no money issued prior to that time by the Confederate States.

Now, Mr. Chairman, upon this faulty recollection of his he bases a statement and an argument that the money received by the bank, which this claim is intended to cover, was not Confederate States money, but was either gold or silver or notes of the bank itself, money worth par in gold and silver.

Now, in the minority report, signed by the Senator from Oregon [Mr. DOLPH] in the Senate, is quoted what the bank wrote or printed in the deposit book of every depositor from and after the date of 16th of September 1861. It is as follows:

On the resumption of specie payment—

Mind you, Mr. Chairman, that is the statement in the minority report of Senator DOLPH, in 1884, in the Senate—

On the resumption of specie payment by this bank your balance on the 16th of September, 1861, or any portion thereof not drawn for, will be paid to you in coin. Deposits since that date are payable in Confederate notes of the Confederacy.

And yet the gentleman from Illinois [Mr. ROWELL] makes the statement that there was no Confederate money issued prior to September 16, 1861. Now, if there had not been, this statement in the bank books of the depositors would have been an absurdity.

I have not before me the Confederate States statutes, nor have I time to refer to them if I had them here, but the fact that the bank on the 16th day of September, 1861, placed in the deposit books of its depositors a statement that after that date deposits would only be paid in Confederate notes issued by the Confederacy, would seem to be evidence enough, at least for this House to act upon in this case, of the fact that prior to that time Confederate notes had been issued by the Confederate government. The gentleman from Wisconsin [Mr. THOMAS], who is usually a fair man, but who has had his judgment sadly warped in this case, has actually stated to this committee that there is no evidence in this record that the deposits which make up the aggregate of the amount in this case were in Confederate notes.

Mr. STOCKDALE. Will the gentleman yield to me for a moment?

Mr. BLANCHARD. I will yield to the gentleman.

Mr. STOCKDALE. Mr. Chairman, I find that the first Confederate bonds were issued in February, 1861. Those were not put in circulation, failing to find customers, but Confederate notes were issued in May, 1861, and did go into circulation, and here is a facsimile of a ten-dollar bill Confederate money, series B, issued July 25, 1861.

Mr. BLANCHARD. Then that disposes of the remarkable statement of the gentleman from Illinois [Mr. ROWELL] that prior to September, 1861, there was no issue of Confederate notes. Now, Mr. Chairman, I was going on to say that the gentleman from Wisconsin [Mr. THOMAS] had made the statement on this floor that there was no evidence in this record that these deposits were in Confederate notes, yet the gentleman himself sent up to the Clerk's desk and had read the minority report of Senator DOLPH in the Senate, which concedes that fact. I call the gentleman's attention to this language, which is found on page 6 of the report:

It seems probable that all of the deposits by the receivers were of a similar character and made in current funds, which were the bills of the State banks and Confederate notes.

Mr. THOMAS. Will the gentleman permit me to say a word?

Mr. BLANCHARD. I have only a few minutes in which to end this debate.

Mr. THOMAS. I think you ought to let me say a word here; I will give you a minute of my time.

Mr. BLANCHARD. You have not any time.

Mr. THOMAS. Yes, I have six minutes left.

Mr. BLANCHARD. Well, if you will give it all to me I will yield to you. [Laughter.]

Mr. THOMAS. I only want to say that I think it is a very unfair thing to attack me in this way and then to read here a statement about what "seems probable" and to call that evidence.

Mr. BLANCHARD. Mr. Chairman, I said that the minority report of the committee of the Senate, which the gentleman himself sent to the desk to have read, conceded the fact.

Mr. THOMAS. In the same report General Butler says that it was in notes of the Citizens' Bank of Louisiana.

Mr. BLANCHARD. I am glad the gentleman has referred to the statement of General Butler. I have it before me now. General Butler wrote that statement in a letter to Hon. JOSEPH N. DOLPH, of the Senate of the United States. It was written from his law office in Boston, and on what date? Was it written at the time when these transactions occurred?

No. The letter in which General Butler makes this statement was written on the 24th of April, 1884. Speaking presumably from recollection merely, General Butler said that these deposits were not made in Confederate money. Now, sir, General Butler, speaking only from memory in 1884, certainly is not so good authority in regard to the facts of this case as this bank, whose books show the kind of money that was deposited in its vaults and that is covered by this claim. The idea of General Butler, sitting in his law office in Boston in 1884, and, merely from recollection, writing a statement which the gentleman from Wisconsin wishes to have accepted as the evidence upon which he ventures to say that this money was not Confederate money! It is preposterous.

Mr. GROSVENOR. Does not the gentleman think that General Butler's memory has been occasionally jogged during the intervening period about his transactions in New Orleans? [Laughter.]

Mr. BLANCHARD. Very likely.

Now, Mr. Chairman, having disposed of these two arguments against the bill, I wish to come to a point made by the gentleman from Ohio on my right [Mr. GROSVENOR]. He wants to know why this claim has not been presented before this. Mr. Chairman, my friend from Ohio, when he made that inquiry, perhaps was not aware of the fact that for ten years this claimant has been knocking at the doors of Congress and knocking in vain.

Perhaps, too, it was partly the gentleman's [Mr. GROSVENOR'S] own fault or owing to his opposition in previous Congresses that this claim and other similar claims have not been acted upon sooner. This claim was introduced first in the Forty-seventh Congress, nearly ten years ago, and the fact that it has not been acted upon is not imputable as a

fault to the claimant. I will answer further the gentleman's objection to this claim, on that ground, in the language of the report made in 1884 by the Senator from Tennessee, Mr. Jackson, a gentleman who now occupies a position upon the Federal bench as circuit judge, a man whose judicial fairness is recognized wherever he is known.

I read his language:

It is doubtful whether this claim—

The bank's claim—

could ever have been enforced by a suit in the Court of Claims for want of jurisdiction in the court.

One of the pleas of the gentleman from Ohio was that the Court of Claims had jurisdiction and therefore this suit ought to have been brought there. But here is a Senate committee, composed of as good lawyers as the gentleman from Ohio, who state that—

It is doubtful whether its claim could ever have been enforced by suit in the Court of Claims for want of jurisdiction in the court; and until December, 1872, when the Supreme Court of the United States decided (in Planters' Bank *vs.* Union Bank, 16 Wallace, 495) that after General Butler's proclamation of May 1, 1862, "private property in New Orleans was not subject to military seizure; that the military commanders of the Department of the Gulf had no authority to enforce by military orders the confiscation acts of 1861 and 1862, and that such orders were invalid"—

Then the report goes on to say—

It was supposed by the bank and its legal advisers that the acts of the commanding officers, under which its funds and assets were seized and appropriated by the Government, were within the scope of their authority, and if valid no recovery or restoration could be obtained. Under this belief it delayed application for redress till after that decision was rendered, and followed the next year by the State courts of Louisiana in the suit of the assignees of the Ocoe Bank against the Citizens' Bank above mentioned. These decisions having declared the military orders under which its funds were taken and appropriated by the Government invalid, the Citizens' Bank was then advised that it had a valid claim against the Government for reimbursement.

It was then that the bank went ahead and prosecuted its claim in Congress; and from the time that it began to do so in 1882 until now it has had no day in this House except this day.

Mr. Chairman, the gentleman from Wisconsin [Mr. THOMAS] made a most remarkable statement that this bill would cover in its provisions perhaps as much as a million of dollars. Such a statement as that is absolutely reckless. There is no foundation whatever for it on the part of the gentleman. Why, sir, the whole amount of money the payment of which was enforced from this bank by General Butler in 1862 was only $434,000; and it is conceded in the report on this case that as to $219,000 of that amount there is no claim whatever on the part of the bank, nor does the bank assert any, because that much of the $434,000 was taken out of the bank by General Butler in Confederate notes.

Mr. BUCHANAN, of New Jersey. But the bill is broad enough to cover the whole.

Mr. BLANCHARD. Not at all.

Mr. BUCHANAN, of New Jersey. Certainly it is.

Mr. BLANCHARD. Not at all. It covers only money which was taken out of the bank and covered into the United States Treasury. The Confederate notes taken by General Butler were not covered into the Treasury of the United States.

There is no pretense on the part of the bank that it has any claim whatever except for the $215,000.

Mr. BUCHANAN, of New Jersey. Then limit the terms of your bill.

Mr. BLANCHARD. And, Mr. Chairman, in the report made in the Senate by Senator Jackson, even that amount is reduced in this way: General Butler, when he exacted the $215,000 in gold from the bank, left there the $215,000 in Confederate notes which the bank had received as a deposit from the Confederate treasury agents. Now, Senator Jackson thinks that, inasmuch as it is proven that Confederate money at that date was worth 33⅓ cents on the dollar, there must be deducted from the claim of the bank the difference between the value of the $215,000 in Confederate notes, at 33⅓ cents on the dollar, and the amount in gold which General Butler required the bank to pay; and this he shows would reduce this claim to $143,880.60.

Then he adds that since then the Ocoe Bank of Tennessee recovered from the Citizens' Bank of Louisiana by suit $8,000, and that this amount ought to be added to the $143,880.60, which would make this claim $151,880.60. Yet in the face of these reports the very reckless statement is made here by the gentleman from Wisconsin that this bill is broad enough in scope to cover $1,000,000.

Now, Mr. Chairman, let me call the attention of the House to the fact that every committee, whether of the Senate or of the House, that has sat in judgment on this claim, with all the evidence before it (and there have been four such committees) has deliberately come to the conclusion that the claim is a just one, and that it ought either to be paid by the Government of the United States or else it should be referred to the Court of Claims for an ascertainment of the legal rights of the claimants.

Upon the judgment of these four committees this House may safely assume that at least a *prima facie* case has been made out, and under these circumstances does any gentleman here fear to refer a claim of this sort to a tribunal of the United States, that the respective rights of the claimant and the Government may there be tested? Is any gentleman afraid that a tribunal of the United States will not view with the closest scrutiny every claim against the Government, its own creator? Surely there could be no wrong done to anybody by referring this claim to the Court of Claims. On the other hand, if it be not so referred, a gross wrong and injustice will in all probability be done to this claimant.

Mr. Chairman, I move that the committee rise and report this bill favorably to the House.

Mr. THOMAS. Mr. Chairman, I certainly hope that motion will not prevail. I have some further remarks to make. A portion of my hour remains and I am anxious to reply to the gentleman from Louisiana [Mr. BLANCHARD]. I wish he would withdraw his motion. I have a motion pending.

Mr. BLANCHARD. Mr. Chairman, I thought it was understood that the friends of this measure had the right to close the general debate upon it.

The CHAIRMAN. The gentleman from Wisconsin [Mr. THOMAS] when he had the floor moved that the committee report the bill back to the House with a recommendation that the enacting clause be struck out. That motion is now pending and has precedence over the motion of the gentleman from Louisiana.

Mr. THOMAS. Now, Mr. Chairman, upon that I wish to address the committee for a few minutes.

It is a very remarkable thing, sir, that this case has been pending so long in Congress and has attracted the attention of the learned and able gentleman from Louisiana [Mr. BLANCHARD], as well as the gentleman from Mississippi [Mr. STOCKDALE] in such a manner as to make them perfectly familiar with all the details of the case, and yet when they are asked where the evidence is which shows or demonstrates in any manner that this $215,000 was paid to the bank in Confederate money, they are not able to turn to the report and show the testimony or name a single man or give the title of a single document which can prove that fact or that attempts to do so.

Mr. BOATNER. If the gentleman will allow me——

Mr. THOMAS. I decline to be interrupted.

Mr. BOATNER. I only want to refer you to some testimony on that point.

Mr. THOMAS. Well, gentlemen on that side have had all of their time. Their attention was called to the matter and they have not given us that information. I decline now to yield the few moments that I have remaining for such information. I have myself asked the question and gentlemen have not responded. I undertake to say that they have not produced any testimony—and there is a large bundle of papers accompanying the case, and if the testimony had been there I have no doubt they would have found it—that any man has sworn before any committee of Congress, before any court or anywhere else in this world, that the money was paid to the bank in Confederate notes.

Mr. McKENNA. Will the gentleman yield to me for a question?

Mr. THOMAS. Yes, sir.

Mr. McKENNA. If that proposition is referred distinctly to the court for a decision does that not obviate your objection and your argument?

Mr. THOMAS. Now, it seems to me, Mr. Chairman, that the learned gentleman from California, with his great experience in this House, must know that what transpired thirty years ago—for this was in 1861, thirty years ago—will be very difficult to prove to a court. The Court of Claims has been censured on this floor for not passing upon or determining certain facts. The court has to take testimony in all of these cases. No court in the world can be found fault with for deciding upon the testimony brought before it. But how is the United States Government to defend itself against that claim? Suppose, I will ask the gentleman from California, that one of the directors of this bank should come in and testify that this money was actually paid in Confederate notes, how is the United States Government, after thirty years have elapsed, to disprove that fact?

Mr. STOCKDALE. By General Butler's testimony.

Mr. THOMAS. Why should the Government be placed at this disadvantage? You impose a duty on the court to decide on a state of facts that existed thirty years ago and try to prove it now after everybody is dead.

Mr. BLANCHARD. Is General Butler dead?

Mr. THOMAS. Ah, but you impeach General Butler's statement. You say he was not present when these deposits were made. Do not gentlemen here see how keenly they argue the question? They would come before the court and say General Butler may have investigated the matter through an agent; he may have had his military commander, his financial agents, examine into the matter and then had them report to him the facts of the case. They will say that he was satisfied at the time that the money was paid in the currency of the Bank of Louisiana; but General Butler does not personally know. He can not testify from personal knowledge. All he could testify to would be the information he had received from his subordinates. You can see how keenly gentlemen argue the point. If the gentleman from Louisiana was the attorney for the Citizens' Bank in the court, he would make that objection at once—although it is technical—although everybody knows

that General Butler was aware of the fact, although he could not testify of his own knowledge.

Mr. BLANCHARD. Let me ask the gentleman if it is not a well-recognized principle of all courts of justice, and of law, that the party holding the affirmative, to wit, the plaintiff, must prove his case? The burden of proof is on him. The Government of the United States is to prove nothing. The plaintiff is to prove his case.

Mr. THOMAS. I am sorry I am compelled to answer the gentleman from Louisiana in the way I do, but I have had experience in the House in regard to such matters. I find three hundred and odd claims, involving a half million dollars, passed by the House, in which the court has certified in each case that the claimant was loyal, and in many of these cases, when I went down to the Confederate archives, I found the records there that I think will convince any man of ordinary intelligence that the claimants were not loyal.

Mr. BLANCHARD. How do you know that these records were not before the court?

Mr. THOMAS. Because the court certified they were not before it. That is the way I know it.

Now, Mr. Chairman, thirty years after this transaction occurred I am not willing to place the United States Government at the disadvantage it would be placed in by passing a bill to submit this to the Court of Claims. General Butler, a major general of the Army of the United States, in command in the city of New Orleans at that time, investigated these facts, and you have heard his letter read from the desk to-day.

Why, if he wished to be dishonest, if he wished to be oppressive, would he not have made them pay the money for the $219,000 deposit? There they were, Confederate notes placed in the bank, and the bank had not banked upon them or used them as capital, but kept the amount as a special deposit.

Mr. BLANCHARD. Not at all; there is no such statement in the record.

Mr. THOMAS. The gentleman may be, and I think he is, right about that. The bank used this Confederate deposit of $219,000 to bank on. But General Butler said, "This money was received in Confederate notes, and I think it but right and just, it being the property of the Confederate States, that in confiscating it and taking it for the Government of the United States the banks should only pay what the money is worth." It was worth 33⅓ cents on the dollar and sold for that, and the money paid into the bank by the receivers of the Confederate government, who had taken it from persons who were indebted to Northern men under an act of congress of the Confederate States, by decree of court, I presume. Under that act this money was paid into that bank and held there by these receivers to the credit of the Confederate government. Now, General Butler investigated these facts and he found that this money was paid in bank notes of the Citizens' Bank of Louisiana, and he certifies, and everybody corroborates that fact, that these notes were as good as gold.

Mr. BUCHANAN, of New Jersey. Independent of the currency that was actually paid into the bank, is it not a fact that these credits that were seized were as good as gold?

Mr. THOMAS. Certainly.

Mr. BLANCHARD. Then the bank would have no case in the Court of Claims if that is so.

Mr. BUCHANAN, of New Jersey. That does not follow at all.

Mr. THOMAS. There is another fact I wish to speak about. It seems to me upon the merits of the case that it would be unjust, unfair, and dishonest to put this case now into the Court of Claims. General Butler could not be a witness, because the testimony he had is second hand, although obtained from reliable sources and unquestionably true. If these parties had then brought the case into court, or if they could have been brought into court, they would have had no case, and they would not have wanted to get there either. But now, after thirty years, when the receivers are probably dead, when the men who investigated the facts for General Butler are dead, and the United States is without testimony, these claimants come here and demand that the Government shall pay upon what will be in fact only *ex parte* testimony.

But there is another view of this case under the law. The Citizens' Bank of Louisiana has no just right to any of that property at all. The laws of Congress of 1861 and 1862, if enforced, if this bank could have been brought before a court of the United States, such court would have confiscated every dollar they had. They were the confessed active financial agents of the Confederacy. This Citizens' Bank of Louisiana and other banks like it were what enabled the Confederacy to exist, to buy arms, to clothe its troops, and to make war upon the United States. Every dollar that they had, if legal justice had been done them, would have been taken from them. But by a technical construction the Supreme Court have decided that a military commander could not do this, but that they must have been brought before a court.

But that is only a technicality. If General Butler had put them into court and presented the claim of the Government against them and enforced this law of Congress there is no question that they would have lost every dollar of their property. Instead of that, all they have been required to do—and it shows the leniency of the Government and the leniency of General Butler—is to pay to the Government of the United States what they received; and it was nobody's money except the Confederacy's. Their own money is intact.

This statute which the Supreme Court has decided upon and to which this committee have referred in their report and which the gentleman argues upon relates only to private property. Private property was protected, but the property of the Confederacy was not. It was liable to seizure by law and was the property of the Government of the United States. And we say that after thirty years, when that course of conduct has been pursued, it is too late to come here and ask Congress to place the case before the Court of Claims.

Mr. STRUBLE. Very late, indeed.

Mr. THOMAS. The gentleman from Louisiana says I am mistaken about this bill and that I have made a very unfair and uncandid statement as to its effect. I notice this committee are very anxious to parade before this House the fact that there were $1,242,000 worth of bonds, notes, and securities taken from this bank by somebody. They say that they have not quite the evidence that it was taken; but I contend that this bill is drawn so as to cover an investigation of that subject, too.

Mr. BLANCHARD. Will the gentleman allow me to quote from the bill?

Mr. THOMAS. I presume that every member has read this bill, and I can not allow my time to be taken up in reading a bill that has been discussed here all day.

Mr. BLANCHARD. It says nothing about notes or mortgages. It refers to money.

Mr. THOMAS. Of course the words "notes, bonds, and mortgages" are not there; but it is a bill very carefully and very shrewdly drawn, and I think the court would take cognizance of this whole matter.

Mr. BLANCHARD. That is ridiculous.

Mr. THOMAS. But I do not wish to have that authority given to the court.

Mr. Chairman, it has been said that only one of the committee has dissented from the majority report. Still I do not find any member of that committee standing up here to-day and defending that report. I do not find that in the Senate any of the members of that committee, except the gentleman who reported it, stood up and defended the majority report or ever did.

I have challenged the evidence in this case. I rather expect this report has been passed without much thought on the part of the committee. It may be that they thought this thing might be settled by the final action of the House. I believe the House ought to kill this bill.

Mr. PAYSON. It will.

Mr. THOMAS. It ought to have done so years ago, and with that view I renew my motion and ask that the bill be reported back to the House with the recommendation that the enacting clause be stricken out.

Mr. McKENNA. A preliminary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. McKENNA. Is an amendment to the bill now in order?

Mr. BLANCHARD. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BLANCHARD. My point of order is that the bill must first be read by sections for amendment before any motion can be made either to strike out the enacting clause or to report the bill back to the House with a favorable or unfavorable recommendation.

The CHAIRMAN. The bill has been read. There is only one section to the bill.

Mr. BLANCHARD. The motion of the gentleman from Wisconsin can only be in order after the bill has been completed by action on the amendments proposed by the committee.

The CHAIRMAN. The motion to strike out the enacting clause takes precedence over any other motion, because, if that motion carries, it will defeat the bill entirely.

Mr. McKENNA. I ask unanimous consent to offer an amendment. Let it be read.

The CHAIRMAN. The gentleman from California asks unanimous consent to offer an amendment, which he sends to the Clerk's desk.

Mr. PAYSON. Let it be read, subject to the right of objection.

The CHAIRMAN. It will be read, subject to the right of objection.

The Clerk read as follows:

Insert after the word "cause," in line 10, page 2, the following:

Provided, however, If the funds forming the basis of the said claim were deposited in the said bank in gold or silver coin or United States Treasury notes, or other legal money, or securities, then no recovery shall be had by said bank, and the burden of proof of establishing that the deposits of said funds were made in Confederate notes shall be on the bank.

Mr. THOMAS. I object.

The CHAIRMAN. Objection is made and the question is on the motion of the gentleman from Wisconsin.

Mr. ANDERSON, of Kansas. Will the Chair please state what the motion is?

The CHAIRMAN. The question is on the motion of the gentleman from Wisconsin that the bill be reported to the House with the recommendation that the enacting clause be stricken out.

Mr. BLANCHARD. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. BLANCHARD. If that be voted down, will not the gentleman from California have the right to offer his amendment?

The CHAIRMAN. If that be voted down, the bill will be before the committee for completion by amendment.

Mr. BLANCHARD. Give us a vote, then.

The question was taken, and the Chairman announced that the "ayes" seemed to have it.

Mr. BLANCHARD. Division, Mr. Chairman.

The committee divided; and there were—ayes 59, noes 60.

Mr. GROSVENOR. Tellers.

Mr. ANDERSON, of Kansas. Pending that I move that the committee rise.

Mr. PAYSON. Oh, no; let us keep it up until 5 o'clock; then we will have to take a recess anyhow.

Mr. ANDERSON, of Kansas. I withdraw that motion.

Tellers were ordered; and Mr. GROSVENOR and Mr. BLANCHARD were appointed.

The committee again divided; and the tellers reported—ayes 59, noes 68.

So the motion to strike out the enacting clause was not agreed to.

The CHAIRMAN. The question is on the amendments offered by the committee, which the Clerk will report.

The Clerk read as follows:

In line 5 strike out the words "with interest thereon" and in line 7 strike out the words "alleged unlawful."

Also in lines 11, 12, 13, and 14 strike out the following words: "and said cause shall be advanced on the docket and tried without delay by any court which may become invested with the jurisdiction thereof by virtue of the provisions of this act."

Mr. BLANCHARD. These are all committee amendments.

The CHAIRMAN. The Chair will state that the question now is on the amendments offered by the committee.

Mr. BUCHANAN, of New Jersey. Precisely so; and I desire to speak on one of the amendments. Now, here, Mr. Chairman, is one of these amendments, that strikes out the words "alleged unlawful." I would like some member of the committee who is in favor of this bill to tell me the reason for striking out these words. If the seizure was lawful that is all there is of it, and there is no necessity for the passage of the bill, as there will be no equities to ascertain, no wrongs to be righted. I would like to have some member of the committee tell me the reason for striking out these words. There is a substantial reason why they should not be stricken out, and I will state it. There was a seizure of a twofold character of the funds of this bank by General Butler. One was of money deposited there by the Confederate government, amounting to $219,000; the other was of money deposited there by receivers of the Confederate government, amounting in the aggregate to $215,000.

Now, while the report says that there is no claim made for the former sum of $219,000, the bill if amended in the way that the committee indicate would allow claims for both of those amounts to go to the Court of Claims. I am not satisfied but what it would even if the amendment were not concurred in. But certainly, if we strike out these words "alleged unlawful," and refer simply to the seizure made from that day of all those funds without in terms sending the whole of that seizure to the Court of Claims for adjudication the claim could be considered. I think, Mr. Chairman, that a moment's reflection will convince any member of this committee that if this bill is intended simply to cover the $215,000 any amendment made to the bill by the committee should be made specifically in terms limiting it to the $215,000, and excluding by express terms from the consideration of that court any possible claim for the $219,000; because we must remember that it is the law that goes to the court to be administered, and not the report of the committee.

The CHAIRMAN. Does the gentleman desire a separate vote upon this amendment?

Mr. BUCHANAN, of New Jersey. Certainly.

The CHAIRMAN. Then without objection the vote will be taken upon the other amendments together.

Mr. ANDERSON, of Kansas. I desire a separate vote upon each.

Mr. BLANCHARD. Mr. Chairman, I wish to say that these amendments of the committee are simply verbal, agreed to in the committee as perfecting the bill, and against the amendments so recommended by the committee no member of the committee has risen to object. I ask a vote.

Mr. GROSVENOR. Mr. Chairman——

The CHAIRMAN. The gentleman from Louisiana [Mr. BLANCHARD] has the floor.

Mr. BLANCHARD. I move the adoption of the amendments recommended by the committee.

The CHAIRMAN. That is the pending motion.

Mr. GROSVENOR. That is the pending motion, and I want to be heard upon that motion when the gentleman from Louisiana yields the floor.

The CHAIRMAN. The gentleman from New Jersey [Mr. BUCHANAN] demands a separate vote on this amendment, and the gentleman from Kansas [Mr. ANDERSON] demands a separate vote upon each of the other amendments.

Mr. ANDERSON, of Kansas. And I would like to have the amendments submitted to the House in the order in which they are presented.

Mr. BLANCHARD. I have no objection to that. Gentlemen evidently want to consume the time until 5 o'clock anyhow. [Laughter.]

The CHAIRMAN. The Clerk will read the amendments.

The Clerk read as follows:

In lines 5 and 6 strike out the words "with interest thereon."

The CHAIRMAN. The question is upon the adoption of the amendment.

Mr. GROSVENOR. I suppose that question is debatable, Mr. Chairman.

The CHAIRMAN. It is debatable if anyone has anything to say upon it.

Mr. GROSVENOR. Mr. Chairman, I want to put in a very few concise words exactly what this question is. The Citizens' Bank of Louisiana was just as much an agency of the rebellion, just as much a party to the destruction of the Union, just as significantly an adjunct of the Southern Confederacy at the date of the seizure of this money, as was the army under General Beauregard or the Confederate Congress assembled at Richmond; and there is no refinement of logic or splitting of hairs about the relations of the parties that can change that status. With its eyes wide open the Citizens' Bank of Louisiana undertook to facilitate the destruction of one government and the promotion of the other by collecting money and holding it subject to the order of the Southern Confederacy. It would have paid that money out on a check, drawn by the proper authority, to pay for cannon, to pay for muskets, to pay for munitions of war, just as readily as it paid it out upon the order of General Butler, and a great deal more so.

It is not claimed here upon the part of these claimants that when they took that money they did not know it was money which was being used for the treasonable purposes of the Southern Confederacy. They entered upon the books of their banking house the statement that this was the money of an armed rebellion against the Government of the United States. It was as decidedly forfeited to the Government of the United States as though it had been munitions of war found in the hands of an insurgent foe.

Now, then, what did the Government of the United States do? There is just as much warrant in law, gentlemen of the committee—and when you write your names down in favor of the payment of this money you have committed yourselves fully to the doctrine—there is, I say, just as much warrant in law, just as much authority to pay a soldier of the Southern Confederacy whose horse was killed under him upon the battlefield of Bull Run as there is to pay this agent of the Southern Confederacy the money that was found in his hands stained with the crime of treason, and which the Government of the United States took out of his hands.

Suppose a soldier of the Southern Confederacy should come here and say, "I took from the rebel government a poor old horse worth not more than $15 and I traded him into a valuable horse worth $150, and the United States Government captured my valuable horse while I was at war against that Government, and now I want you to make good to me the difference between the value of the worthless horse that the Confederacy asked me to handle in its interest and the good horse that I had obtained by the trading"—suppose a Confederate soldier should say that, what sort of a claim would it be?

That is a fair illustration of this case; yet we find men here willing to put themselves in the attitude of paying a claim that stands on all fours with this or with the claim which might be made by the rebel cotton agents of the South for the loss of the cotton deposited in their hands by the Southern Confederacy! This claim never will be paid; never, while this Government exists. The principle that would pay this claim would bankrupt this Government ten times over. You may get a majority of the committee to report this bill to the House, but no man with a future ahead of him in politics north of Mason and Dixon's line will ever vote to pay such a claim. No man who was a loyal citizen and who has a recollection of the time of the war will stand here to-day and vote to refund to a rebel agent the money that he was unfortunate enough to lose as this was lost.

Mr. THOMAS. Mr. Chairman, this being pension night, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. ALLEN, of Michigan, reported that the Committee of the Whole on the Private Calendar, having had under consideration the bill (H. R. 3209) to authorize the Court of Claims to hear and determine the claim of the Citizens' Bank of Louisiana, etc., had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 4476) directing the issue of a duplicate of a lost check drawn

by A. W. Beard, collector of customs at the port of Boston, Mass., in favor of De Blois & Co.;

A bill (S. 4547) for the relief of the inhabitants of the town of Gallup, Bernalillo County, Territory of New Mexico;

A bill (H. R. 178) to provide for enlarging the proposed public building at Savannah, Ga., the purchase of another site, if practicable, and for the sale of the present site;

A bill (H. R. 1460) to authorize the Secretary of the Treasury to issue certain duplicate bonds to James E. Andrews, to replace same destroyed by fire; and

A bill (H. R. 7630) to increase the limit of cost of the public building at Charleston, S. C.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, informed the House that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 2309) for the relief of Stubbs and Lackey;

A bill (H. R. 7082) for the relief of Maj. Joseph W. Wham, paymaster United States Army; and

A bill (H. R. 9919) to authorize the Treasurer of the United States to receive and keep on deposit funds of the Soldiers' Home in the District of Columbia.

The message also announced that the Senate had passed a bill (H. R. 6975) to provide for an additional associate justice of the supreme court of Arizona with an amendment, asked a conference on the bill and amendment, and had appointed as conferees on the part of the Senate Mr. WILSON of Iowa, Mr. EVARTS, and Mr. VEST.

The message further announced that the Senate had agreed to the reports of the committees of conference on bills of the following titles:

A bill (S. 507) to provide for the erection of a public building in the city of Youngstown, Ohio;

A bill (S. 593) for the erection of a public building at Fort Dodge, Iowa;

A bill (S. 2405) to provide for the purchase of a site and the erection of a public building thereon at Lewiston, in the State of Maine; and

A bill (S. 3417) to provide for the purchase of a site and the erection of a public building thereon at Haverhill, in the State of Massachusetts.

SIOUX INDIAN RESERVATION.

Mr. PERKINS. I have a conference report which I think it will take only a moment to dispose of.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3271) entitled "An act to enable the Secretary of the Interior to carry out in part the provisions of 'An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes,' approved March 2, 1889, and making appropriations for the same, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 3, 5, 6, and 7, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 4, and agree to the same with an amendment as follows:

Amend by striking out said House amendment; and further, by striking out on page 3 of the bill the first six lines; and the House agree to the same.

B. W. PERKINS,
S. W. PEEL,
Managers on the part of the House.
H. L. DAWES,
CHARLES F. MANDERSON,
JAMES K. JONES,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The managers on the part of the House report and represent that the effect of the conference agreement is to accept the bill substantially as it passed the House, except that amendment numbered 4 is modified so as to exclude the appropriation of $100,000, as this appropriation is carried by another paragraph in the bill and thus the amount appropriated by the bill is reduced $100,000.

B. W. PERKINS,
S. W. PEEL,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to this report.

Mr. BRECKINRIDGE, of Kentucky. I think we ought to have some fuller explanation than that made in the statement just read. There were several amendments to this bill, on some of which the Senate recedes.

Mr. PERKINS. They recede from their disagreement on all the amendments except one.

Mr. BRECKINRIDGE, of Kentucky. And that one strikes out a part of the bill.

Mr. PERKINS. Yes; it strikes out a portion of the bill which was struck out by a House amendment. The amendment of the House struck out those words and inserted others. The effect of this report is to exclude from the bill those words which were inserted by the House in lieu of the words struck out; because the conferees found that the amount necessary to be appropriated was appropriated in another part of the bill; hence the insertion was unnecessary.

The report was agreed to.

The SPEAKER. The hour of 5 o'clock having arrived, the House now takes a recess until this evening at 8 o'clock. The gentleman from Kansas [Mr. PERKINS] will preside at the evening session.

EVENING SESSION.

The recess having expired, the House resumed its session at 8 o'clock p. m., and was called to order by Mr. PERKINS as Speaker *pro tempore*.

ORDER OF BUSINESS.

Mr. SAWYER. I ask unanimous consent that after devoting one hour to the consideration of pension bills in their order on the Calendar the next hour be spent in the consideration of bills called up by members who may be recognized by the Chair.

The SPEAKER *pro tempore*. As the Chair understands, the proposition of the gentleman is that after devoting one hour to the consideration of pension bills on the Calendar in regular order the Chair shall recognize members (alternating between the two sides of the House) to ask for the consideration of bills by unanimous consent.

Mr. WASHINGTON. Before that is agreed to, I wish to ask what order is to be observed with regard to recognitions.

The SPEAKER *pro tempore*. The order generally observed.

Mr. WASHINGTON. A member's assent to this arrangement might depend upon whether or not his name is on the list of the Chair.

The SPEAKER *pro tempore*. Unless there should be many more members present than there are now, the probability is that all those who are here would be recognized before the expiration of the hour. Is there objection to the proposition of the gentleman from New York [Mr. SAWYER]? The Chair hears none, and it is so ordered. Was it the request of the gentleman that bills on the Calendar be considered in the House as in the Committee of the Whole?

Mr. SAWYER. Yes, sir.

The SPEAKER *pro tempore*. The gentleman from New York asks unanimous consent that the Committee of the Whole be discharged from the consideration of these pension bills, and that they be considered in the House as in Committee of the Whole.

Mr. KILGORE. It is understood that we are to have the same rights and privileges as in Committee of the Whole?

The SPEAKER *pro tempore*. The same, as the Chair understands the request.

Mr. KILGORE. The same rights as to making speeches, offering amendments, having reports read, and everything of that kind?

The SPEAKER *pro tempore*. Bills will be considered in all respects as in Committee of the Whole. Is there objection? The Chair hears none, and it is so ordered.

NANCY POTTER.

The first business on the Private Calendar was the bill (H. R. 10079) for the relief of Nancy Potter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Nancy Potter, widow of Uriah Potter, late surgeon of the board of enrollment for the Eighteenth Congressional district of New York, and pay her a widow's pension, subject to the provisions and limitations of the pension laws.

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10079) granting a widow's pension to Nancy Potter, submit the following report:

The claimant is the widow of Uriah Potter, who was assistant surgeon to the board of enrollment for the Eighteenth Congressional district of New York, located at Schenectady, N. Y. The War Department records show that Uriah Potter entered the service April 17, 1863; resigned January 30, 1865, and his resignation was accepted February 6, 1865. He died December 16, 1869.

The affidavit of Dr. Livingston Elwood, who was Dr. Potter's superior on the board of enrollment, alleges that he was in sound health when he entered the service, and that about six months thereafter he began to suffer from stomach and heart troubles and that he frequently prescribed for him until his resignation, and at intervals thereafter until his death. The immediate cause of death was, he alleges, "mitral regurgitation from insufficiency of the valves, and gastric ulcer at the lesser curvature of the stomach, which perforated just before death and discharged its contents into the peritoneal cavity." He further deposes that "in his opinion the main, original, and producing causes of said diseases were overcrowed and illy ventilated offices, close confinement, poor sanitary surroundings, and excessive and constant strain on a naturally sensitive, nervous organization, made doubly more so by the great cares and responsibilities connected with said office and by the frequent riotous demonstrations made upon said office during the time of draft."

Affidavits of two other physicians of standing in their community are submitted corroborative of Dr. Elwood's opinion, that the fatal illness of Dr. Potter was due to his service on the board of enrollment.

Affidavits are also submitted by the claimant and by four neighbors identifying the claimant as the widow of Uriah Potter, and that she has not remarried since his death.

This claim has been rejected by the Pension Bureau on the ground that there is no law allowing pension on account of disease, or death resulting therefrom, contracted while serving as surgeon to board of enrollment, such service being pensionable only in case of wounds or injuries and death resulting therefrom.

Mr. KILGORE. I wish to inquire of the gentleman who has this bill in charge whether the beneficiary in this case would not be entitled to a pension under the existing law without any special act of Congress.

Mr. SAWYER. I understand not; that is the theory upon which I drew this report. I have no personal knowledge of the parties, and

the case had passed out of my mind until recalled by hearing the report read.

Mr. KILGORE. I think that all cases where the applicant would be entitled to a pension under the existing law ought to be excluded from consideration by the House; there ought to be no special acts in such cases, and I would be inclined to antagonize any bill of that character.

Mr. SAWYER. As I have stated, under the existing law, according to my understanding, this lady could not obtain a pension. The committee thought that the facts showed a very meritorious case.

Mr. KILGORE. The bill does not name the amount of the pension.

Mr. SAWYER. It could not exceed $12 a month.

Mr. KILGORE. I make no objection.

Mr. CHEADLE. I see the bill provides that this pension shall be paid subject to the provisions and limitations of the pension laws. I wish to inquire whether the rate is to be determined by the act of June, 1890, or by the old law?

Mr. SAWYER. It would be, according to the prior law, the giving of $12 a month.

Mr. CHEADLE. I suggest to the gentleman that he had better move an amendment to that effect so that there can be no doubt.

Mr. SAWYER. Then I move to amend the bill by fixing the pension at $12 a month.

The SPEAKER *pro tempore*. The Clerk will report the amendment of the gentleman from New York.

The Clerk read as follows:

Strike out the word "widows" where it occurs before "pension," in the seventh line, and insert after the word "pension" the words "at the rate of $12 per month."

The amendment was adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

JEANIE BRENT DAVENPORT.

The next business on the Private Calendar was the bill (H. R. 10503) granting an increase of pension to Jeanie Brent Davenport.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Jeanie Brent Davenport, widow of Henry K. Davenport, late captain United States Navy, and allow her a pension at the rate of $50 per month from the date of the passage of this act.

Mr. CHEADLE. Mr. Speaker, in the event that that bill is to be passed to-night I will state that there must be a quorum present. I do not wish to raise any objection to pension legislation, but I certainly shall not consent, while I am present, to the enactment of a pension bill into law that makes a distinction of from $12 to $50 per month between the widows of our dead comrades.

Mr. DINGLEY. Mr. Speaker, I ask unanimous consent that the bill be passed over informally, with the understanding that it shall not lose its place upon the Calendar.

The SPEAKER *pro tempore*. In the absence of objection that order will be made.

There was no objection, and it was so ordered.

MARY A. R. MARTIN.

The next business on the Private Calendar was the bill (H. R. 9724) granting a pension to Mary A. R. Martin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. R. Martin, widow of John Martin, a soldier of the war of 1812, and pay her a pension at the rate of $30 per month from and after the passage of this act.

The report (by Mr. HENDERSON, of North Carolina) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 9724) granting a pension to Mary A. R. Martin, have considered the same, and report as follows:

The claimant's late husband, John Martin, deceased, filed an application for pension in his lifetime, declaring that he rendered service in the war of 1812 as a soldier in Capt. James Willis's company, Col. Ignatius Few's regiment of Georgia Volunteers. He subsequently stated that, being eighty-one years old and blind, his memory was defective, but his recollection was that James or John Willis was his captain. He also remembered one Thomas Glascock, who was an officer in the regiment. The soldier also declared that, in addition to his service in the war of 1812, he served (in 1817) in the Seminole Indian war.

The Third Auditor of the United States Treasury reported that the name of John Martin was not borne on the rolls of Capt. James Willis's company of Col. J. A. Few's regiment Georgia Militia, war of 1812, on file at that office, but that the name of John Martin is borne as a corporal (the rank alleged to have been held by the soldier) on the roll of Capt. Thomas Glascock's company of Col. Ignatius Few's Third Regiment, Georgia Militia, from September 25, 1814, to October 12, 1814.

Glascock's company rendezvoused at Waynesborough, Ga., and it is at that place that the soldier declared he was mustered in.

John Martin's claim was rejected by the Pension Bureau on the ground that as he alleged service in Captain Willis's company he could not be presumed to be the John Martin who served in Captain Glascock's company. The claim of his widow (this claimant) was also rejected on the same ground.

The proof shows that the claimant is a woman of good reputation, but very poor. She is about sixty-eight years old. After a review of all the facts, your committee are of the opinion that the claimant's husband served as a soldier in the war of 1812, and that she should not be deprived of her pension because he in his old age, and of a defective memory, gave as his company the name of an organization which does not bear his name on its rolls.

The bill is returned with a favorable recommendation, amended, however, by striking out the word "thirty," in line 8, and substituting in lieu thereof the word "twenty," so as to allow a pension at $20 per month.

The amendment recommended by the committee was adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

ELVIRA BROOKS.

The next business on the Private Calendar was the bill (H. R. 10817) granting a pension to Elmira Brooks, widow of Odney D. Brooks, late assistant surgeon Twenty-sixth Michigan Volunteers.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elmira Brooks, widow of Odney D. Brooks, late assistant surgeon Twenty-sixth Michigan Volunteers, war of the rebellion.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10817) granting a pension to Elmira Brooks, widow of Odney D. Brooks, assistant surgeon, Twenty-sixth Michigan Volunteers, submit the following report:

The claimant is the widow of Odney D. Brooks, who was mustered into service December 12, 1862, as assistant surgeon, Twenty-sixth Michigan Volunteers, and served until mustered out, April 26, 1864, upon tender of resignation based upon disability by reason of fistula in ano. He died of paralysis of the insane at the Michigan Insane Asylum, July 24, 1874. The widow's claim has been rejected on the ground that, in the opinion of the medical referee, the soldier's death cause is chargeable to intemperance rather than the military service.

That Brooks was a sound and able-bodied man at time of entry into service is beyond dispute. It appears in evidence that at the battle of Gettysburgh, Pa., he was struck on right side of head by a piece of shell or spent ball, from which he suffered a good deal of pain, but which he did not consider a serious matter. Subsequently, while stationed at Staten Island, he was ordered to New York City to procure medical supplies. While there he suffered a sunstroke, which disabled him for some time, and ever thereafter complained of pain in head, accompanied by dizziness. Mental disturbance at discharge is clearly shown by the reports of the special examiner. On October 15, 1868, he was admitted to the above-named asylum. The superintendent of the asylum testifies that Brooks's mental faculties were greatly impaired; his walk was unsteady; was irritable and not inclined to converse. Would become especially irritable when questioned with reference to his condition. During the last year of his life his physical health failed, and he had several attacks of partial unconsciousness, which ultimated in an attack of paralysis.

While Brooks is shown to have used liquor frequently, excessive use of same appears only by the testimony of the other assistant surgeon of the regiment. The special examiner intimates that this adverse testimony is in all probability the outcome of the affiant's prohibition views and his prejudice to all schools of medicine differing from the one of his own practice, and recommends the allowance of the widow's claim.

There is evidently sufficient grounds to believe that the injuries of service are the principal factors in the soldier's death cause. In fact it is not at all probable that intemperance alone could have produced it, when, as a matter of fact, during the last six years of his life, soldier, no matter how great his appetite for strong drink might have been, was restricted from the use of same, unless probably for medicinal purposes, by the officers of the asylum.

Your committee are of opinion that the doubts in the case should be solved in favor of this aged and needy claimant, and therefore report favorably on the bill, and ask that it do pass, amended, however, by striking out the word "Elmira" wherever the same may appear in the bill or the title thereof and inserting therein instead the word "Elvira."

The amendments recommended by the committee were adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The title was amended to conform.

ENOS J. SEARLES.

The next business on the Private Calendar was the bill (H. R. 1254) increasing the pension of Enos J. Searles.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to increase the pension now paid to Enos J. Searles, Company L, Fifth Regiment Ohio Volunteer Cavalry, to the sum of $50 per month, subject to the limitations and restrictions of the pension laws.

The report (by Mr. YODER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1254) granting an increase of pension to Enos J. Searles, submitted the following report:

That there was a special act passed by the Fiftieth Congress granting this soldier a pension of $18 per month. The Senate Committee on Pensions of the Fiftieth Congress made the following report, which was adopted by the House committee, and your committee adopt the same and make it a part hereof, which is as follows:

[Senate Report No. 148, Fiftieth Congress, first session.]

"The Committee on Pensions, to whom was referred the bill (S. 738) granting a pension to guardian of Enos J. Searles, have examined the same, and report:

"That the claimant was a private in Company L, Fifth Ohio Cavalry, and served from November 14, 1861, to November 14, 1864, being discharged at last-named date by reason of expiry of term of service. His wife testifies that he became insane July, 1864, while in the service, and that after his return home he continued to act strangely, and she and her children lived in fear of him until 1872, when he was pronounced insane and taken to the asylum. He remained in the asylum several months, returned home as improved, but in 1874 was again returned to the asylum, where he has ever since been, and now is reported by the officers at that institution as suffering from mania, probably incurable; as quarrelsome and dangerous, especially in the night.

"The evidence of Wyatt, Rader, and Donham shows that before his army service and up to about August, 1864, he was a healthy, jovial, cheerful man, a useful and brave soldier.

"Maj. G. H. Rader testifies that in July, 1863, the claimant, near Cartersville, Ga., was sent out on a foraging expedition, which was suddenly surrounded and attacked by the enemy. He escaped by swimming the Etowah River, from which he took cold and fever, and these with the fright and excitement, affected his mind, so that he never appeared to have a sound mind

afterwards, even while in the service. This is substantiated by the oaths of his comrades, Donham and Condiff, in same company. We do not think this evidence overcome by the fact shown that some of his maternal relatives were occasionally insane or subject to insanity. He may have been laboring under a hereditary taint, and might have become insane without military service, but this 'may' and 'might' are conjectural. The fact is that he became insane while in the service; that the attack is shown to have been superinduced by a very hazardous flight and exposure in a special expedition upon which he was ordered. That the disease did not assume a dangerous type for several years after is nothing against the circumstances detailed of how it originated. It began in the service in one form; it is sometimes a long time incubating.

"The bill is recommended to be passed."

The evidence in the case shows that the soldier squandered and destroyed all his property while acting under insane delusions, before being sent to Long View Asylum, where he is now confined; that he has a wife and large family of children; and your committee believe him to be entitled to same pension as other soldiers for like disability, and therefore recommend the passage of the bill, amended, however, by striking out the word "fifty," in sixth line, and inserting therein instead the word "forty."

The amendment recommended by the committee was adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed it was accordingly read the third time, and passed.

MARGARET COONEY.

The next business on the Private Calendar was the bill (H. R. 11125) granting a pension to Margaret Cooney, formerly Margaret Dolan.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Margaret Cooney, widow of John Dolan, late a private in Company A, One hundred and sixty-third Regiment New York Infantry Volunteers, and pay her a pension of $12 per month.

The report (by Mr. TURNER, of New York) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 11125) granting a pension to Margaret Cooney, submit the following report:

That the claimant is the widow of John Dolan, late a private in Company A, One hundred and sixty-third New York Infantry Volunteers, who died from disease contracted in the service October 12, 1865, from which date she drew a pension as his widow until her marriage to her second husband, Patrick Cooney, who died on the 3d of October, 1872. She is now old and very poor, and in view of the many precedents and the fact that no one is now drawing, or for many years has drawn, any pension on account of the death of her first husband, Dolan, they recommend the bill do pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

ANN N. MOSHER.

The next business on the Private Calendar was the bill (H. R. 11080) granting a pension to Ann N. Mosher.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension rolls, subject to the provisions and limitations of the pension laws, the name of Ann N. Mosher, mother of Charles H. Mosher, late a private of Company A, Eighteenth Regiment of Massachusetts Volunteers.

The report (by Mr. FLICK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 11080) granting a pension to Ann N. Mosher, submit the following report:

This bill has been introduced in accordance with the recommendation of the Commissioner of Pensions in letter of February 19, 1890, addressed to the Secretary of the Interior and by him referred to this committee, which is as follows:

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., February 19, 1890.

SIR: I have the honor to submit herewith the papers in the above-mentioned pension claim, for transmittal through your office to the chairman of the Committee on Invalid Pensions, House of Representatives, that the attention of Congress may be invited to the facts in the case for such action in the premises as that honorable body may deem proper.

The records of the War Department show that the soldier enlisted September 12, 1861, and that he was transferred to the Invalid Corps in August, 1863, in which organization he re-enlisted July 28, 1864, and that on September 3, 1864, he was given a furlough of thirty days on account of re-enlistment, and was killed by the cars at Westport, Conn., September 12, 1864, while on his way home.

The records of the War Department further show that but three men were on re-enlistment furlough at the date this soldier was furloughed and that as the Veteran Reserve Corps was composed of men of different States they consequently would not have a State rendezvous.

The case was rejected by this bureau on the ground that inasmuch as the soldier was not absent from his command on such a re-enlistment or veteran furlough as that contemplated by section 4700, Revised Statutes, at the time he was killed, his death could not be accepted under existing laws and the practice of the bureau as having occurred in line of duty.

Dependence of the mother on the soldier is fully shown, and the case possesses equitable features for relief at the hands of Congress.

Very respectfully,

GREEN B. RAUM, *Commissioner.*

The SECRETARY OF THE INTERIOR.

Your committee concur in the recommendations of the Commissioner of Pensions, and return the bill with the request that it do pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

Mr. PICKLER. Mr. Speaker, I ask unanimous consent that the reports be printed in the RECORD and the reading omitted, unless some member asks specially for it.

Mr. LANE. I object.

Mr. KILGORE. I do not think we ought to break up the Constitution altogether to-night, and also create an infraction of the rules that the other side are so much in love with.

The SPEAKER *pro tempore*. Objection is made, and the Clerk will report the next bill on the Calendar.

MARY T. CROOK.

The next business on the Private Calendar was the bill (H. R. 8661) granting a pension to Mary T. Crook.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary T. Crook, widow of the late George Crook, major general United States Army, and to pay her a pension from the passage of this act for and during her natural life at the rate of $2,000 per annum.

The committee recommend the adoption of the following amendments:

Strike out, in line 8, the words "her natural life," and insert "widowhood."
In line 9, strike out "$2,000 per annum" and insert "$100 per month."

Mr. WASHINGTON. Mr. Speaker, before the report is read in that case I would like to inquire what rank General Crook held in the Army.

The SPEAKER *pro tempore*. The Chair understands the rank of major general in the Army.

Mr. WASHINGTON. In the regular Army or was it brevet rank?

The SPEAKER *pro tempore*. Full major general.

Mr. CHEADLE. Mr. Speaker, I make the same point of order on this bill that I did on the other.

Mr. SAWYER. I would move that this go over to a full House.

Mr. CHEADLE. I object.

The SPEAKER *pro tempore*. In the absence of objection, this bill will be laid aside not to lose its place on the Calendar.

There was no objection, and it was so ordered.

EDWIN COTTON.

The next business on the Private Calendar was the bill (H. R. 9493) granting a pension to Edwin Cotton, late musician Twenty-fourth Regiment Michigan Volunteer Infantry.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edwin Cotton, late a musician of the Twenty-fourth Regiment Michigan Volunteer Infantry.

The report (by Mr. YODER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9493) granting a pension to Edwin Cotton, submit the following report:

Claimant was a member of Company H, Twenty-fourth Michigan Volunteer Infantry Regiment; enlisted August, 1862, discharged June 30, 1865; made application for pension April, 1877, alleging while on march in November, 1862, on the way from Harper's Ferry to Warrenton, he was taken with severe nervous headache, vomiting, and general nervous prostration.

Dr. J. H. Beech testifies to having treated claimant in service and at various times, and many other evidences corroborating same are on file, and as to the continuance of said disease and present existence of disability there is no doubt.

The claim was rejected once on the ground of no disability to a pensionable degree, and was reopened and rejected after being rated at one-half disability, on the ground of no record of origin, and claimant's failure to prove origin, notwithstanding the evidence of the surgeon who treated him in service.

He is needy and poor and a great sufferer from nervous headache and affection of the heart, and your committee recommend the passage of the bill.

Mr. WASHINGTON. What is the amount of pension carried by the bill?

The SPEAKER *pro tempore*. It is subject to the provisions of the pension laws.

Mr. WASHINGTON. Does the general pension law provide a specific amount for a musician?

The SPEAKER *pro tempore*. It depends upon the character of the disability.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MICHAEL KEEFE.

The next business on the Private Calendar was the bill (H. R. 4964) to remove the charge of desertion now standing against Michael Keefe, deceased.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion now standing against Michael Keefe, deceased, late of Company B, Eighth Regiment Connecticut Volunteers, and to grant an honorable discharge to date at the time of the discharge of said regiment.

The report (by Mr. CAREY) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 4964) to remove the charge of desertion now standing against Michael Keefe, deceased, having considered the same, respectfully report that Michael Keefe was enrolled as a private in Company B, Eighth Connecticut Volunteers, on September 27, 1861, to serve three years. He was wounded in battle at Antietam, September, 1862. He returned from hospital to his command November 13, 1862. He was re-enlisted as a veteran December 24, 1863. He was with his command until February 29, 1864. He was admitted to hospital and treated for disease, and was reported as a deserter from a hospital at New Haven, Conn., September 28, 1864. He did not again return to his command, which was retained in service until December 12, 1865. (See report of War Department, hereunto annexed.) The evidence offered in behalf of this soldier tends to show that the soldier was insane at the time of his desertion. Considering the service of this soldier and all the circumstances of the case, the committee recommend that the bill do pass.

Case of Michael Keefe, late private Company B, Eighth Connecticut Volunteers.

RECORD AND PENSION DIVISION, *June* 17, 1890.

Michael Keefe, private Company B, Eighth Connecticut Volunteers, was enrolled on September 27, 1861, to serve three years. He was wounded in the battle at Antietam, Md., September 17, 1862; was admitted to Mansion House general hospital, Alexandria, Va., September 29, 1862, with gunshot wound, and was returned to duty on November 13, 1862. He is reported present with his company on all muster rolls covering the period from January 1, 1863, to February 29, 1864. (He re-enlisted as a veteran volunteer on December 24, 1863.) He was admitted to Hampton general hospital, Fortress Monroe, Va., April 20, 1864, from the regiment, with syphilis, and continued to be treated for that disease at various hospitals, being admitted to Knight general hospital at New Haven, Conn., May 14, 1864, and being reported as having deserted there on September 23, 1864.

He never returned. His company was retained in service until December 12, 1865.

The widow of this soldier has made application for removal of the charge of desertion, alleging that when the soldier left the hospital at New Haven without leave he was insane, his condition being the result of the wound in the head received by him in battle on September 17, 1862; that when he was found by friends at Warren, Mass., in August, 1865, he was broken down and mentally deranged, and not accountable for his absence.

William Gammell, Charles F. Tilden, Rollin Terry, and Patrick Horan have testified that they served in the same company with Keefe, and further, in substance, that from the time Keefe returned to his company (about a month and a half after the battle of Antietam) until he went again into hospital in 1864 he was at times of unsound mind, suffering from mental hallucinations, believing that the top of his head was off, and requesting to have his head tied up, although his wound was entirely healed. They state that this happened many times, and he was excused from duty on account of it. Deponents believe that his mental derangement was caused by the wound in his head. Gammell states that he was first sergeant of the company and saw Keefe daily, and during all this time Keefe was at times of unsound mind on account of his wound. About May 1, 1864, when the regiment was ordered to march, Gammell took Keefe to the surgeon, who sent him to the general hospital, because on account of his head trouble he was unfit to go on the march. The record shows Keefe was admitted to hospital on account of syphilis, not head trouble.

Stephen Hampton and John Borden, neighbors, have testified that they were acquainted with Keefe before he entered the Army, when he appeared to be of sound mind; that on August 29, 1865, they visited Warren, Mass., on an excursion, and there saw Keefe, who appeared to be wandering aimlessly about, acting strangely, talking incoherently, and seemingly not knowing what he was doing or where he was going. They notified a member of Keefe's family, who took him home to Ware, Mass.

D. W. Miner, M. D., of Ware, Mass., on June 13, 1889, deposed that he prescribed for Keefe in 1865 on account of intermittent fever, and also attended him for disease of lungs from May 7, 1880, to May 22, 1880, when he died. The effects of a wound on the head caused Keefe at times to be insane.

The papers in the case were referred to the acting Judge Advocate General, United States Army, August 10, 1889, for his opinion as to whether or not the testimony is regarded as sufficient to warrant removal of the charge of desertion.

The judge advocate in charge, on August 13, 1889, returned the papers, with the following opinion indorsed thereon:

"The evidence presented is not regarded by this (Judge Advocate General's) Office as sufficient to warrant the removal of the charge of desertion in this case."

The Secretary of War, on August 14, 1889, concurred in the foregoing opinion.

It should be observed that, although this soldier was under constant observation by military medical officers for five months prior to his desertion, the official contemporaneous record does not indicate that he suffered from any disease other than syphilis.

No other testimony in this case has been submitted.

As it has not been established that this soldier was insane at the time of his unauthorized departure from the hospital, the application has been rejected by the War Department.

Respectfully submitted.

F. C. AINSWORTH,
Captain and Assistant Surgeon, United States Army.

The SECRETARY OF WAR.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

J. H. RECTOR.

The next business on the Private Calendar was the bill (H. R. 6658) for the relief of J. H. Rector.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to amend the record of J. H. Rector, late of the Fifth Maryland Infantry, relieve him of the charge of desertion, and grant him an honorable discharge.

The report (by Mr. CAREY) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 6658) for the relief of James H. Rector, having considered the same, respectfully report:

That James H. Rector, Company E, Fifth Maryland Volunteers, enlisted as a substitute February 13, 1865, and is reported as a deserter on the 26th of August, 1865. He died at Baltimore, Md., April 22, 1868. His aged parents seek by this bill to have the charge of desertion removed. The military record of such soldier as furnished by the War Department is submitted herewith and made a part of this report.

As the services of this soldier were no longer required at the time such charge of desertion was made, your committee think the relief prayed for should be granted, and recommend the passage of the bill.

Case of James H. Rector, late private (substitute) Company E, Fifth Maryland Volunteers.

RECORD AND PENSION DIVISION, *February* 25, 1890.

James H. Rector, private Company E, Fifth Maryland Volunteers, was enlisted as a substitute for a drafted man of Frederick County, Maryland, on February 13, 1865, to serve three years. He was present with his company on June 30, 1863, but deserted on August 26, 1865, at Tappahannock, Va., and did not return to his command, which was mustered out on September 1, 1865.

In an application for a certificate of discharge in this case, O. D. Rector, of Lincoln, Mich., under date of March 19, 1887, testified that he is the father and legal heir of this soldier, who died at Baltimore, Md., on April 22, 1868; that his son enlisted in the Fifth Maryland Volunteers in 1863 or 1864 at Baltimore, Md., and was discharged in May, 1865, at Washington, D. C. (This statement is signed by the affiant.)

Under date of July 30, 1888, Mrs. Louisa Rector addressed a letter to the President from 717 Church street, Evanston, Ill., in which she pleaded for removal of the charge of desertion from the record of this soldier, her son, and she stated that on August 26, 1865, her son came home "to see his parents" by permission of his colonel, who directed him to return within four weeks in order to be mustered out. Her son left home on September 5, 1865, to return to his command, and she has not seen him again, as he died at Baltimore on April 22, 1868. She also stated that her husband has been paralyzed since 1884, and is a total mental and physical wreck. (As pointed out above, O. D. Rector, living in Michigan, made an affidavit in this case as father and legal heir, and signed the same.)

The records do not indicate that this soldier was ever granted a furlough during his short service.

As it does not appear that this soldier was sick when he deserted and physically unable to complete his term of service, and as he served a period less than six months prior to May 1, 1865, the provisions of the act of Congress approved March 2, 1889, afford no relief in this case, and the applications have therefore been rejected by the Department.

Respectfully submitted.

F. C. AINSWORTH,
Captain and Assistant Surgeon, U. S. Army.

To the honorable the SECRETARY OF WAR.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

JAMES PIERCE.

The next business on the Private Calendar was the bill (H. R. 6345) removing the charge of desertion against James Pierce.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, directed to so amend his records as to remove the charge of desertion standing against James Pierce, late private soldier of Company B, First Battalion Kentucky Cavalry, and grant him an honorable discharge.

The report (by Mr. CAREY) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 6345) removing the charge of desertion against James Pierce, respectfully report:

They find said Pierce was enrolled August 16, 1861, for three years, in Company G, Third Kentucky Volunteers, and in June, 1862, on account of chronic bronchitis, was recommended for discharge by the hospital authorities, but in the absence of necessary company papers to complete his discharge, he was given a discharge furlough June 23, 1862.

In July, 1863, his health being somewhat improved, and the country about his home being so infested with guerrillas that it was unsafe for him to remain, he determined to return to his regiment, not having received his discharge papers, but was persuaded to join the First Kentucky Cavalry, where he served faithfully till December, 1864, when the original members were mustered out, and he having in the mean time received his discharge papers from the Third Kentucky Volunteers, and having served, in the whole, three years, did not think himself bound any longer, and went home, but without any intention of deserting.

Three of his comrades in Company A, First Kentucky Cavalry, H. F. Waters, John Chapman, and R. T. Pierce, respectively, give testimony corroborative of above, and further state it was understood that Pierce was to be transferred to the Third Kentucky Volunteers when convenient.

This case seems to be one of ignorance of technicalities and not a willful violation of the law; and in view of the fact that he served his full time and supposed that he had fulfilled his duty, and that he was unable from illness to complete his time, your committee report back the bill and recommend its passage.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM BASSETT.

The next business on the Private Calendar was the bill (H. R. 2822) for the relief of William Bassett.

The Clerk read as follows:

Be it enacted, etc., That the charge of desertion borne against the name of William Bassett, late a private in Company I, One hundred and fifty-fifth Regiment Indiana Volunteer Infantry, be, and the same is hereby, removed.

The report (by Mr. CAREY) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 2822) for the relief of William Bassett, having considered the same, respectfully report:

That the soldier in this case was enrolled February 4, 1865, to serve one year, in Company I, One hundred and fifty-fifth Indiana Volunteers. His regiment was mustered out August 4, 1865. He served with his company and regiment until July 12, 1865, and while at Dover, in the State of Delaware, he was taken sick and went home, if not by permission of his officers at least with their knowledge. At the time the regiment was mustered out the claimant was too sick to report for muster out.

Your committee think, under the circumstances, as the soldier had staid until the war was over and his services were no longer required, he should be granted the relief prayed for, and recommend the passage of the bill with the following amendment: After the word "removed," in line 6, add:

"And the Secretary of War be, and he is hereby, authorized and directed to cause to be issued to said William Bassett an honorable discharge from such company and regiment, under date of August 4, 1865, and he shall be entitled to the same pay and allowances as if mustered out of the service with said company and regiment."

Your committee also submit herewith the official record of such soldier as reported from the War Department.

Case of William Bassett, Company I, One hundred and fifty-fifth Indiana Volunteers.

RECORD AND PENSION DIVISION, *May* 20, 1890.

A report in this case was furnished the House Committee on Military Affairs on House bill 136, Fiftieth Congress, first session, on February 4, 1888, since which date the status of the soldier has not been changed either by the introduction of new testimony or by subsequent legislation.

The following is a copy of the report referred to:

"The official records show that William Bassett was enrolled February 15, 1865, to serve one year, in Company I, One hundred and fifty-fifth Indiana Volunteers, and served in that organization until July 12, 1865, when he deserted near Dover, Del. He never rejoined his command, which was mustered out August 4, 1865, at Dover, Del.

"In April, 1883, Bassett made application to this office for removal of the charge of desertion against him, stating (under oath) that he served with his company until July 25, 1865, when he was taken sick, and obtaining a furlough from his

captain went to his home in St. Joseph County, Indiana, and 'on account of sickness I [he] was never with the regiment after that time.'

"On September 18, 1883, the application was denied on the ground that there was no record of the alleged furlough, and as his (implied) statement of physical inability to return to his command was unsupported by other testimony, the charge of desertion against him appeared to have been properly made and could not, therefore, be removed.

"The case of this soldier is not embraced within the provisions of the act of Congress approved July 5, 1884, as he did not serve six months prior to May 1, 1865, and has not satisfied the Department that he was 'prevented from completing his term of service by reason of wounds received or disease contracted in the line of duty.'"

Respectfully submitted.

F. C. AINSWORTH,
Captain and Assistant Surgeon, United States Army.

The SECRETARY OF WAR.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

LEWIS F. MORGAN.

The next business on the Private Calendar was the bill (H. R. 9943) directing the Secretary of War to issue an honorable discharge to Lewis F. Morgan.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War is authorized and directed to issue an honorable discharge from the service of the United States to Lewis F. Morgan, late a member of Company H, Seventy-fifth New York Infantry, said honorable discharge to date from the day on which the said Lewis F. Morgan's service terminated, and up to which time he received pay. This act shall entitle the said Lewis F. Morgan to all rights and privileges heretofore withheld by reason of the failure to receive such discharge.

The report (by Mr. CAREY) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 9943) directing the Secretary of War to issue an honorable discharge to Lewis F. Morgan, having considered the same, respectfully report:

That the claimant, Lewis F. Morgan, enlisted September 24, 1861, and served faithfully until August 14, 1864, having in the mean time re-enlisted as a veteran and been promoted to the rank of sergeant. His services until this date, August, 1864, had been continuous and he had never been absent from duty. He was tried by a court-martial for having absented himself without leave for twenty-four hours, from July 22 to July 23, 1864, not during any engagement. He was tried, found guilty, and sentenced to the loss of two months' pay. While under arrest and before the promulgation of the sentence and the finding of the court, the soldier deserted.

It seems at this time that the offense was a trivial one upon which this soldier was tried. He did only what any other person naturally would have done under like circumstances. The promulgation of the finding and sentence of the court before his comrades, with whom he had served so faithfully and honorably, was more than he could stand, and he deserted. No error was committed in the record that is sought to be corrected, but your committee think, in view of the long and honorable service of the claimant, this misstep should be condoned, and the soldier granted an honorable discharge to date at the close of his honorable service.

Your committee recommend the passage of the bill, with the following amendment: After the word "discharge," in line 11, add the words "to date August 13, 1864." The report of the War Department is submitted herewith.

Case of Lewis F. Morgan, late of Company H, Seventy-fifth New York Volunteers.

RECORD AND PENSION DIVISION, *May 27, 1890.*

Lewis Frederick Morgan, private, Company H, Seventy-fifth New York Volunteers, was enrolled at Venice, N. Y., September 23, 1861, to serve three years, and re-enlisted as a veteran volunteer January 1, 1864.

He is reported present or otherwise properly accounted for on the muster rolls of the company (being promoted to sergeant) from date of enrollment to June 30, 1864. On roll for July and August, 1864, and on the muster-out roll of the nonveterans of the company, dated December 6, 1864, he is reported, "Deserted August 14, 1864, while the regiment was en route from Tennallytown, D. C., to Snicker's Gap."

On August 9, 1864, he was arraigned before a general court-martial on the charge of "desertion," with specification to the effect that he left his command without leave about July 22, 1864, while in front of the enemy at Bermuda Hundred, Va., and was apprehended on July 23, 1864.

He was found not guilty of desertion, but guilty of absence without leave, and was sentenced "to forfeit two months' pay," the proceedings, findings, and sentence of the court being duly approved by the reviewing officer on September 9, 1864.

While awaiting the promulgation of the sentence of the general court-martial in his case, he deserted August 13 (or 14), 1864, "while the regiment was en route from Tennallytown, D. C., to Snicker's Gap, Va.," and never thereafter returned to the service.

In a letter, dated April 6, 1890, forwarded to this Department by Hon. JAMES O'DONNELL, House of Representatives, Mr. Morgan states that while at Bermuda Hundred, Va., they were ordered to leave all their "stuff" and go to the front, which they reached in the afternoon; that he had nearly $40 in his knapsack, which he forgot to take, and went to the colonel for a pass to go back and get it, which was refused; that he then waited till evening, when he started back, and after his arrival was arrested by strange troops, and kept till the following day; that he then returned to his regiment, and being directed to report to Colonel Merritt, he was ordered by that officer under guard as a deserter; that he was tried for desertion near Washington, D. C., found guilty and kept under guard to await sentence; that they soon received orders to march to General Sheridan's command near the Shenandoah; that as soon as he found that they were to march he went to Lieutenant-Colonel Babcock, and requested to be allowed to join his company and be restored to service, pleading innocence of the charge of which he was accused and for which he was kept imprisoned, and was informed by that officer that he could do nothing for him; that after they had reached Snicker's Gap he thought that if he had to bear the name of a deserter and be obliged to march under guard wherever the regiment went, he would not do it, "even if he got shot the next moment," so he "left for good."

He further states that the real cause of being tried for absenting himself from his regiment during one roll call was that he told some of the boys that Colonel Merritt was too much of a coward to ever appear in battle; that a lieutenant overheard his remarks and reported the same to Colonel Merritt.

On April 29, 1890, Hon. JAMES O'DONNELL was informed that as this soldier deserted "while in arrest or under charges for breach of military duty," the charge of desertion against him can not be removed under the act of Congress approved March 2, 1889, and as his own statement demonstrates that such charge was not erroneously made, the Department is not empowered to afford him any relief.

Respectfully submitted.

F. C. AINSWORTH,
Captain and Assistant Surgeon, United States Army.

The SECRETARY OF WAR.

Mr. KILGORE. Mr. Speaker, I did not understand from the reading of that bill whether it carried with it the pay that this man lost by reason of the sentence of the court martial or not.

The SPEAKER. The Chair is informed by the Clerk that it does not, and that there is an amendment reported by the committee which excludes that from the provisions of the bill.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

E. A. HIBBARD.

The next business on the Private Calendar was the bill (H. R. 1869) granting a pension to E. A. Hibbard.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension rolls, subject to the provisions and limitations of the pension laws, the name of E. A. Hibbard, now of Omaha, Nebr., widow of E. P. Rollins, late of Company H, Thirty-fifth Regiment of Iowa Infantry.

The report (by Mr. FLICK) was read, as follows:

The Committee on Invalid Pensions, to whom was refered the bill (H. R. 1869) granting a pension to E. A. Hibbard, widow of E. P. Rollins, submit the following report:

The soldier E. P. Rollins enlisted in Company H, Thirty-fifth Iowa Infantry, August 9, 1862, for three years. He was injured in line of duty by a gunshot wound, losing a finger, and also received injury to his knee. Following this he was transferred to the Veteran Reserve Corps, and on March 9, 1865, received a certificate for discharge on the ground that he had not been able for duty for three months, and on this certificate was discharged March 21, 1865, at Indianapolis, Ind.

The records of hospital treatment show that he was at P. H. Burnside barracks, Indianapolis, Ind., from January 24 to February 25, 1865, complaint not stated, and from February 26 to March 21, 1865, suffering with chronic diarrhea, and on that day was discharged in accordance with certificate above mentioned; and, without giving dates, we will say that he was also reported sick repeatedly during the years 1863 and 1864.

Now, from the date of this discharge, when he would presumably start home, he has never been heard from, and letters on file show that nothing has been heard from him by his wife or his relatives, and that they have taken every means to trace him out, but all without success.

These letters state, as an argument for believing that he is dead, that his relations with his family and friends were such that there would be every reason to suppose that he would return to them; and they also recite, as facts justifying this same belief, that he himself has never made application for pension, back pay, or bounty, although it seems clear that if living he would have been entitled to some or all of these claims. It is, of course, under the circumstances, utterly impossible to show either actual death or date of death, and so the Pension Office was doubtless justified in not allowing the claim; but the conviction forces itself upon the committee with irresistible force that his death must have almost immediately followed his discharge from hospital, and, of course, in fact, the circumstances must be mere conjecture, but it was doubtless so, that he was unknown, as no knowledge ever reached any of his friends of the fact.

In any ordinary matter this absence for this length of time, taken in connection with his sickness at and preceding his discharge, would be treated as conclusive of death, and, if so, it would reasonably follow that that death must have occurred almost immediately after the discharge.

At this session of Congress the Senate, in Report No. 107, in the case of Catherine Morris, has treated such absence as evidence of death, and this committee, in Report No. 523, has adopted in the same case the Senate report to this effect. The same rule in such a matter should govern in matters relating to pensions as well as any other affairs in business. Therefore, believing that the said soldier died as stated above, we recommend the passage of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time; and passed.

DANIEL GRAFF.

The next business on the Private Calendar was the bill (H. R. 6633) for the relief of Daniel Graff.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel Graff, late a private in Company I, Sixth Pennsylvania Heavy Artillery.

The report (by Mr. BELKNAP) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6633) for the relief of Daniel Graff, beg leave to report that they have carefully examined the evidence filed in the case and find that the said Daniel Graff enlisted in the service of the United States on September 5, 1864, in Company I, Sixth Pennsylvania Heavy Artillery; that he was absent from duty sick in Prince street general hospital, Alexandria, Va., from October 30, 1864, to February 22, 1865, and that he reported for duty February 28, 1865, and was mustered out with company on June 13, 1865.

That claimant filed his declaration for pension March 1, 1883, and said application was rejected April 27, 1885, on the ground "of no record of the alleged injury of left hip, groin, and testicle, and claimant's inability to furnish evidence showing origin or existence thereof while in service."

Claimant reopened the case and it was again rejected October 18, 1889, on the same ground.

The evidence shows that about October 19 or 20, 1864, while in the service of the United States, at or near Berks Station, Va., while on detached duty, he and some comrades were carrying in a wounded man, and as they were crossing a ravine on some poles one of the poles broke with their weight and the claimant was thrown down astride of the other pole and the wounded man fell directly on top of him, resulting in the bursting of said Graff's left testicle and injuring his groin; that said claimant was carried into camp by his two companions, Joseph Grayer and John Baird, and was sent to the hospital, and remained there until February, 1865, when he returned to his company, and was mustered out of it in June of the same year.

The evidence further shows that prior to said claimant's enlistment and the injury above described he was a strong and able-bodied man, and had never been afflicted with hernia in any form, but that after said injury, and ever since, he has been greatly troubled with hernia, and on account thereof has been unable to perform manual labor.

This seems to have been a peculiarly unfortunate case, in that the claimant has been unable to prove by the testimony o eye-witnesses the exact circumstances of the accident, his two companions, Joseph Grayer and John Baird, being both dead. But he has clearly established the fact of the injury by the testimony of comrades who saw him immediately before the accident and also directly afterwards, and who saw and examined the nature of the injuries.

The claimant has also been unable to furnish testimony of commissioned officers as to the said injury, as he was on detached duty and none of them were at hand. He is also unfortunate in that the physician who treated him immediately after his return from the service, and for a number of years thereafter, is dead; but he has the testimony of Dr. William R. Mills, who treated him for strangulated hernia in 1876, and who states that it was one of the most aggravated cases he ever met with, and he says:

"The hernia is so large that its existence is evident to anyone acquainted with that character of disease, as he appears on the streets in his daily walks."

In view of these facts, your committee are of the opinion that the said claimant should be granted a pension, and, therefore, report the bill back with a favorable recommendation.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

JOHN GALLAGHER.

The next business on the Private Calendar was the bill (H. R. 4822) granting a pension to John Gallagher.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of John Gallagher, who, under the name of John Gunner, served five years as a soldier in the Florida war in Company I, Third Regiment United States Artillery, and to pay said Gallagher $12 per month.

The report (by Mr. DE LANO) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 4822) granting a pension to John Gallagher, have considered the same and report:

The claimant served under the name of John Gunner, in Company I, Third United States Artillery, from November 9, 1839, to November 9, 1844. During a part of his service the soldier rendered service in Florida in the Florida Indian war. Medical and other evidence filed in support of the bill shows that the claimant is seventy-four years old, and a sufferer from curvature of the spine, neuralgia, bronchitis, and rheumatism. He is physically unable to earn a livelihood at his avocation, that of a common laborer. His identity is fully established.

The claimant's post-office address is Deposit, Delaware County, New York.

The passage of the bill is respectfully recommended.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MARY ANN REID.

The next business on the Private Calendar was the bill (H. R. 2138) for the relief of Mary Ann Reid.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Mary Ann Reid, the aged and blind daughter of Andrew Carman, who was a soldier in the war of the Revolution, and to pay her a pension at the rate of $30 per month from and after the passage of this act.

The report (by Mr. DE LANO) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 2138) granting a pension to Mary Ann Reid, have considered the same and report as follows:

A similiar bill was reported to the House by your committee at the first session of the Fiftieth Congress. The number of the report is 3107, which your committee adopt as applicable to this bill.

The passage of the bill is recommended.

[House report No. 3107, Fiftieth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (H. R. 10954) granting a pension to Mary Ann Reid, have considered the same and report as follows:

The claimant is the daughter of Andrew Carman, who was a soldier in the Revolutionary war in the Fourth Regiment of Cavalry for the State of Pennsylvania. He enlisted in April, 1781, and was discharged January 1, 1783. He was a pensioner for about eight years before his death in 1826. The records on file in his claim furnish the information of his service.

Mrs. Reid, the claimant, is shown by reliable testimony to be in needy circumstances, is eighty years of age, and for ten years has been totally blind.

There are several precedents for the granting of pensions to the aged and destitute daughters of the soldiers of the old wars, and among them the case of Mrs. Betsy Lockwood, passed by Congress at the present session.

Your committee recommend the passage of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

RICHARD M. A. FENWICK.

The next business on the Private Calendar was the bill (H. R. 10895) for the relief of Richard M. A. Fenwick, late of the Mexican war.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place the name of Richard M. A. Fenwick, late a private in Thrift's company, First Regiment of Virginia Volunteers of the Mexican war, on the pension roll of the United States at the rate of $24 per month.

The report (by Mr. DE LANO) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 10895) granting an increase of pension to Richard M. A. Fenwick, have considered the same and report as follows:

The claimant was a private in Captain Thrift's company of the First Virginia Volunteers, and served from March 18 to October 16, 1847, in the war with Mexico. He is now a pensioner at $8 per month under the Mexican war service act of January 29, 1887.

The proof filed in support of the bill shows that the claimant is now sixty-five years old, a sufferer from a rupture, and unable to labor for his support. He owns no property whatever, and his only source of income is his pension of $8 per month. He depends upon his children for a maintenance.

Your committee believe the case to be a meritorious one, and they therefore return the bill with a favorable recommendation, amended so as to allow a pension at $12 per month

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MRS. LYDIA N. ATKINSON.

The next business on the Private Calendar was the bill (H. R. 9779) granting a pension to Mrs. Lydia W. Atkinson.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Lydia W. Atkinson, of Fulton County, Georgia, whose husband, W. D. Atkinson, was a private soldier in Capt. W. C. Dawson's company in the Creek Indian war of 1836, and allow her a pension at $— per month.

The report (by Mr. DE LANO) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 9779) granting a pension to Lydia W. Atkinson, have considered the same and report as follows:

The claimant's late husband, William D. Atkinson, was a private in Capt. William C. Dawson's company of Col. William Porter's First Regiment Georgia Volunteers, Creek Indian war, and served therein one month and twenty-three days.

The evidence filed in support of the bill shows that the claimant is a sufferer from disease of the heart to such an extent that she can do no labor by which to support herself, and she is entirely destitute of means. Her identity as the soldier's widow is fully established. Her post-office address is Atlanta, Ga.

The passage of the bill is recommended with the following amendment: Change the initial "W." in claimant's name to "N."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

ANDREW J. WALLACE.

The next business on the Private Calendar was the bill (H. R. 7146) granting a pension to Andrew J. Wallace.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place upon the pension roll, at the rate of $8 per month, and subject to the provisions and limitations of the pension laws, the name of Andrew J. Wallace, of Chesterfield County, South Carolina, late a soldier in the Florida war.

The report (by Mr. DE LANO) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 7146) granting a pension to Andrew J. Wallace, have considered the same and report:

The claimant served under the name of Jackson Wallace in Capt. James H. Pearce's company of South Carolina militia, Florida Indian war, from January 20, 1837, to April 20, 1837.

It is shown by the testimony of reputable citizens of Chesterfield County, South Carolina, that the applicant is eighty years old, very poor, and so much afflicted with hernia and chronic diarrhea that he can do no manual labor to support himself.

Congress has repeatedly granted relief in the way of pensions to the aged and dependent survivors of the old Indian wars, and your committee therefore report the bill back recommending its passage.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

BETHIA WHITE.

The next business on the Private Calendar was the bill (H. R. 10707) restoring Bethia White, late Bethia Pool, to the pension roll.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to and place upon the pension rolls the name of Bethia White, late Bethia Pool, widow of Nathaniel Pool, Company C, One hundred and fourth Regiment Illinois Volunteer Infantry, under pension claim No. 29306, subject to the limitations and provisions of the pension laws.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10707) restoring Bethia White, late Bethia Pool, to the pension roll, submit the following report:

That Bethia White, late Bethia Pool, is the widow of Nathaniel Pool, late of Company C, One hundred and fourth Regiment Illinois Volunteer Infantry, and after her husband's death was borne upon the pension rolls as such widow at $12 a month until the date of her marriage to her second husband, Mr. White, March 5, 1878. Mr. White died April 3, 1881, and claimant, who is now over seventy years of age, is again left a widow without means of support. This case is not covered by any of the existing pension laws, and the practice has been to restore the widow to the pension rolls on the death of her second husband, and your committee recommend that it be done in this case.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES H. ORR.

The next business on the Private Calendar was the bill (H. R. 7189) granting a pension to James H. Orr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension roll the name of James H. Orr, late of Company E, Seventh Kentucky Cavalry, and subsequently of Company F, Fortieth Kentucky Mounted Infantry, to date from the 17th day of July, 1862, otherwise subject to the provisions and limitations of the pension laws.

The report (by Mr. GOODNIGHT) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7189) granting a pension to James H. Orr, submit the following report:

James H. Orr applied for pension, alleging that while a member of Company E, Seventh Kentucky Cavalry, and in engagement with the enemy on July 17,

1862, near Cynthiana, Ky., he received a gunshot wound of right arm, fracturing the same. His claim has been rejected because the records of the War Department fail to show that he was a member of the aforesaid command at date of the alleged incurrence of the wound.

It appears in evidence that on the Monday preceding the 17th of July, 1862, claimant left his home near Gardnersville, Ky., and proceeded to Cynthiana, where he was sworn into the service, received his uniform and arms. He was then placed on guard duty, and while thus serving was attacked by the enemy under General Morgan and wounded as aforesaid. The Union forces were defeated and many taken prisoners. Claimant, after being wounded, was taken to the house of one Lucius Desha, and there treated by a Confederate surgeon. The company was not mustered into the service until a month later, in a different part of the State. Orr was still absent under medical treatment, and consequently his name was omitted from the muster roll.

The facts of his enlistment, service, and injury, as well as treatment therefor, are shown by the testimony of the captain and others of the company, of the son of said Desha, and the surgeon who treated Orr for said wound. Medical examination disclosed a pensionable degree of disability thereupon. Claimant subsequently enlisted and served eighteen months in Company F, Fortieth Kentucky Volunteers.

The case comes clearly within the well-established rules of Congress; therefore your committee report favorably on the accompanying bill and ask that it do pass, amended, however, by striking out all between the word "Infantry," in lines 6 and 7, and the word "subject," in line 8.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

RICHARD WELLER.

The next business on the Private Calendar was the bill (H. R. 1257) to remove the charge of desertion against Richard Weller and authorizing his honorable discharge.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized to remove the charge of desertion against Richard Weller, late a seaman in the United States Navy.

The report (by Mr. DOLLIVER) was read, as follows:

The Committee on Naval Affairs, to whom was referred the bill (H. R. 1257) to remove the charge of desertion against Richard Weller and authorizing his honorable discharge, have duly considered the same and submit the following report:

Richard Weller first enlisted as a seaman in the Navy at Philadelphia, Pa., about the 20th day of November, 1852; discharged from United States ship Vandalia October 5, 1856, at Kittery navy yard. Enlisted at Boston, Mass., October 21, 1856, and sent to United States ship Cumberland, and discharged November, 1859, at Kittery navy yard. Re-enlisted for three years November 28, 1860, at Boston, Mass., and sent to the Macedonian, and transferred to the San Jacinto at Boston, Mass., and went to Hampton Roads, and from there to Key West, Fla.; afterwards transferred to the schooner Wanderer, at Key West, and when the United States ship Penguin was coming home he was transferred to her to be discharged when she arrived at Baltimore, Md., July, 1863, but could not get his discharge, but was sent to the receiving ship and kept with the crew till some of them paid the clerk for their discharges; and when he asked for his discharge it was refused, when he deserted from the receiving ship, and in consequence is now borne on the rolls as a deserter from the United States ship Penguin.

In September, 1863, Weller enlisted in the Army, was subsequently again transferred to the Navy, and was discharged September, 1865. Re-enlisted in the regular Army October 6, 1865, and was assigned to Company C, Twenty-sixth United States Infantry, serving out his enlistment. He was discharged October 5, 1868. He successively re-enlisted in the Army and the Marine Corps, and was on April 4, 1885, discharged on surgeon's certificate for disability.

In consideration of Weller's long and otherwise faithful service, the committee recommend the passage of the bill.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELIZA A. PHILBROOK.

The next business on the Private Calendar was the bill (H. R. 11474) granting a pension to Eliza A. Phelbrook.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza A. Phelbrook, late widow of Albert Phelbrook, late private of Company F, Fourteenth Regiment of Illinois Cavalry Volunteers.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 11474) granting a pension to Eliza A. Phelbrook, submit the following report:

The committee find from the testimony that the compainant was a pensioner of the Government as the widow of Albert Phelbrook, late a private in Company F, Fourteenth Regiment Illinois Cavalry Volunteers, who died in Andersonville prison, April, 1865; that on the 17th day of April, 1867, she married one Robert F. Young, who deserted her about 1875, and that on the 8th day of March, 1890, she was divorced from said Young and allowed by the court to retain her former name. She is now sixty-three years of age, has no means of adequate support, and is unable to labor because of her physical condition, and there is no person legally bound to support her. We therefore recommend that the bill do pass, with the name Phelbrook amended to "Philbrook," and the title similarly amended.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Eliza A. Philbrook."

JAMES H. GOULD.

The next business on the Private Calendar was the bill (H. R. 3967) to amend the military record of James H. Gould.

The bill was read, as follows:

Be it enacted etc., That the Secretary of War be, and he is hereby, authorized and directed to amend the military record of James H. Gould, late a private in Company I, Sixth Michigan Cavalry, by causing the charge of desertion to be removed.

The report (by Mr. SNIDER) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 3967) for the relief of James H. Gould, having considered the same, respectfully report:

That James H. Gould enlisted August 25, 1862, in Company I, Sixth Michigan Cavalry Volunteers, and served until June 11, 1863, when he was captured at Seneca Dam, Virginia. He was, after brief confinement in Confederate prisons, paroled and sent to Camp Chase, Ohio. In September, 1863, while at Camp Chase, he received notice of the death of his wife, leaving four small children without care or support. He was then given a brief leave of absence, and an effort was made by Governor Blair and Senator Chandler, of Michigan, to procure such soldier's discharge, but the application was denied.

During his stay at home, awaiting the application of the State authorities for such discharge, the soldier was marked as a deserter. September 1, 1864, the soldier enlisted in Company B, Twenty-second Michigan Infantry Volunteers, and served faithfully in such organization until the close of the war and received an honorable discharge.

The sworn statement of such soldier shows, with some degree of plausibility, that his re-enlistment was for the purpose of returning to his first service and to cure the record of desertion, but he was assigned to another regiment without his sanction. The facts in the case are fully set forth in the report from the War Department on the military record of this soldier.

Your committee make such record a part of this their report, and believe there was no willful intent to desert, and owing to his apparent good faith and faithful service he should be granted the relief asked, and recommend the passage of the bill with the following amendment: At the end of line 6 add the words "and that he be granted an honorable discharge from such company and regiment to date September 1, A. D. 1863."

Case of James H. Gould, private Company I, Sixth Michigan Cavalry, and private Company B, Twenty-second Michigan Infantry.

RECORD AND PENSION DIVISION, *May* 20, 1890.

The records show that the soldier was enrolled at Tyrone, Mich., August 25, 1862, to serve three years, and that he appears present to April 30, 1863. On June 11, 1863, he was captured at Seneca Dam; was confined at Richmond, Va., June 14, 1863; paroled at City Point, Va., June 20, 1863; reported at Camp Parole, Maryland, June 21–28, 1863; and on the records of said camp he is reported as having deserted July 2, 1863. He next appeared at Detroit Barracks (date not given, but in July, 1863), and on July 18, 1863, he was sent to Camp Chase, Ohio. He again reported at Detroit Barracks (date not shown), and was sent to Camp Chase a second time August 12, 1863, where he reported August 14, 1863, and was present there on September 1, 1863.

He did not rejoin the Sixth Michigan Cavalry, and on the company muster roll (Company I) for November and December, 1863, he is reported * * * "supposed to be at home in Michigan." The muster-out roll of the company, dated November 24, 1865, reports him "deserted from Camp Chase, Ohio, 1863," exact date not ascertainable from records on file.

While a deserter at large and in violation of the twenty-second (now fiftieth) Article of War, he enlisted under the same name September 1, 1864, at Detroit, Mich., as a substitute to serve one year in Company B, Twenty-second Michigan Infantry, and appears to have served faithfully to June 26, 1865, when mustered out with the command at Nashville, Tenn.

In 1869 the papers in the case (*i. e.*, as of Company I, Sixth Michigan Cavalry), were referred to the commanding general, Department of the Lakes, for investigation and action, and as a result of said investigation the soldier was dishonorably discharged to date November 24, 1865, "the date of muster-out of his company," with loss of all pay, bounty, and allowances.

The following is a synopsis of the testimony presented in the case at various times, to wit:

On March 2, 1869, the soldier testified that he was at Camp Chase (after his capture, parole, etc.) until September 1, 1863, when he received information of the death of his wife, and was given a furlough for seven days by General Mason, who informed him that he could have the furlough extended thirty days more, but the extension was never received; that his wife died, leaving four small children, the youngest being but eight weeks old, with no one to care for them but the soldier; that in consideration of these circumstances he was advised that he could obtain a discharge by petition to the governor of the State; that before the expiration of the furlough granted him he sent a petition signed by twelve prominent and respectable citizens to the governor to be approved and forwarded to the War Department; that he procured the services of one William B. Jackson to proceed to Washington in the matter of discharge, and on the return of said Jackson he was informed that his discharge would reach him in a few days and that he might go and remain until its receipt.

Not hearing from Jackson, the soldier went to Pontiac, the former's residence, about a month later to see him about his discharge, and that after several assurances that the matter was all right, and that he would not be reported a deserter (otherwise he would have gone to Detroit and reported to the proper military authorities), he returned home again; that about July, 1864, the soldier's brother-in-law called upon Jackson, who informed him that the discharge papers had been received; that he (the soldier) went to Pontiac, was there arrested as a deserter, and was brought to Detroit; that he informed the officer making the arrest of the circumstances and facts in the case, and was told that if he enlisted for one year it would count on his first service and he would receive pay for the entire period; that he was further told by this officer that he had ample authority to transfer him to any other regiment, but he (the soldier) preferred his old regiment, though on re-enlistment he was assigned to Company B, Twenty-second Michigan Volunteers, with the understanding that the latter service was to correct his record in the first, and his officers to be so informed.

Some time in the latter part of 1863 it would appear that an effort was made to discharge this man on the ground of having four motherless children who needed his support and care. On April 12, 1864, the Hon. Zachariah Chandler, United States Senator, was informed (Mr. Chandler having submitted the petition looking to the soldier's discharge) that upon investigation it had been found that the soldier had been reported a deserter from his regiment in November, 1863, and that he had wealthy relations who were willing to provide for his children. The interests of the service would not, therefore, admit of his discharge, and the communication inclosed was returned. (This action on the part of this Department was based partly upon a letter dated April 3, 1864, from the soldier's company commander.)

On April 7, 1883, the soldier claimed that he had been transferred to the Twenty-second Michigan Volunteers (Company B). On July 21, 1885, he testified that, receiving no notice of his exchange, he was induced by an officer to join Company B, Twenty-second Michigan Volunteers.

(He was declared exchanged in general orders October 16, 1863, which were given wide publicity at the time.)

On September 16, 1885, he declared that he was induced by a recruiting officer to go into the second organization, as it made no difference what regiment he was in so long as he was in the Army, "and we thought we were being transferred." He further declared that he received no bounty, and only drew pay by the month for what time he was in the last regiment.

Twelve citizens of St. Louis, Gratiot County, Michigan, presented a memorial

in 1885 to the effect that it was their belief that the soldier re-enlisted through the representations of recruiting officers that he was being transferred, and that he is a respectable citizen and a worthy man.

On February 26, 1889, in a letter to Hon. A. T. BLISS, M. C., he repeated the bulk of his former statements.

On July 22, 1889, Mr. BLISS was informed, after citing the record, that as the absence between desertion from the first service and enlistment in the second exceeded four months, the case was not covered by existing law and the application must be denied.

Respectfully submitted.

F. C. AINSWORTH,
Captain and Assistant Surgeon, United States Army.

The SECRETARY OF WAR.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES BROWN.

The next business on the Private Calendar was the bill (H. R. 8970) for the relief of James Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion resting upon the military record of James Brown, late of Company B, Sixty-third Regiment New York Infantry Volunteers.

The report (by Mr. WILLIAMS, of Ohio) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 8970) for the relief of James Brown, submit the following report:

The committee have had under consideration the above-mentioned bill, and have carefully examined the same.

From the military record as furnished by the Secretary of War, they find that this soldier was enrolled at the age of nineteen years in Company I, Sixty-third New York Volunteers, October 1, 1861, to serve three years. He was transferred to Company F and subsequently to Company B, same regiment. That he re-enlisted as a veteran volunteer on December 22, 1863. The muster-out roll of the company, dated June 30, 1865, reports him absent, wounded May 5, 1864. The casualties of the Consolidated Brigade, First Division, Second Corps, dated August 3, 1864, report him wounded May 5, 1864, at the Wilderness, Virginia.

The records of the Surgeon General, United States Army, show that he entered Mount Pleasant Hospital, Washington, D. C., May 11, 1864, with gunshot wound received at the Wilderness May 5, 1864, and was transferred May 15, 1864, and entered Jarvis General Hospital, Baltimore, Md., with gunshot wound of left shoulder. On February 6, 1878, the Department dishonorably discharged this soldier, to date May 16, 1864, which was the day succeeding the one he entered Jarvis Hospital.

This soldier swears under date of April 22, 1886, that, under orders to proceed to New York, he was called up, in line with other soldiers able to travel, to proceed to the depot at Baltimore; that he with others went to the depot by themselves and went to New York, where he went to his mother's home in New York City. That his wound grew worse after his arrival home and that he was not able to leave the house for many months, or to rejoin his command before it was mustered out, and that he never had any intention of deserting. Affidavits show that he was a brave soldier, and in nearly all the battles under McClellan, Burnside, Pope, Hooker, Meade, and Grant until wounded in action.

Your committee therefore recommend that the bill do pass.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN W. YOUNGER.

The next business on the Private Calendar was the bill (H. R. 11348) to place the name of John W. Younger on the pension roll.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Younger, late of Company E, Forty-eighth Enrolled Missouri Militia.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 11348) to place the name of John W. Younger on the pension roll, submit the following report:

Claimant enlisted August 11, 1862, in Company E, Forty-eighth Missouri Enrolled Militia, and was discharged July 1, 1865. On the 14th of February, 1863, claimant was commissioned first lieutenant of the above-named company and regiment, and in June of the same year was transferred to Company L, Fourth Missouri Militia, which company was commanded by Capt. William G. Garth. Claimant made application for pension February 25, 1885, alleging that on or about the 1st of August, 1863, he was in command of a squad of militia, and at Hawdyshell Bridge had a skirmish with guerrillas, which his command succeeded in routing, and that in the pursuit of the enemy his horse stumbled, throwing him to the ground, disabling him by rupture and injury to the left hip and leg.

Captain William G. Garth makes affidavit that claimant, in command of a squad on or about the 1st of August, 1863, attacked and put to flight a party of guerrillas and bushwhackers, commanded by Quantrell and his associates, at Hawdyshell Bridge; that while in pursuit of the flying enemy claimant's horse stumbled, throwing him to the ground with violence, causing him to be disabled by rupture and injuring his left leg and hip. Thomas A. Harral, a private of the command, also testifies to substantially the same facts. Both witnesses testify to being present with the command at the time the injury was received and to having personal knowledge of the facts as stated.

The claim was rejected at the Bureau of Pensions on account of the disability being incurred while serving in a State organization, which is not a pensionable service under existing law.

The evidence in this claim clearly shows that claimant was injured while actually engaged in the defense of his flag and country against its enemies. Under such circumstances, your committee are of the opinion that justice demands that he be placed on the pension roll, which act of justice will be in line of established precedent.

Therefore your committee make favorable report and recommend that the bill do pass.

Mr. KILGORE. Mr. Speaker, I do not understand that a member of a militia company is entitled to any pension at all.

The SPEAKER *pro tempore*. Not having been mustered into the United States service, he would not be entitled to pension.

Mr. KILGORE. There is no general law under which the members of a militia regiment can be paid pension; and I would ask if it is not going a little too far for Congress to undertake to put men who were in the militia, and who were not in the Army or in the war, on the pension rolls.

The SPEAKER *pro tempore*. According to the report he was in active service.

Mr. KILGORE. I heard the reading of the report.

The SPEAKER *pro tempore*. And the report states that he received his injuries while in actual service of the Government.

Mr. KILGORE. In actual service in the militia.

The SPEAKER *pro tempore*. He was in a militia organization, but in the active service of the Government of the United States.

Mr. SAWYER. Mr. Speaker, I will explain that it has been the practice of the Committee on Invalid Pensions to report favorably in the cases of members of the Missouri militia where they have served and been injured while engaged in active service in the field; and as I understand the reading of the report that was the case here. This man was in the actual service of the United States.

Mr. CHEADLE. That has been the general practice.

Mr. KILGORE. How much does this bill carry?

Mr. SAWYER. It would be subject to the provisions and limitations of the pension laws.

The SPEAKER *pro tempore*. He will receive a pension according to the degree of disability.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The hour in which bills upon the Private Calendar were to be called up in regular order has expired, and without objection the Chair will recognize gentlemen on either side alternately.

Mr. SAWYER. Before that is done, Mr. Speaker, I move to reconsider the several votes by which the various bills were passed; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARY C. RINGGOLD.

Mr. SAWYER. I call up for consideration at the present time the bill (H. R. 12120) to increase the pension of Mary Condy Ringgold, mother of George H. Ringgold, late lieutenant colonel and deputy paymaster general, United States Army.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Mary Condy Ringgold, mother of George H. Ringgold, late lieutenant colonel and deputy paymaster general, United States Army, a pension at the rate of $50 per month instead of the pension she is now receiving.

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12120) granting a pension to Mary C. Ringgold, submit the following report:

The beneficiary is the widow of George H. Ringgold, late lieutenant colonel and deputy paymaster general, United States Army.

Colonel Ringgold graduated at West Point in the same class with General Rosecrans, was appointed an additional paymaster in 1846, was promoted deputy paymaster general, with the rank of lieutenant colonel, United States Army, in May, 1862, and was chief paymaster Department of the Pacific from 1861 to April 4, 1864, when he died.

The beneficiary is now his widow, sixty-two years of age, in feeble health, and is absolutely without any means of support except her pension of $30 per month, which she is now receiving, and the earnings from her own labor.

She has two daughters (her only children), both unmarried. The younger is in delicate health and is supported by her mother.

Mrs. Ringgold has also an invalid sister supported by her and her older daughter. She has no relative to whom she can look for her support in her old age.

Colonel Ringgold was a Southern man by birth, and when the civil war broke out he was stationed at San Francisco, Cal. General Albert S. Johnston was then stationed at this place, in command of the Department of the Pacific.

As is well known, there was a large element in the population of that State that favored the secession of that State, and plans were being laid, with the knowledge and under the advice of General Johnston, to secure that result. Suddenly General Johnston was relieved of his command and General Sumner appointed in his place, and the efforts to secure the secession of California were thwarted, and that State, and perhaps Oregon, were saved to the Union.

This was before the days of telegraphs and railroads across the continent. The part that Colonel Ringgold had in securing this important result will fully appear in the accompanying letter from General W. C. Kibbe, then and for several years thereafter adjutant general of that State:

WASHINGTON, D. C., *September* 26, 1890.

MY DEAR MADAM: I have great pleasure in stating to you, in connection with your request that I see the Hon. Mr. SAWYER, of New York, that there is a matter of unwritten history which may avail you in the legislation you are seeking from Congress. It is this, namely: Early in 1861—say about the 29th of March—while adjutant general of California, being on business for my State, I received a joint letter from two very dear and loyal friends in San Francisco stating that plans were on foot and nearing completion for the secession of California from the Union, in which Oregon would join, giving me full particulars of the same and stating that the writers, being of Southern birth, had been approached with impunity, the plotters not dreaming but that a simple request was all that would be required to enlist my friends in this bold and promising scheme.

But, to their great disgust and disappointment, one of them replied, "I was educated by the Government, and nurtured and protected under the old flag, which I have sworn to defend under any and all circumstances, and you must not now ask me to lift a hand against it, for this I shall never do." The other responded in a manner to almost dismay these plotters.

Presuming now that you are getting anxious to know the names of my old and loyal friends referred to, I will give them to you as follows:

The first named was Maj. George Ringgold, United States Army, and the second, General Charles Doane, major general of the militia of California. This letter I immediately took to the Secretary of War (Cameron) who, properly impressed with its importance, immediately ushered me with the letter into the presence of President Lincoln, to whom I read the letter, and the following conversation rapidly ensued between us thus, Mr. Lincoln to me: "General, do you vouch for the statement these gentlemen make?" "I do, most emphatically; I know them intimately; they are both reliable and chivalrous, 'the salt of the earth.'" To Secretary Cameron: "General, who is there near at hand whom we can trust to send out to California? Sumner is in New York; can we send him? If we can not, we have none who can be trusted. Telegraph Sumner to report here to-morrow?" Lincoln to me: "General, when does the next steamer sail?" "Day after to-morrow."

Sumner did report, and did sail on the following Wednesday under sealed orders "to be opened as you enter the Golden Gate," and when he arrived and was entering the Golden Gate he opened these orders and read: "Land at the first wharf and proceed with all haste to the headquarters of the Army and assume command of the Pacific Department United States Army, and relieving Col. A. Sidney Johnston." Sumner landed at the Presidio and was in command before the steamer reached her wharf at the foot of Clay street.

Now, this noble deed of George H. Ringgold, colonel in the Army, your husband, saved the secession of the Pacific States with all that that implied, and which no man can compute, and I only wish the committee having your petition in charge would summon me before them that I might render homage to one who was true as steel and ready to make every and all sacrifice to duty and right.

I am, sincerely and truly, dear madam, your friend,

W. C. KIBBE.

Mrs. MARY C. RINGGOLD.

Colonel Ringgold had a brother, Major Ringgold, killed at the battle of Palo Alto, and another brother served with distinguished bravery in the naval service during the civil war. A similar bill was introduced into the Senate and was favorably reported in 1886. The report in that case is hereto annexed, with several letters from his army friends testifying to the value of his military services attached.

Your committee believe that it is but just that the venerable widow of the meritorious officer, in her old age and in her dependent condition, should receive the increase of pension proposed to be given by this bill, especially in view of the peculiarly valuable services rendered by her late husband, and they would therefore recommend that the bill do pass, amended by striking out the word "mother," in the title, and inserting the word "widow," and by striking out the word "mother" in the fourth line of the bill and inserting the word "widow."

An act granting an increase of pension to Mrs. Mary Condy Ringgold, widow of George H. Ringgold, late lieutenant colonel and deputy paymaster general, United States Army.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and is hereby, authorized and directed to increase to $50 per month the pension of Mrs. Mary Condy Ringgold, widow of the late George H. Ringgold, lieutenant colonel and deputy paymaster general, United States Army, who died in San Francisco, Cal., April 4, 1864.

[Senate Report No. 301, Forty-ninth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 516) granting an increase of pension to Mrs. Mary C. Ringgold, have examined the same and report:

The claimant is the widow of George H. Ringgold, late lieutenant colonel of the United States Army (certificate No. 59798). The following certificates and petition of the widow will show the character of his services:

WAR DEPARTMENT, PAYMASTER GENERAL'S OFFICE,
Washington, D. C., December 17, 1884.

I had not the pleasure of a personal acquaintance with the late Lieut. Col. George H. Ringgold, deputy paymaster general. He was a graduate at West Point, and served in the line of the Army for over three years; was appointed an additional paymaster in 1846, and in the regular service July 21, 1847, and was promoted deputy paymaster general, with the rank of lieutenant colonel on the 28th of May, 1862, and was chief paymaster, Department of the Pacific, from 1861 to April 4, 1864, the day of his death.

Lieutenant Colonel Ringgold had the reputation of an accomplished gentleman and faithful public officer.

WM. B. ROCHESTER,
Paymaster General, United States Army.

I heartily concur in the above.

S. V. BENÉT,
Brigadier General, Chief of Ordnance.

I knew Colonel Ringgold for many years. He was a faithful officer and a worthy gentleman. Great sympathy is due his family for their own sakes as well as for his valuable services to the United States.

E. D. TOWNSEND,
Brigadier General, U. S. Army, Retired.

To whom it may concern:

It was my good fortune to know the late lamented Lieut. Col. George H. Ringgold, paymaster, United States Army, for some years before his death, and on the California coast. He was an accomplished gentleman and a thorough man.

He was in San Francisco at the beginning of the late rebellion, and as a Marylander opposed secession in its entirety and in the particular. What with speeches and open activity he did much to dishearten the organization of the Knights of the Golden Circle, and in all this secured to himself much enmity from State's people and other Southern people with whom he had before been on terms of local as well as social brotherhood.

He had a large family, entertained hospitably, and died during the war, leaving nothing to them but his good name.

Of one of the best old families of our country, they have left their lives and name written on our battlefields. Ringgold, of Palo Alto, Tex., was the colonel's brother, while the Tilghmans, Keys, and Hayes were all his relatives. The times have changed, and people who once could have come forward to the help of the family have passed away, and its support depends now on the efforts of his wife.

A grateful country could not act in a more worthy place than here in helping her to keep together a body of delicate and dependent children of him who was so true to his flag when appeals like a litany were being made to every Southern gentleman.

JNO. HAMILTON,
Colonel Fifth Artillery.

Given at Fort Hamilton, N. Y., December 15, 1884.

Colonel Ringgold was an accomplished gentleman and served his country faithfully and well.

R. C. DRUM,
Adjutant General, U. S. A.

WASHINGTON, D. C., *December 17, 1884.*

Your petitioner, Mary C. Ringgold, whose post-office address is Washington, in the county of Washington and District of Columbia, respectfully represents that she is a pensioner under certificate No. 59798, at the rate of $30 per month, as the widow of the late Lieut. Col. George H. Ringgold, deputy paymaster general, United States Army.

Referring to the many cases wherein additional pension has been granted by Congress, none of them more meritorious than hers, she respectfully prays for the passage of a special act increasing her pension to $50 per month.

The services of Colonel Ringgold were especially valuable to the Government, and as the expenses of living consumed all his pay, at his death his family was left destitute, and your petitioner has ever since been compelled to provide for herself and four children. She is now in declining years, and her two sons, whom she had hoped would be able to assist her, having both died, she finds herself compelled to ask that an increase of pension, which many have received for far less service, may be generously given for the brief period that remains.

She would also remind you that she belongs to a family whose members have all been faithful servants of the Government and who have all passed away. She is the great grandchild of the renowned hero of Cowpens and Eutaw, and her family wealth was freely given during the Revolution to insure American success.

She asks attention to the papers accompanying this petition, and respectfully prays that the needed relief may be granted.

It appears that Mrs. Ringgold was left in destitute circumstances at her husband's death, with four young children to provide for. Her sons have died, and also a stepson, leaving her without any male relatives, but with an invalid sister and daughter to support, entirely dependent upon her. She is nearly sixty years of age and in poor health.

Your committee recommend the passage of the bill with an amendment as follows: Strike out the word "fifty," in line 7, and insert the word "forty" in lieu thereof.

WAR DEPARTMENT, PAYMASTER GENERAL'S OFFICE.
September 19, 1890.

I cheerfully concur in the indorsement of General Rochester of December 17, 1884, relating to the service and reputation of the late Lieutenant-Colonel Ringgold.

WM. SMITH,
Paymaster General, United States Army.

TREASURY DEPARTMENT, REGISTER'S OFFICE,
Washington, D. C., September 22, 1890.

DEAR MADAM: I have read Senate Report 301, Forty-ninth Congress, first session, concerning the services of your late husband, Lieut. Col. George H. Ringgold.

I regret that I am unable to reproduce in detail the facts which came to my knowledge in the course of my correspondence with him and his friends and brother officers, but I remember they showed that his character and services were held in high esteem for very substantial reasons, and that his services were especially valuable on the Pacific coast, at a time when the interests of the Government required such fidelity and intelligence as he displayed.

Sympathizing with you in the struggle you have had since his death and in the losses of your children and stepson, I sincerely hope Congress will increase your pension to $50 per month, as you desire.

Very truly, yours,

W. S. ROSECRANS.

Mrs. MARY C. RINGGOLD,
Washington, D. C.

Mr. CHEADLE. Mr. Speaker, I make the same point upon that bill that I did upon the others.

Mr. SAWYER. Mr. Speaker, I would like to make a statement that perhaps may induce the gentleman from Indiana to waive the point in this case. Mrs. Ringgold is a woman over sixty-two years of age. She is a native of South Carolina. I am acquainted with her, having boarded in the same family that she is now living in for a year and over.

Mr. KILGORE. Is she living here.

Mr. SAWYER. She is living in this city. She has two children; one of them is an invalid daughter and is supported by the mother. In addition to that, she has a widowed sister who is also supported by this beneficiary and daughter. Her husband rendered exceptional service, and there is a letter from Colonel Hamilton of the Fifth Artillery in the report showing that about the time of the breaking out of the war of the rebellion Colonel Ringgold was very patriotic in his action; and it shows that Colonel Ringgold, who was then stationed at San Francisco, did much to prevent the attempt on the part of California to go out of the Union. I know this beneficiary to be a very ladylike, refined woman, who is very poor, and that she has an invalid daughter and also an invalid sister dependent upon her.

Mr. KILGORE. What pension is she receiving now?

Mr. SAWYER. Thirty dollars a month.

Mr. BRECKINRIDGE, of Arkansas. The objection is not proceeding from this side of the House.

Mr. SAWYER. I know that.

Mr. BRECKINRIDGE, of Arkansas. But you are looking over to this side of the House.

Mr. SAWYER. It is a little more convenient to look to that side. I referred to the gentleman from Indiana at the commencement of my remarks. If there is any case, it seems to me, where an exception might be made to the rule, this is the one. I therefore ask the gentleman to withdraw his objection or let the bill go over for consideration in the House.

Mr. CHEADLE. Mr. Speaker, in the enactment into law of a pension measure this Congress has said that $8 a month is enough for the widows of my dead comrades, no matter how poor they may be, no

matter how many children they may have who are dependent upon whatever aid and support they can give them. In the place where I live, near by my home, resides a poor widow whose husband was one of the first men who enlisted in the first military organization in the State of Maryland. He died after suffering untold misery, but, because he was poor, because he was in the West, and because his comrades were scattered in all sections of the country, he was unable to get a pension while living, and the friends of that poor woman have been begging and pleading for a pension for her at the rate of $12 a month.

Mr. BELKNAP. Why did you not introduce a bill for her?

Mr. CHEADLE. Because her claim was not yet rejected in the Pension Office. Now, sir, I, as a representative of the people, during the limited time that I am still to serve here, will insist that whenever a pension is granted greater than the highest rate known to the law, $30 a month for widows, there shall be in this House a constitutional quorum to enact it into a law. For these reasons I shall not withdraw my objection.

Mr. SAWYER. Will the gentleman consent——

Mr. CHEADLE. Mr. Speaker, I will not consent that the bill shall go over.

The SPEAKER *pro tempore*. The question is on the amendment recommended by the committee.

Mr. SAWYER. Mr. Speaker, if the gentleman from Indiana [Mr. CHEADLE] takes that ground there is no use in going further with the bill. I ask unanimous consent that it be passed over, not losing its place on the Calendar.

Mr. CHEADLE. I may add, Mr. Speaker, that this claimant is already getting $30 a month, while there are scores of thousands of the widows of men who died that this Government might not perish who are not receiving a cent. Let us be just before we are generous.

The request of Mr. SAWYER was agreed to, and the bill was laid over, not losing its place upon the Calendar.

MRS. CAROLINE E. DURYEE.

Mr. CUMMINGS. I call up the bill (H. R. 12202) to place on the pension roll the name of Mrs. Caroline E. Duryee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Caroline E. Duryee, widow of Abraham Duryee, late a brigadier general, retired, of the United States Army, and pay her a pension at the rate of $100 per month from and after the passage of this act.

The report (by Mr. TURNER, of New York) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12202) granting a pension to Caroline E. Duryee, submit the following report:

That the beneficiary is the widow of General Abraham Duryee, who died a few months after the passage of an act granting him a pension at the rate of $100 per month; that the beneficiary is now aged and poor and her health impaired by long years of care of her wounded and disabled husband, to whose support she contributed by needle-work until relief was afforded him just previous to his death.

This bill is urged by many citizens of New York and by petitions from the various members of the Old Guard and the Society of War Veterans of New York.

In view of the distinguished services of General Duryee and of many precedents, your committee recommend the bill do pass, amended, however, by striking out "one hundred" and inserting "fifty," in the eighth line.

The Committee on Invalid Pensions had recommended an amendment striking out, in line 8, the words "one hundred" and inserting "fifty;" so as to make it read "fifty dollars per month."

Mr. CHEADLE. Mr. Speaker, I make the same point of order on this bill that I made on the preceding one.

Mr. CUMMINGS. I appeal to the gentleman. For nearly four years General Abraham Duryee lay upon his back a paralytic. For three years I endeavored to secure a pension for him. His widow was compelled to take in sewing to take care of him during his illness. Last summer the House granted him a pension of $100 a month. The general died after receiving it for two months. No man can question the value of his services to the country.

At the outbreak of the war he was the colonel of the Seventh Regiment of the National Guard of New York. At that time he was blessed with wealth. He raised a regiment and took it to the war, paying much of the expense of recruiting out of his own pocket. For that expenditure he has never received a cent from the Government. After drawing a pension of $100 for two months he died. His widow is now left entirely destitute. She draws no pension. This bill gives only one-half of what her husband was to receive per month.

I have in my desk resolutions passed by the Grand Army posts of New York City asking that she receive the full amount granted to her husband. I have resolutions of the Seventh Regiment and of the Seventh Regiment Veteran Corps, resolutions of the old Fifth New York (Duryee's Zouaves), which he led into the field, and of the surviving veterans of other regiments, asking this House to pass this bill. If it is not done the widow must suffer until the meeting of the next Congress.

Mr. PICKLER. What is her age?

Mr. CUMMINGS. Between sixty and seventy. I trust that under the circumstances the gentleman from Indiana [Mr. CHEADLE] will withdraw his objection.

Mr. CHEADLE. Mr. Speaker, I shall not withdraw my objection. It is not that I do not have the greatest respect for the memory of this lady's husband, but I want to say to my distinguished friend from New York that this Congress ought to be just before it undertakes to be generous. If the widow of this officer is in penury and want, I tell the gentleman that all over this country there are other soldiers' widows in penury and want, bending over washtubs and doing all sorts of manual labor to keep hunger from their doors, and in many instances living largely upon the kindness of their neighbors and friends or the charity of the counties or towns in which they reside. The great trouble with this pension legislation is that we give special benefits and largesses to the few, while we make almost a beggarly allowance to the many.

When the general pension bill was before this House, as every member here knows, we who desired that there might be given to the widows of our dead comrades $12 a month were told the expense would be so great that this nation could not afford to grant that sum, and therefore the rate was fixed at $8 a month, which those widows now receive. The distinguished gentleman from New York [Mr. CUMMINGS] knows that Mrs. Duryee can obtain a pension of $30 a month under the existing law.

Mr. CUMMINGS. Such a pension may be granted after she is dead, judging from the experience I have had under the existing law.

Mr. CHEADLE. The gentleman, with his experience here, must know that he can readily have this case made "special" at the Pension Office and have it adjudicated much sooner than this bill can become a law. If the gentleman is willing to fix the pension at $30 a month, I have not the slightest objection.

Mr. CUMMINGS. Very well; I move to amend the bill so as to make the pension $30 a month.

The amendment of Mr. CUMMINGS was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

SAMANTHA A. BIGNELL.

Mr. CRAIG. I ask consent for the present consideration of the bill (H. R. 12815) granting a pension to Samantha A. Bignell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samantha A. Bignell, an army nurse, and pay her a pension of $12 a month.

The report (by Mr. CRAIG) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12815) granting a pension to Samantha A. Bignell, submit the following report:

That Samantha A. Bignell entered the service as a nurse September 23, 1861, and continued until the close of the war. She served as a nurse in hospitals in St. Louis, Mo., hospital steamer City of Louisiana, at Corinth, Miss., Seminary Hospital, Columbus, Ky., and there established a soldiers' home. She was sent to establish a home at Vicksburg after its surrender, thence at Joe Holt Hospital, at Jeffersonville, Ind., thence sent to establish a soldiers' home at St. Louis, Mo., as matron.

She continued caring for sick, wounded, and dying in hospital, field, on boat, or soldiers' homes until the war was over. She has filed many letters showing appreciation, by persons in high rank and responsibility, of her excellent character, efficient and self-sacrificing service, and her patriotic devotion to the cause of the soldier and country.

She is in poor health, and her circumstances require the aid this bill will give.

Your committee recommend the passage of the bill.

There being no objection, the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

ELIZABETH M. RILEY.

Mr. WILLIAMS, of Illinois. I desire to call up the bill (H. R. 11606) granting a pension to Elizabeth M. Riley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension rolls, subject to the conditions and limitations of the pension laws, the name of Elizabeth M. Riley, widow of Larkin M. Riley, late lieutenant of Company G, Thirty-first Regiment Illinois Volunteers, at the rate of $20 per month.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 11606) granting a pension to Elizabeth M. Riley, submit the following report:

Larkin M. Riley enlisted September 18, 1861, as first lieutenant of Company G, Thirty-first Regiment Illinois Volunteers, and died February 25, 1862, of disease contracted in line of service, leaving said Elizabeth M. Riley, his widow, and certain children him surviving; that said Elizabeth M. Riley, September 13, 1863, was married to one Wiley R. Flitcher; lived with him but a short time; was divorced from him and restored to her former name, and her present name is Elizabeth M. Riley, and she is now a widow seventy-two years of age and without any means of support; that the records of the Pension Office show a certificate for pension was issued to the children of said soldier January 13, 1874.

Your committee recommend the passage of the bill with an amendment by striking out "at the rate of $20 per month," in the eighth line of said bill.

The amendment reported by the committee was read, as follows:

Strike out, in the eighth line of the bill, the words "at the rate of $20 per month."

Mr. WILLIAMS, of Illinois. I move to amend the amendment by striking out "twenty" and inserting "eighteen," so as to make the bill definite. Since the passage of the new law there might, without this amendment, be an uncertainty as to the amount of pension granted.

This lady is the widow of a first lieutenant, and was drawing this amount until her second marriage.

The amendment of Mr. WILLIAMS, of Illinois, to the amendment reported by the committee was agreed to; and the amendment as amended was adopted.

Mr. KILGORE. The gentleman from Illinois [Mr. WILLIAMS] stated, as I understood, that this lady was drawing a pension of $18 a month until her second marriage.

Mr. WILLIAMS, of Illinois. The first husband of this lady was in the service. He died. She lived with her second husband a very few months. This is not the first case of the kind that has been favorably acted upon by the committee.

Mr. KILGORE. Is the second husband dead or are these persons living apart?

Mr. WILLIAMS, of Illinois. They are divorced.

Mr. KILGORE. Is there any alimony in the case?

Mr. WILLIAMS, of Illinois. She supported her second husband while she lived with him. [Laughter.]

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

ELIZABETH D. FOSTER.

Mr. ATKINSON, of Pennsylvania. I ask the present consideration of the bill (H. R. 12541) granting a pension to Elizabeth D. Foster.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Elizabeth D. Foster, widow of William R. Foster, late a captain of Company E, Fifty-first Pennsylvania Volunteers, and to grant her a pension at the rate of $20 per month.

The report (by Mr. CRAIG) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12541) granting a pension to Elizabeth D. Foster, submit the following report:

That she is the widow of Capt. William R. Foster, who enlisted September 23, 1861, in Company E, Fifty-first Pennsylvania Regiment; was mustered out July 27, 1865; that he died October 19, 1877. His widow claimed a pension on the ground that his death was caused by scirrhus tumor, result of shell wound of right side received at the battle of Antietam.

The fact of the wound as stated is proved by the evidence of comrades. They also testify to continued suffering in after years from pains in location of wound.

Dr. J. R. Gast testifies as follows:

"Knew his physical condition to be healthy and good prior to his enlistment. I saw him frequently immediately after discharge, and know he frequently suffered with pains in the stomach. Did not treat him professionally until April, 1875 (over two years before his death), when I made a thorough examination and found him suffering with a scirrhus tumor involving the whole ileocæcal portion of the bowels. Have treated him continually since for that trouble up to date of his death. Paid him altogether ninety visits. * * * Made a *post mortem* examination. The scirrhus tumor was immediate cause of death. From the history of the case I know the tumor was caused by an injury received by a shell while he was in the service.' I also made a microscopical examination of the tumor, and found the stomach and cancer cells of scirrhus in abundance, and am positive that my statement is true and correct in every particular."

In a subsequent letter, in answer to the Commissioner of Pensions for reasons for thinking fatal disease was due to the injury, the same physician says:

"He was a stoic; never complained; and only told me, as his physician, what the cause of his disease was by him believed to be. I have no doubt his death was the result of the injury received from the piece of shell. Cancerous trouble frequently results from such injuries. From the fact that he told me he was knocked senseless for a few moments, the impact must have been enough to cause an internal bruise; and the pain was located in the ileocæcal region."

The claim was rejected November 17, 1885, "Cause of officer's death not shown as due to the service."

The medical examiner of the Pension Office thought Dr. Gast's conclusions and the comrades' testimony not sufficient.

Your committee think the case fairly proved and the presumption not a violent one that this gallant officer's death was due to the service, and recommend the passage of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

ZERUIAH A. POTTER.

Mr. HAYNES. I desire to call up the bill (H. R. 11212) granting a pension to Zeruiah A. Potter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Zeruiah A. Potter, late widow of Henry J. Potter, deceased, who was a private in Company E, Seventy-second Regiment Ohio Volunteer Infantry.

The report (by Mr. YODER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 11212) granting a pension to Zeruiah A. Potter, submit the following report:

The proposed beneficiary was the widow of Henry J. Potter, who died at Andersonville prison while a member of Company E, Seventy-second Regiment Ohio Volunteers. She drew a pension until her remarriage to one William L. Harris in May, 1884, since which date no one has received any pension on account of the services and death of said Henry J. Potter. She remained the wife of Harris until about August, 1889, when she filed her petition for divorce from him, based upon cruelty and adultery with a widowed daughter-in-law.

The court found the defendant guilty of adultery as charged and decreed her a divorce, with alimony, and restored her to her former name, Potter. The insolvence of Harris prevents the enforcement of the alimony clause of the decree, and in consequence thereof she is dependent upon her married children. The money possessed by her at her marriage with Harris was squandered by him.

Mrs. Potter is shown to be a woman of the highest character, and much beloved by all who know her.

Her case comes clearly within the well-established rule of Congress.

Your committee therefore report favorably on the accompanying bill and ask that it do pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

DIANA DICKEY.

Mr. CRAIG. I call up for present consideration the bill (H. R. 12771) granting a pension to Diana Dickey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Diana Dickey, late widow of Daniel G. Carl, Company H, One hundred and fifth Regiment of Pennsylvania Volunteers, on the pension rolls at the rate of $12 per month.

The report (by Mr. CRAIG) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12771) granting a pension to Diana Dickey, submit the following report:

That Diana Dickey was the widow of Daniel G. Carl, Company H, One hundred and fifth Pennsylvania Volunteers, who enlisted February 18, 1862, and was killed May 15, 1864, at Spottsylvania, Va. She was granted a pension, which she drew until May 29, 1866, when she married Solomon Dickey; that said Solomon Dickey died November 13, 1887; that the said widow is now very poor and dependent, making a scanty living by washing.

Your committee, in view of the facts of this case, and precedents established in such cases heretofore, recommend that her pension be restored by the passage of this bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM L. HORN.

Mr. WASHINGTON. I ask consent for the present consideration of the bill (H. R. 11925) increasing the pension of William L. Horn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension roll of the United States the name of William L. Horn, late a private Company H, Third Regiment Tennessee Volunteers, in the Mexican war, at the rate of $30 per month, according to the rules and regulations governing pensions, which shall be in lieu of the pension which the said William L. Horn is now drawing as such Mexican veteran.

The report (by Mr. HENDERSON, of North Carolina) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 11925) increasing the pension of William L. Horn, have considered the same and respectfully submit the following report:

The claimant was a private in Company H, Third Tennessee Volunteers, and served from September 24, 1847, to July 22, 1848, in the war with Mexico.

He is now a pensioner at $8 per month under the Mexican war service-pension act of January 29, 1887. He is about sixty-one years old, and so much disabled by rheumatism and impaired eyesight as to be unable to perform any manual labor, and being without any property or income aside from his pension of $8 per month, he and his wife are obliged to depend largely upon charity for the necessaries of life.

The facts are all shown in the papers filed in the Pension Bureau.

Your committee believe the case to be a deserving one, and they therefore return the bill with the recommendation that it do pass, amended, however, as follows: by striking out the word "thirty" in line 7 and substituting in lieu thereof the word "twenty."

The amendment recommended by the committee, striking out "thirty" in line 7 of the bill and inserting "twenty," was read and agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MARY B. HASCALL.

Mr. LAWS. I call up the bill (S. 4585) granting a pension to Mary B. Hascall.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Mary B. Hascall, widow of Herbert A. Hascall, deceased, late captain and brevet lieutenant colonel Fifth Artillery, United States Army, at the rate of $40 per month.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 4585) granting a pension to Mary B. Hascall, submit the following report:

The beneficiary is the widow of the late Herbert A. Hascall, of the Fifth Artillery, United States Army, who began his military career by entering the West Point Military Academy at the age of eighteen, July 1, 1852, from which he graduated and was appointed second lieutenant, Fourth Artillery, July 1, 1857. September 7, 1859, he was promoted to the first lieutenancy.

In May, 1861, he was transferred to the Fifth Artillery, of which he became captain and assistant quartermaster August 3 of the same year. In March, 1865, he received the brevet of major and lieutenant colonel for faithful and meritorious services during the war.

The exposures incident to this service brought on Bright's disease, which culminated in insanity, occurring at frequent intervals, and which finally caused his death in October, 1890.

The fact of this disease and of its consequences is attested by physicians who attended him from 1862 until his death, and verified by the official order of the War Department under which he was retired from active service November 10, 1874, on account of disabilities contracted in the line of duty, which disabilities later on developed into a complication of diseases, chiefly Bright's disease, causing him more or less trouble until relieved by death.

His wife attended him throughout the long disease of his last years. Their property was exhausted in living expenses and the cost of medical treatment. The claimant was left in infirm health and destitute.

The committee, considering the unusual hardships attending his long illness thus following highly meritorious services, recommend the passage of the bill.

Mr. CHEADLE. I wish to ask the gentleman in charge of this bill how much the pensioner is now receiving.

Mr. CASWELL. Nothing whatever.

Mr. CHEADLE. I am perfectly willing that the highest rate authorized by the law shall be given, but I am not willing that the pension shall extend beyond that.

Mr. CASWELL. Let me state to the gentleman that this man had

been seventeen years in the service, until he was completely used up and placed on the retired list, most of the time in an insane condition. The bill presents a very different case from those to which objection was made heretofore. This is the case of a man who has served seventeen years faithfully.

Mr. ADAMS. And the fact is shown that for years he was insane.

Mr. CASWELL. Yes, sir; and this woman spent her entire fortune in the medical treatment of her husband. Under the circumstances it would seem that an exception should be made.

Mr. CHEADLE. I am perfectly willing, as I have said, that the highest rate of pension authorized by the general statute shall be given, but I am not willing that there shall be any exceptions made when there are such multitudes of meritorious claimants receiving nothing.

Mr. CASWELL. Then I move to strike out "40" and insert "30;" so that it will read, "$30 per month."

The amendment was adopted.

The bill as amended was ordered to a third reading; and being read the third time, was passed.

JAMES MURPHY.

Mr. KILGORE. I call up for consideration the bill (H. R. 11329) to pension James Murphy.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension rolls the name of James Murphy, late of Capt. James Ford's company, Colonel Dodd's regiment, in the Black Hawk war, at the rate of $25 per month.

The report (by Mr. DE LANO) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 11329) to pension James Murphy, have considered the same, and beg leave to submit the following report:

The claimant was a bugler in Capt. Lemuel Ford's company of United States Mounted Rangers and served a year in the Black Hawk war. This service is a matter of record in the office of the Second Auditor, United States Treasury.

Accompanying the bill is the testimony of Maj. K. S. Olcott, W. G. Thomas, George W. Phillips, and T. H. Lanley, citizens of Harrison County, Texas, showing that the claimant is about seventy-eight years old, poor and feeble, and in much need of the relief proposed by the bill.

The claimant's post-office address is Marshall, Harrison County, Texas.

There are many precedents for granting pensions to the survivors of the old Indian wars, and your committee, believing this case to be an especially deserving one, respectfully recommend the passage of the bill.

NOTE.—Amend by spelling the name of the colonel "Dodge."

The amendment recommended by the committee was adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MRS. MARY BALDOUF.

Mr. RUSSELL. I ask consideration of the bill (H. R. 12432) granting a pension to Mrs. Mary Baldouf.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Baldouf, widow of Joseph Forester, late a corporal in Company F, Eighteenth Regiment Connecticut Volunteer Infantry.

The report (by Mr. CRAIG) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12432) granting a pension to Mary Baldouf, submit the following report:

That Mary Baldouf was the widow of Joseph Forester, who enlisted in Company F, Eighteenth Connecticut Volunteers, August 7, 1862, and who died at Annapolis, Md., August 10, 1863, of typhoid fever. She was pensioned until about 1867 or 1868. She married Anton Baldouf, when her pension ceased; that said Anton Baldouf died the 24th day of May, 1887; that she is very poor and dependent upon her own labor for her support. She is sixty-eight years of age and feeble in health.

Your committee recommend the passage of the bill to restore her to the rolls as a pensioner.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

LAURA J. HAYDON.

Mr. OWENS, of Ohio. I ask consideration of the bill (H. R. 12347) granting a pension to Laura J. Haydon, formerly Burke.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and restrictions of the pension laws, the name of Laura J. Haydon, of Louisville, Ky., and pay her a pension of $12 a month, the said Laura J. Haydon—then Laura J. Burke—having been an army nurse during the late civil war.

The report (by Mr. WILSON, of Kentucky) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12347) granting a pension to Laura J. Haydon, formerly Burke, submit the following report:

The proposed beneficiary served as nurse at Government hospitals in Kentucky from March, 1862, until September, 1865. Her services were valuable and much appreciated by her superiors, who retained her until the last soldier was discharged from the hospitals of that State.

She has no property or income from any source, is aged, and a widow, and unable to earn a maintenance by her own efforts, in consequence whereof she is dependent upon others not legally bound to aid in her support.

Her long and faithful service in behalf of the sick and wounded of the Union forces entitles her to receive the same consideration at the hands of the Government as so many others in like employment have received, and we therefore report favorably on the accompanying bill and ask that it do pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MARTHA F. STEBBINS.

Mr. ALLEN, of Michigan. I call up the bill (H. R. 9823) for the relief of Martha F. Stebbins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is instructed to place on the pension rolls, at the rate of $30 a month, the name of Martha F. Stebbins, widow of Dwight D. Stebbins, who volunteered and acted as a surgeon when called on by the Government after the battle of Shiloh, and gave his professional services to the sick and wounded of the Union armies in response to said call, and, although not mustered into the service, died of camp fever while performing said services.

The report (by Mr. BELKNAP) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9823) granting a pension to Martha F. Stebbins, submit the following report:

The claimant is the widow of Dr. Dwight D. Stebbins, M. D., formerly a resident of the city of Detroit, Mich., who was appointed by the sanitary authorities of the State of Michigan to assist in caring for the sick soldiers then located in Mississippi at camp near Corinth, and he performed his duties devotedly until overwork and exposure caused his death, which occurred in July, 1862.

Your committee, believing this a just and meritorious claim, recommend its adoption and passage, and submit the statements of Col. Charles M. Lum, late of the Tenth Michigan Infantry, Alvin J. Cole, M. D., late surgeon Fourteenth Michigan Infantry, and Capt. John Kelly, Fourteenth Michigan Infantry, and ask these statements may be made a part of this report.

The claimant never remarried and is in needy circumstances, being advanced in years and with no means other than her daily labor for support.

69 MONTCALM STREET, WEST DETROIT, MICH., *May* 7, 1890.

MY DEAR FRIEND: In addition to the affidavit which I have made in the matter of Martha F. Stebbins, which will be forwarded to you by Col. H. S. Dean, of the Twenty-second Michigan Infantry, I send this brief statement in regard to the valuable services rendered by the late Dr. Dwight D. Stebbins to the sick soldiers in Michigan regiments, those who were at the time under my command.

When the doctor reported to me at my tent, "Camp Big Springs," near Corinth, Miss., on or about the 18th or 20th of June, 1862—and where he quartered and messed with me—he seemed to be in perfect health, and at once entered upon the duty of visiting and prescribing for the sick, of which there were at that time between three hundred and four hundred in the camp and field hospitals and many more in the hospital at Farmington, Miss. All of the number of sick mentioned were from Michigan regiments. Diarrhea and typhoid fever were the two great causes. The fever called by the doctors the "walking typhoid" was the most prominent of the two, coming suddenly, progressing rapidly, and in a majority of cases proving fatal. Soon after the fever set in the patient became delirious, requiring constant watching and attention by nurses, which service was done by the men who were unable to do any military duty.

To give you an idea how most of the regiments at that time were reduced in numbers by reason of sickness, I will state that on the 1st of May, 1862, I reported to Maj. Gen. John Pope with my regiment, numbering 986 men, and I believe all in good health. A few men were killed and wounded in the battle near Farmington and siege of Corinth. After raising the siege we went into camp near Corinth, and during the latter part of June and the fore part of July my regiment could only report from 230 to 250 men for duty. Day and night we were burying men, and the ambulances and wagons were carrying such of the sick as could be carried, the sick of the division, to the hospital at Hamburg Landing, whence they were taken by steamers to the general hospitals.

Dr. Stebbins came to us when we were in great need of medical skill and assistance. He worked faithfully, earnestly, and heartfully, both day and night, in hospital and camp, from the time of his arrival until he himself was stricken with fever on the 30th of June.

The last sick call he made was upon my brother David, who was very sick at that time, July 1. On the 2d the doctor became delirious, requiring constant attention and watching. On the 3d my brother died, and on the morning of the 4th of July Mr. L. B. Willard and two officers of the Fourteenth Michigan, on sick leave, started for Detroit with the doctor and the remains of my brother. Mr. Willard was obliged to leave the doctor at Cairo by reason of his increased illness.

I sincerely and firmly believe that the death of Dr. Stebbins was caused by his overwork among the sick in camp and hospital, aided by his arrival in a locality where the air and surroundings were always unhealthy, especially in midsummer months.

It was at Camp Big Springs where I received the foundation for the illness which became fully developed after the close of the war and which has clung to me ever since.

Very sincerely, I remain, your old friend,

CHARLES M. LUM.

Hon. J. LOGAN CHIPMAN.

June 13, 1890.

Colonel Lum, writer of the within, was a soldier of great merit, and is now a civilian of high character, universally beloved and respected.

I knew young Stebbins. He was a young man of unusual promise. All that is claimed in behalf of his widow as to his merits I know to be true.

J. LOGAN CHIPMAN.

STATE OF MICHIGAN, *County of Shiawassee, ss:*

In the matter of the claim of Martha F. Stebbins, widow of the late Dr. Dwight D. Stebbins, on the 29th day of July, A.D. 1890, before me, a notary public within and for the county and State aforesaid, personally appeared John Kelly, late a captain in the Fourteenth Regiment Michigan Infantry Volunteers, aged sixty-four years, a resident of St. John's, county of Clinton, State of Michigan, who, being duly sworn according to law, declares that he was well acquainted with Dr. Dwight D. Stebbins, of Detroit, Mich., during his lifetime. That during the month of June, A. D. 1862, the said Dr. Dwight D. Stebbins came from Michigan as a volunteer surgeon and joined the command at Camp Big Springs, Miss., where the deponent was then on duty with his regiment.

That the said Stebbins immediately entered upon duty as a surgeon, giving his professional services to the sick and wounded soldiers of the Tenth and Fourteenth Regiments Michigan Infantry, then at Camp Big Springs, Miss. That the said Dwight D. Stebbins was in good health when he joined the command, and that he continued in the active discharge of his duty as a surgeon until he was attacked by the disease then prevalent among the troops, known as the "walking typhoid fever." That he contracted this disease while in the line of duty as a surgeon and while rendering valuable and much-needed professional service to our sick and wounded soldiers. That Dr. Stebbins grew rapidly worse, becoming delirious from the effects of the fever.

The deponent, being at that time sick, was granted a sick leave that he might return to Michigan; and Dr. Stebbins, sick and in a feeble condition, was placed in the care of deponent on the journey from Mississippi to Detroit, Mich. The deponent says that Dr. Stebbins continued to grow worse, and that when

about 2 miles below Cairo, Ill., he died. That the deponent procured a casket and placed the remains of Dr. Stebbins therein, and accompanied them to Detroit, Mich., where the deponent attended the funeral of Dr. Dwight D. Stebbins on the 22d day of July, A. D. 1862.

The deponent further says that he has no interest, direct or indirect, in this claim beyond that of seeing justice done the wife of one who died in a patriotic effort to alleviate the sufferings of the deponent's sick and wounded comrades.

JOHN KELLY,
Late Captain Company K, Fourteenth Regiment Michigan Infantry.

Sworn to and subscribed before me this 29th day of July, A. D. 1890, and I hereby certify that the contents of the above and foregoing declaration, etc., were fully made known to the deponent before swearing, and that I have no interest, direct or indirect, in the prosecution of this claim.

WM. H. PUTNAM,
Notary Public, Shiawassee County, Michigan.

(Certificate on file.)

STATE OF IOWA, *County of Lee, ss:*

In the matter of Martha D. Stebbins, widow of Dwight D. Stebbins, M. D. On this 16th day of June, A. D. 1890, personally appeared before me, deputy clerk district court in and for said county, duly authorized to administer oaths, Alvin J. Cole, M. D., aged fifty-three years, a resident of Fort Madison, in the county of Lee and State of Iowa, well known to me to be reputable and entitled to credit, and who, being duly sworn, declared in relation to aforesaid case as follows:

I was personally acquainted with Dwight D. Stebbins, M. D., formerly a resident of Detroit, Mich., many years before the war of the late rebellion; always considered him a person of sound health; during the summer of 1862 he was appointed by the sanitary authorities of Michigan as physician, etc., to assist in caring for the comforts and relief of Michigan soldiers then located in Mississippi at "Camp Big Springs," near Corinth; said Dr. Dwight D. Stebbins joined the army at this point, I think, some time in June, 1862. He performed his duties assigned devotedly, nobly, and assiduously until from overwork and exposure he was seized with diarrhea, lasting several days, and then resulting in a low form of fever, which in those days was called "walking typhoid fever."

He received treatment daily in his tent, which was located in the Tenth Michigan Infantry Volunteers Regiment, by Brigade Surgeon Dr. Strawbridge, Surgeon Edward Batwell, of the Fourteenth Michigan Infantry Volunteers, and myself, as assistant surgeon of the Fourteenth Michigan Infantry Volunteers, until about the 16th of July or thereabouts. The Army receiving marching orders, Dr. Dwight Stebbins was sent in a critical and delirious condition North, being accompanied by Lieutenant Kelly and Lieutenant Vanstan, officers of the Fourteenth Michigan Infantry Volunteers, then going home on a sick leave of absence. Dr. Dwight D. Stebbins died after arriving home in Detroit, Mich., no doubt attributable to services and exposure received while in the active performance of his duties, when engaged as sanitary physician in Mississippi during the summer of 1862.

My post-office address is Fort Madison, Lee County, Iowa. I further declare that I have no interest in said case and am not concerned in its prosecution.

ALVIN J. COLE, M. D.,
Late Assistant Surgeon Fourteenth Michigan Volunteer Infantry.

STATE OF IOWA, *County of Lee, ss:*

Sworn to and subscribed before me this day by the above-named affiant. I further certify that I am in nowise interested in said case, nor am I concerned in its prosecution, and that said affiant is personally known to me, and that he is a regular practicing physician and credible person.

[SEAL.] H. C. STEMPEL,
Deputy Clerk District Court.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

THOMAS CRAWFORD.

Mr. CARUTH. I ask consideration of the bill (H. R. 8162) for the relief of Thomas Crawford, of Louisville, Ky.

The bill is as follows:

Be it enacted, etc., That the pension now paid, under certificate numbered 3920 (O. W. I.), to Thomas Crawford, of Louisville, Ky., a soldier in the war between the United States and Mexico be, and is hereby, increased to the rate of $25 per month.

The report (by Mr. DE LANO) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 8162) granting an increase of pension to Thomas Crawford, have considered the same and report as follows:

The claimant was a private in Company K, Second United States Infantry, and served in the Mexican war from July 13, 1846, to July 29, 1848, when discharged on account of a gunshot wound of the right hip, received in the service and line of duty.

He is now in receipt of a pension at the rate of $12 per month on account of said wound. The examining surgeons make conflicting reports respecting the extent of the claimant's disabilities, but it is clear that he is very severely disabled and crippled by the gunshot wound, and also by rheumatism, which he claims is the result of the wound. The last medical examination resulted in a recommendation that his pension be increased, but his claim for increase was rejected by the Pension Bureau.

The applicant's petition for relief is indorsed by a very large number of reputable citizens and prominent business men of the city of Louisville, Ky., and it is shown that he (the claimant) is sixty-eight years old and without property of any kind. His pension of $12 per month and the small pay received by him for services as a private watchman constitute his sole income, and he has a family to support. The employment he receives is merely nominal and given as a charity to a poor and deserving man.

Many letters from prominent business men of Louisville, Ky., urging the passage of the bill have been received.

In addition to the service above described, the claimant rendered service in the late war as a private in the Thirteenth Indiana Cavalry.

In view of the applicant's age, service, disability, and necessitous condition, your committee recommend the passage of the bill.

Mr. CARUTH. I move to amend the bill by striking out the initial letters in brackets in line 4, "O. W. I."

The amendment was adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

RUTH E. FURGESON.

Mr. PICKLER. I ask consideration of the bill (H. R. 12305) granting a pension to Ruth E. Furgeson.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Ruth E. Furgeson, former widow of S. J. Naylor, late Company K, Sixteenth Regiment Michigan Infantry, on the pension roll, and pay her a pension at the rate of $12 per month from and after the passage of this act.

The report (by Mr. BELKNAP) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12305) granting a pension to Ruth E. Furgeson, submit the following report:

Ruth E. Furgeson was the wife of Samuel J. Naylor, of Company —, Sixteenth Regiment Michigan Infantry, and who was killed in action at Fredericksburgh, Va., May 15, 1864. She was pensioned as such widow until the date of her second marriage with one Abram V. Furgeson, March 26, 1870, and who died in the year 1880, again leaving her a widow, in poor and destitute circumstances.

She is now fifty-four years of age and dependent upon others not legally bound to her support.

Owing to the many precedents established by Congress your committee recommend the passage of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

THOMAS GORHAM.

Mr. MCRAE. I call up the bill (H. R. 12383) to pension Thomas Gorham.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Thomas Gorham, of Wallaceburgh, Hempstead County, Arkansas, who served as a private in Capt. G. F. Swaggerty's company, Second Regiment Georgia Mounted Volunteers, Florida and Cherokee wars of 1837 and 1838, and pay him a pension at the rate of $20 per month.

The report (by Mr. DE LANO) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 12383) granting a pension to Thomas Gorham, have considered the same and report as follows:

The claimant was enrolled October 5, 1837, to serve six months in Capt. G. F. Swaggerty's company, Second Regiment Georgia Mounted Volunteers, commanded by Colonel Foster, and mustered out of service with the company May 11, 1838. This service was in the Florida Indian war, and the claimant states that he subsequently enlisted and served three months in the Cherokee Indian war under General Scott.

A. B. Harris and W. S. Carter, citizens of Hempstead County, Arkansas, testify that the claimant is about seventy-one years old, infirm in health, a cripple, and totally blind; also that he has no property whatever, being entirely dependent upon relatives and friends for support of himself and wife.

The passage of the bill is recommended.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MARY C. HOFFMAN.

Mr. GEST. I ask consideration of the bill (H. R. 12312) to grant a pension to Mary C. Hoffman, widow of General William Hoffman.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to place upon the pension roll the name of Mary C. Hoffman, of Rock Island, Ill., widow of General William Hoffman, who served in the Black Hawk war, the Florida war, the Mexican war, the Indian frontier war, and in the late war of the rebellion, and pay her a pension at the rate of $100 per month.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12312) granting a pension to Mary C. Hoffman, submit the following report:

The complainant is the widow of General William Hoffman, and the committee find that the said General Hoffman participated in the Black Hawk war, in the Florida war, in the Mexican war, in the Indian wars, and in the late war of the rebellion. The widow is now sixty-one years of age, is poor, being compelled to keep boarders in order to make a living.

The committee recommend that this bill be amended by striking out the words "one hundred," in the last line of said bill, and to insert in lieu thereof the word "fifty," and that the bill as so amended do pass.

The following is a statement of the military services of said General Hoffman, as furnished by the War Department:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, December 15, 1890.

Statement of the military service of William Hoffman, of the United States Army, compiled from the records of this office.

He was a cadet at the United States Military Academy from July 1, 1825, to July 1, 1829, when graduated, and appointed brevet second lieutenant Sixth Infantry July 1, 1829; second lieutenant, July 1, 1829; first lieutenant, November 16, 1836; captain, February 1, 1838; major Fifth Infantry, April 15, 1851; transferred to Sixth Infantry, February 20, 1852; lieutenant colonel Eighth Infantry, October 17, 1860; colonel Third Infantry, April 25, 1862; unassigned, March 15, 1869; retired, May 1, 1870.

He received the brevets of major August 20, 1847, "for gallant and meritorious conduct in the battles of Contreras and Churubusco, Mexico;" of lieutenant colonel, September 8, 1847, "for gallant and meritorious conduct in the battle of Molino del Rey, Mexico;" of brigadier general, October 7, 1864, "for faithful and meritorious services during the war," and of major general, March 13, 1865, "for faithful, meritorious, and distinguished services as commissary general of prisoners during the war."

He joined his regiment November 1, 1829, and served with it at Jefferson Barracks, Mo., to December, 1829; at Fort Leavenworth, Kans. (on leave May 4 to December 31, 1832), to April 15, 1833; on detached service with Santa Fé traders to July 24, 1833; on recruiting service to April 11, 1835; on leave to July 1, 1835; on duty with regiment at Jefferson Barracks, Mo., to February 29, 1836; in Louisiana to February, 1837; in the Florida war to April 14, 1840; on leave to October 24, 1840; with regiment in the Florida war to December, 1841; on recruiting service to January 2, 1843; with regiment in Arkansas (on leave May 8 to November 8, 1845) to June 19, 1846; on detached service mustering in volunteers for the Mexican war to August 30, 1846; with regiment in the war with Mexico to June, 1848; on recruiting service to April 15, 1849; with regiment in Kansas and Nebraska to August 20, 1851; on sick leave to May 19, 1852; with regiment at Jefferson Barracks, Mo., to July 19, 1852; on detached service at Newport Barracks, Ky., to September 14, 1854; with regiment in Nebraska and Da-

kota Territory, the Utah expedition in 1858, marched to California in the same year, and in California to February 20, 1860; on leave to December, 1860; en route to and with regiment in Texas to March, 1861; prisoner of war on parol, but serving on court-martial and other duties in the North to October 23, 1861, and as commissary general of prisoners at Washington, D. C. (exchanged August 27, 1862), to November 3, 1865; commanding regiment at St. Louis, Mo., December 16, 1865, to April 16, 1866; at Fort Leavenworth, Kans., to March, 1868, and Forts Riley and Harker, Kans., to May 12, 1866; on leave and awaiting orders to April, 1869; superintendent recruiting service to May 1, 1870, when he was retired:

Unemployed to August 12, 1884, upon which date he died.

J. C. KELTON, *Adjutant-General.*

Mr. CHEADLE. I make the same objection to that bill, Mr. Speaker. I object to the amount.

Mr. GEST. Mr. Speaker, it is not worth while for me to consume the time of the House in discussing the questions arising out of this bill in view of the action already taken here to-night; and so in order not to delay the passage of other bills I move to amend this bill by inserting "thirty" instead of "fifty."

The amendment was adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MARTHA A. KENDRICK.

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, I call up for present consideration the bill (H. R. 9819) granting a pension to Martha A. Kendrick.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha A. Kendrick, widow of Lafayette Kendrick, who was killed November 20, 1863, while in the service of the United States and acting as a member of Company D, Second Arkansas Infantry, and that in the adjustment of this pension all laws now or which shall hereafter be enacted relating to pensions to widows shall be applied to this case.

The report (by Mr. GOODNIGHT) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9819) granting a pension to Martha A. Kendrick, submit the following report:

Martha A. Kendrick is the widow of Lafayette Kendrick, who enlisted in Company D, Second Arkansas Volunteers, and was killed in an engagement with the enemy, November 20, 1863, before his company was regularly mustered into the service of the United States.

The fact of his enlistment and death as aforesaid is fully established, but inasmuch as through the ignorance of his officers his name was omitted from the roll prepared for the mustering officer as having died since enlistment, the War Department has no record of his services, and consequently the Pension Office had to reject the widow's claim on the ground that the records fail to show service as alleged.

The proof as heretofore stated, that Kendrick served faithfully and until killed in battle, is conclusive. The widow is totally blind and entirely dependent for support upon an only daughter.

The case comes clearly within the established precedents of this and former Congresses. Therefore your committee report favorably on the accompanying bill and ask that it do pass, amended however, by striking out all after the word "infantry," in line 9.

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, I move to amend by inserting after the words "pension roll," in line 4, the words "at the rate of $12 per month."

The amendment was agreed to.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

XENOPHON PECK.

Mr. WICKHAM. Mr. Speaker, I call up for present consideration the bill (H. R. 12400) granting an increase of pension to Xenophon Peck.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed, subject to the provisions and limitations of the pension laws, to increase the pension of Xenophon Peck, late a private in Battery E, First Regiment Ohio Light Artillery Volunteers, to $70 per month: *Provided*, That this act shall not be construed to prevent any further increase by the Pension Bureau to which the beneficiary may at any time become entitled.

The report (by Mr. YODER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12400) granting an increase of pension to Xenophon Peck, submit the following report:

In this case the proof is abundant and conclusive that the soldier, while a member of Battery E, First Ohio Light Artillery, in the war of the rebellion, and while engaged in action and in the line of his duty, in loading a cannon, lost his right arm by the premature discharge of the piece, and at the same instant completely lost the hearing of his right ear, and also met with a partial loss of hearing of the left ear.

The soldier has been pensioned for the loss of the arm, but for the almost total loss of his hearing, occurring at the same time, he has received no allowance of pension, his claim for the same having been rejected by the Pension Bureau on the ground that inasmuch as he was receiving a pension for a specific disability he could not be pensioned for another and additional disability.

It seems to your committee that he is entitled to a pension for both the disabilities, each of which is well defined and contributes to his substantially total inability to earn a support. In fact, the injury to the claimant's hearing interferes more, in the opinion of your committee, with the soldier's ability to perform labor or follow any pursuit by which he can earn his living than the loss of his right arm. In the language of the eminent specialist and physicians:

"This deafness is permanent and progressive, and total deafness of the left ear is very sure to result."

The committee recommend the passage of the bill, amended, however, by striking out the word "seventy," in line 7, and inserting therein instead the word "sixty."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was according read the third time, and passed.

WILLIAM J. MATHIS.

Mr. DICKERSON. Mr. Speaker, I call up for present consideration the bill (H. R. 12349) granting an increase of pension to William J. Mathis.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place upon the pension roll, subject to the provisions of the pension law, the name of William J. Mathis, late a soldier of Company E, Second Indiana Infantry, during the Mexican war, and pay him a monthly pension of $25 in lieu of the amount now paid him under certificate numbered 9545.

The report (by Mr. DE LANO) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 12349) granting an increase of pension to William J. Mathis, have considered the same and report as follows:

The claimant was a private in Company E, Second Indiana Infantry Volunteers, and served from June 19, 1846, to June 23, 1847, in the Mexican war. He is now receiving a pension at the rate of $8 per month under the Mexican war service-pension act of January 29, 1887.

In his petition for increase of his pension Mr. Mathis declares that he is sixty-five years old, and so disabled that he can not earn a support by manual labor, and he has no property or other means of support, but is entirely dependent upon his pension of $8 per month.

The claimant also served as a soldier in the war of the rebellion, and while so serving received a wound of the hand. He also received a wound while in the Mexican war, and when granted the service pension of $8 per month was receiving a pension at the rate of $4 per month for the wounds.

Peter Kaibfleisch and Harry A. Thorp, citizens of Louisville, Ky., corroborate under oath the claimant's statements relative to his physical and financial conditions.

In view of the claimant's service in two wars and his disabled and necessitous condition, your committee recommend the passage of the bill, amended, however, so as to allow a pension at the rate of $20 per month.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

CHARLOTTE STENGER.

Mr. KELLEY. Mr. Speaker, I call up for present consideration the bill (S. 1724) granting a pension to Charlotte Stenger.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charlotte Stenger, widow of Jacob Stenger, deceased, late of Company C, First Regiment United States Mounted Riflemen.

The report (by Mr. DE LANO) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 1724) granting a pension to Charlotte Stenger, have considered the same, and report:

Said bill is accompanied by Senate Report No. 1262, which your committee adopt as their report, and return the bill, recommending its passage.

[Senate Report No. 1262, Fifty-first Congress, first session.]

The Committee on Pensions, to whom was referred the bill granting a pension to Charlotte Stenger, have examined the same, and report:

This bill proposes to pension Charlotte Stenger, widow of Jacob Stenger, deceased.

The record shows the enlistment of Jacob Stenger in Company B, United States Mounted Rifles, at New York, September 25, 1851; that he served a full term of five years; that he re-enlisted July 31, 1856, at Fort Davis, Texas, and that he was discharged at Fort Stanton, New Mexico, July 31, 1861, having completed a second term of service of five years. This term of service was completed as a member of Company C, United States Mounted Rifles. He re-enlisted and was made second lieutenant of Company C, Second Regiment New Mexico Volunteers, and was mustered out under General Order 44, May 10, 1862, by reason of reorganization of the regiment.

He was again mustered into the service as second lieutenant Company M, First Regiment New Mexico Cavalry, October 4, 1862, and served until March 28, 1863. On July 9, 1880, the soldier made application for pension, alleging "dislocation of right knee and internal injuries in July, 1858, by a fall from his horse," and the claim was allowed by the Commissioner of Pensions May 20, 1881, at the rate of $4 per month. The soldier died February 27, 1885. The accrued pension was paid to the widow, the claimant under this bill.

The claimant made application for pension August 15, 1885. The Commissioner of Pensions rejected the claim on the ground "that the soldier died of disease contracted in the military service prior to March 4, 1861, and in a time of peace, there being no existing law granting pensions to such widows, unless the soldier's death cause originated in a time of war."

Taking into consideration the extended period of service of the soldier and the admitted fact that he died of a disease contracted in the service, your committee are of the opinion that the claimant is entitled to a pension, and recommend the passage of the bill.

Mr. CHEADLE. Mr. Speaker, I would ask what is the rate of pension fixed by the bill.

The SPEAKER *pro tempore*. The bill makes it subject to the provisions and limitations of the pension laws.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARY B. CLAYTON.

Mr. MAISH. Mr. Speaker, I call up for present consideration the bill (H. R. 11350) for the relief of Mary B. Clayton.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $40 per month, the name of Mary B. Clayton, widow of the late Maj. Henry Clayton, late paymaster, United States Army, and pay her a pension from and after the passage of this act.

The report (by Mr. DE LANO) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 11250) granting an increase of pension to Mary B. Clayton, have considered the same and report as follows:

The claimant is the widow of Henry Clayton, late major and paymaster, United States Army. This officer's military service began November 14, 1861, when he was mustered in as first lieutenant of Company B, Purnell Legion of Cavalry, Maryland Volunteers. After three years of faithful and arduous service he was mustered out with his company, October 26, 1864.

On the 4th day of October, 1866, he accepted appointment as captain Nineteenth United States Infantry, and served with distinction in the West until December 31, 1872, when he resigned. He was appointed major and paymaster September 12, 1882, and died at Fort D. A. Russell, Wyo., December 26, 1888, of disease of the heart contracted in the service and line of duty.

Mrs. Clayton is now receiving a pension at the rate of $25 per month, the same having been allowed her under the provisions of the general pension laws.

In her petition for relief the claimant states that the soldier left no estate to enable her to educate and support their two children.

There are many precedents for the allowance of the increase prayed for in this case, and your committee therefore return the bill, recommending its passage.

NOTE.—Amend by adding to the bill after the word "act," in line 8, the words "at the rate above named, the same to be in lieu of the pension now paid her."

Mr. CHEADLE. Mr. Speaker, I make the same point on this bill that I did on the others. I would be perfectly willing to have this lady receive the highest grade authorized by the general law.

Mr. MAISH. As the resolution of the gentleman from Indiana [Mr. CHEADLE] seems to be inflexible, I suggest that this bill may be disposed of as some of the others have been.

The SPEAKER *pro tempore*. Does the gentleman from Pennsylvania [Mr. MAISH] move to amend by making the rate $30 per month?

Mr. MAISH. No; I ask that the bill be laid aside. I think the widow now gets $25 a month. The report will show.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania [Mr. MAISH] asks unanimous consent that the bill be laid aside temporarily with the understanding that it shall not lose its place on the Calendar. Without objection it will be so ordered.

FRANCES T. DANA.

Mr. BROWNE, of Virginia. Mr. Speaker, I ask for the present consideration of the bill (H. R. 11244) for the relief of Frances T. Dana.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Frances T. Dana, widow of the late Commander William Starr Dana, of the United States Navy, and to pay her a pension at the rate of $50 per month.

The report (by Mr. DE LANO) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 11244) granting a pension to Frances T. Dana, widow of the late Commander William Starr Dana, United States Navy, have considered the same and report as follows:

The following report of the service of Commander Dana is compiled from the official records:

William Starr Dana was born in New York, April 20, 1843; entered the Naval Academy, October 25, 1859; graduated, 1863; promoted to the rank of acting ensign, October 1, 1863; ordered to U. S. S. Niagara, North Atlantic Squadron, October 1, 1863; detached from U. S. S. Niagara, North Atlantic Squadron, February 20, 1864; ordered to U. S. S. Brooklyn, Gulf Blockading Squadron, February 20, 1864; ordered by Admiral Farragut to flagship Hartford, July 11, 1864; ordered north from hospital, Pensacola, September 9, 1864; discharged from Chelsea Hospital, Boston, October 3, 1864; ordered to U. S. S. Lancaster, Pacific Station (flagship), November 18, 1864; ordered to U. S. S. St. Mary's, Pacific Station, March 27, 1865; promoted to master, May 10, 1866; detached from U. S. S. St. Mary's, September 22, 1866; ordered to U. S. S. Aroostook, Asiatic Squadron, December 10, 1866; commissioned lieutenant, February 21, 1867; detached from U. S. S. Aroostook, January 1, 1868; ordered to U. S. S. Shenandoah, Asiatic Squadron, January 1, 1868; commissioned lieutenant commander, March 12, 1868; ordered to U. S. S. Ashuelot, Asiatic Squadron, September 5, 1868; detached from U. S. S. Ashuelot, Asiatic Squadron, December 29, 1869; ordered to U. S. S. Brooklyn, European Squadron, August 15, 1870; ordered to U. S. S. Plymouth, European Squadron, April 10, 1872; detached from U. S. S. Plymouth, European Squadron, June 24, 1873; ordered to U. S. S. Ossipee, executive West Indies Squadron, January 24, 1874; detached from U. S. S. Ossipee, August 25, 1875; ordered to receiving ship Colorado, executive, Brooklyn navy yard, October 11, 1875; detached from receiving ship Colorado, executive Brooklyn navy yard, June 27, 1877; ordered to torpedo instruction, Newport, R. I., June 1, 1878; detached torpedo instruction, Newport, R. I., September 6, 1878; ordered to U. S. S. Shenandoah, executive, South Atlantic, September 6, 1879; detached from U. S. S. Shenandoah, executive, South Atlantic, October 16, 1881; commissioned commander September 14, 1881; ordered to navy yard, New York, February 1, 1884; detached from navy yard, New York, and ordered to command U. S. torpedo ram Alarm, June 30, 1884; detached from U. S. torpedo ram Alarm, September 29, 1884; ordered to command U. S. S. Nipsic, South Atlantic, October 14, 1884; detached at the end of her cruise, June 2, 1886; ordered to duty at Naval War College, Newport, R. I., August 6, 1887; detached from Naval War College, Newport, R. I., September 22, 1887; ordered, attendance on torpedo instruction, Newport, R. I., May 1, 1888; detached from attendance on torpedo instruction, Newport, R. I., August 4, 1888; ordered to duty at Naval War College, Newport, R. I., August 6, 1888; detached from duty at Naval War College, Newport, R. I., November 6, 1888.

Commander Dana was promoted to ensign the same year of his graduation, 1863. He was a short time on the Niagara, North Atlantic Squadron, and was ordered to the West Gulf Blockading Squadron June 10, 1864. He was an officer of the Hartford, flagship of Admiral Farragut in Mobile Bay, and assisted in the taking of Forts Morgan, Gaines, and Powell, and the rebel ram Tennessee.

In a general order of the date of July 6, 1864, he received the thanks of the Admiral for conspicuous gallantry, and at the battle of August 5 he was again conspicuous for his coolness and bravery.

On February 10, 1866, the thanks of Congress were tendered by a resolution to Vice Admiral David G. Farragut, and to the officers, seamen, and marines under his command for the unsurpassed gallantry and skill exhibited by them in the engagement in Mobile Bay on the 5th day of August, 1864.

FLAGSHIP HARTFORD, *Mobile Bay, August* 6, 1864.

SIR: I have the honor to offer the following report of the part which this vessel took in the action of yesterday:

* * * * * * * * *

With this report I inclose those of the executive officer, the officers of divisions, and of the gunner, carpenter, and sailmakers, and I beg leave to heartily indorse all that is said in them about the officers and men of their respective commands.

I would also beg leave to say that, although there was very considerable loss of life in the powder division, thanks to the good arrangements and example of Ensign Dana, who was in charge of it, there was no confusion. He was also greatly assisted in the after part of the division by Sailmaker T. C. Herbert, whose example tended much to give confidence to those around him; he is a most deserving officer. Gunner J. L. Staples and Carpenter George E. Buscham also deserve notice for their strict attention to duty.

Very respectfully, your obedient servant,

P. DRAYTON, *Captain.*

Rear Admiral D. G. FARRAGUT,
Commanding South Gulf Blockading Squadron.

NEW YORK, *February* 28, 1865.

GENTLEMEN: Acting Ensign W. Starr Dana served for about six weeks under my command in the U. S. S. Hartford, in the year 1864, and during that time his conduct met with my entire approval. He was in the action of the 5th August, when an entrance was forced into the Bay of Mobile by our fleet, and proved himself on that occasion to possess courage and energy.

Very respectfully, your obedient servant,

P. DRAYTON,
Captain, U. S. Navy.

The EXAMINING BOARD FOR THE PROMOTION OF MIDSHIPMEN.

He was executive officer of the United States steamer Shenandoah (flagship) from September 6, 1879, to October 16, 1881, South Atlantic Squadron.

On January 26, 1881, Captain Lewis was detached, and until April 2, 1881, when Captain Kirkland took command, Mr. Dana was in command of the Shenandoah.

On taking command of the Shenandoah, Capt. W. A. Kirkland, in accordance with the regulations of the Navy, made a thorough inspection of the ship, and under date of Montevideo, Uruguay, April 30, 1881, forwarded to Rear Admiral Bryson a detailed report upon the condition of the vessel, discipline of the men, etc., in which he says "everything about the vessel has evidence of unremitting labor, and of unceasing vigilance and care on the part of those in authority, and I feel a natural pride in finding myself in command of a man-of-war as near perfection as the exertions of officers and crew could arrive at with the armament furnished by the Government."

In forwarding this report to the Navy Department Rear Admiral Bryson indorsed as follows:

"It is a pleasure to be able to place on the records of the Department the state of the ship commanded by the late Capt. R. F. Lewis, so ably assisted by Lieut. Commander W. S. Dana. The report of Captain Kirkland is approved in full, and it is a satisfaction to me to be able to state that all of Mr. Dana's best energies have been given, as the executive, to the well-being of the vessel."

A copy of this report was sent by the Secretary of the Navy to Lieutenant Commander Dana, with the letter on the next page, June 8, 1881.

Possessed of marked qualifications for seamanship, he repeatedly attracted the attention of the Navy Department for the order and discipline of the vessels of which he was the executive officer or commander.

The late Admiral Nicholson, who was an excellent judge in such matters, said of him, "he was a conscientious, painstaking officer."

He was for a time a member of the military order of the Loyal Legion of the United States and of the Academy of Sciences of New York.

NAVY DEPARTMENT, *Washington, June* 8, 1881.

SIR: I have the pleasure to transmit a copy of the report, of the 30th of April last, of Capt. W. A. Kirkland, forwarded and indorsed by Rear Admiral Bryson, of the very satisfactory condition of the United States ship Shenandoah, which reflects great credit upon you as the executive and for a time the commanding officer.

Very respectfully,

W. H. HUNT, *Secretary of the Navy.*

Lieut. Commander W. S. DANA,
United States ship Shenandoah, South Atlantic Station.

UNITED STATES NAVY YARD,
Pensacola, September 9, 1864.

SIR: A board of medical officers having recommended that you be sent North, you will report to Captain Alden, of the United States ship Brooklyn, for a passage in that ship to Boston; and on your arrival there you will report in person to the commandant of that station, and by letter to the honorable Secretary of the Navy.

Very respectfully, your obedient servant,

U. SMITH,
Commodore, Commanding Navy Yard.

Acting Ensign WM. S. DANA,
Naval Hospital, Navy Yard, Pensacola, Fla.

Reported September 20.

S. H. STRINGHAM, *Commandant.*

Relative to the date and cause of Commander Dana's death, the following affidavit is submitted:

18 RUE DUPHOT, *Paris, France, July* 17, 1890.

SIR: I have the honor to inform you that Commander William Starr Dana, of the United States Navy, died at Paris, France, on January 1, 1890, and I hereby certify that he was under my care from about December 25 to the day of his death, and that he died of broncho-pneumonia, following on influenza, and aggravated by chronic malarial poisoning, contracted, I believe, whilst serving as an officer of the United States Navy, in tropical climates.

I have the honor to be, your obedient servant,

A. P. HERBERT.

The SECRETARY OF THE NAVY,
United States of America, Washington, D. C.

Sworn to before me, Dr. A. P. Herbert, this 17th day of July, 1890.
[SEAL.] R. J. PRESTON, *Vice Consul General.*

Gen. Egbert L. Viele, of New York, under date of August 4, 1890, certifies as follows:

"I am well acquainted with Mrs. Frances T. Dana, widow of William Starr Dana, late commander United States Navy, and I know of my own knowledge that she has no property of any kind, either real or personal, and that by the death of her husband she is left without any resources whatever, and is now entirely dependent upon others."

In view of Commander Dana's long and valuable services to his country and the fact that his widow is left in needy circumstances, your committee think the relief prayed for should be granted. The bill is therefore returned with a favorable recommendation.

The SPEAKER *pro tempore*. The Chair would say to the House that the report in this case is very long and perhaps the gentleman from Virginia [Mr. BROWNE] can make a statement in less time than it would take to read it.

Mr. BROWNE, of Virginia. The report in this case contains a detailed account of the services of the officer. It appears to be very meritorious. He served in a number of engagements during the late war.

The SPEAKER *pro tempore*. Does the gentleman from Virginia move to amend the bill so as to make the amount $30 a month?

Mr. BROWNE, of Virginia. No; I will ask unanimous consent that it may be laid aside temporarily.

The SPEAKER *pro tempore*. The gentleman from Virginia [Mr. BROWNE] asks unanimous consent that the bill may be laid aside temporarily, with the understanding that it shall not lose its place on the Calendar. Without objection it will be so ordered. [After a pause.] The Chair hears no objection.

WILLIAM H. HEAD.

Mr. BRUNNER. Mr. Speaker, I ask for the present consideration of the bill (H. R. 12348) granting an increase of pension to William H. Head.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and restrictions of the pension law, the name of William H. Head, late a soldier in Company G, Fourth Regiment Kentucky Volunteers, and during the Mexican war, and pay him at the rate of $25 a month, in lieu of the amount now paid him under certificate numbered 16621.

The report (by Mr. DE LANO) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 12348) granting an increase of pension to William H. Head, have considered the same and report:

The claimant was a private in Company G, Fourth Kentucky Volunteer Infantry, and served from October 3, 1847, to July 25, 1848, in the war with Mexico. He is now receiving a pension at the rate $8 per month under the Mexican war service-pension act of January 29, 1887.

The testimony before the committee shows that the claimant, who is past sixty-two years old and in infirm health from diarrhea, piles, catarrh of bladder, and rupture, possesses no property of any kind, except two small mules and a wagon, with which he makes a small living by peddling. The increase of pension prayed for is necessary to his comfortable support and maintenance in his old age.

In view of the facts stated, your committee recommend the passage of the bill, amended, however, as follows: Strike out the word "twenty-five," in line 8, and substitute in lieu thereof the word "sixteen."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

ROBERT CULLEN.

Mr. BELKNAP. Mr. Speaker, I ask for the present consideration of the bill (H. R. 12413) granting an increase of pension to Robert Cullen.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Robert Cullen, late captain Company I, Seventy-fourth Ohio Infantry, on the pension rolls, and pay him a pension at the rate of $50 per month, in lieu of the sum now paid him.

The report (by Mr. BELKNAP) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12413) granting an increase of pension to Capt. Robert Cullen, submit the following report:

Robert Cullen was a member of Company I, Seventy-fourth Ohio Infantry, during the war; while engaged in the battle of Stone River he was wounded severely by gunshot wound of left hip. Examining surgeons state there is a stiffness in both knee joints, also crepitus.

The stiffness is so great as to necessitate the assistance of some one to put on his pants, shoes, stockings, etc. We also find a deep umbilicated scar of wound of left thigh passing directly through the trochanter major and causing almost complete anchylosis of left hip. There is shortening of left hip 3 inches, and the anchylosed condition of left hip causing the leg to be always held in an extended condition, making the leg, in our opinion, useless.

TESTIMONY OF ANDREW HOGAN UNDER OATH.

I have known said Robert Cullen for the eighteen months just passed, and I am well acquainted with his condition. I know that he needs aid and help in putting on and removing his pants, drawers, shoes, stockings, etc., and I have often assisted him in the above ways. His wound also needs special care and attention in being washed and dressed, and in my opinion he requires some one to attend to his wants continually.

I have seen the said Robert Cullen confined to his bed from the effects of his wound, unable to move, while he suffers greatly from it at all times.

I further know he is incapable of walking more than two squares at a time, while he can not move at all without the aid of a heavy cane.

ANDREW HOGAN.

Subscribed and sworn to before me, at the city of Washington, D. C., the 5th day of December, A. D. 1890.

[SEAL.] WM. C. HARPER, *Notary Public.*

TESTIMONY OF J. L. DOWDEN, UNDER OATH.

I, J. L. Dowden, have known the said Robert Cullen since July, 1889; have had occasion to know that the said Robert Cullen does need assistance in the following different ways: First, in putting on his pants, stockings, and shoes; second, in taking off his pants, stockings, and shoes; third, in washing his feet, trimming his toe-nails, etc.; fourth, in dressing his wound and keeping it in proper condition.

I would further state that I have assisted him on different occasions in dressing and undressing when none of his family were here; have also given him assistance when suffering with his leg by bathing his feet in hot water. His wound being open he also needs assistance in having it properly washed and dressed, as it is impossible for him to do it himself.

I also state that I have seen him entirely unable to walk or use his leg in any way on account of the pain caused by his wound, and since I have known him (having been associated with him almost every day) he has continually complained of pain. He can not at any time move without the aid of a cane.

JNO. L. DOWDEN.

Subscribed and sworn to before me, at the city of Washington, District of Columbia, this 5th day of December, A. D. 1890.

[SEAL.] WM. C. HARPER, *Notary Public.*

TESTIMONY OF R. F. CARVER, M. D., UNDER OATH.

STATE OF OHIO, *County of Hamilton, ss:*

I have known Robert Cullen intimately and well, and have at times been his family physician since 1875. I have found complete anchylosis of left hip, said to have resulted from gunshot wound received in battle in 1862. Said wound still remains open and produces pain and inconvenience, sometimes confining him to his bed, and at all times disabling him, in my opinion, to a greater extent than the loss of the limb by amputation above the knee.

R. F. CARVER, M. D.

[SEAL.] E. W. PETTIT, *Notary Public, Hamilton County, Ohio.*

TESTIMONY OF G. M. CARLISLE, M. D., UNDER OATH.

I have this day examined Capt. Robert Cullen and find him suffering from gunshot wound, said to have been received December, 1862, at the battle of Stone River. The injury was to the upper third of the femur and has produced anchylosis of the left hip, which so cripples him that he can not put on or remove his socks or shoes and he has to be assisted in dressing. By reason of this injury so much extra weight and labor has been thrown upon the right leg as to produce a very serious varicose condition of the right leg. In my opinion the captain would be far more active had he an artificial limb. He is certainly unfitted to perform manual labor and there is no hope of improvement.

GEORGE M. CARLISLE, M. D.

[SEAL.] WM. C. HARPER, *Notary Public.*

There being no rate commensurate with the disability now existing in this case, your committee fully believe that it is a proper one for Congress, and therefore recommend the passage of the bill, amended, however, by striking out the word "sixty" where it appears in the bill and inserting the word "fifty."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

The SPEAKER *pro tempore*. This completes the list as the Chair has it. If there are other gentlemen who have bills which they wish to have passed, the Chair will recognize them.

WALKER H. FOMBY.

Mr. McRAE. Mr. Speaker, I ask for the present consideration of the bill (H. R. 10603) to pension Walker H. Fomby for service in the Indian war.

The Clerk read the bill, as follows:

Be it enacted, etc. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Walker H. Fomby, of Sardis, Hempstead County, Arkansas, late a private of Capt. John Loyall's company, Georgia Mounted Volunteers, Creek Indian war, 1836, and pay him the same pension as is allowed by law for service in the war of 1812.

The report (by Mr. DE LANO) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 10603) to pension Walker H. Fomby, have considered the same and report as follows:

The claimant was a private in Capt. John Loyall's company of Georgia Mounted Volunteers and served from June 9, 1836, to July 7, 1836, in the Creek Indian war.

The testimony before the committee shows that the claimant is about seventy-seven years old, in infirm health, and nearly blind; he has no income and is dependent upon his relatives and friends for support.

The passage of the bill is recommended.

Mr. KERR, of Iowa. I desire to know the amount allowed to pensioners of the war of 1812.

Mr. McRAE. Eight dollars a month.

Mr. KERR, of Iowa. Is that all?

Mr. McRAE. Yes, sir.

The bill was ordered to be engrossed for a third reading; and being engrossed it was accordingly read the third time, and passed.

FRANCIS A. BEUTER.

Mr. McDUFFIE. Mr. Speaker, I ask for the present consideration of the bill (H. R. 5037) for the relief of Capt. Francis A. Beuter.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to correct the muster of Francis A. Beuter, that he be recognized as captain from the 4th day of September, 1863, in the First United States Colored Troops, cavalry.

SEC. 2. That the Secretary of the Treasury pay to the said Francis A. Beuter his pay as captain of cavalry from the 4th day of September, 1863, to the date that he was mustered and paid as captain in the Fourth United States Colored Troops, April, 1864, deducting all payments on account of any other sums heretofore paid.

Mr. KILGORE. I did not understand exactly the rate given in the bill.

The SPEAKER *pro tempore*. It is not a pension bill; it is a bill to correct the muster roll.

Mr. PICKLER. And pay the soldier what is due him, deducting what he has received.

The report (by Mr. GEST) is as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 5037) for the relief of Capt. Francis A. Beuter, report as follows:

The facts out of which the bill for relief arises will be found stated in House report from the Committee on War Claims of the Fiftieth Congress, a copy of which is hereto annexed for information.

Your committee adopt the said report as their own, and report back the bill and recommend its passage with the following amendment:

In line 6 strike out "first" and insert in lieu thereof "fourth."

[House Report No. 2086, Fiftieth Congress, first session.]

The Committee on War Claims, to whom was referred the bill (H. R. 4993) for the relief of Francis A. Beuter, submit the following report:

This officer claims he was ordered and commissioned by General Banks, in 1863, in September, as a captain and recruiting officer. That pursuant to that instruction he went into the Teche country to recruit for the Fourth United States Colored Cavalry, and avers that he did report to General Weitzel, as ordered, and by him was ordered to take 25 recruits to New Orleans the latter part of September, 1863, and while on duty at New Orleans a few days was ordered to proceed to Texas, which he did, and reported to General Washburn; participated in the capture of Fort Esperenza, in November, 1863, and was detailed by General Washburn as commissary of subsistence, and served as such until December 25, 1863, and was then sent with General Fitz Henry Warren to Indianola, where he was assigned to duty by General Warren in command of two companies of infantry to act as post commander.

In about two weeks he was relieved by two regiments. The duty at Indianola had been very dangerous and difficult to perform. He was then sent in command of 20 scouts to gather the products of the country and provide subsistence for the forces in Texas until March, 1864, when he was ordered to New Orleans as captain in the Fourth Regiment of United States Colored Cavalry, which occurred in the early part of April, and received pay only from about the 8th of April, 1864. That his petition reciting his service and the fact that he was not mustered until April 8, 1864, is marked Exhibit A.

He files a letter from the War Department dated May 6, 1876, marked Exhibit B, giving date of muster.

Also copy of letter of Maj. Gen. N. P. Banks, stating that he believes this claimant received a provisional commission in 1863, and served under said commission as alleged; that he was a competent, faithful officer, and deserves consideration, marked Exhibit C.

Also a certificate of G. Weitzel, major of engineers, that this applicant did report to him for duty under a commission from General Banks, for the purpose of recruiting, and shortly was returned to New Orleans, marked Exhibit D.

The affidavit of Capt. A. J. Whittier, late of Washington, showing the identity of the officer making this claim, that he is the identical Franz Beuter who was a captain in the Fourth United States Colored Cavalry. It is marked Exhibit E.

The commission, orders, and other papers referred to in client's petition are lost; he relies upon the five papers, Exhibits A to E, as proof of his allegations.

The report is submitted, recommending the passage of the bill.

EXHIBIT A.

To the honorable the Senate and House of Representatives of the United States of America:

The undersigned respectfully represents that on or about the 3d day of September, 1863, he was commissioned a captain in the First Regiment Louisiana Colored Cavalry; the commission was signed and caused to be issued by order of Maj. Gen. N. P. Banks, commanding the Department of the Gulf. The undersigned entered upon duty on the day he received his commission by reporting to Colonel Bangs, then superintending the recruiting service in the State of Louisiana, who ordered the undersigned to proceed at once to Iberia, Teche County, Louisiana, and there to report to General Weitzel.

This order was obeyed, and your petitioner reported to General Weitzel at Vermillion Bridge; but after an elapse of three days he was informed that all the colored men were wanted for the erection of fortifications at the above-named place, and was detailed to take charge of about twenty-five recruits, with whom he was ordered to proceed to New Orleans, La., at which latter place he arrived with said recruits during the latter part of September, 1863. After a lapse of several days, during which your petitioner was doing duty at New Orleans, he received orders to proceed to Mustang Island, Matagorda Bay, Texas, the headquarters of General Banks, and arriving there was placed under orders of General Washburne, and participated in the taking of Fort Esperanza, after which action General Washburne detailed your petitioner as commissary of subsistence, which duty he performed until about the 25th of December, 1863, when he was attached to the expedition sent under General Fitz Hugh Warren against Indianola.

On or about the 28th of December certain citizens of Old Indianola claimed protection from General Warren, and your petitioner was ordered with two companies of infantry to act as post commander at the above-named place, a duty very dangerous and difficult to perform. After having remained at Old Indianola ten or twelve days your petitioner was relieved by two regiments and ordered with twenty mounted men to scout the country and provide subsistence; on this latter duty he remained until March, 1864, when he was ordered to proceed to New Orleans, La., and then and there was mustered as captain of the Fourth Regiment United States Colored Cavalry. This was in the early part of April, 1864, receiving pay only from that time.

During the period, to wit, from the 4th of September, 1863, to the 7th of April, 1864, your petitioner had to depend on his private funds for his everyday wants, etc., owing to the fact of not having been mustered at the time he received his commission, and which appears to have been the result of some irregularities somewhere, but not on account of any fault or neglect on the part of your petitioner.

In view of these facts your petitioner prays that he may be awarded compensation for the time of his services for which he has not been paid; that is to say, pay of a captain of cavalry from the 4th of September, 1863, to the 7th of April, 1864.

In conclusion, your petitioner has the honor to call your attention to two accompanying affidavits in support of his claim, one from Maj. Gen. N. P. Banks and the other from Major General Weitzel, and trusts that your honorable bodies will take this petition into reasonable consideration.

F. A. BEUTER,
Late Captain of United States Colored Regiment.

WASHINGTON, D. C., *January* 25, 1876.

Memorandum—The reason why this petition is presented at so late a date.

The undersigned further begs to represent that he transmitted a petition for his relief in the year 1866, and at a time when he was a resident of the State of Texas, to an attorney at Washington, D. C., with full instructions to present the same to the Congress of the United States. Said petition was accompanied with all necessary papers, such as affidavits, commission of his rank, etc., to prove the justice of his case. Your petitioner having waited in vain from year to year for a report, or some information regarding his claim, learned, upon diligent inquiry, that his case had never been presented to Congress, and that his attorney had ceased his business connections in the city of Washington, D. C., and had located himself elsewhere and unknown to your petitioner. This fact has deprived your petitioner of documents which would have proved very essential in favor of his claim as herewith presented.

CITY OF WASHINGTON, *District of Columbia, ss:*

Personally came and appeared before me, the undersigned, a justice of the peace for the city and District above named, Frank A. Beuter, to me well known, and made oath that the facts set forth in the annexed petition and accompanying memorandum are true.

Sworn and subscribed to before me this 3d day of February, A. D. 1876.

LUDWIG EISINGER, *J. P.*

EXHIBIT B.

WAR DEPARTMENT, *Washington City, May* 6, 1876.

SIR: Acknowleaging the receipt of your letter of the 1st instant, requesting a record of the muster into the service of Capt. F. A. Beuter as captain of the Fourth United States Colored Cavalry, I have the honor to inform you that it appears from the official records that Franz (or Francis) Beuter was mustered into service as captain Fourth United States Colored Cavalry, at New Orleans, La., April 8, 1864, to take effect from that date.

He was mustered in as Francis, but signed his name to official papers and is borne on the rolls, as Franz Beuter.

The name F. A. Beuter does not appear on the register of officers of the Fourth United States Colored Cavalry.

Very respectfully, your obedient servant,

ALPHONSO TAFT,
Secretary of War.

General N. P. BANKS,
House of Representatives.

(Indorsed:) War Department, A. G. O., Washington, D. C., May 31, 1876. Official. Thomas M. Vincent, Adjutant General.

HOUSE OF REPRESENTATIVES, *June* 22, 1876.

SIR: I transmit to you the record of Capt. Francis (or Franz) Beuter, as captain of the Fourth United States Colored Cavalry, received from the Secretary of War.

There has been some error in the record arising from mistake of names, but it is within my personal knowledge that Capt. Franz A. Beuter, who petitions for relief at the hands of Congress, is the person who was mustered according to the certificate within.

N. P. BANKS.

To General HURLBUT,
Chairman Committee on Military Affairs.

EXHIBIT C.

Capt. Francis A. Beuter was in service in the volunteer army in Louisiana in 1863 and 1864. I am unable to give positively the dates of his service, but believe that he received from me a provisional commission September, 1863, and subsequently a commission from Adjutant-General Thomas in April, 1864. I state, positively, that I remember him in service as an officer in the Teche country, and also in Texas in 1863, and I believe he remained in Texas after my departure until the period stated by him, namely, March 27, 1864. He was, to the best of my knowledge and belief, a competent and faithful officer, and deserves friendly consideration from the Department of War.

N. P. BANKS,
Late Major General Volunteers.

WASHINGTON, D. C., *July* 2, 1868.

EXHIBIT D.

This is to certify that Capt. Frank Beuter reported to me in September, 1863, at Vermillion Bridge, Teche country, for the purpose of recruiting colored troops, he being then on duty as a recruiting officer under a commission from Maj. Gen. N. P. Banks, as captain Fourth United States Colored Cavalry. That there being no possibility of obtaining recruits in the country around Vermillion Bridge, all the colored force available in that vicinity being required for work on fortifications, Captain Beuter returned to New Orleans. He was at my headquarters for two days.

G. WEITZEL,
Major of Engineers.

EXHIBIT E.

Neighbor's affidavit.

WASHINGTON, D. C., *ss:*

In the matter of the claim of Capt. F. A. Beuter for back pay, late a captain in Company H, of the Fourth Regiment of United States Colored Cavalry Volunteers, A. J. Whittier, aged forty-seven years, a resident of Washington, D. C., whose post office address is 611 G street S. W., Washington, D. C., who, being duly sworn, declares in relation to aforesaid case as follows:

That I was second and first lieutenant in Squadron L, Fourth Regiment United States Colored Cavalry, and while so serving in fall of 1864, at and near Port Hudson and New Orleans, La., Franz Beuter was a captain in the same regiment, commanding Company H. I knew him by that name, and have so known him ever since. I know Francis A. Beuter, of this city, and know him to be the same identical person that I knew in the service as above; know these facts from the service I rendered while with him in the military service of the United States.

I have no interest whatever in his claim, and am not related to claimant.

A. J. WHITTIER.

Sworn to and subscribed before me this 20th day of January, 1887.

Done at Washington, in the county of Washington, District of Columbia. I certify that I am disinterested; that the affiant is to me well known, and is reliable and worthy of all credit as a witness, and that the contents of the above affidavit were made known to him on its execution.

[SEAL.] BENJA. F. HAWKES, *Notary Public.*

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM A. TODD.

Mr. KILGORE. I desire to call up for present consideration the bill (H. R. 12420) to pension William A. Todd.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of William A. Todd, who served as a private in Capt. John D. Sill's company of Col. William Wood's battalion, Georgia Creek War Volunteers, 1836, and pay him the same pension as is allowed by law for service in the war of 1812.

The report (by Mr. DE LANO) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 12420) granting a pension to William A. Todd, have considered the same and report:

The claimant, who now resides at Curtis, Clark County, Arkansas, was a private in Capt. John D. Still's company of Col. William Wood's battalion, Georgia Volunteers, and served from June 3, 1836, to August 31, 1836, in the Creek Indian war.

J. L. Stroope and Thomas M. Ewing, citizens of Clark County, Arkansas, testify that the claimant is seventy-four years old, infirm, and unable to earn a livelihood by manual labor, and that he has no income or property to support him.

In view of the service rendered by the claimant and his needy condition, your committee respectfully recommend the passage of the bill.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY BUCKLAND.

Mr. BELKNAP. I ask for the present consideration of the bill (H. R. 11896) granting a pension to Mary Buckland.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Buckland, the stepmother of Jerome G. Buckland, late of Company H, Ninth Regiment of Michigan Infantry, and grant her a pension at the same rate as if she was the natural mother of said soldier.

The report (by Mr. BELKNAP) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 11896) granting a pension to Mary Buckland, submit the following report:

Mary Buckland is the stepmother of Jerome G. Buckland, who died of typhoid fever at Tullahoma, Tenn., while serving as private in Company H, Ninth Regiment Michigan Volunteers. Mrs. Buckland married the soldier's father when the latter was still an infant, requiring the tender care of a mother.

The father died in 1854, at which time Jerome was only thirteen years of age. His death left the claimant and the soldier son without a home, and it became necessary to maintain themselves by their own efforts. The son became a printer, and by his earnings assisted in his stepmother's support until he enlisted in the Army. After enlistment and until his death, about a year thereafter, he continued to contribute towards her maintenance the same as if he had been her natural son; in fact, he at all times recognized her as his natural mother.

Claimant has not remarried since the death of soldier's father; is now sixty-six years of age; has no property excepting necessary household goods, and is too feeble to endure labor which would furnish a comfortable support.

The case comes clearly within a long line of precedents established in this and previous Congresses.

Therefore, your committee report favorably on the accompanying bill, and ask that it do pass.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

AARON H. LE VAN.

Mr. MUDD. I call up for present consideration the bill (S. 4070) granting an increase of pension to Aaron H. Le Van.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Aaron H. Le Van, late of Company A, Eighty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension commensurate with the degree of disability found to exist upon medical examination.

The report (by Mr. CRAIG) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 4070) granting a pension to Aaron H. Le Van, adopt the Senate report, which is as follows:

"The Committee on Pensions, to whom was referred the bill granting a pension to Aaron H. Le Van, have examined the same and report:

"This claimant is in receipt of a pension of $4 a month, on account of paralysis of the left leg, and he asks to have this increased to $72 a month, on the ground that he is now blind in the right eye, and almost so in the left, as a result of the wound in the groin, which affected the spinal column and induced paralysis of the lower extremities. His application for increase was rejected by the Pension Office on the medical ground that the blindness was not the result of the wound in the groin.

"While, according to the technical ruling of the Pension Office, there may be no absolute evidence of pathological connection between the wound and the blindness, yet it may reasonably be assumed that such blindness is, as a matter of fact, a consequence of such wound, inasmuch as the wound affected the spinal cord and produced paralysis of the lower extremities. The claimant testifies that at the time of receiving his wound, at the battle of Fair Oaks, he was struck stone blind and remained so for some hours thereafter, and that his eyesight has been imperfect ever since, but that he is unable to establish the connection between the wound and the blindness, owing to the death of comrades who were capable of testifying.

"Your committee deem the present pension of $4 a month inadequate, considering the entirely helpless condition of the claimant, whose three young daughters have to work for small pay to support him; and they recommend the passage of the bill, with the following amendment: Beginning with the words 'at the rate of,' in line 7, strike out the remainder of the bill, and substitute therefor the words 'commensurate with the degree of disability found to exist upon medical examination.'"

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

PATRICK MACKIN.

Mr. CHEADLE. I ask for the present consideration of the bill (H. R. 11813) to correct the military record of Patrick Mackin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to remove the charge of desertion from the military record of Patrick Mackin, formerly private in Company D, United States Mounted Rifles (in the war with Mexico), and grant him an honorable discharge as of the date of August 6, 1848.

The report (by Mr. SNIDER) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 11813) to correct the military record of Patrick Mackin, having considered the same, respectfully report:

That Patrick Makin, the soldier named in this bill, entered the military service of the United States and served faithfully during the entire period of the Mexican war. After the return of his regiment to the United States he went to his home, without the formality of leave of absence or discharge, to assist his family, who were then very sick, and he concluded, as he was then marked as a deserter, he might as well stay at home.

He again entered the volunteer service of the United States, May 23, 1861, and served three years, and was honorably discharged. He served nearly the entire period of two wars and leaves a clear fighting record. His claim for pension is now barred for want of discharge from the regular Army subsequent to the Mexican war.

Your committee think his offense in this case should be condoned, and recommend the passage of the bill. The facts are shown by the report of the Adjutant General and an affidavit submitted herewith.

Petition for removal of charge of desertion and for honorable discharge from the United States Mounted Rifles, Company D, Mexican war.

I, Patrick Mackin, enlisted in Company D, United States Mounted Rifles, on or about the 4th of September, 1845; that I served faithfully through the war with Mexico, being in every engagement from the bombardment of Vera Cruz to entering of the city of Mexico. The command then returned to Jefferson Barracks, near St. Louis, Mo. I received information that my sister, of Providence, R. I., was very sick. I immediately left the command without leave and went to my home to see my sister, this being on or about the 6th of August, 1848. I did not return to my command for the reason I had understood that the command had been disbanded.

I further state that I served in Company C, First Regiment Connecticut Volunteer Artillery, being mustered into the United States service on the 23d of May, 1861, and honorably discharged May 22, 1864.

I have made application to the Adjutant General United States Army for honorable discharge from Company D, United States Mounted Rifles, and my application was denied. The Adjutant General United States Army states that my case is not covered by the act of Congress approved March 2, 1889, for the reason that I was absent over four months, and that the law views me as in a constant state of desertion during my entire service in Company C, First Regiment Connecticut Volunteer Artillery.

In view of the fact that I have given six years of faithful service to my country, that my health is impaired to the extent that I am unable to perform any manual labor, and am sixty-six years of age, I therefore ask that your honorable body grant my petition for an honorable discharge.

PATRICK MACKIN.

WINDSOR, CONN.

STATE OF CONNECTICUT,
Probate Court, District of Windsor, February 19, 1890.

Personally appeared before me Patrick Mackin, signer of the above affidavit, and made oath to the truth of the same; and I hereby certify that I have no interest in his obtaining a pension.

[SEAL.] THOMAS W. LOOMIS, *Judge.*

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
Washington, May 1, 1890.

SIR: I have the honor to return herewith the bill (H. R. 8480) for removal of charge of desertion from record of Private Patrick Mackin, Company D, United States Mounted Rifles, Mexican war, and in compliance with request of the chairman of Committee on Military Affairs, House of Representatives, to report that the records of this office show that Private Patrick Mackin enlisted at Louisville, Ky., September 4, 1846, for five years; deserted August 6, 1848, at Jefferson Barracks, Mo., and never returned to his command.

The Department has no power to remove the charge of desertion under act of March 2, 1889, section 6, the only law now in force relative to removal of charge of desertion from enlisted men during the Mexican war, for the reason that such law relates solely and exclusively to such enlisted men of the Mexican war who enlisted "for the war with Mexico," whereas this man, as shown above, enlisted "for five years."

Aside from this fact the records show that Patrick Mackin enlisted May 23, 1861, in Company C, Fourth Connecticut Volunteers, in violation of the twenty-second (now fiftieth) Article of War, and was mustered out May 23, 1864, by reason of expiration of service. The legality of the latter enlistment, nor any claim for services rendered thereunder, can not be recognized by this office.

The provisions of section 3, act of March 2, 1889, do not apply to this case, for the reason that the man was absent in desertion over four months.

In justice to other enlisted men of the regular Army of the Mexican war whose status is similar to that of this man I can not recommend favorable action in this individual case.

Very respectfully,

C. McKEEVER,
Acting Adjutant General.

THE SECRETARY OF WAR.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SARAH V. AZPELL.

Mr. BELKNAP. I ask for the present consideration of the bill (S. 4167) granting an increase of pension to Sarah V. Azpell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah V. Azpell, widow of Dr. Thomas F. Azpell, late assistant surgeon, United States Army, and to pay her at the rate of $40 per month, in lieu of that which she is now receiving.

The report (by Mr. LEWIS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 4167) granting an increased pension to Sarah V. Azpell, submit the following report:

The facts in the case are set forth in the report of the Senate Committee on Pensions, which is as follows:

"The Committee on Pensions, to whom was referred the bill granting an increase of pension to Sarah V. Azpell, have examined the same and report:

"The claimant is the widow of Thomas F. Azpell, late assistant surgeon in the United States Army.

"An official statement of his services is hereto appended:

"WAR DEPARTMENT, SURGEON GENERAL'S OFFICE,
"*Washington, June 23, 1890.*

"Dr. Thomas F. Azpell was appointed surgeon of United States volunteers in October, 1861, and was at once assigned to duty in the military general hospital at St. Louis, Mo., and during the summer of 1862, in addition to the above

duty, he was made president of an examining board whose duty it was to pass on the fitness of volunteer surgeons entering the Army. He remained on these duties until the summer of 1863, when he was placed in charge of a large hospital steamer carrying sick and wounded from Vicksburg and other points on the Mississippi River to general hospitals at St. Louis, Cincinnati, and other places. He was found to be admirably adapted for this important duty, and was kept on it until near the close of the war.

"In 1867 he entered the regular Army as an assistant surgeon. From this date he did excellent service in the Department of the East and at several posts in the Department of California. His health became so impaired that in 1873 he was granted a sick leave, which it was found necessary to renew from time to time until 1885, when he was placed upon the retired list.

"The nature of the service this officer performed during the war was of the most responsible and trying duty upon which an officer could be placed, during all of which he was exposed to the malarious and hot climate of the Lower Mississippi. I am of opinion that the premature breaking down of his health was due to this long strain and exposure to unhealthy surroundings. There was no more efficient officer in the service during the rebellion.

"He left a family almost in a destitute condition, and the pension allowed to his widow ($20 per month) is entirely inadequate for her support.

"JNO. MOORE,
"*Surgeon General, United States Army.*

"Mrs. Axpell has for many years maintained herself by her own labor and the small pension she has received. She is well advanced in years and her health has failed so that she is unable to perform any work. She has no relatives upon whom she can rely for assistance. She has no estate or home. She is absolutely alone and helpless. The small pension she is receiving is not sufficient to provide for her necessities in her destitute condition.

"Your committee are of the opinion that the relief proposed should be granted, and therefore recommend the passage of the bill."

Your committee likewise recommend the passage of the bill, amended, however, by striking out the word "forty," in line 5, and inserting therein instead the word "thirty."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

ANNIE M. KIMBALL.

Mr. BELKNAP. I ask for the present consideration of the bill (H. R. 12053) granting a pension to Annie M. Kimball, widow of Alvah M. Kimball, Company H, Sixth New Hampshire Regiment Volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annie M. Kimball, widow of Alvah M. Kimball, deceased, late quartermaster sergeant of the Sixth New Hampshire Volunteers, at the rate of $12 per month.

The report (by Mr. NUTE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12053) granting a pension to Annie M. Kimball, widow of Alvah M. Kimball, Company H, Sixth New Hampshire Regiment Volunteers, submit the following report:

That Alvah M. Kimball, the soldier named in this bill, entered the military service of the United States in the year of 1861 as a private soldier in Company H of the Sixth New Hampshire Volunteers, for a period of three years, and was subsequently promoted to the position of quartermaster sergeant of the same regiment; that he was discharged on the 3d day of October, 1862, for promotion to second lieutenant; that he was commissioned and mustered into the service of the United States as first lieutenant in Company I, Fifteenth Regiment Infantry, New Hampshire Volunteers, November 3, 1862, for a period of nine months, and officially reported as resigned January 15, 1863, which is shown by a copy of the official records of the adjutant general's office of the State of New Hampshire, filed herewith.

That said soldier was married to said Annie M. Kimball July 15, 1855, and died July 2, 1869, leaving his widow with three children surviving, as shown by copy of records; that said Annie M. Kimball remained his said widow until August 7, 1871, when she was married to Orin Varney, who subsequently deserted her, and that she was divorced from said Varney March 7, 1888, taking her former name of Annie M. Kimball.

Your committee further find, from the affidavits accompanying, that at the time of the soldier's enlistment in 1861 he was "physically strong and active and mentally bright, clear, and energetic."

After his discharge and resignation from the Army he was much broken in health and suffered almost continually with severe pains in the head and faintness of the stomach, resulting, as stated therein, by injuring his spine and stomach by straining and by being overcome by the heat at Falmouth, Va., while unloading a transport, finally culminating in his death from paralysis of the brain.

Your committee having considered the evidence submitted, while the subsequent and unfortunate marriage bars the widow's claim for a pension, think the case a meritorious one and recommend the passage of the bill.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. SAWYER. I move to reconsider the several votes by which the various bills were passed; and also move that the motion to reconsider be laid on the table.

The SPEAKER *pro tempore*. The Chair would suggest to the House that the gentleman from Alabama [Mr. MCDUFFIE] called up a bill which, in the judgment of the Chair, is not in order during these evening sessions, but yet, if there be no objection, the motion which the gentleman from New York [Mr. SAWYER] has made to reconsider the several votes by which the various bills were passed and to lay that motion upon the table will not apply to that bill, and it can go over until to-morrow; and if there be no objection it can be passed.

There was no objection, and it was so ordered.

Mr. BELKNAP. Mr. Speaker, I move that the Senate bills on the Speaker's table be taken up.

The SPEAKER *pro tempore*. There are two Senate bills remaining on the Calendar.

Mr. KILGORE. What is the character of the bill that was called up by the gentleman from Alabama?

The SPEAKER *pro tempore*. It was a bill correcting the muster of an officer, the one about which the gentleman from Texas made inquiry.

Mr. KILGORE. Which was just read now?

The SPEAKER *pro tempore*. It was the one on which the gentleman made an inquiry as to the rate that was to be paid.

AMOS GILBERT.

The first Senate bill on the Private Calendar was the bill (S. 2808) for the relief of Amos Gilbert.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place upon the pension rolls the name of Amos Gilbert, of New Haven, Conn., who served as an enlisted seaman in the Navy of the United States, and was discharged on the 13th day of July, 1842, and who, while in the service, contracted disabilities from which he has never recovered, and to pay him a pension at the rate of $25 a month.

The report (by Mr. DE LANO) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 2808) granting a pension to Amos Gilbert, have considered the same and report as follows:

Said bill is accompanied by Senate Report No. 1782, which fully sets forth the facts in the case, and your committee adopt the same as their report and recommend the passage of the bill.

[Senate Report No. 1782, Fifty-first Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 2808) granting a pension to Amos Gilbert, have examined the same and report:

The ground upon which this pension is asked is that the petitioner, Amos Gilbert, served from March, 1838, to July, 1842, one year in the revenue service and the balance of the time as an enlisted seaman in the United States Navy, and was honorably discharged from the Navy July 13, 1842. By an accident while in the service he became totally deaf in his right ear, and while in such service at a Mediterranean station he contracted rheumatism, from which he has suffered ever since. He is now seventy-five years of age, very infirm and needy, almost a helpless cripple in his feet and hands, and for nearly thirty years has been unable to do any considerable work by which to earn a living. His service is established by papers on file with the committee.

His present condition is shown by medical testimony. Dr. Thompson, of New Haven, makes affidavit that he has known him for twenty-five years, and that during the entire period "he has been crippled and entirely incapacitated from earning his living by manual labor; that his hands and feet are distorted and drawn out of shape by rheumatism, and that it is a physical impossibility for him to do any work; that he also suffers from partial deafness, due to a rupture of the drum of the right ear; that he is a sober, honest man, and in every respect a good citizen."

The affidavit of the former collector of the port of New Haven carries back his disabilities to the year 1844, two years after his discharge; and the affidavits of other citizens of New Haven corroborate the statements of the petitioner.

He has made no application for a pension in the Pension Office, for the reason that he was advised that there was no law under which he could obtain one. At this late day it is improbable that he could produce medical or other evidence of the positive character required by the Pension Office to establish the fact of the incurrence of his disabilities in the service; but from the evidence filed with the committee the committee is satisfied that his statements in relation to the same are true, and that he is entitled to a pension which will keep him from absolute want during the remainder of his life.

The committee therefore recommends the filling of the blank in the bill by the insertion of the words "twenty-five," and the passage of the bill as thus amended.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CAPT. FRANCIS A. BEUTER.

Mr. MCDUFFIE. I ask unanimous consent that the vote by which the bill (H. R. 5037) for the relief of Capt. Francis A. Beuter was passed be reconsidered.

The motion was agreed to.

Mr. MCDUFFIE. I now ask unanimous consent to withdraw the bill.

There was no objection, and it was so ordered.

THOMAS RICHARDSON.

The next Senate bill on the Private Calendar was the bill (S. 4416) granting a pension to Thomas Richardson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Richardson, late a private in Company B, Seventeenth Regiment Illinois Volunteers.

The report (by Mr. LAWS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 4416) granting a pension to Thomas Richardson, submit the following report, being the same as report of Senate Committee on Pensions as to facts:

It appears that the claimant enlisted in Company B, Seventeenth Regiment Illinois Volunteers, on the 25th of May, 1861, and served therein until October 1, 1861, when he was honorably discharged from such service.

It is alleged by the claimant that while he was on post guard duty with his regiment, at Alton, Ill., on the night of the 3d of July, 1861, he received a blow at the hands of some unknown person, made by a blunt instrument, on the right side of his head immediately above the right eye, that felled him to the ground unconscious, and by his companions he was found and taken to the surgeon's quarters, where the wound was stitched and bandaged.

It is undisputed that this party has suffered total loss of the right eye and a resulting defective vision of the left eye.

After receiving this wound and after it had healed and his sight improved, he re-enlisted in Company M, First Illinois Artillery, and after serving therein about twelve months his sight became so imperfect that he was transferred to the Seventh Regiment Veteran Reserve Corps, from which he was finally discharged at Washington, D. C., by reason of loss of sight.

It further appears that the soldier is very poor and is an inmate of the Soldiers' Home at Dayton, Ohio, and that he is unable by reason of his disabilities to perform manual labor or to earn his own support.

His claim was rejected in the Pension Bureau upon the ground that it did not sufficiently appear to the satisfaction of the Commissioner that the wound was received while in the discharge of military duty, and upon the further ground

that it appeared from the evidence that the soldier had, prior to enlistment, defective sight.

It nowhere appears that there was any attempt on the part of this claimant to deceive the enlisting and enrolling officer as to the condition of his sight, and the committee are of the opinion that, such being the case, the Government should be estopped from alleging such defect to defeat the application for a pension.

It is clearly shown, in the judgment of your committee, that the wound was received while he was in line of duty; that it did result in the loss of sight of that eye and the impaired vision of the other.

Your committee recommend the passage of the bill, amended by striking out the words "and pay him at the rate of $12 per month."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

MARIA M. C. RICHARDS.

Mr. CRAIG. I ask unanimous consent for the present consideration of the bill (H. R. 12528) granting a pension to Maria M. C. Richards.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maria M. C. Richards, of Unionville, Connecticut, and grant her a pension of $25 a month.

The report (by Mr. CRAIG) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12528) granting a pension to Maria M. C. Richards, submit the following report:

The proposed beneficiary entered upon her patriotic services as a nurse of sick soldiers prior to the first Bull Run battle; continued the same at the Patent Office hospital at its organization in August, 1861, where she served until June, 1862, when she accompanied the Army of the Potomac, and remained with it during that campaign and the campaign following, ending with the battle of Antietam. She faithfully nursed the wounded of said battle at the established field hospital until in May, 1863, when she was transferred to the Annapolis hospital, where she remained on duty until the close of the war. During her entire services she received but two months' pay.

Mrs. Richards is in very needy circumstances. The long-continued exposure to disease, often in contagious form, the nervous strain of sympathy with the suffering, and the unaccustomed privation in mode of living undermined her otherwise strong constitution, and for many months after the war she was a victim of fever, from the effects of which she has never fully recovered.

The value of her services is clearly shown by the testimonials on file, including that of Hon. B. M. CUTCHEON, of this House.

Your committee recommend the passage of the bill, amended, however, by striking out the word "twenty-five," in line 7, and inserting therein instead the word "twelve."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. SAWYER. I again move that the several votes by which the various bills were passed be reconsidered; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. SAWYER. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 10 o'clock and 17 minutes p. m.) the House adjourned.

EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

TESTS OF IRON AND STEEL.

Letter from the Secretary of War, transmitting, with a letter from the Chief of Ordnance, a report of the colonel commanding the Watertown arsenal of the tests of iron and steel, etc., made with the United States testing machine during the fiscal year ended June 30, 1890—to the Committee on Expenditures in the War Department.

LUBEC CHANNEL, MAINE.

Letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a report of the examination and survey of Lubec Channel, Maine—to the Committee on Rivers and Harbors.

WATER WAY FROM PUNGO RIVER TO SLADESVILLE, N. C.

Letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a report of the examination and survey of the water way from Pungo River to Sladesville, N. C.—to the Committee on River and Harbors.

WATER WAY BETWEEN PAMLICO AND BAY RIVERS, NORTH CAROLINA.

Letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a report of the examination and survey of the water way between Pamlico and Bay Rivers, North Carolina—to the Committee on Rivers and Harbors.

LITTLE PIGEON RIVER, TENNESSEE.

Letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a report of the examination and survey of Little Pigeon River, Tennessee—to the Committee on Rivers and Harbors.

DRUM INLET, NORTH CAROLINA.

Letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a report of the examination and survey of Drum Inlet, North Carolina—to the Committee on Rivers and Harbors.

NANTICOKE RIVER, MARYLAND.

Letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a report of the examination and survey of the Nanticoke River, Maryland—to the Committee on Rivers and Harbors.

LINCHESTER RIVER, MARYLAND.

Letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a report of the examination and survey of Linchester River, Maryland—to the Committee on Rivers and Harbors.

CURRENT RIVER, MISSOURI.

Letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a report of the examination and survey of the Current River, Missouri, from Van Buren to its mouth—to the Committee on Rivers and Harbors.

AARON VAN CAMP AND VIRGINIUS P. CHAPIN VS. UNITED STATES.

Letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Aaron Van Camp and Virginius P. Chapin against the United States—to the Committee on Claims.

LAND-FORFEITURE ACT.

Letter from the Secretary of the Interior, transmitting a letter from the Commissioner of the General Land Office and recommending that the land-forfeiture act be amended so that the time within which settlers may assert their rights may be extended—to the Committee on the Public Lands.

JULIA A. NUTT, EXECUTRIX OF HALLER NUTT, DECEASED, VS. THE UNITED STATES.

Letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Julia A. Nutt, executrix of Haller Nutt, deceased, against The United States—to the Committee on War Claims.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. POST, from the Committee on the District of Columbia, reported favorably the bill of the House (H. R. 4768) to pay for alley condemned in square No. 493 in the city of Washington, D. C., accompanied by a report (No. 3391)—to the Committee of the Whole House on the state of the Union.

Mr. TURNER, of New York, from the Committee on Invalid Pensions, reported with amendment the bill of the House (H. R. 12293) to grant a pension to Maj. Gen. Franz Sigel, accompanied by a report (No. 3392)—to the Committee of the Whole House.

Mr. ATKINSON, of Pennsylvania, from the Committee on the District of Columbia, reported with amendment the bill of the House (H. R. 12692) to amend the charter of the Rock Creek Railway Company of the District of Columbia, accompanied by a report (No. 3393)—to the House Calendar.

Mr. CUTCHEON, from the Committee on Military Affairs, reported with amendment, the bill of the House (H. R. 12258) to provide for beginning the construction of a military post at or near Essex Junction or Swanton Junction, Vt., accompanied by a report (No. 3394)—to the Committee of the Whole House on the state of the Union.

Mr. LEHLBACH, from the Committee on Public Buildings and Grounds, reported favorably the bill of the House (H. R. 439) for the erection of a public building at Brockton, Mass., accompanied by a report (No. 3395)—to the Committee of the Whole House on the state of the Union.

Mr. BOOTHMAN, from the Committee on Claims, reported favorably the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 9112) for the relief of Samuel G. Hunter. (Report No. 3396.)

A bill (H. R. 6169) for the relief of James S. Crawford. (Report No. 3397.)

Mr. BOOTHMAN also, from the Committee on Claims, reported with amendment the bill of the Senate (S. 182) for the relief of the First National Bank of Newton, Mass., accompanied by a report (No. 3398)—to the Committee of the Whole House on the state of the Union.

Mr. MILLIKEN, from the Committee on Public Buildings and Grounds, reported with amendment the bill of the Senate (S. 2740) to provide for the erection of an additional fireproof building for the National Museum, accompanied by a report (No. 3399)—to the Committee of the Whole House on the state of the Union.

Mr. POST, from the Committee on Public Buildings and Grounds, reported favorably the bill of the House (H. R. 12837) providing for the sale of the old customhouse and lot connected therewith in the city of Louisville, Ky., accompanied by a report (No. 3400)—to the House Calendar.

Mr. BURTON, from the Committee on the District of Columbia, reported favorably the bill of the Senate (S. 2378) to prevent fraudulent

transactions on the part of commission merchants and other consignees of goods and other property in the District of Columbia, accompanied by a report (No. 3401)—to the House Calendar.

Mr. HEMPHILL, from the Committee on the District of Columbia, reported favorably the bill of the House (H. R. 12444) to incorporate the National Conservatory of Music of America, accompanied by a report (No. 3402)—to the House Calendar.

He also, from the same committee, reported favorably the bill of the Senate (S. 3460) to release certain church property in the District of Columbia from arrears of taxation, accompanied by a report (No. 3403)—to the Committee of the Whole House.

Mr. GROUT, from the Committee on the District of Columbia, reported with amendment the bill of the House (H. R. 11854) to authorize the commissioners of the District of Columbia to open alleys and to provide for the expense thereof, and for other purposes, accompanied by a report (No. 3404)—to the Committee of the Whole House on the state of the Union.

Mr. GOODNIGHT, from the Committee on Invalid Pensions, reported favorably the bill of the House (H. R. 9819) granting a pension to Martha A. Kendrick, accompanied by a report (No. 3405)—to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the following change of reference was made:

A bill (S. 2762) granting a pension to Mrs. Sarah A. Aspold—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills and a joint resolution of the following titles were introduced, severally read twice, and referred as follows:

By Mr. BOWDEN: A bill (H. R. 13025) to amend and re-enact paragraph 6, section 1, of an act entitled "An act granting right of way and other privileges to the Hampton and Old Point Railway Company"—to the Committee on Military Affairs.

By Mr. PERKINS: A bill (H. R. 13026) to authorize the Secretary of the Interior to sell certain tracts of the surplus lands belonging to the Ottawa tribe of Indians in the Indian Territory, and for other purposes—to the Committee on Indian Affairs.

By Mr. KELLEY (by request): A bill (H. R. 13027) for the relief of the American colored people—to the Committee on Foreign Affairs.

By Mr. DORSEY: A bill (H. R. 13028) to provide for the purchase of seed grain for the farmers in Nebraska who have been driven from their homes by the recent outbreak of the Sioux Indians—to the Committee on Agriculture.

By Mr. PICKLER: A joint resolution (H. Res. 265) to authorize the Secretary of War to issue 1,000 stand of arms to the State of South Dakota—to the Committee on Military Affairs.

By Mr. HILL (by request): A joint resolution (H. Res. 266) for the purchase of United States bonds, the retirement of the national-bank currency with Treasury notes, and the establishment of United States banks in lieu of the national banks, upon a cash basis—to the Committee on Ways and Means.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BURTON: A bill (H. R. 13029) granting a pension to J. Dwight Palmer—to the Committee on Invalid Pensions.

By Mr. CUTCHEON: A bill (H. R. 13030) granting a pension to Jennie May Cain—to the Committee on Invalid Pensions.

By Mr. FEATHERSTON (by request): A bill (H. R. 13031) for the relief of the estate of Charles Labell—to the Committee on War Claims.

By Mr. GEAR: A bill (H. R. 13032) for the relief of A. E. Baldridge—to the Committee on Military Affairs.

By Mr. KENNEDY: A bill (H. R. 13033) granting a pension to James H. Lancaster—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13034) granting a pension to Julia McIntyre—to the Committee on Invalid Pensions.

By Mr. LACEY: A bill (H. R. 13035) granting a pension to John B. Gouldsberry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13036) granting an increase of pension to Milton Iseman—to the Committee on Invalid Pensions.

By Mr. LAWLER: A bill (H. R. 13037) granting an increase of pension to Mrs. M. Augusta Barnes, widow of Surgeon Norman S. Barnes, late of the Twenty-seventh New York Volunteers—to the Committee on Invalid Pensions.

By Mr. MARTIN, of Indiana: A bill (H. R. 13038) to increase the pension of John E. A. Stephens—to the Committee on Invalid Pensions.

By Mr. MASON: A bill (H. R. 13039) to place John M. Cunningham on retired list—to the Committee on Military Affairs.

By Mr. SPRINGER: A bill (H. R. 13040) granting an increase of pension to John S. Furling—to the Committee on Invalid Pensions.

By Mr. TURNER, of New York: A bill (H. R. 13041) increasing the pension of John Britton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13042) granting a pension to Manuel Tibbs—to the Committee on Invalid Pensions.

By Mr. WADE: A bill (H. R. 13043) granting a pension to John Bettas—to the Committee on Invalid Pensions.

By Mr. WHITING: A bill (H. R. 13044) granting a pension to Nelson Fisher—to the Committee on Invalid Pensions.

By Mr. LANGSTON (by request): A bill (H. R. 13045) for the relief of Mrs. R. J. Harrison, executrix of Richard J. Harrison, deceased—to the Committee on War Claims.

Also (by request), a bill (H. R. 13046) for the relief of William H. Harrison, of Prince George County, Virginia—to the Committee on War Claims.

By Mr. LAWLER: A bill (H. R. 13047) for the relief of George W. Guin—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BURTON: Resolution of the Board of Trade of Cleveland, Ohio, favoring an early settlement of pending financial legislation—to the Committee on the Judiciary.

By Mr. CARUTH: Papers to accompany House bill 12976, granting an increase of pension to A. Loomis—to the Committee on Invalid Pensions.

By Mr. COOPER: Resolutions of the Kingston Alliance, No. 375, in favor of House bill 5353, defining options and futures, etc.—to the Committee on Agriculture.

Also, petition of W. B. Blany and others, citizens of Kingston, Ohio, for passage of same measure—to the Committee on Agriculture.

By Mr. DINGLEY: Resolutions of Bath (Me.) Board of Trade for passage of bill to place American shipping in the foreign trade on equal terms with foreign vessels—to the Committee on Merchant Marine and Fisheries.

By Mr. DORSEY: Resolutions adopted by alliances in the State of Nebraska, asking passage of the Conger lard bill, said alliances being numbered 590, 669, 2281, 1449, 1669, 1704, 1886, and 914—to the Committee on Agriculture.

Also, petitions of alliances in same State, asking passage of House bill 5353—to the Committee on Agriculture.

By Mr. FLICK: Memorial signed by Rev. A. B. Buckner, B. O. Stephenson, and 61 others, citizens of Iowa, praying that immediate and decisive steps be taken to aid in suppression of the alcoholic liquor traffic in the Congo Free State and basin of the Niger, and to prohibit the exportation of intoxicants from this country into any part of Africa—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. FUNSTON: Petition of citizens of Wyandotte County, Kansas, asking passage of House bill 5353, and imposing special taxes on dealers in options, futures, etc.—to the Committee on Agriculture.

Also, resolutions of County Assembly, Farmers' Mutual Benefit Association, of the same county and State, for same measure—to the Committee on Agriculture.

Also, petition of Farmers' Alliance of Godfrey, Kans., to control floods in the Mississippi River—to the Committee on Rivers and Harbors.

By Mr. GROUT: Petition of 90 dentists in the District of Columbia, for passage of a bill to regulate the practice of dentistry in the District of Columbia, subject to laws on the subject in the States—to the Committee on the District of Columbia.

Also, resolutions of the Chicago Board of Trade, against further silver legislation—to the Committee on Coinage, Weights, and Measures.

By Mr. HAUGEN: Petition of Martin Joos and 50 others, farmers of Buffalo County, Wisconsin, in favor of the antioption bill—to the Committee on Agriculture.

Also, petition of John Beers and 19 others, farmers of same county and State, for same measure—to the Committee on Agriculture.

Also, petition of Leonhard Fried and 12 others, farmers of same county and State, for same measure—to the Committee on Agriculture.

By Mr. EDWARD R. HAYS: Resolutions of Order of United American Mechanics, No. 4, Capital Council, Des Moines, Iowa, urging Congress to restrict immigration—to the Select Committee on Immigration and Naturalization.

By Mr. HENDERSON, of Iowa: Resolutions by Rough Woods Alliance, Eldora, Iowa, urging passage of House bill 5353, defining options and futures—to the Committee on Agriculture.

By Mr. HITT: Resolutions of Rockford Lodge, Farmers' Mutual Benefit Association, urging passage of farmers' option bill, H. R. 5353—to the Committee on Agriculture.

Also, resolutions of the directors of the Chicago Board of Trade, deprecating further silver legislation—to the Committee on Coinage, Weights, and Measures.

By Mr. LACEY: Petition of W. M. Smith and 14 others, citizens of

Keokuk County, Iowa, in favor of the Butterworth option bill—to the Committee on Agriculture.

Also, petition to pension John B. Gouldsberry—to the Committee on Invalid Pensions.

By Mr. LANGSTON: Petition of John H. Brooks and 42 others, citizens of Washington, D. C., and the States of Maryland and Virginia, to reimburse the depositors of the Freedman's Savings and Trust Company—to the Committee on Claims.

By Mr. LAWS: Resolutions of Farmers' Alliance of Clay County, Nebraska, demanding passage of House bill 5353—to the Committee on Agriculture.

Also, petition of citizens of same county and State for same measure—to the Committee on Agriculture.

Also, petition of 47 others, citizens of same county and State, for same measure—to the Committee on Agriculture.

Also, petition of citizens of Butler County, Nebraska, for same measure—to the Committee on Agriculture.

Also, petition of citizens of Adams County, Nebraska, for same measure—to the Committee on Agriculture.

By Mr. MARTIN, of Indiana: Petition and affidavits to accompany the bill to increase the pension of John E. A. Stephens, of Van Buren County, Indiana—to the Committee on Invalid Pensions.

By Mr. SWENEY: Petition of William H. Patterson and 60 others, citizens of Riceville, Iowa, for passage of a law authorizing the several States to control the sale of oleomargarine, butterine, and all compounds in imitation of butter—to the Committee on Agriculture.

Also, petition of 50 other citizens of same place for same measure—to the Committee on Agriculture.

Also, petition of William J. Gibbons and 11 others, citizens of Saratoga, Howard County, Iowa, for passage of House bill 5353—to the Committee on Agriculture.

Also, resolution of Saratoga (Iowa) Alliance, No. 1521, for same measure—to the Committee on Agriculture.

Also, petition of F. H. Longjoy and 22 others, citizens of Rock Creek, Mitchell County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition from Farmers' Alliance, No. 1537, of Rock Creek, Iowa, for same measure—to the Committee on Agriculture.

By Mr. TURNER, of New York: Petition of John Britton, to accompany bill for his relief—to the Committee on Invalid Pensions.

SENATE.

SATURDAY, *January* 10, 1891.

The Senate met at 12 o'clock m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a communication from Messrs. William H. Clagett and J. R. De Lamar, transmitting a protest signed by 23 members of the Legislature of Idaho against allowing Hon. Fred. T. Dubois to take his seat in the Senate.

The VICE PRESIDENT. The communication will be referred to the Committee on Privileges and Elections.

Mr. STEWART. Let it be printed. I think it may as well be printed, so that we can see what it is.

Mr. EDMUNDS. Yes, it should be printed and referred to the Committee on Privileges and Elections.

The VICE PRESIDENT. That order will be made.

The VICE PRESIDENT presented a communication from the adjutant general of the Grand Army of the Republic, transmitting a copy of resolutions adopted at the Twenty-fourth National Encampment of the Grand Army of the Republic, recommending certain legislation in regard to the civil employment of honorably discharged soldiers, sailors, or marines, tendering thanks for liberal pension laws, the retirement of commissioned officers and enlisted men, etc.; which was referred to the Committee on Pensions.

He also presented a petition of the secretary of the International Copyright Association, praying for the passage of the copyright bill now pending; which was ordered to lie on the table.

Mr. VOORHEES. I present the memorial of James Owen, William Cartright, and 19 other citizens of Logansport, Ind., remonstrating against the passage of the Conger lard bill, which they declare to be class legislation, robbing one American industry in order to enrich another. I move that the memorial lie on the table.

The motion was agreed to.

Mr. SHERMAN presented the petition of Solon L. Good and 45 other citizens of Ohio, praying for the passage of the Paddock pure-food bill; which was ordered to lie on the table.

Mr. MCMILLAN presented the petition of R. B. Noble and 90 other dentists in active practice in the District of Columbia, praying for the passage of the bill to regulate the practice of dentistry in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of citizens of Stanton, Mich., praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. DAVIS presented the following petitions of citizens and Farmers' Alliances of Minnesota, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Petition of Joseph Penner and 39 other citizens of Douglas County, Minnesota;

Petition of Peter Schmitt and 23 other citizens of Helen, McLeod County, Minnesota;

Petition of Wm. Enke and 13 other citizens of Olmstead County, Minnesota;

Petition of Joseph Brossard and 15 other citizens of Waterville, Le Sueur County, Minnesota;

Petition of Dan. Maloney and 18 other citizens of Houston County, Minnesota;

Petition of Solomon Sear and 23 other members of Maxwell Alliance, No. 527, Minnesota;

Petition of Fred. Smith, jr., and 11 other citizens of Mower County, Minnesota;

Petition of C. Fairbanks and 16 other members of Center Farmers' Alliance, Minnesota;

Petition of J. B. Johnson and 5 other citizens of Rock County, Minnesota;

Petition of Charles Gilruth and 11 other citizens of Yellow Medicine County, Minnesota;

Petition of L. I. Leeland and 16 other citizens of Yellow Medicine County, Minnesota;

Petition of J. C. Brown and 14 other citizens of Lyon County, Minnesota;

Petition of H. M. Iverson and 9 other citizens of Clay County, Minnesota;

Resolutions of the Alliance of the town of Salem, Olmsted County, Minnesota;

Resolutions of the Northwestern Helen Alliance, No. 996, of McLeod County, Minnesota;

Resolutions of Maxwell Farmers' Alliance, No. 547, Lac qui Parle County, Minnesota;

Resolutions of Graceville Farmers' Alliance, Big Stone County, Minnesota (380 members);

Resolutions of Battle Plain Alliance, No. 1043, Rock County, Minnesota;

Resolutions of Farmers' Alliance of Yellow Medicine County, Minnesota (No. 583);

Resolutions of the town of Wergeland Farmers' Alliance, Minnesota;

Resolutions of Moland Alliance, No. 963, Clay County, Minnesota; and

Resolutions of Edward Stangler, School Hann Alliance, of Waterville, Minn.

Mr. DAVIS presented the memorial of Walter Colleran, of Brownsville, Minn., and 14 citizens of the States of Illinois, Missouri, and Wisconsin, remonstrating against the passage of the Conger lard bill; which was ordered to lie on the table.

He also presented the petition of J. P. Colleran, of Brownsville, Minn., a stock-raiser and cattle-owner, and 22 citizens of the States of Nebraska, Missouri, Kansas, Illinois, Ohio, and Arkansas, praying for the passage of the Paddock pure-food bill, and remonstrating against the passage of any partial, incomplete, or inadequate measure; which was ordered to lie on the table.

Mr. SHOUP presented a memorial of W. D. Clayton, of Albuquerque, N. Mex.; G. B. Smith, of Las Vegas, N. Mex., and 48 farmers, signed while visitors at the St. Louis (Mo.) fair, October 11, 1890, remonstrating against the passage of the Conger compound-lard bill; which was ordered to lie on the table.

He also presented the petition of 22 citizens of St. Louis, Mo., praying for the passage of the Paddock pure-food bill; which was ordered to lie on the table.

Mr. VEST. I present a memorial of Andrew T. Todd and 241 other citizens of St. Louis, Mo., remonstrating against the passage of the Conger lard bill on the ground that it would throw hundreds of men out of employment. I move that the memorial lie on the table.

The motion was agreed to.

Mr. VEST presented the memorial of Walter J. Bushell and 19 other employés of the R. B. Brown Oil Company, remonstrating against the passage of the Conger lard bill; which was ordered to lie on the table.

Mr. WILSON, of Iowa, presented a petition of Bluff City Typographical Union, No. 203, of Council Bluffs, Iowa, praying for the passage without amendment of House bill 8046, to revise the wages of certain employés in the Government Printing Office; which was ordered to lie on the table.

He also presented a petition of Farmers' Alliance, No. 1519, of Winnebago County, Iowa, and the petition of 13 citizens of Boone County, Iowa, praying for the passage of the Conger lard bill; which were ordered to lie on the table.

Mr. COCKRELL. I present resolutions of the Butchers' National Protective Association of the United States of America, with recitals in regard to the adulteration of food, and earnestly urging and requesting the passage and enactment into law of the bill which has passed the House of Representatives, and is pending in the Senate, known as the Conger lard bill. I move that the resolutions lie on the table.

The motion was agreed to.

Mr. COCKRELL. I present resolutions of the Cotton Exchange of St. Louis, Mo., of April 5, 1890, referring to the Conger lard bill and reciting that large quantities of cotton-seed oil are annually used in compound lard, which has been declared by experts to be entirely wholesome and to have been consumed without injury to general health, and that no deception or fraud is practiced as every package is properly branded "compound lard," and that beef fat is also used and a tax thereon will injure the depressed cattle industry; and that, as there is a surplus of revenue, the tax is not needed and is simply a burden on one industry for benefit of another, robbing one to enrich another; and that St. Louis is one of the largest manufacturers of compound lard, giving employment to over 600 citizens, sustaining more than 3,000 persons, expending over $1,000,000 in wages, and that the passage of said bill would ruin this industry and destroy millions of dollars invested in the cotton-oil business in the South; and declaring that it is the sense of the Cotton Exchange that this threatened destruction of property, loss of trade, and the deprivation of employment for so many of our worthy citizens demand that the entire Congressional delegation from the State of Missouri should earnestly oppose the passage of the bill.

I move that the memorial lie on the table.

The motion was agreed to.

Mr. WASHBURN presented a petition of the Rochester (Minn.) Board of Trade and a petition of citizens of Mankato, Minn., praying for the enactment of the Torrey bankruptcy bill; which were ordered to lie on the table.

Mr. MANDERSON. I present a communication in the nature of a petition from the Nationalist Club, No. 1, of Washington, D. C., representing the necessity for the establishment of a laboratory for the purpose of making a continuous scientific study of contagious and infectious malarial diseases, and praying for the passage of what is known as the laboratory bill. I understand that the bill referred to is before the Committee on Agriculture and Forestry, and I move that the petition be referred to that committee.

The motion was agreed to.

Mr. BATE presented a memorial of the Board of Trade, of Jackson, Tenn., remonstrating against the passage of the Conger lard bill and praying for the passage of the Paddock pure-food bill; which was ordered to lie on the table.

Mr. ALLISON presented the following petitions of citizens and Farmers' Alliances of Iowa, praying for the passage of what is known as the Conger lard bill; which were ordered to lie on the table:

Petition of W. D. Westcott and a number of other citizens of Dallas County, Iowa;

Petition of L. J. Holland and 21 other citizens of Winnebago County, Iowa;

Petition of Wesley Wright and 14 other citizens of Dallas County, Iowa;

Petition of D. P. Ivis and 17 other citizens of Boone County, Iowa;

Petition of G. R. Rosenberger and 8 other citizens of Iowa County, Iowa;

Petition of Lemuel Smith and 18 other citizens of Cherokee County, Iowa;

Petition of James Speakman and 10 other citizens of Woodbury County, Iowa;

Petition of R. B. Bonstead and 35 other citizens of Harrison County, Iowa;

Petition of A. H. Sears and 40 other citizens of Iowa;

Petition of J. P. Hiller and 12 other citizens of Iowa;

Petition of P. P. Stucker and 21 other citizens of Muscatine County, Iowa;

Petition of J. H. Warner and 15 other citizens of Kossuth County, Iowa;

Petition of T. H. Lovejoy and 22 other citizens of Mitchell County, Iowa;

Petition of R. M. Hempy and 13 other members of the Burr Oak Alliance, No. 1612, of Iowa;

Petition of Martin Larson and 7 other citizens of Hancock County, Iowa;

Petition of L. R. Larson and 18 other citizens of Hancock County, Iowa;

Petition of W. M. Smith and 14 other citizens of Keokuk County, Iowa;

Resolutions of the Greenville Alliance, No. 1435, of Iowa;

Resolutions of Alliance No. 1687, of Iowa;

Resolutions of the Lynn Alliance, No. 1168, of Montgomery County, Iowa;

Resolutions of the Riverton Township Alliance, No. 1305, of Iowa;

Resolutions of the Penn Avenue Lodge, No. 1925, of Iowa;

Resolutions of the Union Alliance, No. 1811, of Bancroft, Iowa;

Resolutions of the Rock Creek Alliance, No. 1537, of Iowa; and

Resolutions of members of the Crystal Alliance, No. 1172, of Iowa.

Mr. ALLISON. I present the memorial of Robert N. Parker, of Oskaloosa, Iowa, and A. L. Geddes, of Spirit Lake, Iowa, and 30 visitors at the St. Louis (Mo.) fair, who oppose making a protective system out of the internal-revenue system, and hence oppose the passage of the Conger lard bill. I move that the memorial lie on the table.

The motion was agreed to.

Mr. TURPIE presented the following petitions praying for the passage of the Conger lard bill; which were ordered to lie on the table:

Petition of Stony Point Grange, No. 1733, Patrons of Husbandry, of Indiana;

Petition of William Schrader and 28 other citizens of Whitley County, Indiana;

Petition of M. F. Abert and 15 other citizens of Marshall County, Indiana; and

Petition of J. F. Behmer and 15 other citizens of Marshall County, Indiana.

REPORTS OF COMMITTEES.

Mr. MANDERSON, from the Committee on Military Affairs, submitted a report to accompany the bill (S. 4472) for the relief of Charles B. Stivers, heretofore reported by him.

Mr. TURPIE, from the Committee on Pensions, to whom was referred the bill (H. R. 11309) granting a pension to Maria Hassendeubel and Apollonia Hassendeubel, reported it without amendment, and submitted a report thereon.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (S. 3870) to provide for the purchase of a site and erection of buildings for the Girls' Reform School of the District of Columbia, reported it with an amendment, and submitted a report thereon.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (H. R. 9163) granting a pension to Mrs. Mary Hogan, reported it without amendment, and submitted a report thereon.

Mr. SHERMAN. I am directed by the Committee on Foreign Relations to report a bill to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889, and to submit a report thereon. I will state that there are certain documents to be attached to the report, which are not filed with the bill, but are in the hands of the printer, and are to be printed with the report.

The bill (S. 4827) to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889, was read twice by its title.

Mr. COCKRELL. There is a written report with the bill?

Mr. SHERMAN. There is a written report, quite a long one.

The VICE PRESIDENT. The bill will be placed on the Calendar.

Mr. MORGAN subsequently said: Mr. President, I desire to say, in respect to the report made this morning by the Senator from Ohio [Mr. SHERMAN] on the Nicaragua canal, the appendices to that report, which I think consisted of ten or eleven papers, have not been printed because the maps and plates which are necessary for the illustration of the appendices have not yet been completed, but will be within a very few days.

Mr. SHERMAN. I can not hear what the Senator is saying.

Mr. MORGAN. I was saying that the appendices to the report which the Senator from Ohio made this morning do not accompany the report because of the necessity of delaying the printing awhile to get the maps and plates necessary for the illustration of the ten or eleven papers that belong to the report properly. I merely wished to explain that.

Mr. SHERMAN. My impression is that there ought to be an order directing it, for perhaps the Public Printer would not be justified under the law in printing documents which were purchased outside. If we provide for the purchase of these maps, etc., there probably ought to be a resolution directing the Public Printer to use the maps furnished him.

Mr. MORGAN. I dare say he will do it, because in printing the report he was instructed that he would be required to put the maps and plates in their proper places in the report.

Mr. SHERMAN. Whether he has any authority under existing law to receive maps from outside without an express direction I do not know.

Mr. MORGAN. If the Senator from Ohio thinks it is at all necessary, of course I have no objection. I desire it to be done, and I apply now for an order that the Public Printer be required in printing that report to insert the maps which may be furnished to him through the Committee on Foreign Relations.

Mr. SHERMAN. I have no objection to that order. I think it had better be made.

The VICE PRESIDENT. That order will be made in the absence of objection. The Chair hears none, and it is so ordered.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (S. 4798) for the relief of A. J. McCreary, administrator of the estate of J. M. Hiatt, deceased, and for other purposes, reported it without amendment.

Mr. VEST, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 4805) to provide for the purchase of lots 14, 15, 16, 17, and part of 18, square 633, in the city of Washington, and the improvements thereon, reported it with an amendment.

Mr. SPOONER, from the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 154) for the erection of a public building at Pueblo, Colo., reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 4683) to provide a suitable site for a post office in the city of Providence, R. I., reported it with amendments.

Mr. ALLISON, from the Committee on Appropriations, to whom was referred the bill (H. R. 12227) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1892, and for other purposes, reported it with amendments.

Mr. HIGGINS, from the Committee on Claims, to whom was referred the bill (S. 4749) for the relief of the Portland Company, reported it without amendment, and submitted a report thereon.

Mr. PASCO, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2673) to provide for the purchase of a site for and the erection of a public building at Fernandina, in the State of Florida, reported it with amendments, and submitted a report thereon.

SETTLERS ON FORFEITED RAILROAD LANDS.

Mr. DOLPH. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 4814) to amend an act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes, to report it back favorably with an amendment, and to ask for its present consideration. Let the bill be read for information.

The VICE PRESIDENT. The bill will be read at length, if there be no objection.

The Chief Clerk read the bill.

Mr. EDMUNDS. Subject to objection, I should like to hear the bill explained.

The VICE PRESIDENT. Shall the amendment of the committee be first read?

Mr. DOLPH. No; I will first explain the bill. The act which the bill proposes to amend provided that certain settlers might purchase lands within six months from the date of its passage. The land offices can not be opened and the applications can not be received until instructions are sent down by the Commissioner of the General Land Office. The Department found some difficulty in framing the instructions. Nearly four months have expired. The instructions for part of the lands are now in the hands of the Public Printer, but will not be received in time so that the applications can be made within the time designated. Yesterday morning there was a communication laid before the Senate from the Secretary of the Interior, accompanied by a letter from the Commissioner of the General Land Office, asking that the act be so amended that the period within which settlers might make application should begin to run when the instructions were promulgated by the Commissioner of the General Land Office.

Mr. EDMUNDS. But supposing the present law about applications had not existed, is there not a general law which allows any settler to make an application for public land?

Mr. DOLPH. There were special provisions made for people who are in possession of certain lands under contract or license from the railroad company, who could not have purchased their lands under the general land laws.

Mr. EDMUNDS. And who could not purchase them now after the grants are forfeited?

Mr. DOLPH. Who could not purchase them if the period of six months expires from the date of the passage of the act before they can have an opportunity to make their applications.

Mr. EDMUNDS. Why could they not purchase them under the general law?

Mr. DOLPH. Because some of them have exhausted their rights under those laws. The act which it is proposed to amend provides for a class of people who settled upon these lands under license from the railroad companies and acquired certain rights which Congress thought it wise to protect. I ask to have the letter of the Secretary of the Interior read.

Mr. EDMUNDS. If they have exhausted their rights under the general law why should we make special further provision in their favor?

Mr. DOLPH. We went over all that, I suppose, when we passed the act for the forfeiture of the grants and agreed to a provision which was discussed here. I think there are good reasons for the law; but this is simply to allow the settlers to have the benefits which Congress determined they should have, and which they are likely to be deprived of by the dilatory action of the Secretary of the Interior and Commissioner of the General Land Office—perhaps for good reasons; perhaps they found unthought-of difficulties in issuing the instructions.

Mr. EDMUNDS. Let us hear the report of the Department.

The VICE PRESIDENT. The letters of the Secretary of the Interior and the Commissioner of the General Land Office will be read.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR, *Washington, December* 24, 1890.

SIR: I transmit herewith a copy of a letter from the Commissioner of the General Land Office, recommending, in view of the complications arising and the time that must be necessarily consumed in carrying into effect the provisions of the act of September 29, 1890, the amendment of said act so that the time fixed therein within which certain rights granted to settlers on the lands involved may be asserted shall begin to run from the actual restoration of the lands under the act, and not from the date of the passage of the act as now provided. Believing, as I do, that by such amendment the interests of those coming within the provisions of said act would be more fully protected and the ends intended by said act more surely attained, I heartily join in the recommendation of the Commissioner.

Very respectfully,

JOHN W. NOBLE, *Secretary.*

To the PRESIDENT OF THE SENATE.

DEPARTMENT OF THE INTERIOR, *Washington, December* 19, 1890.

SIR: In the matter of the forfeiture of the grants made by Congress to aid in the construction of railroads opposite to and conterminous with the portions of any such railroads not constructed and in operation on September 29, 1890, the date of the passage of the act, in relation to which I have submitted for your approval certain general instructions and made recommendation in particular cases, all of which will no doubt consume considerable time in arriving at a proper solution of the complications presented, I have to call attention to the fact that the periods limited by the act for the acquirement of rights by settlers, purchasers and others, all run from the date of the passage of the act.

In the case of settlers' rights, six months from the date of the passage of the act is the period limited by the act, and as about three months have now expired, and even were action taken at once more than six weeks more would be necessary before the lands determined upon could be actually opened to entry, it is apparent that the time that will remain of the six months after the actual restoration will be but little—perhaps a month or even less.

In some cases where the forfeiture is being resisted by the companies it would be difficult to state when the matter will be finally determined, and I have therefore to recommend, in view of the numerous complications that have arisen and the time that must necessarily be consumed in a proper consideration of the claims of all parties presented before a final conclusion in the matter can be reached, that the attention of Congress be called to the matter, and, if possible, such legislation be secured to the end that said act may be so amended that the periods fixed, within which rights granted may be asserted, shall begin to run from the actual restoration of the lands under the act and not from the date of the passage of the act.

In this way all matters presented can be fully considered and the rights intended to be given by Congress can be made available to the parties.

Very respectfully,

LEWIS A. GROFF, *Commissioner.*

The SECRETARY OF THE INTERIOR.

Mr. EDMUNDS. I should like to have the bill again read.

The VICE PRESIDENT. The bill will be again read.

Mr. DOLPH. Let it be read with the amendment proposed.

Mr. EDMUNDS. Read it as it would stand if amended as proposed by the committee.

The Chief Clerk read the bill as proposed to be amended, as follows:

Be it enacted, etc., That an act entitled "An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes," approved September 29, 1890, be, and the same is hereby, amended so that the period within which settlers, purchasers, and others under the provisions of said act may make application to purchase lands forfeited thereby when such period begins to run from the passage of the act shall begin to run from the date of the promulgation by the Commissioner of the General Land Office of the instructions to the officers of the local land offices for their direction in the disposition of said lands.

Mr. EDMUNDS. My friend from Oregon can state what is intended, but is it clear that the passage of this bill into a law will not admit any settler who was not entitled under the old law?

Mr. DOLPH. It is perfectly clear. It does not affect that provision a particle. It only affects the limitation and gives the class of settlers referred to six months from the time the instructions are promulgated.

Mr. EDMUNDS. So it will benefit nobody but the people who are entitled to benefit under the former act?

Mr. DOLPH. No one. It does not change the law a particle in that respect.

Mr. EDMUNDS. I hope that will prove to be the case.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee, which is to strike out the words at the end of the bill, "restoration of such lands to settlement and sale by order of the Secretary of the Interior," and to insert, "promulgation by the Commissioner of the General Land Office of the instructions to the officers of the local land offices for their direction in the disposition of said lands."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend an act entitled "An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes."

BILLS INTRODUCED.

Mr. GORMAN. I introduce a bill at the request of the Senator from New Jersey [Mr. MCPHERSON] who is detained from the Senate by indisposition.

The bill (S. 4828) for the relief of George M. Clapp was read twice by its title, and referred to the Committee on Claims.

Mr. INGALLS introduced a bill (S. 4829) granting a pension to Otto Kleinschmidt; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4830) granting a pension to Winfield S. Gard; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4831) correcting the military history of John McPherson; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SHERMAN introduced a bill (S. 4832) for the relief of William E. Childs; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MORRILL introduced a bill (S. 4833) to provide for beginning the construction of a military post at or near Essex Junction or Swanton Junction, Vt.; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. TELLER introduced a bill (S. 4834) restoring the pre-emption right of Stephen R. Arnold; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. ALDRICH introduced a bill (S. 4835) granting an increase of pension to Amos C. Weeden; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 4836) to provide an American register for the steamer Cauca; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 4837) to carry out certain findings of the Court of Claims and the Quartermaster General; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLATT (by request) introduced a bill (S. 4838) to compensate certain enlisted men of the Signal Corps, United States Army, for discharge from the military service and consequent loss of the benefits of long service provided by law; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. McMILLAN introduced a joint resolution (S. R. 145) to apply appropriation for lighthouse on Simmon's Reef in payment for three light-ships in lieu thereof; which was read twice by its title, and referred to the Committee on Commerce.

SEAL ISLANDS OF ALASKA.

Mr. MORGAN submitted the following resolution; which was read:

Resolved, That the Secretary of the Treasury is directed to send to the Senate copies of the reports of Special Treasury Agents A. W. Lavender and S. W. Nettleton, made in 1890, upon the condition of affairs on the seal islands of Alaska relating to the fur-seal fisheries, and copies of the reports of Capt. W. C. Coulson, commanding the revenue cutter Richard Rush, upon the cruise of that vessel in Behring Sea during the year 1890.

Mr. MORGAN. I ask for the present consideration of the resolution.

The VICE PRESIDENT. Is there objection?

Mr. ALLISON. I do not object to the resolution, but I think there was another investigation during last year. I am not sure whether that report has been received here.

Mr. MORGAN. The Senator refers to the report of Mr. Elliott?

Mr. ALLISON. Yes, sir.

Mr. MORGAN. It has not been called for, and I purposely avoided calling for it, because there are certain reasons of state why that report should not be made public at this moment.

Mr. FRYE. That report will be made directly to Congress, because Mr. Elliott was created by Congress a special agent.

Mr. MORGAN. That report is properly delayed, but the other reports referred to in the resolution are accessible.

Mr. ALLISON. I only desired to know why the report to which I have alluded was excluded, and the Senator has given a sufficient reason.

The VICE PRESIDENT. Is there objection to the present consideratnio of the resolution?

The resolution was considered by unanimous consent, and agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MARTIN, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1254) increasing the pension of Enos J. Searles;

A bill (H. R. 1257) to remove the charge of desertion against Richard Weller and authorizing his honorable discharge;

A bill (H. R. 1869) granting a pension to E. A. Hibbard;

A bill (H. R. 2138) for the relief of Mary Ann Reid;

A bill (H. R. 2822) for the relief of William Bassett;

A bill (H. R. 3967) to amend military record of James H. Gould;

A bill (H. R. 4822) granting a pension to John Gallagher;

A bill (H. R. 4964) to remove the charge of desertion now standing against Michael Keefe, deceased;

A bill (H. R. 6633) for the relief of Daniel Graff;

A bill (H. R. 6345) removing the charge of desertion against James Pierce;

A bill (H. R. 6658) for the relief of J. H. Rector;

A bill (H. R. 7146) granting a pension to Andrew J. Wallace;

A bill (H. R. 7189) granting a pension to James H. Orr;

A bill (H. R. 8162) for the relief of Thomas Crawford, of Louisville, Ky.;

A bill (H. R. 8970) for the relief of James Brown;

A bill (H. R. 9493) granting a pension to Edwin Cotton, late musician Twenty-fourth Regiment Michigan Volunteer Infantry;

A bill (H. R. 9724) granting a pension to Mary A. R. Martin;

A bill (H. R. 9779) granting a pension to Mrs. Lydia N. Atkinson;

A bill (H. R. 9819) granting a pension to Martha A. Kendrick;

A bill (H. R. 9823) for the relief of Martha F. Stebbins;

A bill (H. R. 9943) directing the Secretary of War to issue an honorable discharge to Lewis F. Morgan;

A bill (H. R. 10079) for the relief of Nancy Potter;

A bill (H. R. 10603) to pension Walker H. Fomby for service in the Indian war;

A bill (H. R. 10707) restoring Bethia White, late Bethia Pool, to the pension roll;

A bill (H. R. 10817) granting a pension to Elvira Brooks, widow of Odney D. Brooks, late assistant surgeon Twenty-sixth Michigan Volunteers;

A bill (H. R. 10895) for the relief of Richard M. A. Fenwick, late of the Mexican war;

A bill (H. R. 11080) granting a pension to Ann M. Mosher;

A bill (H. R. 11125) granting a pension to Margaret Cooney, formerly Margaret Dolan;

A bill (H. R. 11212) granting a pension to Zeruiah A. Potter;

A bill (H. R. 11329) to pension James Murphy;

A bill (H. R. 11348) to place the name of John W. Younger on the pension roll;

A bill (H. R. 11474) granting a pension to Eliza A. Philbrook;

A bill (H. R. 11606) granting a pension to Elizabeth M. Riley;

A bill (H. R. 11813) to correct the military record of Patrick Mackin;

A bill (H. R. 11896) granting a pension to Mary Buckland;

A bill (H. R. 11925) increasing the pension of William L. Horn;

A bill (H. R. 12053) granting a pension to Annie M. Kimball, widow of Alvah M. Kimball, Company H, Sixth New Hampshire Regiment Volunteers;

A bill (H. R. 12202) to place on the pension roll the name of Mrs. Caroline E. Duryee;

A bill (H. R. 12305) granting a pension to Ruth E. Furgeson;

A bill (H. R. 12312) to grant a pension to Mary C. Hoffman, widow of General William Hoffman;

A bill (H. R. 12348) granting an increase of pension to William H. Head;

A bill (H. R. 12349) granting an increase of pension to William J. Mathis;

A bill (H. R. 12383) to pension Thomas Gorham;

A bill (H. R. 12400) granting an increase of pension to Xenophon Peck;

A bill (H. R. 12413) granting increase of pension to Robert Cullen;

A bill (H. R. 12420) to pension William A. Todd;

A bill (H. R. 12432) granting a pension to Mrs. Mary Baldouf;

A bill (H. R. 12528) granting a pension to Maria M. C. Richards;

A bill (H. R. 12541) granting a pension to Elizabeth D. Foster;

A bill (H. R. 12771) granting a pension to Diana Dickey; and

A bill (H. R. 12815) granting a pension to Samantha A. Bignell.

The message also announced that the House had agreed to the report of the second committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3271) to enable the Secretary of the Interior to carry out in part the provisions of "An act to divide a portion of the reservation of the Sioux Nation of Indians, in Dakota, into separate reservations, and to secure the relinquishment of the Indian title to the remainder, and for other purposes," approved March 2, 1889, and making appropriations for the same, and for other purposes.

The message further announced that the House had passed the following bills:

A bill (S. 1724) granting a pension to Charlotte Stenger;

A bill (S. 2808) for the relief of Amos Gilbert; and

A bill (S. 4070) granting an increase of pension to Aaron H. Le Van.

The message also announced that the House had passed the following bills each with an amendment, in which it requested the concurrence of the Senate:

A bill (S. 4167) granting an increase of pension to Sarah V. Azpell;

A bill (S. 4416) granting a pension to Thomas Richardson; and

A bill (S. 4585) granting a pension to Mary B. Hascall.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice President:

A bill (S. 4476) directing the issue of a duplicate of a lost check drawn by A. W. Beard, collector of customs at the port of Boston, Mass., in favor of De Blois & Co.;

A bill (S. 4547) for the relief of the inhabitants of the town of Gallup, Bernalillo County, Territory of New Mexico;

A bill (H. R. 178) to provide for enlarging the proposed public build-

ing at Savannah, Ga., the purchase of another site, if practicable, and for the sale of the present site;

A bill (H. R. 1460) to authorize the Secretary of the Treasury to issue certain duplicate bonds to James E. Andrews, to replace same destroyed by fire; and

A bill (H. R. 7630) to increase the limit of cost of the public building at Charleston, S. C.

THE BLUFORD WEST SALINE.

Mr. VOORHEES. I ask that House bill 8947 be taken up for present consideration.

The VICE PRESIDENT. The bill will be stated.

The CHIEF CLERK. A bill (H. R. 8947) to pay the administratrix of the estate of Bluford West, deceased, for the Bluford West Saline, in Cherokee Nation.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It appropriates $12,000, together with interest thereon at 5 per cent. per annum from the 1st day of January, 1844, to be immediately available, in satisfaction of all demands by the estate of Bluford West, deceased, against the Cherokee Nation, for compensation or damages arising from the dispossession of Bluford West by the Cherokee Nation of the property known as the Bluford West Saline, situated in the Indian Territory, and charges that amount with the interest thereon against the Cherokee Nation on account of its lands west of the Arkansas River, to be a lien on the lands and deducted from any payment hereafter made on account thereof.

Mr. ALLISON. Mr. President, I do not object to the consideration of this bill, but I should be glad to have some Senator in charge of it explain why it is that we are called upon to pay 5 per cent. interest upon this claim since 1844.

Mr. VOORHEES. Mr. President, the best answer to that, I presume, is to call for the reading of the report. There is a very elaborate report made by the House Committee on Indian Affairs and adopted by the Senate committee. The committee of the House was unanimous upon this question and also the committee of the Senate. They have fully considered the question, and the best answer that I can make will be to ask for the reading of the report. I had hoped not to be under the necessity of doing so, for it is a lengthy and elaborate report, but it arises out of the case and is a necessary part of it if we desire to do justice on this subject.

If the Senator from Iowa insists upon it, of course I shall ask that the report be read; but I belong to that class of people who believe that when a committee of gentlemen of either branch of Congress thoroughly investigate a case and reach a conclusion, after going over all the facts, there is great weight to be attached to such a finding. I would be a poor hand to exercise the veto power. If such a calamity should befall the country as that I should become Chief Executive, I can assure the country in advance that where a measure had had the careful consideration of a committee of this body and then the sanction of this body, the consideration of a committee of the other House and the unanimous finding of that committee, and likewise the sanction of a vote of the other House, I should feel bound to think that a correct conclusion had been reached. That is the case here. This is a House bill which has passed the House after a unanimous and full report of its committee, and which came here and has had the same favorable action in the Committee on Indian Affairs.

The interest arising is because of the equity of the claim commencing at that date. That is the only answer I can give. I hope it satisfies the Senator, because the report is a long one.

The VICE PRESIDENT. Does the Senator from Indiana ask to have the report read?

Mr. VOORHEES. I will not ask to have it read if the Senator from Iowa is satisfied, but will let the consideration of the bill proceed.

Mr. ALLISON. I understand that this bill came from the Committee on Indian Affairs, which is presided over by my honorable friend sitting at my left [Mr. DAWES], who has had great experience in these matters. I somewhat sympathize with the views entertained by the Senator from Indiana that after a committee has made careful examination of a case it should be at least *prima facie* evidence in favor of the justice of that case, although I have never yet absolutely condemned any one who asked a question about a bill even after a committee has reported it favorably.

Mr. VOORHEES. Nor do I.

Mr. COCKRELL. I have not had the opportunity of investigating this claim. It is an old matter which has been in controversy for years, and the Committee on Indian Affairs has submitted a voluminous report upon it. In addition to that, there are many other documents bearing upon the question. I hold in my hand a memorial of the Cherokee Nation, signed by John L. Adair and D. W. Bushyhead, delegates, also an act passed by the council of the Cherokee Nation in 1873, and also a letter or memorial addressed to Hon. H. L. DAWES, chairman of the Senate Committee on Indian Affairs, in which, I understand, they protest against favorable action upon this bill. As a matter of justice and right and fair dealing with this nation, which has no representative here, I ask that these documents may be read. I have not had the time to read them myself.

The VICE PRESIDENT. The papers will be read.

The Secretary read as follows:

MEMORIAL OF THE CHEROKEE NATION.

To the Senate of the United States:

The Cherokee Nation, by John L. Adair and D. W. Bushyhead, its accredited delegates, respectfully but earnestly protest against the passage of House bill 8947, entitled "An act to pay the administratrix of the estate of Bluford West, deceased, for the Bluford West Saline, in Cherokee Nation."

The bill proposes to take from the funds of the Cherokee Nation the sum of $12,000, together with interest at 5 per cent. from January, 1844, which would aggregate upwards of $40,000, and to pay it over to the estate of Bluford West, or rather to the speculators on Bluford West's estate, for a saline in the Cherokee Nation.

Under the constitution and the laws of the Cherokee Nation no title ever vested in Mr. West with respect to this claim. He, as a member of the nation, made certain improvements upon it unauthorizedly, and his rights were simply such as the nation chose to accord to him.

In 1843 the nation took possession of all the salines in its domain, and was at that time at liberty to dispossess any person, a member of the nation, but instead of exercising the sovereign right it has provided for the payment to any of the members of the tribe for any improvements which had theretofore been made by them.

Under the provisions of this act and the provisions of the seventh article of the treaty of 1846 a commission was appointed by the United States and the Cherokee Nation, consisting of Hon. John Q. Tufts, United States Indian agent, on the part of the United States, and Mr. D. W. C. Duncan, commissioner on the part of the Cherokee Nation, who proceeded under the provisions of the seventh article of the treaty of 1846 to appraise and value the improvements upon this saline claim. Messrs. Tufts and Duncan, in March, 1883, after a full examination and after full notice to all parties interested, and after taking the voluminous testimony produced by both sides, which testimony is now on file in the office of the Commissioner of Indian Affairs, decided that the payment of $12,000 to Nancy Markham, the administratrix and widow of the late Bluford West, under the act of the Cherokee Nation Council of 1873, was a full compromise and settlement of all claims against the Cherokee Nation on account of that saline, and that there was nothing due on account thereof.

This report and findings were transmitted by United States Indian Agent Tufts July 16, 1883, together with the evidence taken before the commission, and that report, under date of July 30, 1883, was transmitted by the Commissioner of Indian Affairs to the Secretary of the Interior, with the recommendation that the same be approved under the provisions of the treaty of 1846. Under date of August 29, 1883, the Secretary of the Interior, then the Hon. Henry M. Teller, approved the findings of the commission, and thereby finally and forever settled the claim.

Not content with this adjudication under the terms of the treaty of 1846, in January, 1884, an application was made to have the case reopened by counsel for the claimant. An opportunity was offered by the Secretary of the Interior, who, under date of January 21, 1884, returned the papers to the Commissioner of Indian Affairs. He listened to the application, and after having considered the same, and all the papers submitted in support thereof, under date of March 6, 1884, submitted all the papers to the Secretary of the Interior for his decision as to whether the case should be reopened. After reviewing the previous decision of August, 1883, the Secretary, in his decision of September 16, 1884, says:

"Nothing in the additional proofs and papers filed and arguments made is found to justify the Department in reconsidering its former decision so far as the interest or claims of Mrs. Nancy Markham, administratrix, is concerned."

Thus rested the claim until the 26th of April, 1886, when a new Secretary of the Interior was invited to review and reconsider the previous decision of Mr. Secretary Teller, and that the claimant should have every opportunity to present anything to overcome the previous decision. Mr. Secretary Lamar permitted the claimant to be heard by her attorneys and counsel, and after protracted consideration of the arguments and evidence adduced, concludes "that no good and sufficient reason has been shown for disturbing the decision on the claim of August, 1883, reaffirmed by the decision of September, 1884. On the other hand, it is made more clearly to appear that the action already taken on the case was wise and just."

The Cherokee Nation representatives submit that after it has fully paid and discharged the claim of one of its citizens, which claim grew out alone of an act of grace on the part of the nation, and after the same had been adjusted in accordance with the terms of the treaty of 1846, the United States ought not, in violation of the provisions of the seventh article of that treaty and after its officer has acted in accordance therewith, arbitrarily to seize the funds of the Cherokee Nation and apply them in direct conflict with the obligations and engagements of the several treaties between the Cherokee Nation and the United States.

The foundation upon which this claim is sought to rest grows out of a report of a captain of infantry in the year 1843, prior to the treaty of 1846, and before the United States had ever assumed to adjust or had been authorized to adjust any differences between the Cherokee Nation and its own citizens. The nation was not represented before this military officer, who assumed to value this property, nor was that appraisement considered as in any way binding by either the United States or the Cherokee Nation when they came to negotiate the treaty of 1846.

This case then stands in this attitude: By the terms of the treaty of 1846 a commission has been appointed jointly by the United States and Cherokee Nation to adjust the saline claims of members of the Cherokee Nation. That commission has adjusted the claim of Bluford West's estate, and in accordance with the award of that commission the Cherokee Nation has paid to his administratrix the sum so adjusted.

The Cherokee Nation submits that, obligations having been fulfilled on the part of the United States and the Cherokee Nation with respect to this claim, the United States ought not, and can not in justice or fair dealing, arbitrarily attempt to pay out of the funds of the nation, which it holds as the nation's trustee, a sum of money to one of the citizens of the nation to which neither in law, equity, nor justice such citizen is entitled.

The Cherokee Nation, therefore, earnestly requests the Senate of the United States to indefinitely postpone House bill 8947 and to refuse any relief in that behalf.

Respectfully submitted.

JOHN L. ADAIR,
D. W. BUSHYHEAD,
Delegates.

AN ACT for the benefit of Nancy Marcum.

Be it enacted by the national council, That the sum of $5,000 be, and the same is hereby, appropriated out of the "$150,000 fund," set apart by the treaty of 1866, for the payment of the outstanding debts of the nation previous to said treaty, and the principal chief is hereby authorized to draw a warrant on the Secretary of the Interior for the same for the benefit of Nancy Marcum.

Be it further enacted, That the sum of $7,000 is hereby appropriated out of the first moneys received from sales of land west of the Arkansas River; and the delegation appointed to visit Washington City, and represent the Cherokee Na-

tion before the Government of the United States, are hereby authorized and instructed to negotiate with the Secretary of the Interior for the payment of the same to Nancy Marcum or her legal representatives.

December 4, 1873.

WILLIAM WILSON,
President of the Senate.
L. B. BELL,
Clerk of the Senate.

Concurred in—

DANIEL REDBIRD,
Speaker pro tempore Council.
GEO. O. SANDERS,
Clerk Council.

Approved December 6.

WILL P. ROSS.

WASHINGTON, D. C., *May* 10, 1890.

SIR: On April 2, 1890, the House Committee on Indian Affairs reported H. R. 8947 as a substitute for H. R 5713. The bill provides for the appropriation of $12,000, with interest thereon at 5 per cent. per annum from January 1, 1844, out of the United States Treasury in satisfaction of all demands by the estate of Bluford West, deceased, against the Cherokee Nation, arising from the dispossession of the said West by the Cherokee Nation of the property known as the Bluford West Saline, and said amount, with the interest thereon, is made a charge against the lands of the Cherokee Nation lying west of the Arkansas River, to be deducted from any payment hereafter made on account of said lands. This measure passed the House on the 5th instant.

The seventh article of the treaty with the Cherokees, of August 6, 1846, provides that—

"The value of all salines which were the property of individuals of the Western Cherokees, and of which they were dispossessed, provided there be any such, shall be ascertained by the United States agent and a commission to be appointed by the Cherokee authorities, and should they be unable to agree, they shall select an umpire, whose decision shall be final; and the several amounts due shall be paid by the Cherokee Nation or the salines returned to their respective owners." (9 Statutes, 874).

We desire to invite your attention to the report of the House committee (No. 1205) from which you will observe that no reference is made to any proceeding had under the seventh article of the treaty of 1846, the committee basing its conclusions upon an unauthorized and illegal appraisement made by certain army officers in the year 1845, and anterior to the date of the treaty. The committee says (page 4):

"Your committee have carefully examined all the papers and records to be had in the case, and have heard the delegates of the Cherokee Nation in behalf of the nation."

And further on (page 5):

"And if what your committee has recited was not all the evidence in the case, we could find nothing else."

Now, we desire to say that there is on file in the Indian Bureau a voluminous number of papers and amount of correspondence, which was not brought to the attention of or considered by the committee, copies of which papers were furnished the Senate committee in June, 1886, in connection with Senate bill 2048. It is learned on informal inquiry that the House committee did not refer this measure to the Secretary of the Interior for a statement of the facts and his recommendation. We do not desire to criticise the committee, but simply wish to show that it was misled, and labored under a great misapprehension of the facts and law of the case.

Now, we beg to call your attention to the facts in the case which has been pending before the Interior Department for many years, and with a view to as much brevity as possible we will not go back further than the year 1882.

On August 11 of that year the Commissioner of Indian Affairs reported all the facts in the case to the Secretary of the Interior, from which it appears that, while various efforts were made to carry out the provisions of article 7 of the treaty of 1846, no definite and final action had been taken in the matter up to that time, other than an act passed by the Cherokee council in 1873, appropriating $12,000 to pay Nancy Markham, the widow of Bluford West, deceased, and the administratrix of his estate, for this saline.

The Secretary of the Interior, in his reply dated November 27, 1882, says:

"It appears that Bluford West commenced digging a salt well about 1832, and made certain improvements and expenditures thereon.

"The laws of the nation declare all salines within its territories to be the common property of the nation, but provided in 1833 that 'nothing contained in this clause shall be so construed as to deprive individuals of their rights when they have obtained such by their own labor.' (Constitution and Laws of the Cherokee Nation 1839-'41, page 58.)

"By the terms of this law and a subsequent act of October 30, 1843 (page 84), more stringent in its terms, Bluford West was compelled to abandon his improvements.

"Under a commission appointed by the Secretary of War in October, 1844, to investigate and report upon the causes of troubles among the Cherokees, an examination and valuation of the saline of Bluford West were made. This examination showed that his saline was not a national one, but was made valuable by labor and expenditure of money.

"After setting out freely the facts, the examiners state that 'our estimate of the value of his improvements on the farm and the actual expenditure on the well would be $9,425, and if the value which we consider has been given the saline by Mr. West's labor, and without this it had no value, be added, which we have put down at $10,000, our valuation, including everything, will amount to $19,425.'

"In order to bring about amicable relations between the contending factions within the nation, and for other purposes, a treaty was made by the United States with the Cherokees in 1846, by the seventh article of which (9 Stats., 874) it was provided 'that the value of all salines which were the private property of individuals of the Western Cherokees, and of which they were dispossessed, provided there be any such, shall be ascertained by the United States agent and a commissioner to be appointed by the Cherokee authorities; and should they be unable to agree they shall select an umpire, whose decision shall be final, and the several amounts found due shall be paid by the Cherokee Nation or the salines returned to their respective owners.'

"Several unsuccessful efforts were made to have the Cherokee authorities appoint a commissioner to act with the United States agent in the matter as required by the treaty.

"Mrs. Markham, formerly Mrs. West, made frequent applications to the Cherokee Council for the payment of her claim, and in 1873 succeeded in receiving an appropriation of $12,000 for her benefit.

"This appropriation, she claims, was for the improvements on her home adjoining, but not connected with the saline claim. She files some testimony to that effect, while the Cherokee authorities declare that it was understood by the Cherokee Council and accepted by Mrs. Markham as a settlement of all claims on her part in reference to the West saline, although the representative title 'administratrix' did not appear in the law in connection with her name.

"The records of the nation regarding the claim prior to the war were reported as lost beyond recovery and those since the war as lost or mislaid.

"The record of fact in the case does not sufficiently indicate whether the $12,000 appropriation was made to cover the West saline claim, and not a claim for improvements adjoining, but not connected with the saline.

"No law, contract, or regulation is pointed out showing any obligation on the part of the Cherokee Nation to pay for any improvements other than those connected and upon the saline claim.

"However, the treaty provided specifically how the values of these claims for salines should be ascertained and settled. This treaty provision, enacted into law, has not been complied with; its nonfulfillment is entirely due to the neglect of the Cherokee authorities to appoint a commissioner to act with the United States agent in fixing the value of the saline.

"The Cherokee Nation should follow the treaty. The action of its authorities in making a payment to the claimant in the manner reported, even if it was intended as a settlement of her claim for the saline improvements, can not be accepted as a compliance with the treaty, nor as a sufficient defense for its refusal or neglect to comply therewith.

"The United States and the Cherokee Nation are alike bound by the treaty, and if the claimant refuses to accept such payment in full satisfaction of the claim, to see to its fulfillment, for the protection of those interests is especially involved in the provision thereof. Any alleged settlement of the claim in other manner than as provided by the treaty, however ample may have been the sum paid, can not be recognized as a legal settlement of the matter in dispute.

"The agent should be instructed to advise the proper authorities of the Cherokee Nation that he is ready to proceed under the provisions of the treaty to value the saline claimed by Mrs. Nancy Markham, administratrix of Bluford West, deceased, and to request the nation to appoint a commissioner to act with him as required by the treaty in the matter.

"The commission thus constituted should consider not only the question of the value of the saline, but also the question involved respecting the actual dispossession of the claimant, and the payment of the $12,000 made by the nation to Mrs. Markham, and report in accordance with the facts what sum, if any, is still properly due under the treaty."

It will be observed that the Secretary ignored the appraisement made by certain army officers in 1845, treating it as having no binding force or validity, and directed that proceedings be had under the provisions of the treaty to determine the matter in controversy. Accordingly the Commissioner of Indian Affairs, under date of November 29, 1882, instructed John Q. Tufts, United States Indian agent, to notify the Cherokee authorities that he was ready to proceed under the provisions of the treaty. Due and proper notice having been given, the Cherokee authorities appointed D. W. C. Duncan, esq., a commissioner to act with Agent Tufts, and March 26, 1883, was agreed upon as the time the investigation should commence. Notice was given and full opportunity afforded all parties in interest to present evidence and testimony and be heard.

Under date of July 16, 1883, Agent Tufts transmitted to the Indian Office the evidence taken, which is very voluminous, and report and findings of the commission. The commission decided that the value of the saline was $15,000; that the settlement and payment of $12,000 to Nancy Markham, as the administratrix of the estate of Bluford West, under the act of the Cherokee council in 1873, was a compromise of all claims against the Cherokee Nation on account of said saline, and that there is nothing due to Mrs. Markham on account thereof.

Under date of July 30, 1883, the Commissioner of Indian Affairs submitted the matter to the Secretary of the Interior with the recommendation "that the findings of the commission relative to the claim of Mrs. Nancy Markham, administratrix of Bluford West, deceased, be approved."

Under date of August 29, 1883, the Secretary of the Interior approved the findings of the commission and the Commissioner of Indian Affairs so notified Agent Tufts, under date of September 15, 1883.

In a communication dated January 15, 1884, J. M. Bryan, for reasons stated therein, applied to the Secretary to have the case reopened. This paper having been referred to the Commissioner of Indian Affairs, it was returned by him to the Secretary with a letter dated January 19, 1884, with the remark that he saw no objection to granting the request of Mr. Bryan, due notice being given to the parties in interest. That letter was returned by the Secretary under date of January 21, 1884, with the following indorsement, namely:

"Respectfully returned to the Commissioner of Indian Affairs. The other parties to the case should be notified of the application for a reopening of the case and given an opportunity to be heard in writing on that part of the question, with the privilege of inspecting the papers upon which the application is based. When this is done and all additional papers and statements are submitted to this Department, the question of reopening the case will be considered."

Due notice having been given to the several parties in interest and they having filed such statements as they desired, the Commissioner of Indian Affairs, under date of March 6, 1884, submitted all the papers to the Secretary of the Interior for his decision as to whether the case should be reopened. In letter to the Commissioner of Indian Affairs, dated September 16, 1884, the Secretary of the Interior, after carefully reviewing the case, says:

"Nothing in the additional proofs and papers filed and arguments made is found to justify the Department in reconsidering that decision (August 29, 1883), so far as the interest or claims of Mrs. Nancy Markham, administratrix, is concerned."

The matter thus rested until April 22, 1886, on which day the Secretary of the Interior directed that the papers be informally forwarded to him for consideration; which was done.

The papers were again returned to the Indian Office by the Secretary with his letter of April 26, 1886, in which he carefully and at length reviews the facts and history of the case, and says:

"These facts all indicating that Mr. Secretary Teller had so far reopened the case as to hear arguments thereon, have constrained the Department to hold the case as open to further considerations and to afford the parties in interest an opportunity to proceed therewith, to produce additional evidence, and to be heard by attorneys and counsel in oral arguments thereon. No new evidence has been presented since the decision of September 16, 1884.

"The hearing took place on the 22d and 23d instants, and all the matters stated in arguments by the attorneys and counsel have been carefully considered; and the conclusion reached is that no good and sufficient reason has been shown for disturbing the decision on the claim of August 29, 1883, reaffirmed by decision on September 16, 1884. On the other hand it is made more clearly to appear that the action already had on the case was wise and just."

It will be observed from the foregoing that this matter has been adjudicated and settled as required by the treaty; and, though the case has been twice reopened, the findings of the commission, and the approval thereof by the Secretary, August 29, 1883, have never been disturbed.

We suggest that if the House committee had been in possession of the facts and had not been misled in the belief that all the papers had been presented for consideration an adverse report would have been made on the measure by the committee.

In conclusion we beg to submit:

First. That the appraisement made by certain army officers in the year 1845 was unauthorized and illegal, and, as decided by the Secretary of the Interior, is not entitled to any consideration whatever. Such action was anterior to the date of the treaty specifying how these claims should be adjudicated and settled, and entirely outside of any law or treaty provision.

Second. That this claim has been adjudicated and settled in strict conformity with the provisions of article 7 of the treaty of 1846.

Third. That the Congress of the United States has no constitutional power to legislate on this matter and enact a law that will disturb proceedings had under treaty stipulations.

We therefore pray that your honorable committee will refer this matter to the Secretary of the Interior for a report of the facts in the case and his recommendation, and further pray that an adverse report be made on House bill 8947, entitled "A bill to pay the administratrix of the estate of Bluford West, deceased, for the Bluford West Saline, in Cherokee Nation."

Very respectfully,

JOHN L. ADAIR,
D. W. BUSHYHEAD,
Cherokee Delegates.

Hon. H. L. DAWES,
Chairman Senate Committee on Indian Affairs.

Mr. VOORHEES. I now ask that the report made by the Committee on Indian Affairs be read, so that it may go in the RECORD with these papers.

Mr. SHERMAN. That is a voluminous report, I understand.

Mr. EDMUNDS. As I have just had handed me, and my friend next me [Mr. PLATT] has it, the argument on the other side, and which is not in print, I suggest that both be printed and that the matter go over until Monday, and then we shall all be able to read it ourselves.

Mr. VOORHEES. Very well.

Mr. EDMUNDS. I think we shall then understand it much better.

Mr. VOORHEES. Does the Senator from Vermont suggest that the report of the Committee on Indian Affairs be printed in the RECORD with the papers just read?

Mr. EDMUNDS. We do not print reports of committees in the RECORD unless they are read. What I suggest is that these two arguments, one of which has just been read against the claim and the other now proposed to be read, as it ought to be, of course, in fairness, be printed.

Mr. PLATT. That is the committee report.

Mr. EDMUNDS. No; I thought it was the argument of Mr. Bryan that the Senator asked to have read.

Mr. VOORHEES. The argument of Mr. John L. Adair and Mr. D. W. Bushyhead, a couple of attorneys of the Cherokee Nation, has been read, and I ask now that the reading may be had of the report of the Committee on Indian Affairs, which unanimously recommended the passage of this bill. I ask that that be proceeded with. I think that is a better way, because the reading of these papers puts them in the RECORD; and, having been read here, it is due to a committee, I think, of this body, as well as a committee of the other House, and the action of the other House itself, that the report, which is ample and conclusive, should be read to accompany these proceedings.

Mr. EDMUNDS. I do not object, if the Senator desires it, to have the report of the committee printed in the RECORD next to the argument which has just been read, though I do not see the use of it, as the report of the committee is already in print. My point is that the communication or the argument, which has just been read, of the Cherokee Nation ought to be printed—I do not say in the RECORD, because it is no good printed in the RECORD for anybody to read, as it is in such fine print, but printed as a document, so as to be on our tables on Monday morning.

Mr. VOORHEES. My suggestion is that the argument which has been read goes into the RECORD of necessity, in consequence of its having been read at the Clerk's desk as a part of the proceedings.

Mr. EDMUNDS. I suppose it does, but my point is that the RECORD print, instead of the ordinary document print of reports and other documents on our tables, is an entirely inconvenient print to read and understand the case on account of the closeness of the form and the smallness of the type.

Mr. VOORHEES. I feel that I ought to insist, when the brief of a couple of lawyers has been read and will be placed in the CONGRESSIONAL RECORD, that the report of the Committee on Indian Affairs of this body should be there also.

Mr. EDMUNDS. To that I do not object. My point is that the matter go over until Monday, and meantime this argument of the Cherokee Nation in opposition be printed as a document, so that it will be in large type on our desks in a way that we can understand it.

Mr. VOORHEES. Do what you please with that, but I shall ask that the report of the committee be read now or else that an agreement be made by which it shall be printed in the RECORD.

Mr. EDMUNDS. I do not object to its being printed in the RECORD.

Mr. VOORHEES. Very well, let that order be made, and then the matter may go over until Monday.

The VICE PRESIDENT. That order will be made in the absence of objection. The Chair hears none. The report of the committee will be printed in the RECORD, and the bill will go over.

The report of the Committee on Indian Affairs, submitted by Mr. DANIEL June 21, 1890, is as follows:

Your committee, to whom was referred H. R. 8947, for the relief of the estate of Bluford West, deceased, have carefully considered the same and respectfully report the bill with the recommendation that it do pass.

This bill passed the House of Representatives on the 5th of May, 1890, and, having been the subject of careful examination by the House Committee on Indian Affairs, we avail ourselves of the report of that committee as a clear history and explanation of the case, and your committee, adopting said report, beg leave to incorporate it as a part of their own. It is appended hereto.

[House Report No. 1205; Fifty-first Congress, first session.]

Mr. PEEL, from the Committee on Indian Affairs, submitted the following report (to accompany H. R. 8947):

Your committee, to whom was referred the bill (H. R. 5713) for the relief of the estate of Bluford West, deceased, having had the same under consideration, beg leave to submit the following report:

This is a claim against the Cherokee Nation for valuable saline (salt works) belonging to the deceased in his lifetime, and which was appropriated to the use of the Cherokee Nation by act of the Cherokee council in 1843. For a perfect understanding of this claim it is well to say that in an early day about one-third of the Cherokee people then residing east of the Mississippi River emigrated to the west and settled in the then Territory of Arkansas.

In 1828 this branch of the Cherokees entered into a treaty with the United States in which they relinquished their home in Arkansas and accepted an undivided interest with their brethren (who were still east) to what is now the Cherokee country, where they now live; in other words, the Cherokee country by the treaty of 1828 was given to all the Cherokees both east and west jointly. Those that came first were and are yet called "Old Settlers or Western Cherokees," of which Bluford West was one, and being well advanced in civilization, and being ambitious and energetic, he made large and valuable improvements on saline or salt wells in the Cherokee country. In the mean time the remainder of the Cherokees sold their possessions east of the Mississippi River and joined their kindred in the Cherokee Nation, where they have remained ever since.

This last lot were called the Eastern Cherokees, and, being much more numerous, soon took control of the Cherokee government. Bluford West, the claimant, being an Old Settler, or Western Cherokee, was in the minority, but had bestowed a large amount of labor and money in developing this valuable salt mine, and was in a fair way to amass a large fortune out of this property, when in 1843 the Cherokee council passed an act declaring all salines in their nation to be the common property of all, and ordered that the nation take possession of them, have them valued, and paid for. Upon that authority Bluford West, with others, was dispossessed and deprived of his entire estate in this valuable saline. West, doubtless feeling that great injustice had been done him, came at once to Washington and laid his grievances before the Government, and whilst here sickened and died, but in response to his complaint General R. Jones, United States Army, issued the following order:

FORT GIBSON, *January* 8, 1845.

SIR: You will repair, without unnecessary delay, to the two salines formerly occupied by Capt. John Rogers and Bluford West, for the purpose of making such examination of the premises as may enable you to estimate and report to the commissioners the value of the improvements at each saline, about the time that they were dispossessed of the premises in 1844, under the provisions of the Cherokee laws relative to the reservation of salines as national property. You will please to make your report so as to make your estimate of valuation under separate heads, as follows:

I. Improvements of the farm, as—
1. Dwellinghouse and outhouses.
2. Clearing wood land.
3. Fencing of fields.
4. Breaking up prairie land.
5. Digging and walling fresh-water wells.

II. Improvements and materials necessary for erecting and carrying on salt-works, as—
1. Troughs or cisterns for holding water.
2. Digging and walling the furnaces.
3. Sheds over furnaces.
4. The salt kettles.
5. Wagons, etc.
6. Necessary buildings attached to the salt establishments.
7. The digging and boring for water, if not a natural saline.
8. Pipes for conveying the same.

Take special care to ascertain whether either saline reservation be natural or artificial, and, if the latter, whether without the obtaining of water by the process of boring by private enterprise (late occupants) the saline could in equity have been claimed as a natural reservation under the Cherokee laws.

You will also please to report whether Mr. West's premises have been taken possession of by the Cherokee authorities or whether they be still occupied by himself or his family, and, if so, ascertain the reason.

Please let your report be submitted with as little delay as possible.

I think it expedient a second officer should accompany you, and have accordingly directed Lieutenant Kirkham to report to you.

I am, sir, very respectfully, your obedient servant,

R. JONES, U. S. A., *Commissioner.*

Capt. N. BOONE, *First Dragoons.*

Captain Boone, of the First Dragoons, being prevented by sudden sickness from proceeding to execute the above instructions, Capt. S. Woods, Sixth Infantry, was substituted. For his very satisfactory report see Appendix U, paper No. 5, relative to salines.

(See pages 75 and 76, Report Secretary of War, and Appendix U, paper No. 5, relative to salines, volume 8, Senate Documents, second session, Twenty-eighth Congress.)

In obedience to said order Captain Woods and Lieutenant Kirkham, of the Army, submitted the following report:

FORT GIBSON, *January* 13, 1845.

GENERAL: In obedience to instructions received from you, dated Fort Gibson, January 8, 1845, Lieutenant Kirkham and myself proceeded to the salines formerly occupied by Messrs. Bluford West and John Rogers, and made the examinations and valuations of improvements required by our instructions; the result of which is submitted to you and is as follows, namely:

Mr. West's improvements.

1. One dwellinghouse a story and half high, built of hewn logs; two good-sized rooms with a passage between them; porches in front and rear; one room handsomely ceiled, and the whole house well finished. Considering the cost of lumber and building materials in that part of the country and the price of labor, we think the cost of this house has been about	$2,000
2. One dining room and kitchen adjoining, both good, hewn-log buildings, valued at	500
3. Smokehouse, roothouse, negro house, a large log building, built for poultry, the whole valued at	200
4. A spring about 200 yards from the house, with slight improvements, valued at	25
5. A well 30 feet deep. (They stopped digging before they reached water, in consequence of the law of 1843.) This was valued at	50
6. One cornhouse; stable 80 feet in length, with several divisions in it; a small stable and stable yard, troughs, etc., valued at	300
7. Eighty-seven acres of prairie land, the breaking and fencing of which, from the information we obtained, we considered worth $5 per acre, the whole amounting to	435
8. Thirty-five acres of cleared woodland, fencing, etc., at $10 per acre	350
9. Yard about the dwellinghouse, potato patch, garden, grass plat, etc., about 9 acres in all cleared land, valued at	100
10. Fruit trees, 200 in number, 37½ cents each	75
The total of the valuation of the improvements on the farm amounts to	4,125

IMPROVEMENTS ON THE SALINE.

1. The shed for the furnace is 90 feet in length. The trough or cistern is 64 feet in length, 4½ feet in diameter. It was a solid log hollowed out. This trough supplied fifty-two kettles with water. There was considable excavation and walling required for the adjustment of the furnace. A salthouse stands adjoining the shed, the whole of which was valued at $300.

2. Eight hundred feet of pipes for conveying water, valued at $200.

3. Close to the well there are two buildings that are intended for the residences of workmen, with the outhouses about them; a blacksmith's shop; a building that was used as a salthouse; a large shed, the whole valued at $250.

4. The well is dug 125 feet deep, 10 feet from the top through gravel, and the remaining 115 feet was made by boring through solid rock. The first 10 feet of the well is 10 feet square, walled up with logs, and then a frame set in, leaving a space between it and the logs filled up with dirt. The boring through the rock was 2½ inches in diameter.

Some of the workmen are now there. The blacksmith says they were employed the greater part of two years in completing it, with generally four hands employed to work at the well and a blacksmith to keep the augers and boring apparatus in repair. When they struck the vein of water that supplies the well, a pipe was fitted tightly in the rock, extending above the level of the ground around the well 15 feet, a point to which the water rises and issues in a jet of an inch in diameter.

Mrs. West and many gentlemen of whom we made inquiry, say that Mr. West has frequently declared, in their presence, that his expenditures on these salt-works were at least $6,000.

Everything about the well and furnace is in a decayed condition, from being left unoccupied and no care being taken of them, no doubt in consequence of the law preventing Mr. West from continuing the manufacture of salt.

The well itself is in a good condition; the pipes are also good—many of them thrown out of place. Everything shows that the works were once complete and in full operation.

In 1841 Mr. West sold the kettles that had been in use, in consequence of an engagement for a partnership between himself and Mr. David Vann in carrying on the salt works. Mr. Vann had gone to the East to purchase new material, and this Mr. West was expecting. Mr. Vann, however, changed his mind, and refused to engage in the business with Mr. West, and did not purchase the kettles. Mr. West then made arrangements to purchase the kettles and continue the work himself, when the law was passed, in 1843, prohibiting private individuals from working salt works that were made by law the property of the nation, this saline being one.

We think it would be fair to estimate the labor, money expended, and what Mr. West has been deprived of in not working this saline, at $5,000.

We have examined the grounds about this well, and see nothing to induce the belief that this saline would have been of any value but for the improvements that Mr. West has made. There is nothing that would have shown it a saline, but a "lick," which was probably a resort for numerous herds of cattle, which, to an almost equal extent, is found in many other parts of the country. Mr. West's labor and enterprise have made valuable what before was of no value. When he first commenced he dug four wells to a depth of 10 feet and struck the rock; he succeeded in getting some water, but not sufficient to justify much expenditure; but patient, persevering industry developed a valuable spring that we do not think the nation had any right to appropriate, and that in taking it away from Mr. West he should be allowed for it what it is worth, without regard to cost.

The percentage of salt in this water is not known, nor have we any means of estimating it; but we have been informed how it compares with the water of other salines. The water at the Union Mission is considered superior, but the water at the Grand Saline, occupied by Mr. Lewis Ross, inferior.

Mr. Ross gives a rent for the Grand Saline of $1,600 per year for ten years. Many persons have told us that Mr. West's saline would have rented for the same had it been in the market. We therefore think that in dispossessing him of the benefits of his own labor he should be allowed $15,000 for his claim on this saline. We had reported to us that Mr. West had cut for his furnace 900 cords of wood that had rotted and been of no service to him; this we did not examine, as it was spread about over the country, and we thought we could safely allow him for 600 cords; this, at 50 cents a cord, what it cost, would be $300.

Our estimate of the value of his improvements on the farm and the actual expenditure on the well would be $9,425; and if the value which we consider has been given to the saline by Mr. West's labor—and without this it had no value—be added, which we have put down at $10,000, our valuation, including everything, will amount to $19,425.

We found Mr. West's family occupying the improvements on the place, but seemed to be under the constant expectation of being removed under the provisions of the law of 1843. The agent for the nation appointed to value the improvements on salines went to this place in 1844 to make a valuation, in order to remunerate the owner, take possession, and lease the saline, but neither valued, took possession, nor leased the saline. We are told that he gave as a reason why he did not that the improvements were too valuable to be paid for by the Cherokee Nation, and this we have had from too many and too good authority to doubt. This saline has a good body of land immediately around it and a great abundance of wood, and is within 1½ miles of Grand River.

Respectfully submitted.

S. WOODS, *Captain, Sixth Infantry.*

General R. JONES,
Commissioner, Fort Gibson, Cherokee Country.

(See pp. 107–109, Report of Secretary of War, Senate document, vol. 8, second session, Twenty-eighth Congress.)

From the foregoing it will be seen that General Jones ordered the improvements of the farm to be appraised first and separately from the saline. From the report it will be seen that Captain Wood and Lieutenant Kirkham did appraise the improvements on the farm first and separately from the saline proper; that they appraised the improvements on the farm at $4,125. And it will also be seen that said army officers appraised the saline proper, with its appurtenances, at $15,300, aggregating $19,425.

At this time, or soon thereafter, there was great disturbance amongst these people, growing out of demands that both factions, *i. e.*, the "Old Settlers," or Western Cherokees, and the Eastern Cherokees, had against the Government, and conflicting demands and interest between themselves. So great was this disturbance that many lives were lost and much property destroyed. In order to quiet these people and to settle these various and conflicting interests the treaty of 1846, which treaty is a memorable one in the history of these people, was called. Amongst other things, the seventh article provides that all salines, the private property of individual Western Cherokees, of which they had been dispossessed, should be returned or paid for by the Cherokee Nation. (See 9 Stat. L., 874.)

Your committee have carefully examined all the papers and records to be had in the case, and have heard the delegates of the Cherokee Nation in behalf of the nation, and there is no claim or pretense on their part that the saline property or any part thereof was ever returned to either Bluford West in his lifetime or to his legal representatives since his death, and all the payment we find was made to Nancy Markham, the widow of the said West, deceased, amounting to $12,000, for her home improvements adjoining the West saline. Under the laws of the Cherokee Nation, upon the death of the husband, the widow, if any survives, succeeds to the home improvements. Nancy Markham, formerly Nancy West, as the widow of Bluford West, deceased, was entitled to recover from the Cherokee Nation pay therefor, which it seems she collected.

The delegates seem to think that the $12,000 paid the widow was intended to be in full for the entire estate, but the records and the evidence show conclusively that such was not the case. West having died when General Jones issued his order to have the home farm improvements appraised separately and they being appraised separately within themselves show that the home improvements were treated as the separate property of the widow, and in keeping with this the account of the widow against the nation upon which this payment was made is for her improvements, adjoining the West saline, following the appraisement made by Captain Wood and Lieutenant Kirkham; besides we find the sworn statement of the claimant (Nancy Markham, as administratrix of the estate of Bluford West, deceased), Joel M. Bryan, an old and respected citizen of that country, and Dennis W. Bushyhead, ex-chief of the nation, and now a delegate before this Congress, showing conclusively that not one dollar has ever been paid on the Bluford West saline proper, which sworn statements are herewith appended, marked Exhibit A.

It will be observed that the farm improvements for which the widow was paid $12,000 were appraised by Wood and Kirkham at only $4,125. The appraisement and account of the widow agree, but differ greatly in the amount. Claimant accounts for this by saying that several years had elapsed from the date of appraisement and date of payment, and that a large young orchard had become grown, bearing trees, and uncompleted barns had been finished by her, and that her settlement was based upon the valuation of her separate property when payment was made. If this be true, and we find nothing to contradict it, at least the evidence and records show conclusively that nothing was paid on the saline proper, which was separately appraised by Wood and Kirkham at $15,300, it must be so.

And as all claims against the Government growing out of the treaty of 1846 as well as individual claims of Western Cherokees against their own nation, have borne 5 per cent. interest, your committee could well find that the Cherokee Nation should pay to the estate of Bluford West, deceased, the sum of $15,300, the appraised value of the saline proper, as made by Captain Wood and Lieutenant Kirkham, with 5 per cent. interest from date of award; and, if what your committee has recited was all the evidence in the case, we could find nothing else; but it appears from the sworn statement of one Bluford Alberty and H. D. Reese, both being very worthy men, and the latter a very prominent one, that the agent of the Cherokee Nation, who was appointed by the nation under the acts of their council to take possession and appraise the various salines appropriated to the public use, did himself appraise the saline in controversy at $24,000.

Your committee have concluded to adopt the nation's own appraisement and then allow them the full benefit of the $12,000 paid the widow, thus leaving a balance of $12,000 instead of $15,300 due the estate. The sworn statement of Alberty and Reese is herewith appended and marked Exhibit B. This gives the nation full credit for all they claim they have ever paid, and fixes the value of the entire property at what their own agent said it was worth, 5 per cent. interest being the rate the Government has always paid the Cherokees on their trust fund; and inasmuch as the Cherokee Nation has been receiving 5 per cent. interest from the Government on the very money they should have paid Bluford West, they can not complain at paying that rate on this long-deferred debt. In other words, by withholding the balance due West on their own appraisement, they have received from the Government the same amount of interest that the substitute requires them to pay on this demand. Besides, under the treaty of 1846, out of which this claim grows, interest has been allowed by Congress and by the Department, on all claims, both public and private, at that rate.

Finding that the legal representatives of Bluford West, deceased, have diligently prosecuted this claim against the Cherokee Nation at all proper times and upon all proper occasions, as admitted by the delegates of said nation, we see no reason why this long-deferred demand should not be paid with interest, as above stated. Therefore we report the accompanying substitute for the bill referred to us and recommend that it do pass.

CHEROKEE NATION, INDIAN TERRITORY, *Tahlequah District:*

Personally appeared before the undersigned Mrs. Nancy Markham, to me well known, who, being duly sworn, deposes and says: I was present when the United States Government officers (Captain Wood and Lieutenant Kirkham) valued the Bluford West saline.

John W. West never put in his appearance before the valuing agents, to there claim any interest in said Bluford West saline.

I was paid for my home improvements adjoining the Bluford West saline; but there was not paid to me or any one else one dollar for the saline proper.

NANCY MARKHAM,
Administratrix of the Estate of Bluford West, deceased.

Sworn to before me this 19th November, 1889.
[SEAL.]

ALLEN ROSS,
Clerk, T. D., C. N., Ind. T.

EXECUTIVE DEPARTMENT, CHEROKEE NATION,
Tahlequah, November 19, 1889.

I hereby certify that Mr. Allen Ross, whose name is affixed to the within as clerk of Tahlequah, Cherokee Nation, is, and was at the time of signing the same, the duly elected and acting clerk of said district, and that the signature is in his own handwriting, and as such clerk all his acts are entitled to credit.

Witness my hand and seal of the Cherokee Nation.
[SEAL.]

JOHN L. ADAIR,
Executive Secretary.

CHEROKEE NATION, IND. T.,
Tahlequah District:

Personally appeared before the undersigned, clerk for the above district, J. M. Bryan, who makes the following statement:

I am now over eighty years old; have been a bona fide citizen of this nation fifty-seven years. I have lived near the Bluford West saline over fifty years, and personally knowing to the operation of said saline by Bluford West in his lifetime; and I never heard of John W. West having any claim or interest in the Bluford West saline until many years after the death of Bluford West.

Nancy Markham (now) was the widow of Bluford West, deceased, and she was paid $12,000 for her home improvements, adjoining the Bluford West saline, by the Cherokee Nation; but in that payment not one dollar was valued or paid for the saline proper, as under the Cherokee laws, at the death of a husband, the home improvements belong to the widow; and there never has been one dollar paid by the Cherokee Nation to Nancy Markham, or to Nancy Markham, administratrix of the estate of Bluford West, deceased, or to any one else for the Bluford West saline.

J. M. BRYAN.

Sworn to before me this 19th November, 1889.
[SEAL.]

ALLEN ROSS,
Clerk, T. D., C. N., Ind. T.

EXECUTIVE DEPARTMENT, CHEROKEE NATION,
Tahlequah, November 19, 1889.

I hereby certify that Mr. Allen Ross, whose name appears to the within affidavit, is, and was at the time of signing the same, the duly elected and acting clerk of Tahlequah district, in the nation aforesaid, and that his signature is in his own handwriting, and that all his official acts as such clerk are entitled to credit.

Witness my hand and seal of the Cherokee Nation.

[SEAL.] JOHN L. ADAIR,
Executive Secretary.

CHEROKEE NATION,
Tahlequah District:

Personally appeared before me, Allen Ross, clerk of said district, Dennis W. Bushyhead, ex-chief of the Cherokee Nation, who, being qualified, makes the following statement, to wit: That he was treasurer of the Cherokee Nation in 1873, when council made an appropriation of $12,000 for the benefit of Mrs. Nancy Markham, which amount she was paid in full. After he became principal chief of the Cherokee Nation he found on file in the executive office a schedule of property adjoining the Bluford West saline, for which council made the appropriation of $12,000 for the benefit of Mrs. Nancy Marcum. He served as treasurer of the Cherokee Nation eight years, from 1871 to 1879. He also served as principal chief from 1879 to 1887, during which time he knows of no payment being made for the Bluford West saline proper. While principal chief he appointed D. W. C. Duncan to act for the nation as commissioner, with Hon. John Q. Tufts, United States agent, to investigate the saline claim of Bluford West, deceased.

Pending the investigation J. M. Bryan, attorney for the estate of Bluford West, deceased, preferred charges against Commissioner Duncan, alleging that he and one Allen Gilbert were trying to prove that the heirs of John W. West had an interest in said saline. Mr. D. W. C. Duncan was notified of said charges, but no investigation was had in the matter.

D. W. BUSHYHEAD.

Sworn to before me this 19th November, 1889.

[SEAL.] ALLEN ROSS,
Clerk T. D., C. N., Ind. T.

EXECUTIVE DEPARTMENT, CHEROKEE NATION,
Tahlequah, November 19, 1889.

I hereby certify that Mr. Allen Ross, whose name is affixed to the within affidavit, is, and was at the time of signing the same, the duly elected and acting clerk of Tahlequah district, in the nation aforesaid, and that his signature is in his own handwriting, and that as such clerk all his official acts are entitled to credit.

Witness my hand and the seal of the Cherokee Nation.

[SEAL.] JOHN L. ADAIR,
Executive Secretary.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., March, 1890.

I, T. J. Morgan, Commissioner of Indian Affairs, do hereby certify that the papers hereto attached are true and literal copies of the affidavits of B. W. Alberty, sworn to May 24, 1880, and of H. D. Reese, sworn to December 16, 1880; and of a copy of a statement made November 24, 1873, by J. M. Bryan, certified December 22, 1882, by John L. Adair, assistant executive secretary of the Cherokee Nation, all concerning the saline of Bluford West, in Cherokee Nation, and the valuation placed thereon, as the same appear on file in this office.

T. J. MORGAN, *Commissioner.*

CHEROKEE NATION, *Tahlequah District:*

Personally came before me, Allen Ross, a clerk in and for said district, Bluford Alberty, who, being duly sworn, deposeth and saith that he has been acquainted with Mrs. Nancy Markham for many years, who was the widow of Bluford West, who owned a saline in the Cherokee Nation prior to 1843, with extensive improvements; that in 1843 a law of the Cherokee Nation made and declared all salines the property of said nation, and provided that the improvements made by private parties upon the said salines should be paid for by the Cherokee Nation; that in accordance with the provisions of the said law Madison Payne was appointed agent on the part of said nation to take possession of all the salines of the nation and cause them to be valued; that the said West saline was duly taken possession of by the said agent, and the improvements were valued at $24,000; and that the said amount, or any part of it, was not paid until after the late war, when a partial payment was made thereon; and that the above-mentioned Mrs. Nancy Markham is the only surviving heir of the said Bluford West and wife, and is the lawful administratrix upon the said Bluford West's estate. Further he saith not.

B. W. ALBERTY.

Sworn to and subscribed before me on this the 24th day of May, 1880.

ALLEN ROSS,
Clerk Tahlequah District, Cherokee Nation.

CHEROKEE NATION, *Tahlequah District:*

Personally came before the undersigned, clerk for the above district, H. D. Reese, who, being duly sworn, makes the following statement in relation to the Bluford West saline:

I am about fifty-nine years old; am a Cherokee; reside in the Cherokee Nation; was living here when the Cherokee Nation took possession of all salines by an act of the national council in 1843.

James M. Payne was the agent of the nation. Bluford West's saline was taken with the others.

The said agent was instructed to value all salines and make his report. Payne told me that he had valued West's saline at $24,000, but that the nation could not afford to take it as money would be lost by it, the valuation being so high. The saline was not taken by the nation at that time, nor was it returned to Bluford West, and all those valuable improvements went to waste.

H. D. REESE.

[SEAL.] ALLEN ROSS,
Clerk Tahlequah District, Cherokee Nation.

I hereby certify that I have been personally acquainted with H. D. Reese for a good many years; he has held the office of school superintendent, treasurer of the nation, clerk of the senate, judge of Tahlequah district, and several other offices of trust in the Cherokee Nation.

Given under my hand and seal of office at Tahlequah, Cherokee Nation.

[SEAL.] ALLEN ROSS, *Clerk T. D., C. N.*
DECEMBER 6, 1880.

STATEMENT.

TAHLEQUAH, *November 24, 1873.*

I am and have been well acquainted with the Bluford West lick for forty years. In its original state it was a dry lick, but was improved and the water obtained by boring.

I think that the treaty of 1846 provided for the payment of these salines.

I think that the West saline was valued about $20,000 or upwards, as provided for by said treaty.

I think that all other salines were settled for by the nation except this; the saline I was interested in was paid for. I received $1,050 for myself in the Lewis Rogers lick.

J. M. BRYAN.

EXECUTIVE DEPARTMENT, CHEROKEE NATION,
Tahlequah, December 22, 1882.

I hereby certify that the above is a correct copy of the statement of J. M. Bryan in reference to the Bluford West lick.

[SEAL.] JOHN L. ADAIR,
Assistant Executive Secretary.

DIVISION OF SIOUX RESERVATION IN DAKOTA.

Mr. DAWES submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3271) to enable the Secretary of the Interior to carry out, in part, the provisions of 'An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes," approved March 2, 1889, and making appropriations for the same, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 3, 5, 6, and 7 and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 4, and agree to the same with an amendment as follows: Amend by striking out said House amendment; and further, by striking out on page 3 of the bill the first six lines; and the House agree to the same.

H. L. DAWES,
CHARLES F. MANDERSON,
JAMES K. JONES,
Managers on the part of the Senate.

B. W. PERKINS,
S. W. PEEL.
Managers on the part of the House.

Mr. EDMUNDS. I should like to hear that explained. We can not understand it from the report.

Mr. DAWES. The purpose of the bill is to fulfill the outside assurances of the commission that negotiated the surrender of the land of the Sioux. In addition to what was stipulated in the treaty, the commission promised those Indians that they would use their influence here to obtain redress of certain grievances. When the report of the commission was submitted there came with it a message insisting that those assurances in good faith ought to be carried out. I deem it wise perhaps to go through this history in the present condition of things. Forty representative Indians were sent here from the different tribes upon the Sioux reservation where the war now is, to see to it that those outside assurances were carried out. They met General Crook's commission here and met the committees of the two Houses, and there, all together, this bill was prepared to carry out exactly the assurances as the Indians understood them.

The bill passed the Senate the 26th day of last April. For reasons obvious to everybody, on account of difficulties in the other branch, it never got through there until some time last month. In their anxiety to meet the difficulties on that question the other House put into the bill an amendment to appropriate additionally $100,000 for rations. When the bill came back to the Senate it was pointed out that that very provision was in the original act. So it had to go into conference for the purpose of striking out that duplicate appropriation of $100,000. That duplicate appropriation of $100,000 was the only difference between the two Houses, and the conference report strikes that duplicate appropriation out of the bill.

The bill as it now stands I believe carries out to the letter not only as the Sioux commission understood their assurances to these Indians, but precisely as the Indians themselves understood them.

So, with the passage of the original act and with the passage of this bill, all of the stipulations we were bound to make have been fulfilled and all of the assurances of the commission that they would get certain grievances removed have also been fulfilled, and when this bill is signed there can be no ground upon which the Indians can complain of the Government in any matter out of which the present disturbance has arisen.

The report was concurred in.

COIN AND CURRENCY.

Mr. SHERMAN. I move that the Senate proceed to the consideration of what is called the anticontraction bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 4675) to provide against the contraction of the currency, and for other purposes.

Mr. MORGAN. Mr. President, in presenting to the Senate the speech of Hon. James B. Beck, to which I referred yesterday, it is necessary and proper that I should make a brief preliminary statement in addition to what I then said.

Section 2 of the act of July 14, 1890, contains a provision—

That the Treasury notes issued in accordance with the provisions of this act shall be redeemable on demand, in coin, at the Treasury of the United States, or at the office of an assistant treasurer of the United States, and when so redeemed may be reissued, etc.

This bill contains a similar provision, in fact an identical provision so far as the terms of the coin certificates are concerned which are pro-

posed to be issued under the provisions of the bill reported by the Senator from Ohio [Mr. SHERMAN].

Mr. Beck was the first Senator who presented in this body the distinct proposition for the issue of coin certificates, so far as I am able to learn.

Mr. ALLISON. If I do not interrupt the Senator, I should be glad to have him state distinctly what he means by coin certificates. I do not understand that the provisions of this bill or the act of 1890 propose coin certificates, but they are called "Treasury notes." Was the Senator from Alabama discussing some new proposition for coin certificates?

Mr. MORGAN. I was discussing the Treasury notes payable in coin, in coin of gold or coin of silver.

Mr. ALLISON. The proposition of the Senator from Kentucky was coin certificates to take the place of gold certificates and silver certificates.

Mr. MORGAN. I am aware of that fact, and that is precisely the effect of the provision embodied in the present bill so far as the convertibility of the certificates either of gold or silver at the option of the Government is concerned.

Mr. ALLISON. I agree to that.

Mr. MORGAN. Mr. Beck, on the 13th day of March, 1888, had introduced a bill upon which he proceeded to address the Senate, the second section of which reads as follows:

SEC. 2. That in all issues of certificates hereafter coin certificates shall be substituted for silver certificates and gold certificates, wherever either is authorized to be issued under existing laws; and all gold and silver certificates now outstanding shall be retired, when they are received for any purpose at the Treasury or any subtreasury of the United States, and coin certificates of the denominations hereby provided for, issued in their stead; and the Secretary of the Treasury is hereby authorized and required to issue coin certificates in such denominations, not exceeding $20, as he sees fit, on all the surplus gold and silver coin and gold bullion held at any time by the United States in excess of $100,000,000 of gold coin, and pay out the same in discharge of all the obligations of the United States, except such as have been heretofore made payable expressly in gold and silver coin.

Further on in the consideration of this bill I expect to offer, in substance, as an amendment to it, the second section of the bill which Mr. Beck was then discussing.

I have said that Mr. Beck was the first Senator that I ever heard speak of this peculiar character of Treasury issue or Treasury certificate. On further examination, however, I find that a member of the House of Representatives from Missouri, Mr. BLAND, at a previous session of Congress had introduced a measure which contained this same idea, and, on conference with him, I find that he received his first suggestion on that subject from some gentleman, whose name is not now remembered by him, from the city of New York.

That is in my opinion so perfect a resolvent of the difficulty of keeping gold and silver coin in balance in the United States, that I have desired very much to see the day when it should be adopted by Congress, and when the act from which I have just quoted passed the last session of Congress with that feature adopted in substance I felt very much relieved, and rejoiced that the Government of the United States had at last found an instrumentality of legislation by which the parity of gold and silver coins could be always maintained in the home market, without the possibility really of there being a margin of speculation between these two metals, no matter how much the bullion value of one metal might exceed that of the other in the foreign markets.

Mr. SPOONER. What was the issue?

Mr. MORGAN. The issue of coin certificates, payable in the coin of the United States, just as our bonds were issued and payable during the war, at the option of the Government of the United States.

In discussing that bill Mr. Beck said:

"It is a well-known fact that the former policy of this country was to maintain both its gold and silver coin at par with each other and as full legal tender in payment of all obligations. Before 1873 there was no distinction made between the metals when coined. The United States had always treated them both alike. My proposition now is to restore that equality by issuing certificates payable in coin on deposit of either gold or silver coin in the Treasury or in any subtreasury of the United States, and that the right shall be given to any man who may demand it to obtain coin certificates thereon, the option remaining with the Government to redeem the certificates in whatever coin it may be most convenient for us to pay when redemption is demanded. Believing that until that is done we will have constant troubles about different kinds of currency, bondholders and bankers contending, as they have always done, that silver and the certificate based on it are only subsidiary and token money, I urge the passage of this bill.

"I offered the substance of it as an amendment to an appropriation bill in the last Congress; it was properly ruled out of order as being legislation on an appropriation bill; therefore I offered it as an independent measure now and had it referred to the Committee on Finance. On last Tuesday a bare majority of that committee reported against it. I gave notice when the report was made that I would call it up to-day and endeavor to push it to a vote. Whether I can or not in the face of another bill, which is in charge of the Senator from Iowa [Mr. ALLISON], may be doubtful. After that notice was given I took part in a discussion on the so-called dependent pension bill, in which I thought it was proper for me to state my reasons for opposing the passage of a measure which involved hundreds of millions of dollars and perhaps increased taxation for forty years; and in giving my objections to many of the provisions of it in the course of that speech—for I was led into it by interrogatories—I presented to the Senate the questions of taxation which would have to be considered in connection with it.

"I stated the results that were growing out of our present tariff system by the development of trusts and combinations, when competition was excluded by law, as I thought fairly, going from one proposition to another, following first the questions asked by the Senator from Kansas [Mr. PLUMB], then questions asked by the Senator from New Hampshire [Mr. BLAIR], and then those asked by the Senator from Ohio [Mr. SHERMAN]. The debate took quite a wide range. Matters growing out of that will require my attention for awhile before I call attention to the bill I have now laid before the Senate; therefore Senators must bear with me while I discuss matters somewhat foreign to the measure I specially desire to advocate.

"While showing in my speech on the pension bill how we were handicapped in the trade of the world by the cheap silver bullion coined in India I said among other things that the act demonetizing silver in 1873 was passed so secretly that even the President and several other distinguished gentlemen whom I named knew nothing about it. I will read now what I then said:

"And that was all said to be done in order to protect the American laborer; he was told that he should accept payment in nothing but gold coin, while the poor, ignorant people of India were willing to take silver. What brought about this condition of things? The Senator from Ohio is more responsible for it than anybody else. The record shows it. When Congress undertook to strike down our silver coinage at the dictation of England, and when Germany and England and the United States combined and struck it down secretly, so secretly that General Grant, who was then President, did not know it, though he signed the bill; Mr. Blaine, the then Speaker of the House, did not know it; Mr. Garfield did not know it; Mr. Kelley, who had charge of the bill, did not know it; not one of the Argus-eyed reporters found it out. He is responsible for it. Mr. Hooper, of Massachusetts, was chairman of the conference that settled it on the part of the House, and Mr. SHERMAN was chairman on the part of the Senate. They knew it.

"These remarks seem to have offended the Senator from Ohio [Mr. SHERMAN].

"Before entering on the discussion of that let me get all the questions I propose to notice now before the Senate. A resolution was introduced by the Senator from Delaware [Mr. Saulsbury] some time ago bearing upon the silver question, which, after he addressed the Senate, was laid over at my request, because I announced then that I desired to be heard in regard to it. I propose to speak to that resolution also at this time. All of these matters are pertinent to and bear upon each other. Before speaking of the controversy between the Senator from Ohio and myself I will ask that Senate joint resolution No. 30, introduced by the Senator from Delaware [Mr. Saulsbury] January 11, entitled a "Joint resolution relating to international coinage," may be read and be considered as pending.

"It reads as follows:

"Whereas unsuccessful efforts have, on several occasions, been made by the United States to secure the co-operation of European governments in establishing such a fixed ratio of value between the precious metals as would permit their free coinage and circulation in the commercial countries of the world; and

"Whereas the President of the United States, under authority conferred upon him by acts of Congress, recently designated Mr. Edward Atkinson, a citizen of the United States, to visit commercial centers of Europe in order to ascertain the feasibility of establishing by international arrangements a common ratio of value between gold and silver, who, after making the investigation required by his appointment, reported among other conclusions the following:

"'First. There is no prospect of any change in the present monetary system of the European states which can modify or influence the financial policy of the United States at the present time.

"'Second. There are no indications of any change in the policy of the financial authorities of the several states visited by me which warrant any expectation that the subject of a bimetallic treaty for a common legal tender coupled with the free coinage of silver will be seriously considered at the present time by them:' Therefore,

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That no further effort can properly be made by the United States to obtain the co-operation of European governments in establishing a common ratio of value between silver and gold as money, and the policy of the United States in the coinage of the precious metals should not be influenced by the action, present or prospective, of any foreign government or governments in reference to the relative values of gold and silver as money.

"The Senator left out a very important part of the report of Mr. Atkinson in his recital, namely, his third conclusion, in which he says:

"There is no indication that the subject of bimetallism has received any intelligent or material consideration, outside of a small circle in each country named, as a probable or possible remedy for the existence of existing depression in trade.

"I deny that the facts stated in that conclusion are true, and propose to give my reasons for saying so.

"Not desiring to interrupt the business of the Senate, as the Senator from Kansas [Mr. INGALLS] held the floor at the time when the Senator from Ohio responded to what I said in regard to the secrecy with which the act of 1873 was passed, I announced when his speech was concluded that I would when this bill was up, or at an early day, give to the Senate the reasons I had for making the statement I did in regard to the act of 1873 demonetizing silver being passed through so

secretly that the gentlemen I named did not know it. The Senator from Ohio, after quoting what I said, proceeded to remark:

"Mr. President, I would not even have regarded this as worthy of notice, as I knew the Senator from Kentucky was under some excitement, but that he uses the word 'secretly,' intimates that this was done entirely under cover, by some pretense or other, and that I was responsible, selecting me although I had had no connection with the debate in regard to this pension bill.

"The Senator from Ohio forgets that while I was discussing questions with the Senator from Kansas and the Senator from New Hampshire he not only took part in that debate, but for a column or two, as the RECORD will show, endeavored to deny very many of the statements I had made, how successfully it is not for me to say. The first suggestion he made was this:

"If trusts only arise out of the tariff, how comes it that there are whisky trusts and some other trusts of that kind in this country, the most formidable and horrible in the country?

"And he followed it up by denying that the tariff had anything to do with trusts or that any protected industries had formed trusts; and when I read from authentic reports, as I considered them, in regard to trusts, in regard to steel rails, copper, sugar refineries, and other matters, he still continued to deny the truth of what I said. The RECORD shows that he was taking a very prominent part in that debate, notwithstanding he said he had nothing whatever to do with it. Coming to the point at issue between us, I said silver was demonetized secretly, and that the President did not know it; that the Speaker of the House did not know it, and that the distinguished gentlemen I named did not know it.

"When I prove that to be true, it is all that is needed for me to prove in order to justify the remark I made. When the Senator from Connecticut [Mr. HAWLEY] denied what I had said, I stated that I would read, as I shall now do, what Judge Kelley, who was the chairman in charge of the bill at the first session, said in regard to it. He had advocated some change in the coinage at a former session of Congress. He had discovered that he was wrong and was not willing to support the measure. When he afterwards stated his position on the floor of the House of Representatives in regard to it, he said—I quote from his speech:

"In 1872, when I made the remarks which were cited by those gentlemen, and which have been frequently quoted in both Houses, and always with an air as much as to say that to convict this man of the crime of having been instructed by the logic of events would forever settle this momentous question—

"He had evidently changed his opinion in regard to it before its passage. He adds—

"we were not using coin, and no gentleman in either House appears to have appreciated the scope and magnitude of the silver question or to have given it special study. Hence the bill—and I wish gentlemen to know what that bill was; it was a bill to reorganize the mints, not to revise the coin money of the country, but to reorganize the mints, and it was passed without allusion in debate to the question of the retention or abandonment of the standard silver dollar. The then Speaker of the House, now a distinguished member of the Senate, and Hon. Mr. VOORHEES, of Indiana, who is also a member of that body, were then members of this House, and during the last Congress this colloquy occurred between them. It was, I think, denied by Mr. VOORHEES that members of the House knew that the bill proposed to demonetize the silver dollar, and to sustain his view he said to the Ex-Speaker: 'Did you know it, sir?' 'No,' said Senator Blaine, 'did you?' 'No,' replied Senator VOORHEES.

"I was chairman of the committee that reported the original bill, and I aver on my honor that I did not know the fact that it proposed to drop the standard dollar, and did not learn that it had done it for eighteen months after the passage of the substitution offered by Mr. Hooper, when I disputed the fact. The distinguished gentleman from Ohio [Mr. Garfield], who now leads this side of the House, was then, as now, an attentive and already a distinguished member of the House; yet when in joint debate before the people of Ohio in October, 1877, the question arose as to who was responsible for its demonetization, he frankly said he did not know that such a provision was in the bill when it passed the House. I state this the more freely in his absence because I informed him that I intended to do so; and he replied, 'It is the case; I did make that statement, and it is true.'

"Nor did the President who signed the bill know that it abolished legal-tender standard silver dollars, for in his letter to Mr. Cowdrey of October 6, 1873, cited by the gentleman from Ohio [Mr. Warner], he said:

"'Silver will gradually take the place of this currency, and, further, will become the standard of values, which will be hoarded in a small way. I estimate that this will consume from $200,000,000 to $300,000,000 in time of this species of our circulating medium. * * * I confess to a desire to see a limited hoarding of money. It insures a firm foundation in time of need. But I want to see the hoarding of something that has a standard value the world over. Silver has this.'

"The last clause was the language of President Grant writing to a friend nearly nine months after he had signed the bill. Therefore I insist that I have even now made good every word I said, through the mouth of Mr. Kelley, and have shown that Mr. Blaine did not know of the passage of the bill, that General Grant did not know it, Mr. Garfield did not know it, and Mr. Kelley did not know it, and that not one of the Argus-eyed reporters found it out. That is true, as the papers that they reported for every day will show. I have gone to the files in Mr. Spofford's office and examined them, and not one of them referred to it, not one of them suspected it, not one of them alluded to it, that I could discover.

"But I was saved a great deal of trouble by a witness that I knew nothing about, or at least did not think of at the time, who was a member of the Senate then. I refer to the very intelligent Senator from Nevada [Mr. STEWART], whose State was more interested than any other; here he was vigilant, attentive, in looking after the interests of his people. He was in the Senate when that bill of 1873 passed, and after the Senator from Ohio found fault with the fact that I said it was done so secretly that it was not known by any of the leading gentlemen I named, and, as I insist, is proved by Mr. Kelley, the Senator from Nevada rose in his place in this body the other day in the presence of the Senator from Ohio, and, after quoting what the Senator from Ohio had said about my remarks, proceeded to remark:

"I was in the Senate at the time that bill was passed, and in the course of his remarks the Senator from Ohio alluded to that fact. I think it would be well for every member of Congress if he could plead that he was entirely ignorant of that transaction. I do not believe that it is to the credit of any man to have knowingly done what was then done.

"And again he said:

"In view of this, and notwithstanding the enormous contraction which was necessary, at the time the rebellion failed and peace was declared, to spread the currency then existing all over the country, the South as well as the North; notwithstanding the enormous contraction subsequently required in reaching specie payments; notwithstanding we had agreed to pay the bonds in coin, the bondholders were not satisfied; they demanded payment in gold alone. Is it possible that any Senator who ever occupied a seat in this Chamber would have openly declared that it was his purpose to take from the people the right to pay these bonds in silver as well as gold? Will any Senator say that the bondholder was not sufficiently favored by increasing the value of his bonds more than 50 per cent. by the acts which had been passed before the world was robbed of more than half of its circulating medium by the demonetization of silver? Is it possible that any Senator now lives who will attempt to justify the act of February 12, 1873? I feel that the fact that I was in this Chamber when that act passed requires from me an apology.

"Let the Senator from Ohio answer the Senator from Nevada, if he can. The language used by that Senator is infinitely stronger and reflects with far greater severity on the men who passed that bill than anything I said, so that I feel relieved from all responsibility. Still I think I was justified the other day when, not finding the Senator in his seat, I said:

"I will say, however, so that the Senator from Ohio can see it in the RECORD, that after I read to him the speeches of the Senator from Iowa [Mr. ALLISON], in regard to how that act was doctored, and the speech of the Presiding Officer, the Senator from Kansas [Mr. INGALLS], and the speech made by Mr. Howe in the Senate, in which he said—I will only read two lines—'Mr. President, I do not regard the demonetization of silver as an attempt to wrench from the people more than they agreed to pay. That is not the crime of which I accuse the act of 1873. I charge it with guilt compared with which the robbery of two hundred millions is venial'—

"Mr. Howe was a member of the Senate at the time the act was passed—

and after I read to him what has been said by the Senator from Indiana [Mr. VOORHEES] and other gentlemen, I think he will be content to say that my expressions were very mild in regard to the secrecy with which that measure was pushed through Congress.

"Returning to the speech of the Senator from Nevada, he said:

"As to the history of the bill of which I have been speaking, I think I am safe in saying that the Senate passed it in ignorance of its contents or effect; that nobody knew its effect; that nobody knew that one-half of the world's money was to be put out of existence; that the creditor class was to be vastly benefited; that the prosperity of the world was to be checked by the measure which the Senator from Ohio declared was 'debated for three long sessions, considered line by line and precept by precept.'

"There was at that time in the civilized world twenty-five thousand millions of indebtedness, and that indebtedness was by contract payable in either gold or silver, and I do not believe that any Senator here thought he was becoming a party to a new contract by which that vast sum should be paid in gold alone.

"Again the Senator from Nevada said:

"I have examined this discussion and there was no debate in regard to the discontinuance of the coinage of the silver dollar. The bill was an elaborate one to codify the mint laws. There was no discussion whatever in regard to coins of any kind. The discussion was as to other matters, the salaries of officers, etc.

"Again he said:

"If the daylight of which the Senator from Ohio speaks had been let in upon the designs of the bondholders of Europe and America, the silver dollar would never have been demonetized. No man in either House of Congress would have sought the bad eminence which he would have attained by voting for the act of February 12, 1873.

"The Senator from Nevada also showed that two years afterwards President Grant sent a special message to Congress, in January, 1875, on the day he signed the specie resumption act, which proved that he was utterly ignorant of the fact that silver had been demonetized by the act of 1873. Listen to his recommendation two years after the passage of the bill in question:

"In fact, to carry out the first section of the act, another mint becomes necessary. With the present facilities for coinage it would take a period probably beyond that fixed by law for final specie resumption to coin the silver necessary to transact the business of the country.

"There are now smelting furnaces for extracting the silver and gold from the ores brought from the mountain territories in Chicago, St. Louis, and Omaha—three in the former city—and as much of the change required will be wanted in the Mississippi Valley States, and as the metal to be coined comes from west of those States, and as I understand the charges for transportation of bullion from either of the cities named to the mint in Philadelphia or to New York City amount to $4 for each $1,000 worth, with an equal expense for transportation back, it would seem a fair argument in favor of adopting one or more of those cities as the place or places for the establishment of new coining facilities.

"The increased mints were supposed to be necessary to coin silver. Then the Senator from Nevada very properly asked:

"Did the Executive understand when he made this recommendation that silver had been demonetized? Did the light of day in which the Senator from Ohio alleges the bill was passed reach and illuminate the Executive Mansion?

"I might well rest my defense on the speech made by a Republican Senator representing the State of Nevada, whose silver interests were greater and whose people had more at stake in 1873 than those of any

other State; but I said that I would refer to other authorities. The Senator from Iowa [Mr. ALLISON], a very distinguished member of this body and formerly a member of the Committee on Ways and Means of the House, made a very elaborate speech upon the subject in 1878, three or four years after the bill was passed. Mr. ALLISON said, among other things:

"But when the secret history of this bill of 1873 comes to be told, it will disclose the fact that the House of Representatives intended to coin both gold and silver and intended to place both metals upon the French relation instead of on our own, which was the true scientific position with reference to this subject in 1873, but that the bill afterward was doctored, if I may use that term, and I use it in no offensive sense, of course——

"Mr. Sargent interrupted him, and asked him what he meant by the word 'doctored.'

"Mr. ALLISON said:

"I said I used the word in no offensive sense. It was changed after discussion, and the dollar of 420 grains was substituted for it. I have here, if the Senator from California doubts what I say, the report of Mr. Ruggles—

"And, by the way, Mr. Ruggles cut a very important figure in this matter, as I will show before we get through with it. He was the exponent of the views of the Chamber of Commerce of the city of New York. Mr. ALLISON insists that the original intention of the promoters of the bill of 1873 was that both gold and silver should be coined again. I doubt that. I read again from the Senator from Iowa, which answers another part of the speech of the Senator from Ohio, who says silver never cut any figure in our coinage:

"I can not understand why it is that this objection has been made so strenuously and so continuously. We had nothing but a silver currency until 1834, practically. The debts of the Revolution and the debts of the war of 1812 were paid almost exclusively in silver coin; because we overvalued silver and undervalued gold, the latter disappeared and left us only silver. We not only made our own silver dollars and half-dollars and all fractional silver a full legal tender, but we made all the silver coins then current in the world's commerce legal tender in our country. From 1792 up to 1827, and again by the legislation of 1834, silver coins of Mexico and the South American States and of France and Spain were made a full legal tender in this country, and some of them continued to be a full legal tender until 1857. Therefore, for nearly seventy years of our country's history we not only had a legal tender of our own silver, but the silver of other nations was a full legal tender in our country.

"Yet Senators say silver has played but an insignificant part in the great work of distributing the products of our country and in our exchanges; and they triumphantly say there were only eight millions of silver dollars coined at our mint from 1792 to 1873. We had of full-coined silver money more than a hundred millions coined at our mint between those periods, I think $140,000,000, and we had all the silver of the world made legal tender in addition. Mr. Moore, the Director of the Mint at Philadelphia, stated in his report of 1832 that there were only $500,000 of gold money in the United States, and that all the rest was silver. Yet we have the insignificant pretense made here day by day that silver has never played a prominent part in the history of our money.

"I will now refer to what Senator Howe, who was in the Senate at the time, said in regard to it, and repeated over and over again in the course of his speech. He was then Senator from Wisconsin, afterwards Postmaster-General, and a member of the commission that was subsequently sent to Europe to negotiate in regard to coinage:

"Sir, we have no authority for saying that 412½ grains of silver are worth intrinsically less than 25.8 grains of gold.

"This speech was made in 1878, when the remonetization act was being discussed.

"The former, I grant, brings less in the English and in the German markets than the latter, because England and Germany both proscribe silver and patronize gold. The silver brings less in our own markets. We have transmuted both into commodities, and accordingly we value both as we value our wheat, according to what they will bring in other markets. We can not regulate the price of either metal in foreign markets; we can regulate the price of both in our own markets. Restore both to the rank of money, and while they remain money they will have precisely the same authority. If you wish to send either abroad it will go not as money, but as a commodity, and you will always naturally send whichever is most capable in the market to which you remit.

"Mr. President, I do not regard the demonetization of silver as an attempt to wrench from the people more than they agreed to pay. That is not the crime of which I accuse the act of 1873. I charge it with guilt compared with which the robbery of two hundred millions is venial.

* * * * * * *

"The stock of coin in the whole western world was estimated in 1870 at $3,700,000,000. Of that sum $1,275,000,000 were estimated to be in silver.

"About that time the conspiracy seems to have been formed to withdraw from that circulation the silver in it; that is, nearly one-third of the whole stock. But when you expel one dollar of coin from the circulating medium you compel the retirement of all bank issues based upon it, and you shrink the value of commodities measured by it.

"I shall not detain the Senate by narrating the growth of this conspiracy. A large part of Europe is already in it. France, it is said, joined it since this debate commenced. The practical question before us is, shall the United States become a party to it? For one I decline.

"Sir, this is not contraction; this is strangulation. This is not a question of heaping burdens upon the labor and enterprise of the people. It is an attempt to paralyze that labor and that enterprise. It is not a proposition to add 10 per cent. to the obligation of the public debt. It is a deliberate effort to blast 33 per cent. of the ability of the people to pay the debt.

"I might add other quotations from him even stronger than those I have read, but I do not care to take the time. I will read this, however:

"But after all we are asked, why not put into the silver dollar the present commodity value of the gold dollar?

"That has long been one of the favorite cries of the Senator from Ohio, both as Secretary of the Treasury and as a Senator in Congress, and his followers have continued to repeat the cry.

"I answer, for many and most commanding reasons. First, debts, public and private, are contracted aggregating thousands of millions. Each dollar is payable by 412½ grains of silver. You have no right to compel the delivery of 440 or 454 grains for each dollar. That is filching; only a few hundred millions, to be sure, but it is filching.

"Secondly. Putting in that quantity of silver would make the measure a *felo de se*. The great object I aim at is to restore silver to that standard by which you measure the labor and the products of the world and to that medium by which you exchange the products of the world, and therefore I ask you to coin it into money once more. You say—yes, if you are allowed to put more into a dollar than can be procured for a dollar. Who does not see that silver can not be coined upon such terms? Daily we are told by the opponents of the bill that when the coinage act of 1873 was passed silver dollars were not coined because 412½ grains could not be afforded for a dollar. This nation and other nations denounced silver as money, and it fell in the market. Now you generously offer to restore it at 454 grains to the dollar. When silver was money we could not get 412½ grains for a dollar in gold; we demonetized it; we can now buy, you say, 454 grains for a gold dollar.

"So you will consent to remonetize silver at that rate? Suppose once more all existing contracts for dollars were, instead, contracts for so many bushels of grain; that grain had in 1873 been recognized by commercial nations to include both barley and wheat, and both had commanded substantially the same price in the markets. Suppose then we had degrainetized barley; had enacted that it should not be deliverable on grain contracts. Of course the demand for barley would thereby greatly diminish; its price would decline. As the demand for wheat would correspondingly increase, its price would rise. Suppose we had watched the rise of wheat and the fall of barley until two bushels of the latter would only buy one of the former. Suppose there came to us then, as there would be sure to come, a cry like that we hear now: 'The world can not produce the wheat to fill our grain contracts; barley is abundant, and for it there is little use. In the name of mercy regrainetize barley.' Can any one who knows the honorable chairman of the Committee on Finance conceive that he would respond to such a demand, 'Yes, we will permit you to deliver barley for grain once more, provided you will deliver two bushels for one?'

"No one has ever answered in a plainer or clearer way the objection of the Senator from Ohio that there is not now silver enough put into the standard silver dollar. It is the dollar which we and all our creditors agreed should be the dollar in all our obligations. The Senator from Kansas [Mr. INGALLS], the present President of the Senate, also made a speech. It will be seen that I am not alone in speaking of the act of 1873 having been secretly passed. The Senator from Kansas on this floor on the 15th of February, 1878, said:

"But there is strong evidence that the destruction of the legal-tender power of silver was the culmination of a scheme long entertained by the holders of the public debt of this country, devised by them for the purpose of appreciating the value of their investments, regardless of the ruin and desolation which it would bring upon the laboring and productive classes of the nation.

"Have I said anything stronger than that?

"In a report made to the Senate June 9, 1868, to accompany a 'bill in relation to the coinage of gold and silver,' Mr. SHERMAN, now Secretary of the Treasury, said:

"'The single standard of gold is an American idea, yielded reluctantly by France and other countries where silver is the chief standard of value.'

"Mr. INGALLS proceeds:

"No statement emanating from authority so respectable could well be more devoid of truth. The original American idea was a single standard of silver. Gold was an innovation, and in my judgment a grave mistake. The assertion of Senator SHERMAN that the single gold standard was an 'American idea' is so singularly incorrect that it seems almost like a premeditated preliminary to the fatal error of 1873.

"There were other things said by that Senator, and said very well, that I have not time to read. There is one thing that perhaps I ought to read for his benefit now, which I hope when some other issues come up he will bear in mind. The Senator from Kansas [Mr. INGALLS] said:

"We can not disguise the truth that we are on the verge of an impending revolution.

"THE OLD ISSUES ARE DEAD.

"The people are arraying themselves upon one side or the other of a portentous contest. On one side is capital, formidably intrenched in privilege, arrogant from continued triumph, conservative, tenacious of old theories, demanding new concessions, enriched by domestic levy and foreign commerce, and struggling to adjust all values to its own standard. On the other is labor, asking for employment, striving to develop domestic industries, battling with the forces of nature, and subduing the wilderness; labor, starving and sullen in cities, resolutely determined to overthrow a system under which the rich are growing richer and the poor are growing poorer; a system which gives to a Vanderbilt the possession of wealth beyond the dreams of avarice and condemns the poor to a poverty which has no refuge from starvation but the prison or the grave.

"He goes on to show that the remonetization of silver was an indispensable prerequisite to the restoration of the prosperity of the country, and he was right.

"The PRESIDING OFFICER. The Senator will suspend, that the Chair may lay before the Senate the unfinished business, being Senate bill No. 977.

"Mr. HARRIS. I ask that the unfinished business be informally laid aside, so that the Senator from Kentucky may proceed.

"The PRESIDING OFFICER. If there be no objection, the unfinished business will be informally laid aside. The Chair hears no objection. The bill of the Senator from Kentucky remains before the Senate, on which he is entitled to the floor.

"Mr. BECK. I thank the Senate for its courtesy.

"A few more words which may well be considered in the struggle in regard to taxation that is coming in the near future. I read from the Senator from Kansas:

"If the bonds of this Government—

"He had shown that the holders were all demanding that they should be paid in gold alone, although, according to the contract, silver was by law an equal factor with gold in their payment—

"If the bonds of this Government are paid they will be paid by the labor of the country, and not by its capital. They are exempt from taxation and bear none of the burdens of society.

"The alliance between the West and the South upon all matters affecting their material welfare hereafter is inevitable. Their interests are mutual and identical. With the removal of the causes of political dissension that have so long separated them, they must coalesce, and united they will be invincible. The valleys of the Mississippi and Missouri, with their tributaries, form an empire that must have a homogeneous population and a common destiny from the Yellowstone to the Gulf. These great communities have been alienated by factions that have estranged them only to prey upon them and to maintain political supremacy by their separation. Unfriendly legislation has imposed intolerable burdens upon their energies; invidious discriminations have been made against their products; unjust tariffs have repressed their industries.

"I come now to the Senator from Indiana [Mr. VOORHEES]. The Senator from Indiana made a great speech on that occasion. The Senator from Ohio will perhaps have something to say about his remarks. Senator VOORHEES said:

"The silver dollar is peculiarly the laboring man's dollar, as far as he may desire specie. When specie payments were authorized before the war it was the favorite currency with the people, and it will be so again whenever a general circulation of coin is obtained, if that shall ever happen. Throughout all the financial panics that have assailed this country no man has been bold enough to raise his hand to strike it down; no man has ever dared to whisper of a contemplated assault upon it; and when the hour of its danger and destruction drew nigh, when the 12th day of February, 1873, approached, the day of doom to the American dollar, the dollar of our fathers, how silent was the work of the enemy! Not a sound, not a word, no note of warning to the American people that their favorite coin was about to be destroyed as money; that the greatest financial revolution of modern times was in contemplation and about to be accomplished against their highest and dearest rights!

"The taxpayers of the United States were no more notified or consulted on this momentous measure than the slaves on a Southern plantation before the war, when their master made up his mind to increase their task or to change them from a corn to a cotton field. Never since the foundation of this Government has a law of such vital and tremendous import, or indeed of any importance at all, crawled into our statute books so furtively and so noiselessly as this. Its enactment there was as completely unknown to the people, and indeed to four-fifths of Congress itself, as the presence of a burglar in a house at midnight is to its sleeping inmates.

"I believe he was equally as forcible in his expressions as the Senator from Nevada was the other day, though not so personal:

"This was rendered possible partly because the clandestine movement was so utterly unexpected, and partly from the nature of the bill in which it occurred. The silver dollar of American history was demonetized in an act entitled 'An act revising and amending the laws relative to the mints, assay offices, and coinage of the United States.' The avowed and ostensible purpose of this act is set forth by Dr. Linderman, the Director of the Mint, in his recent work on Money and Legal Tender.

"I might read from the speeches of other Senators; but the Senator from Texas [Mr. COKE] has broad shoulders, and the Senator from Ohio may perhaps like to make some complementary remarks in regard to the way he talked about the act of 1873. The Senator from Texas said:

"The bankers, capitalists, bondholders, and syndicates of England and Germany, and the other European states which have followed their lead in demonetizing silver, and who mainly hold and own or control the enormous indebtedness due by all the world to these great creditor nations, were the movers and promptors and promoters of the policy of degrading and demonetizing silver, of course for the purpose of magnifying and increasing the value and purchasing power of the gold which they exacted from debtors. The passage of the act of February 12, 1873, taking away the right of free coinage of silver, and the adoption of the Revised Statutes in June, 1874, by the Congress of the United States, taking away the legal-tender quality from the silver dollar, completed the demonetization of silver in this country and established the gold standard. No greater outrage was ever perpetrated under the forms of law than these enactments which demonetized silver.

"The first, so artfully embodied in a long bill of sixty-seven sections that General Grant, then President, who approved the bill, did not know of it, as is shown by his well-known letter to Mr. Cowdrey, written seven months afterward, which I will not read here because every Senator has seen it, and the last contained in the Revised Statutes, which were enacted in bulk upon the assurance of the revising committee that no new matter had been inserted. The subject had not been discussed before the people or by the press, had not been debated in Congress, had not been considered by the country, and the people, as well as the President who approved the bill, were utterly ignorant of what had been done for many months afterward. Had the people been aroused to a knowledge of the fact in time this effort to despoil them would have been overwhelmed with defeat. When England demonetized silver the American silver dollar was worth 108 cents in gold, when Germany demonetized silver in 1871 the same dollar outvalued gold the same per cent., and when silver was fraudulently and surreptitiously demonetized in the United States in 1873 it outvalued gold to about the same extent. It was not demonetized because it was a cheap dollar or a dishonest dollar, as is alleged against it now, for it was worth more than gold. The great creditor nations, England and Germany, with the lesser European states which joined them in their policy, demonetized silver on a cold calculation that by destroying one-half of the world's money the other half would be greatly increased in value, and the creditor section of this Union, where the great national and other banks are, where the Government and other bonds, State, railway, municipal, and corporation, and four-fifths of the gold coin and other active banking capital of this country are found, demonetized silver in the United States in 1873 on exactly the same sort of calculation.

"The Senator from Colorado [Mr. TELLER] took part in the controversy. I have skipped the Senator from Alabama [Mr. MORGAN] and the Senator from Texas [Mr. REAGAN], who were not very much milder in their form of expression than the others. I want to show the Senator from Ohio that my form of expression was mild compared with what several other Senators had said. The Senator from Colorado [Mr. TELLER] said:

"The creditor class, always powerful in affairs of state, controlled the legislation as well as the financial affairs of the world. The destruction of one-half of the money of the world would enhance the value of all of these securities. Is it very strange that the common people of all nations, deeply absorbed in their efforts to pay their interest and escape from their debts, did not interfere in the attempt to lessen all value except that of gold? Thus the demonetization in Germany did not call from that class a protest any more than the act of 1873 did from the people of the United States, who were busy in trying to save something from the wreck produced by overspeculation and overcredits, and were suffering from stagnation in business produced by a want of real money to carry on the legitimate business of the country and did not discover that silver was demonetized until months after it was done.

"The Senator from North Carolina [Mr. VANCE] was pretty emphatic in his remarks in regard to it. But perhaps I have read enough.

"Mr. President, I submit that, if there is any weight in human testimony and the testimony of Senators of the highest character, neither they nor the American people knew that silver coin was stricken down as it was by the act of 1873; and while the Senator from Ohio read what had been said in public and private reports—and he may read all sorts of reports as to how often the bills were printed, how many committees they were referred to, and what was done about them—he has failed to show, and he will always fail to show, that the American people or their representatives in either House knew that silver was stricken down by the act of 1873 or that any debate occurred on the bill that was passed to call their attention to it; the records will not enable him to do it. The statement of the Senator from Nevada on this floor the other day settles that. I have turned to the record. I was a member of the other House at that time.

"I can prove, I think, by the Senator from Massachusetts [Mr. DAWES], who was chairman of my Committee on Ways and Means at that time, that I was an ordinarily vigilant member in regard to public affairs. I did not know it and never suspected it, and I have conversed with Mr. HOLMAN, of Indiana, who was then in the House, and he told me, and he has said over and over again in the House and elsewhere, that he had no suspicion that it was done. He has never been suspected of lack of vigilance. Of course it was known that the Comptroller of the Currency, the Director of the Mint, and their allies, foreign and domestic, were scheming to appreciate the value of the bonds, and of course the committee in Congress and those who were watching these questions knew that schemes for the demonetization of silver had been presented more than once, but had never met with any favor among the representatives of the people.

"The record shows that early in April, 1872, the bill had been made a special order from day to day. Mr. Potter, of New York, was a member of the committee. The record shows that, while these provisions were contained in the fifteenth and sixteenth sections, the House had only reached the ninth section when Mr. Potter developed the fact that there was a proposition in the bill, and there would be an effort to strike down silver coinage. As I said, the bill was the special order from day to day, yet as soon as Mr. Potter developed that fact, although he said he believed in gold and gold alone as the unit or standard of value, yet he was opposed to making any change in our coinage at that time, as the attention of the country had not been called to it, the House dropped even the consideration of the bill any further, and it lost its place. It never was called up from the 9th of April until the 27th of May, 1872.

"Both Houses of Congress had before that day agreed to adjourn on the 29th of May. Mr. Potter, of New York, had gone home. He was the member on the Democratic side who was watching it. He was on the committee and had avowed that he would not allow it to pass. Mr. Hooper, of Massachusetts, in Mr. Potter's absence, offered what he said was a substitute for the bill, and not the objectionable bill that Mr. Potter had advised against, though it turned out, as Mr. SHERMAN now proves, that his statement was untrue. Mr. Hooper came to Mr. Kerr, of Indiana, Mr. HOLMAN, myself, and others, and he assured all of us, as Mr. HOLMAN will tell any one and as I know, that his substitute was simply a bill regulating mints. Mr. Brooks was not willing to believe him. He said his colleague from New York, Mr. Potter, was gone. Here is the record. It is all recorded in less than half a page, as you will observe, in the Congressional Globe, part 5, second session, Forty-second Congress.

"Let it be remembered that this occurred within forty-eight hours of the final adjournment of the House for the session. When motions to suspend the rules were in order and everybody was trying to get bills through on suspension, Mr. Hooper tried to suspend the rules and pass the bill without reading it. That was objected to. Finally it was ordered to be read, and the Clerk 'began reading it.' That is all the record shows. Whether it was read in full or not, I do not care to say. Those who were there with whom I have conversed do not believe it was. But I care nothing about that. We all heard, or are presumed to have heard, an important bill read here half an hour ago in regard to the courts, and there was not a man in this Senate, unless the Senator from Iowa [Mr. WILSON], who knows what it meant. I venture to assert that there are not five Senators who can tell what that bill was that was read a half hour ago. Therefore I say I do not care whether the bill was read in the then confusion of the House or not. The record shows that Mr. Brooks said:

"My colleague from Westchester district [Mr. Potter] stated the other day that this bill provided for the recoinage of more or less of the small currency of the country and the creation of a new currency.

"Mr. HOOPER, of Massachusetts. That is not the case with the bill as it now stands.—*Congressional Globe*, 1871-'72, part 5, page 3883.

"That satisfied Mr. Brooks and corresponded with what Mr. Hooper had told many of us privately. Mr. Kerr was still partly dissatisfied, and Mr. HOLMAN, at his request as I recollect it, put the question to Mr. Hooper, who was standing in front of the desk:

"Mr. HOLMAN. Before the question is taken upon suspending the rules and

passing the bill, I hope the gentleman from Massachusetts will explain the leading changes made by this bill in the existing law, especially in reference to the coinage. It would seem that all the small coinage of the country is intended to be recoined.

"Mr. Hooper's attention was called especially to the coinage. Mr. HOLMAN also feared that all the small currency of the country was intended to be recoined, which would be a costly operation.

"Mr. HOOPER, of Massachusetts. This bill makes no changes in the existing law in that regard. It does not require the recoinage of the small coins. On the contrary, I understand that the Secretary of the Treasury proposes to issue an order to stop the coinage of all the minor coins, as there is now a great abundance of them in the country. The salaries are not increased. They remain as they were.

"That was satisfactory, and the bill, which was believed to be a substitute with all the objectionable features as to coinage and changes stricken out, was allowed to pass almost unanimously.

"The record flatly contradicts Mr. SHERMAN'S assertion that the Hooper substitute, which passed, was ever discussed or considered, and proves my assertion that it was passed without members knowing what it contained. I might add that they were deceived in regard to its provisions.

"On the motion to suspend the rules and pass the bill the vote was 110 yeas to 13 nays. Not a word was said about striking down the silver dollar. Now, is it true that the bill passed, as stated the other day by the Senator from Ohio, because silver was worth 3½ per cent. more than gold, and therefore the silver dollar was sought to be reduced from 412½ grains to 383 grains? I have stated how the bill was passed, and nine-tenths of the members then in the House will prove what I say is true. Of course, the provision striking down the silver dollar and reducing its legal-tender quality was in it, but the members of the House, except a favored few, were kept in ignorance of the fact.

"The bill went to the Senate, reaching there on the day of final adjournment for the session. I have the bill in my hand as it finally passed in conference. I received it this morning from the file clerk, together with the report of the committee of conference, with all the changes made after it reached the Senate, with marks showing what the conference agreed to. I do not care to read details. It would take too long. All the provisions of the House bill in regard to reducing the value of the silver dollar, because, as the Senator said, the old silver coin was worth 3 per cent. more than gold, which was the pretense on which he said they were acting, were stricken out, the old dollar was dropped, and a trade dollar of 420 grains substituted.

"Mr. SHERMAN. I will ask the Senator from Kentucky now to read in his speech the section of the bill in regard to coinage as it came from the House of Representatives and then as it was proposed in the Senate. He has before him now the document which shows the proposition of the House of Representatives as it came to us. Let that be printed and then let the proposition of the Senator be printed side by side.

"Mr. BECK. Here they are, sections 12, 14, and 15.

"Mr. SHERMAN. I hope the Senator will have that done.

"Mr. BECK. I will. With the consent of the Senate, I will have that done.

"Mr. SHERMAN. Let them be read.

"They are as follows:

"The proposition in the House bill was:

"'That the silver coins of the United States shall be a dollar, a half-dollar or fifty-cent piece, a quarter-dollar or twenty-five-cent piece, and a dime or ten-cent piece; and the weight of the dollar shall be 384 grains; the half-dollar, quarter-dollar, and the dime shall be, respectively, one-half, one-quarter, and one-tenth the weight of said dollar; which coins shall be a legal tender, at their denominational value, for any amount not exceeding $5 in any one payment.'

"The Senate substitute, which was adopted, reads:

"That the silver coins of the United States shall be a trade-dollar, a half-dollar or fifty-cent piece, a quarter-dollar or twenty-five-cent piece, a dime or ten-cent piece; and the weight of the trade-dollar shall be 420 grains troy, the weight of the half-dollar shall be 12½ grams; the quarter-dollar and the dime shall be, respectively, one-half and one-fifth of the weight of said half-dollar; and said coins shall be legal tender, at their nominal value, for any amount not exceeding $5 in any one payment.

"Then follows—

"SEC. 13. *And be it further enacted*, That no coins, either of gold, silver, or minor coinage, shall hereafter be issued from the mint other than those of the denominations, standards, and weights herein set forth.

"Mr. BECK. The final change was made from 383 grains, as the House bill proposed, to a trade dollar of 420 grains, which was 7½ grains more valuable than the original standard silver dollar, whose legal-tender quality they were so eager to destroy.

"Mr. SHERMAN. In other words, the dollar, not the dollar of the fathers, not the dollar of 412½ grains, but the token dollar of 385 grains, was provided for in the House bill.

"Mr. BECK. Provided for by Mr. Hooper and one or two other men who denied that they were providing for it. The House never knew anything about it. Mr. Blaine proved that; Mr. Kelley has shown that; Mr. Garfield, over and over again, proved that; and the RECORD shows that he was present in the House and taking part in the proceedings when it was done. That provision was inserted reducing the silver dollar from 412½ to 383 grains by a few men who denied that they were doing it. That is what I contend, and I think I have proved it. Of course they got it in, else the scheme would have failed?

"Mr. SHERMAN. But what I wish is to have the proposition of the House printed, and then side by side the proposition of the Senate, which lay upon our table more than two months, and has been read over and over again.

"Mr. BECK. What I complain of, and what I think I have proved, is that the House never knew what was in that bill. The bill was offered as a substitute for all former bills, and it was vouched for by Mr. Hooper, who presented it, that it had nothing to do with coinage. It was upon the faith of that statement the House allowed it to pass, and the House was deceived.

"The Senate amendment is a curious commentary on what the Senator from Ohio the other day said about the old silver dollar being deliberately demonetized because it was more valuable than gold. When the bill came into his hands, as chairman of the committee, he struck out the provision which the House bill contained reducing the dollar because of its overvaluation; he left no such dollar in the bill, but inserted another dollar altogether; one of 420 grains, or 7½ grains more silver than the original 412½ grains, which he said was worth 3½ per cent. more than gold; and the bill was sent back to the House, and, so far as I can find by searching the RECORD, the House was never told of the change. What occurred when it got back to the House? It was sent at once to a committee of conference. I turn to the RECORD again, part 2, third session, Forty-second Congress, page 1189, under the heading 'Mint laws:'

"Mr. HOOPER, of Massachusetts. Mr. Speaker, I rise for the purpose of submitting a report of a committee of conference, which I ask the Clerk to read.

"That was this report, which no man could by reading tell what it meant unless he had the bill carefully before him.

"Signed by the conferees.

"The report was adopted.

"Mr. HOOPER, of Massachusetts, moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

"That is all the House ever did know. The House was never told, so far as the RECORD shows, that I can find, that the Senate had changed the bill from a bill reducing the value of a silver dollar to a bill creating a new dollar altogether, one of 420 grains instead of 383 grains.

"When it came to the Senate the Senator from Ohio [Mr. SHERMAN] had charge of it, and it is headed again 'Mint laws.'

"Mr. SHERMAN submitted the following report.

"The report was concurred in, with not one word said about it, so that neither House had any opportunity, so far as these reports show, to know what they were doing.

"I need not waste time in regard to what took place when the House bill reached the Senate. The Senator from Nevada [Mr. STEWART] has shown very fully what took place there. If the Senator from Ohio is content with that statement, I am. Mr. Casserly, of California, was in the Senate and other able and distinguished representatives of silver-producing States. Mr. Corbett, of Oregon, and others took part in the debate. Will any sane man believe that they deliberately consented to strike down silver coinage? Mr. SHERMAN says they all did. I do not believe him. When the House bill was brought up by Mr. SHERMAN the RECORD shows that he used this language:

"Mr. SHERMAN. I rise for the purpose of moving that the Senate proceed to the consideration of the mint bill. I will state that this bill will not probably consume any more time than the time consumed in reading it. It passed the Senate two years ago after full debate. It was taken up again in the House during the present Congress and passed there. It is a matter of vital interest to the Government, and I am informed by officers of the Government it is important it should pass promptly. The amendments reported by the Committee on Finance present the points of difference between the two Houses, and they can go to a committee of conference without having a controversy here in the Senate about them.

"Again he said:

"If the Senator will allow me, he will see that the preceding section provides for coin which is exactly interchangeable with the English shilling and the five-franc piece of France; that is, a five-franc piece of France will be the exact equivalent of a dollar of the United States in our silver coinage.

"That was stricken out, and there was no such thing left in the bill.

"And in order to show this wherever our silver coin shall float—and we are providing that it shall float all over the world—we propose to stamp upon it, instead of our eagle, which foreigners may not understand, and which they may not distinguish from a buzzard or some other bird, the intrinsic fineness and weight of the coin. In this practical, utilitarian age the officers of the mint seemed to think it would be better to do that than to put the eagle on our silver coins. I must confess I do not think it is very important, but I think the Senator ought to be willing to defer in these matters to the practical knowledge of the officers who have charge of this branch of the Government service. I will say that Mr. Linderman, whom the Senator must know, has suggested this as being a convenient mode of promoting international coinage.

"Did not every word of that indicate the continuance of silver coinage with full legal-tender quality as it had always had?

"International coinage in a trade-dollar, with a legal-tender quality of only $5, and even that poor quality was stricken out in 1875, so as to make it simply merchandise. That was the coin the Senator from Ohio said was to float, and they were providing it should float all over the world, wherever our flag floated, and that it should be international coinage equivalent to the coins of other nations.

"Little wonder the Senator from Nevada said to him: 'Whatever

may be your construction of the meaning now, the words used then induced me to vote with you, because you made me believe that you were sending out a bona fide silver dollar as good as any in the world.' The Senate so believed. The debate showed that Mr. Casserly announced that Nevada alone was then producing $20,000,000 of silver, and the question was as to whether silver-owners should pay the coinage charge of half a quarter or one-eighth per cent.; nothing was suggested anywhere that the silver dollar was to be stricken down. The Senator from Ohio was as silent as the grave on that subject.

"But that was not all. To show that whenever things are not done as they ought to be the track can be followed, and it will be in the same direction, the Revised Statutes were adopted shortly afterwards. When it is said that we had coined no silver dollars, practically, up to that time, that is not the fact. We had coined in the month of January, 1873, and in the first twelve days of February, 1873, nearly two million standard silver dollars of 412½ grains, nearly one-fourth of all we ever had coined.

"By the way, if Senators will turn to Dr. Linderman's work on Money and Legal-Tender, which you will find in the Library, you will see we never had coined a gold dollar from the foundation of the Government until long after the discovery of gold in California, and that we had up to 1848 about as much silver as we had gold coin of all sorts. At the time we fought the war of 1812 and the war with Mexico and acquired Louisiana, we were upon a silver basis, if that is worth suggesting. All our acquisitions were obtained with silver coin, the Mexican dollar being the legal tender, as well as other foreign coins, most of the time. The table furnished by Dr. Linderman shows it all, and the fact is proved by his tables that we had coined nearly two million standard dollars in less than six weeks before this act of 1873 was passed.

"I think I can guess the reason why the bankers of Europe were pushing the act of 1873. The Rothschilds, who held our bonds, and the great bankers of the Rhine, at Frankfort and elsewhere, were, of course, all anxious for it to pass. Mr. Hooper and the other bankers knew why. How much the Senator from Ohio was allowed to know I can not state; but Dr. Linderman showed in November, 1872, that silver was falling, and falling rapidly; it had fallen from 3 per cent. premium down to par with gold when the act was passed demonetizing it, and that it was sure to fall still more rapidly. All their bonds were payable in it while it was being stricken down in their countries.

"Dr. Linderman tells the whole story in a report made the fall of 1872, after the bill had passed the House. He takes credit for the trade dollar as having been first suggested in his report. He says we discovered, very soon after the bill passed the House—as early as September or October, 1872—that Germany was going to sell her silver. The House had passed the bill, recollect, in May, 1872; it came to the Senate practically in December.

"Dr. Linderman in his book states what he said in the fall of 1872:

"The amount of silver bullion annually produced from the mines of the United States has been increased during the last three years, and now amounts to about $20,000,000 per annum, exclusive of the gold it contains; and a further increase in this product being quite certain, the future value of silver as compared with gold is a matter of national importance.

"The fluctuations in the relative value of gold and silver during the last hundred years have not been very great, but several causes are now at work, all tending to an excess of supply over demand for silver, and its consequent depreciation. Among these causes may be stated the increasing production, its demonetization by the German Empire and the continued disuse in this country, except to a limited extent, as a part of the circulating medium.

"It has also been demonetized by Japan, while in some other countries silver coin has been wholly or partially expelled from circulation by paper money, the effect of which will be to bring to market as bullion large amounts hitherto used as coin. The amount of silver coin in the German Empire at the date of enactment of the recent coinage law (December, 1871) which changed the standard from silver to gold, is estimated by competent authority at $350,000,000, being equal to five years' total production of the globe.

"Even if silver should be adopted by Germany for subsidiary coinage, not more than $30,000,000 will be required for that purpose, which will leave $300,000,000, or about 9,000 tons, to be disposed of as bullion. A market for this immense supply of silver can only be found in such of the European states as maintain the single standard of silver or the double standard of gold and silver, and in China and the Indies.

"The facts above stated indicate the gradual but eventually certain adoption of the gold standard and consequent demonetization of silver by all commercial countries. Not only is the tendency to adopt gold as the sole standard and measure of value, but to use paper money redeemable in gold as the bulk of the circulating medium.

"Then he proceeds to show that gold would necessarily appreciate, which he said meant the same thing as depreciation of property by reason of silver being stricken down. I may refer to his table giving the amount of silver and gold we had then coined and the relation they bore to each other in 1873, showing that the pretense that silver was demonetized because it was either not a coin that the people wanted or because it was more valuable than gold is not true. It was stricken down because the great gold-brokers, foreign and domestic, saw that gold was becoming more and more valuable every day and silver would necessarily fall because of the action of Germany.

"The production of gold had fallen off in this country from $66,000,000 in 1856 to $32,000,000 in 1873. Silver production had gone up from less than $14,000,000 four years before to thirty-odd million dollars in 1873. That was the real cause of its being stricken down in the interest of the bondholders and the bankers and the usurers of Europe and America.

"But I started to speak of the fraud—and I use the word deliberately—the fraud committed by somebody in the Revised Statutes in demonetizing the silver coin then in existence. Recollect the act of 1873 did not do that. It left whatever coin had been coined as a legal tender for all debts. It only provided for coins in the future. The fraud in the Revised Statutes had to be perpetrated to consummate the act and to destroy the existing silver money. The Revised Statutes professed to be simply a compilation of existing laws, nothing more. They so state officially on their face. General Butler presented them. This is what he said, among other things:

"I desire to premise here that your committee felt it their bounden duty not to allow, so far as they could ascertain, any change of the law. This embodies the law as it is. The temptation, of course, was very great, where a law seemed to be imperfect, to perfect it by the alteration of words or phrases or to make some change; but that temptation has, so far as I know and believe, been resisted. We have not attempted to change the law in a single word or letter so as to make a different reading or different sense. All that has been done is to strike out the obsolete parts and to condense and consolidate and bring together statutes *in pari materia*, so that you have here, except in so far as it is human to err, the laws of the United States under which we now live. And it will be necessary, if the bill passes Congress, that it shall pass without anyone undertaking to amend the law as it stands in this revision, because once beginning to amend the revision by altering the law from what it is will lead into an interminable sea, in which we shall never find soundings and which will never find a shore. But if there be any omission of any provision of law the theory of this revision is that that shall be supplied; and to that the committee desire to call the attention of the House.

"Judge Poland followed, who had charge of the bill, perhaps was chairman, and said:

"As my friend from Massachusetts has said, the committee have endeavored to have this revision a perfect reflex of the existing national statutes. We felt aware that if anything was introduced by way of change into those statutes it would be impossible that the thing should ever be carried through the House. In the multitude of matters that come before Congress for consideration, if we undertake to perfect and amend the whole body of the national statutes there is an end of any expectation that the thing would ever be carried through either House of Congress, and therefore the committee have endeavored to eliminate from this everything that savors of change in the slightest degree of the existing statutes.

"So the Revised Statutes were passed; and yet, coupling that with what was done in 1873 in regard to the silver dollar, is it strange that we find in those Revised Statutes all the silver coinage of the country that was a full legal tender for every dollar of debt, public and private, demonetized and not allowed to be a legal tender for more than $5 under and by virtue of the Revised Statutes? Whoever did it committed a fraud, a palpable fraud upon the country. As I said and repeat, it required such a provision in the Revised Statutes to destroy the silver coinage of the country. Whoever inserted it did it in the interest of the bondholders, willfully and fraudulently.

"Passing from that, the Senator from Ohio, as the Senator from Kansas said in the speech from which I read, declared that the striking down of silver coinage and the substituting of the gold unit was an American idea. I deny it, as the Senator from Kansas did, as every Senator has who spoke upon this subject. I ask Senators to read the report of Mr. Hunter, from which I would like to quote, made in 1853. He there shows that silver and gold, acting side by side and treated both alike, was the American idea. Gold, and gold alone, was the idea of the Senator from Ohio, but not of any other Senator or any other leading American that I know of.

"Why do I say it was his idea? Because he went to Paris in 1867. I do not know whether he wrote the letter while in Paris or not, but at an international convention to which Mr. Ruggles was the American delegate, appointed by Mr. Seward, in 1867, in making his report in regard to the question what should be the unit of value—a question never brought up for action in the United States, so far as I know, but suggested in a convention of European nations—Mr. Ruggles reports to Mr. Seward as follows:

"It was then stated to the Emperor that an eminent American statesman—Mr. SHERMAN, Senator from Ohio, chairman of the Finance Committee of the Senate of the United States, and recently in Paris—had written an important and interesting letter, expressing his opinion that the gold dollar of the United States ought to be and readily might be reduced by Congress, in weight and value, to correspond with the gold five-franc piece of France; that the letter was now before the international committee, having the question of uniform coin under special examination, to which letter, as being one of the best interpretations of the views of the American people, the attention of the public authorities of France was respectfully invited.

"Mr. SHERMAN'S letter had not then been brought to the attention of the American people, so far as I know. I think he represented only himself.

"The Emperor then closed the audience by repeating the assurances of his gratification that the important international measure in question was likely to receive active support from the United States.

"The letter of Mr. SHERMAN above referred to, dated the 18th of May, 1867, originally written in English, was presented in a French translation a few days after to the international committee in full session, when it was received with unusual interest and ordered by the committee to be printed in both languages. A copy is herewith transmitted for the information of the Department of State.

"Further on, when they reached an agreement on the single gold unit, Mr. Ruggles took uncommon pleasure, he said, in giving great credit to his friend, the Senator from Ohio, as being the man chiefly instrumental in bringing about that result by the letter he had written and by the influence he had exerted. Mr. Ruggles says:

"The establishment of the single standard exclusively of gold is in truth the cardinal if not the all-important feature of the plan proposed by the conference,

relieving the whole subject by a single stroke of the pen from the perplexity, and indeed the impossibility, of permanently unifying the multiplicity of silver coins scattered through the various nations of Europe. It is a matter of world-wide congratulation that on this vital point the delegates from the nineteen nations represented in the conference were unanimous, not excepting France itself, so strongly wedded by the national traditions to a double standard.

"Then he goes on to state the controversy they had among themselves and how they finally got together, Great Britain and Sweden standing out alone in favor of their own moneys. He adds:

"On all these questions the interests of monetary unification were materially advanced by the publication at Paris of the concise but admirable letter from Hon. JOHN SHERMAN, Senator in Congress from the State of Ohio, a copy of which has been already communicated to the Department of State, but which for more convenient reference is now transmitted herewith in duplicate, with its French translation. His opinions are unmistakably expressed in the following extracts: 'As the gold [five-]franc piece is now in use by over sixty millions of people of several different nationalities and is of convenient form and size, it may well be adopted by other nations as the common standard of value, leaving to each nation to regulate the divisions of this unit in silver coin or tokens. If this is done, France will surely abandon the impossible effort of making two standards of value.'

"He was for the one standard and thought France could be brought into it.

"Gold coins will answer all the purposes of European commerce. A common gold standard will regulate silver coinage. In England many persons of influence and different chambers are earnestly in favor of the proposed change in the coinage. The change is so slight with them that an enlightened self-interest will soon induce them to make it, especially if we make the greater change in our coinage. We can easily adjust the reduction with the public creditors in the payment or conversion of their securities, while private creditors might be authorized to recover upon the old standard.

"When Mr. Ruggles's report was made Mr. SHERMAN took it up and sought to carry its recommendations through Congress, and no doubt this is one of the things that he thought attracted so much public attention. During the Fortieth Congress, June 9, 1868, Mr. SHERMAN made a report to the Senate in which he recommended a single standard exclusively of gold, and in that report used the language which the Senator from Kansas [Mr. INGALLS] quoted in the speech which he made:

"The single standard of gold is an American idea, yielded reluctantly by France and other countries, where silver is the chief standard of value.

"At the close of his report he said:

"These reasons induce your committee to earnestly urge the adoption by the United States of the general plan of the French conference.

"He attempted to show that the sole legal standard of gold was the one object most to be desired, while he insisted most urgently in regard to public debts that it was dishonest and dishonorable to require the holders to take pay in a coin less valuable than the coin of that contract. He said if we reduce the metal in our coin, as our public debt is very large, we shall have to pay our creditors $90,000,000 in addition to the face of the bonds. That was a small matter, however, though he afterwards urged, as Secretary and Senator, earnestly and repeatedly, that the silver coin of the contract should be increased and paid to the bondholders. In his report he urged the gold unit, changing ours to the French standard and providing for payment in addition to the bondholder. I will quote his language exactly:

"As to public debts, the contract of loan is the only law that ought to affect the creditor until his debt is fully discharged.

"Now, pay attention to this. I expect to read this again, because the act of July 14, 1870, made all public debts payable in the gold and silver coin of the standard value of that day, and every effort of Mr. SHERMAN or anybody else to increase the weight of the silver dollar, by any additional number of grains, simply seeks to impose a tax upon the people to the extent of the increase, in violation of the contract that he regarded as so sacred when he sought to reduce gold. Perhaps poor debtors have not the same contract rights as rich creditors, especially when bondholders are the beneficiaries.

"Mr. TELLER. What is the date of that?

"Mr. BECK. June 9, 1868; it is Mr. SHERMAN'S report from the Finance Committee, on the relation of the coinage of gold and silver:

"Does not a different principle prevail as to public debts? As to public debts, the contract of loan is the only law that ought to affect the creditor until his debt is fully discharged.

"Note that. It ought to apply to the debtor as well; he has rights in all contracts as well as the creditor, in my opinion at least.

"Congress—

"Says Mr. SHERMAN—

as the authorized agent of the American people, is one party to the contract, and it may no more vary the contract by subsequent acts than any other debtor may vary his contract. As to the public creditor, no legislative power stands between him and the exact performance of his contract. Public faith holds the scales between him and the United States, and the penalties for a breach of this faith are far more severe and disastrous to the nation than courts, constables, and sheriffs can be to the private debtor. These penalties are national dishonor and inability to borrow money in case of war or public distress, and the ultimate result is the sure and speedy decline of national power and prestige. When changes in our coin were made in 1834 and 1853, the United States had no public debt of any significance, and the precedents then made do not apply to the present time. Now the public debt is so large that a change of 3½ per cent. in the value of our coin is a reduction of the public debt of $90,000,000. So much of this debt as exists in the form of legal-tender notes will be received and disbursed as money, and as its value for some time will be less than the new coin, no provision need be made for it; but for so much of the debt as is payable, principal or interest, in coin of a specific weight and value, provision ought to be made for its exact discharge in that coin or its equivalent in the new. Your committee, therefore, propose an amendment to that effect.

"That quotation may be useful in the further discussion of some other points made from time to time by that distinguished gentleman. His proposition met with no favor as far as the history of American legislation publicly shows. Even Mr. Morgan, of New York, who was supposed to be the representative of Wall street, in every form opposed it, and made a minority report in which he said:

"A change in our national coinage so grave as that proposed by the bill should be made only after the most mature deliberation. The circulating medium is a matter that directly concerns the affairs of everyday life, affecting not only the varied, intricate, and multiform interests of the people at home to the minutest detail, but the relations of the nation with all other countries as well. The United States has a peculiar interest in such a question. It is a principal producer of the precious metals, and its geographical position, most favorable in view of impending commercial changes, renders it wise that we should be in no haste to fetter ourselves by any new international regulation based on an order of things belonging essentially to the past.

"Again he says:

"The movement proposed in the bill appears to be in the wrong direction. The standard value of gold coin should be increased—brought up to our own, rather than lowered.

"He gives many reasons for that. Again he says:

"These two streams of the precious metals, poured into the current of commerce in full volume, will produce perturbations marked and important. Other countries will be affected, but the United States will feel the effect first and more directly than any other.

"The Pacific Railway will open to us the trade of China, Japan, India, and other oriental countries, of whose prepossessions we must not lose sight. For years silver, for reasons not fully understood, has been the object of unusual demand among these Asiatic nations, and now forms the almost universal medium of circulation, absorbing rapidly the silver of coinage. The enormous proportion fixed between silver and gold by France, and which we are asked to copy, is denuding that country of the former metal. Our own monetary system, though less faulty, is not suitably adjusted in this respect. The silver dollar, for instance, a favorite coin of the native Indian and distant Asiatic, has well-nigh disappeared from domestic circulation to reappear among the Eastern peoples, with whom we more than ever seek close intimacy. As they prefer this piece we would do well to increase rather than discontinue its coinage, for we must not deprive ourselves of the advantages which its agency will afford, and 'it would be useless to send dollars to Asia inferior in weight and value to its well-known Spanish and Mexican prototype.'

"So when Mr. SHERMAN and Mr. Ruggles managed to agree in regard to the single gold unit, and when Mr. SHERMAN presented it before the American Congress, and it was met by a minority report from Mr. MORGAN and then dropped, it became just and proper for the Senator from Kansas [Mr. INGALLS] to remark as he did in the speech I have just read:

"In a report made to the Senate June 9, 1868, to accompany 'A bill in relation to the coinage of gold and silver,' Mr. Sherman, now Secretary of the Treasury, said:

"'The single standard of gold is an American idea, yielded reluctantly by France and other countries where silver is the chief standard of value.'

"No statement emanating from authority so respectable could well be more devoid of truth. The original American idea was a single standard of silver. Gold was an innovation, and in my judgment a grave mistake. The assertion of Senator SHERMAN that the single gold standard was an 'American idea' is so singularly incorrect that it seems almost like a premeditated preliminary to the fatal error of 1873.

"It seems as though the only pressure for that action, so far as I know, from any of the public men of the country was from the Senator from Ohio himself. He confounds the American idea with his own and assumes that they mean the same thing. Mr. President, the truth is, and there is no use denying it, that from the beginning of the war till now the moneyed men of this country and Europe and their advocates in and out of Congress and their supporters everywhere have sought persistently to make money out of the distress of this country. They have attempted, and generally succeeded, at all hazards, by means foul and fair, lawful and unlawful, to make themselves rich at the expense of the great mass of this people.

The demonetization of our silver coin was but one step in that line, a step that was in perfect accord with all the other steps that had been taken and were afterwards taken, and the fraudulent act perpetrated in the Revised Statutes, whatever may be said of the motives of men, of the openness or secrecy of the act of 1873, consummating and making possible the benefits they expected to derive from the act of 1873, was another and the decisive step in the same direction. No man will ever avow that he knew who perpetrated the fraud in the Revised Statutes.

"When legal-tender notes were first circulated war was made on them by all the bankers and money-changers from the beginning. That war was kept up, and kept up persistently, and by none more persistently than by the Senator from Ohio to the very end, and, indeed to this day. When the greenback was first issued the combinations of bankers got together and determined that the greenback should be repudiated so far as they were concerned. They all agreed that it should be good enough for everybody but them; good enough for the soldiers, the sailors, the contractors, for everybody except the men who held the moneybags of the United States.

"That repudiation was consummated in the Senate of the United States, no doubt in the Finance Committee of the Senate of the United States, of which the Senator from Ohio was then a distinguished member. The gold interest on bonds paid for in greenbacks at par brought the first evils upon the country and placed and kept all the interests of the people under the money kings. For fear I may be charged with making statements that I can not substantiate I will read from a speech by Hon. William D. Kelley, quoting Mr. Stevens, who I suppose is at

least respectable authority. Mr. Kelley in his speech at Philadelphia said, speaking of the money that was issued when the Senate inserted the coin payment of interest on the bonds:

"The House refused to concur, and appointed a committee of conference, with Mr. Stevens as its chairman. They contested the matter until further contest was in vain. I remember the grand 'Old Commoner'—

"Said Mr. Kelley—

"with his hat in his hand and his cane under his arm, talking to myself and another, when he returned to the House after the final conference, and shedding bitter tears over the result. 'Yes,' said he, 'we have had to yield; the Senate was stubborn. We did not yield until we found that the country must be lost or the banks be gratified, and we have sought to save the country in spite of the cupidity of its wealthier citizens.' The bill went through, but not until he had expressed to the House and the country his fears.

"That crime perpetrated by the Senate of the United States, or that blunder worse than a crime, has cost the American people more than all the war would have cost had the House bill been adopted as originally passed. That crime or blunder called into existence the gold room of New York; it invited from all the money centers of the world their most voracious vampires to come and fatten upon the life-blood of the American people. It converted commerce into a mere system of gambling, and made such creatures as Jay Gould and Jim Fisk possible in American history. Do I speak too severely? If I do, I will summon a voice from the grave to temper my severity. I have here the Congressional Globe, in which I find the following remarks, made February 20, 1862, by Thaddeus Stevens, chairman of the committee of conference on the disagreeing votes of the two Houses on the Treasury-note bill. In submitting the report he said:

"'Mr. Speaker, I have a very few words to say. I approach the subject with more depression of spirits than I ever before approached any question. No personal motive or feeling influences me—I hope not, at least. I have a melancholy foreboding that we are about to consummate a cunningly devised scheme which will carry great injury and great loss to all classes of the people throughout this Union, except one. With my colleague, I believe that no act of legislation of this Government was ever hailed with as much delight throughout the whole length and breadth of this Union, by every class of people, without any exception, as the bill which we passed and sent to the Senate. Congratulations from all classes—merchants, traders, manufacturers, mechanics, and laborers—poured in upon us from all quarters.

"'The boards of trade from Boston, New York, Philadelphia, Cincinnati, Louisville, St. Louis, Chicago, and Milwaukee approved its provisions and urged its passage as it was. I have a dispatch from the Chamber of Commerce of Cincinnati, sent to the Secretary of the Treasury and by him to me, urging the speedy passage of the bill as it passed the House. It is true there was a doleful sound came up from the caverns of the bullion-brokers and from the saloons of the associated banks. Their cashiers and agents were soon on the ground, and persuaded the Senate, with but little deliberation, to mangle and destroy what it had cost the House months to digest, consider, and pass. They fell upon the bill in hot haste, and so disfigured and deformed it that its very father would not know it.

"'Instead of being a beneficent and invigorating measure, it is now positively mischievous. It has all the bad qualities which its enemies charged in the original bill, and none of its benefits. It now creates money, and by its very terms declares it a depreciated currency. It makes two classes of money, one for the banks and brokers and another for the people. It discriminates between the rights of different classes of creditors, allowing the rich capitalists to demand gold and compelling the ordinary lender of money on individual security to receive notes which the Government had purposely discredited.'

"Again, in still more emphatic terms, and almost in repetition, only stronger, he repeats that it was the conspiracy between European bankers and the rich men of America, through the Finance Committee of the Senate, which brought about that condition of things. They bankrupted the country and made themselves the richest men in the world.

"What followed? I need not go over that story. You all know it. The usurers of the world bought the bonds of the United States with that very depreciated currency, averaging only about 50 cents to the dollar in gold, at the time. Of course they paid the greenbacks for them at par. One gold dollar bought two in paper; the paper dollar bought bonds at par, with 6 per cent. gold interest. Thus 12 per cent. was secured, and they called that patriotism! They next had all the currency of State banks legislated out of existence by a tax, so that their currency and theirs alone, as national bankers, should circulate over the land. The principal of their bonds was made expressly payable in greenbacks. Even Mr. SHERMAN admitted that in 1868, in a celebrated letter which has been read time and again, in which he denounced them as extortioners for claiming that the bonds should be paid in coin. Of course he was right, because each note had written on its back that 'this note is a legal tender at its face value for all debts, public and private, except duties of imports and interest on the public debt.' Yet in the face of that, when Congress met in March, 1869, it declared, and Mr. SHERMAN led the column in the assault on greenbacks, that the greenback should not be received in payment of the principal of the bonds, although it was written upon it that it should be, and that the bonds should all be paid in coin. The Senator from Nevada [Mr. STEWART] very properly said the other day that the advantages the bondholders had received from Congressional legislation had added to their value 50 per cent. before the act of 1873 was passed.

"To make a long story short, the advocates of the money power followed up and sought new advantages promptly. July 14, 1870, another act was passed, in which it was agreed that their bonds should be paid in gold and silver coin of the then standard value, which is the same as the standard silver dollar of to-day and the gold dollar of to-day. They required that stipulation to be inserted in face of all the contracts, and the bonds were exempted from all taxation, State, Federal, and municipal. No tax has since been paid by any holder of them to State, county, or city, or to the United States, no matter though the bondholder might be worth millions.

"Perhaps the Senator from Ohio was guarding his friends in that act from his proposed change in the gold unit. Ought they not to have stopped there? Had they not received benefactions enough to have satisfied any cormorant? They had degraded for their benefit the currency issued by the Government to carry on the war and depreciated it for their own advantage, to the ruin of all others. They had become the sole bankers of the country that could furnish currency. They had declared that their own bonds should be paid in gold and silver coin in the face of an obligation written on the greenbacks with which they had bought the bonds; and then they had their bonds exempted from all taxation, State, Federal, and municipal.

"All this time the distinguished Senator from Ohio was chairman of the Committee on Finance, and every one of those acts met his cordial approval, so far as I know, even if he did write in 1868 the letter which I believe I will again reproduce for the edification of the people, in which he said they were extortionists if they demanded anything else than greenbacks.

"He said to his friend:

"DEAR SIR: I was pleased to receive your letter. My personal interests are the same as yours; but, like you, I do not intend to be influenced by them. My construction of the law is the result of careful examination, and I feel quite sure an impartial court would affirm it, if the case could be tried before a court. I send you my views as fully stated in a speech. Your idea is that we propose to repudiate or violate a promise when we offer to redeem the "principal" in legal-tenders.

"I think the bondholder violates his promise when he refuses to take the same kind of money he paid for the bonds. If the case is to be tested by law, I am right; if it is to be tested by Jay Cooke's advertisements, I am wrong. I hate repudiation or anything like it, but we ought not to be deterred from doing what is right by fear of undeserved epithets.

"If under the law as it stands the holders of the five-twenties can only be paid in gold, then we are repudiators if we propose to pay otherwise. If the bondholder can legally demand only the kind of money he paid, then he is a repudiator and an extortioner to demand money more valuable than he gave.

"Truly yours,

"JOHN SHERMAN.

"But greed is never satisfied. Not content with all these extortions, they had the law of 1873 passed striking down the silver coin. Why? Because Germany had united with England after she had extorted a thousand millions from France as a war indemnity. Silver was coming into use rapidly by the increasing products of our own mines. Thus the people would be able to pay their debts and discharge the public obligations of the country with it more easily than they could with gold. But, if money kings could strike down silver, which was one-half of the world's money, in conjunction with England and Germany, they knew this would make them the richest men in the world and impoverish everybody else. After securing the act of 1873 they changed the Revised Statutes, in the face of the solemn pledges given that there was no change in them, so as to destroy the legal-tender quality of what there was of silver coin at the time, and about $2,000,000 of standard dollars had been coined in the six weeks preceding the passage of the act of 1873. Not content with that, it was not a year until we had a scramble in the other House, when the Senator from Massachusetts [Mr. DAWES] was chairman of the committee, and Black Friday came, as we remember, in New York.

"The greenbacks cut quite an important figure at that time. The Committee on Finance of the Senate reported against legalizing an increase of some $5,000,000 or $10,000,000. But Black Friday, as I said, came in the mean time and an increase was made by executive order. I may not give the exact figures, but the amount was from $354,000,000 to $382,000,000, some $26,000,000 added to the greenback circulation by executive action. Several bills were introduced in the House of Representatives and the question was elaborately discussed as to how much should be allowed as the maximum of that currency. Mr. DAWES moved, as the RECORD will show, that the amount should be limited to $356,000,000. Mr. Ellis H. Roberts, another member of the Committee on Finance, moved to make it $382,000,000. I, then a member of the Committee on Finance, moved to make it $400,000,000, and after a long debate in the House it was made $400,000,000.

"The bill came to the Senate, and was put in the hands of the Senator from Ohio. I think the committee reported $382,000,000. It was made $400,000,000 by a majority of the Senate, and it passed the Senate at $400,000,000. It was sent to the President, and because there were some other banking privileges in it he vetoed it; but it had passed both Houses, and a few months afterwards an act was passed fixing the limit at $382,000,000, and the President approved it.

"Recollect they had silver quietly stricken down during this period. The Revised Statutes had been adjusted to that end fraudulently. No man will deny that the change in the compilation of the statutes was fraudulent; I repeat that with emphasis. The act of 1873 was, as I think I have shown, secret and unknown to a large majority of the Representatives of the States and people; the change in the Revised Statutes was a fraud, purposely committed to consummate the advantages the money power had gained by the other act. There is not a man in either House who will dare appear before the American people and say that he knew at the time that the Revised Statutes were altered so as to take away the legal-tender quality from the silver dollar. The Senator from Ohio will not admit that he knew anything about that. That change was secretly made, so secret that even the Senator from Ohio did not know it, I assume.

"Yet it was done; and after it was done and the bankers and the money changers were having everything their own way, the next great

movement in their interest was to strike down the greenbacks, destroy their legal-tender quality; indeed, destroy them altogether. The Senator from Ohio labored in season and out of season to strike down everything but national-bank notes and gold. Silver had been effectually destroyed, as they assumed no more coinage, no legal tender beyond $5, even the $5 legal-tender quality was taken away from the trade dollar; the national banks, through their currency, were sought to be made omnipotent over the land.

"That was the next move of the Senator from Ohio as chairman of the Finance Committee. Recollect every national-bank note was a legal tender to you, and to me, and to every contractor, and to every soldier, and to every sailor, and for every obligation of the Government except interest on the public debt and customs dues. Their notes were redeemable in lawful money. The greenback was assumed to be lawful money, whether it had a legal-tender quality or not. The banks would not take their own notes in discharge of the obligation due to them by the Government; but you and I and everybody else had to take them. With gold, and gold alone, with the greenback destroyed, with silver out of the way, who could get a dollar to pay his debts with unless he went to a national bank and paid whatever premium they saw fit to ask him? Nobody. That was the next great move on the boards, and the Senator from Ohio was the leading player.

"Under his management the banks were to be made masters; that was the great struggle the Senator from Ohio was making all the time. Take the act about which he and others have boasted so much, the resumption act. I hope Senators will read it carefully. You will find it in volume 18 of the Statutes at Large, page 296. The second section allows gold to be coined free of charge. That was another move. They had paid one-eighth of 1 per cent., or perhaps one-fourth of 1 per cent., before that time. This was in 1875, recollect, while silver was still demonetized. They were to have thereafter all their bullion coined free. England had, they said, done the same thing.

"England, of course, to carry out her policy, had done just what Mr. SHERMAN and his friends were doing here, making gold, and gold alone, the standard, and the bondholder or the holder of consols who controlled the gold, and he alone, was master of the situation. England had provided by statute that for every standard ounce of gold offered to the Bank of England the bank should pay in their own notes, which could be converted into gold in a minute, £3 17*s.* 9*d.* They had thus fixed the value for gold so that it could not fluctuate. This statute had ours coined free of charge, and in the same statute they provided that all limitations should be taken away from national-bank notes; they should issue just as many as they pleased, a thousand millions if they wanted to. Let me read:

"That section 5177 of the Revised Statutes of the United States, limiting the aggregate amount of circulating notes of national-banking associations, be, and is hereby, repealed; and each existing banking association may increase its circulating notes in accordance with existing law without respect to said aggregate limit; and new banking associations may be organized in accordance with existing law without respect to said aggregate limit; and the provisions of law for the withdrawal and redistribution of national-bank currency among the several States and Territories are hereby repealed.

"That was another of their schemes. When the original banking act was passed the provision was to divide the currency allowed, about $350,000,000, among the States according to wealth and population. Kentucky had about the same population as Massachusetts, paying more taxes, not perhaps quite as rich in previously accumulated wealth according to the census, but needing money quite as much. Yet Massachusetts was allowed about $60,000,000 of national currency and Kentucky was allowed $7,000,000.

"That same year I raised the question of a legal redistribution in the Ways and Means Committee. The Senator from Massachusetts [Mr. DAWES] agreed that I was right. We forced a redistribution. Fifty-five million dollars was to be taken from those banks in the East which had received it in violation of law, and which Mr. Knox had favored because of their loyalty—for that seemed to be one of the things that was necessary for national banking under him—and Congress ordered a redistribution. Then came the panacea. They did not want to give up the money. They had all the bonds, they had all the circulation, they said, "Oh, no; make banking free, make the circulation without limit," and they did so in order to keep the $55,000,000 that the law the year before had ordered them to give up. When they got that done, they said that the legal-tender notes should be reduced down to $300,000,000 before resumption day, which was January 1, 1879, and after that day they were all to be destroyed.

"The resumption act provides:

"And to enable the Secretary of the Treasury to prepare and provide for the redemption in this act authorized or required, he is authorized to use any surplus revenues, from time to time, in the Treasury not otherwise appropriated, and to issue, sell, and dispose of, at not less than par, in coin, either of the descriptions of bonds of the United States described in the act of Congress approved July 14, 1870, entitled 'An act to authorize the refunding of the national debt,' with like qualities, privileges, and exemptions, to the extent necessary to carry this act into full effect, and to use the proceeds thereof for the purposes aforesaid.

"Every greenback was to be destroyed after January, 1879, and all but $300,000,000 before that date, by the act which the Senator from Ohio had passed. He would not say so distinctly at the time, that the greenback was to be absolutely destroyed. He did not like to speak out. That was one of the things that he was very particular about, but that he did intend to destroy all the greenbacks absolutely I suppose he will hardly deny himself, although I believe he said he changed his mind afterwards. Mr. Bayard, then a Senator from Delaware, was making a speech in the Senate of the United States on the 27th of January, 1880, when the question came up whether this redemption act necessarily destroyed the greenbacks and authorized the sale of bonds at any rate of interest that the Secretary of the Treasury might see fit in order to get the money to do it with. Mr. Bayard said:

"During the debate which attended the passage of the resumption act the present Secretary of the Treasury, Mr. Sherman, who had charge of the bill in this body, was asked by several Senators, myself among the number, whether by the redemption of the United States notes under that act they were finally to be retired and destroyed, and he declined to give any construction whatever to the law on that point.

"Mr. EDMUNDS. May I ask the Senator if in his mind there is any doubt at all as to what the construction of that act was?

"Mr. BAYARD. I was unable to say what its construction was.

"Mr. Bayard became quite complimentary to the Senator from Ohio, as he will observe:

"I was unable to say what its construction was. I thought it was a double-faced juggle intended to catch the votes of contractionists in one direction and of inflationists in the other. I said so at the time, and I withheld my vote, for I thought it was not treating a great subject with proper respect to legislate upon it in such a way. I therefore came to no construction. I was disposed to believe that with a Secretary favoring one view it would be made a means of contraction; under the other view, which it seems has been adopted by many, it would become a means solely of inflation, because there was no limit put upon the notes to be issued by the Government to the national banks, and there was no security that the Treasury notes retired nominally in the course of redemption would not be reissued again by the Treasury; and when the author of the bill—no, I will not say the author of the bill, for I have understood he was not the author of the bill, but he was the gentleman in charge of the bill—declined to say what was intended by it and what its effect would be, I believed then that there was some snare, and that it was an improper way of dealing with the subject, and hence the measure was not fit really to be before the legislative body.

"Mr. EDMUNDS. My apology for interrupting my honorable friend, to all of whose very interesting and satisfactory speech I am sorry I have not been able to listen on account of an engagement elsewhere, is that I thought it right it should appear in that connection that I voted for the act of 1875, because, on a careful examination, it was to my mind perfectly clear, no matter what the present Secretary of the Treasury chose to think about it or chose not to say about it, but on the bill itself that I was voting for, it was perfectly clear that the redemption that that act provided for, both before the the 1st of January, 1879, and afterward, was a redemption which took out in point of law from existence all the United States notes that should come in in the methods provided by that act. And I am inclined to think that if my honorable friend would now examine the statute he would not have any doubt upon it at all.

"Therefore I am justified in assuming that to be the object and intent of the resumption act. They had destroyed silver, and they now passed an act to destroy the legal tender. Everything was working as they desired, when the representatives of the States and people began to realize what was going on, and they stepped in and prevented these things from being done, first by restoring silver as a legal tender and, by the act of 1878, forbidding the reduction of the greenbacks below $346,000,000. Then the struggle began to take away their legal-tender quality; that was the next best thing for the bankers. Recollect, and I want Senators to examine for themselves, when the act rechartering the banks was passed all their notes were made redeemable in lawful money, not in legal-tender money. The word "legal tender" was never inserted once; it was kept out on purpose, so that the legal-tender quality should be stricken down from these very notes and yet be of sufficient quality to redeem the national-bank circulation.

"In view of what I read in regard to our solemn obligation to our public creditors in the report made by the Senator from Ohio, as to the public debt being such a sacred public obligation that the coin in which it was payable could not be changed, I wish to call attention to what he was told by the law officers of the Government when he insisted that the bonds should be paid in gold and in gold alone. He asked for an opinion from the then Attorney-General of the United States upon that subject, and he received it. April 27, 1877, Mr. SHERMAN wrote the following letter, which I have read before, asking Mr. Devens whether or not the bonds he was about to issue could be made payable in gold and gold alone, which he thought for many reasons might be desired:

"TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
"*Washington, D. C., April* 21, 1877.

"SIR: I beg leave to call your attention to, and ask your opinion upon, the following questions growing out of the refunding act of July 14, 1870, to wit:

"Can I stipulate in the body of the 4 per cent. bonds about to be issued that they shall be redeemable in coin of the present standard value; that is, the standard value at the date of their issue, or must it be the date of the law?

"I submit a statement prepared by Hon. H. F. French, Assistant Secretary, having reference to the laws.

"It may become important to the public interests to make the new bonds payable in coin of the present standard; that is, gold coin. Some doubts have been expressed upon whether previous bonds issued under acts passed prior to 1873 are not legally payable in silver coin. This question may become important, as any doubt upon the legal terms of a public security affects its value.

"Very respectfully,

"JOHN SHERMAN, *Secretary.*

"Hon. CHARLES DEVENS,
"*Attorney-General.*

"Mr. Devens told him officially on the 26th of April, 1877, in answer to his question, that he regarded it as his bounden duty to recognize the fact that all obligations were payable in the coin of July 14, 1870, silver as well as gold, which every lawyer has recognized since, al-

though it may be Jay Cooke's pronunciamentos and declarations have been paraded here once or twice and all sorts of sophistry flung in to make a show of equitable doubt. Mr. EDMUNDS, Mr. Matthews, Mr. Thurman, everybody, as well as Mr. Devens, has declared that bonds of the United States can all be paid fairly, honorably, justly, in the lawful money that existed July 14, 1870, of the then standard value. Mr. Devens's letter is as follows:

"DEPARTMENT OF JUSTICE, *Washington, April 26, 1877.*

"SIR: In answer to your letter of the 21st instant, requesting my opinion upon the following question growing out of the refunding act of July 14, 1870, to wit, 'Can I stipulate in the body of the 4 per cent. bonds about to be issued that they shall be redeemable in coin of the present value; that is, the standard value at the date of their issue, or must it be the date of the law?' I have the honor to reply:

"The act provides for the issue of bonds 'redeemable in coin of the present standard value.' The word 'present' undoubtedly refers as a matter of date to the time when the act was passed, and not to the time when the bonds were thereafter issued. It contemplated that a long period would elapse before it would finally be carried into effect, and that changes in the coinage of the country might occur during that period.

"Whatever changes in the coinage should occur, these bonds were, however, to be redeemed in coin of the standard value as it existed at the date of the act. By this provision the holder was guarded against any depreciation that might take place in the value of the coin, and the Government would not be compelled to pay the additional value should the coinage be appreciated. All the bonds issued under the act were to stand alike, no matter what was the date when such bonds were issued. Each was to be redeemable in coin which was included in the authorized coinage of the country at the date referred to, it being of the standard value as it then existed. Since the law was passed no change has taken place in the standard value of the coin. It is understood that there has been a certain change in the coinage of the country, and that silver dollars have now ceased to exist practically as coin.

"It has been further provided by the statute of February 12, 1873 (Revised Statutes, sections 3585, 3586), that 'the silver coins of the United States shall be a legal tender at their nominal value for any amount not exceeding $5 in any one payment.'

"Notwithstanding this practical change in the coinage of the country and the passage of this act in regard to legal tenders, the form of bond to be issued by you should not be changed so far as the mode in which it is to be redeemed is concerned. It was not intended that this should be varied according to the changes which might be made in the coinage, because a definite rule was given by reference to the coin of a particular date. That which will pay the bonds heretofore issued under this act will pay the bonds which you may hereafter issue.

"It can not be authoritatively said that the words 'payable in coin' or 'payable in gold' are equivalent to the words used by the statute. Even if this leaves open for discussion the question whether bonds issued under this act are or are not redeemable in silver coin of the character and standard which existed July 14, 1870, it is not a doubt which it is in your power to remedy by the use of words in the bond other than those which this statute provides.

"While I comprehend the difficulty suggested in your letter and the convenience that there might be in removing any question upon this matter, I am therefore of opinion that it would not be safe to issue the bonds, except as redeemable in coin of the standard value of July 14, 1870.

"Very respectfully, your obedient servant,

"CHAS. DEVENS, *Attorney-General.*

"Hon. JOHN SHERMAN,
"*Secretary of the Treasury.*

"Although Mr. SHERMAN had received that opinion from the Attorney-General and although every bond that was issued had written upon its face that it was so payable, five months after that opinion was received by him, on the 3d day of December, 1877, that distinguished gentleman, as Secretary of the Treasury, with the opinion of the Attorney-General in his hand, wrote this:

"If, therefore, the public interests demand the issue of silver dollars—a subject hereafter discussed—

This was in 1877, recollect, when he was resisting it with all his might—

it is respectfully submitted to Congress that an express exception be made requiring that gold coin alone shall be paid for principal or interest on bonds issued to public creditors since February 12, 1873, the amount of which is $592,990,700. These bonds have entered into the markets of the world. If the market value of the silver in the new coin is less than the gold dollar, a forced payment in the new coin is a repudiation of a part of this debt.

"That was his opinion and recommendation; that was what he desired to act upon in the face of an opinion from the Attorney-General, in the face of the written indorsement on the back of every bond that it was payable in coin of the standard value of July 14, 1870. Yet as Secretary of the Treasury he denounced the laws of his country, as construed by the Attorney-General, when they militated against the views that he entertained in the interest of the bondholders, and called the law repudiation of a part of the public debt; and he was so anxious to get clear of that silver that in 1879, in his report as Secretary of the Treasury, he demanded that there should be no more than 50,000,000 silver dollars issued at the outside, saying that beyond that they could not be maintained. This is what he said; let me read it:

"In the last annual report the Secretary stated—

"He began very early—

"'It would seem to be the best policy for the present to limit the aggregate issue of our silver dollars, based on the ratio of 16 to 1, to such sums as can clearly be maintained at par with gold, until the price of silver in the market shall assume a definite ratio to gold, when that ratio should be adopted and our coins made to conform to it; and the Secretary respectfully recommends that he be authorized to discontinue the coinage of the silver dollar when the amount outstanding shall exceed $50,000,000.'

"That was in the report of 1878. I read from the report of 1879. After quoting the recommendation in his report of 1878, which I have just read, he says:

"He again respectfully calls the attention of Congress to the importance of further limiting the coinage of the silver dollar.

"And that in the face, as I have said, of his own declaration when he wanted to pay $90,000,000 to the public creditors because by the change of coin he proposed in 1868 the creditor would get over 3 per cent. less value. Now, in 1878 he wanted to pay the creditor in gold, and gold alone, on the bonds that he had issued, and denounced payment in silver as repudiation because it had depreciated 10, 15, or 20 per cent. by his own bad legislation. He cared nothing for the taxpayers or their rights; his sympathies were only aroused when the money was to go into certain rich people's pockets. That is one reason why I said to the Senator from Ohio the other day that while he may be the President of these United States his conduct in regard to the act of 1873 and his great financial ability, exercised as it has been always in the interest of the money power, will not be a record he will be proud of when he comes before the people for their votes.

"I am done with that matter, and think I have made my promise good. Now as to my coin-certificate bill. The silver dollar! Why, Mr. President, war has been made upon the silver dollar ever since its recoinage was ordered in 1878. I have more than once shown how absurd and how untrue all the predictions about the silver dollar driving gold out of the country have proved, and I need not repeat my former statements. Do not forget the anomalous condition of things.

"Every Secretary of the Treasury, all the bondholders everywhere, all the men who wanted to depreciate the price of property (and they have the world over since 1873 reduced the value of all the property of the world 35 per cent. by striking down half of the world's coinage; that I will prove before I sit down by reports made after careful investigation) predicted the dire effects of remonetizing silver. Yet I can show that when gold was abundant, coming from Australia and California from 1850 to 1873, and silver was an equal partner, the property of the world increased in value 40 per cent., while from 1873, after we struck down silver and put all the money of the country and power over the property and products of the country into the hands of a few men, property has gone down 35 per cent. by this reverse action; yet those men will tell you that we should stop silver coinage, because that is the way to force the European nations to agree to use it.

"'Do not coin any more,' they say, "and you will ultimately put up the value of silver." What keeps it at even the point where it is? Simply American coinage; simply its scanty use by this great leading country in spite of the combinations of Europe, in spite of the efforts made here in 1873, and maintained even now. The people rose in their might and overrode the veto dictated by the able Secretary of the Treasury at the time President Hayes vetoed the bill in 1878. The then Secretary of the Treasury, now Senator from Ohio, was no doubt the inspiring cause of that veto of Mr. Hayes; but the American people had found out what had been done. Their representatives promptly passed the bill for recoinage overwhelmingly over the veto, and the bondholders commenced clamoring from that day on that we ought to stop it.

"Those who urge this say they are the friends of silver. What does England want us to do? Stop coining silver, of course. What does Germany want us to do? Of course they want us to stop coining silver. We are the great silver-producers of the world; the moment we stop our silver coinage down silver goes; that is what England wants for India; that is what they all want for their own colonies. That is what they want us to do, and we are told that will make them, after we break our silver and all our silver industries, return to silver coinage. Who ever heard of an army surrendering to the enemy on the battlefield at discretion as the best means of gaining a victory? What kind of a friend would you regard him who advised such a course? That is what they want; all the advocates of gold, at home and abroad, advise us to do nothing more and nothing less than surrender at discretion. Advice of that sort is simply humbug or the baldest hypocrisy. A few plain facts upset all their speculations and gloomy predictions. Here they are:

"When the act of 1873 was passed there were only $135,000,000 of gold in the United States. When the act of February 28, 1878, was passed there were $213,000,000. This is from the official statements of the Secretary of the Treasury. On the 1st of July last, at the close of the last fiscal year, we had $654,520,000 of gold; we had coined only $266,000,000 of silver, all told, since 1878.

"The amount of gold that was added to our stock was $175,000,000 more of gold since 1878 than we have coined of silver since 1878. And yet we were told by the honorable Senator from Ohio, when Secretary of the Treasury, and it has been dinned into our ears ever since by all the doctrinaires that Gresham's law would make gold take wings and fly to more favored climes; that we would be on a silver basis every six months for the last eight years, and loss of credit at home and abroad would involve widespread ruin and national dishonor. I stand on the facts to disprove all speculations; and one fact is worth a thousand theories. One hundred and seventy-five million more of gold dollars have come to this country since we began to coin silver than we have coined of silver dollars, and in the year just closed the official report of the Director of the Mint shows that the surplus gold imported over gold exported was thirty-three and one-half millions.

"The report further shows that the average annual product of gold in this country is less than $33,000,000 for the last ten years, and that

nearly $13,000,000 are used in the arts, in making watches, and the ten thousand things for which it goes into use, leaving only $20,000,000 per annum, or $200,000,000 for the decade for use as coin, so that we have drawn from foreign countries under this system of silver coinage over $200,000,000 of gold in excess of all produced in this country. Does that look as though we are being ruined by silver or by Gresham's law? What else have we done? We have paid off every bond of the United States that can be paid. Since Cleveland's Administration came in we have reduced the national debt over $250,000,000—I think nearly $300,000,000, but certainly over $250,000,000.

"We have paid off $194,000,000 of 3 per cent. bonds. We have bought $27,000,000 or $28,000,000 of fours and four-and-a-halfs, besides other things, until now there is over $250,000,000 paid, and we have a surplus of over $300,000,000 on hand; one of the last official reports shows the net gold in the Treasury to be: gold, $202,000,000, supplemented by $44,500,000 in silver and $60,000,000 deposited with the national banks to keep the money which the people have paid in needless taxes from being locked up in the Treasury.

"Think of it! Over two hundred and fifty millions of debt have been paid off, over three hundred millions of surplus are on hand, two hundred and odd millions of gold, forty-four millions in silver, and sixty millions loaned out, and yet a struggle is being made every day to make the country believe that we are on the verge of ruin! We have only succeeded in keeping the bankers, and bondholders, and their representatives here from ruining the country. I have a paper in my hand showing that with all the pretense of England, of Germany, and of France, they have to-day more silver by $25,000,000 in their combined banks than they have gold. Here is a table showing what was in the Bank of England on the 9th of February, 1888, the Bank of France, the Bank of Austria, the Bank of Germany, and the silver exceeds the gold in their banks alone, saying nothing of what is in the hands of the people, over £5,000,000 or $25,000,000. The table is as follows:

Table indicating the amount of bullion in the principal European banks February 9, 1888.

Banks of—	Gold.	Silver.	Total.
England	£21,629,758	.....	£21,629,758
France	44,350,768	£47,600,696	91,951,464
Germany	21,514,820	19,079,180	40,594,000
Austria-Hungary	6,910,000	14,578,000	21,488,000
Netherlands	4,300,000	8,200,000	12,500,000
National Belgium	2,783,000	1,392,000	4,175,000
National Italy	6,983,000	1,118,000	8,101,000
Total this week	108,471,346	91,967,876	200,439,222
Total previous week	107,410,194	91,541,213	198,951,317

"Mr. President, I repeat that the bill which I introduced, and which was voted for by five out of the eleven members of the Finance Committee, to issue coin certificates instead of gold and silver certificates, is the first great step for this Congress to take in order to place the two metals in proper relation. Why should you have a silver certificate and a gold certificate except that the leading bankers of the country do not want to acknowledge that silver is equal to gold? Therefore, they want their own certificates in gold, and let others who are as subsidiary to them as they claim silver is to gold take silver certificates, so that a hue and cry can be raised whenever they choose to suggest that silver is to be merely a token metal and shall not have equal rights with their gold.

"This country will never assume the proper relation to its own money and its own coined metals until it does away with all discrimination between them. The national banks are forced to admit that they are failures now in furnishing currency for the use of the people. The country knows it. The whole system was wrong in principle from the beginning, and was gotten up for the purpose of making money for a few rich men. It worked well for a time in the way of safe and uniform circulation, but it never was run in the interest of the country.

"The Senator from Alabama and the Senator from Texas will recollect—as they took active part in 1882 when we were rechartering those banks—that we by law forbade them from entering into any combination to discountenance or boycott silver certificates; we inserted a stringent provision in the law; yet they defied us, they formed alliances in defiance of us, and our own creatures, our fiscal agents, the national-banking organizations, would not take silver or silver certificates over their counters, so that silver could get into their clearing houses in any form. They certified and overcertified checks to suit themselves and laughed at us for thinking we could control them. Now they have contracted their currency about one hundred and sixty million in the last four years in the face of the growing wants of the country for more.

"When we have built 11,000 miles of railroad in the year just closed, when we needed $160,000,000 more of circulation than we did four years ago, they contracted $160,000,000 of theirs. Their excuse may be good, but what good does the excuse do the country? They say they did it because we required them to surrender the bonds which were the basis of their circulation; of course we did; we had to do so or allow the money to be locked up in the Treasury. Every 3 per cent. bond has been paid, fifty-seven or fifty-eight million of the fours and four-and-a-halfs have been paid; and they say they can not afford to pay the premium now asked for other bonds and take out new circulation.

"I hold in my hand a table showing what they had in November, 1883, what they had in February, 1888, which shows that the bonds to secure circulation were reduced from $362,000,000 to $182,000,000, and there are $102,000,000 of greenbacks now locked up in the Treasury in order to guard these outstanding notes on which the bonds have been withdrawn.

"The Secretary of the Treasury has been compelled to put in the hands of national banks over $60,000,000 for nothing, which is being loaned at interest to those from whom it was taken, in order to keep the money from being locked up in the Treasury. In view of these facts I ask Senators what would have been the condition of this country if we had been left to the tender mercies and policy of the Senator from Ohio and of the national bankers?

"If the advice of men like the Senator from Ohio [Mr. SHERMAN] and his allies had been followed, and no resources to furnish currency had existed outside of the national bankers, when they reduced their circulation one hundred and sixty million in the last four years, paying no attention to the wants of the people, I ask whether we would not have been bankrupt to-day? The despised silver dollar and the certificates based thereon have saved the country from ruin. When we treat silver and gold as equals before the law, as they should be treated, all will be well. The restoration of the legal-tender quality to the silver dollar was all there ever was of resumption; everything else was false pretense. Why should we be told now in the face of the movements of the world that we shall not put the two metals and the paper based on them on an equality?

"I have never believed that silver money has had fair play, but at the same time I have never believed that it ever had an enemy that has persistently done it as much harm as the distinguished Senator from Ohio. He has worked to degrade it from the time Mr. Ruggles made his report to Mr. Seward and from the time that he sought to establish gold as the sole unit in 1868; from the time that he denounced all payments to the bondholders except in gold as repudiation; from the persistent efforts he made everywhere to destroy all legal tender but gold. I do not say they were not honest efforts.

"I have said often and I believe that he is, if not the ablest, one of the very ablest men whom I have ever seen in public life; and it is because of his great ability, differing as I do with him, that I regard his financial policy as dangerous, yes, ruinous to the best interests of the people of this country. I have made no charge against him of corruption or of anything wrong. I differ from him in policy and I oppose his measures, in defense of the best interests of the masses of the people as I understand them. I have no doubt that his great abilities have a great influence over masses of men in high places in this country, as they had in Paris when the gold unit was first sought to be established, and his known reasons aid strongly in keeping up and in giving encouragement to the movement that is now going on in Europe by the royal commission and otherwise to perpetuate the power of gold.

"I have no doubt the present President of the United States, who had no means of knowing half as much about financial matters at home or abroad as the Senator from Ohio did, or as much as many people who have been in public life for a long while knew in regard to public matters, was alarmed when he came into the high position of Chief Magistrate of the Republic by the clamor that had been kept up through every administration and through every Secretary of the Treasury against silver, and that leading men of both parties in New York City endeavored to persuade him, and did convince him before he came here, that unless he did something to stop the coinage of silver ruin would speedily follow.

"I have no doubt the President was alarmed; and I know that when he came here first he thought the advice so ably advanced by the Senator from Ohio and other Secretaries of the Treasury during former Administrations was good. And I made a speech at the first session under our Administration which gave positive offense to some distinguished gentlemen in New York and elsewhere. They regarded it as impertinence for an outside Western Senator to assume to dictate to Wall street. They thought it wonderful anyone should assume to know anything that they did not want to know. My speech was answered by many able men, and Mr. Horace White, of New York, was one of them. He admitted substantially that efforts were made to create a panic. This is what he said in a review he made of my speech. The same ideas were presented by Mr. Hewitt in a speech in the House of Representatives. I will first read what Mr. Hewitt said:

"I have reason to know when the present Administration came into power its first and chiefest concern was to avoid the danger which had been predicted by the Republican Secretary in his official statement and in his private communications. The amount of gold in the Treasury on the 4th of March, 1885, was $126,000,000. This was a much smaller sum than had usually been held in the Treasury in gold since the resumption of specie payment. It was steadily running down. The public confidence was gone. The hoarding of gold had begun—not by the mass of the people, not in stockings, not in secret hiding places, but by the masters of finance, the men whose business it is to handle

millions and to prevent deterioration; they began to prepare for the hour of danger and the collapse which they thought was impending.

"I know three of the greatest institutions in the city of New York—I shall not name them lest it might possibly bring down upon them the condemnation of those who are prejudiced against banks—but I know three institutions in the city of New York which had accumulated more than $25,000,000 of gold as a preparation for the collapse they thought was coming.

"Mr. Horace White, in reviewing my speech, said:

"A sort of panic ensued in the money market, and it came to my knowledge that Governor Tilden was one of a considerable number of persons who, without any concert of action, had bought large amounts of sterling exchange in order to protect themselves against loss in case silver should become our monetary standard. Sterling exchange means gold in London. Why was Governor Tilden buying sterling exchange? Because, happening to have on hand a certain number of dollars worth 100 cents each in gold and apprehending that if left in bank they would presently be worth only 90 or 80 or perhaps 75 cents each, he took the precaution to insure that they should continue to be worth 100 cents. He had only to write a few lines to his banker to insure this result. This was a typical case of the domineering 'organizations of wealth' that Mr. Beck has conjured up.

"Little wonder the President, then comparatively a new man in national politics, was staggered. These were the men, these were the organizations, fortified in their assumption by all the predictions of the Senator from Ohio and other great leaders of both parties that silver and silver alone would become our currency if we did not stop coining it at once, when we had less than $100,000,000; now, in the face of these things the result of the efforts they made and combined in making will be to prevent the people of this country from recognizing gold and silver as both a part of the money of the country. They have at last to admit that the national-bank notes are a failure. They are no longer of any value as the fiscal agents of the people.

"Still they are here keeping up their organization and they meet as usual in convention denouncing silver, and demanding that it be demonetized as loudly as if they were important factors in supplying currency to the country. The national boards of trade that meet here in Washington unite with them in denouncing silver, and even now insist that it shall be demonetized, just as earnestly as if national-bank notes were being issued fully up to the wants of the people. The banks have bills before Congress now asking us to give them the right to increase the issue of their currency from 90 up to 100 or par on their bonds, as though they were going to be of any use to the country in furnishing the currency of the people any longer.

"They are simply asking us to make their bonds more valuable so that we will have to pay them that much more premium when we buy them, as we now must do, in open market. That is the only use their bonds now are to them, except for the present, till we reduce taxation; they can deposit them and get dollar for dollar of circulation already existing which belongs to the people and loan it to the taxpayers who furnished it, at 6, 8, or 10 per cent. interest. That condition of things, the President says in his message, is indefensible, and ought promptly to be remedied by Congress. He was obliged to resort to it as the best he could do under the circumstances."

Mr. CULLOM. Mr. President, as the Senator from Alabama is reading——

The PRESIDING OFFICER (Mr. FAULKNER in the chair). Does the Senator from Alabama yield to the Senator from Illinois?

Mr. MORGAN. Yes, sir.

Mr. CULLOM. As the Senator from Alabama is reading from a public record, which might be considered somewhat in the nature of a public document, I ask that he be allowed, if agreeable to him, to insert it as part of his remarks in the RECORD without further reading.

Mr. MORGAN. In one moment I shall be very glad to avail myself of the kind offer of the Senator for the reason that the part of the speech of Mr. Beck, the reading of which I am now concluding, relates to the issue of coin certificates and of their value in the currency of the country. It is the same provision that is found in this bill, which he proceeds to fortify by a number of citations and quotations from various letters and reports, which it is not necessary that I should now occupy the time of the Senate in rehearsing. Mr. Beck continued:

"Turning for a moment to Mr. Atkinson's report, I have only to say that all the agents who go to Europe go there, not to help us, as far as I am able to observe, but to give aid and comfort to the men who are seeking to break us down. I have great respect for Mr. Edward Atkinson as a gentleman, a man of learning and of high integrity and ability. Mr. Edward Atkinson has made a report which has been laid on our tables in which he does not even pretend to notice the fact that a great committee under Lord Iddesleigh have looked into the question of the demonetization of silver, and that they have reported that the depression of the world's business, the depreciation of property, and the prostration of commerce grow out of what they call the great conspiracy of 1873 between England, Germany, and the United States. Lord Iddesleigh was then a member of Parliament. I have his report."

The remainder of the speech is almost entirely taken up by citations of authorities, reports, and letters by which the honorable Senator from Kentucky sustained his splendid argument. I will therefore ask leave to insert it in the RECORD.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alabama? The Chair hears none, and it will be so ordered.

The remainder of the speech of Mr. Beck is as follows:

"There is no indication—

"Says Mr. Atkinson—

that the subject of bimetallism has received any intelligent or serious consideration outside of a small circle in each country named, as a probable or possible remedy for the existing causes of alleged depression in trade.

"When he said that, he had before him the report of a commission which took volumes of testimony. It was perhaps the ablest committee that ever was raised in England. Its report was exhaustive upon all branches of business. That commission, which Mr. Atkinson does not deign to notice, made a report June 18, 1886, addressed to the Queen, saying, among other things:

"In recent years the purchasing power of gold has increased, or, in other words, the prices of commodities in general, as measured by a gold standard, have fallen; and this appreciation of gold, taken in combination with other circumstances, has disturbed the relations between the two precious metals. An inconvenient depreciation of silver, as measured in gold, has for some time prevailed, and is still proceeding.

"Without going into minute detail, we may point out that these changes result from a twofold set of causes. Not only has the supply of gold diminished, but the demand for it has increased. That is to say, the actual production of gold from the mines has declined, while the demand for it has been largely increased by its substitution for silver in the coinage of Germany and other countries; at the same time the supply of silver has been increased both by the somewhat larger produce of the mines and by the demonetized silver thrown on the market by Germany and Holland.

"It seems unnecessary at this moment to refer in detail to the other changes in the monetary system of the world, such as the altered policy of the Latin Union, the resumption of cash payments on a gold basis by nations which had suspended them, and the increased absorption of gold in India. Questions may also arise as to the possibility of other circumstances having occurred which have affected the value of precious metals, such as, for example, any addition to or diminution of the quantities used for other than monetary purposes. All these subjects should have their proper weight given to them in the fuller and special inquiry which we recommend should be instituted.

"Neither do we propose to enter upon the very important subject of the effect which the fluctuations in the value of the precious metals have upon the relations between the home and Indian governments in their large monetary transactions. That India has to receive her revenue in silver and to make her payments for a large portion of the interest on her debt, for the articles which she purchases, or for the services which she commands, in gold, and that a fall in the value of silver seriously disturbs her budget, is obvious and is not unnaturally disquieting. But it does not appear to us to be directly within the limits of our inquiry, though indirectly it may have a bearing on the trade of India, and we may have occasion to recur to it.

"We have not thought it desirable to take any oral evidence especially directed to this question; but we append a series of questions which we circulated among a limited number of gentlemen, who, either from their practical experience or from their researches in the subject, appeared likely to be able to afford useful information or to express opinions of value. Many of those to whom we applied have been unable from various causes to draw up answers to the questions. We annex those which we have received, and we venture to think that they will afford valuable material for prosecuting further inquiry into the subject.

"We are strongly of opinion that the question deserves early and separate examination from other points of view than that of our commission, and that apart from its general connection with the depression of trade it should be treated with reference to our currency as a whole, and to our monetary system at home and to its relations to our colonies, to India, and to foreign countries; and we humbly submit to Your Majesty that from the general anxiety expressed on the subject the necessity for such an inquiry is urgent, and that it would both save time and facilitate investigation if a special inquiry into the group of questions which relate to the currency were set on foot and were intrusted to such persons as might seem to Your Majesty the most proper to conduct it under an order of reference carefully prepared and drawn so as to include all branches of the subject.

"All which we humbly submit for Your Majesty's gracious consideration.

"IDDESLEIGH.	W. H. HOULDSWORTH.
"DUNRAVEN.	W. L. JACKSON.
"G. SCLATER BOOTH.	GEO. A. JAMIESON.
"JOHN AIRD.	N. LUBBOCK.
"JAMES J. ALLPORT.	P. ALBERT MUNTZ.
"THOS. BIRTWISTLE.	R. H. I. PALGRAVE.
"LIONEL L. COHEN.	CHAS. M. PALMER.
"JAMES P. CORRY.	WM. PEARCE.
"DAVID DALE.	B. PRICE.
"C. J. DRUMMOND.	SAMUEL STOREY.
"W. FARRAR ECROYD.	GEO. H. MURRAY, *Secretary.*
"HENRY HUCKS GIBBS.	

"18TH JUNE, 1886.

"And in the appendix which I have before me—I do not want to take time to read it; but I asked on one occasion that this testimony might be published and I borrowed from my friend, the Senator from Rhode Island, his copy, because I have cut off the testimony from my own copy which our minister to England was kind enough to send me—I have marked in red pencil marks so as not to swell the RECORD too much, but to give a clear idea of what all these gentlemen said that answered the questions propounded by Lord Iddesleigh's commission. Nine printed questions were put and were answered by twenty-seven leading men in England, presidents of banks, chambers of commerce, and with almost one accord they agreed that the restoration of silver to the coinage upon substantially the old basis was the only solution of the troubles now crushing the commerce of the world; there is no other; and they agree that it does not require an increase of value of metal in the silver coinage.

"The restoration of it to a legal tender is all that is wanted. Some of them furnished valuable tables to show an average decline of 35 per cent. in values because of what they do not hesitate to call the great crime of the age when Germany and the United States in 1873 united with England to strike down legal-tender silver coins. They also show that up to that time as long as gold was being furnished in large amounts from Australia and California every business was prosperous

and prosperity was the rule and not the exception, not only in England, France, and Germany, but in the United States, indeed all over the world, and that property values from 1850 to 1873 increased 40 per cent. in all civilized nations.

"There is so much of this testimony that ought to be scrutinized by Senators, of course I will not take time to read it, but I will ask leave to print what I have marked in red marks, and I shall upon some proper occasion ask the Senate to order the whole of it to be printed as a proper accompaniment to the views and opinions of Mr. Atkinson.

"Mr. STEWART. Ask unanimous consent to print it.

"Mr. BECK. There is this much of it to be made part of a speech [exhibiting]. I will insert as much of it as I think will illustrate and prove what I say about it.

"APPENDIX C.

"Questions on the subject of currency and prices, circulated by the royal commission on the depression of trade and industry.

"1. Has there been, within a period which can be distinctly defined, a fall (*i*) in the gold prices, or (*ii*) in the silver prices, of commodities in countries where those metals are respectively the standards of value?

"2. If so, has the fall extended uniformly to all commodities, or has it been confined to some particular class or classes of commodities?

"3. Apart from any circumstances which have tended to lower the price of particular commodities or of commodities generally, are there any circumstances which have enhanced the value of the metal used as the standard?

"4. Have similar circumstances ever occurred before, and what results did they produce?

"5. To what causes do you assign the fluctuations which have occurred in recent years in the ratio of the precious metals to one another?

"6. Are there any indications that the development of the credit system, or other similar means of economizing the use of the precious metals, has tended to counteract or retard the fall of prices?

"7. What circumstances, apart from an appreciation of the metal used as the standard, have tended to bring about a fall of prices generally?

"8. How is trade affected by alterations (*i*) in the value of the metal used as the standard, and (*ii*) in the value of the precious metals *inter se*, especially in the case of trade between gold-using and silver-using countries?

"9. What is the effect of the present relations of gold and silver upon the internal and external trade of India, and upon prices in that country?

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"Mr. Robert Barclay says:

"1 DICKINSON STREET, *Manchester, May* 5, 1886.

"MY LORD: I have much pleasure in replying to the questions you have submitted on behalf of the royal commission on the repression of trade.

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"3. Yes. The closing of the mints of France and the Latin Union destroyed the par of value between gold and silver, which the free mintage of these metals at the fixed ratio of 15½ to 1 had maintained as long as these mints were open to silver as fully as gold, was practically international money; but since then gold has been regarded by all the European nations and also by America as the only standard of value for international purposes, and the increased work thus thrown upon it as a store of value has led to its enhancement.

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"Improved credit appliances facilitate the transference of value, but when property of any kind is parted with for money it is something that may, if wished, be a permanent possession that is sought, and credit as an aid to money in this sense can not be expanded, except in due proportion to the metallic money on which it is supposed to give an absolute lien, just as a banker's obligation must be in due proportion to his reserve.

"7. Apart from monetary causes there have been many other things at work tending to cheapen production, say, new inventions, scientific discoveries, and new applications of chemistry, an increased use of labor-saving machines, and the higher speeding of machinery, rendered possible by the greater mathematical perfection and accuracy of its construction; but all these causes combined would not, I think, account for, perhaps, more than, say, a sixth or a fifth of the actual difference which is seen.

"8. The appreciation in the value of the monetary metal, gold, upon which our English values are based, has had and can not but have a most serious effect upon trade. It means declining prices for commodities, and when prices are continuously declining all enterprise is banished from trade. The trader must work with the barest possible stock, as everything held over becomes dear as compared with the price at which it could be replaced. The whole fabric of trade is built up on credit and time contracts, and stability of the money basis on which it rests is all-important. Transactions entered into in the hope of profit may result in loss if prices, from an appreciation of the monetary measure, fall before the transactions can be completed. An enterprise requiring the investment of capital may offer strong inducement for entering upon it; but when the question is considered, How will the property to be acquired be affected by the decline of prices going on? the risk of loss in this respect counterbalances the inducement.

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"The fact of India being upon a silver basis has, I think, so far been in many respects an advantage to her. Her internal trade has not suffered from the decline in prices which has been so disastrous in Europe, and the divergence of the relative value of gold and silver has had no practical effect upon the welfare of the great body of her people. The development of her external trade has also so far not been seriously impeded, rupee values of European articles laid down in India not having risen with the fall in silver, gold prices having conformed to the standard of India and not rupee prices to the gold standard of Europe. The lower European value of the rupee has also helped to stimulate her exports. On the other hand, the exchange difficulty makes it impossible for India to borrow in her own currency, and the disadvantage she suffers in this respect is very great, not only as regards the carrying out of public works, but in many ways in which the outflow of British capital would both enrich India and benefit England.

"III. Mr. Hammond Chubb said:

"3. The circumstances which led to the enhancement of the value of the metal (gold) used as a standard were those connected with the substitution of gold for silver by Germany and other countries. To these must be added the increased use of gold in the United States, a diminution in its production, and the growing requirements due to increased population.

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"But if, as seems to be inferred by the question, it is admitted that a fall is due to the appreciation of gold—and I entirely concur in such an opinion—it is difficult to estimate what proportion of the fall is due to that cause. If it is admitted not only that gold has appreciated, but continues to appreciate, then prices not only have fallen, but continue to fall; and but for this permanent cause of depression it is possible that the other causes put forward to account for a fall in prices would have only a limited operation and take rank amongst the ever-varying incidents of a healthy competition.

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"But the effect upon trade is, no doubt, that of a tendency to its contraction; and capital, which would have been used to stimulate trade, will, by preference, be invested in securities yielding a fixed interest in gold, though the payment of this interest be to the disadvantage of those, chiefly governments and other public bodies, who have contracted such arrangements.

"The modes in which the results of falling prices due to an appreciating standard would be manifested would vary with the trades affected, but the operation of the principle would be continuous, and not the less hurtful that it is not generally apparent.

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"If it be the case that produce can be grown in India at the same cost in silver as that which has long prevailed and be sold in England for gold, which, at present, commands more rupees than formerly, this would be to the advantage of India, and lead to increased exports.

"And, again, if the cost of labor in India has not increased, it might lead, in certain cases where practicable, to the amount realized by such exports being used for the establishment of factories in India, rather than to the purchase here of manufactured goods. If the present relations of silver and gold were final, this condition would probably be modified in course of time as prices rose in India; but if the present ratio between the two metals widens more rapidly than prices rise in India, an advantage would continue to accrue to India, as against gold-using countries. This leaves out of view the loss by exchange incurred by the government of India through its indebtedness to England.

"IV. Mr. M. W. Collet says:

"3. This question I assume to mean whether the standard itself as a measure of value has altered, and, if so, what has caused the alteration? Whatever the answer, it does not admit of exact proof, but by inference it is to be assumed that the abstraction of gold in large quantities for coinage purposes by Germany, Italy, and other states and Treasury reserves in the United States, the increased application of it for ornamental and artistic purposes beyond former requirements, together with the simultaneous decrease in the annual production of this metal, must have rendered it relatively more valuable; and this view is consistent with the fall in prices noted in the answer to the first question.

"VI. Mr. Alexander Del Mar says:

"This fall of prices has been ascribed by some persons to 'overproduction;' but apart from the consideration that if overproduction, including the precious metals, were general it could have no effect upon prices, and if not general it would rectify itself by the shifting of industries and avocations in a briefer space of time than thirteen years, it is to be remarked that previous to 1873, when the forces of production were as great and the actual production of commodities per capita of population was not less than it is now, there was no complaint or pretext of overproduction.

"The true cause has been—here I speak as a practical miner and producer of gold, well acquainted with the conditions surrounding its production and use generally—the true cause has been the dwindling product of the gold placers of California and Australia, and the utter inability of quartz mining as a whole to put gold on the markets of the world at the lower equivalent, in commodities and services, at which it was previously put by the placer mining. This dwindling product of gold, suddenly and enormously aggravated by the demonetization of silver in Germany and the subsequent suspension of free coinage for silver in France, the United States, and other countries, has been, in my opinion, the true cause of the recent fall in the prices of commodities.

"Your commission asks if similar circumstances ever occurred before. Yes; they occurred after a similar failure of the Roman mines, an event which precipitated the disruption of the Western Empire and was followed by the tremendous consequences so ably depicted in Sir Archibald Alison's Essays; they occurred after the dismemberment of Charlemagne's empire, an event which occasioned the secret hoarding of the vast quantities of gold and silver which that monarch had captured in Saxony and Hungary and had made into money; and they occurred again during the eighteenth century, when the plunder of America and the Orient was quite over, and the metallic product of Spanish America, although it continually increased under the cruel stimulus of the lash, yet it failed to increase fast enough to supply a rapidly growing Europe with the materials for money.

"In the latter instance the evil effects of diminishing moneys manifested themselves in every country of the European world, including America; in each of them it was due to the failure of the supplies of the precious metals to keep pace with loss, wear and tear, and increasing demand to sustain prices; in nearly all of them it was followed by similar consequences; a continued and uneven fall of prices, industrial distress, social disorders, turbulence, anarchy, revolution, wars, and the dissolution of empires.

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"From what I have seen of gold and silver mining during the past thirty years, I should say that in the long run it probably costs as much effort to find

and bring to grass-roots a pound of silver as a pound of gold, and that in all newly opened countries gold would even be cheaper than silver, because in such countries the former is always to be found on the surface, whilst the latter is hidden away in the uncertain convolutions of volcanic rocks.

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"Among those who admit the entire amenability of the ratio to legislation there are some who deem it necessary at the present time to procure an international concert of action on the subject. With the highest respect for those who advocate this policy it seems to me unnecessarily cautious and timid. It did not require a concert of the nations to break down the ratio, and it needs no concert to restore it. Either one of the four leading nations can do it, for each of these has enough gold to exchange for all the silver that will probably be offered to its mints.

"But foremost among nations in its large control of the precious metals stands England, whose financial investments in foreign countries and whose widespread commerce have conferred upon her the hegemony of the commercial world. She can certainly afford to permit one-fourth of her £100,000,000 of gold to flow out in exchange for £25,000,000 of silver, which is far more than the combined world will be likely to offer to her mints during several years. This sum, coined upon the same terms as gold into full legal-tender money—first, and in order to discourage counterfeiting, at the so-called market ratio of 20, and afterwards recoined at the American ratio of 16 or the French and German ratio of 15½—would not only yield England a handsome profit, but, what is far more important, it would arrest the present depression of trade and avert from impending disaster England's commercial interests in India.

"VII. Claremont J. Daniell says:

"The statistics of imports and exports of gold treasure which the government of India compiles show that in a little more than fifty years India has imported, and not re-exported, gold to the value of £127,000,000 sterling. To this must be added the gold treasure which India had continued to absorb during more than two thousand years, the amount of which may be inferred from historical records extending from very ancient times to the present century. I consider that I estimate the gold treasure existing in India in 1835 (when our statistics of imports and exports of treasure began to be compiled) at a low figure in putting it at £100,000,000 more.

"It is sufficient to notice the extent of this absorption of gold by India since 1835 for the purposes of the question (£127,000,000).

"This drain of the precious metals to India arises from peculiarities in the commercial productions of that country and in the condition and habits of the people. The country produces commodities which are to a great extent superfluous to the wants of the mass of its people, while at the same time these are readily sold to Western nations. This circumstance enables the people of India to export these commodities without any enhancement of the price of articles necessary to their own existence resulting from this exportation.

"This is a condition of very great influence on the development of an export trade.

"The simple habits of the people of India; immemorial custom which precludes them from the use of many commodities of secondary necessity, convenience, or luxury, and the variety of the natural productions which the soil of the country supplies exempt the people from the necessity of importing more than a limited number of commodities of foreign manufacture for their own use. Hence it follows that the exports of Indian productions generally exceed in value the imports of goods from foreign countries, and the balance has to be paid directly or indirectly in treasure.

"I say so much by way of explaining why I believe that this drain of treasure from the West into India is likely to continue—it has been going on for the last five years at the rate of £4,700,000 a year—and also in order to show that what has been going on in India has probably (I know no reason why I should not say certainly) been going on in other parts of Asia, *e. g.*, China, where similar climatic, industrial, and social conditions are found to exist. If this is the case, the appreciation of gold in the West must be largely due to this cause, and the proper remedy appears to me to consist in the remonetizing of gold in India, where the metal used from the most ancient times as money, has, in British India at least, been discarded from that employment since 1835.

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"I assign the fluctuations which have occurred in recent years in the ratio of the precious metals to one another to the following causes: (1) The great yield of silver from the mines of North America between 1870 and 1880. (2) The partial disuse of silver as money by Germany, France, and the United States of America during the same period. (3) The drain of gold into India between 1870 and 1885. During those fifteen years India has withdrawn from use as money in the West a gold treasure valued at £38,250,000 and upwards, and has not used it as money herself.

"Thus, while the supply of silver from the mines increased, the demand for it, owing to its exclusion from its proper field of employment as money, fell off, and measured by the gold standard its value necessarily declined. At the same time gold became appreciated both by reason of part of the supply being absorbed and rendered useless as money by India, and from the circumstance that upon the gold currencies of the West was thrown the work not only which they formerly carried on, but in addition a great part of the work which the silver currencies of the same regions had hitherto been used to transact.

"The relation which one of the precious metals bears to the other as money is ascertained by the quantity of the same commodity which a given amount of each of them will suffice to buy in the same market. If gold and silver are coined and circulated without restriction of quantity in any country, and, say, an ounce of good money will buy fifteen and one-half times as much of any commodity as an ounce of silver money, then the relation of gold to silver money in that country stands at 1 to 15½. But if, as has happened in Europe since 1870, restriction is placed on the free coinage and circulation of silver money, its real value in gold money can never be ascertained, because its purchasing power, in consequence of the restriction placed upon its use as money, is deprived of all freedom of action.

"Had gold and silver money been allowed to circulate freely throughout Europe and North America, and had India been using gold money since 1870, a fixation of value between gold and silver money exactly corresponding with that educed by the competitions of commerce would probably have been arrived at long since. As the case stands, the owners of silver, seeking every opportunity to sell their commodity at a profit, have been obliged to offer it for sale, sometimes at one price and sometimes at another, and the price of silver has necessarily been subject to similar fluctuations as against gold that other articles are liable to, which take their value from gold in a falling market.

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"The purchasing power of the standard money depends on the proportion which the quantity of it in circulation bears to the amount of the merchandise which it serves to exchange one kind with another kind.

"This view of the case is not affected by the use of the credit contrivances (checks, promissory notes, etc.) with the view of minimizing the employment of metallic money, because their efficiency ultimately rests upon the stock of metallic standard money in use in the country. If that stock increases while the commodities brought to market do not increase, prices will rise, and *vice versa*.

"If the standard money of any nation or group of nations is required to do more work than it was required to do before, the effect on trade is the same as if the quantity of goods under exchange had increased while the amount of money available to effect the exchanges had remained stationary. Prices in that case would fall.

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"If, on the other hand, the State decides to use both kinds of money on equal terms, that is, so to regulate its currency system that the silver and gold coin in use shall always exchange at their natural value in one another, which would be the rate elicited by the competitions of commerce, the supply of coin of both kinds will exactly correspond with the requirements of commerce and always be fully sufficient for the exchanges of goods, however numerous they may be. The currency, whether of gold or silver, will always be kept at full supply, because no one will hesitate to put his gold or silver metal into circulation, under the conviction that neither can ever become undervalued and that he can in no circumstances lose by doing so.

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"9. The relation of value between gold and silver has altered in favor of gold by from 20 to 25 per cent. during the last fifteen years, and in India, where silver alone is used as legal-tender money, the value of silver money, as against commodities, has not depreciated to an extent at all approaching that figure. It follows that traders in gold-using countries can obtain in India, say, 20 per cent. more of the silver money of that country with a given value of gold than was possible fifteen years ago, and with it buy a correspondingly larger amount of the productions of India. This state of things provides a wide margin to cover the risks of trade and the chances of profit, and is one among other causes which accounts for the great increase in the export trade of India to gold-using countries which has occurred during the last few years.

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"This consideration must also not be lost sight of, that, as above stated, India has, during the last fifty years, absorbed gold treasure to the value of £127,000,000 sterling. This treasure can only have come into the country directly or indirectly as payment for the productions of India, whether sold in India or abroad; it has not gone into circulation as money, and its withdrawal from use as money has had an enormous influence in preventing that rise of prices which would have taken place in India if it had gone to swell the volume of the currency.

"VIII. Moreton Frewen says:

"Since 1873 (from which time Germany commenced to take great masses of gold to enable her to effect a change from a silver to a gold standard) there has been a general fall of prices, which Mulhall estimates (History of Prices, page 1) at the amount of the difference between 135 and 84. The average of prices is lower now than in 1850, at which time Newmarch remarks that prices had been falling steadily since 1809 on account of an increasing scarcity in the supply of the precious metals. 'Between 1809 and 1849 prices fell in the ratio of 100 to 41' (Jevons).

"I think it is safe to say that in gold-standard countries there has been a general average decline of prices since 1874 of 35 per cent. Now, as to silver-standard countries there is a valuable chapter (16) in Fawcett's Political Economy which appears to have been written within two years of the professor's death. The select committee on Indian finance which sat in 1874 established the fact that while for eight years previous to 1867 the net annual import of silver into India was at the rate of £15,000,000 sterling, the expansion of the currency there, which resulted from this importation of £120,000,000 sterling of silver, had caused a rise of all prices, which rise was estimated to be from 30 to 40 per cent. Now, since 1873, when the (gold) price of silver began to fall rapidly, there has been no such rise of prices in India as we should have naturally looked for, but, on the contrary, the Economist has been at some pains to point out, while there has been a great fall of silver in terms of gold, there has also been even a slight rise in the value of silver measured by its power to purchase Eastern commodities.

"This, it seems to me, is the great interest that England has in the 'silver question.' For it is clear that if silver in Asia is worth at the rate of 60*d.* an ounce to buy everything Indian, it is not coming to Manchester if it can help it, where it is only worth 46*d.* To recapitulate, it is interesting to observe that prices in India between 1860 and 1870 rose rapidly without the price of silver falling below 60½*d.* the ounce, but whereas since 1873 silver has been continuously falling from 60*d.* to 46*d.*, yet so far from silver losing its value at home, in the East it is slightly more valuable, will buy a little more wheat, cotton, or labor than before. If a man saw both sides of a balance scale go down at the same time he would hardly witness a more puzzling phenomenon.

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"There are a number of circumstances that have combined to enhance the value of gold; chief among these an enormous increase in demand, while *pari passu* a great diminution in supply. Increased demand may be classed under two heads: The increased demand in gold-standard countries, the result of increased population, and increased production of commodities; for example, the amount of gold and silver current in the United States is about £3 per head of population to measure an annual production of wealth estimated by Mr. Atkinson (Distribution of Products) at £2,000,000,000 sterling.

"The population of the United States is doubling every twenty-five years; hence the United Sates twenty-five years hence, her population an 1 production doubled, will *caeteris paribus* require more currency. I will not hazard an opinion as to the amount of coin per capita needed to insure a healthy system of currency. France, however, with almost £9 per capita, showed by the rapidity of the payment of her war indemnity to Germany the benefit of a full and well distributed currency at a time of crisis.

"But it is more important to draw attention to the increased area of the demand for gold.

"Since 1873 Germany has taken over £30,000,000 sterling of gold.

"Since 1878 the United States has taken more than £80,000,000; Italy has taken £16,000,000 (Grenfell); besides which in the last ten years India has taken £40,000,000 of gold. These extraordinary demands have averaged more than £20,000,000 a year, or more than £1,000,000 more than the entire annual output of the earth; the while also that some £12,000,000 is being annually absorbed by the arts and manufactures (Soetbeer).

"No wonder that since 1877 England has lost gold from currency to the amount of £25,000,000, or about one-quarter of her entire stock. In M. de Laveleye's words, 'Gold, like water, if spread over a larger surface lowers in level at its original basin.'

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"4. Is it the intention of question 4 to discover what has been the result in times past of a diminished product of the precious metals? If so, it is of interest that Alison (History of Europe) says that the fall of the Roman Empire was brought about by a violent contraction of the circulating medium, resulting from the failure of the mines in Spain and in Greece; the burden of debt was increased and the general conditions of human industry paralyzed.

"The two greatest events that have occurred in the history of mankind have been directly brought about by a successive contraction and expansion of the circulating medium of society. The fall of the Roman Empire, so long ascribed in ignorance to slavery, heathenism, and moral corruption, was in reality brought about by a decline in the silver and gold mines of Spain and Greece.

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"And as if Providence had intended to reveal in the clearest manner the influence of this mighty agent on human affairs, the resurrection of mankind from

the ruin which those causes had produced was owing to a directly opposite set of agencies being put in operation. Columbus led the way in the career of renovation; when he spread his sails across the Atlantic he bore mankind and its fortunes in his bark. * * * The annual supply of the precious metals for the use of the globe was tripled; before a century had expired the prices of every species of produce were quadrupled. The weight of debt and taxes insensibly wore off under the influence of that prodigious increase; in the renovation of industry the relations of society were changed, the weight of feudalism cast off, the rights of man established. Among the many concurring causes which conspired to bring about this mighty consummation, the most important, though hitherto the least observed, was the discovery of Mexico and Peru.

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"If the circulating medium of the globe had remained stationary or declining, as it was from 1815 to 1849, from the effect of South American revolution and English legislation, the necessary result must have been that it would have become altogether inadequate to the wants of man; and not only would industry have been everywhere cramped, but the price of produce would have universally and constantly fallen. Money would have every day become more valuable; all other articles measured in money less so; debt and taxes would have been constantly increasing in weight and oppression. The fate which crushed Rome in ancient and has all but crushed Great Britain in modern times would have been that of the whole family of mankind. All these evils have been entirely obviated, and the opposite set of blessings introduced by the opening of the great reserve treasures of nature in California and Australia. * * * Before half a century has elapsed the prices of every article will be tripled, enterprise proportionally encouraged, industry vivified, debts and taxes lessened.—*Alison.*

"After the fall of Rome no considerable mines were discovered and prices fell steadily for a thousand years, till Columbus sailed to America. From 1539 to 1809, for near three hundred years after the discovery of America had resulted in a tenfold increase in the annual output of gold and silver, prices rose steadily; then after 1816, silver having been demonetized and specie payments resumed in England, prices steadily fell until there was a price crisis like the present, which extended and intensified just as now, till the Californian discoveries in 1849. The effect of those great discoveries did not make any very considerable impression on the great volume of the precious metals till 1854, after which year prices rose steadily and every branch of industry was stimulated.

"It is evident that 'demand' created by legislation—in other words, the prerogative of 'legal tender'—is the great factor in determining the value of the precious metals. This is particularly true of silver, because the percentage of the annual output of silver which is absorbed in the arts is quite inconsiderable. Thus the tax paid on manufactured silver in England in 1875 (I can not lay my hands on any later returns of silver consumed in the arts) showed that the entire home manufacture was less than £200,000.

"It seems that legislation can fix and keep steady the ratio of one metal to the other, provided the area of operation be sufficiently wide. But if either metal be proscribed by legislation it is certain that their ratios must fluctuate wildly. If legislation the world over decreed to-morrow that silver should be demonetized and should be sold as mere merchandise for what it would fetch, it might be that area railings would be made of silver! Certainly the price would fall toward 1*s.* per ounce. The value of gold also would be enormously depressed if that metal were universally demonetized.

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"A fall of prices is itself a contraction of credit. To take a very simple instance, suppose I bought through a broker and on credit cotton futures, or wheat, or a railroad stock at 100, I should pay up a margin of 10, the broker or his banker lending me the other 90; now, if prices fell from 100 to 95, the broker would require a further margin; in other words, owing to the fall of prices my credit with my broker is contracted, and a further demand arises for sovereigns. If, on the contrary, the price instead of falling rose to 110, the broker would allow me to buy a second hundred shares of stock, and on account of the rise in the price of the first hundred he would not require me to advance the ten sovereigns margin on the second transaction. And this illustration holds good for all kinds of credit transactions, including the credit any wholesale dealer gives to any retail dealer.

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"Trade may be expected to stagnate when prices are declining, but to be brisk when prices are rising. Falling prices can not fail to check industry and enterprise; if a man with £10,000 to invest believes that because values are still falling he will be able to buy a farm, a ship, or a mill twelve months hence for much less gold than at the present time, he will prefer to leave his £10,000 at his bank idle, even though the bank rate is only 1 per cent. Suppose such a one had invested at the higher prices of 1874, if he sold out now he would find that his ten thousand had shrunk to £6,500 (assuming that the average fall of prices in twelve years has been 35 per cent.). And this seems to be the present position; intending investors are waiting year after year for the fall of prices to be complete. When, on the other hand, the tendency of prices is upwards, then enterprise and investment is brisk. The investor prefers to buy a farm to-day rather than to pay the higher price that he anticipates will be asked six months hence.

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"Until 1873 the 1 to 15½ 'par of exchange' between the nations that used gold and those that used silver had never been impaired; but in the last twelve years we have had perpetual fluctuations, and at the present moment no English merchant trading with the East has any idea when he makes a forward contract whether, owing to a further fall in the exchange rate of silver, the transaction may not involve him in heavy losses. Ask any Manchester merchant what would be the condition of his trade with his best customers, India and China, if silver suddenly fell 6*d.*, and he will tell you that half the mills in Lancashire would be closed; and yet it has lately depended upon the mere accident of foreign legislation that this did not happen; if the clamor of the Eastern cities—in other words, of the creditor community—had prevailed and silver coinage had been suspended in the United States, then the silver ounce would have fallen at least 3*d.* It is, indeed, the opinion of those most competent to judge that this suggested suspension must inevitably have been followed by the demonetization of silver in the United States, and thereafter also in France.

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"Hence it happens that a wheat speculator who used to buy 10 rupees with his sovereign can now buy 13, and each of the 13 buys as much wheat (say a bushel) as did each of his previous 10 rupees. In other words, the fall of silver has brought about a decline in the price of wheat represented by the difference between 13 and 10. And if, owing to legislation in Washington or Paris, silver is to be still further depressed and the rupee falls to 1*s.*, I see no reason why that rupee should at all depreciate in India, and if it does not, then the fall in wheat in Mark Lane will be represented by the difference between 20 and 10, because the sovereign will buy 20 rupees instead of, as before, 10.

"Keeping in view the fact that silver retains its value in the East, although it has by law been deprived of its value in the West it follows that, by reason of the absence of all tariff regulations in England our farmers are at the mercy of foreign monetary legislation at Washington or Berlin. If Sir James Caird can foretell what will be the price of the silver ounce in the twentieth century, he can tell approximately what will be the area of wheat cultivation in England, in Dakota, or the Punjaub. With the rupee at 1*s.* no wheat could come forward from America or Russia, and we might expect a further fall in the prices of maize and raw cotton, and it has been this consideration that has influenced recent legislation at Washington.

"IX. H. R. Grenfell says:

"Trade is affected by alterations in the value of the "metal used as a standard" in proportion to the indebtedness of those carrying on various trades or callings connected with production. If no one was indebted in fixed sums of the standard metal it would not matter in the long run whether the counters were red counters with a 6 marked on them or blue counters with a 1; but where indebted producers have made specific contracts to pay in nothing but red counters the relation between these counters and productions is altered, and the debtors have to pay the result of perhaps two years' labor instead of one. Agricultural producers are indebted all over the world, and have always been so since the day when Adam brought a store of apples and damsons out of Paradise to keep him alive while he dug for the next year's crop, and they are being ruined by this alteration in the amount of existing counters.

"X. Mr. S. O. Gray says:

"1. It would appear that during the period since 1873 there has been a fall in the price of most commodities alike, but different in degree, in countries using gold or silver or both metals as a standard of value.

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"3. There has been an increased demand for gold for the purposes of coinage by countries, Germany, Italy, and others, that have during the period mentioned above adopted a gold standard, and simultaneously the production of the metal has fallen off. For silver, on the other hand, the demand for the purposes of coinage in Europe and for the manufacture of plate has materially deminished, while the available supply has been increased both by a larger production of fresh metal and by the demonetization and conversion into bullion of considerable amounts of previously existing silver coin.

"XI. Glasgow Chamber of Commerce, by Mr. William H. Hill, secretary, says:

"3. Since 1873 about two hundred millions of gold have been required to supply Germany, Italy, and the United States with a new gold currency. This absorption of the metal occurred concurrently with its lessened production. In 1851–'52 the annual production throughout the world had risen to about thirty-six millions sterling, but it is now less than twenty millions. Assuming that ten millions are needed for the arts and manufactures, it follows that twenty years' net supply of the metal was absorbed by the two hundred millions, leaving nothing available for replenishing (repairing) the waste on a greatly enlarged currency, or for the purpose of meeting the wants of an increasing population, growing wealth, and consequent enlargement of business transactions.

"4. The directors have no personal knowledge of the previous occurrence of such circumstances.

"5. As respects silver, there has been an increased supply with a diminished use; as regards gold, there has been a diminished supply with an increased use. These results are due to the closure of the mints of the Latin Union for indiscriminate coinage of both metals at a fixed ratio, to the action of Germany in demonetizing her silver currency, and to the effect that the large stocks of silver held in America and Europe have on the market.

"XII. Mr. Luke Hansard says:

"It appears to me that 'the value of the metal used as the standard' must necessarily be measured by 'the prices of commodities generally.' In this country the standard is gold, and the value of gold is what it will purchase in commodities generally. If a general fall of prices is admitted, it follows that there is an appreciation of the metal in which those prices are expressed. The expressions 'fall in prices' and 'appreciation of gold' are, in my opinion, synonymous, and it only leads to confusion of ideas in speaking of the two expressions as distinct and arising from separate causes. I have frequently heard it stated in discussions, and have read in print, that the 'fall in prices' is caused 'by an appreciation of gold.' This appears to me an error, for the two phrases mean really one and the same thing. If you have a fall in prices you have an appreciation of gold, and if you have an appreciation of gold you have a fall in prices. In fact the two expressions are exchangeable terms for the purposes of the present subject.

"XIII. Sir Hector Hay says:

"The specious argument that it is for the advantage of the working classes that all their requirements should be as cheap as possible is misleading, because a universal cheapness implies that the article or commodity which gives the means of living to each class of workers is cheap also, the consequence of which must be low wages or less employment, generally the latter, as is shown by the present state of the labor market and the large number of the unemployed.

"It is no benefit to a workingman that all he wants is very cheap if he has no wages wherewith to purchase it, and for the community it is better that all should be employed at moderate wages than that some should receive higher wages and the rest none.

"Low prices invariably bring depression of trade and lack of employment, and high prices prosperity to all classes with the exception of annuitants, who are after all but a comparatively small section of the people.

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"Another disastrous effect is that the Indian government, having to draw some fifteen millions per annum from India, have had to submit to an enormous loss by exchange, beginning in 1874 with about one million and increasing every year till it amounts now to nearly four millions a year. It has been said that this loss is only apparent, or, in other words, a mere matter of account, but this idea ignores the fact that this loss by exchange must be covered by increasing the amount of taxation in India, and therefore some thirty millions sterling have, during the last thirteen years, been wrung from the taxpayers more than would have been necessary had the rupee remained at its nominal value of about 1*s.* 10½*d.* Taking this into consideration it will be apparent that India has lost much more by taxation than she has gained by the low price of silver.

"The whole question of the ratio between gold and silver lies in a nutshell. In England, and practically in Europe generally, gold only is the measure of value; in the East silver is the measure. In order to enable trade between the East and West to be conducted with reasonable confidence there must be a standard of conversion, that is, a fixed ratio of gold to silver.

"If this is admitted it is difficult to see how it can be denied that the most advantageous ratio would be 15½ to 1, simply for this reason, that it would cause less inconvenience than any other, for practically all the silver money existing in the world (except merely tife subsidiary coins) has been coined on or close to that basis.

"To adopt any other ratio would necessitate the recoinage of hundreds of millions or the circulation of the present coins at a changed valuation, whereas the restoration of the old bimetallic basis of 15½ to 1 would affect only the few millions of silver which remain at present in the shape of bars, and the future production, say eighteen to twenty millions a year.

"Such a measure as this by agreement among the principal nations, most of whom are more than willing to adopt it, would most certainly restore to the trade of the world that elasticity which of late years it has entirely lost.

"XIV. Mr. W. Jackson says:

"Trade is affected by an appreciation of the metal used as the standard, by handicapping the producing classes to the benefit of the moneyed classes, by rendering the trade between gold and silver using countries uncertain, and thus speculative.

"The appreciation of gold in relation to silver has, in my opinion, tended to stimulate the exports of India, while the imports into India have also shown an increase, owing to the fall in prices in the gold countries. The internal trade of India has developed by the greater exports and imports, and industries have received an impetus which will probably lead to the establishment of manufactories on a large scale. Silver is, however, being imported into India in excess of the average of former years, and if this continues a rise in the prices of commodities in India seems inevitable, which must in time react prejudicially upon the export trade of India.

"XV. Mr. J. N. Keynes says:

"There has not, I believe, been a corresponding fall in silver prices in countries where silver is the standard of value. Still, notwithstanding the depreciation of silver, prices appear to have fallen rather than to have risen in India within the last ten or fifteen years. This points to the conclusion that the depreciation of silver is a depreciation relatively to gold only, and not relatively to commodities in general, but rather the reverse.

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"The point that remains to be mentioned is perhaps of greater importance than any of the preceding. Traders in a large way of business are accustomed to work to some extent with borrowed capital. Upon the sum borrowed interest has to be paid in money, and ultimately the capital itself may have to be refunded in money. It is clear that if money, measured in commodities, has an enhanced value, the burden of debts is increased, and with falling prices fixed preference charges mean diminished profits. Thus lenders gain at the expense of borrowers, and, what is pertinent to the present discussion, they gain at the expense of those who are taking an active part in trade, and upon whose individual effort the success of large enterprises frequently depends. Trade is the more depressed and demoralized because it is those who have the greatest business capacity who naturally employ, in addition to their own capital, the capital of others. Similar remarks apply to fixed charges of any kind.

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"The internal trade of a gold-using country is not sensibly affected by an alteration in the value of the precious metals *inter se*, but it is otherwise with trade between gold-using and silver-using countries. Frequent alterations in the gold price of silver obviously introduce an additional element of speculation into all dealings between such countries. If a trader in a gold-using country is selling commodities in a silver-using country, his profits depend not merely on the silver price which his goods will fetch, but also on the gold price of silver when he receives payment. Fluctuations, therefore, in the relative value of the precious metals tend by their effect on the foreign exchanges to disorganize and render uncertain the trade between countries which have respectively a gold and silver standard. A permanent alteration, however, when once established, will only affect the nominal exchanges between the countries.

"XV. Mr. D. Larnach says:

"4. I recollect perfectly that prior to the discovery of gold in 1849-'50 in California, and in 1851 in Australia, trade was depressed all over the world. Those discoveries gave a wonderful impetus to trade, which would have been much more felt in England but for the Crimean war.

"XVII. Mr. Edward Langley says:

"Taking wheat as perhaps the best illustration of an article of universal production and universal consumption the facts are beyond dispute. Wheat has fallen to a price in gold-using countries that renders it barely remunerative, or even unremunerative. In India the fall is estimated by Mr. Prinsep at 17 per cent.

"3. The following are some of the circumstances that have enhanced the value of gold:

"Reduced production, which is a natural cause; increase of population, which is also a natural cause. But the circumstance that has caused the greatest enhancement in the value of gold is one that is not natural, but has been the attempt by Germany to convert her single silver currency to that of single gold, as by so doing Germany has stimulated other nations to do likewise; such, for instance, as France, who within the last twelve months alone has increased her stock of gold by £12,000,000 (increased since this was written to £16,000,000, or, say, to £56,000,000 in all from £46,000,000 twelve months ago, more than equal to the year's production).

"This action of France is still proceeding in full force, and can hardly fail to have a still further serious effect on the purchasing power of gold. Then the action of the United States in resuming specie payments mainly in gold. Also of Italy of the same character, as well as the continued absorption of gold by Germany, which is clearly still in operation, notwithstanding that she has suspended all sales of silver. Then, again, India is a large absorber of gold, a circumstance that can not be looked upon except with anxiety, as indicating a preference for that metal rather than for silver, her standard of value. Australia and New Zealand also produce not only less gold, but practically absorb more, largely the result of their great borrowings in England, and indications are not wanting that those countries may draw gold from England, instances of which, though isolated, have actually occurred.

"Then, again, the market which exists in London for the issue of foreign loans tends to enhance the value of gold, as such issues are generally followed by an export of gold to the countries issuing such loans. * * *

"Nothing can restore the profitable character of the enormous trade of England with silver-using countries but a restoration of the ratio that prevailed between 1803 and 1876, when the bimetallic law of France during all that time acted as a regulator to the mercantile machine that was working between England and her silver-using customers. Whatever the merits are that are claimed for the single gold standard, it is utterly unsuited to a manufacturing nation like England, whose existence depends very largely on the profitable trade she can carry on with nations that have a currency composed of a silver metal. This argument has been maintained by what is known as the bimetallic school, and ten years of experience only go to confirm their assertions. There is not an article that is produced in India, and that is also produced in England, the continent of Europe, and in the United States, that is not subject to a protection bonus in India in the shape of the extent of the variation of the ratio between the precious metals.

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"The effect of the cessation of a fixed ratio between gold and silver has been a continuance of the fall in the value of silver, measured in gold, until at the present moment a rupee, the intrinsic value of which at 5*d.* the ounce for silver is close on 1*s.* 6*d.* in gold, can now be bought at under 1*s.* 6*d.*, or a fall in its value of more than 20 per cent., and therefore at the present moment 1*s.* 6*d.* will buy in India more wheat than 2*s.* could have bought before the demonetization of silver took place, or, say, about thirteen years ago. This gives the purchaser of Indian wheat an export bonus amounting to the reduced cost of the rupee, and thus enables Indian-grown wheat to compete with English wheat under a bonus of more than 20 per cent. over and above the cost of production. This is bad enough, but the position is made worse by the appreciation of the rupee in India itself.

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"This, of course, secures cheap food, but at the cost of the destruction of the agricultural interests, not only in England, but also in Europe and the United States. This is the reason why wheat is 30*s.* per quarter, with the prospect of a lower price should silver fall lower. The same argument applies to cotton in the United States, which is now selling at less than 5*d.* a pound, a price, I understand, at which in America it can not be produced to pay.

"On the other hand, the same fall in the ratio of silver to gold operates in the opposite direction against Lancashire cotton manufacturers. Cotton goods may sell in India at the same prices as heretofore in rupees, but when a manufacturer proceeds to bring the proceeds of his goods back to England, in other words, so soon as he attempts to convert the rupees into gold, as he must do to complete the transaction, he is confronted by the same 20 per cent. depreciation in the price of silver as a charge against the operation. He is thus compelled either to ask a higher price, that is to say, more rupees in India, to counteract the 20 per cent. loss by the depreciation of silver, or he must reduce the cost of production in England by paying less wages and less cost for his cotton. Experience shows that he can not get higher prices for his goods in India, where this fact stimulates native manufacturers, and thus he is driven to reduce the cost of manufacture in England, and thus the reduction in the ratio of value between silver and gold falls directly on the English artisan and the American producer.

"XXV. Mr. Prideaux Selby says:

"In its relation to commodities silver has changed much less than gold, as is proved by the comparative stability of prices in silver-standard countries, and by this stability has proved itself, for the time, the more reliable standard of value of the two.

"The fall in prices has, I believe, been much retarded by developments of the credit system, and would be intensely accentuated by any check to credit.

"From my point of view the phrases used are but different ways of expressing the same fact; 'appreciation of the metal used as the standard' means simply, as shown above, 'a fall of prices generally.'

"XXVI. Mr. Samuel Smith, M. P., says:

"Speaking broadly, I believe the question to be this: Up till 1873 the gold and silver bullion produced in the world flowed into Europe and was coined equally into money and performed exactly the same functions; since 1873 silver has virtually been excluded from the mints of the great commercial nations of Europe, and the gold supply has also greatly fallen off. The necessary result is that instead of that steady replenishment of the currencies which the growing needs of commerce require there is a diminution of supply, causing contraction and a fall of prices.

"The result is analogous to that which took place after the resumption of specie payments was decided on in 1816, which produced many years of falling prices and great depression and suffering among the masses of the people.

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"Trade is very greatly and injuriously affected by a sudden alteration in the standard of value, especially when the alteration is, as now, towards increased value.

"It arises in this way: Trade is largely carried on by borrowed capital, or, in other words, by the use of credit in some shape or another; the vast banking deposits are mostly lent to traders; a very great deal of the invested capital of this country is lent upon mortgage of trading property, such as ships, factories, warehouses, etc.

"A prudent trader usually considers it safe to trade considerably beyond his floating capital, and to borrow, say, 50 per cent. on the security of his plant or fixed capital. Now, the constant decline of prices the last few years has virtually swept away his own portion of the capital, and only left him enough to pay the loans and mortgages; for instance, a ship or a factory built at a cost of £20,000, of which £10,000 was borrowed, is now worth only £12,000, or 40 per cent. less, and so the mortgage now represents five-sixths of the value instead of half, the trader's interest having sunk to £2,000 in place of £10,000; probably, if trade is unprofitable, he fails to pay the interest, and the mortgage is foreclosed, and the property is forced off at just sufficient to cover the loan, and he is ruined.

"I have no doubt that this process exactly describes the condition of vast numbers of the traders of this country and of other countries having a gold standard. A great portion of the commercial capital of this country has silently passed into the hands of the mortgagees and bondholders who have neither 'toiled nor spun;' the discouragement this state of things produces is intense; after it has gone on for several years a kind of hopelessness oppresses the commercial community, all enterprise comes to a standstill, many works are closed, labor is thrown out of employment, and great distress if felt both among laborers and the humbler middle class; indeed, it strikes higher than this, for multitudes of people who were once prosperous traders have now become dependent on charity. I know many such myself; indeed, but a small portion of those who were prosperous ten or fifteen years ago are well off now.

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"It is a foolish reply to this that the aggregate wealth of the nation is not changed because it is only a transfer from one class to another; one might as well say that the craft of the pickpocket or card sharper is innocuous because it only transfers wealth from one pocket to another. The prosperity of the nation depends upon the just distribution of wealth and the security of industry; nothing affects it more vitally than unjust alienation.

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"One more point I would add. This appreciation of gold, with its corresponding decline of trade, throws the finances of all gold-using countries into confusion; it leads to deficits and increased duties and makes foreign tariffs more and more protective. India suffers in a somewhat different way, for she has to remit £15,000,000 in gold to England annually and is now losing £4,000,000 a year in exchange, and may in course of time lose £5,000,000 or £6,000,000 and find it almost impossible to carry out the railway extensions resolved upon, owing to the danger of borrowing in gold and the impossibility of borrowing in silver.

"These extracts illustrate the views of all, or nearly all, who testified.

"It is shown that there were meetings held in Liverpool, in Glasgow, in Manchester, and among the leading chambers of commerce, leading men everywhere taking part, and by large majorities reports were made favoring the restoration of silver to its old-time honored relation; yet our commissioner did not think it worth while to say anything about them. I was not astonished at it; they were not his productions, and of course he thought they were of no value. I insert some of them by way of illustration of the feeling existing in Europe in regard to silver.

"Hon. George Walker, consul general at Paris, sent to Secretary

Bayard August 20, 1885, a letter in regard to coinage, from which I read the following extract:

"The parliamentary inquiry in England, which has just been initiated by the appointment of a royal commission, distinctly recognizes that the discord at present existing between the precious metals is one of the alleged causes of industrial and commercial distress. The appointment of Mr. Gibbs, one of the ablest English defenders of the bimetallic system, and of Sir Louis Mallet, who, with Lord Reay (now governor of Bombay), represented the Indian office in the international conference of 1881, to lead the inquiry on this subject, gives assurance that the investigation will be intelligent and thorough, and that all the facts which are believed to establish the impossibility of conducting the commerce of the world on a gold basis will be brought out in their true relations.

"The chambers of commerce of Manchester, Birmingham, Liverpool, and Glasgow, four of the largest towns in the United Kingdom, have adopted resolutions calling on their members in Parliament to support this branch of the general investigation; and it is very clearly indicated in the debates of the meetings at which these resolutions were passed, that an intelligent majority in those great commercial centers has reached the conclusion that the silver question is largely responsible for the existing distress, and I think I am justified in saying that they believe that bimetallism, to be established by international treaty, is the only sufficient monetary remedy.

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"With the adhesion of Great Britain, the adoption of international bimetallism would be very simple. Without adhesion, it would be equally practicable, safe, and effective if the system were accepted by Germany. Of this there is much reason to hope, inasmuch as the prevailing sentiment of that country is unmistakably in favor of the restoration of silver to full monetary functions. In Germany the learned body has taken the lead in this direction, and it has been followed by all the industrial classes, agricultural and manufacturing, and by the leading commercial houses in Hamburg and elsewhere. It is also asserted that a majority of the national parliament has reached a similar conviction, and may, at an early day, be persuaded to act.

"On the 8th day of July, 1866, the following is given of a meeting of the British and Colonial Chambers of Commerce, in which, by a majority of 28 to 15, they decided in favor of recoining their silver money:

"The silver question—An animated discussion by English bankers in London—They resolve that to remonetize silver means greater prosperity.

"LONDON, *July* 8.

"An important meeting of the British and Colonial Chambers of Commerce was held yesterday, at which there was an animated discussion of the silver question and its bearings upon the commerce of India, Australia, and Great Britain. Mr. Henry H. Gibbs, ex-governor of the Bank of England, opened the proceedings by a strong speech, showing the world-wide importance of restoring the monetary value of silver. Sir Robert W. Fowler, M. P., the London banker and ex-lord mayor, opposed the idea in a speech which was feeble in comparison with that of Mr. Gibbs, and was followed by two Indian members.

"Both of these contended that the effect of the depression of silver must be finally the ruin of the wheat and cotton industries of America and the development of India as the chief wheat and cotton exporter of the world. They, therefore, protested against England's aiding America to restore the value of silver at the expense of the interests of India.

"Mr. Paul F. Irdman, an East India merchant, argued that England had other interests besides those of India, which stood sorely in need of the restoration of silver, and trusted that Mr. Gibbs's ideas would be adopted by the meeting.

"Mr. Crump, of the London Times, denounced the agitation of the silver question as the work of the silver-miners of Nevada, and their allies, the Washington ring.

"Mr. Moreton Frewen opposed Mr. Crump in a strong speech in behalf of the farmers in the West and the planters in the South of America, and a resolution was passed by a vote, 22 to 15, amid great excitement, declaring that the remonetization of silver would relieve the depression under which trade is now staggering. The meeting is regarded as highly important, and its influence upon the coming silver demonstration in Lancashire must necessarily be very strong.

"I may as well add:

"A year ago last June at a meeting of the British and Colonial Chamber of Commerce held in London, Sir Robert Fowler, member of Parliament and ex-lord mayor, is reported to have said 'that the effect of the depreciation of silver must finally be the ruin of the wheat and cotton industries of America, and be the development of India as the chief wheat and cotton exporter of the world.'

"And also a high authority at home:

"In the report of our Silver Commission made in 1877, Governor Boutwell, late Secretary of the Treasury (volume 1, page 138), says:

"'It is no doubt true that the demonetization of either metal adds to the purchasing power of the metal retained for use, by diminishing the price of every article of merchandise, while it increases the burden of debts both public and private.'

"The result of this mass of intelligent testimony may be stated briefly as proving that so long as England alone maintained gold as the single standard there was no contraction of the circulating medium in the world's commercial transactions, and consequently no depression in trade because of a contracted currency. France acted as the great clearing house of the nations, but when the United States and Germany struck down their silver coinage in 1873 France, drained as she had been of $1,000,000,000 of gold by Germany shortly before, could no longer maintain her gold and silver coins on equal terms, and had to protect herself against the combined attack of England, Germany, and the United States as best she could.

"It also proves that the result of the withdrawal of silver as an equal factor with gold has been to reduce the value of all the past accumulations and present products of labor from 30 to 35 per cent. since 1873," by appreciating the value or purchasing power of gold to that extent, as they all agree that the appreciation of gold and depreciation of property mean the same thing, being only a different way of stating the same proposition. They further agree that the annual product of gold is almost, if not entirely, absorbed in the arts and uses to which it is applied outside of coinage and by absorption in India and other silver-using countries, whose exports exceed their imports, and, when so absorbed, it never again appears as part of the world's coinage.

"They assume as a proposition too plain for argument, that the effort to destroy one-half of the world's circulating medium and force the remaining half to perform the functions of both metals largely increased the burden of all the obligations of the debtor class by requiring 35 per cent. more of the property they hold or labor to produce to be sold to pay their debts than was needed when gold and silver were both legal-tender money at fixed rates, as they were when most of the present large obligations were contracted.

"It did not require any evidence to prove what they all assumed as a necessary sequence of the facts they furnished, that steadily falling values contract trade and production of every description to the limits of absolute necessity, as no man can buy, borrow, or spend money to produce anything which he knows will be worth 10 per cent. less when his obligations mature than it is at the time he buys or produces it. Of course, money is apparently abundant. When these conditions exist nobody dares borrow it, no matter how low the rate of interest. Labor suffers perhaps more than all else by enforced idleness and inability to change as production dwindles.

"India alone, of all the possessions of Great Britain, has, as a country, profited by the rapacity of the gold-worshipers. England, in 1835, prohibited the coinage of gold coin in that country, while she granted the colonial government the right to coin silver without limit. Since that time the official tables which I hold in my hand show that the silver coinage of India has amounted to over $1,500,000,000.

"As soon as the report and testimony taken by Lord Iddesleigh's committee appeared some very distinguished gentleman who did not sign his name, but his paper is evidently semiofficial, took up the silver question in an elaborate article and with great ability he showed that all that was needed for England to crush out the export of agricultural products by the United States was to induce the United States to stop the coinage of silver to keep down the price of it, and that India would soon supply England with all the cotton goods, with all the hemp products, with all the wheat, with all the tobacco she wanted, and the United States would be broken down, but above all he pleaded that England must never consent to restore legal-tender silver to her own coinage, as that would simply be building up the United States at the expense of England's leading colony.

"One of the gentlemen who testified before Lord Iddesleigh's commission, Mr. Moreton Frewen, a very intelligent man, whom I met once in the Northwest, sent me a copy of that pamphlet, which is entitled 'The silver question, or sacrifice of India,' accompanied by a letter, in which he said, among other things:

"A study of this pamphlet will, however, demonstrate the special difficulties by which England is beset. One part of the empire, in which gold alone is legal tender, is evidently suffering severely from the rapid appreciation of the standard; another immense portion of the empire, in which the standard silver is depreciating, is as clearly gaining, and this gain, while partly at the expense of British agriculture, is more particularly at the expense of the United States.

"If England now supports any legislation which restores to silver its old value and the old 'par of exchange,' then the wheat exports of British India will cease and also the cotton industry of India, now expanding so immensely, may be paralyzed. The sole object of the writer of the 'Sacrifice of India' is to protest against any legislation in England which, by restoring to silver the prerogative of legal tender, may keep silver steady at its former price, and thus secure to the United States the control of the export trades in cotton and wheat, a control which now promises to pass to India.

"In this pamphlet the writer goes on to show—and I will take the liberty to make some extracts from it—after showing the increase of India's trade in wheat and other things and the immense increase of her exports and imports, which I laid before the Senate the other day, and therefore need not repeat. He says:

"I trust I have succeeded in making clear the effect of low exchange upon the Indian wheat export. Other articles of Indian produce which enter into competition with gold-using countries would similarly suffer by a rise in exchange and in the same proportion, for since that difference or loss could not be made up out of reductions in the cost of transport or out of traders' profits (these being already lowered to a minimum), it would have to come out of the pockets of the cultivators. With articles such as indigo, or jute, or shellac, which are comparative monopolies of Indian production, and tea, which is produced only in silver countries, the benefit derived from low exchange—

"That is, cheap silver—

is in the cheapening of the selling cost, and the consequent extending of consumption. A return of exchange to the old ratio would increase the cost of tea in London by about 25 per cent. Thus consumption would be checked, and consequently also the production in India and China. The disturbance thus created would in course of time be adjusted by the ordinary law of supply and demand, but at the cost of the producing country.

"Another important benefit conferred upon India by low exchange, but which is little noticed by the Government, is the encouragement to her local manufactures, of which the two most important, although there are many others, are the jute and cotton manufactures. In these, besides an enormously extended consumption of both these manufactures within the country itself, their exports have increased as follows:

"Cotton yarn, 1880-'81, 26,901,346 pounds; 1885-'86, 78,228,471 pounds; cotton-print goods, 1880-'81, 30,424,032 yards; 1885-'86, 51,574, 372 yards; jute, 1880-'81, 45,-354,044 bags; 1885-'86, 82,774,207 bags.

"In these industries alone, as already noticed, about one hundred millions of rupees are invested, and many thousands of well-paid operatives are happily employed. The effect of raising exchange to the old ratio would be to interfere with these industries, but more particularly with the cotton.

"Then he adds, in substance: 'Take care how you restore this silver coinage and bring back our old rival, the United States, into this trade. You are not only protecting India, but you men in England are the principal beneficiaries. You have increased our taxes threefold, you are making us support the Indian army of the Queen, you have pen-

sioned your hungry sons, otherwise unprovided for, upon us as a legacy of the old East India Company, and you are demanding all these tributes and subsidies in gold, so that while we have increased in prosperity very largely you are, in fact, getting the lion's share out of us at last.' Therefore by every appeal, in every form, the effort is to get England to stand by her single gold standard. I have thought that the royal commission now in session will do it, although very many of the best men in that country desire that it shall be otherwise.

"I hope the American Congress will show by equalizing our own coins and their uses that we do not intend to pander to them. The Director of the Mint, Mr. Kimball, sent me a letter the other day when he saw that I was looking into this matter. He said that the Royal Commission is being made to believe from the arguments before it that silver is produced so cheaply in this country that if its coinage is restored we can furnish it at less than 1s. 8d. (38 cents) to the dollar, their leading statistician is so declaring, and that the Royal Commission has in a preliminary report given great weight to it. Mr. Kimball says this in his letter:

"Your remarks in the Senate on the report of the Royal Commission suggest sending you a copy of a blank recently prepared by me.

"I did not know he was going to write to me.

"I beg you to observe the note at the foot of the page. Mr. Atkinson told me that he found great disinclination toward any change in the status of silver in Great Britain on account of the prevalence of the idea that silver is, or can be, produced at about half of the present bullion value, and that indeed it would be "shoveled" out in unprecedented volume if the status be improved.

"This impression seems to mainly rest upon the preposterous estimates of Professor Austen, of the Royal Mint, whose testimony was taken by the commission, and with an exhibit of detailed statements, to be found in the appendix, which claims to be based on a technical analysis of industrial cost. Nothing could be more misleading. Yet I notice that more importance attaches to this testimony than to anything else brought forward during the whole proceedings. Several English writers have since based arguments upon it.

"I may say that no American technical authority has ever ventured to put forth a general estimate of cost of production in the case of the precious metals, the truth being, as pointed out by me in my Report on Production, 1885, page 26, that their cost as well as the supply is to be considered subsidiary to a large extent to the production and reduction of miscellaneous ores, their part in the value of which is none the less an integral one. A large part of the produce of both metals corresponds to the aggregate of small products, which bear a small, but widely varying, proportion to their cost. Estimated as in the case of any other staple, the cost of silver is believed by most men acquainted with our mineral industries to be some multiple of its value.

"While a few ventures yield a rich profit, a majority of gold and silver mining ventures fail to pay any interest on outlay, though in the aggregate contributing the larger part of the silver produced in the world. This is a curious fact, and due mainly to the fascination which the search for the precious metals has for a large class in all countries where a few examples of successful operations are to be found. I may take some occasion to follow out the methods of Professor Austen, whereby he has reached so false a conclusion. I allude to his assumptions of cost of production, to the arbitrary way in which he has excluded all but successful ventures. If the silver market had alone the product of these to depend upon, it would be in sad straits indeed.

"Truly yours,

"I. P. KIMBALL.

"He furnishes the note which he is going to send out, and perhaps has sent out now, to all the leading men of the country to get information to contradict this report.

"The note appended to the printed questions to which he calls my attention reads as follows:

"The Director of the Mint hopes to be able to deduce some approximate estimate of the cost of producing silver under different circumstances, in order to meet certain obviously erroneous statements before the present 'royal commission appointed to inquire into the recent changes in the relative values of the precious metals.' (London.) This cost has been represented in testimony before that commission as low as 1s. 8d.

"I referred awhile ago to what the national banks were doing. I happen to have in my hand a letter, which I intended to read and may perhaps as well do it now, from a very distinguished gentleman, Hon. Edwards Pierrepont, dated November 22, 1887, in which he calls my attention to the action of these gentlemen; and as he agrees precisely with my opinion about it, I will read what he says:

"No. 103 FIFTH AVENUE, *November* 22, 1887.

"Hon. JAMES B. BECK, *United States Senator:*

"MY DEAR SIR: What your letter says about coin notes I have read with interest; but judging from the report of the bankers' convention held at Pittsburgh last month, I think that you will see a renewed effort to suspend silver coinage indefinitely. On page 60 of the report is the following:

"'The British Government has appointed a royal commission to investigate the silver question, which has made a preliminary report adverse to the double standard. As the assent of England has been recognized by the most eminent bimetallists as essential to any effectual agreement upon the silver question, the committee recommend that this association delay action for the present, and await the final report of the royal commission to Parliament and the action of Parliament thereon. * * * The committee further recommends that the coinage of silver dollars by the United States, under the act of February, 1878, be suspended until the points at issue of the silver question be settled by international agreement.'

"These distinguished bankers are waiting until they can get an adverse report from England, which they are encouraging by every means in their power. The moment they get it then the hue and cry will be raised again with redoubled energy that we are keeping dishonored money in circulation after the world has decided against it. When they have done all they can to bring about the result they will claim that we can do nothing. What Congress has to do to thwart their schemes is to take some honest step forward and show the world that we intend to hold on to what we have and to progress steadily and not retrograde at the dictation of any power, foreign or domestic. Mr. Pierrepont adds:

"This means an indefinite suspension of silver coinage, and nothing else. It is well known that the 'final,' like the preliminary, report will be 'adverse to the double standard.' Many honest men have been duped into the belief that by suspending our silver coinage we can force England into an international agreement about silver.

"The smiling contempt with which the ruling class in England receives this suggestion is not complimentary to our intelligence. The suspension of our silver coinage is exactly what they want. Such suspension, they imagine, would largely increase the purchasing power of their gold; however fallacious this view may prove in the long run, they now entertain it, and it will take many years to change them. It is well understood in Great Britain that if Congress will once suspend the coinage of silver the gold forces of England and America combined can prevent its restoration.

"Some tell us that we ought to stop the coinage of silver, because they say that the intrinsic value of the silver dollar is less by 30 per cent. than the gold dollar. This is an entire mistake. In 1851 the silver dollar of the exact weight and fineness as now was at a premium of 3.42 per cent. above the gold dollar, and for a period of forty years next prior to 1873 it was continuously at a premium; and in 1851 the gold of the world, in proportion to silver, was far less than it is to-day.

"Was the intrinsic value of 100 cents of silver in 1851 3.42 per cent. more than the intrinsic value of 100 cents of gold? The legal value of a five-pound Bank of England note is five gold sovereigns; the legal value of a ten-dollar greenback is a gold eagle. But the intrinsic value of the English bank note and the American greenback together is nothing; their only value is a value imposed by law, a fiat value; there is nothing intrinsic about it. By far the chief value of all coins is fiat value.

"All the gloomy predictions about the coinage of silver in our country have proved false. We need not distress ourselves about the royal commission or the action of the British Parliament on the silver question. If the continental governments which coined silver prior to 1873 would restore its coinage, there can be no reasonable doubt that the silver dollar would be quite equal to the gold dollar in the whole of Continental Europe, as it now is in every corner of the United States.

"But for the silver, what would have been our condition this last summer, with the national-bank notes reduced from three hundred and fifty-six millions to one hundred and sixty-five millions, and nineteen and four-tenths millions locked in the Treasury? In any country whose currency is reduced to gold, it is always easy for a few rich operators to 'corner' the currency, throw down the price of stocks, wheat, cotton, and other commodities, and force those who have bills falling due to sacrifice their property to escape bankruptcy. The member of Congress who shall vote to suspend the coinage and 'await the report of the royal commission' will be a bold man or an idiot. Is it possible that this great and powerful nation, quite the richest in the world, can not devise a financial system suited to its conditions, instead of waiting in dazed bewilderment for the action of a British Parliament?

"I am, ever faithfully, yours,

"EDWARDS PIERREPONT.

"To show why I have no confidence in our late commissioner on the silver question, I will add that Mr. Atkinson is a doctrinaire; he is an able man and beyond doubt a man of integrity, but Mr. Atkinson is not the man whom anybody who knows him would select as a friend of silver money. He testified before the commission of which the Senator from Nevada [Mr. JONES] was chairman.

"Mr. HOAR. The Senator from Kentucky will permit me to say, as he has alluded to an eminent constituent of mine, that the present Administration did send him to Europe on precisely that errand.

"Mr. BECK. I know it did, and that is what I did not like.

"Mr. HOAR. I understood the Senator to say that nobody ever sent Mr. Atkinson on any such errand.

"Mr. BECK. No. We have made blunders.

"Mr. HOAR. You did say so.

"Mr. BECK. I read the resolution some time ago—perhaps the Senator was not in—of the Senator from Delaware [Mr. Saulsbury], reciting that Mr. Atkinson had been sent, but that we do not propose to send him or any one else any more on such missions. I propose to favor that resolution mainly because we have not sent the kind of men who were likely to do the most good.

"There are gold-worshipers in the Democratic party, I am sorry to say, as well as in the Republican party. We are not strictly divided as a party on that line, and there are some Senators who stand by me very earnestly on this question on the other side of this Chamber in sustaining our silver coinage and in giving it equal rights, I am happy to say.

"Mr. Atkinson was asked the following questions by the silver commission in 1876 and answered them in this way.

"After insisting that there were causes which made silver no longer fit to be a legal tender, he said, in answer to questions:

"Q. 7. Are these causes temporary or permanent?

"A. No positive answer can be made to this question. It is certain that silver has been recently subject to such great fluctuations that it is for the time being a most unfit substance for a standard of value.

"Q. 8. Would the relative value of gold and silver be affected by the remonetization of the latter in this country, coupled with the resumption of specie payments?

"A. The temporary increase of demand for silver would, I doubt not, increase its value in relation to gold, but only temporarily, and its ultimate relation to gold would be determined by the cost of production and the general demand for it in the world. If the question implies the resumption of specie payments in silver, as a full legal tender, I think it implies an impossibility. The resumption of specie payments depends upon confidence being restored. To make an unlimited tender of this metal, at its old weight, would be so bad a breach of faith, and would imply such want of perception in regard to the needs of the time, as to destroy what little confidence there is now existing, and defeat the attempt itself.

"Q. 9. Which standard, the single gold or the double standard of gold and silver, is best calculated to facilitate a return to specie payments?

"A. I think resumption will be retarded and not facilitated by any present alteration in the relation of gold and silver coins to each other, and that the

silver coinage should remain a token coinage, carefully restricted to the actual demands of the country for tokens, and be as strictly limited as was the amount of fractional paper currency.

"Q. 10. If the double standard is adopted, what relation of value should be fixed between gold and silver?

"A. That which is changing from week to week, or from day to day, can not be fixed by any statute. I think no change should be made at present in the relation of the weight in our coins, nor should any change be attempted until the value of silver is fixed more than it is now. Then there will be a basis for legislation as to the weight each coin should contain.

"Q. 11. If the United States should establish the double standard, would it have a tendency to confirm France, Italy, and Belgium and the other nations of the Latin Union, Austria, Russia, Holland, Mexico, Asia, and South America in their present policy of employing silver as an unlimited legal tender?

"A. I do not think the example of the United States will affect intelligent statesmen anywhere. I think we have blundered too much in the last ten years to have our example copied by any intelligent nation, until at least ten more years have expired, in which we have shown our fitness to teach.

"If Senators will read the whole of the testimony of Mr. Atkinson, they will find that he was not only bitterly opposed to the restoration of silver to any position above mere subsidiary tokens, but he showed scant respect for the intelligence of those who differed from him. I confess, therefore, to being astonished at his selection as the agent of the United States by the Secretary of State to induce England and other nations to aid us in restoring gold and silver as joint factors or units of value; and I was not astonished that he ignored all the testimony taken before the Iddesleigh commission, which was in direct opposition to the views he has expressed before our Congressional joint committee.

"That is not the kind of a man I should send to Europe to take care of silver. But waiving all that and believing that the first thing for Congress to do is to assert our own rights and to let England, France, and Germany, and the bondholders of America, the bankers, and everybody else know that when we put out our coin, or any paper based upon it, it is as good as any other coin or any other paper, and that we have not one coin for the rich and another for the poor, that gold and silver recognized by us at the standard value of July 14, 1870, in which all bonds are payable, is good enough for anybody, and we intend to stand upon it and maintain it with all our power; and, as every prediction up to this time in regard to what would happen if we attempted to do so has been falsified, we have a right to assume that, the thirty-odd million dollars of gold coming in this year more than we exported, $174,000,000 having come since we began coining silver more than we have coined of silver, with the effort made in 1880 to deposit gold and get silver certificates—and they deposited $80,000,000 of gold for them until they were stopped by the Treasury Department—if they do not deposit it now no harm can be done. They are not obliged to do it.

"We have surplus enough belonging to the people on which we can issue coin certificates, backed by the coin in the Treasury, whenever we please, because the coin is in our own hands and will never be demanded. I do not see how anybody can object to that, except those who want to keep up a distinction and make a discrimination between the two metals and hold out to England and her Royal Commission that we are still undetermined, and if they will only struggle a little longer to maintain her single standard that we will give way to her and abandon our silver coin as hopeless.

"I have thus imperfectly stated the object of the bill. I shall endeavor to argue its merits more clearly and show our need for it when it comes up. I know I have to give way to the Senator from Iowa [Mr. ALLISON] to call up what is known as the undervaluation bill, which has the right of way, but at some very early day I will call up this bill and I will try to press it to a vote, and I will see whether the Senate of the United States will agree with me in believing that it is a step in the right direction. Our gold certificates are of no sort of use as circulation. More than half of them are in denominations of $10,000 and over, so we are simply insurers of rich men's gold without pay; that of course they want, as they want all else.

"In the mean time I will say now that I agree with the Senator from Delaware that there is no use in begging England, or Germany, or France, or any other country any more. We are able to stand by ourselves and maintain a policy of our own, and I am not sure, in view of what is going on in the world, that we ought not to coin silver up to the maximum limit instead of the minimum. That, however, is a question which may be discussed hereafter.

"Gentlemen talk about compulsory coinage. Why, Mr. President, the present law is simply a limitation upon a pre-existing right that all men could avail themselves of until the limitation was put on it, and as all holders of gold bullion do now free of charge. We had to require that silver should be coined to the amount of at least $2,000,000 per month, because if we had not required it it would not have been coined at all. How many dollars do you think would have been coined under the administration of the Senator from Ohio [Mr. SHERMAN] if he had not been required by law to coin at least $2,000,000 of silver per month? How many millions a month would have been coined under the administration of any Secretary of the Treasury from that day to this? Not a dollar. They have been begging us all the time to stop it, and then call silver coinage compulsory. There is free coinage of gold without a penny cost.

"England by statute requires the Bank of England to pay for bullion in bank notes which may be immediately exchanged for gold, £3 17*s.* 9*d.* for each standard ounce of gold that is offered, thus furnishing a market to everybody, we inviting them all to coin their gold free. When men produce silver we call it repudiated, depreciated stuff, token money, and everything else that is vile. Unless we had required something to be done, nothing, I repeat, would have been done, and yet that is charged as being compulsory coinage.

"Take the compulsion off. I am not sure that we can maintain silver by ourselves. I am not clear about that. That is a question for discussion. But whatever we do put out as money we ought to maintain as equal to any money that we put out, and when we say that gold and silver shall stand upon an equality by our law, Congress having the power to coin money and regulate the value thereof, and the States having no right to make anything a legal tender but gold and silver coin coined by Congress the value of which has been thus regulated, when it is once in the hands of the people Congress must see that every particle of gold and silver is made equal for all uses; and if we treat it as such ourselves we shall maintain it against the world as we can do, and the moment we do that then the nations of Europe will follow our example.

"I meant to read some other papers, but I have talked very much too long. I can show by official statistics that Austria can hardly keep her debts afloat; Russia is substantially bankrupt; Germany, with a great army, is staggering; France, perhaps, is more in debt than any of them. England confesses the depreciation of all values of 35 per cent. since 1873 until she, too, is staggering and her gold is leaving her. They are all using more silver to-day than gold in their ordinary transactions, and in spite of all their protests they will have to come back to it as a full legal tender; and when they do the double standard, using both metals, will not be more than enough to meet the growing wants and needs of commerce and the growing wants of people whose wants are becoming greater as they are becoming richer and their commerce is becoming more extended.

"I beg pardon of the Senate for having detained it so long."

Mr. MORGAN. I shall conclude what I have to say not by apologizing to the Senate or the country for the presentation again of this very admirable, candid, and courageous statement of the history of the demonetization of silver and of the consequences that flowed from it in this country through the assistance given to the depreciation of silver and of the value of property in the land by the legislation of Congress, for I could not by any degree of thoughtfulness or investigation hope to present as able and powerful an argument in favor of the free-coinage amendment to this bill as that which I have just read from the distinguished Senator from Kentucky who has so recently departed from our midst.

I thank the Senate that they have permitted me to again present his views to the country. He was a man who was loved throughout the whole length and breadth of this Union. He was particularly loved by the people of the South and of the State in which I have the honor to reside, and they will be glad, I think, Mr. President, to hear again the words of wisdom which he uttered upon the floor of the Senate in what I believe was his last important appearance in this body as an advocate of his views and those of his party upon this great question.

It will be observed how frankly and how strongly he dissented from the attitude of the recent Democratic Administration upon that question. In that dissent he has the support of nearly every Democrat in the United States, at least in the South and in the West, and, while I regret that our party is not a unit upon this great question, I must be permitted to say, Mr. President, that the people of the United States have been struggling for years and years together to have their will and their voice obeyed upon this question, and if the Congress of the United States should even make a mistake in refusing to yield to their demands they will have themselves to blame, and not us, because the people have in the most definite and distinct way pronounced in favor of the restoration of silver money as coin of legal-tender value and quality to the circulation of our country.

We can not longer resist, if we would do so, this demand of the people. Their demand is patriotically made. It is made because of the long experience of this country in the use of the two coins. And now that we have adopted in our legislation this plan or device which Mr. Beck first brought to the Senate of the United States for the issue of coin certificates so as to maintain the equilibrium of the two coins in spite of all effort to get a margin between them, I feel the country will not only sustain us, but the demand will be pressed from time to time upon our attention; that we shall get back ultimately to the free coinage of silver, so that the country may be again restored to its former condition of prosperity and security, and so that the confidence the people of the United States have in their own energies and powers and labors shall be realized in the fruition of these splendid results for ages to come.

DESTITUTION IN OKLAHOMA TERRITORY.

The PRESIDING OFFICER (Mr. FAULKNER in the chair) laid before the Senate the following message from the President of the United

States; which was read, and, with the accompanying papers, referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a memorial of the Legislative Assembly of the Territory of Oklahoma, asking an appropriation for the relief of the destitute people of that Territory.

BENJ. HARRISON.

EXECUTIVE MANSION, *January* 10, 1891.

HOUSE BILLS REFERRED.

The following bills, this day received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 1254) increasing the pension of Enos J. Searles;
A bill (H. R. 1869) granting a pension to E. A. Hibbard;
A bill (H. R. 2138) for the relief of Mary Ann Reid;
A bill (H. R. 4822) granting a pension to John Gallagher;
A bill (H. R. 6633) for the relief of Daniel Graff;
A bill (H. R. 7146) granting a pension to Andrew J. Wallace;
A bill (H. R. 7189) granting a pension to James H. Orr;
A bill (H. R. 8162) for the relief of Thomas Crawford, of Louisville, Ky.;
A bill (H. R. 9493) granting a pension to Edwin Cotton, late musician Twenty-fourth Regiment Michigan Volunteer Infantry;
A bill (H. R. 9724) granting a pension to Mary A. R. Martin;
A bill (H. R. 9779) granting a pension to Mrs. Lydia N. Atkinson;
A bill (H. R. 9819) granting a pension to Martha A. Kendrick;
A bill (H. R. 9823) for the relief of Martha F. Stebbins;
A bill (H. R. 10079) for the relief of Nancy Potter;
A bill (H. R. 11080) granting a pension to Ann M. Mosher;
A bill (H. R. 10603) to pension Walker H. Fomby for service in the Indian war;
A bill (H. R. 10707) restoring Bethia White, late Bethia Pool, to the pension roll;
A bill (H. R. 10817) granting a pension to Elvira Brooks, widow of Odney D. Brooks, late assistant surgeon Twenty-sixth Michigan Volunteers;
A bill (H. R. 10895) for the relief of Richard M. A. Fenwick, late of the Mexican war;
A bill (H. R. 11125) granting a pension to Margaret Cooney, formerly Margaret Dolan;
A bill (H. R. 11212) granting a pension to Zeruiah A. Potter;
A bill (H. R. 11329) to pension James Murphy;
A bill (H. R. 11348) to place the name of John W. Younger on the pension roll;
A bill (H. R. 11474) granting a pension to Eliza A. Philbrook;
A bill (H. R. 11606) granting a pension to Elizabeth M. Riley;
A bill (H. R. 11896) granting a pension to Mary Buckland;
A bill (H. R. 11925) increasing the pension of William L. Horn;
A bill (H. R. 12053) granting a pension to Annie M. Kimball, widow of Alvah M. Kimball, Company H, Sixth New Hampshire Regiment Volunteers;
A bill (H. R. 12202) to place on the pension roll the name of Mrs. Caroline E. Duryee;
A bill (H. R. 12305) granting a pension to Ruth E. Furgeson;
A bill (H. R. 12313) to grant a pension to Mary C. Hoffman, widow of General William Hoffman;
A bill (H. R. 12348) granting an increase of pension to William H. Head;
A bill (H. R. 12349) granting an increase of pension to William J. Mathias;
A bill (H. R. 12383) to pension Thomas Gorham;
A bill (H. R. 12400) granting an increase of pension to Xenophon Peck;
A bill (H. R. 12413) granting increase of pension to Robert Cullen;
A bill (H. R. 12420) to pension William A. Todd;
A bill (H. R. 12432) granting a pension to Mrs. Mary Baldouf;
A bill (H. R. 12528) granting a pension to Maria M. C. Richards;
A bill (H. R. 12541) granting a pension to Elizabeth D. Foster;
A bill (H. R. 12771) granting a pension to Diana Dickey; and
A bill (H. R. 12815) granting a pension to Samantha A. Bignell.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 1257) to remove the charge of desertion against Richard Weller and authorizing his honorable discharge;
A bill (H. R. 2822) for the relief of William Bassett;
A bill (H. R. 3967) to amend military record of James H. Gould;
A bill (H. R. 4964) to remove the charge of desertion now standing against Michael Keefe, deceased;
A bill (H. R. 6345) removing the charge of desertion against James Pierce;
A bill (H. R. 6658) for the relief of J. H. Rector;
A bill (H. R. 8970) for the relief of James Brown;
A bill (H. R. 9943) directing the Secretary of War to issue an honorable discharge to Lewis F. Morgan; and
A bill (H. R. 11813) to correct the military record of Patrick Mackin.

THOMAS RICHARDSON.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 4416) granting a pension to Thomas Richardson, which was to strike out line 5 of the bill, in the following words:

And pay him at the rate of $12 per month.

Mr. SAWYER. I move that the Senate concur in the amendment of the House of Representatives.

Mr. COCKRELL. What is the effect of the amendment?

Mr. SAWYER. The effect of it is, instead of giving him $12 a month, to place him on the pension roll subject to the provisions and limitations of the pension laws.

The PRESIDING OFFICER. The Senator from Wisconsin moves that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

PUBLIC BUILDING AT ROCKFORD, ILL.

Mr. CULLOM. I ask leave of the Senate to call up House bill 4559. It is a public-building bill, and I desire to state the reason why I ask for its consideration. It is a bill in which my colleague in the other House, Mr. HITT, has been greatly interested, and he has been sick for the last month, so that he has not been able to be at the Capitol to attend to business. I ask that the bill be put on its passage. It was reported from the Committee on Public Buildings and Grounds by the Senator from Wisconsin [Mr. SPOONER].

The PRESIDING OFFICER. The Senator from Illinois asks unanimous consent that the pending bill be temporarily laid aside to enable him to ask the Senate to proceed to the consideration of the bill he has named. Is there objection to the request of the Senator from Illinois?

Mr. COCKRELL. Let it be read for information.

Mr. CULLOM. It is a public-building bill.

Mr. SPOONER. For a public building at Rockford, Ill.

Mr. COCKRELL. That is all right.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post office and other Government offices, in the city of Rockford and State of Illinois, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of $100,000.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed $6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

No money shall be used for the purpose mentioned until a valid title to the site for said building shall be vested in the United States, nor until the State of Illinois shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to provide for the purchase of a site and the erection of a public building thereon at Rockford, in the State of Illinois."

Mr. SPOONER. I move that the Senate request a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the Chair was authorized to appoint the conferees on the part of the Senate; and Mr. SPOONER, Mr. MORRILL, and Mr. VEST were appointed.

PUBLIC BUILDING AT PUEBLO, COLO.

Mr. SPOONER. I reported a bill this morning from the Committee on Public Buildings and Grounds for the erection of a public building at Pueblo, Colo., in which the Senator from Colorado [Mr. TELLER] is much interested. I ask unanimous consent that the bill may be taken up at this time.

Mr. COCKRELL. Let it be read for information.

Mr. SPOONER. It is for a public building at Pueblo, Colo. The Senator from Colorado [Mr. TELLER] is anxious that it should be passed.

Mr. COCKRELL. All right.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 154) for the erection of a public building at Pueblo, Colo.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post office and other Government offices in the city of Pueblo and State of Colorado, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators and approaches, complete, not to exceed the sum of $400,000.

"Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

"Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

"If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

"The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed $5 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

"No money shall be used for the purpose mentioned until a valid title to the site for said building shall be vested in the United States, nor until the State of Colorado shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

"The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to provide for the purchase of a site and the erection of a public building thereon at Pueblo, in the State of Colorado."

Mr. SPOONER. I move that the Senate request a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the Chair was authorized to appoint the conferees on the part of the Senate; and Mr. SPOONER, Mr. MORRILL, and Mr. VEST were appointed.

LORENZO S. COFFIN.

Mr. ALLISON. I ask unanimous consent to have considered at this time House bill 11098, a bill reported by the Senator from Missouri [Mr. COCKRELL] from the Committee on Military Affairs. It will take but a moment. It is for the relief of a citizen of my State.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that the Senate proceed to the consideration of the bill (H. R. 11098) for the relief of Lorenzo S. Coffin, late chaplain Thirty-second Regiment of Iowa Volunteers.

Mr. INGALLS. I give notice that after this bill is considered I shall ascertain, or endeavor to ascertain, whether there is a quorum of the Senate present.

Mr. ALLISON. I am sure there is a quorum now.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That the President of the United States be, and hereby is, authorized to revoke special orders numbered 337, War Department, Adjutant General's Office, Washington, July 29, 1863, dismissing Chaplain Lorenzo S. Coffin, Thirty-second Iowa Volunteers, from the service of the United States for absence without proper authority, so far as it relates to and affects said Lorenzo S. Coffin, and to cause to be issued to him, as chaplain of said regiment, a certificate of honorable muster-out of the service as of the date of August 10, 1863.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill authorizing the President of the United States to revoke the order of dismissal of Capt. Lorenzo S. Coffin, Thirty-second Iowa Volunteers, and issue to him a certificate of honorable muster-out of the service."

Mr. INGALLS. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 30 minutes p. m.) the Senate adjourned until Monday, January 12, 1891, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January* 10, 1891.

The House met at 12 o'clock m.

The Chaplain (Rev. W. H. MILBURN) offered the following prayer:

We are to pay tribute to-day to the memory of a late member of this House, stricken in the flower of his age, whose modesty, kindliness, honor, gave him the regard of all who knew him, and in whom fidelity to public trust went side by side with the sweetest domestic and social virtues. Grant, O Lord, to his bereaved widow the comfort and consolation which Thou alone canst bestow in such a time as this. Impress upon us a sense of the shortness and uncertainty of human life, and may we so bear ourselves in public and in private that we shall walk before Thee in Thine ordinances and commandments blameless, and at last come to the rest which Thou hast provided for all who love Thee. We pray through Jesus Christ, our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. CUTCHEON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of general appropriation bills.

LEGISLATIVE APPROPRIATION BILL.

Mr. BUTTERWORTH. Mr. Speaker, before that motion is put I ask the gentleman to yield to me to present a privileged report.

Mr. CUTCHEON. I yield to the gentleman.

Mr. BUTTERWORTH, from the Committee on Appropriations, reported a bill (H. R. 13049) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. DOCKERY. I desire to reserve all points of order on the bill.

The SPEAKER. All points of order are reserved.

ORDER OF BUSINESS.

Mr. ANDERSON, of Kansas. Mr. Speaker, I ask unanimous consent to have printed in the RECORD a resolution of inquiry addressed to the Interstate Commerce Commission, asking for information respecting the operations of certain railroads doing business west of the Mississippi River.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

Mr. BIGGS. I would like to hear the resolution read.

Mr. TRACEY. I object.

The SPEAKER. Objection is made. The question recurs on the motion of the gentleman from Michigan [Mr. CUTCHEON].

Mr. WHEELER, of Alabama. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman from Michigan [Mr. CUTCHEON] insists upon the regular order.

Mr. ANDERSON, of Kansas. Mr. Speaker, I understand that the objection of the gentleman from California [Mr. BIGGS] to having my resolution printed in the RECORD is withdrawn.

Mr. TRACEY. I withdraw my objection.

The SPEAKER. Is there further objection?

There was no further objection.

The resolution presented by Mr. ANDERSON, of Kansas, is as follows:

Resolved, That the Interstate Commerce Commission be, and is hereby, requested to furnish to the House of Representatives information, as indicated by the following queries, at the earliest practicable date:

1. Whether the commission has reason to believe, from public rumor or otherwise, that several railroad companies operating lines west of Chicago, or of the Mississippi River, are seeking to enter into any form of combination or have

entered into such combination, as will enable said combination or its agents to control, in whole or in part, the charges made to the public by any of said companies for the transportation of interstate passengers or freight.

2. Whether it has reason to believe that an article published in the New York Herald January 9, 1891, a copy of which is appended hereto, is substantially correct, and that "The New Agreement" set forth in said article, or any other agreement of similar tenor as to the more important points, is sought to be made, or has been made by the presidents or other authorized officers of either of the following or other railroad companies, namely, the Missouri Pacific, Atchison, Topeka and Santa Fé, Southern Pacific, Northern Pacific, Union Pacific, Chicago and Northwestern, Chicago, Rock Island and Pacific, Denver and Rio Grande, Rio Grande Western, Chicago, Milwaukee and St. Paul, Wabash, Iowa Central, Illinois Central, Chicago, Burlington and Quincy, and the Missouri, Kansas and Texas.

3. Whether any combination of any of said companies has been formed, or is attempted to be formed, known as the Western Traffic Association, or otherwise, possessing power to affect the charges made to the public upon the traffic indicated by Article II of said alleged or other agreement, namely:

"ARTICLE II.

"The business to be covered by this agreement shall be all the State and interstate traffic, both freight and passenger, which is competitive between any two or more of the parties thereto, having origin or destination in Illinois, Minnesota, Wisconsin, and peninsula of Michigan, or any State or Territory west of the Mississippi River, except business passing between points north of the Ohio River and points south thereof, both of which are east of the Mississippi River. The business to or from the Republic of Mexico via Rio Grande River crossings shall be included."

4. Whether the commission can furnish an approximate estimate of the population residing in the States and Territories mainly originating, receiving, or affected by "the business" indicated in Article II; the annual tonnage and aggregate market value of the freight carried, and the aggregate sum of money annually collected by these companies and others which handle said "business," both passenger and freight.

5. Whether any form of agreement or understanding has in any way been entered into by either of said companies or others to make a territorial division of the railroad business as indicated in Article IX, or otherwise, namely:

"ARTICLE IX.

"The territory served by the lines parties to this agreement shall be divided into four or more sections or divisions, observing as nearly as practicable the natural divisions of the territory as represented by existing associations, and each division may be put under the immediate supervision and direction of one of the commissioners chosen."

6. Whether any agreement, as just indicated, has been or is likely to be made, whereby the power to fix the charges to the public by one line is placed in the hands of officers of other lines supposed to compete for the same business, as set forth by the following:

"ARTICLE VIII.

"The traffic manager, general freight agent, general passenger agent or other duly authorized officer of the respective companies, members of this association, shall constitute respectively the freight-rate and passenger-rate committees for the territories or districts within which their respective lines are interested, but all action of the rate committees shall be reviewed and approved in writing by the general manager or highest traffic officers of the interested members before becoming operative. The establishment of or changes in rates or divisions or the rules and regulations governing the same, by the unanimous vote of said committees, when approved as aforesaid, shall be effective when they so order.

"If differences arise, the question at issue shall be referred to the commissioners for determination: *Provided, however*, The members of the advisory board for any interested company may, after giving the commissioners an opportunity to be heard, have power to give thirty days' notice of such change in the rates, divisions, rules, or regulations as they believe the interests represented by them require, and the date it shall become effective, save and except that this power shall not be exercised by any member of the advisory board for and in behalf of any business now covered by the Transcontinental Association or the Southwestern Railway and Steamship Association."

7. Whether any agreement has been made that will enable such combination to affect through rates on traffic substantially as indicated by

"ARTICLE X.

"SECTION 1. The division of through rates on the traffic subject to this agreement, whether between lines members of the association or between lines in the association and outside companies, shall be arranged through the association: *Provided, however*, That when one road has a proprietary interest in another the divisions between such roads shall be what they elect and shall not be the property of the association: *Provided, further*, That as regards traffic contracts at this date actually existing between lines not having common proprietary interests, the same shall be reported, so that the divisions with competing lines may, if thought advisable by them, be made on equally favorable terms.

"SEC. 2. All contracts now in existence which may in any manner affect or control rates or divisions upon any traffic included in this agreement shall be filed with the commissioners forthwith."

8. Whether any such agreement empowers a commissioner or other person "to adopt such measures as will enable each line to carry its fair share of the competitive traffic" (Art. VII, 1), or "to make an equitable division between interested lines of the competitive traffic, either freight or passenger, or both, of any one or more specified points, or of any designated territory" (VII, 2), or to require "copies of all waybills and reports of traffic" of said roads, "and shall have authority to examine and check all books, accounts, and vouchers in relation to traffic subject to this agreement" (VII, 3); and whether the action of one commissioner in fixing the charges of one line is subject to the action of all the other commissioners as follows: "The action of the commissioners shall be by unanimous vote in all matters pertaining to the appointment [apportionment] of traffic or the establishment of, or a change in, rates, divisions, rules, or other regulations. In other respects a majority vote may control" (VII, 8).

9. Whether such combination, if any, places the appellate and final power over the commissioners, charges to the public, territorial division of business, prorating of through traffic, or apportionment of traffic in a given district to competing companies, wholly in the hands of a few persons designated as an "advisory board" (Article XI).

10. What associations, embracing what companies, if any, are to-day fixing rates or dividing traffic, as indicated by Article XII, and has any agreement been entered into which substantially embodies said Article XII? "The rates and divisions of same affecting traffic covered by this agreement, duly established and in effect on January 31, 1891, under the agreement of existing associations and the rules and regulations governing same as provided by said associations, except as modified by this agreement, shall continue in force until changed as herein provided."

11. Whether in the opinion of the commission railways are public highways, built under eminent domain; whether their business so affects the public as to give the public a legal or equitable interest in that business; whether, in the main, the people have any practically effective safeguard against exorbitant charges by these common carriers except that of competition between them; whether such a combination of rival lines as virtually eliminates competition in rates or traffic is in violation of statutory or common law or of equity; whether if any such unlawful combination exists, or is likely to exist, the commissioner or any officer of the United States possesses power to secure an enforcement of law and a punishment of such conspirators against the public; and, if not, what legislation should be enacted to the end that the people shall be effectively protected against the boweless greed of a few corporations now dominating and controlling the charges made for transportation to millions of American citizens.

Resolved, 2, That the commission is hereby empowered and requested to make forthwith such investigation as it may deem necessary for the information of Congress as to the above and kindred subjects.

[New York Herald, January 9, 1891.]

The Western Traffic Association—for such is the official title of the syndicate or pool formed to control the business of all the railroads west of Chicago—is now an assured fact.

The representatives of $3,000,000,000 of capital invested in these railroads held their second meeting yesterday in this city and worked in perfect harmony to perfect a plan for eliminating much of the competition now going on in the West. They reiterated their pledges to maintain rates, to divide all the traffic for competitive points, to abolish competing agencies and concentrate their business in the hands of joint agents, to drop unnecessary passenger trains, and altogether to wipe out millions every year from their expense sheets.

The advisory board, composed of the president and one director of each road, assembled at the Windsor Hotel at half past 10 o'clock in the morning. A general declaration of principles was signed at the conference held at J. Pierpont Morgan's house on December 15. The more difficult task of reconciling individual interests and securing the adoption of a specific treaty the details of which will be agreeable to all the fifteen railway systems in the association now confronted the presidents. A good deal of work was disposed of yesterday, but much remains to be done.

REFERRED TO A COMMITTEE.

The advisory board proper met in the morning, under the chairmanship of Roswell Miller, president of the St. Paul road, and discussed the railway problem. Jay Gould had a good deal to say in favor of his plan for abolishing the agencies of the companies and for pooling freight between competitive points. Several propositions were considered, and finally the formation of bylaws and rules was referred to a committee to consist of members of the advisory board and active freight and traffic men.

The members of the advisory board were present, as follows: Missouri Pacific—Jay Gould. Atchison, Topeka and Santa Fé—Allen Manvell, president; George C. Magoun, chairman of board. Southern Pacific—C. P. Huntington, president; J. C. Stubbs, third vice president. Northern Pacific—Thomas F. Oakes, president; David S. Wegg, director. Union Pacific—Sidney Dillon, president. Chicago and Northwestern—Marvin Hughitt, president; Albert Keep, chairman of the board. Chicago, Rock Island and Pacific—R. R. Cable, president; B. Brewster, director. Denver and Rio Grande—David H. Moffat, president; George Coppell, chairman of the board. Rio Grande Western—William J. Palmer, president; David Dodge, general manager. Chicago, Milwaukee and St. Paul—Roswell Miller, president; Samuel Spencer, director. Wabash Railroad—O. D. Ashley, president; Charles M. Hays, director. Iowa Central—Russell Sage, president; C. H. Ackert, general manager. Illinois Central—S. V. R. Crugar, director. Chicago, Burlington and Quincy—Charles E. Perkins, president; Charles Payne, director. Missouri, Kansas and Texas—H. K. Enos, president.

At 1 o'clock the board adjourned until 10 o'clock this morning, and then the committee on bylaws and rules assembled. This committee consisted of these gentlemen: Atchison, Messrs. Allen Manvell and Col. John J. McCook; Chicago and Northwestern, Messrs. Hughitt and Newman; Burlington, Messrs. Perkins and Harris; Rock Island, Messrs. Cable and Johnson; Great Northern, J. Kennedy Tod; Missouri Pacific, Messrs. Jay Gould and Leeds; Northern Pacific, Messrs. Oakes, Wegg, and Hannaford; Southern Pacific, Messrs. Stubbs and Sproule; Union Pacific, Messrs. Dillon and Mellen. The roads belonging to the association and not mentioned above had their advisory board members on the committee.

The committee's deliberations lasted until half past 5 o'clock in the afternoon and then they adjourned until 9 o'clock this morning. Their work is not completed, but they have put into shape an agreement which in their opinion covers the purpose of the organization. It is subject to changes and will be changed, perhaps very materially, both by the committee and by the board, but the Herald gives it as the net result at this stage of the deliberations and as well calculated to show the scope and aims of the new association.

Article 1 has not yet been passed upon, the claims of New York and Chicago as the headquarters of the organization being about even. Action on the adoption of some of the sections has been suspended pending deliberation. Here is the agreement as it now stands:

THE NEW AGREEMENT.

ARTICLE I.

The name of the association shall be the Western Traffic Association, and its principal office shall be in the city of Chicago, where all regular meetings shall be held unless otherwise ordered by the board.

ARTICLE II.

The business to be covered by this agreement shall be all the State and interstate traffic, both freight and passenger, which is competitive between any two or more of the parties thereto, having origin or destination in Illinois, Minnesota, Wisconsin, and peninsula of Michigan, or any State or Territory west of the Mississippi River, except business passing between points north of the Ohio River and points south thereof, both of which are east of the Mississippi River. The business to or from the Republic of Mexico via Rio Grande River crossings shall be included.

ARTICLE III.

The advisory board shall meet quarterly on the second Tuesday of January, April, July, and October each year. Special meetings of the board shall be called by the president whenever in his judgment necessary, or upon the request in writing of any three members of said board giving at least ten days' notice of the time and place of such meeting. The records of the meeting of the advisory board shall be kept by its secretary, and the proceedings shall be promulgated by him for the information of members.

ARTICLE IV.

The following officers shall be elected by ballot at the January meeting in each year by four-fifths of the members: President, finance committee, four or more commissioners, one of whom shall be named as chairman.

ARTICLE V.

The president shall be a member of and shall preside at all meetings of the advisory board.

ARTICLE VI.

The finance committee shall consist of five members of the board. It shall elect from its number a chairman, who shall preside at its meetings, and, in case of the absence of the president of the advisory board, shall act as president *pro tempore*. It shall control all disbursements, authorize the employment of necessary clerks and other assistants required by the commissioners.

ARTICLE VII.

SECTION 1. The commissioners shall adopt such measures as will tend to secure uniform, stable, and reasonable rates, prevent unjust discrimination, and enable each line to carry its fair share of the competitive traffic.

SEC. 2. On the application in writing to the commissioners by any interested company for its share of the competitive traffic, either freight or passenger, or both, of any one or more specified points, or of any designated territory, the commissioners shall make an equitable division thereof between the interested lines, upon such basis and in such lawful manner as they deem advisable, subject to revision after full investigation.

SEC. 3. The commissioners shall have power, and it is hereby made their duty, to establish a bureau for the collection and preservation of such information and statistics as may be necessary to enable them to execute the powers conferred and to perform the duties imposed upon them. To that end they shall be furnished with copies of all waybills and reports of traffic when called for, and shall have authority themselves or by designated subordinates to examine and check all books, accounts, and vouchers in relation to traffic subject to this agreement.

SEC. 4. All violations of the agreement or failure to comply with the orders of the advisory board or of the commissioners by any member of the association or any officer or representative of such member shall be reported to the advisory board for such action as it may deem expedient.

SEC. 5. The commissioners shall have power to establish and promulgate from time to time rules and regulations for the orderly conduct of the proceedings before them, and change, add to, and repeal the same.

SEC. 6. Applications to the commissioners for relief shall be promptly investigated and determined, reasonable opportunity to be heard being given to all parties interested. In cases of extreme urgency the matter may be determined without a hearing, all members interested being first notified of the proposed action.

SEC. 7. The commissioners shall apportion the expenses of the association among the members, render monthly statements thereof, and make drafts therefor.

SEC. 8. The action of the commissioners shall be by unanimous vote in all matters pertaining to the apportionment of traffic or the establishment of or a change in rates, divisions, rules, or regulations. In other respects a majority vote may control.

SEC. 9. The commissioners shall have authority to construe this agreement and all resolutions which may be adopted, and their decision shall be binding until reversed by the advisory board.

ARTICLE VIII.

The traffic manager, general freight agent, general passenger agent or other duly authorized officer of the respective companies, members of this association, shall constitute respectively the freight rate and passenger rate committees for the territories or districts within which their respective lines are interested, but all action of the rate committees shall be reviewed and approved in writing by the general manager or highest traffic officers of the interested members before becoming operative. The establishment of or changes in rates or divisions or the rules and regulations governing the same, by the unanimous vote of said rate committees, when approved as aforesaid, shall be effective when they so order.

If differences arise the question at issue shall be referred to the commissioners for determination: *Provided, however*, The members of the advisory board for any interested company may, after giving the commissioners an opportunity to be heard, have power to give thirty days' notice of such change in the rates, divisions, rules, or regulations, as they believe the interests represented by them require, and the date it shall become effective, save and except that this power shall not be exercised by any member of the advisory board for and in behalf of any business now covered by the Transcontinental Association or the Southwestern Railway and Steamship Association.

ARTICLE IX.

The territory served by the lines, parties to this agreement shall be divided into four or more sections or divisions, observing as nearly as practicable the natural divisions of the territory as represented by existing associations, and each division may be put under the immediate supervision and direction of one of the commissioners chosen.

ARTICLE X.

SECTION 1. The division of through rates on the traffic subject to this agreement, whether between lines members of the association or between lines in the association and outside companies, shall be arranged through the association: *Provided, however*, That when one road has a proprietary interest in another the divisions between such roads shall be what they elect and shall not be the property of the association: *Provided, further*, That as regards traffic contracts at this date actually existing between lines not having common proprietary interests, the same shall be reported, so that the divisions with competing lines may, if thought advisable by them, be made on equally favorable terms.

SEC. 2. All contracts now in existence which may in any manner affect or control rates or divisions upon any traffic included in this agreement shall be filed with the commissioners forthwith.

ARTICLE XI.

SECTION 1. Any member aggrieved by any action or determination or nonaction of the commissioners may appeal therefrom to the advisory board, which shall, at its first meeting thereafter, either regular or special, consider and determine the question on its merits; but such appeals shall not stay the execution of the action or determination appealed from. Should the advisory board reverse or modify the action or determination of the commissioners, such restitution shall be prescribed in the order or modification or reversal as the advisory board may deem proper.

SEC. 2. Any member affected by any act or determination of the commissioners made without an opportunity to be heard may apply for a hearing with a like right of appeal.

SEC. 3. The commissioners in their discretion may allow a stay of execution of the order pending an appeal to the advisory board.

SEC. 4. If an appeal should not be determined by the advisory board within sixty days from its completion, in cases where the action or determination appealed from involves a change of rate, division, rule, or regulation, or the apportionment of traffic, the order or decision so appealed from shall then be suspended, and the conditions previously existing, so far as changed thereby, restored until the determination of such appeal.

SEC. 5. An appeal taken more than sixty days after notice of the order or decision appealed from may be dismissed by the advisory board upon its own motion or on motion of any interested member of the association.

SEC. 6. An appeal shall be complete when a notice, subscribed to by either the president, the vice president, the general manager, or traffic manager of the appealing party and describing with reasonable certainty the action, determination, or order appealed from shall be filed with the commissioners.

ARTICLE XII.

The rates and divisions of same affecting traffic covered by this agreement, duly established and in effect on January 31, 1891, under the agreement of existing associations and the rules and regulations governing same as provided by said associations, except as modified by this agreement, shall continue in force until changed as herein provided.

ARTICLE XIII.

The preceding rules and the agreement in pursuance of which they are made shall not be construed as depriving the board of directors or its executive committee of any railroad company party hereto of the right and power to fix rates and make rules and regulations affecting its business or lines; and any and all action taken by the advisory board, commissioners, rate committees, or other agency of this association shall be subject to review, revision, modification, or rescission by the board of directors or its executive committee of any party hereto.

ARTICLE XIV.

It is declared to be the true intent and meaning of the association agreement, as well as of the bylaws passed in pursuance thereof, that their provisions have no application to traffic which begins and ends in any State or Territory whose laws prohibit the making or carrying into effect of such agreements or bylaws, with respect to such traffic, and the commissioners, finance committee, and all functionaries charged with any authority or duty under said agreement or bylaws are required to give full effect to this declaration.

ORDER OF BUSINESS.

The SPEAKER. The question is on the motion of the gentleman from Michigan [Mr. CUTCHEON] that the House now resolve itself into Committee of the Whole House on the state of the Union for the consideration of general appropriation bills.

Mr. WHEELER, of Alabama. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. Does the inquiry of the gentleman from Alabama have reference to the pending motion?

Mr. WHEELER, of Alabama. It has reference to a bill before the House which should take precedence of that. Or, rather, I wish to ask whether the unfinished business of the last session when the House had a morning hour will come up in the first morning hour when an appropriation bill is not before the House?

The SPEAKER. That inquiry has no reference to the matter now pending. The Chair will answer it at any time when the subject is before the House.

Mr. WASHINGTON. Mr. Speaker, I ask the gentleman from Michigan [Mr. CUTCHEON] to yield to me for a moment.

Mr. CUTCHEON. Mr. Speaker, there is a special order for 2 o'clock to-day, and I desire to make progress with this appropriation bill before that time; so I must insist upon the motion.

The motion of Mr. CUTCHEON was then agreed to; and the House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. DINGLEY in the chair.

ARMY APPROPRIATION BILL.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the purpose of considering general appropriation bills.

Mr. CUTCHEON. I call up the bill (H. R. 12573) "making appropriations for the support of the Army for the fiscal year ending June 30, 1892, and for other purposes."

Mr. OWENS, of Ohio. Mr. Chairman, I would like to have the bill read.

Mr. CUTCHEON. Mr. Chairman, I wish that in the first place we might have order, so that I could hear what gentlemen on the other side are saying.

The CHAIRMAN. The committee will please be in order.

Mr. CUTCHEON. Before making the request which I am about to make, I will state for the information of the committee that this is an appropriation bill, pure and simple, without any legislation whatever in it, and I now request that the first formal reading of the bill be dispensed with.

Mr. LANHAM. I hope that will be agreed to.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CUTCHEON. Now, Mr. Chairman, I will make a brief statement in regard to this appropriation bill. It is the usual annual appropriation bill for the support of the Army. The total amount carried by the bill is $24,629,929.19.

Gentlemen who have the report accompanying the bill before them will observe that there is a tabulated statement, beginning on page 5, showing the amount appropriated under each head in this bill, the amount appropriated under each head in the bill of 1891, and the estimates on which this bill is based. I desire to call the attention of the committee in the beginning to an error in the footings of the amount appropriated by this bill. An error occurs in the footings of the pay of the Army of a single figure. It should be $13,252,179.19, and this error is carried into the footing of the aggregate of the bill, which should be $24,629,929.19.

Mr. OWENS, of Ohio. I understand the gentleman from Michigan is explaining the provisions of the bill. It is short and I have already asked to have it read.

The CHAIRMAN. By unanimous consent the first formal reading of the bill was dispensed with.

Mr. OWENS, of Ohio. That is a mistake, Mr. Chairman. I myself called for the reading of the bill, and the Chair ought to have heard it, for every one around me heard it.

The CHAIRMAN. That may be; but certainly the Chair did not hear any objection made when the request for unanimous consent to dispense with the reading was submitted to the committee.

Mr. OWENS, of Ohio. I do not mean, of course, to reflect upon the Chair, but I supposed that my objection had been entertained when I demanded the reading of the bill, and that the matters now progressing were purely preliminary. But I rose in my place and asked for the reading of it.

The CHAIRMAN. The Chair submitted the question to the committee and asked if there was objection, and none was made. The debate is now proceeding, the gentleman from Michigan being on the floor, and the Chair thinks it is too late to interpose objection.

Mr. OWENS, of Ohio. Very well. I am much obliged to the Chair. I will understand hereafter how to proceed.

Mr. CUTCHEON. The amount appropriated by the present bill is $24,629,929.19. The amount appropriated by the bill for 1891 was $24,231,626.79, being a net increase of $398,302.40. This increase arises almost entirely from three sources: first, from the increase in the pay of the Army, which results from the operation of the law which grants additional pay for length of service and the like; second, from the transfer of the pay of the Signal Corps from the sundry civil bill, where it has been carried heretofore, to the army bill, under the act of October 1, 1890; and third, from the increase in pay for the transportation of the Army to meet certain decisions of the Secretary of the Treasury, by which the pay of certain railroads belonging to the Pacific Railroad system is now met out of the funds provided for army transportation. These three items make up most of the total sum of the increase. The amount carried by the bill is $1,185,715.64 less than the estimates.

The committee has pared down the amount carried by the bill to what they believe the lowest possible figure without creating an actual deficiency. Possibly in some cases we have gone even too far in that direction; but we have endeavored to appropriate what we regarded as sufficient without incurring the hazard of a deficiency.

The reason we are able to make this reduction from the estimate is this: The estimates for the pay of the Army are based on the authorized strength of the Army, that is to say, 25,000 enlisted men, while as a matter of fact the enlisted force is between twenty-three and twenty-four thousand.

The same is true in regard to the subsistence of the Army, the estimates for subsistence being based on the full strength of 25,000 men, while in fact it is less than 24,000 in number. We have, therefore, felt at liberty to make this reduction on the estimates. Past experience has shown that it may be safely done.

But, Mr. Chairman, the bill is so simple and economical in its provisions that I do not care to take more of the time of the committee at present, but will content myself with answering any questions any gentleman desires to propose, and will ask that the report of the committee may be printed with my remarks for convenient reference.

The report (by Mr. CUTCHEON) is as follows:

The Committee on Military Affairs, to which was referred so much of the Book of Estimates as relates to the military establishment, including appropriations for its support, for the fiscal year ending June 30, 1892, submits a bill therefor, and recommends the passage of the same.

A tabulated statement is appended to this report showing, first, the amount appropriated under each head for the fiscal year 1891; second, the estimates for the year 1892; third, the amount appropriated by this bill under each head; fourth, the several increases; and, fifth, the amount of decreases made by the bill as compared with the law of 1891.

It may be stated in general that the bill contains no new legislation, and it is purely an appropriation bill for the support of the Army.

The amounts of increases and reductions will be particularly mentioned under the several heads of appropriation.

The bill as a whole makes an increase over the bill of last year amounting to $408,302.40.

One of the principal items of increase results from the act of October 1, 1890, by which it is provided that estimates for the support of the Signal Corps of the Army shall hereafter be made with other estimates for the support of the military establishment.

The estimates for the pay of the Signal Corps amount to $64,296; and this is a new item in the Army bill, having been heretofore carried in the bill to provide for sundry civil expenses. By the same act before referred to, military telegraph lines are placed under the jurisdiction of the Signal Corps; and these lines are also appropriated for in this bill, the amount being $15,000. This is also a new item, required by the recent legislation.

PAY OF THE ARMY.

The pay of the Army, as appropriated for in the act of 1891, was $13,044,825.79. The estimate for the pay of the Army for the ensuing year, as submitted by the Secretary of the Treasury, is $13,592,059.38, being an increase of $547,233.59. This increase arises partly out of the operation of law requiring larger amounts for pay on account of length of service of officers and enlisted men, and partly from the fact that the estimates for the pay of the enlisted force of the Army are based upon the full authorized strength of the Army at 25,000 enlisted men. (See Book of Estimates, page 286.)

A table is hereto attached, marked Exhibit A, showing the particular estimates for the pay of the Army, together with the appropriations under the same heads for the current year, the amount of increase or decrease, and the reasons therefor.

For pay of officers of the line the committee have recommended the appropriation of the full amount asked, to wit $2,857,000; being the same as for the last two years.

For longevity of service pay the committee have recommended the full amount estimated, $879,520, as the same is based upon existing law.

The amount estimated for pay of enlisted men of the Army was $4,349,080, being estimated upon the basis of 25,000 enlisted men, as shown by the Book of Estimates, on page 92. As a matter of fact, the Army is not maintained to the full authorized strength of 25,000, and the committee therefore recommends the same amount as was appropriated last year, to wit, $4,150,000.

For pay of hospital corps the amount estimated is $210,000. The amount recommended is $150,000, being the same as for the past three years. While the authorized strength of the hospital corps is 160 stewards, 100 acting hospital stewards, and 600 privates, in fact, the corps is not maintained to its full authorized strength, and it is believed that the amount recommended will be adequate.

For service pay of enlisted men the estimate is $508,136, and the committee recommend the full amount, as it is based upon existing law and the present force of the Army.

For general service clerks and messengers the committee recommend the full amount estimated, $161,900, as the number of these men is fixed by law and their pay is also fixed by law.

FOR PAY OF THE GENERAL STAFF.

For pay and service pay of the Adjutant General's Department, there is no change from last year. The same is true of the Inspector General's Department. In the Corps of Engineers there is a slight increase, on account of the increase of the aggregate service of that corps. In the Ordnance Department a small reduction, on account of the reduction of the aggregate service in that department. The same is true with the Quartermaster General's Department for the same reason. The pay of the Subsistence Department remains the same as last year, while in the Medical Department there is a slight increase, by reason of increase in the aggregate length of service. The same is true of the Pay Department, while the Judge Advocate General's Department remains the same as last year.

SIGNAL CORPS.

As before remarked, the pay of the Signal Corps is taken up in this bill for the first time under the law of October 1, 1890, and the estimates are based upon that law and the force as established thereby. (Book of Estimates, page 94.)

RETIRED OFFICERS.

In the pay of retired officers there is an increase from $1,287,225.22 to $1,306,503.68. This increase results from the increase in the number upon the retired list, and also from the increase in longevity pay.

RETIRED ENLISTED MEN.

The pay for retired enlisted men is increased from $107,222.04 to $134,872.87. This results from the larger number of men upon the retired list. It is found since the establishment of the retired list for enlisted men, by the act of February 14, 1885, that an increasing number of men continue their re-enlistments until they become entitled to go upon this retired list by thirty years of consecutive service.

The total amount for pay and general expenses of the Army, as carried by this bill, aggregates $13,262,179.19, being $329,958.59 less than the estimates.

SUBSISTENCE OF THE ARMY.

The amount estimated for subsistence of the Army was $2,136,016.26. The committee recommend the appropriation of $1,745,000, for the reason that the estimate is based upon the full number of 25,000 enlisted men, besides civil employés, contract surgeons, enlisted men of hospital corps, and hospital matrons, as will be seen from page 95 of the Book of Estimates. (See Exhibit B, attached hereto.) It is believed that the amount recommended will be adequate to the needs of the service unless the Army, from some cause, should be increased beyond its usual aggregate.

QUARTERMASTER'S DEPARTMENT.

For regular supplies the amount estimated is $2,678,000. The same has been appropriated annually for the past three years, and the committee recommend the full amount.

For incidental expenses the amount estimated is $675,000, being the same amount annually appropriated for the past three years, and the committee recommend the full amount.

For the purchase of horses for cavalry and artillery and for Indian scouts, the estimate is $150,000, being an increase of $18,000 over the past two years. The Quartermaster-General is quite urgent that the full amount shall be appropriated, as will be seen from his letter, Book of Estimates, page 287, which is appended hereto, and made Exhibit C. The committee recommend the appropriation of the full amount.

For army transportation the amount estimated is $2,950,000, being an increase of $350,000 over the current year. The reasons for asking this increased appropriation are given at large in the letter of the Quartermaster-General, Exhibit C, to which reference is made. The committee recommend the appropriation of $2,850,000 and are of the opinion that the appropriation of a less amount would result in a deficiency.

The necessities for this increased appropriation arise from the decisions of the Second Comptroller making the accounts of the Oregon Railway and Navigation Company payable by the disbursing officers of the Quartermaster's Department and a similar decision as to the Oregon Short Line and Utah Northern Railway Company; also by decisions of the Treasury Department that the earnings for Government transportation, involving service of the Southern Pacific Railroads of California, Arizona, and New Mexico, are to be paid from the appropriation for army transportation.

An additional item of about $35,000 annually is required on account of the summer encampments or cantonments undertaken by orders of the War Department December, 1888, General Order 105.

These items, together with the payment of the 50 per cent. of the tariff rates due certain land-grant railroads, amounting to $50,000 or more, constitute the necessity for the increased appropriation for army transportation.

For barracks and quarters the amount estimated and allowed is $725,000, being the same as for the year 1891.

For construction and repair of hospitals the estimate is $100,000. The amount recommended by the committee is $75,000. The reduction is recommended in view of the fact that an appropriation was made in the last sundry civil bill for a hospital at Columbus Barracks, Ohio. Other allowances under this head are for construction and repair of quarters for hospital stewards, including extra-duty pay of enlisted men employed on the same, $12,000.

For shelter for shooting galleries, ranges, repairs, and incidents thereto, $5,000.

For clothing, camp and garrison equipage, $1,150,000, being the same as for the last three years and $150,000 less than the estimate. The reasons for requesting the $150,000 additional are stated by the Quartermaster General in his letter. While desirable, the committee does not deem it essential.

For all contingent expenses of the Army not provided for by other estimates, and embracing all branches of the military service, $15,000, being the usual appropriation prior to the current fiscal year.

MEDICAL DEPARTMENT.

The estimate for Medical and Hospital Department is $215,000. The committee recommend the appropriation of $200,000.

For the Medical Museum and Library the usual appropriation of $15,000 is recommended.

For the purchase of materials for the instruction of engineer troops at Willets Point in their special duties as sappers and miners, for land and submarine mines, etc., an increase of $2,000 is allowed on account of the destruction of considerable property by fire at Willets Point on the 10th of May last; and, for the same reason, an allowance is made of $16,000 to rebuild the engineer depot storehouse, destroyed by the fire at the same time, and to make the same fireproof.

ORDNANCE DEPARTMENT.

In the Ordnance Department the usual appropriation of $80,000 is made for the current expenses of that department; also for the manufacture of metallic ammunition for small arms, and ammunition for reloading cartridges, etc., the usual appropriation of $150,000 is made.

For purchase and manufacture of ordnance stores to fill requisitions of troops, the usual appropriation of $100,000 is made; and the same may be said for infantry, cavalry, and artillery equipments, including horse equipments, although in each case the estimate was for $125,000.

For manufacture, repair, and issue of arms at the national armories the usual annual appropriation of $400,000 is recommended; and appropriation is also recommended of $16,000 for one battery of four mountain guns, carriages, limbers, accessories, and ammunition therefor, as estimated and recommended in the Book of Estimates.

In connection with the National Arsenal at Springfield, a recommendation is made for two additional sets of officers' quarters of $20,000 to rebuild the old quarters, which were erected more than a half century since.

RECRUITING SERVICE.

For the recruiting service an appropriation of $130,000 is recommended, although the estimate was for $146,588.72. This estimate, as will be seen by reference to page 91 of the Book of Estimates, is made upon the theory that the Army is to be recruited to the full authorized strength of 25,000 enlisted men; but, as experience shows that as a matter of fact it is never recruited to the full number, the committee has made a corresponding reduction. (See Exhibit D, hereto attached.)

The committee has endeavored to reduce the appropriations to the lowest possible figure compatible with the efficiency of the service, but has sought to avoid the creating of deficiencies by underappropriations for necessary objects.

The total amount appropriated for the fiscal year ending June 30, 1891, was $24,231,626.79.

The amount estimated for the fiscal year 1892 was $25,815,644.83.

The total amount appropriated by this bill, as reported, is $24,639,929.19, being less than the estimates by $1,175,715.64.

For purpose of reference and comparison, the amount of annual appropriations for the support of the Army since 1885 is hereto appended:

For 1884 and 1885	$24,454,450.00
For 1885 and 1886	24,014,092.50
For 1886 and 1887	23,753,057.21
For 1887 and 1888	25,724,718.69
For 1888 and 1889	24,471,300.00
For 1889 and 1890	23,824,615.73

All of which is respectfully submitted.

Mr. DOCKERY. Before the gentleman yields the floor let me ask whether there is any increase of salaries carried in the bill.

Mr. CUTCHEON. None whatever, except such as result from the operation of the law from length of service.

Mr. DOCKERY. And no new offices created?

Mr. CUTCHEON. None whatever; and there is no new legislation in the bill. I now desire to yield such time as he may desire to occupy to my colleague on the committee, the gentleman from Texas.

The CHAIRMAN. How much time does the gentleman yield?

Mr. CUTCHEON. As much time as the gentleman desires.

Mr. LANHAM. I will take the floor in my own right, then, Mr. Chairman.

Mr. CUTCHEON. Very well; I will reserve the remainder of my time.

Mr. LANHAM. Mr. Chairman, this bill, providing for the support of the Army for the year ending June 30, 1892, has undergone the careful consideration of the Committee on Military Affairs. Its appropriations are somewhat in excess of those of the current fiscal year, though falling considerably below the amounts estimated by the War Department. It is believed by the committee that the bill is as economical as it can reasonably be made, in keeping with the necessities of the military establishment, the efficiency of the service, and responsive to the obligations of existing laws.

It is a matter of some gratification to the committee reporting the bill that the most of the measures recommended by them, so far as they have received consideration during the present Congress, have met the approval of both the House and the Senate without any noticeable party alignment, and that so many of them have become laws and are the subject of favorable comment by those who are best qualified to judge of their operations and effects. It is a source of great personal pleasure and satisfaction to the individual members of the committee that their deliberations have been uniformly characterized by the utmost courtesy and good feeling.

There has been but little of partisanship in the character of work assigned to and reported by them. We have all felt that in legislating for the good of the military service, we have done that in which all the people are interested; that the Army belongs to the whole country and is maintained and supported for the defense and safety of us all, and that West Point is the *alma mater* of American military genius.

Much that has occurred within our committee room has served to refresh the memory of many of us concerning the belligerent scenes of the past: such as providing for marking the battlefields of Gettysburgh and Chickamauga; listening to the stories of individual claimants for relief, in consequence of real or imaginary injustice done them during the war; hearing of the vicissitudes in personal military history, the fluctuations of individual fortunes, the calamities and casualties of army life, the recitation of valorous deeds, the relations of sorrowful experience in disappointments, hopes deferred, impediments to meritorious promotion, and the infinite variety of circumstance and condition attributable to the war. These things and other considerations have conducted me to some reflections and observations, which I ask the indulgence of committing to the RECORD.

Mr. Chairman, it is now more than a quarter of a century since the arbitrament of the bayonet settled the great issue between the North and the South, and since the mighty chieftain of the Confederate army issued that ever-memorable address to his exhausted and decimated forces, which disbanded the military organizations of the South and told the people of that region that the war was ended and their cause was lost. The participants in that terrific struggle, on either side, as Time's shadows lengthen in the sunset of life, are gradually yet constantly disappearing from the walks of men to that inevitable bivouac across the Ultimate River.

Even now a new generation is pressing from the stage of human activity the receding forms of many of the remaining veterans who erstwhile were "in the thickest of the fight." As the years go by and we are carried rapidly onward and away from those martial scenes and the passions of that awful strife, it comes to some of us, who had "a place in the picture near the flashing of the guns," to indulge a calm retrospect and a sober contemplation of the future, to see things as they were and as they now are, and to speculate upon what they are to be.

I am one of those who rejoice in the belief that the very flower and chivalry of American manhood were eminently represented in the soldiery of the war between the States, and I stand cheerful to accord the utmost credit to the virtue, the courage, and the patriotism of every honest actor in that contest, whether he worthily wore the uniform and maintained the flag of the one side or the other.

I do not murmur at the legitimate recognition and reward which may come as consequential justice to the successful defender of his country. A just appreciation of martial service, a becoming gratitude and appropriate consideration for martial valor, have always been and always will be a leading characteristic of the American people. It is naturally and deeply embedded in the popular heart.

I believe furthermore that there is to-day an essential community of feeling and sympathy among the men who fought each other more than twenty-five years ago, born of the experience, the aspiration, the motives, and the life of the soldier, which if left to their natural flow and exercise, would find nothing but noble expression and generous sentiment towards each other. I believe that in them and their descendants are to be found the real conservators of the future peace and harmony of this country, and that neither the maleficence of the demagogue nor the doctrine of hate, nor the arrearage of bitterness and passion, can permanently prevent the consummation of their pacific and philanthropic efforts and unity of purpose to accomplish and secure the tranquillity of the people.

It is true that they are divided in political creed—for political parties are indigenous to American institutions. It is true they disagree upon matters of constitutional construction and the proper treatment of economic questions; it is true that they entertain divergent opinions concerning the great lines of policy which should control the general administration of Federal affairs; but at the bottom of their hearts, they are for peace and fraternity and earnestly desire the prosperity of their common country. [Applause.] They realize that the time has come when the interest and well-being of any section of this great Republic are the concern of all.

Migration from the North to the South and from the South to the North; the transfer and investment from the one to the other of energy and capital; the solicitations to business and enterprise which the one locality extends to the other; the phenomenal opportunities for intercommunication afforded by modern facilities in transportation; the ready assimilation to conditions of life and habit which obtain in the one region or the other; the expansion of commerce; the incentives to climatic transition; the search for cheaper land and other homes, new associations, intermarriage, residence; the discovery and exposure of the untruth of alleged ostracism; the knowledge of and respect for each other, coming from actual experience, intercourse, and observation—all these things have imparted their own lessons and brought their own blessings. They have, to a great extent, "leavened the whole lump" of a restored and extended Americanism.

I believe that beneath the rapidly disappearing surface of a limited possible prejudice, the assurance to the truly valorous ex-soldier of honorable participation in the late war, even as a foeman, is a guaranty to his respect and friendly consideration. The men who know what actual service really meant can at heart have no proper desire for keeping alive the animosities of the war or perpetuating the idea of sectionalism. Geographical lines which are to localize the application or sectionalize the operation of the burdens and benefactions of this great Government have no suitable place on the map of true patriotism or enduring statesmanship.

Mr. Chairman, in my judgment one of the best comments on the result of the late elections, and the best interpretation through that result of one of the principal motives that actuated the voters of the United States in securing the same, is that it was a rebuke to the spirit of sectionalism and an expression of popular condemnation of any policy calculated in any manner to rekindle any of the remaining embers of that terrible fire which swept over and desolated the land in the years gone by. This motive wrought generally. It was confined to no particular locality. It eschewed sections. The men or the party

failing to heed and profit by the significance of this rebuke, will reap the consequences of their own folly and can never reasonably expect to receive the support or enjoy the abiding confidence of the American people.

Mr. Chairman, there will soon devolve upon those intrusted with the conduct and policies of the House of the People, the high and important duty of executing the commissions they have received in accordance with the will of the authors of those commissions. This execution will involve a reversal of the sectional and partisan methods and measures inaugurated by the present House. It will be the work and the mission of the Democratic party to preach and practice the doctrine of good will to all men, to carry on to fruition those desirable conditions of American brotherhood so admirably begun and so well conserved during the Cleveland Administration.

That Administration made its mistakes, as all its predecessors have done and as all its successors will do. It failed to meet all the demands of the situation. That is a wild optimist who expects individual or party perfection. It can be truly said, however, that the four years of that Democratic régime contributed materially and conspicuously to strengthening the ties that bind in common fraternity the citizens of the United States in every portion of the Union. Its crowning glory was its non-sectionalism, its careful recognition of and earnest concern for all the rights of all the people.

Mr. Chairman, it rests in a great measure with the ex-soldiers of this country to forever crush and destroy whatever feeling of sectionalism may yet remain in consequence of the war. The work of the agitator of discord on this account will wither and perish in the presence of their reprobation and censure. "The bravest are the tenderest," and their influence and example will yet serve to sweep away the last vestige of obstruction to cordial reunion and universal pacification. The lessons they have learned from Grant and Lee are recorded in the imperishable scripture of reconciliation, and any follower of either the one or the other who departs from their teachings to the revival of dissension, is recreant to the behests and regardless of the precepts of his illustrious leader.

Mr. Chairman, it is my pleasure to know and enjoy the friendship of many ex-Union soldiers who have cast their lot in the South since the war. They live on adjoining farms to those of their former foemen. They work in the same shops. They stand at the same counter, oftentimes combining their energies and means in associated enterprise. They contribute to the same objects. They practice at the same bar. They send their children to the same schools. They worship at the same church and exercise their sovereignty at the same ballot box. They are integral factors in the same citizenship and earnest co-operators in all that goes to make up the same material progress and substantial prosperity. They have given to us and we have given to them sons and daughters in marriage.

Their identification with us in effort and feeling and aspiration is complete. They will continue to live where we live and there will they be buried. That man is a political incendiary who would set fire to the social structure of friendship and harmony which we have thus erected. As the home is the unit of society, just so is the section or the community the unit of the country and the Government; and the spirit that would disturb and divide and estrange the people of a neighborhood or a community is represented and exemplified in the politician whose ambition displays itself in sectionalism or the party that stirs up strife as its appointed means of self-preservation.

In this connection I ask attention to the very eloquent language, infinitely above and beyond anything at my command, of a Western Republican Senator [Mr. WOLCOTT], employed elsewhere a few days ago. I want to say before reading it that the presence and participation of such a man as he has shown himself to be in the legislative councils of this Government, no matter what Administration may control, will never be a cause of detriment to the true interests of the people. He says:

> For a quarter of a century, out from poverty and despair, the South has been reaching forth in effort to plant its foot on the solid rock of material prosperity; and in view of the marvelous growth and transformation now taking place in the Southern States I believe it would be unwise and unpatriotic for us to interfere in the conduct of its internal affairs.
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> Slowly, but surely, and, as confidence grows, with accelerating speed, are the people of the Southern States not only regaining their old prosperity, but are leaving it far behind. Under changed conditions, unused to effective labor, handicapped with countless disadvantages, they have yet come out and up into the light. They have won the confidence of Northern capital and enlisted the aid of Northern enterprise; and there is no section throughout this wide land that to-day blossoms with brighter promise than the South.
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> The history of mankind has shown no such wonderful growth and awakening. And, rejoicing in the prosperity of every portion of our common country, I am unwilling with my vote to intrude upon that people at this time a measure which means to them but a renewal of strife and bitterness, and which is foreign to the spirit and dangerous to the freedom of republican institutions.

A distinguished Northern Republican Senator [Mr. CAMERON] is reported as using in a recent interview the following words:

> I will vote against the elections bill, whatever form it may assume. I am opposed to it in principle and in its details. The South is now resuming a quiet condition. Northern capital has been flowing into the South in great quantities; manufacturing establishments have been created and are now in full operation, and a community of commercial interests is fast obliterating sectional lines, and will finally result, in the not far distant future, in forming one homogeneous mass of people, whether being in the North, South, East, or West. The election law would disturb this desirable condition and produce ill feeling between the North and South. I am, therefore, opposed to the bill, and shall assert my independence as a Senator and cast my vote against the measure.

Of course I am not prepared to say whether this purported interview is authentic. I simply quote it as I find it in the public press.

Resuming now, Mr. Chairman, the trend of my own reflections, I want to say that I have no toleration for that sickly sentiment of expediency which distrusts the propriety of according to a Southern man, merely because he is such, any right or position to which his merits and citizenship may entitle him to aspire. I have no patience with that restrictive policy that would in any manner proscribe any worthy and capable citizen of the United States from scaling the heights beyond the Senate or a position in the Cabinet.

The longer this sort of idea is indulged, the further will be the postponement of the complete and final overthrow of sectionalism. Any man who is worthy to be trusted in making our laws ought to be eligible to their execution. A Senator who is competent to confirm by his vote the nomination of a Chief Justice of the Supreme Court of the United States, should not be debarred from aspiring, through the will of the people, to the Chief Magistracy of the Government. If he be fully equal to all the demands of the functions of legislator and adviser to the President, why should he not be thought worthy to be President? It is usual that increased responsibility will beget and stimulate a preparation and capacity for the requirements of the new station.

The difference in opportunity is frequently greater than that in ability, and nowhere, perhaps, is this more observable than in the public service. For example, who that knows them would for a moment contend that VEST, or BUTLER, or GEORGE, or MORGAN was not the peer of General Harrison when he served with them in the Senate of the United States? What intelligent man would assert that either of them is not the intellectual equal of the present Executive, and who doubts that either of them would make as good and patriotic a President as the present incumbent?

What sensible man honestly believes that the election of either of these distinguished statesmen to the Presidency of the United States would imperil our institutions, bankrupt the Government, or shipwreck the state? Their service has been long and faithful and efficient in the National Legislature. They are confessedly skillful in statecraft. Then why is it that they and men like them are never mentioned in the list of even Vice-Presidential possibilities? The answer is, simply because they are Southern men and were combatants during the war.

Mr. HOPKINS. Will the gentleman allow me to ask him a question?

Mr. LANHAM. I can not now yield for interruptions.

Mr. HOPKINS. All these men that you have mentioned are Democrats, and it is within the power of your own party to nominate them, is it not?

Mr. LANHAM. I hope I shall not be interrupted.

No written statute, no article of the Constitution, proscribes them; and yet there seems to obtain in some quarters, a kind of sentiment that these men and their associates and coworking contemporaries are unsuited to such elevation; in other words, that they are undergoing and must continue to suffer a period of penance for their past conduct; that their reconstruction is incomplete; that their title to perfect national confidence is for the time being under a cloud, and that their rights to the enjoyment of the highest places and more exalted privileges are consequently impaired.

Why, it is sometimes suggested that it is unwise and impolitic to bring a Southern man and an Ex-Confederate too prominently to the front; that such a course will shock the public feeling, excite apprehension, and provoke alarm. While this may be done in bated breath and under the cover of expediency, and can not be justified nor defended in the field of open discussion, nor in consonance with the dignity and propriety of comprehensive and impartial citizenship, still it operates to the encouragement of public opinion in hostility to the Southern people and their appropriate attitude and immunity as component elements in governmental organism and to the promotion and perpetuation of sectionalism.

Now, it is not my contention that a Southern man, merely on account of his locality, ought to be chosen in either of the capacities indicated, nor that the necessities of the situation in compassing the restoration of perfect American fellowship are such as to render a selection of that character indispensable. My animadversion is that there should be no sort of proscription in contemplation or in reality, in effect or in fact, *in posse* or *in esse*, in consequence of the region of residence or former participation in a conflict the issues of which have been absolutely, finally, and forever determined and fully accepted by the Southern people.

Mr. FUNSTON. We Republicans do not object.

Mr. LANHAM. I can not yield to interruptions.

For many years the Southern States have been furnishing more than one-third of all the votes in the electoral college. They have cheerfully and enthusiastically supported the candidacy of Northern men for the highest offices in the Government. They have voted for Union

ex-soldiers in the past, and will not hesitate to do so in the future, without the slightest feeling of bitterness on account of the recollection of their military service.

In the hearts of their people there are a presence of honest pacification and an absence of all vindictiveness or malevolence. Sir, we of the South know no other flag than that which hangs above your head and we serve no other country than this glorious Republic. We are as devoted to the honor and grandeur of this Union and the well-being and happiness of all its people as are any citizens within its limits. We are sincere in every profession of loyalty, and will ever be found ready and willing to attest our earnestness and demonstrate the verity of our acceptance of and acquiescence in the result of that fearful strife which, while it may never be forgotten, may still be forgiven and shorn to every extent possible of all its asperities. We take the hand of every honorable and valiant man who met us in battle and will vie with him in earnest endeavor for the establishment and maintenance of enduring fraternity.

May I be permitted to speak, for one moment, from the standpoint of a Confederate ex-soldier, from a place in the ranks, in order to assert my competency as a witness to fortify the accuracy of my testimony? I do not doubt, I will not permit myself to doubt, that what I say will be considered credible by those who have felt the shock of combat in the charge of armies while "all the world wondered." I know the motives that actuated me and can appreciate the spirit that impelled my comrades. We did what we honestly believed was right; we fought for it, and many a gallant hero died for it. Similar motives inspired the Union soldier to the espousal and vindication of his and his country's cause. A similar experience was undergone and a similar fate befell thousands of his chivalric compatriots.

I shall never forget the dying words of a Federal soldier, heard only by his God and me, at Spottsylvania. "I fell in a good cause," said he, and his spirit flew from the "red field" to the skies. He testified the faith within him in the very article of death, and I would as soon discredit my own motives as his. Ever since then have I been prepared to accord suitable honor and recognition to the integrity and patriotism of the conscientious Union soldier.

In this sentiment I am joined by the men who fought for the Confederacy and have survived the clash of arms. I believe that it is reciprocated by the vast body of the old soldiers in the North. All that is needed to accomplish the utter destruction of sectionalism so far as it may have arisen on account of the war, is a correct understanding of each other and a concert of earnest action. All we ask is that the same credit for honorable motive be given to us which we are willing to ascribe to them. To whatever political organizations we may belong, how widely soever we may separate in other respects, it is not and ought not to be inconsistent with our conviction of loyalty to legitimate party demands and devotion to our country's welfare to combine our influence and endeavors to the upbuilding of citizen brotherhood and the downfall of sectional estrangement and hostility. [Applause.]

Mr. Chairman, a distinguishing feature of the Democratic party is that it is national in its plan and purpose. It looks to the good of all the people and every portion of the Union. It opposes sectionalism of every kind. It deprecates strife and disturbance. It seeks no lesion of the Constitution. It proposes no interference with the autonomy of the States. It recognizes the capacity of the people to govern themselves. Its proclamation is, "Peace to all men." Its object is the conservation of every right of every citizen in all the Union. It includes among its legions, without distinction, the "men who wore the blue" and "the men who wore the gray." Its columns are on the march to the attainment of all the ends of its organization. That man is no Democrat who will connive at, tolerate, or abet the existence or continuance of sectionalism or instigate schisms within its ranks.

Whoever shall be tempted by selfish ambition or other motive to foster and encourage such disorder, is unworthy of consideration by his party associates, should be spewed out from its membership, and have left upon him a brand of excommunication from the order of American patriotism. [Applause.]

Mr. Chairman, when from the hilltop of the present, we overlook the plains of the next century; when we survey our national magnificence of to-day, and contemplate the mighty possibilities of the future; when we reflect how much has been accomplished in building up the waste places and healing the wounds made by the war; when we consider our common origin and the heritage left us by our common sires; when we realize the homogeneity of our ancestry and cherish together the memory of their immortal deeds; when we jointly admire the foundations they laid for popular government and behold with pride the stately structure of liberty and civilization erected thereon; when we recognize our national kinship and anticipate the splendid future products of our patriotic and co-operative energies; when we observe how necessary we all are to each other—surely, when we appreciate all these things, there is no room for individual resentment or sectional antagonism, but, on the contrary, there is every inducement for the beneficent reign of a cordial American fellowship. [Applause.]

Mr. Chairman, I deny the right of any men to love their country more or serve it with greater loyalty than do we of the South. I demand the countersign of any sentiment that would distrust our fidelity or operate to our exclusion from any character of worthy participation in that country's service; that would suspect the animus or reject the contribution which we so readily and gladly and proudly offer to the greatness and glory of this grand Republic. Our hearts swell with pride at its every achievement. We are grateful for all its blessings and contented to bear our proportionate share of all its burdens.

Indulge me, in conclusion, to say that I wish I could incite the old soldiers throughout the land to "the victories of peace;" to wage uncompromising hostility against every species of unjust proscription of their fellow-men; to strike to the death the vice of sectionalism; to tear down the battlements of monopoly; to crush out the evils of class legislation; to break the manacles of industrial captivity and commercial subjugation; to shatter the bolts which lock up from the channels of trade the necessary supply of monetary circulation; to batter down the prison walls which restrain any of the agencies and factors of our national growth and prosperity, and to fully enlarge all the elements that logically combine to make this the best Government on the face of the earth. To this end,

> God speed the day when from North and South, all
> Shall meet as one—
> At the glad welcome of their country's call.

[Great applause.]

Mr. CUTCHEON. Mr. Chairman, there remains about fifty-five minutes before the special order takes effect to-day. I think without further general debate we may be able to conclude this bill in that time. I have no desire to reply to any part of the remarks of my colleague from Texas, and I now ask unanimous consent that the general debate be considered as closed.

Mr. WHEELER, of Alabama. There is a gentleman on this side of the House who wishes to make some remarks on this bill before the general debate is closed.

The CHAIRMAN. The Chair will submit the request of the gentleman from Michigan to the House. Is there objection?

Mr. HOLMAN. I think there should be some further debate and explanation of the bill. I suggest that an hour be allowed, and if necessary I move to amend by making the time an hour.

Mr. CUTCHEON. Do I understand the gentleman to object?

Mr. HOLMAN. I think there should be further explanation of a bill of this magnitude and importance.

Mr. CUTCHEON. The report accompanying the bill is quite complete, and I think a very few words of explanation will suffice, unless gentlemen desire to occupy the time in discussing other matters.

Mr. HOLMAN. There is a great deal in this bill, several items at least, which I think should be further explained. The gentleman has referred to certain increases, especially that with regard to an increase in pay for transportation. I think an explanation should certainly be made in this respect, as far as the bill is concerned, so that the House may thoroughly understand the reason of this increase, even if the explanation goes no further.

Mr. CUTCHEON. I have already briefly stated that, but the matter is embodied in the report, and, I think, also substantially in the letter of the Quartermaster General, which I will have read or printed in the RECORD. I ask, therefore, that the general debate be considered as closed, so that we may proceed under the five-minute rule.

Mr. STONE, of Missouri. I object.

Mr. CUTCHEON. The gentleman from Indiana, Mr. Chairman, has requested some further explanation of the item under the head of increase in army transportation. That will be found in the letter of the Quartermaster General, printed as Exhibit C to the report of the committee on page 8 of the bill, in which he says:

> On June 27, 1889, the Second Comptroller rendered a decision making the accounts of the Oregon Railway and Navigation Company payable by disbursing officers of the Quartermaster's Department, and on March 3, 1890, a similar decision as to accounts of the Oregon Short Line and Utah Northern Railway Company was rendered by that officer; and he has, in all Treasury settlements issued during the past fiscal year involving service of the Southern Pacific Railroads of California, Arizona, and New Mexico, allowed the earnings of these companies to be paid from the appropriation for army transportation (which constitutes almost entirely the nonbonded accounts of the Southern Pacific Company—Pacific system), and yet no increased appropriations have been granted by Congress to pay these large sums.
>
> The matter of summer encampments or field maneuvers and operations, undertaken by orders of the War Department in December, 1888 (G. O. 105, Headquarters of the Army, 1888), have cost the appropriation "Transportation of the Army" about $35,000 annually.
>
> There was a separate appropriation, up to the year 1889, of $50,000 or more for the payment of 50 per cent. of tariff rates due certain land-grant railroads. The amounts inuring for this service have also, during the past two years, been paid out of the appropriation "Transportation of the Army," without any increase having been made in the appropriations on this account. By these decisions, field maneuvers, and legislation above referred to, extra expenses have been placed upon the appropriation "Army transportation," which the closest estimates fix at about $400,000 annually, and yet no increase has been made in appropriations.

This makes up the increase in the item of army transportation.

I have now before me, furnished at my request by the Quartermaster General, the decisions referred to. They are somewhat lengthy and I will not occupy the time to read them, but ask leave to have them printed with my remarks in the RECORD. They are the decisions, I will state, of the Secretary of the Treasury and Second Comptroller on this point.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan to have these decisions printed?

There was no objection.

They are as follows:

DECISIONS AS TO PAYMENT FOR NONSUBSIDIZED SERVICE ON BONDED PACIFIC RAILWAYS.

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., December 26, 1890.

SIR: I have the honor to inclose herewith for your information, as requested, copies of the following decisions, with accompanying papers:

1. Decision of the honorable the Secretary of the Treasury, January 1, 1890, that all accounts for transportation services performed for the Government by the Oregon Short Line and Utah Northern Railway Company be audited and certified for payment to said company, it being in no way controlled by the Union Pacific Railway Company, and therefore not subject to terms of agreement between the latter company and the Government.

2. Similar decision of the Secretary of the Treasury dated January 31, 1890, respecting accounts of the Leavenworth, Topeka and Southwestern Railway Company.

3. Communication of the Second Comptroller of the Treasury, dated March 3, 1890, authorizing payment of the Oregon Short Line and Utah Northern Railway accounts for army transportation by disbursing officers of the Quartermaster's Department.

4. Decision of the Second Comptroller of the Treasury, dated July 21, 1890, segregating the accounts of the nonaided portions of all lines operated by the Southern Pacific Company for army transportation from such accounts of the Central Pacific Railroad, which also is operated by the Southern Pacific Company, and directing that they be audited and settled in the name of the Southern Pacific Company, together with a copy of Treasury settlement No. 2011, dated May 28, 1890, amounting to $16,976.79, which indicates the method of settlement of such accounts by the Treasury, showing that the appropriation for army transportation is charged for the transportation over the nonaided portions of the lines leased, operated, and controlled by the Southern Pacific Company.

The actual cost of service rendered by the Southern Pacific Railroads of California, Arizona, and New Mexico during the last fiscal year was $132,439.21. The estimated cost of transportation for the Army during last fiscal year by the Oregon Railway and Navigation Company was $35,000, and by the Oregon Short Line and Utah Northern Railway was $40,000.

The cost of service over land-grant railroads, for which a special appropriation has heretofore been made, is estimated at $50,000 for last year, and was paid from appropriation for army transportation.

Very respectfully,

R. N. BATCHELDER,
Quartermaster General, United States Army.

Hon. B. M. CUTCHEON,
Chairman Committee on Military Affairs, House of Representatives.

LEAVENWORTH, TOPEKA AND SOUTHWESTERN RAILWAY COMPANY,
OFFICE OF THE PRESIDENT,
Boston, December 18, 1890.

SIR: I understand that the accounts in favor of the Leavenworth, Topeka and Southwestern Railway Company for transportation services rendered by it for the United States are pending settlement before the accounting officers of the United States Treasury. I also understand that it is proposed to pass any amounts that may be found to be due upon the accounts of that company to the credit of the Union Pacific Railway Company, on account of this last-named company's subsidy debt. On the part of the Leavenworth, Topeka and Southwestern Railway Company I beg to advise you that settlements of the character above indicated should not be made.

The capital stock of the Leavenworth, Topeka and Southwestern Railway Company, amounting to $1,380,000, is owned, 39.92 per cent. by the Union Pacific Railway Company, 39.92 per cent. by the Atchison, Topeka and Santa Fé Railroad Company, and 20.16 per cent. by individuals and others in no way connected, so far as I know, with either of those two railroad companies. For convenience the operation of the road of the Leavenworth, Topeka and Southwestern Railway Company is intrusted to the Union Pacific Railway Company, and that company is therefore under an obligation to account for all of the revenues of the road thus operated by it. Those revenues include certain transportation claims against the United States. Any sums of money, therefore, due or to become due to the Leavenworth, Topeka and Southwestern Railway Company for Government transportation should be paid to the company's duly accredited agents in cash.

May I therefore ask that you will inform the various accounting officers of the Treasury Department of this request on the part of the Leavenworth, Topeka and Southwestern Railway Company?

I remain, yours, very respectfully,

CHARLES F. ADAMS, *President.*

Hon. WILLIAM WINDOM,
Secretary of the Treasury, Washington, D. C.

[Indorsement.]

TREASURY DEPARTMENT, *January 31, 1890.*

Respectfully referred to the honorable Second Comptroller, who is instructed to cause all accounts for transportation service performed for the Government by the Leavenworth, Topeka and Southwestern Railway Company to be audited and certified for payment to that company.

W. WINDOM, *Secretary.*

OREGON SHORT LINE AND UTAH NORTHERN RAILWAY COMPANY,
40 *Equitable Building, Boston, January 13, 1890.*

SIR: I inclose with this a certified copy of the appointment of Messrs. James G. Harris and F. D. Brown as the agents to receive and receipt for all sums of money due from the United States to the Oregon Short Line and Utah Northern Railway Company, which have the goodness to place on file in your Department.

I also inclose a copy of the lease of the lines of the Oregon Railway and Navigation Company to the Oregon Short Line Railway Company, dated January 1, 1887, together with a copy of the articles of consolidation entered into between the Oregon Short Line Railway Company and certain other companies, dated July 27, 1889, which took effect August 1, 1889, and under which the Oregon Short Line and Utah Northern Railway Company was formed and became possessed of all the rights and subject to all the obligations of said Oregon Short Line Railway Company in respect of said lease with the Oregon Railway and Navigation Company, as well as in respect of other matters.

I am advised that it has heretofore been the practice of the accounting officers in the Treasury Department at Washington to settle the accounts of some of the companies now forming the Oregon Short Line and Utah Northern Railway Company by passing the amounts found due thereon to the credit of the Union Pacific Railway Company on account of this last-named company's so-called subsidy debt. On the part of the Oregon Short Line and Utah Northern Railway Company I have now, having been thereunto duly authorized, to notify you that that company will hereafter expect the United States to pay it, or its accredited agents, in money, in the usual and regular way, for all services rendered by it either on its own lines or on the lines leased, controlled, or operated by it.

Yours respectfully,

CHARLES F. ADAMS, *President.*

Hon. WILLIAM WINDOM,
Secretary of the Treasury, Washington, D. C.

NOTE.—The companies named in the articles of consolidation referred to in the above communication are the Oregon Short Line Railway Company, the Utah and Northern Railway Company, the Utah Central Railway Company, the Salt Lake and Western Railway Company, the Utah and Nevada Railway Company, the Ogden and Syracuse Railway Company, the Idaho Central Railway Company, and the Nevada Pacific Railway Company.

[Indorsement.]

TREASURY DEPARTMENT, *January 31, 1890.*

Respectfully referred to the Hon: Second Comptroller, with instructions to cause all accounts for transportation service performed for the Government by the Oregon Short Line and Utah Northern Railway Company to be audited and certified for payment to said company, it being in no way controlled by the Union Pacific Railway Company and therefore not subject to the terms of the agreement between the latter company and the Government.

W. WINDOM, *Secretary.*

WAR DEPARTMENT, QUARTERMASTER GENERAL'S OFFICE,
Washington, D. C., February 26, 1890.

SIR: It is observed that in his action upon Treasury settlement No. 9181, issued by the Third Auditor July 3, 1890, in favor of the Union Pacific Railway Company, the Second Comptroller of the Treasury awards $713.02 to the Oregon Short Line and Utah and Northern Railway Company, this sum being for service performed by the Oregon Short Line and the Utah and Northern Railway during July, 1889, and that payment of the same from the appropriation "Army transportation, 1890," is directed.

The accounts of these lines for services prior to July, 1889, have been credited upon the debt of the Union Pacific Railway Company, to sinking-fund account, as directed by circular of the honorable Secretary of the Treasury of June 23, 1887.

Their accounts are still prepared by the Union Pacific Railway Company and presented with others of its system for settlement, and in the absence of any decision to the contrary this office has continued until now to treat them as nonsubdivided branches of the Union Pacific Railway Company.

If the accounts of these lines for services subsequent to July, 1889, are to be paid from the appropriations for army transportation, a copy of the decision to that effect is respectfully requested, with information whether the accounts of the Oregon Short Line and Utah and Northern Railway Company should be hereafter presented with the accounts of the Union Pacific Railway Company or may properly be presented to and paid by the disbursing officers of the Quartermaster's Department from the appropriation for army transportation.

Very respectfully,

S. B. HOLABIRD,
Quartermaster General, U. S. A.

To the SECOND COMPTROLLER OF THE TREASURY.

TREASURY DEPARTMENT,
Second Comptroller's Office, March 3, 1890.

Respectfully returned to the Quartermaster General, with a copy of an indorsement of the Secretary of the Treasury of January 31, 1890, on a letter of the president of the Oregon Short Line and Utah Northern Railway Company of January 13, 1890, and an indorsement of February 15, 1890, in relation to the payment of that company for Government transportation.

(A similar indorsement and letter in regard to the Leavenworth, Topeka and Southwestern Railway Company is also inclosed.)

There seems to be no reason why the accounts of the former company may not properly be presented to and paid by the disbursing officers of the Quartermaster's Department.

B. F. GILKESON, *Comptroller.*

TREASURY DEPARTMENT, SECOND COMPTROLLER'S OFFICE,
Washington, D. C., July 21, 1890.

SIR: In answer to the letter of George B. Williams, esq., under date of June 20, 1890, referring to the manner in which the accounts of the Southern Pacific Company are settled in this bureau, which said letter was referred to me by your indorsement of date June 21, 1890, for consideration and for an expression of my views touching the application therein made (and which said letter is herewith returned), I have the honor to say that in my judgment the decision of Comptroller Maynard, under date of October 26, 1886, in the matter of the claim of the Southern Pacific Company, as lessee of the Central Pacific Railroad, the Southern Pacific Railroad of California, the Southern Pacific Railroad of Arizona, and the Southern Pacific Railroad of New Mexico, for transportation services rendered the Quartermaster's Department and the Signal Service in October and November, 1885, should not be modified in so far as it is therein held that the lease under which the Southern Pacific Company claims to operate any railroad the corporate franchises of which were conferred upon it by the United States is void, inasmuch as under the decisions of the Supreme Court of the United States it has been held that a corporation can not dispose of its franchises to another corporation without legislative authority. (Thomas *vs.* Railroad Company, 101 U. S., 71; Branch *vs.* Jessup, 106 U. S., 484; Pennsylvania Company *vs.* St. Louis, Alton, etc., R. R., 118 U. S., 290.)

Hence it follows, this lease being void, the Government can not recognize the lease in any manner, but should, in settlement of accounts rendered in the name of the Southern Pacific Company for services over the bond-aided portion of the Central Pacific Railroad, treat the question as though the said lease had never existed and audit and settle all such accounts in the name of the Central Pacific Railroad Company.

In relation, however, to the other railroads operated by the Southern Pacific Company, not chartered by the United States or aided by the Government in their construction, although, in my judgment, it was correctly held by Comptroller Maynard that such lease was void, there being no evidence of any legislative authority for said railroad to make the same, still, in my opinion that is a question with which the United States has nothing to do, and therefore, I hold that the services rendered by the Southern Pacific Company over such last-named leased lines should be audited and settled by the accounting officers of the Treasury in the name of the said Southern Pacific Company and my conclusion is that that part of the opinion of Comptroller Maynard in which the contrary doctrine is held should be overruled.

I therefore direct that in the future accounts rendered by the Southern Pacific Company, so far as they relate to services over the bond-aided portion of the Central Pacific Railroad Company, shall be settled in this bureau in the

name of the Central Pacific Railroad Company; but that hereafter all accounts for transportation over lines of railroad not bond-aided, embraced within the provisions of the lease under which the Southern Pacific Company claims to operate them, shall be audited and settled in the name of the Southern Pacific Company.

I have the honor to be, very respectfully,

B. F. GILKESON, *Comptroller.*

Hon. WILLIAM WINDOM,
Secretary of the Treasury.

TREASURY DEPARTMENT, SECOND COMPTROLLER'S OFFICE,
December 24, 1890.

I hereby certify that the within is a true copy of my decision of July 21, 1890.

E. N. HARTSHORN,
Acting Comptroller.

TREASURY DEPARTMENT,
Third Auditor's Office, May 28, 1890.

I certify that there is due from the United States to the Southern Pacific Company, for transportation services rendered the Quartermaster's Department, United States Army, from September, 1883, to February, 1889, the sum of $16,976.79, namely:

On leased lines of Central Pacific Railroad Company, bond-aided part, $2,267.98, army transportation Pacific roads, 1889; nonaided part, $2,441.98, army transportation, 1889.

On leased lines of Southern Pacific Companies of California, Arizona, and New Mexico, $12,266.83, appropriation army transportation, 1889.

Payable to Southern Pacific Company, care of Hon. George B. Williams, 700 Fourteenth street, northwest, Washington, D. C.

W. H. HART, *Auditor.*

To the SECOND COMPTROLLER OF THE TREASURY.

Balance reported	$16,976.79
Deducted	143.59
Correct balance	16,833.20

SECOND COMPTROLLER'S OFFICE.

I admit and certify the above corrected balance this 18th day of December, 1890, due as follows:

To the Central Pacific Railroad Company, for services as above, October, 1888, to February, 1889, on its bond-aided line, due under appropriation army transportation, Pacific roads, 1889 (see circular of July 30, 1889), $2,272.53.

To the Southern Pacific Company, for services September, 1888, to February, 1889, payable in care of Hon. George B. Williams, as above, under appropriation army transportation, 1889, $14,560.67.

Items amounting to $217.26, claim for the transportation of paymaster's clerks, are disallowed, with a view to their submission to the Second Auditor for his action.

B. F. GILKESON, *Comptroller.*

WAR DEPARTMENT, *December* 22, 1890.
Division of Requisitions and Accounts.

Mr. CUTCHEON. Now, Mr. Chairman, I would be very glad indeed to dispose of this bill this morning, and I renew the request that general debate close and the bill be read by paragraphs for amendment.

Mr. BLAND. I wish to object to that. I think this is a bill carrying a considerable amount of money, involving, as I understand it, some very important questions. I think it proper that we should have further and full discussion.

The CHAIRMAN. Objection is made.

Mr. CUTCHEON. Then I yield ten minutes to the gentleman from Iowa [Mr. KERR].

Mr. KERR, of Iowa. Mr. Chairman, this bill has no opposition so far presented from the other side of the House, but the gentleman from Texas [Mr. LANHAM]—my friend from Texas, I will say, and I can say that heartily, more heartily, I think, than the term is ordinarily used in this House—has indulged in some reflections which would seem to imply that a desire on the part of the Republicans of this country to have fair elections was an appeal to sectionalism. For my own part I have not a particle of personal feeling against any man who honestly fought in that great contest——

Mr. LANHAM. Will the gentleman pardon me a moment? I never said a word about the force bill, except to read from what the Senator from Colorado said in respect to the matter and also what purported to be an interview with another Republican Senator on the same subject. I was talking on an entirely different line. The idea with me was to hold out an olive branch of peace. I want to stop sectionalism rather than give it renewed impetus by our legislation here.

Mr. KERR, of Iowa. I know that is the feeling of the gentleman from Texas. I have not had a particle of doubt on that subject since I first formed the acquaintance of my friend from Texas; and so far as I am concerned I will say, from what I know of the gentleman from Texas personally, that I believe him to be as patriotic in his motives as any man on the floor of this House.

But, Mr. Chairman, the question of the rights of American citizens to the suffrage in all parts of the United States is a vital principle of American government. The men of the South who helped to frame the Constitution believed it was the duty of the General Government to see that every man in every portion of the country was protected in his fundamental rights; and we will never be fully faithful to the traditions of our American institutions and our American ideas of government until this fundamental principle is conceded and upheld in every part of our land by legislation, not only of the national, but of the State governments.

Mr. Madison emphasizes this idea in several articles which he wrote in the Federalist, in which he said that where there were conflicts in the States between the citizens it was the right and duty of the General Government to interfere in order to suppress the local disturbance, and that an exterior agency was far better for the settlement of such questions than the agency inside of the State.

Now, in this spirit I believe it is proper, and I think we ought to pass some measure by the General Government, under its control, for the protection of the rights of the citizens of all parts of the land and for the enforcement of their will. Gentlemen speak of the autonomy of the States. No greater test of the devotion of the Republicans to this doctrine could have been given than was given by their reorganization of those States under the circumstances with equality of rights conceded, and with no limitation, except that the rights conceded should be guarantied to all men without regard to color. That guaranty should be enforced by law.

Now, the gentleman has alluded to the fact that any man in the Southern States, whatever may have been his history, ought to be considered equally eligible to the highest offices in the gift of the Government; that, if he may be a Representative or Senator or a Chief Justice or a justice of the Supreme Court, he ought also to be eligible to the Presidency and to any other position. I commend that thought to our friends on the Democratic side of the House. I commend it to the gentlemen now, in view of the candidacy of their present leader on that side of the House; and after the eloquent speech of the colleague of the gentlemen from Texas we will note with care their actions in the next Congress and in the next national convention. There should not be in the next House or the next national convention any distinction made with regard to the men who are to be their candidates for the highest offices in the country, and I hope, in view of their professions, there will not be.

Now, Mr. Speaker, whatever the gentleman and myself may think about the propriety of paying no regard to the past, of letting bygones be bygones, it is an unfortunate condition in human affairs that men will remember every one's history, and especially party history, and that is most especially true of the Democratic party. For a whole half century no man's name, who was ever mentioned in connection with the Hartford Convention, was ever considered eligible to the Presidency of the United States by that great party, and the fact that he had any sympathy at any time with the objects of the Hartford Convention, barred him from any such honors. And Democratic orators sung the chorus about the blue-light Federalists and the Hartford Convention. And that sentiment still prevails in some portions of the American mind. They then taught the American people never to forgive even a suspicion of treachery. It ought not to exist in the Democratic party. It ought, perhaps, to be true that absolute forgiveness and entire forgetfulness with regard to a man's history or a party's history should be the rule, but it is not in accordance with our knowledge of the history of human affairs that that should be the case.

Mr. GROSVENOR. Will the gentleman allow a question?

Mr. KERR, of Iowa. Yes, sir.

Mr. GROSVENOR. Is it or is it not a fact that the record of service in the Union Army would and does effectually bar every man living in the State once in rebellion from being elected to any office of profit or trust?

Mr. KERR, of Iowa. I do not know; but, judging from what is stated in the Congressional Directory of the present House, I should judge that to be the fact.

Mr. WHEELER, of Alabama. By no means. That does not follow at all. [Cries of "No!" "No!" on the Democratic side.]

Mr. KERR, of Iowa. I do not know that that is the case, but it is an unfortunate fact that in the list of the members from all the Southern States in the present Congress there does not appear a man who served in the Union Army. There is one, but I believe he had to have a contest on his seat, from the State of Alabama, and that was resisted by our friends on the other side.

Mr. HEARD. But he was not elected to the House.

Mr. KERR, of Iowa. I think he was elected by about ten or fifteen thousand majority of the people, but it was understood that he was counted out.

Mr. HEARD. He fell far short of being elected.

Mr. KERR, of Iowa. In connection with that, Mr. Chairman, I will say that I took occasion on a former occasion to refer to the interview published in a Montgomery paper, by the gentleman from Alabama [Mr. OATES], in which he said that the Southern States ostracized any man in that State who insisted upon equal rights for the colored man in that State, and he said, at the beginning of Mr. Harrison's Administration, that if that ostracism continued there would be very few desertions from the Democratic party. I think the hint has been followed to some extent.

Now, these are facts. We can not help them.

Mr. OATES. Will the gentleman yield?

Mr. KERR, of Iowa. Yes, for a question.

Mr. OATES. Will the gentleman publish the interview?

Mr. KERR, of Iowa. I did publish the interview.

Mr. OATES. But you are not doing it now. I would like to have the interview fully and correctly stated.

Mr. KERR, of Iowa. I did publish the interview.

Mr. LEE. Will my friend allow me to say a word?

Mr. KERR, of Iowa. Yes, sir.

The CHAIRMAN. Does the gentleman from Iowa yield?

Mr. KERR, of Iowa. I do.

Mr. LEE. Does the gentleman recollect that Governor Walker of Virginia occupied a seat on this floor and that he was made governor of the State of Virginia?

Mr. KERR, of Iowa. When was that?

Mr. LEE. That was some years ago.

Mr. SPRINGER. In the Forty-fourth Congress.

Mr. KERR, of Iowa. It was during the reconstruction period, was it not?

Mr. LEE. Oh, no.

Mr. SPRINGER. Oh, no; in 1874 or 1875.

Mr. LEE. He was elected and re-elected.

Mr. KERR, of Iowa. That was simply because at that period Governor Walker represented the sentiment in Virginia that was in favor of being more liberal than anybody elsewhere to the men who had been in the Confederate service. That is a clear explanation of the case of Governor Walker; but in referring to that special case you refer, I believe, to the only instance of that kind that can be found in the Southern States.

Mr. SPRINGER. How about the case of George M. Adams, of Kentucky? Mr. Wolford, of Kentucky, is another case.

Mr. WILLIAMS, of Ohio. Kentucky did not go out of the Union.

Mr. KERR, of Iowa. I have simply stated that there is no case of the kind now on the floor of the House.

Mr. SPRINGER. Mr. Tarsney, of Missouri, is another case.

Mr. KERR, of Iowa. There may have been such cases on a former occasion. I know that some of the men who served in the Union Army became the most pronounced advocates of the interests of those who had been engaged in the Confederate service. Among them I will mention B. Gratz Brown, of Missouri, who took the lead in measures for the enfranchisement of the men who had been engaged in the rebellion.

Mr. BLAND. Mr. Phelps, a Union soldier, was made governor of Missouri by the Democrats. Colonel Crittenden was also made governor, and he was another Union soldier. Mr. WADDILL is elected as a member of the next Congress. He was a Union soldier. Colonel Philips was elected as a Union soldier. There are also the notable cases of General Broadhead, General Blair, General Shields, and a number of others who held positions as the head of the Democratic party in Missouri since the war. These are all cases of Union soldiers.

Mr. CARUTH. How about the case of the present State treasurer of Kentucky?

Mr. WILSON, of Missouri. Governor John S. Phelps was for eighteen years a member of this House and chairman of the Committee on Ways and Means, and he was a Union soldier.

Mr. DOCKERY. Has the gentleman forgotten the case of my colleague from Missouri [Mr. TARSNEY].

Mr. OUTHWAITE. How about Senator Shields?

Mr. CUTCHEON. Mr. Chairman, I would suggest that the other side fire by file instead of by platoons. [Laughter.]

Mr. TURNER, of New York. They hit well enough now, do they not?

Mr. KERR, of Iowa. The gentleman from Ohio [Mr. OUTHWAITE] refers to General Shields.

Mr. OUTHWAITE. Yes, he was elected Senator.

Mr. KERR, of Iowa. My recollection is that he was presented by the Republicans as a candidate for an office in this House and beaten by the unanimous Democracy.

Mr. OUTHWAITE. Mr. Chairman——

Mr. KERR, of Iowa. I can not yield for any further interruptions. I wish to say this: That as a Republican of Republicans, having been always a Republican, I never have seen the day since the close of the war that I was not willing to extend to any man who was in favor of the Government any of the rights that I claim for myself. I never believed that the enfranchisement of the colored men in the South, if it had been conceded by the Democratic party, would have necessarily resulted in the supremacy of the Republican party in the South.

These men had the opportunity to secure their rights and to control their destiny by conceding to the colored men fully and unequivocally their rights, because they had superior intelligence. They might have had the interests of the colored men always in view, and then they would have had supreme control, and no man in this country, North or South, would ever be opposed to any man's right to rule through moral influence and intelligence, through argument, or by any legitimate process by which one man in a free government has the right to control another.

But no method of force or coercion is legitimate. And I say now that if the Southern States want to concede equal rights to every man they can not do it more effectually than by a proposition indorsed by Madison, conceding that Federal supervision over elections should take place and that every man should be protected by the General Government in the security of his right to life, liberty, and the pursuit of happiness and the depositing of his ballot according to his will. If those gentlemen will concede this fundamental American principle the day of harmony is at hand.

Mr. ENLOE. Will the gentleman from Iowa allow me to ask him a question?

Mr. KERR, of Iowa. Yes, sir.

Mr. ENLOE. I would like to know if there is any provision in the army appropriation bill looking to the enforcement of what is known as the force bill. I want to fully understand this bill that is now before the House.

Mr. MILLIKEN. You ought to have asked that question when the gentleman from Texas was speaking.

Mr. KERR, of Iowa. I will say in reply that there is no provision in the force bill, so called, for the enforcement of the law any more than is behind every other law. The law is the will of the citizens crystallized into a statute. Behind it is the Executive and behind it is, if resisted and if necessary, the Army to enforce it, and it ought to be behind it.

Mr. CARUTH. A bayonet behind every ballot.

Mr. KERR, of Iowa. Whenever these men concede the free and unobstructed rights of citizens in the Southern States, the day of harmony is at hand. Until that is conceded, whatever may be the temporary advantages gained in particular elections, they may be sure that the people of the great North will be a unit——

Mr. DOCKERY. They seem to be a unit for the Democracy now.

Mr. KERR, of Iowa. Whatever may be the temporary result of elections, on this fundamental right that the citizen shall cast his vote according to his will and have it protected, the great North that stood by the Union when constitutional provisions were involved, when the life of the country was involved, will stand by the Union and the support of this principle to the latest day of recorded time.

Mr. OUTHWAITE. That is the reason we licked you so badly last fall.

Mr. CUTCHEON. Mr. Chairman, unless some gentleman desires to debate the army bill, I would be glad for one to have it read by paragraphs for amendment.

Mr. TARSNEY. Mr. Chairman——

Mr. WHEELER, of Alabama. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Michigan yield?

Mr. CUTCHEON. Does the gentleman from Missouri wish to take the floor in his own right?

Mr. TARSNEY. I do, but will not occupy a great deal of time.

Mr. CUTCHEON. I will yield the gentleman ten minutes.

Mr. TARSNEY. I do not think I can get through in ten minutes.

Mr. BLAND. Mr. Chairman, we have some rights of general debate. We have an hour if we desire to take it.

The CHAIRMAN. The gentleman from Michigan has the floor.

Mr. TARSNEY. The gentleman said that he yielded the floor unless somebody wanted to debate the bill. I want to debate it.

Mr. CUTCHEON. I did not yield the floor. I did not see anyone rise, and I rose to ask unanimous consent that general debate be closed.

Mr. WHEELER, of Alabama. I object. As a member of the committee I wish to debate the bill.

Mr. CUTCHEON. If the gentleman from Missouri desires to address the committee I will yield some of my time to him. How much time does the gentleman want?

Mr. TARSNEY. Not over fifteen or twenty minutes.

Mr. CUTCHEON. Will not ten minutes do? I will yield the gentleman from Missouri five minutes.

Mr. TARSNEY. I do not want that. Mr. Chairman, the gentleman from Michigan yielded the floor——

Mr. CUTCHEON. I will yield the gentleman ten minutes, if he desires it.

Mr. TARSNEY. Mr. Chairman, the gentleman from Michigan said that unless some gentleman desired to take the floor he proposed to take some action. I was then addressing the Chair, asking to be recognized.

The CHAIRMAN. The gentleman from Michigan has the floor unless he desires to yield it.

Mr. OUTHWAITE. How much time has the gentleman from Michigan remaining, Mr. Chairman?

The CHAIRMAN. The gentleman from Michigan has thirty-five minutes remaining.

Mr. CUTCHEON. I yield to the gentleman——

Mr. WHEELER, of Alabama. After the gentleman's time has expired I desire to address the committee.

Mr. CUTCHEON. I will make it fifteen minutes. I will yield to the gentleman from Missouri fifteen minutes of my time.

Mr. TARSNEY. Mr. Chairman, I had thought that after a lapse of twenty-five years it was rather late to enlist or to induce enlistments in a war that had closed at that date. [Laughter.] I have many times during the brief period it has been my privilege to occupy a place in this House regretted the unnecessary and useless allusions to and discussions of matters that were not involved in measures then pending, and which could serve no purpose other than to perpetuate memories and keep alive feelings not promotive of good to the country, either in the present or the future. I regretted to-day that the war and its memories should be made matters of discussion on this floor.

When the gentleman from Ohio [Mr. GROSVENOR], a few moments since, asserted that there existed a spirit of unfriendliness and hostility towards Union men, and especially against those who had been soldiers in the Union Army, on the part of the people of the States lately in rebel-

lion, and that no Union soldier could be elected to any office of any prominence in these States because of such feeling of hostility, I did not feel that I more than any other member of this House was called upon to refute such suggestion, but when the gentleman from Iowa [Mr. KERR], following up that suggestion and affirming its truth, goes further and asserts that the same is true of the State of Missouri, which I have the honor in part to represent, when his assertions in regard to that State are entirely without foundation in fact and are contradicted by the undisputed history of the State, and find contradiction in the official records of this House in which he has served for years and with which he should be familiar, it becomes my duty to point out to him the error into which he has fallen or the misstatements which he has made.

It is not true that a spirit of enmity or hostility towards Union men or ex-Union soldiers exists among any portion of the people of Missouri. It is not true that men can not be elected to high official positions in the State of Missouri who served their country in the Army of the Union. Such assertions are not only untrue, but find their contradiction recorded upon almost every page of the history of that State since the war. The facts of that history might be presumed to be known to all men, save the gentleman from Iowa, and to need no recital from me. But, Mr. Chairman, for the information of the gentleman from Iowa, let me say that the history of that State shows that since the ascendency to power of the Democratic party in that State there has been an almost unbroken line of governors elected who were always loyal Union men, many of them gallant officers of the Union Army.

In but one instance has an ex-Confederate been made governor of that State. In 1872, when the Democratic party first obtained control and authority in the State, after the Liberal Republicans of the State had joined with the unproscribed Democracy and released a large element of the citizenship of the State from disfranchisement, when for the first time after the war the people were restored to liberty and the rights of citizens, the first man nominated and elected governor of the State was Silas Woodson, as loyal and patriotic a man as ever lived within the Union. In the convention which nominated him his competitor was my honorable colleague, Mr. HATCH, a Confederate officer.

In 1874 the Democratic party nominated and elected for governor Charles H. Hardin, whose loyalty to the Union was never questioned. He was nominated over Gen. F. M. COCKRELL, now an honored Senator of the United States. In 1876 the Democracy nominated and elected that grand statesman and patriot, John S. Phelps, who for eighteen years honored the State upon the floor of this House, and who for twelve years of that time was chairman of the Ways and Means Committee of this House, who left the field of statesmanship at the breaking out of the war to accept a commission as a brigadier general in the Army, and who served with distinction as such during the war. His competitor for the nomination for governor was Hon. G. G. VEST, the colleague of General COCKRELL in the Senate. By a change in the constitution of the State before the election of Governor Phelps the tenure of the office was extended from two to four years.

In 1880 Thomas T. Crittenden, an ex-colonel of the Union Army, defeated the ex-Confederate general, John S. Marmaduke, in the Democratic convention, and was elected governor.

In 1884 General Marmaduke was nominated and elected. He died when his term was but about half expired and was succeeded by Albert P. Morehouse, the lieutenant governor elected with him, who was a captain in the Union Army.

In 1888 David R. Francis was elected governor. He is yet under forty years of age. He was but a mere lad during the war, and certainly was not elected because he represented an ex-Confederate or anti-Union sentiment.

Thus we show by a line, broken in but one instance, that since the ascendency of the Democratic party to power in Missouri not one man has been elected governor of that State who was not a thorough Union man during the war. Is not this a complete refutation of the statement of the gentleman from Iowa that any spirit of unfriendliness or hostility existed in the Democratic party of Missouri against men who were loyal to the Union during the war or who served in the Army of the Union, and does it not demonstrate that ex-Union soldiers can be and are elected to high official positions in that State?

But, sir, what do the records of this House show in refutation of the gentleman's statements? The record, sir, shows more ex-Union soldiers sent by the Democratic party to represent the State in this House than ex-Confederate soldiers. When the gentleman from Iowa asserts that no ex-Union soldier could be elected to high office in Missouri does he mean to assert that the position of Representative of the people on this floor is not a high position or does he mean to say that Erastus Wells, James O. Broadhead, James N. Burnes, Charles H. Morgan, R. A. De Bolt, James R. Waddill, R. W. Fyan, John F. Philips, John M. Glover, sr., Thomas T. Crittenden, Abraham Comingo, and Gen. James Shields were not each and every of them brave and gallant soldiers of the Union Army?

Why, sir, let me say to gentlemen that I do not know of an ex-Confederate soldier—not an outspoken Republican—in the district I have the honor to represent who has not given me his hearty support in the two campaigns in which I have been a candidate for this high place; and there is not a man, woman, or child in the district, with few exceptions, that has not known that I was a soldier in the Union Army during nearly the whole period of the war. Of all the soldiers sent by the Democracy of Missouri to represent the State in this House since the war there have been two ex-Union to the one ex-Confederate in the list. The only ex-Confederate in this House from Missouri is our honored colleague, Colonel HATCH. There were two Democratic ex-Union soldiers elected at the last election.

How many soldiers has the State of Iowa sent to represent her in this House? Is there a majority of the delegation from that State? How many from the State of Michigan, represented by the chairman of the Committee on Military Affairs? The first soldier sent to the Halls of Congress from the State of Michigan after the war was a Democratic Union soldier, General Williams, of Detroit. For years after the close of the war not a soldier was elected governor or sent to the floor of this House from that State.

Mr. CUTCHEON. Does the gentleman want to know how many Union soldiers represent the State here at the present time?

Mr. TARSNEY. I said you had them at the present time, but that for years after the war no soldier was elected to represent that State.

Mr. CUTCHEON. The Second, Third, Fourth, Fifth, Eighth, and Ninth Congressional districts of Michigan are all represented here by Union soldiers.

Mr. TARSNEY. I did not ask about the present time. The Republican majority in your State has disappeared. The ex-soldiers hold the balance of power. The Republican managers realize that fact, hence the present soldier representation. I want to say to members that when gentlemen talk here about a feeling of hostility to Union soldiers in Democratic States the records of their own States and their own party do not show any great degree of friendship for or desire to elevate to office the deserving soldiers who are members of their own party.

When the Republican party with an overwhelming majority in a State filled with soldiers lets nearly a half score of years elapse after the war before they would permit a single ex-Union soldier to come here as a Representative of the State——

Mr. BREWER. Will the gentleman permit me to correct him?

Mr. TARSNEY. Certainly, with pleasure.

Mr. BREWER. The gentleman's statement that General Williams was the first Union soldier sent to this House after the war from the State of Michigan is an entire mistake.

Mr. TARSNEY. Who came earlier?

Mr. BREWER. I can name one who was before him who sits here to-day.

Mr. TARSNEY. Who?

Mr. BREWER. JULIUS C. BURROWS.

Mr. TARSNEY. Was he sent here earlier than General Williams?

Mr. BREWER. Certainly, and there were others.

Mr. BOUTELLE. You will spoil the gentleman's speech if you undertake to interject facts that way. [Laughter.]

Mr. TARSNEY. I may have been in error in stating that General Williams was the first soldier sent here from the State. I spoke from memory of years, but the statement of the gentleman from Michigan [Mr. BREWER] sustains my general position, because it shows that Union soldiers as Representatives from that State were scarce, and I may well be excused for a slight error in regard to the order of their coming.

Mr. BURROWS. Will the gentleman permit me to say that before I had the honor of a seat in this House, General Stoughton, a one-legged Union soldier, represented the district for two terms?

Mr. TARSNEY. How long after the war?

Mr. BURROWS. In the Forty-first and Forty-second Congresses.

Mr. KERR, of Iowa. Will the gentleman yield to me for a correction?

Mr. TARSNEY. Yes, sir.

Mr. KERR, of Iowa. The gentleman intimates that Iowa has not sent its Union soldiers here as representatives. I will say to the gentleman that the entire Iowa delegation, except three, are Union soldiers, and one of the three is on that side of the House.

Mr. TARSNEY. Mr. Chairman, let gentlemen go further if they will; let them take the whole list of States, and I challenge them to show how many States of the North, how many States where the Republican party has been in power, have sent more Union soldiers to the Halls of Congress in proportion to the representation of the States than the Democratic State of Missouri has.

How many Union soldiers has the State of Maine sent to this House? How many soldiers has the Republican party of Massachusetts sent here? It has ten Representatives here now, but three of whom were soldiers. The soldier was all right to do the fighting; he is all right for politicians to talk about other people's want of friendship for him, but there are other patriots in the Republican party to hold the offices. The men who could not find a recruiting office during the war were, during that period, studying the science of operating political machinery and learned how to obtain and hold official positions in advance of the soldier they protested so much about rewarding and honoring.

Mr. Chairman, hereafter when any gentleman rises upon this floor to charge a State or its people with disloyalty, with proscription of or

lack of friendliness for the defenders of the nation, I trust he will take care that his assertions do not falsify the facts of history, and that such charges will not be made unless there be at least some color or foundation therefor.

There is no State in this Union where there is less of sectional feeling than in Missouri. There is no State wherein the participants on both sides of that unfortunate sectional war have, since its conclusion, intermingled, in which there is less desire to perpetuate bitter memories arising therefrom.

The gentleman from Iowa would not increase his popularity by repeating his assertions of this day before any Republican audience in the State of Missouri. No man in Missouri is asked when a candidate for office what were his convictions regarding the great questions upon which the people divided a quarter of a century ago; each recognizes the honesty and the courage of the other in adhering to his convictions until those questions were settled.

The war and its memories are no longer potent factors in the politics of Missouri. Her people have forgotten the issues of the war and care not what was the participation of any of her citizens therein. She welcomes them from every section and from every clime. Her people dwell not in the dead and buried past. They are living in the present and are thinking and acting only for the present and the future. [Applause on the Democratic side.] She invites the people and the wealth of other sections to come within her borders to aid in the development of her marvelous resources, and so long as the Democratic party shall be intrusted with her political destiny so long will that wealth find guaranty of protection and those people equality of rights under her laws.

I simply, and in justice, ask that hereafter when gentlemen desire to open the grave of the dead and buried past to drag forth its lifeless tenant, either for unseemly invective or for still less seemly panegyric, they will not confound that dead past with the living present, and that they will select some people or some State to stigmatize as disloyal to the flag and Government of this Union other than the noble, patriotic people and grand Commonwealth that I have the honor to speak for on the floor of this House to-day. [Applause on the Democratic side.]

Though it be true that in the dark days of the past, when madness ruled the hour, when ignorance, prejudice, and passion held sway in men's minds and hearts throughout the whole land, many of her citizens, moved and actuated by the purest, the highest, and the most holy sentiments that find coinage in the heart of man, but which sentiments misdirected oft blind the intelligence and make wrong seem right, not foreseeing or believing that success would be more disastrous than the evils of which they complained, forgot their duty to their country and to themselves, renounced their allegiance to their Government, and allied themselves with those who sought a dissolution of the Union. Yet he who would revive the memories of those days and who would charge that even now the people of that great State, actuated by the prejudices of the past, would proscribe or deny equality of political privilege to those who remained loyal and faithful to the Union, should not overlook this important fact, that the latter do now constitute, and always have constituted, a large majority of the people of the State. Nor should he forget this fact of history, that that State sent more soldiers into the ranks of the Army of the Union to save the life of the nation than did the State that he himself represents. [Applause on the Democratic side.]

The gentleman ought not to falsify the facts of history and stigmatize the people of a State as disloyal to the Union when he does know or should know that in the hour of the country's greatest danger, when the life of the nation was at stake, that State sent into the field in defense of the flag and the integrity of the Union more than 110,000 of her brave citizen soldiery. [Applause on the Democratic side.]

Mr. Chairman, disloyalty to this Union can not be found inscribed upon the banner of the State of Missouri, nor upon the banner of any political organization within that State, nor yet upon the heart of any citizen of the State. Proscription or enmity on account of the dead past finds no home or abiding place in the hearts of her people. Proscription and the hatreds engendered in war were the weapons and the life of the Republican party, and died when the death knell of the Republican party was rung in that State.

It was the Republican party that in Missouri, from 1866 to 1870, in order to perpetuate its power silenced the voice of the advocate, forbade the physician to heal the sick, imprisoned embassadors of God for proclaiming his gospel of peace on earth among men, and disfranchised the intelligence of the State, not alone because of guilty participation in rebellion, but because the advocate, the physician, the minister, and the citizen would not subscribe to a prescribed oath and falsely swear they were not men, but brutish beasts, swear that they had torn from their hearts the love, the sympathies and the natural affections planted by omnipotent love in the hearts of man.

It was the Republican party that during that period took away the rights of citizenship to punish men for obedience to the divine injunction to feed the hungry, clothe the naked, and give drink to the thirsty. It is alone upon the pages of the history of the Republican party in Missouri that evidences of proscription or sectional hatreds can be found. It is alone within that organization that they are taught or perpetuated, but thank God such teachings find but little favor at this day, even in the ranks of the Republican party in Missouri, and sir, I confidently declare my belief that the utterances of the gentleman from Iowa to-day will grate harshly upon the ear of many of his political friends in that State.

Mr. Chairman, in 1870 a grand and noble army of patriotic Republicans in Missouri, tired of living upon the memories of the war, always patriotic defenders of the Union, rejoicing in a restored Union, desiring that that restored Union should be cemented, not by hatred and force but by wise laws and willing obedience thereto, to be obtained and assured only by the confidence, respect, and affection of all the people one for another, unwilling to submit that the State they loved should be robbed and plundered, and a great element of its citizenship deprived of their constitutional rights as citizens; under the leadership of patriots like Blair and Schurz and Brown, uniting with the unproscribed and undisfranchised element of the Democratic party, led by Phelps, Hall, Broadhead, Glover, Philipps, Crittenden, Woodson, Hardin, and a host of others, whose names were synonyms for loyalty and patriotism, grasped the control of the State from the hands of the radical proscriptive wing of the Republican party, and then the waves of sectional hatred were turned back. Proscription ceased; constitutional rights of citizenship were restored to the disfranchised; the bitter memories, the hatreds, and the prejudices of the war were banished from the circles of the family, from neighborhoods, from communities and from the State. Then all her citizens, putting the past behind them, reunited by mutual confidence, respect, and purpose, allied themselves into one grand army of conquest and marching shoulder to shoulder, heart to heart, and hand in hand they have conquered.

Under the benign influences and patriotic guidance of the Democratic party they have conquered all sectional animosities and hatreds, conquered all bitterness in remembering the past, conquered and captivated the respect and affections of all her people for the people of every other section of our common country, and thereby obtained a greater conquest, a conquest over the elements and forces of nature that has resulted in the grandest and most marvelous material development that marks the growth and upbuilding of any commonwealth in the history of the ages of man.

The men who in 1870, by the death of the Republican party in Missouri, had the shackles of disfranchisement stricken from their citizenship, know how to appreciate political freedom as well as political proscription. They appreciate the blessing of being freemen and citizens of this grand Republic; equals with all others as participants in the blessings of that protection to life, liberty, and the pursuit of their happiness guarantied by its matchless Constitution. [Applause on the Democratic side.] They have no hopes, no prayers, concerning the Government of this Union save hopes and prayers for its honor, its glory, and its perpetuity. The people of Missouri are intelligent, enlightened, and moral. They are harmonious; they are prosperous. He who seeks for political discontent, for dissatisfaction with the Government, for a desire for its overthrow, or for hatred of those who contributed to preserve its life, if he would find that for which he seeks must look therefor without her borders. Her people are loyal, all loyal to the flag and Constitution of this Union. Loyal they are and loyal forever they will remain. [Applause on the Democratic side.]

Mr. CUTCHEON. I move that the committee now rise for the purpose of limiting debate.

Mr. BLAND. I hope that will not be done. Several gentlemen desire to discuss this bill.

Mr. CUTCHEON. I simply want to say to the committee that at 2 o'clock we must rise anyhow, as a special order for eulogies on the late Mr. Walker, of Missouri, begins.

Mr. BLAND. We are aware of that; but the gentleman can not hope to pass a bill of this magnitude with the short debate which has been allowed.

Mr. CUTCHEON. If the debate were only confined to the bill it would be entirely different.

I move that the committee rise.

The question was taken; and the Chairman decided that the noes seemed to prevail.

Mr. CUTCHEON. I will not call for a division, but yield two minutes to the gentleman from Iowa [Mr. KERR].

Mr. KERR, of Iowa. It will be observed, Mr. Chairman, that this talk about Missouri was not brought on by any remark I made. I was speaking about the Southern States. I said that Missouri had a large proportion of Union men in the Army, and it also got credit for a large portion of the loyal men from Illinois and Iowa who joined the Army in Missouri. I know of hundreds who went and enlisted in Missouri regiments.

Mr. OUTHWAITE. Why did they do that?

Mr. KERR, of Iowa. Because they could not get in from Illinois and Iowa, our quota being full.

Now, I do not want to say that there are not loyal men and that they have not had some consideration in Missouri. Thanks to the Germans of St. Louis, Missouri staid in the Union; but I wish to call the attention of gentlemen to the fact that the two men, one of whom was a soldier, Carl Schurz, and B. Gratz Brown, who led the movement in

Missouri for the enfranchisement of the disfranchised Confederates, have since that time been rewarded by being sent to the varying fortunes of private life——

Mr. HEARD. Will the gentleman yield for a moment?

Mr. KERR, of Iowa. I can not yield.

Mr. HEARD. I wish to correct the gentleman's history.

Mr. KERR, of Iowa. I decline to yield.

Mr. Schurz is now in New York. He was a Senator from Missouri until that movement was inaugurated. In place of these two men in the Senate of the United States there are to-day two distinguished ex-Confederates, Mr. COCKRELL and Mr. VEST, and one of them served in the Confederate congress. It is simple justice to Missouri to state this fact.

Mr. HEARD. You ought to allow another fact to be stated as a matter of correction——

Mr. KERR, of Iowa. I have but a few moments.

Mr. HEARD. Well, the correction will get in some way.

Mr. KERR, of Iowa. Now, in respect to the statement of the gentleman from Kansas City, let me say that a very great body of the men now residing in Kansas City are from the North. The gentleman speaks of them as being from the South. But the immigration to Kansas City is largely from the North, a city represented in the last Congress by a Union soldier, one of the best, one of our most honored colleagues, Mr. Warner, and the population of that city is largely Union soldiers, the very best of them. So the gentleman should not take any great amount of credit to these men for sending him here, because he was preceded by a Union soldier.

The denial of personal rights for all citizens is not attributed to Missouri, and it would be strange if it would after the concessions that have been made to ex-Confederates by the great Republican leaders. In the name of the principles of the Declaration of Independence and the right of self-government I wish to say to the gentleman from Missouri [Mr. TARSNEY] that Iowa nearly ever since the close of the war has had a majority and a large majority of Union soldiers in Congress, and I might say they have been fully appreciated in both State and local offices, and in the present Congress eight of the ten Republican Representatives were in the Union Army.

[Here the hammer fell.]

Mr. CUTCHEON. I move that the committee rise.

The question was taken; and there were—ayes 63, noes 56.

Mr. WHEELER, of Alabama. I demand tellers.

Tellers were ordered.

Mr. WHEELER, of Alabama, and Mr. CUTCHEON were appointed tellers.

The committee again divided; and the tellers reported—ayes 89, noes 50.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DINGLEY reported that the Committee of the Whole House on the state of the Union, having had under consideration the army appropriation bill, had come to no resolution thereon.

Mr. CUTCHEON. The hour of 2 o'clock having arrived I will not submit the motion I intended to make to limit debate on this bill.

THE LATE HON. JAMES P. WALKER.

The SPEAKER. The Clerk will report the special order.

The Clerk read as follows:

Resolved, That Saturday, January 10, beginning at 2 p. m., be set aside for paying tribute to the memory of Hon. James P. Walker, late a member of the House of Representatives from the Fourteenth Congressional district of Missouri.

Mr. DOCKERY. Mr. Speaker, by a prior order of the House this hour has been set apart that the friends of the late Hon. James P. Walker may pay suitable tributes to his memory. He was my friend in all that the term ingenuously implies. As a Representative he was frank, patriotic, and fearless; as sincere, devoted, and zealous in the people's interest as in his private walk and personal character he was stainless and without reproach.

In behalf of the Missouri delegation on this floor I submit the resolutions which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the House has heard with sincere regret of the death of Hon. James P. Walker, late a Representative from the State of Missouri.

Resolved, That the business of the House be now suspended in order that the faithful public services as well as the personal virtues and worth of the deceased may be fittingly commemorated.

Resolved, That as an additional tribute of respect to the memory of the deceased the House shall, at the conclusion of these memorial proceedings, stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Mr. WHITELAW. Mr. Speaker, the House is again called upon to suspend its ordinary proceedings that it may in a proper manner mark its respect for one of its former members whose death it laments; to testify to his private worth and public virtues and give expression to its sorrow. Once more the members from Missouri have been called upon to mourn the loss of one of their colleagues. At 2 o'clock, Saturday, July 19, 1890, the spirit of Hon. James Peter Walker took its flight to its eternal home. In the few remarks that I shall make I purpose only to give a brief outline of his life and character.

He was born in Lauderdale County, Tennessee, on March 14, 1851, and hence at the time of his death was in his fortieth year. When a boy he attended the neighboring schools and obtained a fair common-school education, to which he afterwards added a large store of special and general knowledge by an intelligent application to books and business. It may properly be said of him that by his own indomitable pluck and energy he transformed himself from a poor plowboy in the cornfield, from a hewer of wood and drawer of water, to the highest political position within the gift of his people.

At the age of fourteen he secured a position in a country store in Tennessee, where by hard labor and rigid economy he earned a living for himself and assisted in supporting a widowed mother and young sisters. In 1867 he left Tennessee and moved to Missouri, taking his mother and family with him, and settled near Kennett, in Dunklin County, where he lived for several years. He cleared land and worked in the fields the first year after moving to Missouri; but, seeing that there was a good opening for a general store at Kennett and having the assistance of his former employer in Tennessee, he established himself in business at Kennett before he had attained the age of eighteen.

From this small beginning Mr. Walker in the course of a few years gradually advanced in his business until he became a large dealer in grain, in which he was interested at the time of his death. Whatever fondness he possessed for politics was not of a selfish nature; the campaign of his friend was in every sense his own; the same anxiety and energy, the same devotion to duty and ambition for success characterized his efforts as though he were a candidate himself.

To this possibly as much as any other trait of our deceased friend's character was due his remarkable advancement. In 1888 he was elected a member of the State Democratic committee. In 1880 he was elected a delegate to the Cincinnati convention. In 1884 Mr. Walker became a candidate for Congress and was defeated for the nomination by Hon. William Dawson after two conventions had been held and hundreds of ballots taken. In 1886 he again became a candidate, received the nomination, and was elected at the polls by an overwhelming majority.

In 1888 he was honored by the people of his district by being renominated without opposition and re-elected by an increased majority. To his record while here I need not refer because that is familiar to you. It is exceedingly gratifying to know that nothing but words of praise and commendation come from the lips of his colleagues upon this floor and the employés of this body. In politics he was always a Democrat, knew no higher law than the Constitution of his country, was ambitious of no distinction except that incident to a faithful discharge of a representative trust. His devotion to duty was so absolute and unquestioning, his abnegation of self so utter and complete, that they overshadowed that prudence which ordinarily prompts us to regard personal comfort and personal safety as superior to other considerations.

Enervated by the excessive heat and exhausted by the unusually arduous labors of the first session of this Congress, he went home to look after his campaign, when he was suddenly seized by the messenger of death. A loving wife and kind friends did all in their power to make him live, but to no purpose. No better eulogy could be passed upon him than the resolutions of respect adopted by the citizens of his own city, in which it was said:

The life of James P. Walker is a fit commentary on our Government and its possibilities in developing men. And in the purity of his character, in determination of purpose, in his fidelity to every duty, every trust, every friend, his example is commended to the youth of our land. Without the allurements of wealth or the training of the college, without friends in high places to lift him up, he rose by the strength of his own manhood, the energy of his own purpose, and the moral rectitude of his own life to the highest political honors. Twice called to represent his people in the Halls of Congress he was still one of the people, loved and honored by them and ever faithful to the trust reposed in him.

In his account of the life of Buddha, Edwin Arnold relates a touching incident of a woman who came to her Lord bearing her dead child in her arms and praying that he might reinstate the spark of life that had fled from the little one. With the gentleness that was characteristic of him, Buddha taught the suppliant a consolation that was almost Christlike. He told her that if she would find him a house in which black mustard seed was to be found and which had never been visited by the dread summons of death, he would restore her child to life. Full of the hope that springs only in the breast of a bereaved mother, she traveled the land far and wide and returned at last to him who sent her with the sad report that of houses with mustard seed she had found many, but none to which death had not come.

The funeral of James P. Walker was one of the most imposing and wonderful demonstrations of public respect and popular affection ever witnessed in Southeast Missouri. The old and young in the highest and lowest walks of life, some from far distances and at great personal inconvenience, attended to pay the last tribute of respect to their dead friend and statesman. They acted and seemed to feel as though they had lost a brother, son, or father. Strong men and women when they marched around the bier of James P. Walker to take a last look at him in whom they had placed so much trust and confidence, and who in turn had honored them by his loyalty to their interest, shed tears of grief and uttered lamentations of sorrow. Thus lived and died one of God's noblemen. Let him rest in peace.

Mr. BAKER. Mr. Speaker, my acquaintance with the departed friend whose memory we honor to-day began in the early days of the last Congress. That acquaintance ripened into friendship in this Congress through association with him in the closer official relation which followed as members of the Committee on Commerce. As in the House, so he was in our committee. He gave prompt, intelligent, and faithful service, always manifesting an earnest desire to perform his full share of the arduous duties with which he was charged.

I was impressed with the belief that his participation in the duties of public life was inspired with a full realization of the high responsibility resting upon him. He was honest and capable, fearless and independent, and personally controlled by a warm and friendly spirit. He inspired faith in mankind and commanded the confidence of all. His sincerity won my esteem not only for him as a man, but a firm belief that he was eminently worthy of the high trust confided to him by the suffrage of his constituency. Hence, when he came to bid me good bye just as he departed for a visit to his district, I could but wish for him a continuance of the honors he had so worthily worn. Little did we realize that a last good bye on this side of the river had been spoken as he left. Truly,

Life treads on life and heart on heart;
We press too close in church and mart
To keep a dream or grave apart.

In a few weeks, Mr. Speaker, the pleasant associations experienced during the past six years of my own Congressional life will terminate, but time can never terminate the friendships formed, while the memory of those of our colleagues whom God hath called from labor to eternal rest will ever be cherished.

It is proper that we should pay honor in this way to the memory of our deceased friend and associate. May we not in so doing afford consolation to an afflicted household and at the same time give new luster to those graces, Faith, Hope, and Charity, which are the divine characteristics of every manly heart?

We should be reminded that we are rapidly pressing on toward the same dark river over which our friend has passed. A few years, or months, or weeks, or days, God only knows when the summons may come to you or to me. Then let us so live that we may say with trusting, abiding faith:

God holds the key of all unknown,
And I am glad.
If other hands should hold the key,
Or if He trusted it to me,
I might be sad.
What if to-morrow's cares were here
Without its rest?
Better that He unlock the day,
And as the doors swing open say,
"My will is best."

I am sure that no undue praise can be spoken of Mr. Walker. He merits all that has been or that may be said of him.

It is appropriate, Mr. Speaker, that we pay these tributes to his worth and accord honor to his memory by these memorial exercises.

It is with sadness, and yet sincerity, that I join in these ceremonies to-day. I heartily indorse whatever may be spoken by those who knew him best. The pending resolutions fitly express the sentiments of my heart.

Mr. McMILLIN. Mr. Speaker, it is a sad duty that we assemble to perform to-day. James P. Walker has taken that road which all must take and has reached that goal that all must reach. This life may be summed up: A breath, a smile, a tear, a death.

Born in 1851, he saw the Southland, of which he was a son, in as great prosperity as it or probably any other country of the world had ever attained. Living through the troubled and unfortunate period of the war, he saw that same land in sorrow, in tears, and in adversity.

He was of that generation of young men who looked around them at the close of 1865 and beheld themselves a part of eleven millions of men, women, and children so destitute that the combined wealth of seven millions of them would not have paid for one night's lodging in the humblest hotel. Yet he could boast before he died that he was also of the generation that had faced adversity, that had defied misfortune, and had rehabilitated the land that they had seen almost in ruin.

When cast upon the world he had responsibilities that God gave him the manhood to meet. He had a dependent mother and an affectionate sister who relied alone on his strong arm for support. He believed that in the whole history of mankind there had never been any except three forms of government. One, wherein the man permitted or required the woman to support herself and him, known as the savage state; another, wherein the man had required the woman to support herself; the last, the highest, the most glorious type of government, wherein the man supported not only himself, but every woman whom nature had placed an obligation on him to assist, whether mother or wife.

He met these responsibilities like a man. At early date he left the State of Tennessee and pitched his tent in a far-off land. He risked winning his way among strangers. He believed from the beginning that man's noblest work was not in the accumulation of money; that the greatest honor was not to be attained simply by the acquisition of wealth. So believing, he preferred rather to be potent with the men of his day than with the money of his time.

How well he succeeded a seat in this Hall when he was only in middle life tells—in this Hall, which it is an honor for any man in the world to reach at any period of his life. Here he developed those characteristics which showed that the trust of his people was well bestowed. He had all of the gentleness which made him dear to the hearts of those who served with him. He had coupled with this all of the strength and sternness to move him to the discharge of duty, however much it went against his own inclination in particular cases.

But be it said also to his credit that he did not, either at home or here, confine himself alone to what should inure to his good in this life. He was a Christian. He was one of those who believe that this smile and this tear, of which I spoke in the beginning, are not man's ultimate and only destination. He could not believe that his end was to be the same as that of the unthinking ox that plods its way over the clod. It is not inappropriate on this occasion to comment briefly on how well his faith was founded.

Concerning the future state, it is true that we know little and can know little. But it may be said concerning it that almost every human being in the world aspires for something beyond this life. All nations of the world have believed that there is something beyond this life. Is it possible that that God who created us implanted in us an aspiration and a longing that is universal and yet can never be gratified? If so, it is the only instance where Nature has made the aspiration and the longing and not made possible its gratification.

But again we have something in us that distinguishes us from other animals. We have the power to laugh, to cry, to think, that power that we call the spirit. The spirit is either material or immaterial; all will admit this. If it is immaterial, the doctrine of the theologians is true, and it may live outside of the body and independently of it—may therefore be immortal. If, on the other hand, it is material, the doctrine of the philosopher—in which all philosophers agree—that nothing material can be destroyed, takes hold of it, and it is indestructible, immortal. So in any event you have the immortality of that which we call the spirit, whether it is material or immaterial.

The very analogies of things in nature that are around us go far to show, and in my mind are sufficient to prove, that the faith of this our dead friend was not ill founded and that a resurrection of man is probable. May I comment upon this very briefly?

We will go first to the hive of the honeybee that now, in this climate, presents nothing but the appearance of death. Every individual member of that hive is to-day seemingly dead. In the spring and in the summer its life is only forty days. It flits its life away in that brief period. Yet when the chilling frost comes there is somewhere in the universe a power which takes hold of the honeybee, stops animation and prolongs its life for six months during the winter, and in the spring time sends it forth on a vigorous wing and with a new hum. Is it possible that the power which resurrects the honeybee can not resurrect man?

Again, from the days of ancient Egypt and even back beyond Egypt, as far as history and tradition go, one kind of insect has made its appearance upon earth regularly every seventeen years; that insect is the locust. It comes, enjoys its humble and brief existence, after which it departs. But at the end of seventeen years, as regularly as the clock strikes at the return of the noon hour, it comes back to sing again the weird song that its ancestors have sung periodically for thousands of years. Is it probable, ay, is it possible, that there is a God who watches over the hole that that insect has made in the ground for seventeen years and resurrects it, but will not care for man and resurrect him?

But these are not all. The most despised of all creeping things is the serpent. Cursed by God, despised by man, it draws its loathed form and ignoble existence out prone upon the ground. Yet when the winter time comes even that despised reptile is cared for. It has a suspended animation. During the whole winter it is said that it may be taken up and broken without feeling the wound that is inflicted. But in the springtime, when the gentle showers come, with the genial sunshine upon the earth, there is somewhere in nature an omnipotence so omniscient that even the snake's den goes not unobserved and unguarded. By it even the serpent is revived.

We are told in Holy Writ that the sparrow's fall is noted. With what exultant pride ought we to rejoice, inasmuch as we are superior to all these and hence may exult in the joyous hope of a final resurrection. Is it possible that this is the last of our dear friend in the whole universe? I do not believe it. I do not want to believe it.

But, Mr. Speaker, I have wandered further into that line of thought than I had intended.

Mr. Walker was another illustration of American energy and American genius, that attempts too much in too little time. His superabundance of energy caused his death.

The beautiful tribute which England's marvelous poet paid Kirke White may properly be applied to him and to his fall, when we re-

member that it was the result of overexertion on his part. You recollect that tribute is in these words:

So the struck eagle, stretched upon the plain,
No more through rolling clouds to soar again,
Viewed his own feather on the fatal dart,
And winged the shaft that quivered in his heart;
Keen were his pangs, but keener far to feel,
He nursed the pinion that impelled the steel;
While the same plumage that had warmed his nest
Drank the last life-drop of his bleeding breast.

I know that I voice, Mr. Speaker, the feeling of everyone here who knew this deserving and able public servant when I say that from this Hall there goes out to-day, beyond the Alleghanies, beyond the Father of Waters, to his former home a sympathetic tear for the poor wife, who God has decreed shall "tread the wine press alone."

Mr. BUCHANAN, of New Jersey. Mr. Speaker, a legislative body having in charge the interests of sixty millions of people must ever be pressed for time. At the best, but a tithe of the measures prepared can be considered at all, and too often that consideration must be hasty and imperfect. We sometimes feel as though we could not stop and give to those who fall by the way even the tribute of the remainder of some legislative day.

But, looking simply at ourselves, are not we and our work the gainers by it? Do we not, as we lay aside the pressing cares the positions we hold lay upon us, and gather together, animated by that sympathy which, at the open grave, makes the whole world kin, to pay the last tribute of respect to one of our number, learn better the lesson that after all, from whatever section we may come, however differently we may view our duty, or however widely separate our actions may be, we are yet citizens of one common country, members of one common community, pilgrims towards one common goal?

We remember at all times our responsibility to our constituents. This is ever present with us. Each legislative act calls it to mind; but do we always remember our responsibility to the One who orders the affairs of nations and Who would have us in each act we do remember truth and righteousness? At the last we must account to Him. It fits us better for our duties to pause at times in our work and in the presence of death reflect upon these things. We are unthinking beings, indeed, if we can look upon the face of a dead brother and not reflect upon our final accountability. May these memorial exercises aid each of us in being better men, better legislators, better patriots.

Among the earliest acquaintances which I made in an earlier Congress was our departed friend. I soon came to know him well, and as the years passed on and we were returned to our seats in the House time and again, the acquaintance ripened into friendship. During the last session we occupied residences in this city near to each other, and often met socially outside these walls. One of these meetings—and I shall always remember it well as the last we had—was in the hot, weary months of last summer, immediately preceding his departure to his district to engage in that contest for renomination which death so suddenly finished.

He was in the prime of life and apparently in the full vigor of yet early manhood, and when the message came that, in a day as it were, that vigor had departed, that life had gone out, it did not seem possible for the news to be true. Of the character of Mr. Walker others have spoken; of his trials and triumphs his colleagues will bear witness. In the few words I shall utter I will only refer to those qualities which he exhibited to those who, like myself, knew him from contact with him in the discharge of daily duty.

He was a man of quiet demeanor. Amid exciting scenes he remained calm and collected. He did not often speak in the House, but when he did it was to the point and with words fitly chosen. He sought to convince by argument, not to anger with invective. He gave the impression of reserve force. He did not seem to exhaust himself, but in some way his hearers felt that if the occasion had demanded greater effort he could have risen to it.

In all his intercourse with his fellow members he had the quiet, unassuming manner which marks the true gentleman. As a member of the House he was faithful. He was to be found in his seat and his vote was rarely missing.

His work as a Representative is ended. In the midst of its cares he fell suddenly, and the cares that weary and the work that kills are his no more.

Kind hands at his own home have laid away, in their eternal rest, his mortal remains. Kind hearts there have borne eloquent tribute to his worth and manliness. It only remains for us, by the adoption of the pending resolution, to pay our honest tribute to his memory.

Whatever fate may have in store for each one of us, whether it be to attain to what the world would call places of higher distinction or to retire to the more obscure, but equally as honorable, position of the private American citizen, we may well wish that when He who sooner or later comes to all shall claim us as his own, we may leave behind us among our friends and associates a sorrow as universal, as deeply sincere as his associates in this House here and now feel because of the absence from their ranks of Hon. James P. Walker.

Mr. FRANK. Mr. Speaker, the tributes paid to-day to the memory of Mr. Walker by the gentlemen who have preceded me comprehend so much that I had intended saying that I can only add a few observations.

My first meeting with Mr. Walker was during the first session of the Fiftieth Congress, and as I recall it in the light of my subsequent well-established acquaintance with him as a colleague in my State delegation, I see most clearly those traits of his character which distinguished him. My appearance here at that time was as a contestant for the seat occupied by his Democratic colleague, Hon. John M. Glover. Inexperienced in legislative work, unfamiliar with procedure in contested-election cases, and new in this Chamber though he was, he extended to me the right hand of fellowship, cordially inviting me to a seat near at hand, and tendered me the benefit of his personal acquaintance with members on the floor.

Coming from a source like this, when other avenues of information from different sources ought to have been opened to me, I could not help but be impressed with the sincerity of his disposition, the broadness of his mind, and the fairness of his character. I learned to know him well during that Congress and this, and the impression made upon me at this first meeting was strengthened every day of my intercourse with him.

The Fourteenth Congressional district of Missouri is a very difficult one to represent with satisfaction or credit. Stretching along the west bank of the great Mississippi for a distance of over 200 miles to the Arkansas line, it runs westwardly through a sparsely settled country to a distance of two-thirds the width of the State of Missouri, an area covered with rich farms producing the cereals and fruit as well as cotton. The population is well sprinkled with colored people and many surviving veterans of the war.

Seventeen large counties with diversified interests demand representation through their Congressman in this House. Intricate questions affecting the title to land and Spanish grants; questions affecting the river front and its levees; claims for pension and private bills for relief are confided to his care. Not alone during the session of Congress, but throughout the Congressional term, did these matters receive the unflagging, patient, and constant attention of Mr. Walker.

The toil and burden of a political canvass for nomination and election from this large area can scarcely be estimated, having a voting population scattered throughout its length and breadth of nearly 40,000. With the same careful consideration which he bestowed upon his work here, so well known to his colleagues, he aimed to reach his constituents and come in actual touch with them.

The fact so frequently chronicled in the memorial of a deceased public man, of college life and education, success and distinction at the bar and on the bench, must be omitted in the memorial of our departed friend. Without the advantages of education, without the benefits of social station, amid the competition and contest for place, he rose from the ranks to the highest position in the gift of his people.

He despised all resort to unworthy arts and never stooped to them. His public services are not easily computed. He gave his constituents his undivided time and sought their approval by the quiet and conscientious performance of his duties.

Missouri has good cause to feel proud of her representation in the national Legislative Halls since her participation in national legislation. The welfare of every State depends upon proper selection of her representatives. I believe I do no injustice to any State when I claim for my own that she has had the services from the beginning of her sovereignty of as eminent men as this Hall has ever contained. They have not only come from the higher walks of life, from the pulpit and bar and from other learned professions, but they have come equally well fitted for their work from the counting room and from the farm, as did Mr. Walker.

I have just received a letter from Mr. Moses Whybark, who was a candidate against Mr. Walker in his last election and who lives in a part of the district quite remote from Mr. Walker's home, and it gives me great pleasure in quoting from it his tribute to the deceased:

The early life of Mr. Walker was spent on a farm and as clerk in a store. Afterwards he became a merchant. In these pursuits he learned the people, a knowledge valuable to a man of his ability.

In his political contests he had but little to hope for from the politicians; hence his appeals were always made direct to the people, who were always devoted to him and stood by him.

His private life was without blemish, and at the time of his death he enjoyed the confidence and respect of all classes in his district, and his nearest neighbors were his closest friends.

His political career in this State, in my opinion, had just begun, and, had he lived, in the course of a few years he would have taken a position in the front rank of his party in this State.

The Fourteenth Congressional district of the State of Missouri, as well as the State, can well feel proud of the services, the name, and the memory of our departed colleague.

James P. Walker was a good, God-fearing man. Unobtrusive and unostentatious, he won his way to the front and gained public confidence by the simplicity and sobriety of his conduct. He is gone; the

good life he led was illumined by the faith which gives to the life beyond "the substance of things hoped for, the evidence of things not seen."

Alas for him who never sees
The stars shine through his cypress trees;
Who, hopeless, lays his dead away,
Nor looks to see the breaking day
Across the mournful marbles play;
Who hath not learned, in hours of faith,
The truth, to flesh and sense unknown,
That life is ever lord of death
And love can never lose its own.

Mr. BLAND. Mr. Speaker, since I have been a member of the House of Representatives, Missouri has been called upon to mourn the loss of four of her members of Congress. The first was Senator Bogy, who died during the interval between the Forty-fourth and the convening of the Forty-fifth Congress. The next was Mr. Lay, of Jefferson City, now a part of the district I have the honor to represent, who died at the National Hotel, in this city, during the Forty-sixth Congress. The next was Mr. Burnes, who was stricken with paralysis in the House, while we were in session, and died the same night at Willard's Hotel in this city, during the last session of the Fiftieth Congress. Now we are here to pronounce eulogies on the life and character of our late colleague in this Congress, who died suddenly of congestion of the brain at Dexter, Mo., last summer, while in active canvass for his renomination.

It is not claimed for Mr. Walker that he was a brilliant man, but he was a young man of sound, good judgment, great industry, and unswerving fidelity to the interests of his constituents, and patriotically devoted to the prosperity of his country. He was possessed of all those qualities that, united with continued service here, would have made him one of the most useful and valuable members of Congress. My acquaintance with him was when he came here as a member of the Fiftieth Congress. Since that time, and till his death, I was on very intimate terms of friendship with him. I admired his sincerity, his clear perception of duty, and the courage to perform it. He was, in every sense, an honest and faithful public servant. His district and State mourn his untimely death.

Mr. Speaker, the occasion now upon us is suggestive of the end of all our ambitions.

Mr. Walker pronounced an eloquent eulogy on the life and character of James M. Burnes. Mr. Burnes was a man of great physical powers. He was not old, but was stricken in middle life and in all the appearances of stalwart manhood. Mr. Walker was then among the youngest members of the House, and no one would have predicted that he would be the first of our delegation to follow Mr. Burnes to the country from whose bourne no traveler returns; yet during the following session of Congress Mr. Walker was summoned hence almost as suddenly as the friend over whose untimely death he had so sincerely mourned.

But what difference whether we die young or old? Whether death snatches the infant from its mother's breast or waits till the harvest is ripe and the scythe of eternity mows us down at three score and ten? The last moments compress a century into one brief struggle, and we die at last in our infancy.

The generations of the past that have perished from the earth, the generations to come thousands of years hence, must be reckoned as our contemporaries. All time is a part of the great beyond. All time is but a moment. Thousands of years are but as so many drops of water dipped from the exhaustless ocean of eternity, so many grains of sand laved by the boundless river of death. The most we can strive for is to die as did our colleague, Mr. Walker; to merit that best of all eulogies, he was an honest man, "the noblest work of God."

Mr. WADE. Mr. Speaker, after what has been said here to-day of our late colleague, Mr. Walker, his life and his worth, there seems to be little left for me to say, and I rise merely to express my concurrence in what has been said and my high appreciation of my deceased colleague.

Mr. Speaker, in my opinion we are to-day discharging a duty twofold in character, namely, expressing our sorrow because of the death of our late colleague and teaching the young men of this nation, both of to-day and the future, by what we say of him, that the road to honorable preferment, to high and distinguished position, is open to them, and that earnest effort directed by correct principles will guide them through all the changes in it to the attainment of those positions to which it is so laudable to aspire.

To the members of this House I need not say that when it was announced that James Walker was dead a feeling of sorrow pervaded this Chamber, for all remember it. We were sorrowful because a good man had been taken from the council of the nation and we had lost a friend whom we had learned to love because of his many good qualities, both of head and heart.

Mr. Speaker, my colleague, Mr. Walker, was not a great man in the sense of having done something that attracted the attention of the whole country, but he was a man who in his own county and district, all circumstances considered, had no superior and few equals. Whatever he was he owed nothing to fortune for it. Commencing life in Missouri poor and without friends, by his own exertions he placed himself at the head of his party in the district and was one of the leading business men of his part of the State.

In his family he was all that man could be, in the church he was a leader both in theory and practice of its teachings, and wherever found was an honor to his church and a humble, devoted follower of his Master.

In politics he was a partisan in the sense of doing all in his power for the advancement of the interest of his party. He believed in Democracy, in the principles which it represents, and having reached this conclusion his convictions as to duty compelled him to earnestly and faithfully work for the advancement of the interest of that party. From the success he had achieved, occupying the position which he did, we can safely conclude that had he lived he was destined to occupy a position in his party that would have made him a conspicious person, not only in his State, but in the nation.

His life has been such that standing here in the Hall of the greatest legislative body on the earth we can point to it and say to our own sons and to those of the other fathers in this nation, "The life of James Walker is an example you should follow."

Mr. Speaker, I know of no higher tribute I can pay my dead colleague than to say that his life was such, his acts so honorable, as to make both a fit example by which the lives of the young men of the nation might be modeled and their actions governed.

Mr. STONE, of Missouri. Reverence God and do your duty! The sentence is prosaic, but it expresses all that is best in the philosophy of moral and practical life. Obtrusive piety is not conclusive proof nor the best proof of sanctity. The publican is sometimes better than the Pharisee. God is, and is good. Who believes that embraces the *summum bonum* of all creeds and wears upon his heart the jewel of the purest faith. Omnipotence inspires a sense of dependence, but dependence which, while it imposes restraint, is without trepidation, for belief in the infinite goodness of God lifts the soul into contact with divinity, where the shadows are swept away by the flooding sunlight of filial confidence and devotion.

He stands upon the Rock of Ages who builds his moral and religious life on this simple faith. And in practical, every-day life, man does his duty when, and only when, he does his best. Whatever his task, into whatever sphere he may be called, sovereign, imperious duty requires of every man that he shall gird himself with high resolve to do his utmost to lift the world up, to make it better, and to add what he can to the store of human happiness. The man who measures his designs in life by this ideal is worthy of all honor, if he be true to himself.

* * * to thine own self be true,
* * * * *
Thou canst not then be false to any man.

When I say, as I do with all my heart, that my dead friend, whose public service we commemorate to-day, illustrated this simple but exalted philosophy, to which I have made reference, in all his relations to life, I have said everything that need be spoken even for the lamented dead by the partial lips of sincere affection, and have paid to him the proudest tribute which honest merit ever won from unobsequious homage. He had found a sure place in the affections of his colleagues. We loved him, and part from him with heavy hearts. It is pitiful to think of his going away. The sun, warm and bright, was pouring his flood of life and glory on field and laughing brook. On the air was the smell of roses and in the trees the song of birds and all the world was beautiful when the darkness came, a quick, sudden, endless eclipse just before the noontide.

He fell in the full bloom of his manhood and in the flowering time of his fame, when Hope, answering his heart-cry for still better things, like some sweet angel smiled in the blue sky of promise and pointing upward held in her outstretched hand a golden crown. It is pitiful and strange that this brave, honest, splendid, high-souled young man should be swept away when the world stands in such need of him and men like him. But God is, and is good.

Can it be, as Prospero said, that—

We are such stuff
As dreams are made on; and our little life
Is rounded with a sleep?

Death is a mighty mystery, but so is life.

Once a poet's love lay dead. He was a dreamer of great and beautiful dreams and had woven many a sweet fancy into rhythmic verse. On his knee sat his little one gazing at the dead white face, her trusting child-love throbbing about her wounded heart and melting in her eyes of blue. He said, "You do not know what it is, dear?" and added, "Nor do I."

We know not what it is, dear, this sleep so deep and still;
The folded hands, the awful calm, the cheek so pale and still;
The lids that will not lift again, though we may call and call;
The strange white solitude of peace that settles over all.

But this we know: Our loved and dead, if they should come this day—
Should come and ask us, "What is life?" not one of us could say.
Life is a mystery as deep as ever death can be.

Mr. KINSEY. Mr. Speaker, the sudden and unexpected death of our late colleague and friend impressed me with peculiar sadness, and I remember well with what painful surprise the news was whispered about this Hall on that fateful day to him in last July.

He had gone home, like many others, to seek renomination, and while in the midst of an exciting political contest and when success had again crowned his efforts death claimed him in his proud young manhood, and for a wreath of victory the white mantle of the grave was placed upon his brow instead.

To have thus gone when a high and honorable ambition had just been achieved, when life was fullest of all its blessings, when wife and friends in dumb sorrow and with outstretched hands beckoned him back, seems strange indeed, and we turn again from the impenetrable veil of the hereafter with the mystery of death unsolved, with the question which humanity in all ages has sought to know unanswered.

Happily Mr. Walker did not fear, though he did not know the journey upon which he entered. I am told he was a devout Christian and, with an abiding faith in the mercy and goodness of God, placed his in the Eternal hand, willing to be led.

My acquaintance and intercourse with him began with this Congress and was confined to the discharge of public duties. Our districts adjoined, and, being of different political faiths, it has so happened that there have been few appointments made in his district during the present Administration with which I have not had something to do. I have thus been brought in contact with his people, with every opportunity to know all that partisan opposition might suggest against him.

It affords me pleasure to testify upon this occasion that, while James P. Walker was true to his political principles and to his political friends, and although partisanship in the district which he lately represented is intense upon both sides, I have yet to hear aught said against him as an honorable gentleman and a true man.

I know that in the discharge of public duty he was actuated by high and patriotic motives, and that the honor and welfare of his people were safely intrusted to his hands.

He accorded in a remarkable degree the right of his successful political adversaries to a full and complete control of the administration of affairs, freely conceding what he would no doubt have claimed for himself under other circumstances.

Mr. Walker's political convictions were of that rugged character which led him apparently to disdain all alliance with the opposition having for its object his mere personal advancement, preferring rather to stand or fall with the principles of his party.

In personal intercourse he was most courteous and kind, above reproach in private life and possessed of ability and character which contained the promise of a long and useful public career.

Mr. Speaker, it is with sad pleasure I join in paying this tribute to the memory of our departed friend and in according to him in death that meed of praise which in both private and public life he so justly earned.

Mr. HEARD. Mr. Speaker, the custom in accordance with which we are to-day assembled is appropriately and worthily observed only when the surviving associates of the one whose virtues are to be commemorated, in a spirit of candor and truth record their testimony to his worth. It is with feelings of sincere sadness that I come on this occasion to pay humble tribute to the memory of my dead colleague and friend; but the burden of the duty is made lighter by the consciousness that it can best be discharged by simple, truthful reference to the character of him in whose honor I would speak.

My acquaintance with Mr. Walker began several years prior to his entering this House, and when I knew him as the youngest, but one of the most valued members of the State executive committee of the political party which subsequently honored him with a seat in this body. The responsibilities imposed by that position were met in the same conscientious, quiet, modest, but effective manner that characterized the discharge of his duties here.

Cautious without timidity, bold without recklessness, fruitful of resource, and patient and untiring in labor, he was a wise counselor and a safe leader. In that, his first important political position, his force of conduct and the demonstrated excellence of his judgment marked him as a man of promise in his party and State.

When, by the suffrages of a large and populous district, he was elected to a seat in this body, he soon impressed his associates here with the fact that, even with his youth, he brought great ripeness of judgment, and that, while he was properly deferential to the views of those more experienced in the labors of legislation, yet, when after investigation he had matured his convictions, there was no power on earth that could swerve him from the direction they indicated.

There were never united in one nature more absolute respect for the opinions of others with more perfect devotion to his own belief in all matters of conscience, and all matters of duty were matters of conscience with him. Quiet and unobtrusive in his manners and companionable in his disposition, he was approachable to all; but, while cordially responsive to all proper advances, there was yet a silent dignity in his manner which discouraged familiarity, and, while always cheerful, he was never frivolous.

As a Representative of his people he was untiring in his efforts and faithful to every obligation. As a member on this floor he impressed all who came in contact with him that the frankness of his manner was the natural reflection of his honest nature, and no man hesitated to accept his word or permitted himself to question the purpose it disclosed.

Kind in expression, yet free from the weakness of flattery, he was candid to the measure of perfection, hated dissimulation, and despised all manner of dishonesty.

To those of us who had opportunity for observing his course here, it was not strange that he possessed great strength with the people among whom he lived. His career, though brief, was quite a successful and in some respects a remarkable one.

Being engaged in mercantile pursuits and without legal or other professional training, he entered his first contest for Congressional nomination in a district composed of seventeen counties, filled with an intelligent and independent people; and although the honor was contested by competitors of decided ability, some of whom had the advantage of much legislative experience and recognized claims for distinguished public service—even with such odds against him, such was the popularity of Mr. Walker with all elements of his party and all classes of its voters that he easily won there the right to the seat which subsequently he so worthily filled in this House.

In his next and last contest for similar honors he met a still more able and distinguished competition; and, while he fell in the midst of the hot conflict for honorable supremacy and before its results could be known, it is no disparagement to the honorable gentlemen then opposing him to say that had he lived to see its termination he had good ground for hope that to his honest and unstained hand would again have been committed the colors of his party, which in life he had always borne to triumphant success and in death relinquished without reproach or dishonor. Of this modest, manly Representative, it is not too much to say that he made a record for work achieved for his district that no predecessor had, in the same length of time, ever surpassed.

His legislative methods were in every sense characteristic of the man, plain, direct, and without concealment, relying on truthful, honest reasoning to support only what he believed to be reasonable and just demands for his district and State; and his success in winning support for his measures came in no small degree from the unlimited confidence entertained by the committees of Congress and by his colleagues on this floor in the perfect fairness with which he presented every argument and the absolute fidelity to truth of his every statement of fact.

In the death of this excellent Representative and honest citizen his district and State have suffered a severe loss.

The people whom he represented had good material from which to select his successor, and I am proud to say that in making such selection they have acted wisely and well; but, even in the possession of other citizens qualified to worthily represent their district here, no community or State is rich enough, in the number and quality of its men, to suffer the loss of such an one as this without feeling it to be an affliction.

I leave to others better informed upon that subject to speak in detail of his domestic affairs, pausing only to say to the devoted wife, whose loss is irreparable and of whom it is only just mention to say she was as worthy of as happy in his love, that whatever other legacy she may have received from him he has enriched her with a name that will forever stand as the synonym for honesty, purity of character, and fidelity to trust in the annals of his district, State, and nation, and a memory not only inexpressibly dear to her, but rich in comfort to his friends.

Mr. WILSON, of West Virginia. Mr. Speaker, "judged by all fair standards, his life was a well-rounded success." These were words uttered but a few months since by James P. Walker when the body of his colleague, Judge Burnes, had been borne from this Chamber stricken by the shaft of the unerring archer. Who that then looked upon the speaker, in the vigor of health and in the strength of young manhood, dreamed that the same relentless foe, with bow already bent and fatal arrow winged, was lurking for him but a little further down the road? And we who come to-day with our words of eulogy and of sorrow miss one consolation in that we can not take up his own language and say of him too that, "judged by all fair standards, his life was a well-rounded success."

In the precious roll of its dead which this House so tenderly and carefully preserves the career of James P. Walker must beforever typified by the broken shaft. If he came not into the vineyard at the eleventh hour, neither had he reached the burden and heat of the day when his work suddenly ended and he departed from among the toilers. We who remain can only judge how faithfully he would have done the full day's task by knowing how well and faithfully he wrought through the morning's early hour. And what more can be asked of any man?

Our times are not in our own hands, and He who gave the work called off the worker. To live well it is not necessary to live long. Mr. Walker was among the youngest of our number when he ceased to be of that number, but he was older in years than James Madison

was when he did the work that gained for him the name of "Father of the Constitution;" older in years than was Alexander Hamilton when he administered with such signal ability the difficult finances of our infant Government; older in years than was Henry Clay when he presided over this House with the applause of all his countrymen.

But who is to be measured with these great statesmen? We show our sincere respect for our deceased brother only when we recall him as he really was; only when we claim for him what he himself would wish us to claim, could he inspire our tongues in these memorial services.

Of Mr. Walker we may say in the sober and measured speech of honest tribute that to all the manifold grave and difficult duties of his office he brought integrity of motive, earnestness of purpose, intelligent judgment, and steady industry.

These are all the qualities that a constituency can ask of any representative. Great power in debate, great leadership in public or party councils, give to such qualities national fame and influence, but the qualities alone are a complete equipment for public as for private duties.

It is no strained eulogy that claims them for our friend; it is no partial and undiscerning testimony that bears witness to their unobtrusive but constant exhibition during his service in this House, set off by the graces of a kindly disposition and the virtues of a blameless and winning private character.

The death of such a man, before he had reached life's prime, was a loss to his country, to his State, and to his friends. But, after all, Mr. Speaker, do we err greatly if, recurring once again to his own words, we venture to claim for him that in its summing up no sudden and premature ending could rob his life of its true success? And may we not apply to him these noble and familiar lines of Ben Jonson?

> It is not growing like a tree
> In bulk, doth make man better be;
> Or standing long an oak, three hundred year,
> To fall a log at last, dry, bald, and sere.
> In small proportions we just beauties see,
> And in short measures life may perfect be.

Mr. NIEDRINGHAUS. Mr. Speaker, Mr. Walker, our worthy and honored colleague, is no more. He died at his post, pursuing his course of duty as a public servant. It was not his choice to follow a public career, as it was against both his tastes and interests, but there was some unseen power and influence that bade him follow the call and choice of his people, who selected him from among the many as worthy to bear their message and voice their will in the Congress of the United States.

It was early in life when Mr. Walker left the scenes of his childhood in Eastern Tennessee and cast his lot with the people of Southeastern Missouri, where he lived, loved, was loved, and prospered. He was advanced to the most honored position within the gift of the people of his district, and yet comparatively so young.

Mr. Walker had a most noble character, unassuming, honest, candid, and affectionate. I happen to know something about this, as he was one of the first to greet me as a new member on this floor, and quite an intimate relationship sprang up between us, although of different political creeds; but, while excitement on this floor may run high, the discussion and debate become heated, the differences in opinion clash in apparent bitter antagonism, away down deep in the hearts of the Representatives there is unity of aim and purpose, and we reach forth and grasp each others' hands in true friendship and brotherly love.

This, Mr. Speaker and colleagues, is the redeeming feature in American politics, hardly shared by any other people. Democrat and Republican can sit down, intrusting or disclosing to one another for mutual consolation the strife and trouble which they encounter as public servants. Thank the Lord for this scope of affection, sympathy, and love, so human and yet divine.

Mr. Walker had the welfare of his people at heart. I remember how he represented their wants before the River and Harbor Committee and how he pleaded for their rights. Before he left for home to attend to some political affairs or to settle some difficulties that had arisen in his district, he made it my duty to see that the claims of his people were properly recognized, and I am glad to say that the committee granted his request. His family may point with pride to some visible results due to the personal efforts of husband and father.

Mr. Walker was not one of the strongest of men physically, and the strain upon a man in public life is very severe. It is not only the antagonism of the opposing party, but discontent, rivalry, and opposition in his own ranks that tax the nervous system to the fullest extent, and under this strain Mr. Walker finally succumbed. Before his work in his district was done he returned to his home, in the modest town of Dexter, a sick and care-worn man. No doubt everything possible was done for him, but in spite of all efforts, surrounded by his family and friends, under the devoted care of a loving wife and friends, who held on to the spark of life, slowly but surely the candle of life burnt to its very edge and the spirit of husband and friend took its eternal flight.

A sad and impressive day it was when the remains of Brother Walker were carried and followed to the grave; pitiful it was to behold the parting pain of the wife, who sank her all below where now the earth is heaved; and the multitude dispersed. The family also retrace their steps, but this time the wife enters her home alone. What a change! What desolation! No word of love, of cheer, she hears. She gives full vent to her feeling when shut in from public gaze. Verily, a sad scene; all her hopes blasted and happiness forever gone; but as the bosom of the wife heaves high with pain, as though her heart would break, the spirit of God whispers to her words of love and consolation: "Fear not, for I am with thee, even unto the end of the world," and a kind of heavenly rest comes over her as she lends an open ear to this and other gentle assurances of the Son of Man. Peace and hope return to her, and soon she passes into sound and gentle rest, and the guardian angel spreads his soothing wings over her, in the sight of which all human passions vanish like dew before the morning sun. The heart utters a silent prayer: "I long to be like thee; I long to sin no more."

As I walked this morning along the corridors and through Statuary Hall viewing the great characters of the nation as they are memorized on canvas and in marble, I wondered whether the name of Walker would appear. I fear that, as in the case of many of us, it will soon pass from the memory of the people, but there is one tender soul where a monument is erected to his memory. I imagine that while she may, for pastime and relief, cultivate lovely flowers in her room, one plant receives her special attention. We will not ask for any explanation, but wait.

When the winter days are over, on the first fine spring morning, she takes her little treasure and makes her way to yonder grove. She plants it in the little mound that holds her all, bedewing the little plant, the "forget-me-not," with her gentle tears. She lives her life over once more—when first they met as friends, courtship, marriage, and happy family life. All passes like a panorama before her vision. As we near we hear a heart-melting wail, such as only woman can deliver, as she offers herself anew to him to whom she gave her hand, her heart, her all in life.

We leave the scene, my friends, and as we cast our last glance—"Rest," we will say, "Rest, Brother Walker until the end of time; until the resurrection morn, when God shall create all things anew, and when we too shall reappear in the multitude to join in the shout of joy and praise to Him who created and to Him who redeemed us, and crown Him 'Lord of all.'"

Mr. MANSUR. Mr. Speaker, again Missouri is called upon to mourn the loss of one of her truest sons. James P. Walker, late a Representative in this body from the Fourteenth district of that State, died at his home on the 19th day of July, 1890. Coming so soon after the death of his colleague, Hon. James N. Burnes, also elected to this term of Congress, intensifies his loss to our home people.

To lose two members elected to serve at the same term of Congress constitutes an affliction not often visited upon a sovereign State of this Union. His death is but another illustration of the truth of Scripture, that "In the midst of life we are in death."

Little did his colleagues reck when at the call of duty in this field of honor he came hurriedly from an arduous canvass to remain a day and cast his vote against the Federal election bill, and, that duty performed, bade us goodby to return to a personal canvass involving his re-election, that he was bidding us goodby forever. Sad, indeed, that one so prosperous in every sense, full of honors for his years, with other honors still in wait, bidding him onward and upward, should be stricken in comparative youth, health, and vigor, so that, save in loving memories, his family, friends, State, and country shall know him no more forever.

My acquaintance with him began with the Fiftieth Congress. The fact that we two were the only new Democratic members that term in the delegation from Missouri naturally in the first instance drew us together, until personal contact day by day brought into full vision his many true and loving characteristics as a manly man and ripened our intimacy before his death into close personal friendship.

He was singularly modest, yet not more so than firm in his convictions of duty. Moral and upright in every regard, he never trifled with duty as he saw it or with his convictions of right.

A stanch party man upon all fundamental principles of party doctrine; yet, touch his moral sense or arouse his conscience, and party discipline had no terrors for him. Based upon immutable principles of right or wrong, he knew no compromise and condoned no political outrage or legislative fraud, come from what quarter they would or championed by what party soever it might be.

He loved his State, he believed in his party, he honored his friends. In all the relations of life he was a model man, a splendid citizen, and a most honest Representative of the people in Congress.

There was a humorous side to his character but few of his colleagues on this floor are perhaps aware of. After our intimacy ripened into friendship, which gradually made friends of our wives as well, we were in the habit of visiting each other and spending evenings in social converse. Here, unbending from the stern duties of political life, thawing out by genial surroundings, he became most companionable and full of humor, not racy or rancid, but suggestive of the comical, pure in spirit, well adapted to a family circle, showing that he was a close observer, quick to see the humorous and ridiculous in word or act, ready to turn the same to advantage, and able to clothe his thoughts

in such language, aided by a nod, a wink, or grimace, as made him a most charming companion indeed. On such occasions he was the soul of our little circle, and it was always with regret I knew the hour had come for us to part.

Beneath the green sod of Southeastern Missouri, where zephyr winds sing a mournful yet pleasant symphony as they float amid the umbrageous shade overhead, his body lies, forever moldering in the dust. Liveliest memories of all that is good and honorable will be ever cherished by those who knew Hon. James P. Walker, the genial gentleman, model citizen, true friend, honest Representative, and adoring husband.

Mr. STOCKBRIDGE. Mr. Speaker, throughout the universe the law of contrast reigns supreme. It is by the shadow, by the darkness alone, that we are enabled to enjoy and appreciate the light. It is but by the bitter that we know the sweet. It is therefore meet and fitting that we should pause in the heat of political strife to pay a tribute to the memory of one who was associated with us here.

It was given to but few to know intimately the family relations of the late James P. Walker. That has been testified here to-day in no uncertain tones by those who enjoyed the privilege.

My own acquaintance with Mr. Walker was only during this Congress. It was my fortune to be associated with him upon one of the important committees of this House, and there I learned to know him as a clear thinker, a courageous man, a faithful student, and an earnest advocate of that which he believed to be right and for the benefit of the whole country. As the soldier meets no more honored or fitting death than in the heat of battle, so the departed could have no higher fortune than to have passed away even while engaged in the active labors of political contest.

To those of us who knew him upon this floor in the work that devolves upon the Representatives gathered in this Capitol of the nation, he has been known not, it may be, as a great man, but as a man faithful early and late to those with whose interests he was intrusted, faithful always to principle, whatever opposition he might encounter. It is not given to many men to make a lasting imprint upon their nation or their time.

But few rise to eminence either in professional life, in politics, in the arts, or in arms, or leave a name to go echoing down the ages; but each one, by the influence he exerts upon his fellow-men, upon those with whom he is brought in contact, not merely within this Hall, but upon the broader fields of life wherever he may be, can impart a spirit which will make itself felt long after he shall have passed away, and even those with whom he has been associated. As was said by one of the poets of England—

> Between two worlds life hovers like a star
> 'Twixt night and morn upon the horizon's verge.
> How little do we know that which we are,
> How less what we may be; the eternal surge
> Of time and tide rolls on and bears afar our bubbles;
> As the old burst new emerge lashed from the foam of ages,
> While the graves of empires heave but as some passing wave.

But, though the individual must pass away and even his name may be forgotten, he can send, and I believe our late friend has sent, forth an influence which shall go on swelling and swelling, not merely in his district, but in his State and among all those who are brought in contact with it, and which will make his name honored, loved, and revered, so that many a man hereafter when he tells the truth that wells up within his heart will say, "I am a better and nobler man for the influence shed upon my life by James P. Walker;" and no worthier crown could be sought or could be attained by any one.

Mr. WILSON, of Missouri. Mr. Speaker, the names of my immediate predecessors, James Nelson Burnes and James Peter Walker, appear in the list of those elected from Missouri to the present Congress. The former was the oldest, the latter the youngest of the delegation. At that time Mr. Burnes appeared to be in the very maturity of all his splendid powers, both of body as well as of intellect. His unusually robust person was suggestive of the greatest physical endurance and his whole appearance indicated the strongest hold upon life.

Mr. Walker was in the full flush of vigorous young manhood; his sinewy and graceful person, the brightness of his eye, the springing step, and the bloom of perfect health upon his cheek, all warranted his loving little family and more than legion of friends in believing that his days of usefulness would continue and his life be prolonged to the age of man allotted by the Psalmist. A close friendship existed between Judge Burnes and Mr. Walker. The younger sat at the feet of the elder and the stronger man, and partook freely from the varied and well-filled storehouse of his greater experience in public affairs.

But how inscrutable are the ways of the Giver of all life. On the 23d day of February, 1889, the same sad ceremonies we are now observing, and which have been so often repeated here, were being held to commemorate the life and public character of the latter, who had without apparent warning been stricken down in all the plenitude of his great powers within the very portals of the Capitol, and among the bright garlands intertwined with gems of richest tribute that were interwoven here to his memory none was more tenderly wrought or more fragrant with the perfume of a warm, generous heart, none fashioned in greater sincerity than that of James P. Walker.

Little did he then think, little did his colleagues and his friends, little did those stricken ones whose hearts now bleed and who most did love him, that he was so soon to follow his mentor and his friend to the undiscovered country. With but brief warning again did Azrael, the angel of death, ever impatient, revisit the Missouri delegation and beckon away its Benjamin to those peaceful shades unknown to the living.

Mr. Speaker, though the breadth of our great State separates our homes, his being in the southeastern and mine in the northwestern portion of Missouri, yet I knew him well, and I loved this modest, pure-hearted man. He told me without reserve the story of his life. He told how, when but a boy, he left the good old State of Tennessee and crossed the Mississippi in search of fame and fortune, and without aid save from his own indomitable energy and sturdy purpose.

Among the brave and generous people of the southeastern portion of my State he appeared as a stripling stranger and bravely began the battle of life. No gladiator contending at the Olympic games ever struggled more heroically for the prizes of life than did young Walker.

Embarking at an early age in trade, he pursued with enthusiasm the rich commerce of that broad river which De Soto discovered and in which his heart is entombed.

Industrious, energetic, enterprising, self-reliant, frugal, and worshiping honesty as his star, success was inevitable. He soon attracted to himself the confidence of the community in which he lived, and was not only successful in business, but laid deep the foundation of a career of great future usefulness to himself, his family, and to his adopted State.

Having acquired a modest competence and feeling the spirit of a laudable ambition stirring within him, he became a candidate for the Fiftieth Congress, and, though opposed for the honors of his party by an array of unusually bright men, he was nominated and elected. He was re-elected to the present Congress without serious opposition.

His untimely death was doubtless hastened by the sense of duty he deemed due to his constituents and the people of his State. Having obtained leave of absence, he had gone to his district to again contest for the honor of its representation upon this floor. During the fierce heat of an exceedingly animated contest, he was notified of the near approach of the hour for the final vote upon a measure the defeat of which was deemed by his constituents as vital to the prosperity of his State and of his country.

Though thoroughly worn down by the tremendous strain imposed upon him by the exactions of his canvass, instead of following the dictates of prudence and seeking, in the quiet of his home, recuperation from his exhausting labor, he promptly started for the Capital, and on his arrival, having cast his vote, with characteristic energy returned to the civic strife in which he was then engaged. But there is a limit to human endurance, even to the young athlete. Overtaxed nature demanded of him the penalty of its violated laws, for soon after his return to his district he was stricken down upon the sands of that shoreless sea which, without sun or horizon, rolls its dark waters between time and eternity.

Mr. Walker was of singular purity of character. His daily intercourse with the world was that of an upright, chaste-hearted, conscientious, Christian gentleman. Blameless in his private life, the record he has made here attests, in language more eloquent and impressive than any words I can employ, his great worth as a public servant, and here, without spot or blemish, shall it endure as long as the archives of this Government shall be preserved, a consolation to those who most loved him and a source of pride to his State.

As I stand here in this august presence, bearing an humble part in these sad ceremonies, I am forcibly reminded not only of their frequent repetition since the meeting of this Congress, but, in connection with them, of the absolute hollowness and vanity of that which the world calls fame. The memorable words of Horace Greeley recur to me, so full of the pith of human wisdom: "Fame is a vapor; popularity an accident; riches take wings; the only earthly certainty is oblivion."

No man can foresee what a day may bring forth; while those who cheer to-day may curse to-morrow. Public honors are but too often the symbols of patient mediocrity and what the world terms statesmanship is often the merely outward sign of servile obedience to the masters and bosses of party. Upon an occasion like this how worthless and fleeting seem worldly honors and the applause of men, being forcibly reminded as we are that there is but a breath of air and a beat of the heart betwixt this world and the next, and in that brief interval of painful and awful suspense that we are powerless and He all-powerful, and the last pulsation here is but the prelude to endless life hereafter.

When our good and our loved ones die the memory of their just deeds, like the moonbeams on the stormy sea, lights up our darkened hearts and lends to the surrounding gloom a beauty so sweet and sad that we would not if we could dispel the darkness that environs it.

I now close this brief though sincere and heartfelt tribute to the memory of my dead friend.

He was a model in all the tender relations of domestic life. As a friend he was loyal and true, and he died as he had lived, a devoted patriot, an able and faithful servant of the people, and a Christian gen-

tleman. To join that pale procession which endless moves to that land of shadows to which our colleague has gone, we too are moving. Nothing remains the same for a day. Change is written upon everything. In the "mellow rhythm" of the grand master—

Life's shores are shifting
Every year;
And we are seaward drifting,
Every year;
Old places, changing, fret us,
The living more forget us,
There are fewer to regret us,
Every year.
But the truer life draws nigher,
Every year;
Earth's hold on us grows slighter,
And the heavy burden lighter,
And the dawn immortal brighter,
Every year.

Mr. MORRILL. Mr. Speaker, it seems fitting that we should turn from the active duties of the hour and pause during the all-absorbing cares of public life to pay a tribute of respect to one who honored us by his presence and won our respect and admiration by his pure and noble life. When the announcement was made that the summons, which sooner or later must come to us all, had called from our midst our friend and coworker, James P. Walker, it brought with it a shock inexpressibly sad, as he had left us a few short days before apparently in perfect health and in the full vigor of manhood.

I recall vividly the morning that he bade me good-by, full of life and hope, announcing that he was about to return to his Western home to engage in a contest for a renomination for the position he had so faithfully filled. Of his early life I shall not attempt to speak, as my acquaintance with him commenced with the beginning of the Fiftieth Congress. Others who knew him longer and more intimately have already discharged that duty with loving care in appropriate and eloquent language. When the committees of that Congress were announced my friend was assigned to a position on that of Invalid Pensions, and in that committee I met for the first time one who afterwards won my respect and confidence.

The acquaintance thus formed developed into a sincere and true friendship which lasted until the summons came which called him from earth. The intimate relations following that friendship were never disturbed, and my respect and attachment for him increased as I became more thoroughly acquainted with him and learned his true worth. He was singularly unostentatious and unassuming. Possessed of a strong mind, always clearly seeing his duty, he never hesitated to discharge it with fidelity. He seemed actuated by the single purpose to do in all things what his clear conscience and good judgment dictated to him to be right.

I often had occasion to be grateful to him for a kind word of appreciation in the discharge of the arduous duties which devolved upon us in our committee. Representing a district which contained but a small portion of the Union soldier element, himself too young to participate in the stirring events of the late war, he was singularly free from the animosities and prejudices engendered in that unhappy strife. Liberal in his views as to the obligations of the nation to those who had periled their lives in its defense, clear and discriminating in his judgment, he was ever ready to do full justice to the soldier.

Always frank and candid, he was utterly free from even the appearance of demagogy. He hated shams and depised pretensions. He may have had faults, for who has not? There has never been but one perfect life on earth, and weakness and frailty are the common heritage of men. But I am happy to say that whatever his faults may have been I never discovered them. To me he was a pure, true, noble man and a sincere and devoted friend. But the warm heart that won our friendship and esteem has ceased to beat. The open hand whose hearty grasp gave expression to the warmth of his generous heart is cold and pulseless. The speaking eye revealing the purity of the soul within is dull and expressionless.

"The silver cord is loosened; the golden bowl is broken; the dust has returned to the earth as it was, and the spirit unto God who gave it." He is at rest. The fierce conflicts of life, the sorrows and disappointments, the pains, and the trials, which fall to us all, will disturb him no longer. But he is not dead:

There is no Death! What seems so is transition;
This life of mortal breath
Is but a suburb of the life elysian,
Whose portal we call Death.

In that fairer land beyond the river he still lives and will live forever.

Mr. FRANK. Mr. Speaker——

Mr. WILSON of Missouri. Mr. Speaker, I move the adoption of the resolutions.

Mr. FRANK. Pending that, I wish to say that it has come to my notice that a number of members who would like to pay tribute to the memory of the late Representative Walker are unavoidably absent, and I ask unanimous consent that any gentlemen who desire to print remarks upon this subject may have that privilege.

The SPEAKER *pro tempore* (Mr. DOCKERY). Is there objection to the request of the gentleman from Missouri [Mr. FRANK]? [After a pause.] The Chair hears none, and it is so ordered.

The resolutions were then agreed to.

Accordingly (at 4 o'clock p. m.) the House adjourned.

EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

ELECTRIC LIGHTS IN PUBLIC BUILDINGS.

Letter from the Secretary of the Treasury, requesting that the appropriation for the fiscal year ending June 30, 1892, for the "introduction of electric lights in certain United States public buildings" may be made immediately available—to the Committee on Appropriations.

WESTERN MIAMI INDIANS VS. THE UNITED STATES.

Letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of the Western Miami Indians against The United States—to the Committee on Indian Affairs.

RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolutions were introduced and referred as follows:

By Mr. FLOWER:

Whereas General Miles is reported to have openly charged that the Indians now in insurrection against the United States Government have been starved into revolt and rendered desperate by their famished condition, and, further, that the killing of Sitting Bull resulted from the unwarranted interference of certain agents of the Indian Bureau; and

Whereas General Armstrong, late an Indian inspector, is authority for the statement that in the delivery of cattle purchased by the Government for the Indians a great loss is sustained through defective arrangements for the receipt and care of live stock, by which the said cattle purchased and paid for at a time when they are in good condition are issued to the Indians after their weight has been materially reduced through poor feeding; and

Whereas Ex-Commissioner of Indian Affairs John H. Oberly is reported as stating that his resignation as Commissioner was called for because he declined to accept the bid which a certain firm of Philadelphia merchants made to furnish blankets to the Indians, though Secretary Noble had directed that the bid of the said firm should be rejected on the ground that inferior goods had previously been furnished by the said firm; and

Whereas the Bureau of Catholic Indian Missions, at a meeting held November 18, 1890, adopted a series of resolutions protesting against the action of the Commissioner of Indian Affairs in terminating six contracts for the support and education of the Indian children and largely reducing the number heretofore allowed in twenty-eight others of their schools, ignoring its protests and correspondence, resulting in these schools receiving no Government aid to date, in consequence of which the bureau was compelled to authorize the negotiation of a loan of $82,000 in order to continue to feed and clothe the Indian children in its care; and

Whereas Col. M. H. Day, a World's Fair commissioner from South Dakota, declares that the Indian Bureau is the most corrupt department in Washington; and

Whereas the special correspondent of the New York World, who is at present with General Miles at the headquarters at Pine Ridge agency, South Dakota, has stated in the columns of his paper that all the present trouble among the Indians has been caused by the mismanagement of the Indian Bureau: Therefore,

Be it resolved, That a special committee of five members of the House of Representatives be, and is hereby, appointed to investigate and inquire into the management of the Indian Bureau of the Interior Department for the purpose of ascertaining whether the charges above recited are true, and generally how the bureau has been and is being administered.

And further resolved, That the committee be authorized to send for persons and papers and to employ a stenographer, the expenses of the investigation to be paid out of the contingent fund of the House;

to the Committee on Rules.

By Mr. PIERCE:

Resolved, That the Committee on Ways and Means be, and they are hereby, instructed to report to this House, for its consideration, on Monday, the 19th day of January, 1891, House of Representatives bill No. 9714, entitled, "A bill to equalize taxation and impose a graduated income tax;" and that immediately after sixty minutes of the morning hour have passed be fixed for the consideration in Committee of the Whole House on the state of the Union of said bill and be continued from day to day until disposed of;

to the Committee on Rules.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. GROUT, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 993) to regulate proceedings under a writ *de lunatico inquirendo* in the District of Columbia, reported, as a substitute therefor, a bill (H. R. 13048) to regulate proceedings under a writ *de lunatico inquirendo* in the District of Columbia; which was read twice, and, accompanied by a report (No. 3406), referred to the House Calendar.

Mr. BOOTHMAN, from the Committee on Claims, reported favorably the bill of the House (H. R. 1790) for the relief of Jacob R. Davis, accompanied by a report (No. 3408)—to the Committee of the Whole House.

Mr. PARRETT, from the Committee on Pensions, reported favorably the bill of the House (H. R. 12640) to pension Sarah Thomasson, accompanied by a report (No. 3409)—to the Committee of the Whole House.

Mr. ELLIS, from the Committee on the District of Columbia, reported with amendment the bill of the Senate (S. 1373) for the incorporation of St. Rose's Industrial School, in the city of Washington, District of Columbia, accompanied by a report (No. 3410)—to the House Calendar.

Mr. OATES, from the Committee on the Judiciary, reported favorably the bill of the House (H. R. 9061) to prevent cruelty to domestic animals, accompanied by a report (No. 3411)—to the House Calendar.

Mr. WILLIAMS, of Ohio, from the Committee on Military Affairs, reported with amendment the bill of the Senate (S. 4229) granting a right of way through certain lands of the United States in the Territory of Utah, accompanied by a report (No. 3412)—to the House Calendar.

Mr. BURROWS, from the Committee on Ways and Means, reported with amendment the joint resolution of the House (H. Res. 254) providing for the correction of a clerical error in the act entitled "An act to reduce the revenues and equalize the duties on imports, and for other purposes," approved October 1, 1890, accompanied by a report (No. 3413)—to the Committee of the Whole House on the state of the Union.

Mr. McCOMAS, from the Committee on Education, reported with amendment the joint resolution of the House (H. Res. 258) to extend to Alaska the benefit of the laws encouraging in the several States and Territories instruction in agriculture and the mechanic arts, accompanied by a report (No. 3414)—to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the following change of reference was made:

A bill (H. R. 10583) for the relief of Holman Anderson, late of the Fifteenth Illinois Cavalry—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills and a joint resolution of the following titles were introduced, severally read twice, and referred as follows:

By Mr. RICHARDSON: A bill (H. R. 13050) to equalize taxation and impose an income tax—to the Committee on Ways and Means.

By Mr. COMSTOCK: A bill (H. R. 13051) to authorize the construction of a bridge across the St. Louis River from Wisconsin to Minnesota—to th Committee on Commerce.

By Mr. FORNEY: A bill (H. R. 13052) to amend an act entitled "An act to forfeit certain lands heretofore granted for the purpose of aiding the construction of railroads, and for other purposes," approved September 29, 1890—to the Committee on the Public Lands.

By Mr. PICKLER: A bill (H. R. 13053) to provide for the purchase and distribution of seeds to citizens of subhumid regions—to the Committee on Agriculture.

By Mr. WALTER I. HAYES (by request): A bill (H. R. 13054) to provide the Government with means sufficient to supply the national want of a sound circulating medium—to the Committee on Ways and Means.

By Mr. HALL: A bill (H. R. 13055) to amend an act entitled "An act for the construction of a bridge at South St. Paul, Minn."—to the Committee on Commerce.

By Mr. GEISSENHAINER: A bill (H. R. 13056) to establish a lighthouse at East Point, Keyport Harbor, in New Jersey—to the Committee on Commerce.

By Mr. BURTON: A joint resolution (H. Res. 267) authorizing the Secretary of the Treasury to suspend law as to certain life-saving appliances—to the Committee on Commerce.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BOATNER: A bill (H. R. 13057) to carry out certain findings of the Court of Claims and the Quartermaster General—to the Committee on War Claims.

By Mr. DORSEY: A bill (H. R. 13058) granting an increase of pension to John C. Knapp—to the Committee on Invalid Pensions.

By Mr. ELLIS: A bill (H. R. 13059) for the relief of P. W. Bumpass—to the Committee on Pensions.

By Mr. GREENHALGE: A bill (H. R 13060) to grant a pension to General NATHANIEL PRENTISS BANKS—to the Committee on Invalid Pensions.

By Mr. GRIMES: A bill (H. R. 13061) increasing the pension of Meridy Smith, a Revolutionary pensioner—to the Committee on Pensions.

By Mr. WALTER I. HAYES: A bill (H. R. 13062) for the relief of Frederick Bartemeyer—to the Committee on War Claims.

By Mr. McADOO: A bill (H. R. 13063) for the relief of George M. Clapp—to the Committee on Claims.

By Mr. PARRETT: A bill (H. R. 13064) for the relief of Green B. Parrett—to the Committee on War Claims.

By Mr. PERKINS: A bill (H. R. 13065) for the relief of Charles A. Cleveland & Co., Indian traders—to the Committee on Claims.

Also, a bill (H. R. 13066) granting a pension to Henry Sisson—to the Committee on Pensions.

By Mr. SANFORD: A bill (H. R. 13067) for the relief of Austin A. Yates—to the Committee on Claims.

By Mr. TURNER, of Georgia: A bill (H. R. 13068) granting a pension to Abraham Yearta—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BOUTELLE (by request of Mr. REED, of Maine): Resolutions of the twenty-fourth National Encampment Grand Army of the Republic, held at Boston, Mass., August, 1890, tendering the thanks of the encampment to Congress for legislation in the past and recommending certain legislation in reference to Union veterans of the late war—to the Committee on Military Affairs.

By Mr. CLARK, of Wisconsin: Papers to accompany House bill 12936, for the relief of John D. Ham—to the Committee on Military Affairs.

By Mr. COMSTOCK: Petitions of Becker, Morrison, Polk, and Douglas Counties, Minnesota, favoring passage of House bill 5353—to the Committee on Agriculture.

By Mr. FARQUHAR: Resolutions of a mass meeting held in New York City January 2, 1891, favoring passage of the tonnage bill—to the Committee on Merchant Marine and Fisheries.

By Mr. GRIMES: Petition of Meridy Smith, for increase of pension—to the Committee on Pensions.

By Mr. GROUT: Memorial of Roswell Farnheim, Bradford, Vt., relative to House bill 12877, Gulf and Chicago Railroad Company—to the Committee on Commerce.

By Mr. HAUGEN: Resolutions of Forest Alliance, No. 126, of Dallas, Barrow County, Wisconsin, in favor of passage of the antioption bill—to the Committee on Agriculture.

By Mr. WALTER I. HAYES: Resolutions of Cambria, Johnson County (Iowa) Alliance, in favor of Conger lard bill—to the Committee on Agriculture.

Also, petition of certain citizens of same county and State, for same measure—to the Committee on Agriculture.

By Mr. HENDERSON, of Iowa: Petition of the Democratic Anti-lottery State Executive Committee of Louisiana, urging a constitutional amendment prohibiting any State from licensing lotteries—to the Committee on the Post Office and Post Roads.

By Mr. LAWS: Petition of Farmers' Alliance, Rockton Township, Phelps County, Nebraska, asking an appropriation sufficient to buy food and seed for drought sufferers in Nebraska—to the Committee on Agriculture.

Also, petition of 198 citizens of Fairfield, Clay County, Nebraska, urging passage of House bill 5353—to the Committee on Agriculture.

By Mr. PAYNTER: Petition of Mrs. Nancy Evans, for widow's pension—to the Committee on Invalid Pensions.

By Mr. STRUBLE: Petition of James Speakman and 10 others, members of Woodbury County, Iowa, urging the passage of House bill 5353—to the Committee on Agriculture.

Also, petition of F. D. White and 29 others, citizens of Buena Vista County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of Charles Leighton and 27 others, citizens of same county, for same measure—to the Committee on Agriculture.

Also, resolutions of Sunny Side Alliance, No. 1399, Sioux Rapids, Iowa, for passage of same measure—to the Committee on Agriculture.

By Mr. SWENEY: Petition of Welford E. Caslor and 9 others, members of Willow Grove Alliance, Northwood, Iowa, urging passage of House bill 5353—to the Committee on Agriculture.

Also, petition of ten members of same alliance, for same measure—to the Committee on Agriculture.

Also, petition of Thomas Armstrong and 19 others, citizens of Mitchell County, Iowa, for same measure—to the Committee on Agriculture.

SENATE.

MONDAY, *January* 12, 1891.

The Senate met at 12 o'clock m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Saturday last was read and approved.

SARAH V. AZPELL.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4167) granting an increase of pension to Sarah V. Azpell, which was, in line 5, before the word "dollars," to strike out "forty" and insert "thirty."

Mr. DAVIS. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

MARY B. HASCALL.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4585) granting a pension to Mary B. Hascall, which was, in line 5, before the word "dollars," to strike out "forty" and insert "thirty."

Mr. DAVIS. I move that the Senate non-concur in the amendment of the House of Representatives and request a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Vice President was authorized to appoint the conferees on the part of the Senate; and Mr. DAVIS, Mr. SAWYER, and Mr. TURPIE were appointed.

MRS. E. J. BALDY.

Mr. TURPIE. I ask the courtesy of the Senate to call up for present consideration the bill (H. R. 12395) granting a pension to Mrs. E. J. Baldy, widow of W. H. Baldy. I do this at the request of the Senator from Georgia [Mr. COLQUITT], who is confined to his room by illness and unable to attend the sessions in this Chamber. He says he is personally acquainted with the beneficiary of the bill, that she is very poor and very feeble and over eighty years of age. I ask therefore for the present consideration of the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Mrs. E. J. Baldy, widow of W. H. Baldy, of Spaulding County, Georgia, who was a private soldier in the Creek Indian war of 1836, in Capt. William-Byne's company, called "Burke Hussars," and allow her a pension at the rate of $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented the memorial of William Hall and 12 other citizens of Illinois, remonstrating against the passage of the Conger lard bill; which was ordered to lie on the table.

Mr. CULLOM. I present a petition signed by Cicero J. Lindley, president; J. H. Washburn, vice president; W. E. Robinson, secretary; James Creed, treasurer, and 185 delegates to the State convention of the Farmers' Mutual Benefit Association of the State of Illinois. The petition prays for the passage of the Paddock pure-food bill and remonstrates against the passage of the Conger compound-lard bill. "It was reported by the committee on resolutions, composed of 25 representative farmers, October 22, 1890, and unanimously passed by the State convention of the Farmers' Mutual Benefit Association of the State of Illinois, after a full, fair, and free discussion. It represents the sentiments of 90,000 Illinois farmers as voiced by their delegates in convention assembled." What I have been reading is indorsed upon the paper by the officers of the Farmers' Alliance, and they request, as this is a document signed and sent to me by the officers of the State Grange and as the petition is brief, that it be allowed to go into the RECORD.

Mr. HARRIS. Let it be printed as a miscellaneous document.

Mr. CULLOM. It is too short to be printed in that way. It is only half a page.

Mr. BUTLER (to Mr. CULLOM). Read it.

Mr. CULLOM. I do not like to take up the time of the Senate in reading it. I ask to have it printed in the RECORD.

The VICE PRESIDENT. Is there objection to the request made by the Senator from Illinois?

Mr. HARRIS. I have habitually objected to the printing of petitions and memorials in the RECORD. If the Senator chooses to read it, he can do so, and then it goes into the RECORD.

Mr. CULLOM. I ask that the paper be returned to me from the desk, and I will read it.

The VICE PRESIDENT. The paper can be read by unanimous consent.

Mr. CULLOM. The memorial is as follows:

To Hon. LEVI P. MORTON, *President of the Senate of the United States:*

The undersigned, delegates to the State convention of the Farmers' Mutual Benefit Association of the State of Illinois, held this day at Springfield, Ill., most respectfully present this their petition to the Senate of the United States, praying for the speedy passage of Senate bill No. 3991, commonly known as the Paddock pure-food bill, which bill was introduced in behalf of the Farmers' Alliance of Nebraska by Hon. A. S. PADDOCK, a Senator of that State and chairman of the Agricultural Committee of the Senate. Said bill, if passed, will prevent the adulteration and misbranding of food and drugs. Senator PADDOCK, in his able report, No. 1366, on the bill, states: "That of 376 articles of diet in daily use in every household 255, or more than two-thirds, were found to be adulterated."

The adulteration and sale of these counterfeit articles of food depress and lower the price of the honest and genuine food products of the farmer. The Paddock bill is therefore in the interest of the agricultural classes, and, while it allows free competition, it compels all food products under heavy penalties to be, first, healthful; second, plainly and honestly branded; third, of proper quality or strength; fourth, not "doctored;" fifth, not counterfeit; sixth, made from proper substances; seventh, free from any adulteration whatever; and we therefore pray for its speedy passage.

We earnestly oppose, however, the passage of the Conger compound-lard bill, which places a tax on compound lard and prohibitory restriction on the sale of the same and increases the number of revenue officers of the country.

The reasons for our opposition to the Conger bill are as follows:

First. It singles out only one article which it alleges is adulterated, and provides no remedy for the two hundred and fifty-five other articles as set forth and provided for in the Paddock bill.

Second. It increases the number of revenue officials of the country. We already have over one hundred thousand officeholders who are eating up the substance of the taxpayer.

Third. The Conger lard bill was introduced at the request of a Boston pork-packer; the Paddock bill, at the instance of the Farmers' Alliance of Nebraska. The Conger bill is supported by all the pork-packers of the country and by the Big Four of Chicago. It will create a monopoly and will enable the large packers to form a lard trust. The Paddock bill has the united support of the farmers of the entire country.

Fourth. The Farmers' Alliances of Alabama, Arkansas, Florida, Georgia, North Carolina, South Carolina, Louisiana, Mississippi, Tennessee, and Texas protest against the passage of the Conger bill, and a remonstrance against its passage was signed by 10,000 farmers from Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Kansas, and Colorado at the St. Louis fair October 11, the last past——

Mr. ALLISON. I ask the Senator from Illinois to let the paper be printed in the RECORD.

Mr. CULLOM. I asked that permission.

Mr. COCKRELL. Let it be printed as a miscellaneous document. That is the best way we can send it out; then people can see it.

Mr. CULLOM. I have very nearly read it all, and I hope the Senate will allow the rest of it to go in the RECORD without reading.

Mr. HALE. I object. There is not a member of the Senate who does not receive such petitions every day, and if the RECORD is to be lumbered up with them we may as well exclude other matter from it.

Mr. COCKRELL. Let it be printed as a separate document.

Mr. CULLOM. Very well; let it be printed as a separate document.

The VICE PRESIDENT. The petition will be printed as a separate document and ordered to lie on the table.

Mr. CULLOM presented the following petitions praying for the passage of the Paddock pure-food bill and remonstrating against the passage of the Conger lard bill; which were ordered to lie on the table:

Petition of George A. Bates, secretary of the Illinois Watch Company, and 89 employés, who favor the Paddock pure-food bill;

Petition of Henry Klaholt, county treasurer of Sangamon County, Illinois, and 84 merchants and business men of Springfield, Ill.; and

Petition of Henderson Ridgely and 112 manufacturers and workingmen, employés of the Springfield Iron Company.

Mr. CULLOM presented the following memorials, remonstrating against the passage of the Conger lard bill; which were ordered to lie on the table:

Memorial of Edward T. Reel, of Springfield, Ill., and 178 merchants and business men;

Memorial of L. S. Dunnagan and 16 other citizens of Vandalia, Ill.;

Memorial of Ernest A. Scott and 11 other citizens of Greenville, Ill.;

Memorial of Miss Jessie C. Clarke and 15 other citizens of Vandalia, Ill.;

Memorial of Ben Shomaker and 18 other citizens of Carlyle, Ill.;

Memorial of T. J. James and [illegible] other citizens of Alton, Ill.; and

Memorial of John Keating and 88 other merchants of Springfield, Ill.

Mr. CULLOM presented the following petitions, praying for the passage of the Paddock pure-food bill; which were ordered to lie on the table:

Petition of C. Ruck and 22 other citizens of Madison County, Illinois;

Petition of Alexander Richardson and 26 other citizens of Fairfield, Wayne County, Illinois;

Petition of John Caldwell and 23 other citizens of Litchfield, Ill.;

Petition of James V. Roseberry and 21 other citizens of East St. Louis, Ill.;

Petition of William S. Coe, of Peoria, Ill., and other farmers of Illinois, Missouri, Indiana, and other States;

Petition of C. W. Nichols and other farmers of Illinois and Missouri;

Petition of C. D. Freeman and 84 citizens of Illinois, Ohio, Indiana, and Missouri;

Petition of T. J. James, of Moro, and 1 other citizen of Illinois and 9 citizens of St. Louis, Mo.; and

Petition of Joseph Groth, of Peoria, Ill., and 21 other citizens of Illinois.

Mr. CULLOM presented the memorial of William M. Jones, of Effingham, Ill., and 17 other farmers, citizens of Illinois, remonstrating against the passage of the Conger compound-lard bill; which was ordered to lie on the table.

He also presented the petition of John Palmer, of Keysport, Ill., and others, citizens of Illinois, Missouri, and other States, praying for the passage of the Paddock pure-food bill, but not remonstrating against the passage of the Conger compound-lard bill; which was ordered to lie on the table.

He also presented a memorial of citizens of Capron, Ill., remonstrating against the Breckinridge Sunday-rest bill and against legislation closing the World's Fair on Sundays; which was referred to the Select Committee on the Quadro-Centennial.

He also presented a petition of citizens of Madison, Ill., praying for the speedy passage of House bill 5353, prohibiting dealings in options and futures; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the faculty of Mount Morris (Ill.) College, praying for the passage of the international copyright bill; which was ordered to lie on the table.

He also presented a petition of citizens of Rockford, Ill., praying for the passage of the Conger lard bill; which was ordered to lie on the table.

Mr. COCKRELL presented the following petitions of citizens of Missouri, praying for the passage of the Paddock pure-food bill; which were ordered to lie on the table:

Petition of 78 citizens of St. Louis, Mo.;

Petition of K. F. Scott and 20 other citizens of Poplar Bluff, Mo.;

Petition of F. C. Gould and 42 other citizens of Franklin County, Missouri;

Petition of S. A. Stalberg and 21 other farmers of the States of Missouri, Illinois, Indiana, and Kansas;

Petition of J. F. Hayes and 29 other citizens of St. Louis, Mo.;

Petition of R. C. Henry and 70 other citizens of St. Louis, Mo.;

Petition of John F. Barth and 83 other citizens of St. Louis, Mo.;

Petition of A. Bromschizig and 11 other citizens of St. Louis, Mo.;

Petition of M. O. O'Neil and 27 other citizens of St. Louis, Mo.;

Petition of Sam Wells and 26 other citizens of St. Louis, Mo.;

Petition of C. M. Crosswell and 91 other citizens of St. Louis, Mo.; and

Petition of John Vogler and 70 other citizens of St. Louis, Mo.

Mr. COCKRELL presented the following memorials of citizens of Missouri, remonstrating against the passage of the Conger lard bill; which were ordered to lie on the table:

Memorial of E. T. English and 15 other citizens of Cape Girardeau, Mo.;

Memorial of John Sheridan and 15 other citizens of St. Louis, Mo.;

Memorial of J. L. Newmyer and 15 other citizens of Love Lake, Mo.;

Memorial of George Wellman and 16 other citizens of St. Genevieve, Mo.; and

Memorial of R. J. Hill and 33 other citizens of the States of Missouri, Ohio, Illinois, Indiana, New Jersey, and Texas.

Mr. PLATT. I present a short petition signed by some very distinguished citizens of the District of Columbia, in favor of the passage of the bill relating to international copyright. It puts the argument for the bill so concisely and in so small a compass that I move the petition be printed as a miscellaneous document, and ordered to lie on the table.

The motion was agreed to.

Mr. WOLCOTT. I present a petition in the form of a report of the grand jury of Dolores County, Colorado, made to Hon. George T. Summer, judge of the sixth judicial district of Colorado. The petition recites that for the past year the Indians on the Southern Ute reservation have gone over into the adjoining county of Dolores and are rapidly exterminating the deer, elk, mountain sheep, antelope, and smaller game, and when they are interfered with they produce a pass signed by the Indian agent permitting them to roam at will throughout that section of Colorado; that they are stealing property and threatening human life; and the petitioners state that unless something is done in the way of keeping the Indians upon their reservation it will be difficult to prevent some sort of a conflict between the white settlers and the Indians. I move that the petition be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. PASCO presented a petition of the Jacksonville (Fla.) Board of Trade, praying for the extension of the time for withdrawing imported goods from bonded warehouses as proposed in House joint resolution 252, introduced by Mr. FLOWER, of New York.; which was referred to the Committee on Finance.

Mr. TURPIE presented a petition of citizens of Allen County, Indiana, and a petition of members of the Evening Star Lodge, No. 1935, Farmers' Mutual Benefit Association, of Crawford County, Indiana, praying for the passage of the Conger lard bill; which were ordered to lie on the table.

Mr. DAWES presented a petition of citizens of Springfield, Mass., and a petition of citizens of Marlborough, Mass., praying for the passage of the Torrey bankruptcy bill; which were ordered to lie on the table.

He also presented the petition of Benjamin F. Cook, late captain Company E, Twelfth Massachusetts Volunteer Infantry, praying to be allowed remuneration for losses sustained by him because of the capture of vouchers during the war; which was referred to the Committee on Claims.

Mr. SHERMAN presented a petition of the International Copyright Association, of Boston, Mass., praying for the passage of the copyright bill; which was ordered to lie on the table.

Mr. STOCKBRIDGE presented the memorial of George W. Prescott and 17 other citizens of Grand Rapids, Mich., and resolutions of the Chicago (Ill.) Board of Trade, remonstrating against the passage of the Conger lard bill; which were ordered to lie on the table.

He also presented the following petitions of citizens of Michigan, praying for the passage of the Conger lard bill; which were ordered to lie on the table:

Petition of J. Dills and 27 other citizens of Clinton County, Michigan;

Petition of S. E. Haughey and 26 other citizens of Montgomery County, Michigan;

Petition of John Ovens and 41 other citizens of Ottawa County, Michigan;

Petition of O. M. Sikes and 20 other citizens of Van Buren County, Michigan;

Petition of A. J. Carpenter and 30 other citizens of Eaton County, Michigan (Windsor Grange);

Petition of J. W. Rowe and 11 other citizens of Ionia, Mich.;

Petition of D. Himebaugh and 4 other citizens of Burr Oak, Mich.;

Petition of Henry Ray and 27 other citizens of Riga, Lenawee County, Michigan;

Petition of C. B. Bodfish and 11 other citizens of Pasco, Mich.; and

Resolutions of Flushing Grange, No. 387, Michigan.

Mr. PADDOCK presented the petition of R. H. Oakley, F. W. A. Kind, F. W. Holman, jr., and other prominent citizens of Lincoln, Nebr., praying for the immediate passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. EVARTS presented the following concurrent resolution of the Legislature of New York; which was read and referred to the Committee on Commerce:

STATE OF NEW YORK.

IN SENATE, *Albany, January* 6, 1891.

Concurrent resolution relative to the improvement of the Hudson River.

Whereas under act of Congress a commission of army officers has been appointed to examine the feasibility of deepening and improving the Hudson River, and said commission is now in session in Albany; and

Whereas the proposed improvement would be a substantial and permanent benefit to the commerce of the State of New York; and

Whereas by previous appropriations the Federal Government has been committed to the policy of improving the navigation of the Hudson River: Therefore,

Resolved, That the Senators and Representatives of New York State in Congress be requested to use every effort to promote the proposed improvement.

By order senate:

JOHN S. KENYON, *Clerk.*

IN ASSEMBLY, *January* 6, 1891.

Concurred in without amendment.

By order:

CHAS. R. DE FREEST, *Clerk.*

Mr. CALL presented a petition of the Board of Trade of Jacksonville, Fla., praying for the passage of a bill extending the time for the removal of merchandise in bonded warehouses imported prior to October 1, 1890; which was referred to the Committee on Finance.

Mr. QUAY presented the following petitions, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Petition of John Sheaffer and other citizens of Lawrence County, Pennsylvania;

Petition of A. G. Knox and 16 other citizens of Pulaski, Pa.;

Resolutions of Shenango Alliance, No. 50, of Pulaski, Lawrence County, Pennsylvania;

Petition of A. G. Knox and 16 other citizens of Pulaski, Lawrence County, Pennsylvania;

Resolutions of Elbridge Farmers' Alliance, No. 37, of Elbridge, Pa.;

Resolutions of the Farmers' Hillside Alliance, No. 33, of Fredonia, Mercer County, Pennsylvania;

Petition of William Beye, Fredonia, and 36 other citizens of Mercer County, Pennsylvania;

Petition of P. S. McGrath and 40 other citizens of Mercer County, Pennsylvania;

Petition of John R. Law and 27 other citizens of Blair County, Pennsylvania;

Petition of Adam S. Klee and 30 other citizens of Berks County, Pennsylvania;

Petition of Columbia Grange, No. 33 (membership 150), of Columbia County, Pennsylvania;

Petition of James G. Watson and 17 other citizens of Northumberland County, Pennsylvania;

Petition of William E. Messenger and 314 other citizens of Warren County, Pennsylvania;

Petition of F. L. Thayn and 23 other citizens of Warren County, Pennsylvania;

Petition of David Fausola and 44 other citizens of Northumberland County, Pennsylvania;

Petition of J. W. Gray and 18 other citizens of Auburn, Susquehanna County, Pennsylvania;

Petition of A. J. Hay and 28 other citizens of Susquehanna County, Pennsylvania;

Petition of John Phillips and 24 other citizens of Dauphin County, Pennsylvania;

Petition of J. D. Cooper and 31 other citizens of Perry County, Pennsylvania;

Petition of G. D. Moger and 26 other citizens of Dauphin County, Pennsylvania;

Petition of J. T. Brooks and 25 other citizens of Luzerne County, Pennsylvania; and

Petition of F. B. Wildoner and 14 other citizens of Waterton, Pa.

Mr. QUAY presented a memorial of the Retail Merchants' Associa-

tion of Chester, Pa., remonstrating against the passage of the Conger lard bill; which was ordered to lie on the table.

Mr. INGALLS presented the following petitions, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Petition of L. C. Dye and 17 other citizens of Crawford County, Kansas;

Petition of H. Lippie and 32 other citizens of Wilder, Johnson County, Kansas;

Resolutions of Wilder Alliance, Wilder, Johnson County, Kansas; and

Petition of John M. Grinn and 28 other citizens of Olathe, Kans.

Mr. INGALLS presented the petition of John M. Grinn and 28 other citizens of Olathe, Kans., praying for the passage of the Paddock pure-food bill; which was ordered to lie on the table.

Mr. WILSON, of Iowa, presented the following petitions praying for the passage of the Conger lard bill; which were ordered to lie on the table:

Petition of 29 citizens of Muscatine County, Iowa;

Petition of 25 citizens of Fayette County, Iowa;

Petition of 33 citizens of Taylor County, Iowa;

Petition of 19 citizens of Benton County, Iowa;

Petition of 79 citizens of Greene County, Iowa;

Petition of 49 citizens of Butler County, Iowa;

Petition of 22 citizens of Hardin County, Iowa;

Resolutions of Farmers' Alliance, No. 1335, of Greene County, Iowa;

Resolutions of Farmers' Alliance, No. 795, of Greene County, Iowa; and

Resolutions of Farmers' Alliance, No. 1744, of Linn County, Iowa.

Mr. PLUMB presented the memorial of a large number of leading business men of Abilene, Kans., remonstrating against the passage of any bankruptcy legislation; which was ordered to lie on the table.

He also presented a petition of the Board of Trade of Wichita, Kans., praying for speedy and favorable action by the Government for the acquisition of certain lands lying immediately west of Oklahoma Territory; which was referred to the Committee on Indian Affairs.

He also presented a petition of the Belpre Farmers' Alliance and Industrial Union of Kansas, praying for the passage of the Paddock pure-food bill and remonstrating against the passage of the Conger lard bill; which was ordered to lie on the table.

Mr. GIBSON presented a memorial of the Board of Trade of Chicago, Ill., remonstrating against the passage of the Conger lard bill; which was ordered to lie on the table.

Mr. DANIEL presented the following petitions of citizens of Virginia, praying for the passage of the Conger lard bill; which were ordered to lie on the table:

Petition of X. X. Chunters and 36 other citizens of Spottsylvania County, Virginia;

Petition of C. W. Lampkins and 28 other citizens of Caroline County, Virginia;

Petition of W. Young and 35 other citizens of Spottsylvania County, Virginia;

Petition of William Algoal and 35 other citizens of Fancy Grove, Virginia;

Petition of O. F. W. C. Caldwell and 60 other citizens of Craig County, Virginia; and

Petition of W. D. Brooks and 17 other citizens of Franklin County, Virginia.

Mr. SPOONER presented a petition of citizens of Ogdensburgh, Wis., and a petition of the Pine Grove Alliance, No. 96, of Plainfield, Wis., praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table.

Mr. COCKRELL presented a petition of 139 citizens of Howell County, Missouri, praying for a change in the laws regarding soldiers' homesteads; which was referred to the Committee on Public Lands.

Mr. REAGAN presented the petition of William Stapleton and 8 other citizens of Johnson County, Texas, praying for the passage of the Conger lard bill; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. CAMERON, from the Committee on Military Affairs, to whom was referred the bill (H. R. 5801) to authorize the proper accounting officers of the Treasury to audit and pay the claim of the county of Schuylkill, in the State of Pennsylvania, for money advanced by it under allotments made by soldiers from said county during the late rebellion, by virtue of section 12 of the act of Congress entitled "An act to authorize the employment of volunteers to aid in enforcing the laws and protecting public property," approved July 22, 1861, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 9591) for the relief of George Gunnell, reported it with an amendment, and submitted a report thereon.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 4288) for the relief of Ezra S. Havens, reported it without amendment, and submitted a report thereon.

He also, from the same committee to whom was referred the bill (S. 82) for the relief of Louisa A. Ingram, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. VEST, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 3854) for the erection of a public building at Laredo, Tex., reported it with amendments, and submitted a report thereon.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. 4746) for the relief of settlers upon certain lands in the State of Iowa, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 4432) for the relief of Henry R. Horr, reported adversely thereon; and the bill was postponed indefinitely.

Mr. PLUMB. The Committee on Public Lands have also had under consideration a resolution of the Legislative Assembly of the Territory of Oklahoma, recommending the passage of an act authorizing the leasing of public lands held for the benefit of public schools, referred to the committee on the 29th of December last. I am instructed to report the resolution back and to ask that the committee be discharged from its further consideration, for the reason that the subject has already been passed upon by the committee and by the Senate.

The report was agreed to.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the joint resolution (H. Res. 240) to authorize the Secretary of War to issue ordnance and ordnance stores to the Washington High School, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4671) to amend the act of Congress approved September 29, 1890, authorizing the President to restore Tenedor Ten Eyck to the Army and place him on the retired list, reported it without amendment, and submitted a report thereon.

ROADWAY THROUGH ARSENAL GROUNDS AT AUGUSTA, ME.

Mr. HAWLEY. In behalf of the Committee on Military Affairs I report back favorably, without amendment, the bill (H. R. 9490) authorizing the Secretary of War to grant to the trustees of the Maine Insane Asylum, Augusta, Me., a license to construct a roadway through the United States arsenal grounds at Augusta, Me., and allow the same to be used by the public.

Mr. HALE. It will take but a moment, and I ask that the bill may be considered at this time.

Mr. HOAR. Let it be read.

Mr. HAWLEY. The bill is very short. Let it be read. There is no objection to it in the world.

The VICE PRESIDENT. The bill will be read for information.

The Chief Clerk read the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MILITARY PRISON.

Mr. HAWLEY. I report back from the Committee on Military Affairs favorably the bill (H. R. 11237) to amend sections 1346 and 1348 of the Revised Statutes of the United States, in reference to the visitation and inspection of the military prison and examination of its accounts and government. The Secretary of War asks for a slight change in the law concerning inspection in that prison. It is a matter of mere detail. The committee unanimously report the bill. I ask that it be passed now.

The VICE PRESIDENT. The bill will be read at length.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That sections 1346 and 1348 of the Revised Statutes of the United States be, and the same are hereby, amended to read as follows:

"SEC. 1346. The Secretary of War shall, with said commissioners, annually, and as much oftener as may be deemed expedient, visit said prison for the purposes of examination, inspection, and correction; and they shall inquire into all abuses or neglects of duty on the part of the officers or other persons in charge of the same, and make such changes in the general discipline of the prison as they may hold to be essential."

"SEC. 1348. One of the inspectors general of the Army, shall, at least once each year, visit the prison for the purpose of examining into the books and all the affairs thereof, and ascertaining whether the laws, rules, and regulations relating thereto are complied with, the officers are competent and faithful, and the convicts properly governed and employed, and at the same time treated with humanity and kindness. And it shall be the duty of the inspector at once to make full report thereof to the Secretary of War."

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. PLUMB. I object.

The VICE PRESIDENT. Objection being made, the bill will be placed on the Calendar.

Mr. PLUMB subsequently said: I wish to withdraw the objection which I made a few moments ago to the bill which was reported from the Committee on Military Affairs by the Senator from Connecticut [Mr. HAWLEY]. Upon examination I have no doubt of its being an entirely proper bill to pass.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DEATH OF REPRESENTATIVE WALKER.

A message from the House of Representatives, by Mr. MARTIN, its Chief Clerk, transmitted to the Senate resolutions adopted by that body, commemorative of the life and services of Hon. James P. Walker, late a Representative from the State of Missouri.

BILLS INTRODUCED.

Mr. CAMERON introduced a bill (S. 4839) for the relief of William B. Reaney, surviving partner of the firm of Reaney, Son & Archbold; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4840) for the relief of the Berks County Agricultural Society, of Berks County, Pennsylvania; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. GIBSON introduced a bill (S. 4841) to provide American registers for the steamers Foxhall and S. Oteri, of New Orleans, La.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. QUAY introduced a bill (S. 4842) to prevent force and fraud in Federal elections and to insure the lawful and peaceful conduct thereof; which was read twice by its title, and referred to the Committee on Privileges and Elections.

Mr. STANFORD introduced a bill (S. 4843) to provide for the erection of an extension to the Executive Mansion in the city of Washington; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. VEST introduced a bill (S. 4844) to amend section 3336, chapter 5, article 35, of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 4845) to repeal "An act amending section 764 of the Revised Statutes," approved March 3, 1885; which was read twice by its title.

Mr. VEST. I desire to make a statement in connection with the bill just introduced. I introduce it by request of a friend in the city of New York, and I wish to state that I am not prepared to give my entire support to the bill. It involves the question that seems to have attracted so much attention lately in the city of New York, and has been discussed in the New York press, as to the appeal which has been granted by a New York judge in the case of the Japanese subject, Jugigo, who is under sentence of death. He applied for a writ of habeas corpus to the United States circuit judge, which was refused. He thereupon took an appeal to the Supreme Court of the United States. That appeal was decided against the prisoner. It involved the question of the legality of electrocution, as it is called, death by electricity, which had already been decided to be legal in the case of Kemmler.

It seems that after this adjudication by the Supreme Court of the United States the attorney for the prisoner applied for another writ of habeas corpus to the same circuit court, and claims that he can bring up appeals on writ of habeas corpus to the Supreme Court of the United States as often as he can find a new ground of application for the writ of habeas corpus.

I do not propose to detain the Senate; but, in justice to myself in introducing this bill and to the magnitude of the question which involves a human life and is interesting to the legal profession as well as to all the people of the United States, I wish to call attention to the sections of the Revised Statutes.

Section 763 provides that—

From the final decision of any court, justice, or judge inferior to the circuit court, upon an application for a writ of habeas corpus or upon such writ when issued, an appeal may be taken to the circuit court for the district in which the cause is heard.

1. In the case of any person alleged to be restrained of his liberty in violation of the Constitution or of any law or treaty of the United States.

2. In the case of any prisoner who, being a subject or citizen of a foreign state, and domiciled therein, is committed or confined, or in custody by or under the authority or law of the United States, or of any State, or process founded thereon, for or on account of any act done or omitted under any alleged right, title, authority, privilege, protection, or exemption, set up or claimed under the commission, order, or sanction of any foreign state or sovereignty, the validity and effect whereof depend upon the law of nations, or under color thereof.

Section 764 provides that—

From the final decision of such circuit court an appeal may be taken to the Supreme Court in the cases described in the last clause of the preceding section.

That confined the right of appeal to the case of a foreign subject domiciled in this country and who claimed exemption from punishment under our law by reason of the fact of his being the subject of a foreign government, and that he acted under its authority, and that he is entitled to the privilege accorded to a foreign citizen under the clause I have read. It did not give the right of appeal where it was claimed that the sentence was in violation of the Constitution or laws of the United States.

On May 3, 1885, an act of Congress was approved which extended the right of appeal also to the case I have last mentioned, so that now under the statutes of the United States an appeal can be taken from the decision of a circuit judge in a case of habeas corpus to the Supreme Court of the United States in both these classes of cases, where it is claimed that the conviction is in violation of the Constitution and laws of the United States or where it is claimed that the prisoner is a foreign citizen acting under the direction or authority of his own government, as mentioned in the last subdivision.

My judgment as a lawyer is (and I have examined the cases as thoroughly as I could) that no further legislation is necessary; but the judge before whom this last habeas corpus case came in New York is of opinion that this statute is mandatory and that he is compelled to grant an appeal to the Supreme Court of the United States wherever a different ground is alleged for the exercise of this great right—different from that which was in the former petition of the prisoner. So the result is inevitable, if his decision be correct and he construe the statutes aright, that a prisoner can absolutely defeat a sentence of death by continued appeals to the Supreme Court of the United States which would last during his natural life in all probability and would be limited only by the ingenuity of his lawyers.

My own idea of the writ of habeas corpus is that it brings up all questions as to the legality of the confinement, and that if a lawyer sees proper only to advance before the court one ground for the writ and afterwards it turns out that other grounds are found, it is possible that he can, in the nature of a motion for a rehearing, bring up the writ again, but I do not think that this can be done indefinitely. My friend before me [Mr. SPOONER] asks me if he can make the application to the Supreme Court originally. He may in certain cases, unquestionably; but it will be noticed that under this statute it is specifically provided that he can apply to a circuit judge in either of the cases mentioned in section 763, and as a matter of course an attorney who wants delay in a desperate case will adopt the practice provided for in this statute, because it is a virtual denial of justice and the sentence would be absolutely nugatory if the construction of the New York court be the correct one.

I do not think it, but I say that with great diffidence. I may be mistaken; but at any rate since the New York press has discussed this question to so great an extent and have produced the popular impression that the Congress of the United States have passed laws which enable a guilty man under sentence of death, in any State court, to escape through the technicalities and the ingenuity of counsel, I think the matter ought to go to the Judiciary Committee and be there considered. I therefore move the reference of the bill to the Committee on the Judiciary.

The motion was agreed to.

Mr. PADDOCK introduced a bill (S. 4846) granting an increase of pension to Z. T. Crawford; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McMILLAN introduced a bill (S. 4847) for the relief of Mrs. Elizabeth C. Custer; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PLUMB introduced a bill (S. 4848) for the relief of W. H. L. Pepperell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Post Offices and Post Roads.

He also introduced a bill (S. 4849) granting an increase of pension to Newton Thayer; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 4850) granting a pension to Elizabeth Duffy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PAYNE introduced a bill (S. 4851) to regulate the management of lumber rafts upon the Great Lakes and connecting waters; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HAWLEY introduced a bill (S. 4852) granting a pension to Hetty A. Hasson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McMILLAN introduced a joint resolution (S. R. 146) authorizing the Secretary of the Treasury, in his discretion, to suspend for a period of one year from March 29, 1891, the enforcement of the provisions of an act approved March 2, 1889, entitled "An act to amend sections 4488 and 4489 of the Revised Statutes, requiring life-saving appliances on steamers;" which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENT TO BILLS.

Mr. QUAY submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations and ordered to be printed.

Mr. DAVIS submitted an amendment intended to be proposed by him to the bill (H. R. 12500) making an apportionment of Representatives in Congress among the several States under the Eleventh Census; which was ordered to lie on the table and be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. CAMERON it was

Ordered, That Robert W. Simmons have leave to withdraw his papers from the files of the Senate, subject to the rules.

OMAHA INDIAN ALLOTMENTS.

Mr. DAWES submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be directed to furnish for the use of the Senate such information as is in possession of that Department concerning the lease by allottees of land in severalty on the Omaha reservation of their allotments by Indians, and the surrender of the occupancy thereof to white people; how many such allotments have been given up to the occupancy of white people, and by what authority of law; and what steps, if any, have been taken to recover the possession and use of such allotments to the Indians for whose use they are held by the United States.

SEAL ISLANDS OF ALASKA.

Mr. FRYE. The Senator from Alabama [Mr. MORGAN] on Saturday last offered a resolution calling upon the Secretary of the Treasury for certain information touching Alaska. I have reason to believe that under his resolution he would not obtain all that he desired. I find that he is not present to-day, and, therefore, I will take the liberty of offering another resolution which shall include two more papers which I think the Senator requires.

Mr. PLATT. What are the papers?

Mr. FRYE. The resolution will show.

The VICE PRESIDENT. The resolution will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to furnish for the use of the Senate copies of all reports, with their inclosures, made in 1889 and 1890 by Special Agent Charles J. Goff and Assistant Special Agent Joseph Murray upon the condition of affairs in the seal islands of Alaska.

Mr. FRYE. I ask that the resolution may be now adopted.

The resolution was considered by unanimous consent, and agreed to.

ANACOSTIA AND POTOMAC RIVER RAILROAD.

The VICE PRESIDENT laid before the Senate a letter from the president of the Anacostia and Potomac River Railroad Company, transmitting report of the capital stock, receipts, and expenditures of that company for the year ending December 31, 1890; which was referred to the Committee on the District of Columbia, and ordered to be printed.

CHOCTAW COAL AND RAILWAY COMPANY.

Mr. PLUMB. On a previous day a bill was received from the House of Representatives in regard to a local matter affecting Oklahoma City, in Oklahoma Territory. It is in precisely the terms of a bill reported from the Committee on Territories of this body. Being a local matter and one which the Delegate of that Territory regards as of importance to be passed now, I ask that the bill may be taken from the table in order that it may be put upon its passage.

The VICE PRESIDENT. Is there objection to the present consideration of the bill (H. R. 12365) to authorize Oklahoma City, in Oklahoma Territory, to issue bonds to provide a right of way for the Choctaw Coal and Railway Company through said city?

Mr. HARRIS. Let the bill be read for information, subject to objection.

The VICE PRESIDENT. The bill will be read, subject to objection.

The bill was read, as follows:

Be it enacted, etc., That Oklahoma City, in Oklahoma Territory, be, and the same is hereby, authorized to issue its bonds, payable in not less than ten nor more than twenty years, at 5 per cent. per annum, to the amount not in excess of $40,000, for the purpose of providing a right of way for the Choctaw Coal and Railway Company through said city: *Provided*, That the proposition to issue the bonds authorized by this act shall be submitted to the qualified electors of said city who have resided therein for thirty days prior to said election, and assented to by a majority of said electors voting thereon. The mayor and council of said city shall fix the time at which said election shall be held and shall give ten days' notice of the same: *Provided further*, That neither said bonds nor the proceeds thereof shall be used for any other purpose than that hereinbefore set forth.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RECORD AND PENSION OFFICE OF WAR DEPARTMENT.

Mr. PLUMB. Some days since I made a motion to reconsider the vote by which a bill establishing the record and pension division of the War Department passed this body. I wish now to call up that motion for consideration.

The VICE PRESIDENT. The Chair lays before the Senate the bill referred to by the Senator from Kansas, the title of which will be stated.

The CHIEF CLERK. A bill (S. 4620) to establish the record and pension office of the War Department, and for other purposes.

The VICE PRESIDENT. The question is on the motion of the Senator from Kansas [Mr. PLUMB] to reconsider the vote by which the bill was passed.

Mr. PLUMB. Before that motion is voted upon I desire to say that this bill is not for the purpose of establishing a record and pension division in the War Department, because that division is already established. It is true that it gives to that organization or that division a status under the law which it has not now got, except as it gets it by the action of the Secretary of War. It is for the purpose of promoting the gentleman who is in charge of that division, a person whom I have never seen and whom I would not speak of with any disparagement; but I do say that against this bill I have an objection which I think the Senate ought to regard as vital.

I shall concede for the purpose of what I have to say that the gentleman in charge of the record and pension division now is a meritorious officer, that he has introduced into the service of the Government economical and practical methods which, in a very large measure, have economized and facilitated the transaction of the public business. I concede he has done this thing in a more conspicuous way than any other official of the Government has ever done from the beginning of the Government down, although I do not believe that to be true. But my objection to the bill would be as broad and as long and as deep as it now is if he were the most meritorious person who ever served the Government in a civil capacity since its inauguration. He is an assistant surgeon in the Army, detailed for the performance of what is not only civil duty, but also, in its entire extent, length, and breadth, a clerical duty, and it is proposed, because he has performed this clerical duty properly, to give him a military promotion from captain to colonel.

I have supported from time to time measures designed to increase the efficiency of the Army upon the theory that the Army was created for the purpose of fighting, and I can not conceive of anything more calculated to destroy the efficiency of the Army as a fighting machine, or as calculated to reflect upon the men who fight the battles of the country in the field, than to take up the men who perform civil and clerical duties in the Departments at Washington and give them promotion which we deny to the men who are fighting.

I do not know the gentleman who is to be the recipient of this decoration and this honor and this profit, and I do not care to know him for the purpose of determining what my duty is in this matter. It has been a reproach which has attached to the Army and to army affairs for years that the men who are fortunate enough to be detailed in Washington in soft berths, in easy places, and have there developed some skill in social and in political and in clerical matters have had the benefit of a promotion which was denied to the men who were doing military duty in the field. I do not say that the indictment which has been formulated against a class of officers, and which to a certain extent has bred discontent in the Army, is entirely justified; but I do say that, if anything in the world could justify it, it is the passage of such a bill as this.

The Army has been during the last few weeks undergoing hardships and dangers on the Indian frontier, gallant officers and gallant men have been killed by the common enemy, the Indian, and men have been wounded who still live and who will bear the scars of their wounds as long as they live, for whom the country provides no promotion of any kind or description whatever; and yet, because by the accident of detail or by the preference of some officer who has power to detail, a gentleman is brought into the service of the Government in a clerical capacity at Washington and there develops faculties of a purely clerical character, which any one of the twenty-five hundred other officers of the Government of the United States employed in the Army might have developed if he had the opportunity, he is to be singled out for this decoration and promotion to the discredit of the men who are fighting in the field.

Mr. President, if this is to be done, then I can name five, ten, fifteen, twenty, fifty officers of the Army and of the Navy who have illustrated in their employment in the Departments at Washington virtues, not military, but civil—who are astronomers, electricians, geologists, geographers, etc.—who are just as well entitled to promotion as is this man. If the General of the Army should discover a new planet, if the Quartermaster General of the Army should discover a new article of food or a combination of articles of food, etc., which might be better for the Army than any heretofore known, or if any one of the geographers or electricians, whom we detail from time to time for the performance of these outside duties, should signalize himself by the discovery of something within the range of his special inquires which is of great value, it would not be proposed that we should give military rank in consequence of it.

Mr. President, this precedent lies at the foundation of the Army establishment. If it is to be accounted hereafter that the men to be promoted in the Army are not those who render military service, not those who illustrate military skill, not those who illustrate the virtues and the advantages of physical courage, but the men who are good penmen and who understand the performance of clerical duties and can simplify the performance of the duties which are ordinarily performed by clerks, then we might as well muster out the Army of the United States as a military establishment and provide for bringing in major generals who are good penmen and who are good clerks and leave the fighting to privates, who, I am sorry to say, have no expectation of promotion whatever.

Mr. SPOONER. Will the Senator allow me to interrupt him a moment?

Mr. PLUMB. I will.

Mr. SPOONER. The Senator has had long experience in this body. I should like to ask him if he remembers any instance in which Congress has created a position and limited, as seems to be done by this bill, the power of appointment by the President to some individual named in the act?

Mr. PLUMB. The instances are infrequent, if they exist at all.

Mr. SPOONER. It strikes me as a very singular proposition to limit the power of the President by saying to him, "We create this office upon condition that you appoint the man whom we name in the bill."

Mr. PLUMB. The bill would have no purpose if it did not contain that phraseology and that idea. It is designed for the benefit of this particular person. I do not disparage his merits at all, but I remember very well some years ago a quartermaster was placed in charge of the military prison at Fort Leavenworth, Kans. He was a business person of great ability. He organized that institution in a manner which was highly creditable to him and profitable to the Government, and he and his friends thought that he ought to be made a colonel because he had done this. The matter was presented to the Senate and went to the committee of which I was a member, and the decision of the committee and of the Senate was that, for the performances of duties of that kind, promotion ought not to be granted, and he was denied the promotion.

Mr. SPOONER. My point is this: The Constitution gives to the President the power of appointment. Does not Congress in such a bill as this practically make the appointment itself?

Mr. PLUMB. I do not think it does. I do not think the bill is amenable to that objection, although I would say that with a great deal of hesitancy if I thought the Senator from Wisconsin, after examination, thought otherwise. We do say to the President, "You may appoint certain persons," naming them, "on the retired list," and of course we give him no authority beyond that embraced in the act referring to the persons named in the act, and it seems to me that this is akin to that form of legislation which we are constantly passing. But I do not want to make that point.

I believe in the Army of the United States as an institution for carrying on war. I believe that the men who fight in that Army, the men who are subject to bodily risk in that Army, and the men who illustrate it in the skill with which they command troops and direct military operations are the only persons who ought to be promoted.

The detail from time to time of persons to perform military and semimilitary and civil and semicivil business in Washington from the Army has been the occasion of great annoyance to members of Congress. A few years ago a gentleman who had been some time here in charge of the bureau which adjusted the relations between the States and the National Government in regard to their accounts for military supplies and for military services furnished at the hands of their militia, as he occupied the place which had been occupied by a colonel, perhaps, before, thought he ought to be promoted to be a colonel, and for years wore out his shoe-leather besieging Congress and individual members of this and the other House to concede him that promotion. The matter came to the attention of the General of the Army, and he said that not only should that man not have any military promotion, notwithstanding the great merit of his services in this clerical capacity, but, on the contrary, he ought to be ordered to his company, and he was so ordered.

Mr. President, if this precedent be established, then every officer of the Army will apply, of course, to be detailed at Washington, because he knows, or at least thinks he knows, if brought here in the performance of service about the Departments, he will have better chances for promotion. Who is there to say that any one of the other twenty-five hundred officers of the Army could not have done as well as this officer has done? Who is there to say that he is the only person in all the Departments of the Government who has illustrated the highest degree of efficiency, not only on his own part, but as applicable to the services of those under him? I was led to believe some time ago, on an inspection of his affairs, that the Sixth Auditor of the Treasury had done better than his predecessors, and with less force had accomplished more work. I believe the Senator from Missouri, who is the friend of the gentleman mentioned in this bill and who has advocated the bill, thinks that the present Second Auditor of the Treasury is a very efficient officer, and yet any one of these officials might as well be put into the Army and given rank in the Army as to take this individual, who, being in the Army, has performed the same kind of duties as these other persons have, civil duties, clerical duties, and give him military promotion.

The Army of the United States is small enough. Its merit depends upon its efficiency. It ought to be the nucelus, the kernel of a greater army, which some time we may need to bring into the field. It ought to be imbued with the military spirit. It ought not to be composed of men who are induced under the action of Congress to haunt the streets and the Departments at Washington with the idea of obtaining and doing civil service in this city with the view to promotion which they can not get by fighting in the field. We can no more easily and certainly tear down the foundations of this vast military structure of ours and make it worthless with reference to future and emergent conditions than we can by denying promotion to the men who fight and giving it to the men who write a good hand.

Mr. STEWART. I call for the regular order.

Mr. COCKRELL. The morning hour has not expired, I believe, Mr. President.

The VICE PRESIDENT. The morning hour has not expired. "Concurrent and other resolutions" are still in order.

Mr. COCKRELL. The pending bill will only take a few moments.

Mr. STEWART. There are several other Senators who desire to speak, as I understand.

Mr. COCKRELL. It will only take a few minutes to dispose of the pending bill.

Mr. STEWART. If we can have a vote I shall not object, but I understand that other Senators wish to talk upon the bill. It is a controverted matter.

Mr. COCKRELL. It is in the nature of a privileged question.

The VICE PRESIDENT. Is there further morning business? If not, that order is closed and the Calendar, under Rule VIII, is in order.

Mr. STEWART. I move that the Senate proceed to the consideration of the unfinished business.

Mr. COCKRELL. This is morning business.

The VICE PRESIDENT. The morning hour continues until 2 o'clock unless otherwise ordered.

Mr. COCKRELL. I ask the Senator from Nevada to let us dispose of this matter.

Mr. STEWART. I will give way for five minutes.

The VICE PRESIDENT. The morning hour continues until 2 o'clock, unless otherwise ordered.

Mr. INGALLS. Yes, Mr. President; but at any time after 1 o'clock, if the morning business is concluded, it is competent for a Senator to move to proceed to the consideration of any other bill.

The VICE PRESIDENT. Certainly. The Chair so understands.

Mr. STEWART. I move to proceed to the consideration of the unfinished business.

Mr. COCKRELL. I hope the Senator will not do that. This bill was passed by the Senate and sent to the other House. It was recalled and a motion to reconsider entered by the Senator from Kansas [Mr. PLUMB]. That is a privileged motion, and it has been pending here ever since before the holidays. It will only take a few moments to dispose of it.

Mr. STEWART. The Senator from Missouri, I suppose, does not wish to cut off Senators who are prepared to speak on the financial question.

Mr. COCKRELL. Nobody wants to deprive any Senator of such an opportunity. I want to speak myself upon that question and I want ample time.

Mr. STEWART. We have only two days more. There are more Senators who desire to speak on the financial measure, I fear, than the time at our disposal will allow. We can take the pending question up after the financial bill is disposed of.

Mr. COCKRELL. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri rise to morning business?

Mr. COCKRELL. I simply want the business before the Senate disposed of, which is morning business and a privileged question. It will only take a few minutes to conclude it. I do not wish to detain the Senate more than three minutes myself.

Mr. STEWART. I will give way until half past one o'clock, and then I shall call for the regular order.

Mr. COCKRELL. That is simply inviting any one who wants to speak to do so until that time, and thus end the business for the present.

I merely wish to say that this bill simply creates an office in the War Department known as the record and pension office. It is already created by the War Department. This bill makes it permanent, and it is an absolute necessity that this office as now organized should be made a permanent office.

The bill authorizes the President to appoint the present chief in charge of that office with the rank of colonel. It does not interfere with any promotion in the Army, directly or indirectly; on the contrary, it takes a captain within two files of the position as major out of the line of promotion, and places him in this one solitary office, and therefore benefits the Army, so far as promotions are concerned, to that extent.

This officer has performed work which entitles him to this and even to higher promotion. He has already done a work which saves the Government hundreds of thousands of dollars yearly, and inside of two years he will complete the work on the muster rolls, which will save the country from that time on, indefinitely, anywhere from $750,000 to $1,000,000 every year. This bill is just and right, and I ask for a vote on the pending question.

Mr. STEWART. I move that the Senate proceed to the consideration of the unfinished business.

Mr. COCKRELL. Let us take the vote now. The time has not arrived which the Senator said he would give us. He promised to give fifteen minutes.

Mr. STEWART. If we can have a vote on the question, all right. ["Question!" "Question!"]

Mr. COCKRELL. I ask for the vote on the motion to reconsider and I hope it will be voted down.

Mr. PLUMB. Mr. President, I want to say one other thing, and that is this: I think the Senator has made a very extraordinary statement. It is not credible that there has not been in the service of this Government from time to time many men who saved it money over preceding methods. Has it got to the point that, when we get a man who saves us something and makes an improvement by reason of his military intelligence on what we had before, we have to promote him even in a civil way?

But the Senator from Missouri omits any consideration whatever of the fact that he makes a military rank not now existing and gives it to this person. Why not give it to one of those men wounded at the battle of Wounded Knee? Why not give it to men who are risking their bodies and lives in the military service of the Government, rather than to a man who is comfortably sheltered and who develops simply clerical faculties?

The VICE PRESIDENT. The question is on the motion of the Senator from Kansas [Mr. PLUMB] to reconsider the vote by which the bill was passed.

Mr. HAWLEY. I hope the motion to reconsider will pass, because I should like to give this matter further consideration. I do not remember that I voted upon it in committee, though it was fairly reported by a majority of the Military Committee at least, but I think it is a disproportionate reward. It will give $5,220 a year to the chief of this bureau who does civilian's duty, which would be far above the pay given to any other officer who holds a similar rank. It is true this gentleman will soon be a major, and this adds just about a couple of thousand dollars, and perhaps a trifle over, to his pay.

Now, what has he done? He has done admirably, of course, but he has invented nothing new. The excellence of his method consists in using the famous card index, as I believe it is called. You find on the card a memorandum of a soldier's record, his hospital life, etc. There were great doubts whether that could be done or not. If I were to pay anybody for having introduced that reform into the office, then unquestionably the man I would pay would be the Senator from Missouri [Mr. COCKRELL] who pressed that system upon the Department, upon the officer in charge of the Pension Bureau, upon the Adjutant General of the Army, and upon the former Secretary of War, and, after very considerable difficulty and long effort, he got them to try it, and it works so well that they have adopted it, and Captain Ainsworth since that time has carried it out. He is a good officer and I have no fault to find with him, but I do not believe in this way of creating an office, and I think the reward is disproportionate.

Mr. VEST. I should like to hear my colleague state what this gentleman has done, because, according to the statement of the Senator from Connecticut [Mr. HAWLEY], he has not done anything.

Mr. HAWLEY. He has done a good deal, Mr. President. He has well carried out a good plan.

Mr. COCKRELL. This officer served from twelve to fourteen years on the frontier as an assistant surgeon in the Army, and, without any solicitation on his part, directly or indirectly, but in consequence of the deranged condition of business in the office of the record and pension division of the Surgeon General's Office, he was, in December, 1886, brought to Washington and placed in charge of that office. He found in that office ten thousand unanswered calls from the Pension Office, some of which had been there for six months, and every Senator was getting letters stating that pension claims were delayed because answers could not be obtained giving the hospital records of the soldiers.

This officer took charge, and, with the same force that was formerly there, by the middle of March had answered all the ten thousand calls made from the Pension Office then on hand and had kept up all the current calls, answering them within three days. Then he found there nineteen thousand hospital records, bound volumes, which had been searched over from year to year until some of them had been worn out. They had been copied. He invented—for it was his invention—the card-index system and he put some clerks at work upon that system, transcribing upon the cards the entire hospital record of every soldier whose name was borne upon the rolls, and, without the increase of one solitary clerk, answering all the calls from the Pension Office the day they were received. He has made the card-index records of all the hospital records and of all the soldiers who were in the Army, and to-day you can go to his office and get the hospital record of a soldier as quickly as you can go to the dictionary and get the definition of a word, and that record is perfect. It is as perfect as it can be made; much more perfect than the examinations before.

When, as chairman of the Senate Select Committee on the Methods of Business in the Departments, I was investigating the Departments, I came to the Adjutant General's Office, which was overwhelmed with work, having 412,000 muster rolls of the volunteer soldiers of the war. They had been searched; they had been worn out; they had been copied, and the copies had been worn out. I tried every system I could think of to preserve those rolls; I talked with all the officers of the Pension Office; I asked Captain Ainsworth if he could not devise a card system on which the complete military record of soldiers could be transcribed and the muster rolls saved.

At my instance he prepared the card-index system. I recommended it as chairman of the committee. The Senator from Illinois [Mr. CULLOM], the Senator from Connecticut [Mr. PLATT], the Senator from Tennessee [Mr. HARRIS], and the Senator from Arkansas [Mr. JONES] were also members of that committee. We recommended the adoption of that system for the preservation of the muster rolls of the Army.

We also recommended that a select committee be appointed in the War Department to investigate and report upon it, and the late Secretary Endicott appointed a committee of three or five, who examined the card-index record system. They recommended it very strongly. It was referred to the Adjutant General, and the Adjutant General reported against it. That was in 1888 and 1889.

The only alternative I had left to get the system adopted was to compel it by law, and by the permission of the Senator from Iowa [Mr. ALLISON] and the Senator from Maine [Mr. HALE] I had an amendment inserted in the deficiency appropriation bill which passed in 1889 compelling this system to be carried out.

The new Secretary of War came in, and he created, for the purpose of carrying out the system, what is known as the record and pension division of the War Department. That division to-day has nine hundred clerks in it, more than half of all the employés of the War Department. There has been transferred to that division the office of the Adjutant General and the record and pension division of the Surgeon General consolidated. The work taken from the Adjutant General was under the charge, I think, of a lieutenant colonel and two majors. Three or four officers of high rank were in charge of that work.

When the office was created Captain Ainsworth was placed in charge of it, and in June, 1889, he took an invoice of what was on hand to be disposed of coming from the Adjutant General's Office, and there were 40,550 unanswered and undisposed-of cases awaiting action received from the Adjutant General's Office July 8, 1889. Captain Ainsworth took charge. A large number were for the remuster of officers, some 4,365 cases involving law questions and military questions of the remuster of officers, and very few, some 1,342 cases, involving the removal of the charge of desertion against soldiers, and military and legal questions, and others coming from the different officers.

What did Captain Ainsworth do? By the 30th day of September, 1889, he had disposed of every one of these 40,550 cases and all current incoming business, every bit of it; and from July 8, 1889, to June 30, 1890, he had disposed of 301,238 calls from all sources, besides these 40,550 cases. He has received from the Pension Office 2,167 cases in one day and answered them by the next day. He has brought the work up, and it is current to-day.

Not only that, but he has completed the card-index record of the soldiers of the whole of the State of New York. He is now working upon the records of the colored soldiers, and will soon complete them; and inside of two years from next January he will have transcribed upon cards the complete and full military record of every soldier who was in the late war, so that you can turn to it and get it without looking at any roll as quickly as you would turn to a dictionary and obtain the definition of a word out of it.

It is his system, and it has been done with the same force. He does it because his system enables him to keep his fingers on every item of business from the time it comes into the office until it goes out finished and to know exactly at the same time how much each clerk is doing. I say he is a genius of the first order, and there never has been in any of the Executive Departments at Washington a man of such executive ability and ability to trace business to compare with him.

What the bill proposes is but a small compensation for the service he has rendered. He has saved to the country the destruction of the complete muster rolls that would soon have been absolutely destroyed, but which will be saved.

Mr. PLUMB. Will the Senator allow me to ask him to say something about the military ability of this gentleman?

Mr. COCKRELL. I say, as to his military ability, no man ever served with more credit to himself in that position than he did up to the time when he was brought into that office; and I say, in addition to that, that his military record is as good as any man's, and his military ability and attainments are far superior to those of most officers of his rank. He is a man of extraordinary ability. He has two systems. He has devised them. One system is by cards, enabling him to trace every item of business from the time it comes into the office until it goes out.

Go there to-day at 4 o'clock, and he will tell you exactly the number of cases that were on hand this morning, how many he has received during the day, and from what sources, where they have gone, and how many have been disposed of. He has these cards by which he traces the business. At 1 o'clock to-day he will have a report from the different rooms in the War Department on the number of cases undisposed of in them. Here is a room that has a hundred cases, while another room has only ten cases. Then he shifts clerks from the room having ten to the room where there are one hundred cases. By this sys-

tem he keeps his eyes and fingers completely upon every item of work. He knows at the close of each day exactly how much each clerk does; and they do more work in that branch than the clerks in any other branch of the public service to-day.

This system of tracing business is applicable to any of the Departments of the Government. It has been adopted by the Quartermaster General *in toto* in his office, and it is adaptable to any business in any branch of the public service; and if it were applied to other branches of the public service it would save the Government millions of dollars. If applied to any branch of the Government it will enable the Department to discharge one-third of its employés. Leave him in charge of this division and at the close of two years from next January you may discharge five hundred employés for all time to come. So it will amount to a saving of the salary of five hundred men for all time to come.

The work will be completed and it will be there. He is at his work constantly, night and day, in season and out of season; he is there early in the morning and he is there late at night. If any man in the public service has earned this by bringing the public business up, by saving to the taxpayers millions of dollars, and by giving to the Pension Office and to the Second Auditor prompt responses, so that pension claims and claims for back pay and bounty may be very quickly adjusted, it is this man.

I hold in my hand a letter from the Commissioner of Pensions commending this bill and stating how promptly answers have been given. I also hold in my hand a letter addressed to me by the Second Auditor of the Treasury, also commending this bill and stating how the system of this man has facilitated business in the Second Auditor's office.

This is a small recompense. This is his due, Mr. President. The distinguished Senator from Wisconsin [Mr. SAWYER] went with me through this office and we examined it. No Senator who has ever examined it can doubt what has been accomplished and what can be accomplished.

Mr. President, without taking time to read the letters I have referred to, I will ask that they may be spread upon the record.

The VICE PRESIDENT. Is there objection? The Chair hears none and they will be printed in the RECORD.

The letters are as follows:

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
OFFICE OF THE COMMISSIONER,
Washington, D. C., January 9, 1891.

DEAR SIR: I have observed with satisfaction the favorable consideration in the Senate of Senate bill 4620, "to establish the record and pension office of the War Department," and for other purposes.

It seems to me eminently proper to give the sanction of law as proposed to the action of the Secretary of War in creating the record and pension division of his office, bringing under one management the business of the Adjutant General's Office and the Surgeon General's Office, that relates to furnishing information of the military and hospital records of those who have served in the Army; and the introduction of the present admirable system of transacting the business must have resulted in an immense saving of money to the Government, as it has secured prompt replies to all inquiries for information upon those subjects.

This office is now making more than one thousand calls per day for the military and hospital record of soldiers who have applied for pensions. On the days following the date of the calls the information required is prepared and forwarded to this office. This prompt work in obtaining and furnishing the information from the records of the offices of the Adjutant-General and Surgeon-General is possible only under the present system.

The success of this great work is, I learn, chiefly due to the efforts of the present head of that division, Capt. F. C. Ainsworth. With a clerical force of more than eight hundred persons under his direction it seems to me just that he should have a promotion with rank commensurate with the magnitude and importance of his labors.

Very respectfully,

GREEN B. RAUM, *Commissioner.*

Hon. F. M. COCKRELL,
United States Senate.

TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE,
Washington, D. C., January 9, 1891.

SIR: Noticing the introduction by you of a bill in the Senate of the United States to establish the record and pension office of the War Department and to appoint the officer now in charge of the record and pension division to be a colonel in the Army, and chief of said office, I deem it my duty to add the weight of my official testimony in support of the passage of this bill.

Prior to the assignment of Captain Ainsworth to the charge of the above-named division the work of this office in the matter of the settlement of claims for pay, bounty, and allowances was largely in arrear, owing to the great delay in obtaining the proper information from the records of the War Department. Since his assignment and the adoption of his present system, the delay, if any, is merely nominal, and information called for through his division is promptly furnished and sufficient for the accounting officers to reach, in connection with the pay rolls on file in this office, definite conclusions in each case under consideration.

It is proper to add that I have this day sent a letter of this purport to the Hon. B. M. CUTCHEON, House of Representatives, United States.

Respectfully, yours,

J. N. PATTERSON, *Auditor.*

Hon. F. M. COCKRELL,
Senate of the United States.

Mr. PLATT. Mr. President, I was about to ask the Senator from Missouri, before he sits down, referring to what he says about this officer having fairly earned the promotion proposed here, whether there is not another view of the subject to which he has not alluded, and that is as to what will be accomplished in the future for the soldiers of this country who are desiring pensions.

Mr. SPOONER. He alluded to that.

Mr. COCKRELL. I did allude to that.

Mr. PLATT. It seems to me the making of this office a permanent one and keeping the officer in charge who has thus shown such signal ability is the principal thing which commended the bill to my mind.

Mr. COCKRELL. Certainly.

Mr. PLATT. Allow me one word more. I do not know that it is practicable to bring the same methods to bear in the Pension Office; I do not know that it is practicable to transfer the Pension Office to the War Department and put it in charge of this officer; but I venture to say that if this officer had charge of the Pension Bureau we should not be waiting for three months and six months for answers to letters, but our business would be transacted with the Pension Office just as promptly as it is with the War Office.

Mr. SPOONER. Mr. President, I hope the motion to reconsider the vote will be adopted. I am free to say I do not like the bill in one or two of its aspects. I do not underestimate at all the service which this officer has rendered, which is, however, rather of a clerical sort.

Mr. PLATT. Not at all.

Mr. SPOONER. Well, it is of an administrative or executive kind and not military. He has undoubtedly rendered great service and is entitled to great commendation; and the Senator from Missouri [Mr. COCKRELL] is entitled to great credit in this connection also.

But to my mind there are two objections to the bill. Although there may be precedent for such legislative action as this, it occurs to me that the precedent is a bad one. The power of appointment, the power of selection, is vested by the Constitution in the President of the United States. If we are to create the office, which perhaps ought to be created—I do not say it should not be created—it is no part of the province of Congress to limit the choice of the President to an officer named in the law. By so doing, although it has been done heretofore, Congress practically makes the appointment.

I think it would be better, if the bill is to be passed and the rank named attached to the position, that the designation of the officer to be appointed should be omitted. The President might appoint him, and probably would appoint him, but he would choose him if he appointed him doubtless for the reasons given by the Senator from Missouri, and not because Congress had indicated in the act that he was the person to be named in the event of the passage of the bill. I doubt very much the power of Congress to dictate in this manner, under the Constitution, to the President whom he shall appoint to a particular office.

But whether legal or not the bill in creating this office and providing for the appointment of this gentleman simply creates the rank of colonel for him. Then if he dies, having been appointed to the office, no successor with that rank is to be appointed, according to the provisions of the bill. The rank of colonel in connection with the position, so far as the rank is concerned, dies with him. So it is a proposition pure and simple to confer upon this gentleman, because of the valuable service he has rendered in the War Department——

Mr. PLATT. And is to render.

Mr. SPOONER. And is to render, if you please, of the same kind, a promotion from the rank of captain to the rank of colonel. Now, I have always supposed that as a rule military rank was to be awarded for military service. I think the officers of the Army, many of whom bear wounds upon their bodies received in battle for the Union, and who have waited and waited and waited in the vain hope for twenty-five and even thirty years that fortune would bring them this decoration or something higher than the rank which by law they possess, would have some right to complain.

Mr. COCKRELL. It does not interfere with them. Would you put one of them in that office?

Mr. SPOONER. Mr. President, if we are to create the rank of colonel, and bestow it upon some man, simply as a reward for services, I should greatly prefer that it should be bestowed as a reward for service in battle rather than as a reward for clerical services in a Department at Washington. There are officers lying wounded on the plains of Dakota, and others just from great danger bravely met, as gallant officers as ever went into battle, who will wait and wait the operations of existing law for promotion to a majorate or a lieutenant coloneicy.

I am willing this man should be rewarded, but for one I am not willing to vote for a bill which confers upon a man, simply for services he has rendered in connection with the arrangement of records in the War Department, the rank of colonel in the Army, to die with him, when there are officers who have been continuously in the service, not carpet knights in Washington, not receiving details around the Department, but who have rendered their service and discharged their full duty in the field, isolated from society, separated from their families, enduring all the hardships that a soldier in active service is called upon to endure.

I should be quite willing, and am willing, that this office shall be created. I am willing to vote for an amendment to the bill increasing the salary of this officer. I am willing to vote for it if he needs a decoration of that kind, giving that salary to him by name. It is very much better to give such a reward for civil services (and that is what they are, although they may have relation to the Pension Department)

than for such services to create the office of colonel and confer that rank and decoration upon this gentleman, I will not say to the prejudice, but it seems to me I may fairly say to the mortification and discontent of the army officers who are entitled to it for military services.

I have great respect for the Committee on Millitary Affairs. The chairman of that commiteee [Mr. HAWLEY] was himself a gallant soldier.

Mr. PLUMB. He said he is against the bill.

Mr. SPOONER. He must, I think, appreciate the fact that army officers, situated as very many of them are in our Army, will feel that if military decorations and honors are to be given, they should be given to the men who have served in fight, who have been where a soldier ought to be, who have earned the military reward of promotion, rather than to gentlemen who have basked in the favor of the authorities at the Capital.

I do not say this reflecting upon this gentleman at all, for he has been doing his duty among the records here and has done it well. I am willing to reward him and will vote to reward him, but I shall not vote to do it in this way.

Mr. MORRILL. Mr. President, it appears to me that, if anybody has a right to complain, it is the person who is to be appointed to an office where there will be no possibility of further promotion. The bill does not interfere at all with the regular promotion of the army officers. If any of them deserve such promotion I have no doubt they will get it. But here is a man who has done an unequaled and a unique service. He is fitted for the place, and unless we take him for the office there is no one who is considered so competent by those who are acquainted with the service he has rendered. I hope the bill will not be reconsidered.

Mr. COCKRELL. I move to lay on the table the motion to reconsider.

The VICE PRESIDENT. The Senator from Missouri moves that the motion made by the Senator from Kansas [Mr. PLUMB] to reconsider be laid on the table.

Mr. PLUMB. On that I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I have a general pair with the Senator from Delaware [Mr. GRAY]. If it becomes necessary in order to make a quorum, I shall cast my vote.

Mr. DAWES (when his name was called). I am paired with the junior Senator from Georgia [Mr. COLQUITT], unless my vote shall be necessary to make a quorum.

Mr. DIXON (when his name was called). I have a general pair with the Senator from South Carolina [Mr. HAMPTON].

Mr. DOLPH (when his name was called). I am paired with the senior Senator from Georgia [Mr. BROWN].

Mr. HIGGINS (when his name was called). I am paired with the senior Senator from New Jersey [Mr. MCPHERSON], unless my vote be necessary to make a quorum, in which case I shall take the liberty of voting.

Mr. MCMILLAN (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE].

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS]. If he were present, I should vote "yea."

Mr. CASEY (when Mr. PIERCE'S name was called). My colleague [Mr. PIERCE] is paired with the Senator from Kentucky [Mr. CARLISLE].

Mr. WILSON, of Iowa (when his name was called). I am paired with the Senator from Maryland [Mr. WILSON], and therefore withhold my vote.

The roll-call was concluded.

Mr. DAVIS. I vote "yea." I will state that I am released from my pair with the Senator from Indiana [Mr. TURPIE] for the purpose of this vote.

Mr. CULLOM. I will cast my vote, as this does not seem to be a question on which pairs are observed. I vote "nay."

Mr. PADDOCK. As I am informed that the Senator from Louisiana [Mr. EUSTIS], if here, would vote "yea," I shall vote. I vote "yea."

The result was announced—yeas 33, nays 17; as follows:

YEAS—33.

Aldrich,	Coke,	Manderson,	Shoup,
Barbour,	Davis,	Morrill,	Stockbridge,
Bate,	Faulkner,	Paddock,	Vest,
Berry,	Frye,	Pasco,	Voorhees,
Blackburn,	Gorman,	Payne,	Walthall,
Call,	Harris,	Platt,	Warren.
Cameron,	Jones of Arkansas,	Pugh,	
Carey,	Kenna,	Quay,	
Cockrell,	McConnell,	Sawyer,	

NAYS—17.

Allen,	Hale,	Power,	Teller,
Allison,	Hawley,	Reagan,	Washburn.
Casey,	Hiscock,	Sherman,	
Cullom,	Ingalls,	Spooner,	
Edmunds,	Plumb,	Stewart,	

ABSENT—38.

Blair,	Dolph,	Hoar,	Sanders,
Blodgett,	Eustis,	Jones of Nevada,	Squire,
Brown,	Evarts,	McMillan,	Stanford,
Butler,	Farwell,	McPherson,	Turpie,
Carlisle,	George,	Mitchell,	Vance,
Chandler,	Gibson,	Moody,	Wilson of Iowa,
Colquitt,	Gray,	Morgan,	Wilson of Md.
Daniel,	Hampton,	Pettigrew,	Wolcott.
Dawes,	Hearst,	Pierce,	
Dixon,	Higgins,	Ransom,	

So the motion to reconsider was laid on the table.

The VICE PRESIDENT. The bill stands passed.

NOTICES OF BUSINESS.

Mr. STEWART. I move that the Senate proceed to the consideration of Senate bill 4675.

The VICE PRESIDENT. The Senator from Nevada moves that the Senate proceed to the consideration of the unfinished business, being the bill (S. 4675) to provide against the contraction of the currency, and for other purposes.

The motion was agreed to.

The VICE PRESIDENT. The Senator from Washington [Mr. ALLEN] is entitled to the floor by the courtesy of the Senator from Iowa [Mr. ALLISON].

Mr. PLATT. I should like to make an explanation at this point, if the Senator from Washington will allow me.

Mr. ALLEN. Certainly.

Mr. PLATT. I gave notice on Friday last that I should this morning call up for action in the Senate the bill relating to copyright. I supposed at that time the debate upon the financial bill would not be urgent, but I was informed this morning that at the earliest opportunity after the regular morning business had been concluded the Senator in charge of the financial bill wished and insisted upon moving to take it up. The morning hour has been really consumed by other business, but it has rendered it impossible for me to move this morning to proceed to the consideration of the copyright bill. I suppose now that it will be the desire of the Senator in charge to proceed each morning with the financial debate immediately after the routine business.

Mr. STEWART. And I will state that I believe it is the general order that we shall meet at 10 o'clock in the morning. At the suggestion of several Senators who wish to speak I should like to have it understood that we are to meet to-morrow morning at 10 o'clock and to meet at that hour every morning until the bill is disposed of.

The VICE PRESIDENT. That is the standing order.

Mr. STEWART. And I desire that we shall spend as little time upon morning business as possible, so that we may dispose of the bill, as a number of Senators wish to speak and I do not want to cut them off.

Mr. PLATT. I simply desire to say that I am intensely anxious that the copyright measure should be taken up and disposed of, and I shall at the very first opportunity when I believe I can get consideration for it ask the Senate to consider it.

Mr. STEWART. I should like to inquire, if no motion is made to change the hour of meeting, whether it will be at 10 o'clock to-morrow morning under the rule.

The VICE PRESIDENT. The understanding of the Chair is that 10 o'clock is the hour of meeting under the standing order.

Mr. STEWART. I wish to have it understood, then, that the Senate will meet to-morrow morning at 10 o'clock.

Mr. PADDOCK. Mr. President, I desire also to give notice that, without reference to the copyright bill or any other measure, at the earliest possible moment I shall ask the Senate to take up for consideration what is known as the pure-food bill, which will naturally, I suppose, bring up the Conger lard bill and other propositions on the same subject.

Mr. PLATT. I hope the Senator does not intend to give notice that he will antagonize my motion.

Mr. PADDOCK. I do mean exactly that, that I shall antagonize any motion of that kind, because long ago and frequently since I have given notice to the Senate that this most important measure, which is demanded by the agricultural interests of the whole country, shall have the earliest right of way that can be secured for it.

Mr. PLATT. I trust the Senator on further consideration will not insist upon the statement that he has now made. I can assure him, I think, that there will be an opportunity for the consideration of both measures.

Mr. PADDOCK. I hope so.

Mr. PLATT. But if he puts himself in the attitude which he seems to do this morning it may possibly result in not facilitating the consideration of his bill.

Mr. PADDOCK. I desire to say to the Senator from Connecticut that he is the party who is antagonizing that bill. The demand for its consideration was made a long time before this demand of his.

Mr. PLATT. Oh, no, Mr. President.

Mr. PADDOCK. I mean during the present session.

Mr. PLATT. Whenever I give notice that I propose to call up the copyright bill the Senator from Nebraska gets up and says he proposes to move to take up the pure-food bill.

Mr. PLUMB. I wish to say, in reference to the two notifications

which have been given, and for the benefit of the urgency which the Senator from Connecticut displays in regard to his copyright bill, that I think he must have come to that feeling a little bit late, because he was much more anxious this morning that the bill should be brought up to give a clerk in the service of the War Department such a decoration as has never been bestowed by the United States Government except in four other instances by statute since the Government began, to George Washington, General Grant, General Sherman, and General Sheridan, and to that extent he postponed the copyright bill. Therefore, when the time comes, I think I shall be found to vote against taking up the copyright bill as against these other measures.

Mr. PLATT. The Senator from Kansas has allowed the feeling of defeat to run away both with his judgment and with his understanding of the facts. I could not move to take up the copyright bill until the conclusion of the morning hour.

Mr. PLUMB. But the Senator asked me to call up the matter which has been under consideration as against everything else. All I want to say is that all agreements are broken in regard to such matters hereafter relating to the order of business. At any rate, the Senator will not get a vote from me to take his bill up.

Mr. PLATT. Well, I will finish what I have to say. After I gave notice that I should move to take up the copyright bill the Senator then acceded to a request which I had made previously to call up this morning the bill which he has referred to, after I had given notice that I should move to occupy the morning with the copyright bill. I am sorry that he should feel disturbed or angry at the situation.

Mr. PLUMB. I do not; I feel good natured about it, and I want to thank the gentleman for giving me the opportunity of which I availed myself.

Mr. PLATT. I did not give the opportunity this morning; the Senator took it. It was not in my power to prevent his moving the bill which has been under consideration.

Mr. PLUMB. But the Senator urged me to do it, and I did not intend to do it, and would not have done it but for that. The copyright bill would have come up if it had not been for the desire to give a decoration to a person in the War Department which has only been given to four other persons in the history of the Government. All I want to say is that that relieves me from any understanding, and I speak of that because the Senator and I have had more or less understanding about the copyright bill. The copyright bill will not be taken up with my vote until a great many other matters are disposed of.

Mr. PLATT. The Senator ought not to be unjust. He knows very well that I did not desire him this morning to call up the war-records office bill to interfere with the copyright bill.

Mr. PLUMB. No; but I called it up this morning in accordance with the request the Senator made to me on Saturday.

Mr. PLATT. The Senator is also mistaken about that.

Mr. PLUMB. All right; we shall depend on the record.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. MARTIN, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice President:

A bill (H. R. 2309) for the relief of Stubbs and Lackey; and

A bill (H. R. 7082) for the relief of Maj. Joseph W. Wham, paymaster United States Army.

COIN AND CURRENCY.

The VICE PRESIDENT. The unfinished business will be proceeded with, on which the Senator from Washington [Mr. ALLEN] is entitled to the floor.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 4675) to provide against the contraction of the currency, and for other purposes, the pending question being on the amendment proposed by Mr. STEWART to the amendment of the Committee on Finance.

Mr. ALLEN. Mr. President, by the common law of mankind the money stamp has been placed upon the gold and silver metals. The civilization to which we belong received these money metals from those that preceded it. The authenticity of the one has had no higher sanction than the other. Both deraign title from a common source. The same power that decreed them money measurably fixed their monetary ratio, and through many a continuous century and innumerable fluctuations in governmental and commercial affairs sternly and impartially preserved their parity.

Kings and potentates and powers have challenged the existence of the law of their coinage and have attempted to modify or abridge or repeal it without success; have risen in revolt against it; have assailed it, but never with more than partial and temporary success have overthrown it; and always to bring upon themselves the penal consequences that result from violated but vindicated law. The power of Government has not been able to create and the ingenuity of man has not been able to devise any other universal solvent of debts and standard of values.

By a process of experience and eliminations, all other mediums have been discarded; whatever their local efficiency, their adaptability, their value, however rare or plentiful their supply, they have failed to stand the test of universal experiment and by the common consent of mankind have been thrown aside.

The same wit and power and selfishness or even misguided philanthropy that have attempted the monetary overthrow of both these metals have, with equal energy and determination and with as powerful incentives, sought by a concentration of attack upon one of them to work its downfall; but, while disorder and panic and incalculable mischiefs have been wrought, ultimately, heretofore, this unwritten law of mankind has vindicated itself.

How comes it, Mr. President, that with the rising and falling of nations, the changing of national boundary lines, and the balances of national power; with the enactment and repeal of municipal monetary laws; the changes of rulers and of policies; the growth of commerce; the creation of wealth; the concentration and distribution of properties; the extended and intricate systems of exchange, and the expansions and contractions of credit, the world has heretofore been unable to dispense with the monetary use of either of these metals?

Have all conditions so changed that it is reserved for this time to demonetize silver? And, if so, by what new scheme or contrivance or exertion of power is it hoped to remove one of these two foundation stones upon which the world's business and property and financial system have been constructed and rest; and not only prevent the superstructure from falling in ruins, but even steadying it against rocking and toppling to the terror and panic and confusion and disaster of every business and every enterprise?

How came it about, Mr. President, that the world adopted this common-law rule and in all these mutations of affairs, like the system of law to which it belongs, it has adjusted itself to every experience and every period of time.

What charm, what magic, what utility, what quality inheres in either or both of these money metals that has alike moved all mankind to recognize and prize them? How comes it that they alone of all substances, in all marts, and with all civilized people are accepted; that while other monetary devices are domestic and perish if taken across the territorial boundary line of the nation creating them these two moneys have the boundaries of the world for their jurisdiction? It is surely not owing to their metallic adaptabilities, for aside from their limited demand as ornaments, their uses are few and comparatively trivial, while more convenient substances for manual delivery are at easy command.

I only find an explanation of this phenomenon in the fact that the creation of money is beyond the power of man and of Government.

By a wise economy in nature, these metals have been laid away in hidden deposits, in the remote and secret places of the world, and yet so broadly distributed over its surface as to everywhere arouse curiosity and challenge search; perpetually baffling and inviting, capriciously rewarding and cheating the searcher; crushing confidence in despair, and inspiring weary-bodied disappointment with new hope and gaunt despondency with dreams of plenty and visions of opulence, until with light hearts and confident expectations they arise from hard beds to renew their toil and search.

And so it comes to pass, Mr. President, that every grain and nugget and bar of these precious metals, before it leaves the finders' hands, is accurately assayed in the laboratory and nicely balanced in the scales of labor, and has the royal, ineffaceable, and inimitable stamp of labor placed upon it, rendering it the standard of value for everything desirable among mankind or that may be individually appropriated by him. It is not its value as gold and silver that sends it current over the world, but because it is coined toil. These metals are not the moneys of the world because this common law has made them such, but this common law has recognized them as the universal and the only money of the world, because labor has so stamped them. And this high authority that affixed the stamp approximately established the parity of value.

It may have been the world could have gotten along with but one of these metals as money, but in my opinion not so successfully as with both; for the one has been the check and balance upon the other, the redundancy of its yield supplying the deficiency of that of the other, and thus, through the division and aggregate of their supply, keeping the growth and proportion more nearly even in volume with the world's demand.

Be this as it may, the world at large, with few exceptions, saw fit to adopt the double standard, and through centuries has builded its financial superstructures upon it.

The inheritance of property, of debt, and of credit has been based upon the quantitive system of money afforded by the world's product of these two metals.

It is impossible at this late day to call a halt in the march. It is impossible to close the doors of the world's concerns and suspend its business until an inventory can be taken of its property, its debts, and its capital, with a view of starting afresh on a new and single money standard.

To what arbitrament will creditor, as well as debtor, submit?

Will capital consent to bear its share of the loss that must result from the demonetization of one of these co-ordinate money agencies? As money, and according to the compact of one generation with another

and one part of the world with another, and of every debtor and creditor with each other, the silver to-day represents about one-half of the world's supply and one-half of its value, about $3,500,000,000.

Rob silver of its money function; convert it into a mere commodity, and it becomes practically worthless; and with this elimination of its monetary quality—in order to preserve this equilibrium—one-half the value of the world's assets must be extracted and transferred to and swallowed up in the remaining metal, in order to double its monetary power.

Such a crime is so gross, so stupendous, so cruel and ruinous, that its contemplation excites universal revulsion and universal resistance. And when you marshal its perpetrators and its victims the disparity is so great as to render its successful commission impossible.

It is useless to contend that silver has been by natural or legitimate processes even partially demonetized. It can not be successfully contended its product has increased unduly with the growth of population, the expansion of the world's business, or the distribution of its wealth, nor do I concede that taking a reasonable measure of time and judging its relative product with that of gold, having regard to the stock of each on hand and the history of the discoveries of each, its quantity is unreasonably in excess of its sister metal.

I confidently submit that not a single reason can be advanced for striking down or discriminating against silver that would not be equally applicable to gold if it had received like arbitrary and unlawful treatment in the last twenty-five or thirty years at the hands of governments and combinations of capitalists and owners of credits. To attempt to demonetize it is an attempt to demonetize gold also. To derange the parity of the metals is not only to reduce the one beneath the established standard, but to advance the other above it, and place each in a condition of fluctuation to become, to that extent, a commodity to be speculated in, the victim of bulls and bears in the markets.

Now, Mr. President, such is not the legitimate use of money, and if diverted from the single office of circulation the financial sea-level for measurement of all property elevations is gone, and caprice rules and confusion and ruin follow; and there can be no certainty and stability and rest and no justice or equity in the relations of capital to all other interests, until silver is restored to its former and legitimate monetary position, to its parity with gold.

But it is contended that it is not within the power of this nation to lift this burden, to effect this restoration. We reply, Mr. President, that two or three nations wrought the mischief, effected the derangement, committed the monetary crime.

We answer that, with the financial as with the physical body, every tendency and effort is to throw off disease and disorder and return to normal conditions; every instinct is to resist injury. If, against this resisting power, these nations could inflict so much injury, how much more efficient shall we prove in removing obstructions and allowing natural functions to reassert themselves.

Besides, Mr. President, we do not go to this task unaided. The same injustice and outrage that the property-owning and debt-owing classes of our own country are suffering from have been inflicted on like classes in every European country. The same laws of removing obstruction that inheres in the financial system is constantly and persistently operative there as here. The fact that in England and throughout Europe the prices of land and grain and every agricultural product have with unerring precision advanced and receded with the fluctuating prices of silver, affords a demonstration no man can question, that the agricultural and laboring classes the world over (its most conservative, but most powerful, and at last most controlling elements) are fully enlisted in the struggle for the restoration of silver.

More than that, Mr. President, the moral influences in this struggle are with those who seek the restoration of silver; and what is of infinite value, the common people—the bone and sinew of the race—the world over, are with silver in the struggle. Some able financier of France has said, gold is the money of the hills, while silver is that of the valleys. The masses of the people inhabit the valleys.

With drafts and checks and paper promises, the great volume of business of the commercial centers and clearing houses of the world may be conducted so that actual money, beyond a small per cent., is not known in these gigantic transactions; but not to such extent with the toiling masses, for in the performance of their daily tasks and in the infinite aggregations of their humbler transactions (that after all constitute a large per cent. of the world's business) there must be the manual delivery of money, and in their affairs neither gold nor drafts are largely involved.

I firmly believe, Mr. President, the time is fully ripe, and the industrial and business world are anxiously looking to some strong, dominant nation like the United States, to lead off boldly and determinately in this movement; and the result is accomplished; that instead of opposition, in the very nature of things, friendly allies must rally to our support.

It is befitting, too, that the greatest silver-producing nation of the world should be the first to assert itself in this behalf. It is also in place that we, the strongest, the most vigorous, the most self-contained, and the most wealthy of nations should assume the initiative and reap the honor and advantage resulting from such leadership.

There can be less hazard to such a nation as our own, which, proportioned to its consumption, purchases the least from outside its borders, and sends forth the most of its commodities into the markets of the world, and by its favorable trade balances is drawing upon the finances of almost every other people. Thus intrenched and thus equipped for this struggle, I have but little fear of the disastrous results to our nation that others may apprehend.

I have not heard with indifference prophecies of evil resulting from such change from men of great experience and profound knowledge of financial questions. And yet, Mr. President, I can not but recall that many similar prophecies remain unfulfilled. I can not forget that but a few years ago I heard it proclaimed that the gigantic war debt of this nation would crush her into the earth in hopeless bankruptcy, and the only alternative was through the doorway of repudiation; and not only have we expended hundreds of millions in pensioning our soldiery with a liberality and beneficence never before displayed by any nation, but we have liquidated more than half our debt, and placed the remainder in the forefront of the world's securities.

I recall when wise and experienced but somewhat timid men said we could not resume specie payment and that the attempt must result in failure and widespread disaster; and yet a bold Secretary of the Treasury, with a good sense of the infinite recuperative powers and the wealth of this nation, said it could be done, and the way to resume was to resume; and, as resistless as obedience to the fiat of the Infinite, "Let there be light," resumption came. We can not forget that from the initial step in silver legislation the warnings that gold would desert our shores as if financial leprosy infected them, and that we would soon sink to the financial level of China, India, and Mexico and be excluded from commercial relations with the gold-using states, have all proven vain and empty sounds; that while we have accumulated silver more than many other nations, we have been equally successful in holding gold.

The late financial stringency and resulting business depressions, from which we are happily emerging, afforded proof of the public faith in silver money. The fact of the controlling percentages of customs dues throughout this period being paid the Government in gold when silver was alike receivable, shows the public had no distrust of silver money.

Although the price of silver rapidly and unhealthfully advanced for a number of months after the passage of the late silver act (not as a result of that legislation, but from extraneous and adventitious circumstances), this fact did not draw silver to us from other parts of the world in any sensible degree, nor did it cause gold to depart from us.

The fact is, Mr. President, no money, no currency, whether gold or silver, moves of its own volition, but only as it is impelled or drawn in the course of circulation. Our gold is not sent abroad except to bring some more desirable equivalent home, nor will the silver of other lands be drawn hither except our people prefer it to the commodities they already possess. So long as there is a limited supply of money metals, and more especially so long as that supply does not increase ratably with the increase of wealth and population, its undue accumulation in any given place means a corresponding depletion elsewhere with the necessary effect of lessening the unit-producing power in the country of the abundance and augmenting it in that of the scarcity. This fact in turn both impels and attracts commodities to the place of larger price, which not only tends to restore a monetary level, but also aids every nation in retaining or recalling to its borders the volume of currency usual in kind and necessary in quantity for its domestic circulation.

Nor can the constant and indispensable home use of gold and silver by European nations be overlooked. The profound realization of the commercial world to-day, in the light of its late panic experience, is not that its affairs should be conducted upon the gold basis alone, but rather the utter inadequacy of gold to meet its monetary wants. If any lesson has been impressively taught it is that the business world must have a larger circulation.

It must be better prepared to meet the shocks and strains to which it is subjected by blind distrust or well-grounded apprehensions; that back of checks and drafts there must be larger and more reliable money balances; that at times of shaken confidence there must be larger actual money reserves to draw against instead of the pawns of schemes unexecuted, of dreams unrealized, of possibilities, of speculations, of things hoped for, but not seen.

These events are the days of actual accounting. These are the real pay days of trade. These are the occasions when collaterals and securities, though gilt-edged, will not avail, and money must be present and perform its functions in person. At such times, no accounting for the absence of money, however reasonable, will be tolerated, and no substitute, however worthy, will be accepted, and no clamor for it, however needless and wild, will be unheeded. Nothing but a prompt demonstration that it can be had quiets fear; nothing but its response, its exposing of itself for sight and touch, will relieve apprehension or avert chaos and panic.

Mr. President, I cheerfully gave my support to the silver legislation of last session of Congress because I then thought, as I still do, that legislation was wise, well directed, and conservative. It then seemed

to me, as it still does, it recognized the fact of the double standard, the need of an expansion of a too contracted currency, and opened the way to the ultimate restoration of silver to its monetary function on an established parity with gold. Were not the question agitated afresh in Congress, my preference would be to leave the existing law to work out its legitimate results.

But, Mr. President, I believe the full restoration of silver ought to come, and inevitably must come, and until it does come the intervening period will be one of fluctuations, not only in money mediums, but one of disturbances in the business, industrial, and property world, occasioned by the constant unsettling of foundations, and the resulting vibrations and oscillations of the superstructure in resisting overthrow or finding balance.

I therefore shall give my support to the amendment offered by the Senator from Nevada, and in doing so I feel I am in harmony with the wishes of my constituents. By turning silver into the channels of circulation, relieved as far as may be of its mere commodity incubus and fully endowed with the money function, I hope to see the reduced volumes of those channels rise more nearly to normal water mark and carry trade with a stronger, steadier, and more healthful flow.

Mr. President, during the past fall I visited the celebrated grain-growing regions of Eastern Washington and found the farmers rejoicing in the apparent prosperity of unprecedented harvests. Their industry and skill, supplemented by a propitious season and fertile soil, were rewarded with a grain yield far surpassing their generous expectations. Favoring weather attending the garnering of their crops and smiling plenty cheered every farm. I saw long wagon trains on every country road, bearing the golden grain to its places of shipment. Later I learned that every warehouse and elevator was filled; that, in excess of railroad transportation, huge heaps and mounds of piled-up grain accumulated at every station, platform, and place of shipment, while vast quantities still remained upon the farms.

The beneficence of nature, their own skill and labor, like things of evil, returned to plague them. Now what was their trouble? Not overproduction, because across the ocean were willing purchasers and hungry consumers. What was it that turned this wealth into poverty and this prosperity into disaster and misfortune? Every farm boy saw the evil and could suggest the remedy. It was in the lack of transportation to the seaboard; a sufficient number of cars with which to carry away this accumulated mass would relieve the congestion and solve the problem.

No man of traffic, however astute and cunning, could by any theory, however plausible, blind the plowman either to the trouble or the cure. Think you he could persuade that man that if all white cars could be ditched and sidetracked and only used for storage purposes, while yellow cars alone served as moving transportation vehicles, relief would come? He knew it was a lack of cars, and relief could not be hoped for until such vehicles were employed in numbers and capacity proportionate to the tonnage to be moved.

It seems to me, Mr. President, the owners of land, of factories, and the producers of every class of property and wealth are suffering from a similar cause, the inadequacy of the vehicles of trade; for the want of a sufficient and reliable currency; and likewise realizing the evil and knowing the remedy they will not be baffled or prevented in attaining it.

Mr. BERRY obtained the floor.

Mr. STEWART. If the Senator from Arkansas will allow me, I have here a proposition of amendment which I have not concluded that I shall offer, but at the request of several Senators who desire to have it printed so that they can look it over, for that purpose I submit it and ask to have it printed. It is a proposition which may be offered as an amendment if any one desires, and in order that it may be understood, as several Senators have said they could vote for this proposition when they would not vote for the other amendment, and before even giving notice that I shall offer it, I desire to have it printed so that the friends of silver can look it over and see what they think of it.

The PRESIDING OFFICER (Mr. SANDERS in the chair). If there be no objection, the proposition of amendment offered by the Senator from Nevada will be ordered to be printed and lie on the table.

Mr. BERRY. Mr. President, I shall vote for the amendment proposed by the Senator from Nevada [Mr. STEWART], which, as I understand it, provides for the free and unlimited coinage of silver, placing it in all respects in regard to the right of coinage and the right to be used as money upon the ratio fixed by law on an equality with gold.

The number of people in the United States who believe that the amount of money in circulation is insufficient to do the business of the country and that the circulating medium should be enlarged or increased has grown year by year until to-day they comprise a large majority of our population.

It is not a sudden or temporary impression or a misapprehension as to the issue, but a profound conviction, formed after the issue has been thoroughly discussed in Congress, in periodicals, in newspapers, and in public debates in every State in the Union, and it is a conviction that can not be removed by any argument, however plausible.

They also believe that in this contraction of the currency, this insufficiency of money, rests the cause of the depression of trade, the stagnation of business, the reduced price of farm products, and the general lack of prosperity of those engaged in agricultural pursuits. They not only believe but they know that the price received for the produce of their labor is insufficient to compensate them for their toil, and, notwithstanding their economical manner of living, that their farms are mortgaged and they can see no hope of the removal of that mortgage except a sale of the land.

They also know that such contraction of the currency necessarily and inevitably gives an undue and unfair advantage to the holders of mortgages, the owners of United States bonds, to creditors and capitalists of every description. Such is the general belief and knowledge of the people, and I for one am in thorough accord and sympathy with them in such belief.

Four years ago, I think it was, this question was thoroughly discussed in the Senate. The opponents of silver and the advocates of the gold standard then sought to prevent the further coinage of silver under the Bland act of 1878, and they earnestly and vehemently contended or asserted that there was no scarcity of money anywhere, that money was abundant and more than sufficient to meet all demands, and that this was proven by the amount held in the New York banks and by the ruling rate of interest.

To-day these same parties admit that there is an insufficiency of money and great danger of financial disturbance; but, changing their tactics altogether and seizing upon the argument of their opponents, agree that contraction is a great evil, but that free coinage of silver would cause people to hoard gold, and it would therefore contract and not expand the currency.

These advocates of a gold standard, who have for years devoted their energies to reducing the amount of money in circulation, now profess to be greatly alarmed and greatly concerned at the danger of contraction that will result from the coining of more money, and are driven to the absurdity of saying the more silver bullion that you make into money the less money there will be in the country. Mr. President, a bad cause never failed for want of a plausible argument to sustain it, where wealth and capital was interested in sustaining such cause.

The enemies of silver do not bring forward any argument to show that free coinage of silver would cause the people to hoard the gold, but with an assumption of superior knowledge they simply assert that such would be the result. Four years ago they asserted with equal confidence that unless the Bland act was repealed gold would all be driven to Europe and silver would remain the only circulating medium here. The utter failure of that prediction to come true ought to have taught them some modesty; but nothing will convince them except a trial of free coinage, and that we intend to have, and if we do not get it now it will come later.

It would seem to an ordinary citizen, who does not claim to be a master of finance, that the effect of free coinage would be to prevent the hoarding of gold and cause that which is now laid away to see the light of day. It has always been said, and I believe universally agreed, that money is hoarded when one kind of money is more valuable than another; when its purchasing power is greater, then the people will use the less valuable, and the greater the difference in the value of the two metals the more probability there will be of retaining the more valuable.

Now, it is admitted that the free coinage of silver will render that metal more valuable; that the disparity between it and gold will be less than it is at this time; that silver metal will appreciate in value if it does not go to par. Then, if the people do not hoard the gold now, when silver is at a discount, why will they do so when the silver increases in value or the gold decreases, as you choose to put it, and the two metals are brought closer together?

If it be true that the baser metal is used and the more valuable hoarded, then as the baser becomes more valuable and more nearly approaches the other the less hoarding there will be of that which is regarded as the better money. The only danger of hoarding gold comes from discrediting silver by law as one of the moneys of the world. Restore it and put it on an equal footing with gold and neither will be hoarded.

Mr. President, the people are not going to be frightened or forced to abandon a measure that they believe to be so essential to their prosperity by the predictions or the threats of those who, with all of their knowledge and ability, have proven such poor prophets on this question in the past.

The common sense of the people, which rarely misleads them and so often brings them to correct conclusions, although it may be they can not always give the best of reasons for the faith that is in them, teaches them that the cause of the present depression is largely attributable to an insufficiency of currency, and that the opening of our mints to the free coinage of silver will increase the price of all productions of the farm, and that it will greatly improve their present condition if it does not entirely remove the evils under which they labor; and in this view they are sustained by many who have made the subject a life study, who are thoroughly familiar with all questions of finance, and who have no interest except to declare the truth.

Common sense teaches them that an increase of population and an increase of business demand an increase of money. And it would seem

to me that all men would readily conclude that nothing but subserviency to capital and an utter disregard for the rights of the masses could have ever induced the Congress of the United States knowingly to destroy silver as a money power at a time when our population was being so rapidly augmented and business and trade so much extended, and when the production of gold was rapidly decreasing.

From that fatal day in 1873 the condition of the farmer and the farm laborer steadily grew worse. The Bland act gave partial relief, but nothing but free and unlimited coinage can give permanent relief. But I propose to read some extracts from an article on this subject, written by Professor Emile de Laveleye, printed as Senate Miscellaneous Document, No. 162, first session, Fifty-first Congress. This article was written in 1885. He says:

Among the many causes of the present crisis there is a very important one which I have endeavored on several occasions to interpret, without, I fear, having been successful. I have reference to the monetary contraction, that is, to the diminution of the metallic instruments of exchange at a period when the continued increase of business in the world demanded an increase of them. This cause of the crisis continues unperceived, because, on the one hand, the great majority of the public do not know enough of political economy thoroughly to understand this difficult question, and, on the other, because economists, prejudiced by systematic views, refuse to see the facts as they are.

These facts are, it seems to me, as follows: The coinage of silver is suspended everywhere in Europe. We are therefore, in fact, under the system of gold monometallism. The production of gold is insufficient for monetary wants, because the mints are almost compelled to close up. The instruments of exchanges not being fed by an annual coinage of about one milliard of francs a year, as they were formerly, are contracting; whence the fall of prices, the essential character and cause of the present crisis.

This cause of the crisis, it seems to me, is undeniable: First, because it had been brought out into bold relief, with all its consequences, before events came to confirm this forecast; second, because a crisis exactly similar to the one we are now undergoing was produced after 1819 by a similar cause; third, because the explanation to which I have referred is in harmony with those principles of political economy which are least contested.

I. The present crisis was foretold, in the most precise manner, by the most competent and the most various authorities. Let us first hear the bimetallists. Fourteen years ago Wolowski and Ernest Seyd foretold, in the following terms, the inevitable consequences of the demonetization of silver by a great state, although they did not then foresee a general proscription of the white metal, such as has taken place since:

First, trade will decline, especially in the countries which have the largest commerce with foreign countries; second, the fall of prices will cause great injury to manufacturers, merchants, and farmers, and hence to their workmen. It will be of advantage only to fundholders and to holders of coin; third, industry being affected disadvantageously in its profits, fewer new ventures will be made; fourth, in this period of depression, the cause of which will not be understood, recourse will be had to expedients which will aggravate the evil, and among these expedients will be protective tariffs.

"If you suppress silver as a motor of circulation," said Mr. Wolowski to the Monetary Commission, on the 7th of April, 1870, "you will diminish the metallic mass intended to serve as an instrument of exchange the world over. A large fall of prices will be the necessary consequence of the scarcity of the white metal. Lands, for instance, will be sold for a less quantity of money; the landowner will find himself between two fires and will be injured in both directions. Land will decline in price and the mortgage it has to bear become heavier."

Further on, in the same article, the professor says:

CRISIS OF MONETARY CONTRACTION.

II. The fall of prices from 1819 to 1830. The present contraction and fall of prices was produced by the three following causes:

First, diminution of the production of gold from seven hundred to five hundred millions; second, general suspension of the coinage of silver, after 1873; third, exceptional absorption of gold of about 3½ milliards by Germany and the Scandinavian states adopting the gold standard and by the United States and Italy returning to a metallic circulation.

The same causes produced the same effects after 1819: First, the production of the precious metals diminished; second, England resumed metallic currency; third, she went over to the gold standard, withdrawing from Europe about one-half milliard. (See memorandum of the Bank of England, dated 1832, where we read: "It was possible to obtain this great quantity of gold only by the reduction of the prices of commodities.")

Again he says:

On what does price depend? On the relation that exists between the aggregate of the objects to be exchanged and the total of the metallic and fiduciary media of exchange. The metallic media of exchange have decreased, for (1) the United States, Italy, Germany, and the Scandinavian states have absorbed an exceptional tribute of 3½ milliards; (2) the production of gold has diminished, it is estimated by the conscientious calculations of Mr. Burchard, Director of the American Mint, $103,000,000 in 1881, $98,000,000 in 1882, and $94,000,000 in 1883; (3) silver has no longer come to feed the currency. Gold, the sole monetary metal, is produced in an insufficient quantity, whence the consequence, scarcely any coinage in Europe.

I read further from Professor Laveleye:

A thing which will prolong the crisis is that the quantity of gold, thenceforth the sole monetary metal of which Europe can dispose, shall go on decreasing according as the countries which produce gold, that is, the United States, Australia, and Russia, the three empires to whom space and the future belong, will develop, and consequently keep to themselves the precious metal which they have extracted from their mines. And when, after a series of crises, the duration and gravity of which it is impossible to foresee, as Mr. Soetbeer himself admits, we shall have reached a sort of equilibrium on the basis of reduced prices, the final result, as iniquitous as it is disastrous, will be a considerable increase of the burdens of all long-term debtors, landowners burdened with mortgages, manufacturing companies and railways, with outstanding bonds, and European taxpayers, who will have to pay every year the interest on 110 milliards of francs. Their debt will have become heavier in proportion to the decline of prices; for to bring together a like sum in cash they will have to give up a greater quantity of their own products. As there will remain less for themselves, they—and they constitute principally the productive classes—will become poorer and more heavily laden.

Why impose so much suffering on humanity and thus pile ruin on ruin, to realize what Mr. Goschen calls a piece of Utopism, not only fallacious but destructive and disastrous.

Mr. President, this very able article from which these extracts are taken has, so far as I am informed, never been answered, nor do I believe it can be done, because it is based upon truth and sustained by the history of every other country. The result that would follow the demonetization of silver was predicted years ago, and the deplorable condition of the farmers in many States to-day is an argument stronger than any theorist can make, and it is a condition which appeals to every man who loves his country and believes in justice to her people, an appeal that should not be disregarded.

It is said, however, by the advocates of the gold standard that free coinage of silver would be unjust to creditors, to those who hold mortgages upon the farms of the South and the West; that these debts were contracted when gold alone was the standard of money; that free coinage would render that gold less valuable; that the money received in payment of these debts after the passage of this act would not procure so many of the necessaries and luxuries of life; that these creditors would be compelled to pay more for farm products or that it would take less corn, less cotton, and less wheat to pay these debts if silver is restored than if gold remain the sole standard of values, and for that reason such a law would be unjust to these holders of mortgages, these creditors, and the owners of Government bonds.

Mr. President, is it not somewhat remarkable that those who make this argument, those who have so much fear of doing injustice to the creditors, should not have had some sympathy and some consideration for the debtors of the country when they deliberately struck down silver and thereby largely added to this indebtedness and thereby made it far more difficult to meet obligations contracted when both metals were equally the money of the Government. These debtors received no consideration at their hands then. The value of their resources was largely decreased; yet they were forced to additional toil and additional privations to meet debts that had been contracted in the full belief that the double standard would continue and that the money of the fathers would remain the money of the children.

I for one, Mr. President, say frankly that one of the strongest reasons that induce me to support the amendment proposed by the Senator from Nevada is the hope and belief that the free coinage of silver will enable the mortgage-cursed people of the South and West to discharge their obligations and rid their homes from mortgages that weigh them down, with less labor, less toil, and with a smaller amount of cotton, of wheat, and of corn than it will now require; and if it be true that the money that will be paid to the holders of Government bonds will purchase less of those products dug from the soil than it would now do, they will still receive far more than they contracted to receive and much more than justice demands. The reduction of the circulating medium always works an injustice to debtors. It reduces the price of all articles of commerce, and therefore makes it more difficult for him to procure the money to discharge his obligations. For twenty years all legislation has been in the interest of creditors, and, if by the act of free coinage the debtor for once should be the gainer, it would be but slow justice to many to whom justice rarely comes.

The junior Senator from Kansas said, and well said, during the last session of Congress that it was time the people were having their innings; so much injustice has been done them and so many wrongs have been perpetrated in the interest of wealth and capital by the passage of unjust tax laws, by demonetizing silver and contraction of the currency, that the people are in open revolt to-day, and they have a right to be; they have determined to have relief and they are entitled to it.

And while I do not agree to all the remedies proposed, all the demands made by some of the farmers, such as the subtreasury scheme and kindred measures, I do most fully agree with them that silver should be restored and the currency increased. I agree with them that the tariff should be largely reduced and articles of necessity made as free as God's sunshine, and that an income tax should be imposed. I will not vote for the section in this bill which provides for the issuance of additional United States bonds, and which is put in there for the purpose of continuing in existence the national banks.

I believe the national banks have been a curse to the country, and the sooner they disappear the better; but if any system can be devised by which legal-tender Treasury notes, commonly called greenbacks, can be substituted for national-bank notes, I will gladly vote for it. If the outstanding legal-tender notes amounted to $600,000,000 instead of three hundred and forty-six millions, business would revive and the country would be far more prosperous. And why should not the Government furnish the currency direct rather than confer this power upon national banks? The legal-tender notes are not presented for redemption because they perform every function of gold and silver and are the most convenient and most popular with the people of all other kinds of money.

The miserable policy of contraction and the attempt to follow Europe in making gold the only standard of value, together with giving the banks the power to expand and contract the currency at pleasure, the levying of high taxes on the necessaries of life, and extravagant appropriations to favored individuals and classes, have driven the people almost to desperation, and if we do not listen to and concede their reasonable demands they will enforce those which are unreasonable and which may prove disastrous and ruinous to the best interests of the Republic.

This issue of free coinage of silver is here, and here to stay. If it passes the Senate and the Speaker throttles it in the House, as it is al-

leged he will, it will only be delayed until next session, when I have not a doubt that it will pass both Houses. If your President concludes that he is wiser than both Houses of Congress and wiser than the people and vetoes the bill, then the people will elect a President in 1892 who will not veto it; and no man can, as I believe, be elected President by either party who will not plant himself squarely on a platform in favor of free coinage of silver.

It is often said that this is a Government of the people, by the people, and for the people. If that means anything and is not a mere, idle phrase to catch votes, then when a clear majority of the people desire the passage of a measure thoroughly discussed and clearly within the Constitution, they have a right to ask that their representatives obey their will and give them a chance to test the correctness of their conclusion by passing it into a law.

We all know that there is a great want of confidence to-day, that there is danger of universal disturbance in financial affairs and the business of the country, that it is almost impossible to procure money at any reasonable interest, that cotton and other farm products have rapidly declined, and that relief must come speedily. I believe that restoring silver to its proper function would inspire renewed confidence and would greatly relieve the country.

If disaster comes from free coinage, as the Senator from Ohio predicts, the responsibility will rest with the people, and they will be the sufferers. But I believe the people are right, and so believing I trust the friends of free coinage, both Democrats and Republicans, will accept nothing less than that, that they will not be deterred or turned from their purpose either by the sneers of those who assume superior knowledge or the note of alarm sounded by the distinguished Senator from Ohio that the coinage of more silver will decrease the money in circulation.

As a Democrat and a partisan I think in all probability that it would be best for the party to which I belong that this Republican Congress should not pass a free-coinage act, but as a citizen and representative of the people who believes that such a measure will give great relief to the agricultural classes I am anxious to see it become a law at the earliest possible day.

The history of the world shows that there never has been an excess of gold and silver in circulation in any nation or any country; as their production has increased so has the prosperity of the people increased, and so it will be here if we respond to the wishes of our constituents and open the mints to the free coinage of silver; business will revive, commodities will advance in price, and hundreds of farmers will be able to retain a shelter for their families that will otherwise be sacrificed to satisfy a mortgage.

Mr. COCKRELL. Mr. President, this bill (S. 4675) is a very peculiar bill. By section 1 the Secretary of the Treasury is required to purchase in the calendar year 1891 12,000,000 ounces of silver bullion at the market price, not exceeding $1 for 371¼ grains of pure silver in addition to the amount to be purchased under the law of July 14, 1890, not to exceed 3,000,000 ounces per month. I believe the Senator from Ohio [Mr. SHERMAN] practically confessed that this was a provision for the special benefit of bullion speculators. It seems they failed to corner the market and hold it cornered under the law of July 14, 1890.

But, Mr. President, as this bill will be acted upon by sections and under the ten-minute rule, we shall have ample time to discuss each section, and I shall not detain the Senate further with the consideration of all the provisions of the bill, but will pass directly to the amendment of the junior Senator from Nevada [Mr. STEWART] to the amendment of the committee.

This amendment is simply a proposition for the free coinage of silver, as I understand it. It is a proposition to restore to silver all monetary functions; to restore to silver all the functions it had prior to the coinage act of 1873; to restore to it all the functions and legal qualities which gold enjoys.

I was astonished when the distinguished Senator from Ohio [Mr. SHERMAN], in response to this amendment, declared that it meant revolution; that the amendment if adopted would change entirely the valuation of all the property of the United States; that all contracts were founded upon the gold standard; that every particle of property, every obligation of contract, whether by the National Government or by each individual, was based in actual fact upon the gold standard of 25.8 grains, nine parts fine. If the amendment of the Senator from Nevada be revolution, if the charges of the distinguished Senator from Ohio be true, then the adoption of the amendment will be repudiation.

Now, is the amendment of the Senator from Nevada revolution? Is it repudiation in law and in fact? Is it revolution as to every Government obligation? Are the Government obligations of the United States now existing payable in gold coin of 25.8 grains fine alone? Would it be any derogation of the contract and obligation with the holders of these bonds to pay them in a silver coin dollar of 412½ grains' weight, nine parts fine?

Our public debt on the 1st of January of this year consisted of $59,177,550 of 4½ per cent. bonds, which mature September 1, 1891; $559,742,700 of 4 per cent. bonds, which mature on the 1st of July, 1907; and $64,623,512 6 per cent. Pacific railroad bonds, which mature between this time and 1897, I believe.

Now, there can be no question as to the 6 per cent. railroad bonds. They are currency bonds. By the very terms of the law they are payable, principal and interest, in any money that is a legal tender by law.

As to the 4½ per cent. bonds maturing September 1, 1891, little need be said. They will all be paid before the present bill, if enacted into law, can have any practical effect. Already the Secretary of the Treasury has paid all the interest on them in advance, and if there was any question, they have each one of them inscribed upon the face "redeemable in the coin of the standard value of the United States on said July 14, 1870," and on that day beyond all possibility of doubt the silver dollar of 412½ grains' weight, nine parts fine, as well as the gold dollar of 25.8 grains, nine parts fine, was coin of standard value of the United States, and therefore by the express terms they are payable at that time.

But, Mr. President, let us examine the 4 per cent. bonds. I hold in my hand a copy of one of these bonds:

1877. Four per cent. consols of the United States. 1907.
Principal and interest payable in coin.
(50)
At the Treasury of the United States.
The United States of America are indebted to the bearer in the sum of fifty dollars.

7115. 7115.

This bond is issued in accordance with the provisions of an act of Congress entitled "An act to authorize the refunding of the national debt, approved July 14, 1870," amended by an act approved January 20, 1871, and is redeemable at the pleasure of the United States after the 1st day of July, A. D. 1907, in coin of the standard value of the United States on said July 14, 1870, with interest in such coin from the day of the date hereof at the rate of 4 per cent. per annum, payable quarterly, on the 1st day of October, January, April, and July in each year. The principal and interest are exempt from the payment of all taxes or duties of the United States as well as from taxation in any form by or under State, municipal, or local authority.

Washington, July 1, 1877.

S. J. MILLARD,
Register of the Treasury.

Act of July 14, 1870.

It will be seen that the bond has upon its face "redeemable at the pleasure of the United States after the 1st day of July, A. D. 1907, in coin of the standard value of the United States on said July 14, 1870."

Now, let us go a little back of this. These 4 per cent. bonds belong to a class of bonds known as 5.20 bonds, refunded under the law of July 14, 1870. The original bonds were payable beyond all possibility of doubt in any dollars and cents a legal tender. When the law of July 14, 1870, was passed it was at a time when a large number of people in the United States were demanding the payment of these 5.20 bonds in United States legal-tender notes. It was long before the resumption of specie payment. They had been purchased with United States legal-tender notes, and the people of the United States believed, and believe to-day, that they ought to have been paid, could justly have been paid in the same kind of money with which they were purchased.

The bondholders doubtless controlled the legislation, and in order to avoid the possibility of any doubt as to the kind of money in which these refunded bonds could be paid they had a provision inserted in the law of July 14, 1870, requiring the words to be inserted upon the face of the bonds, "Redeemable, at the pleasure of the United States, * * * in coin of the standard value of the United States on said July 14, 1870." There it is upon the face of the bond. It calls for money of a certain kind. They would not intrust Congress with its constitutional right to coin money and regulate the value thereof. They were afraid that Congress might change the value of the dollars in which they should be paid and they fixed the "coin of the standard value on said July 14, 1870," as the money alone in which they should be paid.

Now, at that date the standard silver dollar, as we call it, of 412½ grains, nine parts fine, was entitled to free and unlimited coinage at our mints. It was a full legal tender for all debts, public and private, and was upon a perfect equality before the law with gold. It was, however, at a premium in that year of 2.67 cents; in other words, one hundred silver dollars would purchase in the market $102.67 of gold.

Now, the Senator from Ohio charges that it is revolution to pay these bonds in silver dollars. Suppose the matter had been reversed and gold dollars had been depreciated, and the silver dollar occupied the position it did on the 14th of July, 1870, and was worth 2.67 cents more to the dollar than gold, would the bondholders refuse payment of the silver dollar? Would the Senator from Ohio charge that such payment was revolutionary? I scarcely think he would.

Mr. President, it is due to us that we should examine these charges of revolution, of unsettling of the values of property, of changing all the standards of value in the United States. Certain fixed legal principles govern all contracts and obligations for the payment of money expressed in a given amount or number of dollars and cents. First, if an obligation name the kind or character of money or currency or property in which the dollars so named are to be paid, then such dollars can only be paid. Now, if such an obligation does not so name the kind of money or property, then the dollars covered by that obligation can be paid in any coin or currency declared to be by law a full legal tender. There can be no question of the soundness of this proposition. If the coin or currency was a full legal tender at the time the contract was made and is also a full legal tender at the time it matures, then no question of equity or good faith can ever arise; it is im-

possible. Here is money, a full legal tender at the time the contract was made, and here is the same money, a full legal tender at the time the contract matures, and there is no question of revolution, no question of repudiation.

The coinage act of February 12, 1873, only stopped the coinage of the standard silver dollar; it did not destroy or deprive it of its legal-tender character. Standard silver dollars coined at our mints have always been and now are a full legal tender for the payment of all obligations, national, State, and individual, wherein no specific kind of money is named. They have always been so, Mr. President; it is nothing new. The Revised Statutes of the United States do not deprive the standard silver dollar of its full legal-tender character. After the coinage act and after the adoption of the Revised Statutes the Treasury Department recognized its full legal-tender power for all obligations. I have circulars from the Treasury Department showing that the standard silver dollar was receivable for all dues and all demands.

All existing obligations, national, State, municipal, corporate, and individual, not calling for gold specifically upon the face, can to-day be legally, equitably, and honestly paid in standard silver dollars equally with gold dollars, and not calling for coin, but simply so many dollars, can be so paid in United States legal-tender notes equally with silver or gold. The great bulk of the debts of the United States existing to-day is based not upon the gold standard, but upon the standard of the United States legal-tender notes. There may be a few which specify payment in gold, but, as a rule, they are only a small part of the obligations of the United States.

Mr. President, I wish to offer some proofs in regard to the statements I have made, and I know of no better source to obtain them from than the illustrious career of the distinguished Senator from Ohio [Mr. SHERMAN] and his speeches and writings. I have before me the following letter:

DEAR SIR: I was pleased to receive your letter. My personal interests are the same as yours, but, like you, I do not intend to be influenced by them. My construction of the law is the result of careful examination, and I feel quite sure an impartial court would confirm it if the case could be tried before a court. I send you my views as fully stated in a speech. Your idea is that we propose to repudiate or violate a promise when we offer to redeem the "principal" in legal tenders.

I think the bondholder violates his promise when he refuses to take the same kind of money he paid for the bonds. If the case is to be tested by the law, I am right; if it is to be tested by Jay Cooke's advertisements, I am wrong. I hate repudiation or anything like it, but we ought not to be deterred from doing what is right by fear of undeserved epithets. If under the law as it stands the holders of the five-twenties can only be paid in gold, then we are repudiators if we refuse to pay otherwise. If the bondholder can legally demand only the kind of money he paid, then he is a repudiator, an extortioner, to demand money more valuable than he gave.

Truly, yours,

JOHN SHERMAN.

That is a letter to Hon. A. Mann, jr., Brooklyn Heights, by Hon. JOHN SHERMAN, dated March 20, 1868. I have called his attention to it, so that there is no question about its correctness. Now mark, this letter says:

I think the bondholder violates his promise when he refuses to take the same kind of money he paid for the bonds.

Mr. President, I will quote from a very important document, Speeches and Reports on Finance and Taxation, by John Sherman. That is the title on the back of it. I quote from his speech on the funding bill, February 27, 1868, found at page 160 in this book:

We may, if there is no stipulation to the contrary, pay in that kind of coin or money which existed when the debt was created; but, after we have created a debt and have received gold or good money, we can not then debase the coin and pay the debt in inferior coin. Although we may change contracts between individuals, we have no right to do it as between ourselves and public creditors. A nation in dealing with a public creditor stands on a different footing from what it does in regard to transactions between individuals of that nation. The only rule is the contract, and we can not change that without being guilty of repudiation.

Now I quote from page 165, where he is discussing the methods in which these 5-20 bonds could be paid:

Equity and justice are amply satisfied if we redeem these bonds at the end of the five years in money of the same kind and of the same intrinsic value existing at the time they were issued. Senators are sometimes in the habit, in order to defeat the argument of an antagonist, of saying that this is repudiation. Why, sir, every citizen of the United States has conformed his business to the legal-tender clause. He has collected and paid his debts accordingly. Every State in this Union, without exception, has made its contracts, since the legal-tender clause became law, in currency and paid them in currency. Indeed, every State in this Union except Massachusetts and California has gone further and, as I think, improperly, and has paid in legal tenders either principal or interest of pre-existing debts contracted on the basis of gold. Connecticut pays her interest in paper on debts contracted since the passage of the legal-tender act.

All the business of the country was transacted upon the strength of that.

There is—

Says he—

a wide distinction as to pre-existing debts between the right of a citizen to pay a debt under the legal-tender act and the right of a State or a government to do it, but as to debts contracted since the legal-tender law took effect, they were contracted in currency, and upon the express stipulation in the law that their principal should be paid in legal tenders and the interest in coin. If that stipulation was not in the law, the right to redeem would only rest upon the general principle that a debt may be paid in the kind of money in which it was contracted.

But public as well as private debts contracted since the legal-tender act do not rest upon inference, but upon the express stipulation in the law; and it is equitable and right that the United States should avail itself of this part of the contract.

I quote again from the Senator's speech on the 11th of April, 1876, on fractional currency and silver coinage. On page 532 Mr. SHERMAN says:

But the vital question presented by the amendments of the committee is the restoration of the silver dollar. Why restore the silver dollar when it is now so depreciated by the events that I have named? Well, sir, the answer is that we have a large amount, some $400,000,000 of United States notes, which now are a legal tender for all purposes, and the time has arrived when we can redeem them all with the old dollar of the United States. We do not create a dollar; we simply provide for its issue. The law was, I have shown you, up to 1873, that this old dollar could be tendered for the payment of all debts; but it was simply not coined because the silver dollar was worth more than the gold dollar. Does that prevent us from coining it? Not in the least.

Now I quote from the speech of the Senator from Ohio on June 8, 1876, on the legal tender of silver coin, pages 542 and 543:

The bill reported by the Committee on Finance thus provides for an immediate resumption of specie payments in silver coin and thus completes the first and most difficult step of the problem. It neither disturbs nor deranges great business, or stirs up the phantom of contraction. It is in exact accordance with existing law, and leaves the silver coin, as now, a subsidiary coin, a legal tender only in limited amounts.

The next question presented by this bill is, shall we restore to our silver coinage the old silver dollar? And here I am met by the objections of the Senator from Vermont; but his objections are rather to the amendments proposed by the Senator from Missouri than to the report of the committee. The committee propose the silver dollar, not as a legal tender for gold contracts, but only as a tender for currency contracts not exceeding $20 in any one payment. I would prefer to leave the silver dollar to stand upon its intrinsic value as a legal tender, the same as the smaller coin. But there is no injustice in enlarging the limit to $20; and, but for the reasons I will state hereafter, there is no injustice for making it a legal tender for all currency contracts.

I now quote from the same speech at page 545:

The silver dollar was, it is true, a legal tender until 1873, and, in strict law, might be restored to its former position as a standard of value without a violation of the legal contract between the United States and the bondholder.

I now quote from page 546:

As to making the silver dollar a full legal tender for contracts between private individuals very different considerations arise. All debts contracted prior to 1873 are payable by the law then in force, either in gold or silver dollars or in United States notes. If contracts were specifically payable in gold coin they can be enforced in coin, whatever the legal tender may now be. The terms of the contract between individuals must be the law between the parties, and the general law only applies to contracts when the specific medium of payment is not stipulated for. If a contract made before 1873 was stipulated to be paid in coin, it may undoubtedly be paid in either silver or gold coin. At that time and for near forty years previously, payment would not be tendered in silver dollars because silver dollars were worth more in the market than gold.

* * * * * * * *

The contracts now existing in this country are mainly either currency contracts or those made specifically payable in gold coin. The latter can not be and ought not to be changed by law. Those payable in coin should be payable in such coin as was a legal tender when the contract was made, and ought not to be affected by subsequent law.

Mr. President, this is all we claim; this is all that any advocate of the restoration of silver to its perfect equality with gold has ever claimed, that when these bonds were issued the silver dollar was a full legal tender, with unlimited coinage, and it is to-day a full legal tender with limited coinage. These bonds are payable in equity and justice and right with the silver dollar equally with the gold dollar, and when we advocate the restoration of the unlimited coinage of silver we are not advocating repudiation nor revolution nor changing the basis of the existing contracts of the Government.

We have shown, I think conclusively, that there is not a solitary obligation existing to-day in the United States on the part of the United States, or any State or municipality or corporation or individual, which does not specifically upon its face call for gold coin, but can be paid in the standard silver dollar. There is no question about it, and there is no change in the valuation of the property of the country by restoring to silver free and unlimited coinage.

The Senator from Ohio says that free coinage will drive all the gold out of this country. Such has been the cry ever since the passage of the coinage act of 1873, and especially when any effort has been made to restore the coinage of the standard silver dollar.

Now, let us see whether gold has been driven out of the country by silver legislation. We heard in 1878 the precise prophecies and predictions we hear to-day, and we heard them from the distinguished Senator from Ohio, who has been the leader in financial matters. We were told then that it would prevent the selling of our bonds, that it would prevent resumption of specie payments, that we could never get gold in the country, and I believe the distinguished Senator from Ohio when Secretary of the Treasury actually sold a large amount of bonds for gold on an emergency, as he supposed, in order to get the gold before silver should prevent its being brought into this country. I hold a tabulated statement taken from the report of the Secretary of the Treasury in which I find:

	June 30, 1877.	June 30, 1890.	Increase.
Gold coin and bullion in United States	$192,720,230	$695,063,029	$502,342,799
Silver coin and bullion in United States	50,135,628	463,211,919	413,076,291
Total	242,855,858	1,158,774,948	915,419,090

	1878.	1890.	Increase.
Gold coin and bullion in United States	$244,353,390	$695,063,029	$450,709,639
Silver coin and bullion in United States	88,090,557	463,211,919	375,121,557
Total	332,443,947	1,158,274,948	825,831,196

Mr. President, all our Secretaries of the Treasury have been scared almost to death over silver. They have all opposed its free and unlimited coinage. I believe it was during our late Democratic Administration that some of the distinguished financiers of New York, the gentlemen who are expected to enlighten us upon financial questions, got a wonderful scare and purchased a large amount of gold coin as a matter of speculation for the purpose of making a handsome profit upon it. They held it up some time, expecting every day to see gold, cowardly metal that it is, flee from this country, but they were disappointed, just as they have been disappointed in all their predictions and in all their preparations. But Senator SHERMAN bravely tells us that laws can not fix the price of gold or silver, that laws can no more fix the price of gold or silver than they can the price of wheat, or corn, or oats, or iron.

Mr. President, is that true? I ask, is it true that law can not fix the price of gold or silver? Do laws have no effect in increasing or decreasing the market value of gold or silver? The position of the distinguished Senator from Ohio is that laws are powerless, that they neither increase nor decrease the price; in other words, laws can not fix and can not regulate the price of gold or silver.

Mr. President, I say that laws can fix and regulate the price of gold and silver and their relation to each other. They have done it in times past. They are doing it now. There is a divergence between gold, with free and unlimited coinage and full legal-tender power, and the metal silver in the markets of the world. It was not always so. What has been the cause? I wish to trace very briefly exactly what has been the cause of the depreciation of silver. By the report of the Director of the Mint showing the ratio of silver to gold each year since 1687, we find the ratio in 1687 was 14.94 silver to 1 of gold, or 14.94 to 1, and in 1871 it was 15.57 to 1, and that the two greatest divergencies from this ratio were in 1760, when the ratio was 14.14 to 1, and in 1813, when the ratio was 16.25 to 1; but in the next year, 1814, it was 15.04 to 1. The average ratio during the one hundred and eighty-five years was about 15.5 to 1, or 15½ to 1, showing a remarkable steadiness in the relative values of these two metals.

The ratio in 1872 was 15.63 to 1; in 1873, 15.92 to 1; in 1874, 16.17 to 1; in 1875, 16.59 to 1; in 1876, 17.88 to 1; in 1888, 21.99 to 1; and in 1889, 22.10 to 1.

That was a great divergence. How has it been caused? It has not been caused by the unequal production of silver over gold. I will not quote the statistics upon this point. They are abundant. Any divergence which has taken place between gold and silver since 1870 has not been caused by the excessive production of silver over gold. Then, what has been the true cause? What was our condition in 1860?

In 1860 all Asia used silver as the standard money. Austria-Hungary, The Netherlands, Sweden, Norway, Denmark, Spain, Russia, and Germany had the single standard of silver. France, Belgium, Switzerland, and Italy had the double standard, with free coinage and full legal tender between gold and silver at the rate of 15.5 to 1. Germany's ratio was 15.5 to 1, adopted on January 24, 1857, when she adopted the single silver standard. England, Portugal, and Turkey were the only three European nations having a single gold standard. That was the situation in 1860.

Why had England adopted the single gold standard? In 1816 she had a depreciated paper circulation, and specie payments had been suspended for a long, long time, and while she had a great mass of worn, clipped, and mutilated coin, current and legal tender, and yet varying greatly in the metal value and weight, she was preparing for the resumption of specie payment and was a great creditor nation; all the nations of the earth were paying tribute to her and were indebted to her, and it was to her interest and to the interest of her aristocratic and plutocratic classes that the purchasing power of every dollar named in all the obligations due to great Britain and her subjects should be increased as much as possible, and that, if possible, England should dominate and control the entire financial world. Therefore she adopted the single gold standard in order to destroy the money function of silver in the payment of obligations to her.

Why did the other nations change their standards from a single silver standard to a single gold standard, and modify their double standard by restricting the coinage of silver? I say that this was produced by a scare, pure and simple, nothing more and nothing less. It was a fright which seized the financiers and statisticians of the world that we were about to flood the world with an immense surplus of gold and silver. The scare commenced in regard to both gold and silver.

I wish to bring forward briefly some few proofs in regard to this scare. It started in the United States, and we are responsible for it. In 1862 the Commissioner of the General Land Office in his report said:

> The yield of the precious metals alone of this region—

Referring to the Western section of the country—

> will not fall below $100,000,000 the present year, and it will augment with the increase of population for centuries to come. The value of these mines is absolutely incalculable. * * * Within ten years the annual product of these mines will reach $200,000,000 in the precious metals alone.

The Secretary of the Interior in his report indorsed this statement of the Commissioner of the General Land Office, and said:

> If an amount of labor relatively equal to that expended in California had been applied to the gold fields already known to exist outside of that State, it is believed that the production of this year, including that of California, would have exceeded $400,000,000.

Think of that! "Would have exceeded $400,000,000!"

In September, 1863, an international statistical congress was held at Berlin, at which Mr. Ruggles was the representative of the United States. At that convention he laid before all those statisticians of the world assembled there these gross exaggerations of the Commissioner of the General Land Office and the Secretary of the Treasury, and I suppose there never was such a scared and frightened set of statisticians on earth. They said the world is about absolutely to be deluged with $400,000,000 of gold alone, coming from our great Western region, besides the silver and other precious metals.

Mr. President, these exaggerations did not cease. Our Secretaries of the Treasury and our Directors of the Mint continued them from year to year, and they became so gross and attracted so much attention throughout the world that on July 20, 1866, Congress appropriated $10,000 to enable the Secretary of the Treasury to collect reliable statistical information concerning the gold and silver mines of the Western States and Territories. Mr. J. Ross Browne was appointed a special commissioner. He made his preliminary report on the 24th of November, 1866, and a final report on March 5, 1868. It is really interesting to read what Mr. Browne says. On March 5, 1868, he says:

> No uneasiness need be felt as to a decrease in the source of supply. After many years of travel through the mining regions I feel justified in asserting that our mineral resources are practically without limit. Explorations made by competent parties during the past year in many parts of the mineral region hitherto unknown demonstrate that the area of mineral deposit is much larger than was ever before supposed.

Then referring to Mexico he says:

> The production should rise to $50,000,000 or $100,000,000 a year, and those companies which could get possession of the best mines should make princely fortunes for all their shareholders.

Then, speaking of the yield of the world, he says:

> A great increase in the production of gold and silver is probable. In California, Australia, and Siberia gold-mining is now conducted under many disadvantages.

Then he says, speaking of the two metals:

> They are now increasing far more rapidly than is the demand for them, and at the present rate of increase they would soon have to begin to fall perceptibly. But the production will become much greater than it is. * * * The inevitable fall in the value of precious metals will be of benefit to mankind generally. It will reduce the wealth of the rich and the debts of nations. Those national debts now existing will be reduced 20 or 30 per cent., the interest as well as the principal.

In the mean time our Director of the Mint was urging the gold standard in this country and the gold dollar as the unit of value. This scare, these exaggerations as to the production of gold and silver and the flooding of the country with gold, called into existence the Latin Union, composed of France, Belgium, Italy, and Switzerland, afterwards added to by the accession of some other states. These countries had the double standard, and this convention or union was called on December 23, 1865, to regulate the weight, title, form, and circulation of their gold and silver coin.

Now, I want to read something about this Latin Union. The French know why it was called into existence. I now read from the report of the minister of finance in 1866 to the Emperor of France concerning a bill relating to the monetary conference, the Latin Union. He says:

> For ages the yield of silver has been greater in value than that of gold. * * * Since 1846 the proportion between the values of the quantities of the two metals annually extracted from the mines has been reversed. * * * These great quantities of gold—

Now, mark you—

> coming for the most part from California and Australia, have thus rendered this metal far more abundant in the issues of coin in all the countries which admitted it, either as principal money, as, for example, England, Portugal, Brazil, the city of Bremen, or as money concurrently with silver, as did France and Italy. The abundance of gold has even caused the introduction of this metal into the monetary system of countries which lately rejected it, as, for example, Switzerland, Belgium, and English India.

Then he states that the silver five-franc pieces were either exported or melted down and replaced by gold, the cheaper metal, and the object was to reduce the fineness of the silver coins and retain them in circulation. Here we see a scare, a dread, and an excited apprehension of an avalanche of gold to the banishment of silver.

The States of the Church on June 18, 1866, and Greece and Roumania in April, 1867, joined this Latin Union.

The next result was the Paris conference of 1867, and Mr. Ruggles, the same distinguished gentleman who had nearly frightened the statisticians of Europe out of their wits in September, 1863, by his exaggerations as to the production of gold and silver in our Western States and Territories, was again a representative of the United States in this Paris conference, and the distinguished Senator from Ohio was also hovering around this conference, and was received, and a letter was

presented by him, and he was in conference doubtless with Mr. Ruggles and other members of the Paris conference.

What did our representatives do on that occasion? The distinguished Senator from Ohio, whom I now see in his seat, was one of the parties. They absolutely proposed, in order to secure the single gold standard and a unification of the standard of the other nations, to cut down our gold-coin dollar 3½ cents, to reduce the quantity of gold in the gold dollar 3½ cents; and in this convention Mr. Ruggles repeated the exaggerations he had before proclaimed in regard to gold and silver and their production in the United States. There is no mistaking what he said. I will read a few words of what he said in the conference. During the discussions of that conference he said:

Two milliards ($2,000,000,000) in gold had been thrown into the money market since the discovery of the mines of Australia and California, and that it was certainly possible that the coinage of gold in the United States in the next fifteen years may reach five milliards of francs ($1,000,000,000). In view of such a future the American Government would prefer to reduce its monetary unit at once.

Senator SHERMAN, in his letter to Mr. Ruggles, said:

We now produce the larger part of the gold and silver of the world, and can not limit our coinage except by the wants of our people and the demands of commerce.

What was the result of this? The Senator from Ohio came home and made his celebrated report proposing to reduce the value of the gold dollar 3½ cents. Now I want to quote from that report of the Senator:

The United States is the great gold-producing country of the world, now producing more than all other nations combined, and with a capacity for future production almost without limit. (See reports of Mr. Ruggles and J. Ross Browne.) Gold with us is like cotton, a raw product. Its production here affects and regulates its value throughout the world.

The United States is a new nation, and therefore a debtor nation. By placing ourselves in harmony with the money units of creditor nations we promote the easy borrowing of money and payment of debts without the loss of recoinage or exchange, always paid by the debtor.

The single standard of gold is an American idea, yielded reluctantly by France and other countries where silver is the chief standard of value.

All the provisions of the plan proposed are in harmony with the American system of coinage. They are either already adopted or may be without inconvenience.

France, whose standard is adopted, makes a new coin similar to our half-eagle. She yields to our demand for the sole standard of gold.

They were willing in 1867 and 1868 to depreciate the gold coin, the gold dollar, by taking 3½ cents of gold out of it, and then still making it a gold dollar and a continued legal tender in payment of the pre-existing debts, and they did not call that revolution. The result of this scare in the United States was the passage of the coinage act of February 12, 1873, which stopped the further coinage of the standard silver dollar, but did not deprive the dollars already coined of their full legal-tender character. The result in Europe was that Sweden and Norway joined in the monetary commission in 1870, which recommended gold as the only standard and silver for small change, three-fourths fine and one-fourth alloy.

Denmark, Sweden, and Norway, in 1872, on December 18, made a coinage treaty changing their single silver standard to the single gold standard. Germany in 1871, December 4, flushed with her victory over France and with her $1,000,000,000 indemnity paid by conquered France, thought it was time for her, merged into an empire, to follow the course of the English empire and adopt the dearest money for her single standard. Therefore, Germany took the preliminary steps for establishing an imperial gold standard, and these steps were accomplished on July 9, 1873, and resulted in the permanent establishment of the single gold standard with subsidiary silver coins, coined at the expense of the government on government account, and a legal tender for sums of $[illegible].

These legal acts of Sweden, Denmark, and Norway, and of Germany and the United States forced the Latin Union to suspend the coinage of the silver five-franc piece, and the Netherlands followed in 1875 and 1876 in changing their single silver standard to a single gold standard; and Russia in 1876 (her legal standard having been the silver rouble) suspended its coinage for the account of private persons except for the Chinese trade.

Now, Mr. President, these legal restrictions, these legal enactments, these legal discriminations against silver and in favor of gold (maintaining for gold all monetary functions of free coinage and unlimited legal tender, and depriving silver of all monetary functions, particularly coinage and unlimited legal tender, giving it only a restricted coinage and a legal tender) have alone caused the divergence between gold and silver. There was no other cause. These things alone have produced the divergence.

Now, Mr. President, I want to prove this, and I am satisfied that in proving such a proposition the distinguished Senator from Ohio should have weight as a witness. I therefore quote from his speech of April 11, 1876, on fractional currency and silver coinage, from pages 528 and 529. In this speech Senator SHERMAN said:

The enormous effect of this law in Germany—

Referring to the demonetization of silver there—

The enormous effect of this law in Germany, and as a consequence the partial demonetization of silver coins, I suppose is felt by every man, woman, and child who buys or sells anything. I suppose there is no act of any parliament that has so wide-reaching effect as this act of the German Parliament. The amount of coin in the world is estimated by Mr. Seyd and other technical writers at $1,200,000,000 silver and $3,500,000,000 in gold. So the effect of the act of Germany, aided no doubt somewhat by the large supply of silver by our mines, has been to reduce the purchasing power of the whole of this enormous sum of thirty-two hundred millions of silver fully 10 per cent. The fall of the silver trade dollar in this country has been from 103 to 91.

This effect extended itself to what is called the Latin League, who feared that German silver would be carried rapidly into Italy, France, and the nations of the league, for coinage purposes, and they interfered at once and stopped the coinage of silver. It also created an impression in India; so that, for the first time for two hundred years, the current flow of silver into China and India was arrested, but only for a short time, however. It is one of the remarkable currents of trade in the history of mankind that with the silver that has been coined in the world the greater part flows in a continuous stream into these Oriental countries; and for three or four months a feeling of alarm was created there lest that which they cherish as the measure of all their values should become valueless to them. It created a partial panic, but that panic has passed, and now the stream goes on; silver flows into India and China and all the Asiatic countries as heretofore.

That was not the worst of it. A struggle for the possession of gold at once arose between all the great nations, because everybody could see that if $3,200,000,000 of silver coin were demonetized and $3,500,000,000 of gold coin made the sole standard it would enormously add to the value of gold, and the Bank of France, the Bank of England, and the Imperial Bank of Germany at once commenced grasping for gold in whatever form. Therefore what we have observed recently is not so much a fall of silver as it is a rise of gold, the inevitable effect of a fear of the demonetization of silver; and now the Bank of France has in its vaults the enormous amount of $300,000,000 of gold in coin and bullion; the Bank of England has $170,000,000, and the Imperial Bank of Germany has $125,000,000. So in these three depositories there is over $600,000,000 of gold, or nearly one-fifth of the supply of the world.

Then at a different place in the same speech Senator SHERMAN said:

The demonetizing of silver tends to add to the value of gold, and though its relative value changes it is more stable compared to gold than any other metal or production.

Now, Mr. President, here is a statement showing clearly that the divergence between gold and silver has been caused by the legal restrictions, charged by the Senator from Ohio upon Germany, but in fact resting as much upon him as upon Germany. Silver has been by law dishonored and depreciated; gold has been by law honored and appreciated above it; and therefore the relative values have changed. It is strange to me that the Senator from Ohio in this discussion never seemed to feel or recognize that he had been a party to this great disaster which had befallen this country, the demonetization of silver.

Mr. President, I want to read a prophecy that was made in regard to the effect of the demonetization of silver. This prophecy was made in 1868, when the movement was under full headway, before the legal discriminations had been enacted into law. It is a prophecy made by Count Wolowski and Mr. Seyd, who published a thesis in 1868. I read from Gold Standard, by Baron William von Kardoff-Wabnitz, a distinguished German writer, published in 1880. Now, it is interesting to see what this gentleman said in 1868. This was before these acts had been done. The Paris conference was agitating the question, had recommended the single gold standard and the demonetization of silver. These two gentlemen say:

The demonetization of silver, they predicted, by any great civilized nation must produce the following results:

1. The international trade of the world will instantly show signs of decline, to the special injury of countries having the largest international trade.

2. The spirit of public enterprise, in railroads and other useful undertakings, will be immediately checked, and consequently the general progress of civilization will suffer.

3. The decline in price will compel countries internationally indebted to depart more and more from the principles of free trade toward a policy of protection.

4. The nations of the world will be divided into two groups—the one trading in gold, the other in silver—and this condition will render commerce between them unsafe and precarious.

5. Throughout the world a decline in prices will follow, injurious alike to owners of real property and the laboring classes, and advantageous only—and unjustly so—to the holders of state bonds and similar securities.

6. One of the principal difficulties in this period of general depression will be that the people will look for its causes in all possible directions. The advocates of the gold standard will offer all possible groundless and fantastic excuses, or reasons of a secondary nature only, and the real cause, the demonetization of silver, will be overlooked until the perspicuity of the phenomena and dire necessity shall force thinking men to point it out.

Mr. President, no such prophets have ever made predictions in behalf of the gold standard and had them fulfilled. Here he has pointed out for successive years exactly what would result from the demonetization of silver. Here we have a prophecy as to what it would be. What was the general result, all over the world, of this demonetization of silver? The general result, Mr. President, was a fall in the market value of all the great staple products of the world. I quote from Dr. A. Soetbeer, who made a thorough examination and a statement. He says:

Taking the whole one hundred articles together, we find that the general level of prices was higher in 1886 than in 1847–1850 by 4.96 per cent. The case is very different if we compare the average prices of 1886 with those of the period of 1871–1875. This becomes plain if we compare the prices of different groups in 1871–1875 and in 1886. Taking one hundred as the prices in 1871–1875, we find that a fall in prices had taken place, as follows:

		Per cent.
Group	I. Agricultural products	31
Group	II. Animal products	23
Group	III. Southern products	7
Group	IV. Tropical products	12
Group	V. Minerals and metals	40
Group	VI. Textile material	24
Group	VII. Miscellaneous	32

For all the one hundred articles the comparative prices show a fall in 1886 compared to 1871–1875 of 22 per cent.

Mr. President, I will read a short extract from this same work, Gold Standard, from page 31:

If we observe that the commencement of the great crisis in the commerce and trade of the world coincides precisely with the demonetization of silver in North America and Germany, we shall easily perceive the connection of causes between that fact and these phenomena, and see that the mischievous results of the demonetization of silver must, from year to year, become more apparent.

But what was the result in England? England demonetized silver in 1816, and at that time England had depreciated paper money.

The immense resources—

I am reading from Gold Standard again, pages 16 and 17—

The immense resources of the British Empire; its supremacy in the commerce of the world; the rapid development of those astonishing industries, resting upon its natural treasures of iron and coal, which the inventions of Watt and Arkwright had called into life; the ceaseless influx of the wealth of India into the British Islands; all this could not prevent the fearful crises which the several rapidly changing phases of the British finance and banking policy necessarily brought on.

First, following out the doctrines of the prevailing financial school, there was a strong contraction of the note circulation in order to force the resumption of specie payments, in consequence of which a business and financial crisis occurred, whose severity has not been exceeded by any in our times. Then inflation, great increase in the issue of notes, and in consequence of this apparent prosperity, apparent rapid growth of the national interests; then a second contraction of the currency and consequent return of the crisis; and so on, until ultimately the present bank act came into existence, the note circulation acquired a certain stability, and the inexhaustible resources of British prosperity were able, undisturbed by human folly, to enrich the country.

What was the condition in Germany, Mr. President? The same result occurred after the demonetization of silver in Germany. The same author, a German author, speaking of the demonetization of silver by Germany, says:

The fact that a number of smaller States would be forced to follow the example of Germany; that the embarrassments of countries having depreciated standards, as Austria and Russia, would be increased by our proceeding; that France would be compelled to stop its coinage of silver; all this was then considered as unimportant and even as desirable. Even the question whether a general depreciation of silver would follow appeared important only in so far as slower sales of silver would cause greater losses to Germany.

* * * * * * *

The adoption of the gold standard by the German Empire was the signal for the immense commercial collapse the deplorable effects of which have not yet been effaced. The like action by the North American Union by later legislation would have remained isolated, and could hardly have produced similar results. There was in that country no large stock of silver which, like that of Germany, had to be placed on the market; there the greenbacks—the national paper money—still formed the basis of circulation. If, under these circumstances, the United States alone had adopted the gold standard, and Germany retained the silver standard with subsidiary gold coinage, the United States would probably have experienced difficulties and embarrassments, but the acute and general depreciation of silver which resulted from the change in the German standard would never have occurred.

The introduction of the gold standard in Germany caused no decrease in the circulation of metallic money, as not only the withdrawn German silver and gold coins, but also the not inconsiderable amount of foreign gold circulating in Germany (Napoleons, ten-guldens, five francs, Austrian thalers and guldens), were amply replaced; indeed, the minute calculations by Soetbeer suggest that, including the changes in note circulation caused by the German bank law, the amount of circulating medium has been increased. This, according to the scholastic theory, should have resulted in advanced prices of all commodities and in an export of money. But the higher gold prices, in conjunction with the introduction of free-trade practices in our commercial policy, produced the opposite result, namely, a perceptible increased purchasing power of money, and a decrease in the prices of all commodities. The wild chase after gold, in which all countries immediately joined, enhanced the price of gold, and thus caused an unprecedented depreciation of the value of land and commodities. The imperial board was obliged to exercise all circumspection and caution to secure to the country its share of gold by a timely increase in the rate of discount, not to the advantage of production.

Now, Mr. President, what was the result in the United States of the adoption of free coinage? It was the coinage act of February 12, 1873, and in the following September such a panic as this country never before experienced shook it from center to circumference, a financial depression which brought hundreds and thousands of citizens of the country into bankruptcy and ruin. So that in every country where it has been adopted the result has been a crisis, a commercial depression, bankruptcy, and ruin.

Mr. President, what was the policy of France? England adopted the single gold standard when she had a large amount of depreciated paper circulation. The United States adopted the gold standard when she had a large amount of depreciated paper circulation. Germany adopted the gold standard, flushed with her victories over France, having no depreciated currency, and having an immense sum to be paid by way of indemnity from France, $1,000,000,000. Now, France was her neighbor. France had been robbed and stripped of this $1,000,000,000, besides the losses, the wear and tear of the invasion of the German army. Now, how did France manage?

France had, by the war of 1870, incurred a burden of national debt which far exceeded that of the United States. It had been compelled to permit the issue of unsecured notes, which up to that time had amounted to about 1,200,000,000 francs, and was increased at the very commencement of the war by about 800,000,000 francs, and in December, 1870, received a second increase of about 300,000,000 francs. All these bank notes were given the quality of legal tender. Moreover, on the restoration of peace, the obligation to pay the five milliards war indemnity to the victorious German Empire within a few years rested upon the country. And yet the financial administration, after the conclusion of peace, had the courage to still further increase the issue of notes to the amount of 300,000,000 francs.

France did not follow the example of the United States in attempting to contract her paper circulation and to strike down one of the money metals. What was the result? Why, prosperity in France, an early resumption of specie payments, an appreciation of all her circulation to an equality with coin.

Mr. President, we have seen what has caused this discrimination against silver and its legal tender. Now, why should our friends insist upon a single gold standard? It is a mere "barren ideality." It is a mere Utopia. There is not a sufficiency of gold alone in this country for the supply of its monetary wants. I want to quote just one authority from the Gold Standard, pages 41 and 42:

A prominent geologist, Mr. Süss, of Vienna, has in his admirable treatise, The Future of Gold, undertaken to demonstrate that all historical experiences and geological calculations indicate that the present supply and the prospective production of gold can never be sufficient to meet the demands of a universal gold standard.

Whoever examines the interesting data furnished by Mr. Süss of the immense sums which are annually withdrawn from trade for gilding purposes, for instance, and follows his historical proof of the rapid exhaustion of all known gold sources can not fail to see that here a calm, objective investigator points out dangers of the gold standard, which, with the undoubted influences on civilization exercised by the use in trade of the precious metals, must threaten civilization itself.

Mr. President, who have been the beneficiaries of this gold standard? Who have been benefited by it? I want to read from Senator SHERMAN on that very question, as to who are the beneficiaries of an appreciation of that kind. In his speech, in this book, on page 196, on Public Debt and Currency, he says:

Persons of fixed salaries and incomes are benefited by an appreciation of the currency to the full extent of the appreciation. Their incomes have increased purchasing power, and they are enabled to extend their purchases, supply new wants, and add to their capital. Depreciation of the currency produced the opposite effect during the war, carrying distress and poverty into many comfortable homes. It fell with severe effect upon preachers, widows, and old men, who saw the purchasing power of their annuities melt away and a condition of independence destroyed. They will, by an appreciation of the currency, be restored to their own again.

In other words, Mr. President, the beneficiaries of a single gold standard are the wealthy classes; those who are living upon fixed incomes, those who have their money invested in debts and obligations calling for dollars and cents, securities, national securities, State securities, corporate securities, municipal securities, and all these; and they alone are the beneficiaries of that single gold standard.

But, Mr. President, who are the persons who are injured by it? Who are the persons who are injured by the adoption of the single gold standard which appreciates the purchasing power of dollars and cents and depreciates the paying power of all property? All the other classes in the country. They are the persons who are injured by it, the toiling millions, the owners of all other kinds of property and the producers of the world's products. They are the men who are oppressed and injured by that.

And now, Mr. President, what has this adoption of the single gold standard caused in this country? It has caused the country to resort to substitutes for money, not only in the United States, but also in England. Now, let us examine this question and see what is the financial condition of the country to-day. How are we transacting business? What substitutes are we using for money? In what proportion? How much money have we? Do we want simply a single gold standard maintained or do we want more money in this country?

Now I quote from the reports of the Comptroller of the Currency of 1890. I will not take time to read it, but just give the result. On page 23, under the head of "Substitutes for money," he states that he sent out blanks to all the banks, national, State, etc., to know the status of business on a given date. He received reports from 3,364 national banks out of 3,438, and he received 3,474 reports from banking associations out of 3,484 addressed. The total receipts of the 3,364 national banks on July 1 last were $421,824,726, and the receipts of 3,474 national banks on September 17 last were $327,278,251. These were the national banks alone. In one day in the national banks there was received fully one-fifth of all the money in the United States, in every nook and corner of the whole country, in banks and in the hands of individuals. The falling off in September was very perceptible.

Mr. PLATT. Is that the receipts of currency alone or all their receipts?

Mr. COCKRELL. That was their total receipts.

Mr. PLATT. That includes checks and everything of that kind?

Mr. COCKRELL. Yes, that included everything. The falling off in cash in September was very perceptible. Now here is a percentage of the kind of money or substitute used in these transactions:

By consolidating the several items into two classes, we find that 8.96 per cent. was in cash and 91.04 per cent. in checks, drafts, and other substitutes for money.

Our attention is at once drawn to the fact that the total receipts for September 17 are $94,546,475 less than for July 1, 1890. This is undoubtedly due to the great stringency in the money market prevailing at the latter date. Of this difference $92,678,085 is found in the items which represent substitutes for money.

* * * * * * *

It will be observed that more than 78 per cent. of the total receipts are reported by 330 banks located in reserve cities and only 22 per cent. by 3,034 banks doing business elsewhere.

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It is evident from an analysis of the figures incorporated in the table next submitted, which shows the receipts for September 17, 1890, similarly classified, that the stringency in the money market existing at the latter date most seriously affected the transactions of banks in the reserve cities, as their receipts, when compared with the total receipts of all reporting banks, were only 73 per cent., a decrease of 5 per cent. as compared with July 1, 1890—

When their receipts were 78 per cent.

Referring to the table on page 26, the Comptroller says:

The percentages above tabulated indicate a much larger relative circulation of coin and paper money among the depositors in country banks, as distinguished from those located in cities, except gold Treasury certificates, which seem most prominent in the reports from New York and other reserve cities.

This shows a very small percentage of money. On page 27 he says:

It will be noticed that of the total receipts on July 1 checks and drafts constituted 92.50 per cent., and on September 17 only 91.04 per cent. This diminished percentage is evidently not due to local causes, from the fact that it appears in the operations of each of the three classes of banks.

* * * * * * *

The changes indicate a marked increase in the amount of paper currency received, the extremes being represented by 0.65 per cent. on September 17, 1881, and 4.29 per cent. on September 17, 1890. The decrease in gold coin is more marked than the increase of silver.

The diminished proportion of receipts in checks and drafts is very remarkable, the average per cent. for the two days in 1881 being 2.91 per cent. greater than for the average of the two days in 1890.

On page 30 is another table showing the percentages. The Comptroller says:

A very great increase in the number of banks reporting is here apparent; the lowest number being 1,731 for June 30, 1881, and the highest 3,141 for September 17, 1890. The proportion of gold coin to total receipts is but little larger in 1890 than in 1881. A larger increase in percentage is apparent in silver coin and checks and drafts, the latter exhibiting a decrease in all other classes of banks.

* * * * * * *

The receipts of silver coin have considerably increased, the percentage in 1881 being less than one-half that for 1890.

* * * * * * *

Of the paper currency receipts on July 1, 1890, nearly one-fourth was in silver certificates, and the same is true of like receipts on September 17 of the same year. These were not separately stated in 1881, but the amount must have been very small on account of the limited sum then in circulation. Nearly one-third of all the paper money now in general circulation consists of silver certificates. The diminished use of checks and drafts, however, is not easily accounted for and will occasion much surprise. During the past nine years a large number of banks, both State and national, have been organized, and private bankers have multiplied rapidly. It is possible that these new institutions have not kept pace with the rapid increase in volume of business consequent upon the rapid development in the South and West in recent years.

This does not offer an explanation, however, for we observe that the country banks, that is to say, those not located in reserve cities, show an increased use of checks and drafts, while a decrease is apparent in reports from reserve cities, and, of these, New York City shows the largest reduction in percentage. If this result was apparent only in the reports for September 17, 1890, it might be attributed to abnormal conditions resulting from the severe stringency then prevailing, but the percentages for the two days selected in 1890 are not essentially different.

It may be suggested that a great change has taken place during the past nine years in the manner of conducting business by both wholesale and retail dealers in merchandise, and all commodities are now sold on shorter credit and to a much larger extent for prompt cash than formerly. This fact alone, however, does not appear to furnish a sufficient reason for the increased use of money in banking operations. A more careful analysis of the movements disclosed may lead to a satisfactory solution of what now seems quite obscure.

It seems clear, however, that the insufficiency of the volume of circulating medium, as disclosed and emphasized by the business embarrassments of the past few months, is partially accounted for by this increased use of actual money and the diminished use of substitutes therefor in the form of checks, drafts, and other forms of bank credits. It is worthy of observation that, while the receipts of coin and notes for two days in 1881 were only $31,319,967, the sum of $60,909,842, or nearly double the former amount, was received on like dates in 1890. In proportion to the total receipts of all banks the respective percentages of actual money would be 5.39 for 1881 as against 8.23 for 1890, indicating a proportional increase of more than 50 per cent. in the use of coin and paper money in banking operations.

I also ask leave to insert a table here, on page 32, showing the coin, notes, and checks received in London, Edinburgh, Dublin, and country banks in 261 places:

	Coin.	Notes.	Checks.
	Per cent.	*Per cent.*	*Per cent.*
London	.73	2.04	97.23
Edinburgh	.55	12.67	86.78
Dublin	1.57	8.53	89.90
Country banks in 261 places	15.20	11.94	72.86

I also desire to quote, in connection with this report, from a letter of Henry Carey Baird in regard to the bank credit in England. Henry Carey Baird, in a letter entitled "Bank of France and French Finance," addressed to the Manufacturer and published in its issue of December 16, 1890, says:

But we, in this country, have never in practice seen the bank-credit system run mad as it exists in England, and especially in London. For instance, the London Economist of November 22 tabulates the statements of eleven joint-stock banks in London, June 30, 1890, so far as regards the two items of "Liabilities to the public" and "Cash on hand and at the Bank of England." These liabilities were $848,000,000, while the cash, including that in the Bank of England, was but $87,000,000, or 10.3 cents of so-called "cash" for each $1 of liabilities, exclusive of those to the stockholders.

Now, we see what substitutes are used—over 90 per cent. Let us go on and examine these liabilities a little and see how much business is done with these substitutes. I quote now from the report of the Comptroller of the Currency for 1890.

National-bank resources and liabilities, October 2, 1890 (3,540 banks).

Due to—	
On loans and discounts	$1,970,022,687
On overdrafts	16,035,632
From reserve agents	139,451,787
From other national banks	118,280,612
From other banks and bankers	28,485,223
Total amount due to same	2,322,284,941
Due from—	
To individual depositors	1,564,845,175
To United States deposits	25,118,559
To United States officers' deposits	4,299,511
To national banks	285,061,259
To other banks and bankers	141,350,726
To bills payable	10,301,913
Total due from them	2,030,997,143

Aggregate resources and liabilities of all State banks, etc. (page 79; 4,515 institutions).

Due to them—	
On loans on real estate	$735,844,384
On loans on collaterals	379,015,839
On other loans and discounts	786,007,530
On overdrafts	7,895,046
From other banks and bankers	206,170,033
Total amount due them	2,114,932,832
Due from them—	
To individual depositors	1,014,412,193
To savings deposits	1,524,844,506
To other banks and bankers	45,688,379
To other liabilities	54,243,506
	2,639,188,784
To State, county, and disbursing officers	3,166,836
Total due from them	2,640,355,620

Not including undivided profits and dividends unpaid, the actual deposits aggregate $2,539,256,699.

Total amount of gold, silver, currency, etc., and cash, not classified, etc., on July 18, 1890, of all banking institutions.

National banks	$293,062,607
Other 4,515 institutions	185,254,087
Total amount classed as money	478,316,694

Now, to recapitulate:

Total amount due to national banks	$2,322,284,941.00
Total amount due to other 4,515 banks	2,114,932,852.00
Total to them	4,437,217,773.00
Total amount due from national banks	2,030,997,143.00
Total amount due from other 4,515 banks	2,640,355,620.00
Total due from them	4,671,352,763.00
To meet which they hold cash items	478,316,694.00
Or about 10 per cent of liabilities.	
Bonded and floating debts of States, etc	238,396,560.31
Railroads, municipalities, individuals, etc., almost beyond calculation.	

Mr. President, here is an enormous amount of obligation, of debts, of business, and what is the amount of money we have with which to transact it? We go to the report of the Comptroller of the Currency again for the transactions of the New York Clearing-House Association, on page 69. As I understand it, the New York Clearing-House Association is composed of 44 national banks, 20 city banks, and the subtreasury at New York, 65 in all. Remember it does not include the clearing-house associations of Chicago, of Kansas City, of St. Louis, of Cincinnati, of San Francisco, or any other of the large cities where clearing houses exist, but a comparative statement of the transactions of the New York clearing house alone for the year ended October 1, 1890, shows aggregate clearings $37,660,686,572 of transactions; aggregate balances, $1,753,040,145.

Now, what were the kinds of money and the amount of each kind used in these transactions of billions and tens of billions of dollars during that year? The kind of money and the amount of each kind were as follows: United States gold certificates, $1,735,316,000; United States Treasury notes $6,914,000; Treasury certificates for legal-tender notes (section 5193 United States Revised Statutes), $4,995,000; legal tenders and minor coin, $5,415,145, showing 99 per cent. of gold certificates used and only 1 and a fraction per cent. of legal-tender notes or money. These are gold certificates in large sums, and they are used. These sums are enormous.

Think of these billions of indebtedness. Then think of all the individual indebtedness in the United States, the notes and the bonds and the mortgages and the obligations of all the people; then the amount of taxes that have to be paid every year and every month in the year in some part of the country to our State governments, to our county governments, to our municipalities, to our school districts. All these will aggregate hundreds of millions of dollars, and it is all done in this country practically upon substitutes for money. Our business to-day stands upon confidence alone. The business of this great country is dependent upon faith, hope, and charity. Destroy confidence, which will prevent the use of these substitutes for money, and this country is instantly in a financial crisis, a cyclone of destruction will spread from

the Atlantic to the Pacific and from the Lakes to the Gulf; you can not avoid it, it will ever be so.

Why, think of it. You see at once these enormous transactions all done by checks and drafts and certificates, and no money. It is confidence; it is trust. Let one of them totter, as Jay Cooke did in 1873, and see what follows; let one of them totter as here recently, and you see what follows.

Mr. President, we need more money in this country; there can be no question of it. I want to bring some good authority on that question just a moment, and that is the report of the Secretary of the Treasury, Mr. Windom. Says Mr. Windom:

The demand for money in this country is so irregular that an amount of circulation which will be ample during ten months of the year will frequently prove so deficient during the other two months as to cause stringency and commercial disaster. Such stringency may occur without any speculative manipulations of money, though, unfortunately, it is often intensified by such manipulations. The crops of the country have reached proportions so immense that their movement to market in August and September annually causes a dangerous absorption of money. The lack of a sufficient supply to meet the increased demand during those months may entail heavy losses upon the agricultural as well as upon other business interests. Though financial stringency may occur at any time and from many causes, yet nearly all of the great commercial crises in our history have occurred during the months named, and unless some provision be made to meet such contingencies in the future, like disasters may be confidently expected.

I have said that our business is all dependent upon confidence, upon trust, upon charity. I hold in my hand what I call "the distrust circular."

"DISTRUST CAUSES BUSINESS DEPRESSION."

This circular was issued in the interest of the gold monometallists of the country and is a protest against the recoinage of the standard silver dollar. It says:

The rule has heretofore been almost invariable that money returned to the financial centers in November. Why is this year of 1890 an exception? The answer must be that distrust has caused hoarding, especially hoarding of gold. The hoarding of gold since the silver act of July 14 went into operation is clearly shown by the following figures.

Then the circular quotes the figures which it pretends are true and says:

Therefore, the purpose of the silver men is defeated. They want inflation, but in fact produce severe contraction.

Now I quote from another circular. I quote from resolutions adopted by the Chicago Board of Trade January 7, 1891:

That we deprecate any further legislation by Congress in regard to silver, believing that further agitation of the subject will be injurious to the business and commercial interests of the country and tend to retard—

What?—

to retard the increasing confidence of the business world and the speedy return to a healthy state of affairs so much desired by Congress and the country.

You must not do anything to retard the growth of confidence. Confidence is the substratum of the financial system of the United States, and when you shake that the whole fabric totters, and we are told that we must not legislate here in the interest of the great masses of the people and to give a foundation to this financial structure for fear we shall destroy confidence.

But, Mr. President, I want to quote another circular. This is from the circular of Henry Clews, a banker of New York. He says:

The hoarding of gold has largely come from the holders of the 4½ per cent. bonds, which mature next September. Under the Secretary's liberal offer to redeem the same, both principal and interest, they have obtained payment therefor and locked it up simply because the Government has issued money backed by a corresponding amount of silver, and they profess to be scared about the Government credit in connection therewith and make that as a pretext for hoarding.

In regard to the recent panic, I quote also from this same circular of Henry Clews:

It is apparent now, I think, that in taking a prospective estimate of the outlook it is necessary to note carefully the conditions of general business which preceded the panic. It is also important to keep in mind that this panic differed from almost all its predecessors in the characteristic that it was a rich man's panic. It resembled more closely the panic of 1884 than any other historic parallel of this character, but I venture to predict that the recovery will be quicker and the restoration—

To what?—

to confidence more thorough than in the former instance, if all the signs of the times are not deceptive and misleading. The hardest blows fell this time where the material and the preparation for resistance were actually the strongest, and not on the rank and file, as in former perturbations of this character.

Mr. President, these things show clearly the insufficiency of the money circulation of this country.

What money have we in this country? I quote now from the Director of the Mint, page 78:

The paper and metallic money on November 1, 1890—

Gold	$684,805,680
Silver	485,370,497
	1,180,236,177
Paper currency	1,032,677,734
Total	2,212,913,911

Mr. President, what must we deduct? This is the aggregate of money in the United States. We must take out the metallic money in the Treasury, $647,056,354, the paper money in the Treasury, $57,353,436, making a total in the Treasury of $704,409,790, and this leaves $1,508,504,121 outside of the Treasury. This consists of metallic money $533,179,823, and paper $975,324,298, and it includes silver bullion in New York $9,500,000, leaving a total outside of $1,499,004,121. With a population of 63,000,000 this would give us $23.80 per capita.

But let us examine. Have we actually got this amount of money in circulation—$1,499,004,121? We must deduct from that the amount of money which is held in the banks and must be held there from day to day, from week to week, and from month to month, and from year to year. They held $478,316,694 on the 18th of last July. Now, deduct that, and we have a balance of $1,020,687,727, which, upon a population of 63,000,000, gives us $16.20 per capita. Sixteen dollars and twenty cents is every dollar per capita in the United States; it is every dollar that can be used in business. The balance is locked up in the Treasury and in the banks, and must stay there. We have $16.20 per capita, with a population of 63,000,000, extending from the Atlantic to the Pacific and from the Lakes to the Gulf, an enterprising, active population spread over an area of country that would cover all of Europe. This is absolutely wholly insufficient to meet the demands of the people and the business of the country.

Mr. President, in this connection I wish to quote again from the letter of Henry Carey Baird; I quoted from it a moment ago:

CURRENCY OF GOLD, SILVER, AND PAPER, 1890, IN FRANCE.

With a population of 38,250,000, the currency consists of gold, $900,000,000; silver, $700,000,000; bank notes outstanding, November 20, 1890, $613,000,000, or an aggregate of $2,213,000,000, giving a per capita of $58, against $550,000,000 gold, $100,000,000 silver, and $130,000,000 paper, in all $780,000,000, or $20.80 per capita for Great Britain and Ireland. This is the chief source of her local power of association and of her financial stability.

* * * * * * *

BUSINESS LARGELY CARRIED ON WITH MONEY.

The results of this determination are shown in the fact that business throughout the Republic is carried on largely with money, and that bank deposits do not accumulate in great volume. In "heavy" financial "weather" the Bank of France and the other French banks pass through the storm peacefully and quietly, while a real cyclone may be happening in Great Britain.

BANK FIGURES FOR NOVEMBER, 1890.

On November 20, 1890, while the loans and discounts of the Bank of France, exclusive of those to the Government and including $15,000,000 to the Bank of England, were $234,899,000, the deposits, exclusive of the current account of the treasury, were but $82,500,000. The treasury account current was $43,000,000. The power of the bank to make discounts and advances comes largely out of its circulation, which was on that date $613,000,000, while it held $472,500,000 of gold and silver; the difference being $140,500,000. This circulation out among the people and in hourly, nay, perpetual use, quite independent of its moderate volume, is in much less danger of being presented for payment than an equal amount of deposits.

THE PRACTICAL LESSON.

The lesson of all this is that a full volume of money will alone enable a people to pay as they go and keep out of debt, and no other contrivance under the sun, none ever devised by man, will, and the sooner that all governments act on this idea, as practically demonstrated by France, the better for all those governments and for all mankind.

If we had the circulation of France per capita, even admitting that our business could be transacted upon the same amount of money, we should have in this country $3,654,000,000 of circulation, at $58 per capita, and we should then have none too much, Mr. President.

The contest between the interest of the owners of the gold and credits payable in gold and the interest of debtors and of all other owners of all kinds of property and producers of the world's product, the great toiling masses of mankind, is now raging and will continue to rage for an indefinite time to come until settled upon a different basis from that which now exists.

Mr. President, take the money we have in this country, and ten citizens of the United States can, by combination of their capital and their credit and the confidence the people have in them, prepare and throw this country into a financial revolution or crisis. They can not do it in France; they could not do it here if there was a sufficiently large volume of good money existing in the country, and instead of doing business upon faith, hope, and charity we were doing business upon actual cash, as the French nation does.

Think of it, Mr. President; all the great agricultural interests of this country are just simply in the grasp and power and control of ten or twelve men, who can lock up the entire volume of paper and coin money in the whole United States and force a stagnation which paralyzes everything and reduces the price of all agricultural products to a mere nominal sum, and all the panics in the United States occur just at the time our agricultural products have to be moved.

Mr. President, talk about flooding this country with silver! You can not flood it; it is nonsense to talk of flooding it.

What has the world got in the way of coin? I quote now from the Director of the Mint for 1890, pages 188 and 189, relative to the gold and silver product in the whole world:

Gold and silver product in the whole world (Mint, pages 188, 189).

	1887.	1888.	1889.
Gold	$105,774,956+	$110,243,950+	$121,162,009
Silver	124,280,978+	140,758,873+	161,287,927
Total	230,055,933+	251,002,823+	282,449,936

Wor'd's coinage of gold and silver (pages 186, 187).

	1887.	1888.	1889.
Gold	$124,992,465+	$134,828,855+	$168,901,519
Silver	163,411,397+	134,922,344+	135,602,064
Total coinage	288,403,862+	$268,751,199+	$304,503,583
Total product	230,055,933+	251,002,823+	282,449,936
Coinage over product	58,347,929+	17,648,376+	23,053,647

Thus it will be seen that the gold and silver product in the whole world in 1887 amounted to $230,000,000; in 1888, to $251,000,000; and in 1889, to $282,000,000. Mr. President, if we were to pour the whole product of the gold and silver of the entire world and every nation, kindred, and tongue into the United States and coin it into money for five years, we should not have more money than we actually need.

Let us examine the coinage. In the year 1887 we coined $288,000,000; in 1888, $268,000,000; in 1889, $304,000,000. What was that compared with the product? We coined in 1887 $58,000,000 more than we produced; in 1888 we coined $17,000,000 more than we produced; and in 1889 we coined $22,000,000 more than the total product.

What does this mean? It means that large sums of money are recoined, that they are passed from coin into the arts and manufactures, being abraded or worn or changed from one nation to another, and are recoined. It is for this very reason impossible to tell what is the actual stock of gold or silver in the world. We can tell the coinage, but the Director of the Mint has never yet been able to get an accurate report from other nations as to the exact amount of recoinage, and until he can do that we can not make an accurate estimate of the actual amount of gold in the country. I do not believe that the estimates of the Director of the Mint in regard to the amount of gold in the United States are correct by $100,000,000.

I believe there is $100,000,000 less gold in this country than the report of the Director of the Mint shows. They are the best figures he can get, and he must be governed by them because he can not make any other calculations.

Mr. President, we have seen the total amount of the world's product for 1887, 1888, and 1889, and the coinage. Now what was the consumption of gold and silver in the arts and in manufactures? I read from pages 181, 182, and 183 of the report of the Director of the Mint to show how much was consumed in the arts and manufactures. On page 181 he makes a comparison, and we find the following:

Gold and silver bars furnished for use in manufactures and the arts during the calendar year 1889 by Government and private institutions, and classification of the material used.

Material.	Gold.	Silver.	Total.
United States coin	$426,679	$2,373	$429,252
Domestic bullion	9,686,827	7,297,933	16,984,760
Foreign coin and bullion	291,258	657,997	949,255
Old material	3,218,971	611,015	3,829,986
Total	13,623,935	8,569,318	22,193,253

Comparing the totals of this table with the results of a similar inquiry for the preceding year, it appears that there was an increase in the amount of the precious metals used in the industrial arts, the value of the gold bars used being $13,623,935 in 1889 against $13,324,025 in 1888, and of the silver bars $8,569,318 against $7,908,148.

Then he sums up and says:

Assuming that the melting of coin for use in manufactures and repairs has not diminished, the value of the precious metals used in the industrial arts in the United States during the calendar year 1889 was, approximately: Gold, $16,697,000; silver, $8,767,000 (coining value).

Making a total of $25,464,000, while our gross product of gold and silver was only $97,446,464. Deduct the amount consumed in the arts and manufactures, and we only have $71,982,464 as the gross yield, the yield of all the mines of the United States left.

So that, notwithstanding the enormous sum of $25,464,000 of gold and silver was consumed in industries and manufactures in this country during the calendar year 1889, the consumption has increased since then.

Nearly one-third of our total product is consumed in that way. What is the total product consumed in the whole world? I quote from a table by Dr. Soetbeer, showing the amount consumed in the whole world. He states that the probable consumption of the precious metals in the arts in the civilized countries on the average of recent years has been a net consumption annually of 90,000 kilograms of gold, amounting, by estimating the gold kilogram at $664.60, to $59,814,900, and a net consumption of 515,000 kilograms of silver, estimating the kilogram of silver at $41.56, amounting to $21,403,400, making a total consumption for industrial use of $81,218,300 of gold and silver, nearly one-third of the world's product.

Mr. President, what is the paper circulation of the world? I have stated the metallic circulation. What is the paper circulation? I hold in my hand the following letter from the Comptroller of the Currency written to me in June last:

TREASURY DEPARTMENT,
OFFICE OF THE COMPTROLLER OF THE CURRENCY,
Washington, D. C., June 6, 1890.

DEAR SIR: In reply to your telegram of this date I have the honor to state that the following is an estimate of the paper money in circulation in the different countries of the world:

United States	$938,728,000	Greece	$18,000,000
United Kingdom	190,000,000	Spain	145,000,000
France	594,000,000	Portugal	7,000,000
Germany	275,000,000	Austria-Hungary	330,000,000
Belgium	75,000,000	Netherlands	80,000,000
Italy	260,000,000	Scandinavian Union	40,000,000
Switzerland	25,000,000	Russia	475,000,000
Turkey	2,000,000	Japan	125,000,000
Australia	25,000,000	India	60,000,000
Mexico	10,000,000	Canada	50,000,000
Central American States	2,000,000	Cuba and Hayti	50,000,000
Argentine Republic	150,000,000		
Rest of South America	175,000,000	Total	4,201,728,000

Very respectfully,

E. S. LACEY, *Comptroller.*

Hon. F. M. COCKRELL,
United States Senate, City.

P. S.—I am indebted to the Director of the Mint, who has taken much pains to ascertain the amounts of coin and paper in circulation in foreign countries for his forthcoming report, which is not yet in print, for the figures given above.

Here we have an aggregate paper currency used as money in the countries named, amounting to the enormous sum of $4,201,728,000.

Now, deduct from this aggregate all the papef currency used as money in all the countries wherein specie resumption of such currency is maintained, and we have, at the very lowest reasonable estimate, $1,500,000,000 of paper currency used as money, without any basis upon or equivalency in coined money of gold and silver, or either of them.

I also submit a statement showing the stock of silver in the principal countries of the world and the ratio of the same to gold, prepared by the Director of the Mint, Mr. E. O. Leech, and this was furnished to me last spring. It is an official table coming from the Director:

Statement showing the stock of silver in the principal countries of the world and the ratio of same to gold.

Countries.	Stock of full legal-tender silver coin.	Stock of limited-tender silver coin.	Total stock of silver coin.	Ratio of full legal-tender silver to gold.	Ratio of limited-tender silver to gold.
United States	$363,626,266	$74,762,358	$438,388,624	1 to 15.98	1 to 14.95
United Kingdom	.....	100,000,000	100,000,000	.....	1 to 14.28
France	650,000,000	50,000,000	700,000,000	1 to 15.5	1 to 14.38
Germany	102,000,000	113,000,000	215,000,000	1 to 15.5	1 to 13.957
Belgium	48,400,000	6,600,000	55,000,000	1 to 15.5	1 to 14.38
Italy	25,800,000	34,200,000	60,000,000	1 to 15.5	1 to 14.38
Switzerland	11,400,000	3,600,000	15,000,000	1 to 15.5	1 to 14.38
Greece	1,800,000	2,200,000	4,000,000	1 to 15.5	1 to 14.38
Spain	90,000,000	35,000,000	125,000,000	1 to 15.5	1 to 14.38
Portugal	.....	10,000,000	10,000,000	.....	1 to 14.08
Austria-Hungary	90,000,000	.....	90,000,000	1 to 15.3	.....
Netherlands	61,800,000	3,200,000	65,000,000	1 to 15.5	1 to 15.00
Norway, Sweden, Denmark	.....	10,000,000	10,000,000	.....	1 to 14.88
Russia	22,000,000	38,000,000	60,000,000	1 to 15.5	1 to 15.00
Turkey	.....	45,000,000	45,000,000	.....	1 to 15.1
Australia	.....	7,000,000	7,000,000	.....	1 to 14.28
Egypt	.....	15,000,000	15,000,000	.....	1 to 14.8
Mexico	50,000,000	.....	50,000,000	1 to 16.5	.....
Central American States	500,000	.....	500,000	1 to 15.5	.....
South America	25,000,000	.....	25,000,000	1 to 15.5	.....
Japan	50,000,000	.....	50,000,000	1 to 16.18	.....
India	900,000,000	.....	900,000,000	1 to 15.00	.....
China	700,000,000	.....	700,000,000	.....	.....
The Straits	100,000,000	.....	100,000,000	.....	.....
Canada	.....	5,000,000	5,000,000	.....	1 to 14.95
Cuba, Hayti, etc	1,200,000	800,000	2,000,000	Hayti, 1 to 15.5	.....
Totals	3,293,526,266	553,362,358	3,846,888,624		

The coinage of silver dollars since 1878 and of subsidiary silver to May 1, 1890, is stated in first line.

E. O. LEECH, *Director.*

I think that these facts show that with the amount of money in use as a limited legal tender at a ratio below our ratio it is not practicable that the people of foreign nations will send that coin here when it is equal to gold in the small transactions of the country. If it is sent here it must be sent for some specific object. They must send it here and either sell it for our gold or sell it for our products.

Mr. President, what does all this talk about gold fleeing from the country and silver flooding the country mean? No nation has any coin to sell unless it is possibly the German nation; they may have a small amount on hand which they purchased and took up in their recoinage system. Where is the balance of this money that is to flood this country? It is in the hands of individuals, in the hands of cor-

portations, in the hands of merchants. Why are they going to bring it here? Will they bring it here and give it to us? Certainly not. Well, what will they do with it? They will send it here to be sold. To be sold for what? For gold, if they want it. If they can not get gold they will take greenbacks; if they can not get greenbacks and they are compelled to sell it, they will take our wheat, our corn, our pork, our lard, our cotton, the ten thousand agricultural products of this country; they will take and transport them out of the country, and they are welcome to ship silver to this country by the million in exchange for our agricultural products. We shall thank them to do so.

It is all nonsense to talk about silver flowing into this country in a great current and stream and driving all the gold out. If it comes here it must come here in exchange for something we have got, for no nation, kindred, or tongue on earth would give it to us. Now, what will they exchange it for? What will they exchange for it? As a matter of course they will make the best exchanges they can, but they can not get for it, even with free and unlimited coinage, more than $1 for 412½ grains, and we put it into circulation in the same amount.

What is going to become of our gold? They talk as if the gold was an animal, as if we could scare it and it would run out of the country. Where will the gold go? It will go to some place where it is wanted more than in the United States, where it is more valuable; and why will it go there? Because it can be exchanged there for something that can be brought here. If it goes out of the country its equivalent comes into it in some shape or form. You have no gold autocrat in this country who would give millions of gold dollars to foreign countries. It will go out in exchange for something which the man who owns the gold or the people of this country would rather have than gold. There is no danger of any such thing. It is a mere scarecrow. There is no danger in the world, Mr. President.

I intended to quote something from the speech of the distinguished Senator from Ohio in regard to the double standard, but I will not consume the time of the Senate. I will simply ask that the quotations from his speech may be inserted, as there is no controversy about the authenticity of them and they are in a published volume of his speeches.

Mr. PADDOCK. Mr. President——

Mr. COCKRELL. I do not wish to yield. I want to finish this evening. It will only take me a little while.

Mr. PADDOCK. I was about to appeal to the Senator to yield for an executive session.

Mr. COCKRELL. I shall not be long, and I should rather conclude what I have to say to-night than to have to finish in the morning.

We are told that the free coinage of silver has not increased the ratio of silver. That may be. They say we have coined an immense amount of silver. We have coined 369,416,466 silver dollars and they are the equal of gold.

We are told that the silver metal—and this bill proposes that—must be brought to an equality with the gold coin before we can have free and unlimited coinage. This is absolutely ridiculous. Such a proposition to come from the distinguished Committee on Finance it seems to me is supremely absurd. You had just as well ask an infant three months old to rise up and stand 5 feet 6 inches high and weigh 200 pounds, an athletic man, as to ask silver, deprived of all its monetary functions by law, to stand upon an equality with gold endowed with all the monetary functions.

The Senator from Ohio said that the price of gold and silver could not be regulated by law. I say to-day if every nation, kindred, and tongue on earth will unanimously agree to refuse to coin silver as money, to recognize it as a legal tender, to use it in circulation as money or in exchange for the products of the world we will place that gold and silver upon a perfect equality with iron and brass and copper and zinc and tin, and the market value of that metal will depreciate 50 per cent. The quantity of gold now worth a dollar, 25.8 grains, will not be worth in the market as a mere metal 50 cents, and, instead of rating gold and silver by the grain, it will be then all estimated by the ounce and by the pound, just as you measure and estimate other minerals.

Mr. STEWART. I think it would depreciate from 95 to 98 per cent., instead of 50 per cent., if you took the stamp off of gold.

Mr. COCKRELL. You think it would decrease more than one-half in value.

Mr. STEWART. It would depreciate down to be about as cheap as iron. There are a hundred years' supply now on hand, and it would not be used for ornament.

Mr. COCKRELL. I confess that I did not have time to make what I would consider anything like a fair calculation of the world's consumption, and how long the gold would last; but I say when you take away from gold its monetary functions of coinage and legal tender you take away its value and you reduce it to a mere metal. It will then be estimated by ounces and pounds, and in cents at that.

Mr. TURPIE. May I inquire of the Senator if he will yield at this time to a motion to adjourn?

Mr. COCKRELL. I am much obliged to the Senator, but I wish to finish what I have to say to-night.

It is the monetary functions with which gold and silver are endowed that give them their value. You can not trace the origin of legal tender. It is away back beyond the time when the memory of man can trace it. They have been precious metals from the earliest days. They have been called precious metals because of their intrinsic qualities and their scarcity, and let me say to you, Mr. President, that Almighty God, the Ruler and Maker of universal nature, has not placed gold and silver in this earth in such quantities and localities that human power can produce them in unlimited quantities. You may have the people of the earth to-morrow abandon everything else and search for gold and silver, and those metals can not be produced in unlimited quantities.

No nation on earth has ever had too much gold money or too much silver money. History does not record any instance where any nation has ever had too much good coined silver or too much good coined gold. We can not have it in the United States; but, rather than have the condition we have to-day, I would welcome the flight of every gold dollar from United States soil and the importation in its place of millions and millions of silver. If we are to have a single standard it ought to be a single silver standard. There is not gold enough in the world to answer monetary purposes, and when you adopt and hold to a gold standard, you paralyze the industries of the world. There has never been a day in the history of this great world when there was a large increase in the production of gold and silver that was not a day of advancement in progress and civilization. All the great improvements of this earth have been preceded by a large increase of the precious metals, gold and silver.

I say that silver, 412½ grains, nine parts fine, never will be equal to the coined gold of 25.8 grains fine as long as you prohibit the free coinage of those 412½ grains of silver and deny to it full legal-tender power.

There is but one way to restore silver, and that is to endow it once more with all its legal functions. Give it every attribute, every right, every privilege, every power which you give to gold; give it free coinage, give it legal tender, make it receivable for all debts, public and private, receive it and acknowledge it as the elder brother, and then, Mr. President, and not until then, will it appreciate.

This nation, under the lead of the distinguished Senator from Ohio, demonetized silver and induced all the other nations of the earth to do the same thing It is time for us to retrace our steps, notwithstanding the predictions of the Senator from Ohio. He never has made a prediction in his long and illustrious career upon financial questions which has ever been verified—not a solitary one—and there is his book of speeches full of his predictions, and he can not point out one of them which has ever been carried out. All the financial schemes, the whole fabric he has constructed, will have to be abandoned, and the sooner it is abandoned the better for the country.

I am for undoing the wrongful deeds we have done. I am for removing the legal discriminations which have been made against silver in favor of gold, and I am for the United States leading off in this as we led off in the other direction. The United States has caused the demonetization of silver. Our acts and our officers have caused it, and it is our duty to undo what they led us to do and what we led other nations to do, which they would not have done if it had not been for the exaggerations and misrepresentations and solicitations, entreaties, and actions of our leaders.

Mr. President, I wish to illustrate the power of legal tender. Talk about law not regulating the value of gold and silver! We have heard that statement a thousand times. The Senator from Ohio scarcely ever made a speech in his life upon this question in which he did not repeat that same expression, that law can not fix the price of silver and gold any more than it can fix the price of wheat and corn and oats. I wish to read what has occurred in the history of the world:

> On the testimony of Thomas Baring we are assured that it was found impossible, during the crisis of 1847 in London, to raise any money whatever on a sum of £60,000 in silver. But during a similar crisis in Calcutta in 1864 it was equally impossible to raise even a rupee of paper money on £20,000 of gold. The silver in London was not a legal tender above 40s., while the gold in Calcutta was not so for any sum whatever

Here is an instance in England in 1847 where not a guinea, not a cent, could be borrowed on £60,000 of silver, because it had no legal-tender power, no monetary function, and down in Calcutta the possessor of £20,000 of sterling gold coin—it was gold coin—during the commercial crisis of 1864 was obliged to declare himself insolvent because it was impossible to raise a single rupee on his £20,000 of sterling coined gold. With such an illustration as this, Senators talk about law not giving power to gold and silver. I repeat what I have said. The distinguished Senator from Nevada [Mr. STEWART] may be nearer accurate than I. Take away the monetary functions from gold and silver coin, legal tender in payment of debts, exchange, commercial medium in transactions of business; deprive it of these functions and place it beside iron, and copper, and tin, and zinc, and you have taken away, I will say, 50 per cent. of its value. The Senator from Nevada says it is a much larger percentage than that, 90 to 95 or 98 per cent.

Mr. President, we have to do something. What shall it be? The people of this country must have more money. They are tired of these miserable subterfuges and substitutes. Think of it; $37,000,000,000 of transactions in New York alone in one year, besides other business,

and only 10 per cent. of the deposits in the banks being cash. Think of a great country like this having its entire commercial business based on faith, hope, and charity, confidence and trust. That is all there is in it. We have seen the results.

In a day a panic spreads and everybody begins to hold his breath, and we hear that this bank is closed and that bank is closed. They will not loan their money; they will not take a note; they will not take a check; they will not take a draft. Confidence is gone. We want to get back to a safe condition and have enough money in this country so that ten men can not produce a commercial crisis any time they wish to. We want to get enough money in this country so that when the great agricultural products have to be removed from place to place and sent to market a few men, eight or ten, can not manipulate the entire money of the country and force down the prices millions and hundreds of millions of dollars. That is what is done to-day; that is what can be done with a small amount of money.

What are you going to have? Are you going to stick to the single gold standard until the people in their majesty and power overthrow it and crush it? They may not act wisely upon it. Will you follow the distinguished Senator from California [Mr. STANFORD]? Will you give to the people loans on real estate? He has led off in that direction. Will you yield to the Farmers' Alliance and Industrial Union, and issue money upon tobacco, and cotton, and oats, and wheat, and corn to 80 per cent. of their value in order to give the country enough money to move its crops and carry on its business? Which will you do? You have to do something. Will you issue new Treasury notes? That is a favorite idea with some—Treasury notes based simply upon the credit of the Government.

No, Mr. President, let us act honestly; let us act wisely; let us cease to favor the special few to the impoverishment and ruin of the great mass of the people. Let us, in the first place, retrace our steps and restore silver to its perfect equality with gold; give it free and unlimited coinage and unlimited legal-tender power; give it all the functions of money, and place it side by side with gold, and we will then bring into this country millions and I hope hundreds of millions of dollars. Not a dollar will come here that does not pay for something we have got; not a dollar will come from any country into our country which does not take out of our country something that we are willing to part with; not a dollar of our gold will go out to any other country but will bring back a dollar's worth of something we want.

There is no danger in this. We may have a surplus of silver at one time. We will soon have a surplus of gold then. If our gold goes to Europe and there is an excess of gold there, its value falls and the flow of silver here produces a scarcity of silver there, and the silver would go back to them and the gold would come to us. That was the experience of France for a hundred years. There is no danger at all in this.

Then, I say, Mr. President, wipe out your national-bank circulation and substitute for it United States legal-tender notes. That would not give us $500,000,000 of paper circulation upon the credit and faith of the Government. The Bank of France has $630,000,000 of circulation. France is a little bit of a country. You could stick it down anywhere in the United States and have plenty of space all around it. Their population is dense and they do not need so much money for the transaction of their business as do we, and yet they have $58 per capita where we have $23 at most and $16 actually in circulation. We need as much as France, if not more. I will not say we need more.

We can get it by the free and unlimited coinage of silver and by substituting United States legal-tender notes for the national-bank notes. There will never be any depreciation in such a currency. If there should come a necessity we can issue additional Treasury notes in payment of the bonds, because we can exchange the Treasury notes for coin and pay the bonds off which have to be paid in coin, gold, or silver. We can have a sound financial system; we can have a sound paper-metallic system of money in which every paper dollar will be the equivalent of every gold and silver dollar and every gold and silver dollar only the equivalent of the paper dollar.

We do not want any national banks dominating and controlling the circulating medium of this country. We gave them that power once, and because we passed a little refunding bill here to reduce interest on their bonds they came down like a horde of vultures upon President Hayes, retired $18,000,000 of their circulation in one day, scared him into vetoing the refunding bill, and in less than four months from that time they supplicated the Secretary of the Treasury to let them exchange the 5 and 6 per cent. bond for 3 per cent. bonds, showing their financial wisdom and foresight.

To talk about putting the financial interests of this country in the hands of a few bankers is an outrage. Congress should do nothing which would tend to the perpetuation of the national banks as banks of issue. Nobody cares about their being banks of deposit and all that, but we do not want them to be banks controlling the paper circulation of the United States.

This would be my system. It would be a sound and just one. It would elevate silver, restore to it its legal functions, and it would result in the increase of the sound currency of this country, metallic and paper, sufficient to carry on the business of the country and to prevent five, ten, fifteen, twenty, and one hundred men from forming a combination, taking up all the circulating medium of the country, prostrating its business interests, and producing financial crises, as they can do now almost any day they desire.

Mr. PADDOCK and Mr. ALDRICH addressed the Chair.

The PRESIDING OFFICER (Mr. PLATT in the chair). The Senator from Nebraska.

Mr. ALLISON. I desire to take the floor on the pending bill.

The PRESIDING OFFICER. The Senator from Iowa will be recognized upon the pending measure, the financial bill, when it is again taken up.

PUBLIC BUILDING AT PROVIDENCE, R. I.

Mr. PADDOCK. I move that the Senate proceed to the consideration of executive business.

Mr. ALDRICH. I ask the Senator from Nebraska to yield to me for a moment that I may call up a bill which will produce no debate.

Mr. PADDOCK. If the Presiding Officer will recognize me when that is disposed of I will yield to the Senator from Rhode Island.

Mr. ALDRICH. I ask the Senate to proceed to the consideration of Order of Business 2295, Senate bill 4683.

Mr. PADDOCK. I will for the moment withdraw the motion for an executive session, with the understanding that it is to be renewed immediately after the bill the Senator from Rhode Island calls up is disposed of.

Mr. ALDRICH. There will be no objection to that.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4683) to provide a suitable site for a post office in the city of Providence, R. I.

The bill was reported from the Committee on Public Buildings and Grounds with amendments.

The first amendment was, in line 5, after the word "erection," to insert "thereon;" so as to read:

That the Secretary of the Treasury be, and hereby is, authorized and directed to acquire, by purchase, condemnation, or otherwise, a suitable site for the erection thereon, in the city of Providence, in the State of Rhode Island, of a substantial and commodious public building, for the use and accommodation of the United States post office.

The amendment was agreed to.

The next amendment was, in line 10, before the words "hundred thousand," to strike out "two" and insert "three;" so as to read:

The site (to be approved by the Secretary of the Treasury) shall not exceed the cost of $300,000; and the site purchased, or otherwise procured, shall be such as would leave any building erected thereon unexposed to danger from fire in adjacent buildings by an open space of at least 40 feet, including streets and alleys.

The amendment was agreed to.

The next amendment was, in line 15, before the word "hundred," to strike out "two" and insert "three;" so as to read:

And for the purposes herein mentioned the sum of $300,000, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Treasury.

The amendment was agreed to.

Mr. SPOONER. I think the appropriation clause had better be dropped from the bill.

Mr. ALDRICH. It can be dropped out in the other House.

Mr. SPOONER. Then the bill will have to come back here for concurrence in the House amendment.

Mr. ALDRICH. Very well; I have no objection to the clause being dropped out.

Mr. SPOONER. I move to strike out the clause making the appropriation.

The PRESIDING OFFICER. The amendment proposed by the Senator from Wisconsin will be stated.

The CHIEF CLERK. In line 14, after the word "alleys," it is proposed to strike out down to and including the word "Treasury," in line 19, as follows:

And for the purposes herein mentioned the sum of $300,000, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Treasury.

Mr. SPOONER. What follows that?

The PRESIDING OFFICER. The next part of the text will be read.

The Chief Clerk read as follows:

Provided, That no part of said sum shall be expended until a valid title to said site shall be vested in the United States, etc.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Wisconsin [Mr. SPOONER].

The amendment was agreed to.

Mr. SPOONER. I move to amend the proviso so as to read:

Provided, That no money when appropriated shall be expended until a valid title, etc.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In line 19 it is proposed to strike out the words "part of said sum" and insert "money when appropriated;" so as to make the proviso read:

Provided, That no money when appropriated shall be expended until a valid title to said site shall be vested in the United States and the State of Rhode

Island shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of any civil process therein.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NATHAN KIMBALL.

Mr. PADDOCK. I now renew the motion for an executive session.

Mr. QUAY. I trust the Senator from Nebraska will yield to me for a moment to call up a bill to which I think there will be no objection.

Mr. PADDOCK. I certainly will yield if the patience of the Senate will endure the yielding.

Mr. QUAY. It will take but a moment.

Mr. PADDOCK. As far as I am concerned, I am willing to yield.

Mr. QUAY. If there is any objection to the bill I shall withdraw it. I ask unanimous consent to proceed to the consideration of Senate bill 4017. It is a bill for the relief of General Nathan Kimball, postmaster at Ogden, Utah, which was unanimously reported from the Committee on Post Offices and Post Roads, and I think there will be no objection to it.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4017) for the relief of Nathan Kimball, postmaster at Ogden, Utah.

The bill was reported from the Committee on Post Offices and Post Roads with an amendment, in line 5, after the words "sum of," to strike out "$1,026.88" and insert "$1,329.38;" so as to make the bill read:

Be it enacted, etc., That the Postmaster-General be, and is hereby, directed to credit the account of Nathan Kimball, postmaster at Ogden, Utah, with the sum of $1,329.38, for postal funds stolen or embezzled from the post office at Ogden, Utah, for which he is responsible to the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. PADDOCK. I renew my motion to proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session, the doors were reopened, and (at 6 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 13, 1891, at 10 o'clock a. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate, January 8, 1891.

POSTMASTER.

Robert C. Scrimgeour, to be postmaster at Titusville, in the county of Brevard and State of Florida.

Executive nominations confirmed by the Senate January 9, 1891.

UNITED STATES CONSUL.

Horace C. Pugh, of Indiana, to be consul of the United States at Palermo.

PROMOTIONS IN THE NAVY.

Ensign Augustus C. Almy, United States Navy, to be a lieutenant, junior grade, in the Navy.

Lieut. Albert Ross, to be a lieutenant commander in the Navy.

Lieutenants.

Henry T. Mayo, lieutenant, junior grade, to be a lieutenant in the Navy.

Ensign Randolph H. Miner, to be a lieutenant, junior grade, in the Navy.

PROMOTION IN THE MARINE CORPS.

Second Lieut. Jacob G. McWhorter, United States Marine Corps, to be a first lieutenant in said corps.

POSTMASTERS.

William A. Densmore, to be postmaster at Lyndonville, in the county of Caledonia and State of Vermont.

Benjamin Sharp, to be postmaster at Wellsville, in the county of Montgomery and State of Missouri.

James F. Stone, to be postmaster at Ravenswood, in the county of Jackson and State of West Virginia.

Solomon H. Keeler, to be postmaster at Fairhaven, in the county of Whatcom and State of Washington.

Thompson S. Brown, to be postmaster at Waynesborough, in the county of Augusta and State of Virginia.

Andrew B. Mason, to be postmaster at Auburndale, in the county of Lucas and State of Ohio.

Henry C. McWhorter, to be postmaster at Charleston, in the county of Kanawha and State of West Virginia.

John R. Crain, to be postmaster at Jamestown, in the county of Greene and State of Ohio.

William Pilley, to be postmaster at Will's Point, in the county of Van Zandt and State of Texas.

George N. Arnold, to be postmaster at Dublin, in the county of Erath and State of Texas.

Alvin E. Nishwitz, to be postmaster at Tippecanoe City, in the county of Miami and State of Ohio.

Frederick Boorman, to be postmaster at Bayonne, in the county of Hudson and State of New Jersey.

Albert F. Smith, to be postmaster at Fairbury, in the county of Jefferson and State of Nebraska.

Hermann Seele, to be postmaster at New Braunfels, in the county of Comal and State of Texas.

Andrew J. Taft, to be postmaster at Whitehall, in the county of Washington and State of New York.

James L. Hays, to be postmaster at Walden, in the county of Orange and State of New York.

William I. Halstead, to be postmaster at Mount Kisco, in the county of Westchester and State of New York.

Emily T. Helm, to be postmaster at Elizabethtown, in the county of Hardin and State of Kentucky.

Alfred W. Jameson, to be postmaster at Ackley, in the county of Hardin and State of Iowa.

John A. Birkimer, to be postmaster at New Lexington, in the county of Perry and State of Ohio.

Hans M. Serkland, to be postmaster at St. James, in the county of Watonwan and State of Minnesota.

Charles G. Mullen, to be postmaster at Madelia, in the county of Watonwan and State of Minnesota.

William H. Davy, to be postmaster at Moorhead, in the county of Clay and State of Minnesota.

Thomas J. Buntain, to be postmaster at Momence, in the county of Kankakee and State of Illinois.

John Q. Adams, to be postmaster at Marengo, in the county of McHenry and State of Illinois.

Laura A. Wilder, to be postmaster at Forsyth, in the county of Monroe and State of Georgia.

Josiah B. Parkinson, to be postmaster at Savanna, in the county of Carroll and State of Illinois.

John C. Martindale, to be postmaster at Fulton, in the county of Whiteside and State of Illinois.

Thomas Diller, to be postmaster at Sterling, in the county of Whiteside and State of Illinois.

Joseph Meredith, to be postmaster at Rico, in the county of Dolores and State of Colorado.

Mrs. Militia A. Lush, to be postmaster at Marysville, in the county of Lewis and Clarke and State of Montana.

James C. Grubbs, to be postmaster at Newport, in the county of Jackson and State of Arkansas.

Heber S. Ives, to be postmaster at Plantsville, in the county of Hartford and State of Connecticut.

James B. Baldwin, to be postmaster at Terryville, in the county of Litchfield and State of Connecticut.

William O. Stephens, to be postmaster at Delta, in the county of Delta and State of Colorado.

Executive nominations confirmed by the Senate January 12, 1891.

PROMOTIONS IN THE ARMY.

Infantry.

First Lieut. James C. Ord, Twenty-fifth Infantry, to be captain of infantry.

REGISTER OF THE LAND OFFICE.

Orestes G. Bailey, of Bloomington, Nebr., to be register of the land office at Bloomington, Nebr.

HOUSE OF REPRESENTATIVES.

MONDAY, *January* 12, 1891.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of Saturday's proceedings was read and approved.

LUMBER RAFTS ON THE GREAT LAKES, ETC.

The SPEAKER laid before the House the following bill, the reference of which was changed as indicated:

A bill (H. R. 10616) to regulate the management of lumber rafts upon the Great Lakes and connecting waters—from the Committee on Rivers and Harbors to the Committee on Commerce.

ENROLLED BILLS SIGNED.

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that

the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 2309) for the relief of Stubbs and Lackey;

A bill (H. R. 7082) for the relief of Maj. Joseph W. Wham, paymaster United States Army; and

A bill (H. R. 9919) to authorize the Treasurer of the United States to receive and keep on deposit funds of the Soldiers' Home in the District of Columbia.

Mr. O'NEILL, of Pennsylvania. I ask unanimous consent to take from the House Calendar and consider the bill which I send to the desk.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of a bill which will be read.

The Clerk read as follows:

A bill (H. R. 12342)——

Mr. OWENS, of Ohio. I object.

ALLEGED SILVER POOLS.

Mr. DOCKERY. I rise to a question of privilege.

The SPEAKER. The gentleman from Missouri presents a resolution which he claims is a question of privilege.

The Clerk read as follows:

Whereas on the 1st day of December last the following preamble and resolution were introduced and referred to the Committee on Rules:

"Whereas it is alleged in the Washington correspondence of the St. Louis Globe-Democrat, under date of September 20 last, that twelve Senators and fifteen Representatives, pending the passage of an act entitled 'An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes,' approved July 14, 1890, were admitted to partnership in various silver 'pools' by which they realized $1,000,000 profits in the advance of the price of silver after the passage of the said act: Therefore,

"*Be it resolved*, That the Committee on Coinage, Weights, and Measures is hereby instructed to inquire into all the facts and circumstances connected with the said alleged purchase and sale of silver, and for that purpose it shall have power to send for persons and papers and administer oaths, and shall also have the right to report at any time. The expenses of said inquiry shall be paid out of the contingent fund of the House upon vouchers approved by the chairman of said committee."

And

Whereas the said Committee on Rules has failed to report the resolution to the House for its action, notwithstanding that the allegation of the St. Louis Globe-Democrat involves the integrity of the proceedings of the House: Therefore,

Be it resolved, That the Committee on Rules be directed to report said resolution to the House for its consideration.

Mr. DINGLEY. I wish to reserve all points of order on this resolution.

The SPEAKER. The gentleman from Maine reserves points of order and the Chair will hear the gentleman from Missouri as to whether this is a question of privilege.

Mr. DOCKERY. I would be glad if the gentleman from Maine would state his point of order, and then I should like to be heard.

Mr. DINGLEY. The resolution contains a provision authorizing a report at any time and sundry other provisions obviously modifying the rules of the House. I would like to hear the gentleman from Missouri before insisting on the point of order.

Mr. DOCKERY. I desire to call the attention of the Chair——

The SPEAKER. The Chair would like to hear the gentleman on the question whether such a proposition as this is a question of privilege.

Mr. DOCKERY. I propose to address myself to that question, understanding that to be raised by the point of order made by the gentleman from Maine.

Questions of privilege, Mr. Speaker, are defined by Rule IX in the following terms:

Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; second, the rights, reputation, and conduct of members individually in their representative capacity only; and shall have precedence of all other questions, except motions to adjourn.

Now, Mr. Speaker, the original resolution offered by me on the first day of the present session involves unquestionably a question of privilege. It relates directly to "the integrity of the proceedings" of this body. It would therefore have been in order for me to offer the resolution for the direct action of the House without reference to the Committee on Rules. The usual parliamentary course, however, being a reference to the Committee on Rules, I chose to pursue that course.

Now, Mr. Speaker, as conclusive of my right to offer the pending resolution, I desire to read the decision of Mr. Speaker CARLISLE, made at the first session of the Forty-ninth Congress, and to be found in the Journal of that session, page 2397:

Mr. BURROWS, as a question of privilege, moved to discharge the Committee on Invalid Pensions from the further consideration of the message of the President of the United States returning with his objections the bill (H. R. 4058) for the relief of Joel D. Monroe, and that the House now consider the same.

Mr. SPRINGER made the point of order that the said motion was not in order for the reason that the said message and bill had been referred under the rules to the said committee for consideration.

The Speaker [Mr. CARLISLE] overruled the said point of order on the ground that the Constitution provided that, when the President returned a bill to the House in which it originated with his objections, that House shall proceed to consider it and determine whether or not the bill shall pass, the objections of the President to the contrary notwithstanding; and that under the unbroken practice of the House it had been held that such a message, like a contested-election case, presented a question of the highest privilege, and that the motion to discharge a committee from the further consideration was always in order.

Now, Mr. Speaker, under Rule IX, which, so far as this body is concerned, has all the force and effect of the Constitution itself (because that rule was framed in accord and in harmony with the Constitution), this becomes a question of high privilege—of such privilege that only a motion to adjourn takes precedence over it.

Now, sir, it being originally a question of privilege, it can not lose its privileged character by its mere reference to the Committee on Rules, as is manifest by the decision which I have just cited from Mr. Speaker CARLISLE.

Mr. Speaker, I now ask to modify the phraseology of the concluding resolution. I wished to be entirely deferential to the Committee on Rules, and presented this question with great respect to the majority of that committee. In the fear, therefore, that I might be misunderstood, I changed the concluding resolution, which originally provided for the "discharge of the committee from its further consideration, and that it be now brought before the House," so as simply to require the resolution to be reported to the House by the committee. The point of order, however, having been made by the gentleman from Maine, I am constrained to modify the resolution and let it appear in the original language, as the Clerk will find it in the typewritten copy on the face of the resolution sent up.

I ask the Clerk to read the resolution as modified.

The Clerk read as follows:

Resolved, That the Committee on Rules be discharged from the further consideration of said resolution, and that it be now considered by the House.

Mr. DOCKERY. I make this modification, because the gentleman from Maine submits the point of order, which seems to me to be well taken.

Mr. MCKINLEY. Mr. Speaker, I desire to say but a single word upon the point of order suggested by the gentleman from Maine [Mr. DINGLEY], and somewhat in reply to what has been said by the gentleman from Missouri. Whether this original resolution was a question of privilege or not I shall not at this time discuss. But whether it was a question of privilege or not, as originally presented, it was referred under the rules of this House to the Committee on Rules for its consideration; and the Committee on Rules, charged primarily with this resolution and all that is involved in it, has been engaged in the consideration of the matter and has not yet been able to make its report to the House.

Mr. DOCKERY. Mr. Speaker, if the gentleman desires to enter upon the discussion of the merits of the question I am perfectly willing; but I understood the Speaker to confine me strictly to the point of order.

Mr. MCKINLEY. I am not entering upon the discussion of the merits of the question; but I am saying in regard to this resolution, whether privileged or not, that whatever may have been his right originally in the disposal of it when the gentleman introduced it, has gone with the resolution itself to the Committee on Rules; and the Committee on Rules is now considering the very subject-matter involved in the resolution now presented by the gentleman from Missouri.

It is proper that I should say, without going into the merits of the controversy, unless the gentleman from Missouri desires it, that the Committee on Rules have not yet been able to make its report. It is also proper that I should say the committee is still considering the resolution referred by the House and hopes to be able to make a report, and is only waiting for testimony which it believes will justify it in making a report to the House.

Now, Mr. Speaker, it seems to me that this resolution, having once gone to the Committee on Rules, the Committee on Rules now dealing with that resolution, now investigating and considering the propriety of reporting it favorably or otherwise to the House, that committee having secured jurisdiction by the action of the House of the subject, it is not a question of privilege for the gentleman to rise in his place and move to discharge the Committee on Rules, taking the subject from that committee and asking immediate action on it by the House. That, I believe, at this time, is all I desire to say upon the subject.

Mr. DOCKERY. Let me ask the gentleman if the resolution has not been pending before the Committee on Rules since the first day of the present session.

Mr. MCKINLEY. I do not remember the date; but the record will show. It has been before us for a long time. I have no doubt the gentleman is correct as to the time it was referred to the committee.

Mr. DOCKERY. Of course the gentleman is aware of the fact that this session must close on the 4th of March; and, if the resolution is to be adopted and any action taken, it must be done promptly.

Mr. MCKINLEY. I understand that fact; but whatever the House may do in the matter the Committee on Rules is seeking information on the subject to the end that it may advise the House in relation to the question referred to it. That is what the committee is now doing. But if the House desires to take it away from the Committee on Rules and deal with the question itself, for one I have not the slightest objection, but shall be heartily glad of it. I have not the slightest objection to the broadest and most exhaustive investigation of this or any other accusation which may be brought before the House; but I am in duty bound to say that up to this time the Committee on Rules has not concluded its investigation and is not prepared to make its report. Hence it seems to me there is no such question of privilege involved

as would entitle the gentleman from Missouri to take the action which he now proposes and bring this matter before the House at this time. The committee have no objection to this course, if the House has information upon which it is ready to act.

Mr. MILLS. Mr. Speaker, the ninth rule of the House of Representatives provides that a question of privilege is involved in any matter that relates to the dignity or integrity of the proceedings of the House. A charge has been made through the public press that reflects upon the integrity of the body of this House, because it has been alleged that fifteen members of the House have been influenced improperly in their support of a measure which was pending before the House for its consideration.

Now, it is contended by my friend from Ohio [Mr. MCKINLEY] that the House loses jurisdiction of this question because it refers its consideration to one of the committees of the House. If the House has jurisdiction over it as a question of privilege over any other business, that right appertains to the measure wherever it goes until it is finally disposed of; and the House can recall it from the committee and enter upon its consideration at any moment for itself, or order the investigation made through one of its subordinate bodies, just as Speaker CARLISLE ruled in the case cited by my friend from Missouri. It was held that it was a privileged question by the House, under the Constitution, to consider a veto measure, call it up and pass it or reject it. The Constitution requires the House immediately to enter upon its consideration. Here is a different question of privilege. The House, perhaps for its own enlightenment and in order to enable it to judge what it should do on that reconsideration, refers this measure to a committee. But the House afterward, retaining the same privilege to consider that question for itself, discharges its subordinate body and brings it back for its own consideration. Speaker CARLISLE so held in the matter of the veto message. Here is the same question precisely. Here is a resolution touching a subject which the House has the privilege to consider as against every matter on its calendar; but the House has ordered that question to go before a committee, a subordinate body authorized under its rules to investigate and report to the House, so as to give the House the necessary facts upon which to base its deliberations; but that committee has had it, I understand, from the first day of the session.

The session is about half gone and the committee has made no report. It is important for the House to determine whether it shall recall that resolution and enter upon its consideration for itself. It is a question of expediency. The House has not divested itself of any power which it possesses, by referring it to the committee. It is simply a question of propriety. Ought the House to do this thing? It has the power to do it, but is it the proper thing to do? That must be determined by the amount of time which the committee have had to consider this question, and the amount of time remaining of this session, which will allow the House to consider this most important subject, reflecting upon the honor and the integrity of every member of this body.

The honest and innocent members of this House, if this charge be true, have the right to unload themselves of this suspicion which is cast upon the whole body; and this House ought not to adjourn until it shall have exculpated those who are innocent and placed the condemnation where it rightfully belongs if the charge be true. This is the question to consider; but it is an important one, and the House of Representatives owes it to itself and to the respect due to each member of this body to bring this matter out into the sunlight, investigate it, and pronounce the proper judgment that the merits of the case demand.

Mr. ADAMS. Mr. Speaker, it occurs to me that, as the gentleman from Texas has stated, the question of propriety is the matter which the gentleman has been discussing; but that is not the question before the House. I agree that this matter ought to be acted on before this Congress comes to an end, but that is not the question now before us. The question before the House is this: A privileged matter, which the House might have itself considered, when first introduced, having been referred to a committee, whether a resolution recalling the subject from the committee is a privileged resolution or not. That is the question, and not whether it is proper that that committee should report or whether it is proper that the House should endeavor to secure the report.

Now, if it is a privileged resolution after that original proposition has been before the Committee on Rules for two months, was it not a privileged resolution when it was before that committee one month, or one week, or one day? If, because it was privileged, this House having chosen to refer it to the committee, a resolution recalling it from that committee is privileged, then it is privileged the very day after the resolution has been made. If, on the day after the reference has been made, that resolution can be called up here and shall be decided to be a question of privilege, and if then the House shall determine not to recall it from the committee, it seems to me on the very next day the bill retains its privileged character, and the same motion might be made over and over again, day after day and week after week.

I do not see where these gentlemen draw the line. I do not see—and there is no rule holding that after a resolution has been before a committee a certain time then a resolution recalling it from that committee becomes a privileged resolution; and the question is entirely different from the privileged character of the original proposition, and it is entirely different from the propriety of the action upon the matter involved.

Mr. CRISP. Will the gentleman allow me to ask him a question before he takes his seat?

Mr. ADAMS. Yes, sir.

Mr. CRISP. I would ask the gentleman from Illinois [Mr. ADAMS] if he believes that the House, by referring a privileged resolution to any committee, thereby loses its control over the resolution.

Mr. ADAMS. It is in the hands of an agent of the House, and it still has control.

Mr. CRISP. Suppose the agent does not report? I am not speaking of this case in particular, because I do not know the merits of it.

Mr. ADAMS. Very well.

Mr. CRISP. But suppose the committee does not report within such time as in the judgment of the House it is reasonable that it should report, what is the remedy?

Mr. ADAMS. Well, I do not know. I will frankly agree with the gentleman that there should be some remedy; but now, if the gentleman will allow me to put the other question, supposing that on the very day after the reference is made some gentleman introduces a resolution to recall the matter from the committee. It may be entirely improper to recall it; this House might unanimously agree upon that; and yet, if it is a privileged resolution, any gentleman has the right to have all other business of the House set aside in order that the propriety of recalling it from the committee shall be discussed at length.

Mr. CRISP. But, Mr. Speaker, would not that dilemma, awkward as it might be, be better than to say that the reference gives the committee the absolute right to deprive the House of the right to investigate a question?

Mr. ADAMS. It would not, for this reason: that the one construction gives to any gentleman the right to call the matter up day after day and delay the business of the House and set aside the ordinary order of procedure; while the other construction simply depends upon the presumption that a committee of the House is performing its duty. And gentlemen have not as yet proven, and they do not assert, that the Committee on Rules has not endeavored to do it.

Mr. CRISP. But, Mr. Speaker, they might say this: that this committee had this resolution some six weeks—a very simple resolution—alleging that a newspaper article reflects upon the integrity of the House. For six weeks they have had it, and they have not as yet made a report.

Mr. ADAMS. And that fact may make it very proper for the resolution to be recalled from the committee; but still the fact remains that in order to make it a privileged resolution it can only be so under the rules of the House. Then you would not have to wait for five weeks, or six weeks, or one week. And I would ask the gentleman, Is it not better to presume that the committee is showing diligence in getting information rather than to allow any member of this House, day after day and week after week, to call up identically the same resolution, and compel the House to consider it as a resolution of privilege, even although the House will vote it down day after day and week after week? There ought to be a rule on the subject.

Mr. CRISP. Mr. Speaker, I do not believe that there is any express rule authorizing the discharge of this committee. The only rule that I know of that bears on the question of discharging a committee from the consideration of any subject-matter is that relating to inquiries from heads of Departments. We have a rule in that case, and that rule is that if a committee does not report within a certain time it shall be in order to discharge the committee from the further consideration of the resolution. But, Mr. Speaker, this is not an ordinary case. This is a question of privilege.

The Speaker will recollect that very early in this Congress the Speaker held a resolution respecting a contested-election case was in order in the House notwithstanding the fact that the papers bearing upon the case had been referred to and were in the possession of the Committee on Elections. I refer to the Arkansas case of Clayton against Breckinridge. Those papers had been referred to the Committee on Elections. While the committee had them in their possession the gentleman from Iowa [Mr. LACEY] submitted a resolution giving some instruction to the committee with respect to raising a subcommittee to investigate the case. I made the point, as I recollect, that it should be referred to the Committee on Elections. The Speaker held that it was a question of the highest privilege and the House could consider it.

Mr. DINGLEY. Was not that in pursuance of a direct provision of the Constitution, the same as in the other case alluded to by the gentleman from Missouri [Mr. DOCKERY]?

Mr. CRISP. The Constitution, of course, is the highest law and is binding upon us all. But where we make rules not in conflict with the Constitution they are just as high and just as binding as the Constitution itself. The Constitution authorizes this House to make rules for its own government, and when this House makes rules not in conflict with the Constitution the rules are just as binding as if they were part of the Constitution.

Mr. DINGLEY. I wish to make a single inquiry, if the gentleman

will pardon me. A tariff bill is privileged; a general pension law is privileged. Is it competent for the House, by a resolution such as introduced in this matter, to discharge the Committee on Ways and Means from the consideration of a tariff bill and bring it in because it is privileged?

Mr. CRISP. This is a question of privilege.

Mr. DINGLEY. It is a privileged question.

Mr. CRISP. But there is a distinction, if the gentleman will permit me, between a privileged question and a question of privilege.

Mr. DINGLEY. That is a question of the highest privilege under the Constitution.

Mr. CRISP. Now, Mr. Speaker, under the rules of the House anything that reflects upon the integrity of our proceedings or upon the members as a body or individually is a question of privilege. Now, this resolution has been held to be a question of privilege. As stated, it was referred to the Committee on Rules more than six weeks ago. Half the session is gone, and, so far as I know, the Committee on Rules have done nothing towards reporting the resolution back to the House. The newspapers tell us they have had some meetings and finally adjourned without any action or fixing any time for a further meeting. Now, under that state of the case the question presents itself, is the House so bound by this reference that it can not be allowed to have an investigation into this charge, so as to put blame or censure where it belongs and at the same time vindicate those gentlemen who are guiltless of any offense?

That is the whole question. If the House believes that the reference of the resolution to the Committee on Rules puts it absolutely in the power of three gentlemen—the majority of that committee—to stifle investigation and deny to the House the right to investigate, then this is not a question of privilege; but if the House believes that notwithstanding the reference it is still in its power to consider the question made and to raise a special committee or not to raise it, as it pleases, to investigate the question, then, Mr. Speaker, I submit that this motion ought to be held as privileged. The resolution should be considered. If the Committee on Rules can show any good reason why it should not be adopted let them show it. If they can show that they have considered the matter and are honestly waiting for other and further evidence, if they can show any good reason why they should not be discharged, well and good; but in the absence of such showing I submit that the House, as a duty to itself, should discharge the Committee on Rules from its further consideration and let an investigation be had.

The SPEAKER. Will the gentleman from Georgia [Mr. CRISP] direct his attention to the language of the resolution, which is an allegation that in the Washington correspondence of a paper indicated certain charges are made? Would the gentleman think that the presentation of such a resolution by a member of the House made a question of privilege?

Mr. CRISP. In what I have said I assumed, and so stated, that the Chair had held when the resolution was originally introduced that it was a question of privilege.

The SPEAKER. Not at all. The resolution was put in the box, in the ordinary way in which matters which do not raise questions of privilege are there deposited, and was referred from the box.

Mr. CRISP. I assumed that it had been held to be a question of privilege, as I stated in my argument.

The SPEAKER. It has not been so held. On the contrary, in a case similar to this, which was presented by the gentleman from Alabama [Mr. OATES], the Speaker passed upon the question, and an appeal was taken to the House, and the House decided it not to be a question of privilege, there being no allegation on the part of any member as to the truth of the assertion and no designation of members who were charged. This question has come to the House by action on the part of a member who placed it in the box, and it was referred in the regular course of the business of the House. The charges have been investigated, or are being investigated, as to the foundation for them, by the Committee on Rules. And here perhaps the Chair ought to correct a suggestion made by the gentleman from Georgia [Mr. CRISP] that the Committee on Rules had adjourned without day. A meeting of the committee was called this morning in order to hear a witness on this very subject.

Mr. DOCKERY. A witness, if the Chair will allow me, who had not been notified to be present.

The SPEAKER. He had been sent for, but he did not appear until about five minutes before 12 o'clock. He could not be found sooner.

Mr. DOCKERY. I was advised that he had not been subpœnaed.

The SPEAKER. Now, there being no allegation by any member and no designation of the names of members charged, the Chair would like to hear from the gentleman from Georgia [Mr. CRISP] whether or no in his opinion it is a question of privilege.

Mr. DOCKERY. If the gentleman from Georgia will allow me, I will say that the Chair can not have escaped one allegation in that correspondence, since it impelled me to offer this proposition, and that is that a Democratic Representative on this floor from Missouri was a member of the "silver pool." The Chair certainly has read that correspondence.

Mr. MCKINLEY. But, Mr. Speaker, when the gentleman from Missouri [Mr. DOCKERY] came before the committee he was very careful to state that after having investigated the matter he was satisfied that there was no Democratic Representative from Missouri connected with the silver pool.

Mr. DOCKERY. Yes, sir. If the gentleman from Ohio wants to go into the merits of the question I will follow him at once.

Mr. MCKINLEY. So that there seemed to be no occasion to investigate the charge as to any Democratic Representative from Missouri, because the gentleman himself [Mr. DOCKERY] announced to the committee that no Democratic Representative from Missouri was involved in it.

Mr. HEARD. Will the gentleman from Ohio allow a question?

The SPEAKER. The gentleman from Georgia has the floor.

Mr. HEARD. The question I wish to ask, if the gentleman from Ohio will hear it and answer it, is this: That allegation having been made, with or without foundation, by the correspondent of the Globe-Democrat, and it having appeared from the statement of the correspondent before the committee that the charge was without foundation so far as it related to Democratic Representatives from Missouri, does it not appear to the gentleman that the Democratic delegation from that State are entitled to the publication of the statement of that correspondent, so that they may to that extent be acquitted of the charge? The allegation was understood and believed by me to be made to bear against every Democrat from Missouri for effect in the Congressional race then pending, and when I called upon the correspondent, as I did——

The SPEAKER. The gentleman from Missouri will please confine himself——

Mr. HEARD. If the Chair will not be restive, I hope that I shall be permitted to finish my statement.

The SPEAKER. One moment. Will the gentleman please suspend a moment? The Chair did not understand the gentleman.

Mr. HEARD. My statement was that the gentlemen who are entitled to the floor are not inclined to take it from me if the Chair will permit me to occupy it.

The SPEAKER. The Chair has no desire to take the gentleman off the floor, but the Chair desires that he shall confine himself to the question at issue, which is whether this is a question of privilege or not.

Mr. HEARD. Well, then, Mr. Speaker——

The SPEAKER. Will the gentleman have the kindness to listen to the Chair for a moment? There can be no end and no limit to the range of debate if we once get outside of the question which is actually before the House and which is to be determined primarily, and the Chair hopes that the gentleman will confine himself to that question.

Mr. HEARD. Well, Mr. Speaker, I will try to do that. It seems that the Chair now raises the question whether this is a question of privilege or not as well as whether or not I am confining myself to it. I do not understand that the Chair has decided that it is not a question of privilege, and that point is perhaps in abeyance. But the question I desired to ask was based upon the statement of the gentleman from Ohio [Mr. MCKINLEY] that there has been elicited before the Committee on Rules, from the correspondent making the original charge, a statement that so far as the allegation was made against some Democratic members of the Missouri delegation it is without foundation, and I insist, Mr. Speaker, that there ought to be some way of getting that fact before the House and the public.

The SPEAKER. The gentleman is mistaken. No such statement was made by the gentleman from Ohio.

Mr. MCMILLIN. The gentleman from Ohio did not make the statement so strong as that. He said that the gentleman from Missouri [Mr. DOCKERY] had said there was no foundation for it.

Mr. MCKINLEY. The gentleman from Missouri [Mr. HEARD] misunderstood my statement. What I said was that the mover of the resolution, the gentleman from Missouri [Mr. DOCKERY], when he was called before the Committee on Rules in support of his resolution, called attention to the fact that Missouri Democrats were charged with being in this pool, and said that upon investigation he was satisfied that no Democratic member from Missouri was in any silver pool. It was not the statement of the correspondent; it was the statement of the gentleman from Missouri, as I remember.

Mr. HEARD. I am very much obliged to the gentleman from Ohio for having corrected the misapprehension under which I labored, because it leaves the case a much stronger one in favor of the position which I take. If the Committee on Rules has had this correspondent before it and if he does not acquit the Democratic members of the Missouri delegation from the charge which has been published, there is the more reason why the Democratic members of that delegation should stand here and ask at the hands of this House an opportunity to make this man show or refuse to show the foundation that he has for this statement. When that statement was made I called upon the correspondent and asked him as a matter of justice to each individual Democrat of that delegation that he publish the name given him by his informant as that of the member who was implicated, in order that my colleagues from Missouri [Mr. HATCH and Mr. TARSNEY] and myself, who were here, might make our defense if it affected us, and that if the charge implicated any one of the eight Dem-

ocratic members who were away they might be notified in order that they might make their showing, as the election was pending and the imputation was calculated to throw a cloud upon the entire delegation unless some explanation or some investigation was made.

I insist, Mr. Speaker, that in justice to the Democratic members of the Missouri delegation the House should now either take action itself or insist on the Committee on Rules or a special committee taking some action that will give to the members of the House generally, and especially to the Democrats of the Missouri delegation, an opportunity to compel the gentleman making this charge either to do justice publicly to the delegation by declaring that the allegation was made without foundation or to give the foundation upon which it was made.

Mr. FLOWER. Mr. Speaker, as I understand, this resolution referred to the Committee on Rules proposed that a special committee be appointed to investigate these charges; and it was a question of privilege, because if no member was specified by name then every member was in effect charged with being interested in this "pool."

Mr. DOCKERY. A Missouri member was specified.

Mr. FLOWER. The gentleman from Missouri says that a Missouri member was specified; but even if no member was specified the charge in its general form affects all of us.

Now, I say that in fairness to this House the Committee on Rules should not undertake to investigate this question, but should report the resolution to the House and let the House provide for an investigation, so that we may see whether there is anything in this charge or not. I do not know that there is; but I believe this is a question of the highest privilege. I do not think that any member of the House desires to rest under the imputation, whether made upon him personally or in a general form, of having any such connection with a measure coming before the House that his vote would make money for him.

Mr. SPRINGER. Mr. Speaker, it seems to me the gentleman from Ohio [Mr. McKINLEY] begs the whole question when he assumes that this resolution, while it may have been a question of privilege, has lost its privilege in having been referred to the Committee on Rules.

Mr. McKINLEY. That was not my position. I said that whether this was or was not a question of privilege it had gone to the Committee on Rules under the rules of the House, and that the matter was in process of investigation before that committee. I distinctly disclaimed any statement that it was or was not a question of privilege.

Mr. SPRINGER. I understood the gentleman to say that by the reference of the resolution to the Committee on Rules it had lost its original privilege.

Mr. McKINLEY. The gentleman misunderstood me.

Mr. STEWART, of Vermont. That was the proposition of the gentleman from Illinois [Mr. ADAMS].

Mr. SPRINGER. Then the argument of the gentleman from Ohio was not in point on this resolution.

It seems to me that the question involved here is whether the subject-matter of this resolution presents a question of privilege. That subject-matter involves the question whether certain members of this House constituted a "pool" engaged in a speculation depending upon the passage of a measure through the House, a proposition which certainly affects the integrity of our proceedings.

Now, the position of the Chair, as I understand, is that this is not a question of privilege unless the charge be true; in other words, some member must assert that it is true of his knowledge and testify to the truth of it, must prove it before the House, and then the question is one of privilege; but that no newspaper in the country can slander this House, because *prima facie* what the newspapers say is false. That is the position of the Chair. That is the position of the gentlemen on the other side. It is not, however, the position of the rules of this House.

The SPEAKER. The gentleman will allow the Chair to state his own position.

Mr. SPRINGER. The position of the rules is that a charge affecting the integrity of our proceedings presents a question of privilege. Whether that charge be true or false is the very matter to be considered by the committee of investigation that may be appointed, not by the Committee on Rules. The Committee on Rules is not charged with the investigation of the truth of this allegation; that is not their business. The resolution was not referred to them for that purpose. If the Committee on Rules are going into an investigation of this matter, then I want to clothe them with the power of sending for persons and papers. I want them to institute an investigation openly and have the reporters of the House present, so that the testimony of witnesses who may come before the committee may be taken down and reported to the House, thereby enabling the House to act upon the report which the Committee on Rules may make. But, as I understand, the object of referring this resolution to that committee was that they might determine whether there had been a charge of this kind made; that is all. If there was such a charge made it is the duty of a committee of the House to investigate it and to report after an investigation whether the charge is true or not. The question of the truth of the charge does not affect at all its character as involving a question of privilege.

Mr. FRANK. Who claims that it does?

Mr. SPRINGER. I understood the gentleman from Ohio to say that they were investigating the question whether the allegation was true or not.

Mr. FRANK. Oh, not at all.

Mr. SPRINGER. And that certain witnesses were summoned before the committee, one gentleman coming there to-day, only five minutes before the hour of meeting of the House.

Mr. DOCKERY. And I understood it to be distinctly stated that the committee were investigating the matter.

Mr. SPRINGER. Certainly; as to the truth of the suggestion.

Mr. DOCKERY. Therefore the suggestion of the gentleman from Illinois is pertinent, that if they undertake to investigate the merits of the question they ought to be clothed with full power to send for persons and papers.

Mr. McADOO. Let me ask the gentleman from Illinois if this committee does not stand somewhat in the nature of a grand jury.

Mr. SPRINGER. Oh, no, not at all. The House is the grand jury.

Mr. McADOO. Let me complete my question. And whether you are not bound to present to the Committee on Rules a *prima facie* case?

Mr. SPRINGER. Not at all. Whether there is a *prima facie* case or not depends upon the action to be investigated. All the Committee on Rules has to determine is whether the charge has been made by any authority that warrants its consideration. If so—if it has been made by anybody or from any source entitled to consideration——

Mr. HOLMAN (interrupting). And is so alleged by any member of the House.

Mr. SPRINGER (continuing). Certainly. The matter is to be investigated. Now, I undertake to say that a charge by a public newspaper, circulating largely throughout the country, is sufficient in itself as an allegation to warrant the House to take the action sought by the resolution of the gentleman from Missouri.

Mr. HOLMAN. If any member attaches sufficient importance to it to make it a question.

Mr. SPRINGER. Certainly. The very fact that a responsible newspaper of the country has charged the House with corruption is a sufficient foundation to establish the privileged nature of the resolution and entitle any member of the House who may be laboring under such charge to rise in the House and demand an investigation.

Mr. FRANK. Let me ask the gentleman what he understands to be the scope of the consideration of the Committee on Rules involved in this resolution.

Mr. SPRINGER. Simply to know whether anybody made such an allegation against the House, anybody whose charge is worthy of the consideration of the House. If it has been done; if such a charge has been made against any individual member or against the members of the House collectively, it is the privilege of any member or of the House itself to demand an investigation; because each individual member is laboring under the imputation which the allegation casts, and has a right to bring his grievance before the House for such action as the House may deem proper in the premises.

Mr. HEMPHILL. It seems clear, Mr. Speaker, to the House, from the various arguments on the subject, that the decision which the Speaker is about to make is made after a very full and clear understanding of the question which is submitted. He has certainly had information enough to understand both sides, and inasmuch as we have a great deal of business to be done to-day I trust, if there is any other member who desires to address the House upon this subject, that he will consent to print his remarks in the RECORD and let us go on with the District business.

Mr. SPINOLA. Oh, no.

Mr. VAUX. Mr. Speaker——

The SPEAKER. The Chair desires to present the matter to the House.

The Chair decided upon a question somewhat similar to this, on the suggestion of the gentleman from Alabama [Mr. OATES], in which he pointed out the inconvenience that would result to the business of the House if it became a question of privilege every time a member presented an allegation which he himself did not fortify with his personal belief or in some other manner——

Mr. DOCKERY. Mr. Speaker——

The SPEAKER. The Chair declines to be interrupted.

Mr. DOCKERY. Will not the Chair hear me on this very point?

The SPEAKER. The Chair has said nothing relating to the gentleman from Missouri whatever.

Mr. DOCKERY. Very well——

The SPEAKER. The Chair desires in this connection that this matter shall be disposed of by the House—a question having arisen as to its privileges as a body. It has been the custom heretofore to submit such questions to the House, and the Chair submits this question to the House, whether this resolution involves a question of privilege or not.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. McKINLEY. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. KERR, of Iowa. I desire to make a parliamentary inquiry or rather to ask unanimous consent to have the resolution read. I want to know if we have not a right to have the resolution again reported.

The SPEAKER. The resolution submitted by the gentleman from Missouri has been once read, but if there be no objection it will be again reported.

There being no objection, the resolution was again read.

Mr. TRACEY. This is not a question of the consideration of the resolution?

The SPEAKER. Not at all; but simply whether it presents a question of privilege.

Mr. DOCKERY. That is, whether the resolution now presented is a question of privilege.

The SPEAKER. Whether the motion presents a question of privilege.

Mr. ALLEN, of Michigan. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ALLEN, of Michigan. The resolution just read embraces two propositions: first, whether the resolution sent originally to the Committee on Rules is a question of privilege and, secondly whether we shall now direct the committee to report this resolution immediately to the House.

The SPEAKER. The question now is whether the resolution to direct the committee to report this matter to the House is a question of privilege.

Mr. ALLEN, of Michigan. The resolution directs the committee to report it back. I do not propose to vote that way until the committee itself has determined the question.

Mr. CUTCHEON. As I understand it, this merely submits the matter to the judgment of the House as to whether the resolution presents a question of privilege.

The SPEAKER. As to whether it presents a question of privilege.

Mr. CUTCHEON. And we are not voting on the resolution itself?

The SPEAKER. Not upon the resolution itself, but merely upon the question whether the resolution presents a matter of privilege.

Mr. ROGERS. Mr. Speaker, if there is to be further debate I would like to be heard.

Mr. GROUT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. GROUT. It is this: What will be the effect, providing the House should decide this to be a question of privilege? Whether the House will at once enter upon the consideration of this resolution?

The SPEAKER. The House will then at once enter upon the question of the consideration of it, if the House decides that it is a question of privilege.

Mr. GROUT. Thus taking it out of the hands of the committee.

The SPEAKER. If the House decides that it is a question of privilege and so votes; but if it decides that it is not a question of privilege then the matter drops. As many as believe that the resolution presents a question of privilege will, as their names are called, answer ay; those opposed, no. The Clerk will call the roll.

The question was taken; and there were—yeas 149, nays 80, not voting 102; as follows:

YEAS—149.

Abbott,	Dockery,	Lawler,	Randall,
Allen, Mich.	Dolliver,	Lee,	Ray,
Anderson, Kans.	Dunnell,	Lehlbach,	Reilly,
Andrew,	Dunphy,	Lester, Ga.	Richardson,
Barwig,	Ellis,	Lester, Va.	Rogers,
Belden,	Enloe,	Lewis,	Sayers,
Blanchard,	Featherston,	Lind,	Scull,
Bland,	Fitch,	Lodge,	Shively,
Blount,	Fithian,	Maish,	Skinner,
Boatner,	Flick,	Mansur,	Spinola,
Breckinridge, Ark.	Flower,	Martin, Ind.	Springer,
Breckinridge, Ky.	Forney,	Martin, Tex.	Stewart, Tex.
Brewer,	Fowler,	McAdoo,	Stockdale,
Brickner,	Frank,	McClellan,	Stone, Ky.
Brookshire,	Geary,	McCreary,	Stone, Mo.
Brown, J. B.	Geissenhainer,	McMillin,	Stump,
Brunner,	Gibson,	McRae,	Sweney,
Buchanan, Va.	Greenhalge,	Miller,	Taylor, J. D.
Bucknlew,	Grimes,	Mills,	Thomas,
Bynum,	Grosvenor,	Montgomery,	Tillman,
Candler, Ga.	Hare,	Moore, Tex.	Townsend, Colo.
Caruth,	Hatch,	Morey,	Tracey,
Catchings,	Haugen,	Mudd,	Tucker,
Cheadle,	Hayes, W. I.	Mutchler,	Turner, Ga.
Chipman,	Haynes,	Oates,	Vaux,
Clarke, Ala.	Heard,	O'Donnell,	Wallace, N. Y.
Clunie,	Hemphill,	O'Neil, Mass.	Washington,
Cobb,	Henderson, N. C.	Osborne,	Whiting,
Cogswell,	Herbert,	Outhwaite,	Wike,
Connell,	Hill,	Owens, Ohio	Wiley,
Cooper, Ind.	Holman,	Parreti,	Williams, Ill.
Cothran,	Hooker,	Paynter,	Williams, Ohio
Covert,	Hopkins,	Peel,	Wilson, Mo.
Crain,	Kerr, Iowa	Penington,	Wilson, W. Va.
Crisp,	Kerr, Pa.	Pierce,	Yoder.
Culberson, Tex.	Kilgore,	Pindar,	
Culbertson, Pa.	Lane,	Post,	
Dickerson,	Lanham,	Quinn,	

NAYS—80.

Adams,	Bayne,	Boothman,	Burton,
Arnold,	Belknap,	Broslus,	Caldwell,
Atkinson, Pa.	Bergen,	Browne, T. M.	Candler, Mass.
Atkinson, W. Va.	Bingham,	Browne, Va.	Carter,
Baker,	Bliss,	Burrows,	Caswell,
Cheatham,	Grout,	Moffitt,	Smyser,
Clark, Wis.	Hays, E. R.	Moore, N. H.	Spooner,
Clark, Wyo.	Henderson, Ill.	Morse,	Stephenson,
Comstock,	Henderson, Iowa	O'Neill, Pa.	Stewart, Vt.
Cooper, Ohio	Kennedy,	Payne,	Stivers,
Craig.	Kinsey,	Perkins,	Struble,
Dingley,	Lacey,	Pickler,	Taylor, E. B.
Dorsey,	Laidlaw,	Raines,	Taylor, Ill.
Evans,	Langston,	Reed, Iowa	Turner, Kans.
Farquhar,	Lansing,	Rockwell,	Vandever,
Finley,	Laws,	Rowell,	Wade,
Flood,	McDuffie,	Scranton,	Walker,
Funston,	McKenna,	Simonds,	Wallace, Mass.
Gear,	McKinley,	Smith, Ill.	Wheeler, Mich.
Gest,	Miles,	Smith, W. Va.	Wilson, Ky.

NOT VOTING—102.

Alderson,	Dargan,	McCormick,	Seney,
Allen, Miss.	Darlington,	Milliken,	Sherman,
Anderson, Miss.	Davidson,	Morgan,	Snider,
Bankhead,	De Lano,	Morrill,	Stahlnecker,
Banks,	Dibble,	Morrow,	Stewart, Ga.
Barnes,	Edmunds,	Niedringhaus,	Stockbridge,
Bartine,	Ewart,	Norton,	Stone, Pa.
Beckwith,	Forman,	Nute,	Sweet,
Biggs,	Gifford,	O'Ferrall,	Tarsney,
Boutelle,	Goodnight,	O'Neall, Ind.	Taylor, Tenn.
Bowden,	Hall,	Owen, Ind.	Thompson,
Brower,	Hansbrough,	Payson,	Townsend, Pa.
Buchanan, N. J.	Harmer,	Perry,	Turner, N. Y.
Bullock,	Hermann,	Peters,	Van Schaick,
Bunn,	Hitt,	Phelan,	Waddill,
Butterworth,	Houk,	Price,	Wheeler, Ala.
Campbell,	Kelley,	Pugsley,	Whitelaw,
Cannon,	Ketcham,	Quackenbush,	Whitthorne,
Carlton,	Knapp,	Reyburn,	Wickham,
Clancy,	La Follette,	Rife,	Wilkinson,
Clements,	Magner,	Robertson,	Willcox,
Coleman,	Mason,	Rowland,	Wilson, Wash.
Cowles,	McCarthy,	Rusk,	Wright,
Cummings,	McClammy,	Russell,	Yardley.
Cutcheon,	McComas,	Sanford,	
Dalzell,	McCord,	Sawyer,	

So the House decided that the resolution presented a question of privilege.

The Clerk announced the following pairs:

Until further notice:

Mr. BUCHANAN, of New Jersey, with Mr. MCCARTHY.

Mr. TAYLOR, of Tennessee, with Mr. STAHLNECKER.

Mr. HOUK with Mr. RICHARDSON.

Mr. WRIGHT with Mr. GEISSENHAINER.

Mr. STONE, of Pennsylvania, with Mr. DARGAN.

Mr. TOWNSEND, of Pennsylvania, with Mr. MORGAN.

Mr. MCCOMAS with Mr. BULLOCK.

Mr. REYBURN with Mr. WILKINSON.

Mr. WICKHAM with Mr. GOODNIGHT.

Mr. DE LANO with Mr. ROWLAND.

Mr. MORRILL with Mr. STEWART, of Georgia.

Mr. PUGSLEY with Mr. WHITTHORNE.

Mr. KNAPP with Mr. PERRY.

Mr. DARLINGTON with Mr. CLUNIE.

Mr. MCCORD with Mr. SENEY.

Mr. GIFFORD with Mr. NORTON.

Mr. COLEMAN with Mr. MCCLAMMY.

Mr. PETERS with Mr. ALDERSON.

Mr. MILLIKEN with Mr. DIBBLE.

Mr. EWART with Mr. EDMUNDS.

Mr. YARDLEY with Mr. O'FERRALL.

Mr. DALZELL with Mr. PRICE.

Mr. MASON with Mr. FORMAN.

For this day:

Mr. STOCKBRIDGE with Mr. RUSK.

Mr. KETCHAM with Mr. WHITELAW.

On this vote:

Mr. WADDILL with Mr. ALLEN, of Mississippi.

Mr. RUSSELL with Mr. DAVIDSON.

Mr. SHERMAN with Mr. ROBERTSON.

Mr. RICHARDSON. I am paired with my colleague [Mr. HOUK] on all political questions; but not thinking this a political question I have voted.

Mr. DOCKERY. Mr. Speaker, unless some gentleman desires to discuss the resolution, I shall ask for the previous question on the resolution, for the reason that this day is appointed by the rules for the consideration of business from the Committee on the District of Columbia. They are pressing me on every hand and requesting me to get the resolution out of the way.

Mr. MCKINLEY rose.

Mr. DOCKERY. I will yield to the gentleman from Ohio.

Mr. MCKINLEY. Mr. Speaker, the House having determined that this is a privileged question, it is of course taken from the Committee on Rules, and the resolution for the appointment of a committee will be considered in the House at once.

I only rose to say that when this resolution was referred to the Committee on Rules that committee believed it was referred to it for the purpose not simply of ascertaining whether there had been such a publication as was stated in the resolution offered by the gentleman from

Missouri, but for the purpose, if possible, of ascertaining whether there was any foundation or probable foundation for the accusation made in the newspaper article upon which the House could direct an investigation.

No names were given or mentioned, no member of this House was designated, no distinct charge was made upon any special member as having been connected with any silver pool which may have been formed for the purpose of influencing legislation, and it was to obtain something more specific and definite touching the charge the committee has been trying to find, and which it understood it was charged with the duty of trying to ascertain.

Now, presuming that the resolution was referred to the committee for that purpose, the committee at once went to work to find out, if possible, if there was any basis for the accusation made in this article, that it might so report to the House. The author of the resolution disclaimed any personal knowledge; he knew nothing of any gentleman upon this floor having been engaged in any silver transaction or connected with any pool. He knew nothing of the truth of the article or of its details.

The Committee on Rules then sent for the two newspaper correspondents who were connected with this paper, their names having been given to the committee by the gentleman from Missouri [Mr. DOCKERY]. When they were called before the committee these gentlemen declined to make any statement. They declined even to admit that one or the other was the author of the article referred to in the resolution. It was then suggested that possibly they declined to make answer because they were not put under oath. Subsequently, the Committee on Rules, finding it had authority to administer oaths, called these two gentlemen and administered the oath to them and asked them who was the author of said article, if either of them, or whether they were the joint author or authors, and whether they knew anything about the contents of said article, and they declined to answer. They declined to give the committee any information or the names of those who would or could give any information, and refused to testify. The committee were to have had a meeting this morning and had called a gentleman who, they had been informed, had some information that he would give the committee touching this matter. The gentleman was not supœnaed, but we sent for him, and he reached the committee room about five minutes before 12 o'clock, when some of the members of the committee had left—too late to take his testimony—but stated he was ready to appear at any time.

Now, all I want to say, Mr. Speaker, is this: That from the time this resolution was referred to the Committee on Rules until now it has been its purpose to go to the bottom of the charges it contained, and to ascertain, if possible, facts enough upon which to justify a recommendation to this House as to the raising of an investigating committee or otherwise to advise the House, that it might take suitable action. We presumed that this House wanted to know whether the Committee on Rules had that character of information or believed there was testimony available that would authorize the raising of a committee on investigation. We were seeking information for ourselves, that we might communicate it to this body. Nobody's name was given. No witness would say that any member of this body was interested in silver pool or in silver legislation in any improper way.

It is true that the gentleman from Iowa [Mr. Conger], chairman of the Committee on Coinage, Weights, and Measures, said on this floor at the last session that he had been approached to go into a silver pool by those interested in free coinage. That statement was submitted to us by the gentleman from Missouri. We had that before us; but the gentleman from Iowa [Mr. Conger] had gone abroad upon his mission, as the committee discovered upon inquiry, and we could not send for him. But he did not say in his speech that any gentleman on this floor was in the pool or that he believed there was any Representative so interested.

Mr. DOCKERY. Will the gentleman allow me just there?

Mr. MCKINLEY. Certainly.

Mr. DOCKERY. He did say to members of that side of the House that he had been approached by members on the floor.

Mr. MCKINLEY. The gentleman from Missouri did not give to the Committee on Rules a name as to who that was.

Mr. DOCKERY. The "gentleman from Missouri" called the attention of the gentleman from Ohio [Mr. MCKINLEY] to the fact that the gentleman from Ohio [Mr. GROSVENOR] had important information, possibly, in the matter.

Mr. MCKINLEY. Yes, sir; and I immediately saw my colleague [Mr. GROSVENOR] on the subject, and it was at my suggestion that the Speaker of the House notified him to appear before the committee this morning.

Now, I am perfectly willing that an investigation shall be made and I welcome it; but I did suppose that this House, having referred this resolution to the Committee on Rules, wanted it to make some preliminary investigation for the further information of the House; otherwise its reference was unnecessary; and we have been trying to get it. We have not had very much success, I admit. We are continuing our inquiries. It seems to us that we ought to have some more direct testimony before reporting back to the House.

I do not know, Mr. Speaker, what we would have done if we could have got no further testimony, but it is certain the House would have been given an opportunity to act. Gentlemen on the Committee on Rules know that I have been from the very first desirous that this matter should be opened up and examined in the fullest and most scrutinizing way. I believe the mover of the resolution [Mr. DOCKERY] knows that.

Mr. DOCKERY. The gentleman from Ohio [Mr. MCKINLEY] has always expressed himself to that effect. I am quite sure that he desired the most searching scrutiny of the whole matter.

Mr. MCKINLEY. I simply felt, Mr. Speaker, that, as we were not permitted to go into the merits of this controversy upon the question of privilege, it was due to the Committee on Rules that its action should be understood by this House. From the beginning there has been no purpose to suppress any investigation, no thought of throttling the most thorough investigation or screening anybody. God knows I invite investigation of this or any other charge touching the honor and integrity of this House or its members, and I would not shield any man. Members on this floor must so walk and act from time to time that they will be ever ready for investigating committees. [Applause.] That is the duty and I have no doubt the pleasure of every member of this House. [Applause.] That is our manifest duty. And speaking for myself I do not know to-day of a single member of this House—for I have heard no name mentioned, nor do I suspect one—who was ever connected with any silver pool.

Mr. Speaker, it is easy to make charges in the newspapers about what gentlemen upon this floor are connected with; it is the easiest thing in the world to put upon the wires a statement that this is a corrupt and venal body; but I say here now, as a member of this House, having been here for nearly fourteen years, that if I were asked if I could designate a man upon this floor who could be bribed or could be bought I would have to answer no, because I know of no such man, and have known of none such, and never heard of such. If they are here they are unknown to me, and if any have been engaged in transactions to improperly influence legislation they should be exposed.

Mr. OATES. Does not my friend from Ohio think it would be well to get hold of a well-defined case of these falsehoods that are perpetrated upon this House and expose it to the country?

Mr. MCKINLEY. Yes; but I ask the gentleman what he will do when the committee of investigation is raised if men decline to answer. The gentleman may say we will meet that question when we come to it, but that is a very important consideration. But, Mr. Speaker, I am not going into this matter now.

Mr. OATES. I will say to the gentleman that that question has been adjudicated by the Supreme Court in the case of Kilbourne *vs.* Thompson, and if it is with reference to a matter within the jurisdiction of legislation they can be dealt with for contempt. If it is not, if it is a judicial matter, then the House has no power.

Mr. MCKINLEY. Exactly; but it must be a matter relating to the business of the House, and not the private affair of some gentleman outside.

Mr. OATES. Certainly.

Mr. MCKINLEY. But, Mr. Speaker, all I desired when I rose was to put the Committee on Rules right before this House. For myself I am very glad that the House has taken from the committee the further consideration of this resolution, and, upon its own authority, has inaugurated, or is about to inaugurate, an investigation.

The following is the testimony taken by the Committee on Rules, referred to by Mr. MCKINLEY:

COMMITTEE ON RULES,
Washington, D. C., Saturday, December 13, 1890.

The Committee on Rules met for the purpose of hearing the statement of Hon. A. M. DOCKERY, a Representative from the State of Missouri, in reference to the following resolution introduced in the House by him:

"Whereas it is alleged in the Washington correspondence of the St. Louis Globe-Democrat, under date of September 20 last, that twelve Senators and fifteen Representatives, pending the passage of an act entitled 'An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes,' approved July 14, 1890, were admitted to partnership in various silver 'pools' by which they realized $1,000,000 profits in the advance of the price of silver after the passage of the said act: Therefore,

"*Be it resolved*, That the Committee on Coinage, Weights, and Measures is hereby instructed to inquire into all the facts and circumstances connected with the said alleged purchase and sale of silver; and for that purpose it shall have power to send for persons and papers and administer oaths, and shall also have the right to report at any time. The expenses of said inquiry shall be paid out of the contingent fund of the House upon vouchers approved by the chairman of said committee."

The SPEAKER (in the chair). We have this resolution up for consideration and are ready to hear you.

Mr. DOCKERY. The facts and figures relating to this matter are set forth in the Washington correspondence of the St. Louis Globe-Democrat of September 21, in detail, save as to names. The nearest approach to the names of the parties alleged to be connected with the "silver pools" is the charge that a Democratic Representative from the State of Missouri was interested in one of the pools. There are but ten Democratic Representatives from Missouri, and it, of course, relates to one of the ten. A speech of Mr. Conger, bearing on the fact that "pools" existed and that he was frequently approached to enter them, is found in the RECORD of June 25, on page 6980, which I will read.

Mr. DOCKERY read as follows:

"Mr. CONGER. I think if a disinterested party will go out there and make examination he will find the statement I have made true.

"Why, Mr. Chairman, during this winter there has been about this Capitol the most persistent, courageous, and audacious lobby upon this question that I have ever seen since my term of service here began.

"Mr. MCCOMAS. And worse in summer than in winter.

"Mr. CONGER. Yes. It has been as bad all the time as it could be; and not only have these paid lobbyists been plying their avocation here, but various other means have been resorted to by the men interested in raising the price of bullion to secure the legislation they demand. Pool after pool has been organized here in this city to speculate in this metal. Money has been deposited in banks in this country by the thousands and hundreds of thousands lying there ready to purchase bullion with as soon as this legislation shall pass.

"But they oppose our bill. Why? Simply because if our bill passes they have got to trust to the market value of their product for the profits; while if free coinage passes Congress the Government of the United States fixes the value at 20 per cent. above what it is worth, and they may bring in all the bullion they can buy. Why, Mr. Chairman, I have been invited time and again to join silver pools, but, as long as I hold a seat upon this floor or stand here, my vote shall be cast and my voice raised for the people of this country, for the laboring men of this country, for the savings-bank depositors of this country, for the crippled and scarred soldiers of this country, instead of for a few bullion-owners."

The SPEAKER. Where is Mr. Conger now?

Mr. DOCKERY. He has been appointed minister to Brazil.

The SPEAKER. Do you know whether he has gone there?

Mr. MCKINLEY. I do not think he has sailed.

Mr. DOCKERY. I do not know. He has been appointed. I think there is no doubt that "pools" were organized, and the speech of Mr. Conger establishes the fact that the chairman of the Committee on Coinage, Weights, and Measures was solicited to enter them. I have here a copy of the St. Louis Globe-Democrat of September 21, 1890, and the communication upon which my resolution is predicated is specific as to everything except names. I have simply set out in the resolution that "it is alleged" in this correspondence that twelve Senators and fifteen Representatives were interested in "silver pools" pending the passage of the silver bill of the last session.

The Globe-Democrat's correspondents are W. B. Stevens and George H. Apperson. Both of them are reliable gentlemen, and I am sure they would not knowingly make any misstatement in reference to any question. I am equally sure, however, that the statement as to a Democratic Representative from my State being interested in "silver pools," as alleged, is incorrect. Both of the correspondents reside in this city. I suppose that if the investigation were ordered the committee would send for them and ascertain what they knew about it.

I desire also to say that it was a matter of current rumor that "silver pools" were organized. I never had, however, any intimation that members or Senators were connected with them until the appearance of this newspaper article. I did not follow the debate on the floor, and did not know of Mr. Conger's statement until after the resolution was introduced.

The SPEAKER. Do you know who wrote this article in the Globe-Democrat?

Mr. DOCKERY. I do not know; but I suppose it was either Mr. Stevens or Mr. Apperson.

Mr. BLOUNT. Did you ever talk with Mr. Apperson about this matter?

Mr. DOCKERY. He requested a copy of the resolution shortly after its introduction. I told him I had just introduced it and supposed it was in the petition box. I secured it and gave him a copy, during which time he remarked incidentally that he had no doubt of the substantial accuracy of the statement.

Mr. BLOUNT. State what he said to you about these pools.

Mr. DOCKERY. He did not go into details. As I remember his statement it was that he believed the correspondence to be substantially accurate.

Mr. BLOUNT. Did you ever talk to Mr. Stevens about it?

Mr. DOCKERY. Only in a general way.

Mr. BLOUNT. Did you mention any names to him?

Mr. DOCKERY. I did not.

Mr. BLOUNT. Did he say in a general way that the charges were true or anything like that?

Mr. DOCKERY. I do not think that Mr. Stevens did.

Mr. MCKINLEY. Neither of them gave you any names?

Mr. DOCKERY. No, sir.

Mr. BLOUNT. The information you have is based on the article?

Mr. DOCKERY. Yes, sir. I have no personal information whatever.

Mr. BLOUNT. You have no information except what you saw in the paper?

Mr. DOCKERY. That is all. I think it is due to the Democratic Representatives from Missouri that the charges should be either substantiated or withdrawn.

[From the St. Louis Globe-Democrat, September 21, 1890.]

A MILLION IN THE CLEAN-UP—THE PROFITS DIVIDED BY SPECULATIVE CONGRESSMEN FROM THE RISE OF SILVER—FORTY MILLION OUNCES POOLED—ONE-EIGHTH OF IT CARRIED FOR SENATORS AND REPRESENTATIVES—HOW THE SURE-THING INVESTMENT WAS MANAGED.

[Special correspondence of the Globe-Democrat.]

WASHINGTON, D. C., *September* 20.

The rise of silver has put into the pockets of Senators and Representatives of this Congress $1,000,000. One of the most active workers for silver legislation makes this statement, and he gives names and figures. The largest amount of individual profit is $275,000. That goes to the credit of a Western Senator. The smallest amount is $2,000, which will help out the campaign expenses of a Western Representative who finds it hard work to make both ends meet on his salary. Twelve Senators and fifteen Representatives participate in this handsome clean-up of a sure-thing speculation.

"I tell you it is 'pie,'" said the worker, who is himself ahead enough to make him feel comfortable about the immediate future. "We were figuring up in New York the other day the extent of the deal and the profits on it. We found that before the silver bill became law the amount of silver taken in by the various pools for the expected rise was 40,000,000 ounces. That is our entire product for eight months, you know. Just think of it!"

"What have the profits been?"

"The pool I am in bought some at a little less than 95. The rest cost us something more than 95. The average for the whole was about 97. August Belmont and his friends got in at from 95 to 98. Silver has been as high as 120. It is now 117. I think 20 cents an ounce is a fair estimate of the profits of the pools to this time. Twenty cents an ounce on 40,000,000 ounces is $8,000,000. Well, that represents the profits made by the New York and Washington pools on the advance of silver."

"Do you know how the 40,000,000 ounces were divided?"

"I have a pretty good idea. The August Belmont pool got hold of 8,000,000 ounces. I don't think any of it cost over 100, and most of it was got below 98. Woodard and J. M. Donnell, of the Hanover National Bank, H. V. Parsons, of Wells Fargo Express Company, F. B. Olcott, president of the Central Trust Company, and their associates, took in 6,000,000 ounces. The Seligman Brothers' pool had from 4,000,000 to 5,000,000 ounces. Hutchins, the vice president of the Third National, of New York, was at the head of a small syndicate which bought 1,000,000 ounces. The Fourth National Bank held 4,500,000 ounces. Simons & Co. got 3,000,000 ounces. Those were the principal pools made up in New York.

"The largest pool of all, probably, was one which took in seven United States Senators and a number of New York capitalists. That pool had 9,000,000 ounces. The other holdings were small, but altogether they made up 4,000,000 ounces bought and held for the rise, which we knew was as sure as sunrise if Congress passed a favorable silver bill."

"Was any money spent in Washington to influence legislation?"

"Not in the way of buying votes. We had men under employment to watch things and give the latest information. Then we worked up sentiment. Something was spent in publishing articles in the newspapers. Several good silver men were kept here under salaries to talk and to represent the strong silver feeling in the West."

"There was a lobby fund, but not a corruption fund?"

"That is about it. No Senator or Representative was offered as much as a dollar to vote for a silver bill. Some of them were shown how they could make a little money by speculating on the rise of silver which was sure to follow the passage of a favorable bill. They were approached through friends who were in the pools. These friends offered to let them into a good thing. Several Senators and Representatives put in their money and took a few thousand ounces apiece. There were others who had not the money to speculate with. It was arranged that the impecunious should have certain amounts carried for them by the pools. If silver went up they were to have the profits.

If it didn't go up they were to get nothing. About $250,000 was put up to get the silver which was bought and carried for those Senators and Representatives who didn't invest their own money. Of course this $250,000 was not spent or lost. Those who raised it got it all back, less interest and commissions. The Senators and Representatives for whom the silver was bought got the profits."

"Did any of those approached by friends to go into the speculation refuse?"

"Yes. Senator CULLOM, for one declined to allow any of the silver to be carried for him. Senator TELLER was another who wouldn't touch it."

"How about the House?"

"Well, JOE CANNON didn't get any. GROSVENOR, of Ohio, was left out, too. You see the proposition wasn't made indiscriminately. The silver men picked out a few fellows who would be useful, or to whom they wanted to do a good turn, and let them in on the ground floor. The silver speculation has been handled mighty well, I tell you. The men who were in it were close-mouthed. They didn't go around scattering money or pointers, either. I'll give you a little story to illustrate this:

"A certain Senator went over to New York while the silver bill was pending. He drew $200,000 through Wells-Fargo to carry his silver. That night Ed Stokes went up to the Senator's room at the Hoffman House and asked him what he thought of the prospect of favorable silver legislation, and whether silver was a good thing to buy at the market price. The Senator replied: 'It's dangerous, Ed.'"

"Has most of the 40,000,000 ounces been unloaded by the pools?"

"Only 50 per cent. of it. Some of the holders have been letting go gradually. A good deal is tied up by agreements not to sell until the price reaches 120. Some of the contracts prevent any selling until November or December. The pools are so well organized that there is no danger of overselling and breaking down the price. The profit, as the investment stands to-day, is 20 cents an ounce, or $8,000,000. It will be better than that for some of the pools when they settle."

"You think silver is going higher?"

"It will go to 123 or 126 by March next. There isn't any doubt of that, for the men who are in the pools are shrewd financiers, with plenty of capital behind them. The advance was steady until 120 was reached. Then the tightness of the money market came on and some of the holders had to have means. They unloaded enough to drop the price to 117, but you will see silver begin to climb again just as soon as the stringency is passed."

"Was there any Missouri Representative on the list for whom silver was carried by the pool?"

"Yes, one. I think they carried 10,000 ounces for him. That would give him a profit of $2,000."

"Was he a Democrat or Republican?"

"A Democrat. One of the Republican members, I understand, was told of what he could have done for him, but he would not touch it. I don't know of but one Missouri Representative who was on the list of those carried. Representative ——, of New York, I expect, made more than any other member of the House on the deal. He got a barrelful out of it. Then there were two Californians, two of the Illinois delegation, one Kansas man, and two Iowa members that I remember now on the House list. I think that there were not more than fifteen Representatives who were taken in."

"Republicans or Democrats?"

"Oh, Republicans mostly, of course. What did we want with the d—d fool Democrats? They were bound to vote for what we wanted anyway. There were one Southern and three Western Democrats among the Senators who had silver carried for them. All together there were twelve Senators I know of who made good stakes out of the rise of silver."

"Did the pool take in any officials in Washington outside of Congress?"

"I heard that two or three subordinate officials in the Treasury Department were carried for the information they could furnish. There is a man here from Springfield, Ill., named Littler, who got in somehow. He learned what was going on, and got some silver at about 104. But he didn't hold on long enough. When it got up to 107 or 108 he let go. He wasn't hoggish. A man named Tracy, from Springfield, Ill., was in, too, for a small amount. The ex-treasurer of Illinois (I think his name is Andrews) had about 8,000 or 10,000 ounces. I think perhaps they were all in with Littler. But they were among the little fellows who were let in at the tail end."

STATEMENTS OF MESSRS. W. B. STEVENS AND GEORGE H. APPERSON.

Mr. BLOUNT. Mr. DOCKERY has called the attention of the committee to an article dated Washington, September 21, 1890, with which I suppose you are familiar. Are you the author of that article?

Mr. STEVENS. I do not think I care to answer that question.

Mr. BLOUNT. I find a statement in this article as follows [reading]: "One of the most active workers for silver legislation makes this statement, and he gives names and figures. The largest amount of individual profit is $275,000." Do you know anything of the facts stated there?

Mr. STEVENS. I can only state that I do not care to answer any questions at the present time, in the shape in which things are.

Mr. BLOUNT. The article goes on to recite pools in which various persons and firms are reported to be interested, and then this occurs: "The largest pool of all probably was one which took in seven United States Senators and a number of New York capitalists. That pool had 9,000,000 ounces. The other holdings were small, but altogether they made up 4,000,000 ounces bought and held for the rise, which we knew was as sure as sunrise if Congress passed a favorable silver bill." Do you know anything as to these facts?

Mr. STEVENS. I do not care to answer that at present.

Mr. BLOUNT. This article continues:

"There was a lobby fund, but not a corruption fund. That is about it. No Senator or member was offered as much as a dollar to vote for a silver bill. Some of them were shown how they could make a little money by speculating on the rise of silver which was sure to follow the passage of a favorable bill. They were approached through friends who were in the pools. These friends offered to let them into a good thing. Several Senators and Members put in their money and took a few thousand ounces apiece. There were others who had not the money to speculate with. It was arranged that the impecunious should have certain amounts carried for them by the pools. If silver went up they were to have the profits. If it did not go up they were to get nothing.

About $250,000 was put up to get the silver which was bought and carried for those Senators and Representatives who did not invest their own money. Of course this $250,000 was not spent or lost."

Do you know anything as to those facts?

Mr. STEVENS. I do not care to answer that question.

Mr. BLOUNT. Do you decline to make any statement in reference to your knowledge of the matters contained in this article?

Mr. STEVENS. I do at present.

Mr. BLOUNT. You say you decline to answer under present circumstances. What are we to understand that you mean by that?

Mr. STEVENS. I do not care to answer any questions at present, not knowing what is intended or wanted.

Mr. BLOUNT. We have sent for Mr. DOCKERY, and he has given us your names, and the committee has sent for you gentlemen for the purpose of ascertaining whether or not there is anything substantial upon which it can recommend this investigation to the House. That is the object the members of the committee have in putting these questions to you.

Mr. STEVENS. I should prefer not to volunteer any information.

Mr. BLOUNT. Do you mean to say that you do not care to answer any questions unless it is done by order of the House?

Mr. STEVENS. I do not mean to say that in particular. I have not said that I wrote the article, but taking it as a presumption, if I had further information that I wanted to volunteer, I would have presented it in the paper. I do not want to come here and volunteer any information. It seems to me that as a newspaper man the logic of my position would be to decline.

Mr. MCMILLIN. What is the object in declining to answer whether or not you are the author. That question of itself does not call for the further information or invite any further question. Have you any objection to stating whether you are the author of the article?

Mr. STEVENS. I prefer not to answer that.

The SPEAKER. You are now responding to questions asked by members of the committee to whom the preliminary examination has been intrusted by the House of Representatives. You are asked these questions by persons who are charged with the duty of ascertaining if there be any further grounds for an examination of the question.

Mr. STEVENS. I understand. I simply decline to answer. I understand the circumstances under which I am here.

Mr. MCMILLIN. Then it is not because you have not been subpœnaed?

Mr. STEVENS. Oh, no; I do not care to fall back upon a technicality.

Mr. MCKINLEY. Have you any personal knowledge of the allegations contained in that letter?

Mr. STEVENS. I do not like to answer that. If you want my opinion I will give it to you, but I suppose you do not care for that. I can say what I think as to the correctness of it.

The SPEAKER. Here is one statement, to which I wish to call your attention: "One of the most active workers for silver legislation makes this statement, and he gives names and figures." Do you know who that is?

Mr. STEVENS. With all due respect to the committee, I do not care to answer any of those questions.

The SPEAKER. I will ask you whether you know there is any such person in existence?

Mr. STEVENS. I decline to answer it.

Mr. MCKINLEY. Can you give us any witnesses who have any knowledge of these facts?

Mr. STEVENS. That is simply going into the whole question of authorship.

The SPEAKER. You decline to answer that question also?

Mr. STEVENS. I have heard nothing from the committee as to whether it considers this a violation of the privileges of newspaper correspondents.

Mr. MCKINLEY. Our sole purpose is to act intelligently upon this resolution that has been referred to the committee. Mr. DOCKERY, who introduced the resolution, has given this article as his authority and has given your names as the authors of it. He says he knows nothing else about it. Our next course was to send for you. We simply want to know whether there is a sufficient basis for an investigation.

Mr. STEVENS. I would like to ask first if the committee considers that that article is a serious reflection on members of the House of Representatives?

The SPEAKER. That does not lead to anything.

Mr. STEVENS. I thought the presumption was that I had made a serious charge against the House of Representatives.

The SPEAKER. The presumption is you have made a particular charge. Whether it is a serious charge or a charge of any importance is a matter that does not come before this committee. All that comes before us is this resolution asking for an investigation. We want to ascertain if it is true. If it is true it ought to be investigated, and it is something for the committee and the House to determine. The question with us is, Are these statements true? What the House or the committee may think about it is a subject for afterconsideration. A Representative has seen fit to call attention to it and gives the names of you gentlemen as the authors of the article, who can furnish testimony that would guide us as to that question. I think that is about all the matter.

Mr. MCKINLEY. All we could do was to call the witnesses Mr. DOCKERY gave us.

Mr. STEVENS. Until the House or the committee does take the position that I have done something that can be called in question, I don't think I ought to answer these questions.

Mr. MCMILLIN. The object in calling you before the committee is to find out whether there is a state of facts upon which the House would probably act in investigating the charge of improper conduct of some of its members. In order to do that we must lay before the House the facts on which the committee rely in recommending the investigation. The House would say to us, "What is your evidence?" We would say, "There is a newspaper statement here." The House would say, "Did you call the correspondents or other persons before you and ask them to give the source of their information?" We would say, "Yes." The House would then ask, "Did they assume the responsibility or were they willing to testify as to the facts?" and we should be compelled to say, "No, they declined to testify." It is a matter for the House to say whether it will order an investigation if we find out whether there is any truth in these statements.

Mr. BLOUNT. Let me read a little paragraph (reading):

"Did any of those approached by friends to go into the speculation refuse?"

"Yes; Senator CULLOM, for one, declined to allow any of the silver to be carried for him. Senator TELLER was another who wouldn't touch it."

"How about the House?"

"Well, JOE CANNON didn't get any. GROSVENOR, of Ohio, was left out, too. You see, the proposition wasn't made indiscriminately. The silver men picked out a few fellows who would be useful, or to whom they wanted to do a good turn, and let them in on the ground floor."

There is a clear intimation that the lobby interested members in this bill for the purpose of influencing votes on this legislation. I think that is clearly the issue, and that is all there is in this matter. I do not understand that the reporter in charging these things is doing wrong.

The SPEAKER. At any rate we have nothing to do with that.

Mr. STEVENS. I have no information to volunteer. I prefer not to answer any questions as to that now.

Mr. MCMILLIN. Our object is to ascertain whether there is sufficient foundation for that statement to recommend to the House an investigation.

Mr. STEVENS. I am put in the position of volunteering this information upon which you may order an investigation.

The SPEAKER. Not in the least. You are examined as a witness before the committee which is authorized by the House to ask the questions.

Mr. MCMILLIN. It is not voluntary. If it had been necessary a formal summons would have been issued for you, but of course that was not necessary. We sent for you just as we sent for Mr. DOCKERY.

STATEMENT OF MR. GEORGE H. APPERSON.

Mr. BLOUNT (after reading a portion of Mr. DOCKERY's statement in which he relates a conversation had with Mr. Apperson). Did that conversation occur between you and Mr. DOCKERY?

Mr. APPERSON. I do not recollect. It is possible I may have passed some such remark with him. I could not say.

Mr. BLOUNT. Have you read the article?

Mr. APPERSON. Yes, sir.

Mr. BLOUNT. Do you know anything as to the facts stated in that article?

Mr. APPERSON. I can not answer anything about it.

Mr. BLOUNT. You decline to make any statement in reference to members of Congress?

Mr. APPERSON. Yes, sir.

Mr. BLOUNT. Did you write the article?

Mr. APPERSON. I decline to say.

Mr. BLOUNT. Do you decline to give any information as to your knowledge of any facts connected with the charge that members of the House of Representatives were connected with the silver pools referred to in that article?

Mr. APPERSON. I decline to make any statement whatever.

COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES,
Washington, D. C., January 6, 1891.

The committee met at 11 o'clock a. m.

Present: Hon. THOMAS B. REED, the Speaker, and Messrs. MCKINLEY, BLOUNT, and MCMILLIN.

EXAMINATION OF WALTER B. STEVENS.

The SPEAKER. Mr. Stevens, you will be sworn.

Mr. STEVENS. I want to say before taking the oath that I shall refuse to answer any questions about the authorship of this article unless compelled to by something more than a subpœna.

The SPEAKER. You will be sworn.

Mr. Stevens was then sworn.

Examined by the SPEAKER:

Q. Do you know who is the author of the article to which reference was made in the testimony which you gave before the committee when you were not under oath?

A. I decline to answer at present.

Q. Do you decline to answer as to the truth of the facts therein stated and your knowledge of them?

A. Yes, sir; I decline to give any information about the article.

Q. You spoke in your testimony, given before you were sworn, as to your unwillingness to volunteer testimony.

A. Yes, sir.

Q. That had no reference to your not being subpœnaed and not being then under oath?

A. No, sir. I tried to make it clear that I considered the subpœna a mere technicality; that it would take something in the shape of compulsion to elicit testimony from me in regard to the authorship of the article. That was what I meant to make plain.

Q. It was not in regard to its being before this committee?

A. No, sir; not in regard to the mere fact of a subpœna or a voluntary appearance.

Q. And you would take the same course with regard to any other committee?

A. Well, I can not answer that positively, but I think I should. I think I would decline to answer any questions about the authorship of a newspaper article unless I was compelled to do so.

The SPEAKER. Gentlemen, have you any further questions?

Mr. BLOUNT. I think you have covered the ground.

By Mr. MCKINLEY:

Q. Are you willing to state anything about the transaction covered by the Dockery resolution, any information that you may have, not contained in that newspaper article?

A. No, sir. I do not think I am at present.

Q. Are you willing to give the committee any information about the subject-matter, upon which we may base a recommendation for an investigation?

A. No, sir; I am not willing to give any information of that kind.

Q. Do you know anything about the transaction from your personal knowledge? Have you any personal knowledge of the transaction?

A. No, sir, I have not. If you will explain that perhaps I could answer differently. Do you mean have I seen books or papers?

Q. Yes, I mean to ask whether your information, whatever it may be, is at first hand or second hand, or whether you know of your own knowledge that there was a silver lobby or silver pool in which members of the House were interested at the time the legislation was pending last summer and influencing legislation?

A. Well, I do not know much about the rules of evidence, but I should imagine much of my testimony would be ruled out in a court.

Q. That is, it would be largely hearsay.

A. Yes, sir.

Q. Do you still decline to give us the names of any parties who might give us information on that subject?

A. Yes, sir.

By Mr. BLOUNT:

Q. Are you chief of the correspondence bureau of the St. Louis Globe-Democrat?

A. Yes, sir.

Q. That correspondence is all under your supervision, is it?

A. Well, the most of it; yes, sir. The paper occasionally takes matter from Washington which I do not see.

Q. Have you any objection to saying whether you saw this article before it went off or not?

A. I would prefer not to say.

The SPEAKER. Any further questions?

Mr. BLOUNT. No, sir; nothing else.

The SPEAKER. That is all for the present, Mr. Stevens.

STATEMENT OF GEORGE H. APPERSON.

Mr. APPERSON. I would like to make the same reservation that Mr. Stevens did as to the authorship of the article in question.

The SPEAKER. You will be sworn.

Mr. Apperson was then sworn by the Speaker.

By the SPEAKER:

Q. Do you know who is the author of the article to which reference was

made in the testimony given before the committee when you were not under oath?

A. I would like to be excused from answering that question.

Q. Do you decline to answer as to the truth of the facts therein stated and your knowledge of them?

A. Yes, sir; I do.

Q. You spoke in your testimony given before you were sworn as to your unwillingness to volunteer testimony.

A. Yes, sir.

Q. That had no reference to your not being subpœnaed and not being put under oath?

A. No, sir.

Q. It was not in regard to being before this committee?

A. No, sir.

Q. Would you take the same course with regard to any other committee?

A. I don't know, but I think probably I should.

By Mr. MCKINLEY:

Q. Have you any knowledge about the connection of any members of the House with any so-called silver pool to influence legislation?

A. No, sir; not of my own personal knowledge, I have not.

Q. Can you give us the names of those from whom you got any information on the subject?

A. No, sir; I would rather decline to give the names.

Mr. MCKINLEY. I believe I have no further questions.

By Mr. BLOUNT:

Q. If the House should direct a committee to inquire into this matter and give that committee power to send for persons and papers, etc., would you feel disposed to answer inquiries under those circumstances touching this matter?

A. Well, I think not. Of course I do not want to be placed in the attitude of trying to embarrass the committee, if I should feel that it was depending on me or on Mr. Stevens for the necessay information; but I do not think such is the case, and I think if we had desired to make the names public we would have printed them in the Globe-Democrat or they would have been printed; and under the circumstances I do not think we are called upon to name anybody or to give any information.

Q. How would it be if you were called upon by the House of Representatives or if the House of Representatives directed a committee to call upon you for any information?

A. I do not think we are a last resort. I think that if there was any such information it can be gotten without our testimony.

By Mr. MCKINLEY:

Q. Will you please tell us how?

A. Well, that is a matter for the committee to figure on, I think. I have seen two or three newspaper interviews lately with prominent men in which they referred more or less vaguely to the silver pool, implying that they knew of it if they did not know considerably about it. Now it occurs to me that if the committee had been reading the papers they would have noticed the utterances and made memoranda of the interviews.

By Mr. BLOUNT:

Q. Who were the persons, as you now remember?

A. Well, the last one I call to mind was an interview with Senator FARWELL.

Q. What was the purport of the Farwell interview?

A. I could not repeat it.

Q. Substantially.

A. Well, it was, in short, that there was a silver pool, but that he was not in it, and, while he knew the advantages of this legislation, he never took advantage of it further than to give some friends of his in London a tip about it. That was in the Associated Press dispatches from Chicago some days ago.

Q. Did he say that some other members took a different course?

A. No; he did not refer to any other members, but only made a general statement that there was a silver pool or that he had heard the matter talked of among the Senators.

Q. But he did not mention any names?

A. No, sir.

Q. Well, are there any other Senators or Representatives whose published interviews you have noticed?

A. Well, I do not recall now. I remember seeing two or three others. I think I saw one with Senator CAMERON. I will not be positive about it. I know there have been two or three public men interviewed on the subject of a silver pool, and what struck me was the statement made by each of them, or the admission rather, that they believed there was a silver pool or had reason to believe it.

Q. And that members were interested in it?

A. I do not think that statement was made, as to members.

Q. What was the substance of Senator CAMERON's interview?

A. Well, as I have said before, I do not remember positively that there was an interview with Senator CAMERON. It only occurs to me vaguely that I remember one. I remember seeing two or three with different public men.

Q. Those interviews you refer to did not name any member of the House or Senate as being connected with the pool?

A. No, sir; they did not refer to any names at all. It was just a general admission.

Q. It did not include or exclude them, but just simply referred to a silver pool?

A. A silver pool. That is all that I remember. I think they referred to a silver lobby in one or two of the interviews.

Q. Now you said awhile ago that you thought if we had been reading the papers we might find in the interviews sources of information as to this matter named in this article. This article makes a declaration that there are Senators and Representatives who had money furnished them that they might speculate in silver, in connection with silver legislation. The interviews you refer to would not help us any as to that.

A. Well, what I meant to imply was that perhaps these parties interviewed might give you some information.

Q. You think we had better let you alone and go after them?

A. Well, that is about my idea, that if you would go after somebody who has talked more freely than we, you might get some information.

Q. Can you tell anybody who has talked more freely than you have in this article?

A. Well, I am talking about personal talk. What we have there is written.

Q. Did you ever see this article before it went off?

A. Well, I would rather not answer that question.

Q. Are you connected with the bureau of correspondence of the St. Louis Globe-Democrat?

A. Yes, sir.

By Mr. MCMILLIN:

Q. You say you do not think you and your associate are the last resort in getting this information?

A. No, sir.

Q. You wish to be understood that the same information which you have can be gotten from other sources?

A. Yes, sir.

Q. But you decline to give those sources?

A. Yes, sir; that is, I decline to state the sources from which we obtained our information.

By Mr. MCKINLEY:

Q. Can you give us the sources from which we can get information—sources not connected with you?

A. No, sir, I would rather not, because I labor under the impression that the committee can easily discover those sources, and not from us.

By Mr. BLOUNT:

Q. Well, how can we get at it, if we do not get it from you? We do not hear much of it except through this letter.

A. Well, I don't know.

Q. We hear of a pool, but we do not hear any distinct charges of members being influenced by funds contributed to enable them to go into the pool.

A. Well, I could not offer any suggestions in that line.

By Mr. MCKINLEY:

Q. Can you give us the names of any witnesses who might throw some light on the subject?

A. No, sir.

By Mr. BLOUNT:

Q. You think if we were as keen as you are we could find out something about it?

A. Well, that is my impression, though I may be mistaken.

Mr. BLOUNT. I have no further questions.

The SPEAKER. That is all for the present.

Mr. DOCKERY. Mr. Speaker, it is with great reluctance that I have called this matter to the attention of the House, but I felt impelled to do so, as the resolution has been pending before the Committee on Rules for about six weeks. I appeared before that committee on the 13th of December last, in response to its request, and stated, what I now reiterate, that I had no personal knowledge whatever that any member upon this floor had been connected with a "silver pool" prior to the passage of the silver bill of the last session. I have no special interest in this question, but introduced the resolution because it was alleged in the Washington correspondence of the Globe-Democrat that a Democratic Representative from Missouri was a member of the pool.

Knowing the correspondents to be gentleman of high character and acknowledged to be such by all who know them, I thought it proper that they should be given an opportunity either to substantiate the charge or to withdraw it. In this spirit the resolution was offered, being largely based upon the following dispatch to the Globe-Democrat, to which I asked the attention of the Committee on Rules:

A MILLION IN THE CLEAN-UP—THE PROFITS DIVIDED BY SPECULATIVE CONGRESSMEN FROM THE RISE OF SILVER—FORTY MILLION OUNCES POOLED—ONE-EIGHTH OF IT CARRIED FOR SENATORS AND REPRESENTATIVES—HOW THE SURE-THING INVESTMENT WAS MANAGED.

[Special correspondence of the Globe-Democrat.]

WASHINGTON, D. C., *September* 20.

The rise of silver has put into the pockets of Senators and Representatives of this Congress $1,000,000. One of the most active workers for silver legislation makes this statement, and he gives names and figures. The largest amount of individual profit is $275,000. That goes to the credit of a Western Senator. The smallest amount is $2,000, which will help out the campaign expenses of a Western Representative who finds it hard work to make both ends meet on his salary. Twelve Senators and fifteen Representatives participate in this handsome clean-up of a sure-thing speculation.

"I tell you it is 'pie,'" said the worker, who is himself ahead enough to make him feel comfortable about the immediate future. "We were figuring up in New York the other day the extent of the deal and the profits on it. We found that before the silver bill became law the amount of silver taken in by the various pools for the expected rise was 40,000,000 ounces. That is our entire product for eight months, you know. Just think of it!"

"What have the profits been?"

"The pool I am in bought some at a little less than 95. The rest cost us something more than 95. The average for the whole was about 97. August Belmont and his friends got in at from 95 to 98. Silver has been as high as 120. It is now 117. I think 20 cents an ounce is a fair estimate of the profits of the pools to this time. Twenty cents an ounce on 40,000,000 ounces is $8,000,000. Well, that represents the profits made by the New York and Washington pools on the advance of silver."

"Do you know how the 40,000,000 ounces were divided?"

"I have a pretty good idea. The August Belmont pool got hold of 8,000,000 ounces. I don't think any of it cost over 100 and most of it was got below 98. Woodward and J. M. Donnell, of the Hanover National Bank, H. V. Parsons, of Wells-Fargo Express Company, F. B. Olcott, president of the Central Trust Company, and their associates, took in 6,000,000 ounces. The Seligman Brothers' pool had from 4,000,000 to 5,000,000 ounces. Hutchins, the vice president of the Third National, of New York, was at the head of a small syndicate which bought 1,000,000 ounces. The Fourth National Bank held 4,500,000 ounces. Simons & Co. got 3,000,000 ounces. Those were the principal pools made up in New York.

"The largest pool of all, probably, was one which took in seven United States Senators and a number of New York capitalists. That pool had 9,000,000 ounces. The other holdings were small, but altogether they made up 4,000,000 ounces bought and held for the rise, which we knew was as sure as sunrise if Congress passed a favorable silver bill."

"Was any money spent in Washington to influence legislation?"

"Not in the way of buying votes. We had men under employment to watch things and give the latest information. Then we worked up sentiment. Something was spent in publishing articles in the newspapers. Several good silver men were kept here under salaries to talk and to represent the strong silver feeling in the West."

"There was a lobby fund, but not a corruption fund?"

"That is about it. No Senator or Representative was offered as much as a dollar to vote for a silver bill. Some of them were shown how they could make a little money by speculating on the rise of silver which was sure to follow the passage of a favorable bill. They were approached through friends who were in the pools. These friends offered to let them into a good thing. Several Senators and Representatives put in their money and took a few thousand ounces apiece. There were others who hadn't the money to speculate with. It was arranged that the impecunious should have certain amounts carried for them by the pools. If silver went up they were to have the profits. If it didn't go up they were to get nothing. About $250,000 was put up to get the silver which was bought and carried for those Senators and Representatives who didn't in-

vest their own money. Of course this $250,000 was not spent or lost. Those who raised it got it all back, less interest and commissions. The Senators and Representatives for whom the silver was bought got the profits."

"Did any of those approached by friends to go into the speculation refuse?"

"Yes; Senator CULLOM, for one, declined to allow any of the silver to be carried for him. Senator TELLER was another who wouldn't touch it."

"How about the House?"

"Well, JOE CANNON didn't get any. GROSVENOR, of Ohio, was left out, too. You see the proposition wasn't made indiscriminately. The silver men picked out a few fellows who would be useful, or to whom they wanted to do a good turn, and let them in on the ground floor. The silver speculation has been handled mighty well, I tell you. The men who were in it were close-mouthed. They didn't go around scattering money or pointers, either. I'll give you a little story to illustrate this. A certain Senator went over to New York while the silver bill was pending. He drew $200,000 through Wells-Fargo to carry his silver. That night Ed Stokes went up to the Senator's room at the Hoffman House and asked him what he thought of the prospect of favorable silver legislation, and whether silver was a good thing to buy at the market price. The Senator replied: "It's dangerous, Ed."

"Has most of the 40,000,000 ounces been unloaded by the pools?"

"Only 50 per cent. of it. Some of the holders have been letting go gradually. A good deal is tied up by agreements not to sell until the price reaches 126. Some of the contracts prevent any selling until November or December. The pools are so well organized that there is no danger of overselling and breaking down the price. The profit, as the investment stands to-day, is 20 cents an ounce, or $8,000,000. It will be better than that for some of the pools when they settle."

"You think silver is going higher?"

"It will go to 128 or 126 by March next. There isn't any doubt of that, for the men who are in the pools are shrewd financiers, with plenty of capital behind them. The advance was steady until 120 was reached. Then the tightness of the money market came on and some of the holders had to have means. They unloaded enough to drop the price to 117, but you will see silver begin to climb again just as soon as the stringency is passed.

"Was there any Missouri Representative on the list for whom silver was carried by the pool?

"Yes; one. I think they carried 10,000 ounces for him. That would give him a profit of $2,000.

"Was he a Democrat or a Republican?"

"A Democrat. One of the Republican members, I understand, was told of what he could have done for him, but he wouldn't touch it. I don't know of but one Missouri Representative who was on the list of those carried. Representative ——, of New York, I expect, made more than any other member of the House on the deal. He got a barrelful out of it. Then there were two Californians, two of the Illinois delegation, one Kansas man, and two Iowa members that I remember now on the House list. I think that there were not more than fifteen Representatives who were taken in."

"Republicans or Democrats?"

"Oh, Republicans mostly, of course. What did we want with the d—d fool Democrats? They were bound to vote for what we wanted anyway. There were one Southern and three Western Democrats among the Senators who had silver carried for them. All together there were twelve Senators I know of who made good stakes out of the rise of silver."

"Did the pool take in any officials in Washington outside of Congress?"

"I heard that two or three subordinate officials in the Treasury Department were carried for the information they could furnish. There is a man here from Springfield, Ill., named Littler, who got in somehow. He learned of what was going on and got some silver at about 104. But he didn't hold on long enough. When it got up to 107 or 108 he let go. He wasn't hoggish. A man named Tracy, from Springfield, Ill., was in, too, for a small amount. The ex-treasurer of Illinois, I think his name is Andrews, had about 8,000 or 10,000 ounces. I think perhaps they were all in with Littler. But they were among the little fellows who were let in at the tail end."

I also submitted at the same time the remarks made by the gentleman from Iowa [Mr. Conger], chairman of the Committee on Coinage, Weights, and Measures, in a speech on this floor on the 24th of June last.

Here is what Mr. Conger said:

Mr. CONGER. Why, Mr. Chairman, during this winter there has been about the Capitol the most persistent, courageous, and audacious lobby upon this question that I have ever seen since my term of service here began.

Mr. MCCOMAS. And worse in summer than in winter.

Mr. CONGER. Yes; it has been as bad all the time as it could be; and not only have these lobbyists been plying their avocation here, but various other means have been resorted to by the men interested in raising the price of bullion to secure the legislation they demand. Pool after pool has been organized in this city to speculate in this metal. Money has been deposited in banks in this country by the thousands and hundreds of thousands, lying there ready to purchase bullion with as soon as this legislation shall pass.

But they oppose our bill. Why? Simply because if our bill passes they have got to trust the market value of their product for the profits, while if free coinage passes Congress the Government of the United States fixes the value at 30 per cent. above what it is worth, and they may bring in all the bullion they can buy. Why, Mr. Chairman, I have been invited time and again to join silver pools.

This was on the 24th of June, remember.

But as long as I hold a seat upon this floor or stand here my vote shall be cast and my voice raised for the people of this country, for the laboring men of this country, for the savings-bank depositors of this country, for the crippled and scarred soldiers of this country, instead of a few bullion-owners.

The correspondents who made the charge (and it will be remembered that the charge appeared in the columns of a leading Republican paper of the West) were also called before the committee and requested to give information touching the matter at issue. They declined to testify, on the ground, as stated both in the dispatch to their paper and before the committee, that their testimony would be held as voluntary and they had no desire to appear in the roll of volunteering testimony.

Unless some members desire otherwise, I will incorporate in my remarks the dispatch to the Globe-Democrat without reading it, as the Committee on the District of Columbia is very anxious to occupy the floor.

Several MEMBERS. Read it.

Mr. DOCKERY. The dispatch is as follows:

Mr. DOCKERY said that Mr. Conger had since been appointed minister to Brazil, and he did not know whether he had sailed or was still in this country. Mr. DOCKERY also presented a Washington dispatch to the Globe-Democrat of September 20. He paid a high compliment to the reliability of the Globe-Democrat's Washington news, and said he had known the gentleman who worked for the Globe-Democrat many years, and he did not believe that such a dispatch would have been published if there had not been ground for it. The Washington correspondent of the Globe-Democrat was then questioned by Mr. BLOUNT as to the dispatch. Information as to the authorship was refused, with due respect to the committee, and a question was asked as to the position which the committee took in the matter. It was asked if the committee thought the dispatch contained anything reflecting on the integrity of the House or the members.

Speaker REED, replying to these inquiries, said that the committee had not yet considered whether the dispatch contained any serious charge or reflection upon the House or any of its members. That would be something for the committee and the House to determine further on. Mr. DOCKERY had introduced his resolution asking for an investigation. The committee was simply making inquiries to see whether there was anything to investigate. Mr. MCMILLIN, replying further to inquiries, said that the committee made no complaint against the correspondent. It was simply seeking for information as to the basis for the reports of the alleged silver pool. The correspondent was asked to come before the committee to see if he could give any help in the matter voluntarily.

It was then stated to the committee that the Globe-Democrat correspondent did not desire to appear as a prosecutor. No criticism has been made in the dispatch upon those members who were said to have bought silver for speculation. The news as to amounts which members of Congress were said to have made had been printed. Names had been omitted. No comments as to the transactions had been offered. The dispatch contained all that it was deemed expedient to publish at the time. Had it been deemed expedient to make public further information about the alleged silver speculation, that information would have been printed.

Under the circumstances, as explained by the Speaker and Mr. MCMILLIN, it seemed best from the standpoint of a newspaper man to decline to volunteer information to the committee which it had been deemed unwise to print. After this explanation of the position of the correspondent, Mr. BLOUNT, who had been the chief examiner for the committee, did not press his questions. The Speaker looked from beneath his drooping eyelashes at Mr. BLOUNT and said: "I don't suppose it is necessary to detain these gentlemen further?" Mr. BLOUNT said: "I suppose not." The further consideration of the resolution was deferred until Monday.

Now, Mr. Speaker, on the Monday following, the Committee on Rules again resumed the consideration of this question, but, no action having been taken by it prior to the holidays, on the 27th of December I addressed the following letter to the Speaker of the House as chairman of the Committee on Rules:

WASHINGTON, D. C., *December* 27, 1890.

DEAR SIR: I beg to invite your attention to the resolution offered in the House on December 1, instant, and referred to your committee, calling for an investigation of the charge made in the Washington correspondence of the St. Louis Globe-Democrat, under date of September 20 last, wherein it is alleged that twelve Senators and fifteen Representatives were interested in various silver pools pending the passage of the act relating to the purchase of silver bullion and the issue of Treasury notes thereon, approved July 14, 1890.

If the statement of Mr. Conger upon the floor of the House on June 24, 1890, coupled with the acknowledged reliability of the correspondents of the St. Louis Globe-Democrat, should not be esteemed sufficient, in your judgment, to warrant an investigation, I respectfully ask, at all events, that you report the resolution to the House, without delay, for its consideration.

Should an investigation be ordered I further venture to suggest that the testimony of the Seligman Bros., New York; Zimmerman & Forshay, New York; David Littler, of Illinois, and others, may be instrumental in establishing or refuting the charges in said correspondence of the St. Louis Globe-Democrat.

I beg leave, also, to offer the final suggestion—

I ask especial attention to this suggestion—

I beg leave, also, to offer the final suggestion that, should you report the resolution to the House with a favorable recommendation, its scope may be so enlarged as to authorize the committee to inquire as to the ownership of the surplus silver Congress is now asked to purchase.

It is manifestly pertinent that such investigation should be had, to the end that the people may know whether there are any Senators, Representatives, or other public officials who are in fact owners or part owners of such surplus silver. Of course it goes without saying that the investigation should be made by a special committee.

I have the honor to be, yours, most respectfully,

ALEX. M. DOCKERY.

Hon. THOMAS B. REED, *Speaker,*
Chairman of Committee on Rules.

The concluding suggestion of the letter, Mr. Speaker, was offered solely because of the statement of the gentleman from Iowa [Mr. Conger], on the 24th of June last, and was not intended to reflect in any wise upon the membership of the Committee on Coinage, Weights, and Measures.

On the 6th of the present month the correspondents of the Globe-Democrat were again called before the committee and under oath declined to answer any questions. Their reasons for declining to testify will be found in the following special dispatch to the Globe-Democrat:

Mr. MCKINLEY came in and made a quorum. The newspaper men were put under oath and asked to give the authority for a certain dispatch to the Globe-Democrat to the effect that several Senators and Representatives had made money by speculating in silver bullion. They declined to testify voluntarily.

For the benefit of those who may have lost track of this matter, it may be stated that the House has not yet ordered an investigation of the silver speculation. Mr. DOCKERY's resolution, introduced on December 1, provides for the appointment of a committee to investigate the matter. The resolution has not yet reached the House. It went immediately upon its introduction to the Committee on Rules, and there it has been ever since. To testify before the Committee on Rules in the present attitude of the case would be to assume the rôle of public prosecutor and to press upon the attention of the House information, more or less unpleasant, which had not been asked for.

The dispatch was sent to the Globe-Democrat in the ordinary course of the collection and transmission of Washington news. The correspondents for the present declined to give the committee any further information than had been printed. Mr. MCKINLEY wanted to know if the correspondents could give the committee the names of witnesses who might throw some light on the silver speculation. He was promptly told that he would not have to look far for witnesses. He was referred to the recent interviews of Senator FARWELL, Senator STEWART, and others, who spoke of the silver pool as a well-known fact, but disclaimed personal connection with it. At this suggestion a smile went around the committee. Speaker REED said the witnesses were excused for the present.

Mr. DOCKERY has laid before the committee names of several witnesses in Washington and New York, and has asked that they be called if the committee has any further hesitation about permitting his resolution to come back to the House for its action. He has also asked that the scope of the inquiry be enlarged so as to ascertain who are the holders of the present surplus of silver, and whether any Senators or Representatives are interested. It is the general impression that there will be no silver pool investigation by this Congress.

Mr. McKINLEY. Let me ask the gentleman if he is reading from the testimony before the committee.

Mr. DOCKERY. I am reading from the report of the correspondents to the Globe-Democrat of the 6th instant.

Mr. McKINLEY. Because I am going to ask leave of the House to print the testimony that we have taken, and desire to give the gentleman notice of that fact now.

Mr. DOCKERY. I have no objection to the printing of the evidence.

Mr. HEARD. We want to get at the testimony that has been taken by the committee.

Mr. DOCKERY. I now ask the Clerk to read the interview with Senator FARWELL, given to the country by the Associated Press on the 1st of this month.

The Clerk read as follows:

NOT IN THE SILVER POOL, BUT SENATOR FARWELL UNDERSTOOD THAT SEVERAL OF HIS COLLEAGUES WERE.

CHICAGO, *January* 1.

Ever since the passage of the silver bill by Congress at its last session, there has been talk of a silver pool in which members of the National Legislature were said to be interested. In one instance mention was made by a New York newspaper the other day of the name of Senator FARWELL in connection with the supposed silver pool.

Senator FARWELL, when asked to-day in regard to the matter, said:

"I want to say here to you, once and for all, that Senator FARWELL never bought a dollar's worth of silver previous to the silver legislation last summer. While I knew that everybody else, or rather, which I was told, that many others were endeavoring to make something out of the anticipated fluctuation in the price of silver, I steered clear of it. I knew, of course, that the price would go up, and when some friends of mine in London cabled me for my views, I answered them to the best of my knowledge. Subsequently events showed that I was correct in my estimation, and I suppose they profited by it."

"Did you receive any profit indirectly through the speculation of friends in silver?"

"Not one cent's worth. I did not meddle with it and no one did for me."

"What do you know about a silver pool said to have been planned by Senators and Congressmen?"

"I have since learned, or been informed, rather, a pool did exist; but this did not come to me until long after the silver legislation. There was not a hint expressed concerning a pool while the matter was before Congress."

Mr. DOCKERY. It will be observed, Mr. Speaker, that in the letter of December 27 I called the attention of the committee to several parties who could probably give information, and also asked that the scope of the resolution be so enlarged as to ascertain the present ownership of the twelve millions of silver bullion that Congress is now asked to purchase. This suggestion is made inasmuch as it seems to me fitting that the people should know whether any Senators, Representatives, or other public officials are owners or part owners of this surplus bullion. In this connection I also desire to quote the following special dispatches to the St. Louis Globe-Democrat of December 23–25:

[Special dispatch to the Globe-Democrat.]

WASHINGTON, D. C., *December* 23.

A week ago it looked as if a financial bill would be put through the Senate in short order. The Republican Senators, after two or three midnight caucuses, had reached practically unanimous conclusions. Concessions had been made by the Eastern Senators to the silver Senators. The latter, in their turn, were of a mind to let the Eastern Senators perpetuate and encourage the national-banking system. Everything was lovely. It was predicted that the first of the year would see an elaborate financial bill through the Senate. Now a decided change has come. The silver Senators and the Eastern Senators have drifted apart. The spirit of conciliation has disappeared. The Western men are threatening to precipitate a free-coinage proposition and vote with the Democrats to carry it.

Senator STEWART is particularly outspoken against the bill which the Finance Committee has reported. He says that it is designed merely to rehabilitate the national banks, and that there is nothing in it for the silver men. There has been a great change of sentiment upon one feature of the bill. That is in regard to the purchase of the surplus silver. At first the proposition was viewed with general favor.

Secretary Windom went over to New York and came back in favor of buying in the surplus silver. He said there were about 12,000,000 ounces. Senators SHERMAN and ALDRICH consented to the purchase of the surplus.

The Administration was favorable. But then came some curious revelations. It was told around that the surplus silver was held by a pool, which would be enriched to the amount of several millions of dollars if the bill to buy the surplus became the law. Rumors of the pool reached the President, who instituted a private investigation and obtained the names of those interested in the pool. Since then it has got out that the Administration is no longer favorable to the purchase of the surplus. The President is said to have a list of a dozen or more gentlemen who are the owners of this surplus silver. Some of these gentlemen are in public life. Others of them have made frequent visits to Washington from New York of late to urge upon the Administration the necessity of financial legislation. Senator STEWART, in speaking of the matter, said without reservation that this surplus was held by a pool, and that the advocates of free coinage were not interested in it. Senators who a week ago were so confident of the immediate passage of a financial bill venture now no predictions.

[Special Dispatch to the Globe-Democrat.]

WASHINGTON, D. C., *December* 25.

Republican leaders of the House say there will be no financial legislation this winter. They are positive of it. They intimate that the Administration is now averse to a financial bill. They say the President's mind has undergone a decided change. Their explanation of this is that the President believes he has been the victim of a species of confidence game. He thinks that the representations made to him recently on the money situation were inspired by speculators. He has received a good deal of information about silver pools. He attributes to such influences the pressure brought to bear for a financial bill.

Two weeks ago the President was deeply anxious about the situation. He prepared a special message to send to Congress. His Cabinet ministers were in daily consultation with leading Senators. The features of a bill were agreed upon in caucus. At the time the bill was framed it was expressly spoken of as an Administration measure. One of the Republican leaders, who now says quite positively there will be no financial legislation, said at that time there would be no difficulty in putting the bill through the House. The outlook was extremely favorable. Silver went up 3 cents an ounce in three days on the strength of the encouraging prospect. Then came rumors of silver speculation, and a sudden cooling of ardor all around.

The Republican Senators, who were a few days before so unanimous, split into factions. The Administration turned against immediate financial legislation. And now the leaders in the House say without reserve that no bill will be passed. Such sudden changes do not speak well for the morale of the majority. The New York bankers who came down every other day and besieged the White House have stopped coming. The financial questions, so far as Congress is concerned, are in an ugly snarl. It looks as if the country will have to take care of itself and get along without "more money," which was so lavishly promised ten days ago. Some of the Senators believe that the present feeling of demoralization will wear away and that a bill will yet be passed. They think from recent remarks dropped by the President that the message may be sent to Congress as soon as the election bill is passed.

The following declaration of Senator TELLER, made upon the finance bill now pending in the Senate, at this juncture becomes extremely significant:

Proceeding to discuss the section of the bill providing for the purchase of $12,000,000 of silver, Mr. TELLER said that he washed his hands of any responsibility for that. He had no interest or sympathy with the men who speculated in silver. It had been said in the public press and in another place (meaning the House of Representatives) that when the silver bill of last session passed a large number of Senators were holders of silver bullion. If that were so, he had never heard of it. So far as he was personally concerned, he had never owned an ounce of silver except in silver dollars or half dollars. He had never engaged in speculation of that character or of any other character, and had no sympathy with the men who bought silver and put it up or put it down.

The pending bill was not brought forward in the interest of the silver States. If the $12,000,000 of silver were in the hands of the miners of Colorado, there would not have been, he asserted, any anxiety to buy it up. But it was in the hands of people in political and financial circles in New York, and that was the reason why there was so much anxiety about it in certain quarters. The proposition had come from New York, and not from the silver States. It was not a sop to be thrown to them. They were indifferent about it. And they were indifferent to the price of silver as a single question. They had some interest, of course, in putting up the price of silver, as they would have in putting up the price of gold or any other commodity which they produced, but their great interest in the question was that silver should be used as money. That was a bigger question than whether the miners of Colorado and Montana were to get $1.29 an ounce or $1.10.

I wish further to invite attention to a reported interview in the Washington Star of last Friday; but before doing so desire to ask the Speaker if it was authorized; if not, I shall not allude to it or incorporate it in my remarks.

The SPEAKER. The Chair desires to state that the interview in question was not authorized as an interview. There were simply some replies made to requests for information.

Mr. DOCKERY. On that statement I will not include the purported interview in my remarks or make reply thereto.

Mr. Speaker, the situation may be briefly summarized. The statements of Mr. Conger made on the floor of the House on the 24th of June last, which will be verified by members of this body, establish the fact that silver pools existed prior to the passage of the silver bill.

The statements of the correspondents of the St. Louis Globe-Democrat fully confirm Mr. Conger's declaration upon this point, and it seems to me that the refusal to testify before the committee on the ground that their evidence would be held as voluntary is of itself sufficient to warrant the investigation. It is probable that their views accord with those of many members who hold that the Committee on Rules is not charged with the investigation itself, but with only the consideration of its propriety.

Mr. Speaker, this charge affects the integrity of the proceedings of this body, and was made in the columns of a leading Republican newspaper of the West. The House and the country have a right to know whether the charges are founded in fact. If they are untrue every Representative upon this floor is vitally interested in establishing the falsity of the accusation; if they are true the country should know the names of the Senators and Representatives who have thus betrayed the interests of the people and prostituted official position to personal gain.

In the language of an eminent American, I say, Mr. Speaker, if there be such, let no guilty man escape.

Mr. Speaker, I now yield to the gentleman from Arkansas [Mr. ROGERS] to offer an amendment to the resolution, and will then yield such time as he may desire to the gentleman from Georgia [Mr. BLOUNT]. I ask, Mr. Speaker, how much time I have remaining.

The SPEAKER. The gentleman has twenty-seven minutes.

Mr. DOCKERY. I yield to the gentleman from Arkansas [Mr. ROGERS] to offer a resolution.

Mr. ROGERS. Mr. Speaker, I offer, as a substitute for the resolution of the gentleman from Missouri [Mr. DOCKERY], the resolution which I send to the Clerk's desk. First, I desire to submit a parliamentary inquiry. I desire to let the preamble to the resolution offered by the gentleman from Missouri [Mr. DOCKERY] remain, but to substitute the resolution I offer.

The SPEAKER. The Chair thinks it should be offered as an amendment.

Mr. ROGERS. Then I offer this as an amendment: To strike out from the original resolution all after the preamble and insert the following.

The Clerk read as follows:

Strike out all after the preamble and insert in lieu thereof the following:

"*Resolved*, That the Speaker appoint a special committee of five members of the House, and that said committee be instructed to inquire into all the facts and circumstances connected with the said alleged purchase and sale of silver prior to and since the passage of the act of July 14, 1890, including the names of persons selling the same and who are the owners of the twelve millions of silver bullion which the United States is now asked to purchase; and for such purposes said committee shall have power to send for persons and papers and administer oaths, and shall also have the right to report at any time. The expenses of said inquiry shall be paid out of the contingent fund of the House, upon vouchers approved by the chairman of said committee."

Mr. DOCKERY. I believe, Mr. Speaker, I have twenty-seven minutes remaining.

The SPEAKER. Twenty-seven minutes, less the time occupied by the gentleman from Arkansas.

Mr. DINGLEY. Before the gentleman from Arkansas [Mr. ROGERS] yields the floor, I would like to make a single inquiry.

Mr. DOCKERY. I want to yield to the gentleman from Georgia and then to the gentleman from Ohio——

Mr. DINGLEY. I wish simply to ask the gentleman from Arkansas if his resolution is broad enough to cover an investigation of what was stated by the gentleman from Iowa [Mr. CONGER] upon the floor of the House, that these pools were formed for the purpose of the promotion of the free-coinage amendment, and that they were opposed to the bill as passed? Will it cover both branches of the question?

Mr. ROGERS. I do not think that the resolution contemplated that. If the gentleman desires to enlarge it that can be done.

Mr. DINGLEY. If I remember correctly that was the particular point made by the gentleman from Iowa [Mr. CONGER].

Mr. BLAND. Free silver coinage would stop all this speculation. You would have no speculation in silver if a free-coinage law were passed.

Mr. DINGLEY. The statement of the gentleman from Iowa was that these pools were formed in the interest of the free-coinage amendment.

Mr. BLAND. Free coinage will stop speculation in silver.

Mr. DOCKERY. How much time have I remaining, Mr. Speaker?

The SPEAKER. Twenty-five minutes.

Mr. DOCKERY. I yield fifteen minutes to the gentleman from Georgia [Mr. BLOUNT].

Mr. GROSVENOR. Before the gentleman from Georgia occupies the floor, I only wish a moment or two, for the purpose of making a statement.

Mr. DOCKERY. I promised to yield to the gentleman from Georgia.

Mr. GROSVENOR. Inasmuch as I have been referred to——

Mr. BLOUNT. The gentleman from Ohio will have abundant opportunity to make any statement he desires.

Mr. GROSVENOR. Inasmuch as I was referred to by the gentleman from Missouri [Mr. DOCKERY] in connection with the action of the committee, will the gentleman allow me to make one statement?

Mr. BLOUNT. I am perfectly willing that the gentleman shall have plenty of time. So far as the statement is concerned, it acquits him, and says that he and the gentleman from Illinois [Mr. CANNON] were not of sufficient consequence to make an offer to. [Laughter.]

Mr. GROSVENOR. I do not understand the purport of the gentleman's remarks.

Mr. BLOUNT. I simply mean to say that the statement expressly acquits, in a somewhat jocular form, the gentleman from Ohio [Mr. GROSVENOR] and the gentleman from Illinois [Mr. CANNON].

Mr. GROSVENOR. Oh, I am not charged with anything except as having knowledge, and I want to make a statement on behalf of the committee.

Mr. BLOUNT. I do not propose to occupy all the time that was given to me, and I would be happy to yield to the gentleman afterward.

Mr. DOCKERY. I yield fifteen minutes to the gentleman from Georgia, and then I will yield to the gentleman from Ohio.

Mr. BLOUNT. I hope to be able to yield some of my time to the gentleman.

The SPEAKER. The gentleman from Georgia has fifteen minutes.

Mr. BLOUNT. Mr. Speaker, up to this time I have not thought it proper to say anything in relation to the matter pending before the House, for the reason that, being a member of the Committee on Rules, I recognized that there was a restraint by the rules upon myself, by which I would not be enabled to state what occurred in the committee room, and, as a consequence of it, not even my own attitude on that question. In view of this restraint, placed upon myself and the members of the committee, including the gentleman from Tennessee [Mr. MCMILLIN], I did not feel that I could undertake to say anything. But the House has seen fit by its action this morning to bring up the question of this inquiry, whether it shall be followed up or not, for our consideration at this time.

The gentleman from Ohio has taken occasion to allude to some testimony taken before the committee, and has announced his purpose of publishing in the RECORD what occurred before the committee in the way of testimony, to which I have no objection. He has also stated his own inclination in regard to the investigation; and therefore I feel quite free under the circumstances to express my own views, in which I think I am in a large measure expressing the views of the gentleman from Tennessee [Mr. MCMILLIN].

I believe there was an error in the outset in referring this matter to the Committee on Rules at all. I never saw any propriety in referring the question to the Committee on Rules as to whether there should be an investigation, when the data were already given. I think there were enough data to justify the House in determining upon ordering an investigation.

Now, sir, what are the facts that have gone before the committee that are to be published in the RECORD? We have had some silver legislation, we all know. That growing out of that legislation there has been a silver pool in this country no gentleman is so innocent as not to have suspected. No gentleman is so wanting in intelligence as not to know it, in the sense that we know current events.

There was an allegation made in the St. Louis Globe-Democrat that, with a view of furthering this legislation, $250,000 had been raised in order to enable members of Congress who had not the money, to participate in that speculation. Two hundred and fifty thousand dollars for the purpose of interesting gentlemen in the House and in the Senate in the furtherance of that legislation!

It is also true that this declaration was made in a paper of considerable standing in the country through its Washington correspondents, who, by the evidence before the committee, are gentlemen of unquestioned character. In that article, referring to sources of their testimony, there was a declaration as to names of members and amounts which were given; and when these gentlemen were called before the committee they declined to answer, first, because they did not care to volunteer testimony; but they finally in substance declared that they would not only not answer the Committee on Rules, but would not answer any other committee of the House.

Why this declaration on the part of these correspondents that they would not answer a question involving the integrity of this House, submitted by a committee or to committees of this House? Why not give information to this House? Why not impart to the public mind of the country if there was any knowledge, criminal knowledge, involving the criminal conduct of Senators and Representatives, not absolute, not beyond question to demonstrate, but enough to put the country on notice that there was some foundation for this proceeding?

My friend from Ohio [Mr. MCKINLEY] has taken occasion to say that he does not suspect any gentleman on this floor or in either House. That is not the question. History points out, and not of very ancient date, no further back than the Forty-second Congress, that there were members on the floor of this House who had accepted bribes and who were censured for accepting bribes.

In the Forty-third Congress you had an investigation which disclosed the fact that over $700,000 were expended by the Pacific Mail lobby. These facts make it important in the interest of the American people in the preservation of their confidence in our institutions, for their respect for the two Houses of Congress, that we should not stand pleasing each other with reminders that integrity unquestionably of members is in every breast, but that we should respond to the public, who have the right to watch the course of proceedings here. We should have this investigation, and by reason of it declare in a judicial way, after deliberation in this House, and free it from the charges alleged; or else, having found out there was guilt here, we should purge this House and reinstate it by such action in the confidence of the people of this country. The gentleman tells me we may not obtain evidence full and satisfactory. Suppose we shall not. That is unfortunate. But we shall have manifested to the country that the failure to develop the facts lies not at the door of any member upon this floor.

Now, sir, we have, as I have said, the evidence of these correspondents of high character of these grave charges against the integrity of the House, against the integrity of the legislation of these two bodies, in reference to the great question of the coinage of silver in this land, in which the people to-day are intensely interested and excited. We have the power, in my opinion, under the rulings of the Supreme Court itself, to compel these correspondents to come before this House or its committees and respond to inquiries and make good their statements contained in this correspondence, or that they shall appear as confessing to willfully, maliciously, or carelessly attacking the character of our institutions.

Mr. Speaker, there is nothing that we can so illy afford, there is nothing in which a man can be more recreant to his country than to promote the progress of distrust in the public mind against the public men and public bodies of this country. If its character is so high as the gentleman from Ohio [Mr. MCKINLEY] claims it is, what better service can we do than to give assurance by an investigation that the gentleman's opinion is not alone the opinion of the House of Representatives? I have, therefore, from the first, as a member of the committee, been indifferent to the proceedings further than what I have stated already, that this investigation should be had to obtain testimony, and so I am sure has my friend from Tennessee [Mr. MCMILLIN]. We

have been willing to report this resolution for weeks with a declaration that in our opinion an investigation should be had. If the majority members of the committee deem a different course more prudent, with that we have nothing to do. They are honorable gentlemen, responsible for their own action; I am for mine. I have seen fit to make these declarations here simply because the secrecy of our proceedings which obtains under the rules has been uncovered by the incidents of the day.

One word further. We have but a short time until this session ends. If an investigation is to be had at all it should be had at once. There should be no further delay. I do not believe that any further delay would give more light to the committee. Therefore, sir, I think we should act properly and act instantly. Again, Mr. Speaker, I want this House to be wary in the matter of broadening the scope of this resolution. I think that the committee should confine itself to the question involving the integrity of the members of this House and of the Senate. I think there should not be coupled with that any other question which would prolong the investigation; prolong it, perhaps, beyond the end of the session; prolong it so that it could not possibly be completed; prolong it by these various inquiries until the 4th of March shall be reached and this matter shall be ended incomplete, confused, and without action by the House. For these reasons, Mr. Speaker, I have seen fit to make the declarations I have made to the House, and I now yield as much of my time as I may have left to the gentleman from Tennessee [Mr. McMILLIN].

The SPEAKER. The gentleman's time has expired.

Mr. DOCKERY. I yield ten minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, it is perhaps due to the Committee on Rules and to myself that I should make it a very brief statement. Some days ago the gentleman from Missouri [Mr. DOCKERY] asked me if I had heard the statement made by the gentleman from Iowa [Mr. Conger] when he took his seat after making the remarks on the floor which have been read by the gentleman from Missouri here this morning. I told him that I had. He asked me if the gentleman from Iowa [Mr. Conger] had made the direct charge that he had been solicited to enter into a silver pool. I told him that he had made the direct charge and seemed to be very indignant about it. The gentleman from Missouri asked me if there was any question about the gentleman from Iowa having made a direct statement to that effect, and I said there was not.

I do not remember the exact language of the gentleman from Missouri, but I have stated the substance of it. A day or two afterward I was approached by the gentleman from Ohio [Mr. McKINLEY], who asked me if I had made this statement to the gentleman from Missouri [Mr. DOCKERY], and I told him I had. He then asked me if the gentleman from Iowa [Mr. Conger] had made any statement connecting the name of any member of Congress with the alleged solicitation to him in connection with a silver pool, and I replied that he had not. The gentleman from Ohio then said to me that he should like to have me appear before the Committee on Rules and make that statement there. This was on Saturday. I told him I was ready to go at any time. This morning I left my house earlier than usual and went to various points in the city and arrived here only about five or ten minutes before the House convened. I found that a messenger had been dispatched to my house and not finding me there had come back here, and I was notified on my arrival that I was wanted in the room of the Speaker.

I went there and was ready to make the statement, but it was too late, as it was almost time for the meeting of the House and there were only two members of the committee present. I make this statement simply, in the first instance, to exonerate the Committee on Rules for not having taken my statement and, in the second place, to say that when I come to reconsider the whole of my conversation with the gentleman from Missouri [Mr. DOCKERY] I am satisfied he had a perfect right to understand me to say that the gentleman from Iowa [Mr. Conger] did allege something against somebody involved in this investigation. What I heard said by the gentleman from Iowa [Mr. Conger] was only an enlargement and amplification of what he had already said in his speech on the floor.

Mr. DOCKERY. Mr. Speaker, after the statement of the gentleman from Ohio [Mr. GROSVENOR] I wish to withdraw any remarks of mine which might be construed into a criticism upon the Committee on Rules with reference to his not being called before that committee. I now yield three minutes to the gentleman from Tennessee [Mr. McMILLIN].

Mr. McMILLIN. Mr. Speaker, under ordinary circumstances I should not make any statement touching a matter like this, as what has come to my knowledge in connection with it has occurred in the Committee on Rules, and I realize the propriety of keeping what occurs in committee secret. The gentleman from Georgia [Mr. BLOUNT] has also stated clearly his and my position on the question; but the statement of the gentleman from Ohio [Mr. McKINLEY] makes it not only proper but imperative for me to say that both now and at all times since the evidence we have had presented here this morning came before me I have thought that the ordering of an investigation was proper.

What I have done in committee, what I have said in committee, what others have done or said there, I shall not comment upon, but will leave to be inferred by the House what my action there would be when holding these views. I am ready to admit that the evidence presented to the Committee on Rules and the evidence that has been adduced here to-day are not sufficient to fix criminality on any particular member of this House or of the other branch of Congress, but in my opinion there have been sufficient charges made by responsible parties to make it proper for the House to order an investigation.

If there is criminality it is due to the country that it should be exposed. If there is not criminality, it is due to members of the House that the facts should be known and that the aspersions which have gone out by innuendo, by direct charge or otherwise, should cease to have any effect on the public mind. This is all I have to say.

Mr. DOCKERY. The gentleman from Arkansas [Mr. ROGERS] desires to modify his amendment. I ask that the time be extended two minutes, so that the amendment as modified may be read, after which I propose to call the previous question.

The SPEAKER. Without objection, the time will be extended so as to allow the reading of the amendment. The Chair hears no objection.

Mr. ROGERS. At the suggestion of the gentleman from Maine [Mr. DINGLEY] I have modified my proposition, and I ask the Clerk to read it as modified.

The Clerk read as follows:

Resolved, That the Speaker appoint a special committee of five members of the House, and that such committee be instructed to inquire into all the facts and circumstances connected with silver pools in which Senators and Representatives were alleged to be interested; also with the said alleged purchase and sale of silver prior to and since the passage of the act of July 14, 1890, including the names of persons selling the same; and also who are the owners of the twelve millions of silver bullion which the United States is now asked to purchase. And for such purposes it shall have power to send for persons and papers and administer oaths, and shall also have the right to report at any time. The expenses of said inquiry shall be paid out of the contingent fund of the House upon vouchers approved by the chairman of said committee, to be immediately available.

Mr. DINGLEY. As I understand, this is a substitute simply for the resolution; the preamble still remains.

Mr. ROGERS. It does.

Mr. DOCKERY. I believe I have three minutes remaining; but, as the Committee on the District of Columbia are very anxious to occupy the rest of the day, I desire now to ask the previous question.

Mr. DINGLEY. I wish to suggest whether this resolution should be broad enough to include Senators; whether it would not be more appropriate to include simply Representatives.

Mr. SPINOLA. Oh, cover everybody in the universe! [Laughter.]

Mr. DINGLEY. I simply suggest the question whether the House has authority——

Mr. ROGERS. I have put in this modified proposition at the suggestion of the gentleman from Maine; I will take it all out if he wants it out.

Mr. DINGLEY. I have no objection to it.

Mr. KERR, of Iowa. Would it not be well to include the owners of silver mines?

Mr. BLOUNT. That would be a good way to get nothing out of the investigation.

Mr. DOCKERY. At the suggestion of the gentleman from Ohio, I will not press the previous question, but will ask a vote on the proposition.

Mr. KERR, of Iowa. Would there be any objection to modifying the resolution so as to include also the owners of the silver mines?

Mr. SPINOLA. Include everybody.

The question being taken on agreeing to the amendment of Mr. ROGERS, it was agreed to.

The resolution as amended was adopted.

ORDER OF BUSINESS.

Mr. CUTCHEON. I move that the House now resolve itself into Committee of the Whole on the state of the Union for the consideration of general appropriation bills, my object being to resume the consideration of the army appropriation bill.

Mr. CANNON. I hope that motion will be adopted.

The SPEAKER. The gentleman from Michigan [Mr. CUTCHEON] moves that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering general appropriation bills.

Mr. CUTCHEON. And pending that, I desire to move that all general debate in the Committee of the Whole on the army appropriation bill be limited to one hour.

Mr. BRECKINRIDGE, of Kentucky. I desire to amend that motion.

Mr. GROUT. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. GROUT. It is that under the rules of the House this day is appropriated to such business as may be presented by the Committee on the District of Columbia.

The SPEAKER. Precisely; but the House under the rules has the right to consider appropriation bills if a motion to that effect is made.

Mr. CANNON. If these appropriation bills are to pass this session we had better get at them and pass them.

Mr. CUTCHEON. May I make a single observation——

The SPEAKER. The question is not debatable.

Mr. GROUT. Is not the Committee on the District of Columbia entitled to the floor; and if they are deprived of it must it not be by raising the question of consideration upon their business when presented? Is not the rule absolute in that respect?

The SPEAKER. Under the rules it is the right of a member to move to go into Committee of the Whole to consider appropriation bills. If this motion should be voted down, then the Committee on the District of Columbia will have the right of way.

Mr. CUTCHEON. Allow me to say one word. There are now on our Calendar five general appropriation bills; there is no appropriation bill now with the Appropriations Committee of the Senate——

Mr. BRECKINRIDGE, of Kentucky. I call the gentleman to order.

Mr. ROGERS. If debate is in order, I would like to be heard.

The SPEAKER. Debate is not in order. The question is on the motion of the gentleman from Michigan [Mr. CUTCHEON] to limit debate.

Mr. BRECKINRIDGE, of Kentucky. I move to amend that motion by striking out "one hour" and inserting "three hours."

The question being taken on the amendment of Mr. BRECKINRIDGE, of Kentucky, there were—ayes 71, noes 98.

Mr. BLAND. I call for tellers.

The SPEAKER. Tellers are demanded.

Mr. CANNON. Let us have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 89, nays 105, not voting 137; as follows:

YEAS—89.

Andrew,	Crisp,	Lawler,	Reilly,
Barwig,	Culberson, Tex.	Lee,	Rogers,
Blanchard,	Davidson,	Lester, Ga.	Sayers,
Bland,	Dickerson,	Lester, Va.	Shively,
Breckinridge, Ark.	Dockery,	Lewis,	Skinner,
Breckinridge, Ky.	Ellis,	Mansur,	Springer,
Brickner,	Enloe,	Martin, Ind.	Stewart, Tex.
Brookshire,	Flower,	Martin, Tex.	Stockdale,
Brunner,	Forman,	McClellan,	Stone, Ky.
Buchanan, Va.	Forney,	McCreary,	Tucker,
Buckalew,	Fowler,	McMillin,	Turner, Ga.
Candler, Ga.	Geary,	McRae,	Turner, N. Y.
Carlton,	Geissenhainer,	Mills,	Vaux,
Caruth,	Gibson,	Montgomery,	Washington,
Catchings,	Grimes,	Mudd,	Whiting,
Chipman,	Hase,	Mutchler,	Wike,
Clarke, Ala.	Haynes,	Oates,	Wiley,
Clements,	Hemphill,	Outhwaite,	Williams, Ill.
Cobb,	Henderson, N. C.	Owens, Ohio	Wilson, Mo.
Cooper, Ind.	Holman,	Paynter,	Yoder.
Cothran,	Hooker,	Penington,	
Covert,	Kilgore,	Pierce,	
Crain,	Lane,	Pindar,	

NAYS—105.

Allen, Mich.	Culbertson, Pa.	Lacey,	Scranton,
Anderson, Kans.	Cutcheon,	La Follette,	Scull,
Atkinson, Pa.	Dingley,	Laidlaw,	Smith, Ill.
Atkinson, W. Va.	Dolliver,	Langston,	Smith, W. Va.
Baker,	Dunnell,	Lanham,	Smyser,
Banks,	Evans,	Lansing,	Stephenson,
Bayne,	Farquhar,	Laws,	Stivers,
Belden,	Featherston,	Lehlbach,	Stone, Mo.
Belknap,	Flick,	Lind,	Struble,
Bergen,	Flood,	Mason,	Sweney,
Bingham,	Frank,	McDuffie,	Taylor, Ill.
Bliss,	Gear,	McKinley,	Taylor, J. D.
Boothman,	Gest,	Moore, N. H.	Taylor, Tenn.
Brewer,	Grout,	Morey,	Thomas,
Brosius,	Hall,	Morse,	Thompson,
Browne, Va.	Harmer,	Nute,	Tillman,
Burrows,	Haugen,	O'Donnell,	Townsend, Colo.
Burton,	Hays, E. R.	O'Neill, Pa.	Turner, Kans.
Cannon,	Heard,	Osborne,	Vandever,
Carter,	Henderson, Ill.	Owen, Ind.	Wade,
Caswell,	Henderson, Iowa	Payne,	Walker,
Cheadle,	Hill,	Pickler,	Wheeler, Mich.
Clark, Wis.	Hopkins,	Post,	Williams, Ohio
Clark, Wyo.	Kelley,	Ray,	Wilson, Ky.
Cogswell,	Kennedy,	Reed, Iowa	
Comstock,	Kerr, Iowa	Rockwell,	
Cooper, Ohio	Kinsey,	Rowell,	

NOT VOTING—137.

Abbott,	Buchanan, N. J.	Darlington,	Herbert,
Adams,	Bullock,	De Lano,	Hermann,
Alderson,	Bunn,	Dibble,	Hitt,
Allen, Miss.	Butterworth,	Dorsey,	Houk,
Anderson, Miss.	Bynum,	Dunphy,	Kerr, Pa.
Arnold,	Caldwell,	Edmunds,	Ketcham,
Bankhead,	Campbell,	Ewart,	Knapp,
Barnes,	Candler, Mass.	Finley,	Lodge,
Bartine,	Cheatham,	Fitch,	Magner,
Beckwith,	Clancy,	Fithian,	Maish,
Biggs,	Clunie,	Funston,	McAdoo,
Blount,	Coleman,	Gifford,	McCarthy,
Boatner,	Connell,	Goodnight,	McClammy,
Boutelle,	Cowles,	Greenhalge,	McComas,
Bowden,	Craig,	Grosvenor,	McCord,
Brower,	Cummings,	Hansbrough,	McCormick,
Brown, J. B.	Dalzell,	Hatch,	McKenna,
Browne, T. M.	Dargan,	Hayes, W. I.	Miles,
Miller,	Peters,	Seney,	Van Schaick,
Milliken,	Phelan,	Sherman,	Waddill,
Moffitt,	Price,	Simonds,	Wallace, Mass.
Moore, Tex.	Pugsley,	Snider,	Wallace, N. Y.
Morgan,	Quackenbush,	Spinola,	Wheeler, Ala.
Morrill,	Quinn,	Spooner,	Whitelaw,
Morrow,	Raines,	Stahlnecker,	Whitthorne,
Niedringhaus,	Randall,	Stewart, Ga.	Wickham,
Norton,	Reyburn,	Stewart, Vt.	Wilkinson,
O'Ferrall,	Richardson,	Stockbridge,	Willcox,
O'Neal, Ind.	Rife,	Stone, Pa.	Wilson, Wash.
O'Neil, Mass.	Robertson,	Stump,	Wilson, W. Va.
Parrett,	Rowland,	Sweet,	Wright,
Payson,	Rusk,	Tarsney,	Yardley.
Peel,	Russell,	Taylor, E. B.	
Perkins,	Sanford,	Townsend, Pa.	
Perry,	Sawyer,	Tracey,	

So the amendment was rejected.

The following pairs were announced, until further notice:

Mr. BOUTELLE with Mr. HERBERT.

Mr. MCCORMICK with Mr. MAGNER.

Mr. RANDALL with Mr. MOORE, of Texas.

For the rest of this day:

Mr. SWEET with Mr. BUNN.

Mr. SHERMAN with Mr. ALLEN, of Mississippi.

Mr. LODGE with Mr. MCADOO.

Mr. WALLACE, of New York, with Mr. MAISH.

Mr. MCKENNA with Mr. BYNUM.

Mr. BOWDEN with Mr. FITHIAN.

Mr. RUSSELL with Mr. O'NEIL, of Massachusetts.

Mr. WADDILL with Mr. WHEELER, of Alabama, on this vote.

The result of the vote was then announced as above recorded.

Mr. BLAND. Mr. Speaker, I move to amend by making the time for debate five hours.

Mr. CANNON. I demand the previous question.

Mr. BLAND. I think I had the floor.

Mr. LANHAM. Mr. Speaker, I desire to offer a suggestion, which I believe will meet the approval of gentlemen on both sides of the House.

Mr. CUTCHEON. I would like very much to hear the suggestion to be made by the gentleman from Texas on the committee.

Mr. LANHAM. I would suggest to the gentleman from Michigan to modify his motion to this extent: to allow one and one-half hours' debate, instead of one hour for general debate; and I will state, too, in this connection that this side of the House has already had, I believe, one hour and a quarter and the other side only twenty-seven minutes of the time heretofore occupied. I think therefore the proposition as a compromise is a perfectly fair one, the gentleman from Michigan having agreed to allow me to control one-half of the time for debate.

Mr. CANNON. Will the gentleman allow me a moment?

Mr. LANHAM. Certainly.

Mr. CANNON. While not a member of the committee, let me ask if it is not proper that we should go on and consider the appropriation bills in good faith and avoid political discussions on these bills?

Mr. LANHAM. I am perfectly in accord with that sentiment, and this suggestion of mine is in the nature of a compromise to save time.

Mr. BLAND. I insist on my motion.

Mr. LANHAM. I hope my friend will yield to me to this extent, to allow me to make an agreement with the gentleman from Michigan in charge of this bill as to time.

Mr. BLAND. Very well.

Mr. CUTCHEON. I am quite willing, rather than have the time taken up with roll-calls, to allow an hour and a half for the general debate, one-half of which time to be occupied by the gentleman from Texas.

The SPEAKER. Is there objection to the arrangement suggested by the gentleman from Texas?

Mr. GROUT. Before proceeding further I wish to call the attention of the House to this point for the purpose of endeavoring to save, if possible, the day for the District of Columbia, and to show also the effect of the vote in favor of the motion of the gentleman from Michigan with reference to District matters. I find by referring to the rules of the last Congress concerning the District of Columbia that the provision there is substantially the same as in the present rule. There is no difference between them. The designation of the right of other committees, the Committee on Appropriations and the Committee on Ways and Means, to take the floor from the Committee on the District of Columbia comes in a somewhat different relation, but it seems to me with the same precise privileges, no greater and no less, for it says in section 6 of Rule XXIV:

> After the hour under the preceding clause then the order of business shall be unfinished business, if any; which having been disposed of motions shall be in order, as follows: First, that the House resolve itself into a Committee of the Whole House on the state of the Union to consider bills raising revenue and general appropriation bills, and then other business on its Calendar.

Now, it gives the same precedence after the morning hour to these committees in the rules of the Fiftieth and preceding Congresses that is given here under our present rules—no greater and no less.

It is a surprise to the Committee on the District of Columbia that they are taken off the floor by a representative of one of these other

committees. It has always been held, and uniformly, that this day was set apart for the business of the District of Columbia; but as against other business the question of consideration could be raised and its business could be set aside if, in the judgment of the House, it was proper to do so.

Now, I am unable to discover any different relation in the rule to what there always has been heretofore.

The SPEAKER. The Chair states that he has repeatedly ruled that Committees on Appropriations and the Committee on Ways and Means have the right after the reading of the Journal on any day to move to go into the Committee of the Whole House on the state of the Union for the consideration of general appropriation bills.

Mr. GROUT. Where the day has been set aside for another matter?

The SPEAKER. Where the day has been set aside under the rule; but the House can negative that motion, and then the District of Columbia, or private bills, or any other matter of a like character would have the right of way.

Mr. GROUT. The only relief, then, is in voting down this motion of the gentleman from Michigan, as I understand?

The SPEAKER. That is correct.

Mr. GROUT. We can not raise the question of consideration?

The SPEAKER. The question of consideration can not be raised, because the motion itself imports consideration by the committee. Is there objection to the arrangement proposed by the gentleman from Texas [Mr. LANHAM] for the limiting of general debate?

Mr. HEARD. I rise to a parliamentary inquiry, Mr. Speaker. It is this, that the day being set apart or dedicated to the business of the District of Columbia by a standing rule of the House, does it not take a two-thirds vote to sustain the motion of the gentleman from Michigan?

The SPEAKER. It does not.

Mr. HEARD. It is a suspension of a regular rule.

The SPEAKER. A majority vote is sufficient. Is there objection to the arrangement proposed by the gentleman from Texas for the limiting of general debate? [After a pause.] The Chair hears none.

Mr. HEMPHILL. That relates to what?

Mr. CUTCHEON. The limitation of general debate on the army appropriation bill.

The SPEAKER. The question is upon the motion of the gentleman from Michigan [Mr. CUTCHEON] that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills, with the understanding that the army appropriation bill is to be considered. The limit of general debate has been already agreed upon.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Upon a division (demanded by Mr. GROUT) there were—ayes 70, noes 48.

Mr. RICHARDSON. I make the point that no quorum has voted and that no quorum is present.

Mr. GROUT. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 115, nays 82, not voting 134; as follows:

YEAS—115.

Allen, Mich.	Dunphy,	Lind,	Smith, W. Va.
Anderson, Kans.	Evans,	Martin, Ind.	Smyser,
Arnold,	Farquhar,	Mason,	Spinola,
Atkinson, W. Va.	Finley,	McDuffie,	Spooner,
Baker,	Flick,	McKinley,	Stephenson,
Banks,	Flood,	Miles,	Stewart, Tex.
Belden,	Frank,	Miller,	Stewart, Vt.
Belknap,	Funston,	Morey,	Stivers,
Bergen,	Gear,	Morse,	Stone, Mo.
Bliss,	Gest,	O'Donnell,	Struble,
Brewer,	Greenhalge,	O'Neill, Pa.	Sweney,
Brosius,	Grosvenor,	Osborne,	Taylor, E. B.
Burrows,	Hall,	Owen, Ind.	Taylor, Ill.
Cannon,	Hays, E. R.	Payne,	Taylor, J. D.
Carter,	Henderson, Ill.	Pindar,	Taylor, Tenn.
Caswell,	Henderson, Iowa	Post,	Thompson,
Cheadle,	Hill,	Quackenbush,	Tillman,
Clark, Wis.	Holman,	Raines,	Townsend, Colo.
Clark, Wyo.	Kelley,	Ray,	Tracey,
Cogswell,	Kennedy,	Reed, Iowa	Turner, Kans.
Comstock,	Kerr, Iowa	Reilly,	Vandever,
Cooper, Ind.	Kilgore,	Rockwell,	Waddill,
Cooper, Ohio	Kinsey,	Rogers,	Wade,
Culberson, Tex.	Lacey,	Rowell,	Walker,
Culbertson, Pa.	Langston,	Sawyer,	Wallace, Mass.
Cutcheon,	Lanham,	Sayers,	Wheeler, Mich.
Dingley,	Lansing,	Scranton,	Williams, Ohio.
Dolliver,	Laws,	Scull,	Wilson, Wash.
Dorsey,	Lehlbach,	Smith, Ill.	

NAYS—82.

Anderson, Miss.	Brookshire,	Covert,	Forney,
Andrew,	Buchanan, Va.	Crain,	Fowler,
Atkinson, Pa.	Buckalew,	Crisp,	Geary,
Barwig,	Burton,	Davidson,	Geissenhainer,
Blanchard,	Candler, Ga.	Dickerson,	Gibson,
Blount,	Carlton,	Dunnell,	Grimes,
Boatner,	Caruth,	Ellis,	Grout,
Breckinridge, Ark.	Catchings,	Enloe,	Hare,
Breckinridge, Ky.	Clarke, Ala.	Flower,	Hatch,
Brickner,	Cobb,	Forman,	Hayes, W. I.
Haynes,	Martin, Tex.	Owens, Ohio	Tucker,
Heard,	McClellan,	Paynter,	Turner, Ga.
Hemphill,	McCreary,	Penington,	Turner, N. Y.
Henderson, N. C.	McMillin,	Pierce,	Vaux,
Hooker,	McRae,	Robertson,	Washington,
La Follette,	Mills,	Shively,	Wike,
Lane,	Montgomery,	Skinner,	Williams, Ill.
Lawler,	Moore, N. H.	Springer,	Wilson, Mo.
Lee,	Mutchler,	Stockdale,	Wilson, W. Va.
Lester, Ga.	Oates,	Stone, Ky.	
Lewis,	Outhwaite,	Stump,	

NOT VOTING—134.

Abbott,	Connell,	Mansur,	Richardson,
Adams,	Cothran,	McAdoo,	Rife,
Alderson,	Cowles,	McCarthy,	Rowland,
Allen, Miss.	Craig,	McClammy,	Rusk,
Bankhead,	Cummings,	McComas,	Russell,
Barnes,	Dalzell,	McCord,	Sanford,
Bartine,	Dargan,	McCormick,	Seney,
Bayne,	Darlington,	McKenna,	Sherman,
Beckwith,	De Lano,	Milliken,	Simonds,
Biggs,	Dibble,	Moffitt,	Snider,
Bingham,	Dockery,	Moore, Tex.	Stahlnecker,
Bland,	Edmunds,	Morgan,	Stewart, Ga.
Boothman,	Ewart,	Morrill,	Stockbridge,
Boutelle,	Featherston,	Morrow,	Stone, Pa.
Bowden,	Fitch,	Mudd,	Sweet,
Brower,	Fithian,	Niedringhaus,	Tarsney,
Brown, J. B.	Gifford,	Norton,	Thomas,
Browne, T. M.	Goodnight,	Nute,	Townsend, Pa.
Browne, Va.	Hansbrough,	O'Ferrall,	Van Schaick.
Brunner,	Harmer,	O'Neall, Ind.	Wallace, N. Y.
Buchanan, N. J.	Haugen,	O'Neil, Mass.	Wheeler, Ala.
Bullock,	Herbert,	Parrett,	Whitelaw,
Bunn,	Hermann,	Payson,	Whiting,
Butterworth,	Hitt,	Peel,	Whitthorne,
Bynum,	Hopkins,	Perkins,	Wickham,
Caldwell,	Houk,	Perry,	Wiley,
Campbell,	Kerr, Pa.	Peters,	Wilkinson,
Candler, Mass.	Ketcham,	Phelan,	Willcox,
Cheatham,	Knapp,	Pickler,	Wilson, Ky.
Chipman,	Laidlaw,	Price,	Wright,
Clancy,	Lester, Va.	Pugsley,	Yardley,
Clements,	Lodge,	Quinn,	Yoder.
Clunie,	Magner,	Randall,	
Coleman,	Maish,	Reyburn,	

So the House resolved to go into Committee of the Whole House on the state of the Union.

The following additional pairs were announced:

For the rest of the day:

Mr. PERKINS with Mr. PEEL.

Mr. CALDWELL with Mr. ABBOTT.

Mr. MUDD with Mr. HAUGEN, on this vote.

The result of the vote was announced as above recorded.

Mr. HEMPHILL. I move that the House do now adjourn.

The SPEAKER *pro tempore*. The Chair had announced the result of the vote, and the House is in Committee of the Whole.

Mr. HEMPHILL. I sought the ear of the Chair before the announcement was made.

Mr. CUTCHEON. I make the point of order that it is not in order.

Mr. HEMPHILL. Why is it not in order?

Mr. CUTCHEON. The Chair had announced the result that the House had determined to go into Committee of the Whole.

The SPEAKER *pro tempore*. The Chair will hold that, the result having been announced, the House is in Committee of the Whole.

Mr. HEMPHILL. I concede that ground if the result had been announced. The Chair is right; but I claim that I made my motion before the announcement was made.

The SPEAKER *pro tempore*. The Chair heard nothing from the gentleman from South Carolina until after the announcement of the result, and then looking in that direction saw the gentleman on his feet.

Mr. HEMPHILL. Of course, if the Chair undertakes to keep his eye in the other direction; but I can not be responsible for that. The House has certainly not gone into Committee of the Whole as yet.

The SPEAKER *pro tempore*. The House has resolved to go into Committee of the Whole, and the gentleman from Maine will please take the chair.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. ROCKWELL, on behalf of the Committee on Foreign Affairs, introduced the bill (H. R. 13069) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1892; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. HOLMAN. I reserve all points of order on the bill.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, was communicated to the House, who also announced the approval of acts of the following titles:

An act (H. R. 9122) granting a pension to Lydia Hood;

An act (H. R. 9950) granting a pension to R. S. Roan;

An act (H. R. 10263) granting a pension to Robert A. England;

An act (H. R. 4254) granting a pension to John Lindt;

An act (H. R. 4508) granting a pension to Richard Jackson;

An act (H. R. 7915) granting a pension to Nancy Barden;

An act (H. R. 11308) to pension Carroll Renfro;
An act (H. R. 11306) to pension Willis Brooks;
An act (H. R. 6531) to restore the pension of Susan Nelson Page;
An act (H. R. 12498) to supply a deficiency in the appropriation for public printing and binding for the first half of the fiscal year 1891, and for other purposes; and
A bill (H. R. 11987) to pension Mary Jane Martin.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 5474) to make payment to E. H. Mix, E. H. Griswold, D. D. Griffith, and C. C. Goodspeed, on erroneous land-entry payments;

A bill (H. R. 9490) authorizing the Secretary of War to grant to the trustees of the Maine Insane Asylum, Augusta, Me., a license to construct a roadway through the United States arsenal grounds at Augusta, Me., and allow the same to be used by the public;

A bill (H. R. 11237) to amend sections 1346 and 1348 of the Revised Statutes of the United States, in reference to the visitation and inspection of the military prison and examination of its accounts and government:

A bill (H. R. 12365) to authorize Oklahoma City, in Oklahoma Territory, to issue bonds to provide a right of way for the Choctaw Coal and Railway Company through said city; and

A bill (H. R. 12395) granting a pension to Mrs. E. J. Baldy, widow of W. H. Baldy.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House was requested, bills of the following titles:

A bill (H. R. 154) for the erection of a public building at Pueblo, Colo.; and

A bill (H. R. 11098) for the relief of Lorenzo S. Coffin, late chaplain Thirty-second Regiment of Iowa Volunteers.

The message further announced that the Senate had passed with amendments a bill (H. R. 4559) to provide for the construction of a public building at Rockford, Ill., asked a conference with the House on said bill and amendments, and had appointed Mr. SPOONER, Mr. MORRILL, and Mr. VEST as conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 3770) to incorporate the Washington and Arlington Railway Company of the District of Columbia; and

A bill (S. 4824) to amend an act entitled "An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes."

The message also announced that the Senate had disagreed to the amendment of the House to the bill (S. 4585) granting a pension to Mary B. Hascall, asked a conference with the House on the disagreeing votes of the two Houses, and had appointed Mr. DAVIS, Mr. SAWYER, and Mr. TURPIE as conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3271) to enable the Secretary of the Interior to carry out, in part, the provisions of "An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes," approved March 2, 1889, and making appropriations for the same, and for other purposes.

The message also announced that the Senate had agreed to the amendments of the House to bills of the following titles:

A bill (S. 4167) granting an increase of pension to Sarah V. Azpell; and

A bill (S. 4416) granting a pension to Thomas Richardson.

ARMY APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. DINGLEY in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of considering appropriation bills, and the Clerk will report the unfinished business.

The Clerk read as follows:

A bill (H. R. 12573) making appropriations for the support of the Army for the fiscal year ending June 30, 1892, and for other purposes.

The CHAIRMAN. By order of the House general debate has been limited to one hour and a half.

Mr. CUTCHEON. Under the arrangement made in the House for one hour and a half debate, half of that time is apportioned to the other side of the House, and to be controlled by the gentleman from Texas [Mr. LANHAM]. I desire that he now avail himself of that portion of the time.

Mr. LANHAM. Mr. Chairman, I yield forty minutes to the gentleman from Missouri [Mr. STONE].

Mr. STONE, of Missouri. Mr. Chairman, I shall at the proper time and place propose an amendment to the pending bill which in effect will be intended to prohibit the use of any part of the military force of the United States at any polling place on any election day. I shall do this, sir, because of the menace held up by what is usually and properly denominated the force bill.

Mr. Chairman, the more serious aspects of the force bill have been ably and thoroughly debated, and the dangers with which it menaces the integrity of the States and the liberties of the people have been made manifest. I do not feel that I could contribute anything of value to that, the most important phase of the discussion. But there is another phase of it concerning which I desire to express an opinion, and that is the intolerable impertinence of those who have proposed this measure and the sniveling hypocrisy with which it is urged. In one sense it is the natural outgrowth of that old Federal-monarchic spirit which has always been more or less dominant in the Commonwealths of New England; but in another sense, more offensive if less perilous, it is an insolent exhibition of that officious superrighteousness of a certain class of New England Yankees, who, rolling their eyes with a fine frenzy of the *te Deum laudamus* quality, thrust themselves impertinently into the affairs of other people and assume, with an air of superior capacity and divine right, to prescribe codes, moral, ethical, and civil, for the government of all mankind, seeing to it that the law, in letter and spirit, is less rigid on themselves than other people.

This force bill, which is treason disguised, was hatched under the hovering wing of this influence and is brought here in the hands and under the protection of this class of hypocrites. I know there are certain fawning fellows, with running noses, at the South and West whose eyes are ever turned eastward for inspiration, and who sneeze when snuff is taken at Boston. Indeed, I am informed there is a certain gentleman here, of truculent aspect, from a Western State who, without apparent shame, insists that he has a right to share in the dishonor of originating this measure. He has had it trumpeted abroad that he was one of two emissaries of a partisan caucus delegated to manufacture it. There may be some foundation for this fatal shame which this gentleman openly courts, though I doubt it. But, whether so or not, the bill is neither better nor worse whether its paternity be as I have stated and believe it is or whether it be a hybrid progeny, a hermaphrodite cross between the pharisaical malevolence of a Puritan and the pernicious stupidity of a blatherskite.

The bill is none the less of that quality, *sui generis*, which is the natural outgrowth of that sanctimonious spirit of pompous intermeddling to which I have alluded, and which puts on unction to conceal craft, and the pith of whose patriotism is barter. The nativity of the thing, the place of the nest-hiding, and the purpose of its existence are all disclosed when we observe, first, the Oscar Wilde type of its paternal ancestor, who moves with an air of lugubrious pedantry and a solemn sense of weighty responsibility about the aisles of this Chamber, and, second, note the matronly masculinity which serves in the office of wet-nurse at another place in the Capitol. [Laughter on the Democratic side.]

The other day two men, each bearing a commission from a great State, were discussing constitutions. One was comparing the constitution of Massachusetts, which denies the right of suffrage to all who are unable to read a clause of that instrument, with the constitution of Mississippi, which denies the right of suffrage to all who are unable to read a clause of the instrument or to understand it when read to them, and said that the provision of the Massachusetts constitution was as liable to be abused as that of Mississippi. The other said, with a smirk and a cunning air of indignant surprise, "No, it is not." How magnanimous, how noble, how patriotic that was! You all know that man. Certain proprieties forbid that I should name him in this presence, but you know him. You have seen his lunar face, clean shaven and shining with benevolent hypocrisy, a perfect New England copy of the Old England Pecksniff, "so thoroughly impregnated with the spirit of falsehood that he is moral even in drunkenness and canting even in shame and discovery."

Still he is a man greatly esteemed where he lives, so I am told, for piety, learning, and wisdom. He is bearer of many honorary degrees conferred upon him by sundry colleges, another apt illustration of a patent truth, that Dr. Pangloss, of Colman's comedy, is not the only LL. D. who is also an A. SS. This man is eternally sneering at the Southern States, vilifying and traducing them. And yet he professes to love them and to pray for their prosperity. When he purs and caresses, look out for the tooth and the claw. Only the other day he said:

I am always proud that the people of the South are my countrymen, when I think of their superb constancy. Indeed, I am inclined to speak of this as did the good lady whose kindness of heart was so great that when her children told her that she would speak well of Satan himself, she replied, "I wish you all had his perseverance."

If his profession of good will for the South be at all sincere, then he resembles the Lord at least in one respect—I am glad he does not in any other—"Whom he loveth, he chasteneth."

Why is the suffrage provision of the Mississippi constitution, which in itself is not so restrictive or so bad as that of Massachusetts, more liable to abuse? Why? Why are taunts and insults like this continually thrown at the Southern people, except it be to exasperate

them and provoke retorts which can be misused to arouse sectional animosities and thereby secure partisan advantage? What is there in the character or history of that people which gives justification or warrant for indicting whole communities and States for fraud and theft, for murder and treason, both done and meditated? In what does Massachusetts, great as she is—and she is great—so excel Virginia that she need draw down her brows and fret and fume with the supercilious air of an overseer? If you remind them that Virginia gave us Washington, Jefferson, and Madison, and Monroe, and Marshall, and others scarcely less illustrious, whose names adorn, as no others do, the history of the Republic, the whole pack of sniveling Pecksniffs answer back in chorus: "Yes; and gave us Lee, and Jackson, and rebellion."

Very well; this much at least is true: General Grant regarded Lee and Jackson as great and honorable and noble men. And as for rebellion, it might not be wholly amiss if the honorable gentleman, who brings this measure in here under the shelter of his gorgeous wing, and others, should pause awhile to reflect. He at least might remember that there is upon his lineage the imperishable taint of an odious treason. The year 1809 was full of peril to the young Republic. The momentous questions which provoked the war of 1812 were then, as they had long been, the subject of exasperating diplomacy. The pen of the diplomat was about being laid aside for the sword of the warrior. Then it was that Henry, a trusted emissary of the British Government, went prowling through Vermont, New Hampshire, and Massachusetts, treating with the old Federal party in those Commonwealths. He reported that he found them disaffected and rebellious in temperament. "Indeed," said he, "they have so long regarded the Constitution of the United States with complacency that they are now disposed in this quarter to treat it like a truant mistress, whom they would for a time put away on a separate maintenance, but without further and greater provocation would not absolutely repudiate."

Soon after this the war came, and while our fathers were grappling in a death struggle with Great Britain a convention of pro-English sedition-breeders and plotters of treason assembled at Hartford on the 15th day of December, 1814. George Cabot, the grandfather, as I am informed, of the reputed author of this force bill, was the president of that convention. The delegates composing it unquestionably represented the dominant sentiment in the Commonwealths whose credentials they bore, but happily there were thousands of stalwart and incorruptible patriots among their constituencies who stood ready to imperil everything for the honor and safety of the Republic. The deliberations of the convention, therefore, were conducted with guarded secrecy, under lock and key. But it is known that those deliberations were characterized by a spirit of sedition and bigotry, of enmity to the Constitution and revolt against the authority of the United States.

What think you of that? A convention of Americans, assembled by the authority of their States, in an hour of extreme peril to the nation, then straining every nerve and muscle to the utmost in a mighty struggle with a formidable foreign foe, whose ships were hovering in our waters and whose battalions were marshaled on our soil, plotting, ay, sir, plotting, with drawn blinds and candles lit at midday, against the authority of the Government! Almost on the very day that Jackson's intrepid squadrons were hurling back the red line of invasion which had swept up against the walls of New Orleans this convention issued a public address to the people of New England in which, exalting commerce above every consideration of patriotism and national unity, it assailed the Constitution of the United States and the Administration at Washington, denounced the war as wicked and unnecessary, and condemned the Government as feeble, ineffectual, and despotic in its conduct. The address breathed forth the very spirit of sedition, counseling, as far as it dared, organization with a view to open revolt and resistance. Here is one passage in this remarkable address to which I desire to call the prayerful attention of this illustrious, superloyal grandson of his illustrious but less loyal grandfather:

> That acts of Congress in violation of the Constitution are absolutely void, is an undeniable position. It does not, however, consist with respect and forbearance due from a Confederate State towards the General Government to fly to open resistance upon every infraction of the Constitution. The mode and the energy of the opposition should always conform to the nature of the violation, the intention of the authors, the extent of the injury inflicted, the determination manifested to persist in it, and the danger of delay. But in cases of deliberate, dangerous, and palpable infractions of the Constitution, affecting the sovereignty of a State and liberties of the people, it is not only the right, but the duty of such a State to interpose its authority for their protection in the manner best calculated to secure that end. When emergencies occur which are either beyond the reach of the judicial tribunals or too pressing to admit of the delay incident to their forms, States which have no common umpire must be their own judges and execute their own decisions. It will thus be proper for the several States to await the ultimate disposal of the obnoxious measures recommended by the Secretary of War or pending before Congress, and so to use their power, according to the character these measures shall finally assume, as effectually to protect their own sovereignty and the rights and liberties of their citizens.

Shade of Jefferson Davis, how thou art justified by the voice of this old father in Massachusetts which comes up to cast down and rebuke his son!

And this, which it was recommended should be insisted upon as an amendment to the Federal Constitution:

> No person who shall hereafter be naturalized shall be eligible as a member of the Senate or House of Representatives of the United States nor capable of holding any civil office under the authority of the United States.

Oh, how the whole contingent of Pats and Johanns, young and old, male and female, foreign and domestic, should rush one over the other in their impetuous zeal to follow the son of old George Cabot, who promulgated the proposition I have quoted and made its adoption into the Constitution of the United States a condition to his loyalty, as he now gallops away on a mad crusade against the South, carrying disorder and dismay among the happy and prosperous people of that section, who are patiently working out to some just solution the grave and difficult problems which surround them, in a vain effort to lift up the negro suddenly and make him, *nolens volens*, fitted or unfitted, the ruler and arbiter of the States.

Mr. Speaker, I am heartily tired and sick of this eternal cant and hypocrisy. I think the time has come to tear off the thin veil which covers it and to express our opinions about this business and the fellows who are engaged in it.

What is this bill, anyhow? It is urged on the pretense that it is necessary to secure fair elections. But every honest man of intelligence knows that that is a mere subterfuge. It originates in a section of the Union which has grown enormously rich at the expense of the West and South. It observes the development and rapid growth in political power of the West and South with ever-increasing alarm. Conscious that unity of interest will, as a matter of self-defense, ultimate inevitably in bringing about some unity of action between the West and South, this bill is thrown as a firebrand into our politics, with the hope of passing it under the spur of partisan prejudice and pressure, thereby delaying that political adhesion already approaching in other sections, and using it to perpetuate as long as possible a local advantage.

Fair elections! Sir, it will be a sad day for this Republic when the people can be no longer trusted with the ballot box. Virtue is the very essence of popular liberty; but equally so is liberty the essence of public virtue. These gentlemen say they can no longer trust the States and the people with their own ballot box. They hold it has become necessary to have an army of officials, without direct responsibility to the voters, to watch, to supervise, and, if need be, to punish them. If, indeed, it be true that patriotism and public sentiment and public morals have come to this low ebb, then are we approaching that starless night into whose eternal shadows have disappeared nearly every effort at popular government which mankind, striving for higher and nobler ideals of liberty, have ever made in the history of the world. I do not believe it. I can still trust with perfect confidence the people of all or any of the States of the American Union. I had rather confide the ballot box to the plain people of the land, risk its purity to their patriotism and its safety to their hands, than trust it to any band of partisan mercenaries, with badges on their lapels and batons or bayonets in their hands, appointed by any Federal Administration that ever was or shall be.

Against whom, specially and professedly, is this haughty insolence directed? Against whom are these charges of fraud and crime, these burning and intolerable insults, leveled? The Democratic party. Forget not, gentlemen, that that party represents a large majority of all the people of the whole country, and a full round million majority of the white voters of the United States, the sons of the warriors and matrons who won the battles of the Revolution and laid broad and deep the foundations of the Republic. They can not be intimidated by a threat nor overawed by a menace.

The accidental and temporary possession of power may enable you to pass this bill, notwithstanding it has been recently overwhelmingly condemned by popular expression. The will of the common people does not count for much in some quarters, I know. The other day I read in the Washington Post an interview with a distinguished Senator in Congress. The proposed rule to close debate in the Senate was the subject of discussion. I quote:

> Do you believe that the country will sustain the Republicans in passing such a rule, overturning the precedents of the Senate, for the sake of passing an elections bill?
>
> "I have only to say, in the first place," replied Senator EDMUNDS, deliberately, "that what the country, with the information that it gets from partisan newspapers of all kinds, may think in respect to the propriety of such a rule is entirely immaterial to me, in the sense of affecting my conduct in doing what I think is my duty in the promotion of the general public interest."

"What the country may think is entirely immaterial to me." Damn the country! Damn the people! Let the country take off its hat, let the people make low obeisance when the great *Ego*, the infallible oracle of the Green Mountains, deigns to avouch his purpose. Let the common herd list and hold its breath when great Jupiter thunders. Nero must fiddle, though Rome shall burn. Sir, this sort of thing is not without its precedent. The big head often runs to madness, and the disease is often most virulent when it afflicts senility.

Mr. Speaker, I regard this force bill as the foulest blow struck at national concord and prosperity in a quarter of a century and the foulest ever struck at the integrity, the dignity, the power, and the sovereignty of the States by any man at any time in the entire history of the Republic.

Is this a part of a conspiracy concocted by a few ambitious or mercenary leaders of a political organization, which finds itself in accidental possession of the Government, to perpetuate its partisan supremacy? What means this intemperate haste in the admission into the

Union of certain new States of one political complexion and the exclusion of others of a different political complexion, but having equal if not superior qualifications for statehood, if it be not to increase the power of a party in the electoral college and in the Senate? And is this revolutionary and treasonable project put forward as a part, the most daring and devilish part, of a great conspiracy, under the operation of which it is expected to secure permanent control of the House of Representatives? And do you expect the American people to bend in obsequious submission and unresisting obedience to such a law?

I do not speak for the South; I am not from the South. I do not speak for the North; I am not from the North. So far as considerations of that character are concerned, if indeed they are worthy of our thought at all, I am by birth, education, residence, and interest identified with that constellation of mighty commonwealths grouped resplendent about the very heart of the Republic, and I belong to a generation of Americans born, or grown from childhood to manhood, since the bloody chapters of that history which sectionized the Union into North and South were written and closed in the tumultuous days of 1865. I come from a State and I represent a district which as completely illustrates national cosmopolitism as any State or district in the American Union.

With the past I have no concern, except to learn salutary lessons from its experiences. I belong to the present, to the Republic of to-day and of the future. And remembering, as I do, that I spring from the loins of men who bore their parts nobly and well in the perilous days of the Revolution, I would be untrue to their memory and to myself, I would be untrue to my country, to my trust, to the Constitution of the fathers, and to human liberty, if I did not spit upon such a law, despise its authors, and defy its power. Write that treason in the statutes and command me to obey it! As well had you command me by statutory enactment to turn from the God of my fathers and bow the knee before Mahomet, spurn the holy gospels and accept Alcoran as the text book of my religion.

Representatives of America, Republicans and Democrats, in the presence of an emergency so critical, so momentous, so fraught with dread calamity to human hope as that which now confronts us, I adjure you that we rise above the level of partisans and be patriots at least if we can be nothing more.

[Loud applause on the Democratic side.]

Mr. LANHAM. How much time did the gentleman from Missouri consume?

The CHAIRMAN. The gentleman from Missouri used thirty-two and a half minutes.

Mr. LANHAM. I reserve the balance of my time.

Mr. CUTCHEON. How much time is remaining upon that side?

The CHAIRMAN. Twelve minutes and a half.

Mr. WILLIAMS, of Ohio. I think after that gory speech we ought to pass the military bill without any trouble.

Mr. ALLEN, of Michigan. As a matter of safety.

Mr. WILLIAMS, of Ohio. As a matter of safety to the country. [Laughter.]

Mr. CUTCHEON. I yield ten minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Chairman, I shall not attempt to reply to the speech that has just been delivered by the gentleman from Missouri [Mr. STONE]. "One woe doth tread upon another's heel so swift" that I shall have to go back and take them up in the order in which they have been filed for consideration.

I desire to devote ten minutes of the valuable time of the committee to an amplification and enlargement of the spirit and purposes of the very eloquent and able speech of the gentleman from Texas [Mr. LANHAM], delivered on last Saturday morning. That speech awakened a responsive echo in my heart, and especially, Mr. Chairman, three or four paragraphs which begin with the language:

> Resuming now, Mr. Chairman, the trend of my own reflections, I want to say that I have no toleration for that sickly sentiment of expediency which distrusts the propriety of according to a Southern man, merely because he is such, any right or position to which his merits and citizenship may entitle him to aspire. I have no patience with that restrictive policy that would in any manner proscribe any worthy and capable citizen of the United States from scaling the heights beyond the Senate or a position in the Cabinet.
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> The longer this sort of idea is indulged the further will be the postponement of the complete and final overthrow of sectionalism. Any man who is worthy to be trusted in making our laws ought to be eligible to their execution. A Senator who is competent to confirm by his vote the nomination of a Chief Justice of the Supreme Court of the United States should not be debarred from aspiring, through the will of the people, to the Chief Magistracy of the Government. If he be fully equal to all the demands of the functions of legislator and advisor to the President, why should he not be thought worthy to be President? It is usual that increased responsibility will beget and stimulate a preparation and capacity for the requirements of the new station.
>
> The difference in opportunity is frequently greater than that in ability, and nowhere, perhaps, is this more observable than in the public service. For example, who that knows them would for a moment contend that VEST, or BUTLER, or GEORGE, or MORGAN was not the peer of General Harrison when he served with them in the Senate of the United States? What intelligent man would assert that either of them is not the intellectual equal of the present Executive, and who doubts that either of them would make as good and patriotic a President as the present incumbent?
>
> What sensible man honestly believes that the election of either of these distinguished statesmen to the Presidency of the United States would imperil our institutions, bankrupt the Government, or shipwreck the state? Their service has been long and faithful and efficient in the National Legislature. They are confessedly skillful in statecraft. Then why is it that they and men like them are never mentioned in the list of even Vice Presidential possibilities? The answer is, simply because they are Southern men and were combatants during the war.

I am in favor of the fullest development of the practical results of that argument; and like all other reforms I demand that this shall begin at home, begin where the wrong was first perpetrated and be carried out at the place where the wrong has been most oppressive. Therefore it is that in this spirit of fraternity and of breaking down the barriers of proscription that have been builded up against a section of this country, I demand that the Democratic party, in its national capacity, shall remove by some public act—a practical act such as I will point out to all men—the ban of proscription that it has placed upon one section of this country and the men of that section and the men of a certain class in one section.

Why, Mr. Chairman, when the Democrats of the South furnish 153 electoral votes every time to the candidate of the Democratic party, regardless of who he is or where he comes from, 153 electoral votes that do not cost anybody a cent, a large majority of which may just as well be certified sixty days before the election as to wait until after the election——

Mr. SPINOLA. Will my friend allow me to ask him a question?

Mr. GROSVENOR. If it is not about that monument. I do not want to hear anything more about that just now. [Laughter.]

Mr. SPINOLA. Later on I will ask you about that; but what I wanted to ask the gentleman was about that $400,000 that the Postmaster-General raised and what became of it.

The CHAIRMAN. Does the gentleman from Ohio yield?

Mr. GROSVENOR. I decline to yield because I do not want any fun just now. [Laughter.] I am arguing the case with the Democratic party. They furnish 153 electoral votes that might just as well be filed in the office of the Secretary of State sixty days before the election as thirty days after. Why, then, from 1868 down to the present time has the Democratic party steadily refused to nominate for President or Vice President any man who was engaged in the rebellion against the Government? Why, when it has demanded loyalty and subserviency and servility even at the hands of those States, has it always refused to confer these high honors upon the men of those States? Going back to 1868, the Democrats nominated a Democrat from New York and a man from Missouri who had theretofore been a Republican, but was then a sort of Democrat, a man who had been a good soldier on our side. Then in 1872 they nominated a gentleman from New York and a Union soldier from Missouri. Again, in 1876 they nominated Tilden and Hendricks. In 1880 they nominated Hancock and English. In 1884 they nominated Cleveland and Hendricks, and in 1888 Cleveland and Thurman. [Applause on the Democratic side.] All this time they were burning in deeper and deeper the brand which they had placed upon the members of the Democratic party from the South.

And that was not all of it. Mr. Cleveland came into power the first Democratic President after the rebellion, the first after Buchanan. He had been elected by 153 of these electoral votes. Every one of those great States that had lately been in rebellion had voted for him. He formed his Cabinet, and every man in it, with one single exception, was taken from outside of those eleven States, and that one exception he took care to select from amongst the men who had failed to respond to the shock of battle in the Southern army.

That is not all. When he came to fill the great diplomatic posts abroad, when he came to send representatives of this Government to represent the United States in the courts of Europe and the world, he sent to England Mr. Phelps, of Vermont; to France, Mr. McLane, of Maryland; to Germany, Mr. Pendleton, of Ohio; to Italy, Mr. Stallo, of Ohio; to Russia, Mr. Lothrop, of Michigan, and so on. Never was there a time in the history of American politics when a class of men in this country have been stigmatized by the negative action of their own party as thoroughly as have been the Democrats of the South. On the other hand what have the Republican Administration done?

Mr. CATCHINGS. I understood the gentleman to say that the only Southern man placed by Mr. Cleveland in his Cabinet was one who had not been in the Confederate army.

Mr. GROSVENOR. So I understood.

Mr. CATCHINGS. You are mistaken, sir. He was colonel of a regiment.

Mr. GROSVENOR. Very well; then the exception points the rule which I have stated.

Mr. ENLOE. Why is it that the Republican party has never placed Bruce, of Mississippi, or LANGSTON, of Virginia, on the Presidential ticket?

Mr. GROSVENOR. They never were candidates for the place. [Laughter.] I was coming around, Mr. Chairman, to show that the first rebel that ever was appointed to a place in the Cabinet of a President of the United States was put there by Ulysses S. Grant, and the second by Rutherford B. Hayes, of Ohio; and more of the men who fought in the rebel army have been sent abroad to represent the United States, with commissions signed by Republican Presidents, than ever were sent by any one Democratic President in our history.

Mr. OUTHWAITE. Why, then, did you complain of our doing a little of it during the Cleveland Administration?

Mr. GROSVENOR. I do not complain of it and I never did; and I am here to charge your party with having invented and made almost perpetual the branding as unfit for these high offices of the unfortunate men who served in the Confederate army. You have done that, and here, in the speech of the gentleman from Texas [Mr. LANHAM], is an appeal by one of the most distinguished of them that the time has come when there ought to be amnesty in the Democratic party for those Democrats. [Laughter.]

Mr. OUTHWAITE. The burden of your speech——

Mr. GROSVENOR. The burden of my speech just now is your interruption. [Laughter.]

Mr. OUTHWAITE. The burden of your speeches and of the speeches of other Republican orators in Ohio in the campaign of 1888 was that Grover Cleveland had sent "Confederate brigadiers" to represent us abroad. That was your stock argument.

Mr. GROSVENOR. Mr. Chairman, I do not see where that suggestion of my distinguished and good-natured colleague comes in. [Laughter.]

Mr. OUTHWAITE. It is not a suggestion; it is a statement of fact which you can not controvert.

Mr. GROSVENOR. My friend knows better than to interrupt me merely for the purpose of interruption. I was saying, Mr. Chairman, that the Republican party not only nominated for Vice President a candidate from a rebel State who had always been a Democrat, but also that Republican Presidents put into their Cabinets men who had served with distinction in the rebel army, and the proscription which the gentleman from Texas [Mr. LANHAM] has appealed against is the proscription of his own party, a proscription the weight and hardship of which are felt alone by the Democrats themselves. But I was coming to another point.

[Here the hammer fell.]

Mr. GROSVENOR. I hope the gentleman from Michigan will give me five minutes more.

Mr. CUTCHEON. I yield the gentleman an additional five minutes.

Mr. GROSVENOR. But, Mr. Chairman, it may be said that in regard to these appointive offices there ought to be great care taken lest the character of the men appointed should cast a shadow over the great Democratic party. But I want to speak a moment about another office, the office of Speaker of the House of Representatives. That is an office that has to go to some member of the majority on the floor of this House. You gentlemen on the other side have had control of the House of Representatives, with the exception of two Congresses, ever since 1870.

Mr. LANHAM. Do you not think the country ought to be congratulated on that fact?

Mr. GROSVENOR. I think the country ought to be congratulated on the fact that one representative of the rebels on this floor wants to protest against the policy of his party [laughter], and I am trying to show him what the policy is. Year after year, Congress after Congress, you elected a Democratic majority of Representatives; they have come here in solid columns from the South with votes enough to control the Democratic caucus; but you have met a popular sentiment, so strong that you dare not protest against it, that no man who was in the rebellion should be Speaker of the House of Representatives of this country. And so you went to Pennsylvania and for three successive terms you took—am I right in saying a Democrat? He was a Democrat then; if he were alive to-day he would have to hunt for party affiliations outside of the Democratic party, a loyal man, a man who fought on the Union side, a magnificent exponent of Democratic loyalty in the North. And he was made Speaker. And so you have come on down to the present time, excluding the great statesmen of the South from all occupation of the Speaker's chair.

I say that never in the history of political proscription, not even in the days that followed the Revolutionary war, when the Tories of the Revolution were proscribed, nor later on, when the men who had engaged in the Hartford convention which has been inveighed against, were proscribed, never was there a proscription more bitter, more unrelenting, more far-reaching than that which is found in the record of the Democratic party of this country against the men who fought to destroy the Union.

So let the spirit of fraternity begin in the Democratic party; let it begin in the party that has thus proscribed its own members, and you will find no tendency to proscription or sectionalism on the Republican side of this House nor in the Republican party anywhere in this country. [Applause on the Republican side.]

Mr. CUTCHEON. Mr. Speaker, I now yield ten minutes to the gentleman from Massachusetts [Mr. GREENHALGE].

Mr. GREENHALGE. Mr. Chairman, I am sorry that a discussion of an important appropriation bill has called forth so much acrimony in this House. As a colleague of mine has reminded me, with an Indian outbreak upon our hands—with "Hannibal at the gates"—it is singular that so much virulent opposition should be manifested to the bill now before the House. I came into the Hall a few moments ago and heard a few of the closing sentences of the gentleman from Missouri [Mr. STONE]. I can not understand the motive or the animus of his opposition to the bill before the House. I do not comprehend the reason of the severe denunciation which even the Commonwealth of Massachusetts has received at his hands.

I only know, Mr. Chairman, that whenever any man "runs amuck," whenever he becomes demoralized and ceases to be master of whatever mind he may have, there is an attack made upon the Commonwealth which for a month or two to come I have the honor—a sort of obituary honor—to represent in part. [Laughter.] Now, I desired to ask the gentleman from Missouri (but, content with his triumph, he retired suddenly from the House) one momentous question, and that was, whether his attack upon Massachusetts was prepared before the 4th of November or subsequently. [Laughter.] His answer might have had an important effect upon my manner of treating that attack. I should admit that if his remarks were composed after the 4th of November there was much truth in what he said. [Laughter.] If they were composed before the 4th of November, then I should resent with all my power, with all my force, little as it may be, any attack upon the old Commonwealth.

But how these gentlemen when they want to get a breath of life in this Congress have to go back to 1812! You would expect from them, Mr. Chairman, words of eulogy for the Hartford convention. Yet we hear none. We hear only the very principles which they pretend have been successful at the last election condemned—why? They tell us that those principles were wrong in 1812, but they are right in 1890. I say that the same principles held up by that convention are what will animate the majority that will sit in that wonderful angle described by the gentleman from Illinois [Mr. SPRINGER] the other day—an angle of 45°—in the next House. Ah, gentlemen, you may think that we Republican Representatives from Massachusetts have not amounted to much as you have looked upon us in this House; but wait till you see our successors! [Laughter.]

Mr. Chairman, I appreciate fully the complaint which is growing louder and louder upon that side of the House; and, as "the subsequent proceedings are interesting me no more," I take some pleasure in seeing the real, sincere manifestations of feeling upon the other side. You have a right, my friends on the other side (and I leave you this as a sort of farewell address)—you have a right to complain of the treatment of your Northern brothers. They do not give you fair representation upon their tickets; they do not carry out the logic of their convictions. My friend from Ohio tauntingly asks—no, I am not sure about it being his taunt; he made a taunt of some sort or other—we have been tauntingly asked about our friend from Virginia [Mr. LANGSTON]. Why do you complain about our action in regard to that gentleman? You were more disgusted, you were more irritated by the action of this side of the House upon the question of seating that gentleman than upon anything else which has been done on this side of the House or under its auspices.

Mr. ENLOE. Will the gentleman allow me a moment?

Mr. GREENHALGE. Certainly.

Mr. ENLOE. I made the suggestion to which you refer; and I want to say that I was speaking of a matter over which your side had jurisdiction. You elected him to this House after the people had repudiated him. I say, when you have the right to elect at the polls, why do you not put such men on your Presidential tickets?

Mr. GREENHALGE. Is that the gentleman's idea of a question? [Laughter.] Well, let it go at that.

Now, I say that while we certainly have done our part by any man who marched under the banner of the Republican party you have the right, my friends, in the next House to demand your full rights. You have the right to demand the repeal of the fifteenth amendment to the Constitution; you have the right to declare for the repeal of the last three amendments to the Constitution; you have the right to require that the ablest man upon your side shall be elected Speaker, in spite of his record as a Confederate soldier. I say to you act out the courage of your convictions. Be true to yourselves. The great trouble between political parties is that they do not state the true issues. We have had men skulking and hiding under this side and under the other side. Now, then, come out fairly and boldly, and the people of the country will have at least the privilege of getting the question before them stated fairly and honestly. Stand up, then, my friends, in the next House. This is my parting benediction. [Laughter and applause.]

Ah, you talk to us kindly—and I want to express my gratitude for the kindness of the other side of the House in my supposed unfortunate condition—you talk to us about the "lost cause." If it were a lost cause we should have more sympathy, active and vital, from the other side of the House than we have. It is simply because it is not a lost cause that you still have a rankling and ill feeling left.

Now, my friends, I consider it a matter of magnanimity, perhaps, on my part to stand forward in these last moments to defend the old Commonwealth; but in spite of her errors—and I stand here as one of the errors, and I know it will suit gentlemen on that side in one aspect and will suit gentlemen on this side in another—I still say that these attacks upon the first Commonwealth of the Union are unworthy of the men who make them, and the posthumous arguments upon the Federal elections bill, the little miserable attacks and personalities, unworthy, shameful, and cowardly attacks upon the person of any mem-

ber of this House, his father, his mother, his ancestors in any degree, or upon members in the co-ordinate branch, are not worthy of any man of chivalry or honor or self respect.

These things come too late. You project upon us an attack upon a bill which has gone from this House. We are ready to meet that attack in any proper time. We are ready to meet it when it is before the House or at any other time, and still appeal to the chivalry and decency of the House to condemn this resuscitation of arguments projected months and months ago and then brought forward in their sepulchral shrouds I hope to the contempt of the House. [Loud applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CUTCHEON. I would like now if the gentleman from Texas would consume at least a portion of his time.

Mr. LANHAM. I only wish to say a word or two at this point and will then yield to the gentleman from Missouri [Mr. BLAND]. I believe I have twelve minutes remaining.

Mr. SPINOLA. Twelve and one-half minutes. [Laughter.]

Mr. LANHAM. Mr. Chairman, I had no idea the other day when I made what I wanted to be a broad-gauged speech for the cause of fraternity and good feeling generally, and in opposition to every species of sectionalism, that it would bring forth any acrimonious discussion or provoke the *post obit* utterances to which we have just listened. The gentleman from Massachusetts spoke about delivering his obituary. I could but think while he was speaking of a stanza I learned when I was a little boy, something like the following, as well as I can now recall it:

> What is that, mother? The swan, my love.
> He is floating down from his native grove,
> No loved one near, no nestling nigh,
> He is floating down by himself to die.
> Death darkens his eye and unplumes his wings,
> But the saddest song is the last he sings.

[Laughter.]

We are about to hear, or have heard, "the last song of the swan" from Massachusetts. [Laughter.] He "floated down" and has delivered his obituary address to the House, and the gentleman from Ohio, my good friend General GROSVENOR, has performed a somewhat similar refrain.

Mr. GREENHALGE. But it was in answer to a *post obit* speech, you know. [Laughter.]

Mr. LANHAM. I did not mean, as I said before, to inspire any sectional bitterness. My whole speech was against anything of the kind. If there be anything of sectional discrimination anywhere in the Democratic party I hope it will depart from it forever.

I said the other day, and I say now, that the time has come when every citizen of the United States is entitled to have all the immunities which belong to him as a constituent element in this great Government, no matter in what section he may reside.

Mr. ALLEN, of Michigan. Nor what his color?

Mr. LANHAM. I now yield to the gentleman from Missouri the remainder of the time.

Mr. BLAND. Mr. Chairman, inasmuch as we have a bill before us carrying a very considerable amount of money I do not know but that it would be proper at this time to address this committee upon that question. It may be that we can not all agree upon the money question, but certainly it is no sectional question, or it ought not to be. It is expected, Mr. Chairman, that before this session closes we will have an opportunity to again express ourselves upon that great subject. I understand that a vote will be taken in a few days at the other end of the Capitol upon the question of preventing a further contraction of the currency. And I am glad to say that upon that question we find gentlemen from the South, and gentlemen from the North, and gentlemen from the East and from the West all uniting upon the proposition that we ought to have more money with which to pay these enormous appropriations.

I suppose the appropriations at this session of Congress, together with the indefinite appropriations already made, will amount to over $400,000,000. Therefore, Mr. Chairman, when we consider the fact that this enormous burden is imposed upon the people of this country and this enormous drain made upon the circulation of the country to be continually piled up in the Federal Treasury and various Government depositories, in view of the necessity of providing the people with money with which to pay these taxes and meet their various obligations, to pay off their farm mortgages, to liquidate their debts, to sustain credit and confidence, it is necessary that this House prepare itself to receive—and I hope it will be received in a short time—a bill for the free and unlimited coinage of silver.

Mr. Chairman, I believe it was the honored chairman [Mr. DINGLEY] to whom, when we had up the question of investigating speculations in silver this morning, I had the honor of remarking that the way to prevent all speculation in silver bullion is to fix its price at the mint at which it is to be coined. When that is done, Mr. Chairman, the price of silver will be fixed at the same ratio to gold, and there can be no longer any speculation in it; but under the present law and under the present system we hear it proclaimed everywhere that the law is operating in the interest of speculators in Wall street and of men who seek to bear the market and bull the market for the purpose of making money out of existing legislation.

Let us do away with it, and, as I said awhile ago, I think the House ought to prepare itself to vote upon that question; for I believe it will be the privilege of the Committee on Coinage, Weights, and Measures—I hope it will be, although I have not consulted any particular gentleman upon that committee—to report back to this House a bill having for its object the free coinage of silver, and putting in circulation in this country money sufficient at least to meet the enormous drains that we are making upon the business interests of the country in the way of Federal appropriations and Federal taxation.

Now, Mr. Chairman, as my good friend from New York [Mr. SPINOLA] desires to speak, I will yield to him the time I have remaining.

The CHAIRMAN. The gentleman from Missouri yields to the gentleman from New York [Mr. SPINOLA] his remaining time, four minutes.

Mr. SPINOLA. Mr. Chairman, I have listened with a great deal of attention to the remarks of our honorable friend from Massachusetts [Mr. GREENHALGE] and when he was condemning the language which had been used by my friend from Missouri [Mr. STONE] my mind reverted back to the last Republican State convention in the State of Massachusetts, at which my honorable friend proceeded to make a speech, couched in more severe language against the Democratic party than almost any that I had ever listened to or read. Now he comes upon the floor of this House and makes the speech which he has made this afternoon. I wish to call his attention to the fact that there is a cyclone passing over us now, and it is a bad time for light-weight statesmen to get in the way of it, because they may be swept completely from the face of the earth politically. [Laughter on the Democratic side.]

It has struck him in Massachusetts and it struck him hard. His great speech did not save him. Now he appeals to this side of the House to know why we do not put some Confederate soldier at the head of our ticket for President or Vice President. Why, let me ask him, as the Republican party owes all its power to the negro vote of the North, in Pennsylvania, New York, and Ohio, and other States in the North, where the negroes hold the balance of power, why don't you put some colored man on your ticket in those States and go before the people with him? You dare not do it. Neither has my friend from Ohio [Mr. GROSVENOR] dared to do it.

Mr. GROSVENOR. Oh, yes, we have done it in the State of Ohio.

Mr. SPINOLA. What office did you run any colored man for? Was it as delegate to one of your conventions?

Mr. GROSVENOR. No, there are now two members of the State Legislature of Ohio who are colored men.

Mr. SPINOLA. Had your party anything to do with electing them?

Mr. GROSVENOR. Yes, sir; entirely.

Mr. SPINOLA. Now is not that an immense reward for carrying three or four of the largest States of the Union for the Republican party, to whittle them down to two little insignificent seats in the Legislature of Ohio.

A MEMBER. And in the minority at that.

Mr. SPINOLA. In a hopeless minority, out of which they will never come, in my judgment. [Laughter on the Democratic side.]

Mr. GROSVENOR. Will the gentleman yield to me for a moment?

Mr. SPINOLA. If you will stand by me on my bill to erect a monument to the Revolutionary heroes who died in the prison ships and make a speech on it when it comes up, I will yield to you all the time I have remaining. [Laughter.]

Mr. GROSVENOR. I wish simply to say that there have been more colored men appointed and elected to office in the State of Ohio during the last ten years by Republicans than have been elected by the Democrats in all the Southern States of the country since the war.

Mr. SPINOLA. You have appointed them to offices, but the positions have been those of janitors and spittoon-cleaners.

Mr. WILLIAMS, of Ohio. Will my friend permit me? I object to his calling a seat in the last Legislature of Ohio insignificant, for that Legislature elected a distinguished citizen of New York to a seat in the United States Senate. [Laughter and applause on the Republican side.]

Mr. SPINOLA. Very well, it shows that they knew where to come to find a good man. [Applause and laughter.] And, if you want another, we will furnish you all you want, for the woods are full of them in my State.

Mr. COMSTOCK. Will the gentleman permit a question from a new member?

Mr. SPINOLA. Yes, sir.

Mr. COMSTOCK. I would like to ask what the Democratic party have given to the colored people for carrying Mississippi, South Carolina, Louisiana, Alabama, and Florida for them, for lo these many years.

Mr. SPINOLA. We have given them all a free ballot. [Derisive laughter on the Republican side.]

We have allowed them to go to the ballot box without interruption. We have allowed them to go there without bayonets behind every ballot;

and we are going to allow them to continue to do the same thing, Mr. Chairman.

The CHAIRMAN. The time of the gentleman from New York has expired. The gentleman from Michigan has twenty minutes remaining.

Mr. SPINOLA. Have I twenty minutes remaining? [Laughter and cries of "Go ahead!" on the Democratic side.]

Mr. CUTCHEON. I yield five minutes to the gentleman from South Carolina [Mr. MILLER].

Mr. MILLER. Mr. Chairman, it is late in the day and in the session, but some things are being said to which I should like to reply. To hold office is a precious gift, and the race to which I belong are desirous of it, but there are gifts superior to office. Gentlemen talk about the North and about its not giving negroes representation on their tickets. That is not the thing we are suffering most from in the South.

There are other things of more importance to us. First is the infernal lynch law. That is the thing we most complain of. It is a question whether when we go to work we will return or not. Second, they have little petty systems of justices who rob us of our daily toil, and we can not get redress before the higher tribunals. Third, we work for our task-masters, and they pay us if they please, for the courts are so constructed that negroes have no rights if those rights wind up in dollars and cents to be paid by the white task-masters.

They speak about pure elections and call the election law a force law. Do not gentlemen from the South boast here in their speeches that it is the white man's right to rule and to control elections, and if they can not control them by a majority vote they will control them by force or fraud? Take the speech delivered by my colleague from South Carolina [Mr. HEMPHILL], and you will see his brazen-faced boast that it is his right to remain here even without votes; and then when we have an appropriation bill the North is to be taunted with not giving negroes representation upon their tickets.

Yes, gentlemen, we want office; but the first and dearest rights the negro of the South wants are the right to pay for his labor, his right of trial by jury, his right to his home, his right to know that the man who lynches him will not the next day be elected by the State to a high and honorable trust; his right to know that murderers shall be convicted and not be elected to high office, and sent abroad in the land as grand representatives of the toiling and deserving people.

These are rights that we want; and we call upon you gentlemen of the North to speak for us and ask the Chamber over yonder to give us an election law—not a force law—a national law, Mr. Chairman, that will compel the people of the South to register the votes of the negro and the white man alike, and count them as they are cast, and let the wishes of those people in this American country be expressed here by duly elected Representatives of their States. [Applause on the Republican side.]

The sickly sentiment about not giving negroes positions in the North! The negroes of the North have their schoolhouses. Taxes are levied and schoolhouses supported. What do we find in South Carolina, where the Democrats rule? First, the newly elected governor, who claims to stand upon the platform of Jefferson's principles, denies that all men are born free and equal and endowed with equal rights by their Creator. In his annual message to the Legislature he asks for the annihilation of the public-school system which is bringing South Carolina out of the bog of ignorance that she is in to-day and fast placing her along in the phalanx of other States in prosperity.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CUTCHEON. I yield the gentleman five minutes more of my time.

Mr. MILLER. Why, Mr. Chairman, the governor in his annual message, to re-establish ignorance, desires to close the schoolhouse door against the poor children by creating class schools. Yes; that is the way. What does he recommend? He recommends that the constitutional guaranty of a 2-mill tax be abolished; that communities be left to themselves to levy school taxes; and to the community shall also be left the right to say whether the education of the rich man's son or the education of the poor man's son shall be supported by the taxes levied. How do they seek to do it? The largest taxpayers are those people generally who have not many children; and as they are compelled by the State law to pay a tax, it is to be left to them whether it shall be used to educate the poor man's child or whether it shall be used to educate their children. It amounts to having no educational system at all and is the destruction of the school system down there. Then they come North and speak about the bitterness of sectionalism, while right there in our Southland country, for want of experience, the governor of South Carolina recommends the destruction of the school system, which has been erected upon the promise of universal education.

What else does he do? He recommends the abolishment of two colleges established, by my assistance, to educate the white young men that they may know how to lead the old State up out of poverty and ignorance. Ah, gentlemen, what we need in this land is not so many offices. Offices are only emblems of what we need and what we ought to have. We need protection at home in our rights, the chiefest of which is the right to live. First, the right to live, and next the right to own property and not have it taken from us by the trial justices. I will read you an illustrative chapter, if gentlemen will allow me the time. A Democratic lawyer from my State, Mr. Monteith, speaking about the trial-justice system as sustained by the Democratic party of that State, says that under it no man is secure in his rights, and he gives a picture like this.

I hope gentlemen will listen. A negro was employed to plow for a white man for $10 a month. This man had a game hen. The hen was lost, and simply because the negro was plowing there he was assumed to be guilty of stealing her, was tried and sentenced to imprisonment, and they chained him by his hands to the plow, but before the thirty days of his sentence expired the good old game hen, with fourteen chicks, came out from under the barn where she had been "setting." [Laughter and applause.] The same gentleman gives another illustration which will bring the blush of shame to the face of every white man. A negro woman, in the absence of her husband, got into a dispute with a white neighbor concerning a boundary line, a question which the trial justices have no right to settle; but they take such a question when it comes before them and whip it around and whip it around until they manage to work it into a criminal case. They put this woman on trial in his absence, and, although her attorney pleaded that she was in a condition in which women can not go to court, she was tried, convicted, and sentenced; and a white constable went to her house, two hours after she had become a mother, dragged her from a sick bed and carried her 15 long miles, to the very seat and center of the intelligence of our State, old Columbia. There, to the honor of the jailer and his white wife, they called together several women, white and black, and they ran that inhuman constable away from the jail and took the poor woman and made her an object of charity.

These are some of the outrages that are inflicted upon my people in the Southland which this "force" bill, as you call it, will protect them from; because, if we get it, instead of seeing South Carolina represented as she has been in this Congress by seven Democrats, you will find six or seven Republicans here. The offices will not go around among the Democrats, and then the spirit of fight that made them secede will make them break up the Democratic party and we shall have peace. [Applause on the Republican side.]

Mr. CUTCHEON. Mr. Chairman, I think that now we fully understand the provisions of the army appropriation bill [laughter], and I will ask that the bill be read by paragraphs.

The CHAIRMAN. The bill will be read by paragraphs for amendment.

The Clerk read as follows:

Be it enacted, etc., That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the Army for the year ending June 30, 1892.

Mr. ANDERSON, of Kansas. I desire to offer an amendment.

The CHAIRMAN. The amendment which the gentleman from Kansas sends to the desk will be read.

The Clerk read as follows:

Add to line 6, section 1, the following:

"*Provided*, That in the event that any transportation service authorized by this act shall be performed by a railroad company which, in any manner, has combined or entered into any understanding with any other railroad company to maintain, fix, or regulate its fares or rates, or to divide passenger or freight traffic or other business, or has in any degree relegated to any person, persons, or association, other than its own officers or agents, the power of maintaining, fixing, or regulating its fares or rates, or has, by any method or in any way, entered into any understanding, agreement, or combination which tends to restrain competition between common carriers or to increase or maintain the charges made to the United States or to the public, then, and in such event, the sum claimed by said company from the United States shall not be paid until after it shall have been judicially determined, upon proceedings instituted and prosecuted against the alleged offender by the Attorney-General of the United States, whether or not such understanding, agreement, or combination by said railroad company with other competing companies, or such restraint of competition between common carriers is lawful and equitable. And in the event that such action of such company be judicially declared *ultra vires*, nonequitable, or unlawful, then only such sum shall be paid for service rendered by any such railroad company to the United States as said company might have reasonably charged had no such understanding, agreement, or combination been entered into: *Provided, however*, That pending such judicial determination the President shall have power, in cases which he may deem emergent, to direct the payment of reasonable sums for services rendered to the United States by an aforesaid railroad company.

Mr. CUTCHEON. I ask my friend from Kansas [Mr. ANDERSON] to withhold this amendment until we come to the subject of army transportation, which will be reached to-morrow.

Mr. ANDERSON, of Kansas. I will comply with the gentleman's request; but I desire that the amendment be printed in the RECORD.

Mr. CUTCHEON. There is no objection to that.

The CHAIRMAN. The gentleman from Kansas asks that the amendment just sent up, but which is not now offered, may be printed in the RECORD.

Mr. ANDERSON, of Kansas. I will offer it to-morrow.

Mr. GROSVENOR. I desire to make a point of order upon the amendment.

The CHAIRMAN. It is not now offered, but simply presented to be printed in the RECORD. Is there objection to the printing?

Mr. BRECKINRIDGE, of Kentucky. Is the amendment to be considered as pending?

Mr. ANDERSON, of Kansas. No. The chairman of the Military

Committee [Mr. CUTCHEON] has requested that the amendment be not offered until we reach the subject of army transportation. I ask now simply that the amendment be printed in the RECORD for information.

The CHAIRMAN. The Chair hears no objection to that request.

The Clerk read as follows:

FOR PAY OF OFFICERS OF THE LINE.

For pay of officers of the line, $2,857,000.

Mr. BRECKINRIDGE, of Kentucky. I move to strike out the last word. I wish to ask the gentleman in charge of the bill what is the actual number of soldiers now constituting the Army?

Mr. CUTCHEON. I have here the last official completed return, furnished me by the Adjutant General of the Army. It shows: officers 2,149, enlisted men 24,305; total, 26,454. This was the return made September 30. At the time when this statement was furnished the return for December 31 had not been received; but the approximate figures for December 31, as given to me, are these: officers 2,140, enlisted men 24,000; total, 26,140.

Mr. BRECKINRIDGE, of Kentucky. Now will the gentleman allow me to propound another question for information? How many of these troops are now engaged in what seems to be the pending Indian war?

Mr. CUTCHEON. The Secretary of War stated to me in conversation a few days since that approximately one-half of the available enlisted force is either in the neighborhood of the Indian difficulty or in readiness to be moved there. I have not an exact statement of the battalions, regiments, and companies.

Mr. BRECKINRIDGE, of Kentucky. According to the information I have gathered from a careful reading of the New York dailies, there would appear to be some very serious discrepancy between the statement made by the gentleman as coming from the Secretary of War and the statements made by the correspondents, for one-half of the enlisted men would be in round numbers 12,500.

Mr. CUTCHEON. I am referring simply to the effective force, what is called the mobilized force.

Mr. BRECKINRIDGE, of Kentucky. From the accounts in the press there would seem to be less than 4,000 effective troops of all sorts from all branches of the service. That was what I wanted to get at, the effective force capable of being used in an emergency, the apparent force being, according to the gentleman's statement, 25,000.

Mr. CUTCHEON. I am not able to answer the gentleman's question as to the number of the effective force. Of course we are obliged to keep a force in the region of the Indian Territory, Arizona, and New Mexico, upon the Pacific coast, and a small force in all our seacoast works in the East——

Mr. CHEADLE. And upon the Mexican frontier.

Mr. CUTCHEON. And, as the gentleman from Indiana suggests, upon the Mexican frontier. So that what I mean is that one-half of the available force, the force that could be mobilized, put in motion, is taken away from the other points, as I have already said.

Mr. BRECKINRIDGE, of Kentucky. But the point I want to get at more particularly, to be perfectly frank with the House, and without any criticism for the military authorities or a desire to seem to do so—for my ignorance is such that I would hesitate to undertake to criticise it—is that as far as I could see the effective force out of the nominal force of 25,000 men can not be over 8,000 or 10,000 soldiers. But it would seem to me, and I say it with great respect for the Committee on Military Affairs, that before appropriating such a large sum of money as is involved in the expenditure for the support and pay of 25,000 soldiers we ought to have some statement as to what is the Army, what constitutes its exact force at the present time, before the appropriation is made. There is now evidently a need for the country to know what is the actual effective condition of its Army.

Here is suddenly sprung upon us in midwinter an Indian war. I have nothing just now to say as to its causes. In this late day, after these many years, there seems to be a capacity resident in the Indians to bring into the field of action a larger effective force fit for battle than we are able to bring to resist them. There must be, as far as we can gather from the public prints, as many or very nearly as many effective Indians armed and in the field, ready for the combat, as we have been able to bring Federal soldiers to meet them; and it does seem to me that it is due from the Military Committee to the country and to the House that we should at least have a statement, before we proceed with this large appropriation, showing what is the exact condition of the American Army at the present time.

Now, it seems to be hardly necessary to say that we need a defensive force along the Canadian border; that we need troops along the California shore; but if we do we are entitled to know how many we have stationed at these places and at other places, what condition they are in and how many we might be able to withdraw from such places to send into the Indian war.

I withdraw the *pro forma* amendment.

Mr. CUTCHEON. I desire to say just a few words in response to the remarks of the gentleman from Kentucky.

Mr. MILLS. I suggest to my friend from Michigan that he move that the committee now rise.

Mr. CUTCHEON. In a few moments I will do so. I wish to say something on the general question suggested by the gentleman from Kentucky.

The present force of the Army is, of course, scattered throughout the entire Union in different military posts, some in one company, two companies, four companies, eight companies, and regimental posts. It is, of course, impossible to withdraw this force entirely from the positions which they occupy, and with the present small enlisted force of the Army the number which can be brought together at any one point is comparatively small. Still this work has been done and is being done to meet the requirements of the service. For instance, one of the regiments now engaged in the Indian country, the First Infantry, was brought from Angel's Island, California, entirely across the continent. Some were drawn from the extreme South and some from other parts of the Union.

The difficulty, if I may be allowed to suggest it, is this: The enlisted force of the Army is so small that in such an emergency as the present it is impossible to gather any large force in any one quarter without unduly weakening the other points where the force is needed. For instance, at this very moment we are threatened with an Indian uprising in Montana. The Indians in the Indian Territory in the neighborhood of the Cheyenne and the Arapahoe agencies are becoming restive. There is discontent among the Indians of Washington Territory, and the military authorities near these points are compelled to keep a suitable force there in order to meet any exigencies which may arise in case of a threatened uprising on the part of the Indians. A very considerable portion of the Army is thus necessarily scattered over a wide range of country, so that the number we are able to collect at any one point appears small, but it is because, as I have said, of the small force of the Army. The moral effect of their presence is required in these several localities.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, I do not wish to be understood as criticising the action of the general in command, or of the President, or of the War Department, in what has been done about this matter, because, as I said, I have not been sufficiently informed. I do not know that anything has been left undone that ought to have been done; but I do think that the gentleman in charge of this bill would not do an improper thing if he would take advantage of the adjournment until to-morrow to have laid before Congress, before we continue the consideration of this bill, some official statement showing the effective force and present condition of the Army. I do not mean the mere number of enlisted men; I do not mean the mere number of men who are on the rolls drawing pay; but I mean what these men actually are, where they are, what they are doing, and what is their condition. A great many gentlemen in this House have served in actual war. They know the vast difference between what is the effective present force available for duty and the aggregate of the report. Now, it seems to me that we ought to have some such report, showing the condition of the Army, before we proceed further.

Mr. CHEADLE. Will the gentleman permit a question?

Mr. BRECKINRIDGE, of Kentucky. Certainly.

Mr. CHEADLE. In view of the statement made by the chairman of the committee that there is threatened trouble with the Indians in Idaho, in Washington, and in the Indian Territory, does the gentleman think it would be wise to have a published statement made of the exact location of all the military forces?

Mr. BRECKINRIDGE, of Kentucky. My hope, from what the telegraphic reports indicate, is that we have probably gotten over the greatest trouble with the Indians; but in any event I do not think the publication of the facts as to where our troops are will affect the Indians in their strategy in the coming war, if we have one. And I think the information given in this House will aid us in our deliberations. I have entire confidence in the skill of the present general in command of the Army and in the very gallant and distinguished general who is in immediate command in the West.

Both of them have indicated by actual service in the field that they are in possession of very high qualities; but I do think it will do no harm for this House to know, better than it now seems to know, the exact position of the Army; and unless I am very much mistaken in my estimate of the gentleman who is at the head of the War Department, who strikes me as a man of excellent business capacity and great devotion to the interests of the service and of the people, he will not object to giving us the information if he thinks we desire it.

Mr. CUTCHEON. I presume that information can be furnished from the last regular quarterly return, showing the number of effective men, the number of men on detail duty, and everything of that sort.

Mr. MILLS. Will it not be well to have the committee now rise?

Mr. CANNON. Why can we not go on for another hour? [Cries of "Oh, no!"]

Mr. MILLS. It is time to adjourn. We can pass this bill very easily to-morrow.

Mr. CANNON. We will soon have to hold later sessions than this. I hope the gentleman from Michigan will go on.

Mr. MILLS. I move that the committee do now rise.

Mr. SPRINGER. There has been so much bad blood stirred up to-day, would it not be well to let the matter go over until to-morrow?

Mr. CUTCHEON. I would like to proceed further with the bill to-night. I think there will be no difficulty in reaching the end of the Pay Department, on page 9 of the bill.

Mr. MILLS. We do not want to sit here all night.

Mr. CUTCHEON. It will not take more than fifteen minutes longer.

Mr. MILLS. We can proceed to-morrow.

Mr. CUTCHEON. I ask the gentleman from Texas to withhold his motion for fifteen minutes.

The Clerk proceeded with the reading of the bill.

The Clerk read as follows:

Medical Department: For the pay of the officers in the Medical Department, as now authorized and provided by law, $430,700.

For additional pay to such officers for length of service, to be paid with their current monthly pay, $113,760.

In all, $544,460.

Mr. BLAND. Mr. Chairman, I wish to offer an amendment at that point providing that none of the appropriation mentioned shall be paid to any officer detailed as instructor in any State college or educational institution.

Mr. CUTCHEON. Where does the gentleman propose to bring that in?

Mr. BLAND. After line 25, on page 4.

Mr. CUTCHEON. I would suggest that the proper place for that amendment, if the gentleman desires to offer it, would be at the close of the appropriations for the pay of the Army, on page 9 of the bill. Medical officers are never detailed as instructors.

Mr. BLAND. I think it comes in very properly where I have offered it.

Mr. CUTCHEON. Medical officers are never detailed as instructors to State institutions.

Mr. BLAND. That may be very true; but the pay of all officers to which this amendment would apply has already been passed in the bill.

Mr. CUTCHEON. It will come in very properly at the close of the pay of the Army.

Mr. BLAND. It comes in very properly at this place. I submit the amendment in all good faith.

The CHAIRMAN. The gentleman will please put his amendment in writing.

Mr. BRECKINRIDGE, of Kentucky. While the gentleman is writing the amendment I would like to inquire of the gentleman in charge of the bill [Mr. CUTCHEON] whether it has ever occurred to the Military Committee that we ought to abolish the distinction between the Subsistence and Pay Departments and put them all together with the Quartermaster's Department.

Mr. CUTCHEON. No such legislation has ever been referred to the committee and the subject has not been discussed in the committee.

Mr. BRECKINRIDGE, of Kentucky. It is perfectly apparent that there is no need in these days, with only 25,000 enlisted men in the Army, to occupy so large and expensive a staff as we now have in the Pay and Subsistence Departments, and that all three, the Subsistence, Pay, and Quartermaster's Departments, ought to be under one common head. I know that will be considered as almost equal to infidelity by the distinguished gentlemen who constitute these separate corps.

Mr. CUTCHEON. I am afraid the gentleman would stir up a hornet's nest if he were to press any such legislation. I believe the officers of the Pay Department are very fully provided for.

Mr. BRECKINRIDGE, of Kentucky. When I first became a member of Congress the private soldier was given his pay every two months. I introduced a bill making the payment monthly. By order of the Secretary of War it was, I believe, made more frequently. I never could see any reason why they needed a paymaster to travel over the country with a paymaster's clerk and with gold and greenbacks and occasionally allowing himself to be robbed, and this House passing bills indemnifying him for the consequences of being robbed, when the railroad companies, express companies, and other corporations, and manufacturers can pay their employés every Saturday night. Therefore I see no good reason why the money can not be distributed to the soldiers with equal safety as quartermaster's stores or express matter are distributed.

It would be a great deal better to put these three corps into one department and reduce the number of staff officers, not reducing the expense, perhaps, but reducing the number of persons who perform that service, and thereby increasing the efficiency of that service by putting those persons to other work. I have called the attention of the Committee on Military Affairs to it every time we have had the military appropriation bill under discussion.

Mr. CUTCHEON. I will say, Mr. Chairman, in reply to the gentleman from Kentucky, that no such legislation has been referred to the committee, and therefore we have not reported anything upon it; but it is well understood that the present organization of the Army is a skeleton organization that we keep up as a sort of life insurance, so to speak, so that in case of a sudden emergency it could be filled up and be ready to meet the emergency.

Mr. BRECKINRIDGE, of Kentucky. I have had the pleasure of knowing a good many of the present departments, and I think hardly any word could be selected that would so badly describe this corps as the word "skeleton."

Mr. CUTCHEON. I am not referring to the individuals.

Mr. BRECKINRIDGE, of Kentucky. Neither am I; but I am referring to the staff corps.

Mr. CUTCHEON. The staff corps is in very good condition. It was the Army I referred to as a "skeleton."

Mr. BRECKINRIDGE, of Kentucky. So far as the paymaster's and quartermaster's stores are concerned, it looks to me like anything but a "skeleton."

The CHAIRMAN. The Clerk will read.

Mr. BLAND. I now offer my amendment as a proviso to come in at the end of the first line on page 3.

The Clerk read as follows:

Add the following:

"*Provided*, That no moneys herein appropriated shall be paid to any army officers detailed for duty as instructors in any State college or State institution."

The CHAIRMAN. Where does the gentleman from Missouri propose that this amendment shall come in?

Mr. BLAND. On page 3.

Mr. CUTCHEON. I will raise the point, Mr. Chairman, that that point has been passed, and the amendment would come in much more appropriately a little further on in the bill.

Mr. BLAND. It has not been passed. I offered the amendment before we reached where the Clerk stopped reading.

The CHAIRMAN. We are not on page 3. We were at the bottom of page 4 when the amendment of the gentleman was offered.

Mr. CUTCHEON. No more has been read since the gentleman said he would offer the amendment.

Mr. BLAND. I offer my amendment to come in at the point where the Clerk ceased reading. I made a mistake in the page. It is at the end of line 25, on page 4, I want the amendment to come.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. BLAND].

Mr. BLAND. It seems to me, Mr. Chairman, that that amendment ought to be adopted. If these army officers are to be detailed for services in State colleges and State institutions the State ought to pay the expense; otherwise there would be great injustice to those States that do not receive the benefit of these officers. How many States do not receive the benefit of these officers I do not know. Some of the States may have one or two, and some have none.

It is certainly not the province of Congress to raise taxes from the people of this country for the purpose of paying officers who are detailed, not to perform duties for the Federal Government, but duties for a State government in State institutions and under State jurisdiction. While opposing the law authorizing these details, I oppose it upon the ground I have mentioned. We have no constitutional right to levy taxes for that purpose, but whatever duties are performed by the officers of the Government shall be paid from the Federal Treasury and be duties of the Federal Government, and not duties of a State government.

Under such a system as this it is in the power of a few States to have United States officers to do duty in their State institutions at the expense of the general taxpayers of the country.

Mr. CUTCHEON. Mr. Chairman, I made the point of order on the gentleman's amendment. I was willing to hear it, but I make the point of order against it that it is new legislation upon an appropriation bill, and therefore is not in order. It changes existing law.

Mr. BLAND. It certainly is not subject to a point of order. If we make an appropriation of money we have a right to direct and limit the appropriation to certain purposes. While the law may assign these officers and while they may be detailed to perform certain duties in State institutions, it is within the province of Congress to withhold their pay, and my amendment is not subject to a point of order.

Mr. CUTCHEON. Mr. Chairman, the existing law is the current appropriation bill which provides pay for these officers. They are entitled to their pay like other officers of the Government. They are under the order of the Commander in Chief of the Army. They are upon actual military duty. This amendment would change the existing law. It is therefore new legislation and is clearly out of order.

Mr. BLAND. Then it would be a change of existing law to make no appropriations at all for this purpose, or, in making the appropriations, to direct where they should be applied. No point of order can lie against this amendment.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BLAND. I take an appeal from the decision of the Chair.

Mr. CUTCHEON. Mr. Chairman, I gave my word to the gentleman from Texas [Mr. MILLS] that I would move at this time that the committee rise, and I now make that motion.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DINGLEY, from the Committee of the Whole, reported that they had had under consideration the Army appropriation bill and had come to no resolution thereon.

Mr. CUTCHEON. I move that the House do now adjourn.

The SPEAKER. Pending the motion to adjourn the Chair desires to lay before the House a message from the President of the United States.

DESTITUTION IN OKLAHOMA.

The message was read, as follows:

To the Senate and House of Representatives:

I transmit herewith a memorial of the Legislative Assembly of the Territory of Oklahoma, asking an appropriation for the relief of the destitute people of that Territory.

BENJ. HARRISON.

EXECUTIVE MANSION, *January* 10, 1891.

Mr. TRACEY. I ask the gentleman from Michigan to withhold his motion to adjourn for a moment while I ask unanimous consent to have a concurrent resolution of the Legislature of New York printed in the RECORD.

Mr. CUTCHEON. I will withhold it for that purpose.

IMPROVEMENT OF THE HUDSON RIVER.

Mr. TRACEY asked and obtained unanimous consent to have printed in the RECORD the following concurrent resolution of the Legislature of New York, relative to the improvement of the Hudson River:

STATE OF NEW YORK.

IN SENATE, *Albany, January* 6, 1891.

Concurrent resolution relative to the improvement of the Hudson River.

Whereas under act of Congress a commission of army officers has been appointed to examine the feasibility of deepening and improving the Hudson River, and said commission is now in session in Albany; and

Whereas the proposed improvement would be a substantial and permanent benefit to the commerce of the State of New York; and

Whereas by previous appropriations the Federal Government has been committed to the policy of improving the navigation of the Hudson River: Therefore,

Resolved, That the Senators and Representatives of New York State in Congress be requested to use every effort to promote the proposed improvement.

By order senate:

JOHN S. KENYON, *Clerk.*

IN ASSEMBLY, *January* 6, 1891.

Concurred in without amendment.

By order:

CHAS. R. DE FREEST, *Clerk.*

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. EWART, on account of important business.

To Mr. BUNN, for ten days, on account of sickness in his family.

To Mr. FITHIAN, for ten days, on account of important business.

To Mr. DALZELL, for ten days, on account of illness in his family.

The motion of Mr. CUTCHEON was then agreed to; and the House accordingly (at 5 o'clock and 20 minutes p. m.) adjourned.

EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

AMENDMENTS TO STATUTES RELATING TO THE TAX ON TOBACCO.

Letter from the Secretary of the Treasury, transmitting a copy of a letter from the Commissioner of Internal Revenue, recommending certain amendments of existing statutes relating to the tax on tobacco, etc., with a draught of the proposed amendments—to the Committee on Ways and Means.

INDIAN RIVER, FLORIDA.

Letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a report of the preliminary examination and survey of Indian River, Florida—to the Committee on Rivers and Harbors.

NEWPORT CREEK, MARYLAND.

Letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a report of the examination and survey of Newport Creek, Maryland—to the Committee on Rivers and Harbors.

DEFICIENCY ESTIMATES.

Letter from the Acting Secretary of the Treasury, transmitting estimates of appropriations to complete the service of the Government for the fiscal year ending June 30, 1891, and for prior years—to the Committee on Appropriations.

ANNUAL REPORT OF ANACOSTIA AND POTOMAC RIVER RAILROAD.

Letter from the president of the Anacostia and Potomac River Railroad, submitting the annual report of the capital stock, receipts, and expenditures of said railroad for the fiscal year ending December 31, 1890—to the Committee on the District of Columbia.

MEMORIALS AND RESOLUTIONS OF STATE LEGISLATURES.

Under clause 3 of Rule XXII, the following resolution of the Legislature of the State of New York was introduced and referred as follows:

By Mr. COVERT: Concurrent resolution of the Legislature of the State of New York, relative to the improvement of the Hudson River, New York—to the Committee on Rivers and Harbors.

RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolutions were introduced and referred as follows:

By Mr. BLANCHARD:

Whereas it is alleged and believed that certain evil-disposed persons have, within the territory and jurisdiction of the State of New Hampshire, by conspiracy and show of force, recently set on foot and carried into execution plans by which the will of the people as legally expressed at the polls in the recent election has been set aside and the government of the State subverted; and

Whereas these alleged unlawful and revolutionary proceedings involve the title to the office of chief magistrate of the State and of the United States Senatorship: Therefore,

Resolved, That the Committee on the Judiciary of this House is hereby directed to investigate the present political condition of the State of New Hampshire with a view of determining whether or not a republican form of government exists there within the meaning and intent of the Constitution of the United States.

Resolved, That said committee is authorized to send for persons and papers, to employ the clerical force necessary, and to take such other action as in its judgment may be necessary to said investigation;

to the Committee on Rules.

By Mr. QUINN:

Resolved, That the Committee on Appropriations be authorized to provide in the general deficiency bill for the salary of the assistant foreman of the folding room (appointed in the House by resolution adopted May 3, 1890), from March 4 to the beginning of the Fifty-second Congress—to the Committee on Accounts.

By Mr. MANSUR:

Resolved, That clause 6 of Rule XXV be amended so as to make said clause read as follows: "On Friday of each week, after the unfinished business has been disposed of, it shall be in order to entertain a motion that the House resolve itself into the Committee of the Whole House to consider business on the Private Calendar; the first and third Fridays to be devoted to bills reported from the Committee on Claims, and the second, fourth, and fifth Fridays to bills reported from the Committee on War Claims and other committees of the House, and if this motion fails then public business shall be in order as on other days;

to the Committee on Rules.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. ABBOTT, from the Committee on Public Buildings and Grounds, reported favorably the bill of the Senate (S. 3899) to provide for the purchase of a site and the erection of a public building thereon at Joplin, in the State of Missouri, accompanied by a report (No. 3416)—to the Committee of the Whole House on the state of the Union.

Mr. BOOTHMAN, from the Committee on Claims, to which was referred a letter from the Secretary of the Treasury, transmitting certain claims arising under the postal laws and regulations of Flint and Père Marquette Railroad Company and Pacific Mail Steamship Company; also, a list of claims for *ante bellum* mail service, together with a report thereon by the Auditor of the Treasury for the Post-Office Department, Executive Document No. 418, reported the same favorably, accompanied by a report (No. 3417)—to the Committee of the Whole House.

Mr. CLUNIE, from the Committee on Public Buildings and Grounds, reported favorably the bill of the House (H. R. 12921) to increase the appropriation for the purchase of a site for a building for a post office, courthouse, and other offices in San Francisco, Cal., and to commence the construction thereof, accompanied by a report (No. 3418)—to the Committee of the Whole House on the state of the Union.

Mr. MANSUR, from the Committee on Claims, reported favorably the following bills of the Senate; which were severally referred to the Committee of the Whole House:

A bill (S. 393) for the relief of Aquilla Jones, late postmaster at Indianapolis, Ind. (Report No. 3419.)

A bill (S. 557) for the relief of H. J. Cheney. (Report No. 3420.)

ADVERSE REPORTS.

Under clause 2 of Rule XIII, an adverse report was delivered to the Clerk and laid on the table, as follows:

By Mr. SMITH, of Illinois, from the Committee on Claims, on the bill (H. R. 11946) for the relief of Wash R. Wharton. (Report No. 3421.)

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills and joint resolutions of the following titles were introduced, severally read twice, and referred as follows:

By Mr. GROUT: A bill (H. R. 13070) for the establishment of a fish hatchery in the State of Vermont—to the Committee on Commerce.

By Mr. REED, of Iowa: A bill (H. R. 13071) authorizing the construction of a draw street-railway, motor, wagon, and pedestrian bridge over the Missouri River near Omaha, Nebr.—to the Committee on Commerce.

By Mr. KELLEY: A bill (H. R. 13072) to pay the Federal soldiers of the late war for the Union the difference between the coin value and the face value of the money received by them for their services and to increase the volume of money in circulation—to the Committee on War Claims.

By Mr. JOSEPH D. TAYLOR: A bill (H. R. 13098) to establish an educational fund to aid in the support of public schools in the several States and Territories and in the District of Columbia—to the Committee on Education.

By Mr. LODGE: A joint resolution (H. Res. 268) providing for the observance of Labor Day in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SHIVELY: A joint resolution (H. Res. 269) to construe the act of Congress approved February 14, 1885, relative to allowances for retired enlisted men of the United States Army and Marine Corps—to the Committee on Military Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BELKNAP: A bill (H. R. 13073) granting a pension to Alvason Hopkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13074) granting a pension to Emma Southwick Brinton—to the Committee on Invalid Pensions.

By Mr. THOMAS M. BROWNE: A bill (H. R. 13075) granting a pension to Edith V. Farrar—to the Committee on Invalid Pensions.

By Mr. BYNUM (by request): A bill (H. R. 13076) for the relief of Margaret Kennedy—to the Committee on War Claims.

By Mr. COGSWELL: A bill (H. R. 13077) for the relief of the heirs of James Mugford—to the Committee on Claims.

By Mr. DICKERSON: A bill (H. R. 13078) granting a pension to James Loyd Young, late of Company A, Sixth Regiment Kentucky Volunteers—to the Committee on Invalid Pensions.

By Mr. GEST: A bill (H. R. 13079) to grant a pension to Maria B. Hayes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13080) to grant a pension to Nancy Jane Knetsar, of Moline, Ill.—to the Committee on Pensions.

By Mr. MARTIN, of Indiana (by request): A bill (H. R. 13081) to increase the pension of Elisha B. West—to the Committee on Invalid Pensions.

By Mr. McCARTHY: A bill (H. R. 13082) granting a pension to Mary Jane Allen—to the Committee on Invalid Pensions.

By Mr. MOREY: A bill (H. R. 13083) for the relief of Sylvester Haus—to the Committee on Military Affairs.

By Mr. MUDD (by request): A bill (H. R. 13084) to pay for extra services in water department, District of Columbia—to the Committee on the District of Columbia.

By Mr. O'NEILL, of Pennsylvania: A bill (H. R. 13085) for the relief of William B. Reaney, surviving partner of the firm of Reaney, Son & Archbold—to the Committee on War Claims.

By Mr. PAYNTER: A bill (H. R. 13086) granting a pension to Rosanna West—to the Committee on Pensions.

By Mr. PEEL (by request): A bill (H. R. 13087) for the relief of the estate of Nathan P. English—to the Committee on War Claims.

By Mr. STONE, of Kentucky: A bill (H. R. 13088) for the relief of B. F. Moses—to the Committee on War Claims.

Also, a bill (H. R. 13089) for the relief of George W. Patterson—to the Committee on War Claims.

Also, a bill (H. R. 13090) for the relief of W. H. Slack—to the Committee on War Claims.

Also, a bill (H. R. 13091) for the relief of W. H. Slack & Co.—to the Committee on War Claims.

Also, a bill (H. R. 13092) for the relief of Mathias G. Workman—to the Committee on Invalid Pensions.

By Mr. WILLIAMS, of Illinois: A bill (H. R. 13093) to increase the pension of Thomas Summers—to the Committee on Invalid Pensions.

By Mr. WILSON, of Missouri: A bill (H. R. 13094) to remove the charge of desertion against John S. Crites—to the Committee on Military Affairs.

Also, a bill (H. R. 13095) granting a pension to George W. Jenkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13096) to remove the charge of desertion from the military record of Henry Waidner—to the Committee on Military Affairs.

By Mr. BELDEN (by request): A bill (H. R. 13097) for the relief of Theodore R. Teinby—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BYNUM: Resolutions of Madison Lodge, No. 4023, Farmers' Mutual Benefit Association, in favor of the enactment of the bill to prevent dealing in options—to the Committee on Agriculture.

Also, petition of Cigarmakers Union, No. 33, of Indianapolis, Ind., in favor of the submission of an amendment to the Constitution favoring woman suffrage—to the Committee on the Judiciary.

By Mr. DOLLIVER: Resolutions of Justice Alliance, No. 1335, for the passage of House bill No. 5353, defining option gambling in agricultural products and taxing dealers in options—to the Committee on Agriculture.

Also, petition of W. J. Rogers and 3 others, citizens of Greene County, Iowa, for the same measure—to the Committee on Agriculture.

Also, petition of A. E. Rollins and 42 others, citizens of the same county and State, for the same measure—to the Committee on Agriculture.

Also, petition of L. E. Patton and 27 others, citizens of Kossuth County, Iowa, for the same measure—to the Committee on Agriculture.

Also, resolutions of the Farmers' Alliance of the same county and State, for the same measure—to the Committee on Agriculture.

Also, resolutions of members of Beaver Farmers' Alliance, No. 1579, of Winnebago County, Iowa, for the same measure—to the Committee on Agriculture.

Also, petition of L. R. Larsen and 18 others, citizens of Hancock County, Iowa, for the same measure—to the Committee on Agriculture.

Also, resolutions of the members of Crystal Alliance, No. 1172, Iowa, for the same measure—to the Committee on Agriculture.

Also, petition of Martin Larsen and 7 others, citizens of Hancock County, Iowa, for the same measure—to the Committee on Agriculture.

Also, resolutions of Maple River Alliance, No. 1516, of Carroll County, Iowa, for the same measure—to the Committee on Agriculture.

Also, resolutions of Union Alliance, No. 1811, Bancroft, Kossuth County, Iowa, for the same measure—to the Committee on Agriculture.

Also, resolutions of members of Jackson Township Alliance, No. 795, Greene County, Iowa, for the same measure—to the Committee on Agriculture.

Also, petition of Tom Mooney and 51 others, citizens of Webster County, Iowa, for the same measure—to the Committee on Agriculture.

Also, petition of James Coin and 16 others, citizens of Boone County, Iowa, for the same measure—to the Committee on Agriculture.

Also, resolutions of Farmers' Alliance, No. 1687, Iowa, for the same measure—to the Committee on Agriculture.

Also, petition of L. J. Holland and 21 others, citizens of Winnebago County, Iowa, for the same measure—to the Committee on Agriculture.

Also, resolutions of members of the Southeastern Stockholm (Iowa) Farmers' Alliance, No. 815, for the same measure—to the Committee on Agriculture.

Also, petition of F. A. Smith and 9 others, citizens of Crawford County, Iowa, for the same measure—to the Committee on Agriculture.

Also, petition of J. W. Linton and 17 others, citizens of Carroll, Iowa, for the same measure—to the Committee on Agriculture.

Also, petition of Hans Thompson and 23 others, citizens of Mount Valley, Winnebago County, Iowa, for the same measure—to the Committee on Agriculture.

Also, petition of D. C. Wood and 46 others, citizens of Hamilton County, Iowa, for the same measure—to the Committee on Agriculture.

Also, resolutions of Union Farmers' Alliance, No. 985, Iowa, for the same measure—to the Committee on Agriculture.

Also, petition from F. C. Smith and 39 others, citizens of Colfax Township, Pocahontas County, Iowa, for the same measure—to the Committee on Agriculture.

Also, petition of John Doran and 48 others, citizens of Coon Rapids, Carroll County, Iowa, for the same measure—to the Committee on Agriculture.

Also, resolution of Colfax Alliance, No. 861, of the same county and State, for the same measure—to the Committee on Agriculture.

By Mr. DORSEY: Resolutions adopted by Farmers' Alliances in Nebraska, demanding the passage of House bill 5353—to the Committee on Agriculture.

Also, petition from Farmers' Alliances in the State of Nebraska, asking for the passage of the same measure—to the Committee on Agriculture.

Also, petition of citizens of Scott's Bluffs County, Nebraska, asking for an appropriation for sinking an artesian well for irrigation—to the Select Committee on Irrigation of Arid Lands.

By Mr. FEATHERSTON: Petition of estate of James Rollins, of Phillips County, Arkansas, for reference of claim to Court of Claims under the provisions of Bowman act—to the Committee on War Claims.

By Mr. GEAR: Petition of D. H. Morrison and 68 others, citizens of Louisa County, Iowa, asking Congress to grant the States the right to control the manufacture of oleomargarine—to the Committee on Agriculture.

By Mr. GEST: Proof on the bill to pension Nancy J. Knetsar—to the Committee on Pensions.

By Mr. HAUGEN: Resolutions of Farmers' Alliance No. 15, of Barron County, Wisconsin, favoring the antioption bill—to the Committee on Agriculture.

Also, petition of Ole C. Holman and 18 others, citizens of Barron County, Wisconsin, for the same measure—to the Committee on Agriculture.

By Mr. WALTER I. HAYES: Petition of F. A. J. Gray and 28

others, citizens of Muscatine County, Iowa, in favor of option bill—to the Committee on Agriculture.

Also, petition of citizens of Iowa County, Iowa, for the same measure—to the Committee on Agriculture.

Also, petition of citizens of Muscatine County, Iowa, in favor of the same measure—to the Committee on Agriculture.

By Mr. HENDERSON, of Iowa: Paper from many citizens of Bremer County, Iowa, urging the passage of the bill providing for a commission to inquire into the liquor traffic—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. HITT: Resolutions by Carroll County (Illinois) F. A. and I. M., urging Paddock pure-food bill, against Conger lard bill and alien land ownership, and for recovery of lands owned by foreign syndicates and by railroads in excess of what is actually needed—to the Committee on Agriculture.

By Mr. KERR, of Iowa: Petition of citizens of Benton County, Iowa, for the passage of the Butterworth bill, H. R. 5353—to the Committee on Agriculture.

Also, petition of Lewis Bottom Alliance, Iowa, for the same measure—to the Committee on Agriculture.

Also, petition of Burr Oak Alliance, Tama County, Iowa, for the same measure—to the Committee on Agriculture.

Also, petition of citizens of Brown Township, Linn County, Iowa, for the same measure—to the Committee on Agriculture.

By Mr. LAWS: Petition of 20 citizens of Adams County, Nebraska, asking for the passage of House bill 5353—to the Committee on Agriculture.

Also, resolutions of Farmers' Alliance, Indian Creek, Nebr., for the same measure—to the Committee on Agriculture.

Also, petition of 24 citizens of Clay County, Nebraska, for the same measure—to the Committee on Agriculture.

Also, resolutions of Farmers' Alliance, Little Blue, Nebr., for the same measure—to the Committee on Agriculture.

Also, petitions of 17 citizens of Paulina, Nebr., asking for the passage of the same measure—to the Committee on Agriculture.

Also, resolutions of Farmers' Alliance, Fairfield, Nebr., for the passage of the Conger lard bill—to the Committee on Agriculture.

Also, petition of 18 citizens of Banner County, Nebraska, for the passage of the same measure—to the Committee on Agriculture.

By Mr. McCLELLAN: Petition of Fred. W. Gieseking and 22 others, citizens of Washington Township, Allen County, Indiana, and members of Alliance No. 7, praying for the passage of House bill 5353, known as the option bill, defining "options" and "futures," and imposing special taxes upon dealers therein, in the firm belief that the burdens and restrictions it imposes upon gamblers in agricultural products will destroy its business, which prevents the farmer and planter from receiving a fair and reasonable compensation for labor and expenses of production—to the Committee on Agriculture.

By Mr. MOREY: Affidavits in support of claim of Sylvester Haus—to the Committee on Military Affairs.

By Mr. MORSE: Petition of members of the Woman's Christian Temperance Union of Poughkeepsie, asking for the appointment of a commission of inquiry concerning social vice—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. O'NEILL, of Pennsylvania: Petition of the General Judson Kilpatrick Camp, No. 233, Division 17, Pennsylvania Sons of Veterans, requesting Congress to take some action towards erecting a monument upon the spot on the battlefield of Gettysburgh where Brig. Gen. E. J. Farnsworth fell—to the Committee on the Library.

By Mr. PICKLER: Resolutions of Hetland Alliance, No. 233, of Hetland, Kingsbury County, South Dakota, asking for the passage of the Butterworth option bill, H. R. 5353—to the Committee on Agriculture.

Also, resolutions of Fairview Alliance, South Dakota, for the same measure—to the Committee on Agriculture.

Also, resolutions of Roswell Alliance, Miner County, South Dakota, for the same measure—to the Committee on Agriculture.

Also, resolutions of Wide Awake Alliance, Union County, South Dakota, for the same measure—to the Committee on Agriculture.

Also, petition of 15 citizens of Raymond, Clark County, South Dakota, for the same measure—to the Committee on Agriculture.

Also, petition of 9 citizens of Spink County, South Dakota, for the same measure—to the Committee on Agriculture.

Also, a petition of 15 citizens of Clark County, South Dakota, for the same measure—to the Committee on Agriculture.

Also, petition of 19 citizens of Beadle County, South Dakota, for the same measure—to the Committee on Agriculture.

Also, petition of 10 citizens of Edmunds County, South Dakota, for the same measure—to the Committee on Agriculture.

Also, petition of 8 citizens of Miner County, South Dakota, for the same measure—to the Committee on Agriculture.

Also, petition of 13 citizens of Brown County, South Dakota, for the same measure—to the Committee on Agriculture.

Also, petition of 16 citizens of Aurora County, South Dakota, for the same measure—to the Committee on Agriculture.

Also, petition of 26 citizens of Brown County, South Dakota, for the same measure—to the Committee on Agriculture.

Also, petition of citizens of Potter County, South Dakota, for the same measure—to the Committee on Agriculture.

Also, petition of 15 citizens of Potter County, South Dakota, for the same measure—to the Committee on Agriculture.

Also, petition of 40 citizens of Sanborn County, South Dakota, for the same measure—to the Committee on Agriculture.

Also, petition of 12 citizens of Brookings County, South Dakota, for the same measure—to the Committee on Agriculture.

Also, petition of citizens of South Dakota, asking passage of timber-culture bill—to the Committee on the Public Lands.

By Mr. RICHARDSON: Petition of Emeline Dicus, of Wayne County, Tennessee, for reference of claim to Court of Claims under provisions of the Bowman act—to the Committee on War Claims.

Also, petition of Leonard Johnson, administrator of the estate of Ben. Johnson, late of Wayne County, Tennessee, for the same relief—to the Committee on War Claims.

Also, petition of Mary C. Arnett, of Giles County, Tennessee, for the same relief—to the Committee on War Claims.

Also, petition of James Russell, of Marion County, Tennessee, for the same relief—to the Committee on War Claims.

By Mr. ROCKWELL: Papers relating to House bill 12526, granting an increase of pension to Mrs. Caroline V. English, widow of the late Lieut. Col. Thomas C. English, Second United States Infantry, United States Army, from $30 to $50—to the Committee on Pensions.

By Mr. STONE, of Missouri: Resolutions of Enterprise Union, No. 1174, Farmers and Laborers' Union, of Henry County, Missouri, for free coinage of silver, for reduction of salaries of Congressmen, and for other purposes—to the Committee on Coinage, Weights, and Measures.

By Mr. SWENEY: Petition of A. Dunham and others, citizens of Mason City, Iowa, for the passage of a law to control the manufacture and sale of oleomargarine, butterine, and all compounds in imitation of butter—to the Committee on Agriculture.

Also, petition of Frank Henry and others, citizens of the same city, for the same measure—to the Committee on Agriculture.

Also, resolutions of Oak Grove Farmers' Alliance, Fayette County, Iowa, for the passage of the antioption bill, No. 5353—to the Committee on Agriculture.

Also, petition of Frank Long, of Worth County, Iowa, for the same measure—to the Committee on Agriculture.

Also, resolutions of Alliance No. 1680, Worth County, Iowa, for the same measure—to the Committee on Agriculture.

Also, petition of L. W. Reed and 36 others, citizens of Fayette County, Iowa, for the same measure—to the Committee on Agriculture.

By Mr. TAYLOR, of Tennessee: Petition of Greenberry Mitchell, of Grainger County, Tennessee, for reference of claim to Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

Also, petition of Robert Stone, of Claiborne County, Tennessee, for the same relief—to the Committee on War Claims.

By Mr. TOWNSEND, of Colorado: Resolutions of the city council of Golden, Jefferson County, Colorado, in favor of free coinage of silver—to the Committee on Coinage, Weights, and Measures.

Also, report of the grand jury of the district court of Dolores County, State of Colorado, protesting against the Southern Ute Indians being given ponies by the Indian agent to leave their reservation and violate the laws of the State of Colorado and insult and rob the citizens of that county—to the Committee on Indian Affairs.

By Mr. WHITING: Petition of Frank W. Hubbard and 23 others, citizens of Huron County, Michigan, asking for increase of salary for keepers and surfmen of the Life-Saving Service—to the Committee on Commerce.

By Mr. WILLCOX: Petition of Christopher C. Wright, for removal of the charge of desertion—to the Committee on Military Affairs.

By Mr. WILLIAMS, of Illinois: Papers to accompany House bill 12862, for the relief of Thomas Summers—to the Committee on Invalid Pensions.

Also, papers in support of claim of James M. Blades, for increase of pension—to the Committee on Invalid Pensions.

By Mr. WILSON, of Missouri: Papers to accompany bill to remove charge of desertion against John S. Crites—to the Committee on Military Affairs.

Also, affidavits and papers to accompany the bill granting a pension to George W. Jenkins—to the Committee on Invalid Pensions.

By Mr. WILSON, of Washington: Resolutions of Relief Farmers' Alliance, of Dayton, Columbia County, Washington, relative to options—to the Committee on Agriculture.

Also, petition of 52 citizens of Lincoln County, Washington, in favor of the same measure—to the Committee on Agriculture.

Also, petition of 11 citizens of Ping, Garfield County, Washington, for the same measure—to the Committee on Agriculture.

Also, petition of 17 citizens of Relief, Columbia County, Washington, for the same measure—to the Committee on Agriculture.

Also, resolutions of Reardon Alliance, No. 117, of Washington, for the same measure—to the Committee on Agriculture.

Also, petition of 88 citizens of the State of Washington, for the same measure—to the Committee on Agriculture.

SENATE.

TUESDAY, *January* 13, 1891.

The Senate met at 10 o'clock a. m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. FAULKNER presented a petition signed by Charles H. Loefler, president, and Gustave H. Medick, secretary, on behalf of the Butchers' Protective Association, No. 11, of Wheeling, W. Va., praying for the passage of the Conger lard bill; which was ordered to lie on the table.

Mr. PASCO presented a petition of the Board of Trade of Jacksonville, Fla., praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. ALLISON presented the following petitions, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Petition of N. B. Shelder and 5 other citizens of Greene County, Iowa.

Petition of M. S. Randleman and 53 other citizens of Carlisle, Warren County, Iowa;

Petition of W. Hull and 16 other citizens of Mahaska County, Iowa;

Petition of Joseph Ogbun and 20 other citizens of Henry County, Iowa;

Petition of J. E. Coleman and 12 other citizens of Beaver Township, Guthrie County, Iowa;

Petition of B. F. Paige and 30 other citizens of Highland Township, Clayton County, Iowa;

Petition of P. S. Porter and 10 other citizens of Webster County, Iowa;

Petition of D. F. White and 17 other citizens of Garfield Township, Mahaska County, Iowa;

Petition of John Oland and 23 other citizens of Mount Valley, Winnebago County, Iowa;

Petition of R. H. Smith and 17 other citizens of Plymouth County, Iowa;

Petition of C. P. Walker and 12 other citizens of Dawson Township, Greene County, Iowa;

Petition of H. W. Herrick and 18 other citizens of Okobopi Township, Dickinson County, Iowa;

Petition of George W. Strohm and 14 other citizens of Iowa;

Petition of N. M. Greer and 19 other citizens of Clarke County, Iowa;

Petition of C. S. Ormond and 13 other citizens of Ringgold County, Iowa;

Resolutions of Farmers' Alliance, No. 1006, of Dawson Township, Iowa;

Resolutions of Western Farmers' Alliance, No. 1823, of Plymouth County, Iowa;

Resolutions of Forest Grove Farmers' Alliance, No. 1639, of Mahaska County, Iowa;

Resolutions of Nora Alliance, No. 1355, of Highland Township, Clayton County, Iowa;

Resolutions of Valley Alliance, No. 1310, of Iowa;

Resolutions of County Alliance of Jefferson, Greene County, Iowa;

Resolutions of Le Grand Alliance, No. 754, of Le Grand, Marshall County, Iowa;

Resolutions of Logan Farmers' Alliance, No. 1675, of Winnebago County, Iowa;

Resolutions of Long Grove Farmers' Alliance, No. 1653, of Scott County, Iowa;

Resolutions of Asbury Farmers' Alliance, No. 1799, of Iowa;

Resolutions of Sand Ridge Farmers' Alliance, No. 1589, of Wayne County, Iowa;

Resolutions of Clear Grit Alliance, No. 1154, of Butler County, Iowa;

Resolutions of Alliance No. 960, of Sutherland, Iowa;

Resolutions of Huron Alliance, No. 712, of Huron, Des Moines County, Iowa;

Resolutions of Barclay Township Alliance, No. 1582, of Black Hawk County, Iowa;

Petition of N. O. Kern and 30 other citizens of Marshall County, Iowa;

Petition of D. C. Gullickson and 22 other citizens of Winnebago County, Iowa;

Petition of S. A. Smith and 10 other citizens of Orange Township, Guthrie County, Iowa;

Petition of George Little and 26 other citizens of Scott County, Iowa;

Petition of M. J. Garrigan and 21 other citizens of Farley, Dubuque County, Iowa;

Petition of John P. Kingsley and 14 other citizens of Dubuque County, Iowa;

Petition of W. H. Guilford and 15 other citizens of Dubuque County, Iowa;

Petition of N. H. Kent and 20 other citizens of Lyon County, Iowa;

Petition of J. H. Marken and 40 other citizens of Dumont, Butler County, Iowa;

Petition of E. F. Aldred and 34 other citizens of O'Brien County, Iowa;

Petition of J. B. Murphy and 39 other citizens of O'Brien County, Iowa;

Petition of A. Anderson and 55 other citizens of Black Hawk County, Iowa;

Petition of T. F. Luckenbill and 38 other citizens of Des Moines County, Iowa;

Petition of W. C. Farrington and 27 other citizens of Howard County, Iowa;

Petition of A. Berkholz and 21 other citizens of St. Charles, Floyd County, Iowa;

Petition of Henry Daebal and 23 other citizens of Worth County, Iowa;

Petition of E. D. Hunt and 25 other citizens of Worth County, Iowa;

Resolution of Worth County Alliance of Worth County, Iowa;

Petition of F. A. J. Gray and 28 other citizens of Muscatine County, Iowa;

Petition of Thomas McDonnell and 49 other citizens of Buchanan County, Iowa;

Petition of C. S. Holmes and 17 other citizens of Ringgold and Taylor Counties, Iowa;

Petition of A. B. Hancock and 37 other citizens of Webster County, Iowa;

Petition of Edward Evenson and 12 other citizens of Worth County, Iowa; and

Petition of Herman Smith and 41 other citizens of Buchanan County, Iowa.

Mr. CASEY presented a petition of 9 attorneys of Bismarck, Mandan, and Lisbon, in the State of North Dakota, praying for the passage of the bill to define and regulate the jurisdiction of the courts of the United States; which was ordered to lie on the table.

Mr. MANDERSON presented a petition of citizens of Nantasket, Buffalo County, Nebraska, and a petition of Cherry Creek Farmers' Alliance of Nantasket, Buffalo County, Nebraska, praying for the passage of the Conger lard bill; which were ordered to lie on the table.

Mr. GORMAN presented the following petitions of citizens of Maryland, praying for the passage of the Conger lard bill; which were ordered to lie on the table:

Petition of Samuel B. Leslie and 103 other citizens of Baltimore, Md.;

Petition of 61 butchers of Baltimore, Md.;

Petition of Charles P. Meredith and 759 other citizens of Baltimore, Md.; and

Resolutions of the Progress Grange, Patrons of Husbandry, of Anne Arundel County, Maryland.

Mr. DOLPH presented the petition of J. B. Stump and 13 other citizens of Salem, Marion County, Oregon, praying for the passage of the Conger lard bill; which was ordered to lie on the table.

Mr. HIGGINS presented a petition of 82 citizens of the State of Delaware, praying for the passage of the bill for increase in the pay of keepers and surfmen in the Life-Saving Service; which was referred to the Committee on Commerce.

Mr. HOAR. I present a petition, signed by eminent representative colored men belonging to more than fifteen States of the Union, praying for the passage of a national election law. I move that the petition lie on the table.

The motion was agreed to.

Mr. EVARTS. I present resolutions of the Chamber of Commerce on the subject now pending before the Senate in regard to the circulation of silver coinage, against the measure providing for free coinage and in favor of the modification if the silver coinage measure should be adopted. The memorial is very brief, and will not occupy more than ten lines in the RECORD, and as the measure is pending I ask that it may be printed in the RECORD.

The VICE PRESIDENT. Is there objection to the request of the Senator from New York?

There being no objection, the memorial was ordered to lie on the table and to be printed in the RECORD, as follows:

CHAMBER OF COMMERCE OF THE STATE OF NEW YORK.

At an adjourned meeting of the Chamber of Commerce, held this Monday, January 12, 1891, the following resolution was adopted:

Resolved, That it is the judgment of this chamber that until a uniform coinage ratio between gold and silver is adopted by the commercial nations of Europe and the United States the passage of an act by Congress and its approval by the President, authorizing the unlimited free coinage of silver dollars of the present standard, would result in forcing United States gold coin into an article of merchandise, thereby withdrawing it from circulation and contracting the money of the country more than one-third of its present volume.

Attest:

CHAS. S. SMITH, *President.*

[SEAL.] GEO. WILSON, *Secretary.*

Mr. PLUMB presented a petition of the Farmers' Alliance and Industrial Union of Bourbon County, Kansas, praying for the passage of what is known as the Burrows bill, providing for the improvement of the Mississippi River; which was referred to the Committee on Commerce.

He also presented the following petitions of citizens of Kansas, pray-

ing for the passage of the Conger lard bill; which were ordered to lie on the table:

Petition of 31 citizens of Springdale, Kans.;

Petition of 21 citizens of Sedgwick County, Kansas; and

Petition of 12 citizens of Leavenworth County, Kansas.

Mr. PLUMB presented the following memorials of Farmers' Alliances and citizens of Kansas, remonstrating against the passage of the Conger lard bill; which were ordered to lie on the table:

Memorial of the Banner Alliance, No. 727, of Pratt County, Kansas;

Memorial of Mount Pleasant Alliance, No. 1194, of Washington County, Kansas; and

Memorial of 15 citizens of the State of Kansas.

Mr. REAGAN presented the following petitions, praying for the passage of the Conger lard bill; which were ordered to lie on the table:

Petition of J. S. Young and 45 other citizens of Lewisville, Texas;

Petition of P. T. Moore and 46 other citizens of San Jacinto County, Texas; and

Petition of J. J. Sullivan and 14 other citizens of Fayette County, Texas.

TAX ON STATE BANKS.

Mr. MORGAN. By request of the Senator from Georgia [Mr. COLQUITT], who is at home sick, I present resolutions of the Legislature of Georgia, and ask that they be read.

The VICE PRESIDENT. The resolutions will be read.

The resolutions were read, and referred to the Committee on Finance, as follows:

Whereas the statute of the United States levying a tax of 10 per cent. on State banks of issue, which was enacted in the interest of the national banks, gives the latter a monopoly in the issue of currency, which is unjust and injurious to the people of this country, in that said State banks, by the exorbitant tax, are prohibited from doing business, and are prevented from issuing a good local currency, which, properly guarded by State laws, would be safe and greatly promotive of the prosperity of the people: Therefore,

Be it resolved by the house of representatives (the senate concurring), That our Senators and Representatives in the present Congress be, and they are hereby, instructed to urge the passage, at the ensuing session, of an act repealing the statute imposing said tax.

Resolved further, That his excellency, the governor, be requested to have each of our Senators and Representatives in Congress supplied with a duly certified copy of the foregoing resolution.

CLARK HOWELL,
Speaker House of Representatives.
M. A. HARDIN,
Clerk House of Representatives.
ROBT. G. MITCHELL,
President of the Senate.
WM. A. HARRIS,
Secretary of the Senate.

Approved December 4, 1890.

W. J. NORTHEN,
Governor.

Mr. MORGAN. In the same connection I offer, in behalf of the Senator from Georgia [Mr. COLQUITT], an amendment intended to be proposed to the bill (S. 4675) to provide against the contraction of the currency, and for other purposes. I ask that the amendment be printed and laid on the table.

Mr. ALLISON. Let it be read.

The amendment was read, and ordered to lie on the table, as follows:

On page 8, line 24, after the word "appropriated," add the following:

"That State banks and State banking associations shall not pay any tax on the amount of their own notes used for circulation and paid out by them.

"That persons, firms, associations, corporations, national-banking associations, State banks, and State banking associations shall not pay any tax on the amount of notes of any State bank or State banking association, used for circulation and paid out by them."

COMMITTEE ON PRINTING.

Mr. MANDERSON. I ask the unanimous consent of the Senate that the Committee on Printing may be privileged to sit during the sessions of the Senate. It has under consideration an important subject matter about which it is taking testimony.

The VICE PRESIDENT. Leave will be granted, if there be no objection. Leave is granted.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MARTIN, its Chief Clerk, announced that the House had passed the bill (H. R. 11708) granting a pension to Drewry Porter; in which it requested the concurrence of the Senate.

REPORTS OF COMMITTEES.

Mr. DAVIS, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 4728) increasing the pension of Ellen L. Pelouze, widow of Lewis H. Pelouze;

A bill (H. R. 8060) for the relief of William Karger;

A bill (H. R. 11604) granting a pension to Orrin Day; and

A bill (H. R. 1427) granting a pension to Lucy A. George.

Mr. HALE. On January 5, from the Committee on the Census, I reported the bill (H. R. 12500) making an apportionment of Representatives in Congress among the several States under the Eleventh Census. As the Senator from Minnesota [Mr. DAVIS] desired to submit the views of the minority, which were not then quite ready, no report was presented by the committee. I now submit the report of the majority of the committee, to accompany the bill, and ask that it be printed.

Mr. DAVIS. I present the views of the minority and ask that they be printed with the report of the majority.

The VICE PRESIDENT. It will be so ordered.

BILLS INTRODUCED.

Mr. HOAR introduced a bill (S. 4853) granting a pension to Mrs. Nicolas Henrich; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLUMB introduced a bill (S. 4854) to authorize the Secretary of the Interior to sell certain tracts of the surplus lands belonging to the Ottawa tribe of Indians, in the Indian Territory, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 4855) for the relief of David M. Foltz; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VOORHEES introduced a bill (S. 4856) to increase the pension of Ambrose B. Carlton; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. HOAR submitted an amendment intended to be proposed to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed in the RECORD, as follows:

The Secretary of the Navy is hereby authorized to sell one or more of the old single-turreted monitors to the Pneumatic Gun Carriage and Powder Company for conversion by said company into a floating battery or batteries, the Government to incur no liability in said conversion and the price or prices to be paid for said monitor or monitors to be determined by a board of officers of the Navy appointed by the Secretary.

Mr. HOAR also submitted an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed in the RECORD, as follows:

To enable the Secretary of the Treasury to remit the penalties on the light-house steamer Pansy, $1,275.

WITHDRAWAL OF PAPERS.

On motion of Mr. MORGAN it was

Ordered, That the papers relating to the application of Patrick Doran for pay as messenger in the House of Representatives, on the files of the Senate, be referred to the Committee on Appropriations, there being no adverse report in the case.

MARITIME CANAL COMPANY OF NICARAGUA.

Mr. SHERMAN. I offer for adoption the following resolution:

Ordered, That there be printed 2,000 extra copies of Senate bill 4827, a bill to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

Mr. EDMUNDS. I suggest to my friend from Ohio that he add, "and of the report of the committee."

Mr. SHERMAN. That would delay it. I will state to the Senator that this is simply to print 2,000 extra copies of the bill, and to add the report would delay it.

Mr. EDMUNDS. Very well; I will withdraw the suggestion.

Mr. COCKRELL. I should like to ask the Senator from Ohio how long it will be before the report will be ready to be delivered.

Mr. SHERMAN. That is a question which will have to be put to the Public Printer. I should think within a week.

Mr. CULLOM. Is it in his hands?

Mr. SHERMAN. It is.

Mr. COCKRELL. I think the suggestion of the Senator from Vermont is a very pertinent one. We ought to have extra copies of the report printed also.

Mr. EDMUNDS. That is just what I was suggesting, that the report itself, the body of the report, we ought to have to-day. The only difficulty in printing the appendices of the report is that there are some maps, documents, etc., that will take a little while to put in order and bind up. We have provided for purchasing enough of those little maps, but the body of the report, the statement of the committee, ought to be printed to-day.

Mr. COCKRELL. That is what we want to read.

Mr. EDMUNDS. That you want to read, and it could be had to-day I have no doubt.

Mr. COCKRELL. I think it ought to be added to the resolution.

Mr. EDMUNDS. I think I can adjust it so as to satisfy the chairman of the Committee on Foreign Relations. I suggest to add:

And also 2,000 extra copies of the report of the committee on said bill without the appendices.

That will give us the body of the report at once.

Mr. GORMAN. That will not delay the printing of the bill at all.

Mr. SHERMAN. The only objection I have to the suggestion is, in the first place, that when the report comes to be published there will be a demand, I have no doubt, for more than 2,000 copies, and the amount will be so large as to go over the $500 limitation.

Mr. EDMUNDS. Very well; I will let it go as it is. I withdraw the suggestion to amend.

Mr. SHERMAN. The Senator can offer his proposition separately and send it to the Committee on Printing.

Mr. EDMUNDS. Very good. That is all right.

The VICE PRESIDENT. The question is on agreeing to the resolution offered by the Senator from Ohio.

The resolution was agreed to.

OMAHA AND WINNEBAGO INDIAN ALLOTMENTS.

Mr. DAWES. I move to reconsider the vote by which the resolution I offered yesterday, with reference to the Omaha Indian allotments, was passed, for the purpose of moving an amendment to it. It is on page 1249 of the RECORD.

The VICE PRESIDENT. The Senator from Massachusetts moves to reconsider the vote by which the Senate agreed to the resolution adopted yesterday; which will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the Secretary of the Interior be directed to furnish for the use of the Senate such information as is in possession of that Department concerning the lease by allottees of land in severalty on the Omaha reservation of their allotments by Indians, and the surrender of the occupancy thereof to white people; how many such allotments have been given up to the occupancy of white people, and by what authority of law; and what steps, if any, have been taken to recover the possession and use of such allotments to the Indians for whose use they are held by the United States.

The VICE PRESIDENT. The question is on the motion of the Senator from Massachusetts to reconsider.

The motion to reconsider was agreed to.

The VICE PRESIDENT. The resolution is before the Senate.

Mr. DAWES. I move to strike out of the resolution, after the word Omaha, the word "reservation" and to insert in place of it "and Winnebago reservations," so that it may include both the Omaha and Winnebago reservations.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. In line 3 of the resolution strike out the word "reservation" and insert in lieu thereof the words "and Winnebago reservations;" so as to read:

Resolved, That the Secretary of the Interior be directed to furnish for the use of the Senate such information as is in possession of that Department concerning the lease by allottees of land in severalty on the Omaha and Winnebago reservations, etc.

The amendment was agreed to.

The resolution as amended was agreed to.

HOUSE BILL REFERRED.

The bill (H. R. 11708) granting a pension to Drewry Porter was read twice by its title, and referred to the Committee on Pensions.

DUDLEY JOHNSON.

The VICE PRESIDENT. If there is no further morning business the Calendar under Rule VIII is in order. The first bill on the Calendar will be stated.

The bill (H. R. 2787) to authorize the Secretary of War to remove the charges of desertion from the records of the War Department as to Dudley Johnson, late ordnance sergeant, United States Army, was announced as first in order on the Calendar, and the Senate, as in Committee of the Whole, proceeded to its consideration,

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to remove the charges of desertion from the records of the War Department as to Dudley Johnson, late ordnance sergeant, United States Army.

Mr. EDMUNDS. Let us hear the report, Mr. President.

The VICE PRESIDENT. The report will be read.

The Chief Clerk read the following report, submitted by Mr. WALTHALL December 17, 1890:

The Committee on Military Affairs, to whom was referred the bill (H. R. 2787) to authorize the Secretary of War to remove the charges of desertion from the records of the War Department as to Dudley Johnson, late ordnance sergeant, United States Army, having considered the same, report as follows:

Upon the facts furnished by the War Department, appearing in the annexed report of the House Committee on Military Affairs, the claimant seems entitled to the relief provided for in the bill.

Your committee therefore recommend the passage of the bill.

[House Report No. 533, Fifty-first Congress, first session.]

Your committee has had under consideration House bill 2787, and after examination find that Dudley Johnson is entitled to receive the relief prayed for. The accompanying letter of Secretary of War shows history of case.

The committee recommend that the bill do pass.

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
Washington, January 31, 1890.

SIR: I have the honor to return herewith letter from the chairman of the Committee on Military Affairs, House of Representatives, inclosing H. R. 2787, for removal of charge of desertion in case of Dudley Johnson, ordnance sergeant, United States Army, and in compliance with request of the committee to report that the records of this office show that Dudley Johnson enlisted February 17, 1830, in Company B, Fifth Infantry, and served continuously in that company until February 26, 1853, when he was appointed ordnance sergeant, United States Army, as which he re-enlisted in December, 1854, and again in October, 1859.

In February, 1861, he was stationed at Fort Chadbourne, Tex., which post was abandoned by the United States troops and taken possession of by the Texan forces in March, 1861, from which time until August, 1865, nothing was heard of Ordnance Sergeant Johnson, his name having in the mean time been dropped as a deserter, it being supposed that he had joined the Confederate troops.

On August 27, 1865, he reported from Camp Colorado, Tex., inclosing copy of a six months' furlough which he claimed to have obtained from the commanding officer on abandonment of Fort Chadbourne, and which ordered him to report to some United States post on its expiration or be considered a deserter. On reporting in 1865 he stated that he could not leave with the troops in 1861, as transportation could not be furnished for his family; that he intended to go to Austin and procure such transportation, but on reaching Camp Colorado he found that he was compelled to remain there or surrender as a prisoner of war and abandon his family; he therefore requested pay, etc., to October 20, 1864, date of expiration of service. Lieutenant Colonel Morris, First Infantry, who commanded Fort Chadbourne, Tex., in March, 1861, stated that to the best of his knowledge he gave Ordnance Sergeant Johnson the furlough on his personal application "to attend to his private affairs." As Camp Colorado was at that time not occupied by United States troops, further investigation was discontinued.

In 1867, on reapplication of Ordnance Sergeant Johnson, the matter was referred to Captain Rendlebrook, Fourth Cavalry, who in 1866 was at Camp Colorado and there saw Ordnance Sergeant Johnson.

Captain Rendlebrook reported in April, 1868, that Johnson was living in one of the Government buildings at Camp Colorado; that during the rebellion he was placed in charge of United States prisoners of war confined at above-mentioned camp by the Confederate authorities, and is reported to have treated them badly. This information appears to have been obtained by Captain Rendlebrook at Camp Colorado, Tex. On this report the application, as well as subsequent applications, was denied by the Secretary of War.

In such applications the man claimed that he never was arrested as a prisoner of war, being so far out on the frontier where he had to remain as a matter of necessity until the close of the war; that he refused all offers of employment from the Confederacy.

Several citizens of Camp Colorado, Tex., swear that they were residents of that place at the time in question; that Sergeant Johnson was compelled to remain in Texas, and that he never was in the Confederate or State service, never had charge of Union prisoners, etc.

United States troops reoccupied Texas in 1864 on the southern and Gulf borders, but did not get in the neighborhood of Fort Chadbourne until June, 1865.

Very respectfully,

J. C. KELTON, *Adjutant General.*

The SECRETARY OF WAR.

Mr. EDMUNDS. I should like to hear the bill read again.

The VICE PRESIDENT. The bill will be again read.

The Chief Clerk again read the bill.

Mr. EDMUNDS. The effect of that is to give this man just about four years' pay. According to this report and statement he staid on the Confederate side of the line to attend to his private affairs (that is what the officer says he gave him the six months' furlough for); that he kept out of the way of fighting on the Confederate side because he did not want to, and he did not try to come home to the United States, if I may use that expression, apparently because he did not want to. There is no evidence that he attempted to reach his own lines again or to get back to what would then have been, if he was loyal, his own country while the war was going on.

I do not see any possible ground for paying this man for that length of time, and that is what all of this means. The Secretary of War, who has ample authority to investigate all this matter, has refused so far as to remove the charge of desertion from him, and I for one do not think that the people of the United States ought to be taxed to pay him.

Mr. COKE. Mr. President——

Mr. STEWART. The Senator who reported the bill is not here, and I move——

Mr. EDMUNDS. Let the Senator from Texas speak.

Mr. STEWART. Very well.

Mr. COKE. Mr. President, I hope that this bill will pass. The committee acted upon the testimony and representations from the War Department, which were satisfactory to that Department and satisfactory to the committee. It is a House bill. The other House appears to have been satisfied with it. Every committee before which the matter has been pending seems to have been entirely satisfied with the proof that this man is entitled to the relief granted him in the bill. There is no provision in the bill for any payment of money to this person.

Mr. EDMUNDS. No; but the Senator will perfectly understand, if he will allow me to interrupt him——

Mr. COKE. Certainly.

Mr. EDMUNDS. The moment the charge of desertion is removed then he goes to the paymaster and gets his pay for his military service. That is just what it comes to by evident logic.

Mr. COKE. I do not know whether the Senator is correct in that assumption or not. I doubt very much if he is. I presume that there is some limitation upon the right of persons who claim pay for services in the United States Army to demand it, and if there is any limitation at all it seems to me it will have run in this case.

Mr. STEWART. I suggest to let the matter go over. The Senator who reported the bill will probably be able to make further explanation of it when it is called up again. If the Senator from Texas will allow me, I will move that the Senate proceed to the consideration of the financial bill.

Mr. COKE. Very well.

Mr. SHERMAN. The Calendar is in order for an hour. I hope that we shall proceed to consider the Calendar. The unfinished business is not in order until 11 o'clock.

Mr. STEWART. Yes; but we shall have very little time to-day and many Senators want to speak.

Mr. SHERMAN. I think we had better proceed with the morning business until 11 o'clock, and then I shall have no objection, when the morning hour expires, to taking up the financial bill.

Mr. COKE. If the Calendar is to be proceeded with, I do not see why the pending case should be laid aside. I have nothing further to say myself.

Mr. STEWART. I withdraw the motion.

The VICE PRESIDENT. The bill is before the Senate as in Committee of the Whole, and open to amendment.

The bill was reported to the Senate without amendment.

Mr. EDMUNDS. As the Senate is rather thin and I infer from what the Senator from Texas says that he does not wish to give this man four years' pay for service that he did not perform, I move to amend the bill by adding the following proviso:

Provided, That such removal of the charge of desertion shall not entitle the said Johnson to any pay or emoluments.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Vermont.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. COKE. I move that the Senate request a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the Vice President was authorized to appoint the conferees on the part of the Senate; and Mr. WALTHALL, Mr. HAWLEY, and Mr. MANDERSON were appointed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. MARTIN, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice President:

A bill (S. 507) to provide for the erection of a public building in the city of Youngstown, Ohio;

A bill (S. 2405) to provide for the purchase of a site and the erection of a public building thereon at Lewiston, in the State of Maine;

A bill (S. 3417) to provide for the purchase of a site and the erection of a public building thereon at Haverhill, in the State of Massachusetts;

A bill (H. R. 5474) to make payment to E. H. Mix, E. H. Griswold, D. D. Griffith, and C. C. Goodspeed, on erroneous land-entry payments;

A bill (H. R. 9490) authorizing the Secretary of War to grant to the trustees of the Maine Insane Asylum, Augusta, Me., a license to construct a roadway through the United States arsenal grounds at Augusta, Me., and allow the same to be used by the public;

A bill (H. R. 11237) to amend sections 1346 and 1348 of the Revised Statutes of the United States in reference to the visitation and inspection of the military prison and examination of its accounts and government;

A bill (H. R. 12365) to authorize Oklahoma City, in Oklahoma Territory, to issue bonds to provide a right of way for the Choctaw Coal and Railway Company through said city; and

A bill (H. R. 12395) granting a pension to Mrs. E. J. Baldy, widow of W. H. Baldy.

IMPAIRMENT OF TREATY STIPULATIONS.

The bill (S. 4668) in respect of certain treaty stipulations was announced as next in order on the Calendar, and was read.

Mr. STEWART. I should like to hear some explanation of that bill. At what evil is it aimed?

Mr. COCKRELL. There is no report with it, I see.

Mr. SHERMAN. The substance of the bill is to save the Hawaiian treaty. The tariff act to reduce the revenue and equalize duties on imports, and for other purposes repeals the duty on sugar, but leaves various other articles subject to duty which are made free by the treaty with Hawaii. There are quite a number of other articles; none, however, of very great importance. Perhaps the most important is rice.

It was not the intention of Congress to modify or change the Hawaiian treaty by the tariff act, but it is believed that the tariff act does repeal the Hawaiian treaties to that extent. The Supreme Court having decided that both treaties and laws are the supreme law of the land and to be equally enforced, the law of the latest date must, of course, be enforced, and therefore the act of Congress repealed the treaty with the Hawaiian Islands. That was not the intention of Congress, and this bill is intended as a saving clause to prevent that effect, and that is the whole of it.

There may be some other treaties which are possibly affected by this bill, but I do not know of any. It was suggested in the committee that there are some provisions of the treaty with Italy, perhaps, and with one or two other countries that may be affected.

Mr. HARRIS. I wish to suggest to the Senator from Ohio that I chance to know the Senator from Kentucky [Mr. CARLISLE] desires to be present when this bill is considered, and for that reason I desire that it shall go over informally, holding its place on the Calendar.

Mr. SHERMAN. Very well.

Mr. EDMUNDS. Before the bill goes over, if the Senator will withdraw his request for a moment——

Mr. HARRIS. Certainly.

Mr. EDMUNDS. There is no doubt at all, I think, in the minds of any of the committee that the tariff act, as it is called, did, by its enactment, violate the public faith bound by the treaty with Hawaii about some articles which, under reciprocity, were to come free into the United States, by putting them on the dutiable list in common with all others, this law being later than the treaty. So that in point of law, so far as the executive administration is concerned, the executors of the law would be bound to enforce the law, although it was directly in the face of our pledges to other nations. There are two or three other countries where, probably, although the articles are few and small, the same result would arise. Therefore such a bill ought, in order to meet the public faith, to pass.

My difficulty, as I am bound in candor to state, was in committee, and is here now, that I am very much of the impression that this is a bill that ought to originate at the other end of the Capitol, as it does change the revenue laws of the United States; but I stated in committee that I should not occupy a day or two in making a speech upon that constitutional question. I think it due in candor, however, to state that on that point I am very much afraid we have no right to originate the bill; but that it ought to pass, beginning in the right place, I think there is no doubt whatever.

Mr. SHERMAN. In respect to that question I can only say that the committee of the other House having charge of the tariff act do not take that view of this bill. They do not regard it as in the nature of a revenue bill. It is simply to prevent the operation of a law which is different from what Congress intended. Whether there is any objection to that, any force in the point which has been made, it is very clear that the committee of the House, with whom I consulted, do not choose to raise the question. Still that would not justify us in violating the Constitution or not raising the point if there was anything in it.

Mr. MORGAN. I was as earnestly opposed, I suppose, as any Senator on the floor to the measure enacted at the last session of Congress to which this bill relates, but we ought not to hesitate in maintaining public faith with the Government of Hawaii and whatever other governments are concerned in our unfortunate legislation of the last session. That Government has not been at fault in any particular. It has its treaty rights with the United States Government, and if there is any higher obligation arising out of a treaty in favor of one government than there is in favor of another, I think that Hawaii had perhaps the highest rights to demand our consideration and our just action upon matters of this kind. I trust whenever this matter comes into debate again, and I hope it will be brought up very soon, that no opposition will be made to the passage of this bill.

The VICE PRESIDENT. The bill will go over, retaining its place on the Calendar.

Mr. GIBSON. Before the bill goes over I should like to say a word about the Hawaiian treaty.

Mr. President, nobody was more opposed to the ratification of the Hawaiian treaty than I was, and perhaps no portion of the people of our country was so much opposed to that treaty as the people whom I in part represent; but if, by any inadvertence, the treaty was impaired in any way by the action of this Government, I for one would be the last to insist upon taking advantage of that. I think a treaty is based not only upon interests, but upon honor, and that we are required by every obligation of honor as soon as possible to repair any action that we may have taken in impairing the treaty in any way.

Mr. SHERMAN. I wish to say another thing to show the importance of speedy action, and then I shall have no objection to the bill going over.

I am advised by the officers of the Treasury Department that they are greatly embarrassed by the present condition of affairs. They do not know whether to collect the duties according to the law or whether to observe the treaty. It is a question of doubt, but they say that in all probability they will be compelled to enforce the law in obedience to the decision of the Supreme Court; and in that case they will have to refund all these duties, readjust all these entrances hereafter by a refund of duties, and therefore it is very embarrassing to have to collect from an importer duties on goods which may have to be again refunded. If this question is to be disposed of at all, it ought to be disposed of at as early a day as possible.

The VICE PRESIDENT. The next bill on the Calendar will be stated.

PUBLIC BUILDING AT JOLIET, ILL.

Mr. CULLOM. I ask that the bill (S. 4711) to provide for the erection of a Government building at Joliet, Ill., may be now considered.

Mr. COCKRELL. Let us go on with the Calendar in the regular order.

Mr. CULLOM. I believe almost every other public-building bill on the Calendar has been passed.

Mr. SHERMAN. The motion is not in order until the hour has passed for the consideration of the Calendar.

Mr. COCKRELL. We shall soon reach the Senator's bill.

Mr. CULLOM. All right. I withdraw the motion.

The VICE PRESIDENT. The next bill on the Calendar will be proceeded with.

TRANSFER OF ARMY OFFICERS ON THE RETIRED LIST.

The bill (S. 2105) to transfer officers on the retired list of the Army from the limited list to the unlimited was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, at the end of the bill to add the following:

And the limited retired list shall hereafter consist of three hundred and fifty instead of four hundred, as now fixed by law: *Provided*, That officers who have been placed on the retired list by special authority of Congress shall not form part of the limited retired list established by this act.

So as to make the bill read:

Be it enacted, etc., That when officers who have been placed on the limited retired list as established by section 7, chapter 263, page 150, volume 20, United States Statutes at Large, shall have attained the age of sixty-four years, they shall be transferred from said limited retired list to the unlimited list of officers retired by operation of law because of having attained said age of sixty-four years. And the limited retired list shall hereafter consist of three hundred and fifty instead of four hundred, as now fixed by law: *Provided*, That officers who have been placed on the retired list by special authority of Congress shall not form part of the limited retired list established by this act.

Mr. HALE. Will the Senator in charge of this bill explain what the effect will be upon the retired list of the Army?

The VICE PRESIDENT. The bill was reported by the Senator from Connecticut [Mr. HAWLEY], who is not present.

Mr. HALE. Let it go over without losing its place.

The VICE PRESIDENT. The bill will go over. The next bill on the Calendar will be stated.

BRIDGE OVER RED RIVER OF THE NORTH.

The bill (S. 4604) to authorize the construction of a bridge across the Red River of the North, at Drayton, N. Dak., was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments, in section 4, line 8, after the word "mile," to insert "above and one-half mile;" in line 9, after the words "location, the," to strike out "topography of," and insert "high and low water lines upon;" in line 10, after the word "river," to strike out "the shore lines at high and low water;" in line 12, after the word "stages," to strike out "and" and insert "with;" in line 13, after the word "stream," to insert "and;" in the same line, after the word "bridges," insert "such map to be sufficiently in detail to enable the Secretary of War to judge of the proper location of said bridge;" and in line 17, after the word "subject," to insert "and until such plan and location of the bridge are approved by the Secretary of War the bridge shall not be built;" so as to make the section read:

That any bridge authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and to secure that object the said town or trustee shall submit to the Secretary of War for his examination and approval a design and drawings of the said bridge, and a map of the location, giving, for the space of one-half mile above and one-half mile below the proposed location the high and low water lines upon the banks of the river, the direction and strength of the currents at all stages, with the soundings, accurately showing the bed of the stream, and the location of any other bridge or bridges, such map to be sufficiently in detail to enable the Secretary of War to judge of the proper location of said bridge, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until such plan and location of the bridge are approved by the Secretary of War the bridge shall not be built; and should any change be made in the plan of said bridge during the progress of construction or after completion, such change shall be subject to the approval of the Secretary of War."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT FRESNO, CAL.

The bill (S. 3940) to provide for the purchase of a site and the erection of a public building thereon at Fresno, in the State of California, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT JOLIET, ILL.

Mr. CULLOM. I now ask leave to call up Calendar No. 2285, Senate bill 4711.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4711) to provide for the erection of a Government building at Joliet, Ill.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and in lieu thereof to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post office and other Government offices, in the city of Joliet and State of Illinois, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of $100,000.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed $6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

No money shall be used for the purpose mentioned until a valid title to the site for said building shall be vested in the United States, nor until the State of Illinois shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the purchase of a site and the erection of a public building thereon at Joliet in the State of Illinois."

TRANSFER OF ARMY OFFICERS ON THE RETIRED LIST.

Mr. HALE. I withdraw my objection to the consideration of Calendar No. 2200, as the Senator from Connecticut [Mr. HAWLEY], who is in charge of the bill, is now present and can explain its provisions.

The VICE PRESIDENT. The title of the bill will be stated.

The CHIEF CLERK. A bill (S. 2105) to transfer officers on the retired list of the Army from the limited list to the unlimited.

There being no objection, the bill was considered as in Committee of the Whole.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Military Affairs, which has been heretofore read.

Mr. HALE. I should like the Senator from Connecticut to explain whether the effect of this bill is to increase what is known as the limited retired list of the Army, which now consists of three hundred in number, and, if such increase is provided for in the bill, the reasons why the committee came to the conclusion that it should be so changed.

Mr. HAWLEY. Mr. President, I find on looking at the Calendar that the report to accompany this bill was for some reason not sent to the desk with the bill and is not printed. The shortest explanation, I think, is a reading of this brief report of two letter pages, and I shall be happy to answer any question that may occur to any Senator while hearing it.

There are two retired lists. Both are legacies of the civil war. One is known as the limited list and was created particularly for those officers who were found to be incapacitated for active service by reason of wounds or otherwise.

There were many officers for whom there was no use in active service, broken down, physical wrecks of the war, and a list was made for them especially, a limited list.

Mr. HALE. This is to cover men, as I understand, who have not arrived at the age when they can retire by virtue of the law?

Mr. HAWLEY. Quite so, and to be retired without regard to their age.

It was established by act of Congress, approved August 3, 1861, and restricted the number of officers to be carried upon it to three hundred. This law was subsequently amended by the law of June 18, 1872, which increased the number to four hundred.

The other list—

The one to which the Senator has just referred—

is known as the unlimited list and was established July 17, 1862. That statute provided for the retirement of those officers who have served forty-five years as commissioned officers or who have arrived at the age of sixty-two years. This law was amended on June 30, 1882, by fixing the limitation of age for retirement at sixty-four instead of at sixty-two. There are now about one hundred on that list.

There are now only about one hundred on that list; that is to say the list of men who served forty-five years or who have come to be sixty-four years of age.

From time to time Congress has authorized by special personal acts the retirement of certain officers.

In each of such acts it was provided that the limited list should be enlarged for that purpose, for that one officer, and no further.

Those officers have swelled the limited list to four hundred and six. All but twenty-three of that number served in the civil war, and ninety of the entire

number are over sixty-four years of age. One officer on that list is ninety years old. He was a drummer boy in the war of 1812 and served in the Army almost continuously up to 1869 as an enlisted soldier. In that year he was retired and placed on the limited list for disability resulting from old age, with the rank of second lieutenant.

Now let us look at the active list——

The VICE PRESIDENT. The hour of 11 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business.

Mr. BUTLER. I ask unanimous consent that the bill which has been pending be proceeded with until it can be disposed of.

Mr. HAWLEY. I am obliged to the Senator.

Mr. HALE. Let the unfinished business be temporarily laid aside and the pending bill be proceeded with, in absence of objection.

Mr. HAWLEY. The report continues:

There are now sixty officers on the active list who are drawing full pay and performing no duty, who should be retired. They can not be retired, however, because there are no vacancies on said limited list and they are under sixty-four. This condition of affairs is considered detrimental to the best interests of the Army. These sixty officers are away from their commands, and the duty that they should perform is done by their juniors without increase in rank or pay.

Mr. DAWES. Are they disabled officers?

Mr. HAWLEY. They are disabled officers.

Officers on the retired list draw but three-quarters of the pay that officers on the active list receive.

Though these men who are broken down do nothing whatever, they are getting full pay. I do not think they are grumbling, because, if we retire them, they will be cut down to three-fourths of pay proper, but the younger men, the men below them, who are performing all their duties and have been for years, and might be for five or ten years longer, or possibly twenty years longer, have naturally a right to complain. They have not the promotion they are entitled to; they have not even the small measure of slow promotion due to natural causes in time of peace.

Mr. GIBSON. If these officers are retired that will open the road to the promotion of others?

Mr. HAWLEY. Yes; it opens the way to promotion.

Mr. BUTLER. I should like to inquire, further, if it does not interrupt the Senator, whether this state of things is not very unjust to those subordinate officers who have to discharge these duties without the corresponding emoluments and rank.

Mr. HAWLEY. I think the Senator's question answers itself. Obviously that is so. I know of one case where an officer has been twenty-nine years in the service, who rendered splendid service in the war and is now a gray-headed first lieutenant. I can find you many instances, not many as bad as that, but many very nearly like that.

The pending bill provides for the transfer of an officer, placed on the limited list on account of disability, to the unlimited list after he shall have attained the age of sixty-four years.

I hope that is clear. On the limited list there are many gentlemen who are over sixty-four who, but for the special provision for a limited list, would have gone on the retired list at the age of sixty-four. The essence of this bill is that it proposes to take those over sixty-four and retire them just as anybody else is retired on the unlimited list, under the general provision for retirement at sixty-four years of age. It seems to me perfectly equitable, and that it affords the relief desired.

This provision will immediately transfer ninety officers from the limited to the unlimited and give room for the retirement in part of the sixty officers who are now on the active list, but who have been designated for retirement. The committee has adopted the recommendation of the Secretary of War and has amended the bill so that hereafter the limited list shall consist of three hundred and fifty instead of four hundred.

It now stands at four hundred and six (four hundred by the general law and six by special laws) and the bill provides that hereafter it shall be only three hundred and fifty—

with the provision that those officers placed on the retired list by special authority shall not form any part of the limited retired list established by this act. This legislation will therefore place fifty of the sixty officers now eligible for retirement on the limited list.

Mr. HALE. When does the provision limiting the retired list to three hundred and fifty take effect—at once?

Mr. COCKRELL. Oh, yes.

Mr. BUTLER. Immediately upon the passage of the act, I should think.

Mr. HALE. If the limited list, which is now four hundred, is filled and twenty-six more have been added by special acts of Congress——

Mr. HAWLEY. Only six.

Mr. HALE. Six more, making four hundred and six. This bill cuts down the limit of that list from four hundred to three hundred and fifty. I do not see how you are going to get room now to put into that list officers such as have been described by the Senator from Connecticut until the number of three hundred and fifty has been lowered in some way by death or by those on that list going into the other list.

Mr. HAWLEY. This bill, if it should become a law, will take from this limited special list about ninety men immediately, and it must take others soon. There will be deaths also.

Mr. HALE. That will leave it about three hundred and sixteen.

Mr. HAWLEY. That will leave it three hundred and sixteen, and that will leave room for putting some more on that list.

Mr. HALE. Thirty-four.

Mr. COCKRELL. It will leave room for more than that. There are ninety, as I understand, who are now over the age.

Mr. HAWLEY. Yes.

Mr. COCKRELL. When they are taken from the limited list, it is reduced to three hundred and ten. Then there is an increase of forty at once, and there are six——

Mr. HAWLEY. Ninety from four hundred and six.

Mr. COCKRELL. Wait a moment; ninety from four hundred leaves three hundred and ten; so there is a space for forty. Then we take the six put there by special acts of Congress and that makes an increase of forty-six, even with the limited list down to three hundred and fifty.

Mr. HAWLEY. Yes.

Mr. HALE. I did not put my question or objection in the way of opposing the passage of this bill, but I wanted it explained. I wish to say that the difficulty arises from a condition which applies to both of the military branches of service in our Government. The delay in promotion, the obliging officers to remain in the lower grades until they become middle-aged men, is felt both in the Army and in the Navy not only as a serious inconvenience, but as a detriment to the service, and every measure of this kind is a device to relieve this difficulty.

In the Navy a young officer will continue to be an ensign of the higher grade until he is from thirty to thirty-five years of age, and a lieutenant until he is a middle-aged man in life, and the same is true of all of the grades that are above them, those of lieutenant commander, captain, and commodore. A man will be middle-aged before he reaches those grades, and something has got to be done by legislation, even more embracing than this, to relieve that condition. I do not oppose the bill.

The VICE PRESIDENT. The question is on the amendment reported by the Committee on Military Affairs.

The amendment was agreed to.

Mr. ALLISON. Before the bill passes from the Senate I should be glad to have the Senator from Connecticut explain how many people this will place upon the retired list.

Mr. HAWLEY. I am sorry the Senator was not here when I made my statement, because I have gone over it more in detail than I will take the time to do now. The bill will put on the unlimited retired list from the limited list ninety who are over sixty-four years of age and would be entitled to go there under the general law. In the mean time sixty disabled men, who can perform no duty whatever, are on the active list to the detriment of their juniors, who are doing the work.

Mr. ALLISON. So that the net result is increasing the retired list thirty or forty.

Mr. HAWLEY. Yes; increasing the total of officers retired, but not increasing the number of disabled officers.

Mr. HALE. But reducing the number on the limited list.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HAWLEY. The printing of the report was accidentally omitted. I ask to have it printed and go in the record as a part of the history of the bill.

The VICE PRESIDENT. Does the Senator desire it printed as a report or printed in the RECORD?

Mr. COCKRELL. The report ought to be printed, as it was intended to be.

The VICE PRESIDENT. As a report?

Mr. COCKRELL. It ought to be printed as a report.

Mr. HAWLEY. That is what I send it to the desk for. The printing was omitted, when I reported the bill, by pure accident. I ask that the report may now be printed and go into the record of the bill, not into the CONGRESSIONAL RECORD, but into the history of the bill.

The VICE PRESIDENT. That order will be made, in the absence of objection.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 12th instant approved and signed the following acts:

An act (S. 2783) for the relief of the Mission Indians in the State of California;

An act (S. 1590) to provide for the construction of a public building in the city of Stockton, Cal.;

An act (S. 4493) to provide for the purchase of a site and the erection of a public building thereon at Danville, in the State of Illinois;

An act (S. 2816) for the erection of a public building at Newburgh, N. Y.;

An act (S. 1230) for the erection of a public building in the city of Pawtucket, R. I.; and

An act (S. 4476) directing the issue of a duplicate of a lost check drawn by A. W. Beard, collector of customs at the port of Boston, Mass., in favor of De Blois & Co.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had concurred in the amendment of the Senate to the bill (H. R. 5380) to provide for the construction of a public building at Davenport, Iowa.

The message also announced that the House had passed a concurrent resolution providing that the number of copies of the eulogies delivered in both Houses of Congress upon Samuel J. Randall, late a Representative from the State of Pennsylvania, authorized by House joint resolution approved September 19, 1890, and upon William D. Kelley, also late a Representative from the State of Pennsylvania, authorized under House joint resolution approved June 5, 1890, to be specially bound by the Public Printer and delivered to their respective widows, be increased from 50 to 100 each.

COIN AND CURRENCY.

The VICE PRESIDENT. The unfinished business will be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 4675) to provide against the contraction of the currency, and for other purposes, the pending question being on the amendment proposed by Mr. STEWART to the amendment of the Committee on Finance.

Mr. SHERMAN. Mr. President, on the 5th of January, I think it was, when this bill first came to the Senate, or rather when the proposition was made by the Senator from Nevada [Mr. STEWART] to provide for the free coinage of silver in the United States, I entered my earnest and sincere protest against it. I did not at that time undertake to fully discuss the question, because it was suddenly and very unexpectedly presented to me.

With the previous history of the bill which had been reported, I hoped and expected, for a time at least, the hearty and generous support of that measure from the Senator from Nevada [Mr. STEWART] and those associated with him. Therefore the offer of this radical proposition, which changes the whole character of the bill, not only excited my feelings somewhat, but I think under the circumstances justified all that I said in regard to it.

What I said the other day I say now, for I have the same view, after the most careful study of the probable effects of the measure, as I had then, but now I wish to discuss it as fully as I can in the presence of Senators who are interested as deeply as I am in the questions involved, not in any party aspect, but simply as a business proposition as it affects the property, the rights, and the interests of every citizen of the United States.

Mr. President, let us look at the amendment as it now stands. I will ask the Secretary to read it.

The VICE PRESIDENT. The amendment will be read by the Secretary.

The SECRETARY. On page 5, section 4, line 18, in the amendment of the Committee on Finance, after the word "appropriated," it is proposed to add the following:

That any owner of silver bullion not too base for the operations of the mint may deposit the same in amounts of the value of not less than $100 at any mint of the United States, to be coined into standard dollars or formed into bars for his benefit and without charge; and that at the said owner's option he may receive therefor an equivalent of such standard dollars in Treasury notes to be issued by the Secretary of the Treasury in the same form and description and having the same legal qualities as the notes provided for by the act approved July 14, 1890, entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes." And all such Treasury notes issued under the provisions of this act shall be a legal tender for their nominal amount in payment of all debts, public and private, and shall be receivable for customs, taxes, and all public dues, and when so received may be reissued in the same manner and to the same extent as other Treasury notes.

Mr. SHERMAN. Mr. President, it will be perceived that this proposition is that the United States will pay $1.29 for every ounce of silver bullion which may be offered to it from any part of the world. By this proposition the United States is not at liberty to pay for this bullion in silver coin, in silver dollars, of which we have now $300,000,000 in the Treasury, but the option is entirely with the holder of the bullion to demand either coin or bars or Treasury notes. There is no option left to the Government of the United States as to the mode of the payment for this bullion. The price is fixed, and, as a matter of course, the holder of the bullion will take the most valuable mode of payment, and that probably will be United States Treasury notes.

These Treasury notes are promises to pay money. They are made a legal tender for all debts, public and private, for the public debt as well as for private debts. They are made the highest standard of value, and in some respects they are better than United States notes, because they have behind them this volume of bullion, while United States notes are only supported by certain reserves. They are better than silver certificates, because silver certificates are specifically payable in silver coin. So that not only is the United States bound to purchase all the bullion that is offered at the price of $1.29, but it has no option as to the mode of payment, for the option is in the hands and in the power of the owner of the bullion.

Mr. STEWART. I should like to inquire of the Senator if the same law does not now apply to gold.

Mr. SHERMAN. I will show you in a moment that it does not in regard to some things. In regard to the general proposition, it applies, but this amendment is much broader, because it gives to silver, as I shall show, if the Senator will allow me——

Mr. STEWART. Mr. President——

Mr. SHERMAN. If the Senator will allow me, I wish to pursue my argument now, as this is a business matter, in a regular way, and if at any time I do not meet the point I intend to show, that this gives the preference to silver over gold, the Senator may correct me, but I hope he will allow me to proceed in my own time and order.

Mr. STEWART. Certainly.

Mr. SHERMAN. Not only that, but whether it was so intended or not—and that I can not say—this amendment is offered in such a way that it is not open to amendment. It is an amendment in the second degree. It is offered as an amendment to an amendment to the fourth section of the bill, which relates to an entirely different matter, that is, to the issue of $200,000,000 of bonds for refunding purposes. So that, as it now stands, the amendment is not open to the striking out of a word or a syllable or to any change whatever. It was presented to the Senate in that shape the other day and there is no chance for the Senate to modify it.

The provision is without limit as to time. It is to exist as long as grass grows or water runs. It is unlimited as to amount. The whole field of silver, $3,800,000,000 in sight in the world, is to be drawn upon. What amount will be presented is a matter for discussion. There is no power on the part of the Secretary of the Treasury or the President of the United States to suspend the operation of this provision in time of danger and difficulty, such as we have had in the condition of the Treasury within a month or two, but the payment is imperative, without qualifications or conditions, all optional with the owner of the bullion. The market price is fixed at $1.29 an ounce. To-day, according to the quotations I see in the papers, the value of this silver bullion in the markets of the world is something less than $1.05 an ounce and in our market it is quoted at $1.05.

Mr. TELLER. It is $1.07 in New York.

Mr. SHERMAN. The Senator says it is $1.07 in New York. I will take $1.07 as well as any other amount. It was $1.05 according to the last quotation I saw.

Here is an offer, therefore, that at $1.05 we must pay for this silver 24 cents an ounce more than its market price, and the market price in New York now is a shade higher than the market price in London, Mexico, China, and India.

There is another feature of this amendment, that the bullion is required to be formed into coin or bars at the option of the owner without charge. With those words "without charge," in the connection in which they appear here, there could be no deduction made for any charge made in the mint to fit this bullion for coinage or to pay the expenses of coinage, none whatever.

It is true that, under the law as it now stands, gold is coined without charge. The old coinage charge of one-fifth of 1 per cent. which had been maintained for years and years was repealed, I think, upon the motion of the Senator from Nevada [Mr. STEWART] on the very bill which he says demonetized silver. It was because that mint charge was repealed that the Senator from Vermont [Mr. MORRILL] and I voted against the bill, and yet it was that very bill which the Senator thinks accomplished the great evil of the demonetization of silver. From that time on no charge has been made for the coinage of gold; but the charge for parting and refining, for preparing or stiffening, as they call it, or making the metal harder, and for adding the proper alloy and making the apportionment, etc., is still a charge upon gold. The depositor of gold bullion is liable to a deduction for all these various charges.

I have here a letter from the Director of the Mint showing the nature of the charges. But the silver bullion is subject to no charge whatever of any kind, either for coinage or for these various purposes. In a letter which was received by me this morning giving the particulars of the charges on gold the Director of the Mint says:

The coinage charge on gold used to be one-fifth of 1 per cent. It was abolished by the resumption act of January 14, 1875, since when there has been no charge for coining gold. The charges for refining gold bullion at the mints vary from 1 cent to 4 cents an ounce, according to the quantities of the precious and base metals contained in the deposits. There is also a melting charge and an alloy charge.

All these charges are still made against the producers of gold, but under this provision there is to be no charge; the bullion is to be deposited and either coined into bars or coined into coin without charge.

Mr. STEWART. I call the attention of the Senator to the fact that the amendment provides that it shall not be too base for the operation of the mint. It has got to be refined bullion.

Mr. SHERMAN. That makes no difference. It is not too base for the operation of the mint if it contains one-half alloy. Pure silver deposited in the Treasury is sometimes more difficult to prepare for coinage than that containing a great deal of alloy, because the alloy has to be added to it. It has to be melted and the alloy added to it. So whether presented as fine silver, as silver containing only 50, 60, or 70 per cent., whatever may be the regulations of the mint—I do not know them—in whatever form it is presented it has to be remelted and

worked over in order to be prepared for the coinage of silver, which requires silver of a certain kind, nine-tenths fine, with certain alloys which are prescribed by the law.

I asked the Director of the Mint as to the charges on gold and silver and he replied:

There is no charge for coining gold at the mints. It was estimated when we began coining the trade dollar that the cost of coining a silver dollar was about 1 cent.

The cost of refining varies from 1 cent to 6 cents, according to the proportion of the precious and base metals contained. On crude silver deposits it might be placed at 1 cent an ounce as the minimum.

So, taking at the minimum the cost of refining and taking also the cost of coining, which to the Treasury is from 1 to 1½, he says, on the trade dollar, 1 cent on a dollar, there are 2 cents to be paid by the United States to improve and put into shape the bullion that is thus deposited for which we pay $1.29, which is the standard between silver and gold coin, and we pay the 2 cents additional on every ounce.

Mr. STEWART. I do not wish to interrupt the Senator, but this is a matter about which we want to get at the exact fact. I find in the bill reported by him, the bill under consideration, that the fifth section has a similar provision, that "whenever the market price of silver bullion shall have been continuously for a period of one year"——

Mr. SHERMAN. If the Senator will allow me, I intend to read that section in full, and I ask the Senator to wait. I do not wish to repeat these things over again. I assure the Senator I intend to read that very section in full in the progress of my remarks.

Mr. STEWART. That section contains the same provision.

Mr. SHERMAN. I submit the letter of the Director of the Mint in full.

TREASURY DEPARTMENT, BUREAU OF THE MINT,
Washington, D. C., January 12, 1891.

DEAR SENATOR: As requested in your memorandum of this morning I send you inclosed herewith:

1. Statement of exports and imports of gold in the United States from July 1, 1890, to January 1, 1891.

2. Exports and imports of silver in the United States from July 1, 1890, to December 1, 1890. The information for the month of December has not been received at the Bureau of Statistics from the collectors of customs, and it is not possible to furnish the data for that month, but it may safely be averaged as about the same as for the month of November.

3. Statement of the stock of gold and silver in the world.

4. There is no charge for coining gold at the mints. It was estimated when we began coining the trade dollar that the cost of coining a silver dollar was about 1 cent.

The cost of refining varies from 1 cent to 6 cents, according to the proportion of the precious and base metals contained. On crude silver deposits it might be placed at 1 cent an ounce as the minimum.

5. The reference on page 229 of my report for the fiscal year 1890 in regard to the legal-tender quality of French coins does not relate to the five-franc piece, which is unlimited tender, but to the fractional; that is, the two-franc and smaller pieces, which have a fineness of .835 and are subsidiary coins, like the coins representing fractional parts of our silver dollar.

I inclose a brief statement, taken from the report of this bureau on the production of the precious metals, 1886, relative to the course of silver and the action of European Governments in closing their mints to its coinage.

It may be said that since 1878 the mints of Europe, without exception, have been and still are closed to the coinage of full legal-tender silver pieces, and that change money is the only silver money that has been coined in Europe for the last twelve years.

Trusting this information may prove of value to you, I am, with great respect,

E. O. LEECH, *Director of the Mint.*

Hon. JOHN SHERMAN,
United States Senate.

Mr. President, when I called the attention of the Senate the other day to this matter I expressed my view of the gravity of the situation. I said that I believed this measure would tend to change the standard of value of all the property in the United States; that in time, I could not say when, it would demonetize gold. Thereupon the Senator from Missouri [Mr. VEST], whom I am sorry not to see in his seat, made a remark which struck me with great force and I have no doubt it is honest and sincere. He said:

If I believed the free coinage of silver would put gold at a premium in this country, separate the two metals, derange the business of the country, and cause contracts to go to a different basis immediately, I would not only hesitate about it, but I would certainly refuse to go any further in that direction.

I say now in all sincerity that if I believed the free coinage of silver would enable us to maintain the value of silver bullion up to the standard of gold I should vote for free coinage to-day; and so would every member of the Senate, so far as I know. The best evidence of that is that in the very bill that is reported and here before us we have a provision which the Senator was about to read and which I shall now have read, to show what we intended to do and what we promised to do and have always understood and desired to do, and no man wants to do it more than I. I ask the Secretary to read the fifth section of the bill. I have it not before me.

The Chief Clerk read as follows:

SEC. 5. Whenever the market price of silver bullion shall have been continuously for a period of one year $1 or more for 371.25 grains of pure silver, all purchasing of silver bullion by the Secretary of the Treasury shall cease, and thereupon and thereafter any owner of silver bullion not too base for the operations of the mint may deposit the same in amounts of the value of not less than $100 at any mint of the United States, to be formed into standard dollars or bars for his benefit and without charge; and at the said owner's option he may receive instead the equivalent thereof in the Treasury notes of the said act approved July 14, 1890.

Mr. SHERMAN. Whether this section as drawn is susceptible to the objection of the Senator from Nevada I do not know. If it is, it ought to be amended. This section was taken, I think, in substance from the section that was prepared at the last session of Congress.

Mr. STEWART. I object to it on the ground that under existing law the event contemplated in the bill, to wit, the continuous price of silver at $1 for 371¼ grains for a year, is impossible. Consequently, I object to it as a nullity. I do not object to the language. The language is very proper and is the same in substance that I have incorporated; but it is to take effect when the event happens. I want to have the event happen in my lifetime.

Mr. SHERMAN. That is a fatal admission, it seems to me, to this whole proposition, that the Senator does not expect by the ordinary course of the advance of silver bullion to reach the standard of gold. If it is admitted in the Senate Chamber that this can not be done except by paying a bounty of 25 per cent. to the producers of domestic silver, I do not believe that there is a particle of use if the bill passes the Senate. It is because Senators have not confidence that, with all the power of the United States in purchasing bullion, silver will not, for causes that are apparent to every intelligent man, advance to the old standard ratio; that men like myself and others who are not interested in silver, but are only interested for a stable standard of value in the country, fear this proposition. We are perfectly willing, by any act whatever of the Government of the United States, by any aid that we may render, to advance silver to gold where it will stay; but if it is admitted that the parity of the two articles can not exist except by the Government of the United States standing as the purchaser of all the silver in the world, or even of our own domestic supply of silver, at a price 25 per cent. above the market value, then it is a thing that ought not to be aimed at, and the conclusion to which I shall come in a few moments is as absolute as any problem in Euclid.

Mr. TELLER. I should like to ask the Senator if he will state who has made that statement. Certainly no silver man has ever made such a statement.

Mr. SHERMAN. I understand the Senator from Nevada just now said that he wanted to see it come about in his lifetime, and he is likely to live as long as any of us.

Mr. STEWART. My statement is this: that until you place silver where it was, recognize it as money, and create a market for it as you do for gold, it will be a commodity, a depreciated commodity; and gold would be in the same position if you treated it in the same way.

Mr. SHERMAN. Perhaps this casual remark made by the Senator and my reply to it is not very important in this debate; but at the same time as a matter of course if I am interrupted I must reply as best I can, and I think myself if the Senator will reflect a moment that he admits away his whole case in the remark he made.

Mr. TELLER. Mr. President, if the Senator will allow me to interrupt him a moment, I do not suppose it can have escaped his attention that the advocates of free silver and free coinage all over the world have asserted over and over again as a fundamental principle that there was only one way to put gold and silver on an equality, and that was by a law which recognized the two metals as equivalent, upon some ratio to be fixed, and not by treating silver as a commodity, but treating it as a money metal with all the functions that gold has.

Mr. SHERMAN. Now I shall make a remark which I should not have made. The law now does fix the ratio for coinage at 16 to 1, and that is all the law can do. The law can not fix the value of silver bullion nor anything else. Congress is potent in many things; this Government of ours is strong; but it is not strong enough to fix the value of a bushel of wheat or of any article we produce in the country. It can not fix the value of silver bullion in the markets of the world. It is not powerful enough to do that, nor is any Government powerful enough to do it.

When we propose to pay $1.29 an ounce for silver and it is worth $1.05 we undoubtedly give it an advance and it may possibly at sometime or other reach a parity. How long would it remain there? Only as long as we will pay this price. The market value is the judgment of the world, not the judgment of any nation. The market value is the judgment of those who deal, who produce, who sell, and who use any commodity. It is their wants and their interests that regulate market value, and not the laws of men.

But, passing that now, let me proceed. During the absence of the Senator from Missouri [Mr. VEST], who is now present, I read a remark made by him that I need not repeat, but he and I desire the same thing. We both desire a bimetallic standard of silver and gold, and if any act of mine would accomplish that it should be rendered as cheerfully and as heartily as any act of my life. But here is the fact. There is a difference between the market value of silver and gold and the ratio fixed by law for the coinage of silver. The market value of gold and the market value of silver are separate from each other. Gold being considered as the standard, silver rises or falls, and that has continued now for fifteen years in our country, and we have tried various modes to prevent it. The problem we have to solve is, how can we maintain two articles of unequal value the equal of each other? How can we maintain silver and gold, which vary in the markets of the world, at the ratio we propose by law?

There are two theories on this subject. Both of them are entertained

honestly by intelligent men. One of them is, first, a limit to the coinage of the cheaper metal and its maintenance by redemption at par with the dearer metal. That is bimetallism as I understand it; that, although the price of bullion may vary in the market, yet we will maintain the coinage value and the purchasing power of the cheaper metal at the higher standard by receiving it and redeeming it if necessary. That is what I call bimetallism. The other theory is the free coinage of the cheaper metal without limitation. That means monometallism. Nothing else can designate it. If any article is allowed to be coined which is cheaper than another, the cheaper article will take the whole volume of circulation and the dearer article will either be hoarded by those who value it higher or be exported to other countries where its use is demanded. Now, is there any doubt about that?

Both these theories have been tried in the United States and in other countries, but I shall only cite the example in our own country. I beg to call the attention of my Democratic friends to this subject because they have in former times, except in the beginning, fixed these standards of value.

In 1792 gold was undervalued by the legal relation of 15 of silver to 1 of gold. This was the standard of coinage until 1834. At the beginning of the Government everybody is familiar with the correspondence and the co-operation of Alexander Hamilton and Thomas Jefferson in fixing the ratio, which they fixed at 15 to 1, and perhaps made a slight mistake in doing so; and yet that slight deflection from the standard that was adopted only three or four years afterwards by the French Government demonetized gold.

Mr. TELLER. I will state to the Senator that the French ratio was adopted in 1785 and then readopted.

Mr. SHERMAN. It was at the time of the readoption I speak of, in 1795. Gold was demonetized. There was none of it in the country. The history of the country shows that. In 1834, during the administration of General Jackson, the ratio was changed for the purpose of bringing gold into the United States and circulating it as money. I will read what the Secretary of the Treasury in General Jackson's time said about this subject-matter.

This subject early excited the attention of financiers. Mr. Gorham, in his report of May 4, 1830, as Secretary of the Treasury, forcibly says:

> Amidst all the embarrassments which have surrounded this subject since the adoption of metallic standards of property, it is remarkable that governments have so tenaciously persevered in the effort to maintain standards of different materials, whose relation it is so difficult to ascertain at any one time, and is so constantly changing; and more especially when a simple and certain remedy is within the reach of all. This remedy is to be found in the establishment of one standard measure of property only. The evil of having two or more standards arises, as already observed, from the impossibility of so fixing their relative values by law that one or the other may not, at times, become of more value in the market than estimated by regulation; and, when this happens, it will be bought and sold according to its market value, regardless of the law.
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> The proposition that there can be but one standard in fact is self-evident. The opinion of governments charged with this duty is therefore between having property measured sometimes by gold and sometimes by silver, and selecting that metal which is best adapted to the purpose for the only standard. Why the latter course has not been universally adopted it is not easy to explain, unless it may be attributed to that prevalent delusion which seeks to secure the possession of gold and silver by restraining their exportation and avoiding the payment of debts rather than improving the public economy by giving every facility to it.

I could read also from the leading lights of the Democratic party in those days, especially from Thomas H. Benton, who was determined, he said, "to have the mint drops shine through the silken purses of our people," and he, more than perhaps almost any other, aided in bringing about the change of ratio to 16 to 1, by which gold again became monetized and silver coin, being undervalued at that ratio of 16 to 1, disappeared from circulation.

I remember when a boy the silver coins we had after these "Benton mint drops" came into being were picayunes and York shillings and other kinds of shillings and Mexican coins, all of them defaced and worn. That was our silver coin, because by this change of ratio the silver coins of the United States had been demonetized. I did not know nor did the people know what was the cause of our having silver coins from foreign countries, nor the reason why silver was not coined here, but only the abraded and degraded coins of other countries were circulated.

Mark you this was a Democratic movement. This continued until 1854, when, under the lead of Mr. R. M. T. Hunter, during the Administration of Mr. Franklin Pierce, silver was again partially monetized by being coined as a subsidiary coin containing about 14 of silver to 1 of gold. The result was that this subsidiary coin as a limited legal tender supplied the ordinary wants of our people for minor coinage, and it was not undertaken to put silver anywhere else except as a minor coin with a limited legal-tender quality.

Now, if silver was ever demonetized by law then was the time; and from that time on until this hour we have this subsidiary coin filling the channels of circulation for change.

Mr. President, let me state another fact which I will ask Senators to ponder over. In every country in the world where there is free coinage of silver gold is demonetized or quoted at a premium. I will come in a few moments to the case of France, which I have thoroughly looked into, and I shall be able to give the exact law of the French Government under which they have acted; but the broad proposition I make now is that in every country in the world where there is free coinage of silver gold is demonetized or is quoted at a premium. There is no country in Europe that now has free coinage of silver. Of France and any of the Latin nations that are quoted often here as being on the silver standard not one has free coinage of silver, and indeed they have entered into stipulations with each other that the only silver coin that ever was a legal tender for all purposes in France, the 5-franc piece, should not be issued by either of the nations except by consent of all the others.

Now, I ask, under these circumstances, what intelligent man would pay in gold any debt or obligation when he could take silver bullion, costing less in the markets of the world, to the mint and receive money, Treasury notes, a legal tender for all debts? Why would he not do it?

Mr. TELLER. I ask the Senator if the mints were all open whether there would be any bullion at less than the mint value of the bullion? If the mints were open for the reception and coinage of silver, would there be any bullion price?

Mr. SHERMAN. The mints of the United States?

Mr. TELLER. Yes; of the United States.

Mr. SHERMAN. Yes, sir; they would buy it from abroad. They would buy it from all the $3,800,000,000 that are in sight. I will come to that presently. Why not?

Mr. STEWART. I should like to ask a question right there. Can the Senator cite an instance where the mints were open that the bullion value was less than the coin?

Mr. SHERMAN. When were the mints open for the coinage of silver?

Mr. STEWART. In 1873. Cite an instance anywhere in the world where the bullion value of silver was less than the coin value previous to the legislation of 1873.

Mr. SHERMAN. I can quote this instance, which fortifies my argument with tenfold strength, that when silver was at a premium, as it was in 1873, it was demonetized; and so for years, in order to get the benefit of the use of silver and to prevent its exportation, we had to reduce it below the legal standards; and when the ratio was adopted in 1834 all the silver of our country fled from the country, because it was valued in other countries higher than 16 to 1.

Mr. STEWART. Then it had greater value than the mint value in this country.

Mr. SHERMAN. Undoubtedly; and the same law that demonetized silver in 1834, because it was undervalued——

Mr. STEWART. But in this country were not the bullion value and the coin value the same?

Mr. SHERMAN. When?

Mr. STEWART. Before silver was demonetized.

Mr. SHERMAN. I have already said that from 1792 to 1834 gold was demonetized because it was undervalued and after that silver was demonetized because it was undervalued. The same law applies to both metals, for sometimes one is higher than the other, and the only way by which they have ever been kept at the coinage ratio is by the Government buying the bullion in the open market, coining it, and receiving the coin and holding it and maintaining it at a parity with the other.

Mr. President, the Bland bill—and here is a fruitful general topic of controversy—the Bland bill as it passed the House of Representatives was a free-coinage bill. Nobody doubts that. The Bland bill is spoken of here as having been the law of the land. The Bland bill never was the law of the land. I will ask the Secretary to read the Bland bill as it came to the Senate.

The Chief Clerk read as follows:

> *Be it enacted, etc.*, That there shall be coined, at the several mints of the United States, silver dollars of the weight of 412½ grains Troy of standard silver, as provided in the act of January 18, 1837, on which shall be the devices and superscriptions provided by said act; which coins, together with all silver dollars heretofore coined by the United States of like weight and fineness, shall be a legal tender, at their nominal value, for all debts and dues, public and private, except where otherwise provided by contract; and any owner of silver bullion may deposit the same at any United States coinage mint or assay office, to be coined into such dollars, for his benefit, upon the same terms and conditions as gold bullion is deposited for coinage under existing laws.
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> SEC. 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Mr. SHERMAN. If that bill had become a law the United States would have been a monometallic nation, with silver as the standard and gold at a premium. The bill, however, when it came to the Senate was entirely changed in its character. The Senate adopted the other mode I have already alluded to by limiting the amount of bullion to be purchased and coined for circulation. I have here what is called the Bland-Allison law. The entire character of the Bland bill was changed. The law limits the purchase of bullion not to exceed four million and not less than two million dollars, at the discretion of the Secretary of the Treasury, and changed the whole character and words of the bill. There is not a single feature of the Bland bill in the Bland-Allison law, whether of word or phrase, but it is entirely changed. The Senate passed a substitute based upon a different principle.

The Bland bill was monometallic, the Allison bill was bimetallism. It did by silver precisely what Mr. Hunter did in 1853 by limitations; it prevented the purchase of an undue quantity, so as not to displace the gold of the country. It required silver to be bought at the market price in the markets of the world, to be coined for the benefit of the people of the United States and to be maintained at the par of gold by the power of the United States in receiving the silver dollars, making them a legal tender and protecting them from overissue. It was a good bimetallic measure.

Now, not only did that act provide for bimetallism, but it contained an invitation to all the nations of the world to join in securing the fixity of value of the two metals, the last section providing as follows:

That immediately after the passage of this act the President shall invite the governments of the countries composing the Latin Union, so called, and of such other European nations as he may deem advisable, to join the United States in a conference to adopt a common ratio between gold and silver, for the purpose of establishing internationally the use of bimetallic money and securing fixity of relative value between those metals.

That was the Bland-Allison bill. It passed the Senate and was acquiesced in by the House of Representatives. It was the very antipode of the Bland bill. When Senators here quote the Bland bill as being the law of the land they make a grave mistake. It never was the law of the land. It would have accomplished the results that I deplore as the probable result of the pending amendment. The Bland-Allison bill did not threaten such results, but under the powers given by it to the Treasury Department it was in a line of bimetallic money, and the silver coin has been maintained at a par with gold all the time, while silver bullion has gone down steadily in the markets.

Mr. STEWART. Will the Senator allow me to ask him a question?

Mr. SHERMAN. Oh, certainly.

Mr. STEWART. The Senator pronounces that a good bill. Did he not say it would be ruinous to the country if we should coin more than $50,000,000?

Mr. SHERMAN. I will come to that in a moment, if the Senator will allow me, and he will find it like a good many other stories that are told. I do not want to use any discourteous language about it.

Now, let us go a little further. The Senator only leaps a little too fast; that is all.

I am charged with opposing the Bland bill. So I did. I looked over an interview I had with the committee of the House of Representatives in regard to that, and I did say, being called before them when I was Secretary of the Treasury, that if that bill was passed in my judgment it would make an entire revolution in your money affairs; that the free coinage of silver meant the single standard of silver. All that I said then I agree to now. But I did not oppose the Bland-Allison act. On the contrary, when I was called before the committee of the Senate upon the subject I said that I believed the Bland-Allison act—not the Bland bill, but the act as it passed—would be in aid of resumption. So far as I know I did not utter a word against its passage.

It is true that President Hayes, with the independence that always marked him and with a desire to promote the interests of the country, having fears that even such a law with its limitations might lead to the same results as the Bland bill, vetoed the act, and I have his veto message here before me. I will read a single passage of it. The President goes on and speaks of the standard of money during the time when the outstanding bonds were issued, and he believed that the right to pay duties in silver and certificates for silver deposits might have the effect to impair the obligation of our bonds. It was before the bonds had been paid off, before the refunding process had scarcely commenced. He believed it would affect injuriously our public credit. He says:

In view of these facts it will be justly regarded as a grave breach of the public faith to undertake to pay these bonds, principal or interest, in silver coin worth in the market less than the coin received for them.

This was the view of the President of the United States, and he sent his message here and it was overruled by Congress. Here is a significant paragraph in his message:

It is said that the silver dollar made a legal tender by this bill will under its operation be equivalent in value to the gold dollar. Many supporters of the bill believe this, and would not justify an attempt to pay debts, either public or private, in the coin of inferior value to the money of the world.

That stated the precise position I was known to occupy. I have heard all this stuff about what I have done in respect to the Allison act over and over again without ever rising in my place or saying a word, because I did not wish to say anything that might be construed as a breach of confidence between myself and the man I honored as President of the United States. But no such instinct as that seems to have entered into the mind of any one who arraigned me for this veto message.

Now, that I did go before the Committee on Finance to say what I have said in regard to the Allison law, that it might be and had been used in aid of resumption, is a matter of record.

Mr. TELLER. I should like to ask the Senator if in the same statement he did not state before the House committee, of which Mr. Buckner was chairman, that we might perhaps go to the extent of $50,000,000 without driving gold out, and possibly $100,000,000, but not beyond that. Did not the Senator make that statement before the House committee?

Mr. SHERMAN. Without the report before me I could not say.

Mr. TELLER. If the Senator says he did not say it, I shall go to the trouble of hunting it up.

Mr. SHERMAN. I tell the Senator to hunt it up. I do not know anything about that; I do not remember it.

Now, the whole tone of this debate on the part of the Senator from Colorado has been irritable to the last degree, like a schoolmaster bossing his boys, as I think I shall explain more fully hereafter. We are not children here. Certainly I have passed the age of infancy.

Now, let us look a little further into this matter. I did say that I believed that if the continued purchase of silver bullion was continued, in the end it might threaten the value of our other silver coin. I believe now, and I have said so over and over again, that the mistake of the Allison act was that it required the coinage of the silver dollar. We have coined 376,000,000 silver dollars under that act at a cost of $5,000,000, and yet now this same coin in the form of bars would not only be worth more as bullion than the silver dollars, but it could be more safely or cheaply hoarded, more easily taken care of, as bullion piled away in the vast depositories of the Government than as coin.

Now, I will recur to another matter. My friend from Arkansas [Mr. BERRY] arraigned me for discriminating against silver under very peculiar circumstances. He is not present in his seat, and I do not know whether in the criticism that he made here he intended to find fault with what I did. I supposed that all the silver men of the country thought I did right, and I do not understand him to say differently; but he quotes the action of the Treasury Department in September, 1880, as being unfriendly to silver. I can say without fear of contradiction that that law as it passed in 1878 was fully, fairly, and openly carried out in good faith. Not only that; I used the silver certificates for purposes that were not even contemplated by Congress, but which the law clearly authorized. When the amount of silver coin had reached in 1880 over $90,000,000 or $100,000,000, some silver certificates had been issued, but they came back in the ordinary course of business in the Treasury Department.

In the fall of 1880 there was almost remarkable demand for breadstuffs and corn and cotton and wheat from Europe on America, probably the largest exportation of our farm products that ever occurred or that may occur for many years to come. European money, gold in every form, was brought into the country and there was no currency to carry on the operation. To pay out this money in gold coin or silver dollars would be inconvenient to those who were engaged in the purchase of these articles. Seeing here an opportunity to strengthen the gold reserve in the Treasury and in clear obedience to law, which authorized the issue of silver certificates for the deposit of gold and silver bullion, we did issue a large amount of silver certificates. We did with those certificates buy gold at par, because, for the temporary purpose desired, of paying for the products of the country, the silver certificates were more convenient in form than any other money. The merchants only wanted that which would buy the products of our country; they were in a hurry about it; and in that way within two or three months we bought $66,000,000 of gold bullion for $66,000,000 of silver certificates.

Now, instead of being considered as a discrimination against silver I think that was the highest evidence of the usefulness of the Allison act, and, so far as I know, the first complaint which has ever been made about that, if it was a complaint, was by the Senator from Arkansas.

I can say that that law was always obeyed, and, as I believe, although I do not see that it answers any very striking purpose except as a means and a basis for the issue of notes, at the same time it has been so managed that if there were any dangers to spring from it they have been checked by the executive authorities, within the discretion of the law, and that, too, not only by Republican Administrations, but more severely and harshly even, if that word can be applied, by the Democratic Administration of Mr. Cleveland.

Now, sir, what has been the experience under the Bland-Allison act? We coined 376,246,888 silver dollars. We have maintained them at par with gold, not for their intrinsic value, but because the Government of the United States could do so with its ample credit and with the great mass of bullion behind it. Those silver dollars as bullion were not equal in value to the amount at which they were coined, but still there was the obligation of the United States, there was the injunction of the United States that these silver dollars and the silver certificates should be receivable for all public dues, should be treated as money in its broader sense. That was enough to maintain this great mass of silver coin up to the standard of gold, although the bullion of which these coins were made was going down day by day in the markets of the world.

There is now in the Treasury $320,000,000. They could not be forced into circulation with all the efforts that have been made by every person charged with this duty. The amount in circulation has varied from fifty to sixty-seven millions and has never gone beyond that sum, which it is to-day. The coins were too heavy, too bulky, our people were too much accustomed to the issue of paper money to desire to handle these great disks coined for the dollar. They were therefore kept in the Treasury, and, as a basis of paper money, they have answered the purpose very well. I have no objection to them, and, when last session it was agreed to adopt this same policy by a bill to increase

the amount of purchases of silver bullion, although I think the amount was too large, yet as it was accompanied with the discontinuance of the coinage of the dollar, I heartily and cheerfully supported it, as all Senators know. The principle was there, the maintenance of the parity of these two metals by the power of the Government in coining, whatever might be the market value of the bullion.

Now, sir, if the Bland bill had been passed we should have been today on the silver standard. The Allison bill passed and we are today on what I think is the gold standard, using silver to a greater extent than any other country probably except France alone. And now I wish to correct the gravest mistakes made as to the use of silver by France and the Latin nations.

The Latin nations formed their monetary union at a time when the condition of the two metals was precisely the reverse of what it is now. When the Latin Union was first formed in 1865 it was not to advance silver. At that time silver was at a premium of 3 per cent. in France and 6 per cent. in our country over gold, and they could not maintain the silver coins in circulation in those countries for the same reason that we could not maintain silver coin in 1853. The Latin Union was simply a copy of the principles involved in the law framed by Mr. R. M. T. Hunter; that is, it was an arrangement on the part of these countries that they would maintain the two metals whatever may be the standard of coin—for it was then 15½ to 1 in France—they would maintain them at a parity with each other. At that time gold was threatened. It was believed by some of the scientists of Europe that gold would gradually decrease in value on account of the enormous production then coming from the Comstock lode and from Australia; and Mr. Chevalier, one of the ablest of them, proposed that there should be a union or combination between silver and gold to prevent the standards of value falling lower and lower by the fall in the market value of gold.

It was under these circumstances that the Latin Union was formed to maintain the parity of their gold and silver circulation alike. They agreed about how much should be issued by each country. That was the origin of the Latin Union. By buying the bullion and suspending the coinage of the dearer metal they proposed to keep and maintain the equality of the two upon their ratio of 15½ of silver to 1 of gold. That treaty has been, I think, renewed two or three times. At any rate, the last renewal in 1885 was for only five years, and the Latin Union expired on the 1st day of January, 1891. It is now simply kept in existence at the will of the respective parties year by year.

I said awhile ago that these Lation nations do not differ in their financial policy from ourselves in any very material degree, but in some details they do. They do not coin silver as we do. We are more liberal to silver by far than they are in France; and yet we have heard France eulogized and all the great prosperity of her wonderful people attributed to their possessing free silver and their treatment of silver.

Sir, I have here before me now the laws of that country; I have here the treaties between the Latin nations that regulate their monetary relations; and I say now that in France they are not half so liberal about silver as we have been for years under the Allison act. Silver is not a legal tender in France between individuals except for 50 francs. Here is the treaty that has just expired, and I must confess that while I knew generally of the terms of the treaty I was amazed and surprised when I came to examine it to see the rigor of its provisions. The treaty that now exists is contained in the report of the Director of the Mint, page 187.

Mr. TELLER. For what year?

Mr. SHERMAN. For 1886. Article 5 reads:

ART. 5. The silver pieces coined according to the conditions of article 4 shall be legal tender between private parties of the state that shall have issued them to the extent of 50 francs for a single payment.

They are only legal tender for 50 francs in the country where they are issued, but they are not made a legal tender in any other country.

The state which shall have put them in circulation shall receive them from its own citizens without limit as to quantity.

ART. 6. The public coffers of each of the four states shall accept the silver coins manufactured by one or more of the contracting states conformably to article 4 to the amount of 100 francs for each payment made to such coffers.

So that as against the governments of these countries they received them to the extent of 100 francs, or $20, but, as between individuals in the States where the coinage was, they were a only legal tender to the extent of $10, and were not a legal tender in other countries where they had not been issued.

Here is another thing. Something has been said about their having in France what we call the "old dollar of the daddies." They have the five-franc piece, which has been in existence for generations. Five francs was the standard. Now, the coinage of that has been suspended by the operation of this provision, and so far as I know none of those coins have been issued since this provision was made. Here is the provision in regard to the five-franc piece:

The coinage of five-franc silver pieces is provisionally suspended and shall not be resumed until unanimous agreement in that regard shall have been reached by all the contracting states.

Senators talk about our demonetizing the silver dollar. Here the five-franc piece, which was equal and counterpart to one dollar, has been absolutely suspended for years in and years out, and can not be re-established by France until after the expiration of this treaty, nor by any of these nations except by the consent of all the others. Not only that, but these silver coins are redeemable in gold coin by the country where issued when presented from another country of the Union; they are measured by gold coin; they are redeemable in gold coin. They are maintained at the gold standard by redemption precisely as we maintain our silver coins, by receiving them equally with gold. After providing that the coinage shall be suspended, the treaty provides:

However, should one of the states desire to resume the free coinage of five-franc silver pieces it shall have power to do so, on condition of exchanging or refunding, during the full term of the present convention, in gold and at sight, to the other contracting countries on their demand, the five-franc silver pieces stamped with their effigies and circulating within their territory.

Now, there is the provision. France, a silver nation, one which has entered into a treaty with five great powers surrounding her who speak largely her language, not only suspending the coinage of silver, limiting it to the minor pieces as we do, suspending the coinage of the five-franc piece, agreeing not to issue it as long as these treaties lasted, and then providing for its redemption in gold so that it is maintained at the gold standard. And yet France a silver country? How ridiculous to suppose it.

I had the pleasure of spending one month in France in 1889 during the exposition. I was there at a time when money as a matter of course was free, money of all kinds in the hands of the people attending the exposition, and I never during my period there saw a five-franc piece. It was like the dollar of the fathers before it was revived again by the law of 1878. It no doubt existed, but its coinage was suspended. It was not only suspended temporarily, but it was suspended for a long period and could not be restored except by the joint action of five great powers. Yet France is a silver nation, and her prosperity and all the wealth and growth and strength of her citizens is attributed to the fact that it is a silver country!

It is true that they have a large mass of silver and maintain it just as we do by receiving it and redeeming it. The Senator from Colorado said they have more silver than gold. I have the returns here. The Director of the Mint shows that they have now more gold than silver. That is neither here nor there. There is a very large mass, I think some $700,000,000, of silver in France. The exact figures I will give, as shown by the report of the Director of the Mint. So France is not in any sense a silver country.

Sir, when you propose the free coinage of silver drawn from all the world, you propose as the standard of all values in the United States 371 grains of fine silver. You can not flee from that. The market value of an ounce of silver is $1.05. Does any Senator here believe that the United States alone, unaided by the co-operation of foreign powers, can bring the market value of this vast commodity up to one hundred and twenty-nine and a fraction cents an ounce and keep it there without buying all the outlying silver that these nations from time to time wish to get rid of. I do not think so. If not, then they propose to vote for a proposition which reduces the standard of value on all the contracts and obligations made in the United States of America. Some may say they are indifferent to those obligations to creditors who can bear the loss.

I do not attribute any such sentiment to a member of the Senate of the United States. Senators know, as I know, the obligations of contracts, and how heartily and cordially all parties at all times in this country have adhered to the unbroken faith of the United States. Yet you now propose a law the logical result of which will be to establish a new ratio of value entirely disconnected with gold, by which 371 grains of silver bullion in any form not too base, to use the language of the amendment, for the purposes of mintage, can be converted into a dollar under all circumstances, even in the midst of a panic, and creditors be compelled to take it and thus lose the difference between the present standard of value and the arbitrary price you put upon silver bullion, a price it has not reached for fifteen years, and during a large portion of those fifteen years it has only been a little over two-thirds the value of gold coin, having touched at one time 70 cents on the dollar.

Mr. President, we have had some experience under the present law. I do not see why our friends representing the silver States ought not to be satisfied with the operations of that law. I do not see why the people of the United States ought not to be satisfied with that law. It was a compromise proposition made after grave reflection and by the concession of men of different opinions.

What did that propose to do? We proposed by that law to purchase 54,000,000 ounces of fine silver every year, month by month. That is more than the entire production of the United States, because the tables sent by the Director of the Mint showed us that the highest amount estimated last year was 50,000,000 ounces, and I think it was said that some five or six million ounces were used in the arts. Deducting that as an article of merchandise it would leave about 44,000,000 ounces of silver produced in our country over and above that used in the arts.

But when we asked that the purchase be confined to the production of the American mines it was said that a good deal of the silver from Mexico flows into our country for reduction, because it can be done better here, and there are greater establishments here, and it is an in-

dustry that we ought to foster and protect. It was shown that some ten or twelve million ounces of silver come in from Mexico, and we included that and took it all in. We provided for the purchase of 54,000,000 ounces a year at the market price, and why should we pay for any article higher than the market price? Why should the people of Nevada, of Colorado, or any of those States ask the Government of the United States to pay a higher price than the market price for a commodity the United States wish to purchase for the common use? Has that principle ever been ingrafted into our body politic? Has ever before a proposition of that kind been made? I do not know of any.

We are willing to protect and foster all industries. I shall show that we do foster now mines and mining, one of the most profitable industries of our country, when I come to speak of the production of silver. Now, should we pay mine-owners more than the market price? If so, why? Why can not the farmer say, when his wheat goes clear below a living price, "Give me now what I ought to have, the average price for years?"

Mr. DANIEL. Will the Senator allow me to ask him a question?

Mr. SHERMAN. Certainly.

Mr. DANIEL. Do we pay above the market price for gold and allow it to be freely coined if silver should be at a premium?

Mr. SHERMAN. We do not pay above the market price for gold.

Mr. DANIEL. Would we not if we allowed it to be freely coined into bullion when it was below silver? Is not that the same thing you propose about silver now?

Mr. SHERMAN. We receive deposits of gold just as it is proposed to receive deposits of silver, at its market value, and we can only take it at the value fixed in the markets of the world.

Mr. DANIEL. How does this bill involve paying more than the market price for silver when it is below the par of gold bullion, any more than the free coinage of gold would require us to pay the market price for it when it was below the par of silver?

Mr. SHERMAN. The market value of gold is fixed by the markets of the world, and it is stable because so many great nations buy gold precisely at the same rate we do, and that no doubt tends to fix the value. I will say with frankness to the Senator from Virginia if we could have the same co-operation of all the other nations or of a sufficient number of them to fix a market value of silver no one would be more grateful for it than I. But we can not do it. We stand alone in this attempt at a free coinage of silver upon a gold standard. If the Senator can bring enough recruits from the commercial nations of Europe to say to us, "We will stand by you in buying silver bullion at $1.29 an ounce," I should say "amen;" and, if I may be allowed to say it, we would go them a little better on that, because we would take more than our share and burden of silver to carry out this policy.

We do by our law of the last session withdraw from the money market of the world the whole of the silver we produce in this country and some $11,000,000 of that produced in Mexico. Why, is not that enough? Why ask us to embark in the great sea of uncertainty and attempt to do what no nation in the world is rich enough to do? There, I think, is the mistake.

Now, that law worked well. The price of silver gradually advanced. It ran up. I have here the official statement which shows the gradual advance of silver until at one time it reached a somewhat abnormal price, no doubt by the processes of speculators. Here is a statement showing that for six months we purchased 37,895,091 ounces of fine silver at a cost of $40,269,500, making an average of $1.06 for the whole. At one time it touched, I believe, as high as $1.20. The average is $1.06. The average of the six months last past before that act was only $1.01, and for the twelve months before that time about 94 or 95. I have not the precise figure.

So the operation of that law did advance the price of silver, and, in my judgment, it is all that our friends from the silver-producing States should ask us to do. I will say that it is all the silver men asked at the last session. It is all that the silver men asked in framing the bill.

Mr. TELLER rose.

Mr. SHERMAN. If I am mistaken about that I should like to have my statement corrected.

Mr. TELLER. I should like to correct the Senator so far as I am individually concerned. He has no right to make that statement so far as I am concerned. I never gave my adhesion to the principle of borrowing money to buy silver. I stated distinctly when the conference report came in that it was a makeshift, an expedient, and unsuited in every respect to accomplish what we had professed we wanted to do, and that is to make silver the equal of gold as money.

Mr. SHERMAN. My friend from Colorado is going to be the off ox on all these questions. He differs with his associates, for I know and there are gentlemen around me here who know that his associates only asked for four million and a half ounces of silver, and the honorable Senator from Nevada [Mr. JONES], whom I am glad to recognize as one of the most eminent and brilliant men, probably one of the best informed scientists or metallists in this country, said that was all that was desired and it was all he asked in the conference.

Mr. STEWART. I do not think that we agreed that that was all we wanted, but we concluded that it was all we could get, and we took it.

Mr. SHERMAN. Mr. President, I am tempted to read what I find here, a speech of my friend from Nevada [Mr. STEWART] in Eureka, Nev., published in the Sentinel on the 1st of November, 1890. When he went home to his constituents he made them a speech, which was a very proper thing to do, and I have no doubt it was a very good speech. Here is the speech as reported in that paper, whether correctly or not I am too far away to know. But here it is, and I will read it. In speaking about the silver bill he says:

The bill proposed by my colleague was not as good as the present one (the Sherman compromise). The President, although for silver, believed there were mountains of silver. We talked about it. TELLER, JONES, and I met Harrison every day and talked about silver. The Senate free-coinage bill did not contemplate free coinage; it merely meant that notes should be redeemed by bullion. New York Democrats voted against it and defeated it. We got the Western States in and became strong. We were fond of the tariff bill, but we said all tariff legislation must stop until the silver bill was brought up.

Mr. STEWART gave credit to his colleague for his industry and force in managing the silver question.

Mr. STEWART said: "For change I only want subsidiary coinage. I only want silver in bars piled up in the Treasury. Free coinage is impracticable. It is all nonsense, and men are dishonest who want it. We want the unlimited use of silver."

[Laughter.]

Mr. STEWART. I did not hear the last clause. Read it again.

Mr. SHERMAN. This report says here:

Mr. STEWART said: For change, I only want subsidiary coinage. I want silver in bars piled up in the Treasury. Free coinage is impracticable. It is all nonsense, and men are dishonest who want it.

That is what created the laughter. [Laughter.]

The VICE PRESIDENT. The Senate will be in order.

Mr. SHERMAN. Now, I go on with this speech.

This [Sherman compromise] bill gives us what we want. Why, silver had the same purchasing power when low as when high; it bought as much wheat in India and the Argentine Republic when it was low as when it was high. The silver fight is won. We have won a great victory.

I have no doubt he was highly applauded in that.

The Director of the Mint says we produce yearly $54,000,000 of silver, but Mr. STEWART does not believe we produce over $45,000,000. "The production of silver can't be increased without great bonanzas. They have given out and smaller mines must take their places. Bonanzas create great excitement. We will have better times in Nevada when we have more small mines."

Silver is going to par. If we had free coinage the gold bugs would have defeated us.

Where those gold bugs live I should like to know.

If you could have got four and a half millions would you not have taken it? Isn't it a step towards restoring silver?

Here is the editorial comment upon that speech.

Mr. STEWART. Before the Senator comments on that, will he allow me to state what I did say?

Mr. SHERMAN. Certainly; I think it but fair that the Senator should state it.

Mr. STEWART. That was a labored attempt to misrepresent what I did say, and I must admit that it was a great success with that view. I did state that the purchase of four and a half million ounces of silver was better for the miners than the two millions that the Treasury purchased under existing law. I further stated that simple free coinage without a bullion fund, which depended upon appropriations or a provision for the issuance of legal-tender paper when the bullion was deposited, would not answer the purpose, because the capacity of the mints would not admit of the coining of more than two million and a half of silver and the necessary gold that would be coined; and that it would be in the power of the Mint authorities, of the Secretary of the Treasury, to limit the amount of silver that should be absorbed by the capacity of the Mint. I said further the capacity of the Mint would be very small if they had that control, and if we had a mere free coinage under such provisions it would open a new contest for the construction of more mints; that free coinage without such a provision would be a delusion, and we would have the same conflict on hand.

I never said that I did not want free coinage. On the contrary, I said I wanted free coinage, and I wanted a further provision of some kind so that the owner of bullion when it was deposited would get his money, and with the present capacity of the Mint I knew he would not, and that I had always advocated free coinage. That report was a laborious attempt to misrepresent what I did say. The law now, I say, is a step in the right direction——

Mr. SHERMAN. I think the Senator has stated what he wanted about his speech.

Mr. STEWART. What I have said about it is that it was a labored attempt to misrepresent my position through and through.

Mr. SHERMAN. That is all right. I think it is but fair to the Senator that he should have an opportunity of giving his own statement. I have read it because——

Mr. STEWART. I will say further that that paper was run by a man who was a candidate for Congress, who was trying to make out that he was a better silver man than his opponent.

Mr. TELLER. He was a Democrat.

Mr. STEWART. He was a Democrat running for Congress against

Mr. BARTINE, and he was trying to make it appear that he was the only silver man in the world.

Mr. SHERMAN. I should dislike to enter into that kind of a controversy myself.

Now, whatever may be said about the law, I think, as the Senator from Nevada is reported to have said, that it was a very wise law. It was a good compromise. It would maintain the policy of the Government, which was always to maintain the parity of the two metals. That it would have done, and it would have furnished a market for all the silver production of the country. Then, besides, it contained a declaration which I think is a bond of honor, and I do not see how any one who voted for that bill can regard it in any other light. There was a declaration that it was the established policy of the United States to maintain the parity of the two metals. Within a year since that law was passed a measure is proposed that will disturb this parity, and that, I believe in the judgment of all Senators, will tend to disturb it.

There are some results flowing from the large purchase of silver which indicate slightly what would be the effect of the free coinage of silver. For instance, in late years, since the accumulation of silver dollars in the Treasury, gold has steadily gone away from our country. I have here a table of imports and exports, showing that from 1879, in the main, to 1888 we had a very large importation of gold, amounting in all to $260,000,000. Since 1888 the flow of gold from this country has been going on, not rapidly increasing, but every year the balance is against us. From 1883 to 1890 the exportation of gold was $100,000,000. Within the last three years the exportation of gold was over $60,000,000.

Mr. President, let us go a little more closely into another examination as to the probable effects of free coinage. I say the immediate effect will be to largely increase the exportation of gold. At present, no doubt, to some extent gold is hoarded. I have a statement here that $36,000,000 of gold has been hoarded, according to the returns made from the banks and from other sources. Whether it is true I do not know; it is not official. It is sufficient to say that the process of hoarding is going on day by day, and if this measure passes every man of ordinary business judgment will agree with me that gold will go off more and more until an alarm will be created, and the process of hoarding will go on in our own country, and of exportation to foreign countries.

Who can doubt it? We have in this country, according to the statements submitted to us, over $700,000,000 of gold gathered here as the result of our resumption policy. All our transactions are based upon gold. That $700,000,000 is now being slightly diminished by the exportation caused by the purchase of silver bullion, because in most cases, as it was shown by writers in New York, the very Treasury notes that were issued for the silver purchased under the law of last year were presented and converted into gold, which is now hoarded in our country. That is the statement made. How far that has gone I do not know and no one can tell, but at the very moment this bill passes, yea, in fear of its passage, every day gold is being hoarded, and as soon as the fate of this bill is determined, if it shall be in favor of free coinage, then the exportation of gold will necessarily and naturally increase.

It is true I can not say what will occur in the future, but is not that the judgment of every Senator who hears me? Gold practically being then no longer the sole standard of value, when the standard of value will be 371 grains of pure silver, worth less in the markets of Europe and in our own country than the gold in the dollar, the inevitable effect will be the exportation of gold, and the very silver that we buy at this enormous price will be paid for with gold, because the Treasury notes that are issued for this bullion can be converted into gold.

Sometimes it is said, and it was said in the debate the other day, "No; the Secretary of the Treasury may pay in silver. If these Treasury notes are presented for redemption he may pay in silver dollars." That would only accelerate the current. Let the Government of the United States once make the distinction between gold and silver and refuse to pay gold and pay silver, that again would be a discredit to your silver and that again would result in the exportation and hoarding of gold. Is there any doubt about so simple a proposition as this? I think not. The result would be that while our currency would be expanded by the issue of Treasury notes it would also be contracted by the retirement of gold from our country, for although this gold is held in great masses and largely in the cities, yet it is the base of all the great transactions now being had. This $700,000,000 of gold during the recent panic was a fund which was at least a security of safety which could be drawn upon and upon which money could be borrowed at the very lowest possible rates. It was just as much circulation as if it was passing from hand to hand in the daily wants of life.

Mr. President, another effect of the passage of this free-coinage bill would be to increase the importation of silver. Who can doubt that? It has already caused the importation of silver and reversed the whole current of our commerce in silver. Up to the time of the passage of the law of last session we always exported more or less silver. Under the Allison act we purchased about one-half of the production of the silver mines, which went into the Treasury, and the other half, less what was consumed in the arts, was exported to foreign countries. For a period of years we have exported silver bullion.

By the act of last session, however, we turned the tide and we had at once importations of silver bullion. We not only used all we produced as the basis of Treasury notes, but we imported silver. I have here a statement from the mints, showing that from July to December we imported $13,402,023 of silver, and we exported $10,083,113, so that the balance of importations is against us. If this bill were passed the importations of silver would come flowing in upon the country.

Why, Mr. President, in the first place, you have the production of our country and the production of Mexico and all the South American States handed to us, and that alone would amount in coinage value to about $130,000,000. I will give the precise figures in a moment.

Mr. TELLER. I should like the Senator to give me the statement again of the imports and exports of silver. I have a statement here myself, and the Senator has one which is very different from the way I have it from the Treasury Department.

Mr. SHERMAN. The statement I have was prepared at the Treasury Department. I do not myself know anything about it. There is an excess of imports over exports of $3,000,000.

Mr. TELLER. The Senator is referring to the city of New York alone, and, if he will allow me, I will say that the imports of silver from the 1st of July up to the 1st of January amounted to about $577,000 more than the exports from New York alone.

Mr. SHERMAN. From what table does the Senator read?

Mr. TELLER. A table from the Treasury Department, of the imports and exports at all the ports. The Senator uses a table covering the port of New York alone.

Mr. SHERMAN. I wish the Senator would put the two together, so that I can have them in proper form. I only desire to make the statement as correct as possible.

Mr. President, where is the stock of silver to come from? Senators have told us over and over again that every country in the world uses its silver to its utmost extent, maintains it, holds on to it, and values it at a higher rate than we propose to pay for it—that is, at the ratio of 15½ to 1; but I find by this table that there is in sight, as shown by the returns of the different nations of the world, $3,820,571,346 worth of silver. Senators must remember that all the circumstances favor the importation of silver. The Latin Union has terminated. Italy itself will be compelled to buy in its silver at gold prices and redeem it in gold prices, and the people of Italy can not find a better market in the world for its silver than we would furnish them.

Why, sir, they could sell to us all their silver at $1.29 an ounce when they could only sell it in the markets of the world for the market value. The great dread of the termination of the Latin Union is the throwing upon the markets of an immense amount of silver held by that Union, the precise figures of which I can not give, for I have them not now before me. If the Latin Union should attempt to settle up and close out, as a bankrupt would close out, and abandon their policy, as many of them are inclined to do, as Belgium has partially done, as Switzerland is now doing, and as Italy threatens to do, and retire from the Latin Union (for it has now expired, and each nation can retire if it will, on condition, however, that it pays in gold coin for the outstanding silver circulation), where will Italy get that gold coin easier than in the United States and where will all these Latin nations get it? To say that France would not sell its silver because it would have to come to us does great injustice to the French people, who are as eager to see and avail themselves of a chance of a good trade as any other people in the world.

Russia is now threatening to become a gold country, and so with other nations.

At this time, when the market of silver is in the most disturbed state possible, when we alone, a giant, it is true, single-handed, are bulling silver against the world, and the Latin Union and the other nations are seeking a more stable standard in gold, we step into the market to buy silver at 20 per cent. above its market value. So strange a proposition strikes me, as a business man, as wonderful. I can only see in that offer, if it should be adopted as a law of the United States, an enormous draught floating hitherward millions and hundreds of millions of silver from the $3,800,000,000 in sight in the storehouses of the world detached by having a price offered for it that no one before dreamed of and no other nation joins in.

Mr. President, what is the result? I do not care what estimate you may make of the amount that will come into our country, whether it be $100,000,000, or $200,000,000, or more; it is sufficient to say that you would have first to absorb all the production of the United States and all the production of Mexico, and then you would have this draught made from all this vast mass of silver coming here to be converted into Treasury notes redeemable in coin. If you should pay silver coin in their redemption you will soon reach the silver standard not of 16 to 1, but of the market value of 371 grains of silver, and if you should not pay in silver and insist on maintaining the gold standard according to the established law of the land, how long can you do it? How long would your $700,000,000 last? The great body of it is covered by existing obligations, gold certificates and other forms of obligations, a large portion of which is not the property of the United States.

Senators, is it not a serious problem to make this offer in the face of this store of silver in all the countries of the world? Is the production of Mexico and the United States alone—and I have a statement before me that will show it—the amount of Treasury notes that would be issued upon the coinage value of the domestic production, as estimated by the Director of the Mint, this year and next year would be $122,000,000 of paper money, without regard to the vast accumulated stores in other countries in a single year. That is the coinage value. Hitherto we have been counting silver by the ounce, but we shall have to count it by its coinage value, and $122,000,000 would be required by the operation of this proposed law to cover our own production and that of Mexico, which will come to us under the operations of this amendment, without regard to the foreign export.

Suppose we should issue $122,000,000 of Treasury notes without any additional reserves, would not that bring us to the silver standard? Undoubtedly, because it could not be maintained upon the gold standard. But if we take any conservative estimate of the amount that would come to us from the storehouses of the world ($3,800,000,000), and add to that our own production and that of Mexico, how will it be possible for the people of the United States to safely issue a volume of money so great as would be required by the operations of this bill?

Mr. GRAY. Will the Senator allow me to ask him a question?

Mr. SHERMAN. Certainly.

Mr. GRAY. If the coinage under a free coinage law has exhausted all the silver in this country in sight and that in Mexico, it will, as the Senator from Ohio says, and I think rightly says, put us on a silver basis. When we are upon a silver basis and have driven out gold, will there be any longer any temptation to the holders of foreign silver to dump it into our mints for coinage into the 412½-grain silver dollar?

Mr. SHERMAN. I think not. If the Senator complacently looks upon the adoption of the single silver standard and if he contemplates that, I can see no difficulty in the way. If he is willing to vote for a single silver standard, then my argument fails with him.

Mr. GRAY. The Senator misunderstood me. I did not say that I was in favor of that. I was merely asking for information. I wished to call his attention to fact and have his views upon it.

Mr. SHERMAN. What I am trying to show is that the logical effect, the necessary effect of the proposed measure of free coinage will bring us to the single silver standard. I do not say that the people of the United States would be utterly ruined by that standard. I think people will marry and intermarry, live and die, and things will go on about as usual. They might sell their wheat for nominally a little more money measured by the silver standard, but they would get less in the way of purchasing power in return. The shrewd, sagacious business man can adapt himself to this changed condition.

Mr. GRAY. My point was, that having come to a silver standard, would there be any longer any temptation to the holders of foreign silver to come here and exchange their silver bullion or silver coin for dollars of 412½ grains?

Mr. SHERMAN. When I comprehend the question I think there would, and I would have to answer the question in the affirmative, because I still think we should have to pay more for silver than anybody else, for we not only coin the silver, but we take the bullion and coin it without charge, which is not done with silver by any other country in the world that I know of. The coinage of gold is free in England, but not of silver, and so it is in our country. The additional charges, the additional advantages given by this bill, I think would draw silver, even if we were on a single silver standard. That is, however, a matter of opinion.

I wish to fortify by figures what I say about the effect of absorbing the production of silver of the United States and Mexico. I find that, according to the production of 1889, the coinage value of the silver of the United States was $64,646,000 and of Mexico $55,517,000. This is $120,000,000 in 1889. In 1890 it increased nearly 10 per cent. So that it will require more than I stated, or $130,000,000, to purchase the bullion which would be produced in the United States and Mexico, without considering the bullion of the rest of the world.

The bullion of the world has a coinage value of $161,287,927. That was in 1887. Now I have no doubt it reaches very nearly $190,000,000. That whole amount would naturally be drawn here, and, even if not coined, it would be naturally drawn here to a market, and, in my judgment, that would rapidly bring us to the silver standard without regard to the vast quantity that would come from foreign countries.

Without stopping to consider the state of affairs which will occur after the silver standard is reached, I must say that I contemplate with pain and almost with shame the idea that a great country like ours, richer in resources than any other country in the world, proud of its credit, growing more rapidly than any other, with unbounded facilities, should be content to lower our standard of value and join with China and Japan and the South American States, which, though highly respected, have a mixed population and have a great many drawbacks. We should not leave the great company of nations which now religiously and heartily stands by the best standard of value; for, whatever may be said of silver, no one can question that in the great transactions of life, in those vast operations which are now being conducted in all parts of the world, silver will not answer the purpose. It will be too bulky for use, while gold alone will be the standard of value in international transactions. The silver standard may not bring upon our country ruin and devastation, and things may go on as they have been; still it seems to me its adoption is a lowering of our standard of value without benefit to any part of our people.

No law of ours can change the law to which I have referred, which is stronger than the law of gravitation. When you substitute an inferior standard of money it drives out of circulation the superior standard. You can have but one standard; you may maintain other things up to that standard, but you can not have more than one standard of money or of measure or of weight. If you do, you measure by a shorter yard, and the price of your commodity will conform to that yard; the price of all articles will conform to it, and the purchasing power of the standard that you select will vary day by day according to the demands of trade.

Mr. President, I wish to test by a practical application the effects of this proposed amendment. I hope my friend from Nevada [Mr. STEWART] will give attention to this. He denounced the other day, in language that I sympathized with, the speculators who have gathered in 12,000,000 ounces of silver over in New York and now hold that over the market and refuse to sell it to the Government at a reasonable price. He said, in alluding to that in his speech, that he did not want to help the speculators. I sympathized with him in that feeling; but now let me show him what his bill will do for these speculators.

These speculators, it is said, hold now 12,000,000 ounces of silver, and they are waiting for a market. They are not satisfied to sell to the Government of the United States at the market value of silver, and they are holding for an advance. Now, if the bill as reported by the Committee on Finance should pass they would get the market price for their bullion. The Committee on Finance only inserted that first section in order to relieve the silver market, supposing the silver men of our country, the silver Senators and Representatives, would desire that to be done. We now learn that they do not care about it, and I am as ready and as anxious to vote to strike out that section as they.

But what will be the effect? If our bill had passed as we reported it we would have bought that 12,000,000 ounces at 105, which would have amounted to $12,600,000. Suppose you pass free coinage; these men have their stock in hand and they are there at the doors of the Treasury. They will be the first to take advantage of this law, and they will dump this silver bullion into the Treasury before the sun sets on the day on which the bill becomes a law. What will they then get? They will get, at $1.29 per ounce, $15,480,000, or $2,840,000 profit above the rates at which we could buy. Will not that be the first effect of this measure?

Mr. STEWART. Will the Senator from Ohio allow me?

The PRESIDING OFFICER (Mr. SPOONER in the chair). Does the Senator from Ohio yield to the Senator from Nevada?

Mr. SHERMAN. Certainly.

Mr. STEWART. In the first place, if the bill is passed in the shape of an act to relieve speculators, to buy the 12,000,000 ounces they have on hand, silver will go up probably nearly to par at once, thus taking it all out of the market.

Mr. SHERMAN. That is the price you pay for it.

Mr. STEWART. If bought at the market price, the price would go up. But let me remark in that connection that if a bill was passed to relieve this lot of speculators, as long as silver is a commodity it would breed another lot of speculators, and another, and another; and that is what we object to. We object to silver being a commodity, the football of speculation. We know speculators would make money in this instance, but then if you received all the silver that was offered and coined it there would be no speculation. There was no speculation before silver was demonetized. It was the demonetization of silver, reducing it to a commodity, that made it an article of speculation and a football of speculators for the last seventeen years. We want to stop that.

Mr. SHERMAN. There will be no speculation after we have got down to the standard of silver bullion, but there will be speculation until that time. There is no doubt about that.

I am not in favor now of the first section of the bill, because, since I have heard the bad account given by the Senator from Nevada about men who are trying to speculate upon it, I am in favor of striking out that section, and I think the Committee on Finance are unanimous upon that subject. Besides that, I see the House of Representatives has taken some action upon the matter, and it would not be proper for us to interfere with that.

Mr. President, what does all this mean? What is the condition of the country which requires any remarkable change? Is it not prosperous to the last degree? I heard the Senator from Alabama [Mr. MORGAN] the other day declaiming in most eloquent terms about the condition of the South, its growing prosperity, its boundless crop of cotton, and the magnificent hope before it in the future; and I sympathize heartily with what he said and believe every word of it was true; but here you arrest, by change of value, all this growing prosperity. You change the standard of value. Cotton may be marked up a cent or two a pound, perhaps, although that is doubtful, but the purchasing power of what you receive in return will be diminished more than that.

Prudent men and speculators and gamblers will look out for themselves. They will take care of themselves. They are shrewd enough to guess what is in the future, while the plain farmer, who receives a little more for his wheat, will be deceived and misled by being paid in an inferior currency; the laborer, whose wages are the last to rise, in view of the new condition of affairs will suffer most. He will think if his pay is advanced a few cents a day that he has got the benefit of the silver law, but he will soon find that the purchasing power of what he receives with which to obtain food and clothing has fallen to the silver standard, and instead of gaining he will have lost by the political condition of affairs in the country. In the language of Mr. Webster, applicable to all changes in the standard of value, he will have "fructified the rich man's field with the sweat of the poor man's brow."

Mr. President, though my fears are groundless, as the Senator from Nevada thinks that I am a poor prophet, I can see nothing in the future of this measure except distrust, fear, hoarding of gold, the banishment of one of the great elements of the currency, a change of values, a deception and a fraud—not a fraud in the sense that fraud is designed, but a fraud actually upon the people who now believe in the free coinage of silver, who believe it will better their condition. According to my understanding of it, it will really impair and injure all those who depend upon their labor, all the great mass of our people who depend upon the productions of the farm and of the workshop.

I wish now to show another effect which will unquestionably arise from this measure. Senators probably have not thought about it. I have taken great pains with these figures. I have consulted the very best authorities, and I will give the authorities for the statements I wish to make in regard to the cost of the production of silver.

We propose now to pay $1.29 for an ounce of fine silver. What is the cost of that production? If it costs $1.29 in labor or in any other way, we ought not to buy it for less than it costs for less than it is worth. I am not in favor of cheapening any commodity, but I desire to see every commodity have a market value equal to its fair cost, with a reasonable profit to the producer.

I have a statement here, which I have carefully collated from authorities, which, in my judgment, shows conclusively that the entire cost of silver bullion of the United States is but a trifle over 50 cents an ounce, and that that very silver in the form in which it is left by the processes for producing it is now sought to be sold at $1.29, or a profit of over 150 per cent.

Mr. TELLER. I do not know that I understand the Senator's statement about that. Does he mean to say that that is what it costs the producer of silver?

Mr. SHERMAN. Yes, sir; upon the best statistics I can find. I will give the Senator the statistics and let him show wherein the cost is greater.

What will be the effect of forcing the production of silver by this great advance in its price and its sure and certain market at our mints? This production is now at market rates one of our most lucrative and increasing industries. As Mr. Bagehot says:

> The value of gold and silver is determined by the cost of production, just like that of all other things; that in their case, as in all other cases, what is more cheaply produced than usual would be more plentifully produced than usual, and that the purchasing power in consequence will be no doubt less.

That arises from the well-known principle that where any given industry is open to the world anybody can go into it if it turns out to be reasonably profitable; and so, if it turns out to be greatly profitable, people will rush into it, and thus, by increasing the product, will diminish the price.

It is important, therefore, to inquire what is the actual cost of producing silver in the United States and in other silver-producing countries. I shall quote two authorities. And first from the report of Dr. Kimball, the Director of the Mint, for 1887, page 115:

Arizona, cost of production, 83.2 cents per ounce fine.
California, cost of production, 51 cents per ounce fine.
Colorado, cost of production, 61 cents per ounce fine.
Montana, cost of production, 43.3 cents per ounce fine.
Utah, cost of production, 52.5 cents per ounce fine.

Mr. STEWART. Is the basis of the estimate there anywhere given? Does the Senator take the cost of mines that are bonanzas or does he take the average cost of all the labor that produces silver? If he does, I will say that any man who says it does not cost $2 of labor and expense to get $1 of either metal, on the average, take it for the period of ten years, has not investigated the subject.

Mr. SHERMAN. I think I can show authorities that are more reliable than the Senator, though he lives in a silver-producing State.

Mr. STEWART. They are not more reliable. I have seen more of the working of the mines than have people who do not live in a silver-producing country.

Mr. SHERMAN. Here is the Director of the Mint, an officer of the Government, who is bound to make this selection——

Mr. JONES, of Nevada. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Nevada.

Mr. SHERMAN. Yes, sir.

Mr. JONES, of Nevada. I ask the Senator if he takes the thousands of mines wherein enormous fortunes have been sunk and which are not realizing anything? Are they added or does he take the mines that are paying? What is the calculation based on?

Mr. SHERMAN. I can not answer that question because I am taking the report of the Director of the Mint.

Mr. JONES, of Nevada. Does he take the Granite Mountain, or the Consolidated Virginia, or mines of that character, or does he take that vast army of men who have gone to poverty all over the country and sunk millions of money of which there is no record made at all?

Mr. SHERMAN. I take the estimate of the Director of the Mint of the United States, made on his official authority, and the basis of the estimate the Senator can find by the references I give him. I shall give him the estimates of one of the most distinguished metallists in the world, perhaps, Professor Austen, who made the examination in the United States, and also of other authorities. I do not know anything about these facts myself, but I give them as official documents, not as matters on which I state my own opinion.

Mr. JONES, of Nevada. I should like to ask the Senator, considering the depression of business in the last ten or fifteen years, if, according to the statements made, 30, 40, and 50 per cent. could be earned in the business of silver mining, is it not an extraordinary thing that the majority of the people of this country do not enter into it? Is it not an extraordinary thing that in Massachusetts, and all through the Eastern States, where business has been done almost at a loss, where your smelting furnaces are closing up because they can not make a dollar, when all they have to do is to cross the Missouri River and make 50 per cent. profit, that they do not do it?

Mr. SHERMAN. I will give the authorities here, and it will be for the Senator to say whether the statements are reliable or not.

The Director of the Mint, in the same report from which I have quoted, on pages 90 to 116, gives the cost of producing 17,655,387 ounces of fine silver in 1887 as $9,242,256, or 52.4 cents per ounce fine, as the average cost of production of an ounce of fine silver in this country.

Professor Austen, of the royal mint in London, carefully investigated the cost of production of fine silver in this country, and he testified to that effect before the royal monetary commission, December 9, 1886. I have sent for the document. I think it is the same document the Senator from Colorado [Mr. TELLER] quoted several times in debate.

The testimony of Professor Austen is in the first report of the royal commission, pages 62 to 67, and appendix in same volume, page 325, now before me. From his testimony it appears that the cost of production of silver is as follows:

Arizona	cost of production...	83.2 cents per ounce fine.
California	cost of production...	51.0 cents per ounce fine.
Colorado	cost of production...	60.2 cents per ounce fine.
Montana	cost of production...	43.3 cents per ounce fine.
Utah	cost of production...	47.7 cents per ounce fine.

Average cost of production in the United States, 51.1 cents per ounce fine. The difference between Dr. Kimball and Professor Austen is that Dr. Kimball, as to Colorado, places the cost of production at 61 cents per ounce and Professor Austen at 60⅕ cents per ounce. Dr. Kimball places cost in Utah at 52½ cents per ounce and Professor Austen at 47.7 cents per ounce. Although the difference in Utah silver is almost 5 cents per ounce in favor of Professor Austen's researches, yet the difference in the average cost of production in the United States of an ounce of pure silver is only 1.3 cents per ounce between Dr. Kimball's and Professor Austen's returns.

The cost of production of silver in Mexico, according to report of Mr. Stewart Pixley, of the firm of Pixley & Abell in London, in the same document, page 325, averages for an ounce of pure silver 1*s.* 6*d.* per ounce fine, or 37 cents.

According to Professor Austen's returns (same report, volume 1, page 329) the cost of production of an ounce fine silver in Mexico averaged about 44⅜ cents, or 1*s.* 8*d.* per ounce of .925 fine, English standard.

In South and Central America, Professor Austen gives the cost of production of an ounce fine silver at 1*s.* 5*d.*, or 34⅛ cents per ounce fine. (Same report, page 328.)

In Germany, the product of Mansfeld copper mines, according to Professor Austen (see same report, page 328) in 1883, the amount of silver produced annually in the treatment of copper ores is given as 7,200,000 ounces. Of this quantity, 6,500,000 ounces were obtained during the ordinary smelting of copper ores, at a cost of 9½*d.* per ounce English standard of .925 fine, or 21⅛ cents per ounce fine silver. It also states in the same article that by the improved process of Claudet 328,000 ounces were recovered in Great Britain from copper ores at 5*d.* per ounce standard (.925 fine) or at 10⅞ cents per ounce fine silver.

In Australia the cost of production of pure silver is given by Professor Austen (same report, volume 1, page 328), as follows:

> The report for the year 1886 of the Broken Hill Mine, Barrier Ranges, New South Wales, a mine of considerable importance, has been published. It states that during the year 1886 the smelting of 10,397 tons of ore yielded 1,881 tons of lead and 871,665 ounces of fine silver, at a cost, including mining charges, of £4 12*s.* ½*d.* per ton of ore, or at the rate of 1*s.* 1*d.* per ounce of silver produced (equal to 28½ cents per ounce fine silver) if the lead be considered of no value, but the lead sold at £12 per ton ($58.32 per ton).

I am told that later reports give the production of the Broken Hill Mine for 1889 at over 10,000,000 ounces of pure silver and the cost of production not quite 8*d.* per ounce, or about 16 cents per ounce fine.

For the nine months of 1890 the production of the Broken Hill Mine was 17,000,000 ounces of pure silver, which, according to the bullion cost, at 16 cents, would be about $3,000,000, while, at the price we pay for it, it would be over $20,000,000.

Mr. ALDRICH. If the Senator from Ohio will allow me, two years ago the total production of silver in Australasia was 266,000 ounces, and now it is 17,000,000 in this one mine.

Mr. TELLER. If the Senator will allow me——

The PRESIDING OFFICER. Does the Senator from Ohio yield?

Mr. SHERMAN. Yes, sir.

Mr. TELLER. I wish to say that the report, as I recollect it, shows that Australasia produced last year about $5,000,000 of silver. If the Senator will examine the report he will find that, instead of being $17,000,000, it is about $5,000,000.

Mr. ALDRICH. The Senator from Ohio has the statistics of the present year and the Senator from Colorado is referring to last year's statistics.

Mr. TELLER. For the last fiscal year it was about $5,000,000.

Mr. ALDRICH. The Senator from Ohio is referring to the present fiscal year.

Mr. SHERMAN. I do not care whether it is $5,000,000 or $7,000,000. The statement is as to the cost per ounce, and it makes no difference what the amount may be.

Mr. STEWART. Before the Senator proceeds further——

Mr. SHERMAN. Let me go on; I am getting tired.

Mr. STEWART. One moment.

The PRESIDING OFFICER. Does the Senator from Ohio yield?

Mr. SHERMAN. Not now.

The PRESIDING OFFICER. The Senator from Ohio declines to yield.

Mr. SHERMAN. I am getting exhausted. The Senator may attempt to correct the document, but we will have to take the document notwithstanding.

Mr. STEWART. I want to know the basis of the abstract; that is all.

Mr. SHERMAN. It is given here from Professor Austen's report, on page 325. If the Senator wishes to dispute it, here it is in all its copious length and breadth.

From Professor Austen's report on page 325, it appears that the cost of production of pure silver in a case of successful mining is 1*s.* 8*d.* per ounce standard, .925 fine, or 44⅝ cents per ounce, 1.000 fine. This is in Australia. He also gives as the highest cost for about one-third of the total world's production at 2*s.* per ounce standard, .925 fine, or 52⅔ cents per ounce of 1.000 fineness.

Mr. Freemantle, deputy master of the British mint, in his annual report for 1888, on page 23, comments upon these estimates thus:

> This result appeared to the Director of the United States mint to "be far too low, and a considerable part of the Director's report on the Production of the Precious Metals in the United States" for 1887 is devoted to a critical examination of it.
>
> It will be seen that Dr. Kimball instituted an elaborate inquiry, in the course of which circulars requesting information as to the cost of the mining and reduction of silver ores were sent to all the mines in the United States known or believed to be producing gold and silver. The general conclusion at which Dr. Kimball arrives, based on the replies from 155 mines and adopting Professor Austen's method of calculating, is that the mean working cost of silver is 51.1 cents per ounce, or 2*s.* 1½*d.* When it is borne in mind that this is the result of a special inquiry, conducted as Dr. Kimball points out, with "much diligence on the part of those in the best position to secure information on the subject, it is remarkable that it should differ so little from the estimate formed by Professor Austen with very limited materials at command and dealing as he did with the whole of the silver production of the world."

In Director Kimball's report of 1887, page 112, on the cost of production of silver, appears the following statement, showing that the Granite Mountain Mine, at Granite, Mont., produced in 1886—

> 19,316 tons of silver ore; that the average amount of silver in each ton was 150 ounces of pure silver, and that the total amount extracted was 2,897,754 ounces of fine silver; that the cost of mining was $6.06 per ton, and that the reduction of each ton cost $13, or a total of $19.06 per ton as the cost of production.

This statement was officially furnished by the Granite Mountain Mining Company to the Director of the Mint in 1887, and is no doubt correct; and here it is worked out by the Director of the Mint:

19,316 tons of silver, cost of mining, at $6.06 per ton	$117,054.96
19,316 tons, cost of reduction, at $13 per ton	251,108.00
Total	368,162.96

> The product of these 19,316 tons of silver ore amounted to 2,987,754 ounces of fine silver, at a cost of production of $368,162.96, equal to 12⅜ cents per ounce.

Thus in this single case, where the cost of production was over $368,000, the price that would be paid for it under this bill would be over three and a half million dollars.

Here is another matter in relation to this mine. It may be an exceptional case. In the report of this company itself to the Director of the Mint for 1887, they give the sale of their silver bullion at 96 cents per ounce. That was the market price per ounce. Upon their own showing the percentage of labor to profit was, for labor, 13.28 per cent.; profit, 86.72 per cent.

Mr. STEWART. I will not interrupt the Senator again if he will allow me a moment. I have known a man in three days with his own labor to take out $100,000 in gold. Would the Senator say that that was any evidence of the cost of the production of gold?

Mr. SHERMAN. I should frankly say it was not.

Mr. STEWART. So it is in the case of silver.

Mr. SHERMAN. But here is the production of nearly 3,000,000 ounces by one of the great establishments of the country. I do not quote this as a fair average, but I say, according to the testimony of Dr. Kimball and of Professor Austen, the average cost, ascertained from the millowners by personal application to every one in the United States and summing up the general aggregate, shows that the cost of the production of silver in this country is a little over 51 cents an ounce.

Mr. TELLER. I hope the Senator will succeed in convincing the people of the United States that silver can be produced in Colorado at the figure he names, because we shall then have all the spare capital of the United States going into Colorado next year.

Mr. SHERMAN. My impression is that it is now going there and to other countries where they produce silver. There have been some statements made to me that these powerful corporations have such great profits as to be able to maintain in this city a kind of organization which I believe they call the National Executive Silver Committee, which has sent out all over the country, at its own expense, circulars inviting the farmers to sign petitions praying for the free coinage of silver. I should think they could afford to do it, because, with the free coinage of silver, they would get, instead of 96, for which they sold this great bonanza, 129. This lobby is now here in force. In order that I may be relieved for a moment, I will ask that what was said about this lobby by Mr. Conger, the chairman of the Committee on Coinage, Weights, and Measures in the other House, may be read by the Secretary.

The PRESIDING OFFICER. The matter referred to will be read by the Secretary.

Mr. SHERMAN. The statement having been made at the last session I think I have the right to have it read.

The Secretary read as follows:

> As I said before, the bullion-owners were not satisfied with this, and I wish that my colleagues upon this floor could understand, as I believe I do, and as I am sure they do not, the pressure that has been brought to bear by the men who own or speculate in bullion in this country to have some sort of silver legislation, and that legislation immediate, free, and unlimited coinage. You can not point to a single locality where free-coinage resolutions have been adopted, nor a single paper which has advocated the free coinage of silver, except you find in that locality the footprints of the silver-bullion-owner or his agents, or else the mark of the men who are employed by them in pressing this legislation.
>
> * * * * * * * *
>
> Why, Mr. President, during this winter there has been about this Capitol the most persistent, courageous, and audacious lobby upon this question that I have ever seen since my term of service here began.
>
> Mr. McComas. And worse in summer than in winter.
>
> Mr. Conger. Yes. It has been as bad all the time as it could be; and not only have these paid lobbyists been plying their avocation here, but various other means have been resorted to by the men interested in raising the price of bullion to secure the legislation they demand. Pool after pool has been organized here in this city to speculate in this metal. Money has been deposited in the banks in this country by the thousands and hundreds of thousands lying there ready to purchase bullion with as soon as this legislation shall pass. But they oppose our bill. Why? Simply because if our bill passes they have got to trust to the market value of their product for the profits; while if free coinage passes Congress, the Government of the United States fixes the value at 30 per cent. above what it is worth and they may bring in all the bullion they can buy. Why, Mr. Chairman, I have been invited time and again to join silver pools, but, as long as I hold a seat upon this floor or stand here, my vote shall be cast and my voice raised for the people of this country, for the laboring men of this country, for the savings-bank-depositors of this country, for the crippled and scarred soldiers of this country, instead of for a few bullion-owners.

Mr. SHERMAN. Now, Mr. President, in addition to the comparatively cheap cost of the production of silver, there are other causes that will add to the production of silver and reduce its price. One is the new mines that are being constantly opened. In the American hemisphere, from the great river that rises in Alaska, the Yukon, to the Straits of Magellan, there are probably not 50 miles of the vast chains of mountains through these two hemispheres, over 10,000 miles in a direct line, but what are full of silver, in such vast store in some localities as would be capable of suddenly changing the market.

Mr. STEWART. I would like to ask the Senator from Ohio where those mines are to be found. If I should deny it, and I do, how can the Senator prove it?

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Nevada?

Mr. SHERMAN. I do not like to decline, but at the same time, Mr. President, the Senators have had their say. I sat here for six days hearing myself made the subject of all kinds of comments, and now I have my innings. I did not disturb them.

Mr. TELLER. Where are those mines to be found?

Mr. SHERMAN. I can not state where they can be found. My friend from Nevada knew where to find one, I am told. Whether that be true I can not say, and I do not like to speak of it unless upon authority.

Not only are new mines being opened, but the existence of silver is universal in almost every country in the world. As I said, in the whole of our almost boundless continent there are untold treasures of silver, besides there are now improved processes of smelting and refining silver, one of which I alluded to a few moments ago. These processes, these new devices, have greatly lessened the cost of production.

Again, this is only in harmony with the tendency that has been going on for four hundred years, during which silver has been relatively declining. When America was discovered eight ounces of silver were the equivalent of an ounce of gold; and from that time to this the disparity between the two has been growing greater and greater, until at one time it reached as high as 22 to 1. So this is only a kind of progressive arithmetic which increases not in a geometrical ratio, but very rapidly; and the increase of silver during that four hundred years has been more than twofold as compared with gold. So the whole tendency is the decline of silver, and we are going on and jumping on to this metal, so abundant, so profuse, which has been coming down more and more and making the standard of value for the great country we represent.

Now, sir, the same tendency goes on in regard to all other metals. There is iron, which has gone down in price nearly threefold. Iron is now worth from $20 to $30 a ton, and it was not a great while ago when it was worth $100 per ton. The increase in the production of iron ore has been the most marvelous probably on record. Only a little while ago we boasted that we had furnaces to make a million tons of iron in this country. Now we make over 10,000,000 tons. We bring from the Lake Superior region, before the war almost a boundless solitude, more than 10,000,000 tons of iron ore. It is one of the most marvelous internal developments of commerce in the world.

So with copper. Copper used to be worth 30 cents a pound. Now it is produced in our country; and in some of the Lake Superior mines, I think in the State of Michigan, they find pure copper in such large and bulky masses that it can not be mined, and they have to go delving around it and avoiding it because there is no way by which they can handle the immense mass. There is no way of smelting it out because of its immensity. Copper is found in many parts of our country now. So with zinc. I remember in 1867 when nickel was worth $1.60 in gold a pound, and a gentleman had a very good monopoly of it at that rate. It was imported into this country, and was found in the United States only in a certain locality somewhere in Pennsylvania. Nickel in our first nickel coins was worth $1.67 per pound, and now it is said that it can be produced in Canada for 15 to 20 cents a pound.

So with aluminum. The method of producing it was so expensive that it cost more than silver, almost approaching gold, and that was only a short time ago. At that time articles of vertu, of taste, were made of aluminum because of its beauty and lightness. Now aluminum is to be one of the common household metals of the world. It is made in our own country here from the clay banks which abound in every State.

The time is not far distant when all these metals will be cheapened, including tin. Notwithstanding the prophecy of our friends on the other side, I will say that in three years from this time all the tin used in this country will be of American manufacture. These mines are developing. All these metals are now being used instead of wood. Wood gave way to the age of stone, and stone gave way to the age of metal; and I trust many of us will live to see the time when all the great structures of our country will be made of steel, ornamented with nickel, aluminum, brass, and copper. I have no doubt that will be the result of the progress of events.

So the production of silver will be increased and silver will be cheapened. Therefore it is not a sufficiently staple or sufficiently valuable metal upon which to base the commerce and wealth of a great and powerful country like ours.

No doubt gold and silver will always be the money metals of our country, and there is no difficulty in maintaining them at a parity with each other if we will do what has been done a dozen times in the history of mankind: when the two metals separate from each other in market value and it is clearly perceived that the one metal is going down in relative value, let the ratio be changed.

There is nothing sacred in ratio. Now it is 16 to 1 in the United States; 15½ to 1 in France; 15 to 1 in some other countries. The market ratio is about 18 or 20 to 1. An ounce of silver is about the standard in value of a dollar in gold. Why not change the ratio? Or, if you are not prepared to change the ratio, why not maintain the cheaper metal when coined up to the standard of gold? That means bimetallism. Instead of pursuing the simple, plain remedy of changing the ratio or conferring with the nations of the world as to that—a thing that is easily brought about—why fly to that extreme remedy of basing all your wealth and the value of all your property upon silver coin, which is going down in relative value and has been for four hundred years?

Now, Mr. President, I am not in any sense a lover of money made only of metal. I believe the best money that has ever been devised by man is the money of the United States—United States notes, Treasury notes, issued under the law of last session and the laws in existence before, gold certificates, silver certificates. That is the kind of money that will always circulate. Our people will not circulate either gold or silver. You can not get them to do it. I tried that once very hard, and I think it cost the Government of the United States a very considerable sum of money to pay the amount of freight charges upon silver that was sent all over the United States, the minor coins worth less than a dollar; so that everywhere they might be found, in every post office, and so that it might be said that silver coins of every denomination could be had.

It went there at great expense of money paid to express companies, and it came back again. We have twenty-odd millions of fractional silver coin that we propose by this bill to put out in a form upon which we can issue certificates of deposit or Treasury notes. At this time of the mass of silver coin $320,000,000 is lying in the Treasury. This is the highest evidence that the people of our country do not want either silver or gold. You give them paper money based upon silver and gold, based upon solid value, and supported by the credit of the Government of the United States; you give them United States notes, with an ample reserve to meet any possible contingency, with the credit of the United States back behind it, as it is now behind United States notes, and then you will have the best money in the world.

Nevertheless you must maintain your standard, because paper money is not money in the proper sense; it is the mere representative of money. There must be a gauge, a measure, a standard of value behind it. We have gold now as our standard. When, therefore, you deal with a silver standard you displace the gold standard and place all this paper money upon the basis of silver, which in the countries of Europe is a variable commodity, sold by the ton day by day.

Why, sometimes it is said that silver is the standard in this country. Mr. President, we buy silver as we buy any other commodity. We receive deposits only at a fixed mint value. We buy 187 tons of silver bullion per month under the law of last session—this is over 6 tons a day—which we hold as a deposit and security for the issue of our Treasury notes. That is all right. To the extent that it benefits our own producers it is doubly right. To the extent that it gives us a good foundation upon which to issue paper money it is right. Why not be content with that?

Mr. PUGH. If the Senator from Ohio will allow me, I should like to ask his opinion as to the quantity of money needed by our people for active use in their trade and commerce.

Mr. SHERMAN. Mr. President, if my good friend from Alabama will excuse me, I do not want to get off on the greenback question, the volume of money, or any of those questions. If I did I should never get through, and I know the Senate is not desirous of hearing me much longer. I am dealing now with metal, and that is entirely another topic.

Now, Mr. President, I know that what I say here to-day will be met with the cry of "Demagogue" everywhere over the United States; that the men who believe as I do, although the great body of the business men of our country do so, will be called goldites, speculators, millionaires; that a kind of public opinion is created that the gold standard is the standard for the rich, while the silver standard is the standard for the poor. Why, sir, if I believed so, representing, as I do in this Chamber, over 4,000,000 of as intelligent Americans as exist, with varied industries, very many of them poor, in every condition of life, hundreds of thousands of laboring men, and a still greater number of thousands of farmers, I would be derelict in my highest duty if I did not do anything to promote their interests. And yet I solemnly believe that their interests lie in maintaining the best standard of value, supported by gold and silver, and issued in ample quantity to meet the demand for circulation.

I have adhered to the policy that we have established in this country as the best. And, Mr. President, if I show any feeling in this matter, I hope Senators will remember—not because I am interested; of all the men in the world I have no interest upon this subject; I am not engaged in manufacturing, not engaged in mining, not engaged in any kind of business; it would affect me probably less than anyone in this body—that I am standing here simply stating what I believe is for the best interests of our country and of all our people in maintaining the standard of value.

As to this cry of "millionaire," Senators must know that all the millionaires of our country are of modern creation. They trace their fortunes to this source—and in nearly every case that I know the great fortunes grow out of—new inventions, new devices, new property created within a single generation of men.

I remember when I was a law student a man who was worth $10,000 was considered very rich. One man in my community was known to be worth over $100,000, and he was as rich as Crœsus. And yet in Ohio, in all countries, we have now men of great fortunes, and in nearly every case those fortunes have been founded upon new elements of industry.

Let me name some of them. There is the railroad, largely owned by capitalists, very little railroad stock now being held by the masses of the people, because it is manipulated by the capitalists in their own way, so that the stockholders are generally "frozen out" and the bondholders come in and take the road. There is $10,000,000,000 (ten thousand millions of money) invested in stocks and bonds of these railroads. This forms one basis of many of the great fortunes of this country. What would you do with the railroads? Would you destroy them because they begat millionaires? They are one of the chief agencies of life. I take it, no.

Again, there are the telegraph, the telephone, reaping machines, and agricultural implements. All of these have been the foundations of great fortunes, and they are the result of invention. In the olden times a farmer swung his scythe or his cradle, if he had one. Now, a boy, riding in a sulky, plows the field, a man with a team and machine cuts the grain and ties it into sheaves, and in a short time it goes to the thrashing machine and is ready for market. Would you burn up

these machines and the innumerable devices to lessen labor? And yet, sir, these are the elements out of which have grown the fortunes of millionaires.

Take petroleum. I made a visit to the oil wells when they were first discovered, and saw there the flowing stream of greasy matter, as I thought. And yet, sir, from those oil wells, followed by natural gas, there have been vast fortunes made, greater and more rapidly than any that existed before. Millionaires! These men devised new sources of wealth. Will you close these arteries of wealth? Will you envy them their success? Will you envy them their prosperity? They will die, like the rest of us, in good time, and their fortunes will be distributed under our laws of descent and distribution. In the mean time these inventions have added to the general wealth, not only in the making of great fortunes, but have added to the comfort and attraction of our homes.

So, take the mining camps of our country. My friend from Nevada [Mr. STEWART] says if I could only find the number of people who have failed to get mines and take their losses from the general profit, then I would have a different story to tell. But the same thing might be said of every other employment. Take all the farmers that have turned out to be poor farmers and could not make a living. Take all the doctors, take all the lawyers, and other people who could not make anything and who seemed to drag their way along unhappily in the world. You do not add together their misfortunes and deduct the sum total from the price of wheat and corn. No. These mining industries of the United States have added more millionaires than any other source, except probably railroads.

There are millionaires interested in iron ore. There are mines in the Lake Superior region, whose value is now estimated by the millions, that were not worth a groat a few years ago; they were barren hillsides. Now they are worth millions upon millions and have been a source of large profit to their owners. So with the mines of gold, silver, lead, etc. The millionaires are in Colorado, Nevada, Montana, California, and Oregon. And our people from Ohio have gone out there, and they have become millionaires, too. I have now in my mind's eye several men who have made their fortunes and are said to be millionaires. But it should be remembered that it is sometimes true that a man not worth a quarter of a million is estimated as a millionaire.

Another source of wealth is the growth of cities. Why, sir, the value of property in the city of Washington or in any city you can name in America, in ten years, has doubled, and in some places trebled, and the mere, accidental possession of property has made men rich. There is the case of the property of Mr. Astor, in one of the great cities in this country, who died worth $6,000,000, and now that property has increased in value and is one of the great fortunes of our country. I think, therefore, that this cry of "millionaire" is rather beneath the dignity of the Senate, for we know that some of these millionaires are among the able and intelligent and benevolent men in the country, men who have honestly made their property, whatever it is, and whose wealth was as justly made as the comfortable competency of a plain citizen. If their wealth is the result of dishonesty we despise them. If they have made their fortunes honestly, why should we envy them? I do not do so, God knows. Let them enjoy their wealth if it has been made honestly, honorably, and by fair means. Their passing advantage over the poor laborer of the hour will disappear in a few short days, under the common destiny that awaits us all.

As for speculators, every man is a speculator. I never saw one yet who did not speculate, and generally did so before he got to be ten years of age. He commenced speculating when he began playing marbles. Speculators are the men who lead in all the great enterprises of life. Speculation is just as necessary as froth is to beer, just as necessary as motive power for an engine. If a man were not a speculator, either as a writer, thinker, or seeker of wealth, what would he be good for? He may speculate about the rise and fall of silver and gold, about the double standard, as we are doing now. Whatever he speculates about, if it gives activity to his mind or to his body, that is not a matter to be sneered at. No, sir. Let the lazy idlers, who will neither work nor speculate nor acquire property by honest industry nor seek to put their foot upon a home or land of their own, look with envy if they please upon the successful man, but this is no good reason for any sneer in this body on industry, frugality, and success.

Now, Mr. President, I noted, awhile ago, as I said, a disposition in this debate, much to my regret, to turn the question from the great issue involved, whether we should have free coinage of silver, into the question whether I, as one of your associates, had been consistent all through my life. My virtues and my follies and faults were made the point of debate, I fear, more than the terms of this bill. Now I do not intend to waste any time about that.

What I have done in connection with the legislation of the country I will speak of in a few moments in connection with some remarks made by the Senator from Colorado [Mr. TELLER]. I have no apology to make to any man. I never made one in the Senate for anything that I did. What I did I never fly from. What I said, whether right or wrong, I stand by; not that I insist on the correctness of what I have always said, because I acknowledge the infirmity of man, his likelihood to err, and the uncertainty of many of his beliefs and assertions. But I have no apology to make to mortal man except to my constituents. To them I have a different relation. I make my annual report to them; and so, if it comes to pass that they make known to me that they have lost their confidence in me, now continued for more than thirty-five years, I would no longer be here among you. But why, if they find no fault with me, should I apologize to any man? When they do find fault with me I shall accept their judgment, and follow it with the resignation that every public man ought to feel when he retires from public life.

Now, Mr. President, in regard to the personal debate that has been introduced here, I am quite conscious that the Senator from Colorado [Mr. TELLER]—for there is no reason for ill will between us—could not intentionally use to a fellow-member of the Senate the language he has used in this debate. The language of some of the Senators that has been used here, which I will not quote, I do not think is exactly up to the standard of Senatorial courtesy. But I will read what the Senator from Colorado has said as printed in his speech. In speaking of myself he said:

> He has become in certain sections of the country, where the almighty dollar is all-powerful and where there is the grossest and densest ignorance upon financial propositions and financial questions, save and except on the more question of discount and exchange, a financial authority.

Now, that is a description, I suppose, of all these millionaires that are talked about, of all these men engaged in large enterprises, the bankers and brokers of New York, men who have devoted their whole lives to the study of these questions, and whose fortune is every day dependent upon correct decisions upon financial questions. The Senator from his lofty Pike's Peak, I suppose, the loftiest mountain, I think, in Colorado, looks down serenely upon all these men engaged in the active business of life, the men who build the railroads, who carry on the great enterprises, and speaks of them as being in "the grossest and densest ignorance upon financial propositions."

The Senator from Colorado, with his disinterested view of the silver question, looks down on them with contempt, and upon me, because, he says, I have some influence with these ignorant and deluded people. Well, sir, it is a specimen of the most sublime egotism I think I have ever seen in my life. [Laughter.] And there I shall leave him.

Another thing the Senator said:

> Because of the accidental position he has heretofore occupied and the reputation which he made very largely from the fact that he has been in charge of financial matters in this body for many years.

Mr. TELLER. I should like to say to the Senator from Ohio that if I used the term "accidental" I did not use it in the way I understood he took it. What I meant by it was that the Senator had occupied a public position which brought him in connection with financial questions. Of course I never intended to intimate that he did not come to that position in the most honorable and proper manner in the world, and I would not even say that when he came there it was not with the approval of the people of the United States. I had in mind no suggestion of that kind. I was not aware until quite lately, after it was too late to correct the RECORD, that I had used the term "accidental;" and I certainly did not mean to use it with any disrespect to the Senator, but simply that because of his position as Secretary of the Treasury a certain class of people had given him credit for knowledge of certain subjects that I thought perhaps he would not have obtained if he had not occupied that position. That is all.

Mr. SHERMAN. I have nothing to say in regard to that. Since I have alluded to it, however, I will say the only accidents which have befallen me, so far as I know, are that I was elected to the House of Representatives a great many years ago; that I have been five times elected to the Senate, and was once chosen, by consent of the Senate, to be Secretary of the Treasury. So I hold the Senate responsible for any great errors I have committed; for whatever errors may have been committed have been in the presence of the Senate.

Now, there is another thing I shall quote here, merely to show how far the Senator was impelled by his feelings and the impulse of the moment. When I heard him use that word I was amazed and wondered what accident had befallen me that I was the creature of an accident.

But that is past and gone, and I have nothing further to say in regard to it. But here, referring to Mr. Harter, whose name had been mentioned in connection with the letter read by me against the free coinage of silver, the Senator from Colorado said he knew—

> which side of the question he was on, for the Senator has had the wonderful facility of being on all sides of all financial questions that have ever been presented, I believe.

If so, my friend from Colorado must be in the same fix, because I have generally been on the opposite from him upon any question he was interested in. But, Mr. President, I do not think that would be just for either of us. He is an honest monometallist. He believes, however, that he can have a silver standard and yet have the metal of gold the standard. I do not think so.

Mr. TELLER. Then I am not a monometallist.

Mr. SHERMAN. Yes, the Senator is a monometallist, because the inevitable logical result of the measure he advocates is to have a single standard of silver.

Now, Mr. President, I wish to say in regard to this question that

from my earliest participation in public affairs I have always been in favor of silver and gold. Although very sound on the Whig side, yet on the question of money I was very apt to be on the Democratic side. Therefore I was always a firm believer in silver and gold.

When the war came on I was in favor of greenbacks, legal tenders, bonds, anything that would put down the rebellion; and I would have staked the last dollar and mortgaged the last piece of property of every citizen of the United States before I would have yielded that desire to preserve the Union. That is over now. There is no such question now before us. During the war I was for greenbacks, and advocated them on this floor, and supported the bonds and the laws for their issue and so on from that time. When the war was over I was in favor of making greenbacks as good as gold and silver. I was in favor of their redemption. If there was any inconsistency in that it comes in there.

I believe I was quoted by one of my friends on the other side of the Chamber [Mr. COCKRELL] as saying that we had the power in 1866 or 1867 to pay the United States bonds outstanding in legal-tender notes of the issues then outstanding. I did so say, not only in the letter he quoted, but in speeches and reports; and, so believing, I made the contest here on this floor, and was defeated by the vote of every Democrat on the other side and I must say by the great body of my Republican associates. But while holding that position I insisted that the first duty of the United States was to make the United States note equal to coin, when the mode of payment would not be material.

Afterwards, when the act strengthening the public credit was passed, which embodied my idea, I considered the question settled. I tried to reduce the rate of interest on the public debt, and expended my energies in that way to bring about the resumption of specie payments. If there is anything inconsistent in that, it has not been pointed out; I have not heard of it, and therefore I need not say anything more in regard to that. I think the trouble with me is that I have been too consistent in the support of good money.

Now, let us look at the argument of the Senator from Colorado. He says, speaking of myself:

> The Senator says the passage of this bill, as proposed to be amended, will put us upon a silver basis.

Well, will it not? I leave every Senator to answer that.

> In 1878, when the Senator was charged with the financial affairs of this great Government, he said that the passage of the Bland bill would put us upon a silver basis.

So I did, and so it would. But the Bland bill never did pass, and therefore the disaster that was prophesied never occurred. Mr. BLAND was and is, no doubt, an able and honest Representative from his State, firm in his convictions upon this subject. But the Senate overruled him and the bill never passed, although the bill was honored with his name, combined with that of one of our own associates [Mr. ALLISON]. It was the Allison bill that passed; that Senator is now here present, and he will know that I never laid a stone in the path of the passage of that bill, nor by the expression of any opinion in regard to the measure differing from that of my chief, whom I highly respected.

> He said more; he said that the passage of the Bland bill would destroy the credit of the American Government.

So it would. But it did not pass.

Now, another thing here the Senator said:

> The prosperity of this country in the last fourteen years has been phenomenal, and it has been because, in my judgment, the financial policy of this Government has not been administered upon the theories of the Senator from Ohio.

Well, now, Mr. President, as for four of these years I had the honor to hold the office of Secretary of the Treasury, I suppose I had something to do with the administration of the finances there; at least I always supposed so. But for the ten years since that time I have been here in this Senate, and if there has been any financial bill that has passed this Senate and become a law that I have not participated in and debated I would like to know what it is. And yet it is said that all the untold prosperity we have now in this country is because I had nothing to do with finances.

Mr. TELLER. Where was the Senator at the time of the passage of the Allison-Bland bill?

Mr. SHERMAN. I was then Secretary of the Treasury. Here he says another thing:

> Then the Senator tells us that, this having taken place, the whole world will ship their silver here and that 371 grains will be the unit of value in this country. That is the unit of value now, and that has been the unit of value for many years.

Here he falls into the common error of assuming that value means coinage. It is the coinage value now; but the value is the market value, and the distinction is as wide as possible to every one accustomed to deal with the question and knowing the difference between market value and coinage value. That is what is meant here. As I said before, we buy silver by the ton; we do not buy it by the ounce. We buy four and one-half millions of ounces of silver per month, and we buy it in great masses. As I said before, we buy 187 tons a month, over 6 tons a day, at market prices, and coin it and hold it. In order to force that upon the country we would have to have a silver basis.

Again, the Senator from Colorado [Mr. TELLER] says of me:

> The Senator says that we are on a gold standard.

He denies it. I thought that was the trouble. I thought that because we were on a gold standard he wanted to bring us to a silver standard or that what he wants is to add a silver standard to the gold standard. If we are not on a gold standard, where are we? Our gold passes everywhere in the world for what it calls for. Our notes of every kind and description are good in every market of Europe. The American traveler may take a United States Treasury note and travel anywhere, and it will be received for its value in gold coin. If we are not upon a gold basis, where are we? He is trying to put the silver coin upon the silver basis in the same way that gold coin is upon a gold basis, admitting that we are on a gold basis. He says we are not. And yet we receive deposits of gold from any quarter or any source. I say, if we are not on a gold basis, where are we?

> Mr. President, the Senator from Ohio—
>
> Quoting the Senator from Colorado [Mr. TELLER]—
>
> has spent many years endeavoring to put the United States upon a gold standard. He says that we are already there. He so stated at the last session. I deny it.

Now I have got to repeat it, and that is all. We are on a gold standard; that is, of silver with gold. Everything is measured by a gold standard at home and abroad. They have tried to secure the silver standard. We are in favor of silver being used to its fullest extent if kept at par with gold. We buy silver at market values, and maintain it as money, and coin it. They want to adopt the silver standard and coin silver without regard to its value, putting a value of $1.29 upon it, and calling it a dollar, and it is a dollar whenever 371 grains of silver bullion are contained in it.

Here is another delusion that the Senator has fallen into. He says:

> France has maintained at all times the parity between her gold and her silver, and the statement made by the Senator from Ohio that France is on a gold basis and that silver is only paid out in France when demanded and requested is not true as a fact. France does what we have attempted to do and what the Senator from Ohio repeatedly declared last session that he wanted to do. France has the double standard, the bimetallic standard.

I have already shown you that France does not coin a franc of silver, not a single one. Nor is it a legal tender except for 50 francs or $10. They maintain a gold standard religiously. They maintain their silver up to the gold standard. They redeem silver coin in gold, as I have shown you, by the very terms of the treaty, and the silver coins issued by those Latin nations are all redeemed in gold coin by the country that issued them, and that is more than we do with our silver coin. We make that rest upon our declaration that they are dollars. France does not treat them that way. She redeems them in coin. I have already quoted the authority of the Director of the Mint upon this subject, that there is not a single country in Europe where coinage of silver is free or where the silver standard prevails.

Again, Mr. TELLER said of me:

> The Senator told us last year that we did not need more money.

Now, upon the very face of the speech that I made in the Senate last year on the silver bill, in the very first substantial proposition in that speech, I said:

> I believe a majority of the Senate desire, first, to provide an increase of money to meet the increasing wants of our rapidly growing country and population and to supply the reduction in our circulation caused by the retiring of national-bank notes.

And further along I said that we wanted more money and the bill provided for it. Yet I am quoted in this way; and the Senator says:

> If the Senator did not tell us so late in the session, at least that was the statement made by all the people who believe with him and act with him.

So if I did not say so, somebody else said it, and he agrees with me! Now, Mr. President, if that is logic, well and good. This very bill reported by me provides for an increase of the currency. The first section provides for converting twelve millions of silver bullion into money, and also for converting ten millions of idle fractional currency into money that will circulate. Not only that, but it provides for more money to be issued by national banks, to the extent of $120,000,000, making provision that the national banks can resume their issue of paper money. Why, sir, the bill that is now offered by the committee provides all the additional money that any man could possibly desire.

I do not see my friend from Missouri [Mr. VEST] here. I wish very briefly to reply to one point that he made. The Senator from Missouri [Mr. VEST] said:

> All of us remember how the Senator from Ohio said some years ago in a public letter to Mr. Ruggles, who represented the United States in the International Monetary Conference at Paris, that this country must come to a gold basis exclusively. We all know that the Senator returned to the United States and as chairman of the Committee on Finance of this body in the two sessions succeeding introduced measures which recommended the gold basis alone.

Now, the Senator from Missouri no doubt intended to state this matter fairly, but he did not do so. I think if he could hear the explanation that I will make he would himself see that he did me injustice. Mr. President, this book I hold in my hand contains the report of Mr. Ruggles, and his associates, as a member of the Monetary Conference, and contains, what I have not seen for some time, this letter that I wrote and which has been so often misquoted. It appears that on the 17th day of May, 1867, during the French exposition, I was present in Paris as a visitor. Mr. Ruggles, being the United States member of

that conference and knowing that I was a member of the Senate, wrote to me a letter which is here before me, in which he says:

May I ask what, in your opinion, is the probability that the Congress of the United States of America would agree at an early period to reduce the weight and value of our American dollar, to correspond with the present weight and value of the gold 5-franc piece in France, and how far such a change would commend itself to your judgment?

At that time the problem before the monetary conference was to devise a coin which they intended to be called the international coin, into which all the coins of Europe and our own country should be interchangeably blended. That is, the international was to contain enough gold so that it would be the exact equivalent of 25 francs, of $5, of £1 sterling, and of a certain number of thalers and florins; in other words, that a coin somewhat different from the coins of all countries should be coined by each country that would represent a certain number of the best-known coin of that country. Finally they agreed upon what was called the "international coin," to contain about 3½ cents' worth of gold less than our $5-dollar gold piece. It was to be the exact equivalent of 25 francs.

Then the British Government, according to the plan proposed, had to change their pound sterling by reducing it perhaps two or three farthings, perhaps a penny; and the German and Austrian countries, and the Latin nations, then always being on the same basis, were to adapt their coinage, the thaler and florin and franc, so that it would be equal to a specific number of florins and thalers to one of this international coin. I do not recall the precise number of coins to be the equivalents of the international. In that way we would have had an international coinage, each country to coin its own pieces, but these coins, wherever coined, would be received in all the countries agreeing to this arrangement as the standard of value in international commerce. That was the scheme.

I was asked whether our Congress would agree to it. I wrote very promptly that I thought it would, and went on at Mr. Ruggles's request to give my opinion about that matter, as to the importance of it, and here is the letter. I will not weary the Senate to read it or to have it read. But here it is in the two languages, printed in the report, and I will ask the Reporter to print it entire, *verbatim et literatim*, so that Senators may see how grossly mistaken Senators and others have been in regard to this story.

The letters referred to are as follows:

PARIS, *May* 17, 1867.

MY DEAR SIR: You are, of course, aware that there is a special "international committee" now in session at Paris, organized by the Imperial Commission of France, to sit simultaneously with the "Universal Exposition," and composed of delegates from most of the nations therein represented. Its object, among others, is to agree, if possible, on a common unit of money for the use of the civilized world.

It is not improper to mention that the opinions of the committee appear to be running strongly in favor of adopting as the unit the existing French five-franc piece of gold.

May I ask what, in your opinion, is the probability that the Congress of the United States of America would agree at an early period to reduce the weight and value of our American dollar to correspond with the present weight and value of the gold five-franc piece in France, and how far such a change would commend itself to your own judgment?

I also ask the privilege of submitting your answer to the consideration of the committee.

With high respect, your obedient servant,

SAMUEL B. RUGGLES.

[Answer from Hon. J. Sherman to Samuel B. Ruggles, esq.]

HÔTEL JARDIN DES TUILERIES, *May* 18, 1867.

MY DEAR SIR: Your note of yesterday, inquiring whether Congress would probably, in future coinage, make our gold dollar conform in value to the gold five-franc piece, has been received.

There has been so little discussion in Congress upon the subject that I can not base my opinion upon anything said or done there.

The subject has, however, excited the attention of several important commercial bodies in the United States, and the time is now so favorable that I feel quite sure that Congress will adopt any practical measure that will secure to the commercial world a uniform standard of value and exchange.

The only question will be, how can this be accomplished?

The treaty of December 23, 1865, between France, Italy, Belgium, and Switzerland, and the probable acquiescence in that treaty by Prussia, has laid the foundation for such a standard. If Great Britain will reduce the value of her sovereign 2 pence and the United States will reduce the value of her dollar something over 3 cents, we then have a coinage in the franc, dollar, and sovereign easily computed, and which will readily pass in all countries, the dollar as 5 francs and the sovereign as 25 francs.

This will put an end to the loss and intricacies of exchange and discount.

Our gold dollar is certainly as good a unit of value as the franc; and so the English think of their pound sterling. These coins are now exchangeable only at a considerable loss, and this exchange is a profit only to brokers and bankers. Surely each commercial nation should be willing to yield a little to secure a gold coin of equal value, weight, and diameter, from whatever mint it may have been issued.

As the gold five-franc piece is now in use by over 60,000,000 of people of several different nationalities and is of convenient form and size, it may well be adopted by other nations as the common standard of value, leaving to each nation to regulate the divisions of this unit in silver coin or tokens.

If this is done France will surely abandon the impossible effort of making two standards of value. Gold coins will answer all the purpose of European commerce. A common gold standard will regulate silver coinage, of which the United States will furnish the greater part, especially for the Chinese trade.

I have thought a good deal of how the object you propose may be most readily accomplished. It is clear that the United States can not become a party to the treaty referred to. They could not agree upon the silver standard; nor could we limit the amount of our coinage, as proposed by the treaty. The United States is so large in extent, is so sparsely populated, and the price of labor is so much higher than in Europe that we require more currency per capita. We now produce the larger part of the gold and silver of the world, and can not limit our coinage except by the wants of our people and the demands of commerce. Congress alone can change the value of our coin. I see no object in negotiating with other powers on the subject. As coin is not now in general circulation with us, we can readily fix by law the size, weight, and measure of future issues. It is not worth while to negotiate about that which we can do without negotiation, and we do not wish to limit ourselves by treaty restrictions.

In England many persons of influence and different chambers of commerce are earnestly in favor of the proposed change in their coinage. The change is so slight with them that an enlightened self-interest will soon induce them to make it, especially if we make the greater change in our coinage. We have some difficulty in adjusting existing contracts with the new dollar; but as contracts are now based upon the fluctuating value of paper money, even the reduced dollar in coin will be of more purchaseable value than our currency.

We can easily adjust the reduction with the public creditors in the payment or conversion of their securities, while private creditors might be authorized to recover upon the old standard. All these are matters of detail to which I hope the commission will direct their attention.

And now, my dear sir, allow me to say in conclusion that I heartily sympathize with you and others in your efforts to secure the adoption of the metrical system of weights and measures.

The tendency of the age is to break down all needless restrictions upon social and commercial intercourse. Nations are now as much akin to each other as provinces were of old. Prejudices disappear by contact. People of different nations learn to respect each other as they find that their differences are the effect of social and local custom, not founded upon good reasons. I trust that the Industrial Commission will enable the world to compute the value of all productions by the same standard, to measure by the same yard or meter, and weigh by the same scales.

Such a result would be of greater value than the usual employments of diplomatists and statesmen.

I am, very truly, yours,

JOHN SHERMAN.

Mr. SHERMAN. When we returned to Washington Mr. Ruggles made a report upon this subject, and his report is the one I have now read from, in which he gave the history of these coins and gave the names of seventeen nations concurring in and recommending this project. We were called upon to legislate upon the subject. The French Government promptly acquiesced in it. Mr. Ruggles's report says that several Governments had already assented to it. It came before our Congress, was referred to the Committee on Finance of the Senate, was reported favorably by that committee to the Senate, and that report was published among the papers in our official documents. There was no dissent from it except that Senator Morgan, of New York, thought it would interfere with the exchanges of New York. As a matter of course it would have interfered with the exchanges of New York and London, the great money centers of the world. It would have interfered somewhat with bullion-dealers who make profit in exchanging coins, but the whole of it was for the benefit of each country.

No man can estimate the benefit it would have conferred upon our own people. It was only defeated by the refusal of Great Britain to assent to the change of her pound sterling by the reduction of its value about 3 farthings or 1 penny. Some of the wise statesmen of that great conservative country thought that Great Britain or the United States ought not, for the convenience of other commercial nations, to change their coin. But that pride of public opinion, so strong in that country, defeated the measure, although it had been assented to by her representatives in that monetary congress; and so the thing ended. As a matter of course, from that time on, finding that Great Britain, the most important factor in this convention, had failed to agree to it, the proposition fell stillborn.

But what Senator can not see that if we had now an international coin, covering not only American nations, but European nations, so that it could be exchanged rapidly at sight, without going into the hands of brokers, by the simple delivery of one country's gold coin for the coin of another, the people of every land and of every clime would have had some token of international coin that would measure all other coins, and that it would treble the circulation of the world, giving undisputed credit to purchase anything made by man?

And yet, sir, that feeble effort and my connection with it have been here over and over again the subject of misrepresentation, and I have sat silently by and waived it aside until I now feel called upon to put the exact facts upon record as to what I did say and what I did write. Every word in that letter I stand by now.

I regard it as one of the great misfortunes of our country that we were not able to effect this international ratio, and I believe if it had been accomplished we would have had no question about the demonetization of silver, none of these controversies which now upheave us and disturb us at every point and occupy the attention of Congress. That is the one solution of all these questions.

Now nations are becoming as States were before. They unite by conventions upon almost every subject. We exchange criminals, we coin money, we regulate commerce, by convention; and the time is not far distant when, among the great things to be accomplished by nations friendly to each other, there will be the annual meeting of conventions, like great Congresses, to settle disputes that otherwise would lead to war, confusion, contention, and disturbance.

And, sir, this very conference, so much derided by gentlemen who do not understand it, was the entering wedge which, if it had been driven further, would have led to other conventions which would have settled weights and measures, so that a ton in every country would be known by its equivalent in every other country; so that a measure, no longer varying in every country, would be some portion of the circumference of the earth's surface, a fixed unit, and would be recognized as the standard of measure everywhere; and that which John

Quincy Adams in one of his boldest flights of oratory wished for would have been realized, that we might by international convention arrange all our money, all our weights, and all our measures. His hopeful view of that condition was great. I can not repeat his language, but it expresses exactly my own sentiments in regard to the great importance of these international conventions.

And now, when we are about to embark in another, when we are about to have such a convention with the South American and Central American States, I trust the time has come when all men may see how important it is for nations to agree with each other by peaceable and quiet conference rather than to war with each other, to the destruction of their material and moral interests.

Now, Mr. President, I had some memoranda, but I will not use them, in regard to remarks made by other Senators. I think what I have said already covers them. There were some mistakes made by some of them in regard to their figures, but I will waive that, as I know that the Senate must be fatigued with this question.

Now, Mr. President, aside from the argument that is so conclusive to my mind, that this coinage change should not at any time be made, it is especially inopportune at this moment. We have just gone through what we call a panic—hardly a panic; it was a stringency, a wave, a tidal wave, you may say, which came from the improvident speculation of people in the Argentine Confederation, involving one of the great bankers of the world, involving the support of the Bank of England and the great corporations of that rich and powerful country, aided again by the Bank of France, the Bank of Germany, and finally the wave crossed over here and affected our operations. It was not a panic in the true sense, but it was a stringency in the money market that for a time seemed armed with evil results. But that has practically passed away, and I have here, which I will not read to the Senate, a statement made as to the actual condition of things in New York, in which the writer says the panic is over, and the only fear of any disturbance now is in regard to the amendment that is now proposed in regard to free coinage. I will hand it to the Reporter and ask that it may be printed in the RECORD.

The paper is as follows:

THE INCREASING SURPLUS—IT INDICATES A RETURN OF CONFIDENCE AND GROWING PROSPERITY.

In no way is the revival of business and the return of confidence in the money market after the recent scare and stringency shown more clearly than in the rapid increase of the surplus, which has been mounting up daily ever since the late troubles on Wall street, until to-day it is considerably over eighteen millions. This is directly due, in a large measure, to the return of prosperity and good feeling in the market, as it shows that merchants are having ready money which they are willing to use in taking imports out of bond and paying on them the customs duties.

The receipts, always larger than the expenditures, now cause the surplus to rise daily, especially as the Secretary is having rather hard work to secure the offer of 4½ per cent. bonds in a sufficient quantity to put money out as fast as he would like. It is not at all improbable that he will soon make a call for fours, so as to put some of the surplus into circulation without waiting for the necessity for such action from a tight money market. The silver purchases, though heavy, are not enough to reduce the surplus in the degree that the Secretary desires.

DISTRUST CAUSES BUSINESS DEPRESSION—FREE SILVER COINAGE NOT A REMEDY.

The reports of the Comptroller of the Currency and of the Secretary of the Treasury show that the volume of currency of all kinds in circulation among the people is larger at the present time than it ever was before.

The hundred million dollars lately paid out from the Treasury, of which over thirty millions has been in gold, has been absorbed and no trace of it is visible.

Moving the crops has not caused it, because, while prices of grain are higher than a year ago, the crops are much smaller, and, if the cotton crop is larger, the price is less. Hence the volume of currency needed to move the crops is not materially different from the requirements of last year.

The rule has heretofore been almost invariable that money returned to the financial centers in November. Why is this year of 1890 an exception? The answer must be that distrust has caused hoarding, especially hoarding of gold.

The hoarding of gold since the silver act of July 14 went into operation is clearly shown by the following figures:

Net gold in United States Treasury, 31st July, 1890	$184,092,000
Specie in New York banks	80,367,000
	264,459,000
Net gold in the United States Treasury, 27th December, 1890	149,440,000
Specie in New York banks	77,812,000
	227,252,000

Decrease in visible supply of gold, $37,207,000, against $31,061,000 December 6, of which exports form but a small part. Why has gold been thus hoarded? Because it is feared by conservative people that this country will become a silver country like India, that gold payments will eventually be suspended, the gold exchange re-established, and gold bear a large premium.

Therefore, the purpose of the silver men is defeated. They want inflation, but in fact produce severe contraction. What will it avail the silver men if the carrying out of their views results in demonetizing gold by putting it at a large premium over silver?

The quantity of gold in the country now used as money is estimated to be over $500,000,000.

It is impossible that it can be replaced by silver. Only a slight premium on gold dollars will make this large sum disappear at once from circulation, because it will be a most profitable investment to hoard it in order to get the real difference in value between the gold and the silver dollar.

The continuing distrust continues to produce contraction. Distress has now extended to the mercantile and farming classes.

The vital question is, what will cure the existing distrust?

As it is clearly traceable to the operation of the silver legislation, the first thing is to convince the public that no further silver-coinage act will be passed.

Then it may be debated whether the act of July 14, directing Treasury purchases of 4,500,000 ounces monthly should not be repealed because the notes issued under it are to a considerable extent presented for redemption in gold at the Treasury. Only removal of distrust will restore gold and currency to business channels. Political platforms should be disregarded.

The laws of finance are inexorable. Platform-makers are not likely to make good financiers.

That enough silver has been coined (at least until European nations join in the silver movement) is the opinion held by many conservative bimetallists.

NEW YORK, *December* 31, 1890.

Mr. SHERMAN. I have also a cablegram here taken from one of the Boston papers, received from Germany, which expresses in a few words the fear that is entertained in that great, rich, and free Empire:

[Cablegram to Boston News Bureau.]

WHAT GERMANY FEARS.

DECEMBER 18, 1890.

H. Kreisman, a prominent financier of Berlin, says:

"The effect of the Baring failure on the German money market was slight, because of the great conservatism of the German investors. What is mostly interesting to Germany at present is the free-coinage bill which we fear will pass, in which case a premium is likely to be placed on gold. There are held in Germany American railroad securities worth $500,000,000. The German Government bonds only pay 3 to 4 per cent. interest, and to find large profits for their money Germans invested largely in Northern Pacific, Illinois Central, Chicago, Burlington and Quincy, and other railroad securities, with the guaranty that the payment of their dividends would be made in gold. It would not be unlikely for these guaranties to be broken. We have no use for bimetallism. Bimetallism will never be adopted by any European nation. Gold will be the only standard."

Mr. President, this fear does prevail there. The aspect of this money coming back to us and these bonds for redemption, there is no doubt, would have a very serious effect upon the state of our finances; and any fear of this kind, when we have a system of money practically satisfactory, ought not to be excited so as to induce any sudden presentation of our securities. As a matter of course that fear is a natural one. If we adopt the single silver standard we do not therefore adopt the theories of our friends from the West. We do not adopt the theory that, because we are willing to give 129 cents in gold for an ounce, therefore all the nations of the world will do it; but they think and they see that the effect of free coinage is to disturb values, to raise a question as to the validity of our bonds, as to whether the bonds will be paid in silver or gold. As they say, they measure all these transactions in gold, and that creates a fear. That is the only fear that now exists to disturb the serenity of the people of the United States so far as financial affairs are concerned.

What we need and what we have promised is a reasonable increase of money, and the best agents for that purpose are the national banks at this moment. I am not for the prolongation of the national banks after the national debt is paid. I expect to see them slide gracefully into the condition of deposit banks, of local banks, after the bonds are paid, but until those bonds are paid there is no means by which we can issue paper money so satisfactorily to the people as through the issue of bank notes.

This bill provides that $200,000,000 of bonds bearing 2 per cent. interest only may be sold, largely to be taken by national banks, and upon them will rest the security of the notes. The money derived from these bonds will be used in lowering the rate of interest. The Senator from Alabama says that these bonds bear a high premium. So they do. It is the best evidence of the strength of our credit; but it must be remembered by the Senator from Alabama that if we allowed these bonds to run to maturity we pay 4 per cent. interest for sixteen years; that is, 64 per cent. interest, besides the principal.

Mr. MORGAN. Will the Senator from Ohio please inform me in what coins these $200,000,000 of bonds are to be paid? Are they to be paid in gold?

Mr. SHERMAN. We do not say anything about it, but upon the bill as it now stands, assuming that we are maintaining the gold standard, I presume they would be payable in gold. But I do not raise that point.

Mr. MORGAN. I do. I raise it and I want to know how they are to be paid.

Mr. SHERMAN. Well, the Senator wants to get our public securities down to the silver standard. I do not. I trust that the time will never come.

Mr. President, I will state what the saving is. Gentlemen have put the question to me, how do we make anything out of this transaction? Here is a bond bearing $100 principal and 4 per cent. interest. We have the money or we can raise the money at 2 per cent. Now, if we can sell the 2 per cent. bonds at par and must pay a premium even as high as 20 per cent., we make money by the transaction; we save a considerable interest. In other words, we discount an annuity for sixteen years, bearing 4 per cent. interest, and the difference will probably be represented by somewhere from 10 to 15 or 20 per cent. So if we pay 10, 15, or 20 per cent. premium for these outstanding bonds, we save the payment of 4 per cent. for sixteen years. Some of it is due, as my friend from Vermont [Mr. MORRILL] reminds me, next September. This will give the banks a chance to gradually wind up their operations. I say, let them live out their time and become banks of discount and deposit.

Mr. President, in regard to the ratio which has been so much discussed, I am in favor of a change of ratio. I am not in favor of a change downward, although if it is adopted by other nations I am perfectly willing to see it 15½ to 1. I think the natural logical sequence is to raise the ratio and require a ratio of about 18 to 1; but that is a matter

of international arrangement with other countries, and why should we not invite the co-operation of countries as wealthy as we, or nearly so; countries as prosperous, intelligent Christian communities, like the nations of Europe? Why should we not invite co-operation? Why, like a rash boy, should we rush into a danger and then call for others to help us out? Let us, like brave, conservative men, who, seeing the danger before us, measure the extent of it, who see the remedy as they believe it, invite others to join us in prescribing the remedy. Let us not alone fling ourselves into the arena and fight $3,800,000,000 of silver in the world and $150,000,000 or $200,000,000 more produced every year, unless you want the silver standard. If you do, then all your argument is logical.

I can understand the sympathy and desire of our friends all around us who differ with us in opinion. I can understand their feelings. They desire to promote the interests of their constituents, to represent the sentiments of their people. I have not said a word in reproach of them, nor shall I. But, gentlemen, let me say to you who represent one of the great parties of this country, your constituents are old and well-settled States, with no mining properties in them, with many industries diversified. You raise the cotton and the corn and the beef and all the great articles which are the basis of our foreign exchange. You represent communities that have other interests than the mining camp. You know that when you touch the Democratic heart there is back of this expedient of the hour the strong and determined sympathy for the old ideas of Andrew Jackson. The common people of our country of both parties, as Mr. Lincoln called them, believe in hard money as the basis of all their affairs. They are willing to have paper money, but they want it maintained at par.

Take the Eastern States represented by Democrats, and the Southern States. Are they willing to risk this sudden change? Is this a mere contrivance for the hour? But if you commit yourselves to this policy now, next year, when you have more responsibilities than now, you will feel the burden of that commitment. It is not necessary for me to remind you that during four years of a Democratic Administration you did not dare propose any of these measures. You kept as quiet as possible. No Alliance then could have driven you into an arrangement for the free coinage of silver. You have the responsibilities now. The great party to which I belong, which for a quarter of a century and more has had the general control of the Government of our country, is willing, when you can get strength enough from our side or from any quarter to have a majority of this body, to transfer to you whatever power and responsibility exist, and upon you rests that responsibility, not upon the minority of our friends, not upon the few on our side who join in this movement, but upon that great and solid party which claims to have existed since the foundation of our Government. If you see your way clear to turn your backs upon the policy of Benton, and Jackson, and Jefferson, and Tilden, and Cleveland, do so; make your own terms; but, sirs, in doing so you depart from the standards of the fathers, you depart from the teachings of the great men who laid the foundation of your powerful organization.

For one, whatever may be its fate, I shall stand by the legal standards of value upon which the public and private contracts of the people of the United States have been based, and I shall fulfill them to the uttermost farthing, cost it gold or silver or whatever it may be. [Applause in the galleries.]

APPENDIX.

Approximate amount of the gold and silver money of the world.

Countries.	Gold.	Silver.
United States	$702,018,869	$482,071,346
United Kingdom	550,000,000	100,000,000
France	900,000,000	700,000,000
Germany	500,000,000	145,000,000
Belgium	65,000,000	55,000,000
Italy	140,000,000	60,000,000
Switzerland	15,000,000	15,000,000
Greece	2,000,000	4,000,000
Spain	100,000,000	125,000,000
Portugal	40,000,000	10,000,000
Austria-Hungary	40,000,000	90,000,000
Netherlands	25,000,000	65,000,000
Scandinavian Union	32,000,000	10,000,000
Russia	190,000,000	60,000,000
Turkey	50,000,000	45,000,000
Australia	100,000,000	7,000,000
Egypt	100,000,000	15,000,000
Mexico	5,000,000	50,000,000
Central American States	.....	500,000
South America	45,000,000	25,000,000
Japan	90,000,000	50,000,000
India	.....	900,000,000
China	.....	700,000,000
The Straits	.....	100,000,000
Canada	16,000,000	5,000,000
Cuba, Hayti, etc	20,000,000	2,000,000
Total	3,727,018,869	3,320,571,346

MINT BUREAU, *January* 12, 1891.

E. O. LEECH, *Director.*

Mr. TELLER. Mr. President, I do not intend to detain the Senate more than a moment. I wish to call the attention of the Senator from Ohio to his figures of imports and exports. The statement he has introduced from New York I think is intended to be a general statement from the Director of the Mint, making the imports for four or five months some $3,000,000 more than the exports.

I have from the Bureau of Statistics (which I think ought to be just as good authority and, if anything, better than the report of the Director of the Mint) a detailed statement of the amount of silver imported into the United States and exported from the United States during the months of July, August, September, October, and November, which covers the same period of time as the Senator's statement made from the mint. I find that there is quite a discrepancy in the two statements, and I desire to put in the RECORD the statement I have without going into it in detail, except to say that during the time I have mentioned we have exported more silver than we have imported if this statement is correct. I shall submit it in a moment.

Mr. President, one word more. I know the Senator from Iowa [Mr. ALLISON] proposes to make a speech and I shall be brief. If the Senator from Ohio has attempted to do anything to-day it is to show that he is and has been always a friend of the Allison-Bland bill. When I used the term "Bland bill" in my remarks the other day I used it with reference to the bill that became a law, and I do not think that I misrepresented the position of the Senator from Ohio on that bill. I find that in the first report that he made as Secretary of the Treasury after the bill became a law he said:

> It would seem to be the best policy for the present to limit the aggregate issue of our silver dollars, based on the ratio of 16 to 1, to such sums as can clearly be maintained at par with gold, until the price of silver in the market shall assume a definite ratio with gold, when that ratio should be adopted and our coins made to conform to it; and the Secretary respectfully recommends that he be authorized to discontinue the coinage of the silver dollar when the amount outstanding shall exceed $50,000,000.

The next year when he made his report he repeated that statement, and in calling attention to it he said:

> He again respectfully calls the attention of Congress to the importance of further limiting the coinage of the silver dollar. The market value of the bullion in this coin has been during the past year from 10 to 16 per cent. less than the market value of the bullion in the gold dollar. The total amount of silver dollars coined to November 1, 1879, under the act of February 28, 1878, was $45,206,200, of which $13,002,842 was in circulation, and the remainder, $32,203,358, in the Treasury at that time. No effort has been spared to put this coin in circulation. Owing to its limited coinage it has been kept at par; but its free coinage would soon reduce its current value to its bullion value and thus establish a single silver standard. The inevitable result would be to exclude gold coin from circulation.

Then, as now, Mr. President, the Senator assumes the rôle of a prophet:

> It is impossible to ascertain what amount of silver coin, based upon the ratio of 16 of silver to 1 of gold, can be maintained at par with gold, but it is manifest that this can only be done by the Government holding in its vaults the great body of the silver coin. It would seem that nothing would be gained by an unlimited coinage unless it is desirable to measure all values by the silver standard. The Secretary can not too strongly urge the importance of adjusting the coinage ratio of the two metals by treaties with commercial nations, and, until this can be done, of limiting the coinage of the silver dollar to such a sum as, in the opinion of Congress, would enable the Department to readily maintain the standard dollars of gold and silver at par with each other.

It will be remembered that he puts $50,000,000 as the sum total in his previous report. The next year the Senator again prophesied as usual. After deriding and decrying and degrading as far as language could by the official head of the Treasury Department the silver dollar, after declaring practically to the world that it was a fraudulent dollar and saying to the people that if they took it they would be caught some day with a depreciated dollar in their pockets, he then proceeds:

> For these reasons the Secretary respectfully but earnestly recommends that the further compulsory coinage of the silver dollar be suspended, or, as an alternative, that the number of grains of silver in the dollar be increased so as to make it equal in market value to the gold dollar, and that its coinage be left as other coinage to the Secretary of the Treasury or the Director of the Mint, to depend upon the demand for it by the public for convenient circulation.

Then he goes on. There is not time to read further. The Senator will hardly claim that in this there was any advocacy of the use of silver as money, nor any approval of the Bland bill, the Bland-Allison bill, if he wants it so called, which he to-day approves of, and which he I suppose agrees with me has been the source of great prosperity to this country.

I said the other day that we had prospered because we had not proceeded upon the financial theory of the Senator. I said that because I supposed he was an opponent of the Bland-Allison bill. I myself believe that that has been one source of great prosperity to this country, and I do not believe there is a Senator within the sound of my voice who will not say that the present condition (which is not the best in the world, but pretty good after all) would have been very different if we had not had the nearly $400,000,000 of silver that is to-day doing money duty equal with the same amount of gold.

The Senator from Ohio, when Secretary of the Treasury, further said:

> It may be better for Congress at the present time to confine its action to the suspension of the coinage of the silver dollar and to await negotiations with foreign powers for the adoption of an international ratio; but, compelled by official duty to report upon this subject, the Secretary feels bound to express his conviction that it is for the interest of the United States now, as the chief producer of silver, to recognize the great change that has occurred in the relative market value of silver and gold in the chief marts of the world, to adopt a

ratio for coinage based upon market value, and to conform all existing coinage to that ratio, while maintaining the gold eagle of our coinage at its present weight and fineness.

He goes on to state practically again the same he had said before. It is at great length and I shall not read it. Now, if the Senator has got to the support of the Bland-Allison bill it will be another proof of the statement I made, which he takes exception to, that he has been on all sides of financial questions.

The Senator also says that France has $400,000,000 of silver. I hold in my hand a statement from the Director of the Mint, and if the Senator will turn to the report of the Director of the Mint for this year he will find that there are $700,000,000 according to the Treasury report. When our minister, Mr. McLane, made his report a few years ago, he gave facts to show that there was more than $800,000,000 of silver there.

Mr. SHERMAN. If I said $400,000,000 I clearly made a mistake. I gave the exact figures to the Reporter.

Mr. TELLER. It is $700,000,000.

Mr. SHERMAN. My impression is it was about 3,800,000,000 francs.

Mr. TELLER. I have it here. There is not any mistake about it.

Mr. SHERMAN. I have furnished the exact figures.

Mr. TELLER. Nobody has ever put it at less than $700,000,000, and I was about to say it had been put as high as $980,000,000.

Mr. SHERMAN. The Director of the Mint in his last report gives it exactly. I have given the memorandum to the Reporter and it will be printed exactly as it is there stated. There is more gold than silver.

Mr. TELLER. Certainly, there is more gold than silver; I understand that. France has at least $100,000,000 more gold according to the statement than she has silver. It does not make any difference what the amount is, except the Senator says it is $400,000,000, and that is so grossly inaccurate that I did not want to let it go.

Now I want to say a word about the production of silver in Australia. Always when this question comes up there is a great amount of silver coming from some other country that is generally so far away that nobody knows anything about it. In 1876 Mr. Atkinson, who is an authority upon this subject for those who believe with the Senator from Ohio, appeared before the committee of which the Senator from Nevada [Mr. JONES] was chairman and stated that silver was so abundant in some countries that they were actually piling up cord wood against the side of the mountain and running it out in that way. That is about equal to the Senator's statement that from the Yukon to the Straits of Magellan the whole country is full of silver. Mr. President, the Senator can not point out to me one silver mine in the whole extent of country that he has named. There are gold mines, but not silver mines.

If I had the time I should dwell a little more upon that statement. The Senator says silver is coming from everywhere. We produced last year 50,000,000 ounces, according to the Treasury report. Mexico produced 42,000,000 ounces. There is 92,000,000 ounces out of how much? Out of 125,000,000 or 126,000,000 ounces at the utmost. Now, where does it come from? It comes in small driblets from all over the world, everywhere. Mexico and the United States are practically the only real silver-producing countries, except what may have been produced recently in Australia, which last year, up to the 1st of May, amounted to about 7,000,000 ounces. The statement that 17,000,000 ounces have been produced since can not be supported or sustained by any authority whatever.

Mr. President, I wish to say a word or two about the most remarkable statement I think I have ever heard in this body, and that is, that anybody can tell what the precious metals cost to produce; and then I want to take exception to the Senator's statement that it is an admitted fact that the value of the metal depends upon the cost of its production. Thirty years ago I have seen the miner go into a little gulch, and for every day that he labored he took out $100 until $3,000,000 came out of a gulch not longer than from here down to the foot of Pennsylvania avenue. Does anybody say that the gold was worth any less because he took it out at that rate? When silver was as high as it is now nearly I know in one single mine where $118,000 were taken out in ten hours. It cost comparatively nothing; the cost was merely nominal. I do not suppose the whole cost to take it out was $50.

Does the Senator say that is a fair criterion of what it costs to mine silver? In that vicinity an immense sum of money had been spent before a dollar was found in that mine. Men had put themselves in a condition if they had not found it to be absolutely bankrupted. When a man stands here and tells me that silver is produced in Colorado at 60 cents and in Utah at some other cost, he simply talks about that of which he knows nothing. There has never been an estimate and there can none be made. Mining is a lottery. If anybody does not think so, let him go out and try it. If any gentlemen here have investigated that subject or have had any experience they know that it is a saying in the country where we come from that for every dollar that comes out of a mine three dollars go in, and I think that is the experience of the men who have observed these mining transactions for the third of a century. Then the Senator comes here and talks about it as if you could produce it as you can produce wheat, when it depends upon circumstances entirely beyond the control of any living man.

No man can tell what there is in the depths of the earth below. He may go down at an expense of a quarter of a million or of half a million, as I have known them to do, and never find a dollar; and then, on the other hand, he may drop into a great bonanza, and if it were not for the fact that occasionally some man drops into a bonanza there would be no mining in this country at all; for, in my judgment, after thirty years' observation of the mining of both gold and silver, I am free to say that I believe there have been $3 put into mines where $1 has ever come out.

Mr. STEWART. If explorations did not go on it would all stop.

Mr. TELLER. As the Senator from Nevada says, if explorations did not go on and the people did not take chances mining would stop in a few years; when a bonanza is worked out that would be the end of it.

This, on the part of the Senator from Ohio, is an appeal against the miners of this country. It is an appeal to the people who he thinks do not produce any silver, and saying to them, "Now, do you want to give these people this vast profit?"

Mr. President, I have said so often, I do not need to say it again, except very briefly, that this question is not a question of compensation to miners. The Senator boasts of his long financial career. He boasts of the great service that he has rendered to the country. Has he not found out yet that this question of the use of silver as money is a question bigger and broader and deeper and of more importance than the question whether a miner gets full pay or whether he does not?

He ought to know by this time that the interests of the whole human race are centered upon this question, not only in this country alone, but all over the world, and it does not make any difference if we produce it for a cent an ounce, the question is whether the human race will be benefited by using it as money or whether they will not. The Senator can not dodge the question and escape it by talking about the undue profit that we are making in its production.

Mr. President, I do not desire to continue to speak upon this subject to the exclusion of some Senators who have a right to be heard, but if there is an opportunity before this debate closes I shall submit a few further remarks with reference to some of the statements made by the Senator from Ohio. Before I sit down I ask the consent of the Senate to allow me to add to my remarks a letter written by Professor Emile de Laveleye, a brief statement that he makes, which appeared in one of the recent French papers a few days ago, which I have had translated, and I believe it is correctly translated.

I have had but little time to look it over to see, but I believe that in the main it is correct, with one or two corrections that I have made with my pencil. I will ask to have it appended to my remarks, so that Senators may see it. I call the attention of Senators to it as a valuable contribution to this question by one of the most learned men on this subject to-day on the face of the earth, the Senator from Ohio not excepted. I also submit the table to which I referred.

The VICE PRESIDENT. Is there objection to the request made by the Senator from Colorado? The Chair hears none.

The letter and table referred to are as follows:

THE MONETARY QUESTION IN AUSTRIA-HUNGARY.

[Taken from the Moniteur des Intérêts Matériels of December 21, 1890.]

Mr. Emile de Laveleye sends the translation of a letter published in a large number of Austro-Hungarian papers and addressed to Mr. Süss, a professor at the University of Vienna, a member of the Reichsrath, and author of the well-known book, The Future of Gold. Mr. E. de Laveleye adds: "In this letter I have placed myself at the point of view of Austria-Hungary. If I had listened only to my bimetallic convictions I should have advised the adoption of the gold standard; for the more people there are who adopt it the more scarce will gold become and the stronger will be the pressure upon the market of London, where the real field of battle is now found. If instead of coining more silver the Americans had sold it to London, taking from there each month if a million sterling only, the English would have understood the influence which the action of the States exercises upon the value of the precious metals, which Mr. Giffen and his associates deny."

LIÉGE, *December* 2, 1890.

DEAR AND HONORED COLLEAGUE: How is it possible that, in a country where that fine book, truly prophetic, Zukunft des Goldes (Future of Gold) has appeared, they dream of adopting the gold standard?

It is certain that some advantages would be obtained by that measure. The fluctuations of the premium on gold would disappear, and the variable losses resulting from this premium for payments in gold to the foreigner would cease also, but on the condition that Austria-Hungary preserve the gold that she must borrow to establish her circulation upon the basis of that metal.

Is it possible that you can preserve it? I do not think so. You have already now many interests stipulated in gold to pay to foreigners; but then there would be the interest of all your debts held outside, which must be paid in yellow metal, and it is well known that a large quantity of your securities are in the portfolios of Dutch, Belgian, and German capitalists, and it is the same with many others of your funds. Every country indebted to foreigners preserves with difficulty its specie, especially if this specie is made of a metal rare and everywhere desired.

See where Italy is, so short a time after the abolition of the forced currency. They talk already of re-establishing it; in any case, gold has very often a high premium at Rome and at all the commercial places on the peninsula. And Italy, notice well, can pay in silver, since she has the bimetallic system, while with you all ought to be paid in gold and your bank notes would be exclusively redeemable in that metal.

I will not go so far as to say, as certain financial papers in England, that you will not find the twenty millions sterling (200,000,000 florins) which you need to re-establish a gold metallic circulation. By paying a sufficient premium to bankers you would obtain them, but it is clear that you would provoke a strained market for a long while and would increase the rarity of gold in a permanent way.

The rarity of gold is an undeniable fact at present, since the Bank of England

was obliged to borrow three millions sterling from the Bank of France to face a crisis of a rather restrained gravity.

Last April the chancellor of the exchequer, the eminent economist and financier, Mr. Goschen, declared in open Parliament that it was not without a feeling of shame that he stated the insufficiency of gold stock in England.

Bimetallic France is the only country which has enough gold. Neither Germany, nor Spain, nor Italy, nor Belgium, nor Holland, not even rich England, have a sufficient gold circulation. What will it be when Austria and Prussia take their part of this supply so reduced?

Already now the annual balance sheet of gold settles itself in deficit.

Production	£20,000,000
Consumption:	
Industry (v. Soetbeer, 90,000 kilograms)	12,000,000
Orient	5,000,000
Outlay, losses, etc	1,000,000
Total	18,000,000

Two millions remaining unengaged for the monetary needs of the whole world, while the population, the exchanges, and commerce develop every year with prodigious rapidity, is evidently very insufficient.

In the presence of this rarity of gold and of this universal struggle for gold, it is little probable that your empire, largely debtor to foreigners, can buy the millions of gold which it will so dearly have purchased.

And, moreover, see the unpleasant consequences, even if this gold is not taken from you. You will be directly submitted to the variations of the rates of discount at London and at Berlin, and as you would be menaced always with the loss of your metal, you would have to raise the rates one or two units more than elsewhere. Moreover, your industries would cease to enjoy the protection which the use of paper and silver assures it, and Hungary will lose for its grains that premium for exportation which silver assures to it to-day, to it, as to India. These two points are essential. Let your farmers and your manufacturers reflect upon them.

But what must especially be considered is the future. You will reduce the amount of your debts by giving them a gold basis, and you believe that you will have lost nothing. But if, as every fact predicts, gold rises, because all nations want this single money only for the principal money, the burden which your taxpayers, your debtors on long time, your owners of mortgaged houses and lands, will have to support will become heavier unceasingly.

You have the right to pay your debts in silver, and you would force your population to pay them in a metal rare and of increasing rarity; that is to say, you would sacrifice the Austro-Hungarian people to the profit of foreign bankers and stockholders.

Is not such an act senseless and does it not constitute a true spoliation, a crime toward your entire nation?

See the situation of Argentine. If she could free herself by silver, if she was not forced to pay a premium of 100 per cent. to procure the gold which foreigners demand, she would not be on the eve of bankruptcy.

EMILE DE LAVELEYE.

Statement showing the imports and exports of silver into and from the United States, by countries, during the fiscal year ending June 30, 1890, and for each month from July 1, 1890, to October 31, 1890.

Country and period.	Imports.			Exports.		
	Bullion.	Coin.	Total.	Bullion.	Coin.	Total.
Year ending June 30, 1890.						
England	$1,378,339	$92,743	$1,471,082	$17,722,657	$2,899,675	$20,622,332
France		1,351	1,351	104,160	30,375	134,535
Germany	532,827	217,806	750,633		32,712	32,712
Other countries in Europe		3,765	3,765			
British North American Possessions	5,040	10,103	15,143	500	2,515	3,015
Mexico	4,796,335	12,094,658	16,890,993		228,032	228,032
Central American States and British Honduras	79,072	498,728	577,800		80,065	80,065
West Indies	1,240	435,035	436,275		122,827	122,827
Colombia	292,831	534,964	827,795	1,480	21,172	22,652
Other countries in South America		3,796	3,796	369,000	368	369,368
British possessions in Australasia		24,441	24,441			
Other countries in Asia and Oceanica		25,260	25,260	4,188,652	9,069,739	13,258,391
All other countries		4,650	4,650			
Total for the year ending June 30, 1890	7,085,684	13,947,300	21,032,984	22,386,449	12,487,480	34,873,929
July, 1890.						
England				2,243,641	185,000	2,428,641
France						
Germany						
British North American Possessions	2,958		2,958		11	11
Mexico	306,649	742,512	1,049,161		25,014	25,014
Central American States and British Honduras	3,141	52,746	55,887			
West Indies		76,236	76,236			
Colombia	300	100,771	101,071		3,627	3,627
Other countries in South America		100	100			
British possessions in Australasia						
Other countries in Asia and Oceanica					345,054	345,054
All other countries	7	240	247			
Total	313,055	972,605	1,285,660	$2,243,641	558,706	2,802,347
August, 1890.						
England				702,775	596,500	1,299,275
France					3,100	3,100
Germany	267,658	100	267,758			
British North American Possessions					2,177	2,177
Mexico	415,180	720,020	1,135,200		17,434	17,434
Central American States and British Honduras	10,068	71,061	81,129			
West Indies		137,036	137,036		21,809	21,809
Colombia	3,827	244,405	248,232		2,560	2,560
Other countries in South America				177,855		177,855
British possessions in Australasia						
Other countries in Asia and Oceanica		427	427		496,915	496,915
All other countries		3,163	3,163			
Total	696,733	1,176,212	1,872,945	880,630	1,140,495	2,021,125
September, 1890.						
England				2,169,106	64,600	2,233,706
France				1,000		1,000
Germany	381,047		381,047			
British North American Possessions					11,598	11,598
Mexico	398,041	611,836	1,009,877		11,748	11,748
Central American States and British Honduras		146,256	146,256		4,698	4,698
West Indies		368,114	368,114		17,723	17,723
Colombia	300	477,753	478,053		801	801
Other countries in South America		250	250		198	198
British possessions in Australasia		4,815	4,815			
Other countries in Asia and Oceanica					321,866	321,866
All other countries		10,029	10,029			
Total	779,388	1,619,053	2,398,441	2,170,106	433,232	2,603,338
October, 1890.						
England	388,304		388,304	182,750	3,200	185,950
France					5,800	5,800
Germany	169,841		169,841		700	700
British North American possessions					26,985	26,985
Mexico	501,801	1,060,064	1,561,865		10,086	10,086
Central American States and British Honduras	3,090	159,254	162,344		800	800
West Indies		89,291	89,291		2,400	2,400
Colombia	18,301	252,636	270,937		400	400
Other countries in South America					1,678	1,678
British possessions in Australasia		200	200			

Statement showing the imports and exports of silver into and from the United States, by countries, during the fiscal year ending June 30, 1890, etc.—Continued.

Country and period.	Imports.			Exports.		
	Bullion.	Coin.	Total.	Bullion.	Coin.	Total.
October, 1890—Continued.						
Other countries in Asia and Oceanica					$336,278	$336,278
All other countries						
Total	$1,081,337	$1,561,445	$2,642,782	$182,750	388,327	571,077
Total for four months ending October 31, 1890	2,670,513	5,329,315	8,199,828	5,477,127	2,520,760	7,997,887

TREASURY DEPARTMENT, BUREAU OF STATISTICS, *December* 13, 1890.

S. G. BROCK, *Chief of Bureau.*

Statement showing by countries the imports and exports of silver coin and bullion for the month of November, 1890.

Countries.	Bullion.	Coin.		Total.
		United States.	Foreign.	
IMPORTS.				
Central American States:				
Guatemala			$500	$500
Honduras			5,770	5,770
Nicaragua			600	600
Salvador			45,700	45,700
Colombia	$1,658	$17,973	39,268	58,899
Germany			1,263	1,263
West Indies:				
Cuba			923	923
British West Indies		882	11,024	11,906
All other		300	24,480	24,780
British Honduras			32,336	32,336
Mexico	441,432		960,576	1,402,008
Brazil			190	190
Venezuela		156		156
Azores			1,150	1,150
French Possessions in Oceanica			11,909	11,909
Total	443,090	19,311	1,135,689	1,598,090
DOMESTIC EXPORTS.				
England	1,295,904	9,800		1,305,704
British Colombia		4,995		4,995
Hayti		7,000		7,000
Asia and Oceanica	48,000			48,000
Total	1,343,904	21,795		1,365,699
FOREIGN EXPORTS.				
Central American States:				
Guatemala			371	371
Honduras			6,727	6,727
England			211,362	211,362
Hong Kong			380,317	380,217
Japan			120,000	120,000
San Domingo			850	850
Total			719,527	719,527

Total excess of exports, $577,136.

There was also imported during November, 1890, silver ore valued at $341,672, all of which came from Mexico.

S. G. BROCK, *Chief of Bureau.*

TREASURY DEPARTMENT,
Bureau of Statistics, January 10, 1891.

Imports and exports of gold and silver from July 1 *to December* 31, 1890.

Month.	Gold.		Silver.	
	Imports.	Exports.	Imports.	Exports.
July	$1,199,690	$11,860,063	$1,965,824	$2,892,347
August	1,744,008	2,135,853	2,566,093	2,021,125
September	1,450,522	281,027	3,330,278	2,603,338
October	2,636,494	425,235	3,400,066	571,077
November	1,941,950	567,152	2,139,762	2,085,226
December	*5,274,336	*276,014		
Total	14,247,009	15,545,944	13,402,023	10,083,113

* New York only; other ports not heard from yet.

E. O. LEECH, *Director.*

MINT, *January* 12, 1891.

[Mr. ALLISON addressed the Senate. See Appendix.]

Mr. ALDRICH. Mr. President, as I believe that the proposition of the Senator from Nevada [Mr. STEWART], if enacted into a law, would be disastrous to the great interests of this country, I feel that it is incumbent upon me as a member of the Finance Committee to express very briefly, but with the utmost candor, some of the reasons which lead me to this conclusion.

I am quite willing to agree at the outset that the present unfortunate condition of silver is due, as the Senator from Kansas [Mr. PLUMB] has said, to adverse legislation. It was the governmental action of a number of countries, commencing with Germany and ending with the United States, that deposed silver from its position as a money metal of universal acceptance at a fixed value. I believe that the concurrent action of the states—all the states which took a part in bringing about this deposition—could restore it to the place it occupied prior to 1870, and I am earnestly in favor of such co-operative legislation as will secure this result.

But I believe further that any attempt on the part of a single nation, whether it be the United States or any other, to accomplish this result will be futile. The statement made by the Senator from Iowa of our experience in 1792 and in 1834 proves this so far as the United States is concerned. If the legislation of the United States instead of the legislation of the commercial nations could have permanently fixed the ratio, it would have been fixed in 1792 at 15 to 1 and in 1834 at 16 to 1. Neither of these results followed our legislation; the United States acting alone was powerless to establish the monetary value of the metals, and gold in the one case and silver in the other went from our country to other countries where it had a higher coinage value.

The fact that France and the other members of the Latin Monetary Union were obliged to suspend the coinage of silver in 1876, when they had a greater interest in maintaining its value than the United States has to-day or ever can have, in my opinion, should have great weight in our consideration of this question. France alone at that time had nearly $700,000,000 of standard legal-tender silver, to say nothing about the amount held by the other states of the Latin Union. The states of that Union had a population ten millions greater than the United States has to-day, and their relative importance in the commercial world then was much greater than ours at the present moment.

The problem which is presented to the United States, and which we are asked single-handed and alone to attempt to solve, is a very different one from that which was presented to France in 1876. The annual silver product of the world in 1873 and the years immediately preceding was less than one-half of what it is to-day. Nearly $1,800,000,000 has been added since 1873 to the world's accumulated stock of silver. For the last year and in fact since 1876 the United States alone of all the countries in the world has been coining full legal-tender silver which has been maintained at a parity with gold.

The Senator from Colorado [Mr. TELLER] alluded to the fact that England coined a large amount of silver last year, as did a number of other gold-standard countries. But this coinage was entirely of subsidiary silver, and, I repeat, not one dollar was coined in the world into full legal-tender coins that were intended to be maintained at a parity with gold outside of our own country. The United States alone among commercial nations has shown a disposition to aid silver in an effective manner.

It is true that India, Mexico, and Japan coined some legal-tender silver, but those countries are on a silver basis and they make no pretense to maintain the parity of their silver coinage with gold. It is under such circumstances that we are called upon to meet this untimely demand for precipitate action. No one of authority in financial matters (outside of this Chamber) believes that the United States can, with the free coinage of silver, maintain an equality of value between its silver and gold coins. While the great weight of authority is unquestionably found favoring the proposition that silver can only be completely restored by unlimited international coinage at a fixed ratio, there is a wide belief that the stability of the value of silver as a money metal can be measurably maintained by the enlarged but limited use of silver as legal-tender money.

It was a belief of this kind which led to the legislation of 1878 and which brought about that of 1890. I ask my friends from Nevada and Colorado, what would have been the effect if the legislation of 1878 and 1890 had not been adopted? What would have been the price of silver to-day if it had not been for the act of 1878.

Mr. TELLER. Probably not 50 cents an ounce.

Mr. ALDRICH. I agree. Silver would have been treated everywhere to-day as merchandise. The wise, conservative policy of the United

States which has been so helpful to silver is to be abandoned, and we are asked with intemperate zeal to adopt the measure suggested by the Senator from Nevada, which, in my opinion, involves greater peril to silver than any legislation ever proposed in Congress, not excepting even the act of 1873.

Mr. PLUMB. Mr. President, I do not want to interrupt the Senator, but I should like to ask him whether he, for himself or on behalf of his constituents, claims any merit for himself or for them on account of the adoption of the act of 1878.

Mr. ALDRICH. That is quite aside from the question I am now discussing. As to the act of 1878 I will say I was not then in public life. Many of my constituents, in common with those of other Senators here, believed that the action of 1878 was not wise. Some so believed unquestionably.

Mr. PLUMB. What do they think about it now? What is the present opinion as to the propriety and wisdom of that act?

Mr. ALDRICH. I have already stated in the hearing of the Senator that I am strongly in favor of the restoration of silver. I think the action of 1878, as I have also already stated, helped to sustain the price of silver and kept it from going entirely out of existence as a money metal. In that respect the action of 1878 was wise, as I believe our action in 1890 was wise; but if the representatives of the silver States and their allies—I do not find any fault with the representatives of silver States, because, as the Senator from Ohio has very well said, they are representing the wishes and interests of their constituents—force upon the United States a free-coinage policy, and the experiment is not successful, as I believe and as ninety-nine one-hundredths of the business men of this country believe it will not be successful, in maintaining a parity between silver and gold, then the cause of silver is lost forever. Outside of the United States, silver has to-day no active and influential friend among the great commercial nations.

In 1873 and 1878 the attitude of France in favor of silver was unquestioned; but at the monetary congress held in Paris in 1889 most of the representatives of France were either in favor of the gold standard or in favor of maintaining the *status quo*. It is an open secret that many of the business men, bankers, and professors of political economy in France are in favor of the gold standard and of disposing of their five-franc pieces in exchange for gold.

Mr. BUTLER. If it does not interrupt the Senator——

The PRESIDING OFFICER (Mr. DOLPH in the chair). Does the Senator from Rhode Island yield to the Senator from South Carolina?

Mr. ALDRICH. Certainly.

Mr. BUTLER. If it does not interrupt the Senator from Rhode Island, I should be very glad to inquire of him if it is not a fact that the identical prophecies were made about the act of 1878 that are being made about the pending measure, that it would drive gold out of the country and demonetize gold and put this country upon a silver basis, etc.

Mr. ALDRICH. That is a question, if the Senator will pardon me, that is asked of every Senator who makes a speech upon this side of the subject in the course of every discussion, and I presume it has been answered ten thousand times.

Mr. BUTLER. I should like to have it answered ten thousand times more if it can be answered satisfactorily. I have not heard it answered satisfactorily yet, and I should be very glad to hear the Senator from Rhode Island answer it.

Mr. ALDRICH. I will say to the Senator from South Carolina that prophecies which have been made at various times in regard to financial problems have been very often wide of the mark. As I have never entered the realm of prophecy myself I have no prophecies to defend, and feel no responsibility for any prophecies which were made by others in 1878 or in 1890. I know that the prophecies made both by friends and opponents of the legislation of 1878 have not been fulfilled.

Mr. BUTLER. That is a fact.

Mr. ALDRICH. The Senator from Ohio reminds me that prophecies were made here last year that, if we should pass the silver bill which we afterwards adopted, silver would go to and remain at par. In 1876 it was said confidently by the friends of silver that we had reached a maximum limit of production of silver in the world, and that with the decline in the product from the Comstock Lode the production of silver must decrease until it reached $20,000,000 per annum—the average prior to 1860—but that prophecy proved as false as the others to which the Senator has alluded, and I must ask him to excuse me from being interrupted further.

Mr. TELLER. Mr. President——

Mr. BUTLER. Certainly; I beg the Senator's pardon. I shall not interrupt him further.

The PRESIDING OFFICER. Does the Senator from Rhode Island yield further to the Senator from South Carolina?

Mr. ALDRICH. I will hear the Senator from Colorado [Mr. TELLER].

Mr. TELLER. The Senator from Rhode Island makes a confession which I consider of very great importance, that a large number of the people of France are in favor of the Government selling the silver. Will the Senator from Rhode Island tell me how much silver the Government of France owns?

Mr. ALDRICH. The Senator certainly misunderstood me. I have said nothing about the Government of France in that connection. I said there were many people in France who were in favor of it.

Mr. TELLER. The difference between France and Germany is quite apparent. The people of France own their money, not the Government, and it is a question whether the people want to lose the difference between the present——

Mr. ALDRICH. I will come to that question later, but I have made no statement as to what the Government of France would do.

Mr. TELLER. I understood the Senator to say that the Government wanted to do it.

Mr. ALDRICH. The silver question is either an international question, as broad as civilization and to be treated by us as such, or it is as narrow as the selfish intersts of the silver-producers of the United States. It is treated in the pending proposition as one solely for the benefit of the silver-producers, as by its terms the United States is required to buy at a price 30 per cent. above its present market value the total silver bullion of the world. The proposition of the Senator from Nevada is not a proposition for the free coinage of silver as it existed from 1792 to 1873, but it is as unlike it as daylight is unlike darkness. Under the coinage act of 1853 the owner of silver might take his bullion to the mints of the United States and after paying one-half per cent. seigniorage would receive therefor silver dollars, which he must dispose of as he could.

Now, suppose that we should restore the *status quo* which existed prior to 1873. Would the Senator from Nevada or the Senator from Colorado be satisfied with that? What would happen? The owners of silver bullion could then take their bullion to the mint, pay the mint charge, and at the end of a few weeks or a few months receive silver dollars which they would be obliged to impose upon an unwilling public. The pending amendment is a proposition to purchase by the United States, payable in the notes of the United States, all the silver bullion which may be offered to the Treasury at a fixed price, the Government to pay all charges for mintage and refining.

Now, what is there about silver itself, what is there about the business of silver-mining that makes it so sacred that the people engaged in its production should be entitled to receive this advantage at the hands of the Government over persons engaged in other vocations? If this were a bill for the free coinage of silver, its deleterious results would be limited, but there is no limit to the evils which might flow from the adoption of this proposal.

It has been constantly repeated in this debate that one principal object of the legislation sought is to restore the status which existed prior to 1873, for the purpose of undoing a great wrong or crime which was committed by the passage of the coinage act of 1873.

It is a sufficient answer to this to say that the people, if any, who suffered in 1873 are not the same people who will be benefited by the provisions of the pending amendment.

The claim has been made upon this floor for the first time to-day by the Senator from Nevada that the mine-owners and producers of silver are entitled to compensation on account of the fact that silver has been selling for less than 129 cents an ounce since 1873. I do not care to discuss that question at any great length now, but I will suggest to the Senator that if he believes that this new claim of his constituents or other producers of silver is a good one he should present a bill for their relief and have it sent to the Committee on Claims or refer the matter to the Court of Claims and ascertain if he can establish their claim in a court of law or equity.

The principal argument, however, in favor of the amendment used by Senators on both sides of the Chamber is that by its provisions we should secure more and cheaper money. To show the necessity for more currency the example of France has been called to our attention. It is said that France has a circulation of at least $44 per capita and that we have but $21 per capita; therefore that we ought to increase the amount per capita of our currency to an amount equal to that of France. There is no analogy between the currency requirements of the people of France and those of the United States. The same difference in the per capita currency of France and the United States has existed for a century, and it never has been discovered, except by some imaginative greenback orator, that we were suffering from this cause.

France has $12 of legal-tender silver money, five-franc pieces, per capita in actual circulation and we have less than $1. Does the Senator suppose that by our legislation we can force the people of the United States to hold $12 per capita in standard silver dollars in actual use? I think not. Forty-four per cent. of the transactions of the French people are carried on by the employment of actual currency, gold, silver, or paper.

Mr. PLUMB. Will the Senator let me suggest that there must be a difference between himself and the Superintendent of the Census in regard to the population of the United States? He says there is only a dollar per head of legal-tender silver in this country. According to the Census we have nearly 65,000,000 people, and we have $370,000,000 of legal-tender notes. So there must be something over a dollar a head of silver.

Mr. ALDRICH. The Senator from Kansas evidently did not understand my statement, which I repeat, that there is less than $1 per capita

of standard silver dollars in actual circulation in the United States, and that there is $12 per capita of full legal-tender silver money in circulation in France; and I was saying that while 44 per cent. of the transactions of the French people are carried on by the actual use of currency the proportion in which money is used in the United States is less than 8 per cent. The habits of the French people in hoarding money are well known, as they have existed from time immemorial.

If the people of France require $44, $48, or $57 per capita of money, as the case may be, this fact furnishes no reason why the people of the United States should have an equal amount. Forty-eight dollars per capita in the United States means the doubling of our present issue; it means $3,000,000,000 in currency instead of $1,500,000,000; and, if the argument made by the Senator from Nevada [Mr. JONES] who sits near me is correct, it means reducing all debts and the purchasing power of money one-half. It means radically changing all existing relations. It violates the obligation of every existing contract.

The Senator from Colorado said, and said truthfully, that the last fourteen years have been years of unexampled prosperity in this country, and he says that with a knowledge of the fact that the business of the last fourteen years has been carried on with less currency, much less in amount and less per capita, than we have to-day, for I say, and I challenge contradiction, that there never has been a time in the history of this country when there was as much money in circulation per capita as there is at this moment.

If during the years succeeding 1878 down to the present time we had ample currency to carry on the business and to secure prosperity, we have enough now for these purposes. Oftentimes a demand for loanable capital is mistaken for a demand for currency, and much confusion arises from treating capital and money as synonymous. In the late financial disturbance there was more trouble growing out of a lack of credit and confidence than from a lack of money. There is no banker and no business man in the United States, I believe, who will say truthfully to Congress that he believes we need under normal conditions any more currency.

We have suffered from a want of confidence and not a want of money, and the want of confidence has arisen largely from a fear of unwise Congressional legislation.

The fact that the Bank of France loaned the Bank of England a number of millions of francs in gold during the late financial trouble has been used in this debate as evidence that the financial system of France is preferable to that of England. Suppose that within the next two or three weeks matters should be reversed and that trouble should occur in Paris, and she should become the borrower of gold, would that be an indication of the relative financial soundness or strength of the two nations?

If it should be conceded that more money is needed, then this proposition is most unwise, as the increase would take place not in accordance with the increase in population, business wants, or the demands of trade, but the enlargement would depend in quantity and time of increase upon the production of the silver mines or the amounts of silver bullion or coin which might be brought here from foreign countries. It is difficult to see how this plan can receive the support of those who believe that the volume of money alone fixes its value. We might receive $5,000,000 in one year, and a thousand millions in the next. We might have an increase when it was not needed, and never when the demand was greatest. It is the most illogical and unsatisfactory plan of securing wise additions to the currency that could be suggested.

Senators who oppose this so-called free-coinage measure believe that its enactment would seriously disturb business and destroy confidence; that it would establish a premium on gold, promote the habit of making gold contracts, and ultimately drive gold from the country, and place all of our currency and business transactions on a silver basis. The friends of the amendment, in answer to this grave charge, say that silver would not come to the United States from other countries, and we are challenged to say definitely where it would come from and in what quantities.

To this challenge I reply, first, we would absorb the current annual silver production of the world, which amounts now to about $175,000,000; second, the nations of Western Europe hold about $1,000,000,000 in legal tender silver coin which they would be glad to exchange, whenever opportunity is presented, for gold. And, if the Senator from Nevada's amendment should be adopted, this would be possible. I repeat what I said in a speech last year on this subject, that the value of its silver coins to a government can not be any greater than the value of the bullion, plus the cost of mintage.

Is any one insane enough to believe that the Bank of France would not be glad to exchange its silver holdings for gold? It has reduced its stock of silver within the past ten years $150,000,000, and within the same period has increased its gold reserve more than $100,000,000. One would suppose from listening to this discussion that France held her stock of silver out of some special regard for the metal. She holds it because she is obliged to. There is no avenue open for her to dispose of it, and there will be none unless the United States should furnish it.

Third. We should be deluged with silver and our currency destroyed if but a small fraction of the enormous silver stock of the world should come here for a market. Dr. Soetbeer estimates the silver production of the world from 1492, the time of the discovery of America, to 1880, at about $9,500,000,000. To this must be added the amount which was in existence prior to that time. If we concede that one-quarter of the amount has been lost or destroyed we still have $7,300,000,000 in value of silver in existence. The total value of silver coins in use is estimated from $3,700,000,000 to $4,000,000,000. That leaves $3,600,000,000 of silver now held, according to the opinion of the best authority, in the form of hoards or ornaments. Mr. Barbour, late financial secretary for India, estimates that the gold and silver hoards of the people of India increased in the fifty years, from 1835 to 1885, $1,500,000,000, a sum equal to the entire money circulation of the United States, and this vast sum does not include the enormous hoards held by native princes and others prior to 1835 or the accumulations since 1885.

The fact that silver did not go up and stay up under the stimulus of the legislation of last year shows conclusively a much wider area must be covered, that there must be some other power than that of the people or the Government of the United States to restore the metal to its ancient privileges. This can only be done by concurrent action of the commercial nations. We have $1,500,000,000 of currency in this country at a par with gold. The credit of the United States is equal to that of any nation in the world. What our people desire above everything else is that they should be let alone and allowed to have peace and rest from financial legislation and monetary agitation.

Admit, if you please, that there is a possibility that with the free coinage of silver we might maintain a parity between the metals. Every man who hears me must admit, on the other hand, that there is a possibility we might not. The judgment of the whole business community is that we could not. The judgment of the men who have given this subject thought throughout the world is that it would not be possible. Why then at this time enter upon this sea of uncertainty? What is to be gained? Who is to profit by this foolhardy experiment? I can conceive of but one class, those who have silver bullion to sell, and who would for a time be able to sell it at $1.29 per ounce instead of having to take the chances of selling it at the market price. I do not see how any man in his senses can ask the people of the United States to take this risk for such a purpose.

I have been surprised at the attitude of the Senators upon the other side of the aisle upon this question.

It is evident that the Democratic party of the past, of Benton and Jackson, of Manning and Cleveland, is no more, and that we have a new Democracy, with new aims, new principles, and new leadership.

I desire to read as pertinent to this discussion a portion of a letter which was written by the late President of the United States upon this subject in 1885. I refer to a letter signed by Grover Cleveland and addressed to Hon. A. J. Warner and others, dated Albany, February 24, 1885. Mr. Cleveland says:

> I hope that you concur with me, and with the great majority of our fellow-citizens, in deeming it most desirable at the present juncture to maintain and continue in use the mass of our gold coin, as well as the mass of silver already coined. This is possible by a present suspension of the purchase and coinage of silver. I am not aware that by any other method it is possible. It is of momentous importance to prevent the two metals from parting company; to prevent the increasing displacement of gold by the increasing coinage of silver: to prevent the disuse of gold in the customhouses of the United States in the daily business of the people; to prevent the ultimate expulsion of gold by silver. Such a financial crisis as these events would certainly precipitate, were it now to follow upon so long a period of commercial depression, would involve the people of every city and every State in the Union in a prolonged and disastrous trouble. The revival of business enterprise and prosperity, so ardently desired and, apparently, so near, would be hopelessly postponed. Gold would be withdrawn to its hoarding places, an unprecedented contraction in the actual volume of our currency would speedily take place. Saddest of all, in every workshop, mill, factory, store, and on every railroad and farm, the wages of labor, already depressed, would suffer still further depression by a scaling down of the purchasing power of every so-called dollar paid into the hand of toil. From these impending calamities it is surely a most patriotic and grateful duty of the representatives of the people to deliver them.

Mr. PLUMB. Excuse me; but I hope the Senator will, in order that we may have the full benefit of it, print the whole letter.

Mr. ALDRICH. The Senator can put it in the RECORD if he pleases.

Mr. PLUMB. His declaration in favor of Mr. Cleveland is so pronounced, it seems really he ought to give the Ex-President the benefit of the indorsement in full.

Mr. ALDRICH. If any Senator wishes to use the rest of the letter he can put it in. I do not indorse the proposition for a suspension of the use of silver, but I do that portion of the letter in which the Ex-President describes so well the ill effects sure to arise from the two metals parting company. I call attention to the fact that five years ago a man who was then supposed to be more prominent in the Democratic party than any other, and who I believe occupies that position yet, had pronounced views upon the silver question.

Mr. PLUMB. The Senator, then, is calling the Democratic side of the Chamber to repentance, and not this side.

Mr. ALDRICH. I was addressing my remarks at this moment entirely to the other side of the Chamber.

Mr. PLUMB. I am very glad indeed.

Mr. ALDRICH. At the time the Senator was for the moment occupying a seat on that side, but temporarily of course.

Mr. DANIEL. I hope the Senator will read the prophecy Mr. Cleveland made in respect to silver and give us his views as to its fulfillment.

Mr. ALDRICH. If the Senator from Virginia desires to read this or any other state paper of the late President, I should be very glad to listen to him. For my present purpose I think I have read all that is necessary. I was striving to show that at the time named a man who was supposed to represent the Democratic party believed that the only way in which a parity could be maintained between the two metals was by stopping the coinage of silver. The same gentleman, in a public speech on the 7th of January, 1891, the present year, in Philadelphia, set forth at great length in a semiofficial way the principles of true Democracy. It was a very interesting occasion. The elucidation of the principles of the party which he represents was looked for naturally with a great deal of interest by the people of the country, especially in view of the fact that he is the principal candidate of that party or is said to be the principal candidate of that party for reelection in the next Presidential election.

Mr. HAWLEY. He so understands it.

Mr. ALDRICH. He so understands it, the Senator from Connecticut says, and I have no doubt that understanding is shared by a large majority of Senators who are now listening to me. In that explication or exposition of principles not one word was said for or against the free coinage of silver. I have read the speech, and it was an able one, with great care to find out what were the principles of the true Democracy at this time on this subject of overshadowing importance, but the speech was silent, and we are obliged to look elsewhere for an authoritative statement. Where can we look but to the official representatives of the party in this Chamber?

Mr. DANIEL. Will the Senator allow me to ask him a question?

Mr. ALDRICH. Excuse me a moment. I was about to state that common rumor says (and common rumor is very often at fault, I know) that upon the amendment of the Senator from Nevada we are to have a solid Democratic vote in its favor, and I wish simply to call the attention of Senators on the other side to the great change in sentiment upon this question which for some reason has recently taken place in their party. Stranger than this, however, is the fact that by one of the surprising mutations of modern politics the new leadership of the Democratic party is given to one who sits on this side of the Chamber.

I have been often struck with the remarkable resemblance of the distinguished Senator from Nevada [Mr. STEWART] to Michael Angelo's great statue of Moses which ornaments the memorial monument of Pope Julius II in Rome.

Both were formed in the same heroic mold. In both rugged strength and vigor are visible in every lineament.

Notwithstanding this strange likeness, betokening qualities which command my admiration, I must confess my surprise when my friend assumed the rôle of lawgiver and prophet to the new and only true Democracy and became the sole courageous exemplar of its principles.

If party exigencies demanded that Mr. Cleveland should be set aside, no better selection of a successor could be made.

I have watched the debate and I shall watch with interest the vote upon this question to see if the predictions which have been so confidently made shall be realized. The country will be curious to know whether the ghost dance, with its plaintive cries for more money, which has been going on upon that side of the Chamber around this conspicuous and central figure, shall materialize into permanent and acknowledged leadership. [Laughter.]

Mr. STEWART. If the Senator will allow me, I can only hope that, if such be the case, my followers will have some of the good things that Moses gave his followers; and that those of the cold-hearted Pharaoh should not have all the punishment which was inflicted upon the Egyptians on that occasion.

Mr. ALDRICH. I have no doubt that both the Senator from Nevada and his followers on the other side believe that they are being led through the financial wilderness to look upon the promised land. But I bid those Senators to remember that they will be held to answer to the American people for their action here.

Mr. STEWART. Pharaoh met it, too.

Mr. ALDRICH. I am prompted by Senators who sit around me, and who are better acquainted with Biblical history than I am, to suggest that Moses never reached the promised land. [Laughter.]

Mr. STEWART. He sent his followers there, though.

Mr. ALDRICH. I have no doubt of the good intentions of the Senator from Nevada and the gentlemen upon the other side in that regard. It is all very well upon a question of expediency that the well-disciplined Senators upon the other side, under the able lieutenancy of the Senator from Maryland [Mr. GORMAN] who is now giving me his attention, should wheel by platoons into line to support the Senator from Nevada in any of his notions in order to bring discomfiture to this side of the Chamber; but this is not a question of expediency; it is a serious question, affecting the vital interests of the people of the United States, and I say to Senators across the aisle that they can not plead in answer to the indictment which is sure to be framed against them by the American people for this action that they were misled by the persuasive eloquence of the Senator from Nevada.

Mr. DANIEL. Will the Senator allow me a moment?

The VICE PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Virginia?

Mr. ALDRICH. Certainly.

Mr. DANIEL. I wish to state that all but three Democrats in the Senate voted for free coinage before the last election, and that they have heard from the people since.

Mr. ALDRICH. I have no doubt there is a difference of opinion between the Senator from Virginia and other Senators and his and their late chief as to popular opinion upon this question. If the Senator should have a conference with Mr. Cleveland he would also find a wide diversity of opinion in regard to the statement he has just made that the people at the late election indorsed the proposal for the free coinage of silver.

But that is not the question I am now discussing. I am considering the attitude of your party in this contest and what is to be its position in the future. I will say (and I am speaking, I believe, not only for myself, but for a large majority of the Senators upon this side of the Chamber) that if we are to be again confronted in 1892 by this heresy of inflation in any of its forms, whether it comes through free silver or without silver, we are ready for the issue. I know of no better question upon which to appeal to the intelligent judgment of the American people, and I have no doubt in regard to the verdict.

The result will be the same whether you are obliged to take a new candidate in order to place him in line with the new leadership you have adopted, or if you should succeed, as I do not believe you will, in winning Mr. Cleveland over to your views. I notice that the Senator from Missouri [Mr. VEST] who is now listening to me states that Mr. Cleveland has modified his views on this subject. I understand, however, that he says in a newspaper interview that he has modified them only to the extent that he now concedes that a person who favors the free coinage of silver may possibly be a Democrat and sane. [Laughter.] I understand that is the full extent of the modification which this distinguished gentleman has made in his opinions upon the silver question.

I am aware that I am not the mentor of the Democratic party nor responsible for its acts, but on account of its historic past I beg of you if you have any convictions, if there is any principle of the party which leads you to act in any direction on this subject, do, for God's sake, take your position in a manly and open way, and do not be content with crawling supinely in the path marked out for you by the Senator from Nevada.

Mr. EVARTS. Mr. President, to-morrow will be six months exactly from the date when this Senate and the Congress came to a decision upon the currency of the country in reference to the metallic basis. In my judgment nothing whatever has intervened in the affairs of this country or in the affairs of commercial countries with which we have relations that should renew this agitation or should have brought us to a new determination at least on the subject as it was then settled.

No man who understands at all the gravity of these questions of the money metal, no one who appreciated fully six months ago or now appreciates the seriousness of the disparity between the two metals, can think for one moment that any action of one nation as tried and proved only by six months can have taught us to at once leap over the great gap between the metals when we have decided that prudence, wisdom, the support of opinion in the country and opinions abroad obliged us all to say that we could listen only to prophecy from the patrons of the silver mines.

Mr. President, in Europe there are two opinions towards this country in regard to our separate silver coinage. The doctrinaires or bimetallists, impatient of the slowness of the progress of their views abroad, were ready to advise this country to stop its silver coinage in order to force attention to the very condition of things abroad then to be produced and thus force the foreign nations now enlisted, if you please, on the side of the gold standard to see what they would suffer from an absolute obliteration of silver as one of the money metals of the world. On the other hand, the gold nations and the votaries of that standard abroad have for fourteen years wished for nothing better than that the United States should undertake to carry the burden of restoration of parity between the money metals by itself undertaking the free coinage of silver.

Mr. STEWART. Will the Senator give way a moment?

Mr. EVARTS. Not to interrupt my remarks?

Mr. STEWART. No, not to interrupt the Senator's speech. I wish to make a suggestion. I find that there are five or six Senators very anxious to make speeches. The Senator from Kansas [Mr. INGALLS] anticipated speaking early in the day to-day, but the time was occupied so that he did not have an opportunity. I suggest that we give one more day to this bill by unanimous consent, and have the same arrangement apply to Thursday that now applies to Wednesday, and that we occupy the day to-morrow in hearing those who are desirous of speaking. There are quite enough to fill the day who have signified their desire to speak.

Mr. HALE (to Mr. STEWART). Ask unanimous consent.

Mr. STEWART. I ask unanimous consent that the time be extended one day under the same conditions.

Mr. HOAR. I object, Mr. President.

The VICE PRESIDENT. Objection is made. The Senator from New York will proceed.

Mr. EVARTS. Mr. President, I was saying that the gold nations and the votaries of the gold standard in Europe desired nothing more in their interest of the gold standard than that the United States should undertake alone the carriage of silver coinage at a par with gold in their own system. If this was to prove useful they would have found a disparagement to us; they would have found injury to their cause; but in their calculations they entertained no doubt whatever that we should have made the experiment which would have placed us on the silver side, and helped them on their gold side in being thus balanced without cost to them, and that, with whatever better system and wiser method might have conducted us and them to the parity of the two metals, we should have lost in our condition any power whatever over their affairs.

Mr. President, I shall not repeat either the arguments or conclusions on this great subject of the money metals of the world. I then gave to the Senate in that discussion all that I could furnish either from my reflections or from my examination of the opinions of others. I then put the action upon the wisdom of our gradual step, turning aside for no goal except the one goal of the parity of the metals in the world's exchange. And when that wise resolution was reached, as it seemed to me, and in which the general concurrence of the people of this country had found their support, now without one single reason whatever the votaries of silver coinage and the patronage of the mints raise the new question that we are at once to change our decision and accomplish what we then refused to do.

Mr. President, there is nothing whatever that should change our satisfaction with the resolution that we came to in July last. If we have been disappointed in there being less activity on the part of the Executive in promoting by diplomatic means an opportunity of a resolution of this great difficulty abroad, we have found nothing in the experience of this country that could show us that we erred when we took our stand then or that we should now be any wiser than we would have been if we had undertaken free coinage.

Mr. President, the people of this country, the people of commercial countries in Europe, can not hide from themselves the severity of this relation, putting these two metals so wide apart, as was accomplished by the sequel of what happened in 1873. All invective against the errors of Germany and the errors in our legislation does not bring us any nearer to the solution of the mischief that was wrought on all the methods and the gradual approaches by which this great consummation can be reached. Impatience is no teacher. Experience is the only teacher by which we should be guided. And now, without disturbance of either foreign exchanges or domestic derangement, we, under the wise result that we reached six months ago, are asked to take this action merely from impatience, because the cure could only be in some degree as long as the evil had progressed.

Mr. President, as I insisted then, so I must insist now, the great enemy of the effort for the parity of the metals in the affairs of the world is this rash patronage of the silver mines that makes a prominent and easy but an obvious suggestion of activity in that direction. I know and I appreciate the fact that those who favor the two metals as I do are not governed by a desire to patronize the mines; but, nevertheless, those who avow both an interest, as we all feel, in the patronage of the products of the mines as of the fields in our country, with a concurrent interest and duty on their part to restore an equality between the metals in the world at large, should not suffer their counsels and their hopes and their plans to be so biased and overclouded by the lesser interests that they will not take counsel from the larger sphere of the experience of the nation, which is the only one that we can learn a lesson from.

Mr. President, it is enough for me to say that for my guidance the intent or casual influences in this or that derangement of the affairs in our great cities or in our European relations are no counsel for us at all. Just as long as Congress sits, just so long in this country if Congress does not become wise enough to turn its face against them, there will be efforts to make this Government a bank, not only of issue and deposit, but of discount, and I know no more paltry legislation than that by which the two Houses of Congress are to be appealed to at every juncture of our affairs, however local, however temporary, or however serious, that we are to be resolved into a board of bank directors or the managers of clearing house. No, just as soon as Congress adjourned with the two metals on the basis on which we placed them six months ago and with such liberalization as is proposed in the enlargement of the paper issues of the country, either by banks or in the Treasury or in the tender notes, the country will go on and on.

What have we seen that has already come to our advantage in regard to the value of silver? It has risen as it now stands to 105, something over 80 cents in the dollar, when we started from it at something like 70 cents, and if there was a miscalculation, or if the combinations of speculators suddenly forced up the price, and the country or the people were disappointed at the suddenness of relief being followed by a recoil, that does not teach us to abandon the wisdom by which we are to move step by step, maintaining our own control of the situation and not plunge by an irrevocable step in a disaster from which we can not retreat.

No, Mr. President, this is our position now, as it was six months ago, and we are waiting and must expect to wait a slow procession towards the goal at which we aim, and that is a restoration of the parity of silver and gold in the money of the world.

Mr. McCONNELL. Mr. President, ordinarily I should keep silent and letmy vote, when the time arrives to vote, declare my sentiments upon the question before us. But there are occasions when it becomes the duty of a man in public place to speak, to tell why it is that he is impelled to follow a certain line of action, and in my opinion this is one of such occasions.

Only a week ago I took my seat in this great representative body, great not only because of the fact that it contains some of the foremost leaders and thinkers of the age, but great because all here are the representatives of a sovereign people.

My first act in this body was to vote to take up this bill. That vote was cast in opposition to the views of a majority of the gentlemen here with whom I am politically affiliated. I have no apologies to offer for that action. As one of the representatives of the youngest of the sisterhood of States, I am responsible to it alone and to my conscience for that action. I voted to consider this measure, and I shall vote to pass it because I believe it to be the best, the surest, the most effectual remedy for some of the evils under which the country now labors.

It would be sheerest folly to deny that there is an existing condition which demands a remedy. It would be worse than folly to deny that the agricultural interests of the country are in a depressed and suffering condition. When we consider, Mr. President, that 44.1 per cent. of all the persons, male and female, engaged in gainful occupations, and 48 per cent. of all the males of all ages who do any kind of work, are engaged in agricultural pursuits, we can have some idea of the magnitude of the interests at stake.

Nearly one-half of the people of this vast country who produce anything are engaged in agriculture, and 11 per cent. of the remainder are engaged in transporting the products of one section to the people of the others. Whenever the interests of these 60 per cent. of our people are endangered the whole country suffers.

Such is the condition. The farmers are making no money. No matter what they produce, whether it is wheat or potatoes, cotton or sugar, whether the snows of the North are required to make their grain germinate or the hot sun of the South to ripen their cotton bolls, they are all suffering. The cost of production and living is greater than the price of the product.

Here is a fault. It is our duty, if practicable, to discover the cause, and most undoubtedly our duty to provide the remedy, if within our power.

It is almost universally admitted that the scarcity of money is the cause of the depression. In fact, there can be no other cause. Our farms are producing abundantly. Our mines of iron, coal, copper, silver, and gold are yielding up their stores of metal. Our manufactories are turning out finished products of all kinds, and yet the people are not prosperous. We have the richest, the greatest producing country in the world, and yet the people are poor.

In the ten years just passed our farmers have produced by their labor from the teeming soil articles for food and clothing valued at the enormous sum of $25,000,000,000. The miners have dug from the earth minerals, iron, gold, silver, lead, copper, coal, etc., valued at $5,000,000,000, and the artisans engaged in skilled toil have turned out of the factories and workshops articles valued at $50,000,000,000.

These figures are so enormous as to almost stagger belief and pass beyond comprehension, but they are true. They come from the official records of the country. Look at a few of the principal items of the farm production of the country in these ten years:

Corn	bushels...	16,000,000,000
Wheat	do.....	4,500,000,000
Oats	do.....	4,200,000,000
Potatoes	do.....	2,000,000,000
Cotton	bales...	65,000,000
Hay	tons...	400,000,000
Wool	pounds...	2,500,000,000
Butter	do.....	8,000,000,000

And yet the men who do this are poor and suffering. What is the cause of this anomaly? Why is it that the vast majority of the people who produce this eighty thousand million dollars' worth of food, the clothing, and the implements the world needs are to-day poor? Why is it that this army of over eighteen million workers after ten years of productive labor are no better, if so well off, as when the battle began ten years ago? The earth has been generous and responded to the call of the farmer who asked it to give him corn, wheat, cotton, hay, and the various other articles he raises. It has not refused its treasures to the miner who delved in its depths for coal, or iron, or gold, or silver. What, then, has been the cause that the returns for labor are so small and that discontent is abroad in the land when there ought to be peace, contentment, and plenty?

This is the problem we are called on to answer.

Mr. President, I believe that this condition is caused by a scarcity of money, which enables the few to control what there is to the detri-

ment of the many. This being so, what is the remedy? We believe that it is the making of more money. Gold and silver have always been money. But they are only money when some government puts its stamp upon them and says this piece of gold and that piece of silver shall have a certain value. Gold or silver as it comes from the mines or the assay office is simply a commodity like wheat or cotton or beef. It is not money. When the Government takes any specified amount of it and says this is $10, that is $1, it becomes money, and neither of these metals ever has been or ever will be money until some government does this act. The shekels with which Abraham paid for his burying ground had the value of each stamped on it. The "penny" with which the Pharisees attempted to entrap the Divine Master had the stamp of imperial Cæsar on it.

During these past ten years the production of gold and silver in the world has been as follows:

	Gold.	Silver.
United States	$325,000,000	$525,000,000
Balance of the world	680,000,000	660,000,000
Total	1,005,000,000	1,185,000,000

This shows that of the total the United States produced 32.4 of the gold, that is less than one-third, and 44.3 of the silver, that is nearly one-half. In these same years Great Britain, the great creditor nation of the world, the nation which insists upon the gold standard, produced $300,000,000 of gold and less than $4,000,000 of silver. Yet at the bebest of English money-lenders whom we owe and English merchants and manufacturers who fear our rivalry in trade and manufactures, we trample silver under our feet and make merchandise of it instead of coining it into money.

I find by the reports of the Treasury that in the last ten years we have coined of the $525,000,000 of our silver product $260,000,000, leaving $265,000,000 of it to be traded as men trade in horses and cattle; yet under the law as it existed, allowing the coining of $4,000,000 per month and compelling the coinage of $2,000,000 a month, we could have coined nearly all of the silver product. Would not the addition of this $240,000,000 to the currency of the country have made it easier for the farmer who toils in the field, the miner who delves in the earth, and the artisan who labors in the shop, to obtain more of it?

We were told in 1878, when silver was practically remonetized, that this action if taken would drive all the gold out of the country and we would have nothing left but "the base white metal." Now that we are striving to fully restore silver as one of the standards of value, we are told the same old story. Yet in the last ten years our exports of silver have exceeded the imports by largely over $100,000,000, whilst imports of our gold have been largely in excess of our exports. The Treasury reports show that on January 1, 1879, we had in gold in the country, "in the Treasury $135,000,000, in circulation $143,000,000," making a total of $278,000,000. The report of January 1, 1891, shows "in the Treasury $293,020,214; in circulation $411,080,597," a total of $704,100,811, and an increase of $426,100,811.

The gold product of the country from the 1st of January, 1879, to date has been not quite $400,000,000, and fully 10 per cent. of this has been used in the arts and for mechanical purposes; so, to say the least and admit that none have been hoarded, every dollar of the gold product has been added to the currency of the country. But the Director of the Mint in his report for 1888 says that at least $275,000,000 in gold has been put away—hoarded—by the people, in addition to the amount that is known to be in circulation. The prophets of 1878 were false prophets, so that we need pay no attention to their prediction of to-day.

The first movement for the relief of the people should be the restoration of silver as money. Silver is the money of the people. It is the money of trade. It permeates every section, every town, every hamlet, every household. Gold is the money of the bankers and speculators and money lenders. And it is these classes, and these alone, who oppose the remonetization of silver.

Mr. President, let any member of this body walk to the other end of the Capitol, ascend the stairway on the west side of the House and look at the great painting by Lutze, "Westward the course of empire takes it way." There is pictured an emigrant train on its way to the West. There he can see represented the sturdy pioneers who won an empire from the wilderness and desolation. They felled the forests east of the Mississippi River and then crossed over plains and mountains to the golden stores of the Pacific. Everywhere they left the impress of American civilization. States sprung up in their pathway as rapidly as Aladdin's palace, mighty structures, where human liberty was assured as certainly as it was when the sturdy pilgrims, battling with stern nature on the one hand and with savage Indians on the other, planted the colonies of New England.

The gentlemen on this side of the Chamber who are opposing this measure must not treat us of the West as strangers from a strange land. "We are of your own kith and kindred." We are the sons and brothers of your constituents, who have battled with mountain and desert and savage, as your fathers who were our fathers did to build up new States where your inheritance is as great as ours. You have progressed to a condition of affluence; we are striving for it. Everything that you have asked for we have supported. You wanted protection that manufactories might be built up and you could be enabled to compete with other nations in the markets of the world, but while you asked for this you were willing that the tillers of the soil should be protected as well, and we blessed you for it.

We have sustained you even as Aaron and Hur upheld the hands of Moses when he prayed for his people. Now we tell you that the people of the West are asking for relief from the troubles that embarrass them. We are asking for bread; do not give us a stone. The West has been loyal to you and to your ideas. It is loyal to you now—not only loyal, but we are proud of you as well; proud of the statesmanship you have shown in the past; proud of the grand and heroic deeds you have accomplished. It is not the silver kings who are here asking for free coinage of silver. It is the people who need more money with which to transact their business; more money, because more money will make prices better; more money, because more money will rescue them from the hands of the usurer and the land shark.

Mr. President, I suppose, sir, I ought to apologize for having taken so much time in this discussion, when so many abler men and older Senators than myself desire to be heard. And I do, sir, because I know it is a violation of one of the customs of this body; but Shakespeare said "Nice customs must courtesy to great kings." Every American citizen is a sovereign in his own right, and I am here as the representative of a number of American sovereigns—these "great kings"—and so I have brushed "nice customs" aside, that the voice of the people of Idaho, the youngest and fairest of the sisterhood of States, could be heard in behalf of free coinage, as it will always be heard in favor of everything that tends to the benefit of the people and the growth and glory of our country.

Mr. STEWART. If there are no other Senators who desire to speak to-night, I will move an adjournment.

Mr. JONES, of Nevada. I believe I will say a few words.

Mr. STEWART. I think that in view of the fact that several Senators wish to speak to-morrow it is no more than reasonable to give one more day to the consideration of this subject. I do not want to delay it.

Mr. SPOONER. Let us have an evening session. The Senator from Kansas [Mr. INGALLS] is to speak.

Mr. STEWART. I will renew my request that by unanimous consent the time be extended one day under the same conditions as at present.

Mr. HOAR. I must object, Mr. President.

The VICE PRESIDENT. Objection is made.

Mr. HOAR. I shall make no objection to a modification of the arrangement so that the Senators who desire to speak may have a longer time than the ten minutes to-morrow, but it must be with the understanding that the vote is to be taken to-morrow.

Mr. HALE. I suggest, in the interest of dispatch and also for the convenience of Senators, that——

Mr. HOAR. There can be an hour fixed to vote, say at 8 o'clock to-morrow evening.

Mr. TELLER. We do not agree to that. We are to vote before adjournment to-morrow.

Mr. HALE. Let me make my proposition. It is that the unfinished business be taken up to-morrow morning directly after the reading of the Journal, which will be a few minutes after 10, and that the general debate close at 2 o'clock in the afternoon. I name 2 o'clock because I know some Senators are desirous of speaking. The Senator from Nevada [Mr. JONES] has the floor. The Senator from Kansas [Mr. INGALLS] desires to speak, and I know we all desire to hear him.

Mr. JONES, of Nevada. I will give way to the Senator from Kansas.

Mr. HALE. I named 2 o'clock in order to compass time enough for both Senators. Then after that I suggest that the ten-minute debate proceed, and we can stay to-morrow night, if necessary, and have an evening session, or we can remain without a recess until 8 o'clock and finish the bill.

Mr. TELLER. I should like to suggest to the Senator that it would be hardly right to limit the two Senators who are supposed to want to speak to-morrow. We have agreed to vote to-morrow morning, and we can stay here and vote to-morrow night if the Senator from Massachusetts thinks we ought to do so. Suppose we do not vote until 9 or 10 o'clock in the evening, it does not make any great difference.

Mr. HALE. Does the Senator think my proposition of four hours an unnecessary limit?

Mr. TELLER. No; I do not suppose either Senator will take more than two hours, and perhaps not that long; but a Senator always speaks with some reluctance when he is limited. As long as we are to close the debate to-morrow and close the whole thing, they should have all the time they want.

Mr. DAWES. They can have whatever time they want, only we shall close the consideration of the bill to-morrow.

Mr. TELLER. We shall close it to-morrow anyway.

Mr. HALE. With that understanding, of course it is satisfactory to everybody, because that will dispose of the bill, but it will curtail the time given to the ten-minute debate.

Mr. TELLER. There will not be so many ten-minute speakers.

Mr. INGALLS. Is it the understanding that the general debate is to close before the voting under the limited time for the amendments begins, or under the arrangement would it be possible for any Senator desiring to speak to do so at any time before the adjournment?

Mr. JONES, of Nevada. Yes, at any time before the adjournment, I understand.

Mr. HALE. The understanding of the previous agreement undoubtedly was that the general debate should be completed when the ten-minute debate began, and that after that there would be no debate except under the ten-minute rule; but I take it——

Mr. INGALLS. There was no limitation as to the hour when the general debate was to close?

Mr. HALE. Under the old arrangement it closes to-day.

Mr. INGALLS. But I mean to-morrow?

Mr. HALE. My proposition is that it shall close at 2 o'clock to-morrow.

Mr HOAR. I understood that the Senator from Nevada [Mr. STEWART], who is acting for the present as the person in charge of this measure, inquired whether any gentleman desired to proceed to-night, and the Senate had an understanding that the general debate should close to-day. Two Senators have given notice of their desire to speak at length, the Senator from Nevada [Mr. JONES] and the Senator from Kansas [Mr. INGALLS].

Mr. GORMAN. And the Senator from Louisiana [Mr. GIBSON] also.

Mr. HOAR. No notice has been given by any other Senator.

Mr. STEWART. The Senator from Louisiana [Mr. GIBSON] is on the list of those who desire to speak.

Mr. HOAR. Are there any other Senators who have given notice of their desire to speak at length?

Mr. COCKRELL. The Chair can state.

The VICE PRESIDENT. The Chair has upon his list the Senator from Kansas [Mr. INGALLS], the Senator from Louisiana [Mr. GIBSON], the Senator from New York [Mr. HISCOCK], and the Senator from Nevada [Mr. STEWART].

Mr. STEWART. I will give way. Ten minutes will do me.

Mr. HOAR. Then it seems to be no more than fair with reference to the understanding of the Senate that if we adjourn now it should be understood that those Senators who have given notice should be at liberty to speak at length, and that when they get through the ten minutes' debate should begin.

Mr. TELLER. That is right.

Mr. HAWLEY. The subject to be finished to-morrow?

Mr. HOAR. Yes; the subject to be finished to-morrow.

Mr. STEWART. With that understanding I move that the Senate do now adjourn.

Mr. HOAR. Let that understanding be stated from the Chair.

Mr. STEWART. Yes; the understanding ought to be stated by the Chair.

The VICE PRESIDENT. The Chair understands that the Senator from Kansas [Mr. INGALLS], the Senator from Louisiana [Mr. GIBSON], the Senator from Nevada [Mr. JONES], and the Senator from New York [Mr. HISCOCK] are to speak, and that after they have made their speeches then the agreement confines speeches to ten minutes and a vote is to be taken to-morrow.

Mr. ALLISON. That is, ten minutes on each amendment?

Mr. HALE. In addition to that, I ask that it may be agreed that the unfinished business shall be laid before the Senate to-morrow morning directly after the Journal is read.

Mr. HAWLEY. All right.

The VICE PRESIDENT. That is the understanding. Before the Chair puts the motion to adjourn he will lay before the Senate a letter from the Secretary of the Interior.

Mr. GORMAN. Mr. President, I wish to say one word in regard to the suggestion. I recognize that it is due to the Senators who are named on the list read by the Chair that they should have an opportunity to debate this question to-morrow at such length as they may see proper, but it is due to one or two other Senators on this side of the Chamber, whose names do not appear there and who desire to make speeches to-morrow, and who desired to speak to-day, that they should have the opportunity. The debate has gone on with all interest to-day and the speeches practically have been on one side.

I do not want to delay the Senate for a moment, and I shall agree to any arrangement that will permit those Senators to make their speeches, but after the speeches of to-day of the Senator from Ohio [Mr. SHERMAN], the Senator from Iowa [Mr. ALLISON], and the Senator from Rhode Island [Mr. ALDRICH], going into the details of the bill and holding up, as the Senator from Ohio and the Senator from Rhode Island did particularly, the attitude of Senators on different sides of this aisle, I suggest in fairness that the debate might be open to everybody. Of course the Senators whose names are down will have the floor first for to-morrow; and I think there can be no objection, if we want to continue a night session under the ten-minute rule to dispose of the details, to permitting that to be done, or if it is the desire to fix an hour on Thursday for the final vote there will be no objection to that, I think.

Mr. HAWLEY. It is to be finished to-morrow.

Mr. GORMAN. We could remain to-morrow night under the ten-minute rule and let general debate go on to-morrow, and dispose of the bill before we adjourn to-morrow night. That will give all an opportunity who may desire to be heard.

Mr. HOAR. I do not think the Senator from Maryland should ask that. I do not think he himself will when he remembers that of course nobody could doubt and it would be a surprise if in a debate on an important political question of this kind such allusions to the positions of parties or of individual Senators should not have been made. Every Senator, present or absent, understood that the general debate was to terminate to-day; and it is to be presumed, therefore, that no Senator desired to respond to any of those suggestions or otherwise unless he expected to do it to-day. Now it turns out that the Senators who desire further to speak are three or four in number, and that it will be more convenient for the rest of the Senate to hear them in the morning than to-day, and I do not think that in consequence of that a general reopening of the matter should be asked.

Mr. GORMAN. I wish to make a suggestion to the Senator from Massachusetts. I take it for granted the object is to dispose of the bill to-morrow, and I suggest if we permit the general debate to go on with the opportunity given to one or two on this side to indulge in it we shall dispose of the bill before we adjourn to-morrow night.

Mr. HOAR. If we can have an agreement to dispose of the bill at a particular hour to-morrow night, 5 in the afternoon, or 10 in the afternoon, or 12, with an agreement to dispose of the bill before we adjourn, which does not amount to a great deal——

Mr. HALE. It is understood that the bill shall be finished to-morrow.

Mr. HOAR. Suppose there is no quorum here at 5 o'clock?

Mr. HALE. The understanding carries with it the agreement to be here.

Mr. GORMAN. Without fixing positively the hour, which we can not do under the ten-minute rule, I think my suggestion would accomplish everything desired, and it would be a very great relief to everybody, I think, who desires to talk.

Mr. INGALLS. The arrangement which was previously entered into was seriously disturbed by the course that events took to-day. I entered my name upon the list desiring to speak and was informed by those who were to precede me that the time would probably serve by 2 in the afternoon. The Senator from Ohio [Mr. SHERMAN] did not expect, in the conversation I had with him, to address the Senate later than 12 o'clock, as we met at 10.

The Senator from Iowa [Mr. ALLISON], who desired to follow him, anticipated that his observations would not extend beyond an hour and thirty minutes. I had made my arrangements accordingly; but the Senator from Ohio addressed the Senate much longer than he anticipated, closing his remarks about half-past 3, not that they were protracted beyond the importance of the event or the interest of the Senate, but they exceeded his expectations; and the Senator from Iowa closed about half-past 4 or between that and 5 o'clock. So it was not convenient for me, considering the length of the observations I had to submit, considering also the convenience of the members of the Senate, to continue with my observations this evening.

I do not ask, so far as I am concerned, any modification of the arrangement hitherto entered into at my own suggestion. It appears to me that in view of the fact that unexpected and unanticipated events occurred to modify the programme, if it is to be changed at all it ought to be changed so as to suit the convenience of all who will be affected by it. I should be unwilling to avail myself of any concession or of any consideration on the part of the Senate that was not extended to others also. I had the opportunity of addressing the Senate after the period of adjournment had approached, but concluded for prudential reasons not to do so.

It seems to me that, if the time is to be extended at all for the benefit of those who did not avail themselves of the courtesy of the Senate heretofore granted, the extension ought to be made to include all those who might desire to address the Senate longer than ten minutes. It appears to me that if it is understood (and I am quite sure if it were to be so understood that that understanding would be observed) that the vote should be taken to-morrow on the bill finally before adjournment, whether that hour might be at 10 in the evening, or at midnight, or at 5 in the morning, a quorum of the Senate would remain for the purpose of carrying out that agreement.

I therefore think, Mr. President, that the suggestion of the Senator from Maryland is appropriate, and I should be unwilling to avail myself of any special kindness or privilege offered by the Senate to me individually unless it would be extended to all who might desire to avail themselves of it; not meaning by that, however, to say that in case the Senate should be obdurate and refuse this rational appeal of mine I should decline to avail myself of its courtesy to-morrow.

The VICE PRESIDENT. What is the pleasure of the Senate?

Mr. HALE. I move that the Senate do now adjourn.

Mr. ALLISON. Is it understood that the arrangement as stated by the Chair is to take effect to-morrow?

Mr. HALE. That was agreed to.

Mr. ALDRICH. It was agreed to.

Mr. ALLISON. If that is the understanding——

The VICE PRESIDENT. The Chair so understands. Before putting the motion to adjourn the Chair lays before the Senate——

Mr. GORMAN. No, I beg pardon; I do not think we have entered into that arrangement. I made this suggestion——

Mr. ALLISON. That is what I wanted to know. Perhaps it would be important before we adjourn that we should know.

Mr. GORMAN. I renew my suggestion now.

The VICE PRESIDENT. The Chair so announced the understanding, and asked what was the pleasure of the body, if any modification was to be made.

Mr. STEWART. The Senator from Maryland was on the floor at the time desiring to be recognized.

Mr. GORMAN. I was on the floor and made the other suggestion, and now renew it in view of what has been said by the Senator from Kansas [Mr. INGALLS], that general debate on the bill be open to-morrow, with the understanding that we shall dispose of the bill before adjournment to-morrow night.

Mr. DAWES. It seems to me, the great object being to get a final vote to-morrow night, whether the speeches to-morrow be longer or shorter is a matter of minor importance.

Mr. INGALLS. Except to those who deliver them. [Laughter.]

The VICE PRESIDENT. The Chair will understand then that there is no agreement——

Mr. SPOONER. Except the old one.

The VICE PRESIDENT. Except that debate shall be concluded and a vote shall be taken to-morrow.

Mr. HALE. Unless there is no new agreement entered into we shall be under the ten-minute rule to-morrow.

Mr. ALLISON. If I may be allowed a moment, I suggest to the Senator from Maryland that if he is not satisfied with the hour named some other hour be fixed. My experience and observation here is that in matters of amendment the ten minutes debate is of value. Amendments are offered and Senators desire to express briefly their views respecting those amendments. If the debate is to go on to-morrow without limit as to time, I think we are not likely to reach the ten-minute debate, so called, until there will be a feeling somewhere that we had better put the debate off another day. So far as I am concerned, I have no wish about it except that I think some hour ought to be named when the ten minutes debate shall begin on amendments.

Mr. GORMAN. I have no objection. [To Mr. ALLISON.] Make the suggestion.

Mr. ALLISON. I suggest 4 o'clock, then, or sooner, if Senators do not desire to speak at length. That will allow six hours for general debate to-morrow.

Mr. HALE. Let the Chair put the proposition that general debate shall close at 4 o'clock to-morrow.

The VICE PRESIDENT. Will the Senator from Iowa please state his proposition?

Mr. ALLISON. I will offer the suggestion as a contribution to an agreement, that at 4 o'clock——

Mr. GORMAN. I will state to the Senator from Iowa that the only reason why I do not like to see an agreement of that sort entered into is that we know perfectly well the Senator from Kansas [Mr. INGALLS], the Senator from Nevada [Mr. JONES], the Senator from Louisiana [Mr. GIBSON], and the Senator from New York [Mr. HISCOCK]—it was so announced—and the Senator from Texas [Mr. COKE] would like to have an opportunity to speak to-morrow. I doubt very much, in view of the importance of the question, whether we can fix absolutely now a time when general debate shall close, but it would naturally run along to 6 or 7 o'clock, or somewhere along there.

Mr. ALLISON. Very well, Mr. President.

Mr. GORMAN. I think we can adjust it to-morrow, with the distinct understanding that we shall vote before adjournment.

Mr. ALLISON. The suggestion not being agreeable, of course I withdraw it.

I wish to say one word as respects my own attitude to-day. I had expected, as the Senator from Kansas stated, to conclude my few observations before 2 o'clock; but on account of the prolongation of the remarks of the Senator from Ohio I was not able to do so. Had the Senator from Kansas been in his seat at the moment, I should have cheerfully yielded to him so that he might not have been disturbed.

Mr. HALE. I move that the Senate adjourn.

The VICE PRESIDENT. The Chair will have read a short letter——

Mr. GORMAN. Before the Chair puts the motion to adjourn, I should like to ascertain whether the Senator from Maine objects to the suggestion I made that general debate go on to-morrow with the understanding that we close the bill before adjournment to-morrow. I submit that as a suggestion.

Mr. HALE. I made what I thought was a very liberal proposition in order to allow Senators who desire to speak to continue the general debate until 2 o'clock. I was perfectly willing that that should be made 4 o'clock, and if that is not long enough for Senators who desire to speak I think they should consider that what is given now is a change of an agreement that all of us submitted to and agreed to faithfully carry out, and I became convinced after hearing the talk which has been made back and forth that we should get no agreement, and that we have got to go on under the old arrangement, the ten-minutes debate to begin in the morning. I agree with the Senator from Iowa that that is a valuable debate, and we ought to have it on this bill. I make the motion to adjourn now because every proposition to agree to any time has been refused. I am willing to make it 3 o'clock or 4 o'clock.

Mr. COCKRELL. As I understand it, there is just a shadow of difference between what was announced from the chair as the unanimous agreement and what was proposed by the Senator from Maryland [Mr. GORMAN]. The only difference in the world between the proposition that was agreed to and what was suggested by the Senator from Maryland when he interposed was as to the speeches to-morrow being limited to the Senators named.

Mr. HALE. That might make a very great difference. That might make a week, as the Senator from Massachusetts [Mr. HOAR] suggests to me. I have been trying to get an agreement which would give Senators who actually desire to speak and who have prepared themselves to speak an opportunity for full deliverance. That is what I have been trying to get, and my proposition was made in good faith. I am willing to name 4 o'clock as the hour at which general debate shall terminate.

Mr. COCKRELL. The Chair announced that it was the unanimous agreement—and then had gone to other business—that to-morrow, at 10 o'clock, the Senator from Kansas [Mr. INGALLS], the Senator from Nevada [Mr. JONES], the Senator from New York [Mr. HISCOCK], and the Senator from Louisiana [Mr. GIBSON] should speak without limit.

Mr. DAWES. I think the Senator from Missouri omitted the Senator from Nevada [Mr. JONES].

Mr. COCKRELL. No, I named the Senator from Nevada [Mr. JONES], who has the floor. The Senators I have mentioned were to have the liberty of speaking without limit as to time, and then we were to close the debate under the ten-minutes rule and vote to-morrow. The only point raised was as to the restriction. The Senator from Maryland [Mr. GORMAN] thought that the Senator from Texas [Mr. COKE], who has been prepared to speak, and other Senators ought to be allowed to come in. There is the difference.

Mr. HALE. That may be a very great difference.

Mr. COCKRELL. I do not know what other Senators desire to speak. I have heard of none. The Senator from Texas has been prepared to speak, but he has not been feeling well.

Mr. HOAR. If the Senator will allow me, it does not seem to me unreasonable, and I do not think it will seem so to him or any Senator on the other side of the Chamber, that when we are asked to modify an arrangement which limited general debate to to-day, so that no Senator could have spoken at length after to-day—and the Senator from Texas [Mr. COKE], who went away from the Chamber, could not have expected to join in the general debate, because he knew that it was to close to-day under a unanimous agreement by which we were all bound—it does not seem to me unreasonable, if we are to modify that agreement, that it should only be modified in favor of such Senators as now announce their desire to speak at greater length than ten minutes.

If the Senator from Maryland [Mr. GORMAN] is advised that the Senator from Texas [Mr. COKE] desires also to speak at length, let his name be included in the list. I shall not object to that, but I certainly shall object to a modification of the agreement which opens the general debate at full length, because, I ought further to say, experienced Senators here know very well that an agreement of the Senate to close debate on a particular day, without any hour being fixed, is not a very practicable and substantial thing, at any rate.

Mr. GORMAN. Mr. President——

Mr. HAWLEY. Let me make a suggestion.

Mr. GORMAN. Very well.

Mr. HAWLEY. I suggest that we agree to three hours' debate on each side. I wish to make that proposition before the Senator from Maryland proceeds with what he has risen to say.

Mr. COCKRELL. I do not think that is fair.

Mr. GORMAN. Mr. President, I thought in justice to everybody, in the absence of many Senators, that the suggestion I made was proper, but I am so anxious that this matter shall be terminated that I will withdraw my objection and let the Senators who have announced to the Chair their desire to speak have the liberty to speak to-morrow, and that after they shall have concluded the ten-minute debate shall begin. I think the arrangement proposed is unfair to this side, but I will withdraw any objection to it.

Mr. HOAR. I will say, for one, that if the Senator from Texas [Mr. COKE] comes in to morrow and desires to be included I shall make no objection.

Mr. PASCO. The Senator from West Virginia [Mr. KENNA] I know also desires to be heard before the general debate closes.

Mr. HAWLEY. He has gone away and the time has expired.

Mr. HALE. So has the Senator from Texas.

The VICE PRESIDENT. The Chair understands that the agreement, as previously stated by him, will hold good to-morrow. Is that the pleasure of the Senate? The Chair hears no objection.

Mr. HALE. I move that the Senate adjourn.

The VICE PRESIDENT. Before putting the motion the Chair will ask permission to lay before the Senate a communication from the Secretary of the Interior.

Mr. HALE. Very well.

EXECUTIVE COMMUNICATION.

The VICE PRESIDENT laid before the Senate the following letter from the Secretary of the Interior; which was read, and, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed:

DEPARTMENT OF THE INTERIOR, *Washington, January* 13, 1891.

SIR: I inclose for the information of the Senate a copy of the proceedings of a convention recently held in the Territory of Alaska, which convened October 8, 1890, to consider certain legislative needs of that Territory. The suggestions made are of a very important character and I recommend them to the careful consideration of the Senate.

JOHN W. NOBLE, *Secretary.*

The PRESIDENT OF THE SENATE.

Mr. HALE. I renew my motion that the Senate do now adjourn.

The motion was agreed to; and (at 6 o'clock and 12 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 14, 1891, at 10 o'clock a. m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January* 13, 1891.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

PUBLIC BUILDING AT AKRON, OHIO.

The SPEAKER laid before the House the bill (H. R. 4403) for the erection of a public building at Akron, Ohio, with an amendment of the Senate thereto and a request for a conference on the disagreeing votes of the two Houses on the bill and amendment.

On motion, the request for a conference was agreed to.

PUBLIC BUILDING AT DAVENPORT, IOWA.

The SPEAKER also laid before the House the bill (H. R. 5380) to provide for the construction of a public building at Davenport, Iowa, with an amendment of the Senate thereto.

The amendment was read, as follows:

Page 2, line 7, strike out all after the word "commissioner" down to and including the word "approaches" on line 7, page 3.

Mr. WALTER I. HAYES. Mr. Speaker, I move that the amendment of the Senate be concurred in. It is purely formal.

The motion was agreed to.

ASSOCIATE JUSTICE, SUPREME COURT OF ARIZONA.

The SPEAKER also laid before the House the bill (H. R. 6975) to provide an additional associate justice of the supreme court of Arizona, with an amendment of the Senate thereto and a request for a conference.

The amendment was read.

Mr. SPRINGER. Mr. Speaker, I see no reason why the House should not concur in the amendment of the Senate to this bill.

The SPEAKER. It is a bill which was reported originally by the Judiciary Committee.

Mr. SPRINGER. I understood that it had come from the Committee on Territories. That committee has always had jurisdiction of such bills in previous Congresses.

The SPEAKER. The Chair has no personal knowledge in regard to the matter.

Mr. EZRA B. TAYLOR. I think that this bill came from the Judiciary Committee. It is proper, however, that there should be nonconcurrence.

Mr. SPRINGER. I move that the amendments of the Senate be nonconcurred in and the conference requested agreed to.

The motion was adopted.

PUBLIC BUILDING, PUEBLO, COLO.

The bill (H. R. 154) for the erection of a public building at Pueblo, Colo., was laid before the House with amendments of the Senate and a request for a conference.

Mr. TOWNSEND, of Colorado. I move that the House nonconcur in the amendments of the Senate and agree to the conference asked.

The motion was agreed to.

PUBLIC BUILDING AT ROCKFORD, ILL.

The bill (H. R. 4559) to provide for the construction of a public building at Rockford, Ill., was laid before the House with amendments of the Senate and a request for a conference.

Mr. MILLIKEN. I move to nonconcur in the amendments of the Senate and agree to the conference asked.

The motion was agreed to.

LORENZO S. COFFIN.

The bill (H. R. 11098) for the relief of Lorenzo S. Coffin, late chaplain Thirty-second Regiment Iowa Volunteers, was laid before the House with amendments of the Senate.

Mr. CUTCHEON. I move that the amendments of the Senate be nonconcurred in, and a conference with the Senate requested.

The motion was agreed to.

MARY B. HASCALL.

The bill (S. 4585) granting a pension to Mary B. Hascall was laid before the House, with the message that the Senate disagreed to the amendments of the House and requested a conference.

Mr. CASWELL. I move that the House insist upon its amendments and agree to the conference asked.

The motion was agreed to.

EULOGIES ON REPRESENTATIVES RANDALL AND KELLEY.

Mr. O'NEILL, of Pennsylvania. I ask unanimous consent to offer a concurrent resolution relative to the printing of eulogies on two deceased members.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the number of copies of the eulogies delivered in both Houses of Congress upon Samuel J. Randall, late a Representative from the State of Pennsylvania (authorized by House joint resolution approved December 19, 1890), and upon William D. Kelley, also late a Representative from the State of Pennsylvania (authorized under House joint resolution approved June 5, 1890), to be specially bound by the Public Printer and delivered to their respective widows, is hereby increased from 50 to 100 each.

There being no objection, the House proceeded to consider the resolution; which was adopted.

Mr. O'NEILL, of Pennsylvania, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LIEUTENANT GENERAL IN THE ARMY.

Mr. McKINLEY. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (S. 1111) to revive the grade of lieutenant general in the Army of the United States, and that the bill be now considered, with the amendment proposed by the Committee on Military Affairs.

The bill was read, as follows:

Be it enacted, etc., That the grade of lieutenant general be hereby re-established in the Army of the United States; and the President of the United States is hereby authorized to appoint, with the advice and consent of the Senate, a lieutenant general of the Army of the United States.

SEC. 2. That the pay and allowances of the lieutenant general be the same as heretofore allowed for that grade.

The amendment of the Committee on Military Affairs was read, as follows:

After the word "States," in line 7, insert the following: "to be selected from among those officers in the military service of the United States most distinguished for courage, skill, and ability, which grade shall continue during the continuance in office of the officer appointed under and by virtue of this act, after which such grade shall cease."

The SPEAKER. Is there objection?

Mr. OWENS, of Ohio. I object.

Subsequently,

Mr. WHEELER, of Alabama, said: The gentleman from Ohio [Mr. OWENS] withdraws his objection.

The SPEAKER. It is too late to withdraw it, after the House has resolved to go into Committee of the Whole.

ENROLLED BILLS SIGNED.

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 507) to provide for the erection of a public building in the city of Youngstown, Ohio;

A bill (S. 2405) to provide for the purchase of a site and the erection of a public building thereon at Lewiston, in the State of Maine;

A bill (S. 3417) to provide for the purchase of a site and the erection of a public building thereon at Haverhill, in the State of Massachusetts;

A bill (H. R. 5474) to make payment to E. H. Mix, E. H. Griswold, D. D. Griffith, and C. C. Goodspeed, on erroneous land-entry payments;

A bill (H. R. 9490) authorizing the Secretary of War to grant to the trustees of the Maine Insane Asylum, Augusta, Me., a license to construct a roadway through the United States arsenal grounds at Augusta, Me., and allow the same to be used by the public;

A bill (H. R. 11237) to amend sections 1346 and 1348 of the Revised Statutes of the United States, in reference to the visitation and inspection of the military prison and examination of its accounts and government;

A bill (H. R. 12365) to authorize Oklahoma City, in Oklahoma Territory, to issue bonds to provide a right of way for the Choctaw Coal and Railway Company through said city; and

A bill (H. R. 12395) granting a pension to Mrs. E. J. Baldy, widow of W. H. Baldy.

ARMY APPROPRIATION BILL.

Mr. CUTCHEON. I move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of the Army appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. DINGLEY in the chair.

The CHAIRMAN. The Clerk will report the unfinished business before the committee.

The Clerk read as follows:

A bill (H. R. 12573) making appropriations for the support of the Army for the fiscal year ending June 30, 1892, and for other purposes.

Mr. CUTCHEON. Mr. Chairman, when the committee rose last evening there was pending an appeal from the decision of the Chair on a point of order made by myself to an amendment offered by the gentleman from Missouri [Mr. BLAND]. I think that perhaps, notwithstanding the fact that the point of order was, in my judgment, well taken, it will be better to submit the question to the committee, and I am willing to withdraw the point of order and allow a vote to be taken on the amendment. I ask consent now to withdraw the point of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The Clerk will again report the amendment proposed by the gentleman from Missouri [Mr. BLAND].

The Clerk read as follows:

Add at the end of line 25, on page 4:

"*Provided*, That no moneys herein appropriated shall be paid to any army officers detailed for duty as instructors in any State college or State institution."

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, I desire to call the attention of the committee for a few moments to the amendment which is now offered by the gentleman from Missouri, which is very far-reaching in its character and which reverses or destroys the policy of the Government heretofore for nearly twenty-eight years as to this matter of details of military officers for instructors in schools and colleges. I think the amendment ought not to be adopted.

The Army of the United States is so small that it is absolutely impossible for us to depend upon it in time of war. We must depend upon the uniformed militia and upon the educated young men who have had their training in the various colleges where military tactics are taught throughout the United States.

Under the provisions of the present law there are fifty officers of the Army detailed to fifty institutions of learning throughout the country, free of all expense to the particular institutions or to the State in which they are established, but whose expense is paid out of the money of the people for the purpose of training the youths in these colleges in the elementary knowledge and principles of military affairs, especially in the capacity to at once take hold of raw recruits and control them to such an extent as to render them efficient for service as soldiers.

This is but a slight expense to the people at large and the results are of great value. The effect of the amendment now proposed is to absolutely destroy the military education which at this very slight cost is being given to so many thousands of young men all over the country. There are probably to-day not less than from eight thousand to ten thousand youths under the supervision and instruction of these fifty officers, and the number is gradually increasing, these men being scattered all through the country filling places as lawyers, doctors, merchants, preachers, farmers, and in every other walk of life, with sufficient knowledge of military tactics, in cases of emergency, to make admirable captains, majors, or even colonels of volunteers without going through that period of ignorance and inexperience which we found to be so disastrous on both sides during the late war.

Besides that, Mr. Chairman, it popularizes the Army. It is almost the sole connection between the Army and the people at large. The fifty young men who have received their military education at the training schools of the Government go out into the colleges or institutions of learning scattered amongst the States, associate with the youth of the country, and they come back into the Army with an entirely different state of feeling, with different ideas and associations than when they went into the colleges. No bright, active young officer trained at West Point with army associations and army opinions can go out into these schools and colleges, remain there two or three years, associate with the young men from all parts of the country, and not receive thereby a liberalizing education which he does not get at West Point. So that we are at one and the same time educating our people at large for active military purposes, and at the same time we are training in a higher degree the officers of our Army who are thus brought in contact with the people. We are liberalizing our army officers, making of them a better type of officers and citizens, and at an expense almost nominal.

But, Mr. Chairman, it does another thing. The defect of the American Army is dry rot. The young men say that they have no chance for promotion. They are rushed out to the posts on the frontier. A lieutenant will be forty-three or forty-four years of age before he gets to be captain. He knows that there is no chance for him except through seniority. Here opens to him an opportunity to enter upon literary or semiliterary pursuits. It gives bright young men in these institutions an opportunity to do something, an opportunity to study. The contact into which he is brought with young men from all parts of the country increases his desire to do something; and out of this class of young men come the officers who are writing the military history of the day, the treatises on military affairs, who furnish the articles to the magazines. It creates a sort of *esprit de corps* in the Army. It tends to create a better spirit in the Army. It tends to make the standing of the officers higher and better. I do not hesitate to say that, as between destroying this training for these young officers and destroying West Point, it is doubtful which would be the more disastrous to the American Army.

I earnestly hope the amendment will not be adopted.

[Here the hammer fell.]

Mr. BLAND. Mr. Chairman, the gentleman from Kentucky states that one reason why he favors this system of detail of military officers to State institutions is to popularize the Army. That idea may pertain and it may be proper in governments where the military force is necessary to support the government, in monarchical institutions, but under our republican form of government I think the other idea ought to prevail, and that is, to popularize civil liberty and civil institutions. We have to-day a spirit in this country that I might say borders on a species of worship of the military—military titles, military institutions, and military men—by which we have the "Sons of the Revolution," the "Sons of the Veterans of the War of 1812," and the "Sons of the Veterans" of the late war, as well as the veterans themselves, as though there was some distinction that ought to be made between the citizens of this Republic who belonged to the military and those who pertain to civil life only.

I do not think, Mr. Chairman, that we ought further to inculcate that worship of military glory, military position, or the popularizing of the military arm of the Government of the United States. There is no necessity for it in our republican form of government, and, as I stated in the beginning of the debate on this bill, I do not know under what provision of the Constitution or theory of our Government we have any right to authorize a detail of Federal officers to perform such duties in State institutions, State duties only. We have no right to tax the people of one State to send officers to teach in the colleges of another State. The Federal Treasury is supposed to have drawn the money of the people from every part of the Union, from every State in the Union, for the benefit of all the States and citizens alike, and yet if this policy is to be pursued a few States may be favored with these army officers as teachers and professors in their colleges, at the expense of all of the other States not so favored. It is a species of favoritism.

Mr. BRECKINRIDGE, of Kentucky. Will the gentleman allow me to interrupt him? Any State in the Union can obtain one of these officers, and I do not suppose there is a State in the Union which has not one or more.

Mr. BLAND. Mr. Chairman, I am not advised of that, but I doubt very much whether all the States have these officers detailed to them. Some may have more than one.

Mr. BRECKINRIDGE, of Kentucky. The gentleman from Michigan will know better than I do. The matter was discussed when the number was increased, and my recollection was that every State has at least one and many of the States have two.

Mr. CUTCHEON. I have here a complete list of all the institutions in the country to which these officers are detailed, which I will read if the gentleman desires me to.

Mr. BRECKINRIDGE, of Kentucky. I am informed that Missouri has three of these officers.

Mr. BLAND. It does not matter how many Missouri has or how many any other State has; but standing here, actuated as I believe by a proper regard for the Constitution of my country, I protest against this continued, unceasing attempt on the part of Congress to legislate where it has no authority to legislate.

Mr. VAUX. That is the right doctrine.

Mr. BLAND. So I protest against this attempt to detail officers for duty in the States, to perform duties that do not belong to the Federal Government and to interfere with the States. At nearly every session of Congress we have bills authorizing the increase of these detailed officers. If we have a right to send one officer to a State for such purposes, we have a right to send the whole Army there, and I say it is a growing evil and an indication on both sides of this House of a spirit that tends to interfere with the rights of the States, to trangress and transcend the duties of Congress, and to waste the public revenue in a manner that never was intended by the Constitution and by the fathers. I protest against it.

Mr. CUTCHEON, Mr. OUTHWAITE, and Mr. FLOWER rose.

Mr. FLOWER. I move to strike out the last word.

The CHAIRMAN. The gentleman from Michigan is recognized.

Mr. CUTCHEON. I desire to say a few words in reply to the gentleman from Missouri [Mr. BLAND], and after that the gentleman from New York [Mr. FLOWER] undoubtedly will have an opportunity to address the committee. I desire to say in regard to this amendment that it practically proposes to repeal all legislation in regard to the detail of officers and instructors at military institutions, because it takes away the pay of these officers, and of course none would be detailed under such circumstances. This legislation has been in existence since July 28, 1866. The original act was passed in connection with the founding of the agricultural colleges since 1862. In the Revised Statutes, which is the earliest act which I have before me, it is provided in section 1225 that—

The President may, upon the application of any established college or university in the United States having a capacity to educate at the same time not less than one hundred and fifty male students, detail an officer of the Army to act as president, superintendent, or professor thereof; but the number of officers so detailed shall not exceed twenty at any time.

The number was afterward increased to thirty, then to forty, then to fifty, and, by the act which passed last week, to seventy-five.

In the Fiftieth Congress, by the act of September 26, 1888, it was provided that this section should be amended as follows:

That the President may, upon application of any established military institute, seminary or academy, college or university, within the United States, having a capacity to educate at the same time not less than one hundred and fifty male students, detail an officer of the Army or Navy—

This is the first time, I believe, that the Navy appears—

to act as superintendent or professor thereof. But the number of officers so detailed shall not exceed fifty from the Army and ten from the Navy.

Being a maximum of sixty. There is no material change in the original statute except that it provides that ten officers from the Navy may be detailed. Now, from this report it appears that there are detailed at the present time the full number of fifty officers from the active list and four officers from the retired list. I hold in my hand the last annual report of the general commanding the Army, and following page 110 will be found a table giving a list of all the institutions to which all these officers are detailed, being fifty from the active list and four, as I said, from the retired list. These officers are all lieutenants. There is a surplus of lieutenants in the Army, because we are obliged to keep up the regular organization of the companies, while in the infantry there are but thirty-eight members to a company, four sergeants besides the first sergeant, four corporals, two musicians, two artificers, and a wagoner, making up the company. The institutions to which officers are detailed are the following:

1. Alabama Agricultural and Mechanical College, Auburn, Ala.
2. Arkansas Industrial University, Fayetteville, Ark.
3. University of California, Berkeley, Cal.
4. State Agricultural College of Colorado, Fort Collins, Colo.
5. Sheffield Scientific School (Yale), New Haven, Conn.
6. Delaware College, Newark, Del.
7. North Georgia Agricultural College, Dahlonega, Ga.
8. Knox College, Galesburgh, Ill.
9. University of Illinois, Champaign, Ill.
10. De Pauw University, Greencastle, Ind.
11. Purdue University, La Fayette, Ind.
12. Iowa State University, Iowa City, Iowa.
13. Cornell College, Mount Vernon, Iowa.
14. Kansas State Agricultural College, Manhattan, Kans.
15. Agricultural and Mechanical College of Kentucky, Lexington, Ky.
16. Louisiana State University, Baton Rouge, La.
17. Maine State College, Orono, Me.
18. Maryland Agricultural College, Prince George's County, Maryland.
19. St. John's College, Annapolis, Md.
20. Massachusetts Agricultural College, Amherst, Mass.
21. Michigan Military Academy, Orchard Lake, Mich.
22. Michigan Agricultural College, Lansing, Mich.
23. University of Minnesota, Minneapolis, Minn.
24. Agricultural and Mechanical College of Mississippi, Starkville, Miss.
25. Missouri State University, Columbia, Mo.
26. University of Nebraska, Lincoln, Nebr.
27. State University of Nevada, Reno, Nev.
28. Rutgers College, New Brunswick, N. J.
29. St. John's College, Fordham, N. Y.
30. Cathedral School of St. Paul, Garden City, Long Island, N. Y.
31. Cornell University, Ithaca, N. Y.
32. Bingham School, Orange County, North Carolina.
33. University of North Dakota, Grand Forks, N. Dak.
34. Ohio State University, Columbus, Ohio.
35. University of Wooster, Wooster, Ohio.
36. Ohio Normal University, Ada, Ohio.
37. Pennsylvania Military Academy, Chester, Pa.
38. Allegheny College, Meadville, Pa.
39. Pennsylvania State College, Centre County, Pennsylvania.
40. South Carolina Military Academy, Charleston, S. C.
41. Agricultural College of South Dakota, Brookings, S. Dak.
42. University of Tennessee, Knoxville, Tenn.
43. University of the South, Sewanee, Tenn.
44. Agricultural and Mechanical College of Texas, College Station, Tex.
45. University of Vermont, Burlington, Vt.
46. Norwich University, Northfield, Vt.
47. Virginia Agricultural and Mechanical College, Blacksburgh, Va.
48. West Virginia University, Morgantown, W. Va.
49. University of Wisconsin, Madison, Wis.
50. Florida Agricultural College, Lake City, Fla. (The military detail at this college has been discontinued.)

Shattuck School, Faribault, Minn.
Military Academy of Peekskill, Peekskill, N. Y.
Iowa Wesleyan University, Mount Pleasant, Iowa.
Bishop Scott Academy, Portland, Oregon.

I think that every State, without exception, has from one to three. I observe that Missouri has two. The Agricultural and Mechanical College of Mississippi has one. There can be no doubt of the great good these officers are doing as instructors, and there can be no doubt in my mind that it is equally beneficial to the organization of the State militia and to the regular Army. It is an inspiration to these young officers to get out of the barracks, out from the military posts into the States, among the bright, intelligent young men of the country, to come in contact with them; and it is an inspiration to the young men of these institutions to have these officers come among them. I hope that this amendment will be voted down unanimously.

Mr. VAUX. Mr. Chairman——

The CHAIRMAN. The gentleman from New York rose some time ago to address the committee, and the Chair now recognizes him.

Mr. FLOWER. It is true, Mr. Chairman, that while the records of history are full of reference to those who fought for their country, yet the man who invented the plow has not a single page. Suppose we have an army of 26,000 men. We keep it at that low point for the reason that we are jealous of our liberties. I have never heard before that it was criminal to advocate an army of 26,000 men or to educate the people to fight.

I believe this army of 26,000 is necessary for the preservation of this Republic. I believe it is proper and right that it should be used as a school to educate the young men of our land in the art of war; and if we do that well, and popularize it, the better it will be for this Republic. I see no danger to the Republic in sending a lieutenant wherever it is desired into a State to educate young men in military tactics. Would you have the country as it was in 1861, with only a few men North and South that knew anything about war? I think it better to teach all our youths how to fight in this way, and it does not seem to me that you endanger the Republic by doing so.

Mr. DOCKERY. Probably you avoid a fight by teaching the people how to fight.

Mr. FLOWER. It teaches them how to fight; and it is a very proper part of this bill. Therefore I am opposed to the amendment.

Mr. VAUX and Mr. KERR, of Iowa, rose.

The CHAIRMAN. The Chair will recognize the gentleman from Pennsylvania.

Mr. VAUX. Mr. Chairman, the question of the amendment as to the payment of these detailed army officers is not a matter of very great importance, but it is of very great importance when you come to consider the principle on which his detail is sought to be made.

If I understand it, they are taking seventy-five officers of the Army for whom they have no work to do (men that are getting paid as officers of the Army and rendering no service perhaps) and sending them to the States to do what? To go into the schools of the States and teach the young men that the Federal Army, the army of force and bayonets, is the controlling power of this Republic.

I deny that they can teach such heterodox doctrine in a Republic such as ours. Our is a Republic of peace, not a Republic of war. If you want it to be an empire, you are taking the shortest course to bring this empire upon you. All governments of war have used the army as the controlling power and used it as a force against reason. But whenever you have an effort made to overturn the principle of self-government and break down the American doctrine that the people are the source of all power and good government, it is then you find just such an enunciation as this, that the Federal Army shall control the power, shall control education—of what, and how, and whom? That the young men of the country in these matters shall look up to Federal authorities, to Federal force, to the Federal Army, to Federal arms, to Federal control as one of the means by which these young men are to gain reputation and character. Gentlemen say there is no harm in this. No; there is no harm at all until the harm is made manifest and apparent, and then there is no remedy.

We see now that an effort is being made to control what are called the State guard. Some States have home guards and some have national guards; and now an effort is being made to send officers of the Army to control those people; and to control them for what? What is this proposition? To educate them in the art of war. And what is the art of war? The art of war is the art of force. It is to teach men to control and to regulate. What! Do we want to teach any of the States any such lessons as that? The art of war! Why should they not teach anything else? Why not send them to teach all the subjects that are taught in the schools? Why not have them teach mathematics? Why not have them teach the languages? Why not have them teach anything else?

Mr. CUTCHEON. Will the gentleman allow me a question?

Mr. VAUX. Certainly.

Mr. CUTCHEON. Are you in favor of a militia?

Mr. VAUX. I am in favor of the States regulating their own affairs, in their own way, for their own people.

Mr. CUTCHEON. Are you not in favor of a well-instructed militia?

Mr. VAUX. I will state what kind of a militia I am in favor of. I am not in favor of putting the State militia under the Federal Government and allowing the Federal Government to teach that militia.

Mr. CUTCHEON. Not one of these officers will be sent to a State institution unless the State asks for it.

Mr. VAUX. Very well; so much the worse; because you are but tempting the States to ask for these officers in order that they may teach the militia, to overrule their own self-government not by an army of the militia, the army of the people, but by Federal military teachings and Federal force.

Mr. KERR, of Iowa. Mr. Chairman, the gentleman has rightly said that governments rest on force, and the best government and strongest government of the world is a republican government, because it finally can marshal all the forces of the people.

Now, Mr. Chairman, I rose to say something in regard to the remarks that were made yesterday by the gentleman from Missouri [Mr. STONE], and I desire to read an extract from what he said in order to emphasize the necessity for a well-controlled army and for general education in the military art. I quote from his speech on this bill yesterday, from what he said about the election bill:

And remembering, as I do, that I spring from the loins of men who bore their parts nobly and well in the perilous days of the Revolution, I would be untrue to their memory and to myself, I would be untrue to my country, to my trust, to the Constitution of the fathers, and to human liberty, if I did not spit upon such a law, despise its authors, and defy its power.

I had supposed that the day for such expressions in this body had passed and that we would henceforth have no need of the Army at home except to overcome hostile Indians, and that no man in this body or in this country would, at least in this generation, defy the law of the land. I call the gentleman's attention to the oath which he, as a member of this body, in common with the rest of us, has taken. Under that oath we are bound to see that no person shall be denied the equal protection of the law as provided in the first clause of the fourteenth amendment to the Constitution, and the gentleman from Missouri, in common with the rest of us, has sworn to enforce that article by the appropriate legislation of Congress, as provided in the last clause of that amendment. The fifteenth amendment to the Constitution also provides in the first article that the right of citizens to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude, and the gentleman, in common with the rest of us, has taken an oath to enforce that provision according to section 2 of Article XV, which says that "Congress shall have power to enforce this article by appropriate legislation." The gentleman in his remarks yesterday quoted from the address of the Hartford Convention in 1812.

I quote what the gentleman read from the address of the Hartford Convention:

That acts of Congress in violation of the Constitution are absolutely void, is an undeniable position. It does not, however, consist with respect and forbearance due from a Confederate State toward the General Government to fly to open resistance upon every infraction of the Constitution. The mode and the energy of the opposition should always conform to the nature of the violation, the intention of the authors, the extent of the injury inflicted, the determination manifested to persist in it, and the danger of delay. But in cases of deliberate, dangerous, and palpable infractions of the Constitution, affecting the sovereignty of a State and liberties of the people, it is not only the right, but the duty of such a State to interpose its authority for their protection in the manner best calculated to secure that end. When emergencies occur which are either beyond the reach of the judicial tribunals or too pressing to admit of the delay incident to their forms, States which have no common umpire must be their own judges and execute their own decisions. It will thus be proper for the several States to await the ultimate disposal of the obnoxious measures recommended by the Secretary of War or pending before Congress, and so to use their power according to the character these measures shall finally assume as effectually to protect their own sovereignty and the rights and liberties of their citizens.

If the gentleman had been as careful a student of history as I supposed him to be, he would have observed that the language of this address of the Hartford convention in the objectionable part which he quoted was taken almost literally from the resolutions adopted under the direction of Mr. Jefferson in Kentucky and Virginia fourteen years before.

Mr. OUTHWAITE. And in Ohio afterwards.

Mr. KERR, of Iowa. And the gentleman would have known that those identical resolutions were indorsed before the war by the Democratic party of the entire country, but they never, after the famous debate between Hayne and Webster, were approved by the people of the North. It should be observed, too, that the men who formed the Hartford convention said that they appealed to Congress in advance not to pass the measures to which they objected, and stated that they would not counsel any action at that time, but with rare deliberation counseled delay. The gentleman proceeded to denounce the Hartford convention and the spirit by which it was animated, as follows:

Soon after this the war came, and while our fathers were grappling in a death struggle with Great Britain a convention of pro-English sedition-breeders and plotters of treason assembled at Hartford on the 15th day of December, 1814. George Cabot, the grandfather, as I am informed, of the reputed author of this force bill, was the president of that convention. The delegates composing it unquestionably represented the dominant sentiment in the Commonwealths whose credentials they bore, but happily there were thousands of stalwart and incorruptible patriots among their constituencies who stood ready to imperil everything for the honor and safety of the Republic. The deliberations of the convention, therefore, were conducted with guarded secrecy, under lock and key. But it is known that those deliberations were characterized by a spirit of sedition and bigotry, of enmity to the Constitution and revolt against the authority of the United States.

What think you of that? A convention of Americans, assembled by the authority of their States, and in an hour of extreme peril to the nation, then straining every nerve and muscle to the utmost in a mighty struggle with a formidable foreign foe, whose ships were hovering in our waters and whose battalions were marshaled on our soil, plotting, ay, sir, plotting, with drawn blinds and candles lit at midday, against the authority of the Government! Almost on the very day when Jackson's intrepid squadrons were hurling back the red line of invasion which had swept up against the walls of New Orleans this convention issued a public address to the people of New England, in which, exalting commerce above every consideration of patriotism and national unity, it assailed the Constitution of the United States and the Administration at Washington, denounced the war as wicked and unnecessary, and condemned the Government as feeble, ineffectual, and despotic in its conduct.

I will not attempt in the few minutes at my command to vindicate or even apologize for the men who were in sympathy with the Hartford convention further than what I have already said, but saying nothing about the action of those who were in arms to destroy the Government in the late war. The gentleman unwittingly describes with great accuracy the party who sympathized with them in that movement, and which, at Chicago, in 1864, when Abraham Lincoln and Grant were marshaling the forces of the Union for the preservation of the Government of the Constitution, resolved—

That this convention does expressly declare, as the sense of the American people, that after four years of failure to restore the Union by the experiment of war, during which, under pretense of military necessity or war power higher than the Constitution, the Constitution itself has been disregarded in every part, and public liberty and private right alike trodden down and the material prosperity of the country essentially impaired, justice, humanity, liberty, and the public welfare demand that immediate efforts be made for a cessation of hostilities, etc.

What shall be said of the men on the other side of the Chamber in view of the requirements of the gentleman from Missouri. I remarked the other day that the Democratic party, up to the time it elected James Buchanan, an old Federalist, who is reported to have once said, "If he had a drop of Democratic blood in his viens he would let it out," never failed to ring the changes denouncing men who were suspected of sympathy with the Hartford convention. But I did not expect to have a gentleman on that side verify so soon the rule that I cited, and require that a man should not only be faithful in his own life, but that he should be responsible for his lineage.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KERR, of Iowa. I desire unanimous consent to proceed for two minutes. [Cries of "Go on!"]

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa that he be allowed to proceed two minutes longer?

There was no objection.

Mr. KERR, of Iowa. I say, Mr. Chairman, I did not suppose that the time would come so soon, in view of the history of the Democratic organization, when one of its members would hold that a man should be required not only to present in his own life a record of faithful service and loyalty to the country, but also to guaranty that his ancestors back to the third generation had always been faithful and loyal to the country, and claim that if his grandfather was not sound he was not to be trusted as a leader in legislation.

Mr. SPINOLA. Does that apply to Benedict Arnold's ancestry or to those who followed him?

Mr. KERR, of Iowa. I am not speaking now of Benedict Arnold.

Mr. SPINOLA. Well, the Hartford convention was not much better.

Mr. KERR, of Iowa. Now, Mr. Chairman, as I have already said, the Hartford convention never counseled actual war, yet a Democratic statesman, who boasts that he has been raised in the period since the war, brings into this House the history of a man three generations ago as a reason why certain legislation advocated by his descendant should not pass this House and should be spat upon and defied if passed.

The gentleman from Missouri informs us that he is one of the young men of the Central States who have grown to manhood since the war. In view of the declaration of the gentleman which I quoted at the beginning of my remarks, I say, God help the rising generation of the district he represents.

Mr. JOSEPH D. TAYLOR. Mr. Chairman——

Mr. CUTCHEON. Mr. Chairman, I desire to make a motion to limit debate.

Mr. JOSEPH D. TAYLOR. I have the floor. I was recognized once before and gave way.

The CHAIRMAN. The gentleman from Ohio [Mr. OUTHWAITE] has been recognized, unless he yields to the chairman of the committee.

Mr. JOSEPH D. TAYLOR. I do not yield.

Mr. OUTHWAITE. The chairman of the committee will yield me five minutes, I think, to say a few words on the pending amendment.

The CHAIRMAN. The gentleman from Ohio [Mr. OUTHWAITE] has the floor unless he yields to the chairman of the committee in charge of the bill for the purpose of making a motion to limit debate.

Mr. OUTHWAITE. I prefer to say a few words on the amendment at this time.

Mr. Chairman, the first proposition in support of this amendment is that the practice provided for by law of detailing officers of the Army to State educational institutions as instructors in military science is an interference with the rights of the States. Gentlemen who lay down that proposition surely do not intend that it shall be taken seriously, when the Constitution itself among its grants of power to

Congress provides that the Congress shall have the power to provide for calling forth the militia to execute the laws of the United States, and also for organizing and arming and disciplining the militia, and for governing such part of them as may be employed by the United States. This sending of officers out to the States for educational purposes is a very small step in the direction of carrying out these provisions of the Constitution. It is, indeed, a help towards organizing and disciplining the militia by strengthening the qualifications of young citizens to officer and train the same. This method of disseminating military knowledge and cultivating the military spirit among the people will aid in reducing the necessity for a standing army. These professor officers are often consulted by officers of the State militia and are sometimes invited to inspect State troops. These things all must have a good influence upon the perfecting of their efficiency.

As to the supposed interference with State jurisdiction, the United States Government has no authority by law to send a single one of these officers into any State, without application having first been made from that State; and where the institution is a State institution the application must be made by State officers.

Mr. BLAND. Will the gentleman allow me right there?

Mr. OUTHWAITE. Certainly, I will yield for a question.

Mr. BLAND. Does the gentleman contend that the States can confer authority upon Congress to detail officers at the request of the States?

Mr. OUTHWAITE. Certainly not; and it is not necessary to make any such contention as that.

Mr. BLAND. The gentleman has stated that we have no authority to make a detail of this kind until a State asks for it. If that is so, we have no authority at all.

Mr. OUTHWAITE. I say the Department has no authority, by the law under which this is being done, except upon application from the States. The dreadful intrusion can be made only upon request from the State thus fiercely invaded.

Mr. Chairman, what has been said here by way of objection based on the question of economy is equally untenable. These officers are already in the Army. They can not be dismissed or discharged; it is well that they should be employed, not idle. They must continue to receive pay, whether they are serving the United States or acting in State institutions. They can be recalled for active service when needed.

Mr. COBB. Will the gentleman allow me a question?

Mr. OUTHWAITE. Not now; I have not time in five minutes.

Some time ago there was a proposition before Congress to purchase certain plates showing the uniforms of the officers of the Federal Army, and I believe of the privates also, from the beginning of our Government up to a recent date. One great objection made on this floor to the purchase of those plates was that one of them contained a picture of officers of the Federal Army playing cards. Now, gentlemen who object to military officers of the United States Government going out to State institutions to do this useful service, this service so beneficial to themselves and to the youth of the States, would you have them come back and go into barracks somewhere and play cards during the time they might otherwise be spending in State institutions? So much for the question of economy as involved in this proposition. The objection on that ground, I say, is just as untenable as the other proposition, that the sending of United States officers to State institutions to teach youths military tactics is interfering with the rights of the States.

Mr. CUTCHEON. I move that debate on this proposition be limited to ten minutes, to be divided equally between the two sides.

Mr. WHEELER, of Alabama. I move to amend by making the time twenty minutes.

The CHAIRMAN. Does the gentleman from Michigan desire that this motion to close debate shall apply to the pending paragraph and all amendments?

Mr. CUTCHEON. Yes.

The CHAIRMAN. The gentleman from Michigan moves that debate on the pending paragraph and all amendments thereto be limited to ten minutes.

Mr. WHEELER, of Alabama. I move to amend by making it twenty minutes.

Mr. CUTCHEON. Let us compromise and agree on fifteen minutes.

Mr. BRECKINRIDGE, of Kentucky. I think we shall get through quicker if the gentleman from Michigan will assent to twenty minutes.

Mr. CUTCHEON. Very well, let it be twenty minutes.

The CHAIRMAN. The gentleman from Michigan modifies his motion and moves that debate on the pending paragraph and all amendments thereto be limited to twenty minutes.

The motion was agreed to.

Mr. CUTCHEON. Does the gentleman from Alabama [Mr. WHEELER] desire to control ten minutes of the time?

Mr. WHEELER, of Alabama. Yes, sir.

Mr. CUTCHEON. I yield five minutes to the gentleman from Ohio [Mr. JOSEPH D. TAYLOR].

Mr. BLOUNT. Are we not proceeding under the five-minute rule?

The CHAIRMAN. We are.

Mr. BLOUNT. Then I do not understand this yielding.

The CHAIRMAN. Does the gentleman from Michigan desire to occupy any more time?

Mr. CUTCHEON. I do not desire to control the time. The gentleman from Ohio [Mr. JOSEPH D. TAYLOR] wishes to be recognized.

Mr. BLAND. The gentleman from Michigan and the gentleman from Alabama are both opposed to this amendment; and I object to the time on both sides being controlled by them.

The CHAIRMAN. The gentleman is right. The Chair will recognize some gentleman in favor of the amendment.

Mr. JOSEPH D. TAYLOR. Mr. Chairman, I am very much interested in the provision of this bill which increases the number of military officers who may be detailed to educational institutions of the country. I am a member of the board of trustees of a college which has had a detail of this kind for many years. During the last year it was intimated to us that in consequence of the great number of applications from colleges desiring the benefit of these details the Government would be compelled to alternate in making the details. I remember that last winter the president of one of the largest colleges in the State of Pennsylvania came here and spent a number of days for the purpose of using his influence in favor of an increase of the kind now proposed.

But gentlemen object that this measure involves an increase of taxation. I need not spend any time upon that objection. The gentleman from Ohio [Mr. OUTHWAITE] who has just spoken has shown the futility of the objection. Every member of this House knows very well that this proposition will not impose a single dollar of expense upon the Government. These officers are under pay at any rate; their salaries will be drawn; and the Government will not suffer by reason of the benefit which the States may enjoy under a measure of this kind.

A provision of this kind will not only benefit the colleges to which officers may be assigned, but will be a benefit to the army officers themselves. Inquiries are now being made as to the character, habits, and deportment of these military officers; for these colleges say: "We do not want a man of bad character or bad habits; we do not want any man whose influence would tend to the demoralization of the students." For this reason colleges are searching for officers of the Army of the highest character; and as army officers are glad to be thus detailed, glad to be connected with these colleges, glad to be associated with the professors of the first institutions of the country, this system of details is an incentive to these officers to maintain themselves as gentlemen of high character, such as will command the respect of the colleges of the country.

Mr. COBB. Will the gentleman allow a question for information?

Mr. JOSEPH D. TAYLOR. Yes, sir.

Mr. COBB. Does the law providing for these details limit them to colleges or State institutions exclusively or is it not broad enough in its scope to allow the details to be made to private schools in the States? That is my remembrance.

Mr. JOSEPH D. TAYLOR. The Secretary of War can determine. Applications are made and are filed with him. Applications are on file now. I know of colleges in Ohio which have been trying for years and years to have such details, and have not been able to succeed. Therefore it is a question of discretion, a question of judgment, where will the men do the most good and what colleges are best entitled to have the applications granted?

Mr. COBB. If the gentlemen will allow me, the question I want answered is, does not the law provide for the detail on application without regard to the character of the institution, except as to certain specified conditions?

Mr. JOSEPH D. TAYLOR. You had better make the inquiry of the chairman of the committee, who is more familiar with the subject than I am. I care nothing about that; I am only anxious that the number shall be increased in order that additional colleges may be accommodated. But if this amendment prevails, if the expense should be charged to the colleges, these institutions, in many cases, will not be able to make the application for them, for they have as many professors under pay now as they can provide for.

[Here the hammer fell.]

Mr. COBB. Mr. Chairman, I have prepared myself to answer the question I propounded a moment ago to the gentleman from Ohio, who has just occupied the floor. The law provides—

> That the President may upon application of any established military institution, seminary or academy, college or university, within the United States having a capacity to educate at the same time not less than one hundred and fifty male students—

in his discretion make the detail applied for, etc.

Now, then, this law is not such an one as has been presented to us in the arguments, or some of them, to which I have listened this morning. The gentleman from Ohio made the broad assertion that these officers could not go into a single State unless authorized by a call for the service made by the State itself. There is no such provision in the law. Any private institution in the United States, in any of the States, can have the benefit of this detail if the President of the United States sees proper to allow it.

Under this enactment we stand face to face with this proposition:

Whether the Government of the United States is authorized to interfere in the education of the country in the private schools of the land. The system is on all fours with the attempt we find being made to grant subsidies for the building up of certain particular interests. The claim was made the other day, and pressed with earnestness, eloquence, and emphasis, that we should subsidize American shipping interests because we thereby greatly tend to the education of American seamen for service in time of war. Along the same line we are called upon now to subsidize educational institutions in order that we may prepare the young men of the country to perform the part of educated soldiers in time of war.

It is the same thing, the same argument, the same principle which underlies both. Every time an army officer is detailed to take charge of a private educational institution, by that act you grant a subsidy to that particular institution. "But it does not cost anything," the gentleman from Ohio says. "These army officers are already under pay" is the argument advanced in support of this legislation; and yet it is apparent that you give private educational institutions receiving the benefit of this legislation a manifest advantage over others to the extent that you supply educated, competent teachers without charge. It is the granting of a subsidy to that extent, nothing more and nothing less. Now, Mr. Chairman, is this subsidizing business to be the policy of the Government? Is it to extend itself, to ramify itself, until it affects every industry in the whole land? Nothing more and nothing less than that proposition confronts us to-day.

It seems, Mr. Chairman, that this General Government of ours is to be the foster parent of all the enterprises of the land. The old-time doctrine that the mass of power in this country belonged to the States, the old-fashioned idea that this is a Government of limited and enumerated powers, and that the citizen must look to the laws of his State for protection in all the great interests that belong to him as an individual, seems to have passed away.

[Here the hammer fell.]

Mr. BLAND. I yield four minutes to the gentleman from Alabama [Mr. WHEELER].

Mr. WHEELER, of Alabama. Mr. Chairman, I desire to express myself as fully concurring with the gentleman from Missouri in what he said as to the importance of bringing the Army into closer and more intimate relations with the people; and I also agree with him in all he has said regarding the importance of maintaining our Government in its original purity, in adhering to simple methods and exacting the strictest economy in every branch of the public service. I agree with him that we should oppose all laws which in the slightest degree infringe the letter or the spirit of the Constitution.

I agree with him that a system should be corrected, the tendency of which is to give a preference to the sons of officers in filling vacancies in the lower grades. I believe with the gentleman from Missouri that we should draw from the great body of the people and from all parts of our country for this purpose, and actuated by such views I have advocated, since I have been a member of this House, all laws which tend to bring the Army and the people into more intimate relations. Prior to thirty years ago the Army was a thing apart. The sons of officers knew of nothing but army life, and naturally they sought the Army as their vocation.

The people at large knew nothing of the Army, and therefore did not seek that vocation, and the consequence was that the sons of officers were selected to a very great extent to fill the appointments in both the naval and military service. Now, we are changing this system, and the tendency is to bring the Army and the people more closely together, so that the people may know more of the Army and the Army more of the people.

The gentleman is quite mistaken as to the question of expense. These officers draw as little, and in many cases less, pay than when on other duty, and the Government makes a clear saving of their fuel, quarters, traveling expenses, and all other emoluments.

The importance of extending instruction in the rudimentary principles of military science beyond our single Military Academy at West Point must impress all thoughtful men, as all will admit that science is in future to be a very controlling element in the management of armies, and armies which have officers of the highest scientific skill will, of necessity, be the victorious armies of the future. Brute force, which a thousand or even five hundred years ago controlled so largely in battles, has become less and less potent, and science is each day more and more dominant and more and more important as an element in the control of armies and in winning victories.

Therefore it is of the utmost importance that the people of our land should have more opportunities for education upon military matters. The history of the world shows that there are comparatively few men who are willing to give that earnest study to those scientific branches which will enable them to become educated, scientific military men. In the great nations of Europe every incentive possible is given to encourage studies of that character. I would not advocate the adoption of methods like those prevailing in European countries; but we should give some opportunity to the youth of our land to acquire military education, so that those whose taste and ambition prompt them to pursue such studies can prepare themselves for usefulness in that grand and noble profession.

[Here the hammer fell.]

Mr. BRECKINRIDGE, of Kentucky. I had no idea, when I submitted a few remarks in opposition to the amendment of my friend from Missouri [Mr. BLAND], that I was going to be held, in consequence of those few remarks, to be the advocate of a standing army, of militaryism as against a peaceful republic, or that I would be held to be the advocate of a general system of subsidies for State schools and ships and everything else in the world. It does strike me very curiously that the advocacy of a measure which requires a very small part of the regular Army to be at the service of State educational institutions upon their application, or the use of military men, trained at the expense of those States through taxation, for the purpose of rendering that Army harmless as against the education of the masses in military affairs, should be regarded as the advocacy of militaryism.

Mr. Chairman, the simple proposition here is, shall we by an amendment to an appropriation bill reverse the policy of this country, adopted in 1862, by the donation of many millions of acres of our land for the establishment of agricultural and mechanical colleges, with military tactics as an educational feature, enlarged by the act of 1866, enlarged by the act of the last Democratic Congress, my friends not opposing it, in 1888? Although both my distinguished friends were members of that Congress, they intimated no opposition to it, and that policy was enlarged by the act passed last week, without the slightest opposition on the part of these distinguished gentlemen.

Mr. BLAND. Mr. Chairman, the gentleman is entirely mistaken in both propositions.

Mr. COBB. I want to say, if the gentleman will allow me, that I voted steadily against these accessions all the time.

Mr. BRECKINRIDGE, of Kentucky. I have no doubt the gentleman thinks so, but the RECORD fails to show any such votes, as far as I can find.

Mr. COBB. The gentleman is aware that the RECORD does not show all the votes that take place in this House.

Mr. BRECKINRIDGE, of Kentucky. Now, Mr. Chairman, having adopted that policy, having carried it out for twenty-five years, the opposition to it is revealed by an amendment on an appropriation bill; and the objections which I urged, and which I desire to recapitulate, are, first, that it popularizes the Army. Now, I do not mean that it makes the Army popular, but that it popularizes it. It puts the Army in a condition in the public mind that makes it responsive to the popular thought; that makes it an instrumentality of the popular will. The gentleman certainly will not say that that is not a good thing to do in a republic; that the Army in all its members and all its officers (these seventy-five that are to be detailed each year) should feel the popular impulse and be imbued with the popular spirit, and be in harmony with the common educational temper of the young men of the country.

Mr. COBB. What does the gentleman say about the army officers——

The CHAIRMAN. The time of the gentleman has expired; and the question is on the amendment offered by the gentleman from Missouri.

Mr. BLAND. I believe I have one minute left.

Mr. BRECKINRIDGE, of Kentucky. I think the Chairman has cut me out of two minutes; but, if he has not, I will give it to my friend from Missouri.

Mr. BLAND. My friend from Kentucky said he was not in the House the other day when the proposition came up to increase the number of officers to be detailed. Now, I have debated it because I am opposed to and have always opposed this character of legislation.

Now, Mr. Chairman, what I meant by "popularizing the Army" was not to popularize the officers of the Army, to divert the popular mind, the students in our colleges, in our State institutions, from a necessary civil education and a love of civil institutions to that of a military education.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Missouri.

The question was put; and the Chairman announced that the noes seemed to have it.

Mr. BLAND. Let us have a division.

The committee divided; and there were—ayes 12, noes 85.

Mr. BLAND. Mr. Chairman, I make the point of order that no quorum is present.

Mr. BUCHANAN, of New Jersey. But, Mr. Chairman, there is a quorum, as disclosed by the vote. It takes only a hundred to make a quorum in Committee of the Whole.

The CHAIRMAN. The vote lacked three of being a quorum, and the Chair will count. [After counting.] One hundred and thirty-one members are present, a quorum, and the amendment of the gentleman from Missouri is rejected.

Mr. RICHARDSON. Mr. Chairman, I desire to offer an amendment.

The Clerk read as follows:

Amend by adding to line 25 the following:

"That no part of the appropriation mentioned shall be paid to any officer detailed as an instructor in any State college or educational institution, unless the governor of the State where such detail is made first asks for such assignment of instructor."

Mr. COBB. I move to amend that——

Mr. BRECKINRIDGE, of Kentucky. I raise a point of order upon that.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BRECKINRIDGE, of Kentucky. That it changes existing law.

The CHAIRMAN. The gentleman from Kentucky makes the point of order that the amendment proposed changes existing law. The point of order is sustained.

The Clerk read as follows:

For mileage to officers on duty without troops when authorized by law, with the same limitations provided in this act for payment of mileage to other officers of the Army, $600.

Mr. CUTCHEON. Mr. Chairman, I move to amend the paragraph the Clerk has just read by inserting, after the word "officers," the words "when traveling." They were inadvertently omitted.

The Clerk read as follows:

On page 6, line 9, after the word "officers," insert the words "when traveling."

The CHAIRMAN. The question is on the amendment. Without objection, it will be considered as adopted.

There was no objection.

The Clerk read as follows:

For pay of officers on the retired list, and for officers who may be placed thereon during the current year, $1,012,122.68.

Mr. WILLIAMS, of Ohio. Mr. Chairman, I desire to offer an amendment.

The Clerk read as follows:

Add to line 20 the following:
"*Provided*, No officer shall receive pay as an officer on the retired list while receiving a salary as a Government official."

Mr. CUTCHEON. Mr. Chairman, I will be obliged to make the point of order upon the amendment that it changes existing law.

The CHAIRMAN. The point of order is sustained.

Mr. SPRINGER. Mr. Chairman, I am not certain whether that does change existing law or not, for the law provides that no person shall receive two salaries.

Mr. WILLIAMS, of Ohio. That was the point in my mind; and the amendment is strictly in accordance with existing law.

Mr. SPRINGER. You may by legislation of this kind on an appropriation bill change existing law by making an additional allowance where the law does not permit two salaries to be drawn.

Mr. CUTCHEON. I think I understand the question. I have in my mind one case, that of General Rosecrans, who holds an office in the Treasury Department. I raised that question once myself, and I was advised that he received compensation.

The CHAIRMAN. The point of order was made that it changed existing law, and as that statement was not objected to the Chair accepted it as true.

Mr. SPRINGER. As soon as I could catch the attention of the Chair, I called attention to the fact that I was not advised that it did change existing law.

Mr. CUTCHEON. I hope the gentleman will permit us to proceed with the bill.

Mr. WILLIAMS, of Ohio. I understand, Mr. Chairman, there are quite a large number of officers on the retired list drawing salaries as Government officials. If there is any doubt about the matter I will not urge the amendment. I had no particular person in my mind. If the Chair holds that it is subject to the point of order I acquiesce.

The CHAIRMAN. The Chair has held so, on the statement of the gentleman from Michigan that it changed existing law; and no one having controverted that statement the Chair assumed it to be the fact. If it does not change existing law the amendment would not be subject to the point of order.

Mr. HOLMAN. If the amendment does not change existing law, why, it is not subject to the point of order; and it certainly does not change existing law, but simply affirms it.

The CHAIRMAN. Then it is not subject to the point of order. The Chair assumed, in the absence of any assertion to the contrary, that the claim that it changed existing law was true.

Mr. CUTCHEON. If this amendment does not change existing law it is not needed. If it does, it is subject to the point of order.

Mr. HOLMAN. As a matter of fact it is well known to the gentleman from Michigan [Mr. CUTCHEON] that there is at least one instance where a gentleman is drawing a salary as a military officer and drawing another salary in another capacity, and I suppose this amendment is offered in view of that case for the purpose of reasserting the law as it now is.

Mr. SPRINGER. It seems to me that, whatever may be the law, it ought to be this, that the officer should receive the highest pay that either service allows him. That is, if he would get more as a retired officer he should be entitled to continue to receive that pay, and if he would get more as a civil officer he should be allowed to elect to take that; but to give him both seems to me utterly unreasonable.

Mr. WILLIAMS, of Ohio. If the amendment is not subject to the point of order, I think it is eminently proper that it should be adopted. I understand that quite a number of retired officers are now drawing Government salaries. Those men I want to reach by this amendment, because I do not believe they are entitled to draw two salaries from the United States Treasury. I hope we shall have a vote.

Mr. HOLMAN. This amendment will not do any harm at any rate.

Mr. WILLIAMS, of Ohio. It will not do any harm and it may do a great deal of good.

Mr. SPRINGER. I shall insist, Mr. Chairman, that the gentleman from Michigan [Mr. CUTCHEON] shall point out the statute which this amendment would change.

Mr. CUTCHEON. I am not able, Mr. Chairman, to point to the statute at this moment. I know what the practice has been and I presume it has been legal. The practice has been that officers while on the retired list have been permitted to engage in business either for the Government or for private corporations. For instance, General Newton, who is on the retired list, is receiving, I am told, a salary of $10,000 a year.

Mr. WILLIAMS, of Ohio. From the Government?

Mr. CUTCHEON. No; not from the Government.

Mr. WILLIAMS, of Ohio. That is a different case.

Mr. CUTCHEON. There may be a few such cases as gentlemen speak of. My attention was called a few moments ago to the case of General Meigs, who while upon the retired list has received compensation as engineer of the construction of the Pension Office and other public buildings.

The CHAIRMAN. What has the gentleman from Michigan [Mr. CUTCHEON] to say on the point whether the amendment changes existing law?

Mr. CUTCHEON. I am not able to cite the Chair to the statute. I based my statement on the practice.

The CHAIRMAN. Then, in the absence of a reference to any law which the amendment would change, the Chair will entertain the amendment.

The amendment was again read, as follows:

At the end of line 20 insert the following:
"*Provided*, No officer shall receive pay as an officer on the retired list while receiving a salary as a Government official."

Mr. SPRINGER. You ought to say "as a Government official in private life outside of the Army."

Mr. WILLIAMS, of Ohio. No; the amendment covers all that.

Mr. HOLMAN. Why not say that they shall not receive any other salary from the Government?

Mr. CUTCHEON. Section 1259 of the Revised Statutes provides that—

Retired officers of the Army may be assigned to duty at the Soldiers' Home upon a selection by the commissioners of that institution, approved by the Secretary of War; and a retired officer shall not be assignable to any other duty: [*Provided*, That they receive from the Government only the pay and emoluments allowed by law to retired officers].

The latter proviso is in brackets, which I suppose indicates that it is a provision adopted later.

Mr. SPRINGER. No. If it is in brackets, that means that it is not in the law at all, but has been inserted by the compiler.

The amendment was agreed to.

The Clerk read as follows:

For pay and traveling expenses of contract surgeons, for pay of hospital matrons, and fourteen veterinary surgeons, as now provided by law, in all, $90,000.

Mr. CANNON. Mr. Chairman, I move to amend by inserting, after the word "of," in line 6, the words "not exceeding fifty;" so as to make the line read: "for pay and traveling expenses of not exceeding fifty contract surgeons." I offer that amendment because the appropriation has heretofore been made in those terms, and if we leave out these words there may be a greater number of these contract surgeons employed.

My recollection is that when this subject was under consideration before it was thought wise to hold down the contract surgeons and the hospital matrons to the number provided for in appropriation bills heretofore passed. I call the attention of the chairman [Mr. CUTCHEON] to the fact that this amendment would make the provision agree with the like provision in the current law.

Mr. CUTCHEON. The amount of money that is appropriated here is the same that is appropriated in the current law, and, I believe, the same as the amount in each of the last three appropriation bills. The reason for omitting the limitation was a suggestion from the War Department that in case of an emergency they might require a greater number of these surgeons. I see no special utility in the amendment, because there is only a certain amount appropriated, and no more can be used.

Mr. CANNON. I recollect that when the limitation was placed upon the number some years ago, it was upon the statement then made that the tendency was to rely upon these contract surgeons to too great an extent, and that as a consequence unadvisable leaves of absence were sometimes given to surgeons regularly in the service.

After full discussion this limitation was placed on the bill some years ago, and it has been continued from that time to this. It seems to me best and safest to continue the provision. If an emergency should

arise it can be provided for by legislation, as Congress is almost constantly in session.

Mr. CUTCHEON. I have no objection to the amendment.

The amendment was agreed to.

Mr. CANNON. I desire to call attention to another omission which has probably occurred in the same way. After the word "of" in line 7, there should be inserted "not exceeding one hundred and sixty," and in the same line, before the word "fourteen," there should be inserted "not exceeding;" so as to read: "for pay of not exceeding one hundred and sixty hospital matrons and not exceeding fourteen veterinary surgeons." I move that amendment.

Mr. CUTCHEON. I believe that corresponds with the current law, though it has been omitted in the estimates. I have no objection to that amendment.

The amendment was agreed to.

The Clerk read as follows:

For pay of not exceeding thirty-eight paymasters' clerks, at $1,400 each, not exceeding thirty paymasters' messengers, and traveling expenses of expert accountant of Inspector General's Department and paymasters' clerks; in all, $81,521.71: *Provided*, That the maximum sum to be allowed clerks of the Pay Department, the expert accountant for the Inspector General's Department, and contract surgeons when traveling on duty shall be 4 cents per mile, and, in addition thereto, when transportation can not be furnished by the Quartermaster's Department, the cost of the same actually paid by them, exclusive of parlor-car fare and transfers.

Mr. CUTCHEON. I move to amend by striking out, in line 19, the word "can," and inserting "is," and by striking out in the same line the word "be;" so as to read: "when transportation is not furnished by the Quartermaster's Department," etc. This amendment conforms, I understand, to the existing practice; and the bookkeepers of the Department state that it would simplify the matter of bookkeeping.

Mr. MILLS. Why is it that an officer receives 4 cents a mile and in addition the cost of transportation? It would seem that the mileage should cover his expenses.

Mr. CUTCHEON. This allowance for mileage is intended to cover subsistence and other expenses attendant upon the officer's travel. Under the practice which has prevailed for a great many years the actual transportation is furnished, and there is also an allowance of 4 cents per mile as what is called a subsistence fund.

Mr. MILLS. What are considered as actual traveling expenses besides the railroad tickets?

Mr. CUTCHEON. This is an allowance in addition to the railroad tickets—an allowance for meals, hotel accommodations, etc.

Mr. HOLMAN. My friend from Michigan says that this has been the law for a good many years. That is true, but is it not rather too liberal a provision to allow the actual expenses of transportation and also 4 cents per mile? The object, of course, is to pay the actual expenses of the officer while traveling in the service of the Government, but this allowance goes away beyond that. Take the case, for instance, of a trip from this city to Cincinnati. The transportation would amount to $18, the mileage would be $20. Now, we know the trip is made for $18, all told.

Where longer distances are traveled the excessive nature of this allowance is still more striking. I have thought for a number of years that the amount allowed by law in these cases was unnecessarily large.

Mr. CUTCHEON. After examining this matter somewhat carefully last session, the committee came to the conclusion that this provision was an equitable one. It is true that in cases of long, continuous journeys—as for instance a trip across the continent or from the Lakes to the Gulf—the mileage will probably more than meet the necessary subsistence expenses of the officer. But an officer ordered upon inspection duty from post to post or an officer of the Signal Corps ordered out to examine the different stations of the Signal Service would find the subsistence fund falling short, rather than in excess, of the actual expenses. The Paymaster General of the Army, the Inspector General, and various other officers expressed in conversation the opinion that on the average the present provision no more than meets the absolutely necessary expenses of officers' travel.

Mr. HOLMAN. I wish to call the attention of my friend to the very striking discrimination in this respect between persons in civil employment whose traveling expenses are paid by the Government and army officers. Take for instance the cases of Indian inspectors or special agents in the Indian service. These are but a small portion of the vast number of officers in different branches of the Government who are obliged to travel on official duty. These officers receive as a rule their regular salaries in addition to actual cost of travel and $3 a day, if I remember correctly. This allowance of $3 a day is intended of course to cover hotel bills, porterage of baggage, etc. Now, in the case of travel for either a short or a long distance, we find this discrimination in favor of the army officer is simply enormous. He receives at least twice or three times as much as a civil officer of the Government.

Mr. CUTCHEON. My friend is doubtless aware that under the general law the mileage of officers traveling upon duty is 8 cents a mile; without a limitation of this kind in the army appropriation bill every such officer would be entitled to receive 8 cents for every mile traveled. Therefore we put this limitation in this bill.

Mr. HOLMAN. But nothing more. Eight cents a mile covered everything. This provision, I assume, is a little better than the 8 cents a mile; but still it seems unnecessarily large.

Mr. CUTCHEON. The tickets, let me say to the gentleman from Indiana, will not, of course, in all cases cost the amount specified in the bill; in many cases, perhaps, not to exceed 2 cents a mile for long distances. But the provision, after a full consideration of the subject, is regarded to be as equitable as could be devised.

Mr. HOLMAN. I see no reason why one class of public officers, in the matter of travel, should be treated with such consideration as compared with civilians performing the same class of duties.

Mr. CUTCHEON. The committee gave it very full consideration and arrived at the conclusion that it would not more than cover the exact expense.

I ask the Clerk to continue the reading of the bill.

Mr. OUTHWAITE. I ask the chairman of the committee, before proceeding, to consent to return to page 4 of the bill, line 20, under the head of "Medical Department."

Mr. CUTCHEON. For what purpose does the gentleman desire to return?

Mr. OUTHWAITE. I wish to offer an amendment in the following terms:

Provided, That no officer of this department who has been absent from duty for one year or more, engaged in the practice of his profession, shall receive any salary or pay from the Government.

Mr. CUTCHEON. Would that apply to retired officers?

Mr. OUTHWAITE. No; they are not subject to duty.

Mr. CUTCHEON. Will the gentleman state the real object of the amendment?

Mr. OUTHWAITE. To meet a case of which I have personal knowledge: An officer of this corps has been absent from duty, as I am informed, for several years, in one of the cities of this Union, practicing his profession and receiving therefrom a large income, while at the same time he is also drawing a salary as a medical officer of the Government.

Mr. CUTCHEON. Is he on leave of absence?

Mr. OUTHWAITE. Yes, he is on leave——

Mr. CUTCHEON. Has he been examined for retirement and found disqualified for service?

Mr. OUTHWAITE. He has been examined for retirement and I understand is ready for retirement, but has not yet been placed on that list. I wish to bring about the retirement of this officer.

Mr. CUTCHEON. Mr. Chairman, there are a large number of officers awaiting retirement. There have been a very considerable number examined by the retiring boards and found disqualified for active service who would be immediately retired if there were any places for them on the retired list. They are not fit for active service in the field or garrison, but they can not be retired because there is no place for them. The case cited by the gentleman from Ohio is doubtless just such a case, and I hope he will not press the amendment.

Mr. OUTHWAITE. I see no reason why an officer should be allowed to draw pay from the Government and at the same time be engaged in the practice of his profession.

Mr. CUTCHEON. Under the circumstances, Mr. Chairman, I think I shall be obliged to make the point of order.

Mr. OUTHWAITE. I have amended the proposition so as to meet one point which might be suggested against it. I make it read:

Provided, That no officer of this department, other than a retired officer, who has been absent from duty for one year or more, engaged in the practice of his profession, shall receive any pay from the Government.

Now, if the gentleman makes the point of order against the amendment I would like to have the reason.

The CHAIRMAN. The Chair understands the point the gentleman from Michigan makes is that that portion of the bill has been disposed of?

Mr. CUTCHEON. It is because that portion of the bill is passed over, and I object to returning. But I am glad that the gentleman from Ohio has drawn attention to this state of affairs, because it is well to have it considered. There are cases, though, where an officer may be able to do a certain amount of practice in his profession who is unable to do duty in the field or garrison and is recommended for retirement.

Mr. OUTHWAITE. It strikes me as a most incongruous state of affairs that an officer is able to perform the duties of his profession in private life yet is unable to do the same duty for the Government, in which case he is allowed to draw his salary from the Government and derive a large income also from the practice of his profession in private life.

But I will not press the amendment if the gentleman objects.

The CHAIRMAN. The Clerk will continue the reading of the bill.

The Clerk read as follows:

For the pay of a clerk attendant on the collection and classification of military information, $1,500; and the officers detailed to obtain the same shall be entitled to mileage and transportation and also commutation of quarters while on this duty, as provided when on other duty.

Mr. CANNON. I would like to ask the gentleman in charge of the bill why the words "from abroad" are omitted in line 5 of the bill? It has been the custom to appropriate under this head for the classification of military information from abroad.

Mr. CUTCHEON. I will state that it is for this reason: That the officer in charge is not occupied entirely—that is, that the work is not sufficient to occupy his entire time with the collation of military information from abroad. The Secretary of War would be able to take advantage of this by employing him on the collation of other military information in the same general direction. This is to give him a little more latitude.

Mr. CANNON. I am perfectly content, unless the gentleman thinks it might lay the foundation for a large amount of work to be paid for out of appropriations which might otherwise be done by the present army boards. Now, this clerk worked heretofore in classifying military information from abroad.

Mr. CUTCHEON. That was the limitation under the current law.

Mr. CANNON. So far as military information from abroad is concerned, it might be that there is not sufficient work to keep him occupied; but if these words are eliminated may it not possibly result in an application hereafter for a large force of clerks to do this additional work?

Mr. CUTCHEON. The committee thought that there could certainly be no objection to this officer, he having more time than was necessary for the collation of the information from abroad, being employed in other work of the same general character.

We have made the change in the interest of economy, as we thought.

The Clerk read as follows:

For mileage to officers when traveling on duty without troops, when authorized by law, not to exceed $175,000.

Mr. CUTCHEON. Before the Clerk reads the proviso to this paragraph I move, in line 20, to strike out the words "not to exceed." This is the only place where the words occur, I believe, under this head. By striking these out we have still an appropriation of $175,000.

This provision makes the appropriation anyway; but the suggestion is from the Pay Department; and I see no objection to it.

Mr. CANNON. Let me ask in that connection if the words "not to exceed" do not amount to a limitation. If you strike them out would not the trouble be hereafter that this amount might be exceeded?

Mr. CUTCHEON. No; we appropriate the $175,000 either way.

Mr. CANNON. But in the one case you fix the amount to be appropriated, and in the other you lay the foundation for a claim which might be made if the appropriation was exceeded. These words constitute a prohibition against an expenditure of a larger amount.

Mr. CUTCHEON. Mr. Chairman, in reply to the gentleman I would say that, as it appeared to the committee and appeared to me, we appropriate $175,000 in either case. I do not think that it would be a limitation upon the Department in the matter of the amount of travel pay, but simply upon the amount hereby appropriated. It seems to be out of harmony with the rest of the bill, and it neither increases nor diminishes the amount. If the whole $175,000 is not used, the balance will be covered into the Treasury, and if, there is an excess of that, I do not think that the words "not to exceed" would prevent a deficiency.

Mr. CANNON. If they would not, then there is no use in their being inserted. I supposed that was the very object of the words "not to exceed."

Mr. CUTCHEON. We appropriate "not to exceed" that sum, but we do not limit the Department to that sum; we could not very well do that, for we can not foresee the contingencies of the service.

Mr. CANNON. Very well.

The amendment was agreed to.

Mr. CANNON. In that same connection, for the purpose of asking the gentleman a question, I will move to strike out the word "seventy-five," in line 21, and insert the word "fifty;" so that it will read "not to exceed $150,000."

Mr. CUTCHEON. What does the gentleman desire to ask in that connection?

Mr. CANNON. This is an increase of $25,000 for mileage over the amount provided for the current year, which is $150,000. I offer the amendment for the reason that I have a recollection that in former years there was at least a liberal expenditure, sometimes claimed to be extravagant, for mileage paid to officers when traveling on duty, and that the amount some years ago was decreased with a view to curtailing the expenditure for mileage. This is an increase of $25,000.

Mr. CUTCHEON. This is an increase of $25,000 over the amount appropriated for the current year, but the estimate submitted was $200,000. I do not remember whether there was a deficiency in that item or not, but my impression is that there was a deficiency in the item for mileage.

Mr. CANNON. Well, I should think not, unless the present activity of the Army may tend to make a deficiency; but that would be for this year and would have nothing to do with next year.

Mr. CUTCHEON. That would be for the current year.

Mr. CANNON. It would not apply to next year. I will say to the gentleman that I doubt very much the propriety of increasing this appropriation for mileage.

Mr. CUTCHEON. If the gentleman will refer to Exhibit A, appended to the report, he will see that it is stated that the estimate of $200,000 is based upon the expenditure of the last year. That is the statement submitted by the Paymaster General.

Mr. CANNON. I want to ask the gentleman if he does not think that for this class of appropriations in connection with the Army, where liberal expenditure, to say the least of it, may be had—if he does not think it is a wise policy to hold the appropriations without increase, and if possible make a check in that expenditure, and in the event of a necessary increase that can not be controlled, as I presume there is one this year, owing to the activity of the Army, Congress can supply the amount by a deficiency appropriation.

Mr. WILLIAMS, of Ohio. I presume that the increase was made, if the gentleman will permit me to suggest, on account of the supposed increase that would be necessary on that account.

Mr. CANNON. Oh, no; that does not apply to this year. That will come in later on the deficiency bill, in the event that there has been an increase over the $150,000 appropriated; but this applies to next year, and it is my understanding that heretofore the expenditures of this mileage appropriation has begotten very serious criticism.

Mr. CUTCHEON. I think that there was a deficiency in the current year. I looked that up in the last deficiency bill, and my recollection is that there was a deficiency last year, and that this estimate is based upon the experience of the Department; but we cut it down, making a division half way between the $200,000 asked for and the $150,000 of the present year.

The amendment was rejected.

The Clerk read as follows:

For mileage to officers when traveling on duty without troops, when authorized by law, not to exceed $175,000: *Provided*, That in disbursing this amount the maximum sum to be allowed and paid to an officer shall be 4 cents per mile, distance to be computed over the shortest usually traveled routes, and in addition thereto the cost of the transportation actually paid by the officer over said route or routes, exclusive of parlor-car fare and transfers: *And provided further*, That when any officer so traveling shall travel in whole or in part on any railroad on which the troops and supplies of the United States are entitled to be transported free of charge, or over any of the bond-aided Pacific railroads, he shall be allowed for himself only 4 cents per mile as a subsistence fund for every mile necessarily traveled over any such railroads.

Mr. SPRINGER. Mr. Chairman, I desire to offer an amendment. I move to strike out, beginning in line 7, on page 9, the words "4 cents per mile as a subsistence fund for every mile necessarily traveled over any such railroad." I will state later what I desire to substitute in the place of those words; but I make that motion now. I desire to call the attention of the committee to the fact that this is a very unjust and inequitable mode of allowing compensation to a military officer for his subsistence, namely, that he is entitled to 4 cents for every mile he travels as his subsistence fund.

Now, if he is traveling 40 miles an hour on an express train he will be entitled to $1.60 an hour for subsistence. That would be a very liberal, if not extravagant, subsistence, it seems to me, for any officer in the public service; and that means every hour of the twenty-four hours while he is traveling on duty. This, therefore, ought not to be predicated upon the distance that the officer travels, but upon a per diem when he is actually absent from home, the same as a per diem is given in all the departments. In the Pension Office $3 a day is given in lieu of subsistence for the time the examiners are actually away from their homes, and it does not depend upon whether they are traveling 40 or 50 miles an hour on railroad trains. If this rule were to be adopted a man might get $15 a day as subsistence.

Mr. HOLMAN. And between Washington and Cincinnati it would amount to $22.

Mr. SPRINGER. And, as suggested by my friend from Indiana, as between this city and Cincinnati he would be entitled to $22 for subsistence, when he would only be required to take one meal on board the train.

Mr. CUTCHEON. What is the mileage of a member of Congress?

Mr. SPRINGER. I am not talking about our mileage. We get nothing for subsistence.

Mr. CUTCHEON. But our mileage and subsistence are both covered.

Mr. HOLMAN. But it is not given to the officer to keep this Capitol here.

Mr. SPRINGER. This is a matter entirely different from that. The gentleman from Michigan will not contend that we should pay a military officer $22 for subsistence while traveling from Washington to Cincinnati, as we would be required to do under this provision.

Mr. CUTCHEON. Was the gentleman present when the clause was discussed providing for 4 cents per mile for officers?

Mr. SPRINGER. I was not.

Mr. CUTCHEON. This matter has already been debated.

Mr. HOLMAN. But the debate was very brief.

Mr. CUTCHEON. This only covers the transportation over the bond-aided Pacific railroads. We have already passed the general clause for mileage. This is on the bond-aided roads and gives officers traveling west of the Mississippi the same mileage as has always been given while traveling over roads east of the Mississippi.

Mr. SPRINGER. I know that this relates to the bond-aided roads; but under this provision, I think the gentleman will not insist upon indirect legislation for compensation of officers of the Army of the

United States. This is an extravagant allowance. I am willing to give them $4 a day, so that they can stop at the best hotels in the country. I do not desire to be parsimonious with these officers; but I certainly say that they are not entitled to $22 for subsistence when traveling between Washington and Cincinnati. Such an allowance is an extravagance that ought to be remedied; and I hope the gentleman will admit the amendment.

Mr. CUTCHEON. If that stated the whole question, I would admit it.

Mr. SPRINGER. It does state the whole question, so far as subsistence is concerned.

Now, they get their pay for their services as officers of the Government. That is going on all the time. They get free transportation, and then simply for what they are required to consume when they are absent from home this provision is made. Now, it is an extravagant provision and an extravagant compensation. If it has been allowed heretofore, we ought not to allow it now. Therefore, I move to strike out these words and insert in lieu thereof "$4 per day during the time absent from his home."

Mr. WILLIAMS, of Ohio. I desire to ask the chairman of the Committee on Military Affairs or the gentleman from Illinois a question.

Mr. CUTCHEON. I desire to make the point of order against the proposed amendment that it changes existing law and is not in order upon this bill.

Mr. SPRINGER. The law is only an appropriation bill, and not a general law.

Mr. CUTCHEON. I beg the gentleman's pardon; there is a statute in regard to the mileage of officers, giving them 8 cents per mile. That covers subsistence and transportation; but, in the interest of economy, in these appropriation bills for years past we have been in the habit of granting them the actual cost of transportation and then 4 cents per mile for subsistence. That is now, I think, the universal custom, and it is in the interest of economy. The existing law upon this subject is the current appropriation bill, which is the same identically with this.

Mr. HOLMAN. As a matter of fact, the 8 cents per mile covers both transportation and subsistence while traveling, and I think that is a little better than this arrangement.

Mr. CUTCHEON. Oh, it is better than this arrangement for the officers. This arrangement is in the interest of the Government and in the interest of economy.

Mr. HOLMAN. As a matter of fact, when you take the whole of the travel and see the results it will be about the same.

Mr. CUTCHEON. I hope I may be pardoned for alluding to a personal matter. The compensation, the paymaster of the Army assured me when he was ordered to change station from St. Paul to Washington, was that, after taking all the pay and allowances for traveling in changing station, including the allowance of a certain number of hundred weights of baggage, which is made according to the rank, he was still out, according to my recollection, about $100 in the cost of changing station. Other officers have assured me of the same thing: that no officer can change station where he has to remove his family and his household goods without loss, and that upon the whole the present arrangement is just about an equitable arrangement for the officer, and that they can barely do it without loss.

Mr. WILLIAMS, of Ohio. I desire to ask the gentleman from Michigan this question: I see in the section just before that we provide for 4 cents per mile where they do not travel over the bond-aided Pacific railroads.

Mr. CUTCHEON. Yes.

Mr. WILLIAMS, of Ohio. I understand that over the bond-aided Pacific railroads they have free transportation. Is not that so?

Mr. HOLMAN. Not over the Union Pacific.

Mr. WILLIAMS, of Ohio. If they do not furnish free transportation for the army officers, why is this difference made?

Mr. CUTCHEON. The provision of 4 cents a mile in both cases is the subsistence fund, for hotel expenses, transfers, etc.

Mr. HOLMAN. The provision to which the gentleman from Ohio refers has reference to that class of roads whose grants contain a provision that the road shall be a public highway for the transportation of the property and troops of the United States free of charge. The grants to a certain number of roads contain that provision.

Mr. SPRINGER. I desire to call the attention of the gentleman from Michigan [Mr. CUTCHEON] to the fact that this clause itself is a change of existing law. The law as he states it is 8 cents a mile for transportation and subsistence, so that the clause itself changes existing law, and if it does that then it is in order to move an amendment to that change of existing law. [Laughter].

Mr. CUTCHEON. The argument of the gentleman is ingenious, but the existing law upon this subject is the current appropriation bill passed at the last session of Congress.

Mr. SPRINGER. No; that is not the existing law. We can change that. That is only the appropriation from year to year. That bill applies to a different period of time from this and we have a right to change it. Therefore the point of order is not well taken.

Mr. CUTCHEON. I think the point of order is well taken in either case.

Mr. SPRINGER. It is not well taken in either case, as I understand it. The proviso here is that in disbursing this amount the maximum sum to be allowed and paid to any officer shall be so and so. Therefore, it is a condition upon the appropriation. The appropriation is made in that way, and we have a right to limit an appropriation without the limitation being subject to a point of order.

Mr. CUTCHEON. My point is this, Mr. Chairman: If the gentleman from Illinois [Mr. SPRINGER] refers to the general statute in regard to the pay of officers traveling upon duty, 8 cents a mile for travel and subsistence, then this amendment changes that law. If he refers to the current appropriation bill passed in the last session, whose provision upon this point is identical with the provision here, then his amendment changes that existing law. In any and in either case, therefore, his amendment would change the existing law.

Mr. SPRINGER. Well, if the gentleman makes that point, I can make the point on the whole paragraph that it changes existing law; and if the paragraph itself is subject to the point of order, then certainly an amendment to that paragraph is not subject to the point of order.

Mr. CUTCHEON. I hope my friend will not insist upon the amendment. I know he is a reformer and economist, but——

Mr. SPRINGER. I want to submit to my friend from Michigan whether he thinks it is just and proper to put into an appropriation bill of this kind a provision that will allow an officer of the Government $22 for subsistence and travel between Washington and Cincinnati.

Mr. CUTCHEON. I said awhile ago that if that were the entire case I would agree with the gentleman, but I am advised by the officers best qualified to speak on this subject that when taken as an entirety there is nothing saved or made by the officer under this provision; that while sometimes in making a long and rapid journey he will have something left over, yet, averaging the matter all through the year, it will just about pay his expenses, so that it is deemed a just and equitable allowance.

Mr. SPRINGER. I will ask my friend whether he thinks $4 a day for subsistence during the time the officer is absent from his post an equitable provision under all circumstances.

Mr. CUTCHEON. Yes; I should say that would be equitable.

Mr. SPRINGER. Well, that is what I desire to move in lieu of the proposition in the bill. Instead of this inequitable provision, I propose as an amendment a provision which will be always fair and just and always the same.

Mr. CUTCHEON. But the gentleman's proposition would be no more equitable than the present provision. One officer will be on duty on the frontier, where hotel accommodations are exceedingly difficult to obtain and very dear, and another is traveling in the East, where they are abundant and comparatively cheap. Now, the gentleman's provision would operate very differently in those two cases. We have to try to get at the equitable average somewhere, and they have endeavored to do so in the War Department by aid of their experience, and their suggestion is embodied in this bill. I have no doubt that the gentleman from Illinois intends to be fair and just, but I do not think his amendment would be any improvement on this provision.

Mr. SPRINGER. I have no doubt the gentleman from Michigan intends to be fair and just, but I insist that the way to be just and equitable in this matter is to treat these officers the same as the officers of the Treasury Department or the Interior Department are treated. There are a great many persons in the Government service who are traveling all the time, and the allowance for subsistence has been fixed by law in the Departments generally, in every Department except the Military Department, and it ought to prevail there.

Mr. CUTCHEON. Mr. Chairman, I will withdraw the point of order and take a vote on the amendment.

The amendment of Mr. SPRINGER was read, as follows:

Line 7, strike out the words "only 4 cents a mile for subsistence fund for every mile necessarily traveled over any such railroad," and insert, in lieu thereof, "$4 a day for each day he is absent from his post of duty."

Mr. CUTCHEON. I hope the amendment will be voted down. It will throw confusion into the bill.

The question was taken on the amendment; and the Chairman declared that the noes seemed to have it.

Mr. SPRINGER. I ask for a division.

The committee divided; and there were—ayes 25, noes 36.

Mr. SPRINGER. I demand tellers.

Tellers were ordered; and Mr. CUTCHEON and Mr. SPRINGER were appointed.

The committee again divided; and the tellers reported—ayes 50, noes 58.

So the amendment was rejected.

The Clerk read as follows:

For the purchase of horses for the cavalry and artillery, and for the Indian scouts, and for such infantry as may be mounted, and the expenses incident thereto, $150,000: *Provided*, That the number of horses purchased under this appropriation, added to the number on hand, shall not at any time exceed the number of enlisted men and Indian scouts in the mounted service; and that

no part of this appropriation shall be paid out for horses not purchased by contract, after competition duly invited by the Quartermaster's Department, and an inspection by such department, all under the direction and authority of the Secretary of War.

Mr. ENLOE rose.

Mr. CANNON. Does the gentleman from Tennessee desire to offer an amendment?

Mr. SPINOLA. Mr. Chairman——

Mr. ENLOE. I will yield to the gentleman from New York [Mr. SPINOLA].

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON], as the Chair understands, desires to offer an amendment, which will be read.

The Clerk read as follows:

Amend by striking out, in line 12, on page 14, the word "fifty" and inserting in lieu thereof, "thirty-two;" so as to make the amount of the appropriation $132,000.

Mr. CANNON. In offering this amendment I desire to ask the gentleman from Michigan [Mr. CUTCHEON] why, in this provision for the purchase of horses, there has been an increase of $18,000 over the appropriation for the current year.

Mr. CUTCHEON. This increase is based upon the letter of the Quartermaster General, which will be found on page 9 of the report, "Exhibit C:"

The amount ($132,000) appropriated for the present fiscal year for the purchase of horses for cavalry and artillery is insufficient, and requisitions for animals must of necessity be cut down and the efficiency of the service correspondingly impaired. The full amount asked for, $150,000, is required.

The Quartermaster General came before the committee and made a somewhat fuller oral statement, advising us that the amount asked for, $150,000, is absolutely requisite for the efficiency of the service. Therefore we granted the increase.

Mr. CANNON. Now, I want to say to the gentleman in charge of this bill that as recently as 1885 the appropriation for this item was $200,000; but the late Quartermaster General, General Holabird—one of the most efficient officers in the service, so far as my acquaintance has gone—from time to time recommended a reduction in the appropriation; and it was upon his recommendation, as I understand, that the amount of $132,000 was appropriated.

Now, I doubt the wisdom of this proposed increase. Everybody understands that the railway mileage is constantly increasing, and the necessity for the use of horses in transportation grows less and less year by year. I do not understand that there is any deficiency this year; and, unless the gentleman from Michigan has something further to offer in support of this increase, it seems to me the appropriation had better be the same as for the current year.

Mr. CUTCHEON. I will say that the appropriation for the last two years has been $132,000; and for the previous year it was $130,000. We made this increase of $18,000 upon the urgent solicitation of the Quartermaster General; and I leave the Committee of the Whole to decide whether he is more competent than we to determine what the actual needs of the service may be.

Mr. CANNON. While I do not know about this matter personally, I do know what the late Quartermaster General advised Congress as to this item and many other items to decrease appropriations; and it seems to me that the service grew more effective as the appropriations grew less. With the constant increase of railway mileage I doubt the propriety of going upon an ascending grade with reference to this item of expenditure.

Mr. WILLIAMS, of Ohio. I would call attention again to the language of the Quartermaster General as already read by the gentleman from Michigan [Mr. CUTCHEON]. This officer, who I presume has more knowledge as to the requirements of the service at the present time than the gentleman from Illinois [Mr. CANNON], says:

The amount ($132,000) appropriated for the present fiscal year for the purchase of horses for cavalry and artillery is insufficient, and requisitions for animals must of necessity be cut down and the efficiency of the service correspondingly impaired.

The gentleman from Illinois bases his argument for cutting down this appropriation to $132,000 upon the increase of railroad transportation. I would remind him that we must of necessity have cavalry horses and artillery horses——

Mr. CANNON. Precisely.

Mr. WILLIAMS, of Ohio. And when these horses are to be transferred for long distances it may be that they have to be transported by rail. So the argument of the gentleman does not apply.

I like the zeal of the gentleman as a "watch dog of the Treasury;" but it strikes me that the Quartermaster General, who has this matter in charge and who has full knowledge of the exigencies arising in connection with an Indian war, knows what he is about. The gentleman from Illinois speaks of a predecessor of the present Quartermaster General as able, efficient, and economical. I do not deny it; but the policy of that officer had application to a time of profound peace, when we did not have the "ghost dance" that we now read so much about in the West.

Mr. CANNON. Mr. Chairman, I concede that I do not know so much about army matters as does my friend from Ohio. But I do know that for five years past an annual appropriation of $132,000 has been quite sufficient for this particular branch of the service; and during that time you had a body of troops at Fort Reno the like of which had not been there for many years.

The gentleman says that the increase of railway mileage does not affect the question because these horses are for cavalry and artillery service. That is true; yet you do not require so many of these horses as you did before the days of railways. In the absence of any information from the committee that the appropriation heretofore made has not been sufficient and in view of the efficiency of the service for five years past, I doubt the propriety of increasing this appropriation upon a mere estimate.

Mr. CUTCHEON. Let us have a vote.

Mr. KINSEY. Mr. Chairman——

Mr. SPRINGER. I move to strike out the last word.

The CHAIRMAN. The gentleman from Missouri has asked recognition.

Mr. SPRINGER. I yield to the gentleman from Missouri.

Mr. KINSEY. I wish to call the attention of the gentleman from Illinois to the fact that perhaps one reason for the increased estimate is due to the fact of the burning of some fifty to seventy horses at Jefferson Barracks some time ago, during the last fall. These will have to be replaced, and it will take nearly the sum of the increased estimate to supply them.

Mr. CANNON. Does the gentleman know about that?

Mr. KINSEY. Oh, yes; the matter was represented before the committee.

Mr. CANNON. When were they burned?

Mr. KINSEY. I think in November last.

Mr. CANNON. Well, Mr. Chairman, these estimates were made up before that time, and so they were made up also before the Indian war, of which my friend speaks, was commenced; and if there is anything needed in the future, an additional appropriation on account of the destruction of these horses, burned up since the estimates were made, it will come by way of a deficiency for the current year. So, too, if anything were needed for the Indian war, that would come in the deficiencies for the current year, and the fact that since the estimates were made the Indian war broke out or these horses were burned up does not affect the aggregate of this bill. Those matters must be taken care of in a deficiency bill, if there is to be a deficiency. They do not afford a sufficient reason for an appropriation that is not to take effect until July 1 next.

Mr. SPRINGER. I move to strike out the last word of the amendment. I understand my colleague to propose to reduce the appropriation from $150,000 to $132,000.

Mr. CANNON. That is my amendment.

Mr. SPRINGER. I desire to favor that amendment. A portion of this appropriation is for the purchase of horses for Indian scouts and for infantry when mounted. Now, it is well known to gentlemen that the business of Indian scouts will not be required after the end of this fiscal year, for, after having killed all the Indians that are disposed to go on the war path, they will therefore be able to do this service on foot. I believe these Indian scouts are the same officers who participated in the massacre of Sitting Bull and other good Indians recently in South Dakota.

Mr. WILLIAMS, of Ohio. They became "good Indians" after they were killed, I suppose.

Mr. SMITH, of Arizona. Let me ask if this provides for any of the Indian scouts in Arizona.

Mr. SPRINGER. I presume if there are any good Indians in Arizona necessary to be killed they would send some scouts up there.

Mr. SMITH, of Arizona. The information I would like to have from the chairman of the committee is whether this provides for any of the Apache Indian scouts in Arizona, for we have found that the Indian scouts in that region of country, instead of being of any service, do an incalculable amount of harm. I ask the chairman, therefore, whether any of these are Apache Indian scouts in Arizona for whom provision is made.

Mr. SPRINGER. That question I can not answer; but I suppose the chairman of the committee can state whether any of them are.

Mr. CUTCHEON. Oh, yes; Lieutenant Casey, the brother of the present Chief of Engineers, who was killed out upon a raid the other day, was in command of the Apache scouts, and regarded them as among the most efficient of the entire corps in the service.

But I hope, Mr. Chairman, we can have a vote.

Mr. SMITH, of Arizona. Before that I would like to be heard for a moment.

Mr. SPRINGER. I withdraw my *pro forma* amendment.

Mr. SMITH, of Arizona. Then, Mr. Chairman, I move in the form of an amendment, if in order, that the words "Indian scouts" in line 10, on page 14, be stricken out.

The CHAIRMAN. One amendment is already pending.

Mr. SMITH, of Arizona. I say, if I am in order, I offer the amendment.

Mr. CUTCHEON. The amendment of the gentleman from Illinois has not been acted upon.

The CHAIRMAN. The Chair has just stated that fact.

Mr. SMITH, of Arizona. Then I will withhold my amendment until the other one is disposed of.

Mr. CUTCHEON. Let us have a vote.

The question was taken; and on a division there were—ayes 51, noes 55.

Mr. SPRINGER. I think we ought to have tellers on this.

Mr. CUTCHEON. I hope the gentleman will not consume the time in that way. There has been more than a quorum.

Mr. SPRINGER. The vote is so nearly even that I think we ought to have tellers.

Tellers were ordered.

Mr. SPRINGER and Mr. CUTCHEON were appointed tellers.

The committee again divided; and the tellers reported—ayes 51, noes 61.

So the amendment was rejected.

Mr. SMITH, of Arizona. Now, Mr. Chairman, I wish to offer an amendment. I move to strike out the words "Indian scouts," in line 10, on page 14 of the bill.

Mr. WILLIAMS, of Ohio. I make the point of order that we have passed that.

The CHAIRMAN. The paragraph is still under consideration.

Mr. SMITH, of Arizona. We have found from considerable experience with Indian scouts that the Indian as a scout is just about the same individual as the Indian as a soldier, as the Indian as a marauder, as the Indian as an assassin. We have heard a great deal of talk about the "fidelity" of certain Indians. We have heard a great deal of ranting all through this country; and the appeals to the sympathy of the people on the floor of this House have become sickening in the sight of dead friends who surround us in that country, we who have the burdens of this thing to bear.

But a short time ago, and just before my return to this city late in the month of December last, two worthy young men, friends of mine, loyal to this Government, 50 miles from any reservation, were foully murdered in a place known as Guadalupe Cañon, in my own county. This was the work of Indians. Indian scouts had been on the trail or in the vicinity of this hostile camp of five or six renegades for weeks and weeks, as I am informed by my neighbors who live there.

These Apache scouts had been shown the very trail itself. There was one tremendously large footprint that had been seen at the scenes of other murders lately perpetrated by these renegades. Yet when shown this trail these Apaches scouts had the audacity to report that they themselves had made it. You can not make the Indian scout follow his brother Indian to the death. Yet he is used, carried over country as he is carried, and he comes back to the reservation knowing every watering place, knowing where every house stands, where every farm is, and as soon as he gets out of the service he becomes one of the very best of Indian leaders. He is educated in his warfare by pretending to play the part of a United States army scout.

By every horse you give him you have mounted some one to ride to the death some innocent person in my country. I protest against it here and I ask this House in all sincerity that these words "Indian scouts" be stricken from this clause of the bill. They are of no value to the Army. One good trailer, an American, who knows the mountains and knows the trail, is worth one hundred of them.

One good white soldier is worth fifty of them in any capacity in which you can place him. But these scouts have to be mounted. Gangs of them ride over the country, to become familiar as I say with the by-paths that they do not already know, every town, every house, every home; and they, in company with some of the educated gentlemen who left our Eastern colleges, are even now on the warpath. The Indian question is beautifully understood. I would like before taking my seat, as my voice will not permit me, owing to an extremely sore throat, to say anything further, to ask the courtesy of the House that I may in this connection extend my remarks in the RECORD.

Mr. CUTCHEON. Mr. Chairman, I hope that permission may be granted.

There was no objection.

Mr. CUTCHEON. If the amendment of the gentleman from Arizona should prevail it would simply prevent the providing of additional horses for Indian scouts. It would not disband the scouts at all, but would prevent the furnishing of additional horses for the Indian scouts.

Mr. LODGE. Mr. Chairman, I find by the RECORD of this morning that while I was absent from the House yesterday afternoon on business connected with the Naval Committee, of which I am a member, I was honored by a personal attack from the gentleman from Missouri [Mr. STONE]. The carefully prepared sentences of that effort show much labor, and it was evidently the intention of the gentleman to be severe. He has, however, mistaken abuse for severity; and into a competition of coarse personal abuse I have no intention of entering. In that field I willingly yield to him the supremacy.

I have never indulged in personalities in debate. I have always found it possible to discuss public measures without personal allusions to the gentlemen who have differed from myself in opinion. From that habit I do not intend to deviate now or at any time. I am always ready to concede to gentlemen who differ from me the same sincerity of motive and honesty of purpose that I claim for myself. But at the same time I have a large charity, Mr. Chairman, for those gentlemen whose mental limitations are such that they can reach notoriety only by indulging in personalities. [Laughter on the Republican side.] The head and front of my offending, it appears, is that I am in part responsible for the Federal election bill. That bill was reported from my committee. With my colleague from Illinois [Mr. ROWELL] and other gentlemen I helped to frame it. With their aid I helped to put it through the House.

Whatever the defects or imperfections of that measure may be, I believe most thoroughly in the principle which it involves. It is the principle of honest elections and the protection of the ballot box, not in the South, not in the North, but throughout the length and breadth of the land. With that principle I am always ready and always proud to be identified. I believe that the Republican party can make no greater mistake after its past and its pledges than to fail now either here or elsewhere in loyalty to the doctrine of protection to the ballot box. [Applause on the Republican side]. I am quite ready to let my record stand on that question, and it does not disturb me in the least that gentlemen on the other side should assail me on account of it. It only shows that the shaft was well aimed and that it has gone home.

Now, Mr. Chairman, the gentleman seems to be annoyed that I had a great grandfather, George Cabot. [Laughter on the Republican side.] He was a respectable, honorable, and not altogether undistinguished man, and I am very proud of his memory, although he held some views in politics with which I do not personally agree. No attack upon New England, however, would ever be complete without an allusion to the Hartford Convention, of which he was president. It has been the unfailing resource of Democratic statesmen when at a loss to say something disagreeable about New England for the last seventy-five years, and I suppose it will continue to serve their turn for many more years to come, especially as the members of that convention are unable to resent anything that may be said of them. [Laughter on the Republican side.] The attitude of New England Federalists from 1807 to 1815 is one with which I have little sympathy and have had less and less as I have gone on in life; but gentlemen on the other side seem to forget that the position taken by the Hartford Convention was but a repetition of the position taken by Jefferson and Madison in the Virginia and Kentucky resolutions.

It was, whether you call it "nullification" or "interposition," the doctrine that State rights are capable of overruling the power and the laws of the National Government. To that principle I am opposed, whether it emanated in times past from Virginia or Kentucky or from New England. But it ill becomes representatives of the South, even when they are most at a loss for an argument, to rail at New England about a doctrine which first found root in their soil and which there and there alone flourished and grew until it blossomed into the red flower of rebellion.

Mr. Chairman, the gentleman from Missouri also saw fit in the course of his remarks to assail a Senator from my State, who could by no possibility reply to him on this floor. For a speech less violent in language, relating to another Senator, this House saw fit to take very decisive action of censure. I leave it to the House to say whether the time has not come now to repeat that action. The Senator from my State to whom allusion was made——[here the hammer fell]. I trust the House will allow me to continue for five minutes. [Cries of "Go on!" on both sides of the House.]

Mr. SPINOLA. Give him all the time he wants. Do not limit it.

Mr. LODGE. The Senator from my State to whom allusion was made would not wish me, nor would he deem it necessary, that I should enter into any defense of him from such an attack as that made here yesterday. Long after the gentleman who made it has passed from this House into that forgetfulness which awaits him and perhaps most of us, the name of the Senator to whom he referred will remain in the history of the United States as that of a ripe scholar, of a patriotic, far-seeing statesman, identified with great policies and useful measures, who would have been an honor to any State or any country. Still less, Mr. Chairman, should I deem it necessary on this occasion to defend either New England or Massachusetts. The history of Massachusetts is before the world and is known of all men. As Webster said:

> She needs no eulogium; there she stands; behold her and judge for yourselves.

There, too, is her great record of service to the cause of human rights and human liberty. There are the names of her statesmen and of her soldiers shining ever with a luster no slanders can dim. There are her enduring services to the advancement of the highest civilization. They are all written in the pages of the history of the United States. They can never be erased. They stand there forever for the considerate judgment of mankind; and her people, proud of her past and confident of her future, have no fear of the verdict.

Mr. Chairman, the gentleman saw fit, in what was intended, I suppose, to be one of his most wounding passages, to refer to me as the "Oscar Wilde of American statesmanship." [Laughter on the Democratic side.] It was a perfectly safe attack, for it is quite impossible for me to retort in kind, as I am not aware that the gentleman is the proprietor of any kind of statesmanship whatever. [Laughter on the

Republican side.] I suppose the allusion was really meant to convey the idea that the statesmanship of Massachusetts and of New England is "effeminate."

That is a very easy accusation to make. It is a view which naturally is taken of a high civilization by a lower one. [Laughter on the Republican side.] It is the view which would naturally be taken of the civilization of the public school by the civilization of the shotgun. [Applause on the Republican side.] But let me say, Mr. Chairman, that when the two civilizations came in armed contact there was nothing "effeminate" then in the civilization of the public school and of personal liberty. The civilization of the shotgun and of the slave went down before it in bloody ruin, never to be restored. [Loud applause on the Republican side.]

Mr. SPINOLA. Mr. Chairman, is there any amendment pending?

The CHAIRMAN. The pending amendment is the amendment offered by the gentleman from Arizona. The gentleman from New York moves to strike out the last word.

Mr. SPINOLA. I did not move to strike out the last word. I want to add.

The CHAIRMAN. Is the amendment proposed by the gentleman from New York an amendment to the amendment of the gentleman from Arizona?

Mr. SPINOLA. I did not move to strike out, but moved to add to the section.

Mr. SPRINGER. There is an amendment pending at this time.

The CHAIRMAN. There is an amendment pending, and unless the gentleman from New York desires to amend that amendment the amendment he now offers would not be in order. The committee will be in order. The gentleman from Arizona has offered an amendment which is now pending.

Mr. SPRINGER. Mr. Chairman, I understand the gentleman from Missouri desires the floor.

Mr. STONE, of Missouri. I simply desire, Mr. Chairman, in response to the gentleman from Massachusetts, to disclaim, as I think I have the right to, any intention of making an attack upon the State of Massachusetts. I did not do so. All I meant to do, and all I did do, was to express my opinion concerning that stilted, sniveling Phariseeism practiced by a certain class of people who live in that State.

Mr. SPRINGER. Now in a minority.

Mr. STONE, of Missouri. If the gentleman who has just addressed the House is satisfied to leave this matter where it is, I see no reason to object.

If he is so soon done for,
What was he e'er begun for?

[Laughter and applause on the Democratic side.]

The CHAIRMAN. The question is on the amendment of the gentleman from Arizona.

Mr. SPRINGER. Mr. Chairman, I desire that the amendment shall be stated again from the Clerk's desk, so that we may understand the matter before the committee.

The Clerk read as follows:

In line 10 strike out the words "the Indian scouts, and for;" so that it will read as follows:

"For the purchase of horses for the cavalry and artillery, and for such infantry as may be mounted."

The question was taken on the adoption of the amendment; and the Chairman announced that the noes seemed to have it.

Mr. SMITH, of Arizona. Division.

The committee divided; and there were—ayes 20, noes 44.

So the amendment was rejected.

Mr. SPINOLA. Before I send up the amendment I desire to express my profound regret that we have witnessed such a waste of time by the frivolous motions which have been made in the form of amendments to this bill.

The bill appears to be a correct one so far as I am capable of judging, and I now desire to offer a very proper and suitable amendment, for which I shall expect every man upon the floor of this House to vote. I send the amendment to the Clerk's desk to be read.

The Clerk read as follows:

At the end of line 20, page 14, insert "$100,000 to erect a monument to the memory of 11,500 patriots who perished in the dungeons of the British prison ships during the American Revolution."

Mr. ROCKWELL. Mr. Chairman, I desire to make the point of order on that amendment.

Mr. SPINOLA. Let the gentleman reserve his point or order.

Mr. ROCKWELL. I reserve it.

Mr. SPINOLA. Let him reserve anything except the $100,000. [Laughter.] Mr. Chairman, on the 25th day of May, eighty odd years ago, one of the greatest demonstrations which had ever been made by the American people took place in the city of New York. It was the procession formed by the survivors of the American Revolution to honor the memory and lay away to rest forever the remains of 11,500 martyrs who had perished in defense of American liberty.

On that morning, at the break of day, salutes were fired, in the form of morning guns, from the parks, the Battery, Fort Columbus, the flotilla, and the Wallabout. The procession moved at about 10 in the morning, with immense coffins containing the remains of the men who had perished in order that we might be here at this time. And, sir, upon casting my eye over the history of the sufferings of these men, I am reminded that they were taken prisoners upon the field of battle and upon the ocean and were confined in those pestilential hulks, their captors well knowing that when they were assigned there it was their earthly tomb and that nothing would save them except perhaps an agreement on their part to go into the British army and serve the King of England.

Now, sir, if there is a patriot upon the floor of this House, if there is a man here who claims to be the descendant of Revolutionary sires, and I heard a gentleman from Missouri [Mr. STONE] say yesterday that he was one, I appeal to them and to all of you, in the name of civil and religious liberty, to adopt this amendment, that this monument may be erected, in order that our children and our children's children for untold ages may learn what these martyrs suffered that this glorious Government of ours might be established and perpetuated.

[Here the hammer fell.]

Mr. SPINOLA. I will take five minutes more, with the consent of the House.

Mr. McMILLIN. I trust the gentleman will be permitted to proceed for five minutes longer.

There was no objection.

Mr. SPINOLA. On board of these vessels were the dungeons in which these patriots died. There was no morsel of wholesome food and not one drop of pure water. In these black abodes of wretchedness and woe the grief-worn prisoner lay, without a bed to rest his weary limbs, without a pillow to support his aching head. His food was carrion and his drink foul as the bilge water. There was no balm for his wounds, no cordial to relieve his fainting spirits, no friends to comfort his heart, no soft hand of affection to close his dying eyes.

That was the condition of these men. Now I find from the bill under consideration that the men of our Army are to be provided with "stoves and heating apparatus for heating officers barracks and quarters," with "ranges, stoves, and appliances for cooking and serving food, and with fuel and lights for the enlisted men and guards." These martyrs of the Revolution, these warriors who had served under Washington had no such comforts, no such advantages as this bill provides for the soldiers of our Army, and all we ask for them now, in the name of civil and religious liberty, is that their memory may be perpetuated by a monument erected by the Government of their country.

This grand procession to which I have referred was formed with the Tammany Association or Columbian Order, and the thirteen coffins filled with the bones of these American patriots, and this is the order in which the society marched. First, came the Cap of Liberty, worn by the winskinski of the society. Then came the first coffin surrounded by the representatives of the Army of the Revolution. Then came each of the other coffins in its turn with representatives of the States of New Hampshire, Massachusetts, Rhode Island, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia tribes. Each of those original States had its "tribe" represented in that grand procession, and each had a coffin in charge, and each one of those States was represented by thirteen of the men who had served in the Continental army.

Americans, has it come to this, that you will sit still in your seats, representing as you do sixty millions of freemen, and leave neglected the remains of these martyrs who perished that your country might live, and refuse to appropriate the paltry sum of $100,000 from an overflowing Treasury to erect this monument to perpetuate their memory? Remember that Benjamin Romaine, who was for many years the grand sachem of Tammany Hall, who had been a soldier of the Revolution and had fought with these men who had perished in the prison ships, erected the monument which contained their remains. He lived to old age; he did not die until about 1843 or 1844; and when asked by the city of Brooklyn to transfer the remains to that city he said, "No; I fought and bled with these men; they were my comrades; I bequeath them to the Government of my country." And to-day those remains are the property of this Government.

[Here the hammer fell.]

Mr. SPINOLA. Then I will take five minutes more, with the permission of the House.

I know that members are interested in this matter, the circumstances of which many of them never heard before. I want to convince every man on this floor of the justice of my proposition. For this reason, I ask the chairman of the committee [Mr. CUTCHEON], to give way to me for five minutes more.

Mr. CUTCHEON. I should be very much pleased to hear the rest of the gentleman's address, but I am very anxious to dispose of this bill if possible to-day. I hope he will print the remainder of his remarks.

Mr. SPINOLA. No, I do not want leave to print anything; I am against printing in that way. I will reserve the rest of my remarks for some future occasion. I notify you all now that I am going to keep bringing this matter to your attention as long as I occupy a seat on this floor or until you do justice to the memory of these departed patriots. [Applause.]

Mr. WILLIAMS, of Ohio. Mr. Chairman, I believe a point of order was reserved.

The CHAIRMAN. The gentleman from Massachusetts [Mr. ROCKWELL] reserved a point of order upon the amendment. The Chair sustains the point of order.

Mr. CAMPBELL. Mr. Chairman, I move to amend by striking out the last word. In order that this House may fully understand the position of my honorable colleague [Mr. SPINOLA] on the question he has just discussed, I wish to say that the State of New York, through the action of both houses of its Legislature and with the approval of its governor, has petitioned Congress to make this appropriation of $100,000 for the monument to these martyrs. Similar petitions have come from the local boards of New York and Brooklyn. Among these petitions is one embracing over 20,000 names, most of them those of taxpayers; and the majority of these names were obtained by a society of old citizens of Brooklyn, every one probably over seventy years of age. They procured these signatures by going from door to door, not by leaving blanks at ferries or similar places.

I wish to inform the House that every Representative of the State of New York, regardless of politics, has joined in the request for this appropriation; and certainly there could be no more righteous act of legislation or one more in accord with the wish of the people. I withdraw the *pro forma* amendment.

The Clerk read as follows:

Army transportation: For transportation of the Army, including baggage of the troops, when moving either by land or water; of supplies to the militia furnished by the War Department; of the necessary agents and employés; of clothing, camp and garrison equipage, and other quartermaster's stores from army depots or places of purchase or delivery to the several posts and army depots and from those depots to the troops in the field; of horse equipments and of subsistence stores from the places of purchase and from the places of delivery under contract to such places as the circumstances of the service may require them to be sent; of ordnance, ordnance stores, and smallarms from the foundries and armories to the arsenals, fortifications, frontier posts, and army depots; for transportation of signal officers or parties and their equipments, instruments, stores and supplies when ordered by proper authority for military purposes only; freights, wharfage, tolls, and ferriages; the purchase and hire of draught and pack animals, and harness, and the purchase and repair of wagons, carts, and drays, and of ships and other seagoing vessels and boats required for the transportation of supplies and for garrison purposes; for drayage and cartage at the several posts; hire of teamsters and other employés; extra-duty pay of enlisted men driving teams, repairing means of transportation, and employed as trainmasters, and in opening roads and building wharves; transportation of the funds of the Army, the expenses of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific; for procuring water and introducing the same into buildings; and for the disposal of sewage and drainage, and for clearing roads, and for removing obstructions from roads, harbors, and rivers, to the extent which may be required for the actual operation of troops in the field; for the transportation of discharged military prisoners to their places of enlistment; for the payment of army transportation lawfully due such land-grant railroads as have not received aid in Government bonds (to be adjusted in accordance with the decisions of the Supreme Court in cases decided under such land-grant acts), but in no case shall more than 50 per cent. of the full amount of the service be paid: *Provided*, That such compensation shall be computed upon the basis of the tariff or lower special rates for like transportation performed for the public at large, and shall be accepted as in full for all demands for such service; in all, $2,850,000.

Mr. ANDERSON, of Kansas. Mr. Chairman, I desire to offer the amendment which I send to the desk.

The Clerk read as follows:

After line 15, page 16, add the following:

"*Provided*, That in the event that any transportation service authorized by this act shall be performed by a railroad company which, in any manner, has combined or entered into any understanding with any other railroad company to maintain, fix, or regulate its fares or rates, or to divide passenger or freight traffic or other business, or has in any degree relegated to any person, persons, or association, other than its own officers or agents, the power of maintaining as against competition, fixing, or regulating its fares or rates, or has, by any method or in any way, entered into any understanding, agreement, or combination which tends to restrain competition between common carriers, or to increase or maintain as against competition the charges made to the United States or to the public, then, and in such event, the sum claimed by said company from the United States shall not be paid until after it shall have been judicially determined, upon proceedings instituted and prosecuted against the alleged offender by the Attorney-General of the United States, whether or not such understanding, agreement, or combination by said railroad company with other competing companies, or such restraint of competition between common carriers is lawful and equitable. And in the event that such action of such company be judicially declared *ultra vires*, nonequitable, or unlawful, then only such sum shall be paid for service rendered by any such railroad company to the United States as said company might have reasonably charged had no such understanding, agreement, or combination been entered into: *Provided, however*, That pending such judicial determination the President shall have power, in cases which he may deem emergent, to direct the payment of reasonable sums for services rendered to the United States by an aforesaid railroad company.

Mr. GROSVENOR. I wish to make a point of order on this proposition, but I will withhold it for a moment in order that the gentleman from Kansas [Mr. ANDERSON] may be heard.

The CHAIRMAN. The gentleman from Ohio [Mr. GROSVENOR] reserves a point of order.

Mr. ANDERSON, of Kansas. Mr. Chairman, about one-eighth of the $25,000,000 appropriated by this bill is given for transportation of troops and army supplies, the exact sum being $2,850,000. By far the greater part of nearly $3,000,000 will be expended by Government in the payment of freight and passenger rates upon lines doing business west of Chicago and St. Louis. When the grants were made for the great Pacific lines, probably the most important consideration which influenced Congress was that, by their construction, the country would be assured competition between them, and by consequence of such competition lower rates would be secured to the Government and the people. Competition between carriers is the only safeguard to the public against their greed and extortion, just as in all other business.

If there be competition between the railway lines, then the Government obtains lower rates for the transportation of troops and supplies as an inevitable result. If that competition be eliminated, then the Government must inevitably pay more than it otherwise would.

It is simply a matter of current news that there is now in process of formation a syndicate, or pool, or effective combination of all the railway lines west of Chicago and St. Louis, beginning with the Northern Pacific and reaching to the Texas Pacific, in fact including the water transportation by Panama, a combination to such an extent that not a single railway company in that combination can fix its own rates; and I would like to state some of the details of this new and villainous trust, the most gigantic and hurtful that has yet been formed in this decade of trusts.

Take the Union Pacific as an example. Its traffic manager and its passenger agent meet with similar officers of the Atchison and Topeka road, of the Chicago, Burlington and Quincy, Rock Island, and others. Under this pool the officers of the Union Pacific can not make the rates of traffic on their own road. These rates are made by a majority of all of the similar officers of the other lines in the combination by what is known as "the rate committee" of their division or district. In case of disagreement between the members of the rate committee, that disagreement is submitted to one of five "commissioners," because the whole territory of the United States west of Ohio is divided by this trust into five divisions, over each of which presides a "commissioner," and that board of commissioners has as its chairman a sixth commissioner.

In case these rate agents can not agree upon terms, then the commissioner of that district determines what the rates shall be. But an appeal from the decision may be made to what is known as "the advisory board." This board consists of the president and one director of each of the railway lines, about fifteen in all, embraced in what is known as the Western Traffic Association, which does or shortly will include every road between Canada and the Gulf, and between Ohio and the Pacific Ocean. That advisory board finally determines what the rates shall be.

The effect of such a combination of carriers on the rates that the Government must pay, and, what is of far more importance, its effect upon the rates which the people will be compelled to pay on all farm products, material, merchandise, and freight of every sort, is a matter of vital interest, because this effect is simply to place within the hands of a score of men the power to determine absolutely what shall be charged for transporting any person, or anything, east or west over one-half of a continent whereupon reside about seventeen millions of American citizens working industriously to preserve their homes, maintain their families, and enjoy that reasonable profit to which all labor is entitled.

To the farmers of my State cheap transportation is life, a home, a family, education, a competency, and universal content. Extortionate transportation, solely determined by Shylock bandits, is discontent, debt, foreclosed mortgages sweeping away home and land, the family broken into fragments, perhaps the poorhouse, and industrial if not physical death.

The extortionate charges of the first roads we sought to reduce by building a competing one, and I doubt if there are ten counties in Kansas which have not voted bonds for this purpose. But this competition has been steadily weakened by agreements as to rates between rival lines until for years the whole profit of a crop has been taken by the railroad under the guise of a freight rate. When a crop was small the rate was lowered; when it was large the rate was raised; and, no matter what might be the price in New York or Liverpool, the price paid our farmers has been simply the remainder after deducting the freight.

These carriers absolutely control the situation; they can and do throttle the whole community, and the only motive they have is that of seizing the last cent within reach. When corn was selling at Kansas City last year at 20 cents a bushel the Union Pacific charged 10 cents for hauling it from Manhattan, 120 miles, giving the farmer 10 cents. The same corn was hauled to Chicago, about 650 miles, for 18 cents. That was sheer robbery, and the men who did it were simply highwaymen. Farmers can not live on 10-cent corn.

There has heretofore been some competition between rival lines and our people have had a resultant benefit in lower freights and higher prices for products. But under this syndicate of all the roads between Canada and Mexico there can be none whatever. Jay Gould and his fourteen other presidents will absolutely fix all rates; that is, eight men will decide the poverty or prosperity of the Western farmer.

[Here the hammer fell.]

Mr. ANDERSON, of Kansas. I ask unanimous consent to have five minutes' additional time.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. ANDERSON, of Kansas. When the point of order comes up I want to be heard also on that.

I say, Mr. Chairman, the effect of this combination is simply to en-

able this trust to charge precisely what it pleases, not only to the Government of the United States, but to every farmer, every manufacturer, every merchant, every passenger, every man, woman, or child who uses any one of these lines of transportation.

Now, that such a combination is unlawful there can be no doubt. When a corporation takes certain franchises it takes them with all of the obligations to perform the service for which it was created. The officers of the Union Pacific road can not lawfully relegate to the officers of the Santa Fé or Rock Island the power to fix the rates on its own lines nor the power to interfere with the business of its line. Such action renders its charter liable to forfeiture, and it ought to be forfeited. This pool is unlawful, furthermore, in that it is the most audacious conspiracy against the people and the common weal of merciless and grasping men which has yet appeared in our history, and it is unlawful in the fact that it is directly in the teeth of the interstate-commerce act. The fifth section of the act prohibits pooling. It is as follows:

SEC. 5. It shall not be lawful for any common carrier subject to the provisions of this act to enter into any contract, agreement, or combination with any other common carrier or carriers for the pooling of freights of different and competing railroads, or to divide between them the aggregate or net proceeds of the earnings of such railroads or any portion thereof.

It will be noticed that "pooling," generic and specific, is expressly prohibited, and by the next clause a particular form of pooling is prohibited, that of dividing earnings. But this latter in no way qualifies the former. Pooling of freights in any form, whether territorial, by regulating shipments, or otherwise, is unlawful.

Now, this is a pool of territory. What the agreement provides is that the several roads in a certain division shall have all of the business in that territory, and then that the business of this division shall be apportioned, distributed, assigned by the Western Traffic Association to each one of the roads in the division upon an agreed scale or one fixed by the advisory board, if need be. So that the Union Pacific shall have such a per cent., the Atchison such a per cent., and so on. Between Kansas City and St. Louis are four rival lines, between it and Chicago are seven competing lines. A shipper may wish his cattle sent over, say, the Alton, but this trust may say "No; it is our business to settle that under our agreement, and the Alton is getting more than its share." Was there ever a greater violation of right and liberty?

Yet the association takes all of this business, and it directs the delivery of such portion to one line and to another line as will maintain the pool "ratio." That, Mr. Chairman, is pooling of the worst and most comprehensive sort. It is a pooling of the whole business of a great territory; it is a pooling going behind anything attempted before, and by so pooling this association acts squarely in defiance of the interstate-commerce law. What is more, by controlling all this business it may and will force the trunk lines east of Chicago and St. Louis into the formation of one gigantic trust, controlling absolutely all railway traffic and rates in the United States. Suppose the Pennsylvania Railroad, say, refused to enter, and that all this Western business were given to its rivals, how long could it stand such a fight? Not six months. And this is the beginning of a sad end.

Now, Mr. Chairman, in respect to the point of order, which I suppose, for it was not stated by the Chair, to be as to the germaneness of the amendment.

There are numberless amendments in this bill providing the manner in which the money appropriated shall be expended, and I would like the attention of the Chair on this point. That is all this amendment seeks to do. It provides with respect to this $2,850,000 that if any portion of it be earned by a railroad company which has entered into a combination which eliminates competition, and which by consequence increases its charges, then the payment for its service out of this total sum of money shall be expended, and the company shall not be paid until the courts have determined whether such a combination is lawful. If their determination be that it is lawful, then, of course, the company is paid the full amount claimed.

But if they determined that the combination is unlawful, then the company will only be paid such proportion of its claim as it would have been paid had the Government received the benefit of that competition which would have existed had there not been such an unlawful combination. And I submit that the amendment is perfectly germane to this clause of the bill. It protects the United States against imposition by railroads, the great carriers of our commerce; and it does more than that, it proposes a judicial determination of their violation of law and protects the Government against rapacious charges only rendered possible by their own unlawful act.

And to say that this amendment is not germane, to say that in providing this method of protecting the Government against extortion, against undue——

The CHAIRMAN. The gentleman from Kansas will pardon the Chair. The point of order is not that the amendment is not germane, but that it is new legislation and changes existing law. Will the gentleman from Kansas, [Mr. ANDERSON] please address himself to that point?

Mr. ANDERSON, of Kansas. I did not hear the statement made by the gentleman from Ohio as to what his point of order was, nor did the Chair announce it to the committee. That it may change existing law in one sense is true.

Mr. WILLIAMS, of Ohio. Then it is subject to the point of order.

Mr. ANDERSON, of Kansas. I did not catch the gentleman's interjection. But the question is whether the rules of the House or the common sense of the House will permit the Government to be robbed simply through a technicality. That is the pith of it. There is no new legislation as to the final payment of the sum. There is simply a provision in the amendment as to the manner in which shall be ascertained precisely the sum that should be paid to a given railroad company for army transportation.

Mr. CUTCHEON. And in a certain contingency they are not to receive any pay, if this combination is found to be illegal, as I understand.

Mr. ANDERSON, of Kansas. Not at all. If the combination be found to be illegal, then the company shall receive precisely the amount of money that it would have charged the Government or that the Government would have conceded to be reasonable in the event that it had not entered into any such unlawful combination. That is all. It is simply providing how the Government shall ascertain what is a proper amount to be paid for the transportation of stores or supplies. That is the whole of it, and I submit, Mr. Chairman, that this amendment is entirely competent under the existing rule. I think, too, there are instances where this has been held in similar cases, and held within the rule; that provision has been made for determining some one point, some specific condition upon which a payment shall be made. That is all that this does. It simply provides that where a company has performed certain service and earned money, then if by virtue of an unlawful act it is charging more than it ought to charge, and this is judicially ascertained, the Government will not pay the claim; but, if it is not or even if it is performing that unlawful act, that then the Government will make the payment which it ought to make as a reasonable charge where competition exists.

The agreement as finally adopted by the conspirators and published in the daily papers is as follows. It has not been modified in any important feature which affects the people. Its colossal audacity is only equaled by its resistless rapacity.

BYLAWS OF THE COMBINE.

ARTICLE 1.

The name of the association shall be the Western Traffic Association, and the office of the chairman of its commissioners shall be in the city of Chicago.

ARTICLE 2.

Except as hereinafter specifically provided, the business to be covered shall be all the State and interstate traffic, both freight and passenger, which is competitive between any two or more of the members of this association, having origin or destination in Illinois, Minnesota, Wisconsin, and the peninsula of Michigan, or any State or Territory west of the Mississippi River, except business passing between points north of the Ohio River and points south thereof, both of which are east of the Missouri. The business to or from the Republic of Mexico via Rio Grande crossings shall be included, provided that business to and from transpacific ports is excluded; the association having control of the routing of the same east of the Missouri River.

RULES GOVERNING THE ADVISORY BOARD.

ARTICLE 3.

The advisory board shall meet quarterly on the second Tuesday of January, April, July, and October each year. The January and July meetings shall be held in the city of New York and the April and October meetings in the city of Chicago. Special meetings of the board shall be called by the president whenever in his judgment necessary, or upon the request in writing of any three members of said board, giving at least ten days' notice of the time and place of such meeting. The records of the meetings of the advisory board shall be kept by its secretary, and the proceedings shall be promulgated by him for the information of members.

ARTICLE 4.

The following officers shall be elected by ballot at the January meeting in each year by four-fifths of the members: President, financial committee, four or more commissioners, one of whom shall be named as chairman.

ARTICLE 5.

The president shall be a member of and shall preside at all meetings of the advisory board.

ARTICLE 6.

The finance committee shall consist of five members of the board. It shall elect from its number a chairman, who shall preside at meetings, and, in case of the absence of the president of the advisory board, shall act as president *pro tempore*. It shall control all disbursements, and authorize the employment of necessary clerks and other assistants required by the commissioners.

ARTICLE 7.

SECTION 1. The commissioners shall adopt such measures as will tend to secure uniform, stable, and reasonable rates, prevent unjust discrimination, and enable each line to carry its fair share of the competitive traffic.

PROVIDES FOR POOLS.

SEC. 2. On the application in writing to the commissioners by any interested company for its share of the competitive traffic, either freight or passenger, or both, of any one or more specified points or of any designated territory, the commissioners shall make an equitable division thereof between the interested lines upon such basis and in such lawful manner as they deem advisable, subject to revision by the commissioners after full investigation.

SEC. 3. The commissioners shall have power and it is hereby made their duty to establish a bureau for the collection and preservation of such information and statistics as may be necessary to enable them to execute the powers conferred and to perform the duties imposed upon them. To that end they shall be furnished with copies of all waybills and reports of traffic when called for, and shall have authority themselves or by designated subordinates to examine and check all books, accounts, and vouchers in relation to traffic subject to this agreement.

SEC. 4. All violations of the agreement or failure to comply with the orders of the advisory board or of the commissioners by any member of the association or any officer or representative of such member, shall be reported to the advisory board for such action as it may deem expedient.

POWERS OF THE COMMISSIONERS.

SEC. 5. The commissioners shall have power to establish and promulgate, from time to time, rules and regulations for the orderly conduct of the proceedings before them and change, add to, and repeal the same.

SEC. 6. Applications to the commissioners for relief shall be promptly investigated and determined, reasonable opportunity to be heard being given to all parties interested. In cases of extreme urgency the matter may be determined without a previous hearing, all members interested being first notified of the proposed action.

SEC. 7. In order to meet competition of lines outside of the association the commissioners shall, on the application of any member, make such immediate temporary change in the rates, divisions, rules, or regulations affecting any one or more of the interested lines as the commissioners may deem necessary and expedient, first notifying all interested parties, and they shall at once convene the State committee of the interested lines for further consideration of any action in the matter.

SEC. 8. The commissioners shall apportion the expenses of the association among the members, render monthly statements thereof and make drafts therefor.

SEC. 9. The action of the commissioners shall be by unanimous vote, except as hereinafter provided in article 8, in all matters pertaining to the apportionment of traffic or the establishment of or a change in rates, divisions, rules, or regulations. In other respects a majority vote may control.

SEC. 10. The commissioners shall have authority to construe these by-laws and all resolutions which may be adopted; their decision shall be binding until reversed by the advisory board.

FREIGHT AND PASSENGER RATE COMMITTEES.

ARTICLE 8.

The traffic manager, general freight agent, general passenger agent, or other duly authorized officer of the respective companies, members of this association, shall constitute, respectively, the freight-rate and passenger-rate committees for the territories or districts within which their respective lines are interested, but all action of the rate committee shall be reviewed and approved in writing by the general manager or highest traffic officers of the interested members before becoming operative. The establishment of or changes in rates or divisions, or the rules and regulations governing the same by the unanimous vote of said rate committee, when approved by a majority of the commissioners, shall be effective when so ordered by said rate committees. If differences arise the question at issue shall be referred to the commissioners for determination: *Provided, however*, The members of the advisory board for any interested company may, after giving the commissioners an opportunity to be heard, have power to give ninety days' notice of such change in the rates, divisions, rules, or regulations as they believe the interests represented by them require, and the date it shall become effective.

DIVISION OF TERRITORY.

ARTICLE 9.

SECTION 1. The territory served by the lines parties hereto shall be divided into four or more sections or divisions, observing as nearly as practicable the natural divisions of the territory as represented by existing associations, and each division may be put under the immediate supervision and direction of one of the commissioners chosen.

SEC. 2. It is understood that concerning traffic, the competition for which is limited to two or more members hereof, the interested members may, by agreement, govern and control it without the intervention of any of the agencies of this association: *Provided, however*, That upon application of any member hereof the commissioners may decide who are the interested parties, subject to the right of appeal to the advisory board: *Provided further*, That all agreements and rates between such companies shall be filed with the board of commissioners before becoming effective.

ARTICLE 10.

SECTION 1. The division of through rates on the traffic subject hereto, excepting transcontinental-association traffic, whether between lines members of the association or between lines in the association: *Provided, however*, That when one company has a proprietary interest in or controls or leases another, the divisions between such companies shall be what they elect, and shall not be the property of the association: *Provided, further*, That as regards traffic contracts at this date actually existing between lines not having common proprietary or other interests as above, the same shall be reported, so that the divisions with competing lines may, if thought advisable by such competing line, be made on equally favorable terms.

SEC. 2. Certified copies of all contracts now in existence which may in any manner affect or control rates or divisions upon any traffic included herein shall be filed with the commissioners forthwith.

RIGHT OF AGGRIEVED MEMBERS TO APPEAL.

ARTICLE 11.

SECTION 1. Any member aggrieved by any action or determination or nonaction of the commissioners may appeal therefrom to the advisory board, which shall at its first meeting thereafter, either regular or special, make final disposition of the same; but such appeals shall not stay the execution of the action or determination appealed from. Should the advisory board reverse or modify the action or determination of the commissioners, such restitution shall be prescribed in the order of modification or reversal as the advisory board may deem proper.

SEC. 2. Any member affected by any act or determination of the commissioners made without an opportunity to be heard may apply for a hearing with a like right of appeal.

SEC. 3. The commissioners, in their discretion, may allow a stay of execution of the order pending an appeal to the advisory board.

SEC. 4. If an appeal should not be determined by the advisory board within sixty days from its completion, in cases where the action or determination appealed from involves a change of rate, division, rule, or regulation, or the apportionment of traffic, the order or decision so appealed from shall then be suspended and the conditions previously existing, so far as changed thereby, restored until the determination of such appeal.

SEC. 5. An appeal taken more than sixty days after notice of the order of decision appealed from may be dismissed by the advisory board upon its own motion or on motion of any interested member of the association.

SEC. 6. An appeal shall be complete when a notice, subscribed to by either the president, vice president, the general manager, or traffic manager of the appealing party and describing with reasonable certainty the action, determination, or order appealed from, shall be filed with the commissioners.

SEC. 7. Upon the filing of the notice of the appeal to the Commissioners the latter shall furnish to each member of the association a copy thereof, to the end that such member may have an opportunity to be heard upon the trial of such appeal.

ARTICLE 12.

The rates and divisions of same affecting traffic covered by this agreement, duly established and in effect on the 31st day of January, 1891, under existing associations, and the rules and regulations governing same, as provided by said associations, except as modified by these bylaws, shall continue in force until changed as herein provided.

ARTICLE 13.

Nothing herein contained shall be construed as depriving any railroad company party hereto of any of its charter rights or as relieving it of any of its charter obligations; and it is expressly understood that these bylaws govern such traffic only as may be lawfully embraced therein, and the commissioners, finance committee, and all officers and agents charged with any authority or duty under them are hereby required to so construe the same.

Mr. GROSVENOR. Mr. Chairman, I made the point of order against the amendment of the gentleman from Kansas, not because I am opposed to the principle involved in the amendment. I neither affirm nor deny the propriety of that amendment. What position I might take upon it under other and proper circumstances is not important for the purposes of what I have to say. I made the point of order because in my judgment, under the rules and practice of the House, whatever may have been originally the wisdom or nonwisdom of the rule, it is unwise to select this particular matter and undertake to pass important and conclusive legislation upon an appropriation bill.

It is a matter, in my judgment, of the gravest concern, and one that ought to be looked into carefully and considered by an intelligent committee of the House, having matters of that character under consideration. I think it is too important and too radical, too far reaching to justify the House in setting aside its rules, in waiving the rules of the House, and permitting so important a matter to be ingrafted upon an appropriation bill.

Mr. WILLIAMS, of Ohio. I ask for a ruling upon the point of order.

The CHAIRMAN. The Chair is of the opinion that the amendment would change existing law, and therefore sustains the point of order.

Mr. ANDERSON, of Kansas. Then I ask unanimous consent to extend my remarks in the RECORD.

Mr. CUTCHEON. I hope there will be no objection to that.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas that he be permitted to extend his remarks in the RECORD? [After a pause.] The Chair hears no objection.

Mr. HOLMAN. I wish to submit an amendment to this paragraph which I will send up in a moment. I will be very glad to have the ear of the gentleman from Michigan [Mr. CUTCHEON] having charge of the bill. The amount appropriated by this bill for transportation is $2,850,000, and a large portion of that sum is paid for railroad transportation of troops and supplies. If the gentleman from Michigan has not looked into the subject, he will find that he may be laboring under a misapprehension as to the effect of the language of the bill in regard to railroad transportation by land-grant corporations. The language is as follows:

For the payment of army transportation lawfully due such land-grant railroads as have not received aid in Government bonds (to be adjusted in accordance with the decisions of the Supreme Court in cases decided under such land-grant acts), but in no case shall more than 50 per cent. of the full amount of the service be paid.

Now, the amendment which I desire to offer, and which I hope my friend will allow me to explain a moment in advance, covers the larger amount of railroad transportation or a very large amount of railroad transportation, and is not affected by this provision. This provision as it stands in the bill and as it is interpreted by the War Department is this——

Mr. LANSING. Mr. Chairman, I rise to ask what the pending amendment is.

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] announces that he will conclude his remarks by a motion to amend the bill.

Mr. HOLMAN. Yes; I will send it to the Clerk's desk in a moment. The bill applies to that class of roads which embraces the Illinois Central and quite a large number of others, for the language is that said roads shall be a public highway for the use of the United States for the transportation of troops and supplies, etc. The words I am now quoting are found in nearly all of the grants to railroads of that class.

There is another class of grant where the language is this:

Troops and supplies of the United States shall be transported by said company free of charge.

That is the second class. The third class is the class to which I wish to call the attention of my friend.

It contains the following language—for instance, in the Northern Pacific Railroad act, which I take as an example:

That said Northern Pacific Railroad, or any part thereof, shall be a post route and a military road subject to the use of the United States, for postal, military, naval, and all other Government service, and also subject to such regulations as Congress may impose restricting the charges for such Government transportation.

Now, my friend will see, as the law now stands and as this bill stands, that to this class of roads which I have mentioned, such as the Southern Pacific, the Northern Pacific, and the Atlantic and Pacific, embracing a very large class of roads, we are paying now the full rates that are paid by other parties.

Now, the amendment I wish to offer I send to the Clerk's desk. I wish to state it is in a form subject to the point of order, if it is insisted upon; but I trust it will not be insisted upon, because I am ready to submit a proposition which is in order and which would accomplish the same object.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will read.

The Clerk read as follows:

Provided, That railroad companies which received grants of land from the United States to aid in the construction of their respective roads on condition that such railroads should be post routes and military roads, subject to the use of the United States for postal, military, naval, and all other Government services, and also subject to such regulations as Congress may impose, restricting the charges for such Government transportation, shall receive only 40 per cent. of the compensation for such Government transportation as shall be charged to and paid by private parties to such corporations for like or similar transportation.

Mr. CUTCHEON. I would like to ask the gentleman where he proposes to bring in his amendment and whether he proposes to strike out a part of the provision in the bill.

Mr. HOLMAN. I want it to come in just before the last proviso.

Mr. CUTCHEON. Will the gentleman state what he believes will be the effect of the amendment? It reduces the per cent. from 50 to 40, does it not?

Mr. HOLMAN. No, sir; from 100 per cent. I thought I might be mistaken about this matter, and accordingly I telegraphed to the Quartermaster General an inquiry.

Mr. CUTCHEON. Mr. Chairman, I desire to reserve the point of order upon the amendment, subject to the explanation that may be made by the gentleman from Indiana.

Mr. HOLMAN. I had supposed that this class of railroads were placed upon the same conditions with the first class I mentioned a moment ago, and therefore I telegraphed to the Quartermaster General half an hour since and received an answer. I inquired whether the Northern Pacific Railroad and that class of roads were paid full compensation for transportation or a less sum, and that answer is this:

The Northern Pacific Railway from Ashland, Wis.—

which is the eastern terminus—

to Tacoma, Wash.—

which is the western terminus—

is paid full rates for any transportation, except where lower special rates are obtained, which is often the case.

That is according to the section of the statute which authorizes such special rates. But it will be seen that except where special rates are obtained, which of course any private party can obtain as well as the Government, the Government is paying that class of roads some 50 and some 100 per cent., including the Northern Pacific, the Atlantic and Pacific, and the Southern Pacific, the Fort Riley road, a branch of the Southern Pacific. Some of them get full compensation without any charge whatever, it seems to me.

My friend very well knows that the grant, which is substantially the same to the others as to the Northern Pacific, would compel at least four of such roads to be charged with part of the amount. Under such circumstances the question ought simply to be what is a fair amount, if anything ought to be paid. I do not think anything ought to be paid, but named 40 per cent., as that approximates what has been paid heretofore for that class of railroads where any compensation is required to be made.

Mr. CUTCHEON. Mr. Chairman, the gentleman is much more familiar than I with the conditions on which these land grants were made. His committee labors in times past have brought him into connection with that subject. The provision in this bill is the same as in the previous acts for several years past. In the act for the current year it provides—

For the payment of army transportation lawfully due such land-grant railroads as have not received aid in Government bonds (to be adjusted in accordance with the decisions of the Supreme Court in cases decided under such land-grant acts). But in no case shall more than 50 per cent. of the full amount of the service be paid: *Provided*, That such compensation shall be computed upon the basis of the tariff on lower special rates for like transportation performed for the public at large, and shall be accepted as in full for all demands for such service.

The gentleman will see that this simply continues in force the existing statute.

Mr. HOLMAN. Will my friend allow me——

Mr. CUTCHEON. I was going to submit to my friend from Indiana whether or not this important matter ought to be brought in here in the shape of an amendment to an appropriation bill, or whether it ought not to be referred to the Committee on Railroads or some other appropriate committee, and be reported in a bill rather than as an amendment or rider on a general appropriation bill.

Mr. HOLMAN. I hope my friend will be satisfied that this 50 per cent. applied to all this class of roads.

Mr. CUTCHEON. I knew that the 50 per cent. applied as to the bond-aided roads.

Mr. HOLMAN. No; it does not apply to them at all. It does not apply to the bond-aided roads. The grant to the Illinois Central, the Hannibal and St. Jo, and the Alabama system of early roads contained a provision to which the decision of the Supreme Court applies. I want to make a suggestion to the gentleman. It is now ten minutes after 4 o'clock, and I ask him if he will allow this matter to go over, and in the mean time I will get from the Quartermaster General in the morning a full statement of this matter, and he will see at a glance the object of this proposition.

Mr. CUTCHEON. Then, if the gentleman will agree, I will ask unanimous consent that this part of the bill be passed over for the present, with leave for the gentleman from Indiana to recur to it at a subsequent stage.

Mr. WILLIAMS, of Ohio. Subject to the point of order.

There was no objection.

The Clerk read as follows:

Barracks and quarters: For barracks and quarters for troops, storehouses for the safe keeping of military stores, for offices, and for the hire of buildings and of grounds for summer cantonments and for temporary buildings at frontier stations, for the construction of temporary buildings and stables, and for repairing public buildings at established posts, $725,000: *Provided*, That no expenditures exceeding $500 shall be made upon any building or military post, or grounds about the same, without the approval of the Secretary of War for the same, upon detailed estimates by the Quartermaster's Department; and the erection, construction, and repair of all buildings and other public structures in the Quartermaster's Department shall, as far as may be practicable, be made by contract, after due legal advertisement: *Provided further*, That not less than $50,000 of said sums shall be used to begin the repair and reconstruction of Jefferson Barracks, Missouri: *And provided further*, That no more than $1,300,000 of the sums appropriated by this act shall be paid out for the services of civilian employés in the Quartermaster's Department, including those heretofore paid out of the funds appropriated for regular supplies, incidental expenses, barracks and quarters, army transportation, clothing, and camp and garrison equipage; and that no employé paid therefrom shall receive as salary more than $150 per month, unless the same shall be specially fixed by law; and no part of any of the moneys so appropriated shall be paid for commutation of fuel and for quarters to officers or enlisted men.

Mr. CLEMENTS. Mr. Chairman, I raise the point of order against the proviso in that paragraph, which is in the following words:

That not less than $50,000 of said sum shall be used to begin the repair and reconstruction of Jefferson Barracks, Missouri.

My point is, first, that this is a substantial provision for the construction of a permanent building, and the jurisdiction of the Committee on Military Affairs is only to provide for the support and maintenance of existing buildings and army posts, as shown in the language of the paragraph preceding this proviso. That is substantially the language of former appropriation bills, providing for the general maintenance and repair of permanent quarters, but the proviso is a departure from that, and looks to the construction of permanent buildings. The appropriations for such purposes have always been carried in the sundry civil bill under the head "Military posts."

Mr. CUTCHEON. The gentleman is in error about that.

Mr. CLEMENTS. I admit that the general care is carried in this bill, and I do not make any point against this appropriation for the general care and maintenance, but my point is against the proviso which authorizes the commencement of the reconstruction of these barracks.

Mr. WILLIAMS, of Ohio. No; the repair and reconstruction.

Mr. CLEMENTS. Well, in this sense that means the same as construction. It goes beyond repair and provides for the rebuilding of a permanent barracks and quarters. I send to the Clerk's desk the section of the Revised Statutes which applies to this subject, and I beg the attention of the Chair to the provision of the statute.

The CHAIRMAN. The point of order, the Chair understands, is made particularly against the words "and reconstruction."

Mr. CLEMENTS. Yes; against the proviso appropriating money for the reconstruction of these buildings. The point is mainly applicable to the word "reconstruction."

The Clerk read as follows:

SEC. 1136. Permanent barracks or quarters, and buildings or structures of a permanent nature, shall not be constructed unless detailed estimates shall have been previously submitted to Congress and approved by a special appropriation for the same, except when constructed by the troops; and no such structure, the cost of which shall exceed $20,000, shall be erected unless by special authority of Congress.

The CHAIRMAN. Does the gentleman from Georgia [Mr. CLEMENTS] desire to be heard further on the point of order?

Mr. CLEMENTS. Not unless the gentleman in charge of the bill has something to say in reply.

Mr. CUTCHEON. Mr. Chairman, the amount appropriated for barracks and quarters in the current appropriation bill was the same as the amount in this bill, $725,000, and it was for the identical purposes specified in the paragraph under consideration. "For barracks and quarters for troops," that is one object of the appropriation; "for storehouses for the safe keeping of military stores, for offices, and for the hire of buildings," and so on, and "for the repairing of public buildings at established posts, $725,000."

The first item of appropriation here is "for barracks and quarters for troops." Near the city of St. Louis there exists an old military post known as Jefferson Barracks. The buildings are more than a half century old, and it is proposed now to place at the disposal of the Secretary of War the sum of $725,000, to be used for the various purposes specified, among which specified purposes is the repair and reconstruction of Jefferson Barracks; that is, the barracks at the post of Jefferson Barracks, Mo.

I submit, Mr. Chairman, that that is no departure at all from existing law. It is simply what has been carried in the military bill in the past, and the only thing in this proviso is an indication to the Secretary of War of the sense of Congress that in the expenditure of the $725,000 here appropriated not less than $50,000 should be expended on these particular barracks and quarters at Jefferson Barracks, Mo. I will state further that the Committee on Military Affairs, in accordance with the recommendations of the Secretary of War and of the General of the Army, reported a bill for this specific purpose, and it was with their full approval, as I understand, that this proviso was embodied here, to indicate to the Secretary of War that in the expenditure of the gross amount of $725,000 he should expend $50,000 of it upon the barracks at this post.

I desire now, Mr. Chairman, to yield to this gentleman from Missouri [Mr. KINSEY], who is more immediately interested in this matter.

Mr. KINSEY. Mr. Chairman, as has been stated, there is already established at Jefferson Barracks, Mo., a military post which has been in existence for something like sixty-five years. The precise point of order made by the gentleman from Georgia [Mr. CLEMENTS] has already been decided by this House adversely to him. In the army appropriation bill which was under consideration in the House at the second session of the Fiftieth Congress, on the 12th of January, 1889, there was reported this clause:

For the erection of a fireproof building on such site of the public grounds at West Point, N. Y., as may be designated by the Secretary of War, to accommodate all the departments of instruction of the Military Academy, to be constructed according to the plans recommended by the academic board and approved by the Secretary of War, $490,000: *Provided*, That plans and specifications for said building shall be prepared under the direction of the academic board and approved by the Secretary of War, which plans and specifications shall be such that when said building shall be fully completed the cost thereof shall not exceed the sum herein appropriated.

Now, upon that clause the gentleman from Texas [Mr. KILGORE] raised the point of order that it provided for the erection of a public building which was not authorized by law. The rule now invoked by the gentleman from Georgia was in force at that time. The then chairman of the Committee of the Whole, Mr. COX, of New York, after hearing the discussion on the point of order, made the ruling which I shall read. After quoting in full the rule then in force and now in force, he said:

Without regard to the precedent cited by the gentleman from Illinois, the Chair decides that within the meaning of the provision just read the building proposed to be erected—"fire-proof building on site of public grounds at West Point"—is within the purview of the rule. The construction of a building is an incident to the maintenance of the Academy itself, the object being already in progress—the main object contemplated not only by the bill, but by the very institution of the Academy itself.

Without reference to other decisions made from the Chair either in Committee of the Whole or otherwise, the present occupant of the chair is informed that the Speaker of the House on a former appropriation bill held that an appropriation for the construction of a new vessel was in continuation of the general object of maintaining a navy; and that decision of the Speaker "runs on all fours" with the decision which the Chair now makes when he overrules the point of order.

So it seems, Mr. Chairman, when this same bill was under consideration at the second session of the Fiftieth Congress a clause identical in effect with the one now before the House was under consideration; and a point of order made against it upon the same ground as the present point was overruled. It appears to me, sir, that the clause now pending comes clearly within the purview of the ruling of Mr. COX, of New York, as chairman of the Committee of the Whole; and hence the point of order raised by the gentleman from Georgia ought to be overruled. I do not care to say anything now in regard to the merits of this appropriation, because that matter can more properly be discussed hereafter.

Mr. CLEMENTS. Mr. Chairman, I desire to add only a few words in reply to what has been said by gentlemen on the other side. The case to which the gentleman from Missouri [Mr. KINSEY] has referred arose, as I understood from his reading, upon the Military Academy bill.

Mr. KINSEY. No; I beg the gentleman's pardon; it was the army appropriation bill.

Mr. CLEMENTS. At any rate, whatever may have been the bill under consideration, the language read by the gentleman indicates that the chairman ruled the clause in order upon the idea that, as part of the maintenance of the Military Academy, the Committee of the Whole had authority to provide for an addition to the quarters or buildings already there.

I wish to call the attention of the Chair to another decision, one which bears, I think, directly on this case. But before doing so, I will state that in the sundry civil appropriation bill there has been carried for many years—I do not know how many—an item under the head of military posts, which last year read thus:

For the construction of buildings at and the enlargement of such military posts as in the judgment of the Secretary of War may be necessary, $690,000, etc.

These items for the construction of buildings at military posts or barracks have invariably been sent to the Committee on Appropriations and have gone into the sundry civil appropriation. The army appropriation bill carries the necessary appropriations for the repair, supply, and maintenance of these permanent buildings.

Mr. CUTCHEON. That is just what this proviso is for.

Mr. CLEMENTS. But the difficulty is that while this is attached to a clause providing for repairs, etc., it is a substantial and direct appropriation to begin the reconstruction of a building. The sum of $50,000 is carved out of this repair and supply fund for that purpose. The Committee of the Whole is not informed what is to be the ultimate cost of the completion of this reconstruction. This is not for repairs or supply; and therefore it comes within the provisions of the statute which I read a few moments ago requiring detailed estimates and a special appropriation, just as is the case in regard to public buildings for courts, post offices, etc.

In every such case there must be a special authorization by law and an appropriation. If this clause is in order upon this bill, I submit to the Chair that it would be equally in order for any gentleman to put upon the sundry civil bill, carrying a general provision for repairs of public buildings, a provision for the erection of a public building, for a courthouse or a post office.

There is carried in the bill for the current year $250,000 for the repair of public buildings throughout the country, not buildings at military posts, but courthouses, post offices, etc., and under the construction here contended for it would be competent to add at the end of that paragraph a provision that $25,000 of this sum shall be allowed to begin the reconstruction of a public building at Jefferson, Mo., or any other point.

It seems to me, Mr. Chairman, that the practice of the House heretofore has been consistent and wise, calculated to preserve the proper lines in the distribution of these appropriation bills. In legislation of this character the only proper course is to observe the rules strictly. I do not mean to intimate a desire on the part of any member to violate any rule, but I am simply replying to the argument that this clause is within the rule.

I wish now to call attention to the ruling of my colleague [Mr. BLOUNT] as Chairman of the Committee of the Whole at the second session of the Fiftieth Congress. The army appropriation bill was then under consideration, and his decision refers to the relative jurisdiction of the Committee on Military Affairs and the Committee on Appropriations. He uses this language:

Certainly any strict construction of language, any very literal construction without reference to the parliamentary history of the House in connection with this subject, involves contradiction. It is, therefore, important that we should look to that history in this connection. The Chair has before it a statute passed by the Forty-eighth Congress relating to fortifications, and in it are included appropriations for the very subject-matter of this paragraph. So, again, in the Forty-ninth Congress, after the change of the rules, the same subject-matter was reported in the fortifications bill and became a law.

An examination of the statutes and of the practice of the House for a long series of years shows that prior to the adoption of the present rules the rules simply assigned the work of appropriations to the Committee on Appropriations. That committee subdivided their work into various general appropriation bills, not by virtue of any rule of the House, but for their own convenience. They were designated as the legislative, executive, and judicial bill, the sundry civil bill, the fortifications bill, the District of Columbia bill, the pension bill, the deficiency bill, the military bill, the naval bill, and the bill in relation to post offices and post roads, etc.

The subject-matter of these several bills was designated by the Committee on Appropriations itself, and the Chair thinks that the only way of ascertaining the nature of these bills is by an examination of the substance of them. Under these designations they have been crystallized in the practice of the House until they have a significance as pregnant as the strongest language could give them. In the light of this practice the subjects contained in the paragraph have almost from the beginning been assigned to the fortifications bill.

Now, I have read that, Mr. Chairman, for the purpose of calling the attention of the committee to the fact that at the time the various appropriation bills were distributed, by the change of rules here referred to, to the different committees of the House, it was the practice up to that time for certain matters to go on certain bills, and that in the distribution of such matters the House recognized the distinction where the matter involved an appropriation. Since that time, by these repeated rulings of the Chair, the practice which existed up to that time of the distribution of the subject-matter of appropriations has been continuously followed. Appropriations for the construction of permanent barracks and other permanent buildings at military posts have always gone to the Committee on Appropriations without exception, as far as I know, and have been placed in the sundry civil appropriation bill.

Now, that the word "repairs" should be used and "reconstruction" instead of "construction" does not change the subject-matter or purpose of the appropriation. The language of this paragraph down to this proviso is entirely in accordance with the law, but up to this time I have not been informed that there has been any compliance with the section of the Revised Statutes, that there has been any detailed estimate of this building. There is no special law authorizing it, nothing whatever authorizing it as far as I am aware or as far as has been shown here.

It is simply legislation in the shape of a proviso attached to a provision for general repairs, which are recognized by law, and authorizes the construction of a permanent building to begin this year at a cost of $50,000 without any information to the committee that it is to be finished within two, three, four, or five years, or that it shall not cost possibly all of $200,000 or $300,000. There is no estimate whatever as to what the ultimate cost may be. Hence the chairman of the com-

mittee will see the necessity for compliance with the statute requiring the detailed estimates and a specific law authorizing the appropriation, and also that it should be carried under a general provision of a bill where the subject matter belongs and where only it can be appropriately provided for.

Mr. FRANK. Mr. Chairman, I apprehend that a reading of this section will indicate to the committee that the construction placed upon it and the proviso by the gentleman from Georgia [Mr. CLEMENTS] is not correct.

In the first place, in respect to these barracks and quarters, provision is set forth in full, and the antithesis is very clear here, first, for the construction of temporary buildings and stables at established posts, the repair, etc., of public buildings, and $725,000 is appropriated for that purpose. Then the committee indicate certain directions with respect to a certain part of that sum, namely, in the second proviso, that no less than $50,000 of said sums shall be used to begin the repairs and reconstruction of Jefferson Barracks, Missouri.

Now, that is an established post. It has a public building already upon it. The word "repair" might possibly be used to furnish the means, and the same end might be accomplished as by the use of the word "reconstruction." The word "reconstruction" in that connection has a broader significance and perhaps may not be synonymous with the word "repair." But the intent of the provision is that of this sum of $725,000 for the repair and reconstruction provided, if it be necessary to take out a wall or to build one stronger or something of that character, it is authorized in the sense of reconstruction; and the necessity for this is manifest from the statement already made by my colleague that the buildings have been there for over sixty years, and for the purpose of such repair or reconstruction the sum of $50,000 is authorized to be used.

Now, inasmuch as the committee is charged with the jurisdiction of this subject, and has charge of the appropriations for the barracks, their construction and repair, I do not believe this provision is obnoxious to the point of order. I understand my colleague [Mr. DOCKERY] while presiding over the Committee of the Whole under similar circumstances so ruled.

Mr. CUTCHEON. Mr. Chairman, the gentleman from Georgia raises the point of order that no estimate has been authorized for this work. An estimate has been transmitted to the Committee on Military Affairs from the late Quartermaster General of the Army, General Holabird. He says:

WAR DEPARTMENT,
QUARTERMASTER GENERAL'S OFFICE,
Washington, D. C., January 25, 1890.

SIR: I have the honor to return herewith H. R. 521, a bill for reconstruction of the regimental military post at Jefferson Barracks, Mo., with letter from chairman of the House Committee on Military Affairs, which have been referred to the Quartermaster General for opinion and estimate.

I am of the opinion that a complete reconstruction of this post is necessary, and that as a commencement of the work the following-named buildings are most urgently needed, namely:

Three barracks, capacity, 225 men each, approximated cost	$140,000
Four double sets officers' quarters, approximated cost	45,000
Stables, approximated cost	15,000
Total	200,000

The letter from the Secretary of War, transmitting this estimate, says:

WAR DEPARTMENT, *Washington, January 28, 1890.*

I return herewith H. R. 521, referred to this Department on the 14th instant, and invite your attention to the inclosed estimate from the Quartermaster-General, showing that $200,000 will be necessary for the complete reconstruction of the post, and to the report of the Major General Commanding the Army, in whose views I concur.

Mr. CUTCHEON. The views of the Commanding General referred to are in the following words:

HEADQUARTERS OF THE ARMY,
Washington, D. C., January 23, 1890.

SIR: I have the honor to return herewith the bill H. R. 521, Fifty-first Congress, first session, "to enable the Secretary of War to begin the reconstruction of the regimental military post of Jefferson Barracks, Mo.," and I recommend that it be approved by the War Department after amendment by omitting the word "regimental" in the heading and in line 7.

The Jefferson Barracks reservation embraces 1,702.04 acres. The location is important and will continue to be for an indefinite time. This, whether the post be necessary for its present depot recruiting purposes or be changed to a station for troops of the line. In either event, it is not only desirable but necessary that suitable barracks, quarters, and storehouses be provided as contemplated by the bill.

Very respectfully,

J. M. SCOFIELD,
Major General, Commanding.

The SECRETARY OF WAR.

Now, Mr. Chairman, as to the point of order, this appropriation of $725,000 is, among other things, for barracks and quarters. This is identical, except as to this proviso, with the provisions of the last bill, that is, of the current law. Can there be any doubt whatever that the Secretary of War might without this proviso appropriate, that is, set apart, $50,000 of this fund of $725,000 for barracks and quarters at Jefferson Barracks, Mo.? It seems to me there can not be any doubt about it. This is simply a legislative indication that we desire that amount appropriated there. Jefferson Barracks is one of the largest of the great recruiting depots of the United States, and I think I am correct in saying the largest. There are three, one at Jefferson Barracks, one at Governor's Island, and one at Columbus, Ohio. It is a very important post. These buildings were constructed sixty-five years ago. This 1,700 acres of ground on which the post is built were donated by the inhabitants of the city of St. Louis.

Mr. FRANK. It is located on the Mississippi River.

Mr. CUTCHEON. It is directly on the banks of the Mississippi River, and a most important post. The land itself, as I am informed, is worth over a million dollars. This was given to the people of the United States by a donation on the part of the people of Missouri. These buildings have become dilapidated. Members of this committee will not forget the scandal that arose at Jefferson Barracks a few years since in regard to desertions and other matters there, and an inspection was made of these barracks, followed by a report showing that they were actually unfit for use; and it was the purpose of the committee that out of this appropriation of $725,000 the Secretary of War should be authorized to commence the repair and reconstruction of these old, dilapidated buildings. It seems to me it is clearly within the jurisdiction of the committee.

Mr. BUCHANAN, of New Jersey. One other point. This is a collection of buildings and it ought not to be necessary to have a new provision of law each time the repair of a building is begun.

Mr. DOCKERY. I hope the Chair will overrule the point of order.

Mr. CLEMENTS. The document from which the gentleman read recommends an appropriation of $300,000.

Mr. CUTCHEON. Two hundred thousand dollars.

Mr. CLEMENTS. For the complete reconstruction of the barracks, and not for repairs.

Mr. CUTCHEON. Some of the buildings need to be reconstructed, that is, the barracks need it. Other buildings do not need it.

The CHAIRMAN. In view of the decision made by Chairman Cox in the case of the buildings at the Military Academy and in view of the fact that Jefferson Barracks is an established military post with buildings already existing, which may be repaired or reconstructed, the Chair overrules the point of order.

The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

For all contingent expenses of the Army not provided for by other estimates, and embracing all branches of the military service, to be expended under the immediate orders of the Secretary of War, $15,000.

Mr. CUTCHEON. By direction of the Committee on Military Affairs I offer the following amendment, to come in after line 6 on page 19.

The Clerk read as follows:

After line 6, page 19, insert the following:

"In lieu of the land authorized to be purchased by act approved March 2, 1889, that the Secretary of War is hereby authorized and directed to acquire for the United States, through donation, purchase, or condemnation, such additional land or other land for the military post at Madison Barracks, New York, as he may deem necessary, the cost of the same not to exceed $10,000."

Mr. CUTCHEON. Mr. Chairman, in explanation of the amendment I will say that in the appropriation bill of two years ago we appropriated $7,000 for the purpose of acquiring 101 acres of land for a shooting range near Madison Barracks. The title to the land was found to be so defective that it became unavailable. It is now desired to acquire other and adjoining land for the same purposes, and this is very strongly and earnestly recommended by the Secretary of War. The prior appropriation of $7,000 will be covered back into the Treasury and the sum of $10,000 is asked for, because there will necessarily be condemnation proceedings, which may cost a little more than the amount of $7,000 appropriated two years ago. In this connection I submit the following letter of the Secretary of War:

WAR DEPARTMENT, *Washington, D. C., December 12, 1890.*

SIR: In the act making appropriations for support of the Army for fiscal year ending June 30, 1890, approved March 2, 1889, provision is made as follows:

"For the purchase of about 101 acres of land adjoining or near the post at Madison Barracks, New York, for rifle range and drill and camping purposes, $7,000, or so much thereof as may be necessary."

I made a personal examination of this lot and found that most of it was not suitable for the purposes for which it is desired.

In making further investigation I found other land adjoining or near the military post at Madison Barracks well adapted for rifle range and other purposes for which it is wanted.

I therefore earnestly recommend that the inclosed clause be incorporated in the army appropriation bill for the next fiscal year.

Very sincerely,

REDFIELD PROCTOR,
Secretary of War.

Hon. B. M. CUTCHEON,
Chairman Military Committee, House of Representatives, Washington, D. C.

The amendment was agreed to.

The Clerk read as follows:

ENGINEER DEPARTMENT.

Engineer depot at Willets Point, New York: Incidental expenses of the depot, including fuel, lights, chemicals, stationery, hardware, extra-duty pay to soldiers necessarily employed as artificers on work in addition to and not strictly in line of their military duties, such as carpenters, blacksmiths, draughtsmen, printers, bookbinders, lithographers, photographers, engine-drivers, teamsters, wheelwrights, masons, machinists, painters, overseers, laborers, repairs of, and for materials to repair, public buildings, machinery, clerk hire, and unforeseen expenses, $5,000.

Mr. CANNON. I desire to offer an amendment for the purpose of asking the gentleman in charge of this bill a question. My amend-

ment is: Before the word "as," in line 7, insert "for periods of not less than ten days." That has been the current provision heretofore and is dropped out of this bill.

Mr. CUTCHEON. It was dropped out of the bill because it had been dropped out of the Book of Estimates.

Mr. CANNON. The gentleman, then, has no objection to the amendment?

Mr. CUTCHEON. I think there is no objection to the amendment. It was in the last bill.

The Clerk read as follows:

After the word "employed," in line 6 of page 20, insert the words "for periods of not less than ten days."

Mr. CUTCHEON. Mr. Chairman, I find that that is the current law, and there is no objection to it.

The CHAIRMAN. Without objection, the amendment will be considered as adopted.

There was no objection, and it was so ordered.

The Clerk read as follows:

For purchase and repairs of instruments to be issued to officers of the Corps of Engineers and to acting engineer officers for use on public works and surveys, two thousand —— hundred dollars.

The CHAIRMAN. The Clerk calls the attention of the Chair to the fact that in line 20 there is evidently a word dropped out of the print.

Mr. CUTCHEON. There is a failure in the type right there, it seems. It should be "five hundred," so as to read: "twenty-five hundred."

The CHAIRMAN. Without objection, that amendment will be considered as adopted. The Chair hears no objection, and it is so ordered.

The Clerk read as follows:

Library of the Engineer School of Application: Purchase and binding of professional works of recent date treating of military and civil engineering, and kindred scientific subjects, $500.

Mr. SPRINGER. I desire to ask the gentleman from Michigan a question in regard to this appropriation.

Mr. CUTCHEON. One moment. Will the gentleman allow me?

Mr. SPRINGER. Certainly.

Mr. CUTCHEON. In regard to the imperfect print at the close of line 20, I find by reference to the tabulated statement that the amount is $2,000. I was therefore inaccurate in my statement. The word "hundred" should be striken out, so as to make it read: "$2,000."

The CHAIRMAN. Without objection, the word "hundred" will be stricken out, so that the paragraph will end with the words "two thousand dollars." The Chair hears no objection, and it is so ordered.

Mr. SPRINGER. Now, Mr. Chairman, I desire to move an amendment to line 23. After the word "date" insert the words "at the Public Printing Office;" so as to read: "for the purchase and binding of professional works of recent date at the Public Printing Office." We have a printing and binding office here for the purpose of attending to that kind of work for the Government, and I do not see why any such work should not be done at our Government Printing Office, instead of letting out to a private enterprise "the binding of professional works of recent date."

Mr. CUTCHEON. Mr. Chairman, I have only this to say as to that. The Engineer School of Application is located at Willets Point, New York. The amount asked for is very small, $500. These works, as I understand, are largely scientific journals, magazines, and such like matter; and I presume the work can be done as cheaply in New York and much more conveniently than to send them to the Printing Office in Washington. When you have paid the transportation you would not save anything; and, besides that, the Printing Office here seems to have more than it can do.

Mr. SPRINGER. I do not see the necessity for keeping up a printing office at the public expense and then letting out our printing and binding to private enterprises all over the country.

Mr. WILLIAMS, of Ohio. I would suggest to the gentleman that it is a matter of economy, even in the matter of expressage.

Mr. SPRINGER. If it is a matter of economy, then you had better do away with the Public Printing Office as a matter of economy.

Mr. WILLIAMS, of Ohio. If the gentleman would do away with the Government Printing Office because $500 was appropriated for the binding of books by private parties, I would say that that is in keeping with the kind of statemanship that the gentleman from Illinois favors.

Mr. SPRINGER. The gentleman objects to this because it is a small matter.

Mr. CUTCHEON. I hope the gentleman will not insist on his amendment. We were getting along so nicely.

Mr. SPRINGER. If the gentleman would accept amendments we would get along better.

Mr. BUCHANAN, of New Jersey. I suppose we ought to have two hours' debate upon that?

Mr. SPRINGER. The gentleman is obstructing legislation by preventing necessary amendments; but if he will withdraw objection to such amendments and let amendments such as are necessary be made he will get along much faster.

Mr. CUTCHEON. I am willing to have a vote.

The question was taken on the adoption of the amendment, and it was rejected.

Mr. SPRINGER. I am surprised. [Laughter.]

The Clerk read as follows:

For fireproof building to replace engineer depot storehouse destroyed by fire May 10, 1890, for storing intrenching tools, bridge equipage, ponton material, and general stores, $16,000.

Mr. SPRINGER. Mr. Chairman, I desire to ask for information whether this paragraph is not subject to a point of order.

Mr. CUTCHEON. The Engineer School of Application, located at Willets Point, has for many years had charge of the instruction of young engineers in pontoning, in the use of torpedoes, and in drilling them. It is one of the established institutions of the Army. Last May one of their large storehouses burned up. They desire now a fireproof storehouse, and it is simply similar to the provision for a new academic building at West Point, discussed awhile ago; and it is simply to restore the School of Application to its former position.

Mr. SPRINGER. In view of that statement, Mr. Chairman, would it not be proper to bring a bill in from the Committee on Public Buildings and Grounds? This is for a new building.

Mr. CUTCHEON. I do not care to discuss that.

The CHAIRMAN. The Clerk will read.

Mr. SPRINGER. I desire to make a point of order, Mr. Chairman.

The CHAIRMAN. What is the point of order?

Mr. SPRINGER. That an appropriation for erecting a building destroyed by fire is new legislation and not an expenditure authorized by law.

The CHAIRMAN. That point has just been overruled.

Mr. SPRINGER. When was that overruled?

The CHAIRMAN. The Chair overrules the point of order.

Mr. SPRINGER. That is another reason why it should be made and why the attention of the country should be called to it, because, if you can appropriate in an ordinary appropriation bill for rebuilding or to erect a new building, then all appropriations are in order in this bill.

Mr. WILLIAMS, of Ohio. Your point of order has been overruled and why should you discuss it?

The Clerk read as follows:

ORDNANCE DEPARTMENT.

Ordnance service: For current expenses of the ordnance service required to defray the current expenses at the arsenals; of receiving stores and issuing arms and other ordnance supplies; of police and office duties; of rents, tools, fuel, and lights; of stationery and office furniture; of tools and instruments for use; incidental expenses of the ordnance service, and those attending practical trials and tests of ordnance, smallarms, and other ordnance supplies, including payment for mechanical labor in the office of Chief of Ordnance, $80,000.

Mr. ADAMS. Mr. Chairman, I do not care to offer a formal amendment or to delay the bill, but I wish to ask the chairman of the committee a question for information in regard to what I think is a very important subject. I desire to ask what progress the Department has been making towards furnishing our Army with a small-caliber rifle, adapted to the requirements of modern warfare. Our troops are now armed with a .45-caliber rifle which is as antiquated as a Revolutionary musket. The other nations have already armed or are in process of arming their troops with a new-model, high-power, small-caliber rifle, and I think it is proper to inquire, when this great appropriation bill is about to pass, what progress is being made here in that direction.

Mr. CUTCHEON. The gentleman from Massachusetts [Mr. ROCKWELL] represents the United States arsenal, and I will yield to him to answer the question.

Mr. ADAMS. This is not a question of the arsenal. It is a question of the adoption of a plan by which we shall come up with other nations in the armament of our troops.

Mr. ROCKWELL. Mr. Chairman, as I understand, there is a board of officers now in session to examine and test magazine arms as presented, with the view of recommending a magazine rifle for the Army. It costs a considerable amount of money to build one of these new arms at first, though afterwards of course it costs much less. For this reason it is quite desirable, in this age of rapid improvement, to select the right arm before you make a change.

The caliber of the present Springfield rifle in use in the Army is .45. It has practically been decided that the new rifle shall be .30 caliber and that a smokeless powder shall be used. In 1883 seven hundred of the best three magazine guns were sent into the field and tried in competition, and in competition with the Springfield rifle as a single loader. The trials lasted through two years and proved the superiority of the Springfield as a single loader. We shall soon make magazine guns.

Mr. ADAMS. It still remains a fact, though, that it is an antiquated gun and that its range is only about half the range of the rifles with which other armies are equipped. It still remains a fact that European nations, who have to pay a great deal of money to arm their forces, have supplied them with a rifle of double the range and power of the Springfield gun. I simply wanted to ask the chairman of the committee in charge of the bill and the gentleman representing the district in which the Springfield Armory is situated, whether there is, and, if not, whether there should not be, an ample appropriation in

this bill in order to hurry this experiment to an end and get our soldiers properly equipped with the latest and best arm.

Mr. ROCKWELL. The board of which I have spoken is already appointed, and will meet in the summer and make its report as soon as possible thereafter, so that next year will be the proper time for that appropriation. Of course, though, if the House wants to put in an appropriation for $200,000 for experiments in this direction, I shall not object.

Mr. SPRINGER. I hope, Mr. Chairman, that the gentleman from Michigan [Mr. CUTCHEON] will now make a motion that the committee rise, as it is after 5 o'clock and it is obvious that we can not finish the bill to-day.

Mr. CUTCHEON. I think we can finish the reading of the bill in a few moments more. If the gentleman will let us go on for ten minutes, I will then make the motion to rise subject to my agreement with the gentleman from Indiana [Mr. HOLMAN] in regard to the amendment relating to transportation.

Mr. SPRINGER. What was the agreement?

Mr. CUTCHEON. The agreement was that the amendment of the gentleman from Indiana [Mr. HOLMAN] might be considered as pending until the reading of the bill was completed. That is the amendment relating to the land-grant railroads.

Mr. SPRINGER. That is to go over until to-morrow, then?

Mr. CUTCHEON. Well, when we have completed the reading of the bill I propose to have some understanding with the gentleman from Indiana.

Mr. SPRINGER. I think it would be well to have that understanding now, because we might not agree at the end of this bill as readily as we could now.

Mr. CUTCHEON. I think the gentleman from Indiana [Mr. HOLMAN] and myself will not have any difficulty in arriving at a fair and amicable understanding.

Mr. SPRINGER. Perhaps not; but there are one or two other members of the House who might desire to be consulted. [Laughter.]

The Clerk read as follows:

For manufacture, repair, and issue of arms at the national armories, $400,000: *Provided*, That not more than $60,000 of the money appropriated for the Ordnance Department in all its branches shall be applied to the payment of civilian clerks in said department: *Provided*, That section 3709 of the Revised Statutes shall not apply to the purchase of supplies not exceeding in value the sum of $200.

Mr. BRECKINRIDGE, of Kentucky. I would like to ask the chairman of the committee [Mr. CUTCHEON] the reason for inserting in this bill this provision for the payment of civilian clerks in the Ordnance Department. Does not the provision more properly belong to the legislative, executive, and judicial appropriation bill, or to the sundry civil appropriation bill? Why is it that in this army bill $60,000 is appropriated for civilian clerks? For, of course, when we provide that not more than $60,000 shall be expended in this way, we know that the expenditure will be fully up to that amount.

Mr. CUTCHEON. I do not know that I can give a well-considered answer to the gentleman's inquiry. I can only say that the estimate is submitted in this form; and the appropriation has been carried in this way in successive army bills for a number of years—I think ever since this bill has been reported by the Military Committee.

Mr. BRECKINRIDGE, of Kentucky. My idea is that there ought to be no more confusion than is absolutely necessary in regard to the jurisdiction of the various committees over the several appropriation bills. If the Committee on Appropriations has not jurisdiction of the civilian clerks necessarily employed in the War Department and at various military posts, then, of course, the subject might fall within the jurisdiction of the Military Committee. But, as a matter of fact, our committee—the Committee on Appropriations—does provide the appropriations for these objects. There has been a great deal of testimony taken before our committee as to the number of clerks that ought to be employed. I do not profess to know whether this particular item is included in any other appropriation bill; but, as I speak in the presence of the chairman of the Committee on Appropriations [Mr. CANNON], perhaps he can throw some light upon the question.

Mr. CANNON. I will say to the gentleman that the legislative, executive, and judicial appropriation bill carries provision for the force in the War Department proper, and there is a provision that no clerk shall be employed in the War Department proper except those appropriated for specifically in that bill. Here is a limitation upon the general appropriation, a provision that not exceeding $60,000 shall be expended for clerical services, meaning clerical services in the Army in connection with ordnance posts, etc., outside of the War Department proper.

Mr. BRECKINRIDGE, of Kentucky. The provision here is—

That not more than $60,000 of the money appropriated for the Ordnance Department in all its branches shall be applied to the payment of civilian clerks in said department.

Mr. CANNON. That refers to the Army.

Mr. BRECKINRIDGE, of Kentucky. This provision evidently refers to clerks in the Ordnance Department, and it is made as broad as it can be by the use of the additional words "in all its branches." It seems to me the effect of this provision is simply to give the Chief of the Ordnance Department authority to employ as many or as few civilian clerks as he may think proper, the sole limitation being that the aggregate expense shall not exceed $60,000.

Now I do not know but it may be a very good thing to put into the hands of the chiefs of these various bureaus a lump sum and let them determine the force necessary to be employed; but that is not the policy which Congress has followed for a great many years. Our policy has been year by year to specialize more and more in this respect; to determine what shall be the number of employés and their salaries; to control the matter in this way by Congressional enactment, instead of turning lump sums over to leading officers to be spent at their discretion.

Mr. CUTCHEON. I will state to the gentleman that this is a limitation of the same nature as he will find in various parts of this bill. For instance, there is a limitation as to the amount appropriated for the employment of civilian employés in the Quartermaster's Department. So with other departments. These limitations do not refer to the clerical force in the War Department building in this city, but to the clerical assistance employed by ordnance officers at the various arsenals and ordnance posts throughout the country.

Mr. BRECKINRIDGE, of Kentucky. I admit that there are similar provisions in regard to other corps; and therefore, if my criticism be correct as to this particular provision, it would apply also to various other departments. But the question at issue is whether it is a wise thing for the Committee on Military Affairs to have jurisdiction of civilian clerks; and, if so, whether the committee should report a lump sum to be used at the discretion of the heads of these departments instead of having Congress control the number of clerks that shall be employed and the compensation which shall be paid to each.

Mr. CANNON. Let me call the attention of the gentleman from Kentucky to the provision of the Revised Statutes creating the War Department; that is, the Department with the Secretary of War at its head, the War Department in this city. Then the statutes go on and provide for the Army. The gentleman knows that the legislative appropriation bill provides for the force of the War Department; the army bill takes care of the Army and the military establishment. The gentleman will notice that this limitation applies to civilian clerks that may be employed in the Army, not in the War Department.

Mr. BRECKINRIDGE, of Kentucky. So I understand.

Mr. CANNON. In 1883 or 1884, I believe—in the Forty-sixth Congress—this whole question was thoroughly examined, and an exhaustive report made upon it in connection with the army bill; and then, for the first time, a limitation was placed upon the civilian clerks to be employed in connection with the Army. Up to that time the appropriation might be used without limit for the employment of civilian clerks; but on that occasion, upon the fullest inquiry, the House and Senate, under the lead of the Committee on Appropriations, concurred in decreasing the number of these civilian employés, as I recollect, about one-fourth; and there has been no substantial increase since that time. Following that precedent this limitation has been adopted.

Mr. BRECKINRIDGE, of Kentucky. Now, just in that connection. I was not aware of the history the gentleman has cited, and I am very glad for the information he has given in his statement.

But, Mr. Chairman, is it not wise to go a step further, and, instead of providing a limited sum or any sum, even though limited to $60,000 and placed under the control of the Chief of Ordnance, or under the control of the Chief of Subsistence, or the Quartermaster General, should not Congress make the appropriation in these matters exactly as it does in the Department of War? The Secretary of War is supposed to be an officer of higher rank than the chiefs of the various bureaus, which are merely branches or bureaus of the Department over which he presides, and yet we legislate with special direction as to the number of clerks in the War Department and their pay.

Why depart from that principle and turn over to the chiefs of the bureaus a sum, even though limited in amount, to be disposed of according to their discretion and place in their hands in that regard a discretion which you are unwilling to place, or do not place, in the hands of the chief officer of the Department? I do not mean, of course, to say that they are not honest, honorable, capable, and skillful men.

Mr. CANNON. If the gentleman will allow me, I will admit that the suggestion, in my opinion, is a wise one. I will be very glad to see the time come when our estimates, like the English estimates, would cover every employé of the Government, with his salary, and when there is to be an increase of pay the individual should be specified.

Great progress has been made in that direction in the last quarter of a century, and I think the principle is a wise one and ought to be pursued. But there is room yet for further progress, as the gentleman from Kentucky has well said.

Mr. DOCKERY. In the light of the suggestion of the gentleman from Kentucky, I desire to ask the chairman of the committee a question.

Mr. WILLIAMS, of Ohio. What is before the committee?

Mr. DOCKERY. I move to strike out the last word.

Mr. WILLIAMS, of Ohio. We have just had a long and learned discussion without any motion pending.

Mr. DOCKERY. I desire to suggest to the chairman of the Committee on Military Affairs why a proviso requiring the Secretary of War to report every year to Congress the names and salaries of the employés of his Department would not be wise and prudent legislation. And this suggestion I submit in the light of the remarks of the gentleman from Kentucky, which was indorsed so cordially by the gentleman from Illinois [Mr. CANNON].

Mr. CUTCHEON. I do not know why it would not be wise. But we have the Official Register printed every two years showing the name of every employé and the salary he receives.

Mr. DOCKERY. The reason I offered the suggestion is that a similar proviso pertains to the Navy Department. A certain lump sum, if I may be allowed to use the expression, is appropriated for the use of the Navy Department.

Mr. CUTCHEON. If the gentleman had introduced a bill and it had been referred to the committee, I am inclined to think it would have been favorably considered; but I do not think it would be well to undertake to do it by way of an amendment.

Mr. DOCKERY. It did not require the introduction of a bill. An amendment at this point would answer the same purpose.

Mr. CANNON. I suggest to my friend, the chairman of the committee, that he allow this matter to go over until the morning and let the subject be looked into with more care. My impression is that there is such a provision of law now.

Mr. DOCKERY. There is on the naval bill.

Mr. CANNON. And I think with regard to the army bill also.

Mr. CUTCHEON. I have no objection to the suggestion of the gentleman from Illinois to look into the matter still further.

Mr. DOCKERY. With permission to return to this part of the bill.

Mr. CUTCHEON. Let us finish this head to-night.

Mr. DOCKERY. I understand we can recur to this in the morning?

Mr. WILLIAMS, of Ohio. Oh, let us read the whole bill to-night.

Mr. ROGERS. Mr. Chairman, I think we ought to rise now.

Mr. CUTCHEON. If the gentleman will permit me to finish this head I will make the motion myself.

Mr. ROGERS. We are proceeding here *nem. con.* anyhow.

Mr. WILLIAMS, of Ohi- We have but one page more of the bill and can get through it in a few minutes.

Mr. ROGERS. I move that the committee rise.

Mr. CLEMENTS. The last proviso to this paragraph, Mr. Chairman, I believe, was not read. I wish to make the point of order against that proviso.

Mr. ROGERS. The gentleman from Missouri moved to strike out the last word. If that was in order, I think the motion to rise is certainly in order.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DINGLEY reported that the Committee of the Whole House on the state of the Union, having had under consideration the army appropriation bill, had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, returned to the House the bill (S. 4620) to establish the record and pension office of the War Department, and for other purposes, previously returned to the Senate at its request.

The message also announced that the Senate had passed with amendment the bill (H. R. 2787) to authorize the Secretary of War to remove the charge of desertion from the records of the War Department as to Dudley Johnson, late ordnance sergeant, United States Army, asked a conference with the House on said bill and amendment, and had appointed as conferees on the part of the Senate Mr. WALTHALL, Mr. HAWLEY, and Mr. MANDERSON.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 2105) to transfer officers on the retired list of the Army from the limited list to the unlimited;

A bill (S. 3940) to provide for the purchase of a site and the erection of a public building thereon at Fresno, in the State of California;

A bill (S. 4017) for the relief of Nathan Kimball, postmaster at Ogden, Utah;

A bill (S. 4604) to authorize the construction of a bridge across the Red River of the North, at Drayton, N. Dak.;

A bill (S. 4683) to provide a suitable site for a post office in the city of Providence, R. I.; and

A bill (S. 4711) to provide for the purchase of a site and the erection of a public building thereon at Joliet, in the State of Illinois.

PUBLIC BUILDING, AKRON, OHIO.

The SPEAKER. The gentleman from Ohio [Mr. SMYSER] desires to ask unanimous consent that the action of the House may be vacated by which the House this morning agreed to a conference upon the amendments of the Senate to the bill (H. R. 4403) for the erection of a public building at Akron, Ohio, and he asks that concurrence may be had in the amendments of the Senate. The gentleman was not present when the conference was agreed to this morning. If there is no objection, the action taken by the House this morning will be vacated, and the Chair will put the question on concurrence.

Mr. BRECKINRIDGE, of Kentucky. I would like to inquire as to what is the effect of the amendments of the Senate.

Mr. SMYSER. The Senate reduced the amount of the appropriation by $25,000. The House appropriated $100,000 and the Senate reduced the appropriation to $75,000.

Mr. BRECKINRIDGE, of Kentucky. Is that the only difference?

Mr. SMYSER. That is the only difference.

The amendments of the Senate were concurred in.

Mr. CUTCHEON. I move that the House do now adjourn.

RODMAN M. PRICE.

Mr. MCADOO. I wish the gentleman from Michigan [Mr. CUTCHEON] would withhold his motion long enough to allow me to have a bill properly referred. I ask the discharge of the Naval Committee from the consideration of the bill (S. 2276) for the relief of Rodman M. Price, and that the same may lie upon the Speaker's table, the committee having reported a bill substantially the same as the Senate bill, which, on coming to the House, was referred to the Committee on Claims, and was sent by them to the Naval Committee. I ask that the committee be discharged, and that the bill lie upon the Speaker's table.

The SPEAKER. Does the gentleman from Michigan [Mr. CUTCHEON] yield?

Mr. CUTCHEON. Yes, for a moment.

Mr. HOPKINS. What is the object of the bill.

Mr. MCADOO. It is a bill for the relief of Rodman M. Price. It carries no appropriation.

Mr. CUTCHEON. Why not have it go upon the Calendar?

Mr. MCADOO. It is improperly with the Naval Committee, and I simply desire to get that committee discharged from the consideration of it, and that it may go back upon the Speaker's table.

Mr. CUTCHEON. It seems to have passed beyond the Speaker's table once.

The SPEAKER. The bill was on the Speaker's table and was referred to the Committee on Naval Affairs.

Mr. MCADOO. Yes, and I ask that it may go back upon the Speaker's table, from which it came.

Mr. HOPKINS. I shall object to that until I know more about the bill.

The SPEAKER. Objection is made.

PROPOSED PURCHASE OF CERTAIN BALLOT BOXES.

The SPEAKER, on behalf of Mr. MASON, presented to the House the report of the select committee to investigate the proposed purchase of certain ballot boxes; which report, together with the accompanying evidence taken, was ordered to be printed.

The motion of Mr. CUTCHEON was agreed to; and accordingly (at 5 o'clock and 24 minutes p. m.) the House adjourned.

EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communication was taken from the Speaker's table and referred as follows:

ALLOWED CLAIMS.

Letter from the Secretary of the Treasury, transmitting a list of claims allowed by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund—to the Committee on Appropriations.

RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolution was introduced and referred as follows:

By Mr. PICKLER:

Resolved, That the Committee on Rules be requested to provide a day, as early in the month of February as practicable, for the Committee on Indian Affairs, for the hearing of Senate bill No. 3216, entitled "An act to ratify and confirm an agreement with the Sisseton and Wahpeton bands of Dakota or Sioux Indians, and for other purposes;

to the Committee on Rules.

By Mr. EVANS:

Resolved, That the Secretary of War be, and is hereby, respectfully requested to furnish this House with the list of retired army officers now in the civil service of the Government, showing retired rank of each officer, date of retirement, and date of employment in civil service, and when practicable the nature of such civil service and pay;

to the Committee on Military Affairs.

By Mr. PERKINS:

Resolved, That Tuesday, the 20th day of January, 1891, be set apart for the consideration of business reported or called up by the Committee on Indian Affairs; that this order is to become operative immediately after the reading of the Journal and the consumption of sixty minutes for the morning hour, and that it be made subject to the right to consider revenue and general appropriation bills, and shall not be held to provide for the consideration of the bill purchasing the lands of the Choctaw and Chickasaw Indians in Oklahoma Territory;

to the Committee on Rules.

MEMORIALS AND RESOLUTIONS OF STATE LEGISLATURES.

Under clause 3 of Rule XXII, the following memorial and resolution of the Territorial convention of Alaska was introduced and referred as follows:

By Mr. CARTER: Memorial and resolution of the Territorial convention of Alaska, asking that provision be made for a Territorial government for the Territory—to the Committee on Territories.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. McKINLEY, from the Committee on Ways and Means, reported favorably the bill of the House (H. R. 12333) relating to the treaty of reciprocity with the Hawaiian Islands, accompanied by a report (No. 3422)—to the Committee of the Whole House on the state of the Union.

Mr. BELKNAP, from the Committee on Invalid Pensions, reported favorably the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 12386) granting a pension to Mary S. Wheeler. (Report No. 3423.)

A bill (H. R. 12118) granting a pension to Eliza Jane Saunders. (Report No. 3424.)

A bill (H. R. 12478) granting a pension to Jane Falk. (Report No. 3425.)

Mr. YODER, from the Committee on Invalid Pensions, reported favorably the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 12583) granting a pension to Lorain McCook. (Report No. 3426.)

A bill (H. R. 12647) granting a pension to Susan Wood. (Report No. 3427.)

Mr. FLICK, from the Committee on Invalid Pensions, reported favorably the following bills; which were severally referred to the Committee of the Whole House:

A bill (H. R. 12244) granting a pension to Annie B. Pettigrew. (Report No. 3428.)

A bill (S. 4506) granting a pension to Frederick Slawson. (Report No. 3429.)

A bill (S. 3976) granting a pension to George A. Perkins. (Report No. 3430.)

A bill (S. 4507) granting a pension to Johanna Teubner. (Report No. 3431.)

Mr. McKINLEY, from the Committee on Ways and Means, reported favorably the bill of the Senate (S. 3479) to provide for the issuing and recording of commissions in the Department of the Treasury, accompanied by a report (No. 3432)—to the Committee of the Whole House on the state of the Union.

Mr. MASON, from the Committee on Commerce, reported favorably the bill of the Senate (S. 2550) authorizing the Quincy Ponton Bridge Company to construct and maintain a ponton bridge across the Mississippi River at the city of Quincy, in the State of Illinois, accompanied by a report (No. 3433)—to the House Calendar.

Mr. RUSSELL, from the Committee on Printing, reported favorably a joint resolution of the House (H. Res. 180) providing for the binding and distribution to libraries of certain volumes of the Congressional Globe, accompanied by a report (No. 3434)—to the Committee of the Whole House on the state of the Union.

Mr. SAWYER, from the Committee on Invalid Pensions, reported with amendment the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 12811) granting an increase of pension to General Isaac F. Quinby. (Report No. 3435.)

A bill (H. R. 12835) granting a pension to Ann Maria Bullock Schram. (Report No. 3436.)

Mr. MARTIN, of Indiana, from the Committee on Invalid Pensions, reported with amendment the bill of the House (H. R. 6259) granting a pension to Henry A. Hoar, accompanied by a report (No. 3437)—to the Committee of the Whole House.

He also, from the same committee, reported favorably the bill of the House (H. R. 6262) granting a pension to John W. Bussabarger, accompanied by a report (No. 3438)—to the Committee of the Whole House.

Mr. NUTE, from the Committee on Invalid Pensions, reported with amendment the bill of the House (H. R. 12946) granting a pension to Lydia P. Holmes, accompanied by a report (No. 3439)—to the Committee of the Whole House.

Mr. LAWS, from the Committee on Invalid Pensions, reported favorably the bill of the House (H. R. 12714) granting a pension to Charles D. Hanscom, accompanied by a report (No. 3440)—to the Committee of the Whole House.

Mr. PERKINS, from the Committee on Indian Affairs, to which was referred the message of the President of the United States transmitting a letter of the Secretary of the Interior, with an agreement by the Cherokee commission with the Cheyenne and Arapahoe Indians for the cession of certain lands (Executive Document No. 1), reported a bill (H. R. 13102) to ratify and confirm an agreement with the Cheyenne and Arapahoe tribes of Indians in Oklahoma Territory, and to make appropriations for carrying the same into effect; which was read twice, and, accompanied by a report (No. 3441), referred to the Committee of the Whole House on the state of the Union.

Mr. BROWNE, of Virginia, from the Committee on Commerce, reported with amendment the bill of the House (H. R. 12931) to authorize the Secretary of the Treasury to acquire by purchase or otherwise a right of way, etc., for transportation of lighthouse supplies, etc., accompanied by a report (No. 3442)—to the House Calendar.

He also, from the same committee, reported favorably the following bills of the House; which were severally referred to the Committee of the Whole House on the state of the Union:

A bill (H. R. 12933) for establishment of light station at or near Wreck Point, seacoast of North Carolina. (Report No. 3443.)

A bill (H. R. 12932) for establishment of light station at Cape Fear, North Carolina. (Report No. 3444.)

A bill (H. R. 12930) for the establishment of range lights between Doller Point and Hog Island Wharf, on James River, Virginia. (Report No. 3445.)

Mr. ENLOE, from the Committee on War Claims, reported with amendment the bill of the House (H. R. 11426) for the relief of James R. Wyrick, accompanied by a report (No. 3447)—to the Committee of the Whole House.

Mr. TURNER, of New York, from the Committee on Invalid Pensions, reported favorably the bill of the House (H. R. 12984) granting a pension to George W. Bryant, accompanied by a report (No. 3448)—to the Committee of the Whole House.

Mr. HEMPHILL, from the Committee on the District of Columbia, reported favorably the bill of the House (H. R. 5390) to amend the laws relating to land titles in the District of Columbia, and for other purposes, accompanied by a report (No. 3449)—to the House Calendar.

Mr. BELKNAP, from the Committee on Invalid Pensions, reported favorably the bill of the House (H. R. 12639) granting a pension to Mary A. McKee, accompanied by a report (No. 3450)—to the Committee of the Whole House.

Mr. BOOTHMAN, from the Committee on Claims, reported with amendment the bill of the House (H. R. 3709) to provide for the final settlement of the transportation account with the Richmond and Danville Railroad Company, accompanied by a report (No. 3451)—to the Committee of the Whole House.

Mr. LEWIS, from the Committee on Public Buildings and Grounds, reported favorably the bill of the House (H. R. 12341) to provide for the erection of an extension to the customhouse, courthouse, etc., building at Toledo, Ohio, accompanied by a report (No. 3452)—to the Committee of the Whole House on the state of the Union.

Mr. SCULL, from the Committee on Pensions, reported favorably the bill of the Senate (S. 3957) granting an increase of pension to Mrs. Mary McIntosh, accompanied by a report (No. 3453)—to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the following changes of reference were made:

A joint resolution (H. Res. 260)for the relief of Charles Stoughton—Committee on Commerce discharged, and referred to the Committee on Claims.

A bill (H. R. 10432) granting a pension to Nancy Shotwell—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6147) for the relief of Mariam Goodloe, widow, and Laura Blinn, Richard V. Goodloe, and Joseph A. Goodloe, children, and James H. Goodloe and Mrs. Fannie Hough, grandchildren of James Goodloe, deceased—Committee on Claims discharged, and referred to the Committee on War Claims.

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, severally read twice, and referred as follows:

By Mr. GROUT: A bill (H. R. 13099) authorizing commissioners of the District of Columbia to make regulations concerning steam railways in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. GEARY: A bill (H. R. 13100) for a public building at Santa Rosa, Cal.—to the Committee on Public Buildings and Grounds.

By Mr. GEISSENHAINER: A bill (H. R. 13101) to promote the education of the blind—to the Committee on Education.

By Mr. PAYSON: A bill (H. R. 13103) to amend an act entitled "An act to forfeit certain lands heretofore granted for the purpose of aiding the construction of railroads, and for other purposes," approved September 29, 1890—to the Committee on the Public Lands.

By Mr. CASWELL (by request): A bill (H. R. 13104) to amend the act of Congress approved March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States"—to the Committee on the Judiciary.

By Mr. HEMPHILL: A bill (H. R. 13105) to abolish the right of

parol demurrer in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BUTTERWORTH (by request): A bill (H. R. 13106) to regulate mode of assessing real estate in District of Columbia—to the Committee on the District of Columbia.

By Mr. CARTER: A bill (H. R. 13107) providing a temporary government for Alaska—to the Committee on the Territories.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BERGEN: A bill (H. R. 13108) granting pension to Carrie F. Ogden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13109) granting pension to Susan Ogden—to the Committee on Invalid Pensions.

By Mr. BROOKSHIRE: A bill (H. R. 13110) granting a pension to Susanna Bayless—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13111) to increase the pension of Ambrose B. Carlton—to the Committee on Pensions.

Also, a bill (H. R. 13112) granting a pension to Lydia A. Jewell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13113) to correct the military record of Henry Staff—to the Committee on Military Affairs.

By Mr. BOATNER: A bill (H. R. 13114) for the relief of Jerry Green—to the Committee on Military Affairs.

Also, a bill (H. R. 13115) for the relief of Peter Molyneaux—to the Committee on War Claims.

By Mr. CANDLER, of Massachusetts: A bill (H. R. 13116) granting a pension to Adeline A. Coolidge—to the Committee on Invalid Pensions.

By Mr. CHEADLE: A bill (H. R. 13117) granting a pension to Mary J. Best—to the Committee on Invalid Pensions.

By Mr. EDWARD R. HAYS: A bill (H. R. 13118) pensioning James W. Vernon, invalid son of Elijah Vernon, late private of Company A, Thirty-third Regiment of Iowa Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. McKINLEY: A bill (H. R. 13119) granting a pension to Laura M. Gillmore—to the Committee on Invalid Pensions.

By Mr. O'DONNELL: A bill (H. R. 13120) granting a pension to Susan Goucher—to the Committee on Invalid Pensions.

By Mr. OWENS, of Ohio: A bill (H. R. 13121) granting additional pension to Mary R. Haskins—to the Committee on Invalid Pensions.

By Mr. PARRETT: A bill (H. R. 13122) to pension Aaron Kitchell—to the Committee on Invalid Pensions.

By Mr. PAYNTER: A bill (H. R. 13123) granting a pension to Maj. George W. Pritchard—to the Committee on Invalid Pensions.

By Mr. PICKLER: A bill (H. R. 13124) granting a pension to Patrick E. O'Connor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13125) granting a pension to Sally B. Pierce—to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 13126) to remove the charge of desertion against William W. Smith—to the Committee on Military Affairs.

Also, a bill (H. R. 13127) granting a pension to Mrs. Lucy S. Wheeler—to the Committee on Pensions.

By Mr. TARSNEY: A bill (H. R. 13128) granting a pension to Jane Anderson—to the Committee on Invalid Pensions.

By Mr. WILLIAMS, of Illinois: A bill (H. R. 13129) granting a pension to James K. Rainey—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BLISS: Petition for pension of Sidney McCreedy—to the Committee on Invalid Pensions.

By Mr. BOATNER: Petition of Jerry Green, praying that the charge of desertion against him may be removed—to the Committee on Military Affairs.

By Mr. JASON B. BROWN: Resolutions and petition of Lovett Lodge, No. 3247, of Moulton, Appanoose County, Iowa, praying passage of House bill 5353, defining options and futures—to the Committee on Agriculture.

By Mr. DOLLIVER: Petition of H. T. McCallister and 11 others, citizens of Calhoun County, Iowa, for passage of the antioption bill—to the Committee on Agriculture.

By Mr. DORSEY: Resolutions adopted by Farmers' Alliances of the State of Nebraska, asking passage of the antioption bill—to the Committee on Agriculture.

Also, petitions from Farmers' Alliances in the State of Nebraska, asking passage of the antioption bill—to the Committee on Agriculture.

By Mr. GREENHALGE: Petitions of Board of Trade of Amesbury, Mass., and others, in support of House bill to classify fourth-class mail matter under the third class—to the Committee on the Post Office and Post Roads.

By Mr. GROSVENOR: Petition of certain residents of the Twelfth Congressional district of Ohio, to prevent the use of the mails for immoral purposes—to the Committee on the Post Office and Post Roads.

By Mr. HATCH: Petition of R. F. Frisbie and 41 others, citizens of Adair County, Missouri, for passage of the antioption bill, H. R. 5353—to the Committee on Agriculture.

By Mr. EDWARD R. HAYS: Petition and evidence on claim of James W. Vernon for a special act of Congress to grant him an invalid pension—to the Committee on Invalid Pensions.

Also, petition and application of certain citizens of Marion County, Iowa, for same purpose—to the Committee on Invalid Pensions.

By Mr. HENDERSON, of Iowa: Paper from Professor J. L. Pickard, Iowa City, Iowa, asking for increase in the salary of the Commissioner of Education—to the Committee on Expenditures in the Interior Department.

Also, paper from Professor Henry Sabine, superintendent of public instruction of Iowa, for same purpose—to the Committee on Expenditures in the Interior Department.

Also, petition of 15 citizens of Alden, Iowa, asking the speedy passage of House bill 5353, defining options, futures, etc.—to the Committee on Agriculture.

Also, petition of 15 citizens of Ellis Township, Hardin County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of 7 citizens of Rough Woods, Hardin County, Iowa, for same measure—to the Committee on Agriculture.

Also, resolutions by Buckeye Alliance No. 1371, of Alden, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of 48 citizens of Butler County, Iowa, for same measure—to the Committee on Agriculture.

Also, paper from 45 citizens of Hopkinton, Delaware County, Iowa, asking for the enactment of a law giving to the several States authority to control the manufacture and sale of oleomargarine, etc.—to the Committee on Agriculture.

By Mr. KELLEY: Prayer from the American negroes of the United States, by the Afro-American Colonization Society of the District of Columbia, in support of the bill to provide for the purchase of Lower California; also calling attention to the patrotism of the negro Americans and the inhuman treatment they have been subjected to in many instances—to the Committee on Foreign Affairs.

By Mr. KENNEDY: Petition of M. E. Botkin and 26 others, citizens of Logan County, Ohio, favoring passage of the antioption bill—to the Committee on Agriculture.

By Mr. LAWS: Petition of 37 citizens of Clay County, Nebraska, urging passage of House bill 5353—to the Committee on Agriculture.

Also, petition of 22 citizens of Banner County, Nebraska, for same measure—to the Committee on Agriculture.

Also, resolution of Farmers' Alliance, Sutton, Clay County, Nebraska, for same measure—to the Committee on Agriculture.

Also, petition of 25 citizens of Chase County, Nebraska, for same measure—to the Committee on Agriculture.

By Mr. McDUFFIE: Petition for claims of Green Brazleton, deceased, by J. G. Brazleton and C. W. Duncan administrators, of Winchester, Tenn.—to the Committee on War Claims.

By Mr. STRUBLE: Petition of M. B. Clark and 45 others, citizens of Woodbury County, Iowa, urging the passage of House bill 5353—to the Committee on Agriculture.

Also, petition of J. C. Winoset and 21 others, citizens of Clay County, Iowa, for same measure—to the Committee on Agriculture.

Also, resolutions by the Richland Alliance, Iowa, for same measure—to the Committee on Agriculture.

Also, resolutions of Peiro Farmers' Alliance, Iowa, for same measure—to the Committee on Agriculture.

By Mr. JOSEPH D. TAYLOR: Memorial, circulated by the World's Woman's Christian Temperance Union and indorsed by the St. John's River Conference of the Methodist Episcopal Church, composed of 27 ministers (signed in behalf of the conference by the presiding bishop, John P. Newman), praying that immediate and decisive steps be taken to aid in suppression of the alcoholic liquor traffic in the Congo Free State and Basin of the Niger, and to prohibit the exportation of intoxicants from this country into any part of Africa—to the Select Committee on the Alcoholic Liquor Traffic.

Also, memorial (circulated by the same union) signed by Mrs. Bishop Clark, president, and other officers of the Cincinnati branch of the Woman's Foreign Missionary Society of the Methodist Episcopal Church, representing 12,000 members, Rev. Dr. W. G. Moorehead and 26 other clergymen, and 51 other citizens of the United States, mainly of Ohio, for the same purpose—to the Select Committee on the Alcoholic Liquor Traffic.

Also, memorial (circulated by the same union) signed by Rev. Albert Worthington and 7 other clergymen, Professor J. I. Murray and 60 other teachers, Dr. Herbert C. Easterday and 19 other physicians and 145 other citizens, all of Washington, D. C., for same purpose—to the Select Committee on the Alcoholic Liquor Traffic.

Also, memorial (circulated by the same union) signed by Rev. William P. Roy, of Worcester, and 26 other clergymen; Professor Benjamin W. Putnam, of Boston, and 115 other teachers; Mrs. A. A. Walker,

of Pawtucket, and 73 other officers and members of the Woman's Christian Temperance Union, and 207 other citizens of Massachusetts and other States, for same purpose—to the Select Committee on the Alcoholic Liquor Traffic.

Also, resolutions of the Dudley Alliance, Noble County, Ohio, signed by R. B. Warren, president, D. G. Kirkbride, secretary, in favor of the passage of House bill 5353, defining options—to the Committee on Agriculture.

Also, petition of the same Alliance, signed by O. J. Wood and 27 others, for same measure—to the Committee on Agriculture.

By Mr. TAYLOR, of Tennessee: Petition of George T. Larkin, late deputy United States marshal of Tennessee, praying for an act of Congress to reimburse him for expenses in his suit in the Federal court at Knoxville, Tenn.—to the Committee on the Judiciary.

By Mr. TOWNSEND, of Colorado: Resolutions of the Board of Trade of Stanwood Springs, Colo., in favor of the free and unlimited coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. WALLACE, of Massachusetts: Resolutions adopted by the Wachusett Council, No. 21, Order of United American Mechanics, praying for the passage of such laws as will restrict pauper immigration—to the Select Committee on Immigration and Naturalization.

By Mr. WHITING: Petition of W. L. Churchill and 10 others, citizens of Alpena, Mich., asking for increase of pay to keepers and surfmen in the Life-Saving Service—to the Committee on Commerce.

By Mr. WILSON, of Washington: Resolutions of Farmers' Alliance No. 91, of Mondovi, Lincoln County, Washington, W. E. Allison, president, J. H. Judy, secretary, relative to options—to the Committee on Agriculture.

Also, petition of 24 citizens of same county and State, for same measure—to the Committee on Agriculture.

Also, resolutions of Ridge Alliance, No. 139, Sherman, Lincoln County, Washington, F. A. Hopkins, president, James Galloway, secretary, for same measure—to the Committee on Agriculture.

Also, petition of 20 citizens of Mondovi, Lincoln County, Washington, relative to same measure—to the Committee on Agriculture.

CHANGE OF REFERENCE.

The following petitions having been referred to the Committee on Commerce, and that committee having been discharged from their further consideration, the same are hereby referred to the Committee on Claims:

By Mr. CANDLER, of Massachusetts: Memorial of N. H. Myerhoff and 102 others, citizens of New York, for the relief of Charles Stoughton, the projector of the Harlem River Canal improvement, for services rendered therefor at the request of many commercial, civic, and other business men of the United States.

By Mr. DUNNELL: Memorial of E. H. Mead, president of the Pennsylvania Coal Company, and 101 others, citizens of New York, for the relief of Charles Stoughton, the projector of the Harlem River Canal improvement, for services rendered therefor at the request of many of the commercial, civic, and other business men of the United States.

By Mr. FARQUHAR: Memorial of James Stephens & Son, coal dealers, and 55 others, citizens of New York, for the relief of Charles Stoughton, the projector of the Harlem River Canal improvement, New York, for services rendered therefor at the request of many commercial, civic, and other business men of the United States.

By Mr. KETCHAM: Memorial of Church, Gates & Co. and 105 others, citizens of New York, praying for compensation for the projector of the Harlem River Canal project as herein stated.

By Mr. PAYSON: Memorial of Behring and Sons and 101 others, citizens of New York, for the relief of Charles Stoughton, the projector of the Harlem River Canal improvements, for services rendered therefor at the request of many commercial, civic, and other business men of the United States.

SENATE.

WEDNESDAY, *January* 14, 1891.

The Senate met at 10 o'clock a. m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

COIN AND CURRENCY.

The VICE PRESIDENT. It is the duty of the Chair to lay before the Senate the unfinished business coming over from yesterday.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 4675) to provide against the contraction of the currency, and for other purposes, the pending question being on the amendment proposed by Mr. STEWART to the amendment reported by the Committee on Finance.

The VICE PRESIDENT. The Senator from Nevada [Mr. JONES] is entitled to the floor. He is not present. The name of the Senator from Kansas [Mr. INGALLS] is next on the list in the hands of the Chair.

Mr. INGALLS. Mr. President, two portentous perils threaten the safety if they do not endanger the existence of the Republic.

The first of these is ignorant, debased, degraded, spurious, and sophisticated suffrage; suffrage contaminated by the feculent sewage of decaying nations; suffrage intimidated and suppressed in the South; suffrage impure and corrupt, apathetic and indifferent, in the great cities of the North, so that it is doubtful whether there has been for half a century a Presidential election in this country that expressed the deliberate and intelligent judgment of the whole body of the American people.

In a newspaper interview a few months ago, in which I commented upon these conditions and alluded to the efforts of the bacilli doctors of politics, the bacteriologists of our system, who endeavor to cure the ills under which we suffer by their hypodermic injections of the lymph of independent nonpartisanship and the Brown-Séquard elixir of civil-service reform, I said that "the purification of politics" by such methods as this was an "iridescent dream." Remembering the cipher dispatches of 1877 and the attempted purchase of the electoral votes of many Southern States in that campaign, the forgery of the Morey letter in 1881, by which Garfield lost the votes of three States in the North, and the characterization and portraiture of Blaine and Cleveland and Harrison by their political adversaries, I added that "the Golden Rule and the Decalogue had no place in American political campaigns."

It seems superfluous to explain, Mr. President, that in those utterances I was not inculcating a doctrine, but describing a condition. My statement was a statement of facts as I understood them, and not the announcement of an article of faith. But many reverend and eminent divines, many disinterested editors, many ingenuous orators, perverted those utterances into the personal advocacy of impurity in politics.

I do not complain, Mr. President. It was, as the world goes, legitimate political warfare; but it was an illustration of the truth that there ought to be purification in our politics, and that the Golden Rule and the Decalogue ought to have a place in political campaigns. "Do unto others as ye would that others should do unto you" is the supreme injunction, obligatory upon all. "If thine enemy smite thee upon one cheek turn to him the other" is a sublime and lofty precept. But I take this occasion to observe that until it is more generally regarded than it has been or appears likely to be in the immediate future, if my political enemy smites me upon one cheek, instead of turning to him the other I shall smite him under the butt end of his left ear if I can. [Laughter.] If this be political immorality, I am to be included among the unregenerated.

The election bill that was under consideration a few days ago was intended to deal with one part of the great evil to which I have alluded, but it was an imperfect, a partial, and an incomplete remedy. Violence is bad; but fraud is no better; and it is more dangerous because it is more insidious. Burke said in one of those immortal orations that emptied the House of Commons, but which will be read with admiration so long as the English tongue shall endure, that when the laws of Great Britain were not strong enough to protect the humblest Hindoo upon the shores of the Ganges the nobleman was not safe in his castle upon the banks of the Thames. Sir, that lofty sentence is pregnant with admonition for us. There can be no repose, there can be no stable and permanent peace in this country and under this Government until it is just as safe for the black Republican to vote in Mississippi as it is for the white Democrat to vote in Kansas.

The other evil, Mr. President, the second to which I adverted as threatening the safety if it does not endanger the existence of the Republic, is the tyranny of combined, concentrated, centralized, and incorporated capital. And the people are considering this great problem now. The conscience of the nation is shocked at the injustice of modern society. The moral sentiment of mankind has been aroused at the unequal distribution of wealth, at the unequal diffusion of the burdens, the benefits, and the privileges of society.

At the beginning of our second century the American people have become profoundly conscious that the ballot is not the panacea for all the evils that afflict humanity; that it has not abolished poverty nor prevented injustice. They have discovered that political equality does not result in social fraternity; that under a democracy the concentration of greater political power in fewer hands, the accumulation and aggregation of greater amounts of wealth in individuals, is more possible than under a monarchy, and that there is a tyranny which is more fatal than the tyranny of kings.

George Washington, the first President of the Republic, at the close of his life in 1799 had the largest private fortune in the United States of America. Much of this came by inheritance, but the Father of his Country, in addition to his other virtues, shining and illustrious, was a very prudent, sagacious, thrifty, and forehanded man. He knew a good thing when he saw it a great way off. He had a keen eye for the main chance. As a surveyor in his youth he obtained knowledge that enabled him to make exceedingly valuable locations upon the public domain. The establishment of the national Capital in the immediate vicinity of his patrimonial possessions did not diminish their value. He was a just debtor, but he was an exact if not an exacting creditor. And so it came to pass that when he died he was, to use the expressive phraseology of the day, the richest man in the country.

At this time, ninety years afterwards, it is not without interest to know that the entire aggregate and sum of his earthly possessions, his estate, real, personal, and mixed, Mount Vernon and his lands along the Kanawha and the Ohio, slaves, securities, all of his belongings, reached the sum total of between $800,000 and $900,000. This was less than a century ago, and it is within bounds to say that at this time there are many scores of men, of estates, and of corporations in this country whose annual income exceeded, and there has been one man whose monthly revenue since that period exceeded, the entire accumulations of the wealthiest citizen of the United States at the end of the last century.

At that period the social condition of the United States was one of practical equality. The statistics of the census of 1800 are incomplete and partial, but the population of the Union was about 5,300,000, and the estimated wealth of the country was between $3,000,000,000 and $4,000,000,000. There was not a millionaire and there was not a tramp nor a pauper, so far as we know, in the country, except those who had been made so by infirmity or disease or inevitable calamity. A multitude of small farmers contentedly tilled the soil. Upon the coast a race of fishermen and sailors, owning the craft that they sailed, wrested their subsistence from the stormy sea. Labor was the rule and luxury the exception. The great mass of the people lived upon the products of the farms that they cultivated. They spun and wove and manufactured their clothing from flax and from wool. Commerce and handicrafts afforded honorable competence. The prayer of Agur was apparently realized. There was neither poverty nor riches. Wealth was uniformly diffused, and none were condemned to hopeless penury and dependence. Less than 4 per cent. of the entire population lived in towns, and there were but four cities whose population exceeded 10,000 persons. Westward to the Pacific lay the fertile solitudes of an unexplored continent, its resources undeveloped and unsuspected. The dreams of Utopia seemed about to be fulfilled, the wide, the universal diffusion of civil, political, and personal rights among the great body of the people, accompanied by efficient and vigorous guaranties for the safety of life, the protection of property, and the preservation of liberty.

Since that time, Mr. President, the growth in wealth and numbers in this country has had no precedent in the building of nations. The genius of the people, stimulated to prodigious activity by freedom, by individualism, by universal education, has subjugated the desert and abolished the frontier. The laboring capacity of every inhabitant of this planet has been duplicated by machinery. In Massachusetts alone we are told that its engines are equivalent to the labor of one hundred million men. We now perform one-third of the world's mining, one-quarter of its manufacturing, one-fifth of its farming, and we possess one-sixth part of its entire accumulated wealth.

The Anglo-Saxon, Mr. President, is not by nature or instinct an anarchist, a socialist, a nihilist, or a communist. He does not desire the repudiation of debts, public or private, and he does not favor the forcible redistribution of property. He came to this continent, as he has gone everywhere else on the face of the earth, with a purpose. The 40,000 English colonists who came to this country between 1620 and 1650 formed the most significant, the most formidable migration that has ever occurred upon this globe since time began. They brought with them social and political ideas, novel in their application, of inconceivable energy and power. The home, the family, the State, individualism, the right of personal effort, freedom of conscience, an indomitable love of liberty and justice, a genius for self-government, an unrivaled capacity for conquest, but preferring charters to the sword, and they have been inexorable and relentless in the accomplishment of their designs. They were fatigued with caste and privilege and prerogative. They were tired of monarchs, and so, upon the bleak and inhospitable shores of New England, they decreed the sovereignty of the people, and there they builded "a church without a bishop and a state without a king."

The result of that experiment, Mr. President, has been ostensibly successful. Under the operation of those great forces, after two hundred and seventy years, this country exhibits a peaceful triumph over many subdued nationalties, through a government automatic in its functions and sustained by no power but the invisible majesty of law. With swift and constant communication by lines of steam transportation by land and lake and sea, with telegraphs extending their nervous reticulations from State to State, the remotest members of this gigantic Republic are animated by a vitality as vigorous as that which throbs at its mighty heart, and it is through the quickened intelligence that has been communicated by those ideas that these conditions, which have been fatal to other nations, have become the pillars of our strength and the bulwarks of our safety.

Mr. President, if time and space signified now what they did when independence was declared, the United States could not exist under one government. It would not be possible to secure unity of purpose or identity of interest between communities separated by such barriers and obstacles as Maine and California. But time and distance are relative terms, and, under the operations of these forces, this continent has dwindled to a span. It is not as far from Boston to San Francisco to-day as it was from Boston to Baltimore in 1791; and as the world has shrunk life has expanded. For all the purposes for which existence is valuable in this world—for comfort, for convenience, for opportunity, for intelligence, for power of locomotion, and superiority to the accidents and the fatalities of nature—the fewest in years among us, Mr. President, has lived longer and has lived more worthily than Methuselah in all his stagnant centuries.

When the Atlantic cable was completed, it was not merely that a wire, finer by comparison than the gossamer of morning, had sunk to its path along the peaks and the plateaus of the deep, but the earth instantaneously grew smaller by the breadth of the Atlantic. A new volume in the history of the world was opened. The to-morrow of Europe flashed upon the yesterday of America. Time, up to the period when this experiment commenced on this continent, yielded its treasures grudgingly and with reluctance. The centuries crept from improvement to improvement with tardy, sluggish steps, as if nature were unwilling to acknowledge the mastery of man. The great inventions of glass, of gunpowder, of printing, and the mariner's compass consumed a thousand years, but, as the great experiment upon this continent has proceeded, the ancient law of progress has been disregarded, and the mind is bewildered by the stupendous results of its marvelous achievements.

The application of steam to locomotion on land and sea, the cotton gin, electric illumination and telegraphy, the cylinder printing press, the sewing machine, the photographic art, tubular and suspension bridges, the telephone, the spectroscope, and the myriad forms of new applications of science to health and domestic comfort, to the arts of peace and war, have alone rendered democracy possible. The steam engine emancipated millions from the slavery of daily toil and left them at liberty to pursue a higher range of effort; labor has become more remunerative, and the flood of wealth has raised the poor to comfort and the middle classes to affluence. With prosperity have attended leisure, books, travel; the masses have been provided with schools, and the range of mental inquiry has become wider and more daring. The sewing machine does the work of a hundred hands and gives rest and hope to weary lives. Farming, as my distinguished friend from New York [Mr. EVARTS] once said, has become a "sedentary occupation." The reaper no longer swings his sickle in midsummer fields through the yellowing grain, followed by those who gather the wheat and the tares, but he rides in a vehicle, protected from the meridian sun, accomplishing in comfort in a single hour the former labors of a day.

By these and the other emancipating devices of society the laborer and the artisan acquire the means of study and recreation. They provide their children with better opportunities than they possessed. Emerging from the obscure degradation to which they have been consigned by monarchies they have assumed the leadership in politics and society. The governed have become the governors; the subjects have become the kings. They have formed States; they have invented political systems; they have made laws, they have established literatures; and it is not true, Mr. President, in one sense, that during this extraordinary period the rich have grown richer and the poor have grown poorer. There has never been a time since the angel stood with the flaming sword before the gates of Eden when the dollar of invested capital paid as low a return in interest as it does to-day; nor has there been an hour when the dollar that is earned by the laboring man would buy so much of everything that is essential for the welfare of himself and his family as it will to-day.

Mr. President, monopolies and corporations, however strong they may be, can not permanently enslave such a people. They have given too many convincing proofs of their capacity for self-government. They have made too many incredible sacrifices for this great system, which has been builded and established here, to allow it to be overthrown. They will submit to no dictation.

We have become, Mr. President, the wealthiest nation upon the face of this earth, and the greater part of these enormous accumulations has been piled up during the past fifty years. From 1860 to 1880, notwithstanding the losses incurred by the most destructive war of modern times, the emancipation of four billions of slave property, the expenses of feeding the best fed, of clothing the best clothed, and of sheltering the best sheltered people in the world, notwithstanding all the losses by fire and flood during that period of twenty years, the wealth of the country increased at the rate of $250,000 for every hour. Every time that the clock ticked above the portal of this Chamber the aggregated, accumulated, permanent wealth of this country increased more than $70.

Sir, it rivals, it exceeds the fictions of the Arabian Nights. There is nothing in the story of the lamp of Aladdin that surpasses it. It is without parallel or precedent; and the national ledger now shows a balance to our credit, after all that has been wasted and squandered and expended and lost and thrown away, of between sixty and seventy thousand million dollars. I believe myself that, upon a fair cash market valuation, the aggregate wealth of this country to-day is not less than one hundred thousand millions of dollars. This is enough, Mr. President, to make every man and every woman and every child beneath the flag comfortable, to keep the wolf away from the door. It is enough to give to every family a competence, and yet we are told that there are thousands of people who never have enough to eat in any one day in the year. We are told by the statisticians of the Department of La-

bor of the United States that, notwithstanding this stupendous aggregation, there are a million American citizens, able-bodied and willing to work, who tramp the streets of our cities and the country highways and byways in search of labor with which to buy their daily bread, in vain.

Mr. President, is it any wonder that this condition of things can exist without exciting profound apprehension? I heard, or saw rather, for I did not hear it—I saw in the morning papers that, in his speech yesterday, the Senator from Ohio [Mr. SHERMAN] devoted a considerable part of his remarks to the defense of millionaires; that he declared that they were the froth upon the beer of our political system.

Mr. SHERMAN. I said speculators.

Mr. INGALLS. Speculators. They are very nearly the same, for the millionaires of this country, Mr. President, are not the producers and the laborers. They are arrayed like Solomon in all his glory, but "they toil not, neither do they spin"—yes, they do spin. This class, Mr. President, I am glad to say, is not confined to this country alone. These gigantic accumulations have not been the result of industry and economy. There would be no protest against them if they were. There is an anecdote floating around the papers, speaking about beer, that some gentleman said to the keeper of a saloon that he would give him a recipe for selling more beer, and, when he inquired what it was, he said, "Sell less froth." [Laughter.] If the millionaires and speculators of this country are the froth upon the beer of our system, the time has come when we should sell more beer by selling less froth. [Laughter.]

The people are beginning to inquire whether, under "a government of the people, and by the people, and for the people," under a system in which the bounty of nature is supplemented by the labor of all, any citizen can show a moral, yes, or a legal title to $200,000,000. Some have the temerity to ask whether or not any man can show a clear title to $100,000,000. There have been men rash enough to doubt whether, under a system so constituted and established, by speculation or otherwise, any citizen can show a fair title to $10,000,000 when the distribution of wealth per capita would be less than $1,000. If I were put upon my *voir dire* I should hesitate before admitting that, in the sense of giving just compensation and equivalent, any man in this country or any other country ever absolutely earned a million dollars. I do not believe he ever did.

What is the condition to-day, Mr. President, by the statistics? I said at the beginning of this century there was a condition of practical social equality; wealth was uniformly diffused among the great mass of the people. I repeat that the people are not anarchists; they are not socialists; they are not communists, but they have suddenly waked to the conception of the fact that the bulk of the property of the country is passing into the hands of what the Senator from Ohio by a euphemism calls the "speculators" of the world, not of America alone. They infest the financial and social system of every country upon the face of the earth. They are the men of no politics, neither Democrat nor Republican. They are the men of all nationalities and of no nationality, with no politics but plunder and with no principle but the spoliation of the human race.

A table has been compiled for the purpose of showing how wealth in this country is distributed, and it is full of the most startling admonition. It has appeared in the magazines, it has been commented upon in this Chamber, it has been the theme of editorial discussion. It appears from this compilation that there are in the United States two hundred persons who have an aggregate of more than $20,000,000 each, and there has been one man, the Midas of the century, at whose touch everything seemed to turn to gold, who had acquired within less than the lifetime of a single individual, out of the aggregate of the national wealth that was earned by the labor of all applied to the common bounty of nature, an aggregate that exceeded the assessed valuation of four of the smallest States in this Union.

Mr. HOAR. And more than the whole country had when the Constitution was formed.

Mr. INGALLS. Yes, and, as the Senator from Massachusetts well observes—and I thank him for the suggestion—much more, many times more than the entire wealth of the country when it was established and founded. Four hundred persons possess $10,000,000 each, 1,000 persons $5,000,000 each, 2,000 persons $2,500,000 each, 6,000 persons $1,000,000 each, and 15,000 persons $500,000 each, making a total of 31,100 people who possess $36,250,000,000.

Mr. President, it is the most appalling statement that ever fell upon mortal ears. It is, so far as the results of democracy as a social and political experiment are concerned, the most terrible commentary that ever was recorded in the book of time; and Nero fiddles while Rome burns. It is thrown off with a laugh and a sneer as the "froth upon the beer" of our political and social system. As I said, the assessed valuation recorded in the great national ledger standing to our credit is about $65,000,000,000.

Our population is sixty-two and one-half million, and by some means, by some device, by some machination, by some incantation, honest or otherwise, by some process that can not be defined, less than a two-thousandth part of our population have obtained possession, and have kept out of the penitentiary in spite of the means they have adopted to acquire it, of more than one-half of the entire accumulated wealth of the country. That is not the worst, Mr. President. It has been largely acquired by men who have contributed little to the material welfare of the country and by processes that I do not care in appropriate terms to describe, by the wrecking of the fortunes of innocent men, women, and children, by jugglery, by bookkeeping, by financiering, by what the Senator from Ohio calls "speculation," and this process is going on with frightful and constantly accelerating rapidity.

The entire industry of this country is passing under the control of organized and confederated capital. More than fifty of the necessaries of life to-day, without which the cabin of the farmer and the miner can not be lighted or his children fed or clothed, have passed absolutely under the control of syndicates and trusts and corporations composed of speculators, and, by means of these combinations and confederations, competition is destroyed; small dealings are rendered impossible; competence can no longer be acquired, for it is superfluous and unnecessary to say that if, under a system where the accumulations distributed per capita would be less than a thousand dollars, 31,000 obtained possession of more than half of the accummulated wealth of the country, it is impossible that others should have a competence or an independence.

So it happens, Mr. President, that our society is becoming rapidly stratified, almost hopelessly stratified, into a condition of superfluously rich and helplessly poor. We are accustomed to speak of this as the land of the free and the home of the brave. It will soon be the home of the rich and the land of the slave.

We point to Great Britain and we denounce aristocracy and privileged and titled classes and landed estates. We thought when we had abolished primogeniture and entail that we had forever forbidden and prevented these enormous and dangerous accumulations; but, sir, we had forgotten that capital could combine; we were unaware of the yet undeveloped capacity of corporations, and so, as I say, it happens upon the threshold and in the vestibule of our second century, with all this magnificent record behind us, with this tremendous achievement in the way of wealth, population, invention, opportunity for happiness, we are in a condition compared with which the accumulated fortunes of Great Britain are puerile and insignificant.

It is no wonder, Mr. President, that the laboring, industrial, and agricultural classes of this country, who have been made intelligent under the impulse of universal education, have at last awakened to this tremendous condition and are inquiring whether or not this experiment has been successful. And, sir, the speculators must beware. They have forgotten that the conditions, political and social, here are not a reproduction of the conditions under which these circumstances exist in other lands. Here is no dynasty; here is no privilege or caste or prerogative; here are no standing armies; here are no hereditary bondsmen, but every atom in our political system is quick, instinct, and endowed with life and power. His ballot at the box is the equivalent of the ballot of the richest speculator. Thomas Jefferson, the great apostle of modern Democracy, taught the lesson to his followers, and they have profited well by his instruction, that under a popular, democratic, representative government wealth, culture, intelligence, were ultimately no match for numbers.

The numbers in this country, Mr. President, have learned at last the power of combination, and the speculators should not forget that, while the people of this country are generous and just, they are jealous also, and that when discontent changes to resentment and resentment passes into exasperation, one volume of a nation's history is closed and another will be opened.

The speculators, Mr. President! The cotton product of this country, I believe, is about 6,000,000 bales.

Mr. BUTLER. Seven million bales.

Mr. INGALLS. Seven million bales, I am told. The transactions of the New York Cotton Exchange are 40,000,000 bales, representing transactions speculative, profitable, remunerative, by which some of these great accumulations have been piled up, an inconceivable burden upon the energies and industries of the country.

The production of coal oil, I believe, in this country has averaged something like 20,000,000 barrels a year. The transactions of the New York Petroleum Exchange year by year average 2,000,000,000 barrels, fictitious, simulated, the instruments of the gambler and the speculator, by means of which, through an impost upon the toil and labor and industry of every laborer engaged in the production of petroleum, additional difficulties are imposed.

It is reported that the coal alone that is mined in Pennsylvania, indispensable to the comfort of millions of men, amounts in its annual product to about $40,000,000, of which one-third is profit over and above the cost of production and a fair return for the capital invested.

That is "speculation," Mr. President, and every dollar over and above the cost of production, with a fair return upon the capital invested, every dollar of that fifteen or sixteen millions is filched, robbed, violently plundered out of the earnings of the laborers and operatives and farmers who are compelled to buy it; and yet it goes by the euphemistic name of "speculation" and is declared to be legitimate; it is eulogized and defended as one of those practices that are entitled to respect and approbation.

Nor is this all, Mr. President. The hostility between the employers and the employed in this country is becoming vindictive and permanently malevolent. Labor and capital are in two hostile camps to-day. Lockouts and strikes and labor difficulties have become practically the normal condition of our system, and it is estimated that during the year that has just closed, in consequence of these disorders, in consequence of this hostility and this warfare, the actual loss, in labor, in wages, in the destruction of perishable commodities by the interruption of railway traffic, has not been less than $300,000,000.

Mr. President, this is a serious problem. It may well engage the attention of the representatives of the States and of the American people. I have no sympathy with that school of political economists which teaches that there is an irreconcilable conflict between labor and capital and which demands indiscriminate, hostile, and repressive legislation against men because they are rich and corporations because they are strong. Labor and capital should not be antagonists, but allies rather. They should not be opponents and enemies, but colleagues and auxiliaries whose co-operating rivalry is essential to national prosperity. But I can not forbear to affirm that a political system under which such despotic power can be wrested from the people and vested in a few is a democracy only in name.

A financial system under which more than one-half of the enormous wealth of the country, derived from the bounty of nature and the labor of all, is owned by a little more than thirty thousand people, while one million American citizens able and willing to toil are homeless tramps, starving for bread, requires readjustment.

A social system which offers to tender, virtuous, and dependent women the alternative between prostitution and suicide as an escape from beggary is organized crime, for which some day unrelenting justice will demand atonement and expiation.

Mr. President, the man who loves his country and the man who studies her history will search in vain for any natural cause for this appalling condition. The earth has not forgotten to yield her increase. There has been no general failure of harvests. We have had benignant skies and the early and the latter rain. Neither famine nor pestilence has decimated our population nor wasted its energies. Immigration is flowing in from every land and we are in the lusty prime of national youth and strength, with unexampled resources and every stimulus to their development; but, sir, the great body of the American people are engaged to-day in studying these problems that I have suggested in this morning hour. They are disheartened with misfortunes. They are weary with unrequited toil. They are tired of the exactions of the speculators. They desire peace and rest. They are turning their attention to the great industrial questions which underlie their material prosperity. They are indifferent to party. They care nothing for Republicanism nor for Democracy as such. They are ready to say, "A plague on both your houses," and they are ready also, Mr. President, to hail and to welcome any organization, any measure, any leader that promises them relief from the profitless strife of politicians and this turbulent and distracting agitation which has already culminated in violence and may end in blood.

Such, sir, is the verdict which I read in the elections from which we have just emerged, a verdict that was unexpected by the leaders of both parties and which surprised alike the victors and the vanquished. It was a spontaneous, unpremeditated protest of the people against existing conditions. It was a revolt of the national conscience against injustice, a movement that is full of pathos and also full of danger, because such movements sometimes make victims of those who are guiltless. It was not a Republican defeat. It was not a Democratic victory. It was a great upheaval and uprising, independent of and superior to both. It was a crisis that may become a catastrophe, filled with terrible admonition, but not without encouragement to those who understand and are ready to co-operate with it. It was a peaceful revolution, an attempt to resume rights that seemed to have been infringed.

It is many years, Mr. President, since I predicted this inevitable result. In a speech delivered in this Chamber on the 15th of February, 1878, from the seat that is now adorned by my honorable friend from Texas who sits before me [Mr. REAGAN], I said:

> We can not disguise the truth that we are on the verge of an impending revolution.
>
> THE OLD ISSUES ARE DEAD.
>
> The people are arraying themselves upon one side or the other of a portentous contest. On one side is capital, formidably intrenched in privilege, arrogant from continued triumph, conservative, tenacious of old theories, demanding new concessions, enriched by domestic levy and foreign commerce, and struggling to adjust all values to its own standard. On the other is labor, asking for employment, striving to develop domestic industries, battling with the forces of nature, and subduing the wilderness; labor, starving and sullen in cities, resolutely determined to overthrow a system under which the rich are growing richer and the poor are growing poorer; a system which gives to a Vanderbilt the possession of wealth beyond the dreams of avarice and condemns the poor to a poverty which has no refuge from starvation but the prison or the grave.
>
> Our demands for relief, for justice, have been met
>
> WITH INDIFFERENCE OR DISDAIN.
>
> The laborers of the country asking for employment are treated like impudent mendicants begging for bread.

Mr. President, it may be cause, it may be coincidence, it may be effect, it may be *post hoc* or it may be *propter hoc*, but it is historically true that this great blight that has fallen upon our industries, this paralysis that has overtaken our financial system, coincided in point of time with the diminution of the circulating medium of the country. The public debt was declared to be payable in coin, and then the money power of silver was destroyed. The value of property diminished in proportion, wages fell, and the value of everything was depreciated except debts and gold. The mortgage, the bond, the coupon, and the tax have retained immortal youth and vigor. They have not depreciated. The debt remains, but the capacity to pay has been destroyed. The accumulation of years disappears under the hammer of the sheriff and the debtor is homeless, while the creditor obtains the security for his debt for a fraction of what it was actually worth when the debt was contracted.

There is, Mr. President, a deep-seated conviction among the people, which I fully share, that the demonetization of silver in 1873 was one element of a great conspiracy to deliver the fiscal system of this country over to those by whom it has, in my opinion, finally been captured. I see no proof of the assertion that the demonetization act of 1873 was fraudulently or corruptly procured, but from the statements that have been made it is impossible to avoid the conviction that it was part of a deliberate plan and conspiracy formed by those who have been called speculators to still further increase the value of the standard by which their accumulations were to be measured. The attention of the people was not called to the subject. It is one of the anomalies and phenomena of legislation.

That bill was pending in its various stages for four years in both Houses of Congress. It passed both bodies by decided majorities. It was read and reread and reprinted thirteen times, as appears by the records. It was commented upon in newspapers; it was the subject of discussion in financial bodies all over the country; and yet we have the concurrent testimony of every Senator and every member of the House of Representatives who was present during the time that the legislation was pending and proceeding that he knew nothing whatever about the demonetization of silver and the destruction of the coinage of the silver dollar. The Senator from Nevada [Mr. STEWART], who knows so many things, felt called upon to make a speech of an hour's duration to show that he knew nothing whatever about it. I have heard other members declaim and with one consent make excuse that they knew nothing about it.

As I say, it is one of the phenomena and anomalies of legislation, and I have no other explanation to make than this: I believe that both Houses of Congress and the President of the United States must have been hypnotized. So great was the power of capital, so profound was the impulse, so persistent was the determination, that the promoters of this scheme succeeded by the operation of mind power and will force in capturing and bewildering the intelligence of men of all parties, of members of both Houses of Congress, and the members of the Cabinet, and the President of the United States.

And yet, Mr. President, it can not be doubted that the statements that these gentlemen make are true. There is no doubt of the sincerity or the candor of those who have testified upon this matter; and it is incredible (I am glad it occurred before I was a member of this body) that a change in our financial system that deprived one of the money metals of its debt-paying power, that changed the whole financial system of the country and to a certain extent the entire fiscal methods of the world, could have been engineered through the Senate and the House of Representatives and the Cabinet of the President and secured Executive approval without a single human being knowing anything whatever about it. In an age of miracles, Mr. President, wonders never cease.

It is true that this marvel was accomplished when the subject was not one of public discussion. It was done at a time when, although the public mind was intensely interested in financial subjects and methods of relief from existing conditions were assiduously sought, the suggestion had never proceeded from any quarter that this could be accomplished by the demonetization of silver or ceasing to coin the silver dollar. It was improvidently done, but it would not be more surprising, it would not be more of a strain upon the human judgment, if fifteen years from now we were to be informed that no one was aware that in the bill that is now pending the proposition was not made for the free coinage of silver.

Mr. President, there is not a State west of the Alleghany Mountains and south of the Potomac and Ohio Rivers that is not in favor of the free coinage of silver. There is not a State in which, if that proposition were to be submitted to a popular vote, it would not be adopted by an overwhelming majority. I do not mean by that inclusion to say that in those States east of the Alleghanies and north of the Ohio and Potomac Rivers there is any hostility or indisposition to receive the benefits that would result from the remonetization of silver. On the contrary, in the great Commonwealths that lie to the northeast upon the Atlantic seaboard, New York, Pennsylvania, and the manufacturing and commercial States, I am inclined to believe from the tone of the press, from the declarations of many assemblies, that if the proposition were to be submitted there it would also receive a majority of the votes.

If the proposition were to be submitted to the votes of the people of

this country at large whether the silver dollar should be recoined and silver remonetized, notwithstanding the prophecies, the predictions, the animadversions of those who are opposed to it, I have not the slightest doubt that a great majority of the people, irrespective of party, would be in favor of it, and would so record themselves. They have declared in favor of it for the past fifteen years, and they have been juggled with, they have been thwarted, they have been paltered with and dealt with in a double sense. The word of promise that was made to their ear in the platforms of political parties has been broken to their hope. There was a majority in this body at the last session of Congress in favor of the free coinage of silver. The compromise that was made was not what the people expected nor what they had a right to demand. They felt that they had been trifled with, and that is one cause of the exasperation expressed in the verdict of November 4.

I feel impelled to make one further observation. Warnings and admonitions have been plenty in this debate. We have been admonished of the danger that would follow; we have been notified of what would occur if the free coinage of silver were supported by a majority of this body or if it were to be adopted as a part of our financial system. I am not a prophet, nor the son of a prophet, but I say to those who are now arraying themselves against the deliberately expressed judgment of the American people, a judgment that they know has been declared and recorded—I say to the members of this body, I say, so far as I may do so with propriety, to the members of the co-ordinate branch of Congress, and I say, if without impropriety I may do so, to the Executive of the nation, that there will come a time when the people will be trifled with no longer on this subject.

Once, twice, thrice by Executive intervention, Democratic and Republican, by parliamentary proceedings that I need not characterize, by various methods of legislative jugglery, the deliberate purpose of the American people, irrespective of party, has been thwarted, it has been defied, it has been contumeliously trodden under foot; and I repeat to those who have been the instruments and the implements, no matter what the impulse or the motive or the intention may have been, at some time the people will elect a House of Representatives, they will elect a Senate of the United States, they will elect a President of the United States, who will carry out their pledges and execute the popular will.

Mr. President, by the readjustment of the political forces of the nation under the Eleventh Census the seat of political power has at last been transferred from the circumference of this country to its center. It has been transferred from the seaboard to that great intramontane region between the Alleghanies and the Sierras, extending from the British possessions to the Gulf of Mexico, a region whose growth is one of the wonders and marvels of modern civilization. It seems as if the column of migration had paused in its westward march to build upon those tranquil plains and in those fertile valleys a fabric of civilization that should be the wonder and the admiration of the world, rich in every element of present prosperity, but richer in every prophecy of future greatness and renown.

When I went West, Mr. President, as a carpetbagger in 1858, St. Louis was an outpost of civilization, Jefferson City was the farthest point reached by a railroad, and in all that great wilderness, extending from the sparse settlements along the Missouri to the summits of the Sierra Nevada and from the Yellowstone to the cañons of the Rio Grande, a vast solitude from which I have myself since that time voted to admit seven States into the American Union, there was neither harvest nor husbandry, neither habitation nor home save the hut of the hunter and the wigwam of the savage. Mr. President, we have now within those limits, extending southward from the British possessions and embracing the States of the Mississippi Valley, the Gulf, and the Southeastern Atlantic, a vast productive region, the granary of the world, a majority of the members of this body, of the House of Representatives, and of the electoral college.

We talk with admiration of Egypt. For thirty centuries the ruins of its cities, its art, its religions, have been the marvel of mankind. The pyramids have survived the memory of their builders, and the Sphinx still questions with solemn gaze the vague mystery of the desert.

The great fabric of Egyptian civilization, with its wealth and power, the riches of its art, its creeds and faiths and philosophies, was reared from the labors of a few million slaves under the lash of despots, upon a narrow margin 450 miles long and 10 miles wide, comprising in all with the delta of the Nile no more than 10,000 square miles of fertile land.

Who, sir, can foretell the future of that region to which I have adverted, with its 20,000 miles of navigable water courses, with its hundreds of thousands of square miles of soil, excelling in fecundity all that of the Nile, when the labor of centuries of freemen under the impulse of our institutions shall have brought forth their perfect results?

Mr. President, it is to that region, with that population and with such a future, that the political power of this country has at last been transferred, and they are now unanimously demanding the free coinage of silver. It is for that reason that I shall cordially support the amendment proposed by the Senator from Nevada. In doing so I not only follow the dictates of my own judgment, but I carry out the wishes of a great majority of my constituents irrespective of party or of political affiliation. I have been for the free coinage of silver from the outset, and I am free to say that, after having observed the operations of the act of 1878, I am more than ever convinced of the wisdom of that legislation and the futility of the accusations by which it was assailed.

The people of the country that I represent have lost their reverence for gold. They have no longer any superstition about coin. Notwithstanding all the declarations of the monometallists, notwithstanding all the assaults that have been made by those who are in favor of still further increasing the value of the standard by which their possessions are measured, they know that money is neither wealth nor capital nor value, and that it is merely the creation of the law, by which all these are estimated and measured.

We speak, sir, about the volume of money and about its relation to the wealth and capital of the country. Let me ask you, sir, for a moment what would occur if the circulating medium were to be destroyed? Suppose that the gold and silver were to be withdrawn suddenly from circulation and melted up into bars and ingots and buried in the earth from which they were taken. Suppose that all the paper money, silver certificates, gold certificates, national-bank notes, Treasury notes, were stacked in one mass at the end of the Treasury building and the torch applied to them and they were to be destroyed by fire and their ashes spread, like the ashes of Wicklyffe, upon the Potomac to be spread abroad wide as its waters be.

What would be the effect? Would not this country be worth exactly as much as it is to-day? Would there not be just as many acres of land, as many houses, as many farms, as many days of labor, as much improved and unimproved merchandise, and as much property as there is to-day? The result would be that commerce would languish, the sails of the ships would be furled in the harbors, the great trains would cease to run to and fro on their errands, trade would be reduced to barter, and the people finding their energies languishing, civilization itself would droop, and we should be reduced to the condition of nomadic wanderers upon the primeval plains.

Suppose, on the other hand, that, instead of being destroyed, all the money in this country were to be put in the possession of a single man—gold, and paper, and silver—and he were to be moored in mid-Atlantic upon a raft with his great hoard, or to be stationed in the middle of Sahara's desert without food to nourish, or shelter to cover, or the means of transportation to get away. Who would be the richest man, the possessor of the gigantic treasure or the humblest settler upon the plains of the West, with a dugout to shelter him and with cornmeal and water enough for his daily bread?

Doubtless, Mr. President, you search the Scriptures daily and are therefore familiar with the story of those depraved politicians of Judea who sought to entangle the Master in his talk by asking him if it were lawful to pay tribute to Cæsar or not. He, perceiving the purpose that they had in view, said unto them, "Show me the tribute money;" and they brought Him a penny. He said "Whose is this image and superscription?" and they replied "Cæsar's," and He said "Render unto Cæsar the things that are Cæsar's, and unto God the things that are God's."

I hold, Mr. President, between my thumb and finger a silver denarius, or "penny" of that ancient time, bearing the image and superscription of Cæsar. It has been money for more than twenty centuries. Imperial Cæsar is "dead and turned to clay." He has yielded to a mightier conqueror, and his eagles, his ensigns, and his trophies are indistinguishable dust. His triumphs and his victories are a schoolboy's tale. Rome herself is but a memory. Her marble porticoes and temples and palaces are in ruins. The sluggish monk and the lazy lazzaroni haunt the senate house and the Coliseum, and the derisive owl wakes the echoes of the voiceless forum. But this little contemporary disk of silver is money still, because it bears the image and superscription of Cæsar. And, sir, it will continue to be money for twenty centuries more, should it resist so long the corroding canker and the gnawing tooth of time. But if one of these pages here should take this coin to the railway track, as boys sometimes do, and allow the train to pass over it, in one single instant its function would have disappeared, and it would be money no longer, because the image and superscription of Cæsar would have disappeared.

Mr. President, money is the creation of law, and the American people have learned that lesson, and they are indifferent to the assaults, they are indifferent to the arguments, they are indifferent to the aspersions which are cast upon them for demanding that the law of the United States shall place the image and superscription of Cæsar upon silver enough and gold enough and paper enough to enable them to transact without embarrassment, without hindrance, without delay, and without impoverishment their daily business affairs, and that shall give them a measure of values that will not make their earnings and their belongings the sport and the prey of speculators.

Mr. President, this contest can have but one issue. The experiment that has begun will not fail. It is useless to deny that many irregularities have been tolerated here; that many crimes have been committed in the sacred name of liberty; that our public affairs have had scandalous episodes to which every patriotic heart reverts with distress; that there have been envy and jealousy in high places; that there have been

treacherous and lying platforms; that there have been shallow compromises and degrading concessions to popular errors; but amid all these disturbances, amid all these contests, amid all these inexplicable aberrations, the march of the nation has been steadily onward.

At the beginning of our second century we have entered upon a new social and political movement whose results can not be predicted, but which are certain to be infinitely momentous. That the progress will be upward I have no doubt. Through the long and desolate track of history, through the seemingly aimless struggles, the random gropings of humanity, the turbulent chaos of wrong, injustice, crime, doubt, want, and wretchedness, the dungeon and the block, the inquisition and the stake, the trepidations of the oppressed, the bloody exultations and triumph of tyrants,

> The uplifted ax, the agonizing wheel,
> Luke's iron crown and Damien's bed of steel,

the tendency has been towards the light. Out of every conflict some man or sect or nation has emerged with privileges, greater opportunities, purer religion, broader liberty, and greater capacity for happiness; and out of this conflict in which we are now engaged I am confident finally will come liberty, justice, equality; the continental unity of the American Republic, the social fraternity and the industrial independence of the American people. [Applause in the galleries.]

The VICE PRESIDENT. The Chair takes this occasion to remind the occupants of the galleries that they are present by the courtesy of the Senate, and any manifestations of approbation or disapprobation are violations of order. The Sergeant-at-Arms will see that order is maintained in the galleries.

[Mr. JONES, of Nevada, addressed the Senate. See Appendix.]

Mr. ALDRICH. Mr. President, I offer an amendment to the amendment of the Senator from Nevada [Mr. STEWART], not for the purpose of taking the floor for ten minutes, but in order that it may be read.

The VICE PRESIDENT. The amendment to the amendment will be read.

The CHIEF CLERK. In line 1, after the first word "that," strike out all of the amendment and insert:

gold and silver bullion brought to the mint for coinage shall be received and coined, by the proper officers, into standard gold or silver coin for the benefit of the depositor: *Provided*, That it shall be lawful to refuse, at the mint, any deposit of less value than $100 and any bullion so base as to be unsuitable for the operations of the mint: *And provided also*, That when gold and silver are combined, if either of these metals be in such small proportion that it can not be separated advantageously, no allowance shall be made to the depositor for the value of such metal; but, in all cases, whether the gold and silver deposited be coined or cast into bars or ingots, there shall be a charge to the depositor, in addition to the charge now made for refining or parting the metals, of one-half of 1 per cent.; the money arising from this charge of one-half per cent. shall be charged to the treasurer of the mint, and from time to time, on warrant of the Director of the Mint, shall be transferred into the Treasury of the United States: *Provided, however*, That nothing contained in this section shall be considered as applying to the half dollar, the quarter dollar, the dime, and half dime.

The VICE PRESIDENT. The Chair is informed that the Senator from Louisiana [Mr. GIBSON] and the Senator from New York [Mr. HISCOCK] do not desire to address the Senate unless it may be under the ten-minute rule.

Mr. GORMAN. I desire to ask for information whether the amendment of the Senator from Rhode Island is now in order. I understand there is an amendment pending before the Senate, which is an amendment to an amendment.

Mr. ALDRICH. That is true.

Mr. STEWART. The amendment is not in order.

The VICE PRESIDENT. The Chair is of opinion that the amendment is in order.

Mr. ALDRICH. I understand the amendment to be in order. I do not know myself why it is not in order.

Mr. STEWART. It is an amendment in the third degree.

Mr. ALDRICH. I should be glad to have the ruling of the Presiding Officer of the Senate on that subject. I do not know why it is not in order.

Mr. GORMAN. I ask the Chair to state the condition of the question now that we may understand it.

Mr. HOAR. Let the Chair state the pending question.

Mr. ALDRICH. If the Chair will pardon me I will state what I understand to be the situation. The Committee on Finance reported the bill back with a recommendation to strike out the fourth section of the bill and insert something else as a fourth section. The rules of the Senate require, where a motion is made to strike out and insert, that both the part to be stricken out and the part to be inserted shall be treated as an original question, and, therefore, amendable as an original question. The Senator from Nevada moved to amend the part proposed to be inserted by the committee, and I move to amend his amendment.

The VICE PRESIDENT. The Secretary will read from Rule XVIII.

The Chief Clerk read as follows:

RULE XVIII.

If the question in debate contains several propositions, any Senator may have the same divided, except a motion to strike out and insert, which shall not be divided; but the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition; nor shall it prevent a motion simply to strike out; nor shall the rejection of a motion to strike out prevent a motion to strike out and insert. But, pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded for the purpose of amendment as a question; and motions to amend the part to be stricken out shall have precedence.

The VICE PRESIDENT. The Secretary will now read from the Journal of the Senate the action of the Senate on a previous occasion of a similar character.

The Chief Clerk read as follows from the Journal of the Senate of September 20, 1890, page 537:

On motion by Mr. DOLPH to amend the part proposed to be inserted by the amendment made as in Committee of the Whole, by inserting as an additional section the following:

"SEC. 16. That the States of Oregon, Washington, Montana, and Idaho shall constitute the tenth judicial circuit, and there shall be appointed by the President of the United States"——

Mr. HOAR. It is not necessary to read, I suppose, the substance of the amendment.

The VICE PRESIDENT. No; it is not necessary to read the section proposed to be inserted.

Mr. STEWART. Before that is read, it will be observed that this is a second motion to strike out and insert; it is not a motion to amend either proposition. That certainly can not be in order when there is a motion to amend.

Mr. ALDRICH. I have moved to strike out all after the first word "that" and to insert what has been read.

Mr. STEWART. Then the other is an amendment. The amendment of the committee strikes out all after the word "that" and inserts.

Mr. ALDRICH. No; it strikes out the whole section.

Mr. STEWART. That is the whole section. It retains the word "that," and strikes out all after that and inserts. What I offered was an addition to it, not an amendment to it. Now it is proposed to strike out my entire amendment and to insert the language proposed by the Senator from Rhode Island. That is certainly not within the rule.

The VICE PRESIDENT. The Chief Clerk will continue reading the precedent bearing upon the question in point.

The Chief Clerk read as follows:

On motion by Mr. INGALLS to amend the amendment proposed by Mr. DOLPH, by striking out all after the first word "That" and in lieu thereof inserting certain words,

Mr. DOLPH raised a question of order, viz, that the amendment proposed by Mr. INGALLS was an amendment in the third degree and could not be received.

The Vice President overruled the point of order on the ground that, under Rule XVIII, the part proposed to be inserted by the amendment of the Committee of the Whole was to be regarded for the purpose of amendment as a question; and therefore, the amendment of Mr. DOLPH being in the first degree, the amendment of Mr. INGALLS was in the second degree only.

From the decision of the Chair Mr. DOLPH appealed to the Senate; and

On the question, Shall the decision of the Chair stand as the judgment of the Senate?

On motion by Mr. DOLPH,

The yeas were 18 and the nays were 23.

* * * * * * *

The number of Senators voting not constituting a quorum,

The Vice President directed the roll to be called, when forty-eight Senators answered to their names.

A quorum being present, and

The question being again taken on the motion of Mr. HALE,

It was determined in the affirmative, { Yeas ..... 28 / Nays 17

* * * * * * *

So it was

Ordered, That the appeal lie on the table.

Mr. STEWART. I submit that although the motion to strike out and insert may be amended, yet a motion to strike out a second time and insert does not come within the rule.

Mr. ALDRICH. It is exactly the same question that was submitted to the Senate and ruled upon in the case that has been read, and that question arose in precisely the same way.

Mr. GORMAN. I should like to have the Chair state for my information the exact status of the question now before the Senate. What does the Chair understand are the amendments now pending before the Senate and the order in which they stand?

The VICE PRESIDENT. The first is the amendment by the committee to strike out section 4 and insert a new section. Then the Senator from Nevada [Mr. STEWART] offers an amendment to the amendment of the committee proposing to add to the part to be inserted. The Senator from Rhode Island [Mr. ALDRICH] now offers an amendment to the amendment proposed by the Senator from Nevada.

Mr. GORMAN. Then I understand the Chair to hold that the amendment of the committee to strike out section 4 and insert is to be treated as one question.

The VICE PRESIDENT. The Chair so holds.

Mr. GORMAN. I ask the Chair whether, under the rules of the Senate, it is not in order for me to move an amendment now to perfect the part proposed to be stricken out.

The VICE PRESIDENT. It is.

Mr. GORMAN. Then I offer an amendment to section 4, for the purpose of perfecting the part that is proposed to be stricken out.

Mr. COCKRELL. That is clearly in order.

The VICE PRESIDENT (at 1 o'clock and 52 minutes p. m.). The Chair understands that the debate will now be continued under the ten-minute rule.

Mr. GORMAN. So I understand. Mr. President, I recognize that under the ten-minute rule, which we agreed to unanimously in the Senate, it is impossible to discuss this question properly, and we shall have to confine ourselves to the amendments. The course of the debate has been such that I think it is recognized by everybody on both sides of the Chamber—at least on this side—that after the occurrences of last night and this morning it is impossible to reply to much that has been said on the other side of the Chamber. There was one deliberate statement, however, made by the Senator from Ohio [Mr. SHERMAN] and another by the Senator from Rhode Island [Mr. ALDRICH] which I think ought to be noticed.

The Senator from Ohio in his speech yesterday attempted to place the responsibility for this legislation on this side of the Chamber, when the fact is, Mr. President, that the course of that Senator and his colleagues in the committee, who have had entire control of determining what proposition should be presented here for consideration, did so without conferring with us on this side of the Chamber, notwithstanding the public offer was made, and the private suggestion on numerous occasions, that in the present emergency we would be glad to co-operate with him and his party in aiding to frame and pass some conservative measure which would not shock or disturb the financial interests of the country; that offer has been rejected; and the bill that is now before the Senate, coming from the Committee on Finance—and if the published reports be true, and I have no doubt they are—was the result of the effort of the other side of the Chamber as a party, and the consideration of the bill in the Committee on Finance was practically the deliberation of one side politically.

Therefore, he having excluded us from his councils and prevented us from participating in the determination of the provisions of the bill, he can not come before the Senate and the country now and hold us responsible for its enormities or its failure to meet the great question with which we are dealing.

The Senator from Rhode Island [Mr. ALDRICH] has attempted to make the impression that the Democratic party for the first time supported free coinage and was following the Senator from Nevada [Mr. STEWART]. I am persuaded the Senator did this for the purpose of making the impression, that is not borne out by the fact, that there is some arrangement between us and the Senator from Nevada. Mr. President, long before the question now pending every Senator on this side of the Chamber who voted, except three, at the last session of Congress, voted for the free coinage of silver without any reference to other matters that are pending.

That was in 1890, before the election, and the Democrats in this branch and elsewhere took their stand and voted for the proposition they believed to be right, and we believe that it was one of the reasons why we had the overwhelming victory in November last.

But, Mr. President, it appears according to the speeches of the Senator from Iowa [Mr. ALLISON], the Senator from Ohio [Mr. SHERMAN], and the Senator from Rhode Island [Mr. ALDRICH] that they brought in here a bill containing the mixture of views, not agreed to by anybody apparently on the other side, certainly the members of the Committee on Finance differing as to the various sections of the bill that is brought here, Mr. President, as I believe, for the purpose of obstructing and preventing any fair legislation that would meet the wants of the country. I have no doubt that behind it all was the intention, the belief, the knowledge that such a bill so constructed, without an attempt to harmonize the views upon the different sides of the Chamber, would result in no legislation whatever. I think the country will understand it and the people will not place the responsibility upon the Democratic party.

Mr. STEWART. Mr. President——

The VICE PRESIDENT. Does the Senator from Maryland yield?

Mr. GORMAN. Will the interruption come out of my time?

Mr. STEWART. Then I shall not interrupt the Senator.

Mr. GORMAN. I have not much left of my ten minutes, I presume.

The VICE PRESIDENT. The Senator from Maryland has consumed four or five minutes.

Mr. GORMAN. Now, Mr. President, the question of free coinage, as has been well said by the Senator from Kansas [Mr. INGALLS] today, has been decided by the people of this country. There was, however, a suggestion made, I believe, by the Senator from Ohio [Mr. SHERMAN] which has great force in it. Capital is timid, and there is throughout his section of the country a fear that if we have this unlimited coinage, embracing the metal coming from any part of the world, it may for a moment, for the time being, jeopardize our system and destroy it, creating embarrassment and panic.

Now, the Senator from Nevada [Mr. STEWART]—and I ask his attention for a moment—has presented to the Senate a proposition, introduced on the 12th, which I understand to be a modification of his original proposition, and which provides for free coinage of all the American metal, all that is produced by our own mines, within our own borders, and provides a charge for coinage upon all other silver bullion or silver that may be offered in the mints. That proposition, it seems to me, answers fully and completely the only serious statement that I have heard made on the other side against absolutely free coinage, and I ask the Senator from Nevada now, in the interest which he so ably represents, in the present emergency and for the purpose of preventing the possibility of disturbance of our financial affairs, to accept that amendment as I offer it now. The amendment is to come in after the word "that" in the fourth section. Upon that let us have a vote and determine this question on this amendment, which I ask may be read.

Mr. STEWART. I will accept it if the Senator offers it.

Mr. GORMAN. I want to perfect the original text of the bill.

The CHIEF CLERK. Section 4, page 3, after the word "that," strike out the remainder of the section and insert——

Mr. ALDRICH. I should like to make an inquiry before the amendment is read. Is this the amendment of the Senator from Maryland or the amendment of the Senator from Nevada, or is it a joint production?

Mr. REAGAN. It is an amendment to perfect the original text.

Mr. ALDRICH. I did not understand whether the Senator from Maryland offered it as his own amendment or whether he was indorsing it as an amendment of the Senator from Nevada.

Mr. GORMAN. I offer it as an amendment to the original text of the bill for the purpose of perfecting it.

Mr. STEWART. I suggest to the Senator from Maryland to confine his motion to strike out to that portion which provides for the issuance of bonds, and to leave the appropriation as it is, and amend that afterwards.

Mr. GORMAN. We have not reached that point yet. I only move to strike out down to line 32.

Mr. ALDRICH. I suggest to the Senator from Nevada to hold a joint caucus, so that we can have a caucus bill brought in.

Mr. GORMAN. Let the amendment I offer be read.

The VICE PRESIDENT. The amendment of the Senator from Maryland will be reported.

The CHIEF CLERK. On page 3, section 4, strike out all after the word "That" and insert:

From and after the passage of this act the unit of value in the United States shall be the dollar, and the same may be coined of 25.8 grains of standard gold, or 412½ grains of standard silver, and the said coins shall be receivable for customs and be a legal tender for all public and private dues. And any owner of gold or silver bullion not too base for the operations of the mint may deposit the same at any mint of the United States, in amounts of each of not less value than $100, to be coined into standard dollars for his benefit without charge, or receive therefor, respectively, standard gold coin or standard silver coin; and, at the owner's option, he may receive instead therefor, at the coinage valuation thereof, Treasury notes, to be issued by the Secretary of the Treasury, of the character, description, and function described in an act entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes," approved July 14, 1890: *Provided*, That all such Treasury notes issued under the provisions of this act shall be a legal tender for their nominal amount in payment of all dues, public and private, and shall be receivable for customs, taxes, and all public dues, and when so received shall be reissued: *Provided further*, That all silver bullion not the product of the mines, mills, or smelters of the United States, and all silver coin and silver bullion the product of silver coin other than the silver coin of the United States, shall, in the discretion of the Secretary of the Treasury, be subject to a mint charge to be fixed from time to time by him, but which charge shall not exceed the difference between the market value of said silver bullion in London, England, at the time of its deposit and the coinage value thereof, and the Secretary of the Treasury may make such rules and regulations as may be necessary to determine whether the silver bullion so offered is or is not the product of the mines and smelters of the United States.

Mr. STEWART. I take it that the amendment of the Senator from Rhode Island [Mr. ALDRICH] is offered for the purpose of embarrassing the bill. I do not suppose he would vote for such a proposition at all. I do not believe he would vote for it, but against it. I now call upon him to state whether he and his colleagues will vote to support the proposition he has offered. Will the Senator from Rhode Island vote for and support the amendment which he has proposed?

Mr. ALDRICH. I will answer in my own time.

Mr. STEWART. The Senator says he will answer in his own time. Then he is not prepared to answer at this time.

I should like to state the difference between that amendment and free coinage. In the first place, it proposes to charge seigniorage upon both gold and silver, which is not charged by other countries in the world where they have coinage. Great Britain charges nothing; she has free coinage in gold. Whatever metal is there honored with the stamp of the Government upon it, as a rule, has no mint charge. There is no seigniorage charge upon gold. For that I made a contest years ago, and everybody is now satisfied. We do not want to put a charge upon gold or silver.

There is another difficulty about the amendment suggested by the Senator from Rhode Island. It does not provide for the issuance of Treasury notes in excess of its capacity and is insufficient. It will confine both gold and silver to the mint capacity. It is well recognized, I suppose, that the mints do not coin any large quantity of it. It lies there in bars and certificates are issued on them. That is to be stopped; and the practice also is to be stopped of receiving gold and issuing certificates and receiving silver and issuing certificates. The mint will be entirely inadequate to perform that work. It will not go out. Probably the mint capacity of the United States would not permit the coinage of more than two millions and a half, and then we should have a contest with the Treasury officials about more mint capacity. That is another difficulty about this matter, and I hope, therefore, it will not

be adopted, because the Senator himself is not for it, and it is simply a make-weight to embarrass the operations of the Senate.

Following in order, I think that the amendment of the Senator from Maryland [Mr. GORMAN] meets every contingency. It provides for free coinage of both gold and silver and provides that at the option of the owner of bullion he can take Treasury notes and get this money at once. That applies to the entire American product. It does not prohibit the coinage of foreign silver, but puts a mint charge upon that to meet the arguments that have been suggested as to a flow of silver or bullion into this country from other countries.

Mr. GRAY. Will the Senator allow me to ask, is not the amendment offered by the Senator from Rhode Island a more unrestricted coinage proposition than the proposition of the Senator from Maryland?

Mr. STEWART. If we had a mint capacity to carry it out, if we had further legislation, then it would take in the silver of all the world. But it does not provide for any means of paying for the bullion as it comes in. Consequently it would be a very limited transaction.

Mr. EUSTIS. I should like to ask the Senator from Nevada if this amendment and proviso be adopted what amount of silver and currency would, in his opinion, be added to the present volume. How much silver money, whether in dollars or in bullion represented by a silver certificate, will be added to our present volume annually?

Mr. STEWART. I will answer as accurately as I can.

In the first place, the silver money will be increased by the difference between the present market value and the coinage value, which will add considerable. At the market value of silver money that is being issued under the present law, it would be a little over $54,000,000 a year, if at the rate of $1 per ounce. If it was $1.29 per ounce, it would be about $70,000,000 per year. That would be the addition. Then, as to getting a greater quantity of silver, how much more silver we will get is uncertain. We have not the figures for the current year. Last year we produced $54,000,000 from our own mines, and we brought in in the shape of ores about $6,000,000 more, making in all about $60,000,000.

The importation of ore was checked somewhat by the duty on lead. So the amount imported from that source will not be so great this year probably. We have not the returns, however. It will probably be less than $60,000,000 with the ores that have been imported. If there was a difference between the foreign and domestic prices, it might stimulate the production of the ores a little. You would probably get 60,000,000 ounces, which would give us in the neighborhood of $80,000,000 in money, apparently, if it continues.

Mr. EUSTIS. What would be the excess of difference under the amendment over existing law?

Mr. STEWART. The excess of difference would consist principally in the enhanced value of silver. You would get $1.29 instead of $1, but the excess would probably be, over the present law, $20,000,000 a year.

Mr. EUSTIS. Then I understand the effect of the amendment, with the proviso, if adopted, would be to add only $20,000,000 of silver to our present volume?

Mr. STEWART. In addition to what the present law would produce.

Mr. EUSTIS. I desire to ask the Senator from Nevada, after all the speeches that have been made on the silver question, whether he does not consider that that is a very small and insignificant addition to our silver currency.

Mr. STEWART. I think it is a small addition, and I should be glad if we could have more silver and have a further addition. But I think we shall get about as much that way as the other. I do not share in the apprehension that there will be any considerable amount of coined silver sent to this country. That is impossible. I do not think there is any danger of it. But I consent to the proposition in order to meet the fears of those who apprehend that other countries will demonetize silver and send their coinage here.

As to the current product of silver, if we take all of our own silver, when conditions become normal it will become impossible for us to get more. It takes about half the product, and Asia must continue to be supplied. There is a temporary falling off there on account of the fears of people, for when silver ran up to $1.29 it stopped exportations from India and produced a very stringent condition of the money market; but then they issued paper to bridge over that difficulty temporarily. When we have an established rule——

The VICE PRESIDENT. The Senator's time has expired.

Mr. ALDRICH. Mr. President, I did not offer the amendment which has been read from the Clerk's desk with any intention of voting for it myself or with the expectation that it would be adopted by the Senate, but merely to test the sincerity of Senators who are talking about the restoration of the status of 1853. This amendment is an identical transcript of the law as it existed in this country from 1853 to 1873. In other words, it is the coinage law of 1834, adopted by a Democratic Congress, signed by Andrew Jackson, inspired by Thomas Benton, as amended in 1853. The Senator from Nevada [Mr. JONES] said this morning he is in favor of undoing the wrong of 1873. There is no way in which that can be done that I know of so well as to restore the legislation which was in existence prior to that time. I know that is not what the Senator from Nevada or any of his friends desire; it is the unlimited purchase of bullion, and not the free coinage of silver.

Mr. STEWART. I want to correct the Senator, if he will allow me.

Mr. ALDRICH. Not just now. But it is what the great mass of the people of this country who are in favor of free coinage have asked this Congress to adopt. I hold in my hand one of the great number of petitions which have been sent to the Committee on Finance, having been presented upon the floor by Senators from different States, and I desire to call the attention of the Senate and the country to the character of this petition and what it is that these people desire.

Mr. DANIEL. Will the Senator for information be kind enough to state the effect of the amendment? I could not catch the whole purport of it.

Mr. ALDRICH. The effect is to restore the legislation which existed in this country substantially from 1834 to 1873, and identically as it existed from 1853 to 1873. This petition asks Congress "for the restoration of silver to its constitutional place as a money metal, with the same rights of coinage and legal tender as are now accorded to gold and as existed from the foundation of the Government down to 1873, when the unfortunate act of demonetization was passed."

Mr. STEWART. Let me inform the Senator that, amending that, there was a provision for a bullion fund to be on hand to take the money as it came in, which worked very inconveniently, and they wanted a more convenient bullion fund, so as not to delay persons who had silver or gold bullion and desired to get money on it.

Mr. ALDRICH. I shall not undertake to discuss what propositions were before Congress at any time from 1834 to 1873 or what was the effect of the legislation which was enacted at that time, but I desire to call the attention of the country as plainly as I can to the fact that Senators here are desiring and are determined to have something entirely different from the free coinage of silver which existed from 1834 to 1873, and that the proposition which they are now asking popular support upon is a delusion and a snare.

I am now talking about the proposition before it was modified by the joint action of Senators upon the other side and the Senator from Nevada. I called attention yesterday to the fact that Senators upon the other side are implicitly following the lead of that distinguished Senator, He, two or three days ago, offered an amendment for the information of the Senate, as he said, desiring that if any Senator should see fit to offer it he might have an opportunity to do so. This morning the reasons for that information become apparent. The Senator from Maryland, acting in behalf, I suppose, of that side of the Chamber, comes in here and offers the identical proposition which the Senator from Nevada two or three days ago offered for the information of the Senate. The remarks which I made yesterday have borne a prompt fruition this morning, and we find the Democratic party switched off absolutely from the proposition for the free coinage of silver and supporting a nondescript which I shall try to find terms to characterize the next time I am able to obtain the floor.

Mr. REAGAN. Mr. President, the amendment offered by the Senator from Rhode Island looks to the coinage of silver and gold. It is intended to supplant a provision which is most important in order to secure convenient circulation. If the amendment which the Senator offers, and which he tells the Senate he would not vote for, should be adopted, it would then furnish one of the staple arguments that have been used by those who do not favor the coinage of silver by saying that it is a heavy metal and you can not transport it and can not use it as money.

The amendment presented by the Senator from Maryland and originally drawn by the Senator from Nevada, while it provides for the coinage of silver and gold, provides that on the deposit of bullion silver notes may be issued, which are convenient for handling and for transportation, so as to give us a currency suited for actual circulation and to save the abrasion of metals, the loss by handling which would occur in either of the metals. Experience has shown us that gold certificates and silver certificates, notes issued upon gold and silver, are more convenient and more desirable than the original metal; and, while this is true, it saves the abrasion, which is very considerable on such large amounts of coin.

Now, the Senator assumes that his amendment would avoid the purchase of a large amount of silver by the Government. What would be the difference in the effect between the coinage of silver under the amendment last presented by the Senator from Maryland and the previous amendment? Each of them would be for the free coinage of silver. If the coin value was rendered greater than the present market value in the one case it would surely be rendered greater than the market value in the other case. So I do not see that the Senator avoids what seems to be the great bugbear with him of the coining of silver and using it as currency, but his amendment would embarrass the circulation of the silver coin if there was no other reason why it should not be adopted.

In reference to the amendment offered by the Senator from Maryland, the clause which authorizes a mint charge on silver imported from other countries is one which if left to myself I should not adopt. There is no danger of getting too much silver here. A good deal has been

said about silver coming to this country. It will only come here when it comes to purchase something else, and when we remember that the silver coin dollar of this country is worth a little more than 3 per cent. more than the equivalent coin in any other country where the relative value of silver and gold is as 15½ to 1, we can see that men would not give over 3 per cent. of their coin and sustain the transportation to this country and back for the purpose of disposing of their silver. Men do not do such things as that.

But without the provision I should have no fear at all of more silver coming here than the needs of the country call for, and I should have no fear of any monetary embarrassment growing out of the amount of silver. If, however, others have apprehensions it can not have much influence upon the amount of coinage, for the importation of silver from other countries is very small compared with the exportation of silver from this country to other countries.

Mr. President, in speaking about the transfer of coin, we have heard for the last two or three days about the transfer of money from one country to another, as if it would be picked up and carried from one country to another as a mere business transaction. Sir, if we consider the laws of commerce we understand that money goes from one country to another only when it goes to purchase something. Countries do not change the volume of their currency except as their industries, their enterprises, their business, warrant the change of the volume of currency. If we have more productions to sell than we have to buy we shall receive more money than we give. If we have to buy more than we sell we shall have to give more money than we receive. That is a law of trade which is universal, I think, in its application, and that is the way in which money is transferred. I do not see what the alarm is about the transfer of the gold from this country to another country or the transfer of silver from other countries to this country. The metals will obey the laws of trade.

Mr. President, two great objects are in view here. One is that we shall restore silver coinage as it was heretofore; that we shall make it money and no longer make it a commodity to be valued by the metal gold. In restoring the coinage of silver we propose to facilitate its issue by authorizing notes to be issued based upon the silver and redeemable by the coin in the Treasury. That will augment the amount of our circulation to some extent, and what is more, when we make silver money a unit of value, make it along with gold to measure the value of production, its use in commerce will become much more important to the country. Its aid in steadying trade and prices will be much greater than to leave it a commodity, to be valued by gold and to be increased or decreased in value by speculation as other commodities are.

Whenever we make it money there is no longer room for speculating upon it. It then becomes a measure for exchanges, a measure for values of all kinds. It was suggested in answer to the question of the Senator from Lousiana [Mr. EUSTIS] that the amount would be a large increase. If it made no actual nominal increase in money there would be an increase in its use by its being made money instead of a commodity to be speculated in.

Mr. VEST. Mr. President, I want to reply to a remark made by the Senator from Rhode Island [Mr. ALDRICH]. The Senator from Ohio upon yesterday was compelled to state that "we were not children," referring to that side of the Chamber, and he said that as for himself he had passed the age of infancy. Now, I desire to make the same very self-evident observation as to Senators upon this side of the Chamber. We are not children; we have passed the age of infancy; and we know exactly the object of the Senator from Rhode Island, and we know exactly the object of the Senator from Ohio in the gratuitous advice which he gave yesterday to Democratic Senators. All these taunts about leadership are simply "leather and prunello," the old trick of a debater who is destitute of argument and resorts to personal allusions.

The Democratic party has no leaders; it has representatives; and when any man ceases to represent the principles of the Democratic party then his so-called leadership ceases to exist. I am for the free coinage of silver and I am following nobody. I am speaking for myself, arrogating no leadership, but endeavoring to represent my own people and my own opinion. In 1881 I offered a resolution here when I had been scarcely eighteen months in the Senate for the free coinage of silver. The Senator from Iowa [Mr. ALLISON] moved to refer it to the Committee on Finance, which he knew was the tomb of the Capulets for any silver proposition at that time. Twenty-one Democrats voted against that proposition and twenty-two Senators, three of them being Democrats, voted for it. The resolution was defeated by one vote, and I repeat that out of the twenty-two votes against that resolution nineteen were Republicans and three were Democrats.

Now, I wish to notice a statement which was made in this debate, I think by the Senator from Ohio. I looked in the RECORD this morning, but his remarks were kept back for revision, and I looked then for the speech of the Senator from Rhode Island, and found the same statement in the RECORD; but to show how little regard is paid to the record in this Chamber in debate, both of them, I think, stated that never during Cleveland's Administration was any attempt made by the Democratic party to secure free coinage.

I have sent to the document room and have a bill here offered by my colleague in the House, Mr. BLAND, in 1886, for the free coinage of silver, and when it came into the House of Representatives under an adverse report made by the Ways and Means Committee of the House it was beaten by the Republicans.

Mr. HOAR. What year was that?

Mr. VEST. February 15, 1886.

Mr. ALDRICH. Was not that a Democratic House of Representatives?

Mr. VEST. It was a Democratic House, but the vote shows that the Republicans beat it in that body.

Mr. ALDRICH. Certainly, it was a Democratic House.

Mr. VEST. Yes, in 1886 it was a Democratic House. I state here now, and I will send for the vote if the Senator from Rhode Island disputes it, that an overwhelming majority of Republican Representatives voted against free coinage at that time. It is a notorious fact that free-coinage bills have come from two Democratic Houses of Representatives to the Senate and have been defeated here by the Republican party. In the face of this record the Senator from Rhode Island says we have had a new revelation, and a new leader, and are following now the Senator from Nevada.

Mr. President, when the Senator from Ohio and the Senator from Rhode Island become so solicitous about the welfare (I mean honestly solicitous) of the Democratic party, we shall have snow in August and white crows all over this country. We know their object here. The Senator from Rhode Island tells us that he is opposed to silver. Of course he is opposed to silver. I heard the Senator on the McKinley bill.

Mr. ALDRICH. No, I beg the Senator's pardon; I have never said I was opposed to silver.

Mr. VEST. Does the Senator deny that he is opposed to free coinage?

Mr. ALDRICH. Oh, yes; I am opposed to free coinage. That is a different proposition.

Mr. TELLER. I should like to suggest to the Senator that actions speak louder frequently than words.

Mr. ALDRICH. We shall have that decided in a few minutes on this proposition.

Mr. VEST. I shall not waste a minute of my ten minutes on the proposition that the Senator from Rhode Island is the bitter and determined opponent of silver. He believes in gold. He believes, as he did on the McKinley bill, that we ought not to have cheap goods, "for cheap goods make cheap men and cheap men make a cheap country." That was the shibboleth of the Senator from Rhode Island then, and as to his advice when he stood here yesterday, like Fitz James before Roderick Dhu, and defied the Democratic party to combat, we heard that before last November, and let me commend to the Senator, when he exhibits his Biblical knowledge here, another text, and I suppose it is about the only consolation that he can derive from the sacred volume: "Whom the Lord loveth he chasteneth," and, therefore, the Republican party must be very dear to Deity about this time.

Mr. President, take the record of the two parties: is there anything in it to justify the statement that we are following the Senator from Nevada? I said here, and I repeat it, and want no misunderstanding about it: I am not acting in this Chamber to make a market for silver. I do not care whether it goes up or goes down if it is a commercial commodity. I am not here to furnish a market for the produce of the silver mines of the West. I am for more money, money of the Constitution. I am for putting silver upon an equality with gold in order that any man who digs silver from the earth can go to the mints and have it coined free of charge, as to-day the gold-miner does.

I can not vote for the proposition, at this time at least, of the Senator from Maryland. That proposition represents his individual opinion; it does not represent mine. I am not willing to compromise this question, unless I am absolutely compelled to do it at the point of the parliamentary bayonet, at anything less than an absolutely free coinage of silver. I believe that to be the logical and only solution of this question, and I believe that any limitation in this bill upon the proposition for free coinage of silver is illogical. As the Senator from Kansas [Mr. INGALLS] said this morning—and I agree with that portion of his address entirely—if there is any proposition upon which the people of this country have spoken unmistakably it is in regard to the free coinage of silver.

Mr. PLUMB. I ask the Chair to state what is the pending proposition.

The VICE PRESIDENT. The pending proposition is the amendment offered by the Senator from Maryland [Mr. GORMAN].

Mr. PLUMB. I should like to know how that comes to be in order in view of the number of amendments that had been offered preceding it.

The VICE PRESIDENT. It is an amendment to the text.

Mr. COCKRELL. I thought the amendment of the Senator from Rhode Island [Mr. ALDRICH] was in order.

Mr. ALDRICH. What has become of the amendment which I offered?

The VICE PRESIDENT. The amendment of the Senator from Maryland is to the text and takes precedence of that amendment.

Mr. CULLOM. Why so?

Mr. ALDRICH. I should like to have the question stated then in the exact form in which it stands.

Mr. DANIEL. I should like to inquire of the Senator from Rhode Island if his amendment is printed?

Mr. ALDRICH. Yes, sir; it is printed in the statute books of the United States.

The VICE PRESIDENT. The pending amendment is to strike out a part of the text of the original bill and insert what will be read.

The Chief Clerk read the amendment proposed by Mr. GORMAN.

Mr. PLUMB. Mr. President, the discussion of this question develops the same differences that existed last July and that existed in the debate of 1878. On one side are those who represent the credit and the creditors of the United States, speaking from the vantage ground of what they have heretofore gained to maintain their position, entirely willing to vote large additions to the circulating medium if they are only put upon the gold standard in such a way as not to depreciate credit, but also to continue that augmentation which has been the result of the financial policy of the United States for the last seventeen years.

We had invoked yesterday, as we had heretofore, the laborers of the United States and the agriculturists of the United States, and the Senator from Iowa [Mr. ALLISON] capped the climax by invoking the pensioners of the United States. In whose behalf are these forces of the American Republic invoked? In their own favor? By no means. No one who can be said to speak with any authority whatever for the pensioner or for the laborer or for the agriculturist of the United States has said one word against the free coinage of silver. We are asked to believe that those persons who have heretofore condemned the pension list as a list of fraud, who have decried all allowances for pensions made by Congress, and who have characterized the ex-Union soldier as a pauper and as a fraud, now enlist him and the sympathies that naturally cluster around him and his great service in favor of the gold standard.

Are the gentlemen who are so much interested in the value of bonds, and who maintain their argument against free coinage and in favor of the gold standard by citations from the holders of bonds in Germany, interested in the welfare of the laborer? If he is to depend upon them heaven save him, and if the pensioners of the United States are to depend for a continuation of their pensions and the value of them upon those who want the gold standard, then heaven help them also. It is hiding behind a meritorious class of people in order to conceal the essential weakness of the position of those who make this contention.

What is that contention? It is that having surreptitiously and fraudulently obtained the demonetization of silver in 1873, and having thereby augmented the value of all the credits then and since existing in the United States, they now say, "Please do not disturb us in the possession of the property we have thus fraudulently acquired. Having stolen the horse, do you not see that you invoke the aid of a crowbar to break open the stable door to get him back? Do you not see that you have to enlist a magistrate to issue a writ of replevin and to arraign the offender and all that sort of thing? And, my dear sirs, be kind enough now to remember that all these things disturb the community and are liable to disturb values and all that sort of thing; that they threaten property at least."

That is the contention and the sole contention made here, that, having obtained by these processes an advantage over the debtor, an advantage over the laborer, an advantage over the merchant and the manufacturer, and the great mass of the people of the United States, whereby their profits have been augmented, we are asked now not to interfere with what? Not with what they have got; nobody proposes to take that away; but we are asked not to interfere with the further augmentation. The Senator from Ohio said yesterday that the law of 1873 was an outrage, and yet when in 1878 we sought to repeal that and restore the old condition of things he was found, as others have been found since then, to insist on the *status quo* produced by that legislation, which has resulted in great damage and disadvantage to the people of the United States.

Mr. President, all propositions made from that class of people are insincere. The Senator from Rhode Island [Mr. ALDRICH] has made a proposition which he admits he would not himself vote for. I would be perfectly willing to take that if he would only modernize it to the extent of saying that when the gold or silver is presented for coinage the person who presents it may have the option of taking legal-tender notes if he sees fit to do so. I am not frightened at the amendment he proposes, and all the less because he will not vote for it himself, and that inclines me to vote for it.

But, Mr. President, every addition that has been made to the circulating medium, everything that has been done in Congress since this subject was agitated has been in defiance of the class of people whom the Senator from Ohio and the Senator from Vermont and the Senator from Rhode Island represent. The act of 1878 was wrenched from them by force. If it had not been for that act, if they had had their way, the currency of the United States would have been $370,000,000 less to-day than it now is. It was not they who proposed the legislation of last year which resulted in the act of July 14, 1890. It was taken from them by the power of the majority and they only acceded to what the majority decreed.

Mr. President, is it not fair to notice that the majority of the Finance Committee, the eminent Senator from Vermont, the Senator from Ohio, the Senator from Rhode Island, the Senator from Iowa, have never in the last fourteen years originated and reported from that committee one single measure of any kind or description for anything to take the place of the retiring national-bank circulation? That committee has never done anything it was not compelled to do. It has been beaten on this floor every time the question has come up, but only to retire to the fortress which it has under the rules of the Senate with a determination never to give the people of the United States anything in the shape of something new to take the place of the circulation that was retiring.

Whatever we have had has been in defiance of that committee. It has sat there sullenly, determinedly, at every stage of the game, and every year of the time while the national-bank circulation was retiring at the rate of fifteen, twenty, and thirty, and even sometimes as high as forty million dollars a year, it has never reported a measure, nor consented to the report of a measure of its own motion for anything designed to take the place of this receding circulation. In other words, that committee as organized and as it has disported itself upon the floor of the Senate has been for contraction. It has so voted by its members individually and it has so voted and acted as a committee. As I said, whatever we have had has been in defiance of them, and whatever we shall get hereafter will be equally in defiance of them.

Admitting, now, as the Senator from Iowa does, that the act of 1873 was an outrage, does he propose to repair it? By no means. He proposes that the people who have got the advantage shall keep it. He proposes that the funded debts of the United States shall increase in value. He does not propose anything to dispossess these people from the position in which they have been placed. The plea which has been made by him and by the Senator from Ohio and the Senator from Rhode Island and the Senator from Vermont is the plea for money and for credit.

I agree, Mr. President, that we ought not to disturb the value of property now existing. I agree that we ought not to depreciate it by legislation; but to say that because a combination of people improperly obtained legislation in their interest and subverted to their uses the Congress of the United States and all its legislative functions we shall now do nothing which disturbs them in the possession of what they have got or the profits which they now possess, is simply to agree that we shall continue the perpetuation of that fraud; and that is the condition with which we are confronted to-day.

No one proposes that we shall do anything which will disturb investments already made or in any way hurt the people who have had credits. On the contrary, they have had enormous profits. They have bonds now which they have made payable in gold coin, and their contention is that we ought to consent to a condition of things which year by year will add to the value of that gold coin in such a way that when ten, fifteen, twenty, thirty, or forty years from now they come to get their pay they may have not only the interest stipulated them, but money that is infinitely more valuable than the money which they paid for their bonds.

Mr. President, against that I want simply to enter my protest. It will not be my fault if this thing is resolved in such a way as to carry this finally into that great forum, the people of the United States at a national election. I am willing to accept any reasonable proposition which may be made which marks an advance, but it is plain to be seen that while anything will be conceded in regard to the volume of the money it is only to be conceded upon the theory that the national banks will issue it. A very wise proposition that is on the part of gentlemen like the Senator from Rhode Island, who represent the locality in which the money is located, where the national banks can get the largest capital, and which will continue the advantage which that section of country now has over the West. Mr. President, I do not want the power of inflation and contraction placed in the hands of the national banks. I do not want to give the national banks the power to add $200,000,000 to the money or not as they please.

In regard to the question which has been spoken of here somewhat glibly about profits to come to somebody, the Senator from Rhode Island is complacent about the profits made by reason of the resumption act in behalf of the holders of gold.

On the question of a combination between Republicans on this side and Democrats on the other, I say what I believe to be true (and I believe I could prove it if I had a subpœna), that the men on this side of the Chamber who were interested in the passage of a tariff bill did contract in fact with the members on that side to give preference to that bill. I was not a party to that. I did not take much stock in the tariff bill, but I could not shut my eyes to what was going on.

Much as that side of the Chamber appeared to dislike the tariff bill, whatever they may have actually felt about it at the bottom, they said it was an angel of light compared with the election bill, and they yielded to the leadership of—I do not know whether the Senator from Rhode Island in the absence of a beard would like to have himself called a Moses, as he characterized the Senator from Nevada [Mr. STEWART] yesterday, and he is not very patriarchal looking, but he

is very smart. He said that the duty on cotton goods and woolen goods and on carpets and linoleums and glass and things of that kind was a great deal more important last October than the priceless privilege of casting a vote and having that vote counted.

The VICE PRESIDENT. The Senator's time has expired.

Mr. PLUMB. I ask consent to continue for a moment or two longer.

["Go on."]

The VICE PRESIDENT. The Senator from Kansas will proceed in the absence of objection.

Mr. PLUMB. So, Mr. President, it depends on whose ox is gored about this question of political combinations. I know it was charged last summer in leading Republican papers that certain persons on this side, of whom I happen to be one (I suppose that is because of classification), had made some sort of a combination with the gentlemen on the other side, which was not true; while those persons who set in motion information of that kind were the very men who made the combination and who have now got what they combined for, to wit, higher duties.

Now, I am a little bit amused at the virtue of those people who are against this measure because it may give a profit to silver-mine-owners. My view is that if the silver-mine-owner gets a profit he does not charge that to the people of the country. What he gets hurts nobody, however much it may help him. Whether a duty of 30 per cent. more on granite and 30 per cent. more on worsteds is a profit to the manufacturer in Rhode Island or elsewhere, I do not care to say; but what I do say is that the subject of profit to individuals as the result of legislation has had such exemplification in this body and elsewhere that it does not lie in the mouth of anybody, Democrat or Republican, to talk about a proposition to put silver on a basis with gold as one involving profit to individuals.

Now, Mr. President, the merit of this silver proposition to me is just this, and it is the whole of it. I do not expect to swap, so far as I am concerned, the question of the free coinage of silver when it comes to the question of the volume of the circulating medium of the people of the United States, but I do say, if, taking into account the more or less general judgment of the people of the United States, we are to have money based upon the metals, I want it based upon both, because I want as broad a base as possible for business, and I do not want a condition of things in which the poorest and the humblest of the people of the United States and in which the great mass of the people of the United States shall be dependent for the fruits of their labor upon the struggles of a handful of men with whom they have no interest in regard to the volume and in regard to the price of gold. The mass of the people of the United States have no interest in struggles of that kind. They want the opportunity to labor and to get a decent and a fair result of their labor with as much security as possible, and they want to be emancipated as much as possible from the struggles in Wall street and the struggles in London and the struggles in other places where speculation is carried on in money and other products, and which, if they go wrong, as things are, mean the loss of their wages and of their chances for support.

There has been no more conservative thing proposed in this whole financial field in the last fifteen years than the proposition that, instead of having, as has heretofore been suggested, an unlimited issue of Treasury notes, we shall have metal money, and that whatever we may have in the way of an excess shall actually be based upon the metal. The Senator from Iowa tells us how gold left the country at one time and silver at another time, and so on. He overlooks the fact that since that time artificial expedients have been adopted whereby nations hold their gold and their silver for their own uses independent of what might be called the ordinary course of trade. He seems to argue that we are at the mercy of anybody who happens to have a little balance against us that they may demand in gold, and that we have got to adopt a system not such as we want, not such as concerns our own people only, but must concern other people whom we have got to take into account, and he pleads that we shall not do anything until we get Belgium and France and Italy to agree in advance.

Mr. President, that confesses the whole case away. In matters of this kind somebody has got to lead. If the United States is going to follow, then let us say by law, if necessary, that we shall never do anything unless Italy and France and Belgium shall in advance concede that they will do the same thing. That is the position we ought to take. Our ratio is different from theirs. We can coin silver at the value of 16 to 1 as against them, because they have a ratio of 15½ to 1. We can do that ourselves, as I believe, and, whether we can or not as an ultimate thing, for us to confess that we have got to alter all our financial affairs upon their basis is a confession of impotency and weakness which will always be to our disadvantage.

No, Mr. President, we have got hold, we are in a condition to protect ourselves and to say, as we ought to do, on our responsibility as legislators, that the volume of money in the United States, and the base upon which we do our business, shall be so ordered as in our belief to best enhance the interest of our own people, and not take into account the people and the interest of other countries.

But, Mr. President, no one fails to pierce the disguise. All this is done for delay. The Senator from Ohio and other men situated as he was, acting on what they believed to be the best interests of the country, brought about a gold standard. They want to maintain it, and the Senator sees in the men with fixed capital men who are to be preferred against the men who have got all they have in the shape of debts, and so on; so he argues that unless we do what those people want us to do we shall never have any money. He then takes into account the holder of an American railroad bond in Germany and reads a letter which he wrote as authority upon this question, and says in substance if we do not do what this man over there wants we shall never get any more money.

Mr. President, the Senator from Ohio knows better than that. It is a desperate expedient which he resorts to. It is his determination by all hazards, by exciting fears which he does not believe in and by getting up a scare of a panic, to prevent us from legislating for the American people in accordance with their deliberate opinion as expressed time and time again.

Mr. President, there never ought to be an issue between the creditors and debtors of this country. There never will be if we do not teach the debtors that they are in a majority and consequently have the power; and the only way that we shall ever teach them that is by exalting the value of credits above the value of humanity, above the value of bone and brawn and muscle, above the value of business and the ability to make support.

Mr. STEWART. And above the value of liberty.

Mr. PLUMB. And, as the Senator from Nevada prompts me, above the value of liberty. It is an issue that ought not to be invited. The American people believe in paying their debts. They are the best debt-payers in the world. This is the only country where Germans and English can invest capital with freedom and with the certainty of a fair return, because they know that the sense of commercial honor of the American people is higher than it is anywhere else. But, Mr. President, if we are to tie our whole fortunes to the demands of these people, to give to the minority control over the majority, and to say as to the volume of money and to its character that nothing shall be done unless it is first submitted to the judgment and the opinion of a handful of men who own the credits, the fixed capital of the country, we might as well adjourn.

Just put up a bell button in the Senate Chamber and say to the holder of a Government bond or a railroad bond, "When you want anything done, ring the bell; the representatives of States and of peoples, of great enterprises and of all the things that constitute the hope of the American Republic are to be held in abeyance and spoken of with bated breath until the men who are fortunate enough to have some of the fixed capital of this country in possession are heard from."

Mr. President, the speeches of the Senator from Ohio [Mr. SHERMAN], the Senator from Rhode Island [Mr. ALDRICH], and the Senator from Iowa [Mr. ALLISON] tender an issue which I hesitate to accept, because I should sincerely hope that on reflection they would withdraw it; but if they insist that it shall be accepted, if they make it, it can only be accepted, and the result of the issue, whatever it may be here, when it comes to be fought out in another forum, can not be doubted. I hope it may never come, and that instead of that we may have conference and comparison of judgment and due regard for the interests of all the people, a recognition of the wickedness by which we departed from the bimetallic standard in 1873. It is too serious a subject to be joked about in the way the Senator from Rhode Island does. He is keen at words, he is a rapier in speech; but, Mr. President, it is not that which settles issues among the American people. This issue is to be settled by the cool, calm, deliberate judgment of the people who look at things from their own standpoint of interest. The Senator from Rhode Island having got through here, by his wisdom and by his combination with the Democrats, a bill which helps his people to greater profits, must not think that the function of legislation in behalf of the people has been completed.

Mr. EUSTIS. Mr. President, I understood the Senator from Nevada [Mr. STEWART] to say that he was in favor of the amendment offered by the Senator from Maryland [Mr. GORMAN]. I regret that a compromise seems to have been made with the silver men on the other side of the Chamber. I come from a State where there is a good deal of conservatism with reference to the financial question. There are a great many banks in Louisiana, and the people who raise crops are dependent upon the prosperity and the soundness of those banks. I have been, and am now, in favor of the free and unlimited coinage of silver, in the first place, because it will increase the volume of our currency, and, in the next place, the basis of the currency itself will be perfectly sound.

At the last session of Congress we made a compromise, that is, it was made upon this question, and the result has been that it has produced universal dissatisfaction and distrust, and now we are attempting to correct any financial mistake that we have made, and to offer to the American people something in response to what they demand.

I myself have not been deterred by the arguments which have been made against the bill for the free coinage of silver. I do not believe that any gold will be hoarded. I know, I may say, that no gold will be exported, and I also know, notwithstanding the argument made by the Senator from Ohio, that free and unlimited coinage will not

possibly disturb our exchanges with any foreign country. If we open our mints to free and unlimited coinage, my own estimate is that it will take at least several years to coin silver dollars to an amount which will equal the number of gold dollars which we have in this country. The proposition which has been stated by the Senator from Ohio is most startling—that where a country has an equal number of gold dollars with silver dollars, and *vice versa*, any one in the United States under these conditions can have any interest whatever in hoarding his gold.

The objection which I have to this amendment is that it is still a discrimination against the free coinage of silver. It is still a blow at silver. The Senator from Nevada [Mr. STEWART], in answer to my question, stated that if this amendment were adopted it would only add $20,000,000 of silver currency to the country annually, and I asked him if he did not consider that a very insignificant amount, and he stated frankly that he did. I asked him as a silver Senator, a silver-tongued orator, a silver-haired Senator, how does it happen that he accepts the amendment? Is it because the Senator fears an Executive veto?

Mr. STEWART. I will answer if the Senator desires.

Mr. EUSTIS. I should like to have it answered.

Mr. STEWART. I, of course, do not like it as well as the original proposition, but I will accept it, provided it meets the general acceptation of the silver men. If not, I hope it will be withdrawn. The limitation in the amendment I do not like. I think it is unnecessary and I am opposed to it, but I will submit to it as the next best thing, if that is the judgment of those who favor silver; otherwise I hope it will be withdrawn.

Mr. EUSTIS. My own judgment is that we can safely add to our silver currency not $20,000,000 a year, but $100,000,000 a year, and that will take years to accomplish. Where are we going to get silver from? Under this amendment you propose only to coin American silver. That is what it means. You propose to impose a high duty, a high tariff upon foreign silver. You propose to prohibit the importation of foreign silver, and I say, either upon the silver basis or upon the tariff question, I, as a Democratic Senator, can not support such a measure as this.

I am in favor of the free and unlimited coinage of silver because I believe we ought to add hundreds of millions of dollars to our silver currency. It is but an act of justice to the American people. As to its creating any financial panic or disturbance, I believe that that is all a piece of imagination and a false prophecy. This country, with its six hundred millions of gold dollars can very well afford to have seven or eight hundred millions of silver without affecting the value of gold or preventing its being in circulation, and after all the efforts which we have made at the last session and at this session are we to tell the American people that this is the culmination of our labors, that we dare not or that we have not the courage for some mysterious reason to give free and unlimited coinage, to which we have pledged ourselves and which we know is right and just and proper legislation? I say it will indeed be a surprise to the country when it is discovered that all our efforts have resulted in what? In a measure which will excite the laughter and scorn of our opponents and the indignation and disgust of our friends.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Maryland [Mr. GORMAN].

Mr. HOAR and Mr. SHERMAN called for the yeas and nays; and they were ordered.

Mr. CALL. Mr. President, I shall not vote for this amendment. If the propositions upon which free coinage is to be adopted are true, then it is untrue that there should be any limitation imposed upon it. These two propositions are entirely inconsistent, and the proposition contained in the amendment now offered by the Senator from Maryland [Mr. GORMAN], which was originally introduced by the Senator from Nevada, is as much a denial of the principle of free coinage as was the bill which provided for the purchase of silver. We are legislating upon principle, upon a theory that the two metals are the necessary basis of currency throughout the world. If that is not true, this bill is entirely wrong so far as it proposes to substitute a coin basis for the system reported by the Committee on Finance.

There can be no reconciliation of these two propositions. If a limitation is to be placed upon the coinage of silver, then free coinage is impossible and wrong. There is no compromise of these propositions, and if we on this side who believe that the great appreciation of one of the metals because of legislation has been a hardship and an oppression to the great mass of the poor people of this country, bringing poverty into every home and accumulating vast and princely fortunes in the hands of a few, then it is impossible for us to depart from the proposition of the absolutely free coinage of silver as the basis of the currency of this country.

Mr. GORMAN. Mr. President, I have no desire to embarrass the Senator in charge of the bill, and knowing that, under the rules of the Senate, I can present this amendment later on, I shall for the moment withdraw my amendment.

Mr. ALDRICH. Can that be done after the yeas and nays have been ordered?

The VICE PRESIDENT. The Chair is opinion that it can not be done, except by unanimous consent.

Mr. GORMAN. As a matter of course I suppose no Senator will object to my withdrawing the amendment.

Mr. ALDRICH. I should like to make a few remarks on the amendment before it is withdrawn.

Mr. GORMAN. Of course I have no objection to that.

Mr. ALDRICH. I should have proceeded upon the theory that this amendment was satisfactory to the representatives of silver on both sides of the Chamber. If I am to understand now that that is not the attitude of the friends of silver upon either side of the Chamber, I do not know that I have any remarks to make, and I think perhaps it would be useless for me to do so. If the amendment is voted down or withdrawn by general consent, I see no reason for taking up the time of the Senate in pointing out its defects.

The VICE PRESIDENT. Is there objection to the withdrawal of the amendment?

Mr. COCKRELL. Does the Senator from Rhode Island withdraw his objection?

Mr. ALDRICH. I do.

The VICE PRESIDENT. Is the Chair to understand, then, that there is no objection made to the withdrawal by the Senator from Maryland of the amendment he proposed? ["No objection."] The Chair so understands, and the amendment is withdrawn.

Mr. TELLER. The proposition having been withdrawn, I suppose I may speak on the other amendment just as well.

The proposition now withdrawn has been the favorite stock in trade of the Senators from that section of the country who do not believe in free coinage. We have been told repeatedly by Senators and in the public press from that section of the country that if we would confine our efforts to secure free coinage to American silver they would be entirely content.

Mr. ALDRICH. I should be glad if the Senator would be a little more specific.

Mr. TELLER. I do not speak of the Senator from Rhode Island. I do not know what his views are upon the subject.

We have been told repeatedly in the last few days in some of the papers of the country, and we have been substantially told in the debate here, that we really will accomplish everything when we have bought all the American silver, which we can do under the act of July 14, 1890. I do not believe if the amendment had been pressed there is a single Senator who is opposed to the free coinage of silver who would have voted for it. It shows, in my judgment, the hollow pretense which has been made from time to time outside of this Chamber—to apply such language here I believe would not be strictly parliamentary—the hollow pretense made outside of this Chamber, at least, by people who are in favor, as they say, of silver and of its use as money, to take every occasion possible to disgrace and degrade it and prevent it from having its full money functions.

The Senator from Ohio [Mr. SHERMAN] has repeated a great many times in this debate that he is in favor of the use of silver as money. He has asserted, if not in this debate, in a former debate, that he was as much in favor of it as any of the Senators from the silver States, and yet he has never lifted his hand at any time in favor of the remonetization of silver. Every official utterance of his while he was Secretary of the Treasury was against silver, and every official utterance he has made on this floor has been against silver, except the bare statement that he was in favor of it. Every proposition he has submitted here has been against silver, and he has opposed very ably every proposition made to remonetize silver.

It can not be said in this country that we have actually remonetized silver because we coin it, for we coin it not fully, but we coin it in a way that keeps it down and keeps down its price and denies it equality with gold. I know the whole world has been doing that since 1874 and 1876, and, notwithstanding that, silver has continued to be used as money by some considerable portion of the world in some way, if not as it was used before.

Yesterday the Senator from Ohio took great pains to show that France was not a silver country. He has no right to say that any one on our side of the question had ever said that France was a silver country. France is a bimetallic country. It is not a silver country. Germany was a silver country before she demonetized silver. France has not been a silver country at any time in its history that I know of.

The relation between gold and silver was fixed in France hundreds of years ago, as it was in Great Britain—six hundred years ago and more. It has been fixed from time to time in these different countries, not in France by the orders of 1803, as the Senator said, but years before that. In 1779 France fixed the ratio between gold and silver by governmental decree, and fixed that ratio at 1 to 14½. The same year Spain fixed the ratio at 1 to 16. In those days the ratio was different in almost every country, and yet there was no considerable difficulty in maintaining that ratio at that time. Later there was a general attempt to get the ratio the same everywhere.

The Senator went into some examination as to why we had the ratio of 15 to 1 in 1793, when we first dealt with this subject. That was practically, and had been for some time, the ratio of Europe. In 1785,

when France changed the ratio from 14½ to 1 to 15½ to 1, the market ratio in the markets of France being 1 to 15.22, they by legislation immediately established that ratio different from the market ratio.

Mr. President, we changed our ratio; we changed it twice, as the Senator says, but that does not argue anything against silver. It does not indicate that silver was not just as stable as gold. After the great excitement occasioned by the production of gold, nearly all the world abandoned gold and went to silver. I have here a statement which I have taken the pains to verify.

Holland demonetized gold in 1850. Portugal prohibited gold from having current value, except the English sovereigns. Belgium demonetized gold in circulation. Russia prohibited the export of silver, and France even went to the extent of appointing a commission to see what she should do with it, whether she would abolish gold, and at that time Germany adopted the silver standard and abandoned gold.

The Senator tells us that gold is the stable money. The Bank of The Netherlands advised the government to abandon gold, because they stated that silver was the stable money, and not gold. Locke, in his Essay on Money, declared that the history of finance showed that silver was the stable money, and not gold, and silver remained the stable money all over the world until the attack made upon it in 1873. It had not changed. It was then, as has been repeatedly stated here, higher than gold, and there was less fluctuation in silver than there was in gold.

The Senator from Missouri [Mr. COCKRELL] calls my attention to the following:

> Yet, so recently as 1858, such eminent national economists as Michel Chevalier and Cobden recommended the adoption of exactly the opposite course in the policy of coinage, namely, demonetization of gold.

It was the intention of the moneyed people at that time to demonetize gold, and they then said that gold was not the stable money metal of the country, but silver was. When they found later that silver was being produced to an extent that gold was not, they made up their minds that they had better demonetize silver, and then they asserted that silver was not the stable money, but not until after they had made their attack upon it by legislation, until they had denied it access to the mints of the world, could they take it out of the character of a stable money metal.

The Senator from Ohio and the Senator from Rhode Island with great unction say: "France does not coin any silver." Last year there was coined in the world $135,000,000. Of that only $8,000,000 was recoinage, there being $127,000,000 of new coinage, and every single ounce of silver that was produced was either put into new money or went into the arts.

The VICE PRESIDENT. The Senator's time has expired.

Mr. INGALLS. Mr. President, I wish to ask the parliamentary state of the amendment intended to be proposed by the Senator from Nevada [Mr. STEWART].

The VICE PRESIDENT. The pending amendment is one offered to that amendment, an amendment in the second degree, offered by the Senator from Rhode Island [Mr. ALDRICH].

Mr. INGALLS. That has been withdrawn, I understand.

Mr. COCKRELL. Is the amendment of the Senator from Rhode Island pending now?

Mr. INGALLS. What is the pending question, Mr. President?

The VICE PRESIDENT. The pending question is the amendment offered by the Senator from Rhode Island [Mr. ALDRICH] to the amendment of the Senator from Nevada [Mr. STEWART].

Mr. INGALLS. May that be again reported?

The VICE PRESIDENT. The amendment will be again reported.

The CHIEF CLERK. After the first word "That," in the amendment proposed by the Senator from Nevada [Mr. STEWART], it is proposed to insert the following:

> Gold and silver bullion brought to the mint for coinage shall be received and coined, by the proper officers, into standard gold or silver coin for the benefit of the depositor: *Provided*, That it shall be lawful to refuse, at the mint, any deposit of less value than $100 and any bullion so base as to be unsuitable for the operations of the mint: *And provided also*, That when gold and silver are combined if either of these metals be in such small proportion that it can not be separated advantageously, no allowance shall be made to the depositor for the value of such metal, but in all cases whether the gold and silver deposited be coined or cast into bars or ingots, there shall be a charge to the depositor, in addition to the charge now made for refining or parting the metals, of one-half of 1 per cent.; the money arising from this charge of one-half per cent. shall be charged to the treasurer of the mint, and from time to time on warrant of the Director of the Mint shall be transferred into the Treasury of the United States: *Provided, however*, That nothing contained in this section shall be considered as applying to the half-dollar, the quarter-dollar, the dime, and half-dime.

Mr. STEWART. Is that amendment open to further amendment?

The VICE PRESIDENT. It is not. The amendment is in the second degree.

Mr. INGALLS. To what amendment is this proposed as an amendment?

The VICE PRESIDENT. It is an amendment to the amendment offered by the Senator from Nevada [Mr. STEWART].

Mr. INGALLS. I understood that amendment had been withdrawn.

The VICE PRESIDENT. The amendment withdrawn was that offered by the Senator from Maryland [Mr. GORMAN].

Mr. STEWART. This is in the same condition as the amendment which has been already ruled on. The motion of the Senator from Rhode Island is to strike out and insert; and, that being the case, it is still an original proposition which can be amended. I suppose, if that be the case, that I can perfect my proposition before it is voted upon, and I offer to perfect it by what I send to the desk under the rule.

Mr. ALDRICH. I suggest that that course can not be followed. If it could you might continue indefinitely to offer amendments and we might have forty or fifty amendments pending at the same time. This is an amendment to an amendment, and is therefore an amendment in the second degree and can not be amended.

Mr. HARRIS. Is it in the nature of an amendment to strike out and insert?

Mr. STEWART. That was the condition we were in when the amendment of the Senator from Rhode Island was offered. It was an amendment to an amendment, and I objected to it. The Chair ruled that the motion to strike out and insert was not an amendment in the second degree and should be treated as an original proposition. Instead of amending my amendment the Senator makes a motion to strike out and insert, precisely as I did with the committee amendment. If the ruling of the Chair was right in the first place—and I do not think it was—certainly I am now in order.

Mr. ALDRICH. For the purpose of saving any embarrassment which may happen to the Senator from Nevada or anybody else in connection with this matter, I withdraw the amendment.

The VICE PRESIDENT. The amendment to the amendment is withdrawn.

Mr. STEWART. I modify my amendment by inserting the word "provided" in place of the word "and," in line 13, on page 2.

The VICE PRESIDENT. The amendment will be so modified.

Mr. COCKRELL. What is the modification, Mr. President?

The VICE PRESIDENT. The modification will be stated.

The CHIEF CLERK. In line 13 of the amendment, on page 2, it is proposed to strike out "and" and insert "provided;" so as to read:

> *Provided*, All such Treasury notes issued under the provisions of this act shall be a legal tender, etc.

Mr. MORRILL. Mr. President, I desire to call the attention of the Senate for a single moment to the existing law passed at the last session of Congress, by which we were to take 54,000,000 ounces of silver in the course of the year and to issue therefor Treasury notes to the amount of their coin value. The present proposition is for the United States to take all of the silver we shall be offered, not only of the United States, but from elsewhere. If it was to be confined to the United States production it would not be more, as claimed by the Senators from Nevada and Colorado, than the amount of the American production.

For this we are to issue Treasury notes. So that in either case we are to take all the silver that is produced in our own country and issue Treasury notes for it. The chief difference between the two propositions is that in the former case, under the law of last session, we are to buy the silver at the market value; and under the proposition for free coinage we are to pay its mint value; that is to say, the owners of the silver bullion will receive the difference between its commercial value and its mint value. I do not myself see how this is to better the condition of the currency or to better the condition of the general public.

Mr. COCKRELL. I should like to ask now which one of the amendments offered by the Senator from Nevada [Mr. STEWART] is pending.

Mr. STEWART. The amendment of January 8, only modified by inserting the word "provided" in the place of the word "and" in line 13, on page 2.

The VICE PRESIDENT. It is the amendment which was ordered to be reprinted January 8, 1891.

Mr. STEWART. I wish to make an explanation, as some one has asked what was the meaning of the proviso inserted. It is inserted to prevent the inviting of gold contracts. I have looked at the legal tenders, the greenbacks, as they are called, and I find printed upon each that they are a legal tender with a long list of exceptions, and upon the notes issued under the recent law I find they have printed upon them that they are a legal tender with exceptions, "except where otherwise provided by contract." I want a legal tender pure and simple. Consequently I have to repeat those words and put them in the form of a proviso. After having described the legal functions, the proviso will make the notes issued under this proposed law, if any should be issued, a legal tender simply.

Mr. ALDRICH. Will the Senator from Nevada allow me to ask him a question?

Mr. STEWART. Yes.

Mr. ALDRICH. If this amendment should be adopted, would it take away from the people the common-law right which they now have of making contracts payable in gold?

Mr. STEWART. It would take away no right they now have.

Mr. ALDRICH. Is it the intention of the Senator to take that right away?

Mr. STEWART. I should be glad to take it away, but I do not think we can take away the common-law right. I do not wish, how-

over, on every piece of paper we put out, to make a suggestion to parties to combine in order to depreciate the currency. I do not want to put out any limping currency. If it is a legal tender I want it a simple legal tender.

Mr. ALDRICH. The act of July 14, 1890, provides that notes issued in accordance with that act shall be legal tender unless otherwise specified in the contract. Will this proviso change the law in any regard?

Mr. STEWART. It changes no law. It simply provides that the paper issued in pursuance of this act shall be a legal tender and leaves the common-law rights the same as they exist in regard to gold as a legal tender.

Mr. ALDRICH. Silver coin is a legal tender only in cases where not otherwise specified in the contract.

Mr. STEWART. I know.

Mr. ALDRICH. It is apparently the purpose of the Senator from Nevada to make these notes better than silver coin.

Mr. ALLISON. I should like to inquire of the Senator from Nevada if it is his purpose by this amendment to make payable in the notes here provided for a debt which was contracted for in gold or silver?

Mr. STEWART. I propose to leave those who have made contracts to enforce them according to law.

Mr. ALLISON. I know; but there was a distinction last year, and I notice that the Bland bill, which came from the other House in 1878, provided that the coins and certificates, etc., should be a legal tender, except where otherwise expressly provided by the contract.

Mr. STEWART. I am aware of that.

Mr. ALLISON. I am not discussing whether that is wise or otherwise. I want to know from the Senator whether it is his object to make these notes pay debts which may be contracted for hereafter or which have hitherto been contracted, in a specific amount of either gold or silver.

Mr. STEWART. Shall I answer?

Mr. ALLISON. Certainly. I asked the question for an answer.

Mr. STEWART. It is true that in our legislation, more or less, phrases have recently crept in for the purpose of discrediting the currency. I am aware that nearly every financial bill is so arranged that the dealers in money can obtain some advantage. The gold coin and the silver coin of the country, prior to these new devices to depreciate the currency, were legal tender for their nominal amount for all debts, public and private. Gold is a legal tender for all debts, public and private.

I do not propose to interfere with contracts. I understand that some of the courts of the country have held, and perhaps all of them would hold, that private contracts of any kind may be made. I think the Supreme Court has so held. I do object, however, to an invitation, an advertisement, that this money or any other money that is put out is not a full legal tender. Much harm has been done in this country by putting out money that was not legal tender in the payment of debts. If people make contracts voluntarily, I do not propose to interfere with them. I would leave them to the common law. But I propose to go back to original principles and make what money we put out a complete legal tender, and not have on the face of the bills we are circulating advertisements to the people to make usurious or unjust contracts.

Mr. REAGAN. Will the Senator allow me a moment?

Mr. STEWART. Certainly.

Mr. REAGAN. In reference to the question propounded by the Senator from Iowa [Mr. ALLISON] I wish to say that my understanding of the language of this amendment is that it intends to make these notes a legal tender for all debts, public and private. That is my purpose as far as I am concerned. I want this Government to say what shall be legal tender, and not leave it to private individuals to say, by contract or otherwise, what shall be legal tender. I want the Government to stipulate what shall be legal tender and make it legal tender; so that the money of this country, which the Government has declared to be a legal tender, shall not be speculated in and shall not be discriminated against by private contracts.

Mr. ALLISON. I have been told (and I think the Senator from Ohio stated it the other day) that a large number of contracts have been made and bonds, etc., have been issued by railroad companies, payable in gold coin.

Mr. SHERMAN. I think the great body of the contracts made latterly, especially by large corporations, where the amounts extend sometimes into the hundrds of millions, are now made payable in gold coin.

Mr. CULLOM. The Senator refers to contracts between individuals?

Mr. SHERMAN. Between individuals.

Mr. ALLISON. What I desire to ask the Senator from Texas is whether or not it is his intent and purpose in voting for this amendment to make contracts payable in the notes which are here proposed.

Mr. REAGAN. I do not know whether we can do that or not; but it is my purpose, if it can be done, to do that very thing.

Mr. ALLISON. That is what I supposed.

Mr. REAGAN. And, if that can be done by that amendment, that is the purpose of it so far as I am concerned.

Mr. GRAY. Will the Senator from Texas allow me to call his attention to the phraseology of this amendment? It merely provides that the silver coin and the silver certificates issued, based upon silver coin or silver bullion, shall be legal tender for all debts, public and private. That will not accomplish his purpose, if that be his purpose, to prevent and restrict the liberty of contract in all its fullness and amplitude as it has hitherto existed in the United States. That will not be sufficient hereafter, notwithstanding that provision, which is merely a provision stating that certain coins and certain representatives of them shall be legal tender, to restrain the Senator from Texas from contracting with me that I shall pay him at a certain time a given quantity of gold or of silver, as the case may be.

Mr. REAGAN. I do not understand, as the Senator from Delaware does, that it is not competent for Congress to determine what shall be a lawful tender. I do not understand that private citizens can repeal the law or change or modify the law by a special contract if the money is a legal tender and is so declared by law.

Mr. HARRIS. If the Senator will allow me, I desire to ask him this question: While anything that is made a legal tender may be used in the payment of any debt where the promise to pay is in dollars, I ask him if a special contract to pay in gold dollars or silver dollars or United States notes does not stand upon precisely the same footing that a contract to pay in cotton or in wheat or in corn would stand? Does the simple fact that Congress has declared a given thing to be a legal tender in the payment of all debts not apply strictly to debts made payable in dollars and not in any other specific thing?

Mr. REAGAN. Mr. President, I have not examined the subject to see just how far we can go. I know that there has been a habit under existing law of contracting for payment in particular kinds of money. I do not know that the words embraced in this proposed statute will do what I would do, but I desire to see them do all that they will do in that respect. I do not desire to leave the matter in such a shape as to allow the men who have plundered the country through its legislation for the last quarter of a century to continue to do it under this law any further by fixing a standard for payment other than the standard fixed by law.

As to existing contracts, that may be a question for the courts to determine. I am not proposing to undertake *eo nomine* to embrace existing contracts, but my wish is to see this provision pass in the form it is so as to make these notes legal tender.

I suggest to the Senator from Nevada, while I am up and on this subject, that there is a defect in the proviso put at the end of the amendment which makes Treasury notes a legal tender, but not the coin. It should say "the Treasury notes or the coin provided for in this act."

Mr. HOAR. Mr. President, I think the attention of the Senate ought to be called to the fact that the Constitution does not in terms confer upon Congress power to establish legal tender as such or to make legal tender as such. On the contrary, it leaves that power impliedly and almost expressly to the States by saying that the States shall make nothing but gold and silver a legal tender, implying, therefore, that a State may make a legal tender as it chooses of gold or silver. I suppose it would be entirely competent for any State in this Union to make silver a legal tender or gold a legal tender.

Mr. REAGAN. If the Senator will allow me——

Mr. HOAR. Let me finish the statement and then I will allow the Senator.

Congress is authorized to coin money and regulate the value thereof; and, therefore, when any obligation is to be discharged in money as such, then the right of Congress to determine the value is undisputed. If an obligation is to be discharged in money and we choose to make the dollar 200 grains of silver or any other amount, that we can do, but we can not take away the power of the citizen to agree to pay a certain number of bushels of wheat in the discharge of an obligation or a certain number of gold dollars, and we can not take away the power of the State to declare that gold dollars of a certain value or silver dollars shall be legal tender. That is the constitutional distinction.

Mr. STEWART. The Supreme Court has decided otherwise.

Mr. REAGAN. Mr. President——

The VICE PRESIDENT. The Senator from Texas has already spoken ten minutes.

Mr. REAGAN. I believe I was taken from the floor by the Senator from Massachusetts [Mr. HOAR].

Mr. ALLISON. I have not spoken on the pending question. I will take the floor on this amendment and yield to the Senator from Texas to explain in detail, if he will, just what he proposes by this amendment.

I understand his answer to my former question to be that his purpose is to make all debts payable in these notes, whether they have been contracted hitherto or not and whether payable in gold or silver, in pounds or dollars, and he also proposes to prohibit contracts in future being made specific in any particular coin that can not be met by the tender of these notes.

Mr. REAGAN. Mr. President, all I propose to do——

Mr. HOAR. I must object to the Senator from Iowa yielding. I understand that is not in accordance with the rule.

Mr. ALLISON. Then I can not do it.

Mr. CULLOM. I hope the Senator from Texas will be allowed to conclude his remarks.

Mr. REAGAN. What I propose to do is to make the notes issued under this act and the coin to be coined under it a legal tender and leave the balance to the courts and the country. I did argue that if I had the power I would prevent private contracts from making any special thing a legal tender, but when a debt was payable in dollars it could be paid in the legal tender provided by law. That is an individual opinion of mine which does not affect the question here. I favor this plan because I want these dollars, these notes, to be a legal tender.

In reference to what was said by the Senator from Massachusetts [Mr. HOAR] about the Government not being able to prescribe what should be a legal tender I merely wish to say that the Government did prescribe as to the public debt, that is, the bonds of the United States should be paid in lawful money. Lawful money then was gold coin, silver coin, and the legal-tender notes. The Government did prescribe afterwards that these bonds should be paid in coin alone. The Government did prescribe that the interest on the debt should be payable in coin. Now, whether the Senator calls that making a legal tender or not, it is fixing the kind of currency in which debts should be paid.

Mr. STEWART. At the suggestion of the Senator from Texas [Mr. REAGAN] that the word "coin" is not in the proviso, I wish to say that it was intended to cover that point, but inasmuch as there is a provision in the act that the silver dollar should be a legal tender where not otherwise provided by law, in order to make it conform, I still further modify the amendment by inserting after the word "notes," in line 13, the words "and coin;" so as to read:

Provided, All such Treasury notes and coin issued under the provisions of this act, etc.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. It is proposed to modify the amendment in line 13, so as to read:

Provided, All such Treasury notes and coin issued under the provisions of this act shall be a legal tender, etc.

Mr. DANIEL. Mr. President——

The VICE PRESIDENT. That modification will be made.

Mr. SHERMAN. I desire to submit an amendment.

Mr. DANIEL. Mr. President——

The VICE PRESIDENT. The Chair had recognized the Senator from Ohio.

Mr. DANIEL. I wanted to speak to that amendment.

Mr. SHERMAN. I will withhold my amendment for a moment.

Mr. DANIEL. The amendment was declared carried while I was on my feet.

The VICE PRESIDENT. The modification was proposed by the gentleman from Texas [Mr. REAGAN], and accepted by the Senator from Nevada [Mr. STEWART], to insert the words "and coin" in the amendment of the Senator from Nevada.

Mr. DANIEL. I yield to the Senator from Ohio [Mr. SHERMAN].

Mr. SHERMAN. I wish to offer an amendment, after the words "public and private" to insert the words which have always been used in these laws, "except where otherwise expressly stipulated in the contract." I wish to say a word about the amendment when it is reported.

Mr. STEWART. Is that amendment in order now?

The VICE PRESIDENT. The amendment is in order.

The CHIEF CLERK. In line 15, after the word "private," it is proposed to insert:

Except where otherwise expressly stipulated in the contract.

So as to read:

Provided, All such Treasury notes and coin issued under the provisions of this act shall be a legal tender for their nominal amount in payment of all debts, public and private, except where otherwise expressly stipulated in the contract, and shall be receivable for customs, taxes, and all public dues, and when so received may be reissued in the same manner and to the same extent as other Treasury notes.

Mr. SHERMAN. I will say, in regard to the amendment, that this is the language of the law of last session, the language of the Bland-Allison act, and, I believe, the language of every legal-tender act contained in the statutes of the United States so far as I know, although I have not looked except at the two of which I speak.

In view of the statements made here in the Senate it is a very grave question to Senators who will vote for this proposition, as I shall not, whether or not they intend to depart from the established usages and customs of the country in regard to legal tender; whether they will deprive the people of the United States, in other words, of the common-law right to make and unmake their contracts; whether they shall be deprived of the privilege of stipulating for the payment in wheat, corn, gold, or silver, copper, or anything else. That is the question. I hope, therefore, the Senators who are going to vote for this proposition will consider it in that light.

There is one other view I take of it. The reason why these words have always been inserted, as I understand—though I do not profess to have examined all the precedents or decisions of the Supreme Court—is this: While the Constitution of the United States makes it very clear that no State can violate a contract or permit the violation of a contract or pass any law which authorizes the violation of a contract, yet the power of the United States is not so limited by the Constitution of the United States. There have been several decisions made by the Supreme Court of the United States in regard to it that I am not now quite familiar with, but I am strongly inclined to the opinion that, according to those decisions, Congress might, in certain cases at least, make provisions which would violate the obligation of contracts. Certainly we do not wish to do it in this case. I think, therefore, the words I have indicated ought to be specifically used; otherwise these Treasury notes would be of an entirely different character from any of those now outstanding.

Mr. STEWART. It is not in the power of Congress to prevent the people from making ordinary contracts. If they want to make contracts for a given weight of gold or a given weight of silver or of any commodity, that they can do, and the Supreme Court has so held.

Mr. SHERMAN. Why not insert it, then?

Mr. STEWART. It is not necessary to put all the common law into this bill. This is a bill for the free coinage of silver and not one to re-enact the common law. That is the distinction. To put in a portion of the common law that does not belong in it, would lead to a precedent that might be very troublesome. There is no such reservation as to gold, and therefore if this is put in it will tend to dishonor silver.

There is no limitation on the legal-tender quality of gold, and there never was on the legal-tender quality of silver until silver was demonetized. We are trying to restore it to its original place. If people want to make contracts for silver or gold or wheat let them do so, but let our money be money and not print on it anything which will dishonor it and at the same time invite usurers to make extortionate contracts, as they undoubtedly will. It seems to me it is a very bad suggestion to make to these money-dealers. Let them rely on the common law and let us not legislate in favor of usury. It has been the policy of every civilized government from the foundation of the world to legislate against overreaching contracts. The money-lender can always put everything in the contract that the law will allow. There is no doubt he will get conditions upon it, but to have the hard condition of the money-lenders printed on the face of the money that is circulated in the country, to teach them to make contracts of this kind and to invite them to do it, seems to me to be unworthy the Congress of the United States.

Mr. MORGAN. Mr. President, the amendment of the Senator from Ohio is a part of the old plan of discrediting and dishonoring the silver coinage of the United States. In 1873 and in the Revised Statutes following the act of 1873 the silver coin of the United States ceased to be a legal tender, except in sums of $5 under section 3586, which I will read:

SEC. 3586. The silver coins of the United States shall be a legal tender at their nominal value for any amount not exceeding $5 in any one payment.

In that act of 1873 the qualification which the Senator from Ohio now seeks to put upon the feature of the bill which is under discussion did not exist. There has never been any qualification upon the legal character of gold, as the Senator from Nevada has rightly stated. Gold in any amount of coinage of the United States from a dollar up to a twenty-dollar piece, a fifty-dollar piece, whatever the coinage may have been, has always been a free and perfect legal tender for debts. Notwithstanding that, the parties have always had what is called here to-day a common-law right; that is to say, a right to put gold coin or silver coin in their contracts, as if it was simply a specific commodity, as wheat, as suggested by the Senator from Massachusetts.

What is the reason that the Senator from Ohio now desires to make a discrimination between the legal-tender quality of silver and the legal-tender quality of gold? That Senator has been professing during all of this debate, and for years past, a desire on his part to restore the parity and equilibrium between these two metals, and yet, when we get an amendment before the Senate upon which we are prepared to vote, the Senator is not satisfied unless he can still throw a shadow over the silver coin after it has been furnished by this act, and to say to all persons: "Make a margin between silver and gold if you can possibly work it out; make a margin; then make your contract upon nothing but gold, and you shall have the benefit of your margin in the judgment of the court."

Mr. President, that measure is intended and can be intended only to compel a margin between gold and silver. But I will not make any reflection upon the patriotism of such a movement as that in the Senate of the United States to distinguish between two metals that we call dollars, one containing so many grains of gold and the other so many grains of silver. At the same time, is it a worthy thing, is it a proper thing for the Senate of the United States, while professing to desire to restore the equilibrium between gold and silver, to cast a shadow upon the silver side of the question and invite speculators, bullion-dealers, and all that class of people continually to make a margin, to force a margin between gold and silver.

The proper view of this question, Mr. President, would be to dismiss such a contingency out of the question if it is possible to do it; not to put a standing invitation to speculators here that they shall create a margin between gold and silver.

After all, what does it amount to? Just what I have said and nothing

more, for if I give my note to the honorable Senator from Maine [Mr. FRYE], who sits in front of me, for $1,000 in silver coin, and when the day of payment comes I tender him a thousand silver dollars of the standard silver of the United States that is a satisfaction of the debt, because it is the specific commodity which has been stipulated for. It also satisfies the debt upon another ground, which is that the statute makes it a resolvent of the debt. The statute says, as well as the contract, that you shall accept a thousand silver dollars in payment of that $1,000 note.

Suppose, however, I make the note payable in $1,000 of gold coin of the United States, and there is a margin between gold coin and silver coin at the date of payment, and instead of tendering to him the gold coin, which was the specified object of the contract, I tender him a thousand silver dollars and he refuses to receive it and sues me upon the note, what does the court do? What can the court do? The court, when it renders a judgment against me upon that note renders a judgment for a thousand dollars. If that judgment said "a thousand silver dollars" or "a thousand gold dollars," there would be a reversal of the judgment. It is not such a judgment as the law authorizes any judge to render. No judge sitting in judgment upon a contract of this kind can render a judgment for anything else than a thousand dollars; and then, afterwards, when the defendant in that judgment comes to pay his debt he tenders to the officer of the law a thousand silver dollars and he takes it. That is the law of the case as plain as a pikestaff.

Then there is no field of operation for the Senator's amendment at all in the law unless he can encourage people to make a discrimination in the market value of silver dollars and gold dollars. The law handles the question in spite of him and everybody else. The judge gives a judgment for a thousand dollars, or, if there is a margin between the specific gold stipulated for in the contract and the silver thousand dollars, then the judge would say "a thousand dollars," but it would be increased by the difference in the margin. The creditor would make that out of the difference in his contract, but the judgment would be for dollars and only for dollars, and for nothing but dollars. Consequently the purpose of the Senator from Ohio can not be anything but merely, while pretending to restore the equilibrium between gold and silver coin, to put in an opportunity and an invitation, given by the laws of the United States, to speculators to come in and profit by this provision.

It was never in the statutes until 1878, never. When they came to fix the legal-tender quality of coin up to $5 there was nothing said about a contract to alter that in any respect or its being permissible for a party to alter that by contract in any respect. So when, before that time and during that time and continuously since that time, gold coin has been always a free legal tender for debt, there has never been associated with it or connected with it or any attempt to associate or connect with gold coin any such qualification as that now attempted to be put upon silver.

Is not the object of the amendment a plain one? Mr. President, I must say that it looks to me to be disingenuous that gentlemen should pretend in the face of the United States that they are actually trying to restore the parity between the two coins and will restore it through the medium of this coin certificate, which is required to be issued here in this amendment proposed to the bill, when they come in and put upon silver this additional burden. If people want to make a margin by contract it is proposed that they shall not only have the privilege of doing so, but they are respectfully invited to make all they can upon this $50,000,000 a year which is dug out of the American mines.

That is the whole proposition. Senators can not stand on that. That artifice can not be hid from the mind of any man of ordinary common sense. The people will comprehend it and they will visit this artifice back upon its authors.

In 1878, when the silver men proceeded as far as it was possible to go then in the restoration of silver coin to its proper value in the United States in commerce and otherwise, in all transactions and in the dealings of the Government with it, when they had gone to the front just as far as they could go, they were for the first time met with this same proposition that the Senator from Ohio now claims is in the statutes. Why, surely it is in the statutes, Mr. President, but how did it get there? It got there against the vote of every man who is a friend to silver. In 1878 we wanted free, pure, clean, clear legal tender for silver on a parity with gold.

The VICE PRESIDENT. The Senator's time has expired.

Mr. MORGAN. I have seen this rule violated so much to-day that I shall set a respectful example by obeying the gavel and taking my seat.

Mr. COCKRELL. I suggest to the Senator from Nevada an amendment to come in after the word "charge," in line 5.

Mr. SHERMAN. I think my amendment is pending.

Mr. STEWART. Let that amendment be disposed of first.

The VICE PRESIDENT. The pending question is on the amendment proposed by the Senator from Ohio.

Mr. COCKRELL. I want to make a suggestion on this amendment. After the words "without charge," in line 5, I suggest that there be inserted "which dollars shall be full legal tenders equally with gold coin."

That amendment would come in on line 5, so that it would read:

To be coined into standard dollars or formed into bars for his benefit and without charge, which dollars shall be full legal tenders equally with gold coin.

Mr. STEWART. That would have the same effect.

Mr. COCKRELL. Where the Senator places it, it puts the silver certificate and the silver coin on the same basis with gold.

The VICE PRESIDENT. The pending question is on the amendment offered by the Senator from Ohio [Mr. SHERMAN].

Mr. GRAY. Mr. President, I do not think that the amendment of the Senator from Ohio is at all necessary to accomplish the object which he states he has in offering it, and I further think it would be unwise phraseology to use in this bill if it should become a law, because there is an implication in it that there is a restriction upon the freedom of contracts that subsist entirely independent of it. The Supreme Court of the United States have already passed upon this whole question and as it seems to me have fully sustained the contract in regard to the kinds of money, where there is more than one kind of money known to the law as legal tender, in which a debt shall be solved. Where a contract is to be paid in currency or by its terms is to be solved in gold coin or silver coin, it can be enforced in the courts of the United States quite independently of any prescription of either kind of currency as legal tender.

I have before me an extract from one or two cases, one the case of Dewing *vs.* Scars, 11 Wallace, 370. Judge Strong in delivering the opinion of the court said the contract in that case was for pure gold in coined money.

Judgment should have been entered for coined dollars and parts of dollars, instead of Treasury notes equivalent in market value to the value in coined money of the stipulated weight of pure gold.

And in the subsequent case, Frebilock *vs.* Wilson, 12 Wallace, 687, Mr. Justice Field, in delivering the opinion of the court, stated:

The note of the plaintiff is made payable, as already stated, in specie. The use of these terms "in specie" does not assimilate the note to an instrument in which the amount stated is payable in chattels; as, for example, to a contract to pay a specified sum in lumber, or in fruit, or grain. Such contracts are generally made because it is more convenient for the maker to furnish the articles designated than to pay the money. He has his option of doing either at the maturity of the contract; but if he is then unable to furnish the articles or neglects to do so, the number of dollars specified is the measure of recovery.

But here the terms "in specie" are merely descriptive of the kind of dollars in which the note is payable, there being different kinds in circulation recognized by law. They mean that the designated number of dollars in the note shall be paid in so many gold or silver dollars of the coinage of the United States. They have acquired this meaning by general usage among traders, merchants, and bankers, and are the opposite of the terms "in currency," which are used when it is desired to make a note payable in paper money.

So, Mr. President, I should regret to see the amendment offered by the Senator from Ohio ingrafted upon this bill if it should become a law, for the reason I have stated. It is not worth while to raise a doubt where none exists and encumber the law with a provision which looks as if there were some restriction possible from that liberty of contract which obtains everywhere in regard to matters of this kind.

But as to the amendment to which this is offered by the Senator from Ohio as an amendment I shall say while I am on my feet that I object because I do not believe that the business of the country, the interests of its industry, and the welfare of its people will be advanced or promoted by its adoption. I believe, notwithstanding all that has been said by way of ridicule of those who are opposed to this measure, when they say they are in favor of both silver and gold as money, I do believe in both silver and gold as money, and I think that under the peculiar circumstances that have attended the mining productions and the value of silver bullion in the last fifteen years we have been peculiarly fortunate in being able to obtain a large circulation of silver on a parity with gold. I think something like $370,000,000 are now outstanding.

Mr. COCKRELL. Three hundred and sixty-nine million dollars was the amount last July.

Mr. GRAY. Well, about $370,000,000 either in the actual coin or in its paper representatives. So we are not badly off for silver money, the amount of which is being largely increased under our coinage laws every month. That money circulates and performs all the functions of money, is on a parity with gold, will purchase all that a gold dollar will, and increases the circulation by just the amount of its issue.

But what I fear, and what I think the country has reason to fear in the adoption of the amendment of the Senator from Nevada, is that we shall be relegated for the time being to silver money alone, eliminating our gold coinage entirely from circulation, and therefore bringing about a condition of things which will be one of severe contraction, and not the increase in the volume of the money of the country which it seems to desire.

Mr. President, the condition of things that I have described has been brought about and maintained because in the anomalous relation that silver maintains toward gold the silver dollar has been kept at a parity with gold, because there has been a limited coinage of silver money. It has been kept in the category, if you please, of token coinage. I do not use the phrase as one of inferiority, but as performing the useful function of a current coin of the United States capable of solving debt and of performing the function of exchange and all the other offices for

which a metallic currency is useful. Our friends who are favoring this amendment, the so-called silver Senators, make a mistake when they point to the parity of silver coin with gold and use that as an argument for its unlimited coinage, in forgetting what are the conditions which have heretofore surrounded the minting of silver dollars and which have been necessary to maintain its parity with the gold coin.

It is because we have by our legislation restricted the coinage of silver, because we have made the silver dollar perform the function of the half-dollar and the quarter-dollar, that we are to-day enjoying a bimetallic circulation—enjoying it, I think, to a greater extent than any other country in the world. How long that will continue, how long the incessant coining of silver bullion can go on and not absorb all the uses for which metallic money is made, and relegate gold to a coin that is out of circulation, I do not know. It may go on for several years yet, perhaps for many years. The prophecies in that direction that have been made heretofore seem to have been all at fault. I admit that the prophecies of those who thought that the continued coinage of the Bland dollar would remit us to a silver basis and a silver standard and banish gold coin from the country have not been fulfilled. Neither have the prophecies of those who were so profuse in promises at the time of the passage of that act, and afterwards, that the coining of so many millions a month would bring the silver bullion up to a par with gold. In the face of all that the value of silver, as measured by gold, has steadily decreased.

Mr. President, in view of the condition of our country and in order that labor may receive payment in the very best money, in order that capital may not discharge its debts to the laboring people of this country in a depreciated coin, I do not believe that we should adopt the amendment of the Senator from Nevada. Whether the time will come hereafter when we may deal with this question with a fuller knowledge and more wisely I know not, but at all events I do not believe that the present is that time. I believe that the financial troubles of the country, which have been so much spoken of, will cure themselves by those natural methods and under those natural laws which have heretofore obtained.

The PRESIDING OFFICER (Mr. DOLPH in the chair). The Senator's time has expired.

Mr. CALL. Mr. President——

Mr. SHERMAN. If my proposed amendment creates delay, I do not propose to press it. The whole matter is, I consider, in the hands of my opponents politically, and therefore I am perfectly willing to withdraw the amendment and let them take the measure in any shape they choose to place it, as I can not vote for it in any form.

The PRESIDING OFFICER. The Senator from Ohio withdraws his amendment to the amendment of the Senator from Nevada.

Mr. CALL. Mr. President, there does not seem to be a great deal involved in this part of the amendment proposed by the Senator from Nevada. Every contract creates a debt, and by the Constitution debts in all the States can only be discharged by a tender of gold and silver coin at the ratio and relation to each other prescribed by Congress. If a man makes a contract for bullion it must be discharged in gold and silver coin by the judgment of the court, although the value of the bullion may be greater or less as paid in one or the other kind of coin. This is evidently the necessary import of these powers.

A contract creates a debt. A debt must be discharged in all the States by a tender of gold and silver coin at a ratio with each other prescribed by Congress. That begins and ends the subject. But the Supreme Court of the United States have intervened other considerations, and have settled so far as their decision can settle the law upon this subject differently, and extending the provisions of the Constitution to embrace a class of cases which its words clearly do not warrant. In the case of Bronson *vs.* Rodes (7 Wallace, 250) the court say:

> A contract to pay a certain number of dollars in gold or silver coin is, therefore, in legal import, nothing else than an agreement to deliver a certain weight of standard gold, to be ascertained by a count of coins, each of which is certified to contain a definite proportion of that weight. It is not distinguishable, as we think, in principle from a contract to deliver an equal weight of bullion of equal fineness. It is distinguishable in circumstance only by the fact that the efficiency of the amount to be tendered in payment must be ascertained in the case of bullion by assay and the scales, while in the case of coin it may be ascertained by a count.
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> Nor have those provisions of law which makes these coins a legal tender in all payments been repealed or modified.
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> It follows that there were two descriptions of money in use at the time the tender under consideration was made, both authorized by law and both made legal tender in payments. The statute denomination of both descriptions was dollars, but they were essentially unlike in nature. The coined dollar was, as we have said, a piece of gold or silver of a prescribed degree of purity, weighing a prescribed number of grains. The note dollar was a promise to pay a coined dollar; but it was not a promise to pay on demand nor at any fixed time, nor was it, in fact, convertible into a coined dollar. It was impossible in the nature of things that these two dollars should be the actual equivalents of each other, nor was there anything in the currency acts purporting to make them such. How far they were at that time from being actual equivalents has been already stated.
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> If, then, no express provision to the contrary be found in the acts of Congress it is a just, if not a necessary inference, from the fact that both descriptions of money were issued by the same Government that contracts to pay in either were equally sanctioned by law. It is indeed difficult to see how any question can be made on this point. Doubt concerning it can only spring from that confusion of ideas which always attends the introduction of varying and uncertain measures of value into circulation as money.
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> The several statutes relating to money and legal tender must be construed together. Let it be supposed then that the statutes providing for the coinage of gold and silver dollars are found among the statutes of the same Congress which enacted the laws for the fabrication and issue of note dollars and that the coinage and note dollars are legal tender in all payments, as they actually are. Coined dollars are now worth more than note dollars; but it is not impossible that note dollars actually convertible into coin at the chief commercial centers, receivable everywhere for all public dues, and made, moreover, a legal tender everywhere for all debts, may become at some points worth more than coined dollars. What reason can be assigned now for saying that a contract to pay coined dollars must be satisfied by the tender of an equal number of note dollars which will not be equally valid then, for saying that a contract to pay note dollars must be satisfied by the tender of an equal number of coined dollars?

Now, the court in that case decided in express terms that a contract to pay in gold and silver can not be discharged by a tender of a legal-tender note of the United States, so that, whatever may be the true intent and meaning of the Constitution as we have heretofore understood it, although it is true that in estimating the damages the judgment might be satisfied by the payment of either one or the other, the value of the coin dollar over the note dollar or the note dollar over the coin dollar as contained in the contract would find its expression in the judgment of the court.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Nevada [Mr. STEWART] to the amendment reported by the committee.

Mr. STEWART. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MCPHERSON. Mr. President, I desire to say a single word before the vote is taken upon this amendment. As a member of the Finance Committee I did not vote for a favorable report of the bill as presented by the Senator from Ohio. I was very much opposed to several of its provisions. I am also opposed to the amendment of the Senator from Nevada and for reasons which I shall state very briefly. I had intended, somewhat at length, to present my views to the Senate upon this important question, but owing to physical infirmity I was unable to do so at the proper time, and the Senate now having decided to limit debate to ten minutes I shall confine myself to this limit.

If the knowledge which experience gives is of any use or guide in the affairs of men, and the error which was made in our coinage relation in 1792 banished gold from this country for forty-five years, and the error of 1837 brought gold back into use and banished silver until 1853, how much more certainly will a difference of 22 per cent., which has existed in this country between the relative value of gold and silver for the past two years, drive all of the gold coin out of the country.

Sir, during the period of time of which I have spoken the mints of Europe were open to the coinage of both gold and silver, and still there was a variation of not more than 3 per cent. The mints to-day are closed against silver coinage, and the Government of the United States proposes when there exists a variation of 22 per cent. to open its mints to the free coinage of silver and permit the silver of the world to be belched in upon our mints to be exchanged at the ratio of 16 to 1.

Now, what will be the result? Why, sir, I believe the result will be to demonetize six or seven hundred million dollars of gold that we have in this country to-day doing service as money, with which our silver coin, under our very careful and prudent management of the finances of this country, has been able to circulate harmoniously and concurrently. If there ever was a period of time, from 1792 down to the present moment, when it was inauspicious and dangerous to try the experiment, it is at this very moment.

The contract of the states of the Latin Union expired on the 1st day of January. They are waiting, and holding on as it were by the eyelids, ready to make any movement which may seem to be for their advantage. They may send their silver here and exchange it for gold and go upon a gold basis, leaving us the only great nation of the world practically of any importance or of any consequence which is having the silver basis for currency and the silver standard.

Mr. President, if there was any necessity for this legislation I should look upon it perhaps in a different light, but the country was never more prosperous. We never had more currency than we have to-day. We have more currency than we can use, and if you double the fifteen hundred million dollars of currency to-day which is doing service in this country as money and make it three thousand million dollars it would not help a single impecunious man in this country to get one single dollar of money. You can go to-day to New York and all the great money centers and can borrow money in untold sums at 3 per cent. interest if you can give a tempting equivalent for it, but you can not borrow it on long time, and why? Simply for the very reason that the country believes that it is the disposition of Congress to put the country upon a silver plane, to change the standard of money from a gold standard to a silver standard, and therefore there is a want of confidence.

The banks are hoarding money, the savings banks, the trust companies are hoarding it to provide against the future, and nobody can blame them for doing it. But if you were to stop this proposed legislation here and now and let the country alone, it has currency enough, and we can wait until such time as the Governments of Europe are ready to join with us in establishing an international basis for the silver coin. Then you would disturb no business industry in this country; you would take

no money out of the pockets of the people; you would do no injustice and you would not relegate our Government and our country into the same position with regard to other commercial and financial nations that India, China, and Japan occupy to-day.

Mr. EUSTIS. Will the Senator allow me to ask him a question? As I remember, he has voted against every silver proposition that has been submitted in this body. He voted against the law of 1878, and he voted against the law of last year.

Mr. McPHERSON. Yes, I think I was against it because I was opposed to giving the legal-tender quality to the notes, but I was not opposed to the use of silver in our currency. I was not opposed to the $4,500,000 per month.

Mr. EUSTIS. Now, I will ask the Senator whether he considers that the addition of $370,000,000 of silver currency has been detrimental to the interests of the people.

Mr. McPHERSON. Not at all. The addition of $370,000,000 of silver currency has been of benefit to the people of the United States, and I am perfectly willing, if there is not a sufficiency of currency in this country, to extend the limit of $4,500,000 per month of silver purchases to $6,000,000 or even more. I want the people of this country to have all the currency they need in their business. But see the difference between the act of last July and the amendment that is proposed here. You then purchased four and one-half millions of silver, and you put it in the mint not to be coined.

Upon that you issue certificates which represent a dollar's worth of silver for every dollar of currency issued. You coin no dollars. There is no danger of destroying the parity between the gold dollar and the silver dollar as long as you do not coin the silver dollar and so long as the Treasury notes do not come back to the Treasury for redemption. I understand that no considerable number of the Treasury notes that were issued under the act of last July have come back to the Treasury for redemption. I claim that under that law you can have $500,000,000 or $700,000,000 of silver piled up in the Treasury and issue your Treasury notes upon them and still maintain the parity between gold and silver. But no sooner will you have passed a bill throwing open the mints to the free coinage of silver in this country than that very moment gold will seek a hiding place and you must find something to take the place of that currency displaced. What will it be?

As a matter of course if our silver friends on that side of the Chamber and upon this side are correct in their view you can not obtain the silver from the other side of the water. They say they have no more silver than they need. But you must find something to take the place of the displaced gold or what will be the result? You will start the printing presses, and instead of a silver currency or gold currency or a currency based upon both you will go back again to the unlimited issue of an irredeemable paper money, or if ever redeemed at all it will be redeemed in silver coin because you will have nothing else to redeem it with.

Mr. PLUMB. Will the Senator permit me a moment?

Mr. McPHERSON. Certainly.

Mr. PLUMB. Can the Senator conceive of any better recommendation for a currency than that when it goes out among the people it stays out and is not presented for redemption? In other words, the office that that currency performs is among the people in effecting the discharge of debts and the exchange of property, always out and never returned to any central source where it may be accumulated or hoarded.

Mr. McPHERSON. I can imagine none better. Why not, then, continue the present policy instead of the more dangerous policy you now advocate?

The VICE PRESIDENT. It is the duty of the Chair to remind the Senator from New Jersey that his time has expired.

Mr. HAWLEY. Mr. President, I do not propose to occupy the time at this late stage, but I am not quite willing to have a vote taken without a word more than my vote "nay" will be.

I beg to deprecate the feeling that has long been exhibited here and to say that I am not here to speak against silver. We are now by the existing law offering to buy four and a half million ounces a month, or 54,000,000 ounces a year, to give Treasury notes for it, legal-tender notes, I suppose, and proceed to coin that at our leisure. Now, that law is not enough; they are not satisfied with that because we propose to buy that silver in the open market, at market rates. No matter how much that may accelerate the price we will buy it at market rates and coin it and issue it at a superior value, taking for the government of the whole people the profit.

But that does not answer our friends of the silver persuasion. They demand that a 20 per cent. profit shall be given to the mine-owner. No compromise is admitted. We are to give him a dollar for 412.5 grains of silver when we could buy 480 grains for $1.07. The difference is not between an increase of the coinage through silver. The difference between us is that we are not willing to give to a certain class of producers for the product of their soil 22 per cent. more than the market allows them. That is the real difference between us.

They tell us that foreign silver under this proposed law will not be sent in and deposited here. I do not see why not. They will get here approximately 22 per cent. more for their silver than they get in the London market, which is the center, the indicator of all markets.

Mr. TELLER. I do not wish——

Mr. HAWLEY. I decline absolutely to yield.

Mr. TELLER. All right.

Mr. HAWLEY. Absolutely, and I am rather cross about it too.

Mr. TELLER. The Senator is very cross.

Mr. HAWLEY. We have been just trampled upon by some of the best men in the world here. They have had no patience. They have denounced my constituents and have denounced everything an inch high and a year old; and all I beg now is ten minutes, and I am going to try to talk civilly.

We are already buying more silver than the United States produces. I am making no allowance for what is consumed in the arts; I do not know exactly how much that will be; and I am willing to buy more.

Now, they will say that I am false and untruthful, for they have said things like it over and over again, when I declare that I have an intense desire to rehabilitate silver and, if possible, to bring the two metals to a parity and make as much use of silver as possible; for gold alone will not answer the purposes of the world. I should like to approximate the condition of France if I could and keep it as steadily as they can do, because they can work their silver; it is interconvertible; it is made as good as gold by their will, and they can hold it so, I think.

I say I will do more; I will buy more than four and one-half million ounces. I join one of the two Democrats on the silver question whom I have heard speak—old-fashioned Democrats—in saying I am willing to go further; but there is no yielding. It is very little use for me to say that this pending measure is against the judgment of wise men, because every man who controls large sums of money or handles it, if he speaks against the measure, is not to say personally insulted, but denounced as having selfish, and corrupt, and wicked, and cruel interests against the true interests of the people. I do not know any such people, yet I live in a town that is full of savings banks, and national banks, and private banks, and fire-insurance companies, and life-insurance companies, controlled by an honorable body of men, and their money is scattered all over the West.

Gentlemen seem to think that because one of our insurance companies, for example, has $30,000,000 capital on hand it is worth that much and is living in royal, rotten luxury upon that money. It is every dollar held in trust in lumps of ten thousand or five thousand or fifteen hundred or two thousand for poor men all over the country. Their lives are insured and they put their money there, and these men are merely trustees for poor men. So with our savings banks. I know we are called gold bugs, goldites, and gold barons. In Pratt street, in my town, they are handling $10,000,000, and there is not a salary above $4,000 in the concern and never a dividend paid. These savings banks are practically managed as a benevolence. There is nobody in our town who will fight more for the sanctity of contracts and for the soundness of the national currency than these men.

There are scores of millions in my town administered, not for the benefit of the men who sit there and run it, but for the benefit of the little shareholders around and for the savings-banks depositors and holders all over the country. These are the men who fight for the sanctity of Federal legislation and Federal currency. These are the men whom I defend, and assaults upon whom, made here without limit and without distinction, I resent. I rely upon the judgment of such men, upon the judgment of men controlling savings banks and life-insurance companies, and even loan companies collecting savings of comparatively poor men for loaning out in the West, and it is loaned to the extent of twelve or fourteen hundred millions of deposits in the savings banks of the country.

I respect the judgment of private and of public bankers. They are indispensable co-operators with our great manufacturers, with our large merchants, as well as the smaller tradesmen, and all others to whom they loan money. All the people around there tell me that it is dangerous to embark upon the unlimited coinage of a depreciated metal, dangerous as a disturbance in the values of existing property, a property held solemnly in trust by the hundreds and thousands of millions of dollars. They tell me not to vote for such a bill; they tell me to oppose it; that there is national danger in it. They tell me what I knew already, that you can not control international laws in this matter any more than you can control international winds and waves and tides; that they will settle values beyond all your decisions. Your law is supreme within our limits, but when you cross our lines with an American dollar or an American Treasury note, you take what the world chooses to give you, and you have no power over them. Your legal-tender law dies three miles from the shore.

I regard this measure as fraught with a possibility of unlimited evil, but what 65,000,000 people can stand who carried that war and reduced that debt, I do not know. The danger may not come as soon as we expect. There may not be enough silver in the world to ruin us; I do not know. It may not come here fast enough to ruin us; but all I know is that the wisdom of this country upon financial matters is against it.

Mr. TELLER. Mr. President, the Senator from Connecticut seems to be somewhat sensitive of criticism of his constituents. He proceeds, though, before he expresses himself so earnestly, to denounce everybody who has been in favor of silver coin and the use of silver as

money on equal terms with gold as only moved by an impulse to aid their own local interests. He says all we want in this matter is simply to make the difference between the market price and the mint value, which he says is 22 cents.

Now, the Senator has heard as honorable men as any Senator who ever came from Connecticut say again and again, and by their votes show, that they were not influenced by the single question of increasing the price of silver. It does seem to me that the Senator is oversensitive when somebody attacks the moneyed men of Connecticut and quite free in his denunciations when he comes to criticise his fellows on this floor and elsewhere.

Mr. President, I rose to ask the Senator a simple question which would have indicated, I think, how little he knew upon the subject. I shall not ask the question. He told us what he knew about it, and added practically that he did not himself know anything about it except what the moneyed men of his State had told him.

Mr. President, that is what I complain of and that is what I complained of in the Senator from Ohio. He spoke a day or two ago of the dense ignorance in the financial circles of this country upon questions of the philosophy of money, upon the history of finance. The Senator from Ohio told me, and now the Senator from Connecticut tells me the same thing, that these men who know how to loan money and collect discounts and who know how to get the interest on their loans are the financiers.

Mr. President, the best banker who ever lived may never have read a single page on the philosophy of money. He may know nothing about the history of money. He may know nothing of ratios, he may know nothing of the amount of silver that is anywhere in the world, any more than the Senator from Connecticut admits he knows, and he admits he knows nothing.

Mr. HAWLEY. I never admitted it in the world.

Mr. TELLER. Practically he admits it when he says he does not know whether silver is going to come here.

Mr. HAWLEY. Does the Senator know?

Mr. TELLER. The Senator asks me if I know. Mr. President, I can tell him that the money that is doing money duty, the $3,800,000,000 put by some and put by others at more, is every dollar of it worth a dollar to-day in all the markets of the world. Yet the Senator talks about its coming here at 22 per cent. discount. There is not any silver in the world that amounts to anything that is not doing duty as money at a value 3 per cent. higher than our money is now, and the Senator ought to know it. In addition to that, out of this $3,800,000,000 as put by some, there are five hundred millions doing money duty at a ratio of 1 to 13 and 14, and that is not coming here.

Mr. President, I have not assailed the citizens of Connecticut; I have not assailed the citizens of New York. I understand that men whose business it is to collect interest and receive discount or exchange know their interest, and it is their interest to have just as dear money as they can get. I am not assailing them; they are working for their interest. I think the interests of all the people of the United States are involved in this measure, and not the interest of the silver-miners of Colorado. I repeat that I should have the same desire in this matter if I represented any other State, having given the same attention to this subject that I have now.

If the Senator gets angry because somebody reflects upon his constituents he ought to wonder whether we will not get angry when somebody reflects upon us directly. We have been told here in this debate that every statement we made was false. The Senator from Ohio said yesterday, "Why, the Senator from Colorado wants to go on a silver basis." He knew I had stood here for ten years asserting that I was opposed to the silver basis as I was opposed to a gold basis. He knew that every vote I had ever given here had been in favor of honest contracts, and yet he makes that statement as to myself and every other man who agrees with us. He does not say that will be the result of your policy; he says the Senators want to go upon a silver basis. We have submitted to that, and the Senator from Connecticut will have to submit while I stay here to a proper characterization of both his conduct and that of his constituents.

Mr. HAWLEY. I move to strike out the last sentence of the amendment offered by the Senator from Nevada, beginning "and all such Treasury notes issued, etc."

Now, I thought that while I spoke with vehemence and natural feeling upon this subject I had not said an uncivil word about the silver men. We are apt to be very much mistaken in these matters. I sought to set a good example. I may say I sought to follow in the course pointed out by the Senator from Colorado during this debate, which reminds me of a little extract we used to speak in school, Rienzi's address to the Romans:

> I had a brother once—a gracious boy,
> Full of all gentleness, of calmest hope,
> Of sweet and quiet joy—there was the look
> Of heaven upon his face, which limners give
> To the beloved disciple.
>
> How I loved
> That gracious boy! Younger by fifteen years,
> Brother at once and son! He left my side,
> A summer bloom on his fair cheek; a smile
> Parting his innocent lips.

Now, the sweetness and light which the Senator from Colorado has diffused and shed over this debate and the debate upon the currency question and everything wherein his dear friends and neighbors have had occasion to differ with him has been an example to the apostles to come. I did not denounce them; and I am not worrying yet about my constituents who represent great interests; but it is a gross slander upon them to declare that they are animated by personal motives in their opposition to rash movements in the matter of finance, for they are honorable men, holding, as I said, the trusts of hundreds of millions of dollars for the average citizen and the poorer citizen, for it has been said that the servant girls of Hartford hold the mortgages on the town. Several great savings banks have in the neighborhood of $20,000,000 on deposit for that town and that country round about.

Those men manage the funds with more care than the private speculator, the great owner of the railroad stocks, the Jay Goulds and others, who have a right to speculate with $10,000,000 and the right to lose it if they please, and nobody lies awake nights because it is scattered and lost. But those men would be justly ever reproached by the consciences and forever reproached by their neighbors if they did not keep men on the watch tower looking out for frauds and changes and evasions in currencies and trusts.

Neither did I say I knew nothing about this question, for in a place where I am bound to say infinite ignorance has been displayed by some it behooves no man just to say to himself that he knows nothing. But I did say that I paid very high regard to men my equals in years; I am sorry to say not many of them much older, but much more my equals in long lives of experience and of confessed and admired sagacity in all financial matters. I pay great deference to them, while I consult quite a respectable financial library of my own, and I am bound to say in that library this scheme gets very little confidence indeed. There are few bimetallists in Europe who would advise this course. Does anybody know one? I have heard some who talked very much in the other direction. The bimetallists of the five united nations advised them to stop coining silver awhile ago, and yet their silver is convertible into gold.

Now, it is all very well to say that we knew enough to form a republican form of government and they do not. I would not care whether Europe was with us or against us if this was a matter of right or wrong, a question of forming a republican government or anything of that sort; but we are all one in matters of business and currency. Whatever we may say about international lines we are all one in a good many respects. Therefore, the judgment of five-sixths of the civilized world against a scheme like this is worth thinking of, and the judgment of the great mass of men who control great properties, and the great properties are held by the poorer people, is worth thinking of. The judgment of your Chicago Board of Trade, I think, against it is worth speaking of; the judgment of the mining convention in Wyoming protesting against silver coinage is worth speaking of.

I do not admit that the majority of the people of this country are in favor of this scheme, for it has never been made the subject of one, two, or three thorough national discussions. The jury have never heard the arguments on anything but exceptional occurrences here and there, and essays. It is an interesting subject, to be sure, but it has not been brought out at the hustings, as it will be. If our Democratic friends are compelled now to have silver coinage, if they are driven to it, with or without Cleveland—he has got to be if he stays their candidate, and if he is he is gone—we shall have several of these things coming up two or three years hence.

I told the Senator I did not know whether the silver would or would not come here. I said that by way of optimism and hopefulness. I hope it will not. I hope if these things become laws we shall not be hurt as much as we fear; but we may. There are some laws of finance, as there are laws of morals and ethics, that can not be violated. You may think you make money upon them by violating them, but you do not in the long run; they average themselves.

Now, I say I hope my country is not going to suffer; but I believe it will suffer eventually under legislation like this.

Mr. PLUMB. Mr. President——

Mr. HAWLEY. I will withdraw my amendment unless the Senator desires to speak upon it.

Mr. PLUMB. I have not spoken on the amendment that is pending.

Mr. HAWLEY. Then I withdraw my amendment.

The VICE PRESIDENT. The Senator from Kansas has already spoken on the pending amendment.

Mr. PLUMB. I beg the Chair's pardon. When I spoke three or four amendments were before the Senate, which have since been withdrawn.

The VICE PRESIDENT. Perhaps the Chair may be in error. That was his impression.

Mr. PLUMB. I am speaking as to a fact which I think is plain. But of course I do not want to have a dispute with the Chair.

The VICE PRESIDENT. The Senator from Kansas is in order. The Chair was misinformed.

Mr. PLUMB. Mr. President, the Senator from Connecticut brings up another class who are interested against the free coinage of silver. The Senator from Iowa [Mr. ALLISON] paraded the pensioners, while

he knows that the people who are in possession of the fixed capital of this country hate the pensioners as the devil hates holy water. That was an endeavor to get the capitalists behind the skirts of the pensioner. The Senator from Rhode Island [Mr. ALDRICH] spoke of the laborer. He is an employer of the laborer. I think the laborers of Rhode Island will not look to him with any very supreme confidence for an exposition of their interests. And now the Senator from Connecticut brings up the Connecticut widow. He has got the capitalists of the country behind her ample skirts.

Mr. HAWLEY. I believe I did not mention her, but no matter.

Mr. PLUMB. Well, he mentioned the servant girl. She may be a widow or may not; probably she may wish she was; and he reminded me of a passage in a familiar poem, or it ought to be familiar to all New England ears, the Panorama of Whittier, in which, in describing a class of people who were in vogue at the time the poem was written, he says:

> Such are the men who leave the peddler's cart,
> While faring South, to learn the driver's art,
> Or, in white neckcloth, soothe with pious aim
> The graceful sorrows of some languid dame,
> Who, from the wreck of her bereavement, saves
> The double charm of widowhood and slaves!

So, Mr. President, we have the invocation here against the free coinage of silver against the New England widow, who, in addition to the charm of widowhood, has the bond, and is the last resort of the men who, despising all these classes, only use them for their own selfish interests.

Now, there has been something said about the dollar; and I am repeating what I said some time ago to the effect that a dollar has been created by law dishonest, oppressive, and having been created we are now besought to maintain it, and to measure not only wheat and corn and oats and cattle, but silver by it, when the fact is that the silver which the Senator speaks of has depreciated, and the 412.5 grains of silver which he says is worth less than a dollar will as merchandise, at its merchandise value, exchange for more wheat and oats and cattle and hogs and clothing and land and all the other things that people use in all quarters of the world than it ever would before.

Now, which dollar is dishonest? the dollar which has maintained a parity with all other productions or the dollar which by the arts of legislation has been elevated above all other things and has thus become valuable beyond all other things and has become the thing in which the creditors of the world have sought and have secured to have measured the things that are coming to them? There, Mr. President, is an end of this controversy. I see no more reason why a dollar should be so constituted by law as to buy more than it would without the aid of the law before, and for the law to do that thing is to do this dishonest thing by the men who produce other things than dollars.

Mr. President, the Senator speaks about public opinion in Europe. There is no such thing as public opinion in Europe on the money question. The Senator from Louisiana [Mr. EUSTIS] says "Or any other question." There is not a monarch in Europe who dares wake up to-morrow unless he is assured of the ability to carry on a war. He does not dare to contemplate the possibility of even a day in which he is not able to carry on a war for the maintenance of his prerogative, and, unless it may be in the case of Russia, there is not a government in Europe that can maintain war for one single hour without the consent of the men who have got money to lend. There is, therefore, no public opinion on the money question in Europe, but everything is subordinated to that one thing of the ability to borrow money from the people who have it to lend, and who are no more modest in that country than in this in fixing terms to their own advantage.

Therefore, Mr. President, five-sixths of Europe is not worth an hour of Cathay; it is of no consequence whatever. It is for us to determine whether we shall have a monetary system based upon honest dealing, based upon enlightened public opinion, or whether we shall follow in slavish obedience the behests, the doctrines, the practices of a country in which the only opinion is that which is made by the men who have money to lend. There is no precedent there except as occasionally it breaks through the crust of things, and the struggling agriculturist or laborer getting his head above the condition of things for a moment to take breath says, "I want something else than I have now." So far as that element can express itself it has expressed itself; and we know that the toiling millions of Great Britain and of Germany and the other countries, so far as they have been able to express themselves, have said that the condition of things existing there was oppressive, and all they wanted was to get away from it.

Mr. President, Europe can not be appealed to. Why? From a million and a half to two million of people are every year coming here from there. Why? Because they can better their condition, and that condition is bad in a large measure because of the monetary system of Europe, which is in favor of the people who own fixed capital and not in favor of the masses of the people. It will not do to appeal to Europe.

What is America for? What in Heaven's name was the design of the Providence that gave us a continent washed by two great oceans with a greater variety of production than any other country in the world, with greater opportunity for development? Was it that we were to take it and become a tenant of Europe? If there was no providential wisdom in thus effecting our emancipation from the Old World conditions we had better divide it, as the South wanted us to divide in 1861. We had better have struggling principalities, pumpernickel governments, than have one great government if we are to do nothing with this great opportunity and this great energy of ours, and these great aptitudes of our people and these great natural advantages.

Mr. President, my colleague spoke eloquently this morning about the increase of the wealth of the country. I regretted that he could not have been prompted in advance to say that a large portion of that increase grew out of the transfer of land from the Government to the private individual. In the last twenty years more than 300,000,000 acres of land have been transferred by the General Government to private holdings. The mere transfer meant the increase of value. Before it was transferred it cut no figure upon the assessment rolls or in the assessor's returns of wealth. When transferred at a nominal value or for nothing it became worth $2, $3, $4, $5, and $10 an acre.

It is probably safe to say that those 300,000,000 acres of land, largely by reason of the mere fact of transfer, and uncultivated, in the natural state, are worth to-day $10 an acre at least, and there is an increase of value of $3,000,000,000 which can not be repeated; when we come to the point where we shall quit making values by adding to the assessed value of our lands we shall find a different condition of things. We shall then have to create the wealth we have not. The contrast which my colleague made is all the more strong in that he showed that a large portion of the wealth of this country, including that which has been the result of this fortuitous circumstance, has been transferred to a handful of people. It is against the continuation of this condition of things, it is in order that labor may be unharnessed, and that the feet of the great masses of the people may be taken out of the tangle and the impediment of an outgrown financial system and a condition of things based upon the wishes and interests of fixed capital, that those who contend for the free coinage of silver are so earnest about it.

The VICE PRESIDENT. The Senator's time has expired.

Mr. MORGAN. It is too late in this debate, Mr. President, to go into any doctrine about this question or into any history of any extended character, but there are some prominent facts that have been cited on all sides here which I think should be noted.

It is a known fact that our annual production from the mines is about $50,000,000 of silver and about $32,000,000, on the average, of gold. We are buying now under the act of 1890 4,500,000 ounces of silver per month. If you add to that the coin value, it will bring up the coin value of the silver we are purchasing to $56,160,000 a year as I count it. Now, that is about $6,000,000 more than we produce. Counting out what is taken up in the arts, which will be about $18,000,000, or perhaps $20,000,000, per year, possibly not so much as that, it would be at least, I suppose, $18,000,000 a year more than we produce.

After we had passed the law there was quite a spurt in the silver market. The market fluctuated until it got within a few points of par, perhaps above ten, and then it rested; and from that time until this it has been fluctuating, just as the price of cotton, the price of wheat, or the price of any other commodity has been fluctuating, in consequence of the demands of the financial world for money in other modes of investment or to pay debts.

Now, the reason of this fluctuating is simply this: that we have left silver in this country entirely upon a bullion basis. If the Government of the United States, instead of making of silver a mere commodity, had coined it and paid its coin out on a parity, whether the bullion price might go up or not, at a fixed standard with gold, we have the right to assume that the silver coins and gold coins would have been of equal value, at least in any part of the United States.

But how is it? We have left the price of silver exactly where the laws of trade have placed the price of cotton, the price of wheat, and the price of other provisions in this country, to be regulated by the markets across the water. Instead of giving to it a fixed and particular money value, giving to it the assistance of the Government of the United States in pronouncing that 412½ grains of it shall be a dollar, simply that any man shall have coin who will bring $100 worth to the mint, we have left it where we have been obliged to leave provisions of every kind, to be priced by foreign markets. Consequently, when we want to have the price of silver at the mint of the United States we get cablegrams from Liverpool or London to find out what they are paying for it there. We place this great annual production of $50,000,000 at the will and pleasure of a foreign market, just precisely as we are obliged to do with regard to cotton, corn, wheat, and what not, of which we have a surplus to send abroad in our commercial intercourse.

Now, Mr. President, it is not worthy of this Government to take that course with the products of these mines. We are producing now more than one-half of the silver that is produced in the world. We have the constitutional right, the constitutional duty of coining and putting it on a parity with gold, of pricing it in our own mines and in the pockets of our own people. Why should we abandon that commodity to be priced in a foreign country? It can never maintain a parity with gold

under those circumstances because the foreign governments, particularly those of Russia, Germany, and Great Britain, are interested in keeping down the bullion value of silver.

Who can deny that the Government of Great Britain is constantly interested in keeping down the bullion value of silver in order to prevent injurious competition with her outlying colonies? France, not having such large colonial possessions and not being in the same situation, finds it to her advantage to keep up the price of silver, Great Britain putting it down. Why should we take this $50,000,000 a year and expose it to be priced in London, when it is our constitutional duty to coin it? That is what the Constitution means, that the people of the United States shall have free coinage of silver and gold. It can not mean anything else.

So it occurs to me, Mr. President, that we are standing in our own light in simply refusing to step out and put our feet upon the rock so as to utilize the provisions of our own mines. As I said the other day, in ten years' time, if we did so, our mines would produce $450,000,000 for redemption purposes.

The Senator from New Jersey [Mr. MCPHERSON] seems to be apprehensive that it will be made into what is called fiat money, printing-press money. Why, Mr. President, there is but one condition of affairs in which that can ever take place in this country, and that is when the metallic basis of our paper issues and promises is not broad enough to justify the country in building its commercial transactions upon that basis. I am sure we need more money in circulation than the basis of the banking system, that is, the gold dollar, when it can become even probable, to say nothing about its being necessary, to resort to theprinting press to produce money, as the Argentine Republic has done to meet what was deemed public demands.

But instead of having a coin basis in the United States, whether of gold or of silver, I would have no doubt at all about floating our paper currency, at least among our own people, and giving them the benefit of it, so that it would prevent banks from closing their doors every time they get into rather a close place in consequence of having lent their money to the Wall street speculators. That is about their situation, so far as that is concerned. So that answers the argument of the Senator from New Jersey in regard to our being compelled or being induced here to resort to the printing press for the purpose of inflation. If we will only utilize the products of our own mines, $50,000,000 of silver and $32,000,000 of gold, as a basis of redemption we shall have nothing to fear unless it may be that the balance of trade may turn against us.

That can not by any means occur, Mr. President, in the next century, or perhaps within two or three centuries. So I need not stop to argue that question. I shall assume that the usual balance of trade has been in our favor and that that is founded upon immutable conditions. So that it is hardly worth while to fear that it will turn against us in the next fifty or one hundred years. So we may dismiss that consideration.

Now, as I understand the Senator from New Jersey, if silver is not remonetized, according to the Gresham law gold will be driven out of this country. I have heard that assertion often, and I have cogitated and reflected upon it to find out what that does really mean, to find out about this traveling process. How is anybody going to drive gold out of the country? Gold is not going to leave this country unless it is to pay some foreign debt or to purchase some foreign commodity. You can not drive it as you drive a flock of sheep out of a pasture and put up the fence behind them. That is nonsense, if Senators will pardon me for using a word that is the only one I can think of that is entirely descriptive of the thought.

There is no driving process about it. If gold leaves this country now or hereafter it will be because a better use of it can be made abroad in payment of debts or the purchase of commodities than can be made here. It may be retired in favor of a cheaper money than that of our own country, it may be hoarded, it may be concealed, it may be kept from the bullion basis by possibility. But, Mr. President, how much gold is here now in actual circulation? How many Senators on this floor have in their possession to-day a five-dollar gold piece? How many of these people in the galleries have a five-dollar gold piece? How many people in the United States have got in their pockets or in their possession a five-dollar gold piece? They have not got it and it does not circulate.

The VICE PRESIDENT. The Senator's time has expired.

Mr. COCKRELL. Mr. President, I should just like to read a few lines from a work entitled "Gold Standard," by Baron William von Kardorff-Wabnitz, of Germany, so that we may "see how others see us." He gives an account of the passage of the coinage act. After quoting from the speech of Judge Kelley, explaining how it passed without any members of the House knowing it, he says:

> We have here a pretty piece of American parliamentary history. Quietly, without a word being said about it in the debates or the press, an unimportant bill relating to the management of the mints is made use of to put the gold standard in the place of the prevailing silver standard, and this entire change is overlooked by the House of Representatives; and the bill on its return from the Senate is adopted *en bloc* without any opposition, and, what is more, approved by the President of the United States without his having an intimation of its proper contents.

Mr. HOAR. What is the Senator reading?

Mr. COCKRELL. I am reading from the Gold Standard, by Baron William von Kardorff-Wabnitz, and he has just quoted from Judge Kelley's speech of 1879 and from General Grant's letter written after the passage of the coinage act of 1873, in which he shows that he did not know that the silver dollar had been demonetized. The author goes on to say:

> In the near relationship of the English and American people, in the intimate connection in which the American civilization stands with the English, in the close and extensive commercial relations between the two nations, it was in the nature of things that the American financial administration should stand in a great degree under the influence of the observed financial practice of England and under the power of the doctrines prevailing there.

How true this is, Mr. President! He makes the comparison:

> In England since 1816 the watchword has been reduction of the note circulation; and the Americans, true to their duty, made the contraction of the currency the next war cry.
>
> In England at that time a definite date had been provided for the resumption of specie payments; in 1875 the lawmakers of the American Union fixed the resumption of specie payments for the 1st of January, 1879.
>
> In England, at that time in an analogous situation, the gold standard had been introduced; the Americans would probably have thought they were committing an economic sin of omission if they had neglected to follow the example of England in this respect also.
>
> It is in this light that American events appear to me; and this mode of viewing them enables me to comprehend many things otherwise unintelligible concerning them.
>
> * * * * * * *
>
> After endlessly repeated experiments, which had only resulted in substituting for about one hundred million dollars of the greenbacks interest-bearing paper notes (Treasury bonds), for whose redemption no legal obligation exists—an exchange, by the way, the advantages of which are of a very doubtful nature—they gave up the further contraction of the currency in view of the murmurs of the people becoming ever more audible; all the time circulating to the gross amount of $340,000,000, as a legal tender for the payment of customs duties, and to set aside the gold standard, through the much-assailed Bland silver bill, confidence and cash returned to the country, so that the "ragbaby" (the greenback) reached par value with coin.

Now, mark the summing up:

> After a checkered series of financial experiments whose pernicious effects, as their opponents declared, did more injury to the national prosperity than the war of secession itself, not one single act of the original programme could really be carried out.

As I said yesterday, every principle upon which we started out has been abandoned, except this one single thing, the single gold standard. We have partially destroyed that, and I hope this bill will wipe out the last vestige of that.

Now, Mr. President, a little further:

> To-day it is very clearly perceived in America that if they had had the wisdom and courage to allow the four hundred and thirty millions of greenbacks to circulate for the time being undisturbed, they would have come earlier into a position for securing the return of a coin circulation. But for the unwholesome shocks which the forcible contraction of the currency gave to the entire economic life of the country they would have been able long before to commence a gradual withdrawal of the paper circulation, so far as this exceeded a proper amount.
>
> A bitter and severe experience has taught the nation that the interest of the capital represented by the national banks, which were loudest in assaults upon the greenbacks, is not always identical with the general interests of the people, and that heavy sacrifices would have been spared the country if it had followed the counsels of the venerable Carey in the question of the forced contraction of the currency, in the question of the resumption of specie payments, and in that of the gold standard more promptly than it has done.

And yet they are the gentlemen who are leading in this matter. Then he says:

> Who profited by this revolution in prices, the immediate result of the rapidly increasing purchasing power and the unparalleled scarcity of gold? Only the owners of bonds, mortgages, rents, and annuities. And who lost? All other than these. Industry and agriculture alike declined, groaning under the mercilessly enforced free-trade experiments; all estates depreciated in the ratio of the increase in the value and purchasing power of gold; production was paralyzed; wages were reduced; misery and involuntary idleness spread over the country.
>
> * * * * * * *
>
> Abraham Lincoln described the Government of the United States as one "of the people, by the people, and for the people." But his successors have perverted it to one "of the money-lenders, by the money-lenders, and for the money-lenders."

The VICE PRESIDENT. The question is on the amendment of the Senator from Nevada [Mr. STEWART] to the amendment of the committee, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll, and Mr. ALDRICH answered to his name.

Mr. DANIEL. Has not the Senator from Nevada [Mr. STEWART] offered an amendment to the amendment, as to the legal tender?

The VICE PRESIDENT. Debate is out of order.

Mr. DANIEL. I simply ask if that is not the amendment before the Senate?

Mr. ALDRICH. Debate is not in order.

Mr. BUTLER. Inquiry is in order.

Mr. DANIEL. I am not debating.

Mr. BUTLER. I ask the Chair to state the question. We have a right to know what we are voting upon.

The VICE PRESIDENT. A change has been made in line 13; the word "and" has been taken out and the word "provided" inserted; and the words "and coin" inserted after the word "notes," in that line.

Mr. EDMUNDS. Let the amendment be reported as it stands.

Mr. REAGAN. I think the Senator had a right to modify his amendment without putting it to a vote.

The VICE PRESIDENT. The amendment will be read.

The CHIEF CLERK. On page 5, section 4, line 18, after the word "appropriated," add the following:

That any owner of silver bullion not too base for the operations of the mint may deposit the same in amounts of the value of not less than $100 at any mint of the United States, to be coined into standard dollars or formed into bars for his benefit and without charge; and that at the said owner's option he may receive therefor an equivalent of such standard dollars in Treasury notes to be issued by the Secretary of the Treasury in the same form and description and having the same legal qualities as the notes provided for by the act approved July 14, 1890, entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes:" *Provided*, All such Treasury notes and coin issued under the provisions of this act shall be a legal tender for their nominal amount in payment of all debts, public and private, and shall be receivable for customs, taxes, and all public dues, and when so received may be reissued in the same manner and to the same extent as other Treasury notes.

Mr. COCKRELL. Why, Mr. President, is that the amendment?

The VICE PRESIDENT. That is the amendment.

Mr. COCKRELL. I was certainly told by the Chair this morning that the amendment of the Senator from Nevada that was pending was introduced on December 30, 1890, reprinted January 8, 1891, and which he has amended in line 13.

The VICE PRESIDENT. That is the one just read. The roll-call will proceed.

The Secretary resumed the call of the roll.

Mr. DOLPH (when his name was called). I am usually paired with the senior Senator from Georgia [Mr. BROWN]; I have transferred that pair to the junior Senator from New Hampshire [Mr. CHANDLER], and am now at liberty to vote. I will state that if the Senator from Georgia [Mr. BROWN] were present he would vote in favor of the amendment and I suppose the Senator from New Hampshire [Mr. CHANDLER] would vote against it.

Mr. FAULKNER (when Mr. CARLISLE'S name was called). The Senator from Kentucky [Mr. CARLISLE] desires me to state that he is necessarily absent from the Senate in consequence of illness; that he is paired with the Senator from North Dakota [Mr. PIERCE]; and that if he were present he would vote "yea" upon this amendment.

Mr. DANIEL (when his name was called). I have a general pair with the Senator from Washington [Mr. SQUIRE]; but I have been informed that on this question he did not desire that pair to prevent his correspondent from voting. I therefore vote "yea."

Mr. BATE. In this connection I desire to state that the Senator from Washington [Mr. SQUIRE] is paired by arrangement with the Senator from New Jersey [Mr. BLODGETT], who, if he were present, would vote "nay" on the pending proposition. I have a letter from him.

Mr. DAWES (when his name was called). I am paired with the junior Senator from Georgia [Mr. COLQUITT], who is detained at his home on account of sickness. If he were present, I should vote "nay."

Mr. WALTHALL (when Mr. GEORGE'S name was called). My colleague [Mr. GEORGE] is absent from the Chamber on account of illness. He has a general pair with the Senator from New Hampshire [Mr. BLAIR]. My colleague, if present, would vote "yea."

Mr. HALE (when his name was called). I have a general pair with the Senator from North Carolina [Mr. RANSOM]. By arrangement I have transferred that pair to the Senator from South Dakota [Mr. PETTIGREW], who is paired with the Senator from Florida [Mr. CALL]. That arrangement will enable both the Senator from Florida and myself to vote. I vote "nay."

Mr. FAULKNER (when Mr. KENNA'S name was called). My colleague [Mr. KENNA] is paired with the Senator from Illinois [Mr. FARWELL]. My colleague would vote "yea," if he were present.

Mr. CASEY (when Mr. MOODY'S name was called). The Senator from South Dakota [Mr. MOODY] on this question is paired with the Senator from California [Mr. HEARST].

Mr. PAYNE (when his name was called). I have a general pair with the Senator from Illinois [Mr. FARWELL]. I have, however, transferred that pair to the Senator from West Virginia [Mr. KENNA]. I vote "yea."

Mr. ALLEN (when Mr. SQUIRE'S name was called). Usually, my colleague [Mr. SQUIRE] is paired with the Senator from Virginia [Mr. DANIEL]. Their votes being alike on this question, however, my colleague's pair has been transferred to the Senator from New Jersey [Mr. BLODGETT]. If my colleague were present, he would vote "yea."

Mr. VOORHEES (when his name was called). During my recent absence, I was paired with the Senator from South Dakota [Mr. MOODY]. As I understand an arrangement has been made by which that pair is transferred to the Senator from California [Mr. HEARST], I vote "yea."

The roll-call was concluded.

Mr. CALL. I am paired with the Senator from South Dakota [Mr. PETTIGREW], but by arrangement with the Senator from Maine [Mr. HALE] that pair has been transferred. I vote "yea."

Mr. CASEY. I desire to announce that my colleague [Mr. PIERCE] is paired with the Senator from Kentucky [Mr. CARLISLE].

Mr. WOLCOTT. I should like to ask if it is by authority that the two Senators from South Dakota are paired with Senators who would vote in favor of this amendment. I ask because I am without definite information, but I have been informed that both the Senators from South Dakota are in favor of the amendment providing for free coinage.

The VICE PRESIDENT. The Chair can give no information on the subject.

Mr. HALE. By arrangement with the Senator from Florida [Mr. CALL] the pair which I have with the Senator from North Carolina [Mr. RANSOM], who, I understand, will vote for the free-coinage amendment, has been transferred to one of the Senators from South Dakota [Mr. PETTIGREW] who would vote for the amendment. He stands paired, therefore, with the Senator from North Carolina [Mr. RANSOM].

Mr. HARRIS. The Senator from North Carolina [Mr. RANSOM] would vote for the amendment if he were present.

Mr. WOLCOTT. There are circumstances why I think any member of this body should very much hesitate to pair, at least with one of the Senators from South Dakota, on this important question, without knowing very definitely that he desired to vote against it. One of the Senators from South Dakota voted for it when he was here last.

Mr. VOORHEES. I was guided in what I said in regard to the transfer of my pair with the Senator from South Dakota [Mr. MOODY] to the Senator from California [Mr. HEARST] by a conversation I had with the Senator from North Dakota [Mr. CASEY], from whom I gathered that the Senator from South Dakota could not be relied upon to vote for the amendment, but would vote against it. I have no responsibility, however, on the subject. The pair is off my hands, and I vote as I have indicated.

Mr. HALE. I only wish to say that the pair was transferred for the convenience of the Senator from Florida [Mr. CALL] and myself, who are here. The Senator from South Dakota [Mr. PETTIGREW] has a general pair with the Senator from Florida [Mr. CALL], who votes for the amendment; so that his attitude would be the same in any event, whether paired with the Senator from North Carolina [Mr. RANSOM] or the Senator from Florida [Mr. CALL].

Mr. WOLCOTT. I was not questioning the action of the Senator from Maine [Mr. HALE] in any respect whatever. I was only seeking to protect the interests of the two Senators from South Dakota, and I suggested that we should be careful about pairing them on this question without knowing exactly how they would desire to vote.

Mr. CULLOM. The Senator from North Dakota [Mr. CASEY], who is charged with the arrangement of pairs on the Republican side of the Senate, I suppose can explain this matter satisfactorily.

Mr. CASEY. Both Senators from South Dakota, when going away, left their pairs with me as they have been reported. Four or five days ago I telegraphed both of them, advising them of the pending motion and asking for instructions with regard to their votes on the question of free coinage, if they desired their pairs to be modified. I have had no reply to my telegrams, from which I infer that they do not desire to modify their previously arranged pairs. Further than that my responsibility does not extend.

Mr. FAULKNER. Mr. President, I desire to state, in reference to the pairs on this side, that they have been made in accordance with the suggestion of the Senator from North Dakota [Mr. CASEY], who has just taken his seat. I assumed that he had the authority, as I understood from him that he assumed authority to arrange the matter for the Senators who are paired, whose transfers have been announced; and, having assumed that authority, of course we on this side acquiesced in the view taken by the Senator in charge of the pairs on the other side.

Mr. PADDOCK. Mr. President, if the arguments are concluded in respect to the pairs, I should like to vote. I vote "yea."

The result was announced—yeas 42, nays 30; as follows:

YEAS—42.

Allen,	Eustis,	Mitchell,	Stanford,
Barbour,	Faulkner,	Morgan,	Stewart,
Bate,	Gibson,	Paddock,	Teller,
Berry,	Gorman,	Pasco,	Turpie,
Blackburn,	Hampton,	Payne,	Vance,
Butler,	Harris,	Plumb,	Vest,
Call,	Ingalls,	Power,	Voorhees,
Cameron,	Jones of Arkansas,	Pugh,	Walthall,
Cockrell,	Jones of Nevada,	Reagan,	Wolcott.
Coke,	McConnell,	Sanders,	
Daniel,	Manderson,	Shoup,	

NAYS—30.

Aldrich,	Edmunds,	Hoar,	Spooner,
Allison,	Evarts,	McMillan,	Stockbridge,
Carey,	Frye,	McPherson,	Warren,
Casey,	Gray,	Morrill,	Washburn,
Cullom,	Hale,	Platt,	Wilson of Iowa,
Davis,	Hawley,	Quay,	Wilson of Md.
Dixon,	Higgins,	Sawyer,	
Dolph,	Hiscock,	Sherman,	

ABSENT—16.

Blair,	Chandler,	George,	Pettigrew,
Blodgett,	Colquitt,	Hearst,	Pierce,
Brown,	Dawes,	Kenna,	Ransom,
Carlisle,	Farwell,	Moody,	Squire.

So the amendment of Mr. STEWART to the amendment of the Committee on Finance was agreed to.

The VICE PRESIDENT. The question is now on agreeing to the amendment of the committee as amended.

Mr. STEWART. I move to strike out the committee's amendment, beginning with the word "that," on page 4, line 1, section 4, down to and including the word "whatever."

Mr. HOAR. What the Senator proposes to strike out is a distinct amendment itself.

Mr. HARRIS. Does the Senator refer to the word "whatever" in line 15, on page 5?

Mr. BUTLER. Yes; he moves to strike out the whole of it.

Mr. PLUMB. I move an amendment to come in at the close of section 3, as a new section.

Mr. SHERMAN. The amendment of the Committee on Finance as amended is not adopted yet. That is section 4.

The VICE PRESIDENT. The question now is on agreeing to the amendment of the committee as amended.

Mr. GORMAN. Now, Mr. President——

Mr. PLUMB. I move an amendment, as I said, to come in as a separate section.

The VICE PRESIDENT. The Senator from Maryland has been recognized.

Mr. STEWART. If the committee amendment is to be acted upon I desire to move to amend the committee amendment by striking it all out down to and including the last word.

Mr. CULLOM. I rise to a question of order.

The VICE PRESIDENT. The Senator will state his point of order.

Mr. CULLOM. My point of order is that the Chair has recognized the Senator from Maryland [Mr. GORMAN], so that the Senator from Nevada is out of order.

Mr. EDMUNDS. Will the Chair state the exact question?

The VICE PRESIDENT. The question is on the amendment to the amendment of the committee.

Mr. EDMUNDS. Let that amendment be reported before debate goes on, and then it will show what we are debating.

Mr. STEWART. Allow me, Mr. President, to rise to a question of order.

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from Nevada?

Mr. GORMAN. Certainly.

Mr. STEWART. Am I in order in moving to strike out all that portion of the committee amendment down to and including the word "whatever" in line 15?

The VICE PRESIDENT. The Senator is in order.

Mr. HARRIS. Let that amendment be reported.

The VICE PRESIDENT. The amendment to the amendment will be reported.

The CHIEF CLERK. On page 4, in section 4, strike out, after the word "that," down to and including the word "whatever," on page 5, the words to be stricken out being the following:

The Secretary of the Treasury is hereby authorized to issue, in a sum or sums not exceeding in the aggregate $200,000,000, coupon or registered bonds of the United States, in such form as he may prescribe, and of denominations of $50 or some multiple of that sum, redeemable in lawful money at the pleasure of the United States, on and after July 1, 1900, and bearing interest payable semiannually in such money at the rate of 2 per cent. per annum. And he is authorized to sell or dispose of any of the bonds issued under this act at not less than their par value for any lawful money of the United States, or for gold or silver certificates, and to apply the proceeds thereof to the redemption of or to the purchase of any of the bonds of the United States, and for no other purpose whatever.

Mr. DANIEL. Will the Senator from Nevada allow me to make an inquiry? Why not move to strike out the whole section? The other four lines of the section seem to be consequential upon those which he moves to strike out, and would be surplusage if they remained in the bill. Why not make a motion to strike out the whole of the fourth section, instead of leaving in the last four lines?

Mr. STEWART. I want the appropriation in. Let us take a vote on striking it out.

Mr. PLUMB. It can not be stricken out because it is not in. The only thing we can take a vote on is the amendment as offered.

Mr. STEWART. Then I will adhere to my amendment to the amendment.

Mr. GORMAN. The Senator from Nevada offered an amendment for free coinage which came in after the word "appropriated" in line 18, page 5. As it stands now it is a part of the amendment proposed by the Committee on Finance. Now the only way you can reach it is by the motion submitted by the Senator from Nevada, to still further amend the amendment by striking out everything after section 4, page 4, down to and including the word "appropriated" in line 18, page 5. If that is stricken out, then the amendment of the Senator from Nevada, which was just voted on, will stand by itself, a pure, naked proposition. I therefore renew the motion to strike out everything from the word "that" down to and including the word "appropriated" on page 5.

Mr. STEWART. I accept that.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Nevada. Is the Senate ready for the question?

Mr. HOAR. I should like to inquire of the Chair as to the correctness of the statement of the Senator from Maryland. Was the amendment just adopted by the Senate offered as an amendment to the fourth section?

The VICE PRESIDENT. It was.

Mr. HOAR. Or was it offered as an amendment to come in after the fourth section?

The VICE PRESIDENT. It comes in after line 18, on page 5.

Mr. PASCO. I would ask if a part of the committee's amendment is not to strike out section 4, beginning on page 3. Will a member of the committee state whether that is not the amendment of the committee?

Mr. SHERMAN. The committee's amendment is printed in italic.

Mr. PASCO. Is it not simply to strike out and insert?

The VICE PRESIDENT. That is the first amendment of the committee, in line 3.

Mr. PASCO. By turning to page 3 of the bill it will be seen that there are marks of erasure beginning at section 4, in the first line, and to strike out that I understand is a part of the committee's proposition. Then, if the motion of the Senator from Nevada prevails, all that will be restored.

Mr. COCKRELL. Not at all.

Mr. HARRIS. If the Senator will allow me, the amendment proposed by the committee is an amendment to strike out the fourth section as it appeared in the original bill and insert what appears in italics. The Senate has, by a vote a few minutes since, added to the italicized part, or to that part of the amendment that was to be inserted, and that amendment has become a part of the pending amendment of the committee to be inserted. Now, the Senator from Missouri proposes to strike out down to and including the word "appropriated," I believe, in line 18, which is really all of the part that the committee originally proposed to insert.

Mr. HOAR. If the Senator from Tennessee will pardon me, I do not understand that it is so recorded or entered at the Clerk's desk.

Mr. PASCO. Neither do I.

Mr. HOAR. That was a separate amendment.

Mr. HARRIS. I may be incorrect in that, but I understood that the Senator from Nevada moved to amend that part of the committee's amendment.

The VICE PRESIDENT. The Chair understands that the amendment proposed by the Senator from Nevada now extends to line 15, page 5, to the word "whatever."

Mr. BUTLER. He has modified that.

Mr. GORMAN. At my suggestion he modified it; he accepted my modification.

The VICE PRESIDENT. The Chair understood that the Senator objected to the modification.

Mr. STEWART. No; I accepted it.

Mr. HOAR. I do not understand that any motion was ever made to amend the committee's amendment, and it has not been amended, it has not been acted upon. This motion, as appears in print at the Clerk's desk, was to insert a separate amendment at a particular point in the bill, to wit, at the end of section 4. That was not an amendment of the committee's amendment, but was a separate amendment, moved by the Senator from Nevada [Mr. STEWART] and voted on. Therefore, the committee's amendment is a separate and independent proposition. If the Senator wants to get rid of it, the simple way is to vote "nay" upon it as a proposition.

Mr. HARRIS. The difference between the Senator from Massachusetts and myself is a difference of understanding as to a fact. My understanding is that the Senator from Nevada [Mr. STEWART] moved to amend that part of the committee's amendment that was to be inserted. The Senator from Massachusetts understands the Senator from Nevada as having offered the language that was offered by him as a separate and distinct and independent amendment.

Mr. HOAR. Let it be reported at the Clerk's desk.

Mr. HARRIS. Let us determine the question of fact, and then we shall know exactly what we were voting on.

The VICE PRESIDENT. The amendment will be reported.

The CHIEF CLERK. On page 5, section 4, line 18, after the word "appropriated," add the following——

Mr. ALLISON. Mr. President, I have before me the printed amendment, which it has been stated many times upon this floor here is the amendment that we have been voting upon, and it reads in this way: "Proposed by Mr. STEWART to the amendment reported by the Committee on Finance."

Mr. HOAR. Then I was mistaken.

Mr. STEWART. Then I renew my motion. I ask that the question be put on my amendment to strike out.

The VICE PRESIDENT. The question is on the amendment of the Senator from Nevada to strike out certain words from the amendment of the committee.

Mr. DANIEL. Mr. President, as I understand the matter now, this is a proposition to strike out the fourth section of the bill as reported from the Committee on Finance. It seems to me that this section ought to be stricken out of the bill for the simple reason that it contemplates

a donation by the people of the United States of currency to those who have already the right to issue 90 per cent. of currency upon their bonds. I style it a donation because it is a gift to the bondholders of the United States, based on no consideration whatever, emanating from them. At a time when the national banks were being built up in order to meet a governmental exigency and for the purpose of sustaining the credit of the Government and supplying the people with a uniform currency, it was provided that those who subscribed to the national debt should have the right, under regulations of the national-banking system, to be furnished with 90 per cent. of currency, according to the face value of their bonds. This proffer on the part of the United States to grant this currency to the bondholders was partly the consideration that entered into the inducement to cause the citizens to invest in the bonds.

Now, Mr. President, by reason of this special privilege, of credit to the bondholders of the United States, their property has gradually enhanced in value, and has gone to so great a premium that $54,000,000 of the people's money has been paid out of the Treasury of the United States in premiums alone upon the investments, many of which were made below par and all of which have gone to that extent above par.

While it was appropriate to tender this inducement to the investors in order to induce the investment, it is eminently inappropriate for the Government to donate so great a privilege when it has already built up the value of its bonds so high that, as we are told in the reports of the Treasury, the enormous rate which they bring is breaking down the system upon which they are, in a measure, based.

There is another element of impropriety in increasing the privilege accorded to outstanding bonds held by national banks at the present instant. In another section of this bill it is provided that the loan of $200,000,000 shall be negotiated at 2 per cent. and that the funds derived from that negotiation shall be applied to the exclusive purpose of buying in these outstanding bonds of the United States; and I ask the attention of Senators to this most singular fact, that on one page of this bill we are according privileges to bonds which will enhance their value in the market, and on the next page are instructing our agents to take money which we are to borrow and go out and buy bonds. If that is not an inconsistent relation for the Government to occupy towards the people, for whom it is the trustee, I confess that I shall have to learn from a new law book, which was not written at the time when I had the honor first to dip into the jurisprudence of my country, for new definitions of what constitutes a breach of faith.

Mr. President, if any personal trustee, acting as a fiduciary for an estate or for an absent principal, were to undertake with one hand to go up and boom the value of property in the market, and, on behalf of that absent principal, were to instruct his agent at the same time to go out and buy it, there is not an honest chancellor in Christendom who would not dismiss him from his fiduciary character and have him arraigned before his bar for a dishonest transaction in the absence of the principal whom he represented. And yet, Mr. President, it is gravely proposed to the Senate and the Congress of the United States that your Secretary of the Treasury shall be instructed to put his hands into the people's purse and issue 10 per cent. of currency based upon their credit, make a gracious gift, without a consideration of any kind, of that currency to a class of persons who are already bloated with what they have already gotten from the Government, and then tell him to go out into the market and buy at a premium a thing which you have just given away. Who can defend that as a transaction of honesty? What man is it, taught in the simplest elements of morality and fair dealing, whose conscience does not instantly revolt at such a proposition? Who does not see that it is wrongful and a breach of trust the very moment the sunlight falls across it?

If the reports of our financial ministers be correct, there can be no excuse at the present time for bolstering up the value of bonds in the hands of national banks. They are already at 120 premium, or something of that kind. In the report of the Secretary of the Treasury, from which I read, Congress is advised that one of the difficulties now in the continuation of the national-banking system is not the low price, but the high price of bonds. I read from the language of the Secretary of the Treasury in his report for the current year, on page 38——

The VICE PRESIDENT. The Senator's time has expired.

Mr. ALDRICH. I think perhaps, in behalf of the Committee on Finance, I ought to say a few words in regard to the nature of the transaction which is provided for in the sections proposed to be stricken out.

The United States has now outstanding in the neighborhood of $560,000,000 4 per cent. bonds payable in 1907. Notwithstanding the propositions of various kinds which have been made on this floor to-day, no man has suggested up to this time that the United States shall repudiate its obligations to pay the interest at 4 per cent and to pay the principal of these bonds at maturity in 1907.

This is a proposition to refund $200,000,000 of these bonds into a 2 per cent. bond payable at the option of the Government after 1900 and to use the proceeds of the sales of those bonds to pay the principal of the 4 per cent. bonds.

Mr. DANIEL. Will the Senator allow me to ask him a question?

Mr. ALDRICH. Certainly.

Mr. DANIEL. I can see no propositions in this bill to refund them, but there is a proposition to borrow money and buy them.

Mr. ALDRICH. There is a proposition to sell $200,000,000 of bonds at not less than par, bearing 2 per cent. interest, payable after 1900 at the option of the United States and to use the proceeds of the sale——

Mr. DANIEL. That is what I say, to borrow money and buy the bonds.

Mr. ALDRICH. There is no question of borrowing money at all. It is a sale of bonds for money.

Mr. DANIEL. If that is not borrowing money, I would like to know what it is.

Mr. ALDRICH. That money is to be used to buy 4 per cent. bonds. That is merely an exchange.

Mr. DANIEL. I wish to ask the Senator a question.

Mr. ALDRICH. If the Senator will pardon me, I should like to go on for a moment.

Mr. DANIEL. I beg pardon.

Mr. ALDRICH. It is not and can not be anything else than an exchange of 4 per cent. bonds for 2 per cent. bonds upon the terms named in this bill.

Mr. GRAY. Who is going to exchange them?

Mr. ALDRICH. The Secretary of the Treasury.

Mr. GRAY. But will the holder of the 4 per cent. bonds exchange them for 2 per cent. bonds?

Mr. ALDRICH. That is another question. I am now discussing what the proposition is. Whether it will be effective or not, whether any holder of 4 per cent. bonds will sell his bonds and whether anybody will buy 2 per cent. bonds is another and a distinct proposition. I am only explaining now the proposition as presented in this amendment.

Let us see what the effect would be upon the Government of the United States. I have a letter from the Government actuary in answer to a question which I asked of him two or three days ago, which I will read:

OFFICE OF THE GOVERNMENT ACTUARY,
UNITED STATES TREASURY DEPARTMENT,
Washington, D. C., January 8, 1891.

DEAR SIR: In answer to your letter of the 8th instant, requesting "a statement of the yearly profit that would accrue to the United States if we could buy the outstanding 4 per cents. at each of the following rates, namely, 121, 122, 123, 124, and 125, provided we could sell an equal amount of 2 per cents. running the same length of time at par," I send the inclosed table.

The total outstanding of the United States 4 per cent. bonds was, January 1, 1891, $559,742,700. The present worth of all interest saved to the Government would be, January 1, 1891, $156,999,319.26.

The first column of the table shows the cost or premium that the Government would pay for the bonds refunded. The second column shows the present worth, January 1, 1891, of the net saving to the Government by the operation. The third column shows the amount payable quarterly, which would be represented by these net savings; in other words, the amount saved to the Government quarterly by the proposed funding operation.

In these calculations the par value of the total amount of 2 per cent. bonds issued is assumed to be equal to the par value of the 4 per cent. bonds now outstanding, namely, $559,742,700; also, money is considered as being worth 2 per cent. and compounded quarterly.

Respectfully yours,

JOS. S. McCOY, *Acting Government Actuary.*

Hon. N. W. ALDRICH,
United States Senate.

Here is the table to which he refers:

Price paid for bonds.	Cost of refunding.	Present worth of saving, January 1, 1891.	Quarterly saving.
121	$117,545,967	$39,453,352.26	$703,306.42
122	123,143,394	33,855,925.26	603,525.13
123	128,740,821	28,258,498.26	503,743.84
124	134,338,248	22,661,071.26	403,962.55
125	139,935,675	17,063,644.26	304,181.26

The obligations of the Government would not be changed at all. It is simply a question of dollars and cents, the saving this amount of money.

I am quite well aware that an argument of that kind does not appeal to gentlemen here on a question where Government bonds are concerned, but I say that it is a strange outrage that the representatives of the people of the United States are not willing to save $39,000,000 on account of a prejudice against the bondholder or a prejudice against the possible use these bonds may have. There is not a business man in existence who, if he could make that change, would not do it in five minutes, and there is not one excuse——

Mr. DANIEL. Does the Senater object to answering a question?

Mr. ALDRICH. When I get through I shall not object.

There is not a single excuse for the rejection of this proposition by the Senate of the United States except one of prejudice.

Mr. STEWART. I know of no guaranty that these bonds will be bought at 121. If we should sell $200,000,000 of bonds——

Mr. ALDRICH. That was not my statement.

Mr. STEWART. If we should sell $200,000,000 of these bonds and go into the market for the 4 per cent. bonds, they would necessarily be very much enhanced in value and the saving the Senator speaks of would dwindle down.

Mr. HISCOCK. Will the Senator state why they would be enhanced?

Mr. STEWART. Because there would be demand for them. The price of bonds as well as other things depends upon demand and supply.

Mr. HISCOCK. Why would there be a demand for them when national banks would use 2 per cent. bonds to base currency upon? On the contrary, your 2 per cent. bonds would prevent a corner and make a larger volume on which the national banks could procure bonds and make deposits. The effect of it would be to reduce the price.

Mr. STEWART. When the Senator from New York says that if the Government of the United States goes into the market and buys $200,000,000 of those outstanding bonds it will not put up the market he denies the ordinary rules of trade. Of course it would put up the market if you have to buy $200,000,000 of these bonds if there was a steady market for them. There would be a large bonus to the bondholders to fix the price as they pleased if we were bound to sell the 2 per cent. bonds and buy 4 per cent. bonds. They could be used for no other purpose. They would be used to buy the 4 per cent. bonds at whatever price the bondholders might ask for them.

Another thing: The object of these bonds is to form a basis of national-bank circulation, so as to increase the paper circulation of the country. If that is to be increased, let it be increased by legal-tender notes issued by the Government that will cost the Government nothing. When you come to the question of refunding the national debt, let it be separate from the requirement of a bond as the basis of national-bank circulation. If the debt is to be paid by the issuance of paper, issue legal-tender paper and pay it, and stop the interest altogether. But if this is simply a device to give the national banks another subsidy, I am opposed to it. I see nothing else in it. Why should we give them a subsidy to issue a paper on credit? Does anybody contend that the national-bank notes, resting alone for their value upon the credit of the Government, are any better than legal-tender notes resting upon the same basis?

Senators do not fear expansion if it comes by way of paper issued by the national banks, but when you speak of expanding the currency by one dollar by the use of silver they tell us it will drive gold out of the country and work incalculable injury. If silver certificates or silver money will drive gold out of the country, why is it? Because it expands the currency. If it will do that, how much more will paper drive gold out of the country? That has been done frequently, and always will happen. Gold will go out of circulation when you issue a volume of paper sufficient to do the business of the country. The Senate has already voted for free silver, and if you put this provision in the bill, and produce evil results by the issuance of paper by the banks, you will charge the whole trouble to silver.

Let free coinage stand alone. Do not inflate your currency by a subsidized issue any longer if you do not want inflation, and if that is what you are fighting against. Inflation is what the arguments have all been made against. Now a proposition is made to inflate the currency by $200,000,000, if we will give the banks a subsidy. The simple proposition here is to allow a person having $100,000 to invest it in these 2 per cent. bonds, deposit the bonds in the Treasury, draw his $100,000, and get interest from the Government without the investment of a dollar of his own money. That is the proposition, because your own proposition is that he shall have circulation dollar for dollar. The end of it nobody knows.

Mr. SHERMAN. Mr. President, I suppose that the very decisive vote of the Senate has fixed the fate of the whole bill, and I think, therefore, we are wearying ourselves uselessly in staying here discussing the various propositions contained in the bill.

I certainly will not vote under free coinage, if that system is to prevail, for the sale of 2 per cent. bonds. Indeed, I doubt very much whether the sale could be effected, with my view of it. Besides, I feel that if Congress shall adopt a policy of free coinage I do not want to embarrass it with any other scheme which seems to be inconsistent with it, because you will certainly get enough money and have paper money in abundance, according to my theory, and I do not want to add to the volume of currency by the issuing of national bank-note paper hereafter.

My own advice would be that no banks should be organized, because the purchase of silver will no doubt furnish an ample and sufficient increase of paper money. I believe, therefore, I shall vote—and I think the Senator had better make the motion at once—to strike out all these sections because they are framed on a different theory. This bill is framed on the theory embraced in the bill of last year. For instance, the first section ought to be stricken out as a matter of course, because the holders of the bullion which has been hoarded for the last few months will go at once to the Treasury after the passage of a free-coinage bill and get $1.29 for each ounce. That ought to be stricken out. So should the second and the third sections be stricken out, and so on. As for the amendment which has been reported from the committee, that fell as a matter of course on the adoption of the free-coinage amendment.

I shall vote, therefore, for the amendment of the Senator from Nevada, but I would rather make it a wholesale job at once and strike out all the bill except that part in relation to free coinage. There is nothing in the bill that I see but what is framed upon a different idea from the simple idea of the bill originally.

Mr. McPHERSON. Will the Senator permit me to ask him a question?

Mr. SHERMAN. Certainly.

Mr. McPHERSON. Would it not be well to retain that section of the bill which requires an international conference, because that relates to a change of the ratio?

Mr. SHERMAN. Does not the Senator from New Jersey know that, as a matter of course, if we start out on the free coinage of silver, the idea of a conference would be simply absurd?

Mr. McPHERSON. I think it is altogether wiser to hold out every inducement possible for other nations to join us and for us to express our willingness at any time to adopt any reasonable ratio which other nations will agree to.

Mr. SHERMAN. I think, if we try the experiment, we had better try it alone, but I do not think it is worth while for us to enter upon the experiment and afterwards call upon other nations to come in and help us out.

Mr. McPHERSON. Certainly every other section seems to me entirely inconsistent with the other amendment which has been adopted. For instance, here are trade dollars. One section makes provision for recoining trade dollars. I presume the Senator from Nevada and those who agree with him will insist that the trade dollar be coined into silver coin and also all the fractional currency.

Mr. SHERMAN. That can be done under existing law.

Mr. McPHERSON. It seems to me the entire bill ought to be stricken out.

Mr. SHERMAN. I think the entire bill ought to be stricken out. That, I think, is the general sentiment of the Committee on Finance, that framed the bill.

Mr. ALLISON. I suggest to the Senator from Ohio that sections 8 and 9 are matters of detail, which are useful. They are recommendations respecting details which I think are wise.

Mr. SHERMAN. I think probably sections 8 and 9 are convenient to the Treasury Department, but they are not very important.

Mr. ALLISON. The law now requires trade dollars to be coined, so I do not think there will be any difficulty about striking out section 7.

Mr. EVARTS. I ask that sections 8 and 9 be read.

The VICE PRESIDENT. The sections will be read.

The Chief Clerk read as follows:

SEC. 8. That paragraph 8 of chapter 327 of the Supplement to the Revised Statutes of the United States, which requires that refining and parting of bullion shall be carried on at the mints of the United States and at the assay office at New York, be amended by inserting, after the word "law," in the fourth line, the following words: "and from the proceeds of the sale of by-products resulting from the operations of the refinery;" so that the paragraph shall read:

"And it shall be lawful to apply the moneys arising from charges collected from depositors for these operations pursuant to law, and from the proceeds of the sale of by-products resulting from the operations of the refinery, so far as may be necessary, to the defraying in full of the expenses thereof, including labor, materials, and wastage."

SEC. 9. That an act to authorize the receipt of the United States gold coin in exchange for gold bars, approved May 26, 1882, be amended to read as follows:

"That the superintendents of the coinage mints and of the United States assay office at New York may, with the approval of the Director of the Mint, but not otherwise, receive United States gold coin from any holder thereof, in sums of not less than $5,000, and pay and deliver in exchange therefor gold bars in value equaling such coin so received: *Provided*, That the Director of the Mint, with the approval of the Secretary of the Treasury, may impose for such exchange a charge which in his judgment shall equal the cost of manufacturing the bars."

Mr. STEWART. I should like to have action on my amendment.

The VICE PRESIDENT. The question is on the amendment of the Senator from Nevada. Is the Senate ready for the question?

Mr. STEWART. Let us have a vote on that and then we will get rid of that question.

Mr. DANIEL. Mr. President——

The VICE PRESIDENT. The Senator from Virginia has spoken once on this amendment.

Mr. DANIEL. I move to strike out the words "two hundred million" and insert "two hundred and one million," in section 4.

The VICE PRESIDENT. The Senator from Virginia is at liberty to proceed upon his amendment to the amendment.

Mr. DANIEL. Mr. President, I asked the Senator from Rhode Island [Mr. ALDRICH] a question, hoping to get from him a frank and candid answer that he has been pleased not to give. On the contrary, he has not only evaded the question which I put to him, but has shown, as I conceive, a purpose to evade it, to run off and talk about prejudices against national banks. I said not a word against national banks, neither did I say anything against this loan. What I did say was that I did not perceive how it was honest for this Government, acting as a trustee for the people, to give something to a bond in one moment, and in the next instruct its agent to go out and buy that bond at its appreciated value. This may be due on my part to prejudice, but I have had a prejudice of such long standing against duplicity that it is not one that I can hope at this time to overcome.

I have a prejudice against seeing anybody, whether it is a chartered bank or an individual, put his arm into the people's Treasury and take

out money for his personal advantage, and when you come to analyze this proposition it is nothing more and it is nothing less. I read from the recent report of the Secretary of the Treasury, page 38:

The Comptroller—

Says the Secretary—

again calls attention to the fact that the issue of circulating notes has become unremunerative, on account of the high premium commanded by the bonds of the United States, and renews his recommendations of last year, in which I concur, that the obligatory deposit of bonds be reduced, that circulation be issued equal in amount to the par value of the bonds pledged, and that the semiannual duty thereon be fixed at one-fourth of 1 per cent. per annum.

Mr. President, here is from the Secretary of the Treasury a statement that the inefficiency of these bonds to subserve the purposes of national banks has arisen from the high premium which they command, and while I shall never be a party to attempting to run down Government credit in any direction, neither shall I be a party when the Government has established its credit in so high a degree to donate that credit to those to whom we do not owe it, and to add to the value of a thing which I am using the people's money to buy.

The Senator from Rhode Island can not shift the issue which I make with him if he chooses to evade the question because he can not answer it. It may be expedient for him to do so, but I repeat, so that he and the Senate and everyone who cares to heed my words can understand it, that on one page of this bill there is a proposition to give the currency of this people to national bondholders without consideration at the very time when you are seeking to draw in the very bonds to which that credit is given, and it will be the inevitable effect of taking money out of the people's pockets and giving it to those to whom we do not owe it.

The Senator can not make any insinuation at me that I am actuated by prejudice against national banks. I decline to submit for him to pass judgment upon my character, or my opinions or prejudices or feelings, when I have not indicated them either by argument or by action. He may have such a prejudice in favor of bondholders that he is ready to turn the Treasury in a sluice into their pockets, and if he possesses such a prejudice he has a most plain and conspicuous way of manifesting its possession in supporting that part of the text of this bill.

Mr. President, whatever may be the fate of this bill, whether silver be in it or silver be out of it, it is not a righteous or just transaction for the Congress of the United States to take this money of the people and make a clean, clear gift of it to those to whom we are not only paying what we contracted to pay, but to those whose values have been added up 20 per cent. above par. There is no justice in it; no policy in it; no propriety in it; and I trust that the Senate will strike out that section of the bill.

The VICE PRESIDENT. The Chair understands the Senator from Virginia to withdraw his amendment.

Mr. DANIEL. Yes, sir.

The VICE PRESIDENT. The question is on the amendment of the Senator from Nevada [Mr. STEWART] to the amendment of the Committee on Finance.

Mr. PASCO. The pending amendment is the amendment offered by the Senator from Virginia, is it not?

The VICE PRESIDENT. That was withdrawn. The question is on the amendment proposed by the Senator from Nevada, on page 4, to strike out section 4 as reported by the committee.

Mr. BUTLER. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DAWES (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT].

Mr. WALTHALL (when Mr. GEORGE'S name was called). My colleague [Mr. GEORGE] is paired with the Senator from New Hampshire [Mr. BLAIR].

Mr. HALE (when his name was called). Under the arrangement of pairs indicated when the previous vote was taken, I vote "nay."

Mr. FAULKNER (when Mr. KENNA'S name was called). My colleague [Mr. KENNA] is absent necessarily from the Senate, and is paired with the Senator from Illinois [Mr. FARWELL].

The roll-call was concluded.

Mr. CASEY. I desire again to announce the pair of my colleague [Mr. PIERCE] with the Senator from Kentucky [Mr. CARLISLE].

Mr. BATE. I wish to announce the pair of the Senator from New Jersey [Mr. BLODGETT] with the Senator from Washington [Mr. SQUIRE].

Mr. EVARTS (after having voted in the affirmative). I observe that the Senator from Alabama [Mr. MORGAN], with whom I am paired, is not in his seat. I withdraw my vote.

Mr. PUGH. I inquire how the Senator from New York [Mr. EVARTS] voted?

The VICE PRESIDENT. In the affirmative.

Mr. PUGH. I desire to state to him that my colleague [Mr. MORGAN] would vote the same way, and the Senator from New York is at liberty to vote.

Mr. EVARTS. If there is no quorum I am at liberty to vote. I vote "nay."

Mr. DANIEL (after having voted in the affirmative). Before the result of the vote is announced, I beg leave to state that I have a general pair with the Senator from Washington [Mr. SQUIRE]; but from information given me by the Senator from North Dakota [Mr. CASEY] I take it that on this amendment in the interest of silver I am privileged to vote as I have done. If there is any exception to that it can be stated.

Mr. BATE. That pair has been transferred. I announced it.

Mr. EVARTS (after having voted in the negative). As I understand there is a quorum voting, I withdraw my vote.

The result was announced—yeas 48, nays 19; as follows:

YEAS—48.

Allen,	Daniel,	McConnell,	Stanford,
Allison,	Davis,	McMillan,	Stewart,
Barbour,	Eustis,	McPherson,	Stockbridge,
Bate,	Faulkner,	Manderson,	Teller,
Berry,	Gibson,	Mitchell,	Turpie,
Blackburn,	Gorman,	Paddock,	Vance,
Butler,	Gray,	Pasco,	Vest,
Call,	Hampton,	Payne,	Voorhees,
Casey,	Harris,	Plumb,	Walthall,
Cockrell,	Ingalls,	Pugh,	Washburn,
Coke,	Jones of Arkansas,	Sherman,	Wilson of Md.
Cullom,	Jones of Nevada,	Spooner,	Wolcott.

NAYS—19.

Aldrich,	Edmunds,	Hoar,	Sanders,
Cameron,	Frye,	Morrill,	Sawyer,
Carey,	Hale,	Platt,	Shoup,
Dixon,	Hawley,	Power,	Wilson of Iowa.
Dolph,	Higgins,	Quay,	

ABSENT—21.

Blair,	Dawes,	Kenna,	Reagan,
Blodgett,	Evarts,	Moody,	Squire,
Brown,	Farwell,	Morgan,	Warren.
Carlisle,	George,	Pettigrew,	
Chandler,	Hearst,	Pierce,	
Colquitt,	Hiscock,	Ransom,	

So the amendment to the amendment was agreed to.

Mr. STEWART. I now ask to add the following to the fourth section——

Mr. BUTLER. Will the Senator allow me to offer a resolution by way of giving notice?

Mr. STEWART. Certainly.

EIGHT-HOUR LAW.

Mr. BUTLER. I offer a resolution, Mr. President, and give notice that I shall call it up at the proper time.

The VICE PRESIDENT. The resolution will be read.

The Secretary read the resolution, as follows:

Resolved, That when the bill now under consideration shall have been disposed of the Senate will proceed to the consideration of House bill 11120, providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law.

Mr. HOAR. I object.

Mr. BUTLER. The Senator can not object to my offering it.

Mr. HARRIS. Let it be printed and go over.

The VICE PRESIDENT. Objection being made, the resolution will be printed and go over.

Mr. ALDRICH. I understand the Senator from Massachusetts to object to the reception of the resolution at this time.

Mr. HALE. It is not before the Senate at all.

Mr. HOAR. It can only be offered in the morning hour.

Mr. BUTLER. I can offer a resolution at any time. I ask that the resolution be printed and go over. I give notice then——

Mr. HOAR. It can not be before the Senate.

Mr. BUTLER. Then I have had it read for information, and I give notice that I shall call it up when the pending bill is disposed of. I have a right to do that, I suppose.

Mr. HOAR. In the morning hour.

Mr. BUTLER. I have already done it, whether I have the right or not.

The VICE PRESIDENT. Objection is made.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. 12573) making appropriations for the support of the Army for the fiscal year ending June 30, 1892, and for other purposes; in which it requested the concurrence of the Senate.

The message also announced that the House had concurred in the amendment of the Senate to the bill (H. R. 4403) for the erection of a public building at Akron, Ohio.

AMENDMENT TO A BILL.

Mr. HARRIS submitted an amendment intended to be proposed by him to the bill (H. R. 9602) to establish the customs district of Tennessee, and for other purposes; which was ordered to be printed and lie on the table.

COIN AND CURRENCY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 4675) to provide against the contraction of the currency, and for other purposes.

Mr. STEWART. I now ask for the reading of the amendment I have proposed.

Mr. INGALLS. Where does the amendment come in?

Mr. STEWART. At the end of my previous amendment to the fourth section.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. It is proposed to add to the fourth section the following:

And the sum necessary to carry the provisions of this section into effect is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Nevada to the amendment of the committee as amended.

The amendment to the amendment was agreed to.

Mr. STEWART. Now let the amendment as amended be adopted.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee as amended.

Mr. INGALLS. Can it not be read now as it stands? I should like to hear what we are now to vote on.

The VICE PRESIDENT. The amendment as amended will be read.

The CHIEF CLERK. On page 3, it is proposed to strike out all down to and including the word "notes," in line 32, on page 4, and insert in lieu thereof the following:

That any owner of silver bullion not too base for the operations of the mint may deposit the same in amounts of the value of not less than $100 at any mint of the United States, to be coined into standard dollars or formed into bars for his benefit and without charge; and that at the said owner's option he may receive therefor an equivalent of such standard dollars in Treasury notes to be issued by the Secretary of the Treasury in the same form and description and having the same legal qualities as the notes provided for by the act approved July 14, 1890, entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes;" *Provided*, All such Treasury notes and coin issued under the provisions of this act shall be a legal tender for their nominal amount in payment of all debts, public and private, and shall be receivable for customs, taxes, and all public dues, and when so received may be reissued in the same manner and to the same extent as other Treasury notes.

And the sum necessary to carry the provisions of this section into effect is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The VICE PRESIDENT. The question is on agreeing to the committee amendment as amended.

The amendment as amended was agreed to.

Mr. ALLISON. Now, I move to strike out the first section and the fifth section.

Mr. PLUMB. Do not let us have two things at once. The Senator is a little impetuous.

Mr. ALLISON. I am not impetuous at all. I move to strike out the first and fifth sections.

The VICE PRESIDENT. The amendment will be reported.

The CHIEF CLERK. It is proposed to strike out section 1——

Mr. PLUMB. I think I have offered an amendment to take the place of section 1. I want to strike out the first section, but I thought I would offer a substitute for it.

The VICE PRESIDENT. The Chair understood that the amendment offered by the Senator from Kansas was to come in after section 3.

Mr. PLUMB. I offered a substitute for the first section some days ago.

The VICE PRESIDENT. That is another amendment, and it will be stated.

The CHIEF CLERK. It is proposed to strike out section 1 and to insert the following:

That the compulsory requirement of deposits of United States bonds with the Treasurer of the United States by national banks is hereby limited in amount to $1,000 of bonds for each and every national bank: *Provided*, That this act shall not apply to the deposits of bonds which may be required by the Secretary of the Treasury to secure deposits of public moneys in the national banks.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Kansas [Mr. PLUMB].

Mr. SHERMAN. That is an amendment of great importance, and really if it be insisted upon to-night it will require considerable discussion. I suppose we are under the ten-minute rule now, but I wish Senators to understand why this provision was in this bill at its first appearance. Yet upon a careful examination and with the certainty of the result that will come it was limited in its operation to the banks having a capital of only $50,000. Under the operation of this proposed amendment of the Senator from Kansas all the great banks will surrender their bonds and reduce them to $1,000, and will surrender their circulation as well under the present law. Under the present law as it stands every bank has to take a certain portion of its capital in United States bonds, the lowest $12,500. A bank of $50,000 capital ranges from that up, I think.

Mr. TELLER. From $25,000 to $50,000.

Mr. SHERMAN. It is $50,000 for a large bank. I think, therefore, the effect of that measure taken by itself, unless it is connected with some provision giving the banks some facilities to increase their circulation, might work a contraction of the currency to the extent of the bonds.

After considerable examination I thought it was not safe to do it, and especially since the provision about $200,000,000 of bonds is stricken out. That it was expected the banks would take, though many of them would sell their 4 per cent. bonds and take the 2 per cent. bonds and continue to maintain the volume of currency they have now outstanding. But that being stricken out, and there being no means by which a bank could get circulation except by 4 per cent. bonds at a premium of 120, there would be no object for any national bank to start with a view to circulation; and this provision of the Senator from Kansas would induce all the banks who have bonds now and desire to sell them to sell them without respect to the amount of circulation.

Many of them have no circulation and have $50,000 of bonds in hand. All that would tend to reduce the circulation of the national banks rapidly, and might make money just at this time a little stringent. I do not know to what extent and I can not say to what extent these banks will retire their bonds. I think the amount of bonds held by the Government for the national banks is about one hundred and sixty or one hundred and seventy million dollars; I can not state the amount exactly, for I did not think the question would come up.

Mr. PLUMB. It is about $170,000,000, and of that there are about $40,000,000 of 4½ per cent. bonds.

Mr. SHERMAN. If this section, which is entirely new, were adopted so far as the banks of over $50,000 capital are concerned, I am afraid it might tend to embarrass the public by a sudden contraction of the currency. I do not want to press this idea, but as a member of the Finance Committee I do not want this section to be adopted without its probable effect upon the money market and upon the condition of the national banks being known. That being settled, I have no desire to further interfere.

Mr. PLUMB. The purpose of my amendment was to begin a substitute for the present condition of things in regard to national-bank notes; but, inasmuch as the Senate has already adopted the proposition for free coinage, I will withdraw my amendment to the first section, and move to strike out the first section of the bill, giving notice that when the second section comes up I shall move what I have heretofore offered to the third section as a substitute for that, and that will bring up the question between the proposition I have made and that of the Committee on Finance. I now move to strike out the first section of the bill.

The VICE PRESIDENT. The question is on the amendment of the Senator from Kansas to strike out the first section.

The amendment was agreed to.

Mr. PLUMB. I move what I have sent to the Secretary's desk to take the place of section 2.

The VICE PRESIDENT. The amendment will be stated.

Mr. EUSTIS. I understand the motion is to strike out the first section.

Mr. PLUMB. That was carried.

Mr. EUSTIS. It struck out the enacting clause too?

Mr. PLUMB. Oh, no.

Mr. EUSTIS. Is not the enacting clause a part of the first section?

Mr. PLUMB. Oh, no. I want to say that if this amendment of mine to the second section is adopted I shall propose subsequently to amend the bill by the adoption of a section to the effect that as additional bank circulation shall hereafter be retired it shall be replaced by the issue of United States notes, and that will bring up the question as to whether the United States shall keep these banks hereafter as a method of providing currency for the people of the United States. I do not think there can be any question on this point. Everybody agrees that the national banks are going out. They can not maintain their currency for any length of time in any event.

Even the Senator from New York the other day said that he agreed that the national banks were to quit the issue of circulation, and unless we are prepared now to enter upon a new scheme of national-bank currency and inaugurate a new system of expanding this kind of currency, we ought to agree now that these national banks shall be put upon the basis of banks of discount and deposit and that alone. I propose simply the logic of the present situation. The Senator from Nevada says they would not put up new bonds. We know the banks do not want the circulation under the present condition. We can not tell that they will take them under any conditions whatever.

We know that the present system can not be flexible and adequate to the needs of the people of the United States, and therefore we might as well make up our minds now as later that the national-bank circulation shall be retired and put something in the place of it, and put these banks, as they ought to be put, upon the basis of discount and deposit.

When I say that I say it with a thorough appreciation of the fact that it is to the best interests of the people of the United States that these banks shall be upon that basis, and that, as we extend this system from time to time, we shall have a system of safety, of convenience, and one which will respond more naturally and inevitably to the interests of the United States connected with this vast system of banking, which can be done under the laws of the States.

In view of the fact that we are considering the question of the re-

tirement of the national-bank circulation and the addition to the currency by means of the free coinage of silver, it seems to me we ought to preserve this system as one of discount and deposit and not leave it under the present conditions, whereby it is liable to disappear from time to time as the banks dispose of their bonds, now at a high premium, for the purpose of getting a large profit, and they may from time to time choose to surrender their charters in order to get this profit.

The VICE PRESIDENT. The question is on the amendment of the Senator from Kansas [Mr. PLUMB].

The amendment was agreed to.

Mr. ALDRICH. I suppose the third section will come out. I ask the Senator in charge of the bill——

Mr. PLUMB. I move as a substitute for section 3 what I send to the desk.

Mr. GRAY. Does the Senator from Kansas move to strike out the third section.

Mr. PLUMB. I move to strike out the third section and insert as the second section what I send to the desk.

Mr. GRAY. I should like to hear from the Senator from Kansas why the third section should be stricken out.

The VICE PRESIDENT. The amendment of the Senator from Kansas will be stated.

The CHIEF CLERK. It is proposed to strike out section 3 and insert the following as section 2——

Mr. EDMUNDS. Read the section that is to be stricken out, so that we can understand the question.

The VICE PRESIDENT. The third section will be read.

The CHIEF CLERK. It is proposed to strike out section 3, as follows:

SEC. 3. That upon any deposits already or hereafter made of any United States bonds bearing interest, in the manner required by law, any national-banking association making the same shall be entitled to receive from the Comptroller of the Currency circulating notes of different denominations, in blank, registered and countersigned as provided by law, not exceeding in the whole amount the par value of the bonds deposited: *Provided*, That at no time shall the total amount of such notes issued to any such association exceed the amount at such time actually paid in of its capital stock.

And to insert as section 2——

Mr. PLUMB. Mr. President, that ought to be amended by inserting a different title of the act. I move to insert the words "An act entitled an "Act to provide ways and means for the support of the Government, approved March 3, 1863,'" which took the place of the greenback act.

The VICE PRESIDENT. The section will be read as proposed to be modified.

The CHIEF CLERK. It is proposed to insert as section 2:

SEC. 2. That the Secretary of the Treasury is hereby authorized and directed to replace all sums of national-bank notes hereafter permanently retired and canceled by the issue, in lieu thereof, of like sums of United States notes of the description and character of the United States notes now outstanding and authorized by act approved March 3, 1863, entitled "An act to provide ways and means for the support of the Government" and acts amendatory thereof; and the said notes outstanding, and all thereof hereby and hereafter authorized and issued, shall be receivable for customs and a legal tender for all public and private dues.

The VICE PRESIDENT. The question is on the amendment of the Senator from Kansas [Mr. PLUMB].

Mr. GRAY. Mr. President, I want to understand something about this amendment before I am called upon to vote on it. The proposition seems to me pure and simple to add $180,000,000 or thereabouts to the irredeemable greenback currency of the United States. It is a proposition of such measure and seriousness that I do not think it ought to pass without a word of explanation on the part of the propounder, and perhaps something should be said by those who protest against it. Why not leave section 3, which the Senator proposes to displace by this amendment, and leave the paper currency to be furnished by the banks on the basis of the bonds deposited, as heretofore, even if they are here and there retiring the amounts of circulation when they find it is profitable to do so, rather than embark now in this unpremeditated and hasty way on a great issue of paper currency that we thought we had safely emerged from?

It seems to me that is not a proposition which ought to be put upon this bill. It is a question of too great interest to the people of the United States, to the industrial and commercial interests of the United States, to be tacked on as an amendment here without debate and without consideration. If we are to have a reformation of the banking system of the United States, if there must be a new basis found for the circulating medium, which I think is wholesome and wise, let us do it in a well-considered bill. The time seems to be coming when we must overhaul the whole scheme of national banks and see whether they can be continued as banks of issue as well as banks of discount and deposit.

So far as they are concerned, while there are many features of the national-banking scheme that are objectionable, still upon the whole they have been a wholesome institution to the finances in this country. They have furnished a sound circulating paper currency based upon the solid and honest security of sound banking, a system of banking that the experience of the world has justified, and which I should be very sorry to see displaced by another so crude and so dangerous as this little section proposed by the Senator from Kansas. If we are to have irredeemable fiat money issued without let and without limit, let us know it. I have believed all along that back of this scheme for unlimited coinage there was the ghost of fiat money ready to materialize at any moment. This is almost too soon, according to my expectation, for materialization to take place.

I hope the Senator from Kansas will now favor us with an explanation of this amendment submitted to the bill that has been considered, that the people of the United States may understand just what the proposition is, and not here at this late hour of the day, at the commencement of the night, embark upon this yeasty wave of an irredeemable paper currency.

Mr. COKE. Mr. President, if I understand the amendment of the Senator from Kansas [Mr. PLUMB], it is to substitute for the retiring national-bank notes legal-tender Treasury notes. Am I correct?

Mr. PLUMB. The Senator is correct.

Mr. COKE. If that is the amendment I very highly approve of it. I have nothing to say with reference to the record of national banks as having invented and maintained a proper currency for the people. Whatever the opinions may be in respect to national banks I, at least, do not desire to see them continued longer than is required by the exigencies which brought them into existence. Their currency constitutes a part of the circulating medium of this country, and it is being now rapidly contracted by the retirement of these bank notes. I can not conceive a happier solution of the trouble arising from the retirement of these notes than their substitution with legal-tender Treasury notes.

The Senator from Delaware [Mr. GRAY] says these notes are irredeemable, as I understand him. I do not understand them to be so. I understand the legal-tender Treasury notes to be such notes as any man can obtain gold or silver upon, by demand at the Treasury.

Those notes, Mr. President, in my judgment should constitute the paper currency of this country. I believe that the national-bank notes should be retired, if necessary compulsorily retired, and their places supplied by the legal-tender Treasury notes.

I voted against the recharter of the national banks in 1882 and I have always been satisfied with that vote. The national banks as banks of discount and deposit I see no particular danger in, but national banks as banks of issue I have always opposed, and, as I understand it, the fathers of the Democratic party have always opposed them.

The issuance of paper money for the convenience of the people is an act of sovereignty which, in my judgment, the Government should not delegate to any power, to any body, to any corporation. It should be performed and executed by the Government itself. It should not be in the power of a corporation or system of corporations to contract the currency at any time.

Our system of national banks is a complete system. These banks, through their leading officers, have their annual meetings. They have their grip and password. They generally act as a unit. These banks, as we have seen heretofore, can bring distress upon the country at any moment they please, so long as they control its circulating medium.

I have favored the free coinage of silver. I have opposed the retirement of the $346,000,000 of Treasury notes, and I favored the substitution of the retired national-bank notes with legal-tender Treasury notes, all for the purpose of taking our paper circulation out of the hands and from under the control of the national banks.

I observe, Mr. President, that there are a great many Senators who oppose the free coinage of silver, who are afraid of silver inflation, who oppose anything that looks to any addition to our currency unless it be national-bank notes. I hear no complaint made in certain quarters of any proposed inflation of the national-bank currency. I do hear objections made to an increase of our currency by any other means or from any other source.

It has seemed to me, Mr. President, that this silver contest is very much a contest between metallic and bank currency. Of course there must be some metal upon which paper is predicated, and gold has been accepted as that metal by the monometallists. Wherever you find a man opposed to the free coinage of silver you find one in favor of issuing more national-bank paper. If those who are in favor of issuing national-bank paper would explain themselves fully, I have no question that they oppose silver because it does away largely with the necessity for more national-bank notes.

The amendment of the Senator from Kansas is in the right direction. It is in the direction that I should like to see traveled by our entire paper currency. I should like to see the national-bank notes retired and Treasury notes substituted for them, and whenever that is done, in my judgment, it will secure finally the full remonetization and free coinage of silver.

Mr. ALDRICH. I ask that the vote may be taken on the amendment by yeas and nays.

The yeas and nays were ordered.

Mr. WOLCOTT. I should like to have the amendment reported.

Mr. GRAY. Let the amendment be read.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. It is proposed to strike out section 3 of the bill and insert the following as section 2:

SEC. 2. That the Secretary of the Treasury is hereby authorized and directed to replace all sums of national-bank notes hereafter permanently retired and can-

celed by the issue, in lieu thereof, of like sums of United States notes of the description and character of the United States notes now outstanding and authorized by act of March 3, 1863, entitled "An act to provide ways and means for the support of the Government," and acts amendatory thereof; and the said notes outstanding, and all thereof hereby and hereafter authorized and issued, shall be receivable for customs and a legal tender for all public and private dues.

Mr. PLUMB. Mr. President, the only question here is as to whether we shall diminish or keep up the present volume of paper money outstanding. There is no use talking about the free coinage of silver or any other project in regard to the currency of the United States unless we provide for keeping up the present volume of paper money, because if we do not we may diminish the volume of money greater than we produce in the way of metal money. According to my belief, what we want to do is to increase the volume of money and not diminish it.

The Senator from Delaware [Mr. GRAY] says this is irredeemable paper money. If it is irredeemable paper money then $346,000,000 of money now outstanding is irredeemable.

Mr. GRAY. If the Senator will allow me, it is not irredeemable upon its face or by law. What I meant to say was that when you increase the use of Treasury notes you make them practically irredeemable. If you put out a quantity that the Treasury can not conveniently turn into gold it is just the same as if it was irredeemable for fifteen years.

Mr. PLUMB. We provided by the resumption act of 1874 that the Secretary of the Treasury might provide coin for this money. We provided by the act of 1883 for the continuation in the Treasury of the United States of at least $100,000,000 in coin for its resumption, and the Secretary of the Treasury has the power at his option of issuing as many bonds as may be necessary for the purpose of redeeming this currency.

Mr. McPHERSON. Is it not true that the national banks to-day under the law are required to keep a certain amount of bonds upon which of course they would be certain to take out circulation? That can not be reduced very materially below the present amount by retiring the circulation except by abandoning the banks and letting them go into liquidation. Therefore it can not affect materially the situation. It can not give very much more or very much less.

Mr. PLUMB. The national banks may retire from time to time an active amount of circulation which is equivalent to, say, $170,000,000.

Mr. McPHERSON. I think they have but one hundred and forty-odd millions now all told, and as the basis of national-bank notes, as a matter of course, banks of a certain capital are required to keep a certain percentage.

Mr. PLUMB. About $120,000,000 of that currency is based upon bonds the banks now hold. They may retire that at any time they please, subject to the limitations of the act of 1883 that the entire diminution of the bank circulation in any one month shall not exceed $3,000,000.

Mr. McPHERSON. They would hardly surrender the circulation based on the bonds which they are required to keep.

Mr. PLUMB. That, of course, I do not know.

Mr. ALDRICH. I think the Senator from New Jersey was probably not in his seat when the amendment offered by the Senator from Kansas [Mr. PLUMB] to the second section was adopted, which reduces the amount of bonds to be held by the banks to $1,000.

Mr. McPHERSON. That refers to banks that have a capital of $50,000.

Mr. ALDRICH. It refers to all banks. So it will only require about $3,000,000 in bonds to be held by all the banks in the United States.

Mr. McPHERSON. Then the purpose of the Senator from Kansas is to reduce the amount of the bonds necessary to be held by the national bank to $1,000, whatever may be the capital of the bank, whether $5,000,000 or $5,000.

Mr. PLUMB. Certainly.

Mr. McPHERSON. Under the law passed last summer the money that is received from the national banks to retire circulation goes into the general fund in the Treasury and may be paid out upon all sorts of extravagant improvements and the general and current expenses of the Government, but it still remains as a debt because the Government assumes to pay it. I do not think I can consent to such an amendment as that.

Mr. PLUMB. Mr. President, we are at the mercy of the banks of the United States the way the thing stands now. They may retire any amount of their circulation subject to the provision I spoke of a moment ago, of $3,000,000 a month. That will amount to $36,000,000 per annum. We can not control that, and I take it that no bank in the United States, except a handful in the eddies of business, the commercial banks in the proper sense of the term, cares to keep up its circulation in the present condition of affairs.

Mr. GRAY. I do not perceive that the amendment the Senator has offered provides any way by which this issue of Treasury notes is to be got into circulation. How does the Senator propose that the Treasury notes issued in lieu of the retired national-bank notes shall be put in circulation?

Mr. PLUMB. I think I can ease the mind of the Senator on that point. I understand the purport of it and the basis of it. There are about $40,000,000 of 4½ per cent. bonds in the outstanding notes of the banks of the United States to-day as the basis of circulation. These bonds are to be called in and paid unless the United States default between now and next September. Under this proposition the banks can deliver these bonds at once, minus the $1,000, to the Treasury of the United States.

Mr. COCKRELL. The interest has already been paid up on all of them to the full amount.

Mr. PLUMB. As the Senator from Missouri says, the interest has been paid up to date. The Treasury of the United States, in order to do that which the Senator thinks can not be done, has anticipated the payment of interest to get out the money. Instead of paying it to contractors and for public buildings and various purposes of that kind, he has anticipated the payment to the creditors of the United States, and has paid the interest on these bonds until next September. These bonds will become due next September, and the Secretary of the Treasury may redeem them at any time, as he can do now if he has the funds, and if this section passes he will redeem them as fast as they are presented. For instance, supposing a bank in the city of Wilmington having now $50,000 in bonds shall choose to avail itself of the operations of the section already adopted, and should retain only $1,000 of bonds as the basis of its charter, it will send $49,000 of these bonds to the Secretary of the Treasury, with what result?

Mr. GRAY. They are 4½ per cent. bonds?

Mr. PLUMB. If they are 4½ per cent. bonds what will be the result? The result will be that the Secretary of the Treasury will take those bonds, and as fast as the currency which is based upon the bonds is retired and canceled he will issue in lieu thereof and in payment therefor the United States notes which are described in this section.

Mr. MORGAN. In payment of the bonds?

Mr. PLUMB. It amounts to the same thing—in the payment of currency. In other words, whenever these banks choose to retire their currency they present an equivalent amount of United States notes to the Secretary of the Treasury and thereupon he delivers to them their bonds. There is, therefore, outstanding an obligation under the law of last July against the Treasury in an amount equivalent to the national-bank notes outstanding; but as the Secretary of the Treasury has the power to substitute for these United States notes Treasury notes so he can issue these Treasury notes and take up the bonds as they are presented or called for by the banks. The result will be that as the banks retire the Treasury takes up the bonds, and thereupon we shall have in place of national-bank notes from time to time $180,000,000 of Treasury notes issued.

Mr. GRAY. That method would apply to the $40,000,000 of 4½ per cent. bonds?

Mr. PLUMB. Yes.

Mr. GRAY. So far as they are concerned that will be carried out. Then what becomes of the others?

Mr. PLUMB. As far as that is concerned, the Secretary of the Treasury——

The PRESIDING OFFICER (Mr. EDMUNDS in the chair). It is the duty of the Chair to state that according to the understanding the ten minutes allowed to the Senator from Kansas have expired.

Mr. REAGAN. Mr. President, the amount of national-bank notes in circulation is being steadily reduced and retired from circulation as the national debt is being paid off. Besides that, the high premium on the bonds discourages banking establishments from issuing them as a basis for the issuance of currency. The result of the two causes combined is a reduction of the volume of circulating money, and the special need of the country is for an increased volume of circulating money.

We may expect a continued reduction of the amount of national-bank notes as the bonds of the Government are paid off. By what means are we to meet the deficiency in the volume of currency? We have agreed by the action of the Senate this evening, so far as the action of the Senate goes, to provide for the free and unlimited coinage of silver, but the amount of silver, if all put in circulation, would be unequal to the needs of the country.

It seems to me that the proposition made by the Senator from Kansas is wise and timely, that as the notes of the national banks are retired their place shall be filled by an equally valuable currency. No one complains of the quality of the national-bank notes. They furnish a fine currency, not a legal-tender note it is true, but they are so valuable, and are at par with coin, that even an officer collecting a note under a judgment would hardly inquire whether the notes he receives in payment are national-bank notes or legal-tender notes.

But we want more money. The needs of the country demand more money. Now, if we issue notes such as those now outstanding to the amount of the national-bank notes retired they will be just as valuable, just as useful in commerce, and they will answer all the purposes with less expense to the Government, with less expense to the people, than the expense of issuing the national-bank notes; and, besides that, they will to that extent prevent the national banks from controlling the volume of currency.

Senators will remember that in 1878, at the time when Congress had before it a bill to prevent the retirement of legal-tender notes and

when it had before it a bill to provide for the free coinage of silver, the national banks employed all their powers to defeat those two measures by an open contest with Congress. The newspapers in their interest denounced Senators and Representatives by every epithet of contempt and disrespect which they could manufacture, because they were seeking to promote the interest of the country by securing the free coinage of silver and by arresting the retirement of the legal-tender notes.

There had been some $400,000,000 of the legal-tender notes outstanding under the law of 1870, I believe it was, providing for a retirement and cancellation, and they had been retired down to $346,000,000 by the act of 1878. The Congress arrested the retirement of those notes and made provision that when paid into the Treasury they should be reissued and kept in circulation. It may be that it is that to which the Senator from Delaware refers when he speaks of their being irredeemable, but they on their face are redeemable in coin when presented at the Treasury if any one desires it.

Then the Senator in his explanation subsequently seemed to object to a money that was to be continually outstanding.

Mr. President, it seems to me that that is one of the very virtues that should commend these notes to the favor of the country; that is, that they are so valuable, that they answer so fully all the purposes of money, that there is no call for their redemption by the Government; that they go in circulation, remain in circulation to perform all the functions of money, and this, instead of being an objection, it seems to me is a great merit in those notes.

Mr. President, when in 1878 the national banks undertook to control Congress and for that purpose retired about $19,000,000 in three weeks, with a view to intimidate Congress and produce a financial depression, which they intended to charge upon Congress for intermeddling with the currency, they performed an act that showed that the power to issue currency ought to be taken out of their hands. They had no right to use the powers that the Government conferred upon them for beneficent purposes in order to control the will of Congress, to control the will of the people, and to control the interests of the American people and subordinate them to their own selfish interests. When they did this I assumed then, and from then till now I have insisted, that the power to issue currency ought to be taken from them.

I have no objection to them as banks of discount and deposit. For those purposes they may be wise and useful. I have no objection to that; but a set of corporations brought into existence to aid the Government and the people that by its annual meetings discloses the purpose and then by its action in the instance to which I referred in 1878 showed that it was willing to sacrifice the best interests of this country and endanger it with a financial crash in order to defeat a measure before Congress for the good of the public, ought to have that power taken from it. It would have produced financial disaster if the Secretary of the Treasury at the time had not thrown large sums of money upon the New York market to purchase bonds. We ought not to have such an enemy to the public to deal with.

So my view is that if these notes are retired their place should be supplied by the sort of notes provided for in the amendment of the Senator from Kansas, so that the transition from national-bank notes to the notes of the Government would be steady, certain, easy, and never deceive the public, with no jar, no violence, in the transition from the issue of national-bank notes by the banks to the issue of notes by the Government. As I said awhile ago, the notes issued directly by the Government save to the people the expense which now attends the issuance of the national-bank notes. The government would be benefited, the people would be benefited, and I trust the amendment offered by the Senator from Kansas will be adopted.

Mr. STEWART. Mr. President, I see no danger in this amendment. It does not increase the paper currency of the United States; it only takes the place of the national-bank notes as they are retired. They rest upon the credit of the Government just the same as the greenbacks do. They have no higher standing, if so high. These notes are not provided for as the Treasury notes are. The Treasury notes are provided for to be redeemed in coin, and the Secretary of the Treasury, as has been justly remarked by the Senator from Kansas, has the power to sell bonds if it is necessary to obtain coin to redeem them. They are amply secured.

I wish to call the attention of the Senator from Kansas to another security that they have behind them. By the free coinage of silver we shall have an additional amount of coin in the Treasury. The coin all goes in—it is going in now—and paper is being issued for it. We have a large amount of silver accumulating every day. Under the amendment we have adopted it goes into the Treasury generally, and it will be redeemable. They can take coin or they can take these notes. As a matter of fact, coin will constantly accumulate in the Treasury, and there will be an abundance there to redeem what paper will be out.

Now, it is the theory of bankers and of governments that you shall have out three to one, but before these are retired you will accumulate so that you will be far past that mark. If in the next year you get sixty or seventy million dollars of additional coin in the Treasury under the provisions of this bill you would have out two for one, you will only get out $36,000,000 of this. It is only a small amount. I do not know but that you could remove a million and get it out faster than that; and the coin is being supplied as a basis for this legal-tender money, and the United States will have out but a trifling amount compared with the coin it will have in the Treasury under the operation of free coinage and issuing Treasury notes. With the power to sell bonds, if necessary, to be redeemed, then with $100,000,000 behind them, or fifty million, or sixty million, perhaps seventy or eighty million accumulating every year of coin in the Treasury, this small amount is amply secured, and then by doing it we do not contract the currency.

It has been predicted that this free-coinage amendment will contract the currency and it would scare people. This amendment would prevent the contraction of the currency, and we shall have new money all the time, or gold and silver can be procured, and with an ample basis we shall have more than any other government. Nobody ever thought of having more than any banker, more than any institution that ever issued paper money based upon coin ever thought of having.

Mr. GRAY. Let me ask the Senator from Nevada a question.

The PRESIDING OFFICER. Does the Senator from Nevada yield?

Mr. STEWART. Certainly.

Mr. GRAY. I wish to ask the Senator how he proposes to get these greenbacks in circulation except a portion of them, as the Senator from Kansas explained can be done by taking up 4½ per cent. bonds.

Mr. STEWART. It is the simplest process in the world. The money that is paid in now to retire the bonds goes into the general fund and it is paid out. That money will not be there when the national-bank notes come for redemption. It provides that you may issue money and exchange it for the national-bank notes. We shall make money out of silver. We shall stop my friend's scheme of speculating in silver, and we shall not buy silver with it, but we shall use this issue to exchange for the national-banking currency when it comes in for redemption.

I believe there are about $70,000,000 out now. That has been retired so far as the banks can retire it. They have surrendered their bonds, and they have paid lawful money into the Treasury and withdrawn their bonds. That money is in the general Treasury, and when the national-bank notes come for redemption they have got to be redeemed with money in the Treasury out of the general fund. This provides a special fund for their redemption. It seems to me that is a very simple process.

Mr. HISCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from New York?

Mr. STEWART. Yes, sir.

Mr. HISCOCK. Do I understand the Senator from Nevada to claim that this is necessary to provide a redemption fund for national-bank currency?

Mr. STEWART. No, you can provide for it by taxation if you will.

Mr. HISCOCK. Is not that already provided for?

Mr. STEWART. It is provided for by taking it out of the general fund.

Mr. HISCOCK. No; I ask the Senator the question if the national banking currency in its redemption as it is presented is not already provided for?

Mr. STEWART. Provided for?

Mr. HISCOCK. I do not mean by taxation.

Mr. STEWART. How is it provided for?

Mr. HISCOCK. I asked you the question, if it is necessary.

Mr. STEWART. How is it provided for?

Mr. HISCOCK. I asked you the question, if it is necessary.

Mr. STEWART. Certainly it is provided for. The Government has agreed to redeem them, when they are presented, with the money in the Treasury, and until the act of last year you required the money to be retained which was deposited there, and you had a large amount of it locked up. The national-bank notes did not come up, and there was a vast fund accumulated, and at the last session Congress passed a law to cover it into the Treasury and redeem the national-bank notes as they came in out of the current fund. So I understood it has the effect of law. If I am mistaken I should like to be corrected.

Mr. MORGAN. Mr. President, the United States Government, as the law now is, stands pledged for the redemption of every paper issue that is out in this country. Whether it is to be redeemed in gold and silver or gold or silver is not exactly known, but there is no doubt at all that the Government of the United States to-day stands pledged for the ultimate redemption of every dollar of money that is in circulation of a paper kind, silver certificates, gold certificates, coin certificates, Treasury notes, otherwise called greenbacks, and national-bank notes. In the act of 1890, passed at the last session, we took a fund that had been laid up in the Treasury of the United States amounting to about $60,000,000, a trust fund which the banks had deposited there for the purpose of redeeming the issues of banks that were broken or in liquidation—we took that fund out of the Treasury as a trust fund, covered it into the Treasury again as a general appropriation fund, and we have used that all up, and I understand we are about $18,000,000 short now.

The United States Government being the ultimate redeemer of every dollar of paper issues that are out, the question is not altered by the

change of the form of the security, as is proposed by the amendment of the Senator from Kansas. The form of the pledge we have got to redeem now, we will say, is national-bank notes. We have no power to call in at our will any one of these paper issues. We can not order them to be surrendered by the holders of them, and say they shall accept either gold or silver in redemption of them. They were started out for circulation as money that will perform all the offices of money in their circulation, and the Treasury of the United States will never be able to touch them until they are voluntarily surrendered into the Treasury for redemption or until they are put in by way of taxation in some form or other.

Now, the question is this: As we can not compel the national banks to surrender their currency as long as they choose to go on with their present system of bank operations and keep their bonds in pledge in the Treasury of the United States for the redemption of the circulation, the question is, whether we shall give them the option of doing that thing at their pleasure and making a restraint or restriction in the amount of currency that is in the country without supplying its want with some other form of security.

Now, we see by the falling into maturity of the bonds that we have had now, about $36,000,000, if I have the figures right, will be out in the course of a year—$40,000,000 we will say will be due in the course of a year, when these bonds will come in, since they must come then for redemption unless parties choose to hold them without drawing any interest upon them, which is not likely to be done. Then the process will be this: The national banks that have their circulation based upon these bonds will have to bring it in and surrender it into the Treasury in order to get the bonds into their own hands or under their control. Then the United States Treasurer will pay those bonds, and that will be the end of the transaction, and there will be a shrinkage of $40,000,000 of currency, to say the least of it, within a little over a year, I believe.

The United States Government, as we are at present advised of the nature of the contract indorsed upon these bonds, is expected to pay in gold, and is held bound to pay in gold these bonds whenever they are called or presented for redemption. The national banks come in and surrender their currency issued upon the face of them and say "Give me my bond." The bond is surrendered. "Now, give me my gold upon it." The gold is paid out of the Treasury, and then we have got to resort to taxation to get that gold back, or something of the kind, and we shall have to tax the people continually and more heavily whose basis of currency is continually shrinking. That will not do. That will ruin any country in the world.

Now, then, what is proposed to be done? You change merely the nature of the security, and instead of making an out and out redemption in coin of this circulation we will redeem the national-bank notes that are outstanding precisely as the law requires them to be redeemed now by the issue of the Treasury notes. In order to do that we have got to take off the restriction of course that they shall not issue exceeding the amount that is outstanding, I believe, $346,000,000. That restriction will have to be removed and that is removed by the amendment of the Senator from Kansas.

So, as fast as the national banks choose to retire their circulation, it being a matter of entire option with them and not on our part a compulsory mandate that we can exercise toward them, they will bring their circulation into the Treasury of the United States and the Government will issue immediately in lieu thereof Treasury notes instead of its being a final and ultimate redemption, which will shrink the volume of the currency in the country. It is a mere change in the form of the security without adding one single dollar to the volume of circulating currency.

Now, there are a great many people in the United States who desire very much to increase the volume of the greenbacks. A Senator asks the question whether there is a fund for their redemption. There is $100,000,000 in the Treasury not carried there by any law, carried there by an order of the Secretary of the Treasury, which, however, we have recognized from time to time as being a proper redemption fund of $346,000,000. In that one little particular, that single phase and view of the financial condition of the United States, the Government of the United States is simply a banker operating upon a deposit of $100,000,000 and using $346,000,000. That is as clean a bank operation as was ever performed in the world. It is the issue of $346 for $1, that is all.

Mr. President, where can be the harm in this? Where can be the danger? Who can say that it is inflation? Have we not as good a right to change the form of the security in this case as we have in many others that we have already adopted? Did we not change the form of security for the redemption of the national-bank issues when we passed the law in 1890 to which I have just referred, when the Treasury of the United States by our action was made responsible for the redemption of sixty-odd millions of national-banking currency, and the funds in our Treasury were converted to our own use? We changed the form of security there.

We have got that debt to pay and we have got to pay it through taxation. Whether we pay it in gold, or whether we pay it in silver, or whether we pay it in coin certificates, or what not, it makes no difference. The money that we happen to have in the Treasury at the proper time to meet the obligations that we are under, and have placed ourselves under voluntarily by this act of ours, comes through taxation, and of course it is just as broad as it is long.

The Senator from Kansas will inform me if I am wrong about it, but, as I remember, the Senate, by a call of the yeas and nays of this body, passed on a former occasion the identical amendment that the Senator from Kansas has now offered.

Mr. PLUMB. It did.

Mr. MORGAN. The subject was then fully considered and debated; I recall the matter; and it was then considered by the Senate of the United States that we could not cause this shrinkage in the volume of the national-banking currency nor permit it without substituting for it something else.

I am not speaking to-night for the national banks or against the national banks. In my judgment they are one of the indispensable fiscal agencies of the United States Government.

I shall deplore very much indeed the day when any man can take his bill of exchange to the counter of a subtreasury of the United States and ask that it be discounted across that counter by the officers of the Government. There must be the intervention of some fiscal agent which has personal and individual responsibility associated with it so that the men who hand out the issues upon securities of whatever character may be responsible personally for the success of their loan. The Government of the United States can not become the lender of money to its own people without subverting the whole financial scheme of the Government. But this does not touch that question.

The PRESIDING OFFICER. It is the duty of the Chair to state that the ten minutes of the Senator have expired.

Mr. EVARTS. Mr. President, the relations of the people to the Treasury of the Government are substantially these: that the only resources of our Government are to be derived from taxation or by the realization of a sale of property belonging to the Government. It is now proposed to put at the disposition of this Government, by the will of Congress, the power of making money out of paper, and that connects itself in no way with revenue or the sales of the property. In other words, we are introducing at this hour in the night a method by which this Government is, by the will of Congress, from time to time, to make, by paper money, obligations of the Government that are to rest, if they ever are to be redeemed, ultimately upon taxation.

Mr. President, except in the case of loans which anticipate revenue it has never been thought wise to place in the power of the Government the creation of money. It may be necessary in exigencies, and in the civil war there was an exigency that required that all the wealth of this country should be marshaled for the war by the conscription of its wealth, as of its military force collected by volunteers or conscription of men, and the issue of all that was that by force of law these issues should pass for legal tenders in the exigency, always carrying the result that at the end of the war the clearing house was to be brought to a settlement and the paper was to be redeemed.

At a certain stage of that proceeding this Government held that this limitation of what was issued for the exigencies of the war might now be kept alive for ease or convenience or safety in the currency of the country; but the fact that no authority had ever been given to this Government to create this legal paper money except under these great exigencies, and that what was kept alive was supported upon that necessity, which could not prevail in the Government needs or in the action of Congress except upon so great a stress as that this issue might come in and go out, but always as a living force of the needs of the nation in their war.

And now, coolly, it is proposed that besides the revenues that are raised by Congress from the people and by the conversion of any property, of public lands, or what not, there shall be accorded to this Government the power of making money, and restrained only by what can be called a convenience in the proceedings of financial arrangement.

We are told that there is a limit here imposed. It is a limit of $180,000,000. What does that limit rest upon? Does it rest upon a necessity of war? No, but upon the convenience of the issue; and when this convenience has thus been heedlessly met this instance will be a new precedent for the creation of money under any convenience, and thus we are at once launched upon a scheme of fiat money when the abundant resources of this nation entitle us to keep our issues upon the wealth of the country raised by taxation and the conversion of property.

Senators should understand that if it were difficult to draw a line for the issue and reissue of the legal-tender notes that sprang from the war, you are letting loose now here, and for aught I can see forever, the proposition that whenever it is convenient in finance there is to be a creation of legal-tender paper.

I hope, therefore, that whoever votes here will know what he is voting about and know what he is voting, and if there are other methods by which an ease in the circulation of the country can be promoted, they should find some other method than that which opens and unlooses this contrivance.

Mr. MORGAN. Before the Senator takes his seat will he allow me to ask him a question? I desire to ask the Senator what substitute he would put into currency in circulation in the place of the national-bank notes if those banks should voluntarily surrender all their circulation? What would the Senator do now?

Mr. EVARTS. What would I do?

Mr. MORGAN. Yes; what would the Senator do?

Mr. EVARTS. I would not restrict them; I would not restrain them. I would find some other method.

Mr. MORGAN. What other method would the Senator find for supplying that currency?

Mr. EVARTS. I am not dealing with that now. I am only saying that under no circumstances in time of peace, with no stress upon the country, would I vote for authorizing legal-tender paper by the Government of the United States.

Mr. MORGAN. Then, I suppose the Senator would come down to the proposition of having gold and nothing else for the circulation in the United States.

Mr. EVARTS. I did not say that.

Mr. MORGAN. For if there is any paper issued by the United States Government, no matter what the pledge of redemption is, that can not be a legal tender according to the Senator's theory.

Mr. EVARTS. I am not afraid of its being good paper. That is what I fear, that it will always be found convenient to make paper and thus separate the Government in the will of Congress from the basis of its issue upon the wealth and the taxation of the country. So when there is a creation of paper obligation by this Government the people may always know and see that that is to be met by taxation, and it ought not to be anticipated by a creation of paper money.

Mr. MORGAN. Well, we are to discuss the volume of the circulating paper currency in this country and then increase it again or you get hold of money by taxation. The people will be in a bad way if they have got to give up their circulating medium.

The PRESIDING OFFICER. It is the duty of the Chair to remind the Senator from Alabama that the understanding is that a Senator is to speak but once.

Mr. MORGAN. I beg pardon.

Mr. COCKRELL. I understand the amendment now pending is that of the Senator from Kansas [Mr. PLUMB] and is practically section 2 of his amendment. Am I correct in that?

The PRESIDING OFFICER. The question is on the motion of the Senator from Kansas to strike out section 3 and insert what has been read.

Mr. COCKRELL. And that section authorizes the Secretary of the Treasury "to replace all sums of national-bank notes hereafter permanently retired and canceled by the issue in lieu thereof of like sums of United States notes of the description and character of the United States notes now outstanding and authorized by the act of February 25, 1862, entitled," etc.

Mr. PLUMB. If the Senator will permit me, that is a misdescription of the act. It should have been the act of March 3, 1863.

Mr. COCKRELL. It does not make any difference about that.

Mr. President, what is this proposition? What is the condition of the national banks? On November 30 the national banks had a capital of $659,782,865 and United States bonds deposited to secure circulation amounting to $140,190,900, and circulation amounting to $124,958,736 outstanding. They had a circulation outstanding and to redeem, for which they had placed in the Treasury Department legal-tender notes amounting to $54,796,907, but that is not embraced in the terms of this amendment. The banks have already paid the United States that amount. The United States by the act of July 14, 1890, covered that $54,796,907 into the Treasury as an asset, by that amount increasing the surplus apparently, and has assumed the payment of $54,000,000 of outstanding national-bank notes. So that on the 30th of November we only had $124,958,736 of national-bank notes in lieu of which this amendment would cause greenbacks to be issued.

Now, during the last five years there has been an enormous shrinkage in the circulation of the national banks. During the five years ended October 31, 1890, the aggregate of their circulation based upon the deposits of United States bonds has been reduced from $276,304,189 to $124,958,736, showing a net decrease during the five years of $151,345,453. The net average decrease of the past five years has been $30,269,090. This is simply a proposition to issue United States legal-tender notes and substitute them for this $124,000,000.

Mr. President, I favor the proposition. The national-bank paper has been a good circulation, but banks and the authorities of banks back of those have not added one-millionth part of a cent to their circulating character and value. Their value has depended entirely upon the assumption of their payment by the National Government, and they can not possibly be any better than the greenbacks. If there is any profit in the issuing of this circulation, let the people of the country, the masses instead of the classes, have the benefit of it. We ought to have in this country $500,000,000 of paper circulation based upon the indebtedness of the Government, issuing as an obligation of the Government and bearing no interest.

We ought to have more, but we can keep that amount, and they will always be at a par with gold. Remonetize silver, give it free unlimited coinage, and issue $500,000,000 of greenbacks with what we have already issued, and they will still remain the equivalents of gold; there is no question about it; and then we shall have in this country the amount of circulating medium which the interests of the country and the business of the country demand. Therefore I am heartily in favor of this proposition.

Mr. MORGAN. There will be no chance for shrinkage then.

Mr. COCKRELL. It will not give us $500,000,000; but add $124,000,000 to the $346,000,000 and it gives us just $470,000,000 exactly, and that is $30,000,000 less than we ought to have; but still that is better than to let the notes be retired and the circulating medium of the country contracted by that amount, and to that extent the value of the property of the masses of the people reduced and depreciated.

Mr. DANIEL. Mr. President, the proposition, as I understand it, is that the United States shall issue a dollar of greenback money for every national-bank note that shall be hereafter retired, dollar for dollar. The Senator from New York characterizes this as embarking on the uncertain sea of paper money, but this proposition does not increase the paper money of the country to the extent of one dollar. That will stand as fixed and stable as it is to-day, and the only possible increase of currency that can occur in this country after this bill shall have become a law will be through its natural fountains of wealth, the mines of gold and silver.

So, Mr. President, while it is a very fine figure of rhetoric to speak about launching out on a sea of paper money, and may alarm the already somewhat intimidated and alarmed markets of the United States to have them advised from the Senate floor that the Senate proposes to embark upon this dark and ominous ocean, let us remember that the ocean after this bill has passed will not be an inch broader, an inch deeper, nor have another drop of water in it than is in it now, and the embarkation upon this ocean will simply consist of not drying it up.

Now, the Senator from New York thinks that it is not within the power of this Government in time of peace to declare that its paper money, which is guarantied by all the property and character in the United States, shall be made a legal tender in the discharge of debts. That might have been a very good argument to suggest to the Supreme Court when they had before them the legal-tender cases, which are reported in one hundred and tenth volume of United States Reports, a case in which the distinguished Senator from Vermont [Mr. EDMUNDS], who just now preceded the present occupant of the chair, made the same argument, that the legal-tender power of this Government was a war power, and that it required the necessity and strain of a great exigency to give the representatives of the Government the capacity to set it in motion.

Suffice it to say that here is the text of the unanimous opinion of that court, with the single dissent of Judge Field, in which that court declares that it is a peace-time power as well as a war-time power, and that the legal-tender notes of 1878 which were issued thirteen years after the last sound of cannon had been heard in war were a valid legal-tender money of the United States.

Mr. President, in the nature of things if there can be legal-tender money of the United States it can not depend upon the incident of war whether that power to impart legal tender to paper can be exercised or not. It is a power of Congress, and if that power exists in Congress it is a political power of which no higher agency in the Government can judge as to the discretion of its exercise.

This identical question, then, is an old question which has been before mooted and has been finally settled in a series of cases covering every phase of suggestion that the Senator from New York can make.

Mr. President, I have been amazed to hear as one of the last arguments against the passage of this relief financial measure that the country is now in a more prosperous condition than it has ever been before, and Senators tell us that there is no necessity for enlarging the financial facilities of the people, as if we had neither eyes nor ears to see and hear what is going on around us.

In the year 1889, if I may trust the commercial reports of this country, there were more failures than in the preceding year, and the aggregate of failures exceeded that of the preceding year by $40,000,000. Furthermore, but day before yesterday the leading commercial journals of New York had a statement of the shrinkage in values of the listed stocks of Wall street since the financial depression commenced in London and was imported to the United States, and in that single item of property which is comprehended in the listed stocks upon the marts of exchange in New York the shrinkage had been nearly $250,000,000; and I might well say to the Senators who argue that the country is so prosperous that if that be prosperity make the most of it.

Mr. President, there are some figures, which I have not had the opportunity to test the complete correctness of which will show in a nutshell where the joint of this discussion as to more money or less money lies. I take these few figures, which I shall beg leave to cite before this debate closes, from a statement in the New York Economist, a compilation made by Mr. Dunning, a contributor thereto. This gentleman goes through the calculation and sums up to this effect, that if in the year 1886 one man had locked up $1,000 in cash and another an equal amount of wheat, to-day the $1,000 in cash would buy 1,666 bushels of wheat, while the $1,000 invested in wheat in 1886 would realize only $300.

Again, Mr. President, the national debt in 1866 was $2,783,000,000. On the principal of this debt of $2,783,000,000 we have paid up to the present time $1,590,000,000, and for interest $2,540,000,000, and $58,000,-

000 in premiums on bonds purchased, amounting to $4,198,000,000, and yet the debt that we have now twice paid with all this premium upon it is $1,183,000,000, and we are to contract the currency which is to pay it.

He proceeds further to show that the debt if paid in 1866 would have required 87,000,000 barrels of pork and to-day it will require 147,000,000 barrels of pork. Of wheat, 1,000,000,000 bushels would have paid it in 1866 and it now requires 1,972,000,000 bushels. Of cotton, 7,000,000,000 pounds would have paid it; to-day it requires 13,000,000,000 pounds.

So, Mr. President, the people of this country have got their eye on the fact that it is the continued policy of those who here contend against silver and against any alleviation of the financial markets to drive down the price of labor and the price of produce, and to continue to stimulate the price of their fixed investments, and the people understand the situation just as well as they do. They want their corn and their wheat and their produce to come to their assistance, and this measure will bring it there.

Mr. PLUMB. I move to strike out the last two lines of the amendment, lines 12 and 13.

The PRESIDING OFFICER (Mr. FRYE in the chair). The Senator from Kansas moves to strike out the last two lines of the amendment. The Chief Clerk will report the amendment.

The Chief Clerk read as follows:

Authorized and issued, shall be received for customs and as a legal tender for all public and private dues.

Mr. PLUMB. Mr. President, if there is any logic to this legislation it is what has a relation to the volume of the circulating medium. If we are to so legislate, either with or without the free coinage of silver, as to reduce the amount of money in circulation, then I am opposed to the legislation, no matter what else may come of it. Three years ago, on a measure then pending, on a motion which I made, after full and fair discussion the Senate by a majority adopted a proposition similar to the one now pending. It was done upon the theory, entirely legitimate, that the receding volume of national-bank circulation ought to be met or overtaken by an advancing volume of legal-tender notes.

The argument of the Senator from New York amounts to this: First, that the United States can not issue or maintain legal-tender currency that would require from time to time the retirement of the legal-tender notes now outstanding; second, that there can be no paper money issued which does not have back of it a dollar at par of silver or of gold. That amounts to circumscribing the activities, the energies, the aptitudes, the opportunities of our people to the volume of metal money which we may be able to have.

I realize the conservatism which the Senator from New York expresses when he doubts the propriety of entering upon this sea, as he calls it, of legal-tender money; but I venture to remind him that we have already entered upon it; that we have got $346,000,000 now outstanding; and that the United States Government has authorized banks to issue a volume of money which has been at a maximum of $347,000,000 and is now a volume of $180,000,000. This has been usefully employed; it has been made use of by the people of the United States in the transaction of their business, and if it is to be withdrawn something else has got to take the place of it.

Now, the Senator opposes to that proposition that we shall put something in the place of it, the idea about the impropriety and the unconstitutionality of the Government issuing legal-tender money. But the United States Supreme Court has settled that question about legal tender, and there never has been a time from the beginning of the Government down to the present moment when any person or any party doubted the authority of the Government to issue money. Mr. Calhoun said that the Government might with great propriety issue a certain amount of paper money as relating to the revenue; and that there should be more money, more circulating medium, than the volume of metals would give has been conceded from the beginning, and is truer now than it ever was.

If the proposition of the Senator from New York is to prevail we must crib and coffin and confine all our energies to avoid this counter proposition which he asserts; we must quit doing business, we must contract what we have been heretofore doing, we must quit building railroads, extending operations, and everything of that kind, and must do nothing which is not based upon the actual volume of gold and silver outstanding.

More than that, the Senator is not willing himself for the free coinage of silver, but we shall have as much gold as we get and then we shall have just as much silver as the creditor class of this country are willing to give us, and we have got that from time to time as the case may be, and we must manage all our business with reference to that.

Mr. President, 65,000,000 can not stand that sort of regimen. They must have more money than that provided. If the Senator from New York or anybody else objects to this proposition let him propose something else. If he says that the retiring volume of a national-bank circulation is not to be met and overtaken by a volume of a legal-tender currency issued by the United States Government, then let him say what else is to take the place of it. If not, then we are in this condition, that with increasing necessity for money, with increasing business, increasing population, we must accommodate ourselves to a diminishing volume of circulating medium.

If this bill has as its final result to provide a contraction of circulation, then I am not for it, no matter how much it may provide, nor how amply it may provide, for the free coinage of silver. That with me is subsidiary. It relates, first, to the volume of money we may get, and mainly to the basis on which we shall base circulation for the transaction of all our business; but if it is to come to this, that the Congress of the United States is to take no notice of the retiring bank notes, is to make no provision for anything to take their place, but is to enter upon an experiment of the free coinage of silver, with all the doubts as to what may come about the increase in the volume of the circulating medium, then, Mr. President, I am not for the bill.

But standing as I do upon the proposition that there is not money enough to-day and that under no circumstances should its volume be diminished, but that we should first and foremost provide against a diminution, and that then cautiously, sensibly, and conservatively we should provide for such addition as may come on account of the increase of the silver of the world which may be presented at our mints under free coinage, I am willing to go forward and take the chances. But if we are to legislate to-day for a possible contraction then we had better stop exactly where we begin. If the country is to come to disaster, if we are to go on under the present congested conditions, in which a handful of men control the business of the country, I prefer that it shall be with my dissent rather than with my assent.

So, Mr. President, I come back to this proposition, which is plainly and simply that whatever contraction occurs by reason of the retirement of national-bank notes now inevitable—can not be helped, has been confessed everywhere as essential to come—in the place of it there shall be put United States notes possessing the functions of those issued under the act of 1863, the legality of which has been affirmed by the Supreme Court, the usefulness of which has been attested by all the people of the United States, and which can not in any way commit Congress to any issue of paper money irrespective of the means of redemption or any loose or idle way which may in any way invite or foretoken inflation.

The PRESIDING OFFICER (Mr. EDMUNDS in the chair). The question is on agreeing to the amendment last proposed by the Senator from Kansas.

Mr. EVARTS. Mr. President, I speak to the last amendment, the same amendment that the Senator from Kansas has just spoken upon.

The Senator from Virginia [Mr. DANIEL] and the Senator from Kansas seem to imagine, for certainly I said nothing to base such a notion upon, that I thought that the issue of this legal-tender paper was not constitutional; that it was not within the power of Congress.

Ah, Mr. President, there is the trouble. It is constitutional, and it is within the power of Congress, and it is to issue this paper upon any such motives as to Congress from time to time under such exigencies as may seem to it adequate for the increase of this form of the debt of the country. No, Mr. President, there is no evasion of the matter. The Senator from Kansas now and the Senators on the other side of the alley who support it put it upon no ground whatever but that they want more money, and this——

Mr. PLUMB. No; the same amount of money.

Mr. STEWART. We do not want less.

Mr. EVARTS. Well, what is it the Senators say?

Mr. STEWART. We do not want any less.

Mr. MORGAN. They do not want any shrinkage in the money.

Mr. EVARTS. Then I will go on with my observations. They want more money, and this is the easiest way to get it from Congress. I suppose the interruption means that they only ask for enough to fill the vacuum. But what other vacuums may there be? No, there is no disguising it, that the reason, the motive, the argument, and the expediency rest upon nothing but that more money is needed for the people and this is the way to get it. I will ask the Senator from Kansas if, after this $124,000,000, when that vacuum is filled, he thinks that that is the only expansion of the currency of this country that he wants.

Mr. PLUMB. I think Congress could issue as much more as it saw fit to do.

Mr. EVARTS. I do not ask what they can do. I admit that they can do it. My point is that they can do it, and thus they can reissue it out without holding the Federal relations to the people of this country to the money and the measure of money and the creation of money by this Government. The opinion of the Supreme Court was right. The Democratic party has condemned it, but it was right; and there the power is lodged in us. Therefore it comes up on every condition and exigency, that there is the power under the Constitution, and therefore the appeal is so ready, meet the difficulty by issuing paper money.

But the Senator has not answered my question. Is $124,000,000 the only expansion of paper money that he would have for this Government?

Mr. PLUMB. So far as that is concerned I suppose that is one of those questions that will answer itself from time to time.

Mr. EVARTS. Exactly, and there is the terrible difficulty. Whenever it is easier to print our Government money for the exigency then is the time to print it.

Mr. VEST. Mr. President, the argument of the Senator from New York resolves itself into this, that he prefers to give the power to ex-

pand and contract the currency of the United States to the national banks rather than to the representatives of the people in Congress assembled.

Mr. EVARTS. If the Senator will allow me a moment, I have not said a word about the national banks.

Mr. VEST. But I say that is the result because that is the present system, and to that we object specifically. Under the law as it now stands, and which I assume the Senator from New York does not propose to change or amend, the national banks of the United States can contract or expand the circulation of the people as they see proper.

Now, sir, for myself, in a representative government I infinitely prefer to give that power to the representatives of the people, who are presumed, whether it is actually the fact or not, to know the necessities of their constituents and what is best for the welfare of the country. Under the present system any national bank can bring back its circulating medium, take out its bonds, and contract the currency of the people of the United States to that extent. For every $100 in bonds deposited in the Treasury they receive $90 in notes really issued by the Government without any expense to the banks except payment for the plates upon which the notes are printed.

I had occasion the other day to allude in some remarks I made upon this silver question to the extraordinary spectacle presented to us during the Hayes Administration, when the national bankers from all parts of the country thronged the corridors and lobbies of the Capitol and threatened Senators and Representatives with their displeasure if we dared to pass an act that forced the national banks, who are fiscal agents of the Government, to help us fund the public debt. We did pass that bill, and we all remember who were then in the Senate how they clamored around the White House until they secured a veto; how in order to intimidate the Administration they threw the money market in New York into a panic, struck down the value of securities, and then said to the people of the United States, "We are larger than Congress and have brought about what we pleased."

Mr. President, I was astounded to hear my friend from Delaware [Mr. GRAY] state here upon this floor that we proposed by this amendment of the Senator from Kansas to issue fiat money. A grosser misuse of the term was never heard in this Chamber. What is fiat money? It is what the signification of the word carries upon its face, that a piece of paper payable to nobody, in nothing, at no place, at no time, shall be the currency of the country; that the Government of the United States shall put upon a piece of paper "United States of America, ten dollars," and that becomes by the fiat of the Government itself a circulating medium of the United States. Is that a greenback? Is that the sort of money that we propose to put in the place of the retiring notes of the national banks? A greenback is payable by the Government in money, whatever that money may be, gold or silver. It is receivable for public dues; it is payable at a certain time and in a certain place, and it is as different from fiat money as it is possible to conceive a difference between one thing and another.

Mr. BUTLER. Mr. President, if the Senator from Missouri will permit me——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from South Carolina?

Mr. VEST. Certainly.

Mr. BUTLER. I should be very glad for the Senator to inform the Senate if he can (if he can not I should be very glad for some other Senator to inform the Senate) what amount of money is in circulation to-day.

Mr. VEST. In round numbers there is in circulation in the United States $1,500,000,000; $1,440,000,000 is, I think, the accurate statement.

Mr. COCKRELL. And that includes the amount in the banks.

Mr. VEST. That includes the amount not in circulation.

Mr. BUTLER. I was coming to that, if the Senator will permit me to interrupt further. One billion and four hundred and odd million, he says, is the circulating medium of this country.

Mr. VEST. Yes, of all sorts.

Mr. BUTLER. Of all sorts. Now, can the Senator inform the Senate how much of this is in actual circulation? how much is held in reserve by the national banks, in the Treasury, and in the State banks and in various vaults? If the Senator can do that he will confer a very great benefit upon me certainly, and I think upon the country.

Mr. VEST. I stated the other day, I think, in some remarks I made upon silver, which will be found in the RECORD, the exact amount, taking out what are called the reserve funds not in circulation. It amounts to about $20 per capita among the 63,000,000 in the United States. France has $47.

Mr. SPOONER. Fifty-odd dollars.

Mr. VEST. Fifty-seven dollars, possibly. England has a larger amount than this country, and so has Germany. There is in the United States, in round numbers, without giving the numbers exactly, $650,000,000 in gold, $450,000,000 in silver, and $400,000,000 in paper money, making within the near vicinity of $1,500,000,000. We canceled last year, according to the report of the Treasury Department, $22,500,000 of national-bank notes.

If the predictions of the Senator from Ohio made repeatedly upon this floor as to the effect of free coinage be partially realized, what will be the condition of this country unless we adopt some such provision as this? If it be true that the free coinage of silver will take out of this country even partially a large amount or even half of the $650,000,000 of gold, what is to take its place when we add to that the cancellation of the national-bank notes from year to year? Instead of having our proportion of currency, of the world's money, which is necessary to carry on the business of this country, $1,500,000,000, we shall take out of it $650,000,000 of gold, if the Senator from Ohio be absolutely correct, or one-half of that amount even if he approximates to it; and in addition to that year by year we are diminishing the amount of paper money by the cancellation of the national-bank notes.

Mr. President, it is not a question of power; it is a question of expediency. The United States Supreme Court and the Senator from New York and every intelligent lawyer——

Mr. EVARTS. I stated expressly it was a question of expediency; and that is the trouble about it.

Mr. VEST. Yes, it is a question of expediency, and that question, I say, is to be determined by the representatives of the people and not by the national banks; and that is the issue here and now upon which we are expected to vote.

If we continue the present system, if we continue the cancellation of the national-bank notes and continue at the same time in the national banks the power to contract the currency, no man can predict it with certainty; but it may be that the entire volume of the national-bank currency will go out of circulation and be retired, because our bonds are now steadily increasing in value, and, as we all know, the larger banks in the country are retiring their circulation and taking out the bonds on account of the premium that is being added to them from day to day.

There has never been in the United States a currency so popular among the people as the greenbacks. There has never been any species of money which has so well met the necessities of business in all portions of the country. Silver has been too cumbersome. Gold has been used simply for exchanges and as the basis of credit. As my friend from Alabama said to-day, it is not now and has not been for years serving the purposes of currency among the people. But greenbacks (for which, let me say to the Senator from New York, every acre of land, every pound of produce, every sinew and muscle in the United States is pledged) command the absolute confidence of the people, and from their very nature can be passed from hand to hand more easily, and therefore can more fully meet the necessities of business.

Mr. BUTLER. Mr. President, I have been a good deal confused by the various statements made upon the floor of the Senate in regard to the question which I put to the Senator from Missouri awhile ago, as to the amount of circulation now used by the American people. When I use the term circulation I mean that which is in actual circulation, not money which has had the stamp of the Government upon it and may be a legal tender or may be money in any sense, but how much is in actual circulation in this country?

I heard my friend, the Senator from Kansas [Mr. PLUMB], state here at the last session of Congress that, in his judgment, making allowance for all the reserves held by the banks and by the Treasury, etc., there were not over $600,000,000 in circulation. Perhaps I may be under the mark. If that be true, not only is there not $24 nor $22 nor $21 per capita in circulation, but there are not $18 per capita in circulation in this country.

Mr. ALDRICH. Not $10 according to the Senator's computation.

Mr. BUTLER. The Senator from Rhode Island says not $10.

Mr. ALDRICH. According to the Senator's own computation, if there are 62,000,000 of people, there is not $10 per capita.

Mr. BUTLER. The Senator says not $10.

Mr. ALDRICH. I say if the Senator's statement is correct.

Mr. BUTLER. I am simply quoting from the statement made by the Senator from Kansas. The Senator from Rhode Island says not $10, and the Senator, I believe, would be content with that condition of things in this country.

Mr. ALDRICH. If the Senator will permit me, I have not said anything of the kind.

Mr. BUTLER. What did the Senator mean by the interruption, then?

Mr. ALDRICH. I was trying to help the Senator out by making the computation.

Mr. BUTLER. Ah! Mr. President, when I want the Senator's assistance I will call upon him. I should be very much obliged to him if he would not come to my rescue until I ask his assistance. [Laughter.]

I say, if the Senator from Kansas is right, there is not only not $21 or $20 or $18 per capita, but, as the Senator from Rhode Island says, there is not $10. I confess very frankly that I have not regarded the question of the amount of currency per capita in this country as a very potential influence, but the financial officers of this Government have put themselves to a great deal of trouble to prove the fact that a large part of the financial transactions of this country is done by what are known as checks and drafts.

In the report of the Director of the Mint, which I hold in my hand,

he establishes the fact that 88 per cent. of the financial and commercial transactions of this country are performed by checks. That is misleading. It misled me. When we remember that only those people can pay their bills by checks upon banks who have a bank account and that thousands and millions of people in this country who have no bank account must transact their financial business by the actual delivery of the money itself, I say the statement that 88 per cent. or 90 per cent. or 95 per cent. of the business of this country is done by checks is misleading, and there is required for the transaction of business a very large volume of money to pass from hand to hand in the affairs of the people of this country. You can not pay your railroad fare by check, you can not pay your street-car fare by check. You can not pay the freight upon railroads by check in the majority of instances.

Therefore I say it is important that the volume of currency shall be large enough to meet the business requirements of the people of the country; and, as my friend from Missouri has suggested, I should prefer, for one, to leave that question to the representatives of the people of the country rather than to any organization of financiers anywhere.

I find in the report of the Director of the Mint for 1889, which is the last one I have been able to get, a table which I shall read, which exhibits the estimated stock of metallic and representative money in the United States, and the location of the same, January 1, 1890.

Mr. COCKRELL. From what page does the Senator read?

Mr. BUTLER. From page 48:

Location of the moneys of the United States, January 1, 1890.

Moneys.	In Treasury.	In national banks (December 11, 1889).	In other banks and general circulation.	Total.
METALLIC.				
Gold bullion	$67,265,944			$67,265,944
Silver bullion	11,626,395			11,626,395
Of course that must be deducted from the currency.				
Gold coin	246,401,951	$71,910,467	$303,696,645	622,009,063
Silver dollars	288,535,500	6,439,483	54,943,018	349,938,001
Subsidiary silver coin	21,927,927	4,089,243	50,807,058	76,824,228
Total	635,767,717	82,459,193	409,446,721	1,127,663,631
PAPER.				
Legal-tender notes	15,673,925	84,490,894	246,816,197	346,681,016
Old demand notes			56,442	56,442
Certificates of deposits	570,000	9,000,000		9,570,000
Gold certificates	31,316,100	77,408,260	45,577,629	154,301,989
Silver certificates	2,252,966	11,422,004	271,527,069	285,202,039
National-bank notes	4,500,355	22,780,071	169,949,979	197,230,405
Total	54,313,356	205,101,229	733,627,316	993,041,891

The Senator from Wisconsin [Mr. SPOONER] suggests to me that gold coin and silver coin in the Treasury are represented by gold and silver certificates. That I admit, but there must be deducted from the stock of metallic and representative money the gold coin, silver dollars, gold bullion, and silver bullion.

Mr. SPOONER. Not from the currency of the country.

Mr. BUTLER. Yes, from the currency of the country, because the gold and silver coin is in the Treasury. It is not in circulation. The gold bullion is not in circulation; the silver bullion is not in circulation. Then when we come to "paper" we find in the same table from which I have just read:

That is a paper currency aggregating $993,041,891 against $1,127,663,631 of metallic money. That is all the money there is in the country. How much must be taken from those two amounts to indicate and show how much actual money is in circulation among the people? The Senator from Massachusetts [Mr. DAWES] tells me that he can not tell with any accuracy how much that is. I had hoped that I might get some assistance from my distinguished friend, who is always accurate and whose assistance I invoke to tell me just how much there is; but, if the Senator from Massachusetts is modest about it and can not reply, I call upon my friend from Rhode Island [Mr. ALDRICH], who seems to be thoroughly informed.

The VICE PRESIDENT. The Senator's time has expired.

Mr. DAWES. I will help the Senator all I can.

Mr. BUTLER. I shall be delighted.

Mr. DAWES. As soon as I get time I will go around and inquire. [Laughter.]

Mr. BUTLER. That is surprisingly accurate, Mr. President.

Mr. ALDRICH. I ask that the vote on the pending question may be taken by yeas and nays.

The yeas and nays were ordered.

Mr. HARRIS. I think the yeas and nays were heretofore ordered.

Mr. COCKRELL. What is the question?

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Kansas [Mr. PLUMB].

Mr. ALDRICH. The first amendment.

The VICE PRESIDENT. The last amendment has been withdrawn.

Mr. COCKRELL. No, the last amendment has not been withdrawn.

The Senator from South Carolina [Mr. BUTLER] was making a specific inquiry in regard to the amount of money. I have in my hand the report of the Director of the Mint for the year 1890. On page 77, he says:

> The number of silver dollars in circulation, that is, outside of the Treasury vaults, was on June 30, 1890, $56,278,749, against $54,457,299 at the commencement of the fiscal year, while the number of silver dollars owned by the people, that is, silver dollars and silver certificates in actual circulation, aggregated $353,834,987, against $311,612,864 on July 1, 1889. The number of silver dollars owned by the Treasury on July 1, 1890, was $15,591,479, against $21,889,786 on July 1, 1889.
>
> The total amount of metallic and paper money in the United States July 1, 1890, exclusive of the holdings of the United States Treasury and of the silver bullion in the vaults of the Mercantile Safe Deposit Company, was $1,429,307,302, a per capita, reckoned upon a population of 63,000,000 people, of $22.68, against $1,380,418,091 at the commencement of the fiscal year, an increase of money in circulation of $48,889,211.

The Director of the Mint estimates that there was in the United States of metallic and paper money, exclusive of the amount in the United States Treasury and the silver bullion in the vaults of the Mercantile Safe Deposit Companies, $1,429,307,302. There was in the national banks and in the State banks, savings institutions, etc., on the 18th day of last July, which was very near the date this estimate was given, $478,316,694. This was the amount that was necessary to be kept in these banking institutions to meet the business day by day and week by week and month by month, and consequently that amount could not circulate, and in round numbers $478,000,000 is to be deducted from the $1,429,000,000.

Mr. BUTLER. How much does that leave now?

Mr. COCKRELL. I have not made the calculation. I made a calculation upon a different basis from that of the Director of the Mint. It leaves less than a billion dollars.

Mr. BUTLER. How much per capita?

Mr. COCKRELL. Deducting that amount, in the neighborhood of $15 per capita, counting the population at 63,000,000. I made a calculation of my own from the reports of the Comptroller of the Currency and the Director of the Mint combined, and I made a total of money in the United States of $2,212,913,911. Now I deduct from that the metallic money in the Treasury, $647,056,354, and the paper money in the Treasury, $57,353,426, making a total in the Treasury of $704,409,790, and that left $1,508,504,121 outside of the Treasury; and that consisted, according to my figures, of $533,179,823 of metallic currency and $975,324,298 of paper money, and it included silver bullion of $9,500,000, leaving a total outside of the United States Treasury of $1,499,004,121. That would give a per capita of $23.80. Take from that the amount of $478,316,694 in the banks, and that would leave $1,020,687,727, or $16.20 per capita. That is the largest amount that can possibly be used in the business of the country from day to day.

Mr. BUTLER. If the Senator from Missouri will permit me, I shall be very glad to ask him a question in that connection. If this contraction of national-bank currency continues until the entire amount goes out of existence, which I believe is $124,000,000, will not that amount be reduced by $124,000,000?

Mr. COCKRELL. Inevitably. Of course, that will be a reduction of $124,000,000.

Mr. HALE. Mr. President, to this complexion has the Senate come. It is not the silver question that is at this moment being debated. It is not the silver question that is presented by the amendment of the Senator from Kansas [Mr. PLUMB]. It is not the question of the gold standard or the silver standard or the bimetallic system. It is the question whether or not now the Government shall embark in the scheme of issuing money, its own paper upon an assumed emergency; and I desire briefly to call the attention of the Senate to the distinction which has arisen in this debate and the departure which has been made from the subject-matter that is properly here.

Though representing an Eastern community I have never been in a condition of great affright at the introduction of the silver question as associated with the currency of the country. I never believed, when it was predicted three years ago from New York, that the issue of the silver certificate would drive gold from the country and bring about a panic and bankruptcy and business destruction. I believed in the bill that passed in the last session of this Congress, and I am not to-day, though not prepared to vote for every feature of the free-coinage amendment which has been introduced and adopted as part of this bill, one of those who despair as to the business of the country should the measure pass.

But, Mr. President, that the Government should now start upon that road which has ever had but one ending, and should begin in time of peace, under an assumed emergency, to issue its own paper, with nothing behind it to meet that assumed emergency, is another and graver and deeper and more terrible question, and that is the question before the United States Senate. There never has been but one road that has been followed in that direction. I go further in saying what I would be willing to accept and would not despair. I am not so much alarmed at the question of the country being able to absorb the currency that is provided for in the amendment of the Senator from Kansas, but that is but the beginning.

I tell Senators, not assuming any spirit of prophecy, but simply looking to the road that all other peoples have traveled, that if Congress at this session authorizes the issue of this currency, this fair governmental currency, to the amount of $200,000,000, in the next Congress there will come to this Senate from the other branch of the Government, if it is not originated here, a proposition that the entire remnant of the national debt shall be paid by Government issues of the kind which are covered by the amendment of the Senator from Kansas. Senators before voting for this amendment should be prepared to take into consideration what will occur in the future.

Without going into this question, without it being possible to go into it, I simply wish to call the attention of the Senate to the distinction, as I have said, which has arisen in this debate, and the Senator from Kansas will find, if his amendment passes, that before he and I are one year older he will learn that he has started that devil's dance of inflation which ever had but one ending.

Mr. MORGAN. Mr. President, it is reported to the Senate of the United States, through the advice of its Committee on Finance, that the complexion of the country on the subject of money and finance is very bad, very unhealthy indeed, so much so that the honorable Senator from Ohio [Mr. SHERMAN] thought it was necessary to borrow $200,000,000 upon bonds payable in gold fifty years after date, in order to splice out the credit of the country and in order to supply more national-bank currency. The object of that demand for a loan of $200,000,000 was simply and only that the national banks of the United States might be thereby induced to take the bonds and issue $200,000,000 of national-bank paper.

Now, the national-bank paper, according to the terms of our laws, is redeemable in greenbacks, so that when that paper became due we should either have to issue $200,000,000 of greenbacks and redeem that national-bank issue, as demanded by the Senator from Ohio as a member of the Committee on Finance, or else to do something else to get the gold to redeem it.

In the length of time that is required for the redemption of that money we should not be able to get the gold together if we confined ourselves to a gold standard. It is impossible. Let me ask whether there is any more danger in an issue of $100,000,000 or $150,000,000 or $200,000,000 of Treasury notes, greenbacks, redeemable in coin at the Treasury of the Government, than there is in an issue of $200,000,000 of national-bank notes based upon our own obligations? After all, Mr. President, there is nothing at the bottom of the national-bank note except the credit of the United States. In a time of emergency and a time of war we were compelled to issue bonds in order to raise money to carry it on.

This is not a time of war, it is a time of peace, and we want to borrow $200,000,000 more of money for what? What do we want it for, except merely to sustain the circulation of national banks? Thereupon we authorized the national banks to issue 90 cents upon the dollar upon those bonds when they are deposited in the Treasury as collateral. What is the basis of that? That is the promise of the United States to pay a bond as good as gold or as good as silver, as good as any redemption fund that was ever in the world, the taxing power being behind it, in order to enable the Government to raise money whenever needed to redeem or pay those bonds. So that the bond the Senator from Ohio proposes in his bill here to issue is simply based upon the taxing power of the United States, upon its credit.

There is no fund provided for the redemption of this bond, no gold or silver fund in any way provided for it, and the matter, as I said before, is just as broad as it is long. There is not one single piece of paper today, bond, certificate, Treasury note, national-bank note, or anything else that is not based upon the credit of the United States.

The Senator from Maryland [Mr. GORMAN] suggests there are $100,000,000 behind the greenbacks. Well, how did it get there? It did not get there by an act of Congress and it was never necessary to have it there. It has been a fund there merely for the purpose of reducing the amount of gold in circulation in the United States.

Mr. GRAY. The Senator from Alabama says there is no difference in the ultimate analysis between the Treasury note proposed to be issued by this amendment, the greenback, and the national-bank currency which is secured by the bonds of the United States. I should like to suggest to him that the bonds of the United States are issued for money actually received into the Treasury from the lender, money borrowed, which puts a responsibility on the Government, on one hand, which receives it, and creates an obligation in favor of the one who lends it.

There is in that transaction the self-limiting, self-guarding, and protecting feature that there is an actual money transaction between the borrower and lender, and upon the bond to secure that debt the national-bank currency is secured, while, upon the other hand, the greenback or Treasury note proposed to be issued by this amendment rests upon no money transaction at all, but merely upon the fiat or will of the Government to issue from time to time as many of these pieces of paper as it sees fit or as the majority of Congress may think the emergency requires. That seems to me the essential and all-important difference between the two.

Mr. MORGAN. It is very seldom indeed that the honorable Senator from Delaware, who is a fine lawyer, is mistaken in a proposition of this kind. The Senator from Ohio has a proposition to borrow $200,000,000 of money—gold, we will say. To what purpose does he expect to apply that? He says he intends to pay off the bonds that are now existing, the debt we now owe. Now, if the Senator from Ohio has to borrow that money and put it in the Treasury like the $100,000,000 that is there, not by law, but by order of the President or somebody else, as a backing for the credit of the Government of the United States to redeem the national-bank notes, then there might be the distinction the Senator from Delaware speaks of.

The Senator from Delaware seems to have forgotten that the purpose of the Senator from Kansas in preventing the restriction of greenbacks is to put merely into another form an obligation that now exists on the part of the Government of the United States, an obligation upon which, when we issued it, we got money, put it into the Treasury of the United States, and spent it in conducting the war or in paying pensions or something of that sort.

That is a past transaction based upon a good consideration which we have received, which we have used, which has disappeared; and the proposition of the Senator from Ohio is a transaction in future based upon the idea that we will borrow $200,000,000 of money and apply it to the existing debt of the Government of the United States. That is the difference between tweedle-dum and tweedle-dee. It is precisely the same thing. There is no distinction, if my honorable friend will allow me to say so, between the proposition he puts and the one I put. The Government of the United States, when it borrows $200,000,000 upon these bonds, takes that money out of the Treasury, purposely out of the Treasury, and applies it to the purposes for which it was borrowed; that is, the payment of existing bonds with 25 per cent. premium upon them. That is the fact.

What, then, becomes of your money if the credit of the United States upon which money is issued is fiat credit? Then you have got fiat money, and, if that be so, every bond you have got, every national-bank note, and everything else you have got out, except the gold certificates, silver certificates, or coin certificates, is either fiat money or fiat obligation. If we can convert the outstanding bonds of the United States into greenbacks without hurting anybody, we merely change the form of obligation without changing its substance. We stand exactly where we stand now, not increasing the circulation one dollar, and relieving the country from the necessity of raising money by taxes to pay in gold coin the outstanding bonds. That is the situation.

I submit to the honorable Senator that there is no trouble or danger about this. It is a mere change of the form of security, the securities to be issued in the form of greenbacks resting precisely as the bonds rest now upon the credit of the United States, and that rests upon the taxing power and the honor of the people.

Mr. HALE. Will the Senator let me ask him a question?

Mr. MORGAN. Yes, sir.

Mr. HALE. I am obliged to the Senator for being so frank and for declaring that no harm would come if there were substituted for the bonds of the Government which are out now the currency of Government money, thereby saving taxation. Now, has the Senator in his mind, in this great scheme he advocates, the issuing of this money, any limitation except what has been indicated by those who favor this amendment, what is called the emergency of the times?

Mr. MORGAN. There is no limitation now except the taxing power and the honor of the Government of the United States. I should make a limitation. I have always said I would make a limitation by making broader and larger and more extensive the basis of coin redemption, the power of coin redemption.

The VICE PRESIDENT. The Senator's time has expired.

Mr. HALE. As to the issue of Government money, that is no limitation, as I understand the Senator.

Mr. MORGAN. I have just stated the limitations.

Mr. REAGAN. One moment only. While the suggestion of the Senator from Delaware [Mr. GRAY] that the national-bank notes have bonds behind them for which the Government has received the money is theoretically true, the statement as made by the Senator is practically misleading in this: While it is true that these bonds were sold for money, that money has long since been expended and does not exist in the Treasury now for the redemption of these bonds, and their redemption rests upon the taxing power of the Government and the capacity of the people to pay taxes. So that there is no more security in that respect behind the national-bank paper than there would be behind the notes proposed to be issued under the amendment of the Senator from Kansas.

Mr. BUTLER. Mr. President——

Mr. PLUMB. I withdraw the amendment which I offered.

Mr. BUTLER. I move to amend the Senator's amendment by striking out the last two lines, for the purpose of making an observation.

Mr. HALE. Is there an amendment pending?

Mr. BUTLER. The Senator from Kansas has withdrawn his amendment. I have offered an amendment for the purpose of replying to the observations of the Senator from Maine [Mr. HALE].

I have not now or at any other time manifested, either by my voice or by my vote, a disposition to have this Government embark upon

what is known as the issue of fiat money. I think, if I have erred at all, it has been upon the side of conservatism in that respect, and I do not intend, for one, that the Senator from Maine shall put me in that category if I can prevent it.

The amendment of the Senator from Kansas does not contemplate anything of the kind indicated by the Senator from Maine, if I understand it. It does not propose to embark upon the untried and unknown sea of fiat money. On the contrary, if I understand it correctly, it is confined to supplying whatever deficiency takes place by reason of the retiring of the national-bank notes. Is not that all, Mr. President? That is all there is of it; and yet upon that proposition, which seems to me to be entirely fair and conservative and lawful and within the bounds of reason, the Senator from Maine admonishes us, admonishes the Senate and admonishes the country, that we are about to embark upon the business of issuing fiat money and that there is no limit to it. That is about the proposition, as I understand the Senator from Maine.

Now, sir, I do not propose to embark in any such thing, but I do propose, if I can, by my vote to provide for the people of this country what they have a right to and what they demand, and that is a reasonable—I will not say a sufficient, but reasonable—amount of circulation for the transaction of their business. When that proposition is made we are told that the country is to be flooded with an irredeemable, irresponsible currency in the face of the fact that the Supreme Court of the United States has decided, and the country has acquiesced in that decision, that the greenback issues of the Government are a legal tender for all debts and a legitimate currency for the transaction of all the business of the people.

What is behind the greenbacks? The Senator from Maine says nothing is behind them. Fiat money! Mr. President, every acre of real estate in this country stands mortgaged for the payment of every issue by the Government of the United States which is not sustained by a dollar in coin in the Treasury as a basis for its security, and yet the Senator from Maine attempts to put those of us who are willing to supply the deficiency created by the retirement of national-bank notes by the issue of the money which is recognized in this country and in the world as legitimate, in the category of being fiat-money men, who are willing to embark in time of peace, as he says, on a sea of speculation and uncertainty which knows no limit and to which there is no end.

I do not propose for one to occupy that position, and in advocating and voting for the amendment of the Senator from Kansas I feel that I am simply responding to the demand of the people of this country, which is legitimate, reasonable, allowable, and unavoidable, as the Senator from Alabama [Mr. MORGAN] says, in supplying that amount of currency which is necessary for the transaction of their business.

While I am on my feet I beg leave to say that the Congress of the United States finds itself in this position, embarking, as it proposes to do, on a line of financial relief for the great body of the people of this country, for the relief of the millions of men who do not have bank accounts against which to draw checks, we are met by a proposition from certain money centers of this country, which I need not mention, by a sort of "stand and deliver" attitude: "Adopt free coinage, give the people the currency they want if you dare, and we will precipitate a panic upon this country which will reverberate and echo and re-echo to its remotest confines." That is about the position in which we find ourselves.

For one, Mr. President, entertaining, as I believe I do, as profound a regard for the credit of this Government as any man in it, and standing, as I would to the last moment, to pay every cent of its indebtedness, I, for one, do not propose to be intimidated in the line of my duty either by the suggestion of the Senator from Maine that thereby I put myself in line with irresponsible fiat-money men, nor by the dictation of men who, in the twinkling of an eye, can so contract this currency as to make almost every man on this hemisphere feel it. I do not propose to be deterred by either in voting for this amendment. I feel that I am doing a very conservative and a very proper and a very reasonable thing.

Mr. COCKRELL. Mr. President——

Mr. HALE. Is any question pending?

Mr. COCKRELL. There is an amendment pending, Mr. President.

The VICE PRESIDENT. There is an amendment moved by the honorable Senator from South Carolina [Mr. BUTLER].

Mr. COCKRELL. This bill has got now into——

The VICE PRESIDENT. Does the Chair understand the Senator from South Carolina to withdraw his amendment?

Mr. COCKRELL. No; he has not withdrawn it.

Mr. BUTLER. No, I have not; but I will withdraw it after the Senator gets through.

Mr. COCKRELL. This bill has gotten into a very important condition now. Practically free coinage has been adopted as a substitute for a portion of the bill, and now the motion of the Senator from Kansas [Mr. PLUMB] is pending. It is a very important motion. It is now nearly 10 o'clock at night, and I do not see that there is any reasonable prospect for an intelligent, careful disposition of this bill to-night. We should be perfectly willing, I think, to remain here if it would lead to an intelligent and fair disposition of the bill.

I would therefore suggest that we have the bill as it is now amended, and the proposed amendment of the Senator from Kansas printed, that we adjourn, meet at whatever hour may be fixed upon to-morrow, and then, at a given time to-morrow, take a vote and discuss under the five-minute rule, or the ten-minute rule, until a certain hour, say 4 o'clock, and then after that have no discussion and dispose of the bill in that way. I suggest some such arrangement as that. It seems to me it would be in the interest of the bill and in the interest of legislation proper.

Mr. HALE. The Senator, of course, has not forgotten that when last night a change in the agreement was made to enable certain Senators to speak in the general debate it was assumed upon all sides that we would finish this bill to-day. The Senator himself joined in that debate, and it was said generally in many quarters, on that side of the Chamber as well as on this, that of course we would finish the bill to-day. Senators undoubtedly came here with that expectation, and have sat here with that expectation, and I have rarely seen during this session so large a number of Senators present at any time as there are at the present moment. It seems to me, under these conditions, connected with what was commonly agreed to and stipulated, that we are in duty bound to finish this bill to-night and to give way to other pressing business.

The number of days that can elapse between now and the 4th of March, in which all the accumulation of the business of this Congress must be done, is few, and every hour that this debate is prolonged only adds to the likelihood of other important measures being pressed aside. Therefore I hope the Senator will not, under these conditions, urge his suggestion, but that we may go on and pass upon the bill and conclude it as we agreed to do.

Mr. COCKRELL. As a matter of course, we all understand what the agreement was yesterday evening—unanimous consent—and that agreement embraced two speeches from the Democratic side of this Chamber, and neither one of them has been made. You had the entire time. I make this proposition in the interest of the transaction of business. I do not think, in the condition which you have gotten this bill now, with the points which have been raised, that you will be able to dispose of it to-night.

Mr. HALE. The Senator will remember that there has been no general debate to-day except on the part of the advocates of free coinage. Those opposed to that have been content either to say nothing further or to take part in the ten-minute debate, but all the time that was extended last night was for the benefit of Senators upon the side that the Senator from Missouri has taken his stand upon, and they consumed the time. So that there has been nothing done upon this side of the Chamber opposed to free coinage in the general debate to-day.

Mr. COCKRELL. And the day before was taken up by those who were opposed to free coinage, by the Senator from Ohio [Mr. SHERMAN], the Senator from Iowa [Mr. ALLISON], and others.

Mr. HALE. But the extension certainly was given for the benefit of the friends of free coinage.

Mr. COCKRELL. I will not insist upon the suggestion I have made. I am simply stating that, in my judgment, it will facilitate the disposition of business; and the Senator from Maine will realize that the suggestion I have made is an appropriate one and a pertinent one.

Mr. ALDRICH. I suggest to the Senator from Missouri that we agree to take the vote to-night without further debate.

Mr. COCKRELL. We will carry out the agreement we made yesterday and no other.

Mr. ALDRICH. We might vote without further debate at 11 o'clock to-night.

Mr. MORGAN. I was not here yesterday when that agreement was made. Of course I would have acquiesced in it, and I will do everything I can to carry it into effect, regarding it as a binding obligation. But the vote taken to-day on the amendment of the Senator from Nevada [Mr. STEWART] has changed the whole aspect of this bill. That vote and the vote, as I understand one has been taken, striking out the part of the bill that was reported from the committee for borrowing two hundred millions of money changed the whole aspect of the bill. If the bill as it stands now becomes a law it involves two very important new considerations, just as new as if the bill had been two hours ago reported.

Those considerations are, first, whether or not the coinage of silver will be sufficient to supply the deficiency of our shrinking national-bank currency in consequence of the falling due and payment of our bonds; the other consideration is whether or not the national banks ought to be provided with some new basis of credit, or whether the Government of the United States ought to come in and use its own Treasury notes for the purpose of relieving the cramp upon the people of the United States made in consequence of the falling due of the bonds and other withdrawals of currency which we had no power to control.

In that aspect of the case the bill is entirely new, and certainly Senators will admit that there was never before this body a more important bill and there never was a bill that addressed itself to the American people at a more critical moment, for what we do here this night, whether it is done by 11 o'clock to-night or 5 o'clock to-morrow morning, is going to have a very marked impression upon the United States.

upon its destiny, upon all the people that we are representing here; and there is nothing in the history of legislation past, present, or prospective which ought more deeply to concern Senators in this body than to provide the best way that we can to relieve the people of the United States of the involvement which has grown out of our own legislation.

There is not a trouble to-day of a financial character before the people of the United States which is not the child of our legislation. It is a vast mass of intricate provisions of law of one kind and another, and another, and another, which, combined together, as long as we can hold it and make it all work, is a good system, but when a wheel gives way we have got to supply another. It is arbitrary and artificial in the highest possible degree. There is not one natural financial element that runs through the whole system, it is all artificial, and when we put a new power, a new force, a new category into our legislation, it becomes us to look around with a great deal of care to see what effect it is going to have.

So I do not think that a Senator who has sat here since 10 o'clock this morning is in a frame of mind to give the very best possible consideration to this great and all-pervading question. I hope some little delay may be given to us, no matter what political party may suffer by it.

Mr. FRYE. Mr. President, it is an unfortunate thing and will be an unfortunate thing in the United States Senate not to abide by agreements. Over two hours of the debate this evening have been in direct violation of the agreement entered into. The agreement was that this debate should proceed under the ten-minute rule and that no Senator should address the Senate more than once on any pending amendment. That is distinct and clear. There is no chance to misunderstand it, and yet to-night, for the first time since I have been in the Senate, that rule has been violated, and Senators have been offering *pro forma* amendments for the purpose of debating a second time a pending amendment.

The Senator from Connecticut [Mr. HAWLEY] did it, undoubtedly because he was a member of the other House formerly and that was the custom in the House, and he did it without thought. Since that Senator did it, one or two others have, and the result has been that we have been running this debate for over two hours in clear violation of the spirit of the agreement made. I do not believe the Senate should enter upon that, and I say these words now simply that the next time an agreement is made this will not be used as a precedent.

Mr. PLUMB. The condition of things is just this: The Senate has changed the whole theory of the proposition pending before it as it was reported from the Finance Committee, and certain other things logically follow, one of which I think is the amendment which I have offered. I have two other amendments, which I shall be glad to offer when the proper time comes, which, I think, ought to be discussed. I do not say anything now as to their merits; but whatever we do here now is to be, so far as the Senate is concerned, the expression of this body upon the financial situation, present and prospective. It may be that we ought to sacrifice, as a mere matter of time, other things which ordinarily might be of a little more consequence.

I agree whatever the Senate has set down as its Order of Business ought to be maintained, and I say now, if the Senate says we shall stay here and sit this thing out and take the chance of indifferent debate, when we are all sleepy and tired, I will stay as long as other Senators; but it does seem to me, in the present attitude of things, we can very well afford, as a matter that is relevant to the public interests, to postpone this bill for twenty-four hours longer, and to take some time to-morrow, after we have come here refreshed and have had some time to consider these things irrespective of debate, and take this matter up again and dispose of it so as to be consistent with the dignity and apparent usefulness of this body.

Mr. TELLER. The silver question is practically disposed of. We have been now for two hours and a half upon a matter dealing with an entirely different question, a question which I regret very much to see attached to a silver bill. It is a question which, it seems to me when we enter upon it, we should enter upon with a great deal of care and with a great deal of examination.

I have no doubt that the day will come when we shall be compelled to provide some system of currency to take the place of the departing greenbacks, and some system of national currency to keep up with the growth of the country and the growth of its population and business; but, as I said the other day, my judgment is irrevocably fixed that it must be upon a metallic basis. In that idea I have been educated and trained. One of the things which have been thoroughly fixed in my mind is that whenever we do provide for the issue of paper money we must put back of it some redemption or else we shall ultimately come to an absolutely inconvertible paper basis.

I regretted the other day to see the Senator from Ohio [Mr. SHERMAN], who has been considered the very safest of financiers in certain circles, if not all over the country, come in with section 3 of the amendment which he proposed to the bill.

SEC. 3. That whenever the circulating notes of national banks, including such notes in circulation, but represented by lawful money deposited by the banks in the Treasury for the redemption of such notes, shall be less than $180,000,000, the Secretary of the Treasury is authorized and directed to issue United States notes similar in terms and description to the United States notes now outstanding to an amount equal to the retirement of national-bank notes below the said sum of $180,000,000. And such notes shall have the same qualities and be a legal tender and be received, redeemed, and reissued in the same manner and to the same extent as other United States notes.

There was nothing back of that. There was no provision in that for redemption, and if the amendment of the Senator from Kansas [Mr. PLUMB] is objectionable, then the amendment offered by the Senator from Ohio, a member of the Finance Committee, is also objectionable.

I believe I have voted for the issue of greenbacks since I have been here, and I am very confident that, accompanying that, was a provision for their redemption. I am morally certain that I never voted for an issue of greenbacks where the bill providing for the issue did not specifically provide for the preservation of the public credit by providing for their redemption in international money.

I said the other day that we had reached a period in our history where we have to take the metallic basis or we have to take paper. I insist that we ought to take the metallic basis as the only safe basis for the issue of paper money. There has never been, as I said then, an issue of paper money which has not been abused which did not provide with the issue the basis for its redemption, and I for one, while I wish to increase the amount of money in this country, will not vote for any proposition which does not carry with it that feature. When it provides for the issue it must provide at the same time for the redemption. A reasonable amount must be put in the lockers of the Government so that the citizen who holds the Government's paper can always go and demand international money if he wants it.

You may say what you please about the faith of the Government, but the faith of the Government does not make money in the sense that the people understand it. They want to know that they can go to the Treasury Department with their paper money and get what the world recognizes as money for it; and any system which is not based upon that, whether it comes from the Senator from Ohio or whether it comes from anybody else, ought to be antagonized in this conservative body.

Mr. SHERMAN. Mr. President, the Senator from Colorado has the most peculiar manner of debating an important proposition of any man I ever met. He knows very well the proposition I made for the retirement of national-bank notes was made in a conference which I can not discuss. It was made as a means of avoiding what I regard as a great national danger: the attempt to establish alone the free coinage of silver. The Senator from Colorado agreed to that proposition.

Mr. TELLER. If the Senator will allow me, I never did agree to that proposition. I understood that the proposition was made by the Senator from Ohio before any conference was held. I never did agree to it here or anywhere else.

Mr. SHERMAN. I say here, in the presence of witnesses, that although the Senator from Colorado was not present when the matter was first proposed, when we were seeking to avoid the danger which now threatens the people of the United States, the proposition was made that temporarily United States notes should be issued to take the place of the retiring national-bank circulation. In the presence of gentlemen who know, I say that the Senator from Colorado agreed to that proposition. That is enough on that subject. I can not say any more, and every Senator here understands why I can not.

Now, let me go a little further. There are two propositions and two modes which have been proposed for supplying an additional amount of currency, and they are totally opposite to each other. The one was by the free coinage of silver, which provided for the issue of Treasury notes to an unlimited amount, not bounded by the productions of this country or any other, but bounded by the productions of the world, with $3,800,000,000 of silver in sight in the treasuries of existing nations.

To avoid either contingency, to avoid the proposition which has received the support of a majority of the Senate, we did go on this side of the Senate in the endeavor to find an increased basis for paper money, but we did provide that when bank notes were retired their place should be supplied by United States notes. That, however, was accompanied with other provisions, which, in the judgment of the gentlemen who agreed to them, would have dispensed with the possibility of the necessity of supplying the deficiency caused by the retirement of national-bank notes, a proposition which would have supplied the banks a basis for increased circulation, and that, in my judgment, would have enabled the banks not only to maintain their present currency, but probably to have somewhat enlarged it.

That was a proposition that we should issue 2 per cent. bonds to a limited amount, and with the proceeds of those bonds fund an equal amount of the public debt. That could be done with great advantage to the people of the United States by the saving, as I showed the other day, of a considerable sum of money in the process of refunding, and if those bonds could be made the basis of circulation it would prevent the happening of the contingency which has been apprehended, if it should happen by the issue of the United States notes. That is the real fact about it.

I believe that that proposition, freed from the free coinage of silver, would be a wise one, and I say now that I should be willing to vote for that proposition and the proposition of the Senator from Kansas in order to supply the void in the currency and, without hesitation, to pledge the faith of the United States to issue notes, and I would back

those notes with a reasonable reserve. I think the power to redeem those notes is already almost a sufficient reserve.

That proposition was made with the view of evading that very thing, and now the question is presented at this hour, approaching midnight, of giving a double mode of issuing paper money in this country, one for silver bullion without limit at 20 per cent. premium above its cost in the markets of the world, the other to issue greenbacks to supply the place of the national-bank notes which are retired.

These two propositions are put together and we are expected to vote for them, and I am chided because I agreed reluctantly to what I did not want to do, but the contingency was provided against. Now, we are expected to take both medicines, both plans, entirely inconsistent with each other, and I say, for one, I will not do it; and I say to gentlemen on the other side, who have the responsibility in this matter, that they must choose between these things.

I shall vote for no proposition whatever on this bill to increase the issue of paper money, believing that the single feature which has been agreed to by the majority of the Senate will furnish enough money and more than enough to supply all the demands not only of business, but of all the speculators and gamblers in this country. With that view, I will vote for no proposition which will add to this danger of paper money.

Mr. TELLER. Mr. President, I move to strike out the last line of the amendment, so that I may be in order, following the precedent which has been set, though I do not like to follow it. I suppose, however, under the circumstances I am justified in doing it.

The VICE PRESIDENT. The question is on the amendment of the Senator from Colorado to the amendment.

Mr. TELLER. If the Senator from Ohio, who is always sure of his facts, will look at the bill I hold in my hand, he will find that he offered that amendment on the 6th day of December, which was certainly two weeks before there was any effort made to come to the arrangement he speaks of.

The Senator will also remember, if he will endeavor to recall it, and if he can not there are several Senators who were connected with that conference who will remember, that I insisted that we should buy silver to replace the departing national-bank notes, because the whole conference was upon the supposition that we might not be able to secure the free coinage of silver, and I never did agree to this proposition in any shape. There were also two other members of that conference who did not agree to it and who will bear me out in saying that I did not agree to it.

There was a proposition to buy silver and to issue silver certificates, and then it was said perhaps there would not be silver enough to fill the place of the retiring bank notes. It was then proposed to make up that difference by the issue of greenbacks, and then the proposition, as I remember it, was that there should be back of it not less than 20 per cent. of silver and 20 per cent. of gold. There are at least two Senators who were in the conference who agreed with me that they would not support this proposition.

The Senator says his amendment emanated from a conference. If he will look at the date he will see that it was made long before the conference was held and he was not instigated by any conference to offer the amendment. It originated with himself and nobody else, I presume.

That is all I wish to say, except that the Senator from Ohio or any other Senator may call upon the members of that conference as to the truthfulness of what I state.

Mr. WOLCOTT. "Everything comes to him who waits," and those of us who come from the mineral-producing States of the Union, after having been put in a false position for many years, find ourselves now assuming the right situation. After having succeeded in carrying through this Senate a free-coinage amendment, helped slightly, it is true, by the Senators upon the other side of the aisle, an honest-money amendment, we find ourselves at this hour of the night confronted with a fiat-money proposition, which, when the glare of debate is let in upon it, is understood by everybody except the Senator from Ohio, who seeks to issue millions of dollars of paper money backed by nothing but the credit of the Government, when the rest of us try to have our money backed by honest gold and honest silver in the Treasury of the United States. But, whether the hour be late or early, I trust we may stay here to-night until we have disposed of that heresy and all other heresies which Senators seek to tack on to the free-coinage amendment for the purpose of disgracing and discrediting it. [Applause in the galleries.]

The VICE PRESIDENT. Order must be preserved.

Mr. PLUMB. After that somewhat extraordinary declaration I desire to say a word.

If the Senator wants me to withdraw the vote I cast for free coinage I should be glad to oblige him by doing it; but when he says that this amendment is proposed for the purpose of discrediting free coinage, either he himself lacks that lucid condition of mind of which he spoke the other day or he is a great deal more malicious than I supposed he was.

Mr. WOLCOTT. Oh, no; I did not say that.

Mr. PLUMB. He said it, and it is in the RECORD, and I do not want him to take it out; but I want to say to him, now and here, and to all other persons, that if free coinage is to be the beginning and the ending of this bill I am against it.

Mr. WOLCOTT. May I interrupt the Senator a moment?

Mr. PLUMB. You may.

Mr. WOLCOTT. I had in my mind distinctly and solely the suggestions which had been made during the course of this debate by the Senator from Ohio [Mr. SHERMAN].

Mr. PLUMB. Very well. I have got some crows to pick with the Senator from Ohio myself. [Laughter.] I suppose the Senator from Ohio is so accustomed to that sort of thing that he does not care whether it is one more or less.

Mr. SHERMAN. Oh, no.

Mr. PLUMB. At the same time I will say that I am in this fight, not for the free coinage of silver alone, but for an equitable amount of currency for the people of the United States, and if it is to be free coinage and nothing else, then I am not for the bill as it is now amended.

Mr. CULLOM. Why?

Mr. PLUMB. Simply because free coinage as now proposed would result in the contraction of the currency, and that I am against.

Mr. WOLCOTT. How can it?

Mr. PLUMB. The Senator from Colorado says, how can it? I answer because it will not give us enough to make up the volume of the retiring national-bank circulation. If the Senator from Colorado and all other gentlemen who are interested in this particular phase of the thing are willing to ignore this other and larger question of the volume of currency, let them take the result to themselves; but I shall have no part or lot with them at all. If they choose to stand by the statement which the Senator from Colorado has just made, then I say I part company with them now and forever. I will have none of it.

If I cannot move to a bill of this kind a proposition which I regard as essential to the maintenance of the proper volume of the currency without coming under the criticism uttered by the Senator from Colorado, without provocation, entirely malicious, so far as that phase of it was concerned, then I say I shall vote for what I regard as essential and abandon any idea of co-operation whatever.

I move that the Senate do now adjourn.

Several SENATORS. Oh, no.

The VICE PRESIDENT. The question is on the motion of the Senator from Kansas that the Senate do now adjourn.

Mr. SPOONER. This is getting interesting, Mr. President, and I hope the Senate will not adjourn.

The VICE PRESIDENT. The question is on the motion of the Senator from Kansas.

Mr. HOAR. I thought we had an understanding to take the vote to-day.

The VICE PRESIDENT. The motion is not debatable. The question is on the motion of the Senator from Kansas. [Putting the question.] The "noes" have it, and the Senate refuses to adjourn.

Mr. HALE and others. "Question!" "Question!"

The VICE PRESIDENT. The question now is on the *pro forma* amendment offered by the Senator from South Carolina [Mr. BUTLER] to the amendment of the Senator from Kansas [Mr. PLUMB].

Mr. PLUMB. Has there been any vote on the motion to adjourn?

The VICE PRESIDENT. The motion has been voted upon and lost. The question now is on the *pro forma* amendment of the Senator from South Carolina to the amendment of the Senator from Kansas.

Mr. BUTLER. I expect the atmosphere has been somewhat purified by the thunderstorm we have had, and I withdraw the amendment to the amendment.

The VICE PRESIDENT. The amendment of the Senator from South Carolina to the amendment of the Senator from Kansas having been withdrawn, the question recurs on the amendment of the Senator from Kansas.

Mr. ALDRICH. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GORMAN. Let the amendment be reported.

The VICE PRESIDENT. The amendment will be read.

The CHIEF CLERK. It is proposed to strike out section 3, as follows:

SEC. 3. That upon any deposits already or hereafter made of any United States bonds bearing interest, in the manner required by law, any national-banking association making the same shall be entitled to receive from the Comptroller of the Currency circulating notes of different denominations, in blank, registered and countersigned as provided by law, not exceeding in the whole amount the par value of the bonds deposited: *Provided*, That at no time shall the total amount of such notes issued to any such association exceed the amount at such time actually paid in of its capital stock.

And insert as section 2—

SEC. 2. That the Secretary of the Treasury is hereby authorized and directed to replace all sums of national-bank notes hereafter permanently retired and canceled by the issue in lieu thereof of like sums of United States notes of the description and character of the United States notes now outstanding and authorized by act of March 3, 1863, entitled "An act to provide ways and means for the support of the Government," and acts amendatory thereof; and the said notes outstanding, and all thereof hereby and hereafter authorized and issued, shall be receivable for customs and a legal tender for all public and private dues.

The Secretary proceeded to call the roll, and Mr. ALDRICH responded to his name.

Mr. QUAY. Mr. President, I desire——

Mr. ALDRICH and others. Too late.

Mr. QUAY. I merely desire to call for a division of the question before the yeas and nays are taken. ["Too late!". "Too late!"]

The VICE PRESIDENT. The roll call having commenced, debate is not in order. The roll-call will proceed.

The Secretary resumed the calling of the roll.

Mr. FAULKNER (when Mr. CARLISLE'S name was called). I desire to state that the Senator from Kentucky [Mr. CARLISLE] is detained from the Senate by illness. He is paired with the Senator from North Dakota [Mr. PIERCE].

Mr. WALTHALL (when Mr. GEORGE'S name was called). I announce again the pair of my colleague [Mr. GEORGE] with the Senator from New Hampshire [Mr. BLAIR].

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL].

The roll-call having been concluded, the result was announced—yeas 26, nays 40; as follows:

YEAS—26.

Bate,	Daniel,	Morgan,	Turpie,
Berry,	Eustis,	Pasco,	Vance,
Blackburn,	Faulkner,	Plumb,	Vest,
Butler,	Hampton,	Pugh,	Voorhees,
Call,	Jones of Arkansas,	Reagan,	Walthall.
Cockrell,	Jones of Nevada,	Stanford,	
Coke,	Kenna,	Stewart,	

NAYS—40.

Aldrich,	Edmunds,	McConnell,	Sawyer,
Allen,	Evarts,	McMillan,	Sherman,
Allison,	Frye,	McPherson,	Shoup,
Cameron,	Gibson,	Manderson,	Spooner,
Carey,	Gray,	Mitchell,	Stockbridge,
Casey,	Hale,	Paddock,	Teller,
Cullom,	Hawley,	Platt,	Warren,
Davis,	Higgins,	Power,	Washburn,
Dixon,	Hiscock,	Quay,	Wilson of Iowa,
Dolph,	Hoar,	Sanders,	Wolcott.

ABSENT—22.

Barbour,	Colquitt,	Hearst,	Pierce,
Blair,	Dawes,	Ingalls,	Ransom,
Blodgett,	Farwell,	Moody,	Squire,
Brown,	George,	Morrill,	Wilson of Md.
Carlisle,	Gorman,	Payne,	
Chandler,	Harris,	Pettigrew,	

So the amendment was rejected.

Mr. STEWART. I now move to strike out section 5, as it is superfluous.

Mr. VEST. Let the section be read.

The VICE PRESIDENT. The section proposed to be stricken out will be read.

The Chief Clerk read as follows:

SEC. 5. Whenever the market price of silver bullion shall have been continuously for a period of one year $1 or more for 371.25 grains of pure silver, all purchasing of silver bullion by the Secretary of the Treasury shall cease, and thereupon and thereafter any owner of silver bullion not too base for the operations of the mint may deposit the same in amounts of the value of not less than $100 at any mint of the United States to be formed into standard dollars or bars for his benefit and without charge; and at the said owner's option he may receive instead the equivalent thereof in the Treasury notes of the said act approved July 14, 1890.

The VICE PRESIDENT. The question is on agreeing to the amendment to strike out the section which has been read.

The amendment was agreed to.

Mr. ALDRICH. I suppose the Senator from Nevada intends to retain the third section.

Mr. EDMUNDS. That has been disposed of already.

Mr. PADDOCK. I think the Senator from Nevada does not mean to strike out the third section.

The VICE PRESIDENT. The fifth section has just been stricken out.

Mr. STEWART. After the amendments which have been made I do not see any necessity for the first section.

Mr. HALE. That has been stricken out.

Mr. HARRIS. The first and second sections have been stricken out.

Mr. ALDRICH. But the third section has not been stricken out. I do not know whether the Senator intends to make that a part of his scheme or not.

Mr. STEWART. I want to strike out the first, second, and third sections, if that is in order at this time.

Mr. COCKRELL. Have not the first and second sections been stricken out?

The VICE PRESIDENT. The first and second sections have been stricken out.

Mr. PADDOCK. The first and second sections have been stricken out, but I did not understand that the third section had been stricken out.

The VICE PRESIDENT. The question is on the amendment of the Senator from Nevada to strike out the third section, which will be read.

The Secretary read section 3, as follows:

SEC. 3. That upon any deposits already or hereafter made of any United States bonds bearing interest, in the manner required by law, any national-banking association making the same shall be entitled to receive from the Comptroller of the Currency circulating notes of different denominations, in blank, registered and countersigned as provided by law, not exceeding in the whole amount the par value of the bonds deposited: *Provided*, That at no time shall the total amount of such notes issued to any such association exceed the amount at such time actually paid in of its capital stock.

Mr. ALDRICH. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. HALE. What is the form of the motion?

The VICE PRESIDENT. To strike out section 3.

The Secretary proceeded to call the roll, and Mr. ALDRICH and Mr. ALLEN answered to their names.

Mr. SHERMAN. There is a misapprehension in the Senate as to the question. I understand the pending motion is to strike out section 3, which provides for the issue of circulating notes on the bonds deposited by national banks. The motion to strike out, as a matter of course, would take that out of the bill.

Mr. BUTLER. I submit, Mr. President, that debate is out of order.

The VICE PRESIDENT. Debate is not in order.

Mr. BUTLER. Several Senators have answered to their names on the call of the roll, and I object to debate.

The VICE PRESIDENT. The roll-call will proceed.

The Secretary resumed the call of the roll.

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL].

The roll-call was concluded.

Mr. BATE. I wish to announce again the pair between the Senator from New Jersey [Mr. BLODGETT] and the Senator from Washington [Mr. SQUIRE].

The result was announced—yeas 31, nays 35; as follows:

YEAS—31.

Barbour,	Daniel,	Kenna,	Stewart,
Bate,	Eustis,	Mitchell,	Teller,
Berry,	Faulkner,	Morgan,	Turpie,
Blackburn,	Gibson,	Pasco,	Vance,
Butler,	Gorman,	Plumb,	Vest,
Call,	Hampton,	Pugh,	Voorhees,
Cockrell,	Jones of Arkansas,	Reagan,	Walthall.
Coke,	Jones of Nevada,	Stanford,	

NAYS—35.

Aldrich,	Dolph,	McConnell,	Sherman,
Allen,	Edmunds,	McMillan,	Shoup,
Allison,	Evarts,	Manderson,	Spooner,
Cameron,	Frye,	Paddock,	Stockbridge,
Carey,	Hale,	Platt,	Warren,
Casey,	Hawley,	Power,	Washburn,
Cullom,	Higgins,	Quay,	Wilson of Iowa,
Davis,	Hiscock,	Sanders,	Wolcott.
Dixon,	Hoar,	Sawyer,	

ABSENT—22.

Blair,	Dawes,	Ingalls,	Pierce,
Blodgett,	Farwell,	McPherson,	Ransom,
Brown,	George,	Moody,	Squire,
Carlisle,	Gray,	Morrill,	Wilson of Md.
Chandler,	Harris,	Payne,	
Colquitt,	Hearst,	Pettigrew,	

So the amendment was rejected.

Mr. STEWART. I now ask for the reading of the first and second sections as they stand amended. I want to see how they stand.

The VICE PRESIDENT. The sections will be read as they now stand.

The Chief Clerk read as follows:

SEC. 1. That the compulsory requirement of deposits of the United States bonds with the Treasurer of the United States by national banks is hereby limited in amount to $1,000 of bonds for each and every national bank: *Provided*, That this act shall not apply to the deposits of bonds which may be required by the Secretary of the Treasury to secure deposits of public money in the national banks.

SEC. 2. That upon any deposits already or hereafter made of any United States bonds bearing interest in the manner required by law——

Mr. STEWART. That is sufficient. Now I move to strike out the tenth section of the bill.

The VICE PRESIDENT. The amendment will be reported.

The CHIEF CLERK. It is proposed to strike out section 10, as follows:

SEC. 10. That it is the continued policy of the United States Government to use both gold and silver as full legal-tender money under the ratio now existing in the United States, or that may be hereafter established by the United States acting in accord with other nations; and the United States is willing to join with other commercial nations in a conference to adopt a common ratio between gold and silver with a view of establishing, internationally, the use of both metals as full legal-tender money, and securing fixity of relative value between them. And when, in the judgment of the President, a sufficient number of such nations shall have entered into such international arrangement he may declare the ratio so fixed to be the existing ratio in the United States, and all coinage thereafter shall be at such ratio until changed by law. The President shall, by and with the advice and consent of the Senate, appoint commissioners, not exceeding three, who shall attend any such conference on behalf of the United States, and they shall report their doings to the President, who shall transmit the same to Congress. Said commissioners shall receive the sum of $5,000 each and their reasonable expenses, to be approved by the Secretary of State; and the amount necessary to pay such compensation and expenses is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. STEWART. I will withdraw that amendment at the suggestion of some Senators around me, unless there is somebody who desires to renew it. I think probably it will do no harm. I do not think it will do any good.

The VICE PRESIDENT. The committee amendments proposed in section 10 will be first disposed of. They will be stated.

The CHIEF CLERK. In section 10, line 2, the committee report to strike out the word ; "Government;" so as to read:

That it is the continued policy of the United States, etc.

The amendment was agreed to.

Mr. COCKRELL. I should like to ask what action has been had on section 6 as reported.

The VICE PRESIDENT. No action has been taken.

Mr. COCKRELL. What action has been had on section 7?

The VICE PRESIDENT. None whatever. A verbal committee amendment should be inserted in section 7, line 4, which will be stated.

The CHIEF CLERK. Section 7, line 4, after the word "to," the committee report to insert the word "the;" so as to read:

To an amount equal to the market value of the bullion, etc.

The amendment was agreed to.

Mr. COCKRELL. What has been done in section 8?

The VICE PRESIDENT. Nothing.

Mr. COCKRELL. In section 9?

The VICE PRESIDENT. Nothing.

Mr. COCKRELL. In section 10?

The VICE PRESIDENT. The committee amendment was agreed to.

Mr. PLATT. Has the committee amendment in line 20, section 10, been agreed to?

The VICE PRESIDENT. In line 20, page 8, section 10, there is another committee amendment which will be stated.

The CHIEF CLERK. In section 10, page 8, line 20, after the word "dollars," insert the word "each;" so as to read:

Said commissioners shall receive the sum of $5,000 each and their reasonable expenses.

The amendment was agreed to.

Mr. DANIEL. I move to strike out all the words of the tenth section after the word "them," down to line 24 of the section. It seems to me that without the clause which I thus move to strike out there is quite sufficient in the section to indicate the policy of the Government. The policy of the Government is indeed sufficiently indicated by the character of the bill, and the willingness of the Government for an international convention for the determination of the ratio is also indicated. Of course the language is in a tentative phrase and merely discloses a disposition rather than commits the Government to any detail.

Beyond that, for Congress to declare that when in the judgment of the President a sufficient number of such nations shall have entered into such international agreement he may declare the ratio so fixed to be the existing ratio of the United States, and all coinage hereafter shall be under such ratio until changed by law, it seems to me that language is obnoxious to the criticism that it puts in the hands of the President the power to regulate the value of money, or to do an act that is very near to the regulation of the value of money, and that is a matter which solely rests with the Congress of the United States to determine. If there is such international agreement it seems to me that the representatives of the people are the persons who should pass upon that agreement before enacting its provisions into a law.

The VICE PRESIDENT. The amendment of the Senator from Virginia will be reported.

The CHIEF CLERK. In section 10, page 8, line 10, after the word "them," strike out all down to and including the word "appropriated," in line 24, the words to be stricken out being as follows:

And when, in the judgment of the President, a sufficient number of such nations shall have entered into such international arrangement he may declare the ratio so fixed to be the existing ratio in the United States, and all coinage thereafter shall be at such ratio until changed by law. The President shall, by and with the advice and consent of the Senate, appoint commissioners, not exceeding three, who shall attend any such conference on behalf of the United States, and they shall report their doings to the President, who shall transmit the same to Congress. Said commissioners shall receive the sum of $5,000 each and their reasonable expenses, to be approved by the Secretary of State; and the amount necessary to pay such compensation and expenses is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Virginia.

Mr. COCKRELL. I suppose an amendment to that amendment would be in order.

The VICE PRESIDENT. It would.

Mr. COCKRELL. I move to amend the amendment proposed by the Senator from Virginia by striking out from the word "them," in line 10, down to the word "law," in line 15; striking out the following words:

And when, in the judgment of the President, a sufficient number of such nations shall have entered into such international arrangement he may declare the ratio so fixed to be the existing ratio in the United States, and all coinage thereafter shall be at such ratio until changed by law.

Mr. DANIEL. If there is no objection, I accept that modification.

Mr. EDMUNDS. Let it be read.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The CHIEF CLERK. In section 10, page 8, line 10, after the word "them," strike out all down to and including the word "law," in line 15, as follows——

Mr. EDMUNDS. How would the section read with those words stricken out?

The CHIEF CLERK. So as to make the section read:

SEC. 10. That it is the continued policy of the United States to use both gold and silver as full legal-tender money under the ratio now existing in the United States, or that may be hereafter established by the United States, acting in accord with other nations; and the United States is willing to join with other commercial nations in a conference to adopt a common ratio between gold and silver, with a view of establishing, internationally, the use of both metals as full legal-tender money, and securing fixity of relative value between them.

The President shall, by and with the advice and consent of the Senate, appoint commissioners, not exceeding three, who shall attend any such conference on behalf of the United States, and they shall report their doings to the President, who shall transmit the same to Congress. Said commissioners shall receive the sum of $5,000 each and their reasonable expenses, to be approved by the Secretary of State; and the amount necessary to pay such compensation and expenses is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Missouri [Mr. COCKRELL], which has been accepted by the Senator from Virginia [Mr. DANIEL].

The amendment was agreed to.

Mr. STEWART. In line 4, section 7, page 6, I move to strike out the word "market" and insert the word "coin."

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. Page 6, line 4, section 7, strike out the word "market" and insert the word "coin," before "value;" so as to read:

The Secretary of the Treasury is hereby authorized and directed to issue Treasury notes of the act approved July 14, 1890, to an amount equal to the coin value of the bullion made from the trade dollars now in the Treasury, etc.

Mr. ALLISON. Before that question is put, I think the section is wholly unnecessary, as the law now directs the Secretary of the Treasury to coin these dollars. Section 7 was put in with a view of substituting the bullion value of Treasury notes in lieu of the coin. There is already on the statute a provision that the Secretary of the Treasury shall coin this bullion.

Mr. STEWART. Then there is no necessity for the section at all. I move to strike out the section.

Mr. COCKRELL. I am not certain that the amendment adopted embraces these debts in the Treasury. I think the Senator from Iowa is mistaken. I do not think, under the amendment that has been agreed to, the Secretary of the Treasury will be compellable to have the trade-dollar bullion there coined.

Mr. ALLISON. There is a law upon the statute books, passed in 1887 (I have it not at hand), which requires the Secretary of the Treasury to immediately coin either into standard silver dollars or fractional silver all the bullion derived from these trade dollars, and section 7 was inserted that, in lieu of coining these dollars, bullion notes or Treasury notes might be issued instead.

Mr. COCKRELL. Now, will the Senator permit me? I think he is just mistaken in this: that the law to which he refers directed the coinage of the trade dollar after the date of it, or after a certain time in some way, and this amount of trade dollars is in there, and the Secretary of the Treasury claims that there is no authority requiring him to coin them. I understand distinctly that the present Secretary of the Treasury says there is no requirement of law to compel him to coin that bullion.

Mr. STEWART. If there has been authority of law for the coinage of the trade dollar since 1877, authorizing him to coin it, and he has not coined it and put it into circulation, I will withdraw my motion to strike out and move to insert the word "coin" in place of "market," and let the section stand.

Mr. BUTLER. It can do no harm.

Mr. ALLISON. I will say, if the Senator will allow me, that I think the injunction is clear and plain in the law. I do not care anything about it.

The VICE PRESIDENT. What is the proposition of amendment?

Mr. STEWART. I move to strike out "market" and insert "coin" in line 4, section 7.

The VICE PRESIDENT. The amendment of the Senator from Nevada will be reported.

The CHIEF CLERK. In section 7, line 4, it is proposed to strike out the word "market" and insert "coin;" so as to make the section read:

SEC. 7. The Secretary of the Treasury is hereby authorized and directed to issue Treasury notes of the act approved July 14, 1890, to an amount equal to the coin value of the bullion made from the trade dollars now in the Treasury, and of the bullion to be formed from other trade dollars, and also upon the bullion value of $10,000,000 of the abraded and otherwise uncurrent subsidiary silver coin now in the Treasury.

The amendment was agreed to.

Mr. STEWART. I want the phrase "coin value" inserted in the next section.

Mr. COCKRELL. At the end of line 6, strike out "bullion" and insert "coin."

Mr. SANDERS. I should like to call the attention of the Senator

from Missouri to the present law upon the subject approved on the 19th of February, 1887, and found on page 635 of the Statutes:

SEC. 2. That the trade dollars received by, paid to, or deposited with the Treasurer or any assistant treasurer or national depositary of the United States shall not be paid out or in any other manner issued, but, at the expense of the United States, shall be transmitted to the coinage mints and recoined into standard dollars or subsidiary coin, at the discretion of the Secretary of the Treasury: *Provided*, That the trade dollars recoined under this act shall not be counted as part of the silver bullion required to be purchased and coined into standard dollars as required by the act of February 28, 1878.

Mr. COCKRELL. I am perfectly aware of that law, and yet in the face of it the Secretaries of the Treasury have peremptorily and continuously refused to have that trade-dollar bullion coined, and they are refusing it to-day. I know I mentioned the question myself to the present Secretary, that he had authority to coin it into standard dollars, but it will never be coined into standard dollars until there is additional legislation.

Mr. SANDERS. I should like to inquire how many times we shall have to pass a statute requiring the Secretary of the Treasury to do his duty before he does it.

Mr. COCKRELL. We shall have to do it in such a way that there is no way of misconstruing it. The Secretary, according to my recollection, refused, and I thought the Senator from Iowa understood exactly the point the Secretary made as to why he did not do it. It is a very plausible one, and I will not say that the Secretary has not sufficient reason for not coining it. He has not coined it and he thinks he is justifiable in his course.

Mr. ALLISON. I will say to the Senate that the Secretary thinks that he has an option or a discretion to either coin it into subsidiary silver or into standard dollars, and that he exercises that discretion by from time to time coining subsidiary silver when he needs it. That is his interpretation of the law.

Mr. STEWART. I move to strike out "bullion," the last word in the sixth line on page 6, and insert the word "coin."

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. In section 7, line 6, strike out "bullion" and insert "coin;" so as to read:

And of the bullion to be formed from other trade dollars, and also upon the coin value of $10,000,000 of the abraded and otherwise uncurrent subsidiary silver coin now in the Treasury.

The VICE PRESIDENT. The amendment will be agreed to, if there be no objection.

Mr. EDMUNDS. I think the Chair ought to put the question.

The VICE PRESIDENT. The question is on the amendment of the Senator from Nevada.

Mr. EDMUNDS. This change of the word "market value" to "coin value" is a change that has a good deal of meaning to people who are trading in silver, and, therefore, I wish to vote against it. That is all I have to say.

The VICE PRESIDENT. The question is on the amendment of the Senator from Nevada.

The amendment was agreed to.

Mr. VANCE. On page 3, at the end of line 10, section 3, I move to add the words which I will have read at the desk.

The Chief Clerk read as follows:

And all laws imposing taxes on any banks other than national banks are hereby repealed.

Mr. VANCE. Upon that amendment I ask for the yeas and nays and I do not wish to discuss it at this hour of the night.

The yeas and nays were ordered.

Mr. DANIEL. Mr. President, I ask that the amendment be stated again.

Mr. HARRIS. Let the amendment be reported again.

The VICE PRESIDENT. The amendment will be again read.

The Chief Clerk read the amendment offered by Mr. VANCE.

Mr. COCKRELL. I am opposed to that *in toto*, and I hope the Senate will vote it down, and with that view I move to lay the amendment on the table.

Mr. SHERMAN. I make the point of order——

Mr. COCKRELL. If any Senator wants to speak I will withdraw my motion, as a matter of course.

The VICE PRESIDENT. The Senator from Ohio will state his point of order.

Mr. SHERMAN. If the Senate of the United States will take the risk of putting a tax measure upon this bill I am perfectly willing.

Mr. HALE. The Senator from Missouri has moved to lay the amendment on the table.

The VICE PRESIDENT. The question is on the motion of the Senator from Missouri that the amendment lie on the table.

Mr. GORMAN. I will raise the point of order that this amendment is not germane and is not in order. A measure of this sort can not originate in this body.

Mr. SHERMAN. It is not constitutional.

The VICE PRESIDENT. The Chair thinks the point well taken.

Mr. ALDRICH. I should like to know what rule of the Senate this transgresses?

Mr. MORGAN. The Constitution; not any rule of the Senate.

Mr. ALDRICH. How is the Constitution to be enforced here?

Mr. MORGAN. I do not know. The Senator from Rhode Island I am sure does not know anything about that.

Mr. ALDRICH. That is the reason why I made the suggestion.

Mr. MORGAN. The Senator from Rhode Island has not the slightest concern in the world whether the Constitution is in force or not, I am satisfied of that.

Mr. HOAR. I desire leave to submit to the Chair that the question whether a proposed rule of action be constitutional can not be decided by the Chair as a question of order. It is a question to be determined by the Senate in voting upon a measure.

Mr. EDMUNDS. That is true. The Chair can not rule on any such questions.

The VICE PRESIDENT. It was the opinion of the Chair that he stated.

Mr. ALDRICH. I ask for the yeas and nays.

Mr. SHERMAN. What is the question?

The VICE PRESIDENT. The question is on the motion made by the Senator from Missouri, that the amendment proposed by the Senator from North Carolina lie on the table.

Mr. DANIEL. I should like to inquire what is the constitutional objection?

Mr. EDMUNDS. The motion is not debatable.

The VICE PRESIDENT. On this question the yeas and nays have been demanded.

Mr. HAWLEY. I rise to a point of order.

Mr. BUTLER. What I should like to ascertain is——

The VICE PRESIDENT. The motion is not debatable.

Mr. BUTLER. What is the decision of the Chair upon the point of order made by the Senator from Maryland?

The VICE PRESIDENT. The Chair is not authorized to pass upon a constitutional question.

Mr. BUTLER. But, Mr. President——

Mr. EDMUNDS. The question is not debatable.

The VICE PRESIDENT. The motion made by the Senator from Missouri is not debatable. The question is on the motion [putting the question]. The ayes appear to have it; the ayes have it, and the amendment is laid on the table.

Mr. BUTLER. Well, I should be very glad——

Mr. GORMAN. I notice in the tenth section of the bill, line 22, an indefinite amount has been appropriated to pay the salary and expenses of the commission provided for in that section. I move to strike out all after the word "State," in line 22, and insert what I send to the desk, so as to have a definite amount appropriated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. In section 10, page 8, line 22, after the word "State," strike out all down to and including the word "appropriated," as follows:

And the amount necessary to pay such compensation and expenses is hereby appropriated out of any money in the Treasury not otherwise appropriated;

And insert in lieu thereof the following:

And the sum of $50,000, or so much thereof as may be necessary, is hereby appropriated out of any money now in the Treasury not otherwise appropriated.

Mr. ALLISON. That is all right; there is no objection to that.

The VICE PRESIDENT. The question is on the amendment of the Senator from Maryland.

Mr. BUTLER. I suppose I am entitled to make a remark about that amendment. All I desired to say, and what I should have said a moment ago if I had been allowed, is that I should be very glad to have the opportunity to vote for the amendment of the Senator from North Carolina, the effect of which would be to repeal the 10 per cent. tax on issues of State banks. It is not exactly germane to this amendment, but still I suppose I may make that remark in connection with it.

The VICE PRESIDENT. The question is on the amendment of the Senator from Maryland [Mr. GORMAN].

Mr. HARRIS. I suggest a verbal correction. I think the appropriating clause of that amendment is "out of any money now in the Treasury." I suggest that "now" be omitted.

Mr. ALLISON. "Any money not otherwise appropriated," covers it, without saying "now."

Mr. HARRIS. The words are "now in the Treasury;" they confine it to the funds that are there to-day.

The VICE PRESIDENT. If there be no objection, the modification will be considered as agreed to. The question is on the amendment of the Senator from Maryland.

The amendment was agreed to.

The VICE PRESIDENT. If there be no further amendments the bill will be reported to the Senate as amended.

The bill was reported to the Senate as amended.

Mr. VEST. Now let it be read.

Mr. COCKRELL. Let it be read in full in the Senate, as proposed to be amended.

The VICE PRESIDENT. The bill will be read at length, as amended as in Committee of the Whole.

The Chief Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the compulsory requirement of deposits of United States bonds with the Treasurer of the United States by national banks is hereby limited in amount to $1,000 of bonds for each and every national bank: *Provided*, That this act shall not apply to the deposits of bonds which may be required by the Secretary of the Treasury to secure deposits of public moneys in the national banks.

SEC. 2. That upon any deposits already or hereafter made of any United States bonds bearing interest, in the manner required by law, any national-banking association making the same shall be entitled to receive from the Comptroller of the Currency circulating notes of different denominations, in blank, registered and countersigned as provided by law, not exceeding in the whole amount the par value of the bonds deposited: *Provided*, That at no time shall the total amount of such notes issued to such association exceed the amount at such time actually paid in of its capital stock.

SEC. 3. That any owner of silver bullion not too base for the operations of the mint may deposit the same in amounts of the value of not less than $100 at any mint of the United States, to be coined into standard dollars or formed into bars for his benefit and without charge; and that at the said owner's option he may receive therefor an equivalent of such standard dollars in Treasury notes to be issued by the Secretary of the Treasury in the same form and description and having the same legal qualities as the notes provided for by the act approved July 14, 1890, entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes:" *Provided*, All such Treasury notes and coin issued under the provisions of this act shall be a legal tender for their nominal amount in payment of all debts, public and private, and shall be receivable for customs, taxes, and all public dues, and when so received may be reissued in the same manner and to the same extent as other Treasury notes; and a sum necessary to carry the provisions of this section into effect is hereby appropriated out of any money in the Treasury not otherwise appropriated.

SEC. 4. That the Secretary of the Treasury be, and he is hereby, authorized to cause the subsidiary silver coins of the United States now in or which may hereafter be received into the Treasury and subtreasuries of the United States, which are abraded, worn, mutilated, defaced, or otherwise unfit for circulation, or are of denominations for which there is no current demand, to be recoined at the mints of the United States into such denominations of silver coins now authorized by law as may be required to meet the demand therefor. That the loss incident to the recoinage of such uncurrent silver coins into new coins shall be paid from the gain arising from the coinage of silver bullion into coin of a nominal value exceeding the cost thereof, denominated "the silver profit fund."

SEC. 5. The Secretary of the Treasury is hereby authorized and directed to issue Treasury notes of the act approved July 14, 1890, to an amount equal to the coin value of the bullion made from the trade dollars now in the Treasury, and of the bullion to be formed from other trade dollars, and also upon the coin value of $10,000,000 of the abraded and otherwise uncurrent subsidiary silver coin now in the Treasury.

SEC. 6. That paragraph 8 of chapter 327 of the Supplement to the Revised Statutes of the United States, which requires that refining and parting of bullion shall be carried on at the mints of the United States and at the assay office at New York, be amended by inserting after the word "law," in the fourth line, the following words: "and from the proceeds of the sale of by-products resulting from the operations of the refinery;" so that the paragraph shall read:

"And it shall be lawful to apply the moneys arising from charges collected from depositors for these operations pursuant to law, and from the proceeds of the sale of by-products resulting from the operations of the refinery, so far as may be necessary, to the defraying in full of the expenses thereof, including labor, materials, and wastage."

SEC. 7. That an act to authorize the receipt of United States gold coin in exchange for gold bars, approved May 26, 1882, be amended to read as follows:

"That the superintendents of the coinage mints and of the United States assay office at New York may, with the approval of the Director of the Mint, but not otherwise, receive United States gold coin from any holder thereof, in sums of not less than $5,000, and pay and deliver in exchange therefor gold bars in value equaling such coin so received: *Provided*, That the Director of the Mint, with the approval of the Secretary of the Treasury, may impose for such exchange a charge which in his judgment shall equal the cost of manufacturing the bars."

SEC. 8. That it is the continued policy of the United States to use both gold and silver as full legal-tender money under the ratio now existing in the United States, or that may be hereafter established by the United States acting in accord with other nations; and the United States is willing to join with other commercial nations in a conference to adopt a common ratio between gold and silver, with a view of establishing, internationally, the use of both metals as full legal-tender money, and securing fixity of relative value between them.

The President shall, by and with the advice and consent of the Senate, appoint commissioners, not exceeding three, who shall attend any such conference on behalf of the United States, and they shall report their doings to the President, who shall transmit the same to Congress. Said commissioners shall receive the sum of $5,000 each and their reasonable expenses, to be approved by the Secretary of State; and the sum of $50,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

SEC. 9. That all acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

The VICE PRESIDENT. The question is on concurring in the amendments made in Committee of the Whole.

Mr. COCKRELL. Section 2 reads:

That upon any deposits already or hereafter made of any United States bonds bearing interest, in the manner required by law.

I am fearful that will be construed as a legal intimation to national banks that it is the intention of Congress to perpetuate their power to issue the paper circulation of this country, and I am unalterably opposed to vesting that power in any monopoly. I must, therefore, reserve that amendment for a separate vote.

Mr. SHERMAN. It is all one amendment.

Mr. EDMUNDS (to Mr. COCKRELL). Move to strike it out.

The VICE PRESIDENT. It is part of the bill now.

Mr. COCKRELL. I then move to strike it out, and upon that I ask for the yeas and nays.

Mr. EDMUNDS. Let the amendment as proposed be read.

The VICE PRESIDENT. The question will be first taken on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The VICE PRESIDENT. The question is on the motion made by the Senator from Missouri to strike out section 2, which will be reported.

The Chief Clerk read as follows:

SEC. 2. That upon any deposits already or hereafter made of any United States bonds bearing interest, in the manner required by law, any national-banking association making the same shall be entitled to receive from the Comptroller of the Currency circulating notes of different denominations, in blank, registered and countersigned as provided by law, not exceeding in the whole amount the par value of the bonds deposited: *Provided*, That at no time shall the total amount of such notes issued to any such association exceed the amount at such time actually paid in of its capital stock.

The VICE PRESIDENT. On this amendment the yeas and nays were demanded.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL].

The roll-call was concluded.

Mr. BATE. I wish to announce the pair of the Senator from New Jersey [Mr. BLODGETT] with the Senator from Washington [Mr. SQUIRE].

Mr. CASEY. I again announce the pair of my colleague [Mr. PIERCE] with the Senator from Kentucky [Mr. CARLISLE].

Mr. DOLPH. I wish to state again that the senior Senator from Georgia [Mr. BROWN], by a transfer of my pair, is paired with the junior Senator from New Hampshire [Mr. CHANDLER]. I have not announced it on all the votes, but the pair has continued and will continue during the consideration of this bill.

The result was announced—yeas 29, nays 36; as follows:

YEAS—29.

Barbour,	Daniel,	Kenna,	Teller,
Bate,	Eustis,	Mitchell,	Turpie,
Berry,	Faulkner,	Morgan,	Vance,
Blackburn,	Gibson,	Pasco,	Vest,
Butler,	Gorman,	Plumb,	Voorhees.
Call,	Hampton,	Pugh,	
Cockrell,	Jones of Arkansas,	Reagan,	
Coke,	Jones of Nevada,	Stanford,	

NAYS—36.

Aldrich,	Dolph,	McConnell,	Sherman,
Allen,	Edmunds,	McMillan,	Shoup,
Allison,	Evarts,	Manderson,	Spooner,
Camerca,	Frye,	Paddock,	Stewart,
Carey,	Hale,	Platt,	Stockbridge,
Casey,	Hawley,	Power,	Warren,
Cullom,	Higgins,	Quay,	Washburn,
Davis,	Hiscock,	Sanders,	Wilson of Iowa,
Dixon,	Hoar,	Sawyer,	Wolcott.

ABSENT—23.

Blair,	Dawes,	Ingalls,	Pierce,
Blodgett,	Farwell,	McPherson,	Ransom,
Brown,	George,	Moody,	Squire,
Carlisle,	Gray,	Morrill,	Walthall,
Chandler,	Harris,	Payne,	Wilson of Md.
Colquitt,	Hearst,	Pettigrew,	

So the amendment was rejected.

The VICE PRESIDENT. The question is, Shall the bill be engrossed for a third reading and read the third time?

Mr. PLUMB. Mr. President, I want to say merely that this bill will prove a snare. It is a result of a combination between those who favor national-bank circulation and those who have interests of their own of a more or less personal character in favor of the free coinage of silver.

I am in favor of the free coinage of silver, but I favor also such an adjustment in regard to financial relations as will give the country a larger volume of currency. In the present attitude of things the amendments which I might have offered I shall not now propose, because of the combination of which I have spoken. The bill as it stands is against the interests of the people of the United States and a bill which I can not myself support.

Mr. VEST. Mr. President, I simply want to say for myself that I shall vote for this bill with very great reluctance on account of some provisions it contains. It has a provision increasing the circulation of the national-bank notes 10 per cent., to which I am unalterably opposed in principle. It has a provision in it, after we have enacted free coinage, for an international conference to fix the ratio between the metals. I entirely agree with the Senator from Ohio that that is an absurdity.

We take our stand in the bill for free coinage; we determine it for ourselves, and then we ask other commercial nations to come in and look at what we have done. There is no dignity in it, there is no propriety in it, and I am sorry to say that I regard the bill as a piece of patchwork which, if not absolutely inconsistent in its provisions, is crudely drawn and will subject us to criticism all over the country. If I vote for it at all it is simply because I want to emphasize in every possible way my devotion to free coinage, and I take it therefore with this explanation.

Mr. DANIEL. I beg leave to say, Mr. President, that I thoroughly sympathize in the remarks which have just been made by the Senator from Missouri. I am for the free coinage of silver, because I believe it

will widen the hard-money basis of our paper currency and furnish in itself a liberal portion of the necessary circulating medium for this country. I very much regret that there has been associated with the measure a provision by which the currency of the country is given without consideration to the bloated banks, who by the very reason of the excessive premium upon their bonds, as stated by the Secretary of the Treasury, have failed to perform their functions to the people.

While I therefore much regret to vote for any measure which contains such a provision, I am obliged by the association of the evil with the good to vote for or against the two thus tied together, and as free silver has been fought by the moneyed classes of this country for seventeen years against the continued protest of the people and the continued interest of the great mass of our industrial people, and as it does not seem to be possible here to gain even that simple element of justice without throwing a sop to Cerberus, I join with those who are content to throw the sop, that free coinage may, as I hope, pass through safely.

Mr. MORGAN. Mr. President, I have been in this body now about fourteen years, and I commenced my humble career here by the advocacy of the free coinage of silver. It is something about which my mind has never hesitated or halted a moment. I have always believed that it was the duty of the Congress of the United States and of the Government of the United States to have a financial policy of its own, based upon its own resources of credit and its own production of the precious metals.

The propositions that have been brought forward here in that direction have been resisted in every manner and form in the national Legislature and outside of it that it was possible to bring to bear in opposition to it. I have realized during my own experience that this battle is not a short one and not an easy one to win, and I am disposed to make every advance that I can in that direction and never to halt or hesitate or turn back.

More than that, I regard the national banks of the United States as hitherto having performed very important financial functions in the Government. They have made a great deal of money, it is true; that they have been at a good deal of risk is also true; but I think if you will take the combination of the different characters of money that we have in the United States, backed as they all are by the credit of this Government, the financial system in the country is perhaps better than it was ever before the national-bank system was adopted.

But it makes no difference what the objections to that system may be, however earnestly they may be pressed, if we were to get rid of that system, if we were to crush it out and adopt some new system, deliberation and carefulness in every step we take ought to characterize our movements. So I would not be in favor of an abolition of the national banks or the destruction of their currency until by experience we have learned some safer way than appears now to be obvious at least in getting to these results.

So I do not oppose—in fact, I have always voted in favor of increasing the circulation of the national banks to a par or equivalency with the bonds that are pledged for the redemption of their issues. The Government of the United States is, after all, the only backer that the national banks have got, and we have created the debt upon these bonds which we are obliged to pay, and which of course every honorable man intends to pay. There is no reason, unless we wish to depreciate our own bonds in the estimation of the world, why the national banks who own them should not issue dollar for dollar upon the face of them, for those bonds are as good as gold or silver, and they make the national banks perfectly good.

I do not feel that in voting for this bill I am establishing the national banks as a standfast upon the country at all. Still, I know, and every Senator here must know, that the United States Government has got to employ some fiscal agency to stand between the Government and the people and to hand out into the hands of the people the money it issues over and above the amount that is necessary to carry on the expenses of the Government. When a better system is presented than the national-banking system I shall be willing to discard that.

Until a better system is presented by some one who has a scheme that he can mature and present to the consideration of this country I shall be content to follow in the track which has as yet, to say the least of it, not proved disastrous to the credit or the honor of the Government, and I think has not injured the people.

I therefore shall vote for this bill with pleasure.

Mr. COCKRELL. Mr. President, I simply desire to say that I am heartily in favor of that portion of the bill which restores to silver its monetary functions and places it upon an equality with gold. I do not object to the clause which authorizes national banks to issue additional circulation because of the fact that that circulation is not perfectly good, but I object to it because it may lead the banks to believe that their existence as banks of issue will be continued by Congress. I think they should understand distinctly now that Congress will not permit them to continue to control the volume of the circulation of the United States and dominate it.

I desire to say this simply because I believe there are some things in the bill which will justify me in voting for it, and, while all its provisions are not what I should desire, yet there are some things in it which I very earnestly desire, and they will dominate and control me in my vote.

The VICE PRESIDENT. The question is, Shall the bill be engrossed for a third reading and read the third time?

Mr. VEST. I move to strike out all after the enacting clause of the bill and insert what I send to the desk.

The VICE PRESIDENT. The amendment will be reported.

The CHIEF CLERK. Strike out all after the enacting clause and insert:

That from and after the date of the passage of this act the unit of value in the United States shall be the dollar, and the same may be coined of 412½ grains of standard silver or of 25.8 grains of standard gold, and the said coins shall be a legal tender for all debts, public and private. That hereafter any owner of silver or gold bullion may deposit the same at any mint of the United States, to be formed into standard dollars or bars for his benefit without charge, but it shall be lawful to refuse any deposit of less value than $100 or any bullion so base as to be unsuitable for the operations of the mint.

SEC. 2. That the provision of section 3 of "An act to authorize the coinage of the standard silver dollar and to restore its legal tender character," which became a law February 28, 1878, is hereby made applicable to the coinage in this act provided for.

SEC. 3. That the certificates provided for in the second section of this act shall be of denominations of not less than $1 or more than $100, and such certificate shall be redeemable in coin of standard value. A sufficient sum to carry out the provisions of this act is hereby appropriated out of any money in the Treasury not otherwise appropriated. The provision in section 1 of the act of February 28, 1878, entitled "An act to authorize the coinage of the standard silver dollar and to restore its legal-tender character," which requires the Secretary of the Treasury to purchase at the market price thereof not less than $2,000,000 worth of silver bullion per month nor more than $4,000,000 worth per month of such bullion is hereby repealed.

SEC. 4. That the certificates provided for in this act, and all silver and gold certificates already issued, shall be receivable for all taxes and dues to the United States of every description, and shall be a legal tender for the payment of all debts, public and private.

SEC. 5. The owners of bullion deposited for coinage shall have the option to receive coin or its equivalent in the certificates provided for in this act, and such bullion shall be subsequently coined.

The VICE PRESIDENT. The question is on agreeing to the substitute proposed by the Senator from Missouri [Mr. VEST].

Mr. VEST. It is possible that in the hurry of preparing the substitute I have a provision there in regard to repealing what is known as the Bland act, which is unnecessary. That has already been repealed by a law we enacted at the last session.

I simply want to say, Mr. President, in regard to this substitue that it provides for free coinage pure and simple. It is the act which was passed by the Senate and sent to the House of Representatives at the last session, and it was introduced and championed in the Senate principally by the Senator from Kansas [Mr. PLUMB].

The present bill, as I had occasion to say briefly a few moments ago, which we have been considering to-night, has in it provisions which are not germane to the question of free coinage. It has provisions in it in regard to the national-banking system that should have no place in an enactment in regard to coinage. Unless the Senate has changed its opinion upon this subject, or unless it is proposed to enact a law which, as I had occasion to say before, will subject us to just criticism as legislators by reason of the utterly disconnected enactments which it contains, I can see no reason why this substitute should not receive the same vote which it did before.

Mr. SANDERS. I should like to ask the Senator from Missouri a single question. There is a repealing clause in the act of 1878 providing that so much of that law as required the coinage of not less than $2,000,000 nor more than $4,000,000 a month should be repealed. Ought there not to be introduced in this substitute, if it is pressed for passage seriously, a provision repealing the requirements of the act of July 14, 1890, providing for the purchase of 4,500,000 ounces per month?

Mr. VEST. Perhaps the Senator is right about that.

Mr. MITCHELL. I desire to ask the Senator a question, whether the certificates to be issued under this substitute are to be legal tender?

Mr. VEST. Oh, yes, that is provided in the substitute.

Mr. COCKRELL. I suggest as an amendment that, instead of the law of February 28, 1878, there be inserted the law of July 14, 1890. I believe that is what was suggested. I think that will cover it.

Mr. VEST. There is no objection to that.

The VICE PRESIDENT. Will the Senator from Missouri submit his proposed amendment in writing?

Mr. PASCO. I wish to suggest to the Senator from Missouri another amendment, and that is, instead of an indefinite amount of appropriation, to insert the amount of $50,000, like the amendment which was offered by the Senator from Maryland [Mr. GORMAN] to the other bill, to carry out the provisions relating to the commission.

Mr. VEST. The portion of the substitute is in the exact language of the bill which passed the Senate. I do not think we can state specifically the amount. I know the principle to which the Senator from Florida alludes, and I agree with him that indefinite appropriations as a general rule are not proper. The Senator from Maryland suggests that in cases of this sort the appropriations are generally indefinite.

The VICE PRESIDENT. The question is upon agreeing to the amendment proposed by the Senator from Missouri.

Mr. STEWART. I wish to suggest that I should prefer this simple proposition to the complicated bill, but I want a moment to look at

this matter. With regard to certificates, I think it would be better to continue the issue of Treasury notes and keep the same name and change the language of it. I should like this simple provision better than I would the complicated bill that we have.

Mr. GORMAN. Let us take it as it is.

Mr. STEWART. I want a little while to examine its provisions.

Mr. ALDRICH. I rise to a parliamentary inquiry. I desire to offer the second section of the bill which has just been under consideration, which is the bank section so called, as an amendment to the proposition of the Senator from Missouri. I do not know whether it would be in order now or after the substitute has been adopted.

Mr. EDMUNDS. It is in order now.

The VICE PRESIDENT. The amendment is in order.

Mr. ALDRICH. Will it be in order after the substitute is adopted?

Mr. HALE. It is in order now.

Mr. ALDRICH. Then I offer at the present time the second section as amended to the substitute offered by the Senator from Missouri.

The VICE PRESIDENT. It will be read.

The CHIEF CLERK. Add to the proposed amendment the following as a new section:

SEC. 2. That upon any deposits already or hereafter made of any United States bonds bearing interest, in the manner required by law, any national-banking association making the same shall be entitled to receive from the Comptroller of the Currency circulating notes of different denominations, in blank, registered and countersigned as provided by law, not exceeding in the whole amount the par value of the bonds deposited: *Provided*, That at no time shall the total amount of such notes issued to any such association exceed the amount at such time actually paid in of its capital stock.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Rhode Island to the amendment of the Senator from Missouri.

Mr. GORMAN. I move to lay the amendment on the table.

Mr. ALDRICH. On that I ask for the yeas and nays.

Mr. BLACKBURN. Before the Senator from Maryland——

The VICE PRESIDENT. The motion is not debatable.

Mr. ALDRICH. I will say to the Senator from Maryland that I have no disposition to discuss it.

Mr. GORMAN. I will withdraw the motion.

Mr. BLACKBURN. I rise to a point of order.

The VICE PRESIDENT. The Senator from Kentucky will state his point of order.

Mr. BLACKBURN. The point of order that I submit against the amendment offered by the Senator from Rhode Island is that it is not germane to any portion of the text of the substitute submitted by the Senator from Missouri. It relates to a different subject altogether. There is nothing in the proposed substitute except the coinage of the metal.

Mr. CULLOM. It is a financial measure; all of it.

Mr. BLACKBURN. The amendment offered by the Senator from Rhode Island is nothing more or less than a banking bill.

Mr. ALDRICH. The Senator from Kentucky, if he will pardon me, is thinking of the rules of the other House in which he and I served for so long.

Mr. BLACKBURN. The Senator from Rhode Island knows just as well anyone else——

Mr. ALDRICH. There is nothing in the Senate rules against it.

Mr. BLACKBURN. This is an attempt to ingraft upon one proposed measure a measure of a different character altogether, and relating altogether to a different matter.

Mr. ALDRICH. I hope the Senator will call the attention of the Chair to a rule which my amendment violates.

Mr. SHERMAN. It is the universal practice of the Senate.

The VICE PRESIDENT. The Chair is of the opinion that the amendment to the amendment is in order.

Mr. VEST. Mr. President, we have now arrived at a point when the friends, the true friends, of free coinage, will be known. Those who propose to defeat free coinage by indirect methods will also be known. The proposition of the Senator from Rhode Island comes from an enemy to free coinage, and its object is simply to defeat free coinage. If the Senator from Rhode Island desires the legislation which he has proposed in this amendment he very well knows that the proper way in which to bring it before the Senate would be by a separate enactment.

Whatever may be the rules of the Senate—and I am not disposed to question the correctness of the ruling of the Chair—every Senator here present knows that this amendment is intended to defeat free coinage. That is the simple proposition, and I only arose to emphasize that statement, and to ask the friends of free coinage upon this floor to vote the amendment to the amendment down.

Mr. STEWART. I should like to join in that request, because it is manifest if the bill is loaded with this proposition we are liable to lose the whole measure.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Rhode Island to the amendment of the Senator from Missouri.

Mr. HALE. Let me ask the Senator whether it is not the same amendment exactly that the Senate has already voted upon and adopted twice.

Mr. STEWART. It is.

Mr. HALE. The Senate in the same Congress adopted a free-coinage provision.

Mr. STEWART. Yes, it has been adopted.

Mr. HALE. It has been adopted already.

Mr. TELLER. If the Senator will allow me, I will say that this amendment has been sought to be put on by the enemies of the bill.

Mr. STEWART. That is it.

Mr. TELLER. Two-thirds at least of those who voted for it were against the bill. Some of our friends thought it made the bill acceptable to some people on this side who were not very ardent for the bill, and one or two of our Senators would like to have it on, but it makes it objectionable to many other gentlemen who are really silver men. I think it is the interest of the silver people here who believe in having free coinage that we shall strip the bill of everything but free coinage and vote for it, and stand or fall with that. Why should we put any banking bill on here?

Mr. WOLCOTT. Mr. President, I fully agree with the Senator from Alabama when he says this Government should not discredit its own bonds. I believe while they are issued to national banks and they are made the foundation of the circulation of the currency, we should permit the issuance of the circulation of the national banks on the par of the bonds. I believe in encouraging the credit and stability of our obligations, and I have so voted whenever the question has come up in the Senate to-night as an amendment to the bill.

But I am far more a friend of free coinage than of any other financial measure, and if there are Senators upon the floor on either side who seriously believe that the question of free coinage is to be affected unfavorably by persisting in imposing this amendment at this time to the bill, so far as I am concerned I shall cordially give way and vote against it.

Mr. ALDRICH. Mr. President, fault has been found with the fact that I have suggested to put the pending amendment on a free-coinage measure. If any one has any occasion to find any fault, it strikes me it is the members of the Finance Committee, who have had a free-coinage amendment forced on to the bill which they reported from their committee. What I have offered is part of the original proposition. What there is, is put there by a vote of the Senate. It is a tangible proposition, put there, I suppose, by gentlemen because they believe in it, and I presume that the same gentlemen will vote to retain it there, notwithstanding the threats which have been made by gentlemen on both sides of the Chamber.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Rhode Island [Mr. ALDRICH] to the amendment of the Senator from Missouri [Mr. VEST].

Mr. GORMAN. On that, I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL]. I should vote "nay" if he were present.

Mr. ALLEN (when Mr. SQUIRE's name was called). As I announced before, my colleague [Mr. SQUIRE] is paired usually with the Senator from Virginia [Mr. DANIEL], but their views being alike upon this question my colleague is paired with the Senator from New Jersey [Mr. BLODGETT]. If present, I could not say how my colleague would vote upon this particular question.

The result was announced—yeas 33, nays 34; as follows:

YEAS—33.

Aldrich,	Dolph,	Hoar,	Shoup,
Allen,	Edmunds,	McMillan,	Spooner,
Allison,	Evarts,	Manderson,	Stockbridge,
Cameron,	Frye,	Paddock,	Warren,
Carey,	Gray,	Platt,	Washburn,
Casey,	Hale,	Power,	Wilson of Iowa,
Cullom,	Hawley,	Quay,	
Davis,	Higgins,	Sawyer,	
Dixon,	Hiscock,	Sherman,	

NAYS—34.

Barbour,	Eustis,	McConnell,	Teller,
Bate,	Faulkner,	Mitchell,	Turpie,
Berry,	Gibson,	Morgan,	Vance,
Blackburn,	Gorman,	Pasco,	Vest,
Butler,	Hampton,	Pugh,	Voorhees,
Call,	Ingalls,	Reagan,	Walthall,
Cockrell,	Jones of Arkansas,	Sanders,	Wolcott.
Coke,	Jones of Nevada,	Stanford,	
Daniel,	Kenna,	Stewart,	

ABSENT—21.

Blair,	Dawes,	Moody,	Ransom,
Blodgett,	Farwell,	Morrill,	Squire,
Brown,	George,	Payne,	Wilson of Md.
Carlisle,	Harris,	Pettigrew,	
Chandler,	Hearst,	Pierce,	
Colquitt,	McPherson,	Plumb,	

So the amendment to the amendment was rejected.

The VICE PRESIDENT. The question recurs on the amendment offered by the Senator from Missouri [Mr. VEST].

Mr. SHERMAN. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. COCKRELL. Which amendment are we to vote on?

Mr. STEWART. The proposed substitute for the whole bill.

Mr. COCKRELL. The clerks did not so understand it. My amendment to the amendment was accepted.

The VICE PRESIDENT. The amendment to the amendment will be again reported.

The CHIEF CLERK. In the proposed amendment strike out the following:

The provision in section 1 of the act of February 28, 1878, entitled "An act to authorize the coinage of the standard silver dollar and to restore its legal-tender character," which requires the Secretary of the Treasury to purchase at the market price thereof not less than $2,000,000 worth of silver bullion per month nor more than $4,000,000 worth per month of such bullion is hereby repealed;

And insert in lieu thereof:

Strike out so much of the act of July 14, 1890, entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes," as requires the purchase of 4,500,000 ounces of silver bullion per month.

Mr. HARRIS. I suggest to my friend from Missouri instead of "strike out" to use the language, "repeal so much of the act."

Mr. COCKRELL. That is correct; "repeal," instead of "strike out." Let it read "repeal."

Mr. SHERMAN. To save time in taking two votes I will withdraw the call for the yeas and nays on the amendment of the Senator from Missouri and take the vote on the passage of the bill.

The VICE PRESIDENT. The call for the yeas and nays is withdrawn.

Mr. KENNA. Has the amendment to the amendment been adopted?

Mr. BUTLER. No, it is under discussion now.

Mr. EDMUNDS. What is the pending question?

The VICE PRESIDENT. A slight modification is being made in the amendment offered by the Senator from Missouri [Mr. COCKRELL] to the amendment of his colleague.

Mr. HOAR. While that modification is being made I should like to announce that my colleague [Mr. DAWES] is paired with the Senator from Georgia [Mr. COLQUITT].

Mr. EDMUNDS. What is the pending question?

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. In section 3 of the proposed amendment it is proposed to strike out the following:

The provision in section 1 of the act of February 28, 1878, entitled "An act to authorize the coinage of the standard silver dollar and to restore its legal-tender character," which requires the Secretary of the Treasury to purchase at the market price thereof not less than $2,000,000 worth of silver bullion per month nor more than $4,000,000 worth per month of such bullion is hereby repealed;

And to insert in lieu thereof:

So much of the act of July 14, 1890, entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes," as requires the purchase of 4,500,000 ounces of silver bullion per month, be and the same is hereby, repealed.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Missouri [Mr. COCKRELL] to the amendment proposed by his colleague [Mr. VEST].

Mr. VEST. I accept that amendment.

The VICE PRESIDENT. The Senator from Missouri [Mr. VEST] accepts the amendment. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The VICE PRESIDENT. The question is, Shall the bill be engrossed for a third reading and read the third time?

The bill was ordered to be engrossed for a third reading, and was read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass.

Mr. EDMUNDS. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GORMAN. I suggest now, that there may be no difficulty hereafter, that the bill be read as it now stands, and let it go in the RECORD.

The VICE PRESIDENT. The bill will be read.

The Chief Clerk read as follows:

A bill (S. 4675) to provide against the contraction of the currency, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the date of the passage of this act the unit of value in the United States shall be the dollar, and the same may be coined of 412½ grains of standard silver or of 25.8 grains of standard gold, and the said coin shall be a legal tender for all debts, public and private. That hereafter any owner of silver or gold bullion may deposit the same at any mint of the United States, to be formed into standard dollars or bars for his benefit and without charge; but it shall be lawful to refuse any deposit of less value than $100 or any bullion so base as to be unsuitable for the operations of the mint.

SEC. 2. That the provision of section 3 of "An act to authorize the coinage of the standard silver dollar and to restore its legal-tender character," which became a law February 28, 1878, is hereby made applicable to the coinage in this act provided for.

SEC. 3. That the certificates provided for in the second section of this act shall be of denominations of not less than one or more than one hundred dollars and such certificate shall be redeemable in coin of standard value. A sufficient sum to carry out the provisions of this act is hereby appropriated out of any money in the Treasury not otherwise appropriated. So much of the act of July 14, 1890, entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes," as requires the purchase of 4,500,000 ounces of silver bullion per month, be, and the same is hereby, repealed.

SEC. 4. That the certificates provided for in this act and all silver and gold certificates already issued shall be receivable for all taxes and dues to the United States of every description and shall be a legal tender for the payment of all debts, public and private.

SEC. 5. The owners of bullion deposited for coinage shall have the option to receive coin or its equivalent in the certificates provided for in this act and such bullion shall be subsequently coined.

The VICE PRESIDENT. The roll will be called on the passage of the bill.

The Secretary proceeded to call the roll.

Mr. WALTHALL (when Mr. GEORGE's name was called). My colleague [Mr. GEORGE] is paired with the Senator from New Hampshire [Mr. BLAIR.] If my colleague were present, he would vote "yea."

Mr. GRAY (when his name was called). On this question I am paired with the senior Senator from North Carolina [Mr. RANSOM]. If he were present, I should vote "nay" and I presume he would vote "yea."

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL]. If he were present, I should vote "yea" and the Senator from Vermont would vote "nay."

Mr. ALLEN (when Mr. SQUIRE's name was called). My colleague [Mr. SQUIRE] is paired with the Senator from New Jersey [Mr. BLODGETT]. I understand that if the Senator from New Jersey were present he would vote "nay" and my colleague if present and permitted to vote would vote "yea."

The roll-call was concluded.

Mr. HOAR. My colleague [Mr. DAWES] is paired with the junior Senator from Georgia [Mr. COLQUITT]. If my colleague were present, he would vote "nay."

Mr. CALL (after having voted in the affirmative). There was a statement just announced to me in regard to my pair with the Senator from South Dakota [Mr. PETTIGREW], which I was informed by the Senator from West Virginia [Mr. FAULKNER] was transferred to the Senator from North Carolina [Mr. RANSOM]. I will withdraw my vote.

The result was announced—yeas 39, nays 27; as follows:

YEAS—39.

Allen,	Eustis,	Manderson,	Stanford,
Barbour,	Faulkner,	Mitchell,	Stewart,
Bate,	Gibson,	Morgan,	Teller,
Berry,	Gorman,	Paddock,	Turpie,
Blackburn,	Hampton,	Pasco,	Vance,
Butler,	Ingalls,	Power,	Vest,
Cameron,	Jones of Arkansas,	Pugh,	Voorhees,
Cockrell,	Jones of Nevada,	Reagan,	Walthall,
Coke,	Kenna,	Sanders,	Wolcott.
Daniel,	McConnell,	Shoup,	

NAYS—27.

Aldrich,	Dolph,	Hiscock,	Spooner,
Allison,	Edmunds,	Hoar,	Stockbridge,
Carey,	Evarts,	McMillan,	Warren,
Casey,	Frye,	Platt,	Washburn,
Cullom,	Hale,	Quay,	Wilson of Iowa,
Davis,	Hawley,	Sawyer,	Wilson of Md.
Dixon,	Higgins,	Sherman,	

ABSENT—22.

Blair,	Colquitt,	Hearst,	Pierce,
Blodgett,	Dawes,	McPherson,	Plumb,
Brown,	Farwell,	Moody,	Ransom,
Call,	George,	Morrill,	Squire.
Carlisle,	Gray,	Payne,	
Chandler,	Harris,	Pettigrew,	

So the bill was passed.

On motion of Mr. COCKRELL, the title was amended so as to read: "A bill to provide a unit of value, and for the coinage of gold and silver, and for other purposes."

UNITED STATES ELECTIONS.

Mr. HOAR. I move that the Senate proceed to the consideration of the bill (H. R. 11045) to amend and supplement the election laws of the United States, and to provide for the more efficient enforcement of such laws, and for other purposes.

Mr. HARRIS. I ask for the yeas and nays on that motion.

Mr. BUTLER. Pending that, I move that the Senate adjourn.

The VICE PRESIDENT. The Senator from South Carolina moves that the Senate do now adjourn.

Mr. HOAR. I ask for the yeas and nays on that motion.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DOLPH (when his name was called). I vote "nay," my pair with the senior Senator from Georgia [Mr. BROWN] having been transferred to the junior Senator from New Hampshire [Mr. CHANDLER].

Mr. HALE (when his name was called). The arrangement which existed in the early part of the evening has been renewed, so that the pair which I have with the Senator from North Carolina [Mr. RANSOM] is transferred to the Senator from South Dakota [Mr. PETTIGREW], leaving the Senator from Florida [Mr. CALL] and myself at liberty to vote. I vote "nay."

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL].

Mr. HIGGINS (when his name was called). I am paired with the senior Senator from New Jersey [Mr. MCPHERSON]. If he were present, I should vote "nay."

Mr. VANCE (when his name was called). I wish to announce that my colleague [Mr. RANSOM] is paired with the Senator from South Dakota [Mr. PETTIGREW]. I vote "yea."

The roll-call was concluded.

Mr. BATE. I wish to announce the pair of the Senator from New Jersey [Mr. BLODGETT] with the Senator from Washington [Mr. SQUIRE].

The result was announced—yeas 32, nays 33; as follows:

YEAS—32.

Barbour,	Daniel,	Jones of Nevada,	Teller,
Bate,	Eustis,	Kenna,	Turpie,
Berry,	Faulkner,	Morgan,	Vance,
Blackburn,	Gibson,	Pasco,	Vest,
Butler,	Gorman,	Pugh,	Voorhees,
Call,	Gray,	Reagan,	Walthall,
Cockrell,	Hampton,	Stanford,	Wilson of Md.
Coke,	Jones of Arkansas,	Stewart,	Wolcott.

NAYS—33.

Aldrich,	Dolph,	McMillan,	Sherman,
Allen,	Edmunds,	Manderson,	Shoup,
Allison,	Evarts,	Mitchell,	Spooner,
Cameron,	Frye,	Paddock,	Stockbridge,
Carey,	Hale,	Platt,	Warren,
Casey,	Hawley,	Power,	Wilson of Iowa.
Cullom,	Hiscock,	Quay,	
Davis,	Hoar,	Sanders,	
Dixon,	McConnell,	Sawyer,	

ABSENT—23.

Blair,	Dawes,	Ingalls,	Pierce,
Blodgett,	Farwell,	McPherson,	Plumb,
Brown,	George,	Moody,	Ransom,
Carlisle,	Harris,	Morrill,	Squire,
Chandler,	Hearst,	Payne,	Washburn.
Colquitt,	Higgins,	Pettigrew,	

So the Senate refused to adjourn.

The VICE PRESIDENT. The question recurs on the motion of the Senator from Massachusetts to proceed to the consideration of House bill 11045.

Mr. HARRIS. I call for the yeas and nays on the motion of the Senator from Massachusetts.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. WALTHALL (when Mr. GEORGE'S name was called). My colleague [Mr. GEORGE] is paired with the Senator from New Hampshire [Mr. BLAIR]. If my colleague were present, he would vote "nay."

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL].

Mr. HIGGINS (when his name was called). I announce my pair with the senior Senator from New Jersey [Mr. MCPHERSON.]

Mr. EDMUNDS (when Mr. MORRILL'S name was called]. I wish to say for my colleague [Mr. MORRILL], who was obliged to go home, that he would vote "yea," if present, and is paired with the Senator from Tennessee [Mr. HARRIS].

Mr. ALLEN (when Mr. SQUIRE'S name was called). My colleague [Mr. SQUIRE] is paired with the Senator from New Jersey [Mr. BLODGETT]. If my colleague were present, he would vote "yea."

The roll-call was concluded.

Mr. DOLPH. I wish to announce again that I have transferred my pair with the senior Senator from Georgia [Mr. BROWN] to the Senator from New Hampshire [Mr. CHANDLER], so that those Senators stand paired.

Mr. HOAR. My colleague [Mr. DAWES] is paired with the junior Senator from Georgia [Mr. COLQUITT]. If my colleague were present, he would vote "yea."

The result was announced—yeas 33, nays 33; as follows:

YEAS—33.

Aldrich,	Dolph,	McMillan,	Sherman,
Allen,	Edmunds,	Manderson,	Shoup,
Allison,	Evarts,	Mitchell,	Spooner,
Cameron,	Frye,	Paddock,	Stockbridge,
Carey,	Hale,	Platt,	Warren,
Casey,	Hawley,	Power,	Wilson of Iowa.
Cullom,	Hiscock,	Quay,	
Davis,	Hoar,	Sanders,	
Dixon,	McConnell,	Sawyer,	

NAYS—33.

Barbour,	Eustis,	Morgan,	Vest,
Bate,	Faulkner,	Pasco,	Voorhees,
Berry,	Gibson,	Pugh,	Walthall,
Blackburn,	Gorman,	Reagan,	Washburn,
Butler,	Gray,	Stanford,	Wilson of Md.
Call,	Hampton,	Stewart,	Wolcott.
Cockrell,	Jones of Arkansas,	Teller,	
Coke,	Jones of Nevada,	Turpie,	
Daniel,	Kenna,	Vance,	

ABSENT—22.

Blair,	Dawes,	Ingalls,	Pierce,
Blodgett,	Farwell,	McPherson,	Plumb,
Brown,	George,	Moody,	Ransom,
Carlisle,	Harris,	Morrill,	Squire.
Chandler,	Hearst,	Payne,	
Colquitt,	Higgins,	Pettigrew,	

The VICE PRESIDENT. The vote of the Senate being equally divided, the Chair votes "yea," and the motion of the Senator from Massachusetts is agreed to, and the bill is before the Senate as in Committee of the Whole.

Mr. HOAR. I desire to give notice of some amendments to the bill, which are six in number. I ask that they may be printed for the information of the Senate.

Mr. MORGAN. Let them be read.

Mr. HOAR. I now move——

Mr. MORGAN. I want to hear those amendments. Let them be read.

Mr. HOAR. They are very brief.

The VICE PRESIDENT. The amendments offered by the Senator from Massachusetts will be read.

The Chief Clerk read as follows:

In section 5, line 28, page 82, strike out "three" and insert "four" in its place.

Section 5, line 29, page 82, strike out "three" and insert "four" in its place.

Section 19, line 3, page 109, strike out all of line 3 after the word "language," all of line 4, all of line 5, and the first three words, "in this act," of line 6.

Section 21, line 16, page 113, after the word "States," insert the following:

"Unless sooner removed from the office of commissioner or the office of chief supervisor."

Section 23, line 3, page 115, strike out "returns of house canvass."

Section 25, line 4, page 118, strike out all of line 4, all of line 5, and the first two words, "be made," of line 6.

Section 25, line 10, page 118, after the word "place," insert "until a new chief supervisor shall be appointed."

Mr. HOAR. I move that the Senate adjourn.

Mr. VEST. Mr. President, I have an amendment to present.

Mr. HOAR. I will withdraw the motion after stating it, if the Senate please. I shall move that the Senate adjourn until 12 o'clock. I withdraw the motion, to allow the Senator from Missouri to present an amendment.

The VICE PRESIDENT. The motion is withdrawn.

Mr. VEST. I desire to submit an amendment to this bill.

The VICE PRESIDENT. The amendment will be printed and lie on the table.

Mr. HOAR. I move that the Senate adjourn until 12 o'clock.

The motion was agreed to; and (at 12 o'clock and fifteen minutes a. m., Thursday, January 15) the Senate adjourned until Thursday, January 15, 1891, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January* 14, 1891.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

Mr. THOMPSON. Mr. Speaker——

WASHINGTON AND ARLINGTON RAILWAY COMPANY.

The SPEAKER. The Chair lays before the House the following Senate bill, and the gentleman from Vermont [Mr. GROUT] requests that the same may be printed, and that it may remain upon the Speaker's table.

The Clerk read as follows:

A bill (S. 3770) to incorporate the Washington and Arlington Railway Company of the District of Columbia.

The SPEAKER. Is there objection to the request that this bill be printed and remain upon the Speaker's table? [After a pause.] The Chair hears none.

ARMY APPROPRIATION BILL.

Mr. CUTCHEON. I move that the House resolve itself into the Committee of the Whole on the state of the Union for the further consideration of the army appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union for the further consideration of the army appropriation bill, Mr. DINGLEY in the chair.

Mr. CUTCHEON. Mr. Chairman, at the hour of the rising of the committee last evening we had reached the point on page 22 of the bill—

For manufacture, repair, and issue of arms at the national armories, $400,000.

I believe that no amendment had been offered, but the gentleman from Missouri [Mr. DOCKERY] had made a suggestion with reference to an amendment.

Mr. DOCKERY. Mr. Chairman, I desire to offer an amendment, to come in after line 22, page 22.

The CHAIRMAN. When the committee rose last night the gentleman from Georgia [Mr. CLEMENTS] had given notice of a point of order against the last proviso of the pending paragraph.

Mr. CUTCHEON. The paragraph has not yet been read.

The CHAIRMAN. The Clerk will read the paragraph.

The Clerk read as follows:

Provided, That section 3709 of the Revised Statutes shall not apply to the purchase of supplies not exceeding in value the sum of $200.

Mr. CUTCHEON. Mr. Chairman, I suppose, if the point of order is insisted on by the gentleman from Georgia [Mr. CLEMENTS], it will be necessary to concede that it is well taken. It does change existing law. At the present time the Department is required to advertise for proposals, but in the purchase of these small articles under $200 in value it is believed to be much more economical, as well as very much more convenient, that they should be purchased in the open market, and the Department has requested the insertion of this proviso. It is embodied in the Book of Estimates on page 101, and we believe it will be in the interest of economy and expedition, as well as of convenience. I hope the gentleman from Georgia will withdraw his point of order, and let the proviso go into the bill.

Mr. CLEMENTS. Mr. Chairman, I want to say only a word. This provision has been recommended repeatedly by the Department heretofore and has always gone out when it came to this House. It has been insisted upon at various times, and it seems to me a little strange that it should come here again and again against the expressed desire of Congress; and I want to submit the reasons why I think it is not advisable. This section applies not only to the purchase of materials for the Army, but it also applies to all the Departments; and this provision would authorize the purchasing agents or officials of the Government in all departments of the public service to make these purchases under $200 at private purchase, instead of after advertisement.

Now, it can be very easily seen by gentlemen that an official desiring to favor a contractor, or any person, would be enabled to divide up the purchases during the fiscal year, whatever the amount may be, up to $10,000 or $20,000, into purchases of $200 only, and purchase the entire supply under this provision, if it should prevail. I do not say to the gentleman that it would be the rule of officers to do that. I am willing to concede that a great majority of them would do what is faithful and right, and not abuse the power given them. But gentlemen will remember that in the light of our experience there have been occasions when there was collusion between Government officials and contractors, and that sometimes, if the law can be abused, it is abused, and a great public scandal comes of it. Therefore, I think this is unwise, and I think the Department should take notice that Congress has determined to prevent such abuse.

The CHAIRMAN. Does the gentleman insist upon the point of order?

Mr. CLEMENTS. I do.

Mr. TRACEY. Mr. Chairman, before the decision is made on the point of order I desire to say——

The CHAIRMAN. The Chair is ready to rule upon the point of order.

Mr. TRACEY. Before the section is ruled out——

The CHAIRMAN. The Chair sustains the point of order.

Mr. TRACEY. One moment, Mr. Chairman. I would like to make a suggestion which may meet the approval of the gentleman from Georgia.

Now, his objection to this provision is that advantage may be taken of it to divide up the large sums into sums of $200. Any danger of that kind can be obviated by adding to the provision embodied in the bill at present these words:

Without said purchases are made by special order of the Secretary of War.

I think there ought to be no objection to that.

Mr. CUTCHEON. The provision only to apply when directed by the Secretary of War? Would the gentleman be willing to put it in that form?

Mr. CLEMENTS. Mr. Chairman, I think the law is already sufficiently ample in that regard. It authorizes the Secretary, where there is urgent necessity, to purchase without advertisement.

The CHAIRMAN. The gentleman insists upon his point of order.

Mr. DOCKERY. Mr. Chairman, I now offer an amendment.

The Clerk read as follows:

Add, after the word "department," in line 12, the following words:

"The Secretary of War shall report to Congress at the beginning of its next regular session the names of all civilian employés, and the amount paid to each during the fiscal year 1891, who are paid from appropriations for subsistence, Quartermaster's Department, Medical Department, Engineer Department, and Ordnance Department of the Army."

The amendment was agreed to.

The Clerk read as follows:

For two sets of officers' quarters at Springfield Arsenal, Massachusetts, $20,000.

Mr. CANNON. Mr. Chairman, I move to strike out the lines 1 and 2 on page 23, just read.

Mr. CUTCHEON. Mr. Chairman, in the absence of the gentleman from Massachusetts [Mr. ROCKWELL] I hope the gentleman from Illinois will withhold his amendment until that gentleman can come in, with the understanding that we may recur to the point when he does come in.

The CHAIRMAN. If there be no objection, that will be done.

There was no objection.

The Clerk read as follows:

For binding current orders and purchasing maps for the Inspector General's Department, $1,000.

Mr. CUTCHEON. Mr. Chairman, I am directed by the Committee on Military Affairs to offer an amendment striking out lines 3 and 4, just read, and inserting the amendment which I send to the desk. It simply changes the wording without changing the amount.

The Clerk read the amendment, as follows:

On page 24, strike out lines 3 and 4 and insert the following:

"For contingent expenses of Inspector General's Department: Contingent fund of Inspector General's Department at the headquarters of the several military divisions and departments for the purpose of binding orders and the purchase of maps, books of reference, professional literature, desk furniture, stationery, and police utensils, $1,000."

The amendment was agreed to.

Mr. STONE, of Missouri. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Add the following:

"SECTION 2. That no part of the military forces of the United States shall be employed or used about any polling place, or in the neighborhood thereof, on any election day except to prevent or suppress riot or insurrection, and then only when such military forces have been first applied for by the Legislature of the State where used, or by the chief executive of such State in cases where the Legislature thereof can not be convened."

Mr. CUTCHEON. Mr. Chairman, against that amendment I make the point of order that it is new legislation and changes existing law.

Mr. BLAND. It is simply a limitation, as I understand, upon the appropriation, and hence it can hardly be called new legislation, as there is no money to be paid for that purpose; and I do not think it is subject to the point of order.

The CHAIRMAN. Does the gentleman from Missouri desire to discuss the point of order?

Mr. STONE, of Missouri. I am willing for the Chair to rule upon it.

The CHAIRMAN. The Chair sustains the point of order.

Mr. CUTCHEON. Mr. Chairman, there was an understanding between the chairman of the committee and the gentleman from Indiana [Mr. HOLMAN] that after completing the reading of the bill we should recur to the paragraph as to army transportation on page 16. The gentleman had offered an amendment which it was agreed should be pending, and it is now pending, in regard to transportation over land-grant roads.

The CHAIRMAN. By agreement of the committee, at the close of the bill, leave was given to recur to the paragraph in regard to army transportation.

Mr. CUTCHEON. Against the amendment offered by the gentleman from Indiana I had reserved the point of order until he should have made an explanation of his amendment. At what point does the gentleman desire his amendment to come in?

Mr. HOLMAN. I think it ought to come in immediately before the proviso.

Mr. CUTCHEON. The amendment is in the RECORD on page 1270. I ask that the Clerk report it as it appears there.

The amendment was read, as follows:

Page 16, line 10, after the word "paid" insert the following:

"*Provided*, That railroad companies which received grants of land from the United States to aid in the construction of their respective roads on condition that such railroads should be post routes and military roads, subject to the use of the United States for postal, military, naval, and all other Government services, and also subject to such regulations as Congress may impose, restricting the charges for such Government transportation, shall receive only 40 per cent. of the compensation for such Government transportation as shall be charged to and paid by private parties to such corporations for like or similar transportation."

Mr. CUTCHEON. Mr. Chairman, there can be no question, and I think the gentleman will concede it, that the amendment changes existing law. I understood him to intimate on yesterday that if the point of order was sustained against this amendment he would proffer it in a different form, so that it would not be obnoxious to the point of order. I understood that he would offer it simply as a limitation upon the application of the funds appropriated by this bill. As stated by the gentleman from Indiana [Mr. HOLMAN], there are two classes of land-grant railroads. The first class covers the grants made to roads like the Illinois Central and most of the roads in the State of Michigan and in the North generally. Those roads are simply declared to be post routes and free of toll. Under the decision of the Supreme Court they receive 50 per cent. of the ordinary rates for transportation done for the United States. There is another class of charters, if I may call them such, in which it is declared that the roads shall not only be postal routes and public highways, and be free of any toll or charge to the United States, but there are further provisions. I take as an instance the Oregon and California road, where I find this:

And said railroad shall be and remain a public highway for the use of the Government of the United States free of all toll or other charges upon the transportation of the property or troops of the United States; and the same shall be transported over said road at the cost, charge, and expense of the corporations or companies owning or operating the same, when so required by the Government of the United States.

These roads are entitled to no compensation whatever. Then comes the third class, those roads which would be affected by the amendment

of the gentleman from Indiana, in which there is no such restriction and upon which heretofore the Government has paid full rates. I have here a complete list of these roads. First is the Atlantic and Pacific; next the Chicago, Burlington and Quincy, from Plattsmouth, Nebr., to Kearney Junction, Nebr.; next the Missouri Pacific, from Whitecastle, La., to Shreveport, La.; next the Northern Pacific, from Ashland, Wis., to Tacoma, Wash.; next the Oregon and California, from Portland, Oregon, to Yamkill River; next the Southern Pacific, from San José, Cal., to Tres Pinos, and the Southern Pacific, from Huron to Colorado River; next the St. Joseph and Western, from Elwood, Kans., and West St. Joseph to Hastings, Nebr., and next the St. Louis and San Francisco, from Seneca, Mo., to Red Fork, Ind. T. I believe that is all.

Upon these roads, under existing law, the Government, as I have said, pays full compensation for the transportation of Government troops and supplies. The amendment of the gentleman from Indiana proposes to reduce that 100 cents on the dollar now paid to 40 cents on the dollar. Now this is a very important matter. I would not raise the point of order upon the amendment if the matter were not of so great importance, but it seems to me that this is a question which ought to receive full, careful, and deliberate consideration in some committee of this House having proper jurisdiction of the subject.

It is apparent that, in the hasty discussion which is all that we can give here to this amendment affecting the Northern Pacific system, the entire Central Pacific system, and a large part of the Union Pacific system, it is impossible to give the subject that careful deliberation which it deserves, and for this reason I must insist upon the point of order against the amendment as it is now made.

Mr. HOLMAN. I think the amendment is subject to the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HOLMAN. Now, Mr. Chairman, I submit the amendment which I send to the desk.

The amendment was read, as follows:

After the word "paid," in line 10, page 16, insert the following:

"*Provided*, That in expending the money appropriated by this act a railroad company which obtained a grant of public land to aid in the construction of its railroad on condition that such railroad should be a post route and military road subject to the use of the United States for postal, military, naval, and all other Government service, and also subject to such regulations as Congress may impose restricting the charges for such Government transportation, having claims against the United States for transportation of any kind over such railroad, shall only be paid on the basis of 40 per cent. of the compensation for such Government transportation as shall be charged to and paid by private parties to said company for like and similar transportation."

Mr. HOLMAN. I will modify the amendment by inserting, after the word "paid," the words "out of the moneys appropriated by the foregoing provision;" so as to make that part of the amendment read: "shall only be paid out of the moneys appropriated by the foregoing provision, on the basis of 40 per cent.," etc.

Mr. CUTCHEON. I renew the same point of order against the amendment in this form. The existing law in regard to this matter of transportation is the last appropriation act in addition to the general statutory provision, and the existing law permits and requires full compensation to these railroads.

I do not know that there would be anything inequitable in placing these roads upon the same basis as the other land-grant roads, which, under the decision of the Supreme Court, receive 50 per cent. of the rates.

Mr. HOLMAN. I can see that very well. I concede what the gentleman suggests. I think all ought to receive only 40 per cent. But the gentleman will understand me now as suggesting a modification here to make this 50 per cent., so as to place all on the same basis.

Mr. CUTCHEON. I see no reason whatever for placing these roads on a lower compensation than what the Supreme Court decided was an appropriate compensation in the other cases.

Mr. HOLMAN. Well, let the compensation stand as I have modified it, at 50 per cent. for all of these roads.

Mr. CUTCHEON. Still, Mr. Chairman, the point of order applies. I do not wish to take up the time of the House to discuss it any further. I think the ground on which it rests is well understood by the Chair.

Mr. HOLMAN. But I was modifying the proposition to meet what I understood to be the gentleman's views. I think very likely the House will see when they come to consider the subject, either now or hereafter, as the subject is called to their attention in this manner, that there will be early legislation, if not now.

Mr. CUTCHEON. I am perfectly willing to support such a proposition in the proper form.

Mr. HOLMAN. I am quite certain that the House would put these roads simply on the same footing with the others, although the one grant at any rate affected by this provision is the most valuable ever made by Congress.

The CHAIRMAN. If the gentleman will allow the Chair to interrupt, does the Chair understand the gentleman from Michigan to withdraw the point of order?

Mr. CUTCHEON. No, Mr. Chairman; I insist upon the point of order.

Mr. HOLMAN. I hope that the Chair will indulge me while I say a word in regard to the merits of this matter, addressed to my friend from Michigan, in charge of this bill. He will see himself, on studying the history of our legislation on this subject, that this very important class of roads has simply been overlooked altogether in our legislation, so far as these appropriations are concerned. We have always been considering classes where the conditions were different, and have legislated accordingly. In this provision which I have submitted I quote the language of three acts, showing that, in consideration of the grants, Congress had reserved to itself the right to impose legislative restrictions regarding the compensation to be paid to them.

Now, we have imposed that condition on all the other land-grant roads; that is to say, we require them to transport in some instances free of charge—using the words embodied in the statute making the original grant—the mails, munitions of war, and troops of the United States, which provision affects a very important class of roads, though not the most numerous class. Then comes the class of roads where the 50 per cent. provision applies; and again comes the third class of roads, which received still more valuable grants and which are receiving the entire compensation; and yet Congress has expressly reserved the right to fix the compensation as a condition of the grant.

The objection, I think, if my friend will hear me for a moment, to this going on is that this bill itself contains an appropriation of money to pay to the Southern Pacific road, a road which received an imperial land grant, compensation for transportation. The bill carries money to be so applied; and I wish to ask my friend whether he is willing, with the facts now before him, to appropriate money by this bill directly, which shall be applied in full payment for transportation to the Southern Pacific, the Atlantic and Pacific, and the Northern Pacific, going no further? Is he willing to do that? He can make a difference of $100,000 on the face of the bill by the adoption of this provision.

Here, Mr. Chairman, is an increase of $250,000 for transportation, nearly all of it for railroad transportation. Now, I submit there can be no mistake made about the adoption of this provision. If it is found upon further examination, before the final disposition of the bill, that a mistake has been made, after consultation with the Quartermaster General, it is easy to drop it out in the Senate. They scrutinize all such matters as closely as we do, especially where they affect corporations, and I hope my friend will not allow this large sum to pass to the railroad corporations, which will go to them if we make an appropriation discriminating against all of the other roads and in favor of this particular class, already most highly favored because they have received the most valuable of the grants.

My friend, of course, does not require time to consider this proposition, for this is the language of the act of Congress:

That said Northern Pacific Railroad or any part thereof—

The language being the same in all of the grants—

shall be a post route and a military road, subject to the use of the United States for postal, military, naval, and all other Government service; and also subject to such regulations as Congress may impose restricting the charges for such Government transportation.

Mr. CUTCHEON. Which act is that?

Mr. HOLMAN. I am reading from the act granting lands to the Atlantic and Pacific road.

Mr. CUTCHEON. The same also applies to the Northern Pacific.

Mr. HOLMAN. Yes, exactly, and to the Northern Pacific.

Now, the act contemplates, on its face, that the Government in making these imperial grants reserved to itself the absolute right to make the very restrictions suggested in the amendment which I have presented. It contemplates that some restriction may be imposed upon the roads, and, since we have already adopted provisions allowing only 50 per cent. to certain of the roads, it is not inequitable and unjust that this same provision should apply to all of the roads, because these roads not only have received grants of lands sufficient to build the roads, but to leave them with vast possessions beyond that expenditure. As my friend knows and has been shown, the grants to the Northern Pacific road were of value sufficient to build four such lines of railroad from Lake Superior to Puget Sound.

I hope, therefore, he will not insist on the point of order. But if he does, Mr. Chairman, permit me to say that it has been uniformly held where an amendment on its face in an appropriation bill is simply restrictive upon the appropriation—restrictive upon the expenditure of the money provided in the bill—that it is in order. That is to say, there are here $2,850,000 appropriated by the provisions of the bill under consideration for Government transportation. This provision simply declares, in expending that sum of money, that not more than 50 per cent. shall be paid out of the appropriation to a particular class of railroad corporations. I think there is no doubt about its being clearly in order as a restriction upon the expenditure of the money.

Mr. CUTCHEON. Mr. Chairman, I beg indulgence for only a moment more. I have no doubt whatever of the legislative competency of Congress to enact such a restriction under these charters. Take, for instance, the charter of the Northern Pacific, which contains the following words:

And be it further enacted, That said Northern Pacific Railroad, or any part thereof, shall be a post route and a military road, subject to the use of the

United States for postal, military, naval, and all other Government service; and also subject to such regulations as Congress may impose restricting the charges for such Government transportation. (Act of July 2, 1864, section 11.)

They accepted that grant under that provision. Therefore I say that I have no doubt of the competency of Congress to enact such legislation. My objection is to enacting it in this hasty way. Many railroads will be affected by it. Some of them, as the gentleman says, have received imperial grants.

Probably it will be no hardship upon them to have such legislation enacted; but there are others, short lines, numerous lines that it might be a very serious injury to, and a very serious wrong to, if this legislation is enacted. If this came here after consideration by a proper committee with a favorable report, in which the whole thing had been considered carefully, I would not insist on the point of order; but, Mr. Chairman, supposing——

Mr. HOLMAN. Will my friend distinctly state his point of order. He certainly concedes that this is simply a limitation, saying that only so much of this money shall be paid.

Mr. CUTCHEON. Certainly, I was coming to that. This amendment is simply a limitation upon the payment of this particular fund. Under existing law, the railroads are entitled to compensation; but I apprehend, Mr. Chairman, that if we should put this limitation upon the expenditure of this fund the only result would be a deficiency; that these roads could come in and, notwithstanding this limitation in the use of this fund, could claim the balance of the compensation to which they are entitled by law. We would, therefore, not reach the object at which we are aiming. If there were a bill here to reduce the compensation of the Northern Pacific to 50 per cent. for Government transportation, I would vote for it.

Mr. HOLMAN. But my friend made a point of order against just that kind of a proposition, and the Chair sustained the point of order.

Mr. CUTCHEON. Yes; and for the same reason, that it has not been formally and duly considered by a committee.

Mr. HOLMAN. But this is a point with which we are all familiar, just as familiar as we ever will be.

Mr. CUTCHEON. If there were nothing but the Northern Pacific involved, I would not make the point; but there may be other roads, short and feeble lines, which may be seriously affected, and to which wrong may be done. My objection is that we are not fully informed about that.

Mr. HOLMAN. I want my friend to have the credit of this manifestly fair and just legislation, which will save a hundred thousand dollars a year to the public Treasury and which my friend himself concedes is proper.

Mr. CUTCHEON. I regret that my friend's zeal comes in at so late a day. During the past six years that I have been here, when the gentleman's friends have been in full control no such amendment has been proposed, that I am aware of.

Mr. HOLMAN. I was not aware until very recently that that 50 per cent. limitation did not apply to these roads. I supposed that it did.

Mr. CUTCHEON. That is a sufficient explanation as far as the gentleman himself is concerned.

Mr. BLAND. Mr. Chairman, it does seem to me this amendment is certainly in order. The only change in the amendment is to restrict or limit the appropriation. There is no change in existing law about it. We have a right to appropriate for this or to withhold appropriation or to make an appropriation with certain conditions. When Congress is called upon to make an appropriation for any purpose, certainly we have a right to say in what way that money shall be used, and we have a right to say to what extent it shall be used.

Mr. CUTCHEON. In view of all the circumstances I am willing to withdraw my point of order.

Mr. HOLMAN. Will my friend from Missouri allow me for a moment? I understand my friend from Michigan [Mr. CUTCHEON] will withdraw his point of order.

Mr. CUTCHEON. Mr. Chairman, I am ready to submit this to a vote of the committee, and I withdraw the point of order.

Mr. ENLOE rose.

The CHAIRMAN. The gentleman from Michigan [Mr. CUTCHEON] withdraws his point of order, and the question is on the amendment. The gentleman from Tennessee [Mr. ENLOE].

Mr. ENLOE. Mr. Chairman, I would like to consume a few minutes in debate on this measure.

Mr. HOLMAN. You had better let a vote be taken on this amendment first.

Mr. ENLOE. Very well; if it is understood that I can have an opportunity to submit a few remarks at a later stage.

Mr. CUTCHEON. We had better complete this. Let the amendment be read again.

The CHAIRMAN. The Clerk will report the amendment, if there be no objection.

The Clerk again read the amendment.

Mr. HOLMAN. I wish to modify the amendment by inserting the words "on the basis of not exceeding 50 per cent.," because it may be that special rates might be obtained from these lines.

The CHAIRMAN. The Clerk will report the amendment as modified, so that the committee may understand it.

The amendment as modified is as follows:

Provided, That in expending the money appropriated by this act a railroad company which obtained a grant of public land to aid in the construction of its railroad on condition that such railroad should be a post route and military road subject to the use of the United States for postal, military, naval, and all other Government service, and also subject to such regulations as Congress may impose restricting the charges for such Government transportation, for claims against the United States for transportation of any kind over such railroad shall only be paid out of the money appropriated by the foregoing provision on the basis of not exceeding 50 per cent. of the compensation for such Government transportation as shall be charged to and paid by private parties to said company for like and similar transportation.

Mr. ANDERSON, of Kansas. Mr. Chairman, I would like to call the attention of the committee to the fact that the railroads affected by the provision of the bill and directly by this amendment are the Pacific roads which were built by the United States Government, and which to-day, in defiance of all decency, of all law, of all humanity, are in combination to raise and maintain rates precisely where they please.

The main provision of this bill proposes to pay them for transportation service rendered Government on the bills presented by them after the rates shall have been raised by a pool and combination of all the otherwise competing railway companies from Canada to the Gulf of Mexico and from the Ohio to the Pacific. This amendment simply proposes that they shall only receive, I believe, 50 per cent. of that amount; and even then they will gouge the Government by receiving more than a fair rate.

Mr. WILLIAMS, of Ohio. Not over 50 per cent.

Mr. ANDERSON, of Kansas. Not over 50 per cent. of it.

The committee now has an opportunity, of which it was yesterday deprived by a ruling out of the amendment that I offered; it now has an opportunity of saying to these Niagara-hackmen companies, who have combined to place the rates just where they see fit, in defiance of statute law, in defiance of the interstate-commerce act, in defiance of the obligations of their charters, for they are rendering them liable to forfeiture by their unlawful combination—the committee now has an opportunity to say that the United States Government will not permi itself to be imposed upon by them by their unlawful acts and illimitable rapacity.

I trust devoutly that this amendment will be adopted. Such action will at least in some measure protect Government, and my great regret is that we can not equally protect the public, which is of far greater importance. It is high time that those railway presidential conspirators, all of whom could be carried by one omnibus and who seem to think that their millions of dollars lift them above all law and free them from all penitentiaries, should be taught that the people of the United States are the final makers of law through their representatives. Tweed landed in a penitentiary for a less crime than is their conspiracy against the people and prosperity of the West, and as well of the East. And I earnestly hope that the House will adopt this amendment, if for no other reason, as such an expression of its opinion as to that pool as it is now able to make.

The amendment was agreed to.

Mr. HOLMAN. Just one word further.

Mr. CUTCHEON. Mr. Chairman, the amendment offered by the gentleman from Illinois [Mr. CANNON], to strike out lines 1 and 2 on page 33, is now pending.

Mr. HOLMAN. I hope the gentleman will permit me to offer an amendment at line 11, page 16, by inserting after the word "shall" the words "in all such cases;" so that it will provide that such compensation shall "in all such cases be computed;" that is, the cases before enumerated.

Mr. CUTCHEON. I have no objection to that verbal amendment.

The CHAIRMAN. The Clerk will report the amendment proposed by the gentleman from Indiana.

The Clerk read as follows:

After the word "shall," in line 11, page 16, insert the following: "In all such cases;" so that it will read:

"That such compensation shall in all cases be computed," etc.

The CHAIRMAN. If there be no objection the amendment will be considered as adopted.

There was no objection, and it was so ordered.

Mr. CUTCHEON. Now, Mr. Chairman, on page 23, lines 1 and 2, the gentleman from Illinois desires to offer an amendment.

Mr. CANNON. Mr. Chairman, I desire to submit a word upon the amendment to strike out those lines, if I can have the attention of the committee. The committee will understand that under the rules of the House since the appropriation bills were sent to various committees there has been more or less conflict of jurisdiction. I never thought the rule a wise one. I am satisfied now, and more strongly than heretofore, that it was unwise, and I call attention to this particular item to show how first one committee——

Mr. DOCKERY. Mr. Chairman, it is impossible to hear the gentleman from Illinois. We would like to hear him on this question, because it is a matter of some importance.

The CHAIRMAN. Gentlemen will please suspend conversation.

Mr. CANNON. I call attention to this particular item to show how first one committee and then another committee, by juggling in estimates, get jurisdiction of various matters; how the Departments of their own motion or in response to vigilant Representatives will follow the precedents of years in submitting their estimates, and under the rules of this House they will go, for instance, to the Committee on Appropriations, be considered, and on the merits rejected on the recommendation of that committee, and in another session of Congress they will be submitted under another head and go, as in this instance, to the Committee on Military Affairs, which reports the items here with a favorable recommendation. This is a most unsatisfactory condition. No committee can be responsible. No committee can properly perform its functions because of the division of jurisdiction and the want of full responsibility upon any one committee in the House.

Now, to the matter in hand. In the last session of Congress the following appropriation was submitted under the head of "Public works" in the Book of Estimates:

PUBLIC WORKS—ARSENALS.

Under the head of "Springfield Arsenal"—

Two sets of officers' quarters, $20,000.

NOTE.—These are to replace the old quarters built in 1836, and which are now unserviceable and not worthy of repair.

Now, public works were referred to the Committee on Appropriations; and this kind of appropriations until this year have always been referred to the Committee on Appropriations. We made an investigation touching this item, and I have here an extract from the report of that investigation. Gen. S. V. Benét, Chief of Ordnance, was examined with reference to this estimate during the last session by the Committee on Appropriations. Here is the question and answer:

The CHAIRMAN. You submit $20,000 for two sets of officers' quarters?

General BENÉT. There are two sets of officers' quarters at the Springfield Armory, where they have four or five officers. I know there are two sets of officers' quarters there which are good; but the other quarters are very old, and they were built some time in 1836.

Now, the Committee on Appropriations, in making up the bill for the present year, found that for many years we have been building public buildings at Springfield Arsenal.

Mr. HOPKINS. Mr. Chairman, can we have quiet enough so that we can hear the gentleman speaking?

Mr. CHAIRMAN. Will the committee please be in order? Will gentlemen please suspend conversation?

Mr. CANNON. We found on investigation that there was to be an extension of the shops at the Springfield Arsenal costing between two and three hundred thousand dollars, which was authorized at the last session of Congress. The Committee on Appropriations recommended, and there was appropriated, $100,000 or over for this extension. There is submitted for the present session an estimate for the completion of these shops, $111,000; for repairs, $15,000; besides large appropriations ($400,000 substantially) for one item, for the manufacture of small arms, which will be expended at the arsenal.

Now, when looking over the whole field at all the arsenals in the country, including that of Watervliet, in New York, and the estimates that were submitted to that committee for all the public buildings and public works, after the fullest examination and comparison of the merits of all the estimates, the Committee on Appropriations was unanimous in saying that this item for $20,000 should not be appropriated, there being already two perfect, first-class sets of officers' quarters at the Springfield Arsenal.

Mr. ROCKWELL. One set.

Mr. CANNON. No; two sets; and this being an appropriation for two more sets. No doubt the gentleman from Massachusetts [Mr. ROCKWELL] would have been glad to have two sets appropriated for, but it was patent to the committee that the appropriation should not be made at that time, considering the requirements of the public service all over the country.

[Here the hammer fell.]

Mr. ROCKWELL was recognized, and yielded to Mr. CANNON.

Mr. CANNON. Now, when the appropriations for this session of Congress are submitted, along comes an estimate of $111,000 to finish the shops at the Springfield Arsenal. That goes, in the regular way, under "Public works," to the Committee on Appropriations. But then the Department, apparently on its own motion, sends in another estimate for these officers' quarters under the head of "Military establishment." I say the Department sends this in apparently on its own motion; I have no doubt, however—and I do not object to it, because a Representative ought to be industrious to represent his constituents—I have no doubt that it was done upon the suggestion of my very worthy friend, Mr. ROCKWELL. [Laughter.]

There comes, I say, from the Department, under the head of "Military establishment," this estimate for these two sets of officers' quarters. It is dropped under the head of "Public works" and put under the head of "Military establishment," where it never had been and where like items never had been submitted from the foundation of the Government up to the present time, so far as I know, and I think I am correct about that. It is submitted here under the head of the "Military establishment," and it therefore goes to the Military Committee, of which my honored friend [Mr. ROCKWELL] is a member, and when the Military Committee reports its bill it reports, among other things, a favorable recommendation of this $20,000 for these two sets of officers' quarters.

I would be glad to know why my friend did not take everything in connection with the Springfield Arsenal. I would have been very glad if he had, because if he takes only those things that ought not to be appropriated for in view of the whole public service and leaves those things that ought to be appropriated for to be dealt with by the Appropriations Committee, and that committee reports the one set of items and the Committee on Military Affairs reports the other set, why, it seems to me that the Springfield Arsenal will be pretty well taken care of.

Mr. CHEADLE. Can the gentleman tell us what is the rank of the officers who are to occupy these quarters?

Mr. CANNON. I do not know. Now, Mr. Chairman, the appropriations for the Springfield Arsenal have been very liberal. It is a great arsenal, and it seems to me that my friend who represents that district has been wonderfully successful in promoting appropriations for it. In the last seven years we have appropriated $400,000 a year for the manufacture of small arms, which appropriation was substantially started under his lead. That makes $2,800,000. For repairs, etc., we have appropriated $15,000 a year, making $105,000. For one building at the arsenal we have appropriated $50,000, for another $75,000, and for another $211,000. We appropriate the last $111,000 this year on the sundry civil bill to complete that building. I might state divers other things that the gentleman has got if I had time.

If I recollect right he got $150,000 for a post-office building up there. He is a wonderfully vigilant and able man, but I submit, in the interest of sound and correct appropriations, that when this whole question is examined under the head of "Public works" by the Committee on Appropriations, and when, upon a survey of the whole public service all over the country, that committee recommends, and Congress adopts the recommendation, not to appropriate this $20,000 for this extra set of officers' quarters, the gentleman's plan to shift the estimate from "Public works" to "Military Establishment," to change the committee and to get a favorable recommendation in that way, ought not to avail. If it does avail and this appropriation stands, then a very worthy work at the Springfield Arsenal is taken care of and $20,000 besides is appropriated which the interest of the public service does not demand. Therefore, I move to strike out this item.

Mr. ENLOE rose.

Mr. ROCKWELL. Mr. Chairman, I certainly have been quite pleased with the remarkable showing of my Congressional record which my friend from Illinois has given us. He says that I have been diligent in the business of my constituents. For that I thank him. Unfortunately or fortunately, I represent a district where the United States has some interests and where every man in this broad land has an interest, and if I have taken care of the interests of my Government in the district which I represent, then I have done something more than act simply as a Representative for the district, because I have acted for the whole country and for its best interests.

Representing such a district as that, I would not confine my efforts to merely local interests. I would consider it a broad and patriotic duty to represent, so far as it is devolved upon me, the whole interests of the whole country. I have tried to do that. It is true, as has been stated, that these appropriations for small arms have been large. They have been recommended year after year by your committees. Four hundred thousand dollars has been appropriated annually ever since I have been in Congress, with the full sanction of those committees, and this is the first Congress in which I have had the honor to serve upon the committee that has made the recommendation.

This year we have simply followed in that item the precedents set in the past. My distinguished predecessor, Ex-Governor Robinson, of Massachusetts, in the last of his seven years' service here, had the amount raised to $400,000, because that was thought to be a just and proper appropriation for the purpose, and ever since it has been thought to be the proper and economical expenditure and so the appropriation has been made year after year.

Mr. OUTHWAITE. Will the gentleman explain why it is necessary to have $20,000 to build two sets of officers' quarters when such quarters can be built, and have been built at other military posts, for $5,000 apiece?

Mr. ROCKWELL. I will explain that matter when I reach it. Now a word as to the other appropriations for Springfield Arsenal, alluded to by the gentleman from Illinois. The annual appropriation of $15,000 for the care of grounds and the repair of buildings no one would intimate was an excessive appropriation. The gentleman has said here that these appropriations for the public buildings at that place cover immense sums of money. I had the honor to introduce the bills in connection with this matter; and every one of these bills passed since I have been in Congress has been passed by unanimous consent, every one of them.

I know that the Committee on Appropriations, trying to take to itself power which some of us think does not belong to it, has come in time and again and insisted that these public-building bills should be

amended by striking out the appropriation clause, so that the Committee on Appropriations might have control of them. I have never fought that position; but all these public-building bills, even this last one for which the Committee on Appropriations failed to appropriate the proper amount last year, though they agreed to do so this year, as I understand—all these public-building bills have been passed by the unanimous consent of this House.

Is there anything wrong about that? Is there anything unjust to other districts or their Representatatives or to the United States in that? These bills have not been passed by going to the Military Committee, as has been suggested, and asking them to load down their appropriation bills; but the broad and manly position has been taken that these measures should be brought in here subject to any one man's objection; and no man has ever objected.

[Here the hammer fell.]

Mr. CUTCHEON obtained the floor and yielded to Mr. ROCKWELL.

Mr. ROCKWELL. Mr. Chairman, if there is a record here of uniform consistency and uniform attention to this business, I am proud of it. These matters, as I have said, have been for the interest of the whole country. Not only that, but these buildings at the Springfield Armory have been constructed under a general plan adopted by the War Department itself—adopted when the first building, costing $50,000, was erected—carried on when the next building, costing $75,000, was constructed at the other end of a large unoccupied square which had been reserved for years, instead of being sold, for the very purpose of these public improvements.

Then, as to the $211,000 building which has been spoken of and which is to be erected, the foundation is already laid and a part of the walls are built, the purpose being to connect the $50,000 building and the $75,000 building. When this building is completed, the power placed in the center will give the best completed plant in the world for the manufacture of small arms. What more do you want? This work has been done under a more economical and better system and under as judicious management as the improvement at Rock Island in the State which the gentleman from Illinois has the privilege of representing in part on this floor.

At Rock Island we have spent from five to ten million dollars in completing stone buildings which have grown up under this pernicious custom of the Committee on Appropriations of making each year a little appropriation of $10,000, which would not be noticed, to begin the foundation of a new building, and then carrying on the work the next year with fifteen or twenty thousand dollars.

The gentleman talks to me about "methods." I have no fault to find with what has been done at Rock Island; but when he draws a comparison as to the methods which have been adopted I say that the plain, substantial, businesslike brick structures at Springfield are worth more to the Government than are the expensive stone, river-bound buildings at Rock Island. I say that if you want an examination of my record or of the record in connection with these two armories or arsenals, let the examination and comparison be made.

Right here I say that the very legislative performances as to Rock Island are a vindication of my course. They will not bear the test of examination as will those at Springfield. At Springfield every dollar has been carefully, judiciously, and splendidly expended. And the whole of this new manufacturing plant is to cost but $361,000. Can you build anything like it at Rock Island with the expenditure of a million of dollars? You have not done it, and never will be able to do it so long as you adopt the system of saying that the Department has a plan and you can put in these continuing appropriations in your appropriation bill from year to year, as you have done.

I say it is high time that these matters were taken out of the hands of the Committee on Appropriations and placed where they belong, in the Committee on Military Affairs. There is no question raised here that this item in this bill is proper and right. There is no question raised here on a point of order. The question is, What method shall we adopt in order to determine our action upon this particular item? That is all there is of it.

In the Forty-ninth Congress we had this powerful, terrible, great, and grand Committee on Appropriations absorbing everything; and we rose as one man and said that this power of a single man or a single committee should be curtailed; and my colleagues who were in the Forty-ninth Congress will bear me out when I say that we took, I believe, six of the general appropriation bills away from that committee and referred them to other committees. The appropriations for the Army had been, up to that time, in charge of that committee; they were taken away from it and placed in the hands of the Military Committee; and ever since we have had a struggle with the Committee on Appropriations on every item of the army appropriation bill to determine whether or not we had jurisdiction.

The rules of the House of Representatives say that those matters which pertain to the military establishment and to the public defense should go to the Committee on Military Affairs. This arsenal and armory at Springfield come within that category. This is the old story of the conflict of committees. The diligent, the ornate, and the learned chairman of the Committee on Appropriations watches carefully each item; and when he finds anything which he thinks should be appropriated for by his committee he is sure to grasp it.

[Here the hammer fell.]

Mr. ROCKWELL. I should like a little more time.

Mr. LANHAM. If I can be recognized I desire to yield to my colleague on the committee [Mr. ROCKWELL].

The CHAIRMAN. If there is no objection, the gentleman from Massachusetts will continue his remarks.

There was no objection.

Mr. ROCKWELL. Mr. Chairman, so much in reference to this eternal conflict that is going on upon the part of the Committee on Appropriations. Perhaps it is right and proper. Perhaps some gentlemen may side with the Committee on Appropriations and others may side with the Committee on Military Affairs.

Mr. CANNON. Will the gentleman allow me a question right there?

Mr. ROCKWELL. Certainly.

Mr. CANNON. While the gentleman was getting this estimate referred under the "Military establishment" to his committee, why did he not at the same time, as he says this matter is for the public defense, get this estimate referred?

Completing the erection of a fireproof building for machine shop, finishing shop, etc., at the National Armory at Springfield, Mass., $111,639.54.

Mr. ROCKWELL. That is a fair question and it will be answered fairly.

When I came to this Congress I presented a bill for the construction of the building the gentleman speaks of. At the last session it went through by unanimous consent and was approved by the President, and $100,000 of the sum required has already been appropriated. The reason your committee [addressing Mr. CANNON] did not appropriate the balance was because the Chief of Ordnance had told you he could not use the amount last year; and you are going to appropriate it this year.

In answer to the gentleman's question I will say that in the Forty-ninth Congress I went to the then chairman of that committee, a distinguished gentleman from Pennsylvania, who unfortunately has joined the great majority, Mr. Randall, and I said, "Can we not at Springfield come within the same beneficent appropriations as Rock Island, and can not this plan proposed by the War Department be accepted and these appropriations made by your committee?" I introduced the first of these bills to which the gentleman has referred, appropriating $50,000, and when the Chief of Ordnance came to be examined he was referred to the Committee on Public Buildings and Grounds; so that the reference had to be changed.

I happened to be a member of the Committee on Public Buildings and Grounds, and the Appropriations Committee of that Congress actually turned the matter over to me. At that time a bill was reported, and it was held by the chairman of the Committee on Appropriations that the Committee on Public Buildings and Grounds had charge of the matter. So the bill to which the gentleman refers was submitted to the Committee on Public Buildings and Grounds. One of the bills which he alluded to you will find went through with the appropriation clause upon it, and the amount was reported immediately.

In this Congress the Committee on Appropriations practically said, "No bill from the Committee on Public Buildings and Grounds shall pass unless the appropriations clause is taken off." I could not prevent it. I was terribly sorry when the matter went into the hands of the Appropriations Committee. I would have been glad to have the money all appropriated then, not only for my own sake, but because the officers at the Springfield Arsenal had said it was necessary and economical to make all their contracts at once, instead of having them run on piecemeal from year to year. And I believe they were right. I would have been glad to have that appropriation clause put in at that time; but this House decided otherwise—perhaps justly, perhaps rightly; therefore I had no control over it; and it went to the committee.

Now the gentleman says that through my instrumentality this reference was changed. I submit that if a bill on this subject had been introduced into this House the Speaker would have ruled it should go to the Committee on Military Affairs, because it is a matter in reference to the public defense and the military establishment of the country. There is no question about the jurisdiction; there is no question about the power of the Committee on Military Affairs to report an item in the appropriation bill over which they have jurisdiction; and now, because some other item has gone to the Committee on Appropriations and been considered by it, the gentleman from Illinois [Mr. CANNON] rises in his place and asks me why I did not have that item put in this bill.

[Here the hammer fell.]

Mr. ROCKWELL. I would like to have a little more time to answer the questions which have been put to me. I ask unanimous consent for that purpose.

Mr. LANHAM. I ask unanimous consent that the gentleman from Massachusetts be allowed to proceed five minutes longer.

There was no objection.

Mr. ROCKWELL. The distinguished gentleman from Ohio asks me as to the amount to be appropriated for this purpose. The original

recommendation was $30,000; but, as I understand, when the Chief of Ordnance went before the committee he said he would consent to $20,000; and this year the appropriation is put in at $20,000.

At this session there is no reference of this matter to the Committee on Appropriations under the head of "Public works." It is referred where it properly belongs, to the Committee on Military Affairs. And I submit that the sum of $20,000 is right; and I will state why. The estimates as prepared by the commandant at Springfield were $30,000. Those were detailed estimates filed in the War Department. The chairman of the committee, as I understood, stated to the officer that he thought that was too much; that work of this kind had been done in some places for $6,000, which sum he thought might be enough.

Mr. CANNON. The recommendation of the Chief of Ordnance was $20,000.

Mr. ROCKWELL. I may be mistaken as to this point. It was stated to me from the Department that the amount should be $30,000, and the estimates were filed for that amount. Possibly the Chief of Ordnance changed his mind.

Now, these buildings are to be built of brick. The location is on a high hill above the Connecticut River, one of the most beautiful situations in one of the most lovely valleys of this country. The armory grounds are on a large tract of land above the beautiful city of Springfield; and they are far away from the fire department of that city. And so you find that it would be necessary that they should have a little fire department of their own in case of an emergency. It would not do therefore to build wooden structures in that locality. You could not build the proper character of quarters for less than the sum provided here, $20,000.

I do not think that there has ever been a question raised before as to the amount of expenditure necessary to build them. People familiar with building matters in Springfield know that it costs something to build there, and that it ought to cost something, because it is worth living in Springfield. It is a good place to live in.

Why, they found fault with me here when I said that it would cost $75,000 to purchase sufficient ground in Springfield for a site for the post office; and I want you to understand here, my friends, that the people residing there raised themselves the difference between the $18,000 and the $75,000, and paid it over for a proper site.

Mr. OUTHWAITE. What is the population?

Mr. ROCKWELL. Forty thousand. But it is worth something to live in such a city.

Now, we want good, substantial buildings, which will not imperil the structures already erected. We have a line of old buildings already that we may use for storehouses. It must be remembered that nothing has been done at the Springfield Armory since the close of the war until these improvements were commenced. A lot of old sheds were built at the time we thought it would take sixty days to crush the rebellion. Even at that time they were only temporary in their character, but now they can be used as storehouses. But since 1865 we never had expended a dollar for buildings there until this plan was adopted.

Wooden structures suitable for officers' quarters ordinarily cost from six to seven thousand dollars in such a city. If you erect wooden quarters against the brick buildings already established there, you simply imperil them by danger from fire, and unless you make larger expenditures for Springfield or establish a better fire department on Armory Hill to meet an emergency that might arise, you can not safely undertake to put up wooden quarters. We have asked to have suitable buildings erected there which are not only necessary, but to have them erected of such material as to save the entire structure from danger by fire.

I know that the amount appropriated is not too much, because I know what it costs to erect the buildings. I have not had very much experience, it is true, in building, for I am a lawyer by profession, but I have a seen a great deal of building done and have drawn contracts for that purpose, and I have built a house myself since I have come to Congress. [Laughter.]

Mr. ANDERSON, of Kansas. Did you pay for it? [Laughter.]

Mr. ROCKWELL. Yes; and I can build another if necessary, for I will try to be as diligent in my own business as the gentleman from Illinois intimates I am in the public business; and I propose that these buildings shall be erected in a proper form or not at all. Now, if you do not want to give me this item, strike it out of the bill. I am not suffering for it. I am not asking it for myself, but I am asking it for the good of the Government in the district I represent. I know what is needed there and I know that the amount is proper.

Mr. CHEADLE. Can you state the rank of the officers who are to occupy these quarters?

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. CUTCHEON. I hope we may now limit debate on this pending amendment. I ask unanimous consent that further debate be limited to ten minutes.

Mr. CHEADLE. I object to that.

Mr. ENLOE. I want to ask the gentleman to extend the time a little further. I have not occupied any time in the discussion of this bill, but I want to take about fifteen or twenty minutes myself.

Mr. SPRINGER. I would suggest to the gentleman from Michigan to make it thirty minutes.

Mr. WHEELER, of Alabama. I think thirty minutes will be sufficient to meet the views of the gentlemen on this side who want to be heard.

Mr. CUTCHEON. The consideration of this bill has been already very protracted. This is the fourth day, and with five other appropriation bills awaiting consideration I think gentlemen will have endless opportunity to talk, especially on the legislative and sundry civil bills. I do wish that we might close debate on the bill, but I will modify my request and ask that debate be closed in twenty minutes, of which time I am willing to yield ten minutes to the gentleman from Tennessee.

Mr. WHEELER, of Alabama. Say thirty minutes.

Mr. ENLOE. I was recognized on a former amendment and gave way with the understanding that I might have an opportunity to speak on this amendment. The gentleman from Massachusetts has just occupied twenty minutes or more, and I think it not unreasonable that I should have fifteen minutes.

Mr. CUTCHEON. In view of the desire expressed and in order to facilitate the conclusion of the bill, I move that all debate on the bill be closed in thirty minutes, and I am willing that the gentleman from Tennessee shall have fifteen minutes of that time.

The motion to limit debate was agreed to.

Mr. ENLOE. Mr. Chairman, I have not occupied very much of the time of this House during the present session in discussing the various questions that have come before it; but I have listened with much interest to the debate on the army appropriation bill. The discussion was, I think, very properly opened by the gentleman from Texas [Mr. LANHAM] making a very strong and able plea for peace and harmony. I believe that it would always be a good idea in preparing for war to begin with a plea for peace. I therefore heartily approved of what the gentleman from Texas said. There has been a very wide range taken in the discussion, and I think it ought to be properly closed, for which reason I wish to come in and help to settle some of the little differences which have sprung up between some of the gentlemen during the debate.

Now, the gentleman from Missouri, after the gentleman from Iowa had manifested some disposition to inject a little partisan bitterness into the debate and had disposed of the bile that was on his liver, delivered himself of quite a bitter speech before the House, attacking the gentleman from Massachusetts [Mr. LODGE].

I also listened with great interest to the obituary remarks of the gentleman from Massachusetts [Mr. GREENHALGE]. I think it is a very fortunate circumstance, I will say by the way, that continues the session over after a man has met the enemy and has become theirs, so that he may be permitted to return here and pronounce his own obituary. I was very much gratified to see that he did it so gracefully, and I hope that when we see his successor, to whom he alludes, we will find him an equally able and courteous gentleman, and I have no doubt that, being a Democrat, he will be a gentleman.

I want to say furthermore, Mr. Chairman, that I think the gentleman from Missouri did great injustice to the gentleman from Massachusetts [Mr. LODGE]. I believe that he charged him with being the author of what is known as the force bill. Yesterday I listened to hear whether or not the gentleman from Massachusetts would deny the soft impeachment. He was too modest to deny it; that is, he did not exactly deny it. I would have been gratified, and many of his friends would have been pleased, if he had denied that he was the father of this bantling. He says he was responsible in part for its paternity.

Well, I have the bill here which was prepared by the gentleman from Massachusetts, and I believe it was the nest egg upon which the Republican caucus sat when it hatched that measure. I believe that the gentleman from Illinois [Mr. ROWELL] also took part in contributing something to the nest egg that the gentleman from Massachusetts had deposited in the nest. It was strange, with the start they had when the caucus went to sit upon it, that they should have hatched out the measure which they did, unless there was some other egg laid in that nest. I find that a Senator from Massachusetts introduced a bill in the Senate somewhat similar in character to the bill which was adopted by the Republican caucus and passed by the House, a Senator from Massachusetts who was alluded to by the gentleman from Missouri in his remarks.

I want to call attention to some differences between the so-called Lodge or force bill and the one which was prepared by the gentleman from Massachusetts [Mr. LODGE] and introduced into the Republican caucus. I hold in my hand a printed copy, in pamphlet form, of the real and only Lodge bill, and I find that it occupies exactly four and a half pages, with eight short sections, while the bill which passed the House of Representatives, and to which he lent his name, occupies thirty-five pages of similar size, with fifty-seven long sections. So from this little pamphlet of five pages grew up this immense bill of thirty-five pages. I suppose the reported relationship of the gentleman to the force bill is due to the fact that, being of very robust intellect and anxious to lend his paternity to some measure coming from

this body which should perpetuate his name, and finding that the bantling which had been hatched in the Republican caucus was not his own, he determined to lend his illustrious name to this outrageous and revolutionary measure, so that he may go down to history as the man who fathered the force bill of the Fifty-first Congress. This is, I think, the extent of his intellectual offending.

Mr. Chairman, I find that the Lodge bill contains a provision which I do not find in the force bill. It says these registrars who are to be appointed—

shall be residents and voters in said Congressional district. They shall be discreet persons of good reputation and able to read and write.

It seems that when the caucus framed the force bill they made some changes as to the qualifications of registrars, and they were not so particular as to the character and intelligence of the men who were to discharge those duties. So that I say to charge the gentleman from Massachusetts [Mr. LODGE] with having conceived or intended to introduce such a bill as the one which passed the House is to do him very grave injustice.

The force bill as it came from the caucus and as it passed the House contained a provision for stationing troops at the polls if it shall become necessary; but there is no such provision in the bill which the gentleman from Massachusetts [Mr. LODGE] introduced.

I find that the bill of the gentleman from Massachusetts [Mr. LODGE] contains no provision for appointing an army of deputy marshals to appear at the polls and bulldoze and intimidate voters. The force bill does. I find that the bill prepared by the gentleman from Massachusetts [Mr. LODGE] does not appropriate continuously every dollar in the Treasury for the purpose of subverting the Government, while the force bill does. So I say he is entitled to a great deal of credit for not putting these provisions in his bill even if he did afterward listen to wicked counsels.

I find furthermore, Mr. Chairman, that there is no provision in his bill for changing our jury system so as to provide packed juries to try the men who may violate the rights of the people in the enforcement of this law, while the force bill does. So I think the gentleman from Massachusetts should have the credit and the benefit of a denial here that he had any such purpose in view when he framed his measure. I find furthermore, Mr. Chairman, that there is no provision in the bill prepared by the gentleman from Massachusetts [Mr. LODGE] for the creation of a set of returning boards to steal the representation of States and the Presidency, while there is such provision in the force bill.

I say, therefore, that it seems to me exceedingly unfair for the gentleman from Missouri [Mr. STONE], knowing the character of the bill which passed this House and referring to it in the terms that he did, to charge the gentleman from Massachusetts with having prepared and introduced such a bill in this House. I presume, however, that the gentleman from Missouri [Mr. STONE] did not know of the existence of the real Lodge bill. It went out to the country, it was passed upon by the people at the polls, it went into the newspaper press everywhere, it was in the mouth of fame that the force bill was the intellectual offspring of the gentleman from Massachusetts [Mr. LODGE]; but I have shown to you that there was no blood kin or relationship between him and the force bill.

It was no "effominate statesmanship" which the gentleman from Massachusetts attempted to perpetrate upon the House when he became the adopted father of the force bill. His bill is an infinitely better bill than the one which was adopted in caucus and passed by this House. He deserves some credit for his first impulses in not going to the extent that the caucus went which framed that bill, though I can not defend his action in lending his name to the force bill.

Now, Mr. Chairman, I want to put this bill into the RECORD as part of my remarks, and if there is no objection I will do so. My reason for desiring to do so is that we are engaged and have been, ever since this bill has been under consideration, in making and correcting history; and my desire is that we shall have a correct history of the statesmanlike production of the gentleman from Massachusetts [Mr. LODGE].

I think it is to the credit of that old Commonwealth, which has been so highly eulogized by gentlemen from Massachusetts upon this floor repeatedly, that it was not one of her sons who conceived this idea, though he does admit that he sympathized with it and aided the gentlemen who brought the measure before the House.

I really have thought that there is some jealousy in the State of Massachusetts about the paternity of this legislative bastard. I had believed that there were two gentlemen in Massachusetts who wanted the doubtful honor of having conceived this measure; and yet I believe that, so far as the fact is concerned, neither one of them is entitled to make such pretensions.

I know that the gentleman from Illinois [Mr. ROWELL] comes in; and I believe when the matter was under discussion with reference to the history of this bill I stated that I thought the Speaker of this House was the first man who promulgated the idea. He was made the spokesman to present to the country the purposes which are contained in this bill. I refer to the occasion when he spoke at the banquet in Pittsburgh, in which speech he said:

The time has come when the Republican party should do its own registration, its own voting, and its own certification.

Immediately following upon that this bill made its appearance in the House. It has been said that the gentleman who was oftenest in the councils when the bill was being framed, and the man who was really entitled to the credit of the measure, lives in the State of New York. I have no doubt the gentleman from New York [Mr. FLOWER] would not want to rob New York of any of her interest in it as an intellectual production. He is perfectly willing to acknowledge that John I. Davenport is responsible for the intellectual and physical shape of this legislative monstrosity.

Then, Mr. Chairman, having done what I could to settle the little differences between the gentleman from Massachusetts [Mr. LODGE] and the gentleman from Missouri [Mr. STONE], I hope I will receive the blessing of the peacemaker. I have shown that the Lodge bill is not the force bill, and that the force bill is not the Lodge bill.

Read this bill and compare it with the force bill:

A bill to regulate the election of Representatives in Congress.

Be it enacted, etc., That the elections for Representatives and Delegates in Congress in 1890 and in each alternate year thereafter, or at any special election, shall be held under the provisions and in accordance with the terms of this act, and it shall be the duty of the district court of the United States for the judicial district within which any Congressional district or any territory, or the major part thereof, is included, to appoint such officers of election and registration and to make such further provision for the conduct of the said Congressional or Delegate's election in accordance with the terms of this act as is hereafter provided.

SEC. 2. In any voting precinct in any Congressional or Delegate's district where registration of any kind is now or hereafter may be required by the laws of any State there shall be two registrars of voters as hereinafter provided. These registrars shall be residents and voters in said Congressional district; they shall be discreet persons of good reputation, and able to read and write; one of them in each voting precinct shall be a member of the party which at the next preceding Presidential election polled the highest number of votes for its Presidential electors, and one a member of the party which at the same election polled the next highest number of votes for its Presidential electors; they shall be appointed by the district court not less than six weeks prior to the election to be held under the terms of this act from lists filed with the clerk of the said district court by the regularly nominated candidates of the parties which received, respectively, at the next preceding election the highest and second highest number of votes for their Presidential electors.

The said court may reject any or all the names on the lists thus filed if the persons so nominated by the candidates do not possess the qualifications demanded by this act, and shall then require other nominations to be made, and shall select registrars from them, and in case of dispute as to who is the regularly nominated candidate of either of the two parties heretofore described it shall be the duty of the court to appoint of its own motion one-half the registrars from the party in which the disputed candidacy has arisen without reference to the lists of any such disputed candidate, and it shall be the duty of the district court in case no lists are filed by either or both candidates to appoint of its own motion duly qualified registrars in equal numbers from the two parties hereinbefore described, and in case of the death, disability, or failure to act of any registrar it shall be the duty of the district court on notice thereof to fill the vacancy at once in conformity with the provisions of this section. It shall be the duty of the registrars appointed under this section in each voting precinct to assemble immediately, take an oath before an officer duly qualified to administer oaths that they will well and truly perform the duties of their office, and then prepare a preliminary list of the voters of their election precinct.

In preparing this preliminary list they shall be at liberty to make use of the lists prepared under the registration laws of the State, and in case of refusal of any State officer to deliver such lists or copies thereof they shall by writ of mandamus in a United States court compel production of said lists, and they shall place upon the preliminary lists made up by them the names of all voters known to them in their voting precinct who are eligible to vote under the laws and constitutions of the State and of the United States for the more numerous branch of the Legislature of the State in which the election is held. It shall be the duty of the registrars to prepare this preliminary list with all convenient speed, to post it in not less than five conspicuous places throughout the precinct, and to furnish copies of it to any ten qualified voters who may demand it. They shall also give notice on the lists so posted that they will meet at certain specified times and places to register voters, and they shall also advertise the time and place of such meetings for the purpose of registration in two newspapers circulating in their voting precinct.

Within three days after the posting of the preliminary lists and the advertisement of their meetings the registrars shall begin to hold said meetings, which shall be public. They shall sit for not less than six hours on each day for not less than six days to register all duly qualified voters who may come before them and who are not already registered, and they shall, on request of any ten voters, sit so long as may be necessary to strike the names from the preliminary list on cause being shown therefor, and they shall have all the powers to verify the registration lists now exercised by United States supervisors under acts, and it shall be the duty of the marshal of the district court to furnish deputy marshals to aid the registrars, if necessary, in the verification of their lists. Not less than ten days before election the registrars shall publish in the same manner as for the preliminary list a second or amended list, but no names shall be added to such amended list after the time fixed by the laws of the State for the close of registration, and no names shall be stricken off, except on proof of death or removal from the Congressional district or disqualification for crime.

In case of dispute as to the eligibility of a voter the vote of one registrar shall be sufficient to place the name on the list, but no name shall be stricken off the list except with the assent of both registrars; and any registrar or registrars who shall by their vote or otherwise place upon the list, after due proof of ineligibility, the name of any person not eligible to vote, or who shall strike off the name of any legal voter after due proof of his eligibility, shall be punished, on conviction, by a fine of not less than $100 nor more than $500, and by imprisonment in the penitentiary not less than three months nor more than one year. It shall be the duty of the registrars on election day to be present at the polling place of their election precinct. They shall furnish one copy of their amended list to the inspectors for use at the ballot box, and they shall also bring another list, upon which they shall check off the name of each voter who seeks to vote, and no one shall be permitted to vote unless his name appears on the registered list nor until his name has been called and checked off the list by the registrars. Any registrar or registrars failing to admit any voter whose name is on the list or who shall declare to any voter that his name is not on the list, when it is actually on the list, or who shall permit more than one person to vote on one name, shall be punished, on conviction, by a fine of not less than $100 nor more than $500, and by imprisonment in the penitentiary of not less than three months nor more than one year.

INSPECTORS.

SEC. 3. That four inspectors, two of whom—one of each political party—shall act as clerks and keep the poll book, registered list, or other record of the vot-

ing, shall be appointed in each voting precinct of every Congressional and Delegate's district in the same manner and with the same qualifications as prescribed above for registrars by the judge of said district court not less than ten days prior to the election: *Provided, however*, That in any precinct where there are registrars appointed in accordance with provisions of the preceding section such registrars shall be appointed and shall act as inspectors and clerks as provided in this section and in the manner prescribed in the preceding section.

The inspectors in each voting precinct shall designate and appoint, and if they fail to do so at least five days before the election then the judge of the district court shall designate and appoint, a polling place therein at a point most convenient to the voters of the precinct, and it shall be the duty of said inspectors to hold the election for Representative in Congress at such polling place on the day appointed by law, and they shall conduct said election in the manner and method for receiving the vote prescribed by the laws of the State in which the election is held for the election of State officers, and said inspectors shall be subject to all the penalties imposed by the laws of the State upon election officers for violations of such election laws in the conduct of elections. Immediately on the closing of the polls it shall be the duty of the inspectors, in the presence of each other, to open the ballot box and take out the ballots, and the ballots shall then be counted by two of the inspectors, one of each political party, in the presence of the other inspectors, and when the result is ascertained it shall be publicly announced by the election officers, and two certificates of the result shall be made on suitable blanks to be furnished by the clerk of said district court, and said certificates shall be signed by all the election officers. But should any election officer fail or refuse to sign the said certificate the facts and reasons on which said failure or refusal was based shall be stated and certified.

One of said certificates shall be forwarded at once to the clerk of said district court, together with the ballots cast in the election, to be filed and preserved by him, and within forty-eight hours and not less than twenty-four hours after transmitting as above provided the first certificate of the result of the election, it shall be the duty of the election officers to transmit one certificate numbered "second certificate" to the clerk of said district court to be by him preserved with the other records of the election, and it shall be the duty of said clerk to exhibit for inspection said certificate of the result of the election, in any voting precinct to any qualified voter or voters of the Congressional district who shall in writing ask for such inspection.

It shall be the duty of the district court to compute the total votes of all the precincts for each candidate in the Congressional district where an election has been held and to certify the election of the candidate having the highest number of votes on the face of the returns; and in case there shall be no certificate of the result from any precinct, then such precinct shall not be counted, and the candidate having the highest number of votes in the remaining precincts shall be certified as elected, and it shall be the duty of said judge and clerk to make certificate of the precinct or precincts whence no certificate has been received, and to transmit this certificate, together with the certificate of election, to the clerk of the House, in Washington, and to send copies of said certificates to the Representative elect, and the name of the person thus certified shall be placed on the roll of members elect of the House of Representatives for which the election was held.

SEC. 4. That it shall be the duty of the inspectors, on the demand of any two of them, to divide their precinct into two or more precincts not less than ten days prior to the election, and to notify the district court of such division, and it shall then be the duty of said district court to appoint inspectors for such new precinct in the manner prescribed by the terms of this act: *Provided*, That no new precinct thus set off and created shall contain less than 200 qualified voters.

SEC. 5. Any person who shall interfere or attempt to interfere with any voter seeking to vote or who shall endeavor to induce any voter before voting to show how he marks or has marked his ballot or what his ballot contains or how he votes, shall be punished by a fine of not less than $50 nor more than $500, and the election officers shall report any person so doing to the deputy marshal in charge of the polls, whose duty it shall be to see that the offender is duly brought before the proper court of the United States, and any person who shall, prior to an election, willfully deface or destroy any registration list or any list of candidates posted in accordance with the provisions of this act or the laws of any State, or who, during an election, shall willfully deface, tear down, remove, or destroy any card of instruction or specimen ballot printed or posted for the instruction of voters, or who shall, during an election, willfully remove or destroy any of the supplies or conveniences furnished to enable a voter to prepare his ballot, or shall willfully hinder the voting of others, shall be punished, on conviction, by a fine of not less than $50 nor more than $500, and by imprisonment not less than thirty days nor more than three months.

Any person who shall falsely make or willfully deface or destroy any certificate of nomination, or nomination paper, or letter of withdrawal, or file any certificate of nomination, or nomination paper, or letter of withdrawal, knowing the same or any part thereof to be falsely made, or suppress any certificate of nomination, or nomination paper, or any part thereof, which has been duly filed, or forge or falsely make the official indorsement on any ballot, or willfully destroy or deface any ballot, or willfully delay the delivery of any ballots, shall be punished by a fine not exceeding $1,000 or by imprisonment in the jail of not more than one year, or by both such fine and imprisonment. Any public officer upon whom a duty is imposed by this act who shall willfully neglect to perform such duty, or who shall perform it in such a way as to hinder the objects of this act, shall be punished by a fine of not less than $500 nor more than $1,000 or by imprisonment in jail for not more than one year, or by both such fine and imprisonment.

SEC. 6. That it shall be the duty of the marshal of the court within whose jurisdiction an election under the terms of this act to furnish the inspectors of election in each precinct with a ballot box of the kind and form in common use or prescribed by the laws of the State in which the election is held, said ballot boxes to be returned to the marshal to be by him preserved and kept for use at subsequent elections; and in any State where ballots are furnished at public expense and the voting secret, it shall be the duty of said marshal to furnish to the inspectors such ballots and other documents and such conveniences for voting as the laws of the State prescribe for the furnishing of ballots and for voting for State officers.

It shall also be the duty of the marshal of the court within whose jurisdiction an election is held under the terms of this act to furnish a deputy or deputies for each voting precinct to act under the orders of the election officers, and to preserve order in and about the polling place, and to protect voters in the exercise of their right to vote; and it shall also be the duty of the said marshal, on the request of the election officers or on the petition of twenty-five duly qualified voters of any voting precinct, and on a sworn statement from such officers or voters that they have reason to apprehend that the voting will be interfered with or delayed or stopped by disorder or violence at the polling place, to furnish additional deputies in such numbers as he in his discretion may deem necessary to preserve order at and about the polls, and to secure to all duly qualified voters the peaceable exercise of their right to vote. But any marshal or deputy marshal who shall attempt to influence, impede, or interfere in any way with any voter in the peaceable exercise of his right to vote in accordance with the provisions of law, or who shall take any part in the election other than is involved in the preservation of order at the polls and in the performance of the ordinary duties of a police officer, shall be punished by a fine of not less than $100 nor more than $500, and by imprisonment in the penitentiary for not less than three months nor more than one year.

SEC. 7. That registrars of voters shall receive $2 per day each for each day on which they sit as a board and register voters, and inspectors shall receive each $3 for their services on election day, and they shall be paid on the certificate of the clerk of the district court to the Secretary of the Treasury, and the expenses of advertising, of arranging the polling places, of furnishing ballot boxes, and of printing the official ballots, if any, shall be paid to the clerk of the district court on his certificate, approved by the judge, and accompanied by proper vouchers by the Secretary of the Treasury, and shall be paid out to said election officers by the said clerk, and for these purposes the sum of ——, or so much thereof as may be necessary, is hereby appropriated.

SEC. 8. Nothing in this act shall be construed to repeal or in any way affect an act entitled "An act ——."

Mr. KERR, of Iowa. Mr. Chairman, I desire one minute.

Mr. CUTCHEON. The gentleman from Iowa [Mr. KERR] wants one minute. I yield it to him.

Mr. KERR, of Iowa. The gentleman from Tennessee has been discussing who instigated the force bill, as he calls it. I just want to read for him from our last national platform in 1888 to show that the Republican party instigated the bill for the protection of citizens in their right to vote:

We reaffirm our unswerving devotion to the national Constitution and to the indissoluble union of the States; to the autonomy reserved to the States under the Constitution; to the personal rights and liberties of citizens in all the States and Territories of the Union, and especially to the supreme and sovereign right of every lawful citizen, rich or poor, native or foreign born, white or black, to cast one free ballot in the public elections and to have that ballot duly counted. We hold a free and honest, popular, and a just and equal representation of all the people to be the foundation of our republican government, and demand effective legislation to secure the integrity and purity of our elections, which are the foundation of all public authority.

I think that will settle that question.

Mr. ENLOE. I would like to ask the gentleman a question before he takes his seat. I would like to ask the gentleman from Iowa if he is the author of the bill himself.

Mr. KERR, of Iowa. No, not at all.

Mr. CUTCHEON. Mr. Chairman, before concluding the consideration of this bill—and we are now upon the last amendment—I desire to correct a statement that I made yesterday inadvertently in regard to a certain officer of the Army. At the time when the gentleman from Arizona [Mr. SMITH] was upon the floor speaking in regard to Indian scouts, I spoke of the late Lieutenant Casey as being in command of a body of Apache scouts. I should have said Cheyenne scouts. There are Apache scouts, Cheyenne scouts, and Crow scouts.

Now, I desire to put in the RECORD in the few moments remaining a dispatch received a few days since from General Miles in regard to Cheyenne scouts. I ask that it be read by the Clerk.

The Clerk read as follows:

PINE RIDGE AGENCY, S. DAK.,
January 9, 1891 (*via* Rushville, Nebr.).

ADJUTANT GENERAL, UNITED STATES ARMY,
Washington, D. C.:

The commission appointed to consider the condition of the Cheyenne Indians at this place and in Montana unanimously recommend the removal of those to the Fort Keogh reserve. There are already 250 at Fort Keogh and the men enlisted as scouts. These scouts came southwest under Lieutenant Casey, and were joined by nearly all the able-bodied Cheyenne men from this agency. Together they have done most valuable and hazardous service in fighting and harassing the hostile Sioux. They have killed and wounded their warriors and captured their horses. The feeling between them is very strong, and the Cheyennes have proved their loyalty and repeated their record again at the Sioux and Nez Percés in 1876 and 1877. These are now in danger from the Sioux, and if there is no objection I will, when this affair closes, at once transfer them to Fort Keogh as an act of justice and good policy and in accordance with the recommendations of the Cheyenne commission.

MILES, *Major General, Commanding.*

Mr. CUTCHEON. Mr. Chairman, I ask this to be inserted in the RECORD because of the fact that the Senate Committee on Military Affairs has already reported a bill to increase the number of Indian scouts to two thousand, and similar legislation is pending before the Committee on Military Affairs of the House. I also, in this connection, Mr. Chairman, ask unanimous consent of the committee to print in the RECORD an article on Indians as irregular cavalry, of recent publication in Harper's Weekly, relative to these Indian scouts, that members may see something of what they are. It is written by Mr. Frederic Remington, who has spent much time among them.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to print in the RECORD a certain article from a recent publication named by him. Is there objection? [After a pause.] The Chair hears none.

The article is as follows:

INDIANS AS IRREGULAR CAVALRY.

The lowest type of Italian or Hungarian immigrant has little or no comprehension of American Government or civilization. Most of them could not tell the difference between the Constitution and a coal-scuttle. The Indians are more enlightened, for they have at least one distinct impression regarding the Government. They know that it never keeps its word. Any old chief will tell you that white men are all liars, and, if you press him regarding it, he will prove it, and the only exception he will make is the white soldier. This class of men has formed a decided respect for the Indians, on the principle of that strange liking you have for a man after you have fought with him. Every young West Pointer learns very early in his career never to speak anything but the exact truth to an Indian. This code of morals was acquired from a savage race.

Think of it! Buffalo hump seems to feed moral character better than *pâté de foie gras*. I have heard Indian commissioners talk to a ring of chiefs about their land titles, and the Indians could no more understand the white man's legal talk than the white man can smell a campfire a mile away as an Indian can. Their title to their lands is clear in their minds, because some represent-

ative of the Government has told them it was, and that ought to be reason enough, they think.

After we regard Indians as children in their relation to us, we must understand another thing, and that is that they are only second to the Norsemen of old as savage warriors. They possess all the virtues and some of the weaknesses of that condition. About a year ago a Portuguese newspaper intimated that the English nation were simply Norse pirates, notwithstanding they were supposed to have progressed somewhat in a thousand years. Twenty-five years has not made a plodding, praying man out of the befeathered brave of the great plains, and twenty-five years more will not either.

Above wealth, wives, children, and civil renown, there is one thing an Indian holds next to his God, and around their mind is emblazoned the halo of him who can fight and die. A soldier—that is the man whose image fills an Indian's eye. The bow and the lance were the emblems of all that was noble in the old days, and a little man in a blue uniform is the only thing good about the white people which an Indian ever saw. He represents courage, justice, and truth; and while the civil agents sent from Washington to dole out bad and insufficient rations to a conquered race may receive the homage they can never command the respect of the wild tribes.

After two centuries of civil administration with its agents, its treachery, its inefficiency, and at times its horrible corruption, where are the Indians? Such as survived the flood of white immigration are living in poverty and ignorance. They have never obtained even an ordinary state of industrial progress. The Indians now living on reservations in the State of New York have had two hundred years of civil agents and have had their morals looked after by the Christian church, and yet I could never see that they had any mission in life beyond waiting for death.

The Cherokees and isolated individual instances which might be quoted to the contrary are half white in their blood, which will account for their progress. It must also be borne firmly in mind that all these Eastern Indians were corn-planters from remote times. The wild, buffalo-eating Indians are steadily retrograding. With the healthy occupations of the hunter gone, they draw their rations listlessly, which having eaten, they starve, and in idleness their minds, morals, and bodies degenerate from lack of use. It seems that no amount of explaining will ever suppress that inevitable question of "Why do they not farm?" But, to treat the thing seriously, I will explain that a part of the Indian Territory is a fine farming country, and is inhabited by the remnants of the Eastern tribes who do farm to some extent.

The Cheyennes, Comanches, Kiowas, and Arapahoes live west of the rain belt, and it is exceptional when a corn crop can be raised once in four years. That seems to be reason enough to deter white men from farming there, and it ought to at least account for the Indians' lack of success. Those parts of Kansas and Texas lying north and south of these reservations are not regarded as farming countries. On certain parts of the Sioux reserve crops might be raised, but on the greater area of it no results can be attained without irrigation. The northern Cheyennes could not farm for the same reason, though the Crows are more fortunately situated, as the broad bottoms of the Little Big Horn can be irrigated at a trifling expense.

A curious fact might be mentioned in confirmation of all this, which is that there are fewer white people on the high plains of the Northwest now than there were ten years ago, and there will probably be fewer in ten years more than there are now unless the country is reclaimed by irrigation, which could only be done by a system of water storage made possible after a vast outlay of labor and capital. Knowing these facts, it is serious ignorance when one hears this talk about farming on the old buffalo range. Any stockman will tell you that it is a question, and most of them will decide in the negative, when you ask if the high plains of the Northwest are a cattle country, to say nothing of agriculture. All these reports of Indian agents to their department about the industrial, and especially the agricultural, progress of their wards are gilded, to say the least; and in a great many instances you can rub off the gilt and disclose simple commonplace lies, with no foundation whatever in fact.

But the Indian agents are simply men who are occupying a political appointment for a brief term, and they do many things which are not high-minded. It does not seem necessary for me to go on to prove that the Indian Department is not a joy forever. Very few people think it is, and most of those who do have a finger in the pie. They have never been distinguished for anything except Indian wars, and for almost every affair of the kind they are entirely responsible. The Northwest is dotted over with soldiers sleeping out in the snows of this winter because of the mismanagement of the Indian Bureau. With an instance of this incompetency before their eyes nearly half of the time, people in the East ought to understand, and every man who in the West comes near enough to get the stench can not but know, its rottenness. It's unchristian, it's inhuman, it's vile. It is the constantly recurring old story, a gross case of mismanagement. And then the Army is called in to be responsible—to protect the lives of the settlers, and in these days to shoot down a people who have the entire sympathy of every soldier in the ranks.

Of course, I know as well as any one else what will be done in this matter. The dishonor will continue, and I only hope for pardon when I oppose the laws of nature. The Saxon race is not in a habit of dividing the spoils with a conquered one. It never has, and the millennium is yet a long way off. Many generations from now posterity will apologize for their rude ancestry, much as we do for the enterprising fur traders, whose hands weighed a pound in a beaver-skin transaction. The only excuse I have for not being absurd in this matter, when I argue that the wild Indian tribes can be allowed to live, is that their lands are so worthless that we do not want them, and that, secondly, they can be made useful to us, two reasons selfish enough for us to entertain. To touch ancient history for a sentimental reason, we all know that the hatred of the Six Nations for the Canadas made the English occupation of this continent possible, which would have been questionable in its contest with the French régime, backed by its church and state. To come to our own generations, we recognize that Indians have co-operated with our troops in every contest for the acquisition of the great West.

Delawares guided our columns to Mexico in 1847. Friendly Cheyennes led Mackenzie into his fight on the Big Horn Mountains against their own tribe. General Crook was guided to every hidden stronghold of the Apaches by Apaches who were not disaffected. I do not, of course, mean to say that these acts were inspired by true loyalty to the old flag, but I do think it demonstrates that experienced United States Army officers can handle these people under any and all conditions. One thing is certain: the wild tribes are steadily retrograding under Interior Department management. I do not for a moment want to be understood as censuring the present Administration in particular. It was as true of the last Administration as it is of this one, and it will be as true of the next as it was of the last. It is the system which is responsible. We are year after year oppressing a conquered people, until it is now assuming the magnitude of a crime. Any Administration which will change this order of things will have one claim on immortality.

There is at present a disposition to recognize that things are not as they should be, and this last Sioux Indian affair has demonstrated that the Indian Bureau is inefficient and has near cost us a bloody war. Its continued management of Indian affairs is liable at any time to send wild Indians on the war-path. Every man in the United States knows that this is so if he takes pains to investigate, and yet the thing goes on. In the case of the Apaches, they were self-supporting for years after their early conquest by General Crook, and were then turned over to the Indian Department. The result was a series of bloody outbreaks, which came near depopulating Arizona, New Mexico, and Sonora.

The northern Cheyennes, after they surrendered to General Miles, irrigated and raised crops at the mouth of Tongue River for two years, and almost immediately sank into poverty and sloth when given the Indian Department ration, for which they did not have to work in order to procure.

These are cases in hand. Efforts have been made and thousands of dollars expended at the Cheyenne Agency, on the Lame Deer Creek, to make the Indians farm. I did not see an acre of plowed ground while there, although there may be some hidden away, for all I know. The short ration which is issued to them keeps them in dire hunger, and if starving savages kill ranchmen's cattle I do not blame them. I would do the same under similar circumstances. Recently I see that some gentleman in Congress proposed to make Indians pay the penalty of their violent protests against starvation by seizing their own property. When a man thinks about the property of the northern Cheyenne, he laughs at the idea. The average Cheyenne buck could very readily get his entire earthly possessions on four or five ponies. People are prone to think that since the buffalo are gone the Indian can not wage ware. Error of errors! They were at a great disadvantage in those days, because they had to stop fighting and go out hunting, while now they can find a herd of domestic cattle in a day's ride in any direction either east or west of the Rocky Mountains, and a haystack often enough to recuperate their ponies for the winter warpath. They have arms and ammunition, and I marvel only at their moderation. Chief Joseph demonstrated what a few desperate Indians can do when driven to it.

Now we will suppose that the American people desire to do justice to the wild Indians; we will suppose that they want to avert these interminable Indian outbreaks; and we will assume that they have the best interests of the American Army at heart; and then we will turn them all over to the War Department. Since the Indian ring found the Apaches unprofitable and they passed to the War Department, you do not hear of outbreaks among them. It was only through the statements of a general in the United States Army that the United States Senate learned that the Sioux were being starved. The army people would like to take the Indians, as they do not doubt their own ability to handle them; and the thing furthest from their minds would be to precipitate hostilities with the red men, since the War Department does not regard Indian campaigning as war.

The War Department could then organize them into a semi-industrial military force, much after the fashion of the Cossacks, whose company chief is responsible for their operations in peace and their deeds in war. He is both the head of the village and the war chief. Four or five irregular cavalry regiments could be organized, at the discretion of the War Office officials, and then the separate troop formations could be 100 men each. We might say, for instance, that is A Troop of the First Irregular Cavalry, they are Crows; and that is K Troop of the same regiment, they are Cheyennes. Each company should have its own permanent village, situated near its agricultural or stock-raising operations, and let the captain of the company be the head of the village. He has judicial and administrative powers, and is responsible to his superior in a military way.

These officers should come from the regular Army, and they may apply for the appointments after their experience and natural capacity are considered. Under this arrangement pride of company is inculcated, and emulation is natural between the troops and their commander. Each officer would then be given an opportunity to apply his theories, and by experience much might be developed. There can be issued the regular clothing and pay of a soldier, and a ration for themselves and families such as is sufficient. This ration in time might be decreased if they attained to agricultural success. Each man should be required to have at least two good serviceable ponies, and each company should have a complete pack train. This would cost a little more than under the Interior Department, but when we figure on the attendant Indian wars it would be as nothing. In time the regiments of the regular Army could be withdrawn from the small posts and concentrated by brigades, with great good to themselves from every point of view.

All this has been suggested in times past, and found fault with by a certain class of politicians "who are not in with the deal," and by a good many estimable people belonging to Indian societies, who are in a habit of congregating with the purpose of harrowing up each others' feelings over the wrongs of the red men. I am happy to say that the above suggestion is no longer an experiment, but has been tried thoroughly, with results which are so astonishingly successful that they should be seen to be appreciated. There is a corps of Apache scouts at San Carlos, and they are doing very well, but need experienced men to deal with them. I would not recommend that they be brought under this régime at present. They live in a very difficult country, and are yet wild, having had very little contact with white people and having been lately at war with the United States troops. Their present management is the best one for a considerable period in the future.

There is a small but efficient corps of Comanche and Kiowa scouts at Fort Sill, whose main business is to keep individual Texans in a realizing state of mind when they covet their neighbor's horse or his ox. They are good material for soldiers; and so are their neighbors, the southern Cheyennes and the Arapahoes, although these latter are undergoing the operation of being starved into farming, and regard the whole process with ill-concealed disgust. There is a very fine corps of Cheyennes at Fort Reno, and they were the first perfectly uniformed and organized troop of Indians I had ever seen; and I talked with some Carlisle school boys who had lately been discharged from the corps in order to make room for others of the tribe, and they were full of regrets, as they had liked soldiering, and now had nothing to do but draw rations at the agency. They were very bright young fellows, fairly educated, and each had a trade, I believe.

There was no possible way for them to earn a living. They were not allowed off the reservation, and so they must sit calmly down and do nothing. Idleness is fully as bad for an Indian as a white man, and is always the godfather of folly and crime. At Reno I saw young scouts who would make a West Point drill-master's mouth water. They were "set up" until they had completely lost the habitual slouch of an Indian and strode about as straight and proud as a drill-sergeant. Indeed, it was this little corps which first impressed me with the possibilities of the whole scheme. Their pride in being soldiers was the noticeable feature.

A young scout passed through the garrison, and no man about the post held his head up higher or put his foot down firmer than that young chap, who would, in his blanket, have sneaked along under the gutters of the buildings like a coyote under a cut bank. They were well dressed, well fed, full of pride in their business, and full of respect for their superiors. The same man, if he were ploughing a field, would ill conceal his mortification at doing a thing which he had been taught for generations was low-spirited, degrading, and which he had always found profitless.

The Indian tribes are yet warriors; they have not lost their instincts or respect for the trade of war; but an Indian will do the most arduous and laborious work if he has a cavalry uniform on, when he would not lift his little finger to the task if dressed in his bright blanket and bead work, both of which are emblematic of a thousand years of glorious deeds of arms. He sees the white soldiers work, and makes as great a distinction between the laboring soldier and his agricultural brother as you would between a farm hand and a gentleman cultivating orchids in his conservatory. I had become aware that the Government was trying to experiment at Fort Keogh. When at that place I was driven out to the little village of Lieut. E. W. Casey's Cheyenne scouts.

I saw a long line of well-constructed log buildings, corrals, and stables, also a large garden fenced and cultivated. I entered the houses and saw comfort and cleanliness. I saw smiling faces and laughing children. I saw perfectly kept

cavalry arms and accouterments, and fine Indian soldiers, who stood like bronze statues, and saluted in the best possible form, while never a muscle of their stern faces twitched, and they looked a soldier and felt a soldier, and were in fact the finest I had ever seen. I saw them mount and fall in and drill in admirable shape, all by a sign of Lieutenant Casey's right hand, because they do not understand English well enough.

I admired the indomitable zeal of Lieutenant Casey, and hoped his work would lead to greater things. Indeed, if he were properly supported, why could not Fort Keogh be abandoned at some future day, and why could not Casey and his company of the First Irregular Cavalry do the work of the garrison and let the Eighth Cavalry and the Twenty-second Infantry go to Fort Snelling and there perfect themselves so that when we call for the skeleton of our army organization in time of war we will find it worthy to be built on to?

Six months before, all these men were down at the Lame Deer agency doing nothing, unless to go out gunning for a ranchman's cattle. Lieutenant Casey brought them up to the mouth of the Tongue River, uniformed and equipped them, and plowed and made a garden after irrigating the land. He then took them up the Yellowstone, and—it is almost beyond belief—he gave them axes, with which they mauled logs, and with the help of their ponies they tugged them out to the river, and drove them down to the fort. They then hewed the logs, and built cabins as good as any ranchman's in the country. Lieutenant Casey and his interpreter (an old Fifth Infantry soldier who has been in battle against Cheyennes) were the only white men along. Beyond doing all this work, they are well drilled, and all in six months. We keep army recruits four months at a depot before we forward them. I should not be surprised if Lieutenant Casey had his Indians herding sheep in course of time, and that is the particular thing that an Indian will not do.

What did I see at the Lame Deer agency? A lot of shrouded creatures lying about or darting over the hills as purposeless and mysterious as creatures out of Dante's Inferno. Later on in my travels a lot of dark-skinned soldiers were drawn up to escort a major general. They were the Crow Scout Corps of Fort Custer, under command of Lieut. S. C. Robertson, of the First Cavalry, another zealous young man with a fiery purpose to have the best scout corps on the crust of the earth. His methods are different from Casey's. He wastes no time on industrial affairs, but goes in for the purely military standard. He is a West Pointer and a graduate of the French School of Cavalry, talks the sign language, and is rapidly mastering the Crow tongue.

Lieutenant Casey is a West Pointer, an old soldier who has fought with Indian scouts under him, and has seen much of their people. Here are young men as types. They are educated; they are brave; they are soldiers for life. They can have no success in life beyond what their military accomplishments bring them. They know that the least indiscretion on their part would cost them their commissions. This is the sort of man who should take the place of the ha'penny politician who has been nurtured in the belief that to plunder the Indians is a natural reward for good service in his political district.

As we rode along with those active warriors they would put their ponies at top speed down very steep hills; they were far ahead and on the flanks. It was the most perfect piece of escort duty that I ever saw. They wore leather leggings instead of cavalry boots, as did Casey's men, and they had no saddle pockets nor rope lariats. Instead of this latter, they carried their own hair rope, lighter and stronger than the great piece of hemp of the cavalry. An Indian is the best possible light irregular cavalryman, and his methods can not be improved by introducing ours, and he can learn little indeed from a white trooper.

Major General Miles having had a vast experience with Indians, I agree with him when he says we should not be overhasty in arming a people who may at any time be our opponents. We must not forget, though, that it is impossible to keep the Sioux disarmed and still allow them their liberty. We must also remember that Indian police and scouts, in the service both of the Army and the agents, have never proved untrustworthy or attended the ghost dances of the last year. If a large Indian military establishment were maintained, one tribe could be made to fight another as readily as it has been done in times past. But under a just administration of their affairs there would be no more chances of the Indians breaking out than there would be of the people of Deadwood or Helena.

Industry and proper care will do completely away with all the turbulence which at times characterizes the present administration of affairs. As scouts they are used constantly on detached service. They are perfect marvels as couriers, and can trail stray horses, scout the country, arrest deserters, and guide troops about. When the Government starts its great horse-breeding farm, which it must do shortly or have its cavalry mounted on brewery horses, they would be of great use as herders. They could raise crops in summer and, in short, be made to work systematically, as Lieutenant Casey has demonstrated. The small scout corps as at present organized have their time fully taken up with duties of a purely military character, but under the Cossack organization they would be a semi-industrial military class who in time would become self-supporting.

There are many views as to their proper organization and equipment among practical and experienced army officers, but all this is a small matter which could be changed from time to time in the light of experience. General Miles would have them armed only with the revolver, and accoutered as lightly as possible, in order that they might ride with great rapidity and endure long. This would be proper as mere scouts, but as irregular cavalry they should have the carbine. It would be a pity to equip and handle Indian soldiers in any manner calculated to eradicate their primitive traits.

A little thing, for instance, is this: By long moving in the solid ranks a cavalry horse can not be forced out of them. In the battle of the Little Big Horn General Custer's horses stampeded over the field in solid troop formations. This is not a grave defect in dragoon cavalry operations, but would be fatal to light cavalry. The Indian and his pony must be the unit, not the company. Indians should be allowed to scatter out on the march, and not be kept in the column. It is a curious fact that on the plains you can tell two cowboys from two Indians at a great distance. The cowboys will ride abreast, and the Indians will trail after each other. As to the uniform of these bodies, I suggest one in my drawings which is light, inexpensive, and which preserves as much of the local color of the Indian as possible.

I believe in building the little log village. Some commanders will not agree with this, saying that it softens the men; let them live in the tepee and retain the hardihood of the hunter state. We must remember that the organization I speak of is semi-industrial as well and in process of time would lose much of its military character. If the Crows, Cheyennes, and Sioux become wealthy, industrious, and contented, the First Cavalry will not be at Fort Custer, but in New York, Leavenworth, or Chicago. In the case of a light scouting corps I admit you must nurse the savage.

There is one thing that can not be urged too strongly; a wagon should form no part of a light cavalry outfit. A scout corps which is tied up to some wagons is about as useless as a sprint runner with a cork leg. Pack trains of large broncho horses to each troop should be issued, and there should be enough of them so that they might be loaded lightly, and thus be able to pass over the country as rapidly as the exigencies of the case might require. In the winter oil-tanned cowskin moccasins should be issued. A system of tactics should be gotten up for the Indian soldiers, vast simplicity being the consideration, and preserving all the signs and movements peculiar to their old warrior days.

As to the efficiency of these people on light cavalry duties there can be no question. Lieut. Carter Johnson told me that he thought he could take a command of Apaches and ride from Arizona to Washington without losing all of his command, and judging from some of that officer's exploits, I am inclined to think he could. As to their faithfulness, an officer recently sent a Crow scout with a message, and inadvertently said, "Go quick!" The Crow, thinking the thing was vital, rode a hundred miles and killed his horse (his own property) to deliver the message.

A Crow scout also rode for three days after a stray horse, covering an enormous distance, which I have forgotten. Lieutenant Casey's scouts will fell trees and build houses. In short, experienced officers can do anything with these men, and the Indians like it. The dearest dream of any Indian is that some day he may be a Government scout. And when he thinks of being a pure and simple farmer it chills his soul, and he welcomes the ghost dance, and would welcome anything else which would take him from the lazy starvation of the agency.

Let these people who claim to be friends of the Indian cease their chatter and help this or some other practical scheme of regeneration. Let some statesman have the courage to curb this restless thirst for spoil in land which characterizes our frontier population, and teach them to value the solemn obligations of this Government as they would a copper cent at least. Let our Army have the fruits of its work and let us preserve the native American race, which is following the buffalo into painted pictures and printed books.

FREDERIC REMINGTON.

Mr. CUTCHEON. Mr. Chairman, in concluding the consideration of this bill I desire to yield a few moments to the gentleman from Ohio [Mr. OUTHWAITE]; but before doing that I wish to say a few words.

The committee in the consideration and the conduct of this bill have dealt in nothing, I think, outside of the legitimate scope of the bill. Of course, in the debate on any great bill like this more or less irrelevant matter will creep in; but we have tried to hew to the line. We have prepared a bill for the support of the military establishment for the fiscal year 1892, and in the committee room I will say there has been the utmost harmony. There has been no minority report made from the Committee on Military Affairs; certainly not in this Congress, nor in the last, so far as I remember.

I desire to say, further, that my association with that committee has been of the pleasantest, and, notwithstanding some things which have been said here in regard to our little regular Army, I want to say that, considering its size, I do not believe there is a better army upon the face of the earth. I do not believe that anywhere there are more intelligent, better educated, more patriotic, more progressive officers in any army than are the American army officers. That they are brave goes without saying. They are not "carpet knights." I am sure the officers of this Army are men who desire active, actual service in the field; they do not desire to rust out, and the great trouble with our Army to-day is, and in times past has been, that they have not had the active service they would desire. It was with this in view that we brought in a bill to increase the number of details of officers as instructors in military institutions. They desire active service.

There is no class of men in this country who will give to the country their services, their zealous devotion, their life if need be, more cheerfully than the officers of the American Army. The rank and file are of the same stuff of which the American soldier has always been made, ready to fight and die for his flag and country.

Now, Mr. Chairman, I desire that the gentleman from Ohio [Mr. OUTHWAITE] may have five minutes, if that amount of time is remaining.

Mr. OUTHWAITE. Mr. Chairman, upon the motion to strike out those lines of the bill, "for two sets of officers' quarters at Springfield Arsenal, Massachusetts, $20,000," I desire to submit a few remarks.

There has been no necessity shown for the construction of these quarters, and I am informed that in an examination by the Committee on Appropriations the Chief of Ordnance, General Benét, while testifying that it might be well to build these officers' quarters, stated that there were two already there. The sum proposed to be appropriated is just twice as much as is necessary for the purpose. I have before me a bill entitled "A bill for the erection of additional quarters and a hospital at Columbus Barracks in the State of Ohio," which I introduced in the first session of this Congress.

I have also a favorable report on that bill from the Committee on Military Affairs, and that report contains a letter from the War Department, signed by General Kelton, Adjutant General. For the sake of comparison first, and for another purpose afterwards, I will read a portion of that letter:

An additional barrack, the cost of which is estimated at $25,000, is therefore required, and two additional sets of officers' quarters, costing $5,000 each, are also much needed.

The gentleman from Massachusetts [Mr. ROCKWELL], in support of this proposition to appropriate $20,000, talks about its being necessary because these officers' quarters are to be of brick. We have constructed at Columbus, Ohio, within the last four years, officers' quarters, considered large, commodious, and elegant, sufficient for any of the officers that are detailed to that post, and of brick, at a cost of $5,000. The same could be done at Springfield. But I will read further from this letter:

The building now used for storing quartermaster's and subsistence supplies is reported as "utterly inadequate," and it has been repeatedly represented that its enlargement, involving an estimated expense of $5,000, is an absolute necessity. The carpenter's, blacksmith's, and wheelwright's shops are located in what is described as a mere "wooden shanty," dilapidated and beyond repair. To replace it by a suitable structure would cost $5,000. I earnestly recommend, therefore, that Congress be asked to appropriate the amount specified in the bill under notice, said amount to be apportioned as follows: $25,000 for new barrack; $3,000 for new hospital; $10,000 for new officers' quarters; $5,000 for new store-room; $5,000 for new carpenter, wheelwright, and blacksmith shop.

Besides fulfilling an important function in connection with our peace establishment, Columbus Barracks, by reason of its situation and the superior camping facilities it affords (sufficient for an army corps), would be invaluable to the Government in time of war for the rendezvousing, organizing, and training of volunteers.

The second object I had in view in reading the latter part of this letter and in calling the attention of the House to this favorable report is to contrast the treatment that I, a Representative, upon this side of this House, have received in regard to recognition to call up this measure with the treatment which the gentleman from Massachusetts [Mr. ROCKWELL] has received during this Congress. I was refused recognition by the Speaker to call up this little appropriation for these necessary buildings, while the gentleman upon the other side received recognition for a bill appropriating $110,000, although there was another like appropriation of $100,000 in the appropriation bill, and now he comes again at this time and asks for $20,000 more.

Mr. ROCKWELL. Not this session.

Mr. OUTHWAITE. Not this session, but this Congress.

I twice requested the Speaker's recognition to call up this bill appropriating a much smaller sum, certified by the War Department to be necessary, and placed the report of the committee in his hands that he might see for himself its necessity and propriety.

Mr. ROCKWELL. I would like to say a word in reply to the gentleman from Ohio, but first I wish to ask him a question. I wish to ask the gentleman whether he ever called my attention personally to his bill.

Mr. OUTHWAITE. I think I did.

Mr. ROCKWELL. No; I think not.

Mr. OUTHWAITE. I think I did, and I think you were one of the gentlemen upon the committee who reported the bill favorably.

Mr. ROCKWELL. Oh, the bill was reported favorably; there is no doubt about that; but I do not think you ever called my attention to it.

Mr. OUTHWAITE. I am not questioning the gentleman's action in any way whatever. I am simply putting before the House the fact that, dealing with a bill for an equally necessary appropriation and carrying a far less amount, the Speaker of this House, for some reason best known to himself, refused me recognition and recognized the gentleman from Massachusetts [Mr. ROCKWELL] to call up a bill making the much larger appropriation which I have mentioned.

Mr. ROCKWELL. I have nothing to do with the recognitions in this House. If I had I would get more of them. [Laughter.] But I have this to say in reply to the gentleman. His bill was referred to the committee, I understand, at a time when I was ill (for I was seriously ill during the last session of Congress), and was reported by the gentleman from Ohio [Mr. WILLIAMS] from the committee. That expenditure was not estimated for in the estimates, while this item was, and that is the difference between them.

Mr. OUTHWAITE. That is the difference between tweedledum and tweedledee so far as recognitions are concerned. I do not criticise the gentleman for succeeding as he has succeeded. I am glad to see that he has succeeded so well. I only call attention to the fact that this unfair and unjust discrimination has been made against a measure coming from this side of the House, and it is not the only case.

Mr. CUTCHEON. Mr. Chairman, I wish to call the attention of the gentleman from Ohio [Mr. OUTHWAITE] to the fact that his bill was reported promptly and favorably from the committee, and of course we have no control over recognitions after that.

Mr. OUTHWAITE. Of course not. The Speaker does.

Mr. CUTCHEON. These quarters are estimated for in the regular Book of Estimates. The Committee on Military Affairs simply incorporated them with the other estimates in this appropriation bill.

Mr. OUTHWAITE. I am not criticising either the committee or the gentleman. I want that distinctly understood.

The question being taken on agreeing to the amendment, it was rejected.

Mr. CUTCHEON. I believe this completes the consideration of the bill.

Mr. CHEADLE. I move to amend by striking out "twenty" and inserting "ten;" so as to make the amount $10,000.

Mr. CUTCHEON. I think $20,000 is not too much.

The amendment was rejected.

Mr. CUTCHEON. I move that the committee rise and report the bill to the House with a favorable recommendation.

Mr. McCOMAS. I ask the gentleman to modify his motion, so that, when the committee rises, this bill may be reported with a favorable recommendation. My object is that the District of Columbia appropriation bill may be called up without the necessity of having the Committee of the Whole rise.

Mr. CUTCHEON. I think we had better dispose of the army bill first. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BURROWS having taken the chair as Speaker *pro tempore*, Mr. DINGLEY reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 12573) making appropriations for the support of the Army for the fiscal year ending June 30, 1892, and for other purposes, had directed him to report the same back with sundry amendments and with the recommendation that it be passed as amended.

Mr. CUTCHEON. Unless some gentleman desires a separate vote on some particular amendment, I ask that the vote be taken on the amendments in gross.

Mr. BRECKINRIDGE, of Kentucky. There are not many amendments, and I suggest that the amendments be read, so that a separate vote may be asked for in any case if desired.

The amendments reported from the Committee of the Whole were read and agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CUTCHEON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. DINGLEY having taken the chair as Speaker *pro tempore*,

Mr. McCOMAS moved that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. BURROWS in the chair), and proceeded to the consideration of the bill (H. R. 12729) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1892, and for other purposes.

Mr. McCOMAS. I ask that the first reading of the bill be dispensed with.

Mr. SPRINGER. I object.

The bill was read.

Mr. McCOMAS. I should like to make some arrangement—and I desire the attention of the gentleman from Georgia [Mr. CLEMENTS]—by which the debate on this bill may be limited. We have already spent about forty minutes very profitably in the *pro forma* reading of the bill. I suggest that the debate be limited to thirty minutes.

Mr. CLEMENTS. I desire to make some remarks on the bill myself, and there are other gentlemen on our side who also wish to speak. Therefore I feel constrained to insist on a good deal more time for general debate than thirty minutes.

Mr. McMILLIN. If the gentleman in charge of the bill is not going to make any general statement I wish to make an inquiry——

Mr. McCOMAS. I shall be very glad to answer the gentleman in one moment, as soon as we agree on the time for general debate. Let us adopt some arrangement of that kind. If the gentleman from Georgia thinks thirty minutes will not be long enough, how much time does he suggest?

Mr. CLEMENTS. On our side it is desired to have three hours, if possible.

Mr. McCOMAS. Three hours on one side on this bill?

Mr. CLEMENTS. Yes, sir.

Mr. McCOMAS. I doubt whether the general debate on this bill has consumed three hours on both sides at any time within ten years.

Mr. CLEMENTS. That is no criterion for what may be necessary to-day, as new occasions and circumstances are constantly arising.

Mr. BELDEN. I think that ten hours would not enable us to understand the incongruities and inconsistencies of this bill. It is the most extraordinary bill I ever read.

Mr. McMILLIN. I call the attention of my friend from Maryland [Mr. McCOMAS] to the fact that the gentleman from New York [Mr. BELDEN] says that ten hours would not do justice to the iniquities of this bill.

A MEMBER. He said "inconsistencies."

Mr. McMILLIN. He says it is the most extraordinary bill ever presented here.

Mr. McCOMAS. Well, I am not quite sure that my friend has ten hours' knowledge of the bill itself or of its contents. But that is a matter we can consider when the question is under discussion, and the gentleman can have an opportunity to state his objections hereafter.

Mr. CLEMENTS. I will state, Mr. Chairman, that I have tried to find the least possible time that is insisted on by the members on this side of the House, and I feel compelled to ask for three hours.

Mr. McCOMAS. Altogether?

Mr. CLEMENTS. No; on this side.

Mr. McCOMAS. That would mean six hours' debate, then?

Mr. CLEMENTS. Yes, if you see fit to use that amount of time.

Mr. KERR, of Iowa. Let me ask the gentleman from Maryland, does this bill come by a unanimous report from the committee?

Mr. McCOMAS. Oh, yes.

Mr. BLOUNT. Mr. Chairman, I wish to suggest——

Mr. SAYERS. One moment. I understood the gentleman from Iowa to ask the gentleman from Maryland if this bill was unanimously reported from the committee, and the response was that it had been so reported.

Mr. McCOMAS. Well, who dissented?

Mr. SAYERS. There are very many items in the bill that we dissent from.

Mr. McCOMAS. Oh, there may be items here and there that gentlemen dissent from; but I have stated, in response to the question, that there was no minority report.

Mr. CLEMENTS. That is correct. So far as the bill is concerned, it is unanimously reported, but of course there are certain matters, as the gentleman from Maryland understands, that we do not assent to.

Mr. McCOMAS. Of course; I understand that.

Mr. BLOUNT. In the last session of Congress this bill was rushed through before the holidays on the idea that it was already perfected, but yet we found that the Senate entertained a different opinion, and the difference of opinion between the two Houses gave rise to more trouble in passing the bill than almost any other bill.

Mr. McCOMAS. And the Senate adopted the House bill more fully than ever before.

Mr. BLOUNT. I do not think that any bill during the session occasioned as much difference of opinion or prolongation of time as that bill.

Mr. McCOMAS. Because the Senate added large expenditures, but accepted the bill as a basis.

But, Mr. Chairman, as to the general debate, I would like to appeal now to my friend from Georgia to see if we can not arrange a shorter time.

Mr. McMILLIN. As bearing on this question, I wish to ask the gentleman from Maryland——

Mr. McCOMAS. In a moment. I desire now to see if we can not arrange some time for debate. I do not see what there is about the bill that will require so much debate.

Mr. HEMPHILL. What is there in the bill the gentleman wants to conceal?

Mr. WHEELER, of Alabama. To answer the gentleman from Maryland as to what there is objectionable in the bill we would have to make our speeches.

Mr. CLEMENTS. I will say to the gentleman from Maryland that I do not propose, for myself, to take any part in the discussion of any other question upon this bill than what is contained in the bill itself.

It would be tedious to enumerate the points to which I wish to call attention. But I do not propose to go beyond the matters relating to the District of Columbia. Of course, I can not undertake to point out what other gentlemen may want to discuss.

Mr. McCOMAS. I appeal to my colleague to know if one hour would not cover the desire of gentlemen on the other side.

Mr. CLEMENTS. That would not do at all. I have tried to get the least time possible.

Mr. CANNON. Does not my friend think that the Hartford convention has had enough of discussion?

Mr. CLEMENTS. I am not going to discuss the Hartford convention myself.

Mr. McCOMAS. I ask the gentleman to be reasonable. I want to dispatch this matter. Let us take the remainder of to-day's session, to be equally divided, to discuss the bill. I make that proposition. Take the remainder of the day, and then general debate to close.

Mr. CLEMENTS. That would not be sufficient time.

Mr. CANNON. Why not ask for a month?

Mr. WHEELER, of Alabama. That would not be more than enough to call the attention of the House and the country to many things they ought to know.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland that the general debate close with to-day's session?

Several members objected.

Mr. HEMPHILL. I would like to have an answer to my question as to what is in the bill that the gentleman from Maryland does not want to have debated.

Mr. McCOMAS. Mr. Chairman, for a few moments I wish to discuss this bill——

Mr. HEMPHILL. I suggest that the bill proposes to appropriate about $5,000,000, and certainly one hour on each million on this side would be as small as could be asked.

Mr. HENDERSON, of Iowa. This bill in the Forty-ninth and Fiftieth Congresses was put through in twenty minutes.

Mr. WHEELER, of Alabama. Because it was prepared by the Democrats and because it met the full approval of the House and the country.

Mr. HENDERSON, of Iowa. And there is no use in trying to disguise the fact that gentlemen do not want to discuss the provisions of the bill. It is simply a move to bring about delay.

Mr. BLOUNT. I would like very much to accommodate gentlemen on the other side who want to go to New York, but we can not afford to dispense hospitalities when you are engaged in voting away so many millions of dollars.

Mr. GROSVENOR. I suggest that the gentleman from Maryland move that the committee rise to limit debate in the House. It is as well to know now as any other time just who is undertaking to run this matter.

Mr. McCOMAS. I take the floor for the purpose of general debate for a few moments, Mr. Chairman, as there seems to be opposition to the suggestion I have made.

Mr. McMILLIN. Before the gentleman proceeds I wish to call his attention, in connection with his request and as bearing upon it, to a provision of the bill embodied in page 30, beginning with the proviso in line 19. It will be remembered by the committee that some years ago Congress began to force the placing of electric wires in this city under ground instead of allowing them to go overhead. In that we received the congratulations of the people not only of the District, but of the country, who came here. After that has gone on for some years I find a provision here which looks to me very much like legislation. It provides:

Provided further, That pending the action by Congress upon the report of the board appointed to consider the location, arrangement, and operation of electric wires in the District of Columbia, pursuant to the act approved August 6, 1890, the commissioners of the said District shall not permit the construction of any conduit or subway for electrical purposes in any street or avenue of the city of Washington or Georgetown; and any and all unused permits for constructing the said conduits are hereby revoked.

I am informed that it is designed to extend telephone lines and lines for other electric purposes, but this blocks it altogether.

Mr. McCOMAS. The suggestion that the gentleman makes points to an important subject, and it will be fully discussed when we reach that part of the bill. I will then be glad to give information as far as I can.

Mr. McMILLIN. That I want to hear as bearing upon the question of time, and I want also to call the attention of the gentleman to the fact that we are proposing in this hurried way to dispose of a matter of great importance to the people of this Republic.

Mr. McCOMAS. When the items are reached we will discuss all of these matters.

Mr. ANDERSON, of Kansas. I rise to a question of order.

Mr. McMILLIN. The gentleman knows that under the five-minute rule there is great difficulty in properly presenting views upon any question.

Mr. McCOMAS. It will be fully discussed.

Mr. BLOUNT. I wish to ask the gentleman from Maryland a question.

Mr. McCOMAS. Mr. Chairman, I rise to a question of order.

The CHAIRMAN. The committee will please be in order.

Mr. ROGERS. I was about to ask who had the floor.

The CHAIRMAN. The Chair will recognize no one until the committee is in order.

Mr. BLOUNT. I wish to ask the gentleman from Maryland [Mr. McCOMAS] a question.

The CHAIRMAN. Does the gentleman from Maryland [Mr. McCOMAS] yield?

Mr. McCOMAS. For a question.

Mr. BLOUNT. I wish to ask the gentleman from Maryland [Mr. McCOMAS], in view of the declaration of the gentleman from New York [Mr. BELDEN], a member of the Committee on Appropriations, that this bill is faulty from the beginning to the end and that he desires to debate it, whether the gentleman from Maryland under those circumstances desires to force the House to a consideration of this bill under the five-minute rule.

Mr. McCOMAS. When the gentleman from New York [Mr. BELDEN] makes any request it will be carefully considered.

Mr. BLOUNT. I will say that the gentleman from New York [Mr. BELDEN] has made the statement that I have repeated.

Mr. McCOMAS. I have not heard the statement.

Mr. BLOUNT. The gentleman from New York [Mr. BELDEN] is present and has made the statement to me, and if I am not correct he can correct me.

Mr. McCOMAS. The gentleman is of age and can make the statement for himself if he wishes to. Until he does so I am content to take the course I have indicated.

Mr. BLOUNT. It may content you, but it will not content the country.

Mr. McCOMAS. I move that the committee rise for the purpose of limiting debate.

Mr. WHEELER, of Alabama. Will the gentleman allow me to ask him a question first?

Mr. McCOMAS. Not now. I move that the committee rise for the purpose of limiting debate.

The question was taken; and the Chairman announced that the noes seemed to have it.

On a division (demanded by Mr. McCOMAS and Mr. HENDERSON, of Iowa) there were—ayes 71, noes 85.

Mr. GROSVENOR and Mr. McCOMAS demanded tellers.

Mr. WHEELER, of Alabama. What is the use of wasting time in taking the vote by tellers? Why not allow the time for debate?

Tellers were ordered; and Mr. McCOMAS and Mr. McMILLIN were appointed.

The committee again divided; and the tellers reported—ayes 103, noes 95.

So the committee determined to rise.

The committee accordingly rose; and the Speaker having resumed

the Chair, Mr. BURROWS reported that the Committee of the Whole House on the state of the Union had had under consideration the District of Columbia appropriation bill (H. R. 12729) and had come to no resolution thereon.

Mr. McCOMAS. Now, Mr. Speaker——

Mr. WHEELER, of Alabama. Will the gentleman allow me to ask him a question?

Mr. McCOMAS. I can not yield until this question is determined. I move to limit all general debate upon this pending bill to two hours.

Mr. McMILLIN. Mr. Speaker, I move to amend by making it six hours.

Mr. HENDERSON, of Iowa. I move to amend by making it one hour and a half.

Mr. McMILLIN (speaking at the same time). I move to amend by making it six hours.

Mr. McCOMAS (speaking at the same time). And upon that, Mr. Speaker, I move the previous question.

Mr. CLEMENTS. Mr. Speaker, I desire to offer an amendment.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker——

Mr. WHEELER, of Alabama. I move to make it six hours.

The SPEAKER. The gentleman from Maryland, in charge of the bill, moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering House bill 12729, and pending that he moves that all general debate be limited to two hours, and the gentleman from Iowa [Mr. HENDERSON] moves to amend by striking out two hours and inserting one hour and a half, and the gentleman from Maryland [Mr. McCOMAS] demands the previous question.

Mr. DOCKERY. But, Mr. Speaker——

Mr. CLEMENTS. Mr. Speaker, I think it is but right that this side of the House should have an opportunity to present its propositions.

Mr. McMILLIN. Mr. Speaker, I rise to a point of order. Immediately upon the gentleman's announcement that he moved to limit debate to two hours I moved to amend by limiting it to six hours.

The SPEAKER. But the gentleman from Tennessee knows that the gentleman in charge of the bill [Mr. McCOMAS] is entitled to demand the previous question upon his motion, and he did so as soon as the gentleman from Iowa [Mr. HENDERSON] had made his motion to amend by limiting it to an hour and a half.

Mr. McMILLIN. Yes, Mr. Speaker; but before the Chair recognized the gentleman from Iowa I had made my motion. Being prior in time it was prior in right.

The SPEAKER. The gentleman's motion had not been put, and the gentleman from Iowa was recognized.

Mr. McMILLIN. But, Mr. Speaker, I can and did move the amendment.

The SPEAKER. The gentleman from Tennessee understands the rules of the House perfectly well——

Mr. McMILLIN. I understand, Mr. Speaker, and have not varied from the rules a particle.

The SPEAKER. The gentleman from Maryland moved that the House resolve itself into the Committee of the Whole House on the state of the Union, and, pending that, moved that all general debate be limited to two hours. Thereupon the gentleman from Iowa moved to limit it to an hour and a half, and then the gentleman from Maryland demanded the previous question. The matter is perfectly simple, if the House will give its attention.

Mr. McMILLIN. It is so simple that I think there can be no mistake about it. [Cries of "Regular order!"] Before the gentleman from Iowa moved his amendment I moved mine.

The SPEAKER. But the gentleman was not recognized for that purpose.

Mr. McMILLIN. Neither was the gentleman from Iowa.

The SPEAKER. The gentleman from Iowa was recognized for that purpose.

Mr. McMILLIN. Now, furthermore, Mr. Speaker, will the Chair assume the responsibility of recognizing the gentleman from Iowa, on the same side of the House to move an amendment for a less limit and refuse to recognize a member on this side for an amendment increasing the time for debate?

The SPEAKER. Certainly, if the gentleman in charge of the bill yields to him for that purpose.

Mr. DOCKERY. He had no right to yield to him.

Mr. McMILLIN. But when the gentleman makes that motion he yields the floor himself, and he can not yield it for another to move an amendment, except there was connivance between them. I made my motion before that of the gentleman from Iowa was made. The demands for the previous question therefore could not include his and exclude mine.

The SPEAKER. There is no occasion for confusion. It is a matter of everyday practice that the gentleman in charge of a bill is entitled to try the sense of the House by asking for the previous question at any time, and he has the right to yield to a certain member and to refuse to yield to others.

Mr. McMILLIN. But, Mr. Speaker, the point which I make, and which the Chair does not seem to take fully, is that before the gentleman from Iowa had moved his amendment I offered an amendment. My amendment was offered even before the gentleman from Maryland demanded the previous question or intimated that he intended to do so.

The SPEAKER. If the gentleman from Tennessee will consider a moment he will recognize at once the fact that when a bill is pending by the custom of the House it is in charge of the member of the committee who presents it to the House——

Mr. McMILLIN. I admit that, Mr. Speaker.

The SPEAKER. And that he is entitled to take the sense of the House upon the subject——

Mr. McMILLIN. I agree to that.

The SPEAKER. And he has desired to take it in this way. If the House is not satisfied with that it can vote down the previous question, and thereupon an amendment would be in order and the Chair would recognize the other side in opposition to offer and to control. That is parliamentary law and the custom of the House.

Mr. McMILLIN. I will admit that and put it stronger even in one respect than the Speaker puts it. The gentleman from Maryland might have moved the previous question before I moved my amendment, but, as he did not, the Chair can not supplement by doing what he failed to do.

The SPEAKER. The gentleman from Tennessee is mistaken. The gentleman from Maryland had not moved that the House go into Committee of the Whole, which would entitle him to make the other motion, until the time that the Chair put it. His first motion was that the time be limited. Afterwards he said: "I make the motion that the House go into Committee of the Whole." Afterwards he made the motion that the House resolve itself into Committee of the Whole House on the state of the Union; thereupon he yielded to the gentleman from Iowa, who moved his amendment.

Mr. OUTHWAITE. That is an incorrect statement. The gentleman from Maryland did not yield to the gentleman from Iowa at any time.

Mr. DOCKERY. He did not yield because he could not yield, and if he had yielded he would have lost the floor.

The SPEAKER. It has always been the custom of the House ——

Mr. BLAND. I move to lay the bill on the table.

The SPEAKER. And it is conducive to a proper disposition by the House of the business of the House.

Mr. CANNON. Mr. Speaker——

Mr. ROGERS. How did he yield?

The SPEAKER. The Chair saw him do it. [Laughter on the Democratic side.]

Mr. ANDERSON, of Kansas. I demand the regular order.

The SPEAKER. The question is on ordering the previous question.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, before the motion was stated the gentleman from Missouri [Mr. BLAND] moved to lay the bill on the table.

The SPEAKER. It can not be laid on the table, being in Committee of the Whole.

Mr. BRECKINRIDGE, of Kentucky. The House is not in Committee of the Whole and the bill can be laid on the table.

The SPEAKER. It can not.

Mr. BLAND. I move that the House do now adjourn.

The question was taken on ordering the previous question; and the Speaker announced that the "noes" seemed to have it.

Mr. McCOMAS. Division.

The House divided; and there were—ayes 94, noes 93. [Laughter on the Democratic side.]

Mr. McMILLIN. Tellers, Mr. Speaker.

Mr. McCOMAS. I demand the yeas and nays.

The question was taken on ordering the yeas and nays; and the Speaker announced that 57 gentlemen had arisen in support of the demand—a sufficient number—and the yeas and nays were ordered.

Mr. BLAND. I move to reconsider the vote by which the yeas and nays are ordered.

Mr. CANNON. That motion is not in order.

Mr. HENDERSON, of Iowa. I make the point of order that the roll-call had commenced.

Mr. McCOMAS. One name had been called. I move to lay that motion on the table.

Mr. CANNON. I make the point of order that the motion of the gentleman from Missouri [Mr. BLAND] is not in order.

Mr. McCOMAS. And I make the point of order that the motion is not in order.

The SPEAKER. The motion is in order. Those in favor of the motion to reconsider will say ay——

Several members on the Democratic side called for the yeas and nays.

Mr. SPRINGER. The gentleman from Maryland [Mr. McCOMAS] moved to lay the motion of the gentleman from Missouri [Mr. BLAND] on the table, and the question is upon that.

Mr. BLAND. The gentleman moved to lay my motion on the table, and on that I demand the yeas and nays.

The SPEAKER. The Chair did not understand the motion of the gentleman from Maryland.

Mr. BUTTERWORTH. It was to lay the motion to reconsider on the table.

Mr. CANNON. Mr. Speaker, I rise to a question of order.

The SPEAKER. One moment. Let us understand this.

Mr. McCOMAS. I made a motion to table the motion of the gentleman from Missouri.

Mr. BLAND. And on that I demand the yeas and nays.

Mr. McCOMAS. And I also made the point of order that the motion was not in order, as it was a dilatory motion. [Laughter on the Democratic side.]

The SPEAKER. The question will be taken on the motion to reconsider.

Mr. DOCKERY. The question is on the motion of the gentleman from Maryland [Mr. McCOMAS], to lay the motion of the gentleman from Missouri [Mr. BLAND] on the table.

The question was taken on the motion to reconsider; and there were—ayes 78——

Mr. MILLS (before the conclusion of the count). The question is on taking the motion by yeas and nays.

Mr. DOCKERY. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DOCKERY. I understood the gentleman from Missouri [Mr. BLAND] to move to reconsider the vote by which the yeas and nays were ordered, and thereupon the gentleman from Maryland [Mr. McCOMAS] moved to lay that motion on the table, and that is the pending question.

The SPEAKER. The Chair thinks that motion is not in order, and that the question is to be taken on the motion for the reconsideration of the vote ordering the yeas and nays.

Mr. DOCKERY. Does the Chair think that the motion of the gentleman from Maryland is not in order?

The SPEAKER. The Chair thinks it is not.

Mr. ROGERS. From that decision I appeal.

Mr. McCOMAS. Count the other side.

The SPEAKER (having concluded the count). On this question the yeas are 78 and the nays are 76. The motion to reconsider is carried, and the question is now upon the motion for the yeas and nays.

The question was taken; and the yeas and nays were ordered.

The Clerk called the first name on the roll.

Mr. ANDERSON, of Kansas, and others. What is the question, Mr. Speaker?

The SPEAKER. The question is whether the previous question shall be ordered.

Mr. WHEELER, of Alabama. Nobody understands the question.

Mr. ANDERSON, of Kansas. The roll-call has begun.

Mr. BLOUNT. Mr. Speaker, I desire to make a parliamentary inquiry before that question is submitted. The gentleman from Arkansas [Mr. ROGERS] appealed from the decision of the Chair, and the Chair made no ruling upon that, and I wish to inquire whether the gentleman from Arkansas has a right to a vote on that question.

The SPEAKER. The appeal could not be entertained in the middle of a division. The Clerk will proceed.

Mr. BLOUNT. It was not in the middle of a division. It was taken instantly upon the announcement of the ruling.

Mr. BLAND. The House voted to reconsider the ordering of the yeas and nays.

The SPEAKER. The yeas and nays have been ordered upon ordering the previous question.

Mr. HOOKER. They have not been ordered.

The SPEAKER. The House must be in order, and the Clerk must proceed.

Mr. HOOKER. That is not the question upon which the House ordered the yeas and nays, and the Chair will not insist upon its being put in that way. It was upon the question of reconsideration and not upon the question of ordering the previous question, and I appeal to the intelligent Clerk to instruct the Speaker that that is the fact.

Mr. BLAND. The House never ordered the yeas and nays on ordering the previous question at all.

The Clerk continued and completed the roll-call; and there were—yeas 117, nays 100, not voting 114; as follows:

YEAS—117.

Adams,	Burrows,	Dunnell,	Hopkins,
Allen, Mich.	Burton,	Evans,	Kelley,
Anderson, Kans.	Butterworth,	Farquhar,	Kennedy,
Arnold,	Caldwell,	Featherston,	Ketcham,
Atkinson, W. Va.	Candler, Mass.	Finley,	Kinsey,
Baker,	Cannon,	Flood,	Lacey,
Banks,	Carter,	Frank,	La Follette,
Bartine,	Caswell,	Gear,	Laidlaw,
Bayne,	Cheadle,	Gest,	Langston,
Beckwith,	Cheatham,	Greenhalge,	Lansing,
Belknap,	Clark, Wis.	Grosvenor,	Lind,
Bergen,	Clark, Wyo.	Harmer,	Lodge,
Bingham,	Clements,	Hays, E. R.	McComas,
Bliss,	Cooper, Ohio	Henderson, Ill.	McDuffie,
Boothman,	Culbertson, Pa.	Henderson, Iowa	McKinley,
Brewer,	Cutcheon,	Hermann,	Miles,
Browne, Va.	Diagley,	Hill,	Miller,
Buchanan, N. J.	Dorsey,	Hitt,	Moore, N. H.
Morey,	Randall,	Stephenson,	Tillman,
Morrill,	Ray,	Stewart, Vt.	Townsend, Colo.
Morrow,	Reed, Iowa	Stockbridge,	Van Schaick,
Morse,	Rife,	Stone, Pa.	Walker,
Nute,	Rockwell,	Sweet,	Wallace, Mass.
O'Donnell,	Rowell,	Sweney,	Wallace, N. Y.
O'Neill, Pa.	Russell,	Taylor, E. B.	Wheeler, Mich.
Osborne,	Sawyer,	Taylor, Ill.	Williams, Ohio
Payne,	Scull,	Taylor, J. D.	Wilson, Wash.
Perkins,	Simonds,	Taylor, Tenn.	
Post,	Smyser,	Thomas,	
Raines,	Spooner,	Thompson,	

NAYS—100.

Abbott,	Cooper, Ind.	Lane,	Rogers,
Alderson,	Cowles,	Lanham,	Sayers,
Anderson, Miss.	Crain,	Lester, Ga.	Sherman,
Andrew,	Crisp,	Lester, Va.	Shively,
Barwig,	Culberson, Tex.	Mansur,	Spinola,
Belden,	Cummings,	Martin, Ind.	Springer,
Blanchard,	Dickerson,	Martin, Tex.	Stewart, Tex.
Bland,	Dunphy,	McClammy,	Stivers,
Blount,	Edmunds,	McClellan,	Stockdale,
Boatner,	Enloe,	McCreary,	Stone, Ky.
Breckinridge, Ky.	Fitch,	McMillin,	Stone, Mo.
Brickner,	Flower,	McRae,	Taraney,
Brookshire,	Forman,	Montgomery,	Tracey,
Buchanan, Va.	Forney,	Moore, Tex.	Tucker,
Buckalew,	Fowler,	Mutchler,	Turner, Ga.
Bynum,	Geissenhainer,	O'Neil, Mass.	Vaux,
Campbell,	Goodnight,	Outhwaite,	Washington,
Candler, Ga.	Hare,	Owens, Ohio	Wheeler, Ala.
Caruth,	Hatch,	Parrett,	Whitelaw,
Catchings,	Hemphill,	Paynter,	Wike,
Clancy,	Herbert,	Penington,	Wiley,
Clarke, Ala.	Holman,	Pindar,	Williams, Ill.
Clunie,	Hooker,	Quackenbush,	Wilson, Mo.
Cobb,	Kerr, Iowa	Quinn,	Wilson, W. Va.
Connell,	Kilgore,	Reilly,	Yoder.

NOT VOTING—114.

Allen, Miss.	Dockery,	Mason,	Rowland,
Atkinson, Pa.	Dolliver,	McAdoo,	Rusk,
Bankhead,	Ellis,	McCarthy,	Sanford,
Barnes,	Ewart,	McCord,	Scranton,
Biggs,	Fithian,	McCormick,	Seney,
Boutelle,	Flick,	McKenna,	Skinner,
Bowden,	Funston,	Milliken,	Smith, Ill.
Breckinridge, Ark.	Geary,	Mills,	Smith, W. Va.
Brosius,	Gibson,	Moffitt,	Snider,
Brower,	Gifford,	Morgan,	Stahlnecker,
Brown, J. B.	Grimes,	Mudd,	Stewart, Ga.
Browne, T. M.	Grout,	Niedringhaus,	Struble,
Brunner,	Hall,	Norton,	Stump,
Bullock,	Hansbrough,	Oates,	Townsend, Pa.
Bunn,	Haugen,	O'Ferrall,	Turner, Kans.
Carlton,	Hayes, W. I.	O'Neall, Ind.	Turner, N. Y.
Chipman,	Haynes,	Owen, Ind.	Vandever,
Cogswell,	Heard,	Payson,	Waddill,
Coleman,	Henderson, N. C.	Peel,	Wade,
Comstock,	Houk,	Perry,	Whiting,
Cothran,	Kerr, Pa.	Peters,	Whitthorne,
Covert,	Knapp,	Phelan,	Wickham,
Craig,	Lawler,	Pickler,	Wilkinson,
Dalzell,	Laws,	Pierce,	Willcox,
Dargan,	Lee,	Price,	Wilson, Ky.
Darlington,	Lehlbach,	Pugsley,	Wright,
Davidson,	Lewis,	Reyburn,	Yardley.
De Lano,	Magner,	Richardson,	
Dibble,	Maish,	Robertson,	

Mr. WHEELER, of Alabama (when his name was called). Mr. Speaker, before the roll-call was commenced I asked the Chair to tell the House what we were voting upon and he declined to do so.

The SPEAKER. The gentleman will be in order.

The following pairs were announced:

Until further notice:

Mr. HOUK with Mr. RICHARDSON.

Mr. DALZELL with Mr. PRICE.

Mr. MILLIKEN with Mr. DIBBLE.

Mr. GIFFORD with Mr. NORTON.

Mr. McCORD with Mr. SENEY.

Mr. DARLINGTON with Mr. CLUNIE.

Mr. KNAPP with Mr. PERRY.

Mr. COMSTOCK with Mr. STAHLNECKER.

Mr. PUGSLEY with Mr. WHITTHORNE.

Mr. DE LANO with Mr. ROWLAND.

Mr. REYBURN with Mr. WILKINSON.

Mr. TOWNSEND, of Pennsylvania, with Mr. MORGAN.

Mr. WRIGHT with Mr. GEISSENHAINER.

Mr. PETERS with Mr. BULLOCK.

Mr. YARDLEY with Mr. STEWART, of Georgia.

Mr. PICKLER with Mr. DARGAN.

Mr. COLEMAN with Mr. TURNER, of New York.

Mr. McCORMICK with Mr. FITHIAN.

On this vote:

Mr. WADDILL with Mr. BARNES.

For the rest of the day:

Mr. BOWDEN with Mr. ELLIS.

Mr. McKENNA with Mr. MILLS.

Mr. COGSWELL with Mr. McADOO.

Mr. FLICK with Mr. HENDERSON, of North Carolina.

Mr. STRUBLE with Mr. HAYNES.

Mr. BRECKINRIDGE, of Arkansas, with Mr. GROUT, until the 15th instant.

Mr. CLEMENTS. I desire to change my vote from "no" to "ay."

Mr. BRECKINRIDGE, of Kentucky. I ask for a recapitulation of the vote. I heard read among the pairs the names of some gentlemen who I thought had voted.

Mr. TILLMAN. I would thank the Chair to inform me how I am recorded.

The SPEAKER. The recapitulation will show that. The gentleman from Kentucky has demanded a recapitulation.

The Clerk recapitulated the vote.

Mr. DOCKERY. I do not think my name was read in the list of those voting. I have an impression that I voted, yet I may not have done so.

The SPEAKER. The Clerk informs the Chair that the gentleman did not vote.

Mr. CLEMENTS. I desire to move to reconsider the vote by which the previous question was ordered.

Mr. HEMPHILL. Before the result of the vote is announced I would like to say I think it would be entirely agreeable to our side of the House if consent were given for five hours' general debate on this bill, the time to be equally divided between the two sides.

Mr. CLEMENTS. That is the proposition I desired to move when seeking to offer an amendment. It would be entirely satisfactory to us.

Mr. McCOMAS. It is very desirable that we should come to some agreement on this question; and in order to do so we will consent to five hours of general debate, with the understanding that if either side should not occupy its two hours and a half the debate shall be cut short to that extent.

Mr. ROGERS. Will not the gentleman also consent to a correction of the paliamentary status of the bill?

The SPEAKER. The gentleman from Maryland [Mr. McCOMAS] asks unanimous consent that the general debate on this bill be limited to five hours or so much thereof as may be occupied by the respective sides.

Mr. BLAND. Why not say five hours unconditionally?

Mr. HEMPHILL. Each side will control its own two hours and a half.

Mr. McCOMAS. My proposition is that five hours, to be equally divided between the two sides, be allowed for general debate, and that whatever time may not be consumed by either side shall be deducted from the time allowed for general debate.

The SPEAKER. Is there objection to the proposition of the gentleman from Maryland? The Chair hears none.

Mr. McCOMAS. I now move that the House resolve itself into Committee of the Whole to resume the consideration of the District of Columbia appropriation bill.

Mr. DOCKERY. What becomes of these proceedings in which we have just been engaged?

The SPEAKER. The Chair thinks it might be well to announce the result of the vote. The yeas are 116, the nays 101; and but for the intervening agreement the previous question would be ordered. The gentleman from Maryland now moves——

Mr. SPRINGER. In order that the proceedings may appear in proper shape, it might be well that the motion to reconsider be regarded as agreed to and the previous question voted down, and then the amendment which the gentleman from Georgia [Mr. CLEMENTS] desired to offer be regarded as adopted.

The SPEAKER. It has all been arranged by unanimous consent. The question is upon the motion of the gentleman from Maryland that the House resolve itself into Committee of the Whole.

The motion of Mr. McCOMAS was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. BURROWS in the chair) and resumed the consideration of the bill (H. R. 12729) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1892, and for other purposes.

Mr. McCOMAS. This bill appropriates, including the water department and charities, the sum of $5,385,726.17, and is less than the estimated revenues of the District for the coming year. But it may be doubted whether the committee have not appropriated quite as closely as they should to the current revenues when we take into account that the new Rock Creek Park and the Zoölogical Park have both by the legislation of Congress been put upon the list of expenditures in behalf of the District.

Now, this bill is less than the appropriation of last year by reason of these appropriations having been heretofore made. But the bill covering the general expenditures for the District for the coming fiscal year is accompanied by a report which I hold in my hand, and that report, with the letters, tables, and appendices added to it, is so full and complete and is so thoroughly explanatory of the provisions of the bill that it induces me to withhold any lengthy remarks on this occasion. I shall therefore content myself with a very brief statement.

There is no new legislation in the bill. There are several limitations placed upon the expenditures. It happens, for instance, with respect to the appropriations for charities, that the last appropriation bill provided for an inspector of charities, and he has not yet been appointed and confirmed by the Senate. The committee therefore did not feel warranted in reorganizing, revising, or co-ordinating the charities of the District of Columbia, as they are provided by the present appropriation bill, until that officer was in charge and ready to perform the functions of his office. Therefore we believed that we ought to appropriate in accordance with existing law until that functionary is installed and ready to perform the duties of the office.

With respect to the condition of the common fund for the support of the city, the committee thought we could facilitate the business by authorizing the employment of a distributing clerk to go around to the one thousand or more laborers who may be employed in various parts of the District and take their wages to them twice a month, instead of once as now, and by paying them directly, as these men are employed a portion of the time on one class of work and for a portion on another.

Mr. BELDEN. Will the gentleman yield for a question?

Mr. McCOMAS. Yes, sir.

Mr. BELDEN. Will the gentleman please explain how the payments are made to which he has just referred and what check is kept upon this official? He takes his money and goes out upon the streets and pays one thousand or more men employed. How much salary does he get, how much allowance for horse hire, and how is his account settled with the District?

Mr. McCOMAS. All of these things will be explained in due season when we reach the bill in detail. It is sufficient explanation now to say that the man who goes around to pay the laborers or employés takes their receipt, and that he is himself required to give a large bond; and if my colleague on the committee had read the report of the committee he would have found a letter from the officer of the Treasury Department to whom we applied, to make sure that all the guards that could be thrown around the distribution of the fund had been put there, saying that the proviso which we inserted is ample, safe, and prudent in the distribution of this money.

Now, in respect to gas and electric lighting, the attention of the House is asked particularly to that subject. When the matter is reached in the bill the committee will be glad to have a full discussion of it, as it is the most important item. We think it is worthy of a careful and full discussion in the House—in both branches of Congress—in the interest of the people as against the companies and in favor of the streets and highways, which I hope eventually, on my part, and as the committee on its part has endeavored for years to bring about, that the streets will be eventually used, not for the benefit of corporations, but as the property of the city, wherein electric-light wires, telephone wires, and subrailways may be run in conduits, and leased at a large revenue to the city to those who perform the functions of communication, telephonic communication or electric lighting, and that the large sums which go now to enrich private corporations may be turned into the public Treasury for the benefit of the whole people.

On the last appropriation bill the Committee on Appropriations and the House voted for the creation of a commission to inquire into the facts and ascertain how best this could be done with safety to life and property, and whether it could be utilized as a source of revenue for the government of the District of Columbia. And the commission appointed by the President met some three or four days ago and commenced their inquiry.

Mr. McMILLIN. Let me ask the gentleman when this was authorized.

Mr. McCOMAS. On the appropriation bill for the current year.

Mr. McMILLIN. How is it that they have only now commenced their investigation?

Mr. McCOMAS. The bill probably passed in the latter part of September—I forget the exact date—and the men who were appointed were an engineer officer in the Army, a professor of the Johns Hopkins University, an expert in electricity, and a civil engineer from one of the Western cities, Mr. Rosewater, and from the time of their appointment, probably in November or December, I don't know how long since the bill went into effect, until now this delay has occurred, the cause of which I do not know. It has not, however, been very long since they were ready to begin operations.

Mr. McMILLIN. Now, what I want to bring to the attention of the gentleman from Maryland, and hear his reasons for, is why this provision is incorporated in the bill which virtually stops the extension of telephone and electric-light extension in this city? That is the effect of this provision, as I understand it, absolutely.

Mr. McCOMAS. This provision is harsh and stringent, I will state to the gentleman, and the Committee on Appropriations are not finally committed to it. But inasmuch as Congress has twice before signified its purpose to have all overhead wires put under ground, and has provided a commission to ascertain whether the conduits under ground, when the streets were torn up and the city plowed by corporations for their profit, should not be constructed under the lowest bid by the city, or whether or not one corporation should be allowed to tear up the streets right and left for this purpose without making some return for the privilege to the city.

We were anxious, as I apprehend, when I state it, the gentleman from Tennessee [Mr. McMILLIN] will be anxious, to prevent these

companies from seizing the whole city by running the private conduits of these corporations all over the town, by which course this predicament might happen, that the commission may report that it is entirely feasible that these wires be placed in Government conduits and then the conduits leased by the city, making a revenue for the support of the city, and yet before that, by the action of the commissioners, permits be given to plow and undermine the whole city with these conduits, and that these valuable franchises be given away gratuitously, to the great profit of these corporations.

Mr. McMILLIN. Now, if the gentleman——

Mr. McCOMAS. Now, in doing that, I apprehend as the result of further examination that some modification of this provision may be advisable. It is certainly a provision in the public interest to stop the tearing up of the streets. Some modification may be advisable. For my own part, I have tried to find out from the commission appointed, and the committee are now inquiring with respect to electrical conduits and subways, as to what is the best provision. It seems pretty certain that whatever provision be made here the House and Senate are bound to consider it over again; and when it gets into conference, if not now, some provision will be ingrafted, I doubt not, upon this bill; and by that time, with further light, we perhaps can well and wisely discuss it better than we can just now.

Mr. McMILLIN. Now, I wish to ask the gentleman if it is not a fact that under existing law you can impose terms upon these companies for their franchises without stopping the extension of the plants.

Mr. McCOMAS. Well, the fact is that under existing law, as construed by the commissioners and their legal advisers, the companies have gone on and occupied the streets, miles and miles of them.

Mr. McMILLIN. I understand that the streets are occupied, but the right of taxation has not been given away.

Mr. McCOMAS. That never has been given.

Mr. McMILLIN. And hence it can be exercised without applying the drastic remedies you propose in this bill.

Mr. McCOMAS. The existing law, in the apprehension of this Committee on Appropriations, certainly, and I think in the apprehension of every lawyer who examines the provision, does not contemplate, and really forbids, that pending the investigation of this electrical commission, the streets should all be torn up in advance, and the ground occupied, as to a considerable extent has been done already.

Mr. McMILLIN. Now, the gentleman has been in charge of the District of Columbia appropriation bill for two sessions. This is the second session. He has been on the Committee on Appropriations for a good while. He lays much stress upon the propriety of taxing these franchises.

I wish to know if it is not a fact that he, as chairman of that subcommittee, has not, in the past, made any effort to tax the still more valuable franchise exercised by the street railroads that already obstruct the streets and do more to impair their usefulness for carriage driving and for common transportation than these electrical companies do.

Mr. McCOMAS. On the contrary, I am very glad to inform the gentleman from Tennessee that I have endeavored in season and out of season to tax and to lay burden upon the street-railroad companies and to make them give a revenue. I have done this by speeches on the floor, by motions, by amendments to appropriation bills, and, at this session, by an amendment, which I am glad to say passed this House, to compel them to give eight tickets for a quarter. And further, in the very last bill——

Mr. McMILLIN. But that is not what I am speaking of. The action which the gentleman proposes is to incorporate general legislation upon this appropriation bill to prevent the extension of electric-light and other franchises, telegraph, telephone, and so forth.

Mr. McCOMAS. Not at all.

Mr. McMILLIN. I think the amendment is susceptible of that construction; but he does not propose to change the law so as to tax them. I will go as far as he will in any measure to derive a proper revenue from them, and all that sort of thing.

Mr. McCOMAS. If the gentleman will read and consider the proposition, which in large part I had the honor to frame and which is now existing law, he will find that this commission is authorized to act in the most thorough and searching manner——

Mr. McMILLIN. But the commissioners' report is not law. I have just read that.

Mr. McCOMAS. It states in a most definite manner how these conduits can be owned and operated by the city, and how these companies can be made to pay a proper revenue for the support of the city, which I believe has been wronged for years in this matter. I believe that no city or town of 10,000 or 50,000 people has any right to barter away any right in any streeet, the air above, or the earth beneath, but that these privileges should be farmed out under public regulation to make a revenue for the support of the city. I do not believe the result should be as it is here, where the stocks of these street railways have twice, thrice, and four times their par value in the public market. Therefore, for years I have endeavored, with respect to the street railways, the telephone and the electric lines, and all these companies, to have legislation enacted whereby they shall be made to pay a reasonable tax, so that the city shall derive from them a just and proper revenue; and in the brief time that I remain here I will be glad to continue it, and that, I believe, is the general purpose of the gentleman from Tennessee.

Mr. McMILLIN. That is certainly my information, as stated by the gentleman from Maryland. But what the people of the suburbs of the city have to complain of is that, whereas you go in the beginning and require the telephone company's lines to be put underground, which is right, you next come and say to them that they shall be put nowhere, which is wrong. I think the people of this city have a right to the inventions of the age and to their use.

Mr. HENDERSON, of Iowa. I ask my colleague to yield to me for a moment.

Mr. McCOMAS. I will yield to the gentleman from Iowa.

Mr. HENDERSON, of Iowa. Mr. Chairman, for some three or four years it has been the effort of Congress in both bodies to have the overhead wires put under ground. There has been a very general unanimity of sentiment in that purpose. In the last session of this Congress a proposition was incorporated in the District of Columbia appropriation bill for the appointment of a commission of three persons, who should recommend to Congress a system for putting all these overhead wires under ground.

Before that became a law, the telephone company here made an application for a permit to extend its lines under ground. It was putting all its wires under ground, in harmony with the policy of Congress. That application was made, I think, as early as April last, and the permit was granted some time in August—before the law was passed providing for a commission to fix upon a system.

This provision would seem to be harsh as to the telephone company, which had this permit granted before the commission was appointed to fix upon a system, as it prevents them from reaching and serving citizens who desire the use of the telephone system. In respect to the electric-light companies, after that act was passed, after the commission was provided for in the statute, they applied for permits, and permits seem to have been granted. During the recess they seemed to have rushed their work through and to have taken possession of a great deal of the city where overhead wires were not.

When this came to the notice of the subcommittee on the District of Columbia appropriation bill they got up this proviso for the purpose of revoking these permits, feeling that the electric-light company had not treated Congress with the fairness that they should have done, and feeling that they appeared to be seeking to take control of the streets when Congress had just provided for a commission to adopt a system for putting the wires under ground. When this amendment was adopted I was not aware that it also struck the telephone company and the permits that had been previously granted.

That being a business which every citizen is interested in and needs the help of, I have felt myself, since the adoption of the amendment, seeing that it struck at the telephone company and took away from them the permits that had been granted—I felt the same as the gentleman from Tennessee evidently does from his remarks, that perhaps we have gone too far in that, and that an amendment should be incorporated, excepting the permits granted before the legislation referred to.

I make this statement, so that the committee may exactly understand the situation; and it was the stimulant of this rushing in after the commission had been appointed that induced us to adopt the amendment which is incorporated in this bill.

I now yield back my time to the gentleman from Maryland, chairman of the subcommittee.

Mr. McCOMAS. Mr. Chairman, I will say further, in addition to what my colleague has said, there is another modification which perhaps ought to be made. One is that the telephone company, as he has stated, should be allowed under existing permits, perhaps, and under the control of the commissioners, to make a further extension for present use; and the other is that this amendment or proviso should not prevent the laying of cables of street railways that propose to use them in place of horses. But certainly it is in the interest of the public that these streets should not all be given away, when Congress has already by law provided that a commission shall decide whether the Government can not use them and make revenue from those streets, and shall report at the December session of the next Congress.

It certainly would be very unwise and recreant in this committee or in Congress to allow the whole city to be overrun and taken up by the subways of all these companies, when after awhile the Government may want to put down its own subways and lease them or allow them to be put down by companies.

That is all I desire to say about this bill at this time.

Mr. HOOKER. Before the gentleman yields the floor, I wish he would answer one question which I, but a temporary citizen of Washington, feel interested in. I want to know whether this bill provides for any exchange of tickets at all of the crossings of the street railroads in Washington. I observe, for instance, as to one line—the road known as the Belt Line—that there is no transfer given from the cars running on Pennsylvania avenue to that line. I desire to know why it is, and I ask the gentleman from Maryland why they do not compel the railroads, in justice to the people, to issue tickets so that one can pass from one car line to another.

Mr. McCOMAS. I will state to the gentleman that the change he

seeks, as he will see on reflection, properly belongs to the Committee on the District of Columbia. We have no authority to legislate upon an appropriation bill, and of course could not put that upon this bill.

I am in sympathy with the gentleman, and such provision should be made by the Committee on the District of Columbia, and I have no doubt they will bring in such a bill.

Mr. BUCHANAN, of New Jersey. Before the gentleman passes from the bill I would like to ask him a question in reference to one matter. I notice on page 17 there is an appropriation made for lighting the streets. Now, is it not a fact that for a city of its size this is the worst lighted of any city in America? I see that a provision is made in this bill that the lights shall be burned at least three thousand hours during the year. I believe that is an advance of four hundred hours over previous legislation; but have the committee considered the feasibility of not being compelled any longer to depend for light at night upon an occasional infantile moon vainly trying to force its feeble rays through a dense stratum of cloud, and provide in addition to that the light which a city of its size wants?

Mr. McCOMAS. I agree to what my friend says, including the poetry. [Laughter.] The hours have been extended. Three thousand hours is not long enough, but we thought it was the best that could be done in the existing condition of things, when other lights may supersede gas, and when——

Mr. BUCHANAN, of New Jersey. But you provide at the same time for a contract extending for three years——

Mr. BELDEN. Knowing at the same time that there is only one gas company that can bid and that they bid under a combination.

Mr. BUCHANAN, of New Jersey. I accept the suggestion. I know nothing about the facts, but I have no doubt the gentleman from New York [Mr. BELDEN] does.

Mr. McCOMAS. When the time comes we will show——

Mr. BUCHANAN, of New Jersey. Permit me to finish my question, please, which was interrupted by the interpolation on the part of the gentleman from New York, an interpolation not resented but welcomed by me, but an interpolation all the same. You provide for a contract for three years. Now, is there any provision in that contract for the lengthening from year to year of the number of hours?

Mr. McCOMAS. The contract is a most advantageous one, and cheaper than——

Mr. BUCHANAN, of New Jersey. I do not care to discuss that question now. We would differ about that at once. My question is——

Mr. FLOWER. Mr. Chairman, I would like to say what I desire to say on the question of the subways at this time and in this connection.

Mr. BUCHANAN, of New Jersey. I am almost through.

Mr. McCOMAS. I will answer my friend at this time——

Mr. BUCHANAN, of New Jersey. My question is this: Does that contract provide for a lengthening of the hours in each of these three years?

Mr. McCOMAS. It will entirely remove the anxiety of the gentleman from New Jersey [Mr. BUCHANAN] and the misconception of the gentleman from New York [Mr. BELDEN] to say that under this bill the District of Columbia is not bound to use a single gas lamp, not one. The contract only provides that when they do use them they shall, for a period of three years, pay for them at this rate. Now, the estimate of the commissioners is that there will be used in this city for years to come a number of gas lamps amounting to many thousands; but there is no guaranty as to how many shall be used. For instance——

Mr. BUCHANAN, of New Jersey. I am not speaking about the number of lamps; I am speaking about the number of hours.

Mr. McCOMAS. It is estimated that 5,375 gas lamps will be used in 1893 and that 5,375 will be used in 1895——

Mr. BUCHANAN, of New Jersey. I have read that. I know all that.

Mr. McCOMAS. And if they use 300, for example, they pay the reduced price and get the 400 hours per annum in addition.

Mr. BUCHANAN, of New Jersey. But, as the gentleman knows, I am not talking about the price; I am talking about the length of time of the illumination.

Mr. McCOMAS. Well, as to that, the illumination in this city was 1,700; it was raised to 2,000, and then to 2,600; and by this bill we have raised it, for about the same price, to 3,000 hours.

Mr. BUCHANAN, of New Jersey. And you tie it up at that for three years.

Mr. McCOMAS. Not at all. You can have a light for 4,000 hours if you will pay for it.

Mr. BELDEN. But you let the contract for three years at 3,000.

Mr. McCOMAS. No. You can have it for 4,000 hours if you choose to pay for it. This bill simply provides that this price shall be paid for 3,000 hours.

Now, Mr. Chairman, I must not consume too much of the time at this stage; so I will reserve the remainder of my time. We will discuss this gas and electric light question and this railway question when we come to the parts of the bill providing for them, and we shall then be prepared to give the House as full information upon all those questions as we possibly can.

Mr. SPINOLA. How much per lamp do you propose to pay?

Mr. McCOMAS. I will answer that later on.

Mr. ROGERS. I wanted to ask the gentleman from Maryland a question.

Mr. McCOMAS. I will answer it later.

Mr. HENDERSON, of Iowa. Mr. Chairman, how much time have we consumed, including the five minutes yielded to the gentleman from New York [Mr. FLOWER]?

The CHAIRMAN. Twenty-five minutes.

Mr. McCOMAS. Then, Mr. Chairman, I reserve the remainder of my time except the five minutes given to the gentleman from New York [Mr. FLOWER].

Mr. FLOWER. Mr. Chairman, from my experience in connection with the subject of electric-light, telephone, and telegraphic wires and power wires for electric currents, I believe that the provision in this bill for a commission to see that these various wires are properly placed under ground is wise. I believe that this franchise of placing wires under ground is one which ought not to be given away at this time to any company or any number of companies. If the franchise be given without limitation a company of this kind can dig up your streets at pleasure, and when they once get their subways down that is the end of your control over the matter.

Let me illustrate. The patents of the Bell Telephone Company expire, most of them, within a year or two. If that company gets its subways under ground it can continue to charge us $6 or $12 a month, as the case may be, for the use of a telephone; and no other company could compete with them because they would have the control of these subways. The case is the same with the telegraph. The Bell Telephone Company or the Western Union Telegraph Company or any existing electric-light company, if granted the right to these subways, could control the business forever and charge what they please, without regard to the rival companies which might desire to compete with them.

Other companies desiring to carry on these branches of business will be formed in the future; therefore it is not right that the present companies have power to create a monopoly by using all the space in our streets. The city should get, if necessary, a part of the rental, as some compensation for the taxation which it has to pay for making good streets. As the Government of the United States is in a certain sense in partnership with the District government in this city, it might be well that these two authorities should lay these subways and receive the rental for them, so that any company hereafter desiring a similar franchise would not be excluded from carrying on its business.

This was not done in New York, because there was a company organized under a charter of the State Legislature. But when the contract was drawn with that company, I as president of the board before which the subject came made this point: That a certain amount of the profits of the business should go in the first place to the men who put their money into the enterprise; that, if any profit beyond that from the use of the wires or the rental of the subways should accrue, one-third should go to the city, one-third to the company, and one-third be returned to the citizens or companies whose patronage sustained the business.

Here we can make a better arrangement for the city and for the Government. We can allow to the men who put their money in these subways or a subway company a certain amount of the profits and the city to get the balance; but this commission provided for in the bill should see to it that any company desiring hereafter the use of the subways should not be debarred by a monopoly previously created. In this way these companies will not control your streets, but you will control them yourselves.

It is only a question of time when the electric current will be used for supplying power to printing presses, street railroads, etc., and for furnishing almost all the light power required in this country. Subways will be needed for these purposes; and this commission should provide for that matter, so that the electric currents may be safely controlled.

Mr. Chairman, this question of laying electrical subways was one which bothered the electricians and the inventors of the country; but when our board laid down the plain proposition that electric currents would work under ground in cables properly insulated, no matter whether in clay, in glass, in wood, in iron, in asphalt, or in brick, so that the pick of the workman and the inflow of water would not interfere with them; that cables thus properly insulated would carry currents at least 15 miles under ground unobstructed—when we stated this proposition, although there were four hundred and twenty patents on processes for laying wires under ground, no person interested in any of these processes objected to the proposition or disputed the practicability of the proceeding; and the truth of this proposition has been demonstrated, not only in this country, but in Great Britain and in Germany.

From Berlin to Metz and Strassburg, cables covered with steel jackets are laid right on the ground, and no harm arises. The question is simply one of insulation.

This is a question which the proposed commission should look into. The more experts there are on the commission the longer it will take

to finish the investigation; the more business men there are on the commission the quicker and the better the work will be done.

Mr. McCOMAS. The report of this commission is to be made by the first day of the next session.

Mr. FLOWER. I hope the report will be made as soon as possible, because I am in favor of dealing with this question speedily by proper legislation. I believe that when the subject is nce properly treated the people will be accommodated. In Chicago they have subways laid in asphalt, an air-tight box being used. The whole telephone system in Chicago is under ground; and you can get the time of day from any station in the city with accuracy, and have no trouble by the crossing of wires nor from induction.

Mr. McCOMAS. The difficulty is that the asphalt will not. It is stated that cement is better.

Mr. FLOWER. Well, either of those or a great variety of other materials will do the work.

[Here the hammer fell.]

Mr. CLEMENTS. The gentleman from New York [Mr. BELDEN] desires to make some remarks on this bill, and he can not be here to-morrow. I therefore yield him fifteen minutes or so much time as he may desire.

Mr. BELDEN. Mr. Chairman, I desire to call attention to the first page of this bill; and I would like to know whether any lawyer or man who has ever had anything to do with the business management of a city can tell what it means. No one can understand what these clerks are for or what they are to do. As you go through the bill you find provisions in three or four places for contingent expenses. You find provisions for horseshoes, for the register of wills, and for oil lamps all mixed together. [Laughter.] No man can understand such a bill. You may ask questions of the gentleman from Maryland [Mr. McCOMAS] from now till doomsday, and if your experience is like mine you will not know any more after he is through than you did before. He will answer you with more words than any man I ever saw, but he will not explain the items of this bill.

No one will be able to learn anything about bills for the District of Columbia. The bill is prepared by a subcommittee and is submitted to a general committee. The other members of the committee are told "We are in a hurry to get through with it to-night; we understand all about it; it is all right."

I confess I have never read this bill through, because it would be useless to do so without explanations that I have not been able to obtain.

There is no member who can get any satisfactory information in regard to many of the District of Columbia appropriations. If you go to the Botanical Gardens nearest the Capitol any time, even in the middle of the day, the chances are that the superintendent in charge of the money to be disbursed for that purpose is not in a condition to transact business.

Mr. COOPER, of Indiana. We will investigate that next session.

Mr. SPINOLA. What kind of a plant would you call him? [Laughter.]

Mr. BELDEN. I have asked to have the matter investigated in the committee; I have asked to have it looked into; I have taken all the steps that I could take to correct what I believed to be a wrong, but was told that if I would tell the gentleman from Maryland [Mr. McCOMAS] what items I wanted to investigate the committee would look into the matter. Now, that I did not propose to do.

Mr. GEISSENHAINER. Who is responsible for the appointment of this man?

Mr. BELDEN. I do not know.

Mr. McCOMAS. Let me say to the gentleman that there is not a dollar in the bill for the Botanical Garden.

Mr. BELDEN. And I repeat, Mr. Chairman, if any one asks for any information of the gentleman in charge of this bill, they will all have the same experience that Mr. McMILLIN had. You can not tell where the clerks are to be employed, or for what purpose, or how they are to be paid, or anything about it.

Now, it is not necessary to make an appropriation for a city, that ought to be a model city, in such a way that no man can understand it. On the third page of the bill you will find the most extraordinary relief bill I ever heard of. This language is embodied there:

Provided, That the accounting officers of the Treasury are authorized and directed to re-examine the accounts of the commissioners of the District of Columbia accruing since July, 1878, and prior to March 6, 1883, and credit the same with all such disbursements and expenditures made in good faith, heretofore suspended or disallowed in settlement of the same, wherein it shall satisfactorily appear that the money was paid to employés of the District prior to their discharge, and for goods sold and delivered, work and labor done, materials furnished, or services rendered to the District in accordance with contracts and agreements made in good faith on behalf of the District, and also to adjust and settle equitably said accounts, allowing all payments made in settlement of claims against the District, and for expenses incurred in good faith on account of the District.

Mr. ROGERS. Will the gentleman yield for a question?

Mr. BELDEN. Certainly.

Mr. ROGERS. You will agree that that language is broad enough to enable these parties to disburse all the money that is in the Treasury?

Mr. BELDEN. Certainly; a man can do anything he pleases under that provision. It is the most extraordinary relief bill I ever heard of. I never saw anything like it, and yet I have had some experience in relief bills.

I have never seen such an audacious step as this. [Laughter.] You will not allow a plain, practical bill, defining clearly the amount due, to go through this House, and there are three or four thousand of them pending. You can not get relief for any of the claimants before Congress; but yet you have one which this committee have inserted in this bill, a relief measure that, to say the least, is extraordinary. Now, I am not a lawyer and do not pretend to be one, but I do ask any member present if he thinks such a measure should be inserted in an appropriation bill.

Mr. BREWER. Let me ask the gentleman a question.

Mr. BELDEN. Certainly.

Mr. BREWER. Has the gentleman any information as to what these claims were?

Mr. BELDEN. I have not.

Mr. BREWER. Was there a hearing?

Mr. BELDEN. I do not know.

Mr. BREWER. Has the gentleman investigated any of them?

Mr. BELDEN. I have not.

Mr. BREWER. Were you a member of the subcommittee that framed this bill?

Mr. BELDEN. I was not.

Mr. BREWER. You were not a member of the subcommittee that prepared the bill?

Mr. BELDEN. No; I was not a member. And since the gentleman is on the committee and knows the facts, I will say that there never was a chance to get an explanation from the committee understandingly of any of these items. He knows very well that no man except those on the subcommittee knows much about the matter.

Mr. BREWER. Was there not a hearing of all parties in explanation of what these were?

Mr. BELDEN. That I do not know. It was done by a subcommittee, and the subcommittee makes its report and comes in and says to the general committee, "This is all right." [Laughter.]

Mr. BREWER. I supposed from what the gentleman was saying that he was a member of the subcommittee.

Mr. BELDEN. No, I was not.

Mr. HENDERSON, of Iowa. But he is a member of the full committee.

Mr. BELDEN. Yes, I am. If I was to be a member under some circumstances, when the District bill comes up I would do as I have before said, get one of these wooden Indians in front of cigar stores and send him up to stand in my place. He would do just as well. [Laughter.]

Mr. McCOMAS. He would probably attend better.

Mr. HENDERSON, of Iowa. So far as the work of the committee is concerned he would be a great improvement. I never knew the gentleman to do a stroke of work on the committee. We spent two days studying the bill in the full committee and the gentleman was not there an hour.

Mr. BELDEN. When there was an aqueduct in progress of construction here, which proved to be one of the most stupendous frauds in the United States, and the Appropriations Committee had charge of and knew all about it, when the time comes in the last days of the session the gentleman from Maryland takes up a bill and provides for the water in another way, and you never hear a word about the fraud. He is very familiar with the District of Columbia and its affairs, but he forgets about the frauds that have been committed.

Mr. McCOMAS. Does not the gentleman know that the proposition he speaks of was an act of Congress, and that the Committee on Appropriations only makes the appropriation in pursuance of the existing law? Does he not know that this was from the joint committee which made a substitute proposition to supply the water, and the Committee on Appropriations carried it out?

Mr. BELDEN. I know very well that all the information we could get in regard to the matter amounted to nothing.

Mr. ROGERS. If the gentleman——

The CHAIRMAN. The Chair suggests that the gentleman from New York has not yielded to an interruption.

Mr. ROGERS. I believe the gentleman from New York will yield to me for a question.

Mr. BELDEN. Yes, sir; I yield.

The CHAIRMAN. The gentleman from Arkansas.

Mr. ROGERS. I am very much obliged to the Chair; I understood the gentleman had yielded some time ago.

The CHAIRMAN. The Chair did not.

Mr. ROGERS. I would like to ask the gentleman's attention to page 17 of the bill, where $115,000 is to be expended under the head of "Sprinkling, sweeping, and cleaning," and have him give us an explanation of it.

Mr. BELDEN. Mr. Chairman, as I have understood in the committee, the only explanation was that they had a letting, and had it for a series of years, and the contractors combined to put up the price more

than it had ever been before, and then the contract was let for a number of years, and then they divided it up among themselves.

Mr. ROGERS. Does that meet with your approval?

Mr. BELDEN. I can not say that it does. Now, that is the reason that I wanted a discussion of this bill, the reason why I did not think that debate ought to be cut off.

Mr. McCOMAS. I will ask if the gentleman has introduced any bill to correct that evil.

Mr. BELDEN. I will tell you what I asked for was a resolution in the committee to allow these matters to be investigated; and after a grave consideration I was told that it would be done if I would present what I wanted to prove to the gentleman from Maryland [Mr. McCOMAS], and if he thought it was right to have it investigated it would be done.

Mr. McCOMAS. Perhaps the gentleman would like to be informed——

Mr. SPRINGER. I hope the gentleman from New York will allow the gentleman from Maryland to explain.

The CHAIRMAN. Does the gentleman from New York yield?

Mr. BELDEN. Yes; I will yield if he can tell anything about this bill. [Laughter on the Democratic side.]

Mr. McCOMAS. The trouble about the gentleman from New York, and the reason for his wanting enlightenment is that he does not attend the committee, he is not with the committee, he does not hear the explanations, he does not watch the proceedings of Congress, and if he had he would have known that upon my own motion a proposition was put in here at the last Congress, in this House, on this bill, to limit the price of street-sweeping, and that it passed through this House, to hold down the expenditure in that regard, and to bring the contractor to terms who I thought was getting too much money for sprinkling and-sweeping; it passed this House on my motion, cutting down that item. The amendment was stricken out in the Senate afterward, and I confess upon the proper ground that as the contract had been let legally, it must be carried out.

Mr. BELDEN. Now, if the gentleman will allow me, I did not yield to the gentleman for a speech. I will ask questions about the matters that I want to know about.

Mr. SPRINGER. If that contract was let in violation of law we could have annulled the contract.

The CHAIRMAN. The gentleman from New York declines to yield.

Mr. ADAMS. Mr. Chairman, if the gentleman will allow me to ask him a question——

The CHAIRMAN. Does the gentleman yield?

Mr. BELDEN. I yield to the gentleman from Illinois for a question.

Mr. ADAMS. I desire to ask him with regard to another provision of the bill, which strikes me as questionable. On page 12, the first proviso relates to new sidewalks on streets now undergoing permanent improvement. It provides that the cost shall be levied upon the owner of the abutting property. I am informed that heretofore the cost has been paid out of the contingent fund. Therefore, if a certain portion of the city has been improved and a certain other portion of the city has not been improved, it strikes me that the owners of property not yet improved, having in the course of years been paying out of their pockets for the building of sidewalks in the part of the city which has been improved; if that is true, that the northwestern portion of this city, where the wealthy people live, has been improved, and the other portion of the city has not been improved, then it seems to me that this is an additional and an unjust burden on the owners of property in the less prosperous portions of the city. I will ask the gentleman whether, as a member of the committee, he has had his attention called to that.

Mr. BELDEN. That can be better answered by the framer of the bill, who has charge of it, and I will suggest to you that you will probably get him to explain in a great many words and you will not know any more about it when you are done. That has been my case.

Mr. ROGERS. Will the gentleman yield to me again——

Mr. McCOMAS. If the gentleman from New York has anything but words——

Mr. BELDEN. I would like to ask the gentleman from Maryland [Mr. McCOMAS] a question.

Mr. HENDERSON, of Iowa. The gentleman from Maryland will yield for that purpose?

Mr. McCOMAS. Certainly.

Mr. BELDEN. I remember informing the gentleman from Maryland [Mr. McCOMAS] some months ago that the street-cleaning contract was let by the square foot and that the street-cleaners swept whenever they had a mind to, that they swept sometimes when there was no dirt, and that there was no possible way of detecting or knowing how much was done, except by some one man that kept the account in his pocket. A man would keep a little memorandum in his pocket, and put it in after two or three days, saying that this man swept so many thousand feet or so many streets. I asked him if that was businesslike, and now I ask him if he has remedied it in the appropriation bill.

Mr. McCOMAS. I will inform the gentleman, Mr. Chairman, that I am not by law a commissioner of the District of Columbia, but——

Mr. BELDEN. Ah!

Mr. McCOMAS. Let me answer your question, now you have put it and need information on this subject. I have endeavored in every way to put down the price of street-cleaning here, because I was not satisfied that it was well done and cheaply done.

Mr. BELDEN. Mind you, he does not answer the question I asked him. I knew he would go off on something else. [Laughter on the Democratic side.]

Mr. McCOMAS. And I went to the commissioners and asked them, as the gentleman himself, if he had known the law, would have gone to them with his complaints about the street-cleaning.

Mr. BELDEN. You see, gentlemen, how he answers me.

Mr. McCOMAS. And the committee see how active this gentleman is. Now, it has been observed that when we want a model reformer, sweet and clean and pure, with experience large and ample——

Mr. BELDEN. I yielded to the gentleman, you know, for an explanation.

Mr. McCOMAS (continuing). We ought to go to some place else than to the gentleman from New York, with all his experience in these matters——

The CHAIRMAN. The time of the gentlemen from New York [Mr. BELDEN] has expired.

Mr. BELDEN. Now, you have heard my question, gentlemen. I asked how he guarded against an unwise expenditure of money, and to know how the street-cleaning was done. You have heard his answer. It is something about reformers. I do not know what it is exactly. [Laughter.]

Mr. McCOMAS. I ask a quarter of a minute in which to further tell my colleague on the committee [Mr. BELDEN] something more about this bill.

Mr. McMILLIN. You have all the time you want.

Mr. McCOMAS. I want only a quarter of a minute now.

Mr. CLEMENTS. I yield the floor, Mr. Chairman, for the gentleman to take it out of his own time.

Mr. McCOMAS. The gentleman from New York [Mr. BELDEN] who talked here to-day about this bill has never examined the bill, he has never attended the meetings of the committee, and he has been more than once urged by the committee in this connection——

Mr. O'NEILL, of Pennsylvania. Mr. Chairman, I rise to a question of order. Is it in order to tell what has taken place in committee?

The CHAIRMAN. The Chair thinks it is not.

Mr. McCOMAS. Well, I withdraw that. I say this, however, that the subcommittee examined this bill with great assiduity and care, calling man after man in every department, Republicans and Democrats, and the bill stands here on these matters as the joint product of the subcommittee and the full committee. Now, if it has not been enlightened by the attention and consideration and wisdom of the gentleman from New York [Mr. BELDEN], that is not the fault of the committee.

But, Mr. Chairman, when the gentleman desires to arrange by law a system of contracts and street regulations, if he will go to the Committee on the District of Columbia, whose room is just beyond that aisle, he can there put in his bill and have it considered. The gentleman has been in Congress for four years. How many bills has he introduced to restrict these corporations and these bids and stop this bad sweeping? Yet we find him now, late in the day, late in this Congress, after we have borne the burden and heat of the battle, trying to keep these corporations within bounds in respect to lights and in respect to streets and in respect to all these matters, coming in here and criticising a bill which he has not read and whose very provisions he does not understand when he does read them.

Mr. BLOUNT. Mr. Chairman, I wish to know if it is in order to move to recommit this bill to the committee in order that they may agree about it. [Laughter.]

Mr. CLEMENTS. I now yield five minutes to the gentleman from New York [Mr. BELDEN].

Mr. BELDEN. You will observe when I started I told you if you asked the gentleman a question about this bill you would get a great many words and not know anything in the end. [Laughter.] You certainly see that.

Now, there has been much stress laid upon my not attending the meetings of the committee; but I appear to have found out enough to be able to ask a great many things that the gentleman has failed to answer. In the next place, if I have not attended the meetings of the committee as much as the gentleman has, it is because of a fact which I will state.

Early in the last session I made a statement to the committee, after I had looked over all these things, that it appeared to me that this District was badly governed, that it was at "loose ends," and that there were a great many things that ought to be corrected. I asked that they should appoint a committee to make an investigation of the matter so that we could make these appropriations understandingly.

The gentleman from Maryland [Mr. McCOMAS] chairman of the

subcommittee, opposed this, flew all to pieces, and said that he would not go on that committee. Oh, no! no! But nobody had asked him to go on it. [Laughter.] He refused to go on such a committee. After two or three days of weighty consideration, he waited upon me and informed me that my resolution was submitted to the subcommittee, and that if I would appear before the committee and tell them what I wanted to examine, they would take the resolution into consideration. Now, that is literally true.

Mr. McCOMAS. And did the gentleman ever appear?

Mr. BELDEN. Why, Mr. Chairman, I replied that I could not know the remedy to apply until there had been an investigation; that there was no other way by which to inform myself, and there is no other means you can take but that. The gentleman himself does not know anything about it. Mark it, and remember what I have said. I think I have already shown enough to prove that there are defects in this bill. It is all "mixed up" [laughter], and the best lawyer of you can not read it and tell what it means or what all the appropriations are for, how they are to be expended, or what the different clerks are to do, how accounted for or adjusted; and here in their bill is an act of relief for somebody, and yet the gentleman is finding fault with me for calling attention to it. [Laughter.]

Mr. McCOMAS. Mr. Chairman, if the gentleman is not well informed he has himself to blame for it, for he has had two years of opportunity to know what is in these bills. At the proper time, I, with other gentlemen on both sides of this House, members of the Committee on Appropriations, will be glad to tell the gentleman and the House what we do know about this bill; that it is a good and proper bill, agreed to by both Republicans and Democrats, that it is in the public interest and for the public relief.

Mr. CLEMENTS. Mr. Chairman——

Mr. HENDERSON, of Iowa. Will the gentleman allow me just one remark?

Mr. CLEMENTS. Certainly.

Mr. HENDERSON, of Iowa. We will all be glad if the gentleman from New York [Mr. BELDEN] will give the committee the benefit of his large knowledge by offering amendments to perfect this bill.

Mr. BLOUNT. This will soon be over, and in the next Congress we will make proper provision.

Mr. SPRINGER. I ask the gentleman from Georgia to yield to a motion that the committee do now rise.

Mr. CLEMENTS. Not just now. I yield five minutes to the gentleman from New York [Mr. FITCH].

Mr. FITCH. Mr. Chairman, the gentleman from Maryland, the chairman of the committee, has said that the member from New York [Mr. BELDEN] had not read this bill. He has read to the House here one portion of this bill which is to my mind the most extraordinary provision that I ever saw in a bill, and the criticism which the gentleman from New York has made here has simply been answered by a criticism of him, and not of his argument.

Mr. SPRINGER. That is true.

Mr. FITCH. So far as he is concerned, we in New York know that he was one of the most successful mayors of a large city that we have ever had in this country, and that his business enterprise and his management of the affairs of that municipality place him above the criticism of any chairman of a committee who can put into an appropriation bill a relief bill of this kind, which nobody can tell what it is meant for or whom it is intended to relieve. I want to read it again to this House. It is not necessary to appeal even to this committee to see what is its meaning.

That the accounting officers of the Treasury are authorized and directed to re-examine the accounts of the commissioners of the District of Columbia accruing since July, 1878, and prior to March 6, 1883, and credit the same with all such disbursements and expenditures made in good faith heretofore suspended or disallowed in settlement of the same.

This is an item that can cover disallowed expenditures, and here under cover of this appropriation bill they are put in a position where they could be reallowed. That is done for somebody, it is done for some reason, and it is very evident that the gentleman in charge of this bill, when he criticises the member from New York, ought not to talk about the region where he comes from, but what he says about their own bill, which we find to-day has in it this disgraceful provision.

Mr. McCOMAS rose.

The CHAIRMAN. The gentleman from Georgia [Mr. CLEMENTS] has the floor.

Mr. CLEMENTS. If the gentleman in charge of the bill desires to be heard further now, I do not object.

Mr. McCOMAS. The gentleman from New York [Mr. FITCH] ought to know that the provision which he has just criticised is a provision in an appropriation bill which was passed for the fiscal year ending June 30, 1886, and passed by a Democratic House.

Mr. FITCH. I do not care anything about that. That does not make any difference.

Mr. McCOMAS. Wait till I get through.

Mr. SPRINGER. The gentleman from New York [Mr. FITCH] was a Republican then, so he has a right to criticise the action of that Democratic House. [Laughter.]

Mr. McCOMAS. I know he was a Republican then; but I am talking to the gentleman now when he is a Democrat, for this, I believe, is his Democratic year.

Mr. FITCH. Yes, and I am proud of it.

Mr. McCOMAS. In that appropriation bill the provision is the same as it is in this bill. To illustrate this point, take for instance the use of the word "ex-commissioner." It was found that the board of commissioners having two new members and one old one for a term of four years, when one of the old members held over, the Comptroller ruled that, although certain accounts were just and right, yet because one of the old members of the board held over in a new board, it was not a board of ex-commissioners, and therefore these accounts could not be audited. The subcommittee and the full committee went over, item by item, the few remaining unaudited accounts——

Mr. FITCH. How much did they amount to?

Mr. McCOMAS. About $18,000.

Mr. FITCH. To whom are they payable?

Mr. McCOMAS. They amount in all to about $19,000, being sums of money paid out by the commissioners who held office from the foundation of the District government, in 1878, down to 1883.

Mr. FITCH. They were subsequently disallowed, were they not?

Mr. McCOMAS. They were disallowed for the reason——

Mr. OUTHWAITE. They were disallowed at the time.

Mr. McCOMAS. They were disallowed because, although the money had been properly expended for the Government, they were technically not covered; for during those four years Mr. Lydecker, who was in the old board, had been holding over as commissioner.

Mr. BELDEN. That is the same man who had charge of the work on the aqueduct.

Mr. FITCH. Were those expenditures on account of work upon the aqueduct?

Mr. McCOMAS. Not a dollar. What I am saying is this: Mr. Lydecker was a member of the board of commissioners, and the Comptroller held that this referred to accounts of ex-commissioners. I want to say that gentlemen on this committee, Republicans and Democrats, went over these items amounting to $19,000; and I will have here to-morrow from the Treasury Department the accounts which are here included. Because the money has been spent for the District of Columbia, because it was a just and proper expenditure, because the House and the Senate put it in the bill before, we have repeated the provision as it stands in the law passed four years ago, in order that these accounts may be closed, the accounts from 1878 down to 1883, and no longer.

Mr. CUMMINGS. Will the gentleman answer a question?

Mr. McCOMAS. Yes, sir.

Mr. CUMMINGS. Are there any aqueduct accounts in those?

Mr. McCOMAS. None whatever—not one cent.

Mr. BLOUNT. I wish to ask the gentleman how much has been audited under the first act to which he referred and how much is estimated as unaudited.

Mr. McCOMAS. There is no estimate at all; but we have the items, and they amount to the sum of $19,000. For instance, these items relate in part to the pay of policemen who were not on duty on account of sickness. Because of a technical reason it was held that the amount paid to these policemen could not be allowed.

Mr. BLOUNT. Could not all these accounts have been audited under the former statute?

Mr. McCOMAS. No, sir; the Comptroller was before us. We sent for the proper officers of the Treasury Department; and they said that while these allowances were no doubt proper and just, further language would be required in the law to cover the members of the other board, and the money must be shown to have been spent in good faith under contract in pursuance of existing law and for the benefit of the District.

Mr. BLOUNT. There has been no auditing, then, under the first law?

Mr. McCOMAS. Oh, yes.

Mr. BLOUNT. I understood the gentleman to say there had not.

Mr. McCOMAS. All the accounts have been audited except these, amounting to $19,000.

Mr. CLEMENTS resumed the floor.

Mr. SPRINGER. Will the gentleman from Georgia yield for a motion that the committee rise?

Mr. CLEMENTS. I will.

The CHAIRMAN. The Chair desires to state that the gentleman from Maryland [Mr. McCOMAS] has occupied fifty minutes and the gentleman from Georgia twenty.

Mr. McCOMAS. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BURROWS reported that the Committee of the Whole on the state of the Union, having had under consideration the bill (H. R. 12729) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1892, and for other purposes, had come to no resolution thereon.

PUBLIC BUILDING AT PORTSMOUTH, OHIO.

Mr. McCOMAS. I move to adjourn, but will yield for a moment to the gentleman from Ohio [Mr. THOMPSON].

Mr. THOMPSON. I ask unanimous consent for the immediate consideration of the bill which I send to the desk.

The SPEAKER. Does the gentleman from Maryland withdraw his motion to adjourn?

Mr. McCOMAS. I do for that purpose.

The SPEAKER. The gentleman can not withdraw the motion conditionally. Does he withdraw the motion?

Mr. McCOMAS. I do, for a moment.

The SPEAKER. The bill which the gentleman from Ohio asks consent to consider will be read.

The Clerk read as follows:

A bill (H. R. 6460) to increase the appropriation for the erection of a public building at Portsmouth, Ohio.

Be it enacted, etc., That the amount heretofore fixed as the limit of cost for the erection of a public building by the United States Government at Portsmouth, Ohio, be, and the same is hereby, increased to $85,000, and that sum is hereby fixed as the limit of cost for the erection of said building, including site.

SEC. 2. That the officers of the United States Government having charge of the erection of public buildings are authorized and required to be governed by the limitation hereby prescribed in making contracts for the erection of said building.

SEC. 3. That the additional sum of $25,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be used and expended for the purposes provided in this act.

The amendments reported by the Committee on Public Buildings and Grounds were read, as follows:

In line 6, section 1, strike out "eighty-five" and insert "seventy-five."
In line 1, section 3, strike out "twenty-five" and insert "fifteen."

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. KILGORE. I would like to know what is the amount of the proposed increase?

Mr. THOMPSON. Fifteen thousand dollars.

Mr. SPINOLA. What is the whole amount of the appropriation?

Mr. THOMPSON. Seventy-five thousand dollars, being an increase of $15,000 over the amount heretofore fixed.

Mr. SPINOLA. That is just $25,000 more than I have asked for the monument. [Laughter.]

Mr. ROGERS. I hope the gentleman from New York [Mr. SPINOLA] will not object to this bill, because I want to get these little matters out of the way, so that we can take up the Hot Springs bill. I hope nobody will object. The gentleman from Ohio [Mr. THOMPSON] goes out of Congress very soon, as I do.

There being no objection, the Committee of the Whole was discharged from the further consideration of the bill, and the House proceeded to consider the same.

The amendments reported by the Committee on Public Buildings and Grounds were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. THOMPSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING, STAUNTON, VA.

Mr. TUCKER. I ask unanimous consent for the present consideration of the bill (S. 2082) for the erection of a public building at the city of Staunton, Va. This bill has already passed the Senate and has been reported favorably by the Committee on Public Buildings and Grounds of this House.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase or otherwise provide a site, and cause to be erected thereon a substantial and commodious building, with fire-proof vaults, for the use and accommodation of the post office and internal-revenue office, and for other Government uses, at the city of Staunton, Va. The site and building thereon, when completed upon the plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed in cost the sum of $75,000; nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site nor plan for said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of $75,000 for site and building; and the site purchased shall leave the building unexposed to danger from fire by an open space of at least 40 feet, including streets and alleys: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States, nor until the State of Virginia shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. DINGLEY. Reserving the right to object, I would like to hear the report of the House committee read.

The report (by Mr. DARLINGTON) was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2082) entitled "A bill for the erection of a public building at Staunton, Va.," which passed the Senate of the United States December 2, 1890, respectfully report the same with the recommendation that it do pass.

The city of Staunton is the center of the great industrial development in the upper Shenandoah Valley of Virginia, where large business enterprises converge and radiate in different directions for 100 miles. It is the largest and most important city in the Valley of Virginia.

Your committee beg leave to adopt as a part of their report the report and exhibits filed therewith of the Senate committee, and ask that the House bill No. 923, which is entirely similar to the Senate bill, be laid upon the table.

Mr. DINGLEY. The report as read does not furnish the information I desire. Will the gentleman state the population of Staunton?

Mr. TUCKER. The population of the city of Staunton is between nine and ten thousand.

Mr. DINGLEY. Is this building for a post office simply?

Mr. TUCKER. For a post office, internal-revenue offices, and district attorney's office.

Mr. DINGLEY. There is no United States court there?

Mr. TUCKER. No court is held there.

Mr. DINGLEY. What are the gross receipts of the post office annually?

Mr. TUCKER. Nearly $24,000; and I have a statement in my desk showing that during the past year the gross receipts of that office have increased over $3,000.

Mr. DINGLEY. Does the gentleman remember the net amount after deducting the expenses of the office?

Mr. TUCKER. No, sir; I do not.

Mr. SPRINGER. I hope there will be no objection. This is a very flourishing city and one indicative of the progress of the "New South."

There being no objection, the Committee of the Whole on the state of the Union was discharged from the further consideration of the bill; and the House proceeded to consider the same.

The bill was ordered to a third reading, read the third time, and passed.

Mr. TUCKER moved to reconsider the vote by which the bill was passed and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. In the absence of objection, House bill 923, similar in substance to the Senate bill just passed, will be laid on the table.

There was no objection.

ORDER OF BUSINESS.

Mr. BERGEN. I ask unanimous consent for the present consideration of the bill I send to the desk.

Mr. HOLMAN. I call for the regular order.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 7663) to increase the appropriation for a public building at Camden, N. J.

Mr. OUTHWAITE, Mr. HOLMAN, and others demanded the regular order.

Mr. BERGEN. Why not give one on this side? Two recognitions have been had on the other.

Mr. HOLMAN. No, only one. It is just even now.

Mr. BERGEN. This is a mere extension. We have $30,000 worth of property there and we can not improve it. It is only proposed to extend the limit.

Mr. HOLMAN. My friend will see it involves another recognition on this side.

Mr. Speaker, I move that the House adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 12 minutes p. m.) the House adjourned.

EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communication was taken from the Speaker's table and referred as follows:

LEGISLATIVE NEEDS OF ALASKA.

Letter from the Secretary of the Interior, transmitting a copy of the proceedings of a convention recently held in the Territory of Alaska to consider certain legislative needs of the Territory—to the Committee on the Territories.

RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolutions were introduced and referred as follows:

By Mr. RICHARDSON:

Resolved, That on Thursday, January 22, 1891, immediately after the reading of the Journal, the House will proceed to the consideration of House bill No. 13050, introduced by Mr. RICHARDSON, entitled "A bill to equalize taxation and impose an income tax;"

to the Committee on Rules.

By Mr. ENLOE:

Whereas the President of the United States did, on the 5th day of January, 1891, transmit to the two Houses of Congress copies of a correspondence then recently exchanged between the Government of Her Britannic Majesty and that of the United States, and growing out of the capture by the United States of certain British vessels in the Behring Sea; and

Whereas it appears from such correspondence that the Government of Her Britannic Majesty did, on or about the 2d day of August last, offer to refer to impartial arbitration the question of legality of said captures and the issues that depend upon such question; and

Whereas it further appears from such correspondence that the Government of the United States did, on or about the 17th day of December last, communicate to the Government of Her Britannic Majesty certain questions proposed for the consideration and determination of such arbitrator as might be mutually chosen by the two Governments pursuant to the hereinbefore-mentioned offer of Her Britannic Majesty's Government; and

Whereas it appears by the public records and proceedings of the Supreme Court of the United States that, on or about the 13th day of January, 1891, Her Britannic Majesty's attorney-general of Canada did submit to and file with said court a suggestion for a writ of prohibition to annul the judicial proceedings taken and had in one of the inferior courts of the United States growing out of one of the captures aforesaid; and

Whereas it appears from said suggestion so submitted and filed that the grounds of said suggestion are identical with the questions or issues proposed by the two Governments for examination and determination by impartial arbitration; and

Whereas it appears from the said suggestion so submitted and filed as aforesaid that the said suggestion was presented with the knowledge of the Imperial Government of Great Britain; and

Whereas it appears that the offer to refer the questions growing out of the captures aforesaid to impartial arbitration has not been withdrawn by the Government of Her Britannic Majesty, but that said offer is now and still pending between the said Government and that of the United States and is still the subject of diplomatic negotiations and proceedings by and between the said Governments:

Resolved by the House of Representatives (the Senate concurring), That the conduct and action of the Imperial Government of Great Britain in authorizing and approving the submission and filing of the aforementioned suggestion to and in the court aforesaid are without precedent, prejudicial to the comity of nations and to the amicable conduct of international relations, and in derogation of the dignity of the Government of the United States.

Resolved further, That the President be requested to communicate a copy of this resolution to the Government of Her Britannic Majesty, if in his judgment such communication be not inimical to the public interest;

to the Committee on Foreign Affairs.

By Mr. BARNES:

Whereas since the Secretary of War under date of February 17, 1890, transmitted to the House of Representatives a letter from the Chief of Engineers of date of February 15, 1890, together with the report of Lieut. O. M. Carter, Corps of Engineers, upon the survey of the Savannah River above Augusta, as found in Executive Document, H. R. No. 213, Fifty-first Congress, first session, there has been a further report of the survey of said river prepared, together with maps of survey of the said river between the cities of Augusta and Savannah: Therefore,

Resolved, That the Secretary of War be requested to transmit to the House of Representatives the completed report of said survey, including said maps of survey of said river between Augusta and Savannah;

to the Committee on Rivers and Harbors.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. FLICK, from the Committee on Invalid Pensions, reported with amendment the bill of the House (H. R. 7327) for the relief of the legal representatives of P. S. Schuyler, deceased, accompanied by a report (No. 3454)—to the Committee of the Whole House.

Mr. WILSON, of Kentucky, from the Committee on Invalid Pensions, reported favorably the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 12704) granting a pension to Lewis D. Terry. (Report No. 3455.)

A bill (H. R. 10990) granting a pension to Sarah A. Phelps. (Report No. 3456.)

Mr. SMYSER, from the Committee on Pensions, reported favorably the bill of the House (H. R. 13080) to grant a pension to Nancy Jane Knetsar, of Moline, Ill., accompanied by a report (No. 3457)—to the Committee of the Whole House.

Mr. HILL, from the Committee on Pensions, reported favorably the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 12614) granting a pension to Mary Williams. (Report No. 3458.)

A bill (H. R. 12147) to grant a pension to Elender Johnston. (Report No. 3459.)

Mr. GROSVENOR, from the Committee on Rivers and Harbors, reported with amendment the bill of the House (H. R. 12405) to authorize the Secretary of War to grant leases or licenses for the use of water power on the Kentucky River, in the State of Kentucky, accompanied by a report (No. 3460)—to the House Calendar.

Mr. LANE, from the Committee on Invalid Pensions, reported favorably the bill of the House (H. R. 7394) granting a pension to Caroline E. Gray, accompanied by a report (No. 3461)—to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the following change of reference was made:

A bill (H. R. 1198) granting a pension to Amelia T. Seywert—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, severally read twice, and referred as follows:

By Mr. WALLACE, of New York: A bill (H. R. 13130) for the establishment of a lighthouse at Hillsborough Inlet, Florida—to the Committee on Commerce.

By Mr. WILSON, of West Virginia: A bill (H. R. 13131) to authorize the Norfolk and Western Railroad Company to bridge the Tug Fork of the Big Sandy River at certain points where the same forms the boundary line between the States of West Virginia and Kentucky—to the Committee on Commerce.

By Mr. MANSUR: A bill (H. R. 13132) to secure the relinquishment of all claim or interest of the Cherokee Indians to lands in the Indian Territory west of the ninety-sixth degree of longitude, known as The Outlet, and for other purposes—to the Committee on Indian Affairs.

By Mr. LACEY: A bill (H. R. 13133) to amend an act entitled "An act making appropriations for the consular and diplomatic service, and for other purposes, for the fiscal year ending June 30, 1879," approved June 4, 1878—to the Committee on Foreign Affairs.

By Mr. WILSON, of Kentucky: A bill (H. R. 13134) to divide the State of Kentucky into two judicial districts—to the Committee on the Judiciary.

By Mr. CANDLER, of Massachusetts: A bill (H. R. 13145) for the establishment of additional aids to navigation in Tampa Bay, Florida—to the Committee on Commerce.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. CARUTH: A bill (H. R. 13135) granting a pension to Mary Catherine Reardon—to the Committee on Invalid Pensions.

By Mr. COOPER, of Indiana: A bill (H. R. 13136) for the relief of Susan Baker—to the Committee on Invalid Pensions.

By Mr. ELLIS: A bill (H. R. 13137) for the relief of Charles W. Hampton—to the Committee on War Claims.

By Mr. GROUT: A bill (H. R. 13138) to pension Mary B. Peck, widow of Maj. James S. Peck—to the Committee on Invalid Pensions.

By Mr. WALTER I. HAYES: A bill (H. R. 13139) granting a pension to John Ashworth—to the Committee on Invalid Pensions.

By Mr. WHEELER, of Alabama: A bill (H. R. 13140) granting a pension to Hetty A. Hasson—to the Committee on Pensions.

Also, a bill (H. R. 13141) for the relief of Jane W. Locke—to the Committee on War Claims.

Also, a bill (H. R. 13142) for the relief of estate of A. J. Peacock—to the Committee on War Claims.

Also, a bill (H. R. 13143) for the relief of Rev. E. J. Stockton, a soldier of the Florida war—to the Committee on Claims.

By Mr. RUSSELL: A bill (H. R. 13144) to correct the military record of James L. Townsend—to the Committee on Military Affairs.

By Mr. HENDERSON, of Illinois (by request): A bill (H. R. 13146) to pay Peter O'Hair arrears of pension—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BERGEN: Petition of citizens of Camden, N. J., relative to the Chinese exclusion act—to the Select Committee on Immigration and Naturalization.

By Mr. CARUTH: Petition of Mary Catherine Reardon, an army nurse during the civil war, asking that she be granted a pension—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 12987, granting an increase of pension to John A. Miller—to the Committee on Pensions.

By Mr. COOPER, of Ohio: Resolutions of Pleasant Grove Alliance, No. 264, of Grant, Hardin County, Ohio, in favor of passage of House bill 5353, defining options and futures—to the Committee on Agriculture.

Also, petition of George Orr and 72 others, citizens of Morrow County, Ohio, for same measure—to the Committee on Agriculture.

Also, resolutions of Chester Farmers' Alliance, of Chesterville, Morrow County, Ohio, for same measure—to the Committee on Agriculture.

By Mr. DUNNELL: Petition of S. H. Ramberg and 17 others, citizens of Minnesota, asking passage of the option bill—to the Committee on Agriculture.

By Mr. ELLIS: Resolutions of Owen Union, No. 908, of Daviess County, Kentucky, demanding the forfeiture of the charter of the Union Pacific Railroad for violations of the statutes prohibiting trusts and for violations of the interstate-commerce law—to the Committee on the Pacific Railroads.

By Mr. WALTER I. HAYES: Petition of citizens of Muscatine County, Iowa, in favor of the option bill—to the Committee on Agriculture.

Also, petition of members of Strawberry Hill Alliance, Muscatine County, Iowa, for same measure—to the Committee on Agriculture.

Also, resolutions of Strawberry Hill Alliance, Muscatine County, Iowa, for same measure—to the Committee on Agriculture.

By Mr. HAYNES: Resolutions of the Galetown Alliance, Sandusky County, Ohio, signed by R. E. Betts, president, and Fred. Hutchinson, secretary, in favor of passage of House bill 5353, defining options—to the Committee on Agriculture.

Also, petition of R. E. Betts and 22 other citizens of same county and State, for same measure—to the Committee on Agriculture.

By Mr. HENDERSON, of Iowa: Resolution by the Civil Service Reform Association of Boston, Mass., urging the passage of the measure offered by Hon. HENRY CABOT LODGE for an improved method of appointment of fourth-class postmasters—to the Committee on the Post Office and Post Roads.

Also, petition of 102 citizens of Fairbank, Buchanan County, Iowa, urging passage of House bill 5353, defining options, futures, etc.—to the Committee on Agriculture.

Also, resolutions of Clutterville Alliance, No. 797, Butler County, Iowa, for same measure—to the Committee on Agriculture.

Also, resolutions by Fairbank Alliance, No. 1826, Buchanan County, Iowa, urging passage of same measure—to the Committee on Agriculture.

By Mr. KERR, of Iowa: Petition of citizens of Blackhawk Township, Grundy County, Iowa, in favor of passage of a law to prohibit options and futures—to the Committee on Agriculture.

By Mr. LEE (by request): Petition of Granville J. Kelly, of Kelly's Ford, Culpeper County, Virginia—to the Committee on War Claims.

By Mr. LODGE: Paper to accompany House bill 12521, to increase the pension of George D. Sargent—to the Committee on Invalid Pensions.

By Mr. O'NEILL, of Pennsylvania: Petition of citizens of Pennsylvania, requesting the passage of Senate bill 4173, providing for a national social-vice commission—to the Committee on Education.

By Mr. PAYNTER: Petition of Lucian Guy, for increase of pension—to the Committee on Invalid Pensions.

By Mr. REED, of Iowa: Petition of 36 citizens of Shelby and Crawford Counties, Iowa, asking passage of the option bill—to the Committee on Agriculture.

Also, petition of 35 others, citizens of same county and same State, for same measure—to the Committee on Agriculture.

Also, petition of Summit Alliance and 62 citizens of Washington Township, Pottawattamie County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of Hazel Dell Farmers' Alliance and 15 citizens of same county and State, for same measure—to the Committee on Agriculture.

By Mr. SMITH, of Illinois: Petition of citizens of Oklahoma County, Oklahoma, for relief—to the Committee on Agriculture.

By Mr. SWENEY: Petition of C. E. Wright and 28 others, citizens of Nora Springs, Iowa, in favor of passage of House bill 5353—to the Committee on Agriculture.

Also, petition of Edward Evensen and 12 others, citizens of Worth County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition numerously signed by citizens of Fayette County, Iowa, for same measure—to the Committee on Agriculture.

By Mr. WHEELER, of Alabama: Petition of heirs of Marcus W. Massengall, of Madison County, Alabama, for reference of claim to the Court of Claims under provisions of the Bowman act—to the Committee on War Claims.

By Mr. WILLIAMS, of Illinois: Petition on claim of Mary Woodruff, widow of Fielding—to the Committee on Invalid Pensions.

SENATE.

THURSDAY, *January* 15, 1891.

The Senate met at 12 o'clock m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 8th instant, certain information in regard to books, records, and papers relating to the late so-called Confederate States in the possession of his Department; which was referred to the Committee on Military Affairs, and ordered to be printed.

ECKINGTON AND SOLDIERS' HOME RAILWAY COMPANY.

The VICE PRESIDENT laid before the Senate the following communication; which was read, and, with the accompanying papers, referred to the Committee on the District of Columbia, and ordered to be printed:

WASHINGTON, D. C., *January* 14, 1891.

DEAR SIR: In compliance with section 2 of the act incorporating the Eckington and Soldiers' Home Railway Company of the District of Columbia, approved June 19, 1888, I have the honor to transmit herewith a report of the names of all the stockholders and the amount of stock held by each, together with a detailed statement of the receipts and expenditures from whatever source and on whatever account, for the year ending December 31, 1890, duly verified by affidavit of the president and secretary of said company.

Yours, very respectfully,

G. W. TRUESDELL,
President Eckington and Soldiers' Home Railway Company.

Hon. LEVI P. MORTON,
President of the Senate, Washington, D. C.

EULOGIES ON THE LATE REPRESENTATIVES RANDALL AND KELLEY.

The VICE PRESIDENT laid before the Senate the following concurrent resolution from the House of Representatives; which was read, and referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That the numbers of copies of the eulogies delivered in both Houses of Congress upon Samuel J. Randall, late a Representative from the State of Pennsylvania, authorized by House joint resolution approved September 19, 1890, and upon William D. Kelley, also late a Representative from the State of Pennsylvania, authorized under House joint resolution approved June 5, 1890, to be specially bound by the Public Printer and delivered to their respective widows, is hereby increased from 50 to 100 each.

HOUSE BILL REFERRED.

The bill (H. R. 12573) making appropriations for the support of the Army for the fiscal year ending June 30, 1892, and for other purposes was read twice by its title, and referred to the Committee on Appropriations.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial signed by A. W. Litchard, president, on behalf of the Allegany County Farmers' Club of New York, remonstrating against the passage of the Conger lard bill; which was ordered to lie on the table.

Mr. EVARTS. I present a very earnest and unanimous petition of the Republican Club of the city of New York, praying for the passage of the Federal elections bill now before the Senate. I move that the petition lie on the table.

The motion was agreed to.

Mr. EVARTS. I also present a series of resolutions in the nature of a memorial from the Manhattan Club of the city of New York, adverse to the passage of the election bill. I move that the memorial lie on the table.

The motion was agreed to.

Mr. EVARTS presented the petition of Mrs. Cornelia Redfield Chandler, widow of the late Rear Admiral Ralph Chandler, United States Navy, praying to be allowed an increase of pension from $50 to $100 per month; which was referred to the Committee on Pensions.

Mr. PADDOCK presented the following petitions of citizens and Farmers' Alliances of Nebraska, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Resolutions of Liberty Alliance, No. 1164, of Clay County, Nebraska;

Petition of G. P. Watson and 19 other citizens of Antelope County, Nebraska;

Petition of H. S. Sanders and 10 other citizens of Clay County, Nebraska;

Resolutions of Pleasant Dale Alliance, No. 1291, of Sutton, Clay County, Nebraska;

Resolutions of Crawford Alliance, No. 529, of Antelope County, Nebraska;

Petition of Aber Milroy and 22 other citizens of Clay County, Nebraska;

Petition of Henry Fleming and 46 other citizens of Clay County, Nebraska;

Resolutions of Fairview Alliance, No. 1324, of Sutton Township, Clay County, Nebraska;

Petition of W. H. Terwilliger and 30 other citizens of Butler County, Nebraska;

Resolutions of Farmers' Alliance, No. 590, of Antelope County, Nebraska;

Petition of E. A. Shain and 40 other citizens of Antelope County, Nebraska;

Resolutions of Science Ridge Alliance, No. 1120, of Adams County, Nebraska;

Petition of J. M. Hammer and 19 other citizens of Adams County, Nebraska;

Petitions of L. C. Whitcomb and 33 other citizens of Spring Ranch, Clay County, Nebraska;

Resolutions of Farmers' Subordinate Alliance, No. 848, of Clay County, Nebraska;

Petition of D. K. Calkins and 36 other citizens of Peterson, Boone County, Nebraska;

Petition of W. C. Stoakes and 12 other citizens of Cedar County, Nebraska;

Resolutions of Waddle Alliance, No. 748, of Chase County, Nebraska;

Petition of Larpen Taylor and 27 other citizens of Chase County, Nebraska;

Resolutions of Harmony Alliance, No. 845, of Buffalo County, Nebraska;

Petition of S. T. Trott and 21 other citizens of Buffalo County, Nebraska;

Petition of 12 citizens of Boone County, Nebraska;

Resolution of the State Farmers' Alliance of Nebraska;

Petition of J. H. Sheldon and 22 other citizens of Antelope County, Nebraska;

Petition of S. M. Stafford and 11 other citizens of Cedar County, Nebraska;

Petition of G. S. Post and 23 other citizens of Buffalo County, Nebraska;

Petition of George S. Post and 25 other citizens of Buffalo County, Nebraska;

Petition of William Porter and 24 other citizens of Custer County, Nebraska;

Petition of F. P. Harmon and 16 other citizens of Adams County, Nebraska;

Petition of D. Parrott and 27 other citizens of Boone County, Nebraska; and

Petition of 20 citizens of Adams County, Nebraska.

Mr. PADDOCK presented a petition of the Merchants and Manufacturers' Association of Baltimore, Md., praying for the passage of the Paddock pure-food bill; which was ordered to lie on the table.

He also presented a petition of the International Copyright Association of Boston, Mass., and a petition of 29 citizens of the United States, praying for the passage of the copyright bill, now pending in the Senate, as it was passed by the House of Representatives; which were ordered to lie on the table.

He also presented a petition of 12 citizens of Boone County, Nebraska, praying for the passage of House bill 5353, defining futures and options; which was referred to the Committee on Agriculture and Forestry.

He also presented resolutions of the Republican Club of the city of New York, favoring the immediate passage of the Federal election bill; which were ordered to lie on the table.

He also presented a memorial of the wholesale and retail grocery trade and general merchants of Columbus, Ohio, and a memorial of the Board of Trade of Chicago, Ill., remonstrating against the passage of the Conger lard bill; which were ordered to lie on the table.

He also presented the memorial of Henry W. Harter, of Canton, Ohio, and a memorial of the board of directors of the Board of Trade of Chicago, Ill., remonstrating against any further legislation in regard to silver; which were ordered to lie on the table.

Mr. MANDERSON presented the following petitions, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Petition of citizens of Eagle, Cass County, Nebraska;

Petition of citizens of Antelope County, Nebraska;

Petition of citizens of Custer County, Nebraska;

Petition of citizens of Custer County, Nebraska;

Petition of citizens of Ansley, Custer County, Nebraska;

Petition of citizens of Clay County, Nebraska;

Petition of Farmers' Alliance, No. 1458, of Clay County, Nebraska;

Petition of Gladstone Alliance, No. 592, of Ansley, Custer County, Nebraska;

Petition of Muddy Flats Alliance, No. 504, Nebraska;

Petition of Elgin Township Alliance, No. 461, of Antelope County, Nebraska; and

Petition of Eagle Alliance, No. 877, of Nebraska.

Petition of J. W. McRynolds and 95 other citizens of Clay County, Nebraska;

Petition of Murry H. Woods and 96 other citizens of Fairfield Township, Clay County, Nebraska;

Petition of Daniel Essingerson and 33 other citizens of Nebraska;

Petition of George Nelson and 13 other citizens of Antelope County, Nebraska;

Resolutions of Fairfield Alliance, No. 575, of Clay County, Nebraska;

Resolutions of Crawford Valley Alliance, No. 459, of Antelope County, Nebraska;

Petition of S. C. Cheney and 33 other citizens of Green Dale, Buffalo County, Nebraska;

Resolutions of Star Alliance, No. 790, of Logan, Clay County, Nebraska;

Resolutions of Alliance, No. 518, of Custer County, Nebraska;

Petition of L. S. Deitz and 23 other citizens of Buffalo County, Nebraska;

Petition of D. J. Marsh and 17 other citizens of Burt County, Nebraska;

Resolutions of Harmony Alliance, No. 2049, of Burt County, Nebraska;

Petition of Larpen Taylor and 28 other citizens of Chase County, Nebraska;

Resolutions of Waddle Alliance, No. 748, of Chase County, Nebraska;

Resolutions of Victoria Farmers' Alliance, No. 644, of New Helena, Nebr.;

Petition of W. T. Hays and 30 other citizens of Custer County, Nebraska;

Petition of W. C. Stoakes and 12 other citizens of Cedar County, Nebraska;

Petition of J. W. Genung and 6 other citizens of Peterson, Nebr.; and

Resolution of Oakland Alliance, No. 1412, of Burt County, Nebraska.

Mr. DAVIS presented the following petitions, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Petition of Paul Kanne and 7 other citizens of Le Sueur County, Minnesota;

Resolutions of Scotch Alliance, No. 1186, of Le Sueur County, Minnesota;

Petition of A. Omland and 35 other citizens of Lessor, Polk County, Minnesota; and

Resolutions of the Lessor Farmers' Alliance, Polk County, Minnesota.

Mr. WILSON, of Iowa, presented the following petitions, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Petition of Farmers' Alliance 1371, of Alden, Iowa;

Petition of the Farmers' Alliance of Woodbury County, Iowa;

Petition of Washington Farmers' Alliance, of Clay County, Iowa;

Petition of the Farmers' Alliance of Strawberry Hill, Iowa;

Petition of the Farmers' Alliance of Sac County, Iowa;

Petition of 43 citizens of Woodbury County, Iowa;

Petition of 33 citizens of Floyd County, Iowa;

Petition of 20 citizens of Hardin County, Iowa;

Petition of 28 citizens of Clay County, Iowa;

Petition of 20 citizens of Muscatine County, Iowa;

Petition of 107 citizens of Benton County, Iowa; and

Petition of 6 citizens of Sac County, Iowa.

Mr. SAWYER presented the petition of P. T. Bovee and 60 other residents of Pine Grove, Portage County, Wisconsin, praying for the passage of the Conger lard bill; which was ordered to lie on the table.

He also presented a petition of citizens of Milwaukee, Wis., praying that an appropriation be made for the purpose of building a revenue steamer to take the place of the Andrew Johnson; which was referred to the Committee on Appropriations.

Mr. ALLISON presented the following petitions, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Resolutions of Camp Grove Lodge, Farmers' Mutual Benefit Association, of Muscatine County, Iowa;

Resolutions of Paradise Farmers' Alliance, No. 1481, of Keawood, Iowa;

Resolutions of Logan Center Alliance, No. 1167, of Ida County, Iowa;

Resolutions of Alliance, No. 763, of Crawford County, Iowa;

Resolutions of Atkins Farmers' Alliance, No. 1596, of Benton County, Iowa;

Resolutions of Lakeville Alliance, No. 1748, of Dickinson County, Iowa;

Resolutions from Brown Center Alliance, No. 711, of Iowa;

Resolutions of Orange Alliance, No. 1616, of Guthrie County, Iowa;

Resolutions of Harmony Alliance, No. 764, of Clay County, Iowa;

Resolutions of William McDaniel and A. W. Kincade, of Ray, Appanoose County, Iowa;

Resolutions of Alliance, No. 1548, of Maple Grove, Black Hawk Township, Black Hawk County, Iowa;

Resolutions of Farmers' Alliance Fountain, No. 1858, of Hamilton County, Iowa;

Petition of F. A. Wood and 53 other citizens of Hardin County, Iowa;

Petition of C. Clark and 57 other citizens of Knoxville, Marion County, Iowa;

Petition of Highland Grove Alliance, No. 1796, signed by A. W. Sanders, president, T. W. Basch, secretary, and 13 other citizens of Iowa;

Petition of M. J. McAndrews and 39 other citizens of Harrison County, Iowa;

Petition of F. M. Ford and 18 other citizens of Greene County, Iowa;

Petition of James J. Rooney and 62 other citizens of Dubuque County, Iowa;

Petition of James Seater and 14 other citizens of Worth County, Iowa;

Petition of G. Bierhaus and 41 other citizens of Polk County, Iowa;

Petition of E. P. Lamb and 18 other citizens of Lime Creek Township, Cerro Gordo County, Iowa;

Petition of J. W. Linton and 17 other citizens of Carroll County, Iowa;

Resolutions of Chester Alliance, No. 607, of Hardin County, Iowa;

Resolutions of Burr Oak Alliance, No. 1380, of Knoxville Township, Marion County, Iowa;

Resolutions of Elm Ridge Alliance, No. 1318, of Knoxville, Marion County, Iowa;

Resolutions of Pidgeon Valley Alliance, No. 1471, of Shelby County, Iowa;

Resolutions of Evergreen Alliance, No. 1201, of Center Township, Pottawattamie County, Iowa;

Resolutions of Vernon Alliance, No. 1711, of Dubuque County, Iowa;
Resolutions of Ribbon Ridge Farmers' Alliance, No. 1422, of Guthrie County, Iowa;
Resolutions of Washington Alliance, No. 1308, of Marion County, Iowa;
Resolutions of Marion County Alliance, No. 1603, of Knoxville, Iowa;
Resolutions of Farley Farmers' Alliance, No. 1564, of Dubuque County, Iowa;
Petition of Jackson Stafford and 40 other citizens of Palo Alto County, Iowa;
Petition of G. W. Swessinger and 36 other citizens of Palo Alto County, Iowa;
Petition of A. H. Cunningham and 40 other citizens of Louisa County, Iowa;
Petition of Thomas McIntire and 14 other citizens of Muscatine County, Iowa;
Petition of W. B. Stephens and 9 other citizens of Muscatine County, Iowa;
Petition of George W. Kesler and 41 other citizens of Hardin County, Iowa;
Petition of John Palmer and 39 other citizens of Black Hawk County, Iowa;
Petition of Joseph Baker and 39 other citizens of Polk County, Iowa;
Petition of William McDanel and 12 other citizens of Ray, Appanoose County, Iowa;
Petition of G. W. Munn and 23 other citizens of Greene County, Iowa;
Petition of E. J. Rawstern and 17 other citizens of Viola Township, Audubon County, Iowa;
Petition of A. M. Reynolds and 28 other citizens of Linn County, Iowa;
Petition of M. F. Stierwalt and 7 other citizens of Dickinson County, Iowa;
Petition of J. W. Oliver and 11 other citizens of Todd County, Iowa;
Petition of James Heldridge and 12 other citizens of Dickinson County, Iowa;
Petition of James Feeley and 13 other citizens of Muscatine County, Iowa;
Petition of William Stewart and 14 other citizens of Benton County, Iowa;
Petition of Henry Miller, jr., and 34 other citizens of Carroll County, Iowa;
Petition of David Winz and 18 other citizens of Crawford County, Iowa;
Petition of Dick Eveland and 12 other citizens of Mahaska County, Iowa;
Petition of T. H. Willhoite and 12 other citizens of Oskaloosa, Mahaska County, Iowa;
Petition of A. K. Tawers and 10 other citizens of Buena Vista County, Iowa;
Petition of William S. Epperly and 41 other citizens of Wapello County, Iowa;
Petition of M. F. Chisman and 13 other citizens of Wapello County, Iowa;
Petition of William Beardsley and 18 other citizens of Ida County, Iowa;
Petition of L. M. Guinn and 31 other citizens of Belle Plain, Benton County, Iowa;
Petition of Robert H. Todd and 39 other citizens of Ida County, Iowa;
Petition of S. G. Smith and 8 other citizens of Winnebago County, Iowa;
Resolutions of Farmers' Alliance, No. 1329, of Winnebago County, Iowa;
Petition of George H. Kesler and 17 other citizens of Sherman Township, Hardin County, Iowa;
Petition of J. Carson and 28 other citizens of Crawford County, Iowa;
Petition of H. W. Mark and 17 other citizens of Muscatine County, Iowa;
Petition of George McCormick and 11 other citizens of Russell, Lucas County, Iowa;
Petition of S. A. Grubtz and 19 other citizens of Carroll County, Iowa;
Petition of Charles Leighton and 60 other citizens of Buena Vista County, Iowa;
Petition of Isaac Crawford and a number of other citizens of Mitchell County, Iowa;
Petition of George G. Wagner and 19 other citizens of Worth County, Iowa;
Petition of L. W. Reed and 22 other citizens of Fayette County, Iowa;
Petition of B. B. Williams and a number of other citizens of Grundy County Iowa;
Petition of S. B. Overmire and 31 other citizens of Taylor County, Iowa;
Petition of George S. Simpson and 31 other citizens of Iowa County, Iowa;
Petition of J. A. McVay and 40 other citizens of Benton County, Iowa;
Petition of W. Pearson and 26 other citizens of Brown Township, Iowa;
Petition of E. M. Lang and 11 other citizens of Worth County, Iowa;
Petition of L. E. Potter and 28 others, citizens of Kossuth County, Iowa;
Petition of Sunnyside Alliance, No. 1399, Iowa;
Petition of Kossuth County Farmers' Alliance, Iowa;
Petition of Alliance No. 1580, of Worth County, Iowa; and
Petition of Farmers' Alliance No. 1862, Oak Grove, Iowa.

Mr. ALLISON presented the petition of J. M. Cottrell, of Des Moines, Iowa, and 22 other citizens of Iowa, praying for the passage of the Paddock pure-food bill; which was ordered to lie on the table.

He also presented the petition of E. B. Porter and a large number of other citizens of Delhi, Iowa, and the petition of A. F. Crawford and a large number of other citizens of Maynard, Iowa, praying that Congress speedily enact a law giving to the several States authority to control the manufacture and sale of oleomargarine, butterine, and all compounds in imitation of butter; which were ordered to lie on the table.

Mr. BERRY presented a memorial signed by the governor and officers of the State of Arkansas, a memorial of the Board of Trade of Little Rock, Ark., and a memorial of the Arkansas Colored Industrial Association, remonstrating against the passage of the Conger lard bill; which were ordered to lie on the table.

Mr. VOORHEES presented the following petitions of citizens of Indiana, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Petition of Arthur M. Gillespie and 27 other citizens of Whitley County, Indiana;
Resolutions of Alliance No. 21, of Whitley County, Indiana;
Resolutions of Yellow Lake Alliance, of Kosciusko County, Indiana;
Resolutions of West St. Joseph Farmers' Alliance, No. 20, of Indidiana;
Petition of William A. Haupnyre and 50 other citizens of Whitley County, Indiana;
Petition of C. H. Rose and 19 other members of Alliance No. 20, of St. Joseph County, Indiana;
Petition of Hiram Porter and 8 other citizens of Allen County, Indiana;
Petition of A. W. Jeffries and 12 other citizens of Whitley County, Indiana;
Petition of Jacob S. Schrader and 29 other citizens of Whitley County, Indiana;
Petition of J. M. Wade and 9 other citizens of La Grange County, Indiana;
Petition of 3 citizens of Crawford County, Indiana;
Petition of 38 citizens of Crawford County, Indiana; and
Petition of 22 citizens of Allen County, Indiana.

Mr. VOORHEES presented 49 petitions of citizens of the States of Indiana, Ohio, Iowa, New York, Illinois, Kentucky, and Colorado, and Washington, D. C., praying for the passage of the pending international copyright bill; which were ordered to lie on the table.

Mr. McCONNELL presented a petition of members of Bell Alliance, No. 97, of Latah County, Idaho, and a petition of citizens of Moscow County, Idaho, praying for the passage of the Conger lard bill; which were ordered to lie on the table.

Mr. SHERMAN presented the petition of residents of Athens, Ohio, praying for the passage of a law to prevent the Police Gazette and other publications from being transported in the mails; which was referred to the Committee on Post Offices and Post Roads.

Mr. ALLEN presented the following petitions, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Petition of G. C. Luper and 13 other citizens of Whitman County, Washington;
Resolutions of Colton Farmers' Alliance, No. 49, of Whitman County, Washington;
Petition of Charley Drayer and 75 other citizens of Lincoln County, Washington;
Resolutions of Reardon Farmers' Alliance, No. 117, of Washington;
Resolutions of Alliance No. 91, of Lincoln County, Washington;
Petition of W. H. Toglesong and 17 other citizens of Lincoln County, Washington;
Petition of D. J. Jones and 18 other citizens of Washington;
Petition of J. H. Portch and 22 other citizens of Sherman, Lincoln County, Washington;
Resolutions of Ridge Alliance, No. 139, of Sherman, Lincoln County, Washington;
Resolutions of Walla Walla Farmers' Alliance, of Walla Walla, Wash.;
Petition of R. K. Kegley and 11 other citizens of Spokane County, Washington; and
Petition of W. W. Hayward and 13 other citizens of Spokane County, Washington.

Mr. SPOONER presented the following petitions, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Petition of Farmers' Alliance, No. 15, of Barron County, Wisconsin;

Petition of citizens of Barron County, Wisconsin;

Petition of James S. Lake and 27 other citizens of St. Croix County, Wisconsin;

Petition of St. Croix County (Wisconsin) Pomona Grange;

Petition of A. M. Austin and 34 other citizens of Elba, Dodge County, Wisconsin;

Petitions of citizens of Fulton, Wisconsin;

Petition of John Haigh and 39 other citizens of Buffalo County, Wisconsin; and

Petition of John Burt and 19 other citizens of Buffalo County, Wisconsin.

Mr. STOCKBRIDGE presented a memorial of the Fall River (Mass.) Butchers and Grocers' Association, remonstrating against the passage of the Conger lard bill and praying for the passage of the Paddock pure-food bill; which was ordered to lie on the table.

Mr. TURPIE presented the following petitions of citizens and Farmers' Alliances of Indiana, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table.

Resolutions of Bondy Alliance No. 112, of Jasper County, Indiana;

Resolutions of Oak Grove Alliance, of Fort Wayne, Allen County, Indiana;

Resolutions of Saturn Alliance No. 45, of Whitley County, Indiana;

Resolutions of farmers of Green Township of Green Centre, Ind.;

Resolutions of Union Grove Farmers' Alliance, of Columbia City, Ind.;

Petition of Wilber Bondy and 16 other citizens of Jasper County, Iowa;

Petition of T. A. Childs and 39 other citizens of Vernon, Jennings County, Indiana;

Petition of Arthur M. Gillespie and 29 other citizens of Whitley County, Indiana;

Petition of J. F. Keppler and 7 other citizens of Tunker, Whitley County, Indiana;

Petition of William Blyly and 20 other citizens of Elkhart County, Indiana;

Petition of Elmer E. Williams and 34 other citizens of Noble County, Indiana;

Petition of W. H. Favinger and 39 other citizens of Green Centre, Noble County, Indiana; and

Petition of Jacob S. Schrade and 28 other citizens of Whitley County, Indiana.

Mr. FRYE presented the memorial of 35 owners and masters of vessels of Boston, Mass., remonstrating against the passage of Senate bill 4684, requiring sailing vessels to adopt the same regulations applied to steam vessels; which was referred to the Committee on Commerce.

Mr. COCKRELL presented the following memorials of citizens of Missouri, remonstrating against the passage of the Conger compound-lard bill; which were ordered to lie on the table:

Memorial of J. M. Gleason and 16 other citizens of the State of Missouri;

Memorial of C. F. Wilson a farmer of Howard County, Missouri, and 16 visitors at the St. Louis (Mo.) fair; and

Memorial of Benton Wiggins, of St. Louis, Mo., and 17 visitors at the St. Louis (Mo.) fair.

Mr. DOLPH. I hold in my hand a petition of citizens of the United States, addressed to the Oregon delegation in Congress, setting forth the persecution of the Jews in Russia and praying that the Government of the United States protest against their treatment. I move that the petition be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. BUTLER. I present a telegram in the nature of a memorial of James A. Hoyt, Frank Hammond, H. C. Markley, W. L. Mauldin, E. F. S. Rowley, mayor, and Alex. McBee, sr., of the city of Greenville, S. C., remonstrating against the passage of the Conger lard bill. I move that the memorial lie on the table.

The motion was agreed to.

Mr. BUTLER. I beg leave to state that I have among my papers a resolution passed by the Board of Trade of the city of Greenville, S. C., remonstrating against the passage of the Conger lard bill. I make the announcement that I should have presented it this morning had it not been misplaced among my papers.

Mr. PAYNE presented the following petitions of citizens and Farmers' Alliances of Ohio, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Petition of D. S. Grose and 22 other citizens of Putnam County, Ohio;

Petition of M. E. Botkin and 25 other citizens of Logan County, Ohio;

Resolutions of Spitzer Alliance, No. 516, of Van Buren Township, Putnam County, Ohio;

Resolutions of Pleasant Grove Alliance, No. 264, of Grant, Hardin County, Ohio;

Resolutions of Kingston Alliance, No. 375, of Ohio;

Resolutions of St. Paris County Farmers' Alliance, No. 384, of St. Paris County, Ohio;

Petition of W. F. Wadron and 22 other citizens of Kingston Alliance, of Delaware County, Ohio; and

Resolutions of Suballiance, No. 431, of Clinton County, Ohio.

Mr. DANIEL presented the petition of John A. Lynch, a citizen of the United States, praying for the passage of Senate bill 4606, for his relief; which was referred to the Committee on Claims.

He also presented the petition of Dr. T. H. B. Brown and 52 other citizens of Bridgewater, Rockingham County, Virginia; the petition of N. T. Brown and other citizens of Virginia; and the petition of Jesse Whitehead and other citizens of Virginia, praying for the passage of the Conger lard bill; which were ordered to lie on the table.

He also presented a memorial of the Portsmouth (Va.) Board of Trade, remonstrating against the passage of the Conger lard bill; which was ordered to lie on the table.

Mr. INGALLS. I present a petition numerously signed by citizens, property-owners and business men of the District of Columbia, praying for the passage of Senate bill 3023, authorizing the laying of the tracks and the location of the depot of the Baltimore and Ohio Railroad Company as defined in that bill. As the bill has been reported, I move that the petition lie on the table.

The motion was agreed to.

Mr. INGALLS presented a petition of 17 citizens of Johnson County, Kansas, and a petition of 21 citizens of Sedgwick County, Kansas, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table.

Mr. CULLOM presented the following petitions praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Petition of Hazel Lodge, of Jerseyville, Ill.;

Resolutions of Oak Grove Alliance, No. 80, of Dallas County, Illinois;

Petition of John A. Thompson and 11 other citizens of Hancock County, Illinois;

Resolutions of Home Alliance, No. 12, of the State of Illinois;

Petition of B. O. Sherman and 36 other citizens of Winnebago County, Illinois;

Resolutions of Wanbourie Farmers' Alliance, No. 21, of Kane County, Illinois;

Resolutions of Malone Farmers' Alliance, No. 23, of Tazewell County, Illinois;

Petition of J. C. Drake and 9 other citizens of Tazewell County, Illinois; and

Petition of J. M. Baker and 9 other citizens of Pulaski County, Illinois.

Mr. CULLOM presented a petition of the various farm organizations of the twenty-first senatorial district of Illinois, praying for the passage of the Conger lard bill; which was ordered to lie on the table.

He also presented the memorial of Robert Holmes and 16 others, citizens of Danville, Ill., and two memorials of citizens of Illinois, remonstrating against the passage of the Conger lard bill; which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. STEWART, from the Committee on Military Affairs, to whom was referred the bill (S. 2551) for the relief of Martha E. Flesschert, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the petition of Rev. George C. Clarke, of Russell, Kans., praying to be allowed the difference in pay between that of sergeant and lieutenant from November 18, 1863, to April 15, 1865, submitted an adverse report thereon, which was agreed to; and the committee were discharged from the further consideration of the petition.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (S. 3883) for the relief of William. H. Young, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (S. 4488) granting a pension to Elizabeth R. Lee, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 9291) granting an increase of pension to John Moran;

A bill (H. R. 4220) for the relief of Thomas H. Bruce;

A bill (H. R. 8309) granting an increase of pension to Willis Sturgeon, of Hart County, Kentucky;

A bill (H. R. 12420) to pension William A. Todd;

A bill (H. R. 9582) to grant an increase of pension to Simon J. Fought;

A bill (H. R. 12383) to pension Thomas Gorham;

A bill (H. R. 10603) to pension Walker H. Fomby for service in the Indian war;

A bill (H. R. 12541) granting a pension to Elizabeth D. Foster; and

A bill (H. R. 4707) granting a pension to Aphia M. Brown.

Mr. FRYE, from the Committee on Commerce, to whom was re-

ferred the joint resolution (S. R. 146) authorizing the Secretary of the Treasury, in his discretion, to suspend for a period of one year from March 29, 1891, the enforcement of the provisions of an act approved March 2, 1889, entitled "An act to amend sections 4488 and 4489 of the Revised Statutes, requiring life-saving appliances on steamers," reported it without amendment.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (H. R. 2434) granting a pension to Franc E. Babbitt, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 10427) granting a pension to Ruth Collier, of Tennessee, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 2417) granting a pension to Jeremiah M. Sidwell, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 9823) for the relief of Martha F. Stebbins, reported it without amendment, and submitted a report thereon.

Mr. HAWLEY. The bill (H. R. 1257) to remove the charge of desertion against Richard Weller, and authorizing his honorable discharge, was referred to the Committee on Military Affairs by mistake. It relates to a seaman and belongs to the Naval Committee. I ask that the Committee on Military Affairs be excused from the further consideration of the bill, and that it be referred to the Committee on Naval Affairs.

The report was agreed to.

Mr. STOCKBRIDGE, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 11391) for the construction and completion of suitable school buildings for Indian industrial schools in Wisconsin and other States, reported it without amendment.

Mr. PADDOCK, from the Committee on Pensions, to whom was referred the bill (H. R. 9024) granting a pension to John Pickard, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4474) to increase the pension of Edward H. Leib, reported it without amendment and submitted a report thereon.

Mr. WILSON, of Iowa. I am instructed by the Committee on the Judiciary, to whom was referred the bill (S. 4543) to define the jurisdiction of the police court of the District of Columbia, to report it with an amendment.

I ask that the bill be placed on the Calendar, and I wish to say in connection with it that it is important it should have early consideration in the interest of the prompt and efficient administration of the criminal laws of the District and also for the relief of the supreme court of the District. I shall, therefore, at an early day ask the Senate to proceed to the consideration of the bill.

The VICE PRESIDENT. The bill will be placed on the Calendar.

Mr. EDMUNDS, from the Committee on the Judiciary, reported an amendment intended to be proposed to the legislative, executive, and judicial appropriation bill and an amendment intended to be proposed to the general deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

H. C. STANTON AND E. S. JOSLYN.

Mr. STEWART, from the Committee on Military Affairs, submitted the following report; which was agreed to:

The Committee on Military Affairs, to whom was referred the bill (S. 3616) for the relief of H. C. Stanton, of Roseburgh, Oregon, administrator of the estate of James Sinclair, and his widow, Mary Sinclair, and for the relief of Erastus S. Joslyn, of Colorado Springs, in the State of Colorado, have carefully considered the same, and in accordance with the resolution of the Senate of February 7, 1884, report as follows:

That they have referred the same to the Court of Claims under the provisions of an act entitled, "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1884.

INVESTIGATION INTO CONDITION OF INDIANS.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the following resolution, submitted by Mr. MANDERSON December 19, 1890, reported it favorably without amendment; and it was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Indian Affairs, or any subcommittee thereof appointed by its chairman, is hereby instructed to inquire into the condition of the Indian tribes in the States of North Dakota, South Dakota, Montana, and elsewhere, the causes leading to the occupation of Indian reservations by United States troops, whether the treaties with said Indians have been fulfilled; to investigate fully the facts concerning the arms and munitions of war in the possession of said Indians, and what steps, legislative and executive, are needed to disarm them and prevent supply of such armament hereafter; also to inquire whether the care and control of Indians living in the tribal relation should be transferred to any other department of the Government, and to report to the Senate by bill or otherwise. Said committee shall have power to send for persons and papers, examine witnesses under oath, employ a stenographer and interpreter, and sit during the session or the recess of the Senate at such times and places as the committee may determine, and the actual and necessary expenses of said investigation to be paid out of the contingent expenses of the Senate upon vouchers approved by the chairman of the committee.

BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 4857) to incorporate the trustees of the American Medical Association; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 4858) for the relief of Philip S. Post; which was read twice by its title.

Mr. CULLOM. I ask that the bill be referred to the Committee on Claims.

Mr. SPOONER. I suggest to the Senator from Illinois that the bill ought to go to the Committee on Privileges and Elections instead of the Committee on Claims.

Mr. CULLOM. I was under the impression that it had been referred to the Committee on Claims before. It is immaterial to me to which committee it is referred.

Mr. HOAR. What is the bill?

Mr. SPOONER. It is to pay the expenses of General POST in a contested-election case. The Senate once voted the item into an appropriation bill. I think it properly belongs to the Committee on Privileges and Elections.

Mr. CULLOM. I have no objection to that reference.

Mr. HOAR. It was a contested-election case in the other House?

Mr. CULLOM. Yes. He is a member of the other House now.

The VICE PRESIDENT. The bill will be referred to the Committee on Privileges and Elections.

Mr. FRYE (by request) introduced a bill (S. 4859) to establish a department of commerce; which was read twice by its title, and referred to the Committee on Commerce.

Mr. DAWES introduced a bill (S. 4860) granting a pension to Adeline A. Coolidge; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SAWYER introduced a bill (S. 4861) for building a new United States revenue steamer to take the place of the revenue steamer Andrew Johnson; which was read twice by its title, and referred to the Committee on Appropriations.

Mr. PLATT introduced a bill (S. 4862) for the relief of James L. Townsend; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PLATT. By request, and without committing myself either way to its provisions, I introduce a bill.

The bill (S. 4863) appointing commissioners to revise the statutes relating to patents, trades, and other marks was read twice by its title, and referred to the Committee on Patents.

Mr. MANDERSON introduced a bill (S. 4864) to establish a branch mint of the United States at Omaha, in the State of Nebraska; which was read twice by its title, and referred to the Committee on Finance.

Mr. SHERMAN introduced a bill (S. 4865) granting a pension to Laura M. Gillmore; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCONNELL introduced a bill (S. 4866) providing for a settlement between the United States and certain railway corporations which have heretofore received bonds from the Government to aid in the construction of their roads, and for other purposes; which was read twice by its title.

Mr. McCONNELL. I give notice that I shall at a future day, not far distant, call up the bill for the purpose of submitting some remarks upon it. Meanwhile, I ask that the bill lie on the table.

The VICE PRESIDENT. The bill will lie on the table.

Mr. McCONNELL also introduced a bill (S. 4867) to establish a mint of the United States at Boisé City, in the State of Idaho; which was read twice by its title, and referred to the Committee on Finance.

Mr. INGALLS introduced a bill (S. 4868) to reimburse the Western Miami Indians, generally known as the Miamies of Kansas, for money and lands improperly taken from them and otherwise appropriated by the United States; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

He also introduced a bill (S. 4869) granting a pension to Cornelius S. Mace; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 4870) to remove the charge of desertion against William W. Smith; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SPOONER introduced a bill (S. 4871) granting an increase of pension to Anne M. Abbott; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HIGGINS introduced a bill (S. 4872) for the incorporation of title insurance companies; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PADDOCK introduced a bill (S. 4873) granting a pension to Andrew J. Konkle; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HOAR introduced a bill (S. 4874) to establish a life-saving station at Brant Rock, in the town of Marshfield, Mass.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. PADDOCK introduced a joint resolution (S. R. 148) construing the acts providing for the sale of the Otoe and Missouria reservation lands in Kansas and Nebraska, approved August 15, 1876, and March 3, 1881; which was read twice by its title, and referred to the Committee on Public Lands.

O. M. LARAWAY.

Mr. WASHBURN. I introduce a joint resolution and ask unanimous consent for its present consideration.

The joint resolution (S. R. 147) authorizing the Postmaster-General to credit O. M. Laraway, late postmaster at Minneapolis, Minn., with certain losses sustained by him by the theft of postage stamps instead of postal funds was read the first time by its title.

Mr. HARRIS. Is that a report from a committee?

Mr. WASHBURN. I should like to have the joint resolution read at length for information.

Mr. HARRIS. Is it a report from the Committee on Post Offices and Post Roads?

Mr. WASHBURN. I will state to the Senater that an act was passed during the last session relieving this person from payment for postage stamps stolen several years ago, but there was an error in the wording of the act, and the Assistant Postmaster-General has written a letter recommending the passage of this joint resolution in order to correct it.

Mr. HARRIS. Let the joint resolution be read for information.

Mr. WASHBURN. It is a mere item of bookkeeping, as a matter of fact.

The VICE PRESIDENT. The joint resolution will be read at length if there be no objection.

The joint resolution was read the second time at length, as follows:

Resolved by the Senate and House of Representatives, That the Postmaster-General be, and he is hereby, authorized and directed to credit the account of O. M. Laraway, late postmaster at Minneapolis, Minn., with the sum of $11,115.38 for postage stamps stolen from the safe in said post office on the 18th of July, 1886, without the fault of said postmaster, instead of "postal funds," erroneously stated in an appropriation relating thereto in "An act making appropriation to supply deficiencies in the appropriations for the fiscal year ending June 30, 1890, and for prior years, and for other purposes," approved September 30, 1890.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENTS TO BILLS.

Mr. BUTLER submitted an amendment intended to be proposed to the fortification appropriation bill; which was read, referred to the Committee on Appropriations, and ordered to be printed, as follows:

To enable the Secretary of War to purchase the patents and designs of Beverly Kennon for counterpoise batteries, $100,000.

Mr. PASCO. I desire to offer at this time a series of amendments intended to be proposed to sections 2, 3, 4, 6, 14, and 21 of House bill 11045. I ask that the amendments be printed and lie on the table.

The VICE PRESIDENT. The amendments will be printed and lie on the table.

BEHRING SEA CAPTURES.

Mr. MORGAN submited the following concurrent resolutions; which were read and referred to the Committee on Foreign Relations:

Whereas the President of the United States, on the 5th day of January, 1891, communicated to the two Houses of Congress copies of correspondence then recently exchanged between the Governments of Her Britannic Majesty and the United States, growing out of the capture by the United States of certain British vessels in the Behring Sea;

And it appearing from such correspondence that the Government of Her Britannic Majesty did, on or about the 2d day of August last, offer to refer to impartial arbitration the question of said captures and the issues that depend upon the same; and

Whereas it further appears from such correspondence that the Government of the United States, on or about the 17th day of December last, communicated to the Government of Her Britannic Majesty certain questions proposed for consideration and determined to be agreed upon between said Governments and submitted to such aribitrator as might be mutually chosen by the two Governments, in response to the offer of Her Britannic Majesty's Government; and

Whereas it appears by the public records and proceedings of the Supreme Court of the United States that on the 12th day of January, 1891, Her Britannic Majesty's attorney general of Canada did submit to and file with said court an information or suggestion for a writ of prohibition to annul the judicial proceedings taken and had in one of the inferior courts of the United States growing out of one of the captures aforesaid; and

Whereas it appears from said suggestion so submitted and filed that the grounds of said suggestion are involved in the questions or issues proposed by the two Governments for examination and determination by impartial arbitration; and

Whereas it appears from the said information or suggestion so submitted and filed that the same was presented to the Supreme Court with the knowledge and approval of the Imperial Government of Great Britain; and

Whereas it appears that the offer to refer the questions growing out of the captures aforesaid to impartial arbitration was not withdrawn by the Government of Her Britannic Majesty, but that the same is now and still pending between the said Government and that of the United States, and is still the subject of diplomatic negotiations and proceedings by and between the said Governments:

Resolved by the Senate (the House of Representatives concurring), That the action of the Imperial Government of Great Britain in authorizing and approving the presentation of the aforementioned information or suggestion to the Supreme Court is without precedent and is prejudicial to the comity of nations and to the usual and amicable conduct of international relations, and is not in consonance with the dignity of the Government and the people of the United States and the respect that is due to the President of the United States.

Resolved further, That the President be requested to communicate a copy of this resolution to the Government of Her Britannic Majesty, if in his judgment such communication be not inconsistent with the public interest.

YELLOWSTONE PARK SETTLEMENTS.

Mr. SANDERS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to investigate and report whether on the 1st day of March, A. D. 1872, there were within the limits of the Yellowstone National Park settlers thereon, qualified under the laws of the United States to enter lands, who prior to said date had made settlement and improvements on lands therein with the view to enter the same, and, if such settlers and improvements did exist, the name or names of such settlers, with the value of their several improvements and the character thereof at the date aforesaid, and the circumstances attending their said settlements, including an estimate of the amount, if anything, to which they or any of them are severally and equitably entitled on account of the loss of such improvements and settlement by reason of the establishment of such Yellowstone National Park at the date aforesaid.

REPRINTING OF FOOD-ADULTERATION BILL AND REPORT.

Mr. PADDOCK submitted the following order; which was agreed to:

Ordered, That Senate bill No. 3991, "A bill for preventing adulteration and misbranding food and drugs, and for other purposes," and the majority and minority reports accompanying the same, Senate report No. 1366, parts 1 and 2, and House bill No. 11563, "An act defining lard, also imposing a tax upon and regulating the manufacture and sale, importation, and exportation of compound lard," be reprinted for the use of the Senate.

REPORTS ON INDIAN DEPREDATIONS.

Mr. PADDOCK submitted the following order; which was agreed to:

Ordered, That Senate reports 1016, accompanying S. 3833, and 1886, accompanying H. R. 8150, both relating to claims arising from Indian depredations, be reprinted together for the use of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the following bills of the Senate:

A bill (S. 77) to provide for the construction of a public building at Portland, Oregon;

A bill (S. 1354) to provide for the purchase of a site and the erection of a public building thereon at Sioux Falls, in the State of South Dakota; and

A bill (S. 1384) to provide for the purchase of a site and the erection of a public building thereon at Mankato, in the State of Minnesota.

The message also announced that the House had passed the bill (S. 2082) for the erection of a public building at the city of Staunton, Va.

The message further announced that the House had passed the bill (H. R. 6460) to increase the appropriation for the erection of a public building at Portsmouth, Ohio; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice President:

A bill (S. 953) for the erection of a public building at Fort Dodge, Iowa;

A bill (S. 1724) granting a pension to Charlotte Stenger;

A bill (S. 2808) for the relief of Amos Gilbert;

A bill (S. 3271) to enable the Secretary of the Interior to carry out, in part, the provisions of "An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations, and to secure the relinquishment of the Indian title to the remainder, and for other purposes," approved March 2, 1889, and making appropriations for the same, and for other purposes;

A bill (S. 4070) granting an increase of pension to Aaron H. Le Van;

A bill (S. 4167) granting an increase of pension to Sarah V. Azpell;

A bill (S. 4416) granting a pension to Thomas Richardson;

A bill (H. R. 4403) for the erection of a public building at Akron, Ohio; and

A bill (H. R. 5380) to provide for the construction of a public building at Davenport, Iowa.

PLATS OF DISTRICT SUBDIVISIONS.

The VICE PRESIDENT. If there be no further morning business, that order is closed and the Calendar, under Rule VIII, is now in order.

Mr. HARRIS. I ask the Senate to consider at this time Order of Business 2272, being House bill 11814. If passed at all, it is important as a question of time that the bill should be passed promptly.

The VICE PRESIDENT. The Calendar, under Rule VIII, being in order, the Senator from Tennessee asks for the consideration of a bill the title of which will be stated.

The CHIEF CLERK. A bill (H. R. 11814) to provide the assessor of the District of Columbia with plats of subdivisions outside the cities of Washington and Georgetown.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. COCKRELL. Let it be read for information.

The VICE PRESIDENT. The bill will be read.

The Chief Clerk read the bill as follows:

Be it enacted, etc., That the sum of $5,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the

Treasury not otherwise appropriated, one-half to be charged against the revenues of the District of Columbia, to enable the commissioners thereof to provide the office of the assessor of taxes with plats or maps of all subdivisions of land in said District outside the cities of Washington and Georgetown.

SEC. 2. That said plats or maps shall show the subdivided tracts of land by courses and distances; they shall show the areas of the lots and squares therein, and the dimensions of the streets and avenues, and such other data as may be necessary to enable the assessor to locate and assess such land and the improvements thereon. Such plats shall be conveniently arranged, indexed, and bound in volumes of convenient size; and the commissioners are hereby authorized to sell copies of said plats at the cost of the paper, presswork, and binding, and 10 per cent. additional, the proceeds of sales thereof to be turned into the Treasury, as other District revenues are, and applied towards reimbursing this appropriation.

Mr. ALLISON. I inquire of the Senator from Tennessee how it is proposed that these maps shall be procured.

Mr. HARRIS. The report is very brief. It consists of a communication from the commissioners of the District and one from the assessor. Let the report be read.

The VICE PRESIDENT. The report will be read.

The Chief Clerk read the following report, submitted by Mr. HARRIS January 9, 1891:

The Committee on the District of Columbia, to which was referred the bill (H. R. 11814) "to provide the assessor of the District of Columbia with plats of subdivisions outside the cities of Washington and Georgetown," has considered the same and reports the bill back without amendment with the recommendation that it pass.

The report of the House committee develops the facts, and the committee adopts the House report as follows:

"The Committee on the District of Columbia, to whom was referred the bill (H. R. 11814) to provide the assessor of the District of Columbia with plats of subdivisions outside of the cities of Washington and Georgetown, submit the following report:

"This bill was introduced by request from the commissioners of the District of Columbia.

"Their letter, which was sent with a draught of the bill, is attached and makes a part of this report, and is such a statement of the case that the committee submit it without addition as their report on the bill.

"The committee recommend that the bill do pass."

OFFICE OF THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, August 14, 1890.

SIR: The commissioners submit herewith the recommendation of the assessor as a fair and intelligent statement of the needs of his office in reference to a consolidated plat of subdivisions outside of the cities of Washington and Georgetown.

The probable condition of the finances of the District of Columbia during the current fiscal year induces them to suggest that an appropriation of $5,000, instead of $8,000, be now made.

The commissioners submit a draught of a bill, which they recommend be enacted.

Respectfully,

J. W. DOUGLASS, *President.*

Hon. WM. W. GROUT,
Chairman Committee on the District of Columbia,
House of Representatives.

AUGUST 13, 1890.

GENTLEMEN: I beg to call your attention to a matter which, in my opinion, should, if possible, be provided for during the present session of Congress.

That portion of the District outside of the cities of Washington and Georgetown, known as the county of Washington, and formerly in large tracts of agricultural lands, has gradually been subdivided into building lots until now there is scarcely one-half left as agricultural land. This office is greatly in need of consolidated plats showing these tracts of land by courses and distances, and all the subdivisions by their front, depth, and areas, arranged in volumes of sufficient number to embrace the lands and subdivisions indicated. These plats are absolutely necessary for the proper transaction of the business of this office in making correct transfers of property and to enable the assessor to properly locate and assess the land and improvements.

It is estimated that the cost would not exceed $8,000, and the time occupied for completing the plats would be about eighteen months. Under existing law the next general assessment will be made in the spring of 1892, and if the proposed appropriation should be delayed until the next session of Congress, it would be impossible to have the necessary work done in time to have the plats ready for use in that assessment. I am informed that a large number of these plats can be sold to real-estate agents and others, and the receipts from this source would perhaps be sufficient to reimburse the District for the original outlay.

Very respectfully,

MATTHEW TRIMBLE,
Assessor District of Columbia.

The COMMISSIONERS OF THE DISTRICT OF COLUMBIA.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. COCKRELL. I discover in the report that the letter of the assessor, which is dated August 13, 1890, says:

It is estimated that the cost would not exceed $8,000, and the time occupied for completing the plats would be about eighteen months. Under existing law the next general assessment will be made in the spring of 1892, and, if the proposed appropriation should be delayed until the next session of Congress, it would be impossible to have the necessary work done in time to have the plats ready for use in that assessment.

It seems from this statement that it would be impossible to have the plats made now in time to use them at the next assessment.

Mr. HARRIS. The Senator from Missouri is accurate as to the statement in the letter, but the commissioners of the District and the assessor within the last few days have assured me that, if this bill is promptly passed, in their opinion the maps can be prepared in time for that assessment. It is for that reason, and for that reason alone, that I have asked the Senate to consider the bill at this time.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WAGES OF GOVERNMENT PRINTING OFFICE EMPLOYÉS.

Mr. COCKRELL. Regular order.

The VICE PRESIDENT. The first bill on the Calendar will be stated.

Mr. GORMAN. I move that the Senate proceed to the consideration of Order of Business 2142, which is a House bill providing for the compensation of the employés of the Government Printing Office.

The VICE PRESIDENT. The title of the bill will be stated.

The CHIEF CLERK. A bill (H. R. 8046) to revise the wages of certain employés in the Government Printing Office.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. COCKRELL. I inquire how it is that that bill is not on the Calendar of unobjected cases.

The VICE PRESIDENT. The bill is on the Calendar of unobjected cases.

Mr. COCKRELL. Was the bill passed over without objection?

The VICE PRESIDENT. The bill was passed over without prejudice.

Mr. COCKRELL. That is what I desired to know.

Mr. SHERMAN. I do not think that we ought to take up bills about which there is any controversy during the morning hour. We ought to devote this hour to the consideration of bills under Rule VIII, otherwise the various bills on the Calendar will not have a chance for consideration. The bill which the Senator from Maryland desires to call up is a bill which will probably excite considerable debate, and while I shall not participate in that debate I think it is but fair to the various bills on the Calendar that they should be taken up in their order. When the bill referred to by the Senator from Maryland is reached, it probably can be considered in less time than if it is taken up now out of order.

Mr. GORMAN. This bill is a measure of importance to a great number of persons who are employed in the Government Printing Office. It passed the other House at the last session, came to this body, was reported, and a single objection, as a matter of course, has carried it over up to this time. The bill was reported on the 1st of October, 1890.

Mr. COCKRELL. The last day of the last session.

Mr. GORMAN. I understand it was reported on the last day of the last session, and it has been on the Calendar since.

Mr. CULLOM. I should like to inquire of the Senator if the Senate committee reported in favor of the House bill.

Mr. GORMAN. The Senate committee did not. It reported the House bill with an amendment making a very radical change in the bill. The amendment of the Committee on Printing is practically to pay the printers who are engaged all night upon the RECORD 20 per cent. more than the compensation allowed for day work, which, in fact, is what is allowed now, for they bring the matter here at every session and we are compelled to place the amount upon the deficiency appropriation bill. This bill proposes to fix the amount so that the general appropriation will cover it.

Mr. CULLOM. I hope the Senate will take up the bill and pass it as it came from the other House without any amendment.

Mr. GORMAN. I know at this time of the session it will be impossible, probably, to reach such a bill unless we can get it up by vote of the Senate; and therefore, to avoid the objection of the Senator from Ohio, I move that the Senate now proceed to the consideration of the bill.

The VICE PRESIDENT. The question is on the motion of the Senator from Maryland.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The VICE PRESIDENT. The bill will be read at length.

Mr. GORMAN. Let what is proposed to be stricken out be read.

Mr. SHERMAN. Let the original bill be read first.

The VICE PRESIDENT. The Secretary will first read the bill as it passed the House of Representatives.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That the rate of wages paid to printers, bookbinders, and pressmen employed in the Government Printing Office shall be 50 cents per hour, the same rate as was paid prior to the 3d day of March, 1877; that for all exclusive night work (between the hours of 5 o'clock p. m. and 8 o'clock a. m.) performed by the above-named employés an advance of 10 cents per hour over the above-named rate shall be paid; that for all piece-work on CONGRESSIONAL RECORD 60 cents per thousand ems shall be paid.

SEC. 2. That all acts and parts of acts conflicting herewith are hereby repealed.

Mr. INGALLS. Is that bill on the Calendar, Mr. President?

The VICE PRESIDENT. The bill is on the Calendar.

Mr. INGALLS. Will the Secretary be good enough to announce the Calendar number?

The VICE PRESIDENT. It is Calendar No. 2142. The bill was passed over without prejudice. The amendment of the Committee on Printing will now be stated.

The CHIEF CLERK. The Committee on Printing report to strike out section 1 of the bill, and in lieu thereof to insert:

That the pay of all the employés of the Government Printing Office engaged exclusively on night work (between the hours of 5 o'clock p. m. and 8 o'clock a. m.) shall be 20 per cent. in addition to the amount paid for day labor.

Mr. MANDERSON. That is the amendment reported by the committee, being in the form of a substitute for the bill.

The VICE PRESIDENT. It is a substitute for the first section of the bill only.

Mr. GORMAN. The amendment is only to the first section, but it is practically a substitute for the bill.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

Mr. GORMAN. Mr. President, this bill as it came from the other House made a very radical change in the administration of the Government Printing Office. It provides in fact for the payment of printers, bookbinders, and pressmen employed in the office a compensation of 50 cents an hour, which was the rate prior to the 3d day of March, 1877, for work during the day, and for all work during the hours between 5 o'clock p. m. and 8 o'clock a. m. the provision was for 10 cents an hour additional. In that form it will increase the expenditures of the Government Printing Office, according to the estimate of the Public Printer, $240,884.80.

The Committee on Printing of this body in examining the matter, taking the statement of the Public Printer, concluded that that was too great an increase, and therefore the amendment was reported, which is simply an increase of the pay of the employés of the office who are employed between the hours of 5 p. m. and 8 in the morning, making no change whatever in the practical operation of the office as it stands now.

What the printers desire, and what all the labor organizations are aiming at, is practically to be paid for eight hours as a day's work. The House bill will accomplish that at an increased cost of about $240,000 a year. Prior to 1877 the printers were paid practically at that rate upon the report of the Committee on Printing at that time. In 1877 the compensation was reduced, standing as it does now.

These gentlemen represent, and they present some statistics and facts to show the justice of their claim, that it is unjust to have them continued at the present rate of compensation. While the actual amount paid for the composition of a thousand ems is a little higher than the amount paid in the printing offices of Baltimore and Washington and Philadelphia, they claim that the character of the work is somewhat different. They are compelled to remain at the office many hours without anything to do, because they have to wait for matter for the CONGRESSIONAL RECORD and other publications. In addition to that they claim that the expense of living in Washington is from 10 to 15 per cent. higher than it is in Baltimore, Philadelphia, and other large cities. I have given the subject some attention, and I am convinced that that claim is correct. The cost in Washington for house rent, fuel, and all the items which enter into the necessary expenditures of a household is greater than it is in Baltimore. That is borne out, I think, by the report of the Commissioner of Labor.

Now, the question arises whether we shall in this great Government establishment inaugurate a system which I think has been tried in one or two of the great newspaper offices of the country of paying the men a fair compensation per hour without any reference to the number of thousand ems of type they may set. Two hundred and forty thousand dollars, it seems to me, is an insignificant amount if the rule which they state is the proper one to be adopted.

It is true, on the other hand, that the present Public Printer, Mr. Palmer, in replying to a communication from the Committee on Printing, stated, in answer to the question whether he was "in favor of the bill"—that is, the bill as it came from the other House—"for the best interests of the Government," that—

This bill provides for paying day compositors by the hour exclusively. Typesetting in the second and third divisions of this office and in the Specification and CONGRESSIONAL RECORD divisions has always been, and is now, paid for at piece rates. In the first division and in the job division, as well as in the four branch offices, it has been, and is now, paid for by the hour, because, from the nature of the work, computation by the piece would be impracticable. The proposed change in the mode of payment from piece work to hour work exclusively would not, in my judgment, be in the interest of the Government, nor would it be in the interest of the compositors, because of the inequality of individual earnings.

That is the whole objection to the bill as it came from the other House. On the other hand, I think, as I have said, that the Government Printing Office employés have strong claims for this increased and fixed compensation. I therefore trust that the amendment of the committee will be voted down and that we shall pass the bill as it came from the House of Representatives.

Mr. CULLOM. I do not desire to take the time to discuss the bill, but I find a report from the committee on the part of the other House on this bill, which I am inclined to ask to have read at the desk, as it seems to make a statement of facts in favor of the passage of the bill as it came to the Senate from the House of Representatives.

The VICE PRESIDENT. The report will be read.

The Chief Clerk read the following report, submitted by Mr. RUSSELL, from the Committee on Printing of the House of Representatives, March 11, 1890:

The Committee on Printing, to whom was referred the bill (H. R. 3803) to increase the compensation of the employés of the Government Printing Office to that paid prior to March 3, 1877, have had the same under consideration and beg leave to report as follows:

This bill proposes to restore the wages of the printers, pressmen, and bookbinders in the Government Printing Office to the rate paid prior to March 4, 1877, and to make a discriminating rate between day and night work done by these employés. A provision of an act of Congress to provide for a deficiency in the appropriation for public printing and binding, approved February 16, 1877, reduced the wages of compositors to 50 cents per thousand ems and the wages of printers and bookbinders to 40 cents per hour. The reduction was made at a time of general business depression and comformable to general reductions which were made between 1875 and 1880 by private employers throughout the country.

The following table shows the increase (or restoration) made in wages of printers (time and piece work) between 1880 and 1889 in the cities named:

Cities.	Per thousand ems.	Per week.
	Cents.	
New York	15	$4.00
Chicago	6	2.00
St. Louis	3	1.00
Brooklyn	15	4.00
Cincinnati	7	2.00
New Orleans	10	3.00
Boston	5	.....

While the private establishments of the country have generally increased (or restored) wages of printers during the last ten years, the wages of the printers in the Government office have remained as reduced by the aforementioned act.

Several times propositions to restore the wages of the Government printers have been before Congress, and each time favorable committee action has been taken. Even in the Congress (Forty-fifth) succeeding the reduction a divided committee report was made, favorable to the restoration. In the Forty-seventh Congress the restoration was unanimously and strongly recommended by committee action, and at both the first and second sessions of the Forty-ninth Congress the restoration was recommended by the Committee on Labor. The Public Printers since 1879 have avowedly approved of the restoration or signified a friendly disposition to the same whenever they did not feel it proper to officially commit themselves on the subject.

The reasons presented to this Committee on Printing in favor of the restoration in hearings before the committee, in memorials presented to Congress, and in letters to the individual members of the committee, have been various, and in general such as seem tenable and fair and just. Perhaps the most important is the unequal comparison between the compensation to the clerical employés of the Government in the Departments and that to the skilled artisans in the printing office, the wages and the hours of labor and the conditions of employment all considered.

The exacting and peculiar character of work at the Government office, with the accuracy and high order of execution demanded, seems to warrant a high rate of wages; and the character and requirements of the Government office seem to warrant a higher rate of wages even than could be expected in the ordinary newspaper or job office under private control. The varying volume of work at the Government office necessarily makes some loss of time to the employés and some irregularity in employment. The requirements of living in Washington are more than the equal of those in other large cities.

That portion of the bill which relates to a discrimination between the rates of wages for day and night work is in conformity to a custom universally prevailing in all publishing and printing establishments in the country, the justice of which is apparent and the effort to secure which for the Government office has several times been made.

Your committee, having carefully considered the bill, unanimously approve its object and recommend the substitute herewith offered.

A bill to revise the wages of certain employés in the Government Printing Office.

Be it enacted, etc., That the rate of wages paid to printers, bookbinders, and pressmen employed in the Government Printing Office shall be 50 cents per hour, the same rate as was paid prior to the 3d day of March, 1877; that for all exclusive night work (between the hours of 5 o'clock p. m. and 8 o'clock a. m.) performed by the above-named employés an advance of 10 cents per hour over the above-named rate shall be paid; that for all piecework on the CONGRESSIONAL RECORD 60 cents per thousand ems shall be paid.

SEC. 2. That all acts and parts of acts conflicting herewith are hereby repealed.

Mr. MANDERSON. Before the final vote shall be taken upon this bill I shall ask to have read or to have inserted in the RECORD the report made from the Senate Committee on Printing. That gives quite at length and with very full detail the facts concerning this subject-matter.

I confess to a little surprise at the attitude taken with reference to the bill by my colleague on the Committee on Printing, the Senator from Maryland [Mr. GORMAN]. I certainly understood—although in that I may have been mistaken—that the proposed change or amendment made by the Senate Committee on Printing met with his full approbation. Apparently now he desires that the House bill, and not the bill that is presented in the form of an amendment by the Senate committee, shall be adopted.

The House bill proposes to restore the wages paid to printers, bookbinders, and pressmen to the rate of 50 cents per hour. I do not see exactly how any question or doctrine of eight hours as constituting a day's labor can enter into the consideration of this bill. Whether the work be for eight hours, or for ten or twelve, or less than eight hours, the compensation shall be at the rate, according to the House bill, of 50 cents per hour. The present compensation for work of this character in the Public Printing Office is 40 cents per hour, and the compositors in that office are paid, as is usual for that class of labor, by the thousand ems.

I do not think that that excellent, reputable, and industrious class

of artisans or laborers who find employment in the Public Printing Office have any cause for complaint as to either the justice or the generosity accorded to them by the Congress of the United States. In 1878, after very full deliberation and as the result of very careful investigation, the two Houses of Congress readjusted the pay of pressmen, bookbinders, compositors, etc., in the Public Printing Office. That was done after a comparison which was instituted between the Public Printing Office and every other printing office, private or public, of importance throughout the United States.

The report from the Committee on Printing will show the reasons, and the very abundant and most excellent reasons, which actuated such men as Senator Anthony, who was then the chairman of the Senate committee, and Mr. VANCE, of the House of Representatives, and others, to advocate this change. It was found that the Public Printing Office was paying to its employés an amount far in excess of the sum paid by the private printing offices of the country and that it was desirable in the public interest and in the exercise of a fair and decent economy that this change should be made.

Now, Mr. President, what are the conditions since the time of that change in 1878? Let me first premise by saying that I do not believe my colleague on the committee, the Senator from Connecticut [Mr. HAWLEY], and I do not believe that I could be outstripped in consideration for the welfare of these people by any effort on the part of the Senator from Maryland. I believe that we hold their interests and their rights as dear as he does. If this claim of this very great increase in compensation, an increase which, under the House bill, ranges from 25 to 50 per cent. over the present wages, is founded in equity and good conscience, it certainly should obtain.

The committee found itself confronted with the following facts, and I do not think they will be denied by any one who has observed this matter. This great establishment, with its nearly three thousand employés, which runs day and night in the interest of the public service, is, I think it will be admitted, as well managed and conducted as it is possible for it to be. It furnishes to Congress and to the public continual triumphs of the printer's art. It does its business with a celerity and a dispatch that is simply wonderful. We have an instance of it here. The Senate of the United States, having adjourned last night at midnight, before breakfast this morning we received the full and accurate record of its proceedings.

It is the result, first, of this excellent degree of management, and, next, of the skill of these operatives. They are worthy of a compensation that, I think, should exceed the compensation paid in the average printing office in the United States. They had such increased compensation from 1878 down to within two or three years ago, and have it in greater degree now. 'A demand was then made upon Congress that there should be granted to the employés of the Government Printing Office fifteen days' leave of absence each year with pay.

Exploration with reference to that matter has satisfied the committee that in no other printing office in the United States is such leave with pay granted; it may be granted in individual cases of employés, but it is not a boon or privilege which is granted to all employés as a matter of right or as a matter of course. Notwithstanding that the bill granting fifteen days' leave of absence with pay (as I think I shall be corroborated in saying by the chairman of the Committee on Appropriations) increased by about $100,000 annually the cost of the Public Printing Office, Congress passed that bill.

The employés came to us at the next session of Congress, by their selected committee, and urged upon us the consideration that, as the Departments of the Government here in Washington allowed to clerks and employés thirty days' leave with pay, it was no more than fair that this boon should be accorded to the operatives in the Government Printing Office. Congress took that action, granted the request, and since two years ago, to all employés, it does not make any difference how humble may be the capacity in which the man or the woman serves, there is granted to each one of them in each year thirty days' leave of absence with full pay. This privilege, thus accorded, entailed between $200,000 and $250,000, I think, of additional burden upon the public printing expenditure of the Government.

Now, gentlemen are very glib and quite apt to criticise the vast expenditure of the Government for public printing purposes. It has increased, it has kept pace, if it has not traveled faster than the growth of the country, but one reason for the increased expenditure which is complained of is this sort of generosity. I do not object to it, for I think the leave with pay was founded in justice and based upon reason, and should in fairness have been accorded to the employés of the Government Printing Office.

We thought that, with this boon granted, there might be, at least for a time, a cessation of hostilities and that we would not have further onerous and pressing demands made upon Congress. But there came from the other House this bill, which proposes this increase, first, because the employés of the Government Printing Office are more poorly paid than they are in similar offices in other localities, although the report does not seem to warrant that conclusion, as any one will notice who has heard it read, and, second, because the cost of living for operatives of this class is greater in the city of Washington than anywhere else in the United States.

Mr. President, I take issue with both of these propositions. The showing made in the prepared statements filed with the Committee on Printing was unfair and there were misstatements of fact, as I know personally. I was astonished to see, when I came to look at the papers which were filed in support of this bill, that the price of living, for instance, as given in the city of Washington, was much higher than in the city of Omaha. I could turn to the papers which were filed and see the exact amount, but will not take the time. By the showing made it was stated that it costs nearly twice as much to support a family living as operatives of this character live in the city of Washington as it does in the city of Omaha.

From my personal experience I know better than that. The odds are the other way. Take every item of expenditure that goes into living, the cost of fuel, the cost of food, with the exception perhaps of the item of meats, the cost of rent, the cost of clothing, all range, as I know from experience, from 25 to 75 per cent. higher in the city of Omaha than in the city of Washington, and yet it was upon this sort of statement that the proposition was made that it costs more to live in Washington than it does in the city of Omaha and other places.

This comparison is also made with other cities in the United States. Certainly it can not be true that it costs more to live in this walk of life in the city of Washington than it does to live in the city of New York. I think perhaps it is true as to the cities of Philadelphia and Baltimore. Both those great cities, particularly Philadelphia, that city of homes, are places where rents are cheap, where artisans and operatives of this character can get houses with most excellent modern improvements at a very low rate. But I do not believe, taking all that enters into life and its support, that it costs more to live in this city than it does in any of the other great cities of the United States. Indeed I know to the contrary. So much for the cost of living.

Now, the fact is, and it can not be gainsaid, that, not taking into consideration at all the nearly 10 per cent. that goes to the benefit of these employés by reason of their thirty days' leave of absence with pay, these people are getting infinitely more pay in the Government Printing Office than they are, on the average, in any other of the great printing offices in the United States.

Mr. HAWLEY. I remind my colleague on the committee, in order that he may not be questioned as to his accuracy, that the Public Printer says that the value of the thirty days' leave is 9 per cent.

Mr. MANDERSON. It is, I think, a fraction over 9 per cent., between 9 and 10 per cent.

Mr. President, if it be true that there is gross injustice being inflicted upon these operatives in the Government Printing Office, particularly upon the pressmen and upon the compositors, why is it that members of Congress from all over the United States are constantly harassed by applications for employment? Even from the comparatively distant State that I have the honor in part to represent upon this floor, my mails are burdened with requests that I procure employment in the Government Printing Office for those who are engaged in private printing offices in that State. The demand is not equal to the supply by a very large proportion, and I think that is the experience probably of most of the Senators on either side of the Chamber.

Now, let us investigate for a moment and make a comparative statement. I turn to the report of the Committee on Printing, and, reading from page 2, I find this proposition. In 1878—

The scale of wages was fixed at 50 cents per thousand ems and 40 cents per hour for time work.

That remains to-day. The compensation is 50 cents per thousand ems for compositors and 40 cents per hour for time work, making for those who work by the hour a compensation of $3.20 for each day of eight hours.

Now let us compare this compensation with what is paid in other cities; and this statement is made up, Mr. President, not only from the exploration made by the Committee on Printing, but it is taken from the report of the authorized organ of the printers' unions in the United States, the name of the publication I have for the moment forgotten:

In San Francisco, 50 cents per thousand ems; $18 per week.

That is the same price per thousand ems for composition and a less price per week where work is by the hour.

In Baltimore, 45 cents per thousand ems (day work), 45 cents per thousand ems (night work), and $16.20 per week.

So there is a very fair proportion of increase in Washington over Baltimore, unquestionably enough to make whatever difference there may be in the cost of living between Washington and Baltimore.

In Philadelphia 45 cents per 1,000 ems (day work) and the same for night work and $16 per week.

It is much lower then in Philadelphia than in the Government Printing Office. And, mark it, Mr. President, this difference is without taking into account the fact of the percentage of advantage that accrues from the thirty days' leave with pay.

In New Orleans, 45 cents per 1,000 ems for night work, and 40 cents for day work; $18 per week.

Omaha, 40 cents per 1,000 ems for night work and 37 cents per 1,000 ems for day work; $18 per week—

A place where I know it costs at least 20 per cent. more to live than

in the city of Washington, and I would not be surprised to know that it was nearer 40 per cent. than 20.

And yet here is this very great decrease in the compensation of printers as compared with the compensation of the printers in the Government Printing Office.

In the Washington Government Printing Office, as I have stated, there is paid 50 cents per 1,000 ems, 40 cents an hour, or $19.20 per week.

So we see that, from the highest place where the pay by the week was $18, we have an increase of $1.20 per week and of 10 cents per 1,000 ems.

The average price paid in the five cities named above, per week, is $17.24 as against $19.20 in Washington.

The average price paid in the five cities named per 1,000 ems is 43 cents for composition, (as against 50 in the Government Printing Office). The average hour labor, then, is lower per week than is paid in the Government Printing Office by $1.96 and lower per 1,000 ems by 7 cents.

Now, it does certainly seem to me that, according to this showing, there is no cause for just complaint on the part of these employés; and if you add to this very great difference in their favor that other difference that I speak of, that they so earnestly desired and that Congress so willingly gave them—this thirty days' leave of absence with pay—it makes a most material difference in their favor, and I do not wonder that from all over the country there comes this demand upon members of Congress to obtain positions in the Government Printing Office for their constituents.

Mr. President, the committee in its exploration upon this subject-matter addressed, as suggested by the Senator from Maryland [Mr. GORMAN], a communication to the Public Printer. He was asked to give, first, the actual and exact difference between the rates now paid and those provided for in House bill 8046 as to each class of operatives. And, mark it, Mr. President, there is evident unfairness in this House bill and a discrimination among these operatives that is most unjust.

Since it passed the House I have been approached, and I think my colleagues on the committee have been approached, by others who are not bookbinders, who are not pressmen or printers, but women who stitch at the machines, women who gather the folios or pages in order that they be put into book form by the binder, numbering perhaps from one thousand to fifteen hundred women in the Public Printing Office who make outcry against this House bill because they say it discriminates against them. So it does. If we are to be thus generous and kind to some of these operatives, why not to all?

Why should there be this distinction between the printer, bookbinder, and pressman, and the expert woman at the standing tables, gathering with skill that is wonderful to behold the different parts of a book in order to prepare them for the binder, or who run these dangerous machines, where they sit in constant danger of being maimed or injured, and in an atmosphere that is stifling and most unhealthful? If we are to deal so kindly with the printers, the bookbinders, and the pressmen let us go further and take in all these people and give them a little of the good, the generous good, the donation from the Treasury that we propose to bestow.

Now, the Public Printer answers this question thus:

> What is the actual and exact difference between the rates now paid and those provided for in the bill (H. R. 8046) as to each class of operatives?
>
> Answer. The difference between the rates paid to printers, bookbinders, and pressmen employed on day work would be 25 per cent.; for the same employés on night work—that is, between 5 o'clock in the afternoon and 8 o'clock in the morning—the difference would be 50 per cent. For compositors employed by the piece on the CONGRESSIONAL RECORD the difference will be 20 per cent.
>
> What will be the difference, in the total expenditure, between the present rates and the rates under the bill?
>
> Answer. It is difficult to answer this question with any degree of accuracy, for the reason that the earnings of the three classes of employés named in the bill are not kept separate and distinct from the earnings of all employés of the office. There are at present 962 compositors, pressmen, and bookbinders employed.

Mark, the boon that is proposed to be given is to 962 only out of nearly 3,000 employés. The pay of the 962 figured at the present rate (40 cents per hour) would amount to $963,539.20 per year, exclusive of extra work; therefore, if the pay of these classes should be increased 25 per cent., as proposed in the bill, such increase would amount to $240,884.80.

So that we are to give—I use the word advisedly, for it is a clear donation, this generous bestowal of public money—we are to give not only the quarter of a million that was given by reason of the leave of absence with pay, but we are to bestow another quarter of a million in obedience to this demand.

And right in that connection let me give the reason that was given in 1878 by the Senator from Rhode Island [Mr. Anthony] why the rate of that year should not continue. He says:

> I do not see why all other printers in the country should be taxed in order that the printers in Washington shall have higher wages for less hours of labor than are asked and paid in other cities.

That proposition is just as pertinent to the condition of things to-day as when the distinguished Senator from Rhode Island made it. Why should the printers all over the country be taxed that those who work in the Government Printing Office may have the very great increase of compensation that is proposed by this bill, a quarter million more, as a donation, as a generous gift, in addition to the present expenditure of the office?

The Public Printer is asked:

> What percentage of advantage accrues to operatives under the thirty days' leave law?
>
> A. Nine per cent.
>
> What is the increased cost to the Government by reason of such leave law?
>
> A. During the fiscal year ending June 30, 1880, there was disbursed for leaves of absence the sum of $119,674.46.

That must be a misprint, because in the year 1880 the law did not exist. I think it must mean 1890:

> Is it usual in private printing offices to grant leaves of absence with pay?
>
> A. It is not.
>
> What is your opinion as to the benefit to the Government, the necessity for or the advisability of this proposed change?

Now, in the answer to this question my colleague on the committee [Mr. GORMAN] will find the opinion of the Public Printer with reference to this bill rather than in the answer to the query that he read. He says:

> The bill is commendable in one respect, namely: That it discriminates in the rates of compensation for night work over day work.

Now, Mr. President, the Congress of the United States has wisely made this discrimination. Every year in the proper appropriation bill there has been allowed to those who do night work in the Public Printing Office an amount equal to about the percentage of difference that is proposed in the Senate amendment.

> Deficiency act for fiscal year ending June 30, 1887, contained an appropriation of $10,000 to pay 25 per cent. additional to night forces in the Government Printing Office; for the fiscal year 1888 $10,000, 15 per cent. additional; for the fiscal year 1889 $10,000, 15 per cent. additional; for fiscal year 1890 $30,000, 20 per cent. additional.

And that is what the Senate amendment proposes to do. It proposes to put in the form of a general law what is now ingrafted in these appropriation bills, granting at a cost of $30,000 an additional 20 per cent. to those who work between the hours of 5 o'clock p. m. and 8 o'clock the next morning. Now, mark it, the Public Printer says:

> The bill is commendable in one respect, namely, that it discriminates in the rates of compensation for night work over day work. The rates at present in force by authority of Congress make no distinction in this respect in the wages paid compositors, pressmen, and bookbinders, but, in recognition of the equities in favor of employés engaged exclusively in night work, extra compensation has been given them during the last five years by appropriations in deficiency bills. In all printing establishments conducted by private citizens night workers receive more compensation than day workers.

That does not seem to be the fact in all cases, as has been shown.

> If this distinction should be established in the scale of wages authorized by law for the Government Printing Office, the change would be, in my judgment, beneficial.

Then follows the answer which was read by the Senator from Maryland [Mr. GORMAN].

Now, Mr. President, it seems to me that I have given very abundant reason why this change granted by the action of the House of Representatives is not desirable in the interest of the public service and that it is not fair that it should be asked. I know it is unpleasant for gentlemen to vote against the demands of those who labor in these lines of employment. It seems like an ungracious thing, especially when you are handling money from the well-filled coffers of the country, to deny any demand that labor may make.

But ungracious as it is, unpleasant as it is, I take it that it is the high duty of a Senator representing great public interests that he should not succumb to clamor or give way before abuse, and that he should not bow down, in a case so plain as this, to a demand that is not only not founded in equity and good conscience, but that is not founded in right.

I hope, Mr. President, that the Senate amendment to the bill may pass and that in that form it may go into conference.

Mr. CULLOM. Mr. President, I desire to say simply a word. I do not understand that the printers who are asking for the passage of the bill are making any objection to the provision reported by the Senate committee to allow the employés who are engaged in night work the 20 per cent. additional to the allowance made to those who work during the day. I do not understand that there is any dispute upon that question. But it seems to me that the committee is taking a course that is a little severe.

As I understand it, these printers used to get what they are asking for now, that it was allowed by the Government of the United States, and that they have felt ever since so great a reduction was made that it was unfair to them that it should have been so made.

I submit to the Senator from Nebraska [Mr. MANDERSON] whether there is not some difference that ought to be recognized on the question of wages as between a man working for the Government, who is here temporarily, I may say, as compared with a man engaged in a private establishment; whether the men working for the Government under such circumstances ought not to be paid very much more, or considerably more, at least, than is paid to those who are engaged in private establishments, sometimes for a lifetime.

Mr. MANDERSON. Does the Senator want an answer now?

Mr. CULLOM. No, I do not.

Mr. MANDERSON. All right.

Mr. CULLOM. Of course they are asking for these places just as we ask for the places that we occupy, and it is not in our mouths to say that they have not a right to ask for them; it is not in our mouths to criticise the fact that they do ask for them. But many who ask for them find that they are not such great bonanzas as they had anticipated before they got them.

Then there is another view of it. As I understand the report of the House committee, some of the newspaper establishments in this country—I think the newspaper establishment in New York called the World—pays per hour exactly what is asked for in this bill. I may be mistaken in regard to that, but it has been so represented to me.

Mr. MANDERSON. The Senator is mistaken.

Mr. CULLOM. I am not sure but that the report stated it; but, whatever may be the fact, they have claimed to me that the New York World is paying exactly what they ask. Whether that is true or not, I do not know.

While it is true that the Government of the United States allows these employés the right to thirty days' leave of absence with pay, that leave is allowed to all the clerks who are employed in the Government service here, and in view of the relation they sustain it is a matter that I do not think ought to be taken into consideration in the determination of the amount of salary that shall be given to them. They are expected to go home and vote at elections, as they do and are generally asked to do by Representatives and Senators of the different parties of the country. They belong to the different parties, and they go home, as they ought to do, and express their preference at the polls on election days; and the thirty days' leave that is given to them is given to them in part for the purpose of enabling them to exercise their rights as citizens of the country on such occasions. So I do not think that a reduction should be made in what should be allowed them per hour because they get that leave every year, as other clerks do.

Mr. COCKRELL. Does the leave that they get to go home and vote come out of the thirty days?

Mr. CULLOM. I think not.

Mr. COCKRELL. Then that is extra.

Mr. CULLOM. But at the same time neither does it come out of the leave of any other clerk employed here at Washington, and I have heard no suggestion made to reduce the salaries of other employés of the United States because this leave is granted them. It is very frequently charged that all the clerks of the Government are getting larger pay than do the people engaged in employments outside.

Mr. GORMAN. If the Senator will permit me, in answer to the question of the Senator from Missouri as to whether the time used in going home to vote comes out of the thirty days, I will state that it unquestionably does.

Mr. COCKRELL. I was not aware that it does.

Mr. GORMAN. There is a strict enforcement of the law in that respect, and thirty days only are allowed these employés.

Mr. CULLOM. Do I understand the Senator to say that their pay stops while they are absent?

Mr. GORMAN. No; but what I say is that under the law they have thirty days' absence with pay; but they do not have any addition to that time given them to go home and vote. The only leave they get with pay is thirty days, and I am satisfied that the law has been strictly enforced by the present Public Printer, as well as by former Public Printers.

Mr. MANDERSON. Let me suggest to my colleague on the committee that a great majority of the male adults employed in the Public Printing Office seem to have their homes in the District of Columbia or in the States of Maryland or Virginia; so that the extent of the absence and the cost of going home to vote would not figure very materially in the matter of this compensation.

Mr. GORMAN. The chairman of the committee probably did not hear me. My statement was that I had information, and I believe it to be true of the present Public Printer as well as his predecessors, that no time is granted with pay to enable the employés to go home to vote.

Mr. MANDERSON. I do not understand that that is the case.

Mr. GORMAN. The employés are permitted to have thirty days' leave during the year with pay.

Mr. MANDERSON. All I am trying to impress upon the Senator from Illinois is that the exercise of the glorious privilege of suffrage that they are so anxious to perform is not attended with any very great sacrifice of either time or money, because most of them live about here.

Mr. CULLOM. I do not suppose they all live about here.

Mr. MANDERSON. Not all, but a great majority of them.

Mr. CULLOM. Nor any considerable portion. They ought not to, certainly, under the rule for the distribution of patronage among the different States.

Mr. MANDERSON. I think they ought not to.

Mr. COCKRELL. That does not apply to the Government Printing Office. There is no rule concerning the Government Printing Office which requires any distribution of patronage among the different States.

Mr. CULLOM. Whether there is any law or regulations requiring it or not, a fair distribution of employés among the different States ought to be enforced, in my judgment.

Mr. COCKRELL. There is no doubt about that, but it is not done.

Mr. GORMAN. I should like to say to the Senator from Illinois in this connection that a great many employés of the Government Printing Office receive a small compensation, only $700 or $800 a year, and the cost of living in the city of Washington is so much greater than it is in the suburbs and out in Maryland that a large number of these people, who come from his State and from other States of the Union, find it convenient and profitable to make their residences in the State of Maryland and across the Potomac in Virginia.

Mr. CULLOM. That is, temporary residence.

Mr. GORMAN. In that way they become residents, however, and voters, as a rule, although they are actually brought here from other States, and that is because of the fact, as they complain in this very memorial, that the cost of living here is so much greater and they are driven out to the suburbs.

Mr. CULLOM. Now, I have nothing specially further to say except that it does seem to me, in view of the law under which these people were paid years ago, as the reduction made finally was greater than ought to have been made, that there is merit in the bill that the other House has passed and which these people are asking us to pass to-day. If the bill as passed by the other House contains provisions that are not right, so far as I am concerned I should be willing to see them modified.

Mr. MANDERSON. Will the Senator permit me to ask him a question?

Mr. CULLOM. Certainly.

Mr. MANDERSON. If in 1878 it appeared, as a result of the investigation made by the Committee on Printing, that the rate of wages paid by the Government Printing Office is 50 per cent. higher than is paid in New York, Baltimore, and Philadelphia, does the Senator not think that it is fair to decrease the compensation to that amount?

Mr. CULLOM. Well, if the wages paid everywhere else are that much lower than the amount here provided, it might be a question whether the wages were not too high here; but I do not understand that to be the fact.

Mr. MANDERSON. That is the fact.

Mr. CULLOM. There seems to be a dispute about that.

Mr. MANDERSON. There is not a particle.

Mr. CULLOM. There is another suggestion which I desire to make to the chairman of the committee, and that is that many of these employés have complained that they did not have a fair hearing before the committee on the part of the Senate. I know nothing about whether that is true or not, but if they have not been heard it would seem as though it was a matter of fairness that they should be heard.

The VICE PRESIDENT. The hour of 2 o'clock having arrived it is the duty of the Chair to lay before the Senate the unfinished business, which is House bill 11045.

Mr. EVARTS rose.

Mr. MANDERSON. I ask the Senator from New York to yield to me for a moment to allow me to ask that the report of the Senate committee upon the bill which has just been under consideration may be printed in the RECORD.

Mr. COCKRELL. I hope not. I hope it will be read to a full Senate when the bill comes up again for consideration, instead of being put in the RECORD, where it will not be observed. It is a document which ought to be read and heard by the Senate.

Mr. MANDERSON. All right.

PRINTING OF COINAGE BILL.

On motion of Mr. COCKRELL, it was

Ordered, That 1,000 copies of the bill (S. 4675) to provide a unit of value, and for the coinage of gold and silver, and for other purposes be printed for the use of the Senate.

GEORGETOWN BARGE, DOCK, ELEVATOR, AND RAILWAY COMPANY.

The VICE PRESIDENT laid before the Senate the report of the president of the Georgetown Barge, Dock, Elevator, and Railway Company, in compliance with the fifth section of the act of Congress approved September 26, 1888; which was referred to the Committee on the District of Columbia, and ordered to be printed.

REPRINTING OF NOTES OF FISHERIES HEARING.

On motion of Mr. STOCKBRIDGE, it was

Ordered, That the notes of a hearing before the Senate Committee on Fisheries of parties interested in the bill (S. 227, Forty-ninth Congress, first session) for the protection of fisheries on the Atlantic coast be reprinted as a miscellaneous document for the use of the Senate.

HOUSE BILL REFERRED.

The bill (H. R. 6460) to increase the appropriation for the erection of a public building at Portsmouth, Ohio, was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 13th instant approved and signed the following acts:

An act (S. 4112) to amend section 1225 of the Revised Statutes, concerning details of officers of the Army and Navy to educational institutions; and

An act (S. 4692) for the relief of Abraham Lisner.

The message further announced that the President had on this day approved and signed the following acts:

An act (S. 902) for the erection of a public building at Sioux City, Iowa; and

An act (S. 4547) for the relief of the inhabitants of the town of Gallup, Bernalillo County, Territory of New Mexico.

UNITED STATES ELECTIONS.

The VICE PRESIDENT. The unfinished business will be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11045) to amend and supplement the election laws of the United States, and to provide for the more efficient enforcement of such laws, and for other purposes.

Mr. EVARTS. Mr. President, although from the time the subject of the preparation of a bill to secure the integrity of elections of members of Congress was first brought before the Committee on Privileges and Elections I have taken a great interest in it and have followed it with that interest to the present time, I have never thought it necessary or at all useful that I should undertake a principal part in the conduct of the bill or even in the debate on the floor. These matters were well confided to the eminent Senators who, in espousal of this bill, have so thoroughly as well as so eloquently presented the views of the committee of which they are members. The chairman, the Senator from Massachusetts [Mr. HOAR], and his colleague on that committee, the Senator from Wisconsin [Mr. SPOONER], have given to the details as well as to the principles of the bill and the constitutional views which lie at the foundation of this proposed legislation an entirely adequate presentation to the Senate in this debate.

Mr. President, I shall not feel it at all necessary to repeat the arguments that have been presented on this side of the Chamber, but only to show, if I may be at all successful in the effort, how important this matter is to the people of this country, to the two Houses of Congress, to the political party that is in charge of the conduct of the Government, and not less important to the portions of the country where the operations of this bill are expected to be most energetic and where they are, in my judgment, most necessary.

I have no complaint to make, Mr. President, of the length to which the discussion in the consideration of this bill in the Senate has been protracted. A parliament, a congress, is the place primarily of debate. It is here that are assembled in authentic representation the opinions of all portions of the country and all views among the people. Here it is that, face to face, with such decorum, with such eloquence, and with such logic as may be brought to bear we are to hear, to search, to answer, and to resolve in legislation this great question.

Especially is it important for us to try to arrive at a better understanding, upon trustworthy evidence, of what the feelings, the opinions, and the purposes of the Democratic party have been as bearing on the general subject of the integrity and purity of elections. It is alike important to ascertain this in such a manner that it shall be satisfactorily accepted in the sections of the country where it is supposed the integrity and the purity of elections are most threatened; and, having done this, to spread the results of such consideration before the people of the rest of the country, so that in their opinions, in their purposes, in their actions, they shall behold their duty as citizens, and, having a share in the legislation of Congress, know how to conduct themselves.

It has been a misfortune heretofore when, upon instances of interruption of the freedom of elections in the South, there has been investigation, first, that the result was discredited as being only sporadic and incidental, and that it might happen in any part of the country, either by irregularities of public excitement on an election or other infractions of obedience to law. Then, too, whatever there might have been of practical instruction from the inspection of these instances, still it was urged that they were but a part of the ordinary methods and ammunition of political agitation at the polls, and sometimes it was urged with very rude speech, but always with this pertinent expectation, that no impression ought to be made upon either section of the country, but that those methods did but form a part of the ordinary struggles between political parties, making the best and the most of whatever would serve their ends.

Mr. President, this long debate has brought out from the Senators on the other side of the alley the most frank, the most thorough, and the most precise statements of what the situation in this respect is in the States where, by the disparity in condition between the two portions of the population, the black and the white, the whites had taken possession of and were keeping possession of the regulation of the suffrage.

Thus, now, whether this bill shall become a law or not, whether the result of this debate shall presently bring us to a rightful and useful settlement of the trouble by a law, all the time that has been spent in this debate has been useful to the country.

No more important debate with reference to pending interests has ever occurred than the debate that has occupied the attention of the Senate since the 1st of December. While, therefore, we have been in doubt heretofore as to the state of mind, the condition of plan and organization, and the reasons and foundations which were complained of, they are now known, and from us and from the country no secrets are hid. Whatever I may need to say as the basis of such observations as I shall make, I need no other reference for fact and serious and purposed expression than is found in the debates on the other side of this alley.

But, Mr. President, before I enter into the very matter itself, I may be permitted to make some general observations about the suffrage, as known and as exercised in this country. I draw no distinction at this point in my observations between one portion of the country and another, but if there is anything in which the people take pride it is that this great nation, with all the passions and interests that are bred in its great bosom, is governed by law, all-prevalent law, and that in the heart of its people the homage to law is the creed, is the wisdom, is the safety of a great and wide democracy.

We always recognize what has been expressed in a noble phrase, so familiar to all of us: "There can be no less acknowledged of law than * * * * * that all things in heaven and earth do her homage, the very least as feeling her care and the greatest as not exempted from her power." If we are sincere, if all the basis of our pride and our fame is not hypocritical, I shall not feel that any portion of this body or any portion of this country are disposed to withdraw from this grand relation of obedience to all-prevalent law, which I have thus brought to your attention.

Mr. President, great as is the station of the Chief Magistrate of this great nation or the governors of our States, however we may applaud the dignity of the station of the President of the United States or of a governor of a State, it is all because he is the servant and the creature of law. We are always ready to recognize the proposition that the greatest, elevated on our suffrages to these positions of authority, these the greatest products of our process of determining who shall rule in place and under law, are not exempted from the power of law—not in the abstract, not in declamation, but in the fact that the summoner from the courts may take the President or the governor into the court of justice for any infraction of the common laws of the land. This is what is meant by "the greatest not being exempted from her power." Shall it be said that this nation, thus made up in its mass, shall be less attentive to the other proposition that the very least as feeling her care shall pay their homage as citizens to the law of the land?

Has it come to this, that we are to have only one branch of this all-prevalent relation to law in respect to the greatest as not exempted from her power, while the least are to ever be disregarded when we are considering law or the need of law, that when we are making laws to maintain the all-prevalence of law we are to pay but little thought to the very least that are to feel the care of law?

But I have a word more to say, Mr. President. It is a very frequent habit to say, and in the course of this debate I have heard from each side of the Chamber the observation, that the seat occupied by the Chief Magistrate of this nation is the highest seat of rule in the world; not highest in the personal rule, but as holding that magistracy of the law, under the law, and for the law.

But if it is true, and I affirm it to be true, in common with the general judgment of our people, that this is the greatest seat of human rule in the estimate of what should accompany our comparison of civilization in all its demonstrations, what does it all rest upon? If these are not empty words, what makes this the greatest seat of rule in the world, in the opinions at least of the American people? Other nations might not take the same view we do; but we have made up our minds on this subject, and the point for us is to find out from what sources this abounding exultation in our feeling is fed and on what foundation this towering exaltation of the place rests.

There are great rulers in the world and they are rulers over great nations. The Czar has great possessions under his dominion on two continents, which he bestrides like a Colossus. The patriarchs and the priests all recognize him, and all devout followers recognize him also, as the head of the church. The splendor, the personal authority, and the greatness of the nation in population, all make him a great ruler, and the great mass of that people listen to what comes from his lips almost, if not quite, as the voice of a god.

Then there is a great nation, civilized and educated as much as ours, the German Empire, where the young soldier rides at the head of an army that Europe can not resist. He has for his subjects the educated, the enlightened, law-abiding population of that great nation. He, too, is a great ruler. All the surrounding nations depend upon his military armament—depend upon his authority and his voice for the regulation of their own resistance or their own co-operation

Then there is our mother country, with her vast possessions surrounding the whole globe with the presence of her power, with the Queen and Empress and her authority over a free people, with her 250,000,000 of subjects in India and her great and energetic population in the Isles at home and in the distant colonies. Arts, worship, power, skill, intellect, religion—these pervade the vast communities over whom the Queen of England presides. She, too, is a great ruler, and in the eye of all who have observed her personal conduct of affairs we find that even we yield a homage to her virtues as a woman which we deny to her power as a queen.

Outside of our system of civilization we behold the Chinese Empire, with its 400,000,000 subjects, kept in order, kept in peace, kept in industry, kept in wisdom, on moral maxims and pious relations of ancestry. This, too, is a great nation. It has outlived many of the experiments that younger nations have tried or are trying. It is in vain, by prejudice of race or of religion or of any custom, to deny that the Chinese nation is a great and powerful nation, and that its ruler, affected by conscience and guided by probity, is as important in his relation to the circumstances of that great population as are the European sovereigns to whom I have referred.

Why is it, then, that this ruler of ours that we speak of as occupying a seat by law and through law has this pre-eminence? On what does it rest? We may speak of our wealth; but other nations are rich. We may speak of our power; but other nations are powerful. We may speak of our population and of our magnificent territory, powerful in arms and in its fertile breadth; but other nations have fertile soil, other nations have the arts of civilization, and they have industries and ambitions and growth and independence and expectations beyond even their present condition. What is it, then? In this nation, all its forms of authority, wherever exercised, either in the great place of President or in all lesser places, rest upon consent of the people. This consent is not merely what is fixed in the Constitution as once for all in building up a structure of Government or by a remote and perpetual plebiscite, but upon the everyday and constant exercise of the consent of the people. What is the legal and what is the essential form of this consent of the people? It is in nothing else but in the suffrage, the suffrage, the expression of consent.

When, therefore, we are drawn away from great subjects, economical or commercial, to look at the very fabric and daily working of this great arrangement of our power, we need make no excuse. Farms and merchandise are, of course, of great importance to a nation full of farms and full of commerce; but the situation of the suffrage is the one upon which the very fabric of our Government rests. It is worth while to understand how it is that "the very least" who share in our suffrage interest and concern the "greatest" in the country, because it is a Government by consent, and their consent is given through the suffrage.

Mr. President, this matter of designating the ruler of a great nation by the suffrage at recurring periods is a great conception. It depends for its preservation, first, on the opinions of the country being kept alive upon this subject, and also on there being an energy of law that shall throw its protection over the least that may exercise the suffrage. This matter of conferring power under this great conception is a wonderful transaction. It is not a judicial proceeding; it is not a determining of a right that one or another person in the country has. It is an act of power and will, by which, when no one has the right, the right is to be derived from the will of the people that confers it.

When a matter of great value and of great desire is to be attributed and no one has a right to it, there are but three ways known to human affairs by which that power can confer its authority. One is by force, one is by lot, and one is by consent. The Senator from Massachusetts, in a passage in his eloquent remarks, spoke of it as a paradox that all the rules of propriety and of duty and of courtesy and of justice in the rights of others should be exercised by a whole community, and all the members of it, upon all subjects, except those of political authority, and that in respect of this all its honorable and proper sentiments seemed to give way to the enlistments in the baser methods to reach power.

Mr. President, although he is quite right in thinking of it as a surprising thing, yet it rests exactly upon this, that it is an exercise of power and of will at each time that the people are called upon to exercise it, and therefore, in our human nature, it is easy to slip out of the control of law and of respect of the rights of others and of curbing claims of our own, which may obtain in all the ordinary affairs of life, into the old contest of battle for the right to the crown, or of struggles of revolution, or at least of insurrection against obnoxious measures or obnoxious candidates. It is for this reason, Mr. President, that unless we can keep the suffrage within the regulation of legal obligation and maintain it by authority and obedience to it on the part of the people of the whole country as a working force in our affairs, wider and wider estrangements from these methods will extend themselves among the people.

Now, this is to be observed, as a wise politician of Italy has said: that in the body politic as in the natural body there would be a stage where if the evil that was working were only appreciated it might be easily corrected, but then it was apt not easily to be discerned or practically felt. When, however, the stage of its morbid humors had manifested itself in decomposing the natural or the political body, then it was perhaps too late to apply a corrective, at least without great danger and powerful remedies.

I do not, therefore, think that, under a correct inspection of this business of a nation, founding its authority upon consent and upon consent being a practical operation from day to day, we should be accused of too great solicitude when in a proper time and by proper and easy methods and remedy we expect to guard against the excesses of this great machinery of consent.

Mr. President, the weapon given to "the very least" in this country to protect himself by his share in this authority is the right to vote and have the vote honestly ascertained and counted. It is by this weapon that "the very least," feeling the care of law and finding something closer than that of general good principles or general good institutions, stand on an equal footing with all the rest in the manhood suffrage which is the basis of our Government. If all around him, all who sympathize with him are overborne in the results of elections, it is because those who are the least, as well as the greatest, have felt the care of law, and he is met by a right, the equal right of a superior majority.

A distinction may be attempted between force and fraud, but there is no difference between force and fraud as bearing upon the matter that I am referring to. Fraud takes from a man with whom it deals his property, his house, his money, or his suffrage, by force, through fraud, because it is not given with his consent. It is not a breach of the peace; it does not carry the dangers that belong to the inflamed condition of violence. The maxim of the civil law *fraus æquiparatur vi* is perfectly sound because of this, that though it proceeds as with consent it is in fact proceeding without consent, and just as much without consent when obtained by fraud as when it is obtained by force and not by consent; and thus it is that fraud is equivalent to force.

Mr. President, if there be anything in the value of this aspect of our structure of society and of the suffrage, why should there be found in this country any difference of opinion as to the wisdom and the duty of seeing that this all-prevalent law to which we owe homage is to be secured as an everyday protection for all the people in it? What reason is there why Democrats or Republicans, why rich or poor, why ignorant or instructed people should not bind themselves to the fact that whenever they are misled by passion or interest from this homage to law in the matter of the suffrage, they are not striking down the individuals that are oppressed, they are not striking down the party or the candidates that are brought into review, but they are striking against the loyalty of the American people, which is a loyalty to law and which intends that law shall compel that loyalty when it is withheld by force or by fraud.

One thing is sure, that nothing is gained by talking about this party or that party. Let us concede that in this country, as by necessity under free and representative government, government must be carried on by party and its power must be sought by the methods of party. The only point is that all these are to be within the law and not to escape into the region of force and fraud. Nothing can produce a wider disorganizing fermentation, pervading the immense range of the community, than that which is felt when this loyalty to law, our only ruler, our only power, is thus invaded by light or frivolous or derisive treatment of actual fraud and actual force.

How long are people to be patient in obedience to law in the suffrage, when their vote, instead of being measured as it should be with the multitude of votes to be collected in the nation, is thrown to the winds by the predominance gained by force or fraud? What resource have they in the long and final run of the resistance to that except, when this method of consent is like a garment eaten through and through by moths, to say, "Well, then we must try the methods not of fraud but of force until loyalty is re-established to law; until consent is the master of the determination of authority?"

Mr. President, the election bill came under mature, certainly very quiet, consideration in the Committee on Privileges and Elections. A bill was prepared; a bill was introduced; the methods by which details are to be questioned or corrected passed through the same ordeal as all other laws do, and could have received, as every bill should receive, as it seems to me, the proper attention even of those who are opposed to a law, in order that it may be apparent that it goes no further than is useful or necessary as proposed, or to be resisted only as it should be resisted by those to whom the legislation is repugnant. But no such course was taken. When this bill was introduced here and laid upon the table as a method of law regulating the elections of members of the House of Representatives, how was it met by the Democratic representation of opinion and purposes?

As expressive of Democratic opinion and purposes I present the very brief but, I believe, the entire statement of the eminent Senator from Alabama [Mr. PUGH], a Senator who, from the breadth of his understanding and the solidity of his judgment, carries the greatest weight in gathering and expressing the opinions of the political party and of the community which he represents. He carries not less weight with us on this side, and when, through him as the spokesman for a party, we are advised what the issue in Congress and with the people is, we are quite justified in knowing what the arena and what the discussions are that are to attend the treatment of the subject.

When the measure now under consideration was reported from the Committee on Privileges and Elections, on the 24th of last April, the Senator from Alabama [Mr. PUGH] rose in his place and said:

Mr. President, in reference to the bill just reported by the chairman of the Committee on Privileges and Elections, as a member of that committee I desire to say that a favorable report on that bill was opposed by every Democratic member of the committee. The minority regard the bill as revolutionary in its character. It substantially wipes out the regulation of Congressional elections

by the States, which has been the rule for a century, without any demand from the people for the change and without any public necessity for the change. It appoints Republican supervisors, State boards of canvass to oversee State officers, thereby insulting and degrading the State officers and the State governments. It prostitutes and degrades the judiciary. * * * It prostitutes the judiciary of the United States to political and partisan uses, and it is subversive of the fundamental principles of local self-government. If the bill becomes a law its execution will insure the shedding of blood and the destruction of the peace and good order of this country. Its passage will be resisted by every parliamentary method and every method allowed by the Constitution of the United States.

This quiet regulation by law of the election of members of the House of Representatives was thus treated by the Democratic party, and the subject was thrown headlong into the arena of political agitation and there it has been kept, so far as the Democratic party could keep it, from that time to this. What I ask attention to now is that this pronunciamento is of war and of the methods of war. It passed over all details; it passed over the minor subjects that have since been brought into debate. The measure was denounced as revolutionary, as unconstitutional, and in a certain sense was to be taken as a measure not to be submitted to and would not be submitted to if it should become a law.

That, Mr. President, raises a great issue in this country. The Constitution, including the fifteenth amendment and including any constitutional law that shall be passed, is the law of the land, not only in the sense that it is sleeping in the Constitution and only to be awakened perhaps by the thunders that shall be called out to enforce it, but in the conscience and the oath of every public man on this floor, of every public man in every State, in the State arrangement of government, in the President of the United States; and, so far as it becomes a question for the judiciary to enforce it either by criminal prosecutions or enforcing its process, it is in their oaths that this measure if it becomes a law is to be enforced.

Whence comes this unexpected declaration of war against the Constitution and against the fifteenth amendment and against the prevalence of law through courts and accredited officers of law? Whose blood is to be shed and by whom is this blood to be shed? One authority is excepted and given to man from the general rule proclaimed by divine authority: "Vengeance is mine, I will repay." In this matter of the life of man taken by man there is solemnly accorded to man the right to punish and redress: "Whosoever sheddeth man's blood by man shall his blood be shed."

In a quiet discussion of the methods and the meaning of the clauses of a bill or of the force and efficacy of the pertinent clauses of the Constitution we are confronted with this opposition, no matter by what methods allowable in parliamentiary procedure, however far they may be carried, and by the resistance of the population even so far as the shedding of blood because of repugnance to it. Does this frighten the people of the United States? Does this frighten the Senators upon either side of this alley? Does this frighten the Republican party? Does this disturb the currents of trade and the flow of prosperity?

No, Mr. President; whatever the Constitution is, whatever the laws are held to be in pursuance of that authority, sooner or later they will be maintained. We can have no middle ground between loyalty and obedience and resistance to law. One or the other must go to the wall; and if this Constitution is to be driven to the wall against the loyalty of the great masses of our people and the great population of thrift, of industry, of prosperity, we shall find it out. But no man ever thinks of that as possible.

What, then, are the methods and the preparations for this conflict? Mr. President, I have no occasion to use any opprobrious epithets concerning it; but in our politics and in the conflicts that pervade different portions of the community of this vast nation we are familiar with the proposition made to the rest of the country, made to the lawmakers, made to the judges in the execution of law, "Let us alone," and that this mischief or danger, or whatever it may be, is better turned aside and better treated by those who do not now obey the law being let alone.

Mr. President, the Constitution has drawn the line between what was to be let alone in regard to local, domestic, and State institutions. Obedience to the Constitution requires that matters pertaining exclusively to the area of the State as distinguished from the area of the United States should be left alone by the latter, unless its authority is thereby encroached upon or its functions hindered or impaired. That is to be let alone, unless under certain circumstances outside aid is requested. But when the question comes up about what belongs to the United States, about its authority, and its duty plainly defined and felt by men in authority and by representatives of other communities and by the masses of the people in their hearts and minds as belonging to the United States, then we want to be let alone; and as this power and duty of ours pervade every inch of the territory of every State, control the duty and obligation to the Federal Constitution, of every man there in authority, and of every subject of our laws in those territories, our cry is, "Let us alone in our right, in our exercise of the suffrage. In our seeing that our suffrage is maintained and observed we want to be let alone."

We do not want bloodshed and frauds to interfere with the rights of this mighty nation. We want our Constitution and our laws and our rights, in which we stand on the same footing in some sense of the hustings, as it were, of this great nation, to be let alone; so that a voice can be heard, according to law and in obedience to the Constitution, in every corner of this nation in which we live and move and have our being, and we mean that we shall be let alone in this national and common area, and not oppressed and trampled upon by the local or State encroachments or by individual encroachments or party encroachments upon what belongs to the United States.

Away, then, with this notion that local communities are to be let alone when we are regulating our elections under the Constitution, whether the methods be this or that in expediency or this or that in principle.

We demand that whatever is established as law in this area shall be respected and that it shall be "let alone," to have its free course. If this be not so, dangers, not of local and personal passion, but of repugnance to such treatment and resistance against it in great masses of the people, will necessarily be aroused.

Mr. President, observing, as I have during my presence in the Senate, this attitude, and, as I thought, rightly understanding the processes at work in the treatment of the negro vote, I was greatly interested to find at the commencement of the last session of Congress this claim and desire on the part of certain political representation here to "be let alone" in regard to the relations of the blacks and the whites in the populated regions where their numbers are somewhat equal was not now being adhered to, and no longer was it thought that they who made this claim and expressed this desire could repel the sympathy and the aid of the great body of this people. I mean the great body including their own. No longer did they want to be let alone. Three several measures were introduced at the commencement of the last session of Congress which showed that they did not want to be let alone and that they did want the aid of this Government and of this great supporting and fraternal nation—one by the Senator from South Carolina [Mr. BUTLER], one by the Senator from Alabama who sits nearest me [Mr. MORGAN], and one by the Senator from Louisiana [Mr. GIBSON]. All introduced measures by which the methods of expatriation of the blacks should be aided by the Federal Government; that is, by the people of the United States.

Mr. MORGAN. The Senator from New York is mistaken as to my having introduced such a bill.

Mr. EVARTS. The Senator has not?

Mr. MORGAN. No; but I have had some measure sent to the Committee on Foreign Relations to inquire as to whether it is best to sell rum to those people, and that is as far as I have gone.

Mr. BUTLER. May I ask the Senator what he means by expatriation?

Mr. EVARTS. I am going on to state that.

Mr. BUTLER. I should be glad to know. I scarcely think the term "expatriation" applies to any measure I have ever introduced.

Mr. EVARTS. It was a method of expatriation not by open expulsion, not by prompt deportation, not by direct force, but it was to be accomplished by the aid of this Government with its vast resources and with the attending support and regard of the people of this country. These aids and these methods were to be held out to those communities, including blacks and whites, that this Government might well sympathize with the situation of things there, and the only solvent that the wisdom and statesmanship of the South have yet produced here is in these forms of reducing the pressure and volume of the black population.

Mr. MORGAN. If the Senator from New York will indulge me for a moment, I should like to call his attention to the fact that the only bill which has ever been introduced into the Senate that looked to what might be called expatriation, that is, the distribution of the negro population through the United States, was introduced by Mr Windom, who is now Secretary of the Treasury. He advocated a policy of that kind when in the Senate and I approved of it; I wanted them scattered. I want the Senator from New York to have thousands and hundreds of thousands if he would like to have them.

Mr. HOAR. That was expatriation from one place in this country to another.

Mr. EVARTS. I have not denounced the proposition. I have alluded to it for no other purpose but to show that the introducers of these measures on this floor, expressing the sentiment, as I suppose, of their people, were ready to say, "We do not want to be let alone; we want to be aided and sustained." I have not complained of it. I have mentioned it only as an expression entirely inconsistent with the cry, "Let us alone," set up in the connection of this debate.

Mr. GIBSON. Will the Senator yield to me to correct an error he has fallen into in respect of myself? I have introduced no such bill as he has described. I offered a resolution of inquiry, which was addressed to the Committee on Foreign Relations, to ascertain whether we could not under the Constitution set apart some portion of our own country and aid the negroes of the South who might desire to emigrate to go there, and further to give them the benefit of public schools in that territory.

Mr. EVARTS. Then it was only expatriation from the State?

Mr. GIBSON. It was not expatriation from the country.

Mr. EVARTS. I am not wrong, although there may be a difference of opinion as to details, in saying that in three different forms (unless we must consider what the Senator from Alabama has mentioned, that he had nothing whatever to do with the matter, in which of course I am in error, if that is his statement) it was regarded as a good opening and a great opening and a wise opening of these communities to shift this burden of their own communities to be shared by the whole nation.

You are in the habit of speaking in a phrase common in your States to the effect that "this is a white man's Government." Let us look at that. Yes, it is a white man's Government. Of the 63,000,000 of our population, 56,000,000 are white and 7,000,000 are black, and the white men in this country are to rule in matters between them and the blacks within the purview of the Constitution of the United States and its laws. This is the white population that is to rule and this is to be the character and manner of its rule; but if Senators mean that the white population are to rule in this country outside of the equality between whites and blacks under the Constitution and under the suffrage, it is a misapplication of the phrase.

The white men govern this country by the vast proportion of their suffrage, their wealth, their intelligence, their strength, and within the purview of what belongs to the Federal Constitution and the Federal laws. It is the white men who are ruling themselves and the blacks also under one equality before the law, one equality in the suffrage. But, Mr. President, I can not understand why there should be so great unwillingness, on the part of the whites of the States wherein the population is so adjusted between whites and blacks as to raise questions of the vastest interest, to hold on with both hands to the whites in all the rest of this country.

Mr. BUTLER. Will the Senator permit me to interrupt him, as he has defined what a white man's Government means? I should be very glad to say, if the Senator will permit, that when I used the phrase that this is a white man's Government I used it just exactly as he has defined it: that it is a white man's Government under the laws and Constitution of the United States.

Mr. EVARTS. I am very glad to have the support of the Senator's opinions and expressions, and I have no doubt of his sincerity; and it is quite as valuable from him and even greater than from me.

Now, the next observation that I have to make of the fermentation in the South is based on a closer circumspection of what I regard as the only portion of this country that is really under very serious or at least any permanent stress—I mean that section of the country which may be called the Gulf States, but I include South Carolina as adjacent to that system, and quite prominent, and perhaps the most prominent in it. The six States, South Carolina, Florida, Georgia, Alabama, Mississippi, and Louisiana, are in my judgment entitled to be considered by the dispassionate observation of their countrymen as nonsuffrage States.

We are in the habit not of looking at laws, but at executed laws, as the measure of the authority of communities. Unexecuted laws carry no terror to evildoers and no praise to those who do well. Executed laws are the measures of the power and the exercise of the duty of the lawmaker. Therefore, without finding on the statute book this or that impediment in the free exercise of suffrage and the honesty of the ballot box and the count, I am justified in saying that those six States stand to us in reference to their duties and their relations and our duties and our relations to this situation and the law in the predicament that they are nonsuffrage States.

Suffrage is not there predominant. Suffrage is not there measured by law or the Constitution, either of the United States or of the States. They are silent. The laws of the State are as silent before some power or other that paralyzes that execution of their laws as if they did not exist, and our Constitution and our laws are paralyzed by the nonexecution of our own laws. Whatever system of government you have in this region that I have circumscribed, it is not a government by suffrage.

What prevails there? A plan which originated, I think, in the State of Mississippi, and was known, I believe, as the "Mississippi plan," undertook to wrestle with the Constitution of the United States and the laws. It could not change the laws of the United States by encroachment upon the suffrage as declared here without being obnoxious to the Constitution, and therefore void. What then was to be done? The hegemony seems to have been given to Mississippi, and under that hegemony the Mississippi plan spread itself with greater or less severity, but with entire efficacy, as I understand it, through these other States. It was that this matter of the suffrage should be governed by something else than law, and that freedom of the suffrage should be thwarted and controlled by some methods that were not according to law either of the States or of the United States.

There was to be a consensus on the principle of *communis error facit jus*, before which the laws of the State and of the Union were to retire, and calculated, let us hope, with as much clemency as might be and with as little exercise of final force or ostentatious fraud as was necessary; the object aimed at was to be reached against the laws of the States and the laws of the United States. Yet all proceedings of law were to yield to all these proceedings of force and fraud. Thus power was to be gained through this use of the means of force and by the progress of fraud, by its being recognized and felt that these were no longer to be exercised when no longer needed to secure or retain power. Now, that is, in my judgment, a correct construction of the difficulties into which these communities have been brought.

It is said that the supreme safety of the State required it; that the preservation of civilization required it; that the maintenance of the necessary predominance of the education and of the property and of the responsibility of one portion of this community made it absolutely necessary that manhood suffrage should not prevail. I shall not discuss those questions. They do not alter the situation; they do not alter the guaranties of the Constitution of the United States; they do not alter the constitutions of your own States; they do not alter the laws of your own States. Thus the manhood suffrage of the Constitution and the laws was to be displaced by means similar to the institutions so prevalent in Europe hundreds of years ago, when authority was either lax or oppressive, like the institution of the Holy Vehme, which was invented that by its secret conclaves and by its dreaded summoners it might vanquish law and spread terror through all the population. No apparitor of justice ever carried such horror as this summoner of the Holy Vehme. No authority of the open exercise of regular law was ever more fully prevalent than this scheme and administration of the Holy Vehme without and against law. In these nonsuffrage States their Holy Vehme exercises its authority and it has its full play. I have never known that it was denied in a general sense and it is confessed openly by the reasons that were given for its necessity. Thus these nonsuffrage States were placed in the position of secession, not from the Union, but secession from the Constitution; not of nullification of our laws by ordinance, but by absolute prostration of their execution.

Such a condition can never last long. No casuistry, no logic, no passion, can ever defend that relation wherever the power of the United States extends, nor can that community long submit to such a regulation of affairs without and against the laws, the laws of their own States and the laws of the United States.

The phrase may seem harsh, yet in every political view, in every social estimate, this was a condition of "concerted lawbreaking" on the part of the community. Lawbreakers of their own laws, lawbreakers of the United States laws, and breakers and violators of the Constitution. No community can long occupy that position. It may be attempted to be justified in some extremity, it may be prompted by fixed and limited conditions and the expectation that the operation may be kept within that limitation; but it can not. It will spread and spread, and force and fraud, made familiar by the teachings of the leaders of a community, will find better instruction in the unformed mind and fierce passions of the common people. Thus by necessary operation in human affairs there comes to be a disregard, a contempt for peace and justice. From its exercise on this or that field it extends to others, and then great statesmen and benevolent leaders of society, and men who may feel solicitude and distress, find no power in them to resist this widespread, this terrible instruction.

But why do I need to reply upon this general reasoning? I have expected a demonstration that that condition could not last long nor be suffered nor tolerated by any community. I do not speak of the white men of the South as any different from the white men of the North. I never have drawn such distinctions. I do not draw them now. I am willing to say that if we really wish to appreciate how these divided races stand in this uncertain condition we might look at it as in our communities, as it has often been suggested on that side of the Chamber it should be viewed.

Why do I need to rely upon these general reflections on human nature? I said I was drawing no distinction; I make no personal imputations upon any portion of the region that I have described of the white people, nor do I draw any distinction between what might or would be done if this distress were to come upon the communities of the North. Let us take the State of Mississippi, where, as I understand it (and the Senator from that State sitting near me will correct me if I am wrong), there are about three-fifths of the population black and two-fifths only white.

Mr. WALTHALL. I am not sure that the disproportion is quite so great as that.

Mr. EVARTS. That is near enough for my purpose, as I suppose. Now, let us transfer that relation between the races to the State of New York, where there are 6,000,000 of population. That would give 3,600,000 to the blacks and 2,400,000 to the whites. Let us look at the State of Vermont, which has some 350,000 inhabitants. The same proportion would give 210,000 blacks and 140,000 whites. Now, things great or small, that are seen by the eye, make more impression, as the moralist says, than those that are heard by the ear. I do not know whether one might think that human nature in whites and blacks would not be pretty much the same in the different portions of this country. There are some qualities in the Southern population that might ameliorate the feelings between the two races. There are other circumstances at the North that might tend to exasperate them.

But that is not the question. The question is how, in the presence

of the fact and in the presence of their being a portion of the United States and of the Constitution and laws of the United States and the laws of these States, these communities would deal with them. I can not perceive how in any such change of the relations the Northern people, with habits and rearing different from the habits and rearing of the Southern people, might deal with this burning question. If you are to assume that the white people as well as the blacks in this transfer of the scene are to have the same training, the same views, you have answered no purpose in drawing a comparison. Before I close I shall endeavor to say, not as a seer or soothsayer, not what would be done, but how something might be done.

But I was saying that I did not need to corroborate my suggestions, that the condition of lawbreaking could not be permanent in any civilized community, and I now ask attention to a very important statement in the Mississippi convention that has lately framed a new constitution. The ferment in that State was exactly how to get out of the condition of lawbreaking and of a prevalence and spreading of force and fraud, and to get out of the difficulty, which I have suggested, of seceding from the Constitution and prostrating the laws of the United States. So the whole State of Mississippi, by its public men, by its suffrage, by its representatives, and by the deliberations and the conclusions of that body, showed that I was right in what existed and in the necessity of escaping from the predicament.

But I do not need here merely to construe the popular movement, or the action in that convention, or the text of that constitution. There was a member of that convention who then and there spoke, and spoke with authority, as to what the condition of things was and what a terrible condition was extending itself further. I refer to Judge Chrisman. The Senators from that State will correct me if I overestimate his importance. He is, I understand, a gentleman of ability, of character, of independence, and of identification with the people, the white people of Mississippi, having served in the Confederate army. He is a judge of one of its courts of superior jurisdiction, a judge for a period of ten years, and now filling a second term; a man living, I believe, in that region of Mississippi where this predominance of black population is as pressing perhaps as almost anywhere. He spoke to that convention in more graphic terms and in more impressive tones than I can use, and to hearers who knew whether he was expressing the truth of the situation of things there.

I beg the attention of Senators on both sides of the Chamber to this important statement.

Judge Chrisman said:

> What was the shadow that hung over us, that darkened our future and alarmed our people? Sir, it is no secret that there has not been a full vote and a fair count in Mississippi since 1875, that we have been preserving the ascendency of the white people by revolutionary methods. In plain words, we have been stuffing ballot boxes, committing perjury, and here and there in the State carrying the elections by fraud and violence until the whole machinery for elections was about to rot down. The public conscience revolted. That which had a beginning in despair at the situation, and which seemed to justify any means for public preservation, was becoming a chronic ulcer upon the body politic and threatened to disintegrate the morals of the people.
>
> Thoughtful men everywhere foresaw that there was disaster somewhere along the line of such a policy as certainly as there is a righteous judgment for nations as well as men. And I say, Mr. President, no man can be in favor of perpetuating the election methods which have prevailed in Mississippi since 1875, who is not a moral idiot, and no statesman believes that a government can be perpetuated by violence and fraud. The dullest intellect must see that it leads to political convulsions of some sort dangerous to life, liberty, and property.
>
> Men of observation and men who read books know that a republican government rests mainly on the virtue and intelligence of the people; and the ballot, a pure and untrammeled ballot, is its main reliance. Shorn of this instrumentality it will surely begin to die. It requires no Solomon to see that the ballot-box-stuffer can not always be relied on to elect the best men to office.

Mr. President, if my analysis of the condition of things in the nonsuffrage States may have seemed harsh or severe or if any phrases I may have used carry more pressure than they should, I appeal to those who know the condition of things in Mississippi, and, knowing that, know what prevails in the surrounding States. I do not say they are all alike; but I say that within the statement of Judge Chrisman there is a prevalent subversion of law, and if it continues you can not confine the ravages of that disease till it will, unchecked, work out complete ruin. When the will of the people of the United States, when the minds of Senators and Representatives, when the great Republican party, when struggling minds in the Democratic party, are feeling the stress of this, who shall be blamed, who shall be questioned, who shall receive any reproach, when, by the regular and sober method of law and the authority of the United States, so far as our elections are concerned for our Representatives in our Government, we try to relieve the present situation and avert future disaster? We wonder that it should be called revolutionary to correct such disturbances and redress such wrongs as are described by Judge Chrisman and are felt throughout Mississippi.

Now, let us see how this State, to which hegemony of the South is awarded, has dealt in its changes of its constitution and law. It is not for me to say, nor do I know that I could bear it out, that the legal propositions and provisions of the constitution of Mississippi are not constitutional under the Constitution of the United States; but what do we see? The progress of tyranny, the subtraction of a great mass of share in the suffrage from the whole people of Mississippi. By the provisions of the Mississippi constitution, which, as it is suggested, will be imitated in other States within the same influences, elections to both houses of the Legislature in that State are to take place only once in four years. All the minor distributions of authority that, by the habit of the American people, all over it, South and North, belong to the local suffrage are withdrawn and reposed in the executive authority of the Government, and thus disuse of suffrage, the first insidious encroachment upon its power, is deliberately accepted as the policy and the wisdom of Mississippi. How would it answer for the Democratic community of Indiana to adopt such a policy? How would elections in that and other States be regarded on such a proposition? In what region of this country could a footing be found for the demand that the suffrage should be withdrawn from the people, and only accorded with such lack or vital force as not to keep the system alive?

Mr. MORGAN. Will the Senator allow me to ask him if the Republican party in this country have not withdrawn the suffrage from both negroes and white people in the District of Columbia in order to preserve order and the value of their property, of which they own large sums in this District?

Mr. EVARTS. When I am discussing any such subject I will consider it. I am discussing the Mississippi constitution now.

Mr. MORGAN. That is a parallel case.

Mr. EVARTS. When I discuss a parallel constitution I will talk about it in the same way. I have not seen any parallel to this. This seems to me destructive of the suffrage. I have never heard of, I have never heard even meditated any such bold ravages as that proposed in this change of the habits of our people in the exercise of the suffrage. What impels it? Who make these laws so abhorrent to our institutions and our interests in regard to the suffrage? Do the white people of Mississippi make these laws? Or do the black people by their presence there compel the white people to abandon all the guaranties of the suffrage accorded to the whites? People must understand that the governing power in every community, as in the natural body, is controlled and measured by the weakest part. Whatever the robust and strong might do but for the feeble element in the body politic or the natural body, it must refrain and shape itself to this weakening element. It is the weakest part that lays down the law for the rest. However stout the limbs, however clear the eye, however bold the conception of mind and the courage of heart, if there be a weakness that prostrates the energies, all these count for nothing and the physician and the sick room regulate the life. That is your condition. The blacks rule you; not you the blacks. You are practicing now on white men what white men in no other portion of the country would endure for one moment.

But, Mr. President, I have not done with the Mississippi constitution. There are, I understand, seventy-five counties in the State, having, I believe, one hundred and thirty-two representatives in the popular branch of its legislature. For this distribution there is in this constitution this contrivance——

Mr. WALTHALL. Before the Senator passes from the point he has been discussing as to the suffrage clause of the constitution of Mississippi, I should like to ask him if he finds anything in that clause inconsistent with the Constitution of the United States.

Mr. EVARTS. I have already said that I am discussing its effects on your own institutions; that it attacks the suffrage of the whites.

Mr. WALTHALL. Then I will ask the Senator, conceding that the State had the power to adopt that provision in its constitution, the Senator having already referred to the fact that there was a very large preponderance of negroes in the State, would he deny or begrudge to the people of that State the right to protect themselves against negro rule in that lawful manner.

Mr. EVARTS. I have not said anything against it.

Mr. WALTHALL. No; but I ask the Senator the question.

Mr. EVARTS. I am only stating that it attacks the suffrage of the whites. That is the proposition I am now engaged upon.

Mr. WALTHALL. I knew what the Senator was engaged upon; but I should like to ask him if he would deny the right of Mississippi to adopt such a constitution, if the State had the power under the constitution of the United States, to protect its people in that mode against negro rule.

Mr. EVARTS. In the State?

Mr. WALTHALL. In the State.

Mr. EVARTS. That is an area that I have no occasion to trespass upon. I am talking about the constitution.

Mr. WALTHALL. Then the Senator declines to give me his opinion?

Mr. EVARTS. I am not declining. I am only stating my argument.

Mr. WALTHALL. I observed that the Senator did not answer. I was trying to attract the Senator's attention to that matter.

Mr. EVARTS. I do not propose, until I dispose of the area I am now engaged in, to go to and refer to that.

The State is, for the purpose of representation in its lower house, separated into three divisions, having forty-four representatives, as I understand it, to each of these circumscribed portions of that State, and then, in the constitution of that house—and this I understand to be

the effect of the operation—from two of these circumscriptions of not less than forty-four members each, making eighty-eight members, the population in the two circumscriptions together is but 150,000 more than half the population of the State. The other circumscription having only forty-four representatives contains a population of but 150,000 less than half of the population of the whole State. Thus by a firm division in that constitution the inequality of suffrage is forever established. Am I wrong about that?

Mr. WALTHALL. I will ask the Senator if he denies that the State of Mississippi has the power to make that sort of apportionment, even though it may be arbitrary.

Mr. EVARTS. That is not what I asked the Senator. I asked if I was right in the fact.

Mr. WALTHALL. I am not prepared to state accurately whether the Senator's figures are correct or not.

Mr. EVARTS. Are they substantially correct?

Mr. WALTHALL. My idea is that there has been something of an arbitrary apportionment provided for by that constitution. Now I wish to ask the Senator, if he will allow me——

Mr. EVARTS. Certainly.

Mr. WALTHALL. I ask whether he denies that the State of Mississippi has the right to make that sort of apportionment if she sees proper so to do.

Mr. EVARTS. Within its own legislation?

Mr. WALTHALL. Yes, sir.

Mr. EVARTS. I will answer. Is that all the Senator's question?

Mr. WALTHALL. I may have to ask another question if the Senator will allow me. I wish first to have the Senator's answer to the other question.

Mr. EVARTS. Mr. President, we have the fact——

Mr. WALTHALL. I asked the Senator with reference to the question of power, not as to the wisdom of its exercise. That, perhaps, concerns the people of the State of Mississippi a little more than it does the people of the State of New York.

Mr. EVARTS. I understand it perfectly, and I am going to answer. If the Senator will examine the figures he will find that I am quite accurate, and have not taken them upon anything but an examination of the census returns.

The Senator asks me whether a State has the right under our Constitution to make that distribution of power of which I have spoken, in its nature, if not in its figures. Well, Mr. President, I do not know that it impinges any provisions of the Constitution of the United States or of our laws, and I have not looked at it or spoken of it for a moment in reference to that. The way in which this apportionment is based is not according to its numbers; it is not according to the suffrage in the least; it is purely arbitrary; but I am unable to say that it impinges the Constitution of the United States in any other wise than as it, with other considerations, may sometimes be brought into review on a broader scale of examination and of peremptory decision, whether it is contrary to the nature of the republican institutions that we recognize as prevailing in the population of this whole country.

Mr. WALTHALL. May I ask the Senator another question?

Mr. EVARTS. Certainly.

Mr. WALTHALL. Have you no arbitrary apportionment in the State of New York?

Mr. EVARTS. Well, what of it?

Mr. WALTHALL. I ask the question.

Mr. EVARTS. I do not think we have any.

Mr. WALTHALL. No arbitrary apportionment?

Mr. EVARTS. No arbitrary apportionment.

Mr. WALTHALL. Is the Senator familiar with the apportionment of the State of Connecticut?

Mr. EVARTS. I am familiar with it.

Mr. WALTHALL. Is not the apportionment in that State much more arbitrary than is the apportionment in Mississippi?

Mr. EVARTS. What it is we all know.

Mr. WALTHALL. I understand.

Mr. EVARTS. It is a question of construction. I do not wish to discuss anything at this time about Connecticut.

Mr. WALTHALL. Is not the apportionment there much more arbitrary than the apportionment in Mississippi?

Mr. EVARTS. It is not arbitrary as between different sections of the State. It is uniform throughout the State, whatever it is. It is founded on the town representation in one branch of the Legislature and numerical representation in the other.

Mr. WALTHALL. I understand the effect to be just the opposite, as admitted, I think, by the Senator from Connecticut [Mr. HAWLEY] in a colloquy with my colleague [Mr. GEORGE] a few days ago.

Mr. EVARTS. There is numerical representation in the senate of Connecticut, and in the house it is town representation. The same provision, I imagine, prevails in Vermont. It is a part of the old system of town representation. But there is no discrimination between different sections of the State nor arbitrary arrangements between portions of the population as distributed in different parts of the State. Whether or not you like the town representation is a debate into which I can not at all enter, nor is it profitable. It has been found to work well where it exists.

Mr. WALTHALL. I do not think I got the sense of the answer to the question I asked the Senator as to the power of Mississippi. I asked as to the power of Mississippi to make the apportionment which has been referred to.

Mr. EVARTS. I answered expressly and at some length that I knew of no point in which it impinged the Federal Constitution—that is what I am speaking about—unless it comes in aggregation with other measures introduced into the vital question of whether, in a given state of things, it shall be held that republican institutions have been broken down.

Mr. WALTHALL. Will the Senator permit one more question?

Mr. EVARTS. Certainly.

Mr. WALTHALL. Assuming that the State had the power to make that arbitrary apportionment, would the Senator by the passage of a Federal law, if a Federal law could have that effect, prevent the people of Mississippi from protecting themselves against negro rule by that or any other lawful mode?

Mr. EVARTS. When you put in "lawful mode" that is another matter. We are talking about this mode; that may be another matter.

Mr. WALTHALL. By this mode?

Mr. EVARTS. By this mode. I do not see that it could, and I have not said one word on the subject of these changes of your constitution and this fermentation in your community about the Federal Constitution or the regulation of the Federal suffrage. I speak about the destruction of your own institutions.

Mr. WALTHALL. Will the Senator allow me to ask him another question?

Mr. EVARTS. Certainly.

Mr. WALTHALL. Does the Senator think that through the bill under consideration, which he is now discussing, or by any other act that can be passed by the Congress of the United States, he can remedy the condition of things in Mississippi of which he is complaining?

Mr. EVARTS. Only by good example.

Mr. WALTHALL. I understand the Senator, then, to say that the bill now before Congress and no other bill that Congress can pass can have that effect?

Mr. EVARTS. I have not said "no other bill."

Mr. WALTHALL. Can this bill work that effect?

Mr. EVARTS. I have just answered.

Mr. WALTHALL. That it can not?

Mr. EVARTS. I said by good example, and that is what you dread.

Mr. WALTHALL. I ask the Senator with reference to the effect of the proposed law which he is now discussing. So far as the propriety or the wisdom of the constitution of Mississippi is concerned, I think that is a question which does not concern the people of New York any more than irregularities and inequalities in political matters in the State of New York concern the people of Mississippi. If we have the power to do it, we certainly have the right to exercise it; and the Senator does not dispute that we have the power to do it.

Mr. EVARTS. I do not know. You have the right to do all things that can be done lawfully.

Mr. WALTHALL. As against the Congress of the United States?

Mr. EVARTS. I have expressly excluded that. The whole area I am talking about is the influence on your own institutions, which I judge of in the same way that Judge Chrisman judges.

Mr. WALTHALL. Then the Senator's argument is intended, I suppose, to be a lecture.

Mr. EVARTS. The Senator is at liberty to use every phrase of compliment or disparagement that he may think beseems him.

I have a table in my hand exhibiting the population of certain States under the Eleventh Census, having no object of showing any distribution of voting as between the different classes of the population of any of the States, but the aggregate vote.

The question of suffrage is a very grave question all over this country. It is a prodigious transaction to choose a President, with four hundred millions of receipts and disbursements a year, with the immense interests in society, in commerce, in sentiment, in feeling, with the suffrage of 12,000,000 of voters. It is a stupendous transaction, and the more vast is the structure, the more need that its foundations shall be searched to the bottom because of the vastness of it; but in our single city of New York the suffrage amounts to nearly 300,000 votes. In great elections in our State the suffrage has risen as high as 1,300,000 votes.

We have made up our mind in New York, without distinction of party, that sober and peaceful and regular elections are in the interest of the State and of the people. No man in our great State wants the institution to be jostled or derided or weakened, and whenever and wherever, either by popular invective or by casual and temporary interests, a complaint is made of this or that, nobody ventures beyond the line of demanding peace and opportunity of voting, freedom in its exercise, and sincerity in the count. You may have other views, you may find them here or there or wherever else, but in our State it is a real and a sober question when the suffrage in a city amounts to 300,000 votes, and in

the State to 1,300,000. We mean to keep our laws and we mean to keep our officers, and we mean to respect the officers of the United States, and we mean to welcome everything that can steady, everything that can search, everything that can uplift and dignify suffrage. So, in our borders we are not troubled with any of these questions.

I have prepared a table to show these relations in the State of New York, in the group of six New England States, and in the group of what I have ventured to describe as the nonsuffrage States. I am referring to the last Congressional election in 1890 as certified by the secretaries of state of the States incorporated in the table and the census of 1890 for the materials. The table referred to is as follow:

Table exhibiting the population of certain States under the Eleventh Census, the entire vote cast in them in the Congressional election of 1890, the proportion of population to vote cast, and the average number of votes cast for Representatives in these States.

States.	Population under the Eleventh Census.	Total Congressional vote in 1890.	Average of population to the vote cast.	Number of Representatives.	Average number of votes cast for each Representative.
New York	5,997,853	994,568	6.0	34	29,253
Maine	661,086	112,679	5.8	4	28,169
New Hampshire	376,530	85,133	4.4	2	42,566
Vermont	332,422	52,837	6.2	2	26,408
Massachusetts	2,238,943	279,770	8.0	12	23,314
Rhode Island	345,506	37,247	9.2	2	18,623
Connecticut	746,258	135,872	5.4	4	33,968
Totals	4,700,745	703,538	6.6	26	27,059
South Carolina	1,151,149	73,522	15.6	7	10,503
Georgia	1,837,353	101,851	18.0	10	10,185
Florida	391,422	44,415	8.8	2	22,207
Alabama	1,513,017	118,231	12.7	8	14,778
Mississippi	1,289,600	59,971	21.5	7	8,553
Louisiana	1,118,587	74,255	14.8	6	12,375
Totals	7,301,128	472,245	15.4	40	11,806

It will be observed that there are in the State of New York a mere trifle less than 6,000,000 people, a great autonomy, a State which is as much as any other entitled to lead in seeing that suffrage is protected at home and is a good example abroad. The population being 5,997,853, our vote, although under the embarrassment of a novel and peculiar method of exercising the suffrage—I am speaking of no other consideration—amounted to but few votes short of 1,000,000. I have stated that in great elections the vote is as high as 1,300,000. It will be seen, therefore, that on this large scale of estimate and of distribution this vote is one-sixth; that is, in the proportion of 1 to 6 in population. I believe I am right in saying that in every corner of this State, running through the great cities, at the points which we all recognize as great cities of the country, and throughout every village and every hamlet, there has not been a complaint that any man was driven or affected in regard to his vote or in the count.

Is not that an agreeable situation? It is agreeable to the citizens of that State. Is it not agreeable to the people of the United States? Is it not agreeable to them that no violent and wicked perversion of the suffrage, in all these great opportunities for it, in these masses of population, endangers the predominance in the vote of the whole country, when their votes need to be assembled with ours, in being borne down by violence or fraud? Do you not delight in that? How long should we have peace in the farthest corner of this land if New York could by force or fraud determine the election by a local vote in the great cities, and thus of the State, and thus of the electoral colleges, so that by brute force and violence the suffrage of the United States would be strangled and put to an open shame by being throttled in these local frauds and this bloody strife?

I implore Senators on either side of the Chamber not to speak or feel lightly about the interests or the integrity of the suffrage and the protection of the voters.

We have 34 Representatives from the State of New York in the other House. There are 29,253 votes on an average for every Congressman.

Go to the New England States, and they have a population collectively of about four millions and three quarters, and they have, I believe, an average of six and six-tenths voters to population. They have 26 Representatives, and the average number of votes cast for each Representative in New England at the late election, which I imagine all over the country was perhaps on a somewhat reduced scale of voting, was 27,059 for each Representative.

In the nonsuffrage States, as I have described them—and I shall speak of them not for reiteration, but merely for description—there are, I think, about seven millions and a quarter of population, and they have collectively forty representatives in our Congress. The average number of votes for them is between eleven and twelve thousand. I should say that I have taken the Congressional vote equally in all the States to which I have referred at the last election, and the ratio, I think, is 15.4 between the population and the vote; that is, the proportion of population to vote cast is 15.4 to 1.

Mr. President, we can not look at these two portions of the country and fail to see that the suffrage is a vital and prevalent force in those communities of which I have given you the illustrations of New England and New York, and that in the other States, the Gulf States and South Carolina, it is a dead suffrage, and it has no meaning at all. It carries no responsibility on the part of those chosen except to such influences as have stifled and reduced the vote. Divisions among the people never come into play; the competitions between public men have no touch with those who are to support them, and, above all, that essential and I should say almost supreme influence of the suffrage does not exist—the keeping the peace and educating the people—because the last vote, with all others eliminated, is appealed to by either party and by every public man, and those thus set aside pass entirely out of the scheme of suffrage thus reduced.

Is it strange, then, that a wide observation and even a reasonable inspection of the principles of civilized society and of instructed and developed mankind, such as occupies this country of ours, should feel that if government rests upon suffrage the foundations should be sure and strong? They should rest on the consent of the people from day to day and from time to time in the aggregation of their votes. That ought to be felt by candidates individually and by parties collectively, and no part of the country can long remain watchful and zealous in protecting the suffrage while another portion of the country presents nothing but a desiccated suffrage, without life or circulation in it.

When, therefore, upon this survey we come to these conclusions, is it strange that at last the stage may be reached in which it is said that remissness and inattention on the part of the rest of the country should be no longer maintained?

I have heard it said that the time is not propitious, that time helps, that time heals. Yes, time heals; for no community will long maintain agitation and conflict. But the question is whether, when the body politic is thus healed from active mischiefs, there is not burrowing under it worse and greater influences.

People say that this is not the time. The time, Mr. President, for every Senator, is the time when he has authority in the matter. The time for every party is when it has authority. It is not open to a Senator nor to a party to deal unjustly or to break and injure more than it attempts to cure; but whatever may be in the nature of things an evil that, under the Constitution, the duty of a great party, or an individual Senator, requires to be dealt with, then it is in the end of peace, of equality, of justice. Then we may say, as Richelieu said:

* * * For Justice,
All place a temple, and all season summer!

I will admit if we pass over the question of the constitutionality of this proposed law, which has been sufficiently discussed and about which people may rightfully exercise freedom of opinion, the Senator from Mississippi [Mr. WALTHALL], who has done me the honor to ask me some questions, was right in saying in his speech to the Senate that it was a question of expediency. I should prefer to use a less common designation and call it a question of duty. It is a question not of expediency to-day or to-morrow. It is not a question of commercial or industrial interest. It is a question that touches, if it has any value, the utmost and most permanent interests of peace and justice and security in this country.

I should prefer to use the word "duty," for whenever a clause of the Constitution that has declared that manhood suffrage shall be the rule, and that, in respect to the acceptance of suffrage, if that is departed from, there shall be a diminution of the representation of the State so long as that lasts, then it is the duty of this Government, and it is the duty, as I should say, alike of both parties, but, at any rate, it is the duty of the Republican party—if its views of the public situation and the public needs and the public methods which are open to it, under the Constitution and at our service, warrant it—to preserve the integrity of the suffrage and where it is impaired to restore it, and if there is open to us the means of exercising this beneficial rule, then the question is settled that now it is our duty and now it is expedient.

But it is said, "What about prosperity and peace and trade?" I mean peace outside of this question of suffrage. Well, Mr. President, Northern communities are not likely to be oblivious to the question of peace and trade, but they do not live to trade. They trade to live and to promote whatever makes up manly conduct and duty. Trade and economy are only that their lives may be supported and made strong in the community, so that whatever justice and duty may require may be performed by them.

Mr. President, I have already transcended the limit that I had fixed as the possible occupation of time that I might ask from the indulgence of the Senate. I think, however, I should say a word about what might be done in other communities and, if in other communities, might be done in these.

In the first place, I think it should be accepted that the Constitution and the laws of the United States are to be respected and that they are to be actively and obediently respected by every portion of the population in these as in all other portions of the country; that

that should be the teaching of public men; that that should be the teachings at the hustings; that that should be the instruction in the courts; and that the juries of indictment and of trial should bring their aid to obedience to law, and that thus all the machinery of government should bear upon that question of enforcing your own State laws as touching this matter of the suffrage. I will not limit it to Federal representation; I mean to all.

You exercise the suffrage within your State. You should adopt administrative measures that may curb this or that excess and danger in the wide distribution of the suffrage in the subjects to which it was applied, and it should be fairly and properly considered, but you should give a wide space for the Constitution of the United States, to see that the suffrage for Representatives in Congress is, under your laws, respected and applied; and if you should find that the infection of this concurrent example was too invigorating for your own local institutions, if you should be so advised as to your local suffrages, then you should separate your local institutions in their suffrage from the day and the manner in which the suffrage for Congressmen is determined.

In whatever you find that belongs to your own institutions as distinguishable from your share in the great and common interests of this Government and of these institutions, you should be discreet and wise; and if mistakes are made and any injuries intervene, then their correction is one which the rest of the country have no occasion to observe or to criticise, but rather to give spontaneously every support and every encouragement to the proper solution of that problem.

I may be supposed to trench upon political divisions, I mean divisions between parties, when I suggest that, if you do not want a division between blacks and whites in your communities upon Federal questions, you should take care not to make your politics turn on that question alone; and in the aggregation and the principles of party you should not hold out to these imperfect and undisciplined natures the wide breach you are making all the time between that portion of the country and that sentiment of the country which once sought to destroy the Union and that which preserved it. This breach divides the Union no longer on the memories of the past and no longer upon the discrepancies of feeling relating to anything but the actual politics that belong to the present time.

You should avoid those political issues and methods likely in the presence of all these feebler intellects and feebler moralities, if you please, to deepen and emphasize the lines that you draw in politics here between those who accomplished the preservation of the Union and the expurgation of slavery, and those against whom the Union was preserved and slavery eradicated—these are the resorts of wise communities if they do not wish to divide by color or by memories or by repugnancies that should die out.

Talk upon the tariff, talk upon temperance, talk upon developments, talk upon prosperity, talk upon these great subjects that engross, and rightfully so, much of the interest of the people of this whole country. Divide on these questions, for you need not fear that when there are no longer the deep furrows of discrimination aggregating the Democratic party on the old lines of the sections your kindred of the colored race will be any less under your influences, both in persuasion and in instruction, than under the influences of the distant white men in other parts of the country.

Mr. President, perhaps I have not helped the situation at all; but these are my views. The whole line of my political life has drawn no distinctions between those who live in one part of the country and those who live in another, nor in my duty to the Constitution of the United States, whether or not the instances and the occasions were repugnant to the feelings or the passions or the interests of the communities in which I lived. Always acknowledging the obligations of party ties and party duties as the only mode in which free institutions are carried on in a representative government, I have nevertheless always thought that in the area of citizenship and opinion a party was not responsible for this or that instance of encroachment on rights or on duties until it was bound by some general judgment of the people of the country.

Mr. President, a word for myself. I have had the honor to be mentioned, and I believe generally with compliment, for the position that I took in 1875, while a private citizen in the city of New York, upon an instance inviting earnest attention in disapproval of the act of a distinguished officer in the military service entering a house of legislation in Louisiana and taking certain members there seated out of it. By carelessness or worse, it is supposed, because I raised my voice against that military encroachment on the independence of legislation, that it is inconsistent for me to support measures of law to prevail in this or that part of the country in curbing excesses or in invigorating virtue in the suffrage.

I never fear any allusion to any occasions on which I may have expressed myself, however they may have passed out of my mind, for I have always been guided, I think, by some discretion, at least by some sense of responsibility, in every attitude I have taken affecting the serious interests, political or other, of the community in which I live or of the whole country. I am ready now, as I was then, to say that I believe my voice was properly and usefully raised at that mass meeting in Cooper Hall against any such encroachment by military force upon the constitution of a legislative body, and that in any circumstances that I can imagine, except of flagrant war, such action by military officers is wholly indefensible.

But, Mr. President, that had nothing to do with the question of the "force bill," as it was called then, in the House of Representatives or in the Senate, which it ultimately reached. There is no connection between the matters. Whether the invigoration of the proposed law was too severe, whether it was inexpedient, whether it would do mischief and not good, were topics that were not before me. I had nothing to do with them, but with an overt act of military force. Concerning that I could judge as by itself, and I so condemned it.

But, Mr. President, although my speech upon that occasion is preserved only in the form of a report of a stenographer for the press who did me the favor to take down my words, and though I have never read a word of the speech until within the last three weeks, when it was alluded to, and the Senator from Nevada [Mr. STEWART] referred me to the issue of the Tribune where it could be found, I ask your attention to one passage of that speech which I think is much more pertinent to the situation before this Senate than that of the incursion of soldiery into a legislative body.

The speech was delivered at the mass meeting held in Cooper Institute, January 11, 1875, and reported in the New York Tribune on the next morning, and the portion of it to which I ask attention reads as follows:

> Now, gentlemen, I have detained you too long. [Cries of "Go on!"] There are other troubles at the South in respect of which and their suppression the Federal Government is marked by extraordinary power. By a late act of 1871, whenever any combination or conspiracy exists against the State laws and the United States laws, to the effect of suppressing one of the rights, privileges, or immunities of the United States, and the constituted authorities are either unable to protect, or, for any reason, fail in or refuse the protection, then it is lawful for the President of the United States to use the military, the Army and Navy, to maintain these violated rights.
>
> If, when the election of Louisiana was held, there were organized bands, combinations, and conspiracies, which intimidated the poorer voters, which intimidated the black voters in the State of Louisiana, then was the time for the President of the United States to interfere and suppress those violent combinations and conspiracies that trampled upon the rights of suffrage, though in the meanest voter. I hope it won't be long before the city of New York, without distinction of party, will respond with the same voice and energy as tonight against any combinations or conspiracies that are framed with the purpose of intimidating the voters of such State in the exercise of their suffrage.

Mr. President, you will see there the distinction between the support of law and the methods of law, as against methods not of law; and that I did not omit to present to that great meeting, held without distinction of party, the view that the time to attend to corrections in elections was when elections occurred. I ventured to express the hope that, when this violence took place in elections, meetings like that, without distinction of party, might be held to express their condemnation of such infractions of the principles and justice of elections.

I am sorry to say that, with all the applause that has been given to this public meeting, without distinction of party, in support of the security of Legislatures against troops, I have not seen an instance of a public meeting at which public orators, having faith and credit with their communities, denounced these violent and bloody raids on the ballot box or these ineffable infamies of fraud upon the ignorant and the feeble colored men in those communities where they occurred. I should like to hear of somebody that I could applaud for having spoken in Mississippi or in South Carolina to meetings, without distinction of party, at the time and at the moment that the flagrant outrages were being performed, to curb and redress and punish them. Ah, Mr. President, that is a severe and sad, but nevertheless an inexorable maxim: *Judex damnatur cum nocens absolvitur*.

Do then the communities where these outrages go unpunished and unpunishable complain that we accuse them of being the judges that absolve these guilty men? Nay, they applaud them, they vote for them, they place them in authority by no warrant except their services in these transactions. I speak of the lower stratum of patronage and office-seeking in those neighborhoods. Now, this is the truth. Why do not the proud people of the South denounce, at least, the infamies of fraud? Why do not the lovers of the Constitution and the lovers of the country and the lovers of their brethren at the North make examples of these violent actors in these savage outrages? Every ratification is equivalent to a mandate; the fact that they remain quiet and do not denounce these infamies is equal to a mandate to commit them. Do not these violent men regard this acceptance and quiet as a ratification equal to a mandate? and are they who pursue the mandate to expect to see justice visited upon those who bring in the fruits, or rather to reap the benefits of this execution of these behests?

How long would the black population fear these individual and personal intimidations if the community was not behind them? How much would they fear them if these bold violators were subject to the general law and hanged or imprisoned for their part in that infamous work? Then the colored people would see that it was an individual or personal outrage, and these actors would no longer put themselves in this service, if they were to receive the fate that belongs to them. When, therefore, we are told that we are accusing communities, while we are open to the same accusation at home, we answer that whenever it is shown that in reference to the suffrage there is an organized force

or organized fraud and that a community does not rebel against that and punish the perpetrators, make better laws, give better judges, better administration of laws, then we shall be open to the accusation. But New York State is not open to that accusation.

Mr. President, what is the measure before us? Now that we have got through a somewhat distasteful survey of the situation of the country and a cursory inspection of the suffrage and of the motives and methods that should attend upon its exercise, and should be ready to agree that whatever is wise and whatever is useful in redress of the mischiefs should be accomplished by law, what is to be said of the measure now before the Senate and the country? It relates entirely to the election of Representatives in Congress. It is our body. It is the body of the people of the United States. It is not any longer a situation in which the Representatives are delegates from the States. That belonged to the Continental Congress and the old Confederacy. Yet it comes to this, as claimed by the opponents of the measure under a somewhat rash, as I think, proposition of law, that these Representatives are State officers and State delegates, and that we have accepted not only the administration of the voting suffrage, but we have accepted the States as the masters and the authors and the superintending power over these Representatives.

Did you ever hear, even in the most extreme theory of instruction, that any State ever undertook to instruct a Representative in Congress how he should vote? I have never understood that such a thing has been undertaken. What would be the use of one candidate carrying the Republican election in one district, and five, six, seven, eight, nine, or ten other districts in the State all going the other way if the State were to direct the action of the Representative of the single district? Would the Republican be instructed to vote on the Democratic side of the House? Is that the relation?

Mr. REAGAN. If the Senator will allow me, he is aware of the fact that Senators are instructed by the State Legislatures because the Legislature is the constituent of the Senator. A Representative may be requested, but he can not be instructed, because the Representative is the representative of a local constituency, and not of the State.

Mr. EVARTS. That is exactly what I have said. I have not mentioned the Senators, because I do not need to talk of them. I do not believe any way very much in the principle of instructing Senators after they get here. I shall not talk about them. The Senator agrees with me perfectly that the Representative is not the representative of a State, but of the constituency that elects him.

Mr. REAGAN. I was led to make the remark because the Senator was speaking of the Legislature of a State not instructing a Representative. I inferred that he was forgetting that a Legislature had no authority to instruct a Representative, but it was the local constituency which he represented that had that right.

Mr. EVARTS. I was urging that they had not any right. That was my proposition, that they had no such right, and that nobody had been wild enough or ignorant enough to suppose they had the right. We do not need to treat the subject in any narrow view such as I have been considering. When this Government was founded it was intended to be a union, and as we now think, perhaps all of us, a nation.

In regard to the fundamental and operative powers of the Government, especially when all the will and power is reposed in the two Houses of Congress, as the Constitution does deposit that power, the question was, how shall we fill by election these bodies? As we all know, the arrangement of the Senate was exceptional and does not stand upon numbers or upon local constituencies. The greatest States, my own State of New York, for instance, is overpowered by the six New England States, although the population is but something like three-quarters of our population, to say nothing of the small States. That is all settled.

Then they came to the question, how shall it be—when the concession had been made between the great States and the small States for this body, all having equal representation by statehood and not by manhood suffrage or population—how shall it be as to the other branch? The House was to be a popular body filled by the votes of the people of the United States. The distribution was to be numerical, wholly numerical. We do not need to be captious about there being an arrangement at the outset that each State should have one Representative. The basis was numerical, and the circumscriptions of constituency were of citizens of the United States living in the State, and nothing else.

Then we look to the question of suffrage. What shall we say about that? They looked at the actual suffrage as prevailing in the different States with such disparities as might have manifested themselves, always leaving out of view the noncivic population of the slave States. They were to be represented and counted for representation, but not to vote. That we understand. That settles that. There were property qualifications here or there; there was this or that arrangement in different States. The people very wisely said in that great constituent assembly that framed the Constitution, "What is suffrage for the popular branch of the States is suffrage enough for the popular branch of Congress," and it was so provided. But that has nothing to do with the State prescribing suffrage; the United States adopted their suffrage and was satisfied with that regulation.

Then the question came up, how about elections of Representatives? How shall they be conducted? It was said that the States may carry them on with the rest of their elective affairs. They were not rich States, any of them. They had not vast populations. They had not any discordant elements, because the noncivic situation of the blacks removed that from the arena. There was nothing in the matter for the nonce making it inadvisable, and so the States were allowed to regulate the conduct of the elections. We, the United States, by this simply prescribed what was our suffrage, to wit, the same that the States had prescribed for theirs.

Whatever authority is given to the State in regard to the conduct of elections is given in the words of section 4, Article I, of the Constitution, "The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of chusing Senators." "The State may fix the times, places, and manner of holding elections for Representatives." That is all we have given to the States. What the words "times, places, and manner" mean as regulations in the first clause of the provision, they mean also in the next member of the same sentence, as "such regulations." But we say now, leaving out the word "alter" for the moment, that the Congress of the United States may fix the times, places, and manner of holding such elections. Whatever then was conferred in the first member of the sentence was taken to the United States under the words "such regulations" in the second member of the sentence.

How, then, can the words "times, places, and manner," when exercised by a State, mean one thing, and when the United States exercises it under the definitive phrase "such regulations," that is, "times, places, and manner of holding elections," be held to mean something else? Is then, this positive, unrestricted right of making regulations as to the times, places, and manner of holding elections for Representatives taken from the Congress of the United States because we have also said the United States may be satisfied with what it pleases in the system of the State elections, so long as it is satisfactory? Without question, as I suppose, we have exercised the power of alteration by providing that there shall be elections in districts, and that they shall be by ballot. Is not that what we have provided?

Mr. GRAY. Yes, sir.

Mr. EVARTS. Very well. Now we come to this point. We do not alter your methods of elections at all. We simply watch to see how your agents execute our laws, your laws made ours by our accepting them as our laws for the time being. We do not alter your regulations; but having seen this decay of the suffrage, having only half the people vote, having these violences and these frauds openly avowed, unpunished and unreproved, when any community of our voters, our United States voters, living in any neighborhood, think that they would like to have some observation and some record of what occurs at these elections, we do say, "Very well, you shall have them."

Then we carry through this efficacious law. It is not meant to be nugatory nor ending in generalities. It touches every man who is open to the objection of not having a right to vote, rejecting his vote, and keeping a record of it. That, it is claimed, we have no right to do. So we carry it through the familiar processes by which a regulation of an election is to proceed, and step by step be brought up to certification. Yet, Mr. President we are told that these methods of watching elections are revolutionary and are contrary to the first principles of freedom and the national instincts of liberty.

As displaying that the views I have expressed are those heretofore entertained and acted upon without question, even by those who, it might have been supposed, would reach a different conclusion, I here present in parallel columns the pertinent sections of the Constitution of the United States and the constitution of the so-called Confederate States:

CONSTITUTION OF THE UNITED STATES OF AMERICA.	CONSTITUTION OF THE CONFEDERATE STATES OF AMERICA.
ARTICLE I.	ARTICLE I.
SEC. 2. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.	SEC. 2. The house of representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall *be citizens of the Confederate States* and have the qualifications requisite for electors of the most numerous branch of the State legislature; *but no person of foreign birth, not a citizen of the Confederate States, shall be allowed to vote for any officer, civil or political, State or Federal.*
No person shall be a Representative who shall not have attained, etc.	No person shall be a representative who shall not have attained, etc.
SEC. 4. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators, etc.	SEC. 4. The times, places, and manner of holding elections for senators and representatives shall be prescribed in each State by the legislature thereof, *subject to the provisions of this constitution*; but the congress may at any time by law make or alter such regulations except as to the *times and* places of choosing senators, etc.

There you will see that whatever changes have been made have been to make it plain that in these elections accorded to the States in their

management every elector is an elector of the Confederate States and not otherwise, and that whatever is accorded, in the primary conduct of the election for representative, to the States is subject to those paramount obligations to the Confederate States. They speak for themselves.

Mr. President, let me call the attention of the Senate to one of the regulations in, I believe, now a good Democratic State, and that is New York, so far as its ostensible presentation in the Legislature and in the executive is concerned, to show what we think of finding out whether a false name is on the registry. For the first time in reference to elections in the State at large we, a year ago, adopted a registry, to go all over the State, at every polling place. Now, see what we thought in New York of what was consistent with public liberty to allow an exploration of the registry. It is provided in that law that—

> Every person dwelling in any building in a city shall truly answer all questions asked by any elector of the city intermediate the first meeting of the board of registry therein for any election and the close of such election, relating to the residence and qualifications as a voter of all persons dwelling in such building, and of all persons who appear upon the list or register of voters made by such board as residing at such building, and any person who shall willfully violate any provision of this section shall be guilty of a misdemeanor.

We did not think it was inconsistent with the suffrage and liberty to allow by authority of law every elector to inquire into any residence from which a name was put on the registry, and made it a misdemeanor to be punished by law when any person thus accosted and thus inquired of refused to answer. Yet the Senator from Delaware [Mr. GRAY] has thought otherwise, as manifested by him in an incident where a marshal or a deputy supervisor, or whatever he might have been in authority, and with his badge of authority, asked questions of this character and in this pursuit at the house from which a registration was made in the name of one Heinrich, and when upon the refusal of Heinrich to answer the inquiry on the first application of the lawful agent the interrogation was repeated in the name of the law, the answer of Heinrich was, "I will knock your brains out if you do not leave my house," the Senator from Delaware [Mr. GRAY] thought this response and spirit of Heinrich worthy of great commendation, if we may judge from his expression, "Good for Heinrich!"

Mr. President, this is not a matter of jest. If you are going to purge the registry, purge it by some means that are appropriate and timely. We have at any rate authorized by law every elector to ask at every house from which a name appears whether the man lives there and is a voter.

Mr. CULLOM. When was the law passed?

Mr. EVARTS. It was passed at the last session of the Legislature, last year. That was the first time the registry was extended over the whole State.

Mr. FRYE. Was that act signed by Governor Hill?

Mr. EVARTS. I imagine that it was signed by Governor Hill. At any rate, it is law. I have no doubt it was signed by him.

That is our law. If we are crushed by it we do not know it. If anybody should say to an elector who went to a house in any city or village or hamlet and asked who lives there and who were they, and should be answered, "I will knock your brains out if you don't leave," this elector in our free State of New York would see that bold defender of free suffrage put behind the grates and bars of a prison. We mean these things. When our people see the law is behind them they obey it.

But, Mr. President, a good deal has been said of the house-to-house canvass, which was in the bill as it came from the House of Representatives and which the Committee on Privileges and Elections struck out. We had, however, a corresponding provision in the State of New York, but applicable only to the city of New York. When we had occasion to frame a bill here that was to cover the rural populations, North and South, we felt that it was quite unnecessary and was quite capable of some perversion, or at least of imputation against the officers engaged, and we struck it out.

Now, in order that we may see what, according to the principles of liberty and of the right of inquiry, is regarded as suitable in our great cities in New York State by the Legislature of that State in the election laws applicable only to those great cities, I will read section 1879 of the act passed in 1882 regulating elections in the city and county of New York, as follows:

> SEC. 1879. Any inspector of election, poll clerk, or other officer of elections, or any challenger appointed in compliance with the provisions of this chapter, or any person designated as provided in this chapter to be present at the canvass of any ballot, shall at any time between the Tuesday five weeks preceding the day of any general or local election held in the city or county of New York and ten days after the first official promulgation by the board of county canvassers of the canvass, declaration, and certificate of the result of any such election, have full power and authority to make a thorough and effective canvass of the election district in and for which he has been or was designated to serve and act, upon any day of registration, revision of registration, or election, and to make full inquiry respecting any and every male resident of any dwelling, building, or other place of abode in any such election district, his age, term of residence, and qualification as a voter, but the power and authority by this section conferred upon any inspector of election, poll clerk, or other officer of election, or any challenger or person designated to watch the canvass of ballots, shall wholly cease upon his resignation or removal from the office or position to which he was appointed or for which he was designated.

That is what we think of obtaining a good registry and a peaceful election and an honest count in our great cities, and we got it and we mean to keep it, and we keep it by efficacious means, by efficient agents, and by law behind it. How long would the integrity and peace of our suffrage in the great city of New York be maintained if the efficacious means and efficient agents and the power of law behind them were not provided? So you must accuse these vast Democratic communities of Brooklyn and New York—for they are so by immense preponderance put together and separately as well—as submissive to principles at variance with the rights of men and the privileges of electors.

No, Mr. President, although I will not dwell a moment upon the personal invectives against our supervisor, Mr. Davenport, the reason of these invectives has been because he was efficient and because he repressed in mass and in detail Democratic frauds, as he now represses in mass and in detail all frauds by any party in reference to our elections. When, therefore, the motive and the measure of the invectives against a public servant are weighed and probed we can see how much we value these vituperations. They do not touch this bill. They have nothing to do with it. If Mr. Davenport knew more about fraud and violence than other men, it was wise for us to find from him the methods of efficacious restraint and correction.

The trouble is not about the methods of this bill as repressive of the suffrage, but that they do control fraud and violence. The only criterion by which the details of every portion of our process in this bill in watching and reporting and certifying are to be judged, the only way by which to test them and the bill as a whole, is whether or not the details are improper and whether they are shown to be substantially correspondent with the methods adopted in the States that are interested in good suffrage, and even in the States of the South in general.

Your objections, therefore, are really that the supervisor is a Federal appointee, and that flows from your objection to the United States inspecting and valuing your elections and your returns. The Senator from Indiana [Mr. TURPIE], who addressed us first on this bill at this session, had a very accurate view of what under our arrangement the elections in any State or in the United States meant, that it is the process not merely of depositing the vote, but of carrying it up through all the steps of canvass and final certification.

That is the sound doctrine. That is the doctrine we applied to the Montana case. We were not much assisted in that doctrine by Senators on the other side at that time. That was the doctrine in the Electoral Commission of the great judges and great Senators and great Representatives in Congress who sat there. That was the doctrine which I there maintained, and successfully. It is the doctrine of the Constitution and the election laws of the United States now, that the last act of the election, including the certification, if it is an act in the election, is to control.

Away, then, with the suggestions that a Clerk of a House of Representatives can be guided by certification coming from State authority, and when that certification is questioned and inconsistency appears the Clerk can not be guided and controlled by the certification of the United States supervisor of the elections. Somebody must guide him, and Congress and the House of Representatives determine freely the right.

Then we have a great deal of wise criticism upon the courts and about the appointing power. If they concede that the United States should regulate and observe and report and certify, what is the objection to the method of appointment? Would they rather have them appointed by executive power, by the President, or would they prefer that apparatus should be provided that would be under the inspection and control of the court? If it is unconstitutional, that is one thing.

I am now talking about the methods and then about the provision that final canvass may be promptly and cheaply carried into the judiciary and there determined. Every lawyer on both sides knows the practice in all the States shows that you can go to a court for a mandamus; and I suppose that if the Committee on Privileges and Elections had chosen to say that any aggrieved party might apply to the circuit court and ask for a mandamus and then an answer should be made, and then upon the facts thus disclosed the court should determine, there would have been no trouble about its being judicial. Can it be said in sensible circles of jurisprudence that we can not regulate summary and expeditious methods of certiorari instead of mandamus and pleadings and issues, etc.? That is the end of all that criticism.

Now, Mr. President, there is not one provision in this bill that if found in a State bill regulating a State election would not be found to be wise and just and useful; and it all comes back to the question of the United States undertaking to steady the steps of officers sworn to support this Constitution in the conduct of the election according to their suffrage.

Now, for the argument of a hundred years. Mr. President, let us draw a line in this hundred years. You would suppose that if we were to be tried and measured by our dealing with the suffrage through the hundred years we should find the condition of the suffrage and the condition of our population remaining the same, increased in numbers, increased in wealth, but of uniform opinions and uniform interests about the suffrage.

Let us cut off thirty years from the hundred, and go back to 1860. Then there was an experience of seventy years, and then the black population, being noncivic in every sense, did not form a marplot or a difficulty, a danger or a duty, about elections. But by the transactions which consolidated the Union on its firmest foundation, the Constitution was changed; the situation of suffrage took them into the United States wholly and made them citizens of the United States, all purposes of duty and obligations to the Federal sovereignty, and citizens of the State only as citizens of the United States living in a State, and then the suffrage was given to the emancipated slaves.

People would now like to recall the action of this Government in this matter and to ignore these methods in elections which encourage that result. They would like to take back the suffrage in the fifteenth amendment and leave it to the regulation of the fourteenth amendment, so that the States could reduce their representation and suppress the suffrage of the blacks. Very well. Have these political philosophers, these wise observers of human affairs, thought what would happen when three-fifths of the civic population of any one of our States would be civic population in every respect except suffrage? Do they think what would happen to a community embosomed in this great Republic of ours without manhood suffrage and the equality of race?

Are they willing to trust white men to make laws for blacks when the blacks do not participate in the suffrage? Are they sure that the laws of equality in the courts and equality in all the conditions of social independence and of the rights of trade and industry are safe in a body that makes laws for those who have no voice in it? Is there any experience of human nature that teaches that? Is France our wisdom for the laws made by the prelates and the nobles for the mass of the population? Did they know how such a community finds its final vent when it is thus repressed? Do you think that in a State side by side with our sister States it is safe to have a great mass of population civic in everything else watched over by the Constitution in all their civic rights except suffrage?

No, Mr. President, perilous and deep as are the problems before us, let no one imagine that that hasty course or this desire of a reversal is to bring about a state of things more palatable to the Southern States. The best that they can do, the best that they can measure, is what has been done. Of course there is always an argument against what has been done, that there might have been advantages which are found not to follow the course that was taken. But, sir, human affairs and their managers are to be conducted in the best way to make the best of any situation, but never imagine that the Constitution of the United States, or the supremacy of that Constitution, or the power of Congress, or the principles and interests of humanity and of justice are to be set back in the hearts and the minds of the great mass of the white people of this country.

Take, then, to yourselves this final proposition. Equality of right by itself will not make peace nor uphold and confirm the Republic. But equality of right, community of interest, and reciprocity of duty are the triple arch that will uphold the structure of civil society and the freedom of every one in it. Work on these lines, work with mistakes, work with misfortunes, work with disappointments, work with justice and patience, but flee, flee as for life, from Doubting Castle kept by the Giant Despair. Then at last, as I began, all the people in this country will pay their homage to law, "the very least as feeling her care and the greatest as not exempted from her power."

Mr. PASCO obtained the floor.

Mr. SPOONER. Does the Senator from Florida desire to proceed with his remarks this evening?

Mr. PASCO. I expected to proceed to-day, but the hour is late and I should prefer to go on to-morrow morning.

Mr. SPOONER. That may be understood.

Mr. PASCO. I understand that the Senator from Massachusetts [Mr. HOAR] desires to move to adjourn, or I shall yield the floor if the pending measure is to be temporarily laid aside.

Mr. SPOONER. I wish to present a privileged report; but I yield to the Senator from Massachusetts.

Mr. HOAR. I desire to give notice that after the Senator from Wisconsin [Mr. SPOONER] has brought to the attention of the Senate what he desires I shall move to adjourn until 12 o'clock to-morrow, and that to-morrow I shall ask the Senate to remain in session until this bill is finished.

Mr. SAWYER. I ask the Senator to submit that motion now, as I shall desire a brief executive session.

Mr. HOAR. I move that when the Senate adjourn to-day it be to meet at 12 o'clock to-morrow.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2427) to provide for the purchase of a site and the erection of a public building thereon at St. Albans, in the State of Vermont.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 154) for the erection of a public building at Pueblo, Colo., agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. KERR, of Iowa, Mr. QUACKENBUSH, and Mr. ABBOTT managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 11098) for the relief of Lorenzo F. Coffin, late captain Thirty-second Regiment of Iowa Volunteers, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. OSBORNE, Mr. WILLIAMS, of Ohio, and Mr. SPINOLA managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 4559) to provide for the construction of a public building at Rockford, Ill., agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MILLIKEN, Mr. POST, and Mr. DIBBLE managers at the conference on the part of the House.

The message further announced that the House insisted upon its amendment to the bill (S. 4585) granting a pension to Mary B. Hascall, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LAWS, Mr. BELKNAP, and Mr. LANE managers at the conference on the part of the House.

PUBLIC BUILDING AT PORTLAND, OREGON.

Mr. SPOONER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 77) to provide for the construction of a public building at Portland, Oregon, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the words "United States courts" and "post office," in line 6, shall be stricken out.

That the House recede from its amendment in line 10, and in lieu of the part proposed to be stricken out, strike out all after the word "dollars," in line 10, to the end of the bill, and insert:

"Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

"Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

"If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

"The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed $6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

"No money shall be used for the purpose mentioned until a valid title to the site for said building shall be vested in the United States, nor until the State of Oregon shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

"The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys."

JOHN C. SPOONER,
G. G. VEST,
Managers on the part of the Senate.
S. L. MILLIKEN,
P. S. POST,
Managers on the part of the House.

The report was concurred in.

EXECUTIVE SESSION.

Mr. SAWYER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session, the doors were reopened, and (at 6 o'clock p. m.) the Senate adjourned until to-morrow, Friday, January 16, 1891, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 15th day of January, 1891.

UNITED STATES DISTRICT JUDGE.

Henry H. Swan, of Michigan, to be United States district judge for the eastern district of Michigan, *vice* Henry B. Brown, resigned.

UNITED STATES ATTORNEY.

Robert E. Hannay, of Texas, to be attorney of the United States for the eastern district of Texas, *vice* Joseph H. Wilson, removed. (Now holding the office by appointment under section 793, Revised Statutes.)

JUDGE OF PROBATE.

Alexander C. Bishop, of Utah Territory, to be judge of probate in Weber County, in the Territory of Utah, *vice* R. W. Cross, whose term will expire January 19, 1891.

POSTMASTERS.

Albert Miller, to be postmaster at Dundee, in the county of Kane and State of Illinois; the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1891.

Robert F. Shipley, to be postmaster at Mendota, in the county of La Salle and State of Illinois, in the place of George A. Kellenberger, whose commission expires February 14, 1891.

Milton D. Worrell, to be postmaster at Gibson City, in the county of Ford and State of Illinois, in the place of Michael F. Cunningham, whose commission expired January 13, 1891.

Lucius G. Martin, to be postmaster at Attica, in the county of Fountain and State of Indiana, in the place of George W. McDonald, whose commission expires February 28, 1891.

Amos H. Farwell, to be postmaster at Independence, in the county of Buchanan and State of Iowa, in the place of Lewis W. Goen, removed.

Watson Molyneux, to be postmaster at Hawarden, in the county of Sioux and State of Iowa; the appointment of a postmaster for said office having, by law, become vested in the President from and after January 1, 1891.

Aaron Porter, to be postmaster at Eldora, in the county of Hardin and State of Iowa, in the place of Lucius P. Bowers, whose commission expires February 14, 1891.

Simeon Merrill, to be postmaster at Fairfield, in the county of Somerset and State of Maine, in the place of William J. Bradbury, whose commission expires January 29, 1891.

Samuel N. McNair, to be postmaster at Emmitsburgh, in the county of Frederick and State of Maryland; the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1891.

James C. Tawes, to be postmaster at Crisfield, in the county of Somerset and State of Maryland; the appointment of a postmaster for the said office having, by law, become vested in the President from and after January 1, 1891.

John S. Fay, to be postmaster at Marlborough, in the county of Middlesex and State of Massachusetts, in the place of John S. Fay, whose commission expires February 22, 1891.

James O. Hodges, to be postmaster at Mansfield, in the county of Bristol and State of Massachusetts, in the place of Howard Perkins, whose commission expires February 26, 1891.

Miss Agnes J. Smith, to be postmaster at Stockbridge, in the county of Berkshire and State of Massachusetts, in the place of Miss Agnes J. Smith, whose commission expires February 26, 1891.

Henry P. Waite, to be postmaster at North Easton, in the county of Bristol and State of Massachusetts, in the place of William J. Twohig, whose commission expires February 26, 1891.

Arthur B. Wyman, to be postmaster at Woburn, in the county of Middlesex and State of Massachusetts, in the place of Lawrence Reade, whose commission expires February 22, 1891.

Volney A. Chapin, to be postmaster at St. Johns, in the county of Clinton and State of Michigan, in the place of Joseph M. Frisbie, whose commission expires February 22, 1891.

Josiah C. Gray, to be postmaster at Kalkaska, in the county of Kalkaska and State of Michigan, in the place of Cornelius Cronin, removed.

Gerrit J. Van Duren, to be postmaster at Holland, in the county of Ottawa and State of Michigan, in the place of J. G. Van Putten, whose commission expires February 28, 1891.

Thomas P. Dixon, to be postmaster at St. Charles, in the county of Winona and State of Minnesota, in the place of Hiram W. Hill, whose commission expires February 28, 1891.

Andrew Eaton, to be postmaster at Wells, in the county of Faribault and State of Minnesota; the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1891.

Frank W. Mattoon, to be postmaster at Blue Springs, in the county of Gage and State of Nebraska; the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1891.

William H. Smith, to be postmaster at Indianola, in the county of Red Willow and State of Nebraska, in the place of Elias Peterman, resigned.

Corodon H. Pierce, to be postmaster at Salem, in the county of Washington and State of New York, in the place of Michael Tierney, whose commission expires February 3, 1891.

William Wiles, to be postmaster at Fultonville, in the county of Montgomery and State of New York; the appointment of a postmaster for the said office having, by law, become vested in the President from and after January 1, 1891.

John B. Collins, to be postmaster at Mount Holly, in the county of Burlington and State of New Jersey, in the place of Daniel B. Smith, whose commission expires February 14, 1891.

Royce S. Pierce, to be postmaster at North East, in the county of Erie and State of Pennsylvania, in the place of Lucy M. Horton, resigned.

James L. White, to be postmaster at Wellsborough, in the county of Tioga and State of Pennsylvania, in the place of Louis Doumaux, whose commission expired July 26, 1890.

W. Howard Anderson, to be postmaster at Barnesville, in the county of Belmont and State of Ohio, in the place of John W. Hingeley, whose commission expired January 5, 1891.

Johnson Brown, to be postmaster at Bridgeport, in the county of Belmont and State of Ohio, in the place of John Cook, whose commission expires February 28, 1891.

William H. Gibson, to be postmaster at Tiffin, in the county of Seneca and State of Ohio, in the place of Guilford B. Keppel, whose commission expires February 3, 1891.

William A. Hunt, to be postmaster at St. Clairsville, in the county of Belmont and State of Ohio, in the place of James B. Ryan, whose commission expires February 3, 1891.

Mary S. Mong, to be postmaster at Minerva, in the county of Stark and State of Ohio; the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1891.

Noble F. Dunshee, to be postmaster at Bristol, in the county of Addison and State of Vermont; the appointment of a postmaster for the said office having, by law, become vested in the President from and after January 1, 1891.

Frank M. Pierce, to be postmaster at Brandon, in the county of Rutland and State of Vermont, in the place of Dudley C. Brown, whose commission expires February 26, 1891.

Frank H. Putney, to be postmaster at Waukesha, in the county of Waukesha and State of Wisconsin, in the place of Patrick H. Carney, whose commission expired January 13, 1891.

CONFIRMATIONS.

Executive nominations confirmed by the Senate, January 15, 1891.

POSTMASTERS.

Frank H. Putney, to be postmaster at Waukesha, Wis.

Martin E. Fritz, to be postmaster at Lexington, in the county of Holmes and State of Mississippi.

William A. Churchill, to be postmaster at Lebanon, in the county of Grafton and State of New Hampshire.

Erastus V. Cobleigh, to be postmaster at Lancaster, in the county of Coos and State of New Hampshire.

Luther C. Gage, to be postmaster at Penacook, in the county of Merrimack and State of New Hampshire.

Benjamin Steele, to be postmaster at Irwin, in the county of Westmoreland and State of Pennsylvania.

Henry Howard, to be postmaster at North Clarendon, in the county of Warren and State of Pennsylvania.

William M. McKnight, to be postmaster at Chambersburgh, in the county of Franklin and State of Pennsylvania.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January* 15, 1891.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

APPROVAL OF THE JOURNAL.

The Journal of the proceedings of yesterday was read.

Mr. McMILLIN. Mr. Speaker, I move to amend the Journal.

Yesterday, immediately after the motion made by the gentleman from Maryland [Mr. McCOMAS] to limit debate on the District of Columbia appropriation bill to two hours, I moved to amend by making it six hours, which motion is shown by the RECORD, but the Journal makes no mention of the fact. I move to amend the Journal so it will show my amendment.

The SPEAKER. But the motion not having been entertained by the Chair it could not have been journalized or properly form a part of the Journal.

Mr. McMILLIN. But I move to amend the Journal so as to show that fact. The Journal is in the keeping of the House, and it is a question for the House to determine as to what amendment shall be made to the Journal before its approval.

I move to amend, therefore, by inserting the motion the RECORD shows I made on yesterday.

The SPEAKER. What does the gentleman propose to insert?

Mr. McMILLIN. Just before the recitation of the amendment offered by the gentleman from Iowa [Mr. HENDERSON] I want to amend by inserting the statement that I moved to amend by making the time six hours instead of two hours for debate.

The SPEAKER. But it is not technically a motion until it is entertained by the Chair.

Mr. MCMILLIN. But it is a question for the House, I submit, Mr. Speaker, to determine what amendments shall be made to the Journal.

Now, in corroboration of the facts stated by me on yesterday—and I did not think then that my memory on yesterday was at fault in regard to the matter—the RECORD shows the motion that I submitted just as I have already stated. It shows the correctness of the statement that I made on yesterday, that I had submitted this motion.

Mr. MCKINLEY. What page does the gentleman refer to?

Mr. MCMILLIN. On pages 1336 and 1337 of the RECORD the following proceedings appear:

The committee accordingly rose; and the Speaker having resumed the Chair, Mr. BURROWS reported that the Committee of the Whole House on the state of the Union had had under consideration the District of Columbia appropriation bill (H. R. 12729) and had come to no resolution thereon.

Mr. MCCOMAS. Now, Mr. Speaker——

Mr. WHEELER, of Alabama. Will the gentleman allow me to ask him a question?

Mr. MCCOMAS. I can not yield until this question is determined. I move to limit all general debate upon this pending bill to two hours.

Mr. MCMILLIN. Mr. Speaker, I move to amend by making it six hours.

Mr. HENDERSON, of Iowa. I move to amend by making it one hour and a half.

The SPEAKER. If the gentleman from Tennessee will look at the first two sections of Rule XVI, he will find what constitutes a motion in order to be recorded in the Journal under ordinary circumstances. Of course, the House keeps its own Journal, as the gentleman has said, but in order to have it correctly recorded in the Journal, if he will read the first and second sections of Rule XVI, he will see that the entertaining of the motion by the Chair and its submission to the House is the parliamentary making of the motion. Until that is done it is not a motion properly made to be entered in the Journal, and I am quite sure the gentleman on reflection would not desire to put into the Journal a motion which was not properly a part of it.

Mr. MCMILLIN. But, Mr. Speaker, what is the remedy of the member, if the Speaker declines to entertain the motion which is properly submitted before a motion of another member, which is of no higher privilege, is made?

The SPEAKER. The remedy is, of course, to vote down the previous question, and the Chair would then recognize the gentleman on the other side.

The Chair would like the attention of the gentleman for a moment, because the Chair thinks the gentleman would understand the matter the same way the Chair does, unless the Chair is very much mistaken.

The Chair believes it to be the custom of the House for the member in charge of the bill in the first instance to have the privilege of taking the sense of the House upon propositions submitted in connection with the measure under his control, and when the member in charge of the bill accepts one amendment in preference to another that then the sense of the House should be taken upon that proposition. That was precisely what the Chair was endeavoring to do amid the confusion of the House on yesterday. The gentleman from Tennessee will recollect that there was great confusion prevailing at the time. The Chair was looking at the gentleman from Maryland, because he was in charge of the bill, and the gentleman from Maryland made a motion and yielded to the gentleman from Iowa, as the Chair understood, to submit an amendment, and those were the two motions which the Chair put prior to the previous question.

The gentleman is also aware of the fact that the question of recognition is always a matter for the Chair to determine; and the gentleman from Tennessee will perceive at once that for the orderly conduct of the business of the House there must be some such plan adopted, and it always has been adopted in the House.

The Chair thinks it would be very unfortunate for the orderly transaction of business if any other system were adopted; because that would make it, as far as the precedence of motions is concerned and the question of recognition also, a matter to be determined by the RECORD, making recognitions depend upon whom the Reporters happened to hear first, or whose voice first attracted their attention.

But if the plain system heretofore adopted is adhered to—the system, as the Chair is advised, which has long prevailed in the House—to let the member in charge of the bill have, as far as practicable, its control, and to submit to the House motions for such action as he desires to have taken, then, if the House desires opposite action, by voting down the previous question the Chair is at once enabled to recognise the other side, and that side will then have every legitimate opportunity in the premises.

Mr. MCMILLIN. Mr. Speaker, I think that the error of the Speaker in the matter, with all deference, is with regard to what occurred on the part of the gentleman from Maryland [Mr. MCCOMAS]. I admitted yesterday that if the gentleman from Maryland, when he made his motion, had actually demanded the previous question before I moved to amend, then it would have been in his power to cut me off and prevent my amendment. It would also have been in his power to yield, or withdraw his demand for the previous question, and let in the amendment of the gentleman from Iowa [Mr. HENDERSON]; but nothing of that kind occurred, and there is where the error is.

The SPEAKER. The Chair thinks it did occur.

Mr. MCMILLIN. But, Mr. Speaker, the RECORD shows what occurred. The RECORD does not show that the gentleman from Maryland at any time yielded to the gentleman from Iowa [Mr. HENDERSON]. The RECORD further shows that even before the gentleman from Iowa [Mr. HENDERSON] made his motion I made mine, and that is what I want the Journal to show.

The SPEAKER. The Chair would be very sorry to have these matters of parliamentary proceeding governed by the order in which the Reporters hear or the way in which voices catch their ears.

But the Chair is obliged to act upon these matters as he hears them. The gentleman from Tennessee [Mr. MCMILLIN] has been in the chair often enough to understand the point which the Chair desires to impress upon his mind, and that is, that in the general confusion of matters here the Chair has to depend upon his own ear about it, having in mind the custom of the House, and has to act in accordance with his own judgment upon what he hears. It would be impossible for business to go on in any other way, and the Chair thinks that any action of this sort would only be an embarrassment to any future occupant of the chair, necessarily.

The Chair, in the course which he took yesterday with regard to this matter, was endeavoring to proceed according to the customs of the House as best he could amid the confusion, and having proceeded in that way it seems as if the matter ought to rest there.

Mr. MCMILLIN. Mr. Speaker, I should have let it rest there, for I know the difficulty that always attends the proceedings of the House when there is the confusion there was yesterday afternoon, and I think the Chair will give me credit for exhibiting at no time a factious spirit in these matters; but we have certain rights here, and the only way to maintain them is to assert them and then insist upon them.

Now, I have conceded that it was the right of the gentleman from Maryland [Mr. MCCOMAS] and was in his power, to do the very thing that the Speaker insists was done yesterday; but the gentleman from Maryland did not do it. The RECORD shows that he did not. I thought at the time he had never yielded to the gentleman from Iowa. Gentlemen around me said he never did, and the only claim made by the Chair was that he had seen him yield.

The SPEAKER. Precisely, and the Chair saw the thing; that exactly describes it. The House was in very great confusion.

The gentleman from Maryland [Mr. MCCOMAS] first made a mistaken motion, which was to limit debate, prior to making any motion to go into the Committee of the Whole. He then corrected that, and made a motion that the House go into the Committee of the Whole, and pending that to limit the time, and then, as he stood in his place, the Chair saw him speaking and pointing to the gentleman standing beside him, the gentleman from Iowa [Mr. HENDERSON], who immediately moved the amendment, and thereupon the gentleman from Maryland immediately demanded the previous question.

Mr. MCMILLIN. But, Mr. Speaker, that is not a parliamentary yielding in the way in which it has to be done.

The SPEAKER. The Chair thinks it is.

Mr. MCMILLIN. Because the pantomime of the gentleman should not control the Chair or control his action or recognition.

The SPEAKER. A pantomime; but the gentleman was speaking——

Mr. MCMILLIN. But he never said he yielded to the gentleman from Iowa.

The SPEAKER. The Chair understood him to do so.

Mr. MCMILLIN. Besides all that, Mr. Speaker, I insist on the original proposition, that before ever that occurred I had offered my amendment.

Mr. MCCOMAS. Mr. Speaker——

The SPEAKER. But the gentleman had originally made his motion to amend at a time when the original motion was not in order.

Mr. MCMILLIN. The RECORD bears me out in my statement.

The SPEAKER. The Chair has to act on that as the Chair understood it at the time, that is, has to act upon his understanding of the situation.

Mr. MCCOMAS. Mr. Speaker——

The SPEAKER. The gentleman from Maryland first made a mistaken motion and then the gentleman from Tennessee moved to amend it. Then afterward the gentleman from Maryland made the correct motion, followed up by the other motion. That is the way the Chair understood it at the time and the way the Chair stated the matter.

Mr. MCCOMAS. Mr. Speaker——

Mr. MCMILLIN. I do not want to yield the floor.

Mr. MCCOMAS. I only want to say that I had made the motion that the time be limited, and having made it, when I was going to state my motion in the correct form, that the House resolve itself into the Committee of the Whole, and pending that to move to limit the time to two hours, the gentleman from Iowa asked me to let him move the amendment of one hour and a half, and I put my motion for two hours, and thereupon turned to him and he submitted the amendment for one hour and a half.

Mr. MCMILLIN. You turned to him, and he did it.

Mr. MCCOMAS. Precisely. That is all I want to say.

Mr. MCMILLIN. And the gentleman never opened his mouth to

speak and never yielded; besides all that, at that time the gentleman from Maryland had not demanded the previous question.

Mr. McCOMAS. But I want to say that I had not stated it to the Speaker or announced that I had yielded. The gentleman had asked me to allow him to move an amendment, and after I moved my amendment to yield to him to move an amendment, and at that time I did not turn to the Chair to say that I yielded; but I did, I think, yield to give him an opportunity to move his amendment.

Mr. McMILLIN. I will test the sense of the House on the amendment that I offer, Mr. Speaker, to let the Journal show the amendment I offer, if the Clerk will read that portion of it.

The SPEAKER. If the gentleman from Tennessee will state his motion the Chair will submit it to the House.

Mr. McMILLIN. I will ask the Clerk to read that portion of the Journal.

The SPEAKER. The Chair wishes to make one further statement, and that is that no motion becomes a motion before the House until it has been submitted by the Chair.

Mr. McMILLIN. I will ask the Chair to do for me to-day what he did not do yesterday.

The SPEAKER. The Chair is trying to do so, and if the gentleman will send up his motion the Chair will put it; but no motion is a motion at all until it is submitted to the House.

Mr. McMILLIN. I move to amend the Journal, in order that it may be strictly, literally, and technically correct, by inserting by amendment the following: "Mr. McMILLIN moved to amend by making it six hours," immediately after the motion of the gentleman from Maryland to fix the time at two hours. That is in the language of the RECORD; and I ask that it precede the motion made by the gentleman from Iowa.

The Clerk read as follows:

Amend by adding after the following words: "Mr. McCOMAS moved that general debate on said bill be limited to two hours;"
"Pending which,
"Mr. McMILLIN moved to amend by striking out 'two' and inserting 'six.'"

The SPEAKER. The question is on agreeing to the amendment.

Mr. McMILLIN. I move the amendment and yield to the gentleman from Arkansas, who wishes a few moments.

Mr. ROGERS. Mr. Speaker, I am somewhat anticipated in some observations I want to make this morning on the very interesting disclosure which is now made by the gentleman from Maryland. This parliamentary pantomime is, I suppose, a new evolution in general parliamentary law. I was a little curious to know just precisely what the confines of this pantomime are, and was almost upon the verge of rising to make the inquiry of my friend whether it was confined to facial pantomime, which is ordinarily indulged in only by the presiding officers of great deliberative bodies and comedians low and high, or whether it was also extended to manual pantomime, or whether it was pedal or guttural, or whether it was occasionally by the hand, as in this instance suggests itself; because by the rules of the House, under general parliamentary practice of this body, in order that equality among members can be obtained by all, everybody should know just exactly what the confines of parliamentary law are.

Now, I am deeply grateful at the information learned that this movement was a movement of the hand. But I want to announce now to the Speaker, as well as to the presiding officers in Committee of the Whole House on the state of the Union, that when I get the floor I never indulge in any pantomime by way of yielding, but whenever I get ready to yield I state that fact to the Speaker; and I hope that he will not by any such pretense as this ever take the floor from me until I have yielded it openly and orally, because I am not acquainted with general parliamentary pantomime. Therefore, in order to prevent any future parliamentary embarrassments which might arise, when I hold the floor I will put the Chair in full possession of the fact that I do not yield the floor in that way. I now yield the floor back to the gentleman from Tennessee [Mr. McMILLIN], Mr. Speaker. I do not care to discuss the matter further.

Mr. CANNON. Mr. Speaker, I want to say a word. The gentleman understands that recognition is for the Speaker. All of us understand that members desiring recognition arise in their places and attract the attention of the Speaker and state their motion, and that the Speaker in many instances and all Speakers have declared that "the gentleman is not recognized for that purpose." It has always been held, and always necessarily will have to be held, that the matter of recognition is exclusively with the Speaker when recognition is in order, and that it can only be had when it has been accorded by the Speaker.

Mr. ENLOE. I would like to ask the gentleman from Illinois a question. I would like to inquire of the gentleman whether he thinks it is proper and parliamentary courtesy in the Speaker to recognize a gentleman who is standing on his feet, not addressing the Chair, or who is sitting in his seat without addressing the Chair, and stating that that member made such and such a motion while some other gentleman is upon the floor claiming and insisting upon making a motion which is a proper motion to be made?

Mr. CANNON. That is not at all involved in this question; and no Speaker whoever presided over the deliberations of this House has been or ever will be able to satisfy at one and the same time some score of members who want recognition.

Mr. CLEMENTS. Mr. Speaker, I only desire to say a few words. I do not question the necessity of the Speaker making discriminations of this kind, nor the practice heretofore, where recognition is given to a certain gentleman for a certain purpose; but what I would like to ask my friend from Illinois is whether or not he thinks it is fair play when there is a contention about the time of debate between the two sides of the House, and the gentleman in charge of the bill undoubtedly having the right of recognition to make a motion to limit debate, as the gentleman from Maryland [Mr. McCOMAS] did yesterday, that another gentleman on the same side of the House, and for the same purpose, should be recognized to move to limit the time even to a shorter time than that proposed by the gentleman; and whether it is right in this manner to cut the other side of the House entirely out of any opportunity of having a longer time submitted to the House.

Mr. CANNON. In reply I say that the gentleman who reports the bill has charge of it and the practice is to first recognize him until he can make his motion and move the previous question, and the practice is invariable that the gentleman in charge of the bill can yield for some one to offer an amendment and then move the previous question. And that practice is a wise one, because it enables the party in charge of the bill to test the sense of the House upon ordering the previous question, and there is no hardship involved, because if the majority do not desire to order the previous question at that stage of the proceedings it may vote it down, and then the other motion is in order.

Mr. McMILLIN. Will the gentleman from Georgia [Mr. CLEMENTS] indulge me while I ask the gentleman from Illinois [Mr. CANNON] a question? The gentleman has said that it is customary for the member in charge of the bill to yield for an amendment to his motion to limit debate; but does the gentleman not know that the very making of the motion to limit debate, unless he proceeds and demands the previous question upon it, takes the member making the motion off the floor?

Mr. CANNON. How is that?

Mr. McMILLIN. I say the making of the motion to limit debate is a yielding of the floor by the member in charge of the bill unless he follows it up. He may follow it up, without question, with a motion to demand the previous question, so as to cut off other amendments; but, unless he does that, the making of the motion is a yielding of the floor. And even the demanding of the previous question is a wholly independent motion from that limiting debate.

Mr. CANNON. Oh, well, in this case the gentleman did not yield the floor.

The SPEAKER. The Chair will be glad to have the attention of the House and of the gentleman from Georgia [Mr. CLEMENTS] for a moment. It is essential, in order that a member make a motion which is entitled to go into the Journal or to be put to the House, that he shall first be recognized by the Speaker. A member rising in his place and saying that he makes a motion, without having been recognized by the Speaker, does not really thereby make the motion. He only indicates his desire to make the motion. I think gentlemen, if they reflect a moment, will perceive that that is at the foundation of this whole discussion, and that it is not a question of what a gentleman says when he rises, but a question of his right to recognition and his recognition in fact.

The Chair would also suggest, in reply to the suggestion made by the gentleman from Georgia [Mr. CLEMENTS], that his criticism with regard to the recognition of some one to offer an amendment is not a criticism addressed to the Chair, but is a criticism addressed to the gentleman in charge of the bill. The Chair recognizes the gentleman in charge of the bill to first take the sense of the House with regard to the proposition in just such shape as he desires. Then the House has a perfect right—and it is implied in putting the question, so that I need not say that—to vote down the previous question, and thereupon the matter passes to the other side. Whether it be wise to allow a particular amendment is a question for the gentleman in charge of a bill, and not for the Chair.

And in regard to one other point which has been suggested, namely, that this yielding by the gentleman from Maryland was done by a gesture, or by "pantomime" as the gentleman from Arkansas [Mr. ROGERS] describes it, accompanying the description with some facetious comments—that method of attracting the attention of the Chair and of doing business is so very common in the House that I am surprised that any one should make any question in regard to it.

It is perfectly understood by the House. At the time the Chair supposed that the gentleman from Maryland [Mr. McCOMAS] had made the motion as well by voice as by gesture, and the Chair acted in accordance with parliamentary usage in treating the matter in that way. Now, it seems to me that this discussion will do good in the House, because it will bring us back to the original idea as to the way in which a motion is to be made.

If gentlemen will consult the rules they will perceive that the member is first required to address the Chair, and that then, upon receiving recognition, he makes his motion. In practice a member when he

rises to address the Chair sometimes states what his motion is in order thereby to obtain recognition, but until recognized he has no right to make the motion.

Mr. ENLOE. Mr. Speaker, I understood the Chair, in stating what had actually occurred in reference to this matter yesterday, to say that he supposed from the fact that the gentleman from Maryland [Mr. McCOMAS] made a certain gesture with his hand that he also accompanied it with some vocal utterance.

The SPEAKER. Yes; the Chair saw the gesture of the gentleman from Maryland, and saw that he was also speaking.

Mr. ENLOE. Did the Chair hear the gentleman from Maryland use any words or did he use any words?

The SPEAKER. The Chair thought at the time that he did. The Chair has frankly said to the House that he thought so.

Mr. ENLOE. But now the gentleman from Maryland himself admits that he did not use any language accompanying that gesture which should have led the Chair to rule as it did rule, and therefore the Chair acted on a false assumption and was misled by the gesture of the gentleman from Maryland.

The SPEAKER. No. The Chair thinks the whole transaction is perfectly clear to the House.

Mr. ENLOE. But it seems from the statement of the gentleman from Maryland this morning that he did not use any language yielding the floor.

The SPEAKER. Even if he did not, his action, accompanied by the motion of the gentleman from Iowa [Mr. HENDERSON], would give any presiding officer the idea that that was what was intended, and the presiding officer must act upon what he sees and understands. Now, if any trouble has arisen in this matter, it has arisen from the confusion on the floor, and not from any fault on the part of the Chair.

Mr. ENLOE. I have no doubt in the world that the Chair supposed he was acting upon a correct assumption; but, if the assumption of the Chair was erroneous, then is it not the right of the House to correct the Journal in accordance with the fact?

The SPEAKER. The Chair thinks it is rather too late.

Mr. BLOUNT. I desire to make an inquiry in this matter.

The SPEAKER. The gentleman from Georgia will proceed.

Mr. BLOUNT. I understand the status of the case as stated by the Chair to be that when the two sides of the House were in controversy about the amount of time to be spent in general debate upon this particular bill, the gentleman in charge of the bill having made a motion to limit debate, he could by a right recognized on the part of the Chair, accord to some other gentleman on the majority side of the House an opportunity to offer an amendment and could then demand the previous question; so that the only chance of the minority to get in any motion on that question would be to vote down the majority and get control of the matter. I wish to know whether that is the status of the minority of the House.

The SPEAKER. The Chair did not understand the gentleman was making an inquiry of the Chair, and so was not paying complete attention.

Mr. BLOUNT. I understood the Chair to put this matter of recognition, which we are discussing, in this form: that the gentleman in charge of the bill had the right to make a motion to limit debate in Committee of the Whole and the further right to yield to a gentleman on his own side of the House to make another motion, and then to take the floor and demand the previous question, and by virtue of this process to exclude the minority from the right to submit any proposition at all; that the only way in which the minority could have an opportunity to vote upon their proposition was to vote down the majority of the House and thereby get control of the question. I wish to know whether that is not the logical status of the matter as stated by the Chair.

The SPEAKER. The Chair did not state anything to that effect.

Mr. BLOUNT. I do not understand the Chair to have argued the question; but I think the position of the Chair is correctly stated, in view of the facts to which I will now call attention, namely: The gentleman from Maryland having the floor yielded to a gentleman of his own way of thinking, possibly by an understanding between themselves, and, when that gentleman had submitted a motion, demanded the previous question, thus excluding this side of the House from any right to vote at all upon any proposition we might desire to submit.

I call attention to this question, Mr. Speaker, not with a view of getting into a wrangle, but because I think it a matter of great importance, for I am not forgetful of the fact that by just such methods as this, when we had the silver question up, this side of the House never got a chance to make any motion. I call attention to the matter in the interest, as I think, of the minority on this floor.

Mr. CANNON. Mr. Speaker, I move to lay the motion of the gentleman from Tennessee [Mr. McMILLIN] on the table.

The SPEAKER. The gentleman from Illinois moves to lay on the table the motion of the gentleman from Tennessee.

Mr. DOCKERY. I desire to be heard.

The SPEAKER. This motion is not debatable.

Mr. CANNON. I think the debate has gone far enough.

The SPEAKER (having put the question). The ayes seem to have it.

Mr. McMILLIN. Division.

The question being again taken, there were—ayes 113, noes 89.

Mr. McMILLIN. I call for tellers.

Mr. CANNON. We may as well have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was determined in the affirmative—yeas 129, nays 107, not voting 95; as follows:

YEAS—129.

Adams,	Cooper, Ohio	Laws,	Sherman,
Allen, Mich.	Craig,	Lind,	Simonds,
Anderson, Kans.	Culbertson, Pa.	McComas,	Smith, Ill.
Arnold,	Cutcheon,	McDuffie,	Smith, W. Va.
Atkinson, Pa.	Darlington,	McKenna,	Smyser,
Atkinson, W. Va.	Dingley,	McKinley,	Spooner,
Baker,	Dolliver,	Miles,	Stephenson,
Banks,	Dorsey,	Moffitt,	Stewart, Vt.
Bartine,	Evans,	Moore, N. H.	Stivers,
Bayne,	Farquhar,	Morey,	Stockbridge,
Beckwith,	Finley,	Morrill,	Struble,
Belden,	Flick,	Morse,	Sweet,
Belknap,	Frank,	Mudd,	Sweney,
Bergen,	Funston,	Niedringhaus,	Taylor, E. B.
Bliss,	Gear,	Nute,	Taylor, Ill.
Boothman,	Gest,	O'Donnell,	Taylor, J. D.
Boutelle,	Greenhalge,	O'Neill, Pa.	Taylor, Tenn.
Bowden,	Grosvenor,	Osborne,	Thomas,
Brewer,	Grout,	Owen, Ind.	Thompson,
Brosius,	Hall,	Payne,	Townsend, Colo.
Browne, Va.	Haugen,	Perkins,	Turner, Kans.
Buchanan, N. J.	Henderson, Ill.	Post,	Vandever,
Burrows,	Hermann,	Quackenbush,	Van Schaick,
Burton,	Hill,	Raines,	Waddill,
Butterworth,	Hopkins,	Ray,	Walker,
Caldwell,	Kelley,	Reed, Iowa	Wallace, Mass.
Cannon,	Kennedy,	Reyburn,	Wheeler, Mich.
Carter,	Kerr, Iowa	Rife,	Wilson, Ky.
Caswell,	Ketcham,	Rockwell,	Wilson, Wash.
Cheadle,	Kinsey,	Rowell,	Wright.
Clark, Wis.	Lacey,	Russell,	
Clark, Wyo.	Laidlaw,	Sawyer,	
Cogswell,	Langston,	Scull,	

NAYS—107.

Abbott,	Crisp,	Lee,	Pindar,
Alderson,	Cummings,	Lester, Ga.	Reilly,
Allen, Miss.	Dickerson,	Lester, Va.	Robertson,
Andrew,	Dockery,	Maish,	Rogers,
Barwig,	Dunphy,	Mansur,	Sayers,
Biggs,	Edmunds,	Martin, Ind.	Shively,
Bland,	Ellis,	Martin, Tex.	Skinner,
Blount,	Enloe,	McClellan,	Spinola,
Breckinridge, Ark.	Fitch,	McCreary,	Springer,
Breckinridge, Ky.	Flower,	McMillin,	Stewart, Tex.
Brickner,	Forman,	McRae,	Stone, Ky.
Brookshire,	Forney,	Mills,	Stone, Mo.
Brown, J. B.	Fowler,	Montgomery,	Tarsney,
Brunner,	Geissenhainer,	Moore, Tex.	Tillman,
Buchanan, Va.	Goodnight,	Mutchler,	Tracey,
Bynum,	Hare,	Norton,	Turner, Ga.
Campbell,	Hatch,	Oates,	Vaux,
Candler, Ga.	Hayes, W. I.	O'Neall, Ind.	Washington,
Caruth,	Haynes,	O'Neil, Mass.	Wheeler, Ala.
Catchings,	Hemphill,	Outhwaite,	Whiting,
Chipman,	Henderson, N. C.	Owens, Ohio	Wike,
Clancy,	Herbert,	Parrett,	Willcox,
Clarke, Ala.	Holman,	Paynter,	Williams, Ill.
Clements,	Hooker,	Peel,	Wilson, Mo.
Clunie,	Kilgore,	Penington,	Wilson, W. Va.
Cobb,	Lane,	Perry,	Yoder.
Cooper, Ind.	Lanham,	Pierce,	

NOT VOTING—95.

Anderson, Miss.	Davidson,	Lehlbach,	Rowland,
Bankhead,	De Lano,	Lewis,	Rusk,
Barnes,	Dibble,	Lodge,	Sanford,
Bingham,	Dunnell,	Magner,	Scranton,
Blanchard,	Ewart,	Mason,	Seney,
Boatner,	Featherston,	McAdoo,	Snider,
Brower,	Fithian,	McCarthy,	Stahlnecker,
Browne, T. M.	Flood,	McClammy,	Stewart, Ga.
Buckalew,	Geary,	McCord,	Stockdale,
Bullock,	Gibson,	McCormick,	Stone, Pa.
Bunn,	Gifford,	Miller,	Stump,
Candler, Mass.	Grimes,	Milliken,	Townsend, Pa.
Carlton,	Hansbrough,	Morgan,	Tucker,
Cheatham,	Harmer,	Morrow,	Turner, N. Y.
Coleman.	Hays, E. R.	O'Ferrall,	Wade,
Comstock,	Heard,	Payson,	Wallace, N. Y.
Connell,	Henderson, Iowa	Peters,	Whitelaw,
Cothran,	Hitt,	Phelan,	Whitthorne,
Covert,	Houk,	Pickler,	Wickham,
Cowles,	Kerr, Pa.	Price,	Wiley,
Crain,	Knapp,	Pugsley,	Wilkinson,
Culberson, Tex.	La Follette,	Quinn,	Williams, Ohio
Dalzell,	Lansing,	Randall,	Yardley.
Dargan,	Lawler,	Richardson,	

So the motion to lay on the table was agreed to.

The following pairs were announced:

Until further notice:

Mr. McCORMICK with Mr. FITHIAN.

Mr. COLEMAN with Mr. TURNER, of New York.

Mr. PICKLER with Mr. DARGAN.

Mr. YARDLEY with Mr. STEWART, of Georgia.

Mr. PETERS with Mr. BULLOCK.

Mr. TOWNSEND, of Pennsylvania, with Mr. MORGAN.

Mr. DE LANO with Mr. ROWLAND.

Mr. PUGSLEY with Mr. WHITTHORNE.

Mr. COMSTOCK with Mr. STAHLNECKER.
Mr. MCCORD with Mr. SENEY.
Mr. MILLIKEN with Mr. DIBBLE.
Mr. DALZELL with Mr. PRICE.
Mr. HOUK with Mr. RICHARDSON.
Mr. KNAPP with Mr. WILKINSON.
Mr. GIFFORD with Mr. MCADOO.
Mr. HENDERSON, of Iowa, with Mr. LAWLER.
On this vote:
Mr. WICKHAM with Mr. CARLTON.
Mr. ATKINSON, of West Virginia, with Mr. WHITELAW.
Mr. HARMER with Mr. GRIMES.
Mr. RANDALL with Mr. BARNES.
Mr. SCRANTON with Mr. CULBERSON, of Texas.

Mr. LANHAM. Mr. Speaker, I ask unanimous consent that my colleague, Mr. CULBERSON, be granted leave of absence for to-day, on account of sickness in his family.

There was no objection, and it was so ordered.

Mr. RICHARDSON. I am paired with my colleague, Mr. HOUK, on political questions. As this may be considered a political question, I have withdrawn my vote.

Mr. HOLMAN. My colleague, Mr. JASON B. BROWN, is detained from the House on account of sickness.

The result of the vote was then announced as above recorded.

The SPEAKER. Without objection, the Journal as read will be considered as approved.

There was no objection.

PUBLIC BUILDING AT SIOUX FALLS, S. DAK.

Mr. MILLIKEN. Mr. Speaker, I submit a conference report.

The SPEAKER. The report will be read.

Mr. MCCOMAS. I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering appropriation bills.

The SPEAKER. The gentleman from Maine submits a conference report, which the Clerk will read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1354) to provide for the purchase of a site and the erection of a public building thereon at Sioux Falls, in the State of South Dakota, having met, after a full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House, and agree to the same with an amendment as follows: Strike out the word "two," in line 13, and insert "one," and strike out all after the word "dollars," in line 13, and insert the following:

"Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

"Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

"If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

"The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed $6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

"No money shall be used for the purpose mentioned until a valid title to the site for said building shall be vested in the United States, nor until the State of South Dakota shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

"The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys."

S. L. MILLIKEN,
P. S. POST,
Managers on the part of the House.
JOHN C. SPOONER,
G. G. VEST,
Managers on the part of the Senate.

The statement accompanying the report was read, as follows:

The effect of the report is to make the bill conform throughout to the House amendments, not changing the limit of cost from that fixed by the House.

The report was adopted.

PUBLIC BUILDING AT PORTLAND, OREGON.

Mr. MILLIKEN. I also submit the following conference report:

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill of the Senate No. 77, to provide for the construction of a public building at Portland, Oregon, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the words "United States court and post office" in line 6 shall be stricken out; that the House recede from its amendment in line 10, and in lieu of the part proposed to be stricken out, strike out all after the word "dollars," in line 10, to the end of the bill, and insert——

Mr. MILLIKEN. Mr. Speaker, I ask unanimous consent that the formal part of the report be not read. I will say that it is the same as the other exactly in phraseology.

Mr. BLAND. We had better have it read.

Mr. MILLIKEN. My only object was to save the time of the House. It is exactly the same.

The SPEAKER. The reading is demanded.

The Clerk read as follows:

"Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

"Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

"If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

"The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed $6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

"No money shall be used for the purpose mentioned until a valid title to the site for said building shall be vested in the United States, nor until the State of Oregon shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

"The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys."

S. L. MILLIKEN,
P. S. POST,
Managers on the part of the House.
JOHN C. SPOONER,
G. G. VEST,
Managers on the part of the Senate.

The statement accompanying the report was read, as follows:

The effect of the report is to make the bill conform throughout to the House amendment, not changing the limit of cost from that fixed by the House.

The report was adopted.

PUBLIC BUILDING, MANKATO, MINN.

Mr. MILLIKEN. I also submit a report on Senate bill 1384.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1384) to provide for the purchase of a site and the erection of a public building thereon at Mankato, in the State of Minnesota, having met, after a full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: Strike out the words "one hundred and fifty thousand," in lines 10 and 11, and insert "ninety thousand," and strike out all after the word "dollars," in line 11, to the end of the bill, and insert:

"Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

"Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

"If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

"The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed $6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

"No money shall be used for the purpose mentioned until a valid title to the site for said building shall be vested in the United States, nor until the State of Minnesota shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof,

for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

"The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys."

S. L. MILLIKEN,
P. S. POST,
Managers on the part of the House.
JOHN C. SPOONER,
G. G. VEST,
Managers on the part of the Senate.

The statement submitted by the House conferees was read, as follows:

The effect of the report is to make the bill conform throughout to the House amendment, except that it fixes the limit of cost at $90,000.

Mr. BLAND. I would like some explanation about this bill. Do I understand the amount appropriated by the House was $90,000?

Mr. MILLIKEN. The Senate passed a bill for $150,000. The House committee, as I recollect, cut it down to $50,000, and it passed through the House in that form. The Senate insisted on the former sum and the matter was compromised by making it $90,000, as shown by the report. I will state this fact in connection with the matter, that there are two courts there.

Mr. BLAND. I did not understand the amount of the original House bill. Was it $90,000?

Mr. MILLIKEN. No, the House cut the bill down as reported by the committee to $50,000. It was afterwards compromised by the committee of conference at ninety thousand, the Senate having originally passed it for $150,000. And I will state again, as the gentleman does not seem to have heard me—not through any fault, let me say, of his own, I am sure, for I have quite a cold—that the Federal courts are held there, circuit and district court.

Mr. BLAND. Can the gentleman inform the House how much has been authorized during this session for such buildings?

Mr. MILLIKEN. I can not give the exact figures, but I will state, according to the best of my recollection, that it is a little less than in the last Congress, which was about $10,000,000, more or less. I had the figures the other day, but not now at hand.

Mr. BLAND. But we are not quite through with the business. How many others do you expect to pass?

Mr. MILLIKEN. Well, so far as that is concerned, I will state that I have never had any confidence in myself to predict anything that I have been expecting to pass through the House. I have never had any faith as to anything that would go through here until I got it through and saw the end of it. I have no expectation about it. I do not know that we shall pass another dollar. I do not know what we shall do.

Mr. SPINOLA. I would like to ask——

Mr. BLAND. I did not know but the gentleman could give us some idea as to the bills already pending in conference and the bills between the two Houses.

Mr. MILLIKEN. When I spoke of the amount that has passed I included all the bills pending in conference. I included all the bills that have passed through this House, whether they have been vetoed by the President or signed by the President or are now pending.

Mr. BLAND. Mr. Speaker, I wish to say——

Mr. MILLIKEN. I will repeat again to the gentleman that they amount to a little less than what were passed through the last Congress, and to a little more or a little less than $10,000,000.

Mr. DOCKERY. Mr. Speaker——

Mr. BLAND. I yield to my colleague [Mr. DOCKERY].

Mr. DOCKERY. I desire to suggest to the gentleman from Maine [Mr. MILLIKEN], inasmuch as he has chosen to institute a comparison of the public buildings authorized in this Congress with those of the last Congress, that he should also state that of the authorizations of the last Congress we actually appropriated 80 per cent. of the entire amount, whereas of the authorizations of this Congress only 34 per cent. have been appropriated. It is thus manifest that we are creating liabilities for which no money is being appropriated.

Mr. MILLIKEN. Let me state in that connection, Mr. Speaker, if the gentleman will allow me——

Mr. SPINOLA. Mr. Speaker——

The SPEAKER. Will the House please be in order.

Mr. MILLIKEN (continuing). That in the last Congress there were about $41,000,000 called for by the bills which were introduced and referred to the Committee on Public Buildings and Grounds, and during this Congress there were about $63,000,000 called for by the bills which were introduced and referred to that committee; and out of the $63,000,000 called for the House has passed about the same amount that the last Congress passed of the $41,000,000 that were called for then; so that the percentage of the amount called for is not so much in this Congress by a good deal as it was in the last.

Mr. DOCKERY. But the percentage of the amount appropriated, compared with the amount authorized, is two-thirds less.

Mr. MILLIKEN. I think you are right about that.

Mr. SPINOLA. Mr. Speaker——

Mr. BLAND. I yield five minutes to the gentleman from New York [Mr. SPINOLA].

Mr. SPINOLA. Mr. Speaker, if I understand the statement correctly which has been made by the gentleman from Maine [Mr. MILLIKEN], it is that bills covering some $63,000,000 have been introduced in this present Congress for the erection of public buildings in various parts of the United States, and that this House has up to this time, in conjunction with the Senate, appropriated and made provision for the expenditure of about $10,000,000 in round numbers.

Mr. MILLIKEN. That will be correct, let me say to my friend, if all the bills shall be passed that are now in conference.

Mr. SPINOLA. If all the bills which are now in Congress shall be finally passed there will be $63,000,000.

Mr. MILLIKEN. In conference, I said, not in Congress.

Mr. SPINOLA. I did not understand the gentleman. In all probability, Mr. Speaker, every bill which is in conference, calling for an appropriation for the erection of a public building, will be favorably reported to this House and will undoubtedly be passed. Now just there is where I desire to call the attention of the House to the fact that I have stood here day after day, speaking in the name of the people of the United States, for an insignificant appropriation of $100,000 for the erection of a monument to the memory of 11,500 patriots. [Laughter.]

Mr. MILLIKEN. Will the gentleman allow me?

Mr. SPINOLA. Certainly.

Mr. MILLIKEN. Let me say I hope the gentleman will get an appropriation for that purpose. I have voted for it once, as I will vote for it again.

Mr. SPINOLA. God bless you. [Laughter.] Now, sir, I want to call the attention of the House to the fact that $10,000,000 of the people's money is to be taken from the Treasury of the United States, while this House up to this time has refused to appropriate the insignificant sum of $100,000 for one of the most holy purposes that have ever come before this House for consideration. That is all I have to say on the question, only to remind the members that the time is coming when they will have to vote either for or against that bill, and I am simply paving the way so that every gentleman here will understand it when the time comes.

Mr. CLUNIE. Let me say to the gentleman from New York that I am for the monument.

Mr. SPINOLA. That is good, sir. We are gaining ground rapidly. [Laughter.]

Mr. BLAND. Mr. Speaker, as stated by the gentleman—there is so much confusion that I can not make myself heard——

The SPEAKER. The House will be in order.

Mr. BLAND. The question that my colleague propounded to the gentleman from Maine [Mr. MILLIKEN] has brought out the fact, as I understand it, that in the last Congress we appropriated 80 per cent. of the amounts authorized to be expended for public buildings, and by the present Congress only 30 per cent. has been appropriated. That I suppose is preparing the way for a large deficiency for the next Democratic House to meet.

But appropriations enough have been made, even approximating the amounts covered by the bills, to make the sum of $10,000,000. But, as in the case of the deficiencies in pensions, deficiencies in the naval contract, and various other appropriations, it is intended not to make necessary appropriations in this Congress, in order to enormously swell the appropriations that the Democratic House will be asked to pass. It might be well enough to admonish the gentlemen and those interested in these public-building bills that possibly the next House may not be quite so liberal as gentlemen expect in appropriating money for that purpose.

I call upon the gentlemen of the Committee on Appropriations to provide for these buildings now. That is better economy and more honest in politics and legislation. Besides, it is hardly fair to undertake to unload your vast squanderings of the public money on a Democratic House. You are opening the door here for all sorts of legislation, indefinite appropriations, passing laws authorizing and requiring appropriations of money that you will not make yourselves, so as to saddle it upon a Democratic House.

I protest against it, Mr. Speaker. The people of this country are demanding economy in the expenditures of the Government; but the present Congress has opened wide the doors of the Treasury, has broadened the field of appropriations until, if the next House and the next Congress meet the demands and requirements of your laws, it will swell the appropriations to probably $100,000,000 more than the appropriations of this Congress. I say it is necessary to go slow in passing these bills, unless you intend to appropriate the money to carry them out; for I think the next Congress will cut down, retrench, and reform, and not appropriate a single dollar to carry out your laws, except they be justified by the public service.

Mr. Speaker, this public-building bill is an example of the way in which these bills get in here. The amount is raised by the Senate. It places the sum at $150,000. In order to get the bill through the House it was cut down to $50,000. Great economy is professed; and yet the House is deceived in that way, and the amount originally appropriated by the House by this conference report nearly doubled. I say it is not fair to the House; and the House should insist that this public building should only cost $50,000. It is not fair to the House or the country to swell it to nearly $100,000 or nearly double; and

hence I hope this conference report will not be adopted, but that the conferees will be sent back with definite instructions to insist upon $50,000, and not undertake to bring in a bill here to swell to nearly double the amount that the House originally voted.

Mr. MILLIKEN. Mr. Speaker, I desire to say that I entirely agree with the gentleman from Missouri on one proposition which he makes, which is, that it would be better if Congress would appropriate the entire amount of money necessary to build the public buildings and let them be built at once. But that has not been the custom of the House. The appropriations have been made from time to time as it was thought by Congress they were needed.

Mr. DOCKERY. Will the gentleman allow me a question?

Mr. MILLIKEN. In one moment. And if the gentleman fears, as he seems to do, that this Congress is going in that respect to unload itself on the next Congress he has only to look back to see that the last Congress unloaded itself on this in the same way; and he can go back from Congress to Congress in the past, and find that it has been the custom of one Congress to unload itself upon the other in this same manner, although I have not been in favor of it.

Why, the gentleman can not fail to remember that this side of the House, in the Forty-eighth Congress and in the Forty-ninth Congress, stood up here and declaimed against the appropriations being made too small for the public service and then deficiency bills being brought in afterwards. I take the same position in that respect that the gentleman is taking to-day, and I agree with him that so far as my own personal judgment is concerned if I had it all my own way I would make the whole appropriation in every Congress; but I am but one member of this House. The position of the House upon that subject in this Congress and in past Congresses has been the other way.

Now, one further remark. The gentleman talks about exorbitant appropriations for public buildings. Sixty-three million dollars have been asked for in this Congress, but less than one-sixth of that amount has been appropriated, if even the entire appropriations shall have been made to pay the amount of money which Congress has asked for these public buildings. There are two sides to this question of extravagance in making appropriations for public buildings. The Government of the United States has to have some place to do its work in. The public service requires certain conveniences, and the Government has got to live in its own houses or in hired houses, one or the other; and the question arises, which is for the best interests of the Government? I think I have had occasion to state before in this House that in this city of Washington alone the Government of the United States is paying $125,000 a year in rental, and that rental amounting all the way from 8 to 17 per cent. of the value of the buildings rented.

Now, the question is, what is good economy? There are places where these public buildings are needed for the Government service, where the safety of the Government records and property demands that they should be erected, and where it is better economy for the Government to build its own house and occupy it than it is to occupy somebody else's, some old shabby apartments that are not fitted to the uses for which the Government pays, or to pay such a rental as no man would pay if he had the money to build his own house to do his own business in. I believe that the Committee on Public Buildings and Grounds have acted upon that principle—that the Government should erect public buildings for its own use, just what a prudent man would do, just what a good business man would do if he were the Government, had its bills to pay and had its resources to pay them with, and had its services to perform.

Now, Mr. Speaker, I move the adoption of the report, and move the previous question upon that.

The question was taken on the motion for the previous question, and the Speaker declared that the noes seemed to have it.

Mr. MILLIKEN. I ask for a division.

The House divided; and there were—ayes 66, noes 58.

Mr. BLAND. I demand tellers.

Mr. MILLIKEN. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 129, nays 93, not voting 109; as follows:

YEAS—129.

Adams,	Caldwell,	Flick,	Laidlaw,
Anderson, Kans.	Candler, Mass.	Flood,	Lansing,
Arnold,	Cannon,	Frank,	Laws,
Atkinson, Pa.	Carter,	Funston,	Lehlbach,
Atkinson, W. Va.	Caswell,	Gear,	Lind,
Baker,	Cheatham,	Gest,	Lodge,
Banks,	Clark, Wis.	Greenhalge,	Maish,
Bartine,	Clunie,	Grimes,	Mason,
Bayne,	Cogswell,	Grosvenor,	McClammy,
Beckwith,	Connell,	Grout,	McComas,
Belden,	Cooper, Ohio	Haugen,	McDuffie,
Belknap,	Craig,	Hays, E. R.	McKenna,
Bergen,	Culbertson, Pa.	Haynes,	McKinley,
Bliss,	Cutcheon,	Henderson, Ill.	Miles,
Boothman,	Darlington,	Hermann,	Miller,
Boutelle,	Dingley,	Kelley,	Milliken,
Brewer,	Dolliver,	Kennedy,	Moffitt,
Brosius,	Evans,	Kerr, Iowa	Moore, N. H.
Buchanan, N. J.	Farquhar,	Ketcham,	Morey,
Burrows,	Finley,	Kinsey,	Morse,
Butterworth,	Fitch,	Lacey,	Niedringhaus,
Nute,	Reyburn,	Stewart, Vt.	Townsend, Colo.
O'Donnell,	Rife,	Stivers,	Vandever,
O'Neill, Pa.	Rockwell,	Stockbridge,	Van Schaick,
Osborne,	Rowell,	Stone, Pa.	Waddill,
Payne,	Rusk,	Struble,	Walker,
Perkins,	Scull,	Sweney,	Wallace, Mass.
Post,	Sherman,	Taylor, E. B.	Wheeler, Mich.
Raines,	Smith, Ill.	Taylor, Ill.	Williams, Ohio
Randall,	Smith, W. Va.	Taylor, J. D.	Wright.
Ray,	Smyser,	Taylor, Tenn.	
Reed, Iowa	Spooner,	Thomas,	
Reilly,	Stephenson,	Thompson,	

NAYS—93.

Abbott,	Cooper, Ind.	Lanham,	Richardson,
Alderson,	Covert,	Lee,	Robertson,
Anderson, Miss.	Crisp,	Mansur,	Rogers,
Andrew,	Cummings,	Martin, Ind.	Sayers,
Biggs,	Dickerson,	Martin, Tex.	Shively,
Blanchard,	Dockery,	McClellan,	Springer,
Bland,	Dunphy,	McCreary,	Stockdale,
Blount,	Edmunds,	McMillin,	Stone, Ky.
Breckinridge, Ark.	Ellis,	McRae,	Stone, Mo.
Breckinridge, Ky.	Enloe,	Mills,	Stump,
Brickner,	Flower,	Moore, Tex.	Tarsney,
Brookshire,	Forman,	Mutchler,	Tillman,
Brown, J. B.	Forney,	Norton,	Tracey,
Brunner,	Fowler,	Oates,	Tucker,
Buchanan, Va.	Geissenhainer,	O'Ferrall,	Turner, Ga.
Campbell,	Goodnight,	O'Neall, Ind.	Vaux,
Candler, Ga.	Hare,	Owens, Ohio	Washington,
Caruth,	Hatch,	Parrett,	Wike,
Catchings,	Heard,	Paynter,	Williams, Ill.
Chipman,	Herbert,	Penington,	Wilson, Mo.
Clancy,	Holman,	Perry,	Wilson, W. Va.
Clarke, Ala.	Hooker,	Pierce,	
Clements,	Kilgore,	Pindar,	
Cobb,	Lane,	Quinn,	

NOT VOTING—109.

Allen, Mich.	De Lano,	Lewis,	Simonds,
Allen, Miss.	Dibble,	Magner,	Skinner,
Bankhead,	Dorsey,	McAdoo,	Snider,
Barnes,	Dunnell,	McCarthy,	Spinola,
Barwig,	Ewart,	McCord,	Stahlnecker,
Bingham,	Featherston,	McCormick,	Stewart, Ga.
Boatner,	Fithian,	Montgomery,	Stewart, Tex.
Bowden,	Geary,	Morgan,	Sweet,
Brower,	Gibson,	Morrill,	Townsend, Pa.
Browne, T. M.	Gifford,	Morrow,	Turner, Kans.
Browne, Va.	Hall,	Mudd,	Turner, N. Y.
Buckalew,	Hansbrough,	O'Neil, Mass.	Wade,
Bullock,	Harmer,	Outhwaite,	Wallace, N. Y.
Bunn,	Hayes, W. I.	Owen, Ind.	Wheeler, Ala.
Burton,	Hemphill,	Payson,	Whitelaw,
Bynum,	Henderson, Iowa	Peel,	Whiting,
Carlton,	Henderson, N. C.	Peters,	Whitthorne,
Cheadle,	Hill,	Phelan,	Wickham,
Clark, Wyo.	Hitt,	Pickler,	Wiley,
Coleman,	Hopkins,	Price,	Wilkinson,
Comstock,	Houk,	Pugsley,	Willcox,
Cothran,	Kerr, Pa.	Quackenbush,	Wilson, Ky.
Cowles,	Knapp,	Rowland,	Wilson, Wash.
Crain,	La Follette,	Russell,	Yardley,
Culberson, Tex.	Langston,	Sanford,	Yoder.
Dalzell,	Lawler,	Sawyer,	
Dargan,	Lester, Ga.	Scranton,	
Davidson,	Lester, Va.	Seney,	

So the previous question was ordered.

The following pairs were announced for the rest of this day:

Mr. DORSEY with Mr. WHEELER, of Alabama.

Mr. WILSON, of Kentucky, with Mr. CRAIN.

Mr. BROWNE, of Virginia, with Mr. DAVIDSON.

Mr. WADE with Mr. WHITELAW.

Mr. BAYNE with Mr. STEWART, of Texas.

Mr. BOWDEN with Mr. HENDERSON, of North Carolina.

Mr. HOPKINS with Mr. CULBERSON, of Texas.

Mr. THOMAS M. BROWNE with Mr. BARNES.

The following until further notice:

Mr. EWART with Mr. MAGNER.

Mr. GIFFORD with Mr. BUNN.

Mr. WILSON, of Washington, with Mr. SKINNER.

Mr. BLAND. Mr. Speaker, I think we had better have a recapitulation of the names.

The Clerk recapitulated the names of members voting.

The result of the vote was then announced as above recorded.

The question was then taken on the adoption of the report, and the Speaker declared that the ayes seemed to have it.

Mr. BLAND. I ask for a division.

The House divided; and there were—ayes 77, noes 34.

Mr. CANNON. It is evident that this is done for delay, and we may just as well have the yeas and nays.

Mr. BURROWS. Let us test the question by tellers, and let the demand for the yeas and nays come from the other side.

The SPEAKER. Does the gentleman [Mr. CANNON] demand the yeas and nays?

Mr. CANNON. Certainly.

The yeas and nays were ordered.

The question was taken; and there were—yeas 141, nays 58, not voting 132; as follows:

YEAS—141.

Abbott,	Anderson, Kans.	Atkinson, W. Va.	Bartine,
Adams,	Arnold,	Baker,	Barwig,
Allen, Mich.	Atkinson, Pa.	Banks,	Belden,

Belknap,	Flood,	McKinley,	Stewart, Vt.
Bergen,	Funston,	Miles,	Stivers,
Bliss,	Gear,	Miller,	Stockbridge,
Boothman,	Gest,	Milliken,	Stockdale,
Boutelle,	Greenhalge,	Moffitt,	Stone, Ky.
Brewer,	Grosvenor,	Moore, N.H.	Stone, Pa.
Brosius,	Grout,	Morrill,	Struble,
Buchanan, N. J.	Harmer,	Morse,	Sweet,
Buckalew,	Haugen,	Mudd,	Sweney,
Burrows,	Hays, E. R.	Nute,	Tarsney,
Burton,	Haynes,	O'Donnell,	Taylor, E. B.
Butterworth,	Heard,	Osborne,	Taylor, Ill.
Caldwell,	Hill,	Outhwaite,	Taylor, J. D.
Cannon,	Hitt,	Owens, Ohio	Taylor, Tenn.
Caruth,	Kelley,	Post,	Thompson,
Cheadle,	Kennedy,	Quinn,	Townsend, Colo.
Cheatham,	Kerr, Iowa	Raines,	Tucker,
Clark, Wis.	Ketcham,	Randall,	Turner, Ga.
Clark, Wyo.	Kinsey,	Ray,	Turner, Kans.
Clunie,	La Follette,	Reed, Iowa	Vandever,
Cogswell,	Laidlaw,	Reyburn,	Van Schaick,
Connell,	Langston,	Rife,	Waddill,
Cooper, Ohio	Lanham,	Robertson,	Wallace, Mass.
Culbertson, Pa.	Lansing,	Rockwell,	Washington,
Cummings,	Laws,	Rogers,	Wheeler, Mich.
Darlington,	Lee,	Rowell,	Wike,
Dingley,	Lehlbach,	Scull,	Willcox,
Dorsey,	Lind,	Sherman,	Williams, Ohio
Edmunds,	Lodge,	Smith, Ill.	Wilson, W. Va.
Evans,	Mansur,	Smith, W. Va.	Wright.
Finley,	McComas,	Smyser,	
Fitch,	McDuffie,	Spooner,	
Flick,	McKenna,	Stephenson,	

NAYS—58.

Alderson,	Dunphy,	Kilgore,	Parrett,
Anderson, Miss.	Ellis,	Lacey,	Penington,
Andrew,	Enloe,	Lane,	Pindar,
Bland,	Flower,	Martin, Ind.	Richardson,
Boatner,	Forman,	Martin, Tex.	Sayers,
Brickner,	Forney,	McClammy,	Shively,
Brookshire,	Fowler,	McClellan,	Springer,
Brunner,	Geissenhainer,	McCreary,	Stump,
Campbell,	Goodnight,	McMillin,	Tillman,
Clarke, Ala.	Hare,	Meitae,	Tracey,
Clements,	Hatch,	Mills,	Vaux,
Cooper, Ind.	Hemphill,	Montgomery,	Williams, Ill.
Cothran,	Herbert,	Moore, Tex.	Wilson, Mo.
Covert,	Holman,	Oates,	
Dickerson,	Hooker,	O'Ferrall,	

NOT VOTING—132.

Allen, Miss.	Crain,	Lester, Ga.	Reilly,
Bankhead,	Crisp,	Lester, Va.	Rowland,
Barnes,	Culberson, Tex.	Lewis,	Rusk,
Bayne,	Cutcheon,	Magner,	Russell,
Beckwith,	Dalzell,	Maish,	Sanford,
Biggs,	Dargan,	Mason,	Sawyer,
Bingham,	Davidson,	McAdoo,	Scranton,
Blanchard,	De Lano,	McCarthy,	Seney,
Blount,	Dibble,	McCord,	Simonds,
Bowden,	Dockery,	McCormick,	Skinner,
Breckinridge, Ark.	Dolliver,	Morey,	Snider,
Breckinridge, Ky.	Dunnell,	Morgan,	Spinola,
Brower,	Ewart,	Morrow,	Stahlnecker,
Brown, J. B.	Farquhar,	Mutchler,	Stewart, Ga.
Browne, T. M.	Featherston,	Niedringhaus,	Stewart, Tex.
Browne, Va.	Fithian,	Norton,	Stone, Mo.
Buchanan, Va.	Frank,	O'Neall, Ind.	Thomas,
Bullock,	Geary,	O'Neil, Mass.	Townsend, Pa.
Bunn,	Gibson,	O'Neill, Pa.	Turner, N. Y.
Bynum,	Gifford,	Owen, Ind.	Wade,
Candler, Ga.	Grimes,	Payne,	Walker,
Candler, Mass.	Hall,	Paynter,	Wallace, N. Y.
Carlton,	Hansbrough,	Payson,	Wheeler, Ala.
Carter,	Hayes, W. I.	Peel,	Whitelaw,
Caswell,	Henderson, Ill.	Perkins,	Whiting,
Catchings,	Henderson, Iowa	Perry,	Whitthorne,
Chipman,	Henderson, N. C.	Peters,	Wickham,
Clancy,	Hermann,	Phelan,	Wiley,
Cobb,	Hopkins,	Pickler,	Wilkinson,
Coleman,	Houk,	Pierce,	Wilson, Ky.
Comstock,	Kerr, Pa.	Price,	Wilson, Wash.
Cowles,	Knapp,	Pugsley,	Yardley,
Craig,	Lawler,	Quackenbush,	Yoder.

So the report of the committee of conference was adopted.

The following additional pairs were announced:

For the rest of the day:

Mr. PERKINS with Mr. PEEL.

Mr. RUSSELL with Mr. BUCHANAN, of Virginia.

The result of the vote was announced as above stated.

PUBLIC BUILDING, ST. ALBANS, VT.

Mr. MILLIKEN. I submit another conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 2427) to provide for the purchase of a site and the erection of a public building thereon, at St. Albans, in the State of Vermont, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House and agree to the same with an amendment as follows:

Strike out the word "fifty" in line 10 and insert "sixty."

Also strike out all after the word "dollars," in line 10, to the end of the bill, and insert:

"Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

"Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to said proposed sites.

"If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commissi on of not more than three persons, one of whom shall be an officer of the Treas ury Department, which commission shall also examine the said proposed site s, and such others as the Secretary of the Treasury may designate, and grant su ch hearings in relation thereto as they shall deem necessary; and said commissio n shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

"The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed $6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

"No money shall be used for the purpose mentioned until a valid title to the site for said building shall be vested in the United States, nor until the State of Vermont shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

"The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys."

S. L. MILLIKEN,
P. S. POST,
Managers on the part of the House.
JOHN C. SPOONER,
JUSTIN S. MORRILL,
G. G. VEST,
Managers on the part of the Senate.

The following statement of the House conferees was read:

The effect of the report is that it changes the limit of appropriation from $40,000, to which it was reduced by the House amendment from $75,000, as provided in the Senate bill, and fixes the limit at $60,000.

It further changes the bill so as to make it conform to other House amendments.

The SPEAKER. The question is on the adoption of this report. The gentleman from Maine [Mr. MILLIKEN] has the floor.

Mr. BLAND addressed the Chair.

The SPEAKER. Does the gentleman from Maine yield?

Mr. MILLIKEN. I yield two minutes to the gentleman from Iowa [Mr. KERR].

The SPEAKER. The gentleman from Maine yields to his colleague on the committee, the gentleman from Iowa [Mr. KERR].

Mr. KERR, of Iowa. Mr. Speaker, I think it proper the House should understand something about the situation in regard to public-building bills in this Congress. It is a fact that twice as many bills have been presented to our committee at this session of Congress as in any former session. The bills presented for our consideration at this session involve appropriations amounting to $63,000,000; last session the amount called for by the bills presented was $41,000,000. But the number of bills is almost twice as great at this session as at the last.

Up to the last Congress it had been the rule—almost the uniform rule—to provide simply for the erection of the building, leaving it to the Committee on Appropriations to make the necessary appropriations from time to time as the money was needed. But owing perhaps to the sickness of our late distinguished associate on this floor, Mr. Randall, more bills were passed with appropriations in them during the last Congress than previously. That, however, does not make any difference as to the amount which the Treasury will be compelled to expend. But in regard to the bills passed at the first session of the present Congress, I wish to read from a note made by the clerk of the Committee on Appropriations:

Public buildings authorized in the foregoing acts, other than general appropriation acts, are limited in cost, including limits of cost extended, except as to site for the Washington City post office, which is not definitely fixed, to $5,721,639.54; the whole amount appropriated for said buildings during the session, except for site for Washington City post office, which is indefinite, is $1,400,000, which includes $330,000 appropriated in foregoing special acts.

At the last session of Congress we simply followed in the House the rule which had always prevailed until the last Congress; and in order to demonstrate that in authorizing these expenditures we have not been extravagant I desire to print as part of my remarks a report showing the location of all public buildings authorized by law from the beginning of the Government to the 1st of January of last year——

Mr. BLAND. I hope the gentleman will read it.

Mr. KERR, of Iowa. It is too long to read.

Mr. BLAND. Oh, no. Let me have it; I will read it.

Mr. KERR, of Iowa. I will submit the report and ask to have it printed, and then it can be commented on by other gentlemen.

Mr. ROGERS. May I ask the gentleman a question?

Mr. KERR, of Iowa. Yes, sir.

Mr. ROGERS. Do I understand the gentleman to say that the appropriations made during the present Congress for public buildings have been some $4,000,000 less than those of the preceding Congress?

Mr. MILLIKEN and Mr. KERR, of Iowa. No.

Mr. ROGERS. I mean in the aggregate.

Mr. KERR, of Iowa. I believe we have already provided for more

in this Congress than in the last Congress. I do not know the exact figures.

Mr. ROGERS. I am very sorry to hear that statement, because it diminishes my chance of getting favorable action upon the Hot Springs bill.

Mr. MILLIKEN. The gentleman from Iowa [Mr. KERR] will allow me to say to the gentleman from Arkansas that we have provided for a little less.

Mr. SAYERS. Will the gentleman from Iowa give me his attention for a moment?

Mr. KERR, of Iowa. Yes, sir.

Mr. SAYERS. You say that this Congress has appropriated less for public buildings, do you?

Mr. KERR, of Iowa. Yes, sir.

Mr. SAYERS. How does this Congress compare with the preceding Congress as to the number of buildings and the amount involved?

Mr. KERR, of Iowa. Well, so far as that is concerned——

Mr. SAYERS. Let us have the whole truth.

Mr. KERR, of Iowa. I do not know as to that.

Mr. MILLIKEN. If the gentleman from Iowa will allow me, I will answer the question of the gentleman from Texas. I think we have appropriated less in the amount involved, while I believe there has been a larger number of buildings authorized, although I can not state the fact definitely.

Mr. SAYERS. What I want to know is how the preceding Congress compares with the present Congress, not only as to the number of buildings and the cost of the buildings provided, but also as to the appropriations made. You have appropriated only about 34 per cent. of the entire cost of the buildings provided for, while the last Congress appropriated about 80 per cent.

Mr. MILLIKEN. So far as the appropriations are concerned, I refer the gentleman to the Committee on Appropriations.

Mr. ANDERSON, of Kansas. Of which he is a member.

Mr. MILLIKEN. Because the gentleman will remember that in compliance with the wishes of some members of that committee, and a good many gentlemen on the other side of the House, we consented to allow the appropriating clause in these bills to be stricken out.

Mr. SAYERS. I will tell what you have done. You have involved the country in extraordinary liabilities, in contracts and other expenditures, for which you hesitate to make the appropriation.

Mr. MILLIKEN. Not at all. I replied to that proposition once when made by the gentleman from Missouri [Mr. BLAND], and I do not feel called upon, because the gentleman from Texas repeats it now, to undertake another response.

Mr. SAYERS. Well, it is a good repetition.

Mr. MILLIKEN. I do not feel called upon to answer it again, except to say that Congress in that respect has followed the example—I do not say that it was wise to do so—but the example set by its eminent Democratic predecessors in the last Congress.

Mr. SAYERS. Not at all.

Mr. DOCKERY. Will the gentleman allow me three minutes?

Mr. MILLIKEN. I believe the gentleman from Iowa still has the floor.

Mr. KERR, of Iowa. Now, I wish to say a word in regard to this matter, of a general nature.

The SPEAKER. The time of the gentleman has expired.

Mr. KERR, of Iowa. I ask the gentleman to yield to me for five minutes longer.

Mr. MILLIKEN. Very well; I yield to the gentleman.

Mr. KERR, of Iowa. I wish to say that the House should understand the amount of pressure that has been brought to bear upon the Committee on Public Buildings and Grounds and upon the various members of the House in respect to these matters. I do not think that there has ever been such pressure as was brought to bear for public buildings during this Congress, and it grows out of the fact that bills calling for a very much larger amount than ever before have been introduced on both sides of the House.

I will say further, Mr. Speaker, that against the protest of many members of the committee propositions were circulated, and a gentleman on yesterday got a bill through the House on that side which was obtained by getting the signatures of individual members outside of the committee and afterwards getting the indorsement of the committee itself. Now, I wish to give notice at this time that hereafter I will oppose all such propositions and will resist the passage of such measures in the House. I make this announcement now in order that gentlemen may not accuse me hereafter of being partial in respect to these questions.

But in order that the House may be informed of the appropriations made heretofore and to have a comparison as between what has been done in the past in respect to public buildings and what has been done during this Congress and the last, I ask consent again that this table showing a statement of public buildings appropriated for up to January 1, 1890, be printed.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The statement referred to by Mr. KERR, of Iowa, is as follows:

Statement of public buildings in the United States for which appropriations have been made to January 1, 1890, showing population of cities in 1870 and 1880 and amounts appropriated, or to which the law compels appropriations, for buildings in each city.

Location and buildings.	Population.		Amount appropriated or limit.
	1870.	1880.	
Aberdeen, Miss.: Courthouse, post office, etc		*4,000	$79,060.00
Abingdon, Va.: Courthouse, post office, etc		*4,000	87,000.00
Asheville, N. C.: Post office		*4,000	100,000.00
Astoria, Oregon: Customhouse, etc		*4,000	76,047.85
Birmingham, Ala.: Courthouse and post office		*4,000	300,000.00
Castine, Me.: Customhouse, etc		*4,000	2,550.00
Clarksburgh, W. Va.: Courthouse, post office, etc		*4,000	80,000.00
Dover, Del.: Post office, etc		*4,000	61,927.09
Duluth, Minn.: Courthouse, customhouse, and post office		*4,000	150,000.00
El Paso, Tex.: Customhouse, post office, and courthouse		*4,000	150,000.00
Fort Smith, Ark.: Courthouse and post office		*4,000	115,000.00
United States jail			50,000.00
Greensboro', N. C.: Courthouse, post office, etc.		*4,000	66,500.00
Harrisonburgh, Va.: Courthouse, post office, etc		*4,000	112,500.00
Helena, Ark.: Courthouse and post office		*4,000	75,000.00
Jefferson, Tex.: Courthouse, post office, etc		*4,000	50,000.00
Kalamazoo, Mich.: Post office		*4,000	75,000.00
Kennebunk, Me.: Customhouse, etc		*4,000	1,375.00
Machias, Me.: Customhouse, etc		*4,000	23,766.91
Monroe, La.: Courthouse and post office		*4,000	75,000.00
Montpelier, Vt.: Post office, courthouse, etc		*4,000	160,000.00
Opelousas, La.: Courthouse and post office		*4,000	50,000.00
Oxford, Mass.: Courthouse, post office, etc		*4,000	67,142.86
Port Townsend, Wash.: Customhouse, post office, etc		*4,000	240,000.00
St. Augustine, Fla.: Courthouse and post office		*4,000	14,513.43
Statesville, N. C.: Courthouse and post office		*4,000	75,00.000
Tallahassee, Fla.: Courthouse and post office		*4,000	75,000.00
Texarkana, Ark. and Tex.: Courthouse and post office		*4,000	100,000.00
Tyler, Tex.: Courthouse, post office, etc		*4,000	50,000.00
Waldoboro', Me.: Customhouse, etc		*4,000	24,324.68
Windsor, Vt.: Courthouse and post office		*4,000	76,047.32
Wiscasset, Me.: Customhouse, etc		*4,000	32,257.25
Eastport, Me.: Customhouse and post office	3,736	4,006	108,000.00
Nebraska City, Nebr.: Courthouse, post office, etc	6,050	4,183	111,000.00
Charleston, W. Va.: Post office, courthouse, etc	3,162	4,192	142,853.30
Carson City, Nev.: Courthouse, post office, etc		4,229	136,000.00
Barnstable, Mass.: Customhouse, etc	4,793	4,242	33,723.74
Marquette, Mich.: Courthouse, post office, etc	4,000	4,690	100,000.00
Wichita, Kans.: Post office, courthouse, etc		4,911	200,000.00
Brownsville, Tex.: Courthouse, customhouse, etc	4,905	4,938	50,000.00
Huntsville, Ala.: Courthouse, post office, etc	4,907	4,977	100,000.00
Ellsworth, Me.: Customhouse, etc	5,257	5,052	23,397.32
Jackson, Miss.: Courthouse and post office	4,234	5,204	115,000.00
Plattsburgh, N. Y.: Customhouse, etc	5,139	5,245	71,425.17
Jefferson City, Mo.: Courthouse, post office, etc	4,420	5,271	153,549.45
Belfast, Me.: Customhouse, etc	5,278	5,308	51,580.98
Fort Scott, Kans.: Courthouse and post office	4,174	5,372	110,000.00
Jackson, Tenn.: Courthouse, post office, etc	4,119	5,377	68,000.00
Bristol, R. I.: Customhouse and post office	5,302	6,028	27,890.01
Greenville, S. C.: Courthouse and post office	2,757	6,160	100,000.00
Owensboro', Ky.: Post office, etc	3,437	6,231	50,000.00
New Berne, N. C.: Post office, courthouse and customhouse	5,849	6,443	75,000.00
Galena, Ill.: Customhouse, etc	7,019	6,451	77,917.66
Springfield, Mo.: Courthouse and post office	5,555	6,522	100,000.00
Parkersburgh, W. Va.: Courthouse and post office	5,546	6,582	243,000.00
Santa Fé, N. Mex.: Courthouse, etc	4,687	6,638	64,148.00
Fort Worth, Tex.: Post office		6,663	75,000.00
Pensacola, Fla.: Courthouse, post office, etc	3,347	6,845	207,000.00
Middletown, Conn.: Customhouse, etc	6,923	6,826	20,950.00
Frankfort, Ky.: Courthouse, post office, etc	5,396	6,958	136,117.18
Charlotte, N. C.: Courthouse, post office, etc	4,473	7,094	85,000.00
Waco, Tex.: Courthouse, post office, etc	3,008	7,295	108,873.88
Danville, Va.: Courthouse, post office, etc	3,463	7,526	112,300.00
Rockland, Me.: Customhouse, etc	7,074	7,599	144,828.11
Jacksonville, Fla.: Post office, customhouse, etc	6,912	7,650	150,000.00
Bath, Me.: Customhouse, etc	7,371	7,874	102,688.28
Shreveport, La.: Post office, courthouse, etc	4,607	8,009	109,500.00
Paducah, Ky.: Post office, courthouse, etc	6,866	8,036	134,218.63
Augusta, Me.: Post office, courthouse, etc	7,808	8,665	197,000.00
Port Huron, Mich.: Customhouse, etc	5,973	8,883	245,953.34
Ottumwa, Iowa: Post office	5,214	9,004	40,000.00
Cairo, Ill.: Customhouse, etc	6,267	9,011	280,120.06
Raleigh, N. C.: Courthouse and post office	7,790	9,265	349,617.40
Sedalia, Mo.: Post office	4,560	9,561	50,000.00
Portsmouth, N. H.: Customhouse, etc	9,211	9,690	164,616.91
Knoxville, Tenn.: Courthouse, post office, etc	8,682	9,693	410,534.74
Key West, Fla.: Courthouse, post office, etc	5,016	9,890	111,000.00
Columbia, S. C.: Courthouse and post office	9,298	10,035	412,189.17
Winona, Minn.: Courthouse and post office	7,192	10,208	150,000.00
Madison, Wis.: Courthouse and post office	9,176	10,324	349,938.68
Ogdensburgh, N. Y.: Customhouse, etc	10,076	10,341	231,616.12
Dallas, Tex.: Courthouse, post office, etc		10,358	141,000.00
New London, Conn.: Customhouse, etc	9,576	10,537	21,654.58
Watertown, N. Y.: Post office	9,336	10,697	75,000.00
Austin, Tex.: Courthouse and post office	4,428	11,013	136,964.50

* Under.

Statement of public buildings in the United States, etc.—Continued.

Location of buildings.	Population. 1870.	Population. 1880.	Amount appropriated or limit.
Hannibal, Mo.: Post office, etc	10,125	11,074	$136,000.00
Los Angeles, Cal.: Courthouse, post office, etc.	5,728	11,183	150,000.00
Portsmouth, Ohio: Post office	10,592	11,321	60,000.00
Burlington, Vt.: Customhouse, etc	14,387	11,365	58,436.51
Vicksburg, Miss.: Courthouse, post office, and customhouse	12,443	11,814	100,000.00
Keokuk, Iowa: Courthouse, post office, etc	12,766	12,117	155,000.00
Rutland, Vt.: Courthouse and post office	9,834	12,149	72,224.43
Georgetown, D.C.: Customhouse, etc	11,384	12,578	74,001.20
Macon, Ga.: Courthouse, post office, etc	10,810	12,749	129,000.00
Chattanooga, Tenn.: Courthouse, post office, etc	6,093	12,892	275,000.00
Lincoln, Nebr.: Courthouse and post office		13,003	204,500.89
Little Rock, Ark.: Courthouse, post office, etc.	12,380	13,138	251,000.00
Newburyport, Mass: Customhouse, etc	12,595	13,538	23,188.50
Alexandria, Va.: Customhouse and post office	13,570	13,659	75,717.50
Concord, N.H.: Post office, courthouse, etc	12,241	13,843	226,594.00
La Crosse, Wis.: Courthouse, post office, etc	7,785	14,505	150,000.00
Topeka, Kans.: Courthouse and post office	5,790	15,452	296,058.24
Newport, R.I.: Customhouse, etc	12,521	15,693	32,365.60
Oshkosh, Wis.: Courthouse, post office, etc	12,663	15,748	101,600.00
Sandusky, Ohio: Customhouse, etc	13,000	15,838	74,987.16
Lynchburgh, Va.: Courthouse, post office, etc.	6,825	15,959	134,500.00
Jackson, Mich.: Post office	11,447	16,105	60,000.00
New Albany, Ind.: Customhouse and post office	15,396	16,423	104,000.00
Houston, Tex.: Post office, etc	9,382	16,513	75,000.00
Leavenworth, Kans.: Courthouse, post office, etc	17,873	16,546	$171,514.03
Lexington, Ky.: Post office, etc	14,801	16,656	163,000.00
Montgomery, Ala.: Courthouse, post office, etc.	10,588	16,713	165,000.00
Bangor, Me.: Customhouse, etc	18,289	16,856	237,878.58
Binghamton, N.Y.: Post office, courthouse, etc.	12,692	17,317	150,000.00
Wilmington, N.C.: Customhouse, etc	13,446	17,350	55,000.00
Warehouse			25,115.50
Post office, etc			200,000.00
Portland, Oregon: Customhouse, etc		17,577	380,332.20
Council Bluffs, Iowa: Post office, etc	10,020	18,063	250,000.00
Williamsport, Pa.: Courthouse, post office, etc.	16,030	18,934	225,000.00
Gloucester, Mass.: Customhouse, etc	15,389	19,329	49,858.32
Springfield, Ill.: Courthouse, post office, etc	17,364	19,743	316,804.85
Poughkeepsie, N.Y.: Post office, etc	20,080	20,207	110,500.00
San Antonio, Tex.: Courthouse, post office, etc.	12,256	20,550	200,000.00
Bay City, Mich.: Courthouse, post office, and customhouse	7,064	20,693	200,000.00
Springfield, Ohio: Post office, etc	12,652	20,730	148,000.00
Oswego, N.Y.: Customhouse, etc	20,910	21,116	131,088.15
Sacramento, Cal.: Post office, etc	16,283	21,420	150,000.00
Petersburgh, Va.: Customhouse	18,950	21,656	111,183.38
Augusta, Ga.: Courthouse, post office, etc.	15,389	21,891	150,000.00
Auburn, N.Y.: Post office, courthouse, etc	17,225	21,924	192,000.00
Norfolk, Va.: Customhouse, etc	19,229	21,966	217,820.47
Galveston, Tex.: Courthouse and post office	13,818	22,248	113,954.78
Customhouse, etc			280,581.71
Dubuque, Iowa: Customhouse and post office	18,434	22,254	199,436.36
Des Moines, Iowa: Courthouse, post office, etc.	12,035	22,408	333,000.00
Lancaster, Pa.: Post office	30,233	25,769	100,000.00
Terre Haute, Ind.: Post office, etc	16,103	26,042	187,000.00
New Bedford, Mass.: Customhouse, etc	21,320	26,845	148,821.35
Fort Wayne, Ind.: Courthouse and post office	17,718	26,880	231,199.12
Quincy, Ill.: Post office, customhouse, etc	24,052	27,268	180,000.00
Salem, Mass.: Customhouse, etc	24,117	27,563	19,271.77
Bridgeport, Conn.: Post office	18,969	27,643	150,000.00
Erie, Pa.: Customhouse, etc	19,646	27,737	29,000.00
Courthouse, post office, etc			225,000.00
Mobile, Ala.: Customhouse, etc	32,034	29,132	408,564.93
Peoria, Ill.: Post office, courthouse, etc	22,849	29,259	294,500.00
Evansville, Ind.: Customhouse, etc	21,830	29,280	336,343.69
Covington, Ky.: Courthouse and post office	24,505	29,720	305,000.00
Trenton, N.J.: Courthouse and post office	22,874	29,910	406,758.19
Omaha, Nebr.: Courthouse and post office	16,083	30,518	370,694.44
Courthouse, customhouse, and post office			1,200,000.00
Savannah, Ga.: Customhouse, etc	28,235	30,709	170,604.56
Courthouse, post office, etc			200,000.00
Wheeling, W. Va.: Customhouse, etc	19,280	30,737	144,618.64
Harrisburg, Pa.: Post office, etc	23,104	30,762	410,000.00
Hoboken, N.J.: Post office	20,297	30,999	60,000.00
Grand Rapids, Mich.: Courthouse and post office	16,507	32,016	211,940.40
St. Joseph, Mo.: Post office, etc	19,565	32,431	357,000.00
Manchester, N.H.: Post office, courthouse, etc	23,536	32,630	246,000.00
Springfield, Mass.: Post office, etc	26,703	33,340	150,000.00
Memphis, Tenn.: Customhouse, courthouse, and post office	40,226	33,572	583,643.90
Portland, Me.: Customhouse	31,413	33,810	535,484.03
Courthouse and post office			397,714.64
Utica, N.Y.: Courthouse and post office	28,804	33,914	413,499.55
Denver, Colo.: Courthouse, post office, etc	4,759	35,629	635,000.00
Atlanta, Ga.: Courthouse and post office	21,789	37,409	392,755.09
Dayton, Ohio: Post office, etc	30,473	38,678	150,000.00
St. Paul, Minn.: Customhouse, etc	20,030	41,473	445,355.51
Camden, N.J.: Post office, customhouse, etc	20,045	41,659	100,000.00
Hartford, Conn.: Customhouse, etc	37,841	42,015	847,000.00
Wilmington, Del.: Customhouse, etc	30,841	42,478	40,069.34
Courthouse, post office, etc			150,000.00
Reading, Pa.: Post office, etc	33,930	43,278	180,000.00
Nashville, Tenn.: Customhouse, etc	25,865	43,350	444,042.01
Scranton, Pa.: Post office, etc	35,092	45,850	75,000.00
Minneapolis, Minn.: Post office	13,066	46,887	641,514.56
Fall River, Mass.: Customhouse, etc	26,756	48,961	532,604.78
Charleston, S.C.: Customhouse	48,956	49,984	3,039,572.34
Old post office			60,000.00
Courthouse, post office, etc			400,000.00
Toledo, Ohio: Customhouse, courthouse, etc	31,584	50,137	429,000.00
Paterson, N.J.: Post office	33,579	51,031	80,000.00

Statement of public buildings in the United States, etc.—Continued.

Location of buildings.	Population. 1870.	Population. 1880.	Amount appropriated or limit.
Columbus, Ohio: Courthouse, post office, etc	31,274	51,647	$324,000.00
Syracuse, N.Y.: Post office, courthouse, etc	43,051	51,792	376,000.00
Kansas City, Mo.: Customhouse, post office, etc.	32,260	55,785	374,128.40
Troy, N.Y.: Customhouse, post office, etc	46,465	56,747	300,000.00
Worcester, Mass.: Post office, etc	41,105	58,291	250,000.00
Lowell, Mass.: Post office, etc	40,928	59,475	200,000.00
New Haven, Conn.: Customhouse, etc	50,840	62,882	209,770.40
Richmond, Va.: Customhouse, etc	51,038	63,600	489,391.90
Indianapolis, Ind.: Courthouse and post office	48,244	75,056	361,960.78
Rochester, N.Y.: Courthouse, post office, etc	62,386	89,366	587,000.00
Albany, N.Y.: Customhouse and post office	69,422	90,758	780,343.63
Providence, R.I.: Customhouse, etc	68,904	104,857	249,723.32
Appraiser's stores			10,504.00
Milwaukee, Wis.: Customhouse, etc	71,440	115,587	211,785.06
Post office, courthouse, and customhouse			1,200,000.00
Detroit, Mich.: Customhouse, etc	79,577	116,340	295,279.42
Courthouse, post office, etc			1,500,000.00
Jersey City, N.J.: Courthouse and post office	82,546	120,722	116,000.00
Louisville, Ky.: Customhouse, etc	100,753	123,758	289,827.99
Courthouse, post office, etc			1,141,001.75
Newark, N.J.: Customhouse and post office	105,059	136,508	350,000.00
Buffalo, N.Y.: Customhouse and post office	117,714	155,134	455,165.68
Pittsburgh, Pa.: Customhouse, etc	86,076	156,389	109,666.87
Courthouse and post office			1,800,000.00
Cleveland, Ohio: Customhouse, etc	92,829	160,146	501,350.90
New Orleans, La.: Customhouse and post office	191,418	216,090	$4,294,854.59
San Francisco, Cal.: Customhouse, etc	149,473	233,959	778,581.40
Old appraiser's stores			93,566.75
New appraiser's stores			840,000.00
Subtreasury			437,029.40
New site post office, courthouse, etc			800,000.00
Cincinnati, Ohio: Customhouse and postoffice	216,239	255,139	5,800,000.00
Baltimore, Md.: Customhouse, etc	267,354	332,313	615,656.55
Appraiser's stores			284,499.76
Courthouse			255,158.97
Post office, courthouse, etc			2,565,335.00
St. Louis, Mo.: Customhouse and post office	310,864	350,518	6,055,700.00
Old customhouse			505,118.00
Boston, Mass.: Customhouse	250,526	362,839	1,192,721.27
Post office and subtreasury			5,952,218.31
Chicago, Ill.: Customhouse and subtreasury	298,977	503,185	6,128,507.00
Appraiser's stores			405,000.00
Brooklyn, N.Y.: post office	396,099	566,663	1,913,574.12
Philadelphia, Pa.: Customhouse	674,022	847,170	351,799.78
Post office and courthouse			6,115,144.39
Appraiser's stores			629,675.04
New York, N.Y.: Customhouse	942,292	1,206,299	1,131,714.76
Subtreasury			1,199,301.75
Courthouse and post office			9,073,153.28
Barge office			558,707.68
Appraiser's stores			2,650,000.00

Mr. MILLIKEN. I now yield three minutes to the gentleman from Missouri [Mr. DOCKERY].

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed without amendment the bill of the House (H. R. 11814) to provide the assessor of the District of Columbia with plats and subdivisions outside the cities of Washington and Georgetown.

Also that the Senate had passed a joint resolution and bill of the following title; in which concurrence was requested, namely:

Joint resolution (S. R. 147) authorizing the Postmaster-General to credit O. M. Laraway, late postmaster at Minneapolis, Minn., with certain losses sustained by him by the theft of postage stamps instead of postal notes; and

A bill (H. R. 4675) to provide a unit of value for the coinage of gold and silver, and for other purposes. [Applause on the Democratic side.]

Mr. BLAND. I hope we may have early action on that bill.

Mr. DOCKERY. If the House desires to take up the bill now, I am willing to yield the floor.

Mr. BLAND. I would like to have unanimous consent to call it up.

Mr. MILLIKEN. I had hoped that that would please the gentleman from Missouri so well that he would be in a good nature on all of these other matters.

The SPEAKER. The gentleman from Missouri has the floor and this discussion comes out of his time.

PUBLIC BUILDING AT ST. ALBANS, VT.

Mr. DOCKERY. I hope it will not be taken out of my time, Mr. Speaker, unless we can have the silver bill considered. If so, I will yield the floor entirely.

Thirty-eight public buildings in the first session of the last Congress were authorized, at a total aggregate cost of $6,882,000, that being the limit of cost. The Democratic House appropriated of that amount $5,922,000, or 80 per cent. of the entire authorization. At the first session of this Congress forty-one buildings were authorized, at a total cost of $7,116,639.54, for which only $2,375,000 were appropriated, or only 34 per cent. of the entire authorization.

Mr. KERR, of Iowa. Will the gentleman allow me to make a correction? I take my statement from a report made by the clerk of the Committee on Appropriations, showing the amount which had been provided for public buildings, and fixing the aggregate at $5,771,000.

Mr. DOCKERY. Then I will say to the gentleman from Iowa that there is possibly some clerical error, because my authority is also the clerk of the Committee on Appropriations, the same authority.

Now, I desire to acquit the gentleman from Maine [Mr. MILLIKEN] of any responsibility whatever for this policy which authorizes the liability upon the part of the Government and at the same time declines to provide any money to meet it, or at any rate a meager sum, leaving it for the Democratic Congress hereafter to provide. The gentleman is not in harmony with his party on that question.

Mr. KERR, of Iowa. Does the gentleman from Missouri deny that this has always been the policy?

Mr. DOCKERY. Undoubtedly it has not been the policy. It was not the policy under the Democratic administration.

Mr. KERR, of Iowa. The gentleman is in error in that respect.

The SPEAKER. The time of the gentleman has expired.

Mr. MILLIKEN. I yield three minutes to the gentleman from Texas [Mr. SAYERS.]

Mr. SAYERS. Mr. Speaker, in addition to what has been said by the gentleman from Missouri, I desire to call the attention of the House to a comparison between the appropriations actually made on public buildings authorized by the present Congress and by preceding Congresses. For the buildings authorized in 1886, there was appropriated $5,218,319.84; in 1887, $4,649,105.54; in 1888, $5,785,644.23; for 1889, $9,305,304.71; for 1890, $4,304,970.93; and for 1891, that is, the appropriations of the last session of the present Congress, the amount is only $2,916,106.52.

Mr. DOCKERY. I desire to ask the gentleman from Texas [Mr. SAYERS] what is the purpose of cutting down the amount.

Mr. MILLIKEN. How can he know?

Mr. SAYERS. In order to diminish the total appropriation and throw the liabilities on the next Congress. There could have been no other purpose.

Mr. TAYLOR, of Illinois. We expected it would be a Republican Congress when we were doing that.

Mr. SAYERS. But you were happily disappointed.

Mr. MILLIKEN. Not happily.

Mr. SAYERS. Happily for us.

Mr. MILLIKEN. Mr. Speaker, I demand the previous question.

Mr. BLAND. I hope the gentleman will not do that. We ought to have this bill discussed.

The question was taken; and the Speaker announced that the ayes seemed to have it.

On a division (demanded by Mr. BLAND) there were—ayes 60, noes 50.

Mr. BLAND. Tellers, Mr. Speaker.

Mr. MILLIKEN. Mr. Speaker, I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 119, nays 68, not voting 144; as follows:

YEAS—119.

Adams,	Culbertson, Pa.	Laws,	Rowell,
Allen, Mich.	Cummings,	Lehlbach,	Scull,
Anderson, Kans.	Cutcheon,	Lodge,	Sherman,
Andrew,	Darlington,	Mason,	Simonds,
Arnold,	Dingley,	McComas,	Smith, Ill.
Atkinson, Pa.	Dorsey,	McKenna,	Smith, W. Va.
Atkinson, W. Va.	Evans,	Miles,	Smyser,
Baker,	Farquhar,	Miller,	Spooner,
Banks,	Finley,	Milliken,	Stephenson,
Bartine,	Fitch,	Moffitt,	Stewart, Vt.
Belden,	Flood,	Moore, N. H.	Stivers,
Belknap,	Frank,	Morey,	Stockbridge,
Bergen,	Gear,	Morse,	Stone, Pa.
Bliss,	Gest,	O'Donnell,	Sweet,
Boatner,	Grosvenor,	O'Neil, Mass.	Sweney,
Boothman,	Grout,	O'Neill, Pa.	Taylor, E. B.
Boutelle,	Harmer,	Osborne,	Taylor, Ill.
Brewer,	Haugen,	Outhwaite,	Taylor, J. D.
Brosius,	Hayes, W. I.	Payne,	Thompson,
Buchanan, N. J.	Hemphill,	Post,	Townsend, Colo.
Burton,	Hermann,	Quackenbush,	Turner, Kans.
Campbell,	Hitt,	Quinn,	Vandever,
Candler, Mass.	Kerr, Iowa	Raines,	Van Schaick,
Caswell,	Ketcham,	Ray,	Waddill,
Cheadle,	Kinsey,	Reed, Iowa	Walker,
Cheatham,	Lacey,	Reilly,	Wheeler, Mich.
Clark, Wis.	La Follette,	Reyburn,	Williams, Ohio
Clark, Wyo.	Laidlaw,	Rife,	Wright,
Clunie,	Langston,	Rockwell,	Yardley.
Connell,	Lansing,	Rogers,	

NAYS—68.

Alderson,	Cothran,	Heard,	McClammy,
Anderson, Miss.	Covert,	Herbert,	McClellan,
Barnes,	Cowles,	Holman,	McCreary,
Barwig,	Dickerson,	Hooker,	McMillin,
Bland,	Edmunds,	Kilgore,	McRae,
Breckinridge, Ark.	Ellis,	Lane,	Mills,
Breckinridge, Ky.	Enloe,	Lanham,	Mutchler,
Brookshire,	Forman,	Lee,	Oates,
Chipman,	Forney,	Lester, Va.	O'Ferrall,
Clarke, Ala.	Fowler,	Martin, Ind.	O'Neall, Ind.
Cobb,	Goodnight,	Martin, Tex.	Parrett,
Cooper, Ind.	Hatch,	McAdoo,	Paynter,
Penington,	Sayers,	Tucker,	Wike,
Perry,	Shively,	Turner, Ga.	Williams, Ill.
Pierce,	Springer,	Vaux,	Wilson, Mo.
Pindar,	Stone, Ky.	Washington,	Wilson, W. Va.
Richardson,	Stump,	Whiting,	Yoder.

NOT VOTING—144.

Abbott,	Craig,	Kelley,	Robertson,
Allen, Miss.	Crain,	Kennedy,	Rowland,
Bankhead,	Crisp,	Kerr, Pa.	Rusk,
Bayne,	Culberson, Tex.	Knapp,	Russell,
Beckwith,	Dalzell,	Lawler,	Sanford,
Biggs,	Dargan,	Lester, Ga.	Sawyer,
Bingham,	Davidson,	Lewis,	Scranton,
Blanchard,	De Lano,	Lind,	Seney,
Blount,	Dibble,	Magner,	Skinner,
Bowden,	Dockery,	Maish,	Snider,
Brickner,	Dolliver,	Mansur,	Spinola,
Brower,	Dunnell,	McCarthy,	Stahlnecker,
Brown, J. B.	Dunphy,	McCord,	Stewart, Ga.
Browne, T. M.	Ewart,	McCormick,	Stewart, Tex.
Browne, Va.	Featherston,	McDuffie,	Stockdale,
Brunner,	Fithian,	McKinley,	Stone, Mo.
Buchanan, Va.	Flick,	Montgomery,	Struble,
Buckalew,	Flower,	Moore, Tex.	Tarsney,
Bullock,	Funston,	Morgan,	Taylor, Tenn.
Bunn,	Geary,	Morrill,	Thomas,
Burrows,	Geissenhainer,	Morrow,	Tillman,
Butterworth,	Gibson,	Mudd,	Townsend, Pa.
Bynum,	Gifford,	Niedringhaus,	Tracey,
Caldwell,	Greenhalge,	Norton,	Turner, N. Y.
Candler, Ga.	Grimes,	Nute,	Wade,
Cannon,	Hall,	Owen, Ind.	Wallace, Mass.
Carlton,	Hansbrough,	Owens, Ohio	Wallace, N. Y.
Carter,	Hare,	Payson,	Wheeler, Ala.
Caruth,	Hays, E. R.	Peel,	Whitelaw,
Catchings,	Haynes,	Perkins,	Whitthorne,
Clancy,	Henderson, Ill.	Peters,	Wickham,
Clements,	Henderson, Iowa	Phelan,	Wiley,
Cogswell,	Henderson, N. C.	Pickler,	Wilkinson,
Coleman,	Hill,	Price,	Willcox.
Comstock,	Hopkins,	Pugsley,	Wilson, Ky.
Cooper, Ohio	Houk,	Randall,	Wilson, Wash.

So the previous question was ordered.

The following additional pairs were announced:

For the rest of this day:

Mr. NUTE with Mr. TARSNEY.

Mr. MUDD with Mr. NORTON.

Mr. RANDALL with Mr. CARLTON.

Mr. BAKER with Mr. CLEMENTS.

The result of the vote was then announced as above recorded.

The SPEAKER. The question is upon the adoption of the conference report.

The question was taken; and the Speaker announced that the ayes seemed to have it.

On a division (demanded by Mr. BLAND) there were—ayes 43, noes 12.

Mr. BLAND. Tellers.

Tellers were refused, 33 members voting therefor.

Mr. BLAND. The other side.

The SPEAKER. There is no other side on the demand for tellers.

Mr. BLAND. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 149, nays 34, not voting 148; as follows:

YEAS—149.

Abbott,	Farquhar,	McAdoo,	Sherman,
Adams,	Featherston,	McClammy,	Simonds,
Allen, Mich.	Finley,	McComas,	Smith, W. Va.
Anderson, Kans.	Fitch,	McCreary,	Smyser,
Andrew,	Frank,	McKenna,	Spinola,
Arnold,	Funston,	Miles,	Spooner,
Banks,	Gear,	Miller,	Stephenson,
Barnes,	Gest,	Milliken,	Stewart, Vt.
Bartine,	Gibson,	Moffitt,	Stivers,
Barwig,	Grimes,	Moore, N. H.	Stockbridge,
Belden,	Grosvenor,	Morey,	Stone, Ky.
Belknap,	Grout,	Morrill,	Stone, Pa.
Bergen,	Harmer,	Morrow,	Struble,
Bliss,	Hatch,	Morse,	Stump,
Blount,	Haugen,	Niedringhaus,	Taylor, E. B.
Boatner,	Hayes, W. I.	Oates,	Taylor, Ill.
Brookshire,	Hays, E. R.	O'Donnell,	Taylor, J. D.
Burrows,	Haynes,	O'Ferrall,	Thomas,
Burton,	Heard,	O'Neil, Mass.	Thompson,
Campbell,	Hemphill,	O'Neill, Pa.	Tillman,
Candler, Mass.	Hermann,	Osborne,	Townsend, Colo.
Cannon,	Hill,	Outhwaite,	Tracey,
Caswell,	Hitt,	Owens, Ohio	Tucker,
Cheadle,	Holman,	Parrett,	Turner, Ga.
Cheatham,	Kennedy,	Payne,	Vandever,
Chipman,	Kerr, Iowa	Post,	Waddill,
Clark, Wis.	Ketcham,	Quackenbush,	Walker,
Clarke, Ala.	Kinsey,	Quinn,	Washington,
Cooper, Ind.	Lacey,	Raines,	Wike,
Culbertson, Pa.	La Follette,	Ray,	Wiley,
Cummings,	Langston,	Reed, Iowa	Williams, Ohio
Darlington,	Lansing,	Reilly,	Wilson, Mo.
Davidson,	Laws,	Reyburn,	Wilson, W. Va.
Dickerson,	Lee,	Rife,	Wright,
Dingley,	Lehlbach,	Rockwell,	Yardley.
Dockery,	Lester, Va.	Rogers,	
Dorsey,	Lind,	Rowell,	
Dunphy,	Lodge,	Scull,	

NAYS—34.

Bland,	Forney,	McRae,	Pindar,
Breckinridge, Ky.	Fowler,	Mills,	Richardson,
Cobb,	Geissenhainer,	Montgomery,	Sayers,
Cothran,	Herbert,	Moore, Tex.	Shively,
Covert,	Lane,	O'Neall, Ind.	Vaux,
Cowles,	Martin, Ind.	Paynter,	Williams, Ill.
Ellis,	Martin, Tex.	Penington,	Yoder.
Enloe,	McClellan,	Perry,	
Forman,	McMillin,	Pierce,	

NOT VOTING—143.

Alderson,	Clancy,	Hooker,	Rowland,
Allen, Miss.	Clark, Wyo.	Hopkins,	Rusk,
Anderson, Miss.	Clements,	Houk,	Russell,
Atkinson, Pa.	Clunie,	Kelley,	Sanford,
Atkinson, W. Va.	Cogswell,	Kerr, Pa.	Sawyer,
Baker,	Coleman,	Kilgore,	Scranton,
Bankhead,	Comstock,	Knapp,	Seney,
Bayne,	Connell,	Laidlaw,	Skinner,
Beckwith,	Cooper, Ohio	Lanham,	Smith, Ill.
Biggs,	Craig,	Lawler,	Snider,
Bingham,	Crain,	Lester, Ga.	Springer,
Blanchard,	Crisp,	Lewis,	Stahlnecker,
Boothman,	Culberson, Tex.	Magner,	Stewart, Ga.
Boutelle,	Cutcheon,	Maish,	Stewart, Tex.
Bowden,	Dalzell,	Mansur,	Stockdale,
Breckinridge, Ark.	Dargan,	Mason,	Stone, Mo.
Brewer,	De Lano,	McCarthy,	Sweet,
Brickner,	Dibble,	McCord,	Sweney,
Brosius,	Dolliver,	McCormick,	Tarsney,
Brower,	Dunnell,	McDuffie,	Taylor, Tenn.
Brown, J. B.	Edmunds,	McKinley,	Townsend, Pa.
Browne, T. M.	Evans,	Morgan,	Turner, Kans.
Browne, Va.	Ewart,	Mudd,	Turner, N. Y.
Brunner,	Fithian,	Mutchler,	Van Schaick,
Buchanan, N. J.	Flick,	Norton,	Wade,
Buchanan, Va.	Flood,	Nute,	Wallace, Mass.
Buckalew,	Flower,	Owen, Ind.	Wallace, N. Y.
Bullock,	Geary,	Payson,	Wheeler, Ala.
Bunn,	Gifford,	Peel,	Wheeler, Mich.
Butterworth,	Goodnight,	Perkins,	Whitelaw,
Bynum,	Greenhalge,	Peters,	Whiting,
Caldwell,	Hall,	Phelan,	Whitthorne,
Candler, Ga.	Hansbrough,	Pickler,	Wickham,
Carlton,	Hare,	Price,	Wilkinson,
Carter,	Henderson, Ill.	Pugsley,	Willcox,
Caruth,	Henderson, Iowa	Randall,	Wilson, Ky.
Catchings,	Henderson, N. C.	Robertson,	Wilson, Wash.

So the conference report was adopted.

The following additional pairs were announced:

For the rest of this day:

Mr. ATKINSON, of West Virginia, with Mr. ALDERSON.

Mr. SWENEY with Mr. CARUTH.

Mr. BOOTHMAN with Mr. YODER.

Mr. CUTCHEON with Mr. LANHAM.

Mr. WALLACE, of New York, with Mr. MOORE, of Texas.

Mr. SMITH, of Illinois, with Mr. SPRINGER, until January 16, 3 p. m.

The result of the vote was then announced as above recorded.

ENROLLED BILLS SIGNED.

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 953) for the erection of a public building at Fort Dodge, Iowa;

A bill (S. 1724) granting a pension to Charlotte Stenger;

A bill (S. 2808) for the relief of Amos Gilbert;

A bill (S. 3271) to enable the Secretary of the Interior to carry out, in part, the provisions of "An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations, and to secure the relinquishment of the Indian title to the remainder, and for other purposes," approved March 2, 1889, and making appropriations for the same, and for other purposes;

A bill (S. 4070) granting an increase of pension to Aaron H. Le Van;

A bill (S. 4167) granting an increase of pension to Sarah V. Azpell;

A bill (S. 4416) granting a pension to Thomas Richardson;

A bill (H. R. 4403) for the erection of a public building at Akron, Ohio; and

A bill (H. R. 5380) to provide for the construction of a public building at Davenport, Iowa.

APPOINTMENT OF CONFEREES.

The SPEAKER. The Chair desires to announce the appointment of conferees on various bills, which the Clerk will read.

The Clerk read as follows:

On the bill (H. R. 11098) for the relief of Lorenzo S. Coffin, late chaplain Thirty-second Regiment of Iowa Volunteers—Mr. OSBORNE, Mr. WILLIAMS of Ohio, and Mr. SPINOLA.

On the bill (S. 4585) granting a pension to Mary B. Hascall—Mr. LAWS, Mr. BELKNAP, and Mr. LANE.

On the bill (H. R. 154) for the erection of a public building at Pueblo, Colo.—Mr. KERR of Iowa, Mr. QUACKENBUSH, and Mr. ABBOTT.

On the bill (H. R. 4559) to provide for the construction of a public building at Rockford, Ill.—Mr. MILLIKEN, Mr. POST, and Mr. DIBBLE.

SILVER-POOL INVESTIGATION.

The SPEAKER. The Chair also desires to announce the appointment of the special committee on the silver-pool investigation ordered by the House, which the Clerk will read.

The Clerk read as follows:

Mr. DINGLEY of Maine, Mr. PAYNE of New York, Mr. ROWELL of Illinois, Mr. DOCKERY of Missouri, and Mr. OATES of Alabama.

Mr. DOCKERY. Mr. Speaker, I desire permission to make a statement in connection with the appointment of this committee.

Mr. Speaker, about three weeks since, while this question was pending before the Committee on Rules, I urged upon the Speaker the importance of making the investigation by the aid of a special committee rather than a standing committee. I then supplemented the suggestion with the statement that I could not myself accept service upon the committee, inasmuch as it was alleged that a "Democratic Representative" from the State of Missouri on this floor was interested in the "silver pool."

On yesterday I again announced this determination to the Speaker, as I am quite unwilling to be placed in a position where I might rest under the imputation of investigating an accusation involving either my own honor as a representative of the people or some unnamed Democratic colleague from Missouri. I may also say, Mr. Speaker, that my judgment as to the proper course to be pursued in this matter has been fortified by the opinions of friends with whom I have consulted. With great respect, therefore, to the Speaker, I respectfully ask to be excused from service on this committee and the duties which would be thus imposed.

The SPEAKER. The gentleman from Missouri asks to be excused——

Mr. DOCKERY. I would further ask in this connection that the Speaker would state whether or not my statement in respect to the suggestion of three weeks ago is accurate.

The SPEAKER. The gentleman from Missouri is entirely accurate, except that the Chair did not understand the statement to indicate that there was any question about himself, but thought it was only in regard to his colleagues; otherwise the Chair would entirely corroborate the statement of the gentleman. And as to the other statement he may be correct. The Chair is not certain, his attention not being attracted to it and not having it in his mind. The Chair desires further to say that the Chair felt that under all the circumstances he ought not to exercise the power of excuse, but that he should put it before the House, where it properly is now.

The gentleman from Missouri asks to be excused.

The question was taken, and Mr. DOCKERY was excused.

The SPEAKER. The Chair will appoint in the place of the gentleman from Missouri the gentleman from Arkansas, Mr. PEEL.

ORDER OF BUSINESS.

Mr. MCCOMAS. I now resume my motion, that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of general appropriation bills.

Mr. LANSING. Mr. Speaker, I have a privileged resolution which I desire to call up.

The SPEAKER. Does the gentleman from Maryland yield for that purpose?

Mr. MCCOMAS. For what purpose?

Mr. LANSING. I have a privileged resolution that I desire to call up. It has been reported favorably, and it will take but a short time for its consideration.

Mr. MCCOMAS. It may take a long time.

Mr. LANSING. If it leads to any discussion I will ask to have it laid aside.

Mr. MCCOMAS. I think the House has already been delayed sufficiently in getting into Committee of the Whole, or I should be glad to yield. I can not now yield.

The question was taken on the House going into Committee of the Whole.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. BURROWS in the chair.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union and will resume consideration of the bill (H. R. 12729) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1892, and for other purposes.

Mr. MCCOMAS. Mr. Chairman, I presume the time on that side of the House, unless there be objection to it, will be controlled by the gentleman from Georgia [Mr. CLEMENTS], and the time on this side of the House by myself, if there be no objection.

The CHAIRMAN. The Chair will submit the matter, if there be no objection. If there be no objection, the two hours and a half of debate on either side of the House will be controlled by the gentleman from Maryland [Mr. MCCOMAS] two hours and a half and the gentleman from Georgia [Mr. CLEMENTS] two hours and a half. Is there objection? [After a pause.] The Chair hears none, and the gentleman from Georgia is recognized.

Mr. HOLMAN. How much time has there been occupied by debate?

The CHAIRMAN. Fifty minutes in support of the measure and twenty minutes opposed to it.

Mr. CLEMENTS. Mr. Chairman, I desire first to submit some remarks in relation to the general provisions of this bill and afterwards to refer to some of the more important details. Under existing law one-half of the expense of the government of the District of Columbia is paid by the United States Government and the other half from the revenues of the District. There is carried in this bill $5,083,227.97. One-half of that sum, to be paid by the Government of the United States, is $2,441,683.98. It is estimated that the revenues of the District of Columbia for the coming fiscal year, exclusive of the water department, will amount to $2,640,035.08. This, I must say, is a rather liberal estimate.

It takes in an estimate of $73,971.87, estimated to arise upon new buildings to be constructed within the year; also $4,000, one-half of the proceeds of the Columbia Road schoolhouse which is to be sold; also $22,500 of unexpended balances which it is estimated will come over from the present fiscal year; making the total sum which I have just mentioned. The bill now before the committee proposes to appropriate, of the District revenues, within $98,421.10 of this estimate. So it will be seen that the appropriations proposed in the face of these most liberal estimates of revenue for the next year leave only the narrow margin of $98,000, in round numbers.

In addition to this, the act passed at the first session of this Congress providing for the purchase of the National Park at a cost of $1,200,000, requires one-half of that sum to be paid out of the revenues of the District in four annual installments. There can be scarcely any doubt that one of those installments will become due before the end of the fiscal year for which we are now proposing to make appropriation, and that will amount to $150,000. This statement ought perhaps to be modified by saying that there is a provision in the bill providing for the purchase of that park, requiring condemnation of property and taking into the estimate the enhanced value of the surrounding property, and some gentlemen think that the amount necessary to be paid will not reach $1,200,000; but I think it is entirely unsafe to make estimates or appropriations upon the assumption that there will be any considerable diminution of the cost of that park in consequence of that provision of the bill.

Not only that, but there is a provision in the law for the support of the Zoölogical Park, and we have already before us estimates, which come in connection with the sundry civil bill, for $102,000 for the maintenance and improvement of that park, and if Congress sees proper to keep up the course that it has pursued heretofore in the establishment and maintenance of these parks, if it charges, as it did last year, one half of the expense to the District and the other half to the Government, there will be a requirement there for about $51,000. So that this bill is not making provision for the District's half of the expense of the establishment of the National Park or for the District's half of the annual expense of maintaining the Zoölogical Park, the one amounting to $150,000 and the other to $51,000, making a total of about $201,000.

Mr. SAYERS. As I understand the gentleman, he says there is no provision in this bill for paying the District's half of the money required to pay the first installment of the cost of the National Park.

Mr. CLEMENTS. That is true.

Mr. SAYERS. Then I would ask the gentleman if there is any provision for that in any other bill that is pending before Congress?

Mr. CLEMENTS. There is no provision making an appropriation for that purpose. I may add that there is no estimate yet upon which such an appropriation can be based, for the reason that the processes of acquiring the title and the establishment of the park are now going on, and it is not yet known what the District's share for the next fiscal year will be. But in view of the fact that there is about a year within which this work can be carried on, I say that it is reasonable to suppose that the amount will be ascertained and that the full amount will then be due; that is, one year's payment, requiring $150,000 on the part of the District.

Mr. SAYERS. Will that be a matter of appropriation during the present Congress or will it come up in the form of an urgent deficiency in the next Congress?

Mr. CLEMENTS. It will undoubtedly become necessary to provide for it in some deficiency bill, in my judgment.

Mr. SAYERS. In the next Congress?

Mr. CLEMENTS. Yes, sir.

Mr. SAYERS. Will the gentleman now please state the amount that will become necessary to be provided for in an urgent deficiency bill next Congress?

Mr. CLEMENTS. I have just stated that if the title to the park is acquired, making no allowance for any deduction on account of the supposed enhancement of the value of surrounding property and assuming that it will take $1,200,000 to pay for the park, one-quarter of the District's half of the total amount will become due within the time that this bill covers.

That is my estimate, and I think it is a reasonable one. Therefore, before the end of the fiscal year for which we are now making appropriations (although we have not yet obtained the facts upon which to make an accurate estimate) there will be required for this purpose $150,000. We have already the estimate for the maintenance of the Zoölogical Park, for which provision will probably be made in the sundry civil bill. That amounts to $102,000, and if the District is to pay one-half of it, as it did last year, that will require $51,000 more; making altogether about $200,000, in round numbers, that is not now provided for, but which it will be necessary to provide for on some bill before the end of the fiscal year for which we are now making provision.

Mr. SAYERS. If it will not disturb the gentleman, I would like to propound another question.

Mr. CLEMENTS. I will yield to the gentleman for a question.

Mr. SAYERS. I notice in the report of the commissioners of the District of Columbia for the last fiscal year that the debt in this District from June 30, 1889, was $20,142,050, and I notice also that of that amount $3,330,556 will mature on the 1st day of July of the present year.

I would like to know from the gentleman whether there is any law, or any pending bill, or any provision in any bill enabling the commissioners to refund this debt at the time it will mature.

Mr. CLEMENTS. There was a proposition made in the last Congress looking to the refunding of a portion of that debt, but no legislation has yet been adopted for that end. Exactly what will be required to meet this question I do not know at this time; there is no provision in the bill at all relating to that matter.

Mr. SAYERS. Now, I will submit the gentleman another question, whether in his judgment the revenues of the District, after the expenditures provided for in the pending bill have been made, will be sufficient to meet this particular item of $3,330,550 or any portion of it?

Mr. CLEMENTS. I will say to the gentleman that, in my judgment, there will not be enough revenue to meet the appropriations made by this bill and the appropriations necessary to provide for the matters I have just named in relation to these parks. Therefore there will be nothing from the current revenues of the District for the purpose which the gentleman has indicated. I will allude to that matter, however, later on, and with the gentleman's permission will proceed with my discussion of these matters in the bill.

It will, therefore, be seen that there is every reasonable probability that within the year for which we are now making appropriation there will be required something over $100,000 of District revenue beyond the highest estimates that have been made of the revenues; because in this bill as it stands we appropriate within $98,000 of the highest estimate; and we have already in sight these other amounts, which will probably be necessary to be expended in that year.

In addition to these amounts there are each year judgments found in the courts against the District of Columbia, which can not be foreseen and estimated for, and which necessarily come in as deficiencies each year. These miscellaneous matters can not be foreseen and must necessarily come in as they do every year in the way of deficiencies and have to be provided for in some way. Therefore it is not wise to appropriate every dollar of revenue that it is supposed can be raised in each fiscal year.

On this point I wish to call attention to our experience within the last year. Appropriations were made at the last session of Congress for the improvement of streets and for various other purposes named in the District bill. The revenues having fallen short thus far, with a probability that during the residue of the fiscal year they will continue to fall short of the amount appropriated, which was stated at the time on this floor upon estimates and figures then presented, we are now confronted with the fact that many of the streets the improvement of which was provided for in that bill will not be improved out of the appropriation made, because it falls short.

For salaries, for charities, and for the various institutions of the District, the money is necessarily first applied. The shortage is taken off the appropriation for the improvement of streets. So that a number of the streets the improvement of which was provided for in the bill of last year are not improved and can not be under the appropriations then made.

Therefore those improvements come over and are put in the bill of this year and appear here with an apparent appropriation for certain improvements during the next fiscal year; but under the state of facts which I have described it is perfectly evident that a portion of these streets will again be left out; the money will not be sufficient to cover them, because next year the case will be the same as during this year, and any deficiency of funds for carrying out the purposes named in the bill will necessarily be drawn from the improvement of the streets.

There are some items in this bill which I think might very well be taken out of it, leaving the margin of revenue a little larger than it is now, in order that some of the requirements to which I have referred may be met at the time it will be necessary to meet them and that there may be revenue for that purpose.

I do not concur in the criticism which was made on this bill in a general way yesterday by some gentlemen: that it is ill prepared, that its provisions can not be understood, that there is a mystery about the measure. I think that upon the whole the bill has received very careful, conscientious, and thorough consideration, and is generally a clean, square bill. I do not criticise it except as to what I deem to be some unwise provisions which I think ought to come out in order to enable us to have the money to meet these necessary requirements in the future.

The number of salaries provided for in this bill is 1,770; the number provided for in the bill of last year was 1,685, making a proposed increase of 85 salaries. These increases may be summed as follows:

In the auditor's office, one clerk at	$1,500
In the engineer's office, one employé, at	900
In the sewer division, twenty-one officials with salaries aggregating	22,502
School-teachers, fifty, aggregating	34,225
Janitors, seven, aggregating	3,830
In the health office one clerk at	1,200
In the Washington Asylum one additional employé at	280
In the Reform School, two employés aggregating	1,356
For the militia of the District of Columbia one additional official	900

Mr. McCREARY. May I ask the gentleman a question?

Mr. CLEMENTS. I yield for a question.

Mr. McCREARY. Does this bill contain any appropriation to pay the commissioners who are engaged in compiling the code of law for the District of Columbia?

Mr. CLEMENTS. My recollection is that this matter was fully provided for in the appropriations last year.

Mr. McCREARY. When will we probably be able to receive the report of the commission?

Mr. CLEMENTS. It was stated before the Committee on Appropriations, if I remember correctly, that it can be completed within this fiscal year.

Mr. McCREARY. There is no code of laws for the District that can be obtained at present, is there?

Mr. CLEMENTS. There is no compilation or codification of the laws of the District now available. The laws of Maryland prevail to some extent in the District; and there is great confusion as to the laws which actually prevail and which are applicable to the District, for which reason the compilation in question is being prepared, and, as I understand, will be out within the year.

The total number of salaries provided for in this bill, additional to the bill for the current year, is, as I have already said, eighty-five.

The aggregate amount carried by these salaries, for the payment of these officers and employés, amounts to $66,493. Of this sum $34,225 is for additional school-teachers and $22,502 for the new officers provided for in the sewer division to take the place of men employed heretofore on a temporary roll and paid out of the general appropriation for the maintenance of sewers, leaving outside of these two groups of new salaries, provided for in the bill, an aggregate of $9,776. The bill provides, in addition, an increase in the salary of the superintendent of education from $2,700, as now fixed by law, to $3,300.

Mr. OUTHWAITE. And it ought to be $3,500.

Mr. CLEMENTS. And the pay of the major, in charge of the Metropolitan police, is increased from $2,700 to $3,300.

Mr. McMILLIN. These are changes of the existing law, are they not, and hence subject to the point of order?

Mr. CLEMENTS. I think one of them is fixed by law at a considerably less sum than the present salary. The other, I think, is not fixed by the general law.

There is also in this bill a provision, which I will ask the Clerk at this time to read. This is an entirely new provision and is in the bill now for the first time. It is that portion of the bill in relation to the purchase and supply of schoolbooks in the District within certain grades, the first six grades.

The Clerk read as follows:

For contingent expenses, including furniture, books, stationery, printing, insurance, and other necessary items, $27,000.

For text-books and school supplies for use of the pupils of the first six grades and for the necessary expenses of the purchase, distribution, and preservation of said text-books and supplies, $16,000, together with so much of the unexpended balance, not exceeding $35,000, of the appropriations made for the colored high school building by the District of Columbia appropriation acts for the fiscal years 1890 and 1891 is hereby reappropriated and made available for this purpose for the fiscal year 1892: *Provided*, That the distribution of the text-books and school supplies herein provided for shall be made, giving preference first to the children of the lower of the said six grades.

And the commissioners are hereby directed to inquire into and report to the next session of Congress upon the expediency of publishing the text-books required in the public schools at the public expense.

Mr. CLEMENTS. The item of $27,000 first read by the Clerk is not a new provision, the $27,000 for the purchase of books and supplies, a portion of this sum heretofore having been given to the poor children of the District who were unable to buy their own schoolbooks; but what I call attention to is the latter part of the provision, which is a reappropriation of $35,000 unexpended heretofore, and $16,000 additional, making $51,000 in all for the supply of books to children within the first six grades.

Mr. McMILLIN. Is that appropriation for the supply of books for the children of the District to be paid exclusively out of the revenues of the District, or one-half from its revenues and one-half from the Treasury of the people of the United States?

Mr. CLEMENTS. Like all of the other items of the bill, it is to be paid one-half out of the Federal Treasury and one-half out of the funds belonging to the people of the District of Columbia.

Mr. McMILLIN. And I understand there is no existing law authorizing such an appropriation?

Mr. CLEMENTS. There is no law that I am aware of, except the general law establishing the public-school system.

Now, it has been urged before the committee, Mr. Chairman, that it is a proper thing, out of the combined revenues of the people of the United States at large in the Federal Treasury and the revenues supplied by the District of Columbia exclusively, to provide free schoolbooks to all of the children of the District in the public schools. We already have a fund out of which, in the discretion of the commissioners, a poor child unable to buy books may now be supplied; but the objection has been urged before the committee, and with sufficient force to bring this provision into the present bill and before the House, that the poor child was designated amongst the other scholars by the fact that he studies out of a book which has labels on it, showing that it is public property, and the fact that a child has a book with such a label, showing it to be public property, is held to be a kind of a badge of dishonor; in other words, that it designates him as a pauper scholar or a poor child, and for that reason the Government, out of the revenues of the entire people of the United States, including the people of the District of Columbia, is under obligation to supply all of the children of the District, rich and poor alike, with free schoolbooks.

I do not believe that is a wise policy to pursue. I think that this is one item of $51,000 that might well go out of the bill. I do not believe that because a child is a poor child, and his parents are unable to pay, that he ought to be excluded from the school for want of books. I believe he ought to be supplied; but I do not believe in the doctrine that because he is poor it is therefore a badge of dishonor, and that we shall show by a law it is a dishonor for him to be recognized in the school as a child of poor parents.

There are in the District at the present time about thirty-seven thousand children enrolled in the public schools, the average attendance being about thirty thousand last year.

Mr. ADAMS. Will the gentleman allow me to ask if he has any idea how many children are prevented from going to school by not having books?

Mr. CLEMENTS. I have no satisfactory information that any are kept from school on that ground, because, as I have already said, there is a provision now for supplying poor children who are unable to provide their schoolbooks.

Mr. ADAMS. The thirty thousand children spoken of by the gentleman are children now in actual daily attendance, as I understand?

Mr. CLEMENTS. That was the average number last year, including the High School.

Mr. ADAMS. One further question: Is there any table or statement prepared under the last census showing how many children there are in the District without reference to the number attending schools—that is, the children of school age?

Mr. CLEMENTS. I suppose that there is, or will be such a statement very soon, or as soon as it can be perfected, showing the exact figures in relation to the children of school age. But I do not know whether it has been finished or not in the Census Office. I have the figures given by the school authorities of the District as to the number entered and the average daily attendance, in the one case the number being, as I have said, 37,000, and in the other about 30,000, including white and colored children of all of the schools.

As I said before, I would not begrudge all that is necessary to provide every child in the District unable to buy his books a sufficient sum for that purpose, although this would be doing better than is done in the majority of the States that we represent here, because free schoolbooks are not generally supplied in the States.

Mr. BERGEN. Will the gentleman allow me to ask him a question?

Mr. CLEMENTS. I will.

Mr. BERGEN. What proportion of the scholars now furnish themselves with books? I understand there are about 37,000 scholars, and I wish to know what proportion of that number pay for their own books.

Mr. CLEMENTS. There are about 37,000 scholars enrolled, but about 30,000 is the average attendance. I am not prepared to say what proportion of them supply themselves with books, but a great majority of them do. The commissioners state about $2,000 was expended last year for free schoolbooks.

Mr. BERGEN. There is then an expense to the Government and to the District that is included in this $51,000, for the purpose of supplying a certain number of school children with books. Can the gentleman tell me how much this appropriation will increase the amount that is now appropriated on account of the poor children?

Mr. CLEMENTS. During the current year I think there is an amount of $25,000, out of which the commissioners in their discretion may expend a portion for schoolbooks for poor children, and, as I have stated before, about $2,000 was expended for this object last year.

We have been told in a general way that many other children did not go to school and did not ask for the books, because they preferred to keep out of school rather than be known as pauper scholars. That general statement has been made; but, how many there are of that kind, we have no estimate. None has been submitted to us; but in further answer to the gentleman's question I will state that this provision increases the amount of money for this purpose by $51,000, in this bill.

Mr. BERGEN. I understand that to be the appropriation that will cover the whole of this item—$51,000.

Mr. CLEMENTS. The $51,000 is in addition to the $27,000 contingent fund, out of which provision is now made for free books, as I have stated.

Mr. BERGEN. It would be only an increase of about $24,000.

Mr. CLEMENTS. No; the gentleman did not understand me. There is still contained in the bill the item that was first read by the Clerk of $27,000, and then the $51,000 in addition to that; but of course, if the $51,000 is specifically given as proposed, no part of the general appropriation of $27,000 for contingent expenses would be available for this object.

Mr. BERGEN. I do not understand why both should be necessary. Now, I would like to ask the gentleman another question. Does he state that in his own State they do not furnish the scholars with books generally; that is, to all the scholars?

Mr. CLEMENTS. Does the gentleman mean free books?

Mr. BERGEN. Free books to all the children in your State. We certainly do that in New Jersey, and I supposed it was the general practice everywhere.

Mr. CLEMENTS. I did not say that. I said it was not the practice in many States; but I will state that there is no provision of law in Georgia which provides the children of school age with free books, unless it be in certain localities by local taxation, and I venture to say there are many of the States of the Union in which there is no such law.

Mr. KERR, of Iowa. There is none in Iowa.

A MEMBER. And none in Illinois.

Mr. CLEMENTS. None in Iowa and none in Illinois. I am not objecting. I would be glad to have such a provision made as would give the children unable to buy their books, in all the States, all the books necessary for their education, and I am not making any fight here against any sufficient sum providing all the children of school age within this District with books in cases where they are unable to buy them; but this proposition goes very much further than that, goes to the extent of supplying all children, rich and poor alike, who are of school age and who attend the schools, through all the first six grades. Now, it seems to me that this is an unwise departure from the policy we have pursued heretofore.

I think that the school system of this District is already a liberal one. We have something like eighty schoolhouses in the District; I do not now recall the exact number, but it is about eighty. We are paying more than eight hundred schoolteachers. The school expenses of this District now amount to nearly $1,000,000 annually for all purposes. I believe children between six and eighteen years of age are provided for, at least the minimum age is six years. And there is already a provision out of which children unable to buy their books and who apply for them can be and are supplied with them free.

Now, it is a mere sentiment that, by the giving of a free book temporarily to a child who is unable to buy one, that is an ignominious distinction by which he is recognized as not being a child of wealthy parents. And we are recognizing that a badge of poverty is a badge of dishonor. I am not prepared to recognize any such doctrine. The majority of the people of the United States are poor. This is a rich country, with many rich people and millionaires in it. The aggregate wealth of the country is great and is increasing, but it is not very equally distributed under existing conditions, and a great majority of the people and of the children, therefore, are poor.

Mr. ROGERS. Will the gentleman allow me to interrupt him right there?

Mr. CLEMENTS. I will.

Mr. ROGERS. I suppose he will agree with us that, if a badge of poverty is not a badge of dishonor, at least poverty is very inconvenient.

Mr. CLEMENTS. Undoubtedly it is inconvenient, but at the same time it is sometimes a great force behind a man or a child in school or elsewhere by which he is necessarily compelled to grapple with the issues of life; and it is from this class of people that the men and women of virtue, of courage, and of industry come, who have built up this country to a degree of prosperity that it now occupies before the world. [Applause].

Mr. McCREARY. If the gentleman from Georgia will allow me, in that connection I notice in the report it is stated that the commissioners have not estimated for any of the purposes embraced in the item under the head of "for charities" in the District appropriation bill for the current fiscal year, pending the appointment of a superintendent of charities, but have reserved therefor $120,400.

I desire to ask the gentleman in that connection why it is that in this appropriation bill only $121,800 are appropriated for charities in the city of Washington, when last year we appropriated $163,342.

Mr. CLEMENTS. If the gentleman will allow me I will pursue the line I was on a little while and then come to the question he has asked.

Mr. McCREARY. I wish the gentleman could answer it now.

Mr. CLEMENTS. I will say in relation to that that the commissioners submitted no estimates this year, and the committee was compelled to resort to just such information as it could derive from other sources, and upon a general survey of the whole field and the revenues that change was made.

Mr. McCREARY. I would like to ask the gentleman why it was that the commissioners of this District submitted no estimates this year.

Mr. CLEMENTS. Their excuse was that in the bill of last year we had made provision for the appointment of a superintendent of charities, who was expected and by law required to furnish the information upon which a proper estimate could be made. Although the superintendent of charities has not as yet been appointed by the President, the commissioners of the District said that in view of that law, although not executed in the appointment, the commissioners simply made no estimate because they felt that was taken off their shoulders.

Mr. McCREARY. And, although no report has been submitted, the committee reduces the amount for charities by $40,000.

Mr. CLEMENTS. Well, I have not figured the exact amount; but I have no doubt the gentleman is correct.

Mr. McCREARY. I hold in my hand the report of your committee. From it I see that in 1891 the amount appropriated for charities was $163,342; the amount recommended for 1892 is $121,800.

Mr. CLEMENTS. I have no doubt those figures are correct. We had no information upon that subject from any official source, and we have simply done the best we could in relation to that. This question of charities, gentlemen will very well remember, is one that has been generally reviewed in both Houses. Gentlemen come in here and make statements and speak of the necessity for one institution or another, and the amounts are usually increased in both Houses; and yet it is very likely there is a necessity for an increase in several instances in relation to charities now. That is another reason why I think that some of these unnecessary items ought to go out of this bill.

Now, in relation to this provision for free schoolbooks for the rich and poor of the District, I want to say, in addition to what I have already suggested, that it seems to me that something ought to be left for a citizen in this country to do for himself. I will probably be called a fogy if I say anything in derogation of what is generally termed "progress," especially on the subject of education. I can see no weight in the argument that because a child is poor he must therefore be kept out of school by his parents rather than accept a book from his Government unless all the rich and wealthy are also given books which they do not need.

While you are making provision in this bill for each of the poor children who need books and who under existing law would get books as children whose parents are unable to buy them, you are taxing the people of all the States of the Union who do not even have schools to go to, with the books they purchase out of their own money to attend school three or four months in some States. You are taxing them to furnish not the poor of this District, but while furnishing ten poor children of this District you are providing for a hundred children of wealthy parents, who do not need an appropriation and who do not ask it, simply because of a sentiment that it is a badge of dishonor for a child to have a free book in a schoolhouse, when his parents are unable to buy books, and which points him out as a poor child.

Now, what will this lead to? Why, one person came before our committee and said it was not so much a question of books as it was a question of clothes, that the poor children could not dress as well as others, and therefore they did not want to appear in the schoolroom. That may be true. As a matter fact, if it is so, it is a question of false pride that we ought not to create or indorse in our land. It is no dishonor to be poor, but sometimes a blessing in disguise. It is not always the case that the child of fortune and of wealth is the happiest, most prosperous, and best citizen of this country. Often we see great poverty. None of us like it, but the most of us have to submit to it, and, perhaps, after all, it is better for us and for the country. At any rate it seems to me that in these matters of dispensing the public money there ought to be something like equality as well as progress. There ought to be an observation of the general principles of justice and equality. It must be remembered, as I have before said, that one-half of this money comes from the people all over this country, and not from this District alone. It comes from the balance of the people whose children have to labor in the fields, for the reason that they have not time to attend the school built at their door.

It comes from the parents who are unable to buy books for their children at home, and whose State governments supply none for them; and if it simply were to buy books for those who are not able to buy them I would not offer a word against it. Not only that; if it was to provide not only for the poor of this District, but for the whole of the people who are unable to buy books for their children at home, I would raise no question against it.

Now, it seems to me that we ought to follow the laws of equity, justice, and common sense, and not go off upon a false sentiment and a false pride in making these appropriations of the people's money. It is but another step in the line of that general system and policy of paternalism which has characterized much of the legislation of this Government for years. It is upon the idea that the Government is to do everything for the citizen.

It is turning our backs upon the true doctrine that the Government

is to be supported by the people, that the Government is to be what the people make it, that the people are to carry on the Government—it is, I say, turning our backs upon that true doctrine and adopting the opposite doctrine upon which lines we have been running in many respects for years, the doctrine of building up a great paternal system to provide for all the wants of the people, whether it be to give them success and prosperity in their manufacturing or in their shipping interests or in some other way. The idea of that system is that the Government is to take charge of all the affairs of the people and supply all their wants.

Why, sir, the Government has no money that it does not take from the people, and, having taken the money from the people, my appeal is that in the distribution of it that money should be dealt out with equality and justice to all, unless where exceptions are made in the interest of the poor and the unfortunate. There are in this bill provisions for the support of various institutions of charity, for the unfortunate, the blind, and the diseased.

Those provisions are all right; they are humane and proper and they ought to stand. But I think we ought to leave a little for the citizen to do. We ought to leave a little to encourage and train the boy and girl to build for themselves their own characters and their own fortunes. We ought, by our laws, to recognize the propriety of self-reliance, at least to a certain extent. The revenues of the District do not justify this new departure, which is only the beginning of what will hereafter amount to a very large expenditure.

I will tell you why I think it will do so. It is proposed now to make this appropriation upon the idea that poor children ought not to be placed in such a position as not to be recognized in school as such. The next step will be to contend that old books ought not to be given to a child; that a book that has been used this year will not be fit for use next year. People who are rich, or sufficiently so to buy books, will send their children to the book stores to supply themselves with new books, and therefore those children will be designated in school as the children of people who are able to buy new books.

I am quite certain that the effect of this will be that old books, or books which have been used one year or one term, will not be used again in the schools. They will not be used by the children of those who are able to buy new ones. You passed a bill here the other day requiring the street-car companies of this city to destroy their old, mutilated tickets, to issue new ones each day, and to sell new tickets to each passenger, upon the idea that those little street-car tickets, an inch long and half an inch wide, after being used for two or three days, might become vehicles for the transmission of disease.

Now, if those little pieces of pasteboard are liable after a few days' use to become dangerous in that way, how much more plausibly may it be contended that books which have been in use for months or for a year, and which have been used alternately by children residing in different portions of the city and in different stations of life, may become vehicles for the transmission of disease.

The consequence will be that people who are able to buy new books will refuse to let their children use the old ones, and therefore, instead of having the few children who are poor and unprovided with books designated as poor on that account, you will put it in the power of those who are able to buy their own books to designate themselves as not being paupers, leaving it to be inferred that all others are such; so that your remedy will entirely fail to reach the case. In fact there is nothing in the view upon which the legislation is based but a sentiment. There is no dishonor in poverty.

If a child comes into school with an old book, being unable to buy a new one, and if his neighbor has a better one, there is no dishonor to him in that any more than there is dishonor in one person's not being able to dress as well as another in school, in church, or in society; and it seems to me that it is going a long way to propose that the Government of the United States, a Government which recognizes the individuality of every citizen, a Government which rests upon the principle that the Government should be supported by the people, a Government whose very existence depends upon the individuality, self-reliance, and the manhood of its citizens, should undertake to relieve individuals of their just responsibilities in this way.

Now, we have no money to venture upon enterprises of this sort which promise nothing but growing expenditures in the years to come without any profit. If the amount appropriated is inadequate to supply with books children in the District who desire to go to school and who are kept out of school because they are unable to buy their books, make the amount ample to provide for that. And there need be no designation of these children by this stamping of the public property. That matter can be regulated if there is any serious objection of that kind, but I think there is nothing in it.

We have presented to us a great many statistics; and people come about our committee rooms full of sentiment. They tell us that it is better to provide schoolhouses and free schoolbooks and everything of that kind than to spend money in maintaining penitentiaries and prisons. That is a very beautiful statement; it sounds very well; and it is all right. But, so far as I have been able to observe, it does not necessarily follow that because a man or a woman is educated therefore he does not deserve to go to the penitentiary. As a gentleman near me suggests, something may depend upon whether a child is educated at the public expense; for, if he has struggled individually to buy his books and find time to go to school and to take care of himself, he will most probably make a virtuous and industrious man.

In this same line we had before the committee a proposition to establish about ten kindergartens here in the city of Washington. I do not desire to make any criticism upon the estimable ladies who represented this enterprise, nor do I criticise the system of kindergartens. They are all right. But the argument was that we should provide means by which the Government may become the father or the mother of the child at the age of three, taking him out of the streets and making a good citizen of him; that it is better to support such a system as this rather than to maintain prisons and penitentiaries.

But the statistics, not only of this country, but other countries, fail to sustain the argument that in proportion to the schools and kindergartens which are established the prisons and the penitentiaries are less necessary. This proposition involves all along the idea of taking the child at the age of three years and putting him entirely under the influence of public-school teachers, of others than the parents. In this idea there is a total neglect of what is a very necessary branch of education. The child is taught from the start that he must look to the Government for everything; that is the first principle.

The idea of self-reliance is entirely eradicated; he is taught to look to the Government for clothing, food, and everything. Not only that, but he is taken care of by the public instructor, by the Government through its agents, and to this extent home influences are removed from him, the great lessons of morality and religion, those principles which are necessary in the government of the life of a man or a woman to keep him or her out of the penitentiary or the prison, are almost entirely neglected.

The thing that we call progress in the public schools includes especially looking to the intellectual training of the child; and besides we have a lot of teachers going from schoolhouse to schoolhouse attending to the development of the muscles, giving lessons about physical movements and various forms of muscular exercise. I make no objection whatever to that; I think it is all very well; but I do not believe in governmental control and education of the intellect and the muscles to the entire neglect of the home teaching of the heart, the instruction in morality, fidelity, honesty, industry, self-reliance, religion. These are all wiped out by the paternal system of government. [Applause.]

Some other education is necessary besides that of the intellect and the muscles; and home is the best school to get that education.

And when you gather up children upon the streets at the age of three years and place them in public institutions, you are not diminishing the necessity for prisons and penitentaries; and the statistics of our great cities that go furthest in this direction do not prove it.

Go to the great cities of this country or the world, where they boast of the greatest progress in institutions for public instruction, where the child is debarred from all home training, where he is early taken into the public schools for mental and physical instruction. Those cities are the very places where the statistics run highest in showing immorality and crime. It is from the rural districts, where the humbler people of society reside, that the salt of this country for the preservation of its morality is found.

I do not say there is not a high character of morality in the cities; I do not want to say that; but I do mean to say that this system which I am condemning is only one step among many that have been taken in the direction of neglecting and putting impediments in the way of that home instruction in morality which is necessary to make good and useful citizens; and I repeat that this system does not diminish the number of criminals.

Mr. FITCH. Did the gentleman say there are no honest people in the cities? [Laughter.]

Mr. CLEMENTS. I did not say there is not a very high type of morality in the cities, for I see it illustrated all around me, even in Tammany Hall.

Mr. FITCH. Certainly.

Mr. CLEMENTS. But I must hasten on. I have taken more time than I intended upon these paragraphs in the bill. The current law provides for this District eight supervising principals. With something like eight hundred teachers, there are eight supervising principals in addition to the white superintendent and the colored superintendent, making in all ten officials. And these supervising principals receive salaries of $2,000 each. In this bill it is proposed to increase the number of supervising principals, making three more of these officers at salaries of $2,000 each, aggregating $6,000 of additional expense.

I do not propose to criticise the other increases of salaries in this bill; I do not mean where the salary has been increased, but I mean increasing the number of salaried people. The larger item is for school teachers, which grows out of the growth of the city in population from year to year.

The other largest item of the bill is the $22,000, and is the taking of people who are employed on the temporary roll in the sewer division and putting them on the permanent roll, and hence it makes no difference in the aggregate expenditures.

Mr. McCOMAS. They are employés now and have been there for many years. This simply puts them where they will be perhaps for years to come at the same salary.

Mr. CLEMENTS. That is true. According to the statement made to us about it, I have no doubt of its correctness. It does not increase the number of employés; it simply puts on the permanent roll those who were permanently carried on temporary appropriations, deeming it better to show in the bill just how they are employed than to make a temporary provision for their payment from year to year, while in point of fact they are permanently employed.

There is also a provision here for an increase of one clerk in the office of the health officer.

I do not believe, Mr. Chairman, that the appropriation of $51,000 for free schoolbooks for the people of this District is desirable or proper.

Mr. KERR, of Iowa. What provision would the gentleman make then for those who are unable to purchase books?

Mr. CLEMENTS. A provision is still in the bill out of which the poor children can be supplied hereafter just as in the past. But the $51,000 is in addition to that.

I do not see the necessity of increasing the salary of the superintendent of instruction $600 or the superintendent of police; but they are not very large items and would not amount to very much, particularly if we happened to have a flush Treasury; but we must remember that we have reached a condition now, and are confronted with it, which is the result of a surplus existing a few years ago. So long as there was an overflowing Treasury it was impossible to keep the appropriation bill of the District from rising from year to year for all the purposes named in it. But now the surplus is exhausted.

Mr. KERR, of Iowa. Let me ask the gentleman a question. Is it not true that the surplus existed years before because it was not paid out in discharge of the public debt?

Mr. CLEMENTS. That is true. Every proposition made to Congress, and they were repeatedly made, to apply that surplus to an extinguishment of a part of the bonded debt of the District was successfully resisted whenever presented on points of order or otherwise, and the surplus was kept but not applied to a reduction of the debt of the District and was expended by the appropriations of the last three or four years, which have been very liberal.

This bill now amounts to nearly twice as much as it did six or seven years ago, and we are up to this high point of expenditures, reached during a period of existing surplus, and now confronted with a condition which this year is going to provide a deficiency in the revenues wholly inadequate to meet the appropriations which we attempted to make, or which we did make on paper, in the last session of Congress, because the money is not there to meet them.

Hence, we are putting into this bill a provision for the improvement of streets which was in the last bill; and in the present condition of things, if the appropriations continue, some of you who sit here in the next Congress will see the same streets in the bill of the next year, because there is no money to do the work.

Mr. GREENHALGE. Can the gentleman state the amount of the additional expense which will be incurred by the purchase of free schoolbooks?

Mr. CLEMENTS. I have already stated the amount provided in this bill is $51,000.

Mr. McCOMAS. That goes to the first six grades, including about thirty thousand pupils, or all of the lower grades, out of a total of thirty-seven thousand school-children enrolled.

Mr. CLEMENTS. This provides for the first six grades only, as I have said, but I do not think we have any satisfactory evidence that it will supply all of the six grades. It may be—I do not say that it will not—but my argument is that it is unnecessary so far as the great majority of the children are concerned, that it will be necessary to repeat it year after year, because the children will not want the old books, and because, if it is right to supply the first six grades, it will be also right to supply the higher grades on the same principle, and that this is merely a beginning of a large item of expenditure which will go on from year to year.

Mr. McCOMAS. If my colleague will allow me, I wish to ask, if it be true that the common schools have grown top-heavy by giving a liberal high-school education to a few youths, is it therefore unwise to give a general training in the arts to the great masses of the smaller children, including the children of the working people who are scholars in these six grades?

Mr. CLEMENTS. The effect of the argument of the gentleman is to seek to justify one unwise act by the commission of another. I said I was in favor of equality in the distribution of the public revenues and that it ought to be paid out on principles of equality. I have contended that the burdens ought to be equal and the benefits and privileges resulting therefrom ought to be as nearly equal as possible in the distribution of the money; and hence if the question was an original one about the establishment of a high school here at public expense, a school to be maintained out of the revenues of the people of the United States throughout the country, North and South, who are burdened already and taxed and do not get the benefit and opportunity of keeping their children six months at the free schools in their own localities, I would not vote to establish out of the money arising from their taxes a high school at public expense in Washington.

Mr. VAUX. That is right.

Mr. CLEMENTS. But we have one already. I am not opposed to schools, colleges, and universities. I believe in them. But, I repeat, I believe also in the Government leaving something for the citizen to do. I believe in that principle of equal distribution of the proceeds of the people's money, as I believe in an equal distribution of the burdens of Government in all of these matters, and you know it is impossible to provide a high school for all of the children of the District of Columbia, and much more so is it impossible to maintain a high school at public expense for the children of each and every State of the Union.

When this Government has given a free education, as my friend from Maryland has just now suggested, in the branches designated as the three R's, it has placed within the reach of every child an education. It has given him the elements of it. It has given to each one alike. It has treated all upon the same general basis of justice and equality, and it leaves the balance for him to do after giving this elementary education, in the development of his manhood in self-reliance.

But we have the high school here already; the very fact that we have it, and that this discrimination is going on, means also that the poor children, who earn their bread and earn their clothes perhaps in the districts of Maryland as well as in Georgia, contribute, in the purchase of the necessaries of life, a portion of the very money that is appropriated here by us to educate children in the high school in Greek, Latin, French, and German. And there are numbers of children in the high schools of this District who are the children of the rich. That is, there are not very many of the children of the poor, because they are unable perhaps to get there on account of this embarrassment and this restraint to which I have alluded heretofore.

But the Government is taking from the constituents of my friend from Maryland [Mr. McCOMAS], from the very children who are unable to get a free education in the three R's, some of them because they have not the time to go to school—from their earnings is taken the money that comes here to build up the High School in the city of Washington for the children of those who choose to go there, and who are taught Greek and Latin and German and French, etc. It is all right to have high schools and colleges and universities, to study Greek and Latin and the higher mathematics.

I am not opposed to education, but I am in favor of equality and justice; and the fact that we already have a high school by which this discrimination is made is no reason why other discriminations should be placed by the side of it, and planted this year, to bloom out and develop into a great burden in the years to come, in the purchase of free schoolbooks for the growing population of this city and District, including the people of the classes who are able to buy their own books, and who would not use the free books second-hand if they had them, but would designate their children as children able to buy their own books, by furnishing them.

But now this bill has also in it a provision for the establishment of another high school on Capitol Hill; and upon the idea that we have one in another quarter of the city I suppose that this one will have to stay in the bill. Having commenced on this line, we must follow it up, and, according to the gentleman's argument, having established this as the policy now, we must upon the same principle establish a system of free books.

It is physically impossible for the Government to give every child in the District of Columbia and throughout the United States an education through the high schools; but, inasmuch as this is impossible, and inasmuch as it has never been found impossible for the struggling children of this generation to obtain an education after they have received a fundamental education, I see no necessity for enlarging this system in that way. Why, every practical man before me knows to-day very well that wherever there is a boy or a girl who is determined to have an education, the facilities throughout this country at this time are so great that it only requires a little effort on his part.

The disposition on the part of colleges and universities and high schools and of the Government to provide the facilities for education and scholarships in one way and another is so great that there is no difficulty about it. If a boy or girl who has been supplied with an education in these elementary branches desires a further education it is always within reach.

Now I wish to ask the Chair how much time I have consumed.

The CHAIRMAN (Mr. ALLEN, of Michigan). The gentleman has consumed an hour and seventeen minutes this afternoon and twenty minutes yesterday.

Mr. CLEMENTS. Other questions I will discuss under the five-minute rule.

Mr. McCOMAS. If my colleague desires to conclude in the morning, I will now move that the committee rise.

Mr. CLEMENTS. I do not wish to take more of the time of the committee, because there are other gentlemen on this side who desire to speak, and what else I have to say I will say in the five-minute debate and print in the RECORD. I do not wish to take up the time; I wish to ask the Chair how much time remains to this side of the House.

The CHAIRMAN. Fifty-three minutes.

Mr. CLEMENTS. Mr. Chairman, is there not some mistake about it? Only twenty minutes were consumed yesterday.

The CHAIRMAN. The gentleman has consumed an hour and seventeen minutes this afternoon and twenty minutes yesterday.

Mr. VAUX. Perhaps the committee will agree to increase the time in the morning.

Mr. McCOMAS. Oh, the time seems to be ample at present, and the House perhaps would not desire to extend the time.

Mr. VAUX. How much time remains to this side?

The CHAIRMAN. Fifty-three minutes.

Mr. McCOMAS. If my colleague on the committee [Mr. CLEMENTS] yields now, I will move that the committee rise.

Mr. CLEMENTS. I wish to reserve the balance of the time.

Mr. McCOMAS. I move that the committee do now rise.

The CHAIRMAN. Does the gentleman from Georgia yield?

Mr. CLEMENTS. Yes, sir.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. ALLEN, of Michigan, reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 12729) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1892, and had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. ABBOTT. I desire to present a privileged report and ask that it be printed.

Mr. McCOMAS. I move that the House do now adjourn.

The SPEAKER. The gentleman from Texas desires to offer a report, the title of which the Clerk will read.

The Clerk read as follows:

Report on the bill (H. R. 848) authorizing the construction of an addition to the public building in Dallas, Tex.

The SPEAKER. What does the gentleman wish done?

Mr. ABBOTT. I want the report to lie over for the present, but an order made by the House that it be printed.

The SPEAKER. Without objection, it will be so ordered.

There was no objection.

The SPEAKER. What motion did the gentleman from Maryland [Mr. McCOMAS] make?

Mr. McMILLIN. I move that the House do now adjourn.

Mr. McCOMAS. I had made the motion that the House do now adjourn.

The SPEAKER. The Chair did not understand the gentleman, and that is why the Chair asked the question.

The motion was agreed to; and accordingly (at 5 o'clock and 3 minutes p. m.) the House adjourned.

EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

ECKINGTON AND SOLDIERS' HOME RAILWAY COMPANY.

Letter from the president of the Eckington and Soldiers' Home Railway Company, transmitting the annual report of said company for the fiscal year ended December 31, 1890—to the Committee on the District of Columbia.

GEORGETOWN AND TENALLYTOWN RAILWAY COMPANY.

Letter from the president of the Georgetown and Tennallytown Railway Company, transmitting a report of the names of the stockholders of and the financial condition of that company—to the Committee on the District of Columbia.

GEORGETOWN BARGE, DOCK, ELEVATOR, AND RAILWAY COMPANY.

Letter from the president of the Georgetown Barge, Dock, Elevator, and Railway Company, transmitting a report of the names of the stockholders of and the financial condition of that company—to the Committee on the District of Columbia.

MEMORIALS AND RESOLUTIONS OF STATE LEGISLATURES.

Under clause 3 of Rule XXII, the following resolution of the General Assembly of Alabama was introduced and referred as follows:

By Mr. HERBERT: A resolution of the General Assembly of the State of Alabama, granting lands in Alabama for use of public schools—to the Committee on Public Lands.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, a Senate bill and joint resolution of the following titles were taken from the Speaker's table and referred as follows:

A bill (S. 4675) to provide a unit of value and for the coinage of gold and silver, and for other purposes—to the Committee on Coinage, Weights, and Measures.

Joint resolution (S. R. 147) authorizing the Postmaster-General to credit O. M. Laraway, late postmaster at Minneapolis, Minn., with certain losses sustained by him by the theft of postage stamps instead of postal funds—to the Committee on Claims.

RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolutions were introduced and referred as follows:

By Mr. MORRILL:

Resolved, That Thursday, January 29, be set apart for the consideration of general bills reported by the Committee on Invalid Pensions, this order to be in force immediately after the reading of the Journal and the expiration of the morning hour;

to the Committee on Rules.

By Mr. SAYERS:

Resolved, That the Secretary of War be, and he is hereby, requested to furnish the House of Representatives with information as to the amount of deficiencies that will probably occur in the several branches of the military service during the present fiscal year, in consequence of the Indian troubles which are prevailing on our Northwestern frontier;

to the Committee on Appropriations.

By Mr. BOATNER:

Whereas it appears that the receiver of the land office at Monroe, La., permitted many persons to locate on lands certified for the Vicksburg, Shreveport and Texas Railroad Company on October 7, 1859, under and according to the provisions of the act of Congress of June 3, 1856, and to enter the same under the act of Congress approved May 20, 1862, entitled "An act to secure homesteads to actual settlers on the public domain," receiving from them the usual fees and compensation; and

Whereas the Vicksburg, Shreveport and Pacific Railway Company, the successor and assignee of the rights of the Vicksburg, Shreveport and Texas Railroad Company, has deposed said settlers and deprived them of their homesteads: Therefore,

Be it resolved by the House of Representatives of the United States, That the Secretary of the Interior is hereby directed to inform the House what authority, if any, the said receiver had for accepting the fees and compensation aforesaid, and what instructions, if any, were issued to him from the Interior Department with reference to said lands certified to said railroad and covered by said grant;

to the Committee on the Public Lands.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. BUCHANAN, of New Jersey, from the Committee on Patents, reported favorably the bill of the House (H. R. 12968) appointing commissioners to revise the statutes relating to patents, trade and other marks, accompanied by a report (No. 3462)—to the House Calendar.

Mr. STOCKBRIDGE, from the Committee on Commerce, reported favorably the bill of the Senate (S. 4632) to provide for a patrol steamer for the replacing of buoys in the St. Mary's River, Michigan, accompanied by a report (No. 3463)—to the Committee of the Whole House on the state of the Union.

He also, from the same committee, reported favorably the joint resolution of the House (H. Res. 267) authorizing the Secretary of the Treasury to suspend law as to certain life-saving appliances, accompanied by a report (No. 3464)—to the House Calendar.

Mr. YODER, from the Committee on Invalid Pensions, reported favorably the bill of the House (H. R. 12195) to pension Hannah C. Reid, accompanied by a report (No. 3465)—to the Committee of the Whole House.

Mr. WILLIAMS, of Ohio, from the Committee on Military Affairs, reported with amendment the bill of the House (H. R. 12824) to remove the charge of desertion from the record of Andrew L. Grugett as a former member of Company E, Sixth Tennessee Cavalry, in the war of the rebellion, and to grant him an honorable discharge therefrom, accompanied by a report (No. 3466)—to the Committee of the Whole House.

He also, from the same committee, reported with amendment the bill of the House (H. R. 12643) to remove the charge of desertion from the record of Michael Mahan, accompanied by a report (No. 3468)—to the Committee of the Whole House.

Mr. DOLLIVER, from the Committee on Naval Affairs, reported favorably the bill of the House (H. R. 11560) to relieve Patrick J. Bench, alias Patrick McBench, from the charge of desertion, accompanied by a report (No. 3469)—to the Committee of the Whole House.

Mr. ATKINSON, of Pennsylvania, from the Committee on Expenditures in the Treasury Department, reported favorably the bill of the House (H. R. 12733) to determine and increase the pay of keepers of life-saving and lifeboat stations and of crews of surfmen employed at the life-saving and lifeboat stations, accompanied by a report (No. 3470)—to the Committee of the Whole House on the state of the Union.

Mr. OWEN, of Indiana, from the Committee on Immigration and Naturalization, to which was referred the bill of the House (H. R. 12298) to regulate immigration, reported, as a substitute therefor, a bill (H. R. 13175) in amendment of the various acts relative to immigration and the importation of aliens under contract or agreement to perform labor; which was read twice, and, accompanied by a report (No. 3472), referred to the Committee of the Whole House on the state of the Union.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, an adverse report was delivered to the Clerk and laid on the table, as follows:

By Mr. GROUT, from the Committee on the District of Columbia, on the bill (H. R. 12535) to amend "An act to provide for the incorporation of trust, loan, mortgage, and certain other corporations within the District of Columbia," approved October 1, 1890. (Report No. 3467.)

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills and joint resolutions of the following titles were introduced, severally read twice, and referred as follows:

By Mr. BUTTERWORTH: A bill (H. R. 13147) to amend the patent law—to the Committee on Patents.

By Mr. GROUT: A bill (H. R. 13148) to prevent bookmaking and pool selling in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BOATNER: A bill (H. R. 13149) authorizing the Louisiana, Arkansas, and Missouri Railroad Company to construct and maintain bridges across certain rivers in the States of Louisiana and Arkansas, and to close outlets—to the Committee on Commerce.

By Mr. CUTCHEON: A bill (H. R. 13150) to transfer officers on the retired list of the Army from the limited list to the unlimited list, and to reduce the limited list from 400 to 350—to the Committee on Military Affairs.

By Mr. HEARD (by request): A bill (H. R. 13151) to regulate the business of title-insurance companies in the District of Columbia—to the Committee on the District of Columbia.

By Mr. STRUBLE: A bill (H. R. 13152) authorizing certain homestead settlers in the State of Iowa to make final proof, etc.—to the Committee on the Public Lands.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BERGEN: A bill (H. R. 13153) granting a pension to Mary Brooks, army nurse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13154) granting a pension to Mary Jane Fox, army nurse—to the Committee on Invalid Pensions.

By Mr. BREWER (by request): A bill (H. R. 13155) to amend the military record of John M. Barlow, deceased—to the Committee on Military Affairs.

By Mr. BRICKNER: A bill (H. R. 13156) to remove the charge of desertion now standing against Patrick McAnalley—to the Committee on Military Affairs.

By Mr. FLOWER: A bill (H. R. 13157) granting a pension to Lillie E. Willis—to the Committee on Invalid Pensions.

By Mr. WALTER I. HAYES: A bill (H. R. 13158) for the relief of Charles C. Baumann—to the Committee on War Claims.

Also, a bill (H. R. 13159) restoring the pension of Caroline Dawson—to the Committee on Invalid Pensions.

By Mr. HERBERT: A bill (H. R. 13160) to increase the pension of A. M. Cook, Mexican war—to the Committee on Pensions.

By Mr. KELLEY: A bill (H. R. 13161) to place on the pension roll the name of David M. Foltz, late private Company D, Thirty-seventh Pennsylvania Infantry—to the Committee on Invalid Pensions.

By Mr. MANSUR: A bill (H. R. 13162) for the relief of D. H. Mitchell—to the Committee on Claims.

By Mr. NIEDRINGHAUS: A bill (H. R. 13163) for the relief of Robert M. Gardner—to the Committee on War Claims.

By Mr. RUSK: A bill (H. R. 13164) for the relief of Johanna Eckle—to the Committee on Invalid Pensions.

By Mr. SMITH, of Illinois: A bill (H. R. 13165) granting a pension to Mrs. Lucinda C. Wheeler, widow of John H. Wheeler, late private in Company L, Seventh Regiment Tennessee Cavalry Volunteers—to the Committee on Invalid Pensions.

By Mr. SWENEY: A bill (H. R. 13166) to pension Sarah H. Henderson—to the Committee on Invalid Pensions.

By Mr. JOSEPH D. TAYLOR: A bill (H. R. 13167) to remove charge of desertion in the case of Oliver Armsey—to the Committee on Military Affairs.

Also, a bill (H. R. 13168) for the relief of C. C. Taggart—to the Committee on War Claims.

By Mr. TAYLOR, of Tennessee: A bill (H. R. 13169) granting a pension to James McDonald, of Greene County, Tennessee—to the Committee on Invalid Pensions.

By Mr. WHITELAW: A bill (H. R. 13170) granting a pension to L. H. Linville—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13171) to pension Thomas B. Tankersley, late private in Capt. John R. Cockrane's twelve months' independent company, Missouri Militia—to the Committee on Invalid Pensions.

By Mr. WILEY: A bill (H. R. 13172) granting an honorable discharge to Jeremiah Peters—to the Committee on Military Affairs.

By Mr. FITCH: A bill (H. R. 13173) granting an increase of pension to John D. Terry—to the Committee on Invalid Pensions.

By Mr. MARTIN, of Indiana: A bill (H. R. 13174) to grant a pension to Absalom M. Wolf, of Mier, Ind.—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were placed on the Clerk's desk and referred as follows:

By Mr. ABBOTT: Petition of citizens of Walnut, Bosque County, Texas, asking passage of House bill 7162 or Senate bill 2806—to the Committee on Ways and Means.

Also, petitions of other citizens of same county and State, for passage of same measure—to the Committee on Ways and Means.

By Mr. ANDREW: Papers to accompany House bill 12678, for relief of Huldah C. Packard—to the Committee on Invalid Pensions.

By Mr. ARNOLD: Petition of Arnold B. Chace, Elizabeth B. Chace, and others, citizens of Rhode Island, for prompt passage of Senate bill 4173—to the Committee on Education.

By Mr. BOOTHMAN: Petition of the South Pulaski Farmers' Alliance of Williams County, Ohio, in favor of House bill 5353—to the Committee on Agriculture.

Also, petition of J. G. Salsburg and 44 others, citizens of same county and State, for same measure—to the Committee on Agriculture.

By Mr. BOUTELLE (by request of Mr. REED, of Maine): Resolutions of the New York Board of Trade and Transportation, in favor of passage of the Farquhar tonnage bill—to the Committee on Merchant Marine and Fisheries.

By Mr. BREWER: Petition praying for the correction of the military record of John M. Barlow—to the Committee on Military Affairs.

By Mr. BROOKSHIRE: Papers to accompany House bill 13111 to increase the pension of Ambrose B. Carlton—to the Committee on Pensions.

By Mr. COOPER, of Ohio: Petition of Samuel Craft and 23 others, citizens of Marion County, Ohio, for passage of House bill 5353, defining options and futures, etc.—to the Committee on Agriculture.

Also, resolutions of Marion Farmers' Alliance, No. 126, of Marion County, Ohio, for same measure—to the Committee on Agriculture.

By Mr. FLICK: Petition of 34 citizens of Taylor County, Iowa, asking passage of House bill 5353, defining options and futures—to the Committee on Agriculture.

Also, petition of 23 citizens of Iowa, for same measure—to the Committee on Agriculture.

Also, petition of 62 citizens of Iowa, asking passage of same measure—to the Committee on Agriculture.

Also, resolutions of High Point Farmers' Alliance, No. 1680, of Decatur County, Iowa, for same measure—to the Committee on Agriculture.

By Mr. HARE: Petition and papers in claim of E. G. Bradley, for property—to the Committee on War Claims.

Also, papers for same relief—to the Committee on War Claims.

Also, papers for same relief—to the Committee on War Claims.

By Mr. WALTER I. HAYES: Petition of citizens of Grand Mound, Clinton County, Iowa, in favor of the option bill—to the Committee on Agriculture.

By Mr. KELLEY: Petition of 37 citizens of Fairfax, Osage County, Kansas, asking passage of House bill 5353, defining options and futures and imposing special taxes on dealers therein, and insisting that the farming interests of the country are suffering because the sweat-created products are, so far as prices are concerned, a mere shuttlecock in the monstrous gambling game between bulls and bears—to the Committee on Agriculture.

By Mr. KETCHAM: Petition of the Columbia County Woman's Christian Temperance Union, for passage of Senate bill 4173—to the Committee on Education.

By Mr. LACEY: Resolutions of Farmers' Alliance No. 1313, Keokuk, Iowa, in favor of the Butterworth option bill—to the Committee on Agriculture.

By Mr. LANE: Petition of Hickory Point Lodge, No. 4044, Farmers' Mutual Benefit Association, of Macoupin County, Illinois, for passage of House bill 5353, defining options and futures, etc.—to the Committee on Agriculture.

By Mr. LANHAM: Petition of citizens of Jones County, Texas, relating to subtreasury bill—to the Committee on Ways and Means.

By Mr. MOREY: Resolutions of the Farmers' Alliance, Antioch, Clermont County, Ohio, in favor of the option bill—to the Committee on Agriculture.

Also, resolutions of Clark's Run (Ohio) Farmers' Alliance, for same measure—to the Committee on Agriculture.

Also, resolutions of Farmers' Alliance, of Clifton, Ohio, for same measure—to the Committee on Agriculture.

Petition of 34 residents of Greene County, Ohio, for same measure—to the Committee on Agriculture.

By Mr. MORRILL: Petition of 37 business men of Beloit, Kans.,

for the passage of House bill granting pensions to ex-prisoners of war—to the Committee on Invalid Pensions.

Also, petition of 9 ex-prisoners of war, residents of Mitchell County, Kansas, for the same measure—to the Committee on Invalid Pensions.

By Mr. MORROW: Petition of 285 citizens of Baltimore, Md., in favor of the Chinese exclusion act, said petition being, on December 26, 1890, unanimously adopted by Car-Makers' Assembly, No. 1384, Knights of Labor; membership, 800; J. W. Boston, master workman; Charles L. Smith, secretary—to the Committee on Foreign Affairs.

Also, petition of certain other citizens of Baltimore, Md., for same measure—to the Committee on Foreign Affairs.

By Mr. O'NEILL, of Pennsylvania: Resolution of the Philadelphia Conference of Baptist ministers (colored), indorsing the bill now pending before Congress for subsidizing a steamship line from this country to the west coast of Africa—to the Committee on the Post Office and Post Roads.

By Mr. OWENS, of Ohio: Petition of E. J. Lezier and 29 others, citizens of Holmes County, Ohio, favoring passage of House bill 5353, the option bill—to the Committee on Agriculture.

By Mr. PERKINS: Affidavits and papers in support of pension claim of Andrew Smith, of Kansas—to the Committee on Pensions.

Also, petition and papers in support of pension claim of Nettie C. Constant, of Kansas—to the Committee on Invalid Pensions.

By Mr. PINDAR: Petition of Mrs. Lydia G. Wilcox, president, Jennie E. Shafer, secretary, of the Woman's Christian Temperance Union of Schoharie County, New York, claiming to represent 207 members, praying passage of Senate bill 4173, to create a national social vice commission of inquiry—to the Committee on Education.

By Mr. SAYERS: Petition of citizens of McCullough County, Texas, asking for free coinage of silver—to the Committee on Coinage, Weights, and Measures.

Also, petition of other citizens of same county and State, for same measure—to the Committee on Coinage, Weights, and Measures.

By Mr. SMYSER: Petition of 53 citizens of Wayne County, Ohio, praying passage of the option bill—to the Committee on Agriculture.

By Mr. STRUBLE: Resolutions of Clinton Township (Sac County, Iowa) Alliance, urging passage of House bill 5353—to the Committee on Agriculture.

Also, petition of Charles L. Wade and 24 others, citizens of same county and State, for same measure—to the Committee on Agriculture.

Also, petition of W. H. Menold and 4 others, citizens of same county and State, for same measure—to the Committee on Agriculture.

By Mr. SWENEY: Petition of J. White and 40 others, citizens of Clear Lake, Iowa, for passage of a law to control the manufacture and sale of oleomargarine and butterine and all compounds in imitation of butter—to the Committee on Agriculture.

Also, petition of E. Cobb and 24 others, citizens of same place, for same measure—to the Committee on Agriculture.

By Mr. EZRA B. TAYLOR: Petition of F. L. Marr and 22 others, citizens of Griggs Corners, Ohio, against options—to the Committee on Agriculture.

Also, petition of Farmers' Alliance of same county, for same purpose—to the Committee on Agriculture.

Also, petition of Walter Notman and 18 others, citizens of Deerfield, Ohio, for same measure—to the Committee on Agriculture.

Also, petition of Farmers' Alliance of Deerfield, Ohio, for same measure—to the Committee on Agriculture.

By Mr. YARDLEY: Petition of Perkasie Council, Order United American Mechanics, for restriction of immigration of pauper labor—to the Select Committee on Immigration and Naturalization.

By Mr. YODER: Petition of 37 members of Farmers' Alliance, citizens of Mount Pleasant, Shelby County, Ohio—to the Committee on Agriculture.

SENATE.

FRIDAY, *January* 16, 1891.

The Senate met at 12 o'clock m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury requesting that an additional appropriation of $20,000 be made for the improvement of the grounds and completion of the breakwater for the United States marine hospital building at Lake View, Chicago, Ill.; which was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury recommending an appropriation of $75,000 to carry into effect the act providing for the purchase of a site and the erection of a public building thereon at Taunton, Mass.; which was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a letter from the Secretary of the Navy, transmitting, in compliance with the concurrent resolution of Congress, the report of a board of officers appointed to examine the report and recommendations made by the delegates of the United States in the International Marine Conference so far as the same applies to subjects under the jurisdiction of the Navy Department, and to prepare bills for the enactment into law of said recommendations; which was referred to the Committee on Naval Affairs, and ordered to be printed.

GEORGETOWN AND TENNALLYTOWN RAILROAD COMPANY.

The VICE PRESIDENT laid before the Senate a communication from R. C. Drum, president of the Georgetown and Tennallytown Railroad Company of Washington, transmitting, in compliance with law, a list of the stockholders of that company, with a statement of its financial condition; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

LORENZO F. COFFIN.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives nonconcurring in the amendment of the Senate to the bill (H. R. 11098) for the relief of Lorenzo F. Coffin, and requesting a conference thereon.

Mr. COCKRELL. I move that the Senate insist upon its amendment and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the Vice President was authorized to appoint the conferees on the part of the Senate; and Mr. HAWLEY, Mr. MANDERSON, and Mr. COCKRELL were appointed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial of the Fall River (Mass.) Butchers and Grocers' Association and a memorial of the Boston (Mass.) Retail Grocers' Association, remonstrating against the passage of the Conger lard bill; which were ordered to lie on the table.

Mr. ALLISON presented the following petitions praying for the passage of the Conger lard bill; which were ordered to lie on the table:

Petition of Farmers' Alliance, No. 1313, of Keokuk County, Iowa;

Petition of Charles L. Wade and 29 other citizens of Sac County, Iowa;

Petition of Edward Miller and 26 other citizens of Clinton County, Iowa;

Petition of E. Mathews and 8 other citizens of Fayette County, Iowa;

Petition of Michael Snyder and 36 other citizens of Linn County, Iowa;

Petition of J. W. Moore and 11 other citizens of Calhoun County, Iowa;

Petition of S. W. Benshoof and 14 other citizens of Alden, Iowa;

Petition of N. H. Ellis and 14 other citizens of Pottawattamie County, Iowa;

Petition of A. E. Carter and other citizens of Washington Township, Pottawattamie County, Iowa;

Petition of H. S. Griffin and 19 other citizens of Muscatine, Iowa;

Petition of Summit Alliance, Iowa;

Petition of Richland Township, Iowa; and

Petition of Hazel Dell Alliance, Weston, Iowa.

Mr. ALLISON presented the petition of K. W. Kingsley and a large number of other citizens of Strawberry Point, Iowa, praying that Congress speedily enact a law giving the several States authority to control the manufacture and sale of oleomargarine, butterine, and all compounds in imitation of butter; which was ordered to lie on the table.

Mr. FRYE presented the petition of S. P. Thompson and 50 other citizens of Limestone, Me., and the petition of John Manwell and 19 other citizens of Canton, Me., praying for the passage of the pure-lard bill; which were ordered to lie on the table.

Mr. McMILLAN presented the following petitions of citizens and Farmers' Alliances of Michigan, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Petition of John Roberts and 21 other citizens of Muskegon County, Michigan;

Petition of George McMillan and 19 other citizens of Muskegon County, Michigan;

Resolutions of Union Alliance, No. 542, of Wexford County, Michigan;

Resolutions of Muskegon County Alliance, No. 35, of Fruitland, Michigan;

Petition of S. M. Mills and A. D. Saxton, of Eaton County, Michigan, under seal of East Rapids Grange, No. 360;

Petition of Henry Greer and 10 other citizens of Kalamazoo County, Michigan;

Petition of S. A. Raymond and 26 other citizens of Rome, Lenawee County, Michigan; and

Petition of J. B. Craig and 16 other citizens of Three Rivers, Mich.

Mr. CAMERON presented the petition of Annie Hencock and Jacob Reese and other citizens of the State of Pennsylvania, praying for the passage of Senate bill 4173, creating a national commission of inquiry

into social vice; which was referred to the Committee on Education and Labor.

Mr. WILSON, of Iowa, presented the following petitions of citizens of Iowa, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Petition of D. W. Scott and 41 other citizens of Guthrie County, Iowa;

Petition of Sardine Smith and 10 other citizens of Orange Township, Guthrie County, Iowa;

Petition of S. Baughman and 35 other citizens of Scott County, Iowa;

Resolutions of Scott County Farmers' Alliance, No. 1770, of Iowa;

Petition of M. J. Garrigan and 21 other citizens of Farley, Dubuque County, Iowa;

Petition of T. F. Luckinbill and 41 other citizens of Des Moines County, Iowa;

Petition of A. Birkholz and 21 other citizens of St. Charles, Floyd County, Iowa;

Petition of L. Litscher and 14 other citizens of Scott County, Iowa;

Petition of Charles Herrenton and 14 other citizens of Butler Township, Butler County, Iowa;

Petition of D. A. Winchell and 16 other citizens of Butler County, Iowa;

Petition of S. A. Converse and 37 other citizens of Cresco, Howard County, Iowa;

Petition of John Gager and 7 other citizens of Howard County, Iowa;

Petition of John F. LaGrange and 33 other citizens of Iowa County, Iowa;

Petition of S. M. Kepner and 28 other citizens of Fremont County, Iowa;

Petition of S. H. Lamborn and 32 other citizens of Cass County, Iowa;

Petition of F. A. Ingraham and 13 other citizens of Iowa County, Iowa;

Petition of L. L. Mulm and 18 other citizens of Holly Springs, Woodbury County, Iowa;

Resolutions of Highland Center Farmers' Alliance, No. 1362, of Guthrie County, Iowa;

Petition of I. P. Heney and 42 other citizens of Guthrie County, Iowa;

Resolutions of Pleasant Farmers' Alliance, No. 1803, of Hardin County, Iowa;

Resolutions of Pleasant Valley Alliance, No. 691, of Pleasant Township, Cass County, Iowa;

Resolutions of Victory Alliance, No. 1293, of Guthrie County, Iowa;

Resolutions of Honey Creek Farmers' Alliance, No. 1667, of Iowa County, Iowa;

Resolutions of Glenn Alliance, No. 620, of Fremont County, Iowa;

Resolutions of Victory Alliance, No. 1497, of Butler County, Iowa;

Resolutions of Taxpayers and Lumhollow Alliance, No. 1299, of Woodbury County, Iowa;

Resolutions of French Creek Branch, No. 1467, of Iowa Farmers' Alliance, of Iowa;

Resolutions of Burt Alliance, No. 1719, of Burt, Kossuth County, Iowa;

Resolutions of Freedom Township Alliance, of Hamilton County, Iowa;

Resolutions of Groveland Alliance, No. 1527, of Clarke County, Iowa;

Petition of Charles S. Dempsey and 25 other citizens of Winnebago County, Iowa;

Petition of John Bach and 17 other members of Lumhollow Alliance, No. 1299, of Woodbury County, Iowa;

Petition of G. L. Kandelman and 57 other citizens of Carlisle, Warren County, Iowa;

Petition of Fred Weber and 5 other citizens of Iowa;

Petition of William Howes and 47 other citizens of Allamakee County, Iowa;

Petition of Charles Smith and 30 other citizens of Allamakee County, Iowa;

Petition of Freedom Alliance, No. 1057, signed by W. L. Jones, president, D. C. Wood, secretary, and 18 other citizens of Hamilton County, Iowa;

Petition of Hans Thampnere and 23 other citizens of Mount Velle, Iowa; and

Petition of N. W. Greer and 19 other citizens of Clarke County, Iowa.

Mr. PADDOCK presented a petition of the Boston (Mass.) Civil Service Reform Association, praying Congress to pass the Lodge bill, and for an improved method of appointing fourth-class postmasters; which was ordered to lie on the table.

He also presented a memorial of the Fall River (Mass.) Butchers and Grocers' Association, remonstrating against the passage of the Conger lard bill and favoring the passage of the Paddock pure-food bill; which was ordered to lie on the table.

Mr. CASEY presented the following petitions, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Resolutions of Broadtown Farmers' Alliance, of Broadtown, Steele County, North Dakota;

Resolutions of Farmers' Alliance No. 105, of Bisbee, Towner County, North Dakota;

Resolutions of North Dakota Farmers' Alliance, of Cable, Grand Forks County, North Dakota;

Resolutions of Clifford Farmers' Alliance, of Clifford, Traill County, North Dakota;

Petition of Olaf Sandstrom and 34 other members of Ransom Alliance, of Sargent County, North Dakota;

Petition of W. J. Buonett and 2 other citizens of Traill County, North Dakota;

Petition of E. Mupson and 26 other citizens of Traill County, North Dakota.

Petition of H. M. Hanson and 21 other citizens of Miner County, South Dakota;

Petition of Peter Metrie and 8 other citizens of Beadle County, South Dakota;

Petition of W. J. Gove and 9 other citizens of McCook County, South Dakota;

Petition of C. M. Smith and 12 other citizens of Grolon, Brown County, South Dakota;

Petition of J. A. Johnson and 14 other citizens of Andover, Day County, South Dakota;

Petition of Halsey Tooker and 7 other citizens of Brown County, South Dakota;

Petition of Frank Bray and 26 other citizens of Brown County, South Dakota;

Petition of Samuel Small and 17 other citizens of Clark County, South Dakota;

Petition of W. W. Havens and 31 other citizens of Hutchinson County, South Dakota;

Petition of W. P. Cann and 38 other citizens of Brown County, South Dakota;

Petition of H. B. Burleigh and 8 other citizens of Burr Oak, Beadle County, South Dakota;

Petition of A. L. Siddons and 9 other citizens of Wilbur Township, Brûlé County, South Dakota;

Resolutions of Andover Alliance, No. 502, of Andover, Day County, South Dakota;

Resolutions of Groton Farmers' Alliance, No. 410, of Brown County, South Dakota;

Resolutions of Farmers' Alliance and citizens of Westport, Brown County, South Dakota;

Resolutions of Richland Alliance of Clark County, South Dakota;

Resolutions of Ordway Alliance, No. 359, of Brown County, South Dakota;

Resolutions of Miner County Alliance of South Dakota; and

Resolutions of Tripp Alliance, of Tripp County, South Dakota.

Mr. ALLEN. I present a petition of the Chamber of Commerce of the city of Seattle, Wash., setting forth the defenseless condition of our seacoast and the humiliating position in which our nation is placed thereby, and urging that Congress inaugurate and prosecute with vigor a policy of constructing gun foundries, arsenals, fortifications, dockyards, naval stations, and a system of coast and naval defenses, commensurate with the dignity of the nation and the magnitude of the interests to be protected. I move that the petition be referred to the Committee on Coast Defenses.

The motion was agreed to.

Mr. ALLEN presented the following petitions, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Resolutions of Pleasant Valley Alliance, of Garfield County, Washington;

Resolutions of New Hope Farmers' Alliance, of Columbia County, Washington;

Resolutions of Klikitat Alliance, No. 142, of Goldendale, Klikitat County, Washington;

Resolutions of Blue Mountain Farmers' Alliance, of Pomeroy, Garfield County, Washington;

Petition of M. M. Batterton and 13 other citizens of Pleasant Valley Alliance, Washington;

Petition of G. A. Cornwall and 27 other citizens of Spokane County, Washington;

Petition of W. H. Sutton and 13 other citizens of Columbia County, Washington;

Petition of O. Stangeland and 18 other citizens of Spokane County, Washington;

Petition of J. F. Gordon and 34 other citizens of Covello, Columbia County, Washington;

Petition of W. H. Miller and 39 other citizens of Klickitat County, Washington; and

Petition of Daniel Brunton and 19 other citizens of Pomeroy, Garfield County, Washington.

Mr. HIGGINS presented the following petitions, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Resolutions of Capital Grange, Dover, Del.; and

Petition of William A. Talley and 17 other members of West Brandywine Grange, Delaware.

Mr. SHERMAN presented the following petitions, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Petition of the Butchers' National Protective Association of Cincinnati, Ohio;

Petition of Norwich Farmers' Alliance, No. 364, Norwich-Township, Huron County, Ohio;

Petition of citizens of Jefferson, Ohio;

Petition of members of Chester (Ohio) Farmers' Alliance;

Petition of citizens of Morrow County, Ohio;

Petition of members of Dudley Alliance, No. 576, of Noble County, Ohio;

Petition of New Springfield Farmers' Alliance, No. 65, of Ohio;

Petition of the Farmers' Alliance of Leesville, Carroll County, Ohio; and

Petition of citizens of Carroll County, Ohio.

Mr. COKE. I present a memorial from a large number of citizens of Houston, Tex., and a large number of banks and commercial organizations of the same city, remonstrating against the passage of the Conger lard bill.

I also present a memorial from a number of gentlemen of Navarro County, Texas, remonstrating against the passage of the same bill.

I move that the memorials lie on the table.

The motion was agreed to.

Mr. HARRIS. I present a memorial of the Farmers' Exchange of Memphis, Tenn., composed of practical farmers resident in Tennessee, Arkansas, and Mississippi, remonstrating against the passage of the Conger lard bill.

I also present a memorial of the Commercial Association of Memphis, Tenn., remonstrating against the passage of the same bill, this association being composed almost entirely, if not wholly, of the commercial men of the city of Memphis.

I move that the memorials lie on the table.

The motion was agreed to

Mr. REAGAN presented the following telegraphic memorials, remonstrating against the passage of the Conger lard bill; which were ordered to lie on the table:

Memorial of Hon. Wells Thompson and other citizens of Columbus, Tex.;

Memorial of D. McNaughton and other citizens of Palestine, Tex.;

Memorial of Southern Oil Company, of Houston, Tex.;

Memorial of John E. Lytle, and other citizens of San Antonio, Tex.;

Memorial of B. A. Sheppard and 28 other firms and citizens of Houston, Tex.; and

Memorial of Charles H. Allyn, and other citizens of Corsicana, Tex.

Mr. GORMAN. I present a great number of memorials from citizens of the States of New Jersey, New York, Oregon, Pennsylvania, South Carolina, Virginia, West Virginia, North Carolina, Rhode Island, Iowa, Connecticut, Tennessee, Minnesota, Kansas, Maine, Nebraska, Arkansas, California, Delaware, Georgia, Maryland, Wisconsin, Massachusetts, and Missouri, remonstrating against the passage of the force or elections bill now pending, which I ask be separately noted and lie on the table.

The memorials were ordered to lie on the table, as follows:

Memorial of Edward N. Buck, of San Diego, Cal., and other citizens of California;

Memorial of George W. Weisur and other citizens of Haverstraw, N. Y.;

Memorial of John T. Rutledge and other citizens of Maryland;

Memorial of Charles Jeffries, colored, of Clearfield, Pa.;

Memorial of James D. Connelly, of Clearfield, Pa.;

Memorial of O. E. Reynolds, of Margaretville, N. Y.;

Memorial of Dennis Markey and other citizens of New York City;

Memorial of G. L. Rapp, of Monmouth County, New Jersey;

Memorial of P. C. Humphrey, of Goldsborough, N. C.;

Memorial of J. E. McDonald, of Waynesville, Mo.;

Memorial of James J. Gallagher, George Haseltine, and other citizens of New York City;

Memorial of Adam Helfrich, William Helfrich, and George Helfrich, of Jersey City, N. J.;

Memorial of F. W. Shultz and James Dowling, of the State of New York;

Memorial of James S. Cobb, Richmond, Va.;

Memorial of Charles Bayer and other citizens of New York City;

Memorial of George W. Maybe, of Sullivan County, New York;

Memorial of John H. Martin, John M. Adams, S. J. Burge, and A. H. Woodward, of Clearfield, Pa.;

Memorial of Louis A. Meyer and G. Reutter, sr., of Jersey City, N. J.;

Memorial of James O. Keeffe, of Tazewell County, Virginia;

Memorial of Emile C. Dreyfries, of New York City;

Memorial of L. R. Benedict and other citizens of Ellenville, N. Y.;

Memorial of Patrick J. Fitzpatrick, of New York City;

Memorial of Charles W. Hanley Deshon and other citizens of New York City;

Memorial of Frank F. Hummel and other citizens of the State of New Jersey;

Memorial of August Kost, Maurice Garrean, Jacob Diehl, Daniel Schoor, F. H. Bryle, J. Walter, Charles Rose, Ferdinand Mang, William Lulken, Henry Siewers, D. Faber, Louis Martin, Charles Kost, C. W. Miller, Edwin M. Van Nonan, and Emil K. Khan, of the State of New Jersey;

Memorial of John Quigley, of Allamakee County, Iowa;

Memorial of C. Kohberger, of Brooklyn, N. Y.;

Memorial of August Hosung and Otto Smith, of the State of New Jersey;

Memorial of S. F. Jacobs and other citizens of Reading, Pa.;

Memorial of William H. Gerges, James S. Douglas, L. Davidson, C. D. Moll, William Schoomer, and A. J. Shanley, of the State of New York;

Memorial of Lyman D. Jones, of Bridgeport, Conn.;

Memorial of James Arnold, of Brentsville, Va.;

Memorial of A. Snauzy and other citizens of New York City;

Memorial of J. S. Menken and other citizens of Memphis, Tenn.;

Memorial of Phil Blaum, Henry Baumann, C. I. Rockoph, Satro Binchi, H. Skelton Carter, V. Dippman, Jacob Gutridge, Henry Kroger, Louis Recks, Edward Kleemanz, C. F. Doenitz, and Henry Polott, of the State of New York;

Memorial of C. F. Kroos, of Hoboken, N. J.;

Memorial of H. N. Philips, of Hopkinton, R. I.;

Memorial of O. A. Pegran, of New York City;

Memorial of Martin Kane, of Morris, Minn.;

Memorial of Henry Helfrich and Randolph Hull, of the State of New Jersey;

Memorial of H. E. Newburg, of Magnolia, N. C.;

Memorial of D. F. Hall and other citizens of Scott City, Kans.;

Memorial of Asa L. Dapps and other citizens of the State of New Jersey;

Memorial of P. W. McIntyre and other citizens of Cornish, Me.;

Memorial of John Sullivan and other citizens of New York City;

Memorial of Garrett L. Westwelt and other citizens of New York City;

Memorial of Thomas H. West and other citizens of Stockport, N. Y.;

Memorial of J. J. Wood and other citizens of Columbus, Ga.;

Memorial of E. G. Dean, of Deposit, N. Y.;

Memorial of Morris H. Strauss and other citizens of New York City;

Memorial of William Parison, of Jersey City, N. J.;

Memorial of Thomas Massontol, of Cape Vincent, N. Y.;

Memorial of John H. Leary, of Brooklyn, N. Y.;

Memorial of Hobart Oakley, of Greene County, New York;

Memorial of John Alexander, of Jersey City, N. J.;

Memorial of Cannus F. Bogart, Michael O'Reilley, H. S. Adler, Joseph Witzel, Theodore Witzell, J. A. Buhl, and Emil Witzel, of the State of New York;

Memorial of T. C. Lewis, of Dover, Del.;

Memorial of —— Wellbrock, of Jersey City, N. J.;

Memorial of Louis Mitzel and other citizens of New York City;

Memorial of William F. Withers and other citizens of Brooklyn, N. Y.;

Memorial of W. H. Lloyd and other citizens of New York City;

Memorial of Louis Waldter and other citizens of Wymore, Nebr.;

Memorial of E. E. Breed and other citizens of Shawano, Wis.;

Memorial of —— Colcade and other citizens of Cornish, Me.;

Memorial of Lewis W. Neilson and other citizens of Baltimore, Md.;

Memorial of William J. Cummings and other citizens of Baltimore, Md.;

Memorial of C. E. McColloch and other citizens of the State of North Carolina;

Memorial of R. John Richards and other citizens of Greenfield, N. Y.;

Memorial of John Jacob Schmid and other citizens of Ellenville, N. Y.;

Memorial of L. E. Blum and other citizens of Salem, N. C.;

Memorial of George Roe and other citizens of Vallejo, Cal.;

Memorial of John J. Smith, Fred Gettinger, and N. Westerman, jr., of the State of New Jersey;

Memorial of Charles E. George, of Worcester, Mass.;

Memorial of Charles Hart, Gottlieb Reutter, Luke Boyle, William J. Hare, and E. B. Blaisius, of the State of New York;

Memorial of Henry Kaiser and Gottlieb Kaiser, of Brentsville, Va.;

Memorial of S. B. Patterson and Charles A. Kindig, of the State of New Jersey;

Memorial of John Leary, sr., John L. Nathan, and George L. Lentz, of the State of New York;

Memorial of —— Brede, James Miller, and Maurice Lyons, of the State of New Jersey;

Memorial of Davis White, of Latrobe, Pa.;

Memorial of Henry F. Coch and other citizens of the States of New York and New Jersey;

Memorial of J. P. Miller and other citizens of the State of New Jersey;

Memorial of M. J. D. Withington and other citizens of Northumberland, Pa.;

Memorial of M. L. Frescoh and other citizens of New York City;

Memorial of James O. Cooper, of Dover, N. J.;

Memorial of Henry S. Bennett, of Bath, N. Y.;
Memorial of Frank Smith and other citizens of New York City;
Memorial of George Caldwell and Henry Rhode, of Jersey City, N.J.;
Memorial of A. Leuter, Philip Duffy, L. Rodding, H. Coullards, Edward Tennis, William Flynn, E. C. Jordon, Val. Foerschnez, and William Miller, of the cities of Brooklyn and New York;
Memorial of William B. Risse, of San Francisco, Cal.;
Memorial of Henry Meyer, Philip Eck, and George Kraft, of Jersey City, N. J.;
Memorial of Henry Hitchcock, J. Smith, John W. Smith, W. H. Easley, J. B. C. Thompson, C. H. Jordan W. E. Smith, J. J. Bell, J. M. Thompson, and A. S. Cromwell, of Poinsett County, Arkansas;
Memorial of Joseph Denmans and Philip Callahan, of the State of New Jersey;
Memorial of B. W. Guthrie, Henry Gugenheimer, and H. N. Height, of New York City;
Memorial of Frank W. Short, John F. Short, Terence Berry, R. Montague, Thomas C. McLaughlin, and W. B. Holmes, of Clearfield, Pa.;
Memorial of Victor J. Robertson, of San Francisco, Cal.;
Memorial of W. F. Smith and other citizens of the States of New York and New Jersey;
Memorial of Demetrius M. Chadsey and other citizens of Schenectady, N. Y.;
Memorial of William L. Darmstadt and other citizens of Hewletts and Woodsburgh, Long Island;
Memorial of Frank Beagan and other citizens of Providence, R. I.;
Memorial of John McSherry and other citizens of New York City;
Memorial of Ransome M. Snyder and other citizens of New York City;
Memorial of John J. Diegan and other citizens of New York City;
Memorial of Charles Stevenson and other citizens of New York City;
Memorial of John J. Nolloman and other citizens of New York City;
Memorial of Michael Hirlen and other citizens of Brooklyn, N. Y.; and
Memorial of Oscar J. Cohn and other citizens of New York City.

Mr. WASHBURN presented the following petitions, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Petition of Paul Kennedy and 78 other citizens of Wright County, Minnesota;
Resolutions of Camp Release Alliance, No. 561, of Lac qui Parle County, Minnesota;
Resolutions of the Kandota Farmers' Alliance, No. 910, of Kandota Township, Todd County, Minnesota;
Resolutions of the Elkton Alliance, No. 630, of Clay County, Minnesota;
Resolutions of Walter Alliance, No. 808, of Walter, Lac qui Parle County, Minnesota;
Petition of L. R. Mansell and 18 other citizens of Brown County, Minnesota;
Petition of Albert Selke and 10 other citizens of Mound Prairie, Houston County, Minnesota;
Petition of Heinrich Brookmann and 16 other citizens of town of Effington, Minn.;
Petition of William Jensen and 11 other citizens of Otter Tail County, Minnesota;
Petition of A. H. Hendrickson and 11 other citizens of Todd County, Minnesota;
Petition of J. B. Johnson and 5 other citizens of Rock County, Minnesota;
Petition of I. M. Cady and 16 other citizens of Rock County, Minnesota;
Petition of G. P. Ladenburgh and 14 other citizens of Lyon County, Minnesota;
Petition of A. F. Schultz and 15 other citizens of Lac qui Parle County, Minnesota;
Petition of H. M. Iverson and 10 other citizens of Skree Township, Clay County, Minnesota;
Petition of Henry Walter and 6 other citizens of Lac qui Parle County, Minnesota;
Resolutions of Montgomery Bohemian Farmers' Alliance, No. 682, of Le Sueur County, Minnesota;
Petition of Henry H. Frankner and 17 other citizens of Linnelb, Becker County, Minnesota;
Resolutions of Eureka Farmers' Alliance, No. 831, of Becker County, Minnesota;
Resolutions of Angus Farmers' Alliance, No. 738, of Minnesota;
Petition of Peter Sweet and 20 other citizens of La Grand Township, Douglas County, Minnesota;
Petition of Bellevue Alliance, No. 1145, signed by H. H. Pierce, president, H. A. Bouck, secretary, and 12 other citizens of Minnesota;
Petition of John Schultz and 37 other citizens of McLeod County, Minnesota; and
Petition of J. M. Palmer and 5 other citizens of Angus, Polk County, Minnesota.

Mr. MITCHELL presented the petition of John Bridgeman, late private Battery L, Third United States Artillery, praying favorable consideration of his claim for bounty land claimed by him by virtue of service in the Army; which was referred to the Committee on Pensions.

Mr. VEST presented the petition of members of Sunny Side Union, No. 1846, and citizens of DeKalb County, Missouri, praying for the passage of the Conger lard bill; which was ordered to lie on the table.

Mr. CULLOM presented a petition of Hoisington Lodge, No. 4313, Farmers' Mutual Benefit Association, of Illinois, and a petition of citizens of Winnebago County, Illinois, praying for the passage of the Conger lard bill; which were ordered to lie on the table.

He also presented a petition of 36 delegates to the Jefferson County Assembly of the Farmers' Mutual Benefit Association, of Illinois, representing a constituency of 1,200 citizens, and a memorial of 34 delegates of the annual State meeting of the Farmers' Alliance and Industrial Union of the State of Illinois, praying for the passage of the Paddock pure-food bill; which were ordered to lie on the table.

Mr. CULLOM. I present a declaration of principles adopted at a conference of delegates from the farmers' organizations of Henry and Rock Island Counties, Illinois, held at Rock Island, Ill., December 24, 1890, demanding the prohibition of alien ownership of lands, the forfeiture of the charter of the Union Pacific Railway, the free and unlimited coinage of silver, and indorsing the Conger lard bill. I do not know to what committee the memorial should be referred.

The VICE PRESIDENT. The memorial will lie on the table.

Mr. QUAY presented the following petitions and resolutions from the State of Pennsylvania, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Petition of W. B. Miller and 12 other citizens of New Bedford, Lawrence County, Pennsylvania;
Petition of Curtin Wright and 12 other citizens of McKean, Erie County, Pennsylvania;
Petition of W. L. Mendenhall and 11 other citizens of Jefferson County, Pennsylvania;
Petition of Sol Harpst and 28 other citizens of Otter Creek, Mercer County, Pennsylvania;
Petition of H. J. Osborn and 10 other citizens of Erie County, Pennsylvania;
Petition of J. H. Taylor and 18 other citizens of Beaver County, Pennsylvania;
Resolutions of New Bedford Alliance, No. 20, of New Bedford, Lawrence County, Pennsylvania;
Resolutions of Stancliff Farmers' Alliance Agricultural School of McKean County, Pennsylvania;
Resolutions of Pioneer Alliance Agricultural School, No. 15, of Darlington, Pa.;
Resolutions of Summit Central Alliance, of Kearsarge, Erie County, Pennsylvania;
Resolution of the National Butchers' Protective Association, No. 5, of Allegheny County, Pennsylvania;
Resolution of the Excelsior Farmers' Alliance, No. 49, of Warren County, Pennsylvania;
Resolution of the Vernon Grange, No. 842, of Pennsylvania;
Petition of citizens of Eldred, Warren County Pennsylvania;
Two petitions of citizens of Pennsylvania;
Petition of citizens of Calvin's Corners, Pa.;
Petition of citizens of Main Search, Pa.; and
Petition of citizens of Best, Pa.

REPORTS OF COMMITTEES.

Mr. SPOONER, from the Committee on the District of Columbia, to whom was recommitted the bill (S. 3736) legalizing the action of the commissioners of the District of Columbia in granting permits to extend any building or buildings beyond the building line, and declaring such building or buildings to be lawful structures, reported it with amendments.

Mr. HIGGINS, from the Committee to Examine the Several Branches of the Civil Service, to whom was referred the bill (S. 3146) to insure preference in appointment, employment, and retention therein, in the public service of the United States to veterans of the late war, asked to be discharged from its further consideration and that it be referred to the Committee on Civil Service and Retrenchment; which was agreed to.

Mr. STANFORD, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 4770) to increase the appropriation for the purchase of a site for a building for a post office, courthouse, and other offices in San Francisco, Cal., and to commence the construction thereof, reported it with amendments, and submitted a report thereon.

Mr. EVARTS, from the Committee on the Library, reported an amendment intended to be proposed to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HISCOCK, from the Committee on Finance, to whom was referred the joint resolution (H. Res. 251) to correct an error of punctuation in the tariff act of 1890, reported it without amendment.

Mr. DAWES. I ask leave to report from the Committee on Appropriations the bill (H. R. 12499) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, with sundry amendments. I desire to give notice that at as early a day as possible I shall ask the Senate to consider the bill.

The VICE PRESIDENT. Meanwhile the bill will be placed on the Calendar.

BILLS INTRODUCED.

Mr. CARLISLE introduced a bill (S. 4875) to pension James Carroll; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4876) to pension the children of Joseph Cromie; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4877) granting certain property to the city of Newport, Ky.; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4878) to remove the charge of desertion against John Knockelmann; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. EVARTS. I introduce a bill to secure by law the regulation of standard time in this country. I present therewith a petition from the American Society of Civil Engineers promoting the bill. I ask that both bill and petition be referred to the Committee on the Judiciary.

The bill (S. 4879) respecting the reckoning of time throughout the United States was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

Mr. MANDERSON introduced a bill (S. 4880) authorizing the construction of a railway, street railway, motor, wagon, and pedestrian bridge over the Missouri River, near Council Bluffs, Iowa, and Omaha, Nebr.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. McCONNELL introduced a bill (S. 4881) providing for a commission to treat with the Nez Percé tribe of Indians in the State of Idaho for the purchase from and the release by said tribe of that portion of their reservation north of the Clearwater River, in said State; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. MITCHELL introduced a bill (S. 4882) providing a temporary government for Alaska; which was read twice by its title, and referred to the Committee on Territories.

Mr. SPOONER introduced a bill (S. 4883) granting a pension to Emily K. Graham; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 4884) to establish a life-saving station at Brant Rock, in the town of Marshfield, Mass.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. DIXON introduced a bill (S. 4885) to provide for the purchase of a site and the erection of a public building thereon at Westerly, in the State of Rhode Island, etc.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. KENNA. I introduce a bill to authorize the Norfolk and Western Railroad Company to bridge the Tug Fork of the Big Sandy River. In doing so I desire to state that I have not examined the details of the bill. It will, of course, go to the Committee on Commerce, and there be treated in such manner as is commensurate with its importance.

The bill (S. 4886) to authorize the Norfolk and Western Railroad Company to bridge the Tug Fork of the Big Sandy River at certain points, where the same forms the boundary line between the States of West Virginia and Kentucky was read twice by its title, and referred to the Committee on Commerce.

Mr. VOORHEES introduced a bill (S. 4887) for the relief of Calvin Jones; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

AMENDMENT TO APPROPRIATION BILLS.

Mr. MITCHELL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. QUAY submitted an amendment intended to be proposed to the pension appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

NAVAL COMMITTEE HEARING.

Mr. BUTLER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the stenographer employed to report the hearings before the Committee on Naval Affairs on the bill (S. 2779) providing for the reorganization of the Engineer Corps of the Navy be paid out of the contingent fund of the Senate.

WORLD'S COLUMBIAN COMMISSION.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Select Committee on Quadro-Centennial, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith the report of the World's Columbian Commission, with the accompanying papers.

BENJ. HARRISON.

EXECUTIVE MANSION, *January* 16, 1891.

COLUMBIA RIVER IMPROVEMENT.

The VICE PRESIDENT. If there be no further morning business, the Calendar, under Rule VIII, is in order.

Mr. DOLPH. I ask leave to call up for consideration the bill (S. 3473) making appropriations for the improvement of the Columbia River.

Mr. SHERMAN. I shall not object to taking up the bill indicated by the Senator from Oregon if he says it will lead to no debate, but after that I shall insist, unless the Senate order otherwise, that we shall proceed with the Calendar.

The VICE PRESIDENT. Is there objection to the present consideration of the bill indicated by the Senator from Oregon?

Mr. COCKRELL. Let it be read for information.

The VICE PRESIDENT. The bill will be read for information.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That for the purpose of securing the early completion of the work for the improvement of the mouth of the Columbia River, Oregon, the Secretary of War, upon the application of the Chief of Engineers, is hereby authorized, in his discretion, to draw his warrant or requisition, from time to time, upon the Secretary of the Treasury for such sums as may be necessary to do such work, not to exceed in the aggregate $2,348,000, the amount estimated as necessary for the completion of the same, as shown in the reports of the Chief of Engineers for the year 1889: *Provided, however*, That the amounts drawn from the Treasury shall not exceed $700,000 in any one year, and that an itemized statement of said expenditures shall accompany the annual report of the Chief of Engineers. The amount required for the completion of this work as herein proposed is hereby appropriated out of any money in the Treasury not otherwise appropriated.

SEC. 2. That for the purpose of securing the early completion of the canal and locks at the cascades of the Columbia River, Oregon, the Secretary of War, upon the application of the Chief of Engineers, is hereby authorized, in his discretion, to draw his warrant or requisition, from time to time, upon the Secretary of the Treasury for such sums as may be necessary to do such work, not to exceed in the aggregate $1,250,000, the amount estimated as necessary for the completion of the same, as shown in the reports of the Chief of Engineers for the year 1889: *Provided, however*, That the amounts drawn from the Treasury shall not exceed $500,000 in any one year, and that an itemized statement of said expenditures shall accompany the annual report of the Chief of Engineers. The amount required for the completion of this work as herein proposed is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. COCKRELL. Now, I should like to hear an explanation or have a report read.

Mr. DOLPH. I shall submit an amendment, but will first make an explanation. The amount asked to be appropriated for the mouth of the Columbia is to be decreased by $475,000, which will make the amount $1,873,000. The amount in the second section will be decreased by $435,000, which will leave the amount asked for $815,000. This bill should have been passed at the same time when two similar bills were passed, one for Galveston Harbor and one for the Sault Ste. Marie locks and canal. Both those bills went from the Senate in order that the sense of the other House might be taken upon them. At the direction of the committee this bill was not called up in the Senate at the last session and consequently it was not acted upon.

It was reported on the 10th day of April last and was not acted on; but provision was made in the river and harbor appropriation act for the contract to the full amount of the Galveston works and the canal and locks of Sault Ste. Marie, the work for the Baltimore Harbor, and the work for the Philadelphia Harbor. Provision was made for contracting for the completion of all these works; and I think now that, in order that this improvement may have a fair show with the rest at least, this bill ought to be permitted to go to the House of Representatives for consideration there.

Mr. COCKRELL. Was anything put in the last river and harbor act for this improvement?

Mr. DOLPH. It was appropriated for the same as the other works, Galveston Harbor, the Sault locks, the Baltimore Harbor, and the Philadelphia Harbor. They were appropriated for and the act also contained a provision authorizing contracts for their completion.

Mr. MITCHELL. But there is a credit given in the bill, I understand.

Mr. DOLPH. As I have already stated I propose amendments reducing the amounts proposed to be appropriated in the bill by the amounts appropriated for the works since the bill was reported.

Mr. COCKRELL. Let me ask further, have the bills appropriating large sums for Galveston and Sault Ste. Marie been passed by the House of Representatives?

Mr. DOLPH. Neither one of those bills has been passed by the House of Representatives, and I can not say what fortune this bill will have in that body, but I want at least to keep along with the procession, and I think it justice to allow this bill to go there. This bill was re-

ported by the committee about the same time as the Galveston bill. Certainly it is not necessary for me now to discuss the propriety of this kind of an appropriation. I undertake to say that if this bill should be passed, out of the total of $2,600,000 appropriated it would save $500,000. It would save half a million dollars to the Government if this bill could be passed by both Houses; and it would not make the appropriation for these works much larger annually than the appropriations would be if we had an annual river and harbor appropriation. I send to the desk the amendment I propose.

The VICE PRESIDENT. The amendment moved by the Senator from Oregon will be stated.

The CHIEF CLERK. In line 9 of the first section strike out the word "two" and insert the word "one;" in line 10 strike out the word "three" and insert the word "eight;" and in line 10 strike out "forty-eight" and insert "seventy-three;" so that the amount in lieu of $2,348,000 would read $1,873,000."

Mr. MITCHELL. Mr. President, I shall not detain the Senate with any remarks in support of this bill. I concur fully in all that my colleague has said. I have discussed heretofore at length the importance of these two great improvements. The Committee on Commerce reported this bill unanimously, I believe, and as it is very important that the business of the Senate be not delayed, I shall not take up the time of the Senate in any remarks if we can come to a vote.

Mr. GORMAN. Mr. President, I could not hear the remarks of the Senator from Oregon farthest from me [Mr. DOLPH], but I take it for granted his amendment in line 9 of section 1, making the appropriation $1,873,000 instead of $2,348,000, will be an amount sufficient to complete the work according to the estimates, and that the amendment is offered because of the appropriation made last year in the river and harbor act.

Mr. DOLPH. It simply gives credit for the amount of the appropriation made last year.

Mr. GORMAN. Is there any reduction or any addition in the second section?

Mr. DOLPH. I have offered an amendment reducing the amount there so that it will be only $815,000.

Mr. GORMAN. I trust the amendment will be adopted and that the Senate will pass the bill. The Committee on Commerce of this body, of which the Senator from Maine [Mr. FRYE] is chairman, in considering the matter of appropriations for these great works, have succeeded, and I think fortunately for the country, in adopting the plan of making a sufficient appropriation to complete works of improvement, notably those at Galveston, at Sault Ste. Marie and at Baltimore Harbor, with the result of making the improvements in very much less time and at a saving in cost to the Government of at least 30 or 33 per cent.

The Senators from Oregon, who of course are very anxious about the improvement at the mouth of the Columbia River and the completion of the locks on that river, while advocating the general proposition to make appropriations to complete the works in all the other harbors of this country, submitted gracefully to the determination of the Senate at the last session to appropriate five or six or seven millions, whatever the amount was, for Galveston Harbor, and the entire amount estimated for the improvements at Baltimore, at Sault Ste. Marie, and at other points. It being impossible at that time to have provision made for all the great works of improvement in the country, those Senators submitted gracefully to the appropriations being made, which I have referred to, and permitted the appropriation now proposed to go over.

The value and importance of the improvement to the commerce of the country can not be overestimated. It is a matter in which not Oregon and Washington alone, but all the territory that has an outlet through the Columbia River is interested, and the entire country is interested in it.

I take great pleasure in saying that the broad action of the Senators representing that section of our common country, in making provision for our harbors on the Atlantic coast, entitles them in this matter, in my judgment, to consideration. I therefore trust that this bill will not only pass in the form suggested by the Senators from Oregon, but that it will pass at once and by a unanimous vote.

Mr. MITCHELL. One word further, Mr. President. It is so seldom that the Oregon Senators receive compliments for their modesty and submission, and especially the Senator who sits at this desk, that I can not refrain from extending my thanks to the Senator from Maryland [Mr. GORMAN] for his very kind remarks and also for his aid in committee and in the Senate in the support of this very meritorious bill.

Mr. GIBSON. Mr. President, this bill comes from a committee of which I am a member, and I desire to say a word in favor of it.

It is always wise in respect of public works in this country to adopt a policy which conforms to that which has been adopted measurably by other governments. We have appropriated during this Congress an amount sufficient to complete the work at the Sault Ste. Marie, amounting to five or six millions. We have appropriated an amount (six millions) sufficient to give a deep-water harbor at Galveston on the Gulf of Mexico, the improvement of which concerns the agricultural communities that stretch as far as the north line of Nebraska.

Now, we propose to improve the Columbia River in the interests of our States on the Pacific Sea. This policy will not only be economical, but will promote every industry tributary to the different points. We have now pending before the Committee on Commerce a bill to continue the works on the Mississippi River, which I hope may receive the favorable consideration of the Senate. It is estimated by the engineers engaged in the improvement of the Mississippi River that, by the expenditure of about $9,000,000—$3,000,000 a year—we can render that great valley absolutely secure from inundation; also deepen the river, so as to give cheaper freights to the producing classes throughout the Mississippi Valley.

The engineers estimate that by our failure to make continuing appropriations to carry forward uninterruptedly the works for the improvement of the river, the impairment of the plant, which cost over a million of dollars itself, has already amounted to the enormous sum of a quarter of a million of dollars, and the loss on the works themselves amounts to about a quarter of a million more. But who can estimate the annual loss the farmers and producers of the great valley incur by the suspension of navigation on this, the greatest highway of commerce in our country, for four or five months every year at the very time when those products are to be moved to the markets of the world? And who can estimate the losses by the inundation of the great valley—from Cairo to Port Eads, more or less—embracing an area greater than the State of Indiana, which would afford home occupation to several millions of our countrymen and produce an annual contribution to the wealth of our country of several hundred—four or five hundred—million dollars annually? I trust that the bill I speak of may receive favorable consideration when brought here.

Mr. CALL. Mr. President, I shall not oppose the passage of this bill. I do not object to the policy of completing important public works, but I do not wish it to be understood over the country that the Senators who have spoken in favor of this bill are right in claiming that the public works which they favor can properly exclude all the other parts of the country from the benefit of the expenditures for the completion of the improvement of their rivers and harbors. There are other works of as much importance to them as those provided for in the bills referred to are to the people of Oregon and the Mississippi Valley.

In other localities, and in the country and States surrounding them, are great public works which require to be completed. Some regard should be had to the interests of every part of the country.

There is the port of Pensacola, which is unquestionably by nature the finest harbor upon the Gulf of Mexico, and, by proximity to all the States of the interior on the east of the Mississippi River, the most convenient and cheapest place for the exportation of their products and the importation of foreign products, which requires money for the completion of the improvements commenced there.

It is not even a problematical question whether there ever can be any artificial work to compare with what nature has done there. There is no doubt of the fact that one-tenth of the sum of money which has been appropriated for the construction of a deep-water harbor at Galveston would make Pensacola the finest seaport in the world and the best outlet for the whole country, the transmississippi country as well as that on this side of it.

I am not willing to have the impression go forth that there has not been some degree of neglect of other places of as great national importance as that provided for in this appropriation. There is the harbor of Tampa, on the Gulf, easily capable of being made a safe and great mart for the commerce of the Gulf, where a rapidly growing city and terminus of railroads already exists; and here also are the ports of Apalachicola, Corabelle, Charlotte Harbor, and the city of Key West, all easily reached by the construction of railways and susceptible of improvement into deep harbors for the largest vessels at one-tenth of the cost of the works referred to.

I wish to make my protest here and now against a partial and unfair expenditure of the public money which shall lead to the neglect of these natural and convenient harbors on the Gulf of Mexico.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Oregon.

Mr. DOLPH. Let the amendment be again reported.

The VICE PRESIDENT. The amendment will be again stated.

The CHIEF CLERK. In section 1, line 9, it is proposed, after the word "aggregate," to strike out "$2,348,000" and insert "$1,873,000;" so as to read:

Not to exceed in the aggregate $1,873,000.

The amendment was agreed to.

Mr. DOLPH. Now let the next amendment I offer be stated.

The CHIEF CLERK. In section 2, line 7, it is proposed to strike out "$1,250,000" and insert "$815,000;" so as to read:

Not to exceed in the aggregate $815,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SARATOGA MONUMENT ASSOCIATION.

The VICE PRESIDENT. The Calendar, under Rule VIII, being in order, the first bill on the Calendar will now be stated.

Mr. EVARTS. I ask permission of the Senate to have taken up Order of Business 2242, a bill which has been passed by the House of Representatives and has been reported without amendment by the Military Committee of the Senate. It proposes simply to loan certain cannon which were surrendered at the battle of Saratoga to be placed on the great monument which has been erected there.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7119) to authorize the Secretary of War to loan certain cannon to the Saratoga Monument Association.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES G. HOOD.

The VICE PRESIDENT. The first bill on the Calendar will be stated.

The bill (S. 2635) for the relief of Charles G. Hood was announced as first in order upon the Calendar; and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Military Affairs with amendments, in line 6, after the word "service," to insert "as of August 8, 1862," and in line 8, after the word "same," to insert "as of October 1, 1862;" so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and required to enter on the rolls of Company A, Seventeenth Ohio Volunteer Infantry, the name of Charles G. Hood, as duly mustered into the United States service, as of August 8, 1862, and to grant him an honorable discharge from the same, as of October 1, 1862.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HOSEA BROWN.

The bill (H. R. 7471) to provide increase of pension to Hosea Brown, of the war of 1812 was considered as in Committee of the Whole. It proposes to increase the pension of Hosea Brown, formerly a member of Captain Edward Burgess's company of New York militia, and who was in the military service in the war of 1812, to $40 per month, in lieu of the $8 per month he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH J. POWERS.

The bill (S. 2529) granting a pension to Sarah J. Powers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah J. Powers, widow of Norman Powers, late of Company E, Twenty-ninth Wisconsin Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES W. GEDDES.

The bill (S. 4697) to pension Charles W. Geddes for services rendered in the war with Mexico was considered as in Committee of the Whole. It proposes to place the name of Charles W. Geddes, of Washington, D. C., on the pension roll, on account of services on board the United States steamer General Taylor during the war with Mexico, subject to the limitations and regulations of the pension laws of the United States in pensioning the survivors of the war with Mexico.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EMILY P. COLLINS.

The bill (H. R. 7879) granting a pension to Emily P. Collins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emily P. Collins, an army nurse, of Hartford, Conn., and to grant her a pension of $12 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INDIAN DEPREDATION CLAIMS.

The bill (H. R. 8150) to provide for the adjudication and payment of claims arising from Indian depredations was announced as next in order on the Calendar.

Mr. COCKRELL. I see that the bill was reported by the Senator from South Dakota [Mr. MOODY] who is now absent. It is a very long bill and I do not know whether the completion of the reading of it and any consideration could be given to it before 2 o'clock. Would it not be well, therefore, to let it go over, retaining its place on the Calendar?

Mr. PADDOCK. This is a very important bill. It relates to a subject which has been neglected by Congress for a long time. Congress has failed to perform a most important duty in this behalf, for the performance of which a method is here prescribed. This bill passed the House of Representatives, came to the Senate some time ago, was referred to the Committee on Indian Depredations, and that committee substituted for it the bill on the same subject, which they reported in the last session to the Senate, and which is now on the Calendar.

The last request made by the chairman of the committee [Mr. MOODY] before he went away was that, when this bill should be reached, the Senate should be asked to consider it. In the absence of that Senator I am the acting chairman of the committee, and I ask now for its consideration. I hope, therefore, the Senator from Missouri will not object, but will let the bill be read and let it go over then, if necessary, as unfinished business to the morning hour to-morrow. Let us have an opportunity, at least, to try to determine upon a method by which these claims shall be adjudicated. That is all there is in it.

There are more than one hundred and fifty private bills before the Select Committee on Indian Depredations upon this subject, and probably as many more petitions relating to other cases. The hearts of hundreds of people have been made sick by hope long deferred, and their lives blasted by the refusal of Congress to consider these claims. I appeal to the Senator to let the bill be considered.

Mr. COCKRELL. Mr. President, I am just as anxious for the consideration and disposition of this bill as is the Senator from Nebraska. I know all about these Indian depredation claims, the treatment they have received at the hands of Congress, and the efforts which have been made from time to time to have the individual claims allowed. With the Senator from Kansas [Mr. PLUMB] I was instrumental in securing an appropriation on the Indian appropriation bill for the investigation of these claims.

We had hoped that that investigation would be satisfactory and that the claims would be so thoroughly investigated and reported to Congress that Congress could then dispose of them. In that we were disappointed. There are from fifteen to twenty million dollars of individual claims not only on the part of citizens of the United States, but some of them on the part of the Indians against the United States, and they are all involved in this bill.

The bill ought to be disposed of; but the Senator from Nebraska knows just as well as I do that an hour is simply thrown away, absolutely wasted, and wasted to the prejudice of the bill and wasted to the consideration of the bill hereafter. To consume one hour now is simply to injure and prejudice the possibility of the passage of the bill hereafter, and it can do no earthly good.

Mr. PADDOCK. The bill has been put over, crowded out, trampled upon, and frequently set aside in order that other measures of much less importance should receive consideration. I for one will consent to this no longer.

The action which the Committee on Appropriations took in 1872 in reference to an investigation of these claims was wise and just; but it has resulted in very little or nothing, because, as the Senator intimated, there are so many of them that the Committee on Appropriations has felt indisposed to "tackle" them, so to speak.

The number of claims mentioned by the Senator which have been reported upon favorably by the Secretary of the Interior, after very careful investigation by special agents and afterwards by the Indian Office, is nothing like so large as the Senator states. I think there are somewhere between four and five million dollars of these claims which have been reported upon by the Secretary of the Interior after very rigid and careful investigation.

I should be very glad, for one, to accept the report of the Secretary of the Interior in favor of all those claims, but some of our associates here are not willing to do that. If there shall be some method of investigation fixed by Congress and if those claims shall be confirmed through the action of the tribunals or the courts upon which this duty may be imposed, by this proposed legislation, then all will willingly and cheerfully help to make the necessary appropriations. But we have got to make a start in this matter, and it is time now; it was time ten years ago; it will be too late ten years hence. Hundreds of people now living are interested in the passage of this bill and urging that it should be considered and passed. Hundreds of others have gone to their graves, and the Government has thus escaped from the payment of their just claims against it.

The VICE PRESIDENT. The question is, Shall the bill be considered?

Mr. PADDOCK. All I ask is that the bill may be read now and then if it can not be concluded before the expiration of the morning hour it may go over until the morning hour of to-morrow.

Mr. FAULKNER. I am satisfied that this bill can not be considered and discussed under the five-minute rule. I therefore object to its being considered under that rule.

The VICE PRESIDENT. The bill will go over without prejudice.

Mr. PADDOCK. I am constrained by a sense of duty——

The VICE PRESIDENT. Debate is not in order except by unanimous consent.

Mr. PADDOCK. I propose to make a motion which I think is in order.

I am constrained by a sense of duty to the people I represent here and to the people of other States of the Northwest, many of whom have been ruined by these Indian depredations, to move that the Senate proceed now to the consideration of the bill.

The VICE PRESIDENT. The question is on the motion made by

the Senator from Nebraska that the Senate proceed to the consideration of the bill (H. R. 8150) to provide for the adjudication of claims arising from Indian depredations.

Mr. ALLEN. Mr. President——

The VICE PRESIDENT. Debate is not in order. The question is on the motion made by the Senator from Nebraska.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. COCKRELL. Now let the bill be read in full.

The VICE PRESIDENT. The bill will be read.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause of the bill and insert——

Mr. COCKRELL. Let the original bill be read. We want to know which one of the two we should adopt.

The VICE PRESIDENT. The original bill will first be read.

The Chief Clerk read the bill as passed by the House of Representatives December 15, 1890.

The VICE PRESIDENT. The proposed substitute will be read.

The CHIEF CLERK. The Select Committee on Indian Depredations report to strike out all after the enacting clause of the bill, and in lieu thereof to insert:

That in addition to the jurisdiction which now is or may hereafter be conferred upon the Court of Claims, said court shall have and possess jurisdiction and authority to inquire into and finally adjudicate, in the manner provided in this act, all claims of the following classes, namely:

First. All claims for property of citizens of the United States taken or destroyed by Indians belonging to any band, tribe, or nation in amity with the United States, without just cause or provocation on the part of the owner or agent in charge and not returned or paid for.

Second. All claims by Indians under the protection of any treaty with the United States, who, while residing and being upon any lawful reservation provided for them or while absent therefrom by authority and peaceably conducting themselves, shall have suffered a loss of property through unlawful destruction or taking by white men or by Indians of another tribe or nation then belonging to the United States and in amity therewith and not authorized to be upon the reservation or other place where such destruction or taking occurred.

Third. All just offsets and counterclaims to any claim of either of the preceding classes which may be before such court for determination.

SEC. 2. That the district courts of the United States shall have concurrent jurisdiction with the Court of Claims as to all matters named in the preceding section where the amount of the claim does not exceed $2,000, and the circuit courts of the United States shall have concurrent jurisdiction in all cases where the amount of such claim exceeds $2,000 and does not exceed $10,000. All cases brought and tried under the provisions of this act shall be tried by the court without a jury.

SEC. 3. That no claim referred to in the second subdivision of section 1 of this act shall be allowed by the court unless substantiated to the satisfaction of the court by the testimony of some creditable witness having a personal knowledge of the facts, and who is not of the Indian race.

SEC. 4. That all questions of limitations as to time and manner of presenting claims are hereby waived, and no claim shall be excluded from the jurisdiction of the court because not heretofore presented to the Secretary of the Interior or other officer or department of the Government: *Provided*, That no claim accruing prior to January 1, 1867, shall be considered by the court unless the claim has been allowed or pending, prior to the passage of this act, before the Secretary of the Interior or the Congress of the United States; but no case shall be considered pending unless evidence has been presented therein: *And provided further*, That all claims existing at the time of the taking effect of this act shall be presented to the court by petition, as hereinafter provided, within three years after the passage hereof, or shall be thereafter forever barred: *And provided further*, That no suit or proceeding shall be allowed under this act for any depredation which shall be committed after the passage thereof.

SEC. 5. That the jurisdiction of the respective courts of the United States proceeding under this act, including the right of exception and appeal, shall be governed by the law now in force, so far as the same is applicable and not inconsistent with the provisions of this act, and the course of procedure shall be in accordance with the established rules of said respective courts, and of such additions and modifications thereof as said courts may adopt, but all appeals in such cases shall be governed by the rules and regulations applicable to cases in equity.

SEC. 6. That all claims shall be presented to the court by petition setting forth in ordinary and concise language, without unnecessary repetition, the facts upon which such claims are based, the persons, classes of persons, tribe or tribes, or band of Indians by whom the alleged illegal acts were committed, as near as may be, the property lost or destroyed, and the value thereof, and any other facts connected with the transactions and material to the proper adjudication of the case involved. The petition shall be verified by the affidavit of the claimant, his agent, administrator, or attorney, and shall be filed with the clerk of the respective court having jurisdiction of the case, and, in cases where the circuit and district courts take jurisdiction, in the district where the claimant resides, or where the depredation was committed, at the option of the claimant. It shall set forth the full name and residence of the claimant, the damages sought to be recovered, praying the court for a judgment upon the facts and the law.

SEC. 7. That the claimant shall cause a copy of his petition filed under the second section hereof to be served upon the district attorney of the United States in the district wherein the petition is filed, and shall mail a copy of the same by registered letter to the Attorney-General of the United States, and shall also mail a copy of the same by registered letter to the agent of the Indian tribe or band by whom the acts are alleged in the petition to have been committed, and shall also cause such further service of copies of his petition to be made upon such persons as the court shall direct. The claimant shall thereupon cause to be filed with the clerk of the court wherein the proceedings are instituted an affidavit of such service and the mailing of such letter or letters. Such service of the petition, when the case is brought in the Court of Claims, shall be made as may be provided by the rules or orders of said court. It shall be the duty of the district attorney upon whom service of petition is made as aforesaid, and of the Attorney-General of the United States, to appear and defend the interests of the Government and of the Indians in the suit, and within sixty days after the service of the petition upon him, unless the time shall be extended by order of the court made in the case, to file a plea, answer, or demurrer on the part of the Government and the Indians, and to file a notice of any counterclaim, set-off, claim of damages, demand, or defense whatsoever of the Government or of the Indians in the premises: *Provided*, That should the district attorney or the Attorney-General neglect or refuse to file the plea, answer, demurrer, or defense as required, the claimant may proceed with the case under such rules as the court may adopt in the premises; but the claimant shall not have judgment for his claim, or for any part thereof, unless he shall establish the same by proof satisfactory to the court: *Provided*, That any Indian or Indians interested in the proceedings may appear and defend, by an attorney employed by such Indian or Indians with the approval of the Commissioner of Indian Affairs, if he or they shall choose so to do.

In considering the merits of claims presented to the court any testimony, affidavits, reports of special agents, or other officers, and such other papers as are now on file in the Departments or in the courts, relating to any such claims, shall be considered by the court as competent evidence and such weight given thereto as in its judgment is right and proper: *Provided*, That all unpaid claims which have heretofore been examined, approved, and allowed by the Secretary of the Interior or under his direction in pursuance of the act of Congress relating thereto shall have priority of consideration by such court and shall be held to be *prima facie* correct, and judgments for amounts therein found due shall be rendered, unless either the claimant or the United States shall elect to reopen the case and try the same before the court, in which event the testimony in the case given by the witness and the documentary evidence therein may be read as depositions and proofs: *Provided*, That the party electing to reopen the case shall assume the burden of proof.

SEC. 8. That the said court shall make rules and regulations for taking testimony in the causes herein provided for, by deposition or otherwise, and such testimony shall be taken in the county where the witness resides, when the same can be conveniently done, and no person shall be excluded as a witness because he is a party to or interested in said suit, and any claimant or party in interest may be examined as a witness on the part of the Government; that the court shall determine in each case the value of the property taken or destroyed at the time and place of the loss or destruction, and, if possible, the tribe or band of Indians or other persons by whom the wrong was committed, and shall render judgment in favor of the claimant or claimants against the United States, and against the band or tribe of Indians committing the wrong, when such band or tribe can be identified; and if the cause be in favor of any Indian or Indians, tribe or band of Indians, and against any white man or men, as provided in the second subdivision of section one, such white man or men shall be made a party defendant, when they can be identified, and judgment shall be rendered against them in behalf of said Indian or Indians: *Provided, however*, That if said property taken or destroyed was unlawfully, and with the knowledge and consent of the owner or agent in charge thereof, upon a reservation set apart for the exclusive use of the tribe or band committing the injury, no judgment therefor shall be rendered against the United States.

SEC. 9. That the amount of any judgment so rendered against any tribe or band of Indians shall be charged against the tribe or band by which, or by members of which, the court shall find that the depredation was committed, and shall be deducted and paid in the following manner: First, from annuities due said tribe from the United States; second, if no annuities are due or available, then from any other funds due said tribe from the United States arising from the sale of their lands or otherwise; third, if no such funds are due or available, then from any appropriation for the benefit of said tribe, other than appropriations for their current and necessary support, subsistence, and education; and, fourth, if no such annuity, fund, or appropriation is due or available, then the amount of the judgment shall be paid from the Treasury of the United States: *Provided*, That any amount so paid from the Treasury of the United States shall remain a charge against such tribe, and shall be deducted from any annuity, fund, or appropriation hereinbefore designated which may hereafter become due from the United States to such tribe.

SEC. 10. That judgments against white men and in favor of the Indian shall be collected through the ordinary process of the courts from the property of such white men, if sufficient is possessed by them; otherwise the amount of such judgment shall be paid from the Treasury of the United States.

SEC. 11. That all judgments of said courts shall be a final determination of the causes decided and of the rights and obligations of the parties thereto, and shall not thereafter be questioned unless a new trial or rehearing shall be granted by said court or the judgment reversed or modified upon appeal as hereafter provided.

SEC. 12. That immediately after the beginning of each session of Congress the Attorney-General of the United States shall transmit to the Congress of the United States a list of all final judgments rendered in pursuance of this act in favor of claimants and against the United States, and not paid as hereinbefore provided, which shall thereupon be appropriated for in the proper appropriation bill.

SEC. 13. That all sales, transfers, or assignments of any such claims heretofore or hereafter made, except such as have occurred in the due administration of decendents' estates, are hereby declared void, and all warrants issued by the Secretary of the Treasury, in payment of such judgments, shall be made payable and delivered only to the claimant or his lawful heirs, executors, or administrators or transferee under administrative proceedings, except so much thereof as shall be allowed the claimant's attorneys by the court for prosecuting said claim, which may be paid direct to such attorneys, and the allowances to the claimant's attorneys shall be regulated and fixed by the court at the time of rendering judgment in each case and entered of record as part of the findings thereof.

SEC. 14. That the claimant, or the United States, or the tribe or band of Indians, or other party thereto interested in any proceeding brought under the provisions of this act shall have the same rights of appeal as are or may be reserved in the statutes of the United States in other cases, and upon the conditions and limitations therein contained. The mode of procedure in claiming and perfecting an appeal shall conform in all respects as near as may be to the statutes and rules of court governing appeals in other cases.

SEC. 15. That all papers, reports, evidence, records, and proceedings now on file or of record in any of the Departments or the office of the Secretary of the Senate, or the office of the Clerk of the House of Representatives, or certified copies of the same, relating to any claims authorized to be prosecuted under this act, shall be furnished to the proper court upon its order at the request of the Attorney-General.

SEC. 16. That the investigation and examinations, under the provisions of the acts of Congress heretofore in force, of Indian depredation claims shall cease upon the taking effect of this act, and the unexpended balance of the appropriation therefor shall be covered into the Treasury.

Mr. PADDOCK. On page 11, section 3, line 4, before the word "witness," I move to strike out the word "creditable" and insert "credible."

Mr. COCKRELL. Only the House bill has been read. There is an amendment proposed by the committee which should be read.

The VICE PRESIDENT. The bill and the amendment proposed by the committee have been read.

Mr. PADDOCK. The House bill was read by the Secretary first, and the Senate bill, which is an amendment in the nature of a substitute for the House bill, was read last. It is in the amendment that I propose simply the change of one word. I propose to strike out the word "creditable" and insert the word "credible."

Mr. COCKRELL. Let the report be read.

Mr. PADDOCK. This is a merely verbal correction.

The VICE PRESIDENT. Will the Senator restate his amendment?

Mr. PADDOCK. On page 11, section 3, line 4, I move to strike out the word "creditable" and insert the word "credible."

The VICE PRESIDENT. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. SPOONER. I should like to ask the Senator from Nebraska what his estimate is of the total amount of the claim for which he proposes payment by this bill?

Mr. PADDOCK. I do not remember exactly. But I think the aggregate amount of the claims, good, bad, and indifferent, presented may be somewhere near $18,000,000, but not all, perhaps no more than six or seven millions, have been investigated by the Department of the Interior, and of these there have been found to be only about $5,000,000 of meritorious claims according to my recollection.

I have not examined the reports of the Secretary of the Interior lately, and I may be wrong as to these figures. It is likely that the better class of these claims will be first presented, and it is fair to assume that, under the investigation which has been already made, the whole amount will not exceed eight or nine million dollars.

Mr. SPOONER. This bill, as I understand it, gives to every claimant who has presented his claim to the Department and upon which the Department has acted the election to reopen the case if he desires.

Mr. PADDOCK. The cases adjudicated, and all the papers in the cases, may be referred to the courts on the election of the parties in interest.

Mr. SPOONER. The Senator's answer to my question is confined entirely to claims which have been presented. Is the Senator of opinion that all these claims have been presented for investigation and adjudication?

Mr. PADDOCK. Of course I can state only what I think about it. From such knowledge as I have generally on the subject, my impression is that about all the claims that would likely come in under this measure, and perhaps all, have been investigated.

Mr. MITCHELL. I inquire of the Senator in charge of the bill if there is not a provision in the House bill that jurisdiction shall only be conferred upon the courts so far as relates to the claims which have been presented before the date of the passage of the act? It would not authorize the bringing in of new claims after the passage of the act?

Mr. SPOONER. I do not so understand the bill.

Mr. MITCHELL. There is, I think, a provision of that kind in the bill.

Mr. PADDOCK. There is a provision limiting the cases and placing 1867 as the earliest which are to be considered. The cases arising since that time which shall have been presented to the Interior Department or presented to Congress for legislation may be presented to the court. But all cases must have been filed before the passage of this proposed act to secure a status in court.

Mr. MITCHELL. That is, the claims shall have been presented either to Congress or to some Department of the Government at the date when this bill becomes a law.

Mr. SPOONER. That is a matter of detail.

Mr. MITCHELL. That is a fact, and it is a very important one.

Mr. PADDOCK. It is an absolute limitation.

Mr. SPOONER. I have given no attention to this bill. I would like to ask the Senator what the fundamental proposition is upon which this liability is sought to be imposed upon the Government, as he understands it. Does it rest on some promise of indemnification created by statute or does he base it on the broad proposition that the Government is under obligations to protect against violence to settlers, or is it both?

Mr. PADDOCK. It is both.

Mr. DOLPH. Mr. President, if the Senator will permit me I will state that there is a statutory liability of the United States as to a large portion of these claims, which has been repudiated by Congress for more than a quarter of a century. That liability is based upon legislation that commenced as early as 1796. The last statute which embodied the provisions of the statute of 1796 was the act of 1834. After providing that no person whose property had been taken or destroyed by Indians should follow the Indians and undertake to reclaim his property or seek redress, but that such person should present his claim to the Government and that it should be investigated by the Government, the statute of 1834 provided as follows:

> And if the nation or tribe to which such Indian may belong receive an annuity from the United States, such claim shall, at the next payment of the annuity, be deducted therefrom and paid to the party injured; and if no annuity is payable to such nation or tribe, then the amount of the claim shall be paid from the Treasury of the United States.

And that was done until 1859. In 1859 that act was modified, not so as to permit persons who had been injured by Indian depredations to seek redress in the courts or by following and attempting to reclaim their property taken and carried away; not repealing the provision that required them to present their claims to the Government to be examined and passed upon, but simply limiting or repealing in part the provision for the payment from the Treasury of the claims. I will read this provision.

Mr. CALL. Will the Senator from Oregon please give me the date of the original act?

Mr. DOLPH. I will. The first act was in 1796 (1 Stats., 469). That act, after prohibiting, as I have stated, citizens of the United States from undertaking to retake their property or to recover damages against Indian tribes or individual Indians for the destruction of their property, provided as follows:

> And in the mean time, in respect to the property taken, stolen, or destroyed, the United States guaranties to the party injured an eventual indemnification: *Provided always*, That if such injured party, his representative, attorney, or agent, shall in any way violate any of the provisions of this act, by seeking or attempting to obtain private satisfaction or revenge, by crossing over the line on any of the Indian lands, he shall forfeit all claims upon the United States for such indemnification: *And provided also*, That nothing herein contained shall prevent the legal apprehension or arresting within the limits of any State or district of any Indian having so offended: *And provided further*, That it shall be lawful for the President of the United States to deduct such sum or sums as shall be paid for the property taken, stolen, or destroyed by any such Indian out of the annual stipend which the United States are bound to pay to the tribe to which such Indian shall belong.

This act was re-enacted March 3, 1799 (1 Stats., 747), and again by the act of March 30, 1802 (2 Stats., 143), and by the act of June 30, 1834 (4 Stats., 731). It was also substantially re-enacted, and the provision in regard to indemnification by the United States to claimants out of the Treasury of the United States was retained.

I have already quoted from the act of 1834, in which it is provided that if there was no annuity out of which the damages caused by Indian depredations could be paid, they shall be paid out of the Treasury of the United States, and that was done up to 1859. In 1859 this enactment was passed:

> That so much of the act entitled "An act to regulate trade and intercourse with the Indian tribes and preserve peace on the frontier," approved June 30, 1834, as provides that the United States shall make indemnification out of the Treasury for property taken or destroyed in certain cases by Indians trespassing on white men, as described in the said act, be, and the same is hereby, repealed: *Provided, however*, That nothing herein contained shall be so construed as to impair or destroy the obligation of the Indians to make indemnification out of the annuities as prescribed in said act.

That act was approved February 28, 1859. It was found necessary in 1860 to provide for claims for depredations which had been committed prior to February 28, 1859, and it was enacted—

> That the repeal by the eighth section of the act of Congress approved the 28th day of February, 1859, of so much of the act of Congress entitled "An act to regulate trade and intercourse with Indian tribes, and to preserve peace on the frontiers," approved June 30, 1834, as provides that the United States shall make indemnification out of the Treasury for property taken or destroyed in certain cases by Indians trespassing on white men, as described in said act, shall not be construed to destroy or impair any right to indemnity which existed at the date of said repeal.

And that is the law to-day. And as to more than one-half of the claims known as the Indian depredation claims the United States is not only bound by every principle of justice to pay them, but there is a statutory obligation and promise to pay them in force to this hour.

Mr. MANDERSON. I think it ought to be further suggested by the Senator from Oregon that by almost continual legislation these claimants have been invited to come before the Indian Bureau and make proofs of their claims.

Mr. DOLPH. That is exactly what I was about to state in answer to the inquiry of the Senator from Wisconsin [Mr. SPOONER]. I was following the course of legislation on this subject. I have divided these claims into two classes. I am now speaking of the claims for depredations committed prior to February, 28, 1859, and a large number of claims of citizens of the United States which have been presented here for the consideration of Congress are claims for depredations that were committed prior to the date when the provision of the act of 1834, which provided for the payment of such claims out of the Treasury, was repealed; and by the act of 1860 it is provided that nothing in the act of February 28, 1859, shall impair their rights.

So these claimants stand here to-day upon the statutory obligation of the Government to make them compensation for these injuries, as they have stood here for over thirty years, begging at the doors of Congress for the recognition of their claims without avail, while Congress has appropriated millions annually to feed and clothe and support indolent savages in idleness.

In regard to claims for depredations which have been committed since that time, since February 28, 1859, what has been the condition of the law and what are the obligations of the Government? The law has remained in force all the while, which prevented a citizen of the United States from undertaking to seek redress from the Indians. If a thief enters your house and steals your goods, if a white man burns your building or destroys your property, you can have redress against him. You can bring suit against him for damages and recover; you can follow and reclaim your property. But all the while the boundary line of an Indian reservation or of the Indian country has been a "city of refuge" for every marauding redskin who has destroyed the property of a white man; the moment a citizen of the United States attempts to pass over that line the strong arm of the law interferes to say to the citizen who has been deprived of his property, "Thus far shalt thou go and no farther in your efforts to recover your property." That has been the law since 1796. That is the law to-day.

But, more than that, the Government has always said to people who have suffered from Indian depredations, "Present your claims to the

Interior Department, present your petitions for payment, with the proofs of your claims, and they will be adjudicated by the Secretary of the Interior."

I should state further that it was not until the year 1872 that Congress repealed the provision that these claims, after being passed upon by the Secretary of the Interior, should be paid out of the annuities of the Indians. The payment of them was continued from February 28, 1859, until 1872, when Congress provided that no more money should be paid to such claimants out of moneys stipulated to be paid by the General Government to the Indians without the action of Congress. This has proved a virtual repudiation by the Government.

Mr. MANDERSON. Quite a good many special acts were passed during that interval.

Mr. DOLPH. Yes, that is true, but there were a large number of claims, in addition to those which accrued prior to February 28, 1859, which have not been paid and which are just claims, under the law as it existed at the time the depredations were committed, against annuities payable to Indians, the payment of which has been prevented by the action of Congress. The only remaining class of claims are those for depredations which have occurred since 1872, and for depredations which have occurred between February 28, 1859, and this date, where there were no annuities payable to the Indians committing the depredations from the United States. These are the only claims as to which there is not an express statutory promise of the Government to pay them or to see them paid, and they rest upon this broad and just principle of liability.

The United States has assumed to be the guardian of the Indian tribes, of their persons and their property, has made regulations for their protection, has appropriated money for their support and education, has prevented citizens from undertaking to secure payment for injuries received from wrongful acts committed by them, out of their property, holding such property, if I may use the expression in this connection in chancery, in the hands of the General Government to be applied as justice required; and has all the while held out inducements to its injured citizens to look to it for indemnification, saying to them, "If you will present your claims with the proofs they shall be passed upon." And practically it might just as well have added, "You shall be paid." Is it not the duty of the guardian of the Indians, having the custody and control of their property, acting through the legislative department of the Government, to either pay these just claims out of their property, or, if Congress has so legislated that they can not now be paid out of money due to the Indians or from their property, to pay them out of the Treasury?

Mr. President, I agree to every word that was said this morning by the Senator having charge of this bill [Mr. PADDOCK]. There never was such an outrage committed upon any class of citizens of the United States as has been perpetrated by Congress by delaying year after year consideration of these just and meritorious claims. There are probably ten thousand citizens of the United States who have for thirty years been deprived of payment of as just claims as were ever presented to any department of the Government. They have, many of them, passed from the stage of action. Many of the claims are now represented by administrators, executors, and heirs. The claimants are nearly all aged; many of them have been in want; they have suffered the pangs of hunger for the want of what the Government owes them.

Whenever anything is suggested here in regard to the Indians, when they break out and begin to massacre citizens and burn down houses, there is great gush over them and outcry in regard to their treatment by the Government and the whites, and we appropriate money for them without stint. But these poor people who settled on the frontiers of this country, who have laid the foundations of great States of the Union, established civil government for themselves, and endured dangers and privations, who were left to contend with hostile savages, without the protection of the Government, as was the case in my State for years, the Government not having fully determined whether it was going to make an active effort to hold the territory or would let it go to Great Britain—I say these meritorious classes of citizens with these meritorious claims are turned day after day from the doors of Congress without any consideration.

Mr. COCKRELL. I notice that an order has been made for the reprinting of the report upon the Indian depredation claims.

Mr. PADDOCK. Yes, the order was made yesterday, and I suppose the report has been already printed, although it has not yet been distributed.

Mr. REAGAN. It has not been printed.

Mr. COCKRELL. I hope there will be a special order that it may be immediately printed for the use of the Senate.

Mr. PADDOCK. My belief is that it has already been printed.

Mr. COCKRELL. It ought to have been sent here if it has been printed.

PUBLIC BUILDING AT MANKATO, MINN.

Mr. SPOONER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1384) to provide for the purchase of a site and the erection of a public building thereon at Mankato, in the State of Minnesota, having met, after a full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House, and agree to the same with an amendment as follows: Strike out the words "one hundred and fifty thousand," in lines 10 and 11, and insert "ninety thousand," and strike out all after the word "dollars," in line 11, to the end of the bill and insert:

"Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

"Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

"If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

"The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed $6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

"No money shall be used for the purpose mentioned until a valid title to the site for said building shall be vested in the United States, nor until the State of Minnesota shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

"The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys."

JOHN C. SPOONER,
G. G. VEST,
Managers on the part of the Senate.

S. L. MILLIKEN,
P. S. POST,
Managers on the part of the House.

The report was concurred in.

PUBLIC BUILDING AT ST. ALBANS, VT.

Mr. SPOONER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 2427) to provide for the purchase of a site and the erection of a public building thereon at St. Albans, in the State of Vermont, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House, and agree to the same with an amendment as follows:

Strike out the word "forty," in line 10, and insert "sixty," and strike out all after the word "dollars," in line 10, to the end of the bill and insert:

"Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

"Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to said proposed sites.

"If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

"The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed $6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

"No money shall be used for the purpose mentioned until a valid title to the site for said building shall be vested in the United States, nor until the State of Vermont shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

"The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys."

JOHN C. SPOONER,
JUSTIN S. MORRILL,
G. G. VEST,
Managers on the part of the Senate.

S. L. MILLIKEN,
P. S. POST,
Managers on the part of the House.

Mr. COCKRELL. I should like to know what change the report has made in the bill as it passed the Senate.

Mr. SPOONER. We passed it at $75,000. The other House reduced the amount to $40,000, I think. The report makes it $60,000.

Mr. COCKRELL. I see there is some considerable detail about the method of selecting the site.

Mr. SPOONER. It is the form that is used in all the public-building bills at this session.

Mr. COCKRELL. That is, if the officer of the Treasury Department can not make a satisfactory selection a commission shall be appointed.

Mr. SPOONER. A commission is to be appointed, one of whom is to be an officer of the Treasury Department, who receives no compensation for services; only his actual expenses are paid. It is the form that was agreed upon early in the last session.

Mr. COCKRELL. Now, what is that form exactly? I do not know that I understand it. I should like to have just a brief explanation.

Mr. SPOONER. I am about to send to the Clerk's desk another conference report which will be read, containing the same form precisely.

The VICE PRESIDENT. The question is on concurring in the report of the committee of conference.

The report was concurred in.

PUBLIC BUILDING AT SIOUX FALLS, S. DAK.

Mr. SPOONER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1354) to provide for the purchase of a site and the erection of a public building thereon at Sioux Falls, in the State of South Dakota, having met, after a full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House, and agree to the same with an amendment as follows: Strike out the word "two," in line 13, and insert "one," and strike out all after the word "dollars," in line 13, and insert the following:

"Proposals for the sale of lands suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

"Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

"If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

"The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed $6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

"No money shall be used for the purpose mentioned until a valid title to the site for said building shall be vested in the United States, nor until the State of South Dakota shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

"The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys."

JOHN C. SPOONER,
G. G. VEST,
Managers on the part of the Senate.
S. L. MILLIKEN,
P. S. POST,
Managers on the part of the House.

Mr. COCKRELL. I understand that in cases where the officer of the Treasury has made a selection and his report is not satisfactory, then the Secretary of the Treasury appoints two commissioners.

Mr. SPOONER. Three, one of whom shall be an officer of the Treasury Department.

Mr. COCKRELL. I mean he appoints two civilians outside of the Government service, and then he selects an officer from his own Department and they go and view and make their report.

Mr. SPOONER. They give hearings.

Mr. COCKRELL. They give hearings. No provision is made as to whether they are all to be of one political party or not. That is all left in the discretion of the Secretary of the Treasury. Then is there any provision in regard to the State from which they shall be chosen? They can all be taken from the city where the building is to be located, that is, the two outside of the Treasury official, or they can be taken from beyond the bounds of the State, anywhere.

Mr. SPOONER. It would be a very extraordinary thing, of course, for the Treasury Department to select commissioners not residents of the State. I will state to the Senator from Missouri that we have had a good deal of trouble growing out of complaints——

The VICE PRESIDENT. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which is the bill (H. R. 11045) to amend and supplement the election laws of the United States, and to provide for the more efficient enforcement of such laws, and for other purposes.

Mr. SPOONER. I ask that the unfinished business may be temporarily laid aside for a moment. This is a privileged matter.

The VICE PRESIDENT. It will be laid aside, if there be no objection, in order to pass on the conference report.

Mr. SPOONER. The Senator from Florida [Mr. PASCO], who is entitled to the floor, will permit the report to be disposed of?

Mr. PASCO. I have no objection, if it is agreeable to the Senator in charge of the bill.

Mr. SPOONER. It will take but a moment.

There has been great complaint and a good deal of scandal for years breaking out at times, growing out of the selection of sites by the Treasury agent or official. We had at the last session a long hearing and a great complaint growing out of the selection at Springfield, Mo.; we had trouble as to the selection at a point in New York and at a point in Massachusetts. The Secretary of the Treasury seemed to feel himself confined to that method of ascertaining the proper location. The Senator's colleague [Mr. VEST] and myself went carefully over the subject, and, after conference with the Department, including the Supervising Architect, we drew with as much care as we could (and we bestowed considerable labor upon it) the formula which is set forth here and which has been pursued thus far.

They send out, in the first place, the Treasury agent, and if the selection which he makes is not satisfactory in the locality and does not seem to be satisfactory to the Department they select a commission consisting of two citizens not connected with the Government, who I think always would be chosen perhaps one from the State and another from the locality. It might be best not to choose both from the locality. The commission give hearings; they give an opportunity to citizens to present their affidavits and make known fully the wishes of the different competitive locations, and they are required to make their report to the Department, with all plats and testimony taken, and with their recommendation. The Secretary is not confined to that; he might order another if he chose. Thus far I am told that the rule has operated very satisfactorily to the Department, and they believe it will secure better and more prompt action in the selection of sites than to have it left as it has been.

Mr. COCKRELL. I simply wanted to know exactly the method agreed upon in this conference report. I do not criticise it; I think it is probably the very best method that could be devised for the settlement of these very unpleasant controversies among the citizens of a locality as to the particular site where the public building shall be erected. I wanted to understand fully and have stated the views of the committee, so that there would be no misunderstanding of it hereafter. Has the Senator any calculation as to the amount that will be appropriated by this Congress for public buildings?

Mr. SPOONER. I have not.

Mr. COCKRELL. Up to this time?

Mr. SPOONER. I have not.

Mr. COCKRELL. I understand that in many cases of the bills passed for public buildings the amount is not really specified, except the limit.

Mr. SPOONER. The limit is specified.

Mr. COCKRELL. A limit is fixed, but there is not any amount appropriated.

Mr. SPOONER. Congress may be called upon hereafter to appropriate less than the limit.

Mr. COCKRELL. And perchance more than the limit.

Mr. SPOONER. Very likely.

Mr. GORMAN. When this matter was up some days ago, I asked the Senator who has charge of these bills for a report of that kind, and I do trust it will be furnished.

Mr. SPOONER. One is being prepared now.

Mr. GORMAN. So we are likely to have a report before the close of the session, showing the gross amount that is provided for?

Mr. SPOONER. The gross amount authorized.

Mr. GORMAN. That is all I desire.

The PRESIDING OFFICER (Mr. FRYE in the chair). The question is on concurring in the report,

The report was concurred in.

UNITED STATES ELECTIONS.

The PRESIDING OFFICER. The unfinished business will be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11045) to amend and supplement the election laws of the United States, and to provide for the more efficient enforcement of such laws, and for other purposes.

The PRESIDING OFFICER. The Senator from Florida [Mr. PASCO] is entitled to the floor.

Mr. PASCO. I am requested by the Senator from Massachusetts [Mr. HOAR] to give way to him in order that he may lay some matter before the Senate, and I do so now.

Mr. HOAR. Mr. President, at some time during this debate, I desire to lay before the Senate an article in the Anglo-Saxon Churchman which seems to me quite pertinent in this discussion. The Anglo-Saxon Churchman is an eight-page paper published at Little Rock, in

the State of Arkansas, and evidently, from the whole tone of the copy of it which I hold in my hand, is a paper of great respectability. I am informed by what I regard good authority that the manager of it is a conscientious and intelligent gentleman of great respectability. I have no personal knowledge about that, but it is the description made by the organ of the Protestant Episcopal Church, one of the most conservative of sects, but, as we all know, a denomination of Christians which is largely increasing in this country, and is not only increasing in numbers, but in influence and in religious zeal. I desire to call the attention of the Senators from Arkansas to this statement. I suppose that if I were to rise in my place here and make any one of a half-dozen statements which are found in this article I should encounter a pretty heated and angry reply. I ask to have it read, and then I shall say a word or two about it.

The PRESIDING OFFICER. The Chief Clerk will read as requested.

The Chief Clerk read as follows:

SAFETY WITHOUT RASCALITY——

Mr. GORMAN. Give the date of the paper, and what is the title of it?

The CHIEF CLERK. Anglo-Saxon Churchman, volume 7, No. 7; Little Rock, Ark., January, 1891. The article is as follows:

At the approaching session of the Legislature of the State of Arkansas the subject of the elective franchise ought to be considered. It is best to face the problem with candor. In the long run nothing is gained by subterfuge and affectation.

The white people of Arkansas have irrevocably made up their minds that the negroes of the State shall not rule; that is no longer a debated question. The only question open to discussion is the method that shall be finally adopted to nullify the African vote. There is a large number of white men in Arkansas who are opposed to fraud and violence as preventives of the evil of negro suffrage. Some of us do not believe in the Jesuitical ethics that "a good end justifies bad means."

There is one very strong reason for this position, amongst others, that none will gainsay, namely, that fraud and violence as means of neutralizing the negro vote are having an educative influence on the rising generation.

To speak quite plainly, "stuffing ballot boxes and bulldozing niggers" are making scoundrels and ruffians of the sons of gentlemen.

There are just two ways of meeting the difficulty honorably. One is for each Southern State or all the Southern States jointly to demand of the United States the repeal of the fifteenth amendment, and, if the demand is rejected, then to take up arms to revolutionize the Government by a great war. The other plan is to so amend our State constitution that such a class of both whites and blacks will be deprived of the franchise as shall cut off the great majority of the black vote. We are opposed to the first method; it is too costly and we believe unnecessary. The second method, therefore, is before us for discussion.

The State of Mississippi held a convention and amended her constitution with this view; the amendment provides that no man shall vote unless he can read any article of the constitution or understand the same when read to him, and the payment of a tax of $2 is required of all electors. The amendment is a farce, a transparent piece of humbug. It will defeat the negro vote, unless fraud is practiced by the officers appointed to pass upon the qualification of voters.

No restriction based on education and intelligence would suffice short of a college diploma and ability to write an able and original essay on the science of government; and such restriction as that would be grossly unfair to hundreds of thousands of competent white voters. An educational qualification alone is a delusion and a snare.

It is not alone, nor chiefly, the negro's intelligence that is lacking to qualify him as a safe voter; it is far more a lack of manhood. The negro's will is too feeble. He lacks moral resolution and ability to resist manipulation by demagogues.

What test is adequate to measure the negro's fitness to vote? We frankly avow that we believe no test whatever will insure us a perfectly safe class of negro voters that will not also exclude many white men worthy of a vote; for the reason that strength of character can not be accurately measured and determined in individuals. We can only approximate a standard; and that approximation must inevitably work a hardship to some white men. In addition to ability to read and write and large poll tax—say $10 per annum—nothing will serve to gauge strength of character so well as the acquisition and retention of property.

It is confessedly an imperfect standard. But we are discussing the choice of imperfect standards. Every intelligent, unprejudiced man in America knows perfectly well that the only thoroughly safe standard is pure Caucasian blood; but, as we have assumed the impracticability of returning to that standard, the question is what makeshift shall we substitute for it? We are thoroughly persuaded that nothing less, and nothing else, than an educational qualification, a large poll tax, and the ownership of unencumbered real estate, to the value say of $1,000, will insure us a safe body of voters, composed of both white and black citizens.

The negro who can read and write, is able and willing to pay $10 poll tax, and is able to accumulate and hold $1,000 worth of land is an exceptionally strong negro, and as a rule can be trusted to resist the wiles of the demagogue and vote wisely.

We believe that 99 per cent. of the white men of Arkansas agree with us on this subject, in theory; the trouble is to get the white men who would lose their vote by this test to consent to it; for those white men, with the negroes, constitute a majority of the present electors of this State. But for the selfish, wicked influence of the small politician we believe a majority of these white men could be induced to sacrifice their vote for the good of the State. The small politician is a power, especially when the majority of the natural leaders of the people eschew politics.

The withdrawal of our best men of brains from participation in politics is the great weakness of our popular government. If our best politicians in Arkansas were re-enforced and led by men like Mr. Garland, Judge Rose, and Judge Compton, and if this class of men would canvass the State of Arkansas in advocacy of such an amendment as we have indicated, we believe that the influence of the communistic demagogues could be counteracted and the measure adopted. Our best men avoid political life because there is so much "corruption in politics." Is it any wonder? What should we think of Dr. Braysacher, Dr. Garnett, and Dr. Dibrell abandoning the practice of medicine because there are so many quacks in Arkansas?

Mr. HOAR. Mr. President, I think, as I said just now, if any person from another part of the country had undertaken to state what the organ of the great Protestant Episcopal Church of America, published at the capital of the State of Arkansas, has declared as to the existing conditions there relating to this very subject, if the past and recent experience which some of us have had is any guide, he would have been encountered with some not very respectful epithets in the press and in debate. But here is a gentleman, said to be a man of high character and standing, a religious representative man, who says in regard to that State that the white people of Arkansas have irrevocably made up their minds that the negroes of the State shall not rule; that there is but one open question there, and that is what method is to be finally adopted to nullify the negro vote.

The heading of the article is "Safety without rascality." It warns the Legislature of Arkansas that in the long run nothing will be gained by subterfuge and affectation. It says that there is a large number of white men in Arkansas who are opposed to fraud and violence as preventives of the evil of negro suffrage. The clear implication from that sentence is that in the judgment of the writer, about which I know nothing, there is a large number who do not entertain that opinion. "Some of us," the writer goes on to say, "do not believe in the jesuitical ethics that a good end justifies bad means." Then what is the special reason which this religious organ gives, evidently sympathizing entirely with the object to be accomplished?

Fraud and violence as a means of neutralizing the negro vote are having—

Not a mere conjecture of what will take place, but an assertion of actual existing facts—

are having an educating influence on the rising generation. To speak quite plainly, "stuffing ballot boxes and bulldozing niggers"—

These two phrases being in quotation marks—

are making scoundrels and ruffians of the sons of gentlemen.

The editor then goes on to say that there are two ways in which this difficulty can be met honorably. One is for joint action on the part of all the States of the South to demand the repeal of the fifteenth amendment. That being treated as out of the question, the other way is to cut off by an amendment of the State constitution the great majority of the black vote by a method which must also cut off a large class of the white vote. The second method the writer goes on to consider. He takes up the Mississippi plan and says that the Mississippi amendment to the constitution—it is this eminent Southern religious writer now who is speaking, not myself or anybody on this side of the Chamber—is a transparent piece of humbug, and that it will not defeat the negro vote unless fraud is practiced by the officers appointed to pass upon the qualification of voters.

The Senate has already heard the statements which have been quoted. I do not wish to go into the question again as to what the purpose of the Mississippi constitution was, whether it was to accomplish this result.

Then the author goes on to say that the only difficulty in accomplishing this by a peaceful and righteous method is the unwillingness of the white men who would come under the same qualification as the black, if any qualification based upon fitness to suffrage were made, to consent to it, and the reason why they can not be persuaded to consent to it is the selfish, wicked influence of the small politicians, which this writer thinks is in the ascendant. I will read the exact language, so that there may be no misunderstanding:

We believe that 99 per cent. of the white men of Arkansas agree with us on this subject, in theory; the trouble is to get the white men who would lose their vote by this test to consent to it; for those white men, with the negroes, constitute a majority of the present electors of this State.

Says the article:

But for the selfish, wicked influence of the small politician we believe a majority of these white men could be induced to sacrifice their vote for the good of the State. The small politician is a power, especially when the majority of the natural leaders of the people eschew politics.

Then he goes on to say that the best men avoid politics because there is so much corruption in politics.

Mr. VEST. I understood the Senator from Massachusetts to state that that is a declaration by the organ of the Episcopal Church in the State of Arkansas.

Mr. HOAR. Yes, sir; I so understand it.

Mr. VEST. Is not that article signed by a gentleman as his individual opinion simply?

Mr. HOAR. No, sir; it is an editorial, without any signature at all.

Mr. VEST. An editorial communication?

Mr. HOAR. No; not an editorial communication, but an editorial. It is the language of the paper. I will send it to the Senator in a moment. The paper is the Anglo-Saxon Churchman, volume 7, No. 7, Little Rock, Ark., January, 1891. Here are the usual advertisements, "Christ Church Academy;" "The Noble Institute," a church school for girls; "The American Church Missionary Society;" the "Christian Art Institute." The other articles of the paper relate to the purity and integrity of the church. Here is an article on "The Lincoln Judgment" and an article on "Epiphany." It is very religious. There is nothing in the paper other than this article which in point of ability and elevation and loftiness of tone is not entirely worthy of the great denomination which it represents and of the great men who represent that denomination everywhere. I will send the paper to the Senator from Missouri.

Mr. JONES, of Arkansas. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Arkansas?

Mr. PASCO. I have promised to yield to the Senator from Arkansas, and I do so cheerfully.

Mr. JONES, of Arkansas. Mr. President, there can be no better illustration of the fallacy of undertaking to prove a position by selecting as conclusive the opinion of a single individual and undertaking to settle a great question by it than this effort by the Senator from Massachusetts. When the Savior of mankind was upon earth the great majority of people by whom He was surrounded were constantly denouncing Him as a "pestilent fellow," as "seditious," and as guilty of all manner of crime. This reiterated charge, made over and over again, doubtless convinced many a man that there was truth in it, and I am satisfied that honest and upright men believed that the Savior ought to be crucified.

The article read to-day before the Senate is another instance of that sort of proceeding. Mr. Carnahan, the editor of this paper, has lived for a few years in Arkansas. I am not sure where he came from, but the Senator from Massachusetts denominates him an "eminent Southern religious authority." My understanding is that he came a few years ago from the vicinity of Cincinnati, Ohio, not particularly distinguished for its southern locality, and when he took up his residence amongst our people, looking at the wrongs that they have been subjected to, seeing the iniquities of those who have controlled negroes, he has learned to believe that they have been almost without character, that they are easily managed and easily controlled, and he has been by these means precipitated into statements that, to say the least, are intemperate and are not well considered.

The Senator from Massachusetts can not find expressions like some of these coming from any cool-headed, temperate Southern man, and if the expressions had been made by the Senator on the floor I would have as promptly stated that they were untrue as I state here to-day that they are untrue coming from Mr. Carnahan.

I am satisfied that no more honest or upright or good-meaning man lives than the editor of this paper, but he has been imposed upon by the repeated charges made by men like the Senator from Massachusetts and other persons, who are constantly making charges that they themselves do not understand and that they know but little about.

It has not been very long since I have seen statements made in Massachusetts papers reflecting severely upon the Senator from Massachusetts. The simple fact that you can find somewhere a newspaper man who is willing to make a charge involving the good name of a single individual or of the people of a whole State does not prove that the charge is true by a good deal, as I think I ought to be able to prove by the Senator from Massachusetts himself. I think I can prove by the Senator from Massachusetts that this statement by Mr. Carnahan is not true in some respects, though doubtless the gentleman himself believed it. He has spent so much of his time in his study, so much of his time in reading, in considering mere theories, and so little in actual contact with the people that he is not an authority upon these questions.

When he says the withdrawal of our best men from participation in politics is the great weakness of our popular Government, I am satisfied that the Senator from Massachusetts does not believe that he correctly states the fact. I think it is a great mistake, but one which many good men are constantly making, that the best men withdraw from politics and have no connection with it. The Senator from Massachusetts does not believe that this is true. The people of the great State of Massachusetts did not believe that when they selected that Senator and sent him here. They did not select him as being of that class of "small politicians" who do not belong to that order of the best class of men.

But Mr. Carnahan, in his intemperate, hasty expressions, has used some language that is not true. It is not attributable to any disposition or intention on his part to state anything but the plain, naked truth. He is simply misled; he is deceived; he is mistaken; he has not been long enough upon the ground and sufficiently in contact with the people to understand the facts that surround the case; and his opinion is worth no more than that of the Senator from Massachusetts or any other man poorly informed on the subject.

The charge that bulldozing negroes is making scoundrels of the sons of gentlemen is not true. It may be possible that there is an instance here and there of a young man being led astray by bad surroundings. We have heard the charge again and again made of great fraud in the State of Massachusetts, and through all the North, and I state here to-day, and state deliberately, that I believe the elections in the State of Arkansas are as free from fraud and intimidation, ay, that they are more so, than they are in the great Commonwealth represented by the Senator from Massachusetts.

I live in a negro community; I live in a township and in a town surrounded by great masses of negroes, and I assert what I positively know, that there is no attempt to deny these people the right to exercise their rights as they choose. What we object to in that country is just what Mr. Carnahan insists upon in one part of his article, and that is the want of moral character amongst the negroes. They are taken possession of by a bad class of people, are used for selfish and personal purposes, for their own vile purposes, and to the hurt of the negroes and hurt of the white people amongst whom they live. They are used for the purpose of accomplishing the selfish ends of these scheming conspirators. We object to that sort of interference, and when any complaint comes from that country that there has been any unfairness in an election ninety-nine times out of a hundred, nine hundred and ninety-nine times out of a thousand it comes from some one of these conspirators who are undertaking to use the negroes for purposes of their own.

Mr. President, for the purpose of showing something of how these matters work in my State, I will have read another letter which expresses the personal opinion and a statement of facts, by a citizen of my State, just as reputable and just as honest as I know Mr. Carnahan to be. He states the facts. I ask the Secretary to read the letter I send to the desk. I have it read for the purpose of showing some of the troubles that we have to deal with and the reason why there is more or less intemperate feeling amongst hotheaded men in the discussion of this question.

The Chief Clerk read as follows:

MARIANNA, ARK., *December* 13, 1890.

DEAR SIR: Replying to your letter of the 3d instant, asking information in regard to conduct of United States marshal and his deputies in this (Lee) county, will say:

On October 17, 1890, one H. N. Faulkinberry, a deputy United States marshal under O. M. Spellman, marshal for the eastern district of Arkansas, accompanied by one William Allen, who claimed to be representing the Department of Justice, arrived at Marianna, the county seat of this county.

They gave out publicly that their purpose was to subpœna witnesses to attend the United States district court which was to convene at Helena on December 1. Their subsequent conduct, however, soon developed the fact that they were here for political purposes.

On the day of their arrival Allen stated privately to a very reputable citizen of this town, whom he thought was in sympathy with L. P. FEATHERSTON, candidate for Congress, that "FEATHERSTON is in a strait and in danger of defeat, that he needs help, and we (Faulkinberry and himself) are here for the purpose of aiding in his election. We have the plan arranged to vote the negroes our way, and we intend to remain here for the purpose of seeing the plan carried out. We have been referred to you as one in whom we can confide and who will help us."

They at once began to have negroes sent to their room at the hotel and to send runners to call night meetings among the negroes in the country.

They circulated a petition among the negroes which was as follows, namely: "We, the undersigned, pledge ourselves to go to the polls on November 4 and use our best endeavors to have our neighbors go with us and vote for Hon. L. P. FEATHERSTON for Congress, and we pledge ourselves that we will not be dissuaded from exercising our right as free men to vote for the man of our choice by offers of extra price for picking cotton or working at gins on that day for the purpose of keeping us away from the polls."

This document was decked out with red, white, and blue ribbons in a very gaudy manner so as to catch the eyes of the negroes, and had upon it a large red seal, which the negroes understood to be the great seal of the Government. They were led to believe (as I am informed) the paper to be a Government document and a violation of the pledge it contained to be a penal offense.

They also circulated a petition asking the passage of FEATHERSTON'S 2-per-cent.-loan bill. The negroes were informed, I understand, that if FEATHERSTON was elected the Government would at once furnish them all the money they wanted on their crops. The day of the millennium for the negro was then at hand, so these ignorant creatures thought.

The citizens here felt outraged at such conduct on the part of officers of the law; a public meeting was called at the courthouse to take action in the matter; it was largely attended by the most reputable and intelligent citizens of our community; resolutions were unanimously adopted denouncing the conduct of those officers, which resolutions were published in various daily papers. I inclose you herewith a copy of the resolutions.

Allen, hearing of this great dissatisfaction among the best class of citizens, sought to palliate his offensive conduct by inviting the white people to their meetings. Several gentlemen accepted his invitation and attended one meeting, at which nothing was done publicly but to ask the negroes how they voted in the Congressional election of 1888. The meeting was quiet and orderly. However, Allen and Faulkinberry the next day went and held a meeting with the negroes at the same place without inviting any white man or advising them that such a meeting was to be held, evidencing the fact that their purpose had not been accomplished at the former meeting, and that they desired another with the negroes when no white man was present.

They continued to hold secret meeting with the negroes without notifying the whites, and to use among the negroes the pledge above referred to in a secret way.

Allen and Faulkinberry left here and returned to Little Rock on October 24, and, although our people had been invited to one of their meetings, they reported that they could not discharge their duties because the presence of white men intimidated the negroes.

Of this report our people knew nothing until October 28, when Marshal Spellman came to Marianna, accompanied by seventeen deputies. They were heavily armed with pistols and seemed to delight in displaying their weapons upon all occasions.

Our people, being desirous of seeing peace and good order prevail, at once sent a delegation of our best citizens, among them a gentleman reared in Illinois, who came South after the war, to Marshal Spellman, who asked of him the meaning of such hostile demonstrations. He claimed that he was here to subpœna witnesses before the Federal court, and that his deputies had been interfered with in the discharge of their duties in that work. He was assured by the committee that there was no disposition here to interfere with any officer; that the same witnesses he wanted had been twice before subpœnaed to court on the same matter and each time by one man and that any other one man could subpœna them again. They offered that if he (Spellman) would stay himself, leave any one man he desired, or deputize a man here, they (the committee) would see that every subpœna was duly served and returned; and one gentleman of the committee proposed to furnish his deputy a conveyance to use in making the trip in serving the process.

The committee urged that such a demonstration as the marshal was making was calculated to disquiet the people and to disturb the labor of the country, and that there was no necessity for it.

Spellman simply replied, "I am acting under direct orders from Attorney-General Miller, and will have to carry out my instructions."

He was asked if some one white citizen would be allowed to attend their meetings. He answered no, as he thought that the mere presence of a white man was calculated to intimidate the negroes.

I understand that one or two white Republicans of the town sent for Spellman and insisted that he should send his crowd away; that his demonstrations

were entirely unnecessary. So he and his armed posse were here to stay until after the election and to make their rounds over the county. They left Marianna on the day of their arrival, going into the eastern portion of the county, where they added to their equipage Winchester rifles, received by steamboat, I understand.

They began their work there, covering five or six townships, and utilized the time up to the election holding night meetings in negro churches and schoolhouses, with windows darkened and sentries on the outside armed with Winchesters.

In several instances white men asked permission to go in, but were told, at the muzzle of a gun, that "no white man could enter." In one township a justice of the peace was refused entrance with the same answer, "No white man need apply," while at the same place another white man was admitted because a negro vouched for him as a Featherston man. I understand that many negroes objected to their course and stated to them that they were not accustomed to seeing such armed squads parading the country; that this county was peaceable and quiet, and that their conduct reminded them of "war times."

The worst element of the negroes, by this action of the marshal and his deputies, was encouraged in their hatred toward and opposition to the whites, and many who had heretofore voted the Democratic ticket were intimidated from voting.

At several of the voting precincts negroes who had before stated that they intended to vote the Democratic ticket declined to vote that ticket, and for reason of such change said that they were afraid the marshal would come back and get them in trouble. On the day of the election it was the prevailing sentiment among the negroes in townships where the marshal had been that the posse would return during the day to see that they (the negroes) voted the Republican ticket.

It is generally understood that the coming of the marshal and his deputies was for the purpose of arousing the negroes and voting them for Featherston and to make the Government foot the bills. They came ostensibly to summon witnesses, but they made it convenient to come two weeks before the election and stay three days after, when they could easily have waited until after the election was over and then had four weeks before the sitting of the court in which to get the witnesses. They came armed with pistols, Winchester rifles, and their red-sealed pledges and did their work effectually. They also distributed among the negroes Republican campaign literature.

I will add that a great many witnesses were summoned; but before the sitting of the court, the judge, in vacation, without the defendants in the election cases or their attorneys being consulted, made an order continuing all election matters, for the reason, as stated, that there was no money in the hands of the marshal to pay witnesses. The witnesses for the Government were duly notified by order of the judge not to attend, but, notwithstanding this notification, about one hundred did attend; and the marshal, being fully aware of such notification, paid them for three days' attendance and mileage at a cost to the Government of about $1,000. It appears that they did have money with which to reward the "faithful."

The above, I believe, is a fair statement of the matter, without going into further details. These matters are of public notoriety and have been repeatedly published in the public press and have not been denied from any authoritative source.

Yours, truly,

JAS. P. BROWN.

Hon. JAMES K. JONES,
Senate Chamber, Washington, D. C.

Mr. JONES, of Arkansas. Now, I submit to any candid man that when the facts are stated, stated by a reputable citizen, as the writer of this letter is, an honest, honorable man, worthy of belief and credit everywhere—when it is stated that posses, under the pretense of summoning witnesses, seventeen in number, under a deputy marshal, heavily armed with pistols and Winchester rifles, are parading through communities that are entirely peaceful, collecting in houses these ignorant negroes, lecturing them in night meetings from which white men are excluded at the muzzle of rifles, is it any wonder that men should be betrayed into expressing themselves with some sort of intemperance when the lives of themselves and their families, their children, they believe, are brought in danger by such methods? The wonder is that there are not more men who express themselves intemperately in discussing such things. It is this very weakness of these colored people, this want of moral character, this want of force which Mr. Carnahan speaks of and discusses, that is the cause of most of this trouble.

That he should make some points that are true as well as some that are untrue is not unnatural. I understand Mr. Carnahan is a man of hot blood, thoroughly honest, intending to speak the truth fearlessly, and, like other men of his temperament, likely to state matters extremely. I submit to the Senator from Massachusetts that Mr. Carnahan was in error when he used this language:

> Our best men avoid political life because there is so much corruption in politics.

I submit to the Senator whether this would exclude the honorable Senator himself from participation in politics.

Mr. HOAR. If the Senator will pardon me, I understood that statement to refer to Arkansas and not to the country; but I will concede, knowing what I do of the Senators from that State, that it is not true there.

Mr. JONES, of Arkansas. This is another illustration of the fact that the Senator from Massachusetts sometimes takes too narrow a view of questions. This is the clause from which I read:

> The withdrawal of our best men of brains from participation in politics is the great weakness of our popular government.

Mr. Carnahan is too broad a man to circumscribe "our popular government" to the single State of Arkansas. It embraces Massachusetts as well. It is all of this great country, from the Atlantic to the Pacific and from the Lakes to the Gulf, including the whole of it. This was a discussion of general principles, and shows that the student, as he is, spending the most of his time in his study, in the discussions of questions theoretical rather than practical, is not an authority when he even undertakes to state what he believes to be fact.

He believes doubtless that the effort on the part of the people of Arkansas is to nullify the African vote. He states that that is a fact. I believe that that is not true. I have been actively connected with politics for many years, and I have never seen nor known an instance of the kind; I have known of no effort to deprive these people of their full right of suffrage.

But, Mr. President, to show that we ought to accept statements of this sort with some degree of allowance and with great care, I should like to call the attention of the Senator to a statement made by a distinguished citizen of his State, a reputable gentleman, a man bearing the honored name of Hoar—Sherman Hoar—who in making a speech accepting a nomination for Congress, as the Senator doubtless remembers, used this language, as he is reported in the newspapers, and I presume correctly:

> If our Massachusetts Republicans are really interested in purity in nominations and elections, before they spend too much time in discussing plans for bettering elections in Mississippi and Alabama I trust they will make it impossible in the future to purchase nominations and elections in Massachusetts. Twice did our Massachusetts house of representatives pass a bill for the publication of expenses in nominating and election campaigns, twice did the Democrats in the senate vote unanimously for that bill, and twice was it defeated by Republican senators.

So it would seem, Mr. President, that a single individual, a gentleman connected with politics, a gentleman who has all his life been connected with politics and politicians, makes a statement closely affecting the good name of the great Commonwealth of Massachusetts. I hope that he is mistaken in his supposition that nominations are bought there, but if he can be mistaken in this instance I submit that a minister who is devoting his time to the service of the great I Am and to teaching men the way to heaven, and who knows nothing about the practical details and workings of politics, is just as likely to be mistaken as he. This effort to besmirch Arkansas fails. A good man has been led into an extreme statement and an incorrect one, but the mistakes of this gentleman can not affect the good name of our people. Although Federal supervisors attended our recent Congressional elections, no suggestion of fraud has been heard from any quarter. They are not true, no matter whence they come.

Mr. BERRY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Arkansas?

Mr. PASCO. I do, Mr. President.

Mr. BERRY. Thank you.

Mr. President, I do not know Mr. Carnahan personally. I have never met him so far as my knowledge now goes. I know something of his character, as having come to the State not a great many years ago and being placed in charge of the Episcopal church at Little Rock. He gained considerable notoriety a year or two ago in the contest there between certain members of the church as to who should control that church, which had excited a great deal of interest throughout the State, and especially among the members of that denomination.

As to the merits of that controversy I know nothing, and as to the character of Mr. Carnahan I know nothing, but I simply state that if in the article which has been read from the desk and repeated by the Senator from Massachusetts Mr. Carnahan intends to have the idea go abroad that any general system of fraud, of bulldozing, or ballot-box-stuffing exists in the State of Arkansas, then he states an untruth.

I know something about the politics of Arkansas. I have lived in the State forty-two years, and since 1866 I have been intimately and almost continuously connected with the politics of the State from that time to the present; and I assert here to-day that prior to the election of 1888, in the Congressional elections and relating to them, there had never been so far as my knowledge extends a single charge of fraud in any county or in any voting precinct in the State of Arkansas.

At all the Congressional elections there, in all the closely contested counties and negro counties, in the Congressional election and the Presidential election, we have invariably had supervisors appointed by a Republican judge, one of whom was a Republican, and, of the three judges who held the precinct election, one of them almost in every instance was a Republican; and it was utterly impossible that any general system of fraud could have taken place without the connivance of those Republican officers. They have never been charged and they have never existed, and I assert here to-day that no Democrat has ever occupied a seat upon the floor of the other House since the Democrats came into power in 1874 who was not honestly and fairly and justly elected by an honest vote of all the citizens of all relations.

I assert it to be the fact that prior to 1888 there was no charge to the contrary. In 1888 it was alleged in the First district, in the county of Crittenden and perhaps in one or two other counties of that district, that there had been frauds and irregularities. There was a contest in the present Congress, and Judge Cate, who was honestly elected, was by the Republican majority of that House thrust out of his seat, and I assert here that the proof shows that it was a glaring outrage that they perpetrated, and so much so that a number of Republicans walked out of the House and refused to vote when the proposition was finally taken because the proof showed that Cate was elected beyond any question.

Now, that was in 1888. In that same election in the Second district, which my honored colleague, Mr. BRECKINRIDGE, represents, in one township, in one county, the ballot box at Plummerville, Howard Township, Conway County, was stolen. It was an outrage. Every-

body knew it was an outrage. Nobody defended it, and my colleague, Major BRECKINRIDGE, admitted that the votes there that his opponent was entitled to should be counted for him. He never sought to gain any advantage by it; and if every vote in that township, both for Clayton and BRECKINRIDGE, had been counted for Clayton, BRECKINRIDGE was still honestly elected by from 200 to 300 majority.

Now those are the facts in regard to the Congressional election. I am going to state the facts fairly and tell the truth and let it cut where it may to-day. Now, in regard to the State election. There are seventy-five counties in Arkansas. In some five or six of those counties, I do not think in exceeding six, it has been charged that in the county election for clerk and sheriff and officers of that character frauds have been committed. That those outrages have been grossly exaggerated, I have not a doubt. That in a few of these counties wrongs have been perpetrated affecting only the county officers, I admit here to-day, and do not deny. I say that in a few of those, not exceeding five or six, upon rare occasions there have been wrongs perpetrated; but in the entire State, with that single exception, the elections have been as fair and as honest, and the negroes all voted as nearly their choice as they do in any State of this Union.

Those are the facts in regard to Arkansas, and yet the Senator from Massachusetts has upon former occasion sought by every means in his power to fasten the stigma upon that State that her people were thieves and ballot-box-stuffers and scoundrels, and that the sons of these gentlemen were learning to be scoundrels, I believe was the language used.

Mr. HOAR. I did not say that.

Mr. BERRY. Then the Senator from Massachusetts, after having reiterated these charges, after having raked and scraped the country to find every newspaper article from every crank who writes one, and seeking in highways and byways to find something which reflected upon the people of the South, after having done this for years, complains that we deny these charges, and severe language is used in reply.

Mr. President, the lifetime of the Senator from Massachusetts has been spent in stirring up strife amongst his neighbors, the danger of which strife he never shared himself, and now he seeks upon this occasion to fasten a stigma upon the people of the entire State of Arkansas. Not only that, but in order to pass this bill he brings in an article written by this man, of whom I know nothing and of whom I will only say that, like most men who are ministers of the Gospel, when they quit that high calling and seek to dabble in politics, the usual result is that they may spoil the preacher and make a very poor politician, and they are men who have but little knowledge of the country.

I assert of Mr. Carnahan that his statements, if intended to be that fraud is generally practiced, are not true. I assert furthermore that the remedy he proposes is absurd and one that can never be adopted. I say of Mr. Carnahan or any other man or any number of distinguished gentlemen, if he thinks he or they ever can induce the people of Arkansas to place the property qualification upon her white citizens and put it in the constitution he or they reckon without their host. The people of Arkansas do not propose any such remedy or any such means.

I have thought proper to say this much, and I want to say that so far as I am concerned, during my entire life, in private conversation, in public speeches made in the white counties as well as in the negro counties in Arkansas, in my inaugural address as governor, and in messages to the Legislature, I have upon every occasion and at all times declared that I was in favor of honest and square elections.

I despise fraud; I detest double-dealing and hypocrisy of every kind and character. I have said there and I will say it here to-day, if the time should ever come in my State, which I trust never will, when the white people have no other means to protect their property; if it should ever come when they have no other safety for the homes, the wives and the daughters of that fair land of the South; that, if we are compelled to resort to desperate or doubtful means, I for one should far prefer to take a shotgun and say to the negro "You can not vote" rather than to stuff the ballot box or make a fraudulent return.

I say that our people do not indorse any such thing as that. To show the feeling and how the governor of the State to-day feels upon this question of suffrage, and in answer to the charges that have been made, I ask the Chief Clerk to read an extract which I took from the governor's message, published in the St. Louis Republican, and which was delivered to the General Assembly of the State on last Tuesday, in regard to the elections in Arkansas.

The Chief Clerk read as follows:

THE ELECTION LAW.

As to elections the governor says: "I repeat what I said two years ago: 'The liberty of the people and the perpetuity of good government can only be secured and perpetuated by free and fair elections. The right of every citizen to cast his ballot untrammeled and to have it honestly counted is one of the highest and most sacred rights enjoyed by an American citizen. To corrupt the ballot box would be to corrupt and finally destroy the Government itself. I can conceive of no greater calamity that could befall the State than to have the ballot box lose its purity and its sacredness.

"'As we would preserve our liberties and the liberties of generations to come, let us preserve free and fair elections.'

"The voter should be guarantied the right of going to the polls and voting as he may choose, free from all fear and intimidation. To accomplish this we should have a uniform ballot, and in casting the ballot it should be secret, or as nearly so as possible, not to do violence to the right of the voter. Many of the States have enacted election laws more or less modeled after the Australian system."

Mr. BERRY. Mr. President, I have no desire or wish to say anything that might appear unkind or severe in a personal way towards the Senator from Massachusetts or any other Senator, but it has seemed somewhat strange to me that those who are urging the passage of this bill with the most vehemence, the men who are making themselves active and dragging, as I believe, many honorable Senators on the other side behind them, should be men who are in a position, to say the least of it, not to talk so much about fair and honest dealings in elections.

I have no doubt that the great body of Republican Senators on the other side of the Chamber, those who are supporting as well as those who are opposing this bill, are just as honest and as good Republicans and as much in favor of fair elections as the Senator from Massachusetts. But he seems to take it upon himself to correct all these wrongs, as he claims. He seems to think that it devolves on him and one or two others, one of whom is absent to-day and of whom I do not care to speak in his absence. Upon every occasion where they have been called to the test and any question arose in regard to frauds that would benefit their party the Senator from Massachusetts never fails to find law or facts twisted in some kind of a direction to carry out the will and wishes of his own party, whatever those facts may be.

Mr. President, not intending to reopen a question that was decided here some months ago, I assert to-day that, if any Southern Senator had come here claiming a seat in this body when his title depended upon such facts as those which gave the Senators from Montana the right to sit here and such proceedings as took place in that State, this Chamber would have rung with the denunciations of the Senator from Massachusetts as to such frauds and wrongs as he would claim were perpetrated in a Southern State.

As I said before, I do not wish to answer severely, but I confess to you, Mr. President, when I think of all the consequences that will flow from the passage of such a bill to the people of the State from which I come it chafes me somewhat to hear Senators making allegations and seizing upon newspaper articles which are not true in order to slander a whole people. When I think, Mr. President, how we have striven, how we have tried to have fair and honest elections in Arkansas, how we have sought to have immigration from the northern part of this Republic of Democrats and Republicans, how we have earnestly hoped to build up our State and give it the name and standing that we think the resources which it has entitle it to, and how we have prospered since 1874, and how we are prospering to-day, and then when I think that a Senator to gratify his own personal spleen or his own ambition would seek to introduce confusion into that State and to put us back ten or twenty years it may be, I confess to you that I can not receive it with that patience always that a Senator should show.

When I think how those people have worked and toiled to recover from the effects of the war, when I think of them as I saw them last fall, when canvassing with Major BRECKINRIDGE, and staid at their houses and saw them go forth before daylight, the man and sometimes the mother, the little boy and the little girl, going into the cotton field before it was light enough to see, and staying there after dark in order to benefit their condition, and then to think that for political purposes the Senator from Massachusetts would place those people back when he seeks to raise confusion, would destroy the prosperity for which they have toiled so hard—the Senator can not expect that such things as that can be done unless it be over the earnest protest of those who represent them here.

It would seem to me, Mr. President, that the Senator has pursued the Southern people as far as even his conscience would permit him to do. We came forth from the war. We did not complain of its result. We were defeated in a fair contest and we never denied it or sought to excuse it in any way. But from that day to this he, I say, has pursued us. It is not evidence of a brave man to pursue a fallen foe. It is not evidence of a brave and generous man to be continually hounding those whom he has defeated, or rather whom his people have defeated in battle.

Therefore, as I said before, believing that all the evils which fell upon that country from 1868 to 1874, that all the horrors which we suffered from reconstruction rule may come again upon those people from this bill, I do not feel very kindly towards those pressing it. I know that it is useless to appeal to the Senator from Massachusetts, but I do appeal to honorable Senators and conservative men who love the prosperity of the whole country not to permit him to further drive them in hunting and hounding down a free, a brave, and an honorable but a defeated people. [Applause in the galleries.]

The PRESIDING OFFICER. Applause in the galleries or expressions of displeasure are not permitted by the rules of the Senate, and if indulged in will result in having the galleries closed.

Mr. PASCO. Mr. President, before I enter upon the speech which I have specially prepared for this occasion, I desire to make a few remarks with reference to this newspaper article which has been brought before the Senate by the Senator from Massachusetts.

As I understand, the gravamen of this charge is that the people of Arkansas attempt to nullify the African vote. I had occasion some time ago in a speech which I delivered in the Senate, nearly a year

ago perhaps, to touch upon this question and to show that there was a large silent vote all over the country. I took occasion to show the exact number of such voters in every State of the Union. I took the ground that the proper way in order to ascertain the amount of this suppression was to take the actual election returns and ascertain the number of votes that were not represented on the day of election.

I submitted then some tables, and I will refer to them to compare the amount of suppression in the States of Arkansas and Massachusetts.

According to the census tables of 1880 and the vote at the Presidential election, there were 76,748 voters, men over twenty-one years of age, who failed to vote in Arkansas; there were 220,935 in Massachusetts. In Arkansas there were four districts, so that the amount of the silent vote in Arkansas was 19,187 to the Congressional district. In Massachusetts there were eleven, so that the number to the district was 20,085. In a similar table, which was prepared with reference to the election of 1888, the silent vote in Arkansas was 102,952, or 20,590 for each district. In Massachusetts it was 241,512, or 20,126 in each district, showing at that election about the same amount of suppression in Massachusetts and in Arkansas.

Mr. President, this newspaper writer suggests two remedies for this matter, that is, to disqualify those who fail to pay their poll taxes and to disqualify those who can not read and write. On page 25 of this speech I referred to the course Massachusetts had taken with reference to the silent vote, and I think it would be instructive to read it on this occasion, as it shows that these remedies are the same that she has adopted. I said then, with reference to the difficulties that she has had with regard to the ignorant and dangerous classes of her population, as follows:

> Massachusetts has a system of higher education, the corner stone of which was laid more than two and a half centuries ago; her common-school system is older than her statehood, and its doors are open the year round to all her children, whether rich or poor, whether alien or native born; in those schools they are trained from their infancy till ready to enter upon the active duties of life or a more liberal course of study; her colleges, her normal and professional schools, her schools of art and technology, her scientific institutions, her academies of music, rank with the highest and best-endowed in the world, and open careers for the most gifted and most ambitious in every avenue where the artist, the scientist, the scholar may win fame and reputation and success.
>
> Her churches are in every valley and upon every hilltop. From her ocean boundaries on the east to her mountain slopes in the west you can not lose sight of the spires.
>
> Yet, with all her great advantages, literary and religious, she finds it necessary to protect her institutions, her altars, her firesides against the ballot of a vast mass of illiteracy. She has found no other remedy against them.
>
> She is the fourth State in the Union in wealth, as measured and estimated by her own assessments of her taxable property, yet she finds it necessary to protect her manufactories, her banking institutions, her insurance companies, her vast lines of interior travel against the ballot of those who are too poor or indifferent to pay even a poll tax. Her experience has taught no better remedy for dealing with them.
>
> Her silent voters number nearly a quarter of a million. They have increased more than 20,000 in eight years. They constitute more than four-tenths of her male population of voting age. An experience of one hundred years has not enabled her wise men, her legislators, her statesmen, to put a tongue into the the mouth of these men who are dumb upon the day of election. They number more than 20,000 in each one of her twelve districts. Her failure should teach her to be patient with her Southern sisters, whose advantages are less, whose institutions are younger, whose difficulties are more serious, and whose failure to give voice to their adult male population is not greater than hers.
>
> Let her have patience with us till we have grappled with our difficulties as long as she has with hers and we will try to exhibit larger results in dealing with like evils than she has yet produced. There are other of the New England and Middle States which have similar home problems still unwrought, and, excepting Rhode Island, there seems to be no disposition or effort to solve them. The muzzle and the gag have been so long in use that they have ceased to be repulsive, and they are worn patiently. In Rhode Island the silent voter is in the majority so far as numbers go, but he is voiceless and impotent. He comprises a third of the male adults in Maine and Vermont and nearly as large a proportion in New York. In three States that gave their electoral votes to the present Administration he numbers nearly 1,200,000.

Then I dismissed the subject with this reference to the fact that it was the duty of each State to correct these evils.

> But those problems are not ours. These responsibilities do not rest upon our shoulders. We do not ask to share them. Our own burdens are heavy enough, but we will do our best to bear them and still preserve our civilization if we are left to ourselves.

Mr. HOAR. Will the Senator from Florida kindly yield to me that I may offer an amendment to the pending bill?

Mr. PASCO. Certainly.

Mr. HOAR. I desire to give notice of some proposed amendments, which are really all one amendment, in order that they may be printed at once. I move that they may be printed.

The VICE PRESIDENT. The order to print will be made, in the absence of objection.

Mr. PASCO. Mr. President, from the beginning of the Government to the close of the late war the States of the Union enjoyed and exercised absolute and full control of their Congressional as well as all their other elections. The right and power of Congress to supervise or manage or conduct them, which is claimed upon the latter-day interpretations of the Constitution, had up to that time been maintained by no political party. The Representatives came from the body of the people with qualifications fixed by their State governments. They represented the States.

The only power then claimed by the separate Houses was to judge each of the qualification and election of its own members. The two Houses together had up to that time exercised no authority over the subject except to establish the system of electing Representatives by districts which already existed in most of the States, and this was not done till 1842. The history of the country during that period shows no wrong or inconvenience resulting from this freedom from Congressional or national interference and control. Contests were comparatively rare. The local courts had sole jurisdiction over all election offenses. The local authorities had the entire responsibility of conducting all elections.

But when the war closed and the plan of reconstruction inaugurated by President Johnson had been overthrown, the Congress in working out its own theory of reconstruction dealt with the States which had formed the Southern Confederacy as having no rights except such as were given by the conquering power. These States even after their admission to representation were regarded as under the watch care of Congress and not entitled to the same privileges and consideration as their more fortunate sisters.

This feeling was at the basis of most of the subsequent legislation upon the subject of elections, and it rests upon an interpretation given to Article I, section 4, of the Constitution, which is not in harmony with that given to it by the founders of the Government and which had till then been accepted as true and correct. Various penal statutes have since that time been passed defining and punishing crimes against the elective franchise and for the supervision of elections by Federal officers. The necessity for them was claimed upon the ground that the people of the South were not willing to accord to the former slave population the rights which had grown out of the war and reconstruction and the new amendments to the Constitution.

It may well be doubted whether the Senators and Representatives, by whose votes the legislation of 1870 and subsequent years was placed upon the statute books, would have consented to it if they had been legislating with a view to its enforcement against their own people and States. If so, they forgot that their own Legislatures had ample power to protect the purity of their own elections, and that their own people in each district were most interested in maintaining the peace and good order of society and in suppressing fraud, and that a wholesome public sentiment at home was the most potent influence for enforcing laws already existing in their States against election offenses and crimes.

No supervisors or deputy marshals were needed to support this influence; an honest execution of the State laws only was needed. The demonstration of the power of the General Government at elections, provided by this legislation, must have been intended by those who devised it, not for home use, but to be used in the reconstructed States. And it has there been used as an instrument of vengeance and oppression, and generally in a partisan spirit to promote party plans and purposes, and not for the promotion of pure and honest elections.

It is true that these laws were made general in their application; but they were directed against the Southern States and the Democratic party, and their execution has largely been confined to that section. And in the State which I have the honor in part to represent they have never been invoked, except for the purpose of aiding the Republican party during an election and prosecuting Democrats when the hour of defeat and disappointment arrived. During a period when the Republicans there maintained their ascendency over the State by fraud and crime and the counting-out process, from 1868 to 1876, during the larger part of which time these laws were in force, the courts, which were largely under the control of Republican district attorneys and marshals, found no indictments against the wrongdoers whose wicked acts were notorious and shameless, and the composition of juries under the law requiring or allowing the iron-clad oath to be administered rendered it practically impossible to indict any Republican offender.

It is now claimed that the Congress has the right not merely to alter the times, places, and manner of holding elections for Representatives in Congress prescribed in each State by its Legislature, or to make such regulations in a case where a State has not acted, but to go further and practically hold the election through its own officers, ascertain the result, and give to the candidate a certificate which shall entitle him to hold the seat until some adverse action of the House itself.

The circumstances under which this power is for the first time to be asserted are peculiar. The Republican party, holding the Presidency and the House of Representatives against a popular majority of more than half a million, is attempting to bring into this world this child of doubt and uncertainty during the closing weeks of this Congress, after its acts and policy have been condemned by a popular rebuke more severe and emphatic than was ever before given by the people to any political party in this country. And if the usual rules and procedure delay its birth there are some ready to hasten it by a Cæsarean operation.

They allowed the first session of the Congress to adjourn without any serious effort to push their measure to a conclusion and it was left practically abandoned. It is revived at a time where there is no immediate need of such a law, for no election is to be held for nearly two years, and the elections just held fully demonstrate the sufficiency of the laws already in force in the States, and there is no question, and no room for question, as to the honesty and the integrity of the results, which have been accepted everywhere by the people, the press, the political committees, and the candidates as correct, and perhaps with fewer than the usual number of contests. The consideration is being pressed by a discarded and rejected majority to the exclusion of legis-

lation of great importance required by the business interests of the country, and can have no other purpose than to give the Republican party a partisan and unfair advantage in the next Presidential election.

I do not altogether agree with those who regard this as a measure directed solely against the South. The oft-told and threadbare campaign story of the systematic employment of force and fraud to neutralize the negro vote can deceive no intelligent person at this day and its introduction into the dreary monotony of the President's message does not even arouse interest in the closing part of that production. Those charges serve as a mask to cover the operations of the bill against Northern States and communities as well as the States of the South. The Republicans have tried executive action, judicial politics, and even the returning-board system, similar to that contained in the present bill, against the South for more than twenty years, and the general result has been failure.

For a time Representatives came to the Lower House against the wish of the people. Legislatures seated under military auspices chose Senators to sit in this body, and false certification placed a Chief Magistrate in the executive chair and gave a presiding officer to the American Senate. So far as the South was concerned the unfriendly legislation and executive action of the past had lost their force, and the abandoned bill would probably not have been again taken up but for the recent uprising in Northern and Western States. Something must be done to check the popular revolt against the Republican party and Republican measures and management in those sections.

A new system of supervisors and deputy marshals with their money and their power thrown into close and doubtful districts about the time of the election may enable the Republican managers to recover some of the lost ground in 1892. It will be safer and surer to buy the doubtful voters with these tempting places at five and ten dollars a day than to pursue the usual methods.

There has been sharp criticism upon the fat-frying process, and it may not be as productive in the next campaign as it was in the last. Besides, it will be more agreeable to the favored and protected interests to let the chief supervisor in each district draw the money needed for the floaters in the way devised in this bill from the Treasury rather than to furnish it from their own resources; and it will look and sound better; for the floaters, when decked with the insignia of supervisors and deputy marshals, will be honorable officials publicly drawing legitimate salaries, instead of bribe-takers covertly receiving the filthy price of their degraded manhood. Its effect will be to legalize crime and make it appear respectable. And if this bill passes the people will see the money wrung from them by burdensome taxation used to destroy and cancel and neutralize their honest votes.

The Senator from Wisconsin [Mr. SPOONER] in presenting his views in favor of the bill has argued as if this were an issue between fair and fraudulent elections, and an attempt has been made to base the opposition of Democratic Senators to the proposed legislation upon the ground that they oppose honesty and favor force and fraud and the suppression of votes. He claims that much has been accomplished in the large cities of the North, particularly in New York, by the operation of the laws passed in 1871 and 1872 for supervising elections and punishing offenses and crimes against the elective franchise.

The history of the country for the last twenty-five years does not justify any Senator who belongs to the Republican party in claiming for it any superiority in honesty or fairness, as the facts herein presented will fully establish. Its record is anything but good in that respect. It has failed to present such a record as would entitle it to displace the present system, which contains some elements of fairness, and give the entire direction of elections to its own representatives and appointees. It is the old proposition to put the flocks under the watch care of the wolves. The present system, which it is claimed has accomplished some good results, divides the supervisors equally between the two principal political parties, allowing them to be named each by their party friends. The proposed system gives the Republican officials all the power of making nominations and appointments and allows two-thirds of the supervisors and all the deputy marshals to be selected from that party.

No such power should be asked by any political organization as to be allowed practically to direct, control, and certify the elections and their results in forty-four States. It takes away the wholesome check which the wisdom and practice of the founders of our Government so wisely established. So dangerous a power can not properly be intrusted to any political and partisan organization. It would be a menace to our liberties and the precursor of the downfall of the Republic.

If the claim is just that good has been accomplished in this respect by the laws which have been upon the statute book for nearly twenty years, why change them so as to take away or diminish the aspect of fairness in this supervision of elections, which it is claimed has secured the co-operation of leading Democrats as well as Republicans and with good results? The American people love fairness, and the partisan and exclusive features of the proposed legislation, upon the theory that one political party possesses all the virtue and honesty, are enough to justify our opposition to the pending bill. The President, after giving a summary of the laws upon Federal elections, does not charge their want of effectiveness to the fact that they contain features which are fair, but to another cause which will be hereafter mentioned. He says such legislation should be absolutely nonpartisan and impartial.

The theory of this bill is that a national system of supervisors under the control of the United States circuit courts of the country can carry on elections for Representatives in Congress more fairly and justly than the States themselves. The Constitution gives this power to the States, and so far as it suits the purposes of the framers of the bill the machinery heretofore employed by the States is made use of, but the entire direction and control of such part of the machinery as is retained is in the hands of the supervisors. A chief supervisor is appointed for each judicial district; each chief can designate a deputy with the same supervising power that his chief has; and upon such designation the circuit court may make the appointment. Some of these chief supervisors have jurisdiction over many Congressional districts. There are three over the thirty-four Congressional districts of New York, two over the twenty-eight of Ohio, and one over the eleven of Indiana.

There are about seventy district courts in the United States, and while the judicial districts provided in this bill are not identical with the court districts, the judicial districts of the supervisors can not exceed the court districts in number. The chief supervisor is the creation of the circuit courts, who are given by this law, in making these appointments, a larger appointing power than the Constitution vests in the President. He does not require the confirmation of the Senate. The President is powerless to remove him. He can draw his salary, fees, and emoluments without an annual appropriation by the Congress. He can make his own estimate for the amount of money for the pay of the supervisors in his employ, and it is subject to no revision. The Attorney-General of the United States is required without delay to forward the amount demanded by the estimate to the marshal of the district, and in his hands it is subject to be paid out upon the chief supervisor's certificate. He can prove his own accounts for services and bills paid before a circuit or district judge, and the judge's certificate as to the accuracy of the accounts is sufficient if it sets forth that he has examined the chief supervisor and his work. The accounts, when accompanied by the judge's certificate, require no further auditing and are to be treated as special. The Treasury Department has no control over them except to correct clerical errors in figures or footings. They must be paid without delay by the accounting officers of the Treasury.

The chief supervisor is appointed for life. Neither the President nor the Congress can remove him, except by abolishing the office. He has the power of nominating the supervisors, when, under the law, the management of a Congressional election is turned over to him in whole or in part, and this nomination is virtually the same as their appointment, which is made by the circuit court. The appointment is practically perfunctory, so as to comply with the letter of the Constitution, while its spirit and real meaning are disregarded. Three of these supervisors are to serve at each election precinct, but the chief supervisor has entire control of the whole number, except that in all not less than double the number which the district is entitled to must be appointed.

In the Congressional district where my home is there are twenty-five counties and about three hundred election precincts, and under the law there would be not less than eighteen hundred supervisors appointed, nine hundred of whom would be put on duty at a time to serve during the period covered by an election and six hundred of them would be designated to serve during the registration which precedes it. The law provides that not more than two of these supervisors at each precinct shall belong to one political party, but as the supervisors are appointed upon their own application and the nomination of the chief supervisor this provision amounts to nothing. The court appoints from those named in the chief supervisor's lists, and there is no power to revise his action. The presiding judge may even throw aside the lists furnished by the supervisor; the power to do so is reserved, but in ordinary cases where the reserved power is not exercised they all owe their appointments to their chief, so that it is enough for him to pass upon their political faith.

The provision as to making the selections from both parties may be treated as directory and there is no power of correction or appeal.

A similar provision in the impartial jury law is wholly ineffective unless the judge sees fit to regard it. The failure in that respect does not destroy a verdict, and the finding of a judge upon an applicant's own statement that such applicant for the office of supervisor holds different political views from his two fellows will be final, binding, and conclusive. In addition to these supervisors the chief supervisor can call upon the marshal of the same court to which he and the judge belong for a detail of deputy marshals to aid and assist the supervisors in their work. He has the right to designate one-third of these deputies by name and the marshal has no discretion over their appointment. These deputies are not divided between different political parties. They need possess but one qualification and that a bare educational one. The chief supervisor has entire control over the number to be appointed; they may be as numerous as the pests sent to plague the Egyptians in the days of Pharaoh.

During the period of registration and election, not to exceed twelve days in all where the service is rendered in cities or towns having 20,000 inhabitants or upwards, and not to exceed six days in smaller places where there is a registration, and not to exceed three days in places

where there is no registration, the supervisors are entitled to a per diem of $5 a day, and on the day of the election those designated to serve in the cities and towns having 500,000 inhabitants or more received $10 a day. The law seems to contemplate that three days of this time is to be expended in connection with the registration of voters. The deputy marshals are to be paid at the rate of $5 a day and for not exceeding eight days at one election. There is absolutely no limit to the number that may be appointed.

But the most dangerous feature of the proposed law is the transfer of the power of ascertaining and certifying the final result of an election of Representatives from the State canvassers and the chief executive of a State to the United States circuit and district courts and their appointees. It is hard to see how any lawyer can justify this under a constitutional power to alter the regulations prescribed by a State as to the manner of holding elections. The certifying power, the power to furnish credentials, is not derived from the clause referred to (Article I, section 4), but from section 2, paragraphs 1 and 4 of Article I, which read as follows:

1. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

* * * * * *

4. When vacancies happen in the representation from any State the executive authority thereof shall issue writs of election to fill such vacancies.

It would be equally appropriate to authorize a United States court to give credentials and commissions and certificates to the President *pro tempore* of this body and the other officers inferior in rank and to determine who are the duly elected officers of the House of Representatives.

If the power to control the organization of the House through the judicial department exists is it wise to exercise it? What is there in the history of the country to justify an assumption that the judiciary is free from partisan influences? The history of the Electoral Commission, the formation and appointment of which grew out of this idea, affords no favorable precedent. The judicial members of that body were influenced by arguments and reasons similar to those which influenced their party friends. If you wish to know how those voted whose political sympathies were with the Democratic party examine the votes of Commissioners Bayard and Thurman and Payne. If you wish to know how those voted whose political sympathies were with the Republican party examine the votes of Commissioners Edmunds and Frelinghuysen and Hoar.

Why, Mr. President, the very crimes which Republican Senators have presented as affording the strongest arguments for the passage of this bill were committed by those who presided over the courts of the great State of New York, clad in the ermine of the judiciary. Judges should be kept as far as possible from the turmoil and excitement and bitterness of politics. It was nowhere contemplated in the Constitution that the Federal judiciary should ever fill the place of an appellate board of canvassers of Congressional elections. Such a position should never be filled by those who hold their offices by a life tenure and who are not accountable to that righteous public sentiment which has ever been the most potent factor among the influences that have protected and preserved our free institutions.

I submit some figures which will give an approximation of the expense of holding an election in the Congressional district in which I reside. We have a registration law there, but no cities or towns in the district having as many as twenty thousand inhabitants. We will suppose that at each precinct only the same number of deputy marshals are employed as supervisors. There will be two supervisors appointed at each precinct for three days during the period of registration and three for three days during the period of election. There will be three deputy marshals employed for eight days. The cost of the employment of these officials will be as follows:

Two supervisors for three days, at $5	$30
Three supervisors for three days, at $5	45
Three deputy marshals for eight days, at $5	120
Cost at one precinct	195
Cost at three hundred precincts	58,500

In addition to this is the cost of the canvassing board, whose salaries, personal expenses, including those of the clerk and deputy marshal, amounts to $77 per day, besides the cost of serving writs and the fees of the attending witnesses. There is no limit to the amount that may be expended for stationery, blanks, mileage, fees of the chief supervisor, etc., except the discretion of the chief himself, and he is entitled to receive fees in the double capacity of chief supervisor and commissioner. The chief supervisor has the authority to order these subalterns to any part of the district he sees fit on the day of the election. And if he chooses to have among them any of the political party to which he is opposed he can give them orders to be away from their own voting places on the day of election and thus deprive them of their votes, and there is no relief. The door of the State prison stands open if they refuse to go at his bidding.

This chief supervisor, when called upon the scene of action in the manner indicated in the bill, can open the door of the circuit court whenever he pleases, practically dictate his own appointees to judge and marshal, put himself at the head of a body of partisans and others, all under obligation to him and dependent upon him for the continuance of their employment and pay, with full authority to expend as much of the public money as he pleases. Hereafter he is to be charged with the supervision of the election of Representatives in Congress, and in addition to the enforcement of the national election laws he is clothed with a general authority unrestricted by statutory limits for the prevention of frauds and irregularities in naturalization. He can be invoked to override the regularly constituted authorities of New York or Texas or any other State of the American Union. One hundred, not citizens, residents, and qualified voters, but persons claiming to be such, in a Congressional district, no matter how irresponsible, can call this chief supervisor into the field, with all the machinery of the law, without even alleging a grievance, and there is no appeal from the action of the one hundred petitioners.

No man can safely rest upon the idea that this law is only meant for the Southern States. With such opportunity for power and pecuniary gain the chief supervisor will find his way into the field wherever he can procure a petition signed by the hundred persons claiming to be citizens, residents, and voters, to open for him the door of opportunity. The theater of action will not be confined to any section. Wherever the party in power requires the aid of a dictator armed with money and supplied with force the dictator will appear.

How convenient such an agency would have been in November when the removal of a few hundred men from one part of a State to another would have reversed a majority or where the change of a few hundred or thousand votes would have prevented the election of some wicked Democrat to the Fifty-second Congress. With the possibilities of this bill in mind how fortunate for the country that its passage was deferred to the present session. It has enabled the people to enjoy one more election under constitutional authority, free from dictation and arbitrary control, apart from the unsavory and unwholesome influences of this proposed legislation.

The recent letter from the Acting Secretary of the Treasury (Executive Document No. 11, Fifty-first Congress, first session) in reply to a resolution of the Senate introduced by the Senator from Alabama [Mr. MORGAN] to elicit the expense of the present system of supervising elections in one of the present districts gives us some idea of the amount of money these supervisors may receive in large cities under the present law, which is less expensive than the new legislation, and with such opportunity for profitable employment there is a tremendous temptation to get the law into operation. It is accompanied by a statement of the amounts paid to John I. Davenport and those serving under him, from 1871 to 1889. It gives, also, the amount of his claims which the Treasury Department was obliged to reject. I include it here for reference and examination.

I ask that it may be read at the desk.

The VICE PRESIDENT. The paper will be read by the Secretary.

The Secretary read as follows:

Statement of the amounts paid to John I. Davenport, chief supervisor, and to the supervisors of elections from 1871 to 1889, inclusive.

Year	John I. Davenport, chief supervisor of elections, southern district of New York.		Supervisors of elections southern district of New York.	
	Allowed.	Disallowed.	Allowed.	Disallowed.
1872	$18,555.35	$75.00	$23,945.00	.....
1873	1,409.75	3,402.90	.....	.....
1874	10,970.15	.....	24,660.00	.....
1876	19,383.36	4,382.60	31,780.00	.....
1878	18,904.91	2,229.85	30,125.00	.....
1879	587.69	3.75	1,335.00	.....
1880	26,396.86	3,015.15	36,000.00	.....
1881	6,381.14	83.75	11,614.00	.....
1882	21,439.92	2,236.50	33,870.00	.....
1884	25,430.96	3,430.96	38,880.00	.....
1885	2,392.61	.....	4,220.00	$100.00
1886	23,229.73	5.00	34,090.00	.....
1888	34,281.50	15.00	39,150.00	.....
1889	1,125.20	1,000.00	7,345.00	.....

Mr. PASCO. The amounts are not footed up, but are as follows:

Total allowed to Mr. Davenport personally in fourteen years, covering nine elections	$210,349.13
Amount per annum	15,024.93
Amount for each election	23,372.12
Further amounts claimed by him and disallowed	19,880.46
Total amounts allowed to supervisors in thirteen years, covering nine elections	317,009.00
Amount per annum	24,385.30
Amount per election	35,223.22
Total amount paid to chief supervisor and supervisors in nine elections	527,358.13
Amount at each election	58,595 34

But this is not the entire expense. The resolution made no inquiry as to the fees of the deputy marshals nor the office expenses attending the supervision.

The fees only of Mr. Davenport as supervisor are given, but, liberal as they are, they include but a part of his income. The law expressly allows him to collect fees and emoluments as United States commissioner as well as in his capacity as chief supervisor.

The Senate has called upon the Secretary of the Treasury for this information, but it has been given only in part, as the statements included in the Secretary's letter of December 20, 1890, show. They are here given from Executive Document No. 21.

I ask that this statement may be read from the Secretary's desk.

The VICE PRESIDENT. It will be read.

The Secretary read as follows:

Statement showing date of receipt in the Treasury Department of the accounts of John I. Davenport, chief supervisor of elections for the southern district of New York, for the years 1884, 1885, 1886, *and* 1888, *and the dates the same were certified for payment by the First Comptroller.*

Year.	Date received.	Date certified for payment
1884	Feb. 5, 1885	Feb. 12, 1885
1885	May 30, 1889	June 4, 1889
1886	June 15, 1889	July 2, 1889
1888	Oct. 29, 1889	Nov. 2, 1889
1888	Apr. 11, 1889	*May 17, 1889

* This account was for extraordinary expenses, and approved by the President under section 846, Revised Statutes.

Statement of the amount received by John I. Davenport for services rendered by him as United States commissioner for the southern district of New York for each fiscal year from 1872 *to* 1889.

Year.	Amount allowed.	Amount rejected.	Services in connection with issuing process for—
1873	$2,768.85	.....	False registration, obstructing deputy United States marshal, etc.
1874	223.15	$2.75	Procuring fraudulent naturalization papers, inducing men to repeat at Congressional elections, etc.
1875	424.60	.....	Perjury in naturalization proceedings.
1877	3,304.60	461.45	Illegal registration at Congressional election and unlawfully obtaining naturalization papers.
1878	756.00	.....	Violation of sec. 5423, R. S.
1879	9,179.90	1,179.80	Do.
1881	5,972.20	96.15	Do.
1883	1,768.35	.....	Do.
1885	2,021.25	.....	False registration; violation of sec. 5425, R. S.

Mr. PASCO. From 1873 to 1885 the sums received by Mr. Davenport as commissioner amount to $27,018.90, but it appears that there have been other sums paid to him upon the approval of the President for 1884, 1885, 1886, and 1888; but the amount of them has been for some reason withheld, although clearly included in the inquiry.

These expenditures were made under the existing laws and cover but a part of one State; they have thus far been under the control of the Treasury Department. The present bill proposes a much more expensive system than that which it displaces, and the Auditor will not hereafter have the power to reject Mr. Davenport's charges if his bill becomes a law. Is this why the Auditor's examination is to cease and his correcting hand is to be stayed?

The disclosures contained in this official statement are sufficient to account for the zeal which this beneficiary has exhibited in his efforts to lobby the present bill through Congress which will largely increase an income in some years already greater than that which Abraham Lincoln received as President.

But whatever the real purposes of the Republican leaders who are urging the immediate passage of this bill may be, whether it is really intended to increase their political power at the North or the South, to bring about results favorable to their party in Democratic or doubtful States or in all of the States of the Union, there is no doubt as to the pleas upon which its passage is to be justified. They are clearly indicated in the President's message and in speeches made by representative men of the Republican party upon this floor and elsewhere, and I propose to state their reasons and to give them some examination.

It is assumed that no elections in the Southern States are honestly conducted; that the negro voter is not allowed to exercise his privilege as a citizen; that his vote is suppressed; that he is driven from the polls on the day of election. It is urged that the suppression of this vote gives to the Democratic States of the South a proportionately larger influence and strength in their Congressional representation and in their electoral colleges than the Republican States of the North have. Is it a fact that the Democrats have this larger Congressional representation and influence in elections? If not, the argument fails.

I gave this question some consideration in a speech which I delivered here on the 20th day of January last and which appears on page 691 of the CONGRESSIONAL RECORD, and prepared some tables to which I desire to refer in the course of my remarks, and at the request of several Senators I will here again submit them:

TABLE No. 1.

States.	No. of Representatives.	Males 21 years and more in 1890, as per census.	Total vote in Presidential election, 1880.	Number of silent voters in States having majorities as below.	
				Democratic.	Republican.
Alabama	8	259,884	151,507	108,377	.....
Arkansas	4	182,977	106,229	76,748	.....
California	4	329,392	164,166	.....	165,226
Colorado	1	93,608	53,532	.....	40,076
Connecticut	4	177,291	132,358	44,933	.....
Delaware	1	38,298	29,333	8,965	.....
Florida	2	61,699	51,618	10,081	.....
Georgia	9	321,438	158,651	165,787	.....
Illinois	19	796,847	621,716	.....	175,131
Indiana	13	498,437	470,678	.....	27,759
Iowa	9	416,658	322,076	.....	94,582
Kansas	3	265,714	201,019	.....	64,695
Kentucky	10	376,221	264,047	112,174	.....
Louisiana	6	216,787	103,743	113,044	.....
Maine	5	187,323	143,618	.....	43,705
Maryland	6	232,106	173,039	59,067	.....
Massachusetts	11	502,648	281,713	.....	220,935
Michigan	9	467,687	351,285	.....	116,402
Minnesota	3	213,485	150,485	.....	63,000
Mississippi	6	238,532	116,401	122,131	.....
Missouri	13	541,207	397,221	143,986	.....
Nebraska	1	129,042	87,395	.....	41,647
Nevada	1	31,255	18,343	.....	12,912
New Hampshire	3	105,138	86,174	.....	18,964
New Jersey	7	300,635	245,737	54,898	.....
New York	33	1,408,781	1,102,428	.....	306,323
North Carolina	8	294,750	241,218	53,532	.....
Ohio	20	826,577	722,325	.....	104,252
Oregon	1	29,629	40,816	.....	18,813
Pennsylvania	27	1,094,284	872,800	.....	221,484
Rhode Island	2	76,898	29,210	.....	47,688
South Carolina	5	205,789	170,949	34,840	.....
Tennessee	10	330,305	241,784	88,521	.....
Texas	6	380,376	241,478	138,898	.....
Vermont	3	95,621	64,483	.....	31,138
Virginia	9	334,505	212,135	122,370	.....
West Virginia	3	139,161	112,713	26,448	.....
Wisconsin	8	340,482	267,011	.....	73,471
Total	293	12,571,437	9,198,394	1,484,800	1,888,243
					1,484,800
Total silent voters	.....	.....	.....	.....	3,373,043

The following are some of the results which appear from this statement. Twenty States chose Republican electors in 1888; eighteen chose Democratic electors. The silent voters in those groups were as follows:

	No. of silent voters.
In twenty Republican States	1,888,243
In eighteen Democratic States	1,484,800
Excess in Republican States	403,443

Taking three groups of States: The New England, six in number, then with 28 Representatives; the extreme Western States, six in number, then with 11 Representatives, and eleven Southern States, not including those on the extreme border, then with 73 Representatives, we have the following results:

Groups.	Representatives.	Silent voters.
NEW ENGLAND STATES.		
Maine	5	43,705
New Hampshire	3	18,964
Vermont	3	31,138
Massachusetts	11	220,935
Rhode Island	2	47,688
Connecticut	4	44,933
Total	28	407,363
Average number to the Representative	.....	14,548
SOUTHERN STATES.		
Virginia	9	122,370
North Carolina	8	53,532
South Carolina	5	34,840
Georgia	9	165,787
Florida	2	10,081
Alabama	8	108,377
Mississippi	6	122,131
Louisiana	6	113,044
Texas	6	138,898
Arkansas	4	76,748
Tennessee	10	88,521
Total	73	1,034,329
Average number to the Representative	.....	14,169

Groups.	Representatives.	Silent voters.
WESTERN STATES.		
Oregon	1	18,813
California	4	165,226
Nevada	1	12,912
Colorado	1	40,076
Nebraska	1	41,687
Kansas	3	64,695
Total	11	343,409
Average number to the Representative		31,219

The second statement is based upon the census returns and estimates of population furnished by public officials of all the different States and published in the World Almanac of 1889 (page 169). It is assumed that the number of persons included in the voting population, males of twenty-one years and over, in each State, bears the same proportion to the entire population of the State as it did in 1880. The number of males of voting age is then calculated and the number of silent voters is estimated with the aid of the official returns of the Presidential election of 1888. For convenience sake, the number of Representatives in each State is also given, and in the last column the average number of silent voters in each Congressional district of every State.

TABLE No. 2.

States.	Number of Representatives.	Estimated number of males 21 and over in 1888.	Presidential vote of 1888.	Silent vote of 1888.		
				In Democratic States.	In Republican States.	Average to each Representative district.
Alabama	8	308,700	174,100	134,600		16,825
Arkansas	5	258,920	155,968	102,952		20,590
California	6	514,260	251,339		262,921	43,820
Colorado	1	168,590	91,798		76,792	76,792
Connecticut	4	190,750	153,978	36,772		9,193
Delaware	1	36,182	29,787	9,396		9,396
Florida	2	103,200	66,641	36,559		18,279
Georgia	10	365,310	142,939	222,371		22,237
Illinois	20	970,850	747,686		223,164	11,158
Indiana	13	629,880	536,949		92,931	7,148
Iowa	11	461,350	404,140		57,210	5,210
Kansas	6	405,080	331,172		73,908	10,557
Kentucky	11	502,020	344,781	157,239		14,294
Louisiana	6	253,990	115,744	138,246		23,041
Maine	4	190,550	128,250		62,300	15,575
Maryland	6	273,080	210,921	62,159		10,359
Massachusetts	12	585,960	344,448		241,512	20,126
Michigan	11	627,300	475,313		151,987	13,817
Minnesota	5	341,780	263,306		78,474	15,694
Mississippi	7	274,030	115,807	158,223		22,603
Missouri	14	686,370	523,198	163,172		11,655
Nebraska	3	309,330	202,622		106,708	65,569
Nevada	1	30,190	12,632		17,558	17,558
New Hampshire	2	104,540	90,833		13,707	6,853
New Jersey	7	388,050	303,741	84,309		12,044
New York	34	1,801,520	1,320,109		481,411	14,129
North Carolina	9	347,440	285,473	61,967		6,885
Ohio	21	1,163,070	841,941		321,129	15,291
Oregon	1	85,290	61,911		23,379	23,379
Pennsylvania	28	1,382,040	997,568		384,472	13,731
Rhode Island	2	84,600	40,766		43,834	21,917
South Carolina	7	278,100	79,561	198,539		28,362
Tennessee	10	364,060	303,736	60,324		6,032
Texas	11	492,200	357,513	134,687		12,244
Vermont	2	95,800	63,440		32,360	16,180
Virginia	10	375,900	304,093	71,807		7,180
West Virginia	4	180,010	159,188	20,822		5,205
Wisconsin	9	439,200	354,614		84,586	9,398
	325	16,162,490	11,388,006	1,854,144	2,920,343	
					1,854,144	
Total number of silent voters					4,774,487	

This statement brings us to the condition of inequality of representation existing as nearly as possible at the time when the great political parties of the country had their last contest.

One of the most unwelcome facts demonstrated by this last statement is that the silent voter is increasing in every section of the country.

The following results appear from this statement:

	No. of silent voters.
In twenty Republican States	2,920,343
In eighteen Democratic States	1,854,144
Excess in Republican States	1,066,199
Excess in Republican States in 1880	403,443
Increase in eight years	662,756

Taking the same three groups of States as before, we ascertain their condition as compared with the result in 1880:

Groups.	Representatives.	Silent voters.
NEW ENGLAND STATES.		
Maine	4	62,300
New Hampshire	2	13,707
Vermont	2	32,360
Massachusetts	12	241,512
Rhode Island	2	43,834
Connecticut	4	36,772
Total	26	430,485
Total in 1880		407,363
Increase in numbers		23,122
Average number to the Representative		16,557
Average number in each district in 1880		14,548
Increase in each district		2,009
SOUTHERN STATES.		
Virginia	10	71,807
North Carolina	9	61,967
South Carolina	7	198,539
Georgia	10	222,371
Florida	2	36,559
Alabama	8	134,600
Mississippi	7	158,223
Louisiana	6	138,246
Texas	11	134,687
Arkansas	5	102,952
Tennessee	10	60,324
Total	85	1,320,275
Total in 1880		1,034,329
Increase in numbers		285,946
Average number to the Representative		15,532
Average number in each district in 1880		14,169
Increase in each district		1,363
WESTERN STATES.		
Oregon	1	23,379
California	6	262,921
Nevada	1	17,558
Colorado	1	76,792
Nebraska	3	196,708
Kansas	7	73,908
Total	19	651,266
Total in 1880		243,409
Increase in numbers		307,857
Average number to the Representative		34,277
Average number in each district in 1880		31,219
Increase in each district		3,058

The following table exhibits the actual representation of the States in the House of Representatives as determined by the popular vote in 1888 and also the representation as it would exist had the States been divided into districts in such a way as to give the minority in every case the benefit of its proportionate voting strength. In making this estimate, where fractional results occur the preference has always been given to the largest fraction. This would be the actual representation in each State in the absence of all gerrymandering if the distribution of the population rendered it possible to construct districts absolutely fair. The result shows that the gain of Democratic votes in Republican States would exceed their loss in States in which the Democrats themselves are in the majority, and that had such a division of the votes been made upon an equal basis, giving the minority the same recognition as the majority, the Democrats would not have lost their ascendency in the House of Representatives.

TABLE No. 3.

States.	Representation of States in Fifty-first Congress.		Representation as based on Presidential vote of 1888.			
	Democrats.	Republicans.	Democrats.	Republicans.	Prohibition.	Labor.
Alabama	8		5	3		
Arkansas	5		3	2		
California	2	4	3	3		
Colorado		1		1		
Connecticut	1	3	2	2		
Delaware	1		1			
Florida	2		1	1		
Georgia	10		7	3		
Illinois	7	13	9*	10	1	
Indiana	10	3	6	7		
Iowa	1	10	5	6		
Kansas		7	2*	4		1
Kentucky	9	2	6	5		
Louisiana	5	1	4	2		

TABLE No. 3—Continued.

States.	Representation of States in Fifty-first Congress.		Representation as based on Presidential vote of 1888.			
	Democrats.	Republicans.	Democrats.	Republicans.	Prohibition.	Labor.
Maine	.....	4	2	2	.....	.....
Maryland	4	2	3	3	.....	.....
Massachusetts	2	10	5	7	.....	.....
Michigan	2	9	5	5*	1	.....
Minnesota	.....	5	2	3	.....	.....
Mississippi	7	.....	5	2	.....	.....
Missouri	10	4	7*	6	.....	1
Nebraska	.....	3	1	2	.....	.....
Nevada	.....	1	.....	1	.....	.....
New Hampshire	.....	2	1	1	.....	.....
New Jersey	3	4	4	3	.....	.....
New York	15	19	16*	17	1	.....
North Carolina	6	3	5	4	.....	.....
Ohio	5	16	10	10*	1	.....
Oregon	.....	1	.....	1	.....	.....
Pennsylvania	7	21	12*	15	1	.....
Rhode Island	.....	2	1	1	.....	.....
South Carolina	7	.....	6	1	.....	.....
Tennessee	7	3	5	5	.....	.....
Texas	11	.....	7*	3	.....	1
Vermont	.....	2	1	1	.....	.....
Virginia	8	2	5	5	.....	.....
West Virginia	4	.....	2	2	.....	.....
Wisconsin	2	7	4	5	.....	.....
	161	164	163	154	5	3
			6*	2*		
			169	156		

* This indicates the party to which the additional member would belong if the third-party vote is omitted and the next largest fraction taken instead.

The parties would then stand as follows upon this basis: Democratic, 163; Republican, 154; Prohibition, 5; Labor, 2.

If the third-party vote is omitted and the fractions, upon which the representation in each case is assigned to the Prohibition and Labor parties, are passed in favor of the next largest fraction, these votes will go as indicated by the mark * in the adjoining columns, and the result will be: Democratic Representatives, 169; Republican Representatives, 156.

This shows that in the division of districts the Republicans have made net gains and not losses, and that in fact they have a larger representation than they are entitled to, notwithstanding their clamor against the South and Democratic methods.

The result shows that in Maine and Massachusetts in the far East, in Ohio and Pennsylvania in the Middle, and in Iowa and Kansas in the far West the mode of dividing up States to the best advantage so as to give the greatest strength to the party in power is equally well understood. The gerrymander is an American institution; it had its birth when the country was young and has grown up with it, and it is hypocritical to attack Southern Congressional districts when like results are reached all over the country by the same means. Self-defense demands that the Democrats protect their strength against the one-sided methods of their opponents. No party has ever felt any obligation in Congressional elections to see that the minority had the benefit of its full voting strength.

One of the recognized advantages of being in power has been the opportunity so to arrange the Congressional districts as to get as large a representation as possible for the party in the majority. In some States, where the tide of victory shifts occasionally from side to side, it is no unusual thing for the districts to be changed whenever these mutations of power occur; the right to change them has been regarded and treated as among the legitimate fruits of a successful campaign.

I cite instances of marked inequalities in Republican States based upon the official figures of the last Presidential election, which will make it manifest that that party has not failed to improve its opportunities and that they are in no sense sufferers or victims under this system.

In California 117,729 Democratic voters elect 2 Representatives, while 124,816 Republicans elect 4. Average number of voters to the Representative: Democratic, 58,864; Republican, 31,204; difference, 27,660.

In Illinois 348,371 Democratic voters elect 7 Representatives, while 370,475 Republicans elect 13. Average number of voters to the Representative: Democratic, 49,767; Republican, 28,498; difference, 21,269.

In Iowa 179,877 Democratic voters elect 1 Representative, while 211,598 Republicans elect 10. Average number of votes to the Representative: Democratic, 179,877; Republican, 21,159; difference, 158,718.

In Kansas 182,904 Republicans have 7 Representatives, while 147,313 voters not belonging to that party have no representative of their political principles.

In Maine 73,734 Republican voters have 4 Representatives, while 54,516 voters not of that party have no political representation.

In Massachusetts 151,855 Democratic voters elect 2 Representatives, while 183,892 Republicans elect 10. Average number of votes to the Representative: Democrat, 75,927; Republican, 18,389; difference, 33,803.

In Michigan 213,469 Democratic voters elect 2 Representatives, while 236,387 Republicans elect 9. Average number of votes to the Representative: Democrat, 106,734; Republican, 26,265; difference, 80,469.

In Minnesota 142,492 Republican voters have 5 Representatives, while 120,793 voters not of that party have no political representation.

In Nebraska 108,425 Republican voters have 3 Representatives, while 94,228 voters not of that party have no political representation.

In the great State of New York it takes to elect a Representative: Democrats, 42,389; Republicans, 34,105; difference, 8,284.

In Ohio it is as follows: Democrats, 79,251; Republicans, 26,003; difference, 53,248.

In Pennsylvania it is as follows: Democrats, 63,805; Republicans, 25,052; difference, 38,853.

In the table marked No. 1, the States which in 1888 gave a majority of votes to the Republican Presidential electors are designated as Republican States and those giving a majority to the Democratic electors as Democratic States. The results are taken from the national election of 1880, and it is demonstrated that in the twenty Republican States there were 1,888,243 male persons of lawful age who did not vote or whose votes were not counted, while in the Democratic States there were 1,484,800, showing the whole number to be 3,373,043, and an excess in the Republican States of 403,443.

In 1888 the silent vote in the same States was as follows: In the Republican States, 2,920,343; in the Democratic States, 1,854,144, increasing the whole number to 4,774,487, and the Republican excess to 1,066,199, as appears in Table No. 2. At each election the votes of more than one-fourth of the male persons over the age of twenty-one years in the whole country do not appear in the final result.

Table No. 3 shows the actual number of Democratic and Republican Representatives elected to the Fifty-first Congress according to the list made out by the Clerk of the House of Representatives and the number that each State would have been entitled to in the absence of any gerrymandering, if the distribution of the population rendered it possible to have districts absolutely fair.

Omitting for convenience the third-party votes, and it appears that such equal and fair distribution would have changed the Democratic figures from 161 to 169 and the Republican figures from 164 to 156. Thus, instead of a Republican majority of 3 at the opening of the present Congress there should have been a Democratic majority of 13. The Republican net gain of 16 shows that the equality of representation and the parity of electors have been disturbed by them, and not by the Democrats.

But, not satisfied with this increase of representation through the forms of law and the advantages given them by being in political control of the larger States, the House, after its organization, proceeded to unseat 9 Democrats, who were declared duly elected by the constituted authorities of their several States, and to place in their seats 8 Republicans and their allies, one seat being declared vacant. Thus the Democratic representation was further reduced to 152 and the Republican increased to 172, and their total net gain was raised to 33. But the re-election of Mr. BRECKINRIDGE, of Arkansas, has reduced this gain to 32 and increased the Democratic membership to 153.

I have constructed another table giving the present representation in the House of Representatives, exclusive of the six new States not included in the apportionment of 1880, with the average number of actual voters of his own political party represented by each Representative in each State according to the Presidential vote of 1888, and the actual number of such voters not represented by any Representative from the State of their own political faith.

	No. of Representatives.*		Presidential vote of 1888.		No. of voters of his own party represented by each.		No. having no political representation.	
	Dem.	Rep.	Dem.	Rep.	Dem.	Rep.	Dem.	Rep.
Alabama	7	1	117,320	56,197	16,960	56,197	.....	.....
Arkansas	4	1	85,962	58,752	21,490	58,752	.....	.....
California	2	4	117,729	124,816	58,864	31,204	.....	.....
Colorado	.....	1	37,567	50,774	.....	50,774	37,567	.....
Connecticut	1	3	74,920	74,584	74,920	24,861	.....	.....
Delaware	1	.....	16,414	12,973	16,414	.....	.....	12,973
Florida	2	.....	39,561	26,657	19,780	.....	.....	26,657
Georgia	10	.....	100,499	40,496	10,050	.....	.....	40,496
Illinois	7	13	348,371	370,475	49,767	28,494	.....	.....
Indiana	10	3	260,961	263,361	26,096	87,787	.....	.....
Iowa	1	10	179,877	211,598	179,877	21,159	.....	.....
Kansas	.....	7	102,745	182,904	.....	26,129	102,745	.....
Kentucky	9	2	183,800	155,134	20,422	77,567	.....	.....
Louisiana	5	1	85,032	30,663	17,006	30,663	.....	.....
Maine	.....	4	50,481	73,734	.....	18,433	50,481	.....
Maryland	3	3	106,168	99,986	35,389	33,328	.....	.....
Massachusetts	2	10	151,855	183,892	75,927	18,389	.....	.....
Michigan	2	9	213,469	236,387	106,734	26,265	.....	.....
Minnesota	.....	5	104,385	142,492	.....	28,498	104,385	.....

* In Fifty-first Congress.

	No. of Representatives.*		Presidential vote of 1888.		No. of voters of his own party represented by each.		No. having no political representation.	
	Dem.	Rep.	Dem.	Rep.	Dem.	Rep.	Dem.	Rep.
Mississippi	7	.....	85,471	30,096	12,210	.....	.....	30,096
Missouri	10	4	261,974	236,257	26,197	59,065	.....	.....
Nebraska	.....	3	80,552	108,425	.....	36,141	80,552	.....
Nevada	.....	1	5,326	7,229	.....	7,229	5,326	.....
New Hampshire	.....	2	43,456	45,728	.....	22,864	43,456	.....
New Jersey	3	4	151,493	144,344	50,497	36,086	.....	.....
New York	15	19	635,535	648,909	42,369	34,153	.....	.....
North Carolina	6	3	147,902	134,784	24,650	44,924	.....	.....
Ohio	5	16	396,455	416,054	79,291	26,003	.....	.....
Oregon	.....	1	26,522	33,291	.....	33,291	26,522	.....
Pennsylvania	7	21	446,633	526,091	63,804	25,052	.....	.....
Rhode Island	.....	2	17,530	21,968	.....	10,984	17,530	.....
South Carolina	6	1	65,825	13,736	10,970	13,736	.....	.....
Tennessee	7	3	158,779	138,988	22,682	46,329	.....	.....
Texas	11	.....	234,883	88,422	21,353	.....	.....	88,422
Vermont	.....	2	16,788	45,192	.....	22,596	16,788	.....
Virginia	6	4	151,977	150,438	25,329	37,609	.....	.....
West Virginia	2	2	78,677	78,171	39,228	39,085	.....	.....
Wisconsin	2	7	155,232	176,553	77,616	25,221	.....	.....
Total	153	172	5,538,434	5,440,551	.....	.....	485,278	198,644

*In Fifty-first Congress.

Average of voters to member with present membership, 36,198 Democratic and 31,630 Republican.

Average with original membership of 161-164, 34,400 Democratic and 33,174 Republican.

This table shows how many voters of each political party it took in each State at the national election of 1888 to elect a Representative and how many voters there were without any representation of their own party in certain States where the representation was wholly from one political party. The results are worthy of careful consideration and study.

According to the original organization of the House and the total Presidential vote of 1888, each of the 161 Democratic Representatives from the thirty-eight States included in this consideration, represented 34,400 voters and each of the 164 Republicans 33,174 voters of his own party, showing that in the entire country the equality of representation was not maintained, and that it required 1,226 more Democratic votes to elect a Democratic Representative than it did Republican votes to elect a Republican Representative.

According to the representation, as changed by the House, each of the 153 Democratic Representatives represented 36,198 voters and each of the 172 Republicans 31,630 voters, increasing the inequality until a Democrat represented 4,568 more votes than a Republican.

The six States where the Democrats were, at that time, at the greatest disadvantage, are as follows. The figures after them give the number of Democrats in each to the Representative:

Iowa	179,877
Michigan	166,734
Ohio	79,291
Wisconsin	77,616
Massachusetts	75,927
Connecticut	74,920

There were only two States in which the Republicans were at a greater disadvantage than that expressed by the lowest of these figures. They are as follows:

Indiana	87,787
Kentucky	77,567

And neither of them is among those which are so often and so unjustly abused and attacked upon this floor.

It will be seen, too, that the four States which send Representatives by the smallest average number of votes of the political party they belong to, and the only ones whose vote is less than 12,000, are equally divided between the North and the South. They are as follows:

Nevada	7,229
Georgia	10,050
South Carolina	10,970
Rhode Island	10,984

It appears further that in ten States where there are 485,278 Democratic voters there is no Democratic Representative, while this is the case as to the Republicans in five States which have only 198,644 voters.

During this debate the Senator from Iowa [Mr. WILSON] drew out a comparison between his own State and the States of Mississippi and South Carolina, with a view to showing a political advantage in favor of the two Southern States named. There are inequalities on both sides. The Democratic voters in Iowa, numbering 179,877, by some means obtained but one Representative, while the 211,598 Republicans obtained ten. If the same guiding hand had the power to control all the States and each district, according to the theory of the pending bill, the minority would be in a thoroughly hopeless condition, and the party holding the machinery of governmental affairs could only be overthrown or removed from power by a revolution or by what has been known within the past few weeks as a political cyclone.

In the different States there are different influences. In some, Republicans are in power; in others Democrats. Some have immense majorities and seldom change their political complexion. Others not infrequently shift from one side to the other in a political campaign. In some, political contention is sharp. In others the popular mind is comparatively indifferent as to politics. Under these different influences there are various courses of action, many of them operating in opposite directions. Errors, mistakes, undue advantages, unfairness, sharp practice in one State, are to some extent set off against similar acts in another, and the total result minimizes evils which would otherwise be dangerous. The general average approaches a balance that has never worked out any serious danger in the history of the Government.

The present case illustrates this. The voters in these States at the election which the Senator referred to were divided politically as follows:

States.	Democrats.	Republicans.
Iowa	179,877	211,598
Mississippi	85,471	30,096
South Carolina	65,825	13,736
Total	331,173	255,430

The 331,173 Democrats are represented in the present House by 14 Representatives, being an average of 23,655 votes to the Representative. The 255,430 Republicans are represented by 11 Representatives, being an average of 23,221 votes to the Representative. Surely the complaining Senator is without a case, for, so far as his own State is concerned, there is not enough inequality or unfairness in Mississippi and South Carolina combined, by an average of 434 to the Representative, to balance the inequality of representation which Iowa obtained and maintains in the present Congress.

It is by such means as these that some approach to an "equality of representation" and "the parity of electors," which is spoken of in the President's message, has been maintained during the first century of our Government. But it could not be maintained under any centralized system, where the errors, instead of correcting one another to some extent, would all be upon the same side. If the effort to get them all on one side, so as to strengthen and revive a defeated party, succeeds, then the result which is deplored in the message may well be apprehended: "everything that is valuable in our system of government is lost."

A similar table constructed with reference to the inequalities in our own body with the full membership to which it is now entitled shows that in the whole country a Democratic Senator represents 76,743 Democratic votes and a Republican Senator 75,130 Republican votes, and that there are 2,782,630 Democratic voters not here represented and 1,746,482 Republican voters not represented.

The whole number of Democratic votes cast in 1888 in States which have elected Democratic Senators to sit in this Congress is 2,846,890, which divided among the thirty-seven Senators makes the above average of 76,743 votes to each Senator.

The whole number of Republican votes cast in 1888 in States which have elected Republican Senators to sit in this Congress is 3,831,663, which divided among the fifty-one Senators makes the average of 75,130 to each Senator.

The following table, from which these deductions are drawn, gives the votes of the different States in the last Presidential election, grouping together the votes of States as they elected Democratic and Republican Senators, respectively; also the votes of States not here represented, with the aggregate and the averages below:

Electoral vote of 1888.

States.	Represented by—		Vote not represented.	
	Democrats.	Republicans.	Democratic.	Republican.
Alabama	117,320	.....	.....	56,197
Arkansas	85,962	.....	.....	58,752
California	117,729	124,816	.....	.....
Colorado	.....	50,774	37,567	.....
Connecticut	.....	74,584	74,920	.....
Delaware	16,414	12,973	.....	.....
Florida	39,561	.....	.....	26,657
Georgia	100,499	.....	.....	40,496
Idaho	.....	8,151	6,404	.....
Illinois	.....	370,475	348,371	.....
Indiana	280,969	.....	.....	263,361
Iowa	.....	211,598	179,877	.....
Kansas	.....	182,904	102,745	.....
Kentucky	183,800	.....	.....	135,134
Louisiana	85,032	.....	.....	30,663
Maine	.....	73,731	50,481	.....
Maryland	106,168	.....	.....	99,986
Massachusetts	.....	183,892	151,855	.....
Michigan	.....	236,387	213,469	.....
Minnesota	.....	142,492	104,385	.....

Electoral vote of 1888—Continued.

States.	Represented by—		Vote not represented.	
	Democrats.	Republicans.	Democratic.	Republican.
Mississippi	35,471			30,096
Missouri	261,974			236,257
Montana		22,486	17,360	
Nebraska		108,425	80,552	
Nevada		7,229	5,326	
New Hampshire		45,728	43,456	
New Jersey	151,493			144,344
New York		648,909	635,853	
North Carolina	147,902			134,784
North Dakota		29,310	15,801	
Ohio	396,455	415,054		
Oregon		33,291	26,522	
Pennsylvania		526,091	446,633	
Rhode Island		21,968	17,530	
South Carolina	65,825			13,736
South Dakota		44,905	25,044	
Tennessee	158,779			138,988
Texas	234,883			88,422
Vermont		45,192	16,788	
Virginia	151,977			150,438
Washington		26,291	18,920	
West Virginia	78,677			78,171
Wisconsin		176,553	155,223	
Wyoming		10,451	7,557	
Total	2,846,890	3,831,663	2,782,630	1,746,482
Average to each	76,743	75,130		

The Presidential vote in the last four Presidential elections has been as follows, according to the American Almanac:

1876.

Democratic	4,284,885
Greenback	81,740
Prohibition	9,522
Scattering	2,636
Total anti-Republican	4,378,783
Deduct Republican vote	4,033,950
Republican minority	344,833

1880.

Democratic	4,442,035
Greenback	307,306
Prohibition	10,305
American	707
Scattering	989
Total anti-Republican	4,761,342
Deduct Republican vote	4,449,053
Republican minority	312,289

1884.

Democratic	4,911,017
Prohibition	151,809
Greenback	133,825
Scattering	11,362
Total anti-Republican	5,208,013
Deduct Republican vote	4,848,334
Republican minority	359,679

1888.

Democratic	5,538,434
Prohibition	250,290
Union Labor	147,045
Scattering	10,312
Total anti-Republican	5,946,081
Deduct Republican	5,440,551
Republican minority	505,530

It will also be observed that in three out of these four elections the Democratic electors had pluralities on the popular vote as against the Republican electors, as follows:

1876, Tilden	250,935
1884, Cleveland	62,683
1888, Cleveland	97,883

Yet their candidate was declared elected by a majority of the electoral votes but once out of these three elections, and that when the popular plurality was the smallest. The plurality of the Republican electors in 1880 was but 7,018 when Garfield became President.

I have collected these figures and worked out these statistical results to present the lessons they teach. Those who study them can not escape the conclusion that all the inequality of representation is against the Democratic party, and that "a parity of electors" has no existence in the practical operation of our form of government.

The Republican elector in a Presidential, Senatorial, and Congressional result is found to have an advantage over the Democratic elector at every point. His influence and power are greater. He reaps greater results, notwithstanding his inferior numbers. Majorities do not necessarily rule in this country. Pluralities do not necessarily rule. The Democratic party, though stronger in numbers than the Republican for three-fourths of the time during the past sixteen years, has never during that period had the control of the legislation of the country. The Republican minority has practically held the supremacy in governmental affairs during the larger part of that time.

Whether this has been done by shrewder management, by taking better advantage of opportunities, by the arrangement of the apportionments, by the influence of a larger officeholding class, or by other means, matters not. The advantage is theirs. It has come to them through the machinery of our constitution and laws, and whether by fair or unequal or unjust management the result is the same. We are not here to complain of it. Our complaint is that they are not satisfied; that they desire to take from us the little remnant of local authority left to us. This legislation will make it possible to place Republican appointees around our polls so as to dominate the negro vote and attempt to check the tendency towards disintegration which has been so manifest of late years.

By an array of supervisors and armed deputy marshals at the polls it will be possible in many places to terrorize Democratic voters and keep the timid and easy-going away. And when all other hope of carrying an election has gone the machinery of the canvassing boards revives and renews the counting-out process, and when all else fails there is left the false certification, which gained the Presidency in 1876 and all the power which resulted from the four years' lease of power thus obtained, against the will of the people, who elected a majority of the Presidential electors.

The clamor against us upon the ground of an excess of representation is a false one; we are not the sinners, we are the sufferers. There is no need of further legislation to keep the Democratic party from getting more than its share of representation. The present laws have already operated against the party and the manifest tendency of the proposed legislation is to make the inequality still greater and to give its great opponent yet larger opportunities.

But the pessimist who charges all the inequalities and disparities which attend our elections and representation in Congress to irregularities and fraud has failed to give this question the full and fair consideration its importance demands. In the first place, under our system of government, representation has nothing to do with the number of votes cast. The makers of our Constitution and its revisers, with some modifications, made the whole number of the people the basis of representation. If they had thought that a full vote at every election was of prime importance they would perhaps have offered a premium for it by making the number of actual voters, and not the number of the people, the basis. There are some now who would make voting a compulsory duty, but no such idea found favor among those who achieved our independence and established our form of government. The Constitution rests upon the idea of the largest possible amount of individual liberty and discourages all unnecessary restraint.

Left to themselves the States and the voters regulate the actual voting by the individual interest and convenience of those whose privilege it is to cast a ballot and the policy of the State as to extending or restricting the right of suffrage.

Many of the Eastern States have for a long time looked with disfavor upon the idea of giving the full privileges of citizenship to all adult males. The political influence of the ignorant and of those who do not contribute to the support of Government is feared, particularly with respect to municipal and local affairs. These classes are regarded and treated as dangerous, and barriers are thrown between them and the elective franchise in the shape of educational and race qualifications, qualifications as to character, poll-tax prerequisites, and registration laws.

On the contrary, in many of the Western States the way to the polls is made easy and broad. Unnaturalized foreigners who have only given the legal notice of their intention to become citizens are allowed to vote, and immigration from other States is invited by extending the elective franchise to those who have been residents for only three, four, or six months before the day of election. This accounts, in part, for such a difference as exists between the number of silent voters in the districts of Iowa and Rhode Island. In the former they numbered, in 1888, 5,210; in the latter, 21,917.

Some of the Southern States, like Georgia, have followed the example of the less liberal of the Eastern States; while others, like North Carolina, have pursued the broader policy. Similar results have followed. In the former States there are 22,237 silent voters to the district; in the latter, 6,885.

But there is another influence far more potent. When popular interest is thoroughly aroused the vote is large. Look at the results in close States. I will compare a few which are side by side as illustrations. Compare Vermont, which never fails to give a Republican majority, with New Hampshire, where there is a political battle at every election. In the former the number of silent voters to the district in 1888 was 16,180, in the latter, 6,853. Between Illinois and Indiana a like comparison shows 11,158 in the former and 7,148 in the latter. Between Kentucky and West Virginia, 14,294 in the former and 5,205 in the latter. Between Alabama and Tennessee, 16,825 in the former and 6,032 in the latter.

The falling off of the vote when there are no Presidential electors to be chosen is regular and constant, and it is unusual for any party to get out a large percentage of its voters in those years, except here and there where some local question or contest arouses special interest or excitement. In some years the diminution of the vote is unusually large, indicating party dissatisfaction and that state of restlessness and discontent which usually precedes a change.

These are the most potent influences that keep voters away from the polls. I might pursue the inquiry further, but it is unnecessary. It is manifest that they are not sectional. They prevail in all parts of the country. They will not be remedied by the pending bill. The inequalities brought about by legislation and provisions in State constitutions are perhaps within reach of our action when an apportionment bill comes before us for consideration, but the penalties of the fourteenth article of the Constitution have never yet been inflicted upon any State and are not likely to be.

There are many that would lose a part of their representation if the article were rigidly enforced, and their united influence will be potent in the future as it has been in the past. And if this remedy is not applied to the larger and more serious causes of disparity and States are to continue to keep large classes of their people from the polls, we might as well leave to the jurisdiction and control of the States the remedy for the smaller and lesser causes of inequality, the mint and anise and cummin. The substitution of chief supervisors with autocratic powers and national returning boards with authority, express or implied, to throw out returns and include in the result votes not actually cast, in place of local control and State action with certification under the great seal of the State will not remedy existing evils but merely shift the opportunity for wrongdoing.

It may be proper to add a few more words as to improper practices at elections. Unfortunately they occur. As long as human nature remains as it is crime and wrongdoing and violations of the moral and statutory laws will exist and be committed. But offenses against the election laws are not sectional any more than murder or theft or covetousness. The Ten Commandments are needed North as well as South. Republicans require their restraining influence as well as Democrats, Prohibitionists as well as members of the Union-Labor party. There is no need of setting any partisan machinery to work to be used by the party in power against those who are opposed to them politically under the pretense of purifying elections.

It is far better to leave these offenses where other offenses are left, to the ordinary tribunals of justice, to the State authorities, to that natural sense of justice and fair-dealing which knows no sectional line, which no political party monopolizes.

The most serious crime against the elective franchise is the improper use of money. It is the general belief that even Presidential elections have been carried by the expenditure of enormous sums in illegitimate ways so as to influence and control the final result. But we may search in vain for any condemnation of such methods in the President's message and there is very little denunciation of them upon the other side of this Chamber, though much is said of violence and fraud, which it is assumed are potent influences in controlling elections all over the South.

It is said that in many Northern States there are voters who will not go to the polls unless their time is paid for; that doubtful voters are won over to a particular side by being employed on the day of election in some service about the polls, to distribute tickets, look up the absentees, or similar work; that candidates secure their nomination by the promise of appointments, places, and employment, and their election by similar acts after the nomination is won.

There has been practiced a system of paying off workmen in what are called "pay envelopes," upon which are printed persuasive arguments to vote the Republican ticket. Notices, too, have been posted in factories and workshops to the effect that work will be suspended or wages be reduced if the Republican party is defeated.

While the pending bill is full of fines and penalties against the force and fraud which are charged to be universal at the South, there are no penalties against practices such as I have described and referred to. In order to give the managers of this bill an opportunity to correct it in this particular I have prepared an amendment to the committee's substitute which has been printed. It is founded on some sections of the election law recently passed in New York upon the recommendation of the present governor. I have also proposed the feature of requiring candidates and committees to file accounts of their election expenses, believing that it will largely abate bribery and the improper use of money at and about conventions and elections.

I will ask that the proposed amendment be read at the Secretary's desk.

The VICE PRESIDENT. The proposed amendment will be read.

The Secretary read as follows:

SEC. 40. That it shall be unlawful for any person, directly or indirectly, by himself or through any other person:

First. To pay, lend, or contribute, or offer or promise to pay, lend, or contribute any money or other valuable consideration, to or for any voter, or to or for any other person, to induce such voter to vote or refrain from voting at any election for a Representative or Delegate in Congress, or to induce any voter to vote or refrain from voting at such election for any particular person or persons, or to induce such voter to come to the polls or to remain away from the polls at such election, or on account of such voter having voted or refrained from voting, or having voted or refrained from voting for any particular person, or having come to the poll, or remained away from the polls at such election,

Second. To give, offer, or promise any office, place, appointment, assignment to duty as supervisor of election, or other employment, whether in or about an election or otherwise, or to promise to procure, or to endeavor to procure any office, place, appointment, assignment to duty as supervisor of election, or other employment, to or for any voter, or to or for any other person, in order to induce such voter to vote or refrain from voting at any election for Representative or Delegate in Congress, or to induce any voter to vote or refrain from voting at such election for any particular person or persons.

Third. To make any gift, loan, promise, offer, procurement, or agreement, as aforesaid, to, for, or with any person in order to induce such person to procure or endeavor to procure the election of any person as a Representative or Delegate in Congress, or the vote of any voter at any election for a Representative or Delegate in Congress.

Fourth. To procure or engage, promise, or endeavor to procure, in consequence of any such gift, loan, offer, promise, procurement, or agreement, the election of any person or the vote of any voter at such election for a Representative or Delegate in Congress.

Fifth. To advance or pay or cause to be paid any money or other valuable thing to or for the use of any other person, with the intent that the same or any part thereof shall be used in bribery at any election for a Representative or Delegate in Congress, or to knowingly pay or cause to be paid any money or other valuable thing to any person in discharge or repayment of any money, wholly or in part, expended in bribery at any such election.

Sixth. To receive, agree, or contract for, before or during an election for a Representative or Delegate in Congress, any money, gift, loan, or other valuable consideration, office, place, appointment, assignment to duty as supervisor of election, or other employment for himself or any other person, for voting or agreeing to vote at such election, or for coming or agreeing to come to the polls, or for remaining away or agreeing to remain away from the polls, or for refraining or agreeing to refrain from voting, or for voting or agreeing to vote or refraining or agreeing to refrain from voting for any particular person or persons at any such election.

Seventh. To receive any money or other valuable thing during or after an election on account of himself or any other person having voted or refrained from voting at such election for a Representative or Delegate in Congress, or on account of himself or any other person having voted or refrained from voting for any particular person or persons at such election, or on account of himself or any other person having come to the polls or remained away from the polls at such election, or on account of having induced any other person to vote or refrain from voting, or to vote or refrain from voting for any particular person or persons at such election.

Eighth. For any employer, in paying his employés the salary or wages due them, to inclose their pay in "pay envelopes" upon which there is written or printed any political mottoes, devices, or arguments containing threats, express or implied, intended or calculated to influence the political opinions or actions of such employés with reference to an election for a Representative or Delegate in Congress in the district where such act is committed.

Ninth. For any employer, within ninety days of a general election for a Representative or Delegate in Congress, or for a special election for a Representative or Delegate in Congress, in the district where the offense is committed, to put up or otherwise exhibit in his factory, workshop, or other establishment or place where his employés may be working, any handbill or placard containing any threat, notice, or information that in case any particular ticket or candidate shall be elected work in his place or establishment will cease in whole or in part, or his establishment be closed up, or the wages of his workmen be reduced, or other threats, expressed or implied, intended or calculated to influence the political opinions or actions of his employés. This and the preceding division of this section shall apply to corporations as well as to individuals, and any person or corporations violating the provisions of these divisions of the section shall be deemed guilty of a misdemeanor, and any corporation violating the same shall forfeit its charter.

Tenth. Any person who shall do, perform, or commit any of the acts declared unlawful by this section shall upon conviction be subject to a fine of not more than $500 or imprisonment for not more than one year, or both.

Eleventh. Any person offending against any provision of this section of this act is a competent witness against another person so offending, and may be compelled to attend and testify upon any trial, hearing, proceeding, or investigation in the same manner as any other person. But the testimony shall not be used in any prosecution or proceeding, criminal or civil, against the person so testifying. A person so testifying shall not thereafter be liable to indictment, prosecution, or punishment for the offense with reference to which his testimony was given, and may plead or prove the giving of testimony accordingly in bar on such an indictment or prosecution.

SEC. 41. First. Every chairman, treasurer, or other officer or member of a State, county, town, ward, precinct, district, or other political organization, and every other person who shall receive from any candidate for Representative or Delegate in Congress, voted for at any public election held for such office, any money or other valuable thing paid or contributed by any such candidate, or by any other person for him to be used in aid of the election of such candidate, or to defray the expenses of any such election or any expense of the canvass of such candidate, either before or after such election shall have taken place, shall, within thirty days after such election, or within thirty days after receiving such money or other valuable thing, in case it is not received within thirty days after the election, file an itemized statement in the office of the Clerk of the House of Representatives, which shall give the names of the various persons to whom such money or other valuable thing was paid or delivered, the amount paid to each, the specific nature of each item, and the purpose for which it was expended or paid out, which statement shall be signed by the person making it and verified by his affidavit to the effect that it is in all respects true, and that it is a full and detailed statement of all moneys or other things of value received by him of any candidate voted for at such election or of any person in behalf of such candidate to be used in aid of the election of such candidate or to defray the expenses of any such election.

Second. Every candidate for Representative or Delegate in Congress who is voted for at any public election for such office shall, within thirty days after such election, file in the office of the Clerk of the House of Representatives an itemized statement, showing in detail all the moneys contributed or expended by him, directly or indirectly, by himself or through any other person or persons, or any committee or political organization, in aid of his nomination or election to such office. Such statement shall give the names of the various persons, committees, or organizations who received such moneys, the specific nature of each item, and the purpose for which it was expended or contributed. There shall be attached to such statement an affidavit subscribed and sworn to by such candidate, setting forth in substance that the statement thus made is in all respects true, and that the same is a full and detailed statement of all moneys so contributed or expended by him, directly or indirectly, by himself or through any other person in aid of his election.

Third. Any such chairman, treasurer, officer, member, person, or candidate who refuses or neglects to make and file a statement, as prescribed in this section, shall be guilty of a misdemeanor, and shall, upon conviction, be subject to a fine of not more than $500 or imprisonment for not more than one year, or both.

Mr. PASCO. It is true that the best remedy for all these evils is by the enactment and enforcement of State laws, but if the policy of national laws against election offenses is to prevail these practices that I have spoken of should be included in the correction. Much has been accomplished by the States through the system of separating the voter from all outside influences when he casts his vote and making the ballot absolutely secret. If generally adopted, the briber, the intimidator, the ticket-changer will be powerless.

It is probable that the astonishing result of the recent election in many of the Eastern States is due more to the operation of these laws than is generally supposed.

It may not be out of place to insert here an extract from a speech recently delivered by Mr. Powderly, in Savannah, as to the way elections are influenced in one manufacturing State of the North. He is a representative man and his statements support some that I have already made upon this subject.

In speaking of the necessity of the working people taking independent action in politics Mr. Powderly said that if all things published by Republican papers about Southern election methods were true he considered the people of this section a hard crowd.

But there can be no worse intimidation practiced anywhere in the country than is practiced in Pennsylvania, the cradle of protection and the headquarters of the great party of so-called morality.

THE PENNSYLVANIA METHOD.

I have seen the mine bosses stand around the polls with cigar boxes on their arms, in which were tickets, and as an employé came along the cover was raised and a ticket handed to him. The poor workman was not told in so many words to vote the ticket, and if he failed to do so he would lose his job in about a week's time, without being told why he was discharged.

Mr. Powderly challenged any part of the country to show a worse system of refined cruelty than this.

The country has recently had an object lesson in the State of Florida, which illustrates the effect of giving political power to the officers of the United States courts.

It will be recollected that, after the adjournment of the Fiftieth Congress and the called session of the Senate, held in March, 1888, a district judge *ad interim* was appointed for the northern district of Florida, to fill a vacancy caused by the death of Judge Settle during the recess of the Fiftieth Congress the year before.

No reason appeared for an appointment so unusual, for the regular term of the court had been held and no press of business demanded a further session before the next regular term, which under the law would have been held about the time that Congress assembled. If we are at liberty to judge from what was subsequently done the purpose of those under whose advice and influence this appointment was at that time made, I can safely say it was to cause a term to be held for partisan and political purposes. In saying this I go back of the appointing power to those who suggested the action and who doubtless presented some reasons which persuaded the Executive that a necessity existed for taking this extraordinary step.

Whether these persons were disappointed candidates or officers who desired to increase their fees or politicians who looked to some future advantage is of little importance. Their views were followed, the appointment was made, the term of the court was held. The newly appointed judge had been in the State but a short time comparatively and knew but little of the condition of society, and he seems to have followed the views of his district attorney, also newly appointed, but an old resident of Florida, who thoroughly understood the politics of the State.

The nonpartisan jury law was overthrown by the removal of the Democratic jury commissioner, and in his place was appointed one who had fought and opposed the Democratic party in his county as an Independent. The divisions of the district based upon the law and fixed by a long-established rule of the court were broken down. Persons charged with offenses were haled from their homes near which courts had been formerly held at stated terms fixed by law and carried to a remote part of the State before juries not of their own vicinage, but summoned wholly from one division of the district.

The two commissioners obtained their lists of names in violation of the spirit of the law, in most, if not in all cases, from a common source. They were generally furnished by Republican county committees or their members, and in one memorable instance at the request of another officer of the court who wrote for a list of true and tried Republicans to serve as jurors to be made up in conference with a Republican State senator and to be forwarded to the Republican court commissioner, and the list so furnished to the commissioner was accepted and used by him and his associate with the full knowledge of one of them, the clerk, of its origin and composition. Under this management a grand jury packed with twenty-two Republicans in a panel of twenty-three was offered and was organized and sustained after all the facts were brought to the attention of the court.

However free from deserved censure the original appointment of these court officers may have been, the Executive must bear the responsibility of adhering to the appointments after these facts became generally known to the country and after many of them had been specially called to his attention. And their subsequent confirmation by the Senate indicates how strong and powerful is the influence of partisanship even with respect to matters judicial in their character.

This circuit court of the northern district of Florida will have within its jurisdiction if this bill becomes a law the larger part of the territory of two Congressional districts. Whether the lower officers of the court had in contemplation any future political advantage to themselves in their partisan acts I know not, but I do know that they have in some way acquired an influence which has made them masters of the political situation in Florida so far as the Republican party is concerned. The district attorney, at the recent election held since these proceedings, became the Republican candidate for Representative in Congress from his district, his assistant became the Republican candidate to fill a vacancy upon the supreme bench of the State, a commissioner of the court became the Republican candidate to fill a vacancy in the office of State comptroller (the only other State office to be filled), and a successor to the marshal was offered the Republican nomination for Representative in Congress in the other Congressional district, but it was a barren compliment and he rejected it, preferring the substance of his present position.

In addition to these honors the clerk of the court held the responsible position of treasurer of the Republican State committee and was the chief supervisor of the judicial district.

These are the natural fruits of a policy which made a United States court potential as a political factor in a single district of a single State. The control of the court is weakly surrendered to its lower officers; the laws are violated; juries are packed; partisanship prevails; justice is mocked; and the people who differ politically with the court officers are vexed and persecuted. And when the next political campaign occurs the officers of the court hold the honors and prizes.

If the system provided in the law now before the Senate were in operation, how easy it would be for a candidate thus foisted upon the party to obtain the necessary certification if the office sought was that of a Representative in Congress.

I propose now to consider in the light of past experience whether the supervision and control and certification of elections in the Southern States by Southern Republicans are likely to promote honesty and fair dealing and produce favorable results.

I shall confine my illustrations to the State I have the honor in part to represent, for I am familiar with the history of the period when the Republican party was in power there.

During that period the entire control of our elections was in the hands of Southern Republicans, with all the power and authority of the United States Government to support them, including armed troops who were conspicuous at the polls and around the canvassing boards on many occasions when elections were held. The election officers were all Republican appointees, often and generally all Republicans. The majority of every board of inspectors and every member of every board of local and State canvassers were Republicans, as well as the governor who gave the certificate of the result.

The present law is to be executed under the direction generally of Republican judges, Republican chief supervisors, supervisors the majority of them to be Republicans, Republican deputy marshals, and a canvassing board, the majority of its members to be Republicans. All are to be Republican appointees, and the appointing power passes its judgment upon the political faith of all of them and selects whom it pleases to represent the minority. If we can properly judge the future by the past, a study of the chapter of the history of that period relating to elections will enable us to determine whether it is wise and just to hand over the election machinery of Florida to the men and the party from whom it was taken in 1876, after long years of fraud and abuse of power, by the aid of an honest court whose authority was invoked because in no other way could the actual determination of the result of the election then held be obtained.

I know that in entering upon this subject I shall be charged with thrashing over the old straw, with rehearsing ancient history, with attempting to justify wrongdoing by reviving the story of older wrongs. These stock phrases are often used in lieu of arguments, and, in fact, there is no other reply when we appeal to the lessons taught by experience. I have no desire to raise the veil which time has let fall upon that dark and terrible period of the history of our country; but the great body of the people who have passed through this bitter experience believe, as I do, that one result of this legislation will be to revive and renew the history of the Southern States from 1868 to the time of their deliverance.

The Congressional elections will be carried on in those States as all elections were carried on during that period, without regard to fairness, in a purely partisan spirit, with no reference to the will of the people, under a system whose keystone is the returning board, the very name of which for years was obnoxious to the American people, a stench in their nostrils, a byword of contempt and reproach, and it is this feature which the leading and influential friends of this measure are most anxious to revive and reproduce.

I appeal then to the history of the past in my own State as instructive with regard to the effect of the present bill and the results that will flow from its enactment in future elections should it become a law.

The first general election, under the reconstruction acts enacted by the Congress, for State officers and a Representative in Congress was held in 1868. It was conducted under an ordinance framed by the constitutional convention which had been held under the authority of Congress and the direction of the military authorities. The Republican president of the convention was at the head of the canvassing board which was to determine and announce the result. The polls were kept open for three days and the inspectors had charge of the ballot boxes at night. These inspectors were all Republicans in the section where I lived, and were generally so according to my information, except in places where no Republicans could be found. There were two factions of Republicans, each with its candidates, and the Democrats had a ticket in the field. The advantage was with the faction which, with the aid of the commanding general of the district, had controlled the convention and held the machinery of the election. Their candidate for governor held an important and influential position in the postal service.

A ballot box was contrived by one who was prominent in the party and who has since held influential positions under different Republican administrations, with a false bottom which could be removed at will by those who understood how to manipulate it. It was used extensively through the black belt, where the opposition to the convention wing of the party was numerically strong. Superior numbers were not necessary to decide the result. The aperture through which the votes were passed was ostentatiously sealed each evening at the close of the polls and the key was intrusted to one who did not have the custody of the box. Although the seals were unbroken in the morning, the keeper of the box by means of the false bottom and slide had ample opportunity during the quiet of the night in the seclusion of his home to mold the majority at will.

The following slip is taken from a Republican paper at that time published in Tallahassee. It indignantly denies the integrity of the result as there declared and throws some light upon the manner in which the election was conducted.

It begins by a reference to the majority claimed for Reed, the successful Republican candidate for governor, at Tallahassee, and says:

Such a statement would belie all the facts in the case when it is known to every intelligent man who was on the ground during the three days' election, to the colored people who counted the voters as they entered the courthouse, to the registrars (one of whom, at least, often kept a tally of the votes, and who on the last day of election declared that Scott and Billings—

Scott was the Democratic candidate for governor—

were casting the solid negro vote), to the challengers who kept a correct and rigid tally sheet of the vote from day to day—when it is known to all of these that only about 2,500 votes were deposited in the ballot box, the count which represents 2,800 votes to have been cast is simply ridiculous. When it is further known and can be proven that Reed—

Reed and Billings were Republican candidates for governor, nominated by their respective factions—

did not receive near as many colored votes as Colonel Scott, the count which places him almost "neck and shoulders" with Billings (who certainly cast four to his one) exhibits a result which everybody knows to be simply impossible.

And yet we have been prepared to expect all this. Two weeks ago the writer of this (who is the editor of the Sentinel and whose name is J. B. Oliver) rode from Tallahassee to Live Oak with one A. A. K., a prominent Radical orator, so called. Just before reaching Station No. 5, the said K. said, distinctly, to the said Oliver, "Scott may poll five votes to Reed's one, throughout the State, and Reed will be elected!" K. was asked to repeat the statement, and he did so, in the presence of a witness, adding, "We've got the whole thing in our hands—the ballot boxes, the registrars, the mail agents, and all." And then, by way of more forcibly illustrating the great facilities which his party possessed, just as we reached Station 5, K. remarked, "Billings and Walker have got off here to hold a Billings meeting, called to meet here by their friend Cone. Billings wrote to Cone to assemble the meeting. Billings's letter went on the train. We (*K. et id omne scalawags*) went on the same train that carried the letter. We opened that letter and we wrote another one, saying, 'Dear Cone: There is no chance for us; go for the Reed ticket. Tell your people.' And," continued the grinning K., "we signed Liberty Billings's name to it, put it in the old envelope and sent it to Cone, and Cone, a darned fool, thought it was all hunky."

In addition to the boasts made by K. about the ballot boxes, etc., it is known that certain Radicals in this city, apt at figures (and who have been previously heard to say what could be done with the ballot boxes), reported to certain parties in Tallahassee, ten days ago, within twenty of the number of votes that would be cast here for each candidate. They had ciphered the number that they ought to have in this county to bring their ticket up to the estimated necessary figures; and now the figures tally, exactly, with their Radical arithmetic.

To say that Harrison Reed has polled such a vote in Tallahassee, where a corporal's guard could not be assembled to hear him or his satellites on the stump, is to add insult to injury, falsehood to bribery, and shame to corruption.—*Tallahassee Sentinel*, May 7, 1868.

The canvassing board announced the election of their friends and partisans, and though the public believed it to be the product of premeditated fraud they could only yield to the power of the General Government, through whose agencies this disgraceful result was reached.

Reed and Gleason became governor and lieutenant governor. Florida was indebted to her sister State in the far North, Wisconsin, for these contributions to her statesmanship, and the Senators from that State are probably familiar with their earlier record.

It was in this way that Florida was born again into the Union, and the Legislature chosen under these auspices sent appropriate representation to this Chamber and took upon themselves the choice of Presidential electors to vote for the Republican candidates for President and Vice President.

In order that it may be understood how the chief official who thus became the governor of the State conducted his administration, I will quote from a report of a committee of the Republican house of assembly appointed to examine charges against him with a view to his impeachment. The committee concluded their report as follows:

In regard to Governor Reed having received money as a consideration for calling the special session of the Legislature which convened last June, we find that George W. Swepson wrote to Governor Reed in the following words and figures, to wit:

"[Confidential.]

"RALEIGH, N. C., *May* 31, 1869.

"DEAR SIR: I regret my inability to be in your city during the extra session of the Legislature. Had it been convened on the 1st of June, as at first contemplated, I could have come. As it is, I can not. General Littlefield has the bill, etc., and will fully explain everything to you; we expect him to prevent any difficulty being made with you by Osborne's friends. I write hastily and to the point. You remember when in New York our agreement was this: You were to call the Legislature together and to use your influence to have our bills passed as drawn by us, and if you were successful in this you were to be paid $12,500 in cash, out of which amount was to be deducted the $7,500 you have heretofore received, leaving a balance of $5,000 to be paid at an early day.

"Should our bills as drawn pass, we want you to go to New York and sign and issue to us the State bonds, and receive the bonds of our road in exchange for them.

"Any arrangement General Littlefield may make in this matter will be carried out in good faith.

"Very truly,

(Signed) "GEORGE W. SWEPSON.*

"Hon. HARRISON REED,
Tallahassee, Fla."

This letter was sealed with private seal of Swepson, and was delivered by General Milton S. Littlefield to Governor Reed in Tallahassee a day or two prior to the meeting of the Legislature in June. Governor Reed did not read this letter in General Littlefield's presence. No allusion to the letter was ever made by Governor Reed to General Littlefield, until in December he said to him it was Mr. Swepson's duty to correct the vile slander of the Conant affidavits and the newspaper articles upon it.

We find that General Littlefield let Governor Reed have several sums of money during the session, but they were charged against him, and what has not been paid is now held in account against him. He further states that he knows from Governor Reed's own acknowledgment that Mr. Swepson has let Governor Reed have $7,500, $2,500 of which is secured by mortgage and the balance is the $5,000 draft alluded to. This is all we have been able to discover on this point, except that there was a duplicate original of the letter just recited, which was shown by General Littlefield to different parties at different times.

In the matter of the printing of State bonds, we find there was material difference between the cost and that of other bonds subsequently printed at the same house in New York. We find no evidence of any fraud.

Reluctantly it is that we have come to the conclusion we hold as to our duty, but, in view of the circumstances, our duty is plain, and we therefore recommend that Harrison Reed, governor of Florida, be impeached, and respectfully recommend the passage of the accompanying resolution.

JAMES D. GREEN, *Chairman.*
GEORGE P. RANEY.
JOHN SIMPSON.
H. H. FORWARD.

Resolved by the Assembly, That Harrison Reed, governor of Florida, be impeached of high crimes and misdemeanors, malfeasance, and incompetency in office.

The book which I read from was published by Hon. John Wallace, who claims to be its author. It is called Carpet-Bag Rule in Florida. But I can vouch for the correctness of this extract, for I have seen this report as published in the proceedings of the State Legislature, but do not have a copy of the proceedings here with me.

Wallace is of African descent, a lawyer by profession, bright and intelligent, well known in our State, having served many years in the two houses of the State Legislature. In consequence of his residence at Tallahassee and his influential position in the Republican party, to which he still adheres, he had the best of opportunities to become acquainted with the history of that period, and I shall have occasion to quote from his book again during the course of these remarks. The chief design of the work is shown in the following extracts from the preface:

The design of this work is to correct the settled and erroneous impression that has gone out to the world that the former slaves, when enfranchised, had no conception of good government, and therefore their chief ambition was corruption and plunder; to prove that, although they had been for more than two hundred years deprived of that training calculated to fit a people for citizenship of a great Republic like ours, yet their constant contact with a more enlightened race, though in the position of slaves, would have made them better citizens and more honest legislators if they had not been contaminated by strange white men who represented themselves to them as their saviors; that the laws of the States passed with reference to the colored people in 1865 were not enacted, as a whole, to be enforced, but to deter the colored people from revenging any real or fancied wrongs that cruel masters may have inflicted while they were slaves; that these laws and the secret leagues riveted the former slaves to these strangers, who explained them to be tenfold worse than they were; that it was white men, and not colored men, who originated corruption and enriched themselves from the earnings of the people of the State from the year 1868 to 1877; that the loss of the State to the National Republican party was not due to any unfaithfulness of the colored people to that party, but to the corruption of these strange white leaders termed "carpetbaggers;" that the colored people have done as well as any other people could have done under the same circumstances, if not better.

There were other serious charges against the governor in the impeachment proceedings which were ordered by the Assembly, and they were from time to time renewed. But he was never tried. The Legislature

* It afterwards transpired that Osborne visited Swepson at Raleigh and prepared this letter, and pledged Swepson that if he would sign it he should have all the legislation he wanted, saying, "I control two-thirds of the members, and unless you sign this you shall have nothing." Swepson had his private secretary, Rosenthal, to copy the letter in duplicate and handed one copy to Littlefield to take to Florida, where Conant was to take charge of its execution. At the same time Osborne received several thousand dollars from Swepson to insure success.

postponed the trial to a future session, and the supreme court decided that this was in effect a dismissal of the proceedings and operated as an acquittal.

The next general election was held in 1870. Gleason had been ousted from his office as lieutenant governor after a controversy which terminated in the United States Supreme Court, and the vacancy was to be filled and a Representative in the Forty-second Congress had to be chosen.

When the election closed it was evident that Bloxham, the Democratic candidate for lieutenant governor, had received a majority of the votes cast and that Day was in the minority. It was also manifest that Niblack, the Democratic candidate for Representative had defeated Walls, and in fact his majority was greater than Bloxham's. It was determined to count out the two Democrats, and the task was not difficult with the facilities in the hands of the party leaders. Besides a friendly State administration, they had the machinery of the United States courts at their command, which the lower officers, who were all Republican partisans, were able then as they now are to direct and manipulate as party necessity seemed to require. In addition to this the mail service was managed by unscrupulous hands, and its secrets were always open to those who were able to dictate the appointment of inspectors and route agents.

The returns of nine counties were held back or taken from the mails or for the time suppressed by the State officials, and their receipt at the proper offices in the State capitol was not acknowledged till after the canvass was completed and the certificates of election had been issued to the minority candidates. Eight of these counties had Democratic majorities and their suppression destroyed the total Democratic majority. When the State canvassing board, composed of the secretary of state, the comptroller, and attorney-general, met they announced their intention of going on with the canvass, although the limit of time allowed for all the county returns to come in had not arrived. An injunction was at once sued out of the circuit court of the State, in the name of Bloxham, the duly elected lieutenant governor, to restrain the members of the board from hastening the completion of the count of the vote for lieutenant governor until the missing returns had time to come in.

The legislation here enacted in 1870 ostensibly to punish and prevent frauds at elections was then fresh upon the statute books. I do not charge the members of the Congress which enacted it with a wrong purpose; there were but few Democrats here then, and the majority did not have the same opportunities for obtaining light upon the subject that our colleagues upon the other side of the Chamber now do. But the Florida carpetbagger does not seem to have been ignorant of the base uses to which this new-born legislation could be put. A complaint was at once entered against Hon. P. W. White, State circuit judge, in the United States court at Jacksonville. He was arrested, taken from the seat of justice, carried 160 miles, and arraigned for obstructing election officers in the discharge of their duty. He was placed under bond and his trial was postponed. Meanwhile, in defiance of the restraining order of the State court as to the former, Day and Walls were counted in and entered upon their respective offices.

The wronged and defrauded lieutenant governor and Representative at once entered upon a contest to secure the rights which the people had given and intrusted to them. Bloxham commenced proceedings in the supreme court of the State. He was baffled on all sides by his political opponents. Once when he was upon the threshold of victory the Legislature changed the law as to canvassing the result of an election and the court dismissed his case upon the ground that there was no power to enforce obedience to a final judgment. A longer litigation was then commenced, which came to a successful conclusion only after all the active duties of the office had been discharged by the usurper, and the Democratic lieutenant governor gained only the barren title of the high office to which he had been elected. One of these cases which set forth all the facts is reported in 13 Florida Reports.

Niblack carried his contest to the House of Representatives. The case was so clear, when all the county returns were at length produced, that he had no fear as to the result, even though his title was to be passed upon by his political opponents. He could only suffer from delay, and the records of the House of Representatives show that he obtained the seat to which he had been chosen by the people of Florida for a term of two years during the latter part of the eleventh month of the second year of his term.

It is proper to add that no attempt was ever made to bring Judge White's case to a trial. He was required to appear from time to time before the United States court, was annoyed and vexed by tedious delays and continuances till the matter became stale and the efforts of the conspirators had succeeded, and he was then discharged without ceremony or apology. The corrupt and wicked use of the law and the machinery of the national courts had wrought out the desired results.

In 1872 another general election was held for national and State officers. The previous election had demonstrated the fact that the Democrats were in the majority, and in order to render unnecessary a renewal of the scandal created by the disgraceful acts of the preceding canvass a new line of fraud was arranged. Under the State election laws the same list of voters was used at every precinct in a county. The registration in the black belt was far in excess of the actual voting population. The lists were clogged with names of dead men, persons who had removed from their counties, and convicted felons. It was no uncommon thing in the early days of freedom for the brother in black to change his name or his "entitlement," as he called it.

Thus duplicate names abounded and it was easy for the managing carpetbaggers who held the local offices to utilize these surplus and unrepresentative names by detailing their docile and obedient voters to use them after their own legal privilege had been exhausted. There was no real danger in voting in their own real names at two or more precincts, for the administration of all the laws, State and national, was in the hands of the men who planned and executed the schemes. In two counties only, the one in which I live and the adjoining one, where the State capitol is located, there was a gain in the Republican vote of more than 1,700, large enough to cover the majority which the State canvassing board announced in favor of the Republican candidates, and in these counties there had been no immigration since the preceding election, and no increase in the population upon which this enlarged vote could be plausibly based, and there were other counties in which like remarkable results occurred.

Some references to the first message of Governor Hart and some extracts from it will illustrate the condition of the State as he found it after four years of Republican rule. These extracts are taken from the governor's message as published in the Senate Journal of the State of Florida, in 1873, and read as follows, pages 26–31:

There are, and will continue to be until laws shall be made effectually to prevent them, so many difficulties and obstacles in the way of enforcing prompt and correct collections and transmissions of taxes and correct settlements with the treasury, and so little money reaches the people's treasury, as that the interest on their public debt goes unpaid; which fact alone is ruinous to the character and good name of the State. The principal is unprovided for, outstanding comptroller's warrants for current expenses are fearfully increasing at double rates, and I have reason to believe that there is no money with which to pay even expressage on books, telegraph fees, or to purchase any of the supplies most necessary for daily labor and use about the capitol, and nothing whatever with which to pay the expenses of the present session of the Legislature.

There are ample resources. The comptroller's report states that the taxes of 1871, not yet received at the treasury, amount to $180,256.23. From other sources I think it may here be safely stated that for several years previously to 1871 the amount still due for taxes will not fall short of $160,000, making $340,000 due for back taxes. Is it any wonder that the treasury is empty and comptroller's warrants generally nearly 50 per cent. below par? And that is not all. The taxes for the year 1872 are now being collected. I have no official information of the amount properly expected from that source, but if it should be half of the whole amount for 1871 it will be $218,686.42, making $598,000 now due and that should be brought into the treasury without delay.

He says further:

The people are willing that tax-collectors and their sureties shall be made to pay what has been collected from the people, but withheld from the Treasury; that assessors and collectors shall be continually compelled to do their whole duty promptly, and that whatever steps are necessary in order to perfect the financial condition of the State shall now be taken.

He again says:

The probability is that our State is without a parallel in the laxity of revenue-collectors in making returns to the treasury. I doubt if there is another State in which so great proportion of the revenues is withheld from the treasury after it has been paid to the proper officers by the taxpayers.

He says further:

It is too often said that officers are in the practice of exchanging moneys received for revenues for the depreciated warrants of the State, and making return on oath that such warrants were the identical paper received for revenues, thus setting at defiance the criminal code, cheating and thieving the public for the purpose of pocketing the difference, and adding perjury to fraud without fear of punishment. I have not heard of any attempt to punish either crime, and this leads some of our people to believe that other officers whose duty it is to protect the public are imposed upon and made to suffer in their reputation for the crimes of others.

Again he says:

If our officers and legislators are not beyond the reach of those who would tempt them from their duty to themselves, their families, and the State, then indeed have the temples of justice and law become the "dens of thieves." Let us show that all our virtue has not departed from us.

He says further in regard to the election laws during Republican rule:

The experience of the past few months has demonstrated the necessity of some changes in the laws relating to elections. It has come to be regarded as a matter of grave concern, under the law as it now stands, whether the choice of officers depends upon the voice of a majority of the people of the State or counties, or whether it depends upon the skill of a board of canvassers in receiving or rejecting upon petty and technical grounds the evidence of the result.

That, Mr. President, is the verdict of a Republican governor upon the Republican government of Florida at that period.

I give, from a volume entitled Why the Solid South? an account of an election contest from Dade County, brought by Israel M. Stewart against E. T. Sturtevant for a seat in the State senate, as an illustration of the contests which came before the State Legislature for seats in the senate and assembly in appealing from the fraudulent acts of the county and State officials. I wrote the chapter from which the account is extracted myself, and the facts were carefully taken from the published journals of the senate and other authentic sources. It is found on pages 162–164 of the volume:

One of the election contests of this session justifies the severe language already quoted from the governor's message—

Which I just read.

Dade County occupies the extreme southeastern part of the Florida peninsula. In territorial extent it contains more than 7,000 square miles, but accord-

ing to the previous census of 1870 the population was only 85. Yet it was entitled to a member of the assembly, and with the adjourning county of Brevard, with a population of 1,216, formed a senatorial district.

It was in counties like these, thinly populated and remote from communication, that the Republican workers plied their scheme to control the Legislature. Only about nine of the thirty-nine were safely Republican after the disabilities resulting from the war had been removed. Enough of the others to make the desired majority were managed or manipulated by some sharp or crooked device on the day of election, or treated by the counting-out process applied later.

The Benest contest came from this same county of Dade.

November 5, 1872, E. T. Sturtevant was judge of the county court. Gleason, who had occupied Benest's seat, was now clerk of the circuit and county courts; together they composed a majority of the board of county canvassers, and, in the absence of the third member, the entire board.

Only one precinct was opened in the county on the day of election. At that Sturtevant was one of the inspectors and Gleason was clerk. Both were candidates at the election, the former for the senate, the latter for the assembly, against J. J. Brown, the Democratic candidate. When the election closed it was regularly announced, in the presence of the voters, that the majority of the votes had been cast against Sturtevant and Gleason, who had each received 14 votes, and this result was duly certified, and the two defeated candidates signed the required certificates, acting under oath as election officers.

Before the meeting of the county board the defeated candidates prepared a petition to themselves as a county board, alleging that certain foreigners had voted without producing their naturalization papers. These were old citizens of the county who had frequently voted before, and no one at this election had challenged their right to vote or asked for their papers.

The board acted on this petition and deducted the number of votes cast by these citizens from the votes of their successful opponents without taking evidence as to how they voted, thus reversing the result, and as county canvassers certified this false result in their own behalf to the State capitol.

Israel M. Stewart, the Democratic candidate for senator, who was thus robbed of his majority in Dade, received in his own county of Brevard 39 out of the 63 votes, but none were cast there for Sturtevant. In order to complete this outrage the Brevard returns were held back by the Republican officers of election or detained by the United States mail agents till the State canvassers had met and announced the election of Sturtevant and Gleason, and they were accordingly seated upon their minority vote of 14 from the single precinct in Dade.

The majority of the committee on elections of the assembly simply reported that "we are of the opinion that William H. Gleason is entitled to his seat." They denied none of the conclusions of fact reached by the minority. Their report was adopted and Gleason retained the seat against Brown.

There was no final determination of Stewart's contest against Sturtevant during the first session of the senate. The term was for four years, and it was renewed at the second session, two years later, but without effect.

Wallace was chairman of the committee on elections which reported in favor of Gleason, and was in the senate at the next term, where he supported Sturtevant whenever action was attempted in Stewart's favor. In his book he mentions his vote in Sturtevant's behalf as one of the only two acts committed during those days of reconstruction which he regrets.

Governor Hart died in 1874, and Lieutenant Governor Stearns filled out the remainder of the term. There was a general election for Representatives in Congress and members of the State Legislature in November after he came into office. As usual the Republican candidates in both Congressional districts were declared elected, received their certificates, and took their seats. There was no contest made in the First district, but in the Second district Finley, the Democratic candidate, contested the election of Walls, who had been unseated in 1873 by a Republican House upon charges of fraud, irregular conduct of election officers, irregular counting, leaving off the registry list the names of qualified voters, and permitting minors, felons, and convicts to vote. The committee found that the charges were duly proved and that Finley had a valid majority of 343 votes. Eight of the committee joined in this report and but three dissented, and the Democratic contestant was seated by a large majority in the House. The history of this case is found in a report made in the House of Representatives of the Forty-fourth Congress.

The last election that took place in Florida under like circumstances was in 1876. I shall not go into its details; the results are well known to the country. The Republicans had, in addition to the opportunity and power to encourage and commit fraud, the authority now so much desired of certification. Through this the results of crime were crystallized into a fresh extension of national power. The American people are not desirous of seeing a repetition of this chapter in the history of our country.

I propose to give some extracts with reference to this election from the work already quoted from, Wallace's Carpetbag Rule in Florida. He is a Republican witness and shows how the groundwork of that election was prepared by the conspirators who were planning only to steal a State government, but whose work was accepted as means of reversing the result of a Presidential election.

These extracts are taken from pages 335, 336, 337, 339.

Many schemes were contrived at the executive office to put Stearns in as governor, and among the most notable were the following:

First. That the ring county officers, whose duty it was to appoint the inspectors of elections, should appoint only those, as Republican inspectors, who would commit all the fraud that possibly could be committed at the ballot box in favor of Stearns.

Second. In large Democratic precincts where the ring inspectors would be watched so closely that they could not commit frauds gross irregularities were to be committed, so that the precinct could be thrown out by the board of county canvassers.

Third. In Democratic counties having a full set of Republican officers or a majority of the board of canvassers, Democratic precincts were to be thrown out on account of these irregularities if the people would submit to it without violence.

Fourth. If the throwing out process raised too much excitement these irregularities were to be sent up to the State returning board, while the action of the county board was to be sent immediately to E. M. Cheney, chairman of the fraudulent returning board of the party at Jacksonville, who would prepare the papers for the final count.

Fifth. In the black-belt counties general repeating was to be resorted to by the freedmen, and, if detected, Stearns, the governor elect, would protect them.

The plans were so systematically laid that those leading colored men who had heretofore been lukewarm towards Stearns now came to the conclusion that he would be the next governor in spite of all opposition. The repeating part of the game, in Leon County, was placed by Stearns in the hands of W. U. Saunders, concerning whom we shall give more light hereafter. These rules were laid down by experts who had no difficulty in enforcing their strict enforcement. It will be noticed that the species of fraud contemplated in this election was of about the same order as those practiced in the election of 1870 mentioned in the ninth chapter—

Which I have already referred to—

when Bloxham ran for lieutenant governor, with the addition of repeating.

He says further on:

Two weeks before election the colored brothers in every precinct were notified by Saunders, Bowes, and other leaders that, unless they voted as many times as they could on the day of election, they would be put back into slavery. This trick had a great deal of weight with some of the colored men who, while hating Stearns, were afraid to trust the Democrats. The author of this work and W. G. Stewart advised the colored people to each cast one vote for Stearns, and if such votes would not elect him let him be defeated.

One of the most daring acts of oppression during this campaign was the conduct of Stearns in Manatee County. Capt. John F. Barthelf, Republican, clerk of court in this county, resigned the position on account of sickness. He sent his resignation immediately to the governor, and with it the name of a man whom he recommended as his successor. This was in time to have the clerk appointed before the time for the appointment of inspectors and the making other necessary arrangements for conducting the election had passed. Stearns received the resignation and the name of the man recommended; but now was the opportunity to silence a whole Democratic county, for to have no clerk made it impossible to have an election, and so he absolutely refused to make any appointment.

On the day of election the white citizens of the county showed themselves equal to the occasion. They organized in each precinct a board of inspectors and secured such papers as were necessary, polled the full Democratic vote and sent the returns to the State board of canvassers. In Leon County, on the day of election, the whites worked industriously among the colored men and secured at least 400 votes for the Democratic ticket, nine-tenths of whom were not coerced, but cast their votes against Stearns because they were disgusted with his methods.

The colored brothers, now following the instructions given them by Stearns through Saunders, began to vote early and often. From the Georgia line to the capital was a distance of 20 miles, with three or four precincts between those points. They started early in the morning and voted at every precinct on that line of march to the capital, and each time the same man would vote under an assumed name. It can be fairly estimated that at least five hundred votes were secured in Leon County alone by this method.

It will be recollected that this is Republican testimony.

How much of this repeating was done in other parts of the State we shall not attempt to say; but this was a general order to be observed throughout the State when it could be done without detection. The counties were not then divided into precincts as they are now, and therefore the voter could cast his ballot anywhere in the county. At one of the Lake Jackson polls, where Stearns had worked up considerable influence through his Government land information, the handy superintendent, Joseph Bowes, had camped all night, carrying with him a cartload of rifles. He had notified the colored people to meet him out there, which was done. He informed them that Governor Stearns had sent the rifles out there for their protection.

On the contrary, the guns were carried out for his protection in case the whites should detect him in his contemplated frauds. Bowes had prepared in the office of the Tallahassee Sentinel, the official organ of the governor, several hundred tickets with the names of the Republican candidates printed in very small type. The tickets were about an inch and a half long by an inch wide. He opened the polls on the morning of election, before the hour designated, and before the whites arrived, and deposited in the box as many of these tickets as he desired. When the whites arrived they felt confident that something was wrong, but what it was they could not exactly tell, but at the close of the polls, when the ballot box was opened, the secret was revealed. Several hundred of these "little jokers" bounced out and were counted just as though they had been honestly voted. The whites protested against counting them, but Bowes and the balance of the board said that they were in the box and must be counted. A large majority was by this means sent in for Stearns from this poll and Bowes was lionized by the governor and his managers for this heroic act.

These plans were matured and executed, but though the laws for punishing crimes against the elective franchise were upon the statute books not an indictment was ever found against any of the wrongdoers, although the story of their crimes was published all over the country. Instead of punishment the guilty men were rewarded with office and place and power. Lists of these official beneficiaries of crime have been published in Congressional reports and in speeches delivered in both Houses of Congress, but I shall not by repeating them bring them once more from the obscurity into which the kindly hand of time has conducted them and where it has left them.

I have by no means exhausted the list. The elections for members of the State Legislature afford numberless instances besides those I have given. Thirty of the thirty-nine counties were Democratic upon a fair vote, and the Legislatures elected United States Senators and made all the appropriations from the treasury. Party necessity demanded the control of the two houses, and it was always effected either by fraud at the polls or the manipulation of the ballots by the election officers or by the counting-out process, when it was the only resort. Sometimes men were called in from the lobby, who had made no contest, and sworn in as members of the Legislature in place of those who had been duly elected and so declared.

On one occasion when the senate was close, two Democratic senators, gentlemen of the very highest standing—one of them is now our secretary of state—were taken from Tallahassee to Jacksonville under a writ from the United States court; and the deputy marshal who executed the writ has since been for many years and now is the chief supervisor of the district, and will handle the machinery of this bill if it becomes a law. These gentlemen were detained a few days till the Republicans had organized the senate and decided certain contested-election cases

then pending, and were then discharged and told that it was not necessary for them to remain longer in attendance upon the court.

It is for Senators to determine whether they will vote to restore to this class of people the power which they have so shamefully abused in the past. Many of the same persons who were influential in party management during the period I have referred to are still living in Florida, and they quickly came again to the front when the present Administration came into power and asked for and received their full share of the Federal offices and appointments in the State. At their State convention in 1888, they "pointed with pride to the party of the past," showing that there has been no repentance for their misdeeds and that a renewal of their former power means a renewal of the record made from 1868 to 1876.

It is through these sources that the President gathers his ideas as to the condition of society in our section of the country, and it is to their interest to present it in an unfavorable light, and consistent with their past history and record to do so.

The statements that are so freely made with reference to the suppression of the negro vote are based not upon facts, not upon authentic testimony, but upon the utterances of disappointed men and defeated candidates and upon sensational articles in partisan newspapers. Upon the same class of testimony it would be quite possible to show that in many States of the North the dollar and not the ballot decides election contests; that in others the workman, the factory operative, the laborer, is not allowed to do his own thinking upon election day.

Many of these stories doubtless rest upon as weak a foundation as the many-tongued slanders against our States of the South. But back of all this is a foundation upon which Republican orators and newspaper writers and even those who prepare public and official communications for the American people rest; it is the assumption that the African vote belongs to the Republican party. It practically denies freedom of thought to the people of that race; it consigns them to a perpetual mental bondage. There is but one link to bind this people to the Republican party, gratitude for the emancipation act. But the politician knows that gratitude for past favors is not a strong political tie. The African, like men of other races, considers present interest and future good. He is growing in intelligence; he is doing his own thinking; he is making combinations and forming associations of his own.

The Senator from Nebraska [Mr. PADDOCK] recently presented a petition from a representative body of these people who came together a few weeks ago at Ocala, in my own State. They represented the Colored Farmers' Alliance and Co-operative Union, an organization which has its branches in many States of the Union. I do not think it has received the attention it deserves, and I will ask the Secretary to read it as part of my remarks. It is found on page 167 of the RECORD.

The Clerk read as follows:

OCALA, FLA., *December* 5, 1890.

Hon. A. S. PADDOCK,
Chairman Senate Committee on Agriculture, Washington, D. C.:

The National Colored Farmers' Alliance, representing twelve States and two million of colored farmers, in supreme council assembled at Ocala, Fla., enter their protest against the passage of what is commonly known as the Conger lard bill, which proposes to tax compound lard and depress the price of cotton seed and cotton-seed oil. No legislation ever introduced into Congress, with the exception of laws fastening slavery upon us, has been so injurious to the colored race as the so-called Conger bill.

At the beginning of the regular session of the Fifty-first Congress, one year ago, cotton seed, the colored man's crop, sold at from twelve to fourteen dollars per ton; now it brings only six to nine dollars per ton, the decrease in price commencing with the introduction of the Conger bill. Please state for us and in our behalf to your committee that with the new tariff law raising the price on our blankets, clothes, boots, shoes, hats, farming utensils, and all other necessary articles used by the colored people, and with the Conger bill depressing the price of the only articles they have to sell, their condition is not far removed from actual abject slavery. Our people believe, however, that when the situation is properly understood their appeal to the party of Garrison, Phillips, Lincoln, and Grant will not be in vain.

J. S. JACKSON,
President Colored Farmers' National Alliance and Co-operative Union.

Mr. PASCO. What do the two million farmers complain of? They denounce first the Conger lard bill, a Republican measure which was passed by the present House of Representatives at its last session, the author of which was afterwards appointed by the President to the high and honorable position of envoy extraordinary and minister plenipotentiary to Brazil. They use this emphatic language in condemning this measure:

No legislation ever introduced into Congress, with the exception of laws fastening slavery upon us, has been so injurious to the colored race as the so-called Conger bill.

The anticipation and prospect of its passage depressed the price of some of their products to an extent which meant impoverishment and suffering.

They complain of the recent Republican tariff legislation, raising, as their experience has taught them, the price of their blankets, clothes, boots, shoes, hats, farming utensils, and other necessary articles. This legislation they say reduces them to a condition "not far removed from actual abject slavery."

Is it not folly, Mr. President, for Republican Senators to try to persuade the American people that the reduction of the Republican vote at the South is entirely owing to suppression and intimidation, when this large and respectable number of farmers and representative men, and the people of their race who are behind them, are persuaded that they are wronged and injured by the legislation of this Congress and the policy of the Republican party? Why not admit that the sentiment of gratitude, now a quarter of a century old, has been gradually giving way to the promptings of self-interest, and that this class of citizens, living under the same legislation and laws as their white neighbors, will endeavor, as they do, to improve their condition, ascertain the causes of depression, and vote accordingly.

The Republican party has done two things for the black man since it made him a citizen. It established the Freedmen's Bureau and the Freedman's Savings Bank. The carpetbagger was their agent for organizing these institutions in the Southern States, and instead of contributing to the welfare and progress and advancement of the freedmen the agent only was benefited. The Freedmen's Bureau enabled the carpetbagger to win the confidence of these people. It promised him protection, advice, help, and assistance. But it was used to alienate the races, array them against one another, and organize a political party upon the color line as an annex to the Republican party at the North. The agent gained influence, power, political advancement. The supplies and provisions intrusted to him to feed the hungry and aid the destitute, according to Republican statements and charges, were sometimes sold and the money appropriated to his personal use, and sometimes used to buy votes and secure party nominations.

In my own State when they quarreled over the spoils, the party patronage, and the division of the plunder, they occasionally, in the heat of their anger, told the truth upon one another in the most uncomplimentary way, and we have a right to believe that whatever may have been the intention of its founders this bureau became a political machine, a fountain from which personal emolument flowed, and was the source of lawless gain, plunder, and corruption. The freedmen received far more injury than benefit from it, and they lost nothing by the termination of its operations.

The Freedman's Savings Bank was no doubt intended by Mr. Sumner and others who aided in obtaining its charter to teach these people habits of thrift and economy and the advantage of taking care of the fruits of their industry and saving so much as was not needed for their daily wants, with a view to its ultimate use in building homes for their families, providing against the day of adversity, and educating their children.

The lesson of saving was well taught, for large deposits were made amounting in the nine years of its existence to more than $50,000,000. But mismanagement, speculation, and robbery were at work and failure and bankruptcy were not long delayed. The crash came and spread want and poverty and suffering all over the South and it was keenly felt in the homes of these trusting and confiding depositors.

The Senators from some of the New England States are fond of spreading upon the pages of the RECORD statements as to the amounts deposited in their savings banks, and a contrast is drawn to the disadvantage of the South between the prosperity and thrift and economic management of the laboring people of the different sections. I freely admit the greater accumulations of the people of the older States, and it is no part of my present purpose to attempt to give the reasons for the difference. The object of the present bill is not to improve the laboring man in the South in this respect.

I only desire now to suggest that this rude lesson which was taught to a people on the threshold of their freedom by those claiming to be their special friends was not calculated to encourage them in efforts to better their condition by trusting their little earnings and savings to public depositories.

When the Republican party came back into power, with the present Congress, it held in its hand another promised benefaction in the enjoyment of which the black people of the South were to share.

The Senator from New Hampshire [Mr. BLAIR] again reported his educational bill, the defeat of which on former occasions had been charged against the Democratic party. This educational proposition should have been brought forward immediately after the emancipation proclamation, if its chief purpose was to prepare the negro for the proper discharge of his duties as a citizen. But late as the boon was offered, after a long and protracted discussion, it failed in a Republican Senate and the Republican House never even honored it with a favorable report.

Mr. HOAR. Mr. President, the Senator will allow me to remind him that as to that particular measure what he says is true, yet a bill appropriating a large sum for the aid of Southern education was brought forward in the House of Representatives in 1869 or 1870 and passed that House the following Congress.

Mr. PASCO. The Senator from Massachusetts does not suggest that the act of the House he refers to became a law.

Mr. HOAR. I do not mean to express any great dissent from the Senator's criticism at all.

Mr. PASCO. The Senator does not suggest that the previous legislation which he refers to resulted in a statutory enactment? It did not become a law.

Mr. HOAR. More's the pity.

Mr. PASCO. The Senator from New Hampshire [Mr. BLAIR] and

many Southern Senators presented petitions from all parts of the South in its behalf, many of them from representative men of African descent, but the Republican House offered, instead of the asked-for bread of the educational bill, this force bill, the serpent to breed contention and scatter poison, and the Senate is asked to unite in completing this substitution. The people of the South do not want this gift, and it will be infinitely worse for the freedmen than the two which have preceded it.

Mr. President, my home has been among these people for more than thirty years. I feel that I have a right to speak for them and about them. We have always been on kind and friendly terms with one another. The two races live side by side in peace and harmony in my State.

We respect their rights. They are justly treated in the courts by judge and jury, and are often defended, when under accusation, by lawyers of our race without pay or hope of reward. A higher power than man has placed them in our midst. The South is their birthplace; their fathers were there before them; their children were born there. There is no general disposition among them to go to other lands. They have a right to stay where they are. The large body of them are quiet, orderly, law-abiding citizens, and, in their way, industrious. The white people of the South understand them, are kindly disposed towards them, are forbearing with them in those respects in which they are different from our race. It is to their friends of our race that these people always go in the day of trouble and adversity.

Nearly all the strife that has ever existed between the races at the South can be traced directly or indirectly to meddling and interference and bad advice. Most of the trouble now existing and threatening would disappear at once if it was understood that the people of this race must, like all others, stand upon their own feet, rely upon their own efforts. There is no better reason for special legislation in their behalf than there is for making legislative favorites of the people of any other race. They have enjoyed the privileges of citizenship for a quarter of a century; the generation now entering upon their maturity were born free. Amendment after amendment to the Constitution, legislative enactment after legislative enactment, has been passed in their behalf, and the cry is ever for more legislation, new statutes.

Let the two races at the South realize that they must settle their own relations towards one another; the first step towards a solution of the so-called race question will then have been reached. Each will soon gravitate into his own place. The Anglo-Saxon will be true to his history. In every quarter of the world where he has been placed side by side with people of other races he has ruled; he does so in New England, in New York, in the great West. No political party in any of those parts of the country ever has or ever will place the reins of power in the hands of the Mongolian or African race.

The Anglo-Saxon race will predominate North and South. But it will be his privilege and duty and solemn obligation to see that those of the African race are protected in their rights as citizens and property-holders, aided in their efforts towards progress and advancement, and educated and trained so as to be able to manage and direct their own affairs and instruct their own people in the schoolhouse and church in religion, morality, and useful knowledge.

Great progress has already been made by them in all the elements of material prosperity since the white people have controlled the Southern State governments, and that notwithstanding the friction and bad feeling caused by the partisan efforts to keep them active as a political force.

When these efforts cease and they are left to act with reference to politics as other citizens are, each on his own account and not as a solid mass, greater progress awaits them and a larger prosperity will bless the entire South and extend through the whole country.

Mr. President, I have shown that inequalities exist in the different States so far as national representation is concerned; that this inequality has not been and is not now detrimental to the Republican party; and that members of that party have no just cause of complaint against the Democratic party of the Southern States. I have shown, too, that there is nothing in the pending bill to remedy this inequality.

I have also shown that the policy of the Government to leave the control of Congressional elections with the States, which has prevailed for a hundred years, is a wise one, and if the Constitution authorizes a change such change is inexpedient. I have also pointed out some of the objections to the pending bill which should be remedied if it is determined to legislate in this direction. The proposed legislation is harsh, unamerican, expensive, dangerous. It sets up a new class of officeholders with new and untried powers, who are to have partisan direction and control of the most precious and valuable of our free institutions.

If this new class of officers with life tenure, appointed by other officers with the same tenure, is called into existence they will be so far removed from the body of the people that they will have no sympathy with the republican form of government which is the most precious heritage of our American citizenship. The possession of such large powers will cause them to look with contempt upon our form of government. They will be our masters, and elections will be decided according to their will, and not according to the suffrages of the people. The free ballot and fair count, which every citizen prizes regardless of party, notwithstanding the Republican party falsely assumes to be its sole champion, will become a thing of the past.

The correction of the evils and inequalities which actually exist can safely be left to the people of the several States, and in many States the people have already corrected them. The gerrymander in Ohio has been reversed. The privilege of representation in the House of Representatives has been transferred from the Republicans in New Hampshire, Montana, Nebraska, and other States to those who did not before possess it. The equality of representation has been more than restored in New York, Connecticut, Illinois, and Wisconsin. In a few months these changes which the people have already decreed will be in force, and even in this body the present minority will receive accessions which will give them a greater and more just share of power, though still far short of what is due to them as representing a large majority of the American people and the citizenship of the country.

The Senator from New Jersey [Mr. MCPHERSON] in his recent speech called attention to the monumental frauds by which the Republicans have often maintained their ascendency in Philadelphia and the State of Pennsylvania. It was developed in his remarks that in the recent election there members of that party were organizing and making great and creditable efforts to correct these evils. The election of a Democratic governor was no doubt brought about, in part at least, by a conviction that he would do more to reform them than his opponent. This step towards reform has been taken, and if it is followed up by those who have inaugurated it, without regard to party, similar results will be reached as was brought about in New York when corruption became intolerable. The people of Pennsylvania can safely be trusted to go on with the work without further aid from the National Legislature.

The President in his message does not complain of the Federal election laws now in existence; he asks for but one additional feature, the removal of the power of certification from the State authorities, presumably for the purpose of conferring it upon such canvassing boards as the pending bill provides. The effect of such legislation would be to dishonor and discredit the seals of the States and the certificates and executive action of their governors, and to deny to them that full faith and credit to which they are entitled in every other State under the Constitution.

Is the Senate prepared to take such action and to frame and fashion machinery which can be set in motion in any Congressional district by a hundred irresponsible petitioners, to place the determination of a partisan returning board above the action of the State officers charged with this duty by State laws, which action is certified and established, as was each of our own certificates of election, by the signature of the governor and the broad seal of the State which we each are honored in representing?

The Senator from Illinois [Mr. CULLOM] in a recent speech gave his reluctant adhesion to the pending bill which casts this reflection upon his own State in common with the other States of the Union. But he did not always believe in surrendering the right of Illinois to hold her own elections in her own way, nor the right of ascertaining and announcing the result of her elections. He once occupied the high position of governor of that great State, and when Louisiana and Florida were being robbed of their electoral votes by piratical returning boards he had ability and courage equal to the great office he held and clearly and bravely defined the position of his State with reference to prescribing the manner of holding her elections. I quote the language used by the Senator in January, 1877. It is found in his inaugural message delivered before the Legislature of Illinois. He says:

> As citizens of the State of Illinois, we claim the right to hold our elections in our own way, giving all our people a fair and equal chance to cast their votes. We claim the right to prescribe the manner in which our polls shall be purged of fraudulent votes and how and by whom the result of our elections shall be ascertained and announced. All these things we regulate by the laws made by our State Legislature, and when the result is so ascertained and announced we expect it to be respected as well by our own citizens as by others. While we claim these rights for our own State we concede the same to every other State in the Union, and insist that when the people of any State have held an election and the result has been ascertained and announced by the persons and in the manner provided by the laws of such State that result shall be respected everywhere as the will of the people of that State.

Mr. VEST. When was that?

Mr. PASCO. In 1877.

The Senator in that inaugural address used patriotic language with reference to bayonet rule and took a position directly opposite to that recently assumed by the Senator from Maine [Mr. FRYE].

He says:

> The spirit of our institutions and the temper of our people are hostile to a standing army, and I am opposed to any policy, State or national, looking to governing the people by the bayonet.

Illinois has proved her appreciation of these words spoken in behalf of her honor and her rights by sending to this Senate for twelve years the governor who uttered them, and she has never faltered in her adherence to the Republican party till that party proposed this legislation, which is thoroughly antagonistic and hostile to the doctrine so boldly announced by her chief executive.

And, Mr. President, Illinois is not alone in approving this good old-fashioned doctrine. The people all over the country have clearly indi-

cated their will with reference to this class of legislation during the election recently held. That will should be obeyed. The theory of our government is that they are to rule when speaking through the voice of the majority. They have said to the spirit of sectionalism, "Thou shalt no longer prevail; the States North and South shall be treated alike. The memories of the war are not longer to be employed as a political force. Reason and argument and truth shall take their place and prejudice must be banished."

The closing hours of this Congress should not be employed by a majority which has lost its support in an effort to defeat the popular will and turn back the era of good feeling and returning justice.

The same spirit to suppress the will of the majority which is behind this bill is being manifested in some of the States in which the Republican party was recently defeated. Files of policemen and squads of militia are placed around the halls of legislation, and representatives of the sovereign people are required to exhibit their credentials to representatives of this physical force before they can occupy the seats to which they were elected. The present efforts may succeed for a time, but the great Democratic party can afford to wait patiently until the American people are alive to the dangerous and revolutionary tendencies of their opponents and apply a remedy which, though it may come slowly, will come surely.

During Mr. PASCO's remarks,

Mr. WOLCOTT (at 6 o'clock and 5 minutes p. m.) said: Mr. President——

Mr. PASCO. Does the Senator from Colorado wish to interrupt me temporarily?

Mr. WOLCOTT. Yes, sir. I move that the Senate do now adjourn.

The VICE PRESIDENT. The Senator from Colorado moves that the Senate do now adjourn.

Mr. FRYE. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DAWES (when his name was called). I am paired with the junior Senator from Georgia [Mr. COLQUITT], otherwise I should vote "nay."

Mr. EVARTS (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN], whom I do not see in his seat. I am at liberty to vote to make a quorum.

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY]. If he were present, I should vote "yea."

Mr. WALTHALL (when Mr. GEORGE'S name was called). My colleague [Mr. GEORGE] is paired with the Senator from New Hampshire [Mr. BLAIR].

Mr. ALLEN (when Mr. SQUIRE'S name was called). My colleague [Mr. SQUIRE] is paired with the Senator from Virginia [Mr. DANIEL]. If present, my colleague would vote "nay."

Mr. BATE. Do I understand that the arrangement with the Senator from New Jersey [Mr. BLODGETT] is annulled?

Mr. ALLEN. I understand that the Senator from Oregon [Mr. DOLPH] is generally paired with the Senator from New Jersey [Mr. BLODGETT], but he has arranged to transfer the pair for to-day.

Mr. BATE. I will state that it is my understanding that the Senator from New Jersey [Mr. BLODGETT] is paired with the Senator from New Hampshire [Mr. CHANDLER] for the remainder of the day. Is that correct?

The VICE PRESIDENT. The Chair understood the Senator from Washington [Mr. ALLEN] to say that the Senator from New Jersey [Mr. BLODGETT] is paired with the Senator from Oregon [Mr. DOLPH].

Mr. ALLEN. My understanding is that, temporarily, my colleague [Mr. SQUIRE] is paired with the Senator from New Jersey [Mr. BLODGETT], the Senator from Virginia [Mr. DANIEL] and my colleague having the same views on the silver question. That question having been passed upon, the original pair between the Senator from Virginia and my colleague is restored.

Mr. DANIEL. I beg leave to state that the reason why I did not vote when my name was called is because I recognize my pair with the Senator from Washington [Mr. SQUIRE].

The roll-call was concluded.

Mr. CULLOM (after having voted in the negative). I observe that the Senator from Delaware [Mr. GRAY] is not present. I ask if his name is recorded?

The VICE PRESIDENT. It is not.

Mr. CULLOM. I am paired with the Senator from Delaware [Mr. GRAY], and I will therefore withdraw my vote, unless it be necessary to make a quorum.

Mr. CALL. I am paired with the Senator from South Dakota [Mr. PETTIGREW]. If he were present, I should vote "yea."

The result was announced—yeas 27, nays 32; as follows:

YEAS—27.

Barbour,	Eustis,	McPherson,	Vance,
Bate,	Gibson,	Pasco,	Vest,
Berry,	Gorman,	Pugh,	Voorhees,
Blackburn,	Hampton,	Ransom,	Walthall,
Butler,	Harris,	Reagan,	Wilson of Md.
Cockrell,	Jones of Arkansas,	Stewart,	Wolcott.
Coke,	Kenna,	Turpie,	

NAYS—32.

Aldrich,	Edmunds,	McMillan,	Sawyer,
Allen,	Frye,	Manderson,	Sherman,
Allison,	Hale,	Mitchell,	Shoup,
Cameron,	Hawley,	Morrill,	Spooner,
Carey,	Higgins,	Paddock,	Stockbridge,
Casey,	Hiscock,	Platt,	Warren,
Davis,	Hoar,	Plumb,	Washburn,
Dixon,	McConnell,	Sanders,	Wilson of Iowa.

ABSENT—29.

Blair,	Daniel,	Hearst,	Power,
Blodgett,	Dawes,	Ingalls,	Quay,
Brown,	Dolph,	Jones of Nevada,	Squire,
Call,	Evarts,	Moody,	Stanford,
Carlisle,	Farwell,	Morgan,	Teller.
Chandler,	Faulkner,	Payne,	
Colquitt,	George,	Pettigrew,	
Cullom,	Gray,	Pierce,	

So the Senate refused to adjourn.

After Mr. PASCO'S remarks,

Mr. HAMPTON said: Mr. President, I regret exceedingly that I have to tax the patience of the Senate at this late hour. I should feel under very great obligation to some of our friends, especially the Senator from Massachusetts [Mr. HOAR], if he would let us go home and let us rest to-night and commence fresh to-morrow morning upon this very important subject.

Mr. HOAR. Is the Senator prepared to fix a time for a vote? We can do that.

Mr. HAMPTON. Yes, sir; as soon as every Senator here who has anything to say upon this subject has expressed his views.

Mr. HOAR. That is not quite "a time." Mr. President, I have such very great eagerness to hear the distinguished Senator from South Carolina, who is always so eloquent and instructive and compact, that I very much hope he will not ask us to defer the pleasure of listening to him.

Mr. HARRIS. The Senator could not possibly postpone it until to-morrow, I suppose?

Mr. SPOONER. We are all ready for it now.

Mr. HAMPTON. Mr. President, unavoidable absence from the Senate for some time past has denied me the opportunity of hearing the great debate which has marked the discussion of the grave question now pending; and, whilst I feel my inability to add the slightest weight to the arguments so forcibly urged against this measure, I desire to place myself on record as opposing it. In doing this I shall not discuss the constitutional objections to which this bill is open, for they have been presented by abler opponents than myself and that branch of the subject is exhausted. It therefore seems to me that unless the advocates of this measure propose again to "camp outside of the Constitution" they have no ground upon which to stand.

But waiving discussion as to the constitutionality of the bill, even admitting for the sake of argument that it is not open to the fatal objection of its being unconstitutional, are there not other and high grounds upon which patriotic men should oppose it? I do not question the sincerity or the motives of those who advocate it, for each of us here is responsible for his actions only to the country and to his own conscience. I concur with the senior Senator from Massachusetts in the opinion that he expressed that we as Senators represented not only our respective States, but also every other State in this great Union of free States, and during my service in this body, whilst recognizing that the interests of my own State claimed of right my special attention, I have never given a vote which I believed would prove injurious to the welfare of our common country. It is to this feeling of proud patriotism which should animate all of us, to the spirit of brotherhood which should bind us together to work for the general weal, that I now appeal for aid to avert the danger threatening us by the passage of this bill, and which would surely overtake us should it become a law. Good and patriotic men of all parties have for years past devoted themselves to the noble duty of restoring harmony, of establishing honorable and lasting peace between the late contending sections of the country, of healing the wounds left by civil war, and of building up of the late discordant and hostile fragments of a broken Union, "an indissoluble union of indestructible States; States which we hope may hereafter" be

Distinct as the billows, yet one as the sea.

Is it wise, is it patriotic, is it statesmanlike to break this happy era of returning goodwill, of confidence, between those who once stood in hostile array, and to roll back with rude hand the tide of prosperity which, flowing as it now does in generous and increasing volume, promises to bless the whole land in the near future? Who can contemplate without feelings of dread and horror the possibility of rekindling the nearly extinct fires of sectional animosity?

What other possible effect could the passage of this bill have than this? The junior Senator from Colorado, to whose remarks I listened a short time since with great interest and in the main with approval, urged, with wise foresight, one objection to this bill which should cause those who profess to be the special friends of the negro to hesitate long before placing it on the statute books as the law of the land. I quote his language, for it is pregnant with wisdom:

The people of the United States want no more civil strife, and against the united opposition of the white population in the Southern States, any attempt

to enforce it would mean practically conflict between the State and national authorities. The old ill-feeling would be resumed, and while we, as a party, were fighting to protect the colored voter, the old days of terrorizing would come again and the weaker race would be the sufferer.

This utterance is marked by broad patriotism and by sound sense. Had it come from this side of the Chamber it might have been the semblance, though not the reality, of a threat; but coming as it did from one who represents truly and expresses eloquently the prevailing sentiments of the younger generation of our citizens it is full of significance and worthy of thoughtful consideration. Mr. President, as one who witnessed the horrors of civil strife, who comprehends the untold calamities it inflicted, who has felt and suffered his full share of them, I, too, pray that civil strife may never again stain with fratricidal blood the soil of this great Republic consecrated now, and I trust forever, to freedom!

God forbid that our descendants to the remotest generation should ever experience such evil times as we have known! Should this bill unfortunately become a law, the prediction of the Senator from Colorado will be surely verified, for a law as immutable as that which guides the planets in their orbits decrees that when people of different races are brought into contact or collision the weaker race is invariably the sufferer. We may deplore the existence of this inexorable law; we may seek to mitigate or to remedy it; but so long as human passions, human instincts and interest govern the conduct of mankind we shall try in vain. Recognizing this fact, would it be wise, would it be kind to enact a law which, in the judgment of many of the best friends of our colored fellow-citizens, would subject that weaker race to peril and perhaps to suffering?

I certainly am unwilling to lend my aid to a measure which, in my opinion, is fraught with evil to the whole country and which might bring innumerable woes upon our colored citizens, who have, I am sorry to confess, been too often made the victims of injustice at our hands. Many of this race have made marvelous strides on that high but rugged road which leads to prosperity, to civilization, and to happiness. I bid them God speed in their onward and upward march, and I shall always be glad to lend them a helping hand when this can properly be done. But it must be remembered that those who have conquered adverse fortune and are putting themselves on a higher plane are exceptions to the general rule. They are but the pioneers of their race, while a vast majority are still in dense ignorance, an ignorance so profound as to render them not only unfit to govern great and free States, but unfit to meet the responsibilities or to discharge the duties of citizenship. I do not say this by way of reproach, for no blame attaches to them on this account, nor do I think to us.

This unfortunate condition of things springs from circumstances beyond the ken of human foresight and above the control or direction of human hands. We of the South are confronted by the most difficult, the most momentous, and the most dangerous problem ever presented to a people for solution, and Senators on the other side of the Chamber will acquit me of unkindness, I hope, when I beg them to remember that it was by the action of their party that we now stand in the face of danger and of ruin. I shall not criticise either the motives or the conduct of those who had control of national affairs just subsequent to the close of the war, for I recognize the difficulties then surrounding them and the anomalous condition of affairs existing at that time with which they had to deal. I wish to speak only of facts, ignoring altogether the great and numerous mistakes made by both parties. Let the memory of these be buried with the dead past, or if ever revived let that be done only to put us on our guard against similar ones in the future. Our duty is to deal with the living issues of the present and to legislate wisely for the future.

I alluded a few moments ago to the difficulties and dangers surrounding us of the South, and I think that our friends of the North can scarcely understand or realize them. I recall to mind a very interesting book, the title of which was Put Yourself in His Place. Let me ask Senators on the other side to put themselves in our places and they would then perhaps judge us with a little more of that "charity which covers a multitude of sins," that charity which we are told is the greatest of all virtues.

Following out the idea suggested of an exchange of places, let me present a hypothetical case, which, wild, extravagant, and improbable as it may seem, has had, in all its essential features, its grotesque absurdity, its cruel mockery of all law and of all decency, its burlesque of every form of civilized government, and its subversion of everything which was good or high or honorable, its exact counterpart in my own State. Let us suppose, Mr. President, that by some stupendous political revolution, as sudden as hitherto unknown in the history of the world, some State in the North, the great and proud Commonwealth of Massachusetts, for instance, should be put under the absolute control of Chinese immigrants.

Imagine them dwelling there in larger numbers than the white citizens of the State, armed with the ballot and clothed with all the rights of citizenship. Follow them as they seize hold of every department of the Government, installing themselves or the mercenary renegades of our own race who had enlisted in their ranks in every office; see the Legislature, composed almost entirely of these adventurers, without owning one dollar's worth of property in the State, plundering its treasury, swelling by millions its debts, practically confiscating by unlawful taxation the property of the rightful representatives and owners of the State, and inaugurating a carnival of corruption, of vice, and of crime, at which the world would stand aghast.

Mr. President, this dark picture is painted only by fancy, but change the scene and the actors and we see portrayed in true but feeble colors the tragedy which was enacted in South Carolina a few years ago. Such a tragedy can never occur in Massachusetts, and the imaginary sketch just given is used only as an illustration from which I might draw a conclusion as to what would be the action of the citizens of that State if the condition of things suggested should ever unhappily be brought about. Would the people of that State, proud of its past history, sensitive of its honor, and zealous for its welfare, submit tamely to the rule of people of another and inferior race? Could they bear the shame, the humiliation, the degradation to which they would be subjected in seeing the heritage of their fathers wrested from them by the rude hands of an ignorant, vicious people of foreign blood? Would they surrender without one struggle the inalienable and God-given right of self-government?

Ah, no, Mr. President. Every impulse of manhood, every inspiration of liberty, every instinct of race pride, every drop of Anglo-Saxon blood in their veins would impel them to scorn the thought of such ignominy, and the true citizens of Massachusetts would assert and take their rights at whatever cost. As the Senator from Colorado declared frankly the other day, when contemplating the possibility of such a contingency as I have depicted, "Then in some way and by some method, I know not how, the white vote would govern." I venture the assertion that should such a condition of things as the Senator from Colorado alluded to, when Chinese votes threatened the supremacy of the white, ever occur in Massachusetts, even the senior Senator from that State, philanthropist as he is and firm believer in the ballot as the panacea for all political evils, would concur with the Senator from Colorado, and I feel sure that his prolific mind and his legal acumen would enable him to point out "some way, some method, I know not how, for the white vote to govern."

And, sir, in my opinion the voters who in any State represent the best elements, the capital, the intelligence, and the virtue, should govern, despite all fine-spun theories of fraternity and equality, the sacred brotherhood of mankind, and the divine right of universal suffrage! Congress has, by the enactment of the most stringent laws, not only prohibited the naturalization of the Chinese, but has excluded them from the country; and yet the civilization of these people antedates ours by centuries and is, in many respects, equal to our own. They are a peaceable, frugal, law-abiding, industrious people, superior in every respect, as laborers, to the blacks.

The national representatives from the Pacific Slope in this body, realizing the danger threatening their States by the presence of a foreign race, demanded their total exclusion. We of the South, who had experienced the evils which our friends of the Pacific merely dreaded, lent our aid to avert the threatened danger, and it is a significant fact that our warmest allies in the Republican ranks in opposition to this bill are those Senators who know from experience the constant, imminent danger of having people of diverse races living under our Government as citizens. An experiment of this kind is always full of peril, and the results following those in San Domingo and British India should stand as a perpetual warning to us.

But we have determined to try just such an experiment, whether wisely or not it is useless now to discuss, and it is the duty of every patriotic man to use every effort to protect the country from any evils which may follow it. We may be able, as I trust we shall be, to make it a success, but this never can be done if ill feeling between the two races is aroused by such unwise legislation as is contemplated by this bill.

It is difficult, Mr. President, to convince our friends of the North that we of the South cherish no animosity toward the negro. Yet this is assuredly true, especially amongst our better classes. Among them you will find as earnest a desire to do justice to the blacks and to promote their welfare as is entertained by their most zealous advocates at the North.

I admit, with infinite regret, that there have been in the South, as in the North, instances of wrongdoing and injustice towards the negro, which every right-minded man must deplore, but is it fair to hold any section of this country responsible on account of the conduct of evil, vicious, and reckless men? Should any community in the country be judged by this rule, the world would suppose we were a nation of criminals. But, Mr. President, while admitting frankly that we have in some cases been unjust to the negro and that cases have occurred which have thrown disrepute upon our civilization and shame to those of us who do not sympathize with law-breakers, I take issue with the Senator from California when he says:

> Notwithstanding the elaborate evasions of Senators on the other side, there is not probably one of them who would not at once admit in private conversation, what everybody knows to be true, that wherever in the South the colored vote outnumbers the white vote the colored vote is not permitted to be cast, or if cast is not permitted to be counted.

Mr. President, I have never resorted to evasions of any sort, and I do not admit either publicly or privately that the statement of the Senator is correct. In refutation of it I need only call attention to the fact that two of the counties in my State, having large negro

majorities, have colored Republican representatives in our Legislature, and in one of these counties the sheriff and the clerk of the court are both colored. They are excellent officials, and they received the support of white as well as of colored citizens when they were elected.

In the recent election in South Carolina every negro entitled to vote could have done so had he desired. The fact is that the rank and file of the blacks there take now very little interest in elections, and many of them have lost their certificates of registration, and without one of these no citizen can vote, as I discovered in my own case at the last election. I suppose my friends on the other side would say that my vote was suppressed. We have had, Mr. President, many and almost insurmountable difficulties to encounter in the South since the close of the war, and they still face us; but our people have met them with brave and hopeful hearts. Nor need they be ashamed of what they have accomplished; indeed they may well be proud, for none but a people of heroic character could have met adverse fate with the spirit with which they did or rise as they have done from ruin to comparative prosperity. The last census shows the wonderful development of the South during the last decade, and with the permission of the Senate I shall annex as part of my remarks some striking statistics gathered from this source. At present I shall only call the attention of Senators to a few of the figures contained in the table I have here.

I do not wish to detain the Senate, but there are some very striking figures which I should like Senators to hear. The population of the South at that time had increased over 3,000,000. Persons of Northern birth now residing in the South number nearly half a million. The actual wealth of the South is nearly $10,000,000,000. The actual wealth per capita is $545.10, against $385.62 ten years ago. The capital invested in the South during the decade, and I beg Senators to remember that most of that capital came from the Northern States, is $2,339,170,000. The railroad mileage has been increased from 19,572 to 41,118. The spindles have grown from 542,048 to 1,811,791. The value of cotton produced during the decade is $8,091,933,833. The schools now in operation are 66,617 against 44,260, and the most striking and singular figure in this whole table is that the South has expended for negro education since the war $56,181,370. The table is as follows:

	For year ending June 30, 1890.	For year 1880.
Population.		
Totals	17,566,920	14,638,939
White	11,361,996	9,007,187
Colored	6,194,924	5,631,749
Immigrants from the North during the decade	297,000	Not known.
Immigrants from foreign countries during decade	378,019	Not known.
Persons of Northern birth now residing in South	475,930	240,885
Persons of foreign birth in South	680,423	420,871
Population of towns of 10,000 people	1,789,362	1,029,526
Wealth.		
Assessed wealth	$3,854,057,164	$2,164,155,795
Actual wealth	$9,751,815,635	$6,098,000,000
Assessed wealth per capita	$219.66	$147.88
Actual wealth per capita	$545.10	$385.62
Indebtedness.		
State debts (net)	$96,460,126	$118,195,252
County debts (net)	$20,511,479	$24,111,154
Municipal debts (net)	$66,800,748	$47,039,058
Total public indebtedness	$183,772,353	$189,345,414
Annual interest paid on debts	$10,863,632	$14,000,384
Taxation.		
State tax per $1,000	$4.00	$4.60
Total taxation per $1,000	$13.80	$15.40
Total State revenues	$26,533,260	$13,249,866
Capital.		
Banking capital	$171,600,670	$92,575,000
Capital invested in South during decade	$2,339,170,000	Not known.
Railroads.		
Mileage	41,116	19,572
Men employed	186,731	86,250
Locomotives	4,059	
Cars (passenger)	3,124	
Cars (freight)	103,700	
Capital stock	$765,963,221	
Bonded debt	$745,606,062	
Cost of railroad equipment, etc	$1,301,696,740	$612,000,000
Street-railroad, mileage	1,094	
Other railroad mileage	4,200	
Total railroad mileage	46,404	21,247
Manufactures.		
Number of establishments	56,714	34,563
Capital invested	$551,483,900	$179,366,280
Hands employed	537,086	215,415
Value of product	$742,865,200	$315,929,794
Water power (horse power)	20,150,000	
Cotton mills	334	161
Spindles	1,811,791	542,048
Looms	40,415	11,898
Bales cotton used	545,250	180,971
Value of products	$54,191,600	$16,356,182
Cotton seed, crushed	$1,088,200	$230,000
Cotton-seed products (value)	$21,310,586	$7,690,921
Minerals.		
Pig iron produced (tons)	1,684,663	290,772
Furnaces	117	
Steel produced (tons)	183,625	4,350
Coal produced (tons)	17,536,456	3,800,550
Coal produced (value)	$26,307,674	
Precious metals (value)	$712,789	$226,176
Total minerals (value)	$35,608,615	$3,643,020
Lumber.		
Acres in forest	196,832,000	
Pine standing (1,000 feet)	229,007,000	
Sawing capacity of mills (feet daily)	47,656,250	
Value of lumber output	$102,122,100	$35,085,161
Value of total feet products	$123,998,800	$46,979,063
Agriculture.		
Good arable lands (acres)	358,180,000	
Public lands (acres)	51,273,148	
Lands redeemed during decade	15,279,000	
Farms	2,126,000	1,551,067
Improved lands (acres)	126,812,600	
Lands under crop	75,511,429	54,679,145
Value of agricultural machinery, etc	$120,750,000	$67,372,500
Average wages paid farm labor per month	$15.82	$10.85
Cotton produced (bales)	7,776,215	5,733,675
Cotton produced (value)	$340,268,605	$256,534,911
Value of cotton produced during decade	$8,091,933,833	
Tobacco (pounds)	390,981,550	
Tobacco (value)	$31,278,524	
Hay (tons)	1,755,870	
Hay (value)	$21,014,140	
Corn (barrels)	453,969,800	
Sugar (barrels)	1,356,000	
Molasses (barrels)	516,000	
Potatoes (value)	$14,262,000	
Rice (value)	$8,438,960	
Fruit (value)	$24,620,500	$9,084,173
Total value of all farm products	$984,707,000	$611,679,145
Total value of crops produced, 1889–1891	$9,540,257,980	
Number of live stock	49,962,456	30,443,360
Live stock (value)	$555,705,108	$310,066,383
Total value of all products, agricultural, manufactures, mineral, stock, etc	$1,931,930,815	$1,084,701,383
Education.		
Schools	66,647	44,260
Teachers	74,055	49,182
Children of school age	5,891,101	4,423,620
Pupils enrolled	3,389,173	2,018,640
Attendance	2,181,108	1,391,745
School revenues	$14,767,396	$5,607,071
Amount given to negro education since the war	$56,181,370	
Negroes at school	1,012,029	

Now, sir, in the face of this marvelous exhibit of the progress made by the South in everything which tends not only to its own prosperity, but to that of the whole country, would it be well to enact a law which would demoralize our labor, shake the confidence of capitalists, retard perhaps forever the march of prosperity, diminish the wealth of the country, and above and beyond all other considerations reawaken sectional animosity, provoke strife, and lead perhaps to bloodshed? The fears that I express as to the effect the passage of this bill would have are neither idle nor groundless, and to show that they are shared by others I quote a recent utterance of a distinguished divine, and an earnest friend of the colored people, the Right Reverend Bishop Northrop, of the Catholic Church. Speaking in opposition to this bill, he uses the following language:

> The race prejudice is excessive and wrong. But prejudice is unreasoning and unreasonable. Social aversions are more likely to be obliterated by time and education than by coercion. Social affinities or antagonisms, moral, mental, or physical, can not be annulled by Federal interference. The pending bill would prove a harmful irritant, tending to solidify the South, even in the border States, where the Republican party has been gaining ground until this discussion induced the late reaction. The best men of the South are showing a growing appreciation of the schools and colleges for the colored race. Never in the history of the world did any nation have within itself the opportunity of uplifting such a mass of ignorance, so plastic, docile, and receptive, an opportunity which is more and more appreciated in the South. The whites are the natural friends and helpers of the blacks. The call of Providence now is for the South and the North heartily to co-operate in this great work. A school like that at Hampton is a splendid object lesson to the South, an institution which Virginians now commend as cordially as New Englanders. Let well enough alone!

Mr. President, these are words of soberness and of truth, and it will be well to heed them while there is yet time to do so. I concur fully in the opinions so admirably expressed by this reverend gentleman, and I trust that they may have due weight here, for he knows whereof he speaks. If the people demand the passage of this bill or one of a similar character, you may be sure, sir, that their demand will be obeyed by their Representatives. But if the statement made recently by a Republican paper is correct, of the sixteen hundred and ninety-eight petitions and memorials in relation to this bill sent to this Congress only nine have been in favor of its passage; if we are to judge of popular sentiment by these petitions we must conclude that there is an overwhelming public opinion in opposition to this measure, and I have no doubt that such is the case.

Many of my constituents have urged me in their behalf and for the

sake of peace in the State to oppose this bill. I know not, sir, if anything I have said or might say can exercise any influence on the determination of this question, but I express the fervent hope that the people of both races whom I represent here may be spared the evils which would inevitably result should the bill pass.

Mr. President, my public career will in all human probability soon close forever. During its long continuance I have never sought office. I have accepted it only when my people called on me to serve them, and I shall retire to private life without one regret, save that caused by the severance of the many ties of friendship formed here. No political ambition can animate me in the future, as none has done in the past. The sole ambition that has ever stirred my heart has been to serve faithfully the people who in that past honored me by their confidence and support, and, while doing this, to promote the welfare of our common country.

During the time I have had the honor to represent my State in this body not one word of recrimination, nor one calculated to keep alive sectional animosity, has escaped my lips. The thunders of war had scarcely ceased to reverberate when I, in opposition to the feelings and apprehensions of many of my fellow-citizens, urged them, not only to deal justly with the negroes, but to accord to them all the rights which would necessarily follow their enfranchisement. From that day to the present I have steadily and constantly advocated the same policy, not because it was politic, but because it was right. Any influence which I may be able to exercise in the future shall be exerted in the same direction, and I feel now, in appealing, as I do earnestly, to that sentiment of fraternity which should inspire all of us, to the conservatism, to the patriotism of Senators, to pause, at least until the people can again render their deliberate verdict on this bill, that I am discharging, if the last, the highest public duty I owe to my State and to my country. [Applause on the floor and in the galleries.]

Mr. DIXON. Mr. President, judged by the criticisms of the opponents of this bill, any observer would naturally suppose the Republican majority in this Congress were engaged in a conspiracy to overthrow the liberties of the people and destroy the peace and prosperity of the country.

Judged by the somewhat modest and extremely virtuous claims of the minority in this body, any observer would fairly suppose the Democratic minority alone were the guardians of all that is dear to a liberty-loving, law-abiding people against the evil designs of combined disloyalty.

The whole range of political anathema has been explored to find new terms and epithets to cast against the supporters of the bill, and the Democratic tongue is too feeble and parliamentary language is inadequate to anathematize the measure; while the sacred traditions known as Senatorial courtesy are invoked to bring into a state of mesmeric sleep all the members of this body who evince restiveness under the new terms of Senatorial nomenclature.

Day after day the majority have listened to reproach. Day after day the majority here have endeavorored to advance a bill which to them, and to a great body of the people, seems necessary to protect citizens in their constitutional rights and to defend the liberties of the people. Day after day the advocates of this measure here and elsewhere have been maligned and the Representatives of free States reproached for attempting to place upon the statute book a measure intended to redress wrongs which menace the Government of the people.

The Republican party has no excuse to offer to the Democratic party on account of any disloyalty to liberty, to the protection of individual rights, or to the existence of the Federal Union. It has been, is now, and will continue to be animated with the belief that man is endowed with certain unalienable rights and "that to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed."

It would be idle to repeat here the history of the whole country since 1860; but in order that history may not repeat itself, and that certain evils which have in the past threatened the destruction of the Government should not again gain the ascendency in any section of the country, this bill was passed by one branch of the Congress, passed in compliance with a declaration of the party to which the people by their votes intrusted the administration of their national affairs.

No man can fairly say that it is directed at any section of the country. And never could it have been considered a sectional measure had not the representatives of one section hastened with extraordinary unanimity to denounce it and its promoters while attempting to explain the reasons for committing the offenses the bill aims to correct. From the extraordinary declamations that have been made against the bill and by the admissions of the declaimers it appears that citizens in certain sections of the United States have been and still are prevented from exercising rights guarantied to all the citizens. After such admissions it is stated that this bill is aimed at the section where such offenses are committed.

> No man e'er felt the halter draw,
> With good opinion of the law.

Which I suppose might be modernized by saying:

> None bound to the electric chair,
> E'er thought electrocution fair.

Many excuses are offered for the suppression of votes and for unlawful methods in election, and no one of the excuses satisfies the makers of them, for they appreciate the fact that the liberties of the people can not survive such a menace. When the heavy hand of domineering arrogance lays hold of the freedom of the humblest citizen and deprives him of his civil rights guarantied by statute and Constitution, the Government of the people is dead. And if the time has come when a free man can not cast a free vote in any section of the country, the Government by the consent of the governed has perished.

It is unfortunate that in considering this bill the relations within the Southern States between the white people and the colored people come constantly into notice. Those relations perplex examination and present untold anxiety to the patriotic citizens of the States where the colored population is largest. What the result will be no man can now foretell; to those States alone must be left the solution of the great problem confronting them.

Mississippi has undertaken to deal with the questions within her borders, and in a manner has dealt with her own troubles.

But, sir, I have no quarrel with Mississippi on account of her constitution; it is hers, not mine.

I have the honor to represent in part on this floor a State that has ever been jealous of Federal interference within the jurisdiction of the State, holding always that to the State alone is left the limit of suffrage under the provisions of the Federal Constitution, and I revere the traditions of my native State, and I would not violate what I believe to be the right of any State to prescribe the bounds and fix the condition of the suffrage. Therefore, while Mississippi may do great wrongs and work injustice by constitutional provision, yet while within the provisions of the Federal Constitution I can only say, "Ephraim is joined to idols; let him alone."

But when schemes are devised or intimidation undertaken to prevent the humblest citizen of any State from exercising the right to vote when entitled to vote for Representatives to the Congress of the United States, then, sir, if I could I would set in motion the whole power of this great nation to demolish any obstruction to the exercise of that right by that humble citizen.

As it is admitted that in certain sections of the Union devices are framed for the avowed purpose of overcoming or rejecting the votes of citizens of the United States who are entitled to vote, and who desire to vote for Representatives to the Congress of the United States, can any man, born under and protected by the free institutions organized by the fathers and cherished by all, hesitate? Most of all, can any Representative of these free States hesitate to open an unobstructed path to an unpolluted ballot box for every citizen entitled to deposit his ballot therein?

I wish that some of the features of this bill might be eliminated from it. To some of its provisions I can not give my assent; but to the purpose of the bill no man can object.

What harm can come to any section of the country from the enactment of a constitutional bill that provides for the protection of all the citizens in the exercise of proper and legal rights and for the purpose of securing to every citizen his personal and civil rights? No Congress can render a better and more patriotic service than by placing on our statute book such laws as will insure all constitutional civil rights and perpetuate the liberties of the people.

This bill interferes with no individual right, limits no individual liberty, intrudes upon no State right or jurisdiction, but is intended to secure the very freedom for which the minority here contend.

"Be not deceived;" you can not mock the American people when you clamor for individual freedom and personal liberty while you trample upon the liberty you profess to venerate and murder the freedom you claim to protect.

The promoters of this measure intend by its provisions to secure to the people the largest freedom in their choice of Representatives; they intend to emancipate every voter from the watch of party monitors, to prevent fraud, corruption, and intimidation at the polls, and redeem the Federal elections from conditions that have been "taken up in the lips of talkers, and are an infamy of the people."

Great wrongs exist, and no comparison of conditions in different States will relieve them. Only a short time ago, compared with the brevity of what is facetiously called debate in this body—only a short time ago a genial gentleman on the other side, in calling down vengeance on this side of the Chamber, spoke of "New England Republicans who had walked into Congress over the slaughtered political rights of nearly one-half the population of their section." Why, Mr. President, if half of that is true it is time some measure was passed that will prevent the slaughter of political rights as well as of political opponents.

The bill stands in the way of important legislation, and the short session of this Congress is passing rapidly away while the minority in this body tell the majority here that no legislation can be accomplished while this bill for the preservation of the liberties of American freemen stands as a menace to white supremacy in the South. Here, sir, we know no white supremacy. Here, sir, in legislation we know no race or color; we are legislating for the people, the whole people, and we

are bound by our oaths, by all the traditions of a liberty-loving people, to guard and protect the interest, the rights, and the liberties of all.

If this were intended as a partisan measure it falls far short of its purpose, for, sir, it can not by its terms result in the advantage of any political party, except the party to which the majority of the people give their adhesion, and that party should have the advantage so long as any government exists by the consent of the governed. And, sir, I belive the time is propitious, the time to right existing wrongs is now. And if the time has come again when any lawful and constitutional authority of the Government can not be exercised in any section of this broad domain without having trouble, let the trouble begin and the great loyal heart of the Republic will throb again and the people will preserve their liberties and their Government.

I am not of those, sir, who believe or profess to believe that the colored people in any section will vote solidly for either party, for I do not believe the colored people will adhere to one party as universally as some of our population of foreign birth or lineage do. I appeal for civil rights against uncivil wrongs.

In the South the majority of the white population belong to the Democratic party. To that white population the colored people in that section look for advice and counsel and support in all matters excepting those relating to politics, and in politics the white people have always antagonized the colored. It is natural that the white should lead in all affairs, because of superior advantages and the relations that have heretofore existed between the races, and had the black citizens in the South been permitted freely to exercise their political rights I believe the result would have been an increased Democratic majority unless some of those otherwise intelligent whites had been converted from the errors of Democracy.

I do not fear the evil influence of exciting demagogues. The growing influence of intelligence and the consciousness of personal and civil freedom will overcome such pernicious control, and the old South, inspired by the elevating influences of a higher patriotism, invigorated by the observance of the individual and civil rights of every citizen, protected by that law which accords to others what it demands for itself, will rise to a higher and nobler prosperity than the brightest imagination has yet pictured in hopes. I would not see the South crushed; I would not see you laboring against any obstruction to your advancement in material prosperity. Yours is an important part and a cherished part of my country and you are my countrymen.

Your welfare is dear to the heart of every patriot, and I would not by voice or vote aid in passing any measure that I believed was intended to or would place the slightest impediment in the way of your advancement and progress. To me it seems that you have grave and great responsibilities in the solution of matters relating to your internal affairs over which the Federal Government has no control. With these matters you must be left to deal as shall seem best to you. In their solution you have the earnest and sincere sympathy of all patriots in your legitimate efforts.

But when you intrude upon the rights of any citizen in the exercise of his constitutional and lawful expression in national affairs you intrude upon the rights of every American citizen and of every free State. And if you have gained ascendency here or if you come here by the violation of the rights of American citizens, you have done much toward the destruction of our free institutions and toward the overthrow of the Government by the consent of the governed. And even now the free voice of this free people demands that this shall no longer be.

Mr. President, since the foundation of the Republic and on every page of its history one peril comes in sight to menace its existence. That peril awakened the apprehension of the founders of the Republic, has excited the solicitude of the patriots of later years, and to-day threatens the liberties of the people.

Other and great evils there may be in our system, but most, if not all, of them grow out of that supreme evil, the debasement of elections, either by personal depravity and intimidation or party corruption. Through all the years there has been a continued, steady, strong determination on the part of the people to surround the declaration of their will through the ballot box with the highest warrants of security. And now, sir, the people will make the old demand that voters shall be protected and that votes shall be counted. To their Congress they look for the redemption of party pledges and the accomplishment of their hope.

The people demand legislation that will provide for quiet and peaceful elections, and they demand the faithful administration of such legislation as will permit every man entitled to vote to cast his ballot without fear or molestation and will secure to that vote its proper weight in determining the election. They do not desire a force bill, but a bill that shall be enforced, not for the advantage of any party, nor in the interest of any section, but for the good of the whole country, that the declared result of any election shall be known to be uncontrovertibly the voice of the people; that this great nation, established for the purpose of securing those inalienable rights set forth in the declaration of the fathers, deriving its just powers from the consent of the governed, shall continue to abide, the hope of the ages, shedding its benign influence on all mankind.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from South Carolina [Mr. BUTLER].

Mr. HOAR. On that I call for the yeas and nays.

Mr. HARRIS. Let the amendment be read.

The VICE PRESIDENT. The amendment will be reported.

The SECRETARY. At the end of line 107, page 104, add the following proviso:

Provided, That the supervisors, canvassers, and all the election officers shall be regarded as ministerial and not as judicial officers.

Mr. HARRIS. I offer the following amendment as an addition to the amendment of the Senator from South Carolina——

The VICE PRESIDENT. The amendment will be reported.

The SECRETARY. At the end of the amendment just reported add:

And shall perform none other than ministerial duties.

Mr. TELLER. In what section is that?

The VICE PRESIDENT. Section 14.

Mr. TELLER. I can not find the pages in my copy of the bill.

Mr. GORMAN. What is the page? [Cries of "Vote!" "Vote!"]

Mr. BUTLER. We want to get the information before we vote, so as to know what we are voting on.

Mr. GORMAN. I should like to inquire what print of the bill is being used at the Secretary's desk, so that we may be able to follow it.

Mr. CULLOM. Is it the print of December 10, 1890?

The SECRETARY. At the end of line 107, page 104, of the original print of the bill, or at the bottom of page 73 of the reprint, it is proposed to add what has been read.

Mr. CULLOM. What is the date of the reprint?

The VICE PRESIDENT. December 10.

Mr. MORGAN. As I understand the situation, there is no perfected substitute offered by the Committee on Privileges and Elections to which this amendment can be applied. The Senator from Massachusetts, who is the chairman of that committee, brought in a number of amendments here the other day to his own substitute, and I take it that the order of proceeding would be, inasmuch as the committee have reported amendments, that the Senate should take up the committee amendments first and mature the text of the substitute, so that we may know exactly what it is we are trying to amend.

Mr. HOAR. Well, I will ask that that be done, if that be the regular way.

The VICE PRESIDENT. If the committee amendments have first to be taken up, the first amendment of the committe will be stated. What is the pleasure of the Senate? Shall the committee amendments first be taken up in order?

Mr. CULLOM. That is the regular rule.

Mr. FAULKNER. I suggest that the committee amendments be taken up.

Mr. GORMAN. I understand that there is an amendment pending, offered by the Senator from South Carolina [Mr. BUTLER] to the substitute of the committee, to which the Senator from Tennessee [Mr. HARRIS] has now offered an amendment.

Mr. HARRIS. My amendment is an amendment to the amendment proposed by the Senator from South Carolina. The committee amendment is but one amendment and these are amendments to it. Of course we shall not take a vote upon the committee amendment until we have had an opportunity to amend it.

Mr. MORGAN. It has escaped the attention of the Senator from Tennessee, and I think also the Senator from Maryland, that the committee have come in here with amendments to this substitute. They propose to amend the text of their amendments before they proceed with it. These are committee amendments to the substitute that is offered to the bill. There were several of them offered by the Senator from Massachusetts the other day just as we were about to adjourn and I asked for the reading of them. They are in the RECORD, and I suppose they have been printed.

Mr. HOAR. I shall have no objection to taking that course, and also——

Mr. ALDRICH. I suggest that the time might be shortened by having it understood by general consent that the amendments suggested by the committee be adopted.

Mr. HARRIS. I see a lot of printed amendments indicated as offered by the Senator from Massachusetts [Mr. HOAR]. It does not appear that they are committee amendments.

Mr. HOAR. They are in fact authorized by the committee.

Mr. HARRIS. I shall not object to the consideration of the amendments proposed, whether it be by the Senator or whether by the majority of the committee. I have no objection to considering them in advance.

Mr. KENNA. I have no particular desire with reference to the course to be pursued in the disposition of these amendments. It makes no difference to me whether we first consider the committee amendments as proposed by the Senator from Massachusetts or amendments as proposed after the bill has been under consideration here for the last two or three or more weeks. There is, however, this consideration: I do not want to discuss the incongruities, or, to use a stronger term, the illiteracy of this bill as originally reported to the Senate; but I do want to say, and I speak but the simple truth when I say it, that

in order to prepare a single amendment involving and covering a single, sole, separate idea, namely, the injection of the civil-service machinery in lieu of the political machinery established by this proposed Senate committee, I have had to prepare as many as eighteen or twenty amendments.

Now, if this bill is to be pressed and forced until we are called upon various amendments and upon the passage of the bill, the injection at this stage of half a dozen or even of one or two amendments, of which nobody knows anything as to the merits—and we have been notified only to-night and since the sun went down of a number of them—may require such a revision of my own proposed eighteen or twenty amendments, covering one single idea, that I may not have the opportunity to do that. I do not care very much one way or the other. The voting upon very few of the suggestions that I have made or propose to make when the time comes may cover the whole idea; but at the same time I do not think we ought to go into such a state of jumble and confusion as to leave us without some intelligent course with reference to amendments as they are considered.

Mr. DANIEL. I beg leave to inquire whether there was any committee amendment offered to the committee substitute.

Mr. HOAR. I gave notice yesterday and at an early hour to-day of certain amendments, and though the notice was given in my own name I am authorized to offer those amendments by a majority of the committee.

Mr. DANIEL. The majority of the committee belong to one political organization, or may belong to it, and what is suggested by a majority of the committee can not, of course, possess the sanction of a report from a committee. That committee has never been convened to consider and never had an opportunity to express its opinion upon the subject, and I do not see how a personal proposition of the Senator from Massachusetts can have any greater dignity in the precedence of hearing than those of any other Senator. If the committee wishes to offer its amendments there is a method for it to speak. It has not done so, I understand.

Mr. HOAR. What the Senator from Virginia said is quite true, and for that reason I made the——

Mr. DANIEL. That is the reason why I said it.

Mr. VANCE. With the permission of the Senator from Virginia, I should like to ask the Senator from Massachusetts if I understood him correctly that the amendments which were laid on our tables to-day, or on any other day, as coming from him, have ever been treated in committee.

Mr. HOAR. No, sir; they never have.

Mr. VANCE. Then I misunderstood the Senator. I know there has been no meeting of the committee since the original iniquity was perpetrated.

Mr. SPOONER. The Senator from North Carolina, who is a member of the committee, took great pains the other day to give public notice here that he had not participated with the Republican members of the committee, and that he would not do so, because he wanted the bill to come in here in all its original deformity. Has he changed his mind about that? He stated that he would not take part in the counsel of the ungodly, and we did not invite him afterwards.

Mr. VANCE. The bill is not likely to lose any of its original deformity if permitted to be manipulated in the hands into which it has fallen. I am still abundantly satisfied of its iniquity.

Mr. HOAR. If the Senator will pardon me, I will make a statement. Of course this sort of jocose exchange of compliments of the honorable Senator from North Carolina entirely relieves some of the asperities of this debate and it is very agreeable. But the Senate will understand, I think, when it hears what the amendments are that are so proposed, that they were such as would clearly, beyond any question, have the support of all the Democratic members of the committee.

They are, in the first place, a provision making the number of inspectors four instead of three, only two of whom are to be from any one political party. So if the judge does his duty they will consist of an equal number from each political party.

Then there was a suggestion which was met at the time by saying that we did not think the bill had the meaning suggested, that the provision which said that the chief supervisors of election now in office should hold as long as they behave themselves operated to give those officers a life office. That was substantially a repetition of the language of the statute of 1870, which the courts have held still leaves them removable by the courts, and it was put in in order that they might not have all to be appointed over again, as if a new office were created. The amendment proposes to add the words "unless sooner removed by the court from the office of supervisor or commissioner," so as to make that clear.

The third one is a provision similar in effect in regard to the deputy. There is a provision which has been somewhat criticised on the other side of the Chamber, that the deputy supervisor should be appointed by the court, but should have one of his associates recommended by the chief supervisor. That it is proposed to strike out, leaving the court to appoint the deputy commissioner without any power of the chief commissioner.

Then there was a provision that if the chief supervisor died or a vacancy took place by an accident the deputy should continue to perform the duties as long as he behaved himself well, and the amendment adds to that a clause, "unless a new supervisor be appointed or unless he be sooner removed by the court."

These are three of the propositions which are contained in these amendments.

The fourth has required a little more change of language than the others. The bill, as now proposed, which is now before the Senate, provides that the compensation of these commissioners or supervisors shall be determined by the judge, and that the judge's determination shall have the effect of a judgment, in substance, giving the officer a right to the fees, and fixing the fees at $5 a day, without leaving any discretion in the accounting officers of the Treasury.

Now the amendment, which is the last one that is proposed, provides that the compensation of these officers shall be the same as that allowed in the States for similar services to similar officers in the State where they perform the duty, but that in no event shall the compensation be less than $3 a day, so that if the State pays $3 a day that will be the compensation. It provides further that the judge's certificate shall only be conclusive upon the question of the necessity of the service, and in all other respects the claim goes to the accounting officer of the Treasury like other claims of public officers.

These are the amendments which are in print and are proposed. There are a number of other merely verbal amendments, which I shall propose in their order, which I have not had printed.

Now, I suppose, unless there is to be some different course as to the courtesies of the Chamber or the ordinary methods of procedure, knowing perfectly well the sentiments of the minority of that committee, no one of them would have desired its chairman to put him to the trouble of having a meeting of the committee during the session of the Senate to propose amendments which everybody knows they would all assent to when proposed.

Mr. VOORHEES. Mr. President, this is the first time in my life that I have known one member of a committee to determine in advance what the minority would agree to and without consulting them or saying one word to them.

Mr. HOAR. Will the Senator permit me?

Mr. VOORHEES. I will in a moment. It is the first time I have known one member to report what he conceives would be their conclusion and then stand up in the Senate and diagnose a case and give the Senate what he was perfectly sure the minority of the committee would have agreed to if they had had a chance.

Mr. HOAR. Will the Senator pardon me?

Mr. VOORHEES. Certainly.

Mr. HOAR. I have not made this as a report of the committee. I have made this——

Mr. VOORHEES. I understand that.

Mr. HOAR. I have made this proposed amendment——

Mr. VOORHEES. It is still worse than that. It is the report of the Senator from Massachusetts.

Mr. HOAR. Exactly.

Mr. VOORHEES. No, it is not the report of the committee.

Mr. HOAR. It is not the report of anybody.

Mr. VOORHEES. No, except yourself.

Mr. HOAR. But I stated that these proposed amendments have the assent of the majority of the committee.

Mr. VOORHEES. That was not the statement of the Senator from Massachusetts.

Mr. HOAR. Mr. President——

Mr. VOORHEES. I am on the floor.

The PRESIDING OFFICER (Mr. FRYE in the chair). Does the Senator from Indiana decline to yield?

Mr. VOORHEES. No; I do not decline to yield.

Mr. HOAR. If the Senator will understand the fact——

Mr. VOORHEES. I do not decline to yield, but I want my share of the talk, that is all, when I am on the floor. The Senator from Massachusetts has not here stated what was the conclusion of the majority of the committee. He stated here what was the conclusion of the minority, and interjected himself into the mental processes of those on this side constituting the minority of the committee, and stated that he felt authorized to report these amendments on his own responsibility because he was quite sure that gentlemen whom he had not consulted at all would be in favor of them.

Mr. HOAR. I did not state any such thing.

Mr. VOORHEES. Now, it would have been so slight a personal exertion on his part to consult with Senators on this side and to see really whether they were in favor of these amendments, that I think he might have done so.

Mr. HOAR. Mr. President——

Mr. VOORHEES. Let me have my share.

Mr. HOAR. The Senator is proceeding under a misunderstanding.

Mr. VOORHEES. Well, the Senator had better just submit to the situation for a little while, for he had his ten or fifteen minutes awhile ago and I have only had my three or four minutes. I should be rest-

less if I were in his place, I would not be very quiet, because the Senator is in a false position—utterly false, utterly false; I repeat it. Of course he is.

The Senator introduced these amendments. I understood him perfectly well when he did so and was observing him. I saw then that his step was not consistent with his position as chairman of the Committee on Privileges and Elections. He introduced amendments, I know not how many, half a dozen or a dozen, perhaps.

Mr. VANCE. Fourteen.

Mr. VOORHEES. He introduced fourteen amendments, I am told, and without any authority at all on his part except as a Senator from Massachusetts. That I do not question. He has the authority of his State to do what he chooses to do, as we all have here, but as chairman of the Committee on Privileges and Elections he far surpassed any authority or power that had been given to him, by his own showing here to-night. No meeting of the committee whatever had taken place, and he stood here to-night for a quarter of an hour explaining those amendments.

I care not what they contain; their contents may be good or they may be bad. I hope they are good. But what was his authority to stand here and say to the Senate that he had a right to believe the minority of that committee were in favor of the provisions of these amendments? Possibly they were; possibly they were not. At any rate the chairman of that committee had no right to speak for Senators on this side of the Chamber or to act for them or to assume what they were in favor of.

The Senator from Massachusetts, in rising to interrupt me a moment ago, said he was speaking for what the majority of the committee were in favor of. He has a better right to speak for them than for the minority on this side, and yet he has no right to speak for them unless there had been meetings of that committee or a meeting passing on these fourteen amendments. I have no disposition to criticise unkindly or harshly the Senator from Massachusetts, but his position is untenable; it can not be held at all in introducing fourteen amendments to this bill without the slighest authority from his committee, either majority or minority, and standing here in a special pleading that the minority, he thought, would be in favor of the provisions of his amendments.

Mr. KENNA. The Senator from Massachusetts stated that they were committee amendments.

Mr. VOORHEES. I will not state that as a matter of fact, but I am informed by Senators around me that the Senator from Massachusetts said that they were committee amendments. That I can not state upon my own authority.

Mr. HOAR. I absolutely deny that.

Mr. VOORHEES. That I can not state upon my own recollection, of course. That may go, but I am dealing with a case that is undisputed, and that is that the Senator from Massachusetts, as an individual Senator, which he had a right to do, introduced these fourteen amendments, and then he lectures this side of the Chamber and talks to the minority of the committee that they would most likely have been in favor of these provisions, and therefore he introduced them. That position is utterly untenable. It can not be maintained for a moment. His amendments are here to be dealt with, not as the amendments of the committee, of the majority or the minority, but as simply the suggestions of the Senator's own mind and his own action.

I have dealt with this matter perfectly fairly and perfectly sincerely, and how the Senator is to answer the situation I am at a loss to discover.

Mr. HOAR. If the Senator had had the politeness to allow me to correct and state to him the fact in this matter, I think he would have saved himself a good deal of trouble. I have not heard that any member of the Committee on Privileges and Elections of either party has made any complaint; the complaint comes from somebody else.

Now, the fact about this matter is this: The House of Representatives sent up to the Senate this bill, which was referred to the Committee on Privileges and Elections. The Republican members of that committee matured a substitute for it which in many respects softened and modified the provisions of the House bill. It omitted altogether certain provisions about juries, and some other provisions which have been subjects of public comment and debate.

When we had our substitute ready we called a meeting of our committee, and the minority of the committee stated that they did not care to go over the details of the substitute. They were opposed to both, and they said that they did not care to go into the details. That was stated on the floor of the Senate. Some question coming up about it, the Senator from North Carolina [Mr. VANCE] rose in his place and said, with the good nature and wit characteristic of him, that he did not care about entering into the counsels of the ungodly.

Now, that being the condition of the bill, certain other provisions, every one of which has been condemned in debate by Senators on that side of the Chamber, are proposed to be stricken out by these amendments of mine.

We had a right to suppose two things: first, that the minority would not want to be troubled by a meeting about it to go over these details, for they had said that they did not on the floor of the Senate as well as in private, and, second, that as they had openly avowed their objection to the provisions of the bill which I now propose to amend they would not want us to consult them about a proposition striking them out.

The Senator from Indiana speaks of these as fourteen amendments. Counted technically, that is, to strike out an "and" in one line and substitute a "but," and then strike out something else in a line, they are fourteen in number, but in substance and effect they are four in number, as I have stated, and I have stated what they are.

Of course, if anybody desires to raise any possible cloud of dust at every step in this bill, it is in the power of anybody to do it, but the Senate will understand what has happened and I think they will entirely approve it. I do not think that a fair-minded man on the other side of the Chamber—I do not think the Senator from Indiana, who is a fair-minded man and a fair opponent and does not wish to put anybody in a false position, can undertake to stand upon such a position when he is conducting a debate. I do not think the Senator from Indiana, now that he knows exactly what has taken place, will withhold his approbation of every step of my conduct in that particular.

Mr. VOORHEES. Mr. President, it would afford me great pleasure to extend my approbation to any gentleman's conduct; but when the Senator from Massachusetts says that he understands nobody objects to his course connected with the Committee on Privileges and Elections, I must state that I do not consider that to be true. I heard the Senator from North Carolina a few minutes ago with great force arraign the course the Senator from Massachusetts has pursued upon this subject.

Further than that, I repeat what I said a little while ago, that the Senator from Massachusetts has exceeded his authority and transcended his duty as chairman of the committee in assuming to decide that the minority on this side of the Chamber are in favor of what he has offered here. I never heard the like before. No one else ever did. Nobody ever heard the like before, that a chairman of a committee, without any meeting of the committee, without calling it together, introduces a large number of amendments and then walks over to the aisle here and assumes to tell this side of the Chamber that he had transcribed their thoughts as a mind reader would into his amendments, and therefore he was authorized to offer them. I will say that such an exhibition has never been made on this floor or on the floor of any other legislative body since I have been connected with the legislation of this country.

That is his attitude. He can speak for his own side so far as the majority of the committee are concerned. He may deal with them; they may deal with him; but I say here that when he assumes that these amendments are in accord with the views of the minority of the committee, never called together, never considered, never passed upon, he transcends the legitimate duty of a chairman of a great committee of this body, a committee connected with the fundamental rights of members, the very organization of the body.

Mr. SHERMAN. I wish to make a suggestion merely to promote the convenience of Senators and my own as well. It seems to me it would be a great deal better for us to have the amendment now to be offered to the last print of the bill, which I have before me, the print of December 10. The Senate proposition is printed in italics and the House proposition, as a matter of course, in the usual form, stricken through. I am told by the Secretary it would be more convenient for him to keep current amendments and keep the business in order in regular routine to do that, rather than to take the original bill as presented. This is a substitute as now offered by the committee as I understand, and that would be much more convenient to the Secretary, and much more convenient to me, and I presume to every Senator.

Mr. VEST. What print has the Senator?

Mr. SHERMAN. The print of December 10.

Mr. GORMAN. I should like to say to the Senator from Ohio that the chairman of the committee has had so many prints of the bill and it is so mixed up that it would be impossible for us to follow the print of December 10. The amendments that have been heretofore offered have been offered to one of the previous prints, and there the sections and lines are referred to.

Mr. SHERMAN. You could very easily change them.

Mr. GORMAN. No, it is impossible to follow it. To show the Senator how impossible it would be to consider, at this moment, the amendments offered by the Senator from Massachusetts, if we desired to do that, I take the copy of his amendments that I find on my desk. They were offered by the Senator from Massachusetts and ordered printed to-day. His first amendment is to section 26, line 6, page 118, strike out "the" where it first occurs and insert "a." If you refer to the print which the Senator now moves, that of December 10, it is not found on that page.

Mr. HOAR. My amendments are all offered to the old print.

Mr. GORMAN. That is what I supposed, and yet I find the same difficulty the Senator from Ohio has, as we have on our desks nothing but the December print.

Mr. SHERMAN. But the Secretary can very easily in advance of the amendments transpose them to the new print. I have no desire to interfere in the matter at all except to do what is most comely and convenient.

Mr. GORMAN. But I would remind the Senator from Ohio that these amendments of the Senator from Massachusetts were laid on our desks to-day, and with them the print of the bill of December 10. I have been trying for two hours to find out what the Senator's amendments mean and where they are to come in, and I have not succeeded yet.

Mr. VEST. Let me call attention in a moment to another fact. I sent to the document room and obtained all these amendments, with the exception, I believe, of those offered by the chairman of the committee. All the amendments are offered to the print of December 10, which we ordered for the use of the Senate, and to avoid the very difficulty that is now presented. I have offered here a number of amendments, and I took as a matter of course the last print which we had for that purpose. The result of this business is inextricable confusion; we must take the old bill for one set of amendments and the new bill for another set.

Mr. SHERMAN. That is precisely what I suggested.

Mr. REAGAN. Confirmatory of the trouble which has arisen——

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. SHERMAN. I say the proposition of the Senator from Missouri is precisely what I suggested. I went to the Chief Clerk. He can not speak for himself, and I speak for him. He says he can very easily transfer the amendments offered to the original bill, and the Senator from Massachusetts says he can readily transfer them to the new bill.

Mr. HOAR. I have them all in both forms.

Mr. SHERMAN. The Senator from Massachusetts has them in both forms. I do not care which plan is adopted. I do not want to waste time on immaterial matters, because we might as well take one print as the other. I do not care which is taken; but the last print, as the Senator from Missouri says, is the proper one. Let the amendments as they are offered apply to the last print, and the Secretary says he can readily find out to what lines and pages, etc., the amendments would come in the last print of the bill.

Mr. CULLOM. As the amendments are taken up?

Mr. SHERMAN. As they are taken up.

Mr. REAGAN. I have given notice that I propose to offer twenty-seven amendments to the bill, and the text which I propose to amend is this which contains the print of both bills, printed December 6. I do not know how many prints there are, but that was the one that seemed generally in use and discussed at the time.

Mr. HARRIS. Is it the print of December 6 or December 7?

Mr. REAGAN. It is marked here "Printed December 6."

Mr. CULLOM. The print of December 10 is the right one.

Mr. REAGAN. I do not know how it is. This is a different print. It is the print of December 6.

Mr. BUTLER. I find myself in the same state of confusion that seems to have involved everybody. The amendments that I had the honor to offer—one is dated December 4, 1890, the one now under consideration is dated December 9, 1890—are to a print of the bill which I had on my table and the only print that I had at that time. Those amendments apply to a certain part of the bill which as far as I can see on the back of it is dated August 7. So the amendments which I had the honor to offer it seems apply to the right bill. I do not see how we are going to get along in that state of affairs.

Mr. HARRIS. I understand that the official copy at the Clerk's desk is of date August 7, 1890.

Mr. BUTLER. That is the bill to which my amendments were offered.

Mr. HARRIS. That is as I understand it.

Mr. GORMAN. Let the Chair decide that. Let us have a decision from the Chair.

Mr. HARRIS. Very well; let the Chair decide it. I ask the Chair what is the print of the official copy at the Clerk's desk?

The PRESIDING OFFICER. The Chair is informed that it is the print of August 7.

Mr. HARRIS. The last print is the print of December 10, 1890, I understand. I remember that at my suggestion the print of December 10, 1890, was laid upon the desk, as the print of August 7, I was informed, was exhausted in the document room and copies could not be procured. I remember to have asked that the print of December 10 be kept at the Clerk's desk for the purpose of reference, so that as amendments were offered to either the Clerk could with very little difficulty turn to the one or the other and find the part of the bill proposed to be amended. But that would consume time and probably produce some confusion.

Mr. GORMAN. I should like to ask my friend from Tennessee if that course were pursued would not we on this side who have never had an opportunity to examine it be put to a disadvantage? For instance, take the amendments offered by the Senator from Massachusetts. He has an amendment to section 26, line 6, page 118, and there is no such word on that line and page in this print, and those of us in the minority would not have an opportunity to know where the amendment was or to know what was proposed to be changed except as read by the Clerk. We would have no opportunity to follow him.

Mr. HARRIS. Of course the different prints being differently paged produces necessarily confusion. I do not see what we are to do unless the Clerks keep a copy of both bills on the table for the purpose of reference and that we decide to make an official copy of the one print or the other and have a sufficient number of that print for every Senator to be furnished with a copy.

Mr. BUTLER. The trouble about the position of the Senator from Tennessee seems to be this——

Mr. HARRIS. I have taken no position. I am just suggesting the situation and asking what the remedy is.

Mr. BUTLER. Well, the Senator suggests that the Secretary may take two copies and refer first to one and then to the other, and apply the amendments to whichever one he sees fit, I understand. But as the Senator from Maryland has suggested, those of us in the minority have not that opportunity. I do not know now to which one of these prints the amendments proposed by the Senator from Massachusetts apply, and I can not tell. I have what I supposed was the official copy of August 7, and to that print I proposed my amendments. Subsequently another print of the bill was ordered by the Senate on December 10, and it seems certain amendments apply to that.

Mr. HOAR. That is the same thing.

Mr. BUTLER. But it can not be the same thing. It has different pages, and different paragraphs, and different lines.

Mr. HOAR. Will the Senator pardon me and let me state the fact?

Mr. BUTLER. Certainly.

Mr. HOAR. The print of August 7 is the official copy of the bill, treated as such at the Clerk's desk. The print of December 10, I am informed, is simply a reprint of that, *verbatim et literatim*. There is no change in it whatever, and so far as I am aware all the amendments—will the Senator from South Carolina do me the honor to hear my statement?

Mr. BUTLER. If the Senator will just permit me to interrupt him now, I think he will be spared the necessity of making an additional statement in that line. One of the amendments that I offered comes in on page 104, after line 107, in the print of August 7. I find page 104 relates to an entirely different matter in the reprint.

Mr. HOAR. What reprint is that?

Mr. BUTLER. It is the reprint of December 10.

Mr. HARRIS. The paging is wholly different. They do not correspond at all.

The PRESIDING OFFICER. The Chair will call the attention of the Senator from Massachusetts to the fact that the print of December 10 is printed in parallel columns. That changes the pages.

Mr. BUTLER. Of course.

Mr. HOAR. I was informed at the Clerk's desk (perhaps I am in error about the date) that the print of August 7 is the official copy, and, so far as I am aware, every amendment which has been offered has been made with reference to that print. The amendments I offered, and the Senator from South Carolina says those offered by him are to the print of August 7. Then subsequently the Senate ordered the bill to be printed in parallel columns with the House bill. That print is in existence, but it was not intended by the Senate to make that an official copy of the bill.

Now, I should like to have the Chair also inquire of the Clerk if there has not been a reprint of the August 7 bill, *verbatim et literatim*, paging and all.

The PRESIDING OFFICER. There has been none.

Mr. HOAR. Very well. Then all that we need to do is to stand on our August 7 print, which is the regular copy, as everybody has treated it on both sides of the Chamber.

Mr. REAGAN. All the amendments are not to the print of August 7. When the bill in parallel columns was printed that was taken up for discussion, and in preparing the amendments which I offered I made some inquiry, but was advised that that was the bill to amend. I did not know that the one of August 7 was treated as the official copy for amendments. Therefore I have prepared all my amendments, twenty-seven in number, for the print of December 6, and its paging is different from that of August 7, and I understand that the print of August 7, which I do not have before me, is different from the print in parallel columns.

Mr. HOAR. The sections and lines are the same.

Mr. REAGAN. Now, if the Senator from Massachusetts will allow me to make a suggestion——

Mr. HOAR. If the Senator will allow me, the sections and lines are the same in all the bills.

Mr. DANIEL. The paging is different.

Mr. REAGAN. I was going to make a suggestion. As we are in no haste and time is plenty before us, I suggest to the Senator from Massachusetts that we let this matter go over until Monday and print a copy of the bill and give time to put our amendments to it, so that we may know what we are doing.

Mr. PASCO. I assume that the edition of August 7 is the small edition. Am I correct?

Mr. GORMAN. No; that is still another print.

Mr. PASCO. I have taken the amendments of the Senator from Massachusetts and looked at the bill patiently, and have tried to locate them somewhere. I took the edition of August 7. I take up one of these amendments at random. It says page 82. There are but

seventy-two pages in this edition. I turn to the edition of December 6, and page 82 is a blank page; there is nothing upon it. I have spent a good deal of time in trying to locate the amendments of the Senator from Massachusetts for some days and have been unable to find them by means of any edition placed on my desk. I take this one at random. Here is a blank page 82 in one edition and the other edition has but seventy-two pages. Under these circumstances I say that it is impossible, perhaps, to make any satisfactory progress unless some official edition of the bill shall be printed that will correspond with somebody's notation. Certainly this does not correspond with that of the Senator from Massachusetts.

Mr. ALLISON. I ask the Chair to inform the Senate what print is now under consideration on the Clerk's desk?

Mr. BUTLER. There are three of them, I think, Mr. President.

Mr. ALLISON. There surely can be but one print there.

The PRESIDING OFFICER. The print of August 7 is on the table.

Mr. ALLISON. I suggest that that is the only print to which amendments can be offered, and if Senators have offered amendments having other prints before them when they were prepared, they should so adjust those amendments as to enable the clerks to take the print of August 7, if that be the one, and make all the amendments in accordance with that print. Otherwise we shall get into confusion, no matter how many prints of the bill we have.

Mr. KENNA. Will the Senator allow me to inform him that I sent to the desk only a moment ago for a copy of that print and I was informed that it is exhausted and there are none to be had? What are we to do in the effort to modify our amendments so as to adapt them to that print if the clerk is the only human being in America who has a copy?

Mr. HOAR. It is on your file at your desk.

Mr. KENNA. It is not on my file, and not on the desk, and not in the document room.

Mr. ALLISON. I regret exceedingly to hear that situation.

Mr. KENNA. I can not get hold of one; I do not know where to get it.

Mr. ALLISON. I have a copy which I will furnish the Senator.

Mr. KENNA. If the Senator will be equally as accommodating to all members on this side of the Chamber, that will satisfy our want.

Mr. ALLISON. I have but one copy; I will be glad to furnish that to the Senator. I was not aware that this particular print could not be procured, but at the same time, no matter how many times we print the bill, we must, when we consider it, act upon the original bill as sent to us from the House of Representatives and the original bill as proposed by the Senate Committee on Privileges and Elections. Otherwise the records never can be made up in any condition so as to know what the result of the deliberations may be.

Mr. HARRIS. I suggest to the Senator from Iowa that within the last ten minutes I have sent to the document room and they sent me the last copy, the official copy, to be kept in that room, with the information that it was the official copy and the only one that was obtainable there.

Mr. BUTLER. What is the date of that?

Mr. HARRIS. August 7. Some two or three weeks ago, when we ordered the print of December 10, the former print of August 7, I understood, was exhausted. I have the print of August 7 and I have the print of December 10, but I quite agree with the Senator from Iowa that the print of August 7 is the official print. It is the bill that we are to deal with; and, having so agreed, I beg to suggest that it is impossible for Senators to proceed intelligently without a copy of that print upon their desks before them. I think that some member should move for the reprint of the print of August 7.

Mr. MORGAN. I ask the Senator, as he is a very much better parliamentarian than I am, or perhaps than most of us, what is the effect of this indorsement on the back of the print of December 10?

Ordered to be reprinted in parallel pages for the use of the Senate.

What is the effect of that order?

Mr. GORMAN. Nothing.

Mr. HARRIS. I do not think it changes the official print that lies on the Clerk's desk or was intended to change it. For the convenience of Senators it was printed in parallel columns, so that open where you will you will have the House bill before you on a subject and the Senate substitute reported on the same subject.

Mr. MORGAN. But the order indorsed on this bill does not happen to be an order "for the convenience of the Senate;" it is "for the use of the Senate." That is the order on the bill. It is therefore a bill reprinted for the use of the Senate in parallel columns. On the left-hand page is found—I mean the bill of the House—is found in italics the proposed amendment of the Senate committee. Now, when that is reprinted for the use of the Senate it seems to me (and I have always so considered it) that that was an order that would cause a new paging of the bill. Of course it would not alter the sections either in the House bill or in the Senate bill, but it would alter the paging of the bill, and that, while it is for the convenience of the Senate, is also for the use of the Senate; and I understood that bill was to become thenceforth the bill upon which we would act.

Mr. RANSOM. That never was agreed to.

Mr. MORGAN. The Senator from North Carolina says that never was agreed to.

Mr. RANSOM. No, Mr. President, if the Senator from Alabama will allow me, as he very properly calls upon me in relation to what I said to him in my seat. That copy was not agreed to be the official bill. A debate very similar to this—identical, as the Senator from Iowa, in a side remark, says—a debate very similar to the one we are now having took place here about a month ago in reference to the print of the bill.

If I am wrong the clerks will remind the Chair. There was a difference, and a discussion almost in the very terms that we are now speaking as to the confusion in reference to the different pages occurred in the Senate. That difference was not determined; it was not settled. The Senate took no order in the matter. The Senator from Massachusetts, according to my recollection, had a reprint of the bill in parallel columns, but there is no order of the Senate adopting that as the official copy for the Senate.

Mr. MORGAN. That was done on the motion of the Senator from Iowa.

Mr. ALLISON. Now, if the Senator will yield to me a moment——

Mr. MORGAN. Yes, I will.

Mr. ALLISON. I can see no reason for any confusion here. As I understand it, the print alluded to by the Senator from Alabama is the print of December 10, which was not an official print in the sense that it should be used at the Clerk's desk, but was a print for the convenience of Senators, so that they might compare at a single glance of the eye the House provision and the corresponding Senate provision. I am told by the Senator from Massachusetts, and in looking hastily over the bill I think it must be true, that the print of the 10th of December is substantially the print of the 7th of August, except the paging, so that any Senator offering an amendment either to the substitute or the original bill, will offer the amendment on line so and so, and section so and so.

Mr. MORGAN. And page so and so.

Mr. SHERMAN. The sections are all the same.

Mr. ALLISON. The sections are all the same, so that page so and so might be omitted. That might create a little confusion in a Senator's mind, but it can create no confusion at the Clerk's desk. So I say Senators who have been misled by the print of December 10 can make their amendments and the clerks can easily adjust them to the only print that can be considered at that desk, whether we print the bill once, twice, or five hundred times.

Mr. MANDERSON. Mr. President——

Mr. MORGAN. I have had the floor so little in this debate that I trust I shall be allowed to proceed.

The PRESIDING OFFICER. The Senator from Alabama is entitled to the floor.

Mr. MANDERSON. I beg the Senator's pardon; I did not know that he claimed the floor.

Mr. MORGAN. The Senator from Ohio [Mr. SHERMAN] kept me off the floor two or three mornings. I thought it was a very great unkindness on his part. He did not mean anything by it, but it was a little bit hard to cut me off, particularly when I was explaining, or trying to explain, to the Senate the very trouble we are now in. I tried to get the floor and to get it in the morning hour. I wanted to get out of the way of everybody else, so that if I could possibly inform the headlong Senator from Massachusetts, who seems to be acting here with a sort of triple-expansion-engine power——

Mr. HOAR. Headlong or long-headed, which?

Mr. MORGAN. I might get him cooled down enough to look at his own bill and see what he has now seen, seventeen great broad troublesome difficulties in it, and bring in seventeen thorns that he wants extracted from this bolus that he is obliged to swallow as it is unless he can get us to take them out.

Now, the Senator from Massachusetts does not at this very moment understand this bill. That is not saying anything to his discredit, for I suppose the Senator does not understand Sanskrit and that is not to his discredit.

Mr. HOAR. I do not understand the Senator from Alabama, and that is not to my discredit. [Laughter.]

Mr. MORGAN. I am satisfied the Senator does not understand the Senator from Alabama and he will not understand me. If I could get the headlong Senator to wait a moment and reflect I could get him to understand me, but he is borne on by his zeal to rush this bill through against all opposition, not from this poor minority here, but from the people of the United States at large of all parties and all sects and all qualities and all conditions except a very few—if I could get him to pause and contemplate the great opposition and pressure that is brought against this bill from everywhere, I think he would look at it a little more quietly, a little more coolly, and he would undertake to see and would find out that he really does not understand the bill. That is the trouble with the Senator from Massachusetts.

Mr. President, this is very far from being a jest. I have employed what little of diligence I possess, patience, close inquiry, and what little knowledge of the laws I possess, to try to find out what is in this bill, and I have not been able to do it. The Senator from Massachusetts

has had various opportunities to explain it. He has spoken twice at length upon it. He has not yet explained it; and there are things in this bill that are perfectly inscrutable in the way it is presented to the Senate.

There is no man who can rise on this floor and offer an intelligent amendment to some six or seven sections of this bill, because he does not know what he is amending. He has first to organize himself into a court and pass judgment upon the meaning of words and phrases which are in conflict with each other, in contrariety, in repugnance to each other, and after he has come to a final decree in his own mind as to what he thinks is probably a fair judgment on the meaning of certain words, then he proposes to amend it. The Senator from Massachusetts would rise and say it does not mean that. Well, what does it mean? I contend that it means thus and so, and we shall have to leave that to a court.

Mr. President, you can not amend a mere imagination, or a conjecture, or an unformed or unpronounced judgment resting in the mind of a judge before whom a case is to be argued. When you want to amend a judgment or record of any kind you must put some fact into it that is tangible, something that you can get hold of, and see exactly how it changes the record. You can not do that on this bill the way it is; it is impossible. That will be demonstrated as we go along. I have besought the Senator from Massachusetts, but he would not hear me, that he would take this bill back into his committee room and look it over again and inform us what it really does mean.

Now we have got it here with all of that confusion, and the original report of the committee worse confounded by the fact that there are some three or four different prints of this bill, and they are under indorsements of this kind: "Ordered to be printed in parallel columns for the use of the Senate;" "Ordered to be printed for the use of the Senate." That is to say, the Senate ordered that the bill shall be printed in a certain form, not perhaps in the original form as to the paging and as to the collocation and arrangement of the text, but in a new form. Each one, as I understood it, was to be the bill upon which the Senators were to act, which they were to discuss, and in respect to which they were to offer amendments.

Now, the Senator from Massachusetts comes in here with a broadside of seventeen amendments this evening, all fired in at one time. It is tolerably late in this debate, I think, for the honorable Senator to make these amendments to his amendment; it is a mere confession of error, that is all. They are not to improve the bill, according to his own theory of it, as he says here to-night, but they are to try to accommodate it to the objections that have been urged against it on this side of the Chamber and make it as far as possible the bill of this side of the Chamber, not the bill of the Senator from Massachusetts or that side of the Chamber.

When we come to commence at the fountain source and run through this matter down to this evening it is a curious medley. It is a curious presentation of legislative effort. The other House sent over a bill here which was stricken out, every line and every section in it, except the enacting clause. Then the Senate, through its Committee on Privileges and Elections, brought in a substitute for every word in it. That substitute differs entirely, as I have had occasion to remark in the Senate heretofore, in the avowed purposes of the legislation.

The bill as it came from the other House was a bill to amend the existing law. The bill, as it is now before the Senate, is a bill to supplement a part of the existing law, to repeal a part of the existing law, to modify a part of the existing law, to incorporate by reference into this bill a part of the existing law, and leave another part out, and the part thus incorporated and the part that is omitted according to section 31 of the bill, if I have the numbers correctly, is a matter that is left to the imagination, or conjecture, or judgment, or whatever else you please to call it, of the Senator who happens to be discussing the matter, and after we have passed it there will be two opinions about almost every clause in five or six sections of this bill as to what we have enacted. That ought not to be in a measure of this kind.

Mr. President, the thing to do with this bill, that ought to have been done with it from the beginning, is to recommit it to the committee and ask them to bring in an intelligible report. I have tried all I could to exonerate the honorable Senator from Massachusetts, who is a great lawyer, from the responsibility of this matter, and I supposed I had found a clear door of escape for him when I suggested that Hon. John I. Davenport had drawn this bill, and the Senator with some degree of indignation, I think, called me, I do not recollect what epithet it was, an ignoramus I think; and yet I have got Davenport's deposition here, sworn to, in which he said he drew the original. He has sworn to that, and after he drew the original law which the Senator from Massachusetts has been compelled to allow to stand on the statute book to a large extent, and to modify only by raising shadows upon one part of it and lights upon another, without any distinct alterations of text, I do not think he ought to disclaim the honorable part that Mr. Davenport has had in introducing this confusion.

As the Senator will see when he comes to investigate it a little more carefully, the great drift of the bill is twofold. There are two great purposes in it. One is to have a United States returning board for members of Congress and the other is to improve John I. Davenport's prospects for getting higher fees, and getting them so that no officer of the Government can possibly avoid paying him; to get a conclusive and final judgment here, a standing order in favor of Mr. Davenport to have his fees largely increased, and yet, God knows, they are big enough to begin with.

Those are the two leading features in the bill, and the Senator from Massachusetts in his zeal to have a national returning board for members of Congress instead of the State officers, who have always made the returns to Congress, has overlooked the drift of his coadjutor in the preparation of this great measure. In Davenport's anxiety to get his fee bill secure, he looking with his face in one direction, and the honorable Senator from Massachusetts, in his anxiety to have a national returning board to supplant and destroy the States entirely in their power of certifying their members of Congress, looking in another, as a matter of course they have pulled apart from each other, and it has produced inextricable confusion.

Mr. Davenport is evidently loath to give up any of his powers under this bill that existed in the law heretofore. He wanted them all retained as they existed, and improved as far as he could get them, so as to put a little more despotic control of elections into the hands of the chief supervisors, he being the chief of all the supervisors and of this machine which is now being set up to be run by the Republican party in the United States—the chief patentee and inventor, the chief controller and engineer, the chief director, and the man who furnishes the chief motive power, provided always we will give him fuel enough in the way of contracts from the Treasury of the United States to keep him running.

Now, it is not to be wondered at at all that a bill thus circumstanced should have a contrariety and a repugnance in its provisions and great confusion and uncertainty. The Senator from Massachusetts in his eager zeal to get his returning board has not paid enough attention to Davenport; he has allowed Davenport to run off with the wagon while he was looking in a different direction, and hence it is we have this confusion in the bill.

Now, let me call the attention of the Senate to the bill for just a moment, or perhaps for a little longer.

I have a print of the bill here, and it is the parallel bill; I will turn back and look over it. I get lost in these bills every time I start to find out anything in them. The Senate will have to be a little patient, because I confess it is really a matter of the greatest difficulty in the world to find anything in the bill that you want to find. As the Senator from Ohio [Mr. SHERMAN] is not in the Chamber and I can proceed, I have no doubt, without any interruption on his part on the parliamentary question that has been concerning himself and myself several days here, I will venture to call the attention of the Senate to section 31 of this bill and then afterwards to section 32.

SEC. 31. Sections 643, 645, 2017 to 2024, both inclusive, and sections 1982 to 1987, both inclusive, and sections 2027, and 5511 to 5517, both inclusive, and sections 5521 to 5523, both inclusive, of the Revised Statutes of the United States are each and every of them hereby made a part of this act.

Now, that is a very curious specimen of legislation. They take the sections in the Revised Statutes that are over seventeen years old, and by this sort of reference make each and every one of them a part of this proposed act. But still, while that would leave some doubt about what was left in the Revised Statutes, perhaps it would leave no doubt about what was found in the act. After you have extracted from the chapter and title which are here referred to on the subject of elections all of these sections, amounting, I think, to nineteen or twenty-one, from the Revised Statutes and put them into this proposed act and made them a part of it by this declaration, what remains in the Revised Statutes? All the remainder?

If all the remainder remain in the Revised Statutes untouched and unrepealed and unaffected what was the use of taking out these twenty-one sections—I think it is twenty-one sections—and putting them into this proposed act? Why could they not remain in the Revised Statutes as they were before? Then it is not necessary for this measure to re-enact something that is in the Revised Statutes. They are not obsolete or anything of that kind. But you, after you get them thus transferred and incorporated into this proposed act—then section 31 proceeds as follows:

and their provisions are made to refer and apply to this act.

I submit to any lawyer who ever drew a statute that there could scarcely be a greater absurdity than that, to take twenty-one sections out of the Revised Statutes, make them a part of this act, and then enact that each of those sections is made to refer and apply to this act. That is to say, you take a section out of a statute seventeen years old and you make it to apply to this act. How apply? In what does it apply?

with like force and effect as if this act were specifically mentioned or referred to therein—

Now, that is a curious state of legislative expression. They must apply with like force and effect as if this act which we are now discussing was "specifically mentioned or referred to therein." Now comes the climax of this language:

Save as such sections are in terms changed or modified by the provisions of this act.

They are all incorporated, "save as such sections are in terms changed or modified by the provisions of this act." Suppose they were repugnant to each other to a degree not absolutely, not positively, not through and through so as to have the earlier enactment repealed by the later, but they are only changed or modified, what is the effect of the change or modification? You must look through the terms of this act, take those terms and the law and apply them to the twenty-one sections that are herein incorporated, and after you have done that you have got to determine how far the terms of this act now passing change and modify that which you get into this proposed law.

Now, I respectfully submit to the honorable Senator from Massachusetts that he may take a year longer with his able pen and he can not possibly write one of these statutes in the manner in which it is required to be done in the mind of the man who reads it and in the mind of the judge who has to enforce it.

The other day, for the purpose of illustrating this, I brought into the record here the statute in regard to the bribery of officers of election as it exists in the Revised Code. That is one of the statutes that are translated into this proposed act.

In addition to that, this proposed act has an express, broad, general, comprehensive, almost universal declaration of the criminality of bribery at elections in regard to officers and voters and everybody else, and it affixes a different penalty from that that is found in the Revised Statutes, a different term of imprisonment, a different amount of fine; and yet that statute, with that difference in the punishment and in the amount of the fine, is brought bodily into this proposed statute, and the two are printed here side by side. Two statutes in the same act are printed side by side, both punishing the crime of bribery. That is only one, though. There are a number of cases of that kind, one different from the other in its language, in the penalties, and all about it.

Now, suppose that the honorable Senator from Massachusetts had written out in this bill what he proposes to bring into it by reference to the figures or the enumeration of the sections. Suppose he had written out two sections for the punishment of bribery, one punishing a man not exceeding $5,000, the other punishing him not exceeding $2,000, one imprisoning him not exceeding three years, the other imprisoning him not exceeding two years. They are both written out in this paper here. Would he expect that the Senate would pass both of those laws upon the subject of bribery? Could anybody expect the Senate to stultify itself by putting in the same act two definitions of bribery applicable to the same people and for the same offense exactly, with differing punishments in the two sections, and pass both?

Mr. HOAR. It is the commonest thing in the world in criminal legislation, as far as I know.

Mr. MORGAN. Well, Mr. President, if it is true, I have had an uncommonly bad observation of the statutes, for I never saw anything of that kind in a statute in my life. Here is a library full of books; this debate is likely to run on at least to-morrow until sunrise; the Senator from Massachusetts is a great and learned lawyer; and I challenge him on the floor of the Senate at this moment to produce one case of the kind in the world. He can not do it. Now, that is a bold speech for me to make, but still the Senator will have to produce it.

Mr. HOAR. I can do it from memory without looking into books.

Mr. MORGAN. No, sir; we will not take your memory about it; we will have the statute. If it is the commonest thing in the world the Senator from Massachusetts can go in the dark in the library down here if he wants to find a book that contains it. If he remembers it surely he can find it. If he can cite now a copy of the statutes in the world or in the United States that contains any such provision I should be very happy to have him do it. He can not do it. It does not exist, it never did exist.

No legislative body in the world has ever yet stultified itself by putting in two different sections the same crime exactly in the same act, punishing them with different punishments, where it is a statutory offense or even where it is a common-law offense. It is not done. The differing circumstances of the commission may make the lighter penalty due in one case rather than in the other, but where the language is the same, the fine is the same, and the offender the same; and you have got two sections of the statutes here that contain the same offense. You can not find it in the world, and it never was in the mind of anybody, unless it found its way into the mind of John I. Davenport.

That is only one of the difficulties. There are twenty-one of them. There are twenty-one sections which are brought in here, which are more or less modified by the terms of this proposed act. Nearly the whole body of the election laws of the United States is incorporated, translated bodily by this provision I have just read into this act with as much care and with as much certainty, this thirty-first section says, as if it was absolutely written in the very body of the law that we are now enacting.

So in each of these twenty-one sections we have a twin differing from it only in some slight complexion of the eye, or curl of the nose, or the lip, or perhaps the color of the hair, or weight of the two, and we have forty-two of these instead of twenty-one to deal with; and that is the situation; that is what this honorable Committee on Privileges and Elections has set us down to at this "feast of reason," to say nothing about the "flow of soul" that is in it.

I have been trying for days and days to get this subject to the attention of this body. I could not succeed in doing it. I do not think I am doing it now; but I shall get it to the attention of the lawyers of this country. They will see it, the judges will see it; and when you have this act finished up here, if it is finished up in the style in which it has been reported from this committee, there is not a court in the United States that can execute it.

I have had some regret in being compelled to bring this subject to the attention of the Senate, because I should have preferred to remain until the courts took into judgment this business and had read forty-two sections of law instead of twenty-one, differing from each other only in the respect herein described. The statute stands, but where you find another statute embodied in this act which in terms changes or modifies the provisions of the Revised Statutes which you translate into it then you can go to work and cogitate what it means. You have then got a case for the courts to begin with, and your offenders will run through it as minnows will run through a shad seine, and you will never catch one of them.

I do not know whether the Senator from Massachusetts wants to catch them or not. He has the reputation of being a very merciful and charitable gentleman, and he may find a way of letting somebody through these meshes without punishment; but if you have got forty-two sections of a law here, where there are only twenty-one that describe the offenses in terms in this bill, and the description of the other offenses and other powers is to be derived from the Revised Statutes so far as they are modified or changed by this act, and in no other respect, Mr. President, you have got a task before you that will defy the ingenuities and the powers of the lawyers of this country to get through it. They can not do it.

Then we come to a certain section repealing certain statutes here:

SEC. 32. Sections 2011, 2012, 2013, 2014, 2015, 2016, 2025, 2026, 2028, 2029, and 2031 of Title XXVI of the Revised Statutes, "The elective franchise," are each and every of them repealed so far as future election at which Representatives or Delegates in Congress are to be voted for, but the repeal by this act of any specified section or part of a section of the Revised Statutes shall in no wise affect any officer or any individual, any complaint or indictment, or any trial which may be had, any right of any accused person, any verdict, sentence, or appeal therefrom, or any matter whatsoever where the right or wrong of any action taken, any duty performed, any complaint made, any indictment found, any trial had, any verdict rendered, any sentence imposed, or any appeal therefrom which has been or may be taken, or any fee, account, or compensation of any officer provided for under any of said sections.

There is where Mr. Davenport comes in. We repeal these sections because they are supposed to be repugnant to some provisions we are putting into this proposed law, or else they are useless in some way or other. We take this statute of seventeen years standing and we repeal all the list of sections in it which I have just read, but we put in a saving and excepting clause, which winds up with the proposition that the officers of the United States who have heretofore had any concern in the control of elections shall be saved and preserved in all their rights and claims and demands, notwithstanding the repeal of these statutes, and that the Government of the United States shall pay them all of those demands without hesitation or question.

In other words, the object of this saving clause in this statute, after it is to keep in the penitentiaries some persons who probably are there now, or to keep alive fines, forfeitures, and penalties which, perhaps, have already found their way into the judgments of the courts, and after they get through with that little matter concerning the public welfare and the proper and just administration of the criminal laws of the land, this section moves out into a new and extraordinary and wonderful provision in favor of saving the fees of Mr. Davenport. He comes in with his sickle and reaps a harvest out of that section by the retaining of this part of this repealing law in full force and effect until he can make his draw out of the Treasury.

At the time this bill was framed in the other House his accounts had not been paid. They were *sub judice;* they were being investigated down here at the Department. When I take the floor on this bill, as I do not propose to do to-night, I will proceed to show something about what his fees are; but now I am arguing upon the provision which he and the Senator from Massachusetts have made, so that there shall be no possible chance for him to lose one stiver of these accounts in consequence of any change in this law which might be supposed to be necessary for the promotion of the welfare of 62,000,000 of people.

There is more of John Davenport in that amendment than there is of all the balance of the 62,000,000 of people in the United States. There comes in his reward for his great services to the United States; and it is a wonderful exploit of legislation when ingrafting exceptions upon a repealing clause to get rid of certain sections of the Revised Statutes, which are supposed to be of no longer use, that two pages of a great bill like this should be devoted to the subject of the saving of scrap for Mr. Davenport.

Mr. President, we are not apt to lose sight of these things in the discussion of the bill, although, I grant you, they are very artistically covered up. I have been here all the time admonishing this Senate, and have asked it early enough to have this bill back here printed in proper form with such light upon it as the Committee on Privileges

and Elections could throw upon it. I have been at it long enough to try to get it back. I have tried faithfully and failed so far even as to call from the Senator from Massachusetts [Mr. HOAR] a response to what I have had to say about this thing, except the one he makes to-night that two sections can be found in the same act relating to the same subject and the same offense described in very nearly, if not exactly, the same terms, so nearly alike that a conviction under one would always bar a prosecution under the other. Two statutes, says the Senator, can be put into one bill, and it is a common and usual performance in legislation. That is all I have been able to get from him about that.

I insist, Mr. President—and my words will be proven by the first court that this bill ever goes before—that the twenty-one sections, if I have the number right, of the existing law found in the Revised Statutes, which are thus bodily translated into this bill by section 32 and re-enacted here, will be found to be such an embarrassment upon every matter to which those twenty-one sections relate as that no court can decide which are the operative statutes.

It is a solecism in legislation; it is one a court can not get around and can not get rid of, because where offenses themselves are purely statutory, as these offenses are all purely statutory, and where no such an offense can be found in the common law, as the courts of the United States have no common-law jurisdiction, but only statutory jurisdiction, in such cases where there are two sections in the same statute describing the same offense in different terms and with different penalties, that statute under an immutable principle of construction of statutes is a repugnant statute, and therefore it is void. That is all I want to say about this matter just at this time.

I am satisfied, Mr. President, that we can not get along with this bill as it is, and if Senators are in earnest about pressing it and feel that the demands of the people of the United States now and for all time to come require at their hands that they shall enact a body of law for the control of elections and for the punishment of men who infringe those laws, the Senate ought to take the subject into consideration in such a way as that when this law gets into form of enactment the courts, at least, can say that the twenty-one sections found in this law are not repugnant to twenty-one other sections, all of which are incorporated, for they are all incorporated just as much as if they were written out.

Mr. REAGAN. Mr. President, before the Senate proceeds with the disposition of the amendments to the bill under consideration, I desire to say a few words in reference to the position assumed yesterday by the distinguished senior Senator from New York [Mr. EVARTS].

I preface what I have to say by remarking that if we accept his hypothesis, if we accept his theory—he is able and he is a good logician—it would be difficult to answer his arguments. He made a very forcible and impressive argument in favor of law, of the paramount importance of obedience to the law, and of respect for the Constitution. He insisted that it was the duty of all good citizens to obey the Constitution and the laws. I mean this was the substance of his position. In discussing such a question with so great a lawyer as the Senator from New York one should be very sure of the ground he proposes to occupy.

I take it that that Senator has no greater desire to see the Constitution of the United States upheld and the laws of the land faithfully enforced than every other Senator on this side of the Chamber or on that. It is doubtless the conviction of that Senator that he is right in his assumption that he is serving the public in urging obedience to the law and in urging the passage of this bill. My objection to the bill is that it is itself a violation of the fundamental law of the land and that in urging its passage the appeal is made to the Senate of the United States to violate that very Constitution which we all have taken an oath to support. I know Senators will reply that the Constitution gives to Congress the power to regulate "the times, places, and manner of holding elections." Then it provides that—

> Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

That clause of the Constitution should be read together, and I propose to invite attention to it, though it has been so often referred to. It reads:

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

In any interpretation of this provision we see that primarily the power of the regulation of the times, places, and manner of holding elections is to be prescribed by the States. Then, when it is said in the same paragraph that "Congress may at any time by law make or alter such regulations," we must of necessity inquire how it came that the learned, the able, and the patriotic men who framed that clause of the Constitution put two provisions in that paragraph, seemingly in conflict with each other, for they are in conflict with each other, and I venture the statement, and I believe I have made it before, that there is no other provision of the Constitution of the United States of double and doubtful construction like this. If this question, therefore, were before a court for construction of this provision, the inquiry would be instituted, how came it that these conflicting provisions were inserted in the same clause of the Constitution?

If Senators would turn to the debates of the convention which formed that Constitution and to its journals they would find the reason why the two powers were placed as they are in that clause. It would there be seen that it was intended to give the States control over the elections primarily, and the debates would show further that the question arose as to whether the States might not decline to elect Senators and Representatives, and by such declination dissolve the Union or separate themselves from it, withdraw from its authority.

That thought was doubtless prompted by the historic fact that some of the States were very slow, very tardy in sending their Representatives to the Continental Congress, and the business on that account was retarded and the powers of Congress were interfered with to some extent by the neglect of the States to be promptly represented in that Congress. That being so, not looking to what might occur in the future, which has actually occurred and which is known to us now, but looking to the experience of the past, the Congress thought is best to make provision primarily that the States should control these elections, and secondarily, if the States failed to provide for the election of Senators and Representatives, the power should be conferred upon Congress to enable the Government to perpetuate itself.

That is the line of the argument which is presented in the debates in the convention. That is what the commentators on the Constitution of the United States give as the history of the insertion of that provision.

If that be accepted, I appeal to all fair-minded, all just-minded men who seek to give the Constitution a fair and reasonable interpretation, that they must concede we have no power and that Congress has no right to provide for the election of Representatives and Senators so long as the States make provision for their election, and they are in the service and in the discharge of their duties in the two Houses of Congress.

If they are there, that is all that the Constitution contemplates. It was to secure that end that that provision was alternatively inserted in the Constitution of the United States. So I repeat what I have said before, when the States have provided by law for the election of their Senators and Representatives and those Senators and Representatives are in the discharge of their duties in their places in Congress, Congress has no more right to usurp the powers of the States and attempt to discharge the duties of the States than if that provision had not been inserted in the Constitution at all.

Mr. President, I suppose, however, that it is not very useful to undertake to argue a question of constitutional right and propriety. It is hard to say that in the Senate of the United States, but the idea has become so prevalent that the war has revised the Constitution and substantially obliterated the rights of the States that we have two sets of opinions in this country upon that subject; but the Constitution stands as it did, except as to the amendments which have been ingrafted upon it. Its interpretation stands to-day as it did aforetime, except as it is qualified by the amendments to it which have been adopted. None of those amendments have taken away the tenth amendment of the Constitution, adopted a year or two after the Constitution itself was adopted, in which it was declared that—

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

When we go to the Constitution for this power, we find it in the clause which I have referred to, and upon a just interpretation, upon a reasonable interpretation, I insist that we are not authorized to provide for the election of Senators and Representatives to Congress when the States have made full and ample provisions for that purpose and when those Senators and those Representatives are in the discharge of their duties in the respective Houses.

Besides this, Mr. President, all persons must see that two systems of laws providing regulations for the same election must produce jarring, inconvenience, and confusion. I know it has been said by the Supreme Court that if there is a conflict the laws of the State must yield to those of the Union. I am not going to comment upon that decision of the Supreme Court to-night. It is not necessary in the line of argument which I have in view.

A very grave consideration follows. We can not too often recur to the fact that our system of free constitutional government rests upon two principles, the sovereignty of the people and their capacity for self-government. It is these which distinguish our system of government from the systems of monarchies which prevail in other parts of the world. Under those systems it is held that sovereignty resides in the governing power; whether it be king, emperor, or parliament, whatever the ruling power may be, the sovereignty resides there; that the people are subjects, that they must be governed by a power superior to themselves, because they are incapable of self-government; they must be governed by a power capable by repression, by coercion, of preserving peace and order in society and the rights of person and property to citizens.

In the formation of our Government the great experiment was entered upon of trusting the formation of the Government to the people themselves. To that end it was held that they were sovereign, that they were the government-making power, that they had intelligence enough to enable them to organize governments, to enact laws through the proper agencies, to interpret laws through the proper agencies, to administer laws and to enforce laws through the proper agencies; and for more than one hundred years of peace and war the people of these

United States have vindicated the justice and the wisdom of the men who assumed that they were sovereign, and that they had virtue and intelligence enough to organize and administer governments such as would preserve order and peace and the rights of person and of property.

Mr. President, in the face of that, Senators propose to enact a law which assumes the fact that the people of the States of this Union are no longer capable of self-government, for, if they are capable of self-government, they may proceed as they have heretofore proceeded by enacting all the laws necessary to the public welfare, and amongst those the laws which enable them to elect their Representatives and Senators.

Are we prepared to take that step? Are we prepared to say to the American people that the people of this great, grand Republic are no longer to be trusted with the rights of self-government? Are we to say that they have to be governed by agencies from without, by a power from without superior to themselves? If we say that, we abandon the foundation principles of our Government, we repudiate the capacity of the people for self-government, we deny their right of self-government, principles as sacred as liberty itself to all true Americans.

If we are to assume that the people are no longer capable of self-government, by whom are they to be governed? We have no royalty here yet, thank God; we have no legal aristocracy here yet, thank God. Though we have a strongly intrenched moneyed aristocracy, we have no hereditary governing class here as yet. Who, then, are they, of superior wisdom and of superior virtue, who are to rule the people of the several States, who are to enact laws for them, hold elections for them, because they are no longer qualified to enact laws and enforce them for the election of their Representatives in Congress? Where are they to come from?

They must be a portion of this very class of people who, by the theory of this bill, are held to be incapable of self-government. They must come from the States of this country. What, then, is to endow them with the superior wisdom and virtue as Federal officers which it is assumed they will not have as State officers? Whence comes this superior wisdom? How is it that a Federal law or a Federal commission is to make men wiser and to make them better than when they are invested with authority by the people themselves in the exercise of their own sovereign right? Are they to be more virtuous and more wise because they are selected by some one not responsible to the people? The whole theory seems to me to be not only absurd, but appalling to the friends of liberty and to the friends of constitutional government.

The difficulty which we encounter is that Senators, like the great Senator from New York [Mr. EVARTS] yesterday and like the distinguished Senator from Rhode Island [Mr. DIXON] to-night, assume that the American people is one great aggregation, to be operated upon by acts of Congress as if there were no Constitution, no States, no State boundaries, no State laws, no State rights. It is the assumption that the Congress is responsible for the morals, the habits, the individual conduct of citizens of the United States.

Why, sir, there are long lines of decisions made by the Supreme Court of the United States showing that the individual in the State is responsible to his State for the violation of the laws of his State, and that neither Congress nor the Federal courts can take jurisdiction of him, and yet we disregard all that and assume here, by the theory of this bill and by the arguments of distinguished Senators, that the American people is one great mass to be influenced and controlled by acts of Congress, and that Congress must take cognizance of the violation of morals and of law in the several States. That is the theory. The theory is one which has been exploded over and over again by the Supreme Court of the United States. It is one that is repugnant to our common sense of right and propriety. It is one that denies the right and capacity of the people to govern themselves.

Mr. President, many crimes are committed in all the States of this Union. Murder is committed, arson, robbery, all the crimes in the catalogue. Interference with the elective franchise, bribery, and corruption in elections occur in every State in this Union, and if the theory of this bill is right the States should be wiped out and Congress should provide for the punishment of those offenses, and yet Congress, I suppose, would hesitate to take that last step.

If Senators could get their consent to recognize the Constitution which they talk so much about, to recognize its limitations, to obey its commands, and if in doing this they could forget that they have political and party ends to accomplish by violating the Constitution, we should be in a very much safer condition than I feel the American people are to-night.

Political majorities may change, and if I do not mistake the character of the American people bills like this if enacted into law will produce one of those changes such as was produced on a similar subject ninety years ago. The Federalists, under the lead of the extreme consolidationists, chose to enact what is known in the history of our Government as the alien and sedition laws, interfering with the freedom of speech, interfering with the liberty of the citizen, and in instances denying him the right of trial by jury before whom his rights ought to be determined.

That act of attempting to overthrow our system which recognized the capacity of the people for self-government and their sovereignty caused the burial in the tomb of the Capulets of the party which enacted it, to be no more resurrected by the name of Federalist. Though that attempt to subordinate the liberties of the people to the purposes of power, consolidation, and usurpation overthrew that party, Senators at this day refuse to accept its warnings, to recognize its force, and now measures looking to consolidation and centralization of all power in the Federal Government have gone far beyond what Hamilton, the elder Adams, Knox, or any Federalist of that time ever dreamed of.

Why, sir, the very atmosphere is permeated with the ideas of consolidation and of centralization to such an extent that it is hardly considered respectable to appeal to the rights of the States and the liberty of the citizen as in contrast with the powers of the Federal Government. It may go that way, Mr. President; it may grow worse, but while I am spared to live, whether in public or in private life, I do not propose to abandon the great underlying principles of our Government, and hence to sacrifice the liberties of the American people and the rights of American States to promote the fortunes of any party, much less a party which has been so overwhelmingly and instinctively repudiated by the American people at a very recent day. But that warning voice seems not to be heard, and one listening to the debates in this body has his mind involuntarily turned to what Napoleon said of the Bourbons, that they never forgot and never learned anything.

Senators go on here arguing in the same set phrase that they did fifteen years ago, when the Republicans of New England were controlling this continent; when all the powers of the Government were subordinated to their fortunes; when they held absolute political power. Some of them—one venerable Senator whom we all respect, but whom I will not now name, evidently has no conception of the march of events, of a change of conviction, of the determination of the people to resume the control of their own government, to resume control of their own interests, to defy monopoly, to strike down class legislation, to resume again the government that will protect all alike and give special and exclusive privileges to none.

The people mean this, but Senators do not seem to understand it. It seems that they can not realize this fact. I notice another venerable Senator, whom I will not name, who knows enough of events now transpiring to irritate him when he sees the grip upon power falling away. Senators may as well understand that the star of empire is on its way westward, that no section of the country, that no half-dozen States are any longer to control the destinies of this great Republic. These forty-four States have now and are in the future to have a voice in its affairs, in the shaping of its legislation, in the direction of its policy, in procuring justice to the people, in striking down the power which has been oppressing them.

Mr. HOAR. Will the Senator allow me to ask him a question?

Mr. REAGAN. Yes, sir.

Mr. HOAR. The Senator has been in the minority in this country for twenty-five years. Did he abandon his political principles or any of them in consequence of that?

Mr. REAGAN. I do not know that I understand the Senator's question.

Mr. HOAR. The Senator has commented on the fact that certain Senators, as he says, do not heed the warning of a recent election. The question I put to him is this: He has been in a political minority in this country for twenty-five years. Did he change his political principles or any of them for that reason?

Mr. REAGAN. Well, I have not been in the minority for all of the twenty-five years. [Laughter.] I have never been the advocate or promoter of monopoly. I have never been the advocate or promoter of centralization. I have never been the advocate or promoter of injustice and oppression. I have advocated what I have understood to be the constitutional rules of right, and I have had no occasion to change my principles. I was trying to present the view that there were Senators upon this floor who have occasion to change their action and their principles if they mean to keep in line with the great march of American intelligence and independence.

When Senators in the name of law and in the name of our Constitution appeal to us to violate the Constitution, to trample upon the rights of the States, to deny the capacity of the people for self-government, and to deny the sovereignty of the people, ask us to assent that there is a sovereignty outside of and above them which must deal with them, it seems to me that we may well reply to them, before they upbraid us for a violation of the Constitution or a disregard of law, to take the beam out of their own eyes before they hunt for the mote in ours.

It is assumed that there have been violations of law in the suppression of the right of certain people to vote and a denial of the right to vote. It is unfortunately true that in one way or another, sometimes by force, sometimes by fraud, sometimes by bribery in every State in this Union, the elective franchise has been interfered with. It may be that there have been more disturbances on this subject in the Southern States than in other States.

If there have been, it is because the circumstances in which they are placed are different from the circumstances in which the people of the other States find themselves. It is because for political purposes the right of suffrage was conferred upon a people not capable, as a general rule, of exercising that right. That fact was known when the act was done. It was recognized by the great leaders of the Republican party. Mr. Morton and other distinguished Republicans assumed and declared

that the black people were incapable of intelligently exercising the elective franchise.

I refer not to our respected President of the Senate, but to the late Senator from Indiana. In a political exigency, in the face of law and knowledge, the great wrong was done of conferring the elective franchise upon a people the great mass of whom had no capacity for the intelligent exercise of that right, the great mass of whom did not know what the functions of public officers were and had no conception of the qualities necessary to enable persons to discharge the functions of those offices.

That being done, the people of the South who had thrust upon them a large mass of ignorant voters had the most serious and the most dangerous problem that ever fell upon a civilized and enlightened people to contend with, and they ought to have had the sympathy, the encouragement, and the support of their brethren elsewhere to solve that problem in the interests of civilization and of right. Instead of that, Mr. President, laws were passed which took from a very large class of the white people there even the right to vote. They could neither hold office nor vote.

At the same time military governments were erected and the writ of habeas corpus was struck down. Military orders were sufficient to authorize an arrest without warrant. Without a writ and without an assigned cause citizens were arrested and held indefinitely in prison. While this was going on, a set of men, such as may God protect the world from in any future time or place, followed the Army, and they with some revenue officers and military officers organized a system of what they called loyal leagues, a secret system in which the negroes were instructed that the white people were their enemies, in which the negroes were banded together in hostility to the whites and made to fear that the whites would re-enslave them, when all intelligent people knew that the day of their slavery had gone by.

They did everything they could to imbitter the feelings between the whites and the blacks, and they succeeded. At that time the white people had been overthrown in battle. Tens of thousands of their bravest and best men slept upon the field of honor where there was no waking. Society was broken up; the industrial system of the whole country was overturned; the means of the people had been exhausted in war; they were trampled under foot; they were disfranchised; they were denied the protection of the law, and the black people who lived amongst them were encouraged to distrust and to hate them.

Mr. President, it was a hard thing, and I have thought, and I think to-night, the most surprising of all the things connected with the events of that time was that a people so circumstanced, environed by such calamities, such powers, such danger, was able to preserve organized society, to reorganize their industries, to organize their governments, and to establish liberty again upon its old basis of obedience to the constitutions and laws of the States and of the United States.

I think, sir, that no part of the human race will ever be entitled to higher honors than that portion of the white race of the Southern States who, under such circumstances, restored society and government when it was supposed to be to the political interests of the dominant party in the country to force them to abandon their principles and join a new party or submit to despotism.

Why, sir, it is well known that there was no man of any respectability in that country during those days who could not have had an office if he would have sacrificed his manhood, surrendered his honor, and been willing to accept office and emoluments instead of preserving his manhood and vindicating the great character of an American citizen. We know that. That being put upon us, violence did arise, acts of violence were committed, and no doubt acts of fraud have been committed.

But, Mr. President, what I wish to say in connection with that is that year by year, as the blacks have learned, step by step, that the white people were not their enemies, but were their friends; as they have learned to unlearn the bad lessons that carpetbaggers taught them, race conflicts have subsided, conflicts of interest have subsided, conflicts of opinion have subsided, and year by year there has been less and less violence, until in the election last November, when members of Congress were to be elected, governors of States, members of State Legislatures, the elections were as quiet and as peaceable in the Southern States as they were elsewhere; and if you would let the people there alone we need not ask other help. I see the Senator from Wisconsin [Mr. SPOONER] smiles when I say "let them alone." Very well. "Nero fiddled when Rome burned."

If they would allow us to proceed it would be but a short time until what is called the "race problem," in my opinion, would settle itself. We have a great many doctrinaires who have been propounding theories for settling the race problem. The wisest theory upon that subject is for a man to attend to his own business and let the race problem alone. Let the people who have an interdependence upon each other, whites and blacks, cultivate that interdependence. The people there know, as well as the people elsewhere know, the necessity for obedience to law; they know there as well as elsewhere the necessity for preserving sound morals, a respect for the law, and authority of the courts and of the Constitution.

They are as anxious as people can be any where else that extraordinary exigencies such as never have attended the human race elsewhere—for such a problem never fell upon the human race elsewhere that I know of—should be justly solved. These exigencies caused attrition and trouble, but that is passing away year by year. Let us hope that this Government may be permitted to go on as it has in the past, that its people may be allowed to exercise the right which they have for more than a hundred years enjoyed here, that they may be trusted to carry on their State governments, and that they may not be held incapable of doing so.

Mr. President, suppose we do this, suppose we strike down the rights of the States, deny the sovereignty of the people, will we not have inflicted upon the whole American people a deadly wound, and upon the Constitution an evil infinitely greater than any local disturbance between whites and blacks or other kinds of people in any other part of the country? Is that to be overlooked? Are political exigencies to induce us to commit a greater crime than has ever been committed in local communities with reference to the right of suffrage by striking down the sovereignty of the States and of the people? It seems to me that we are in danger of committing the crime of crimes.

This Government is but a hundred years old, and yet it has come to be a recognized fact that money is controlling popular elections. It is alleged that members of Congress are elected by money. It is even insisted that a President has been elected by money. However this may be, the fact that money is recognized as an agency in elections by all political parties in this country is a palpable and it is a mournful fact. Rome held the name of a republic for three hundred years after liberty was dead and despotism was enthroned.

Rome reached the point where the government was put up for sale to the highest bidder. I trust we are not to have our hired legions to take charge of this Government through the instrumentality of money. If we would avoid that, we must respect the Constitution, we must prevent and punish the use of corrupting means in all elections everywhere, but not through acts of Congress. Leave the several States of this Union to do that, and they will do it. They have encountered troubles.

To-day, sir, in New Hampshire, in Nebraska, in Minnesota, in Colorado, in New Jersey, I believe, and in Connecticut, they are having political troubles. Are you going to pass a law of Congress to cure these troubles? I pray you, Mr. President, that that may not be done. Leave it to those people, and they will correct their own troubles. They will restore good and constitutional government in due time.

It seems to me that we have reached a time where the public mind as well as the political mind has been greatly debauched. We have reached a time when almost all classes of people look to Congress to legislate for the promotion of their personal fortunes. This has sprung from the fact that class legislation has enriched classes. Others have seen this, and they come in and say, "Now it is our turn to be enriched; we are in the majority." Whither are we drifting if this is to be the case? Are we to abandon the political government made for us by our fathers and establish a paternal government which shall take control of the personal fortunes of each citizen? If we are, sir, farewell to liberty, and let the greatest robber get all he can.

I do not know what is to be the fate of this bill. I pray God for the good of our country, for the good of humanity, that this great Republic, standing as the great exemplar for the lovers of liberty all over the world, may not be stricken down in the house of its friends by the passage of such a law as this, that the world is not to be taught that the Senate of the United States believes the people of the American States incapable of self-government.

I pray not, Mr. President. I suppose life is as dear to me as it is to most people and those in near relation to me are as dear to me as to most people; but, as God is my judge to-night, if I could save the American people from this act by giving up my life, I would surrender it as freely as I ever performed any act in my life. [Applause in the galleries.]

The VICE PRESIDENT. The Chair will take this occasion to notify the occupants of the galleries that they are here by the courtesy of the Senate, that he will feel obliged to execute the orders of the Senate, and, if manifestations of approbation or disapprobation are repeated, have the galleries cleared.

Mr. HOAR. I move to lay the amendment of the Senator from South Carolina [Mr. BUTLER] on the table.

The VICE PRESIDENT. The question is on the motion of the Senator from Massachusetts.

Mr. FAULKNER. That is not the amendment now pending before the Senate.

The VICE PRESIDENT. The amendment pending before the Senate is the amendment offered by the Senator from Tennessee [Mr. HARRIS] to the amendment proposed by the Senator from South Carolina [Mr. BUTLER].

Mr. HOAR. My motion to lay the amendment of the Senator from South Carolina on the table carries with it the proposed amendment to the amendment.

The VICE PRESIDENT. The Senator is correct. The question is on agreeing to the motion of the Senator from Massachusetts.

Mr. GORMAN. Mr. President——

The VICE PRESIDENT. The motion is not debatable.

Mr. GORMAN. I rise to a point of order.

The VICE PRESIDENT. The Senator will state his point of order.

Mr. GORMAN. The Senator from Massachusetts, as a matter of course, under the rule can move to lay the pending amendment on the table, but the amendment that is pending is a second amendment, an amendment offered to the amendment of the Senator from South Carolina, and I submit that it is not in order to lay both amendments on the table by one motion.

The VICE PRESIDENT. The Chair is of the opinion that the motion of the Senator from Massachusetts to lay the amendment of the Senator from South Carolina on the table carries with it the amendment to that amendment offered by the Senator from Tennessee.

Mr. GORMAN. Mr. President, I shall be compelled to appeal from the decision of the Chair.

Mr. HOAR. The rule is explicit.

Mr. GORMAN. On that appeal I demand the yeas and nays.

Mr. HOAR. I move to lay the appeal on the table.

Mr. GORMAN. I have not yielded the floor.

The VICE PRESIDENT. The Senator from Maryland is on the floor.

Mr. GORMAN. Mr. President——

Mr. EDMUNDS. The appeal is not debatable, Mr. President.

The VICE PRESIDENT. The Chair holds that it is not debatable.

Mr. GORMAN. I submit that an appeal from the decision of the Chair is debatable; and the Senator from Vermont can not find a precedent where an appeal from a decision of the Chair is not debatable on a question of this sort.

Mr. EDMUNDS. I state my point of order that the appeal is not debatable. The original motion being a nondebatable motion, an appeal from the decision of the Chair on that is not debatable. That is my point of order.

The VICE PRESIDENT. The Chair holds that the point of order is well taken by the Senator from Vermont, and that an appeal upon a question which is itself not debatable is not debatable.

Mr. GORMAN. Then I rise to a privileged question. As I understand, the bill we are considering——

Mr. EDMUNDS. Mr. President, I must object to debate.

Mr. GORMAN. I am not debating, if the Senator from Vermont will content himself.

Mr. EDMUNDS. As the Senator from Tennessee [Mr. HARRIS] stated when he was in the chair the other day, it is debate and in the nature of debate.

Mr. GORMAN. I rise to a parliamentary inquiry for the purpose of making a motion, which, I submit to the Chair, I have a perfect right to do.

Mr. HOAR. That is in the nature of debate.

Mr. GORMAN. I ask the Chair for a decision, whether we are considering the House bill, and if I have not now the right to offer an amendment to the original bill which takes precedence of all other motions.

Mr. EDMUNDS. That is not the question before the Senate. It is the motion to table the appeal.

The VICE PRESIDENT. The Chair is of the opinion that the appeal made by the Senator from Maryland is not debatable, for the reason that the primary question upon which the appeal was made was itself not debatable.

Mr. GORMAN. Now I raise a further question. I rise now for the purpose of offering an amendment.

Mr. EDMUNDS. I call the Senator to order, Mr. President. Nothing further can be done until the pending matter is disposed of.

The VICE PRESIDENT. The Chair is of opinion that the amendment is not in order at the present time. The question is on laying on the table the amendment offered by the Senator from South Carolina.

Mr. GORMAN. Do I understand the Chair to decide that an amendment to the original text of the bill is not in order as taking precedence of any other amendment?

The VICE PRESIDENT. That is not the question which the Chair decided.

Mr. GORMAN. That is the question I now raise.

Mr. EDMUNDS. The appeal is pending, and that must first be disposed of.

The VICE PRESIDENT. The appeal is pending, and that is the question before the Senate at the present moment. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. HOAR. On that I ask for the yeas and nays.

The yeas and nays were ordered.

The VICE PRESIDENT. The secretary will call the roll.

The Secretary proceeded to call the roll and Mr. ALDRICH answered to his name.

Mr. GORMAN. I ask the Chair, so that I may understand the question, whether the Chair rules that an amendment to the original text of the bill is not in order at this time.

The VICE PRESIDENT. The Chair has made no ruling upon that particular question.

Mr. GORMAN. Then I ask for the opinion of the Chair.

Mr. SPOONER. I make the point of order that that is a mere abstraction.

The VICE PRESIDENT. The point of order is well taken. The Secretary had commenced calling the roll and a Senator had responded to his name. The roll-call will proceed.

Mr. MORGAN. Mr. President, I was not in the Senate, and I desire to know what the appeal is about.

Mr. EDMUNDS. It is too late. Let the roll call proceed.

The Secretary resumed the call of the roll and Mr. ALLEN answered to his name.

Mr. MORGAN. Stop; that will not do.

Mr. GORMAN. We have a right to have the question stated.

Mr. MORGAN. I ask the Chair for information what the appeal is.

The VICE PRESIDENT. The appeal was made by the Senator from Maryland from the decision of the Chair that the motion made by the Senator from Massachusetts, to lay the appeal on the table is not debatable. The Chair ruled that the appeal was not debatable, for the reason that the question upon which the decision of the Chair was made was itself not debatable.

Mr. GORMAN. I trust the Chair will state this matter, as my intention was——

Mr. EDMUNDS. I object to debate, Mr. President.

Mr. BUTLER. The Senator can not object to a parliamentary inquiry.

Mr. GORMAN. I understand——

Mr. EDMUNDS. The Senator can, when a subject is not debatable, as the Senator from Tennessee [Mr. HARRIS] in the chair the other day ruled correctly on this subject, that no debate was in order, and I object to it.

Mr. BUTLER. I rose to make a parliamentary inquiry.

The VICE PRESIDENT. The roll-call will proceed.

Mr. BUTLER. I desire the Chair to state the proposition, so that we may understand it. As stated by the Chair last——

The VICE PRESIDENT. The Chair has already made the statement twice.

Mr. BUTLER. We should like to have it stated again.

Mr. GORMAN. The Chair will permit me to state what I am appealing from, and if I am wrong I shall withdraw the appeal.

Mr. EDMUNDS. I object to debate. The roll-call had commenced, Mr. President.

Mr. VANCE. Does the Senator from Vermont address the Chair? If he does, I object to his doing so in his seat. That is not according to the rules of the Senate.

Mr. MORGAN. I am acting in entire good faith about this matter. I happened to be out of the Chamber. I came here and found an appeal pending before the Senate upon some question of order. I do not know what that question is, and I have a right to ask the Chair to state what the question of order is.

The VICE PRESIDENT. The Chair will again state——

Mr. ALDRICH. I ask that the first clause of Rule XII be read and enforced.

Mr. MORGAN. I object. The Senator can not take me off the floor in that way. He is pretty smart, but that will not do.

The VICE PRESIDENT. The Chair will again state the pending question. An appeal was made by the Senator from Maryland. A motion was made by the Senator from Massachusetts to lay the appeal upon the table, and, the appeal having been made upon a question which itself is not debatable, the Chair is of the opinion that the appeal is not debatable. On the question, Shall the decision of the Chair stand as the judgment of the Senate? the yeas and nays were ordered and the first response on the roll call has been made. Therefore the Chair is of opinion that no further debate is in order.

Mr. MORGAN. I beg in my own justification to state that I made my request of the Chair before the roll-call was begun, and the Clerk pushed along very vigorously indeed to call the roll, I suppose for the purpose of cutting me off; I do not know what else. And now the Senator from Rhode Island rises with a book in his hand to do the same thing. I mean to assert my rights here; that is all there is to it.

The VICE PRESIDENT. The Clerk obeyed the direction of the Chair. The Chair was not aware that the Senator was seeking to be heard.

Mr. MORGAN. I was on the floor and addressed the Chair before the roll-call proceeded and before there was any response at all. If I understand it now——

The VICE PRESIDENT. For what object does the Senator from Alabama rise?

Mr. MORGAN. I rise to say that I understand now from the Chair (and to see if I am correct about it) that the question before the Senate is whether the appeal from his decision taken by the gentleman from Maryland is debatable.

The VICE PRESIDENT. That is the question.

Mr. MORGAN. Now I understand it.

Mr. GORMAN. Now I ask permission of the Chair——

Mr. EDMUNDS. I call the Senator to order, and I stand up to do it. There is no debate in order at all. I insist upon the Chair enforcing the rule.

The VICE PRESIDENT. The Chair has already expressed his opinion that debate is not in order at this time.

Mr. GORMAN. I do not desire to debate, but I desire to state on what I appealed from the decision of the Chair, so that the Senate may understand it.

Mr. EDMUNDS. That is debate, and I object.

The VICE PRESIDENT. The roll-call will proceed.

Mr. GORMAN. Do I understand the Chair to say that I can not have an opportunity to state what I appealed from?

Mr. SHERMAN. It is a violation of the rule.

Mr. ALDRICH. I rise to a question of order and ask for the enforcement of the twelfth rule.

Mr. GORMAN. I say the Chair has misunderstood my appeal and has not stated it correctly to the Senate as I made it. All I desire is that I may have the opportunity to state precisely what I appealed from.

Mr. ALDRICH. But the Senator must know that that is not in order at this time.

Mr. GORMAN. I understand, but I have never known a case in the Senate where there was any doubt about the exact question we were voting on that we have not been permitted to state it. All that I desire is that we shall have a vote on the exact question itself and not on one that is not raised; that is all.

Mr. HOAR. Debate is not in order.

Mr. GORMAN. I ask the Chair whether——

The VICE PRESIDENT. The Chair will again hear the statement which the Senator from Maryland desires to make.

Mr. GORMAN. Mr. President, I will state what my appeal was from. The Senator from Massachusetts rose and moved to lay the amendment of the Senator from South Carolina upon the table. I stated to the Chair that there was an amendment pending to the amendment offered by the Senator from South Carolina, and that it was impossible to lay the Senator's amendment upon the table without first disposing of the amendment to the amendment. The Chair decided that it was in order, and from that I took the appeal.

The VICE PRESIDENT. The Senator is correct.

Mr. GORMAN. Then I desire the Chair to state it so that the Senate may understand it.

The VICE PRESIDENT. The question is, Shall the decision of the Chair stand as the judgment of the Senate? The roll-call will proceed.

The Secretary resumed the call of the roll.

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE]. If he were present, I should vote "yea."

Mr. HARRIS (when his name was called). Upon this question I am paired with the Senator from Vermont [Mr. MORRILL], who is necessarily absent, and therefore I withhold my vote.

Mr. MITCHELL (when Mr. PLUMB's name was called). I was requested by the Senator from Kansas [Mr. PLUMB] to announce that he is paired with the Senator from Missouri [Mr. VEST]. If the Senator from Kansas were here, he would vote "yea."

Mr. VEST (when his name was called). I am paired with the Senator from Kansas [Mr. PLUMB].

The roll-call was concluded.

Mr. DIXON (after having voted in the affirmative). I have a general pair with the Senator from South Carolina [Mr. HAMPTON], with the understanding that I may vote to make a quorum. If a quorum has voted without my aid I desire to withdraw my vote. Otherwise I desire my vote to stand.

Mr. MCMILLAN (after having voted in the affirmative). I am paired with the Senator from North Carolina [Mr. VANCE]. As he is not here, I withdraw my vote.

Mr. CULLOM. I have a general pair with the Senator from Delaware [Mr. GRAY], and will only vote in case my vote is needed to make a quorum.

Mr. SAWYER. There is not a quorum now.

Mr. CULLOM. I will cast my vote if it is needed to make a quorum. I vote "yea."

Mr. SPOONER. I inquire if the Senator from Mississippi [Mr. WALTHALL] is recorded.

The VICE PRESIDENT. He is not recorded.

Mr. SPOONER (after having voted in the affirmative). I have a general pair with the Senator from Mississippi [Mr. WALTHALL]. I voted inadvertently. I find he is not in the Chamber. I therefore withdraw my vote.

Mr. DAWES. I am paired for all purposes except to make a quorum with the junior Senator from Georgia [Mr. COLQUITT]. If he were present, I should vote "yea."

Mr. TELLER. I inquire whether the Senator from Arkansas [Mr. BERRY] has voted.

The VICE PRESIDENT. He is not recorded.

Mr. TELLER. I am paired with that Senator and shall not vote.

Mr. CALL. I am paired with the Senator from South Dakota [Mr. PETTIGREW]. If he were here, I should vote "nay."

Mr. DANIEL. I beg leave to state that I am paired with the Senator from Washington [Mr. SQUIRE]. Otherwise I should vote "nay."

Mr. BUTLER. I wish to announce that my colleague [Mr. HAMPTON] is paired with the junior Senator from Rhode Island [Mr. DIXON]. If my colleague were present, he would vote "nay."

Mr. DIXON (after having voted in the affirmative). As the Senator from South Carolina [Mr. HAMPTON] has not voted and a quorum is present, I desire to withdraw my vote.

The result was announced—yeas 31, nays 15; as follows:

YEAS—31.

Aldrich,	Evarts,	Manderson,	Sherman,
Allen,	Frye,	Mitchell,	Shoup,
Cameron,	Hale,	Paddock,	Stewart,
Carey,	Hawley,	Platt,	Stockbridge,
Casey,	Higgins,	Power,	Warren,
Cullom,	Hiscock,	Quay,	Washburn,
Dawes,	Hoar,	Sanders,	Wilson of Iowa.
Edmunds,	McConnell,	Sawyer,	

NAYS—15.

Barbour,	Faulkner,	Kenna,	Ransom,
Bate,	Gibson,	McPherson,	Reagan,
Blackburn,	Gorman,	Morgan,	Wilson of Md.
Butler,	Jones of Arkansas,	Pugh,	

ABSENT—42.

Allison,	Daniel,	Ingalls,	Squire,
Berry,	Davis,	Jones of Nevada,	Stanford,
Blair,	Dixon,	McMillan,	Teller,
Blodgett,	Dolph,	Moody,	Turpie,
Brown,	Eustis,	Morrill,	Vance,
Call,	Farwell,	Pasco,	Vest,
Carlisle,	George,	Payne,	Voorhees,
Chandler,	Gray,	Pettigrew,	Walthall,
Cockrell,	Hampton,	Pierce,	Wolcott.
Coke,	Harris,	Plumb,	
Colquitt,	Hearst,	Spooner,	

The VICE PRESIDENT. The decision of the Chair is sustained. The Chair would state that he inadvertently referred to the motion made by the Senator from Massachusetts as one to lay the appeal on the table instead of to lay the amendment offered by the Senator from South Carolina on the table. The question now recurs on the motion made by the Senator from Massachusetts to lay the amendment offered by the Senator from South Carolina [Mr. BUTLER] on the table, which, as the Chair understands, carries with it the amendment to that amendment proposed by the Senator from Tennessee [Mr. HARRIS].

Mr. HOAR. On that question I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE]. If he were present, I should vote "yea."

Mr. DIXON (when his name was called). I again announce my pair with the Senator from South Carolina [Mr. HAMPTON], and shall withhold my vote unless it is necessary to make a quorum.

Mr. TELLER (when his name was called). I am paired with the Senator from Arkansas [Mr. BERRY].

The roll-call was concluded.

Mr. VEST. I desire to announce my pair with the Senator from Kansas [Mr. PLUMB].

Mr. CALL. I am paired with the Senator from South Dakota [Mr. PETTIGREW]. The Senator from Georgia [Mr. COLQUITT] is paired with the Senator from Massachusetts [Mr. DAWES]. As the Senator from Massachusetts has voted, I will transfer my pair with the Senator from South Dakota to the Senator from Georgia, and I vote "nay."

Mr. HARRIS (after having voted in the negative). I desire to announce that I am paired with the Senator from Vermont [Mr. MORRILL], who is necessarily absent, and therefore I withdraw my vote. I should vote "nay" if he were present.

Mr. DANIEL (after having voted in the negative). I wish to state that I voted inadvertently. I am paired with the Senator from Washington [Mr. SQUIRE]. I desire to withdraw my vote.

Mr. WALTHALL. My colleague [Mr. GEORGE] is paired with the Senator from New Hampshire [Mr. BLAIR]. I desire this announcement to apply to all the votes to be taken to-night.

Mr. BATE. The Senator from New Jersey [Mr. BLODGETT] is paired with the Senator from New Hampshire [Mr. CHANDLER].

Mr. DAWES. I understand that the pair which has existed between the Senator from Georgia [Mr. COLQUITT] and myself has been so changed by the Senator from Florida [Mr. CALL] pairing him with the Senator from South Dakota [Mr. PETTIGREW] that the Senator from Florida can vote and so can I. I vote "yea."

Mr. CASEY. I wish to announce that my colleague [Mr. PIERCE] is necessarily absent, and is paired with the Senator from Kentucky [Mr. CARLISLE].

Mr. WILSON, of Iowa (after having voted in the affirmative). I wish to inquire whether the Senator from Maryland [Mr. WILSON] has voted?

The VICE PRESIDENT. He has not voted.

Mr. WILSON, of Iowa. I desire to ask further if a quorum has voted.

The VICE PRESIDENT. A quorum has voted.

Mr. WILSON, of Iowa. I am paired with the Senator from Maryland [Mr. WILSON], except when my vote may be necessary to constitute a quorum. Inasmuch as a quorum has voted, I withdraw my vote.

The VICE PRESIDENT. The Senator from Iowa withdraws his vote.

Mr. HISCOCK (after having voted in the affirmative). Has the Senator from Arkansas [Mr. JONES] voted?

The VICE PRESIDENT. He has not voted.

Mr. HISCOCK. Is there a quorum without my vote?

The VICE PRESIDENT. There is.

Mr. HISCOCK. Then I withdraw my vote.

The VICE PRESIDENT. The Senator from New York withdraws his vote.

The result was announced—yeas 30, nays 20; as follows:

YEAS—30.

Aldrich,	Evarts,	Manderson,	Sherman,
Allen,	Frye,	Mitchell,	Shoup,
Cameron,	Hale,	Paddock,	Spooner,
Carey,	Hawley,	Platt,	Stockbridge,
Casey,	Higgins,	Power,	Warren,
Cullom,	Hoar,	Quay,	Washburn.
Dawes,	McConnell,	Sanders,	
Edmunds,	McMillan,	Sawyer,	

NAYS—20.

Barbour,	Coke,	Gray,	Ransom,
Bate,	Eustis,	Kenna,	Reagan,
Blackburn,	Faulkner,	McPherson,	Vance,
Butler,	Gibson,	Pasco,	Voorhees,
Call,	Gorman,	Pugh,	Walthall.

ABSENT—38.

Allison,	Davis,	Jones of Arkansas,	Stanford,
Berry,	Dixon,	Jones of Nevada,	Stewart,
Blair,	Dolph,	Moody,	Teller,
Blodgett,	Farwell,	Morgan,	Turpie,
Brown,	George,	Morrill,	Vest,
Carlisle,	Hampton,	Payne,	Wilson of Iowa,
Chandler,	Harris,	Pettigrew,	Wilson of Md.
Cockrell,	Hearst,	Pierce,	Wolcott.
Colquitt,	Hiscock,	Plumb,	
Daniel,	Ingalls,	Squire,	

So the motion to lay Mr. BUTLER'S amendment on the table was agreed to.

The VICE PRESIDENT. The question is now, the Chair supposes, on the amendment——

Mr. FAULKNER. I desire to offer an amendment to the amendment of the Committee on Privileges and Elections, of which I gave notice some days ago and which is one of the suspended amendments.

The VICE PRESIDENT. The Chair was just on the point of presenting that as the question pending, it being the amendment of the Senator from West Virginia to strike out section 14. That is the amendment to which the Senator refers?

Mr. FAULKNER. Yes, sir; and I desire to take the floor on that amendment.

Mr. HOAR. Will the Senator allow me to ask him a question?

Mr. FAULKNER. With pleasure.

Mr. HOAR. I wish to know whether the Senator objects to the arrangement suggested by the Senator from Alabama [Mr. MORGAN], that the amendments which have been offered by me with the sanction of the majority of the committee should be first proposed.

Mr. FAULKNER. I do not understand that the committee has had anything to do with the amendments submitted by the Senator from Massachusetts.

Mr. HOAR. I understand that.

Mr. FAULKNER. He stated distinctly, in reply to the Senator from Indiana [Mr. VOORHEES], that the bringing in of those amendments was his act and his volition entirely, and that it was not any act of the committee whatever. Consequently, whatever may have been the usual rule or courtesy of the Senate in reference to those questions, it is not a rule that applies under the circumstances to the amendments submitted by the Senator from Massachusetts.

Mr. HOAR. I did not speak of any committee amendments in my question. I asked whether the Senator objected to the suggestion which was made by the Senator from Alabama, that the amendments proposed by me with the sanction of the majority of the committee should be first considered.

Mr. FAULKNER. I do not know, Mr. President, whether the Senator himself would not move to lay his amendments on the table, even if we should consent that they might come before the Senate.

Mr. HOAR. The only question is whether the Senator objects.

Mr. FAULKNER. Of course he objects.

Mr. HOAR. That is all.

Mr. FAULKNER. I have not any idea of consenting that an amendment offered by any other Senator on the floor shall take precedence over an amendment which I have offered, which is pending now before the Senate for its consideration and which was offered and read to the Senate some ten days or two weeks ago.

Mr. TELLER. I ask the Senator if he will yield to me just one moment.

Mr. FAULKNER. Certainly; I yield to the Senator from Colorado.

Mr. TELLER. On the question of laying the amendment of the Senator from South Carolina [Mr. BUTLER] on the table I did not vote, being paired. If it is contended by anybody who is in favor of this bill that judicial power is given to this commission, I should have voted (had the matter been presented so that I could have done so) for the amendment of the Senator from South Carolina, because I am not in favor of giving to that body any judicial authority whatever.

Mr. HOAR. Nobody is.

Mr. TELLER. I understand that that is disclaimed by the friends of the measure. If the language is not clear, I think the friends of the bill ought to make it clear, so that there will be no necessity for an amendment like that suggested by the Senator from South Carolina.

Mr. BUTLER. If the Senator from West Virginia will yield to me for one moment, I desire to make a statement in reference to the amendment which I offered and which has just been laid on the table.

Mr. FAULKNER. Certainly.

Mr. BUTLER. I simply wish to say that the reason why I offered the amendment to the provision of the bill to which it related was because the Senator from Delaware [Mr. GRAY] and the Senator from Vermont [Mr. EDMUNDS], during the debate on the bill, differed very materially as to the meaning of the language of section 14. Both of those gentlemen are good lawyers, and, in view of that difference between two good lawyers of this body, I thought it entirely proper that the language should be made clear and that the object of the bill should be made clear. The friends of the bill assert—the Senator from Massachusetts [Mr. HOAR] among others—that it is not intended that the board of canvassers shall have judicial powers; yet, when a proposition is offered to make that perfectly clear, a majority of the Senate vote it down or lay it upon the table. I thought it was due to myself to make that statement.

Mr. EDMUNDS. If my friend from West Virginia will permit me a moment——

Mr. FAULKNER. If the purpose of the Senator from Vermont is to answer the Senator from South Carolina, I yield to him.

Mr. EDMUNDS. As I was alluded to, I thought I might ask a moment of the Senator's time.

The Senator from South Carolina I think is oversensitive on the subject of the language which he was undertaking to amend. When we pass laws authorizing the President of the United States to do this, that, or the other, we do not put in a clause that he shall only exercise a ministerial power. The relation between the executive and judicial and legislative powers is all pointed out in the Constitution, and therefore Congress could not give to any such officers a judicial power in the sense that we understand the term. Therefore I voted to lay the amendment on the table on the ground that it was entirely a piece of ingenious—I mean no offense by the word "ingenious"—superfluity, just as it would be if all the acts we are continually passing should say that the executive authority is not to exert judicial authority.

I thank the Senator from West Virginia for his courtesy.

Mr. FAULKNER addressed the Senate. After having spoken for over an hour,

Mr. PASCO (at 12 o'clock midnight) said: Mr. President——

The PRESIDING OFFICER (Mr. DOLPH in the chair). Does the Senator from West Virginia yield to the Senator from Florida?

Mr. FAULKNER. Yes, sir.

Mr. PASCO. I wish to make a suggestion. As the Senator is discussing a very important matter, as we have commenced a general debate on amendments to-night, as there seems to be great pressure on the side of the majority to get this bill through, it strikes me that it would be important that a majority of the Senate should be present and listen to the debate, and should assist us in perfecting the bill. I make the suggestion that there is no quorum present.

The PRESIDING OFFICER. The Secretary will call the roll and ascertain the presence of a quorum.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Edmunds,	Jones of Nevada,	Reagan,
Allen,	Evarts,	Kenna,	Sanders,
Allison,	Faulkner,	McConnell,	Sawyer,
Bate,	Frye,	McMillan,	Shoup,
Cameron,	Gorman,	Manderson,	Spooner,
Carey,	Gray,	Mitchell,	Stockbridge,
Casey,	Hale,	Morrill,	Teller,
Cockrell,	Harris,	Paddock,	Warren,
Cullom,	Hawley,	Pasco,	Washburn,
Davis,	Higgins,	Platt,	Wilson of Iowa.
Dixon,	Hiscock,	Power,	
Dolph,	Hoar,	Quay,	

The VICE PRESIDENT. Forty-six Senators have responded to their names. A quorum is present. The Senator from West Virginia will proceed.

Mr. FAULKNER resumed his remarks and continued about half an hour, when,

Mr. KENNA said: I ask my colleague to yield to me for a minute in order that I may call the attention of the Senator from Massachusetts [Mr. HOAR] to a part of the record early in the proceedings this evening, relating to the authority of the committee of which he is chairman. As supplementary to the observations made by the Senator from Indiana [Mr. VOORHEES] and to be considered by anybody who may now or hereafter have occasion to refer to the record of to-day's and to-night's proceedings, I desire to read from the report of the stenographer the following paragraph:

Mr. HARRIS. I see a lot of printed amendments indicated as offered by the

Senator from Massachusetts [Mr. HOAR]. It does not appear that they are committee amendments.

Mr. HOAR. They are in fact authorized by the committee.

Now, if Senators present will recall what transpired between the Senator from Massachusetts and the Senator from Indiana with reference to those amendments, I have nothing to add by way of commentary except to requote the record of the Senate:

Mr. HOAR. They are in fact authorized by the committee.

I may add one sentence, Mr. President: that upon that statement by the Senator from Massachusetts the question as to the order in which the Senate should consider what upon that statement were considered by the Chair to be committee amendments and amendments proposed by individual Senators, a debate of fifteen or twenty minutes occurred. The statement made by the Senator from Massachusetts which I read I could have stated at the time from recollection, but to be sure that I was correct I have had the Reporter transcribe his notes, which I reread from the official notes of the Reporter of the Senate:

Mr. HOAR. They are in fact authorized by the committee.

I have no further commentary to make on the subject.

Mr. HOAR. Mr. President——

Mr. FAULKNER. I yield to the Senator from Massachusetts, as it is a personal matter.

Mr. HOAR. I do not know what the Senator from West Virginia means by this performance of his. It is of a piece with his behavior on some other occasions. I should like to ask the Senator from Delaware [Mr. GRAY], whom I see now present, whether he does not consider that I was justified in treating the amendments agreed upon by the majority of the committee under the circumstance as committee amendments.

I will add, however, that what the Senator has read was followed by a statement from me of the exact facts, which were, when the Republican members of the committee prepared this substitute they called the attention of the Democratic minority of the committee to the fact. They held a meeting of the committee, and those gentlemen said that they did not care to go into the details of this measure and they were opposed under all circumstances to any measure of this kind. That statement was repeated on the floor of the Senate by the Senator from North Carolina [Mr. VANCE], who, on the question being raised here, there being some question suggested, said that he and his associates did not care to enter into the discussion of the details of this measure with the friends, and he accompanied it with a jocose remark that he did not care about entering into the counsels of the ungodly.

When I submitted these amendments to the Senator from Colorado [Mr. TELLER] he said "You had better report them as committee amendments." I offered them, however, as individual amendments, and of course they will so stand. But I stated fully to the Senate the circumstances which attended them when the suggestion was made that they should be taken up first. Although I shall not speak of the absent members, I am very sure what they would say if they were present. I do not believe there is a Senator who will not confirm me when they come in. I do not believe there is a single member of the minority of the committee who will not confirm me in my statement that I was entirely right in treating these as committee amendments without troubling the minority of the committee to attend a committee meeting and formally submitting them. I should like to ask the Senator from Delaware whether I am right or not.

Mr. GRAY. I did not hear the colloquy——

Mr. FAULKNER. I yield to the Senator from Delaware.

Mr. GRAY. With the permission of the Senator from West Virginia, I will state to the Senator from Massachusetts that I did not hear the colloquy to which the Senator from West Virginia [Mr. KENNA] alluded. I was not in the Chamber. Nor did I hear just now the remarks which were made by him, being engaged in conversation with the Senator from Missouri [Mr. COCKRELL], but I will state that this evening the Senator from Massachusetts came to me, he came to the Senator from Alabama [Mr. PUGH], and spoke to the Senator from North Carolina [Mr. VANCE], who, with myself, are members of the Committee on Privileges and Elections, and asked us whether we were willing without a meeting of the committee that these amendments should be considered as committee amendments, and we all said yes.

Mr. KENNA. If my colleague will allow me a moment further, I will say that if the statement had been made by the Senator from Massachusetts, as it is made in the ordinary procedure of the Senate, so far as I know, in the case of every Senator who purports to act for a committee where any question of the sort is raised, that he was authorized to make a report, to move an amendment, or to do any other thing which he proposed to do in the name of a committee, I certainly for one would not have questioned it. But when this matter came up this afternoon the question was addressed directly to the Senator from Massachusetts, in the language of the Senator from Tennessee [Mr. HARRIS]:

I see a lot of printed amendments indicated as offered by the Senator from Massachusetts. It does not appear that they are committee amendments.

And the Senator from Massachusetts responded, as I have quoted:

They are in fact authorized by the committee.

Not by a majority of the committee.

Mr. HOAR. If the Senator will pardon me, I followed that directly after by stating the fact that the Republican majority only authorized me.

Mr. KENNA. After twenty-five minutes of debate, after—as the Senator from Massachusetts can not have forgotten—my colleague had taken the floor to address the Senate on the merits of his own amendment, and—if I may use the expression without offense—after the persistent importunity of the Senator from Massachusetts, he was compelled to say whether he objected to the consideration of these amendments first, and the Presiding Officer of this body, the chair being then occupied by a different gentleman from the Senator who now occupies it, was led by this statement and what followed it to address to the Senate a proposition as to whether it preferred to proceed with the committee amendments before it considered the amendments offered by individual Senators. I had offered an amendment involving the civil-service machinery, so called, as a substitute for the political machinery involved in this bill as it is drawn, and I rose in my place, uncertain as to whether I preferred that the committee amendments should first be disposed of or amendments offered by individual Senators. I preferred that the committee amendments should not disarrange the bill in the present form and so involve a new form and application of my amendment, bringing confusion, and I preferred that it should not happen. All that transpired, occupying the time of this body for more than half an hour, upon the statement of the Senator from Massachusetts that these amendments were in fact authorized by the Committee on Privileges and Elections. To my mind that settled the question, and upon that statement I acted.

Now, I have no desire to make any controversy, and I am free, I most frankly state, from any purpose to involve any one in an unpleasant situation; but upon that statement I acted, for I recollected it, and I then asked the Reporter for it. The Reporter who had taken down the statement was so engaged for quite a time that I could not secure it to use contemporaneously.

There is the fact and there is the record that the Senate so occupied this night for a full half hour or more in the consideration of the question as to whether it would proceed first with the committee amendments, upon the statement of the Senator from Massachusetts, which I had read, or individual amendments as offered in a period of two or three weeks past by different Senators.

Mr. HOAR. Mr. President, the Senator from West Virginia is entirely mistaken in that statement. The statement was made which the Senator has read, and then the Senate proceeded to a discussion which occupied it fifteen or twenty minutes about the question of the prints of the bill, and which print of the bill should be taken as the one for the Senate to act upon in regard to which the amendments were to be made. Then the colleague of the Senator from West Virginia [Mr. FAULKNER] rose and undertook to proceed with his amendment; and I then rose, coming back after that long digression in regard to the matter of the print of the bill, and inquired whether he was of the opinion the Senator from Alabama had expressed, that these committee amendments should first be proceeded with; and when they came back to that question I stated carefully and precisely to the Senate, that there might be no misunderstanding, what the exact fact was, to wit: That the amendments technically stood as offered by me; and I conceded, and now concede, that they have no other standing before the Senate.

But the committee amendments have not any really, when you come to that. But I stated that my authority was from the Republican majority of the committee only. Then the Senator from Indiana [Mr. VOORHEES] rose and began a sentence in which he undertook to discuss my attitude. I rose and appealed to him and told him that he had not got the facts correctly, but he absolutely refused to allow me to interpose and went on and made his speech, which lasted ten or fifteen minutes—I do not know how long, but it was quite a speech. When he got through I then rose and stated carefully and exactly to the Senate the position.

As I say, I conceive that I should have been entirely justified in speaking of these amendments and reporting them as committee amendments, and that every member of the Committee on Privileges and Elections, Republican and Democrat, would have confirmed and adopted what I said. The proceeding was one entirely for the comfort and convenience of the gentlemen on the other side, that they might not be compelled to attend a meeting of the committee about matters which they did not care anything for; and it was fully stated to the Senate that the statement that these were committee amendments was based upon the fact that when we prepared our substitute the minority of the committee expressly authorized us to arrange the substitute in our own way without troubling them with the details; and that authority has continued, I understand, up to the present time.

Now, that is the whole story. If the Senator from West Virginia means to make a question of my dealing with the Senate in good faith or in frankness or with ingenuousness, I beg to say to that Senator I do not propose to enter into that discussion with him or anybody else. I am willing to stand on my relations to mankind, and I intend no disrespect to any Senator when I say that I do not think I am going to trouble myself to respond to that kind of an attack.

Mr. KENNA. The Senator from Massachusetts may content himself, if my colleague will pardon me a moment further——

Mr. ALDRICH. Mr. President——

Mr. KENNA. He may content himself by the assurance that I have made no insinuation whatever——

Mr. ALDRICH. I should like to suggest a question of order. I do not think this is quite the proper way to carry on the discussion. In the first place I do not think the Senator from West Virginia [Mr. FAULKNER], who had taken the floor, has a right to farm it out and assume the functions of a presiding officer and let other matters come in, which may continue indefinitely.

Mr. KENNA. The discriminating judgment of the Senator might be better exemplified if he would wait——

Mr. ALDRICH. I maintain that the Senator from West Virginia [Mr. KENNA] is not entirely fair to interrupt his colleague when his colleague is so anxious, as he has appeared to be, and as he must be, to proceed in an orderly discussion of the bill.

Mr. FAULKNER. I have been very anxious to hear all that the Senator from Rhode Island desired to say; but I want that distinguished Senator and every other Senator on this floor to understand that as to the propriety of my act I allow no man to question it. As to the legality of that act the Presiding Officer under a call to order has a right to decide; but as to the propriety of it I do not propose to allow him or any other Senator to question it.

Mr. KENNA. If my colleague will permit a moment's further interruption——

Mr. FAULKNER. I yield if there is no objection on the part of the Chair. I yielded in the utmost good faith to my colleague from West Virginia, without thinking at all that it was out of order, as I have done to parties on both sides and in absolutely good faith. I understand it is the rule for a Senator who has the floor to do that; and in fact I have recently read a decision in which it was not only decided by the Chair, but when submitted to the Senate the right of a Senator was sustained after he had surrendered the floor for a motion. Objection was made by the distinguished Senator from Vermont [Mr. EDMUNDS], that when a motion was made with a Senator on the floor who had yielded for that purpose it took him off the floor, on which Senator Anthony, the President *pro tempore*, decided the reverse, and an appeal was sustained by the Senate by I believe almost a unanimous vote.

Mr. KENNA. If my colleague will pardon me, I am sure I have no desire to interrupt the proceedings for a moment, but I should like to state that I availed myself of the first opportunity to bring this matter before the Senate after I could get the notes of the Reporter. If the Senator from Massachusetts has any reason to feel that he is in any possible sense assailed by anything that has transpired here to-night I beg to assure him in the utmost deliberation that he is assailed solely and exclusively by a record of his own making. I have made no assault upon the Senator; I have said nothing to irritate him. I have uttered no expression to touch his sensibilities, save solely the observations which I have read from the RECORD from his own lips. I have read, as I had the right to and without imputation of any character or kind whatever, his declaration made in the earlier part of the colloquy this afternoon in response to an inquiry addressed to him by my distinguished friend, the Senator from Tennessee, with reference to the amendments which he had proposed. That inquiry I repeat, and in repeating it I read, and in reading I read from the RECORD:

> I see a lot of printed amendments indicated as offered by the Senator from Massachusetts. It does not appear that they are committee amendments.
>
> Mr. HOAR. They are in fact authorized by the committee.

If the Senator is in fact assailed, if the Senator in fact has found in what has transpired here to-night some cause of offense, he has found it in fact upon the reading from this record in fact, the statement from his own mouth in fact, that these amendments in fact were authorized by the Committee on Privileges and Elections, and let him make the most of it.

Mr. TELLER. If the Senator from West Virginia [Mr. FAULKNER] will yield to me a moment I should like to say a word about this matter.

The PRESIDING OFFICER (Mr. WASHBURN in the chair). Does the junior Senator from West Virginia [Mr. FAULKNER] yield to the Senator from Colorado [Mr. TELLER]?

Mr. FAULKNER. Certainly.

Mr. TELLER. Everybody, I suppose, who has given any attention to the subject understands that this bill was considered in committee by the Republican members alone; and that, as I understood, was done with the assent of the Democratic members of the committee, as they did not think the bill could be put in any shape that they would be willing to support it, and they consented that we should occupy the position we did in trying to put the bill in proper order ourselves.

The bill was submitted to the whole committee, and my recollection is that with their consent we did not go over the bill, as they said they did not care about it; and the bill was reported to the Senate. I myself was not satisfied with the amendments made to the bill, but I did not desire to put my colleagues in the position of having to make a minority report or failing in the report of the majority. I agreed that the report should be made, reserving to myself the right to make a statement, which I did at the time, that I should reserve the right to move amendments to the bill or to vote against it if not amended to suit me.

After that these amendments came before the Senate. The chairman of the committee came to me and presented the amendments. I ran over some of them. I had looked at some of them that were not printed. I had looked over some in connection with the bill. He stated to me what the other amendments were that were not in print, and it seemed to me that every one of them was in the line of improving the bill according to my notion, and I assented to them. While it might not be exactly and strictly a technical proceeding, I will say, the committee not being called formally together, yet it is very customary in the Senate to do those things; and I said to the chairman he had better report them as committee amendments, supposing they would come here to the Senate exactly as if the committee had been in the committee room assembled and had reported them. While that is not technically correct it is a very common occurrence in the Senate, and I have understood that such amendments were always treated as the action of the committee, although the committee might only be together on the floor of the Senate.

I have looked over all the amendments, I believe, and every one of them I think improves the bill, some of them very materially. Some of them I think our friends on the other side would quite cheerfully agree to if they were presented in detail, and I have no doubt they will agree to them when the amendments come before the Senate for action. I was in hopes at that time that they might be accepted as if they had been reported with the original report from the committee. However, it seems that was not agreed to, and so we are going on in this way.

So far as I am concerned the chairman had authority to treat them exactly as he did, and he might have even gone a little stronger, from what I said. The amendments offered were not all the amendments I hoped the committee would offer; and I have called the attention of members of the committee to some other things, and I think they may possibly offer some further amendments. But I do not suppose it makes very much difference whether they come from the committee or whether they come from a member of the Senate. In either case they will have to be voted on.

Mr. SPOONER. If the Senator from West Virginia will allow me a moment, I think there is not the slightest foundation for any animadversion upon the Senator from Massachusetts in connection with these amendments.

The Senator from Massachusetts told me of the conversation he had had with the Senator from Colorado, and said that the Senator from Colorado had consented that these amendments should be presented as committee amendments. He told me also that he had seen the other Republican members of the committee, and I gave my consent that he should report the amendments as committee amendments.

I felt entirely at liberty to do that under the circumstances which have attended the preparation and consideration of the substitute by the committee, because while the bill was preliminarily prepared by the majority, by the Republican members of the committee, it was the understanding, as I remember it, upon the part of the Democratic members of the committee that the bill should be so reported, they stating that it could not be put in any form which would be satisfactory to them. It was reported to the Senate with the understanding that it was to be perfected by the majority, which was to be responsible for it, on behalf of the committee, and I think my friend from Delaware [Mr. GRAY] will remember that that was the understanding.

Mr. HOAR. He said so.

Mr. SPOONER. I did not know that he said it.

Mr. KENNA. I am sure the Senate will not fail to appreciate the reason for the significance I attached to this particular matter when it recurs for a moment to what transpired this evening. If on the theory that a certain line of amendments are offered by the committee the practice of the Senate is to be invoked to have those amendments first disposed of, and after they are disposed of, in order to hurry and to rush this bill to its consummation, every other amendment is to be met with a motion to table it, which is to cut off discussion, a very significant interest attaches to the question as to whether an amendment is an individual amendment offered by a Senator or a committee amendment. That is all I have to say. I have no disposition to continue the discussion.

Mr. SPOONER. It is the general rule that the friends of a measure may perfect it before it is open to other amendments.

Mr. KENNA. But it is a general rule that the friends of a measure shall perfect it in a legitimate way.

Mr. FAULKNER. Mr. President——

Mr. GORMAN. I ask the Senator from West Virginia to yield to me a moment.

Mr. FAULKNER. Certainly.

Mr. GORMAN. I want to make a suggestion to the Senator from Massachusetts, that in view of what has occurred in regard to the condition of the prints of the bill, we may have unanimous consent to let the order go down and have, in the course of three or four hours, a reprint of the bill of August 7.

Mr. SPOONER. The bill at the desk?

Mr. GORMAN. The one at the desk. There is not a single copy left in the document room of that print.

Mr. HOAR. There is no objection to that order.

Mr. EDMUNDS. Has not every Senator a copy at his table in the bundle that is bound up?

Mr. GORMAN. No, it appears not.

Mr. HOAR. There is no objection to the request.

Mr. GORMAN. I ask that an order may be entered for a reprint of the usual number of copies of the bill which is now being used by the Secretary.

Mr. HARRIS. The print of August 7?

Mr. GORMAN. Yes.

The PRESIDING OFFICER. That order will be entered, unless objection is made. The Chair hears none.

Mr. PASCO. There are two editions of August 7. Is it the small one?

Mr. HARRIS. It is the bill edition.

Mr. GORMAN. The regular bill.

Mr. HARRIS. In bill form.

Mr. GORMAN. The print the Senator from Florida holds in his hand is the pamphlet copy, made for circulation.

Mr. PASCO. It is the only convenient form in which it has been published, and unless it is specified which edition of August 7 is meant there will still be confusion, as there has been in the past.

Mr. GORMAN. The order is for a reprint of the copy used by the Secretary.

Mr. EDMUNDS. Certainly; in bill form, the regular bill.

Mr. GORMAN. Do I understand the Chair that that order has been made?

The PRESIDING OFFICER. The order has been made.

Mr. GORMAN. Then I hope the Secretary will have it sent down at once.

Mr. FAULKNER resumed his remarks, and having spoken for some time,

Mr. SANDERS (at 1 o'clock and 20 minutes a. m., Saturday, January 17) said: I do not like to have the very able argument of the Senator from West Virginia——

The PRESIDING OFFICER. Does the Senator from West Virginia yield?

Mr. FAULKNER. For the purpose of a question?

Mr. SANDERS. For another purpose. I do not like to have the very able argument of the Senator from West Virginia——

Mr. FAULKNER. I have not yielded for anything but a question.

Mr. SANDERS. I do not like to have the very able argument of the Senator from West Virginia wasted upon empty benches, and therefore I raise the question of a quorum.

Mr. FAULKNER. I feel it my duty to yield to that question always.

The PRESIDING OFFICER. The question of the presence of a quorum being raised, the roll will be called.

The Chief Clerk called the roll; and the following Senators answered to their names:

Aldrich,	Dolph,	Jones of Nevada,	Power,
Allen,	Faulkner,	McConnell,	Quay,
Cameron,	Frye,	McMillan,	Sanders,
Carey,	Gorman,	Manderson,	Shoup,
Casey,	Hale,	Mitchell,	Spooner,
Cockrell,	Harris,	Morrill,	Teller,
Cullom,	Higgins,	Paddock,	Warren,
Davis,	Hiscock,	Pasco,	Washburn,
Dixon,	Hoar,	Platt,	Wilson of Iowa.

The PRESIDING OFFICER. Thirty-six Senators have answered to their names. There is no quorum present.

Mr. HOAR. I move that the Sergeant-at-Arms be directed to compel the attendance of absent Senators.

Mr. HARRIS. I do not think that motion is in order at this time. It is perfectly in order to move that the Sergeant-at-Arms be directed to request the attendance of absent members.

Mr. HOAR. We have our choice.

Mr. HARRIS. I think the one follows the other.

Mr. HOAR. Not at all.

Mr. HARRIS. I have never known a motion to compel attendance until there had first been a motion to request.

Mr. HOAR. I have.

Mr. HARRIS. I have not in the fourteen years I have been in the Senate.

Mr. FRYE. We must have our absent Democratic friends brought in.

Mr. COCKRELL. We ought to have some of our absent Republican friends brought in.

Mr. FRYE. Our Democratic friends are more necessary. [Laughter.]

Mr. COCKRELL. I should like to know how many Republicans are present.

Mr. FRYE. Thirty-six, I think.

Mr. ALDRICH. Debate is not in order.

Mr. ALLISON, Mr. EDMUNDS, and Mr. HAWLEY entered the Chamber and answered to their names.

The PRESIDING OFFICER. The Chair thinks the point of order taken by the Senator from Tennessee [Mr. HARRIS] is well taken under the rule, which the Chair will read:

> Whenever upon such roll call it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant-at-Arms to request, and, when necessary, to compel the attendance of absent Senators.

Mr. HOAR. I desire to submit to the Chair that the Senate's direction to compel involves its opinion that it is necessary. It never has been held that the Senate had not the right to compel in the first instance.

Mr. SAWYER and Mr. STOCKBRIDGE entered the Chamber and responded to their names.

Mr. HARRIS. I desire to submit to the Chair that neither the Chair nor the Senate can tell that it is necessary to undertake to compel Senators to attend until they have first been requested and that request has failed to bring them. When you have taken the first step prescribed by the rule and it has failed to accomplish the object, then the necessity is apparent. I admit a motion to compel is in order under our rules, but not till then.

Mr. ALDRICH. Does the Senator from Tennessee contend that the question of whether it is necessary or not resides in the Presiding Officer of this body, and that the Senate itself has not the right to determine whether it is necessary or not?

Mr. HARRIS. I do not. I contend that neither the Senate nor the Chair nor anybody else can assume that a compulsory process is necessary until we have exhausted the first remedy furnished by the rule; and that is, that the Sergeant-at-Arms be directed to request. When that has failed, then it is perfectly apparent that there is the necessity contemplated by the rule, and then, and not until then, the motion of the Senator from Massachusetts would be in order.

Mr. COCKRELL. Mr. President, has the motion been put to request the presence of absent Senators?

The PRESIDING OFFICER. It has not. The question is on that motion.

Mr. COCKRELL. On the point of order I think the Chair has decided correctly. I remember very well the first provision of the rule——

Mr. HOAR. The Chair has ruled the motion out of order and no appeal has been taken.

Mr. HARRIS. I did not understand the Chair to rule that the Senator's motion was in order, and I raise the question of order.

The PRESIDING OFFICER. The question of order is pending now.

Mr. HOAR. The Senator from Tennessee misunderstands me. I say, the Chair having ruled the motion out of order, I do not propose to take an appeal.

Mr. HARRIS. That ends it.

Mr. HOAR. That ends it. That is my point.

Mr. HARRIS. I did not understand the Senator from Massachusetts.

Mr. HOAR. I now move that the Sergeant-at-Arms be directed to request the attendance of absent Senators. In making this motion I wish to say to the Senator from Tennessee, who is a very skillful parliamentarian, that I trust the failure to raise this question in the Senate will not be taken as a precedent. It has been settled the other way and in a very carefully considered precedent, as I understand it, but I will not raise any point about it now.

Mr. HARRIS. I do not care to what extent it may or may not be a precedent. If it has been settled the other way, I am satisfied it was settled radically wrong under our present rules, and whenever the question comes I shall resist, to the extent of my ability, the making of the motion to compel the attendance of absent Senators until the first remedy has been exhausted.

Mr. HOAR. I have withdrawn the motion to compel and I have made the other motion that the Sergeant-at-Arms be directed to request.

The PRESIDING OFFICER. The question is on the motion of the Senator from Massachusetts that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

Mr. COCKRELL. Before that question is put, in view of the protest which has been made by the Senator from Rhode Island [Mr. ALDRICH] and the Senator from Massachusetts [Mr. HOAR] in regard to the question of compelling the attendance of Senators, I desire to say that I remember very distinctly when the rules were revised in 1876 or 1877, and when for the first time the provision to compel the attendance of absent Senators was inserted in the rules, it was then discussed pretty fully. If my recollection is correct the Senator from Massachusetts was not in the Senate at that time, but was a member of the other House. I think the decision of the Chair is correct, that the first motion must be to request the attendance of absent Senators.

Mr. HOAR. I think my friend from Missouri will perhaps recall the occasion; it was when some business was going on which the Senator from Vermont [Mr. EDMUNDS] had in charge, and without previous request, and against my earnest protest, this compulsory order was made by the Senate. My colleague [Mr. DAWES] being engaged at that time in a very important cause in Berkshire, I protested against

the hardship it would be to him and to one of the Senators from California, who was absent under somewhat similar circumstances. The Senate finally, by a bare majority of one vote, excepted my colleague and the Senator from California by name from the operation of that order. That is my recollection. It is a transaction which occurred fourteen years ago, and of course I may err about it, but I am quite sure this question has come up. It came up once when I myself was in the chair.

The PRESIDING OFFICER. The Chair desires to state that he is not familiar with the rules of the Senate or the practice in this regard, but it seems to him that the position of the Senator from Massachusetts is not tenable, for, if it were, the word "request" in the rule would be entire surplusage. If you intend to direct attendance arbitrarily, why should you request it in the mean time?

Mr. HOAR. Because the Senate may take its choice. If the Senate deem it necessary it may compel or it may request. These are the only two motions, I believe, except a motion to adjourn, that are in order. If you said "compel," the Senate could not request, if it preferred, and therefore it is put in the rule that it may "direct the Sergeant-at-Arms to request, and, when necessary, to compel."

Mr. HALE. That is, where it is necessary after requesting.

The PRESIDING OFFICER. It seems to the Chair that the request should come first.

Mr. ALLISON. I desire to say a word. I do not remember an instance in the practice of the Senate where a resolution has been passed compelling the attendance of Senators under that rule.

Mr. HOAR. I do.

Mr. ALLISON. The Senator from Massachusetts says he does.

Mr. HOAR. Yes, I have just stated an instance.

Mr. ALLISON. I should be very glad to have the record produced. Certainly it must have been at some time when I was not present. I do not recollect an instance wherein a resolution has been passed by the Senate directing the Sergeant-at-Arms to compel the attendance of absent Senators, which means the arrest of Senators.

Mr. COCKRELL. I do not recall any such instance myself. What was the occasion to which the Senator from Massachusetts refers?

Mr. HOAR. I can not remember what the subject was that was up, but it was under the charge of the Senator from Vermont and it has always remained in my memory. Of course my memory is fallible, like that of other Senators, but the order was made by the Senate against the earnest protest of some Senators on the Republican side. I remember distinctly urging that my colleague [Mr. DAWES], who had gone home to try a case—I think he had a leave of absence expressly for that—would be taken from his case without any previous notice. At last the then Senator from California, Mr. Miller, procured the exemption of his colleague by name from that order, and I procured the exemption of my colleague. As I said, that is the way it lies in my memory. I do not wish to make any point on it.

Mr. HARRIS. It does not touch, if the Senator will allow me, the question raised here, because the motion would be perfectly in order, in my opinion, after you had exhausted the first remedy that the rules furnish.

Mr. HOAR. I remember also being once in the chair and Mr. Maxey, then a Senator from Texas, rose and said, "I desire to make the usual motion," and I insisted, being then in the chair, that the Senator should specify which of the two motions he desired to make, either of them being proper. Of course that was not a ruling.

I ask for a vote on the motion I have submitted.

The PRESIDING OFFICER. The question is on the motion of the Senator from Massachusetts, that the Sergeant-at-Arms be directed to request the presence of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant-at-Arms will execute the order of the Senate.

Mr. PLATT. Mr. President, if I may be permitted to say one word upon the question which has been before the Senate, I find in a little book called Questions of Order and the Decisions Thereon that, in 1872, it was decided:

> In the absence of a quorum the Senators present may request, but can not compel, the attendance of absent Senators.

Mr. HOAR. That was before the revision of the rules.

Mr. PLATT. That was before the revision of the rules. In the Journal of April 20, 1872, it appears that:

> Mr. Howe submitted a motion that the Sergeant-at-Arms be directed to compel the attendance of such number of absent Senators as would make a quorum of the Senate.
>
> A motion to adjourn followed, and then—
>
> The question recurring on the motion of Mr. Howe,
>
> Mr. Pomeroy here made a point of order, namely, that the Senate having made no provision in its rules for compelling the attendance of absent Senators, which could be made only by a quorum of the body, it was not in the power of a minority of the Senate, by adopting the proposed order, to change the existing rule on the subject, and that the motion of Mr. Howe was, therefore, not in order.
>
> The PRESIDING OFFICER (Mr. Ferry, of Michigan, in the chair) sustained the point of order, and ruled the motion of Mr. Howe not in order.

The rules at that time, it is true, contained no provision that in any event the attendance of absent Senators might be compelled. I find that precedent in 1872 before the change of the rules.

Mr. HOAR (at 2 o'clock and 11 minutes a. m., Saturday). I inquire of the Chair if he has received any report from the Sergeant-at-Arms.

The PRESIDING OFFICER. The Sergeant-at-Arms has received a report from one Senator, the President *pro tempore* of the Senate [Mr. INGALLS], who says that he is too ill to be present this evening.

Mr. EDMUNDS. Can the Sergeant-at-Arms find no more?

The PRESIDING OFFICER. He has found one other Senator, who said he was too much fatigued to attend.

Mr. EDMUNDS. I move that the Sergeant-at-Arms be directed to use all necessary means to compel the attendance of absent Senators, except those detained by sickness.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont.

Mr. HARRIS. Mr. President, before the question is put I wish to inquire what report the Sergeant-at-Arms has made. The Chair, as I understood him, in response to the question propounded by the Senator from Vermont, said that the Sergeant-at-Arms had reported in respect to one Senator.

The PRESIDING OFFICER. The Sergeant-at-Arms has sent vehicles for several Senators, but has received no report from them.

Mr. SPOONER. He reported one Senator sick and another fatigued.

The PRESIDING OFFICER. Calls were made on several other Senators, but they were not found.

Mr. FAULKNER. I inquire whether there can be any report by the Sergeant-at-Arms of the Senate to the Presiding Officer and by him verbally communicated to the Senate. I ask whether it is not required that the report shall be made in writing. I think the Senator from Vermont [Mr. EDMUNDS] suggested that view the other day, and I know he is always very apt and thoroughly acquainted with the rules. I therefore make that parliamentary inquiry.

Mr. EDMUNDS. Mr. President, I ask unanimous consent to respond to my friend from West Virginia.

The PRESIDING OFFICER. The Senator from Vermont asks unanimous consent to respond to the Senator from West Virginia.

Mr. FAULKNER. I object, on the ground that I do not ask the Senator for any information. I made a parliamentary inquiry of the Chair, and I desire the Chair to state whether or not what has been done is in accordance with the practice and the rule. I ask whether the report should not be in writing?

Mr. EDMUNDS. Very good. I insist on my motion.

The PRESIDING OFFICER. The Senator from Vermont asks unanimous consent to make a statement——

Mr. EDMUNDS. That was objected to, and therefore I insist upon my motion.

The PRESIDING OFFICER. Does the Chair understand that the Senator from West Virginia objects?

Mr. FAULKNER. I object to the Senator from Vermont answering my question. If he desires to advise with the Chair and to suggest to the Chair any reasons for his ruling, of course I shall not object to that.

Mr. HOAR. I object to debate.

Several SENATORS. Regular order.

The PRESIDING OFFICER. Will the Senator from West Virginia state his point of order?

Mr. FAULKNER. I make the point that the Sergeant-at-Arms, as all other officers of the Senate, in obeying every order of the Senate must make report in writing and not verbally, and that the report in writing must be laid before the Senate. I understand that to be the rule.

The PRESIDING OFFICER. The Chair thinks that it is in the power of the Senate to determine when a necessity arises to compel the attendance of absent Senators. The motion of the Senator from Vermont is in order, and the question is on that motion.

The motion was agreed to.

Mr. HARRIS. In order that the Sergeant-at-Arms may be saved the trouble of going to see three Senators whom I will name, I move that they be excepted from the order. I refer to the Senator from California [Mr. HEARST], the Senator from Georgia [Mr. COLQUITT], and the Senator from Kansas [Mr. INGALLS], who I know was quite unwell this morning, for I met him in committee and he was complaining very much and disappeared from the Senate at an early hour. I take it for granted that neither of those three Senators ought to be sent for.

Mr. HOAR. And also the Senator from Georgia [Mr. BROWN].

Mr. HARRIS. Of course the Senator from Georgia should be excepted. He has been sick for two years at his home in Atlanta.

Mr. HOAR. Let those Senators be excepted by name. I suppose unanimous consent will be given that these four Senators be excepted by name.

The PRESIDING OFFICER. The Chair thinks the terms of the order would excuse them. The order reads "absent Senators, except those detained by sickness."

Mr. HOAR. It has been the custom in such cases to except Senators by name.

At 2 o'clock and 39 minutes a. m., Saturday, Mr. CALL appeared and answered to his name.

At 2 o'clock and 43 minutes a. m., Mr. DANIEL entered the Chamber.

The PRESIDING OFFICER. The name of the Senator from Virginia will be called.

The Chief Clerk called the name of Mr. DANIEL.

Mr. DANIEL. I am paired with the Senator from Washington [Mr. SQUIRE].

Mr. ALLISON. You are present all the same.

Mr. DANIEL. I am present. I answered in the way I did because I understood that amongst gentlemen on the other side who were paired with gentlemen on this side they considered that by the terms of their pairs they were permitted to vote when there were absentees on this side.

Mr. JONES, of Arkansas, at 2 o'clock and 46 minutes a. m., Saturday, entered the Chamber and responded to his name.

Mr. DAWES, at 2 o'clock and 50 minutes a. m., entered the Chamber and responded to his name.

The PRESIDING OFFICER. Forty-five Senators have responded to their names. A quorum of the Senate is now present. The Senator from West Virginia [Mr. FAULKNER] is entitled to the floor.

Mr. HARRIS. What was done with the call of the Senate? It is still going on, I suppose?

Mr. EDMUNDS. Certainly. Bring them in.

Mr. ALLISON. The order is still going on, of course.

Mr. GORMAN. I move that further proceedings under the call be dispensed with.

The PRESIDING OFFICER. The question is on the motion of the Senator from Maryland that further proceedings under the call be dispensed with.

Mr. HARRIS. On that question I ask for a division.

The question being put, there were on a division—ayes 12, noes 10.

Mr. EDMUNDS. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE].

Mr. DAWES (when his name was called). I am paired with the junior Senator from Georgia [Mr. COLQUITT]; otherwise I should vote "nay."

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN], who seems to be absent.

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS].

Mr. SPOONER (when his name was called). I am paired with the Senator from Mississippi [Mr. WALTHALL].

Mr. WILSON, of Iowa (when his name was called). I am paired with the Senator from Maryland [Mr. WILSON]. If my vote be necessary to constitute a quorum I am at liberty to vote.

The roll-call was concluded.

Mr. CULLOM. In the early part of the evening I announced that I should vote if my vote was necessary to make a quorum. There seemed to be some little disposition, I thought, to criticise my action. I desire to state to the Senate now that the Senator from Delaware [Mr. GRAY] and myself have a distinct understanding that either of us may vote when his vote is necessary to make a quorum. I am informed that it is necessary now, and I vote "nay."

Mr. ALLEN. I wish to say that my colleague [Mr. SQUIRE] is paired with the Senator from Virginia [Mr. DANIEL].

Mr. MCMILLAN. I am paired with the Senator from North Carolina [Mr. VANCE].

Mr. DOLPH. I am paired with the senior Senator from Georgia [Mr. BROWN]. An arrangement was made with his colleague [Mr. COLQUITT], who has been very liberal with me in regard to my voting. Some days since I wrote to the senior Senator from Georgia stating that I desired to modify my pair with him so that I might vote when it was necessary to make a quorum. I received an answer to that letter, and therefore I have voted to-night under the circumstances.

Mr. DIXON. I have a general pair with the Senator from South Carolina [Mr. HAMPTON]. If my vote is not necessary to make a quorum I shall withhold it, but if it is necessary I shall vote. I am informed that a quorum has not voted, and therefore I vote "nay."

Mr. HARRIS. I wish to inquire if the Senator from Vermont [Mr. MORRILL] is recorded.

The PRESIDING OFFICER. He has not voted.

Mr. HARRIS. He was in the Chamber a short time ago, and supposing he had voted I recorded my vote. I am paired with him and withdraw my vote.

Mr. ALDRICH. The Senator from Vermont has left the Chamber since then.

Mr. EDMUNDS. My colleague was not feeling well. I feel authorized to say to my friend from Tennessee that, in order to keep up a quorum, he is at liberty to vote.

Mr. HARRIS. Then I will let my vote stand.

Mr. MITCHELL. I was requested by the junior Senator from Kansas [Mr. PLUMB], who was obliged to leave the Senate early in the evening, to state that he is paired with the Senator from Missouri [Mr. VEST].

Mr. WILSON, of Iowa. If a quorum has not yet responded, I feel at liberty to vote under the arrangement I have made with the Senator from Maryland [Mr. WILSON], and I vote "nay."

The result was announced—yeas 5, nays 29; as follows:

YEAS—5.

Cockrell,	Harris,	Jones of Arkansas,	Pasco.
Gorman,			

NAYS—29.

Allen,	Dolph,	Jones of Nevada,	Shoup,
Allison,	Edmunds,	McConnell,	Stockbridge,
Cameron,	Frye,	Mitchell,	Warren,
Carey,	Hale,	Platt,	Washburn,
Casey,	Hawley,	Power,	Wilson of Iowa.
Cullom,	Higgins,	Quay,	
Dawes,	Hiscock,	Sanders,	
Dixon,	Hoar,	Sawyer,	

ABSENT—51.

Aldrich,	Daniel,	McPherson,	Spooner,
Barbour,	Davis,	Manderson,	Squire,
Bate,	Eustis,	Moody,	Stanford,
Berry,	Evarts,	Morgan,	Stewart,
Blackburn,	Farwell,	Morrill,	Teller,
Blair,	Faulkner,	Paddock,	Turpie,
Blodgett,	George,	Payne,	Vance,
Brown,	Gibson,	Pettigrew,	Vest,
Butler,	Gray,	Pierce,	Voorhees,
Call,	Hampton,	Plumb,	Walthall,
Carlisle,	Hearst,	Pugh,	Wilson of Md.
Chandler,	Ingalls,	Ransom,	Wolcott.
Coke,	Kenna,	Reagan,	
Colquitt,	McMillan,	Sherman,	

The PRESIDING OFFICER. No quorum is present.

Mr. MITCHELL. I submit to the Chair that it does not require a quorum to decide this question.

The PRESIDING OFFICER. The Chair understands the motion to dispense with further proceedings under the call does not require a quorum. There are 5 Senators in the affirmative and 29 in the negative; so the motion is lost. The Senator from West Virginia [Mr. FAULKNER] will proceed.

Mr. PASCO. Does not the roll call indicate the absence of a quorum?

The PRESIDING OFFICER. The roll call indicates the absence of a quorum.

Mr. EDMUNDS. We are executing that order now.

Mr. HARRIS. Nothing else can be done while that order is being executed.

Mr. EDMUNDS. The Senator is mistaken about that.

Mr. FAULKNER. I submit to the Chair whether it is proper for me to proceed if there is an indication that there is not a quorum present by a yea-and-nay vote. I know that it does not require a quorum to decide the question.

Mr. EDMUNDS. The Senator is not bound to proceed, of course. There is no quorum present yet.

The PRESIDING OFFICER. The vote discloses the absence of a quorum.

Mr. FAULKNER. I call for a ruling from the Chair.

Mr. HOAR. Mr. President, is a quorum recorded on the last vote?

The PRESIDING OFFICER. A quorum has not responded. There was a quorum on the call of the roll before last vote.

Mr. HOAR. Do I understand the Chair correctly that before the last roll-call on the motion to suspend the proceedings a quorum had appeared?

The PRESIDING OFFICER. A quorum had appeared.

Mr. HOAR. Then I submit to the Chair, that being so and there being now a new disclosure of the want of a quorum, there should be a new call of the roll. It does not make any difference whether it was on a motion to dispense with the proceedings or what it was.

Mr. SPOONER. You follow that up by the usual motion to request the attendance of absent Senators and then to compel.

Mr. HOAR. The rule requires that we shall ascertain who are not present.

Mr. MITCHELL. The effect is to dispense with the further call.

Mr. HOAR. The call of the roll would disclose that.

Mr. MITCHELL. That is so.

The PRESIDING OFFICER. The roll will be called.

The Secretary called the roll; and the following Senators answered to their names:

Aldrich,	Dawes,	Hiscock,	Power,
Allen,	Dixon,	Hoar,	Quay,
Allison,	Dolph,	Jones of Arkansas,	Sanders,
Call,	Edmunds,	Jones of Nevada,	Sawyer,
Cameron,	Faulkner,	McConnell,	Shoup,
Carey,	Frye,	McMillan,	Spooner,
Casey,	Gorman,	Manderson,	Stockbridge,
Cockrell,	Hale,	Mitchell,	Warren,
Cullom,	Harris,	Paddock,	Washburn,
Daniel,	Hawley,	Pasco,	Wilson of Iowa.
Davis,	Higgins,	Platt,	

Mr. MITCHELL. Has the order of the Senate that members be summoned to attend been dispensed with?

The PRESIDING OFFICER. The Chair understands that the order

is being executed. It has not been dispensed with by any vote of the Senate.

Mr. COCKRELL. I understood the Chair to say that it did not require a quorum to dispense with the call.

The PRESIDING OFFICER. No. A majority vote of less than a quorum has voted against the suspension, which decides the question.

Mr. HARRIS. I understood the Senator from Massachusetts to say—I may have misunderstood him, for I did not hear him very distinctly—that the former roll-call, when it was finally concluded, showed the presence of forty-five Senators, and therefore the Senator, if I understood him aright, suggested that the last yea-and-nay vote showing less than a quorum present, a new call of the Senate must be had. Was I right in that?

Mr. HOAR. A call of the roll?

Mr. HARRIS. Yes.

Mr. HOAR. But it does not follow that any other proceedings are to be taken.

Mr. HARRIS. I understood the Senator as saying that the old call having resulted in showing a quorum in the Senate, it was at an end, and the last vote, showing less than a quorum then present, involved the necessity of a roll-call. That roll call having developed less than a quorum, the old order has answered its purpose.

Mr. HOAR. I made no such suggestion, and I entertain no such opinion. I suppose that if there were a roll-call of the Senate, in order to compel the attendance of absent Senators, the Senate might go on with its business as usual when the quorum arrived, and still the order must be executed until all the absent Senators have been brought in. They might be out days or weeks or months, possibly. In the mean time the Senate would proceed with its business, and if at any time a new absence of a quorum took place, the usual proceeding of a roll-call would follow. The Senate would not be obliged to introduce a new order.

Mr. HARRIS. Upon the very idea the Senator from Massachusetts expresses, that when the roll-call upon the motion to dispense with further proceedings develops less than a quorum, I entertain the opinion that the proceedings under the order were going on, but when the Senator suggested that a new call was necessary because of that development I wish to say it seems to me that all the consequences of a new call should follow.

Mr. EVARTS (at 3 o'clock and 10 minutes a. m. Saturday) appeared and answered to his name.

The PRESIDING OFFICER (at 3 o'clock and 20 minutes a. m. Saturday). The Sergeant-at-Arms reports that the Senator from Ohio [Mr. SHERMAN] and the Senator from Maryland [Mr. WILSON] both report themselves too ill to be present this evening.

Mr. PASCO. I move that they be excused.

The PRESIDING OFFICER. No motion is in order at the present time except a motion to adjourn.

Mr. FRYE. Mr. President, I ask unanimous consent that the Senator from West Virginia may be permitted to proceed with his speech.

Mr. FAULKNER. Mr. President, that is a question of order——

The PRESIDING OFFICER (Mr. MANDERSON in the chair). In the absence of a quorum of the Senate, the Chair can not entertain any request for unanimous consent.

At 4 o'clock and 18 minutes a. m., Saturday, Mr. COKE, Mr. BATE, and Mr. KENNA appeared and answered to their names.

The PRESIDING OFFICER. Forty-seven Senators have answered to their names. A quorum of the Senate is present.

Mr. COCKRELL. The question recurs, I suppose, on the motion to dispense with further proceedings under the call.

The PRESIDING OFFICER. That motion was disagreed to, as the Chair understands. A quorum being present, the Chair recognizes the Senator from West Virginia.

Mr. COCKRELL. I rise to a question of order.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. COCKRELL. My point of order is that a motion was made to dispense with further proceedings under the call, and upon that motion the yeas and nays were called on the demand of the Senator from Vermont [Mr. EDMUNDS], and no quorum voted.

The PRESIDING OFFICER. The Chair will hold that no quorum is needed to dispose of that motion, and overrules the point of order of the Senator from Missouri. The Senator from West Virginia [Mr. FAULKNER] is entitled to the floor.

Mr. FAULKNER resumed his remarks, and after having spoken for some time,

Mr. GORMAN (at 4 o'clock and 25 minutes a. m. Saturday). Will the Senator give way to me?

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Maryland?

Mr. FAULKNER. I yield for a moment.

Mr. GORMAN. I desire to make a motion. We had a call of the Senate, at the request of the Senator from Montana [Mr. SANDERS], and while a quorum has appeared in the body once or twice there is no quorum here now. It is nearly half-past 4 o'clock in the morning, and I move that the Senate adjourn until 10 or 11 o'clock, whatever hour in the morning may be agreeable to the Senators present. It is impossible to go on with business in this way. There is no quorum here; and, while I myself am prepared to stay, I move that the Senate do now adjourn.

Mr. HOAR. On that motion I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE], and I withhold my vote.

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL], and therefore withhold my vote. I should vote "yea," if he were present.

Mr. MCMILLAN (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE].

The PRESIDING OFFICER (Mr. MANDERSON, when his name was called). The occupant of the chair is paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS].

The roll-call was concluded.

Mr. DIXON. I have a general pair with the Senator from South Carolina [Mr. HAMPTON]. I suggest to the Senator from Tennessee [Mr. HARRIS] that we transfer our pairs and vote.

Mr. HARRIS. Certainly, if the Senator from Rhode Island desires it.

Mr. DIXON. I vote "nay."

Mr. HARRIS. I vote "yea."

Mr. CULLOM. I inquire if a quorum has voted.

The PRESIDING OFFICER. A quorum has not voted.

Mr. CULLOM. I vote "nay."

Mr. HALE. I have a general pair with the Senator from North Carolina [Mr. RANSOM], who is not well to-night, and therefore not here. I have a right to vote to help make a quorum, and I vote "nay."

Mr. MITCHELL. I was requested to announce that the junior Senator from Kansas [Mr. PLUMB] is paired with the junior Senator from Missouri [Mr. VEST].

Mr. SPOONER. I am paired with the Senator from Mississippi [Mr. WALTHALL].

The result was announced—yeas 6, nays 27; as follows:

YEAS—6.

Bate,	Faulkner,	Harris,	Jones of Arkansas.
Cockrell,	Gorman,		

NAYS—27.

Allen,	Dolph,	Hoar,	Sawyer,
Allison,	Edmunds,	Jones of Nevada,	Shoup,
Cameron,	Frye,	Mitchell,	Stockbridge,
Carey,	Hale,	Platt,	Warren,
Casey,	Hawley,	Power,	Washburn,
Cullom,	Higgins,	Quay,	Wilson of Iowa.
Dixon,	Hiscock.	Sanders,	

ABSENT—55.

Aldrich,	Davis,	McPherson,	Sherman,
Barbour,	Dawes,	Manderson,	Spooner,
Berry,	Eustis,	Moody,	Squire,
Blackburn,	Evarts,	Morgan,	Stanford,
Blair,	Farwell,	Morrill,	Stewart,
Blodgett,	George,	Paddock,	Teller,
Brown,	Gibson,	Pasco,	Turpie,
Butler,	Gray,	Payne,	Vance,
Call,	Hampton,	Pettigrew,	Vest,
Carlisle,	Hearst,	Pierce,	Voorhees,
Chandler,	Ingalls,	Plumb,	Walthall,
Coke,	Kenna,	Pugh,	Wilson of Md.
Colquitt,	McConnell,	Ransom,	Wolcott.
Daniel,	McMillan,	Reagan,	

So the Senate refused to adjourn.

The PRESIDING OFFICER. A quorum not voting, the Secretary will call the roll of the Senate.

The Secretary called the roll; and the following Senators answered to their names:

Allen,	Dolph,	Hoar,	Sanders,
Allison,	Edmunds,	Jones of Arkansas,	Sawyer,
Bate,	Faulkner,	Jones of Nevada,	Shoup,
Cameron,	Frye,	McMillan,	Spooner,
Carey,	Gorman,	Manderson,	Stockbridge,
Casey,	Hale,	Mitchell,	Warren,
Cockrell,	Harris,	Paddock,	Washburn,
Cullom,	Hawley,	Platt,	Wilson of Iowa.
Davis,	Higgins,	Power,	
Dixon,	Hiscock,	Quay,	

The PRESIDING OFFICER. Thirty-eight Senators have responded to their names. No quorum is present. The Sergeant-at-Arms will proceed under the former order of the Senate to request the attendance of absent Senators.

Mr. DOLPH. Has the report of the Sergeant-at-Arms been laid before the Senate?

The PRESIDING OFFICER. The report of the Sergeant-at-Arms has been made verbally to the Presiding Officer of the Senate. No report, however, has been made by him as yet on the last roll-call of the Senate. The list of absentees is now being furnished to the Sergeant-at-Arms.

Mr. DOLPH. It has been rumored that there are Senators in the building who decline to come at the call of the Sergeant-at-Arms.

The PRESIDING OFFICER. That fact is reported to the Presiding Officer by the Sergeant-at-Arms.

Mr. DOLPH. I think the rule had better be repealed or the order ought to be enforced. For my part, if it can not be enforced I shall never vote again to direct its enforcement.

Mr. FAULKNER. I suggest the point of order to the Chair that it is not proper to receive these reports verbally, and that they ought to be in writing and communicated to the Senate by the Presiding Officer when he has them in writing.

The PRESIDING OFFICER. That point being made, the Chair will so hold, that the report of the Sergeant-at-Arms shall be in writing and it will be laid before the Senate. Under the last call of the Senate the Sergeant-at-Arms has not yet been furnished with a list of absentees.

Mr. EDMUNDS. Let him report the execution of the order to bring in absentees.

The PRESIDING OFFICER. The Sergeant-at-Arms will report as soon as possible in writing, under the last order of the Senate.

After some little delay,

The PRESIDING OFFICER (at 4.54 minutes a. m. Saturday). The Sergeant-at-Arms makes a report in writing to the Senate, which will be read by the Secretary for the information of the Senate.

The Secretary read as follows:

UNITED STATES SENATE, 4.30 *a. m., January* 17, 1891.

SIR: In obedience to the following order received by me at 2.30 a. m.—

"*Ordered*, That the Sergeant-at-Arms be directed to use all necessary means to compel the attendance of absent Senators, excepting those detained on account of sickness"—

I executed the same by notifying Senators EVARTS, CALL, DAWES, DANIEL, JONES of Arkansas, GRAY, COKE, KENNA, and BATE, who responded to the same by appearing in the Senate Chamber. Senators HAMPTON, INGALLS, RANSOM, BUTLER, SHERMAN, WILSON of Maryland, and WOLCOTT reported themselves sick, and Senator BERRY answered that he was not ready to come. Could not gain entrance to the residence of Senator BARBOUR. Party responded at door of Senator STANFORD; answered "Is not in." At Senator TURPIE's there was no response. The order is being executed by deputy sergeants-at-arms at this time.

Very respectfully,

E. K. VALENTINE, *Sergeant-at-Arms.*

To the PRESIDENT OF THE SENATE.

Mr. COCKRELL. I raise the question that that order was never issued by the Senate. I ask that it be read again.

Mr. HOAR. I object.

Mr. GORMAN. We have a right to have it read.

Mr. COCKRELL. On what ground does the Senator object?

Mr. HOAR. On the ground that no business can be transacted until a quorum appears.

Mr. COCKRELL. I state the point that there has been read a report purporting to be an order which was not made by the Senate, and perchance it is not necessary to have a quorum to transact that. It is a question of the call of the Senate under that resolution.

The PRESIDING OFFICER. It is not a resolution; it is a report of the Sergeant-at-Arms.

Mr. COCKRELL. It is the report of the Sergeant-at-Arms reciting a resolution of the Senate.

Mr. HOAR. I object, then, to any debate in the absence of a quorum.

The PRESIDING OFFICER. The Chair would hold that this being a matter incident to the call of the Senate it is properly before the body.

Mr. COCKRELL. The report reads—

In obedience to the following order received by me at 2.30 a. m.—

It is not the fault of the Sergeant-at-Arms, Mr. President—

Ordered, That the Sergeant-at-Arms be directed to use all necessary means to compel the attendance of absent Senators, excepting those detained on account of sickness.

Now, Mr. President, I say that no such order as that was made by the Senate.

The PRESIDING OFFICER. The Chair would hold that that is an immaterial question in connection with the call of the Senate. The Sergeant-at-Arms may have incorrectly recited that which will appear correctly upon the Journal of the Senate.

Mr. EDMUNDS. Let the order of the Senate be read, so as to see who is right.

Mr. COCKRELL. Yes, let the order be read.

Mr. HARRIS. The Sergeant-at-Arms ought to have been armed with the order of the Senate, certified by the Secretary of the Senate, I imagine.

Mr. EDMUNDS. Let us see if he was not.

Mr. HARRIS. Very well; I am willing to see; but I think that would be the regular method of proceeding.

Mr. EDMUNDS. Let us see.

The PRESIDING OFFICER. The order will be read.

The Secretary read as follows:

Ordered, That the Sergeant-at-Arms be directed to use all necessary means to compel the attendance of absent Senators, excepting those detained on account of sickness.

Mr. COCKRELL. That was not the order that was made. The Senator from Massachusetts submitted that order first and withdrew it.

Mr. HOAR. The Senator from Vermont afterwards moved it, and it was adopted.

Mr. COCKRELL. I beg pardon.

Mr. HOAR. On whose motion was the order made? Does it appear?

The PRESIDING OFFICER. It was made on the motion of the Senator from Vermont [Mr. EDMUNDS].

Mr. EDMUNDS. Who read it out of the Senate Journal as a precise repetition of an order made when the Democrats were in possession of this body and were trying to get a quorum—and not on a question of human rights—on the motion of the Senator from Tennessee [Mr. HARRIS], and for which every Democratic Senator but one voted, and nearly every Republican. I will add for the information of my friend from Missouri that that order having been adopted the Secretary of the Senate wrote it out, attested it, and at the foot of it the Presiding Officer entered the direction in the regular way as if a clerk of a court issuing a writ: "The Sergeant-at-Arms will execute this order;" which was signed by the Presiding Officer. I have seen it.

Mr. COCKRELL. I will ask the Senator one question. Was that order read in open Senate at to-night's session?

Mr. EDMUNDS. Certainly; read, moved, voted upon, entered up by the Secretary, attested by the Secretary, and the order of execution signed by the Presiding Officer.

Mr. COCKRELL. The Senator is referring to the old order. I refer to this order made to-night.

Mr. EDMUNDS. That is the very one I am speaking of. The Senator from Missouri, with great respect to him, is mistaken.

Mr. COCKRELL. The Senator from Iowa objected to the use of the word "compel."

Mr. HOAR. No, this took place later; twenty minutes after that roll-call.

Mr. FRYE. When the Senator from Missouri was back.

Mr. COCKRELL. No, I have not been back anywhere. I have been on the floor all the time when any business was being transacted; and I shall appeal to the notes of the stenographer who took down the proceedings.

The PRESIDING OFFICER. The Chair would state that he is inclined to hold that this is a matter which can not properly come up in the form in which the Senator states it. The report of the Sergeant-at-Arms must be received as it is written and it must be laid before the body. If there is an error in the Journal entry it can not be reached by the method suggested by the Senator from Missouri.

Mr. SPOONER. I will state to the Senator from Missouri that he is certainly mistaken, for I stood beside the Senator from Vermont when he read that order.

Mr. COCKRELL. I appreciate the fact that we can not change it until we come to the Journal.

Mr. DANIEL. I move that the report of the Sergeant-at-Arms be referred to the Committee on Privileges and Elections.

The PRESIDING OFFICER. The Chair can not entertain that motion in the absence of a quorum, it being in the nature of business before the Senate requiring its action.

Mr. EDMUNDS. It will go into the Journal just the same.

Mr. DOLPH. That, in my judgment, is a very unsatisfactory report. The Senate either has power to compel the attendance of absent members or it has not. If it has not the power, then the adoption of the rule under which the Sergeant-at-Arms might be directed to compel the attendance of absent Senators is an idle ceremony, and the sooner it is repealed the better. I do not think that under that order it would be sufficient simply for a Senator to say he is feeling too unwell to come or that he is not feeling well. I think the fact ought to be ascertained as to his condition in some manner. It appears that at least one or more Senators have not even given that excuse. Now, for one, I should like to see the order executed.

The PRESIDING OFFICER. Does the Senator from Oregon make any motion?

Mr. DOLPH. No further motion, it appears to me, is necessary. I have heard it talked on the floor of the Senate that the Senate has not the power to compel the attendance of Senators; that the Sergeant-at-Arms is not expected to use the means to compel the attendance of Senators. If that is true, it was a very foolish thing to direct him to do so. But if we expected that it should be done then it ought to be done, and Senators ought to be brought in, in accordance with the order, when it can be done.

At 5 o'clock and 5 minutes a. m., Mr. GRAY entered the Chamber and answered to his name.

The PRESIDING OFFICER. The Chair lays before the Senate a report of the Sergeant-at-Arms, which will be read.

The Secretary read, as follows:

UNITED STATES SENATE,
Washington, D. C., 5 o'clock a. m., January 17, 1891.

SIR: In obedience to the last order of the Senate, under a roll-call handed me at 4.40 a. m., I served summons on Senators COKE and VANCE, who responded by entering the Senate Chamber. Found Senator BERRY in the cloakroom of the Senate, who requested me to report to the Senate that he would come when

he got ready. Also found Senator BUTLER in the cloakroom, who refused to obey the summons.

Very respectfully,

E. K. VALENTINE,
Sergeant-at-Arms.

To the PRESIDENT OF THE SENATE.

Mr. DOLPH. I wish to inquire if it is an execution of the order to report that the Senator from Arkansas says he will come when he is ready.

Mr. HARRIS. Mr. President, I object to any debate. The Senator from Oregon has lectured the Senate once or twice already, and I object to any further lecture or any debate whatever.

Mr. DOLPH. The Senator may object, but I shall exercise my privilege to speak on a matter pertinent to the business before the Senate.

Mr. HARRIS. Unfortunately the Senator has had no privilege until the Chair decides that he has.

The PRESIDING OFFICER. The Chair understands that the Senator from Tennessee raises the point of order that the Senator from Oregon is out of order in speaking upon a question pertaining to the call of the Senate. The Chair will hold that the inquiry of the Senator from Oregon is in order and that it pertains to the conduct of the Senate in compelling, under the order of the Senate, the attendance of absent members. The Senator from Oregon will proceed.

Mr. HARRIS. As there is not a quorum present, of course I shall not appeal from the ruling of the Chair, because less than a quorum could not decide it; but I do not yield to it at all.

Mr. DOLPH. Referring to the question of order, if a minority of the Senate have power to make an order to compel the attendance of absent Senators, they have power to enforce it, and the report made by the Sergeant-at-Arms or any proposition looking to the enforcement of the order I think would be in order and be a subject of discussion. But I have nothing more to say. I simply say that the order has not been executed, and the report itself shows that it has not been.

The PRESIDING OFFICER. The Chair will ask that there be read the clause in the fifth section of the first article of the Constitution, which seems to apply to cases of this sort.

The Secretary read as follows:

A majority of each [House] shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each House may provide.

The PRESIDING OFFICER. The Chair is unable to find any rule of the Senate, however, which has prescribed the manner or mode of compelling the attendance of members, as required apparently by the Constitution.

Mr. GRAY. In the absence of a rule under the authority of the Constitution to prescribe the manner in which that authority should be executed, it seems to me that the Senate has not availed itself of its power under the Constitution to make such a rule. The rule merely repeats the words of the Constitution as I understand the third clause of Rule V:

Whenever upon such roll-call it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant-at-Arms to request, and, when necessary, to compel the attendance of the absent Senators.

That is almost the precise language of the Constitution, "to compel the attendance of the absent Senators," the Constitution conferring upon the Senate the power to——

Mr. DOLPH. What more can be done?

Mr. HARRIS. I thought the Senator from Delaware was entitled to the floor.

The PRESIDING OFFICER. He took his seat, the Chair observed.

Mr. HARRIS. He was turning to find a reference. Did the Senator from Delaware yield the floor?

The PRESIDING OFFICER. The Chair begs pardon of the Senator from Delaware. Did he yield the floor?

Mr. GRAY. I did yield the floor. I could not find the clause in the Constitution.

Mr. DOLPH. With all due deference to the Chair, I can not see but that the Senate has provided the manner in which the attendance of absent Senators may be compelled. The Senate can provide the manner in which attendance may be compelled, and they have provided that upon motion the Sergeant-at-Arms may be directed to compel attendance. When the Sergeant-at-Arms takes that order it is his authority and his duty, in my opinion, to bring Senators into the Senate.

The PRESIDING OFFICER. The Senate does not seem to have prescribed the manner and to have prescribed penalties for absenteeism. The difficulty is in instructing the Sergeant-at-Arms as to his duty. The Chair is rather loath to instruct him as to what he shall do when the rules are silent upon the subject.

Mr. DOLPH. If that is the case we had better undo as quickly as we can what we have done. If we have given an order here that there is no power to enforce, the sooner we can get out of that ridiculous dilemma the better.

At 5 o'clock and 10 minutes a. m. Mr. REAGAN entered the Chamber and answered to his name.

Mr. VANCE entered the Chamber.

The PRESIDING OFFICER. The Secretary will call the name of the Senator from North Carolina.

Mr. VANCE. I do not desire recognition, sir.

Mr. DANIEL entered the Chamber and answered to his name.

The PRESIDING OFFICER. The Sergeant-at-Arms makes a further report under the orders of the Senate. The report will be read by the Secretary.

The Secretary read as follows:

UNITED STATES SENATE, *Washington, 5 o'clock a. m., January 17, 1891.*

SIR: I have the honor to further report that Senator MCPHERSON reports himself sick. Senators MORGAN, CARLISLE, and STEWART can not be found. Senators BLACKBURN and GEORGE responded that they would report at once.

Very respectfully,

E. K. VALENTINE,
Sergeant-at-Arms.

To the PRESIDENT OF THE SENATE.

Mr. DANIEL. I beg leave to suggest to the gentlemen who have discussed this matter that most of the absentees are unwell. It seems quite a hardship to compel the attendance of elderly gentlemen, and those who are ailing, and it would be very difficult to get a quorum without them. I think that is a fact it might be well to reflect on, upon the other side, before attempting to proceed further. Of course we were very glad to stay here and have this opportunity of discussion, but it is not interesting to the speakers to discuss a question with so thin a Senate, especially on the other side. Almost all the gentlemen who have been solicited to attend reply that they are unwell, and it seems a hardship upon them, especially the elder ones, to bring them in at such a late hour of the evening and during such inclement weather. I shall not make any motion, however, as I think gentlemen on the other side will see the situation for themselves.

At 5 o'clock and 16 minutes a. m. Mr. COKE entered the Chamber and answered to his name.

At 5 o'clock and 26 minutes a. m. Mr. CALL entered the Chamber and answered to his name.

At 5 o'clock and 44 minutes a. m. Mr. GEORGE entered the Chamber and answered to his name.

The PRESIDING OFFICER. Forty-five Senators have answered to their names. A quorum being present, the Chair will recognize the Senator from West Virginia [Mr. FAULKNER] on the bill.

Mr. FAULKNER resumed the floor, and having spoken for some little time,

Mr. GORMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Maryland?

Mr. FAULKNER. I yield to the Senator from Maryland.

Mr. GORMAN. I suggest to the Senator from West Virginia that we have tried ever since half past 12 to keep a quorum for the purpose of hearing him submit his able argument. Only fifteen Senators are present, and it is now 6 o'clock in the morning. I suggest, after the numerous reports by the Sergeant-at-Arms, we ought not to disturb the Senators who are indisposed and who are unable to remain here; I therefore move, with the Senator's permission, that all further proceedings under the call be dispensed with, so as to enable Senators to get their breakfasts and return here by 8 or 9 o'clock and not be disturbed in the mean time. Such a course would also relieve the business of the Senate in charge of its officers. I therefore move that all further proceedings under the call be dispensed with.

Mr. EDMUNDS. On that I ask for the yeas and nays.

Mr. VANCE. I wish simply to supplement the statement of the Senator from Maryland by a matter of statistics. I believe I see seven Democratic and six Republican Senators present.

The PRESIDING OFFICER. The Senator from Maryland moves that further proceedings under the call be dispensed with.

Mr. VANCE. I find that there is a zeal tempered with discretion. It is a sacrifice in behalf of the public interest tempered by a very unselfish desire to promote personal comfort. Such being the case, I hope that the proceedings may be suspended under the call or else that those who have instigated and sustained the call shall be in their seats wide awake and duly sober for the transaction of public business.

Mr. GORMAN. I move that further proceedings under the call of the Senate be dispensed with.

The PRESIDING OFFICER. The Senator from Maryland moves that further proceedings under the call of the Senate be dispensed with.

Mr. EDMUNDS. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DANIEL (when his name was called). I am paired with the Senator from Washington [Mr. SQUIRE]; otherwise I should vote "yea."

Mr. DIXON (when his name was called). I am paired with the Senator from South Carolina [Mr. HAMPTON]; otherwise I should vote "nay."

Mr. GEORGE (when his name was called). I am paired with the Senator from New Hampshire [Mr. BLAIR].

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL], and the Senator from Rhode Island [Mr. DIXON] is paired with the Senator from South Carolina

[Mr. HAMPTON]. We agreed upon the last roll-call to transfer our pairs. I vote "yea."

The PRESIDING OFFICER (Mr. MANDERSON, when his name was called). The present occupant of the chair is paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS].

Mr. SPOONER (when his name was called). I am paired with the Senator from Mississippi [Mr. WALTHALL].

Mr. ALLEN (when Mr. SQUIRE's name was called). My colleague [Mr. SQUIRE] is paired with the Senator from Virginia [Mr. DANIEL].

The roll-call was concluded.

Mr. VANCE. I wish to announce my pair with the Senator from Michigan [Mr. MCMILLAN]. If he was present, I am rather inclined to think that I should vote "yea."

Mr. BATE. The Senator from New Jersey [Mr. BLODGETT] is paired with the Senator from New Hampshire [Mr. CHANDLER].

Mr. CULLOM. Under the terms of my pair with the Senator from Delaware [Mr. GRAY] I am at liberty to vote if my vote is necessary to make a quorum. Has a quorum voted?

The PRESIDING OFFICER. No quorum has voted.

Mr. CULLOM. There being no quorum I vote "nay."

Mr. DIXON. Under the arrangement for the transfer of pairs announced by the Senator from Tennessee [Mr. HARRIS] I am at liberty to vote. I vote "nay."

Mr. DAVIS. I am paired with the Senator from Indiana [Mr. TURPIE]. If he were present, I should vote "nay."

Mr. CASEY. My colleague [Mr. PIERCE] is necessarily absent. He is paired with the Senator from Kentucky [Mr. CARLISLE].

Mr. MITCHELL. The junior Senator from Kansas [Mr. PLUMB] is detained from the Senate by indisposition. He is paired with the Senator from Missouri [Mr. VEST]. If the Senator from Kansas were here, he would vote "nay."

The result was announced—yeas 5, nays 23; as follows:

YEAS—5.

Bate,	Faulkner,	Gorman,	Harris.
Cockrell,			

NAYS—23.

Allen,	Dolph,	Hoar,	Sawyer,
Cameron,	Edmunds,	Mitchell,	Shoup,
Carey,	Frye,	Platt,	Stockbridge,
Casey,	Hawley,	Power,	Warren,
Cullom,	Higgins,	Quay,	Wilson of Iowa.
Dixon,	Hiscock,	Sanders,	

ABSENT—60.

Aldrich,	Davis,	McConnell,	Reagan,
Allison,	Dawes,	McMillan,	Sherman,
Barbour,	Eustis,	McPherson,	Spooner,
Berry,	Evarts,	Manderson,	Squire,
Blackburn,	Farwell,	Moody,	Stanford,
Blair,	George,	Morgan,	Stewart,
Blodgett,	Gibson,	Morrill,	Teller,
Brown,	Gray,	Paddock,	Turpie,
Butler,	Hale,	Pasco,	Vance,
Call,	Hampton,	Payne,	Vest,
Carlisle,	Hearst,	Pettigrew,	Voorhees,
Chandler,	Ingalls,	Pierce,	Walthall,
Coke,	Jones of Arkansas,	Plumb,	Washburn,
Colquitt,	Jones of Nevada,	Pugh,	Wilson of Md.
Daniel,	Kenna,	Ransom,	Wolcott.

The VICE PRESIDENT. On the motion to dispense with further proceedings under the call there are 5 yeas and 23 nays, less than a quorum. A quorum, however, not being necessary to decide this question, the motion is lost.

Mr. HARRIS. Was a quorum present, Mr. President?

The VICE PRESIDENT. The Chair has announced that there was not a quorum present.

Mr. HARRIS. The rule prescribes a call of the Senate.

The VICE PRESIDENT. The roll will be called.

The Secretary called the roll; and the following Senators answered to their names:

Allen,	Dixon,	Hiscock,	Sawyer,
Bate,	Dolph,	Hoar,	Shoup,
Cameron,	Edmunds,	Manderson,	Spooner,
Carey,	Faulkner,	Mitchell,	Stockbridge,
Casey,	Frye,	Paddock,	Vance,
Cockrell,	Gorman,	Platt,	Warren,
Cullom,	Harris,	Power,	Wilson of Iowa.
Daniel,	Hawley,	Quay,	
Davis,	Higgins,	Sanders,	

Mr. COCKRELL. I did not notice that the senior Senator from Iowa [Mr. ALLISON] was absent at the last yea-and-nay vote. I ought not to have voted, as I am paired with him.

Mr. CULLOM. It did not make any difference in the result.

Mr. COCKRELL. I wanted to announce the fact, as he is not here.

The VICE PRESIDENT. Thirty-four Senators have responded to their names. No quorum is present.

Mr. MITCHELL. Mr. President, would it be in order to rise to a parliamentary inquiry?

The VICE PRESIDENT. It would.

Mr. MITCHELL. I should like to make two inquiries. The first is, whether the Senator from West Virginia [Mr. FAULKNER] has concluded his speech. The next is, if he has concluded, whether it is the intention of our Democratic friends on the other side of the Chamber to discuss this question any further.

Mr. FAULKNER. I regret to say that through the inability of our distinguished friends on the Republican side of the Chamber to be present by reason of illness I have not been able to continue my speech as promptly and as consecutively as I desired [laughter]; but I feel that I ought to indulge them under the peculiar circumstances which surround them, as I believe they have been reported ill.

The VICE PRESIDENT. The Chair lays before the Senate a further report from the Sergeant-at-Arms, which will be read.

The Chief Clerk read as follows:

UNITED STATES SENATE, 6.20 *a. m.*, *January* 17, 1891.

SIR: I have the honor to further report that Senators REAGAN and VEST, in response to the order of the Senate, responded that they would report immediately. Senator VOORHEES reports himself sick. Senators PUGH and WALTHALL can not be found in the city of Washington. Senators BROWN, BLODGETT, CHANDLER, FARWELL, BLAIR, SQUIRE, MOODY, and PETTIGREW are absent from the District of Columbia.

Very respectfully,

E. K. VALENTINE,
Sergeant-at-Arms.

To the PRESIDENT OF THE SENATE.

At 6 o'clock and 35 minutes a. m., Saturday, Mr. BUTLER entered the Chamber.

The VICE PRESIDENT. The name of the Senator from South Carolina will be called.

Mr. BUTLER. I am present, Mr. President, but I am very sorry to observe that so many others are absent.

At 7 o'clock a. m. Mr. DAWES entered the Senate Chamber and responded to his name.

At 7 o'clock and 25 minutes a. m. Mr. CALL entered the Chamber and responded to his name.

At 7 o'clock and 29 minutes a. m. Mr. MORGAN entered the Chamber and responded to his name.

Mr. DANIEL (at 7 o'clock and 47 minutes a. m.). Mr. President, I ask the unanimous consent of Senators on the other side that we now adjourn.

The PRESIDING OFFICER (Mr. PLATT in the chair). Does the Chair understand the Senator from Virginia to make a motion to adjourn?

Mr. DANIEL. Yes, sir; I move that the Senate adjourn.

The PRESIDING OFFICER. The Chair suggests to the Senator from Virginia whether that motion is now in order. The Senate is proceeding under a call.

Mr. HARRIS. The motion to adjourn is in order. It is the only motion that is in order pending proceedings under a call in the absence of a quorum.

The PRESIDING OFFICER. Without any other business having transpired, except the call which followed?

Mr. HARRIS. It followed another motion, not a motion to adjourn.

The PRESIDING OFFICER. The call followed a motion to adjourn.

Mr. HARRIS. Even if it did it is business, and the motion to adjourn is in order.

Mr. DANIEL. I hear no objection to an adjournment from the other side. Silence gives consent.

The PRESIDING OFFICER. The Senator from Virginia [Mr. DANIEL] moves that the Senate adjourn.

Mr. HOAR. Does the Chair hold the motion to be in order?

The PRESIDING OFFICER. The Chair is inclined to think it is in order, although he suggested a doubt on that subject.

Mr. HOAR. What has happened since the last motion?

Mr. HARRIS. A call of the Senate.

Mr. HOAR. That does not make the motion in order.

Mr. FAULKNER. There has not been any motion to adjourn since the last call.

The PRESIDING OFFICER. There was a motion to adjourn, and a vote by yeas and nays disclosed the absence of a quorum, and the Chair then ordered a call of the Senate. The Chair was first in doubt as to the motion being in order. The Chair will put the question on the motion.

Mr. HOAR. We have had a speech from the Senator from West Virginia [Mr. FAULKNER], which is very weighty business.

The PRESIDING OFFICER. The question is on the motion to adjourn.

The motion was not agreed to.

After some delay, Mr. PASCO, Mr. SHERMAN, Mr. GEORGE, Mr. TELLER, Mr. MCCONNELL, Mr. VEST, and Mr. MORRILL entered the Chamber and answered to their names.

The PRESIDING OFFICER (Mr. HAWLEY in the chair, at 9 o'clock and 30 minutes a. m.). Forty-five Senators have responded to the call of the Senate. A quorum is present. The Senator from West Virginia has the floor.

Mr. FAULKNER resumed the floor, and after having proceeded for thirty-five minutes,

Mr. HARRIS (at 10.05 a. m., January 17). Mr. President, if the Senator from West Virginia will yield to me a moment, I desire to make an inquiry.

The PRESIDING OFFICER (Mr. FRYE in the chair). Does the Senator from West Virginia yield?

Mr. FAULKNER. Certainly.

Mr. HARRIS. I want to make a parliamentary inquiry. I ask whether or not our Journal will show that there was a legislative day on the 17th of January, 1891; and, if so, I want to know when that legislative day begins. The standing order, as I understand it, is that the Senate shall meet at 10 o'clock a. m. until otherwise ordered. As there has been no other order of which I know anything, I suppose that to be the standing order. It is now four or five minutes after 10 o'clock of the calendar day of January 17.

Mr. MORRILL. The 16th of January is not finished.

Mr. HARRIS. Very well; I simply desired to ask whether we shall have a legislative day on the 17th of January.

The PRESIDING OFFICER. The Chair is of opinion that there never will be any such legislative day as the 17th of January.

Mr. HARRIS. I desired the information of the Chair, so that the clerks might know how to make up the Journal.

Mr. HOAR. Mr. President, may I be permitted to make an observation? I desire to remind the honorable Senator from Tennessee that at the time of the legislation relative to the Electoral Commission the flag was kept flying and one legislative day continued a good many weeks, I think six or seven weeks—I do not know how long; and at the end of that time all the legislative days came in together like the running down of the clock.

Now, I wish to observe to the Senator from Tennessee that it is possible, and I think probable on such reflection as I can give, that that was provided for expressly by the statute creating the Electoral Commission. So it would not be strictly a parliamentary authority for the present proceeding, but I suppose it illustrates exactly what I presume would be the case if the Senate of its own volition were to sit on without an adjournment.

Mr. HARRIS. Both the Senator from Massachusetts and myself remember more instances than one, I imagine, where two and possibly three or more calendar days have been journalized as one legislative day. I simply desired to know what the purpose was, whether there would be a legislative day of the 17th of January, so that the clerks might know how to make up the Journal.

Mr. SHERMAN. I think if we were to adjourn now, under the regular order we could not meet until Monday at 10 o'clock. So I imagine yesterday's legislative day will continue over until the hour of adjournment. That is the usual way.

The PRESIDING OFFICER. The Presiding Officer noticed when the hour of 10 o'clock arrived, but did not deem it his duty to call the attention of the Senate to the fact that the hour of 10 o'clock had arrived. He understands that this is the legislative day of yesterday and will continue so. The Senator from West Virginia will proceed.

[Mr. FAULKNER concluded his speech. See Appendix.]

Mr. DANIEL. Mr. President, free speech and free elections are the very soul of republican institutions. Two false assumptions are made, as I conceive, as to the status of the advocates and the opponents of this bill. Gentlemen upon the other side say sometimes, with a little indication of superior pretension, that "We are for honest elections, and therefore advocate this bill;" and they put this question: "Are you not for honest elections?" as if this bill and honest elections were in some way identified with each other. This, Mr. President, upon the part of the advocates of this bill is pure assumption, and the notion that the advocacy of the bill and the desire for honest elections are identical sentiments is entirely confined to those who maintain a superior pretension for themselves.

Without intending to go into stricture, I point, in reply to them, to the cold fact that the country at large has not identified this bill as in any way indicating that its advocates are in favor of, or that its opponents are against, honest elections.

ADVOCATES OF THIS BILL NOT FOR HONEST ELECTIONS MORE THAN THEIR OPPONENTS.

Nay, more, Mr. President. Without going into personality on one side or another, but taking the fact in its broadcast import, it is quite evident, from the history of this country, that the peculiar advocates of this bill have never had any relation to any election or to any of the questions involved in elections, whether before the people or in the House of Representatives or in the Senate, which has in the least manifested to public comprehension that they are any more the peculiar friends of honest elections than their opponents.

In Congress and out and on all occasions in which the spirit of partisanry has been aroused, the men who stand foremost in proffering this bill to the American people and who float over it the flag inscribed "honest elections," have always exhibited just as much partisanry, just as much enthusiasm for their own side, as has ever been exhibited anywhere at any time by any other equal number of partisans.

DEMOCRACY FOR HONEST ELECTIONS.

It is not true, Mr. President, that the Democratic party or those who stand here as its representatives have ever been the advocates or maintainers of dishonest elections, and the objection that I have, more than another, to this bill is that with its passage there passes away from this country the strongest and most enduring guaranty of honest elections that it is possible for mankind to frame. The theory of political purity and of political reform can never be a theory which confines the possession of virtue to one political organization or another. It can not be a theory that assumes that the men of one section or of another, that the men of one tenet of political faith or another, that the men bound together by the ties of one political organization or another, are superior in any degree to their neighbors or to their associates and their friends in any of the elements that make the honest man.

REFORM MUST REST ON THE FRAMEWORK OF REPUBLICAN GOVERNMENT.

No theory of political purity or of reform can ever soundly rest upon any basis save that of that framework of our republican Government which has so adjusted the checks and balances of the administrative machine that in all the movements of Government one department is placed as the monitor and watch or as the check and balance upon another. And in that admirable system in which the States of the Federal Union share, each retaining a portion of the sovereignty which is residuary in them, we have constructed a machine which has now become the model of all free peoples.

In that machine there are two Houses of Congress, that there may not be hasty legislation and that the grain may be well thrashed out from the straw and the chaff; there is a judiciary department, which is to revise legislation when it is disputed by comparing its provisions with the provisions of the great fundamental law which is the foundation of the entire Republic; and there is an executive department, remote, separate, and apart from these, to execute the laws as Congress has declared them and as the judiciary has expounded them, and in these departments, operating as checks and balances upon each other, each in its appropriate sphere pursuing its fitting functions, we have done all that is within the power and wit of man to accomplish, so to play competing human passions, ambitions, and feelings and opinions with each other that they will counterbalance and tongue-and-groove together and so work out the people's will.

THE EXISTING SYSTEM THE BEST GUARANTY OF HONEST ELECTIONS.

So, Mr. President, there can never in this Government, in the very nature of things, exist a better guaranty of honest elections than that under which we have lived for over a century. Up to the present time, notwithstanding all the difficult questions which have had to be adjusted, and the sensations and excitements which they generated, here we stand to-day upon the threshold of another century looking back over one hundred years of experience, and, with all our contentions and wranglings and differences of sectional interests and otherwise, we can not see that anywhere in the history of this Government, from the day of its foundation to the present, there has ever arisen bloodshed between sections out of any dishonest election; and no election in all that time has been so tainted with force or fraud, or both, that it has not been within the power of the people, under the machinery which they now possess, to settle the question amicably without disturbing the great Republic in its onward strides and without compassing the entire issue which was presented.

Mr. President, it seems to me that this is a momentous and conspicuous fact which has been lost sight of in this debate by the gentlemen who advocate this bill, declaring that it is the necessary coincident of honest elections.

REPUBLICAN INSTITUTIONS DOOMED IF THE STATES CAN NOT SECURE HONEST ELECTIONS.

The Senator from Wisconsin [Mr. SPOONER], in the very able speech which he made some days since, conceded what most of his associates seem disposed to deny: that he had no doubt that the States could give us honest elections.

Mr. President, if I were to think otherwise than that, I should see written in my thought the death warrant of all republican institutions. I think that both parties in this country sometimes do their country injustice when they parade together the frauds, the irregularities, the deviations from right, which occur in elections, and, grouping them in an appalling picture, point to them as evidences of the utter unrighteousness and total depravity of the other political organizations. There is no manner of doubt, Mr. President, that there have been grievous frauds committed by Republican organizations and Republican partisans and no fair and candid man would deny that there have been frauds at one time or another committed by the rival organization or some of its members.

But when we remember, Mr. President, that this is a country composed of sixty millions of people, that there are fifty-four thousand precincts, that there are forty-four Commonwealths, that there are hundreds of great cities, and that this population, ever increasing, has been rushing forward with a swinging stride of progress and unparalleled advancement; when we remember how sharp have been the issues, how large have been the interests, how deeply moved have often been the passions, how acute have been at times the rivalries of sections, how rapid have been the accessions from foreign lands, instead of receiving the story of the electoral history of the United States as an indication that our people are going to the bad, I believe, upon the contrary, that no other nation traversing a similar period of time under such conditions could write in history a fairer or a purer page.

Why, Mr. President, in the mother country impure elections have far surpassed anything that can be pointed to in this country of a like character.

FEDERAL AND STATE OFFICERS SELECTED FROM THE SAME MATERIALS.

Furthermore, Mr. President, we must remember that by this bill we do not put into official position another or a superior class of people to those who now occupy official relations to elections. The American citizen of the city of New York who will be a Federal supervisor, if this bill passes, is not made by the new title which will be applied to him another or different man from what he would be if he were an election officer of the State of New York under its own system.

A man in Louisiana, or California, or in Nevada, by being appointed a deputy marshal under a political administration of the United States, in which he gathers a partisan bias to a certain degree from the sources of his appointment, who indeed will receive his appointment because of that partisan bias, is not thereby elevated upon any plane where he will breathe any purer atmosphere, where he will entertain a higher sentiment, in which his ordinary feelings and dispositions and opinions will be exorcised and he become constructed into a creature of superior mold. He will be the same citizen of New York, of Louisiana, of Nevada, or of any other State that he was before the appointing operation occurred in his case. And so all over the country.

And yet there is introduced to our minds the suggestion, in a vague way, that if you have one appointing power for all of these officers, somehow or some way or another he will become thereby purified and etherealized, and these contending passions, and instincts, and rivalries, and interests will all be abated, and the electoral wheels of our Government be oiled to run smoothly. Mr. President, it is a dream, and there is no solid fact of philosophy or of common experience upon which to expect any such reform.

IF THE COURTS BECOME POLITICAL BODIES THEY WILL HAVE POLITICAL BIAS.

Now, Mr. President, furthermore, we hear it contended that because there will be a judicial appendage to the political machinery of the United States, placed there under the architecture of this bill, introducing certain men who are called judges, we will thereby take a sponge, as it were, and absorb all the impure elements which have heretofore contaminated at one time or another the certificates of election. Mr. President, there is no man who has studied history, whether it be the history of our country or of the mother country from which we spring, or that of other nations in which similar experiments have been made, who does not know the fact, spread as it is upon many pages and handed down to us by notorious traditions, that the very moment the judicial department of any state or government has been made a political department it has partaken of the characteristic bias of political bodies. The political judge is a character as well known as any other character in the history of mankind.

Mr. President, there is nothing in our Constitution or in our practices of government that has been more wholesome than that separation of responsibility which has remitted merely political questions to those who have only a political relation to those questions. There are indeed a certain class of questions, political necessarily, in the broad sense, which must go before the courts for the determination of principles.

But, while I am no pessimist, while I do not believe in the total depravity of man, while I venerate the bench, while I respect the honest and pure and highminded judge as the finest product of a refined civilization, yet I can not blind my eyes to the fact that I see revealed in all judicial history, in all political dissertation, that whenever great political questions or issues have gone before judicial bodies for decision, those bodies (I will not say dishonestly; I will not say impurely) have with almost undeviating accuracy followed out in their decision the instinct, the prejudices, the bias, the sentiments of the political character which inhered in the very being of the judges.

Mr. President, these things about elections which honest men in this country so much condemn and which true reformers desire so much to eliminate are largely matters which can never be—certainly not entirely—done away with until that great day of the millennium when the lion and the lamb shall lie down together.

DISTRIBUTED POWERS TEND TO HONEST RESULTS MORE THAN CONSOLIDATED POWERS.

Now, Mr. President, in the system which we have now, a great guaranty of honest elections lies in the fact that our powers of government are so distributed among the States that the great result of a national election is never made the arbitrament of any one set of men or of any party of men entertaining a community of opinion.

In military affairs, Mr. President, we are told that the judicious commander, in marching his troops across a country, will always instruct his subordinates that in crossing a bridge the order shall be given "Rout step, march!" in order to break the force of the impact of that uniform step which, by throwing the weight of the whole body of men at a particular instant of time upon the structure, produces the maximum of strain on a particular point. The irregular, uneven steps counteract each other as they fall by making the movement and agitation in different directions; and so in the lack of uniformity is found that safety which uniformity would destroy.

It is precisely so, Mr. President, in this superior mechanism of government under which we live. There is an election, we will say, for Congressmen in Nebraska. One party will be in power there; in an adjoining State another party will be in power; it may be that in another State there will still be a third party (third parties seem to be not unfashionable at the present moment); and when the people have deposited their ballots and when a certain party has finished the result in one State, another party in another State, and still another, with different intent and differing combinations in another State, neither one of those bodies, so are they segregated and divided, may have such power as to control the aggregated result.

Therefore no one of them will have so great a temptation to torture the result. Therefore no one of them will have so great pressure brought upon it by alien and outside influences to pervert the result; and so each, acting within its own circle of independence, each governed by its own separate instinct and inclination, in the grand aggregate make up a result which is far more certain to indicate and reflect the true sense of the people than a result worked out all over the country under the agency and administration of a party of men who, by their decisions, may control the whole country.

THE BENCH WILL BE SUBJECTED TO PRESSURE AND TEMPTATION IF MADE A POLITICAL BODY.

Mr. President, there is another thing about the judiciary in this relation which we should not forget. The very moment that you dissociate the judge from that elevation on which he stands, apart from the contention of politics, and bring him into the arena as a factor in a political fight, that moment you make the bench the objective point of those who wish to exercise an undue and improper influence upon that fight.

Mr. President, there is an incident in the history of our country which is replete with suggestions such as I have made. I do not now refer to it in any partisan sense or with any other view than simply to hold it before the Senate as a great and conspicuous fact, to ask Senators to draw the deductions from that fact which fair and candid men may draw without impugning others. We had in the year 1876 an Electoral Commission, the evolution of a necessity to settle a threatening disputation. It was composed of statesmen selected from both parties, men who occupied high positions in the Senate and in the House of Representatives, and who were the trusted champions of those parties.

There were associated with that commission, Mr. President, five judges of the Supreme Court of the United States. Gentlemen advocated the plan of that commission and urged its adoption as a method of solving a difficulty which threatened social strife and which might possibly lead to widespread conflict. That commission was duly installed; it officiated and fulfilled its functions. Upon the eve of its organization there was uttered in these halls the very same order of sentiments which we hear gentlemen upon the other side give utterance to when they say: "Give us the courts as the capstone of our electoral system, and we will have honest elections."

The distinguished Senator from Massachusetts, who is the chairman of the Committee on Privileges and Elections [Mr. HOAR], seemed to resent with some sense of indignation the suggestion that the courts of this country would not administer the laws with absolute impartiality. I have as much respect for law and for justice as any man. I would do nothing to bring them into contempt. I would rather stimulate public respect for the character of a judge and strengthen the sentiment that leads to the better obedience of the laws.

But, Mr. President, it is useless to tell men who have observed the world in which they live, and who have read something of its story, that judges are not going to be affected by the atmosphere they breathe, like other mortals. The Senator from Massachusetts said he had contempt for the suggestion that this was a partisan measure; and from lofty heights, to which he transported himself, he seemed to look down upon smaller beings who would suggest the possibility that we might find in the experience with this bill things happening which had happened in other countries and nations and in our own.

ASSUMPTIONS OF IMPARTIALITY IN THE ELECTORAL COMMISSION.

Mr. President, that was no new attitude for the Senator from Massachusetts to assume. He perched himself upon the same lofty, ethereal height in 1876, and, looking over a troubled nation, he told us that the very suggestion that the Electoral Commission would be partisan was an offense to the whole country. And I have before me now, Mr. President, some of the consoling and reassuring words which he poured forth as oil upon the troubled waters to carry conviction to the anxious people of this country that the Electoral Commission would be entirely impartial. On that occasion the Senator from Massachusetts said:

> But it is charged that this commission is in the end to be made up of seven men who of course will decide for one party, and seven men who of course will decide for the other, and who must call in an umpire by lot, and that, therefore, you are, in substance and effect, putting the decision of this whole matter on chance. If it be true, there never was a fact so humiliating to the Republic expressed since it was inaugurated. Of the members of our national assembly, wisest and best, selected for the gravest judicial duty ever imposed upon man, under the constraint of this solemn oath, can there be found in all this Sodom not ten, not one, to obey any other mandate but that of party? But I especially repudiate—

Said the Senator from Massachusetts, assuming the same indignant air with which he still addresses himself to this subject—

But I especially repudiate this imputation when it rests upon those members of the commission who are to come from the Supreme Court. It is true there is a possibility of bias arising from old political opinions even there—

That was something for the Senator from Massachusetts to concede—and this, however minute, the bill seeks to place in exact equilibrium; but this small inclination, if any, will in my judgment be overweighted a hundred-fold by the bias pressing them to preserve the dignity, honor, and weight of their judicial office before their countrymen and before posterity. They will not consent by a party division to have themselves or their court go down in history as incapable of the judicial functions in the presence of the disturbing elements of partisan desire for power in regard to the greatest cause ever brought into judgment.

"EIGHT TO SEVEN, SEVEN TO EIGHT."

Mr. President, the roseate vision of the Senator upon the eve of the meeting of this commission was soon dispelled. He chanced to be a member of that commission himself. Five judges of the Supreme Court sat by his side, and, Mr. President, from the beginning to the end of their judgment, I draw no line of animadversion in what I say was upon the opposing party, for there is a great deal of human nature in Democracy as well as in Republicanism, but, Mr. President, from the very beginning to the end of that commission there was a daily, an hourly, refutation of the beautiful theories which the Senator had set before the country.

There was a monotonous "eight to seven, seven to eight," "eight to seven, seven to eight," "eight to seven, seven to eight," from the beginning to the end of the chapter. And if the Senator from Massachusetts were yet in the temper to read correctly his own handwriting, he would see that he himself had written in that commission the utter negation and refutation of all such fantastic theories as those with which he is at present engaged in deluding a very small number of the American people.

Mr. GRAY. Mr. President, allow me to call the attention of the Senator to a very remarkable passage written by that very astute observer of our institutions, Mr. Bryce, and a nonpartisan observer, so far as the pages of our party politics are concerned, in regard to the very matter about which he is now speaking.

Mr. DANIEL. Mr. President, the Senator from Delaware [Mr. GRAY] has kindly handed me at this juncture the work of Mr. Bryce upon American Commonwealths, and pointed out a passage therein to which my mind adverted when formulating these reflections. Mr. Bryce thus comments upon the fact which I have just brought to the attention of the Senate:

The other misfortune was the interposition of the court in the Presidential electoral count dispute of 1877. Most people now admit that Mr. Tilden, and not Mr. Hayes, ought to have been declared elected in that year. But the five justices of the Supreme Court, who were included in the Electoral Commission then appointed, voted on party lines no less steadily than did the Senators and Representatives who sat on it. A function scarcely judicial, and certainly not contemplated by the Constitution, was then for the first time thrown upon the judiciary, and in discharging it the judiciary acted exactly like nonjudicial persons.

Mr. President, there is a summing up in a nutshell of the whole story, and I do not believe for one instant that the utterances of the Utopian dreams of the Senator from Massachusetts make any more impression upon the experienced and able statesmen of this body who have listened to them than does the cloud that passes over us and is remembered no more.

POLITICAL DESIGN IN REFERRING POLITICAL QUESTIONS TO JUDGES.

Mr. President, there was another distinguished statesman, who is yet in the full vigor of his faculties, upon the theater of action, who expressed himself about that time as to the Electoral Commission. It was the distinguished Senator from Vermont [Mr. EDMUNDS], and I read a very brief extract from a letter which he wrote January 27, 1877, in reference thereto. Addressing Mr. Daniel Roberts, of Burlington, Vt., the Senator assigned a variety of reasons for his support of the Electoral Commission plan. The fourteenth and fifteenth reasons he stated were these:

Fourteenth. The present bill, then, saves the Republican cause from the predetermined destruction of its hopes and fortunes being left solely in the hands of its opponents.

Fifteenth. Is there much ground, then, to condemn the action of the Senators who have striven to get the Republican cause, as well as the cause of free government under law, out of the valley of the shadow of death, and put them on ground where they can have a fair and equal contest in whatever way it may terminate?

Mr. President, I remember to have heard of a clergyman who was once traveling down the Mississippi River upon a steamboat, and who, being invited to play at a little game by other travelers, remarked that he had fifteen reasons for not acceding to their request. The first was that he had no money, whereupon the gentleman with whom he was in colloquy informed him that he might save himself the needless trouble of reciting the other fourteen; that that sufficed for them. Gentlemen who have observed the peculiarly impartial course of the Senator from Vermont [Mr. EDMUNDS] in all of these discussions I think will be disposed, when they read the reasons which are assigned in favor of the Electoral Commission, when they come to the one which suggests that it would bring the Republican party "out of the valley of the shadow of death," to vote to excuse the Senator from stating the other fourteen, and regard them as entirely superfluous.

There is some philosophy as well as some partisanship in the assignment of the reasons by the Senator from Vermont. If he be the serene, impartial judge, such as it is pretended by the advocates of this bill should determine contested elections, I will expect the argument which he used then to have the same effect upon his mind now. His objection to the then existing status without the Electoral Commission was that it left the determination of the matter in the hands of his political opponents.

Now, Mr. President, those political opponents at that particular juncture had domination over but three States which were concerned in this controversy; and may I not, in opposing this bill, say, in a larger sense, that it puts the whole electoral machinery in the hands of my political opponents? But, Mr. President, I would do injustice to myself, injustice to the country, if I were to raise opposition upon any such narrow and transient ground.

DEMOCRACY CAN NOT SUPPORT A BILL FOR CONSOLIDATED POWERS.

If the Democratic party by any means whatsoever should so far forget its duty to the country and to the liberties of the people as to maintain such a bill as this, I would not be a member of that party any longer than it would take me to shake the dust off of my shoes. I do not want to see any party in this country vested with such vast prerogatives and powers as are comprehended in this measure.

The Senator from Delaware [Mr. HIGGINS] indicated that under the operation of this bill all powers would not be absolutely reposed in one political organization, as the Democrats may elect a President who will appoint Democratic marshals. He intimated also that the Democratic party would not be so much opposed to this bill if it were to be, to the extent that the Republican party would be, the immediate recipient of its benefits. The Senator does the Democratic party and its members great injustice and much deludes himself if he really fancies this is true.

The Democratic party could never support such a bill as this, because it would disband itself and abrogate every principle that it ever professed or practiced by so doing; and, in my humble judgment, Mr. President, while I am not the adviser of the Republican party and do not utter my words to its members otherwise than from the standpoint of an opponent, I do not believe that that party in all its history ever did or could do a worse day's job for itself than by arraying itself behind this bill and proffering it as its work to the American people. Mr. President, if I were nothing but a partisan, if I had anything of that desire in my nature which would prompt me to desire to see the great ship go down at sea that as a wrecker I might gather in something of its cargo, if I were an Iago and hoped to wreak vengeance or to accomplish some evil object upon my opponent, I would pray that this bill might pass.

THE ALIEN AND SEDITION LAWS OVERTHROW THE FEDERALISTS.

In the year 1798 the old Federalist party of that day passed the alien and sedition law, a law which, as compared to this, was as a molehill to a mountain. The Democratic party opposed it, and Thomas Jefferson, who strongly opposed it, became the next President of the United States and established that long line of Democratic successors whose names and doctrines are the cherished traditions of the Democratic organization. Let the Republican party be warned by that example of history.

When we get up close together and mingle in daily intercourse we do not find that there is so much difference between the people of the different States and sections as we would imagine when reading partisan newspapers and seeing them as in "a glass darkly."

THE LOVE OF FREEDOM UNIVERSAL.

There is one thing which the people of this country cherish in common, which will be fanned into a flame in Vermont as in Louisiana, in Rhode Island as in Nevada, in Virginia as in Ohio, in New York as in Missouri, and that is, that sense of personal freedom, and of local right, and of home rule, and of State pride which lies at the foundation of this great Republic; and whenever the people by their acute instincts catch the idea and become thoroughly impressed with the conviction that here is a political party which intends to aggrandize itself by one broad sweeping plan of seizing the reins of Government, so that it will always be a matter in its own breast to determine whether or not it will lay them down, that instant you will see the Democratic squads in the New England towns and in the Western settlements widening into Democratic battalions; and if, after the test is made of the experiment, the Republican party goes down with this rotten structure devised to bridge over a depression of its fortunes, it will "fall like Lucifer, never to rise again."

THE SCHEME OF PERPETUITY OF POWER IN THE PENDING BILL.

Before I attempt to re-enforce the very able argument which the Senator from West Virginia [Mr. FAULKNER] has made on one clause of this bill, I beg leave to again set before the Senate a diagram of its general scheme of operation. In the first place, the head and front, the mainspring of the election machinery of the United States, is in this bill the President of the United States himself, and we have suggested to our minds at the starting point the utter incongruity of making the Chief Magistrate of this nation the head of the election machinery which is to be applied to his own election and to the election of Rep-

resentatives—not to his own election *eo nomine*, but to his own election *ex necessitate*.

Mr. STEWART. Will the Senator yield to me?

Mr. DANIEL. Yes, sir.

Mr. STEWART. I desire to give notice of a motion and to have it read at the desk, which I shall make at the proper time.

The VICE PRESIDENT. The motion will be read.

The Chief Clerk read as follows:

I move that the bill H. R. 7045 be recommitted to the Committee on Privileges and Elections with instruction to so amend the bill as to provide for elections of members of Congress on days when no other elections are held in the several States, and so as to provide for separate and independent registration of such electors as may be qualified to vote for members of Congress.

Mr. STEWART. I now give notice that I shall offer such an amendment.

Mr. ALDRICH. Why not take it up now?

Mr. STEWART. I merely give notice of my intention to offer it. Let it be printed and lie on the table.

The VICE PRESIDENT. It will be printed and lie on the table. The Senator from Virginia will proceed.

Mr. DANIEL. Mr. President, the first step in this electoral machinery, the first link in this electoral machine, the presiding justice, so to speak, of this new national electoral commission, is the President of the United States. The next step is the circuit-court judge. Who is the circuit judge? He is the appointee of the President of the United States.

The next link in this electoral chain are the chief supervisors. Who are they? They are the appointees of the circuit judges, the political grandchildren of the President of the United States. The next link in the electoral chain are the canvassing boards. They are also the appointees of the judges. So the President first, the judge next, the supervisor and the canvassing board next. That is one-half of the circle. Then the canvassing boards appointed by the judge send up their returns to the judges from whom they received their appointment. Then the judge finally determines the manner, without other testimony than that of the partisan officers under him, and the return is made to the Secretary of State, the right-hand man appointed by the President of the United States. There is the circle of never-ending power, the endless chain of partisan perpetuity.

The ancients, as I have read, pictured perpetuity and immortality by a circle. It has no beginning; it has no end; and when they became picturesque they portrayed the circle in the form of a serpent with his tail in his mouth. Mr. President, here is the political power of the United States all engrossed in this circular chain that turns around forever and forever and forever. The common parlance of the street has sometimes designated such shapes as this as "rings," and we all know what a ring is. When there is a combine in a city and when the various officers and their outside allies combine together to touch elbows and to work out certain personal advantages to themselves by their self-supporting arrangements, the vulgar name of this perpetual circle is a ring, and this ring, constructed here under the name of having a fair and impartial election, bears upon its curve the trade-mark of its maker, "John I. Davenport *fecit*."

Mr. President, if this bill should become a law there may be political revolutions and upheavals in the United States; there may be change of opinions; Farmers' Alliances and labor organizations may form; Democratic parties may rise up; but power under the Government of the United States can never be acquired unless the rings consent thereto. The political serpent has his tail in his mouth.

INDELICACY AND IMPROPRIETY OF THIS BILL.

It will be perceived that if this bill should go into operation, a condition arises that is in itself degrading to the office of President and alike degrading to the office of judge. It is the eve of election, let us say. The storm of popular passions is raging over the land, there is a vacancy in a circuit judgship, and the President is surrounded by his political friends and he is looking around for an appointee.

Mr. A is mentioned, an able lawyer, a high-minded gentleman, a man who would dignify and adorn the bench, a man who can never be approached with the suggestion of political partiality. A Mr. B is also recommended. Mr. B is a man of affairs. He is an active politician. He will stick to his friends. If he is judge he will control the appointment of the chief supervisor of New York or some other great State, and the chief supervisor will have two or three thousand subordinate supervisors to appoint on the eve of election, and may, with the marshals, under this bill, multiply deputy marshals at $5 a day to infinity. Then the men who control the wards and run the meetings in New York or some other State, the men who are political bosses, the men who sway the masses that are formed into political organizations, send their spokesmen down to see the President and they say, "Mr. B is the man for judge. He is a very good lawyer, of tolerably fair reputation, and will see to it that the two or three thousand supervisors will be 'on our side,' and it is a doubtful State."

Mr. President, what is going to happen? Well, I can not say what is going to happen; but I know what might happen, and I know that a free American citizen who has been taught from his infancy that self-help is the best help, that the manhood that stands on its native heath and defends its own liberty is the true manhood, that the town or county or State that can make its impress on its own institutions is the model community—I know that such citizens will say, "God deliver us from this political judge." But you will have him if this bill passes, and he will be in Massachusetts, and in New York, and in Virginia, and in Texas, and the President of the United States will be under aspersion, the judiciary will be under aspersion, all the officers that proceed from such possible combinations will be under aspersion, and, whether they be truly or not actuated by impure motives, the suggestion of impurity is so strong from the mere juxtaposition of powers that all the *prima facie* testimony repels and rebuts the idea that any man who would construct such a plan is the friend of honest elections.

NO PEOPLE'S GOVERNMENT CAN EXIST UNLESS THE PEOPLE CAN CONTROL POWER.

Mr. President, what this country is suffering from here and now, what it has been suffering from for years, and what it will continue to suffer from more and more as the days go by, is the congestion of its official arrangements, with the result of making it almost impossible that the will of the people can communicate and interpret itself and lay its hands upon official power. Do not let us deceive and mislead ourselves by the pleasing terms with which we decorate speeches on festal occasions. You can not have a people's government if you separate the government from the people so that they can not lay their hands on it. A people's government in the nature of things can never be anything else but a government in which the people as masters can lay their hands upon the agent and say "Begone!" if he does not suit them.

Under this bill there is no people's government in plan or specification, but an arrangement which has been perfected with the utmost ingenuity so to segregate and mass the powers of government away from the people that they can never get their hands on them. The Government, if this bill should become a law, stands behind a massive fortress and looks over at the people. They may surround it, but they can never enter it. And upon the eve of election does not every one know that all of these official agencies will be concentrated by the political power that manipulates them upon the weak points of its opposition?

DANGEROUS CONDITIONS GENERATED BY THIS BILL.

Now, suppose a case. The House of Representatives is very close, we will say, and it is very evident to the forecast of the sagacious politician who is overlooking the prospect and anticipating the result that ten or fifteen members will throw the majority in the House one way or another. What will be the result? Why, in that State which is doubtful, in that vicinage which, according to expectation, will have the balance of power, you will see the deputy marshals by the thousands, you will see the canvassing boards of the United States not in some novel situation such as you have never contemplated, but just in the position that the canvassing boards of Louisiana and Florida were in 1876, when the visiting statesmen swarmed around them.

Mr. President, I called the attention of the Senate and of the chairman of the Committee on Privileges and Elections to the fact that when such a thing became possible, and on one occasion actually existed, under the system of election laws which had grown up under our Constitution, he himself was the agency which eliminated it; and on the statute books of the United States for 1887 there will be found now a law providing that the determination as to who are the electors of a State shall be solely the matter of that State; that the decision of its supreme court shall not anywhere be questioned.

What was the occasion of the law which was formulated, and which passed through this body, and which I was gratified to vote for? It was a condition that existed in Louisiana and in Florida in 1876, when visiting statesmen from all over this land congregated around the electoral boards, bringing to bear upon those who were to determine the result all influences that could possibly be brought to bear upon human nature. And seeing that we should not leave our system as it stood before, upon that doubtful basis, the wise men of all political parties united to put up a fence to bar off its recurrence.

Now, in this bill as to our Congressional elections, upon which no less than upon the elections of electors, rest the stability of our institutions and the easy working of their machinery, the very agencies which employ themselves to build the fence in one case are now employed here in tearing down the fence they built; and, as under the old system, until that boundary line was thus recognized, you saw flocking upon the weak points political agents of high and low degree, and all the constraint and pressure that men could bring upon men focused upon those points. So that experience teaches us and the very nature of the case informs us that when you produce the conditions which are brought about by this bill you invite the repetition of the disgraceful scenes which contaminated the history of our country in 1876.

THE DICTATOR INVITED BY THIS BILL.

Mr. President, it is all very well for gentlemen to spurn and contemn the idea of being partisans. It is all very well for them to paint water-color frescoes such as that I read in the CONGRESSIONAL RECORD about the Electoral Commission from the Senator from Massachusetts.

Did we not see then and will we not see again, if we invite the same conditions, the executive powers of this Government brought to bear in every form to work political results as they have worked them out heretofore?

And, Mr. President, after the result desired had been obtained in 1876, what became of the canvassing board and of the various official agencies which had assisted them in the operation of their various functions? The people who had assisted did not go single file, but like misfortune went in battalions into office, offices conferred by the beneficiaries of their decision. Is human nature in 1892 going to be different from what human nature was in 1876? And does not every man know, as well as he knows anything which is not subject to the physical cognizance of his senses, that if this bill becomes a law you put it absolutely in the power of the first President who conceives the idea of making himself dictator to become so without unfurling his colors and standing in the bold garb of a manly usurper?

With the judiciary at his feet, the creatures of his appointment—and I do not use the word creature in a disreputable sense—with the supervisors and their canvassing boards as their creatures, and with their work immediately transmitted back to the Secretary of State, where the President can watch the machine as it produces the manufactured goods, does not everybody see as plainly as a pikestaff with an electric light blazing on top of it that the first bad man who becomes President of the United States and who wants to make himself dictator can do so just as easily as a little boy can put a row of dominoes together and by touching the first one knock down the whole line?

A REPUBLIC AT THE MERCY OF ONE MAN IS HOPELESS.

Mr. President, I do not think that we have had in recent years, or are likely to have in our immediate day and generation, any man who would conceive the idea of making himself the master of the country. But a republic which is willing to put its liberties at the mercy of one man, be he good, bad, or indifferent, is not worth a piece of paper or a pinch of snuff. If George Washington were alive to-day and if we had a guaranty that he would live for forty years, I should be unwilling to make him the dictator of this country, and I thank God he was a man who in peace times at least would never have desired to be; and if he were alive to-day, I believe, as firmly as I believe that I stand here as an humble disciple of Democracy to speak against this measure, that he who warned his countrymen so wisely and so justly against evil measures would give the weight of his great name and example to the opposition, and that he would shrink from himself occupying a position as Chief Magistrate of this nation if he was made himself the boss and dictator of a machine in which he could generate himself back into his position as often as he had the desire to do so.

CONSOLIDATION THE DANGER OF REPUBLICS.

Mr. President, there is a distinguished scholar in Massachusetts, that land of letters which has furnished to this country so many historians, essayists, orators, and statesmen who have adorned its history, who in one page of his admirable work, which was the fruitage of many years of study and reflection, has summed up in his judgment what has been the cause of decline in republican institutions in other lands and ages, and I commend the words which I read from the pages of Nahum Capen, of Massachusetts, to those who are willing to consider this subject with a broader gaze than that which is fastened upon a political device or opportunity. He said:

> Ancient republics failed, not because the principles of democracy lost their vitality and ceased to exist, but because society was in a consolidated condition. They died from lack of principle, or of congestion. They were theories without the means of practice, systems without the means of action. Power can not be exercised without subdivision of means. The mind has its various faculties, and each faculty has its means of manifestation, and all are governed by unalterable laws of unity.
>
> The human body has its numerous members, and each member its special function, but without completeness of parts and independence of function the animal economy would cease. So of a republic made up of separate states. Each state must have a distinct organization and growth, a defined sphere of action, and within that sphere enjoy all the prerogatives of sovereignty necessary to its independence as a state. Without such independence a state would not be prepared to make a part of a republic. It would be no part. A nominal part of a whole is an absurdity. A perfect whole can not be made of incomplete parts.

Mr. President, this keen analyst probed into and diagnosed that great disease from which republics have fallen. Thus has he pictured with a pencil of light the danger before us, to warn us against treading in those steps which have led them downward. "Congestion." What does that mean where you apply it to a nation? We know what it signifies in the individual system; it is when the blood becomes centered and ceases to circulate freely in its channels; but have we thought of it and do we sufficiently realize the danger of an attack of congestion in this nation?

We have it now; we have it here; and the only remedy which the Republican party can suggest for it is the remedy of the tyrant, the cutting of the Gordian knot. Their remedy is to ride roughshod, booted, and spurred over whosoever dares to stand in their pathway; and if I had no other objection to this bill I should look upon it with suspicion when I remember the fact that no legislative body in this land ever put their sanction to it where free speech still lived.

FREE SPEECH AND THIS BILL AT WAR WITH EACH OTHER.

Free speech and this bill are as much at war with one another as are light and darkness. It could not be born in the daytime where the free spirit of the American Representative and of the American Senator stood watch and ward and warned the people by every manner in which attention could be exerted that the very citadel of their liberties was invaded.

I will not speak, Mr. President, of what might happen in this body. I will not anticipate the possibility of an outrage which would make the nation shudder; I will refuse to believe it can contemplate the birth of this bill through such agencies as tyrants and usurpers and dictators devise where they wish to deceive, to dragoon and to destroy the people. Sufficient to the day is the evil thereof, and living in a land which always fights for to-day and hopes for sunshine on the morrow, looking to the realization and to the perfection and to the fruitage of the good, the true, the noble, and the free, I will not for a moment now distress my mind with any anticipation that this bill could possibly become a law under the auspices of parliamentary lynch law.

FREE SPEECH IN THE SENATE ESPOUSED BY THE SENATOR FROM MASSACHUSETTS IN THE YOUTH'S COMPANION.

And, Mr. President, I must render my thanks, even at this juncture, to the distinguished chairman of the Committee on Privileges and Elections who has at least given the country the assurance, and who has proffered to his associates here a guaranty, that if anyone else should attempt to destroy free speech in the Senate, those of us who advocate it may anticipate to welcome into our ranks his able assistance. I have read many articles about the Senate of the United States in law books and magazines, in newspapers and in other commentaries, and I do not remember to have read one which more distinctly and emphatically portrayed the glory of this body as resting upon its ancient prerogative of free speech than that which the distinguished Senator from Massachusetts contributed to the Youth's Companion.

That article is already upon its wings to many a hamlet and home in the United States, instructing the American youth, who used to look to the days of Hancock and Adams as fountains of American liberty, that there is still one here who is able to teach them and to guide their footsteps on those broad highways of light which lead up to the higher freedom. I know, Mr. President, that it can not be contemplated that those who sympathize with the views and hopes of that gentleman will shut off the debate, or, should they attempt to do it, they would more deeply insult him and his teachings than were they to refuse to pass this bill.

DELAYS IN THIS BILL NECESSITATED BY ITS ADVOCATES.

Mr. President, like many of us here I have regretted that this bill has occupied so much of the time which was needed to be expended upon other and more pressing measures, and if the Democratic side of this Chamber has engaged its attention longer on some days than is usual I should fail of my duty did I not call attention to the fact that the delays have been necessitated by the authors and promoters of this bill, and that they must take their full share of the responsibility.

On July 7, 1890, this bill was laid upon the table of the Senate. Not until July 25, two weeks and a half afterwards, did the chairman of the Committee on Privileges and Elections cause it even to be referred to his committee. It was not until August 7 that it was reported, and while I have no doubt that the chairman of the committee would have been glad to have an earlier hearing, I point out the fact that the Senate has on every occasion on which it has come in competition with the necessary business of the country shown its wisdom and its proper appreciation of its responsibility, which Carlyle says is a wise thing to do in life, doing the thing that lay next to it.

THE TARIFF AND CURRENCY QUESTIONS GIVEN JUST PRECEDENCE.

It was justly thought that the tariff at the last session should occupy the attention of the Senate as it was an issue which had been raised before the people, canvassed and discussed before the people, and as it was a necessary incident to our financial system. It was justly conceded, too, by the Senate some two weeks ago that the great question of currency and of free coinage should have a right of way in the Senate, and if other measures have been retarded, if there are whole sections and States, and large bodies all over this land, which are looking to Congress to address itself to those affairs upon which their interests depend, I remind them that not from this side of the Chamber has their business been delayed, not from this side of the Chamber has come objection or obstruction to the natural and just courses of legislation.

THE COMMITTEE HAS CAUSED DELAYS.

Nay, Mr. President, without seeking to make strictures upon the committee and being indisposed to indulge in any severity of criticism, it is but just to truth that I should remind them and the Senate of the fact that they seem indeed by their course to have encouraged, not to say designed, delay.

When the bill from the House was laid upon our table we found it an exceedingly voluminous measure, widespread in its provisions and far-reaching in its results. The work of the House of Representatives on this subject which came forth as the result of those business methods which have been recently applauded in certain localities was immedi-

ately repudiated and set aside by the Committee on Privileges and Elections of this body, and the details of a House bill with which members had been made somewhat familiar through the CONGRESSIONAL RECORD, the newspapers, and public speeches were instantly dismissed as obsolete information. Those who had studied the subject up to its period of introduction to our consideration found that they were somewhat like boys who having gone to an old field school and then to a city college had to learn their Latin pronunciation all over again, and while studying the same to be instructed, as is were, in a new language.

Not only did the Committee on Privileges and Elections of the Senate refuse to indorse and utterly disapprove of the workmanship on the other side of the Capitol, but they looked upon the entire structure as it was introduced from the House as so completely wrong in its architecture that, utterly refusing even to repair and amend it, they cast it out wholly, and themselves introduced and presented to the Senate a fabric of which they and their associates and advisers were the authors.

NO REPORT TO ENLIGHTEN US AS TO THE BILL.

And, although the two bills were so different from each other and although both of them were so voluminous and comprehensive, although the Committee on Privileges and Elections knew that the information as to the first would be unavailing as to the second in large measure, they brought both bills into this body without making any report in which they detailed the differences, and it is a curious thing that up to this time, now the 17th day of January, 1891, here are two measures competing for favor in the Senate which have been here for six months, and up to this time no member of the Committee on Privileges and Elections has honored the Senate, of which they are the committee assistants, by either recording in a report or expounding in a speech what are the differences between them. So that after this bill has been six months here, if we must spend our nightly toil in sitting out these voluminous statutes and deliberating over them in order to reach a conclusion as to where our judgment and conscience may repose, not as yet upon the floor of the Senate or in the archives of its literature has the committee which has this measure in charge ever so much as burned a farthing candle to indicate to us where the differences lie and what are the occasions of their preference for the one bill over the other.

Therefore, Mr. President, if at this juncture we stand at the very threshold of investigation and discussion, and if we must ascertain for ourselves facts which briefer investigation and shorter consumption of time might have done on their part, we must thank the zeal of the Committee on Privileges and Elections. I share in the regret that they have occupied so much time and zeal to get a decision when they have occupied so little time in telling us the difference between the two things that have to be heard.

Nay, more, Mr. President. I do not utter the suggestion with any reproachful sense, but I must remind the Senate that the Committee on Privileges and Elections, through one of its ablest spokesmen, has told the Senate that much of the work of this bill was very hastily done, apologizing as it were for certain lapses or mistakes which I know are incident to all legislation and of which I could not be otherwise than a lenient judge.

Furthermore, let me remind those gentlemen who may be a little impatient of the delays which they themselves have in large measure assisted that all the improvements in this bill, if such they be, for which it seems we are about to be indebted to the Committee on Privileges and Elections, are due to the Democratic patience which has addressed itself so thoughtfully to duty and to the discussion upon this floor, which has been exercised under those precious privileges and prerogatives the necessity of which this bill itself so profoundly illustrates.

Mr. President, I should also remind the Senate, in justice to those with whom I sympathize in opinion, that up to the present hour and indeed not until to-day, if yet it has happened, have we had fairly and fully before us the identical physical bill upon which we are to operate in offering our amendments. I will not go again into any detail of the incident that transpired when it was discovered that by one of those mistakes which are incidental to hasty legislation a bill appeared here which was repudiated in some of its provisions by the committee, and which the Senator from Vermont [Mr. EDMUNDS] made haste to show by his affidavit that they had prepared to be reported in a different fashion. What has become of the affidavit of the Senator from Vermont I know not, but it seems that under changes which have continued to operate in the mind of the committee it is one of those pieces of political furniture which have fallen into innocuous desuetude.

LAWS SHOULD BE CLEAR IN THEIR MEANING.

Mr. President, I turn my attention to that provision in this bill which was so ably and earnestly discussed by the Senator from West Virginia [Mr. FAULKNER]. Before I had the opportunity of conference with him my own mind had worked much in the same groove as his own, and I had myself prepared an amendment to be offered to the fourteenth section in which I would have recommended the Senate to declare that the United States boards of canvassers who may be constituted or appointed and all the supervisors and of all election officers under this act are to be deemed ministerial only, and it is not the intent of this act to confer upon them any judicial power whatsoever.

Mr. President, I do not recall another occasion in my political experience in which it has been contended on the floor of a deliberative body that the meaning and intent of the law was just that which its opponents assigned, and then that concession was accompanied with the persistent refusal to permit the law to say exactly what its authors said they meant. If I were the advocate of any law which I wished to be clearly understood and accepted, and which my political opponents interpreted as I did, but informed me that it would be more acceptable to them to say in so many words exactly what they said they meant, I should look upon it in the first place as due to courtesy and consideration, they sharing with me the responsibility of the lawmaker, to accept their advice in which I concurred, and I should look upon it as ungracious upon my part if I declined to permit a gentleman, who said there may be doubt in other minds, to let the light into my work, to do so. Any political party and any statesman and any who stand on the floor of a great legislative body and continuously and persistently refuses to allow the clearance of doubts about law which is to be put before the people, subjects himself, or themselves, to just suspicion. When we know that just such questions as those which were raised under the vague and shadowy lines of this law have been the sources of contention in many States, have led to litigation and strife, the refusal of the lawmaker to make his meaning clear is to conspire with litigation and to invite strife; and instead of being worthy of the benign benediction, "Blessed is the peacemaker," such lawmakers deserve the reprobation of the people.

Mr. President, we should remember that this is one of those laws belonging to a class of laws which of all others should be simple, plain, clear, and unambiguous. If we were making a rule for the Supreme Court of the United States we would be justified in speaking technical language of the law, for we would know that those to whom it was addressed would interpret it as they would a native or an acquired tongue; but this proposed law is not made for lawyers and judges alone; it is a law to be distributed all over this land, to go throughout the countryside, where such things as the difference between judicial and ministerial functions have never been discussed and where the untechnical mind is unprepared to discuss them.

And yet, Mr. President, when we are using in this bill the keen-edged tools of the law, which are often abused, we are told by the chairman, or at least the course of the Committee on Privileges and Elections is as much to say to us, we shall refuse to clear this pathway and will not admit this law to go forth to the people in undisputed and unquestioned form.

Mr. President, there is a great book which says there are those who love darkness better than light, and it assigns the reason, because their deeds are evil. There are those who advocate this bill who love darkness better than light and who refuse the light even when they acknowledge it. I will not venture to assign the reason.

THE SIMULACRUM OF A COURT IN THE FOURTEENTH SECTION.

Mr. President, I look now to the structure of the fourteenth section. This section of the bill is an exceedingly peculiar one. As fruitful of comment and criticism upon it as the Senator from West Virginia has been, I find in it other objectionable features than those upon which he has so powerfully commented. I call the attention of the Senator in the first place to the fact that the fourteenth section presents to the mind the simulacrum or effigy of a court. If an individual were to walk down the street dressed as that section is dressed I should at once take him for a judge. The section has a judicial atmosphere pervading it. It wears the robe of a judge. It draws into the canvassing board the furniture of court, and the only thing that it has omitted is that part which was put in by the bad artist who drew a horse. It has not written under the picture "This is a court."

But follow me for one moment now, Mr. President, and see how complete is the image of a court which is put before the public. In the first place, the United States canvassers are to meet at a certain time, and one of said three persons is to be named as chairman of the board. This is the presiding judge of the quasi court. They are to take an oath to support the constitution of the State and then the Constitution of the United States in solemn form, which is all right. Then they are to appoint a clerk. What kind of official product is this clerk to be? He can not be an officer of the United States like the clerk of a court, because no judge appoints him, and there is no authority in Congress to confer upon a canvassing board the authority to appoint an officer. So, while he is styled a clerk and is set up by the side of the canvassing board, he is not an officer of the United States. He is not invested with the dignity which all over this land, in every county, in every circuit, in every town, and in the courts of the United States and in the State courts, is always invested in that officer who handles records and who performs the ministerial duties of the court. So, while the name is the same and the function is the same, the official dignity and sanction are lacking.

WHY A SEAL AND WHAT SEAL FOR THE CANVASSING BOARD.

Then these three canvassers and this clerk of the United States canvassing board are to have a seal. What is that for, Mr. President? What on earth does the United States board of canvassers want with a seal?

The President of the United States may use the great seal of the United States, and the governor of a State the great seal of a State, and the Executive Departments have their executive seals; so the judicial department of the United States has its seal; but what on earth does the United States canvassing board want with a seal and what appropriate function is there for a seal in connection with the United States canvassing board? Mr. President, the logic that attaches a seal to the United States canvassing board is very much like the fine logic of Lord Coke when he described in very luminous language of what a seal consisted, and if I recollect aright this was his definition: *Sigillum est cera impressa, quia cera non impressa est non sigillum.* Mr. President, I must translate that for the benefit of some of my Democratic friends, and I will do it according to my best recollection. The translation of it is this: "A seal is wax impressed, because wax not impressed is not a seal."

I draw the attention of the Senate to the facility following the conclusion from the premises assumed, and this model piece of logic was evidently the logic which animated the Committee on Privileges and Elections. A United States canvassing board should have a seal, because unless the law gives them a seal they will not have a seal. Now, in both propositions I admit the premises are well taken, and the conclusion follows, but what pertinence a seal has to the election bill of the United States is an undiscovered thing which I can not conceive of. Mr. President, there was an object in it. It was to make the canvassing board look like a court; that was it.

HOW CAN A BOARD "CONTROL" ATTENDANCE OF SUPERVISORS?

Then a deputy marshal is to be detailed to wait upon this canvassing board in the attitude of sheriff. Now, I go a little further, where the game of playing court seems to meet with some little difficulty; that is, in speaking of the authority and duties of this canvassing board. Here is one of them:

It shall also be authorized and empowered to summon and compel the attendance before it of the supervisors of election who served on election day, etc.

"Summon" is a courtly word; it belongs to the language of the bench. But there is difficulty when you come to the next words, "compel the attendance" of supervisors.

Now I ask my learned friend from Wisconsin, who, able and accomplished lawyer as he is, I am sure has either overlooked this clause or can assign some reason for it, by what process can a United States canvassing board compel a man to come before it? I shall be glad if the Senator from Wisconsin would tell me how a United States canvassing board can compel a witness to come before it.

Mr. SPOONER. I have given some attention to the remarks which have just fallen from the lips of the Senator. As to the mystery which pervades in his mind the provisions and purposes of section 14 in the aspect to which he is just now alluding, the Senator insists that it is a marvelous, an astounding, and an inexplicable thing, except upon one hypothesis, that this canvassing board should have a seal. "What in the world are they to do with a seal?" he asks.

Mr. DANIEL. Mr. President, I am delighted to hear my distinguished friend argue the case, but I only asked him a question, how they could compel the attendance of a witness. My friend will not forget the question unless——

Mr. SPOONER. My friends on the other side are falling into the habit, whenever they want some information, of naming and asking me to give it, and they must not at the same time fix a limit to what I should say in reply to their questions.

The Senator said the object of providing that this canvassing board shall have a seal is to make it look like a court, as if every tribunal and every board and every institution that has a seal is therefore to look like a court. I only wanted to remind the Senator in this connection as I went along that they have a county government in the State of Wisconsin and a county board of supervisors, and they have a seal.

I am sure my friend from Virginia would not very seriously insist before a court that they were given that seal in order to make them look like a court. No more is the giving of this board of canvassers a seal to make them look like a court. They issue a paper, that is under the provisions of that section I believe to be issued in triplicate, perhaps in quadruplicate, and is to be the evidence to the Clerk of the House of Representatives of the right of a man to be placed upon the rolls and of his right everywhere until overturned by the House to sit in the House, and the object of giving to this board of canvass (and that provision came from the House, as most of these provisions did) in the House bill is to attest the certificate of election issued by that board of supervisors, which clothes the person to whom it is issued with this, I may say a *prima facie*, right to a seat as a member of the House.

In regard to this section, as I have often said, I do not feel myself charged at all with the association or the necessity for asserting that in phraseology the bill may not be improved. I never have known a bill of any consequence to be reported to the Senate and to become the subject of debate which was not in very many respects as a measure and otherwise amended in its progress through the Senate.

I do not think this board under the provisions of the bill as it is drawn has required—I am not certain for I have not looked through it within a few days and not with reference to this question—the attendance of a supervisor. Perhaps they are punished if they neglect to appear in response to a summons. But call it a summons. I know in some of the States, I do not know but in most of the State election laws, the canvassing board is authorized to send for and require the attendance of the subordinates or local canvassing officer in order that they may find perhaps a return which is defective as to figures, in order that some inconsistency may be explained, or it may be ascertained anyway whether it is an inconsistency in fact or only apparent.

I think some provision is made for requiring those officers to obey the request of the canvassing board. This bill, as I recollect it, provides in this section that they are to summon these supervisors where there is an apparent inconsistency in the returns or a conflict between those sent from the chief supervisor and those forwarded by the clerk of the circuit court in order that they may determine, just as the State canvassing boards determine, whether it is a real inconsistency which they can not correct or whether it is only apparent.

I am not certain that there is any particular point in the use of the word "compel." If there is not, it can be stricken out. The essential provision, as I understand it, is the authority to call the supervisors before them for the purpose indicated in the sections.

I took occasion to say in remarks submitted to the Senate the other day as to this section 14 that I was not by any means certain it might not be so construed, as the Senator construes it, as conferring upon this board power other than quasi-judicial or ministerial, and that if there were any doubt about that it should be excluded by amendment.

I beg the Senator's pardon for having gone beyond perhaps the strict line of his question.

Mr. DANIEL. Mr. President, I took the liberty to ask the Senator while not upon the floor this question, in the utmost good faith, for information because I knew that as a learned lawyer he would instantly apprehend the weight of the suggestion, and that with the candor which characterizes him he would give a frank answer. I am not disappointed in his response. The Senator recognizes the pertinency of the criticism. Nor is it one which in its results and effects is slight.

Here is a piece of legislation emanating originally from the Senate of the United States. It is not the bill of another body. If we send forth a piece of work which will be the laughing-stock of lawyers and tend to blind rather than to enlighten, we can not excuse ourselves. Here is a bill in which Congress is asked to give authority to a canvassing board, who it is said are merely ministerial officers, to summon and to compel the attendance of witnesses before them; and yet there is no process of compulsion.

ATTENDANCE BEFORE THE CANVASSING BOARD CAN NOT BE COMPELLED.

Mr. President, this is evil and nothing but evil in many ways. A canvassing board is organized. It does summon and it does seek to compel the appearance of people before it, and the citizen is intimidated and may be made a suppliant to persons who have no more right to order him than the Emperor of China has. You can not confer authority upon one man in this country or on any body but a court to compel men to do anything. You may give a remedy for damages for one against another if that other wrongs him, but the American citizen stands above and beyond the compelling of any other man, unless he speaks as a judge under the sanction of law. You can not say unto him as the centurion in the Scripture, "Come, and he cometh; go, and he goeth." He is master of himself, and, Mr. President, I shall never consent to write in the statutes of the United States that a board possessing no judicial functions of the law can compel men before it.

Mr. President, this is ridiculous in another aspect. You may authorize the board of canvassers to compel a citizen before it, but how can they do it after you have authorized them? "I can call spirits from the vasty deep." "Why, so can I, or so can any man; but will they come when you do call for them?" Will they come? The canvassing board orders a man to come. Suppose he does not; what is the canvassing board going to do about it? All they can do about it is to acknowledge their impotence and that the Senate has made them ridiculous by putting a cap and bells upon their brow. Mr. President, as they can not compel the man to come and none but a judge or a military officer can compel a recalcitrant person to come before him, this statute has placed them in a ridiculous attitude.

True, there is the provision:

Any supervisor of election who shall fail, neglect, or refuse, without good and sufficient excuse, to obey any summons of said board to so attend at the time and place required therein shall be liable to arrest, and upon conviction thereof pay a fine of not more than $500.

Not that he shall be guilty of an offense, not that he shall have committed a high crime or misdemeanor, but by not coming he shall be "liable to arrest, and upon conviction thereof," being liable to arrest, shall be fined. How proud Dogberry would be of such composition. If a man does not do a thing he is to be liable to arrest, and upon conviction of liability he is to be fined. What offense he has committed is not stated.

IMPERFECTIONS IN DETAILS.

But, Mr. President, I see one thing in this bill which is characteristic. It is drawn by a man who had just enough knowledge of the law to misemploy its terms, and he was looking at results, he wanted to take a bee line between refusal to obey a canvassing board and get-

ting the other fellow in jail, and he arrested him in a statute after the pattern of John I. Davenport in arresting citizens in New York; the warrants and charges are left out as things superfluous, for the procedure and the arrest and punishment are declared without a designation or description of the crime.

Then just at the end of this section there is another provision which, to say the least, is curious:

The marshal of the United States in the judicial district in which any such board of canvassers shall be convened shall detail one of his deputies to attend its session and preserve order thereat, who shall be paid $5 a day for attendance.

Preserve order! That is a sheriff's function in court; it is not any part of the business of the deputy marshal of the United States to preserve order anywhere. Under certain conditions they may stop a breach of the peace, but they are not the monitors and censors of society, to walk around to preserve order. That is the function of a sergeant-at-arms of a legislative body or a sheriff who speaks as the executing hand of a court. And, Mr. President, at the end of the section it says:

Such marshal shall, by his deputies, serve all summonses of said board.

This seems to me peculiar. The marshal is to serve the notices, not in his own person; he must do it by a deputy. Why should we deny to the principal the right to do a thing which we are compelling him to do by an agent? This is clumsy; this is awkward; this is incongruous; this is inconsistent. This must have been written in one of those hasty moments when the Committee on Privileges and Elections was in tribulation about the tariff.

JUDICIAL ASPECT GIVEN TO THE CANVASSING BOARDS.

Mr. President, what is the summing up of all these criticisms? Taking each point separately, it is a flaw in the law. The Senate will never consent to send this bill forth as its handiwork, being advised how imperfectly and how awkwardly it is constructed. But when you put all these flaws together they mean more than each one separately. They mean that you have constructed canvassing boards in the semblance of a court. Although the clerk can not be an officer you have authorized it to appoint the clerk to be the custodian of records, a function which only belongs to an officer. It means that a marshal of the United States by a deputy is to attend and be the sheriff. It means that the board is to have the power to summon witnesses, which is a judicial function; to compel attendance of witnesses, which is only a judicial function; and it is to have a seal, which imports both in common law learning upon those instruments, which are used in the country and in political and social use, that you can not go behind it.

A seal in the law is a kind of screen, a fence, and it means to say upon its face, "You can not go behind me." If a man makes a bond with a seal and a plain note, and the note is without consideration, he can plead it; but if the bond be without consideration the seal says he shall not plead it. And when you see this canvassing board having the full investiture of the paraphernalia of a court, and finally giving it a seal, it means this, that the political parties who concocted this bill meant to get the returning boards on their side, and then whatever fraud, whatever injustice, whatever wrong, whatever injury had been done on the other side, the seal was to come up and say, "You can not get behind me." It is another Louisiana and Florida case.

It is true, Mr. President, there is a court provided for elsewhere in the bill, but that court is to act only upon what these people who had the seal send them. The court itself can not go behind the seal except to sum up what was before the board. And in this creation of the court to come after the canvassing boards, the author of this bill has doubly violated the principles of law by conferring judicial functions upon a canvassing board and by leaving scarcely more than ministerial functions to be performed by the court.

Mr. President, I would not be so earnest about this matter; I might receive assertions and protestations that come up so fully from the other side that they mean these canvassing boards only to be ministerial, but, Mr. President, I have a memory of what happened here a year ago. There was a contested-election case, and when I interrogated the Senator from Massachusetts who had charge of it as to this ministerial and judicial question as applied to just such a case as will arise under this bill, though I interrogated once and invited an answer twice, the Senator never answered. He has not answered to this day. I do not think he will ever answer. He never put his answer into the RECORD when so challenged in debate, and when I see him maintaining a provision in which the same machinery is introduced which was used there and when I remember how much he has relied in his political history upon the virtue of the returning board, I insist that this law shall be made so clear that he who runs may read it, and that it may be known of all men that we are attempting to pass off this pretended and disguised ministerial board upon the ignorant or upon the skilled ingenuity of the wicked as in fact a court.

DIFFERENCES BETWEEN MINISTERIAL AND JUDICIAL OFFICERS.

Mr. President, there are broad differences between ministerial and judicial officers. The power to fine for contempt is not a power that ever resided in ministerial offices. I read from the twentieth volume of the American Law Register, new series, for 1881, page 81:

Contempt is a disobedience to the rules and orders of a court which hath power to punish for such an offense. And this word is used for a kind of misdemeanor by doing what one is forbidden or not doing what is commanded.

See Jacob's Law Dictionary, title "Contempt."

Here, Mr. President, there is an attempt in this provision of the bill to create the offense of contempt of a canvassing board, and when the statute goes on to say that if the party who is summoned to come before it does not come he shall be liable to arrest, and upon conviction shall be fined, it shows that either the designer was ignorant or that he was assimilating this process to that swift and ready action of a court when a recalcitrant witness is in contempt, and when he is liable to instant arrest upon order of the court without warrant sued out, and may be brought before it and fined without indictment or presentment.

Mr. President, this is either the astute and cunning concoction of a most ingenious lawyer or it may be the concoction of one who was just lawyer enough to know the language of the law, but not judge enough to make its appropriate application. But, whether it be so designed or whether it be from the incompetence of learning, it is a most dangerous provision, easily tortured, easily perverted, and will be the source of endless delusion, deception, and possibly oppression.

The differences between the ministerial and the judicial office are, I think, fourfold. First, there is a difference in liability. The judge is not liable as is the ministerial or executive officer. In the second place, there is a difference in the effect of their conclusions. The one may be enforced by the power that gives it; the other must rest on other powers to enforce. There is a difference as to the power to deputize. A judicial officer can make no deputies, but merely ministerial officers may in some cases have a deputy to represent them. There is a difference in power. The power rests in the judge to enforce his decree. The power does not rest with the ministerial officer to do it, and when I see that in this case there is attempted to be given to one who is not a judge the power to compel and to enforce and seemingly to arrest, fine, and imprison, I apprehend that there is danger of others mistaking whether these are in truth judicial powers or merely ministerial powers, as is professed. This is, therefore, eminently a case in which a few short simple words should inform everybody exactly what is intended. When this section is perfected I may seek to expose the crudities and objectionable features of others.

Mr. VEST. What is the question before the Senate? Is it the amendment of the Senator from West Virginia [Mr. FAULKNER]?

The PRESIDING OFFICER (Mr. DAWES in the chair). The pending question is upon the amendment submitted by the Senator from West Virginia [Mr. FAULKNER] as modified.

Mr. VEST. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. TELLER. That is a substitute for section 14 of the committee's amendment?

The PRESIDING OFFICER. The Chair understands that that is the amendment.

Mr. FAULKNER. I will state that I have adopted the language of the original amendment of the committee eliminating those portions that could in any way give the board judicial functions.

Mr. TELLER. The amendment has been printed?

Mr. FAULKNER. It is in print.

Mr. TELLER. I understand the committee propose to offer some amendments to section 14, and I suggest that the amendment of the Senator from West Virginia be laid aside until we have a chance to look at it a little more. I want to offer some amendments to the section myself, and I should like to look at that amendment. I suggest to the Senator who has it in charge that some of the rather informal amendments be taken up and disposed of, those presented by the Senator from Massachusetts from the committee or offered as his own. Some of them are quite informal, and I suggest to let the others lie over until we have a chance to look at them a little more. I have not yet looked at the amendment of the Senator from West Virginia, and the Senator from Wisconsin desires to offer some suggestions about it.

Mr. GORMAN. I trust that unanimous consent will be given that the amendment be laid aside, not losing its place.

Mr. FAULKNER. I suggest that the amendment go over until Monday. I presume that course will be convenient for the Senator from Wisconsin, who now, I suppose, represents the committee.

Mr. SPOONER. The Senator in charge of the bill is for the moment out of the Chamber. I have no doubt that he would consent to the postponement of a vote upon this amendment until Monday. I think it would be advisable to do so. I gave notice the other day that I desired to offer an amendment to the latter part of the section, regulating the proceedings in the court. While the amendment offered by the Senator from West Virginia is not without merit by any means, I think it may be in one or two particulars considerably improved; and if it may go over until Monday we shall undoubtedly be ready then to present a carefully drawn amendment, covering the ground which he desires to cover and also that which I desire to move.

Mr. TELLER. Then I suggest to the Senator from Wisconsin, if he is in charge of the bill, that we go on with the consideration of some of the other amendments that have been offered. Some of them are merely verbal. I have no interest in the matter except to expedite

business. It seems to me we might do that by getting a vote on some of these amendments. Quite a large number were offered by the chairman of the committee a day or two since.

Mr. VEST. I offer an amendment which I send to the desk, to come in at the end of section 3.

Mr. GORMAN. I understand the amendment of the Senator from West Virginia goes over by unanimous consent without action to-day, but to be pending on Monday.

Mr. FAULKNER. It is still pending to the bill, and of course no amendment will be offered to that section as coming from the chairman of the committee or the other members of the committee until Monday.

The PRESIDING OFFICER. The Senator from West Virginia withdraws for the present his amendment.

Mr. FAULKNER. No, sir; I do not withdraw the amendment.

The PRESIDING OFFICER. Then the pending question is on the amendment proposed by the Senator from West Virginia, upon which the Senate has ordered the yeas and nays to be taken.

Mr. GORMAN. There is a request for unanimous consent that it may go over, keeping its place.

Mr. SPOONER. I ask unanimous consent that the vote on the amendment be postponed until Monday.

Mr. HARRIS. Let the Chair ask unanimous consent of the Senate that the amendment may informally go over until Monday.

The PRESIDING OFFICER. The Senator from Tennessee requests unanimous consent of the Senate that the amendment of the Senator from West Virginia may be informally laid aside for the present, until Monday.

Mr. FAULKNER. I suggest that the Chair put that as a request for unanimous consent by the Senator from Wisconsin.

The PRESIDING OFFICER. Is there objection?

Mr. EDMUNDS. I object to any amendment going over until Monday. I do not object to its being laid aside for the time being informally.

Mr. GORMAN. Let it go over for the present.

Mr. EDMUNDS. I do not object at all to its being laid aside for the time being.

Mr. GORMAN. That is all right.

Mr. FAULKNER. By unanimous consent.

The PRESIDING OFFICER. Objection is made to consent that it lie over until Monday. Is there objection to its being laid over informally for the present? The Chair hears no objection. The Senator from Missouri [Mr. VEST] has an amendment to offer.

Mr. VEST. Now I offer the amendment which I send to the desk, of which I gave notice, and I ask for its present consideration.

The PRESIDING OFFICER. The Clerk will report the amendment.

The CHIEF CLERK. Strike out all of section 1 down to the word "charged," in line 5, on page 76, in the following words:

That the chief supervisors of elections now in office, their successors, and such supervisors of elections as may hereafter be appointed under any law of the United States, are charged.

And insert:

That the circuit court of the United States for each judicial circuit shall appoint on or before the 1st day of May, 1891, and thereafter as vacancies may from any cause occur, two chief supervisors of elections for each judicial district in said circuit, who shall be citizens of the district, of good character, thirty years of age, and not members of the same political party, and who shall hold their offices for two years from the date of their appointment or until their successors are duly appointed and qualified. Before entering upon the discharge of their duties the persons so appointed shall make oath or affirmation before the judge of said circuit court that they will faithfully discharge the duties imposed upon them by law as chief supervisors, and shall be.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Missouri [Mr. VEST] to the amendment of the Committee on Privileges and Elections.

Mr. VEST. Mr. President, there are two salient features in this bill. The one is the change made from existing law as to the appointment and powers of chief supervisor. The next is in the creation of the canvassing board. If I were called upon to eliminate all unimportant or relatively unimportant features from the bill and to concentrate the essence or, as I consider it, the virus of this measure in two provisions, I should put it in the two I have mentioned.

Now, let me call the attention of Senators who feel any interest in this matter, and I am not speaking for delay, but in good faith and in order to remedy what I consider fatal objections to the bill if it is to become a law——

Mr. SPOONER. Will the Senator allow me to ask him if the amendment which he has just offered has been printed?

Mr. VEST. Oh, yes. I gave notice of it some time ago.

Now, let me call the attention of Senators on both sides of the Chamber to the existing law in order to show the importance of this amendment.

Section 2011 of the Revised Statutes, enacted February 28, 1871, provides:

SEC. 2011. Whenever, in any city or town having upward of 20,000 inhabitants, there are two citizens thereof, or whenever, in any county or parish, in any Congressional district, there are ten citizens thereof of good standing, who, prior to any registration of voters for an election for Representative or Delegate in the Congress of the United States, or prior to any election at which a Representative or Delegate in Congress is to be voted for, may make known, in writing, to the judge of the circuit court of the United States for the circuit wherein such city or town, county or parish, is situated, their desire to have such registration or such election, or both, guarded and scrutinized, the judge, within not less than ten days prior to the registration, if one there be, or, if no registration be required, within not less than ten days prior to the election, shall open the circuit court at the most convenient point in the circuit.

Then section 2012 provides:

SEC. 2012. The court, when so opened by the judge, shall proceed to appoint and commission, from day to day and from time to time, and under the hand of the judge, and under the seal of the court, for each election district or voting precinct in such city or town, or for such election district or voting precinct in the Congressional district, as may have applied in the manner hereinbefore prescribed, and to revoke, change, or renew such appointment from time to time, two citizens, residents of the city or town, or of the election district or voting precinct in the county or parish, who shall be of different political parties, and able to read and write the English language, and who shall be known and designated as supervisors of election. (See sections 5521, 5522.)

Mr. President, I charge deliberately that this bill is a partisan measure, and I can show it, it seems to me, not only logically, but almost mathematically. Why is it that in the petition which sets to work the machinery of this bill the words "of good standing" are deliberately stricken out as to the petition? Why is it that, instead of two supervisors of different political parties, the bill pending before the Senate and the bill which came from the House of Representatives provide that there shall be one chief supervisor and he of the dominant political party, of course? I ask the gentlemen in charge of this bill why they keep out of their measure the character of these petitioners? Is it possible that they meant that the habitués of the slums, the political bummers, the shoulder-hitters, the men of no character, should file this petition? It is either an oversight or it is done deliberately.

What value is there to a petition except from the character of the petitioners? Who pays any attention to a petition that comes from a man without character? And here, in a measure which affects the most sacred rights of an American community and of an American citizen, the words "of good standing" are deliberately stricken out and ruffians, jail-birds, felons of the worst description, can sign this petition to the circuit court, and there is no requisite as to character.

Then, again, why is it that the only safeguard against political trickery, which was in the old law, as to these supervisors, is taken away? Under the old law there was some safety for the minority party as to this matter, because there were two supervisors, one of each party.

This is stricken out, and now there is to be one supervisor, who, of course, belongs to the dominant party, appointed by a circuit court judge upon a petition by characterless people, and presumably to do the work of his party. Under the present law there are two supervisors, divided between the parties, and they are appointed upon the petition of citizens of good standing, and they perform the functions of supervisors. Under the proposed law there is one chief supervisor; there are not two supervisors as under the present law.

Now, I want to give a practical illustration of this matter. In the course of this debate (and I shall speak as rapidly as possible; I want to vote on these amendments; I am not fighting against time) something has been said about Ex-Senator Joseph E. McDonald, of Indiana, having signed a petition to the United States circuit court in 1880 for the appointment of supervisors. In 1880 Senator McDonald was chairman of the Democratic State committee of Indiana. Col. W. W. Dudley was the United States marshal, and he appointed for the city of Indianapolis six hundred deputy marshals, twenty-five for each ward. They were his creatures; they were intended to do the political work of the Republican party under the supervision of Colonel Dudley.

Seeing the inevitable result of an election held under such auspices, Senator McDonald availed himself of the only remedy possible, and that was, under the now existing law in the Revised Statutes, to apply to the court for the appointment of supervisors. One of them, as a matter of course, had to be a Democrat, and unless he had taken that action there would have been no Democratic officer at the polls. These supervisors were appointed, which, as I say, was the only alternative for the Democratic party, or else they would have been totally unrepresented and powerless in the hands of Dudley and his satellites.

At one of the precincts or wards in the city of Indianapolis four repeaters voted. The Democratic supervisor arrested them. They were taken before a United States commissioner and committed, and that night Colonel Dudley or one of his subordinates discharged them upon straw bail. The men who were on the bail bond could never be found. The repeaters, who came from Pittsburgh, escaped; and when Dudley was appointed Commissioner of Pensions the papers were sent here, the records, in order to show this transaction and to defeat his confirmation. Some of my Southern Democratic friends who had served in the Confederate army, upon a sentimentality that Dudley was a wounded soldier, stopped the matter, and he was confirmed by the Senate.

Now, those are facts of record; and it illustrates in the most conspicuous manner the point I am asserting before the Senate. Suppose the provision in the present law be stricken out providing for two supervisors, one of each political party; does not every intelligent and honest man know that it puts the minority party, or the party not in power, not having influence with the judge of the circuit court, absolutely at the mercy of an unscrupulous partisan?

But more than that; I want to speak of something of which I have

personal knowledge, and with which every citizen of Missouri is familiar. In 1876 there was a gentleman in the city of St. Louis by the name of W. D. W. Bernard. He was appointed by General Grant, of whom he was a warm personal friend, national-bank examiner for the State of Missouri. He had a desk in the office of Leffingwell, the United States marshal. I knew Mr. Leffingwell very well. He was an old real-estate man and auctioneer in the city of St. Louis, rather a negative man, a reputable member of the Republican party, but conservative. He had been appointed by General Grant, who was once a citizen of St. Louis and knew him well. He was an honest man, of high character. Bernard was a determined partisan. He was what is called a "rustler" of the first class.

In 1876, when the Republicans made up their mind to carry a portion of the Missouri Congressional districts, and especially the three districts in the city of St. Louis, the largest city in the State, they applied not to the United States judge, but to the Attorney-General, Mr. Taft, of Cincinnati, to put into operation the machinery that is provided by the Revised Statutes under the act of 1871. Some of the Democrats, who were old citizens and who had known Leffingwell for years, finding that this job was about to be put up, went to Leffingwell's office and remonstrated against it and told him, as I shall proceed to show from sworn testimony, that we had never had a fraudulent election in the city of St. Louis, so far as was known; that the two parties there had fairly tested their political strength at every election; and that this proceeding would create bad blood and bitter feeling between old neighbors and friends, and therefore requested him not to put the law into effect.

Bernard swears himself, as I shall show from his own testimony, that he overheard this conversation, and immediately proceeded to threaten the United States marshal that he would use his personal influence with President Grant and put him out of office unless he obeyed the instructions from the Attorney-General of the United States and put the machinery of the law into effect in that city.

Mr. HOAR. Will the Senator be kind enough to please state again what he said? I came in while he was speaking, after he had begun his proposition about there being two chief supervisors under the old law and only one now.

Mr. VEST. I do not care about the word "chief." The present law uses the word "supervisors," and a good many of the duties devolved upon the chief supervisor under the proposed law are discharged by those supervisors under the present law.

Mr. HOAR. I thought the Senator had an idea there were two chief supervisors.

Mr. VEST. Oh, no. They are called supervisors under the present law, and a good many of the duties discharged by them will be discharged under this proposed law by the chief supervisor.

Mr. GRAY. I supposed the Senator from Missouri was speaking of the two supervisors appointed for an election precinct.

Mr. VEST. Yes, sir.

Mr. GRAY. I thought that is what he was referring to.

Mr. HOAR. The measure as reported proposes three, but two of them are to attend only to the registration. There will be three appointed, so that vacancies may be filled, but they are to be of both political parties, and when it comes to attending the election the three may attend. But the amendment which I gave notice of yesterday provides for four, so that there will be an equal number to be divided between the two political parties.

Mr. PASCO. I suppose the chief object of the Senator from Missouri was to extend this spirit of fairness as to supervisors to the chief supervisors also, so that the whole matter might not be under the direction of one man belonging to one political party, and he, under the present system of appointment, be a Republican. I suppose the true object of the Senator from Missouri is to extend the same spirit of fairness in the appointment of the chief supervisor in each judicial district.

Mr. HOAR. I understood the Senator to say that there were two supervisors under the old law. I think perhaps the Senator used a phrase which he did not intend to use when he spoke of the "chief supervisors."

Mr. VEST. I have already stated that I meant the supervisors. I call them chief supervisors because they perform under the old law the same functions and duties as the chief supervisor under this proposed law.

Mr. HOAR. I do not so understand.

Mr. VEST. They were at the polls and supervised the registration and also the election, which the chief supervisor now does under the present law.

Mr. HOAR. There is no change in that particular.

Mr. VEST. The Senator says there is no change in that particular. But what I propose to do, as the Senator from Florida [Mr. PASCO] said, is to preserve the fairness of the present laws as to these subordinate supervisors, as you might call them, by providing that there shall be two chief supervisors of different political parties, instead of one chief supervisor.

Under the law as proposed this chief supervisor is almost absolute as to the election. He canvasses the returns, he sends them up to the canvassing board, and is almost omnipotent under this bill. I propose that he shall not have that power by himself, but that both political parties shall be represented in regard to that matter.

I want to show, as illustrating the evil that will come if we put this power in the hands of one man, what was done in 1876 by Mr. Bernard, who was vested with almost absolute power in the election of that year in the city of St. Louis, by his testimony in the contested case of Frost *vs.* Metcalfe, which is found in House Miscellaneous Documents, second session, Forty-fifth Congress, volume 4. Mr. Bernard was put upon the stand under oath and testified as follows:

W. D. W. Bernard, sworn and examined on the part of the contestant, testified as follows:

By Mr. DONOVAN:

Q. Please give your name in full.
A. William D. W. Bernard.
Q. What position did you hold under the Government, Mr. Barnard, on the 3d of November, 1876?
A. I was national-bank examiner and deputy United States marshal.
Q. When did you receive your appointment of deputy United States marshal? how long prior to the 7th of November, 1876?
A. Very shortly before. I can't give you the date.
Q. A few days?
A. Yes.
Q. Under what circumstances did you obtain your appointment as deputy United States marshal?
A. Through Mr. Leffingwell, marshal.
Q. Did he ask you to serve or did you make application to him?
A. Mr. Leffingwell seemed to be in some dilemma in reference to instructions he had received from the Attorney-General.

I call attention to the fact that, under the law at that time and now in the Revised Statutes, this marshal had no authority to appoint deputies except upon the petition of two citizens of the city or town. That was the provision of the statute. But here was the Attorney-General of the United States disregarding the law and issuing his orders directly to the marshal from the city of Washington. No more glaring illustration of the operation of this bill, if it should become a law, could be found. It shows exactly the truth of what we contend here and what I absolutely believe to be the fact, that, if this proposed legislation is had, the motive power, the controlling power, will be in the city of Washington, will be in the hands of the officers of the General Government, and the State will be trampled under foot and ignored in the whole process.

Here in 1876 the Attorney-General, without any petition, without pretending to comply with the law, issues these orders like a satrap, from Washington City, "Put the law into effect and appoint your deputy marshals." That is the testimony.

I had taken some part in Mr. Leffingwell's appointment. Finding him in that condition, I suggested to him I could relieve him of his dilemma.
Q. You had succeeded in obtaining for Mr. Leffingwell his appointment as United States marshal?
A. In part, sir.
Q. You had great influence with General Grant about that time, I believe?
A. That I can't say. General Grant and myself had been acquaintances for thirty-odd years.
Q. And great personal friends?
A. I think so, sir.
Q. What did Mr. Leffingwell say to you?
(Objected to as irrelevant.)
Q. What was the nature of Mr. Leffingwell's dilemma?
(Objected to as irrelevant and immaterial to this issue.)
A. Well, Mr. Leffingwell had been engaged in the real-estate business here for years, and a good many of his friends whom he had done business for had rather influenced him that Mr. Tilden would be the President, and if he put this law, which he was instructed to, in force, that he would make enemies, and he would go out of office, and his business would be injured by it. A committee composed of a number of very prominent Democrats waited on him, and after an interview he promised to give them an answer next day.
Q. What was the nature of the interview right there?
A. In reference to enforcing the law.
Q. Were they protesting against it?
A. Yes, so I understood. I had a desk in the office and I had overheard the conversation.
Q. You stated he would give them an answer?
A. An answer at 11 o'clock.
Q. He said he would give them an answer the next day?
A. Yes, sir.
Q. Did they call the next day?
A. They did; a portion of them called and he turned them over to me.
Q. What took place after the conversation that you had on the first day about this protesting committee?
A. Mr. Leffingwell and myself lived at Kirkwood, and on the train going there that evening he told me that he was in a great deal of trouble, and he did not know what to do. During the evening he said he didn't know what he should do, and I said "he had got his orders and instructions."

As a matter of course he got them from Washington City. He had no petitions from two citizens of St. Louis, as the law required, but he got his orders from the Attorney-General.

I said "he had got his orders and instructions." "Yes." "Well, you certainly will carry them out." He didn't know. The next morning early, quite early, he sent for me and told me he was in a good deal of trouble and didn't know what to do. I was somewhat amused at his position, and said to him after there was quite a conversation, I told him, "Leffingwell, have I had anything to do with your appointment as marshal?" "Everything; you made me marshal."
Q. He stated to you?
A. Yes. "And you have got instructions from the Attorney-General to enforce the laws of the United States?" "Yes." "And you refuse to do it?" He hesitated. "Yes," he said, he "didn't know what he should do; he never was in such a position in his life." "I then was influential in making you marshal?" "Yes." "And if you don't execute your orders I will see that you are not marshal much longer. The man that makes can unmake." Then he said to me, "What am I to do?" I said to him, "I can relieve you of that dilemma. Give me control of those marshals;" and he says, "I will do it."

Now, Mr. President, there is the whole of the operation of this bill, as we contend. It was handed over to a hustler, a man who had influence with the President, and threatened the marshal and said to him, "Who made you marshal?" "The power that makes can unmake; if you do not do this work for us out you go, off goes your head," and yet we are told that there is no danger of any partisan influence under this proposed bill, that it is to be entirely nonpartisan, all parties and all individuals and all communities will be treated alike. There can not be a more conspicuous example of the operation of it than the words I have read.

Q. Well, did he do it?
A. I think so, sir.
Q. Well, what did you proceed to do then?
A. First, to get the registration, and in the selection of marshals to divide the city into Congressional districts, and then subdivisions. These districts were put under the charge of O'Connor, of the third; Ferdinand Meier, of the second, and Mr. Soest, of the first; and as these marshals were appointed——
Q. Was not Mr. Geggie in the second? Let me call your attention to that; was not Mr. Geggie chief marshal in the second?
A. No; he was not; Ferdinand Meier was. Geggie lived in that district and had a subordinate position under Meier, but Meier was the party who reported to me. We canvassed every block, or at least that is the instructions given, to ascertain if the parties who were on the registration list were at the places designated by the city registration.
Q. Well, what was the result of the investigation by the marshals? Did it result in striking off any names?
A. About 5,700, I think.

Five thousand seven hundred, Mr. President! Permit me to say that some of the best and oldest and most reputable citizens of St. Louis were stricken off the lists, and on the day of the election there were over 2,000 voters at the polls, as well known as any men in St. Louis, demanding the right to vote, and Mr. Bernard and his satellites coolly informed them that their names had been stricken off. Men who had helped to establish the business of the city of St. Louis and had blazed the pathway of civilization in Missouri stood there powerless, and were subject to arrest without warrant by the deputy marshals if they even entered a protest!

Q. Five thousand seven hundred?
A. Illegal or at least improperly registered voters.
Q. Whom did those various marshals report to as their chief?
A. Well, I think I stated they were divided into squads of fifteen or twenty and captain for each.
Q. They reported to the captain?
A. And they reported to colonels, and the colonels, Geggie—I don't mean Geggie, but Meier, O'Connor, and Soest, and they reported to me.

In other words, he made a military organization of regiments and companies, and he was at the head and controlled the whole machinery.

Q. As their chief?
A. Yes, sir.
Q. Do you know the proportion of Democrats and Republicans that were stricken off in this 5,700?
A. I do not, sir.

Mr. Bernard goes on to testify:

Q. Do you know the politics of those marshals?
A. I know how they talked.
Q. How did they talk?
A. I think about 250 or 260 were Democrats.

One thousand and twenty-eight were appointed marshals.

Q. And the balance Republicans?
A. I think so; that is, from general talk; I don't know how they voted.
Q. How long have you lived here?
A. Nearly all my life; forty-odd years.
* * * * * * *
Q. Independently of political consideration, was there any more necessity for the appointment of marshals at that election than any previous election?
(Objected to on the ground that there can be nothing connected with the election independent of political associations.)
Q. In order to be precise I will say, independently of all party consideration, was there any more necessity for the appointment of marshals for that election than for any previous election?
A. Oh, well, you gentlemen know very well that in a political struggle for party ascendency—

Said Mr. Bernard—

that it is necessary for the co-ordinate branches of the Government to be in accord, and there was an effort on the part, so I interpreted it, of the party which I acted with, to regain control of the House of Representatives.

No one pretends that there was any necessity, except a political one. Mr. Bernard swears that his only object was to increase the strength of the Republican party in the House of Representatives. It is as notorious as the existence of the State of Missouri itself that the elections there had been peaceable, that there had been no complaint of fraud, except the ordinary amount of newspaper talk in every great city after a closely contested election; yet this man, the bank examiner for the State of Missouri, the absolute controller of the whole party machinery of the State, who had taken it out of the hands of the marshal, subdivided the marshals into regiments and companies, all reporting to him, unblushingly declared that it was done in order to increase the strength of the Republican party in the National House of Representatives!

I have not the time nor the strength to read all of this testimony, but there was a contest in regard to a certain ward in the city of St. Louis as to whether the election returns from a certain ward were fraudulent. Mr. Bernard went down with one of his deputy marshals to the county clerk's office, where the canvassers under the State laws were assembled. Under our statute in Missouri the county clerk and the judges of the county court made the canvassing board who counted the votes and made the returns. Mr. Bernard was not satisfied with manipulating the elections. He was not satisfied with striking off 5,700 voters.

He was not satisfied with appointing 1,028 deputy marshals from the slums, and alleys, and saloons, and disreputable haunts of the city of St. Louis. They were receiving $5 a day for their dirty work on the day of election, when they arrested men without warrant, Democrats who came there proposing to vote, dragged them off before the commissioners and held them until after the election. After he had manipulated the whole thing and the returns had been made and the canvassing board had met the next day, consisting of the county clerk and the county judges, Mr. Bernard with one of his deputies appeared there and threatened the canvassing board of the State that he would put them all under arrest if they dared to make a return against his pleasure. He swears to it himself.

Mr. GRAY. When was that?

Mr. VEST. That was in November, 1876. Mr. Bernard says:

Q. Do you recollect of having a warrant in your pocket for the arrest of the canvassers?
A. I never had one.

He went there without a warrant.

Q. Did you not threaten to arrest them if they certified to the return or to the tally of the vote which they had made there?
A. Ask me that again.
(Question repeated.)

Then he answers:

A. I went to the county court after hearing the report of the alteration in precinct 57 of the vote, and spoke with Mr. Garesche, who was the county clerk, and who was a college-mate of mine, and our relations were most intimate. He was busy. Then I went to Mr. Schultz, presiding justice of the county court, to his store on the levee, and asked him to walk up with me to the county court, which he did, and with Judge Finney, Mr. Garesche, and Mr. Schultz—I don't recollect now whether any others were there, but I had fully made up my mind to arrest them, and under the election law no process was necessary.

He went into the county clerk's office and informed them if they did not comply with his wishes as to precinct No. 57 he would arrest them, and the county clerk, Mr. Garesche, who was of the old French blood, threw off his coat and told him to get out of that office or he would inflict upon him personal chastisement. The matter was taken into the courts and settled there according to law and without trouble.

After this matter was consummated by Mr. Bernard in the way I have stated, he then came with one of his deputies to the city of Washington in order to receive pay, and here is his account of the trip. I call attention now to the fact that all this was done under an order from Mr. Taft, the Attorney-General, without the pretense of any compliance with the statutes in regard to a petition from two citizens of St. Louis; all of it the result of political necessity; all of it the result of political arrangement in the cities of Washington and St. Louis together, and after it was done and three Republicans were returned to Congress in the city of St. Louis, two of them from absolutely certain Democratic districts, this gentleman, Mr. Bernard, national-bank examiner and deputy United States marshal, comes to Washington City with Henry Mudd, another deputy marshal, to collect his bill, which was over $21,000 for that delightful work, and here is his interview with Mr. Taft:

Q. You think those marshals did very good service in the Congressional election, do you not, Mr. Bernard?
A. When I went to Washington with Mr. Mudd, who was chief deputy marshal, for the settlement of this account, Mr. Taft asked Mr. Mudd how many marshals he had.
Mr. SHIELDS. Taft, the Attorney-General?
A. The Attorney-General.
(Counsel for contestee objected to any conversation between the witness and the Attorney-General as irrelevant, and second as hearsay, third as not involved in issues, and, fourth, it took place after the election.)
A. Mr. Taft asked Mr. Mudd how many marshals he had. Mr. Mudd referred him to me, and said I had charge of the marshals; and he turned to me, and I said "1,028." The old gentleman wheels round in his chair and says, "Were there no others out in Missouri you could have made marshals?" Says I, "Mr. Taft, we went in to win, and if it had been necessary to have had a *posse comitatus*—I think that is what you call it—and every man over fifteen years of age should have seen a fair election"—

Very fair!—

and he said, "You bring a good deal of sugar in your spade."

"You bring a good deal of sugar in your spade." In other words, Attorney-General Taft approved the account for $21,000, which was in payment for the saccharine matter politically brought to the Republican party by means of this infamous proceeding.

Mr. President, is it any wonder that Democrats object to this bill? Can Senators on the other side, I ask in all fairness and candor, blame us if we, with this experience in our own communities, are prepared here, as I tell them now, not by threat, but as an actual fact, to exhaust all honorable and parliamentary means to defeat this measure?

The PRESIDING OFFICER (Mr. STOCKBRIDGE in the chair). The question is upon the adoption of the amendment proposed by the Senator from Missouri, on which the yeas and nays have been ordered.

Mr. HOAR. I move to lay the amendment on the table.

Mr. HARRIS. On that motion I ask for the yeas and nays.

Mr. HOAR. They have already been demanded.

The yeas and nays were ordered.

Mr. DIXON. Let the amendment be reported.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 76, in the first section, it is proposed to strike out all down to and including the word "charged," in line 5, and insert in lieu thereof the following:

That the circuit court of the United States for each judicial circuit shall appoint, on or before the 1st day of May, 1891, and thereafter as vacancies may from any cause occur, two chief supervisors of elections for each judicial district in said circuit, who shall be citizens of the district, of good character, thirty years of age, and not members of the same political party, and who shall hold their offices for two years from the date of their appointment, or until their successors are duly appointed and qualified. Before entering upon the discharge of their duties the persons so appointed shall make oath or affirmation before the judge of said circuit court that they will faithfully discharge the duties imposed upon them by law as chief supervisors, and shall be.

Mr. GORMAN. Is the question on laying the amendment on the table, Mr. President?

The PRESIDING OFFICER. It is. The roll will be called on agreeing to the motion.

The Chief Clerk proceeded to call the roll.

Mr. CARLISLE (when his name was called). I am paired with the Senator from North Dakota [Mr. PIERCE]. If he were present, I should vote "nay."

Mr. BARBOUR (when Mr. DANIEL'S name was called). I desire to say that my colleague, who is temporarily absent, is paired with the Senator from Washington [Mr. SQUIRE].

Mr. DIXON (when his name was called). I am paired with the Senator from South Carolina [Mr. HAMPTON], and therefore withhold my vote.

Mr. MITCHELL (when Mr. DOLPH'S name was called). My colleague [Mr. DOLPH] is called away from the Chamber for a little while. He is paired with the Senator from Georgia [Mr. BROWN]. He would vote "yea" but for that.

Mr. EUSTIS (when his name was called). I am paired with the Senator from Nebraska [Mr. PADDOCK]. If he were present, I should vote "nay."

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY]. If he were present, I should vote "nay."

Mr. GEORGE (when his name was called). I am paired with the Senator from New Hampshire [Mr. BLAIR]. If he were present, I should vote "nay."

Mr. PASCO. I desire to state that my colleague [Mr. CALL] is temporarily absent from the Chamber and is paired with the Senator from South Dakota [Mr. PETTIGREW].

Mr. PAYNE (when his name was called). I am paired with the Senator from Illinois [Mr. FARWELL]. If he were present, I should vote "nay."

The roll call was concluded.

Mr. BERRY. I desire to say that my colleague [Mr. JONES, of Arkansas], who is temporarily absent, is paired with the Senator from New York [Mr. HISCOCK].

Mr. MANDERSON. My colleague [Mr. PADDOCK] has been called away from the Chamber. He is paired with the Senator from Louisiana [Mr. EUSTIS]. My colleague would vote "yea" if here.

Mr. CASEY. My colleague [Mr. PIERCE] is paired with the Senator from Kentucky [Mr. CARLISLE].

Mr. HISCOCK. I inquire if a quorum has voted.

The VICE PRESIDENT. It has.

Mr. HISCOCK. I am paired with the Senator from Arkansas [Mr. JONES], reserving the right to vote to make a quorum.

Mr. BATE. I desire to state that the Senator from New Jersey [Mr. BLODGETT] and the Senator from New Hampshire [Mr. CHANDLER] are paired.

Mr. FRYE. The Senator from Massachusetts [Mr. DAWES] is absent on committee business and is paired with the Senator from Georgia [Mr. COLQUITT].

The result was announced—yeas 32, nays 25; as follows:

YEAS—32.

Aldrich,	Frye,	Mitchell,	Spooner,
Allison,	Hale,	Morrill,	Stanford,
Cameron,	Hawley,	Platt,	Stockbridge,
Casey,	Higgins,	Plumb,	Teller,
Cullom,	Hoar,	Power,	Warren,
Dixon,	McConnell,	Sawyer,	Washburn,
Edmunds,	McMillan,	Sherman,	Wilson of Iowa,
Evarts,	Manderson,	Shoup,	Wolcott.

NAYS—25.

Barbour,	Gibson,	Morgan,	Vest,
Bate,	Gorman,	Pasco,	Voorhees,
Berry,	Gray,	Pugh,	Walthall,
Blackburn,	Hampton,	Ransom,	Wilson of Md.
Butler,	Harris,	Reagan,	
Cockrell,	Kenna,	Turpie,	
Coke,	McPherson,	Vance,	

ABSENT—31.

Allen,	Call,	Colquitt,	Dolph,
Blair,	Carey,	Daniel,	Eustis,
Blodgett,	Carlisle,	Davis,	Farwell,
Brown,	Chandler,	Dawes,	Faulkner,
George,	Jones of Arkansas,	Payne,	Sanders,
Hearst,	Jones of Nevada,	Pettigrew,	Squire,
Hiscock,	Moody,	Pierce,	Stewart.
Ingalls,	Paddock,	Quay,	

So the motion to lay the amendment to the amendment on the table was agreed to.

Mr. HOAR. I now move an amendment, on page 118, section 25, line 10, after the word "place," to insert "until a new chief supervisor shall be appointed."

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 118 of the print of August 7, in line 10 of section 25, after the word "place," it is proposed to insert the words "until a new chief supervisor shall be appointed;" so as to read:

Such deputy shall perform and discharge from time to time all such duties as shall be assigned him by the chief supervisor of elections, and shall, in the absence, illness, resignation, removal, or death of the chief supervisor, act in his place until a new chief supervisor shall be appointed.

Mr. HOAR. That is to remove any claim that this new officer is appointed for life and is irremovable; merely to hold until the appointment of a new chief is provided for.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts to the amendment of the committee.

Mr. HOAR. There is no objection, I suppose, to that amendment anywhere.

The amendment to the amendment was agreed to.

Mr. HOAR. On page 118 of the print of August 7, section 25, I move to strike out all of lines 4 and 5 and the first two words in line 6.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 118, in section 25, it is proposed to strike out lines 4 and 5 and the first two words of line 6, as follows:

As such chief supervisor shall designate, unless there be some good and substantial reason why such appointment should not be made.

So as to read:

The circuit court of the United States in any judicial district may upon the request of the chief supervisor of elections appoint such one of the circuit court commissioners to be deputy chief supervisor of elections.

Mr. HOAR. The word "such," in line 3, should also be stricken out so as to make the amendment complete.

The CHIEF CLERK. So as to read:

The circuit court of the United States in any judicial district may upon the request of the chief supervisor of elections appoint one of the circuit court commissioners, etc.

The PRESIDING OFFICER. The amendment to the amendment will be so modified. The question is upon agreeing to the amendment to the amendment.

Mr. HOAR. The object of that is to have the entire power given to the court and not to give the power to the chief supervisor to designate this officer.

Mr. FAULKNER. As I understand the Senator from Massachusetts, his amendment simply transfers the appointment of the deputy to the court instead of leaving it to be suggested by the chief supervisor.

Mr. HOAR. Under the present law the court is required to appoint such officers as the chief supervisors shall designate.

Mr. TELLER. I ask the Senator who has the bill in charge, as pertinent to this amendment, why this appointment is confined to the circuit-court commissioners.

Mr. HOAR. The chief supervisor is a circuit-court commissioner.

Mr. TELLER. But why should the deputies be?

Mr. HOAR. It is intended to take them from the same class of officers. He is to succeed him in case of accidental or temporary vacancy or inability. For that reason it was supposed that the selection should be made from the same class of officers.

Mr. GRAY. I might ask, in the line of the inquiry of the Senator from Colorado, why the chief supervisor should necessarily be a circuit-court commissioner.

Mr. HOAR. I think this amendment had better be adopted if there is no objection to it. That is a broader question than is raised by the amendment. It is to put the matter more perfectly under the control of the court. He has as commissioner the power of investigation, of issuing warrants, and so on.

Mr. FAULKNER. I ask whether it is not a serious objection to making either the chief supervisor or the deputy an appointee from the commissioner of the court to give him the power of supervisor, which is given in this bill, and at the same time give him all the power of commissioner of the court.

Mr. HOAR. That has worked satisfactorily to the persons who like that law ever since 1870. It is the old law.

Mr. FAULKNER. Of course it would work very satisfactorily to the gentlemen who are appointed, as it is very satisfactory, I have no doubt, to Mr. Davenport, because, not only does he get the fees of supervisor, but he has the power to administer oaths to all the supervisors and all the deputy marshals, and is allowed a fee of 25 cents for every one he appoints and administers the oath of office to, and consequently it is an inducement for him to appoint men for the purpose of increasing his own fees.

Mr. HOAR. I have an amendment that reduces that very much, which does not seem to be germane to this amendment. Under the old law I think that is right.

Mr. FAULKNER. I do not know why we should commit two errors in order to correct both errors. Why not correct the first error that is before us and then go to work and correct the other? It strikes me that this is placing in the power of this officer an inducement to appoint additional marshals and additional supervisors to urge this matter and in his own interest in order to accumulate large amounts of fees. He does that solely by virtue of his office of commissioner.

Mr. HOAR. The amendment to the amendment which is proposed is simply to give the power to the court instead of confining it to the commissioner. I suppose there is no objection to it.

Mr. GRAY. This is an important amendment. I think that as far as it goes it improves the bill; but it is one that ought to be followed by others in order to make what I think are the necessary changes in the bill to relieve it of the charge of gross partisanship. As to the amendments which the Senator from Massachusetts has given notice that he would offer, one of which is now pending, I would ask the Senator whether, inasmuch as the print of the bill that was ordered yesterday evening—and I do not know whether it has yet been returned to us——

Mr. HOAR. It has.

Mr. GRAY. It has just come in. I ask whether he can not agree that these amendments may go over informally, without any prejudice, of course, so that we may compare them with the text of the bill as printed.

Mr. HOAR. I think it would be better to have the amendments first adopted. They are now printed separately.

Mr. GRAY. I know the amendments are printed, but I should like the opportunity of having the new print of the bill, to see how they fit to the framework, how they consist with each other.

Mr. HOAR. It seems to me the best way would be after the amendments are all made then to have the bill reprinted.

Mr. GRAY. There are some of these amendments we will not want to object to or debate at all, but there may be others that will give rise to debate unless we understand them more thoroughly.

Mr. HOAR. They are very easily understood; they are very simple.

Mr. GRAY. I have not found this bill a simple bill, or the construction of it. It is intensely important, and if we are going to amend the bill at all——

Mr. FAULKNER. If the Senator will permit me I would like to offer an amendment which is germane and in order. I have not had the opportunity, and will he allow it to go over for a half hour or so, as has been done in the case of the fourteenth section of the amendment, by unanimous consent?

Mr. HOAR. The Senator's amendment can be offered just as well after this is adopted. I do not wish to excite any anger on the other side, as I did last night, by proposing that these amendments should be accepted; but I suppose every Senator will agree that the amendments are very simple and easily understood, and I think it would be more convenient to the Senate to dispose of them now, and then the amendment indicated by the Senator just now can come in afterwards. The bill is still in Committee of the Whole, and when the bill comes into the Senate it will be open again to amendment, and the whole question of it will be open there again. I hope we may have a vote on this proposition.

Mr. GORMAN. I suggest to the Senator that it would facilitate matters by doing precisely as the Senator from West Virginia did, and let the amendment go over for awhile, and take up some of the other amendments which we have had before us for several days. There is no desire to postpone action on the amendments.

Mr. HOAR. If the Senator makes the request that the particular amendments shall go over for a short time, of course I will assent to that. I do not think there is any occasion to have the bill reprinted. If the Senator finds that it embarrasses him in offering other amendments to adopt all these amendments now, I shall agree to that course. Let me repeat, all the amendment proposed now to the text is that the deputy who is appointed, so as to be ready in case of a vacancy, death, or the inability of his chief, shall be selected by the chief supervisor.

Mr. PASCO. I ask that the amendment may be reported.

The Secretary again read the amendment.

Mr. HARRIS. I wish to suggest to the Senator from Massachusetts that there is at least one reason why I think the request made a few moments ago, that the amendment be informally laid aside, is found in the fact that if the amendment is agreed to now, while everybody may be satisfied with it as being right so far as it goes, quite a number of Senators may think that the amendment ought to be amended, but could not be amended in Committee of the Whole if it is agreed to in its present form now. When Senators have had a short time to look through the amendment, to see its connection with the text of the bill and the exact effect it will have when agreed to, then we can act intelligently in regard to it, and offer amendments to it if we deem it proper and necessary, or take the amendment as it is.

Mr. HOAR. As I said to the Senator from Maryland, if the Senator seriously makes the request I shall defer to it.

Mr. HARRIS. I beg the Senator's pardon; I did not know he had assented to the request.

Mr. HOAR. I had; but I can not conceive that Senators should want to amend this language. However, if they do, very well. Let the amendment be passed over.

Mr. HARRIS. I understood it was upon the fact that the amendment proposed to appoint the deputies from a given class of people.

Mr. HOAR. That is a part of the original text. It is not the amendment at all. I only propose to strike out of the text that which restricts the judge to the men recommended by the commissioner, leaving the rest of the text to be amended hereafter on the motion of any Senator if it is so desired. But if the Senator from Maryland prefers to have this amendment passed over, let it be so.

Mr. FAULKNER. Mr. President——

Mr. PASCO. Before we pass over the amendment offered by the Senator from Massachusetts I want to offer a substitute for it. I want to offer it now, so that it may be printed and go over with the amendment.

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Florida?

Mr. FAULKNER. I yield to the Senator from Florida for that purpose.

Mr. PASCO. I wish to offer a substitute for the amendment of the Senator from Massachusetts. His amendment, as I understand it, strikes out in section 25 the words "as such chief supervisor shall designate unless there be some good substantial reason why such appointment should not be made;" so as to read:

The circuit court of the United States in any judicial district may appoint a deputy chief supervisor of elections.

The proposition which I wish to introduce there is to give the court unlimited authority in making these appointments, so that he may not be confined to the court commissioners. I do that for reasons already suggested by some of the Senators who made remarks a few minutes ago. I do not think it wise that the supervisors should hold the other office of court commissioner. There is no redress for it, except to magnify their office, because it will increase the fees unnecessarily. I think that the court should have authority to make the appointments from the entire judicial district, and that it should not be confined simply to the court commissioners.

Mr. TELLER. I should like to suggest to the Senator that this matter has gone over, and I think we had better let it go.

Mr. PASCO. I wish to offer a substitute to go with it and be printed along with it.

Mr. TELLER. But it is not well to argue that matter now. That will be very well when we get it up.

Mr. FAULKNER. Mr. President——

Mr. HOAR. Will the Senator yield to me for a moment?

Mr. FAULKNER. For a moment.

Mr. HOAR. I merely wish to comply with the request made to me in private by the Senator from Maryland [Mr. GORMAN], if the Senator from West Virginia will allow me to state it. The Senator from Maryland desires that I shall withhold the amendments which I propose to offer, and of which I had given previous notice, for the space of half an hour, so that it may be convenient to some of the Senators on that side to read them and compare them with the bill; and in accordance with that request I will adandon the floor, if I have it.

Mr. FAULKNER. I have the floor.

Mr. HOAR. If I have it not, I will not undertake to get it until that interval has elapsed, and then I give notice that if it shall be agreeable to the Senate after the space of about twenty minutes, a convenient time, I shall endeavor to ask the Senate to adopt these various amendments or reject them; but conceiving, as I do, that they are all of them amendments such as should be accepted unanimously, I hope they will be adopted.

Mr. FAULKNER. I have not any doubt that the amendment I submit now will meet the concurrence of the distinguished Senator from Massachusetts and also of the committee. I send it to the desk to be reported. I shall have a word to say about it after it is read.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. In section 6 of the committee amendment, in line 16, page 83, after the word "parish," it is proposed to strike out the words "or in the same Congressional district;" so as to read:

The chief supervisor of elections may at any time transfer any supervisor from service in one election district to another in the same city or town, in the same county or parish, and upon any day other than a day of registration, etc.

Mr. FAULKNER. The amendment which I propose I think will meet the concurrence of Senators on this floor if they will pay attention to it. It simply strikes out the power given in the amendment of the committee to transfer a supervisor from one city or Congressional district to another, and limits his right to transfer a supervisor from one portion of the county to another portion.

The old law which is proposed to be repealed by this bill did not allow the supervisor to be appointed outside of the precinct in which he was to act. That is the law as it stands to-day. This committee amendment goes to the extent of enlarging that power, and it authorizes the transfer of a supervisor appointed over 300 miles from the place where he is to serve and places him in a precinct to control and supervise and guard the elections at a point where he is not known himself and where

no one can know him and where he can not know any voter who goes to the polls. In the State in which I live it really enlarges the right which now exists, because he can transfer him from any part of the county that he chooses, but under the old law he would have to transfer him and make him serve in the precinct in which he is appointed.

Mr. COCKRELL. That seems to me to be a very original amendment and a very proper one, for it certainly would work hardship and inconvenience to have these supervisors transferred from one part of a Congressional district to another. A Congressional district may be 150 miles wide.

Mr. HOAR. I shall not make any objection; let the amendment to the amendment be adopted.

Mr. PASCO. I think that the amendment to the amendment ought to go a little further. I suggest to strike out also the words "in the same county or parish." In the section of the country in which I live many of the counties are large and extend for a hundred miles. It will be in the power of the chief supervisor to remove a deputy supervisor entirely from his precinct, so that he would not have the privilege of voting on the day of the election, and carry him a hundred miles away. That would be in the power of the chief supervisor, and I do not think anything should be introduced into a bill of this character that would give the chief supervisor that great power.

The deputy supervisor is compelled to obey the orders of his chief or the doors of the penitentiary will stand open if he refuses; and he will be kept away from his precinct the whole day of the election and be deprived of his vote if the chief supervisor sees fit.

I hope the amendment will go further and strike out the words "in the same county or parish;" so that it will read:

The chief supervisor of elections may at any time transfer any supervisor from service in one election district to another in the same city or town.

That certainly ought to be power enough to be conferred upon this officer. I move that the amendment of the Senator from West Virginia be extended so as to include the words I have read.

Mr. HOAR. Let the amendment of the Senator from West Virginia be adopted, and then the amendment of the Senator from Florida will be in order. It is a separate thing.

Mr. PASCO. I wish to add to the language of the amendment of the Senator from West Virginia.

Mr. HOAR. I do not understand that that is in order. If it is an amendment to strike out some other matter than the amendment to which it is proposed strikes out, we have a right to have a division of the question, even if the Senator could make the motion.

Mr. PASCO. My motion is to amend the amendment of the Senator from West Virginia, and it is clearly in order to do it.

Mr. HOAR. This is a motion to strike out A B, and the Senator from Florida moves to strike out other additional language. The Senator can make it as a separate motion.

Mr. HARRIS. Is it an independent amendment?

Mr. PASCO. It can be offered as an independent amendment or as an amendment to the amendment. I have offered it as an amendment to the amendment.

Mr. HOAR. I object. It is not in order.

The PRESIDING OFFICER. Objection is made, and the Chair thinks it is well taken.

Mr. PASCO. A single objection will not exclude it, Mr. President. The amendment has been offered in order, and a single objection can not keep it out. I understand the Senator from Massachusetts objects. His objection can not keep my amendments out. He has no right to exclude my amendments by a simple objection.

Mr. SPOONER. The Senator's remedy is not by argument, but by appeal.

Mr. PASCO. There is nothing to appeal from. The Senator from Massachusetts has raised no point of order.

Mr. SPOONER. I thought he did.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. PASCO. The Senator from Massachusetts simply made an objection.

Mr. SPOONER. I raise the point of order.

Mr. VANCE. As pertinent to the point of order, which I suppose I can discuss, I wish to ask the Senator from Massachusetts a question.

The PRESIDING OFFICER. The Senator from Wisconsin has made a point of order. He will state his point of order.

Mr. SPOONER. I do not wish the Senator from North Carolina [Mr. VANCE] to intervene with his suggestion until I make the point of order.

Mr. PASCO. I understood the Senator from Massachusetts simply to object to my amendment. That he has no right to do.

The PRESIDING OFFICER. The Senator from Wisconsin will state his point of order.

Mr. SPOONER. The Senator from Massachusetts objected to the amendment on the ground that it was not in order, and the Chair ruled that it was not in order, and the only remedy the Senator has is by an appeal from the decision of the Chair, if he desires to pursue it.

Mr. PASCO. I should like to make a brief explanation. I understood the Senator from Massachusetts simply to say, "I object to the amendment of the Senator from Florida." If I had heard him say that he raised a point of order against it, that would have been another matter; but I do not care to have my amendment simply objected to. If he raises the point of order against it, then let the Chair decide the point. In that case I can tell whether to appeal or not. I do not wish to have my amendments simply objected to.

The PRESIDING OFFICER. The point of order raised by the Senator from Massachusetts is sustained by the Chair.

Mr. VANCE. The Senator from Massachusetts raised no point of order.

Mr. HOAR. Yes, I did.

Mr. VANCE. He said he objected because it is out of order, but he made no point.

The PRESIDING OFFICER. The Chair understood the Senator from Massachusetts to raise a point of order.

Mr. VANCE. It may be treated as a point of order to simply say it is out of order, but I did not know it was constituted a point of order by simply affirming that it was, without giving the reasons why.

The PRESIDING OFFICER. The reasons have been stated.

Mr. HOAR. I said before the Senator from West Virginia [Mr. FAULKNER] moved to strike out certain words in the bill, the Senator from Florida moved to amend that motion by adding certain other words, and I took the ground that that was out of order. I said that it was, and because it was we should be entitled to have a division on the question, and the question taken on particular words first and separately.

Mr. VANCE. Will the Senator state why it is out of order? On what ground or technical rule?

Mr. HOAR. Because it is not an amendment to an amendment. When you move to strike out a certain part of the text you may move as an amendment to amend the text to be stricken out or to strike out a smaller part, but you can not move to amend by striking out a larger part, as the Senator from North Carolina, I think, will see. Suppose you have a bill of three sections and I move to strike out section 3. It is not a legitimate amendment to move to amend the amendment by striking out sections 2 and 3.

The PRESIDING OFFICER. Does the Senator from Florida appeal from the decision of the Chair?

Mr. PASCO. The matter can be reached in another way and I shall not consume the time of the Senate. If the Senator from Massachusetts had raised the point of order I should have submitted at once to the decision of the Chair, but when he simply gets up and says "I object to the amendment," I think there is no reason or propriety in his course.

Mr. HOAR. I made no objection——

The PRESIDING OFFICER. The question is on the amendment of the Senator from West Virginia [Mr. FAULKNER].

The amendment was agreed to.

Mr. PASCO. Now, I move to strike out, in the sixteenth line, the words "in the same county or parish."

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In line 16, section 6, page 83, it is proposed to strike out the words "in the same county or parish."

Mr. PASCO. I will briefly again state the reasons why I think that is an appropriate amendment. It will be in the power of the chief supervisor if those words remain to transfer any supervisor from service at one election district to another in the same county. In many parts of the South counties extend hundreds of miles, and it would be in the power of the chief supervisor to take from the voting place any supervisor whom he may select of the opposite political party to a distant place and deprive these men of their votes on the day of election. The orders of the chief supervisor are compulsory, and the deputy supervisor is compelled to obey them, so that the elective franchise may be taken away from him absolutely.

It can very readily be seen that the transfer of a few men from their own precincts to others, thus depriving them of their votes, may absolutely change the result of a Congressional election. The power is absolutely in the hands of the chief supervisor. A deputy supervisor is obliged to obey, and if he obeys he is taken away from his own precinct for a whole day to a distance of a hundred miles perhaps in the same county. He may lose his vote and is denied the right of suffrage, if my amendment is not adopted.

Mr. VANCE. It seems to me that there is an additional and a very strong reason why the amendment should prevail besides those given by the Senator from Florida; and that is that in those large counties, from 50 to 100 miles long, in Florida and in other States, the supervisor who is transferred from one extremity of a county to the other will not have any personal acquaintance with the citizens among whom he goes to serve. He not only loses his vote, as the Senator has well said, but his lack of acquaintance with the people, their standing, their position, their rights of voting, and so on, renders him less able intelligently to serve them in the capacity of a supervisor. He will be totally at the mercy of others. He will depend upon hearsay for all his information. Whereas we know that in voting, as in a case of the jury, which the common law provides especially shall be chosen from the vicinage, the supervisors and managers of elections ought to be well acquainted with the claim of every voter who comes to vote.

Mr. COCKRELL. I should like to suggest to the Senator from Massachusetts the propriety of this amendment. It comes in line 16, to strike out now the words "in the same county or parish." That would leave it to read right:

The chief supervisor of elections may at any time transfer any supervisor from service in any one election district to another in the same city or town.

That would make it applicable to all the larger cities where the transfer could be made; but take a large county or parish, some of which are a hundred or more miles in length, and to transfer a supervisor from one side of the county to the other would be, it seems to me, a great inconvenience and hardship, especially if there should be a difficulty between the supervisors and the chief supervisor.

He would then have the power of placing a supervisor in any part of the county where he could not vote, because in many of these counties and parishes they have to vote in the local precincts where they have resided in the township or precinct, and being required to reside there three months or six months, and in Texas, for example, in some of the counties it would be like transferring them from one State to another. The amendment would leave this power of transfer in all of the towns and cities and places where there is a dense population, where there might be some necessity for a change of supervisors from one part to another.

Mr. HOAR. The purpose, of course, of this provision is to provide for cases of the sudden failure of a supervisor at one particular place. If one supervisor was taken suddenly ill it would leave one man to exercise these duties with another of the same political faith unless the chief supervisor had this power of transfer.

There is a good deal of force, however, in the suggestions which have been made on the other side, but I think I shall not make a question on it. I think it would be better for us to have some arrangement by which this transfer may not be made in the rural districts for distances of more than a certain number of miles, so as not to prevent the opportunity of the officials voting at their own precinct; but in order not to detain the Senate to frame an exact amendment of that kind I will consent to this amendment; and if hereafter it should occur to me on reflection that I had better put in some provision of that kind I can then suggest it.

The PRESIDING OFFICER. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. VEST. In section 2, line 19, page 78, of the print of August 7, I move to strike out the words "claiming to be."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 2, page 78, line 19, of the amendment proposed by the Committee on Privileges and Elections, after the word "persons," strike out the words "claiming to be;" so as to read:

Whenever the chief supervisor of elections for the judicial district in which such Congressional district or such entire city or town having 20,000 inhabitants or over is situated shall have received from such Congressional district, city, or town an application or applications from one hundred persons citizens of the United States and residents and qualified voters in the city or town or in the Congressional district above mentioned.

Mr. HOAR. I hope that amendment will not be adopted. The words were put in with great deliberation and consideration by the committee. The reason for putting them in is that the presenting of the petition by the one hundred persons is a jurisdictional fact, and, if it were necessary to make the whole proceeding valid, there should be no mistakes about the citizenship of one of the persons who petitions. It might make very important proceedings wholly illegal. We had in the Senate the other day the case of an old resident of Washington who supposed he had been a citizen for a great many years, and it turned out that he had never been naturalized. I think such a case happened in regard to a governor-elect of one of the Western States.

I may as well repeat, once for all, what I have said heretofore, that this provision of the one hundred citizens to a petition in one case and fifty citizens to a petition in another is not put in this bill with the idea that the hundred or the fifty men are to control the operations of the United States law. The idea is that this law shall go into effect uniformly throughout the United States except in those cases, which I think will be very numerous and more numerous as times go by, where there is substantially unanimous consent of the people that they do not want it, and there is no necessity for the expense or the trouble.

There are plenty of districts in my State where, I am quite sure, the Republicans would be as contented to leave their elections to Democratic election officers as they would to officers of their own faith, and I am equally sure that there are many such cases where the Democrats would leave the whole thing to the Republicans with entire satisfaction and contentment and confidence. The provision is that it shall require this number of petitioners, for it would be a very awkward thing to require proof of character of every man named in every petition.

I move to lay the amendment on the table.

Mr. VEST. Mr. President——

Mr. HOAR. I withdraw the motion if the Senator wishes to reply.

Mr. VEST. Alexander Hamilton said once, in discussing a provision of the Federal Constitution in the Federalist, that a possibility of the happening of an event was a sufficient argument to provide against it by legislation. We all know with what facility petitions can be gotten up. All of us are familiar with the facility and recklessness that attend petitions in any community, and it does seem to me that in starting the legislative machinery that affects the most sacred right of an American citizen every safeguard should be put against abuse of that machinery for partisan or corrupt purposes.

Here is a provision which says that, whenever a hundred persons claiming to be citizens in a town or city shall petition that this law shall take effect in that community, the chief supervisor shall have before him what the Senator calls a jurisdictional fact; but that jurisdictional fact, so far as this law is concerned, is conclusive, unless the chief supervisor sees proper to ignore the petition altogether. It is the beginning of this operation.

It is little enough to require in a case of this sort, in a case of jurisdictional legislation which proposes to take from the States rights which they have exercised for a hundred years, and rights about which the American people are peculiarly sensitive—is it not little enough to require that this chief supervisor shall satisfy himself that these petitioners are citizens?

Suppose one of these political managers, called bosses and hustlers, who have got to be a separate and distinct profession, unfortunately, in the United States, should conclude that he wanted this law applied for his political or personal purpose to a certain city or town. As a matter of course, the first thing he does is to go down into the most disreputable haunts and pick up a lot of people who have no interest whatever in the community, who are possibly foreigners, have never been naturalized even, but who claim to be or are willing to sign a paper claiming to be citizens of the United States, and, like the machinist who touches a knob or a button of his machinery, the whole works commence to move at once.

Can it be possible that such a thing as that is seriously defended here? It is sufficient, it seems to me, for conservative legislators to understand that the abuse is probable. I can go out into this city today and get a petition to hang any member of this Senate. I can find a hundred people in this town who will sign a petition who do not know anything about it, but who do it to oblige the man who brings the petition to them, and in that may be the allegation that they are citizens of the United States. They do not know and they do not care what is in it. They have no responsibility, nothing but to sign their names, and the whole thing is done. So far as they are concerned, the only reason they have for signing the paper is that Mr. Smith or Mr. Jones is a good fellow and he asked them to sign it, and they did it.

An abuse like that ought not to be possible. It is not imposing any extraordinary duty upon the supervisor. If he is the right sort of a man, qualified for his high position and the responsibilities attached to it, he can very easily ascertain through his deputies or even by his own personal exertions whether these petitioners are citizens of the United States or not. What would be said of putting this law into effect in a community upon the petition of a hundred people who are not citizens, or a majority of whom or even a considerable minority of whom are not citizens? Could there be conceived a greater outrage on a community?

I speak with some warmth, Mr. President, for I lived once in my life for five years in a community governed by the most irresponsible vagabonds, who did not pay one dollar taxes, but who were the refuse of society, the scum, the filth of the community, and they made the laws and controlled the policy of the State, whilst the taxpayers stood by helpless and hopeless and saw their property squandered and their dearest rights trampled under foot.

I have never heard in any instance any of these outrages defended except upon the ground that they will never happen. They have happened, they will happen as long as the mercenary instinct is found in men. As long as the desire for political supremacy is found (and that will be until the world is wrapped in millennial glory and the angel shall stand with one foot upon the land and the other foot upon the sea and proclaim that time shall be no more) these abuses will be found. No chances should be taken in a thing of this sort.

Mr. VANCE. Mr. President, I wish to ask the Senator if, under the language of the bill which it is proposed to enact into a law, the supervisor should become convinced that the petition was spurious, that the men were not citizens, were not residents of the parish or county in which they claimed to reside, whether there is power given him to refuse the petition provided it comes in the language of the bill, from one hundred persons claiming that they are such.

Mr. VEST. No; I have read this over and over. It is an awkwardly drawn provision, but I do not care about taking up the time——

Mr. WOLCOTT. What is the section?

Mr. VEST. Section 2, page 78, line 19. It is necessary, to understand it, to go back to line 14. It now reads:

Whenever the chief supervisor of elections for the judicial district in which such Congressional district or such entire city or town having 20,000 inhabitants or over is situated shall have received from such Congressional district, city, or town an application or applications from one hundred persons claiming to be citizens of the United States and residents and qualified voters in the city or town or in the Congressional district above mentioned, or whenever he shall receive from such parish, county, city, town, or precinct in any Congressional district an application or applications from fifty persons claiming to be citizens

of the United States, and residents and qualified voters in such parish, city, county, town, or election precinct, petitioning him to take such action as may be requisite to secure such supervision therein as is provided by the laws of the United States.

My amendment, let me say to the Senator from Colorado, is to strike out the words "claiming to be," in line 19, so that the supervisor before this extraordinary legislation takes effect shall satisfy himself that they are citizens. That is all of it.

The Senator from Massachusetts disposes of it by saying here is the jurisdictional fact. That is the first time I ever heard that allegation of citizenship was conclusive as a jurisdictional fact in any court. I assume that the Senator from Massachusetts would not claim any such thing as that as to the jurisdiction of the United States courts, which often depends upon citizenship. It is a question to be inquired into. If a man sues me in the United States court and says he is a citizen of another State, I can attack that jurisdictional fact, or it is rather a jurisdictional allegation, and if I show he is not a citizen of another State he is out of court and that is the end of his case.

I say, sir, in conclusion, that there should be no chances taken on a matter of this kind. It is little enough to require the chief supervisor, before he starts this extraordinary machinery in any county, city, or town, to find that the statement that the parties signing the petition are citizens is absolutely true.

Mr. HOAR. I move to lay the amendment on the table.

Mr. GRAY. If the Senator will allow me a moment.

Mr. HOAR. Certainly.

Mr. GRAY. I wish to call his attention to the fact that the jurisdictional fact or allegation applies not only to the citizen of the United States, but to the further allegation that they are residents and qualified voters of such parish, city, or town. It seems to me that if there is any safeguard, any conservatism in this provision for setting in motion this electoral machinery, it is in requiring the parties who make petition to allege that they are not only citizens, but qualified voters, and are interested in the elections thereby which they seek to have supervised. That fact ought not to be left in the air.

It ought not to be left, it seems to me, to be established by designing and corrupt men in order to obtain setting in motion this electoral machinery contrary to the intent of this act, for the Senator from Massachusetts knows, and those who advocate this bill must intend, that this setting in motion of this electoral machinery shall be bona fide, and shall have a responsible source, and shall have sponsors who are men capable of being identified and who have an interest in reality in the election which they ask shall be thus supervised, not merely claiming or alleging that they have. So that it seems to me all-important to the bona fides of this provision that we should require that the signers should be residents and bona fide voters, and not merely that they should claim to be. It seems to me immensely important.

Mr. HOAR. The criticism made on this bill and the objection to it which has come from both sides of the Chamber, and from the other side of the Chamber especially, is that it ought to apply to every district in the United States without exception if it be applied to any. That is one of the great arguments that have been brought up. If that be true, certainly this thing can do no harm, because it goes in that direction; but the committee conceived that there were a great many districts in the United States, and there would be an increasing number, probably, if this bill went into operation, in regard to which there would be a universal consent of the people that it should not be put in operation.

We suppose there will be a great many communities in which there will be no such petition, but if there be a petition you have got to have one of two things. You have either got to take the petition as evidence of the character of the petitioners themselves and their claims, which ordinarily will be put in operation unless petitioners were what they claimed to be, or you have got to provide for judicial examinations in regard to citizenship and residence and qualifications to vote of every one of these one hundred men upon oath, at least, to be taken by them with the cost of the certificate, the cost of the examination, and with all the attendant delay which would add to the expense and mechanism of the bill.

If it turned out that one of these men is mistaken, that he has signed the petition although not entitled to citizenship, all the authority to set this machinery is gone. If the supervisors have been appointed their appointment is a nullity; if they have acted, their action is a nullity; if they have arrested anybody, the arrest is wrongful, etc. So that it seems to me while this proposition may seem plausible as Senators state it, yet when you come to see what it will accomplish it is entirely dissipated.

Mr. WOLCOTT. I can readily understand that an honest mistake might be made by the petitioner, and that should not affect the validity of the proceeding; and yet there might possibly be some perambulatory petition that would cover some great section of the country signed by people who were not acting in good faith, and not in fact interested in securing honest elections, and where by petitions they would seek to have the elections law apply. Now, as I understand it, there is no penalty here against any person who claims to be a qualified voter or a citizen of the United States, if in fact he is not one; and therefore I ask the Senator from Massachusetts if he objects to appending at the end of the section a provision of this kind:

And any person falsely claiming to be a citizen of the United States, or to be a resident or qualified voter of such city or town, in any such petition, shall be punished by confinement of not less than six months nor more than two years, or by fine of not less than $100 nor more than $1,000, or by both said fine and imprisonment.

Mr. HOAR. I think that is a good idea, with one exception. The Senator from Colorado perhaps has not been a member of the Senate sufficiently long to have learned that it has been the policy of the Senate for a long time not to have included in a law a provision for a minimum punishment, because there may be cases of technical violations of the law.

Mr. WOLCOTT. I must confess that in regard to these matters I am quite unfamiliar.

Mr. HOAR. I would suggest to the Senator to strike out the words "not less than." That would be in accordance with the universal practice of the Senate now. Then it should be "falsely and willfully."

Mr. WOLCOTT. If it is false it is willful, is it not? A false claim is a willful claim.

Mr. HOAR. But let it be put in.

Mr. WOLCOTT. Very well.

Mr. SANDERS. I think the word "knowingly" would be better. This discussion reveals the fact that there are a great many certificates of naturalization that are fraudulent. If somebody should sign such a petition supposing his certificate genuine when it was fraudulent he ought not to be punished.

Mr. HOAR. Let the amendment of the Senator from Colorado be read as modified.

The CHIEF CLERK. At the end of section 2, add the following:

And any person falsely a. d willfully claiming to be a citizen of the United States, or to be a resident or qualified voter of such city or town, in any such petition, shall be punished by confinement of not more than two years or by a fine of not more than $1,000, or by both said fine and imprisonment.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Missouri [Mr. VEST].

Mr. MORGAN. I wish to make a single suggestion, and principally to the Senator from Massachusetts, about this matter. He felicitates himself that if this bill goes into operation there will be a decrease in the number of applications for these supervisorships.

Now, Mr. President, the supervisors, under the bill, will average about $50 at each election; some of them will run very much above that. The lowest average for a supervisor will be $50 at an election. There will be three supervisors for each precinct, and that will make $150. Now, there are very few counties, I suppose, in the United States, at least in the most populous parts of the United States, where there are not as many as forty precincts.

That is a large sum of money to go into the hands of the class of people who will apply for these positions of supervisors. There are many post offices in the United States that do not pay anything like that amount of money, and yet the mails of Senators are burdened with petitions and applications for appointments to those places. There are many people in my State, without reference to color or previous condition or anything of that kind, white people and black people, too, who would be very much delighted to be appointed supervisors in a precinct where they would get $50 apiece out of the money of the United States for performing this service for, perhaps, not exceeding ten days; not so much, perhaps, as ten days.

The Senator from Massachusetts will find that this country will be swarming with these applications. It is very true that as the bill now is the chief supervisor is not bound to accept services of this kind. He nominates men for these offices, men who recommend themselves by their own affidavits and their own applications as to respectability and otherwise. He may not choose to use their services, and in that way he can cut them out; but how easy it is for a man who is disposed to make a political interference in a district, whether a Democrat or a Republican, to go out into the different precincts in the county and throughout the district and pick his men to make applications for these places, and say "Here is $50 that can be paid for a few days' service at a time of the year when you are not busy in your usual vocation" (that of a farmer or whatever it may be), "and if you receive the appointment I will put your name on the list, or take your name before the judge, and he will appoint you."

He is obliged to do it; that is a fact. Now, instead of there being a continual decrease of these applications, there will be a continual increase of these applications, and the boss politicians of a small kind throughout the United States will find themselves with convenient employment at $50 for ten days' services; and the chief supervisor will have the pick and choice of all the political tools he wants to select from, the meanest men he can think of. If he recommends them to the judge, his *imprimatur* will carry them through the court, and we shall have the elections functionaries of the United States either the miserable tools of low politicians or else we shall have them of a class of men who would corrupt the public service.

I think, Mr. President, that every guard we can put upon these men ought to be sedulously placed there. Therefore, I am in favor of the proposed amendment or any other amendment in that direction.

Mr. HOAR. I desire to ask if the amendment of the Senator from Colorado [Mr. WOLCOTT] has been adopted?

Mr. BUTLER. It has not been acted upon.

The VICE PRESIDENT. The pending question is on the amendment of the Senator from Missouri [Mr. VEST].

Mr. HOAR. I move to lay that amendment on the table.

Mr. VEST. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HOAR. I would like to have it understood before a vote is taken, whether there is any objection to the amendment of the Senator from Colorado [Mr. WOLCOTT].

Mr. VEST. No; I think not.

Mr. HOAR. Let that be adopted by unanimous consent.

Mr. ALLISON. On what have the yeas and nays been ordered?

The VICE PRESIDENT. On the amendment of the Senator from Missouri [Mr. VEST] to strike out the words "claiming to be," in line 19, page 78. The roll will be called.

Mr. VEST. I ask unanimous consent to withdraw my call for the yeas and nays, and let us first take a vote *viva voce*.

The VICE PRESIDENT. If there be no objection, the Chair will put the question. The question is on the motion to lay the amendment of the Senator from Missouri on the table.

Mr. HOAR. I thought the yeas and nays had been ordered.

Mr. VEST. I withdrew the call for the yeas and nays in order to save time.

Mr. HOAR. I call for the yeas and nays.

The VICE PRESIDENT. The yeas and nays have been ordered, and the roll will be called.

Mr. VANCE. Mr. President, several Senators in my vicinity, including myself, do not understand whether this is a motion to lay on the table or whether it is to be a vote on the pending amendment.

The VICE PRESIDENT. It is a motion made by the Senator from Massachusetts [Mr. HOAR] to lay the amendment offered by the Senator from Missouri [Mr. VEST] on the table.

The Secretary proceeded to call the roll.

Mr. DAWES (when his name was called). During the absence of the Senator from Georgia [Mr. COLQUITT] on account of sickness I shall be paired with him, and therefore it is not necessary for me to repeat it every time a vote is taken. If he were present, I should vote "yea."

Mr. EUSTIS (when his name was called). I am paired with the Senator from Nebraska [Mr. PADDOCK]. If he were present, I would vote "nay."

Mr. GEORGE (when his name was called). I am generally paired with the Senator from New Hampshire [Mr. BLAIR]. If he were present, I should vote "nay."

Mr. ALLEN (when Mr. SQUIRE'S name was called). My colleague [Mr. SQUIRE] is paired with the Senator from Virginia [Mr. DANIEL]. If my colleague were present, he would vote "yea."

Mr. VEST (when his name was called). I have a general pair with the Senator from Kansas [Mr. PLUMB]. As he has not voted, I withhold my vote.

The roll-call was concluded.

Mr. HISCOCK. Has the Senator from Arkansas [Mr. JONES] voted?

The VICE PRESIDENT. He has not.

Mr. HISCOCK. Has a quorum voted?

The VICE PRESIDENT. Not yet.

Mr. HISCOCK. I am paired with the Senator from Arkansas [Mr. JONES].

Mr. BERRY. I desire to state that the Senator from Kentucky [Mr. CARLISLE] is paired with the Senator from North Dakota [Mr. PIERCE].

Mr. PASCO. I desire to have it noted that my colleague [Mr. CALL] is temporarily absent from the Chamber and is paired with the Senator from South Dakota [Mr. PETTIGREW]. If my colleague were present, he would vote "nay."

Mr. MANDERSON. My colleague [Mr. PADDOCK] is paired with the Senator from Louisiana [Mr. EUSTIS]. My colleague would vote "yea" on this question.

The result was announced—yeas 33, nays 25; as follows:

YEAS—33.

Aldrich,	Edmunds,	Manderson,	Spooner,
Allen,	Evarts,	Morrill,	Stockbridge,
Allison,	Frye,	Platt,	Teller,
Cameron,	Hale,	Power,	Warren,
Carey,	Hawley,	Quay,	Wilson of Iowa,
Casey,	Higgins,	Sanders,	Wolcott.
Cullom,	Hoar,	Sawyer,	
Davis,	McConnell,	Sherman,	
Dixon,	McMillan,	Shoup,	

NAYS—25.

Barbour,	Faulkner,	McPherson,	Vance,
Bate,	Gibson,	Morgan,	Voorhees,
Berry,	Gorman,	Pasco,	Walthall,
Blackburn,	Gray,	Pugh,	Wilson of Md.
Butler,	Hampton,	Ransom,	
Cockrell,	Harris,	Reagan,	
Coke,	Kenna,	Turpie,	

ABSENT—30.

Blair,	Dawes,	Jones of Arkansas,	Plumb,
Blodgett,	Dolph,	Jones of Nevada,	Squire,
Brown,	Eustis,	Mitchell,	Stanford,
Call,	Farwell,	Moody,	Stewart,
Carlisle,	George,	Paddock,	Vest,
Chandler,	Hearst,	Payne,	Washburn.
Colquitt,	Hiscock,	Pettigrew,	
Daniel,	Ingalls,	Pierce,	

So the amendment of Mr. VEST to the amendment of the committee was laid on the table.

The VICE PRESIDENT. Is it understood that the amendment proposed by the Senator from Colorado [Mr. WOLCOTT] is agreed to?

Mr. HOAR. That was agreed to unanimously.

The VICE PRESIDENT. The Chair did not so understand.

Mr. REAGAN. I offer a proviso to come in at the end of section 2 as amended.

Mr. HOAR. Will the Senator from Texas listen to me for a moment? I was moving some amendments as coming from the majority of the Committee on Privileges and Elections, and at the request of the Senator from Maryland [Mr. GORMAN] I deferred them for half an hour. The Senator from Maryland now informs me that he desires no further delay.

Mr. REAGAN. I prefer that the Senator be present, but I have an amendment to section 2. I do not want to consume any time.

Mr. HOAR. Very well; after that I will ask the Chair to recognize me for that purpose.

The SECRETARY. Add the following to section 2:

Provided, That the chief supervisors of elections shall keep the petitions provided for in this section, and the lists of names appended to them, open to the inspection and examination of citizens at all reasonable hours.

Mr. REAGAN. Mr. President, I have but a word to say in reference to that amendment. These election proceedings ought to be open so that they can be understood. If the chief supervisor has power to receive petitions and place them in his drawer or in his safe, without the authority or right of the citizens to inspect them, it might operate as a very serious wrong, and I think there will be no objection to requiring him to keep these petitions and the papers connected with them open to inspection, so that citizens may see who it is that makes them and whether there is any attempt at the perpetration of fraud.

Mr. HOAR. I hope the amendment will not be adopted. It is well known, I suppose, to most Senators here that there is a very considerable fear in many parts of the country that it may not be altogether safe for persons to make these petitions. The petitioners may be subject to hostile action.

Mr. VOORHEES. Let the amendment be reported again.

Mr. HOAR. I move to lay the amendment on the table.

The VICE PRESIDENT. The amendment will be again read in accordance with the request of the Senator from Indiana [Mr. VOORHEES].

The amendment was again read.

Mr. HOAR. I have moved to lay that amendment on the table.

The VICE PRESIDENT. The question is on the motion of the Senator from Massachusetts [Mr. HOAR] to lay the amendment proposed by the Senator from Texas [Mr. REAGAN] on the table.

Mr. HOAR. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. VOORHEES. I would like to inquire of the Senator from Massachusetts whether it is the intention of this bill to keep secret and hidden away those who are responsible for putting it in operation. I am one of the representatives from Indiana. If this bill becomes a general law, it will apply to the State that I have the honor in part to represent, as well as to the Southern States, and I would like to know from the Senator from Massachusetts whether he proposes to hide and cover up and keep secret.

Mr. WILSON, of Iowa. I desire to ask the Chair whether the pending question is debatable.

Mr. HOAR. I will answer the Senator from Indiana.

Mr. VOORHEES. I do not know whether it is debatable or not, but I will allow the Senator from Massachusetts an opportunity, and shall be glad to hear his answer.

Mr. HOAR. The matter will be in the control of those who will see that whatever is necessary for the public security is done.

Mr. VOORHEES. Then I desire it to be known abroad, throughout the country, that the methods by which this wretched piece of legislation is about to be put in operation in the various States can be hidden away——

Mr. HOAR. I object to further debate.

Mr. VOORHEES. Can be placed in the secret archives of the Federal judiciary. I wish that to be known, as well as the rest of it.

The VICE PRESIDENT. The motion to lay on the table is not debatable.

Mr. REAGAN. This does not go into the charge of the judiciary department, but will remain in charge of the chief supervisor, and the secret is his.

Mr. HOAR. I object to further debate.

Mr. GORMAN. I desire to make a suggestion to the Senator from Massachusetts.

Mr. WILSON, of Iowa. I object to debate.

The VICE PRESIDENT. The Senator from Iowa objects to debate. The roll will be called.

Mr. MCPHERSON. I would like to ask the Senator from Massachusetts a single question, if he will withdraw his motion in order to enable me to do so.

The VICE PRESIDENT. Debate is not in order now. The Secretary will proceed with the roll-call.

The Secretary proceeded to call the roll.

Mr. CASEY (when Mr. PIERCE'S name was called). My colleague [Mr. PIERCE] is paired with the Senator from Kentucky [Mr. CARLISLE].

Mr. VEST (when his name was called). I am paired with the Senator from Kansas [Mr. PLUMB]. If he were present, I should vote "nay."

The roll-call was concluded.

Mr. CARLISLE. I am paired with the Senator from North Dakota [Mr. PIERCE]. The Senator from Louisiana [Mr. GIBSON] is temporarily absent from the Chamber, and at his request my pair is transferred to him. I vote "nay."

Mr. PASCO. I desire to announce the pair of my colleague [Mr. CALL] with the Senator from South Dakota [Mr. PETTIGREW]. If present, my colleague would vote "nay."

Mr. BATE. I desire to announce the pair of the Senator from New Jersey [Mr. BLODGETT] with the Senator from New Hampshire [Mr. CHANDLER].

Mr. WALTHALL. My colleague [Mr. GEORGE] is paired with the Senator from New Hampshire [Mr. BLAIR].

Mr. JONES, of Arkansas. Has the Senator from New York [Mr. HISCOCK] voted?

The VICE PRESIDENT. He has not.

Mr. JONES, of Arkansas. Having a pair with him, I withhold my vote. I should vote "nay," if he were present.

Mr. MITCHELL. I desire to announce that my colleague [Mr. DOLPH] is detained from the Chamber and is paired with the Senator from Georgia [Mr. BROWN].

The result was announced—yeas 30, nays 30; as follows:

YEAS—30.

Aldrich,	Dixon,	McConnell,	Sawyer,
Allen,	Edmunds,	McMillan,	Sherman,
Allison,	Frye,	Manderson,	Shoup,
Cameron,	Hale,	Mitchell,	Stockbridge,
Carey,	Hawley,	Morrill,	Warren,
Casey,	Higgins,	Platt,	Wilson of Iowa.
Cullom,	Hiscock,	Power,	
Davis,	Hoar,	Sanders,	

NAYS—30.

Barbour,	Faulkner,	Morgan,	Turpie,
Bate,	Gorman,	Pasco,	Vance,
Berry,	Gray,	Pugh,	Voorhees,
Blackburn,	Hampton,	Quay,	Walthall,
Butler,	Harris,	Ransom,	Wilson of Md.
Carlisle,	Jones of Arkansas,	Reagan,	Wolcott.
Cockrell,	Kenna,	Stewart,	
Coke,	McPherson,	Teller,	

ABSENT—28.

Blair,	Dawes,	Hearst,	Pierce,
Blodgett,	Dolph,	Ingalls,	Plumb,
Brown,	Eustis,	Jones of Nevada,	Spooner,
Call,	Evarts,	Moody,	Squire,
Chandler,	Farwell,	Paddock,	Stanford,
Colquitt,	George,	Payne,	Vest,
Daniel,	Gibson,	Pettigrew,	Washburn.

The VICE PRESIDENT. The Senate being equally divided on this question, the Chair votes "yea."

So the amendment of the Senator from Texas [Mr. REAGAN] was laid on the table.

Mr. VANCE. I move to amend section 2 by adding, after the last word, "voter," the words "and shall be sworn to the same;" so as to read:

Every person making application for such supervision shall subscribe the same and state his citizenship, place of residence, and that he is a qualified voter, and shall be sworn to the same.

Mr. HOAR. Where will it come in?

Mr. VANCE. That will come in at the close of section 2.

Mr. HOAR. There is no objection to that.

Mr. GORMAN. I ask the Senator from North Carolina [Mr. VANCE] to yield to me a moment.

Mr. VANCE. Certainly.

Mr. GORMAN. Mr. President, we met yesterday at 12 o'clock, and until 1 or 2 o'clock to-day we have proceeded with the discussion of this bill, but were engaged in an endeavor to get a quorum the greater part of the time. This morning, after the completion of one or two speeches, there were fifty or sixty Senators present, not all of them having remained here all night. Then by common consent we began the consideration of this bill in a perfectly fair spirit, considering the amendments as they arose, with no extended discussion upon any one of them, and with no idea of going beyond legitimate bounds in the consideration of the amendments themselves.

With a view to facilitate the business of the Senate I suggested to the Senator from Massachusetts, which suggestion he afterwards accepted, to lay aside the amendments he had offered in order that we might compare them with the bill the reprint of which had only reached us this morning.

Now, Mr. President, with that condition of affairs in the body and a desire to go on, taking advantage of no technicalities whatever and consuming no more time than was absolutely necessary for the intelligent consideration of the amendments, with scarcely a roll-call unless asked for by the Senator from Massachusetts [Mr. HOAR]—but possibly asked for once or twice on this side—the Senator in charge of the bill, not appreciating the spirit with which he is met in the consideration of this measure, takes the floor before the mover of an amendment has an opportunity to explain it and proposes to lay the amendment on the table, or, if not before the mover has an opportunity to explain it, immediately afterwards.

We have just voted upon an important amendment, the proposition offered by the Senator from Texas [Mr. REAGAN], requiring that these petitions and papers shall become public property, and that citizens of the United States shall have an opportunity to see them and know who are applicants, to know whether they were proper applicants, whether they were citizens of the United States, and that within a reasonable time, as the amendment provided. That proposition, giving only that opportunity which is due to every American citizen in regard to every public act and every official, immediately the Senator proposes to lay on the table, and the Senate refuses to give consent when we simply ask it to be fairly considered.

Now, I do not want to be unkind or say disagreeable things to any Senator, but I say to the Senator from Massachusetts that he has been so exacting in every proposition which has come before us in this matter that he can not facilitate public business in that way. If he wants a fair and intelligent consideration of this bill and the amendments, he will get it with perfectly fair and frank dealing with Senators upon this side. If an amendment comes up, and it is debated beyond reasonable time, I should not complain if, under the rules, he moved to lay it on the table. But when we are going on in the manner I have described, I say to the Senator we can all of us get up conflicts and bad feeling among white men everywhere in the world; and that applies to this body.

Now, I hope and trust that the Senator will change his tactics and will permit the consideration of these amendments fairly for a proper time without any attempt to cut us off. Of course, we have our remedy. I have no right to speak for anybody but myself, but I think I voice the sentiment of everybody on this side of the Chamber when I say we do not want to resort to the practice of offering an amendment and taking the floor and then yielding to somebody else to speak upon it an undue length of time. That would be unfair to each side. It would be perfectly legitimate within the rules. But I do appeal to the Senator from Massachusetts to permit the consideration of this measure to go on as it has been going on nearly the whole day. However, I think he has made two or three motions to lay amendments upon the table when we were all ready to vote upon the direct question itself.

Now, Mr. President, there are some of these amendments that require discussion. Of the amendments offered by the Senator from Massachusetts himself, at least two are important and far-reaching. One is as to the appointment of these officers and the other opens the door of the Treasury for the expenditure of untold millions, as I understand it. Does the Senator from Massachusetts suppose that a matter such as the one presented by the Senator from Texas [Mr. REAGAN], simply giving the right to look at the papers on file in the office of these supervisors and in the court between reasonable hours, should not be discussed in this country for a moment; that the gag must be put upon that right which is due to every American citizen? Does he believe that he will facilitate the passage of his bill by making a motion to lay on the table an amendment that will close the doors of the Treasury except as they may be opened by the representatives of the people in the two Houses of Congress assembled?

Mr. President, we are in the minority in this Chamber; but I speak for the great majority of all the people in this country when I say to the Senator from Massachusetts that we shall have free discussion upon the question of the right to take the people's money from their Treasury by unknown and unauthorized agents appointed by judges who themselves have their appointments for life.

Now, sir, this bill is full of clauses which excite the partisan; but when we come to the consideration of its details I think, even extreme as the Senator from Massachusetts is and anxious as he is for the passage of this measure, he ought to concede at least the right to discuss these amendments fairly in the Senate. Nothing more is asked. Under the rules, Mr. President, we can have that. And as I said, voicing, as I know I do, the sentiments of the great majority of the people of the country, we shall never submit to anything less than that. [Manifestations of applause in the galleries.]

Mr. VANCE obtained the floor.

Mr. HOAR. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Massachusetts?

Mr. VANCE. I will yield to the Senator from Massachusetts to make a reply to that appeal.

Mr. HOAR. Mr. President, I think this affected style comes with very singular grace from the Senator from Maryland, when we consider the history of the past two weeks. The Senator says with an air of threat that he shall know or they shall know how to secure whatever speech they desire in this body. I suppose the Senator would delay this bill by every parliamentary method, whatever course the majority of the Senate should take. Nothing has happened yet which has come from that Senator or any other on his side of the Chamber to make any man doubt that every obstruction which he or his associates can invent will be put in the way of the constitutional right of the majority of this body to express its will in legislation. That we understand. But undoubtedly, Mr. President, there ought to be a fair and reasonable opportunity for discussing these amendments and undoubtedly it can not be helped.

Mr. GORMAN. That is all we want.

Mr. HOAR. There has been no instance where I have made a motion to lay an amendment on the table where on an appeal to withdraw it I have not withdrawn it.

Mr. GORMAN. That was not the case just now.

Mr. HOAR. No, the Senator from Missouri was speaking while the motion to lay on the table was pending. He did not ask anybody to withdraw it.

Mr. VEST. I beg pardon.

Mr. REAGAN. The Senator may not have heard me, but I did ask leave to be heard.

Mr. VEST. I never spoke after the motion was pending.

Mr. HOAR. It was the Senator from Indiana [Mr. VOORHEES].

Mr. KENNA. And the Senator from Iowa rose in his place and objected.

Mr. HOAR. I am talking about myself now in regard to that matter. He was speaking out of order when the motion was made.

Mr. VOORHEES. It may be due to myself to say that I was really not aware of the shape the question was in when I arose to speak. I simply understood by the reading of the Clerk that the bill made a provision in the nature of hiding away from public observation a certain responsibility, which it was proposed to remedy, and thereupon I spoke, and I was surprised at the Senator from Iowa calling me to order on a question of debate.

Mr. HOAR. I will state for the information of the Senator from Maryland and for that of the Senate that when the Senator from North Carolina rose I sought the floor at the same time and I sought it for the purpose of stating that it seemed to me there was a good deal of force on reflection in the suggestion of the Senator from Texas, and that I thought his purpose would be met by a provision that these petitions should be returned to the files of the circuit court and be open there for the inspection of the public; and I had consulted already several Senators on this side of the Chamber with reference to proposing an amendment to that effect.

Mr. STEWART. Will the Senator from North Carolina give way to me a moment? I want to make a suggestion.

Mr. HOAR. If the Senator will pardon me, before I sit down I wish to suggest to the Senator from Maryland, and to recall to his attention the fact that some hour ago, I being on the floor and moving these amendments which had been prepared by direction of the majority of the committee, which I have spoken of as committee amendments (and I think I have a right so to speak of them), the Senator asked me to withdraw them for some time, which I did out of deference to his request, and I may have been informed by him that he desires no further delay in taking them up, and I think I should have an opportunity afforded to me by that side of the Chamber at this time.

Mr. GORMAN. I want to say to the Senator from Massachusetts that is precisely the point to what I said. When he came to his amendments this morning we had before us the amendment offered by my distinguished friend from West Virginia [Mr. FAULKNER] which was likely to lead to debate. The Senator from Wisconsin, who happened to be in the Chamber at the time in charge of the bill, I think suggested that it would be wise to lay that amendment aside temporarily for the purpose of consulting and seeing if it could not be put in shape. It was assented to on this side, although it was a matter that our friends desired to discuss; one of them was most anxious to make a speech on it. I said: "That is perfectly fair in the discussion and consideration of this bill, and we shall be glad to do it." The Senator from Massachusetts wanted to present his amendment, and very justly as he suggested, and immediately two or three of our friends, who had not had an opportunity before to compare his amendments with the bill and see precisely what they were, went to work at them and within the last half hour I informed the Senator from Massachusetts that we have been ready to proceed with them. Hence, I say it makes his action all the more pointed in cutting off debate on an amendment which he now thinks upon reflection ought to have been put in the bill.

Mr. HOAR. No, not that amendment, but something which would accomplish the purpose.

Mr. GORMAN. I hope the Senator from Massachusetts has gone so far as to agree to the amendment of the Senator from Texas. However, I will not do him any injustice about it.

Now, Mr. President, I have nothing more to say about the matter except I do trust that in this body, where during my service with it and before I became a member of it, when I have been so familiar with its proceedings, I have never seen anything but fair consideration in this body and fair dealing on both sides of the Chamber—long discussions and earnest discussions have occurred, sometimes with too much feeling I have witnessed, but in the end this body does what is right, and it can not afford to be unjust to any one of its members of either party that happens to be in the minority. What I want to see is that we may go on with this bill and act on all the amendments that are yet to be taken up only on a fair consideration of them.

Mr. STEWART. Mr. President, I desire to call the attention of the Senate to the constitutional provision under which this legislation is proposed. We have the power conferred by the Constitution to legislate as to the time, place, and manner of electing Representatives in Congress. The only provision of the Constitution that gives warrant for such legislation is found in the fourth section of the first article of the Constitution, and it reads as follows:

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

The entire warrant for any legislation on this subject must be found in this provision. I am aware of the principle of construction that when power is given to Congress by the Constitution to do a given thing that power carries with it by implication the doing of all other things necessary to accomplish that purpose. We have the power to make regulations or to alter the regulations made by the State Legislatures as to the election of Congressmen, and there our power ends. We have no power to deal with the election of State officers; we have no power to deal with the election of electors of President and Vice President except to fix the time of such election.

Now, if in exercising the power conferred to alter the State regulations as to the election of members of Congress, we interfere with powers that do not belong to Congress, but are especially reserved by the States, we are passing the bounds of our functions and violating the Constitution.

Is it true that, because members of Congress are elected at the same time with State officers and with electors of President and Vice President, therefore the Federal Government may regulate in any manner State elections, may inspect ballots for State officers, and supervise and regulate all the proceedings governing local elections? Is the power to fix the times, places, and manner of holding Congressional elections sufficient warrant for all that? Does it give that power? The answer must be in the negative.

What is the condition of the legislation of the several States with regard to the time and place and manner of holding Congressional elections? Are they not held in nearly all the States at the same time as the State elections and must they not of necessity remain so until after the next general election? If this bill in its present form should become a law, would not the Federal officers whom it creates be present, supervise, and regulate all State elections two years hence? The Presidential electors are elected, I believe, in nearly every State in the Union at the same time as Representatives in Congress are elected. Is not the machinery of this bill especially calculated to have present a horde of Federal officers, paid with Federal money, to supervise not only Congressional elections, but elections of electors of President and Vice President?

It must be remembered that Congress may fix the time of electing electors of President and Vice President, and if that time be fixed permanently on the same day when Congressmen are elected then the supervisors of elections will not only control the election of Congressmen, but will necessarily manage and control the election of electors of the President and Vice President. And for the present and until the States shall have fixed some other day for their general elections, the elections to be supervised by Federal officers under the provisions of this bill must include members of Congress, Presidential electors, and all State officers. Besides, many of the States have fixed the time for elections in their constitutions which can not be changed for many years. The practical result of this bill will be to place the control of all elections, State and national, in charge of Federal officers.

We are not children. All of us have seen elections enough to know that a horde of officers at the polls with a purpose to control elections, having the right to inspect the ballots, having the right to arrest, having the right to keep order, having the right of supervising everything, will exercise an overwhelming power at a general election and influence the result as to every officer voted for at such election. We all know that an army of officers at the polls, backed by the prestige of the General Government, must dominate local elections and affect the result of the election of State officers of every State in the Union. If this bill, which mixes the election of members of Congress with all other elections, should pass, a spectacle will be presented of the imperial power of the General Government dominating local elections throughout the United States. The elections must be commingled at the next election in every State, and inasmuch as constitutions must be amended and constitutional laws changed before the States would be able to separate them, if this bill becomes a law there is little hope that hereafter local elections will be free from Federal control.

The spectacle will be presented by the passage of this bill of a President appointing marshals and judges to assist him to a re-election to his high office. This army of officers will also be interested in retaining their places under the Executive who appointed them.

Is not the Presidential office strong enough? Has it not the veto power, expanded from a dead letter to a living power that controls at least one-third of the votes of both Houses of Congress? Is it not a living power that dispenses patronage the like of which and the extent of which were never before known on earth? Is not that patronage constantly increasing? Is there not a clamor to increase it? Is it not proposed in many quarters to give the President control of telegraphs, railroads, and many other things?

The administration through the Secretary of the Treasury already has control of the finances of the country, and under your legislation he can expand and contract the currency at pleasure. These enormous powers are in the hands of one man, and if you further put in his hands millions of Government money and an army of retainers at the polls under the pretext of controlling Congressional elections, you will have great difficulty after a time in continuing your Presidential elections unless you will continue to elect the same man.

The passage of this law will, in the next election at least and perhaps forever, place over all the local elections this supervising power with high-paid officers. That will be the beginning of the end of free government.

I protest against legislation which will change the spirit and intent of the Constitution. If this bill must be passed, if the power given by the Constitution must be exercised, exercise it by separate Congressional elections at a time when no other election is held and in a manner prescribed by the Constitution. Go no further than the letter and the spirit of that instrument. Whatever may be said of the evils that exist, you have no right to subvert the Constitution and use the authority given to fix the times, places, and manner of electing Congressmen for the purpose of controlling all other elections. If it be said that Congressional elections are held at the same time as local elections, and that they can not be regulated without also regulating the latter, and that Congress has the power of regulating Congressional elections, and therefore the regulation of local elections is but an incident of the exercise of the power given, I maintain that this is no excuse. Congress has the power to exercise the authority given in the Constitution without interfering with local elections, by fixing a separate day for Congressional elections.

When you so legislate as to exercise the power given by the Constitution to regulate the method of electing Congressmen it is your duty at the same time to see to it that you do not override other and more important provisions of the Constitution.

This bill, taking hold as it does of the whole State machinery and providing as it does for paid agents to represent partisans on the one side or the other, is dangerous, not only to the country, but to the Republican party. It is a sword that will cut both ways. It can be used by Democrats as well as by Republicans, but in each case it will be used against the liberties of the people. If the Federal authorities can have at all the polls in the United States paid retainers to govern and control the local elections, you have gone very far towards changing the form of this Government from a republic to a monarchy. There is no excuse for saying that you can manage these elections better than the people. That is always the plea of tyrants. That is the reason given by despots for the exercise of imperial power. Their excuse for governing is that they are wiser than the masses. Local self-government is the foundation of free institutions. It is the only guaranty against despotism. This bill if enacted into a law would not only violate the Constitution, but also the fundamental principles of free institutions.

The control of Congressional elections, mixed and commingled with all other elections, means that there shall be no more freedom among the people, but that the people shall be dominated by the paid agents of Federal power. I contend that if there is a necessity for any legislation of this kind the bill should be recommitted and stripped of its unconstitutional provisions. There certainly is no such evil in the United States as will warrant Congress by this indirect mode in depriving the people of the right to select their own local officers without the interference of the General Government. Evils always exist in local government, but they regulate themselves. If the General Government should attempt to remedy all the defects in local elections and such an attempt should be successful, free institutions would be at an end. Patronage and the veto power are being enlarged and expanded every day. These powers are now exercised by common consent with a freedom and extravagance that would have astonished the framers of the Constitution.

It must be remembered that it was the veto power and the dispensing power which produced the revolution in England. Our ancestors fought against such usurpations for generations, and when our Constitution was being formed there was a strong protest against the veto power and all other kingly prerogatives. Mr. Hamilton said that, as the veto power had not been exercised in England since the revolution, it would not be used in this country except to defend the Presidential office from usurpation by Congress. Under this special plea the fatal power was incorporated in the Constitution. Franklin warned them of the danger. The danger that Franklin predicted has come. No legislation can be devised in either House of Congress the promoters of which do not tremble under the cloud of the veto.

It has been so for the last eight or ten years, and that cloud is growing larger and larger; and now, with that immense power and that immense patronage that are so all-controlling, you propose to place in the hands of the Executive the further power to appoint election officers at the polls, paid by the Government, without limit as to number, to intimidate and override the people by their force of imperial power. It ought not to be done. The plea for pure Congressional elections is not a sufficient excuse.

If this bill is not to be confined to Congressional elections alone, it ought not to pass. Congressional should not be mixed with State elections. It will alarm the people to see this bill go into operation. They will rebel in the North as well as in the South when Federal officers are empowered to supervise local elections, and that rebellion will come quickly. The people will not submit to the surrender of the right of local self-government. There is no excuse for interfering with local elections. Congressional elections can and must be separated from them if it is really necessary for the Government of the United States to supervise the election of Representatives in Congress.

Let no man think that the people of this country are prepared for Federal interference in local elections. It can not be done with impunity. The States are jealous of their rights and will assert them. I remember the description of the feeling in Colorado as given us the other day by the junior Senator from that State [Mr. WOLCOTT]. He told us that although the Federal officers did not interfere with local elections, yet every citizen of Denver felt humiliated to see supervising officers placed over them. That humiliation will become a reality if this bill, with the unlimited appropriation and the unlimited army of assistants to supervise and control elections therein provided for, is passed.

I say we have no right in the exercise of the power conferred by this clause in the Constitution to go beyond its letter and spirit by any indirection, by passing legislation that interferes with any power reserved to the States.

At the proper time I shall make a motion to recommit this bill and to confine its operation to constitutional limits. [Applause in the galleries.]

Mr. VANCE. Mr. President, the provisions of this section of the bill seem to me sufficient to damn the whole scheme in the estimation of all patriotic men. Bear in mind that the professed object of the bill is to purify elections in this country and to render them fair. The assumption is made that certain States in this Union pervert the freedom of elections, turn aside the course of the majority of the popular will, and this virtuous conception is for the purpose of rectifying that wrong.

Now, the machinery is to be applied and put in motion by the application of one hundred men in any Congressional district or fifty men in any city, town, county, or parish. It does not require that they shall be even citizens of the United States and residents of the county or town or parish, or lawful voters therein, but simply that they shall claim to be such. The judgment of the Senate upon the amendment of the Senator from Missouri was that that claim was sufficient and should not be further verified or established.

Then it comes to this, taken in connection with the laying upon the table of the amendment of the Senator from Texas, that in a Congressional district, we will say, of 30,000 voters, 29,950 may be totally opposed to any Federal supervision of their Congressional election, but fifty vagabonds may get together in secret and sign a paper requesting that supervision, and the will of the 29,950 is perverted and set aside in behalf of fifty vagabonds, in consideration of whose safety, as suggested by the Senator from Massachusetts, their proceeding is to be inquisitorial and secret, and 29,950 free and qualified American citizens shall not only be deprived of their will, but they shall not know by whom and by what authority they are deprived of it.

That may be a purification of politics and a correction of the evils of corrupt elections, but it sounds to me more like being open to the objurgation of Burke, that the whole bill is musical with the patois of fraud and is redolent of the gibberish of hypocrisy. If that be freedom, then, sir, the secret accusations which were deposited in the lion's mouth of St. Mark's are more commendable than the face to face accusations commanded by St. Paul and approved and sanctioned by all children of the common law of England; then the secret trial of the Council of Ten has become the emblem of freedom and purity rather than the open trial in courts whose doors are compelled to be thrown wide to the public. If that is a purification, if that is the means of securing the liberty of the American citizen and the freedom of its suffrage, then chains are an emblem of freedom when attached to the person.

There can be no doubt now in the minds of all reasonable and thinking men what the object of this bill is, when the will of all the people of a Congressional district except fifty may be defied and set aside and no provision made whatsoever to verify the truth of the claim of the men who set it aside under the language of this law. It is true that the amendment of the Senator from Colorado was agreed to, providing

that they should be punished in case they should falsely and willfully state anything that entitled them to claim to put this law in operation, but at the same time it is true that if these proceedings are to be secret and the paper which they sign is to be deposited with the chief supervisor and no human eye is to see it, it is true, I say, that there will be no possibility of indicting them for false statements and bringing them to punishment under the law.

You may know that the chief supervisor will not do so. He is too much interested in the exercise of the functions of his office, in the gathering of the emoluments that arise therefrom, to expose the men who pander to his power, and he will keep those names secret, and the will of the people of any Congressional district, city, county, town, or parish in the United States may be thus thwarted, and all in the name of pure elections, all in the name of the freedom of the ballot.

It is true, sir, that after he had heard something drop the Senator from Massachusetts announced that on reflection he thought there was some force in the amendment of the Senator from Texas, but still whatever his reflections may be they have been passed upon by the judgment of the Senate, and the Senator from Massachusetts approved of that judgment, and his regret, his after-reflections will do no good, unless it be it shall lead him and others to a change of heart before the final iniquity is consummated.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. VOORHEES. Let the amendment be reported.

The CHIEF CLERK. On page 78, at the end of section 2, line 30, after the word "voter," insert "and shall be sworn to the same;" so as to read:

Every person making application for such supervision shall subscribe the same, and state his citizenship, place of residence, and that he is a qualified voter, and shall be sworn to the same.

Mr. VOORHEES. That, I believe, is at the end of the second section.

The VICE PRESIDENT. At the end of the second section, line 30.

Mr. REAGAN. At the end of the section, to precede the amendment of the Senator from Colorado.

The VICE PRESIDENT. That is right.

Mr. VOORHEES. There is no further amendment, I believe, at this stage in order.

Mr. HOAR. Let the amendment be reported.

The Chief Clerk stated the amendment.

Mr. HOAR. I think that was adopted sometime ago, before putting the last question. Let that be agreed to, and so announced.

Mr. VOORHEES. We did not hear the proposition.

Mr. HOAR. I said I understood that was consented to by the Senate, and was announced before the last amendment was put.

Mr. VOORHEES. The Senator from North Carolina has been speaking to it for some time past.

Mr. VANCE. I was not aware that anybody had consented to my amendment.

The VICE PRESIDENT. No announcement was made.

Mr. VEST. It was the amendment of the Senator from Colorado.

Mr. VANCE. The amendment of the Senator from Colorado was assented to.

Mr. HOAR. If there be no objection, let this amendment, that the statement shall be sworn to, be agreed to before the Senator from Delaware proceeds, and then——

The VICE PRESIDENT. The amendment will be agreed to, if there be no objection. The Chair hears none.

Mr. VOORHEES. Then, is the additional amendment which I have in my hand and desire to offer now in order?

The VICE PRESIDENT. The Senator from Delaware [Mr. HIGGINS] has been recognized.

Mr. VOORHEES. I beg pardon, of course, but I ask the privilege——

Mr. HIGGINS. I yield to the Senator from Indiana.

Mr. VOORHEES. I offer an amendment and ask to have it printed.

Mr. HOAR. I wish to say, with entire respect to my friends on the other side, that I think I am fairly entitled by the agreement to be recognized before any other amendments are put to move these amendments which I have in my possession. The Senator from Maryland will state how he understands it.

Mr. VEST. There is no objection to that.

Mr. GORMAN. No objection.

Mr. COCKRELL. The Senator is right in that.

Mr. VOORHEES. Does the Senator object to my offering this amendment for the purpose of having it printed, not to debate?

Mr. HOAR. Oh, no, not in the least.

Mr. VOORHEES. Let it be read.

The VICE PRESIDENT. The amendment will be reported and printed. Where is it to be inserted?

Mr. VOORHEES. At the end of the second section.

The CHIEF CLERK. At the end of section 2, add the following proviso:

Provided, That the application and the name signed thereto shall be published in at least two newspapers of opposite politics in the Congressional district in which such application shall be filed every day for one week preceding the election.

Mr. VEST. Does the Senator from Missouri propose to offer an amendment?

Mr. HOAR. The Senator from Delaware [Mr. HIGGINS] has the floor. With the leave of the Senator from Delaware, I move, in section 23, line 3, to strike out the words "returns of the house canvass," and then I will give way to the Senator, and let that be the pending amendment.

The VICE PRESIDENT. The amendment will be reported.

The CHIEF CLERK. On page 115, section 23, line 3, strike out the words "returns of the house canvass;" so as to read:

SEC. 23. All notices, lists, applications, appointments, oaths of office, returns of registry, reports, poll books or lists, tally sheets, verification reports, etc.

Mr. HIGGINS. Mr. President, I wish to say a word only in respect to the proposed motion, a notice of which has been given by the Senator from Nevada [Mr. STEWART]. That motion is that this bill shall be recommitted to the Committee on Privileges and Elections with a view to its being so amended that it shall provide for the election of members of Congress.

I am much surprised at the suggestion, and I am surprised at it coming from the Senator from Nevada. It would entail upon every State which now holds its election for Congressmen at the same time with the elections of State and county officers all the expense and the labor involved in such elections, thereby doubling all the trouble and labors and expense of such elections.

It was well said by the Senator from New York [Mr. EVARTS], in his speech on this bill day before yesterday, that an election throughout this Republic is a great transaction in its extent, in all the heavy labor and in all the expense in every way that is involved; and yet it is proposed by this motion or suggestion that that should be doubled for every State where elections are held at the same time under existing law.

Now, all this suggestion is made in the face of the fact that this law by which this Federal supervision has been had of elections where both members of Congress were chosen and State and county officers also has been upon the statute books for over twenty years. If there had been any inconvenience arising therefrom it would have been discovered, it would have been denounced; the remedy for it would have been asked for; something would have been put upon foot in order to have the existing law so amended as to have the days of election held differently. Nothing of the kind has been done.

On the contrary, we have had this long experience under existing statutes of Federal supervision of elections for Congressmen held at the same time with the State election, and no mischief or harm has come from it at all. It was open during all this time for the States if they had wished to do so to have got rid of the difficulties by holding their elections upon different days, but it has never been done in any State to my own knowledge; it only has been where they have fixed the election of Congressmen indifferent years from the State election and not upon different days in the same year.

The Senator from Nevada has seen proper to denounce the operation of this supervision by Federal authority as an invasion of the rights of the States and the undue magnifying of the power of the Executive; and yet it is a fact that this law, which for twenty years has authorized just such an outrage, if outrage it be, is one which was actually conducted by him through the Senate over twenty years ago, and he stands up here to-day to denounce the action of the law which he had put through the Senate and which has always been found to work well.

I think, Mr. President, that the bill as it came from the House in that regard is right; that it ought not to be amended; that however much force there might be in what was said by the Senator from Nevada, if it were a new question, it is found to be without force in view of this long experience under which that feature of the law has been found invariably to work well, and in the very reason of the thing can not do ill.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Massachusetts.

Mr. GORMAN. I call the attention of the Senator from Delaware to this amendment.

Mr. HOAR. That should have been left out in the original report.

Mr. GORMAN. Yes. I just ask the attention of the Senator from Delaware to it.

Mr. KENNA. Let the amendment be read.

The CHIEF CLERK. Page 115, section 23, line 3, strike out the words "returns of house canvass;" so as to read:

SEC. 23. All notices, lists, applications, appointments, oaths of office, returns of registry, reports, poll books or lists, tally sheets, verification reports, etc.

Mr. COCKRELL. How does that come in? I did not catch the words.

The VICE PRESIDENT. It will be again read.

The Chief Clerk read the amendment.

Mr. COCKRELL. Wait one minute.

The VICE PRESIDENT. The amendment is on page 115, section 23, line 3.

Mr. GORMAN. It is all right.
Mr. COCKRELL. That ought to go out.
The amendment was agreed to.
Mr. HOAR. The same amendment should be made in section 19. On page 109, line 3, strike out, beginning with the word "special," down to and including the word "act," in line 6.
The VICE PRESIDENT. The amendment will be reported.
The CHIEF CLERK. On page 109, section 19, line 3, after the word "language," strike out down to and including the word "act," in line 6, the words to be stricken out being as follows:

Special deputy marshals, when required by the chief supervisor of elections, shall aid and assist the chief supervisors of elections in making the house canvass provided for in this act.

Mr. COCKRELL. That is all right.
The amendment was agreed to.
Mr. HOAR. On page 113, section 21, line 16, after the word "States," I move to insert the following, at the end of the section:

Unless sooner removed from the office of commissioner or the office of chief supervisor.

Mr. COCKRELL. That comes in after the words "United States."
Mr. HOAR. Yes.
Mr. COCKRELL. That is all right.
Mr. GRAY. Mr. President——
The VICE PRESIDENT. The amendment will be reported.
The CHIEF CLERK. Page 113, section 21, at the end of the section, add:

Unless sooner removed from the office of commissioner or the office of chief supervisor.

Mr. HOAR. I do not conceive that that alters the meaning of the bill, but it makes clear what has been doubted by some Senators.
Mr. GRAY. I do not think it changes the scope of the section at all. The objection to the whole section there is that it provides practically for a life office. It is the only instance in the whole administrative machinery of the United States or of any State, so far as I know, save and except the judiciary, where a life office is provided for, and I can not see that this alters that feature of this section. I have an amendment which is in print, which I desire to offer as a substitute, but I suppose this would not be the proper time under the arrangement the Senator from Massachusetts has now of offering *seriatim* certain committee amendments.
Mr. HOAR. Very well. Let these be adopted, and the Senator's amendments can be offered hereafter.
The VICE PRESIDENT. The question is on agreeing to the amendment.
Mr. COCKRELL. What is the amendment?
The VICE PRESIDENT. The amendment which has just been read.
Mr. COCKRELL. Oh, yes; that is right.
The amendment was agreed to.
Mr. HOAR. On page 82, section 5, line 28, before the word "person," I move to strike out "three" and insert "four."
The VICE PRESIDENT. The amendment will be stated.
The CHIEF CLERK. Page 82, section 5, line 28, strike out "three" and insert "four;" so as to read:

From the appointment so made the chief supervisor shall, from time to time, select for duty and shall designate and assign for each election district or voting precinct in any such city or town, county or parish, or entire Congressional district as they shall have been appointed for, four persons, but two of whom shall be of the same political party.

The VICE PRESIDENT. The question is on agreeing to the amendment.
Mr. MORGAN. Mr. President——
The VICE PRESIDENT. Does the Senator rise to speak to the amendment?
Mr. MORGAN. I want to speak to the amendment. I do not know what change the Senator from Massachusetts proposes in regard to the payment of these supervisors. Is there any change proposed in his amendment as to the payment of supervisors?
Mr. HOAR. I have a change subsequently.
Mr. MORGAN. To a subsequent section?
Mr. HOAR. Yes.
Mr. MORGAN. Mr. President, I wish to make a short statement about the cost of scrutiny.
Mr. HOAR. Perhaps I had better restate what I said yesterday in the hearing of the Senate before the Senator from Alabama proceeds. The amendment which I have proposed to change the matter of pay and the accounting in these respects: The bill as reported provides for $5 a day. The amendment is that the supervisor shall receive the same pay as the officers of the States receive for similar service, being, however, not less than $3 a day, so that if the State pays $3 they get no more or if the State pays under $3 they get $3.
Then it is proposed instead of the provision which made the certificate of the court final, as if it were a judgment against the United States on the account of these officers, to provide that the decision of the judge shall be conclusive only on the question of the necessity of their appointment, but that their accounts shall be settled by the accounting officers of the Treasury as all other like accounts are settled.
Mr. MORGAN. This bill, of course, if passed by the Senate, has to go back to the House of Representatives. The House brought in a schedule of charges which the Senate committee have reported here, and from which the Senate committee under our batteries is now retiring. They are getting back upon the ground now that the States have some right to regulate somewhat the expenses of holding elections, and they do not wish the supervisors to be paid any more than the State would allow them to be paid under their laws, and not to exceed, as I understand, $3 a day for the time employed.
Mr. ALLISON. Not less?
Mr. MORGAN. Not less than $3 a day for the time employed. I have not had an opportunity to look at the language of the amendment or how it would read after incorporated in the bill. I will take occasion to do so, however, before we get through.
Now, I have made a computation of the cost of the administration of this scrutiny law upon the basis of well-ascertained facts, and I think it will be found to be a moderate and reasonable statement of what is the prospective cost. Of course I go upon the idea that $50 or thereabouts is temptation enough to cause men to apply for supervisorships in every precinct in the United States, and there are plenty of men who are respectable enough to vote either the Republican or Democratic ticket who would like to have $50, as I once before observed this evening, and with three or four supervisors, with this enormous mass of officeholders under that provision of law in the United States.
I wish to call the attention of the Senate to some of the startling results upon the basis of the House bill as it was reported to the Senate. Of course I can not make a calculation, nor can anybody else, upon the basis that the honorable Senator from Massachusetts now reports. As the report is now made the Senator from Massachusetts desires to carry into the permanent appropriations of the United States a feature that I wish to call to the attention of the chairman of the Committee on Appropriations.
The chairman of the Committee on Appropriations or somebody else will have to ascertain as these respective charges come in what are the allowances in every State in the Union for the supervision of elections and persons concerned in supervision. There ought to be an estimate now made and known of what the annual result of this permanent appropriation would be.
Permanent appropriations, Mr. President, are very dangerous things unless they are under the guide and control of settled and positive facts, facts that are known at the time the law is passed. We can not do this Government a worse service than to pass a permanent appropriation bill when we are not able to state to the country and to each other what the cost of that appropriation is going to be in any one year.
I am not willing to vote any money out of the Treasury of the United States for any purpose at all in the form of a permanent appropriation where the amount that we are to make thus permanent, and which is to be drawn without an annual appropriation from the Treasury, upon the warrant of an accounting officer, unless we know now what that amount is or so nearly an approximate sum that we can tell whether it is fifteen or fifty million dollars a year. We certainly ought to know that, and I trust that those Senators who compose the great Committee on Appropriations, led by the Senator from Iowa, will give us their views upon this method of legislation in regard to appropriations from the Treasury of the United States.
I want to know whether the Treasury of the United States has at last fallen into hands that are so slack, so indulgent, so indiscriminate, and so little under the guardianship of reason and judgment and facts as that a bill of this kind can pass, predicated upon what are the laws of all the States of this Union, in reference to the compensation of the men who shall supervise the elections. That unknown quantity, that unascertained amount that we are to put into permanent appropriations, gives letters of marque and reprisal upon the Treasury of the United States not only to the men who are accounting but to the Legislatures of the different States and if the Legislatures of the different States choose to vote $10 a day or $50 a day or $100 a day to the supervisors of their elections, the amount becomes under this bill, as it is now proposed, a permanent appropriation, and in no case can it fall to less than $3 a day.
Now, are we prepared to permit any Democratic State, if you please, to say nothing of those immaculate committees, a few of them left now which profess Republicanism in the United States—are we prepared now to admit that any Democratic State in the Union shall have the right by its laws to fix in favor of its own registrars or its own supervisors or its own election managers any fee or award they choose to fix, and that that becomes the moment the legislation of the State passes upon it a permanent setfast upon the Treasury of the United States? I suppose we shall probably have a little investigation, because that touches the pride at least and the conscientiousness also of a Senator who has long presided with great distinction over the affairs of the Treasury of the United States, and who I trust will not permit such a matter as this to go unheeded and pass through this measure.
I have made an estimate, and I want to read it, about the cost of scrutiny under the bill as reported from the House and as reported to this body by the Committee on Privileges and Elections, a list of salaries to be paid election officers under Davenport's bill, together with an estimate of the office of the chief supervisor. I beg pardon for call-

ing it the Davenport bill. I would not do it were it not that this bill is a mere emasculation of the thing Davenport had put in full vigor and force in the Revised Statutes, as he has sworn he did (and I take it for granted he swore the truth), and when I say this bill is a let-down I mean the law as it is, is deprived of its virility only in those parts where they stood in the way of his having all the money he could get out of the Treasury. That is the fact about it.

Seventy judicial districts, about 67,000 voting precincts in the United States. You will find that is very close to the fact.

Three supervisors to each at the rate of this bill	201,000
Three deputy marshals to each	201,000
One chief supervisor to each	70
United States boards of canvassers, three members each, and forty-seven boards	141
One clerk to each board	47
One deputy marshal to each	47
Total (the lowest number of officers provided for)	402,305

Salaries and fees:

201,000 supervisors, average of seven days' service each, at $5 per day	$7,035,000
201,000 deputy marshals, eight days' service allowed to each, $5 per day	8,040,000
Expenses and fees of 70 chief supervisors, estimated on Davenport's accounts for fourteen years, which amounted to an average of $30,070 for each Congress. (As the amount of work, fees, and allowances under this bill are enormously increased, it is reasonable to suppose that the average will not fall under this estimate)	2,104,900
141 members of United States canvassing boards, say ten days' service each, at $20 per day	28,200
47 clerks of canvassing boards, at $12 per day, ten days each	5,640
47 deputy marshals to serve canvassers, at $5 each per day, ten days	2,350
Total	17,216,090

No estimate is included herein of the enormous amount of printing, stationery, office rent, etc.

Nor does it include maps which in one draught out of the Treasury cost $34,000 for maps in the city of New York, which will be furnished by the Department of Justice. This bill authorizes a map to be made of every precinct in the United States. Whoever has followed the performances of the Geological Survey in the United States and the mapping that has been done therein will have a good idea of what the cost is under this bill of the maps that are required to be provided or may be provided. The bill authorizes a map of every house in every precinct if you want it. Mr. Davenport did not intend to give up that part of his job. That is the richest part of his spoils. It will be in the power of the chief supervisor to increase this army of officeholders to more than double the estimate here made.

I submit that to Senators, and I want Senators to take it up and scrutinize it. I want to see whether it is right or wrong. That is my estimate based on facts. Suppose I am right about it—and I am sure I am—it will be $17,000,000 a year for carrying on the elections of the United States Government, in addition to the expenses that the States have to pay (probably one-half of that sum added), which would make it $20,000,000 or $25,000,000 a year for carrying on the State and Federal elections in the United States, taken together. It will be more than that, probably, but I am putting it at a very low estimate. We have not got that much surplus money in the Treasury now.

Now, while we are gratifying the honorable Senator from Massachusetts in his one idea of controlling all the balance of the world and fitting it to his shoes and his lines of morality that he thinks are right and proper in all matters, let us be a little more economical. I was glad to see that the Senator was willing to reduce it to the sum of $3 a day, provided the States did not put it up, but if the States should put it to $20 or $25 a day we are compromised by this act, and it is made a permanent appropriation, and the honorable Senator from Iowa, as long as he stays in this body—and I hope that will be just as long as Iowa is Republican—will find himself continually on a strain to find the ways and means to pay up this new set of officeholders who are bribed into the public service by these enormous charges.

If there ever was an opportunity placed in the hands of a base man to do a mean thing politically, that opportunity is placed by this bill in the hands of every villain who wants to corrupt the elections of the United States, and he has got nothing to do but to use his bribes to get his tools to surround the poll. Why, Mr. President, denunciation does not amount to anything. A mere description of things like this must shock the conscience of the whole American people.

I do not propose at this moment to go into Mr. Davenport's expenses. I have got them here, however, and if time served me I would read them. I have here all except one thing that I have not been able as yet to corkscrew out of the Treasury. I hope I shall get it after awhile. I offered a resolution a short time ago to try to get it, and I hope it will come to light after a little. The reports from the Secretary of the Treasury, as far as I have got them, are contained in two papers which have been sent me in regard to Mr. Davenport's expenses as supervisor of elections in the southern district of New York from 1872 to 1889. I read from the Washington Post, and it has also been copied in other papers, a mere résumé of these expenses, so that they will get into a little more condensed form than I should be apt to put them if I were speaking upon them item by item.

The Government has paid Davenport $210,491.13 in eighteen years. That is in addition to his fees as United States commissioner. In addition to this—

The statement has been made by Assistant Secretary Nettleton, and it is interesting. It is for payments to Davenport for personal services and for the services of his assistants for the years from 1872 to and including 1889.

Not the supervisors, not the marshals, but his clerks, and nobody but his clerks.

Statement of the amounts paid to John I. Davenport, chief supervisor, and to the supervisors of elections from 1871 to 1889, inclusive.

Year.	John I. Davenport, chief supervisor of elections, southern district of New York.		Supervisors of elections, southern district of New York.	
	Allowed.	Disallowed.	Allowed.	Disallowed.
1872	$18,555.35	$75.00	$23,945.00	
1873	1,409.75	3,402.90		
1874	10,970.15		24,660.00	
1876	19,383.36	4,382.60	31,780.00	
1878	18,904.91	2,229.85	30,125.00	
1879	587.69	3.75	1,335.00	
1880	26,398.86	3,015.15	36,000.00	
1881	6,381.14	83.75	11,614.00	
1882	21,439.92	2,236.50	33,870.00	
1884	25,430.96	3,430.96	38,880.00	
1885	2,392.61		4,220.00	$100.00
1886	23,229.73	5.00	34,000.00	
1888	34,281.50	15.00	39,150.00	
1889	1,125.20	1,000.00	7,345.00	

Then they give the allowances to the other supervisor in the southern district of New York.

The total allowed in both columns is $516,534.67. To Davenport alone there appears to have been allowed during the years for which he has served the neat little sum of $210,491.13, while only $19,880.46 was disallowed. Of the total of claims for services of supervisors, amounting to $317,024, only $100 was disallowed. This would indicate an income of about $11,000 a year for eighteen years. It is safe to assume that a partisan could be found who would occupy that place, or one like it, with a good deal of zeal at equal compensation.

The cost of supervision under Davenport has been at the rate of $28,550 per year, although there were no services performed or accounted for during the years 1875, 1877, 1883, and 1887. If the supervisor had nothing to do in the years for which no account appears to have been rendered, the supervision has cost nearly $37,000 a year, and Davenport has been paid at the rate of more than $14,000 a year. The prospect for would-be supervisors under the force bill may be agreeable to the men who hope to get places by favor of the President and his agents, but it will cost the Treasury a little penny, aside from the fees allowed under the bills. It will help to get rid of the surplus.

Mr. President, the Senator from Delaware [Mr. GRAY] thinks perhaps I ought to forbear reading these statements because after the passage of this bill there will be such a demand for these offices and so little restraint and restriction upon them that it will be a public peril. I agree with the Senator about that, but still I will try to do my duty and leave it to the men who are concerned in the destiny of this country to try to control it the best way they can.

There is a supplemental statement to be appended to that, that is to say, the fees of Mr. Davenport from 1872 to 1885. I could not get the fees allowed to Davenport since 1885, I suppose for the reason that they have not been paid. They are still under supervision, perhaps, or examination. But now notice what these are for.

Statement of the amounts received by John I. Davenport for services rendered by him as United States commissioner for the southern district of New York for each fiscal year from 1872 to 1889.

Year.	Amount allowed.	Amount rejected.	Services in connection with issuing process for—
1873	$2,768.85		False registration, obstructing deputy United States marshal, etc.
1874	223.15	$2.75	Procuring fraudulent naturalization papers, inducing men to repeat at Congressional elections, etc.
1875	424.60		Perjury in naturalization proceedings.
1877	3,504.60	461.45	Illegal registration at Congressional election and unlawfully obtaining naturalization papers.
1878	756.90		Violation of sec. 5425, R. S.
1879	9,179.90	1,179.89	Do.
1881	5,972.20	96.15	Do.
1883	1,768.35		Do.
1885	2,621.25		False registration; violation of sec. 5425, R. S.

Five years not included, namely, 1886, 1887, 1888, 1889, 1890.

Statement showing date of receipt in the Treasury Department of the accounts of John I. Davenport, chief supervisor of elections for the southern district of New York, for the years 1884, 1885, 1886, and 1888, and the dates the same were certified for payment by the First Comptroller.

Year.	Date received.	Date certified for payment
1884	Feb. 5, 1885	Feb. 12, 1885
1885	May 30, 1889	June 4, 1889
1886	June 15, 1889	July 2, 1889
1888	Oct. 29, 1889	Nov. 2, 1889
1888	Apr. 11, 1889	*May 17, 1889

* This account was for extraordinary expenses, and approved by the President under section 846, Revised Statutes.

The Government of the United States pays him $424.60 for issuing process for the arrest of men for perjury under the laws of the United States in connection with the election, and yet no conviction has ever been had for perjury that Mr. Davenport started out.

Now, we will take Mr. Mosher, the machine man of Davenport's office for swearing, and the reports made by a Senate committee show that in different years that man, within a few days, as fast as he could subscribe his name to affidavits, swore criminal offenses against from six to eight thousand people.

How much perjury must necessarily have been packed away in that volume of oaths! How could one man know and dare to state in the presence of Almighty God that he did know that six or eight thousand people in the State of New York had false naturalization papers or were not entitled to vote, and thereupon swear out warrants against them before they voted or attempted to vote, and put them in the custody of the deputy marshals in the city of New York for the purpose of arresting these men whenever they came in range of that battery of perjury?

Now, there is John Davenport. He has a man in his office who swears before him as United States marshal to the crimes of these six or eight thousand men in a lot, men about whose conduct he could not have known anything at all. It would be the most incredible statement that was ever made in respect of the mental powers and knowledge of a human being that any one man could know, so as to be able to affirm it before God, of the crimes of six or eight thousand men. I will get the exact figures as soon as I can lay my hands on the book showing what was done in Davenport's office.

When you come to examine Davenport's fee bill, you will find the charge for the issue of each of these oaths and the administration of them; then he has got a charge also of 10 cents an oath for the filing of each; and for issuing the writs he has got another charge, which is couched in these charges that I am now speaking of, which he brought against the Government of the United States, and which have been paid since 1873, to the amount of $25,278.66, an average of $11,000 a year for his fees as supervisor; and then, added to that, in the years that I have got on this paper, and which I will insert in the RECORD, $210,491.13, and that does not include the maps, $34,000, which were prepared by him. At all events, he made a charge against the Government for them, and in the accounts in the Treasury Department those maps do not appear as an allowance made to him, but to the marshal of the United States, and the $34,000 was paid out of a special fund appropriated for a different purpose and on the special order of the President of the United States.

When the time came for Davenport to present his charges against the Government of the United States during the recent Cleveland Administration, he kept them back, kept them in his pocket. They were not pressed upon the attention of the Government, but after Cleveland went out and Harrison came in they were pressed, and then they were allowed; and where there was any extraordinary service which could not be otherwise allowed, the alleged discretion of the President of the United States was appealed to in order to allow those charges that the auditors could not get through under the appropriation.

Mr. President, it is worth while for us in the financial view and economic view to have some consideration of this measure and its results; and, though Mr. Davenport were an angel from heaven sent down to control the elections of the United States, I should feel very loath to continue his fee bill at the extravagant sums we have been paying heretofore. Partisans and men who are willing to fix up machinery for parties are willing to spend any amount of money in controlling elections.

The subscriptions that were made in the last Presidential campaign, without saying by whom they were made or where they were made or who used them or how they were used, were the most startling evidences to my mind of corruption that I have ever heard in the United States to be boasted of publicly by the men who made the subscriptions. Tell me about a fund being raised of five or six hundred thousand dollars to be used in an election in a State without its being expected that it would be a corruption fund! No man can find an honest use to make of that money.

I thank God, Mr. President, that the South is too poor to pay it. I do not believe they would pay it if they were not so poor, for that is a system of procedure in elections that the South has never indulged in. Bribery and corruption we have not resorted to. We have not resorted to large funds for the purpose of buying up even the votes of poor negroes that we could probably buy at a dollar a head when the votes of white men of the United States in other localities command from five to twenty-five dollars a head, and many of them, I am informed and I verily believe it, are priced just like wheat in the market.

We have not resorted to this bribery and this corruption, and when I see the evil effect that has been thrown into the elections in this country of large masses of money subscribed by private individuals for electioneering and election purposes, I dread to open the doors of the Treasury of the United States to the access of John Davenport and his pimps to rob the Treasury at will and pleasure, and to fasten permanent appropriations upon the Treasury of the United States, reckoning up to sums that my statement shows we shall have to expend.

I am willing to do anything a man can do in the way of voting supplies befitting the majesty and the glory and the progress and the grandeur of this Republic; but, Mr. President, I had rather see the Treasury sunk into the Atlantic Ocean than that one dollar taxed out of the people should be corruptly and fraudulently applied to the payment of political pimps, dummies, and dogs who infest the purliens of politics in this land.

Let Senators vote the money if they want to, let the honorable Senator who is chairman of the Committee on Appropriations face the world with an approval of this sort of legislation as a permanent appropriation in our statute books, and then we shall know whether heretofore, in ascribing to him the high character that he is so justly entitled to as a financier and a Senator, he forgets it all in the gloomy and dark clouds which hover about the political horizon. Let us stand like men and do justice to our country.

The VICE PRESIDENT. The question is on the amendment of the Senator from Massachusetts [Mr. HOAR] to the amendment of the committee.

Mr. GORMAN. Let it be read.

The CHIEF CLERK. On page 82, section 5, line 28, in the amendment reported from the Committee on Privileges and Elections, it is proposed to strike out "three" and insert "four;" so as to read:

From the appointments so made the chief supervisor shall, from time to time, select for duty, and shall designate and assign for each election district or voting precinct in any such city or town, county or parish, or entire Congressional district as they shall have been appointed for, four persons, but two of whom shall be of the same political party.

Mr. HOAR. I now move——

Mr. FRYE. The vote has not been taken on the pending proposition.

The VICE PRESIDENT. The amendment to the committee amendment has not been voted on.

Mr. MORGAN. I ask for the yeas and nays on that question.

Mr. ALLISON. Before the vote is taken on the amendment I should be glad to have the Senator from Massachusetts state why the committee proposed "four" instead of "three," because the effect of this will be to increase the expenditure one-fourth. I suppose there must be some purpose.

Mr. HOAR. It is thought better to have two of each political party; but I understand that only two of the persons will be employed and draw pay.

Mr. EDMUNDS. It provides for the representation of two men, one from each party. The other two are merely supernumeraries to be drawn upon in need.

Mr. ALLISON. That is six appointees.

Mr. EDMUNDS. No; four.

Mr. ALLISON. Do I understand this to be a modification of the general plan of the bill, that the circuit court shall appoint six supervisors for each election precinct?

Mr. HOAR. Four for each precinct.

Mr. SPOONER. There are three now.

Mr. HOAR. Of those but two are to be employed.

Mr. ALLISON. Another section of this bill provides that the chief supervisor shall furnish names to the circuit judge, who shall designate twice the number required for each voting precinct, but this designation is not to take effect until these supervisors or a portion of them have been assigned.

Under this amendment, as I understand it—I may not be right about it—the circuit judge will be required to designate eight supervisors, from whom four are to be selected for each precinct, and, whilst I have not the text of the bill before me, my recollection is that one-third of these under other sections of the bill may be of one political party and two-thirds of the other. I ask the Senator if under this amendment it is proposed to make a designation of eight supervisors and if one-half of them are to be of one political party and the other half of another.

Mr. HOAR. It does not increase the number to be employed at the registry.

Mr. ALLISON. But it will increase the number at the election.

Mr. HOAR. Yes.

Mr. ALLISON. Because under the framework of the bill before it was only necessary that two should be employed at the registry.

Mr. HOAR. Yes.

Mr. ALLISON. And on election day three at least, are to be employed, two of whom may be of one political faith and the third of another political faith. This amendment will increase the number to four. So that there will be two of each political faith. It will increase the expense of course, wherever the law is applied, to the extent of one-fourth.

Mr. HOAR. That is it exactly.

Mr. ALLISON. As I understand the statement, there may be at each election precinct two Democrats and two Republicans, if they are the dominant parties.

Mr. GORMAN. Democrats only in theory.

Mr. ALLISON. Thus giving an absolute equality to the two political parties at the voting places.

Mr. GORMAN. That is the theory.

Mr. GRAY. I ask the Senator from Massachusetts, if that equipoise of political faith is the object and a fair one, why not reduce the expense and the cumbersomeness of this whole provision by fixing the number at two, just as the law now does. We have had an experience under the law with two instead of four.

Mr. HOAR. I think it has been found in experience that two are insufficient in many places.

The VICE PRESIDENT. The question is on the amendment of the Senator from Massachusetts to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. HOAR. Here are a number of amendments which may be all treated as one amendment if the Senators will give their consent. The first of them is, in section 26, line 6, page 118, to insert the word "a" instead of the word "the."

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 118, section 26, line 6, it is proposed, before the word "circuit," to strike out the word "the" and insert "a;" so as to read:

And when made out shall be presented to either a circuit or district judge in the district, etc.

The amendment to the amendment was agreed to.

Mr. HOAR. Before going on with that section, I am informed by the Secretary that the amendment to which I called attention earlier in the afternoon and which I thought had been adopted was not agreed to. On the same page and in the same section, I moved to strike out all of line 4, all of line 5, and the first two words, "be made," in line 6. I think the Senate understood that that was adopted.

Mr. COCKRELL. I think it was adopted.

Mr. HOAR. I think so, too, but the Secretary does not so understand it.

Mr. GORMAN. No, it was not adopted.

Mr. HOAR. Let it be understood as adopted now, if there be no objection.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 118, section 25, line 3, after the word "appoint," it is proposed to strike out the word "such," and to strike out lines 4 and 5 and the words "be made" in line 6; so as to read:

The circuit court of the United States in any judicial district may, upon the request of the chief supervisor of elections, appoint one of the circuit court commissioners to be the deputy chief supervisor of elections.

Mr. HOAR. That strikes out the restriction of such as the commissioner shall designate.

The VICE PRESIDENT. The question is on agreeing to the amendment to the committee amendment.

Mr. PASCO. Mr. President, it will be recollected that when that amendment was up before I offered a substitute for it, which was to strike out all after the word "may," in the second line, down to the word "be" in line 6, and insert in lieu thereof the words "appoint a." If so amended the clause would read:

The circuit court of the United States in any judicial district may appoint a deputy chief supervisor of elections.

The purpose and object of that amendment is to give the court wider scope, to enable him to select a supervisor not necessarily from the commissioners of the court, but to select him from any quarter the court pleased and from the whole body of the district. It is to prevent this assistant supervisor from being necessarily a court commissioner.

Mr. HOAR. I hope the Senator will not press that amendment. It would involve, in the first place, incorporating in the bill a large number of provisions about giving this officer authority, which the United States commissioners already have, to administer oaths, issue warrants, and all those things.

Mr. PASCO. I regard that as a very important amendment, because I wish before we get rid of this bill to get rid entirely of the idea that these chief supervisors must be taken from the court commissioners. I think it is a dangerous power and I think it is unwise.

Mr. HOAR. Mr. President——

Mr. PASCO. I have not surrendered the floor.

Mr. HOAR. I was going to make a suggestion to let the amendment go over.

Mr. PASCO. I will accept the suggestion if the Senator wishes it to go over.

Mr. HOAR. I was about to say, if the Senator will pardon me, that it needs but five minutes to 6 o'clock, and it has been my purpose to move an adjournment at 6.

Mr. PASCO. I suggest that the substitute which I have offered be printed and that the whole matter go over.

Mr. HOAR. I will go back, in the five minutes remaining before 6 o'clock to the amendments of section 20 already read by the Secretary and which I ask may be treated as one amendment, if there is no objection.

Mr. GORMAN. There is an amendment to section 26, on page 120, which will lead to discussion.

Mr. HOAR. If it will lead to discussion I shall not urge it now.

Mr. GORMAN. I think it will.

Mr. COCKRELL. I understand the amendment to insert the word "a" in section 26, line 6, has been agreed to.

Mr. GORMAN. No.

Mr. GRAY. That is all right; that has been adopted.

Mr. HOAR. That has been adopted. An amendment similar to the one on page 82, section 5, line 29, where I moved to strike out "three" and insert "four," should be inserted in another place. Senators will consent to that.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 82, section 5, line 29, it is proposed to strike out the word "three" and insert the word "four;" so as to read:

From the four persons so assigned, but two of them, who shall be of different political faiths, etc.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The Chair is of the impression that he announced that the amendment on page 118, substituting the word "a" for the word "the" was agreed to.

Mr. GORMAN. I think we had better agree to that. I have kept a careful memorandum of the amendments made, and that was not agreed to. Let it be agreed to now, so as to have the record right.

The VICE PRESIDENT. The amendment to the amendment will be regarded as agreed to, in the absence of objection.

LIMITATION OF DEBATE.

Mr. ALDRICH. I desire to give notice that on Tuesday next I shall ask the Senate to proceed to the consideration of a resolution to change the rules of the Senate, submitted by me on the 29th day of December last.

Mr. MORGAN. The Senator will allow me to inquire, suppose the election bill should then have the right of way, does the Senator propose to displace it with that resolution?

Mr. ALDRICH. The Senator heard my notice. I am in hopes that the election bill will have passed the Senate by that time.

Mr. MORGAN. You hope so! Therefore, of course, this resolution has not any application to this elections bill at all. It is to the appropriation bills or something like that that it applies. I see.

COMMITTEE SERVICE.

The VICE PRESIDENT. The Chair will announce the appointment of the Senator from Idaho [Mr. MCCONNELL] as a member of the Committee to Examine the Several Branches of the Civil Service in place of the Senator from Rhode Island [Mr. ALDRICH], who has resigned, and that the Senator from Montana [Mr. POWER] resigns his position as a member of the Committee on Revolutionary Claims.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills:

A bill (S. 3957) granting an increase of pension to Mrs. Mary McIntosh;

A bill (S. 3976) granting a pension to George A. Perkins;

A bill (S. 4506) granting a pension to Frederick Slawson; and

A bill (S. 4507) granting a pension to Johanna Teubner.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 5319) to remove the charge of desertion from the record of Allen S. Thatcher;

A bill (H. R. 8848) for the relief of Patrick Hyland;

A bill (H. R. 11070) to correct the military record of Jesse C. Taylor, Sixth Tennessee Cavalry;

A bill (H. R. 11560) to relieve Patrick J. Bench, alias Patrick McBench, from the charge of desertion;

A bill (H. R. 12643) to remove the charge of desertion from the record of Michael Mahar; and

A bill (H. R. 12824) to remove the charge of desertion from the record of Andrew L. Grugett as a former member of Company E, Sixth Tennessee Cavalry, in the war of the rebellion, and to grant him an honorable discharge therefrom.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had

signed the following enrolled bills; and they were thereupon signed by the Vice President:

A bill (S. 77) to provide for the construction of a public building at Portland, Oregon;

A bill (S. 2082) for the erection of a public building at Staunton, Va.; and

A bill (H. R. 11814) to provide the assessor of the District of Columbia with plats of subdivisions outside the cities of Washington and Georgetown.

RENTAL OF BUILDINGS BY THE GOVERNMENT.

Mr. MORRILL. I present a letter from the Secretary of the Treasury, transmitting a statement of buildings rented by the United States in the District of Columbia, including buildings rented for the use of the District government, and the amount of rental paid therefor, showing a yearly rental paid amounting to $177,698. I move it be printed as a miscellaneous document and referred to the Committee on Public Buildings and Grounds.

The motion was agreed to.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT laid before the Senate the following telegrams; which were read, and ordered to lie on the table.

NEW YORK, *January* 17, 1891.

Vice President LEVI P. MORTON,
Washington, D. C.:

In the name and by direction of the American Federation of Labor, I urge Senate to restore the old wages to Government printers.

SAMUEL GOMPERS, *President.*

INDIANAPOLIS, IND., *January* 17, 1891.

SIR: The reduction by Congress of the wages in the Government Printing Office in 1877 was, as we believe, unjust to the employés, and the International Typographical Union respectfully requests that you aid in procuring the passage by the Senate of the bill now before that body for the restoration of wages in the Government Printing Office.

EDWARD L. PLANK,
President International Typographical Union.
W. S. McCLEARY,
Secretary and Treasurer.

Hon. LEVI P. MORTON,
Vice President, Washington, D. C.

The VICE PRESIDENT laid before the Senate a communication from the president of the New Bedford Retail Grocers' Association, embodying a protest against the passage of the Conger lard bill; which was ordered to lie on the table.

Mr. BUTLER presented resolutions of the Charleston (S. C.) Cotton Exchange, remonstrating against the passage of the Conger lard bill; which were ordered to lie on the table.

Mr. REAGAN presented the petition of A. J. Hoffman and 36 other citizens of Texarkana, Tex., praying for the passage of the Torrey bankrupt bill; which was ordered to lie on the table.

REPORT OF A COMMITTEE.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (H. R. 12202) to place on the pension roll the name of Mrs. Caroline E. Duryee, reported it with an amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. BUTLER introduced a bill (S. 4888) granting a pension to Mrs. Carrie Otis Wallace and her infant son; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HIGGINS introduced a bill (S. 4889) to incorporate the Trans-anacostia Railway Company; which was read twice by its title, and referred to the Committee on the District of Columbia.

PUBLIC BUILDING AT MANKATO, MINN.

Mr. SPOONER. I presented yesterday the report of the conference committee on the part of the Senate on the disagreeing votes of the two Houses on the bill (S. 1384) to provide for the purchase of a site and the erection of a public building thereon at Mankato, in the State of Minnesota. The report had been prepared by the clerk of the Committee on Public Buildings and Grounds by cutting from the RECORD a certain formula which has been employed in all the public building bills. The House report is entirely correct, but I find that in the Senate report a provision has been repeated which ought to be eliminated from the report. I ask unanimous consent that the vote by which the report was adopted by the Senate be reconsidered.

The VICE PRESIDENT. Is there objection to the request made by the Senator from Wisconsin? The Chair hears none. The vote will be regarded as having been reconsidered.

Mr. SPOONER. I ask leave to withdraw the report.

The VICE PRESIDENT. The report will be withdrawn, if there be no objection. The Chair hears none.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1196) granting a pension to Ellen E. Truex;

A bill (H. R. 5093) for the relief of Margaret A. Myers;

A bill (H. R. 5546) granting a pension to H. W. Goodnight;

A bill (H. R. 6259) granting a pension to Henry A. Hoar;

A bill (H. R. 6262) granting a pension to John W. Bussabarger;

A bill (H. R. 6516) authorizing an increase of invalid pension to William H. Morse, of Lawrence, Mass;

A bill (H. R. 7147) granting a pension to B. Jones;

A bill (H. R. 7327) for the relief of the heirs of A. L. Schuyler, deceased;

A bill (H. R. 7394) granting a pension to Caroline E. Gray;

A bill (H. R. 7789) to increase the pension of Mrs. Mary A. McCulloch;

A bill (H. R. 7880) granting a pension to Mrs. G. W. Griffith;

A bill (H. R. 7924) granting a pension to Christian C. Whistler;

A bill (H. R. 8125) granting a pension to Frederick B. Sells;

A bill (H. R. 9575) granting a pension to Dr. Francis Lambert;

A bill (H. R. 9616) granting increase of pension to Georgianna C. Hall, widow of William Hall;

A bill (H. R. 9668) granting a pension to Elizabeth P. Satterfield;

A bill (H. R. 9948) granting a pension to Mrs. Matilda Kent;

A bill (H. R. 10873) to increase the pension of Robert Hall;

A bill (H. R. 10990) granting a pension to Sarah A. Phelps;

A bill (H. R. 10992) granting a pension to Mrs. Mary B. Floyd;

A bill (H. R. 11244) for the relief of Frances T. Dana;

A bill (H. R. 11311) granting an increase of pension to Eugene A. Osborn;

A bill (H. R. 11350) for the relief of Mary B. Clayton;

A bill (H. R. 11513) for the relief of Mrs. Sallie E. Willis;

A bill (H. R. 11582) granting a pension to Mrs. Elizabeth M. Hollingsworth;

A bill (H. R. 11792) for the relief of Dennis Kelly;

A bill (H. R. 11877) for the relief of Jane Branigan;

A bill (H. R. 11972) for the relief of Montgomery Geiger;

A bill (H. R. 12094) for the relief of John M. Wright, of Audrain County, Missouri;

A bill (H. R. 12113) granting a pension to Theressa D. Doubler;

A bill (H. R. 12118) granting a pension to Eliza Jane Saunders;

A bill (H. R. 12147) to grant a pension to Elender Johnston;

A bill (H. R. 12195) to pension Hannah C. Reid;

A bill (H. R. 12244) granting a pension to Annie B. Pettigrew;

A bill (H. R. 12293) to grant a pension to Maj. Gen. Franz Sigel;

A bill (H. R. 12307) granting a pension to Margaret Proctor Noyes;

A bill (H. R. 12319) granting a pension to Mrs. K. S. Sutliff, widow of John D. Sutliff;

A bill (H. R. 12386) granting a pension to Mary S. Wheeler;

A bill (H. R. 12478) granting a pension to Jane Falk;

A bill (H. R. 12583) granting a pension to Lorain McCook;

A bill (H. R. 12603) granting a pension to Lucy J. Blanchard, late a volunteer nurse in the United States military service;

A bill (H. R. 12614) granting a pension to Mary Williams;

A bill (H. R. 12639) granting a pension to Mary A. McKee;

A bill (H. R. 12640) to pension Sarah Thomasson;

A bill (H. R. 12647) granting a pension to Susan Wood;

A bill (H. R. 12704) granting a pension to Lewis D. Terry;

A bill (H. R. 12714) granting a pension to Charles D. Hanscom;

A bill (H. R. 12793) granting a pension to Capt. Andrew J. Briscoe;

A bill (H. R. 12797) granting a pension to Hannah L. Palmer;

A bill (H. R. 12835) granting a pension to Ann Maria Bullock Schram;

A bill (H. R. 12841) granting an increase of pension to General Isaac F. Quinby;

A bill (H. R. 12946) granting a pension to Lydia P. Holmes;

A bill (H. R. 12984) granting a pension to George W. Bryant;

A bill (H. R. 12998) granting an increase of pension to Joseph J. Bartlett;

A bill (H. R. 13023) granting a pension to Mary E. Armstrong;

A bill (H. R. 13060) to grant a pension to General Nathaniel Prentiss Banks; and

A bill (H. R. 13080) to grant a pension to Nancy Jane Knetsar.

The above bills were subsequently severally read twice by their titles, and referred to the Committee on Pensions.

HOUSE BILLS REFERRED.

The following bills, this day received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 5319) to remove the charge of desertion from the record of Allen S. Thatcher;

A bill (H. R. 8848) for the relief of Patrick Hyland;

A bill (H. R. 11070) to correct the military record of Jesse C. Taylor, Sixth Tennessee Cavalry;

A bill (H. R. 12643) to remove the charge of desertion from the record of Michael Mahar; and

A bill (H. R. 12824) to remove the charge of desertion from the record of Andrew L. Grugett as a former member of Company E, Sixth Tennessee Cavalry, in the war of the rebellion, and to grant him an honorable discharge therefrom.

The bill (H. R. 11560) to relieve Patrick J. Bench, alias Patrick McBench, from the charge of desertion, was read twice by its title, and referred to the Committee on Naval Affairs.

ACCOUNTS OF JOHN I. DAVENPORT.

Mr. MORGAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury is directed to send to the Senate copies of the accounts of John I. Davenport as a commissioner of the circuit court of the United States for the southern district of New York for the years 1886, 1887, 1888, 1889, and in 1890, as the same are on file in any bureau of the Treasury Department.

Mr. HOAR. I move that the Senate adjourn to meet at 11 o'clock on Monday.

The motion was agreed to; and (at 6 o'clock p. m., Saturday, January 17) the Senate adjourned until Monday, January 19, 1891, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January* 16, 1891.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. DINGLEY. I offer a privileged resolution.

ORDER OF BUSINESS.

Mr. McCOMAS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of general appropriation bills.

Mr. DINGLEY. Will the gentleman from Maryland permit me to have action taken on a resolution to further the business of the committee appointed yesterday?

Mr. McCOMAS. Very well.

SILVER-POOL INVESTIGATION.

Mr. DINGLEY. By instruction of the special committee appointed yesterday relating to the investigation of silver pools, I offer the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Special Committee to Investigate the Alleged Silver Pools be authorized to sit during the sessions of the House, and to pursue their investigations either by the entire committee or by a subcommittee at any place outside of Washington, as well as at the Capitol, in case they regard it desirable to further that investigation; and also to employ a clerk, if deemed necessary, at the same per diem compensation as session clerks.

The SPEAKER. The question is on the adoption of the resolution.

Mr. DOCKERY. The gentleman should have it provided that the clerk of the committee be paid out of the contingent fund.

Mr. DINGLEY. That amendment could be made.

The SPEAKER. That is fixed by law already.

Mr. RICHARDSON. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. RICHARDSON. My inquiry is whether, if the House votes down the motion the gentleman from Maryland has made, it will then be in order to move to go into Committee of the Whole on the Private Calendar.

The SPEAKER. It will.

Mr. RICHARDSON. I hope, then, it will be done.

The SPEAKER. The question is on the adoption of the resolution.

Mr. RICHARDSON. Do I understand the Chair to be submitting the motion of the gentleman from Maryland?

The SPEAKER. The Chair is submitting the motion of the gentleman from Maine [Mr. DINGLEY] on the adoption of the resolution.

The resolution was adopted.

ORDER OF BUSINESS.

Mr. McCOMAS. I now move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of general appropriation bills.

Mr. BLAND. Mr. Speaker, I ask unanimous consent that the Senate bill for the free coinage of silver be ordered printed, so that every member can have a copy.

The SPEAKER. The bill is printed under the rules.

Mr. BLAND. Are Senate bills printed under the rules?

The SPEAKER. They are printed under the rules.

Mr. McCOMAS. I move that the House resolve itself into a Committee of the Whole.

Mr. SPRINGER. I rise to a question of order on that motion. I make the point that the motion of the gentleman from Maryland is not in order.

The SPEAKER. It has repeatedly been decided that it was in order.

Mr. SPRINGER. That is true; but only after private business has been dispensed with, Mr. Speaker.

The SPEAKER. It has been decided on many occasions.

The question was put.

Mr. SPRINGER. Will the Speaker entertain my point of order? This day was set apart for the consideration of private business, and until private business has been disposed of that motion is not in order.

The SPEAKER. The Chair will state that it has been repeatedly decided that the motion of the gentleman from Maryland is in order.

Mr. SPRINGER. When was it decided?

The SPEAKER. It was decided last session.

Mr. SPRINGER. Then it is part of the Reed code. I did not know that it was part of the rules of the House.

Mr. McCOMAS. My motion is not debatable, Mr. Speaker.

The question was put; and the Speaker announced that the noes seemed to have it.

Mr. McCOMAS. Division.

The House divided; and there were—ayes 66, noes 78.

Mr. McCOMAS. I ask for the yeas and nays. [Cries of "Oh, no!" on the Democratic side.]

The question was taken on ordering the yeas and nays; and the Speaker announced that fifty-eight gentlemen had risen in support of the demand—more than a sufficient number—and the yeas and nays were ordered.

Mr. WHEELER, of Alabama. The other side. [Laughter.]

The question was taken; and there were—yeas 121, nays 117, not voting 93; as follows:

YEAS—121.

Allen, Mich.	Darlington,	Lind,	Simonds,
Anderson, Kans.	Dingley,	Mason,	Smith, Ill.
Arnold,	Dolliver,	McComas,	Smith, W. Va.
Atkinson, Pa.	Dunnell,	McDuffie,	Smyser,
Baker,	Evans,	McKenna,	Spooner,
Banks,	Farquhar,	McKinley,	Stephenson,
Bartine,	Finley,	Miles,	Stivers,
Bayne,	Flick,	Moffitt,	Stockbridge,
Beckwith,	Flood,	Moore, N. H.	Stone, Pa.
Belknap,	Frank,	Morey,	Struble,
Bergen,	Funston,	Morrill,	Sweet,
Bliss,	Gear,	Morrow,	Taylor, E. B.
Boutelle,	Gest,	Morse,	Taylor, Ill.
Brewer,	Greenhalge,	Mudd,	Taylor, J. D.
Brosius,	Grosvenor,	Niedringhaus,	Taylor, Tenn.
Buchanan, N. J.	Grout,	Nute,	Townsend, Colo.
Burrows,	Hall,	O'Donnell,	Vandever,
Burton,	Haugen,	O'Neill, Pa.	Van Schaick,
Butterworth,	Henderson, Ill.	Payne,	Vaux,
Caldwell,	Hermann,	Perkins,	Wade,
Candler, Mass.	Hill,	Post,	Walker,
Cannon,	Hopkins,	Quackenbush,	Wallace, Mass.
Carter,	Kerr, Iowa	Randall,	Wallace, N. Y.
Caswell,	Ketcham,	Raines,	Wheeler, Mich.
Cheatham,	Kinsey,	Ray,	Williams, Ohio
Clark, Wis.	Lacey,	Reed, Iowa	Wilson, Ky.
Clark, Wyo.	Laidlaw,	Rockwell,	Wilson, Wash.
Cogswell,	Langston,	Rowell,	Wright.
Craig,	Lansing,	Sawyer,	
Culbertson, Pa.	Laws,	Scull,	
Cutcheon,	Lehlbach,	Sherman,	

NAYS—117.

Abbott,	Culberson, Tex.	Lee,	Richardson,
Alderson,	Cummings,	Lester, Ga.	Robertson,
Allen, Miss.	Davidson,	Lewis,	Rogers,
Anderson, Miss.	Dibble,	Martin, Ind.	Sayers,
Andrew,	Dickerson,	Martin, Tex.	Shively,
Barnes,	Dockery,	McAdoo,	Spinola,
Biggs,	Dunphy,	McClammy,	Springer,
Blanchard,	Edmunds,	McClellan,	Stewart, Ga.
Bland,	Ellis,	McCreary,	Stewart, Tex.
Boatner,	Enloe,	McMillin,	Stockdale,
Breckinridge, Ark.	Fitch,	McRae,	Stone, Ky.
Breckinridge, Ky.	Flower,	Milliken,	Stone, Mo.
Brickner,	Forman,	Montgomery,	Tarsney,
Brookshire,	Forney,	Moore, Tex.	Tillman,
Brown, J. B.	Geissenhainer,	Mutchler,	Tracey,
Buchanan, Va.	Grimes,	Norton,	Tucker,
Bynum,	Hatch,	Oates,	Turner, Ga.
Campbell,	Hayes, W. T.	O'Ferrall,	Washington,
Candler, Ga.	Haynes,	O'Neall, Ind.	Wheeler, Ala.
Caruth,	Heard,	O'Neil, Mass.	Whiteaw,
Catchings,	Hemphill,	Outhwaite,	Whiting,
Cheadle,	Henderson, N. C.	Owens, Ohio	Wike,
Chipman,	Herbert,	Parrett,	Willcox,
Clancy,	Holman,	Paynter,	Williams, Ill.
Clarke, Ala.	Hooker,	Peel,	Wilson, Mo.
Clements,	Kerr, Pa.	Penington,	Wilson, W. Va.
Cobb,	Kilgore,	Perry,	Yoder.
Covert,	Lane,	Pierce,	
Crain,	Lanham,	Pindar,	
Crisp,	Lawler,	Quinn,	

NOT VOTING—93.

Adams,	Coleman,	Goodnight,	McCord,
Atkinson, W. Va.	Comstock,	Hansbrough,	McCormick,
Bankhead,	Connell,	Haro,	Miller,
Barwig,	Cooper, Ind.	Harmer,	Mills,
Belden,	Cooper, Ohio	Hays, E. R.	Morgan,
Bingham,	Cothran,	Henderson, Iowa	Osborne,
Blount,	Cowles,	Hitt,	Owen, Ind.
Boothman,	Dalzell,	Houk,	Payson,
Bowden,	Dargan,	Kelley,	Peters,
Brower,	De Lano,	Kennedy,	Phelan,
Browne, T. M.	Dorsey,	Knapp,	Pickler,
Browne, Va.	Ewart,	La Follette,	Price,
Brunner,	Featherston,	Lester, Va.	Pugsley,
Buckalew,	Fithian,	Lodge,	Reilly,
Bullock,	Fowler,	Magner,	Reyburn,
Bunn,	Geary,	Maish,	Rife,
Carlton,	Gibson,	Mansur,	Rowland,
Clunie,	Gifford,	McCarthy,	Rusk,

Russell,	Stahlnecker,	Townsend, Pa.	Wiley,
Sanford,	Stewart, Vt.	Turner, Kans.	Wilkinson,
Scranton,	Stump,	Turner, N. Y.	Yardley.
Seney,	Sweney,	Waddill,	
Skinner,	Thomas,	Whitthorne,	
Snider,	Thompson,	Wickham,	

So the motion of Mr. MCCOMAS was agreed to.

Mr. WHEELER, of Michigan. Mr. Speaker, I wish to have my vote recorded. I did not hear my name called.

The SPEAKER *pro tempore* (Mr. BURROWS). Was the gentleman in his seat when his name was called?

Mr. WHEELER, of Michigan. I was listening, but did not hear my name called.

The SPEAKER *pro tempore*. The Clerk will call the gentleman's name.

The name of Mr. WHEELER, of Michigan, was called and his vote recorded.

The following-named members were announced as paired until further notice:

Mr. GIFFORD with Mr. BUNN.
Mr. EWART with Mr. MAGNER.
Mr. KNAPP with Mr. WILKINSON.
Mr. HOUK with Mr. RICHARDSON.
Mr. DALZELL with Mr. PRICE.
Mr. MCCORD with Mr. SENEY.
Mr. COMSTOCK with Mr. STAHLNECKER.
Mr. PUGSLEY with Mr. WHITTHORNE.
Mr. DE LANO with Mr. ROWLAND.
Mr. TOWNSEND, of Pennsylvania, with Mr. MORGAN.
Mr. PETERS with Mr. BULLOCK.
Mr. BROWNE, of Virginia, with Mr. FITHIAN.
Mr. PICKLER with Mr. DARGAN.
Mr. COLEMAN with Mr. TURNER, of New York.
Mr. HARMER with Mr. REILLY.
Mr. WRIGHT with Mr. GEISSENHAINER.
Mr. BINGHAM with Mr. WILEY.

The following were paired on this vote:

Mr. ATKINSON, of West Virginia, with Mr. COOPER, of Indiana.
Mr. BOWDEN with Mr. RUSK.
Mr. ADAMS with Mr. WILSON, of West Virginia.

The following were paired until Tuesday next:

Mr. RUSSELL with Mr. SKINNER.
Mr. WADDILL with Mr. LESTER, of Virginia.

The following were paired for this day:

Mr. HENDERSON, of Iowa, with Mr. BUCKALEW.
Mr. DORSEY with Mr. BANKHEAD.

Mr. RICHARDSON. Mr. Speaker, I ask to have the vote recapitulated.

The Clerk recapitulated the names of members voting.

Mr. RICHARDSON changed his vote from nay to yea.

The result of the vote was then announced, as above recorded.

Mr. RICHARDSON. I move to reconsider the vote.

Mr. MCCOMAS. I move to lay that motion on the table; and on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 128, nays 123, not voting 80; as follows:

YEAS—128.

Adams,	Cutcheon,	Lansing,	Scull,
Allen, Mich.	Darlington,	Laws,	Sherman,
Anderson, Kans.	Dingley,	Lehlbach,	Simonds,
Arnold,	Dolliver,	Lind,	Smith, Ill.
Atkinson, Pa.	Dunnell,	McComas,	Smith, W. Va.
Atkinson, W. Va.	Evans,	McDuffie,	Smyser,
Baker,	Farquhar,	Miles,	Spooner,
Banks,	Featherston,	Moffitt,	Stephenson,
Bartine,	Finley,	Moore, N. H.	Stewart, Vt.
Beckwith,	Flick,	Morey,	Stivers,
Belden,	Flood,	Morrill,	Stockbridge,
Belknap,	Frank,	Morrow,	Stone, Pa.
Bergen,	Funston,	Morse,	Struble,
Bingham,	Gear,	Mudd,	Sweet,
Bliss,	Gest,	Niedringhaus,	Taylor, E. B.
Boothman,	Greenhalge,	O'Donnell,	Taylor, Ill.
Boutelle,	Grosvenor,	O'Neill, Pa.	Taylor, J. D.
Brewer,	Grout,	Osborne,	Taylor, Tenn.
Brosius,	Hall,	Owen, Ind.	Thomas,
Buchanan, N. J.	Haugen,	Payne,	Townsend, Colo.
Burrows,	Hays, E. R.	Perkins,	Turner, Kans.
Burton,	Henderson, Ill.	Post,	Vandever,
Butterworth,	Hermann,	Quackenbush,	Van Schaick,
Caldwell,	Hopkins,	Raines,	Vaux,
Candler, Mass.	Kelley,	Randall,	Wade,
Cannon,	Kennedy,	Reed, Iowa	Walker,
Caswell,	Kerr, Iowa	Rife,	Wallace, Mass.
Cheadle,	Ketcham,	Rockwell,	Wallace, N. Y.
Cheatham,	Kinsey,	Rogers,	Wheeler, Mich.
Clark, Wis.	Lacey,	Rowell,	Williams, Ohio
Clark, Wyo.	Laidlaw,	Sawyer,	Wilson, Ky.
Culberson, Pa.	Langston,	Scranton,	Wilson, Wash.

NAYS—123.

Abbott,	Barnes,	Blount,	Brown, J. B.
Alderson,	Barwig,	Boatner,	Brunner,
Allen, Miss.	Biggs,	Breckinridge, Ky.	Buchanan, Va.
Anderson, Miss.	Blanchard,	Brickner,	Bynum,
Andrew,	Bland,	Brookshire,	Campbell,
Candler, Ga.	Geissenhainer,	McCreary,	Sayers,
Caruth,	Gibson,	McMillin,	Shively,
Catchings,	Goodnight,	McRae,	Spinola,
Chipman,	Hatch,	Miller,	Springer,
Clarke, Ala.	Hayes, W. I.	Milliken,	Stewart, Ga.
Clements,	Haynes,	Mills,	Stewart, Tex.
Cobb,	Hemphill,	Montgomery,	Stockdale,
Cooper, Ind.	Henderson, N. C.	Moore, Tex.	Stone, Ky.
Cothran,	Herbert,	Mutchler,	Stump,
Covert,	Holman,	Norton,	Tarsney,
Crisp,	Hooker,	Oates,	Tillman,
Culberson, Tex.	Kerr, Pa.	O'Ferrall,	Tracey,
Cummings,	Kilgore,	O'Neall, Ind.	Tucker,
Davidson,	Lane,	O'Neil, Mass.	Turner, Ga.
Dibble,	Lanham,	Outhwaite,	Washington,
Dickerson,	Lawler,	Owens, Ohio	Wheeler, Ala.
Dockery,	Lee,	Parrett,	Whitelaw,
Dunphy,	Lester, Ga.	Paynter,	Whiting,
Edmunds,	Lewis,	Peel,	Wike,
Ellis,	Maish,	Penington,	Wiley,
Enloe,	Mansur,	Perry,	Willcox,
Fitch,	Martin, Ind.	Pierce,	Williams, Ill.
Forman,	Martin, Tex.	Pindar,	Wilson, Mo.
Forney,	McAdoo,	Quinn,	Wilson, W. Va.
Fowler,	McClammy,	Richardson,	Yoder.
Geary,	McClellan,	Robertson,	

NOT VOTING—80.

Bankhead,	Craig,	La Follette,	Reyburn,
Bayne,	Crain,	Lester, Va.	Rowland,
Bowden,	Dalzell,	Lodge,	Rusk,
Breckinridge, Ark.	Dargan,	Magner,	Russell,
Brower,	De Lano,	Mason,	Sanford,
Browne, T. M.	Dorsey,	McCarthy,	Seney,
Browne, Va.	Ewart,	McCord,	Skinner,
Buckalew,	Fithian,	McCormick,	Snider,
Bullock,	Flower,	McKenna,	Stahlnecker,
Bunn,	Gifford,	McKinley,	Stone, Mo.
Carlton,	Grimes,	Morgan,	Sweney,
Carter,	Hansbrough,	Nute,	Thompson,
Clancy,	Hare,	Payson,	Townsend, Pa.
Clunie,	Harmer,	Peters,	Turner, N. Y.
Cogswell,	Heard,	Phelan,	Waddill,
Coleman,	Henderson, Iowa	Pickler,	Whitthorne,
Comstock,	Hill,	Price,	Wickham,
Connell,	Hitt,	Pugsley,	Wilkinson,
Cooper, Ohio	Houk,	Ray,	Wright,
Cowles,	Knapp,	Reilly,	Yardley.

So the motion to lay the motion to reconsider on the table was agreed to.

The following additional pairs were announced on this vote:

Mr. BROWNE, of Virginia, with Mr. COTHRAN.
Mr. MCCORMICK with Mr. COWLES.
Mr. BOWDEN with Mr. RUSK.
Mr. PAYSON and Mr. HEARD were announced as paired for this day.

Mr. RICHARDSON. Mr. Speaker, I ask to have the vote recapitulated.

The Clerk recapitulated the names of members voting.

The result of the vote was then announced as above recorded.

The House then, in pursuance of the motion of Mr. MCCOMAS previously agreed to, resolved itself into Committee of the Whole on the state of the Union, Mr. ALLEN, of Michigan, in the chair.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for the consideration of the bill the title of which the Clerk will read.

The Clerk read as follows:

A bill (H. R. 12729) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1892, and for other purposes.

Mr. CLEMENTS. I yield ten minutes to the gentleman from Texas [Mr. SAYERS].

Mr. SAYERS. Mr. Chairman, I desire to call the attention of the committee very briefly to a comparison of the revenues and expenditures of the District of Columbia for the fiscal year 1892 with those for the fiscal year 1890.

The net expenditures of the District of Columbia, as shown by the report of the Secretary of the Treasury, for 1890 were $5,677,419.52, and the net revenues deposited in the Treasury amounted to $2,809,130.93. So that we find there was an excess of expenditures over receipts during that year amounting to $29,578.83. In order to meet this deficiency there was issued during that year $28,450 of the 3.65 per cent. bonds. The present bill contains appropriations which, in my judgment, will far exceed the revenues for the next fiscal year. The estimated revenue for the year 1892 is $2,539,563.21. The report of the committee shows that in addition to these revenues there will be receipts from other sources amounting to $100,471.87, making the total revenues as estimated by the Committee on Appropriations $2,640,035.08.

This bill carries, exclusive of the water department, $5,083,227.97, one-half of which, that is $2,541,613.98, is to be borne by the District of Columbia. As the bill now stands and should the estimate of the revenues of the District of Columbia prove to be correct, there will be an excess of revenue as compared with appropriations made in this bill, amounting to $98,421.10. But, sir, it must be borne in mind that the bill does not include the cost of maintaining the Zoölogical Park for 1892. The appropriation for that purpose is borne in the sundry civil bill; one-half of which is chargeable against the revenues of the District

of Columbia; so that if we further deduct the sum of $51,000, we have remaining $47,421.10 as an excess of revenue over expenditure, provided the estimate as to receipts proves true and the present bill be not increased.

But, as was stated by the gentleman from Georgia [Mr. CLEMENTS] last evening, there will fall due against the District of Columbia the first installment of $600,000 for the establishment of a national park. It will be remembered that during the last session a bill passed both Houses of Congress appropriating $1,200,000, all of which was to be paid out of the revenues of the Federal Government, but the District of Columbia is to reimburse the Government by the payment of four annual installments of $150,000 each with interest added. So that if the first installment of $150,000 and interest thereon fall due in the fiscal year 1892, as we believe it will, there will be a deficit of more than $102,578.90. Now, I ask the gentleman from Maryland [Mr. MCCOMAS], when he proceeds to explain the bill, to inform the committee particularly as to the question of the excess of expenditures over receipts.

But there is another matter connected with the expenditures for the District of Columbia to which I wish to call the attention of this committee. According to the report of the commissioners of the District of Columbia for 1890 the funded indebtedness of the District amounted to $20,142,050 on the 1st day of July, 1890. Of that indebtedness $3,330,550 will fall due on the 1st day of July, 1891, and $904,400 on the 1st day of July, 1892. There is no provision in this or in any other bill, so far as I am informed, to meet this indebtedness when it shall fall due.

I again ask my friend who has charge of this bill to explain fully and satisfactorily to this committee the condition of the bonded indebtedness of the District of Columbia, the amount that will fall due in 1891 and 1892, and to show if he can where in this bill or in any other measure emanating from any committee any provision has ever been made for taking care of this bonded indebtedness, and especially of that portion which will fall due during the present and the next years.

Before taking my seat, Mr. Chairman, I desire to refer very briefly to two features of this bill. The government of the District of Columbia was met with a deficiency during the fiscal year 1890, and it will be met with a deficiency during the fiscal year 1891. But, in order to avoid a deficiency during 1892, the committee have reported a reduction of $285,000 in the item for the repair and improvement of streets alone. Turning to that portion of the bill which refers to the improvement and repairs of county roads, we find there is also a reduction of about $82,950. These items are very important, indeed. They concern the convenience, the prosperity, and the health of the people of the District. The streets in certain portions of this city are in a very bad condition; some streets have had large expenitures upon them, while others have been altogether neglected. It is no answer to say that these important improvements must be in a great measure abandoned in order that a zoölogical garden may be maintained and a national park may be established. The health, convenience, and prosperity of the people should be first considered.

[Here the hammer fell.]

Mr. CLEMENTS. I yield ten minutes to the gentleman from Pennsylvania [Mr. MUTCHLER].

Mr. MUTCHLER. Mr. Chairman, after the full and clear statement made yesterday by my colleague on the committee, the gentleman from Georgia [Mr. CLEMENTS], I can add very little concerning the provisions of this bill. I simply wish to call attention to the fact that when at the last session the bill for the current fiscal year was under discussion, I made a statement that there would be a deficiency of between $300,000 and $400,000.

My authority for making that statement was a letter addressed to the committee by the commissioners after the bill had been completed in the committee. That letter was based upon an estimate made by the able auditor of this District, Mr. Petty, which I believed to be correct. The gentleman from Maryland [Mr. MCCOMAS], the chairman of the subcommittee, took issue with me at that time with respect to the matter, and said that inasmuch as I was a young member of the committee I probably had not made as thorough an investigation of the subject as older members had and might therefore be excused for my ignorance. I now rise to show that instead of my having stated an amount larger than the fact (the gentleman from Maryland claimed that there would be no deficiency at all) I really understated the amount of the deficiency.

I have here a statement made by the same official which clearly demonstrates what the deficiency is likely to be for the current fiscal year. The entire amount of the revenues for the year 1890–'91 is $2,655,474.26, and is made up as follows: Surplus on July 1, 1890, $105,512.53; estimated receipts for 1891, taken from the report of the chairman of the subcommittee, $2,473,461.73; balance from new buildings, $60,000, less 10 per cent. for collection, $54,000 in all; estimated receipts from the sale of the Columbia schoolhouse, $5,000; one-half to the District of Columbia, $2,500; appropriations not used and covered back, $20,000; showing the total estimates of the resources of the District to be $2,655,474.26. Now, the appropriations amount, excluding the $150,000 spoken of by the gentleman from Texas, to $2,691,757.53.

Mr. SAYERS. You do not take into consideration the amount carried in the sundry civil bill?

Mr. MUTCHLER. No, sir. This leaves a deficiency of $186,283.27.

Mr. SAYERS. Will the gentleman allow me right there to state that he should add to that the estimate of one-half of the cost of maintaining the Zoölogical Garden, which amounts to $51,000, the total cost being $102,000?

Mr. MUTCHLER. I was going to remark that the District's share of the appropriation for Rock Creek Park is $150,000; that is, the first installment is payable in the current year. Twice that amount, or the total amount due by the District, is $300,000. Now, if we add that, the total deficiency will be $672,566.54. If, however, we are not called upon during the present fiscal year to pay the $150,000, and we may not be, I am not sure, but I think next year we will be called upon in all probability to pay both installments, amounting to $300,000.

Mr. MCMILLIN. Let me ask the gentleman then, if I understand correctly. The first installment is due this year and we may be called upon to pay it?

Mr. MUTCHLER. Yes, sir.

Mr. MCMILLIN. And, therefore, should constitute a part of the liabilities of the District for the current year.

Mr. MUTCHLER. Yes. But, as I have said, if we should be called upon to pay the $150,000 this year, that is, the District's half of the total cost, and the United States pays the other half, if we add that to the deficiency already given, $186,000, which must be doubled, making $372,000, and $150,000 also doubled, being the total amount due on that account, we have the exact amount of the deficiencies at $672,566.54.

Now, it may be said that we are not sure as to what the total receipts for the current fiscal year will be. My friend from Maryland [Mr. MCCOMAS] may argue that they may be greater than the amounts I have stated. I do not think they will be greater.

The amount collected for the first six months of the fiscal year is $2,648,181.20. Now, taking it for granted that we shall collect in the next six months an equal amount, the deficiency will still be the amount I have named. But I do not believe we shall collect as large a sum in the next six months as in the past six months; and I will show, with the exception of the year 1890, the second half of the year in each case has produced less than the first half.

In 1887 we collected, in the first six months of the year, $1,134,142; but in the second half of the year we collected but $971,621. In 1888 the amount collected in the first six months was $1,495,894, whereas in the next six months it reached only the sum of $912,685. In 1889 in the first six months of the year the amount collected was $1,262,151.91, while in the next six months the amount collected was but $1,002,777.97. But, in 1890, in the first six months we collected $1,264,627.54, while in the next six months we collected $1,337,462.62. The reason why there was more money in the year 1890 in the latter half of the fiscal year than in the first part was because of the passage by Congress of an act allowing a rebate upon all back taxes that should be paid within that time. The rebate, or discount, was 6 per cent., but that was increased by act of Congress to 10 per cent., the result of which was that a much larger sum was collected in the last six months than in the prior six months, because the taxpayers took advantage of the privilege they had of having 10 per cent. taken from their taxes instead of 6 per cent.

[Here the hammer fell.]

Mr. CLEMENTS. I now yield fifteen minutes to the gentleman from Arkansas [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, on yesterday morning, when the Speaker was presiding over the House, I felt called upon, in view of what had happened the day before, and I so announced, that when I should again get the privilege of addressing the House I did not want the presiding officer to take me off the floor because of any imaginary pantomimic performances in which he might think I had unwittingly indulged. Since that time I have been extending my studies somewhat into the domain of pantomime, this new evolution of general parliamentary law, and I have discovered a new field into which I was a little apprehensive this general parliamentary pantomime had possibly merged. It is what is known, I believe, in the most learned and scientific circles of the country as "hypnotism." It is known, or perhaps approximates in its characteristics at least to some extent what is known out among the Northwest Indians as the "ghost dance" and among certain inferior classes of negroes in the South as "conjuring."

Now, I felt this morning impelled by this recent investigation of mine to suggest to the present chairman, knowing as I did his great versatility and learning, his aptitude in difficulities, and in the disentanglement of parliamentary questions during the present session of Congress, as well as his eminent success in extricating the House from the great difficulties into which political exigencies had occasionally involved it, that I be not taken off of the floor this morning until I get through, because of any supposed hypnotic phenomena that he may imagine I had displayed during the period that I occupy the floor in what I now have to say.

Mr. KERR, of Iowa. Will the gentleman yield for a question?

Mr. ROGERS. Mr. Chairman, I was just suggesting that when I got ready to yield I would do so by oral announcement. [Laughter on the Democratic side.]

Mr. KERR, of Iowa. I was simply going to ask you if you were afraid of being hypnotized.

Mr. ROGERS. I announced yesterday that so far as I was concerned I did not know a great deal about general parliamentry pantomime. Immediately after that I had occasion to visit the post office in search of my mail and I found in my box, through the courteous and kindly consideration of some sympathizing friend, what I suppose to be the last compilation of General Parliamentary Pantomime and Hypnotism. It is denominated as "The Constitution, Manual and Digest, Rules and Practice of the House of Representatives, second session, Fifty-first Congress."

I have assumed that that is what this book is, because of its name. I knew of course that these unexplored fields of pantomime and hypnotism were almost unknown to the civilized world, being confined within close scientific circles, and I have been frequently impressed also during the term of eight years of service here that a large majority of those who practice parliamentary pantomime have very little knowledge of what is contained in the book the name of which I have just announced, and therefore, though I may be mistaken as to what this book is, I have assumed that to be the fact, simply from the coincidence suggested.

Mr. Chairman, some two or three weeks ago, taking the hint from my distinguished friend from Illinois, the chairman of the Committee on Appropriations [Mr. CANNON], in a purported interview which I found in the papers, to the effect that in view of the recent election he thought the best thing the Republican party could do was to pass the appropriation bills and adjourn—taking that hint, I advised these gentlemen some time ago of the importance of laying aside unimportant matters and taking up the great leading questions which are now agitating the public mind, and which are demanded by the great political forces now at work, and working a revolution too, throughout the length and breadth of our land.

I congratulate the country that the majority, even at this late day, evince some premonition of a true insight into what the November elections meant. But I am compelled to confess my disappointment at the method in which this debate on this important legislation has been conducted. On the day when the bill was taken up for consideration I listened to a most interesting colloquy between the distinguished gentleman from New York, the chairman of the late campaign Republican committee of the House of Representatives [Mr. BELDEN], and the distinguished and accomplished and elegant gentleman from Maryland in charge of the bill [Mr. MCCOMAS]. When those questions were put by my friend from New York, who is not only not a theorist, but who is vouched for by distinguished gentlemen upon the floor as an eminently practical man in the affairs of this world, it occurred to me that they were important and such as ought to elicit a most complete and thorough and elaborate explanation to the House.

I know that I may congratulate the House upon the satisfactory answer which was made by the gentleman from Maryland [Mr. MCCOMAS] in this regard. And after that elaborate answer thus made, so clear, so lucid, so forceful, so thoroughly vindicating the committee that framed this bill, it seemed to me that it was a useless waste and consumption of the time of the public for us to take up five hours in debate on the merits of this controversy. That important time, Mr. Chairman, it seems to me, should have been employed in the discussion of that great bill of the people which yesterday came over from the Senate, known as the bill for the free coinage of silver.

Mr. Chairman, these facts which I have now rehearsed in this great presence show the impropriety of continuing in that vicious habit—whence it came I do not know—of limiting debate upon general appropriation bills, in advance of any sort of explanation or debate in regard to them. We ought to have saved, of the five hours, four hours and forty minutes, in view of the splendid explanation of the bill made by the gentleman from Maryland, which time we could have devoted to the discussion of the silver bill. And that leads me to the suggestion that forces itself upon my consideration, and I have felt that I ought to invite the attention of the country to it.

It seems to me, Mr. Chairman, and I appeal to the Republican majority of this House, that the time has arrived when, with reference to silver, you ought not again to ask the Speaker of the House of Representatives to assume any further responsibility——

Mr. KERR, of Iowa. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. ROGERS. Now, there it is again. [Laughter on the Democratic side.]

Mr. KERR, of Iowa. I make the point of order that the silver bill is not under consideration.

The CHAIRMAN. The point of order is overruled. The gentleman from Arkansas will proceed in order.

Mr. ROGERS. It seems to me, and I appeal again to the House, that the time has arrived when the Republican majority ought not again to ask the Speaker of the House to assume any further responsibility in regard to the free coinage of silver. When, Mr. Chairman, in all the history of this great country, has any Speaker ever faced and met the demands of the party organization in this House more bravely, more courageously than the present Speaker of the House, with reference to this great measure?

Mr. SPRINGER. And more disastrously.

Mr. ROGERS. And more disastrously, as my friend from Illinois says. And has it come to this, that after he has suffered the terrible penalty which came from this responsibility, forced upon him by party exigencies and the party caucus, has it come to this, that he is yet to be called upon to make more sacrifices, personal sacrifices, greater than the severe and hard penalty which the country has inflicted upon him, at the caucus command? Mr. Chairman, I submit to their generosity, to their magnanimity, and to their courage, that, if there is further responsibility upon this great question to be assumed, it should come from the other end of the Avenue; it should come from those who openly and avowedly announce themselves against free silver.

Mr. Chairman, I am led to this conclusion by some remarks of a very distinguished and eloquent public man of long service in another place, who said:

> There is, Mr. President, a deep-seated conviction among the people, which I fully share, that the demonetization of silver in 1873 was one element of a great conspiracy to deliver the fiscal system of this country over to those by whom it has, in my opinion, finally been captured. I see no proof of the assertion that the demonetization act of 1873 was fraudulently or corruptly procured, but from the statements that have been made it is impossible to avoid the conviction that it was part of a deliberate plan and conspiracy formed by those who have been called speculators to still further increase the value of the standard by which their accumulations were to be measured. The attention of the people was not called to the subject. It is one of the anomalies and phenomena of legislation.
>
> That bill was pending in its various stages for four years in both Houses of Congress. It passed both bodies by decided majorities. It was read and reread and reprinted thirteen times, as appears by the records. It was commented upon in newspapers; it was the subject of discussion in financial bodies all over the country; and yet we have the concurrent testimony of every Senator and every member of the House of Representatives who was present during the time that the legislation was pending and proceeding that he knew nothing whatever about the demonetization of silver and the destruction of the coinage of the silver dollar.
>
> The Senator from Nevada [Mr. STEWART], who knows so many things, felt called upon to make a speech of an hour's duration to show that he knew nothing whatever about it. I have heard other members declaim and with one consent make excuse that they knew nothing about it.
>
> As I say, it is one of the phenomena and anomalies of legislation, and I have no other explanation to make than this: I believe that both Houses of Congress and the President of the United States must have been hypnotized.

[Laughter and applause.]

Is it to be wondered at, Mr. Chairman, that I cautioned the Chair against hypnotism myself, when it is believed by the distinguished gentleman from whose remarks I read that both bodies of the American Congress and that distinguished and able general and statesman and President of the United States, General Grant, were all hypnotized when silver was demonetized?

Mr. KERR, of Indiana. Mr. Chairman, I rise to submit two points of order.

The CHAIRMAN. The gentleman will state his points of order.

Mr. KERR, of Iowa. The first is that the gentleman from Arkansas is quoting the language of a Senator without giving him credit and the second is that he is not addressing himself to the question before the House.

The CHAIRMAN. The gentleman from Arkansas did not seem to be using the name of any person now in public life, and the gentleman from Arkansas will proceed.

Mr. ROGERS. Mr. Chairman, I hope that I shall not be taken from the floor, nor have these interrogation points put into my speech.

The CHAIRMAN. The Chair will protect the gentleman from Arkansas. [Laughter.]

Mr. ROGERS. I continue to read from the same great speech:

> So great was the power of capital, so profound was the impulse, so persistent was the determination, that the promoters of this scheme succeeded by the operation of mind power and will force in capturing and bewildering the intelligence of men of all parties, of members of both Houses of Congress, and the members of the Cabinet, and the President of the United States.

Mr. Chairman, there are gentlemen who are vicious and irreverent enough to state that in making this great speech this distinguished Republican got down on his belly and crawled in the dust that he might get back within the horizon of public favor. [Laughter on the Democratic side.] But, Mr. Chairman, if he did—if he di hat and got down and crawled, he crawled towards the principles of honest Democracy; and I warn you, Mr. Chairman, and those in sympathy with you, who propose to throw barriers in front of the enactment of free coinage of silver that you will have to get down and crawl in the dust before you can get back within the horizon of public favor with your own constituents. [Applause on the Democratic side.]

Mr. Chairman, I continue to read from the speech of the same distinguished gentleman:

> Once, twice, thrice, by executive intervention, Democratic and Republican, by parliamentary proceedings that I need not characterize, by various methods of legislative jugglery, the deliberate purpose of the American people, irrespective of party, has been thwarted, it has been defied, it has been contumeliously trodden under foot; and I repeat to those who have been the instruments and the implements, no matter what the impulse or the motive or the intention may have been, at some time the people will elect a House of Representatives, they will elect a Senate of the United States, they will elect a President of the United States who will carry out their pledges and execute the popular will.

Mr. Chairman, a tender solicitude and a profound sympathy for our great Speaker, who has sacrificed so much for his party and accomplished so much good for the Democratic party and the country, impels me to beg you to call a halt and demand no further responsibilities of him in this behalf. Let others assume it. But spare him.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROGERS. Give me a little more time. Give me five minutes.

Mr. CLEMENTS. It is impossible to give you five minutes more, because I have promised other gentlemen time. I will give the gentleman three minutes.

Mr. ROGERS. Well, Mr. Chairman, I had hoped that I would be able to reach this bill. I am proceeding upon direct lines to it, as you observe. [Laughter.]

Mr. Chairman, I now come to the consideration of this bill, and I regret that I am not permitted to have a sufficient part of the large time allotted for the discussion of it to present some questions which I regard as of very considerable importance. Mr. Chairman, in the discussion upon this bill the other day the gentleman from New York [Mr. BELDEN] had this colloquy with the gentleman from Maryland [Mr. McCOMAS]:

Mr. McCOMAS. I will inform the gentleman, Mr. Chairman, that I am not by law a commissioner of the District of Columbia, but——

Mr. BELDEN. Ah!

Mr. McCOMAS. Let me answer your question, now you have put it and need information on this subject. I have endeavored in every way to put down the price of street-cleaning here, because I was not satisfied that it was well done and cheaply done.

Mr. BELDEN. Mind you, he does not answer the question I asked him. I knew he would go off on something else. [Laughter on the Democratic side.]

Mr. McCOMAS. And I went to the commissioners and asked them, as the gentleman himself, if he had known the law, would have gone to them with this complaints about the street-cleaning.

Mr. BELDEN. You see, gentlemen, how he answers me.

Mr. McCOMAS. And the committee see how active this gentleman is. Now, it has been observed that when we want a model reformer, sweet and clean and pure, with experience large and ample——

Mr. BELDEN. I yielded to the gentleman, you know, for an explanation.

Mr. McCOMAS (continuing). We ought to go to some place else than to the gentleman from New York, with all his experience in these matters——

The CHAIRMAN. The time of the gentleman from New York [Mr. BELDEN] has expired.

Mr. BELDEN. Now, you have heard my question, gentlemen. I asked how he guarded against an unwise expenditure of money, and to know how the street-cleaning was done. You have heard his answer. It is something about reformers. I do not know what it is exactly. [Laughter.]

Soon after this my distinguished friend from New York [Mr. BELDEN] lost the floor, and that was the end of the explanation. Mr. Chairman, why is this? Is it possible that we are to be deprived of the assistance of the distinguished gentleman from New York because of these dark insinuations in relation to something that lies behind, and concerning which the House has no information? Why are we not having his assistance? And shall we not have it when we come to discuss the bill under the five-minute rule? Shall we not then have his aid to throw the light of his luminous experience upon this bill, to perfect it and make it such as it ought to be for the government of this great District? It can not be that he will be intimidated. I shall expect him in the forefront in perfecting this legislation.

But the gentleman from New York made a more important statement than any contained in the extract which I have read, one involving a legal proposition of considerable value in the proper determination and settlement of this bill. He said:

Mr. BELDEN. Mr. Chairman, as I have understood in the committee, the only explanation was that they had a letting, and had it for a series of years, and the contractors combined to put up the price more than it had ever been before, and then the contract was let for a number of years, and then they divided it up among themselves.

This is a grave charge. Conspirators these contractors are if this statement be true; conspirators against the Government to rob the Treasury by combining and conspiring to raise the price of cleaning and sweeping the streets; and yet we are told the Senate was right in striking out a provision in the appropriation bill of last year reducing this pay, because they were working under contracts saturated with fraud, if the gentleman from New York is right. Is this right? Is it law, are we remediless in such contingency?

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROGERS. Oh, I ought to have more time.

Mr. SPRINGER. I ask unanimous consent that the gentleman from Arkansas [Mr. ROGERS] be permitted to continue for five minutes longer, not to come out of the time on either side.

Mr. McCOMAS. Five minutes, to be taken out of the time on that side of the House.

Mr. SPRINGER. No; I ask unanimous consent to extend the time for general debate five minutes.

The CHAIRMAN. The House has limited the time for general debate, and the Chair does not understand that the committee has power to change the order of the House in that respect. The gentleman from Georgia [Mr. CLEMENTS], by unanimous consent, has control of the time on his side of the House.

Mr. SPRINGER. How much time is still remaining on the other side?

The CHAIRMAN. One hour and forty minutes. The gentleman from Georgia [Mr. CLEMENTS] is recognized.

Mr. CLEMENTS. Mr. Chairman, I would be very glad to accommodate my friend from Arkansas [Mr. ROGERS] with additional time, but it is utterly impossible for me to do so out of the time allotted to me.

Mr. ROGERS. Well, Mr. Chairman, I congratulate myself that I have neither been pantomimed nor hypnotized off the floor. [Laughter.]

Mr. CLEMENTS. I yield seven minutes to the gentleman from Pennsylvania [Mr. VAUX].

Mr. VAUX. Mr. Chairman, it is utterly impossible to discuss this question in seven minutes, and I understood that there would be some additional allowance of time made to this side on account of the twenty minutes yielded by the gentleman from Georgia [Mr. CLEMENTS] to a gentleman on the other side, but it seems there is to be none.

Mr. CLEMENTS. I will yield eight minutes to the gentleman from Pennsylvania.

Mr. VAUX. Mr. Chairman, in coming to the intelligent consideration of this bill one must be possessed of a very large amount of information which the bill itself does not contain; or, if the bill is to be considered upon its text alone, then it presents to my mind a very extraordinary confusion of appropriations. When we seek information elsewhere, when we go to the distinguished chairman of the committee, who, as I said last session and say now, has shown an amount of devotion to the details of this bill that is really phenomenal in any committee of this House, we receive from him information which changes the whole character of the bill. My objection to it is that it is not to be regarded as a general appropriation bill.

The House can not regard it as a general appropriation bill. It is limited to what is generally called a municipal appropriation bill. It relates to the cost and expense of carrying on the government of the District of Columbia. The District of Columbia has no legislative department of its own, and the Congress steps in and acts for it—all of which I approve. But the trouble is that the information which a legislator ought to have in order to pass upon the several items contained in this bill is not to be found in the bill. Reference is made here and there to some other information, which is not accessible to the members of this House discussing the bill unless they find it elsewhere than in the bill itself. For instance, under the title of "Improvements and repairs," line 14, page 11, we find "For work on sundry streets named in Appendix NN."

Now, it seems that in this appendix there is an arrangement of all those locations for improvements and repairs upon a map of the District, and in the index these locations are marked to suit their geographical relations one to another. Now, sir, when we are asked to appropriate $367,200 to be expended by the commissioners upon streets and avenues, we find that they are specified in the schedules in the appendix, and before we can apply this appropriation to what the appendix refers to we must ascertain who made the appendix, what is its purpose, and how this money is to be applied to the several divisions of the appendix.

On the general principles of appropriation for municipal government I object to leaving this appendix out of the bill. In order to make this bill what it ought to be that appendix should be put in, or its contents should be incorporated in the bill, so that we might add a proviso that "no part of these appropriations shall be expended in excess of the limitations of appropriation as defined in the preceding schedule."

My distinguished friend, the chairman of the committee, has stated, I believe, that that is all done by general acts of Congress. Then I assert, Mr. Chairman, that this bill is a monstrosity, because what ought to be in the text is nowhere found there to enlighten a member who may vote upon it; and he must go without information unless he gets the acts of Congress relating to the Government of the District and consults the several statutes relating to these expenditures.

At the last session of Congress, when the deficiency appropriations for the District of Columbia were under consideration, I had the honor to address the House for five or seven minutes calling attention to the origin of those deficiencies and claiming that there could be no well-regulated government where it was possible that expenditures should be made in such a way as to give rise to so large an amount of deficiencies. I said then, and I take this occasion to repeat, that there can be no proper administration of municipal government, unless there is provision for properly checking and watching the expenditures, by a clear and unmistakable enactment that no part of the sum appropriated shall be expended for any other purpose than those specified.

[Here the hammer fell.]

Mr. CLEMENTS. How much of the time on this side of the House remains?

The CHAIRMAN. Eight minutes.

Mr. CLEMENTS. The gentleman from Maryland proposes to yield this side twenty minutes of the time belonging to his side in consideration of the twenty minutes which I yielded to a gentleman on the other side at the commencement of this debate.

Mr. McCOMAS. In order to equalize the occupation of time I have, as my colleague states, agreed to yield to him twenty minutes of the time on this side.

Mr. CLEMENTS. I thank the gentleman for his courtesy, and I

yield the remainder of the time on this side—twenty-eight minutes—to the gentleman from Indiana [Mr. SHIVELY].

Mr. SHIVELY. Mr. Chairman, I avail myself of the kindness of the gentleman from Georgia [Mr. CLEMENTS] and the latitude permitted in Committee of the Whole to submit a few observations this afternoon on the proposition in charge of the gentleman from New York [Mr. FARQUHAR]. A copy of that measure lies before me. It is entitled, "An act to place the American merchant marine engaged in the foreign trade on an equality with that of foreign nations." The title is enticing enough, but the bill itself is simply an effort on the part of accommodating statesmen to initiate another class of corporations into the mysteries of dividends by statute. These statesmen have subsidized the railroads out of the public lands. They have subsidized the banks out of the public credit. They have subsidized the trusts out of the pockets of the people. They have subsidized the sugar-producers out of the public Treasury. Having subsidized every corporate interest in sight on land, they now propose to introduce the corporate interests of the sea to the generous bounty of a benign Government.

It is certainly touching to witness the tender solicitude of the advocates of this bill for the fate of our merchant marine. But for the lessons of history and the irony of contemporaneous facts, the situation might suggest cheerful assurances of respectful sympathy. It is undoubtedly a most laudable ambition that beckons the day when the white sails of our enfranchised commerce shall again carry the rugged and commanding influence of our civilization to the uttermost parts of the earth. Interest, pride, and patriotism alike suggest that here is a field in which American statesmanship may win splendid triumphs for American enterprise and, at the same time, impart lasting strength and dignity to American institutions.

But governments, not less than individuals, are inexorably bound by the immutable force of economic law. The conduct of public affairs should conform to some settled policy. Reasonable prudence requires that such policy be consistent and harmonious in all its parts. Friction involves loss, whether in mechanics or economics. When contradictions, inconsistencies, and antagonisms are introduced, one set of forces is played off against another to the destruction of both. Amid the jar and discord of conflicting elements the national resources are wasted and the foundations of public prosperity are undermined.

The present legislative situation furnishes an illustration which most happily emphasizes the principle just stated. The McKinley tariff law of the last session on the one hand and the pending subsidy bill on the other involve not only friction and consequent loss, but positive collision and consequent destruction. That law raises still higher our ramparts against the highway of nations; this is a bill to subsidize our commerce over the walls. That law sentinels more closely than ever our seacoast against the commerce of the world; this is a bill to bribe our commerce through the lines. That law in every section proclaims that ocean traffic is a swindle and foreign commerce a fraud; this bill proclaims that ocean traffic is a blessing and foreign commerce the end of wisdom. That law announces a perpetual embargo on commercial intercourse with friendly foreign nations; this is a bill to buy our commerce over our legislative obstructions into foreign ports. That law fines the American people for trading with foreigners; this is a bill to fine the American people that they may trade with foreigners. That is an act to circumscribe our foreign markets and narrow our foreign influence; this is a bill to buy back our markets and broaden our influence. That law emphasizes anew the sacred folly that this nation must remain a hermit; this is a bill to purchase immunity from the effects of the wasteful doctrine of isolation. That law chains the American flag to a fabled and legendary home market; this is a bill to bribe that sacred parable of free government into notice on the high seas.

The antithesis is so complete at every point as to excite amazement at the brazen trifling with the public interests. The constant waste attending such collision of economic forces is all to be charged against the American people. On the one hand, foreign commerce is outlawed and, in the name of American labor, American monopoly is licensed to pillage the purses of the American people; on the other hand, in the name of that outlawed commerce, a miserable brood of scurvy subsidy-beggars is to be licensed to pillage the public Treasury and project its debauching influence into the public life of the nation. [Applause on the Democratic side.] It is possible that human ingenuity might devise a more discordant, inconsistent, incongruous, wasteful, corrupting and suicidal policy, but it certainly never has.

But aside, Mr. Chairman, from the consideration of its utter inconsistency with the insular economic policy of the Government, this measure is the old and familiar wail of deadhead greed in the name of the American flag for an appropriation to protect itself from self-helping, self-reliant, and self-respecting competition. The venerable and classic pretensions of its friends are as inconsistent as the commercial policy it assumes to encourage. But a few months ago we were listening here for hours to gloomy asseveration and hysterical prophecy as to the awful and disastrous folly of England's commercial policy; now that policy and its fruits are invoked as the perfection of wisdom to induce Congress to enter on this system of subsidies. It is sought to create the impression that England subsidized her merchant marine into its present supremacy. It were needless to combat self-evident error. England's possessions encircle the globe. Postal communication is indispensable to her colonial and military policy. Mails attend empire; it does not follow that they pioneer trade. Our empire is on the land; the British Empire is connected only by the seas. How different, therefore, the circumstances of both our postal and military policy. Trade follows the prospect of profit, not the prospect of a postal card.

Col. John C. New, our consul general at London, says in his report of September 3, 1889, to the State Department, "The British Government does not grant subsidies in the general sense of that term to any steamship companies." He adds that the British "post-office authorities simply make contracts for the conveyance of mails with steamship companies having steamers sailing to those ports." The only other payment made by the British is a war-department disbursement to the owners of certain large steamships for the privilege of calling them into the naval service at any time as war ships or transports.

Both of these payments relate solely to the postal, colonial, and military policy of Great Britain, and in no sense, except as an incident, to her commercial marine. As well claim that the payment by our Government to carry the mail from South Bend to North Liberty is a subsidy to our internal commerce, or the payment to the owner of a mule for hauling provisions from Chadron to Pine Ridge agency a subsidy to our stock-raising industry, as to claim that either of the forms of British payment is a subsidy to the British merchant marine. [Laughter and applause.] There is no analogy whatever between such payments and the appropriation proposed by this bill. The postal authorities of Great Britain simply make contracts for carrying the mails with the lowest responsible bidders, whether they be English, German, or American. The North German Lloyd held a contract for ten years carrying mails between England and New York.

Great Britain has a fleet of 6,625 steamships in her trade with America, Asia, Africa, and Australia, and only 336 of these carry mails or receive a farthing from the postal funds. Only 5 per cent. of these vessels, or 13 per cent. of the British tonnage in this trade, receive pay for carrying mails. Besides this, Great Britain has a fleet of 15,000 sail ships, with 3,000,000 tonnage, to which not a farthing is paid by the Government. Ninety-eight per cent. of the ships and 92 per cent. of the tonnage for the year 1889 were absolutely free from any pecuniary connection with the Government. Why do not the advocates of this bill point for example to the great body of British merchant marine unemployed by the Government and in no way sustained by it? Why prefer for illustration the 2 per cent. to the 98 per cent.?

The Cunard Line, with five steamers, and the White Star Line, with seven steamers, carry mails between Great Britain and New York under a British postal subvention, while the Guion Line, Wilson Line, State Line, Anchor Line, Inman Line, National Line, Beaver Line, and Sumner Line, with an aggregate of ninety-two steamers, operate between the same points, and also between the Mediterranean and New York, and pay dividends, yet receive not one cent from the British Government by way of subvention or subsidy. The Collins Line was started in 1850 and backed by an American subsidy of $19,250 per voyage, and in 1858 bankrupted. In 1850 the Inman Line was established and operated without a penny of subsidy, and it prospered, paid dividends, and flourishes to this day. The Galway Line, backed by a subsidy of £3,000, or $15,000 per voyage, went to the wall, while the Anchor Line, without a penny of subsidy, met all competition and grew stronger every year.

The history of subsidy, as such, is a history of hazard, fraud, corruption, and failure. The construction and sailing subsidies of France filled her dockyards with useless vessels and her harbors with idle and decaying ships. Italian subsidies increased the tools of trade, but added little to the trade itself. Every seaport in the world to-day presents the spectacle of idle ships waiting in vain for cargoes. The wisdom of the proposed scheme is the wisdom of the man who invests $1,000 in a farm and $9,000 in wagons wherewith to market the produce. [Laughter and applause.] I am aware that an imposing array of literature is brought to the support of this bill. With an appropriation involved, plenty of talent is available to disprove the law of gravitation. [Laughter.] But with every item of literature on both sides of the subject out of the way the provisions of this bill in themselves would suggest from first to last that charity, dependence, charlatanism, and gratuities are to be substituted for manly enterprise, commercial integrity, business sagacity and individual self-reliance. [Applause.]

The authors of this bill are careful to make the appropriation a continuing one, running through nineteen years. Why are these gratuities to private corporations placed on a so much higher plane than ordinary charges on the public Treasury? Why should the last dollar in the Treasury be subject to the call of a private interest, even if the salaries of the judges of the Supreme Court or pensions to our soldiers should go by default? The reason is elementary. The character of the bill itself explains the presence of this obnoxious provision.

Gentlemen tell us that this assurance of permanency of appropriation is necessary to induce capital to invest in our merchant marine; that no man will embark in foreign commerce unless insured against interruption of his annual gratuity by a subsequent Congress. In other words, this Congress is to barter away the right and duty of future

Congresses to scrutinize and supervise the expenditure of the public revenues in order that the public will may not interfere with the steady stream of the people's taxes from the national Treasury to the coffers of the corporations until both branches of Congress and the Executive are wrested from the party of monopoly and subsidies.

Why not ask a continuing appropriation for our Army and Navy? Why not provide a continuing appropriation for the Post-Office Department and the Department of Agriculture? Why not provide continuing appropriations for the salaries of the Supreme Court and the President of the United States? Why not make permanent appropriations for the pensions to the maimed and diseased veterans of the late war and their widows and orphans? These appropriations are all for public and legitimate purposes. They are approved by the people who pay the taxes. They are approved by the men who bear the burdens of the Government in peace and fight its battles in war. They are the necessary legitimate charges on the public treasury, and each Congress is charged with the duty of adjusting the revenues to these necessary and legitimate requirements.

No appropriation made in pursuance of the just and legal functions of the Government requires a nineteen-year mortgage on the public revenue. This feature of the bill originated in a consciousness of the inherent iniquity of the whole subsidy scheme. It is needless to argue that it is contrary to the genius, spirit, and purpose of our institutions. The only subject upon which permanent appropriations can be measurably justified is the interest on the public debt. When attempted in any other measure the motive instantly appears in settled distrust of the people and the consciousness of the unworthy character of the project.

The continuing appropriation for Federal election supervisors was a step toward divorcing the right to choose representation from the power to regulate taxation. The continuing appropriations provided in the McKinley bill for the sugar-producers is a conspicuous lodgment of the purse strings of the Government in the hands of private individuals. Every vestige of Anglo-Saxon liberty worth preserving was won by the Commons from the Crown by means of their control over the revenues and the appropriations of the realm. Placed in irresponsible hands and removed for a term of years from immediate Congressional supervision, an appropriation becomes the prolific source of corruption and debauchery. The purpose of this appropriation is wrong; its method is but the complement of its purpose. It is simply legalized grand larceny of the public revenues, and this is why Congress is to be bound hand and foot for nineteen years while the plunder of the Treasury goes on, or until the people, in spite of the bribery and corruption which this subsidy invites, can overthrow the party that authorizes and fosters it. [Applause.]

Every doubtful economic scheme, Mr. Chairman, has its cabalistic terms. Privilege in its marches on the public Treasury flanks itself with an array of well-ordered sentiment and prejudice to soothe the public conscience and flatter the national pride. However inconsistent and ludicrous the means, the end, which is possession of other people's money without compensation, is steadily kept in view. The President of the United States, in his late message to Congress, comes to the rescue of the subsidy lobby. After his apostrophe to the tariff which outlaws trade, he presents the usual pathetic lament at the decay of our merchant marine and in substance suggests that the public Treasury be placed at the service of the steamship companies. He points to the reciprocity proposition in the McKinley tariff act and asserts that its provisions can be of little service unless we subsidize our ocean commerce.

Reciprocity is the term by which he is to conjure dollars out of the public Treasury into the coffers of charity-begging corporations. Trade has a large social element in it. Reciprocity comprehends the two that it requires to make a bargain. What is the alleged reciprocity of the McKinley law? What field of trade does it annex? What obstruction to trade does it remove? What article of restricted commerce does it release? Coffee is now an article of free commerce; that so-called reciprocity clause authorizes the President to tax it at 3 cents a pound. Tea has for twenty years been free; that clause authorizes the President to tax it at 10 cents a pound. Hides have been free for years; that clause authorizes a tax of 1½ cents a pound. Sugar is made free to the sugar trust by the sugar schedule of the act; your reciprocity clause authorizes the restoration of the tax on sugar.

Mr. McMILLIN. Is it not a fact that the so-called reciprocity clause of the tariff law authorizes the President to impose taxes without convening or consulting Congress?

Mr. SHIVELY. Certainly. It confers an absolute, unqualified taxing power of over $50,000,000 per annum on the President. He may employ it or not at his pleasure. It is a ludicrous perversion of terms to employ the word "reciprocity" in connection with that clause of the tariff law, except in the sense of reciprocal obstruction and destruction of trade. [Applause.] The whole scope of your reciprocity proposition is to narrow the area of trade, not to broaden it. It enchains that part of our commerce now free. It taxes that which is now untaxed. It hangs weights on the bleached skeleton of our jaded trade. It proposes to manacle and obstruct the slender remnant of our unrestricted commerce. It proposes to tax our own people on the prime necessaries of life to spite foreigners who have taken us at our word and left us to our own folly. It proposes to close up our walls against the sea and complete our commercial isolation.

And this is the reciprocity in the name of which we are asked to set a new symposium of tax-eaters within the vaults of the public Treasury. [Laughter and applause.] It will not do, gentlemen. There is no magic in a reciprocity organized on such lines. Frankness and candor on the part of the President might have suggested that subsidy was necessary to overcome the additional obstructions to our merchant marine created by the late tariff law, and that legislative bribery and gratuity alone could rescue the receding shadow of our once commanding ocean commerce from the obliteration threatened by the reciprocity clause.

No one is deceived. It is not commerce, it is dollars the beneficiaries of this bill want. Those dollars are in the public Treasury, and the vulgar brood is careless of the means employed to swing back the door. "Reciprocity," which, in its true significance, may mean liberation of trade and the enfranchisement of commerce, is employed by the President and the advocates of this bill as a sort of burglar tool to assist licensed greed to break into the public treasures coined from the sweat of the American people. [Applause.]

Besides, sir, what right have gentlemen to ask gratuities in the name of our merchant marine in the face of the barbarous provisions of our navigation laws? That code from first to last subordinates the vast and commanding interest of ocean commerce to the inferior and local interest of shipbuilding. Commerce itself is chained to the greed and caprice of the maker of its tools. That code outlaws all commerce which does not first pay tribute to the Cæsars of our shipyards. It denies the protection of the American flag to American capital invested on principles of prudence, economy, and thrift, and extends its protection only to the investment made against the plainest dictates of business sense and in the face of inevitable insolvency. [Applause.]

The American citizen who desires to carry the American flag onto the high seas must, under our navigation laws, ignore all bargains and pay from 15 to 25 per cent. above the general market price to an American shipbuilding monopoly for a vessel. The patriotic citizen who attempts competition on the high seas with every prospect of dividends discounted 25 per cent. in advance, soon yields to the cold, unsympathetic environments of unhampered rivalry and anchors his enterprise over the dead line of bankruptcy. [Applause.] No wonder that in the great ocean trade are seen flaunting in proud rivalry against every sky the flags of all nations but our own.

An interest that but for the hostility of our own laws should represent a billion dollars of American capital is made subservient to an inferior interest of less than a half dozen million pampered into insolent helplessness by Government favor. Not a man who advocated this bill before the committee that reported it favored the liberation of trade. Every one expressed his preference for an obstructive tariff and several advocated absolute prohibition. One professional jaw-smith, who came as the self-appointed messenger of American labor wanted a Chinese-wall tariff, and subsidized ships to carry cargoes one way and ballast the other. [Laughter and applause.]

Another economic crime, involving unmixed waste of our national resources and additional impoverishment of our national revenue, is advocated in the name of American labor. American labor has for twenty-five years been plundered, its opportunities have been narrowed, its environments rendered more harsh and inflexible, its earnings confiscated and its future mortgaged away, all in the sacred name of American labor. Now American labor is again to be made the horse of Ulysses to steal a new body of Greeks into the national Treasury to feast on the sweat of American labor. [Applause.] The pretense that this bill is in the interest of American labor is the stale resort of every loafer who wants his private interests fed from the public Treasury. [Applause.]

But suppose that, despite the apparently insurmountable obstructions of our tariff and navigation laws, your dreams of foreign commercial conquest under this bill are realized and at the end of ten years our ocean traffic shall have increased tenfold? It is the vice of all such measures that the charge on the public Treasury increases just in proportion that their alleged objects are attained. If the prophecies of the advocates of this subsidy are measurably fulfilled it will take $30,000,000 per annum out of the public Treasury at the end of ten years. Is any man credulous enough to believe that the interests thus licensed to appropriate vast sums of the national revenues will yield back to the Government such a franchise until it has exhausted every resource of fraud and corruption to retain it?

The history of subsidies in our country furnishes us with hints of what may be expected if this measure is ever placed on the statute-book. Not seventeen years ago an investigation in the House showed that the president of one of our steamship companies, through his agent, expended nearly $1,000,000 to procure a subsidy for his line. One member of Congress found himself in possession of $300,000 for which, by reason of defective memory, he was unable to account. [Laughter.] The Postmaster of the House, then a member-elect, found that pressing business required his presence in Canada. [Laughter.] The atmosphere of the Capitol literally reeked with the foul odors of subsidy scandals until overborne by the yet more shameless disclosures

of the Crédit Mobilier debauchery which likewise arose out of a corrupt appropriation of the public lands and public credit to private corporations. [Applause.]

Pass this bill, unloose this tiger, then chain him again if you can. License this interest to prey on the public revenues and it will overawe your Congress and laugh at the limitations in your law. It will sacrifice millions to renew its lease and perpetuate its power. It will lay every agency within reach under contribution. It will subsidize party organizations, dictate party platforms, shape party policies, control conventions, command nominations, and enlist every venal newspaper in the land in its service. It will elect Presidents, choose Representatives, and invade your State capitals to purchase its tools into the United States Senate. It will project its debauching influence into every department of the Government and infect with its leprous corruption every fiber of our national life. It will never yield back a franchise worth millions a year until after a struggle that will test every public virtue and shake the foundations of the Republic. Accepting your own predictions as to the immediate effects of this bill, you still count without its certain though more remote and fatal consequences. [Applause.]

For the details of this bill, Mr. Chairman, I care nothing. In these the bill is probably as good as anything essentially bad can be. Not the mask of patriotism, the enticements of statistics, nor the garniture of exuberant prophecy can redeem the scheme from its organic vice. The general principle underlying the whole subsidy system is inherently vicious and constitutionally alien to our institutions. No genius can give it grace, no magic can impart to it righteousness. Its only redeeming feature at this juncture of our national life is that it hastens the inevitable hour for the compulsory choice between a restoration of the General Government to its few and simple functions as ordained by the fathers on one side and a complete resolution of that Government into the numberless functions of universal state socialism on the other. [Applause.]

If under your dragnet, "general welfare" construction of the Federal Constitution we to license the beneficiaries of the pending and kindred measures are to feast on the bounty of the Government, we might as well conform ourselves to the inexorable consequences of our paternal doctrines. The general welfare requires that every man, woman, and child in the land should have an abundance of food, clothing, and shelter. This consideration is paramount to commerce on the ocean or dividends to steamship companies. Your phalansterian creed can not be employed to enrich the few at the expense of the many and be held within those bounds. The claims of the whole are superior to those of any of its parts. Even now you are at the parting of the ways. If the cane-grower of Louisiana, the beet-raiser of Nebraska, the sap-tapper of Vermont and the shipbuilder of Maine are to hold banquets in the vaults of the public Treasury and feast on the public revenues, you might as well prepare to welcome the corn-burner of Kansas, the sooty coal-miner of Indiana, the locked-out iron-worker of Pennsylvania, and the famishing agriculturist of New England to the sweet delights of your statutory festivities. [Applause.] No hackneyed maxim nor subtle distinction can avail. Your partial, one-sided communism and your bogus, left-handed socialism are but finger-boards along the steep descent to beatified St. Simonism. Along that route there is no camping ground. You must choose to rush on to the goal or retrace the course. The wail of the few for luxuries from the public table heralds the demand of the many for daily bread. Greed can not forever invoke the statutes it has purchased or the constitutions it has mangled to protect its gold from the forces of its own creation. Come on with your millennium of universal prosperity by statute and universal riches by taxation, or dissolve your corrupting and debauching partnership between the Government and favored private interests and give us back the ideal of the fathers in a sturdy, self-reliant, self-helping, and self-respecting individualism as the crown jewel of American politics, the settled and perpetual type of American civilization. [Long-continued applause.]

During the delivery of the foregoing remarks, when the time of Mr. SHIVELY had expired,

Mr. SHIVELY said: A few minutes more, please.

Mr. BLAND. I hope unanimous consent will be given to allow the gentleman to proceed.

Mr. HOLMAN. I hope there will be no objection.

Mr. CLEMENTS. I would be glad to yield the gentleman more time, but there is no further time on this side. I hope the gentleman will be allowed to proceed.

Mr. McCOMAS. I have already yielded twenty minutes of our time to the gentleman from Georgia.

Mr. SHIVELY. I will close in a few minutes.

Mr. CANNON. I ask consent that the gentleman be allowed two minutes longer.

Mr. HOLMAN. I hope he will be granted ten minutes, if necessary.

Mr. CANNON. I ask unanimous consent that the gentleman have five minutes.

Mr. SHIVELY. I trust I may be allowed to finish my remarks. I shall get through in five or six minutes.

Mr. CANNON. Very well; I will make it seven minutes.

Mr. McCOMAS. I ask unanimous consent that the gentlemen be allowed five minutes additional.

The CHAIRMAN. The time for debate has been limited by the House; but if there is no objection the gentleman will proceed.

When Mr. SHIVELY had continued his remarks for five minutes further,

Mr. McCOMAS said: I yield one minute more to the gentleman from Indiana.

Mr. SHIVELY then resumed and concluded his remarks as already given.

The CHAIRMAN. The time allowed for debate in opposition to the bill has been exhausted. Of the time in favor of the bill there remains one hour and fourteen minutes. The gentleman from Maryland [Mr. McCOMAS] is recognized.

Mr. McCOMAS. Our time remaining was one hour and twenty minutes, I believe. I yielded only one minute to the gentleman from Indiana.

The CHAIRMAN. The gentleman yielded five minutes previously.

Mr. McCOMAS. That was by unanimous consent.

Mr. CLEMENTS. It was understood that the five minutes were granted by unanimous consent and should not be charged to the time of the gentleman from Maryland.

The CHAIRMAN. The House having fixed the limit for general debate, the committee can not change it.

Mr. McCOMAS. I did not yield those five minutes, although they are gone. The time of this side, I submit, is one hour and nineteen minutes.

Mr. CLEMENTS. I think it is right that those five minutes should not be counted against the time controlled by the gentleman from Maryland.

The CHAIRMAN. If no member of the committee objects, of course the Chair will not.

Mr. CLEMENTS and others. There is no objection.

Mr. McCOMAS. Mr. Chairman, I shall confine myself very briefly to the only three matters adverted to this morning which relate to this bill. My colleague on the committee, the gentleman from Georgia [Mr. CLEMENTS], made yesterday forcible objection in cogent argument to the appeal of the working people of this District for free schoolbooks; but that matter can better be discussed under the five-minute rule, when we reach that paragraph of the bill.

The gentleman from Arkansas [Mr. ROGERS] made one reference to this bill; and to that part of his speech only will I give attention. He complained of the high price paid for sweeping the streets of this District and wondered why it was that no effort had been made to reduce the amount paid. I will tell the gentleman and the committee why the present price is paid and what effort has been made in this House and by the present Appropriations Committee to secure the doing of the work at a lower price.

The appropriation act for 1885, reported to this House by a Democratic committee when a majority of the House was largely Democratic, embodied a provision—

For sweeping, cleaning, and sprinkling the streets and avenues, etc.: *Provided*, That hereafter—

Making it permanent law—

contracts for cleaning the streets and alleys may be made for periods not exceeding five years, and subject to annual appropriations thereafter by Congress.

The Republican Committee on Appropriations of this Republican House, with the assent and co-operation of our Democratic colleagues on that committee, endeavored to undo this error of a Democratic House in a Democratic bill; and in the last annual appropriation bill, as it passed this House, on page 15, will be found a rider that we attached to the appropriation for sprinkling, sweeping, and cleaning the streets, in the following language:

Provided, That no expenditures hereunder shall be made at a price higher than 30 cents per thousand square yards.

It had happened that under the Democratic law, put as a rider on the appropriation bill to which I have already referred, contracts had been let, and there was then and there is now running a contract for five years which will not expire for one year and a half beyond the period of this appropriation bill, a contract to pay at the rate of 35 cents for each thousand square yards. When this Republican House passed this proviso to undo that Democratic work of extravagance, we were finally met by the contract running for five years, and the threat that the contractor would take advantage of that Democratic provision in this law attached to the bill of 1885 and go into the Court of Claims and recover the money.

Mr. ROGERS. Would it disturb the gentleman from Maryland to ask him a question?

Mr. McCOMAS. Not if it is brief.

Mr. ROGERS. Bearing right on the bill.

Mr. McCOMAS. On this point?

Mr. ROGERS. Precisely, and a business point. I am not going to talk about anything else.

Mr. McCOMAS. I yield for that question.

Mr. ROGERS. The gentleman from New York stated on yesterday,

as appears from page 1342 of the RECORD, and not denied by the gentleman himself, or by anybody else——

Mr. McCOMAS. Let us have the question.

Mr. ROGERS. I am coming to it instantly. He stated that the contractors conspired to put up the contract price. Now, if that fact be true, can these parties who conspired to rob the Government stand in any court of justice on a contract of that sort?

Mr. McCOMAS. In my judgment they can not.

Mr. ROGERS. Did you investigate that matter before the committee?

Mr. McCOMAS. I investigated the matter as best I could and endeavored to find the truth of the allegation; and the gentleman from New York gave no clew and said he knew nothing, and we could find none, because I suppose such a bargain, if made at all, is always done in a corner; and we endeavored, therefore, to meet it outright by cutting down the pay, and we did it in this House, and only finally yielded to the contract, passed under a Democratic law in a Democratic House in 1885.

Mr. ROGERS. Did my friend give the gentleman from New York an opportunity to put the evidence on which he based his statement before the Committee on Appropriations?

Mr. McCOMAS. He has had a year and a half to do it, and has the remainder of this session, and said he had no evidence, and says so now.

Now, as to the point made by my colleague from Pennsylvania [Mr. MUTCHLER] as to the revenues of the District. I hold in my hand a statement which is the same, given by the same officer, the auditor of the District, to my colleague from Pennsylvania, and in view of what has happened I desire the House to look at this carefully and examine these resources of the District. I read from a letter, to which the gentleman no doubt referred, from Mr. Petty, the auditor of the District, dated July 26, 1890, in which he says that the actual revenues for the fiscal year 1890 were in excess of the estimated revenues to the amount of one hundred and twenty-eight thousand and odd dollars. The estimates for the year 1891 are the figures with which my colleague dealt; and if the actual receipts should exceed the estimated revenues in the same amount for 1891 that it did exceed it in 1890, then there would be no deficit whatever upon the annual appropriation bill.

Mr. SAYERS. Will the gentleman yield for an interruption?

Mr. McCOMAS. In a moment.

And secondly, Mr. Chairman, we have had the advantage of one-half of the year of the actual receipts of the District of Columbia wherewith to compare the estimate, and I find they bear this relation to the estimated revenues: The actual receipts for the six months are $1,328,-101.22, which doubled makes $2,656,202.44. Adding the surplus in the Treasury on July 1, 1890, $105,512.53, as stated by the gentleman from Pennsylvania, we have a total of $2,761,714.97, being the one-half of the total appropriations carried by the bill—that is, the half paid by the District of Columbia, the other being paid by the United States—the total doubled making $5,522,429.94; and the actual appropriation bill of which I spoke a year ago, and about which I made prediction a year ago that there would be little deficit if any, was only $5,560,534.97 as it passed and became a law, leaving only an apparent deficit of $38,107.03, one-half of which, about $19,000, is the only apparent deficit of the District of Columbia; and, if the total receipts of the District grow with the growth of the city as they have done heretofore, they will largely exceed it; for I find now in the first six months of 1890 that $1,264,627.54 were collected, whereas the sum collected in the first six months of this year is considerably in excess of that figure, and, if you take the growth of the city, the collections for the next fiscal year ought to increase in the same proportion.

One thing further, and then I will yield to my colleague from Texas for an interruption. It appears that in the second half of 1890 the receipts of this District exceeded the first half of the year in the sum of about $65,000, and if the second half of 1891 exceeds the first half in like manner there will be about the same increase, which will wipe out this little apparent deficit of eighteen or nineteen thousand dollars at a like rate of increase of the $65,000 in the second half of the year over the collections in the first half of the fiscal year 1891.

Now, one thing more in that connection. The gentleman has spoken of the Zoölogical Park and the annual appropriation for the National Park. I have here a letter, which I will send to the Clerk's desk to be read, which very nearly disposes of the main item of $150,000 deficit to which my colleague from Pennsylvania [Mr. MUTCHLER] adverted a moment ago.

The Clerk read as follows:

JANUARY 16, 1891.

SIR: In response to your verbal inquiry of this date I have the honor to state that I have been informed by Capt. W. T. Rossell, executive officer of the Rock Creek Park Commission, that very little, if any, of the appropriation will be used between now and the 30th of June next. In that event the $150,000 which, under the terms of the act establishing the park, might be charged against the revenues of the District of Columbia during the present fiscal year, will, of course, not be required.

Very respectfully,

J. T. PETTY,
Auditor, District of Columbia.

Mr. McCOMAS. There is a sum of nearly $150,000 which will not be expended out of the District of Columbia appropriation. In all probability $8,000 or $9,000 only will be expended in this current year, out of the total of $150,000. I observe in the estimates and in the amount of expenditures for the Zoölogical Park, that up to this time, one-half of the fiscal year, the total expenditures out of the $92,000 have only been some $17,000. It may be that the balance will be expended, and it may not be, in the remainder of this year.

And now I come to the inquiry of my friend from Texas [Mr. SAYERS] with respect to the sinking fund.

Mr. CLEMENTS. Before the gentleman leaves the matter of the park, I desire to make this suggestion. The manner in which he disposes of the $150,000 alluded to by the gentleman from Pennsylvania [Mr. MUTCHLER] applies to the use of that money during this fiscal year, ending June 30 next.

Mr. McCOMAS. Yes, this current year.

Mr. CLEMENTS. That would still leave $150,000 for the next year for which this bill makes appropriation.

Mr. McCOMAS. Or some part thereof. The $150,000 here referred to is an abatement of the expenditure of this current year, and there will be $150,000, or so much of it as may be needed, in the next succeeding fiscal year. Now, my colleague on the committee, the distinguished gentleman from Texas [Mr. SAYERS] has asked me with respect to the sinking fund and the condition of that fund, and I shall tell the House briefly about it.

Mr. SAYERS. If my friend will allow me, what I desire the gentleman to explain is in reference to the bonded indebtedness of the District and what provisions have been made in order to meet the debt which matures on the 1st of July, 1891, something over $3,000,000.

Mr. McCOMAS. I shall endeavor to give a satisfactory answer to that question. The history of the sinking fund of the District of Columbia begins in the year 1818. I shall not follow it down through the various acts, but probably can satisfy the inquiry of my friend by reminding him that in the year 1878, when the organic act took charge of the District of Columbia here, the various provisions of the sinking fund seem not to have been wholly complied with, and the Treasurer of the United States made a recommendation that in lieu of the provisions as to the sinking fund contained in various acts, to which I shall not now advert, there should be a permanent annual appropriation of $1,155,000 to pay interest and maintain a sinking fund, which amount he estimated, on the basis of 4 per cent. per annum, would be sufficient to extinguish the debt of the District upon the maturity of the 3.65 bonds in 1924.

Now, Congress adopted the recommendation of the Treasurer and appropriated for interest and for the sinking fund in several years thereafter. In the year 1880, by the act of June 16, 1880, an additional issue of these funds was authorized by Congress, and an estimate for the sinking fund on the new basis was made for Congress. Thereupon Congress appropriated the sum of $1,213,947.97 for the year 1882. That precise sum has been included and appropriated for in every appropriation bill from that day to this, for that same amount; and for the water fund, in various statutes which I shall not here recapitulate, further sums have been added, and the interest thereon, and that is the extent of the authority and scope of power of the Appropriation Committee with respect to the sinking fund of the District of Columbia, namely, to appropriate $1,213,947.97 and the interest on the debt of the District of Columbia annually.

Mr. SAYERS. But, if the gentleman will allow me——

Mr. McCOMAS. I am coming to my friend's question. Of course as it is beyond our power under the rules of the House to legislate for the District of Columbia, all we can do is to provide out of these funds, according to the laws I have here recited, for the annual sinking fund and the additional fund for the water service provided by the several acts of March 3, 1879, of March 3, 1881, and of March 3, 1883, and that has been fully done. Now, to answer my colleague's further question, the present state of the bonded debt——

Mr. SAYERS. I wish to interpose a question right there before you get on that branch of it. I notice from the report of the Secretary of the Treasury that our bonded debt on July 1, 1878, amounted to $22,-106,600.

Mr. McCOMAS. And I was about to state I think I can answer the gentleman's question. I anticipate the question and can answer it here. The gentleman is talking about the bonds falling due.

Mr. SAYERS. You spoke in reference to the sinking fund.

Mr. McCOMAS. Yes, sir.

Mr. SAYERS. I want to show you that, notwithstanding, as you say, more than a million of dollars have been appropriated annually for the sinking-fund purposes, from the 1st day of July, 1878, until July 1, 1890, only $2,325,600 of the debt has been reduced.

Mr. McCOMAS. Now, Mr. Chairman, I was coming to that. If my friend will turn to the acts that I have named he will find that the debt of the District of Columbia, by the issue of more 3.65 bonds and by providing for a large, expensive, and wasteful water tunnel, and other items, has been largely increased, and in my opinion has not been rapidly enough reduced, and I fought a year ago to prevent the addition of further floating debt in this District for that reason. The total sum, the debt of $22,106,650, has been reduced by the operation of the sinking fund, and from other causes, in the sum of $4,363,-

850; but there remains $19,781,056, and the net reduction from all of these sources, taking into consideration the water service and the like, is $2,325,600.

Now, Mr. Chairman, there follows also the recommendation made in this year's report by the Treasurer of the United States, who is the custodian of this water fund, in which he recommends to Congress that it shall provide for a sum of $2,700,000—not a sum of $3,900,000, as my colleague had supposed, because part of the bonds maturing will be provided for by the sinking fund. But he recommends that Congress now provide $2,700,000 to be refunded in bonds of two years at the rate of 4 per cent., taking the place of so much falling due in July, 1891, or that there be a deferred payment in six years with an abatement of interest whereby there will be paid only 3 per cent.

I have been informed by gentlemen on the Committee on the District of Columbia, whose province it is to legislate with respect to that recommendation of the Treasurer, which is also concurred in by the Secretary of the Treasury in his annual report, that they intend to or are going to bring in a bill providing for either a deferred payment of interest or a bill that provides for the issuing of bonds for several years at a lower rate of interest; whether it be 2, 2½, or 4 per cent. is a matter of discretion and determination which will be in the province of that committee of this House.

If that should fail to be done or if they should fail to do what they say they will try to do, I should be glad with my colleague to ask a waiver of the rules of this House, and before this appropriation bill goes through between the House and the Senate to put a provision in the appropriation bill in defiance of rules, if they fail to perform their function as a committee. But I have no right to assume, and I will not, nor will my colleague, that that committee will not endeavor to do what they say they will do or what gentlemen on that committee say they will speedily do in that committee, whose duty it is, and then it will be provided for.

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has consumed twenty-two minutes of his hour and nineteen minutes.

Mr. McCOMAS. I yield five minutes to the gentleman from Massachusetts [Mr. MORSE].

Mr. MORSE. Mr. Chairman, as an offset to the free-silver speech of the distinguished Democrat from Arkansas [Mr. ROGERS], in favor of a debased currency, in which he speaks for the Democratic party, I desire to send to the Clerk's desk and have read some resolutions offered by Mr. Quincy, the leader of the Democratic party in the Massachusetts Legislature, day before yesterday. I predict, Mr. Chairman, that when these resolutions reach consideration in the Massachusetts Legislature they will pass unanimously; not a Democratic member will dare to vote against them. Men of all parties in Massachusetts believe in honest money. They believe in a dollar with a hundred cents, and no part of it fiat; and I say further that not a Democrat could have been elected from Massachusetts as a member of the next Congress who declared himself in favor of a debased currency or in favor of free silver. The State was carried against the Republicans in the recent campaign by misrepresentation and falsehood.

It was denied on the stump in Massachusetts in the late campaign, as claimed by the gentleman from Arkansas, that the Democratic party stood for debased currency and for free silver.

The provisions of the McKinley bill were shamefully misrepresented, peddlers were employed to pretend to offer to sell goods, and when the tremendous price asked was complained of the people were told that it was the effects of the McKinley bill. As a specimen lie the laboring men were told that the poor man's house would cost him more now because the McKinley bill doubled the duty on lumber (it reduced it one-half), and that lie was repeated night after night in my district, and the misrepresentation of the true position of the Democratic party upon the question now under consideration was a part and parcel of the campaign of lying, falsehood, and misrepresentation by which Massachusetts elected a Democratic governor and a majority of Democratic Congressmen to the Fifty-second Congress.

The truth is dawning upon the people of my State, Mr. Chairman, but I fear too late to prevent the appalling financial disaster sure to overtake the country at the meeting of the next Congress unless a Republican President shall interpose a veto.

The Clerk will please to read the resolutions.

The Clerk read as follows:

RESOLUTIONS OF THE LEGISLATURE OF MASSACHUSETTS FOR SOUND MONEY.

Resolutions introduced by Mr. Quincy, of Quincy:

"Resolution in favor of the maintenance of the bimetallic standard of value, and against the debasement of the currency through the free coinage of silver.

"Whereas the people of this Commonwealth, without distinction of party, are generally opposed to any legislation which will lead to the debasement of the Federal currency and the substitution of a single depreciated standard of value, based upon silver, for the present double standard, based upon gold and silver circulating at a parity; and

"Whereas such legislation, while injurious to the whole community, would bear with especial hardship upon the wage-earning masses of the people; and

"Whereas the free coinage of silver, as proposed by a measure now pending before the Senate of the United States, would bring about these results in a comparatively short period of time, destroying the chances of securing an international agreement for maintaining gold and silver at a parity, threatening the ability of the Treasury to maintain gold payments, and thus carrying gold to a premium and withdrawing it from the currency:

"*Resolved*, That we hereby declare our opposition to the free coinage of silver and protest against the passage of such legislation by Congress.

"*Resolved*, That these resolutions be communicated to Congress, and that a copy thereof be transmitted to each of the Senators and Representatives in Congress from this Commonwealth."

Mr. McCOMAS. I yield the remainder of my time to the gentleman from Virginia [Mr. LANGSTON].

Mr. LANGSTON. Mr. Chairman, how much time have I?

The CHAIRMAN. The gentleman has fifty-two minutes.

Mr. LANGSTON. If there is anything that I would gladly see, it is "Our country first on land, and first on sea," and it is natural for me, coming into this body, as I do, from the Old Dominion that gave life to Washington and birth to Jefferson to come with the sentiment I have just expressed. I have seen American masters of ships wronged in foreign countries, and finally successfully defended by the Government through the vigorous and manly efforts of our representatives abroad. I recollect among the very last things that occurred when I had the honor of representing this Government abroad was this fact, first, that an old shipmaster said to me in our legation, "When you go home, if you ever have the opportunity to say a word for us, say it, say it freely and say it positively, and so emancipate us, that on the great sea, as well as at home, we may feel the consciousness that we are Americans."

I promised that shipmaster that if ever I had the opportunity of speaking for our shipping I would do it, and do it fearlessly and thoroughly. One of these days, in this august body, I trust that I shall have the opportunity of saying a word. But how can we make our land and our Government great in the estimation of others, except as finally we plant ourselves as a nation on those fundamental, far-reaching, eternal principles underlying all democracies and perpetuating all republics?

I would speak to-day to you, not in any other wise than as I would defend the Constitution of my country, planting myself on those doctrines of the Declaration so clearly and forcibly enunciated in these words:

> We hold these truths to be self-evident: that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed.

Ah, Mr. Chairman, the day has come to us now when we are to recur in our thoughts and reach in our purposes those olden times of this Republic when our fathers built, as Christ did, "on the rock," that His church might stand, and now that our Government may stand.

Why, the feeling in the country seems to be to-day that silver is the thing; and a man said to me the other day, when the silver bill had been laid aside for the time being, "Ah, sir, your cause has been sold for thirty pieces of silver."

Mr. JOSEPH D. TAYLOR. The "elections bill," you mean, was laid aside.

Mr. LANGSTON. Yes; I mean when the election bill was laid aside. But I said: "Not so, sir, for we live in the United States of America, in the midst of schoolhouses, in the midst of schools, in the midst of churches, in the midst of Christians, and we have built our nation on other material than that which shall find any class of our population, politicians or statesmen, finally willing to sell the cause of liberty, the rights of the humblest citizen of our Government, for anything like a compromise, even in silver." [Applause on the Republican side.]

Why, on what are we built and where do we go? Our nation is built first on those fundamental laws given in the midst of the flame and smoke of Sinai, and across the gateway of the old Mosaic system it was written, "He that stealeth a man and selleth him, or if he be found in his hands, he shall surely die;" and in the light of this law slavery has gone. We find that there was in the same law, enunciated so clearly and so beautifully by Him "who spake as never man spake," the maxim that "Whatever you would that men should do unto you, do ye even so unto them." And we built on that afterwards. But here is the declaration which we have built on, and that is this Constitution, which we have amended, not because it needed amendment, but that there might be no mistake as to the question of whether a black man might be free or slave; whether he should continue ignorant and a discredit to you by having been born in this country. In his nativity he finds the fact that he is an American, and the law must protect him in that character. [Loud applause on the Republican side.]

But my friend on the other side of the House the other day referred to what was done in 1815. He alluded to the fact that great men moved in that day, and I watched for him to come down to the position of General Jackson on the negro question, because I wanted to hear him on that; but he tarried at the Hartford convention and did not come on down to the victory that was won at New Orleans, when the great general of that day called his troops about him and gave utterance to sentiments that the negro loves and some men hate even up to this hour. [Applause on the Republican side.] Ah, General Jackson was not a bad man, although he was a Democrat in some senses of the word. [Laughter.]

I would that the Democrats of the United States would accept the doctrines of that great and venerable man who, firm and true to the last, was able to see, beyond a curl of a man's hair and beyond the color of his face, the fact that he was a man and the fact that he could be a patriotic American. [Applause on the Republican side.] Now, if you will permit me I will read a few words from the utterance of that distinguished man on this subject, to show that he could call us citizens of the United States, American citizens, and, in addressing us, could use language which became the lips of a brave and valiant American general—

Soldiers—

He says, in addressing his black troops after the war—

soldiers, when on the banks of the Mobile I called you to take up arms, inviting you to partake the perils and glory of your white fellow-citizens—

Ah, my white fellow-citizens on the other side of the House [laughter], and my white fellow-citizens on every side of the House, and my white fellow-citizens in every section of the country, black as we are no man shall go ahead of us in devotion to this country, in devotion to its free institutions, for we hold our lives, our property, and our sacred honor in pledge to the welfare of our country and of all our fellow-citizens. [Applause on the Republican side.] Do you want men to fight; call us and we will come. Do you want men to tarry at home and take care of your wives, take care of your children, take care of your homes and protect your interests; call on us. And when the time is past, if you can find a negro who has betrayed you in a single case put your finger on him and we will aid you in lynching him. [Applause.] But he can not be found.

Oh, no. What a wonderful chapter that is, that the men who lived near where General Jackson uttered these words, in the State of Louisiana, and in the States of the South, all along the line of battle, could go away leaving everything in the hands of the negro and come back and find that it had been guarded, thoroughly protected. For that alone, if for no other reason, the negro might well be accorded the freedom and justice that are his right, and he would be if those men had only been fair and true to him. Now, you see, General Jackson calls us your "fellow-citizens" by referring to the white man as our "white fellow-citizens." [Laughter.] That certainly is legal and logical. He says further:

I expected much from you, for I was not ignorant that you possessed qualities most formidable to an invading enemy. I knew with what fortitude you could endure hunger and thirst and the fatigues of the campaign. I knew well how you loved your native country—

"Your native country." Oh, yes; this is our native country. We do not have to go abroad to find our native country, for Jackson has told us we need not go. Some men want us to go to Africa and to the isles of the sea, but, blessed be the name of this grand old Democrat, he has taught us another lesson; he has taught us that this is our home; and in the name of Jackson, whose shade is about me now, I declare in this sacred place that we are here to stay and never will go away. [Laughter.] Why, we can not go. How can I get out of this country?

I undertook to leave Virginia, and the first thing I knew I was back there. I moved away and located in Ohio, but I could not stay. I came to the District of Columbia, but I could not stay here. I went abroad, but I could not stay there. When I returned and undertook to go away again, by a curious adjustment of Providence I found myself in Virginia; and to-day, by a curious adjustment of Providence, I find myself standing in this august and wonderful presence. We can not control ourselves in these things.

Do you think that the negro would have come to this country to find slavery when the white man came here to find liberty? Yet, when the white men were landing on the eastern shores of the continent and beginning to build our nationality, the negro came in chains to the southward; and, as the white men became great in numbers, the negroes multiplied, until finally, in the great struggle for liberty, when, in its far-reaching and broad sweep slavery had stricken down the liberties of the people, and the fight had to come, the negro, in the midst of the thunder of the great contest, is called from his slumbers, comes forth from his rags a free man, and enters upon real life the equal of his white fellow-citizen. [Applause on the Republican side.] Here we are and here we are to stay. And I give my Democratic friends warning that they may oppress us as much as they will, but still we shall remain. Abuse us as you will, gentlemen, we will increase and multiply until, instead of finding every day five hundred black babies turning up their bright eyes to greet the rays of the sun, the number shall be five thousand and shall still go on increasing. [Laughter and applause.]

There is no way to get rid of us. [Laughter.] It is our native country.

And that you as well as ourselves had to defend what man holds most dear, parents, wife, children, and property. You have done more than I have expected. In addition to the previous qualities I before knew you to possess, I found among you a noble enthusiasm which leads to the performance of great things.

And we will not disappoint you in that.

Soldiers! the President of the United States shall hear how praiseworthy was your conduct in the hour of danger, and the representatives of the American people will give you the praise your exploits entitle you to. Your general anticipates them in applauding your noble ardor.

We are simply fellow-citizens. We have always been fellow-citizens. We are nothing but fellow-citizens to-day, and fellow-citizens in permanent residence in this our native country.

But this is not the only testimony. I can offer on this subject Southern testimony which goes further than this. Gentlemen are very timid about us; not only timid, but anxious. But where do you find the very first judicial opinion, broad and comprehensive, recognizing the negro of this country not only as a citizen, but as an elector? Suppose I should state here, Mr. Chairman, that in this matter we must follow the lead of the South? Suppose I should say that as a matter of fact the enunciation in that behalf, clear and distinct, was made not by a Northern judge, but by a Southern judge, and that this judge was the first lawyer of the State of North Carolina? I will say so; and I will astonish you by reading (if you have not read it) from the learned opinion of Chief Justice Gaston, as given in the case of the State *vs.* Manuel. A negro boy, having assaulted a white boy, was brought to trial and found guilty; the punishment adjudged was thirty-nine lashes at the whipping post.

A young white lawyer said to gentlemen of Fayetteville, N. C.: "Raise a little purse and I will take this case before the supreme court of the State; I will ask Judge Gaston to pass on the case, and I believe he will decide that no colored man, even though born a slave, if subsequently emancipated, as Manuel has been, can be punished at the whipping post, because by reason of his nativity he is an American citizen." The money was raised and the case carried to the supreme court. Judge Gaston sat in that case and delivered the opinion. Now, what do my Democratic friends think he said? Mark you, I read from the opinion of a North Carolina judge. Listen:

According to the laws of this State (North Carolina) all the human beings within it who are not slaves fall within one of two classes. Whatever distinctions may have existed in the Roman laws between citizens and free inhabitants, they are unknown to our institutions. Before our Revolution all free persons born within the dominions of the King of Great Britain, whatever their color or complexion, were native-born British subjects; those born out of his allegiance were aliens. Slavery did not exist in England, but it did in the British colonies. Slaves were not, in legal parlance, persons, but property. The moment the incapacity, the disqualification of slavery was removed, they became persons, and were then either British subjects or not British subjects, according as they were or were not born within the allegiance of the British King.

Upon the Revolution no other change took place in the laws of North Carolina than was consequent on the transition from a colony dependent on a European king to a free and sovereign State; slaves remained slaves; British subjects in North Carolina become North Carolina freemen; foreigners, until made members of the State, remained aliens; slaves manumitted here became freemen, and therefore, if born within North Carolina, are citizens of North Carolina, and all free persons born within the State are born citizens of the State. The Constitution extended the elective franchise to every freeman who had arrived at the age of twenty-one and paid a public tax, and it is a matter of universal notoriety that under it free persons, without regard to color, claimed and exercised the franchise until it was taken from freemen of color a few years since by our amended constitution.

North Carolina started this doctrine and we accept it.

And on this question of citizenship, allow me to read the opinion of Hon. Edward Bates, given by him as Attorney-General of the United States, in 1862, in response to the question propounded by the then Secretary of the Treasury, Salmon P. Chase, "Are colored men citizens of the United States, and therefore competent to command American vessels?"

1. In every civilized country the individual is born to duties and rights, the duty of allegiance and the right to protection; and these are correlative obligations, the one the price of the other, and they constitute the all-sufficient bond of union between the individual and his country, and the country he is born in is *prima facie* his country.

2. And our Constitution in speaking of natural-born citizens uses no affirmative language to make them such, but only recognizes and reaffirms the universal principle, common to all nations and as old as political society, that the people born in the country do constitute the nation, and, as individuals, are natural members of the body politic.

3. In the United States it is too late to deny the political rights and obligations conferred and imposed by nativity, for our laws do not pretend to create or enact them, but do assume and recognize them as things known to all men, because pre-existent and natural, and therefore things of which the laws must take cognizance.

4. It is strenuously insisted by some that "persons of color," though born in the country, are not capable of being citizens of the United States. As far as the Constitution is concerned, this is a naked assumption, for the Constitution contains not one word upon the subject.

5. There are some who, abandoning the untenable objection of color, still contend that no person descended from negroes of the African race can be a citizen of the United States. Here the objection is not color, but race only. * * * The Constitution certainly does not forbid it, but is silent about race as it is about color.

6. But it is said that African negroes are a degraded race, and that all who are tainted with that degradation are forever disqualified for the functions of citizenship. I can hardly comprehend the thought of the absolute incompatibility of degradation and citizenship; I thought that they often went together.

7. Our nationality was created and our political Government exists by written law, and inasmuch as that law does not exclude persons of that descent, and as its terms are manifestly broad enough to include them, it follows inevitably that such persons born in the country must be citizens unless the fact of African descent be so incompatible with the fact of citizenship that the two can not exist together.

Being citizens, being electors, we are confronted to-day as distinctly as in 1861–'65 with the question of slavery or freedom, with the question whether every American citizen may wield the ballot in this country freely and according to his own judgment in the interest of the welfare of our common country. It does not matter how black we are; it does not matter how ignorant we are; it does not matter what our race may

be; it does not matter whether we were degraded or not; the question presented to-day under our amended Constitution, as under the Constitution without amendment, is, shall every freeman, shall every American citizen, shall every American elector in the North and in the South, everywhere in the country, be permitted to wield a free ballot in the interests of our common country and our free institutions? [Applause.]

Here lies the difference: The old Democratic party used to maintain that this right should be accorded to every American citizen; the new Democratic party is fighting it. But, thank God, the genuine Americans—mainly found in the Republican party—some few in the Democratic party, but through mistake [laughter]—are standing up bravely and truly to-day to meet this question intelligently and patriotically.

"Oh," but the Democrats say, "you got beaten at the last election." In one sense we did and in one sense we did not. "Whom the Lord loveth he chasteneth." [Laughter.] We have only been chastened a little to make us more firm, and more solid, and the more certain in the high march that is before us to the "promised land" in the midst of our own homes to which God would lead us in the establishment of an all-comprehensive freedom and equality of right.

How dark it was in 1861! How dark it was in 1850! Ah! compromises were made; the great orators spoke; the great parties resolved; and the friends of freedom came well-nigh to despair. But the voice of the faithful and the true was still heard; and finally in the thunder of great guns, in the midst of terrible smoke as of the Mountain of Sinai, and in the flashes of light that made every slave in the land glad, emancipation was declared and the country was saved. [Applause.]

But, Mr. Chairman, it is sneeringly said that the Republican party laid aside the elections bill in the Senate. But it was only for a little while; it was only to take it up again; that was all. And they have taken it up now in earnest. And if the elections shall come around shortly you will see the change when the people have been forgotten who failed to do their duty in connection with the matter. Yes, they have taken up the elections bill again, and those people who yielded it for awhile, who laid it aside to address themselves to other matters, have gone back to the solid, patriotic conviction that at last liberty is the whitest and brightest jewel in the firmament, and that the greatest heritage of American citizenship is to be free. [Applause.]

Why, sir, the Democrats talk of carrying the election in 1892. How could they carry it? They could not do it by any fair means. But our Democratic friends do not talk of fair means any more. They avoid all that. [Laughter.] A gentleman who spoke the other day, and talked of free ballots and all that sort of thing, was asked against whom he made the charges. He said "The Democratic party." Why should we not so charge it under the circumstances? I would like to see somebody put his finger on something that the Democratic party has done from the beginning that looks like favoring freedom or favoring the colored men in this country, at whose friends on this floor strange words have been hurled. How peculiarly our friends are characterized! You can hardly believe the language that is used towards them. I have some of it here before me, studied, selected, written, and rewritten it must have been, but yet very peculiar language. I have read it a good many times, but I never saw anything like it before. Here is a specimen:

> Mr. Speaker, I am heartily tired and sick of this eternal cant and hypocrisy. I think the time has come to tear off the thin veil which covers it, and to express our opinions about this business and the fellows who are engaged in it.
>
> What is this bill, anyhow? It is urged on the pretense that it is necessary to secure fair elections. But every honest man of intelligence knows that that is a mere subterfuge. It originates in a section of the Union which has grown enormously rich at the expense of the West and South. It observes the development and rapid growth in political power of the West and South with ever-increasing alarm. Conscious that unity of interest will, as a matter of self-defense, ultimate inevitably in bringing about some unity of action between the West and South, this bill is thrown as a firebrand into our politics, with the hope of passing it under the spur of partisan prejudice and pressure, thereby delaying that political adhesion already approaching in other sections, and using it to perpetuate as long as possible a local advantage.
>
> Fair elections! Sir, it will be a sad day for this Republic when the people can be no longer trusted with the ballot box. Virtue is the very essence of popular liberty; but equally so is liberty the essence of public virtue. These gentlemen say they can no longer trust the States and the people with their own ballot box. They hold it has become necessary to have an army of officials, without direct responsibility to the voters, to watch, to supervise, and, if need be, to punish them. If, indeed, it be true that patriotism and public sentiment and public morals have come to this low ebb, then are we approaching that starless night into whose eternal shadows has disappeared nearly every effort at popular government which mankind, striving for higher and nobler ideas of liberty, have ever made in the history of the world. I do not believe it.
>
> I can still trust with perfect confidence the people of all or any of the States of the American Union. I had rather confide the ballot box to the plain people of the land, risk its purity to their patriotism and its safety to their hands, than trust it to any band of partisan mercenaries, with badges on their lapels and batons or bayonets in their hands, appointed by any Federal administration that ever was or shall be.
>
> Against whom, specially and professedly, is this haughty insolence directed? Against whom are these charges of fraud and crime, these burning and intolerable insults, leveled? The Democratic party. Forget not, gentlemen, that that party represents a large majority of all the people of the whole country, and a full round million majority of the white voters of the United States, the sons of the warriors and matrons who won the battles of the Revolution and laid broad and deep the foundations of the Republic. They can not be intimidated by a threat nor overawed by a menace.

There is no need to continue this. It is found on every page of the RECORD.

In this connection I wish to quote in contrast what is said so ably by the President in his last annual message:

> But it is said that this legislation will revive race animosities, and some have even suggested that when the peaceful methods of fraud are made impossible they may be supplanted by intimidation and violence. If the proposed law gives to any qualified elector, by a hair's weight, more than his equal influence, or detracts by so much from any other qualified elector, it is fatally impeached. But if the law is equal and the animosities it is to evoke grow out of the fact that some electors have been accustomed to exercise the franchise for others as well as for themselves, then these animosities ought not to be confessed without shame and can not be given any weight in the discussion without dishonor. No choice is left to me but to enforce with vigor all laws intended to secure to the citizen his constitutional rights, and to recommend that the inadequacies of such laws be promptly remedied. If to promote with zeal and ready interest every project for the development of its material interests, its rivers, harbors, mines, and factories, and the intelligence, peace, and security under the law of its communities and its homes, is not accepted as sufficient evidence of friendliness to any State or section, I can not add connivance at election practices that not only disturb local results, but rob the electors of other States and sections of their most priceless political rights.

Eight millions of people who stand behind me to-day, a few in the West and all over the South, command me to say to you that so long as there is a name akin to that of HOAR in New England we will honor and revere it because that man has been true to us in the Senate. [Applause on the Republican side]. But it would not have made any difference. We do not forget our friends.

You recollect that there was a Hoar who went South once, and he went to Charleston, S. C., going there as the agent of the great State of Massachusetts. He appeared in the name of the sovereignty of that great State as a lawyer, not to "steal negroes," but to inquire in the courts of that State as to whether it was legal for a colored citizen of the State of Massachusetts, sailing into the harbor of Charleston on a Northern vessel, to be arrested and imprisoned and adjudged a free negro and sold into interminable slavery. He was accompanied by his sweet, elegant, charming daughter, a young lady of Boston. He appeared, and very soon a committee of gentlemen of property waited on him. "What is your business here, sir?" He said, "I have come," as I have described, "in the name of the Commonwealth in which I live, to look after matters of interest to the great body of the people of our State."

"We give you, sir, one hour's notice to take your trunk and leave this city, and if you are not gone within that time we will tar and we will feather you." And at the end of that time the committee waited on him again. He was a little behind time. And, Mr. Chairman, it is recorded in history that the presence of his daughter alone saved him from their clutches.

Mr. MORSE. That is as true as Gospel.

Mr. LANGSTON. And coming around to Philadelphia a Whig national convention was in session, and this noble man of Massachusetts, this grand man, was called on for a speech. How do you think he opened his address?

> Fellow-citizens, having escaped the bloody clutches of the slaveholders of the South, I take a great deal of pleasure in addressing you.

Ah, Mr. Chairman, this spirit does not know white man or black man. All stand equal before it, as they should stand equal before the law. When I stand here to-day speaking for the cause of the people of my State, my native State, the State of Virginia, I am pleading for her people both white and black. I am speaking for white men as well as for negroes; for white men in my State are proscribed, and they are denied a free ballot, though their "locks be flaxen and their eyes blue." I might cite you to the case of a man, a friend of mine, residing in Chase City, the postmaster at that place, appointed through my efforts. He writes me:

> I can not go to the polls on election day to vote for you because I was proscribed already for my support of you. My family were proscribed, my children at the school, and we are all hated because I vote the Republican ticket.

And that is no uncommon or isolated case. But go into another county, if you will. Go with me to my beautiful city of Petersburgh. They sometimes say I do not live there, but if you will go with me down there I will show you that I do live there and live at home. [Laughter.] One man said, "I do not believe you live in Petersburgh, because you have a house in Washington." Well, unfortunately, I have got a house in Washington, because it sometimes happens that a colored man can have two houses, one in which he lives and one where he does not live. [Laughter.] White men, of course, may have three or four without question.

Mr. ATKINSON, of West Virginia. Some do not have any.

Mr. LANGSTON. That is true. But most negroes now have their own homes.

Come down there with me. Let me introduce you to a fine-looking man with splendid hair, noble face, fine bearing, the picture of intelligence. He leaves his table on election day and gets to the door of his office, where he is met and asked:

"Where are you going?"

"Going to vote."

"Are you going to vote for that fellow?"

"What do you mean?" he asks.

"Why, are you going to vote for LANGSTON?"

"Yes, I am. LANGSTON is a Republican. There is only one Republican running, and I always vote the Republican ticket. Here is my ticket. I am on the way to vote for him."

He went and voted. What was the result? The next morning at 5 o'clock, when he stepped out of his door, he found it all draped with crape. What was going to be done? Why, he voted for a Republican yesterday, and this crape was significant. What was the result? He was proscribed, his children were proscribed. They point their fingers at his children as they are on the way to school, and when they get to the school they call his children names. And I plead the cause here to-day, Mr. Chairman, not only of 7,000,000 negroes of the South, but of the white men in all the South who have accepted the principles of the fathers and dedicated their faith to Republican doctrine. [Applause on the Republican side.] And I do not apologize for it.

I appeal to any and every Democrat on this floor, if it is not true, that I state hastily here, too hastily to make myself well understood, the doctrine, first, that the white men of the South have maintained that negroes are citizens upon their nativity; secondly, the decision of Judge Gaston, who ruled that we are entitled to the elective franchise upon a property qualification in North Carolina; and then, thirdly and lastly, if it is not true to-day in the South that white men may not vote the Republican ticket with greater facility or larger freedom from proscription than negroes themselves? Oh, you ought to come down there and see it. You ought to see an intelligent, fine-looking white girl, well dressed, well behaved, bearing herself like a lady, passing along the street with a rabble of white men saying, "Your father voted for a damned negro and we will show you," and frightening that sweet American girl.

Do you like that spirit? I do not. I will never be the coward to say that I do. And I would pass bills and pile up penalties and put behind every bill soldiers until they rose to the top of the mountains and kissed the stars, to put these women and these men in the sure consciousness of their protection by law. [Applause on the Republican side.]

Now, oppress negroes if you must, but for God's sake stop oppressing white voters. [Applause on the Republican side.] Deny to the negro the ballot if you will, but for God's sake do not take the ballot from your own brothers with flaxen hair and blue eyes! And yet that is done.

Now, another speaker says, "Why don't you make Bruce President? Why don't you make LANGSTON President?" I want to plead guilty to some things here. I think we have honored Mr. Bruce a good deal. He is a splendid gentleman. He is one of the class of good-looking colored men on this continent, and you will excuse me if I tell you we have got some of the finest looking negroes on this continent that you ever saw. And then we have got so many. You think you have got millions in the United States, but go with me where I used to live when I was your representative, and let me show you hundreds of thousands there, so black on one side of the island and so light on the other, and let me introduce you to that living monument of fine appearance and culture and magnificent appointments in every respect, the man who used to be president of the Republic of Hayti.

When Rear Admiral Cooper visited me on his ship, the Tennessee, I said, "Admiral, do not you want to see a splendid man; do not you want to see the best-looking black man in the world; do not you want to see a great man, the impersonation of learning and culture, a man who many a day escorted Mrs. Dix to dinner in Paris, who towered up there in all his beauty as a gentleman admired by every representative of every foreign country?" The old admiral said, "I would like to see him." And I made arrangements whereby on the next morning, at 10 o'clock, we went to the national palace, the White House of that country, where we were received in fine style, the national band playing what they thought was our national air:

John Brown's body lies moldering in the grave,
But his soul is marching on.

[Applause and laughter on the Republican side.]

That will be your national air one of these days, in the good time coming. Our bands shall play it, our choristers shall sing it, and we as a Christian nation shall march on under the banner of the Republican party to national and local victory under the impulse and purpose which that song will awaken in our souls.

We entered the palace, and very soon we were in the presence of this magnificent man of more than 300 pounds' weight. His hair was as white as the snow, his face as black as the night, his face the face of Webster, his manner polite, genteel, and elegant, like the manner of Wendell Phillips. He was the impersonation of culture. And when I said to him in French: "Mr. President, I have the honor to present to you a rear admiral of the American Navy," the bow he made, out of his high regard for our free institutions and our noble country and our magnificent nation, was charming in the extreme.

And shortly we took the usual elegant drink of magnificent champagne without ice, as is the custom in this country. [Laughter.] When the rear admiral was about ready to go he said, "Now, minister, make my speech to the President. Tell the President that my goodly ship, the Tennessee, has carried me into the waters of every civilized nation; that I have looked into the faces of kings and queens, emperors and empresses, and the executives of all sorts of men and governments; and say to him that I seem now, in the presence of this President, to stand in the presence of the man whom we call the Father of our Country, 'First in war, first in peace, and first in the hearts of his countrymen.' I feel that I stand in the presence of Washington himself." I threw it into French, as I could then, and then these great men advanced with tears in their eyes and gave each other the warm palm; and I said to them, "Ah! gentlemen, this is the Great Republic of the North extending her warm palm in sympathy to this negro republic."

It is prophetic of what? That American influences shall prevail with reference to the negro race of this country on the continent and in the isles of the sea. We are here on the continent; we are here living on the continent as a part of a great nation. God is with us; the people are with us, and we are with you, and we are in the South to remain; coming gently towards the North, increasing day by day, to wield the ballot, the free ballot, given to us by the Government that we defended in its possession, and we will wield it to make our country great on the land and great on the sea, matchless in the ship, and matchless in industry, with mankind to applaud our magnificent pride of country, emulating the white man in our endeavors to realize the glory and distinction which the fathers knew this country would attain in the future; and to that end may God help us. [Loud applause on the Republican side.]

MESSAGE FROM THE SENATE.

The committee informally rose to receive a message from the Senate and a message from the President.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had agreed to the reports of the committee of conference on the disagreeing votes of the two Houses on the following bills:

The bill (S. 77) to provide for the construction of a public building at Portland, Oregon;

The bill (S. 1384) to provide for the purchase of a site and the erection of a public building thereon at Mankato, in the State of Minnesota;

The bill (S. 2427) to provide for the purchase of a site and the erection of a public building thereon at St. Albans, in the State of Vermont; and

The bill (S. 1354) to provide for the purchase of a site and the erection of a public building thereon at Sioux Falls, in the State of South Dakota.

The message also announced that the Senate had passed with an amendment the bill (H. R. 11098) for the relief of Lorenzo S. Coffin, late chaplain Thirty-second Regiment of Iowa Volunteers, asked for a committee of conference on the disagreeing votes of the two Houses, and had appointed Mr. HAWLEY, Mr. MANDERSON, and Mr. COCKRELL conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment House bills of the following titles:

A bill (H. R. 7119) to authorize the Secretary of War to loan certain cannon to the Saratoga Monument Association;

A bill (H. R. 7471) to provide an increase of pension to Hosea Brown, of the war of 1812; and

A bill (H. R. 7879) granting pension to Emily P. Collins.

The message also announced that the Senate had passed bills of the following titles; in which concurrence was asked:

A bill (S. 2529) granting a pension to Sarah J. Powers;

A bill (S. 2635) for the relief of Charles G. Hood;

A bill (S. 3473) making appropriations for the improvement of the Columbia River; and

A bill (S. 4697) to pension Charles W. Geddes for services rendered in the war with Mexico.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, who also announced the approval, on January 16, of an act (H. R. 1460) to authorize the Secretary of the Treasury to issue certain duplicate bonds to James E. Andrews, to replace same destroyed by fire.

DISTRICT APPROPRIATION BILL.

The committee resumed its session.

The CHAIRMAN. There yet remain six minutes for general debate on this bill.

Mr. MCCOMAS. I ask that we now proceed to the consideration of the bill by sections.

The CHAIRMAN. If there be no objection, that will be done.

There was no objection.

The Clerk read as follows:

For executive office: For two commissioners, at $5,000 each; one engineer commissioner, $424 (to make salary $5,000); one secretary, $2,160; one clerk, $1,500; one clerk, $1,400; three clerks, one of whom shall be a stenographer and typewriter, at $1,200 each; one messenger, $900; one messenger, $480; one driver, $480; one inspector of buildings, $2,400; one assistant inspector of buildings, $1,200; one assistant inspector of buildings, who shall also perform the duties of inspector of elevators and fire escapes without additional compensa-

tion, $1,000; one assistant inspector of buildings, $1,000; one clerk, $1,600; one clerk, $900; one messenger, $480; one janitor, $700; one laborer, at $1 per day, $314; one steam engineer, $900; one property clerk, $1,600; one clerk, $900; one clerk, $720; one messenger clerk, $600; one messenger, $480; three watchmen, at $480 each; one chief inspector of plumbing, $2,000; two assistant inspectors of plumbing, at $1,000 each; one harbor master, $1,200; for rent of property yards, $1,000; for arranging and indexing old records, completion of same, $1,500; in all, $44,578: *Provided*, That the accounting officers of the Treasury are authorized and directed to re-examine the accounts of the commissioners of the District of Columbia accruing since July, 1878, and prior to March 6, 1883, and credit the same with all such disbursements and expenditures made in good faith heretofore suspended or disallowed in settlement of the same, wherein it shall satisfactorily appear that the money was paid to employés of the District prior to their discharge, and for goods sold and delivered, work and labor done, materials furnished or services rendered to the District in accordance with contracts and agreements made in good faith on behalf of the District, and also to adjust and settle equitably said accounts, allowing all payments made in settlement of claims against the District, and for expenses incurred in good faith on account of the District.

During the reading,

Mr. BRECKINRIDGE, of Kentucky said: Mr. Chairman, this is a very long paragraph, covering two pages, and I do not know, under the language of the rule, whether these two pages have to be read before an amendment is offered.

Mr. McCOMAS. I would suggest that both pages be read and then the gentleman can offer the amendment.

Mr. BRECKINRIDGE, of Kentucky. I wanted it to be so that I should not lose my right to offer an amendment at the second line or the fourth line.

The CHAIRMAN. An amendment will be in order after the paragraph is read. The Chair will then recognize the gentleman from Kentucky.

The reading of the paragraph was resumed and concluded.

Mr. BRECKINRIEGE, of Kentucky. I move to strike out of lines 4, 5, and 6 the words "one engineer commissioner, $424 (to make the salary $5,000)."

Mr. McMILLIN. I reserve the point of order.

Mr. BUCHANAN, of New Jersey. Mr. Chairman, before this paragraph is thrown open to amendment I desire to raise a point of order upon certain words in the paragraph, namely, the words in lines 3 and 4, on page 3, "one chief inspector of plumbing, $2,000; two assistant inspectors of plumbing, at $1,000 each." I desire to ask the gentleman in charge of the bill whether it is not the fact that on the last District day we had a bill on this subject, which bill has not yet become a law.

Mr. McCOMAS. This has been in the law for years. There has been no change for three or four years.

Mr. BUCHANAN, of New Jersey. Then what was the bill that we had up the other day?

Mr. McCOMAS. I do not know about that bill, but I know about this. This item has been in the appropriation bills, as I have said, for three or four years past.

Mr. BUCHANAN, of New Jersey. Then I withdraw the point of order. It seems, Mr. Chairman, that we were asked to legislate the other day where there was no need for it.

Mr. BRECKINRIDGE, of Kentucky. I did not hear the explanation of the chairman of the committee.

Mr. McCOMAS. I said that the language to which the gentleman's point of order was intended to apply is to be found in the existing law and has been in the law for some years past.

Mr. BRECKINRIDGE, of Kentucky. Now, Mr. Chairman, I renew my motion to strike out of lines 4, 5, and 6, on page 2, the words "one engineer commissioner, $424 (to make the salary $5,000")). I do not raise the point of order, because, if the House thinks this appropriation ought to be made, I have no special objection to it.

Mr. KERR, of Iowa. Mr. Chairman, I make the point of order against that part of the paragraph that it is new legislation and changes existing law by increasing a salary.

Mr. McCOMAS. Do I understand that the gentleman from Kentucky makes the point of order on the words in parentheses?

Mr. BRECKINRIDGE, of Kentucky. No, I do not make that point of order at all. It is the question of policy and not the question of order that I desire to submit. But the gentleman from Iowa [Mr. KERR] interrupted me to raise the point of order, and I am simply yielding to him.

The CHAIRMAN. The gentleman from Iowa makes the point of order that this provision of this paragraph changes existing law, and the Chair will be glad to hear from the gentleman in charge of the bill.

Mr. McCOMAS. Will the gentleman indicate the words to which his point applies?

Mr. KERR, of Iowa. "Four hundred and twenty-four dollars."

Mr. McCOMAS. I submit, Mr. Chairman, that those words are not liable to the point of order. They are in the existing law and have been in the law for ten years past. There may be a question of policy there, but, as a matter of fact, for ten years Congress has annually appropriated this sum to this officer to make his salary equal to the salary of the other two commissioners. The commissioners have like functions, powers, and responsibilities, the only difference being that the civil commissioners give bonds while the engineer commissioner does not; but, as I have said, these words are in the current law and have been in the law for ten years, and therefore they are not subject to a point of order.

Mr. CHEADLE. Will the gentleman permit a question?

Mr. McCOMAS. Yes, sir.

Mr. CHEADLE. Is not this engineer commissioner an officer in the Army?

Mr. McCOMAS. He is an officer in the Army.

Mr. CHEADLE. Is not his salary as such fixed by law?

Mr. McCOMAS. His salary by law is enough money, in addition to the pay of his rank, to make the amount $5,000.

Mr. CHEADLE. Then you are paying him two salaries?

Mr. McCOMAS. We are paying him the same amount that we are paying the other commissioners. Furthermore, the custom is that when an officer is detailed to other duty, at West Point, for instance, he gets enough in addition to his pay as an officer to give him the salary provided by law for the duties he performs, and no more.

Mr. McMILLIN. What would the salary of this officer be if you did not put in this clause?

Mr. McCOMAS. It would be $5,000 less $424.

Mr. McMILLIN. Then does not that test show what is the existing law concerning his salary?

Mr. McCOMAS. As I have said, the current law and the law for ten years has given him $5,000 a year.

Mr. KERR, of Iowa. I make the point of order that this provision is against existing law. I understand that "existing law" means the permanent law, and not the current appropriation bill. That bill merely makes the appropriation, and it is not the "law" in the sense in which the rule is to be understood. The fact that a given amount was appropriated in twenty appropriation bills would not change the permanent law as to the amount of an officer's salary.

Mr. OUTHWAITE. Mr. Chairman, my recollection, running back for a few years, is that in many instances it has been decided by the Chair that where any appropriation or any other declaration of law had appeared in an appropriation bill of the preceding year it was not subject to a point of order if it appeared in the bill under consideration. I think that has been the usual decision, that an appropriation bill is just as much a law as any other act. This decision I believe has been rendered when there was a proposition to increase salaries.

The Chair will recollect that some years ago the Appropriations Committee reduced salaries throughout the Departments generally on appropriation bills; that is, by simply appropriating a less sum than was provided for in the general law. For instance, where officers had been receiving under the general law salaries of $4,000 a year the Appropriations Committee reported in their bill salaries of $3,600. Those reductions were accepted and passed in the House. When an effort was subsequently made to restore such salaries my recollection is that the Chair decided such a proposition obnoxious to a point of order because the appropriation bill had virtually repealed the statutes and established the lower salaries.

Mr. ADAMS. Mr. Chairman, independently of the point raised by the gentleman from Ohio [Mr. OUTHWAITE] and of the question of policy, about which I know nothing, I do not think that a provision is subject to a point of order when it appropriates a certain sum for certain services to a certain man who for other services gets a salary in addition. This engineer commissioner—I do not know who he is—receives a salary, as I understand, of about $4,500 as an officer of the Army. He would get that salary whether he serves as engineer commissioner or not. The House chooses to appropriate this small sum to him for his services as engineer commissioner, in addition to the salary which he receives as army officer. The existing law is not thereby changed. His salary as an army officer is what it was before; and this sum is appropriated, as Congress may appropriate it, as compensation for his services as engineer commissioner of the District. It does not change the law in any particular.

Mr. KERR, of Iowa. Mr. Chairman, this officer who is detailed to act as one of the commissioners of the District is described by his title. In this bill he is spoken of as a certain officer whose salary is fixed by law. It seems to me that the committee in fixing a salary different from what the law designating the office with its duty and salary provides will be changing existing law in reference to this officer. And I have no sympathy with the idea that simply because a man is detailed to perform a particular duty he must necessarily have additional salary. When a man is getting $4,500 annually from the Government, the Government is entitled to the benefit of his services and his abilities, and he ought not to be allowed anything more.

Mr. McCOMAS. That is a question of policy.

The CHAIRMAN. The gentleman from Iowa will please confine himself to the point of order.

Mr. KERR, of Iowa. What I said in the beginning bears upon the point of order; that is, when the law designates an officer and fixes his salary, a provision which differs from the law creating the office and fixing the salary changes the existing law.

Mr. McCOMAS. Mr. Chairman, I think I can relieve the gentleman from Iowa on this question. As I understand, the current law settles the point of order; on that ground alone the point is not good. But

here is a provision which is conclusive. The Statutes at Large, volume 21, page 460, provide:

And hereafter the engineer commissioner shall be entitled to receive such compensation in addition to his army pay and allowances as will make his compensation equal to $5,000 per annum; and a sum sufficient to pay said additional compensation is hereby appropriated.

The law requires us to appropriate the money to make this salary $5,000; and the committee has recommended the appropriation as required by law.

Mr. DOCKERY. Has the amount been fixed at $5,000 each year?

Mr. McCOMAS. It has been fixed by law; and it has been so appropriated annually for ten years.

Mr. DOCKERY. That is the amount fixed by the appropriations?

Mr. McCOMAS. The appropriation of $5,000 has been made annually for ten years in accordance with the existing laws.

Mr. KERR, of Iowa. If the gentleman from Maryland cites a provision in general terms that "hereafter"—not for one or two years——

Mr. McCOMAS. I will remind my friend that the word "hereafter" in an appropriation bill makes a permanent provision of law.

Mr. KERR, of Iowa. I withdraw the point of order.

The CHAIRMAN. The gentleman from Kentucky [Mr. BRECKINRIDGE] offers an amendment.

Mr. BRECKINRIDGE, of Kentucky. I have offered an amendment.

Mr. BUCHANAN, of New Jersey. I raise a point of order on that amendment.

Mr. McCOMAS. It is impossible to hear either the amendment or the statement of the Chair.

The CHAIRMAN. The gentleman from Kentucky will state his amendment.

Mr. BRECKINRIDGE of Kentucky. The amendment I offer is to strike out in lines 4, 5, and 6 the words "one engineer commissioner $424 (to make salary $5,000)."

Mr. Chairman, the policy pursued by Congress has been to give to the engineer commissioner, as he is known, the same salary as the other two commissioners receive. On its face that looks plausible. It is not, however, at all just, it seems to me. The two commissioners taken from civil life, and receiving $5,000 each, are obliged to devote their whole time to their official duty: This interferes with their private business. If they are lawyers it is almost equivalent to giving up their practice.

When their term is out they turn to their original vocations of civil life and have to restore that business anew. Now, an army officer is brought here to a comfortable place; his pay goes on all the years that he remains. He is detailed on a sort of civil duty, though he has a life tenure in the Army, and as time goes on his longevity pay of course increases. When the term of office is out here, instead of being hurt at all by the assignment, he has been in every way benefited by it. There is nothing about it that has not been an advantage to him. It is an easy place in a certain sense. It is a good position. It gives him certain comforts. His pay and rank continue, and hence there is no equality at all in the argument which gentlemen set up.

Mr. Chairman, I do not believe in the engineer commissionership. I think it is a mistake to have an army officer exercising the powers that are exercised by the engineer commissioner. I do not mean to criticise the present gentleman who occupies that position, because as far as I am able to judge he is an unusually able and excellent man, entirely competent for the duty. But this anomalous government which we have here in the District is one that ought to be changed in that regard. We ought not to have an army officer detailed by the President for the apparent and nominal reason that his skill as an engineer is needed, and then give him all the governmental and executive powers that the other commissioners have.

It is not a proper position for an army officer, detailed by the President, to occupy, it seems to me. And hence, in good faith, I offer the amendment that it may remain as the judgment of Congress that that gentleman is an army officer, that he is here as an army officer, and that he does not occupy the position that the other two commissioners do; that he is not put upon the same footing with them in regard to the government of the District of Columbia, and thus, instead of obliterating the distinctions between these commissioners, that we shall thereby intensify them. He comes from the Engineer Corps because of his scientific attainments, and he is to be put at the head of a certain department and give them the benefit of his scientific, technical, and engineering skill. Congress ought not to obliterate the distinction originally intended to be made by providing two civil commissioners and one from the Army.

I have therefore called the attention of the committee to it with a view of fixing the matter beyond controversy hereafter.

Mr. BUCHANAN, of New Jersey. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BUCHANAN, of New Jersey. What has become of the point of order against the gentleman's amendment?

The CHAIRMAN. The Chair did not understand the gentleman to submit a point of order.

Mr. BUCHANAN, of New Jersey. I did submit a point of order, and rose and repeated it.

The CHAIRMAN. The gentleman will please state the point of order again.

Mr. BUCHANAN, of New Jersey. That the amendment changes existing law.

Mr. ROGERS. That was withdrawn for you when you were out.

Mr. BUCHANAN, of New Jersey. I beg pardon; I have not been out.

The CHAIRMAN. The point of order that was withdrawn was the point submitted by the gentleman from Iowa [Mr. KERR].

The gentleman from New Jersey makes the point of order that the amendment of the gentleman from Kentucky, if it prevails, changes existing law.

Mr. BRECKINRIDGE, of Kentucky. It does not change existing law, Mr. Chairman, because, if the gentleman from New Jersey will allow me to point out the distinction, which I think is clear, as he will see in a moment, the salary of an officer is fixed by law. Now, the salary of the engineer commissioner is his salary received as an officer. There is an annual appropriation, which of course falls at the end of each year, for an additional four hundred and odd dollars, which is not a matter of permanent statute fixing that as a salary, but is merely an annual appropriation, and if dropped out he simply would not receive that amount for the next year. It is not, therefore, a change of law to omit that appropriation from the bill, because he receives his salary from the permanent annual appropriation in the present bill; but if we do not put it in this bill he will not get this money during the next year. He will continue drawing the salary until the expiration of the present appropriation bill. That is all.

Mr. BUCHANAN, of New Jersey. Mr. Chairman——

Mr. KERR, of Iowa. Let me suggest to the gentleman from Maryland——

Mr. BUCHANAN, of New Jersey. If the gentleman from Iowa can be held quiet for a few moments I would like to be heard on the point of order.

Mr. KERR, of Iowa. I only wanted to suggest that the law the gentleman from Maryland quoted as a permanent law does not fix any positive amount.

Mr. ROGERS rose.

Mr. BUCHANAN, of New Jersey. I think in the face of this assertion it will be well to read the law itself. I read from page 460, volume 21 of the Statutes at Large.

Mr. ROGERS. Mr. Chairman, am I recognized or the gentleman from New Jersey?

The CHAIRMAN. The gentleman from New Jersey has the floor.

Mr. BUCHANAN, of New Jersey. I have not given up the floor yet. This provision of law goes on to provide:

And hereafter the engineer commissioner shall be entitled to receive such compensation, in addition to his army pay and allowance, as will make his compensation equal to $5,000 per annum.

That makes this provision permanent, because it expressly states that "hereafter he shall be entitled to receive a sum sufficient," etc. That is the law until it is changed by act of Congress.

Mr. BRECKINRIDGE, of Kentucky. But the gentleman will not contend that under our rule we may not appropriate a less sum than the salary fixed by statute?

Mr. BUCHANAN, of New Jersey. I mean to say that in the Forty-ninth Congress, or perhaps it was in the Fiftieth Congress, the chairman of the Committee of the Whole so held repeatedly on a number of points of order raised on an appropriation bill which was in charge of the then living gentleman from Pennsylvania [Mr. Randall].

Mr. MORROW rose.

Mr. BRECKINRIDGE, of Kentucky. I think you will find that there are now not less than probably two or three hundred public officers who for a series of years have been receiving a smaller sum of money annually than the salary fixed by statute. My friend from California [Mr. MORROW], who is about to interrupt me, is a good witness, because he has been trying to get two or three of the officers in California paid the difference between what Congress appropriated and what the statute would carry.

Mr. MORROW. Permit me, then, to testify that in the case referred to by the gentleman from Kentucky the salary of the officer was one that was provided for from year to year in the appropriation bill, but the law which was referred to by Mr. Speaker CARLISLE in the Forty-ninth Congress was with respect to the salary of an officer provided for by law, in which case the Supreme Court, in the case of Langston vs. The United States, decided that the person entitled to that salary could recover it by a suit at law in the Court of Claims. Now, in this case the law prescribes that this engineer commissioner shall be entitled to receive the salary that is provided by law for the civil commissioners, and the law provides that these commissioners shall receive $5,000 each. Therefore, if you strike out this additional sum here, under the decision of the Supreme Court in the case of Langston vs. The United States he will be entitled to recover the difference.

Mr. BUCHANAN, of New Jersey. In a suit?

Mr. MORROW. In a suit.

Mr. BRECKINRIDGE, of Kentucky. What he may be entitled to recover in a suit in case Congress does not act is one thing. What the

House has a right to do under its rules is an entirely different proposition. There are a great many commissioners, or heads of divisions, whose salaries are $4,000, and so fixed by statute; but we have for a series of years appropriated only $3,600.

Mr. OUTHWAITE. But if the gentleman will allow me——

Mr. BRECKINRIDGE, of Kentucky. There are a great many Territorial officers whose salaries are fixed at $3,000 and over, and we have for a series of years appropriated $2,600.

Mr. MUTCHLER. There would perhaps be no objection if that reduction had been made by the committee which reported the bill. I grant you that the Committee on Appropriations may reduce a salary by refusing to appropriate the amount called for by the statute.

Mr. BLAND. And the House can do so.

Mr. MUTCHLER. But it is not competent, I think, to offer an amendment in the House.

Mr. BRECKINRIDGE, of Kentucky. Then I understand my friend [Mr. MUTCHLER], who is a distinguished lawyer from Pennsylvania, that the committee has the power to reduce a salary by nonaction, but that the House has no power to change the action of the committee.

Mr. MUTCHLER. I so understand, that by the rules of the House an amendment of that kind would be out of order because it changes existing law.

Mr. BRECKINRIDGE, of Kentucky. It does not change existing law. We leave the law exactly as it is. We leave the law that the salary shall be such an amount, but we appropriate in the bill a smaller sum. That is the difference.

Mr. OUTHWAITE. Now, will the gentleman explain the wisdom of any such action as that by this House?

Mr. BRECKINRIDGE, of Kentucky. The wisdom of it is simply this: It is the mode which this Congress and all preceding Congresses have adopted, and is the only mode under our rules of fixing the salaries of officers as according to their judgment the exigencies of a particular year require.

Mr. OUTHWAITE. But the officer is still entitled to recover the difference between what we appropriate and the amount fixed by law, in the Court of Claims. Therefore, is there anything accomplished by reducing the salary in the appropriation bill?

Mr. BRECKINRIDGE, of Kentucky. That is not the question. That is a question which the gentleman may fairly present to himself when he comes to vote on the amendment.

Mr. OUTHWAITE. That is one of the questions that go to determine the wisdom of our action on the matter.

Mr. BRECKINRIDGE, of Kentucky. But that is not the question of order.

Mr. OUTHWAITE. I am not discussing the question of order at all. I am discussing the propriety of the action.

Mr. McCOMAS. I hope we will get a decision and then a vote. Of course the point of order is not good, because this House can refuse to appropriate a man's salary, if it chooses. Let the matter be determined by a vote.

Mr. BRECKINRIDGE, of Kentucky. I was going to say, in the line of what my friend from Maryland has said, that if the Chair decides this motion is out of order it will be a more comprehensive and dangerous decision than almost any one I can imagine that the Chairman of the Committee of the Whole would be required to pass upon, for it would instantly tie the hands of the committee and prevent us from making a great many provisions in various appropriation bills and would be a reversal of what the committee has done for a great many years. Therefore, I agree very heartily with my friend from Maryland that the committee has the power. And I leave it to a vote.

The CHAIRMAN. The Chair would ask the attention of the gentleman from Kentucky. The proposition the gentleman makes is to strike out the words named, "one engineer commissioner, $424 (to make salary $5,000)."

Mr. BRECKINRIDGE, of Kentucky. I move to strike out——

The CHAIRMAN. The gentleman from New Jersey [Mr. BUCHANAN] insists that this is now the existing law. The Chair, if it does change existing law, would have nothing to do but rule it out on the point of order.

Mr. BRECKINRIDGE, of Kentucky. But it does not change existing law. It leaves this law exactly as it is.

Mr. BUCHANAN, of New Jersey. If this is going to take further debate I will withdraw the point of order and let a vote be taken.

The CHAIRMAN. The point of order is withdrawn.

Mr. ROGERS. Mr. Chairman, I desire to be heard on the amendment.

The CHAIRMAN. The time for debate on the amendment is exhausted.

Mr. ROGERS. Then I move to strike out the last word of the amendment.

The CHAIRMAN. The gentleman from Arkansas is recognized for five minutes.

Mr. ROGERS. Mr. Chairman, ordinarily I am pleased to say that I have no difficulty in accepting the arguments presented by my distinguished friend from Kentucky [Mr. BRECKINRIDGE] for such votes as he is accustomed to make upon public questions; but I can not go with him in the amendment which he has just now offered. I do not conceive that any good will be attained by striking out this appropriation, for the only fruit or effect of it will be to secure to the Government another lawsuit, the expense of which the Government in the end will have to pay.

Not only that, but the Court of Claims, having charge or jurisdiction of this subject-matter, is already completely overladen with meritorious causes, in questions that are referred to it to be litigated, and that require time to investigate, and in which the personal interests of individual citizens and others are involved. We ought not, by any mere policy of reduction of appropriations, to send any more suits to the court, when we will be compelled to appropriate for the amount if it be stricken out of the provision of the appropriation bill, where by permanent law the salary is fixed.

Now, I can easily see very many reasons, in addition to those assigned by the gentleman from Kentucky, why the law itself, as it now stands, as permanent law, is bad. Why, in this instance this distinguished gentleman, I assume, who has been selected by the Executive for the purpose of administering these matters of important government here, where suffrage has been abolished and where neither the white man nor the negro has the right to vote and exercise the great privileges of American citizenship—I say I assume that a man who is competent and who has so far secured the confidence of the Executive as to be selected for the performance of this duty is relieved of the duty of staying upon the frontier and of shooting down helpless Indian women and children.

That is one good reason why I think this man has a more desirable place. I could go on and recite many other reasons, but will not do so. But in regard to this permanent law, fixing that salary, I will confine myself to stating if we strike it out we will have to pay the attorney fees in the Court of Claims in his suit to recover the amount; and I think it would be unwise. I know the unusual clearness and lucidity and eminent capability of my friend from Kentucky, and that he almost always shows his ability and patriotism in the positions he takes; but in this one instance I think he has not shown it, at least on this question.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BRECKINRIDGE, of Kentucky. I desire to be heard on the other side of the amendment offered by the gentleman from Arkansas.

The CHAIRMAN. The Chair understood that the amendment was merely *pro forma*.

Mr. ROGERS. I do not withdraw my amendment.

Mr. McCOMAS. I hope that my colleague on the committee will not take the floor upon this occasion.

The CHAIRMAN. The gentleman from Kentucky will proceed for five minutes in opposition to the amendment of the gentleman from Arkansas.

Mr. BRECKINRIDGE, of Kentucky. I do not see how the amendment made could be possibly adopted if the last word were stricken out; it would be mutilated in such a way. Now, in entire sincerity, availing myself of the opportunity which my motion has given me, I think the gentleman must have been mistaken in asking to strike out the last word instead of one of the middle words of the amendment; for I do not think that with his usual lucidity, entirely free from any pantomimic performance or hypnotic operation, he could have made such a mistake. [Laughter.] But as to the merit of the amendment I offered. I offered it in good faith.

Mr. Chairman, I do not particularly care whether the committee adopt it now or not. Since I have been on the Committee on Appropriations I have looked somewhat into the government of this city, and I have believed that it needed entire reorganization. I took the liberty of saying so a year ago. I ask the gentleman from Maryland, who is very familiar with this question, and other gentlemen on this floor, that they may take the matter up and consider in this Congress what changes this Government ought to have. My judgment is that the city of Washington has outgrown this particular form of government, that it is one that we ought to reorganize, and I offered this amendment simply to emphasize what I believe ought to be emphasized, and what is apparently desired to be obliterated, and that is the power of the President to select an officer in the Army, without regard to his residence in Washington, without the slightest regard to any special capacity or experience that particularly fits him, and make him the real executive of the city of Washington, giving him the decisive vote when the two commissioners divide.

We have seen that very thing this winter. The two civil commissioners selected by the President differed on certain questions, and the military commissioner had the casting vote. He was actually the executive officer of the Capital of the nation. That is to say, a gentleman selected solely because of his eminent skill as an engineer and his excellent qualities as a soldier became by this most anomalous act the real chief executive of the Capital of the nation.

Now, I do not think that that is a wise form of government. I have not the time in five minutes to point out, as I may be able to do in other discussions on this bill, in which I hope to have the attention of my friend, the chairman of the committee, at times during the next day or two which we shall probably devote to the consideration of this

bill. [Laughter.] I have not now the time to point out the various evils that I think grow out of this anomalous and unamerican form of government. There is no reason why this commissioner, as a matter of justice, should receive the same exact salary that the other commissioners receive.

But I do not care about that. Four hundred dollars is a mere bagatelle in a bill which carries over $5,000,000; but the principle that is involved is that he is by law put upon exactly the same rank and with the same duties as the other commissioners, when my judgment of the meaning of the act is that he was not intended to have the same powers as the civil commissioners, but was to be especially in charge of the scientific and industrial departments of the District government.

Mr. ROGERS. Mr. Chairman, in view of these wise reflections of my friend from Kentucky, I think that my amendment ought not to be adopted, and I withdraw it.

Mr. McMILLIN. I move to strike out the last three words. I have thought it not inappropriate in the consideration of this bill at this time, in view of the force bill now being urged, to comment briefly upon the anomalous government of this city, and, in that connection, to show a little of the hypocrisy that characterizes the party who are now in charge of all the different departments of the Government. This city, like the balance of the country, was formerly blessed with the right of self-government, that is, the citizens of the District could vote and had a voice in determining who should rule over them.

By and by, after the close of the war, it was determined by the party then in power to enfranchise a large proportion of the population formerly held in slavery and who therefore had not participated in the Government. They were enfranchised. They were given the right to vote in this city, as they were in the balance of the Union; but it is a very peculiar commentary upon those times that the party that had enfranchised the colored man ultimately determined that they would disfranchise him; not that they would disfranchise him in the South; not that they would take away his right to vote in Tennessee, or in Arkansas, or in Mississippi, but that they would take it away here, in the Capital of the Republic, in the home of the Government, this model city of self-government.

I am not going to discuss the question of what form of government is best for this city, nor what changes should be made as to suffrage therein now. But I want to show the hollowness of that hyprocrisy which now pretends to be striving to give free elections everywhere.

Not only did these pretended lovers of the ballot box disfranchise the negro, Mr. Chairman, but in order to get rid of him as a voter in the District of Columbia they disfranchised all the white men here, so that we have the strange anomaly presented of the citizens of the Capital of a great Republic being disfranchised.

Mr. CRISP. And under a military government.

Mr. McMILLIN. And my friend from Georgia [Mr. CRISP] calls my attention to the fact that, as stated by the gentleman from Kentucky [Mr. BRECKINRIDGE], they have a military government or a quasi-military government established over them. At the same time that this goes on Congress fixes one-half the taxes of this city upon the people of the rest of the country, and the very men who have done these things are now in another place, which shall be nameless, proposing to subvert the Government by a Federal election law to turn the legislative branch of it over to the judicial branch and to change our system of electing members of Congress, and all, as they say, for the purpose of insuring fair elections for the freedmen.

I was determined, Mr. Chairman, that this occasion should not pass without attention being called to the hypocrisy which characterizes those who propose to give the negro votes everywhere else except where their own property happens to be located and where it is to be taxed.

Mr. DOCKERY. Will the gentleman give the date of that act of disfranchisement?

Mr. McMILLIN. It was done under Republican rule on the 20th of June, 1874, ten years after the close of the war; done to prevent the colored man from having a voice here and to prevent him from imposing taxes on the property of some of those who did it. As I indicated, I do not undertake to say now what is best, but these men should not be inconsistent.

[Here the hammer fell.]

Mr. McADOO rose.

Mr. McCOMAS. I ask unanimous consent that debate upon the pending paragraph and amendment be limited to one minute.

Mr. BLAND. I move to amend by making it thirty minutes.

Mr. BRECKINRIDGE, of Kentucky. I hope the motion of the gentleman from Maryland will not prevail. There are a great many things in this paragraph.

The CHAIRMAN. The gentleman from Maryland moves that debate on this paragraph and amendment be limited to one minute.

Mr. BLAND. Mr. Chairman, have not I a right to move an amendment to that?

The CHAIRMAN. The committee is dividing.

Mr. BLAND. But I made my motion to amend before the Chair put the motion.

The CHAIRMAN. The Chair was so unfortunate as not to have it brought to his attention.

Mr. McMILLIN. Mr. Chairman, if the gentleman rose for the purpose of moving an amendment, the confusion in the Hall ought not to deprive him of his right.

Mr. BLAND. I generally have a pretty clear voice and I exercised it on this occasion as fully as usual, but the confusion cut me off so I may not have been heard. I desire now to move an amendment to make the time two hours instead of one minute.

Mr. McCOMAS. I have not yielded the floor, Mr. Chairman.

The CHAIRMAN. The Chair can not entertain a motion while the committee is dividing.

Mr. BLAND. There is no previous question in the Committee of the Whole.

Mr. McCOMAS. Mr. Chairman, if debate on the pending paragraph is considered as closed, I will move that the committee rise.

Mr. BRECKINRIDGE, of Kentucky. We do not want debate closed on the paragraph.

Mr. TRACEY. I call for the regular order.

The CHAIRMAN. The Chair must proceed in order. The question is on the motion of the gentleman from Maryland [Mr. McCOMAS]——

Mr. BLAND. Have I not the right to insist on my amendment being voted on? I offered an amendment to the motion of the gentleman from Maryland.

The CHAIRMAN. The Committee of the Whole will be in order. The Chair has no knowledge of the fact that the gentleman from Missouri offered any amendment before division began.

Mr. BLAND. I state to the Chair most emphatically that I rose here and almost in the same voice in which I now talk I did move an amendment. I am not responsible if, in the confusion, the Chair did not hear me.

Mr. McMILLIN. The gentleman from Missouri was heard all around here.

Mr. BLAND. I am not responsible for the disorder in the Hall. I have stated that I offered the amendment.

Mr. CANNON. Mr. Chairman, unless I am more mistaken than I have been for a long time, the Chair commenced putting the question on the motion of the gentleman from Maryland before the gentleman from Missouri offered his amendment.

Mr. BLAND. The gentleman from Illinois is mistaken altogether. I offered my amendment before the Chair began to put the question.

Mr. BRECKINRIDGE, of Kentucky. Not only before that, but before I appealed to the gentleman from Maryland not to make his motion apply to the paragraph.

The CHAIRMAN. The Chair desires to make a statement. Under the rules it is necessary that a gentleman addressing the House or the Committee be recognized by the Chair before his motion is in order. The Chair was engaged in putting the question to the committee upon the motion offered by the gentleman from Maryland. If the gentleman from Missouri rose and made a motion he was not recognized by the Chair.

Mr. BLAND. Before that, however, I had made my amendment; and the Chair went on putting the question when I called attention to the fact that I had offered an amendment.

The CHAIRMAN. But the Chair did not hear the gentleman.

Mr. BLAND. If the Chair is deaf, that is not my fault. [Laughter.]

The CHAIRMAN. The question is——

Mr. BLAND. I want to know whether the Chair proposes to rule out the amendment I offered before the Chair began to put the question.

The CHAIRMAN. The Chair can only put such motions as are before the committee.

Mr. BLAND. I did all I could to make the Chair hear the amendment which I offered.

The CHAIRMAN. The gentleman from Missouri is hardly in order.

Mr. BLAND. I insist that the Chair is out of order in refusing to put the question on the amendment which I offered before the Chair began to put the question on the motion of the gentleman from Maryland.

The CHAIRMAN. The Chair can not entertain the gentleman's motion. If the gentleman had been recognized and the Chair had understood him as making a motion, the Chair would of course have entertained the amendment and put it to the committee.

Mr. BLAND. I can not help it if the Chair did not understand me. Gentlemen were talking all around me here.

Mr. McMILLIN. The gentleman from Missouri did rise and in a loud voice offered his amendment. He was heard by all the gentlemen around him. But there was great confusion at the time; and it is not strange that the Chair did not hear him. But the failure of the Chair to hear the gentleman's proposition does not deprive him of his right.

The CHAIRMAN. The gentleman from Tennessee will hardly claim that the gentleman from Missouri could have a motion properly before the committee unless he had been recognized.

Mr. McMILLIN. The gentleman from Missouri stated his motion to the Chair; and it was the duty of the Chair to recognize him and announce the motion to the House.

The CHAIRMAN. But if the Chair did not hear the gentleman's motion——

Mr. BLAND. It is the duty of the Chair to put a motion when a member makes it.

The CHAIRMAN. It is the duty of the Chair to put such motions as he hears.

Mr. McMILLIN. With all respect to the Chair, I beg to state the rule is that where the Chair, on account of confusion in the Hall at the time, fails to hear a proposition made by a member, and it is established by the statement of the member himself or of those around him that the motion was made in time, the Chair does not cut him off.

The CHAIRMAN. There is no rule to that effect, although the practice is such. Under the circumstances the Chair will entertain the gentleman's motion.

Mr. McMILLIN. That is right.

Mr. McCOMAS. I ask to dispense with all further debate upon the pending amendment and upon the rest of the paragraph down to the word "provided"——

The CHAIRMAN. What is the motion of the gentleman from Missouri [Mr. BLAND]?

Mr. BLAND. I move to amend by allowing two hours for debate. [Laughter.]

Mr. McCOMAS. I ask consent that all debate on the pending amendments and upon the paragraph down to the word "provided" be considered as closed.

Mr. BRECKINRIDGE, of Kentucky. I would like to suggest to the gentleman from Maryland, because I think this confusion is only temporary, that there are two amendments we want to offer to this paragraph: one to strike out one of the inspectors of buildings and the other to strike out one inspector of plumbing. On neither of them do I care about occupying more than five minutes.

Mr. McCOMAS. Is that all of the amendments?

Mr. BRECKINRIDGE, of Kentucky. And the gentleman from Texas, Governor SAYERS, has an amendment as to the proviso. That is all that I have any information about.

Mr. SAYERS. An amendment which I wish to offer in perfectly good faith.

Mr. McCOMAS. Then I move, Mr. Chairman, that the committee now rise.

Mr. DOCKERY. Has my colleague been recognized by the Chair?

Mr. BLAND. I yield for that motion. [Laughter.]

The motion of Mr. McCOMAS was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. ALLEN, of Michigan, reported that the Committee of the Whole House on the state of the Union, having had under consideration the District of Columbia appropriation bill, had come to no resolution thereon.

WORLD'S COLUMBIAN COMMISSION.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith the report of the World's Columbian Commission, with the accompanying papers.

BENJ. HARRISON.

EXECUTIVE MANSION, *January* 16, 1891.

ENROLLED BILLS SIGNED.

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same, namely:

A bill (S. 77) to provide for the construction of a public building at Portland, Oregon;

A bill (S. 2082) for the erection of a public building at Staunton, Va.; and

A bill (H. R. 11814) to provide the assessor of the District of Columbia with plats of subdivisions outside the cities of Washington and Georgetown.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. TURNER, of New York, for three days, on account of important business.

To Mr. PICKLER, for ten days, on account of important business.

To Mr. SKINNER, until Tuesday next, on account of important business.

To Mr. PENINGTON, until January 22, on account of important business.

ORDER OF BUSINESS.

The SPEAKER. The time having arrived when under the rule the recess begins, the Chair declares the House in recess until 8 o'clock this evening, and the gentleman from California [Mr. MORROW] will preside as Speaker *pro tempore*.

EVENING SESSION.

The recess having expired, the House, at 8 o'clock p. m., was called to order by Mr. MORROW.

Mr. MORRILL. Mr. Speaker, I find on the Calendar, on page 59, House bill 8661, granting a pension to Mary T. Cook, which was passed at the last session. I move that it be stricken from the Calendar.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. MORRILL. I now move that the committee proceed to consider the bills on the Calendar in their regular order in the House as in Committee of the Whole.

The motion was agreed to.

JESSE C. TAYLOR.

The first business on the Calendar was the bill (H. R. 11070) to correct the military record of Jesse C. Taylor, Sixth Tennessee Cavalry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to remove from the rolls and records in the office of the Adjutant General of the United States Army the charge of desertion now standing on said rolls and records against Jesse C. Taylor, late of Company E, Sixth Tennessee Cavalry.

Mr. McCLAMMY. Is there a report accompanying that bill?

The SPEAKER *pro tempore*. The report will be read.

The report (by Mr. WILLIAMS, of Ohio) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 11070) to remove the charge of desertion against Jesse C. Taylor, having considered the same, respectfully report:

That the evidence filed before the committee shows that Jesse C. Taylor while in the line of duty was captured by the Confederate forces and paroled, returning to his home in Linden, Tenn. When released from parol he could not, without great danger of recapture or being killed, rejoin his regiment on account of the Confederate forces being between his home and his regiment. He enlisted in another regiment, served out his time, and received an honorable discharge. The committee are of the opinion that this soldier had no intention of deserting the service of the United States Army, and therefore recommend the passage of the accompanying bill. The committee refer to the report of the Secretary of War, which is hereto attached and made a part of this report.

Mr. McCLAMMY. I do not ask the further reading of the report.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MRS. ELIZABETH M. HOLLINGSWORTH.

The next business on the Private Calendar was the bill (H. R. 11582) granting a pension to Mrs. Elizabeth M. Hollingsworth.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Elizabeth M. Hollingsworth, widow of Noah Hollingsworth, late a private in Company A, Eighth Regiment Iowa Cavalry Volunteers.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 11582) granting a pension to Mrs. Elizabeth M. Hollingsworth, submit the following report:

The husband of claimant, Noah Hollingsworth, was a private soldier in Company A, Eighth Iowa Cavalry, who died while in the service, in 1863. The claimant, his widow, was on the pension roll until 1868, at which time she remarried. The facts set forth in the evidence clearly indicate that her remarriage was a fraudulent one.

Claimant in her allegation, which is corroborated by other witnesses, makes affidavit that a man known as Josiah Trague engaged her to do his washing and sewing, by which means she was occasionally thrown into his company; that the said Trague was a good converser and made himself very agreeable to her, and by his flattery induced her to marry him on a short acquaintance of only three months; that very soon after her remarriage it became evident that Trague had married her for the purpose of getting hold of what little property she possessed. Claimant mildly remonstrated, at which he became very abusive and in less than two months after their marriage Trague took her mare, worth $200, and left for parts unknown.

After Trague's departure claimant learned from four different parties that he, Trague, had several wives living. Several years after claimant was informed that Trague was living with a Spanish woman in Lower California. Claimant made application and was granted a decree of divorce by the district court in Labette County, Kansas, in the year 1873. A certificate of the clerk of the circuit court of Vermillion County, Indiana, shows the claimant was married to Noah Hollingsworth, the deceased soldier, February 3, 1846. She is now old and without means of support, and is shown to have the confidence and respect of the community where she resides.

Your committee report favorably and recommend the passage of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

ORDER OF BUSINESS.

Mr. FINLEY. Mr. Speaker, there was a bill passed over, House bill 3499, a bill reported from the Committee on Military Affairs, which should have precedence, and I think is entitled to consideration to-night. It appears to have been overlooked. It is a House bill which should have been called first. I refer to the bill for the relief of Joel B. Ellis.

The SPEAKER *pro tempore*. The Chair desires to state to the gentleman from Kentucky that this bill does not seem to properly come up for consideration under the rule.

Mr. FINLEY. This bill places the name of Joel B. Ellis, of Company H, Fifteenth Kentucky Cavalry, on the pension roll, and I think it is clearly in order under the provisions of the rule.

The SPEAKER *pro tempore*. The Chair thinks it is not a pension bill, nor does it remove the charge of desertion.

Mr. FINLEY. No; but it will have the effect of granting a pension eventually.

The SPEAKER *pro tempore*. The Clerk will read the rule under which the House assembled to-night.

The Clerk read as follows:

2. The House shall on each Friday at 5 o'clock p. m. take a recess until 8 o'clock, at which evening session private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion only shall be considered; said evening session not to extend beyond 10 o'clock and 30 minutes.

Mr. FINLEY. This bill is unquestionably in order, I think, unless some gentleman sees fit to object to it. This man was captured and killed. He leaves a wife and some helpless children. He was a soldier; the proof clearly shows it. He was sworn into the service, but before being mustered in was captured and killed.

Mr. BAKER. Let me ask whether the effect of the bill is not to put this veteran or his widow upon the pension roll.

Mr. FINLEY. It places his name on the rolls of the company in order that his heirs may obtain some relief from the Government.

Mr. BAKER. I think the effect is only to enable the widow or heirs to get a pension; and hence the bill is in order.

The SPEAKER *pro tempore*. The Chair is advised that this bill does not properly come within the rule.

Mr. FINLEY. Would it be in order to ask unanimous consent to consider it?

The SPEAKER *pro tempore*. The Chair thinks it could not be properly granted.

MARGARET A. MYERS.

The next business on the Private Calendar was the bill (H. R. 5093) for the relief of Margaret A. Myers.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret A. Myers, and that she be granted a pension at the rate of $25 per month.

The report (by Mr. BELKNAP) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5093) for the relief of Margaret A. Myers, have had the same under consideration and beg leave to report:

That the claimant is the sister of William P. Petticrew, who enlisted as a private in Company E, Tenth Regiment of Kansas Volunteer Infantry, on the 12th day of August, 1861, for three years, and was discharged on the 18th day of August, 1864, by reason of expiration of term of service, and who thereupon re-enlisted and served until the close of the war.

That on the 31st day of May, 1868, said soldier died of consumption, a disease contracted in the service. Never was married.

It further appears from the evidence filed with your committee that the claimant in this case was left a widow in 1866 with a daughter eight years of age dependent upon her for support. That in 1867 her eyesight began to fail, and for the last fourteen years she has been totally blind, and that the physicians declare that her eyesight is totally destroyed.

That the daughter is married, but is wholly unable to contribute anything toward her support.

It further appears that the only property she has is an undivided interest in a house and lot valued at $600. It further appears that the soldier was the only brother of the claimant, and that she has no near relatives living except her married daughter.

It also appears that upon the return of the brother from the Army he took care of his sister, the claimant, until the time of his death, and he was her only support.

It also further appears from the testimony of neighbors, who have known the claimant for many years, that she is a very worthy woman, fifty-five years of age, totally blind, and that unless her necessities are relieved by the Government she will become a public charge or must be dependent on charity for subsistence.

In view of all the circumstances of the case your committee reports the bill back with a favorable recommendation, amended, however, by striking out the word "twenty-five," in line 7, and inserting "twelve" in place thereof.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

PATRICK HYLAND.

The next business on the Private Calendar was the bill (H. R. 8848) for the relief of Patrick Hyland:

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the name of Patrick Hyland, enlisted as a private September 9, 1861, in Company B, Sixty-seventh Pennsylvania Volunteers, at Philadelphia, Pa.

The report (by Mr. WILLIAMS, of Ohio) is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 8848) for the relief of Patrick Hyland, having considered the same, respectfully report:

That Patrick Hyland enlisted September 9, 1861, in Company B, Sixty-seventh Pennsylvania Volunteers, and served faithfully until January, 1864, when he re-enlisted in the same organization as a veteran. He went home on a veteran furlough in April, 1864, with his regiment, but when his leave expired he was sick in bed with typhoid fever. As soon as he was able he started to rejoin his regiment, and went as far as Washington, D. C., when he suffered a relapse and returned to his home. Here he remained a long time severely sick.

From affidavits submitted to your committee we are satisfied that such sickness wholly disqualified such soldier from military duty during the remaining period of the war. That his failure to return to the service was through no fault or neglect of his own, but simply the result of an unavoidable sickness. Your committee submit as a part of their report the soldier's record as shown in the War Department, and the affidavits of Thomas Fagan, Margaret Loden, and said Patrick Hyland, which fully explains the case.

Your committee recommend the bill to be amended by adding to line 7 the following words, "and grant him an honorable discharge under date of May 1, 1864," and that the bill, when so amended, do pass.

Case of Patrick Hyland, late private Company B, Sixty-Seventh Pennsylvania Volunteers.

RECORD AND PENSION DIVISION, *July 30, 1890.*

Patrick Helan (also borne as "Heland"), private Company B, Sixty-seventh Pennsylvania Volunteers, was enrolled at Philadelphia, Pa., on September 9, 1861, to serve three years, re-enlisted on January 1, 1864, as a veteran volunteer, and is reported present on roll of company for January and February, 1864; roll for March and April, 1864, shows him absent with leave, on veteran furlough; roll for May and June, 1864 (last roll of the company upon which his name is borne), reports him absent, deserted about May 1, 1864. He did not thereafter return to military control, although his command was retained in service until July 14, 1865.

The Hon. HENRY H. BINGHAM, M. C., was informed by the Department, in a letter dated July 14, 1888, in which the soldier's record was quoted, that if, as is inferred from the soldier's letter herewith returned, he was prevented from returning and completing his term of enlistment by reason of physical disability, it will be necessary for him to establish that fact by the testimony of his attending physician or other reliable parties, and also that such disability was contracted in the line of his duty, before he can become entitled to a discharge certificate from his veteran enlistment.

The testimony required has not been furnished, and in its absence the case is not embraced within the provisions of any law governing the subject of desertions.

Respectfully submitted.

F. C. AINSWORTH,
Captain and Assistant Surgeon, United States Army.

The SECRETARY OF WAR.

GENERAL AFFIDAVIT.

STATE OF PENNSYLVANIA, *County of Philadelphia, ss:*

In the matter of Patrick Hyland, Company B, Sixty-seventh Regiment, Pennsylvania Volunteers.

On this 13th day of March, A. D. 1890, personally appeared before me, a magistrate in and for aforesaid county and State, Thomas Fagan, aged forty-seven years, a resident of the city of Philadelphia, county of Philadelphia, State of Pennsylvania, whose post-office address is 4422 Parish street, and who, being duly sworn according to law, deposes and says in relation to the aforesaid case as follows:

I served in Company B, Sixty-seventh Regiment Pennsylvania Volunteers, and was personally acquainted with Patrick Hyland of the same company and regiment. I re-enlisted at the same time that Patrick Hyland did, and came home with the regiment at the same time, and am personally knowing of the fact that when the regiment's veteran furlough expired and was returning to the front that the said Patrick Hyland was laid up sick from typhoid fever, and was confined to his residence and under the care of a physician.

Between the time the regiment went back on its veteran furlough, January, 1864, and October, 1864, I saw a letter that was received by Private James Tag, of the same company, and in said letter it stated that Patrick Hyland was still very sick and not expected to live.

In the battle of October, 1864, I was wounded and came home, and when I came home I saw the said Patrick Hyland and he was only a shadow of his former self; he was just recovering from his sickness, was just able to walk about, and in conversation he informed me that he had been sick ever since the regiment left.

I was home from October to the latter part of January, 1865, and during this time I saw him quite frequently and know that he was not at any time fit to perform any military duty, he being still very weak.

I was discharged in July, 1865, and saw him again and he was a physical wreck, and had not done any work, neither was fit to do any work or to perform military duty.

He was always regarded by the officers as being homesick; he was not looked upon as a deserter; had they suspected him of such he could have easily been arrested, as it was known to us all where he was.

I further declare that I have no interest in said case, and am not concerned in its prosecution.

THOMAS FAGAN.

Sworn to and subscribed before me this day by the above-named affiant. I further certify that I am in nowise interested in said case, nor am I concerned in its prosecution.

Witness my hand and official seal this 13th day of March, 1890.

[SEAL.] ISRAEL W. DENHAM.
Magistrate Court No. 6.

GENERAL AFFIDAVIT.

STATE OF PENNSYLVANIA, *County of Philadelphia, ss:*

In the matter of Patrick Hyland, late Company B, Sixty-seventh Regiment Pennsylvania Volunteers.

On this 12th day of March, A. D. 1890, personally appeared before me, a magistrate in and for said county and State, Margaret Soden, aged fifty-two years, a resident of the city of Philadelphia, county of Philadelphia, State of Pennsylvania, whose post-office address is 2419 Factory street, and who, being duly sworn according to law, deposes and says in relation to the aforesaid case as follows:

I am knowing of the following facts: My husband, James Tag, was a member of Company B, Sixty-seventh Regiment Pennsylvania Volunteers, and I resided within one square from the residence of Patrick Hyland, the claimant, and know that while he was home on a veteran furlough that he was taken very sick with the typhoid fever and was confined to his residence, and when their time of furlough was expired and they were going back to the Army, then the said Patrick Hyland was sick in bed with the typhoid fever and was under the care of a doctor, William Hopper, and to my own personal knowledge he, the said Patrick Hyland, was mentally distressed because he could not return with the regiment, and to relieve his fears I personally went to the colonel and reported his sickness and the severity of the same, and the colonel requested that he follow the regiment as soon as he was able.

I nursed him in his sickness and know he was delirious and out of his mind and hovered between life and death for a month or two, and he left his room earlier than he should have done and the result was he had a relapse and then was sick for about three months, and as soon as he was able to move about again he started for to join his regiment. He was very weak and could scarcely walk, and when he got as far as Washington he had to come back again, and he wanted to go to the hospital, at Twenty-fifth and South streets, but his father would not allow it, and he was brought home again and was under the charge again of Doctor Hopper.

Then when he did get well of the fever he was taken sick with a chronic diarrhea and he had big blotches to break out all over his body and he continued in this condition until long after the war was over. He was not able to do any work for fully two years after the close of the war.

I am confident he was at no time in a condition fit to do or perform military duty from the time he came home on his veteran furlough in 1864 until fully a year after the war was over. I further declare that I have no interest in said case and am not concerned in its prosecution.

MRS. MARGARET SODEN.

Sworn to and subscribed before me this day by the above-named affiant. I further certify that I am in no wise interested in said case, nor am I concerned in its prosecution.

Witness my hand and official seal this 12th day of March, 1890.

[SEAL.] ISRAEL W. DURHAM,
Magistrate Court No. 6.

APPLICATION FOR REMOVAL OF CHARGE OF DESERTION.

STATE OF PENNSYLVANIA, *County of Philadelphia, ss:*

On this —— day of March, A. D. 1890, personally appeared before me, a magistrate in and for the county of Philadelphia, in the State of Pennsylvania, Patrick Hyland, now a resident of Philadelphia, county of Philadelphia, State of Pennsylvania, who, being duly sworn, declares that he is the identical person who served under the name of Patrick Heland in Company B, in the Sixty-seventh Regiment of Pennsylvania Volunteers; that he was enlisted in said company and regiment on or about the 9th day of September, 1861, at Philadelphia, in the county of Philadelphia, and State of Pennsylvania, by Capt. Thomas Connor, mustered into service on or about the 9th day of September, 1861, at Philadelphia in the county of Philadelphia, and State of Pennsylvania; that he served faithfully until on or about the 1st day of February, 1864, when, without any intention of deserting, he left the regiment under the following circumstances, namely:

Whilst he was home on the veteran furlough he was taken sick with typhoid fever and was unable to return with his regiment at the expiration of said furlough, and his anxiety to go back was so great that in enfeebled condition he left his sick room and followed the regiment as far as Washington, D. C., and whilst en route thereto the fever increased and to such an extent that when he reached Washington he was unable to proceed any further, and by the advice of officers and men who were strangers to him and who were awaiting transportation at the depot in Washington, all of whom advised him to return home again and go to some hospital in his native city, which the claimant did, and as soon as he arrived in the city of Philadelphia, Pa., he immediately went to the South Street United States general hospital, which was only about one square from his residence.

He was admitted to the said hospital, but was only there a short time, as his father called at said hospital and obtained consent of the surgeon in charge to take the claimant to his residence for treatment; this request the surgeon very readily complied with, and stated he was glad to do so, as the hospital was so well filled with sick and wounded at that time. The claimant continued very sick with the typhoid fever for about several (three) months, *i. e.*, just as he was recovering from the first attack he was taken with a relapse and was then about five weeks in a delirious condition.

Furthermore, whilst suffering from the typhoid fever, the chronic diarrhea came on him, and so severe in character as to prostrate him, and from the effects of the typhoid fever and chronic diarrhea he was never at any time sufficiently recovered to perform military duty, and said debilitated condition continued on him from February, 1864, to May, 1865, and for some time subsequent thereto, and as his absence from his command was not due to nor the fault of the claimant in any manner, therefore he files this declaration, which is made for the purpose of securing a removal of the charge of desertion, and he hereby appoints, with full power of substitution and revocation, James B. O'Neill, 118 South Sixth street, of Philadelphia, Pa., his attorney to present his application, and to receive and receipt for the discharge that may be issued thereon, and to do any and all acts necessary to effect the purpose of his said appointment. His post-office address is 410 South Twenty-sixth street, Philadelphia, Pa.

PATRICK HYLAND.

Also personally appeared before me Charles Seger, now a resident of the city of Philadelphia, in the county of Philadelphia and State of Pennsylvania, and Daniel Devenny, now a resident of the city of Philadelphia, in the county of Philadelphia and State of Pennsylvania, to me well known as credible persons, who, being sworn, declare that they have been for —— acquainted with the above-named applicant; that they know him to be the person he represents himself to be; that they have every reason to believe that the foregoing affidavit by him subscribed is correct and true; and they have no interest in this claim.

CHARLES SEGER,
DANIEL DEVENNY.

STATE OF PENNSYLVANIA, *County of Philadelphia, ss:*

Sworn to and subscribed before me this day by the above-named affiant, and I certify that I read said affidavit to said affiant, including the words —— erased, and the words —— added, and acquainted him with its contents before he executed the same. I further certify that I am in no wise interested in said case, nor am I concerned in its prosecution; and that said affiant is personally known to me and that he is a creditable person.

[SEAL.] ISRAEL W. DURHAM,
Magistrate Court No. 6,

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

W. W. BRADLEY.

The next business on the Private Calendar was the bill (H. R. 1223) granting a pension to W. W. Bradley.

The bill was read at length for information.

Mr. MORRILL. Mr. Speaker, does that come under the order for this evening session?

Mr. SAWYER. It is to correct a military record.

Mr. OWEN, of Indiana. It is to correct his muster-in.

Mr. SAWYER. We have passed bills like that at evening sessions, have we not?

Mr. MORRILL. We just refused to consider such a bill.

The SPEAKER *pro tempore*. The Chair is of the opinion that the bill does not come under the order of business for this evening.

MONTGOMERY GEIGER.

The next business on the Private Calendar was the bill (H. R. 11972) for the relief of Montgomery Geiger.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Montgomery Geiger, of the county of Lincoln and State of Missouri, a private in Company B, of Powell's Battalion, Mexican war, and pay him a pension of $20 per month from and after the passage of this act.

The report (by Mr. NORTON) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 11972) granting a pension to Montgomery Geiger, have considered the same and report:

The claimant was a private in Company B, Powell's Battalion Missouri Mounted Volunteers, and served from July 1, 1847, to November 7, 1848.

His claim for pension under the Mexican war service-pension act of January 29, 1887, was rejected by the Pension Bureau on the ground that the organization to which the claimant belonged did not serve in Mexico, or on the coasts or frontier thereof, or en route thereto.

The claimant, who is sixty-two years old, is shown by the statements of D. W. Tice and Dr. J. A. Ward, both of Troy, Mo., to be partially paralyzed, unable to do any manual labor, and without any income or other means of support.

The services of Powell's Battalion during the time of the Mexican war are known to have been of the greatest value to the country, and your committee have heretofore recommended the pensioning of the survivors of that organization.

The case seems to be a just and meritorious one, and your committee return the bill with the recommendation that it do pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MRS. MARY B. FLOYD.

The next business on the Private Calendar was the bill (H. R. 10992) granting a pension to Mrs. Mary B. Floyd.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, instructed to place on the pension rolls Mrs. Mary B. Floyd, of Newton County, Georgia, widow of John B. Floyd, late a captain of a company of Georgia troops, in the Creek Indian war of 1836, and pay her a pension, subject to the limitations and provisions of the pension laws.

The report (by Mr. DE LANO) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 10992) granting a pension to Mrs. Mary B. Floyd, have considered the same and report:

John J. Floyd, the claimant's late husband, was a captain of Georgia volunteers, and served one month and eleven days in the Creek Indian war of 1836.

McCormick Neal, J. T. Henderson, George H. Hammond, and other citizens of Fulton County, Georgia, testify that the claimant is seventy-three years old, in feeble health, indigent circumstances, and dependent upon her children for a home and the comforts of life.

Many precedents have been established for the granting of pensions by special acts to applicants of this class, and your committee therefore report the bill back with a favorable recommendation.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MRS. G. W. GRIFFITH.

The next business on the Private Calendar was the bill (H. R. 7880) granting a pension to Mrs. G. W. Griffith.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. G. W. Griffith, of Fayette County, Georgia, widow of G. W. Griffith, a private in the Creek Indian war of 1836, and who was a member of Capt. James Sanford's company, Georgia troops.

The report (by Mr. DE LANO) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 7880) granting a pension to Mrs. G. W. Griffith, have considered the same, and report as follows:

The claimant's deceased husband, George W. Griffith, was a private in Capt. James N. Sanford's company of Georgia Volunteers, Creek Indian war, and served from June 2, 1836, to July 12, 1836.

His widow is now advanced in years, without property or income, and a sufferer from rheumatism to such an extent that she can do no labor by which to earn a livelihood.

In view of the facts stated, your committee return the bill with a favorable recommendation.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

ELIZABETH P. SATTERFIELD.

The next business on the Private Calendar was the bill (H. R. 9668) granting a pension to Elizabeth P. Satterfield.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place the name of Elizabeth P. Satterfield, widow of John R. Satterfield, late a soldier in the Black Hawk war, on the pension roll at the rate of $12 per month.

The report (by Mr. DE LANO) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 9668) granting a pension to Elizabeth P. Satterfield, have considered the same, and report as follows:

The petition of the claimant for relief by special act is based upon the service of her deceased husband, John R. Satterfield, in Capt. James Bowman's company of Illinois militia, Black Hawk war.

The muster roll of the company can not be found in the files of the Government and the records are otherwise incomplete, but the Second Auditor of the Treasury reports that Mr. Satterfield's name appears on the pay roll of the above-named company as a sergeant, and that he was paid for service from June 10 to June 16, 1832.

That this item on the pay roll does not show the full term of Satterfield's service is shown by the testimony of Samuel W. Carpenter and Wyatt Parish, who swear that they were in the same company with Satterfield, and that they were all away from home about ninety days at the time of their service, and that the period of actual service was about sixty days.

That the claimant is the lawful widow of the soldier is fully shown by testimony filed with the committee, and it is also established that she is about seventy-five years old and without any means of support.

Your committee believe the case to be a just and meritorious one, and the bill is therefore returned with a favorable recommendation.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

B. JONES.

The next business on the Private Calendar was the bill (H. R. 7147) granting a pension to B. Jones.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, at the rate of $8 per month, and subject to the provisions and limitations of the pension laws, the name of B. Jones, of South Carolina, late a private of Captain Chestnut's company of Mounted Men, South Carolina Volunteers of the Florida war.

The report (by Mr. DE LANO) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 7147) granting a pension to B. Jones, have considered the same and report as follows:

The claimant, Binwell Jones, was a private of Capt. John Chestnut's company, of Col. R. H. Goodwyn's regiment of "Mounted Gunmen," South Carolina Volunteers, Florida Indian war, and served from February 17, 1836, to May 6, 1836.

The claimant's identity is fully established by the testimony submitted in support of the bill, and it is further shown that he is eighty-one years old, that his lands are covered by mortgages, and he is in needy circumstances.

Your committee believe the case to be a worthy one, and therefore return the bill recommending its passage.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

ROBERT HALL.

The next business on the Private Calendar was the bill (H. R. 10873) to increase the pension of Robert Hall.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to increase the pension now allowed to Robert Hall, of Shelbyville, Mo., late a soldier in the Mexican war, under certificate numbered ——, and pay him the sum of $24 per month.

The report (by Mr. NORTON) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 10873) to increase the pension of Robert Hall, have considered the same and report:

This soldier was a private in Company G, Second Illinois Volunteers, and served from June 17, 1846, to June 18, 1847, in the war with Mexico.

He is now a pensioner at $8 per month on account of that service.

Accompanying the bill is a sworn statement signed by J. T. Ferry, county clerk; L. Dobbin, postmaster, and six other citizens of Shelbyville, Mo., to the effect that the claimant is past eighty years old and so feeble that for the past two years he has been unable to dress himself; also that he owns no property except a courtesy in 100 acres of land assessed at $1,000, in Shelby County, Missouri, and his income (including his pension of $8 per month) is inadequate to supply his needs.

In view of the claimant's service and his great age and necessities, your committee recommend the passage of the bill, amended, however, as follows: By striking out the words "twenty-four," in line 7, and substituting in lieu thereof the word "twenty."

The amendments recommended by the committee were agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

DR. FRANCIS LAMBERT.

The next business on the Private Calendar was the bill (H. R. 9575) granting a pension to Dr. Francis Lambert.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll the name of Dr. Francis Lambert, at the rate of $25 per month, late a surgeon in the Creek war.

The report (by Mr. HENDERSON, of North Carolina) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 9575) granting a pension to Dr. Francis Lambert, have considered the same and report as follows:

The records of the Second Auditor's Office, Treasury Department, show that the claimant was paid for service as a private in Capt. E. B. Robinson's company of District of Columbia volunteers from June 1, 1836, to August 31, 1836, in the Creek Indian war. He also appears as an assistant surgeon on the rolls of the company, but the records fail to show that he was ever mustered in as of that rank.

Dr. Frederick Hutchison, a reputable citizen of Arcola, Va., certifies that Dr. Lambert is seventy-five years old, physically incapacitated to earn a living (being a confirmed invalid) and in needy circumstances.

The claimant's residence and post-office address is Arcola, Loudoun County, Virginia.

In view of the claimant's service, great age, and necessitous condition, your committee recommend the passage of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

DENNIS KELLY.

The next business on the Private Calendar was the bill (H. R. 11792) for the relief of Dennis Kelly.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Navy be, and hereby is, empowered and directed to correct the record of Dennis Kelly by expunging the charge of desertion which now stands against him on the records of the Navy Department, and to issue to him a certificate of honorable discharge from the naval service.

The report (by Mr. DOLLIVER) is as follows:

The Committee on Naval Affairs, to whom was referred the bill (H. R. 11792) for the relief of Denis Kelly, have duly considered the same and submit the following report:

The facts in the case are fully embraced in the record evidence from the Navy Department, as also by the sworn statement of the beneficiary, which are herewith submitted.

NAVY DEPARTMENT, *Washington, July 19, 1890.*

SIR: Referring to your communication relative to the removal of the charge of desertion, in the case of Denis Kelly, of Brayton, Iowa, I have the honor to inform you that it appears from an examination of his record of service that he enlisted in the Navy March 14, 1865, as landsman, for two years; served on board the U. S. S. William G. Anderson, Choctaw, Potomac, and J. C. Kuhn, and is charged with desertion from the last-named vessel on March 17, 1866.

The Chief of the Bureau of Medicine and Surgery reports that Denis Kelly was admitted to the sick list of the J. C. Kuhn, October 19, 1865; disease, hemorrhoids; discharged October 21, 1865, to duty; and that there is no further record of him in that bureau.

Inasmuch as the act of Congress "to relieve certain appointed or enlisted men of the Navy and Marine Corps from the charge of desertion," approved August 14, 1888, requires that an applicant for relief thereunder, who deserted the service prior to the expiration of his term of enlistment, shall have served faithfully until the 1st of May, 1865, having previously served six months or more, or shall have been prevented from completing his term of service by reason of wounds received or disease contracted in the line of duty, and it appearing from the facts of record, as stated above, that Dennis Kelly enlisted only on March 14, 1865, and there being no evidence to show that he was prevented from completing his term of service by reason of wounds received or disease contracted in the line of duty, his case is not one which can properly be considered under the act referred to.

In the absence of conclusive evidence that the charge of desertion was erroneously entered in the case of Dennis Kelly, he is regarded as having been properly marked as a deserter at the time stated, namely, March 17, 1866, and it is not, therefore, in the power of the Department to remove that charge. Congress alone can grant the relief asked for.

Very respectfully,

B. F. TRACY,
Secretary of the Navy.

Hon. J. R. REED,
House of Representatives.

GENERAL AFFIDAVIT.

STATE OF IOWA, *Coss County, ss:*

In the matter of claim of Dennis Kelly, a landsman in United States Navy.

Personally came before me, a notary public in and for aforesaid county and State, Dennis Kelly, aged fifty years, and citizen of the town of Brayton, county of Audubon, State of Iowa, well known to be reputable and entitled to credit, and who, being duly sworn, declares in relation to aforesaid case as follows:

Then I enlisted on the 14th day of March, 1865, and served on the following-named vessels, to wit, Choctaw, Wm. G. Anderson, Potomac, and J. C. Kuhn, until March 17, 1866, at which time I was sick and got liberty to go ashore, and did not go back for the reason that I understood when I enlisted that I would be discharged as soon as the war was over, notwithstanding my enlistment was for two years, and the war was virtually ended in April, 1865, and as I had already served over one year, and nearly all that time after the war was over, I considered my service was no longer needed. And further, I understood when the ship landed at New York we were to be discharged; and further, I was sick and unable to do work for more than six months after I left the ship, and my health has been very poor ever since I left the service and have been a continual sufferer from hemorrhoids each year since I came out of the service, and I verily believe had I not left the ship when I did I would have died before my time of service was out.

DENNIS KELLY.

Sworn to and subscribed before me this day by the above-named affiant; and I certify that I read said affidavit to said affiant, and acquainted him with its contents before he executed the same. I further certify that I am in no wise interested in the case, nor am I concerned in its prosecution; and that said affiant is personally known to me; that he is a credible person and so reputed in the community in which he resides.

Witness my hand and official seal this 23d day of August, 1890.

[SEAL.] JAMES PUGH, *Notary Public.*

Your committee are of the opinion that upon the facts shown the said Dennis Kelly ought to be relieved from the charge of desertion, and we therefore recommend the passage of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

JULIUS A. KAISER.

The next business on the Private Calendar was the bill (H. R. 1840) for the relief of Julius A. Kaiser.

The bill was read at length for information.

Mr. MORRILL. Mr. Speaker, I make the point of order that this bill is not embraced in the order for the Friday evening session.

The SPEAKER *pro tempore*. The point of order is well taken.

GEORGIANNA C. HALL.

The next business on the Private Calendar was the bill (H. R. 9616) granting increase of pension to Georgianna C. Hall, dependent mother of Maj. John W. Williams, deceased, late surgeon United States Army.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension allowed under the act of January 29, 1887, to Georgianna C. Hall, as the widow of William Hall, of Company B, Third Louisiana Volunteers in the Mexican war, to a sum equivalent to the amount which she would be entitled to as dependent mother of her son, the late Maj. John W. Williams, deceased, surgeon of the United States Army, on whom she was dependent for subsistence.

The report (by Mr. DE LANO) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 9616) granting increase of pension to Georgianna C. Hall, have considered the same and beg leave to report as follows:

The claimant is the widow of William Hall, who was a corporal in Company B, Third Louisiana Volunteer Infantry, and served from May 4, 1846, to August 14, 1846. She is now in receipt of a pension at $8 per month, under Mexican war service pension act of January 29, 1887. At the time of the granting of said pension by the Pension Office, Mrs. Hall proved that she was dependent for support upon her son (by a former marriage) John W. Williams, major and surgeon, United States Army. This son has since died, leaving a widow who receives the pension due on account of his service and death.

Mrs. Hall is now sixty-nine years old, and so much affected by rheumatism as to be unable to do any work for a livelihood. She has no property of any kind and no income aside from the small pension, which is insufficient to supply the necessaries of life, and she has to depend upon a widowed daughter for assistance. This daughter is poor and has to depend upon her labor for support.

The facts are established by the testimony of Thomas A. Mitchell, George H. Baldwin, W. O. Dennison, and other reputable citizens of Washington, D. C.

Believing the case to be a meritorious one, your committee recommend the passage of the bill, amended, however, as follows: By changing the title so as to read, "A bill granting increase of pension to Georgianna C. Hall, widow of William Hall;" also, by striking out all after the word "war," in line 8, and substituting in lieu thereof the words "to $20 per month."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title of the bill was amended so as to read: "A bill granting increase of pension to Georgianna C. Hall, widow of William Hall."

MARY CONDY RINGGOLD.

The next business on the Private Calendar was the bill (H. R. 12120) to increase the pension of Mary Condy Ringgold, mother of George H. Ringgold, late lieutenant colonel and deputy paymaster general, United States Army.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay Mary Condy Ringgold, mother of George H. Ringgold, late lieutenant colonel and deputy paymaster general, United States Army, a pension at the rate of $50 per month instead of the pension she is now receiving.

The report (by Mr. SAWYER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12120) granting a pension to Mary C. Ringgold, submit the following report:

The beneficiary is the widow of George H. Ringgold, late lieutenant colonel and deputy paymaster general, United States Army.

Colonel Ringgold graduated at West Point in the same class with General Rosecrans, was appointed an additional paymaster in 1846, was promoted deputy paymaster general, with the rank of lieutenant colonel United States Army, in May, 1862, and was chief paymaster Department of the Pacific from 1861 to April 4, 1864, when he died.

The beneficiary is now his widow, sixty-two years of age, in feeble health, and is absolutely without any means of support except her pension of $30 per month, which she is now receiving and the earnings from her own labor.

She has two daughters (her only children) both unmarried. The younger is in delicate health and is supported by her mother.

Mrs. Ringgold has also an invalid sister supported by her and her older daughter. She has no relative to whom she can look for her support in her old age.

Colonel Ringgold was a Southern man by birth, and when the civil war broke out he was stationed at San Francisco, Cal. General Albert S. Johnston was then stationed at this place, in command of the Department of the Pacific.

As is well known, there was a large element in the population of that State that favored the secession of that State, and plans were being laid with the knowledge and under the advice of General Johnston to secure that result. Suddenly General Johnston was relieved of his command and General Sumner appointed in his place, and the efforts to secure the secession of California were thwarted, and that State, and perhaps Oregon, were saved to the Union.

This was before the days of telegraphs and railroads across the continent. The part that Colonel Ringgold had in securing this important result will fully appear in the accompanying letter from General W. C. Kibbe, then and for several years thereafter adjutant general of that State:

"WASHINGTON, D. C., *September* 26, 1890.

"MY DEAR MADAM: I have great pleasure in stating to you, in connection with your request that I see the Hon. Mr. SAWYER, of New York, that there is a matter of unwritten history which may avail you in the legislation you are seeking from Congress.

It is this, namely: Early in 1861—say about the 29th of March—while adjutant general of California, being on business for my State, I received a joint letter from two very dear and loyal friends in San Francisco stating that plans were on foot and nearing completion for the secession of California from the Union, in which Oregon would join, giving me full particulars of the same and stating that the writers, being of Southern birth, had been approached with impunity, the plotters not dreaming but that a simple request was all that would be required to enlist my friends in this bold and promising scheme. But, to their great disgust and disappointment, one of them replied: "I was educated by the Government, and nurtured and protected under the old flag, which I have sworn to defend under any and all circumstances, and you must not now ask me to lift a hand against it, for this I shall never do." The other responded in a manner to almost dismay these plotters.

Presuming now that you are getting anxious to know the names of my old and loyal friends referred to, I will give them to you, as follows:

The first named was Maj. George Ringgold, United States Army, and the second, General Charles Doane, major general of the militia of California. This letter I immediately took to the Secretary of War (Cameron) who, properly impressed with its importance, immediately ushered me with the letter into the presence of President Lincoln, to whom I read the letter, and the following conversation rapidly ensued between us thus, Mr. Lincoln to me: "General, do you vouch for the statement these gentlemen make?" "I do, most emphatically; I know them intimately, they are both reliable and chivalrous, 'the salt of the earth.'"

To Secretary Cameron: "General, who is there near at hand whom we can trust to send out to California? Sumner is in New York, can we send him? If we can not, we have none who can be trusted. Telegraph Sumner to report here to-morrow." Lincoln to me: "General, when does the next steamer sail?" "Day after to-morrow." Sumner did report, and did sail on the following Wednesday under sealed orders "to be opened as you enter the Golden Gate," and when he arrived and was entering the Golden Gate he opened these orders and read: "Land at the first wharf and proceed with all haste to the headquarters of the Army and assume command of the Pacific Department, United States Army, and relieving Col. A. Sidney Johnston." Sumner landed at the presidio and was in command before the steamer reached her wharf at the foot of Clay street.

Now, this noble deed of George H. Ringgold, colonel in the Army, your husband, saved the secession of the Pacific States with all that that implied and which no man can compute, and I only wish the committee having your petition in charge would summon me before them that I might render homage to one who was true as steel and ready to make every and all sacrifice to duty and right.

I am, sincerely and truly, dear madam, your friend,

W. C. KIBBE.

Mrs. MARY C. RINGGOLD.

Colonel Ringgold had a brother, Major Ringgold, killed at the battle of Palo Alto, and another brother served with distinguished bravery in the naval service during the civil war. A similar bill was introduced into the Senate and was favorably reported in 1886. The report in that case is hereto annexed, with several letters from his Army friends testifying to the value of his military services attached.

Your committee believe that it is but just that the venerable widow of this meritorious officer, in her old age and in her dependent condition, should receive the increase of pension proposed to be given by this bill, especially in view of the peculiarly valuable services rendered by her late husband, and they would therefore recommend that the bill do pass, amended by striking out the word "mother" in the title and inserting the word "widow," and by striking out the word "mother" in the fourth line of the bill and inserting the word "widow."

An act granting an increase of pension to Mrs. Mary Condy Ringgold, widow of George H. Ringgold, late lieutenant colonel and deputy paymaster general, United States Army.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and is hereby, authorized and directed to increase to $50 per month the pension of Mrs. Mary Condy Ringgold, widow of the late George H. Ringgold, lieutenant colonel and deputy paymaster general, United States Army, who died in San Francisco, Cal., April 4, 1864.

[Senate Report No. 301, Forty-ninth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 516) granting an increase of pension to Mrs. Mary C. Ringgold, have examined the same and report:

The claimant is the widow of George H. Ringgold, late lieutenant colonel of the United States Army (certificate No. 59798). The following certificates and petition of the widow will show the character of his services:

WAR DEPARTMENT, PAYMASTER GENERAL'S OFFICE,
Washington, D. C., December 17, 1884.

I had not the pleasure of a personal acquaintance with the late Lieut. Col. George H. Ringgold, deputy paymaster general. He was a graduate at West Point and served in the line of the Army for over three years; was appointed an additional paymaster in 1846, and in the regular service July 21, 1847, and was promoted deputy paymaster general with the rank of lieutenant colonel on the 28th May, 1862, and was chief paymaster Department of the Pacific from 1861 to April 4, 1864, the day of his death.

Lieutenant Colonel Ringgold had the reputation of an accomplished gentleman and faithful public officer.

WM. B. ROCHESTER,
Paymaster General U. S. Army.

I heartily concur in the above.

S. V. BENÉT,
Brigadier General, Chief of Ordnance.

I knew Colonel Ringgold for many years. He was a faithful officer and a worthy gentleman. Great sympathy is due his family for their own sakes as well as for his valuable services to the United States.

E. D. TOWNSEND,
Brigadier General U. S. Army, Retired.

To whom it may concern:

It was my good fortune to know the late lamented Lieut. Col. George H. Ringgold, paymaster United States Army, for some years before his death, and on the California coast. He was an accomplished gentleman and a thorough man.

He was in San Francisco at the beginning of the late rebellion, and as a Marylander opposed secession as an entirety and in the particular. What with speeches and open activity he did much to dishearten the organization of the Knights of the Golden Circle, and in all this secured to himself much enmity from State's people and other Southern people with whom he had before been on terms of local as well as social brotherhood.

He had a large family, entertained hospitably, and died during the war, leaving nothing to them but his good name.

Of one of the best old families of our country they have left their lives and name written on our battlefields. Ringgold, of Palo Alto, Tex., was the colonel's brother, while the Tilghmans, Keys, and Hayes were all his relatives. The times have changed, and people who once could have come forward to the help of the family have passed away, and its support depends now on the efforts of his wife.

A grateful country could not act in a more worthy place than here in helping her to keep together a body of delicate and dependent children of him who was so true to his flag, when appeals like a litany were being made to every Southern gentleman.

JNO. HAMILTON,
Colonel, Fifth Artillery.

Given at Fort Hamilton, N. Y., December 15, 1884.

Colonel Ringgold was an accomplished gentleman, and served his country faithfully and well.

R. C. DRUM,
Adjutant General, U. S. Army.

WASHINGTON, D. C., *December* 17, 1884.

Your petitioner, Mary C. Ringgold, whose post-office address is Washington, in the county of Washington and District of Columbia, respectfully represents that she is a pensioner under certificate No. 59798, at the rate of $30 per month, as the widow of the late Lieut. Col. George H. Ringgold, deputy paymaster general, United States Army.

Referring to the many cases wherein additional pension has been granted by Congress, none of them more meritorious than hers, she respectfully prays for the passage of a special act increasing her pension to $50 per month.

The services of Colonel Ringgold were especially valuable to the Government, and as the expenses of living consumed all his pay, at his death his family was left destitute, and your petitioner has ever since been compelled to provide for herself and four children. She is now in declining years, and her two sons, whom she had hoped would be able to assist her, having both died, she finds herself compelled to ask that an increase of pension, which many have received for far less service, may be generously given for the brief period that remains.

She would also remind you that she belongs to a family whose members have all been faithful servants of the Government, and who have all passed away. She is the great-grandchild of the renowned hero of Cowpens and Eutaw, and her family wealth was freely given during the Revolution to insure American success.

She asks attention to the papers accompanying this petition, and respectfully prays that the needed relief may be granted.

It appears that Mrs. Ringgold was left in destitute circumstances at her husband's death, with four young children to provide for. Her sons have died, and also a stepson, leaving her without any male relatives, but with an invalid sister and daughter to support, entirely dependent upon her. She is nearly sixty years of age and in poor health.

Your committee recommend the passage of the bill with an amendment, as follows: Strike out the word "fifty," in line 7, and insert the word "forty" in lieu thereof.

WAR DEPARTMENT, PAYMASTER GENERAL'S OFFICE,
September 19, 1890.

I cheerfully concur in the indorsement of General Rochester of December 17, 1884, relating to the service and reputation of the late Lieutenant Colonel Ringgold.

WM. SMITH,
Paymaster General United States Army.

TREASURY DEPARTMENT, REGISTER'S OFFICE,
Washington, D. C., September 22, 1890.

DEAR MADAM: I have read Senate Report 301, Forty-ninth Congress, first session, concerning the services of your late husband, Lieut. Col. George H. Ringgold.

I regret that I am unable to reproduce in detail the facts which came to my knowledge in the course of my correspondence with him and his friends and brother officers, but I remember they showed that his character and services were held in high esteem for very substantial reasons, and that his services were especially valuable on the Pacific coast, at a time when the interests of the Government required such fidelity and intelligence as he displayed.

Sympathising with you in the struggle you have had since his death and in the losses of your children and stepson, I sincerely hope Congress will increase your pension to $50 per month, as you desire.

Very truly, yours,

W. S. ROSECRANS.

Mrs. MARY C. RINGGOLD,
Washington, D. C.

Mr. CHEADLE. I will ask the Clerk to state the amount of pension allowed in that case.

The SPEAKER *pro tempore*. The amount is $50 a month.

Mr. CHEADLE. Then I object to its consideration without the presence of a quorum.

The SPEAKER *pro tempore*. The amount received at the present time is $30, and the bill increases the pension to $50.

Mr. CHEADLE. I object to its consideration without the presence of a quorum.

Mr. SAWYER. Mr. Speaker, I would ask that the case may go over, retaining its place on the Calendar. I know of but one power that could change the course of the gentleman from Indiana. I would not limit the power of the Almighty.

Mr. CHEADLE. I want to say, and I want the RECORD to show it, that as a member of this House I am entitled to the same courtesies as every other member. I have availed myself of the privileges authorized by our rules——

The SPEAKER *pro tempore*. The question is on unanimous consent being given that this bill shall be laid aside, to retain its place on the Calendar.

Mr. SAWYER. If there is anything in my remarks that offends the gentleman from Indiana, I will withdraw it.

Mr. CHEADLE. I do not propose that any member of this body shall criticise my motives. I am responsible to the people whom I represent and to my own conscience, and not to the gentleman from New York or any other member.

The SPEAKER *pro tempore*. Is there objection to the request that the bill be laid aside and be allowed to retain its place on the Calendar? [After a pause.] The Chair hears none.

EUGENE A. OSBORN.

The next business on the Private Calendar was the bill (H. R. 11311) granting an increase of pension to Eugene A. Osborn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed, subject to the provisions and limitations of the pension laws, to increase the pension of Eugene A. Osborn, late a private in Company A of the Third Regiment of Ohio Cavalry Volunteers, to $60 per month.

The report (by Mr. YODER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 11311) granting an increase of pension to Eugene A. Osborn, submit the following report:

The committee have given this case careful consideration, and find that the claimant received a gunshot wound in action, the ball entering in front of the right ear and passing out immediately over the left eye, entirely destroying the right eye and nearly destroying the sight of the left eye. The sight of the left eye has been growing feebler for some years, and the evidence shows that eventually it will be entirely lost. He can see but little with that eye now; enough to enable him, with the use of a cane, to go about the streets part of the time, but not enough to enable him to know or distinguish one person from another. He has to be led much of the time. In his own house he falls over the furniture, and needs to be constantly watched to prevent accident. His senses of smell and taste are entirely destroyed, and his wound affects his brain and impairs his mind.

His pension has been increased from time to time, until he now receives $30 per month.

The committee feel that he ought to receive at least the amount stated in the bill, and therefore recommend its passage, amended, however, by adding after the word "month," in line 7, the following: "*Provided, however*, That if he shall become totally blind, his pension therefor shall be rated in accordance with the provisions of the general laws."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MRS. S. J. RAYNER.

The next business on the Private Calendar was the bill (H. R. 4483) granting an increase of pension to Mrs. S. J. Rayner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Mrs. S. J. Rayner, widow of Rev. James O. Rayner, late chaplain United States Army, from $30 per month to $50 per month, to take effect from and after the passage of this act.

The report (by Mr. DE LANO) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 4483) granting an increase of pension to Sarah J. Rayner, have considered the same and report as follows:

The husband of the claimant, Rev. James O. Rayner, was elected chaplain by post council of administration (act July 5, 1838) and appointed post chaplain United States Army April 3, 1867, and served continuously as chaplain United States Army until retired February 19, 1887, by operation of law. He died at his home, San Mateo, Cal., June 18, 1888. His widow, the claimant, is a pensioner at the rate of $20 per month.

She applies for increase to $50 per month, declaring that she has no property to afford her any income and that she is in a very helpless condition, unable to walk or to use her hands, from the effects of rheumatism; that she is unable to earn a living or to take care of or dress herself. This throws the burden of support upon her pension, which is insufficient to meet her necessary wants.

Maj. Gen. J. M. Schofield, United States Army, in an indorsement submitting, under date of December 20, 1889, a communication received by him from claimant to the Secretary of War, states:

"Mr. Rayner was a very worthy and faithful chaplain in the Army. He was stationed at Angel Island, Cal., several years. In addition to his duties at that post he very cheerfully and zealously fulfilled my wishes by administering to the prisoners at Alcatraz Island. It appears that his widow is now left helpless and destitute, except for her pension of $20 per month, barely enough to pay the hire of a servant. I trust Mrs. Rayner's pension may be increased so as to provide her absolute necessities during the short remainder of her life."

Under date of November 23, 1889, A. T. Steigers, acting assistant surgeon, United States Army, at that time stationed at Alcatraz, Cal., certifies that the claimant is afflicted to such an extent with chronic rheumatism that she is a helpless invalid, unable to walk or use her hands or move without assistance, and that she requires the constant attendance of another person.

In a sworn statement, executed February 5, 1890, John Widney, of Santa Clara, Cal., says he has been the friend, adviser, and assistant of the claimant for years and knows that her income, outside of her pension, is small (perhaps from $5 to $9 per month), and but little more than sufficient, with her pension, to pay her nurse and wood bill, leaving her insufficient to purchase the common necessities of life. She is confined to an invalid's chair and can dress and undress herself only with the assistance of others; also that she deserves and needs help.

Robert Winsom makes substantially the same statement relative to the claimant's physical and financial condition.

Your committee think she should have her pension increased as prayed.

The passage of the bill is therefore recommended.

Mr. CHEADLE. Mr. Speaker, I object to the consideration of this bill without a quorum.

Mr. MORRILL. I ask unanimous consent that this bill may be laid aside without prejudice, to retain its place on the Calendar.

There was no objection, and it was so ordered.

MARY B. CLAYTON.

The next business on the Private Calendar was the bill (H. R. 11350) for the relief of Mary B. Clayton.

The bill was read, as follows:

Be it enacted etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $40 per month, the name of Mary B. Clayton, widow of the late Maj. Henry Clayton, late paymaster United States Army, and pay her a pension from and after the passage of this act.

The report (by Mr. DE LANO) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 11350) granting an increase of pension to Mary B. Clayton, have considered the same and report as follows:

The claimant is the widow of Henry Clayton, late major and paymaster, United States Army. This officer's military service began November 14, 1861, when he was mustered in as first lieutenant of Company B, Purnell Legion of Cavalry, Maryland Volunteers. After three years of faithful and arduous service he was mustered out with his company, October 26, 1864.

On the 4th day of October, 1866, he accepted appointment as captain Nineteenth United States Infantry, and served with distinction in the West until December 31, 1872, when he resigned. He was appointed major and paymaster September 12, 1882, and died at Fort D. A. Russell, Wyoming, December 26, 1888, of disease of the heart contracted in the service and line of duty.

Mrs. Clayton is now receiving a pension at the rate of $25 per month, the same having been allowed her under the provisions of the general pension laws.

In her petition for relief the claimant states that the soldier left no estate to enable her to educate and support their two children.

There are many precedents for the allowance of the increase prayed for in this case, and your committee therefore return the bill, recommending its passage.

NOTE.—Amend by adding to the bill, after the word "act" in line 8, the words "at the rate above named, the same to be in lieu of the pension now paid her."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MRS. MATILDA KENT.

The next business on the Private Calendar was the bill (H. R. 9948) granting a pension to Mrs. Matilda Kent.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Matilda Kent, of Walton County, Georgia, whose husband was a private soldier in Captain Wilcox's company, in the Florida Indian war of 1812, and allow her a pension of $12 per month.

The report (by Mr. DE LANO) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 9948) granting a pension to Mrs. Matilda Kent, have considered the same and report as follows:

The claimant's late husband, Jesse Kent, deceased, was a private in Capt. S. Mann's company (company during a part of its period of service also being commanded by Capt. John B. Strong) of Georgia Volunteers, and served from February 8, 1818, to May 22, 1818, in the Florida Indian war.

It is shown by the testimony of Samuel H. Brodnax, Augustus W. Clay, Dr. R. A. Hammonds, and Robert A. England, citizens of Walton and De Kalb Counties, Georgia, that Mrs. Kent is physically unable to do anything towards supporting herself, and the only property possessed by her is a farm of about

$500 in value, which is mortgaged for all it is worth. This farm is very poor land and only a few acres of it is fit for cultivation, and from this she does not derive enough income to make her comfortable. She has no other source of income.

Your committee believe the case to be a meritorious one, and they therefore return the bill with the recommendation that it do pass, amended so as to allow a pension of $12 per month; also by striking out the word "Wilcox's," in line 7, and inserting in lieu thereof the word "Mann's;" also by striking out the word "twelve," in line 8, and inserting in lieu thereof the word "eighteen."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN W. WRIGHT.

The next business on the Private Calendar was the bill (H. R. 12094) for the relief of John W. Wright, of Audrain County, Missouri.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of John M. Wright, of Audrain County, in the State of Missouri, and pay him a pension of $12.50 per month.

The report (by Mr. NORTON) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 12094) granting a pension to John M. Wright, have considered the same and respectfully report as follows:

The claimant was a private in Company F, United States Mounted Rifles, and served from September 15, 1851, to September 15, 1856.

On the 20th of October, 1883, he filed an application in the Pension Bureau declaring that at Fort Merrill, Texas, in 1853, he contracted rheumatism, which continues to affect him to the present time.

The War Department records show that Wright was sick in hospital for a considerable length of time on two different occasions during his term of service, but the hospital records not being on file the nature of his sickness does not appear.

The claim filed at the Pension Bureau was rejected because of the applicant's failure to secure the proof required.

Accompanying the bill is the testimony of Dr. U. V. Williams, of Frankfort, Ky., and that of Jeremiah V. Harrison, Joseph W. Howard, and the claimant, all residents of Audrain County, Missouri, showing that ever since his said military service the claimant has been a sufferer from rheumatism and is now so much disabled thereby as to be able to do only the lightest labor. He does not own a home, and his only means of support is such labor as he and his aged wife are able to do.

The claimant's post-office address is Mexico, Audrain County, Missouri.

In view of the facts recited above, your committee respectfully recommend the passage of the bill, amended, however, by striking out the words "and 50 cents" in line 6 of the bill.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRANCES T. DANA.

The next business on the Private Calendar was the bill (H. R. 11244) for the relief of Frances T. Dana.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Frances T. Dana, widow of the late Commander William Starr Dana, of the United States Navy, and to pay her a pension at the rate of $50 per month.

Mr. CHEADLE. Mr. Speaker——

Mr. BOOTHMAN. Mr. Speaker, I understand objection is made to the amount in this bill. The friends of the beneficiary, in order to obviate objection, are willing that it shall be amended by striking out "fifty" and inserting "thirty." I move that amendment.

Mr. MORRILL. Let the report be read.

The SPEAKER *pro tempore*. If there be no objection, that amendment will be considered as adopted. The Chair hears none, and it is so ordered.

Mr. MORRILL. Mr. Speaker, I would like the report read in that case.

Mr. BOOTHMAN. I did not quite understand the statement of the Chair as to the amount proposed in the amendment.

The SPEAKER *pro tempore*. The amendment reduces the amount from $50 to $30.

Mr. BOOTHMAN. That is right.

The report (by Mr. DE LANO) was read as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 11244) granting a pension to Frances T. Dana, widow of the late Commander William Starr Dana, United States Navy, have considered the same and report as follows:

The following report of the service of Commander Dana is compiled from the official records:

William Starr Dana was born in New York, April 20, 1843; entered the Naval Academy, October 25, 1859; graduated, 1863; promoted to the rank of acting ensign, October 1, 1863; ordered to U. S. S. Niagara, North Atlantic Squadron, October 1, 1863; detached from the U. S. S. Niagara, North Atlantic Squadron, February 20, 1864; ordered to U. S. S. Brooklyn, Gulf Blockading Squadron, February 20, 1864; ordered by Admiral Farragut to flagship Hartford, July 11, 1864; ordered north from hospital, Pensacola, September 9, 1864; discharged from Chelsea Hospital, Boston, October 5, 1864; ordered to U. S. S. Lancaster, Pacific Station (flagship), November 18, 1864; ordered to U. S. S. St. Mary's, Pacific Station, March 27, 1865; promoted to master, May 10, 1866; detached from U. S. S. St. Mary's, September 22, 1866; ordered to U. S. S. Aroostook, Asiatic Squadron, December 10, 1866; commissioned lieutenant, February 21, 1867; detached from U. S. S. Aroostook, January 1, 1868; ordered to U. S. S. Shenandoah, Asiatic Squadron, January 1, 1868; commissioned lieutenant commander, March 21, 1868; ordered to U. S. S. Ashuelot, Asiatic Squadron, September 5, 1868; detatched from U. S. S. Ashuelot, Asiatic Squadron, December 29, 1869; ordered to U. S. S. Brooklyn, European Squadron, August 15, 1870; ordered to U. S. S. Plymouth, European Squadron, April 10, 1872; detatched from U. S. S. Plymouth, European Squadron, June 24, 1873; ordered to U. S. S. Ossipee, Executive, West Indies Squadron, January 24, 1874; detached from U. S. S. Ossipee, August 25, 1875; ordered to receiving ship Colorado, Executive, Brooklyn navy yard, October 11, 1875; detached from receiving ship Colorado, Executive Brooklyn Navy Yard June 27, 1877; ordered to torpedo instruction, Newport, R. I., June 1, 1878; detached torpedo instruction, Newport, R. I., September 6, 1878; ordered to U. S. S. Shenandoah, Executive, South Atlantic, September 6, 1879; detached from U. S. S. Shenandoah, executive, South Atlantic, October 16, 1881; commissioned commander September 14, 1881; ordered to navy yard, New York, February 1, 1884; detached from navy yard, New York, and ordered to command U. S. torpedo ram Alarin, June 30, 1884; detached from U. S. torpedo ram Alarin, September 29, 1884; ordered to command U. S. S. Nipsic, South Atlantic, October 14, 1884; detached at the end of her cruise, June 2, 1886; ordered to duty at Naval War College, Newport, R. I., August 6, 1887; detached from Naval War College, Newport, R. I., September 22, 1887; ordered, attendance on torpedo instruction, Newport, R. I., May 1, 1888; detached from attendance on torpedo instruction, Newport, R. I., August 4, 1888; ordered to duty at Naval War College, Newport, R. I., August 6, 1888; detached from duty at Naval War College, Newport, R. I., November 6, 1888.

Commander Dana was promoted to ensign the same year of his graduation, 1863. He was a short time on the Niagara, North Atlantic squadron, and was ordered to the West Gulf blockading squadron June 10, 1864. He was an officer of the Hartford, flagship of Admiral Farragut in Mobile Bay, and assisted in the taking of Forts Morgan, Gaines, and Powell, and the rebel ram Tennessee.

In a general order of the date of July 6, 1864, he received the thanks of the admiral for conspicuous gallantry, and at the battle of August 5 he was again conspicuous for his coolness and bravery.

On February 10, 1866, the thanks of Congress were tendered by a resolution to Vice Admiral David G. Farragut and to the officers, seamen, and marines under his command for the unsurpassed gallantry and skill exhibited by them in the engagement in Mobile Bay on the 5th day of August, 1864.

FLAGSHIP HARTFORD, *Mobile Bay, August 6, 1864.*

SIR: I have the honor to offer the following report of the part which this vessel took in the action of yesterday: * * *

With this report I inclose those of the executive officer, the officers of the divisions, and of the gunner, carpenter, and sailmakers, and I beg leave to heartily indorse all that is said in them about the officers and men of their respective commands.

I would also beg leave to say, that although there was very considerable loss of life in the powder division, thanks to the good arrangements and example of Ensign Dana, who was in charge of it, there was no confusion. He was also greatly assisted in the afterpart of the division by Sailmaker T. C. Herbert, whose example tended much to give confidence to those around him; he is a most deserving officer. Gunner J. L. Staples and Carpenter George E. Buscham also deserve notice for their strict attention to duty.

Very respectfully, your obedient servant,

P. DRAYTON, *Captain.*

Rear Admiral D. G. FARRAGUT,
Commanding So. G. B. Squadron.

NEW YORK, *February 28, 1865.*

GENTLEMEN: Acting Ensign W. Starr Dana served for about six weeks under my command in the United States steamer Hartford, in the year 1864, and during that time his conduct met with my entire approval. He was in the action of the 5th August, when an entrance was forced into the Bay of Mobile by our fleet, and proved himself on that occasion to possess courage and energy.

Very respectfully, your obedient servant,

P. DRAYTON,
Captain, United Sates Navy.

The EXAMINING BOARD FOR THE PROMOTION OF MIDSHIPMEN.

He was executive officer of the United States steamer Shenandoah (flagship) from September 6, 1879, to October 16, 1881, South Atlantic Squadron.

On January 26, 1881, Captain Lewis was detached, and until April 2, 1881, when Captain Kirkland took command, Mr. Dana was in command of the Shenandoah.

On taking command of the Shenandoah, Capt. W. A. Kirkland, in accordance with the regulations of the Navy, made a thorough inspection of the ship, and under date of Montevideo, Uruguay, April 30, 1881, forwarded to Rear Admiral Bryson a detailed report upon the condition of the vessel, discipline of the men, etc., in which he says "everything about the vessel has evidence of unremitting labor and of unceasing vigilance and care on the part of those in authority, and I feel a natural pride in finding myself in command of a man-of-war as near perfection as the exertions of officers and crew could arrive at with the armament furnished by the Government."

In forwarding this report to the Navy Department Rear Admiral Bryson indorsed as follows:

"It is a pleasure to be able to place on the records of the Department the state of the ship commanded by the late Capt. R. F. Lewis, so ably assisted by Lieut. Commander W. S. Dana. The report of Captain Kirkland is approved in full, and it is a satisfaction to me to be able to state that all of Mr. Dana's best energies have been given, as the executive, to the well-being of the vessel."

A copy of this report was sent by the Secretary of the Navy to Lieutenant Commander Dana with the letter on the next page, June 8, 1881.

Possessed of marked qualifications for seamanship, he repeatedly attracted the attention of the Navy Department for the order and discipline of the vessels of which he was the executive officer or commander.

The late Admiral Nicholson, who was an excellent judge in such matters, said of him, "He was a conscientious, painstaking officer."

He was for a time a member of the military order of the Loyal Legion of the United States, and of the Academy of Sciences, of New York.

NAVY DEPARTMENT, *Washington, June 8, 1881.*

SIR: I have the pleasure to transmit a copy of the report, of the 30th of April last, of Capt. W. A. Kirkland, forwarded and indorsed by Rear Admiral Bryson, of the very satisfactory condition of the U. S. S. Shenandoah, which reflects great credit upon you as the executive and for a time the commanding officer.

Very respectfully,

W. H. HUNT, *Secretary of the Navy.*

Lieut. Commander W. S. DANA,
U. S. S. Shenandoah, South Atlantic Station.

UNITED STATES NAVY YARD,
Pensacola, September 9, 1864.

SIR: A board of medical officers having recommended that you be sent North, you will report to Captain Alden, of the U. S. S. Brooklyn, for a passage in that ship to Boston; and on your arrival there you will report in person to the commandant of that station, and by letter to the honorable Secretary of the Navy.

Very respectfully, your obedient servant,

U. SMITH,
Commodore, Commanding Navy Yard.

Acting Ensign WM. S. DANA,
Naval Hospital, Navy Yard, Pensacola, Fla.

Reported September 20.

S. H. STRINGHAM, *Commandant.*

Relative to the date and cause of Commander Dana's death, the following affidavit is submitted:

18 RUE DUPHOT, *Paris, France, July* 17, 1890.

SIR: I have the honor to inform you that Commander William Starr Dana, of the United States Navy, died at Paris, France, on January 1, 1890, and I hereby certify that he was under my care from about December 25 to the day of his death, and that he died of broncho-pneumonia, following on influenza, and aggravated by chronic malarial poisoning, contracted, I believe, whilst serving as an officer of the United States Navy, in tropical climates.

I have the honor to be, your obedient servant,

A. P. HERBERT.

The SECRETARY OF THE NAVY,
United States of America, Washington, D. C.

Sworn to before me, Dr. A. P. Herbert, this 17th day of July, 1890.

[SEAL.] R. J. PRESTON,
Vice Consul-General.

General Egbert L. Viele, of New York, under date of August 4, 1890, certifies as follows:

"I am well acquainted with Mrs. Frances T. Dana, widow of William Starr Dana, late commander United States Navy, and I know of my own knowledge that she has no property of any kind, either real or personal, and that by the death of her husband she is left without any resources whatever, and is now entirely dependent upon others."

In view of Commander Dana's long and valuable services to his country, and the fact that his widow is left in needy circumstances, your committee think the relief prayed for should be granted. The bill is therefore returned with a favorable recommendation.

The SPEAKER *pro tempore*. The question is on the engrossment and third reading of the bill.

Mr. CHEADLE. Is the question on the amendment?

The SPEAKER *pro tempore*. The Chair stated that "if there be no objection the amendment will be adopted." There was no objection, and the amendment was adopted. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LUCY J. BLANCHARD.

The next business on the Private Calendar was the bill (H. R. 12603) granting a pension to Lucy J. Blanchard, late a volunteer nurse in the United States military service.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Lucy J. Blanchard, of Syracuse, N. Y., late a volunteer nurse in the United States military service during the war of the rebellion, and pay her at the rate of $25 per month.

The report (by Mr. SAWYER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12603) granting a pension to Lucy J. Blanchard, submit the following report:

The evidence filed with your committee shows that the beneficiary served as a volunteer army nurse from July 1, 1863, to June 7, 1865; that she is now past seventy years of age, broken down in health, incapacitated to earn her own support by her own labor, and in reduced circumstances.

In view of the practice of this committee, your committee recommend the passage of the bill with an amendment striking out the word "twenty-five," in line 8, and inserting in the place thereof the word "twelve."

The amendment recommended in the report was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

CHRISTIAN C. WHISTLER.

The next business on the Private Calendar was the bill (H. R. 7924) granting a pension to Christian C. Whistler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place the name of Christian C. Whistler on the pension rolls, subject to the pension laws of the United States, he being the father of William Whistler, who was a member of Company F, Ninth Regiment United States Infantry.

The report (by Mr. PARRETT) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 7924) granting a pension to Christian C. Whistler, have considered the same and report as follows:

The claimant is the father of William H. Whistler, who died of starvation on the Greely Arctic Expedition.

William H. Whistler's military record is as follows: He enlisted in Company F, Ninth United States Infantry, at Omaha Barracks, Nebraska, September 4, 1878, and was discharged September 3, 1883, by expiration of term of service. He re-enlisted September 4, 1883, for the same company and regiment and died May 24, 1884, at Camp Clay, Ellesmere Land (south shore of Buchanan Strait), between Cape Sabine and Cocked Hat Island, from action of water on the heart, induced by insufficient nutrition; rank, a private.

The claimant's identity as the father of the soldier is shown by the testimony of Jacob Bowman, William S. Whistler, Joseph A. Sims, and Lewis Gros, citizens of Carroll County, Indiana, and it is further shown by the testimony of the same witnesses that the claimant is poor and in bad health; that he is so much afflicted with asthma as to be able to do but little, if any, manual labor.

The claimant's post office address is Delphi, Carroll County, Indiana. He is now about seventy years of age.

William H. Whistler, the soldier, had never been married.

In view of the facts stated above your committee are of the opinion that the bill is meritorious, and the same is hereby returned with the recommendation that it do pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

ALLEN S. THATCHER.

The next business on the Private Calendar was the bill (H. R. 5319) to remove the charge of desertion from the record of Allen S. Thatcher.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the record of Allen S. Thatcher, late of Company E, Ninth Indiana Volunteers, and to issue to said soldier a certificate of honorable discharge.

The committee recommended an amendment, adding at the end of the bill, after the word "discharge," the words "to date October 1, 1862."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MARY B. CLAYTON.

Mr. CHEADLE. Mr. Speaker, in the case of House bill 11350, for the relief of Mary B. Clayton, passed this evening, I misunderstood it when it was read. I find that it provides for a pension of $40 per month. In order to be consistent, if I object to one bill of that character I must object to all. I therefore move that the vote by which that bill was passed be reconsidered. I am perfectly willing that any person may receive the largest amount that is allowed by the general law of the land, but I want the rule to be uniform. If the vote be reconsidered, I am perfectly willing that the bill may be amended and passed granting a pension at the rate of $30 a month.

By unanimous consent, the vote by which the bill was passed was reconsidered. The bill (printed above) was then taken up and amended so as to grant a pension at the rate of $30 per month. So amended, it was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MARGARET PROCTOR NOYES.

The next business on the Private Calendar was the bill (H. R. 12307) granting a pension to Margaret Proctor Noyes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension rolls, subject to the provisions and limitations of the pension laws, the name of Margaret Proctor Noyes, widow of General Edward F. Noyes, late colonel of the Thirty-ninth Regiment Ohio Volunteer Infantry, and brevet brigadier general, at the rate of $30 per month.

The report (by Mr. YODER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12307) granting a pension to Margaret Proctor Noyes, submit the following report:

Mrs. Margaret Proctor Noyes is the widow of the late General Edward F. Noyes, who died suddenly on September 4, 1890. Edward F. Noyes entered the service as colonel of the Thirty-ninth Ohio Volunteers July 8, 1861, and was honorably mustered out April 22, 1865, on account of loss of leg from gunshot wound received in action near Marietta, Ga., July 4, 1864, and other physical disabilities contracted during his long and faithful services in the Army. He was brevetted brigadier general in March, 1865.

General Noyes's subsequent career was conspicuous and brilliant. He served his State in several capacities until he became its governor. Subsequently he represented with great credit his country as minister plenipotentiary and envoy extraordinary to the Government of France. At the time of his sudden death he served as judge of the superior court of Cincinnati, Ohio.

General Noyes was a constant sufferer from the loss of the leg. There can hardly be any doubt that his heart became affected thereby and that his death was due to heart failure.

The widow is now advanced in years and in fragile health. The property left by General Noyes is heavily mortgaged and much of it unproductive and unsalable, thus affording her an income entirely insufficient to keep her from dependence and want.

In the opinion of your committee the gallant services of her husband during a long period of war entitle Mrs. Noyes to favorable consideration at the hands of the Government, and therefore return the accompanying bill with the recommendation that it do pass.

Mr. CHEADLE. Mr. Speaker, I am authorized by the gentleman from Ohio [Mr. CALDWELL], who is not present, to offer an amendment to this bill by striking out "fifty" and inserting "thirty" before the word "dollars;" so as to make the pension at the rate of $30 per month.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

HANNAH L. PALMER.

The next bill on the Private Calendar was the bill (H. R. 12797) granting a pension to Hannah L. Palmer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Hannah L. Palmer, who served as a hospital nurse during the war of the rebellion, and pay her a pension at the rate of $12 per month.

The report (by Mr. SAWYER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12797) granting a pension to Hannah L. Palmer, late a hospital nurse in the war of the rebellion, have considered the same, and respectfully submit the following report.

The following is a copy of the report of service received from the War Department:

CASE OF MISS HANNAH PALMER, ARMY NURSE.

The muster rolls of Columbian College General Hospital, Washington, D. C., for May and June, 1864, report H. L. Palmer, female nurse, attached to hospital, April 27, 1864, and she is reported on rolls for July and August, and November and December, 1864, with remark on latter roll: "Final statement made out to include January 10, 1865."

Roll for January and February, 1865, reports H. L. Palmer, female nurse, at-

tached to hospital April 27, 1864, with remark: "Pay due as nurse from December 31, 1864, to January 10, 1865, at 40 cents per day."
No further record has been found.
Respectfully submitted.

F. E. AINSWORTH,
Captain and Assistant Surgeon, United States Army.

RECORD AND PENSION DIVISION, *January* 3, 1891.

The SECRETARY OF WAR.

Marvin H. Bacon, of Red Willow County, Nebraska, and Horace A. Parker, of Middlesex County, Massachusetts, knew Miss Palmer during the time of her service as army nurse and testify to the faithful and efficient manner in which she performed her arduous duties.

Dr. William Taylor, late assistant surgeon Eightieth New York Infantry and a physician of good standing at Canastota, N. Y., testifies that he has known Miss Palmer for eighteen years and has frequently prescribed for her; also, that he has recently examined her and finds her suffering from chronic disease of the liver and spleen, the results of malarial poisoning.

The doctor further testifies that the claimant has suffered with the above-named diseases during the whole period of his acquaintance with her, and that she is totally disabled thereby, being unable to do any work by which to gain a livelihood.

Resolutions were unanimously passed December 23, 1890, by the Grand Army of the Republic post at Canastota, N. Y., requesting the passage of this bill and stating that Miss Palmer is liable to become a county charge unless relieved by a special act of Congress.

There are numerous precedents for the proposed legislation, and in view of the claimant's long and faithful service and her disabled and destitute condition, your committee respectfully recommend the passage of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MAJ. GEN. FRANZ SIGEL.

The next business on the Private Calendar was the bill (H. R. 12293) to grant a pension to Major General Franz Sigel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll the name of Franz Sigel, late major general of volunteers in the Union Army, with the pay of a brigadier general of volunteers, from and after the passage of this act.

The report (by Mr. TURNER, of New York) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12293) granting a pension to Maj. Gen. Franz Sigel, submit the following report:

That the beneficiary, whose distinguished service is known to all, is now old and poor and without means of support. Your committee believe that, in view of the many precedents of pensions of equal or greater amount to the widows of officers of far less distinguished service than General Sigel, it is but an act of simple justice to care for this old hero in his old age and poverty. Memorials requesting the passage of this bill have been received by your committee from the various Grand Army of the Republic posts of New York City.

Your committee recommend the bill, as amended, do pass.

A transcript of the military record of General Sigel is subjoined:

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
Washington, January 8, 1891.

Statement of the military service of Franz Sigel, of the United States Army, compiled from the records of this office.

He entered the service as colonel, Third Missouri Infantry, May 4, 1861; accepted appointment as brigadier general of volunteers August 28, to rank from May 17, 1861, and was appointed major general of volunteers March 21, 1862. He commanded a brigade in Missouri under General Lyon, and participated in the movement against, and the occupation of, Camp Jackson, Missouri, in the operations against the Confederate forces under Generals Price and McCulloch in Southwestern Missouri, and commanded the forces in the action at Dry Fork, Missouri, July 5, 1861; he commanded a brigade at the battle of Wilson's Creek, Missouri, August 10, 1862, and a division in Missouri from September 30, 1861, to April 4, 1862, participating in the campaigns and several engagements in Missouri and Arkansas to April 4, 1862; on leave to May 31, 1862; commanding division in the Shenandoah Valley to June 29, 1862; the First Corps, Army of Virginia, in the campaign under General Pope, in Virginia, to September 1, 1862 (designation of corps changed to Eleventh Corps in September, 1862); in the defenses of Washington to December 9, 1862, commanding Reserve Grand Division, Army of the Potomac, consisting of the Eleventh and Twelfth Corps, to February 5, 1863, and the Eleventh Army Corps to February 24, 1863; on leave and awaiting orders to July 6, 1863; commanding militia and volunteers assembled at Reading, Pa., and Lehigh district, in department of the Susquehanna, to February 29, 1864; commanding department of West Virginia March 10 to May 21, 1864; commanding Reserve Division, department of West Virginia, to July 8, 1864; on leave and awaiting orders to May 4, 1865, upon which date he resigned.

J. C. KELTON, *Adjutant General.*

The committee recommended an amendment striking out the words "with the pay of a brigadier general of volunteers" and inserting in lieu thereof the words "at the rate of $100 per month."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

SARAH THOMASSON.

The next business on the Private Calendar was a bill (H. R. 12640) to pension Sarah Thomasson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Sarah Thomasson, of Prescott, Ark., widow of Beverly D. Thomasson, deceased, who served as third lieutenant, Captain Green's company, Wood's battalion, Georgia Militia, Creek war, 1836, and as first lieutenant Captain Storey's company, First Georgia Infantry, Cherokee war, 1838, and pay her a pension at the rate of $17 per month.

The report (by Mr. PARRETT) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 12640) granting a pension to Sarah Thomasson, have considered the same and respectfully submit the following report:

The claimant's late husband, Beverly D. Thomasson, deceased, served as third lieutenant in Captain Green's company, Wood's Battalion, Georgia Militia, from June 6, 1836, to August 18, 1836, in the Creek Indian war. He was again enrolled May 10, 1838, as first lieutenant in Captain Storey's company of the First Georgia Infantry, and served until June 23, 1838, in the Cherokee Indian war.

It is shown by reliable testimony that Mrs. Thomasson is about sixty-eight years old and so badly crippled as to be unable to walk without the aid of crutches; she has the care of a daughter who is totally blind, and both the mother (this claimant) and daughter are wholly dependent upon relatives for support.

There are numerous precedents for the allowance of pensions by special act to the disabled and dependent widows of the soldiers of the old Indian wars, and your committee therefore return the bill with the recommendation that it do pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MARY S. WHEELER.

The next business on the Private Calendar was the bill (H. R. 12386) granting a pension to Mary S. Wheeler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to restore to the pension roll the name of Mary S. Wheeler, widow of Ambrose M. Burleson, late private of Company I, Fourth Regiment Michigan Cavalry, and pay her a pension hereafter at the rate of $12 per month.

The report (by Mr. BELKNAP) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12386) granting a pension to Mary S. Wheeler, submit the following report:

The claimant was the widow of Ambrose M. Burleson, late a private in Company I, Fourth Michigan Cavalry, and who died while in the service; killed at Big Shanty Station, Georgia, June 20, 1864. She was pensioned as such widow until her marriage to William H. Wheeler, December 10, 1868.

The said William H. Wheeler died January 10, 1884, leaving her again a widow and in a destitute condition. An abundance of testimony is furnished to substantiate this. She is well advanced in years and in very feeble health and must be dependent upon others not legally bound to her support.

It being a well-established principle to restore pensions of this character, your committee recommend the passage of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

ELIZA JANE SAUNDERS.

The next business on the Private Calendar was the bill (H. R. 12118) granting a pension to Eliza Jane Saunders.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Eliza Jane Saunders, stepmother of Philip N. Saunders and Jay Saunders, late privates in Company I, Twentieth Michigan Volunteers, as if she was the mother of said Philip N. Saunders and Jay Saunders, and place said Eliza Jane Saunders on the rolls as a dependent mother.

The report (by Mr. BELKNAP) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12118) granting a pension to Eliza Jane Saunders, submit the following report:

It appears from the evidence on file in this claim, and a part of which is made a part of this report, that the claimant was the stepmother of Philip N. Saunders and Jay Saunders, late privates in Company I, Twentieth Michigan Infantry, she having married their father when they were small children and became their mother, in fact, caring for and helping to earn their support.

Philip N. Saunders, the elder of the two sons, died from wounds received in action June 17, 1864, at Petersburgh, Va. The younger son served out his term in the Army, but afterwards died from disease contracted in the service.

In 1884 the father made application for pension as dependent father, but died before the claim could be adjudicated, leaving the mother without any means of support. It is in evidence that both of these sons contributed to the support of both father and mother, both before and after their enlistment, and that the applicant is now well advanced in age, with no means of support other than her daily labor.

Believing this a very meritorious case and of a well-established class of claims for special legislation, your committee recommend the passage of the bill.

The petition of Eliza Jane Saunders very respectfully shows that she is fifty-eight years of age, a resident of the town of Lee, in Calhoun County, Michigan, and the widow of Arba N. Saunders, late of Lee, who died on the 8th day of February, 1885; that said Arba N. Saunders by his first wife was the father of two sons, Philip N. and Jay Saunders, both of which sons enlisted into Company I, Twentieth Regiment Michigan Volunteers, on the 4th day of August, 1862, for three years or during the war; that said Philip N. was wounded in the ranks before Petersburgh on the 17th of June, 1864, and died in the hospital at Washington on the 22d day of June; and that the said Jay served out his term of enlistment and was honorably discharged and died in Texas in the month of September, 1885.

She further shows that the said Arba N. Saunders, father, as aforesaid, on or about the 1st day of July, 1884, made and caused to be filed in the Pension Office in Washington his claim for a pension as the dependent father of the said Philip N., as will be seen by reference to the files in claim No. 316965, and such proofs were made that the order was issued requiring the said Saunders to appear before Dr. Henry L. Joy, at Marshall, for examination; that said order, herewith attached, is dated December 9, 1884, and that before he was able to appear before said examining surgeon he lingered along and died, and your petitioner was then advised that as the stepmother of the said Philip and Jay she could not set up any claim as the dependent mother, etc.

Your petitioner further shows that she married the said Arba N. on the 15th day of August, 1850, when the said Philip N. and Jay were mere boys of tender age, just removed from infancy; that she bestowed on them all the tender care and affection of a mother and continued so to do until the time when they enlisted into the Twentieth Regiment as above stated; that these two sons, the oldest of the children, as soon as able, assisted largely by their labor in the support of the family, and did so after enlisting also.

Your petitioner further shows that at the death of her said husband she was left poor, and has been and now is entirely dependent upon her own manual labor for her daily bread; and that although by the letter of the law she is not entitled to a pension as the dependent stepmother, but that in consideration of all the circumstances she is advised that her case is one for the consideration of

Congress, and therefore asks that Congress will grant her such relief as she is entitled to by passing a special act by which her name may be inscribed on the rolls of the Detroit, Mich., agency at the rate fixed by law for dependent widows, and as in duty bound will ever pray, etc.

Lee, Calhoun County, Michigan, September 19, 1890.

ELIZA J. SANDERS.

Witnesses:
W. H. H. MINOT,
SAM'L S. LACY.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

JANE FALK.

The next business on the Private Calendar was the bill (H. R. 12478) granting a pension to Jane Falk.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll the name of Jane Falk, of Cloverdale, Mich., widow of Burt D. Van Horn, late of Thirteenth Michigan Battery Volunteers.

The report (by Mr. BELKNAP) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12478) granting a pension to Jane Falk, submit the following report:

The claimant was the widow of Burt Van Horn, a member of the Thirteenth Michigan Light Artillery, and who died while in the service July 1, 1865. She was pensioned as such widow until her remarriage to Peter Falk in December, 1872. Said Peter Falk died in June, 1889, leaving her absolutely penniless. She is sixty years of age, in poor health. She is dependent upon others not legally liable to her support.

In view of the above facts your committee recommend the passage of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

LORAIN M'COOK.

The next business on the Private Calendar was the bill (H. R. 12583) granting a pension to Lorain McCook.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, at the rate per month of $50, the name of Lorain McCook, widow of General Edwin S. McCook, late a captain of Company I, Thirty-first Illinois Volunteer Infantry, and lieutenant colonel and colonel of said regiment, and a brevet major general in the volunteer military service of the United States in the war of the rebellion.

The report (by Mr. YODER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12583) granting a pension to Lorain McCook, submit the following report:

Lorain McCook is the widow of General Edwin S. McCook, who entered the service as captain of volunteers September 18, 1861. He was appointed lieutenant colonel February 16, 1862, and colonel, April 19, 1863. In June, 1863, he is reported absent with leave on account of wound received in action, and in August, 1864, absent sick.

The medical records report him wounded at the battle of Raymond, Miss., May 12, 1863. He was brevetted brigadier general of volunteers March 13, 1865, for gallant and meritorious service during the war, and major general of volunteers (same date) for gallant and meritorious service in the field during the war.

This general was a member of the "Fighting McCook" family, and it is said that no one by that name is drawing a pension, although nearly the entire family lost their lives in the service of the country.

Claimant is now old and in destitute circumstances. Her husband died while governor of Dakota, about 1873. She had some relatives who supported her who are now dead and she has no one to whom she can look for support or maintenance.

In view of all these facts your committee is of the opinton that this is a meritorious bill and recommend its passage.

Mr. CHEADLE. To this bill I make the same objection I have made to others.

Mr. JASON B. BROWN. I appeal to my colleague to let this bill go through at $30 a month.

Mr. CHEADLE. I am perfectly willing.

Mr. JASON B. BROWN. I think the amount of pension ought to be $50 a month, but it is now late in the session, and we will try to get an increase in the next Congress.

The SPEAKER *pro tempore*. In the absence of objection the amendment, to strike out $50 and insert $30, will be agreed to.

There was no objection.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

SUSAN WOOD.

The next business on the Private Calendar was the bill (H. R. 12647) granting a pension to Susan Wood.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, directed to place the name of Susan Wood, a dependent sister of the late Isaac J. Wood, private in Company C, One hundred and Fifteenth Regiment Ohio Volunteer Infantry, on the pension roll, subject to the limitations and provisions of the pension laws.

The report (by Mr. YODER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12647) granting a pension to Susan Wood, submit the following report:

Claimant, Susan Wood, is the sister of Isaac J. Wood, late a private in Company C, One hundred and fifteenth Regiment Ohio Volunteer Infantry, and who had also served in the three months' service.

On December 6, 1864, he was taken prisoner and confined at Andersonville, where he remained until a few days of his death, April 17, 1865, when he lost his life on the ill-fated steamer Sultana.

He was during his life and while in the service the main support of his mother and his invalid sister, Susan Wood, who has been an invalid for the past thirty-two years. For the last seventeen years she has been confined to her bed most of the time. Except during the time he was in prison he sent his pay home by and through Lieut. John Eddie, of the same company and regiment, to his mother and said invalid sister. After his death his mother, Rebecca Wood, drew a pension through him until the time of her death. This pension was the main support of herself and the said Susan. The mother died in 1873, and since that time the said Susan has been supported by charity and her relatives, who are very poor.

The soldier never was married. The claimant is forty years of age. Her father died in 1877. He was a bad cripple and an invalid, who could do nothing for the support of his family, he having been a soldier in the war of 1812, and drew a small pension for such service until he died.

H. W. Carter, M. D., the attending physician of claimant, testifies that he had been her attending physician for twenty years, and testifies to her helpless condition and that she is permanently disabled.

There is no one now drawing a pension on account of the soldier's death and service, and according to precedent established by your committee, we recommend the passage of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

ANNIE B. PETTIGREW.

The next business on the Private Calendar was the bill (H. R. 12244) granting a pension to Annie B. Pettigrew.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay Annie B. Pettigrew, dependent daughter of Henry J. Pettigrew, Company E, Third New Hampshire Regiment, a pension of $12 per month.

The report (by Mr. FLICK) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12244) granting a pension to Annie B. Pettigrew, submit the following report:

Annie B. Pettigrew is the daughter of Henry J. Pettigrew, who served in Company E, Third Regiment New Hampshire Volunteers, from August 16, 1861, to July 20, 1865, when honorably mustered out. He died November 11, 1867, of chronic diarrhea, contracted in service, and his widow was placed upon the pension roll, and continued to draw pension until her remarriage in 1876.

The proposed beneficiary is about thirty years of age.

From the statements of the selectmen of the town in which she resides and the testimony of reputable physicians it appears that she is without property or means of subsistence and by reason of physical disability incapacitated to earn a support. Her disability is described as chronic inflammation of all the structures of joints, or rheumatic arthritis; the right knee is completely anchylosed, with limbs contracted; the left knee nearly stiff, left elbow entirely anchylosed, and the right partially; wrists involved, jaws stiff and incapable of free movement; back and shoulders in the incipient stage of the disease; is unable to move about without crutches. The disease is incurable. She is highly respected for her moral worth by all who know her.

Following a long line of precedents, your committee are of opinion that the relief asked for should be granted, and therefore report favorably on the bill and ask that it do pass.

The bill was ordered to be engrossed and read a third time; and it being engrossed, it was accordingly read the third time, and passed.

FREDERICK SLAWSON.

The next business on the Private Calendar was the bill (S. 4506) granting a pension to Frederick Slawson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick Slawson, dependent father of Charles B. Slawson, late captain of Company B, Twenty-eighth Regiment Wisconsin Volunteer Infantry.

The report (by Mr. FLICK) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 4506) granting a pension to Frederick Slawson, submit the following report:

Your committee adopt the report of the Senate committee, as prepared by Senator DAVIS, which is as follows:

"The Committee on Pensions, to whom was referred the bill (S. 4506) granting a pension to Frederick Slawson, examined the same, and report:

"Charles B. Slawson, of Waukesha, Wis., enlisted in the Twenty-eighth Regiment Wisconsin Infantry Volunteers in August, 1862, and was commissioned second lieutenant Company B of that regiment.

"He served from that time until the end of the war, and was discharged as captain of the same company. He was a brave and faithful soldier. While in the military service, he did, to the personal knowledge of the writer of this report, contribute out of his pay to the support of his father, Frederick Slawson, and after his discharge from the service rendered similar assistance.

"Captain Slawson died in St. Paul, Minn., August 14, 1879, leaving no property. His widow remarried without ever applying for a pension.

"Frederick Slawson is now seventy-four years of age. He has been industrious and a man of good habits all of his life, but is now old, sick, and poor. The object of this bill is to place him upon the pension roll, subject to the limitations of the pension laws, as the dependent father of Charles B. Slawson, and the passage of the bill is recommended."

The bill was ordered to a third reading, read the third time, and passed.

GEORGE A. PERKINS.

The next business on the Private Calendar was the bill (S. 3976) granting a pension to George A. Perkins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George A. Perkins, late a private in Company A, One hundred and eleventh Regiment New York Volunteers, and pay him a pension of $24 a month, in lieu of the pension he is now receiving.

The report (by Mr. PERKINS) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 3976) granting a pension to George A. Perkins, submit the following report.

Your committee adopt the report of the Senate committee, as follows:

"The Committee on Pensions, to whom was referred the bill (S. 3976) granting a pension to George A. Perkins, have examined the same and report:

"This applicant is now in receipt of a pension of $16 a month for gunshot wounds of left leg and results, and asks that this pension be increased to $24. He has applied to the Pension Office for such increase, and his application has been rejected three times. There is no question about the incurrence of the disabilities claimed in line of duty, and the only point involved is whether such disabilities entitle the claimant to a higher rating than $16.

"The evidence furnished by the board of examining surgeons discloses the following objective conditions: 'Six inches above the left heel is a large cicatrix, result of shell wound, and sloughing. It is 4 inches long by 3 inches wide, irregular, bridled, red, very tender, slightly movable, deeply depressed, owing to great loss of substance. Immediately above scar there is a great bunch of muscular tissue, also a small bunch below. Heel is slightly elevated; ankle joint impaired in motion about 40 per cent., and two-thirds of an inch larger than the right; knee slightly flexed on thigh, about 10 per cent.; foot is covered with varicose veins size of a lead pencil; leg below and above scar presents varicose veins size little finger.

"'Over center of upper third of crest of left tibia is a linear scar, purple, depressed, slightly attached, tender; result of shell wound. A little below and to the outer side of scar last described is a third scar, a bullet wound. There exists considerable tenderness in parts adjacent to wounds. The outer side of foot and leg is nearly completely anæsthetic. Power of limb impaired about 50 per cent. His combined disabilities are not quite equal to the loss of a hand or foot, but are equal to twenty-thirtieths.'

"The law recognizes no such rating as twenty-thirtieths, but the above examination shows claimant's disabilities nearly equal to the loss of a hand or foot, and your committee recommend the passage of the bill."

The bill was ordered to a third reading, read the third time, and passed.

JOHANNA TEUBNER.

The next business on the Private Calendar was the bill (S. 4507) granting a pension to Johanna Teubner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Johanna Teubner, widow of Augustus C. Teubner, late captain of Company G, One hundred and sixty-third Regiment New York Volunteers, and pay her a pension at the rate provided by law for a captain's widow.

The report (by Mr. FLICK) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 4507) granting a pension to Johanna Teubner, submit the following report:

This bill passed the Senate December 20, 1890, and for report thereon your committee adopt the report of the Senate Committee, which is as follows:

"The Committee on Pensions, to whom was referred the bill (S. 4507) granting a pension to Johanna Teubner, have examined the same and report:

"The petitioner in this case applied for pension under the general law, as the widow of Capt. Augustus C. Teubner, but her claim was rejected on the following grounds:

"'The name of Augustus C. Teubner is not borne on the register of the commissioned officers of the One hundred and sixty-third New York Volunteers. This regiment had but six companies, A to F, inclusive. Company G was never organized. The battalion was consolidated with the Seventy-third New York in January, 1863. Although the alleged officer may have been commissioned by the governor of his State, there is no provision of law under which pension would be allowed in his case.'

"Under the order of the Secretary of War authorizing General Spinola to raise a brigade the claimant's husband, Augustus C. Teubner, proceeded to recruit a company, and on or about the 15th of September, 1862, he had recruited eighty-nine men ready for active service, as appears by the muster-in roll of said battalion on file in this case, and he was commissioned as captain by Governor Horatio Seymour, as appears by the commission also on file. Before the company could be mustered into the United States service, however, Teubner, as a result of his overexertion and anxiety in performing these services, was taken suddenly sick with brain fever, which disease developed into softening of the brain, from which he died at Blackwell's Island Insane Asylum, January 15, 1863. His company was accordingly consolidated with the Seventy-third New York and mustered in as a part of said regiment at just about this time.

"Your committee, considering these facts: That Teubner collected a full complement of men for a company, was commissioned and mustered by the State, and had his company all ready for muster into the United States service; that said company was actually mustered into such service, but that, in consequence of his illness and death, said Teubner was unable to be mustered as captain; and that the widow, now sixty-five years of age, finds herself without the means of support, recommend the passage of this bill."

The bill was ordered to a third reading, read the third time, and passed.

ISAAC F. QUINBY.

The next business on the Private Calendar was the bill (H. R. 12841) granting an increase of pension to General Isaac F. Quinby.

The bill was read, as follows:

Be it enacted etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac F. Quinby, late a brevet major general in the Army of the United States, at the rate of $72 per month; said pension to be in lieu of that which he now receives.

The report (by Mr. SAWYER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12841) granting an increase of pension to General Isaac F. Quinby, submit the following report:

General Quinby graduated from the West Point Military Academy July 1, 1843. He served with the Second United States Artillery until promoted full second lieutenant, when transferred to the Third Artillery; went with his command to Mexico, having been promoted to first lieutenant, and resigned his commission March 16, 1852.

Again entered the service as colonel of the Thirteenth New York Volunteers, May 14, 1861; was appointed brigadier general of volunteers, commander of the district of Mississippi, and subsequently the seventh division of the Seventeenth Army Corps. During this service he contracted chronic diarrhea and malarial poisoning, which necessitated his retirement from the Army on December 31, 1863. He is now a pensioner for said disabilities at the rate of $30 per month, the highest rate allowable under the law until he becomes totally helpless therefrom.

General Quinby's condition is more fully set forth in the affidavit of Dr. Charles S. Starr, of Rochester, N. Y., a physician of good repute. The physician states:

"At various times since December 14, 1888, I have made careful physical examination of his condition and have always found existing marked chronic bronchitis, a weak pulse with undoubted organic disease of the heart (I think angina pectoris), in addition to poor digestion, evidently from chronic catarrhal disease of the stomach. Together with all the above he at all times exhibited a distinct rheumatic tendency, as all his symptoms are made worse by sudden changes of temperature or the occurrence of dampness in the atmosphere. At various times since 1888 he has suffered from severe attacks of dyspnœa most severe and most prolonged at night.

"During these seizures he apparently suffers great pain, described by him as occurring mainly in the left side and running down the left arm; he is unable to lie down, sits gasping for breath, raises large amounts of thick, tenacious spittle, quite frequently largely intermixed with blood (evidently capillary), these attacks always requiring the most prompt and energetic treatment to afford him any relief. I regard these asthmatic paroxysms as being both of a pulmonary and cardiac origin. For six months past he has done nothing, and several times lately when I have seen him on his infrequent appearance in the public streets, on which occasions he has not seen me, I have noticed that he walks with a very faltering, feeble gait.

"During the last few months his general condition has greatly and steadily changed for the worse. Takes but very little nourishment except milk. * * * The necessity of constant personal care and the necessity of being cared for becomes more and more apparent."

General Quinby is now utterly disabled from engaging in business pursuits, receives the attention of medical advisers continually, and in a large measure is dependent upon others to attend to his ordinary physical wants. He asks that his pension be increased to meet the expenses of such medical and other attention.

His long and faithful service in two wars surely entitles General Quinby to the most favorable consideration at the hands of Congress. Being over seventy years of age and entirely broken in health from exposure in service, he can not at best long need the assistance he seeks to get.

Your committee are of opinion that the relief asked for should be granted, and therefore report favorably on the accompanying bill and ask that it do pass, amended, however, by striking out the words "one hundred," in line 7, and insert therein instead the word "seventy-two."

The amendment reported by the committee, to strike out "$100," in line 7, and insert "$72," was read.

Mr. BAKER. I trust that this amendment will be disagreed to and the pension of $100 a month allowed, as proposed in the bill. The circumstances of the case are familiar to me, as General Quinby lives in my city. At the time of the breaking out of the war he was a professor in the Rochester University. He was a classmate of General Grant at West Point. In the Yazoo Pass campaign he contracted disease and disability which to-day render him, at seventy years of age, utterly helpless, so that he requires almost constant medical care. He has a large family dependent mainly upon him for support. He is unable to provide for them, being himself largely dependent upon charity. I know his circumstances, and I know that if the House understood the case as I understand it and as it is stated in the report, there would be no objection to making this pension $100 per month.

Mr. MCCLAMMY. I earnestly hope the request of the gentleman from New York [Mr. BAKER] will be acceded to. I feel an interest in this case, for I know it to be a worthy one. I hope the amendment of the committee will be rejected.

The amendment was rejected.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

ANN MARIA BULLOCK SCHRAM.

The next business on the Private Calendar was the bill (H. R. 12835) granting a pension to Ann Maria Bullock Schram.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Ann Maria Bullock Schram, a resident of Fort Plain, N. Y., at the rate of $15 per month, on account of disability resulting from disease contracted while serving as a hospital nurse during the war of the rebellion.

The report (by Mr. SAWYER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12835) granting a nurse's pension to Ann Maria Bullock Schram, submit the following report:

In September, 1861, certain patriotic citizens of Amsterdam, N. Y., where the claimant then resided, assisted her to proceed to the front for the purpose of rendering aid as a volunteer nurse in army hospitals.

She alleges that she first went to Burkittsville, Md., but finding that the hospital had been removed to Frederick, Md., reported for duty there, and was assigned by the medical staff as hospital nurse to duty in Camp B, outside of Frederick City, among wounded and sick soldiers removed thither from South Mountain and Antietam. That she served as nurse in such hospital, ministering to, caring for, and nursing the sick and wounded soldiers there for about eight months, without pay and defraying her own expenses, including her board outside of the hospital at $5 a week, and frequently furnishing, at her own expense, to convalescent, and other sick and wounded soldiers, necessaries for which army regulations did not provide.

The exposure incident to camp life and her untiring work among the sick and wounded culminated in the contraction of piles, a disability which rendered her unfit for duty and caused her, upon the advice of the surgeon in charge, to return home. This disability has continued ever since, and has caused her much suffering, and greatly impaired her ability to earn her living.

Affidavits are submitted by Charles F. Haynes, M. D., late surgeon and brevet lieutenant colonel United States Volunteers, who was the surgeon in charge of Camp B general hospital at Frederick, Md., substantiating claimant's statements as to her services there as well as to the contraction of her disability while so serving, and also stating:

"She rendered faithful and meritorious service, and was kind, sympathetic, and untiring in her efforts to relieve the sufferings of all who came within her immediate supervision."

Evidence is also furnished by Douglas Ayres, M. D., of Fort Plain, N. Y., as to her disability at the present time.

In accordance with their custom where nurses were deserving and served without pay, the committee recommend the passage of the bill, with an amendment as follows: Strike out the word "fifteen," in line 6, and insert in the place thereof the word "twelve."

The amendment reported by the committee, to strike out "$15," in line 6 and insert "$12," was read, and agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

HENRY A. HOAR.

The next business on the Private Calendar was the bill (H. R. 6259) granting a pension to Henry A. Hoar.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry A. Hoar, a member of the Indiana Legion.

The report (by Mr. MARTIN, of Indiana) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6259) granting a pension to Henry A. Hoar, submit the following report:

In the month of July, 1863, during the war of the rebellion, General John Morgan, in command of Confederate forces, crossed the Ohio River from the State of Kentucky and invaded the State of Indiana with his command and passed into and through the county of Washington in said State. That as said General John Morgan was marching toward Salem, the county seat of said county of Washington, with his command this claimant at once enlisted in a company of men under command of Capt. Burr Vance, which had been raised to resist General Morgan's invasion, and if possible drive him back, and render such aid to the Federal troops who were in pursuit as was possible.

That on the 10th day of July, 1863, an engagement took place between the Confederate forces, under the command of General John Morgan, and the citizens' Union forces, under the command of General James A. Cravens, near the said town of Salem, Ind., the Confederate forces making an effort to take and occupy that town. That during said engagement, and while said Henry A. Hoar was a member of Capt. Burr Vance's company of citizen volunteers, and while he was in dicharge in his duty and obeying orders, and aiding in resisting the invasion of the Confederate troops, he was shot in the left side by some one of the enemy. That he fell from his horse, was carried to a house near by, and three days afterward the ball was extracted.

That he never recovered from said wound, and is now in poor health in consequence of it, and is more than two-thirds disabled, and will be disabled all his life. These facts appear from the affidavits of the said Henry A. Hoar and Benjamin F. Wibel, who was with him at the time he received his injury, and the statement of Hon. JASON B. BROWN, who personally knows him and saw him as late as October last.

That in the year 1887 Henry A. Hoar applied to the Pension Department for a pension, on the grounds of having received said injury in the manner before stated, and furnished evidence in support of his claim. That on April 9, 1888, his claim for pension was rejected by the Pension Department on the ground that the records of the War Department failed to show that he was ever enlisted in the military service of the United States, as will be seen by reference to the letter of General John C. Black, then Commissioner of Pensions.

Your committee therefore report back the bill and recommend its passage with an amendment allowing him a pension of $50 per month.

The amendment reported by the committee, striking out the words "subject to the provisions and limitations of the pension laws" and adding to the bill the words "and pay him a pension at the rate of $50 per month," was read.

Mr. CHEADLE. Is it proposed in this case to make the pension $50 a month?

The SPEAKER *pro tempore*. This pension is for a soldier, not a soldier's widow.

Mr. CHEADLE. That is all right. I make no objection.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

JOHN W. BUSSABARGER.

The next business on the Private Calendar was the bill (H. R. 6262) granting a pension to John W. Bussabarger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Bussabarger, a drafted man who was forced to report while sick, and was deprived of his hearing in consequence thereof.

The report (by Mr. MARTIN, of Indiana) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6262) granting a relief to John W. Bussabarger, submit the following report:

The facts as made to appear by the affidavit of Dr. H. S. Wolfe and the statements of Hon. H. M. Stockslager and Hon. JASON B. BROWN, M. C., are briefly these:

In February, 1865, John W. Bussabarger, the claimant, was attacked with a severe attack of spinal meningitis, from which he partially recovered. That after his partial recovery he was drafted into the Army of the United States and reported in obedience to such draft at Jeffersonville, Ind., before he was able to properly do so, by which he was thrown into a relapse and was unable to be mustered into the service of the United States. That he never recovered from such relapse, but has become entirely deaf and has almost entirely lost his power of speech. That he is advanced in years, unable to do manual labor, has a family, and is in great need of assistance.

Your committee therefore report the bill back with a favorable recommendation.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

LYDIA P. HOLMES.

The next business on the Private Calendar was the bill (H. R. 12946) granting a pension to Lydia P. Holmes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll the name of Lydia P. Holmes, of Athens, Somerset County, Maine, mother of William L. Holmes, late of Company I, First Regiment Maine Heavy Artillery Volunteers, at the rate of —— dollars per month.

The report (by Mr. NUTE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12946) granting a pension to Lydia P. Holmes, submit the following report:

Lydia P. Holmes is the mother of William L. Holmes, who served as private in Company I, First Maine Heavy Artillery, from December 23, 1863, until January 14, 1865, when discharged upon surgeon's certificate of disability arising from amputation of right leg from wound received in battle May 19, 1864. William L. Holmes was a pensioner for said loss of leg and died April 8, 1887, leaving neither widow nor minor child surviving him. He made his home with his parents and the pension received by him was used for their support. Since his death they have been supported by charity.

Lydia P. Holmes is eighty-two and her husband, the soldier's father, eighty-six years of age. She has no title under the general law, because the soldier's death-cause can not be traced directly to his military service.

Your committee are of opinion that the case is highly meritorious, and therefore report favorably on the accompanying bill and ask that it do pass, amended, however, by striking out all after the word "volunteers" in line 7.

The amendment of the committee striking out the words "at the rate of —— dollars per month" was read and agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

CHARLES D. HANSCOM.

The next business on the Private Calendar was the bill (H. R. 12714) granting a pension to Charles D. Hanscom.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles D. Hanscom, late of Company I, Second Regiment Massachusetts Volunteer Infantry, at the rate of $36 per month, in lieu of the pension which he is now receiving.

The report (by Mr. LAWS) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12714) granting an increase of pension to Charles D. Hanscom, submit the following report:

Beneficiary is now drawing a pension of $24 a month for wounds received in battle. He is now suffering from complete anchylosis of hip joint; suffers continuously, and is unable to perform manual labor to any considerable extent. Claimant is a man of good habits, has a family to support, and is without stated income except his present pension.

Your committee are of opinion that claimant's disability is equivalent to loss of a limb above knee joint, and that he is entitled to the pension asked for, and therefore recommend the passage of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

GEORGE W. BRYANT.

The next business on the Private Calendar was the bill (H. R. 12984) granting a pension to George W. Bryant.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll the name of George W. Bryant, late a corporal in Company H, Eighth New Hampshire Infantry, and pay him a pension at the rate of $30 per month on and after the passage of this act.

The report (by Mr. TURNER, of New York) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12984) granting a pension to George W. Bryant, submit the following report:

That the beneficiary was a clergyman of the Methodist Church who resigned his charge and enlisted in the Eighth New Hampshire Infantry as a private.

While on Ship Island he contracted fever and scurvy, and as a result lost his teeth. That no hospital records were kept at that place and he can not prove incurrence of this injury. He was made corporal for gallant conduct and was detailed with about forty others to make a forced march to Manchoque Pass and destroy rebel stores, and on this march suffered injury to feet, from which injury he still suffers.

His claim can not now be proved up in the Pension Office for the reason that no single soldier can be found now living who accompanied him on that expedition.

After his return from the army, where he served three years, he was unable, by reason of the condition of his mouth, to resume his profession as a preacher, and has lived by manual labor ever since. He is now sixty-four years old, unable to do any kind of work, and in abject poverty.

The condition of the beneficiary is personally known to the writer of this report, as well as the high character of the man himself. He states of his own knowledge that the claimant's feet are covered with ulcers, and that these are the result of his army service is shown by the affidavit of John W. Herbst and Capt. B. F. Wells, both well known to the writer.

In view of the above your committee recommend the passage of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MARY A. M'KEE.

The next business on the Private Calendar was the bill (H. R. 12639) granting a pension to Mary A. McKee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Mary A. McKee, for her services as army nurse during the late war of the rebellion, and pay her a pension at the rate of $12 a month.

The report (by Mr. BELKNAP) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12639) granting a pension to Mary A. McKee, submit the following report:

The claimant, Mary A. McKee, was appointed an army nurse by authority of Miss Dix in the year 1862, and served as such in various hospitals until January, 1866, about four years in all, rendering constant and valuable service to the sick and wounded. She is a widow, fifty-seven years of age, very poor, and unable longer to earn her support and must soon be dependent upon charity.

A statement made by the adjutant general, State of New Jersey, and one made by John W. Ward, superintendent of the New Jersey State Lunatic Asylum, is appended hereto and made a part of this report.

Your committee recommend the passage of the bill.

STATE OF NEW JERSEY, OFFICE OF ADJUTANT-GENERAL.
Trenton, December 12, 1890.

GENTLEMEN: In the matter of pension to Mrs. Mary A. McKee, I have personal knowledge of the petitioner herein mentioned, who is a applicant for pension by special act of Congress. She has for a long time been a trusted and competent attendant at the New Jersey Lunatic Asylum, at Trenton, of which I have the honor to be one of the board of managers.

The applicant entered this service after her discharge from hospital work, soon after the close of the war of the rebellion, and has been attached thereto ever since. I am informed that she is in failing health and will by reason of an increase of her physical disabilities—which I have every reason to believe is the result of arduous work and exposure consequent upon service as an army nurse—become a charge on some one, she being without other means of support than her daily labor. She is spoken of as having been very efficient during her hospital career and service as nurse under Miss DIX.

From information received from the authorities of the New Jersey asylum, in whose service she has been for many years, and the fact that this service, by reason of infirmities, will certainly in a short time terminate and her dependence commence, I am of the opinion that this case, which has so much merit in it, which in the absence of a general law granting pensions to this class of our people can not be passed upon by the Pension Office, deserves the recognition of Congress in an early passage of this bill.

Very respectfully,

WILLIAM S. STRYKER,
Adjutant General.

THE HOUSE OF REPRESENTATIVES,
Washington, D. C.

—

NEW JERSEY STATE LUNATIC ASYLUM,
Trenton, December 10, 1890.

MY DEAR SIR: Mrs. Mary A. McKee, whose statement in regard to her services in the Army accompanies this note, has been employed as housekeeper in this asylum continuously since February 14, 1866. She was employed as a nurse during the war, and I have frequently heard the late Miss D. L. Dix speak of her as one of her most faithful and valuable aids. While in the employ of this institution she has always been faithful in the performance of her duties, entirely reliable, and of excellent moral character.

For some months past she has suffered from serious cardiac disease and also from varicose veins of the lower extremities, which considerably impair her ability to fully perform the work assigned her. She is an excellent woman and fully deserves the pension which she seeks.

Very sincerely, yours,

JOHN W. WARD,
Superintendent of Asylum.

General WILLIAM S. STRYKER.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MRS. MARY M'INTOSH.

The next business on the Private Calendar was the bill (S. 3957) granting an increase of pension to Mrs. Mary McIntosh.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of $17 now received by Mrs. Mary McIntosh, widow of First Lieut. Donald McIntosh, Seventh Cavalry, United States Army, to $30 per month during her natural lifetime, to take effect from and after the passage of this act.

The report (by Mr. SCULL) is as follows:

The Committee on Pensions, to whom was referred the bill (S. 3957) increasing the pension of Mrs. Mary McIntosh, have considered the same and report:

Said bill is accompanied by Senate Report No. 1439, which your committee adopt as their report and return the bill, recommending its passage.

[Senate Report No. 1439, Fifty-first Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 3957) granting an increase of pension to Mrs. Mary McIntosh, have examined the same, and report:

First Lieut. Donald McIntosh was one of the officers killed at the memorable Custer massacre at the Little Big Horn River June 25, 1876. At the time of his death and for some years previously, Lieutenant McIntosh had been acting captain commanding Troop G of the Seventh Cavalry. The widows of officers who fell in that action have been pensioned by special acts, as follows:

Elizabeth C. Custer, widow of General George A. Custer, $50 a month.

Annie Gibson Yates, widow of Capt. George W. Yates, $35 per month, with $2 per month additional for each of three children.

Maria Custer, mother of Capt. Thomas W. Custer, $20 per month.

Emanuel H. Custer, father of Captain Custer, $30 per month.

Eliza F. Porter, widow of Lieut. James E. Porter, $30 per month.

Grace Harrington, widow of Second Lieut. Henry M. Harrington, $15 per month under the general law and by special act $30 per month for two children under sixteen years of age.

Other wives of second lieutenants, including Mrs. McIntosh, who, as stated, was the wife of an acting captain, have been pensioned under the general law at $17 per month. The precedent is in favor of granting the increase recommended by the committee.

The tragic nature of the conflict which robbed these women and children of protectors is so well known that it is unnecessary to dwell upon it. The number of beneficiaries is few, the circumstances peculiar, and your committee recommend the passage of the bill.

The bill was ordered to a third reading; and being read the third time, was passed.

A. L. SCHUYLER.

The next business on the Private Calendar was the bill (H. R. 7327) for the relief of the legal representatives of P. S. Schuyler, deceased.

The bill was read, as follows:

Whereas P. S. Schuyler, late a captain in the Second Michigan Cavalry, was at the time of his death, on March 21, 1879, a pensioner under certificate numbered 124753; and

Whereas at said time said pensioner was justly entitled to arrears of pension and for which in July, 1879, an arrears pension certificate was issued in ignorance of his death, but which has not been paid; and

Whereas said P. S. Schuyler left no widow or children under the age of sixteen years surviving him: Therefore,

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to pay the amount of said arrears pension certificate of said P. S. Schuyler, deceased.

Amend the title so as to read "A bill for the relief of the heirs of P. S. Schuyler, deceased."

The report (by Mr. FLICK) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7327) for the relief of the legal representatives of P. S. Schuyler, deceased, having examined and considered the same, report the same back with the recommendation that it be amended by striking out the words "legal representatives" in the title to said bill and inserting in lieu thereof the word "heirs," and the words "to the legal representatives," in line 5 of said bill, and inserting in lieu thereof the words "to A. B. Schuyler, the only living child and sole heir," and that as thus amended it do pass. The several whereases of this bill correctly state the facts, and there seems to be no reason why this money should not be paid.

It was earned by the soldier and equitably belonged to him, and the Government has no just claim to it or right to withhold it from his heirs. This principle has been fully recognized by Congress time and time again, and it did so in the pension appropriation act approved March 1, 1889, and this case only technically falls without the wording of that act by reason of the death of the soldier just before rather than just after the issuance of the arrears-of-pension certificate. We suggest the amendment making it payable to the heir rather than the representatives of the deceased soldier, in analogy to the laws mentioned, which so do in effect.

The amendment recommended by the committee was adopted.

Mr. WALTER I. HAYES. The name of the beneficiary in this amendment is incorrectly printed. It should be A. L. in place of A. B. Schuyler, and I move to amend the body of the bill and the title.

The amendment was adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The title was amended to conform.

LEWIS D. TERRY.

The next business on the Private Calendar was the bill (H. R. 12704) granting a pension to Lewis D. Terry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be authorized, and is hereby directed, to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Lewis D. Terry, late a member of Capt. Joe McClintock's company of State Guards.

The report (by Mr. WILSON, of Kentucky) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12704) granting a pension to Lewis D. Terry, submit the following report:

Lewis D. Terry was a member of a home-guard company of Cynthiana, Ky., under command of Capt. Joseph B. McClintock, when, on the 17th of July, 1862, said town was attacked by the Confederate forces under General John Morgan. There were but three companies of the Eighteenth Kentucky Volunteers garrisoning the place.

The home-guard company aforesaid, together with Lewis Terry, were called into action, and during the engagement the latter received a gunshot wound of left leg between the hip and knee, as is fully established by the testimony of Captain McClintock and Dr. J. A. Lair, who treated Lewis D. Terry immediately after the battle. Two balls struck the thigh, one of which still remains deeply seated in the muscles.

Had Terry applied for a pension prior to July 4, 1874, he would have long since been enjoying a pension. But the application therefor was not filed until subsequent to that date, and he can not now be pensioned under the general law because of the provisions of paragraph 3, section 4693, Revised Statutes.

The case comes clearly within the well-established rule of Congress, to pension volunteers and State militiamen for wounds or injuries received in action with the enemy who have failed to establish their claims within the prescribed period, and therefore report favorably on the accompanying bill and ask that it do pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

SARAH A. PHELPS.

The next business on the Private Calendar was the bill (H. R. 10990) granting a pension to Sarah A. Phelps.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension rolls, subject to the provisions and limitations of the pension laws, the name of Sarah A. Phelps, widow of William L. Odell, late of Company E, Second Tennessee Regiment Volunteers, the said Sarah A. Phelps having, after the death of William L. Odell, married William A. Phelps, who died on the 25th day of October, 1887.

The report (by Mr. WILSON, of Kentucky) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10990) granting a pension to Sarah A. Phelps, submit the following report:

Sarah A. Phelps was first married to William L. Odell, who died while serving as private in Company E, Second Regiment Tennessee Volunteers. She received pension until her remarriage with one William A. Phelps, whereupon the soldier's children were placed upon the pension roll and drew pension until the younger became sixteen years of age, January 17, 1877, since which date no pension has been paid to any one on account of the services and death of William L. Odell.

Mrs. Phelps has again become a widow, October 25, 1887; she is now well advanced in years, in feeble health and without income except that derived from her daily labor. She therefore asks Congress to again place her on the pension roll.

The precedents for favorable action in similar cases are numerous; therefore your committee return the accompanying bill with the recommendation that it do pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

NANCY JANE KNETSAR.

The next business on the Private Calendar was the bill (H. R. 13080) granting a pension to Nancy Jane Knetsar.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Nancy Jane

Knetsar, widow of James Knetsar, who was a soldier in Capt. Daniel Powell's company in the first regiment, commanded by Col. Hosea Pierce, in the Black Hawk war, and pay her a pension at the rate of $20 per month.

The report (by Mr. SMYSER) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 13080) granting a pension to Nancy Jane Knetsar, have considered the same and respectfully submit the following report:

At the first session of the present Congress your committee favorably reported to the House a bill (H. R. 3528) granting a pension to James Knetsar, the husband of this claimant, and the report on that bill is made a part of this report, as follows:

"The Committee on Pensions, to whom was referred the bill (H. R. 3528) granting a pension to James Knetsar, have considered the same, and report:

"The claimant was a private in Capt. Daniel Powell's company, Third Regiment, Second Brigade, Illinois Volunteers, Black Hawk war, from June 19, 1832, to August 2, 1832, as shown by the records of Second Auditor's Office, Treasury Department.

"The claimant in his petition for a pension for said service swears that he was born December 23, 1814, in White County, Kentucky; consequently he is now past seventy-five years old.

"Twenty-six of the leading citizens of the claimant's home (Moline, Ill.) petition Congress to grant the relief contemplated by the bill, and they state that they have known the claimant for many years as a hard-working, honorable, and honest citizen.

"It is also stated by reliable persons that the claimant is in a condition of almost absolute poverty.

"There are many precedents for the allowance of pensions to the aged survivors of the old Indian wars, and your committee report the bill back, recommending its passage."

The bill granting a pension to James Knetsar became a law September 27, 1890, and he died January 1, 1891, leaving a widow (this claimant) without any means of support.

The passage of the bill to pension Mrs. Knetsar is respectfully recommended.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MARY WILLIAMS.

The next business on the Private Calendar was the bill (H. R. 12614) granting a pension to Mary Williams.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place the name of Mary Williams, widow of Curtis Williams, late a soldier in the Black Hawk war, in the company of Captain George B. Willis, Fortieth Regiment, Fourth Brigade, First Division, Illinois soldiers, on the pension roll, to be paid a pension at the rate of $12 per month.

The report (by Mr. HILL) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 12614) granting a pension to Mary Williams, have considered the same and report:

The claimant's late husband, Curtis Williams, deceased, was a private in Capt. George B. Willis's company of the Fortieth Regiment of Illinois Volunteers, and served twenty-two days in the Black Hawk war of 1832. This service is a matter of record in the office of the Second Auditor, United States Treasury.

The claimant is now eighty-six years old, and so poor that the town in which she resides contributes to her support from the public funds. She is also shown to be a very worthy woman. Her post-office address is Annawan, Henry County, Illinois.

The passage of the bill is recommended.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

ELENDER JOHNSTON.

The next business on the Private Calendar was the bill (H. R. 12147) to grant a pension to Elender Johnston.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Elender Johnston, widow of Joseph Johnston, ensign of the company of Capt. J. W. Redding, in the regiment commanded by Col. Alexander Russel, in the Black Hawk war, in May, 1832, and to pay her a pension at the rate of $12 per month.

The report (by Mr. HILL) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 12147) granting a pension to Elender Johnson, have considered the same and report as follows:

The claimant is the widow of Joseph Johnston, who served for thirty days as an ensign in Capt. John W. Redding's company of the Fortieth Indiana Regiment of militia in the Black Hawk war of 1832. Johnston's service is a matter of record in the office of the Second Auditor, United States Treasury.

Testimony accompanying the bill shows the death on February 3, 1888, of the soldier and the identity of the claimant as his widow.

A. W. Boyden and Anthony Morrasy, citizens in high standing of the town of Sheffield, Ill., swear that the claimant is over eighty years of age, and has no means of support, but is dependent upon relatives.

The passage of the bill is respectfully recommended.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

CAROLINE E. GRAY.

The next business on the Private Calendar was the bill (H. R. 7394) granting a pension to Caroline E. Gray.

The bill is as follows;

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caroline E. Gray, an army nurse during the late war of the rebellion, and pay her a pension of $12 per month.

The report (by Mr. LANE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7394) granting a pension to Caroline E. Gray, submit the following report:

The committee find from the evidence that the complainant was appointed an army nurse on July 21, 1863, and served as such for more than one year, and that she is now depending on her daily labor for her support. She is fifty-six years old and unfit for labor, and has no other means of support.

Your committee recommend that the bill do pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

HANNAH C. REID.

The next business on the Private Calendar was the bill (H. R. 12195) to pension Hannah C. Reid.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Hannah C. Reid, widow of Henry C. Reid, late a private in Company D, Forty-third Battalion New York Volunteers, and to pay her a pension of $12 a month.

The report (by Mr. YODER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12195) granting a pension to Hannah C. Reid, submit the following report:

Claimant is the widow of Henry C. Reid, who was a member of Company D, Forty-third Regiment New York Volunteers.

The records in the War Department show that such soldier was enrolled September 13, 1862, and mustered out a private January 27, 1865.

He has been absent for twenty years, and by affidavits on file by his former comrades and the testimony of neighbors, the fact is established that he is and has all this time been dead these twenty years.

Claimant is a woman of good repute and in needy circumstances; has not remarried, and no one is drawing a pension on account of said soldier's death.

According to established precedent, your committee recommend the passage of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

ANDREW L. GRUGETT.

The next business on the Private Calendar was the bill (H. R. 12824) to remove the charge of desertion from the record of Andrew L. Grugett as a former member of Company E, Sixth Tennessee Cavalry, in the war of the rebellion, and to grant him an honorable discharge therefrom.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to remove the charge of desertion from the record of Andrew L. Grugett as a former member of Company E, Sixth Tennessee Cavalry, in the war of the rebellion, and to grant him an honorable discharge therefrom.

The committee recommend the following amendment:

Said discharge to bear date June 10, A. D. 1863.

Mr. KERR, of Iowa. Mr. Speaker, I call for the reading of the report in that case.

Mr. McCLAMMY. I would like to hear it myself.

The report (by Mr. WILLIAMS, of Ohio) was read, as follows:

The Committee on Military Affairs, to whom House bill 12824 was referred, after having carefully considered the same, respectfully report as follows, namely:

It fully and satisfactorily appears from the evidence submitted in this case that the claimant, Andrew L. Grugett, duly enlisted and was enrolled as a corporal in Company E, First West Tennessee Cavalry (subsequently known as the Sixth Tennessee Cavalry), September 18, 1862; that he was captured by the Confederate forces on or about the 24th day of January, 1863, near Bolivar, Tenn.; that he was afterwards paroled by one W. W. Jackson, claiming to be a Confederate paroling officer; that after such parole he reported to the Federal forces at Corinth, Miss., and was given transportation and subsistence from there to Bethel, Tenn., where he expected to find his regiment; that on arrival at Bethel he could not learn anything definite from his regiment and was passed to Purdy, Tenn., but on reaching said point his regiment was not there.

He then returned home, as the Confederates were swarming about Purdy; that he was recaptured by "bushwhackers," who disregarded his parol; that he escaped from them and again returned to his home; that after waiting for some time, dodging and avoiding the "bushwhackers," he enlisted in the Second Tennessee Mounted Infantry, said command being near him at that time, said last enlistment being in Company C, Second Tennessee Mounted Infantry, and was duly enrolled in said company and regiment March 1, 1864; that the captain of said Company C was Andrew J. Roberts, a brother of Capt. Elijah Roberts, who was captain of said Company E, First Tennessee Cavalry, to which he first belonged; that in his said second enlistment he gave his name as Andrew L. Grugett, same as in his first enlistment.

That if any error on the company or muster rolls appears as to his first or Christian name, same was not through any fault or intention of his, he having given his name in second enlistment same as in the first; that afterwards he met his old regiment at Nashville, Tenn., when both regiments to which he had belonged met for the first and last time during the war, and there met his former captain, said Elijah Roberts, who recognized him, but refused to receive him back into his company until he was duly exchanged; that so far as he knows or has ever known, he was never exchanged after capture and parole as before stated; that he was present at a meeting of said captains, Elijah and Andrew J. Roberts, in 1864, and was recognized by his said first captain; that he under his said second enlistment, served his country fully and faithfully, as also under his said first enlistment, and that he was honorably discharged from said Company C, Second Regiment Tennessee Mounted Infantry, at Nashville, Tenn., on the 6th of May, 1865, as shown by his certificate of discharge presented to this committee.

From the evidence your committee are fully satisfied that said Andrew L. Grugett never deserted from said Company E, First West Tennessee Cavalry, but that his absence therefrom was owing to his capture by the enemy as aforesaid and his subsequent parol and afterwards recapture by bushwhackers of the Confederacy; that he never did, nor intended to, desert his command; that his failure to obtain a discharge from said first enlistment was wholly or in part from his youth and ignorance of the rules of war.

The evidence before the committee fully establishes the fact that he faithfully served his country in the late war in two companies and regiments and holds an honorable discharge from the last company, said discharge having been granted him at the close of the war.

Your committee, therefore, recommend that said bill be amended by inserting after the word "therefrom," in line 7 thereof, the following: "Said discharge to bear the date of June 10, A. D. 1863;" and that, when so amended, said bill do pass.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MICHAEL MAHAR.

The next business on the Private Calendar was the bill (H. R. 12643) to remove the charge of desertion from the record of Michael Mahan.

The bill is as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the military record of Michael Mahan, late of Company D, Twenty-eighth Kentucky Volunteer Infantry, and restore him to all the rights and privileges he would have been entitled to if said charge had never been entered against his name.

The amendment recommended by the committee was read, as follows:

Strike out, in line 5, after the word "Michael," the word "Mahan" and insert in lieu thereof the word "Mahar;" also add to the end of the section the following: "His discharge to bear date December 12, 1864."

The report (by Mr. WILLIAMS, of Ohio) is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 12643) to remove the charge of desertion from the record of Michael Mahan submit the following report:

The evidence in this case shows that the soldier was not over fourteen years of age when he enlisted; that he was enrolled at Louisville, Ky., November 26, 1861, and that he deserted January 23, 1863, and returned to the regiment April 18, 1863; that he remained with his regiment until December 12, 1864, from which date he is marked as a deserter. The records show that he had served over the time of his enlistment with the exception of two months and twenty-five days absent during his first desertion, which brings him within the provisions of the law; besides the records show that he has been duly punished.

The second desertion occurred after his time of service expired. The soldier states under oath that on December 12, 1864, he left his company without leave, his regiment being encamped near Nashville, Tenn., and went to Nashville, intending to return to his regiment, but that he was captured by the provost guard and was sent to the guardhouse to be returned to his regiment. He, however, was kept in confinement until December 24, 1864, when he was released without instructions, transportation, money, rations, or any means by which he could reach his regiment, which had left Nashville, for what place he did not know and was not informed. He then returned to his family in Louisville, Ky.

The committee are of the opinion that on account of this soldier's extreme youth and his long service the charge of desertion should be removed.

The committee recommend that the name in the bill be corrected so as to read Michael "Mahar" instead of "Mahan," the same being an error in printing. Also that the bill be so amended as to direct the Secretary of War to issue an honorable discharge from date of December 12, 1864.

With these amendments recommend the passage of the bill.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The title was amended to conform to the body of the bill.

PATRICK J. BENCH, ALIAS PATRICK M'BENCH.

The next business on the Private Calendar was the bill (H. R. 11560) to relieve Patrick J. Bench, alias Patrick McBench, from the charge of desertion.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Navy of the United States is hereby authorized and directed to remove the charge of desertion now standing against Patrick J. Bench, alias Patrick McBench, late a seaman on the United States steamship Brooklyn, on the records and rolls of the Navy Department, and to grant and issue to said Bench an honorable discharge from the said service.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MRS. MARY A. M'CULLOCH.

The next business on the Private Calendar was the bill (H. R. 7789) to increase the pension of Mrs. Mary A. McCulloch.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Mrs. Mary A. McCulloch, widow of the late Capt. Charles McCulloch, Seventh New York Heavy Artillery, to $30 per month, in lieu of the pension now paid to her.

The amendment recommended by the committee was read, as follows:

Strike out the word "fifty," in line 7, and insert in lieu thereof the words "thirty-two."

The amendment of the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MARY E. ARMSTNONG.

The next business on the Private Calendar was the bill (H. R. 13023) granting a pension to Mary E. Armstrong.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension rolls, subject to the provisions and limitations of the pension laws, the name of Mary E. Armstrong, widow of John Fogle, late first sergeant of Company B, Thirtieth Regiment of Ohio Volunteers.

The amendment recommended by the committee was read, as follows:

Amend by filling up the blank in the bill with the following words: "John Fogel."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

JANE BRANIGAN.

The next business on the Private Calendar was the bill (H. R. 11877) for the relief of Jane Branigan.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month, the name of Jane Branigan, guardian of Samuel J. Maxwell and the widow of John B. Maxwell, late private of Company G, of the Thirtieth Regiment of Ohio Volunteer Infantry, the said widow having been married to Arthur Branigan, who subsequently died, leaving her without any means of support.

Mr. BOOTHMAN. Mr. Speaker, some misunderstanding may arise as to the wording of that bill. There are certain words in it that appear to be simply descriptive, and which are not necessary for a proper understanding of the facts. I therefore move to strike out in line 7 the words "guardian of Samuel J. Maxwell and."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

ANDREW J. BRISCOE.

The next business on the Private Calendar was the bill (H. R. 12793) granting a pension to Capt. Andrew J. Briscoe.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Capt. Andrew J. Briscoe, pilot of the United States Government transport boats on the Ohio, Mississippi, Tennessee, and other rivers, at $100 per month.

The committee recommend the following amendment:

Amend in line 8, by striking out the words "one hundred," and inserting the word "thirty," in lieu thereof.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH J. BARTLETT.

The next business on the Private Calendar was the bill (H. R. 12098) granting an increase of pension to Joseph J. Bartlett.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph J. Bartlett, late colonel Twenty-seventh Regiment New York Volunteers, and brevet major general, and pay him a pension of $100 per month in lieu of that which he now receives.

Mr. CHEADLE. Mr. Speaker, in that case I would like to hear the report read.

Mr. WADE. Let the chairman of the committee explain it.

Mr. BUCHANAN, of New Jersey. Mr. Speaker, the report seems to be a very long one, and perhaps some gentleman can give us a statement.

Mr. BAKER. If the gentleman will be content with a brief statement, I can make it.

Mr. CHEADLE. I am perfectly willing to hear the statement of the gentleman, in lieu of having the report read.

Mr. BAKER. General Bartlett went into the service as captain of the Twenty-seventh New York Regiment.

Mr. MORRILL. He enlisted as a private.

Mr. BAKER. He enlisted as a private, but was a captain in the organization of the regiment, and I think is the only living general officer who served during the war and who was in every engagement of his command from the first Bull Run to Appomattox. His service embraced the whole period of the war, and of the thirteen hundred days of service, over twelve hundred days Joseph J. Bartlett, as captain, as major, as colonel, as brigade commander, as division commander, performed his duty at the front. His condition to-day is that of a complete wreck. His mind has been somewhat impaired by the service rendered.

He is unable to do anything and requires the constant attendance of his medical advisers and the almost constant attendance of a person to take care of him. His condition is well known to many members of the House and to a great many of our colleagues who have had occasion to do business with him while he was deputy commissioner of pensions, and it entitles him, in my judgment, to the consideration proposed by this bill. The bill is reported unanimously by the committee as I understand.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

H. W. GOODNIGHT.

The next business on the Private Calendar was the bill (H. R. 5546) granting a pension to H. W. Goodnight.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry W. Goodnight, late a private in Company H of the Seventy-second Regiment of Enrolled Missouri Militia, and to pay him a pension from and after the passage of this act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM H. MORSE.

The next business on the Private Calendar was the bill (H. R. 9516) authorizing an increase of invalid pension to William H. Morse, of Lawrence, Mass.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, directed to cause the name of William H. Morse, formerly employed in the Ord-

nance Department at the Washington navy yard, and whose name is now borne on the invalid pension rolls under pension certificate (naval) No. 5429, to be entered upon said pension rolls for such increase of pension as may be recommended according to law for wounds and disabilities received by said William H. Morse while in the naval service of the United States of America, but not duly enlisted therein, on or about the 25th day of May, 1862, and subsequently thereto, and that said William H. Morse receive such increase of pension as he would have received had he been duly enlisted in the naval service of the United States when he received said wounds and disabilities.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MRS. K. S. SUTLIFF.

The next business on the Private Calendar was the bill (H. R. 12319) granting a pension to Mrs. K. S. Sutliff, widow of John D. Sutliff.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be directed to place the name of K.S. Sutliff, widow of John D. Sutliff, late of Company D, Ninth Regiment Pennsylvania Volunteer Cavalry, on the pension rolls subject to the provisions and limitations of the pension laws.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THERESSA D. DOUBLES.

The next business on the Private Calendar was the bill (H. R. 12113) granting a pension to Theressa D. Doubles.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, directed and authorized to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Theressa D. Doubles, late the widow of Israel D. Smith, Company B, Two hundred and eleventh Regiment Pennsylvania Volunteers.

Mr. CHEADLE. Mr. Speaker, the general law now authorizes two different rates of pension for the widows of enlisted men. The statute prior to the enactment of June 27 allows pension at the rate of $12 per month and those granted under the act passed June 27, 1890, at $8 a month. I do not know anything about the facts in this case, but I think the bill ought to be amended so as to read "$12 a month."

Mr. MORRILL. The bill reads the same as all the other bills we have passed to-night. The facts in this case are that the widow received a pension of $12 a month as the widow of her first husband, who was a soldier. She afterwards remarried and the second husband died; and this bill simply restores her to the pension roll. The bureau would rule that she would be reinstated at the old rate of $12 a month.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

FREDERICK B. SELLS.

The next business on the Private Calendar was the bill (H. R. 8125) granting a pension to Frederick B. Sells.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick B. Sells, late of Company E, One hundred and forty-eighth Regiment of Illinois Volunteers.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELLEN E. TRUEX.

The next business on the Private Calendar was the bill (H. R. 1196) granting a pension to Ellen E. Truex.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellen E. Truex, widow of William S. Truex, late colonel of the Fourteenth Regiment of New Jersey Volunteers and brigadier-general by brevet, United States Volunteers.

The committee recommend an amendment by inserting after the word "laws" the words, "at $30 per month in lieu of the sum now paid her."

The amendment was adopted.

Mr. CHEADLE. I would ask for information what pension the beneficiary is now receiving.

Mr. BUCHANAN, of New Jersey. She is receiving $8 a month as widow of a Mexican veteran.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GENERAL NATHANIEL PRENTISS BANKS.

The next business on the Private Calendar was the bill (H. R. 13060) to grant a pension to General Nathaniel Prentiss Banks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be directed to place upon the pension rolls the name of Nathaniel Prentiss Banks, of Waltham, Mass., late major general of volunteers, at the rate of $200 per month.

SEC. 2. That this act shall go into effect upon its passage.

The committee recommend to amend by striking out "two" and inserting "one;" so as to read, "at the rate of $100 per month."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed. [General applause.]

ORDER OF BUSINESS.

Mr. BUCHANAN, of New Jersey. Mr. Speaker, may I inquire whether the Calendar is now clear of pension bills?

The SPEAKER *pro tempore*. The Chair is informed that the Calendar is clear of all pension bills, with the exception of those which have been laid over.

Mr. BUCHANAN, of New Jersey. Then they have all been reached?

The SPEAKER *pro tempore*. They have.

MRS. LILLIE E. WILLIS.

Mr. FLOWER. Mr. Speaker, I ask unanimous consent that the Committee on Invalid Pensions be discharged from further consideration of the bill (H. R. 11513) for the relief of Mrs. Sallie E. Willis, and that it be now considered. It is a bill for the relief of the widow of your late colleague, Benjamin A. Willis. She asks for $25 a month to support her. She has three children under nine years of age, and two of them were but nine days old when Colonel Willis died.

Mr. MORRILL. He was wounded in action.

Mr. FLOWER. He was wounded in action. He was a brevet lieutenant colonel, but was major of the One hundred and nineteenth Regiment New York Volunteer Infantry. Mrs. Willis was here yesterday, and she asked me to request the House to expedite this matter. This a worthy case, and I ask that the committee be discharged and the bill be considered.

Mr. CHEADLE. Why not give her $30.

Mr. FLOWER. She is only allowed $25 by the law.

Mr. CHEADLE. There are cases in which they are only allowed $30, when they have no difficulty in getting $100 and up even to $3,000.

Mr. FLOWER. Under the circumstances I will not accept the amendment.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Sallie E. Willis, of the city of New York, State of New York, widow of the late Benjamin A. Willis, major One hundred and nineteenth Regiment New York Volunteer Infantry.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. MORRILL moved to reconsider the several votes by which the various bills were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. MORRILL. I move that the House do now adjourn.

The motion was agreed to; and, accordingly (at 9 o'clock and 35 minutes p. m.) the House adjourned.

EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

PUBLIC BUILDING, TAUNTON, MASS.

Letter from the Acting Secretary of the Treasury, requesting that the sum, not exceeding $75,000, carried by the act of Congress approved January 2, 1891, providing for the purchase of a site and the erection of a public building at Taunton, Mass., be appropriated at this session of Congress—to the Committee on Appropriations.

U. S. MARINE-HOSPITAL BUILDING, LAKE VIEW, CHICAGO, ILL.

Letter from the Acting Secretary of the Treasury, requesting an additional appropriation of $20,000 for the United States marine-hospital building, Lake View, Chicago, Ill.—to the Committee on Appropriations.

WATCH HILL COVE, RHODE ISLAND.

Letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a report of the examination and survey of Watch Hill Cove, Rhode Island—to the Committee on Rivers and Harbors.

NARRAGANSETT BAY CHANNEL, RHODE ISLAND.

Letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a report of the examination and survey of Narragansett Bay Channel, Rhode Island—to the Committee on Rivers and Harbors.

TANGIER HARBOR, VIRGINIA.

Letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a report of the examination and survey of Tangier Harbor, Virginia—to the Committee on River and Harbors.

ROBERT E. TWEEDY VS. THE UNITED STATES.

Letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact filed by the court in the case of Robert E. Tweedy against the United States—to the Committee on War Claims.

MATHEW WOODYARD VS. THE UNITED STATES.

Letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Mathew Woodyard against The United States—to the Committee on War Claims.

the Chief of Engineers, a report of the examination and survey of Mokelumne River, California—to the Committee on Rivers and Harbors.

SAUGATUCK RIVER, CONNECTICUT.

Letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a report of the examination and survey of Saugatuck River, Connecticut—to the Committee on Rivers and Harbors.

NEWPORT HARBOR, RHODE ISLAND.

Letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a report of the examination and survey of Newport Harbor, Rhode Island—to the Committee on Rivers and Harbors.

RECOMMENDATIONS OF THE INTERNATIONAL MARINE CONFERENCE.

Communication from the Secretary of the Navy, in reply to concurrent resolutions of September 24 and 29, 1890, calling for report and recommendations in connection with the report of the delegates of the United States to the International Marine Conference, dated February 20, 1890, so far as the subjects apply to the Navy Department—to the Committee on Naval Affairs.

ESTIMATES OF APPROPRIATION, WORLD'S COLUMBIAN EXPOSITION.

Letter from the Secretary of the Treasury, transmitting a detailed estimate of appropriations submitted by the World's Columbian Exposition for expenditures for the fiscal year ending June 30, 1892—to the Committee on Appropriations.

GOVERNMENT'S EXHIBIT AT THE WORLD'S COLUMBIAN EXPOSITION.

Letter from the Secretary of the Treasury, requesting that the sum of $300,000 be appropriated for the Government's exhibit at the World's Columbian Exposition, for the fiscal year ending June 30, 1892—to the Committee on Appropriations.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred as follows:

A bill (S. 3940) to provide for the purchase of a site and the erection of a public building thereon at Fresno, in the State of California—to the Committee on Public Buildings and Grounds.

A bill (S. 4017) for the relief of Nathan Kimball, postmaster at Ogden, Utah—to the Committee on Claims.

A bill (S. 4604) to authorize the construction of a bridge across the Red River of the North at Drayton, N. Dak.—to the Committee on Commerce.

A bill (S. 4683) to provide a suitable site for a post office in the city of Providence, R. I.—to the Committee on Public Buildings and Grounds.

A bill (S. 4811) to provide for the purchase of a site and the erection of a public building thereon at Joliet, in the State of Illinois—to the Committee on Public Buildings and Grounds.

RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolutions were introduced and referred as follows:

By Mr. BRECKINRIDGE, of Arkansas:

Whereas it is alleged that since the election held for members of Congress on the 4th day of November last one John McClure has instituted proceedings in the Federal court of the eastern district of Arkansas, under instructions from the Attorney-General, in the absence of any indictment or accusation of any violation of the election laws, to obtain possession of certain ballots and poll books of said election: Therefore,

Resolved, That the Attorney-General be, and he is hereby, requested to inform the House at his earliest convenience if any such proceedings have been instituted by said McClure or by anyone under the authority or instruction of the Department of Justice. He is also requested to state what amounts of money have been paid to said McClure since November 6, 1888, and for what purpose, and what accounts from him are now pending and unpaid; also to transmit to the House a copy of all correspondence and instructions since November 4 last in connection with his services and employment; also to state whether any United States deputy marshals were appointed in said judicial district on or within three weeks prior to the 4th day of November last, by what authority, and what disposition was made of them prior to and on the said 4th day of November, together with a statement of all funds paid out therefor;

to the Committee on the Judiciary.

By Mr. CANDLER, of Massachusetts:

Resolved, That the Select Committee on the World's Fair be, and is hereby, authorized to employ a clerk during the present session of the Fifty-first Congress, to be paid, from the beginning of said session, out of the contingent fund of the House, until otherwise provided, a compensation of $6 per day;

to Committee on Accounts.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. SAWYER, from the Committee on Invalid Pensions, reported with amendment the bill of the House (H. R. 7789) to increase the pension of Mrs. Mary A. McCulloch, accompanied by a report (No. 3473)—to the Committee of the Whole House.

Mr. THOMAS, from the Committee on War Claims, to which was referred the bill of the House (H. R. 12899) for the relief of Sally Sterrett Tate, deceased, reported, as a substitute therefor, a bill (H. R. 13176) for the relief of the estate of Sally Sterrett Tate, deceased; which was read twice and accompanied by a report (No. 3474)—to the Committee of the Whole House.

Mr. YODER, from the Committee on Invalid Pensions, reported favorably the bill of the House (H. R. 11877) for the relief of Jane Branigan, accompanied by a report (No. 3475)—to the Committee of the Whole House.

He also, from the same committee, reported with amendment the bill of the House (H. R. 13023) granting a pension to Mary E. Armstrong, accompanied by a report (No. 3476)—to the Committee of the Whole House.

Mr. MARTIN, of Indiana, from the Committee on Invalid Pensions, reported with amendment the bill of the House (H. R. 12793) granting a pension to Capt. Andrew J. Briscoe, accompanied by a report (No. 3477)—to the Committee of the Whole House.

Mr. SAWYER, from the Committee on Invalid Pensions, reported favorably the bill of the House (H. R. 12998) granting an increase of pension to Joseph J. Bartlett, accompanied by a report (No. 3478)—to the Committee of the Whole House.

Mr. MORRILL, from the Committee on Invalid Pensions, reported favorably the bill of the House (H. R. 5546) granting a pension to H. W. Goodnight, accompanied by a report (No. 3479)—to the Committee of the Whole House.

Mr. FLICK, from the Committee on Invalid Pensions, reported favorably the bill of the House (H. R. 6516) authorizing an increase of invalid pension to William H. Morse, of Lawrence, Mass., accompanied by a report (No. 3480)—to the Committee of the Whole House.

Mr. PERKINS, from the Committee on Indian Affairs, reported with amendment the bill of the House (H. R. 11681) to ratify and confirm certain agreements with the Citizen band of Pottawatomie Indians and the Absentee Shawnee Indians, and to make appropriations for carrying the same into effect, accompanied by a report (No. 3481)—to the Committee of the Whole House on the state of the Union.

Mr. RAY, from the Committee on Claims, reported favorably the following bills of the Senate; which were severally referred to the Committee of the Whole House:

A bill (S. 949) for the relief of W. H. Ward. (Report No. 3482.)

A bill (S. 2368) for the relief of James Grace. (Report No. 3483.)

Mr. CARTER, from the Committee on Mines and Mining, reported with amendment the bill of the Senate (S. 165) to amend chapter 6 of Title XXXII of the Revised Statutes, relating to mineral lands and mining resources, accompanied by a report (No. 3484)—to the House Calendar.

Mr. CRAIG, from the Committee on Invalid Pensions, reported favorably the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 12319) granting a pension to Mrs. K. S. Sutliff, widow of John D. Sutliff. (Report No. 3485.)

A bill (H. R. 12113) granting a pension to Theressa C. Doubles. (Report No. 3486.)

Mr. LANE, from the Committee on Invalid Pensions, reported favorably the bill of the House (H. R. 8125) granting a pension to Frederick B. Sells, accompanied by a report (No. 3487)—to the Committee of the Whole House.

Mr. BELKNAP, from the Committee on Invalid Pensions, reported favorably the bill of the House (H. R. 1196) granting a pension to Ellen E. Truex, accompanied by a report (No. 3488)—to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the following changes of reference were made:

A bill (H. R. 6878) for the relief of Michael Carling, assignee of Joseph R. Shannon, deceased—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 13063) for the relief of George M. Clapp—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 5258) for the relief of Benjamin F. Wells, sr.—Committee on Claims discharged, and referred to the Committee on War Claims.

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills and a joint resolution of the following titles were introduced, severally read twice, and referred as follows:

By Mr. FRANK: A bill (H. R. 13177) to provide for the purchase of a site and the erection of a public building thereon at Carthage, in the State of Missouri—to the Committee on Public Buildings and Grounds.

By Mr. TUCKER: A bill (H. R. 13178) for the erection of a public building at the town of Lexington, Va.—to the Committee on Public Buildings and Grounds.

By Mr. FLOWER: A bill (H. R. 13179) to legalize standard time—to the Committee on Commerce.

By Mr. MUDD: A bill (H. R. 13180) to provide for the erection of a public building in the city of Annapolis, Md.—to the Committee on Public Buildings and Grounds.

By Mr. FEATHERSTON: A joint resolution (H. Res. 270) proposing an amendment to the Constitution changing the manner of electing Senators of the United States—to the Select Committee on the Election of President, Vice President, and Representatives in Congress.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. MILLER: A bill (H. R. 13181) for the relief of James Hill—to the Committee on Elections.

By Mr. PARRETT: A bill (H. R. 13182) granting a pension to Oliver R. Brown—to the Committee on Invalid Pension.

Also, a bill (H. R. 13183) to pension Wilson H. Daniel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13184) to pension Samuel F. Tennant—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13185) for the relief of Merriman Thompson—to the Committee on War Claims.

By Mr. STONE, of Kentucky: A bill (H. R. 13186) for the relief of estate of M. L. J. Christian—to the Committee on War Claims.

Also, a bill (H. R. 13187) for the relief of the legal representatives of William W. Hildreth, deceased—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDREW: Papers to accompany House bill for relief of Charles H. Neill—to the Committee on Claims.

By Mr. ATKINSON, of Pennsylvania: Petition of John T. Brady, colonel of Encampment No. 69, Union Veteran Legion, and 92 ex-soldiers and sailors, praying for the passage and approval of House bill 8287, for the protection of honorably discharged soldiers and sailors in the civil service of the Government—to the Select Committee on Reform in the Civil Service.

By Mr. BROOKSHIRE: Papers to accompany House bill 13113, to correct the military record of Henry Staff—to the Committee on Military Affairs.

By Mr. CANNON: Petition of O. H. Crane and 30 others, citizens of Vermilion County, Illinois, and Farmers' Alliance, No. 71, of Vermilion County, Illinois, favoring passage of House bill 5353—to the Committee on Agriculture.

By Mr. CLARK, of Wisconsin: Petition of citizens of Marquette County, Wisconsin, in favor of the antioption bill—to the Committee on Agriculture.

By Mr. COOPER, of Ohio: Petition of George E. Salmon and 22 others, citizens of Marion County, Ohio, for the passage of House bill 5353, defining options and futures—to the Committee on Agriculture.

By Mr. CRAIG: Resolution of Col. C. A. Craig Post, Grand Army of the Republic, Parker's Landing, Pa., favoring passage of the prisoners-of-war bill—to the Committee on Invalid Pensions.

By Mr. CUTCHEON: Petition of George M. Millan and 19 others, also of Farmers' Alliances Nos. 535 and 542, and others, of the State of Michigan, praying speedy passage of the Butterworth option bill, H. R. 5353—to the Committee on Agriculture.

By Mr. DOLLIVER: Resolutions of Kimbal Alliance, Carroll County, Iowa, praying speedy passage of the Butterworth option bill, H. R. 5353—to the Committee on Agriculture.

Also, resolutions of Marion Center Alliance, No. 571, of Hamilton County, Iowa, for same measure—to the Committee on Agriculture.

Also, resolutions of Logan Farmers' Alliance, No. 1675, of Winnebago County, Iowa, for same measure—to the Committee on Agriculture.

Also, resolutions of Dawson Township Farmers' Alliance, No. 1006, of Greene County, Iowa, for same measure—to the Committee on Agriculture.

Also, resolutions of Greene County Alliance, of Jefferson, Greene County, Iowa, for same measure—to the Committee on Agriculture.

Also, resolutions of Burt Alliance, No. 1719, of Burt, Kossuth County, Iowa, for same measure—to the Committee on Agriculture.

Also, resolutions of Central Alliance, No. 1304, of Greene County, Iowa, for same measure—to the Committee on Agriculture.

Also, resolutions of Paradise Farmers' Alliance, No. 1481, of Bell, Iowa, for same measure—to the Committee on Agriculture.

Also, resolutions of Emmet Township Farmers' Alliance, No. 1649, of Estherville, Iowa, for same measure—to the Committee on Agriculture.

Also, resolutions of Alliance No. 1329, of Winnebago County, Iowa, for same measure—to the Committee on Agriculture.

Also, resolutions of Boone Ridge Farmers' Alliance, of Hancock County, Iowa, for same measure—to the Committee on Agriculture.

Also, resolutions of Alliance No. 763, of Crawford County, Iowa, for same measure—to the Committee on Agriculture.

Also, resolutions of Jasper Alliance, No. 525, of Carroll County, Iowa, for same measure—to the Committee on Agriculture.

Also, resolutions of Peoples Farmers' Alliance, of Peoples Township, Boone County, Iowa, for same measure—to the Committee on Agriculture.

Also, resolutions of Farmers' Alliance, No. 1858, of Hamilton County, Iowa, for same measure—to the Committee on Agriculture.

Also, resolutions of Mallard Alliance, No. 1117, of Palo Alto County, Iowa, for same measure—to the Committee on Agriculture.

Also, resolutions of Pilot Mound Farmers' Alliance, No. 1407, of Iowa, for same measure—to the Committee on Agriculture.

Also, petition of Aikin Muench and 25 others, citizens of Pilot Mound, Boone County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of Charles A. Ristrim and 24 others, citizens of Hamilton County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of F. M. Ford and 18 others, citizens of Greene County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of D. C. Gullickson and 22 others, citizens of Winnebago County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of J. W. Linton and 17 others, citizens of Carroll County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of C. P. Walke and 12 others, citizens of Dawson Township, Greene County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of John K. Johnson and 23 others, citizens of Mount Valley, Winnebago County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of D. C. Wood and 41 others, citizens of Hamilton County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of P. S. Porter and 10 others, citizens of Webster County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of N. B. Shelder and 5 others, citizens of Greene County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of Charles S. Dempsey and 24 others, citizens of Winnebago County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of S. A. Grubb and 19 others, citizens of Carroll County, Iowa, for same measure—to the Committe on Agriculture.

Also, resolutions of Oak Hill Alliance, of Union Township, Carroll County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of John Bobenfue and 40 others, citizens of Hamilton County, Iowa, in favor of same measure—to the Committee on Agriculture.

Also, petition of J. Carson and 28 others, citizens of Paradise Township, Crawford County, Iowa, in favor of same measure—to the Committee on Agriculture.

Also, petition of H. W. Woods and 16 others, citizens of Iowa, for same measure—to the Committee on Agriculture.

Also, petition of W. P. Thompson and 19 others, citizens of Winnebago County, Iowa, in favor of same measure—to the Committee on Agriculture.

Also, petition of S. G. Smith and 9 others, citizens of same county and State, for same measure—to the Committee on Agriculture.

Also, petition of Thomas Presnall and 19 others, citizens of Hancock County, Iowa, in favor of same measure—to the Committee on Agriculture.

Also, petition of Ed. F. Dingley and 19 others, citizens of Crawford County, Iowa, in favor of same measure—to the Committee on Agriculture.

Also, petition of Z. T. Nixor and 16 others, citizens of the same county and State, for same measure—to the Committee on Agriculture.

Also, petition of Henry Miller, jr., and 34 others, citizens of Jasper Township, Carroll County, Iowa, in favor of same measure—to the Committee on Agriculture.

Also, petition of H. P. Calouky and 13 others, citizens of Boone County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of B. R. Crose and 22 others, citizens of Greene County, Iowa, in favor of same measure—to the Committee on Agriculture.

Also, petition of G. W. Swersinger and 36 others, citizens of Palo Alto County, Iowa, for same measure—to the Committee on Agriculture.

By Mr. HITT: Petition of S. T. Wray and 28 others, citizens of Winnebago County, Illinois, for passage of the antioption bill, H. R. 5353—to the Committee on Agriculture.

Also, memorial and resolutions of Elida (Ill.) Lodge, No. 3928, Farmers' Mutual Benefit Association, against gambling in futures and urging the antioption bill, H. R. 5353—to the Committee on Agriculture.

Also, petition of William Jones and 12 others, citizens of Winnebago, Winnebago County, Illinois, for same measure—to the Committee on Agriculture.

By Mr. HAUGEN: Petition of William Johnson and 40 other farmers of Polk County, Wisconsin, in favor of the antioption bill—to the Committee on Agriculture.

Also, petition of Louis Gagner and 23 others, citizens of Stanfold, Barrios County, Wisconsin, for same measure—to the Committee on Agriculture.

Also, petition of Andrew Henning and 2 others, citizens of Polk County, Wisconsin, in favor of same measure—to the Committee on Agriculture.

Also, resolutions of Farmers' Alliance of Laketown, Polk County, Wisconsin, in favor of same measure—to the Committee on Agriculture.

Also, petition of Otto Thingwold and other citizens of Barrios County, Wisconsin, for same measure—to the Committee on Agriculture.

Also, resolutions adopted by the Little Falls Farmers' Alliance, No. 122, of Little Falls, Polk County, Wisconsin, for same measure—to the Committee on Agriculture.

Also, petition of S. S. Selvig and 30 others, citizens of Polk County, Wisconsin, for same measure—to the Committee on Agriculture.

By Mr. KELLEY: Resolutions of a mass convention of the citizens of Decatur County, Kansas, in reference to the irrigation of western Kansas—to the Select Committee on Irrigation of Arid Lands in the United States.

By Mr. LACEY: Petition of H. R. Smith and 19 others, citizens of Nebraska County, Iowa, praying speedy passage of the antioption bill—to the Committee on Agriculture.

Also, resolutions of Adams Alliance, of same county and State, for same measure—to the Committee on Agriculture.

Also, resolutions of Cooperville Alliance, No. 1738, of Iowa, for same measure—to the Committee on Agriculture.

Also, resolutions of Union Hall Alliance, No. 1834, of Keokuk County, Iowa, for same measure—to the Committee on Agriculture.

Also, resolutions of Sugar Grove Alliance, No. 599, of Jasper County, Iowa, for same measure—to the Committee on Agriculture.

Also, resolutions of Forest Grove Farmers' Alliance, No. 1639, of Mahaska County, Iowa, for same measure—to the Committee on Agriculture.

Also, resolutions of Cross Roads and Round Point Union, No. 1830, of Agency, Iowa, for same measure—to the Committee on Agriculture.

Also, resolutions of Honey Grove Alliance, No. 1346, of Keokuk County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of John Leeper and 85 others, citizens of Jasper County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of T. H. Holmes and 11 others, citizens of Mahaska County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of Baltiour Kosman and 2 others, citizens of Wapello County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of W. J. Willhort and 11 others, citizens of Adams Township, Mahaska County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of William S. Epperly and 51 others, citizens of Wapello County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of Freedom Alliance, No. 1057, of Hamilton County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of H. C. Humbert and 18 others, citizens of Iowa, for same measure—to the Committee on Agriculture.

Also, petition of Farmers' Alliance, No. 1639, of Forest Grove, Mahaska County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of J. C. Ulin and 23 others, citizens of Keokuk County, Iowa, for same measure—to the Committee on Agriculture.

Also, resolutions of Garfield Alliance, No. 1186, of Mahaska County, Iowa, for same measure—to the Committee on Agriculture.

By Mr. OUTHWAITE: Resolutions of McCoy Post, Grand Army of the Republic, Columbus, Ohio, in favor of such legislation as will secure to the soldiers and sailors of the late war for the Union their just claims as to the difference between the pay they did receive from the Government and that which they should have received had they been paid in gold—to the Committee on Invalid Pensions.

By Mr. STONE, of Missouri: Petition of Nicholas McPherson, of Jackson County, Missouri, for reference of claims to Court of Claims under provisions of the Bowman act—to the Committee on War Claims.

Also, petition of Mary Ann Wester, administratrix of the estate of Ephraim Dockery, late of Cherokee County, Alabama, for same relief—to the Committee on War Claims.

Also, petition of Belson W. Owens, of Cherokee County, Alabama, for same relief—to the Committee on War Claims.

Also, petition of George W. Wilson, of Orangeburgh County, South Carolina, for same relief—to the Committee on War Claims.

By Mr. STRUBLE: Petition of Peyton Alliance, of Sac County, Iowa, favoring passage of the Butterworth option bill—to the Committee on Agriculture.

Also, petition of C. H. Bauer and 100 others, citizens of Plymouth County, Iowa, favoring passage of same measure—to the Committee on Agriculture.

Also, resolutions by members of Alliance No. 1671, of same county and State, for same measure—to the Committee on Agriculture.

Also resolutions of Prairie Grove Alliance, of Sioux County, Iowa, for same measure—to the Committee on Agriculture.

By Mr. SWENEY: Petition of William Hows and 31 others, citizens of Allamakee County, Iowa, urging speedy passage of antioption bill (H. R. 5353), known as the Butterworth bill—to the Committee on Agriculture.

Also, petition of Charles Smith and 27 others, citizens of French Creek, Allamakee County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of B. F. Paige and 30 others, citizens of Highland, Clayton County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of N. C. Puckett and 29 others, citizens of Mitchell County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of H. H. Wells and 43 others, citizens of Cresco, Howard County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of S. J. White and 29 others, citizens of Worth County, Iowa, in favor of same measure—to the Committee on Agriculture.

Also, petition of M. B. Jewett and 28 others, citizens of Worth County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of E. L. Farrington and 28 others, citizens of Howard County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of Michael Wolf and 21 others, citizens of St. Charles, Floyd County, Iowa, in favor of same measure—to the Committee on Agriculture.

Also, petition of E. P. Lamb and 12 others, citizens of Lime Creek Township, Cerro Gordo County, Iowa, in favor of same measure—to the Committee on Agriculture.

Also, petition of Howard Alliance, No. 1809, Cresco, Iowa, in favor of same measure—to the Committee on Agriculture.

Also, petition of the French Creek Branch, No. 1467, of the Iowa Farmers' Alliance, in favor of same measure—to the Committee on Agriculture.

Also, resolutions of Nora Alliance, No. 1355, of Highland Township, Clayton County, Iowa, in favor of same measure—to the Committee on Agriculture.

Also, resolutions of Worth County Farmers' Alliance, of Worth County, Iowa, in favor of same measure—to the Committee on Agriculture.

Also, resolutions of Fairview Alliance, No. 1458, Lime Creek Township, Cerro Gordo County, Iowa, in favor of same measure—to the Committee on Agriculture.

By Mr. TAYLOR, of Illinois: Petition of citizens of Chicago, asking that the pay of keepers and surfmen in the Life-Saving Service be increased—to the Committee on Commerce.

Also, petition and papers to remove the charge of desertion against John Daley, late Company C, Seventy-second New York Volunteer Infantry—to the Committee on Military Affairs.

By Mr. TOWNSEND, of Colorado: Petition of Andrew Anderson and 16 others, citizens of Kit Carson County, Colorado, praying speedy passage of the Butterworth option bill—to the Committee on Agriculture.

Also, petition of Burke Potter and 13 others, citizens of El Paso County, Colorado, for same measure—to the Committee on Agriculture.

Also, resolutions of Advance Alliance, No. 1, of Kit Carson County, Colorado, for same measure—to the Committee on Agriculture.

Also, petition of Byron Huff and 16 others, citizens of Kit Carson County, Colorado, for same measure—to the Committee on Agriculture.

Also, resolutions of Peyton Alliance, No. 28, of El Paso County, Colorado, for same measure—to the Committee on Agriculture.

Also, petition and papers to accompany bill for relief of James K. P. Addis—to the Committee on Military Affairs.

By Mr. WILLIAMS, of Illinois: Petition for claim of Thomas Summers—to the Committee on Invalid Pensions.

Also, petition of citizens of Hamilton County, Illinois, against the Conger lard bill—to the Committee on Agriculture.

By Mr. WILSON, of Washington: Resolution of Harrington Alliance, Lincoln County, Washington, relative to House bill 5353, defining options—to the Committee on Agriculture.

Also, resolutions of Sassin Alliance, of same county and State, for same measure—to the Committee on Agriculture.

Also, resolution of Pioneer Alliance, No. 12, Washington, for same measure—to the Committee on Agriculture.

Also, resolutions of Farmers' Alliance No. 107, of Latah, Spokane County, Washington, G. W. Coplin, secretary, for same measure—to the Committee on Agriculture.

Also, resolutions of Liberty Alliance, No. 77, Washington, for same measure—to the Committee on Agriculture.

Also, petition of 28 citizens of Spokane County, Washington, for same measure—to the Committee on Agriculture.

Also, petition of 28 citizens of same county and State, for same measure—to the Committee on Agriculture.

Also, petition of 30 other citizens of same county and State, for same measure—to the Committee on Agriculture.

Also, petition of 5 other citizens of same county and State, for same measure—to the Committee on Agriculture.

Also, petition of 5 other citizens of same county and State, for same measure—to the Committee on Agriculture.

Also, petition of 42 citizens of Lincoln County, Washington, for same measure—to the Committee on Agriculture.

Also, petition of 43 other citizens of same county and State, for same measure—to the Committee on Agriculture.

Also, resolutions of Farmers' Alliance No. 121, of Lincoln County, Washington, for same measure—to the Committee on Agriculture.

Also, petition of 11 citizens of the State of Washington, for same measure—to the Committee on Agriculture.

Also, petition of 13 citizens of Spokane County, Washington, for same measure—to the Committee on Agriculture.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January* 17, 1891.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

APPROVAL OF THE JOURNAL.

The Journal of the proceedings of yesterday was read.

Mr. MILLS. Mr. Speaker, I demand a vote upon the approval of the Journal.

The question was taken on the approval of the Journal; and the Speaker declared that the ayes seemed to have it.

Mr. MILLS. I ask for a division.

Mr. BURROWS. Mr. Speaker, we may as well have the yeas and nays.

Mr. BUTTERWORTH. I think there is a quorum present.

Mr. BURROWS. If there is, I withdraw the demand for the yeas and nays.

Mr. MILLS. I renew it.

The question was taken on ordering the yeas and nays; and 45 members voted in the affirmative; so the yeas and nays were ordered.

The question was taken; and there were—yeas 174, nays 11, not voting 146; as follows:

YEAS—174.

Alderson,	Evans,	Martin, Tex.	Rowell,
Allen, Mich.	Farquhar,	Mason,	Sawyer,
Anderson, Kans.	Featherston,	McClammy,	Sayers,
Arnold,	Finley,	McClellan,	Scull,
Atkinson, Pa.	Flick,	McComas,	Sherman,
Atkinson, W. Va.	Flower,	McCreary,	Shively,
Baker,	Forman,	McDuffie,	Smith, W. Va.
Beckwith,	Forney,	McKinley,	Smyser,
Belden,	Fowler,	McMillin,	Spooner,
Belknap,	Frank,	McRae,	Springer,
Bliss,	Funston,	Miles,	Stephenson,
Boothman,	Gear,	Miller,	Stewart, Ga.
Breckinridge, Ky.	Gest,	Mills,	Stewart, Tex.
Brewer,	Gibson,	Moffitt,	Stewart, Vt.
Brookshire,	Goodnight,	Montgomery,	Stivers,
Broslus,	Grimes,	Moore, N. H.	Stockdale,
Brown, J. B.	Grosvenor,	Moore, Tex.	Stone, Ky.
Buchanan, N. J.	Grout,	Morey,	Stone, Mo.
Buchanan, Va.	Hall,	Morrill,	Stone, Pa.
Burrows,	Hare,	Morrow,	Struble,
Burton,	Haugen,	Morse,	Stump,
Butterworth,	Hayes, W. I.	Mudd,	Taylor, E. B.
Bynum,	Hays, E. R.	Mutchler,	Taylor, Ill.
Caldwell,	Haynes,	Niedringhaus,	Taylor, Tenn.
Campbell,	Henderson, Ill.	Norton,	Thomas,
Candler, Mass.	Herbert,	Nute,	Townsend, Colo.
Cannon,	Holman,	O'Donnell,	Tracey,
Carter,	Kennedy,	O'Neall, Ind.	Turner, Ga.
Chendle,	Kerr, Iowa	Osborne,	Vandever,
Clark, Wis.	Kerr, Pa.	Owen, Ind.	Van Schaick,
Clark, Wyo.	Kinsey,	Owens, Ohio	Wade,
Clarke, Ala.	Lacey,	Parrett,	Walker,
Clements,	Laidlaw,	Payne,	Wallace, Mass.
Clunie,	Lane,	Payntor,	Wheeler, Ala.
Cobb,	Langston,	Peel,	Wike,
Craig,	Lanham,	Perkins,	Willcox,
Crisp,	Lawler,	Perry,	Williams, Ill.
Culberson, Tex.	Laws,	Pierce,	Williams, Ohio
Cutcheon,	Lee,	Post,	Wilson, Ky.
Darlington,	Lehlbach,	Raines,	Wilson, Mo.
Dingley,	Lewis,	Randall,	Wilson, Wash.
Dorsey,	Lind,	Reed, Iowa	Wilson, W. Va.
Ellis,	Mansur,	Richardson,	
Enloe,	Martin, Ind.	Rogers,	

NAYS—11.

Abbott,	Geary,	Hooker,	Tucker,
Cowles,	Hatch,	Kilgore,	Yoder.
Dockery,	Henderson, N. C.	Pindar,	

NOT VOTING—146.

Adams,	Catchings,	Hansbrough,	Payson,
Allen, Miss.	Cheatham,	Harmer,	Penington,
Anderson, Miss.	Chipman,	Heard,	Peters,
Andrew,	Clancy,	Hemphill,	Phelan,
Bankhead,	Cogswell,	Henderson, Iowa	Pickler,
Banks,	Coleman,	Hermann,	Price,
Barnes,	Comstock,	Hill,	Pugsley,
Bartine,	Connell,	Hitt,	Quackenbush,
Barwig,	Cooper, Ind.	Hopkins,	Quinn,
Bayne,	Cooper, Ohio	Houk,	Ray,
Bergen,	Cothran,	Kelley,	Reilly,
Biggs,	Covert,	Ketcham,	Reyburn,
Bingham,	Crain,	Knapp,	Rife,
Blanchard,	Culbertson, Pa.	La Follette,	Robertson,
Bland,	Cummings,	Lansing,	Rockwell,
Blount,	Dalzell,	Lester, Ga.	Rowland,
Boatner,	Dargan,	Lester, Va.	Rusk,
Boutelle,	Davidson,	Lodge,	Russell,
Bowden,	De Lano,	Magner,	Sanford,
Breckinridge, Ark.	Dibble,	Malsh,	Scranton,
Brickner,	Dickerson,	McAdoo,	Seney,
Brower,	Dolliver,	McCarthy,	Simonds,
Browne, T. M.	Dunnell,	McCord,	Skinner,
Browne, Va.	Dunphy,	McCormick,	Smith, Ill.
Brunner,	Edmunds,	McKenna,	Snider,
Buckalew,	Ewart,	Milliken,	Spinola,
Bullock,	Fitch,	Morgan,	Stahlnecker,
Bunn,	Fithian,	Oates,	Stockbridge,
Candler, Ga.	Flood,	O'Ferrall,	Sweet,
Carlton,	Geissenhainer,	O'Neil, Mass.	Sweney,
Caruth,	Gifford,	O'Neill, Pa.	Tarsney,
Caswell,	Greenhalge,	Outhwaite,	Taylor, J. D.
Thompson,	Vaux,	Whitelaw,	Wilkinson,
Tillman,	Waddill,	Whiting,	Wright,
Townsend, Pa.	Wallace, N. Y.	Whitthorne,	Yardley.
Turner, Kans.	Washington,	Wickham,	
Turner, N. Y.	Wheeler, Mich.	Wiley,	

So the Journal was approved.

The following-named members were announced as paired until further notice:

Mr. WRIGHT with Mr. GEISSENHAINER.
Mr. HARMER with Mr. REILLY.
Mr. COLEMAN with Mr. TURNER, of New York.
Mr. PICKLER with Mr. DARGAN.
Mr. THOMAS M. BROWNE with Mr. FITHIAN.
Mr. PETERS with Mr. BULLOCK.
Mr. TOWNSEND, of Pennsylvania, with Mr. MORGAN.
Mr. DE LANO with Mr. ROWLAND.
Mr. PUGSLEY with Mr. WHITTHORNE.
Mr. COMSTOCK with Mr. STAHLNECKER.
Mr. MCCORD with Mr. SENEY.
Mr. DALZELL with Mr. PRICE.
Mr. HOUK with Mr. RICHARDSON.
Mr. KNAPP with Mr. WILKINSON.
Mr. EWART with Mr. MAGNER.
Mr. GIFFORD with Mr. BUNN.
Mr. HENDERSON, of Iowa, with Mr. PENINGTON.
Mr. RAY with Mr. BRUNNER.
Mr. QUACKENBUSH with Mr. DUNPHY.
Mr. BROWNE, of Virginia, with Mr. BUCKALEW.

The following on this vote:

Mr. ATKINSON, of West Virginia, with Mr. ANDREW.
Mr. KETCHAM with Mr. COVERT.
Mr. BOWDEN with Mr. O'FERRALL.

The following for this day:

Mr. DUNNELL with Mr. OUTHWAITE.
Mr. COGSWELL with Mr. O'NEIL, of Massachusetts.
Mr. RIFE with Mr. FITCH.
Mr. STOCKBRIDGE with Mr. CARUTH.

The following until Tuesday next:

Mr. RUSSELL with Mr. SKINNER.
Mr. WADDILL with Mr. LESTER, of Virginia.

Mr. O'NEILL, of Pennsylvania, and Mr. DAVIDSON were announced as paired until Monday next.

Mr. COGSWELL. Mr. Speaker, I have voted; but if there is a quorum present I desire to withdraw my vote, as I am paired with Mr. O'NEIL, of Massachusetts.

Mr. JASON B. BROWN. Mr. Speaker, the gentleman from Kentucky [Mr. CARUTH] is sick in his room, and I ask leave of absence for him for the day.

There was no objection, and it was so ordered.

Mr. ROGERS. Mr. Speaker, I voted in the negative; but I am informed that the Journal is correctly made up this morning, so I want to change my vote to "ay."

The SPEAKER. The Chair is very glad of the admission. [Laughter.]

Mr. MILLS. Let us have the names recapitulated.

The Clerk recapitulated the names of members voting.

The result of the vote was then announced as above recorded.

Mr. MILLS. I move to reconsider the vote.

Mr. MCCOMAS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of general appropriation bills.

Mr. MILLS. I move to reconsider the vote.

The SPEAKER. The Chair declines to entertain the motion.

Mr. MILLS. I appeal from the decision of the Chair.

The SPEAKER. The Chair declines to entertain the appeal.

Mr. MILLS. The Chair has no right to decline to entertain a motion that is made under the rules of the House.

The SPEAKER. The gentleman from Maryland [Mr. MCCOMAS] is recognized.

Mr. MILLS. I demand to have my motion put to reconsider the vote.

The SPEAKER. The Chair refuses the gentleman that permission.

Mr. MILLS. You have no right, sir, to make that refusal.

The SPEAKER. The gentleman from Maryland [Mr. MCCOMAS] moves that the House resolve itself into Committee of the Whole on the state of the Union——

Mr. FLOWER. Mr. Speaker, I desire to correct the RECORD.

The SPEAKER (continuing)—for the purpose of considering general appropriation bills.

Mr. MILLS. On that I demand the yeas and nays.

The question was taken on the motion of Mr. MCCOMAS; and the Speaker declared that the ayes seemed to have it.

Mr. MILLS. I demand the yeas and nays.

The SPEAKER. The gentleman from Texas [Mr. MILLS] demands that the question be taken by yeas and nays——

Mr. MILLS. Will the Chair entertain that motion? I am astonished at the Chair.

The SPEAKER. Those in favor of taking the question by yeas and

nays will rise and stand until counted. [A pause.] Evidently a sufficient number, and the yeas and nays are ordered, and the Clerk will call the roll.

The question was taken; and it was decided in the affirmative—yeas 112, nays 93, not voting 126; as follows:

YEAS—112.

Adams,	Clark, Wyo.	Laidlaw,	Rowell,
Allen, Mich.	Craig,	Langston,	Scranton,
Anderson, Kans.	Cutcheon,	Laws,	Scull,
Arnold,	Darlington,	Lehlbach,	Sherman,
Atkinson, Pa.	Dingley,	Lind,	Simonds,
Atkinson, W. Va.	Dorsey,	Lodge,	Smith, Ill.
Baker,	Evans,	Mason,	Smith, W. Va.
Banks,	Farquhar,	McComas,	Smyser.
Bartine,	Finley,	McDuffie,	Spooner,
Bayne,	Flood,	McKinley,	Stephenson,
Beckwith,	Frank,	Miles,	Stivers,
Belden,	Funston,	Miller,	Stone, Pa.
Belknap,	Gear,	Moffitt,	Struble,
Bliss,	Gest,	Moore, N. H.	Sweet,
Boothman,	Greenhalge,	Morrill,	Taylor, E. B.
Boutelle,	Grosvenor,	Morrow,	Taylor, Ill.
Brewer,	Grout,	Morse,	Taylor, J. D.
Broslus,	Hall,	Mudd,	Taylor, Tenn.
Buchanan, N. J.	Haugen,	Niedringhaus,	Thomas,
Burrows,	Hays, E. R.	Nute,	Townsend, Colo.
Burton,	Henderson, Ill.	O'Donnell,	Vandever,
Butterworth,	Hill,	Osborne,	Van Schaick,
Caldwell,	Hopkins,	Owen, Ind.	Wade,
Candler, Mass.	Kennedy,	Payne,	Walker,
Cannon,	Kerr, Iowa	Perkins,	Wallace, Mass.
Carter,	Ketcham,	Raines,	Williams, Ohio
Cheadle,	Kinsey,	Randall,	Wilson, Ky.
Clark, Wis.	Lacey,	Reed, Iowa	Wilson, Wash.

NAYS—93.

Abbott,	Cobb,	Lawler,	Robertson,
Alderson,	Covert,	Lee,	Rogers,
Allen, Miss.	Cowles	Maish,	Sayers,
Anderson, Miss.	Crisp,	Mansur,	Shively,
Andrew,	Culberson, Tex.	Martin, Ind.	Springer,
Barnes,	Edmunds,	Martin, Tex.	Stewart, Ga.
Blanchard,	Ellis,	McAdoo,	Stewart, Tex.
Bland,	Enloe,	McClammy,	Stockdale,
Boatner,	Flower,	McClellan,	Stone, Ky.
Breckinridge, Ark.	Forman,	McCreary,	Stone, Mo.
Breckinridge, Ky.	Forney,	McMillin,	Stump,
Brickner,	Fowler,	McRae,	Tillman,
Brookshire,	Gibson,	Mills,	Tracey,
Brown, J. B.	Hare,	Montgomery,	Turner, Ga.
Buchanan, Va.	Hatch,	Moore, Tex.	Whiting,
Bynum,	Hayes, W. I.	Mutchler,	Wike,
Campbell,	Hemphill,	Norton,	Willcox,
Candler, Ga.	Henderson, N. C.	O'Neall, Ind.	Williams, Ill.
Catchings,	Herbert,	Owens, Ohio	Wilson, Mo.
Chipman,	Holman,	Parrett,	Wilson, W. Va.
Clancy,	Hooker,	Paynter,	Yoder.
Clarke, Ala.	Kerr, Pa.	Perry,	
Clements,	Lane,	Pierce,	
Clunie,	Lanham,	Pindar,	

NOT VOTING—126.

Bankhead,	Dibble,	Magner,	Russell,
Barwig,	Dickerson,	McCarthy,	Sanford,
Bergen,	Dockery,	McCord,	Sawyer,
Biggs,	Dolliver,	McCormick,	Seney,
Bingham,	Dunnell,	McKenna,	Skinner,
Blount.	Dunphy,	Milliken,	Snider,
Bowden,	Ewart,	Morey,	Spinola,
Brower,	Featherston,	Morgan,	Stahlnecker,
Browne, T. M.	Fitch,	Oates,	Stewart, Vt.
Browne, Va.	Fithian,	O'Ferrall,	Stockbridge,
Brunner,	Flick,	O'Neil, Mass.	Sweney,
Buckalew,	Geary,	O'Neill, Pa.	Tarsney,
Bullock,	Geissenhainer,	Outhwaite,	Thompson,
Bunn,	Gifford,	Payson,	Townsend, Pa.
Carlton,	Goodnight,	Peel,	Tucker,
Caruth,	Grimes,	Penington,	Turner, Kans.
Caswell,	Hansbrough,	Peters,	Turner, N. Y.
Cheatham,	Harmer,	Phelan,	Vaux,
Cogswell,	Haynes,	Pickler,	Waddill,
Coleman,	Heard,	Post,	Wallace, N. Y.
Comstock,	Henderson, Iowa	Price,	Washington,
Connell,	Hermann,	Pugsley,	Wheeler, Ala.
Cooper, Ind.	Hitt,	Quackenbush,	Wheeler, Mich.
Cooper, Ohio	Houk,	Quinn,	Whitelaw,
Cothran,	Kelley,	Ray,	Whitthorne,
Crain,	Kilgore,	Reilly,	Wickham,
Culbertson, Pa.	Knapp,	Reyburn,	Wiley,
Cummings,	La Follette,	Richardson,	Wilkinson,
Dalzell,	Lansing,	Rife,	Wright,
Dargan,	Lester, Ga.	Rockwell,	Yardley.
Davidson,	Lester, Va.	Rowland,	
De Lano,	Lewis,	Rusk,	

So the motion of Mr. McCOMAS was agreed to.

The following additional pairs were announced:

For this day:

Mr. BROWER with Mr. BANKHEAD.

Mr. ROCKWELL with Mr. LESTER, of Georgia.

Mr. MILLIKEN with Mr. DIBBLE.

On this vote:

Mr. BOWDEN with Mr. O'FERRALL.

Mr. BLAND. Let us have a recapitulation of the vote.

The vote having been recapitulated,

The result was announced as above stated.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. BURROWS in the chair, and resumed the consideration of the bill (H. R. 12729) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1892, and for other purposes.

Mr. McCOMAS. There is a motion pending to limit all debate on the pending amendment to one minute.

Mr. McMILLIN. There is also an amendment pending to make the time thirty minutes.

Mr. McCREARY. I move to amend the amendment so as to allow forty minutes. I desire to be heard.

Mr. McCOMAS. The amendment offered by the gentleman from Missouri [Mr. BLAND] was to make the time two hours.

Mr. BLAND. I wish to make a statement with respect to that. The gentleman from Maryland, as I understood, in the first place moved that debate on the amendment of the gentleman from Kentucky [Mr. BRECKINRIDGE] be limited to one minute and a half. To that I moved an amendment making the time thirty minutes. I understood afterwards that the gentleman's motion applied to the whole paragraph, and I then interposed a motion to limit debate to two hours. But if the proposition is to limit debate merely on the amendment, thirty minutes was the motion I originally made.

The CHAIRMAN. The Chair understands the situation to be this: The gentleman from Maryland moved to limit all debate on the pending paragraph to one minute——

Mr. BRECKINRIDGE, of Kentucky. No, Mr. Chairman; I understood the motion to apply only to that portion of the paragraph down to the word "provided."

Mr. McCOMAS. That is right.

Mr. BLAND. My amendment, then, is to make the time thirty minutes.

The CHAIRMAN. The gentleman from Maryland moves to limit debate on that portion of the paragraph down to the word "provided" to one minute; the gentleman from Missouri moves to amend so as to limit debate to thirty minutes; and the gentleman from Kentucky [Mr. McCREARY] moves to amend the amendment so as to make the time forty minutes. The pending question is on the motion of the gentleman from Kentucky.

Mr. BRECKINRIDGE, of Kentucky. I would like to make one suggestion to my friend in charge of this bill. It is desired to move an amendment to this paragraph so as to reduce the number of inspectors of buildings and inspectors of plumbing, on which amendment, as I understand, five minutes' debate is desired on each side. It strikes me it would not be well to limit debate on the paragraph so far as those two amendments are concerned. They are amendments which go to the organization of those two bureaus, inspectors of buildings and inspectors of plumbing.

The CHAIRMAN. The Chair desires to call the attention of the gentleman from Kentucky [Mr. BRECKINRIDGE] to the fact that this proposition is not debatable.

Mr. BRECKINRIDGE, of Kentucky. Of course it is not; therefore I only submitted the remark as a suggestion to the gentleman from Maryland, so as to see whether we might not agree upon some modification.

Mr. McCOMAS. In view of the suggestion of my colleague on the committee I will ask consent to modify my motion so as to close all debate on the pending paragraph down to the provision in regard to the inspector of plumbing.

Mr. BRECKINRIDGE, of Kentucky. I do not catch the gentleman's remark.

Mr. McCOMAS. I say that in view of the suggestion I will (although it is not strictly in order) modify my motion, if there be no objection, so as to close all debate upon the pending paragraph down to the words "one chief inspector of plumbing," in line 3, page 3. This will give an opportunity for the motion which the gentleman from Kentucky indicates.

Mr. THOMAS. I would suggest to my friend from Maryland, if he will allow me, that forty minutes is a very short time to discuss the amendments. I have not had the privilege myself of occupying the floor since this debate commenced, and many other gentlemen have been deprived of the privilege of participating in it, owing to the shortness of the time allowed for discussion.

Mr. McCOMAS. I have no doubt the House will consider the different propositions as to time and will indicate its sense by the vote about to be taken.

Mr. McCREARY. But the time allowed in the general debate did not permit some of us to present our views. I want myself only a limited time.

The CHAIRMAN. The pending question is on the amendment to limit debate to forty minutes.

The question was taken; and on a division there were—ayes 79, noes 83

Mr. McCOMAS. I ask for tellers.

Tellers were ordered.

Mr. McCREARY and Mr. McCOMAS were appointed tellers.

The committee again divided; and the tellers reported—ayes 94, noes 92.

So the motion to limit debate to forty minutes was adopted.

The CHAIRMAN. The Chair wishes to understand whether it is the intention that this limit applies to the entire paragraph down to the word "provided," on page 3 of the bill.

Mr. McMILLIN. But the gentleman from Maryland made an exception in his motion in favor of the suggestion of the gentleman from Kentucky [Mr. BRECKINRIDGE].

Mr. BRECKINRIDGE, of Kentucky. This amendment does not limit the debate, but is simply an amendment to the proposition of the gentleman from Maryland.

The CHAIRMAN. The Chair so understands.

Mr. BRECKINRIDGE, of Kentucky. Now, I desire to amend that motion so that it shall only apply to the pending amendment.

The CHAIRMAN. The original motion the Chair understands was applied to the paragraph and amendments, and the amendment adopted would cover the same ground.

Mr. McCREARY. I rise to a parliamentary inquiry. I wish to ask the Chair to state how much time is allowed and upon what proposition.

The CHAIRMAN. The Chair is informed that there is no amendment pending.

Mr. McCOMAS. That is a mistake.

The CHAIRMAN. The Chair must rely upon the statement of the Clerk.

Mr. BRECKINRIDGE, of Kentucky. The Clerk is mistaken, Mr. Chairman. I offered an amendment on yesterday, which has never been withdrawn or voted on.

Mr. McCOMAS. The gentleman from Kentucky is correct. His amendment was offered and is pending to strike out the words "four hundred and twenty-four dollars" in the paragraph.

The CHAIRMAN. Will the gentleman from Kentucky please repeat the amendment?

Mr. BRECKINRIDGE, of Kentucky. The amendment I offered on yesterday afternoon was to strike out the words in lines 4, 5, 6:

One engineer commissioner, $424 (to make salary $5,000).

Mr. McCOMAS. That is the only pending amendment.

The CHAIRMAN. The Chair so understands.

Mr. McCREARY. And forty minutes are allowed on this amendment.

The CHAIRMAN. Debate upon the paragraph and all pending amendments thereto is limited to forty minutes.

Mr. McCREARY. On the entire paragraph or only on a portion of it?

The CHAIRMAN. The Chair so stated when the question was submitted, that it embraced the paragraph to the word "provided" on page 3.

Mr. McMILLIN. But the gentleman from Maryland accepted the proposition of the gentleman from Kentucky concerning the consolidation of the two departments of the District government——

Mr. McCOMAS. That is correct.

The CHAIRMAN. The debate, of course, will be conducted under the rule, five minutes on each amendment that may be offered or in response to it.

Mr. McCREARY. Five minutes to each member who desires to speak?

The CHAIRMAN. To each member who is entitled to the floor.

Mr. McCOMAS. The time will be equally divided, I understand?

The CHAIRMAN. The rule provides that in Committee of the Whole under the five-minute rule the gentleman presenting an amendment has the right to speak to it for five minutes, and then any other gentleman opposed to the amendment for five minutes.

Mr. BLAND. I ask unanimous consent that the gentleman from Kentucky may control one-half of the time on this side and the gentleman from Maryland the remainder on the other side.

The CHAIRMAN. In the absence of objection that will be the order.

There was no objection.

Mr. McCREARY. I now yield five minutes to the gentleman from New Jersey [Mr. McADOO].

Mr. McADOO. Mr. Chairman, the whole discussion of this bill, so far as it has gone, is, in my opinion, a severe indictment of the government of the District of Columbia by Congress. On the other hand, if the government of this District is all that its friends claim it to be, then it is an arraignment of a republican form of government in the cities of the United States; for, if the contentions of the friends of the present government of this District be correct, the suffrage—popular suffrage—in the cities of this country is a mistake and court-martial or strictly military government would be a better mode of administering the affairs of a given community than by allowing the people to elect their own rulers.

No man can defend the administration of local government here and at the same time consistently claim to be a friend of republican government for other communities. We are constantly prating in this Hall and out of it of the confidence which we have in the American people; that we believe, even when they make mistakes, they correct them, and that the virtue, intelligence, and honesty of the majority of the popular vote are such that they may always be relied upon to give us the best form of government. And yet here in this Congress of the United States, which has the right to give to this people of the District local autonomy and self-government, we withhold it on the ground that the government of cities is best administered where the people do not vote. We preach universal enfranchisement and then practice disfranchisement here in the very Capital of the Republic.

Now, look at the anomaly of the government of this District. Three autocrats—I mean no personal disrespect—sitting as commissioners for the District of Columbia, are the absolute governors of this people, who have no voice whatever in their selection and in the administration of their own affairs; and to make it emphatic, that we do not believe in a republican form of government when it applies to the District of Columbia, we have selected an army officer, whose tenure of office is for life, as if we did not believe that civilians, even when appointed by the President of the United States, are competent to administer governmental affairs.

If I believed that Washington was in truth possessed of all the concomitants of a great city—manufactures, commerce, great domestic or foreign trade, colossal private or corporate interests—and was the monetary, commercial, literary, art, and fashion center of the Republic, with enormous cosmopolitan populations like New York and Chicago or San Francisco, I might consider its present management as an argument worthy of notice against popular government. The truth is, Washington is the easiest to govern and ought to be the very cheapest governed city in the Americas.

Now, it is an open secret, known in this Hall and out of it, that the principal reason why the people of this District are disfranchised is because of the large colored vote here. I have been told by Republican gentlemen in this District that it would never do to have the form of government extant here which prevails in other American cities, because of the large and ignorant negro vote. And yet these same gentlemen, who hold up their hands in holy horror against the negro as a voter and a participator in government here, are backing to-day in the Senate of the United States the most monstrous and infamous attempt against Republican government and home rule, and against the liberties of the people, and the most criminal and audacious bid for bloodshed, revolution, and riot which has ever been offered in the Congress of the United States. And while they tell us here that the negro in the District of Columbia can not be trusted to vote, because he will ignorantly and viciously maladminister their government, they claim that this notorious and infamous measure is being pushed by the force of partisan aggression in the United States Senate for his benefit.

Why, I say the true position of affairs to-day in this Capitol, where a great party in the sole control of both Houses of Congress, having the Executive of this powerful country, are refusing the negro the right to vote in Washington, where his surroundings and environment are of the best, and yet are insisting that if it takes the whole power of the United States Government he must be made to vote in other portions of the country, is an ocular demonstration of a hypocrisy that is disheartening, colossal, and appalling.

But, further than that, whilst they are claiming that this bill is for the benefit of the negro, who is deprived of the right of suffrage in the Southern States, they are perfectly willing to hand him over to the State governments and the county governments of those States. They have told the people of the United States on every stump and in every Republican newspaper, falsely, as I am convinced, that the negro in the South is oppressed by the State government, that it is inimical to him and even bloody in its administration of his own affairs.

Now, every sensible man in this Hall knows that the State government comes closer to the citizen than the Federal Government. The negro in the South is more concerned to have a good State government than he is as to who administers the affairs of the Government at Washington. The State government comes in contact with his liberties and his property, sits at his hearth, and is conversant with his domestic relations, with the fruits of his labor, and yet you, gentlemen, are making him an alien in the State where he lives, teaching him to look for everything to Washington and a nebulous and indeed mythical North, where he is brother, friend, and dearly beloved companion, and to abjure the home government, which must of necessity, under our Constitution, be the true foundation of his prosperity and happiness, and the conservator and bulwark of his liberties.

Why, the distinguished Speaker of this House, at a banquet some time ago, stood up and said that they were willing that the State governments should do as they liked with the negro, provided they allowed him to vote at Federal elections. Now look at these gentlemen, these friends of the negro; willing to strike down republican government, to destroy the very landmarks of popular institutions in the United States, to undo all the work of the fathers, to blast the fruits of a bloody revolutionary struggle, under the claim that they are benefiting a downtrodden race, and at the same time willing to hand it over to the home government, which they claim is most unjust and infamous in the administration of their local and closely personal affairs.

If the intelligence of the United States can ever be successfully overwhelmed by such a flood of sickening cant, lies, and nauseating hypoc-

risy, then we had better extend the rule of the Columbian triumvirs over the whole Union. That the laws of nature bring the seasons, the rains, the sunshine, the fruits, the tender grasses, the pure snows, in the face of such abortive revolutions of pitiful pigmies against liberty and nature as this election bill, is an evidence of eternal and inexhaustible mercy.

What do these gentlemen say to the colored people of the South? They say, admitting their glaring falsehoods against local Southern governments, to-day to every negro in the South, "You can be oppressed, you can be robbed by the State government, you can be unjustly imprisoned, your property can be taken away from you, you must submit to every local tyranny and every local exaction; but if they only let you live for two years we will put the Treasury and the Army of the United States behind you, so that you can vote for a Republican Congressman, and when you have performed your holy task you can go back to your taskmasters, and we are perfectly willing they shall do what they like with you during the interim." And yet they claim to be the savior of the colored race on this continent!

Forbid it, Heaven, that I should do injustice to any man on account of his color, his misfortunes, or his environments; but I say here to-day boldly that the negroes of the United States must be elevated and righted by the negroes themselves. "By the people, the people must be righted," said a great man. The negro of the United States will never advance by the mere sounding, platitudinal, demagogic harangues dealt out to him so liberally. Nations, races, and individuals rise by their own exertions. True freedom is never a gift, but is won by self-sacrifice and toil.

When he understands that his elevation and advancement in civilization where he is handicapped by five thousand years, as against the white people of the United States, depends upon his industry and sobriety and virtue, and upon his own individual character, then he will learn not to lean upon a political organization or to depend upon demagogic promises for his progress. When the negro in the Southern States understands that it is better to be dropping dimes in the savings bank than pieces of paper into the ballot box to send vociferous and insincere pretenders to legislative halls, he will be on the road to a truer civilization and a strong and sure advancement.

When the negro in the Southern States would rather own an acre of land than to be a justice of the peace, or even be a lieutenant of militia, then he will be on the road to high, manly independence. And when he would rather attend meetings to discuss the best methods of subsoil plowing or how to prevent hog cholera, raise the best cotton, tobacco, and early vegetables, or how to get cheap calico for his children, or get them the best practical education—intellectual, manual, or moral—than go to a midnight cabal in the backwoods to conspire with the Union League to disturb his neighbors, he will be a great deal better off. [Applause on the Democratic side.]

The greatest enemy that the colored man of the United States has to-day is the professional, negro-courting politician, and when he gets to believe that it is better for his son to be a good blacksmith than a poor mixture of preacher and politician it will be a great day for the colored race. And I want to see the time coming in the Southern States when the negro would rather set a dog on a sectional, hate-preaching politician than eat a watermelon. [Applause on the Democratic side.]

The CHAIRMAN. The gentleman's time has expired.

Mr. McCREARY. I yield five minutes more to the gentleman from New Jersey.

The CHAIRMAN. The Chair begs to say to the gentleman from Kentucky that his attention was engaged, and that the gentleman from New Jersey has already occupied ten minutes.

Mr. McCREARY. Well, that is all I can spare.

The CHAIRMAN. Does the gentleman yield five minutes further?

Mr. McCREARY. I will give him two minutes more.

The CHAIRMAN. The gentleman from New Jersey is recognized for two minutes more.

Mr. McADOO. If God had made me as pronounced a brunette as the gentleman from Virginia [Mr. LANGSTON] who spoke yesterday, I should go from one end of the United States to the other arraigning the hypocrisy and the ingratitude of the Republican party that disfranchises the colored citizens of the District of Columbia.

If the colored citizen has the virtue which his friends claim for him and which I trust he possesses, then there is no better theater in the world for him to vindicate his right to rule and to wisely administer government and to show his power, wisdom, and self-restraint than to give him the ballot, surrounded, as he is, by the best environments, in this city. There is no claim that the negro is bulldozed in the District of Columbia. He is given every facility for education. He is surrounded with colleges for his special benefit; the most intelligent of his race are here; and yet, with all these advantages and surroundings, you are unwilling to give him the chance to stand up before the civilization of the United States and the world to vindicate his right to rule with the ballot in this great Capital city, buttressed and surrounded by the men who claim to be his true and only friends.

If he is the man you claim him to be, if he has the virtues and wisdom and knowledge you say he has and I trust he has, then give him the right here to vindicate himself and vindicate your alleged confidence in him by letting him vote and by letting him exercise the privileges of government, and let him demonstrate here, under most favorable conditions, the powers and possibilities he possesses. If this power be given him I wish him well. I would be sorry to see him make a failure. But gentlemen show their want of faith in him and their arrant and most pitiful hypocrisy by withholding the ballot from him in this Capital city of the nation. [Loud applause on the Democratic side.]

Mr. McCREARY. If any gentleman desires to speak on the other side I would be glad for him to do so now.

The CHAIRMAN. The Chair does not observe any one claiming the floor.

Mr. McCREARY. Then I yield five minutes to the gentleman from Tennessee [Mr. RICHARDSON].

Mr. RICHARDSON. As a Southern man, born and reared in the South, I desire to give my hearty indorsement to every sentiment the gentleman from New Jersey [Mr. McADOO] has just uttered. I believe with him that the pretense made by the Republican party in this country, that it is the peculiar friend of the negro, is altogether unnecessary and hypocritical. I know that that party depends upon the negro vote for its majorities, not simply in the South, Mr. Chairman, but in at least three or four of the largest Commonwealths of the North. But for the negro voter the Republican party would be in the minority. Take the vote in the aggregate in this country, Mr. Chairman, and strike the colored man from the poll list all over this country, and the Republican party would be in a most hopeless minority.

Mr. McMILLIN. More than a million.

Mr. RICHARDSON. By at least 1,200,000 votes.

Mr. MANSUR. By 2,200,000 votes.

Mr. RICHARDSON. How much? At any rate between 1,000,000 and 1,500,000. Therefore, they have some interest, I admit, in the vote of the negro; but it is simply that he may vote for the Republican party.

I say to you to-day that if the negro vote was divided, if the vote was half for each of the dominant parties in this country, the Republican party would lose its interest in the negro.

I insist, Mr. Chairman, that the treatment of the negro in the North is substantially the same as it is in the South. I have taken occasion in the last few months to make excerpts from the different newspapers published in the North—not in the South—which show the treatment of the colored voter, the colored man, and the colored woman in the North. Now, in the South there is some friction; because there are more negroes, this friction ought to be greater; but the same friction extends in a less degree to the North.

Now, Mr. Chairman, I wish to have some of these excerpts read. I do not vouch for the accuracy or the truth of these clippings, but they are just as true as those which gentlemen on the other side of this Chamber bring from the South in order to vilify that section.

I ask the Clerk to read the slips I send to the desk. I have taken these extracts, Mr. Chairman, from papers published in a number of States in the North—in Ohio, Indiana, Illinois, Wisconsin, Massachusetts, Pennsylvania, and New York. I ask that the Clerk commence with the reading of that from the State of Ohio.

The Clerk read as follows:

The Toledo (Ohio) Blade said recently: "Three years ago when a negro constable was elected on the Republican ticket in Toledo, every one of the three Republican justices of the peace refused to accept him, and finally Justice Scott, a dyed-in-the-wool Democrat, picked up the colored outcast and attached him to his office."

At a meeting of the Charles Sumner Protection Club, colored, Findlay, Ohio, August 17, one of the orators expressed what was evidently the general feeling when he said:

"The colored voters of Findlay have been snubbed at every turn by the Republican bosses of this city, and it is high time we were showing them who holds the balance of power in this country. This fall is the time to do it. We do not propose to be lambs for the shambles any longer. We can not depend upon a single promise the white Republican leeches may make us."

Mr. RICHARDSON. Now, Mr. Chairman, I desire to show you how they are assassinated in the North, and that in the State of Ohio, and no arrests made. I ask the Clerk to read the two extracts which I send to the desk. One is upon the question of assassination in cold blood of an honest negro in the North and no arrest whatever made.

The Clerk read as follows:

COLORED MAN ASSASSINATED—WAYLAID BY UNKNOWN PEOPLE WHILE ON HIS WAY HOME.

LIMA, OHIO, *December* 22.

A private message was received here to-day from Plum's Crossing, 26 miles northwest of this city, stating that William Emmons, a colored man who ran off sometime ago with Mrs. John Maxwell, had been assassinated by unknown persons. As near as can be learned Emmons was waylaid while he was on his way to his home about a mile from Plum's Crossing, and shot dead, the bullet piercing his brain.

Mr. RICHARDSON. That is another one. Then read the second one on the same slip.

The Clerk read as follows:

A MULATTO GIRL BRUTALLY ASSAULTED.

CLEVELAND, OHIO, *April* 16.

A special from Bridgeport, Ohio, says: "Amanda Robinson, a handsome mulatto girl, was seized, while on her way to church Sunday evening, by a number of unknown men and choked until she was insensible. After that she was

bound and gagged and dragged a mile along the railroad track in the direction of Bellaire. On regaining consciousness the girl was beat until she again sank down insensible. When found last night she was in a pitiable condition. There is no clew to the identity of her assailants."

The CHAIRMAN. The time of the gentleman has expired.

Mr. RICHARDSON. I wanted to have another read as to their treatment in the State of Ohio.

Mr. JOSEPH D. TAYLOR. I desire to ask the gentleman——

Mr. RICHARDSON. I decline to yield.

The Clerk read as follows:

A NEGRO MURDERER'S DEATH—HE IS ACCIDENTALLY KILLED BY A FARM HAND WITH A PITCHFORK.

AKRON, OHIO, *August* 22.

In Talmage Township, 6 miles from this place, Wednesday, a farmer's children playing in a barn observed a pile of hay moving. They called a farm hand to kill a supposed skunk under the hay. The hired man thrust the pitchfork into the hay and impaled a negro. One of the tines entered the negro's eye and reached the brain with fatal effect. The negro was identified as John Williams, well known to the police of all large cities as one of the most dangerous crooks in the country.

Mr. JOSEPH D. TAYLOR. I would like to know where that comes from.

Mr. RICHARDSON. It is out of a Northern paper, an Ohio paper.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RICHARDSON. I have a great number of these, and I hope the Chair will give me time to put them in.

The CHAIRMAN. The gentleman from Kentucky [Mr. MCCREARY] is recognized.

Mr. MCCREARY. I desire to speak on the bill now before the House. The bill, I believe, is the District of Columbia appropriation bill. The total amount recommended to be appropriated for the general expenses of the government of the District of Columbia for the fiscal year ending 1892, as I gather from the report, amounts, exclusive of the water department, to $5,082,227.97, one-half of which is to be paid out of the Treasury of the United States.

Therefore, Mr. Chairman, it seems to me that this deliberative body should investigate carefully every provision of this measure. When the bill was first called up I desired to examine the law governing the city of Washington. I sent to the Library, I sent everywhere I thought I could find the books, but I was unable to find that the city of Washington had any code of laws for its government. Here is a city with, I believe, more than 200,000 inhabitants, one of the grandest cities of the world, a city for whose government we appropriate over $5,000,000 per annum, and yet when a gentleman desires to examine the code of laws by which the city government is regulated, it is impossible to find it, although we are told by a member of the committee that there was an appropriation made some years ago to have a compilation of the laws made.

Now, Mr. Chairman, I contend that such a state of things is a blot upon the record of this fair city. There ought to be a code of laws, so that we could understand how this city is governed, so that we could understand whether these appropriations are fair and proper or not, so that we should be able to tell exactly what amounts we should appropriate and what amounts we should decline to appropriate.

But there is another singular feature in this bill, and that is the part of it which refers to charities. Is there anything nobler and grander than the charities of the city of Washington?

The CHAIRMAN. The time of the gentleman has expired.

Mr. MCCREARY. I will give myself the remainder of the time. I am speaking on the bill now.

The CHAIRMAN. The twenty minutes have expired.

Mr. MCCREARY. I took only five minutes; I gave the gentleman from New Jersey [Mr. MCADOO] twelve minutes and the gentleman from Tennessee [Mr. RICHARDSON] five minutes; that makes but seventeen minutes.

The CHAIRMAN. And that three minutes the gentleman himself has occupied.

Mr. MCCREARY. Well, I hope my friend on the other side, Mr. MCCOMAS, will give me three minutes more.

Mr. MCCOMAS. As the gentleman has been so little generous to himself I will yield him one minute more.

Mr. MCCREARY. This is the first time for some days that this bill has been discussed, and I am speaking now upon the bill.

Mr. MCCOMAS. That is the fact which influenced me to give the gentleman one minute. [Laughter.]

Mr. MCCREARY. I would like to have five minutes more from the gentleman from Maryland.

Mr. ROGERS. He feels that the bill will not stand more than one minute's discussion. [Laughter.]

Mr. MCCREARY. There are certain matters that I desire to suggest with reference to the bill. If the gentleman from Maryland is afraid that it will not bear discussion, then I must surrender the floor now, and take some other opportunity to make those suggestions; but I should like now, while I am on the floor, to present my views to the House unless the gentleman is afraid that the question of these appropriations for charities will not bear discussion, unless he is afraid to have discussed the statement of his colleague on the committee, the chairman of the Republican national committee, who said that he was opposed to the bill and that it was improper—I say unless the gentleman is afraid to have these matters discussed he ought to give me some additional time.

Mr. MCCOMAS. I can yield the gentleman only one minute. The rest of my time has been given away.

Mr. MCCREARY. The gentleman seems to be afraid to allow me to discuss this bill. I would like to conclude my remarks upon the bill while I have the floor, but I see that I shall have to seek another opportunity. My friends on this side desired to be heard and I was generous enough to give them all of my time but three minutes, but I did not expect that the gentleman from Maryland [Mr. MCCOMAS] would be afraid to have his bill discussed. I have confined myself to the bill and what I have to say further will be upon the details of the bill, and I repeat that, unless the gentleman is afraid to have it discussed, he ought to give me some more time.

Mr. MCCOMAS. Later on. I now yield five minutes to the gentleman from Michigan [Mr. ALLEN].

Mr. ALLEN, of Michigan. Mr. Chairman, our Democratic friends constantly complain that the rules of the present Congress prevent deliberation upon questions brought before us, yet there is not an instance on record where that side of the House has occupied the time allotted to it in discussing the real questions at issue; but, on the contrary, it has exhausted such time in talking about irrelevant matters. The only exception is this morning, when my distinguished friend from Kentucky, after giving all of his time except three minutes to his friends to discuss everything but the bill before us for consideration, asks now for additional time belonging to this side in order to enable him to discuss its merits.

Mr. MCCREARY. Does the gentleman from Michigan refer to me?

Mr. ALLEN, of Michigan. I refer to my distinguished friend.

Mr. MCCREARY. I wish to say to the gentleman that I was endeavoring to discuss the bill when I was on the floor.

Mr. ALLEN, of Michigan. I was making honorable mention of my friend from Kentucky as one of the exceptions on that side of the House, in being willing to discuss the questions at issue. But, Mr. Chairman, while it is true that our friends have gone outside of the record, it is not proper that what they have said should go to the country uncontradicted.

They pose this morning as mourning for the poor people of the District of Columbia, because they have not the right to vote, claiming that the right was taken from them because the negro vote was a dangerous factor. I challenge them to show any bill, resolution, or action on the part of the Democrats in Congress since the elective franchise has been taken from these people looking towards its restoration. And when the gentleman from New Jersey [Mr. MCADOO] says that the object of the existing form of government in this District is to disfranchise the negro, he falsifies history, because the white citizen is disfranchised as well as the negro. This disfranchisement is not on account of the negro, but because this city is made up for the most part of transient residents, people who come here to stay from six months to six years, and then go elsewhere. And the wisdom of our fathers, who took away the franchise from these people——

Mr. HEMPHILL. "Fathers!"

Mr. ALLEN, of Michigan. It is true this legislation was not long back; and perhaps, so far as my friend from South Carolina is concerned, he was one of the "fathers." But the reason the elective franchise was taken away was not to get rid of the negro vote. Whites and blacks were treated alike, in glaring contrast with the conditions South, of which we complain. The gentleman from Tennessee [Mr. RICHARDSON] says that were it not for the negro vote at least four States of the North would be Democratic. I answer him by saying that if you allow the negro to exercise the right which he has under the Constitution, that right for which many of his race died in the late civil war, there are not less than six States south of Mason and Dixon's line that would give their electoral votes to the Republican candidate for President.

Mr. STRUBLE. Eight or nine.

Mr. ALLEN, of Michigan. But, instead of this, the negro vote is suppressed, either by falsehood, fraud, or crime. So long as this portentous fact faces the American people, so long will there be irritation, so long will there be agitation; and until this question is settled aright it will never be settled. And I assure gentlemen on the other side that talking about the negro in the District of Columbia will not clear their skirts of the bloodguiltiness of suppressing by violence and murder thousands of votes that are as well entitled to be cast as their own. [Applause on the Republican side.]

[Here the hammer fell.]

Mr. MCCOMAS. I yield five minutes to the gentleman from Illinois [Mr. ROWELL].

Mr. ROWELL. Mr. Chairman, no occasion is allowed to pass without some criticism from the other side of the House upon the form of government in the District of Columbia, and the charge is often made that this form of government is the result of a desire on the part of the Republican party to disfranchise the negro. Now, as I understand it, the constitutional lawyers of this country are on that side of the House. [A voice on the Democratic side, "You are right."] That is my understanding. I recollect hearing some gentleman on that side of the

House say that there is no instance in history where a Democrat desired to overthrow or disobey any clause in the Constitution. [A voice on the Democratic side, "Right again."]

There is another thing that I have noticed, and it is that when gentlemen on this side are attempting to address the House gentlemen on the other side are always kind enough to interrupt, either by way of showing that they are wiser than gentlemen on this side or that they are better bred. [A voice on the Democratic side "Right again."] I hear my friend say "Right again." I am glad to know that it is in response to the statement that they claim to be better bred.

Now, Mr. Chairman, in the very inception of this Government the fathers provided in the Constitution a district in which the Capital should be located, to be controlled by the people of the United States represented in Congress. Sixty million people control this District by their suffrages. The inhabitants of the Territories and the inhabitants of the District of Columbia alone are excluded from a voice in the Government, in pursuance of a proposition in the Constitution itself. This is the Capital of the nation, a Capital which is the nation's workshop, where citizens of every State, engaged in doing the work of the nation, are for the time being domiciled. Its development and control are the care of the citizens of the United States, not alone of the people who temporarily or permanently have their homes here.

Mr. McCOMAS. By the Constitution Congress has exclusive jurisdiction over this District.

Mr. ROWELL. That is what the Constitution says. In the Territories of the United States not admitted as States the executive officer is not chosen by the people, but is appointed. All the laws enacted in those Territories are subject to the revision and disapproval of Congress. And in this District the people of the United States as represented in Congress control the making of the laws. Now, whether this is the best form of government or not, it is a form of government contemplated in the Constitution; and it can not be denied that this city, as no other city, is and ought to be the care of the whole nation. A section of the country not developed, not devoted to other interests, was selected as the Capital in order that it might be developed and controlled by all the people of the United States.

But the point of the argument on the other side is that, because the colored men of the District of Columbia are not permitted to vote, therefore the people of other sections of the country are justified in violating the Constitution and preventing them from voting.

[Here the hammer fell.]

Mr. ROWELL (to Mr. McCOMAS). Give me two minutes more.

Mr. McCOMAS. I yield the gentleman two minutes.

Mr. ROWELL. The gentleman from New Jersey [Mr. McADOO] stated, as a matter of advice to the colored people of this country, that they had better devote themselves to learning how to be good blacksmiths rather than learning anything of the political situation. Would not that be equally good advice to address to the white people of this country? If the colored and white alike are citizens, why should not all of us take to ourselves the advice of the gentleman and step down and out from the consideration of all political questions? That is the point of that argument: that the colored people are intruders into the politics of the United States. Cover it as you may, every argument coming from that side on this question carries with it a suggestion that whenever a colored man in any section of the country cares to interest himself in political affairs he is an intruder, and as such should be put out of the way, and that anything is justifiable which suppresses him and prevents him from intruding himself into affairs with which he has no concern.

[Here the hammer fell.]

Mr. McADOO, of New Jersey. Will the gentleman allow me to enter a denial of that?

The CHAIRMAN. The time of the gentleman has expired.

Mr. McCOMAS. I yield five minutes to the gentleman from Pennsylvania [Mr. ATKINSON].

Mr. ATKINSON, of Pennsylvania. Mr. Chairman, the allegation that the people of this District were disfranchised because of the large number of negroes residing in this city has been frequently made on this floor and has never been sustained, I believe, by a particle of proof. The people of this District were practically disfranchised before the District itself was formed. The Constitution adopted in 1789, before the District was even located, provides that Congress shall have power—

> To exercise exclusive legislation in all cases whatsoever over such District (not exceeding 10 miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings.

The purpose of giving the Congress of the United States the exclusive right of legislation within the District so framed has been stated by one of the ablest commentators upon the Constitution itself. I find in the Federalist, in an article attributed to Mr. Madison, this reason assigned for giving to the Congress exclusive power over the District in which the Capital of the nation was to be established:

> The indispensable necessity of complete authority at the seat of Government carries its own evidence with it. It is a power exercised by every Legislature of the Union, I might say of the world, by virtue of its general supremacy. Without it not only the public authority might be insulted and its proceedings interrupted with impunity, but a dependence of the members of the General Government on the State, comprehending the seat of the Government, for protection in the exercise of their duty might bring on the national councils an imputation of awe or influence equally dishonorable to the Government and dissatisfactory to the other members of the confederacy.

Here we have a reason assigned for this exclusive right of legislation which is granted to Congress by the Constitution, and no man will say that this reason is not sufficient. The safety of this body demands that it should have control and legislative power over the District, and no matter what the population may be, or whether it be black or white, the reason for retaining this exclusive power still remains.

Mr. McMILLIN. Will the gentleman yield for a question?

Mr. ATKINSON, of Pennsylvania. Certainly.

Mr. McMILLIN. Does the gentleman think, or insist, that the Constitution was violated when the franchise was given to the citizens of the District of Columbia?

Mr. ATKINSON, of Pennsylvania. It was not violated, according to the decisions of the Supreme Court of the United States, so long as their legislative assembly confined itself to the enactment of purely police and municipal regulations. But whenever the legislative assembly undertook to enact general legislation—legislation affecting the rights of property and of person of the people of this District—it was held that such enactments by the legislative assembly were unconstitutional and void.

[Here the hammer fell.]

Mr. McCOMAS. I yield the remainder of the time, which I believe is three minutes, to the gentleman from Iowa [Mr. KERR].

Mr. KERR, of Iowa. Mr. Chairman, there has been a great deal of comment made to-day and heretofore about the fact that the people of the District of Columbia are denied the right of suffrage, and it is asserted on the other side of the House that the reason is because there is a large number of colored people resident here. Now, the Constitution expressly provides that Congress shall exercise exclusive jurisdiction over the District of Columbia and gives Congress full power on the subject. It is, of course, the law, and stands on its own footing. The District was formed for the people of the States, to do the Government business in, and the laws are very properly made for its government by the representatives of all the people.

But in order that the imputations on that side, which have been made in this regard, shall not go unanswered, but may be put right, I desire to call the attention of the committee to the fact that the bill providing for the present form of government for the District of Columbia was was passed in 1874, and was almost, I believe, unanimously, if not unanimously, supported by the Democratic side of the House.

Mr. BLAND. The gentleman is mistaken. The reorganization of the District was in the Forty-third Congress, which had two-thirds Republican majority. I was a member of that Congress and remember the facts.

Mr. KERR, of Iowa. The bill is here in the volume before me, and the vote is stated in detail on page 5124 of the RECORD on June 17. The gentleman from Illinois [Mr. Morrison] and the gentleman from Indiana [Mr. HOLMAN], leading Democrats in that day, and leading still, voted for the bill; also the gentleman from Missouri [Mr. BLAND] and all the other Democrats voted for the bill. The only votes in opposition to it were Republicans. Among the members opposing the bill I find the gentleman from Illinois [Mr. CANNON] and two or three from my own State, Iowa, Mr. Kasson, Mr. James Wilson, and Mr. Cotton among them; so that, in so far as the responsibility for the government of the District is concerned, it rests with the Democratic side of the House more than with the Republican, because leading Republican members opposed the bill and not a single Democrat but Mr. Eldridge, of Wisconsin.

It is contrary to the fundamental principles of the Republican party to deny the people the right of self-government. We believe in the principle enunciated in the Declaration of Independence. That is a fundamental doctrine of the Republican party, and if gentlemen on the other side will conform themselves to that idea there will be no difference of sentiment in this country on that question. It is because they deny to-day the fundamental right of a citizen without regard to color in certain portions of the country to vote his convictions and have that vote counted that there is any cause for legislation.

Mr. HEMPHILL. Oh, that is an exploded idea. Nobody believes that.

Mr. KERR, of Iowa. And the moment that policy ceases on the part of the Democratic party in this House and throughout the country, the moment that they cease to demand that they shall have thirty-seven Representatives on that side based on the colored population of the country while at the same time allowing them no representation on that side of the House, then the occasion for this legislation will cease. But until that day comes every man on this side of the House will insist that the General Government, so far as its power extends, shall guaranty the rights of the citizen in all parts of the country, as promised in the platform of the party quoted by me a few days since.

[Here the hammer fell.]

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Kentucky.

The amendment was rejected.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, the whole paragraph has been read. I now desire to move to strike out of lines 14 and 15 the words "one assistant inspector of buildings, $1,200."

The CHAIRMAN. The Clerk will report the amendment proposed by the gentleman from Kentucky [Mr. BRECKINRIDGE].

The Clerk read as follows:

In lines 14 and 15 of the same page strike out the words "one assistant inspector of buildings, $1,200.

The CHAIRMAN. The question is on the adoption of the amendment. As many as are in favor of the amendment will say ay.

Mr. BRECKINRIDGE, of Kentucky. It was agreed between the gentleman from Maryland [Mr. McCOMAS] and myself that as to this and the other amendments there should be five minutes on either side devoted to the matter.

Mr. McCOMAS. I hope that will be agreed to.

The CHAIRMAN. If there be no objection, that will be agreed to and the gentleman from Kentucky will be recognized for five minutes.

Mr. BRECKINRIDGE, of Kentucky. If gentlemen will take their copies of the bill they will find that the inspectors' department of this city is divided into two very considerable bureaus, one under the head of inspector of buildings, the other under the head of inspector of plumbing. Of the inspectors of buildings there are, one at $2,400, one at $1,200, one at $1,000, and another at $1,000, being four inspectors of buildings. There are also three inspectors of plumbing. Now, it does seem to me that this is an unnecessarily large number of officers. I do not see why a city of this size should have so large a bureau. Then when you add the number of clerks, it makes it, as a mere business proposition, a bureau entirely too large for the size of the city. I believe from some little experience in this city that the efficiency of both departments would be greatly aided by a reduction of the number of officers.

I would rather take the $1,200 that would be saved by abolishing that particular officer and dividing the amount among the others so as to have a better class of men, as I would prefer to have one less assistant inspector of plumbing and give the entire amount to the other two men rather than divide the money among the three men. My own experience in the city is that as a rule these bureaus are not as efficient as I believe they could be made by having a smaller number of officers, and I call the attention of the chairman of the subcommittee in charge of the bill to that as an unnecessary expense. I have nothing further to say, Mr. Chairman. I simply call it to the attention of the committee.

Mr. McCOMAS. Mr. Chairman, as to the number of officers in positions of this kind, ordinarily they are increased as the result of emergency, and not always as a result of permanent need; but in this case the inspector of buildings in the last year issued permits for 3,824 buildings, for erection or repair, buildings of a total value of $7,700,000, an increase in a single year of $1,600,000, and of this number of permits a very large number, about 2,000, were for entirely new buildings.

Now, in their report the commissioners urge and demand that they must have an additional force, and they say that the phenomenal increase in the growth of the city requires that they have more inspectors than they now have for the work if it is to be properly supervised, and if the public interest is not to be jeopardized, and they urged that in person upon the subcommittee, if not upon the full committee. But, Mr. Chairman, further, this committee last year or the year before, I have forgotten which, on account of the increase of elevators in the city and the neglect of fire escapes in this city, gave one additional assistant inspector of buildings to look after fire escapes and elevators.

This is a city where the men who sleep in houses and who live there know very little about the edifices in which they live; and these inspectors of fire escapes and elevators are far more important here than anywhere else. Now, from careful inquiry we found that that was being very much neglected. I think it is now being better attended to, but I do not believe it is being now adequately cared for. Yet the committee resisted the demand of the commissioners and the public demand for more, but they could not resist, in the last year or the year before, giving a new man for an inspector of fire escapes and elevators.

Now, with respect to the plumbers, there is a bill which passed the Senate last spring increasing the number of inspectors of plumbing. I agree with my colleague that this is of vast importance, but we felt that in the present state of the revenues no more increases should be made. That bill has been reported to this House, giving more inspectors with larger salaries, and was here considered in part by this House; but we have kept down the salaries and kept down the number of inspectors, and in this case we have certainly done what my colleague would desire us to do, and possibly we ought to have added more assistants.

The amendment was rejected.

Mr. SAYERS. Mr. Chairman, I desire to move the following, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Texas proposes the following amendment, which the Clerk will report.

The Clerk read as follows:

Add after the word "District" in line 25, page 3, the following: "*And provided further*, That the sum total of the accounts so allowed shall not exceed in amount $20,000, and that the commissioners of the District of Columbia shall report to the next Congress the amount so allowed and to whom."

Mr. McCOMAS. I am perfectly willing to accept that amendment, but I would suggest that the Comptroller of the Treasury is the proper officer to make that report.

Mr. SAYERS. My amendment was first prepared requiring the Comptroller of the Treasury to make the report, but I thought it would be better to have it come under the head of the commissioners' report, because that can be made before the subcommittee.

Mr. McCOMAS. I accept the amendment of my colleague.

The CHAIRMAN. If there be no objection, the amendment will be considered as agreed to.

Mr. RICHARDSON. Now, I move to strike out the last word of that amendment, and upon that I desire to submit a few remarks.

I had sent, Mr. Chairman, to the desk, when I was taken from the floor by the expiration of my time, an extract from a paper giving an illustration of the treatment of negroes in the State of Ohio at Murray City. It was an illustration of the brotherly love shown by them in that patriotic State, and I ask to have that extract read.

The Clerk read as follows:

NO NEGROES WANTED IN OHIO.

MURRAY CITY, OHIO.

Residents of this place Tuesday night burned to the ground the house of George Washington, a colored man. He lost everything. The excuse given for the outrage is that no blacks are wanted in the place.

Mr. RICHARDSON. I desire also, Mr. Chairman, to show the state of feeling in that State.

Mr. GROSVENOR. I would like to ask the gentleman——

Mr. RICHARDSON. I decline to yield, because I have not sufficient time.

Mr. GROSVENOR. I want you to tell me——

Mr. RICHARDSON. I appeal to the Chair to protect me from the interruption of the gentleman. I do not yield. If I had the time I would do so cheerfully.

The CHAIRMAN. The gentleman from Tennessee declines to yield.

Mr. RICHARDSON. I send up an extract to show how the colored man is treated when he undertakes to enter a hotel in the State of Ohio.

Mr. TUCKER. Oh, no!

Mr. RICHARDSON. Oh, yes! It is just as it is in the South.

The Clerk read as follows:

FORCED TO GO TO A COLORED HOTEL.

CINCINNATI, *August*, 31—[Special].

To-morrow is Labor Day in Ohio. Cincinnati workingmen will celebrate it with a demonstration, at which J. B. Green, representative from Cleveland in the Legislature, will be the orator. Green introduced the bill making the day a legal holiday. To-night he arrived, and the reception committee escorted him around to the different hotels, but none would receive him on account of his color. He was forced to go to a cheap hotel, patronized only by colored people.

Mr. RICHARDSON. I want that inserted as a part of my remarks. I also desire to submit further extracts, giving an account of an outrage upon a pour innocent colored girl in Washington, Ohio. If such an outrage had occurred in the South, I have no doubt my friend from Ohio would have wanted a committee of investigation to go there at once.

The Clerk read as follows:

A BIG SENSATION IN WASHINGTON, OHIO, OVER THE OUTRAGE OF A NEGRO GIRL.

WASHINGTON, OHIO, *September* 24.

The town of Leesburgh, several miles south of this city, has been in a state of excitement for several days over the outrage of a colored girl by a drunken prisoner in the town jail. Marshal Dooley, of Leesburgh, arrested a colored girl, named Annie Blanton, of Hillsborough, for disorderly conduct, and, it is alleged, put her in the same cell with a drunken Irishman, named Mike Kennedy. Dooley says his reason for placing the girl in the same cell with Kennedy is that there was but one cell in the jail. When seen at the cell, Kennedy was almost naked. Judge Gardner, of Hillsborough, and S. H. Beard, of Leesburgh, have been retained as counsel by the colored girl's friends to bring suit for damages against Marshal Dooley.

Mr. RICHARDSON. Now, Mr. Chairman, I desire to submit an extract——

Mr. STRUBLE. Is there ever any excitement in the South?

Mr. RICHARDSON (continuing). Showing how colored people, honest, competent, and efficient, are treated when they make an application to be employed at honest labor.

Mr. GROSVENOR. Mr. Chairman——

The CHAIRMAN. The Chair desires to state that the gentleman from Tennessee declines to yield to any gentleman, and he must be permitted to proceed without interruption.

The Clerk read as follows:

BECOMING SERIOUS—EMPLOYMENT OF NEGROES CAUSES BITTER FEELING AMONG RAILROAD MEN.

CINCINNATI, *July* 8.

The strike situation is becoming strained. Fifty colored men were put to work at the Southern yards this morning, which has induced a bitter feeling.

Big Four clerks will strike before they will superintend black crews. Added bitterness is caused by a report that Pinkerton is here organizing a force of deputies across the river.

Mr. RICHARDSON. Now, Mr. Chairman, it is alleged that there is no distinction on account of color in the State of Ohio or any other loyal section of the North. I want to show you when the color line is crossed in the State of Ohio, and a white man marries a black woman, that it actually runs the relatives crazy, and they have to be sent to an asylum.

The Clerk read as follows:

AN OHIO BELLE ELOPES WITH A NEGRO.

UPPER SANDUSKY, OHIO, *August* 18.

Miss Alsbaugh, a pretty and heretofore universally respected girl of nineteen, eloped to-day with a colored fellow named Hart, a comparative stranger, who was a cook at one of the hotels. Parents and friends of the young lady are crazed at her action.

Mr. RICHARDSON. I desire to submit another extract giving an account of the murdering of a negro at Akron, in the State of Ohio, and no arrest, it seems. I do not undertake to say that it was premeditated, but I ask my friend had it occurred in the South if he would not have charged——

Mr. GROSVENOR rose.

Mr. RICHARDSON. I do not want an answer now.

Mr. GROSVENOR. You do not want an answer?

Mr. RICHARDSON. I would ask if you would not have said that it was premeditated.

Mr. GROSVENOR. You do not want an answer.

Mr. RICHARDSON. Therefore, Mr. Chairman, I have assumed their right to go in and investigate. I want to submit one further extract, giving an account of an occurrence in the State of Minnesota. I was going to allude to that when the gentleman interrupted me, and then I want to follow it up with Illinois.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. McCOMAS. I yield to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Chairman, I know of no special reason why the gentleman from Tennessee [Mr. RICHARDSON] should make this contemptible, unjustifiable, and false assertion about the administration of justice in Ohio simply because there is pending here an appropriation bill for the District of Columbia. I did not hear the opening of the speech of the gentleman. I do not know what might have provoked it and I do not care. I have before me a number of statements of alleged outrages against colored people in the State of Ohio, which he has seen fit to have read for some purpose, and I am willing to admit that it is not pretended that in Ohio the colored men are never wronged. I do not claim that his individual rights are never invaded. [Derisive laughter on the Democratic side.]

Mr. HEMPHILL. That is new.

Mr. GROSVENOR. Nor do we claim that white men are not wronged in the State of Ohio; but we do claim that no public man of the State of Ohio has ever declared that numbers should not count in the administration of civil government! Nor has any Ohio man dared to stand upon the floor of Congress and threaten revolution by blood in case that there should be a majority of colored votes in any of the several States in the Union. Can the gentleman from South Carolina say so much? [Applause on the Republican side.]

But, Mr. Chairman, the gentleman from Tennessee [Mr. RICHARDSON] has furnished here an extract from some alleged special anonymous correspondent, telegraphed from Lima, Ohio, to some newspaper, name not given. It is a very unfortunate selection. Lima is in the center of the great Democratic vote-bearing portion of the State of Ohio. [Laughter and applause on the Democratic side.] It is the home of the gentleman from New York who is honored, or, rather, will shortly be if he is admitted to his seat as a representative of Ohio, as a Democratic Senator from that State. I do not know how well the Democracy of Allen County obey the laws, but I do not believe this alleged report.

The gentleman has also referred to Murray City, and made a puerile assault upon the State of Ohio because a colored man was assaulted in Murray City. Does the gentleman know that Murray City is in a strong Democratic locality, and that Hocking County in which it is gives 700 majority for the Democracy, and that the Congressional district gives more than 2,000 Democratic majority? [Loud applause on the Republican side.]

But I do not believe that at Murray City any negro is or ever was deprived of his legal or political rights.

Here is an extract from some anonymous special correspondent at Akron, who says that the children of a farmer were playing in a barn and that, observing a pile of hay moving, they called a farm hand to kill a supposed skunk under the hay, and that the man thrust in a fork and killed a negro boy. And then the gentleman from Tennessee says there was no arrest. I brand the statement as not true.

Mr. RICHARDSON. I did not say there was no arrest.

Mr. GROSVENOR. I understood you to say so.

Mr. RICHARDSON. I undertook to say that there was no punishment.

Mr. GROSVENOR. I understood you to say there was no arrest, and I say that is not true. Upon the facts stated there was no cause for punishment.

Again, here is an extract which states that at Upper Sandusky a pretty colored woman was unlawfully assaulted. Does the gentleman know where Upper Sandusky is? It is in one of the strongest Democratic counties in Ohio. But that is not all. Here is a case where it is said a white woman ran away with a negro. Does the gentleman taboo, down in his State, all those who happened years ago to be victims of some white man's lust? But in this case he complains that a white woman ran away with a negro. Upon whom was that an outrage? [Laughter.] Who was the outraged party?

Mr. WHEELER, of Alabama. It was an outrage on the community and on civilization.

Mr. GROSVENOR. I think the gentleman from Alabama has lived long enough in the section he comes here from to know that that is not one of the insults that are always avenged in the State he comes from. If it is so now it is an indication of a great change in public opinion. One word more, Mr. Chairman, and then I am through. As a humble representative of the State of Ohio, I want to say here that in that State no man has ever suffered injustice or lack of justice in any court of the State because he was a colored man. No man in Ohio ever failed to receive absolute protection for all his rights, civil and political, in the State of Ohio because he was a colored man. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GROSVENOR. There has been one single exception, Mr. Chairman, and I wish to give the gentleman from Tennessee the benefit of that. One and only one.

The CHAIRMAN. The Chair submits that under the rule debate upon this amendment is exhausted.

Mr. GROSVENOR. I move to strike out the last three words of the amendment of the gentleman from Tennessee.

Mr. HOPKINS. I ask unanimous consent that the gentleman be allowed five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. RICHARDSON. Mr. Chairman, I withdraw the formal amendment offered by me.

Mr. GROSVENOR. I renew it. I want to give the gentleman from Tennessee, who is seeking knowledge in regard to Ohio, some information that will be to his benefit. I said there was a single exception to the rule which I have laid down, the only exception that has ever happened in the State of Ohio. Just before a great State election, when the people of the State were intensely and enormously interested in the result, a lieutenant of police, a Democrat, in the city of Cincinnati, threw a cordon of police around one hundred and fifty-eight colored men on the night preceding the election.

He arrested them and put them into a subbasement of the Hammond-street stationhouse in the city of Cincinnati; he denied access to attorneys, denied access to the wives and children of the men, denied the prisoners every physical comfort, and kept them there until the night after the election had closed, thus depriving them of their votes, and then turned them out without making any charge against them. Then the false cry was started by the contemptible spirit of proscription and falsehood, which prevailed widely in that city in a certain party, that these men did not live in Cincinnati.

It was utterly and contemptibly false, shown to be so by the record of the ultimate judgment upon the question in the United States court. This police lieutenant was arrested and brought before Judge Baxter. He pleaded guilty to the charge with all its shameful elements, and was condemned by Judge Baxter to imprisonment in the jail at Dayton. He was pardoned by Grover Cleveland upon the recommendation of George Hoadley, then governor of Ohio, and was brought home and promoted one peg in the police of the city of Cincinnati. [Laughter on the Republican side.] That is the only crime that ever was committed against colored men under the forms of law in the State of Ohio.

Mr. WASHINGTON. How about Davenport? Did not he perform some capers like that in New York?

Mr. GROSVENOR. Does the ghost of Davenport again stalk before the vision of the gentleman from Tennessee?

Judge Baxter, of Tennessee, when he pronounced judgment upon this man, told him that the pretense, the contemptible, false, wicked, and perjured pretense that any one of those colored men was a resident of Kentucky was known by him to be false; and the man stood there under the overwhelming sentence of the court, absolutely silent and absolutely crushed. In that critical moment he made no defense and attempted no palliation of his infamous crime.

The only defense ever made on his behalf was that he had been inspired to do this thing, paid to do it, employed to do it by certain of the Democratic authorities of the city of Cincinnati, more than one of whom forsook him in the hour of his greatest emergency.

Mr. STRUBLE. Yes, they will run when you get them in a corner. [Laughter.]

Mr. GROSVENOR. Mr. Chairman, I have never on the floor of this

House assailed a State of the Union. I have never undertaken to sort out the outrages committed in any of the States; and not one of the propositions made by the gentleman here shows that any colored man has been wronged or defrauded of any of his rights in the great State of Ohio, either the right of the elective franchise or any other of the rights of citizenship, nor that he has been refused redress in the courts. This is all I have to say on that point. I stand here simply to defend the honor of the State of Ohio from the charge of ever having drawn the line against any man by reason of his color, his race, or his previous condition. [Applause on the Republican side.]

[Here the hammer fell.]

Mr. SPRINGER. I rise to oppose the amendment. Mr. Chairman, I was a member of a committee appointed by this House to investigate the October election in Ohio to which the gentleman from Ohio [Mr. GROSVENOR] has referred. That committee sat for two or three weeks in the city of Cincinnati, and examined several hundred witnesses. All the facts—I mean to say all the matters to which the gentleman has called attention, because he stated very few truths—were brought to the attention of that committee in a Congressional investigation. Lieutenant Mullen, to whom he refers and who upon his own confession was sentenced to one year's imprisonment, was a police officer in that city. The night before the October election he stationed policemen at the bridge and other places where colored people were coming over from Kentucky—field hands fresh from the interior of that State—brought into Ohio by the Republican committee to vote the Republican ticket at the election the next day. [Applause on the Democratic side.] The testimony showed that 150—I believe that is the number—very nearly that number——

Mr. GROSVENOR. Will the gentleman allow me a question?

Mr. SPRINGER. No, sir; I will tell you the whole facts if you will listen. The testimony shows that those negroes came across the bridge in large numbers, over a hundred of them in one squad. The policemen, after following them to the place where they were afterward arrested, went to the headquarters, when Lieutenant Mullen came with police wagons and arrested the whole crowd, took them to the lockup, and put them in prison. Out of the whole number arrested there were two who were legal voters of Cincinnati; and for the arrest of those two persons Lieutenant Mullen was technically guilty of the arrest of legal voters, but as to the others there was never any pretense, never any line of testimony before the committee to show that they had not been imported from the State of Kentucky into the State of Ohio to vote at the election on the ensuing day. [Applause on the Democratic side.]

There was never any official of this Government who more faithfully and earnestly discharged his duty than did Lieutenant Mullen in arresting that consignment of negro voters imported from the State of Kentucky to be used in Ohio to vote the Republican ticket at that election. [Applause on the Democratic side.]

Mr. GROSVENOR rose.

The CHAIRMAN. The gentleman from Illinois [Mr. SPRINGER] declines to be interrupted.

Mr. SPRINGER. The gentleman from Ohio stated that these negroes were cruelly treated. There is not a word of truth in that statement. They were as kindly treated as any prisoners who were ever put in a lockup. Their quarters were warm and comfortable; they were furnished with meals in the same way as all other persons imprisoned in Cincinnati; and I believe in that city the authorities are as humane and just in their treatment of prisoners as in any other city in the country.

The friends of those men were permitted to see them; their counsel could have seen them. Three or four of them were discharged the next morning on their own representation that they were citizens; were turned away without any hearing. They went and voted, because they showed themselves to be rightful voters. But two of them remained and did not claim their right; they were so terrorized by the company they were in that they remained there through the day and did not claim immunity. Lieutenant Mullen stated to the committee, and his testimony was corroborated by others, that every man who applied for discharge and showed that he was a citizen was discharged the next morning and allowed to go on his way. But the fact that that body of negroes were not legal voters is not disputed, was universally admitted.

Not only that, but at that election to which the gentleman refers the national Republican committee had sent to Cincinnati revolvers, several hundred in number; and these negroes, fresh from Kentucky, were made deputy marshals, clothed with the insignia of officers and armed with these deadly weapons for the purpose of driving from the polls Democrats who were entitled to vote at that election. [Applause on the Democratic side.]

[Here the hammer fell.]

Mr. RICHARDSON. I move to amend by striking out the last two words.

The CHAIRMAN. Debate upon the amendment is exhausted.

Mr. McMILLIN. An amendment to the amendment is in order.

The CHAIRMAN. That is what is now pending.

Mr. McMILLIN. There is an amendment pending.

Mr. RICHARDSON. I withdrew my amendment; and the gentleman from Ohio, as I understood, made another.

The CHAIRMAN. The gentleman from Texas proposed an amendment; and to that an amendment has been proposed to strike out the last word. Debate upon the amendment to the amendment is exhausted.

Now an amendment in the third degree can not be entertained; but there is no difficulty about it if the gentleman from Ohio will withdraw the *pro forma* amendment.

Mr. GROSVENOR. I do withdraw it.

Mr. RICHARDSON. Then I renew the amendment.

Mr. Chairman, the gentleman from Ohio misunderstands my motive. I have made no assault on Ohio. I am not here for that purpose. I am willing for Ohio to manage her own affairs in her own way. But my object was to show the gentlemen on that side of the House and elsewhere that they had no right to bring newspaper extracts, taken at random from the press of the country, and present them here for the purpose of slandering the section from which I come. I do not say that the extracts are true. I do not say that Ohio does not punish criminals; but I have other game besides Ohio. I want to show that the negro is treated everywhere alike by white people, whether it be North or South.

I come next to Kansas, but first I send up an article to the desk to have read from the State of Minnesota to show how the negro is treated there when they raise their head in that State. They talk something of "race war" up there.

The Clerk read as follows:

AWAY UP IN MINNESOTA—SOMETHING WHICH LOOKS VERY MUCH LIKE A RACE WAR.

ST. CLOUD, MINN., *March* 13.

Scott Hill, a negro, who has a farm at Maine Prairie, in this county, has been cleared of the charge of stealing corn from his neighbors. Hill claims that the prosecution of the charge was a "race war" on a small scale, and that his home, which was burned some time ago, was set on fire by his neighbors.

Mr. RICHARDSON. Now, Mr. Chairman, I desire also to submit this extract showing the condition of affairs in the State of Wisconsin, and ask the Clerk to read it.

A MEMBER. The Democratic State of Wisconsin.

Mr. RICHARDSON. Yes, the Democratic State of Wisconsin now; but this occurred before that.

Mr. STRUBLE. Well, the Lord help her from this on. [Laughter.]

Mr. RICHARDSON. I ask the Clerk to read the extract I send to the desk, to show how the negro is discriminated against up there.

The Clerk read as follows:

NEWS FROM THE CREAM CITY—COLORED MEN DECLARE BOYCOTT ON PLACES OF AMUSEMENT—GAMBLERS ACQUITTED.

MILWAUKEE, *October* 22.

The colored citizens of Milwaukee are very jealous of their rights. Two days ago they began an action in the circuit court against Manager Litt, who excluded one of their number from the Bijou Opera House, asking $2,500 damages. To-night a meeting was held and the Colored League of Wisconsin was formed, and steps were taken to organize as a branch of the National League. Contributions were solicited to raise a retainer fee of $250 for Attorney Hazleton, who conducts the prosecution against Manager Litt. Resolutions were passed ordering a boycott of Mr. Litt's places of amusement, which include the Academy of Music, the Dime Museum, and the Bijou Opera House.

Mr. RICHARDSON. I also submit one other extract, copied from a newspaper in the State of Wisconsin, which I ask to have read, to show that Fred. Douglass could not obtain lodging in a hotel there.

The Clerk read as follows:

THE COLOR LINE—IT IS DRAWN IN WISCONSIN JUST AS IT IS DOWN HERE IN THE SOUTH.

MILWAUKEE, WIS., *November* 26.

The colored people of the State, indignant at Manager Litt for refusing them admission to his theater, have resolved to combine and insist on the rights guaranteed them by the result of the war. A convention fairly representative of the colored race of Wisconsin met here to-day, and established a civil rights' league for the purpose of securing such legislation as will give them and their posterity equality of rights for the future. The chairman of the convention, in a rather bitter address, declared that members of the colored race were being insulted and humiliated in certain hotels and other public places and that there is no law on the statute books of Wisconsin to prevent it. During the late Grand Army of the Republic encampment, he said, colored veterans who were members of white posts were refused meals and insulted at hostelries. To illustrate the prejudice against the colored race, he asserted that a few years ago Fred. Douglass was unable to obtain lodging in any hotel in Janesville, and that he would have had to spend the night on the streets had not the hospitality of Congressman Williams's mansion been extended to him. There are several colored orators from various parts of the country present.

[Here the hammer fell.]

Mr. EVANS. Mr. Chairman, I do not propose to engage in this outrage business at all, but, judging from the remarks of my honorable colleague in the opening of this discussion, I believe that the members of the House are liable to be led to the conviction that there was no Republicanism in the South except where the colored people largely predominated. For the purpose of showing otherwise, I desire to submit some remarks from that standpoint, covering my honorable colleague's district as well as the district I have the honor to represent, as also the First and Second Congressional districts of Tennessee, taken from the census of 1880.

I find from this that in the First district of East Tennessee there are 33,000 more white population than in the Fifth district of Tennessee, which my honorable colleague represents; while at the same time his district, a Democratic district, has 28,000 more colored population than has the First Congressional district. The Fifth Congressional district has 22,000 less white population than the Second Congressional district, while

it has 25,000 more colored population; and the Third Congressional district, as gerrymandered by the Democratic Legislature of 1888—the counties that comprise that district now—has 3,000 more white than has the Fifth and 22,000 less colored than the Fifth. And I would say the Fifth district of Tennessee has within 10,000 as many colored population as have the three Republican Congressional districts of loyal East Tennessee, while the Tenth Congressional district, represented on this floor by a Democratic member, has 18,000 more colored than white and has 34,000 more colored than all of the three East Tennessee Congressional districts represented on this floor by Republican members.

I would say, too, Mr. Chairman, that the three East Tennessee loyal districts contain 330,000 more whites than does the Tenth district. I only make these observations based upon the remarks of my honorable colleague to the extent that there were several States in the North which, if it were not for the colored vote, would be Democratic—to show the condition of affairs in my own State. I have given the figures to compare with his statement showing the condition in the South and indicating that it is not altogether from the colored vote that the districts are represented on this floor by Republican Representatives, and to indicate that they have a very large proportion of the white vote back of them in those districts. I desire to say, too, in that connection, that each of the Republican districts of East Tennessee contained more white population than any other Congressional district in Tennessee, with one exception, and that is the Fourth district, which outnumbers the white population of the Third district, and that is the only exception; while in the Republican districts of Tennessee the white population very largely outnumbers the colored, and in each district the colored population is very much less than in any of the Democratic districts.

[Here the hammer fell.]

Mr. HERBERT. Mr. Chairman——

The CHAIRMAN. Debate upon this amendment is exhausted.

Mr. RICHARDSON. I withdraw the formal amendment.

Mr. HERBERT. I renew it. Mr. Chairman, I do not rise for the purpose of replying to the gentleman from the Chattanooga district of Tennessee [Mr. EVANS], who no doubt thinks he has just cause of grievance against his district for not returning him to the next House. [Laughter on the Democratic side.] But I want to call the attention of the House back to the District of Columbia, and to answer by a very plain statement of fact what was said by three gentlemen here as to why the colored man does not vote to-day in the District of Columbia.

When the era of reconstruction came, the white man was found voting here in this District, as he had been for many years. There was no one then to complain of the results of that suffrage. But the Republican party then determined, in the language of Mr. Sumner, that in order to get the "new allies which were needed" for the continued success of the Republican party it was necessary to adopt universal suffrage in the South, and—I read from Mr. Henry Wilson's History of Reconstruction, page 257:

> The great body of the friends of emancipation, instructed by passing events, desired the extension of suffrage to the colored race in the District of Columbia both as a right and an example.

That is why it was established as a right that the colored people had and as an example to show that the Republican party was perfectly willing to impose the same conditions here in this District as elsewhere where the negro existed in large numbers; and so suffrage was conferred on the negro in this District. That was in 1868. A fair trial was had, and after five years of the experiment a Republican House and a Republican Senate repealed the law that gave the colored man the right to vote in the District of Columbia, without a dissenting voice. There were not enough opponents in either House to demand even a roll call upon the question.

Mr. KERR, of Iowa. Will the gentleman allow me to correct him?

Mr. HERBERT (continuing). It was repealed for the reason that after trying it for five years it was found then to be a failure.

Mr. KERR, of Iowa. I ask to be permitted to correct the gentleman in his statement.

The CHAIRMAN. Does the gentleman from Alabama yield?

Mr. HERBERT. No, I do not.

Mr. KERR, of Iowa. For a correction. I desire to make a correction.

Mr. HERBERT. I can not.

The CHAIRMAN. The gentleman from Alabama declines to yield.

Mr. HERBERT. There were many members in this House then and many more of the Senate who had at that time, as they have now, property in the District of Columbia, and when they had given the negro a fair chance to tax that property for a few years they repealed the law. The results of negro suffrage here were apparent to all. Nobody could misunderstand what they were. The Republican party no longer wanted it as example. They forgot they had asserted that it was a right and they took it away. So intent were gentlemen on the protection of property rights here in this District that in order to take away power from the negro they took it away from the white man too; and so for sixteen years past no ballot has been cast in the District of Columbia.

The results of reconstruction in the South, however, were a little more acceptable. There had come here from the twelve Southern States, including West Virginia, by the 5th of March, 1871, twenty-two Republican Senators and only two Democrats. There had come here forty-eight Republican Representatives from the South and only thirteen Democrats. Never in the history of this country anywhere have there been more election frauds than were being practiced at that time all over the South by the carpetbag leaders who were sustained by the bayonet. Yet the gentlemen on the other side, who to-day profess themselves so anxious for fair elections and for a fair election law, never then thought it necessary to pass any such bill as the Lodge bill. It had not occurred to them and would not have occurred to them even to this hour if the political fruits of reconstruction had continued to be the same as they were then. It mattered not to these gentlemen how the people of the Southern States were robbed and plundered in every single State where the Republicans had a majority. Republican leaders were perfectly content. They needed no election law then, simply because they were satisfied with the situation.

[Here the hammer fell.]

Mr. BUTTERWORTH. Mr. Chairman, I do not know what the status of the motion that is pending is, but I will move to improve it in any way that is parliamentary. [Laughter.]

The CHAIRMAN. The gentleman from Ohio [Mr. BUTTERWORTH] is recognized for five minutes.

Mr. BUTTERWORTH. Mr. Chairman, I have very little inclination to take part in this debate. It is irrelevant, I know, to the question which ought to engage the attention of the House at this hour, and I would not claim the floor for a single moment but for the exhibition of credulity which my friend from Illinois [Mr. SPRINGER] exhibited when he stated to the House and to the country that the investigation at Cincinnati succeeding the election held there in 1884 disclosed the fact that the citizens who were arrested and confined in a dungeon by Lieutenant Mullen were imported from Kentucky, and that that fact was fully established, and that, in seizing and imprisoning the one hundred and forty-odd citizens in the manner he did, Michael Mullen proved himself to be a painstaking, faithful officer, utterly and thoroughly devoted to the honest discharge of his duty; and that in his arrest and conviction and imprisonment he became a sacrifice upon the altar of duty.

Now, I live in Cincinnati and am reasonably familiar with what took place on that day in the matter referred to by the gentleman from Illinois——

Mr. ROGERS. You had bad company.

Mr. BUTTERWORTH. We had bad company that day. We sent a part of the company back to Chicago, Ill., and at least one of the company did not stop until he had landed behind the bars in Joliet.

Mr. CALDWELL. And some in Indianapolis.

Mr. BUTTERWORTH. Yes; and some others in the prison of Indiana. Now, it is in no partisan spirit that I attempt to do justice to my native city. It is due to the truth of history that I reply to my friend from Illinois.

Mr. ROGERS. I was alluding to the presence of Powell Clayton there on the same day.

Mr. BUTTERWORTH. Well, if Powell Clayton renders as honorable service and as patriotic service in Arkansas as he rendered in Cincinnati that day, he is a man capable of improving the moral and political condition of your State of Arkansas. [Applause on the Republican side.]

But I am not going to discuss affairs in Arkansas.

It is not true that the men who were arrested under the direction of Michael Mullen and kept twenty hours in a dungeon were other than citizens of Cincinnati. A great many of them were known to him to be citizens of Cincinnati. He helped to arrest and imprison men who were reputable and honored citizens of that city before he had improved the moral atmosphere of Ireland by leaving it. [Laughter and applause on the Republican side.] Well-known men were arrested upon the highway, citizens who had grown up from boyhood in that city, who are as well known to our people as most other citizens of their age.

The fact is they were arrested at the doors of banks where they were employed; they were arrested in hotels where they were employed; they were arrested in their homes, and dragged as if they were worse than felons and incarcerated, as my honorable colleague has stated, not in the jail, not in the cells of the stationhouse, but in a dungeon below.

Mr. CALDWELL. In the cellar.

Mr. BUTTERWORTH. In the cellar; and neither wife, nor child, nor lawyer, nor friend was permitted to visit them or communicate with them in that dungeon.

Mr. GROSVENOR. Were any charges made against them?

Mr. BUTTERWORTH. I will come to that.

And not only that; I assert that it is true beyond all cavil that the only men liberated from that dungeon, that my friend calls "warm and genial," were those who stipulated as a condition of their release to vote the Democratic ticket before the next sunset [applause on the Republican side], and, thank God, there were but two or three who would consent to purchase their liberty at the price of such humiliation. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUTTERWORTH. I would like about five minutes more.

Mr. SPRINGER. I ask unanimous consent that the gentleman from Ohio be permitted to proceed for five minutes more.

Mr. BUTTERWORTH. I thank my friend for his courtesy.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Ohio be permitted to proceed five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. BUTTERWORTH. I know that my friend from Illinois wants to be fair, and but for his overweening credulity he would never have even affected to believe that the citizens arrested and thrown into that dungeon were other than citizens of Cincinnati. Now, how plain a tale will set him down. The administration of public justice at that time was in the hands of our Democratic friends. James W. Fitzgerald sat upon the bench of the police court, before which these wanderers might have been and would have been called if there had been a well-grounded suspicion that they were repeaters from Kentucky. No one of all the one hundred and forty-odd prisoners was charged before him with an offense.

Not a complaint was filed against any one of the men who were held in the dungeon; but the moment the polls were closed on the evening of that election day, and when it was impossible for them to exercise their rights as citizens of Cincinnati, they were turned out in a body. Nobody in Cincinnati was or is to-day ignorant of the purpose of the arrest and incarceration of those citizens, and there is not an intelligent citizen of our city to-day who is not ashamed to think such an outrage was possible.

Michael Mullen was arrested and walked up, and like that goat mentioned in the Scriptures, he took upon himself, not the sins of Israel, but the sins of those who were his co-conspirators in the commission of the crime; but, unlike that goat, he went not to the mountains, nor yet into the wilderness, but to prison, to the penitentiary. He was pardoned by President Cleveland, who was imposed upon by those who were co-conspirators and others who expected to enjoy the usufruct of the crime, aided by some misguided people who recommend everybody and sign all petitions that are presented.

These things were not done in a corner. For two sessions I kept the records of the facts in this matter, and was ready, if challenged to do so, to exhibit the records and the proofs for the information of the country. I was abundantly ready here with the documents to show what had taken place.

Talk about importing repeaters! We had one of the constituents of my honored friend, one who seemed to stand high in the councils of his party in the State of Illinois, visit our city on that famous election day. His name was Joseph Mackin. He came over with an outfit of men having nothing with them but corrupt morals and bad manners to suggest the object of their mission to Cincinnati. He and his squad were met at the depot, and Joseph was informed that he could take his choice, either to return with his sluggers to Chicago or go to jail; and he preferred to go back to Chicago, where, following the natural inclinations of his heart in political matters, he committed frauds at the election in that city and finally landed in Joliet penitentiary. [Applause on the Republican side.]

Sir, I do not pretend that Ohio is exempt from criticism so far as the treatment of the colored race is concerned. She may, in the olden time, have sinned and fallen short. My honored colleague, General GROSVENOR, has fully answered all the charges of my friend from Tennessee [Mr. RICHARDSON], but I may here say that nowhere in the State of Ohio, so far as I have known and so far as I know, has such a bald outrage been committed on either race or upon any man or set of men as was committed in Cincinnati under the sanction and under the protection and in the interest of the Democratic party at that election in 1884. It was an act of heroism and self-denial on the part of Michael Mullen when he consented to plead "guilty" to this outrage and take the sins of all on himself and suffer for them by serving a term in the penitentiary.

My colleague suggests that when he came back he was promoted. Why, he was in a position to dictate terms. [Laughter on the Republican side.] He had the information which enabled him to demand what he wanted; when he fiddled they had to dance to whatever tune he suggested. Hence he demanded to be put in charge of the liberties, the property, and the rights of the citizens of Cincinnati. For the outrage he had committed he was promoted. He was promoted because of what he knew; they did not dare to deny him that which he asked, because, I repeat, he had the information which it was important to suppress. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. ALLEN, of Mississippi. I understood the gentleman to say that he wanted to vindicate his native city. Is that what he calls a vindication?

The CHAIRMAN. The time of the gentleman has expired and debate upon this amendment is exhausted.

Mr. HERBERT. I withdraw the formal amendment.

Mr. SPRINGER. I renew it. The gentleman from Ohio who has just taken his seat [Mr. BUTTERWORTH] has reiterated the statement of his colleague [Mr. GROSVENOR] to the effect that the negroes arrested by Marshal Mullen were citizens of Cincinnati, Ohio. Now, I undertake to state, and I do state upon my official responsibility as a member of the committee which investigated the subject, that there was not a particle of proof in the record that those men were citizens of Ohio, with the exception of about half a dozen of them, and those of them who were citizens, except two or three, were released on their own request next morning.

Mr. BUTTERWORTH. Yes; after the election was over they were released.

Mr. SPRINGER. Those men were released next morning; but the one hundred and odd that were not citizens of Cincinnati, but had come over the bridge from Kentucky and had been traced by the officers of the law, as to them there was no pretense before the committee that they were citizens of Ohio. The proof was that they were citizens of Kentucky; and, notwithstanding the fact that they were detained as prisoners until after the election, there was not one of them that ever made any complaint that he had been illegally arrested and held in violation of law. They knew in fact that they were criminals, who had been imported from the State of Kentucky to vote the Republican ticket in Ohio, and they were glad to get away with their liberty without saying anything more about it.

The treatment of those men by Lieutenant Mullen and the authorities of Cincinnati was humane in the extreme; for the reason that the men were the ignorant dupes of the leaders of the Republican party at that election, who had brought them over from a bordering State to vote for the Republican party in Ohio. The gentlemen who testified before that committee with regard to these facts are well-known citizens of Cincinnati. I refer now to the testimony of Mr. Ingalls, president of the Big Four Railroad combination. That gentleman appeared and testified to the character of the men who were imported from Kentucky to Ohio at that election. He testified also to the scenes that were transacted at the Government building in Cincinnati, when citizens of that State were brought to the courthouse by these ignorant negroes, who were not themselves citizens, but who were clothed with the fact of official authority, and armed with revolvers furnished by the Republican committee for the purpose of shooting down voters at the polls; and all this in the name of an honest election! [Laughter on the Democratic side.]

These negroes were found in a boarding house kept by a man bearing the somewhat remarkable name of "Hogshead John," a noted Republican local politician who kept a negro boarding house. Most of these negroes were found in Hogshead John's boarding house, where they had come from the other side of the river, and were to be kept over night by the local leaders of the Republican party in order that they might be voted next morning at the polls. They were taken and put in a much more comfortable place than Hogshead John's hotel.

Not one of the persons illegally arrested, as the gentleman from Ohio says, came before the committee to say that he had been badly or inhumanly treated. I never heard before about the "cellar" to which the gentleman has referred, the dungeon prison. There was nothing of the kind reported by any witness, and the side of the Government in that investigation was conducted by no less a distinguished gentleman than Mr. Foraker, since governor of the State, so that none of the rights of those men were lost.

Mr. BUTTERWORTH. Will my friend tell the House to what Mike Mullen pleaded guilty?

Mr. SPRINGER. I will. There were two or three of the persons whom he arrested who were bona fide residents of Cincinnati, and he admitted that when it was established.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROGERS. I ask unanimous consent that the gentleman from Illinois may have five minutes more.

Mr. BUTTERWORTH. I hope so.

There was no objection.

Mr. BUTTERWORTH. Now, I want to say to my friend from Illinois that the record does not disclose any such fact as he suggests.

Mr. SPRINGER. I say that it does disclose just such a fact. I was a member of the committee that investigated the matter.

Mr. BUTTERWORTH. I am speaking now of the record of the court, which discloses that Mike Mullen pleaded guilty of the exact charge against him.

Mr. SPRINGER. I am coming to that. He was advised by his attorney that he was technically guilty, and he pleaded guilty, supposing that the judge would impose a nominal sentence, but that judge, forgetting that he should be actuated by the spirit of justice, instead of complimenting the lieutenant for the energy and zeal which he had displayed in trying to prevent one hundred and fifty imported negroes from voting in Ohio, instead of commending Mike Mullen, imposed upon him the severest penalty of the law.

Mr. GROSVENOR. Did the committee of which the gentleman has spoken report as fact what he has just stated?

Mr. SPRINGER. The committee did; and I have a copy of the report in my hand.

Mr. GROSVENOR. Did the committee make the statement that there were only two of those men who were citizens of Ohio?

Mr. SPRINGER. I will come to that point. We took testimony covering all the facts.

Now, I want to call the attention of the House to the testimony of Mr. Edgar M. Johnson, a gentleman of the very highest character, one of the most distinguished lawyers in the United States, a man whose statement would be believed in any place where he was known. In regard to the scenes that occurred at the courthouse on the day of the election he stated:

When I got to the United States court building, I found the steps and lobbies and front crowded mostly with colored men who had badges as United States deputy marshals. As I went to go upstairs—as you go up the stairs into the United States courtroom and the district attorney, and marshal's and clerk's offices, the stairs come to a landing and then fork—at that landing I was stopped by a colored man who had a badge of United States marshal on and a club in his hand and wanted to stop me. He wanted to know where I was going. I told him it was none of his immediate business. He said, "I do not want to insult you," and I said I did not think he could insult me. There were two colored men wearing marshal's badges at the door with clubs in their hands and said no one could enter. They wanted to know where I was going. I said I was going into the public courtroom and I pushed the club aside and went in.

I inquired for Judge Sage and found the courtroom filled mostly with colored men, none of whom had I ever seen. They were not respectable looking colored men, such as I was in the habit of seeing about Cincinnati, but looked like roustabouts, dressed in all sorts of costumes; coats nearly off their backs; hardly a shirt on; some of them without shirts; the dirtiest-looking lot I ever saw in my life. I am not very even-tempered. It may be I got pretty warm. I said in the presence of the commissioners that I considered that they were not warranted in using the United States courtroom for that purpose; that it was an infernal outrage on decency. I was there but a very few minutes. I saw Mr. Hymen there, I believe, and at his request I went on a bond or two. I do not know who they were for. I believe Mr. Dodds went over with me at the time. I went first to the courtroom; I saw Judge Sage. I then went back in the evening. I think my business—I think I told Judge Sage my papers would not get here as early as I expected. I told him I wanted him to remain in court or in the city until I could get the papers. He said he wanted to go to Dayton that night, or to Lebanon, and with his wife the next morning go to Dayton, but that he would wait for me in the evening. I went there.

I think my papers got there on the train that arrived about 6 o'clock. I went over promptly at 6 o'clock to see him. When I got to the courtroom at that time it was absolutely filled with these marshals. I want to say on both occasions I saw these men armed with these formidable clubs. Some of them had pistols. I saw a white man there that made an impression on me because he was an illustration of what I had seen in the pictorial papers of the "cowboy." He had a slouched hat, sombrero, broad-brimmed; sack coat that had once been light colored, but that had become pretty dirty; blue shirt; no vest; his pants stuck into his boots; a big belt around his waist, with a great big club in his hand. I was in the room at that time; it was filled with this kind of people—these colored deputies. I remember one of them made a great impression on me because he was an exact representative of the caricature of the plantation darkey.

I know he was not a Cincinnati darkey. He had his coat split up the back, all the way up; poor shoes, no socks. When I got in that evening I was so outraged—I thought it was such an outrage upon decency to convert the United States courtroom into such a scene as that—that I remonstrated with Judge Sage and said it was an outrage on decency that the court room should be converted into that sort of an establishment. I spoke to him not as a judge, but as a friend of mine. He has been an intimate friend of mine for years. I spoke to him as one friend would to another. I said it was an outrage on decency; it looked to me about as outrageous a spectacle as I ever saw in a civilized community.

Mr. BUTTERWORTH. The gentleman will observe that what he has just read has nothing to do with the men who were in dungeons.

Mr. SPRINGER. It has reference to the proceedings of the Republican party on the day of the election. This is what was done on that day.

Mr. BUTTERWORTH. That is a side issue altogether.

The CHAIRMAN. Debate is exhausted.

Mr. SPRINGER. I withdraw my amendment.

Mr. MOREY. Mr. Chairman, I move *pro forma* to amend by striking out the last word. I had the honor to be present during all the sessions of the committee appointed by the Congress of the United States to investigate the conduct of Marshal Wright, of the southern district of Ohio, and I undertake to say that the whole record of the testimony in that investigation does not show more than one illegal vote cast by a Republican elector; and the only testimony tending to show this is that of an Italian, who contemptuously said that he could not tell one negro from another and therefore when he saw a colored man vote the Republican ticket he made a chalk mark upon his back, in order that he might identify him afterward. This Italian said that he saw a negro upon whose back he had thus made a chalk mark attempt to vote in the city of Cincinnati at another poll than that at which he had already voted. This is the only legal testimony in all that report tending to show that any Republican attempted to vote illegally at that election.

Now, sir, referring to the incarceration of 152 colored electors in the basement of Hammond street station house, I have here the report of the majority of the committee, the gentleman from Illinois [Mr. SPRINGER] being one of the signers, in which they state in so many words that these colored men were incarcerated in the basement of the Hammond street station house from the night preceding the election until 6 o'clock on the evening of election day.

As to whether these men were electors of the city of Cincinnati or not, I desire to have read as part of my remarks the judgment of Judge Baxter, of Tennessee, when he came to sentence Michael Mullen for the crime of which he was convicted upon his own confession of guilt.

The Clerk read as follows:

The evidence of your guilt was so convincing that your zealous and able counsel voluntarily yielded its irresistible force, and with your acquiescence, manifested in open court, consented to the finding made by the jury. This finding thus obtained is a virtual confession by you that the arrest and imprisonment of the persons named were for the wrongful purpose alleged in the indictment.

Such an unprecedented invasion of the rights of American citizens by any one under any circumstances would be a grave violation of the criminal laws of the United States. But when it is remembered that you were at the time in the exercise of public authority and acting under the obligations of an official oath requiring impartiality and integrity in the discharge of your duties your infidelity to your official obligations seems to have been peculiarly flagitious, if not atrocious.

You not only outraged the imprisoned parties, but you struck a traitorous blow at a fundamental and vital principle that underlies our republican institutions; and you did your work so noiselessly and expertly as to have eluded the vigilance of three thousand regular and special policemen, deputy sheriffs, and deputy marshals then on duty and supposed to have been co-operating for the protection of all legal voters in the exercise of their legal rights as well as the seventy-five thousand other citizens of this great central city, who (if we are to credit the city press) were so thoroughly solicitous on that occasion to preserve the purity of the ballot box.

[Here the hammer fell.]

Mr. MOREY. I hope that the whole extract I have sent up may be read. There are only four more lines. I ask unanimous consent.

Mr. OWENS, of Ohio. I object.

Mr. ALLEN, of Michigan. Why?

Mr. OWENS, of Ohio. Because the whole thing is absolutely false in fact.

Mr. BUTTERWORTH. Mr. Chairman, for the sake of making the record correct, I want to say a word. In connection with the trial of Lieutenant Mullen, the entering of the plea of guilty, and his sentence upon that plea, no suggestion was made that he was merely technically guilty as to two or three individuals; on the contrary, the plea was "guilty," without reserve, and there was no mincing of matters. The judge distinctly stated that he was charged not merely with the unintentional but wrongful arrest of two or three colored citizens, but the crime of willfully and maliciously arresting and detaining in prison under color of authority of one hundred and forty citizen.

The crime charged was confessed in the plea of guilty.

Mr. OWENS, of Ohio. Now, I would like to ask the gentleman a single question. Will he yield?

Mr. BUTTERWORTH. Why, of course I will yield to my colleague with pleasure.

Mr. OWENS, of Ohio. Because I know my colleague to be an honorable man and a truthful man. Do you claim that that cell was full of colored men who were voters in Cincinnati?

Mr. ROWELL. Certainly.

Mr. OWENS, of Ohio. I am asking my colleague the question. Does he so claim?

Mr. BUTTERWORTH. Why, undoubtedly.

Mr. OWENS, of Ohio. What, all of them?

Mr. BUTTERWORTH. Why, undoubtedly. There was no evidence that there was a man amongst them who was not a citizen and a voter.

Mr. OWENS, of Ohio. I did not ask you what evidence you had, but I wanted to know what you thought yourself?

Mr. BUTTERWORTH. And the evidence of it is that the men who affected to know did not arraign one single one of them for an attempted violation of the law, although they had the court, the police, and the deputy sheriffs all willing and anxious. There was not a suggestion of the kind.

Mr. SPRINGER. No, because they went to Kentucky in the morning before they could be found.

Mr. BUTTERWORTH. Went to Kentucky! Why, they had them in a dungeon. They were kept secretly in confinement and not allowed to confer with attorney or friends or any one outside of their jailors.

Mr. SPRINGER. Because there was not an illegal act committed by them. All that was known was that they had come over to Cincinnati and were in this boarding-house on the night before election. They had not attempted to vote, and hence there was no ground for making the charge of an illegal act against them.

Mr. BUTTERWORTH. The gentleman is talking about something that he does not know.

Mr. SPRINGER. I understand that very well.

Mr. BUTTERWORTH. I know more about the facts of this case than the gentleman does.

Mr. SPRINGER. No, sir; I do not admit that.

Mr. BUTTERWORTH. There were men there who had grown gray in the streets of Cincinnati, who were knocked down and dragged into this dungeon; men who were more than the peers of the men who took them there, and who were well known to the arresting officers. That is a matter of history. No Democrat, or very few, in Cincinnati will undertake to deny it. Michael Mullen became vicariously responsible for the crime, but everybody is ashamed now of what took place, because it was a blot on the good name and fair fame of our city. It is a matter all regret. I think Michael Mullen himself is ashamed of it now.

But, Mr. Chairman, I claim, and I repeat, that to say that these were imported voters for an illegal purpose is an absurdity. I might go on and tell whence importations of Democratic repeaters were made, men who came and were discovered with the tickets and instructions that they had still on their person. But what is the use? That is a back number. Our faces are looking forward.

We have to-day a very different state of things in Cincinnati. I do not enjoy recalling that which all good citizens regret. It was possible then to do things which would not now be possible.

Mr. STOCKDALE. I move that Cincinnati be forgiven.

Mr. BUTTERWORTH. There is a great deal that might be told in connection with this matter, but I refrain from going into it now. It is a matter, as I have said, of past history. It could not occur now.

Mr. BRECKINRIDGE, of Kentucky. I ask unanimous consent that the gentleman from Ohio have time to make the statement to which he has referred, giving all the details of this matter. There is no better time than the present.

Mr. BUTTERWORTH. No; I will not unwittingly render my friend a service by postponing the consideration of this bill in the hope of postponing another which he holds in less favor.

Mr. BRECKINRIDGE, of Kentucky. I would greatly prefer to hear the gentleman from Ohio, who is always pleasant in discussion, even on an uninteresting topic, than to take up the dry details of the District bill. And I ask that the Chairman submit my request for unanimous consent to give the gentleman from Ohio time and opportunity to go on and complete a full statement of the history of this matter.

Mr. BUTTERWORTH. I will make it after adjournment. [Laughter.]

Mr. McCOMAS. Now, Mr. Chairman, I appeal to the committee, in the sense that we have had so much discussion of this matter, that we give some little attention to the bill itself. We have discussed Ohio long enough.

Mr. RICHARDSON. I move to strike out the last word. I left Ohio some time ago. [Laughter.]

Mr. McCOMAS. I believe I have the floor.

The CHAIRMAN. The gentleman from Maryland is recognized.

Mr. McCOMAS. I want to appeal to my friend to let us go on a little with the bill.

Mr. RICHARDSON. I desire to submit a few remarks on the pending amendment.

Mr. McCOMAS. I appeal to the gentleman to let us advance at least one page on the bill per day. There are some forty or forty-five pages with which I hope we will make a little progress at least, instead of spending the whole day on this single paragraph.

Mr. ALLEN, of Mississippi. Does not the gentleman think it better to settle these questions as they come up?

Mr. McCOMAS. Now, I appeal to the gentleman to let us go on to the next page. I understand that some gentlemen desire to make some comments on the proviso. I would like to pass beyond that.

Mr. ALLEN, of Mississippi. But the gentleman has not answered my suggestion. Does he not think we had better settle these questions as we go on?

Mr. McCOMAS. Well, the day is waning now; and I think we have settled the question as far as Ohio is concerned pretty thoroughly. I ask consent that debate on the remainder of this paragraph be limited ten minutes.

Mr. ROGERS. Including the proviso?

Mr. McCOMAS. Yes, sir.

The CHAIRMAN. Is there objection?

Several members objected.

Mr. RICHARDSON. Mr. Chairman, I have insisted and do insist that the treatment of the colored man of the North is just the same as it is in the South.

Mr. ALLEN, of Michigan. A parliamentary inquiry.

The CHAIRMAN. The gentleman from Tennessee will suspend for a moment. The gentleman from Michigan submits a parliamentary inquiry.

Mr. ALLEN, of Michigan. How often is my friend from Tennessee [Mr. RICHARDSON] allowed under the rules to strike down that poor last word?

The CHAIRMAN. The gentleman from Tennessee will proceed.

Mr. RICHARDSON. Mr. Chairman, I do not wish to be led away from the object I have in view. I have said that the treatment of the colored man of the North is substantially the same as that of the colored man of the South. I think we can take no higher evidence of that fact than to refer to the treatment of the colored man in the State of Kansas, sometimes called "bleeding Kansas."

Mr. MAISH. Let us have order.

Mr. RICHARDSON. I want to show that the negro is mistreated in the State of Kansas.

The CHAIRMAN. Will the gentleman suspend for a moment? There is so much confusion in the Hall it seems impossible for the gentleman from Tennessee to make himself heard.

Mr. RICHARDSON. I hope this will not be taken out of my time.

The CHAIRMAN. Will gentleman have the kindness to cease conversation? The gentleman from Tennessee desires to be heard on his amendment to strike out the last two words.

Mr. RICHARDSON. Mr. Chairman, I was saying that the treatment of the negro in Kansas is the same as it is in the South, substantially; that he is discriminated against simply because he is a black man. As evidence of that fact I ask to have read the following extract. I do not know that it is true. I have read it as I did the others. It is a newspaper article based upon occurrences in that State. It is from a paper edited, as I understand, by a colored man. I ask to have it read as a part of my remarks.

The Clerk read as follows:

THE COLORED PRESS.

The American Citizen is a weekly paper that has been published by colored men for colored men during the past two years in Topeka, the capital of the banner Republican State, the State that last fall gave Harrison 82,000 majority. During the past summer this paper has been transferred from Topeka to Kansas City, because of "the ungenerous treatment of Topeka's merchants and business men, and the assurance of a more liberal and generous treatment from the same class of men in Kansas City." The editors said there was a "manifest growth of color prejudice in this community" (the capital of Kansas); that "we are made to feel that we are not wanted;" that "it seems as if a system of freeze-out has been put in operation against us," and that "people in independent circumstances, hitherto friendly, are turning their backs on us."

Mr. RICHARDSON. Mr. Chairman, as a further evidence of discrimination in Kansas against the colored men simply on account of color, I desire to have read the following extract, which shows that the effort is made to exclude colored children from public schools simply because they are black.

Mr. FUNSTON. Will the gentleman allow me to make a correction right here?

Mr. RICHARDSON. I can not yield.

Mr. FUNSTON. Will not the gentleman permit me to state that Kansas City is not in Kansas?

Mr. RICHARDSON. I did not say Kansas City was in Kansas, but the extract which I have just had read shows—and if the gentleman had been paying attention it would not have been necessary to make this statement—that the paper was driven out from Topeka, in Kansas, to Kansas City, which is in Missouri, a Democratic State.

Mr. FUNSTON. That is not correct. That paper is edited in Kansas to-day.

The CHAIRMAN. The gentleman from Kansas is not in order. The gentleman from Tennessee declines to yield.

Mr. RICHARDSON. The gentleman from Kansas is mistaken. I can not yield.

The Clerk read as follows:

CAN'T DRAW THE COLOR LINE—NEGROES ARE ENTITLED TO ADMISSION IN KANSAS SCHOOLS.

TOPEKA, KANS., *January* 10.

The supreme court to-day decided that colored children could not be discriminated against in the public schools. In the case of Bertha and Lily Knox, colored children of Independence, Kans., against the board of education, the court holds that, the Legislature not having granted to cities of the second class power to establish separate schools for white and colored children, the action of the board of education in attempting to exclude colored children and compel them to attend a separate school was illegal.

[Here the hammer fell.]

Mr. McCOMAS. Now, Mr. Chairman, I appeal to the House to fix some time for the closing of debate on the remainder of the first paragraph of this bill.

The CHAIRMAN. What proposition does the gentleman make?

Mr. CLEMENTS. I desire to suggest that I think it will accommodate all gentlemen, and I hope it will be acceded to on this side of the House, that we take thirty minutes for debate on the proviso, the remaining part of this paragraph.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that debate on the proviso be limited to thirty minutes.

Mr. BRECKINRIDGE, of Kentucky. I hope it will be done.

The CHAIRMAN. Is there objection?

Mr. BUCHANAN, of New Jersey. There is unless the debate is to be upon the proviso and not on every other subject.

Mr. McCOMAS. I hope the debate will be on the proviso.

Mr. CLEMENTS. I hope so, too.

The CHAIRMAN. The Chair hears no objection, and it is so ordered, and the Chair will recognize the gentleman from Georgia [Mr. CLEMENTS] to control fifteen minutes on one side and the gentleman from Maryland [Mr. McCOMAS] to control fifteen minutes on the other side, if there be no objection. [After a pause.] The Chair hears none, and the gentleman from Georgia is recognized to control fifteen minutes of the time.

Mr. CLEMENTS. I yield five minutes to the gentleman from Arkansas [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, I believe there is no amendment pending, and in order to have something before the House——

Mr. BRECKINRIDGE, of Kentucky. Oh, yes, the amendment offered by the gentleman from Texas [Mr. SAYERS] is pending.

Mr. McCOMAS. That was accepted.

Mr. BRECKINRIDGE, of Kentucky. It was accepted by the gentleman from Maryland, but has not been adopted by the committee.

The CHAIRMAN. It has not been voted upon.

Mr. ROGERS. I ask the attention of the gentleman from Maryland, because I want to address myself to the bill. I confess that I do not comprehend entirely the classes of claims that are covered by this proviso, and it may be that there are meritorious claims which ought to be provided for.

I myself have had some experience with rejected claims by the Department, and have had to go the Committee on Appropriations and get a proper remedy.

There may be claims of this character that should be made and provided for, but this provision is not properly prepared. As I understand it, it gives to the Comptroller of the Treasury the power to settle these claims.

Mr. McCOMAS. We called upon the officers of the Comptroller's Office, and they gave us the amendment suggested. I do not know that it comes from that office originally. We called upon them, and the amendment was modified by them.

Mr. ROGERS. You made this amendment yourselves?

Mr. McCOMAS. No; the amendment, I think, was made by the commissioners of the District and then modified by the Department.

Mr. ROGERS. That is the misfortune about these amendments that are made, offered, or suggested by the Departments. I have had occasion before to say what is my deliberate judgment, based upon such experience as I have had, that, in very many of these amendments emanating from the Departments relating to claims which may be meritorious, there is a looseness about them which is reprehensible. They are drawn by some of the clerks who may have something to do with the adjustment of these claims.

Now, let me invite attention to this language:

Provided, That the accounting officers of the Treasury are authorized and directed to re-examine the accounts of the commissioners of the District of Columbia accruing since July, 1878, and prior to March 6, 1883.

It is a little remarkable, to begin with, that these transactions, if they were meritorious prior to 1890, should date back so far as 1878. But they proceed, and do what?

And credit the same with all such disbursements and expenditures made in good faith.

I suppose it is intended that there should be a comma there, for otherwise it would not be correct grammatically. There is not the slightest question that officers, executive officers, in the administration of the law, may in good faith make very grave mistakes, may make mistakes in law, may make mistakes in administration, or they may pay out and disburse money that is in violation of law, and yet they do it in good faith. So that there should be a limitation placed upon this clause, I believe, by inserting after the word "expenditures," and before the word "made," the word "lawfully;" so that it would be:

And credit the same with all such disbursements and expenditures lawfully made in good faith.

For the loose errors which the commissioners or whoever disburses this money may have made, they shall be held responsible. The very object for which a disbursing officer is appointed is that he may give the necessary bond and be responsible for his conduct. Otherwise he may make the entire disbursement in violation of public law. So at the proper time I shall offer an amendment to insert the word "lawfully" before the word "made," in line 15, and to insert a comma after the word "faith;" so that it will read:

And credit the same with all such disbursements and expenditures lawfully made in good faith,.

The word "and" should be inserted there before the words "heretofore suspended or disallowed in settlement of the same." Then it proceeds:

Wherein it shall satisfactorily appear that the money was paid to employés in the District prior to their discharge.

Now, with the modification suggested, by the insertion of the word "lawfully," there is no objection to this section down to that point. Then comes what seems to me to be a grammatical error—at least I am unable to understand what it means. It says this:

And for goods sold and delivered.

To what can that relate?

Mr. McCOMAS. It should be "or." That is a mistake in the print.

Mr. ROGERS. "Or for goods sold and delivered." Now I understand; then that alteration should be made. Then it goes on:

Work and labor done, materials furnished, or services rendered to the District in accordance with contracts and agreements.

There again the word "lawfully" should be inserted, so that it would be—

Lawfully made in good faith.

When contracts are authorized by law the Congress of the United States should not be made responsible for any failure.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROGERS. I should like a little further time.

Mr. CLEMENTS. I yield two minutes more to the gentleman.

Mr. ROGERS. It should be—

Contracts and agreements lawfully made in good faith on behalf of the District and also to adjust and settle—

Now, look at the language—"equitably." It is thus turning over to the Treasury Department the unlimited power to settle "equitably" any contracts that have been made. To settle equities is a power that should not be granted to an executive officer or to any official.

The Congress of the United States ought to hold the purse-strings in settling its contracts. Then it says:

Also to adjust and settle equitably said accounts, allowing all payments made in settlement of claims against the District.

Allowing "all payments made in settlement of claims against the District." Why? How broad is this? True, Mr. Chairman, the gentleman from Texas has limited the expenses to $20,000, which sum is appropriated for; but it does seem to me that this is more power than ought to be given into the hands of any executive officer. First, he is to "settle the accounts," and then after that you tell him to "settle them equitably"—not "lawfully"—in conformity with law; and after that you tell him that he must allow "all payments made in settlement of claims against the District" whether right or wrong. There is no limitation placed upon him whether the payments made in settlement of the claims are right or wrong. If the money has been paid out, it has got to be paid over by an executive officer of the Government.

"And for expenses incurred in good faith on account of the District." It should be "and for expenses legally incurred in good faith on account of the District." Now, with these amendments I do not see any very serious objection to this provision; assuming, Mr. Chairman, as we must assume in all cases of legislation, that the committee who framed this bill understand precisely from an investigation of the facts what is to be covered by the language used. Having said this much, I shall ask at the proper time to insert these amendments, so as to confine the obligation of the Government to contracts made by the commissioners in pursuance of public law.

Mr. McCOMAS. I yield ten minutes to my colleague on the committee, the gentleman from California [Mr. MORROW].

Mr. MORROW. Mr. Chairman, if the gentleman from Arkansas [Mr. ROGERS] had been familiar with the history of this matter and of the source from which this provision is derived, he would not have entertained the difficulties which he has mentioned in his remarks. This provision is not a new one. It is based upon a statute passed in 1885, and I will ask the Clerk to read the provision, which is found on page 311 of volume 23 of the Statutes at Large.

The Clerk read as follows:

And the accounting officers of the Treasury are authorized and directed to credit the accounts of the ex-commissioners of the District of Columbia, accruing since 1878, with all such disbursements and expenditures made in good faith heretofore disallowed in settlement of the same wherein it shall satisfactorily appear that the money was paid for goods sold and delivered, work and labor done, materials furnished, or services rendered to the District in accordance with contracts and agreements made in good faith on behalf of the District, and also to adjust and settle equitably said accounts, allowing all payments made for claims for expenses incurred in good faith for the benefit of the District.

Mr. MORROW. Now, Mr. Chairman, you will observe that the language of that provision of the existing law is almost identical with the language contained in this part of the bill. The provision which has just been read is a part of an appropriation bill passed February 25, 1885. That act provided that the accounting officers of the Treasury should be authorized and directed to credit the accounts of the ex-commissioners; and, under the strict construction given to the language by the Comptroller, it was held with reference to these particular accounts that they must be the accounts, not of commissioners, but of ex-commissioners of the District. It so happens that of the commissioners to whom this statute was designed to apply there was one who held over, and who was not, therefore, an ex-commissioner at the time of the passage of the act, and the Comptroller held that in order to receive the benefit of this provision it was necessary that the person claiming these credits should be an ex-commissioner. Hence it was that with reference to the board composed of Commissioners Phelps, Dent, and Twining, the two latter, Dent and Twining, held over, and, being in office at the time of the passage of the bill, were not ex-commissioners.

Therefore the provision in this bill under consideration provides that "the accounting officers are authorized and directed to re-examine the accounts of the commissioners of the District of Columbia," accruing at a certain time, namely, "since July, 1878." It will be observed in the provision, read by the Clerk a moment ago from the statute of 1885, that it referred to the accounts of the ex-commissioners since the year 1878, but we have gone further than that and specified distinctly the date in 1878. Therefore, we have restricted that provision by fixing a date.

In the original statute there is no limitation except by naming the period between the year 1878 and the time of the passage of the act of 1885, but we have restricted it to the time between the 1st of July, 1878, and March 6, 1883. The gentleman from Arkansas [Mr. ROGERS] will therefore observe that the committee have been very careful to see that there shall be nothing included within this provision except those accounts that ought to have come within the provisions of the original statute if we consider the spirit that evidently actuated Congress in enacting that statute.

By the provision in this bill, while we give the commissioners the benefit of the statute, we restrict it to the period I have mentioned, between the 1st of July, 1878, and the 6th of March, 1883. Now, many of these claims were disallowed simply because Congress had provided in this statute that the accounts to be allowed should be the accounts of ex-commissioners. As I have said, Commissioners Dent and Twining held over and were members of the new board, and therefore they lost the benefit of that statute.

The further provision in the bill is, "and credit the same, .with all

such disbursements and expenditures heretofore suspended" We have added "suspended" because the accounts have in fact been suspended, and not disallowed. They were legitimate claims, claims which would be allowed by any man in the transaction of any business, but they were suspended because of the technical difficulty I have stated. We have therefore added the word "suspended" in this bill.

Mr. ROGERS. The gentleman passes over the criticism that I made upon the language.

Mr. MORROW. Yes, because that follows the original statute.

Mr. ROGERS. But you would not follow a bad thing simply be cause it has gone before?

Mr. MORROW. That was not the difficulty with the original act; the difficulty was not the omission of the word "lawfully." If the gentleman will permit me, he will see when I have proceeded a little further that his criticism as to the language might apply in ordinary cases, but would in this case do an injustice which I am sure he would not seek to do.

Now, the next point is embraced in this language:

In settlement of the same, wherein it shall satisfactorily appear that the money was paid to employés of the District prior to their discharge.

We insert those words because in several instances the salaries of policemen were paid for a whole month when the officers had died in the course of the month before its expiration. The gentleman will see that the word "lawfully" would in that case do injustice.

Mr. ROGERS. Does the District pay in advance?

Mr. MORROW. I do not know. It may have been that such was the case.

Mr. CLEMENTS. Perhaps the case to which the gentleman from California is alluding is where policemen, who had become insane, were put in the asylum and their salaries ran on because their names were on the roll. Of course that was not strictly lawful.

Mr. ROGERS. It seems to me that may have been perfectly lawful, and I do not see any occasion for putting in the word "equitably."

Mr. MORROW. The Comptroller holds that payment in such cases was not lawful, and that is the reason we have inserted the provision in this case.

Substantially the only further addition is in these words:

In settlement of claims against the District and for expenses incurred in good faith on account of the District.

Let me give another illustration of one of the classes of claims which have arisen. In the law with reference to street improvements—I may not state the matter with perfect accuracy, but I will give the general features of the matter—there was, at the time sought to be covered by this bill, a provision under which street improvements were made and the cost charged against the abutting property. The District of Columbia in such cases would seek to enforce against the private property the payment of the street improvement, for the benefit of the contractors. In the event that the person whose property was charged with the cost of the improvement refused to pay, a certificate was given to the contractor for the amount due for this particular work; and then proceedings were taken to sell the property to pay the amount of this tax.

[Here the hammer fell.]

Mr. MORROW. I would like a few minutes more.

Mr. McCOMAS. I ask consent that the debate be extended ten minutes, five minutes to be allowed to each side. I think members of the House ought to understand this matter.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that the debate be extended ten minutes, five minutes on each side.

Mr. BRECKINRIDGE, of Kentucky. Ten minutes in addition to the thirty minutes?

Mr. McCOMAS. Yes, sir.

The CHAIRMAN. Is there objection? The Chair hears none.

Mr. McCOMAS. I yield five minutes more to the gentleman from California [Mr. MORROW].

Mr. MORROW. In such cases as I have mentioned the District of Columbia would proceed by some appropriate legal process to collect the money from the persons who owed it. Such a person, we will suppose, would go into a court of the District of Columbia and initiate a proceeding to enjoin the District authorities from enforcing the payment of this tax, but by reason of oversight or of some failure to follow out the legal proceeding the money would be collected and paid to the contractor. In such a case the Comptroller holds that the District government had no business to collect this tax because of the pendency of the injunction proceedings. But the money has in fact been collected and paid over. The District has not lost a cent. The matter simply stands as one of those legal charges which the Comptroller holds he can not allow because the money was not lawfully collected pending the injunction suit.

Let me give another case. At that time there were issued by the District government what were called drawback certificates; that is to say, a taxpayer claims that he has made an overpayment of taxes; and upon having the matter decided in his favor he gets what is called a drawback certificate, which may be used in payment of taxes. Now, in some instances—at least in one instance within my knowledge—the collector received one of these drawback certificates in payment of taxes for street improvements. But the commissioners were not allowed to pay that drawback certificate over to the contractor, although he was ready to receive it, the reason being that the use of those drawback certificates is restricted to the payment of taxes.

This certificate, however, went into the Treasury and liquidated the indebtedness; there is no money due from or to the District on that account; but by reason of the restriction to which I have referred the Comptroller holds that he can not make the allowance in this case. Now, whatever may be the provisions of law, I find upon inquiry that this drawback certificate did perform the functions of money in the transaction by possibly a change of credit on some other account. That is where the trouble came in.

Mr. McCOMAS. The injunction proceedings have been closed; and the money, therefore, has practically been paid properly.

Mr. MORROW. And paid properly. Now, this has been called a trust fund, but there is no evidence that there is a dollar involved in this. It simply grows out of the fact that these restrictions were imposed by the statute and were such that the Comptroller has not allowed the claims. That is all.

Mr. ROGERS. Now, let me ask the gentleman to state exactly what it is he wants to equitably settle?

Mr. MORROW. That is provided by the old statute.

Mr. ROGERS. But I would like to understand from the old statute to which you have referred, giving these parties certain rights, what it is that you are going to actually settle under this provision of the law. What is it, in other words, that is covered by this provision of the bill? Can these things be identified specifically?

Mr. MORROW. I presume that it will include just what I have mentioned, because it was held that these claims could not be settled, and, under the decision of the Comptroller, they could not be decided in favor of the District commissioners on the ground of illegality; and hence we say, whatever the law is, that these parties are equitably entitled to have the claims settled.

Mr. KERR, of Iowa. Do I understand the gentleman to say that it was illegal to allow them?

Mr. MORROW. Well, it was just like the decision of a court. When a court decides that a thing is illegal we have to accept the decision. I think myself it is entirely technical for the Comptroller to decide that they are not entitled to credit, under the circumstances, on these drawback certificates.

Mr. ROGERS. As a matter of information, if the gentleman will yield to me for a moment, I wish to ask if the commissioners of the District or anybody else appeared before the Appropriations Committee and submitted the accounts for investigation.

Mr. McCOMAS. Every one of them was submitted.

Mr. MORROW. And they were thoroughly investigated.

Mr. ROGERS. The committee looked into the accounts?

Mr. MORROW. Every item of detail.

Mr. ROGERS. So they could be identified?

Mr. McCOMAS. Yes, undoubtedly.

Mr. ROGERS. Is this information furnished through any executive document?

Mr. McCOMAS. No, sir; but we called for the papers in the office of both the Comptroller and the District commissioners. We got them and made a thorough and exhaustive investigation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROGERS. I would like to ask a little time for the purpose of getting this matter clearly before the committee.

Mr. CLEMENTS. I yield to the gentleman the remaining five minutes.

Mr. ROGERS. My object is simply to get at the facts. What I am trying to arrive at is this: What is the means of information by which the committee was put in possession of the unsettled accounts?

Mr. MORROW. We called the officer having them in charge to come before us, and he came with the accounts. We have them from the Comptroller's office and also from the District commissioners' office. We had an opportunity of examining them, and examined them carefully in detail. We also had Judge Vincent before us, who was very familiar with the matter, and he came and gave an exceedingly lucid and detailed statement in regard to them.

Mr. ROGERS. Why is it that that means of information did not come through the regular official channel, the Treasury Department?

Mr. MORROW. Well, I do not suppose the Treasury Department is solicitous about having the claims allowed.

Mr. ROGERS. Did not the information come to you through some legitimate channel?

Mr. MORROW. Certainly; we got it first from the District commissioners and then sought to confirm it by sending for the officer in charge of the matter in the Comptroller's office. We got the information in that manner, and there seems to be no question about the accuracy of the conclusion which we reached.

Mr. McCOMAS. Let me say to the gentleman from Arkansas and to the committee that we had before us first the information from the commissioners that they were informed and advised that these were correct. Then we had the old auditor, who was auditor during the period covered by these contracts, and we also had before us the pres-

ent auditor, and had him to go over the same matters. We then brought before the committee the official in the Comptroller's office, who happened to be Mr. Glover, in charge of the District accounts for many years, to go over the items in detail, and after an examination and investigation for several hours on at least two, and, I believe, three, different occasions the subcommittee felt satisfied that they had probed the matter to the bottom, and were ready to submit their report to the committee.

Mr. MORROW. We examined down to the most careful details, going into the smallest items.

Mr. ROGERS. My only object is to seek to incorporate into this proviso such language as will identify the claims and circumscribe the action of the officers to the particular class of accounts to be settled.

Mr. MORROW. We had precisely the same sentiments and feeling as those expressed by the gentleman from Arkansas, and we examined them with the same feeling. We desired to limit the settlement to just such accounts. We believe we have limited it carefully as to the time which covers these transactions.

Mr. ROGERS. But there is no identification, as I understand it, of any particular class of claims. The whole field is left open.

Mr. McCOMAS. No; if the gentleman will pardon me, these are definite and specific, because the provision covers a certain class of accounts within a certain period, amounting in the aggregate to about $19,000. They are fully and amply set out by date. There can be no mistake about them.

Mr. ROGERS. Well, with that statement, which seems to me to make the matter sufficiently definite, if all of these accounts were suspended between certain specific periods which are clearly defined, I do not see that there can be any difficulty about the matter, except, of course, in the event that the Department should transcend the authority conferred upon it.

Mr. MORROW. There is no difficulty whatever about it.

[Here the hammer fell.]

Mr. CLEMENTS. Mr. Chairman, I have eight minutes remaining, have I not? I perhaps will not occupy all of that time. I merely want to say that the various items included in this paragraph, or that will be covered by it, were very carefully considered by the subcommittee, and it was intended simply to give effect to the act of 1885; but not to do so blindly, and only after the fullest investigation, both through the office of the commissioners and the Treasury Department, where these disallowances or suspensions were made. I am afraid that the suggestion of the amendment offered or indicated by the gentleman from Arkansas [Mr. ROGERS] would perhaps warrant the disallowance of some of these items that ought to be allowed.

For instance, in the case of the insane policemen during this period, who were put into the asylum and at the same time their names kept upon the rolls and their families paid the salaries. Now, it seems to me that that ought to be allowed. It was perhaps in violation of the strict law at the time, and if the word "legally" was put in there it would have to be disallowed, perhaps. At least, it would be so if the former ruling of the Department should be held to in this matter. I am thoroughly satisfied that not a dollar of this could be collected. It is not intended that a cent is to be paid out under this appropriation to anybody. The money has already been paid, and the accounts when they came to be audited were simply suspended on account of these technicalities. Not a dollar will be required to be paid to anybody. It simply clears the account and leaves the books straight, and relieves any of these parties from what I think would be an unjust cloud upon the record.

Mr. MORROW. Will the gentleman permit me to say that the same suggestion would also apply with reference to the case of the issue of the drawback certificates. That would be held probably as unlawful.

Mr. CLEMENTS. I think so. I suppose the Department would hold to its former ruling. And my information is that the Solicitor of the Treasury had this whole matter referred to him and, after careful examination, decided that if a suit was brought on the part of the Government or of the District against these commissioners, no part of it could be recovered, and that it would simply be a profitless lawsuit on the part of the Government. I think the amendment of the gentleman from Texas is a very proper one. It is not intended to open the door here to the reinvestigation of any other account except this class and during this period. I think the matter is fully understood by the House and the committee, and I will not take up further time.

The CHAIRMAN. The gentleman from Maryland is recognized.

Mr. McCOMAS. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. Five minutes.

Mr. ROGERS. I shall not insist upon these amendments, upon the explanation made, and the gentleman from Maryland can make such verbal corrections as suggest themselves to him.

Mr. McCOMAS. Mr. Chairman, precisely the criticism made by the gentleman from Arkansas is what occurred to members of the committee, and it is a just and a natural and apt criticism of this language, and I think every member of the subcommittee, until they examined the matter, held the same mental attitude toward the proviso here that the gentleman from Arkansas has so clearly expressed. But they found what had been disallowed with respect to closing the estates of dead men who had been commissioners from 1878, when the new government was formed, down to 1883. Many men had been in the office who had gone out again, and who had acted upon their judgment, which was revised by the Comptroller; and when the statement came before the Comptroller the commissioners, who had acted in good faith and made the expenditure or the allotment, found that the Comptroller said, "This is not within the terms of the law as we interpret it."

Now, from that day to this has grown up a custom on the part of the commissioners of the District of going to the Comptroller's office and having an agreement between the Comptroller and the commissioners as to the construction of the law, and whether a certain account will be allowed or disallowed. The subcommittee, with great patience and care, taking precisely the natural attitude expressed by the gentleman from Arkansas, came around, after a careful and thorough examination, to find that it was our duty to allow the mere closing of the accounts on the books of the Treasury for money expended in good faith in the formation of this new government, and later on, wherein these officers exercised their discretion and absolutely paid the money for the District of Columbia in good faith to its employés for goods, material, or work; and that these allowances, when the money had been paid and everything settled, should be closed on the books of the Treasury. We sent for the Auditor, who had ten men in charge of the affairs of the District. We sent for the clerks under him.

Mr. SAYERS. Will the gentleman allow me to make a suggestion?

Mr. McCOMAS. Yes, sir.

Mr. SAYERS. I have not the bill before me, but would it not be well to include in that language "for work or services?"

Mr. McCOMAS. I think my colleague will find that the words "disbursements and expenditures heretofore suspended or disallowed" will cover the matter.

And now, as the committee seems fully to understand, and certainly ought to understand, this matter, which naturally caused inquiry, I wish to accept the amendment of the gentleman from Arkansas, in line 18, to strike out the word "and" and insert the word "or."

The CHAIRMAN. The pending question is upon the amendments offered by the gentleman from Texas [Mr. SAYERS]. It was accepted by the gentleman from Maryland; but objection was made to its adoption.

The amendment was agreed to.

The CHAIRMAN. The gentleman from Maryland also proposes the following amendment.

Mr. McCOMAS. I accept the amendment of the gentleman from Arkansas.

The CHAIRMAN. That was adopted.

Mr. McCOMAS. And the second one is in line 16; insert the word "and" before the word "heretofore."

The CHAIRMAN. The Chair is unable to understand what the amendment of the gentleman from Arkansas was.

Mr. McCOMAS. The amendment that was first adopted, as I understand it, was to strike out the word "and" and insert the word "or" in line 18.

The CHAIRMAN. Will the gentleman from Arkansas please state the amendment?

Mr. McCOMAS. And also to insert the word "and" in line 16 before the word "heretofore."

The CHAIRMAN. If there be no objection, the amendment will be considered as agreed to.

There was no objection.

The Clerk read as follows:

CONTINGENT EXPENSES.

For contingent expenses of the government of the District of Columbia, namely: For printing, checks, books, stationery, detection of frauds on the revenue, repairs of markethouses, painting, binding, rebinding, repairing, preservation of records, books, and repairs of books for register of wills, maintaining and keeping in good order the laboratory and apparatus in the offices of the inspector of gas and meters and inspector of asphalt and cement, damages, care of horses not otherwise provided for, horseshoeing, fuel, ice, gas, repairs, insurance, repairs to pound and vehicles, and other general necessary expenses of District offices, including the sinking-fund office, health department, and police court, $24,000; and the commissioners shall so apportion this sum as to prevent a deficiency therein.

Mr. RICHARDSON. I move to strike out this section.

I desire to say in furtherance of some remarks that I was making in regard to the treatment of colored men in the State of Kansas, my friend from Kansas [Mr. FUNSTON] says that the colored man alluded to in this outrage, the colored man whom I referred to edits a newspaper——

The CHAIRMAN. Will the gentleman from Tennessee allow the Chair to call his attention to the rule, which provides that when general debate is closed by order of the House, any member shall be allowed five minutes to explain any amendment he may offer? The Chair would be glad if the gentleman would confine himself to the amendment.

Mr. RICHARDSON. I will try to come to that. I do not understand that we are to be held down to any very rigid rule in the discussion of this colored question. [Laughter.] The amendment has a very wide range, it is true——

The CHAIRMAN. The Chair recognizes the fact that when the

House is in Committee of the Whole general debate takes a very wide range, and when debate is proceeding under the five-minute rule the member offering an amendment may have five minutes in which to explain the amendment.

Mr. RICHARDSON. It would be something new in my experience if a member when the House is in Committee of the Whole is to be limited strictly and absolutely to the discussion of the pending bill.

The CHAIRMAN. The Chair stated to the gentleman, that when the House is in Committee of the Whole, in general debate a very wide range is allowed, but the rule provides that, when the committee is proceeding under the five-minute rule, five minutes shall be allowed to any gentleman making any amendment to explain it, and the Chair only called the attention of the gentleman to the rule.

Mr. RICHARDSON. Now, Mr. Chairman, I do not want to do any injustice to my friend, and if he thinks it is material as to whether the Kansas City referred to is in the State of Missouri or in the State of Kansas I accept his declaration; but whichever it was I ask attention to the reading of the article which I send to the desk, the first column.

Mr. MORROW. I think this is a very important matter; and as this is Saturday evening we will have an opportunity to have the gentleman put all of this into the RECORD and have it to look over to-morrow, and as we will not pass upon this bill until Monday or Tuesday, we should look over it all and be better able to consider this section of the bill.

Mr. RICHARDSON. I am very much obliged to the gentleman. I have no doubt of his ability to discern the effect that it will have upon the passage of this bill.

The Clerk read as follows:

AN OUTRAGE.

It is now almost impossible for a colored man with money in his purse and refinement in his deportment to buy a meal without being humiliated and discriminated against in any restaurant on Minnesota avenue. Indeed, so independent are these chefs of the fryingpan that they do not want his money, his presence, nor anything else. True, we have a civil-rights bill in this State, but it is a dead letter. The chophouse men evade it by charging excessive prices for their hash; they evade it also by telling a man to take a seat at a certain corner and he will be served. This is the equivalent of asking a man into the kitchen.

One day during the present week a gentleman called upon us from Leavenworth. We were absent from the office at the time. While waiting for our return he walked up the street and sauntered into that hash-house next door to Abraham's drug store. He gentlemanly gave his order. To his surprise he was told that he could not eat there, but must get around on that side of the counter reserved for niggers. Some few words passed, and the burly proprietor proceeded to get a hatchet to put the intruder out by force, but he had run up against a snag. While he was flourishing his hatchet and ordering the stranger to leave his house, a gun suddenly dawned upon him and he heard a calm, deliberate voice telling him to put up his hatchet. This the proprietor did, and the stranger walked quietly away. The stranger in question is no "burly negro," he is no ruffian. He is a leading citizen of Leavenworth and a student of Lawrence University.

Is not there some way to stop these disgraceful occurrences? Do the business men of this town who are handling Eastern money know that the Eastern capitalists would not be so eager to invest their money where one man's dollar is not a dollar because of his skin or racial connection?

This thing is a disgrace. A colored man, though he were as rich as Crœsus, could easily starve on Minnesota avenue in the metropolis of Kansas.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment of the gentleman from Tennessee.

The question was put and the amendment was rejected.

The Clerk read as follows:

For contingent expenses of stables of the engineer department, including forage, livery of horses, shoeing, purchase and repair of vehicles, purchase and repair of harness, blankets, lap robes, purchase of horses, whips, oil, brushes, combs, sponges, chamois skins, buckets, halters, jacks, rubber boots and coats, medicines, and other necessary articles and expenses, $6,000; and no expenditure on account of the engineer department for the items named in this paragraph shall be made from any other fund.

Mr. RICHARDSON. I move to strike out that section, and desire to call attention to the treatment of the poor, downtrodden race in the State of Indiana, which has furnished the present occupant of the Presidential chair. I send this up to show that a negro can not get employment in the State simply because of his color.

The Clerk read as follows:

The attention of the President of the United States is respectfully invited to the fact that in his own State and in his own town a body of white machinists have "struck" because a colored man was temporarily employed. If the Federal Government is to handle the so-called race war, then it should look out for Indiana as well as Louisiana.—*Cincinnati Enquirer*.

Mr. OWEN, of Indiana. I want to state that those men who struck voted the Democratic ticket last fall.

Mr. RICHARDSON. Now, Mr. Chairman, further to show the affection entertained for the colored men in Indiana I ask the Clerk to read the extract which I send to the desk.

The Clerk read as follows:

HOW REPUBLICANS LOVE THE NEGRO.

INDIANAPOLIS, *March 6*.

The appointment of Frank Welsh, a colored man, to a position in the local pension office is creating a good deal of feeling among the employés, and to-day there were numerous threats of resigning unless Welsh was discharged.

Mr. CANNON. That is a joke.

Mr. RICHARDSON. Mr. Chairman, I desire now to submit further statements bearing upon this question of the regard entertained at the North for the colored man, and I send to the desk another extract which I desire to have read.

The Clerk began to read the extract.

Mr. JOSEPH D. TAYLOR (interrupting the reading). Mr. Chairman, I make the point of order that this is not only unparliamentary, but it is absolutely disgraceful, and I ask that it be stopped.

The CHAIRMAN. The Clerk will read.

The Clerk resumed and concluded the reading, as follows:

NO NEGRO NEED APPLY.

The Republican postmaster at St. Louis, by the grace of Mr. Harrison, is Major Harlow, who secured the office in the face of formidable opponents because he was a full-bred civil-service reformer. The Freeman, an organ of the colored people, published at Indianapolis, a few days ago contained the following interesting little item as to the manner in which Postmaster Harlow carries out his civil-service ideas when the color question is involved in the matter:

"A vacancy in the money-order division was to be filled. The name of Collins Scott was selected from the civil-service list of 'eligibles,' and Collins Scott was appointed. In response to the notification of appointment, C. S. appeared bright and early to go to work, when, horror of horrors! he was seen to be a negro, almost coal black. 'Colonel' Knapp, refusing to listen to Major Harlow's explanation or apologies (which were numerous), handed in his resignation and fled the office. Major Harlow spent the balance of the day apologizing to his outraged clerks, and at the 'knocking-off' hour told Collins Scott his services would be no longer needed. A white man now fills Scott's place."

It is a singular thing that occurrences of this kind, in which manifest injustice is done to black men at the North, invariably escape the notice of patriots like Mr. HOAR and Mr. FRYE at the selfsame time when they are orating themselves red in the face and out of breath in the interest of the black men at the South.

The question was taken on the pending amendment; and it was rejected.

The Clerk read as follows:

For rent of District offices, $3,600.

Mr. BRECKINRIDGE, of Kentucky. What are these District offices for which we are to pay $3,600 rent?

Mr. McCOMAS. The offices occupied by the engineer department and other offices of the District.

Mr. BRECKINRIDGE, of Kentucky. Does not that building belong to the District?

Mr. McCOMAS. No; it is rented. The District offices were formerly in a Government building, but when they were removed they were put in a rented building at the rate of $4,000 a year, of which we have never allowed more than $3,600 a year.

Mr. McADOO. Was that building erected with the intention that it should be occupied by the District offices? I think it is a very extraordinary practice which prevails here in Washington, that when a man erects a building and has no use for it himself, and nobody else wants to rent it, the Government is sure to become a tenant. This building looks to me very much like an enlarged livery stable.

The CHAIRMAN. This debate is not in order.

Mr. McADOO. Mr. Chairman, I move to strike out lines 1 and 2, on page 5 of the bill, and I desire to call the attention of the House, in connection with this paragraph, to the vicious practice which prevails in renting buildings for Government use in Washington. These rented buildings are to be found scattered all over the city. As I said a moment ago, when a man erects a building here that he can not use himself and that no one else wants to rent from him, his resource is to apply to the Government and have it taken off his hands for "offices" or for some other public purpose. Why did this man build an office building at that point? It looks to me, Mr. Chairman, as if these gentlemen who construct these buildings had, in some instances, anticipated that they were going to find a tenant or a customer in the Government. We hear talk now about the Government renting the Hotel Maltby. The public did not seem to care to go up there and occupy that hotel, so now Uncle Sam is to be invited to become the sole tenant.

It does seem to me as a looker-on, not claiming to have any special insight into the management of the affairs of the District, that sometimes in these cases the owner of a piece of property gets a hint in advance that if he will erect a building on ground contiguous to existing Government buildings he will probably be able to let it to the Government for a long term of years and at a high rent. I think this practice ought to be stopped. I would like to ask the distinguished chairman of the Committee on the District of Columbia whether he knows who built this building, when it was rented, at what rate, and for how long a term. Also, for what purpose it was originally built.

I would much rather, as a member of this House, vote to buy a building outright than to countenance this vicious practice of renting buildings for the Government all over the city. Let us have an understanding about this matter; and I do trust that, as the several appropriation bills come up containing provisions for the renting of buildings by the Government, members will inquire particularly into each case, so that we may know how the Government comes to be the tenant of so many buildings, how many buildings are rented for Government purposes, how they are occupied, the rent which the Government pays, and the number of years for which it is held as a tenant.

Mr. McCOMAS. Mr. Chairman, the District commissioners have recommended that there be a new public building provided here for the District business. That has been urged repeatedly ever since the time, in the year 1871 or thereabouts, when the District commissioners were ousted from Government property, and they ask to be given quarters in the mean while in the City Hall property. For years, as the gentleman from New Jersey [Mr. McADOO] will probably remember,

they were on Four-and-a-half street, near Pennsylvania avenue, in an old building which we rented there.

Under the Administration of President Cleveland this building was leased by the then commissioners; and when we inquired into the matter we found an agreement by Colonel Ludlow, the engineer commissioner appointed by President Cleveland, to pay $4,000 rent annually for the building. But the committee has not heretofore sanctioned in the appropriation bill the payment of more than $3,600. We were informed—and we have no doubt it is true—that the present owner of the building, a Mr. Smith, who had built it—and it is very well adapted for offices——

Mr. McADOO. Let me ask whether Mr. Smith ever occupied or used this building himself.

Mr. McCOMAS. I really did not take any interest in the past career of Mr. Smith; and can only state that at the time this building now occupied for District offices was rented from him he was the owner.

Mr. McADOO. And the Government was the first tenant?

Mr. McCOMAS. Probably the Government was the first tenant of this building. The building was rented, as I have said, during the last Administration; but the rent we have heretofore paid, $3,600, is not immoderate in view of the fact that the owner has been offered $40,000 in cash for the building. He has come to us complaining that the Government has failed to keep faith with him; and the commissioners have recommended us to allow the rental of $4,000, which we have declined to do.

In view of these facts, until Congress, upon the motion of the gentleman from New Jersey and some other gentlemen, provides for removing the business of the District commissioners to the City Hall or for the erection of a new and commodious building for District purposes, it is safe to say that we are now paying a fair rent for this building, which is well adapted for the purposes of the District business. I trust I have satisfied the gentleman.

Mr. McADOO. Is the building being occupied under a lease?

Mr. McCOMAS. The lease which ran for a few years has expired; and if my impression is correct the building is now being occupied from year to year, a rental of $4,000 being claimed, but only $3,600 being paid.

Mr. McADOO. The passage of this item will not bind the Government to occupy this building any longer?

Mr. McCOMAS. Not beyond the fiscal year for which we are now providing.

Mr. McADOO. Then I suppose the District authorities had better continue to occupy it.

Mr. McCOMAS. Now, I hope I have satisfied my friend from New Jersey and that the Clerk will resume the reading.

The Clerk read as follows:

For advertising notice of taxes in arrear July 1, 1890, as required to be given by act of March 19, 1890, $5,500.

Mr. RICHARDSON. I move to amend by striking out the item just read. Mr. Chairman, I said I would not be partial in submitting the evidences of the treatment of this "downtrodden colored race," and I want to show that in the various States, North as well as South, this treatment is uniform. I now submit a statement showing the treatment of the colored people in the State of Illinois. I ask to have this read as a part of my remarks.

The Clerk read as follows:

NEGROES TO TAKE STRIKERS' PLACES.

SPRING VALLEY, ILL., *December* 10.

Twenty-nine negroes arrived at the Seatonville shaft of the Chicago, Wilmington, and Vermilion Coal Company, about 5 miles from here, yesterday, to dig coal. This is the first appearance of negroes as miners in this section. The arrival of the negroes has caused a flutter of excitement, as there is a strong feeling against them among the white miners. To-day another force of about fifty arrived.

Mr. RICHARDSON. The extract just read shows that in Illinois they are not willing even for these people to work in the mines. Now I want to show how they are treated in the district represented by my amiable friend from Chicago [Mr. TAYLOR]. I ask the Clerk to read.

The Clerk read as follows:

The following piece of news from Col. ABNER TAYLOR'S district in Chicago comes from the Chicago Herald. It shows how fond his constituents are of the colored men:

"A colored Methodist church is to be built at the corner of Twenty-fourth street and Wabash avenue unless the opposition of certain residents prevents it. The opposition to the colored church will probably take form in the organization of property-owners, who will take every legal step to prevent the location of the church in the neighborhood. They claim that the property was bought by a trick, and if it had been known that the lots were being sold for the purpose to which they will be put, double the amount paid for them would not have secured them."

Mr. RICHARDSON. I think it would be an outrage to charge a double price for property simply because the people who want it are colored.

Mr. HOLMAN. And when it is wanted for a church.

Mr. RICHARDSON. And when, as suggested by my friend from Indiana, the property is desired for church purposes.

I desire further to submit a statement of an incident which occurred at Winchester, in the State of Illinois, illustrating this race issue.

Mr. MILLER. Will the gentleman yield for a question?

Mr. RICHARDSON. I can not yield; I have not the time.

The Clerk read as follows:

TROUBLE BREWING—THE RACE ISSUE AT WINCHESTER, ILL., PRODUCTIVE OF LAWLESSNESS.

[Special to the Republic.]

WINCHESTER, ILL., *February* 13.

On Tuesday night, February 4, an attempt was made to ride a negro barber out of this town on a rail, but which signally failed, owing to the negro taking refuge in a restaurant until the city authorities tendered him protection. The following day the negro swore out warrants for the arrest of his persecutors, and four young men were arrested, found guilty, and are now incarcerated in the county jail. The negro, after the trial, left town, and has not been seen since, although the State attorney and others seem to know of his whereabouts.

The incarceration of the boys has created much comment during the past week, and the unruly element of the town has shown its disapprobation in the matter of sending White Cap notices to Attorney Collins and the State attorney, who conducted the prosecution, warning them that unless the men in jail are released the rope intended for the negro will be used on them.

[Here the hammer fell.]

Mr. McCOMAS. I rise to oppose the amendment.

Mr. McCREARY. I desire to ask the gentleman a question.

Mr. McCOMAS. I yield to the gentleman for a question.

Mr. McCREARY. The item just read is:

For general advertising, $3,000.

Then I observe that just following that is an item:

For advertising notice of taxes in arrear July 1, 1890, as required to be given by act of March 19, 1890, $5,500.

I would like to ask the gentleman from Maryland to explain the necessity for that provision.

The CHAIRMAN. The Chair will suggest that the pending motion is to strike out this paragraph.

Mr. McCREARY. I am aware of that, Mr. Chairman, but I would like to ask the gentleman who reported the bill to explain why the committee reported this provision favorably. Now, if it is correct that we shall appropriate the $3,000 as set forth in the bill I desire to vote for it; and I have asked the chairman to state the reasons for reporting favorably these provisions which I have read.

Mr. McCOMAS. If the gentleman will turn to the act of March 19, 1890, he will find it requires that the commissioners shall on the first Tuesday of April, 1890, and third Tuesday of March of each year thereafter, give notice which shall contain the name of each and every person——

The CHAIRMAN. The gentleman from Maryland will suspend until order is resumed on the floor.

Mr. McCREARY. It is impossible to hear the response of the gentleman.

Mr. McCOMAS. Then, Mr. Chairman, to make it short, because of the absence of interest manifested by gentlemen immediately around me, I will state that this requires publication in two newspapers for a given length of time of all delinquent taxes due this city, where the population comes and goes, and also a pamphlet publication of the delinquent taxpayers. This publication has had the effect heretofore of bringing into the District treasury quite a large sum of money from this source. This year a larger sum was asked by the commissioners for the advertising, but we concluded to allow no more than we were bound to allow under the provisions of the former laws. I will state that this publication has brought about the payment of a large portion of the personal taxes heretofore so long in arrears.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. CLEMENTS. I want to ask the gentleman a question.

Mr. McCOMAS. I yield to my colleague on the committee.

Mr. McCREARY. Mr. Chairman, I had not finished my statement. I yielded to the gentleman from Maryland to answer a question. I desire to say that I am earnest in asking for this information.

The CHAIRMAN. The Chair has no doubt of that, but the debate is exhausted on the pending amendment.

Mr. McCREARY. Then I move to amend by striking out the last two words.

Now, the first item to which I have called attention is for general advertising, $3,000. I heard the remarks of the gentleman from Maryland [Mr. McCOMAS] with regard to the arrears and advertising the notice of delinquent taxes. But what I wish to know is why the committee reported favorably the item for general advertising?

Mr. McCOMAS. The general advertisement is required by law for the letting of contracts for Government work of any character required to be done in the District.

Mr. McCREARY. But is not $3,000 an enormous sum to be allowed for that purpose?

Mr. McCOMAS. The committee thought not. The gentleman must remember that it is required by an act of Congress, and they are not only required to advertise in the District, but in other cities throughout the country, New York, Philadelphia, and other places. The expense is quite considerable at times.

Mr. McCREARY. How much was appropriated under this head last year?

Mr. McCOMAS. Three thousand dollars.

Mr. McCREARY. How long has it been fixed at that sum?

Mr. McCOMAS. This sum has been allowed for a series of years past. There have been deficiencies heretofore on this account because the advertisement is required by law, by an act of Congress.

Mr. McCREARY. And the investigation of the committee shows that $3,000 will be needed for this purpose?

Mr. McCOMAS. According to the best information the committee could obtain, after a full investigation of the subject, that amount was required. This has been the amount allowed for several years, as I have stated.

Mr. MILLS. It is now Saturday evening, and I hope the gentleman will move that the committee rise.

The CHAIRMAN. The question is on the motion of the gentleman from Tennessee to strike out this paragraph.

Mr. RICHARDSON. I withdraw the motion to strike out the paragraph.

The CHAIRMAN. The Clerk will read the next paragraph.

Mr. BRECKINRIDGE, of Kentucky. I wish to offer an amendment——

The Clerk read as follows:

To enable the register of wills to complete the reproduction of the old administration and guardian dockets prior to 1879, including clerical service and purchase of books, $1,000.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, I desired to offer an amendment in respect to the other section which was passed over, the one which the gentleman from Tennessee moved to strike out, but the clerk continued to read.

The CHAIRMAN. The gentleman rose for that purpose?

Mr. BRECKINRIDGE of Kentucky. That was my purpose. I move to amend by making the sum $5,000.

The reason I wish to offer the amendment—and I do not desire to insist on it if the explanation is satisfactory—is for the purpose of obtaining information. Is not the sum of $5,000 the amount which was appropriated by the act of March 19, 1890?

Mr. McCOMAS. There was no appropriation under that act.

Mr. BRECKINRIDGE, of Kentucky. Is that not the act which required the advertisement of arrears of taxes?

Mr. McCOMAS. That was the act.

Mr. BRECKINRIDGE, of Kentucky. And is it not in that act that the $5,000 was appropriated?

Mr. McCOMAS. There was no limitation of the appropriation in that act. I will state to the gentleman from Kentucky that the commissioners have asked this year for $6,000. The District law requires this publication, but we cut it down to $5,500. I will also call the attention of my colleague to the amount expended last year for this purpose, which was $5,521. We have appropriated less this year than was expended last year.

Mr. BRECKINRIDGE, of Kentucky. In point of fact, is it not too much? Could not the arrears of taxes be published at a smaller sum? Has the gentleman looked into this to see whether it could be reduced?

Mr. McCOMAS. These matters were all carefully looked into by the committee. We found that the rates charged for such advertisements were less than were paid in other places.

Mr. BRECKINRIDGE, of Kentucky. I am not officially informed, but have been told that this publication has not been by bill.

Mr. McCOMAS. It has been by pamphlet and newspaper publication.

Mr. BRECKINRIDGE, of Kentucky. And that the commissioners paid what the newspapers charged.

Mr. McCOMAS. They pay what the law requires.

Mr. BRECKINRIDGE, of Kentucky. That is, the law requires that it shall be printed in pamphlet form as well as in the newspapers.

Mr. McCOMAS. In two newspapers and a pamphlet.

Mr. BRECKINRIDGE, of Kentucky. I withdraw the amendment.

Mr. McCOMAS. Now, Mr. Chairman, as we have made such very remarkable progress on the District appropriation bill to-day and as the committee seems to be in a temper to rise, I move that the committee do now rise.

Mr. ROGERS. I feel constrained to congratulate my friend from Maryland [Mr. McCOMAS] on the admirable progress he has made to-day in the discussion of the bill. [Laughter.]

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BURROWS reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 12729) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1892, and had come to no resolution thereon.

Mr. CANDLER, of Massachusetts. Mr. Speaker——

Mr. McCOMAS. I move that the House do now adjourn.

The SPEAKER. The gentleman from Massachusetts [Mr. CANDLER] has a privileged report.

WORLD'S FAIR AT CHICAGO.

Mr. CANDLER, of Massachusetts, from the subcommittee of the World's Fair Committee, authorized by resolution of September 26, 1890, to investigate the World's Fair, presented the report of said subcommittee; which was ordered to lie over and to be printed.

Mr. MILLS. I move that the House do now adjourn.

Mr. McCOMAS. I had already made the motion.

The SPEAKER. The gentleman from Texas [Mr. MILLS] moves that the House do now adjourn.

The question was taken; and the Speaker announced that the noes seemed to have it.

On a division (demanded by Mr. MILLS) there were—ayes 62, noes 38.

Accordingly (at 4 o'clock and 50 minutes p. m.) the House adjourned.

EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

SUSPENDED ENTRIES OF PUBLIC LANDS.

Letter from the Secretary of the Interior, transmitting an abstract of suspended entries of public lands adjudicated and confirmed during the year ended June 30, 1890—to the Committee on the Public Lands.

CAPT. HENRY JOHNSON, MEDICAL STOREKEEPER.

Letter from the Secretary of War, transmitting a petition from Capt. Henry Johnson, medical storekeeper, United States Army, asking to be placed on the retired list—to the Committee on Military Affairs.

BAYOUS TIGRE AND CHEVREUIL, LOUISIANA.

Letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a report of the examination and survey of Bayous Tigre and Chevreuil, Louisiana—to the Committee on Rivers and Harbors.

BAYOU CASTOR, LOUISIANA.

Letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a report of the examination and survey of Bayou Castor, Louisiana—to the Committee on Rivers and Harbors.

CANE RIVER, LOUISIANA.

Letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a report of the examination and survey of Cane River, Louisiana—to the Committee on Rivers and Harbors.

APPROPRIATION RELATING TO THE BOUNTY ON SUGAR.

Letter from the Secretary of the Treasury, submitting estimates of appropriations required to carry into effect the provisions of the tariff act relating to the bounty on sugar—to the Committee on Appropriations.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred as follows:

A bill (S. 2529) granting a pension to Sarah J. Powers—to the Committee on Invalid Pensions.

A bill (S. 2635) for the relief of Charles G. Hood—to the Committee on Military Affairs.

A bill (S. 3473) making appropriations for the improvement of the Columbia River—to the Committee on Rivers and Harbors.

A bill (S. 4697) to pension Charles W. Geddes for services rendered in the war with Mexico—to the Committee on Pensions.

RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolution was introduced and referred as follows:

By Mr. LANGSTON:

Resolved, That the Hon. Attorney-General of the United States be requested to transmit to the House of Representatives all communications, orders, directions, and instructions which have been made, issued, or given by him to any United States district attorney, marshal or deputy marshal, commissioner, or other officers with regard to the institution and prosecution of any suits, of whatsoever character, under the act to enforce the right of citizens of the United States to vote in the several States of the Union, and for other purposes, passed by Congress May 31, 1870, and the act amendatory thereto passed by Congress February 28, 1871, and to communicate to the House the results of any suits instituted and prosecuted as stated;

to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. PEEL, from the Committee on Indian Affairs, reported favorably the bill of the House (H. R. 12993) to authorize the Fort Gibson, Tahlequah and Great Northeastern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes, accompanied by a report (No. 3189)—to the House Calendar.

Mr. THOMAS, from the Committee on War Claims, reported favorably the bill of the House (H. R. 13085) for the relief of William B. Reaney, surviving partner of the firm of Reaney, Son & Archbold,

accompanied by a report (No. 3490)—to the Committee of the Whole House.

Mr. GROUT, from the Committee on the District of Columbia, reported favorably the bill of the House (H. R. 12656) to provide commission to prepare municipal code for District of Columbia, accompanied by a report (No. 3491)—to the Committee of the Whole House on the state of the Union.

Mr. THOMAS, from the Committee on War Claims, reported favorably the bill of the House (H. R. 13063) for the relief of George M. Clapp, accompanied by a report (No. 3492)—to the Committee of the Whole House.

Mr. PAYSON, from the Committee on the Public Lands, reported favorably the bill of the House (H. R. 13103) to amend an act entitled "An act to forfeit certain lands heretofore granted for the purpose of aiding the construction of railroads, and for other purposes," approved September 29, 1890, accompanied by a report (No. 3493)—to the House Calendar.

Mr. HALL, from the Committee on Indian Affairs, reported favorably the bill of the House (H. R. 12939) for the relief of Basil Moreland, accompanied by a report (No. 3494)—to the Committee of the Whole House.

Mr. GROUT, from the Committee on the District of Columbia, reported favorably the bill of the House (H. R. 12442) to prohibit the sale of tobacco to or its use by minors under sixteen years of age in the District of Columbia, accompanied by a report (No. 3495)—to the House Calendar.

Mr. OSBORNE, from the Committee on Military Affairs, reported favorably the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 12152) for the relief of Henry L. Morey. (Report No. 3496.)

A bill (H. R. 3019) for the relief of Nathaniel Lang. (Report No. 3497.)

Mr. SWENEY, from the Committee on Commerce, to which was referred the bill of the House (H. R. 12649) to incorporate the Pan-American Transportation Company, and for other purposes, reported, as a substitute therefor, a bill (H. R. 13211) to incorporate the Pan-American Transportation Company; which was read twice, and, accompanied by a report (No. 3498), referred to the House Calendar.

Mr. SAWYER, from the Committee on Invalid Pensions, reported favorably the bill of the Senate (S. 3251) granting an increase of pension to Joseph C. Fosnot, accompanied by a report (No. 3499)—to the Committee of the Whole House.

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills and a joint resolution of the following titles were introduced, severally read twice, and referred as follows:

By Mr. McCOMAS (by request): A bill (H. R. 13188) to pay employés of the Post-Office Department additional compensation for extra services—the the Committee on the Post Office and Post Roads.

By Mr. RANDALL: A bill (H. R. 13189) providing for the erection of a light and fog-signal station at or near Butler's Flats, entrance to the lower harbor of New Bedford, Mass.—to the Committee on Commerce.

By Mr. BOATNER: A bill (H. R. 13190) to provide American registers for the steamers Foxhall and S. Oteri, of New Orleans, La.—to the Committee on Merchant Marine and Fisheries.

By Mr. HEARD (by request): A bill (H. R. 13191) to amend the charter of the Rock Creek Railway Company—to the Committee on the District of Columbia.

By Mr. PERKINS: A bill (H. R. 13192) to ratify and confirm certain agreements with the Cœur d'Alêne Indians in Idaho, the Sisseton and Wahpeton band of Dakota or Sioux Indians in North and South Dakota, the Citizen band of Pottawatomie Indians, and the Absentee Shawnee Indians, and the Cheyenne and Arapahoe tribes of Indians in Oklahoma Territory, and to make appropriations for carrying the same into effect, and for other purposes—to the Committee on Indian Affairs.

By Mr. WHEELER, of Alabama: A bill (H. R. 13193) to amend the pension laws to remove disability from certain persons—to the Committee on Invalid Pensions.

By Mr. ELLIS: A bill (H. R. 13194) to authorize the building of special bonded warehouses and for storing therein spirits made from corn and other grain, and to punish frauds connected with same—to the Committee on Public Buildings and Grounds.

By Mr. MANSUR: A bill (H. R. 13195) to enlarge the limits of the Territory of Oklahoma, to extend existing laws of said Territory over the lands of the Cherokee Outlet west of the ninety-sixth degree of longitude, in the Indian Territory, and for other purposes—to the Committee on the Territories.

By Mr. FLOWER: A joint resolution (H. Res. 271) asking that a commission be appointed to see if increased post-office facilities are needed in New York City—to the Committee on the Post Office and Post Roads.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BLISS: A bill (H. R. 13196) granting a pension to Martha A. Johnson—to the Committee on Invalid Pensions.

By Mr. BOOTHMAN: A bill (H. R. 13197) for the relief of ——— Cairney, widow of Michael Cairney—to the Committee on Claims.

By Mr. CLUNIE: A bill (H. R. 13198) for the reinstatement of Maurice Krasynski, late second lieutenant of the Twelfth United States Infantry, to be afterwards wholly retired—to the Committee on Military Affairs.

By Mr. FITCH: A bill (H. R. 13199) for the relief of Capt. Edward O'Shea—to the Committee on War Claims.

By Mr. GEARY: A bill (H. R. 13200) to increase the pension of William M. Boggs—to the Committee on Pensions.

By Mr. HATCH: A bill (H. R. 13201) granting a pension to Thomas Hale, a soldier in the Black Hawk war—to the Committee on Pensions.

Also, a bill (H. R. 13202) granting a pension to Tippo S. Williams, a soldier in the Black Hawk war—to the Committee on Pensions.

By Mr. EDWARD R. HAYS: A bill (H. R. 13203) to pay John Brownlee the sum of $300, value of a horse lost in the Indian war—to the Committee on Claims.

Also, a bill (H. R. 13204) providing for the pensioning of John Brownlee, a soldier in the Indian war of 1855 and 1856—to the Committee on Pensions.

By Mr. HENDERSON, of Illinois: A bill (H. R. 13205) to grant a pension to Mary E. Dubridge—to the Committee on Pensions.

By Mr. LACEY: A bill (H. R. 13206) restoring the name of Emily J. Welker to the pension roll—to the Committee on Invalid Pensions.

By Mr. McCREARY: A bill (H. R. 13207) for the benefit of William R. Ballard—to the Committee on War Claims.

Also, a bill (H. R. 13208) for the relief of B. F. Chatham—to the Committee on War Claims.

Also (by request), a bill (H. R. 13209) for the relief of the legal representatives of Joseph Leighton—to the Select Committee on Indian Depredation Claims.

By Mr. MORRILL: A bill (H. R. 13210) granting an increase of pension to John H. Tipton—to the Committee on Invalid Pensions.

By Mr. RANDALL: A bill (H. R. 13212) granting a pension to George James—to the Committee on Pensions.

Also, a bill (H. R. 13213) to pension Mrs. Adeline S. Wilbur—to the Committee on Pensions.

By Mr. STUMP: A bill (H. R. 13214) for the relief of Harvey E. Maccown—to the Committee on Invalid Pensions.

By Mr. WALLACE, of New York: A bill (H. R. 13215) for the relief of Capt. John T. Bruen—to the Committee on War Claims.

By Mr. WHITING: A bill (H. R. 13216) for the relief of Jesse C. Myers—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BLISS: Petition of citizens of Gratiot County, Michigan, praying for a pension for Martha A. Johnson—to the Committee on Invalid Pensions.

By Mr. COGSWELL: Petition of John H. Pillsberry, of Caleb Cushing Council, No. 8, United Order of American Mechanics, for certain restrictions on immigration—to the Select Committee on Immigration and Naturalization.

By Mr. COOPER, of Ohio: Petition of David Neal and other citizens of Union County, Ohio, for passage of House bill 5353, defining options and futures—to the Committee on Agriculture.

Also, resolutions of Flatwood Alliance, No. 584, of same county and State, for same measure—to the Committee on Agriculture.

By Mr. CRAIG: Petition of citizens of Jefferson County, Pennsylvania, for passage of the bill defining options and futures—to the Committee on Agriculture.

By Mr. CULBERTSON, of Pennsylvania: Sundry petitions of citizens of Erie County, Pennsylvania, asking passage of the option bill, H. R. 5353—to the Committee on Agriculture.

By Mr. DARLINGTON: Petition of many citizens of Pennsylvania, for passage of Senate bill 4173—to the Committee on Education.

By Mr. DOLLIVER: Petition of 60 citizens of Forest City, Winnebago County, Iowa, for passage of a law to control the manufacture and sale of all compounds in imitation of butter—to the Committee on the Judiciary.

By Mr. DORSEY: Petition of 20 citizens of Boone County, Nebraska, in favor of House bill 5353—to the Committee on Agriculture.

Also, petition of 87 citizens of Burt County, Nebraska, for same measure—to the Committee on Agriculture.

Also, petition of citizens of Custer County, Nebraska, for same measure—to the Committee on Agriculture.

Also, petition of citizens of Cuming County, Nebraska, for same measure—to the Committee on Agriculture.

Also, petition of citizens of Buffalo County, Nebraska, for same measure—to the Committee on Agriculture.

Also, petition of citizens of Burt County, Nebraska, for same measure—to the Committee on Agriculture.

Also, petition of citizens of Burt County, Nebraska, for same measure—to the Committee on Agriculture.

Also, petition of citizens of Cuming County, Nebraska, for same measure—to the Committee on Agriculture.

Also, petition of 10 citizens of Cuming County, Nebraska, for same measure—to the Committee on Agriculture.

Also, petition of 28 citizens of Custer County, Nebraska, for same measure—to the Committee on Agriculture.

Also, petition of 54 citizens of Custer County, Nebraska, for same measure—to the Committee on Agriculture.

Also, petition of 22 citizens of Buffalo County, Nebraska, for same measure—to the Committee on Agriculture.

Also, petition of 13 citizens of Cedar County, Nebraska, for same measure—to the Committee on Agriculture.

Also, petition of 9 citizens of Custer County, Nebraska, for same measure—to the Committee on Agriculture.

Also, petition of 10 citizens of Custer County, Nebraska, for same measure—to the Committee on Agriculture.

Also, petition of 9 citizens of Custer County, Nebraska, for same measure—to the Committee on Agriculture.

Also, petition of 44 citizens of Custer County, Nebraska, for same measure—to the Committee on Agriculture.

Also, petition of 21 citizens of Buffalo, Nebr., for same measure—to the Committee on Agriculture.

Also, petition of Tappan Valley Alliance, of Nebraska, for same measure—to the Committee on Agriculture.

By Mr. DUNNELL: Petition of William Erke and 13 others, citizens of Minnesota, praying for the speedy passage of the Butterworth option bill—to the Committee on Agriculture.

Also, petition of Dan Maloney and 18 others, citizens of Minnesota, for same measure—to the Committee on Agriculture.

Also, petition of B. F. Tixon and 18 others, citizens of Minnesota, for same measure—to the Committee on Agriculture.

Also, petition of Adam Coon and 27 others, citizens of Minnesota, for same measure—to the Committee on Agriculture.

Also, petition of Herrman Bogard and 10 others, citizens of Minnesota, for same measure—to the Committee on Agriculture.

Also, petition of W. K. Payne and 11 others, citizens of Minnesota, for same measure—to the Committee on Agriculture.

Also, petition of E. A. Manly and 20 others, citizens of Minnesota, for same measure—to the Committee on Agriculture.

Also, petition of Albert Lelke and 10 others, citizens of Minnesota, for same measure—to the Committee on Agriculture.

By Mr. FUNSTON: Resolution of Wea Grange, No. 445, Bucyrus, Kans., favoring the Conger lard bill—to the Committee on Agriculture.

By Mr. HATCH: Petition and important papers to accompany House bill granting a pension to Thomas Hale, a soldier in the Black Hawk war—to the Committee on Pensions.

Also, petition and important papers to accompany same bill for same purpose—to the Committee on Pensions.

By Mr. HAUGEN: Petition of August Hill and 34 other citizens of Buffalo County, Wisconsin, for passage of the antioption bill—to the Committee on Agriculture.

By Mr. WALTER I. HAYES: Petition of 16 citizens of Muscatine County, Iowa, in favor of the option bill—to the Committee on Agriculture.

Also, a petition from 30 other citizens of same county, for same measure—to the Committee on Agriculture.

Also, resolutions of Nolo Lodge, Farmers' Mutual Benefit Association, of same county, for same measure—to the Committee on Agriculture.

Also, petition of 16 other citizens of same county, for same measure—to the Committee on Agriculture.

Also, petition of 15 other citizens of same county, for same measure—to the Committee on Agriculture.

Also, resolutions of Adams Lodge, Farmers' Mutual Benefit Association, of same county and State, for same measure—to the Committee on Agriculture.

By Mr. EDWARD R. HAYS: Petition and proof in support of pension claim of John Brownlee—to the Committee on Pensions.

Also, petition of W. S. Burchfield and 21 others, citizens of Dallas County, Iowa, in favor of the Butterworth antioption bill—to the Committee on Agriculture.

Also, resolutions of Eureka Alliance, No. 1507, of same county and State, for same measure—to the Committee on Agriculture.

Also, petition of James Sigerson and 19 others, citizens of same county and State, for same measure—to the Committee on Agriculture.

Also, resolutions of Beaver Center Alliance, No. 1662, Perry, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of the Norwalk Woman's Christian Temperance Union of Iowa, urging the appointment of a committee to inquire into the liquor traffic—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. HENDERSON, of Iowa: Paper from 45 citizens of Hopkinton, Delaware County, Iowa, asking for the enactment of a law giving to the several States authority to control the manufacture and sale of oleomargarine—to the Committee on the Judiciary.

By Mr. HITT: Resolutions of the Winnebago County (Illinois) Farmers' Mutual Benefit Association, urging legislation to stop grain gambling and favoring Butterworth antioption bill—to the Committee on Agriculture.

By Mr. KERR, of Iowa: Petition of citizens of Cass Township, Jones County, Iowa, in favor of passage of a law to permit the State to regulate the sale of oleomargarine—to the Committee on the Judiciary.

Also petition of 38 citizens of Linn County, Iowa, in favor of the Butterworth bill to prohibit options—to the Committee on Agriculture.

Also, petition of 105 citizens of Benton County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of Northern Grundy County Alliance, in favor of same measure—to the Committee on Agriculture.

Also, petition of 39 citizens of same county and State, for same purpose—to the Committee on Agriculture.

By Mr. LACEY: Petition and evidence asking for and in support of a special act granting a pension to Milton Iserman, of Iowa—to the Committee on Invalid Pensions.

Also, papers and proof in support of claim of Barton Handy—to the Committee on Military Affairs.

By Mr. LODGE: Papers to accompany House bill 12750—to the Committee on Pensions.

By Mr. McCLELLAN: Petition of 22 members of Eel River Alliance, No. 1, of Allen County, Indiana, also resolutions of said Alliance demanding the passage of House bill 5353, known as the option bill, defining "options" and "futures" and imposing special taxes upon dealers therein, in the firm belief that the burdens and restrictions it imposes upon gambling in agricultural products will destroy the business which prevents the farmer and planter from receiving a fair and reasonable compensation for the labor and expense of products—to the Committee on Agriculture.

By Mr. McCOMAS: Petition numerously signed by employés in the Post-Office Department for an increased compensation for services rendered—to the Committee on the Post Office and Post Roads.

By Mr. MAISH: Petition of Craten W. Bront, of York, Pa., praying passage of an act granting him a pension for services rendered in the Mexican war—to the Committee on Pensions.

By Mr. MORRILL: Petition of E. Hubbell, of Leavenworth County, Kansas, and 108 others, asking passage of House bill 5353, defining options and trusts—to the Committee on Agriculture.

Also, petition of Patrick Gagan and 22 others of Leavenworth County, Kansas, for same measure—to the Committee on Agriculture.

Also, petition of D. McConnell and 60 others, of Sherman Alliance, Kansas, asking passage of House bill 5353—to the Committee on Agriculture.

Also, petition of J. W. Horsley and 22 others, of Leavenworth County, Kansas, for same measure—to the Committee on Agriculture.

Also, resolutions of Glenwood Farmers' Alliance for same measure—to the Committee on Agriculture.

Also, resolutions of Pleasant Prairie (Kansas) Alliance for same measure—to the Committee on Agriculture.

Also, resolutions of Bell Alliance, Kansas, for same measure—to the Committee on Agriculture.

Also, petition of L. Seafert and others, of Leavenworth, Kans., for same measure—to the Committee on Agriculture.

By Mr. O'DONNELL: Petition of Washington Branch of the Women's National Indian Association, requesting immediate action upon House joint resolution 258 to extend to Alaska the benefit of the laws encouraging instruction in American and mechanic arts and means of furnishing subsistence to the starving Esquimaux of that Territory—to the Committee on Education.

By Mr. O'NEILL, of Pennsylvania: Resolution of National Encampment Grand Army of the Republic, at Boston, Mass., August 13, 1890, favoring and urging the speedy passage of House bill 6790—to the Committee on the Library.

By Mr. PAYNTER (by request): Petition of Samuel A. Wade, Company I, Fourth Regiment Kentucky Infantry, for discharge, pay, bounty, and original invalid pension—to the Committee on Invalid Pensions.

By Mr. PERKINS: Petition of J. M. Osborn and 26 others, of Crawford County, Kansas, favoring passage of the option bill, H. R. 5353—to the Committee on Agriculture.

Also, resolutions of Mound Valley Lodge, No. 3060, Farmers' Mutual Benefit Association, of Crawford County, Kansas, for the same measure—to the Committee on Agriculture.

Also, resolutions of the Farmers' Alliance and Industrial Union, of Crawford County, Kansas, for same measure—to the Committee on Agriculture.

Also, petition of E. F. Holmes and 22 others, citizens of Chloride, N. Mex., praying passage of the Perkins bill providing for free schools in New Mexico—to the Committee on the Territories.

Also, protest of A. W. Carr and 16 others, opposing House bill 11568—to the Committee on Agriculture.

By Mr. REED, of Iowa: Petition of A. Bouman and 10 others, citizens of Linn County, Iowa, in favor of the speedy passage of the Butterworth option bill, H. R. 5353—to the Committee on Agriculture.

Also, petition of N. O. Keen and 29 others, citizens of Marshall County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of W. C. Best and 18 others, citizens of Tama County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of W. M. Furnas, and 30 others, citizens of Belle Plaine, Benton County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of A. M. Reynolds and 28 others, citizens of Linn County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of D. W. Richards and 16 others, citizens of Linn County, Iowa, for same measure—to the Committee on Agriculture.

Also, resolutions of Brown Center Alliance, No. 711, of Iowa, for same measure—to the Committee on Agriculture.

Also, resolutions of Le Grand Alliance, No. 754, of Le Grand, Marshall County, Iowa, for the same measure—to the Committee on Agriculture.

Also, resolutions of Genesee Farmers' Alliance, No. 1163, of Tama County, Iowa, for same measure—to the Committee on Agriculture.

By Mr. STONE, of Kentucky: Petition of Newton J. Ross, of Hunt County, Texas, for reference of claim to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

Also, petition of Arthur Ashton, of Fauquier County, Virginia, for same relief—to the Committee on War Claims.

Also, petition of P. C. Montgomery, of New Orleans, La., for same relief—to the Committee on War Claims.

Also, petition of James L. Wilburn, administrator of Elias Wilburn, late of Jackson County, Alabama, for same relief—to the Committee on War Claims.

Also, petition of William Brents, of Saline County, Arkansas, for same relief—to the Committee on War Claims.

Also, petition of James M. Brooks, of Shelby County, Tennessee, for same relief—to the Committee on War Claims.

Also, petition of Cave J. Crockett, administrator of John J. Crockett, late of Obion County, Tennessee, for same relief—to the Committee on War Claims.

Also, petition of J. A. Kyle, administrator of Nelson Kyle, late of Jackson County, Alabama, for same relief—to the Committee on War Claims.

By Mr. STONE, of Pennsylvania: Petition of 47 citizens of Eldorn Township, Warren County, Pennsylvania, in favor of House bill 5353, defining options—to the Committee on Agriculture.

Also, petition of 40 others, citizens of Pennsylvania, in favor of same measure—to the Committee on Agriculture.

By Mr. SWENEY: Petition of J. White and 31 others, citizens of Clear Lake, Iowa, for passage of a law to control the manufacture and sale of all compounds in imitation of butter—to the Committee on the Judiciary.

Also, petition of E. Cobb and 21 others, citizens of same city, for same measure—to the Committee on the Judiciary.

Also, petition of A. R. Rungard and 21 others, citizens of Westgate, Iowa, in favor of same measure—to the Committee on the Judiciary.

By Mr. JOSEPH D. TAYLOR: Petition of 143 citizens of Pennsylvania, asking for a commission to inquire concerning the alcoholic liquor traffic, its effect upon vice and crime, wages, and labor, etc.—to the Select Committee on the Alcoholic Liquor Traffic.

Also, petition of 144 other citizens of Pennsylvania, asking passage of the inquiry bill as to intoxicating liquor, its effect upon vice and crime, capital, wages, and labor, etc.—to the Select Committee on the Alcoholic Liquor Traffic.

Also, petition signed by 34 citizens of Station 15, Harrison County, Ohio, praying for passage of House bill 5353, defining options and futures—to the Committee on Agriculture.

Also, resolutions of Suballiance 356, of Harrison County, Ohio, for same measure—to the Committee on Agriculture.

By Mr. THOMAS: Resolutions of Farmers' Alliance, Vernon County, Wisconsin, asking passage of the option bill (H. R. 5353)—to the Committee on Agriculture.

Also, petition of G. M. Clark and 44 others, of Richland County, Wisconsin, for same measure—to the Committee on Agriculture.

Also, petition of Tillman Sander and 78 others, citizens of Vernon County, Wisconsin, for same measure—to the Committee on Agriculture.

Also, resolutions of Richland County (Wisconsin) Farmers' Alliance, asking passage of same measure—to the Committee on Agriculture.

By Mr. TURNER, of Kansas: Petition of Mayflower Alliance, Rawlins County, Kansas, urging passage of option bill—to the Committee on Agriculture.

By Mr. WHEELER, of Alabama: Petition of L. Martin, executor of Francis C. Martin, deceased, late of Limestone County, Alabama, praying that his war claim be referred to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. WILLIAMS, of Ohio: Petition of John P. Lincoln and others, citizens of Montgomery County, Ohio, for passage of House bill 5353, defining options and futures—to the Committee on Agriculture.

By Mr. WILSON, of Missouri: Petition of Luke Wright, William H. Jackson, and 32 others, citizens of Andrew County, Missouri, in favor of the early passage of the farmers' antioption bill, H. R. 5353—to the Committee on Agriculture.

Also, resolutions of West Star Alliance, No. 98, at Fillmore, Andrew County, Missouri, for same measure—to the Committee on Agriculture.

By Mr. WILSON, of Washington: Resolutions of Blue Mountain Farmers' Alliance, of Pomeroy, Garfield County, Washington, praying for the speedy passage of the Butterworth option bill, H. R. 5353—to the Committee on Agriculture.

Also, petition of O. Strangeland and 19 others, citizens of Spokane County, Washington, for same measure—to the Committee on Agriculture.

Also, petition of M. M. Batterton and 12 others, citizens of Pleasant Valley Alliance, of Garfield County, Washington, for same measure—to the Committee on Agriculture.

Also, petition of G. A. Cornwall and 28 others, citizens of Spokane County, Washington, for same measure—to the Committee on Agriculture.

Also, petition of Joshim Lubking and 6 others, citizens of Garfield County, Washington, for same measure—to the Committee on Agriculture.

Also, resolutions of New Hope Farmers' Alliance of Columbia County, Washington, for same measure—to the Committee on Agriculture.

Also, resolutions of Pleasant Valley Alliance, of Garfield County, Washington, for same measure—to the Committee on Agriculture.

Also, petition of W. H. Miller and 48 others, citizens of Klikitat County, Washington, for same measure—to the Committee on Agriculture.

Also, petition of E. G. Teale and 18 others, citizens of Pomeroy County, Washington, for same measure—to the Committee on Agriculture.

Also, resolutions of Spring Alliance, No. 102, of Garfield County, Washington, for same measure—to the Committee on Agriculture.

Also, resolutions of Klikitat Alliance, No. 142, of Goldendale, Klikitat County, Washington, for same measure—to the Committee on Agriculture.

Also, resolutions of Ping Farmers' Alliance of Garfield County, Washington, for same measure—to the Committee on Agriculture.

Also, petition of W. H. Sutton and 14 others, citizens of Columbia County, Washington, for same measure—to the Committee on Agriculture.

Also, petition of C. L. Ford and 36 others, citizens of Covello, Columbia County, Washington, for same measure—to the Committee on Agriculture.

SENATE.

MONDAY, *January* 19, 1891.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

APPROVAL OF THE JOURNAL.

The Journal of the proceedings of Friday last was read.

Mr. GORMAN. Mr. President, I listened to the reading of the Journal, but the Secretary read so fast that I could not follow him. I wish to know whether the entries made in the Journal are in conformity with the RECORD. I desire to call the attention of the Senator from Massachusetts [Mr. HOAR] to it, so that we have no misunderstanding about this matter. I take it for granted the Journal is in conformity with the RECORD. If so, there is an evident mistake which I am quite certain the Senator from Massachusetts will have corrected. On page 1573 of the RECORD of Friday's proceedings, midway down the second column, it will be found that the Senator from Massachusetts offered an amendment on page 118, section 26, line 6, of the elections bill, to strike out the word "the" and insert the word "a," so as to read:

And when made out shall be presented to either a circuit or district judge in the district, etc.

And then the RECORD says:

The amendment to the amendment was agreed to.

Then the Senator from Massachusetts followed it up by offering another amendment to page 118, section 25, line 3, which it is not necessary to read. The Senator from Florida [Mr. PASCO] then rose and made a statement that he had offered an amendment to the amendment or a substitute for it to strike out all after the word "may," in the second line, down to the word "be," in line 6, and to insert the words "appoint a." After a colloquy between the Senator from Massachusetts and the Senator from Florida the Senator from Massachusetts agreed that the amendment should go over and not be considered, as it was likely to lead to debate. He announced that it was within five minutes of 6; that he intended to move that the Senate adjourn at 6;

and as he proposed one or two other amendments, but finding that amendment was likely to bring on a debate, he agreed to let them all go over.

On page 1574 of the RECORD, near the bottom of the page, the Vice President said:

The Chair is of the impression that he announced that the amendment on page 118, substituting the word "a" for the word "the," was agreed to.

That was an amendment which by unanimous consent went over, the Senator from Florida having offered a substitute.

Mr. HOAR. I will say, without going into the matter, that so far as the Senator is concerned, whatever be the correctness of the fact one way or the other, the action was announced very hurriedly at the close of the session; and I will agree that anything in regard to it which the Senator thinks was misunderstood shall be treated as not having occurred.

We will not have any trouble about it; but I think, however, the Journal is correct. I understood that what went over was the provision about striking out the circuit-court commissioner. The Senator from Florida desired to have the judge at liberty to appoint any person, whether a circuit-court commissioner or not, to the office of deputy commissioner, and that is what I understand was reserved and went over; but the little amendment substituting "a" for "the" I understood was agreed to. If there is any misunderstanding about it, the Senator will find no objection to having it kept open.

Mr. GORMAN. I felt certain the Senator from Massachusetts would do that, and I desired to call his attention to it. I know the clerks, in the confusion of the moment, made the wrong entry, which would exclude the amendment of the Senator from Florida, which it was unanimously agreed should be considered this morning, and the Senator's amendment with it. I was quite certain the Senator from Massachusetts would take that view of it.

Mr. HOAR. What the Vice President meant, I have no doubt, and what I understood at the time, was that the amendment substituting the word "a" for the word "the," which I suppose was unobjected to, should be considered as agreed to. An amendment was proposed the effect of which would leave the judge of the court to appoint any deputy he chose instead of being confined to the deputy suggested by the chief commissioner—any commissioner to be chosen as a deputy. The Senator from Florida desired to have action on that amendment suspended because he insisted that it should be in the power of the judge to appoint any person whether a commissioner or not to the office of deputy. That is what I understood went over.

Mr. GORMAN. Very good. I took it for granted the Senator from Massachusetts would agree that the understanding should be carried out and that the permanent RECORD should be corrected.

Mr. President, I followed the long Journal which has just been read as closely as I could. I take it that it contains the same statement that is found in the RECORD on page 1545, and I refer to this matter now with a view of simply putting the facts before the Senate at this time, for I am quite certain that always every Senator simply desires in the administration of the affairs of the Senate that the rules shall be strictly followed, and whatever rights the minority or any Senator is entitled to under them shall be fairly administered. The following appears on page 1545 of the RECORD containing Friday's proceedings:

Mr. HOAR. I move to lay the amendment of the Senator from South Carolina [Mr. BUTLER] on the table.

I should like the attention of the distinguished Senator from Kansas [Mr. INGALLS] especially to this matter.

The VICE PRESIDENT. The question is on the motion of the Senator from Massachusetts.

Mr. FAULKNER. That is not the amendment now pending before the Senate.

The VICE PRESIDENT. The amendment pending before the Senate is the amendment offered by the Senator from Tennessee [Mr. HARRIS] to the amendment proposed by the Senator from South Carolina [Mr. BUTLER].

Mr. HOAR. My motion to lay the amendment of the Senator from South Carolina on the table carries with it the proposed amendment to the amendment.

The VICE PRESIDENT. The Senator is correct. The question is on agreeing to the motion of the Senator from Massachusetts.

Mr. GORMAN. Mr. President——

The VICE PRESIDENT. The motion is not debatable.

Mr. GORMAN. I rise to a point of order.

The VICE PRESIDENT. The Senator will state his point of order.

Mr. GORMAN. The Senator from Massachusetts, as a matter of course, under the rule can move to lay the pending amendment on the table, but the amendment that is pending is a second amendment, an amendment offered to the amendment of the Senator from South Carolina, and I submit that it is not in order to lay both amendments on the table by one motion.

The VICE PRESIDENT. The Chair is of the opinion that the motion of the Senator from Massachusetts to lay the amendment of the Senator from South Carolina on the table carries with it the amendment to that amendment offered by the Senator from Tennessee.

Mr. GORMAN. Mr. President, I shall be compelled to appeal from the decision of the Chair.

Mr. HOAR. The rule is explicit.

Mr. GORMAN. On that appeal I demand the yeas and nays.

Mr. HOAR. I move to lay the appeal on the table.

Mr. GORMAN. I have not yielded the floor.

The VICE PRESIDENT. The Senator from Maryland is on the floor.

Mr. GORMAN. Mr. President——

Mr. EDMUNDS. The appeal is not debatable, Mr. President.

The VICE PRESIDENT. The Chair holds that it is not debatable.

Mr. GORMAN. I submit that an appeal from the decision of the Chair is debatable; and the Senator from Vermont can not find a precedent where an appeal from a decision of the Chair is not debatable on a question of this sort.

Mr. EDMUNDS. I state my point of order that the appeal is not debatable. The original motion being a nondebatable motion, an appeal from the decision of the Chair on that is not debatable. That is my point of order.

The VICE PRESIDENT. The Chair holds that the point of order is well taken by the Senator from Vermont, and that an appeal upon a question which is itself not debatable is not debatable.

Then follows a colloquy which it is not necessary to read. Now, Mr. President, it is important to the good conduct of the business of this body that the rule and the facts shall be stated in this case. I have no question, as we all have none, that the Vice President's desire is to make the decision in all these matters in exact accordance with the rules, and there has been, and always will be, variance of opinion as to the true construction of the rules. Cut off as we were by his decision from the presentation of the case as we understood it (and I do not think there can be any doubt on a review of the case, that he will be convinced that he was in error in that decision), it becomes important now to call attention to the rule of the Senate on this point and the changes that were made in it.

The Vice President decided that, on an appeal from his decision upon a question that was pending which itself was not debatable, the appeal was not debatable. He did not go beyond that. I have no doubt the Vice President had in mind the old rule of the Senate, which provided that when an appeal was taken from a nondebatable question then debate was not in order upon the appeal itself; but I think I shall show the Vice President and the Senate in a moment that that rule, which obtained until 1884 in this body, was in direct conflict with all the authorities.

The Senate, on the report of the then chairman of the Committee on Rules, the distinguished Senator from Maine [Mr. FRYE] (and I think at that time I had the honor of serving with him upon his committee), finding that the old rule of the Senate was in direct conflict with the general parliamentary law, modified the rule so as to make it conform with the general parliamentary law and admit debate upon an appeal from every question whether the original question was debatable or not.

I hold in my hand a report of that committee made to the Senate in 1883 by the Senator from Maine [Mr. FRYE]. That report contains the old rule then in existence, Rule XLI, and the new rule, which is now Rule XX. I read from the report of the Committee on Rules, on page 19 of the report. That report contained the rules in one column that were then in force in the Senate and in the opposite column were the proposed rules. Rules XL and XLI as they stood prior to 1884 were as follows:

ORDER—QUESTIONS OF.

40. A question of order may be raised at any state of the business, except when the Senate is dividing, and, when raised, shall be decided by the Presiding Officer, without debate, subject to an appeal to the Senate; or he may submit any question of order for the decision of the Senate.

ORDER—APPEALS ON QUESTIONS OF.

41. When an appeal is taken from the decision of the Chair, any subsequent questions of order which may arise before that appeal shall be determined, likewise any appeal therefrom, shall be decided without debate. All appeals taken when a proposition not debatable is pending shall also be decided without debate; and any appeal may be laid on the table without prejudice to the pending proposition, and thereupon shall be held as affirming the decision of the Chair.

That was the old rule. It has been changed; it no longer governs here. But I want to say to the Vice President—and I think we shall show it clearly before we get through—that even that rule, which specifically provided that an appeal was not debatable only when the question itself was not debatable, was never enforced in the Senate.

Mr. HOAR. May I inquire before the Senator proceeds what is the question before the Senate?

Mr. GORMAN. It is my motion to correct the Journal, which is still pending.

Mr. HOAR. I should like to have the motion stated from the Chair. That has not been done. There has not been certainly any motion stated from the Chair to correct the Journal.

Mr. GORMAN. I trust the Senator will permit me on this important question to go on without a mere technicality being raised. I will make the motion in writing, if necessary.

Mr. HOAR. It is not any technicality, but I think we are entitled to know from the Chair what the question is before the Senate.

The VICE PRESIDENT. Will the Senator state what correction he desires to have made in the Journal?

Mr. GORMAN. I wish to correct the Journal in regard to the entry as to the last amendment. I shall take but a few moments on this matter. Certainly the Senator from Massachusetts and all want the rule properly understood.

Mr. HOAR. Will the Chair state the motion? and then we shall know what is the question.

The VICE PRESIDENT. Will the Senator send his motion to the desk?

Mr. GORMAN. I will send it to the desk in a moment. It is not entered in the Journal.

The VICE PRESIDENT. The point where the correction is desired will be ascertained in the Journal.

Mr. GORMAN. My motion is to correct the Journal by inserting in it what the Senator from Massachusetts agreed to. It does not ap-

pear there in that form. Where the Journal states that the Senator from Massachusetts [Mr. HOAR] moved to amend section 6, line 6, page 118, by inserting the word "a" instead of the word "the," I move the further insertion that it was unanimously agreed that the amendment should go over until Monday. That is my motion.

Mr. HOAR. Let the motion be stated.

Mr. GORMAN. Now, I was going to say——

Mr. HOAR. Let the motion be stated regularly from the desk.

The VICE PRESIDENT. The motion will be stated from the desk.

Mr. GORMAN. I hope we shall follow that rule always.

The Chief Clerk read as follows:

On page 118, section 26, line 6, strike out the word "the" and insert the word "a."

Mr. HOAR. What is the motion? That is what appears in the Journal.

Mr. GORMAN. I move the further insertion that the amendment went over by unanimous consent.

Mr. HOAR. That you move to have inserted?

Mr. GORMAN. That is all, sir.

The VICE PRESIDENT. The Chief Clerk will read the Journal entry.

The Chief Clerk read as follows:

Page 118, section 26, line 6, strike out the word "the" and insert the word "a."

Mr. HOAR. That is what was done.

Mr. GORMAN. I wish to have it appear that that amendment went over by unanimous consent, without being acted upon.

The VICE PRESIDENT. As the Chair announced on Friday, he understood that that amendment was agreed to.

Mr. GORMAN. That is the very point I have raised.

Mr. HOAR. The Secretary has not announced any pending motion. He has only announced what is recorded as having taken place on Friday.

The VICE PRESIDENT. The portion of the Journal which the Senator from Maryland desires to have corrected will be read.

The Secretary read as follows:

The reported amendment having been further amended on motion of Mr. VANCE and on motion of Mr. HOAR,

Pending debate.

The VICE PRESIDENT. Does the Senator from Maryland desire to have the words he proposes to add inserted after the part which has been read by the Chief Clerk or after the part which has been read by the Secretary?

Mr. GORMAN. I shall draw it up in writing, if the Chair desires.

Mr. SPOONER. As I understand it, the Journal is correct. I think the Senator from Maryland doubtless submits this as a *pro forma* motion for the purpose of enabling him to state his view as to the construction of the rule of governing the right of debate in a certain instance. I hope the Senator need not be put to the trouble of a technical motion in order to enable him to state the point he desires to lay before the Senate. I have no doubt he is sincere in his construction of the rules, and if he desires (as I understand he does not intend to take much time) to present the question, which is an important one, I ask unanimous consent that he may be allowed to do so.

Mr. HOAR. There is no objection to that course, but I want to have some orderly proceeding. There is no objection to that course at all.

Mr. GORMAN. Mr. President——

Mr. INGALLS. I hope debate will be suspended until the conversation in my neighborhood is concluded.

The VICE PRESIDENT. Senators will please take their seats and cease audible conversation.

Mr. HOAR. Mr. President, I have no desire to interrupt the Senator's statement of this question, which I agree with him is an interesting and important one. All I desire is that the matter shall go on under the rules of the Senate. If the Senator from Maryland moves an amendment, either substantial or formal, to the Journal I desire to have that made and stated from the Chair like other motions. If, on the other hand, the Senator prefers to proceed by asking unanimous consent that he may address the Senate on a particular subject there is no objection to that, so far as I know, but I want to know what is the order of business.

Mr. GORMAN. Mr. President, I am very much indebted to the distinguished Senator from Wisconsin [Mr. SPOONER], who is always fair and acts in accordance with the usages of this body, and I want to say, for his benefit and for the benefit of the Senators who were not in at the moment, that I rose for the purpose of correcting a mistake made by the Presiding Officer and the clerks on an amendment which was pending and calling the attention of the Senator from Massachusetts to the fact——

Mr. HARRIS. I ask the Senator from Maryland to speak a little louder. I can not hear what he is saying though I sit near him.

Mr. GORMAN. It was this, that on page 118 of the bill, lines 3, 4, 5, and 6, the Senator from Massachusetts [Mr. HOAR] had offered an amendment, to which the Senator from Florida [Mr. PASCO] had offered an amendment, making the two amendments pending. As it was about to lead to debate the Senator from Massachusetts himself agreed that the whole matter should go over until to-day, but the entry made by the Clerk was that the amendment of the Senator from Massachusetts had been agreed to, thus cutting off the amendment of the Senator from Florida. The official record which I hold in my hand shows that I called the attention of the Senate to the fact, supposing that the Senator from Massachusetts, as he has done, would agree, no matter what the entry was, that we should go on with the unanimous understanding of the Senate.

After that was concluded, without desiring to make the formal motion to which the Senator from Massachusetts refers, I asked permission of the Senate, or rather I was going on to state the other matter, which I consider of infinitely more importance, and with the view of presenting the fact on this Monday morning, when we are all cool and fresh, and without any excitement growing out of the consideration of the measure which was then pending, I called attention to a decision which, I think, was all wrong, and which I was proceeding to show was not justified by the rules of the body or by general parliamentary law. I again thank the Senator from Wisconsin for permitting me to state it.

Mr. President, I was proceeding to show that when the Vice President made his decision he unquestionably had in mind the old rule of the body, which was abolished in 1884 on the report from the Committee on Rules and by the unanimous vote of this body. That rule, as I will again state, at that time provided:

All appeals taken when a proposition not debatable is pending shall also be decided without debate.

The rules in that condition were not satisfactory to the Senate and the Committee on Rules were required to revise them. I find by referring to Cushing, on page 570, this general proposition:

An appeal may be debated as a question before the assembly, although the proceeding out of which it arises is not debatable; and the motion which gives rise to it may be modified or withdrawn; in which latter case the appeal, of course, falls.

Now, there stood the rule of the Senate providing that debate upon an appeal should not be had when the question itself was not debatable, which was in conflict with all the authorities. The Committee on Rules, of which the Senator from Maine [Mr. FRYE] was chairman, and the Senate, by a unanimous vote, said "We will make our rules conform to the general parliamentary law."

Mr. INGALLS. Will the Senator be good enough to have the rule read as it stood before the revision of 1884?

Mr. GORMAN. I have read it before, but I will read it again.

Mr. INGALLS. Once more, please.

Mr. GORMAN. I will read both rules. The old rule is as follows:

40. A question of order may be raised at any state of the business, except when the Senate is dividing, and, when raised, shall be decided by the Presiding Officer, without debate, subject to an appeal to the Senate; or he may submit any question of order for the decision of the Senate.

41. When an appeal is taken from the decision of the Chair, any subsequent questions of order which may arise before that appeal shall be determined, likewise any appeal therefrom, shall be decided without debate. All appeals taken when a proposition not debatable is pending shall also be decided without debate; and any appeal may be laid on the table without prejudice to the pending proposition, and thereupon shall be held as affirming the decision of the Chair.

Mr. HARRIS. That is the rule of the revision in 1873, the old rule?

Mr. GORMAN. That is the old rule. There was the plain declaration that debate should not be had upon an appeal when the original question was not debatable. Now, here is the new rule:

1. A question of order may be raised at any stage of the proceedings, except when the Senate is dividing, and, unless submitted to the Senate, shall be decided by the Presiding Officer without debate, subject to an appeal to the Senate; when an appeal is taken any subsequent question of order, which may arise before the decision of such appeal, shall be decided by the Presiding Officer without debate.

So it is perfectly clear, and does not admit of any two opinions, that by the unanimous vote of this body we abrogated the rule which prevented debate on an appeal from the decision of the Chair when the original question was not debatable. It was never held in the body by any Presiding Officer, even under the old rule, that when a question was pending which was itself debatable the appeal was not debatable under the rule as it stood prior to 1884. But we broadened it and went beyond that, and made it conform to the general parliamentary usage, that any appeal from the decision of the Chair in the first instance was debatable, whether the original question was debatable or not, and provided properly that during that pendency, if still another question of order was made, an appeal from that question of order must be decided without debate. It was so held by every Presiding Officer who presided over this body, the distinguished Senator from Kansas [Mr. INGALLS] and every other Senator who has been called to the Chair.

At the time when the Vice President took me off the floor arbitrarily, as I thought, without justification and without any authority under the rules, I respected his motive. I knew, as the country knows, that no man who has ever been elected by the people to preside over this body ever attempted or could afford to attempt to take any unfair advantage or make any arbitrary ruling in this great body. From the time of the first Vice President until now, no man whom the people

have honored by election to that high office has ever attempted to do or ever will attempt to do it, in my judgment.

With your great reputation, sir, in the financial world, in the diplomatic service, and in all the relations of life, we knew you had been but a comparatively short time in a position to become familiar with the rules of this body, and it was due to you and due to the orderly conduct of the Senate that for the moment I should submit to your decision without a more earnest protest, knowing that I should have the opportunity to bring the law and facts to your attention and the attention of the Senate, and with a perfect knowledge, or a perfect belief at least, that what I have now laid down is the rule and the undoubted rule of this body, and no mere private opinion or desire to be consistent will justify you in adhering to a ruling for which you can not find a precedent.

Mr. President, that is all I desire to say. There is the rule; there is the general parliamentary law; there is the uniform decision in every case which has been raised; and I trust the Vice President will look over them, and that, when this question arises again, he will decide it in conformity with the precedents and with the letter of the law itself.

Mr. EDMUNDS. I ask unanimous consent to submit some observations on the topic that the Senator from Maryland [Mr. GORMAN] has last spoken of.

The VICE PRESIDENT. Is there objection. The Chair hears none, and the Senator from Vermont will proceed.

Mr. EDMUNDS. I take the liberty, Mr. President, of affirming, with great respect to everybody else, that the decision of the Chair on the occasion referred to was absolutely right in point of parliamentary law. There is certainly no rule of the Senate against it; there is certainly every reason of common sense in favor of it; for, if the right to debate an appeal arising in respect to a nondebatable motion existed, if I were to make a motion to adjourn at this moment, which is always first in order, an appeal could be raised upon that motion and the Senate could be kept during the pleasure of any minority on this side of the Chamber or the other that wanted to debate indefinitely, and the Chair could never put the question unless another principle of parliamentary law would be brought to bear, which the rules are perfectly consistent with, and that is, that obstructive and frivolous and defeating debates are never in order.

Now, let us see what the history of this business is. In the early days of the Senate of the United States, according to Mr. Jefferson in his Manual (and Mr. Jefferson is pretty good authority), there was no appeal at all from the decision of the President of the Senate. Later on regulations were made for appeals, general appeals. Later on, in the year 1872, it having been down to that time, so far as I know or can find, perfectly understood in this body that an appeal from a nondebatable question was not debatable, a question arose on a motion to lay on the table, I think—and I looked it up within a day or two, since this decision was made—on which Mr. Sumner obtained the floor and proceeded to make remarks. Mr. Sumner, as the CONGRESSIONAL RECORD will show, was called to order on the ground that the remarks he was making were not relevant to the question that was before the Senate, and all that the Chair decided was—and he decided apparently rightly according to the then practice and courtesy of the Senate—that the Chair could not undertake to determine that what Mr. Sumner was saying was not relevant to the question pending.

Thereupon a few days afterward Mr. Pomeroy, from the Committee on Rules, brought in that clause which the Senator from Maryland says was repealed, as it was in effect, as an addition to the rules, and stated incorrectly, as you will find when you look at the transactions that had taken place that led to it, that there was doubt—I think that is the way he states it in the RECORD—about whether appeals were debatable that were taken under such circumstances, and had that added to the rules. Then, when the rules were again revised and all upset, not with a view of getting at that particular thing, but as the Committee on Rules of those days were getting out a new edition of the Rules every year or two at considerable expense, they would make changes in phraseology and all that, and this particular twentieth rule, or whatever it was, was upset and this clause left out. There is no doubt about it—the Senator is right about that—and I presume the whole body of the rules that left it out were adopted unanimously. It would not make any difference whether they were or not; they were adopted.

The question now is whether, that clause of the rule having been dropped in a revision, we did not leave the law just as it was before the rule was adopted on motion of Mr. Pomeroy. When we repeal a statute it is generally supposed that it leaves the law as it was before the statute was enacted. There can not be any doubt about that. Therefore the law of the Senate to-day is just what it was before the Pomeroy rule, as I call it for short, was adopted.

Now, I undertake to say that, according to the principles of parliamentary law, obvious of necessity, continuous in practice, never an instance can be found, or at least that I can find, to bear it out, when anybody was allowed, where an objection was made, to debate an appeal on a nondebatable motion; and when Mr. Sumner was brought to book unsuccessfully for want of relevancy in discussion this rule was put in and then dropped out, and we now stand on the parliamentary law as it was before. What was it? Let us see what the general parliamentary law is. One principle of parliamentary law is that there must be a principal motion of some kind pending, and that every other proceeding that arises in regard to that motion or proposition is subsidiary, ancillary, incidental to it. A motion to adjourn is a principal motion. It is not debatable.

Is there a Senator present on either side of the Chamber who will stand up under the present rules and say that he honestly believes a question of order raised on a motion to adjourn is debatable so as to prevent the Chair from going on and putting the question to adjourn? Is there any Senator who will stand up and say that on a motion to proceed to the consideration of executive business a question of order can be raised which will open a debate, unlimited, indefinite, and cogent debate, I will say (not going into the question of obstruction and irrelevant and extraneous matters), and keep up the debates of the Senate on a question of going into executive session on an appeal? I should doubt it very greatly.

Therefore, it follows philosophically, and I submit that I doubt if a single instance can be found to the contrary, except one, and that is the one on which Mr. Cushing based the clause which the Senator lays so much stress upon, where any such doctrine has ever been affirmed or acted upon. I have a tolerably decent memory, Mr. President, and I have been here a good while, and, with great respect to everybody else, I do not remember any instance where anything of that kind has been successfully attempted, almost never attempted at all, on account of the universal understanding that when the principal question before the Senate was not debatable all its subsidiary and incidental proceedings stood upon the law that applied to the principal one.

Mr. GORMAN. Will the Senator from Vermont permit me right there?

Mr. EDMUNDS. Yes.

Mr. GORMAN. I find in the Journal that on the 7th day of June, 1888—

Mr. SHERMAN objected to the consideration of the resolutions; and The President *pro tempore*—

The Senator from Kansas [Mr. INGALLS] in the chair—

decided that, objection to the consideration of the resolutions having been made, the motion to refer could not be entertained on this day.

From the decision of the Chair Mr. MORGAN appealed to the Senate; and, After debate—

Which was permitted to go on for quite a time—

Mr. MORGAN withdrew the appeal.

Mr. EDMUNDS. The pending motion was to refer, which is a debatable motion, and the question of order, therefore, attached to that. That was the *facile princeps* of what was before the Senate, and that was a debatable motion. The Journal very often says "after debate" when debate goes on by unanimous consent, as I am now speaking, and if the Journal says anything at all it will say, and say truly, that "after debate," etc.

Now, let us see. Mr. Jefferson, a pretty good authority, says in his Manual, which is the parliamentary law of this body and entirely consistent with all its rules——

Mr. INGALLS. What page?

Mr. EDMUNDS. On page 213 of this edition:

No man may speak more than once on the same bill on the same day; or even on another day, if the debate be adjourned. But if it be read more than once in the same day, he may speak once at every reading. (Co., 12, 115; Hakew., 148; Scob., 58; 2 Hats., 75.) Even a change of opinion does not give a right to be heard a second time. (Smyth's Comw. L. 2, c. 3; Arcan. Parl., 17.)

But he may be permitted to speak again to clear a matter of fact (3 Grey, 357, 416); or merely to explain himself (2 Hats., 73) in some material part of his speech (*ib.*, 75); or to the manner of words of the question, keeping himself to that only, and not traveling into the merits of it (Memorials in Hakew., 29); or to the orders of the House, if they be transgressed, keeping within that line, and not falling into the matter itself. (Mem. Hakew., 30, 31.)

But if the Speaker rise to speak, the member standing up ought to sit down, that he may be first heard. (Town., col. 205; Hale Parl., 133; Mem. in Hakew., 30, 31.) Nevertheless, though the Speaker may of right speak to matters of order, and be first heard, he is restrained from speaking on any other subject, except where the House have occasion for facts within his knowledge; then he may, with their leave, state the matter of fact. (3 Grey, 36.)

No one is to speak impertinently or beside the question, superfluous, or tediously. (Scob., 31, 33; 2 Hats., 166, 178; Hale Parl., 133.)

I am afraid that rule, Mr. President, will keep me in my seat most of the time, but there it is. Then it provides that no person is to use indecent language, etc., and so on.

So that, Mr. President, upon the common principles of parliamentary law, in adhering to the point, in keeping to the question that is before the Senate, and according to its nature there can be no debate on a motion to adjourn, no debate on a question of order raised when a motion to adjourn is pending, no debate on a motion for executive session, all standing within the same rule as a motion to lay on the table, in the same order in their respective situations, so there can be no debate on a motion to lay on the table, no debate on an appeal on a motion to lay on the table, because all these appeals are mere incidents to the question which, according to the rules of the Senate, are not questions that are to be delayed by discussion and that are presumed to be sufficiently clear in the minds of Senators not to require either a particular or a universal discussion of the subject.

Mr. HOAR. Will the Senator, before he proceeds further, allow

me, instead of speaking separately myself, to read one authority in connection with the one he has read?

Mr. GORMAN. We can not hear what is being said.

Mr. EDMUNDS. I am speaking just as loud as I can.

Mr. HOAR. I ask the Senator from Vermont to allow me to read one authority in support of the statement he has made.

In the House of Representatives there is no rule on the subject, and I believe never has been. This is the statement of the House Manual of the general practice of the House, and of course the interpretation of the House of Representatives of the general parliamentary law.

Mr. BLACKBURN. From what page does the Senator read?

Mr. HOAR. Page 284 of the Constitution, Manual, and Digest of the House of Representatives, and in Mr. Barclay's edition it is the same as in that of Mr. Smith:

Under the practice, all questions of order which may arise, pending a question which is not debatable, must be decided without debate. It is customary, however, for the Speaker or Chairman of the Committee of the Whole to permit a brief discussion of the point of order, if the question be a new one, which of course can only be done by unanimous consent.

Mr. EDMUNDS. I thank the Senator from Masssachusetts. That was the very next authority I was going to call the attention of the Senate to, and I had sent down to get the book, but he has saved my lungs that amount of fatigue.

As the Senator from Massachusetts has read, the constant and universal practice of the House of Representatives has been, upon the same sort of parliamentary general law that we have here, what this House Manual, beginning with Mr. Barclay and coming down to whoever got out the last edition, says. Against that, however, it is candid and right to say, stands the statement of Mr. Cushing, whose only authority for that statement he gives himself, and refers to a certain volume of the Congressional Register of Debates, or whatever it was called at that time, as authority for his statement that an appeal on a nondebatable question was debatable. I have looked at the Congressional debates, Mr. President, and am able to state exactly how that arose. Although, as I say, according to this Manual, from that day to this, and I am pretty sure always before, no such doctrine had been held or practiced upon.

That matter arose in the year 1837, or about that year. I will not be exact as to the precise date. A new Speaker had just come in and the question arose within a month or so after the meeting of Congress. It was at a time when the question of the right of abolitionists, so called, to petition Congress for a change in the Constitution of the United States and the abolition of slavery, was a somewhat exciting question in certain quarters of the globe. A petition was presented. One gentleman of the House objected to its reception entirely; another gentleman of the House moved to lay the petition on the table; and a contest arose between the people (one set who wished to reject it altogether and the other to lay it on the table) as to what was the best course to pursue to prevent these abolitionists from agitating Congress and the country by such seditious petitions as that.

The debate without objection went on for a little while on the part of those who were condemning the abolitionists, when a Representative from a Northern State had the temerity to raise the question of order, that, an appeal having been taken from the Chair's entertaining the motion to lay on the table instead of entertaining the motion to reject, debate on that appeal was not in order. The Speaker decided that the debate was in order and the opponents of the abolitionists went on. That was in the House of Representatives, and that is the only instance I can find or that Mr. Cushing could find ever in the history of the House when any such pretension was made.

Turning back a few pages in the Register of the Congressional Debates, I find that that Speaker said to the House, as it appears there, when another question of order had arisen, that he was so entirely new to the situation and so unfamiliar with parliamentary practice—I am not, of course, quoting his exact language, but expressing his idea—that he hoped the House would indulge him in making a good many mistakes.

No appeal was taken from this last decision that I refer to. So that I should expect that the constant practice of the House of Representatives, before and ever since that opinion upon which Mr. Cushing founds, and founds alone, that clause in his statement, would not have a very great effect in this body, when it has had none whatever in the House of Representatives.

Therefore, Mr. President, apologizing for taking up as much time as I have, I wish to reaffirm my opinion, based upon the very necessity and on the nature of such things, which I have illustrated by motions to adjourn and for an executive session and so on, that the decision of the Chair was perfectly correct and the fact that this dropped out of the rule that once existed, when there was no occasion to put it in at all, for the question had not arisen, and leaving the law just as it was before, leaves it to stand just as the practice was before and has been, I believe, ever since.

Mr. BUTLER. May I ask the Senator from Vermont, before he takes his seat, if he will be good enough to explain to the Senate the object of an appeal from the decision of the Chair?

Mr. EDMUNDS. The object is to take the judgment of the Senate on the correctness of the opinion of the Chair.

Mr. BUTLER. Does it not occur to the Senator that discussion enlightens the judgment of Senators as well as other people?

Mr. EDMUNDS. Recently I should say not.

Mr. BUTLER. It would seem to me that the very reason of the rule is well founded that there should be discussion upon an appeal from the decision of the Chair, of course not such an appeal as the Senator has indicated on a motion to adjourn, because there is nothing to appeal from there. The Chair can not possibly mistake in putting a motion of that character. But there are a great many motions where the fallibility of human judgment and human wisdom may just as well attach to the Chair as to anybody else, and it would seem to me the philosophy of the thing is that there should be discussion upon an appeal from the decision of the Chair, in order that the judgment of Senators may be enlightened, and that they may arrive at a proper conclusion and decision.

Mr. EDMUNDS. The philosophy of that is based upon the preceding fundamental philosophy, that when a debatable question is present before the Senate all incidental questions to that are debatable as a matter of course; but when a nondebatable question is before the Senate, which might require just as much speechmaking to determine which way we ought to go, if we say we will not have it, when an incidental question arises on that, there is no more need of speech than there is on the principal question, and the right of appeal is preserved to prevent arbitrary and unjust and extravagant action of the Chair; and in one class of cases the question is debatable and in the other it is not; but it is necessary if there is anything in the Constitution which says that the majority of the Senate shall be a quorum to do business, and it can get on in no other way.

Mr. PLUMB. I rise to make a suggestion. It seems to me we are debating under the guise of a suggestion, or a motion, or whatever it may be, in regard to a correction of the Journal, a question that is not germane; and, while I am aware that it is permitted, I want to call the attention of the Senate to the fact and to suggest that the morning hour is passing by. It seems to me that we ought to agree that we shall dispose of the morning business. Let the motion to correct the Journal be decided, and then transact the other business which has been appointed for this particular time of the day, leaving the other question to go over which has been brought up.

Mr. EDMUNDS. I only ventured to speak by unanimous consent.

Mr. PLUMB. I understand that exactly. I only want what I say to be regarded in the nature of an appeal to the Senate to preserve, at least, the formal disposition of the business of the Senate provided for by the rules of the Senate. Let the motion or the suggestion of the Senator from Maryland to correct the Journal be disposed of, and then if there is any question left which ought to be taken up, growing out of the decision of the Vice President on Saturday, take that up later. In the mean time the morning buisness accumulates from day to day and it has been accumulating for a number of days on account of special matters before the Senate, and Senators who have committee matters and other important matters to attend to should have the opportunity to present morning business and be relieved from a discussion which may not have any special interest to them, especially as it does not bear upon what is now pending.

Mr. HARRIS. After the admonition of the Senator from Kansas [Mr. PLUMB] it is with great reluctance that I ask unanimous consent of the Senate to consume a few moments upon the question of order.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Senator will proceed.

Mr. HARRIS. And it is with diffidence that I shall express the opinions and conclusions at which I have arrived after hearing the confident opinions of the Senator from Vermont [Mr. EDMUNDS], with which I totally and radically differ.

Mr. President, I find in clause 2 of section 5 of the first article of the Constitution this provision, that—

Each House—

Referring to the two Houses of Congress—

Each House may determine the rules of its proceedings.

The Senate has determined and adopted the rules of its proceedings. They are found in this manual, numbered from 1 to 40, inclusive.

I insist that they are the supreme law to you as the presiding officer of this body, to me, and to the Senator from Vermont and every other Senator so far as the proceedings of the Senate are concerned. Upon this very question, when the existing rule in express terms forbade the debate of an appeal from the decision of the Chair, which was taken in respect to a question nondebatable, the present Rule XX was adopted by the revision made in 1883, and adopted, I believe, early in 1884.

Now let us see what is the proper construction of the present rule, adopted, as the Senator from Maryland states, by the unanimous vote of the Senate.

A question of order may be raised at any stage—

I read from Rule XX—

at any stage of the proceedings except when the Senate is dividing, and, unless submitted to the Senate, shall be decided by the presiding officer without debate, subject to an appeal to the Senate; when an appeal is taken any subsequent question of order, which may arise before the decision of such appeal, shall be decided by the presiding officer without debate.

"Any subsequent question of order," not this one, not the one pending, not the one upon which the appeal has been taken. The appeal is now pending, invoking the judgment of eighty-eight Senators, but any subsequent question of order raised while this debatable appeal is pending before the Senate shall be decided by the presiding officer without debate.

Nothing can be clearer to my mind than that when this revision was made the existing rule in express terms said that if the question of order is raised in respect to a pending question which is nondebatable the appeal upon the question of order shall not be debatable; and we adopted the language of the present Rule XX, which to my mind is as clear a repeal of the old rule of 1873 as language could possibly make it; and that the appeal is debatable without exception, no matter in what respect, to what question it may have been taken, is to my mind absolutely and positively clear.

Mr. President, under the Constitution the two Houses of Congress, with the approval of the President, can not abridge the right of free speech or of the press. The rule throughout all of this broad land of ours is universal as to the absolute freedom of speech and freedom of the press; and the Senate could not abridge the right of free speech upon this or upon any other question but for the clause of the Constitution that I have read, which gives to each House the right to make its own rules regulating its proceedings. But under that clause of the Constitution we have acted we have made our rules; we have made Rule XX precisely responsive to the question the Chair decided on Friday evening last, and in view of the plain meaning of that rule it is to my mind absolutely clear that the Chair was in error in that ruling.

I know of no general parliamentary law that has any effect here when it conflicts with the rules that the Senate has adopted for the regulation of its business. They may resort to it in the other House, perhaps; when the House meets at the beginning of a Congress it is without rules. It is not so with the Senate. The Senate is a continuing body, and when a new Congress meets it has its code of rules in existence, and they are the supreme law of the Senate in the regulation of the business of the Senate, subject of course to any change that the Senate may make from time to time. But until the Senate has, by its own action, changed its existing rules, the rules as printed in the Manual are the supreme law to the Senate and of the Senate, and must be adhered to in the regulation of all its business.

Mr. HOAR. I should like to ask the Senator a single question at his convenience, if he will permit me.

Mr. HARRIS. Now as well as any other time.

Mr. HOAR. I desire to ask the Senator if he holds that if a motion to adjourn be made and a point of order taken that it is out of order at a particular time, or a motion to go into executive session, or a motion to lay on the table under the law now prevailing in the Senate, an appeal from the Chair's decision on that motion is debatable.

Mr. HARRIS. Most clearly so.

Mr. HOAR. So you could keep the Senate here——

Mr. HARRIS. The rule makes no exception or distinction between appeals from the decision of the Chair. The question of order was suggested by the Chair on last Friday night upon a motion to adjourn, I can very readily understand how a question of order might arise, and very properly arise, upon a motion to adjourn. Suppose I make a motion to adjourn now and the yeas and nays are called. They are taken and the nays have it. The Senate refuses to adjourn. Immediately thereafter my friend the Senator from Texas [Mr. COKE] makes a motion that the Senate adjourn. The Senator from Vermont [Mr. EDMUNDS] would very promptly and very properly say, "I rise to a question of order. My point of order is that the motion of the Senator from Texas is not now in order," as it would not be.

Mr. EDMUNDS. Why not, if I may ask the Senator?

Mr. HARRIS. Because one motion to adjourn can not follow another without the intervention of other business.

Mr. EDMUNDS. Where is there anything in the rules which forbids that? and therefore you have to go to general parliamentary law.

Mr. HARRIS. It has been the universal practice, and the Senator from Vermont would very certainly raise the question.

Mr. EDMUNDS. So I should.

Mr. HARRIS. And the Chair would certainly very promptly sustain the point of order so made.

Mr. EDMUNDS. Yes; but I only wanted to know under what rule.

Mr. HARRIS. The Senate having adopted no rule on that point general parliamentary law would control. But the question of order is not in any way connected with the merit of the question in respect to which it arises. It does not connect itself remotely or directly with the merit of the question out of which it springs or in respect to which the question of order is made.

Mr. FAULKNER. Will the Senator from Tennessee, who is a very good parliamentarian, permit me to ask him a question?

Mr. HARRIS. Certainly.

Mr. FAULKNER. I ask the Senator from Tennessee or any other Senator whether he knows or can point the Senate to a single decision by the Senate where debate is cut off except where the rules of the Senate expressly provide that the pending question is not debatable.

Mr. HARRIS. I do not.

Mr. FAULKNER. I will state to the Senator that in my examination of the rules of the Senate it is more guarded than that of any other body I have ever seen, and in every case where debate is prohibited it is expressly provided on every motion which is not debatable. It is solely not debatable by reason of the fact that the rules of the Senate prohibit debate. In no instance can a decision of the Senate be found where debate has not been permitted except where the rules expressly prohibit debate.

Mr. HARRIS. Mr. President, I did not expect this question to come up this morning. I did not expect it would be debated or mooted at all upon this particular occasion. I have no disposition to trespass upon and consume the time of the Senate, which belongs to other questions at this hour, but it is a question of importance and one that I hope every Senator will carefully consider. At another time I shall avail myself of the opportunity to express more fully the views that I entertain in respect to it.

Mr. HOAR. Regular order.

Mr. GORMAN. I withdraw the motion to amend the Journal.

The VICE PRESIDENT. The motion made by the Senator from Maryland to amend the Journal is withdrawn. The Journal of the proceedings of Friday last will stand approved, if there be no objection.

REPORT OF NATIONAL ACADEMY OF SCIENCES.

The VICE PRESIDENT laid before the Senate the annual report of the National Academy of Sciences for the year 1890; which was referred to the Committee on Printing, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a communication from William H. Barrett, secretary of the United Labor League, of Philadelphia, Pa., and vicinity, representing 200,000 working people, transmitting resolutions adopted by that league favoring the passage of the international copyright bill; which, with the accompanying paper, was ordered to lie on the table.

He also presented a communication from W. S. McClevey, secretary and treasurer of the International Typographical Union, of Indianapolis, Ind., transmitting resolutions of that union and a telegram from William Ferguson, secretary of the Typographical Union No. 2, of Philadelphia, Pa., favoring the passage of a bill to restore the rate of wages in the Government Printing Office; which was ordered to lie on the table.

Mr. CULLOM presented a petition of the National Grange, Patrons of Husbandry, Washington, D. C., and a resolution of the Illinois State Grange, of Springfield, Ill., favoring a more direct control by the Government of railroads as the best way to secure to the people just tariff rates; which were referred to the Committee on Interstate Commerce.

He also presented a resolution of the State Grange, Patrons of Husbandry, of Springfield, Ill., and a resolution of the National Grange, Patrons of Husbandry, of Washington, D. C., favoring the election of United States Senators and all other Government officers by the people; which were referred to the Committee on Privileges and Elections.

He also presented a resolution of the State Grange, Patrons of Husbandry, of Springfield, Ill., and a resolution of the National Grange, Patrons of Husbandry, of Washington, D. C., favoring the enactment of legislation by Congress to prevent the consolidation of capital and corporations for the purpose of keeping up prices, etc.; which were referred to the Committee on Finance.

He also presented a resolution of the State Grange, Patrons of Husbandry, of Springfield, Ill., and a resolution of the National Grange, Patrons of Husbandry, of Washington, D. C., favoring an increase of the currency from $17 per capita to $45 or $50 per capita, and also in favor of free coinage; which were referred to the Committee on Finance.

He also presented a resolution of the State Grange, Patrons of Husbandry, of Springfield, Ill., and a resolution of the National Grange, Patrons of Husbandry, of Washington, D. C., favoring appropriations for the improvement of our inland rivers and other water ways; which were referred to the Committee on Commerce.

He also presented the following petitions, praying for the passage of the Conger lard bill; which were ordered to lie on the table:

Petition of 21 citizens of La Salle County, Illinois;

Petition of members of the Ridge Farmers' Alliance, of La Salle County, Illinois;

Petition of the Farmers' Mutual Benefit Association Lodge No. 4855, of Fieldon, Ill.; and

Petition of the Winnebago County (Illinois) Assembly Farmers' Mutual Benefit Association.

Mr. CULLOM also presented resolutions of the Illinois State Farmers' Alliance, favoring the passage of the Conger lard bill and the antioption bill; which were ordered to lie on the table.

He also presented a memorial of 13 citizens of the State of Illinois remonstrating against the passage of the Conger lard bill; which was ordered to lie on the table.

He also presented a petition of the District Assembly, No. 1012, of the Farmers' Mutual Benefit Association of Jasper County, Illinois, praying for the passage of the pure-food bill and remonstrating against

the passage of the Conger lard bill; which was ordered to lie on the table.

He also presented the following petitions of lodges of the Farmers' Mutual Benefit Association of Illinois, praying for the passage of the Paddock pure-food bill; which were ordered to lie on the table:

Petition of the Farmers' Mutual Benefit Association No. 329, of Perry County, Illinois;

Petition of Farmers' Mutual Benefit Association No. 469, of Pulaski County, Illinois;

Petition of Subordinate Lodge No. 4461 of the Farmers' Mutual Benefit Association, of Wayne County, Illinois;

Petition of the Farmers' Mutual Benefit Association No. 267, of Randolph County, Illinois; and

Petition of Farmers' Mutual Benefit Association No. 2864, of Clark County, Illinois.

Mr. CULLOM also presented a petition of 9 citizens of Randolph County, Illinois, praying for the speedy passage of House bill 5353, defining options and futures; which was referred to the Committee on Agriculture and Forestry.

Mr. CULLOM. I have just received, by the hands of a business man from the city of Chicago, sundry petitions signed by different business houses, firms, and individuals in that city, numbering just about 1,000, praying for the early passage of the Torrey bankruptcy bill. These petitions are indorsed, showing by whom they are signed, and I ask that they be noted separately in the RECORD, as indicated on the back of each paper.

The VICE PRESIDENT. It will be so ordered.

The petitions were ordered to lie on the table, as follows:

Petitions of Messrs. Thompson & Smith, the D. B. Scully Sirup Company, the Martin Dawson Company, the Pan-American Mercantile Company, the Albert Dickinson Company, the Price Baking Powder Company, the Brookman Manufacturing Company, and 47 other leading business firms and individuals of Chicago, Ill.;

Petition of Messrs. Corbin, May & Co., E. B. Miller & Co., C. D. Lathrop & Co., Lafflin & Rand Powder Company, Henry C. Carver, and 9 other leading business men of Chicago, Ill.;

Petition of Messrs. Hiller & Kollenberg, F. P. Elliott & Co., Gertz, Lumbard & Co., W. M. Hoyt & Co., and 10 other business firms and bankers of Chicago, Ill.;

Petition of Messrs. D. R. Shurly, A. H. Barton, Cameron, Amberg & Co., the Chicago Brush Company, the John D. Zernitz Company, and 12 other representative firms of Chicago, Ill.;

Petition of Messrs. C. S. Munyan, I. S. Blackwelder, manager of the Niagara Fire Insurance Company; S. S. Trower, assistant secretary of the Commercial Insurance Company, limited, of London, England; the Millers' National Insurance Company; Bentley & Taylor, general managers of the Continental Insurance Company; the Home Insurance Company, the American Wheel Company, the Union Tie and Timber Company, and 9 other prominent business firms, professional men, and individuals of Chicago, Ill.;

Petition of J. C. Morse, president of the Illinois Steel Company; the Debenture Guaranty and Assurance Company of Great Britain and America, the Mutual Accident Association of the Northwest, the Calumet Iron and Steel Company, the Atkinson Car-Spring Works, Messrs. Robert Stevenson & Co., Picande, Brown & Co., and 16 other prominent business firms and corporations of Chicago, Ill.;

Petition of the Globe Light and Heat Company, the Chicago Electric Service Company, the Jarvis Wine and Brandy Company, Burnham & Root, architects; the Western Refrigerator Company Ashland Brownstone Company, the National Sirup Company, the P. W. Harvery Lumber Company, and 15 other prominent business firms and individuals of Chicago, Ill.;

Petition of Messrs. C. E. Van Voorhis, general agent of the Liberty Insurance Company; A. P. Bowen & Co., George A. Mason, the Capitol Accident and Debenture Company, and 11 other business firms and individuals of Springfield and Chicago, Ill.;

Petition of the Improved Heel Plate Company, of the general manager of the Phœnix Insurance Company, Willard Sons & Bell Company, Dunham Manufacturing Company, the Chicago and Iowa Coal Company, the Pond Machine Tool Company, the Chicago Tire and Spring Company, and 16 other business men, firms, and corporations of Chicago, Ill.;

Petition of the Niles Tool Works, R. Boyleston Hall, secretary of the Chicago American Horse Exchange, the Sunday Creek Coal Company, Thatcher & Voight, the Corey Car and Manufacturing Company, and other individuals and corporations of Chicago, Ill.

Petition of Messrs. Julius Bauer & Co., S. A. Maxwell & Co., Thorson & Cassady, the Reading Hardware Company, the George H. Bohner Company, S. C. Griggs & Co., the Chicago and Ohio Coal and Car Company, the Farmland Mortgage and Debenture Company, the Chicago Music Company, and 15 other firms, corporations, and individuals of Chicago, Ill.

Petition of Messrs. C. T. Raynolds & Co., Bradley & Vrooman, Peter Van Schaack & Sons, John S. Gould & Co., Charles P. Willard & Co., and 29 other business firms of Chicago, Ill.

Petition of the Globe Soap Company, the Boynton Furnace Company, the Barbed Wire and Iron Works, Jenkins Brothers, Rand, McNally & Co., Marder, Luse & Co., Ephraim Hewitt, Hollis & Duncan, the H. Shannon Company, Charles Goldsmith & Co., and 10 other business houses of Chicago, Ill.

Petition of Messrs. T. M. Avery, president of the Elgin National Watch Company, and L. Wampold, a wholesale clothing-dealer of Chicago, Ill.

Petition of Messrs. Burley & Tyrrell, the Diamond Prospecting Company, Chapin & Gore, the J. J. Murray Company, D. R. Armstrong & Co., L. Wolf & Co., Charles Eneu Johnson & Co., Westinghouse, Church, Kerr & Co., the Brunswick-Balke-Collender Company, J. W. Reedy Elevator Manufacturing Company, and 7 other business firms of Chicago, Ill.

Petition of Messrs. S. Goldsmith, Danforth, Clark & Co., J. Dunfee & Co., P. Casey, Alexander H. Revell, A. Shire, the William Skinner Manufacturing Company, the Great Western Electric Supply Company, A. G. Spalding, and 13 other business firms of Chicago, Ill.

Petition of the Star and Crescent Milling Company, H. S. Walker, Morrison, Adams & Allen Company, Goulds & Coldwell Company, the H. C. Staver Manufacturing Company, Thomas Brothers, the Raymond Lead Company, the Boorman-Millin Company, the E. A. Hartwell Company, the D. Bradley Manufacturing Company, the National Machine Works, and 10 other business firms of Chicago, Ill.

Petition of the Rice Machinery Company, S. Oppenheimer & Co., Appleton Manufacturing Company, A. Van Sicien & Co., E. P. Reed & Co., Dodgett, Bassett & Hills Company, L. L. Ferrin & Co., H. Wolf & Co., Mullen & Co., and 20 other business firms of Chicago, Ill.;

Petition of A. G. Paul, the Chicago Fire Hose Manufacturing Company, the Sconie Manufacturing Company, the Marinetta Iron Works Company, and 10 other business men and firms of Chicago, Ill.;

Petition of Humiston, Keeling & Co., George G. Standart, the Gilbert and Bennett Manufacturing Company, the Page Belting Company, the Machinists' Supply Company, Charles H. Besley & Co., and 9 other business men and firms of Chicago, Ill.;

Petition of Henry R. Worthington, the Detroit Heating and Lighting Company, A. A. Spear, the Richardson and Boynton Company, the George D. Hoffman, Kirckheffer, Bartling & Co., and 18 other business men and firms of Chicago, Ill.;

Petition of Hibbard, Spencer, Bartlett & Co., William Heegard & Co., Weadley, Cleary & Co., W. F. McLaughlin & Co., the Thompson and Taylor Spice Company, and 22 other business firms of Chicago, Ill.;

Petition of Ambrey, Sullivan & Co., A. Rider & Co., Barnett Bros., George S. Sanger, Strassheim, Jaeger & Co., Wayne & Lowe, and 26 other business firms and individuals of Chicago, Ill.;

Petition the Messrs. Roper and Baxter Cigar Company, and 2 other tobacco houses of Chicago, Ill.;

Petition of H. S. Peck, agent of the Waterbury Clock Company, Giles Brothers & Co., Meriden Britannia Company, J. W. Meacham, Morse, Mitchell & Williams, J. A. Todd, manager of the Towle Manufacturing Company; M. R. Burchard, manager of the Simpson Hall, Miller & Co., and 23 other leading wholesale jewelry houses of Chicago, Ill.;

Petition of Murray & Co., H. M. Hooker & Co., Dean Brothers & Lincoln, Bell, Conrad & Co., Ludlington, Wells & Van Schaak, Wakem & McLaughlin, Adams-Smith Company, John Devlin & Co., Lantz Wall Paper Company, C. M. Linington, and 10 other business firms of Chicago, Ill.;

Petition of the National Safe and Lock Company, the A. N. Kellogg Newspaper Company, the Calumet Paper Company, Earl & Wilson, the Crocker Chair Company, the Milwaukee Chair Company, the Western Bank Note and Engraving Company, the Gage-Downes Corset Company, the Columbus and Hocking Coal and Iron Company, the Minnesota Iron Company, the Chicago Belting Company, and other business firms of Chicago, Ill.;

The petition of the American Desk and Seating Company, the Chicago Cottage Organ Company, Sweet, Wallach & Co., W. C. Vosburgh Manufacturing Company, the Wakefield Rattan Company, Charles H. Slack, the C. H. Gurney Company, Park Brother & Co., limited, the Calumet Distilling Company, Kelly, Maus & Co., Borden, Selleck & Co., and 8 other business firms of Chicago Ill.;

Petition of the Baldwin Furniture Company, the Michigan Buggy Company, the Staver and Abbott Manufacturing Company, the George F. Child Chair Company, Sherman & Flavin, the Milburn Wagon Company, the Racine Wagon and Carriage Company, James Cunningham, Son & Co., the Standard Wagon Company, the Ames and Frost Company, the Mattoon Manufacturing Company, and 9 other business firms of Chicago, Ill.;

Petition of the Tobey Furniture Company, the N. B. Haynes Company, Archer, Barnard & Co., N. K. Fairbank & Co., Rathbone, Sard & Co., S. G. Bailey, Vonwie Brothers, H. C. Fisher, A. H. Andrews & Co., Chickering, Chase Brothers & Co., and 16 other business men of Chicago, Ill.;

Petition of Drummond Tobacco Company, United Indurated Fiber Company, William H. Ryan, Root & Son's Music Company, Schober & Carquebille Lithographic Company, Schiedewend & Lee Company, Charles Emerick & Co., and 20 other business firms of Chicago, Ill.;

Petition of John F. Wright, Elmendorf, Watte & Co., the Western Manufacturers' Mutual Insurance Company, Henry D. Gilbert & Co., George Webster & Son, F. M. Bradshaw, the Thomson-Houston Electric Company, A. C. McClurg & Co., and 17 other business firms of Chicago, Ill.;

Petition of Clement, Bane & Co., Alfred Benjamin & Co., Sweet, Orr & Co., J. K. Armsby Company, George Bullen & Co., Nonotuck Silk Company, and 27 other business firms of Chicago, Ill.;

Petition of Rosenwald, Weir & Co., Hornthal & Curtis, Eisenstaedt Brothers, J. Floersheim & Co., Turner Brothers, and 32 other business houses of Chicago, Ill.; and

Petition of Field, Benedict & Co., Saxon Bag Company, H. W. Caldwell & Son, Johnson Chair Company, Koenig & Gamer Furniture Company, Carden Malting Company, American Varnish Company, Marshall & Patrick, and 7 other business firms of Chicago, Ill.

Mr. CULLOM also presented the following memorials from citizens of Illinois, remonstrating against the passage of the Conger lard bill; which were ordered to lie on the table;

Memorial of Francis Schneeberger and 17 other citizens of Taylorville, Christian County, Illinois;

Memorial of A. Stanton, of Peoria, Illinois; 5 citizens of Wisconsin, 5 citizens of Illinois, and 6 citizens of Missouri;

Memorial of C. D. Gresham, of Salem, Ill., and 15 other visitors to the St. Louis Fair; and

Memorial of Charles Evans and Charles Battey, of Jacksonville, Ill.

Mr. CULLOM also presented the petition of George Hedges, of Jerseyville, Ill., and 20 others, and the petition of W. H. Curtin, of Carlyle, Ill., and others, visitors at the St. Louis fair, praying for the passage of the Paddock pure-food bill; which were ordered to lie on the table.

Mr. BUTLER. I present a memorial of the Charleston Chamber of Commerce, recommending the passage of Senate bill No. 3991, known as the Paddock pure-food bill, and petitioning for the passage of that bill in lieu of the Conger bill, which in their opinion was unwisely substituted therefor. The petition is signed by Samuel T. Tupper, president; A. S. Johnston, first vice president; T. R. McGahan, second vice president, and S. R. Marshall, Alex. W. Marshall, Theodore D. Jervey, J. W. Williams, Thaddeus Street, S. L. Howard, executive committee, and Berkley Grimball, secretary of the Chamber of Commerce. All of these are prominent and distinguished business men in the city of Charleston. I move that the memorial lie on the table.

The motion was agreed to.

Mr. FRYE presented the petition of John Stewart, Maggie Bliss, S. B. Alexander, and 286 other citizens of Aroostook County, Maine, praying for the passage of the bill providing for the appointment of a national commission on the subject of social vice; which was referred to the Committee on Education and Labor.

He also presented the memorial of S. A. and J. H. True and 24 other business men and firms in Maine and Massachusetts, remonstrating against the passage of the Conger lard bill; which was ordered to lie on the table.

Mr. BERRY presented a memorial of the Helena (Ark.) Chamber of Commerce, remonstrating against the passage of the Conger lard bill and in favor of the Paddock pure-food bill; which was ordered to lie on the table.

Mr. SHERMAN presented the petition of Rev. Thomas Butler and a number of other citizens of St. Mary's, Ga., praying for the passage of the Lodge bill or some other measure to secure fair elections; which was ordered to lie on the table.

He also presented a petition of the Excelsior Marine Benevolent Association of Cleveland, Ohio, praying for the passage of the Detroit River tunnel bill; which was referred to the Committee on Commerce.

He also presented a petition of the Woman's Christian Temperance Union of St. Clairsville, Ohio, praying for the appointment of a national commission to inquire into the subject of social vice; which was referred to the Committee on Education and Labor.

He also presented the following petitions, praying for the passage of the Conger lard bill; which were ordered to lie on the table:

Petition of R. E. Betts and 22 other citizens of Sandusky County, Ohio;

Petition of S. N. Welsh and 56 other citizens of Ashland County, Ohio;

Resolutions of Galetown Alliance, No. 531, of Sandusky County, Ohio;

Petition of James W. Spargur and 56 other citizens of Highland County, Ohio; and

Petition of W. L. Linden and 47 other citizens of Avondale, Ohio.

Mr. CASEY presented the following petitions, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Petition of F. M. Steere and 24 other citizens of Mount Pleasant, Clark County, South Dakota;

Petition of H. B. Burleigh and 8 other citizens of Burr Oak, Beadle County, South Dakota;

Petition of James Morgan and 12 other citizens of Coyle, Brûlé County, South Dakota;

Petition of C. A. Lillie and 14 other citizens of Charles Mix County, South Dakota;

Petition of J. Kinney and 38 other citizens of Brûlé County, South Dakota;

Petition of A. L. Squires and 35 other citizens of Douglas County, South Dakota;

Petition of J. H. Lathrop and 40 other citizens of Bath, Brown County, South Dakota;

Petition of Daniel Clancy and 10 other citizens of Brûlé County, South Dakota;

Petition of Elias Barney and 34 other citizens of Day County, South Dakota;

Petition of J. C. Reeve and 10 other members of Melrose Alliance, No. 85, of Grant County, South Dakota;

Petition of James Greig and 15 other members of McPherson County Alliance, of Leola, S. Dak.;

Petition of J. Bone and 14 other citizens of Brûlé County, South Dakota;

Petition of H. M. Hausen and 21 other citizens of Miner County, South Dakota;

Petition of W. W. Huanens and 31 other citizens of Hutchinson County, South Dakota;

Petition of W. S. Elliott and 11 other citizens of Miner County, South Dakota;

Petition of E. Norelius and 15 other citizens of Clay County, South Dakota;

Resolutions of Mount Pleasant Alliance, No. 249, of Clark County, South Dakota;

Resolutions of Coyle Alliance of South Dakota;

Resolutions of Flora Alliance, of Charles Mix County, South Dakota;

Resolutions of Delmont Farmers' Alliance, No. 318, of Douglas County, South Dakota;

Resolutions of Bath Alliance, No. 198, of Bath, S. Dak.;

Resolutions of Alliance No. 281, of Wobdrot, Brûlé County, South Dakota;

Resolutions of Valley Township Alliance, of Day, Day County, South Dakota;

Resolutions of McPherson Alliance, of South Dakota;

Resolutions of Thorp Alliance, No. 573, of Clark County, South Dakota:

Resolutions of German Farmers' Alliance, of Gales Township, Aurora County, South Dakota;

Resolutions of Farmers' Alliance, No. 350, of Northville, Spink County, South Dakota;

Resolutions of Potter County Alliance of South Dakota;

Resolutions of Dalesburgh Farmers' Alliance, of Dalesburgh, Clay County, South Dakota; and

Resolutions of Prairie Flower Farmers' Alliance, No. 151, of Miner County, South Dakota.

Mr. WILSON, of Iowa, presented the following petitions, praying for the passage of the Conger lard bill; which were ordered to lie on the table:

Petition of B. F. McDaniel and 48 other citizens of Decatur County, Iowa;

Petition of S. A. Grubbs and 19 other citizens of Carroll County, Iowa;

Petition of Calvin Latto and 48 other citizens of Decatur County, Iowa;

Petition of John Borlirfus and 39 other citizens of Hamilton County, Iowa;

Petition of A. M. Badgley and 21 other citizens of Locust Grove Alliance, of Waller, Iowa;

Petition of George McCormick and 11 other citizens of Russell, Lucas County, Iowa;

Petition of H. W. Woods and 16 other citizens of Iowa;

Petition of John Leeper and 86 other citizens of Jasper County, Iowa;

Petition of James Johnson and 29 other citizens of Louisa County, Iowa;

Petition of D. W. Richards and 19 other citizens of Linn County, Iowa;

Petition of W. D. Wicks and 39 other citizens of Scott County, Iowa;

Petition of A. H. Glandon and 19 other citizens of Montgomery County, Iowa;

Petition of John W. Knight and 13 other citizens of Harrison Center, Adair County, Iowa;

Petition of M. F. Steirwalt and 7 other citizens of Dickinson County, Iowa;

Petition of H. P. Kalonky and 13 other citizens of Boone County, Iowa;

Petition of Henry Miller, jr., and 35 other citizens of Carroll County, Iowa;

Petition of W. J. Willhoit and 12 other citizens of Oskaloosa, Mahaska County, Iowa;

Petition of G. R. Milem and 38 other citizens of Ida County, Iowa;

Petition of Thomas Presnell and 18 other citizens of Hancock County, Iowa; and

Petition of W. Mattocks and 28 other members of Winnebago County Alliance of Iowa.

Mr. PADDOCK presented the petition of James S. Bell and 103 other citizens of Southwestern Nebraska, praying that an appropriation be made for the development of the water supply for farming purposes; which was referred to the Select Committee on Irrigation and Reclamation of Arid Lands.

He also presented the petition of A. J. Hill and 109 other citizens of the Otoe reservation lands, Nebraska, and the petition of B. W. Johnson and 143 other residents of the Otoe and Missouria reservation lands, praying Congress to quiet title to all such reservation lands as have been patented or finally receipted for; which were ordered to lie on the table.

He also presented a petition of citizens of Chadron, Nebr., praying for the complete disarming of all Indians at Pine Ridge agency, South Dakota; which was ordered to lie on the table.

He also presented a petition of the Farmers' Alliance and Industrial Union of the State of Illinois, at their annual convention, praying for the passage of the Paddock pure-food bill; which was ordered to lie on the table.

He also presented a memorial of the New Bedford (Mass.) Retail Grocers' Association, remonstrating against the passage of the Conger lard bill; which was ordered to lie on the table.

Mr. EVARTS presented the petition of John T. Brady, colonel of Encampment No. 69, Union Veteran Legion, and 92 ex-soldiers and sailors, praying for the passage and approval of S. 3146, providing for the preference of veterans in appointment and retention in the service of the Government; which was referred to the Committee on Civil Service and Retrenchment.

He also presented a petition of 96 lithographers, citizens of the State of New York, praying for the passage of an amendment to the international copyright bill giving protection to lithographic, chromo-publishing, and photographic trades as is accorded to type-printing and book-publishing trades; which was ordered to lie on the table.

Mr. DOLPH presented a petition of the county commissioners of Kitsap County, Washington, praying for the location of a navy yard at Port Orchard, Washington, and that an appropriation be made therefor; which was referred to the Committee on Appropriations.

Mr. DIXON presented the petition of Arnold B. Chace and other citizens of Rhode Island, praying for the prompt passage of Senate bill 4173, providing for the appointment of a national commission to investigate the subject of social vice; which was referred to the Committee on Education and Labor.

Mr. SHOUP presented a memorial of the directors of the Board of Trade of Boisé City, Idaho, remonstrating against the operation of existing law against the producers of gold and silver bullion at the United States assay office at Boisé City, Idaho; which was referred to the Committee on Finance.

Mr. HOAR presented a petition of citizens of Montgomery County, North Carolina, praying for the passage of the elections bill; which was ordered to lie on the table.

Mr. REAGAN presented the following memorials, remonstrating against the passage of the Conger lard bill; which were ordered to lie on the table:

Memorial of S. P. Allen and 127 other citizens of Palestine, Tex.;

Memorial of the Cotton Exchange and Board of Trade, of Houston, Tex., and a telegram from H. C. Ferguson, a colored planter of Texas, to Colonel Humphrey, president of the Colored Alliance of Texas;

Memorial of G. M. Pridgen and other citizens of Cairo, Tex.; and

Memorial of the firm of Martin, Wise & Fitzhugh, and other citizens of Paris, Tex.

Mr. VEST presented a petition of the St. Joseph (Mo.) Typographical Union, No. 40, praying for the passage of the copyright bill; which was ordered to lie on the table.

He also presented a memorial of Oak Grove Union, No. 2309, of Saline County, Missouri, remonstrating against the passage of the subtreasury bill and the Federal elections bill and praying for the free coinage of silver; which was ordered to lie on the table.

He also presented a petition of Pomona Grange, De Kalb County, Missouri, and a petition of Deer Creek Grange, No. 1683, of Clinton County, Missouri, praying for the passage of the Conger lard bill; which were ordered to lie on the table.

Mr. VANCE presented a petition of the North Carolina and Virginia Christian Conference, praying for the passage of a law forbidding the carrying of United States mails on the Sabbath day; which was referred to the Committee on Post Offices and Post Roads.

Mr. CARLISLE presented the petition of the children of Joseph Cromie, late a sergeant in Company K, Fourth Regiment United States Infantry, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. DAWES. I present the petition of a large number of business and professional men of the city of Albuquerque, Territory of New Mexico, under the auspices of the commercial club of that city, in favor of more liberal appropriations for the Indian schools in Albuquerque. I move that the petition be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. GIBSON. I present a memorial remonstrating against the passage of the Conger lard bill, and stating that the amount of cotton seed crushed now exceeds 1,000,000 of tons, costing when manufactured an average of $15 per ton, and that the plants established throughout the South for the crushing of cotton seed have cost at least $25,000,000. The memorial is signed by all the leading mercantile bodies in the city of New Orleans, and by the presidents of all the banks. Being very short, I should like to have it printed, with the consent of the Senate, as a miscellaneous document.

The VICE PRESIDENT. Is there objection to the request of the Senator from Louisiana? The Chair hears none, and the memorial will be printed and lie on the table.

Mr. COKE presented a petition of citizens of Del Rio, Tex., praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. TURPIE presented a petition (circulated by the Woman's Christian Temperance Union) signed by J. H. Turpie, Mrs. Maggie Blair, and 78 other citizens of Monon, Ind., and a petition (circulated by the Woman's Christian Temperance Union) signed by Mrs. L. J. Horner, president, and Lizzie A. Keer, secretary, of the Woman's Christian Temperance Union of Monon, Ind., representing 15 members, praying for the passage of the bill providing for the appointment of a national commission on the subject of social vice; which were referred to the Committee on Education and Labor.

He also presented the petition of George M. Wells, late private Company H, Eleventh Indiana Volunteers, of Castleton, Marion County, Ind., praying for the correction of his military record and the removal of the charge of desertion therefrom; which was referred to the Committee on Military Affairs.

Mr. WOLCOTT presented a memorial of Starr Alliance, No. 54, of Larimer County, Colorado, and the memorial of R. O. Tenney and a large number of other citizens of Larimer County, Colorado, remonstrating against the passage of the Conger lard bill and favoring the passage of the Paddock pure-food bill; which were ordered to lie on the table.

Mr. HALE presented the following petitions, praying for the passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages; which were referred to the Committee on Education and Labor:

Petition of W. Jones, clerk, W. E. Philbrook, assistant clerk, and 193 other members of the Monthly Meeting of Friends, of China, Me.;

Petition of H. Cook, clerk, Eliza P. Pierce, assistant clerk, and 125 other members of the Monthly Meeting of Friends, of Vassalborough, Me.;

Petition of Warren Hawkes, clerk, Sarah S. Hawks, assistant clerk, and 401 other members of the Monthly Meeting of Friends, of Manchester, Me.; and

Petition of T. Richardson, clerk, Sarah E. Sheppard, assistant clerk, and 60 other members of the Monthly Meeting of Friends, of Fairfield, Me.

Mr. HALE presented a petition of the Wilkes-Barre (Pa.) Board of Trade, praying for the passage of the bill (S. 4329) providing for a more thorough investigation by the Census Office of the electrical industries; which was referred to the Committee on the Census.

He also presented the petition of A. F. Palmer and Ella Fogg and 94 other citizens of Bar Harbor, Me., praying for the passage of a bill providing for the appointment of a commission on the subject of social vice; which was referred to the Committee on Education and Labor.

Mr. COCKRELL presented the petition of Frank McDowell and 22 citizens of St. Louis, Mo., praying for the passage of the Paddock pure-food bill; which was ordered to lie on the table.

He also presented the memorial of A. Sinclair and 14 other citizens of St. Louis, Mo., remonstrating against the passage of the Conger lard bill, "introduced in behalf of Squires & Co., pork-packers;" which was ordered to lie on the table.

Mr. WALTHALL presented a memorial of the Board of Trade of Meridian, Miss., remonstrating against the passage of the Conger lard bill and favoring the passage of the pure-food bill; which was ordered to lie on the table.

Mr. WALTHALL. I present a communication, dated January 15, 1891, signed by Alex. J. Wedderburn, chairman legislative committee, Virginia State Grange, Patrons of Husbandry, inclosing what are described as "Resolutions of Buena Vista Alliance, No. 675, of Mississippi, praying for the passage of the Conger lard bill," with the request by the writer that the petition be presented to the Senate.

In complying with this request of Mr. Wedderburn, of Virginia, I deem it proper to state that I know the general sentiment of the agricultural population of Mississippi is overwhelmingly opposed to the passage of the Conger lard bill. I move that the petition lie on the table.

The motion was agreed to.

Mr. INGALLS presented the petition of H. Jewett and 25 other citizens of Johnson County, Kansas, and a petition of citizens of the United States, praying for the passage of the Conger lard bill; which were ordered to lie on the table.

He also presented a petition numerously signed by the members of

the Woman's Christian Temperance Union of La Cygne, Kans., praying for the appointment of a national commission to examine into the subject of social vice in all its branches; which was referred to the Committee on Education and Labor.

Mr. PLUMB. I present a large number of petitions of citizens of different localities in Kansas, including petitions of a number of Farmers' Alliances, praying for the passage of the Conger lard bill. I move that the petitions lie on the table.

The motion was agreed to.

Mr. PLUMB presented a memorial of the Fall River (Mass.) Butchers and Grocers' Association, remonstrating against the passage of the Conger lard bill; which was ordered to lie on the table.

He also presented a petition of a large number of citizens of Wichita, Kans., praying for the passage of the Torrey bankrupcty bill; which was ordered to lie on the table.

He also presented the petition of Jefferson Allen, Mrs. Carrie Beatty, and 77 other citizens of Weir, Kans., praying for the passage of the bill providing for the appointment of a commission composed of both men and women to investigate the social vice in all its phases, its relation to labor and wages, to marriage and divorce, and its effects on individuals, unborn children, and the general welfare of the people; which was referred to the Committee on Education and Labor.

He also presented a petition of a large number of citizens of Kansas, praying for the passage of the bill to amend the timber-culture laws of the United States and the bill to reduce the price of public lands within railroad grants in the States of Kansas and Nebraska; which was referred to the Committee on Public Lands.

Mr. DANIEL presented the following petitions praying for the passage of the Conger lard bill; which were ordered to lie on the table:

Petition of Dr. E. C. Gee and 47 other citizens of Lunenburgh, Va.; and

Petition of Joel Shelley and 25 other citizens of Scott County, Virginia.

Mr. TURPIE presented the following memorials remonstrating against the passage of the Conger lard bill; which were ordered to lie on the table:

Memorial of W. C. Hall, of Evansville, Ind., and 15 other citizens, visitors at the St. Louis fair;

Memorial of W. T. Elliott and 13 citizens of Briceville, Ind.;

Memorial of E. B. Barlow, editor of the Anti-Monopolist, of Washington, Daviess County, Indiana, and 20 other citizens;

Memorial of Alexander Marley, clerk of the Martin County court, James A. Williams, recorder of Martin County, and George W. Gates, treasurer of Martin County, Indiana, and 47 farmers, citizens, and business men;

Memorial of J. B. Purcell, manager of the Vincennes Sun, and 17 business men of Vincennes;

Memorial of Charles Green, of the Farmers' Mutual Benefit Association, and 22 citizens of Washington, Daviess County, Indiana; and

Memorial of S. H. Grimshaw and 19 other citizens of Lawrence County, Indiana.

Mr. TURPIE also presented the following petitions, praying for the passage of the Paddock pure-food bill; which were ordered to lie on the table:

Petition of R. Silver, a resident of Indianapolis, Ind., and 23 citizens, visitors at the St. Louis fair; and

Petition of Harry Bedford and 21 citizens of Lawrence County, Indiana.

Mr. TURPIE also presented the following petitions praying for the passage of the Paddock pure-food bill and remonstrating against the passage of the Conger lard bill; which were ordered to lie on the table:

Petition of George W. Whitehead and 19 other farmers and citizens of Knox County, Indiana;

Petition of S. C. Hooker, druggist, and 17 other business men of Mitchell, Lawrence County, Indiana;

Petition of Levellie & Blair, grocers, and 18 merchants and business men of Washington, Daviess County, Indiana;

Petition of Samuel Kennedy, of Shoales, Martin County, and 17 other citizens;

Petition of W. W. Myers, a farmer of Vincennes, Knox County, Indiana, and 19 other citizens;

Petition of N. B. Russell and other merchants and farmers of Daviess County, Indiana; and

Petition of 20 members of the Farmers' Mutual Benefit Association, of Daviess County, Indiana.

REPORTS OF COMMITTEES.

Mr. BARBOUR, from the Committee on the District of Columbia, to whom was referred the bill (S. 4411) to authorize the Washington and Western Railroad Company of Virginia to extend its line into and within the District of Columbia, reported it with amendments, and submitted a report thereon.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (S. 4724) for the relief of John P. Downing, first paying teller in the subtreasury at Boston, Mass., reported it with amendments, and submitted a report thereon.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (S. 4874) to establish a life-saving station at Brant Rock, in the town of Marshfield, Mass., reported it without amendment.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (H. R. 10707) restoring Bethia White, late Bethia Pool, to the pension roll, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 8997) granting a pension to Charlotte B. Nutting, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 11212) granting a pension to Zeruiah A. Potter, reported it without amendment, and submitted a report thereon.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 11915) to ratify and confirm agreements with the Sac and Fox Nation of Indians and the Iowa tribe of Indians of Oklahoma Territory, and to make appropriations for carrying out the same, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 4305) to ratify and confirm certain agreements with the Citizen band of Pottawatomie Indians and the Absentee Shawnee Indians, and to make appropriations for carrying the same into effect, reported it with an amendment.

He also, from the same committee, to whom the subject was referred, reported a bill (S. 4890) to ratify and confirm an agreement with the Cheyenne and Arapahoe tribes of Indians in Oklahoma Territory, and to make appropriations for carrying the same into effect; which was read twice by its title.

Mr. PADDOCK, from the Committee on Pensions, to whom was referred the bill (H. R. 12714) granting a pension to Charles D. Hanscom, reported it without amendment, and submitted a report thereon.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 1867) for the relief of Charles Max Wittig, reported it with an amendment, and submitted a report thereon.

Mr. MANDERSON, from the Committee on Printing, to whom was referred the bill (H. R. 4385) to appropriate the sum of $517.60 to George B. Kane & Co., in full payment of a balance due them for printer's ink furnished by them to the Public Printer, reported it with an amendment, and submitted a report thereon.

EULOGIES ON THE LATE REPRESENTATIVE GAY.

Mr. MANDERSON. I am directed by the Committee on Printing, to whom was referred the joint resolution (H. Res. 210) to print the eulogies on Hon. Edward J. Gay, to report it without amendment, and I ask for its present consideration by the Senate.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISTRICT HEALTH OFFICER'S REPORT.

Mr. MANDERSON, from the Committee on Printing, to whom was referred the following concurrent resolution of the House of Representatives, reported it without amendment, and it was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the Public Printer be, and he is hereby, authorized to print 2,500 extra copies of the annual report of the health officer of the District of Columbia; 100 for the use of the Senate, 350 for the use of the House of Representatives, and 2,050 for the use of the said health officer of the District.

BILLS INTRODUCED.

Mr. POWER introduced a bill (S. 4891) to limit the compulsory requirement of deposits of United States bonds by national banks, and for other purposes; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 4892) reserving to settlers all rights by them acquired to public lands prior to the passage of "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes," approved October 2, 1888; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. HAWLEY introduced a bill (S. 4893) to define the grade of certain medical officers of the Army, and for other purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SANDERS introduced a bill (S. 4894) to prevent the sale of firearms and ammunition to Indians; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. PLUMB introduced a bill (S. 4895) for the relief of Christian Fredericksen; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 4896) for the relief of Jonathan Myers; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. PADDOCK introduced a bill (S. 4897) to provide for the inspection of vessels carrying export cattle from the United States to foreign countries, and for other purposes; which was read twice by its title.

Mr. PADDOCK. The draft of this bill comes from the Department of Agriculture. I am in a little doubt as to what reference should be made, and I therefore request that it may lie on the table for the present. I shall confer with the chairman of the Committee on Foreign Relations on the subject.

The VICE PRESIDENT. The bill will lie on the table for the present.

Mr. CAREY introduced a bill (S. 4898) granting an increase of pension to Oliver P. Goodwin; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCONNELL introduced a bill (S. 4899) making an appropriation for surveys of the Cœur d'Alêne and Kootenai Rivers and Cœur d'Alêne Lake, in the State of Idaho; which was read twice by its title, and referred to the Committee on Commerce.

Mr. INGALLS (by request) introduced a bill (S. 4900) granting jurisdiction and authority to the Court of Claims in the case of the scow Rowena; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 4901) granting a pension to Mrs. Emily Hamilton; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4902) granting a pension to A. J. Wilks; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 4903) concerning title-insurance companies in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. DAWES introduced a bill (S. 4904) granting a pension to George James; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4905) to pension Mrs. Adeline S. Wilbur; which was read twice by its title, and referred to the Committee on Pensions.

Mr. INGALLS (by request) introduced a joint resolution (S. R. 149) to construe the act of February 14, 1885, in relation to allowances for retired enlisted men of the United States Army and Marine Corps; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

AMENDMENTS TO BILLS.

Mr. TURPIE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Printing, and ordered to be printed.

Mr. BERRY submitted sundry amendments intended to be proposed by him to the bill (H. R. 11045) to amend and supplement the election laws of the United States and to provide for the more efficient enforcement of such laws, and for other purposes; which were ordered to lie on the table and be printed.

Mr. VOORHEES submitted an amendment intended to be proposed by him to the army appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

REPORT OF DIRECTOR OF THE BUREAU OF ETHNOLOGY.

Mr. MANDERSON submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed at the Government Printing Office 15,500 copies of the tenth annual report of the Director of the Bureau of Ethnology, with accompanying papers and illustrations, and uniform with the preceding volumes of the series, of which 3,500 shall be for the use of the Senate, 7,000 for the use of the House of Representatives, and 5,000 for distribution by the Bureau of Ethnology.

SITE OF GUN FACTORY ON PACIFIC COAST.

Mr. MITCHELL submitted the following resolution; which was read:

Resolved, That the Secretary of War be, and he is hereby, directed to transmit to the Senate at his earliest convenience, copies of all recommendations and statements of boards of trade, chambers of commerce, and other representative commercial bodies, and of all municipal corporations, together with copies of all petitions, statements, documents, and other papers whatsoever, at any time heretofore presented since the 1st day of October last, either directly to the War Department or to the military board heretofore appointed under the provisions of an act of the last session of the present Congress, approved August, 1890, for the purpose of examining into the facilities for producing steel forgings, and for the purpose of selecting a site for the location and establishment of a gun factory on the Pacific coast, which relates to the subject of a site for such gun factory, and submitted in the nature of information, and as showing the commercial and military importance and other facilities of the several sites suggested to such board as proper to be considered as suitable and proper sites for such purpose.

Mr. MITCHELL. I ask for the present consideration of the resolution.

Mr. GORMAN. I suggest to the Senator that he strike out the word "petitions." It seems to me that the petitions should not be included in the matter called for.

Mr. MITCHELL. I am willing to strike out the word "petitions." I simply desire the information that was presented to the board and to the War Department in connection with the investigation ordered.

The VICE PRESIDENT. The modification suggested by the Senator from Maryland will be stated.

The CHIEF CLERK. In the fifth line strike out the words "all petitions;" so as to read:

Together with copies of statements, documents, and other papers whatsoever.

Mr. GORMAN. Would not the word "statements" cover "petitions?" I understand the Senator does not care to have petitions sent in. I ask that the resolution may lie over.

Mr. MITCHELL. Very well; I ask that the resolution be printed.

The VICE PRESIDENT. The resolution will go over and be printed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 19th instant, approved and signed the act (S. 3271) to enable the Secretary of the Interior to carry out, in part, the provision of "An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes," approved March 2, 1889, and making appropriations for the same, and for other purposes.

CROW INDIAN LANDS IN MONTANA.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States; which was read, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the 17th instant, from the Secretary of the Interior, submitting the agreement entered into between the Crow Indians and the commission appointed to negotiate with them for the sale to the United States of the western portion of their reservation in Montana, under the provisions of the act of September 25, 1890.

It is thought important by the Department that this matter receive the consideration of Congress during the present session.

BENJ. HARRISON.

EXECUTIVE MANSION, *January* 19, 1891.

HOUR OF MEETING TO-MORROW—FUNERAL OF MR. BANCROFT.

Mr. HOAR. Mr. President, I move that when the Senate adjourn to-day it adjourn to meet at 12 o'clock to-morrow. I make this motion in order that Senators who desire may have an opportunity to attend the funeral of Mr. Bancroft at St. John's Church to-morrow morning at 11 o'clock.

Mr. Bancroft at his death was perhaps the most illustrious man of letters, certainly with one or two exceptions, in the country. He has a peculiar relation to the people of the United States by reason of the fact that he is everywhere recognized as the great historian of the great eras of the foundation and the achievement of our independence and the formation of the Constitution. It is well known that he died at his residence in this city at the ripe age of ninety years. His name has been honored by the Senate in a way in which I believe no other name has been honored, by a special provision that he should be admitted to the floor of the Senate at all times, mentioning him by name.

The VICE PRESIDENT. The question is on the motion of the Senator from Massachusetts that when the Senate adjourn to-day it be to meet at 12 o'clock to-morrow.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 6975) to provide for an additional associate justice of the supreme court of Arizona, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. STRUBLE, Mr. PERKINS, and Mr. SPRINGER managers at the conference on the part of the House.

UNITED STATES ELECTIONS.

The VICE PRESIDENT. If there be no further morning business, it is the duty of the Chair to lay before the Senate the unfinished business coming over from a previous day. The unfinished business will be stated.

The CHIEF CLERK. A bill (H. R. 11045) to amend and supplement the election laws of the United States and to provide for the more efficient enforcement of such laws, and for other purposes.

The VICE PRESIDENT. The bill is before the Senate as in Committee of the Whole and the Senator from Mississippi [Mr. GEORGE] is entitled to the floor.

Mr. SHERMAN. It is not quite 1 o'clock and the first bill on the Calendar is one very important to pass now. It is a bill relating to the Hawaiian treaty. I hope the Senator from Mississippi will allow it to be taken up and passed.

The VICE PRESIDENT. Does the Senator from Mississippi yield for that purpose?

Mr. GEORGE. Certainly.

Mr. SHERMAN. It is the first bill on the Calendar.

Mr. GORMAN. Let it be read.

Mr. HOAR. Has the Chair laid before the Senate the unfinished business?

The VICE PRESIDENT. He has; and the Senator from Mississippi has been recognized, and yields for a moment to the Senator from Ohio.

Mr. HOAR. I object.

Mr. SHERMAN. It is now a minute until 1 o'clock, and we can pass the bill in that minute if the Senator will allow it to be taken up.

Mr. HARRIS. Does the Senator from Ohio ask within the morning hour to proceed to the consideration of the bill?

Mr. SHERMAN. Yes. It is the first bill on the Calendar, and it ought to be passed at once.

Mr. HOAR. If there is to be no debate I shall not object.

Mr. GORMAN. Let it be read for information.

The VICE PRESIDENT. The bill will be read.

The Chief Clerk read the bill (S. 4668) in respect to certain treaty stipulations.

Mr. CARLISLE. Is that a Senate bill?

The VICE PRESIDENT. It is a Senate bill.

Mr. CARLISLE. I had not understood that that bill was to be taken up; but if it is up for consideration I desire to be heard.

Mr. HOAR. Then I must object.

Mr. SHERMAN. Then let the bill go over. The Senator from Kentucky was not here when it was up before, and therefore I will agree to let it go over.

Mr. PADDOCK. It will retain its place, I suppose, on the Calendar?

Mr. SHERMAN. Oh, yes.

The VICE PRESIDENT. The bill will retain its place on the Calendar.

Mr. GIBSON. Will the Senator from Mississippi permit me to give notice of several amendments to the pending bill?

Mr. GEORGE. Certainly.

Mr. GIBSON. I desire to give notice that I shall offer the following amendments to the pending bill, and I ask that they may be printed:

On page 78 of the last edition of the bill, line 19, after the words "one hundred persons," I propose to insert "one-half of whom shall belong to the political party of which the chief supervisor himself is not a member."

In the same page, line 23, after the words "fifty persons," I propose to insert "one-half of whom shall belong to the political party of which the chief supervisor himself is not a member."

I also propose to strike out, in lines 18 and 19, the words "one hundred persons" and insert "five hundred persons," and in line 23 strike out the words "fifty persons," and insert the words "two hundred and fifty persons."

The VICE PRESIDENT. The amendments will be printed. The Senator from Mississippi will proceed.

Mr. HOAR. Will the Senator from Mississippi yield to me to simply have a letter read of about four lines relating to a question which came up on Friday.

Mr. GEORGE. Certainly.

The VICE PRESIDENT. The letter will be read.

The Chief Clerk read as follows:

UNITED STATES POST OFFICE,
Anniston, Calhoun County, State of Alabama, January 17, 1891.

HONORED SIR: I notice in the debate reported in to-day's news that a Senator states that Rev. Mr. Carnahan, editor of the Little Rock paper, came to Arkansas from Cincinnati. I will say that this is a mistake, as the reverend gentleman was rector of our church here for four or five years, and went direct from here to Arkansas. I always understood he was a Virginian, and know that he was a strict party Democrat.

Most respectfully,

G. B. RANDOLPH, *Postmaster.*

Hon. Mr. HOAR,
United States Senator, Washington, D. C.

Mr. JONES, of Arkansas. The statement made by this correspondent of the Senator from Massachusetts is not correct literally in one respect, when he says that a statement was made by a Senator that Mr. Carnahan came from Cincinnati. I have not looked at the RECORD and I do not undertake to speak by the RECORD, but what I said was that my information was that Mr. Carnahan came to Arkansas from the vicinity of Cincinnati. I was told so by a member of the House of Representatives. I do not know that he spoke from personal knowledge.

This Alabama postmaster, who, with extraordinary zeal, picks up information and undertakes to correct statements made here, says that his impression or understanding is that Mr. Carnahan came from Virginia. I do not know whether he went to Alabama from the neighborhood of Cincinnati or not. I still believe that he went from the neighborhood of Cincinnati, Ohio, to Arkansas, but he may have gone to Alabama first and may have lived for awhile in the town in which this superserviceable postmaster is holding an office.

I have understood from a Senator on this floor since I made my statement the other day that Mr. Carnahan lived for a number of years in Covington, Ky., which is just across the river from Cincinnati. My friend, the member of the other House, who informed me that he had lived in the city of Cincinnati, or certainly in that locality, was not mistaken in that respect. It seems that he went from the neighborhood of Cincinnati, from Covington possibly, to Alabama, I do not know from where, but the point I made in what I said about Mr. Carnahan the other day was that he had not been long in Arkansas, and his information and his impressions about our people could not be relied on to any extent; that he was doubtless a student, spending most of his time in his study and forming his impressions of the social conditions and the political conditions in our State from what he picked up in newspapers, and that perhaps his sources of information were not the best, and that his statements were no more to be relied on than were those of any other poorly informed man. The impressions the Alabama postmaster has that he came from Virginia are, I think, certainly entitled to no more weight and credit than individual impressions that he came from the vicinity of Cincinnati, and the information which I have since received from a Senator here that he went actually from Covington, Ky.

Mr. HOAR. But the writer of this letter says he was rector of a church in Alabama for several years at the town where he lives.

Mr. CARLISLE. If the Senator from Mississippi will yield to me, I presume I am the Senator to whom the Senator from Arkansas alludes as having given him information that Mr. Carnahan had resided for some time in the city of Covington, which is my own home. I knew Mr. Carnahan personally for several years as a resident of that city or its immediate vicinity. I am not able to state how long he resided there, nor where he went when he left there, nor how long he has been in the State of Arkansas; but to my personal knowledge he certainly did reside in or near the city of Covington, which is in the immediate vicinity of Cincinnati, for several years.

Mr. HOAR. He seems to have been a Southern Democrat of many years of unimpeached character, according to the statement of all Democrats.

Mr. MORGAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Alabama?

Mr. GEORGE. Certainly.

Mr. MORGAN. I know the postmaster at Anniston very well. He has been for a number of years an object of public observation and scrutiny in that State. He is one of those men who used to go about there in Alabama at the command of Mr. Spencer and men like him to put manacles on people in consequence of their not being Republicans and the like of that. He may be a competent witness to prove that Mr. Carnahan was a resident of Anniston for a number of years, but he would ruin Mr. Carnahan's character as a Democrat if he certified to his Democracy.

The VICE PRESIDENT. The Senator from Mississippi will proceed.

Mr. GEORGE resumed the floor and continued the speech begun by him on the 31st of December, 1890. After having proceeded for some time,

Mr. HOAR said: Mr. President, will the Senator from Mississippi yield to me for a moment?

Mr. GEORGE. Certainly.

Mr. HOAR. I wish to move a reconsideration of the vote whereby the Senate agreed to amend this bill on Saturday by making four supervisors at each poll instead of three; and I desire, if the Senator from Mississippi will pardon me, to say that if that vote be reconsidered I propose to reduce the number of supervisors at each poll to two.

Mr. BUTLER. One of each political party?

Mr. HOAR. So that there would be one of each political party. The bill as it came from the other House and the substitute as originally reported to the Senate provided that there should be three persons at each polling place, only two of whom should be of the same political party. That would give a majority to one party.

Mr. GEORGE. That is, two stalwart Republicans and one slippery Democrat?

Mr. HOAR. It would depend upon whether the slippery Democrat got the appointment. As a general rule I think that one slippery Democrat is fully equal to two honest Republicans. But I moved the amendment, and the Senate adopted it, to increase the number to four, still leaving in the provision that there shall be only two of each political party, in order that the objection of a partisan majority might be removed. I now propose to reconsider that vote, and I enter a motion to that effect, stating that if the reconsideration takes place I shall propose to reduce the number to two, only one of whom shall be of the same political party.

Mr. GEORGE resumed the floor. After he had addressed the Senate in all for nearly five hours,

Mr. HOAR said: Does the Senator from Mississippi wish to finish his speech this evening?

Mr. GEORGE. I can not well finish this evening, but I will do whatever Senators desire. If they wish me to go on I shall do so. If it is entirely agreeable to Senators on the other side, I think I should prefer to go on to-morrow when we meet.

[Mr. GEORGE'S speech will be found in the Appendix.]

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. 828) for the relief of Sarah E. E. Perine, widow and administratrix of William Perine, deceased.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice President:

A bill (S. 1354) to provide for the purchase of a site and the erection of a public building thereon at Sioux Falls, in the State of South Dakota;

A bill (S. 2427) to provide for the purchase of a site and the erection of a public building thereon at St. Albans, in the State of Vermont;

A bill (S. 395) granting an increase of pension to Mrs. Mary McIntosh;

A bill (S. 3976) granting a pension to George A. Perkins;

A bill (S. 4506) granting a pension to Frederick Slawson;

A bill (S. 4507) granting a pension to Johanna Teubner;

A bill (H. R. 2787) to authorize the Secretary of War to remove the charges of desertion from the records of the War Department as to Dudley Johnson, late ordnance sergeant, United States Army;

A bill (H. R. 7119) to authorize the Secretary of War to loan certain cannon to the Saratoga Monument Association;

A bill (H. R. 7471) to provide increase of pension to Hosea Brown, of the war of 1812; and

A bill (H. R. 7879) granting a pension to Emily P. Collins.

EXECUTIVE SESSION.

Mr. HOAR. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 6 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 20, 1891, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 19th day of January, 1891.

COLLECTOR OF CUSTOMS.

Patrick H. Downing, of California, to be collector of customs for the district of Wilmington, in the State of California, to succeed John T. Stow, deceased.

Eldridge H. Bryant, of Maine, to be collector of customs for the district of Machias, in the State of Maine, to succeed John F. Lynch, whose term of office will expire by limitation January 27, 1891.

PROMOTIONS IN THE ARMY.

Medical Department.

Capt. Charles B. Byrne, assistant surgeon, to be surgeon with the rank of major, January 2, 1891, *vice* Sternberg, promoted.

Cavalry.

First Lieut. Luther R. Hare, Seventh Cavalry, to be captain of cavalry, December 29, 1890, *vice* Wallace (Seventh Cavalry), killed in action with Indians.

First Lieut. Thaddeus W. Jones, regimental adjutant Tenth Cavalry, to be captain of cavalry, January 14, 1891, *vice* Maxon (Tenth Cavalry), retired from active service.

Second Lieut. James F. Bell, Seventh Cavalry, to be first lieutenant of cavalry, December 29, 1890, *vice* Hare (Seventh Cavalry), promoted.

Artillery.

Second Lieut. Edward A. Millar, Third Artillery, to be first lieutenant of artillery, January 7, 1891, *vice* Thompson (Second Artillery), who vacates his line commission on acceptance of his commission as first lieutenant in the Ordnance Department.

Infantry.

Lieut. Col. John J. Coppinger, Eighteenth Infantry, to be colonel of infantry, January 15, 1891, *vice* Black (Twenty-third Infantry), retired from active service.

Maj. Jacob F. Kent, Fourth Infantry, to be lieutenant colonel of infantry, January 15, 1891, *vice* Coppinger (Eighteenth Infantry), promoted.

Capt. George M. Randall, Twenty-third Infantry, to be major of infantry, January 15, 1891, *vice* Kent (Fourth Infantry), promoted.

First Lieut. Edward B. Pratt, Twenty-third Infantry, to be captain of infantry, January 15, 1891, *vice* Randall (Twenty-third Infantry), promoted.

Second Lieut. Edward S. Avis, Fifth Infantry, to be first lieutenant of infantry, November 11, 1890, *vice* J. C. Ord (Twenty-fifth Infantry), promoted.

Second Lieut. Alfred B. Scott, Thirteenth Infantry, to be first lieutenant of infantry, November 12, 1890, *vice* Craft (Sixth Infantry), deceased.

Second Lieut. Harris L. Roberts, Nineteenth Infantry, to be first lieutenant of infantry, November 14, 1890, *vice* Williams (Twenty-first Infantry), nominated for promotion.

Second Lieut. Walter H. Chatfield, Fifth Infantry, to be first lieutenant of infantry, November 20, 1890, *vice* Turner (Eighteenth Infantry), dismissed.

Second Lieut. John F. Morrison, Twentieth Infantry, to be first lieutenant of infantry, November 27, 1890, *vice* Maus (First Infantry), promoted.

Second Lieut. Andrew S. Rowan, Fifteenth Infantry, to be first lieutenant of infantry, November 28, 1890, *vice* McCaleb (Ninth Infantry), appointed regimental adjutant.

Second Lieut. Frank B. Andrus, Fourth Infantry, to be first lieutenant of infantry, December 12, 1890, *vice* Earle (Second Infantry), deceased.

Second Lieut. John H. Wills, Twenty-second Infantry, to be first lieutenant of infantry, December 29, 1890, *vice* Smith (Twelfth Infantry), promoted.

Second Lieut. Frederick T. Van Liew, Second Infantry, to be first lieutenant of infantry, December 29, 1890, *vice* Dougherty (Eleventh Infantry), retired from active service.

Second Lieut. James E. Wilson, Fifth Infantry, to be first lieutenant of infantry, December 29, 1890, *vice* Brown (Eleventh Infantry), promoted.

Second Lieut. Daniel F. Anglum, Twelfth Infantry, to be first lieutenant of infantry, January 1, 1891, *vice* Cowles (Sixteenth Infantry), appointed regimental quartermaster.

Under the provisions of section 6 of the act of Congress approved October 1, 1890, the following-named second lieutenants of the Signal Corps for appointment in the line of the Army:

Cavalry.

Second Lieut. James A. Swift, to be second lieutenant of cavalry, to rank from November 1, 1878, *vice* Baldwin (Seventh Cavalry), promoted.

Second Lieut. Robert B. Watkins, to be second lieutenant of cavalry, to rank from April 26, 1883, *vice* Squiers (Seventh Cavalry), promoted.

Second Lieut. John C. Walshe, to be second lieutenant of cavalry, to rank from April 27, 1883, *vice* Bell (Seventh Cavalry), promoted.

Infantry.

Second Lieut. Benjamin F. Purssell, to be second lieutenant of infantry, to rank from October 13, 1883, *vice* Hughes (Thirteenth Infantry), promoted.

Second Lieut. Fielder M. M. Beall, to be second lieutenant of infantry, to rank from October 15, 1883, *vice* Avis (Fifth Infantry), promoted.

Second Lieut. Julius H. Weber, to be second lieutenant of infantry, to rank from July 1, 1884, *vice* Scott (Thirteenth Infantry), promoted.

Second Lieut. John P. Finley, to be second lieutenant of infantry, to rank from July 1, 1884, *vice* Roberts (Nineteenth Infantry), promoted.

Second Lieut. Frederick R. Day, to be second lieutenant of infantry, to rank from July 15, 1884, *vice* Chatfield (Fifth Infantry), promoted.

Second Lieut. James Mitchell, to be second lieutenant of infantry, to rank from August 15, 1885, *vice* Morrison (Twentieth Infantry), promoted.

Second Lieut. Frank W. Ellis, to be second lieutenant of infantry, to rank from August 15, 1885, *vice* Rowan (Fifteenth Infantry), promoted.

POSTMASTER.

Hezekiah L. Simms, to be postmaster at East Liverpool, in the county of Columbiana and State of Ohio, in the place of Robert T. Abraham, whose commission expired January 5, 1891.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 15, 1891.

PROMOTION IN THE ARMY.

Maj. Lewis Merrill, United States Army, to be lieutenant colonel of cavalry.

COLLECTOR OF CUSTOMS.

Joab W. Palmer, of Maine, to be collector of customs for the district of Bangor, in the State of Maine.

PROMOTIONS IN THE SIGNAL CORPS.

To be major.

Capt. Henry H. C. Dunwoody, of the Fourth Artillery.

To be captains.

Capt. Robert Craig, assistant quartermaster.
Capt. James Allen, of the Third Cavalry.

To be first lieutenants.

First Lieut. Richard E. Thompson, of the Sixth Infantry.
Second Lieut. William A. Glasford, of the Signal Corps.
Second Lieut. Joseph E. Maxfield, of the Signal Corps.
Second Lieut. Frank Greene, of the Signal Corps.

Executive nominations confirmed by the Senate January 19, 1891.

DISTRICT JUDGE.

Henry H. Swan, of Michigan, to be United States district judge for the eastern district of Michigan.

JUSTICE OF THE PEACE.

Samuel C. Mills, of the District of Columbia, to be justice of the peace in and for the District of Columbia, to be assigned to the city of Washington.

COLLECTOR OF CUSTOMS.

Eldridge H. Bryant, of Maine, collector of customs of Machias, Me.

POSTMASTER.

Hezekiah L. Simms, to be postmaster at East Liverpool, Ohio.

HOUSE OF REPRESENTATIVES.

MONDAY, *January* 19, 1891.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of Saturday was read.

During the reading of the Journal,

Mr. BLAND said: Mr. Speaker, I make the point of order that the votes as recorded in the Journal ought to be read. The Clerk is not reading the names.

The SPEAKER. That will be done if the gentleman requires it.

Mr. BLAND. Certainly.

The Clerk then resumed and completed the reading of the Journal.

Mr. MILLS. Mr. Speaker, I offer the following amendment to the Journal——

The SPEAKER. The gentleman from Texas offers an amendment to the Journal——

Mr. MILLS (continuing). To come in at the point where the Chair refused to entertain the motion to reconsider.

Mr. CANNON. Mr. Speaker——

Mr. BLAND. Let us have the amendment read.

Mr. CANNON. Is that amendment in order?

The SPEAKER. The Chair does not know what the amendment is.

Mr. CANNON. Would it be in order for me to apply for recognition to move the previous question upon the approval of the Journal?

The SPEAKER (after examining the paper sent up by Mr. MILLS). That is not an amendment to the Journal.

Mr. CANNON. Mr. Speaker, I move the previous question upon the approval of the Journal.

The SPEAKER. The gentleman from Illinois moves the previous question upon the approval of the Journal. As many as are in favor——

Mr. BLAND. Can not the amendment be read?

A MEMBER. Does that motion for the previous question include the amendment offered by the gentleman from Texas?

Mr. BLAND. The amendment has not been read to the House yet.

The SPEAKER. The amendment offered is not in order.

Mr. BLAND. We want to know whether it is or not and we wish to hear it read.

The SPEAKER. The Chair begs the pardon of the House. The Clerk will report the proposed amendment.

Mr. SPRINGER. Certainly. We may differ with the Chair as to whether it is in order or not.

The Clerk read as follows:

Which said ruling of the Chair is disapproved by the House.

The SPEAKER. The question is upon ordering the previous question on the approval of the Journal.

The question was taken.

The SPEAKER. The ayes seem to have it——

Mr. MILLS. Division.

The SPEAKER. The ayes seem to have it, and the previous question is——

Mr. MILLS. I demand a division.

The SPEAKER. Oh, a division is demanded. The Chair desires that the motion shall be understood by the House. The motion is to order the previous question on the approval of the Journal. As many as are in favor will rise in their places and be counted.

On the division there were—ayes 72, noes 75.

Mr. CANNON. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 130, nays 103, not voting 98; as follows:

YEAS—130.

Adams,	Banks,	Brewer,	Caldwell,
Allen, Mich.	Bayne,	Brosius,	Cannon,
Anderson, Kans.	Beckwith,	Browne, Va.	Carter,
Arnold,	Belknap,	Buchanan, N. J.	Caswell,
Atkinson, Pa.	Bergen,	Burrows,	Cheadle,
Atkinson, W. Va.	Bliss,	Burton,	Clark, Wis.
Baker,	Boothman,	Butterworth,	Clark, Wyo.
Coleman,	Henderson, Ill.	Morrow,	Stivers,
Connell,	Hill,	Morse,	Stockbridge,
Cooper, Ohio	Hopkins,	Niedringhaus,	Struble,
Craig,	Kelley,	Nute,	Sweet,
Culbertson, Pa.	Kerr, Iowa	O'Donnell,	Sweney,
Cutcheon,	Ketcham,	O'Neill, Pa.	Taylor, E. B.
Dalzell,	Kinsey,	Osborne,	Taylor, Ill.
Darlington,	Lacey,	Owen, Ind.	Taylor, J. D.
Dingley,	La Follette,	Payne,	Thomas,
Dolliver,	Laidlaw,	Payson,	Thompson,
Dorsey,	Langston,	Perkins,	Townsend, Colo.
Evans,	Laws,	Post,	Townsend, Pa.
Farquhar,	Lehlbach,	Raines,	Turner, Kans.
Featherston,	Lind,	Randall,	Vandever,
Finley,	Lodge,	Ray,	Van Schaick,
Flick,	Mason,	Reed, Iowa	Waddill,
Flood,	McComas,	Reyburn,	Wade,
Funston,	McDuffie,	Rockwell,	Walker,
Gear,	McKinley,	Rowell,	Wallace, Mass.
Gest,	Miles,	Sawyer,	Wallace, N. Y.
Greenhalge,	Miller,	Scull,	Wickham,
Grosvenor,	Milliken,	Sherman,	Williams, Ohio
Grout,	Moffitt,	Smith, Ill.	Wilson, Ky.
Hall,	Moore, N. H.	Smith, W. Va.	Wilson, Wash.
Haugen,	Morey,	Spooner,	
Hays, E. R.	Morrill,	Stephenson,	

NAYS—103.

Abbott,	Crain,	Kerr, Pa.	Pierce,
Alderson,	Crisp,	Kilgore,	Pindar,
Barnes,	Culberson, Tex.	Lanham,	Quinn,
Barwig,	Davidson,	Lawler,	Richardson,
Biggs,	Dibble,	Lee,	Robertson,
Blanchard,	Dockery,	Lester, Ga.	Rogers,
Bland,	Edmunds,	Lewis,	Sayers,
Blount,	Ellis,	Maish,	Shively,
Boatner,	Enloe,	Mansur,	Spinola,
Breckinridge, Ark.	Flower,	Martin, Ind.	Springer,
Breckinridge, Ky.	Forman,	Martin, Tex.	Stewart, Ga.
Brickner,	Forney,	McAdoo,	Stewart, Tex.
Brookshire,	Fowler,	McClammy,	Stone, Ky.
Brown, J. B.	Geary,	McRae,	Stone, Mo.
Buchanan, Va.	Gibson,	Mills,	Tarsney,
Bynum,	Goodnight,	Montgomery,	Tillman,
Campbell,	Grimes,	Moore, Tex.	Turner, Ga.
Candler, Ga.	Hatch,	Mutchler,	Turner, N. Y.
Caruth,	Hayes, W. I.	Norton,	Whitelaw,
Catchings,	Haynes,	O'Neall, Ind.	Wike,
Chipman,	Heard,	Outhwaite,	Willcox,
Clarke, Ala.	Hemphill,	Owens, Ohio	Williams, Ill.
Clements,	Henderson, N. C.	Parrett,	Wilson, Mo.
Cobb,	Herbert,	Paynter,	Wilson, W. Va.
Cooper, Ind.	Holman,	Peel,	Yoder.
Cowles,	Hooker,	Perry,	

NOT VOTING—98.

Allen, Miss.	Dargan,	McClellan,	Seney,
Anderson, Miss.	De Lano,	McCord,	Simonds,
Andrew,	Dickerson,	McCormick,	Skinner,
Bankhead,	Dunnell,	McCreary,	Smyser,
Bartine,	Dunphy,	McKenna,	Snider,
Belden,	Ewart,	McMillin,	Stahlnecker,
Bingham,	Fitch,	Morgan,	Stewart, Vt.
Boutelle,	Fithian,	Mudd,	Stockdale,
Bowden,	Frank,	Oates,	Stone, Pa.
Brower,	Geissenhainer,	O'Ferrall,	Stump,
Browne, T. M.	Gifford,	O'Neil, Mass.	Taylor, Tenn.
Brunner,	Hansbrough,	Penington,	Tracey,
Buckalew,	Hare,	Peters,	Tucker,
Bullock,	Harmer,	Phelan,	Vaux,
Bunn,	Henderson, Iowa	Pickler,	Washington,
Candler, Mass.	Hermann,	Price,	Wheeler, Ala.
Carlton,	Hitt,	Pugsley,	Wheeler, Mich.
Cheatham,	Houk,	Quackenbush,	Whiting,
Clancy,	Kennedy,	Reilly,	Whitthorne,
Clunie,	Knapp,	Rife,	Wiley,
Cogswell,	Lane,	Rowland,	Wilkinson,
Comstock,	Lansing,	Rusk,	Wright,
Cothran,	Lester, Va.	Russell,	Yardley.
Covert,	Magner,	Sanford,	
Cummings,	McCarthy,	Scranton,	

So the previous question was ordered.

The following pairs were announced:

Until further notice:

Mr. MCCORMICK with Mr. MORGAN.

Mr. YARDLEY with Mr. PRICE.

Mr. QUACKENBUSH with Mr. DUNPHY.

Mr. WRIGHT with Mr. GEISSENHAINER.

Mr. HARMER with Mr. REILLY.

Mr. PICKLER with Mr. DARGAN.

Mr. THOMAS M. BROWNE with Mr. FITHIAN.

Mr. PETERS with Mr. BULLOCK.

Mr. DE LANO with Mr. ROWLAND.

Mr. PUGSLEY with Mr. WHITTHORNE.

Mr. COMSTOCK with Mr. STAHLNECKER.

Mr. MCCORD with Mr. SENEY.

Mr. HOUK with Mr. RICHARDSON.

Mr. KNAPP with Mr. WILKINSON.

Mr. EWART with Mr. MAGNER.

Mr. GIFFORD with Mr. BUNN.

Mr. HENDERSON, of Iowa, with Mr. PENINGTON.

Mr. SCRANTON with Mr. TRACEY.

On this vote:

Mr. WHEELER, of Michigan, with Mr. ANDREWS.

Mr. SMYSER with Mr. RUSK.

Mr. HITT with Mr. STUMP.

Mr. FRANK with Mr. FITCH.
Mr. CANDLER, of Massachusetts, with Mr. BUCKALEW.
For this day:
Mr. BOWDEN with Mr. LESTER, of Virginia.
Mr. DUNNELL with Mr. STOCKDALE.
Mr. COGSWELL with Mr. O'NEIL, of Massachusetts.
Mr. TAYLOR, of Tennessee, with Mr. WASHINGTON, until Thursday next; and also on the shipping bill. Mr. WASHINGTON would vote against it.
Mr. RUSSELL with Mr. SKINNER, until Tuesday next.
Mr. BLAND. I call for a recapitulation of the vote.
The vote was recapitulated.
The result of the vote was then announced as above recorded.
Mr. SPRINGER. Mr. Speaker, what is the question now before the House?
The SPEAKER. The approval of the Journal.
Mr. SPRINGER. Before that question is put I desire to be heard for a moment. I believe after the previous question is ordered there are twenty minutes for debate.
The SPEAKER. After the previous question has been ordered, as there has been no debate, the question is open for debate, and the gentleman is entitled to twenty minutes.
Mr. SPRINGER. Mr. Speaker, I hope the House will not approve this Journal hastily, in view of the fact that it contains a ruling or decision of the Chair on the day before yesterday to the effect that the motion submitted by the gentleman from Texas——
Mr. ROGERS. Mr. Speaker, I rise to a point of order.
The SPEAKER. The Chair was in hope that when the House understood that the gentleman from Illinois was speaking it would remain silent. [General laughter.]
Mr. SPRINGER. "The gentleman from Illinois" is much obliged to the Speaker.
The SPEAKER. Will gentlemen please cease conversation and have the kindness to take their seats?
Mr. SPRINGER. Mr. Speaker——
Mr. SPINOLA. I rise to a parliamentary inquiry.
Mr. SPRINGER. I hope this will not be taken out of my time.
The SPEAKER. The gentleman from Illinois can not be interrupted.
Mr. SPINOLA. Will the gentleman from Illinois give way for a moment for an inquiry?
Mr. SPRINGER. No; excuse me.
Mr. SPINOLA. I would like to inquire——
The SPEAKER. The gentleman from Illinois declines to be interrupted and is entitled to the floor. The Chair hopes the House will pay attention to the debate.
Mr. SPINOLA. Oh, I thought the gentleman yielded to me.
Mr. SPRINGER. Mr. Speaker, I am much obliged to the Chair for endeavoring to procure order upon a matter of so much importance as that to which I am about to call attention. The day before yesterday the gentleman from Texas moved to reconsider a vote which was taken in the House. The Chair declined to entertain that motion. The gentleman from Texas desired thereupon to appeal from that decision and the Chair declined to entertain an appeal.

From the foundation of the Government up to the beginning of the first session of this Congress a motion to reconsider has been regarded as one of the highest privilege. In no legislative body in this country, or I believe any other civilized country of the world, has a motion to reconsider been denied by the presiding officer until the first session of this Congress.

If the Chair will indulge me I will call attention to page 503 of the Digest, where it is stated:

> It is in order at any time, even when a member is on the floor or the highest privileged question is pending, on the same or succeeding day, to move a reconsideration and have it entered on the Journal, etc.

This being a question of the highest privilege, a privilege which belongs to every member of the House, as I have previously stated, I was surprised at the beginning of this Congress that an effort was made to disregard that time-honored motion, even under the assumption that the member moving it made that motion for the sake of delay. After having made motions of this kind we adopted a series of rules at the beginning of this Congress——
The SPEAKER. The Chair hopes the House will be in order. Will gentlemen please cease conversation and listen to debate?
Mr. SPRINGER. After having disregarded the precedents of the past and this one was established in the last session of Congress, then we adjourned and went to the people, and there we hoped to get such a recognition and indorsement of our conduct as would be given by the intelligent voters of the United States. In the elections I was pleased to see that the Speaker of this House recognized the great principle which has prevailed in this country: that of the right of the people to rule, and that after the voice of the people had spoken that voice should be regarded. In a speech delivered in Utica, N. Y., by the honored gentleman who now occupies the chair, he said:

> It is a wonderful spectacle to see a government of 64,000,000 of people, and more wonderful that that government is carried on by the people themselves. Did you ever think what was meant by a government of the people?

and so forth.
Now, I think that——
The SPEAKER. The Chair hopes that the gentleman will give the House the benefit of the "and so forth." [Laughter.]
Mr. SPRINGER. The speeches delivered by the honorable Speaker during the campaign were read so universally that I assumed that they were fresh in the mind of every gentleman upon this floor. [Laughter.]
Mr. ROGERS. Could there be any doubt about their having been read universally, in view of the result? [Laughter.]
Mr. SPRINGER. I thought the speeches were so familiar that when I read the introductory part there could be no doubt in the mind of anyone as to what followed. I merely desired to call attention to the fact that the Speaker had emphasized in that campaign the proposition that this is a Government of the people, for the people, by the people, and that when the people had spoken their verdict was to be heeded. In that same speech the Speaker made this remark:

> I desire, for my own part, your approval by the election of a Republican House of Representatives for the next Congress.

[Laughter on the Democratic side].

Therefore the Speaker put before the people, as a question to be passed upon by them at that election, his conduct in making such rulings as those to which I have called attention and which he described at a banquet in Boston, I believe, or in some other place, as a setting aside of the precedents of one hundred years, but, as he hoped, the making of precedents for the next one hundred years. Those precedents of one hundred years were set aside by the Speaker and the question of the approval of his conduct in setting them aside was submitted to the American people, and the result was the election of a House of Representatives in which there will be a Democratic majority of 155. Two hundred and thirty-five Democrats who opposed such rulings in the last Congress were re-elected to be members of the next Congress and only 88 Republicans who approved them.

Now, in any monarchical government in the world enjoying parliamentary institutions such a verdict as that would have been immediately obeyed by the people's representatives to whom it was directed, but in this country, I regret to say, no attention is paid by the party now in a temporary majority in this House and in the other end of the Capitol to the voice of the American people. The verdict of the people has been given emphatically in condemnation of the course of the Speaker and of the new precedents which he endeavored to set in the first session of this Congress, and two of which were repeated on Saturday last, when the Chair refused to entertain a motion of the highest privilege, to wit, a motion to reconsider the previous action of the House.

I regret that the election has not been heeded in another respect. A majority of more than 600,000 of the American people spoke at that election in opposition to the conduct of this House and of the Senate not only upon the rules, but also upon the McKinley bill, and especially upon what is known as the force bill or the elections bill. That bill failed to get through both branches at the first session and was pending when the election was held, and was therefore practically submitted to the people for their judgment. But, notwithstanding the fact that that bill has been repudiated by a majority of 600,000 of the voters of this country, and notwithstanding the fact that the Speaker himself, in his speeches in the campaign, enforced the proposition that this is a Government of the people, by the people, for the people, he and his party are here now defying the voice of the people and endeavoring to force that bill upon us in the closing hours of a Congress which has been repudiated most emphatically by the people of this country.
Mr. ENLOE. Will the gentleman yield for a question?
Mr. SPRINGER. I will yield the floor if my friend from Tennessee desires it, as I have about concluded what I wish to say.
Mr. ENLOE. In the line of the gentleman's remarks, I wanted to call his attention to the fact that in the Post this morning there appears a statement by the Speaker that there is a very broad desert to be covered between Maine and California, and that it has to be bridged between now and 1892, and I wanted to ask my friend whether he supposed that these rulings made on Saturday, to which he had referred, were intended as one of the first pillars of the bridge.
Mr. SPRINGER. I will allow my friend from Tennessee to answer that question himself, as he can do it much better than I can.
The SPEAKER. If the gentleman from Illinois does not desire to be interrupted, the Chair will protect him. [Laughter.]
Mr. SPRINGER. I do not desire to be interrupted, especially by the Chair. [Laughter.]
The SPEAKER. In view of the line of remark adopted by the gentleman, the Chair does not wonder at his apprehension. [Laughter.]
Mr. SPRINGER. The Chair knows my unfailing kindness, and now I will yield five minutes of my time to the Chair if he desires to say anything in vindication of the course he has taken. [Laughter.]
Mr. BLAND. Mr. Speaker, I think it was stated at the beginning of this Congress that the object of conferring upon the Speaker the autocratic powers that have been exercised and that are now exercised by

him was to prevent what has been denominated a "one-man power" over the House, but in fact the denial to members of the rights and the privileges and the consideration which their constituents supposed they were entitled to when they sent them here, the arbitrary rulings of the Speaker, his arbitrary refusal to recognize members on this side of the House, and, in general, the autocratic conduct on the part of the Chair which has converted this into a nondeliberative body, is the result of an effort to transfer from the members of this House the whole of the power which properly belongs to them, and to confer it upon the Speaker for the express purpose of overriding the minority and carrying out such legislation as has been described by the gentleman from Illinois [Mr. SPRINGER], legislation that has been repudiated by the people.

And here to-day, Mr. Speaker, after this overwhelming verdict at the polls last November, the party that has thus been rebuked by the popular vote insists upon the same arbitrary rulings, by which members on this side of the House are absolutely refused recognition when they make a motion which has always been recognized under the rules as a privileged motion, a motion to reconsider. This is a motion involving the right of deliberation; and when a member believes that the House has inadvertently voted upon a proposition, or that the friends of the proposition were not advised at the time as to the importance of the vote, or when possibly absentees who have been sent for have returned to the House, or when new facts have been developed in the case, it has always been the practice to entertain a motion to reconsider as a motion tending to deliberation, and in order to give a majority of the members of the House an opportunity to express themselves.

Yet, sir, on Saturday last and on previous occasions when motions have been entered here for reconsideration the Speaker of this House has assumed to be the autocratic judge of the motives of members; he sets himself up as superior to any other member here; undertakes to sit in judgment upon the motives of members of the House, and to declare that propositions made by them are not made in good faith, but for dilatory purposes. It does not matter, so far as the Chair is concerned, whether a proposition is made for dilatory purposes or what may have been the motive. That is a question which belongs to the member himself and his constituents, not to an autocrat, although he may preside over the deliberations of this House, a merely temporary elevation that does not raise him either in heart or judgment above the humblest member of this House.

Mr. Speaker, it is just such rulings as these and such conduct as this that necessarily beget in this House a temper that prevents legislation. The very purpose of the rules allowing motions of this character which tend to facilitate legislation was because the denial of the right to make such motions tends to develop a spirit of resistance in this House, tends to produce an irritated condition of feeling which is calculated to prevent orderly and deliberate legislation. Now, Mr. Speaker, so far as I am concerned——

The SPEAKER. The gentleman's time has expired. As the gentleman from Illinois [Mr. SPRINGER] was kind enough to yield some time, the Chair desires to have read several decisions made by Mr. Randall when Speaker of this House.

The Clerk read as follows:

[February 28, 1877.]

Mr. Sheakley moved that the House take a recess until 10 o'clock a. m. to-morrow (March 1).
When
The Speaker ruled the said motion to be not in order and refused to entertain the same.
Mr. SPRINGER appealed from the ruling of the Chair.
When
The Speaker declined to entertain the said appeal.

[Applause on the Republican side.]

[March 1, 1877.]

Mr. Poppleton accepted the said amendment.
The Speaker then decided that the two hours' debate authorized by the electoral law would now commence.
Mr. Caulfield appealed from this decision of the Chair.
The Speaker declined to entertain the appeal.

[March 1, 1877.]

The question then recurred on the resolution submitted by Mr. Poppleton as amended by the substitute submitted by Mr. Fernando Wood;
When
Mr. Walling asked to be excused from voting thereon.
Mr. John L. Vance moved that Mr. Walling be excused from voting on the said resolution.
The Speaker declined to entertain the said motion.
Mr. Walling appealed from the decision of the Chair.
The Speaker declined to entertain the said appeal.

Mr. SPRINGER. I desire to call the attention of the House to the fact that those rulings were made in pursuance of a special act of Congress passed for the purpose of securing the count of the electoral vote for President at that time [derisive cries on the Republican side], and Mr. Randall felt it his duty to follow the provisions of that law.

Mr. BUCHANAN, of New Jersey. He ruled out dilatory motions, just as they have been ruled out in this Congress.

Mr. SPRINGER. The act of Congress was passed at that time for the purpose of bringing about a declaration of the result of the electoral vote; so Mr. Randall held. I did not agree with his rulings. It was in pursuance of those rulings that Mr. Hayes was counted in as President of the United States when he was not elected by the people. [Applause on the Democratic side.]

The SPEAKER. The Chair would suggest to the gentleman that, inasmuch as the rulings just read were made in furtherance of an act which must be performed within a given time, rulings may also be made upon the same principle in furtherance of the legislation of a House which ceases to sit at a given time. [Applause on the Republican side.]

Mr. RICHARDSON. I hope the Chair will govern himself by the other precedents and rulings of Mr. Randall.

The SPEAKER. The Chair will be governed by the rules and precedents of the House as adopted by the House itself upon proper votes on the same.

Mr. SPRINGER. Mr. Randall was governed by the law; the present Speaker by his own will.

Mr. RICHARDSON. If the Chair will follow all the examples set by Mr. Randall there will be no complaint on this side of the House.

The SPEAKER. The action of the Chair has been in accordance with the rules of the House. Twenty minutes of the time allowed for debate under the previous question have expired.

Mr. SPINOLA. Is there not time allowed on the other side—in favor of the approval of the Journal? Are there not twenty minutes of debate on each side? I propose to speak in favor of sustaining the Journal; and I will occupy the twenty minutes on that side. I am in favor of the approval of the Journal, and therefore I take the floor.

The SPEAKER. The gentleman from Ohio [Mr. MCKINLEY] who made the motion is entitled to the floor.

Mr. SPINOLA. I understand the gentleman does not desire to speak; therefore I will take his place.

The SPEAKER. The gentleman from Ohio is recognized.

Mr. MCKINLEY. Mr. Speaker, after the decisions to which the Chair has called attention and which have been read in the presence of the House, it would seem unnecessary to say anything at all in justification of the rulings of the Chair on Saturday last. I do not think that any gentleman on this floor, on either side of the Chamber, would doubt for a single moment that the motion made by the gentleman from Texas on Saturday last was purely a dilatory motion. I believe if the question had been submitted to the gentleman himself, as to whether or not the motion was not for the purpose of delay and solely for delay, he would have been forced to admit that that was the sole and only purpose of his motion.

It is worthy, Mr. Speaker, in the discussion of this question for a moment—and I shall only talk for a moment—to recall the fact that the motion made by the gentleman from Texas [Mr. MILLS] was for the approval of the Journal.

Mr. SPRINGER. It was for the amendment of the Journal.

Mr. MCKINLEY. No one had raised any question as to the correctness of the Journal. No member had moved any amendment to the Journal or had pointed out any inaccuracy. No member had suggested that it failed to record with absolute exactness all that had occurred on the preceding day. So when the Journal was read the gentleman from Texas demanded a division upon the approval of the Journal, and it was granted.

Then a yea-and-nay vote was had, and upon that vote 174 Representatives on this floor had recorded themselves in favor of the approval of the Journal, declaring thereby that its was correct in every particular, and but eleven gentlemen voted in the negative. And that the Journal was correct we have the evidence of the painstaking and careful gentleman, my friend from Arkansas [Mr. ROGERS], who had voted in the negative, and against the approval of the Journal, but who rose in his place before the vote had been announced and asked to change his vote from "no" to "ay," because he was "satisfied the Journal was correctly made up."

Now, after that substantially unanimous vote on the part of this House, 173 for approval to 11 against it, when the motion was made to reconsider that vote by the gentleman from Texas, he having voted in the affirmative originally—not voting in the negative and then changing his vote that he might move to reconsider, but in the first instance voting that the Journal was correct—I say after that great vote and that almost unanimous expression of judgment on the part of the House the Speaker had a right and a perfect right to refuse, because the motion was dilatory, to entertain the motion to reconsider. And having refused to entertain the motion to reconsider, afterwards when the appeal was taken from that refusal it was his duty, because the appeal was taken for the very same reason that the motion was offered, to wit, for delay, and it was manifest to every one on the floor that it was for that purpose—it was his duty to refuse to entertain the appeal, which he did.

I ask, Mr. Speaker, to remind gentlemen on the other side that when, in the discussion of the rules of this House during the first session of this Congress, we were engaged in framing the rules under which we are now acting, the gentleman from Georgia [Mr. CRISP] desiring to take from the Speaker the power to declare whether he would or

would not entertain a motion or appeal, offered on the floor this amendment to the rules. I quote from the RECORD:

Mr. CRISP. Mr. Speaker, I offer another amendment to that paragraph.
The amendment was read, as follows:
Amend Rule XVI, clause 10, by adding:
"The Speaker shall not in any case refuse to entertain an appeal from his decision."

That was offered by the gentleman from Georgia, was debated by him; reasons were urged here why the Speaker should not be granted the power to refuse to entertain an appeal; and it was claimed then that under the rule which provides against dilatory motions it would be in the power of the Speaker at any time, without such an amendment, to refuse to entertain a motion or appeal that he himself believed to be dilatory. It was debated on both sides. The gentleman from Illinois [Mr. CANNON], who is not now in his seat, took the ground that the power to determine must be given to the Speaker or else there would be no possibility for the House to go on and transact the public business; and finally, after considerable debate, a yea-and-nay vote was taken on the amendment offered by the gentleman from Georgia, when 114 Representatives voted in the affirmative and 140 in the negative. So that by a positive vote of the House a majority of its members declared by their negative votes that the right to refuse to entertain appeals, which were clearly for delay, should reside in the Speaker of the House of Representatives.

And now I have no time, and it is not to my purpose, to enter into any general discussion upon politics or upon the result of the elections of last November. We will leave that to be discussed later. If not in this House, we will discuss it before the people. What led to our defeat last November gentlemen are divided about. They do not agree. All we ask you to do on that side of the House is, you gentlemen who will be charged with the responsibility of legislation in the next Congress, all we ask of you is to put into public measures and public law your interpretation of that victory. We have put into public law our promises of 1888, and when you have done that we will go to the American people upon the issues thus made up, and let them determine in 1892 whether that side of the House or this side of the House shall be given control of the Government of the United States. [Applause on the Republican side.]

Mr. BLAND. Are you willing to do that with free elections and without a force bill?

Mr. MCKINLEY. One thing is certain, Mr. Speaker, that so long as this House of Representatives continues, so long as the Fifty-first Congress lasts, so long the Republican party is in control and will keep in control. [Applause on the Republican side.] And it must be manifest to the country, and it must be manifest to every gentleman who sits on this floor, that for the last six weeks the whole efforts of that side of the House have been put forth to obstruct the public business of the country.

Mr. HEMPHILL. Oh, that is old. [Laughter on the Democratic side.]

Mr. BAYNE. But it is true.

Mr. MCKINLEY. Gentleman may laugh about it, but there is not a gentleman on that side of the House who would not declare if he was truthful, and he would be truthful if he replied at all, that the whole purpose of their filibustering tactics has been to make it impossible, if the Senate should send us the election bill, to give us the opportunity to pass it through the House of Representatives. [Applause on the Republican side.]

Mr. FLOWER. We accept that issue and stand on it. [Applause on the Democratic side.]

Mr. MCKINLEY. I am glad the gentleman from New York makes this open confession.

Mr. FLOWER. We do. We accepted that issue last fall, and we will do it again. [Applause on the Democratic side.]

Mr. MCKINLEY. But I want to say to the gentleman from New York that this issue will not down. [Applause on the Republican side.]

Mr. WALTER I. HAYES. We hope it will not.

Mr. MCKINLEY. For you did not secure power in the House of Representatives without the suppression of the votes of thousands and hundreds of thousands of citizens all over this country. [Applause on the Republican side.]

Mr. OUTHWAITE. No, we did it without suppressing a vote of a man anywhere, as you propose to do by the force bill.

Mr. MCKINLEY. You may have a temporary victory now and then [derisive laughter on the Democratic side], but the party that stands against an honest ballot and an honest count——

Mr. OUTHWAITE. Controlled by Republicans only——[Applause on the Democratic side.]

Mr. MCKINLEY (continuing). And against honest elections under the Constitution of the United States, that party can not long and permanently hold power in this country. [Applause on the Republican side.]

Mr. FLOWER. That is the kind of elections we are fighting for.

Mr. EZRA B. TAYLOR, Mr. SPRINGER, Mr. SPINOLA, and Mr. MCMILLIN addressed the Chair.

The SPEAKER. The gentleman from Ohio [Mr. EZRA B. TAYLOR] is recognized.

Mr. EZRA B. TAYLOR. Mr. Speaker, I do not wish to delay the vote on this question, but if the time is to be taken for discussion that is allotted under the rules I wish to say a few words.

Mr. SPINOLA. They are trying to take all my time.

Mr. EZRA B. TAYLOR. I will take my own time.

Mr. SPINOLA. Yes, but do not waste the time of the House.

Mr. EZRA B. TAYLOR. I think it is time for the attention of the country to be called to the fact existing in this House, which has never existed before. I know that, under false constructions of the rules heretofore existing, opportunities have been taken for delaying special measures now and then, and for the purpose of forcing measures otherwise not likely to be considered; but until this session, until within a few weeks, there has never been, I believe, in the House of Representatives, what appeared to be a conspiracy of the minority for the purpose of hindering and delaying all legislation until their object could be accomplished. I never saw before a whole party of the minority arrayed against the ordinary appropriation bills, those bills the passage of which is necessary for the existence of the Government in its various departments; obviously, assumedly, and absolutely arrayed against them, for a purpose behind and beyond it. I never saw before what may be charged as true, and partially acknowledged if not wholly acknowledged, to be a conspiracy against all legislation in the House of Representatives. It is time for the people of the country to know it——

Mr. RICHARDSON. The people of the country seemed to be fully informed on the subject.

Mr. EZRA B. TAYLOR. It is time for the people to say whether they approve it or not. For my part, Mr. Speaker, I am wholly, entirely, and totally opposed to all dilatory measures in Congress. I believe them to be wrong in principle. I believe them to be dangerous in tendency. I believe them to be destructive of government finally by the people. Yea, I believe them to be treasonable in effect and oftentimes treasonable in purpose.

What is it? A minority of Congress, of a Congress to whom the people have given the power of legislation, assume that some measure which they do not approve may come before the House for consideration, and deliberately consider it their duty to delay all legislation to the utmost verge of possibility—necessary legislation, legislation toward which they themselves are favorable—simply because they think they are justified on account of the emergency behind it. For my part, and I believe I speak the opinion of the American people, there can be no emergency that will destroy the legislative power of Congress; and that is precisely what these gentlemen are attempting. There is no place where one man or any set of men of a minority can say that measures shall not pass or that measures shall pass, except they say it by reason of the arguments that are adduced, and without any dilatory proceeding.

What do they claim? Upon what basis is this? The rights of the minority? The minority have no rights except what the Constitution gives them. The minority have the right to debate, under the rules of the House. The minority have a right to vote, and the minority—and I have been in it quite often and I recognize the fact—the minority have no right to rule and no right to stop legislation simply because the proposed legislation does not suit them.

Mr. ENLOE. I would like to ask the gentleman from Ohio a question.

The SPEAKER. Does the gentleman from Ohio yield?

Mr. EZRA B. TAYLOR. I will yield for a question.

Mr. ENLOE. I would like to ask the gentleman from Ohio if he entertained that opinion in preceding Congresses when, as one of the minority, he also obstructed legislation?

Mr. EZRA B. TAYLOR. Mr. Speaker, I have not been among the filibusterers of this House for a long time. [Laughter on the Democratic side.] When I was young——

Mr. RICHARDSON. The gentleman pleads the statute of limitations.

Mr. EZRA B. TAYLOR (continuing). I was inveigled for a few weeks, until I got settled in principle, and then I repented. [Derisive laughter on the Democratic side.] If the gentleman will repent of any one of his sins as thoroughly as I have repented of that one of mine he will then be in position to ask me another question and not until then. [Applause on the Republican side.]

Mr. ENLOE. I will say to the gentleman that just as soon as the American people have as completely mashed me as they have the gentleman and his party, I will retire.

Mr. EZRA B. TAYLOR. Mr. Speaker, I am glad I did not hear what the gentleman said, for it might provoke me to some response. I say now and here that I never in my life turned to my conduct as a justification of a principle of action.

Mr. WALTER I. HAYES. Perhaps the gentleman could not do it.

Mr. EZRA B. TAYLOR. I can see no reason why, regardless of principle, a minority, either a party minority or a minority with reference to a single bill, have any right to obstruct legislation for a single moment.

Mr. BRECKINRIDGE, of Kentucky. Will the gentleman permit me to submit an inquiry at that point? What, in his judgment, is the remedy of the minority if by special rules that debate of which he spoke a moment ago is either so destroyed or so impaired as to be practically destroyed?

Mr. EZRA B. TAYLOR. The same remedy, Mr. Speaker, that a minority has after a bill is passed: none at all. They have got through with their opposition then. But what a pretense——

Mr. HEMPHILL. Then they had better go home.

Mr. EZRA B. TAYLOR. What a sham it is to claim that they are struggling for discussion! The bills that they have filibustered against are never discussed or debated. Everything else under heaven is discussed; and there is no discussion wanted.

Mr. SPINOLA. Will the gentleman yield me a portion of his time?

The SPEAKER. The time for debate has expired, and the question is on the approval of the Journal.

The question was put; and the Speaker announced that the "ayes" seemed to have it.

Mr. MILLS. Division, Mr. Speaker.

Mr. CANNON. We may as well have the yeas and nays.

Mr. McKINLEY. I demand the yeas and nays.

Mr. HATCH. Who is filibustering now?

The yeas and nays were ordered.

The question was taken; and there were—yeas 137, nays 101, not voting 93; as follows:

YEAS—137.

Adams,	Cutcheon,	Laws,	Rowell,
Allen, Mich.	Dalzell,	Lehlbach,	Scull,
Anderson, Kans.	Darlington,	Lind,	Sherman,
Arnold,	Dingley,	Lodge,	Smith, Ill.
Atkinson, Pa.	Dolliver,	Mason,	Smith, W. Va.
Atkinson, W. Va.	Dorsey,	McComas,	Spooner,
Baker,	Evans,	McDuffie,	Stephenson,
Banks,	Farquhar,	McKenna,	Stewart, Vt.
Bayne,	Featherston,	McKinley,	Stivers,
Beckwith,	Finley,	Miles,	Stockbridge,
Belknap,	Flick,	Miller,	Struble,
Bergen,	Flood,	Milliken,	Sweet,
Bliss,	Flower,	Moffitt,	Sweney,
Boothman,	Frank,	Moore, N. H.	Taylor, E. B.
Boutelle,	Gear,	Morey,	Taylor, Ill.
Brewer,	Gest,	Morrill,	Taylor, J. D.
Brosius,	Greenhalge,	Morrow,	Thomas,
Browne, Va.	Grosvenor,	Morse,	Thompson,
Buchanan, N. J.	Grout,	Niedringhaus,	Townsend, Colo.
Burrows,	Hall,	Nute,	Townsend, Pa.
Burton,	Haugen,	O'Donnell,	Turner, Kans.
Butterworth,	Hays, E. R.	O'Neill, Pa.	Vandever,
Caldwell,	Henderson, Ill.	Osborne,	Van Schaick,
Candler, Mass.	Hermann,	Owen, Ind.	Waddill,
Cannon,	Hill,	Payne,	Wade,
Carter,	Hopkins,	Payson,	Walker,
Caswell,	Kelley,	Perkins,	Wallace, Mass.
Cheadle,	Kennedy,	Peters,	Wallace, N. Y.
Clark, Wis.	Kerr, Iowa	Post,	Wickham,
Clark, Wyo.	Ketcham,	Raines,	Williams, Ohio
Coleman,	Kinsey,	Randall,	Wilson, Ky.
Connell,	Lacey,	Ray,	Wilson, Wash.
Cooper, Ohio	La Follette,	Reed, Iowa	
Craig,	Laidlaw,	Reyburn,	
Culbertson, Pa.	Langston,	Rockwell,	

NAYS—101.

Abbott,	Crain,	Lawler,	Quinn,
Alderson,	Culberson, Tex.	Lee,	Richardson,
Allen, Miss.	Davidson,	Lester, Ga.	Robertson,
Anderson, Miss.	Dickerson,	Lewis,	Sayers,
Andrew,	Dockery,	Mansur,	Seney,
Barnes,	Edmunds,	Martin, Ind.	Spinola,
Barwig,	Ellis,	Martin, Tex.	Stewart, Ga.
Blanchard,	Enloe,	McAdoo,	Stewart, Tex.
Bland,	Forman,	McClammy,	Stone, Ky.
Breckinridge, Ark.	Forney,	McClellan,	Stone, Mo.
Breckinridge, Ky.	Fowler,	McCreary,	Tarsney,
Brickner,	Gibson,	McMillin,	Tillman,
Brookshire,	Goodnight,	McRae,	Tucker,
Brown, J. B.	Grimes,	Mills,	Turner, Ga.
Bynum,	Hatch,	Montgomery,	Turner, N. Y.
Campbell,	Hayes, W. I.	Moore, Tex.	Whitelaw,
Candler, Ga.	Heard,	Mutchler,	Wike,
Caruth,	Hemphill,	Norton,	Wiley,
Catchings,	Henderson, N. C.	O'Neall, Ind.	Wilkinson,
Chipman,	Herbert,	Outhwaite,	Williams, Ill.
Clarke, Ala.	Holman,	Owens, Ohio	Wilson, Mo.
Clements,	Hooker,	Parrett,	Wilson, W. Va.
Clunie,	Kerr, Pa.	Paynter,	Yoder.
Cobb,	Kilgore,	Peel,	
Covert,	Lane,	Perry,	
Cowles,	Lanham,	Pierce,	

NOT VOTING—93.

Bankhead,	Cheatham,	Funston,	McCarthy,
Bartine,	Clancy,	Geary,	McCord,
Beiden,	Cogswell,	Geissenhainer,	McCormick,
Biggs,	Comstock,	Gifford,	Morgan,
Bingham,	Cooper, Ind.	Hansbrough,	Mudd,
Blount,	Cothran,	Hare,	Oates,
Boatner,	Crisp,	Harmer,	O'Ferrall,
Bowden,	Cummings,	Haynes,	O'Neil, Mass.
Brower,	Dargan,	Henderson, Iowa	Penington,
Browne, T. M.	De Lano,	Hitt,	Phelan,
Brunner,	Dibble,	Houk,	Pickler,
Buchanan, Va.	Dunnell,	Knapp,	Pindar,
Buckalew,	Dunphy,	Lansing,	Price,
Bullock,	Ewart,	Lester, Va.	Pugsley,
Bunn,	Fitch,	Magner,	Quackenbush,
Carlton,	Fithian,	Maish,	Reilly,
Rife,	Shively,	Stone, Pa.	Whiting,
Rogers,	Simonds,	Stump,	Whitthorne,
Rowland,	Skinner,	Taylor, Tenn.	Wilcox,
Rusk,	Smyser,	Tracey,	Wright,
Russell,	Snider,	Vaux,	Yardley.
Sanford,	Springer,	Washington,	
Sawyer,	Stahlnecker,	Wheeler, Ala.	
Scranton,	Stockdale,	Wheeler, Mich.	

So the Journal was approved.

The following additional pairs were announced:

For the rest of the day:

Mr. BINGHAM with Mr. BIGGS.

Mr. SMYSER with Mr. RUSK.

Mr. McCORD with Mr. BUCKALEW.

Mr. HANSBROUGH with Mr. STUMP.

Mr. RIFE with Mr. BRUNNER, for this day.

Mr. HITT with Mr. WHITING, on this vote.

Mr. KNAPP with Mr. FITCH, until further notice.

Mr. BLAND. Mr. Speaker, let us have a recapitulation of the names.

The vote was recapitulated.

The result of the vote was then announced as above recorded.

APPOINTMENT OF CONFEREES.

The SPEAKER announced, as conferees on the part of the House on the disagreeing votes of the two Houses on the bill (H. R. 6975) providing for an additional associate justice of the supreme court of Arizona, Mr. STRUBLE, Mr. PERKINS, and Mr. SPRINGER.

DUDLEY JOHNSON.

The SPEAKER laid before the House the bill (H. R. 2787) to authorize the Secretary of War to remove the charges of desertion from the records of the War Department as to Dudley Johnson, late ordnance sergeant, United States Army, with Senate amendment, on which a conference was asked.

The amendment was read, as follows:

In line 4, after the word "Army," insert the words "*Provided*, That such removal of the charge of desertion shall not entitle said Johnson to any pay or emoluments."

Mr. CUTCHEON. Mr. Speaker, I move that the House concur in the Senate amendment. It strikes out the allowance.

Mr. HOLMAN. I think that the amendment should be read.

The SPEAKER. The amendment has just been read.

Mr. HOLMAN. It was not heard here.

Mr. CUTCHEON. I will state to the gentleman that it simply strikes out all pay and allowance and removes the charge of desertion. The old gentleman is dead anyway.

The question was taken; and the Senate amendment was concurred in.

SARAH E. E. PERINE.

The SPEAKER also laid before the House a bill (S. 828) for the relief of Sarah E. E. Perine, widow and administratrix of William Perine, deceased.

The bill was read, as follows:

Be it enacted, etc., That the claim of Sarah E. E. Perine, widow and administratrix of William Perine, deceased, for further compensation for the construction of the iron-clad monitor Naubuc and the iron tugboats Maria and Triana may be submitted by said claimant, within six months after the passage of this act, to the Court of Claims, under and in compliance with the rules and regulations of said court; and said court shall have jurisdiction to hear and determine and render judgment upon the same: *Provided, however*, That the investigation of said claim shall be made upon the following basis: The said court shall ascertain the additional cost which was necessarily incurred by the contractor for building the light-draught monitor Naubuc and the iron tugboats Maria and Triana in the completion of the same, by reason of any changes or alterations in the plans and specifications required, and delays in the prosecution of the work which were not provided for in the original contract; but no allowance for any advance in the price of labor or material shall be considered unless such advance occurred during the prolonged term for completing the work rendered necessary by the delay resulting from the action of th e Government aforesaid, and then only when such advance could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractor: *And provided further*, That the compensation fixed by the contract between the contractor and the Government for specific alterations shall be conclusive as to the compensation to be made therefor: *And provided further*, That all moneys paid to said contractor by the Government over and above the original contract price for the building of said vessel shall be deducted from any amounts allowed by said court by reason of the matters hereinbefore stated: *And provided further*, That if any of such changes caused less work and expense to the contractor than the original plans and specifications a corresponding reduction shall be made from the contract price, and the amount thereof be deducted from any allowance to be made by said court to said claimant: *And provided further*, That the said court in determining such increased cost, if any, shall take into consideration the report of the board of navy officers appointed by the Secretary of the Navy in conformity to the resolution of the Senate of March 9, 1865, which board is commonly known as the Selfridge board, and the papers, documents, and evidence presented to said board by said William Perine, deceased, in support of the said claim, and also the papers, documents, and reports relative to said claim on file in the Navy Department, and shall give such weight thereto as in the judgment of said court is just and proper: *And provided further*, That the amount of the judgment of said court in favor of the claimant, if any, shall not exceed the amount found to be due the said Perine by the Selfridge board, to wit, the sum of $132,593.23, and when paid said judgment and payment shall be in full satisfaction of all claims of the legal representatives of the said William Perine growing out of the construction of said vessels.

Mr. THOMAS. Mr. Speaker, I desire to offer an amendment.

Mr. BRECKINRIDGE, of Kentucky. I raise the question of consideration.

The SPEAKER. The gentleman from Kentucky [Mr. BRECKINRIDGE] raises the question of consideration upon this bill.

Mr. McADOO. Before that motion is put I desire to make a parliamentary inquiry in relation to the status of this bill. I understand that we have now entered on the morning hour.

The SPEAKER. No; this is business on the Speaker's table.

Mr. McADOO. On the last suspension day there was a vote taken——

The SPEAKER. This is business on the Speaker's table.

Mr. THOMAS. Mr. Speaker, can the question of consideration be raised against a bill on the Speaker's table?

The SPEAKER. The question of consideration can certainly be raised.

Mr. HOLMAN. Mr. Speaker, is this measure in order at this time?

The SPEAKER. Certainly.

Mr. HOLMAN. Has it been considered by a committee of the House?

The SPEAKER. It is a Senate bill which is identical with one that has been submitted by a committee of the House.

Mr. THOMAS. Mr. Speaker, I would like to state that I have an amendment in the nature of a substitute which I think will meet the objections that have been made to this bill.

Mr. SPRINGER. I rise to a question of order.

The SPEAKER. This is not debatable except by unanimous consent.

Mr. SPRINGER. I know; but the question of order is debatable. This, I understand, is a Senate amendment to a House bill.

The SPEAKER. Not at all; it is a Senate bill.

Mr. SPRINGER. And is the statement made that there is a similar House bill pending?

The SPEAKER. There is a similar House bill pending, and this bill is called up by direction of the committee.

Mr. SPRINGER. Then, as to the point raised by the gentleman from Kentucky [Mr. BRECKINRIDGE], the question of consideration——

The SPEAKER. The gentleman has the right to raise the question of consideration.

The question was taken on considering the bill; and the Speaker declared that the "noes" seemed to have it.

Mr. THOMAS. I ask for a division.

The House divided; and there were—ayes 75, noes 70.

Mr. BRECKINRIDGE, of Kentucky. I demand tellers.

Mr. THOMAS. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 120, nays 100, not voting 111; as follows:

YEAS—120.

Adams,	Cutcheon,	Laws,	Rowell,
Allen, Mich.	Dalzell,	Lehlbach,	Scull,
Arnold,	Darlington,	Lodge,	Sherman,
Atkinson, W. Va.	Dingley,	Mason,	Simonds,
Baker,	Dolliver,	McComas,	Smith, Ill.
Banks,	Evans,	McDuffie,	Smith, W. Va.
Bayne,	Farquhar,	McKenna,	Spinola,
Beckwith,	Finley,	Miles,	Spooner,
Belknap,	Flick,	Miller,	Stephenson,
Bergen,	Flood,	Moffitt,	Stivers,
Bliss,	Funston,	Moore, N. H.	Stockbridge,
Boothman,	Gear,	Morey,	Struble,
Boutelle,	Gest,	Morrill,	Sweet,
Brewer,	Greenhalge,	Morse,	Sweney,
Brosius,	Grosvenor,	Niedringhaus,	Taylor, E. B.
Buchanan, N. J.	Grout,	Nute,	Taylor, Ill.
Burrows,	Hall,	O'Donnell,	Taylor, J. D.
Burton,	Haugen,	O'Neill, Pa.	Thomas,
Butterworth,	Hays, E. R.	Osborne,	Thompson,
Caldwell,	Henderson, Ill.	Owen, Ind.	Townsend, Colo.
Carter,	Hill,	Payne,	Townsend, Pa.
Caswell,	Hopkins,	Payson,	Turner, Kans.
Cheadle,	Kelley,	Perkins,	Vandever,
Clark, Wis.	Kennedy,	Peters,	Van Schaick,
Clark, Wyo.	Ketcham,	Post,	Waddill,
Coleman,	Kinsey,	Raines,	Wade,
Connell,	Lacey,	Ray,	Walker,
Cooper, Ohio	Laidlaw,	Reed, Iowa	Wallace, Mass.
Craig,	Langston,	Reyburn,	Wallace, N. Y.
Culbertson, Pa.	Lansing,	Rockwell,	Wilson, Ky.

NAYS—100.

Abbott,	Cothran,	Lane,	Pierce,
Alderson,	Covert,	Lanham,	Pindar,
Allen, Miss.	Cowles,	Lawler,	Quinn,
Anderson, Kans.	Crain,	Lee,	Richardson,
Anderson, Miss.	Crisp,	Lewis,	Rogers,
Andrew,	Culberson, Tex.	Lind,	Sayers,
Barnes,	Davidson,	Maish,	Seney,
Barwig,	Dickerson,	Mansur,	Springer,
Blanchard,	Dockery,	Martin, Ind.	Stewart, Ga.
Bland,	Ellis,	Martin, Tex.	Stewart, Tex.
Blount,	Forman,	McClammy,	Stone, Ky.
Breckinridge, Ark.	Forney,	McClellan,	Stone, Mo.
Breckinridge, Ky.	Fowler,	McCreary,	Tarsney,
Brickner,	Gibson,	McMillin,	Tillman,
Brookshire,	Goodnight,	Mills,	Tucker,
Brown, J. B.	Grimes,	Montgomery,	Turner, Ga.
Bynum,	Hatch,	Moore, Tex.	Wheeler, Ala.
Campbell,	Hemphill,	Norton,	Whitelaw,
Candler, Ga.	Henderson, N. C.	O'Neall, Ind.	Whiting,
Caruth,	Herbert,	Outhwaite,	Wike,
Catchings,	Holman,	Owens, Ohio	Williams, Ill.
Chipman,	Hooker,	Parrett,	Williams, Ohio
Clements,	Kerr, Iowa	Paynter,	Wilson, Mo.
Cobb,	Kerr, Pa.	Peel,	Wilson, W. Va.
Cooper, Ind.	Kilgore,	Perry,	Yoder.

NOT VOTING—111.

Atkinson, Pa.	Dibble,	Lester, Va.	Russell,
Bankhead,	Dorsey,	Magner,	Sanford,
Bartine,	Dunnell,	McAdoo,	Sawyer,
Belden,	Dunphy,	McCarthy,	Scranton,
Biggs,	Edmunds,	McCord,	Shively,
Bingham,	Enloe,	McCormick,	Skinner,
Boatner,	Ewart,	McKinley,	Smyser,
Bowden,	Featherston,	McRae,	Snider,
Brower,	Fitch,	Milliken,	Stahlnecker,
Browne, T. M.	Fithian,	Morgan,	Stewart, Vt.
Browne, Va.	Flower,	Morrow,	Stockdale,
Brunner,	Frank,	Mudd,	Stone, Pa.
Buchanan, Va.	Geary,	Mutchler,	Stump,
Buckalew,	Geissenhainer,	Oates,	Taylor, Tenn.
Bullock,	Gifford,	O'Ferrall,	Tracey,
Bunn,	Hansbrough,	O'Neil, Mass.	Turner, N. Y.
Candler, Mass.	Hare,	Penington,	Vaux,
Cannon,	Harmer,	Phelan,	Washington,
Carlton,	Hayes, W. I.	Pickler,	Wheeler, Mich.
Cheatham,	Haynes,	Price,	Whitthorne,
Clancy,	Heard,	Pugsley,	Wickham,
Clarke, Ala.	Henderson, Iowa	Quackenbush,	Wiley,
Clunie,	Hermann,	Randall,	Wilkinson,
Cogswell,	Hitt,	Reilly,	Willcox,
Comstock,	Houk,	Rife,	Wilson, Wash.
Cummings,	Knapp,	Robertson,	Wright,
Dargan,	La Follette,	Rowland,	Yardley.
De Lano,	Lester, Ga.	Rusk,	

So the House decided to consider the bill.

Mr. COTHRAN. Mr. Speaker, I desire to vote.

The SPEAKER. The Chair can not entertain the request.

Mr. COTHRAN. I was in my seat when my name was called.

The SPEAKER. Listening?

Mr. COTHRAN. Yes, sir; but I did not hear my name called.

The SPEAKER. The Clerk will call the gentleman's name.

Mr. COTHRAN's vote was recorded.

The following additional pairs were announced until further notice:

Mr. BELDEN with Mr. CLANCY.

Mr. SANFORD with Mr. O'FERRALL.

Mr. WILSON, of Washington, with Mr. ENLOE.

Mr. MILLIKEN with Mr. LESTER, of Georgia.

The following on this vote:

Mr. WICKHAM with Mr. McADOO.

Mr. ATKINSON, of Pennsylvania, with Mr. HEARD.

Mr. BROWNE, of Virginia, with Mr. EDMUNDS.

The result of the vote was then announced as above recorded.

Mr. OUTHWAITE. Mr. Speaker, I should like to have the vote recapitulated.

The SPEAKER. The announcement of the result has been made.

Mr. OUTHWAITE. But I rose before the announcement was made and attempted to attract the attention of the Chair.

The SPEAKER. If the gentleman rose for that purpose before the announcement the vote will be recapitulated.

The Clerk proceeded to read the names of members voting.

Mr. OUTHWAITE (interrupting the reading). Mr. Speaker, I do not desire any further recapitulation of the vote.

The SPEAKER. The gentleman withdraws his request for the recapitulation of the vote. Is it renewed?

Mr. ROGERS. I renew it.

The Clerk resumed and completed the reading of the names.

Mr. THOMAS. Mr. Speaker, I wish to offer the amendment which I send to the desk.

The amendment was read, as follows:

Strike out all after the enacting clause and insert the following:

"That the claim of Sarah E. E. Perine, widow and administratrix of William Perine, deceased, for further compensation for the construction of the iron-clad monitors Naubac, and the iron tugboats Maria and Triana, may be submitted by said claimant, within six months after the passage of this act, to the Court of Claims under and in compliance with the rules and regulations of said court; and said court shall have jurisdiction to hear and determine and render judgment upon the same: *Provided, however*, That the investigation of said claim shall be made upon the following basis: The said court shall ascertain the additional cost which was necessarily incurred by the contractor for building the light-draught monitor Naubac, and the iron tugboats Maria and Triana, in the completion of the same, by reason of any changes or alterations in the plans and specifications required and delays in the prosecution of the work: *Provided*, That such additional cost in completing the same, and such changes or alterations in the plans and specifications required, and delays in the prosecution of the work, were occasioned by the Government of the United States; but no allowance for any advance in the price of labor or material shall be considered unless such advance occurred during the prolonged term for completing the work rendered necessary by delay resulting from the action of the Government aforesaid, and then only when such advance could not have been avoided by the exercise of ordinary prudence and dilligence on the part of the contractors: *And provided further*, That the compensation fixed by the contractors and the Government for specific alterations in advance of such alterations shall be conclusive as to the compensation to be paid therefor: *Provided*, That such alternations, when made, complied with the specifications of the same as furnished by the Government aforesaid: *And provided further*, That all moneys paid to the said contractors by the Government over and above the original contract price for building said vessel shall be deducted from any amounts allowed by said court by reason of the matters hereinbefore stated: *And provided further*, That if any such changes cost less work and expenses to the contractor than the original plans and specifications, a corresponding deduction shall be made from the contract price, and the amount thereof be deducted from any allowance which may be made by said court to said claimants."

The SPEAKER. The question is on agreeing to this amendment.

Mr. OUTHWAITE. I should like to hear some explanation from the gentleman from Wisconsin [Mr. THOMAS]

The SPEAKER. The gentleman from Wisconsin is entitled to the floor.

Mr. OUTHWAITE. I would like to know wherein this substitute differs from the bill, wherein it is better.

Mr. THOMAS. This amendment obviates, as we think, the objections made to the Portland bill and those which were made by President Cleveland in his veto of the McKay bill. The substitute provides specifically that no recovery shall be had unless it shall appear that the Government was at fault and that the other parties were not in any manner at fault.

Mr. OUTHWAITE. Is that to be shown before the court?

Mr. THOMAS. That is to be shown before the court. Both the bill and the amendment provide that this case shall go to the Court of Claims. The particular point in the amendment is that the claimants must affirmatively show that the Government was at fault and that they were not in any particular at fault. The bill provides safeguards which have been indicated as necessary in the objections of two or three Executives in relation to this class of bills. This is an exact copy of the McKay bill so far as the language is concerned, and there can be no doubt that it will obviate any objections which have heretofore been made by the Executive.

Mr. McMILLIN. Is the bill reported from your committee on this subject like the McKay bill or like the Senate bill?

Mr. THOMAS. It is exactly like the Senate bill. But since we agreed on that bill a bill known as the "Portland bill" has encountered the objections of the President; and therefore it would be no use to pass this bill in that shape.

Mr. ADAMS. I would like some explanation as to the reasons for the delay which has occurred. Has any attempt been made to press this claim heretofore, either in Congress or before the Court of Claims? And, if not, why not?

Mr. THOMAS. In answer to that question I will say that some six or seven committees of different Congresses have reported in both Houses in favor of this claim; but it never has been reached for action. At one time, in 1865, by authority of a resolution of the Senate the Selfridge board was convened by the Navy Department; and this is one of the very few claims that that board allowed.

In my judgment there is no question about the justice of submitting this claim to the Court of Claims under the safeguards now proposed. That is the whole effect of this proposition. The facts are as set forth in the report—that this monitor and these two tugboats were built by this contractor under a contract with the Government, the Government saying, "We demand that you shall do it; we will take possession of your yards if you do not." The plans and specifications were furnished; but after great progress had been made in the work it was discovered that those plans and specifications were utterly useless; that a vessel constructed according to them would sink the first time it got into water deep enough.

The plans being all wrong, the contractor was obliged to wait until new plans could be made, and the vessels had to be rebuilt. In the mean time the prices of labor had doubled; iron had gone up from $65 a ton to a much larger sum; according to some statements, to $200 a ton. Great pecuniary loss, as these parties claim, was sustained by reason of this delay, without fault on the part of the contractor, he having always been ready to comply with the requirements of the contract.

Now these parties ask that this question may be submitted to a court; and they support the justice of their claim by saying that Congress, upon the suggestion of a former Secretary of the Navy, organized a board very near the time of these transactions to investigate these matters, and that out of hundreds of claims presented to that board, but few were allowed, this being one of that number. But it has been pending here in Congress until the poor man who sunk his fortune in building these vessels has died and his widow and family, now in poverty and distress, are awaiting justice from the Government. All that they ask is that this claim may go before a court and they be permitted to show that it is just. I think there can be no question about the fairness of such a proposition. [Cries of "Vote!" "Vote!"]

Mr. SPINOLA and Mr. HOLMAN addressed the Chair.

The SPEAKER. Does the gentleman from Wisconsin [Mr. THOMAS] yield the floor?

Mr. THOMAS. I reserve my time.

Mr. SPINOLA. How much time is to be allowed for this debate?

Mr. THOMAS. I will yield the gentleman any time he desires.

Mr. SPINOLA. Let us see how much time this side of the House wants. I am, with the gentleman from Wisconsin, in favor of this bill.

Mr. THOMAS. Does the gentleman from New York wish to occupy any time?

Mr. SPINOLA. After we have heard from one or two other gentlemen, I shall probably answer them.

Mr. HOLMAN. I wish to make a motion whenever I can be recognized.

Mr. SPINOLA. I am in favor of this bill. I knew the parties well. I know that the claim is just. If there is any opposition to it I propose to answer such objections as may be made.

Mr. THOMAS. Does the gentleman from Indiana [Mr. HOLMAN] desire time?

Mr. HOLMAN. No, sir; I want to enter a motion to recommit the Senate bill and the pending amendment to the Committee on War Claims.

Mr. THOMAS. I raise the point of order on that.

The SPEAKER. The gentleman from Wisconsin has the floor. He must state what course he desires to follow in this matter.

Mr. THOMAS. I move the previous question, unless it is desired to discuss the bill.

The SPEAKER. The gentleman from Wisconsin moves the previous question.

Mr. SPRINGER. I hope the gentleman will not cut off debate on this proposition. Does he intend, after speaking in favor of the bill, to move the previous question and in that way cut off debate?

Mr. THOMAS. I ask for the previous question.

Mr. SPRINGER. I hope the gentleman will not act unfairly in regard to this matter, but will give us an opportunity to be heard.

Mr. OUTHWAITE. I think you ought to yield at least as much time to this side as was occupied in favor of the bill.

Mr. THOMAS. I am perfectly willing to do so. How much time does the gentleman desire?

Mr. SPINOLA. We will give any reasonable time in opposition to the bill. I am in favor of it.

Mr. SPRINGER. I do not know how much time it will take; but I have just had my attention called to a veto of a similar bill by President Harrison, which I would like to have read from the Clerk's desk. I think it proper that the House should see what the President said on a similar case. Will the gentleman give me ten minutes?

Mr. THOMAS. I yield to the gentleman ten minutes.

Mr. SPRINGER. I ask the Clerk now to read the veto message of the President in the case of the bill (S. 473) in the last session of Congress.

The Clerk read as follows:

To the Senate:

I return to the Senate, without my approval, the bill (S. No. 473) for the relief of the Portland Company, of Portland, Me.

This bill confers upon the Court of Claims jurisdiction to inquire into and determine how much certain steam machinery, built for the United States under contract and to be used in the vessels Agawan and Pontoosuc, cost the contractors over and above the contract price, and any allowances for extra work which have been made, and requires the court to enter judgment in favor of the claimant for the excess of cost above such contract price and allowances.

The bill differs from others which have been presented to me, and one of which I have approved, in that it does not make the further allowance to the contractors contingent upon the fact that the additional expense was the result of the acts of the Government, through its officers, causing delays and increased cost in the construction of the work.

The bill in effect directs the court to ignore the contract entirely, except as payments under it are to be treated as credits, and to allow the contractors the cost of the work, and that without reference to their own negligence or want of skill in executing the work. There would seem to be no object in the Government making a contract for work if the contract is only to be binding upon the parties in the event that the contractor realizes a profit.

I can not give my approval to the proposition applied here, which, if allowed here, should be given general application, that every contractor with the Government who, during the early days of the war, failed to realize, by reason of increase in cost of labor and materials, a profit upon the contract shall now have access to the Court of Claims to recover upon the *quantum meruit* the cost of the work.

BENJ. HARRISON.

EXECUTIVE MANSION, *October* 1, 1890.

Mr. ANDERSON, of Kansas. Will the gentleman yield to me for a question? Is that bill the veto of which has just been read from the Clerk's desk a similar bill or a bill having the same object as the one now before the House?

Mr. SPRINGER. I so understand. I understand the present bill embraces precisely the same principle. I believe, as far as I am able to determine, that the same principle is involved in both cases.

If the gentleman from Wisconsin will pardon me for a moment longer, I desire to call attention to a part of the language embodied in this veto message. I will state first that at the last session of Congress this bill, known as Senate bill No. 473, for the relief of the Portland Company, of Portland, Me., passed Congress and was presented to the President. He returned the bill with the veto which has just been read, and I desire again to call attention to this language used by him:

I can not give my approval to the proposition applied here, which, if allowed here, should be given general application, that every contractor with the Government who, during the early days of the war, failed to realize, by reason of increase in cost of labor and materials, a profit upon the contract shall now have access to the Court of Claims to recover upon the *quantum meruit* the cost of the work.

Now, precisely the same principle is involved in the pending bill.

Mr. ANDERSON, of Kansas. This bill, the gentleman understands, rests upon the same principle as the one vetoed?

Mr. SPRINGER. I so understand. It authorizes the Court of Claims to find out the amount which was the difference between the cost of perfecting the contract into which these parties entered by reason of the increased cost of labor and material.

Mr. BOUTELLE. Does the gentleman from Illinois take into consideration the precise objection urged by the President in the veto message?

Mr. SPRINGER. I can not of course be any more precise than the President has been himself. I take the language that he used.

Mr. BOUTELLE. But that does not go to the merits, but only to the form of the bill.

Mr. SPRINGER. Oh, yes; it goes to the merits of the bill.

Mr. THOMAS. Let me say to the gentleman that the bill to which he has referred provided, and, I think, clearly so—I believe everybody will understand it in that way—that, because the contractors expended more than they had contracted to expend or more than they had received to build the ship, they were to be compensated by the Government. To that contention of theirs the President entered his veto.

But this is a very different case. Where the Government itself, after they had undertaken a contract, required modifications and changes, required the remodeling of the vessel, or, after the work had begun, if the Government had delayed the parties, so that labor and material increased in value, it presents a very different case from that vetoed by the President.

Now, in the original bill as it passed the Senate there were provisions which made it subject to some extent to certain of the objections urged against the Portland bill. But the substitute I have offered obviates them and requires that it shall be shown the Government was at fault.

Mr. ANDERSON, of Kansas. At fault in what respect?

Mr. BOUTELLE. In this, that the Government caused the delay, and, hence, additional expense to the contractors, by requiring changes and modifications to be made after the work was begun.

Mr. ANDERSON, of Kansas. And by that the contractors did not make the money they expected to make?

Mr. THOMAS. No; but that they thereby lost by the action of the Government. They did not make anything at all, but lost.

Mr. OUTHWAITE. I observed in the original bill that it was provided that the contractors should receive nothing from the increased cost, arising from increased wages or higher price of materials, unless it resulted from the fault of the Government.

Mr. THOMAS. It was so vaguely stated in the bill that there was a question whether that condition of things might not result. It did not present the question fairly to the court.

Mr. OUTHWAITE. The substitute, I understand, removes that objection.

Mr. THOMAS. It presents it fairly and squarely to the court.

Mr. McMILLIN. Will the gentleman yield for a question? How is it that this claim was not presented immediately after the contract was completed and have whatever damages resulted from the fault of the Government adjusted at the time?

Mr. THOMAS. The fact is that in 1865 there was a board organized called the Selfridge board, which took into consideration these various claims and allowed but two of them. But the claimants have never been able to recover. They have filed bill after bill. Bills were introduced in both branches of Congress, and although they have been reported favorably by the committees they have never been urged for action. Every committee reported in favor of them.

Mr. McMILLIN. You are in error about that. One or two Congresses refused to report them.

Mr. THOMAS. Well, practically they were reported all the time. It is true that in one Congress Mr. Hammond made an adverse report.

Mr. McMILLIN. An adverse report was made by Judge Hammond, and in the succeeding Congress the committees refused to report favorably.

Mr. THOMAS. I think you will find the reason of the refusal to make the report was because of the indefinite way in which the bill was drawn. Where it is required to show that the Government was actually at fault, especially in a case where the Selfridge board found an amount due, it seems to me there can be no danger in the Government submitting the question to the court.

Mr. McMILLIN. I remember the question came up in Congress and Judge Hammond, of Georgia, reported against it. The succeeding Congress, I think, refused to make a report at all. In that Congress, influenced as well by its own judgment as by the examination given to it by Judge Hammond, the committee refused to report.

Mr. THOMAS. It has been favorably reported a great many times since.

Mr. McMILLIN. It has been reported, but the gentleman is in error in saying it has been continuously reported. There were four years that I know of when it had no chance to pass here. It was defeated in one Congress, if I remember correctly, and in the next Congress it was not even reported.

Mr. THOMAS. It was favorably reported in the Forty-ninth Congress, which was Democratic.

Mr. McMILLIN. I think not; and it was defeated in the Forty-seventh Congress.

Mr. THOMAS. Favorably reported in the Forty-eighth.

Mr. KERR, of Iowa. Mr. Speaker——

The SPEAKER. Does the gentleman yield?

Mr. THOMAS. For a moment.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] really has the floor.

Mr. SPRINGER. I was about to suggest that I had the floor, and that if the gentleman obtains it it must be by my indulgence. I hope the gentleman may be heard. I am always ready to indulge gentlemen in that regard. [Laughter on the Democratic side.]

Mr. KERR, of Iowa. I do not know but I am anticipating the remarks of the gentleman from Illinois [Mr. SPRINGER], because I heard him two years ago call attention to the fact that a report had been made adversely to these claims by a former Senator from Iowa, in which he stated that if such claims were allowed it would cost the Government $60,000,000. I observe that when men make anything on a Government contract they do not want to have the matter investigated and they do not pay anything back; and it seems to me that common justice would require that occasionally the Government should make something. For that reason I do not think any of these bills, especially when they are over a quarter of a century old and have been rejected by the men who were familiar with the matter at the time, as in the case of our Senator from Iowa in 1865—I do not think at this late day they ought to be brought up.

Mr. THOMAS. Mr. Speaker, in answer to the gentleman from Iowa [Mr. KERR] I desire to say that the men who knew all about this at the very time the thing occurred, including a commodore of the United States Navy and two other high officers of the Government, found that this party was entitled to recover a large sum. That was the finding of the Selfridge board.

Mr. BRECKINRIDGE, of Kentucky. How much did they find he was entitled to recover?

Mr. THOMAS. Something over $100,000.

Mr. SPRINGER. Will the gentleman allow me?

Mr. BRECKINRIDGE, of Kentucky. And, as I understand, this bill limits the amount to be recovered, so that it shall not exceed the amount that was found due by that board.

Mr. THOMAS. Not to exceed that amount. Now, Mr. Speaker, I think this matter is thoroughly understood, and I will move the previous question.

Mr. SPRINGER. Will the gentleman allow me to ask him a question first in regard to the Selfridge board, as to which he has just made a statement?

The SPEAKER. Does the gentleman yield?

Mr. THOMAS. For a question.

Mr. SPRINGER. The gentleman stated that the Selfridge board had allowed this amount to these parties. Will the gentleman state that that board was created under a resolution of the Senate only, and that subsequently a board, created in pursuance of law, known as the Marchand board, was organized, and passed upon all these claims——

Mr. THOMAS. I did not yield to the gentleman for a speech.

Mr. SPRINGER. I ask you to state the whole case, that the Marchand board passed upon this very case and found there was nothing due.

Mr. THOMAS. I will say that all that is very familiar to the House.

Mr. SPRINGER. Why did not the gentleman state it, then?

Mr. THOMAS. The Marchand board refused to act at all.

Mr. SPRINGER. The Marchand board did act.

Mr. THOMAS. But never made any finding.

Mr. HOLMAN. Oh, yes, it did.

Mr. THOMAS. That board said that the law did not authorize it to make any finding.

Mr. SPRINGER. The Marchand board found that there was nothing due these parties, as I understand it.

Mr. THOMAS. Not at all. Mr. Speaker, I now renew my motion for the previous question.

The question was taken; and the Speaker announced that the noes seemed to have it.

On a division (demanded by Mr. THOMAS) there were—ayes 62, noes 56.

Mr. BLAND and several other members on the Democratic side demanded tellers.

Mr. THOMAS. I will demand the yeas and nays. That is the shortest way out of it.

The yeas and nays were ordered.

The question was taken; and there were—yeas 118, nays 85, not voting 128; as follows:

YEAS—118.

Adams,	Clark, Wyo.	Henderson, Ill.	Morrill,
Allen, Mich.	Connell,	Hill,	Morrow,
Anderson, Kans.	Cooper, Ohio	Hitt,	Morse,
Arnold,	Craig,	Hopkins,	Niedringhaus,
Atkinson, W. Va.	Culbertson, Pa.	Kelley,	Nute,
Baker,	Cutcheon,	Kennedy,	O'Donnell,
Banks,	Dalzell,	Ketcham,	O'Neill, Pa.
Bayne,	Darlington,	Kinsey,	Osborne,
Bergen,	Dingley,	Lacey,	Payne,
Bliss,	Dolliver,	La Follette,	Payson,
Boothman,	Dorsey,	Laidlaw,	Perkins,
Boutelle,	Evans,	Langston,	Post,
Brewer,	Farquhar,	Lansing,	Raines,
Brosius,	Finley,	Lehlbach,	Randall,
Browne, Va.	Flick,	Lodge,	Reed, Iowa
Buchanan, N. J.	Flood,	Mason,	Reyburn,
Burrows,	Funston,	McComas,	Rockwell,
Burton,	Gear,	McDuffie,	Rowell,
Caldwell,	Gest,	McKenna,	Sawyer,
Candler, Mass.	Greenhalge,	Miles,	Scull,
Carter,	Grosvenor,	Miller,	Sherman,
Caswell,	Grout,	Moffitt,	Simonds,
Cheadle,	Hall,	Moore, N. H.	Smith, Ill.
Clark, Wis.	Haugen,	Morey,	Smith, W. Va.

Spooner,	Taylor, Ezra B.	Vandever,	Wallace, N. Y.
Stivers,	Taylor, Joseph D.	Van Schaick,	Williams, Ohio
Stockbridge,	Thomas,	Waddill,	Wilson, Ky.
Struble,	Thompson,	Wade,	Yardley.
Sweney,	Townsend, Colo.	Walker,	
Taylor, Ill.	Turner, Kans.	Wallace, Mass.	

NAYS—85.

Abbott,	Covert,	Hooker,	Richardson,
Alderson,	Cowles,	Kerr, Iowa	Robertson,
Anderson, Miss.	Crain,	Kilgore,	Sayers,
Andrew,	Culberson, Tex.	Lane,	Seney,
Barnes,	Davidson,	Lanham,	Shively,
Barwig,	Dickerson,	Lee,	Springer,
Blanchard,	Dockery,	Mansur,	Stewart, Ga.
Bland,	Edmunds,	Martin, Ind.	Stewart, Tex.
Breckinridge, Ark.	Ellis,	Martin, Tex.	Stone, Ky.
Breckinridge, Ky.	Forman,	McClellan,	Stone, Mo.
Brookshire,	Forney,	McCreary,	Tarsney,
Brown, J. B.	Fowler,	McMillin,	Tillman,
Buchanan, Va.	Geary,	Mills,	Tucker,
Bynum,	Goodnight,	Montgomery,	Turner, Ga.
Campbell,	Grimes,	Mutchler,	Wike,
Carlton,	Hare,	Norton,	Wiley,
Caruth,	Hatch,	O'Neall, Ind.	Williams, Ill.
Clements,	Hayes, Walter I.	Owens, Ohio	Wilson, Mo.
Clunie,	Hemphill,	Parrett,	Yoder.
Cobb,	Henderson, N. C.	Paynter,	
Cooper, Ind.	Herbert,	Perry,	
Cothran,	Holman,	Pindar,	

NOT VOTING—123.

Allen, Miss.	Dargan,	Maish,	Rusk,
Atkinson, Pa.	De Lano,	McAdoo,	Russell,
Bankhead,	Dibble,	McCarthy,	Sanford,
Bartine,	Dunnell,	McClammy,	Scranton,
Beckwith,	Dunphy,	McCord,	Skinner,
Belden,	Enloe,	McCormick,	Smyser,
Belknap,	Ewart,	McKinley,	Snider,
Biggs,	Featherston,	McRae,	Spinola,
Bingham,	Fitch,	Milliken,	Stahlnecker,
Blount,	Fithian,	Moore, Tex.	Stephenson,
Boatner,	Flower,	Morgan,	Stewart, Vt.
Bowden,	Frank,	Mudd,	Stockdale,
Brickner,	Geissenhainer,	Oates,	Stone, Pa.
Brower,	Gibson,	O'Ferrall,	Stump,
Browne, T. M.	Gifford,	O'Neil, Mass.	Sweet,
Brunner,	Hansbrough,	Outhwaite,	Taylor, Tenn.
Buckalew,	Harmer,	Owen, Ind.	Townsend, Pa.
Bullock,	Hays, E. R.	Peel,	Tracey,
Bunn,	Haynes,	Penington,	Turner, N. Y.
Butterworth,	Heard,	Peters,	Vaux,
Candler, Ga.	Henderson, Iowa	Phelan,	Washington,
Cannon,	Hermann,	Pickler,	Wheeler, Ala.
Catchings,	Houk,	Pierce,	Wheeler, Mich.
Cheatham,	Kerr, Pa.	Price,	Whitelaw,
Chipman,	Knapp,	Pugsley,	Whiting,
Clancy,	Lawler,	Quackenbush,	Witthorne,
Clarke, Ala.	Laws,	Quinn,	Wickham,
Cogswell,	Lester, Ga.	Ray,	Wilkinson,
Coleman,	Lester, Va.	Reilly,	Willcox,
Comstock,	Lewis,	Rife,	Wilson, Wash.
Crisp,	Lind,	Rogers,	Wilson, W. Va.
Cummings,	Magner,	Rowland,	Wright.

So the previous question was ordered.

The following additional pairs were announced:

For the rest of the day.

Mr. FRANK with Mr. ALLEN, of Mississippi.

Mr. EDWARD R. HAYS with Mr. MOORE, of Texas.

On this vote:

Mr. LIND with Mr. BULLOCK.

The result of the vote was then announced as above recorded.

The SPEAKER. The first question is on agreeing to the substitute.

The question was put; and the Speaker announced that the ayes seemed to have it.

Mr. BLAND. Division.

The House divided; and there were—ayes 72, noes 63.

Mr. BLAND. Tellers.

Mr. THOMAS. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 129, nays 77, not voting 125; as follows:

YEAS—129.

Adams,	Caldwell,	Greenhalge,	McKinley,
Allen, Mich.	Cannon,	Grout,	McMillin,
Anderson, Kans.	Caruth,	Haugen,	Miles,
Andrew,	Caswell,	Henderson, Ill.	Miller,
Arnold,	Cheadle,	Herbert,	Moore, N. H.
Atkinson, W. Va.	Clark, Wis.	Hill,	Morey,
Baker,	Clark, Wyo.	Hitt,	Morrill,
Banks,	Coleman,	Hopkins,	Morrow,
Bayne,	Connell,	Kelley,	Morse,
Belknap,	Cooper, Ohio,	Kerr, Iowa	Niedringhaus,
Bergen,	Craig,	Ketcham,	Nute,
Bliss,	Culbertson, Pa.	Kinsey,	O'Donnell,
Boothman,	Cutcheon,	Lacey,	O'Neill, Pa.
Boutelle,	Dalzell,	La Follette,	Osborne,
Breckinridge, Ky.	Dingley,	Laidlaw,	Outhwaite,
Brewer,	Dolliver,	Langston,	Owen, Ind.
Brosius,	Evans,	Lansing,	Owens, Ohio
Browne, Va.	Farquhar,	Laws,	Payne,
Buchanan, N. J.	Featherston,	Lee,	Payson,
Burrows,	Flood,	Lehlbach,	Perkins,
Burton,	Funston,	Lodge,	Post,
Butterworth,	Gear,	McComas,	Raines,
Bynum,	Gest,	McDuffie,	Randall,
Ray,	Smith, Ill.	Taylor, E. B.	Wallace, Mass.
Reed, Iowa	Smith, W. Va.	Taylor, Ill.	Wallace, N. Y.
Reilly,	Spinola,	Taylor, J. D.	Wheeler, Ala.
Reyburn,	Spooner,	Thomas,	Wickham,
Rockwell,	Stephenson,	Townsend, Colo.	Williams, Ohio
Rowell,	Stewart, Vt.	Turner, Kans.	Wilson, Ky.
Sawyer,	Stivers,	Vandever,	Yardley.
Scull,	Stockbridge,	Van Schaick,	
Sherman,	Stone, Ky.	Wade,	
Simonds,	Struble,	Walker,	

NAYS—77.

Abbott,	Dickerson,	Maish,	Quinn,
Alderson,	Dockery,	Martin, Ind.	Sayers,
Barwig,	Edmunds,	Martin, Tex.	Shively,
Blanchard,	Ellis,	McAdoo,	Stewart, Ga.
Blount,	Flick,	McClammy,	Stewart, Tex.
Brickner,	Flower,	McClellan,	Stone, Mo.
Brookshire,	Forman,	McCreary,	Sweney,
Brown, J. B.	Forney,	McRae,	Tarsney,
Buchanan, Va.	Fowler,	Mills,	Tillman,
Catchings,	Goodnight,	Montgomery,	Tucker,
Chipman,	Grimes,	Moore, Tex.	Turner, Ga.
Clements,	Hare,	Mutchler,	Whitelaw,
Clunie,	Hatch,	Norton,	Wike,
Cobb,	Hemphill,	O'Neal, Ind.	Williams, Ill.
Cothran,	Henderson, N. C.	Parrett,	Wilson, Mo.
Covert,	Kilgore,	Paynter,	Wilson, W. Va.
Cowles,	Lane,	Peel,	Yoder.
Crain,	Lanham,	Perry,	
Crisp,	Lawler,	Pierce,	
Culberson, Tex.	Lewis,	Pindar,	

NOT VOTING—125.

Allen, Miss.	Dargan,	Kerr, Pa.	Russell,
Anderson, Miss.	Darlington,	Knapp,	Sanford,
Atkinson, Pa.	Davidson,	Lester, Ga.	Scranton,
Bankhead,	De Lano,	Lester, Va.	Seney,
Barnes,	Dibble,	Lind,	Skinner,
Bartine,	Dorsey,	Magner,	Smyser,
Beckwith,	Dunnell,	Mansur,	Snider,
Belden,	Dunphy,	Mason,	Springer,
Biggs,	Enloe,	McCarthy,	Stahlnecker,
Bingham,	Ewart,	McCord,	Stockdale,
Bland,	Finley,	McCormick,	Stone, Pa.
Boatner,	Fitch,	McKenna,	Stump,
Bowden,	Fithian,	Milliken,	Sweet,
Breckinridge, Ark.	Frank,	Moffitt,	Taylor, Tenn.
Brower.	Geary,	Morgan,	Thompson,
Browne, T. M.	Geissenhainer,	Mudd,	Townsend, Pa.
Brunner,	Gibson,	Oates,	Tracey,
Buckalew,	Gifford,	O'Ferrall,	Turner, N. Y.
Bullock,	Grosvenor,	O'Neil, Mass.	Vaux,
Bunn,	Hall,	Penington,	Waddill.
Campbell,	Hansbrough,	Peters,	Washington,
Candler, Ga.	Harmer,	Phelan,	Wheeler, Mich.
Candler, Mass.	Hayes, W. I.	Pickler,	Whiting.
Carlton,	Hays, E. R.	Price,	Whitthorne,
Carter,	Haynes,	Pugsley,	Wiley,
Cheatham,	Heard,	Quackenbush,	Wilkinson,
Clancy,	Henderson, Iowa	Richardson,	Willcox,
Clarke, Ala.	Hermann,	Rife,	Wilson, Wash.
Cogswell,	Holman,	Robertson,	Wright.
Comstock,	Hooker,	Rogers,	
Cooper, Ind.	Houk,	Rowland,	
Cummings,	Kennedy,	Rusk,	

So the substitute was agreed to.

The following additional pairs were announced for this day:

Mr. HARMER with Mr. CLARKE, of Alabama.

Mr. WADDILL with Mr. WILEY.

Mr. STRUBLE with Mr. HOOKER.

Mr. BLAND. Mr. Speaker, let us have a recapitulation of the names.

The vote was recapitulated.

The result of the vote was then announced as above recorded.

The SPEAKER. The question is on the third reading of the Senate bill as amended.

The question was put; and the Speaker announced that the ayes seemed to have it.

Mr. BLAND. Division, Mr. Speaker.

The House divided; and there were—ayes 73, noes 57.

Mr. BLAND. Tellers, Mr. Speaker.

The question was taken on ordering tellers; and the Speaker announced that 47 gentlemen had arisen—a sufficient number.

Mr. HOPKINS. Mr. Speaker, I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 115, nays 90, not voting 126; as follows:

YEAS—115.

Adams,	Caldwell,	Evans,	Kelley,
Allen, Mich.	Candler, Mass.	Farquhar,	Kennedy,
Arnold,	Cannon,	Featherston,	Kinsey,
Atkinson, W. Va.	Carter,	Finley,	Lacey,
Banks,	Caswell,	Flick,	Laidlaw,
Bayne,	Cheadle,	Flood,	Langston,
Belknap,	Clark, Wis.	Funston,	Lehlbach,
Bergen,	Clark, Wyo.	Gear,	Lodge,
Bliss,	Coleman,	Gest,	McComas,
Boutelle,	Connell,	Greenhalge,	McDuffie,
Brewer,	Cooper, Ohio	Grosvenor,	McKenna,
Brosius,	Culbertson, Pa.	Grout,	McKinley,
Browne, Va.	Cutcheon,	Haugen,	Miles,
Buchanan, N. J.	Dalzell,	Hermann,	Miller,
Burrows,	Darlington,	Hill,	Moffitt,
Burton,	Dingley,	Hitt,	Moore, N. H.
Butterworth,	Dorsey,	Hopkins,	Morey,

Morrill,	Post,	Smith, W. Va.	Townsend, Colo.
Morrow,	Ray,	Spinola,	Vandever,
Morse,	Reed, Iowa	Stephenson,	Van Schaick,
Niedringhaus,	Reilly,	Stewart, Vt.	Wade,
Nute,	Reyburn,	Stivers,	Walker,
O'Donnell,	Rockwell,	Stockbridge,	Wallace, Mass.
O'Neill, Pa.	Rowell,	Stone, Ky.	Wallace, N. Y.
Osborne,	Sawyer,	Struble,	Wickham,
Owen, Ind.	Scull,	Taylor, Ill.	Williams, Ohio
Payne,	Sherman,	Taylor, J. D.	Wilson, Ky.
Payson,	Simonds,	Thomas,	Yardley.
Perkins,	Smith, Ill.	Thompson,	

NAYS—90.

Abbott,	Cowles,	Lanham,	Peters,
Alderson,	Crain,	Lawler,	Pierce,
Anderson, Kans.	Crisp,	Lee,	Pindar,
Andrew,	Culberson, Tex.	Lewis,	Quinn,
Barnes,	Davidson,	Mansur,	Sayers,
Barwig,	Dickerson,	Martin, Ind.	Seney,
Bland,	Dockery,	Martin, Tex.	Shively,
Blount,	Edmunds,	McClammy,	Stewart, Ga.
Breckinridge, Ark.	Ellis,	McClellan,	Stone, Mo.
Breckinridge, Ky.	Forman,	McCreary,	Sweney,
Brickner,	Forney,	McMillin,	Tarsney,
Brookshire,	Fowler,	McRae,	Tillman,
Brown, J. B.	Gibson,	Mills,	Tucker,
Buchanan, Va.	Goodnight,	Montgomery,	Turner, Ga.
Bynum,	Grimes,	Mutchler,	Turner, Kans.
Candler, Ga.	Hatch,	Norton,	Whitelaw,
Caruth,	Hayes, W. I.	O'Neall, Ind.	Wike,
Clements,	Haynes,	Outhwaite,	Williams, Ill.
Clunie,	Henderson, N. C.	Owens, Ohio	Wilson, Mo.
Cobb,	Herbert,	Parrett,	Wilson, W. Va.
Cooper, Ind.	Kerr, Iowa	Paynter,	Yoder.
Cothran,	Kilgore,	Peel,	
Covert,	Lane,	Perry,	

NOT VOTING—126.

Allen, Miss.	De Lano,	Lester, Ga.	Sanford,
Anderson, Miss.	Dibble,	Lester, Va.	Scranton,
Atkinson, Pa.	Dolliver,	Lind,	Skinner,
Baker,	Dunnell,	Magner,	Smyser,
Bankhead,	Dunphy,	Maish,	Snider,
Bartine,	Enloe,	Mason,	Spooner,
Beckwith,	Ewart,	McAdoo,	Springer,
Belden,	Fitch,	McCarthy,	Stahlnecker,
Biggs,	Fithian,	McCord,	Stewart, Tex.
Bingham,	Flower,	McCormick,	Stockdale,
Blanchard,	Frank,	Milliken,	Stone, Pa.
Boatner,	Geary,	Moore, Tex.	Stump,
Boothman,	Geissenhainer,	Morgan,	Sweet,
Bowden,	Gifford,	Mudd,	Taylor, E. B.
Brower,	Hall,	Oates,	Taylor, Tenn.
Browne, T. M.	Hansbrough,	O'Ferrall,	Townsend, Pa.
Brunner,	Hare,	O'Neil, Mass.	Tracey,
Buckalew,	Harmer,	Penington,	Turner, N. Y.
Bullock,	Hays, E. R.	Phelan,	Vaux,
Bunn,	Heard,	Pickler,	Waddill,
Campbell,	Hemphill,	Price,	Washington,
Carlton,	Henderson, Ill.	Pugsley,	Wheeler, Ala.
Catchings,	Henderson, Iowa	Quackenbush,	Wheeler, Mich.
Cheatham,	Holman,	Raines,	Whiting,
Chipman,	Hooker,	Randall,	Whitthorne,
Clancy,	Houk,	Richardson,	Wiley,
Clarke, Ala.	Kerr, Pa.	Rife,	Wilkinson,
Cogswell,	Ketcham,	Robertson,	Willcox,
Comstock,	Knapp,	Rogers,	Wilson, Wash.
Craig,	La Follette,	Rowland,	Wright.
Cummings,	Lansing,	Rusk,	
Dargan,	Laws,	Russell,	

So the bill was ordered to a third reading.

The following additional pairs were announced:

Mr. RANDALL with Mr. TURNER, of New York, for the rest of the day.

Mr. LIND with Mr. MCADOO, on this vote.

Mr. BLAND. I ask for a recapitulation of the names.

The Clerk recapitulated the names.

The result of the vote was then announced as above recorded.

Mr. HOLMAN. Mr. Speaker, I believe it is now in order to move to lay the bill and amendment on the table, and I make that motion.

The question was taken on the motion of Mr. HOLMAN, and the Speaker declared that the noes seemed to have it.

Mr. HOLMAN. I ask for a division.

Mr. ANDERSON, of Kansas. Let us have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 91, nays 114, not voting 126; as follows:

YEAS—91.

Abbott,	Clements,	Grimes,	McCreary,
Alderson,	Clunie,	Hayes, W. I.	McMillin,
Allen, Miss.	Cobb,	Haynes,	McRae,
Anderson, Kans.	Cooper, Ind.	Heard,	Montgomery,
Andrew,	Covert,	Henderson, N. C.	Mutchler,
Barwig,	Cowles,	Herbert,	Norton,
Blanchard,	Crain,	Holman,	O'Neall, Ind.
Bland,	Crisp,	Kerr, Iowa	Outhwaite,
Blount,	Culberson, Tex.	Kilgore,	Owens, Ohio
Boatner,	Davidson,	Lane,	Parrett,
Breckinridge, Ark.	Dickerson,	Lanham,	Paynter,
Brickner,	Edmunds,	Lawler,	Peel,
Brookshire,	Ellis,	Lee,	Pierce,
Brown, J. B.	Forman,	Lewis,	Pindar,
Buchanan, Va.	Forney,	Maish,	Quinn,
Bynum,	Fowler,	Martin, Ind.	Robertson,
Candler, Ga.	Geary,	Martin, Tex.	Rogers,
Caruth,	Gibson,	McClammy,	Sayers,
Catchings,	Goodnight,	McClellan,	Seney,
Shively,	Stone, Mo.	Whitelaw,	Wilson, Mo.
Springer,	Sweney,	Whiting,	Wilson, W. Va.
Stewart, Ga.	Tillman,	Wike,	Yoder.
Stewart, Tex.	Turner, Ga.	Williams, Ill.	

NAYS—114.

Adams,	Darlington,	McComas,	Smith, Ill.
Allen, Mich.	Dingley,	McDuffie,	Smith, W. Va.
Arnold,	Dorsey,	McKenna,	Spinola,
Atkinson, Pa.	Evans,	Miles,	Spooner,
Atkinson, W. Va.	Farquhar,	Miller,	Stephenson,
Banks,	Featherston,	Moffitt,	Stewart, Vt.
Bayne,	Finley,	Moore, N. H.	Stivers,
Belknap,	Funston,	Morey,	Stockbridge,
Bergen,	Gear,	Morrill,	Stone, Ky.
Bliss,	Gest,	Morrow,	Struble,
Boothman,	Greenhalge,	Morse,	Sweet,
Boutelle,	Grosvenor,	Niedringhaus,	Taylor, E. B.
Brosius,	Grout,	O'Donnell,	Taylor, Ill.
Browne, Va.	Haugen,	O'Neill, Pa.	Taylor, J. D.
Buchanan, N. J.	Henderson, Ill.	Osborne,	Thomas,
Burrows,	Hermann,	Owen, Ind.	Thompson,
Burton,	Hill,	Payne,	Townsend, Colo.
Caldwell,	Hitt,	Payson,	Vandever,
Cannon,	Kelley,	Perkins,	Van Schaick,
Carter,	Kennedy,	Post,	Wade,
Caswell,	Kinsey,	Raines,	Walker,
Cheadle,	Lacey,	Ray,	Wallace, Mass.
Clark, Wyo.	Laidlaw,	Reed, Iowa	Wallace, N. Y.
Coleman,	Langston,	Reyburn,	Wickham,
Connell,	Lansing,	Rockwell,	Williams, Ohio
Cooper, Ohio	Laws,	Rowell,	Wilson, Ky.
Culbertson, Pa.	Lehlbach,	Sawyer,	Yardley.
Cutcheon,	Lind,	Scull,	
Dalzell,	Lodge,	Sherman,	

NOT VOTING—126.

Anderson, Miss.	Dargan,	Lester, Ga.	Rusk,
Baker,	De Lano,	Lester, Va.	Russell,
Bankhead,	Dibble,	Magner,	Sanford,
Barnes,	Dockery,	Mansur,	Scranton,
Bartine,	Dolliver,	Mason,	Simonds,
Beckwith,	Dunnell,	McAdoo,	Skinner,
Belden,	Dunphy,	McCarthy,	Smyser,
Biggs,	Enloe,	McCord,	Snider,
Bingham,	Ewart,	McCormick,	Stahlnecker,
Bowden,	Fitch,	McKinley,	Stockdale,
Breckinridge, Ky.	Fithian,	Milliken,	Stone, Pa.
Brewer,	Flick,	Mills,	Stump,
Brower,	Flood,	Moore, Tex.	Tarsney,
Browne, T. M.	Flower,	Morgan,	Taylor, Tenn.
Brunner,	Frank,	Mudd,	Townsend, Pa.
Buckalew,	Geissenhainer,	Nute,	Tracey,
Bullock,	Gifford,	Oates,	Tucker,
Bunn,	Hall,	O'Ferrall,	Turner, Kans.
Butterworth,	Hansbrough,	O'Neil, Mass.	Turner, N. Y.
Campbell,	Hare,	Penington,	Vaux,
Candler, Mass.	Harmer,	Perry,	Waddill,
Carlton,	Hatch,	Peters,	Washington,
Cheatham,	Hays, E. R.	Phelan,	Wheeler, Ala.
Chipman,	Hemphill,	Pickler,	Wheeler, Mich.
Clancy,	Henderson, Iowa	Price,	Whitthorne,
Clark, Wis.	Hooker,	Pugsley,	Wiley,
Clarke, Ala.	Hopkins,	Quackenbush,	Wilkinson,
Cogswell,	Houk,	Randall,	Willcox,
Comstock,	Kerr, Pa.	Reilly,	Wilson, Wash.
Cothran,	Ketcham,	Richardson,	Wright.
Craig,	Knapp,	Rife,	
Cummings,	La Follette,	Rowland,	

So the motion to lay on the table was rejected.

The following additional pair was announced:

Mr. NUTE with Mr. BARNES for the rest of this day.

Mr. BLAND. Mr. Speaker, I call for a recapitulation of the names.

The Clerk recapitulated the names of members voting.

The result of the vote was then announced as above recorded.

Mr. MILLS. I move that the House do now adjourn.

Mr. HOPKINS. I desire to call up the bill H. R. 8299, the railway mail service bill.

The SPEAKER. The gentleman from Texas [Mr. MILLS] moves that the House do now adjourn.

Mr. HOPKINS. He withdraws that.

Several MEMBERS. Regular order.

The question was taken on the passage of the pending bill; and the Speaker declared that the ayes seemed to have it.

Mr. HOLMAN. I ask for a division.

The House divided; and there were—ayes 72, noes 66.

Mr. HOLMAN. I demand tellers.

Mr. MILLS. Let us have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 109, nays 88, not voting 134; as follows:

YEAS—109.

Adams,	Burrows,	Dalzell,	Hitt,
Allen, Mich.	Burton,	Dingley,	Hopkins,
Atkinson, Pa.	Butterworth,	Dolliver,	Kelley,
Atkinson, W. Va.	Caldwell,	Dorsey,	Kennedy,
Baker,	Candler, Mass.	Evans,	Kinsey,
Banks,	Cannon,	Farquhar,	Laidlaw,
Belknap,	Caswell,	Funston,	Langston,
Bergen,	Cheadle,	Gear,	Lansing,
Bliss,	Clark, Wyo.	Gest,	Laws,
Boothman,	Coleman,	Grosvenor,	Lodge,
Boutelle,	Connell,	Grout,	Mason,
Brosius,	Cooper, Ohio	Haugen,	McComas,
Browne, Va.	Culbertson, Pa.	Hermann,	McDuffie,
Buchanan, N. J.	Cutcheon,	Hill,	McKenna,

McKinley,	Payne,	Smith, W. Va.	Turner, Kans.
Miles,	Payson,	Spinola,	Vandever,
Miller,	Post,	Spooner,	Van Schaick,
Moffitt,	Quinn,	Stephenson,	Wade,
Moore, N. H.	Raines,	Stewart, Vt.	Walker,
Morey,	Ray,	Stivers,	Wallace, Mass.
Morrill,	Reyburn,	Stone, Ky.	Wallace, N. Y.
Morrow,	Rockwell,	Struble,	Wickham,
Morse,	Rowell,	Sweet,	Williams, Ohio
Niedringhaus,	Sawyer,	Taylor, E. B.	Wilson, Ky.
O'Donnell,	Scull,	Taylor, J. D.	Yardley.
O'Neill, Pa.	Sherman,	Thomas,	
Osborne,	Simonds,	Thompson,	
Outhwaite,	Smith, Ill.	Townsend, Colo.	

NAYS—88.

Abbott,	Crisp,	Lane,	Peters,
Alderson,	Culberson, Tex.	Lee,	Pierce,
Allen, Miss.	Dickerson,	Lehlbach,	Reilly,
Anderson, Kans.	Dockery,	Lewis,	Rogers,
Barwig,	Edmunds,	Lind,	Sayers,
Blanchard,	Ellis,	Maish,	Seney,
Bland,	Forman,	Mansur,	Shively,
Blount,	Forney,	Martin, Ind.	Springer,
Breckinridge, Ky.	Fowler,	Martin, Tex.	Stewart, Ga.
Brewer,	Geary,	McClammy,	Stewart, Tex.
Brickner,	Gibson,	McClellan,	Stone, Mo.
Brookshire,	Goodnight,	McMillin,	Tarsney,
Brown, J. B.	Grimes,	McRae,	Tillman,
Buchanan, Va.	Hare,	Mills,	Tucker,
Bynum,	Hayes, W. I.	Montgomery,	Turner, Ga.
Candler, Ga.	Haynes,	Mutchler,	Whitelaw,
Catchings,	Heard,	Norton,	Whiting,
Clements,	Holman,	O'Neall, Ind.	Wike,
Clunie,	Kerr, Iowa	Owens, Ohio	Williams, Ill.
Cobb,	Kilgore,	Parrett,	Wilson, Mo.
Cooper, Ind.	Lacey,	Paynter,	Wilson, W. Va.
Covert,	La Follette,	Peel,	Yoder.

NOT VOTING—134.

Anderson, Miss.	Crain,	Kerr, Pa.	Rife,
Andrew,	Cummings,	Ketcham,	Robertson,
Arnold,	Dargan,	Knapp,	Rowland,
Bankhead,	Darlington,	Lanham,	Rusk,
Barnes,	Davidson,	Lawler,	Russell,
Bartine,	De Lano,	Lester, Ga.	Sanford,
Bayne,	Dibble,	Lester, Va.	Scranton,
Beckwith,	Dunnell,	Magner,	Skinner,
Belden,	Dunphy,	McAdoo,	Smyser,
Biggs,	Enloe,	McCarthy,	Snider,
Bingham,	Ewart,	McCord,	Stahlnecker,
Boatner,	Featherston,	McCormick,	Stockbridge,
Bowden,	Finley,	McCreary,	Stockdale,
Breckinridge, Ark	Fitch,	Milliken,	Stone, Pa.
Brower,	Fithian,	Moore, Tex.	Stump,
Browne, T. M.	Flick,	Morgan,	Sweney,
Brunner,	Flood,	Mudd,	Taylor, Ill.
Buckalew,	Flower,	Nute,	Taylor, Tenn.
Bullock,	Frank,	Oates,	Townsend, Pa.
Bunn,	Geissenhainer,	O'Ferrall,	Tracey,
Campbell,	Gifford,	O'Neil, Mass.	Turner, N. Y.
Carlton,	Greenhalge,	Owen, Ind.	Vaux,
Carter,	Hall,	Penington,	Waddill,
Caruth,	Hansbrough,	Perkins.	Washington,
Cheatham,	Harmer,	Perry,	Wheeler, Ala.
Chipman,	Hatch,	Phelan,	Wheeler, Mich.
Clancy,	Hays, E. R.	Pickler,	Whitthorne,
Clark, Wis.	Hemphill,	Pindar,	Wiley,
Clarke, Ala.	Henderson, Ill.	Price,	Wilkinson,
Cogswell,	Henderson, Iowa	Pugsley,	Willcox,
Comstock,	Henderson, N. C.	Quackenbush,	Wilson, Wash.
Cothran,	Herbert,	Randall,	Wright.
Cowles,	Hooker,	Reed, Iowa	
Craig,	Houk,	Richardson,	

So the bill was passed.

The following additional pairs were announced:

For the rest of the day:

Mr. FRANK with Mr. HENDERSON, of North Carolina.

Mr. BARTINE with Mr. KERR, of Pennsylvania.

Mr. STOCKBRIDGE with Mr. LANHAM.

Mr. TAYLOR, of Illinois, with Mr. CRAIN.

Mr. GREENHALGE with Mr. ANDREW.

Mr. BLAND. Mr. Speaker, let us have a recapitulation of the vote.

The vote having been recapitulated, the result was announced as above stated.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was delivered to the House by Mr. PRUDEN, one of his secretaries, who also announced the approval of acts of the following titles:

An act (H. R. 9919) to authorize the Treasurer of the United States to receive and keep on deposit funds of the Soldiers' Home in the District of Columbia;

An act (H. R. 2309) for the relief of Stubbs and Lackey;

An act (H. R. 8243) supplementary to an act entitled "An act to authorize the construction of the Baltimore and Potomac Railroad in the District of Columbia;

An act (H. R. 11237) to amend sections 1346 and 1348 of the Revised Statutes of the United States, in reference to the visitation and inspection of the military prison and examination of its accounts and government;

An act (H. R. 9490) authorizing the Secretary of War to grant to the trustees of the Maine Insane Asylum, Augusta, Me., a license to construct a roadway through the United States arsenal grounds at Augusta, Me., and allow the same to be used by the public; and

An act (H. R. 7630) to increase the limit of cost of the public building at Charleston, S. C.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed the joint resolution (H. Res. 210) to print the eulogies on Hon. Edward J. Gay.

The message also announced that the Senate had passed a concurrent resolution authorizing the printing of 2,500 extra copies of the report of the health officer of the District of Columbia; in which concurrence was asked.

ORDER OF BUSINESS.

Mr. MILLS. I move that the House do now adjourn.

Mr. HOPKINS. One moment——

The SPEAKER (having put the question on the motion to adjourn). The ayes seem to have it.

Mr. HOPKINS. Division.

The question being again taken, there were—ayes 70, noes 66.

So the motion was agreed to.

Before the announcement of the result the following business was transacted by unanimous consent:

ENROLLED BILLS SIGNED.

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 1354) to provide for the purchase of a site and the erection of a public building thereon at Sioux Falls, in the State of North Dakota;

A bill (S. 2427) to provide for the purchase of a site and the erection of a public building thereon at St. Albans, in the State of Vermont;

A bill (S. 3957) granting an increase of pension to Mrs. Mary McIntosh;

A bill (S. 3976) granting a pension to George A. Perkins;

A bill (S. 4506) granting a pension to Frederick Slawson;

A bill (S. 4507) granting a pension to Johanna Teubner;

A bill (H. R. 2787) to authorize the Secretary of War to remove the charges of desertion from the records of the War Department as to Dudley Johnson, late ordnance sergeant, United States Army;

A bill (H. R. 7119) to authorize the Secretary of War to loan certain cannon to the Saratoga Monument Association;

A bill (H. R. 7471) to provide increase of pension to Hosea Brown, of the war of 1812; and

A bill (H. R. 7879) granting a pension to Emily P. Collins.

ORDER OF BUSINESS.

The SPEAKER. The Chair desires to lay before the House a message from the President of the United States.

Mr. WILLIAMS, of Ohio. Pending that I wish to make a motion to recommit joint resolution H. Res. 190 to the Committee on Military Affairs.

Mr. MILLS. I object.

The SPEAKER. Is there objection to the presentation of the message from the President? The Chair hears none.

CROW INDIAN RESERVATION, MONTANA.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the 17th instant, from the Secretary of the Interior, submitting the agreement entered into between the Crow Indians and the commission appointed to negotiate with them for the sale to the United States of the western portion of their reservation in Montana, under the provisions of the act of September 25, 1890.

It is thought important by the Department that this matter receive the consideration of Congress during the present session.

BENJ. HARRISON.

EXECUTIVE MANSION, *January* 19, 1891.

COMMITTEE APPOINTMENT.

The SPEAKER. The gentleman from North Carolina [Mr. ROWLAND] desires to be excused from further service upon the Committee on the Post Office and Post Roads. Is there objection? The Chair hears none. The Chair appoints to fill the vacancy the gentleman from California, Mr. GEARY.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BOWDEN, for four days, on account of important business.

To Mr. HENDERSON, of Iowa, indefinitely, on account of sickness.

To Mr. SANFORD, for three days, on account of sickness.

To Mr. WASHINGTON, for three days, on account of important business.

To Mr. STOCKBRIDGE, indefinitely, on account of illness in his family.

WITHDRAWAL OF PAPERS.

Mr. MORSE, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the petition of citizens

of Weymouth, Mass., praying for the abolition of slavery in the District of Columbia.

The result of the vote on the motion to adjourn was then announced; and accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned.

EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

MINERAL RESOURCES OF THE UNITED STATES.

Letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior, submitting an estimate for an appropriation in the sum of $50,000 for the preparation of the report of the mineral resources of the United States—to the Committee on Appropriations.

CLAIM OF JOHN MONKS & SON.

Letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Navy, requesting an appropriation of $80.84 to pay the claim of John Monks & Son for damages caused by the United States tug Nina, of the navy yard, New York—to the Committee on Appropriations.

CLAIM OF CERTAIN MERCHANTS OF AUSTRIA-HUNGARY.

Letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of State, requesting an appropriation to pay the claims of certain merchants of Austria-Hungary for goods sent to the New Orleans Exposition—to the Committee on Appropriations.

TIMBER DRY DOCK AT PORT ROYAL, S. C.

Letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Navy, submitting an estimate for an additional appropriation of $300,000 for the construction of a timber dry dock at Port Royal, S. C.—to the Committee on Appropriations.

PORT ANGELES TOWN-SITE RESERVATION, WASHINGTON.

Letter from the Secretary of the Treasury, submitting an estimate of deficiency in the appropriation for the Port Angeles town-site reservation, Washington, together with a copy of a letter from the Secretary of the Interior, recommending the same—to the Committee on Appropriations.

MEMORIALS AND RESOLUTIONS OF STATE LEGISLATURES.

Under clause 3 of Rule XXII, the following memorials and resolutions were introduced and referred as follows:

By Mr. JOSEPH: Memorial from the Legislative Assembly of the Territory of New Mexico, praying that House bill 8150, entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," be duly amended, etc.—to the Select Committee on Indian Depredation Claims.

By Mr. HOLMAN: Concurrent resolution of the Legislature of Indiana, instructing the Senators and requesting the Representatives from that State in the Congress of the United States to use their influence to secure the amendment of the Constitution of the United States, providing for the election of Senators in Congress by the people—to the Committee on the Judiciary.

RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolutions were introduced and referred as follows:

By Mr. SPOONER:

Resolved, That the Doorkeeper of the House of Representatives be, and he is hereby, authorized to continue lease of the premises at No. 225 Pennsylvania avenue, northwest, for use as a branch of the folding room, for one year from January 1, 1891, at a rental not exceeding $125 per month, the same to be paid out of the contingent fund of the House until other provision is made therefor;

to the Committee on Accounts.

By Mr. BROSIUS:

Resolved, That the Rules of the House of Representatives be amended as follows:

Add to Rule V the following section:

"4. He shall not permit maps, books, and public documents wrapped for transmission through the mails to be brought to members on the floor while the House is in session;"

to the Committee on Rules.

By Mr. McCOMAS:

Resolved, That immediately after the passage of this resolution the House resolve itself into the Committee of the Whole on the state of the Union for the further consideration of bill (H. R. 12727) making appropriations to provide for the expenses of the District of Columbia for the fiscal year ending June 30, 1892, and for other purposes; that so much of said bill which has not been read for amendment be then read and be open to amendment and debate under the five-minute rule; that after —— hours' consideration a vote be taken in committee on pending amendments without further debate; and that thereupon said bill and such amendments as have been agreed to in committee be reported to the House;

to the Committee on Rules.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. MANSUR, from the Committee on Claims, reported favorably the bill of the House (H. R. 10486) appropriating money for the payment of the claim of the Western Paving and Supply Company, for paving with asphalt streets adjacent to United States courthouse and post-office building in the city of Indianapolis, Ind., accompanied by a report (No. 3501)—to the Committee of the Whole House.

Mr. STONE, of Kentucky, from the Committee on War Claims, to which was referred the petition of Julia Barnett, requesting that her claim may be referred to the Court of Claims, under the act of March 3, 1887, to find the facts, reported the following resolution therefor:

Resolved, That the claim of Julia Barnett be, and is hereby, referred to the Court of Claims, to find and report the facts in the case as provided in the act of March 3, 1887, known as the Tucker act;

accompanied by a report (No. 3502)—to the Committee of the Whole House.

Mr. THOMAS, from the Committee on War Claims, reported favorably the joint resolution of the House (H. Res. 95) providing for the payment of the claim of John H. Hamlin, accompanied by a report (No. 3503)—to the Committee of the Whole House.

Mr. THOMAS, from the Committee on War Claims, to which was referred the bill of the House (H. R. 2412) for the relief of William C. Hughes, reported, as a substitute therefor, a bill (H. R. 13217) for the relief of William C. Hughes; which was read twice, and, accompanied by a report (No. 3504), referred to the Committee of the Whole House.

Mr. STEWART, of Vermont, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 12301) to define the jurisdiction of the police court of the District of Columbia, reported, as a substitute therefor, a bill (H. R. 13218) to define the jurisdiction of the police court of the District of Columbia; which was read twice, and, accompanied by a report (No. 3505), referred to the House Calendar.

Mr. WILSON, of Washington, from the Committee on Claims, reported favorably the bill of the House (H. R. 12811) to appropriate the sum of $3,496.80 to pay the claim of John Wedderburn against the United States, accompanied by a report (No. 3506)—to the Committee of the Whole House.

Mr. WILSON, of Kentucky, from the Committee on Invalid Pensions, reported with amendment the bill of the House (H. R. 12402) for the benefit of General W. I. Landrum, accompanied by a report (No. 3507)—to the Committee of the Whole House.

Mr. RAY, from the Committee on Claims, reported favorably the bill of the House (H. R. 7070) for the relief of Samuel McKee, accompanied by a report (No. 3508)—to the Committee of the Whole House.

Mr. JOSEPH D. TAYLOR, from the Select Committee on the Alcoholic Liquor Traffic, reported with amendment the bill of the House (H. R. 6971) to prohibit the manufacture and sale of spirituous and intoxicating liquors in the District of Columbia, accompanied by a report (No. 3509)—to the House Calendar.

Mr. RAY, from the Committee on Claims, reported favorably the following bills of the Senate; which were severally referred to the Committee of the Whole House:

A bill (S. 747) for the relief of J. A. Towle (Report No. 3510); and

A bill (S. 671) for the relief of Daniel B. Washburn (Report No. 3511).

Mr. POST, from the Committee on the District of Columbia, reported favorably the bill of the House (H. R. 12256) to authorize the extension of Massachusetts avenue and the construction of a bridge across Rock Creek on Massachusetts avenue extended, accompanied by a report (No. 3512)—to the House Calendar.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported with amendment the bill of the House (H. R. 12275) for the relief of Charles P. Chouteau, Harrison & Valle, accompanied by a report (No. 3513)—to the Committee of the Whole House.

Mr. DOLLIVER, from the Committee on War Claims, reported favorably the bill of the House (H. R. 1473) for the relief of Sarah E. Ingham, accompanied by a report (No. 3514)—to the Committee of the Whole House.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, an adverse report was delivered to the Clerk and laid on the table, as follows:

By Mr. CASWELL, from the Committee on the Judiciary, on the bill (H. R. 1450) for the relief of William H. Rogers, accompanied by a report (No. 3515).

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the following change of reference was made:

A bill (H. R. 10498) for the relief of the Washington Iron Works—Committee on Claims discharged and referred to the Committee on War Claims.

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills and joint resolutions of the following titles were introduced, severally read twice, and referred as follows:

By Mr. STOCKBRIDGE: A bill (H. R. 13219) for the procuring of

a site and erection of a lighthouse and fog-signal at Point No Point, Maryland—to the Committee on Commerce.

By Mr. WILSON, of Washington: A bill (H. R. 13220) for the purchase of a site and the building of a dry dock thereon at Port Orchard, in the State of Washington, and for other purposes—to the Committee on Naval Affairs.

By Mr. CLARK, of Wisconsin: A bill (H. R. 13221) to provide for a term of the United States circuit and district court at Evanston, Wyo.—to the Committee on the Judiciary.

By Mr. LANGSTON: A joint resolution (H. Res. 272) to amend the United States Constitution in the matter of suffrage—to the Select Committee on the Election of President, Vice President, and Representatives in Congress.

By Mr. GROUT: A joint resolution (H. Res. 273) relating to projections upon buildings heretofore erected by authority of the commissioners of the District of Columbia—to the Committee on the District of Columbia.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. ATKINSON, of West Virginia: A bill (H. R. 13222) for the relief of Henry J. Boatman—to the Committee on Invalid Pensions.

By Mr. GRIMES: A bill (H. R. 13223) granting a pension to Susan A. Malone—to the Committee on Pensions.

By Mr. McCOMAS: A bill (H. R. 13224) granting a pension to Emily M. Tyler—to the Committee on Invalid Pensions.

By Mr. McMILLIN: A bill (H. R. 13225) for the relief of J. P. Murray—to the Committee on War Claims.

Also, a bill (H. R. 13226) for the relief of Margaret Rose, widow of William Willey Rose, deceased—to the Committee on Pensions.

Also, a bill (H. R. 13227) to pension Richard Rutledge, a soldier of the Florida Indian war of 1837—to the Committee on Pensions.

Also, a bill (H. R. 13228) for the relief of Albert Steineke (or Steinigee)—to the Committee on Military Affairs.

By Mr. MOREY: A bill (H. R. 13229) granting a pension to Mary J. Carr—to the Committee on Invalid Pensions.

By Mr. ROCKWELL: A bill (H. R. 13230) granting a pension to Mary E. Clifford—to the Committee on Invalid Pensions.

By Mr. SENEY: A bill (H. R. 13231) for the relief of William Waltman—to the Committee on Military Affairs.

By Mr. STEWART, of Georgia: A bill (H. R. 13232) granting a pension to E. K. Sparks—to the Committee on Pensions.

By Mr. STIVERS: A bill (H. R. 13233) granting a pension to William E. Sutton, late of Company A, Fourth New York Heavy Artillery—to the Committee on Invalid Pensions.

By Mr. STONE, of Kentucky: A bill (H. R. 13234) for the relief of William Canady—to the Committee on Pensions.

Also, a bill (H. R. 13235) for the relief of R. E. Fowler—to the Committee on War Claims.

Also, a bill (H. R. 13236) for the relief of Hugh M. Henson—to the Committee on War Claims.

Also, a bill (H. R. 13237) for the relief of the First Baptist Church of Memphis, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 13238) for the relief of John W. Peek—to the Committee on War Claims.

Also, a bill (H. R. 13239) for the relief of Green B. Woodcock, administrator W. R. Boice, of Boyle County, Kentucky—to the Committee on War Claims.

By Mr. TOWNSEND, of Colorado: A bill (H. R. 13240) to grant an honorable discharge to Abraham Allen, late major Sixth Missouri State Militia Calvary—to the Committee on Military Affairs.

By Mr. VANDEVER: A bill (H. R. 13241) for the relief of Riley Moutrey—to the Committee on Claims.

By Mr. WILLIAMS, of Illinois: A bill (H. R. 13242) granting a pension to Matilda Porter—to the Committee on Invalid Pensions.

By Mr. MILLIKEN: A bill (H. R. 13243) granting a pension to Margaret Murphy—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk, and referred as follows:

By Mr. ANDERSON, of Mississippi: Memorial of Board of Trade of Meridian, Miss., against passage of Conger lard bill—to the Committee on Agriculture.

By Mr. ATKINSON, of West Virginia: Petition of John G. W. Tompkins and John C. Brown, administrators of Rachel M. Tompkins, deceased, praying for the reference of his claim to the Court of Claims under act of March 3, 1883—to the Committee on War Claims.

By Mr. BIGGS (by request): Petition (circulated by the Woman's Christian Temperance Union) signed by John R. Henderson, Mrs. C. M. Boalt, and 30 others, citizens of Palermo, Cal., praying for the passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. BOOTHMAN: Petition of Perry Alliance, No. 424, of Wood County, Ohio, in favor of House bill 5353—to the Committee on Agriculture.

Also, petition of Cherry Grove Alliance, No. 578, of Jamestown, Ohio, in favor of same measure—to the Committee on Agriculture.

Also, petition of Mark Township Farmers' Alliance, No. 524, Defiance, Ohio, in favor of same measure—to the Committee on Agriculture.

Also, petition of W. C. Powell and 21 others, citizens of same place, for same measure—to the Committee on Agriculture.

Also, petition of the St. Jo Valley Farmers' Alliance, No. 255, for the same measure—to the Committee on Agriculture.

Also, petition of H. I. Blosser and 79 others, citizens of Williams County, Ohio, for the same measure—to the Committee on Agriculture.

Also, petition of M. J. Fletcher and 16 others, citizens of Wood County, Ohio, for the same measure—to the Committee on Agriculture.

Also, documents relating to the pension claim of George Garfield, late of the Third Ohio Volunteer Cavalry—to the Committee on Invalid Pensions.

By Mr. CARUTH: Petition of Kentucky Star Council, No. 3, Order United American Mechanics, against pauper and criminal immigration—to the Select Committee on Immigration and Naturalization.

By Mr. CATCHINGS: Petition on claim of Lewis Baker, of Warren County, Mississippi—to the Committee on War Claims

By Mr. CRAIG: Resolutions of Sigel Council, No. 259, Order United American Mechanics, of Jefferson County, Pennsylvania, favoring legislation restricting foreign immigration—to the Committee on Immigration and Naturalization.

By Mr. DORSEY: Petitions from citizens of Sioux County, Nebraska, asking an appropriation for the purchase of seed grain for drought sufferers—to the Committee on Agriculture.

By Mr. DUNNELL: Petition of A. C. Bisbee and 10 others, citizens of Minnesota, asking passage of the Butterworth option bill—to the Committee on Agriculture.

By Mr. FLICK: Petition of 23 citizens of Lucas County, Iowa, asking passage of House bill 5353, defining options and futures—to the Committee on Agriculture.

Also, petition of 34 citizens of Taylor County, Iowa, asking passage of House bill 5353, defining options and futures—to the Committee on Agriculture.

Also, petition of 230 citizens of the State of Iowa, asking passage of House bill 5353, defining options and futures—to the Committee on Agriculture.

Also resolutions of Sand Ridge Farmers' Alliance, No. 1589, Wayne County; Prairie Glen Alliance, No. 1620, Fremont County; Groveland Alliance, No. 1527, Clark County; Farmers' Alliance No. 1773, Decatur County; Ray Alliance, Appanoose County, all of the State of Iowa, asking passage of House bill 5353, defining options and futures—to the Committee on Agriculture.

By Mr. FUNSTON: Petition (circulated by the Woman's Christian Temperance Union) signed by D. S. Badger and Mrs. G. D. Gass and 1,521 others, citizens of La Cygne, Kans., praying the passage of the bill providing for the appointment of a commission on the subject of the social vice—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. GROSVENOR: Resolutions of Westland Alliance, No. 575, of Westland, Morgan County, Ohio, for passage of the antioption bill—to the Committee on Agriculture.

Also, petition of citizens of Morgan County, Ohio, for passage of same measure—to the Committee on Agriculture.

By Mr. HATCH: Petition of the Farmers' and Laborers' Union, No. 803, of Bullion, in favor of the farmers' antioption bill (H. R. 5353)—to the Committee on Agriculture.

By Mr. HAUGEN: Petition (circulated by the Woman's Christian Temperance Union) signed by Mrs. F. Plumb and M. R. Wilcox and 14 others, citizens of Hammond, Wis., praying passage of the bill providing for the appointment of a commission on the subject of the social vice—to the Committee on Education.

By Mr. WALTER I. HAYES: Resolutions of Pleasant Valley Alliance, Scott County, Iowa, in favor of the option bill—to the Committee on Agriculture.

Also, resolutions of Cedar Valley Lodge Alliance, in favor of the option bill—to the Committee on Agriculture.

Also, resolutions of Rainbow Lodge Alliance, Muscatine County, Iowa, in favor of the option bill and the Conger lard bill—to the Committee on Agriculture.

Also, resolutions of Green Tree Alliance, Scott County, Iowa, in favor of the option bill—to the Committee on Agriculture.

Also, resolutions of Scott County (Iowa) Farmers' Alliance, in favor of the option bill—to the Committee on Agriculture.

Also, resolutions of Honey Creek Farmers' Alliance, Iowa County, Iowa, in favor of the option bill—to the Committee on Agriculture.

Also, resolutions of Rainbow Lodge Farmers' Alliance, Muscatine County, Iowa, in favor of the option bill—to the Committee on Agriculture.

Also, resolutions of Long Grove Farmers' Alliance, Scott County, Iowa, in favor of the option bill—to the Committee on Agriculture.

Also, resolutions of Cary's Grove Lodge Farmers' Alliance, Muscatine County, Iowa, in favor of the option bill—to the Committee on Agriculture.

Also, petition of 15 citizens of Iowa County, Iowa, in favor of the option bill—to the Committee on Agriculture.

Also, petition of 50 citizens of Scott County, Iowa, in favor of the option bill—to the Committee on Agriculture.

Also, petition of 12 citizens of Scott County, Iowa, in favor of the option bill—to the Committee on Agriculture.

Also, petition of 10 citizens of Marion County, Iowa, in favor of the option bill—to the Committee on Agriculture.

Also, petition of 18 citizens of Muscatine County, Iowa, in favor of the option bill—to the Committee on Agriculture.

Also, petition of 13 citizens of Muscatine County, Iowa, in favor of the option bill—to the Committee on Agriculture.

Also, petition of 8 citizens of Muscatine County, Iowa, in favor of the option bill—to the Committee on Agriculture.

Also, petition of 17 citizens of Muscatine County, Iowa, in favor of the option bill—to the Committee on Agriculture.

Also, petition of 42 citizens of Scott County, Iowa, in favor of the option bill—to the Committee on Agriculture.

By Mr. HAYNES: Resolutions of the Toledo Produce Exchange, favoring passage of Senate bill 4741, amending section 3117 of the Revised Statutes of the United States, in relation to the coasting trade of the Great Lakes—to the Committee on Commerce.

By Mr. HENDERSON, of Iowa: Resolutions of Victory Alliance, No. 1497, Shell Rock, Butler County, Iowa, urging speedy passage of House bill 5353, defining options, futures, etc.—to the Committee on Agriculture.

Also, resolutions of Farmers' Alliance, No. 1548, Maple Grove, Black Hawk County, Iowa, for same measure—to the Committee on Agriculture.

Also, resolutions of Hardin Alliance, No. 1568, Iowa Falls, Iowa, for same measure—to the Committee on Agriculture.

Also, resolutions by Jefferson Farmers' Alliance, No. 1294, Bremer County, Iowa, for same measure—to the Committee on Agriculture.

Also, resolutions by Excelsior Farmers's Alliance, No. 1868, Shell Township, Butler County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of Alliance No. 1548, Waterloo, Black Hawk County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of 34 citizens of Dumont and vicinity, Butler County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of 54 citizens of the same county and State for same measure—to the Committee on Agriculture.

Also, petition of 83 citizens of Dubuque County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of 18 citizens of New Hartford, Butler County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of Alliance No. 1582, Canfield, Black Hawk County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of 15 citizens of Butler County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of 22 citizens of Farley, Dubuque County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of Radcliffe Alliance, No. 1576, Buchanan County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of 103 citizens of Hardin County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of 20 citizens of Alden, Hardin County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of Sumner Farmers' Alliance, Rowley, Buchanan County, Iowa, for same measure—to the Committee on Agriculture.

By Mr. HILL: Resolutions of the Farm Ridge Farmers' Alliance, La Salle County, Illinois, in favor of House bill 5353, known as the option bill—to the Committee on Agriculture.

Also, petition of citizens of same county and State for same measure—to the Committee on Agriculture.

Also, petition of Edwin Smith and others, citizens of La Salle County, Illinois, in favor of House bill 5353, known as the option bill—to the Committee on Agriculture.

By Mr. HOLMAN: Petition of Theodore Eck, for a pension by special act—to the Committee on Invalid Pensions.

By Mr. HOOKER: Petition for claim of Willis Coulter, of Hinds County, Mississippi—to the Committee on War Claims.

Also, petition on claim of Latham Brown, of Jefferson County, Mississippi—to the Committee on War Claims.

Also, petition on claim of Jefferson I. Birdsong, of Harris County, Mississippi—to the Committee on War Claims.

By Mr. HOPKINS: Resolutions of the Waubansee Farmers' Alliance of Kane County, Illinois, asking passage of House bill 5353—to the Committee on Agriculture.

By Mr. LACEY: Petition of Urbana Farmers' Alliance, Monroe County, Iowa, in favor of the Conger lard bill and Butterworth option bill—to the Committee on Agriculture.

Also, petition of Central Alliance of same county and State in favor of Butterworth bill—to Committee on Agriculture.

Also, recommendation of Dr. Woods Hutchinson, favoring pension of Milton Iserman—to the Committee on Invalid Pensions.

By Mr. LAWS: Petition of 65 citizens of Clay County, Nebraska, urging passage of House bill 5353—to the Committee on Agriculture.

By Mr. LEE: Petition on claim of Peter Clark, of Washington County, West Virginia—to the Committee on War Claims.

Also, petition of Jared Chamberlin's estate—to the Committee on War Claims.

Also, petition on claim of James Monroe, of Stafford County, Virginia—to the Committee on War Claims.

By Mr. LODGE: Memorial of the Boston Committee of One Hundred, on immigration—to the Select Committee on Immigration and Naturalization.

By Mr. McCLELLAN: Petition of 21 citizens of Eel River, Allen County, Indiana, praying passage of the Conger lard bill (H. R. 11568)—to the Committee on Agriculture.

By Mr. McKINLEY: Petition of citizens of Columbiana and Mahoning Counties, Ohio, favoring passage of bill defining "options" and "futures"—to the Committee on Agriculture.

Also, petition of citizens of Stark County, Ohio, for same measure—to the Committee on Agriculture.

By Mr. McMILLIN: Petition of heirs of Josiah Anthony, deceased, of Trousdale County, Tennessee, for reference of his case to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. MILLIKEN: Petition of the Woman's Christian Temperance Union, signed by Edward H. Cook, presiding, and Eliza P. Pierce, assistant clerk of Vassalborough Monthly Meeting of Friends, of East Vassalborough, Me., representing 125 members, praying passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages—to the Select Committee on the Alcoholic Liquor Traffic.

Also, petition by the Woman's Christian Temperance Union, signed by J. Warren Hawkes, assistant clerk of the Winthrop Monthly Meeting of Friends of Manchester, Me., representing 401 members, praying passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages—to the Select Committee on the Alcoholic Liquor Traffic.

Also, petition of the Woman's Christian Temperance Union, signed by Joseph T. Richardson, clerk presiding, and Sarah E. Shepherd, assistant clerk of Sidney Monthly Meeting of Friends, of Fairfield, Me., representing 60 members, praying passage of the bill to prohibit the importation, exportation, and the interstate transportation of alcoholic beverages—to the Select Committee on the Alcoholic Liquor Traffic.

Also, petition by the Woman's Christian Temperance Union, signed by Elwood W. Jones, clerk presiding, and M. E. Phillbrook, assistant clerk of Monthly Meeting of Friends, of China, Me., representing 193 members, praying passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages—to the Select Committee on the Alcoholic Liquor Traffic.

Also, petition of Margaret Murphy, for a pension—to the Committee on Pensions.

By Mr. MOREY: Proof in support of claim of Mary J. Carr, dependent sister of Richard Carr, Company B, Fortieth Ohio Volunteers—to the Committee on Invalid Pensions.

By Mr. MORRILL: Petition of Alex. Gove and 12 others, of Tauganoxie, Kans., asking passage of House bill 5353, defining options and trusts—to the Committee on Agriculture.

Also, resolutions of Honey Valley Farmers' Alliance, of Kansas, in favor of passage of House bill 5353, defining options and trusts—to the Committee on Agriculture.

Also, resolutions of Farmers' Alliance of Springdale, Kans., favoring passage of House bill 5353, defining options and trusts—to the Committee on Agriculture.

Also, petition of Sherman Medill and 31 others, of Springdale, Kans., asking passage of House bill 5353, defining options and trusts—to the Committee on Agriculture.

Also, petition of Warren Woodson, of Leavenworth County, Kansas, asking passage of House bill 5353, defining options and trusts—to the Committee on Agriculture.

By Mr. MORROW: Petition of E. A. Belcher, concerning rights established upon Popoff Island—to the Committee on the Public Lands.

Also, protest of McCollam Fishing and Trading Company, against bill affecting said island—to the Committee on the Public Lands.

By Mr. OUTHWAITE: Petition of citizens of Union Furnace, Hocking County, Ohio, in favor of passage of House bill 5353, defining options and futures—to the Committee on Rules.

Also, resolutions of the Farmers' Alliance, No. 515, Brown Township, Franklin County, Ohio, in favor of passage of same measure—to the Committee on Agriculture.

By Mr. OWEN, of Indiana: Petition (circulated by the Woman's Christian Temperance Union) signed by Mrs. L. J. Horner, S. J. Wright, and 102 others, citizens of Monon, Ind., praying passage of the bill

providing for the appointment of a commission on the subject of the social vice—to the Committee on Education.

By Mr. PARRETT: Petition of Oliver R. Brown, with other papers, to accompany House bill 13182, to grant to him a pension—to the Committee on Invalid Pensions.

Also, petition of Wilson H. Daniel, to accompany House bill 13183, for pension—to the Committee on Invalid Pensions.

Also, petition of Green B. Parrett, to accompany House bill 13084, for his relief—to the Committee on War Claims.

Also, petition of Merriman Thompson, for loss of property, $405.80, to accompany House bill 13185—to the Committee on War Claims.

Also, petition of Samuel F. Tennant, with other papers, to accompany House bill 13184, to grant him a pension—to the Committee on Invalid Pensions.

By Mr. PAYSON: Resolution of the Farmers' Alliance of Cazenovia, Ill., favoring the antioption bill, H. R. 5353—to the Committee on Agriculture.

By Mr. PIERCE: Petition on claim of Myer B. Myers, of Sumner County, Tennessee—to the Committee on War Claims.

Also, petition on claim of L. W. Deshong, of Carroll County, Tennessee—to the Committee on War Claims.

Also, petition on claim of Patrick McKinna, of Gibson County, Tennessee—to the Committee on War Claims.

Also, petition on claim of George M. Fisher, of Gibson County, Tennessee—to the Committee on War Claims.

Also, petition on claim of Samuel P. Clark, of Gibson County, Tennessee—to the Committee on War Claims.

Also, petition of B. J. Pulliam, of Obion County, Tennessee, for reference of claim for use and occupation of property by military authorities during the late war to the Court of Claims under provisions of the Bowman act—to the Committee on War Claims.

Also, resolutions of the Wiley Alliance, Fulton County, Illinois, in favor of the option bill—to the Committee on Agriculture.

Also, petition of same alliance, same county and State, for same measure—to the Committee on Agriculture.

By Mr. POST: Resolutions of Harmony Alliance, No. 3, of Fulton County, Illinois, in favor of the option bill—to the Committee on Agriculture.

Also, resolutions of the Center Point Farmers' Alliance, of Knox County, Illinois, for same measure—to the Committee on Agriculture.

Also, petition of citizens of Canton Township, Fulton County, Illinois, for same measure—to the Committee on Agriculture.

By Mr. PUGSLEY: Petition of J. C. Corner and 11 others, citizens of Fayette County, Ohio, for passage of the antioption bill (H. R. 5353)—to the Committee on Agriculture.

Also, resolutions of Johnstown Alliance, No. 371, demanding passage of the antioption bill—to the Committee on Agriculture.

Also, petition of J. M. Allen and 20 others, citizens of Fayette County, Ohio, for same measure—to the Committee on Agriculture.

Also, petition of William Gardner and 13 others, citizens of Brown County, Ohio, for same measure—to the Committee on Agriculture.

Also, resolutions of Red Oak Farmers' Alliance, of same county and State, for same measure—to the Committee on Agriculture.

Also, resolutions of Shinkles Ridge Alliance, of same county and State, for same measure—to the Committee on Agriculture.

By Mr. ROCKWELL: Petition relative to a bill granting a pension to Mary E. Clifford—to the Committee on Invalid Pensions.

By Mr. SENEY: Petition of William Waltman, for relief—to the Committee on Invalid Pensions.

Also, petition of S. D. Grose and 21 others, citizens of Putnam County, Ohio, for passage of House bill 5355, defining options and futures—to the Committee on Agriculture.

By Mr. SHERMAN: Petition of Mrs. Theo. M. Foster, president of the Woman's Christian Temperance Union of Oneida County, New York, praying passage of Senate bill 4173—to the Committee on Education.

By Mr. SMITH, of Arizona: Petition of Messrs. Goldman & Co. and others, citizens of Phœnix, Ariz., asking that a rebate amendment to the tariff bill on tobacco and snuff be passed—to the Committee on Ways and Means.

Also, resolutions passed at a meeting of citizens of Prescott, Ariz., in favor of the Maricopa subsidy bill—to the Committee on the Territories.

By Mr. SMITH, of West Virginia: Petition of West Virginia scouts, for relief—to the Committee on Invalid Pensions.

By Mr. SPRINGER: Memorial of citizens of Mason County, Illinois, protesting against closing the Columbian Exposition at Chicago in 1893 on Sunday—to the Select Committee on the World's Fair.

By Mr. STONE, of Kentucky: Petition on claims of Benjamin F. Keyser, of Page County, Virginia—to the Committee on War Claims.

Also, petition on claim of John Fox, sr., of the same county and State—to the Committee on War Claims.

Also, petition on claim of George B. Sincher, of the same county and State—to the Committee on War Claims.

Also, petition on claim of John E. Racer, of Virginia—to the Committee on War Claims.

Also, petition on claim of John Sours, of Page County, Virginia, asking that his claim for property taken by and for the use of the United States Army during the late war be referred to the Court of Claims under the provisions of section 1 of the Bowman act—to the Committee on War Claims.

Also, petition on claim of Morgan Skelton, of Virginia—to the Committee on War Claims.

Also, petition on claim of John A. Burner, of Virginia—to the Committee on War Claims.

Also, petition on claim of Aaron S. Printly, of Virginia—to the Committee on War Claims.

Also, petition on claim of Henry Schafer, of Virginia—to the Committee on War Claims.

Application for special act in favor of William Canady, soldier of war of 1812, of Captain Reeves's company, Kentucky Militia—to the Committee on Pensions.

Also, papers in support of bill for relief of Hugh M. Henson—to the Committee on War Claims.

By Mr. STRUBLE: Resolution of Smithland Farmers' Alliance, No. 1253, Iowa, urging passage of House bill 5353—to the Committee on Agriculture.

Also, resolution of Sioux Valley Alliance, No. 1727, Monona County, Iowa, for same measure—to the Committee on Agriculture.

Also, resolutions of Alliance No. 960, of O'Brien County, Iowa, praying speedy passage of the Butterworth option bill (H. R. 5353)—to the Committee on Agriculture.

Also, resolutions of Riverside Alliance, No. 700, of Sac County, Iowa, for same measure—to the Committee on Agriculture.

Also, resolutions of Western Farmers' Alliance, No. 1824, of Plymouth County, Iowa, for same measure—to the Committee on Agriculture.

Also, resolutions of Lum Hollow Alliance and taxpayers of Woodbury County, Iowa, for same measure—to the Committee on Agriculture.

Also, resolutions of Logan Center Alliance, No. 1167, of Ida County, Iowa, for same measure—to the Committee on Agriculture.

Also, resolutions of Wildwood Alliance, No. 1000, of Iowa, for same measure—to the Committee on Agriculture.

Also, resolutions of Nokomis Farmers' Alliance, No. 1369, of Iowa, for same measure—to the Committee on Agriculture.

Also, resolutions of Woodbury County Farmers' Alliance, Iowa, for same measure—to the Committee on Agriculture.

Also, resolutions of Lakeville Alliance, No. 1748, of Milford, Iowa, for same measure—to the Committee on Agriculture.

Also, resolutions of Diamond Lake Alliance, No. 1419, of Spirit Lake, Iowa, for same measure—to the Committee on Agriculture.

Also, resolutions of Harmony Alliance, No. 764, of Clay County, Iowa, for same measure—to the Committee on Agriculture.

Also, resolutions of Moville Alliance, No. 1174, of Moville, Woodbury County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of W. R. Brown and 16 others, citizens of Plymouth County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of L. L. Mulnix and 18 others, citizens of Woodbury County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of J. R. Murphy, of Alliance No. 960, and 52 others, citizens of Grant Township, O'Brien County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of N. H. Kent and 20 others, citizens of Lyon County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of Orville Lee and 16 others, citizens of Iowa, for same measure—to the Committee on Agriculture.

Also, petition of M. E. Patterson and 13 others, citizens of Iowa, for same measure—to the Committee on Agriculture.

Also, petition of H. W. Herrick and 18 others, citizens of Okoboji, Dickinson County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of O. Murphy and 15 others, citizens of Plymouth County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of John Bush and 17 others, citizens of Lum Hollow Alliance, No. 1299, of Iowa, for same measure—to the Committee on Agriculture.

Also, petition of E. S. Summers and 19 others, citizens of Ida County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of Fred. Weber and 5 others, citizens of Woodbury County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of Henning Boock and 50 others, citizens of Ida County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of Robert H. Todd and 50 others, citizens of Ida County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of A. K. Bowers and 10 others, citizens of Buena Vista County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of James Heldridge and 11 others, citizens of Dickinson County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of George Machesney and 7 others, citizens of Diamond Lake Township, Dickinson County, Iowa, for same measure—to the Committee on Agriculture.

By Mr. SWEET: Petition of Farmers' Alliance No. 93, Latah County, Idaho, favoring passage of the option bill (H. R. 5353)—to the Committee on Agriculture.

Also, resolutions of Bell Alliance, No. 97, of same county and State, for same measure—to the Committee on Agriculture.

Also, petition of 44 citizens of Moscow, Idaho, for same measure—to the Committee on Agriculture.

Also, petition of Farmers' Alliance No. 93, Latah County, Idaho, for same measure—to the Committee on Agriculture.

Also, petition of certain other citizens of same county and State, for same measure—to the Committee on Agriculture.

Also, petition and resolutions of citizens of Nez Percé County, Idaho, for same measure—to the Committee on Agriculture.

Also, memorial of the Board of Trade of Boisé City, Idaho, relative to the purchase of bullion at the United States assay office, Boisé City, Idaho—to the Committee on Coinage, Weights, and Measures.

By Mr. SWENEY: Petition of C. H. Graves and 16 others, citizens of Howard County, Iowa, for passage of the antioption bill—to the Committee on Agriculture.

Also, petition of E. F. Beebe and 48 others, citizens of Bethel, Fayette County, Iowa, in favor of a law to control the manufacture and sale of oleomargarine, butterine, and all compounds in imitation of butter—to the Committee on Agriculture.

By Mr. EZRA B. TAYLOR: Resolution of Farmers' Alliance of Kinsman, Ohio, in favor of the option bill—to the Committee on Agriculture.

Also, petition of John S. Allen and 37 others, citizens of same place for same measure—to the Committee on Agriculture.

Also, petition of Joel Cox and 86 others, citizens of Middlefield, Ohio, for same measure—to the Committee on Agriculture.

Also, resolutions of the Farmers' Alliance of Alliance, Ohio, for same measure—to the Committee on Agriculture.

Also, petition of W. B. Fritch and 25 others, citizens of same place, for same measure—to the Committee on Agriculture.

By Mr. TOWNSEND, of Colorado: Letters and petition for granting an honorable discharge to Abraham Allen, late major Sixth Missouri State Cavalry—to the Committee on Military Affairs.

By Mr. WIKE: Resolutions of Fieldon Lodge, No. 4855, Farmers' Mutual Benefit Association, of Jersey County, Illinois, by its president, Wm. Lawler, and secretary, E. C. Goodrich, asking passage of House bill 5353, defining options and futures—to the Committee on Agriculture.

Also, petition of W. H. Cook and 34 others, members of Hazel Lodge, No. 459, Farmers' Mutual Benefit Association, of same county and State, for same measure—to the Committee on Agriculture.

By Mr. WILSON, of Missouri: Petition of William N. Burr, James Westcott, J. T. Guinn, and 11 others, citizens of Andrew County, Missouri, in favor of early passage of the farmers' bill (H. R. 5353) against options and futures—to the Committee on Agriculture.

By Mr. WILSON, of Washington: Petition of 14 citizens of Fairfield, Spokane County, Washington, relative to options—to the Committee on Agriculture.

Also, petition of 32 citizens of Garfield County, Washington, relative to options—to the Committee on Agriculture.

Also, petition of 47 citizens of Walla Walla County, Washington, relative to options—to the Committee on Agriculture.

Also, petition of 14 citizens of Spokane County, Washington, relative to options—to the Committee on Agriculture.

Also, resolutions of Walla Walla Farmers' Alliance of Washington, relative to options—to the Committee on Agriculture.

SENATE.

TUESDAY, *January* 20, 1891.

The Senate met at 12 o'clock m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

ACCOUNTS OF JOHN I. DAVENPORT.

The VICE PRESIDENT laid before the Senate the following communication from the Acting Secretary of the Treasury; which was read:

TREASURY DEPARTMENT, *January* 19, 1891.

SIR: In reply to the resolution of the Senate of the 17th instant, "That the Secretary of the Treasury is directed to send to the Senate copies of the accounts of John I. Davenport as a commissioner of the circuit court of the United States for the southern district of New York for the years 1885, 1887, 1888, 1889, and in 1890, as the same are on file in any bureau of the Treasury Department," I have the honor to inform you that the First Comptroller reports that it does not appear from the records of his office that Mr. Davenport rendered any account for services as circuit-court commissioner for the years mentioned in the resolution.

Respectfully, yours,

A. B. NETTLETON,
Acting Secretary.

The PRESIDENT OF THE SENATE.

The VICE PRESIDENT. The communication will lie on the table temporarily, in the absence of the Senator from Alabama [Mr. MORGAN] who introduced the resolution, and it will be printed.

PETITIONS AND MEMORIALS.

Mr. TURPIE presented the petition of Clifford R. Davis and 38 other citizens of Vigo, Ind., praying for the passage of the Conger lard bill; which was ordered to lie on the table.

Mr. COKE presented the following memorials of citizens of Texas, remonstrating against the passage of the Conger lard bill; which were ordered to lie on the table:

Memorial of F. Y. Goldsborough and 100 other citizens of Ellis County, Texas;

Memorial of Sigmond Loeb, acting mayor of Dallas, Tex.;

Memorial of G. M. Pridgen, D. C. Proctor, and H. Range & Co., of Cairo, Tex.;

Memorial of Charles W. Guild, president of the Board of Trade of Dallas, Tex.;

Memorial of Martin Wise, Fitzhugh H. D. McDonald, J. G. Dudley, and W. Hale, farmers, and Merchants' Bank and other citizens of Paris, Tex.;

Memorial of Edward Rason, San Sanger, W. S. Baker, J. W. Mann, C. M. Seley, J. S. McLindon, S. W. Slayd, James B. Baker, R. B. Parrott, and many other citizens of Waco, Tex.;

Memorial of Wells Thompson, J. W. Middlebrook, and other citizens of Columbus, Tex.;

Memorial of R. F. Spearman, D. C. Kennedy, and other citizens of Celeste, Tex.;

Memorial of B. H. Ludlaw, H. Whitmer, and other citizens of the State of Texas;

Memorial of S. P. Allen, A. H. Bailey, M. H. Goodrich, and other citizens of Palestine, Tex.; and

Memorial of the Houston (Tex.) Cotton Exchange and Board of Trade, signed by William D. Cleveland, president, and D. W. Kidd, secretary.

Mr. CARLISLE presented a petition of sundry citizens of the United States engaged in hemp and flax spinning, praying that the tariff tax on certain twines be increased; which was ordered to lie on the table.

He also presented the memorial of W. P. Kelley and 23 other citizens of Covington, Ky., remonstrating against the passage of the Conger lard bill; which was ordered to lie on the table.

He also presented a petition of the city council of Newport, Ky., praying that certain property belonging to the Government be granted to that city; which was referred to the Committee on Military Affairs.

Mr. VOORHEES presented a petition of the Woman's Christian Temperance Union, signed by W. H. Lippincott, Mrs. Sallie Dyer, and 131 other citizens of Monon, Ind., praying for the passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages; which was referred to the Committee on Education and Labor.

He also presented the petition of Robert D. Twigg, of New Harmony, Ind., praying to be allowed arrears of pension; which was referred to the Committee on Pensions.

Mr. REAGAN presented the petition of C. Chinski and other citizens of Navasota, Tex., praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented the following memorials remonstrating against the passage of the Conger lard bill; which were ordered to lie on the table:

Memorial of W. B. Dorsey and 51 other citizens of Ellis County, Texas;

Memorial of Charles W. Guild, president of the Board of Trade of Dallas, Tex.; and

Memorial of Mund Loeb, acting mayor of Dallas, Tex.

Mr. REAGAN also presented the petition of F. Hecht, W. Hecht, and other citizens of the State of Texas, praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. GIBSON presented a petition of naval veterans of the Gulf Squadron, praying for the passage of the bill to transfer the revenue-cutter service from the Treasury Department to the Navy Department; which was ordered to lie on the table.

He also presented a petition of the Louisiana conference, Methodist Episcopal Church, signed by Rev. J. A. Parker, Rev. A. E. Clay, Rev. J. T. Sawyer, and Dr. John W. Adams, praying for the adoption of a constitutional amendment to prohibit lotteries; which was referred to the Committee on Post Offices and Post Roads.

Mr. CULLOM presented a petition of members of Farmers' Mutual Benefit Association Lodge No. 3706, of Douglass County, Illinois, and a petition of members of Lodge No. 694, Farmers' Mutual Benefit Association, of Wayne County, Illinois, praying for passage of the Paddock pure-food bill; which were ordered to lie on the table.

He also presented a petition of the Farmers' Alliance of Henry County, Illinois, praying for the passage of the Paddock pure-food bill, the free and unlimited coinage of silver, the election of United States Senators by the direct vote of the people, and for more effectual laws against monopolies, trusts, etc.; which was ordered to lie on the table.

He also presented a memorial of citizens of Illinois, remonstrating against the passage of the Conger lard bill; which was ordered to lie on the table.

Mr. FARWELL presented the following petitions of citizens of Ill-

inois, praying for the passage of the Conger lard bill; which were ordered to lie on the table:

Petition of William. C. Tyler and other citizens of Rock Island County, Illinois; and

Petition of W. A. Taylor and other citizens of Vermillion County, Illinois.

Mr. FARWELL also presented the memorial of S. T. K. Prime, proprietor of the Prime's Crop Bureau and the Prime's Crop Bulletin, of Dwight, Ill., and a memorial of jobbers and wholesale dealers in groceries and provisions, of Chicago, Ill., remonstrating against the passage of the so-called Conger lard bill; which were ordered to lie on the table.

He also presented the petition of N. L. Bates, medical director, United States Navy, of Mare Island, California, praying for the passage of a bill to increase the pension of Elizabeth Bache Huntington; which was referred to the Committee on Pensions.

Mr. CASEY presented a petition of 5 lawyers of Forman, N. Dak., praying for the passage of the bill to define and regulate the jurisdiction of the courts of the United States; which was ordered to lie on the table.

He also presented the following petitions, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Petition of the Tiffany Alliance, No. 11, of North Dakota;

Petition of J. B. Christensen and 7 other citizens of Barnes, Barnes County, North Dakota;

Petition of H. R. Shellenberger and 31 other citizens of Benson County, North Dakota; and

Resolutions of Carrington Alliance, No. 72, of Carrington, Foster County, North Dakota.

Mr. CASEY (for Mr. MOODY) presented the following petitions, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Petition of Frank Benesch and 18 other citizens of Tyndall, S. Dak.;

Resolutions of Daisy Valley Alliance, No. 296, of Tyndall, S. Dak.;

Petition of James Petersen and 15 other citizens of North Dakota;

Petition of Newell Blackmon and 14 other citizens of Davison County, South Dakota;

Petition of Fitz C. Phillips and 39 other citizens of Meade County, South Dakota;

Resolutions of Grashull Farmers' Alliance, No. 148, of Grashull, S. Dak.;

Petition of John Walsh and 11 other citizens of Brooking County, South Dakota;

Resolution of Ethan Alliance, No. 55, of Ethan, Davison County, South Dakota;

Petition of H. W. Cramer and 24 other citizens of Brown County, South Dakota;

Petition of C. McLeane and 39 other citizens of Letche, Sanborn County, South Dakota;

Resolutions of Badger Alliance, No. 53, of Davison County, South Dakota;

Petition of L. B. Slade and 11 other citizens of Davison County, South Dakota.

Petition of George Chaffin and 14 other citizens of South Dakota;

Petition of J. H. Miller and 27 other citizens of Warner, Brown County, South Dakota;

Resolutions of Wide Awake Alliance, No. 466, of Virginia Township, Miner County, South Dakota;

Petition of H. W. Cramer and 23 other citizens of Brown County, South Dakota;

Resolutions of Riverside Farmers' Alliance, No. 397, of Putney, Brown County, South Dakota;

Resolutions of Garfield Alliance, of Douglas County, South Dakota;

Petition of Peter Goddiskeen and 17 other citizens of Douglas County, South Dakota;

Petition of D. R. Minin and 18 other citizens of Wolsey, Beadle County, South Dakota;

Petition of Charles Gose and 15 other citizens of Wolsey, Beadle County, South Dakota;

Resolutions of Wolsey Alliance, No. 413, of Wolsey, S. Dak.;

Resolutions of Fairview Alliance, No. 43, of Bristol, S. Dak.; and

Petition of C. T. Branning and 13 other citizens of Kingsley, S. Dak.

Mr. CASEY (for Mr. PETTIGREW) presented the following petitions of citizens of South Dakota, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Resolutions of Brainard Farmers' Alliance and Industrial Union, of Brown County, South Dakota;

Petition of Jed. Badgley and 12 other citizens of Brainard, Brown County, South Dakota;

Resolutions of Oneota Farmers' Alliance and Industrial Union, of Brown County, South Dakota;

Petition of John Henzlik and 7 other citizens of Lyonville, Brûlé County, South Dakota;

Resolutions of Firesteel Alliance, No. 548, of Aurora County, South Dakota;

Petition of S. W. Peare and 17 other citizens of Aurora County, South Dakota;

Petition of Stephen Jones and 7 other citizens of Roswell, Miner County, South Dakota;

Resolutions of Roswell Alliance, No. 511, of Roswell, Miner County, South Dakota;

Petition of John Ferguson and 9 other citizens of Edmunds County, South Dakota;

Petition of C. G. Bickford and 6 other citizens of Redfield County, South Dakota; and

Resolutions of Redfield Farmers' Alliance, No. 377, of Redfield, S. Dak.

Mr. EVARTS presented the following petitions, praying for the passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages; which were referred to the Committee on Education and Labor:

Petition of William D. Seyboldt, Mrs. L. A. Valentine, and 52 other citizens of Genoa, N. Y.; and

Petition of Abbie Bathrick Andrews, president, and Mary Jane Bills, secretary, of Woman's Christian Temperance Union of Perry, N. Y., representing 60 members.

Mr. EVARTS presented the petition of Alexander Hamilton Post, Department of New York, Grand Army of the Republic, praying for the granting of a suitable pension to Maj. Gen. Franz Sigel; which was referred to the Committee on Pensions.

Mr. WILSON, of Iowa, presented the following petitions, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Resolutions of Pilot Mound Farmers' Alliance, No. 1409, of Iowa;

Petition of James J. Rooney and 65 other citizens of Dubuque County, Iowa;

Petition of Oscar Holstrum and 19 other citizens of Hamilton County, Iowa;

Petition of George B. James and 15 other citizens of Story County, Iowa;

Petition of A. Bowman and 11 other citizens of Linn County, Iowa;

Petition of E. W. McCorkle and 17 other citizens of Marion County, Iowa;

Petition of Ora Vaught and 15 other citizens of Appanoose County, Iowa;

Petition of E. P. Lamb and 18 other citizens of Lime Creek, Cerro Gordo County, Iowa;

Petition of J. W. Linton and 17 other citizens of Carroll County, Iowa;

Resolutions of Farmers' Alliance, No. 1830, of Agency, Iowa;

Petition of H. C. Humbert and 16 other citizens of Iowa;

Petition of F. A. Wood and 51 other citizens of Hardin County, Iowa;

Resolutions of Riverside Alliance, No. 700, of Sac County, Iowa;

Petition of Orville Lee and 16 other citizens of Iowa;

Resolutions of Lafayette Alliance, No. 628, of Story County, Iowa;

Resolutions of Marion Center Alliance, No. 571, of Hamilton County, Iowa;

Resolutions of Rainbow Alliance, No. 4153, Farmers' Mutual Benefit Association, of Muscatine County, Iowa;

Resolutions of Columbia Alliance, No. 1814, of Columbia, Marion County, Iowa;

Resolutions of Kimball Alliance, of Carroll County, Iowa;

Resolutions of Fairview Alliance, No. 1458, of Lime Creek Township, Cerro Gordo County, Iowa;

Resolutions of Pleasant View Alliance, No. 779, of Altoona, Polk County, Iowa;

Petition of Aipan Muench and 26 other citizens of Pilot Mound, Boone County, Iowa;

Resolutions of Oak Hill Farmers' Alliance, of Union Township, Carroll County, Iowa;

Resolutions of Alliance No. 1773, of Decatur County, Iowa;

Resolutions of Central Alliance, No. 1304, of Greene County, Iowa;

Resolutions of Locust Grove Alliance, No. 1088, of Iowa;

Resolutions of Fairview Alliance, of Story County, Iowa;

Resolutions of Defense Alliance, No. 1288, of Greene, Butler County, Iowa;

Resolutions of Emmett Township Farmers' Alliance, No. 1649, of Estherville, Iowa;

Resolutions of Sugar Grove Alliance, No. 599, of Jasper County, Iowa;

Resolutions of Bonne Ridge Farmers' Alliance, of Hancock County, Iowa;

Resolutions of Adams Alliance, No. 1320, of Mahaska County, Iowa;

Resolutions of Jasper Township Alliance, No. 525, of Carroll County, Iowa;

Resolutions of Peoples Farmers' Alliance, of Peoples Township, Boone County, Iowa.

Resolutions of Shram Alliance, No. 1849, of Taylor County, Iowa;

Resolutions of Moville Alliance, No. 1174, of Moville, Iowa;

Resolutions of Harrison Center Alliance, of Iowa;

Resolutions of Howard County Alliance, No. 1809, of Cresco, Howard County, Iowa;

Resolutions of Greenbrier Alliance, No. 1030, of Guthrie County, Iowa;

Resolutions of Jefferson Farmers' Alliance, No. 1294, of Bremer County, Iowa;

Resolutions of Pleasant Valley Alliance, No. 1761, of Scott County, Iowa;

Resolutions of Green Tree Alliance, No. 1327, of Iowa;

Petition of R. S. Bowers and 19 other citizens of Warren County, Iowa;

Resolutions of Union Hall Alliance, No. 1834, of Keokuk County, Iowa;

Resolutions of Wild Wood Alliance, No. 1000, of Iowa; and

Petition of W. C. Best and 23 other citizens of Tama, Iowa.

Mr. PADDOCK presented the petition of H. L. Pease, J. Byers, Mrs. H. S. Harbagh, and 62 other citizens of Miller, Nebr., praying for the passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages; which was referred to the Committee on Education and Labor.

Mr. HISCOCK presented a petition of 43 citizens and associations of the Woman's Christian Temperance Union, of New York, and a petition signed by Mary E. Days, president, and Emma B. Shofer, secretary, of Woman's Christian Temperance Union, of Pine Bush, N. Y., representing 60 members, praying for the passage of Senate bill No. 4173, to investigate the subject of social vice; which were referred to the Committee on Education and Labor.

He also presented the petition of J. B. Pelgrift and other citizens of New York City, praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented the petition of James M. Thompson and 17 other citizens of New York, praying for the passage of House bill 892, to amend the act to promote the efficiency of the Life-Saving Service, etc.; which was referred to the Committee on Commerce.

Mr. MORRILL presented a petition signed by Mary C. Ramsdell, superintendent, and Laura Woodburn, secretary, of Woman's Christian Temperance Union, of West Wardsborough, Vt., representing 17 members, praying for the passage of a bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages; which was referred to the Committee on Education and Labor.

Mr. HOAR presented the petition of Roman Haynes, of Murfreesborough, Rutherford County, Tennessee, late private Company E, Seventeenth Regiment, United States Colored Troops, praying for the removal of the charge of desertion, and that he may receive an honorable discharge; which was referred to the Committee on Military Affairs.

He also presented the petition of W. E. Knight and 14 other citizens of Worcester County, Massachusetts, praying for the passage of the Conger lard bill; which was ordered to lie on the table.

He also presented the petition of C. T. Crocker and other citizens of Fitchburg, Mass., praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. SHERMAN presented the following petitions, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Resolutions of Pleasant Valley Farmers' Alliance, No. 110, of Columbiana, Ohio;

Petition of William C. Powell and 22 other members of Alliance No. 524, of Marle Township, Defiance County, Ohio;

Resolutions of Ohio Farmers' Suballiance, No. 519, of Newville, Richland County, Ohio;

Petition of J. C. Ohler and 31 other citizens of Richland County, Ohio;

Resolutions of Maple Grove Farmers' Alliance, No. 59, of North Louisburgh, Ohio;

Petition of Sherman Roberts and 61 other citizens of Logan County, Ohio;

Petition of A. Ports and 12 other members of Platwood Alliance, No. 584, of Union County, Ohio;

Petition of A. S. Snyder and 127 other citizens of Columbiana and Mahoning Counties, Ohio;

Petition of Simon Moser and 22 other citizens of Wyandotte County, Ohio; and

Petition of John Gurster and 30 other citizens of Henry County, Ohio.

Mr. ALLEN. I present a petition of the board of county commissioners of Kitsap County, Washington, praying that Congress purchase the site and make suitable appropriation for the construction of a dry dock and naval station at Port Orford, Washington, agreeably to the recommendation of the special commission appointed by the President to inquire into and make report concerning that matter. I move that the petition be referred to the Committee on Naval Affairs.

The motion was agreed to.

Mr. COCKRELL presented a memorial of the Legislative Assembly of the Territory of New Mexico, which was read and ordered to lie on the table, as follows:

MEMORIAL.

To the Senate and House of Representatives of the United States in Congress assembled:

Whereas there is urgent necessity for the establishment by the Congress of the United States of a tribunal to hear and settle the claims arising from depredations committed by Indians: Therefore,

Be it resolved, That your memorialists, the Legislative Assembly of the Territory of New Mexico, now in session at Santa Fé, do most earnestly and respectfully memorialize your honorable bodies to provide by law for such a tribunal at an early day; but we most respectfully and earnestly protest against so much of the bill of the House of Representatives, No. 8150, entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," as provides that the court or tribunal proposed to be created by such act sit and hold its sessions only in the city of Washington, believing that such a provision would create a great hardship upon numerous persons in this Territory who hold claims that would have to be presented to such court for adjudication, and that the necessary expense attendant upon the presentation of such claims in the city of Washington would practically debar them from making such presentation and would be to them a denial of justice.

And further be it resolved, That the clerk of the house is hereby instructed to transmit copies of this memorial, through our Delegate in Congress, Hon. ANTONIO JOSEPH, to the Senate and House of Representatives of the Congress of the United States.

WILLIAM BURNS, *Speaker*.
FILADELFO BACA, *Chief Clerk*.

Mr. SPOONER presented a petition signed by Lorila M. Mosher, county superintendent, and George Peterson, secretary of St. Croix County Teachers' Association, of St. Croix County, Wisconsin, representing 73 members, praying for the passage of the bill providing for the appointment of a commission on the subject of social vice; which was referred to the Committee on Education and Labor.

He also presented a petition of citizens of Milwaukee, Wis., praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented the following petitions, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Petition of G. M. Clark and 40 other citizens of Richland County, Wisconsin;

Petition of William W. Crofoot and 20 other citizens of Shawano County, Wisconsin;

Petition of Andrew Henning and 21 other citizens of Polk County, Wisconsin;

Petition of Benjamin F. Kauffman and 38 other citizens of Vernon County, Wisconsin;

Petition of Hezekiah Shreve and 43 other citizens of Vernon, Wis.;

Petition of John A. Doyle and 24 other citizens of Stanfold, Barron County, Wisconsin;

Petition of A. W. Adams and 18 other citizens of Portage County, Wisconsin;

Resolutions of Rose Lawn Farmers' Alliance, No. 109, of Rose Lawn, Wis.;

Resolutions of Greenwood Farmers' Alliance of Greenwood, Vernon County, Wisconsin;

Resolutions of Farmers' Alliance (Doore), No. 34, of Laketown, Polk County, Wisconsin; and

Petition of Lone Pine Alliance, No. 105, of Portage County, Wisconsin.

Mr. INGALLS presented the following petitions, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Petition of Smoky Valley Alliance, No. 1230, of Kansas;

Petition of citizens of Leavenworth County, Kansas; and

Petition of citizens of Fairfax, Kans.

Mr. INGALLS presented a petition of the Citizens' Committee of Emporia, Kans., and 130 citizens of that city, praying for the speedy passage of the elections bill; which was ordered to lie on the table.

He also presented a petition of citizens of Arkansas City, Kans., praying for the opening of the Cherokee Outlet for settlement; which was referred to the Committee on Indian Affairs.

He also presented a petition of the Commercial Club of Albuquerque, N. Mex., in favor of the bill establishing a land court in New Mexico; which was ordered to lie on the table.

Mr. MANDERSON presented a petition of the Commercial Club of Albuquerque, N. Mex., praying for a more liberal appropriation for the Indian school at that place; which was referred to the Committee on Appropriations.

Mr. FRYE presented the petition of George B. Cragin and other citizens of Farmington, Me., praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. REAGAN presented a memorial of the Galveston (Tex.) Cotton Exchange, remonstrating against the passage of the Conger lard bill; which was ordered to lie on the table.

Mr. DAWES. I present the petition of George S. Boutwell, John S. A. Brackett, John D. Long, Oliver Ames, William Claflin, Benjamin F. Butler, William Gaston, Alexander H. Rice, George D. Robinson, Henry J. Gardner, ten ex-governors of Massachusetts, and William E. Russell, the present governor; Nathan Matthews, mayor of Boston, Mass.; General William T. Sherman, General Sickles, and Rear-Admiral D. L. Braine, of New York, and other distinguished citizens of the States of New York and Massachusetts, praying that General BANKS may be placed on the retired list of the Army. I move that the petition be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. WOLCOTT presented the memorial of Charles Henkel, mayor of the city of Pueblo, Colo.; Charles Thompson, county clerk, and 34 bankers, real-estate agents, and prominent merchants, remonstrating

against the passage of the Conger lard bill; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (H. R. 11513) for the relief of Mrs. Sallie E. Willis, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 11244) for the relief of Francis T. Dana, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 12984) granting a pension to George W. Bryant;

A bill (H. R. 9595) for the relief of William L. Hurst, of Wolfe County, Kentucky;

A bill (H. R. 5583) for the relief of Charles Duerson; and

A bill (H. R. 12998) granting an increase of pension to Joseph J. Bartlett.

Mr. DAVIS, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 11708) granting a pension to Drewry Porter;

A bill (H. R. 12815) granting a pension to Samantha A. Bignell; and

A bill (H. R. 12053) granting a pension to Annie M. Kimball, widow of Alvah M. Kimball, Company H, Sixth New Hampshire Regiment Volunteers.

Mr. TURPIE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 12793) granting a pension to Capt. Andrew J. Briscoe;

A bill (H. R. 12583) granting a pension to Lorain McCook;

A bill (H. R. 4514) for the relief of Polly Gray;

A bill (H. R. 6262) granting a pension to John W. Bussabarger;

A bill (H. R. 6259) granting a pension to Henry A. Hoar;

A bill (H. R. 4513) granting a pension to Elizabeth Burnett;

A bill (H. R. 6287) granting a pension to Sarah Phillips;

A bill (H. R. 7676) for the relief of Alexander Sturgeon;

A bill (H. R. 8465) to increase the pension of Daniel King, and

A bill (H. R. 12413) granting increase of pension to Robert Cullen.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 4791) granting a pension to Henry Sisson;

A bill (H. R. 8259) to grant a pension to Lydia Ziegler;

A bill (H. R. 3534) to grant a pension to Richard C. Cabeen;

A bill (H. R. 11050) to grant a pension to Mrs. Etta Hubbs as an army nurse; and

A bill (H. R. 2456) for the relief of the legal representatives of Peter Lyle, deceased.

Mr. BLAIR. The last bill reported is similar to a Senate bill favorably reported and on the Calendar. It has now passed the other House, and when the Senate bill is reached on the Calendar I desire the Secretary to make a note, so that this bill may be taken up and passed instead of the Senate bill.

CENSUS HEARING.

Mr. HAWLEY, from the Committee on Printing, to whom was referred the following concurrent resolution of the House of Representatives, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That there be printed 500 copies of the Hearing before the Select Committee on the Eleventh Census of the House of Representatives on resolution asking for a recount of the census in the city of New York, for the use of said committee.

BILLS INTRODUCED.

Mr. MANDERSON introduced a bill (S. 4906) authorizing the Secretary of War to cause an exploration and survey to be made of the interior of the Territory of Alaska; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HISCOCK introduced a bill (S. 4907) granting a pension to Alice L. Rowland; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 4908) granting a pension to Eliza Conroy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 4909) for the relief of Richard S. Holman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MITCHELL introduced a bill (S. 4910) for the relief of Sallie Hardmond; which was read twice by its title, and referred to the Committee on Claims.

Mr. FARWELL introduced a bill (S. 4911) to amend an act entitled "An act to empower the Secretary of War to permit the establishment, under certain conditions, of a horse railway upon and over the island of Rock Island and the bridges erected by the United States connecting the cities of Davenport and Rock Island therewith;" which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CULLOM introduced a bill (S. 4912) to amend the charter of the Eckington and Soldiers' Home Railroad Company; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. SPOONER introduced a bill (S. 4913) to authorize the construction of a bridge across the St. Louis River between the States of Wisconsin and Minnesota; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HAWLEY introduced a joint resolution (S. R. 150) to prepare an alphabetical subject index of Government publications; which was read twice by its title, and referred to the Committee on Printing.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MITCHELL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HAWLEY submitted an amendment intended to be proposed by him to the army appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DOLPH submitted an amendment intended to be proposed by him to the consular and diplomatic appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

EXPORT CATTLE INSPECTION.

Mr. PADDOCK. Yesterday I introduced the bill (S. 4897) to provide for the inspection of vessels carrying export cattle from the United States to foreign countries, and for other purposes. I was in doubt as to the proper reference of the bill, and it was laid upon the table temporarily. After a conference with the chairman of the Committee on Foreign Relations it is considered advisable to send the bill to that committee, because that committee already has under consideration kindred subjects.

The VICE PRESIDENT. The bill will be referred to the Committee on Foreign Relations.

PUBLIC BUILDING AT MANKATO, MINN.

Mr. SPOONER. I present a privileged report.

Mr. COCKRELL. What report is that?

Mr. SPOONER. I presented the other day a conference report in relation to the erection of a public building at Mankato, Minn., which was acted upon by the Senate. I found later in the day, or perhaps the next day, that in preparing the report the clerk of the committee had repeated a clause, making it in that respect not only tautological, but unlike the report which had been made to the other House. I asked unanimous consent to reconsider the vote by which the report was adopted, and asked the leave of the Senate to withdraw the report, which was granted. I am now presenting simply the same report with that surplusage eliminated.

Mr. GORMAN. Let the report be read, Mr. President.

The VICE PRESIDENT. The report will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1384) to provide for the purchase of a site and the erection of a public building thereon at Mankato, in the State of Minnesota, having met, after a full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: Strike out the words "one hundred and fifty thousand," in lines 10 and 11, and insert "ninety thousand," and strike out all after the word "dollars," in line 11, to the end of the bill, and insert:

"Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

"Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

"If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

"The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed $6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

"No money shall be used for the purpose mentioned until a valid title to the site for said building shall be vested in the United States, nor until the State of Minnesota shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

"The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys."

JOHN C. SPOONER,
G. G. VEST,
Managers on the part of the Senate.
S. L. MILLIKEN,
P. S. POST,
Managers on the part of the House.

Mr. COCKRELL. What is the size of the city where this building is to be erected?

Mr. SPOONER. About 9,000.

Mr. COCKRELL. I see the conferees have stricken out "$150,000" and inserted "$90,000."

Mr. SPOONER. Yes, sir.

Mr. COCKRELL. Is that $90,000 the limit of the cost or is it only an appropriation of a part of the limit of the cost of the building?

Mr. SPOONER. It is not an appropriation at all; it is the maximum limit of the cost of the building.

Mr. COCKRELL. Changed from $150,000 to $90,000?

Mr. SPOONER. From $150,000 to $90,000.

Mr. COCKRELL. How much is appropriated then?

Mr. SPOONER. Nothing.

Mr. COCKRELL. How is the Government going to erect the building?

Mr. SPOONER. The bill contains no appropriation.

Mr. COCKRELL. How is the building to be erected?

Mr. SPOONER. It is to be erected from moneys hereafter to be appropriated.

Mr. COCKRELL. Then the responsibility of making the appropriations for the large number of public buildings provided for is to be shifted from the shoulders of the Committee on Public Buildings and Grounds to the Committee on Appropriations, I presume. Is there a United States court there?

Mr. SPOONER. Yes, sir.

Mr. COCKRELL. At that place?

Mr. SPOONER. Yes, sir.

Mr. COCKRELL. A district court?

Mr. SPOONER. A district court. The appropriation ought to be a little larger.

Mr. COCKRELL. I think the Committee on Public Buildings and Grounds ought to assume its share of the responsibility. It has the power to place in these bills the appropriations for the construction of the public buildings, and it does look to me a little farcical for that great committee, which is the means of enacting more bills than any other committee, to prescribe a law for the construction of a public building, how it shall be constructed, and all about it, and then not provide for appropriating a solitary dollar for the work.

Mr. SPOONER. If my friend from Missouri will allow me to say it, there is not a man upon the Committee on Public Buildings and Grounds in the Senate who has not the requisite courage to report to the Senate a bill appropriating the money necessary to erect these buildings. I will repeat what I have had occasion to repeat at least half a dozen times, once, at least, I think, in response to a question by the Senator from Missouri, that the Senate committee reported all of these bills with an appropriation clause in them, both at the last session and at this session, and they passed the Senate with an appropriation clause in them; but the other House absolutely refused to agree, either at the last session or at this session, to any bill which contained an appropriation.

Mr. COCKRELL. Was it because they did not have time to deliberate and consider the propriety of the amount that ought to be appropriated?

Mr. SPOONER. I do not think the Senator from Missouri ought to ask me why the House of Representatives did or did not do any particular thing. He is a man of very fine fancy, and I think would have no difficulty in arriving at a proper conclusion on the subject. The fact is that I think there is some very good reason in favor of that policy. There is perhaps something to be said against it. The other House have appropriated, not all of the money to make up the maximum limit in most cases, but what they thought was necessary for the time being, for the purchase of the site at least, leaving further appropriations to be made thereafter. But all I want to say to the Senator is that we were obliged, as has been many times stated here, to agree to omit the appropriation clauses or to kill all of these bills.

Mr. COCKRELL. Has there been any information collated—I mentioned the question some time ago to the chairman of the committee—in regard to the aggregate amount called for in all the public-building bills?

Mr. SPOONER. I am not the chairman of the committee, but I took the liberty in the absence of the chairman the other day, in reply to a question of the same tenor put by the Senator from Maryland [Mr. GORMAN], to say that that was being done and would be laid before the Senate in a day or two.

The VICE PRESIDENT. The question is on concurring in the conference report.

Mr. VEST. Mr. President, I must confess some surprise at having heard for the first time that the Committee on Appropriations object to responsibility.

Mr. SPOONER. The Committee on Public Buildings, you mean?

Mr. VEST. No, the Committee on Appropriations.

Mr. SPOONER. I do not understand it that way. If the Senator will allow me, I did not undertake to defend the Committee on Appropriations.

Mr. VEST. I am not referring to anything that was said by the Senator from Wisconsin, but to the remarks of my colleague, whose remarks seemed to imply that the Committee on Appropriations thought that the Committee on Public Buildings and Grounds ought to take charge of the appropriations for public buildings. I want to say very respectfully, without using the word "struggle," the question has been during my service in the Senate to keep the Committee on Appropriations from absorbing all the business of the Senate. I say that with great respect, but that has been the tendency.

Mr. ALLISON. It must have been a hard struggle for the Senator from Missouri to accomplish that great fight. I have never known the Committee on Appropriations——

Mr. VEST. I hope my friend will excuse me; I have not accomplished it, nor any part of it.

The VICE PRESIDENT. The Senator from Missouri declines to yield.

Mr. VEST. Not at all; I do yield.

Mr. ALLISON. I do not ask him to yield.

Mr. VEST. I do yield.

Mr. ALLISON. I merely want to suggest that it is the first time I have observed that the Committee on Appropriations is especially anxious to take cognizance of these questions. When they have been thrust upon us we do the best we can, and shall do so in the future; but as to this particular struggle, it is not a struggle in this body, but elsewhere. We have never objected to the Committee on Public Buildings and Grounds appropriating the money necessary to carry out their project, whatever it might be.

Mr. DAWES. I hope the Senator from Missouri does not feel as if he had been lacking in any effort in that direction.

Mr. VEST. No, sir; because I recollect very distinctly, without taxing my memory to any very extreme degree—I now use the word "struggle"—a struggle in this Chamber some years ago to keep the Committee on Appropriations from taking away all the duties of the Committee on Commerce and to keep the Senate from giving to that committee the functions almost entirely of the Committee on Commerce. I just mention that on the spur of the moment. I think if I had time to go back into the record I could show that the tendency—I will use another word now—has been for some years in the Senate to increase the powers of the Committee on Appropriations. I do not complain of it, but I mention it as a historical fact.

My colleague says that he thinks the great Committee on Public Buildings and Grounds should assume its full share of responsibility for these appropriations. Mr. President, although I have been a member of that committee since I have been a member of the Senate, I have never regarded its functions as great. It is about the most disagreeable part of my Senatorial duty. I think that all my colleagues on the committee will agree with me. There is certainly no glory in the duty imposed upon us as members of that committee, and there is a large amount of drudgery and a vast amount of irritation growing from the fact that we are unable to comply with all the solicitations made to us by our brother Senators for increased appropriations for public buildings in their States and for new appropriations.

The Senator from Wisconsin has stated as emphatically and clearly as I could possibly hope to do that the Committee on Public Buildings and Grounds has repeatedly, session after session and year after year, put in all our bills an appropriation for the erection of these edifices, and the House of Representatives, since it has been under the control of the Republicans, and even before, has just as often struck out those appropriations. I have served I am afraid to say upon how many conference committees, but I think it would run up into a hundred, where that was the question in dispute between the two Houses. We put in the appropriations and the House conferees refused in every instance to permit them to stay in the bill and said that the appropriation must be made in the general appropriation bill. As a matter of course, the result under present conditions would be that these appropriations would either be at the present session of Congress put in a general appropriation bill or the public-building bills we have passed would amount to nothing. That would be the effect in the present status of affairs.

Mr. President, permit me to make a general remark about these public buildings. It has been repeatedly asked here what is the amount we have expended. I can only approximate to it and give my judgment, because, as my colleague on the committee [Mr. SPOONER] has stated, the estimate is now being accurately made out. My estimate, however, from my knowledge as a member of the Joint Committee on Public Buildings and Grounds, is that we shall by the bills which have already passed both Houses expend two and a quarter millions of dollars. That would be the amount if no other bills are passed than those which have now been agreed upon by the two Houses.

Mr. HARRIS. What amount did the Senator state?

Mr. VEST. Two and a quarter million dollars. I mean the bills

which are either passed by one House and pending in the other or which have passed both Houses at this and the last session, because a great many bills came over from the last session to this. I mean, of course, the bills of this Congress, of last session and this session.

Mr. PADDOCK. We do not hear the Senator over here, and I should like to have him restate the estimate of the aggregate amount of the cost of public buildings.

Mr. VEST. I say the bills which have passed both Houses—I will retract what I said as to the bills which have passed one House, because I can not be accurate about them—but the bills which have passed both Houses, those coming over from the last session and those passed at this session, would be about two and a quarter million dollars, possibly more than that, but not a great deal more.

Mr. CARLISLE. I should like to ask the Senator whether I understood him to say that the aggregate amount of appropriations required to complete the buildings will be only two and a quarter millions or whether that is the amount already appropriated in the bills which have been passed.

Mr. VEST. I can not undertake to say about the amounts that are necessary to complete them, because there are bills pending now that have increased the amount twice and even three times over the original sum. I know of one building in the State of California for which we appropriated $300,000 as the limit. It was increased to $800,000, and then an application was made to increase it to $2,000,000.

Mr. CULLOM. I suppose, if the Senator will allow me, that every bill which is passed has a specified amount named in it as the limit which the proposed building shall cost,

Mr. VEST. As a matter of course.

Mr. CULLOM. And the estimate is probably made on that basis?

Mr. VEST. Yes, every one of these bills.

Mr. WASHBURN. As no appropriations have been made in these bills, it seems to me the figures must apply to the limit fixed in the bills themselves.

Mr. VEST. I did not hear the Senator distinctly.

Mr. WASHBURN. I say it seems to me that the two and a quarter millions the Senator refers to must be the aggregate amount provided for in the bills, and not the appropriations, because, as I understand from the Senator from Wisconsin [Mr. SPOONER], there have been no appropriations made in the bills.

Mr. SPOONER. I did not say that there had been no appropriations made, but I said that only part of the amount authorized in each case had been reported and passed in many cases; only enough to purchase the site.

Mr. WASHBURN. As I understand the Senator from Wisconsin, the House of Representatives would not agree to make any appropriations for these buildings, and consequently there is no appropriation provided for in this bill.

Mr. SPOONER. I said what is true, that the House of Representatives had refused to agree to make the appropriations in these bills, but has agreed to authorize the amount for the construction of a public building in a given case, leaving it with a general appropriation bill to supply from time to time the money needed for the purpose.

Mr. VEST. Mr. President, I will not undertake to be entirely accurate and do not propose to say that I am in regard to this amount. I may understate it, but I am certain that the amount is nothing like what I have seen stated in different newspapers and have heard intimated upon this floor.

In this connection, I want to say something about public buildings in the District of Columbia. One of the great difficulties which our Joint Committee on Public Buildings and Grounds—and I want my colleague to hear this, as he is on the Committee on Appropriations—has heretofore encountered has been the reluctance on the part of Congress to make sufficient appropriations for public buildings in the District of Columbia.

As a matter of course, I shall not reflect upon the intelligence of members of the Senate by intimating that they are not as well acquainted as myself with the increase of the business of the Government and the necessity for additional accommodations for the different Departments and bureaus, but I will say, with the greatest respect for members of the Senate, that, unless they have had occasion to examine this subject as to details, they have hardly a conception as to the necessity which now exists for additional buildings for the governmental service in this District.

We have lately—my venerable colleague on the committee from Vermont [Mr. MORRILL] has been chiefly instrumental in the matter, although he and I served on the subcommittee together—obtained from the Treasury Department an official statement of the amount of rent the Government is now paying for buildings in this District, and it amounts to $183,000 a year. I think that is the amount; I have not the statement before me.

Mr. MORRILL. One hundred and seventy-seven thousand six hundred and ninety-eight dollars.

Mr. VEST. One hundred and seventy-seven thousand six hundred and ninety-eight dollars.

Mr. CARLISLE. And after the 1st of next month there will be $5,000 more for the Post-Office Department, making the amount nearly $183,000.

Mr. VEST. That accounts for it. I knew the amount was between $182,000 and $183,000. We are absolutely paying that out to-day for the occupation of buildings not belonging to the Government, many of which are utterly unsuitable for the purposes for which they are being used. We are paying, I undertake to say, in this District to-day a rental upon buildings here, which if their value was to be computed by men acquainted with the value of real estate and structures in this District, would amount to 15 or 20 per cent., the owners obtaining from 15 to 20 per cent. upon buildings that they had erected here years ago and which are now occupied by the Government. This shows in the most distinct form the absolute necessity of the Government conducting its business as a business man of ordinary capacity would conduct it, acquiring property and putting up structures now for the use of the Government, an investment that would save to us thousands and even millions of dollars.

To give a conspicuous illustration of this, without detaining the Senate, I wish to call attention to the fact that ten or eleven years ago the Senator from Vermont [Mr. MORRILL] and myself on the Committee on Public Buildings and Grounds—and I am very glad to give him the larger amount of the credit, for I was simply his adjutant general in the matter—succeeded in purchasing for the Government the property which is now covered by the Attorney-General's Office and the vacant lot on the corner, which fronts Lafayette Park. We bought it from the Freedman's Bank at the instance of Senator Bruce, a colored Senator from Mississippi, who appealed to the members of the committee to make the purchase and give the $250,000 to the colored depositors in that bank, that being all that was left.

Mr. BUTLER. May I inquire of the Senator from Missouri if he can indicate which one of the Departments is paying the largest amount of rent? It seems to me the more public buildings there are erected the larger the rent account becomes. Within very recent years the War, State, and Navy Department building has been completed, and of course the people connected with those Departments have gone into that building. We have within a very few years put up a Pension building, so that all the employés in that bureau have gone into a public building. I can not, therefore, quite understand why this rent account should be so large with this number of public buildings built and completed in the last ten years, and I should be very glad if the Senator would tell us which of the Departments are paying these enormous rents.

Mr. VEST. If the Senator will refer to this document which has just been printed, Senate Miscellaneous Document No. 44, he will see every item of rent of the different bureaus and Departments that are occupying these buildings, and I think he will find—I have only glanced over it—that the Interior Department is possibly paying the most. Here is the recapitulation, which the Senator from Kentucky [Mr. CARLISLE] calls to my attention:

RECAPITULATION.

Buildings rented by—	
Department of State	$600
Treasury Department	22,020
War Department	6,400
Navy Department	5,580
Interior Department	64,510
Post-Office Department*	30,400
Department of Labor	5,000
Interstate-Commerce Commission	11,480
District of Columbia	31,708
Total	177,698

*And $5,000 additional after February 1, 1891.

Which would add to the present aggregate of $177,698 $5,000 more, making $182,698.

Mr. CULLOM. I suppose that a large share of the extra expense of the Interior Department for rent is caused by the work of the Census Bureau. It has been necessary for that bureau to have a number of buildings, I think, for the purpose of that work.

Mr. VEST. Yes, we are renting a building now for the Census Office that will be occupied, I suppose, for the next eighteen months.

Mr. CULLOM. Are they not occupying more than one?

Mr. VEST. I believe so. I know of but one.

Mr. CULLOM. I think there are at least three or four.

Mr. VEST. One is near the Pension Building, across the street from it.

Mr. CULLOM. They have been occupying what is called the Second National Bank Building and some other places in addition.

Mr. VEST. The Senator is correct about that. We have got a number of boards here, the Geological Survey, for instance, and the rent for that building, what is called the Hooe Building, on F street northwest, is $10,000. Then the Census Office occupies, I see here, the Sun Building, on F street northwest, at a rent of $1,800; the Inter-Ocean Building, on Ninth street northwest, $15,870; the Lincoln Hall building, Ninth and D streets northwest, $3,600; the Second National Bank Building, on Seventh street northwest, $6,400; the Harrison Building, at Third and G streets northwest, $12,500; and the building at the corner of Massachusetts avenue and North Capitol street, $4,200, which would make $43,010 for the Census Bureau alone.

Then we rent for the Interstate-Commerce Commission three floors in the Sun Building, on F street northwest, at a rental of $11,480.

What I was proceeding to say, however, Mr. President, was that, after great opposition in the Senate, the Committee on Public Buildings and Grounds succeeded in inducing the Government to purchase the property I have mentioned on that beautiful corner where the Attorney-General's Office is located for $250,000, and it was the best purchase that the Government ever made of real estate. It could be sold to-day under the hammer for twice the amount we gave for it. If the Senate had followed our additional recommendation to purchase the property now occupied by Secretary Blaine, so as to make the Government property go back to the alley in the rear of Pennsylvania avenue, which is the frontage of the building, we could then have bought that property for $75,000, which to-day can not be bought for less than $150,000.

I mention these facts to show that, while the city of Washington is in its infancy and the Government is just commencing its phenomenal career, we are refusing to conduct our business as a business man with ordinary capacity, who had the means to do so, would conduct it, and we allow property to go up here year by year and refuse to avail ourselves of the clear opportunities to save money to the people.

There is not a Senator here who does not know that we must have more—I am afraid to say how much more—capacity than we now have, because no man even in imagination can limit the size of this Government and the amount of its business. We have to-day no storage room in the Departments. We are subjecting valuable records to the danger of fire because we have tinder in the shape of old paper which a spark would ignite and inflict a loss upon the Government of millions of dollars, to say nothing of the incalculable loss of documentary evidence. If the Government would conduct its business in the way of public buildings in this District on the proper basis, we would buy all the property that is available about this Capitol that could be utilized, and in the vicinity of some of the Departments, at the present prices, in order to prevent speculators, by the rise in the market that is constantly going on in this city, availing themselves of the opportunity to make us pay enormous prices.

We have lately examined personally, and I am glad to have the opportunity to prepare Senators for the question, and especially my friends on the Appropriations Committee, and I was again acting as the adjutant-general of my friend from Vermont—the building in the vicinity of this Capitol, called the Maltby building, which has one hundred rooms and cost $120,000, which is offered by the lady who owns it, and it is all the property, I believe, that she has, for $125,000. It would be a splendid investment for any individual. With very little change it can be made to accommodate three or four of these boards or bureaus. We could save by an expenditure of $140,000, or $150,000 at the outside, a rental to the Government of $40,000 or $50,000 a year. Any business man will see at once that there ought to be no hesitation in regard to an investment of that sort.

We propose to ask at a very early day the Senate to consider this bill, and I hope there will be no serious opposition to it. I hope that that will be simply an initiatory step towards our inaugurating a new policy in regard to public buildings in this District, and that we shall buy freely all the real estate which is available for the purposes of the Government, and stop this miserable policy of a continued struggle between political parties as to the amount of appropriations from year to year without regard to safe investment and absolute necessity.

Mr. COCKRELL. Mr. President, I am very glad that the Committee on Public Buildings and Grounds has given consideration to the question of buildings in the District of Columbia. The Senate may remember that the Senate select committee appointed in 1887 to investigate the methods of business in the Executive Departments, etc., considered the question of public buildings for the various Departments. The Senator from Illinois [Mr. CULLOM], the Senator from Connecticut [Mr. PLATT], the Senator from Arkansas [Mr. JONES], and the Senator from Tennessee [Mr. HARRIS] were members of that committee with myself. In the report we made we set out the number of buildings that are crowded to-day, as they were then, and a number of the public buildings are so crowded that the clerks can not perform the full amount of labor they ought to perform, and in many cases at that time the number of clerks crowded into certain buildings made the buildings unhealthy. I believe one of the buildings, Marini's Hall, has since been changed, where I think the health of many clerks was greatly impaired.

We need more public buildings in this District for the use of the Government legitimately and absolutely. There is the Patent Office, which has not two-thirds or even one-half as much room as it needs. There is the Land Office, which has not half as much room as it absolutely needs for the proper disposition of its business and the keeping of its records in an accessible form. There are others which are crowded.

In regard to the Maltby building, of which my colleague speaks, the Committee on Appropriations of the United States Senate has for years—I do not know how many times—but two, three, or four times, inserted in a general appropriation bill an amount for the purchase of what is known as the Butler building, occupied by the Coast and Geodetic Survey, but we have been unable to secure the purchase of that building, and yet we are occupying it and paying a rent that would be equivalent to double the rate of interest at which the Government can get money.

Mr. ALLISON. That is the building south of the Capitol?

Mr. COCKRELL. Yes, known as the Butler building.

Mr. ALLISON. Until a few years ago we paid $10,000 a year rent for that building. We are now paying $6,000.

Mr. COCKRELL. We were offered that building for $270,000, I think. Was not that the amount?

Mr. ALLISON. Two hundred and seventy-five thousand dollars, but that included a large building that we are not paying rent for now.

Mr. COCKRELL. I understand that. We were offered the building that we are now paying $6,000 a year rent for and another large building for $270,000.

Mr. ALLISON. And a large amount of ground in addition suitable for a public building.

Mr. COCKRELL. We did the best we could, but we could not hold it on the appropriation bill and finally had to yield, and I am afraid, if we were to put the purchase money for the Maltby building on the proper appropriation bill, it would be met in the same way.

Mr. ALLISON. I call the attention of the Senator to the fact that the Committee on Appropriations reported favorably last year on the purchase of the Maltby building, so that we have some knowledge of the subject.

Mr. COCKRELL. And we had to yield that item in conference.

The Bureau of Education is without any building at all. The Land Office and the Patent Office are partly housed in the Interior Department building. The Bureau of Education, which belongs to that Department, has no portion of its existence inside the Interior Department building. The Indian Office, I believe, has now been entirely moved from the Interior Department.

The Geological Survey, which belongs also to that Department, is not occupying any of that building, and the Census Office is not occupying any part of that building. That office may be considered temporary in one sense of the word, and yet there ought to be some rooms in the Interior Department proper where the headquarters of the Census Office could be kept. We need buildings for the Bureau of Education, for the Indian Office, and for the Geological Survey, independent of the Interior Department. We need also additional room somewhere in the Interior Department for the Land Office and for the Patent Office.

I wish to call the attention of the Senate to another question, and that is to the public schools of the District of Columbia. Here we find several thousand dollars paid out for the rent of buildings for school purposes in the District of Columbia. I do not know whether that is the fault of the Committee on the District of Columbia or of the Committee on Appropriations. I can testify that the distinguished junior Senator from Kansas [Mr. PLUMB] and the senior Senator from Massachusetts [Mr. DAWES] have been very diligent in trying to secure the erection of a sufficient number of public-school buildings in the District of Columbia to accommodate the pupils; but we have never yet been able to secure acquiescence or concurrence in the provisions we have made.

We have had made known to us from year to year that there were anywhere from 1,000 to 1,800 school children in the District of Columbia who were not provided for in any public building we had erected, and we had to rent buildings here and there to accommodate them.

Mr. President, there is another little item to which I am sure the attention of the Senate has never before been called, and that is that we are paying out for the luxury of our District militia the sum of $5,000 in one item, $1,500 in another, $900 in another, $1,200 in another, $1,000 in another, $2,400 in another, $1,296 in another, $120 in another, and $1,800 in another. These are the amounts which we are paying simply for quarters for the District militia.

No provision has been made for the District of Columbia and our whole governmental machinery for the District is without a public building. I hope the Committee on Public Buildings and Grounds will take this subject up and report bills to the Senate for the erection of public buildings for specific purposes so far as the Departments of the Government are concerned. The Committee on the District of Columbia should take up the question of providing accommodations for the District business and report bills for the erection of public buildings for the use of the District.

We find it very difficult to secure through the Committee on Appropriations the necessary appropriations for such buildings. We have taken jurisdiction of the question of school buildings and we have appropriated for them from year to year, but, I presume, if a question of order should be raised that we were undertaking on an appropriation bill to provide for the erection of a public building for the officers of the District of Columbia, the commissioners and others, such an amendment would be ruled out. We ought to have these buildings. We need them, absolutely need them, and it is an extravagance and waste not to provide them, and there is no economy in the world in it.

In regard to the Department of Labor, that belongs to the Interior Department, and yet we have no place for it, and it is a permanent bureau, and will remain so for all time to come.

We have the Interstate Commerce Commission, paying for the rent of a building, $11,480, which is equivalent to purchasing a building which would cost over $300,000, even counting the interest at 3 per cent., or nearly $400,000. Some building ought to be provided for

that bureau. That is a permanent bureau, and where these bureaus are permanent and will continue public buildings ought to be erected for them.

There are some of the offices named in this document that may pass away in time. Some of the buildings now used for census purposes will not be needed hereafter, and the same is true of some of the buildings that are used for the office of the Records of the Rebellion. It is to be hoped that in process of time we shall get these records published, as no new ones are being made, I believe, and we certainly ought to dispose of the old records on hand and have them published. Then that office will be done away with and pass out of existence in time with some others.

I simply desire to assure my colleague and the Committee on Public Buildings and Grounds that the Committee on Appropriations will heartily co-operate with them in securing the necessary public buildings for the absolute necessities of the Government in the District of Columbia, and for the District government also.

Mr. WASHBURN. Mr. President——

Mr. VEST. Will the Senator permit me to say a word to my colleague?

Mr. WASHBURN. Certainly.

Mr. VEST. It is absolutely impossible to secure these appropriations unless they are put in a general appropriation bill. We have passed here three times in the Senate, as I distinctly remember, a bill providing for a hall of records, which was unanimously reported from the Committee on Public Buildings and Grounds and unanimously passed the Senate, and yet the other co-ordinate branch of Congress refused to separately consider that bill or any other bill of that character.

Mr. COCKRELL. They have adopted that.

Mr. VEST. Oh, no.

Mr. COCKRELL. I thought they had.

Mr. VEST. That has never become a law.

Mr. WASHBURN. Mr. President, it seems to me that some other and more opportune occasion might be taken to discuss the general question of public buildings. It is not germane on this bill.

The VICE PRESIDENT. The report under consideration is a privileged report.

Mr. WASHBURN. The conference report now before the Senate is on a bill which passed the Senate at the last session of Congress, appropriating $150,000 to construct a public building in my own State at one of the most important points in that State. It finally came back to the Senate cut down to $90,000, which is much less than it should have been. The conference report had once been agreed to. It now appears that there are some clerical errors which the Senator from Wisconsin [Mr. SPOONER] desires to have corrected. It occurs to me, therefore, that after all the time which has been expended in discussing other questions which have no connection with this report we ought now to have immediate action upon it.

The VICE PRESIDENT. The question is on concurring in the report of the conference committee.

The report was concurred in.

SITE OF GUN FACTORY ON PACIFIC COAST.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Chief Clerk read the resolution submitted yesterday by Mr. MITCHELL, as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to transmit to the Senate, at his earliest convenience copies of all recommendations and statements of boards of trade, chambers of commerce, and other representative commercial bodies, and of all municipal corporations, together with copies of all petitions, statements, documents, and other papers whatsoever, at any time heretofore presented since the 1st day of October last, either directly to the War Department, or to the military board heretofore appointed under the provisions of an act of the last session of the present Congress, approved August, 1890, for the purpose of examining into the facilities for producing steel forgings and for the purpose of selecting a site for the location and establishment of a gun factory on the Pacific coast, which relate to the subject of a site for such gun factory, and submitted in the nature of information, and as showing the commercial and military importance and other facilities of the several sites suggested to such board as proper to be considered as suitable and proper sites for such purpose.

Mr. COCKRELL. I call attention to the language of the resolution. Do I understand it to say "petitions?"

Mr. MITCHELL. In order to meet the objection made by the Senator from Maryland [Mr. GORMAN] yesterday, I desire to modify the resolution by striking out the word "petitions," and then inserting after the words "and other papers whatsoever," the words "except petitions."

The VICE PRESIDENT. The Chair understood that that was done yesterday.

Mr. GORMAN. Please state that again.

Mr. MITCHELL. As I propose to modify it that part of the resolution will then read:

Copies of all recommendations and statements of boards of trade, chambers of commerce, and other representative commercial bodies, and of all municipal corporations, together with copies of all statements, documents, and other papers whatsoever, except petitions.

I ask for the adoption of the resolution as modified.

Mr. GORMAN. Let the modification proposed by the Senator from Oregon be reported.

The VICE PRESIDENT. The modification will be stated.

The CHIEF CLERK. It is proposed to amend the resolution so as to read:

Resolved, That the Secretary of War be, and he is hereby, directed to transmit to the Senate at his earliest convenience copies of all recommendations and statements of boards of trade, chambers of commerce, and other representative commercial bodies, and of all municipal corporations, together with copies of all statements, documents, and other papers whatsoever, except petitions, at any time heretofore presented since the 1st day of October last, etc.

Mr. MITCHELL. I have modified the resolution so as to read in that way.

The VICE PRESIDENT. That modification will be made. The question is on agreeing to the resolution as modified.

Mr. GORMAN. Mr. President, of course I shall not object to this resolution, as I would not object to any other resolution asking for information from one of the Departments. It is the right of any Senator to have such information and he ought to have it. But in view of the fact that by the appropriation act of a year or two ago we made provision for the appointment of a board of eminent officers to examine into the question of a site for gun factories on the Pacific coast, in the Mississippi Valley, and on the South Atlantic, whose report I have not yet seen, though I think they will make a very full and complete statement, showing the advantages of all these places, as well as Rock Island and points on the Sound and San Francisco and those upon the Gulf, I suggest to the Senator that they will unquestionably give us in the concrete all that is to be said about it.

It does seem to me that if we follow that up with a resolution as broad as this, asking for all the arguments of boards of trade and all the statements that can be made by commercial bodies and corporations, we will naturally, when we get that information, drift into purely local fights in the determination of a question in which the whole country is deeply interested.

Mr. MITCHELL. My answer to that is this: The board have already made their report to the Secretary of War, and that report has been transmitted to the Senate through the President.

Mr. GORMAN. What is the number of that report?

Mr. MITCHELL. It is Senate Executive Document No. 16. The duties imposed upon the board were:

First, to "inquire into the facilities for producing steel forgings for high-power guns" at certain designated localities and within the limits of certain broad areas of the national territory; second, to inquire as to "the advisability of erecting gun factories for finishing and assembling high-power guns, to be mounted in fortifications;" third, "to examine and report as to the capacity and cost of erection and equipment of each of such gun factories."

This board report that they have considered themselves limited by the existing law in reporting as to the site of a gun factory on the Pacific coast to Benicia, in the State of California. They felt it their duty, however, under the act authorizing their appointment, to consider the various sites on the Pacific coast to which their attention was called; and in that connection they report that they did visit and examine various places on the Pacific coast, that is to say, Tacoma, Seattle, and Port Townsend, on Puget Sound; Portland, Astoria, and Vancouver, in the northern part of the State of Oregon; San Francisco, in the central portion, and San Diego, in the southern portion of California. Then in the Gulf States they examined three points, San Antonio, New Orleans, and Mobile, Ala.

The Secretary of War, in transmitting this report to the President, by communication dated December 16 last, says:

By the terms of the act the commission were restricted in their inquiries as to the advisability of erecting a gun factory on the Pacific coast to the location at the Benicia arsenal; while in their inquiries into the facilities for producing steel forgings for high-power guns they were unrestricted as to locality. In my opinion, if a gun factory is established on that coast—

And he recommends it very strongly—

its proper location may depend largely upon its proximity to or convenience of communication with the establishments producing the steel forgings, and therefore the location of the gun factory should not be definitely decided until the production of the forgings can be settled.

My point is simply this: That in view of the recommendation of the Secretary of War that Congress should not without further information select the proper point where the steel forgings can be produced, select a site for the establishment of a gun foundry, we ought to have all the information on this point presented to the board by various localities, such as San Francisco, Portland, Astoria, Vancouver and other points on Puget Sound; and that we should have here the evidence, so to speak, which was submitted to this board showing the facilities of the various points. That is all that my resolution calls for.

Mr. GORMAN. That is precisely what I supposed the Senator from Oregon desired to do, but I think that in the form in which he presents the resolution it will not accomplish his purpose. I think myself—only having seen an abstract of the report in the newspapers, not having seen a full copy of the report at all—that the board did consider themselves limited in the scope of their inquiry, and the report is not full and complete, so that it would be impossible for Congress to act intelligently on the report which was submitted. That I agree to. But if you call now only for the documents and the petitions and memorials of the boards of trade, practically——

Mr. MITCHELL. Statistics more particularly; that is what I am after; statements of fact.

Mr. GORMAN. The statistics will be incomplete, for this reason: A few localities present very full statements covering the facts in their immediate vicinity, but others did not take the opportunity to do so; they supposed that the board itself would inquire into it. So all the information you will get under the resolution will be but partial and incomplete.

Now, there is but one way, in my judgement, to proceed. If we intend to make a thorough and fair examination, we should by a provision of law direct that this board shall look into the matter more thoroughly; and in order to do that we should give them full and complete power to ascertain all the facts the Senator suggests. Otherwise we shall be at a great disadvantage in considering the matter.

I have no doubt that we shall be pressed at this very session to make some appropriation of money for another gun foundry. I know we shall be pressed—as my friend from Massachusetts [Mr. DAWES] also knows—to make enormous appropriations for one gun factory. We have one at Watervliet, the general idea of the Department being, and I think I am perfectly accurate in saying so, to get all the appropriations now possible, and to make that the only gun factory, under the control of the Army, in the country, and to the exclusion even of all private enterprises.

I do not want to object to any information that the Senator from Oregon asks for on this or any occasion; but before the resolution passes I desire to say that when that information comes here it must be partial and must be recognized as partial and incomplete. The resolution does not cover the case. In justice to all sections of the country, I think the board should be authorized to complete that investigation.

We have a great factory at Rock Island, and there is a pressure from all that section of the country to utilize it. Probably it ought to be utilized. I doubt very much, from what I have heard, whether the people in the vicinity of Rock Island, having already there a Government factory, undertook to supply the information that other localities have where they have no Government enterprise whatever.

Of course in the end I shall not object to the consideration of the resolution; but I do trust that our action will take the form of enlarging the powers of this board, so as to let the board make to the next Congress a full report upon a complete investigation.

Mr. MITCHELL. Mr. President, this is a very simple matter. The resolution simply calls for such information as I think every member of the Senate will deem of importance in the consideration of this subject when it comes up. Of course it is conclusive of nothing. There are various candidates, so to speak, for this site on the Pacific coast. Various towns, the town where I reside (Portland, Oregon), Vancouver in Washington, and other places on Puget Sound, in the State of Washington, and other places in California, and on the Pacific coast, went to considerable trouble in getting statistics and facts together showing the facilities at various points for producing steel forgings and showing the commercial and military importance of respective points.

Now, that will all be lost; we shall not get the benefit of it, as none of those facts or statements are transmitted with the report of the board; and all I ask is that they may be sent here for whatever they are worth. They are conclusive as to nothing, but they may aid the Senate in considering the matter when we come to act upon it.

Mr. ALLEN. Mr. President, I wish to make an inquiry of the Senator from Oregon. I have read the report to which the Senator has referred, and I notice, as the Senator did, that the evidence upon which the report is based has not yet been transmitted to Congress. How exhaustive that evidence may be I do not know. But I wish to inquire of the Senator from Oregon why it is that he limits this showing, which he requires to be made additionally, to the 1st day of October.

Mr. MITCHELL. I simply fix that limit because nothing could have been presented to the board or to the War Department, in connection with the duties of the board, prior to that time, from the fact that the board was only organized a short time before that date.

Mr. ALLEN. Upon that point I am not fully informed. It seems to me, however, that it should be the object of the inquiry to get all the information and data possible, and not to limit it by a specific date.

Mr. MITCHELL. I have no objection to that, if the Senator thinks it advisable. I thought it was better to place a limit.

Mr. DAWES. Will the Chair have the resolution read? Let us see what it is.

The Chief Clerk read the resolution, as modified.

Mr. DAWES. I move to amend the resolution by striking out the limitation and inserting the words "in the possession of the Department at this time."

Mr. MITCHELL. I have no objection to that.

Mr. DAWES. And also to extend the resolution so as to cover all examinations held by the commission.

Mr. GORMAN. It does now.

Mr. MITCHELL. It includes all that now.

Mr. DAWES. It is confined to the Pacific coast. I want it to include all the evidence submitted to the commission in the execution of its duties, whatever kind of evidence it may be.

Mr. ALLISON. I ask the Senator from Oregon to allow the resolution to go over until to-morrow. My attention was not called to the question until this moment. This board was appointed under a clause in the fortifications appropriation act of last year, which I think was passed some time in August.

Mr. MITCHELL. On the 18th of August.

Mr. ALLISON. The board was authorized to make an investigation in the interior of our country, on the Gulf coast, and on the Pacific coast. The board, as I understand it, was not organized until about the 1st of October.

Mr. MITCHELL. About that time.

Mr. ALLISON. Here is a report which comes in as Executive Document No. 16, giving an entire statement as respects their doings and conduct. I venture to submit to the Senator from Oregon that the board have occupied a much shorter time in the examination and investigation of this matter than the clause of the appropriation act indicated.

Now, if we are to have brought in here simply petitions of boards of trade, commercial bodies, etc., respecting particular localities, that seem to have information upon this subject, it seems to me that it is foreclosing this case prematurely. There are a great many people in the heart of this continent who believe that it would be wise to place a gun factory in the interior, in the neighborhood of, or at least in close juxtaposition to, the great mineral resources of the States of Wisconsin and Michigan, where the Government has already expended large sums of money. They are not ready, I will say to the Senate, to be foreclosed on an examination extending from one end of this country to the other, beginning in October and ending in December.

Mr. MITCHELL. How does the report of the board or how will this resolution, if passed, foreclose anybody?

Mr. ALLISON. I have not had time to examine the report. The board have not, as I understand it, concluded their work. What I desire is that, if they have concluded their work, then some other board should take it up and make a further examination. I see a single sentence in this report which says that they do not deem it advisable to erect a gun factory in the heart of the continent, and they give no reasons therefor.

Now, Mr. President, this is an important question. We have appropriated money day by day and year by year for an expensive gun factory in the East at what is known as the Watervliet arsenal. Several steps have been taken whereby that location has been made in the East, and now it is proposed to establish another gun factory. I shall not perhaps oppose the establishment of such a factory on the Pacific coast, but when we are going into that question in further detail I, for one, want the benefit of the evidence of all engineers, as contemplated in the fortifications appropriation act, and not a perfunctory report applying only to one section of the country.

Mr. MITCHELL. That is just precisely what I want, Mr. President. I think myself that the report is perfunctory and does not cover the ground that was contemplated by the act, and for that reason I desire to get certain information.

Mr. ALLISON (to Mr. MITCHELL). Let the resolution go over.

Mr. MITCHELL. I shall let it go over in a moment. Of course it forecloses nobody. I am perfectly willing that all the information which can be produced from the interior, from the States of my friends from Iowa and Illinois, shall be procured. But, as the Senator from Iowa desires the resolution to go over, I am willing that it shall be passed over. However, I give notice that at an early day I shall call it up again.

Mr. CULLOM. Mr. President, I simply desire to say that I had supposed on the first discussion here that this matter pertained entirely to the question of locating an arsenal or something of that kind on the Pacific coast, and hence I gave no particular attention to it. I have not read the report, and I hope the Senator from Oregon will allow the resolution to go over until we can see what the report is.

Mr. MITCHELL. I am willing that the resolution shall go over until to-morrow.

The VICE PRESIDENT. The resolution goes over, objection being made.

Mr. PLUMB. Before it goes over I want to say a word.

The VICE PRESIDENT. Is there further morning business?

Mr. GORMAN. Mr. President——

Mr. PLUMB. I only wanted to make a suggestion in connection with this resolution before it went over. I wanted to ask the Senator from Oregon whether it would not answer his purpose just as well for the Senate to consider that for the purpose of establishing a gun factory on the Pacific coast every man, woman, and child, every organization of any kind there, is in favor of it, and therefore let us treat it in that way, and thereby save the printing of a large amount of entirely useless matter.

Mr. MITCHELL. Mr. President, one word. Knowing the Senator from Kansas as long as I have and knowing his great ability and general good common sense, I am simply amazed at any such statement as that.

Mr. DAWES. As this whole matter will come up in a day or two on the fortifications appropriation bill, when it can be debated deliberately, I hope the resolution will go over.

The VICE PRESIDENT. The resolution has gone over.

Mr. GORMAN. I suggest to the Senator from Oregon that if he wants to get his resolution up again he had better have it understood that it will come up to-morrow.

Mr. ALDRICH. I call for the regular order.

Mr. CULLOM. Let us have the regular order. We shall bring up the resolution in due time.

The VICE PRESIDENT. The resolution will go to the Calendar.

Mr. GORMAN. The Senate has not voted on a motion to postpone the resolution——

Mr. ALDRICH. Regular order.

Mr. GORMAN. I desire to suggest to the Senator from Oregon that as the Senate has not yet voted on the resolution, under the ruling of the Chair, if he permits the resolution to go over this morning without an understanding that it shall come up regularly to-morrow, it will go to the Calendar.

Mr. ALDRICH. I rise to a question of order. Debate is not in order.

Mr. MITCHELL. Mr. President——

The VICE PRESIDENT. The Senator from Rhode Island will state his question of order.

Mr. ALDRICH. That there is no question before the Senate.

Mr. GORMAN. This resolution has been before the Senate, and the Senate has not yet voted on it nor disposed of it.

Mr. ALDRICH. It has gone over.

Mr. HARRIS. How has it gone over?

The VICE PRESIDENT. Objection being made, the——

Mr. GORMAN. I was on the floor addressing the Chair.

Mr. HARRIS. Is it a resolution that came over on objection from yesterday?

The VICE PRESIDENT. It was submitted yesterday; it came over from yesterday's session.

Mr. HARRIS. And was laid before the Senate this morning?

The VICE PRESIDENT. It was laid before the Senate this morning.

Mr. HARRIS. Then it is not subject to the objection of a single Senator.

Mr. GORMAN. Certainly not.

Mr. HARRIS. It is properly before the Senate.

Mr. GORMAN. And I have the floor upon it.

Mr. HARRIS. It must be disposed of by the Senate in the morning hour.

The VICE PRESIDENT. The Chair understood that there was no objection to the resolution going over.

Mr. GORMAN. No; I was on the floor.

Mr. MITCHELL. I asked myself that the resolution go over.

The VICE PRESIDENT. Senators will allow the Chair to state his understanding, subject, of course, to the pleasure of the Senate. The Chair understood that objection was made to the further consideration of the resolution, and on the request of the Senator from Oregon [Mr. MITCHELL] the Chair announced that the resolution would go over, no objection being made to that suggestion.

Mr. GORMAN. The Chair may not have observed it, but I was on the floor addressing the Chair.

The VICE PRESIDENT. The announcement of the Chair is a matter of no consequence if the Senator states he was on the floor at the time, and the resolution is before the Senate.

Mr. MITCHELL. I desire to state to the Senator from Maryland that while I occupied the floor, at the request of the Senator from Iowa [Mr. ALLISON] that the resolution should go over, I consented that it should go over; and I myself asked that it should go over until to-morrow.

Mr. GORMAN. Mr. President, I understand perfectly that when a resolution is before this body it can not be disposed of except by a vote of the body. We would all respect the request of the Senator from Oregon, but this matter can not be thrown out of the Chamber without a vote of this body. When I addressed the Chair (I presume the Chair did not see me, and, of course, I accept his statement) I had risen for the purpose of saying to the Senator from Oregon that if he wanted his resolution passed—and as I had brought on this discussion I felt bound to make the suggestion—and if he permitted the resolution to go over until to-morrow, it would go to the Calendar.

Mr. MITCHELL. I understand that perfectly well, under the ruling of the Chair, unless by unanimous consent it can be taken up to-morrow. I therefore ask unanimous consent——

Mr. GORMAN. I was about to suggest to the Senator from Oregon, and I thought it was due to him that the suggestion should be made——

Mr. MITCHELL. If the Senator from Maryland will permit me, I now ask the unanimous consent of the Senate that the resolution may go over until to-morrow, and that instead of going to the Calendar, under the ruling of the Chair, it may lie on the table to be called up at the conclusion of the routine morning business to-morrow.

The VICE PRESIDENT. Is there objection to the request made by the Senator from Oregon [Mr. MITCHELL]? The Chair hears none. Is there further morning business?

Mr. PADDOCK. I did not understand the request as to the resolution. I wish to ask if that will interfere with the general rule under which we shall go to the consideration of the Calendar under Rule VIII to-morrow morning.

Mr. GORMAN. Yes, sir.

The VICE PRESIDENT. The Chair understands that it will be his duty to again lay the resolution before the Senate, it going over by unanimous consent with that understanding.

REPRINT OF A REPORT.

Mr. FAULKNER. Mr. President, I ask unanimous consent that a report made by myself as a member of the Committee on the District of Columbia July 18, 1890, to accompany the bill (S. 4119) granting the right of way to the Metropolitan Southern Railroad Company through the property of the United States in Montgomery County, Maryland, be reprinted. My attention, as well as the attention of the committee, has been called by the Chief Engineer of the War Department to several typographical errors in the original print of the report, and they are important errors. So the committee deem it proper that the report should be reprinted in order to have those errors corrected.

Mr. COCKRELL. I would suggest that, instead of reprinting, the order ought to be to withdraw all the copies of the erroneous report and then to print it anew.

Mr. FAULKNER. I will accept the suggestion of the Senator from Missouri, and ask unanimous consent that Report No. 1525 be withdrawn from the files of the Senate and that the same be reprinted in a corrected form.

Mr. HARRIS. I suggest to my friend from West Virginia whether the request had not better be that the report be recommitted. It can then be reported back just so soon as the errors shall have been corrected; and then it will be printed correctly as the report of the committee. I think that is the more regular form.

Mr. FAULKNER. The original report is absolutely correct. All the errors are typographical in the report as it came from the printer.

Mr. HARRIS. I shall not interfere further.

Mr. FAULKNER. The reprint will be from the original report, which is correct.

The VICE PRESIDENT. The report will be reprinted if there be no objection.

Mr. FAULKNER. The incorrect report will be withdrawn from the files of the Senate.

The VICE PRESIDENT. That order will be made. Is there further morning business? If there be no further morning business the Calendar under Rule VIII is in order.

LIMITATION OF DEBATE.

Mr. ALDRICH. I move that the Senate proceed to the consideration of the resolution submitted by me on the 29th of December, 1890, Order of Business No. 35 upon the Calendar of Resolutions.

The VICE PRESIDENT. The question is on the motion of the Senator from Rhode Island.

Mr. BERRY. Let the motion be restated. It could not be heard on this side of the Chamber.

The VICE PRESIDENT. Will the Senator from Rhode Island restate his motion?

Mr. ALDRICH. I move to proceed to the consideration of the resolution submitted by me on the 29th of December, 1890, being Order of Business No. 35 on the Calendar of Resolutions.

Mr. HARRIS. Let the resolution be read for information, Mr. President.

The VICE PRESIDENT. The resolution will be read.

The Chief Clerk read the resolution submitted by Mr. ALDRICH December 29, 1890, as follows:

Resolved, That for the remainder of this session the rules of the Senate be amended by adding thereto the following:

"When any bill, resolution, or other question shall have been under consideration for a reasonable time it shall be in order for any Senator to demand that debate thereon be closed. On such demand no debate shall be in order, and pending such demand no other motion except one motion to adjourn shall be made. If such demand be seconded by a majority of the Senators present, the question shall forthwith be taken thereon without debate. If the Senate shall decide to close debate on any bill, resolution, or other question, the measure shall take precedence of all other business whatever, and the question shall be put upon the amendments, if any, then pending, and upon the measure in its successive stages according to the rules of the Senate, but without further debate, except that every Senator who may desire shall be permitted to speak upon the measure, including all amendments, not more than once and not exceeding thirty minutes.

"After the Senate shall have decided to close debate as herein provided, no motion shall be in order but to adjourn or to take a recess, when such motions shall be seconded by a majority of the Senate. When either of said motions shall have been lost or shall have failed of a second, it shall not be in order to renew the same until one Senator shall have spoken upon the pending measure or one vote upon the same shall have intervened.

"Pending proceedings under the foregoing rule no proceeding in respect of a quorum shall be in order until it shall have appeared on a division or on the taking of the yeas and nays that a quorum is not present and voting.

"Pending proceedings under the foregoing rule all questions of order, whether upon appeal or otherwise, shall be decided without debate, and no obstructive or dilatory motion or proceedings of any kind shall be in order.

"For the foregoing stated purposes the following rules, namely, VII, VIII IX, X, XII, XIX, XXII, XXVII, XXVIII, XXXV, and XL, are modified."

The VICE PRESIDENT. The question is on the motion of the Senator from Rhode Island, that the Senate proceed to the consideration

of the resolution which has just been read. [Putting the question.] The ayes appear to have it; the ayes have it, and the motion is agreed to.

Mr. HARRIS. Mr. President, I rise to a question of order.

The VICE PRESIDENT. The Senator will state his point of order.

Mr. HARRIS. Rule XL provides that—

No motion to suspend, modify, or amend any rule, or any part thereof, shall be in order, except on one day's notice in writing, specifying precisely the rule or part proposed to be suspended, modified, or amended, and the purpose thereof.

The Senator from Rhode Island introduced on one day a precise and literal copy of the pending resolution, and on a subsequent day introduced the pending resolution, the two I believe being literal copies of each other. The resolution, or at least the notice required, does not call attention to the part of any rule that is proposed to be modified, or amended, or suspended, but it simply presents the resolution, leaving the Chair and every Senator to find out for themselves what particular part of the rules it is that he specifies as rules to be modified or suspended. I do not think the resolution——

Mr. ALDRICH. I should like to ask whether debate is in order.

Mr. HARRIS. I do not propose to debate, but I propose to state my point of order. I do not think the notice served by the Senator from Rhode Island is sufficiently specific in that regard.

But there are other points that I think so absolutely and so clearly fatal to the notice that the Senator from Rhode Island will himself yield to them. The rules that the Senator gives notice he proposes to modify, suspend, or amend are VII, VIII, IX, X, XII, XIX, XXII, XXVII, XXVIII, XXXV, and XL. Now, I want to call the attention of the Chair and the Senator from Rhode Island to line 29——

Mr. ALDRICH. Mr. President, I shall not object to this discussion provided it is understood that a similar privilege is to be extended to me or to some Senator on this side.

Mr. HARRIS. I shall certainly not object to the Senator's being heard, but I protest that I am stating the point of order that I raised and that I am not debating.

Mr. ALDRICH. I do not think the Senator is stating a point of order. I think he is debating a point of order.

Mr. HARRIS. I am reading the rule and calling attention to provisions of it. I shall certainly not object to the Senator's being heard to any extent he may desire to be heard.

Now, Mr. President, I call attention to line 29 of the proposed rule:

Pending proceedings under the foregoing rule no proceeding in respect of a quorum shall be in order until it shall have appeared on a division or on the taking of the yeas and nays that a quorum is not present and voting.

In this connection I call attention to Rule V, which is not one of the rules specified in the notice of the Senator to be amended, or modified, or abrogated. The second clause of Rule V provides that—

If, at any time during the daily sessions of the Senate, a question shall be raised by any Senator as to the presence of a quorum, the Presiding Officer shall forthwith direct the Secretary to call the roll and shall announce the result, and these proceedings shall be without debate.

The rule proposed abrogates the second clause of Rule V in express terms, because it declares that there shall be no proceeding in respect of a quorum until the absence of a quorum is developed by a division of the Senate or a vote upon the yeas and nays.

Then, Rule XX is not specified in the notice of the Senator from Rhode Island as a rule to be amended, or modified, or abrogated; and yet, beginning in line 33 of his pending resolution, you will find the following language:

Pending proceedings under the foregoing rule all questions of order, whether upon appeal or otherwise, shall be decided without debate, and no obstructive or dilatory motion or proceeding of any kind shall be in order.

But all appeals are to be decided without debate under the proposed rule. Now, when I have read Rule XX I shall have stated my point of order:

RULE XX.

A question of order may be raised at any stage of the proceedings except when the Senate is dividing, and, unless submitted to the Senate, shall be decided by the Presiding Officer without debate, subject to an appeal to the Senate; when an appeal is taken any subsequent question of order, which may arise before the decision of such appeal, shall be decided by the Presiding Officer without debate.

Mr. GEORGE. Mr. President——

Mr. HARRIS. It will be seen that the proposed rule radically changes Rule XX. That is my point of order, that the notice does not specify Rule V or Rule XX as rules to be modified, or amended, or abrogated; and Rule XL expressly requires that they shall be specified in the notice.

Mr. GEORGE. Mr. President, I rise to a question of order.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated by title.

The CHIEF CLERK. A bill (H. R. 11045) to amend and supplement the election laws of the United States, and to provide for the more efficient enforcement of such laws, and for other purposes.

Mr. ALDRICH. Mr. President——

The VICE PRESIDENT. The Senator from Rhode Island.

Mr. ALDRICH. I move to proceed to the consideration of the resolution which has just been before the Senate.

Mr. GEORGE. Mr. President, I am entitled to the floor; I am on the floor.

The VICE PRESIDENT. The Senator from Mississippi——

Mr. GEORGE. I do not think I can be taken from the floor by the action of any Senator.

The VICE PRESIDENT. The Chair recognizes the Senator from Mississippi as being entitled to the floor.

Mr. EDMUNDS. Mr. President, I rise to a question of order.

Mr. GEORGE. Mr. President——

Mr. EDMUNDS. I rise to a question of order.

The VICE PRESIDENT. The Senator from Vermont will state his point of order.

Mr. EDMUNDS. My point of order is that this being a question of privilege about the rules of the Senate it supersedes all other business. I do not insist upon it, because I am perfectly willing that the Senator from Mississippi shall go on, but I do not wish this to be taken into a precedent——

Mr. GEORGE. I am on the floor and the Senator can not take me off.

Mr. EDMUNDS. I do not wish this to be taken into a precedent that on the admission of a Senator or disorder in the Senate Chamber, or any other matter of that kind, there is to be overthrown all the ordinary Calendar of business.

Mr. BLACKBURN. Mr. President, I should want it understood that we do not yield the point made by the Senator from Vermont that this is a question of privilege at all.

Mr. ALDRICH. Do I understand——

Mr. GEORGE. I decline to yield to anybody now.

Mr. ALDRICH. Do I understand that the Senator from Mississippi declines to yield to me for the purpose of making the motion which I have indicated?

Mr. GEORGE. Yes, sir; I decline to yield to anybody. I am a yielding man; I have yielded until I am nearly out of court, and I propose now, being on my feet, to occupy the floor until I get through with what I have to say, and I say that with the greatest respect for my friend, the Senator from Rhode Island.

UNITED STATES ELECTIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11045) to amend and supplement the election laws of the United States and to provide for the more efficient enforcement of such laws, and for other purposes.

Mr. GEORGE. Has the exodus been completed, Mr. President?

The VICE PRESIDENT. The Chair can not hear the Senator, there is so much confusion in the Chamber.

Mr. GEORGE. I inquired if the exodus had been completed.

The VICE PRESIDENT. Business will be suspended until order has been restored. [A pause.] The Senator from Mississippi will proceed.

Mr. FRYE. I desire to ask the Senator a question.

Mr. GEORGE. You may ask it.

Mr. FRYE. He kindly gave this side time to retire. Is he not going to extend his courtesy to his own side later?

Mr. GEORGE. Of course. They do not make so much noise over here in retiring; they go out one by one.

Mr. FRYE. Yesterday I was sitting in my seat with four on the other side.

Mr. GEORGE. After having listened to the witticism of the Senator from Maine, I suppose now that the Senate can compose its mind to a consideration of the very great and important questions to which it is my privilege to call its attention.

The VICE PRESIDENT. The Senator from Mississippi will proceed.

Mr. GEORGE continued his speech, and after having spoken for three hours,

Mr. BUTLER said: Will the Senator from Mississippi allow me to interrupt him?

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from South Carolina?

Mr. GEORGE. Yes, sir.

Mr. BUTLER. I want to get the provision of law, if I can lay my hand on it, which provides for the election of members of Congress. [A pause.]

Mr. GEORGE. Does the Senator from South Carolina desire to ask me a question?

Mr. BUTLER. Yes. I merely want to get permission to present this view of the case before the Senator takes his seat, that is to say, to read the election law as it now is in order to show one reason why there is no need for the passage of the pending bill, if the Senator will permit me to interrupt him.

Mr. GEORGE. I have very little more to say anyhow, and I will say it after awhile. I am willing to be interrupted; I am a little tired now.

Mr. BUTLER. Mr. President, by the permission of the Senator from Mississippi, I ask to have read chapter 2 and chapter 3 of the Revised Statutes of the United States. The Clerk will please begin to read at chapter 2.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

CHAPTER 2.

APPORTIONMENT AND ELECTION OF REPRESENTATIVES.

SEC. 20. After the 3d day of March, 1873, the House of Representatives shall be composed of 292 members, to be apportioned among the several States as follows:

Maine, 5; New Hampshire, 3; Vermont, 3; Massachusetts, 11; Rhode Island, 2; Connecticut, 4; New York, 33——

Mr. HOAR. I should like to inquire what the Secretary is engaged in reading. I do not understand.

Mr. BUTLER. I have tried to get hold of the chapter of the Revised Statutes which regulates the election of members of Congress. I believe it is the next chapter or the next section.

Mr. HOAR. Does the Senator desire to have read a list of the forty-four States with the number of Representatives allowed?

Mr. BUTLER. No, sir; I do not care about having that read. I think it is the section following that I want read.

The Secretary read as follows:

SEC. 21. Whenever a new State is admitted to the Union, the Representatives assigned to it shall be in addition to the number 292.

SEC. 22. Should any State deny or abridge the right of any of the male inhabitants thereof, being twenty-one years of age and citizens of the United States, to vote at any election named in the amendment to the Constitution, Article XIV, section 2, except for participation in the rebellion or other crime, the number of Representatives apportioned to such State shall be reduced in the proportion which the number of such male citizens shall have to the whole number of male citizens twenty-one years of age in such State.

SEC. 23. In each State entitled under this apportionment to more than one Representative, the number to which such State may be entitled in the Forty-third and each subsequent Congress shall be elected by districts composed of contiguous territory, and containing as nearly as practicable an equal number of inhabitants, and equal in number to the number of Representatives to which such States may be entitled in Congress, no one district electing more than one Representative; but in the election of Representatives to the Forty-third Congress in any State to which an increased number of Representatives is given by this apportionment, the additional Representative or Representatives may be elected by the State at large, and the other Representatives by the districts as now prescribed by law, unless the Legislature of the State shall otherwise provide before the time fixed by law for the election of Representatives therein.

SEC. 24. On the first Wednesday in September, in the year 1874, there shall be elected in each Congressional district in the State of California one Representative to represent said State in the Forty-fourth Congress.

Mr. BUTLER. I will not ask the Secretary to read further. What I want now to get hold of is the section which relates to the appointment of supervisors, if the Secretary will hand me the book.

Mr. MORGAN. If the Senator from South Carolina wishes to have that provision read and if the Senator from Mississippi [Mr. GEORGE] is through with his argument, I should like to take the floor upon this bill. As I propose to discuss that matter, I can have that provision read.

Mr. ALDRICH. We on this side of the Chamber can not hear the Senator from Alabama at all.

Mr. MORGAN. I said I would take the floor upon the pending bill.

Mr. ALDRICH. I object to that.

The VICE PRESIDENT. The Chair has the name of the Senator from Rhode Island [Mr. ALDRICH] next on the list.

Mr. MORGAN. How is that, Mr. President?

Mr. HOAR. The Senator from Mississippi has not yielded the floor.

Mr. ALDRICH. Do I understand that the Senator from Mississippi has yielded the floor?

Mr. GEORGE. Oh, no, sir; I have the floor yet. I have been so much in the habit of having the floor of late that I may not know how to yield it.

Mr. HOAR. Then let the Senator from Mississippi go on.

Mr. MORGAN. Mr. President, I do not wish to violate any usage of the Senate in claiming the floor.

Mr. ALDRICH. I do not understand how one Senator can take the floor before another Senator concludes.

Mr. MORGAN. But at the same time I understand that it is a violation of the rule of the Senate, when a Senator rises and is recognized by the Chair, or if the Chair first sees him he is bound to recognize him, to make an agreement beforehand to parcel out the floor to one Senator or another.

Mr. SHERMAN. I should like to say that a Senator can hardly arrange to parcel out the floor either.

Mr. EDMUNDS. I insist on the regular order.

Mr. GEORGE. I am entitled to the floor.

The VICE PRESIDENT. The Senator from Mississippi will proceed.

Mr. GEORGE. I will yield to the Senator from South Carolina [Mr. BUTLER].

Mr. BUTLER. In order that the Senator from Alabama may not have the trouble of looking up this chapter, as I have it before me, I will read it.

Mr. HOAR. I object to the Senator from Mississippi yielding to the Senator from South Carolina.

Mr. BUTLER. The Senator has no right to object. I have the floor.

Mr. HOAR. I have a right to object, and I rise to a question of order.

Mr. BUTLER. I have the floor by the permission of the Senator from Mississippi.

Mr. HOAR. I rise to a question of order, Mr. President.

Mr. BUTLER. I call the Senator from Massachusetts to order.

Mr. HOAR. I will state my question of order.

The VICE PRESIDENT. The Senator from Massachusetts will state his point of order.

Mr. HOAR. My point of order is that under the usages of the Senate one Senator has not a right to hold the floor and yield it to another except by unanimous consent, and I object. Otherwise a Senator might hold the floor for a session, and it has been settled again and again.

Mr. BUTLER. If I am not very much mistaken, I saw the Senator from Massachusetts do that very thing the other day.

Mr. HOAR. That was by unanimous consent.

Mr. BUTLER. The Senator from Massachusetts himself has set the example of yielding the floor to another Senator; and he now calls me to order when I propose to proceed by the permission of the Senator from Mississippi, who has the floor and who is entitled to it.

Mr. HOAR. Regular order. I demand the enforcement of the rule.

The VICE PRESIDENT. The Senator from Mississippi is entitled to the floor.

Mr. BUTLER. I understand that, sir; and the Senator from Mississippi has yielded the floor to me.

Mr. EDMUNDS. He can not yield it to anybody.

Mr. BUTLER. The Chair recognized me.

Mr. GEORGE. What is the situation?

Mr. KENNA. I should like to suggest a point of order.

Mr. GEORGE. Am I on the floor or off of it?

The VICE PRESIDENT. The Senator from Mississippi is entitled to the floor.

Mr. KENNA. I desire to make a suggestion of fact. The Senator from Mississippi [Mr. GEORGE] yielded the floor to the Senator from South Carolina [Mr. BUTLER] ten minutes ago, and the Senator from South Carolina has occupied the floor at least that length of time, and had matter read at the Clerk's desk.

Mr. EDMUNDS. That was only by unanimous consent.

Mr. KENNA. But it has been in progress.

Mr. EDMUNDS. An objection was raised.

Mr. BUTLER. I call the Senator from Vermont to order. He has no right to keep his seat while engaged in debate.

Mr. EDMUNDS. Being called to order, as I am, according to the rule I sit down, as I hope the Senator from South Carolina will do when he is called to order.

Mr. BUTLER. I rose to a point of order. The Senator was sitting down; I was not.

Mr. EDMUNDS. The rule requires that when a Senator is called to order he shall sit down. I have obeyed the rule.

Mr. BUTLER. But the Senator from Vermont had violated the rule before he got up.

Mr. EDMUNDS. I obeyed it after I got up.

Mr. BUTLER. He is obeying it now by engaging in debate from his seat!

Mr. EDMUNDS. Being called to order, I can not proceed.

Mr. BUTLER. Then I submit that the Senator ought to remain silent.

The VICE PRESIDENT. The Chair understands that the Senator from Mississippi is entitled to the floor.

Mr. BUTLER. Will the Senator from Mississippi permit me to read a few sections from the Revised Statutes? Will he do so or will he permit me to do so for him?

Mr. GEORGE. If it is agreeable to the gentlemen who control the Senate; I do not want to be guilty of anything like treason, but I will do it.

Mr. BUTLER. I will proceed, then, Mr. President.

Mr. HOAR. Mr. President, I object.

The VICE PRESIDENT. Objection is made. The Senator from Massachusetts has raised a point of order.

Mr. BUTLER. I should like the Chair to decide that point of order.

Mr. FAULKNER. I should like to call the attention of the Senator from Massachusetts to what occurred the other day, and, as he is a fine parliamentarian, I assume that it was correctly done.

He rose, when the Senator from Maryland [Mr. GORMAN] had the floor, and, when asked by the Senator from Maryland whether he desired to proceed with his remarks, he said yes. The Senator from Maryland withdrew all objection at that time to his proceeding; he was recognized by the Chair, and immediately the Senator from Massachusetts turned around to the Senator from New York [Mr. HISCOCK], and turned the floor over to him. That was certainly done in the presence of the Senate, and he was exercising his right to turn over the floor, which he had obtained, to the Senator from New York, who proceeded.

Mr. BUTLER. Mr. President, the situation is just this, as I understand it: The Senator from Mississippi has the floor. I rose and requested that Senator to yield the floor to me for the purpose of inter-

jecting some matter into his speech which I thought would help it, strong, powerful, and eloquent as it has been. The Senator from Mississippi yielded to me for that purpose; I was recognized by the Chair for that purpose; and, as was suggested, I occupied the floor for some time, the Secretary reading instead of myself. Now, when I propose to proceed, the Senator from Massachusetts [Mr. HOAR] objects and makes a point of order. I should like the Chair to decide that point of order. Of course, I shall bow to the decision of the Chair, but I want the Chair to decide the point of order made by the Senator from Massachusetts, to wit: that one Senator occupying the floor has no right to yield it to another for any purpose.

Mr. CULLOM. Except by unanimous consent.

Mr. BUTLER. For any purpose.

Mr. SHERMAN. Mr. President, the point of order having been made, it is the duty of the Senator from South Carolina to take his seat and allow the Chair to decide it. That is clearly the rule of the Senate expressly prescribed; and I hope there will be no violation of the rule in this matter. The Senator can take his seat and then the Chair can decide the point of order.

Mr. BUTLER. It is quite unnecessary for the Senator from Ohio to administer that lecture to me.

Mr. SHERMAN. I insist upon the enforcement of the rule, if the Senator speaks in that way.

The VICE PRESIDENT. The Chair is of opinion that the point of order made by the Senator from Ohio is well taken and that the Senator from South Carolina should resume his seat until the point of order is decided by the Chair.

Mr. BUTLER. Very well, sir; I want that settled.

The VICE PRESIDENT. The Chair is of the opinion that a Senator entitled to the floor can not transfer that right indefinitely to any other Senator.

Mr. BUTLER. That is not the point of order.

The VICE PRESIDENT. He might transfer it for a question or by courtesy of the Senate or by unanimous consent; but otherwise a Senator on the floor might parcel out the entire time of the session in that way to one Senator after another. The Senator from Mississippi is entitled to the floor.

Mr. GEORGE resumed the floor; and after having spoken for three-quarters of an hour,

Mr. ALDRICH. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Rhode Island?

Mr. GEORGE. Yes, sir, to make a motion or something of that sort.

Mr. ALDRICH. I ask the Senator to yield to me to make a motion to take up the resolution offered by me on the 29th of December, which was pending at the close of the morning hour this morning.

Mr. GEORGE. How is that?

Mr. ALDRICH. I ask the Senator to yield to me to make a motion to take up the resolution submitted by me in regard to the rules on the 29th of December, and which was under consideration this morning during the morning hour.

Mr. GEORGE. Is that the clôture rule?

Mr. ALDRICH. Yes, sir.

Mr. GEORGE. Yes, I believe I will do it.

Mr. ALDRICH. Then I move that the Senate proceed to the consideration of that resolution.

Mr. GEORGE. By the way, before you do that I should like to know what becomes of my right to the floor.

Mr. BUTLER. Before that is disposed of, I should be very glad to know what becomes of the point of order ruled on by the Chair, by which it was decided that one Senator may not interrupt another. It seems to me under that ruling the Senator from Rhode Island is out of order.

Mr. ALDRICH. I have asked the Senator from Mississippi to yield the floor.

Mr. BUTLER. I object, Mr. President.

Mr. GEORGE. Oh, no; do not object. I am pretty nearly worn out.

Mr. EDMUNDS. All right; go ahead.

Mr. BUTLER. I withdraw the objection; but I should be very glad to have the Senator from Rhode Island explain how it is he interrupts a Senator.

Mr. EDMUNDS. He asks leave and asks unanimous consent.

Mr. GEORGE. Here is the point I want to have settled——

Mr. BUTLER. Mr. President, the Senator did not.

Mr. GEORGE. We are all good friends here. I want this point settled. If I give up to the clôture rule and they pass that, then they would give me the floor afterwards? I want to know whether I would be exempt from the rule or whether I would be under it.

Mr. EDMUNDS. That we can not tell.

Mr. GEORGE. If you can give a dispensation now by which I am not to be governed by the rule in case you pass it during my time, then I should like to surrender the floor; I should be very anxious to surrender it.

Mr. CULLOM (to Mr. GEORGE). Take your chances on that.

Mr. ALDRICH. I do not understand that there is any motion before the Senate. I tried to make one and the Senator from South Carolina objected.

Mr. GEORGE (to Mr. ALDRICH). Make your motion now; I yield.

Mr. ALDRICH. I shall not try again until the Senator yields the floor.

Mr. GEORGE. I get fresh as I go along, understand.

Mr. HARRIS. I will state to the Senator from Rhode Island that the Senator from Mississippi yielded the floor to him.

Mr. GEORGE. I did.

Mr. HARRIS. And thereupon the Senator from South Carolina objected, and immediately afterwards withdrew the objection.

Mr. GORMAN. Certainly.

Mr. GEORGE. I hope nobody will act now upon the idea that I want to rest, or that I am going to stop reading, or anything of that sort, because it is a great pleasure to me to enlighten the Senate upon the important matters that I am now reading.

Mr. ALDRICH. Does the Senator yield the floor to me for the purpose indicated?

Mr. GEORGE. Yes, sir; I do, with great pleasure.

[Mr. GEORGE'S entire speech will be found in the Appendix.]

LIMITATION OF DEBATE.

Mr. ALDRICH. I move the consideration of the resolution indicated by me.

Mr. MORGAN. I wish to know what is the proposition now.

The VICE PRESIDENT. Will the Senator from Rhode Island state his motion again?

Mr. ALDRICH. I move that the Senate proceed to the consideration of the resolution submitted by me on the 29th of December and which was under consideration during the morning hour this morning.

The VICE PRESIDENT. The question is on the motion made by the Senator from Rhode Island. [Putting the question.]

Mr. MORGAN. Mr. President——

The VICE PRESIDENT. The ayes appear to have it.

Mr. MORGAN. Mr. President, I have addressed the Chair five or six times, and the Chair I think saw me.

Mr. ALDRICH. I ask that the resolution be laid before the Senate.

The VICE PRESIDENT. Will the Senator restate his request?

Mr. ALDRICH. I ask that the resolution be laid before the Senate.

Mr. MORGAN. Mr. President, I am not admitting anything. I am on my feet, addressing the Chair respectfully, and I do not propose to be overslaughed in this way.

Mr. GEORGE. I am off the floor now.

Mr. MORGAN. I desire to know whether there is——

Mr. ALDRICH. I rise to a question of order. I ask that the resolution be laid before the Senate in accordance with the vote of the Senate. My motion has already been adopted, I understand.

Mr. MORGAN. I wish to know whether there is any agreement of the Senate about that.

Mr. HOAR. Let the title be read.

The VICE PRESIDENT. The title will be read.

The Chief Clerk read the resolution submitted by Mr. ALDRICH December 29, 1890, as follows:

Resolved, That for the remainder of this session the rules of the Senate be amended by adding thereto the following:

"When any bill, resolution, or other question shall have been under consideration for a reasonable time it shall be in order for any Senator to demand that debate thereon be closed. On such demand no debate shall be in order, and pending such demand no other motion except one motion to adjourn shall be made. If such demand be seconded by a majority of the Senators present, the question shall forthwith be taken thereon without debate.

"If the Senate shall decide to close debate on any bill, resolution, or other question, the measure shall take precedence of all other business whatever, and the question shall be put upon the amendments, if any then pending, and upon the measure in its successive stages according to the rules of the Senate, but without further debate, except that every Senator who may desire shall be permitted to speak upon the measure, including all amendments, not more than once, and not exceeding thirty minutes.

"After the Senate shall have decided to close debate as herein provided, no motion shall be in order but a motion to adjourn or to take a recess, when such motions shall be seconded by a majority of the Senate. When either of said motions shall have been lost or shall have failed of a second, it shall not be in order to renew the same until one Senator shall have spoken upon the pending measure or one vote upon the same shall have intervened.

"Pending proceedings under the forgoing rule no proceeding in respect of a quorum shall be in order until it shall have appeared on a division or on the taking of the yeas and nays that a quorum is not present and voting.

"Pending proceedings under the foregoing rule all questions of order, whether upon appeal or otherwise, shall be decided without debate, and no obstructive or dilatory motion or proceedings of any kind shall be in order.

"For the foregoing stated purposes the following rules, namely, VII, VIII, IX, X, XII, XIX, XXII, XXVII, XXVIII, XXXV, and XL, are modified."

Mr. ALDRICH and Mr. MORGAN addressed the Chair.

The VICE PRESIDENT. The Senator from Rhode Island is recognized as entitled to the floor.

Mr. MORGAN. I rise to a question of order.

The VICE PRESIDENT. The Senator from Alabama——

Mr. ALDRICH. I understand the motion I made was adopted?

Mr. RANSOM. The Chair could not have declared it so.

The VICE PRESIDENT. The resolution was taken up this morning.

Mr. MORGAN. I rise to a question of order.

Mr. ALDRICH. I have the floor.

Mr. MORGAN. I rise to a question of order, Mr. President.

The VICE PRESIDENT. The Senator from Alabama will state his point of order.

Mr. MORGAN. My point of order is this——

Mr. BUTLER. The Senator from Rhode Island will please take his seat while the point of order is being decided.

Mr. MORGAN. My point of order is this: The Senator from Mississippi [Mr. GEORGE] had the floor. He yielded it under some arrangement that has not yet been explained to the Senate. I have several times inquired very respectfully to know what that was, and I now respectfully ask the Chair whether the Senator from Mississippi has yielded the floor absolutely or upon some agreement.

The VICE PRESIDENT. The Chair has no knowledge of any agreement.

Mr. ALDRICH. I submit that that is not a point of order.

Mr. MORGAN. It is a point of order, because if there is any agreement about it I want to object to it.

Mr. ALDRICH. No agreement has been made. The Senator from Mississippi yielded the floor and I made the motion.

Mr. CARLISLE. If the Senator will allow me, I understand the situation to be just this: The Senator from Mississippi had the floor and was addressing the Senate on the bill known as the election bill; and before he had concluded his remarks he yielded to the Senator from Rhode Island for the purpose of making a motion. Now, what the rights of the Senator from Mississippi may be is a question which will arise hereafter, in case we resume the consideration of the election bill, and is not a question which can be decided now.

Mr. EDMUNDS. That is it exactly.

Mr. MORGAN. That is true; but my rights depend on whether there was an agreement between the Senator from Mississippi and the Senator from Rhode Island that he was to resume the floor after this motion.

Mr. ALDRICH. There has been no agreement at all, so far as I am concerned.

The VICE PRESIDENT. The Chair has no knowledge of any agreement.

Mr. MORGAN. I merely addressed the Chair in good faith and in a polite way, and I propose to do so hereafter, and I propose when I do that something shall be done about it.

Mr. ALDRICH. I understand the resolution——

Mr. EDMUNDS. What is the pending question?

Mr. ALDRICH. That is what I wish to ask.

The VICE PRESIDENT. The pending question is the resolution offered by the Senator from Rhode Island.

Mr. ALDRICH. That resolution being pending, I move that the Senate do now adjourn.

Mr. RANSOM. May I ask a question?

The VICE PRESIDENT. The Senator from Rhode Island moves that the Senate adjourn.

Mr. RANSOM. May I ask a question?

The VICE PRESIDENT. Does the Senator from Rhode Island withdraw his motion to adjourn?

Mr. ALDRICH. No; I do not.

The VICE PRESIDENT. The Senator from Rhode Island moves that the Senate adjourn.

Mr. RANSOM. Mr. President, I rise to a question of order.

The VICE PRESIDENT. The question is on the motion of the Senator from Rhode Island that the Senate do now adjourn.

The motion was agreed to; and (at 6 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 21, 1891, at 10 o'clock a. m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January* 20, 1891.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

APPROVAL OF THE JOURNAL.

The Clerk proceeded to read the Journal of the proceedings of yesterday.

Mr. BLAND. Mr. Speaker, I call attention to the fact that the Clerk is not reading the entire Journal. There was a roll-call as I recollect on the motion for the previous question. If I am not mistaken there was also a roll-call on the question of the approval of the Journal. I ask if the Clerk has read the entire Journal?

The SPEAKER. It is not customary to read the roll-calls, as they appear in the RECORD.

Mr. BLAND. But it is necessary to record on the Journal the names of members who voted on these several propositions on yesterday.

The SPEAKER. They are so recorded, but it has not been customary to read the names.

Mr. BLAND. It is customary whenever it has been demanded that they shall be read.

The SPEAKER. Certainly. Does the gentleman demand the reading of the names?

Mr. BLAND. I do demand the reading of the entire Journal.

The SPEAKER. The Clerk will read the names of those voting on the several propositions.

The Clerk resumed the reading of the Journal.

Mr. McKINLEY. I move that the Journal be approved.

Mr. MILLS. I object to the approval of the Journal.

Mr. McKINLEY. And on that I demand the previous question.

Mr. BLAND. I wish to call attention to the fact that the whole Journal has not been read.

The SPEAKER. The gentleman from Ohio moves for the previous question——

Mr. BLAND. I find a number of resolutions, petitions, and other papers, as well as reports of bills, joint resolutions, private bills, and other matters which are included in and form a part of the Journal. They have not been read.

The SPEAKER. The Chair is informed that the entire Journal has been read.

Mr. BLAND. I rise to a parliamentary inquiry. Is it not the duty of the Clerk to journalize all the proceedings I have named? Do they not appear in the Journal—reports of committees, petitions, and so on?

The SPEAKER. They do form a part of the Journal.

Mr. BLAND. I ask that they be read.

Mr. BRECKINRIDGE, of Kentucky. Under the rule, Mr. Speaker, they are required to be incorporated in the Journal, and on a former occasion the Speaker ruled that they had to be read when the reading was demanded. At the last session of Congress the Speaker ruled that they must be read when the reading was called for. I demanded the reading then, and it was in response to my demand that the order was made.

The SPEAKER. The Clerk will read the entire Journal.

The Clerk proceeded to read the Journal.

During the reading of the petitions,

Mr. BLAND said: The Clerk is not reading the entire Journal. I have noticed that he has skipped one-half of the last paragraph.

The SPEAKER. The Clerk informs the Chair that that was an accidental omission. The entire Journal will be read.

The Clerk resumed and concluded the reading of the Journal.

Mr. McKINLEY. Mr. Speaker——

The SPEAKER. The question is on the approval of the Journal.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. MILLS. I demand a division. The question is on the previous question?

The SPEAKER. The question is on the approval of the Journal. The gentleman demands a division.

Mr. MILLS. I rise to a parliamentary inquiry. Is the question not now to be taken on the previous question?

The SPEAKER. No; on the approval of the Journal.

Mr. MILLS. The gentleman from Ohio moved the previous question and the Chair recognized him for that motion.

The SPEAKER. That is an entire mistake. That was before the reading of the Journal was concluded.

Mr. SPRINGER. Then the gentleman has made no motion since that time.

Mr. McKINLEY. I will state, Mr. Speaker, that presuming the reading of the Journal was concluded I did rise in my place and demand the previous question on the approval of the Journal. It was then stated by the gentleman on the other side that the reading of the Journal was not completed, and on his demand the introduction of bills, reports of committees, petitions, and other such matters were read.

The SPEAKER. The gentleman did not rise after the Journal was concluded; and the only question now is on the approval of the Journal.

Mr. MILLS. Then I demand the right of debate.

The SPEAKER. The House is now dividing.

Mr. MILLS. I rise to debate this question.

The SPEAKER proceeded to submit the question.

Mr. MILLS. The Speaker must not practice a fraud on the House. [Cries of "Regular order!" on the Republican side and applause on the Democratic side.] The Chair knows very well that the question before the House was on the previous question; and I demand the right to debate this proposition. You are perpetrating a fraud on the House, and you know it. [Applause on the Democratic side.]

The SPEAKER. On this question the yeas are 122 and the nays are 3.

Mr. MILLS and others demanded the yeas and nays.

The yeas and nays were ordered.

The Clerk proceeded to call the roll.

Mr. MILLS. That was sharp practice on your part, sir.

The SPEAKER. The Clerk will proceed with the roll-call.

The question was taken; and there were—yeas 144, nays 103, not voting 84; as follows:

YEAS—144.

Abbott,	Cooper, Ohio	Laidlaw,	Reed, Iowa
Adams,	Craig,	Langston,	Reilly,
Allen, Mich.	Culbertson, Pa.	Laws,	Reyburn,
Anderson, Kans.	Cutcheon,	Lehlbach,	Rockwell,
Arnold,	Dalzell,	Lind,	Rowell,
Atkinson, Pa.	Darlington,	Lodge,	Sawyer,
Atkinson, W. Va.	Dingley,	Mason,	Scull,
Baker,	Dolliver,	McComas,	Sherman,
Banks,	Dorsey,	McCord,	Simonds,
Bartine,	Evans,	McDuffie,	Smith, W. Va.
Bayne,	Farquhar,	McKenna,	Spooner,
Beckwith,	Featherston,	McKinley,	Stephenson,
Belden,	Finley,	Miles,	Stewart, Vt.
Belknap,	Flick,	Miller,	Stivers,
Bergen,	Flood,	Moffitt,	Stockbridge,
Boothman,	Flower,	Moore, N. H.	Struble,
Boutelle,	Frank,	Morey,	Sweet,
Brewer,	Funston,	Morrill,	Taylor, E. B.
Brosius,	Gear,	Morrow,	Taylor, Ill.
Brower,	Gest,	Morse,	Taylor, J. D.
Browne, T. M.	Greenhalge,	Mudd,	Thomas,
Browne, Va.	Grosvenor,	Niedringhaus,	Thompson,
Burrows,	Grout,	Nute,	Townsend, Colo.
Burton,	Hall,	O'Donnell,	Townsend, Pa.
Butterworth,	Harmer,	O'Neill, Pa.	Turner, Kans.
Caldwell,	Haugen,	Osborne,	Vandever,
Candler, Mass.	Hays, E. R.	Owen, Ind.	Waddill,
Cannon,	Hermann,	Owens, Ohio	Wade,
Carter,	Hill,	Payne,	Walker,
Caswell,	Hopkins,	Payson,	Wallace, Mass.
Cheadle,	Kelley,	Perkins,	Wallace, N. Y.
Cheatham,	Kerr, Iowa	Peters,	Williams, Ohio
Clark, Wis.	Ketcham,	Post,	Wilson, Ky.
Clark, Wyo.	Kinsey,	Raines,	Wilson, Wash.
Coleman,	Lacey,	Randall,	Wright,
Connell,	La Follette,	Ray,	Yardley.

NAYS—103.

Alderson,	Crain,	Lanham,	Robertson,
Allen, Miss.	Culberson, Tex.	Lawler,	Rogers,
Anderson, Miss.	Davidson,	Lee,	Sayers,
Andrew,	Dibble,	Lester, Ga.	Seney,
Bankhead,	Dickerson,	Lewis,	Shively,
Barnes,	Dockery,	Mansur,	Skinner,
Barwig,	Edmunds,	Martin, Ind.	Spinola,
Blanchard,	Ellis,	Martin, Tex.	Springer,
Bland,	Enloe,	McClellan,	Stewart, Ga.
Blount,	Forman,	McCreary,	Stewart, Tex.
Boatner,	Forney,	McMillin,	Stone, Ky.
Breckinridge, Ark.	Geary,	McRae,	Stone, Mo.
Breckinridge, Ky.	Geissenhainer,	Mills,	Tarsney,
Brickner,	Gibson,	Montgomery,	Tillman,
Brookshire,	Goodnight,	Moore, Tex.	Tucker,
Brown, J. B.	Grimes,	Mutchler,	Turner, Ga.
Buchanan, Va.	Hare,	Norton,	Vaux,
Campbell,	Hatch,	O'Neall, Ind.	Wheeler, Ala.
Caruth,	Hayes, W. I.	Outhwaite,	Wike,
Catchings,	Haynes,	Parrett,	Wiley,
Chipman,	Hemphill,	Paynter,	Willcox,
Clunie,	Henderson, N. C.	Peel,	Williams, Ill.
Cobb,	Holman,	Perry,	Wilson, Mo.
Cooper, Ind.	Hooker,	Pierce,	Wilson, W. Va.
Covert,	Kilgore,	Quinn,	Yoder.
Cowles,	Lane,	Richardson,	

NOT VOTING—84.

Biggs,	De Lano,	Maish,	Sanford,
Bingham,	Dunnell,	McAdoo,	Scranton,
Bliss,	Dunphy,	McCarthy,	Smith, Ill.
Bowden,	Ewart,	McClammy,	Smyser,
Brunner,	Fitch,	McCormick,	Snider,
Buchanan, N. J.	Fithian,	Milliken,	Stahlnecker,
Buckalew,	Fowler,	Morgan,	Stockdale,
Bullock,	Gifford,	Oates,	Stone, Pa.
Bunn,	Hansbrough,	O'Ferrall,	Stump.
Bynum,	Heard,	O'Neil, Mass.	Sweney,
Candler, Ga.	Henderson, Ill.	Penington,	Taylor, Tenn.
Carlton,	Henderson, Iowa	Phelan,	Tracey,
Clancy,	Herbert,	Pickler,	Turner, N. Y.
Clarke, Ala.	Hitt,	Pindar,	Van Schaick,
Clements,	Houk,	Price,	Washington,
Cogswell,	Kennedy,	Pugsley,	Wheeler, Mich.
Comstock,	Kerr, Pa.	Quackenbush,	Whitelaw,
Cothran,	Knapp,	Rife,	Whiting,
Crisp,	Lansing,	Rowland,	Whitthorne,
Cummings,	Lester, Va.	Rusk,	Wickham,
Dargan,	Magner,	Russell,	Wilkinson.

So the Journal was approved.

During the roll-call, amid great confusion on the floor,

Mr. MILLS said: The gentleman from Ohio owes it to himself to disclaim all participation in the fraud that has been perpetrated upon this House. Every one on this side regards him as an honorable gentleman.

Mr. KERR, of Iowa (speaking at the same time). Such proceedings as these are revolutionary and ought to be suppressed by the Sergeant-at-Arms.

Mr. MILLS. You do not dare to have an honest discussion. You do not dare to go before the country and have a free and fair discussion of the measures you are proposing to pass. It is well for you to have your Speaker refuse to recognize debate. We have the right under the rules of the House to debate this proposition, and you are trying to refuse it. Your are afraid yourselves. [Cheers on the Democratic side.]

Mr. KERR, of Iowa. Such proceedings are treasonable.

Mr. MILLS. You are a traitor yourself.

Mr. KERR, of Iowa. You were a traitor once and are trying to be again.

Mr. MILLS. You are a traitor to the Constitution and laws of your country. You are trying to surround the ballot box with bayonets and deprive the people of the right of representation. [Cheers on the Democratic side.]

Mr. CUTCHEON. Oh, bosh!

The SPEAKER. The Sergeant-at-Arms will see that order is preserved on the floor, and will compel members to resume their seats.

The Sergeant-at-Arms with the mace walked through the aisles for the purpose of securing order on the floor.

Mr. MILLS. You are trying to steal the ballot box.

Mr. CUTCHEON. Oh, that is all bosh, and you know it.

Mr. MILLS. Introduce another resolution of censure, then.

The SPEAKER. The House will be in order. Gentlemen will please take their seats.

The Clerk resumed and concluded the roll-call.

The Clerk announced the following pairs:

Mr. RUSSELL with Mr. OATES.

Mr. BINGHAM with Mr. CUMMINGS.

Mr. STONE, of Pennsylvania, with Mr. PRICE.

Mr. BOWDEN with Mr. LESTER, of Virginia.

Mr. BLISS with Mr. WHITING.

Mr. KNAPP with Mr. FITCH.

Mr. SCRANTON with Mr. TRACEY.

Mr. MCCORMICK with Mr. MORGAN.

Mr. QUACKENBUSH with Mr. DUNPHY.

Mr. PICKLER with Mr. DARGAN.

Mr. DE LANO with Mr. ROWLAND.

Mr. PUGSLEY with Mr. WHITTHORNE.

Mr. COMSTOCK with Mr. STAHLNECKER.

Mr. HOUK with Mr. RICHARDSON.

Mr. EWART with Mr. MAGNER.

Mr. GIFFORD with Mr. BUNN.

Mr. HENDERSON, of Iowa, with Mr. PENINGTON.

Mr. THOMAS M. BROWNE with Mr. FITHIAN.

Mr. SMYSER with Mr. O'FERRALL.

On this vote:

Mr. RIFE with Mr. CLARKE, of Alabama.

Mr. BUCHANAN, of New Jersey, with Mr. BRUNNER.

Mr. VAN SCHAICK with Mr. PINDAR, until 4 p. m.

For this day:

Mr. SANFORD with Mr. KERR, of Pennsylvania.

Mr. COGSWELL with Mr. O'NEIL, of Massachusetts.

On this vote:

Mr. WHEELER, of Michigan, with Mr. WHITELAW.

Mr. DUNNELL with Mr. STOCKDALE.

Until Thursday next:

Mr. TAYLOR, of Tennessee, with Mr. WASHINGTON.

Mr. BLAND. Mr. Speaker, let us have a recapitulation.

The Clerk recapitulated the names of those voting.

ORDER OF BUSINESS.

Mr. MCCOMAS. Mr. Speaker, I move that the House do now resolve itself into the Committee of the Whole on the state of the Union for the purpose of considering appropriation bills.

Mr. BUTTERWORTH. I would like to have my friend yield for a moment.

Mr. SPRINGER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman from Maryland [Mr. MCCOMAS] moves that the House do now resolve itself into the Committee of the Whole on the state of the Union for the purpose of considering general appropriation bills.

Mr. STRUBLE. Mr. Speaker, pending that, I desire——

Mr. BUTTERWORTH. I ask my colleague to yield for a moment to allow me to offer a resolution.

Mr. MCCOMAS. For that purpose, Mr. Speaker, I yield.

POSTAL SERVICE.

Mr. BUTTERWORTH. By direction of the Committee on Appropriations, I offer the following joint resolution.

The Clerk read as follows:

Joint resolution (H. Res. ——) authorizing use of building known as Marini Hall for money-order division of the Sixth Auditor's Office until May 1, 1891.

Resolved, etc., That the provision in the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1891, which requires that the building known as Marini Hall shall be vacated by the money-order division of the Office of the Auditor for the Post-Office Department not later than February 1, 1891, be, and the same is hereby, amended so as to authorize the use of said building for said object until not later than May 1, 1891. And so much of the appropriation made by the said act for the rent of an additional building for said money-order division from February 1, 1891, as may be necessary, is hereby made available for the payment of the rental of said Marini Hall until not later than May 1, 1891, at the rate of $4,000 per annum.

Mr. ROGERS. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. ROGERS. I make the point of order, first, that this is not a privileged matter, and then I object to its consideration.

The SPEAKER. The gentleman's point of order is well taken, and the question is——

Mr. STRUBLE. Mr. Speaker, I rise to a privileged question, and I ask the gentleman from Maryland to yield for one moment.

Mr. SPRINGER. I rise to a parliamentary inquiry.

Mr. BUTTERWORTH. I desire the House to know what this is before the objection is made, if my friend from Arkansas will hear me for a moment.

Mr. ROGERS. I will hear his statement. We have got so that we are all hung on a hair trigger now with regard to parliamentary matters.

Mr. BUTTERWORTH. That is right. I am not complaining of that at all; but the money-order division of the Post-Office Department is located in the building known as Marini's Hall.

The time expires on the 1st of February under an act passed last session. It was presumed that another building would be ready by that time. Owing to some unforeseen accident it is impossible to have the building ready; so if the Government remain in Marini's Hall they will remain there as trespassers, because that law provides that the building shall not be occupied after the 1st of February. This is simply to provide for its further occupancy until the 1st of May, at which time the building to which the bureau will be moved will be ready beyond any doubt. It would simply humiliate the Government to leave the Postmaster-General as a trespasser in Marini's Hall; and this resolution, which is unanimously reported from the Committee on Appropriations, now becomes indispensably necessary. Therefore, I renew my request for unanimous consent that it be put upon its passage.

Mr. ROGERS. A parliamentary inquiry.

Mr. MILLS. Is the resolution debatable?

Mr. McCOMAS. I did not yield for anything except for unanimous consent.

Mr. BUTTERWORTH. Then I ask unanimous consent for the immediate consideration and passage of the resolution.

Mr. MILLS. I object.

The SPEAKER. It would not be debatable, and objection is made.

Mr. ROGERS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. BUTTERWORTH. I withdraw the resolution.

Mr. ROGERS. In view of the statement made by the gentleman from Ohio I withdraw the point of order.

The SPEAKER. The gentleman from Arkansas withdraws the point of order, but the gentleman from Texas objects. This is a request for unanimous consent; and the question is on the motion of the gentleman from Maryland.

Mr. SPRINGER. I rise to a question of order.

Mr. BUTTERWORTH. I rise——

The question was put; and the Speaker announced that the ayes seemed to have it.

Mr. MILLS. Division.

Mr. SPRINGER. I would state that we would get along better if the Chair would allow these points of order to be settled in advance.

The SPEAKER. The gentleman will be in order. A division is now going on.

Mr. SPRINGER. I know that; but I was addressing the Chair and asking to be recognized before the question of dividing was put.

Mr. McCOMAS. I call for the yeas and nays.

Mr. SPRINGER. We will give the gentleman that.

Mr. MILLS. Will it be in order upon this question——

The SPEAKER. The gentleman from Texas rises to a parliamentary inquiry.

Mr. MILLS. Will it be in order now, pending the call on the motion of the gentleman from Maryland to go into Committee of the Whole, to move that general debate may be continued for one hour in committee on the pending bill after it goes into committee?

The SPEAKER. It will not, because general debate has been closed.

Mr. MILLS. Can we not open it? Is it not in the power of the House to open general debate?

The SPEAKER. It can not be opened. The gentleman from Maryland demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 139, nays 106, not voting 86; as follows:

YEAS—139.

Adams,	Boothman,	Caswell,	Dolliver,
Allen, Mich.	Boutelle,	Cheadle,	Dorsey,
Anderson, Kans.	Brewer,	Cheatham,	Dunnell,
Arnold,	Broslus,	Clark, Wis.	Evans,
Atkinson, Pa.	Brower,	Clark, Wyo.	Farquhar,
Atkinson, W. Va.	Browne, T. M.	Coleman,	Featherston,
Baker,	Browne, Va.	Connell,	Finley,
Banks,	Burrows,	Cooper, Ohio	Flick,
Bartine,	Burton,	Craig,	Flood,
Bayne,	Butterworth,	Culbertson, Pa.	Funston,
Beckwith,	Caldwell,	Cutcheon,	Gear,
Belden,	Candler, Mass.	Dalzell,	Gest,
Belknap,	Cannon,	Darlington,	Grosvenor,
Bergen,	Carter,	Dingley,	Hall,
Harmer,	McComas,	Perkins,	Struble,
Haugen,	McDuffie,	Peters,	Sweet,
Hays, E. R.	McKinley,	Post,	Sweney,
Henderson, Ill.	Mileq,	Raines,	Taylor, E. B.
Hermann,	Miller,	Randall,	Taylor, Ill.
Hill,	Milliken,	Ray,	Taylor, J. D.
Hopkins,	Moffitt,	Reed, Iowa	Thomas,
Kelley,	Moore, N. H.	Reyburn,	Townsend, Colo.
Kennedy,	Morey,	Rockwell,	Turner, Kans.
Kerr, Iowa	Morrill,	Rowell,	Vandever,
Ketchan,	Morrow,	Sanford,	Waddill,
Kinsey,	Morse,	Sawyer,	Wade,
Lacey,	Mudd,	Scull,	Walker,
La Follette,	Niedringhaus,	Sherman,	Wallace, N. Y.
Laidlaw,	Nute,	Simonds,	Wickham,
Langston,	O'Donnell,	Smith, Ill.	Williams, Ohio
Lansing,	O'Neill, Pa.	Smith, W. Va.	Wilson, Ky.
Laws,	Osborne,	Spooner,	Wilson, Wash.
Lehlbach,	Owen, Ind.	Stephenson,	Wright,
Lind,	Payne,	Stivers,	Yardley.
Lodge,	Payson,	Stockbridge,	

NAYS—106.

Abbott,	Covert,	Hooker,	Robertson,
Alderson,	Cowles,	Kilgore,	Rogers,
Allen, Miss.	Crain,	Lane,	Rusk,
Anderson, Miss.	Culberson, Tex.	Lanham,	Sayers,
Andrew,	Cummings,	Lawler,	Seney,
Bankhead,	Davidson,	Lee,	Shively,
Barnes,	Dickerson,	Lester, Ga.	Skinner,
Barwig,	Dockery,	Lewis,	Spinola,
Biggs,	Edmunds,	Mansur,	Springer,
Blanchard,	Ellis,	Martin, Ind.	Stewart, Tex.
Bland,	Enloe,	Martin, Tex.	Stone, Ky.
Blount,	Forman,	McClellan,	Stone, Mo.
Breckinridge, Ark.	Forney,	McCreary,	Tarsney,
Breckinridge, Ky.	Fowler,	McMillin,	Tillman,
Brickner,	Geissenhainer,	McRae,	Tucker,
Brookshire,	Gibson,	Mills,	Turner, Ga.
Buchanan, Va.	Goodnight,	Montgomery,	Vaux,
Buckalew,	Grimes,	Moore, Tex.	Whitelaw,
Bynum,	Hare,	Mutchler,	Wike,
Campbell,	Hatch,	Norton,	Wiley,
Caruth,	Hayes, W. I.	O'Neall, Ind.	Wilkinson,
Catchings,	Haynes,	Owens, Ohio	Willcox,
Chipman,	Heard,	Parrett,	Williams, Ill.
Clarke, Ala.	Hemphill,	Paynter,	Wilson, Mo.
Clements,	Henderson, N. C.	Perry,	Wilson, W. Va.
Cobb,	Herbert,	Quinn,	
Cooper, Ind.	Holman,	Reilly,	

NOT VOTING—86.

Bingham,	Fitch,	McCormick,	Snider,
Bliss,	Fithian,	McKenna,	Stahlnecker,
Boatner,	Flower,	Morgan,	Stewart, Ga.
Bowden,	Frank,	Oates,	Stewart, Vt.
Brown, J. B.	Geary,	O'Ferrall,	Stockdale,
Brunner,	Gifford,	O'Neil, Mass.	Stone, Pa.
Buchanan, N. J.	Greenhalge,	Outhwaite,	Stump,
Bullock,	Grout,	Peel,	Taylor, Tenn.
Bunn,	Hansbrough,	Penington,	Thompson,
Candler, Ga.	Henderson, Iowa	Phelan,	Townsend, Pa.
Carlton,	Hitt,	Pickler,	Tracey,
Clancy,	Houk,	Pierce,	Turner, N. Y.
Clunie,	Kerr, Pa.	Pindar,	Van Schaick,
Cogswell,	Knapp,	Price,	Wallace, Mass.
Comstock,	Lester, Va.	Pugsley,	Washington,
Cothran,	Magner,	Quackenbush,	Wheeler, Ala.
Crisp,	Maish,	Richardson,	Wheeler, Mich.
Dargan,	Mason,	Rife,	Whiting,
De Lano,	McAdoo,	Rowland,	Whitthorne,
Dibble,	McCarthy,	Russell,	Yoder.
Dunphy,	McClammy,	Scranton,	
Ewart,	McCord,	Smyser,	

So the motion to go into Committee of the Whole was agreed to.

The following additional pairs were announced:

Mr. SNIDER with Mr. FITHIAN, until further notice.

Mr. DUNNELL with Mr. STOCKDALE, for the rest of the day.

Mr. BINGHAM with Mr. KERR, of Pennsylvania, for the rest of the day.

Mr. BUCHANAN, of New Jersey, with Mr. McADOO, on this vote.

The result of the vote was then announced as above recorded.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. BURROWS in the chair.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of general appropriation bills, and will resume consideration of the bill (H. R. 12729) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1892, and for other purposes.

The Clerk read as follows:

To pay the register of wills for preparing papers in connection with the appointment of guardians to enable indigent boys to enlist in the United States Navy, as provided by law, $150, or so much thereof as may be necessary.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, I move to strike out the last word for the purpose of submitting an inquiry to the gentleman from Maryland. Why is it that the city of Washington and the General Government should pay the register of wills for preparing these papers?

Mr. McCOMAS. For several years past the authorities here have been arresting boys on trivial offenses, and when those arrested were of an age fit to work, but were without parents or guardians and were willing to enlist in the Navy, they have been enlisted as apprentices; and

under existing laws, they being minors, some one must act for them as guardians to make it a legal enlistment. Congress has now for a number of years paid the fee for appointing men guardians in each of these cases, and this is the sum which is thought would probably be needed for the coming year.

Mr. BRECKINRIDGE, of Kentucky. If I understand the law as stated by the gentleman from Maryland—and if I am wrong he will correct me—it is made the duty of this officer, the register of wills, to prepare these papers. These are the cases of indigent boys who are apprenticed in the United States Navy. That is, to get rid of some charge against a boy or to give him some occupation in life, he is enlisted in the Navy, and in order to enlist him he has to have a guardian, and the register of wills is required by law to make the necessary entries and keep the necessary records. Now, is there anything in the statutes which makes the General Government or the city of Washington liable to pay for that work?

The register of wills has a very valuable office, with a very large income arising from fees, and was not this duty put upon him by law without any expectation that he would receive special compensation for it?

Mr. McCOMAS. Mr. Chairman, the fees of that office are the fees of the old Maryland system, and do not depend upon the statute, and he is entitled to demand in each case a fee for the preparation of the papers before he delivers them.

Mr. BRECKINRIDGE, of Kentucky. Is that so?

Mr. McCOMAS. That is the fact.

Mr. BRECKINRIDGE, of Kentucky. Is it not the other way—that he is obliged to deliver the papers?

Mr. McCOMAS. No; it is just as I have stated.

Mr. BRECKINRIDGE, of Kentucky. Is it not the fact that he has been doing this work and that he wants to get his pay in this way because he can not get it in any other way?

Mr. McCOMAS. No, sir.

Mr. BRECKINRIDGE, of Kentucky. And is not this a mode of putting upon the people of the United States the burden of the fees which he would charge for such papers to persons who could pay for them, but which he can not collect from these indigent boys.

Mr. McCOMAS. The committee have inquired into the matter on several occasions and they find that the law is just the other way. This officer is not bound to prepare and deliver the papers without the fee.

Mr. BRECKINRIDGE, of Kentucky. But why should we pay that fee?

Mr. McCOMAS. I would be very glad to accept an amendment, if it were not objected to on a point of order, to require him to do this service for these people without pay; but under the existing law he is entitled to pay before he delivers the papers.

Mr. BRECKINRIDGE, of Kentucky. I move to strike out the clause which provides for pay to the register of wills for this service.

The CHAIRMAN. The Clerk will report the amendment.

The amendment was read, as follows:

Amend by striking out the following words: "To pay the register of wills for preparing papers in connection with the appointment of guardians to enable indigent boys to enlist in the United States Navy as provided by law, $150, or so much thereof as may be necessary."

Mr. BRECKINRIDGE, of Kentucky. Now, Mr. Chairman, it will be observed that the words "as provided by law" refer to qualifying the boys to enlist in the United States Navy. Before a boy can enlist in the Navy he must have the consent of his parent or guardian, and the words "as provided by law" refer to that. They do not mean that the law provides that the register shall receive such a fee for this service, and I understand that the office of this register of wills is one of the best paid offices in the Government. As I am informed—I have no personal knowledge on the subject—it is an office which is eagerly sought and one that pays in the shape, of fees, a very large income.

Mr. ADAMS. Will the gentleman from Kentucky yield for a question?

Mr. BRECKINRIDGE, of Kentucky. With pleasure.

Mr. ADAMS. I agree that the Government of the United States ought not to be at the expense of this, as being the Government of the United States and proprietor of a Navy, but it occurs to me that this is one of the local police requirements of the District. I do not know whether the law is a good one or not, but I assume that we can not repeal it now. These, I understand, are vagrant boys; they have no guardians, and something must be done with them. If you should send them to a house of correction there would be expense connected with that, and that expense would be of the same nature as this; but I do not see that the Government has any interest in getting these boys into the Navy.

Mr. BRECKINRIDGE, of Kentucky. The view I have is this: As to this officer, he gets large enough fees from other sources, and as to these indigent boys, there is no more reason why we should pay for having guardians appointed for them when they go into the Navy than when they enter into any other vocation in life.

Mr. ADAMS. I agree to that.

Mr. BRECKINRIDGE, of Kentucky. Therefore, this is an indirect mode of enlisting in the United States Navy bad boys, boys who may be indigent, but who are also vicious, and I doubt whether it is a wise thing for the Government to encourage such boys to go into the Navy.

Mr. ADAMS. I am inclined to agree with the gentleman on that point.

Mr. BRECKINRIDGE, of Kentucky. On public grounds I doubt whether it is good policy to encourage them.

Mr. ADAMS. In other words, the gentleman's view is that the Navy of the United States ought not to be made a school of correction.

Mr. BRECKINRIDGE, of Kentucky. I think that under the system of apprenticeship we ought to get, and we are getting, a better class of boys, and therefore I think this provision of law is rather to the injury than to the benefit of the Navy.

Mr. ADAMS. I agree to that. I have had occasion to try to get some boys of honest parentage and good training into the Navy, and as soon as they have got in there they have found themselves surrounded by vicious boys, and the next thing I have been called upon to do has been to get them out of the Navy again. I am inclined to agree with the gentleman from Kentucky that the United States Navy ought not to be considered as a reformatory for vicious boys.

Mr. McCOMAS. On a deficiency bill a year or two ago (because I then believed that the Government ought not to pay money for this purpose), I endeavored to have this clause struck out. It was struck out in the House, but was put back in the Senate, and very properly, because the effect of striking it out would not be to save any money, but to ruin a great many boys.

Now, it might be very well if you could turn the United States Navy into a monastery; but it is not secluded enough for that purpose. These indigent boys who are taken up by the police, if not enlisted in the Navy in this way, would be sent to the reform school or other public institutions, where they would be supported at the public expense, where they would have much worse company than in the Navy, and where probably they would be turned out graduates in vice with no possibility of an honorable career. The provision in this bill enables these boys to be saved from that fate and be enlisted in the Navy under the act which authorizes the enlistment of 750 boys every year.

Perhaps the proper thing to be done is for the Committee on the District of Columbia to report a modification of the existing law with respect to fees, but I apprehend after all it would be a strange discrimination to adopt the suggestion of the gentleman from Kentucky, who perhaps confounds two offices. The office of recorder of deeds pays, as I am told, a very large sum, thirty or forty thousand dollars a year, while the office of register of wills, according to the information and inquiry of the committee, pays about $5,000. This is not an office with the large amount of fees which my colleague on the committee probably supposes it is.

Now, the only effect of the amendment would be to prevent these boys being sent to sea. Instead of that they would go to institutions for incorrigible boys. I apprehend, therefore, that what we have done during the last three or four Congresses with reference to this matter is perhaps wise after all.

[Here the hammer fell.]

Mr. SPINOLA. As to the institutions to which these boys might be sent, how much of the expense of maintaining them is paid by the United States?

Mr. McCOMAS. One-half is paid by the Government and the other half by the District.

Mr. SPINOLA. Now, the proposition, as I understand, is not to send any of these boys to any of these local institutions where the Government pays only half the expense, but to put them in the Navy, where the Government would pay the whole expense of their maintenance.

Mr. McCOMAS. And get their services.

Mr. SPINOLA. The Government does not want their services, for they are nothing but thieves and vagabonds.

Mr. McCOMAS. In this way we get American boys in our Navy.

Mr. VAUX. The gentleman is much mistaken if he thinks that any American boys who are desirable for the Government can be obtained for the Navy in this way.

Mr. BRECKINRIDGE, of Kentucky. I may be mistaken as to the amount of emolument attaching to the office of register of wills; but it certainly is a very good office, paying a handsome income, and it is very much sought. But that was not the principal reason which influenced me. The principal reason in my mind was that I did not see what interest the Congress of the United States has in promoting the practice of sending vicious boys into the Navy.

Mr. McCOMAS. The gentleman is under an error. These boys are not criminals, not convicts. They are simply indigent lads who have no occupation and who ought not to be permitted to become vagrants. Under the present system if they are boys of good disposition, they have an opportunity to rise in life.

Mr. SPINOLA. They would cut a throat or scuttle a ship if they got a chance.

Mr. McCOMAS. Oh, no. They are not New York boys.

Mr. SPINOLA. They are more like Baltimore boys, "plug-uglies."

Mr. BRECKINRIDGE, of Kentucky. I will stand up here for these

boys, who are neither "plug-uglies" nor "Bowery boys." It is bad enough, I think, for these poor boys to be what they actually are, without damning them with any additional odium. But there is no reason that I can see why fees paid in connection with this matter should come out of the public Treasury. If a boy is really worth saving, the small amount necessary to pay the fees in his case will be paid by somebody; there is no trouble about that. Nobody ever saw any boy fit to be saved who did not have some friend able to pay the necessary fee to get him into the Navy.

But there is another consideration. There is no reason why we should be constantly loading down our District of Columbia bills with what are really gratuities to public officers here, additions to their salary or income. Every officer who accepts a position the services of which are payable in fees accepts it with the understanding that there is to be a certain amount of work for which he is to get nothing; that all work done by him for those who are paupers shall be done without compensation.

That is a reason why the fees are made to be larger than the service is really worth. So that the work done for poor people is paid from contributions on the part of those who are compelled to have the work done, and are taxed to pay for it. This item, therefore, is simply a contribution to the register of wills to pay him for work that he is obliged to do, and is only a temptation to have vicious boys put into the American Navy.

[Here the hammer fell.]

The CHAIRMAN. The question is on the motion to strike out the paragraph.

The question was taken; and on a division there were—ayes 37, noes 60.

Mr. BRECKINRIDGE, of Kentucky. I will ask for tellers, Mr. Chairman. There is no quorum voting.

Tellers were ordered.

Mr. BRECKINRIDGE, of Kentucky, and Mr. McCOMAS were appointed tellers.

The committee again divided; and the tellers reported—ayes 44, noes 65.

So the amendment was rejected.

The CHAIRMAN. The Clerk will proceed with the next paragraph.

Mr. BRECKINRIDGE, of Arkansas. I desire to offer an amendment to this provision.

Mr. McCOMAS. The paragraph ought to be read before amendments are offered to it.

The CHAIRMAN. The Chair understands the gentleman to desire to offer an amendment to the paragraph just voted upon, which the Clerk will read.

The Clerk read as follows:

Amend on page 5, line 15, by striking out the words "one hundred and."

Mr. BRECKINRIDGE, of Arkansas. I do not know, Mr. Chairman, but that, if the principle is a correct one that no reward or opportunity should be offered to make the Navy, as it has been very frequently stated, the dumping ground for people who have no other recommendation than their indigence, rather than in the line of promotion for honorable and deserving services, the amount ought to be still further reduced. The most proper thing to do to make that policy effective would be to strike out the clause altogether. The committee, however, has refused to do so; and as being in the line of that policy, I propose to reduce the amount to one-third of that appropriated by the bill.

The question was taken; and on a division there were—ayes 40, noes 64.

Mr. BRECKINRIDGE, of Arkansas. I will ask for tellers, Mr. Chairman.

Tellers were ordered.

Mr. BRECKINRIDGE, of Arkansas, and Mr. McCOMAS were appointed tellers.

The committee again divided; and the tellers reported—ayes 46, noes 62.

So the amendment was rejected.

Mr. BLAND. I move to strike out, in line 15 of the same paragraph, the words "and fifty;" so that it will read "one hundred dollars."

The CHAIRMAN. The gentleman from Missouri moves an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by striking out in line 15, page 5, the words "and fifty," so that the provision will read—

"As provided by law, $100," etc.

Mr. BLAND. Mr. Chairman, the other day, when this bill was under discussion and some allusion was made to the history of the present government of the District of Columbia, the gentleman from Iowa [Mr. KERR] in somewhat boastful language claimed that the people of Iowa were in favor of a republican form of government. If I understood him correctly, he rather intimated that Iowa had but little to do with the abolition of a republican form of government in this District, and in order to show the gentleman that he was mistaken in that regard I will ask the Clerk to read the concluding portion of a report upon the government of the District of Columbia, found on page 29 of House reports, Forty-third Congress, that I send to the desk, in which he will perceive that Mr. ALLISON, now a Senator from the State of Iowa, was chairman of the committee which recommended the abolition of the District of Columbia government.

The Clerk read as follows:

Your committee have unanimously arrived at the conclusion that the existing form of government of the District of Columbia is a failure; that it is too cumbrous and expensive; that the powers and relations of its several departments are so illy defined that limitations intended by Congress to apply to the whole government are construed to limit but one of its departments; that it is wanting in sufficient safeguards against maladministration and the creation of indebtedness; that the system of taxation it allows opens the door to great inequality and injustice and is wholly insufficient to secure the prompt collection of taxes; and that no remedy short of its abolition and the substitution of a simpler and more restricted and economical government will suffice.

Your committee have, therefore, reported a bill for the temporary government until Congress shall have power to secure and adopt a permanent form.

WILLIAM B. ALLISON.
A. G. THURMAN.
WILLIAM M. STEWART.
J. M. WILSON.
JAY A. HUBBELL.
LYMAN K. BASS.
H. J. JEWETT.
ROBERT HAMILTON.

Mr. BLAND. That, Mr. Chairman, was in the Forty-third Congress, when the House was two-thirds Republican and the Senate overwhelmingly so; and in order to show the reasons for the abolition of the District of Columbia government I will send to the Clerk's desk and have read another portion of this report, setting forth a memorial of the people of the District of Columbia—the taxpayers here—with regard to the matter and respecting the efficiency of this government.

I remember of being in Congress at that time. I remember that the newspapers throughout the District derided the government, and the legislative assembly as crowded with "feather-dusters," men who sold their votes and who were put in by fraud; and that the whole District government was reeking with corruption and rotten to its core; and that it had involved the District in liabilities of over $20,000. It was in response to such characterization as that that this report was made, and the ballot was taken from the people of the District of Columbia. I want that petition read to show what the people of the District of Columbia thought of the matter at the time.

The Clerk read as follows:

And your petitioners further respectfully represent that they honestly believe that evidence can be readily obtained by an appropriate committee, having proper authority in the premises, to establish to the entire satisfaction of your honorable body the truth of the following propositions, to wit: That the officers of said government of the District of Columbia have improvidently expended large sums out of the public moneys in making improvements wholly unnecessary and in making other improvements in such a careless and negligent manner that they have already become worthless and useless; that said officers have persistently disregarded the lessons of experience taught by the experiments of other cities as well as their own in making improvements, and have thereby involved said District in expensive and ruinous mistakes; that said officers have defiantly disregarded public sentiment, the laws of the United States——

[Here the hammer fell.]

Mr. HEMPHILL. Mr. Chairman——

Mr. KERR, of Iowa. I move to strike out the last word.

Mr. SPINOLA. I move to strike out the whole paragraph.

Mr. BLAND. There are some other matters in that report that I desire to have read.

The CHAIRMAN. The gentleman's time has expired.

Mr. HEMPHILL. Is debate exhausted on that amendment?

Mr. SPINOLA. Oh, no; we have just commenced it.

The CHAIRMAN. The gentleman's time has expired. Five minutes in opposition to the motion will be allowed if any gentleman desires to oppose the amendment.

Mr. HEMPHILL. Mr. Chairman, I suppose I can oppose it.

The CHAIRMAN. The gentleman from South Carolina [Mr. HEMPHILL] is recognized for five minutes.

Mr. HEMPHILL. There has been some discussion here from time to time as to why the government of the District of Columbia was changed. This much is certain, that as long as only the white people of this District had the right to vote, that right was left with them; and when it became a part of the privilege to the colored man in this District to vote, then for the first time for some reason or other the Republican party took away from the white man and the black man alike the right to vote in the District of Columbia. And it was taken away by a Republican Congress, beyond all question.

The idea that it was taken away upon the theory that we have here a transitory population is something that was picked up out of the minds of ingenious Republicans long after the act itself was done. And the efforts on the part of the Republicans of this House, and of former Houses, to shift the responsibility of this thing over upon the Democrats or the efforts to shield themselves from the responsibility for their own acts will never be accepted by any reasonable man in this country when he puts into juxtaposition these three facts, to wit: First, that as long as the white man alone had the right to vote it was not considered essential to the safety of the national Capital that the right to vote should be taken away from the citizens of this District; second, that after the colored man had the right to vote, and by his efforts and those of the white men, no better than he, if as good,

the debt of this District had been increased to the enormous amount of $30,000,000, it became apparent that these people, if they were permitted to go on, would swamp not only the residents of this District, but the Government of the United States if they could control the Treasury; and, third, that the Republican party then came in and by act of Congress denied the right of the whole people of the District of Columbia to vote at all upon any question or to manage their own affairs. In view of these facts I think that it should be forever settled that the Republicans are responsible for it, and they are responsible for it because the black man here had the right to vote, and, when he had the right to vote, he and those who were associated with him managed this government so that even the Republicans could not stand it.

They stole the public money or misappropriated it and indulged in such extravagance that the party then in power, and who were responsible for giving them their votes, found that it was essential to the preservation of the rights of the people of this District and of their property and their institutions that they should take away from them what they had already given them. And I say, Mr. Chairman, that the effort on the part of our Republican friends to relieve themselves of this responsibility, and their efforts to shield themselves from the charge of arrant hypocrisy in trying to put upon some of the people of the United States this uncontrolled and ignorant vote and deny it here to the very same class of people in the District of Columbia, is nothing but the most outrageous and uncompromising injustice and insincerity, and they know it themselves and can not deny it. [Applause on the Democratic side.]

Mr. RICHARDSON. I move to strike out the last words of the pending amendment offered by the gentleman from Missouri [Mr. BLAND].

Mr. HOLMAN. Change the amount.

Mr. RICHARDSON. I desire to ask the gentleman from Maryland [Mr. MCCOMAS] if there are any colored men employed in the office of the register of wills in this District; and, if so, how many.

Mr. MCCOMAS. I have made no inquiry as to that, but if the gentleman from Tennessee will take this line of cars that runs by the Capitol and stop at the City Hall he can find out for himself.

Mr. RICHARDSON. It seems that the gentleman is unable to answer the question.

Now, Mr. Chairman, I insisted on Saturday last that the same discrimination was made against the poor, ignorant, and illiterate colored man in the Northern States that was made in the Southern States. I say that the same discrimination is made against the colored man in the District of Columbia.

I desire to have read in this connection an article I recently clipped from the Washington Post, dated September 11. I want to show that even at the Capital of the nation this same discrimination is made, and that when whites and blacks are brought together in any common work it results inevitably in contention between them. I ask to have the Clerk read the clipping which I sent to the desk, and that it be made a part of my remarks.

The Clerk read as follows:

OBJECTED TO A NEGRO BOSS.

There was a miniature strike yesterday among the white pavers at work on the repairs now being made to the roadbed of the Columbia Street Railroad line on H street. There were twelve white men employed on the work, receiving $2 a day. Yesterday two of the number were discharged for incompetency and seven more took offense and quit work. They said that they would not work with negroes and also asked for an advance to $3 a day. Upon being refused, they instantly dropped their tools. The strikers attempted to persuade the rest to follow them, but were unsuccessful. Their places were filled with negroes.

Mr. MORSE addressed the Chair.

Mr. RICHARDSON. I have not concluded my remarks. My time is not out. I had already submitted a few extracts from papers published in the State of Illinois on Saturday last when the committee rose and the House adjourned, to show the treatment of the colored race in the State of Illinois. As further evidence upon that subject I desire to have submitted a statement which I send to the desk to have read, and I ask to have it made a part of my remarks.

Mr. MORSE. I move to strike out the last two words.

The CHAIRMAN. The gentleman from Tennessee has the floor and has asked the Clerk to read a clipping from a newspaper, which he will now read.

Mr. RICHARDSON. I decline to yield to the gentleman from Massachusetts for that purpose.

The Clerk read as follows:

FATALLY CUT BY UNKNOWN MEN—CHARLES ELDRIDGE, A COLORED MAN, STABBED BY DRUNKEN ASSAILANTS.

Charles Eldridge was probably fatally stabbed at about 1 o'clock this morning. The affray occurred near the corner of Desplaines and Madison streets. Eldridge lived at 269 Lake street and had just left a street car to cross over to his home. When a few feet from the car a crowd of half-drunken men assaulted him. One of them drew a long knife and plunged the blade into Eldridge's left side. At the approach of a policeman the crowd of ruffians fled and made good their escape. The wounded man, who is colored and twenty-three years old, was taken to his home. He will probably die.

Mr. RICHARDSON. That occurred in the city of Chicago and that extract is taken from the Chicago Times.

I desire also to submit one other statement, taken from a paper published in the State of Illinois. This, it may appear, occurred at a Democratic town, as I have been informed, but gentlemen mistake me if they imagine that I insist that it is more likely to occur in a Republican town than in a Democratic town. I do not say that; but I do say that, North or South, these occurrences are likely to be brought about.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RICHARDSON. I ask to have that extract returned to me.

Mr. ALLEN, of Michigan. Mr. Chairman, I rise to oppose the motion of the gentleman from Tennessee.

Mr. CHEADLE and Mr. MORSE addressed the Chair.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana.

Mr. CHEADLE. Mr. Chairman, I listened with considerable interest the other day to the remarks of the distinguished gentleman from Tennessee [Mr. RICHARDSON] when he spoke with reference to the treatment of the colored people in the State of Indiana. I can not speak for the whole State of Indiana, but speaking for the Ninth district, I want to say to my friend and to this House that in the town where I live, a city of 6,000 inhabitants, one of the best towns of that State, the colored children receive the same privileges in the schools of that city that the white children receive.

Side by side with the white children of Frankfort, Clinton County, Indiana, are educated the colored children of that city. Under the wise provision of our State laws, in all the country districts the children of school age are enabled to receive six months' school education each year, and in the incorporated cities and towns of that State the public schools are open on an average nine months in the year. I want to say to the House that I admit that crimes are committed in Indiana, crimes against the colored people and crimes against the white people; but I want further to say this, that there is not a single voting precinct in the district where I live, and the one I represent, in which the humblest citizen of color can not without fear of proscription cast his ballot, have it counted as cast, and the result honestly announced.

Mr. Chairman, I do not want to speak at length upon this question, but simply state the facts that come within my personal knowledge; and I assert here, in the presence of this House and of the country, that so far as the State of Indiana is concerned, and more especially the district I represent, the colored people are protected as amply and fully as I am protected in all constitutional and all legal rights to which they are entitled under the Constitution and laws of the country.

Mr. BLAND. I would like to ask the gentleman if the children all go to the same school.

Mr. CHEADLE. They do in the city where I live.

Mr. BLAND. Do they do it all over the State?

Mr. CHEADLE. I do not know. In some places where there are a large number of colored scholars I believe they have separate schools. It is probable that in those places they have separate schools.

Mr. BLAND. Do you not know that that pertains to many localities in the State?

Mr. CHEADLE. I will say to the distinguished gentleman from Missouri that in the community where I reside it happens there are only a few colored children, and in order that they may have the right to receive a liberal education in all the English branches they are secured those rights side by side with the white children of that city and of that county.

Mr. OUTHWAITE. I would like to ask the gentleman a question.

Mr. BLAND. As a general thing, do they not have separate schools?

Mr. CHEADLE. I do not know. So far as I know they have not. In some places they may have separate schools.

Mr. OUTHWAITE. How many of them are permitted to learn trades in your district?

Mr. CHEADLE. I do not know how many of them are permitted to learn trades. I only know this, that there are very few white or colored boys either who learn trades in that district, because I happen to represent an agricultural and not a manufacturing district.

Mr. CUTCHEON. Is there any law to prevent them?

Mr. CHEADLE. No, sir.

The CHAIRMAN. Debate upon the pending amendment is exhausted.

Mr. SPINOLA. Mr. Chairman——

Mr. HOLMAN. I wish to offer a substitute for the section.

Mr. RICHARDSON. I withdraw the *pro forma* amendment.

Mr. MORSE. I renew it, Mr. Chairman.

The CHAIRMAN. The gentleman from Massachusetts renews the *pro forma* amendment to strike out the last word.

Mr. MORSE. Mr. Chairman, at the former discussion of the bill now under consideration the gentleman from Tennessee [Mr. RICHARDSON] injected into the discussion a large number of newspaper clippings showing ill treatment of the colored people in Northern and Republican States.

Gentlemen representing the sections which were attacked in Ohio, Indiana, Illinois, Minnesota, and Kansas show that these attacks and ill treatment of the colored people were confined almost exclusively to strong Democratic districts, and I venture to say that a close analysis

of these several complaints would show that the parties perpetrating these crimes were of the same class that are maltreating and abusing the poor Chinamen in California and the Pacific States.

I venture to say that criminals in those cases are very largely foreigners, who have themselves escaped to this country from injustice and oppression and are guilty of the inconsistency in this country of committing these crimes upon the unoffending colored people and Asiatics.

Mr. ROGERS. Of what nationalities are they?

Mr. MORSE. It is not necessary to specify. The gentleman knows.

Mr. SPINOLA. Oh, yes; we must know. [Laughter.]

Mr. MORSE. I assert that in those States and sections where the Republican party is in power civil rights are accorded to men without regard to color or nationality, and I submit that that statement is emphatically true of the State of Massachusetts, which I have, in part, the honor to represent on this floor.

That Commonwealth has repeatedly honored colored men by electing them to official positions and as members of the Legislature. It has also honored colored men in other departments.

Mr. HEMPHILL. Is that a Democratic State or a Republican State?

Mr. MORSE. It is a Republican State. [Laughter on the Democratic side.]

Mr. VAUX. How many negroes have you there? How many negroes have you in Boston?

Mr. MORSE. Well, we have enough in one district, the Fifth, to hold the balance of power.

Mr. VAUX. Yes, and you use them to carry your party through, and that is all you do with them.

Mr. RICHARDSON. Will the gentleman yield for a question?

Mr. MORSE. I can not yield further; I have not time. The gentleman from Tennessee [Mr. RICHARDSON] charged that the present Administration had not recognized colored men in official position, or at least he had not been recognized in Indiana, the home of the President. That charge I deny, and I affirm without fear of contradiction that never in the history of this Government were colored men holding official position to such an extent under the national Administration as at this very hour.

Mr. SPINOLA. Has Massachusetts any?

Mr. MORSE. She has several.

Mr. SPINOLA. Mostly spittoon-cleaners. [Laughter.]

Mr. MORSE. I desire to send to the Clerk's desk and have read a statement upon this point, which I copy from a reputable newspaper of my district, the North Attleborough Chronicle, showing that over six hundred colored men hold official position under the Administration of Benjamin Harrison, ranging from a minister plenipotentiary and envoy extraordinary, in the person of Frederick Douglass, down to the humblest position in the gift of the Administration.

The Clerk read as follows:

[From the Attleborough (Mass.) Chronicle.]

Six hundred and eleven colored men hold national positions under the present Administration. They are found in all the Departments, the Public Printing Office having the largest number and the War Department the next largest. Their salaries are as varied as their positions, from that drawn by Frederick Douglass, minister to Hayti, to the lowest wage day laborer. No one can justly say that the present Administration has not dealt liberally with colored persons in its disposal of public patronage.

Mr. MORSE. I may add that the valedictorian of the class of 1890 at Harvard College, that great institution of learning, was a colored man as black as your coat, and to his rhetoric, learning, genius, and oratory the gentleman from Tennessee might well do obeisance. [Applause on the Republican side.]

Mr. RICHARDSON. Mr. Chairman, I had arranged the extracts which I desired to submit in a certain order, and I had not yet reached Massachusetts. But inasmuch as my honorable friend invites some evidence in relation to the treatment of colored men in that State, I will now put in some extracts upon that subject.

Mr. WILLIAMS, of Ohio. Will the gentleman yield for a question?

Mr. RICHARDSON. I can not yield. My time is too limited. The gentleman from Massachusetts [Mr. MORSE] says that colored men receive fair treatment at the hands of the Republicans of Massachusetts.

Mr. MORSE. I do. I repeat that.

Mr. RICHARDSON. Now, Mr. Chairman, I desire to submit a statement from a colored paper giving an account of the treatment of the colored men in Massachusetts by the Republicans——

Mr. MORSE. I will venture to say that they were "hoodlums" and foreigners that perpetrated the outrage.

Mr. RICHARDSON. There is no "outrage" in this case. This is an account of the action of a convention of colored men in regard to their treatment by the Republican party in Massachusetts. I send to the desk an extract which I ask the Clerk to read.

The Clerk read as follows:

The colored men of Massachusetts, finding that they could not get any political recognition from the Republican party, held a conference in Boston in September, to assist in the organization of a movement to secure from the political party of our affiliation a fair share in its responsibilities, opportunities, and honors.

Mr. RICHARDSON. Now, I wish to submit what the chairman of that colored convention in Massachusetts said in regard to the loaves and fishes in that State, of which he says they do not get any. [Laughter.]

The Clerk read as follows:

THE NEGRO PROBLEM NORTH AND SOUTH.

It is a curious and, at the same time, a suggestive fact that, while the negroes of Georgia are considering a call to a convention to consider their wrongs, the colored Republicans of Massachusetts should be meeting in conference to discuss their practical disabilities and to demand from the political party of their affiliation a fair share in its honors and offices. The colored people of Georgia protest against the injustice to which they are subjected, and the colored Republicans of Massachusetts also protest against the denial, by the party to which they belong, of all share in the rights, privileges, and opportunities which should be theirs as citizens and as members of the Republican party.

The chairman of the Massachusetts conference said, "The colored Republicans of the Northern and Western States are never considered by the politicians as entitled to any other privilege in the party than to hurrah for the candidates nominated, and on election day to vote for the straight ticket." He went on to say that "the benefits of party success are parceled out to the white politicians, who demand them and bolt their party if not given fair treatment."

The arraignment of society by the Massachusetts colored Republicans is as severe as anything that could be charged at the South. The resolutions of the conference say: "In the political world it accepts our suffrage, and then instigates and permits every species of outrage on our citizenship, winks at violence to our persons and the destruction of our property, and denies to us all equality of rights."

The similarity of the two complaints recently made by the colored people of the country—one from Georgia, the other from Massachusetts—shows that the negro problem in politics is general and affects the whole country; that it is practical as well as sentimental, and that it is a question not for sectional recrimination, but for wise and statesmanlike solution.

Mr. RICHARDSON. That is not the statement of a foreigner. It is to show that this is a question "not for sectional recrimination, but for wise and statesmanlike solution" that I have presented these extracts. I desire to put the question before the people of the country in such a way that they may understand it.

Now, Mr. Chairman, I ask to have read an extract from an Illinois paper which I was about to have read when the gentleman from Massachusetts interposed with his remarks about colored men in Massachusetts.

Mr. MORSE. Will the gentleman yield for a moment?

Mr. RICHARDSON. I can not yield.

Mr. MORSE. The gentleman from Tennessee does not want an answer.

Mr. RICHARDSON. The gentleman from Massachusetts has plenty of time. I ask the Clerk to read.

The Clerk read as follows:

AN INVESTIGATION IN ORDER.

A special to the Chicago Herald from Lawrenceville, Ill., September 15, says: "This town was the scene of a desperate fight between whites and blacks last night. County Judge Barnes arrested a negro on the street for running amuck with a knife. The negroes attempted to rescue the prisoner and the whites went to Barnes's assistance. There was a hard fight, but the whites won and landed four negroes in jail. The negroes rallied again, broke in the jail, and rescued the prisoners. The whites organized, and in the fight that followed Judge Barnes was shot, but not fatally, and two negroes were killed. About a dozen were wounded on both sides. The ringleader was captured and put in jail. A posse armed with Winchesters surrounded the jail to-night and the negroes fled panic-stricken from the town."

President Harrison should, without delay, convene Congress in extraordinary session in order that thorough investigation may be had in regard to this outrageous and barbarous treatment of poor Cuffy. This wanton outrage and utter disregard of the negroes' right to take the town if they saw proper should be exposed in all of its hideousness to an outraged public. We believe that an investigation will show that those people are still in a "state of rebellion" and constantly premeditating evil against the poor negro. We commend this case to Brother Foraker.

Mr. McCOMAS obtained the floor.

Mr. HENDERSON, of Illinois. I simply wish to say that in my opinion just such outrageous newspaper reports as the one just read are responsible for hundreds of murders committed in this country every year, both North and South.

Mr. RICHARDSON. I have no doubt of it, and the statement is true of newspapers published in the South as well as in the North.

Mr. HENDERSON, of Illinois. It is a Democratic paper that makes this publication.

The CHAIRMAN. Debate upon these amendments is exhausted.

Mr. SPINOLA. I move to amend by striking out the last two words.

The CHAIRMAN. That motion is not in order at this time.

Mr. McCOMAS. I move to close all debate upon this paragraph and amendments thereto. Now, Mr. Chairman, we have been having here——

Mr. HEMPHILL. Is the motion of the gentleman from Maryland [Mr. McCOMAS] debatable?

The CHAIRMAN. It is not. The gentleman from Maryland moves to close debate on this paragraph and amendments thereto.

Mr. HOLMAN. I wish to submit a bona fide amendment, and I desire to say a word about it. I hope the gentleman will withdraw his motion for a moment.

Mr. McCOMAS. I withdraw it for a moment to allow the gentleman from Indiana to submit his proposition.

Mr. HOLMAN. I wish to submit a substitute for the pending proposition; and, although it is subject to a point of order, I hope the gentleman will see the propriety of accepting it.

The CHAIRMAN. Does the gentleman offer a substitute for the paragraph?

Mr. HOLMAN. Yes, sir.

The CHAIRMAN. The gentleman from Indiana proposes as a substitute for the paragraph what the Clerk will read.

The Clerk read as follows:

The register of wills shall prepare papers in connection with the appointment of guardians to enable indigent boys to enlist in the United States Navy, as provided by law, without making any charge therefor.

Mr. McCOMAS. If the gentleman from Indiana can obtain unanimous consent to have that amendment adopted, I will accept it.

Mr. HOLMAN. I am asking unanimous consent that this substitute may be agreed to.

Mr. BLOUNT. No point of order, I understand, has been made on the proposition.

The CHAIRMAN. The gentleman from Missouri [Mr. BLAND] has offered an amendment; and there is pending a *pro forma* amendment to strike out the last word.

Mr. McCOMAS. I hope the gentleman from Tennessee [Mr. RICHARDSON] will withdraw the *pro forma* amendment and then unanimous consent can be given for the proposition of the gentleman from Indiana.

Mr. RICHARDSON. I withdraw the *pro forma* amendment.

The CHAIRMAN. The gentleman from Indiana offers as a substitute for the pending paragraph the provision which has been read. The question is first upon the amendment of the gentleman from Missouri [Mr. BLAND], unless he withdraws it.

Mr. BLAND. No, sir; I desire a vote on it.

The question being taken on the amendment of Mr. BLAND to strike out, in line 15, the words "and fifty," there were on a division (called for by Mr. BLAND)—ayes 41, noes 77.

Mr. BLAND. I call for tellers.

Mr. McCOMAS. I hope the gentleman from Indiana [Mr. HOLMAN] may prevail upon the gentleman from Missouri [Mr. BLAND] to let us improve this bill by accepting the substitute, without any point of order being made.

The CHAIRMAN. Debate is not in order. The question is on ordering tellers.

Tellers were ordered; and Mr. BLAND and Mr. McCOMAS were appointed.

The committee again divided; and the tellers reported—ayes 35, noes 77.

So the amendment of Mr. BLAND was rejected.

The CHAIRMAN. The question now recurs on the substitute offered by the gentleman from Indiana [Mr. HOLMAN] for the entire paragraph.

The substitute was agreed to.

The Clerk read as follows:

For assessor's office: For one assessor, $3,000; two assistant assessors, at $1,600 each; one special-assessment clerk, $1,700; one clerk, at $1,200; three clerks, at $1,000 each; one clerk in charge of records, $1,000; one license clerk, $1,200; one inspector of licenses, $1,200; one assistant or clerk, $900; one clerk and messenger, $900; in all, $17,300.

Mr. SPINOLA. I move to amend by striking out, at the end of the paragraph just read, the words "three hundred dollars." Now, Mr. Chairman, I regret that I am not in "bang-up" condition to-day; nevertheless, having sat here for a half or three-quarters of an hour and heard the other side of the House engage in its usual work of trying to deceive the poor negro, trying to make him believe that they are his friends, I must say a word or two. In not a single Northern State can you get a negro boy entered in any shop to learn a trade or a negro mechanic employed by any boss mechanic.

Mr. ALLEN, of Michigan. How is it in New York City?

Mr. SPINOLA. It is the same in New York City. It is the same everywhere in the North. Yet in the city of New York, with her 85,000 Democratic majority, we give the negro every opportunity and every privilege that the white inhabitants of that city enjoy. You never hear any complaint coming from that Democratic city that the negro is interfered with at the polls. You never hear any complaint that he is not allowed to vote the same as the white man is. You never hear any complaint that negro children are not allowed free access to the schools. Throughout that great Democratic State the schoolhouses are open equally to black and to white children.

I am sorry that to-day the question before this House is not the seating of some colored man here by turning out a white man, in order that I might have a full gallery to talk to. [Laughter.]

A MEMBER. Wait until the next Congress.

Mr. SPINOLA. No, sir; I will give it to them at this session. I am going to talk about that question.

A MEMBER. What question?

Mr. SPINOLA. Why, the rights of the negro in this country, and what the negro will reach if he is left alone by the contemptible and dirty politicians who are trying to use him for their own purposes.

But, Mr. Chairman, if the negro only knew enough to determine who were really his friends——

Mr. GROSVENOR. Do you let any of them into Tammany Hall?

Mr. SPINOLA. Yes, sir; we do.

Mr. GROSVENOR. What do they do there?

Mr. BUTTERWORTH. Clean the spittoons. [Laughter.]

Mr. SPINOLA. What do they do there? Why, I have seen them stand on the rostrum and address thousands of their fellow-citizens.

Mr. QUINN. And as a rule what they said has always been received with attention and applause.

Mr. ALLEN, of Michigan. Are they members? [Laughter.]

Mr. SPINOLA. No, sir; but they could be if they wanted to.

A MEMBER. They do not want to be.

Mr. WADE. They show some discretion, then, after all. [Laughter.]

Mr. GROSVENOR. Will the gentleman allow me to ask him a question?

Mr. SPINOLA. Certainly.

Mr. GROSVENOR. Where were you in the summer of 1863? Were you in New York?

Mr. SPINOLA. No, sir; but I was on my way from Gettysburgh following Lee; Meade on this side of the mountains and Lee on the other side.

Mr. GROSVENOR. Who burned the orphan asylum in New York?

Mr. SPINOLA. Why, a lot of roughs and rioters, and they were sent to State's prison for doing it. Who takes charge of your orphan asylums there to-day and erects them?

Mr. GROSVENOR. I do not know.

Mr. SPINOLA. The Roman Catholic Church. They have this year established a colored church and a colored orphan asylum for indigent children of that race; they are taking care of them.

Mr. GROSVENOR. They always do. Nobody will gainsay that statement.

Mr. SPINOLA. Yes, sir; they do take charge of them, and we are going to take care of the negroes for you in future.

Mr. PAYNE. You are undertaking to do it too much already in some parts of the country. [Laughter.]

Mr. SPINOLA. No, sir; we are simply granting them the rights of free citizens, the rights which all of the citizens of this country should enjoy, and with which none should interfere. And now when you come with your force bill to pretend to protect him you know that it is the veriest humbug and that you are stating what is not true.

[Here the hammer fell.]

Mr. HEMPHILL. Mr. Chairman, I rise to oppose the amendment.

Mr. McCOMAS. I move to close all debate on the pending paragraph and amendments.

Mr. McCREARY. I move to amend by making the time one hour.

Mr. McCOMAS. I make the point of order on that.

Mr. SPINOLA. What is the use of a "gag law" trying to cut me off. [Laughter.]

Mr. RICHARDSON. Mr. Chairman, I move an amendment to the motion of the gentleman from Maryland.

Mr. HEMPHILL. I believe I have the floor, Mr. Chairman.

The CHAIRMAN. The Chair understands the gentleman from South Carolina to rise to oppose the amendment.

Mr. HEMPHILL. That was my purpose.

Mr. McCOMAS. But I was recognized, and I move to close all debate on the paragraph.

Mr. McCREARY. And I have moved an amendment.

Mr. HEMPHILL. Why not let this very interesting discussion go on. I hope gentlemen on the other side will not get sick of this debate which they have stirred up. It is very interesting, and I think it proper that the House and the country should have the benefit of an extension of it.

Mr. McCOMAS. Well, at some other time you will have the opportunity.

Mr. HEMPHILL. But now is the accepted time.

Mr. McCOMAS. You will have plenty of time on succeeding paragraphs.

Mr. HEMPHILL. Am I recognized?

The CHAIRMAN. Under the rule the Chair must recognize the gentleman from Maryland.

Mr. RICHARDSON. I rise to a point of order.

Mr. McCREARY. I have a pending amendment——

The CHAIRMAN. The Chair requests the committee to be in order. It is impossible to transact business when a half dozen members are addressing the Chair at the same time.

Mr. McCREARY. Then I will wait until the Chair gets ready to hear me.

The CHAIRMAN. The Chair will state the question. The gentleman from Maryland moves to close all debate on the paragraph and pending amendments.

Mr. McCREARY. And I have moved an amendment.

The CHAIRMAN. The Chair so understands.

Mr. McCOMAS. And I make the point of order on that.

Mr. RICHARDSON. What is the amendment?

The CHAIRMAN. The Chair did not catch the amendment of the gentleman from Kentucky.

Mr. McCREARY. I move to amend the motion of the gentleman from Maryland by fixing the time for debate on this paragraph at one hour.

Mr. ADAMS. A point of order will lie against the amendment.

Mr. McCOMAS. I have made a point of order.

Mr. BLOUNT. I would like to know what point of order is made.

Mr. McCREARY. What is the point of order?

Mr. McCOMAS. My point of order is that under clause 6 of Rule XXIII—

The committee may by the vote of a majority of the members present, at any time after the five-minute debate has begun upon proposed amendments to any section or paragraph of a bill, close all debate upon such section or paragraph, or, at its election, upon the pending amendments only (which motion shall be decided without debate); but this shall not preclude further amendment, to be decided without debate.

The amendment is the amendment to the paragraph, and thereafter it can be voted upon, but not discussed and debated. Now, when the rules of the present House were adopted, in the minority report of the Committee on Rules the distinguished Ex-Speakers, Messrs. CARLISLE and Randall, both adverted to this rule which I have read and this clause which I have read, in the following language. They say:

It is also proposed by a modification of the old Rule XXIII to confer upon the Committee of the Whole the power to close all debate on any section or paragraph of the bill under consideration.

And then they discuss it. And the distinguished parliamentarian, the gentleman from Georgia [Mr. BLOUNT], in his speech on February 12, adverted to the same rule in the following language:

More than that, sir, this committee may, by a vote of a majority of the members present, at any time after the five-minute debate has begun, on a proposed amendment to any section or paragraph, close all debate on said section or paragraph.

Now when an amendment is offered for the purpose of irrelevant discussion, when gentlemen pour as through a conduit upon the committee extracts from newspapers, perhaps the whole of police gazettes, into debate, irrelevant and unjustifiable, this motion should be made.

Mr. BLAND. If the gentleman proposes to argue the merits of it, we want to be heard.

Mr. McCOMAS. I have not made the motion to cut off relevant discussion; but when it is irrelevant I appeal to the rule and make that motion. This is a motion to close all debate, and, being one of that class of motions to close debate, is itself not debatable, but is to be put for the purpose of closing debate. And just as an appeal from a decision of the Chair upon such a motion could not be debated, so, therefore, I submit to the Chair, that amendments that are made can be voted on, but not debated, and we proceed to the next paragraph. I wish simply to state my point, and will yield to the gentleman from Illinois to argue the proposition.

Mr. HEMPHILL. Will the gentleman from Maryland [Mr. McCOMAS] submit to a question?

Mr. McCOMAS. I will.

Mr. HEMPHILL. Does the gentleman mean to say that a discussion of the rights of the colored people upon any occasion is irrelevant?

Mr. RICHARDSON. And their exclusion from office?

Mr. McCOMAS. That discussion and that legislation we have endeavored to carry out; but on this particular provision, which relates to the payment of a special-assessment clerk, I deny the relevancy of that discussion.

Mr. McCREARY. Mr. Chairman——

The CHAIRMAN. The Chair understands the gentleman from Maryland to yield to the gentleman from Illinois [Mr. ADAMS].

Mr. McCREARY. I desire to be heard on the point of order made against my amendment.

The CHAIRMAN. The gentleman will be recognized on the point of order. The gentleman from Illinois is recognized. The Chair will recognize the gentleman from Kentucky on the point of order.

Mr. ADAMS. Mr. Chairman, up to the beginning of this Congress the Committee of the Whole had no power to close debate in any particular. That power, whatever it was, resided in the House. There is no power in the House to close debate in the House, except by the previous question; but the point of order made by the gentleman from Maryland is, as I understand, that his motion made in the Committee of the Whole to close debate in the Committee of the Whole, under the new rules of this Congress, is analogous to the motion for the previous question in the House and can neither be debated nor amended.

The motion, as I understand it, is that the debate now close on the pending paragraph. That was the form in which the motion was made. It is like a motion made in the House that the main question be now put. If you regard the form of the motion, that motion is amendable like this. Yet it has been decided for hundreds of years that, because of the purpose of that motion, because of the effect which it is intended to have, and because of the effect of permitting amendments to it, that motion shall not be subject to amendment in the House.

And I insist that the rule of this Congress, adopted for the evident purpose of giving the Committee of the Whole some power to shut off debate when it appeared to be irrelevant in the opinion of the committee—for the committee can decide any debate to be unwise and irrelevant if it chooses—when a majority of the committee decide that there shall be no more debate on the pending paragraph then the motion is like a motion for the previous question and can not be debated or amended.

Mr. MILLS. May I ask my friend from Illinois whether, in his judgment, it would have been proper for the gentleman from Maryland to move to close debate in five minutes?

Mr. ADAMS. It would not. The gentleman made such a motion the other day, and it occurred to me whether that was the motion intended by the rule. But, as I had not looked up the history of the question, I did not make the point of order; but I am inclined to think that that motion in the Committee of the Whole would be just as improper as the motion made in the House, that debate in the House close after one hour, would be improper. And that was decided to be improper as long ago as the Forty-seventh Congress. In that Congress the apportionment bill was up and Mr. Page——

Mr. McCREARY. Will the gentleman allow me to ask him a question?

Mr. ADAMS. Not yet, for I am answering the question of the gentleman from Texas [Mr. MILLS]. The apportionment bill being up at that time Mr. Page, of California, moved that all debate close at the end of a certain number of hours.

Mr. Knott, of Kentucky, made the point of order that the motion could not be allowed, for the reason that by ancient parliamentary law the only way that the House could determine debate was by the previous question. That was sustained, and I am not aware that it has ever been questioned. Of course, I know that there are requests for unanimous consent both in the House and in the committee that debate may cease after a time; but as a matter of parliamentary right I will say to the gentleman from Texas that I think the motion which he suggests, like a motion which was in fact made by the gentleman from Maryland the other day, would not be proper now.

Now I yield to the gentleman from Kentucky, with the permission of the Chair.

Mr. McCREARY. I desire to ask the gentleman from Illinois if it would be in order for the gentleman from Maryland to move to close the debate in one minute?

Mr. ADAMS. No, sir.

Mr. McCREARY. Now, will the gentleman allow me to allude here to what occurred on last Saturday?

Mr. ADAMS. The gentleman need not read it. It would make no difference.

Mr. McCREARY. A motion was made last Saturday by the gentleman from Maryland to close debate in one minute.

Mr. ADAMS. I stated to the gentleman that he need not read it. It makes no difference whatever.

Mr. McCREARY. I desire to show that the presiding officer in the Committee of the Whole allowed such a motion.

Mr. ADAMS. Was a point of order made against it?

Mr. McCREARY. No point of order was made against it, but on a division in the committee it was sustained.

Mr. ADAMS. Was a point of order made that that motion was not in order for the reason I have now stated?

Mr. McCREARY. I believe there was no point of order made, but the gentleman from Illinois was present and could have made the point of order. I do not think his point of order is well taken.

Mr. ADAMS. I know I was present, and did not make the point of order, and the gentleman from Kentucky a few minutes ago proposed an amendment that I think was subject to the point of order, but I liked the amendment and did not make the point of order.

I insist, Mr. Chairman, that if you allow amendments to this motion, then amendments will go on *ad infinitum*, for, although under general parliamentary law there can be only one amendment to the principal proposition with an amendment to that amendment, yet when the amendment as amended is voted up or down, then there remains one amendment to the principal proposition, which a gentleman can make; and if the Chair thinks that this motion made by the gentleman from Maryland is susceptible of any such amendment as has been suggested here by the gentleman from Kentucky, or by way of illustration by the gentleman from Texas [Mr. MILLS], then it is in the power of any one member of this committee to forbid further action on this bill in this Committee of the Whole.

Now, Mr. Chairman, I insist that, when the rules are made giving certain power to the Committee of the Whole, the construction of that rule must be governed by the constitution of the Committee of the Whole; and if it was evidently intended to give the Committee of the Whole some power that it had not before (that is certainly evident), then such a construction must be given as will give to the Committee of the Whole some power that it did not have before. But if you admit that this amendment is an amendable motion, then the Committee of the Whole has precisely the same power as it had before, namely, the power to close the five-minute debate by unanimous consent.

Now, as any one man can object to giving unanimous consent, so any one member of the committee, by repeated amendments to the motion to close debate, can prevent the committee from coming to a vote upon that question between now and the 4th of March. The rule is absolutely without significance or effect if you do not hold that it is a motion like the previous question in the House. Even such a motion—a motion made in the House to limit debate in Committee of the Whole—is that which affects the parliamentary right which governs motions

made *in præsenti*. On page 334 of the Digest it is given in the form of a resolution, sanctioned by long practice, for closing the hour of debate:

Resolved, That all debate in Committee of the Whole House on the state of the Union shall cease when its consideration is next resumed.

It is common, however, to insert in the House the time at which it shall cease, for the reason that if you do not amend that by one proposition or another there is the previous question in the House which shall bring the debate to a termination and bring the House to a vote upon the motion; but as we have no previous question in the committee, the House, in adopting this rule and giving this power to the committee, must be construed to have had that fact in mind, and must therefore be construed to have intended to give to the committee simply the power to vote upon the question whether the debate shall end at this moment of time. I will also suggest that there is no table on which we can lay that motion in Committee of the Whole. If it shall be decided by the Chair that this motion is like a motion in the House, and can be amended, then the Committee of the Whole has no more power than it had in the last Congress, namely, the power to close the five-minute debate by unanimous consent.

Mr. McCREARY. Mr. Chairman——

Mr. ROGERS. I rise to make a parliamentary inquiry.

The CHAIRMAN. The gentleman from Arkansas rises to a parliamentary inquiry.

Mr. ROGERS. Mr. Chairman, the inquiry I wish to make is whether or not on the pending amendment, upon which the motion is now made to limit debate, there has been five minutes' debate on either side?

The CHAIRMAN. There has been five minutes' debate in favor of the amendment, but not against it.

Mr. ROGERS. That is the point I wished to know.

Mr. McCOMAS. There was some debate—a minute and a half—on that motion.

Mr. HEMPHILL. Oh, no; I beg the gentleman's pardon. I rose to propose an amendment. The Chair first recognized me, and then reconsidered and recognized the gentleman from Illinois.

Mr. McCOMAS. I spoke a minute and a half in favor of the amendment.

Mr. HEMPHILL. You may have occupied the time yourself.

The CHAIRMAN. In view of the inquiry made by the gentleman from Arkansas the Chair desires to direct attention to the rule which provides that the committee may by the vote of a majority of the members present——

Mr. McCREARY. Mr. Chairman, I hope the Chair will not decide the point of order without giving me a hearing.

The CHAIRMAN. The Chair is not going to decide it. The Chair calls attention to the rule which provides that the committee may, by the vote of a majority of the members present, at any time after the five minutes' debate has begun, close all debate, etc. Another rule provides that an amendment may be debated five minutes by the gentleman offering it, and five minutes in opposition.

Mr. ROGERS. That is the preceding paragraph of the rule. That allows five minutes' debate on each amendment, pro and con.

Mr. McCREARY. Mr. Chairman, I must say at the outstart that I am very much surprised at the position taken by my friend from Illinois [Mr. ADAMS]. His position is not sustained by a single precedent and is against the uniform practice in the House of Representatives for many years. During the first session of the Fifty-first Congress the privilege that I now seek was never denied, and during this session an amendment such as I have offered has never been decided out of order, and no point of order has been made upon similar amendments. Under the old rules, in Committee of the Whole we could not limit debate. The Committee of the Whole had to rise and have the debate limited in the House, but under the new rule the Committee of the Whole can limit debate, and the chairman of the subcommittee which had this very bill under consideration, the gentleman who now has it in charge [Mr. McCOMAS], has repeatedly, in the progress of this debate, made motions to limit debate, which have been amended. On last Saturday the gentleman from Maryland [Mr. McCOMAS] made this statement. I read from the RECORD:

Mr. McCOMAS. There is a motion pending to limit all debate on the pending amendment to one minute.

Mr. McMILLIN. There is also an amendment pending to make the time thirty minutes.

Mr. McCREARY. I move to amend the amendment so as to allow forty minutes.

Mr. McCREARY. It will be observed that I moved to amend the amendment so as to allow forty minutes, and that amendment was entertained by the present occupant of the chair, who was then presiding over the Committee of the Whole. The gentleman from Illinois [Mr. ADAMS] throughout the last session and during this present session has remained quiet in his seat as we have considered various appropriation bills and debated various questions and has never before made the point of order that he has made to-day. I see no reason for it.

The gentleman failed to make any statement that convinced me that his point of order was well taken. His only argument is that debate will be unlimited if the point of order is not sustained. He should reflect that if the point of order is sustained the precious and time-honored right of debate will be practically destroyed, and that, too, in opposition to precedents and the rules of the House of Representatives. The gentleman from Maryland [Mr. McCOMAS] relies upon the sixth paragraph of Rule XXIII, which reads as follows:

The committee may, by the vote of a majority of the members present, at any time after the five minutes' debate has begun upon proposed amendments to any section or paragraph of a bill, close all debate upon such section or paragraph, or, at its election, upon the pending amendments only (which motion shall be decided without debate); but this shall not preclude further amendment, to be decided without debate.

But that paragraph does not annul Rule XIX on the subject of amendments. That rule should be considered along with the paragraph just read.

Rule XIX is as follows:

When a motion or proposition is under consideration a motion to amend and a motion to amend that amendment shall be in order, and it shall also be in order to offer a further amendment by way of substitute, to which one amendment may be offered, but which shall not be voted on until the original matter is perfected, but either may be withdrawn before amendment or decision is had thereon.

The gentleman from Maryland made a motion, such a motion as is referred to in Rule XIX when it speaks of "a motion or proposition" being under consideration, and I offered an amendment to that motion. My amendment is that instead of the debate closing immediately i be closed in one hour.

Mr. CANNON. Will the gentleman allow me to interrupt him?

Mr. McCREARY. Yes, sir.

Mr. CANNON. If the gentleman's construction of the rule is correct, how can debate ever be closed in committee? The moment the motion is made, if it be subject to an amendment, to an amendment to the amendment, to a substitute, and to an amendment to the substitute, is it not true that as any of the amendments is disposed of another amendment will be in order; so that debate never can be closed?

Mr. McCREARY. The rules to which the gentleman from Illinois refers were adopted by the Republican majority of this House for its government, and the point made by the gentleman from Illinois simply shows how inconsistent these rules are when you compare them one with another. But the rules were adopted for the government of the House and for the government of the Committee of the Whole. They are the rules that we must now conform to, the rules to which we must be obedient.

During the first session of the Fifty-first Congress, which lasted ten months, and up to this good moment, we have always allowed an amendment to such a motion as has been made on this occasion by the gentleman from Maryland [Mr. McCOMAS].

Mr. ADAMS. Not in committee.

Mr. McCREARY. And if the rules are defective this side of the House is not responsible. The gentleman from Illinois [Mr. CANNON] was a member of the committee which reported the rules to this House.

Mr. CANNON. Is not the motion in Committee of the Whole to close debate a kindred motion to the motion for the previous question in the House? And if the rule means anything does it not mean that the motion to close debate is not subject to amendment? If a different practice has obtained that does not prove anything in the absence of a point of order against the amendment, and, so far as I know, this is the first time that the point of order has been made upon an amendment to a motion in committee to close debate.

Mr. McCREARY. In the House we have the previous question, but we have not the previous question in the Committee of the Whole. We have, however, the right to amend a motion. Rule XIX gives us that right. Under that rule one amendment may be offered to a motion, and also an amendment to that amendment. It has been repeatedly held by the present Chairman of the Committee of the Whole—it was so held last Saturday when the gentleman from Maryland moved to limit debate to one minute——

Mr. ADAMS. Will the gentleman permit a question?

Mr. McCREARY. Yes, sir.

Mr. ADAMS. We have the previous question in the House. Now, the gentleman says we have the power of amendment, and that power is very general. Will he say the power of amendment applies to the previous question?

Mr. McCREARY. Oh, no; you can not amend the previous question. That is regulated by a different rule.

Mr. ADAMS. And that is because of the nature of the question, is it not?

Mr. McCREARY. I say we have not the previous question in the Committee of the Whole; but we have Rule XIX, which allows a motion to be amended. The gentleman from Maryland made a motion and I sought to amend that motion; and I am supported by all the precedents of this House, from the beginning of the Fifty-first Congress down to this moment, that such a motion is in order. No such point of order as the gentleman has raised on the amendment I have offered was ever raised before in the Committee of the Whole.

Mr. ADAMS. I do not think the gentleman understood my idea. There is the previous question in the House and there is also the general rule in regard to amendments which the gentleman cites. Yet he will not claim that the rule allowing amendments, however general in its terms, would apply to the previous question. Therefore it may well be that we may have the general power of amendment in Com-

mittee of the Whole, and yet that power may not apply to this motion, because of the nature of the motion itself.

Mr. McCREARY. The rule in regard to amendments does not apply to a motion for the previous question, as I have said, but it does apply to the motion made by the gentleman from Maryland [Mr. McCOMAS] to close debate.

Mr. Chairman, how much time have I occupied?

Mr. RICHARDSON. There is no limit to debate on a question of order.

The CHAIRMAN. The Chair has not noticed the time. The point of order having been made, the Chair will indulge gentlemen on either side.

Mr. McCREARY. There is no limit, I believe, to the time allowed for debate on a point of order.

The CHAIRMAN. On a point of order the range of the debate is within the discretion of the Chair; that is the practice. The Chair is very glad to hear the gentleman from Kentucky.

Mr. McCREARY. To my mind, Mr. Chairman, the rules to which I have referred are so clear and the precedents are so numerous in support of the position that a member has a right to offer an amendment to a motion to limit or close debate that I do not think it necessary to say anything more at this time, and I believe the point of order should be overruled.

Mr. SPRINGER. Will the Chair indulge me a moment on the point of order?

The CHAIRMAN. The Chair will be glad to hear the gentleman.

Mr. SPRINGER. When this question of order was first raised by the gentleman from Maryland, I was of opinion that he was correct and that this motion was not amenable so as to go beyond the mere closure of debate and fix a limit of time. I reached that conclusion because I thought there had been a change in the rules of this House as compared with the rules prevailing in previous Congresses.

But upon examination of the rules I find that the change has not been made, as I supposed it had been from the statement of the gentleman from Maryland. The old rule is in precisely the same words that are found in the new rule, with the exception that in the old rule—Rule XXIII, clause 6, of the rules of the Fiftieth Congress—it is provided that the House may by a vote of the majority close debate. In the new rule it is provided that—

> The committee may, by the vote of a majority of the members present, at any time after the five minutes' debate has begun upon proposed amendments to any section or paragraph of a bill, close all debate upon such section or paragraph, or, at its election, upon the pending amendments only (which motion shall be decided without debate); but this shall not preclude further amendment, to be decided without debate.

These rules are precisely the same, except that under the rule of the Fiftieth and preceding Congresses it was necessary that the committee should rise and go into the House; and it was in the House that the motion was made to close debate upon the pending paragraphs and all amendments thereto.

In determining the manner in which a rule is to be interpreted we are to regard the practice of the House; and as this rule has not been changed so far as the point at issue is concerned, we must refer to the uniform practice of the House heretofore to determine the manner of its construction. I believe I can state, Mr. Chairman, without fear of successful contradiction, that during the long time you and I have been members of this House no instance can be cited of the Committee of the Whole rising to close debate when that motion was not treated as amendable and when amendments were not entertained.

Mr. ADAMS. That was in the House?

Mr. SPRINGER. In the House. Two amendments were allowed, and then the previous question was moved. Or, if the gentleman in charge of the matter desired to cut off amendments in moving to limit debate, he moved the previous question in order to prevent any amendments being made.

Mr. ADAMS. For the purpose of preventing an indefinite number of amendments?

Mr. SPRINGER. For the purpose of preventing an indefinite number of amendments and for the purpose of preventing debate he would move the previous question. That having been, as my colleague [Mr. ADAMS] knows and as all gentlemen who have been here many years know, the uniform practice prior to this Congress, and the rule having come to us, so far as this part of it is concerned, in the same terms as were in force then, we must follow the previous construction, and that construction is in accordance with the very reason and nature of the case, because on a single proposition many amendments may be offered; as soon as one is voted down another may be submitted, and this proceeding may be continued without limit unless you apply the closure; and, therefore, under the rules, you could prolong the debate for hours. But under the practice, when you went into the House, the House could determine, on a motion, how long the debate was to continue. Under that practice time and again, without number, motions have been made similar to that submitted by the gentleman from Kentucky to fix a limit to the debate. Amendments have never been refused to be entertained; and, that having been the uniform practice of the House, I submit that there is no change in the rules which warrants a departure from that practice and that the very reason of the rule itself requires that that practice should be maintained.

Mr. BLOUNT. Mr. Chairman, the gentleman from Maryland [Mr. McCOMAS] made a motion to close the debate on the paragraph under consideration immediately. The motion was entirely in order, because the rule now provides that the Committee of the Whole may close the debate on a paragraph of a bill under consideration. But another question was raised by the amendment of the gentleman from Kentucky, not as to the power of the committee to close the debate, but as to when the debate should close; that is to say, whether it should close instantly or in sixty minutes; and the question before the committee now is not as to the power of the committee to close the debate, but as to the right of the gentleman from Kentucky to move a proper amendment.

There is no gentleman on either side of the House who questions that as the exact condition. The point now, therefore, under consideration is as to the right of the gentleman from Kentucky to offer an amendment to the motion; and the point of order calling upon the Chair to rule that amendment out of order is preposterous and unprecedented in the Committee of the Whole or out of it.

A gentleman moves to close debate, and he desires the Chair to construe that motion not only into a motion to close the debate itself, but to do that which has been unknown heretofore in the practice of this House or elsewhere, to require the Chair to rule, or to construe the rule now existing as an implication, that the motion has the same force and effect as the previous question in the House. The gentleman has made a motion which carries with it that which, if we were in the House, would constitute two distinct questions, namely, the motion itself and the previous question.

Now, Mr. Chairman, I say that such a thing is without precedent in the Committee of the Whole or out of the Committee of the Whole. It is without reason or logic. It is born of a disposition to force the minority out of any consideration of any of the rights which they have in the consideration of such matters before the committee.

But, sir, what has been the history of this matter of closing debate by paragraphs on appropriation bills? Heretofore it was the practice, where there had been a disposition to close debate on a paragraph, to make a motion that the committee rise and go into the House for the purpose of closing debate; and a motion or motions were made and the previous question was demanded. The House made its order and again resolved itself into Committee of the Whole, and the Committee of the Whole was bound by the action of the House limiting the debate.

The present House, as I understood it and as I think all gentlemen understood it, deeming this circumlocution about closing debate an unnecessary waste of time, provided by its rules that, instead of the committee rising and going back into the House for the purpose of making an order of that kind, the Committee of the Whole itself might close debate. That was the object of the rule; that and nothing more; and it seems to me, sir, that in view of the practice of the House from that time and during all previous time until the present, there can be no difficulty in the mind of the Chair in deriving from that practice, before and since, that its only purpose was to avoid the tedium of the committee rising and going into the House for the purpose of making an order to close debate.

But the gentleman from Illinois [Mr. ADAMS] and other gentlemen, in their eagerness to avoid the motion of the gentleman from Kentucky, are asking the Chair to exclude that motion and all motions of that character, because it is possible, as they claim, by offering amendment after amendment, to defeat consideration of any measure, and hence there could be no conclusion reached on the subject. Mr. Chairman, you are too well versed in parliamentary law and in the decorum attaching to the office of presiding officer in the Committee of the Whole of this House to presume that the House designed wherever there was any defect in the rule, and you discovered it, to supply it by reason of the necessity of the situation. The whole argument in favor of the matter lies in the fact that there may be delay.

Why, sir, accept this line of argumentation as true? You should go one step further, and say that amendment after amendment might be offered to a paragraph of a bill, which process could go on until the end of this session, and thereby make it impossible for the Committee of the Whole to conclude a single paragraph of the bill because amendments were practically unlimited and innumerable; and if you should give such a construction as would affect these numerous amendments you would be occupying no more absurd attitude than to undertake to supply a rule, where none exists, to meet the exigencies of an occasion. During the whole of this Congress we have operated under a different construction of the rule; we have had no inconvenience resulting therefrom, and the difficulty now suggested is purely imaginary.

You have invested a committee of this House with the power to consider the question of rules. Wherever they are defective, it is competent for the House, by reason of these defects, through the Committee on Rules, to have action thereon. That is the regular method of procedure, instead of trumping up a question of necessity to put a construction upon the rules that never has been declared to be a rule from their birth until this hour, when the necessity arises on the motion of the gentleman from Maryland.

Mr. McCOMAS. Will the gentleman yield for a question?

Mr. BLOUNT. With pleasure.

Mr. McCOMAS. The gentleman says—and also the gentleman from Illinois [Mr. SPRINGER]—that in the House, when the committee had risen, amendments might be made limiting the debate to different periods of time, and, to cut off amendments in an effort to limit the time, the previous question was available. Now, as I understand the distinguished gentleman from Georgia in his argument and in his speech from which I quoted, all people must agree that this power was formerly lodged in the House. But that power which was in the House, having been taken from the House, must be lodged in the committee.

Mr. BUCKALEW. It is not taken from the House.

Mr. McCOMAS. And is not the same power in the committee, then, as the equivalent of the previous question in the House, with this one difference, that with the previous question in the House all power of amendment could be stopped; but with this limitation in the committee, that the power of the previous question to stop debate obtains by transferring the power, but the power of amendment remains? The gentleman from Georgia [Mr. BLOUNT] will understand my proposition.

Mr. ROGERS. We understand what you want to have done.

Mr. VAUX. Will the gentleman allow me to ask him a question?

Mr. McCOMAS. I have not the floor or I would yield.

Mr. BLOUNT. I have no objection to the interruption.

Mr. VAUX. When this debate began on this bill, I learned that the distinguished gentleman from Maryland [Mr. McCOMAS], if he will allow me to so style him, made a motion that the debate consume one hour. On that there was a quite a debate. Under that motion, made by the distinguished gentleman, we have been four days discussing the bill. Now we are under a motion offered by the gentleman from Maryland that the debate do now close, which was made nearly an hour ago, and yet we are in the midst of limitless debate on a motion to close debate. Will the gentleman, or some one for him, under the rules of the old House, or this House, or some other House——

A MEMBER. The next House.

Mr. VAUX (continuing). Tell me how we can get a resolution passed here to give some gentlemen the floor who have been four days trying to get it.

Mr. McCOMAS. I will say there is no limitation apparently to the capacity of the Democratic party on this floor, as I have observed it of late years, to filibuster on all occasions.

Mr. VAUX. Oh, if getting their rights is filibustering, then you had better begin filibustering for yourselves.

Mr. BLOUNT. Mr. Chairman, I do not understand, from a reading of the rules, that the power of the House to close debate has been taken from it. The same power rests with the House to-day. There is simply a provision that the Committee of the Whole may close the debate and the amendments on a given amendment; but if this were not true we would have, here as elsewhere, reference to the intention of the rule. We will not do violence to language. We will not construe the rule on a necessity which is merely a criticism disclosing the defect of a rule itself.

The rule provided for the previous question in the House. It provided for the close of debate in the House. The debate might be closed in the House by its order without any previous question considered at all. The committee have simply the right to close debate, with the provision in your rules, of which the Chair must take notice, that there is no previous question in the Committee of the Whole. There is not a member on this floor who is so innocent as to declare that there is a previous question in the Committee of the Whole.

Mr. SMITH, of Arizona. They are trying to get one, though.

Mr. BLOUNT. And yet the gentleman from Maryland [Mr. McCOMAS] is asking the Chair not only to concede that there is a previous question in the Committee of the Whole, but that the form of stating it is to move to close debate, and that the Chair shall entertain and submit to the House at the same time two propositions, the previous question and the closing of debate. It is absurd, sir. Many things have occurred during this Congress that in my judgment have seriously embarassed the rights of the minority. These rights are as dear to the one side as to the other. Alternately one political party is in authority and then the other.

Each in its turn, when it happens to be in the minority, is entitled to some consideration, by reason of the enormous population represented. Deference to that principle has been disregarded ruthlessly in many instances here. There never was a code of rules in the history of the Congress of the United States so reckless of the rights of the minority as these under which we are laboring. There never was a body of men assembled with so distinct a purpose of straitening the situation of the minority as has been manifested by this House. And when they have exhausted their ingenuity, when there is a failure to meet every situation, the gentleman from Maryland [Mr. McCOMAS] and other gentlemen seek to meet it by asking an accomplished parliamentarian to make up the deficit. Mr. Chairman, I am not prepared to believe that you are ready for that work.

Mr. McMILLIN. Mr. Chairman, you have a preposterous proposition made to you. You are asked to hold, in the absence of all rules and all rulings, that a member of the minority has not even the right to make a motion to extend limit proposed for debate. Either there has never been found in this Congress, through nearly twelve months of continuous sitting, a man who was wise enough to say that right existed in you or else there has never been a man fool enough and disingenuous enough to claim that you had it. I shall try to state propositions so clearly that they can not be misunderstood.

Mr. BOUTELLE. It will be a pretty heavy strain upon you.

Mr. SMITH, of Arizona. Yes, considering the side he is talking to.

Mr. McMILLIN. Two rights unquestionably exist: the right to close debate in Committee of the Whole, which was not possessed by the committee until it was conferred by the rule adopted this Congress that has been read to you, Mr. Chairman, and the right to close it in the House by the previous question. When the right to limit debate in committee was conferred, it did not take away the right then inhering, and consequently still inhering, in the House to close debate. There has never been until to-day a man found who was rash enough to claim the right to enforce the previous question in the Committee of the Whole. The gentleman from Maryland in charge of this bill has it in his power, Mr. Chairman, if he desires to move the previous question, to do it in a legitimate way.

What is that way? Why to move that the committee rise and go into the House, and when the gentleman gets into the House make his motion to limit debate and demand the previous question upon it. Now, why did he not pursue that course, if it is his purpose to avail himself of the motion under the previous question?

A clear canon of construction is that an instrument must be construed so as to let all parts stand if possible. There is no lawyer who will deny that proposition; no man of sense, whether a lawyer or not, would deny it.

The following is one of the rules of the House:

When a motion or proposition is under consideration a motion to amend and a motion to amend that amendment shall be in order, and it shall also be in order to offer a further amendment by way of substitute, to which one amendment may be offered.

Mr. Chairman, can you afford to say that because you are in Committee of the Whole that rule does not apply? You can not do it, even if there were nothing further upon it specially; but there happens to be something that prevents the Chair from doing it, even if the Chair would be, as he is not, inclined to do it.

Clause 8 of Rule XXIII provides:

The rules of proceeding in the House shall be observed in Committee of the Whole so far as they may be applicable.

Then that rule is in full force here; but the gentleman from Maryland asks you, Mr. Chairman, to do what none of your predecessors have ever had the rashness to do for a hundred years—to hold that a simple motion to close debate is equivalent to the previous question.

Now, that brings me to the suggestion made by my friend from Illinois [Mr. CANNON]. He asks if this is not analogous to the motion for the previous question in the House. It is not at all; not at all analogous to it. A motion for the previous question to close debate on this proposition still inheres in the House, and has never been conferred on this committee. What evidence have I of that? We have, as I intimated in the beginning, already operated under these rules for about twelve months. It is a fact that that twelve months has been the most stormy and exciting in the history of legislation in this country.

All the force of intellectual acumen has been brought to bear to find a means of stopping debate and stopping amendment, and yet up to this hour it has never been heretofore suggested in the committee that this right to enforce the previous question here existed.

Mr. BLAND. Will the gentleman permit me to make a suggestion?

Mr. McMILLIN. With pleasure.

Mr. BLAND. Is not one of the reasons for going into Committee of the Whole to get rid of the previous question, so as to allow full debate on amendments and full opportunity to offer amendments, and was not that the very object?

Mr. McMILLIN. That is true. And, Mr. Chairman, there is a right existing in the House to have the previous question applied which, as I stated, is still inherent in the House. The Committee on Rules, by the adoption of these rules last session, provided what?

That the committee may limit debate.

If it had been the intention of the Committee on Rules and the House to provide that the Committee of the Whole may also exercise the power of enforcing the previous question, was it not the easiest thing in the world to say so?

Mr. Chairman, you know and I know that the gentleman who is chairman of the Committee on Rules would have said so if he had ever claimed that he wanted that power exercised. But, says one gentleman, if you do not do this you give to the minority the power to offer amendments interminably. That can be no argument, because the rules provide that you may stop that in your discretion by ruling that the motions are dilatory and refusing to entertain them; and that discretion has over and over again been exercised by the Chair. But even

if that were not possible and if there were no remedy for it here it is no argument, because an express remedy has been provided by rising and reporting to the House. What was the next advantage conferred on the Committee of the Whole? As suggested by my distinguished friend from Arizona [Mr. SMITH], that one hundred could close debate here, while if you took it into the House it would take a quorum to do it.

Mr. RICHARDSON. Fifty-one can do it here.

Mr. MCMILLIN. Fifty-one can do it here, as stated by my colleague [Mr. RICHARDSON], if there are one hundred voting.

Mr. BUCKALEW. The previous question called by fifty-one members.

Mr. MCMILLIN. That would be the effect of such a ruling. Now, Mr. Chairman, in order to do the work—I call it work, for it is work—in order to do the work that is proposed to you by the distinguished gentleman from Maryland, you have got to utterly ignore Rule XIX, which I have already read in your hearing.

It will not be insisted by any man in his senses that when only one amendment is proposed to a motion to close debate it is dilatory; and hence you can not enforce the rule against dilatory motions upon simply one amendment. Is it possible that not only the voice of the minority shall be stifled, but also the right of the minority to ask for further debate is to be taken away? Has it come to this, that all that is necessary to stop the minority is for the chairman of a committee to rise and say, "I move to limit debate?"

It can not be. It is impossible to believe, Mr. Chairman, that such extraordinary powers were intended to be conferred on the Committee of the Whole by mere implication; and I can not, Mr. Chairman, too frequently call your attention to the fact that you can not afford to supplement this omission from the rules by a ruling that would be at the same time preposterous and oppressive.

Mr. BLAND. Mr. Chairman, I understand that in Committee of the Whole, while we may close debate, we can not cut off amendment. Hence it would not be in order for the gentleman to move to cut off all amendments to a proposition. Now, if we can not cut off amendments to the paragraph under consideration, how can we cut off amendments to any other motion or proposition?

Mr. MCMILLIN. I thank my friend from Missouri [Mr. BLAND] for the suggestion. There is force in it. The object and effect of the previous question is to cut off amendments, and by express rule the right to amend continues here, showing that it was never intended by the framers of the rule, never dreamed by the House, never claimed by the majority in the first session of this Congress, that the previous question was to be enforced in Committee of the Whole. You would have, if you had anything, by the ruling sought, a qualified previous question, a previous question that closes debate, but does not stop amendment. The very idea is repugnant to common sense.

Another thing, Mr. Chairman: We had some of the most distinguished parliamentarians engaged in the discussion of these rules when they were brought before the House for consideration and adoption. That able parliamentarian was here who has since gone to the Senate, and who, in my humble judgment, is the greatest parliamentary lawyer that ever ascended those steps; I mean Mr. CARLISLE, noted for his legal ability, noted for the equanimity of his intellect—an intellect so clear that it is the wonder of everybody who hears him. He was present and took part in the discussion of the rules, but he never predicted, nor did the majority of the Committee on Rules ever claim, that if those rules were adopted the right to enforce the previous question would exist in Committee of the Whole.

Now, Mr. Chairman, if the gentleman from Maryland [Mr. MCCOMAS] wants to get the benefit of that right, let him go back to the House, where it unquestionably does exist. His way is clear there, and he will find less wear and tear of conscience by taking that course than by following out this revolutionary one.

Mr. GROSVENOR. Mr. Chairman, were it not for the fact that at every step of the way since the adoption of these rules our friends on the other side have vigorously and vociferously denounced every one of them and their administration, I confess I should be startled by the earnest appeal which has just been addressed to the Chairman by the gentleman from Tennessee. It is something to be carefully considered when a distinguished member of Congress really believes that the rights of somebody are about to be taken away by the ruling of the chairman in Committee of the Whole House on a question of how long a minority of this House can prevent the dispatch of public business.

Now, Mr. Chairman, it is proper at this point to say that the tendency of these times is to go forward in parliamentary matters. The most pitiful exhibition of puerile incompetency that it is possible to imagine is a parliamentary body, if there is such a one anywhere, that is incapable of doing anything, that is capable simply of standing suspended in midair, showing to the world how possible it is for great men to be incompetent men, how possible it is for a great body of men to become so great and so encysted in their own greatness as to become immovable, actually overwhelmed by inertia, the football of every long-winded man, throttled by a windmill, held in suspended parliamentary animation by the breath of a single individual. That certainly is a pitiable spectacle, if such an one exists anywhere on earth.

Now, Mr. Chairman, whether that condition of things comes about by reason of the confessed inability of the parliamentary body to move forward or by the obstruction of a minority, the tendency of these times, as I have said, is to condemn that sort of thing and to find a remedy for it. We live in an age when popular judgment says something must be done.

Mr. BLOUNT. When did it say that?

Mr. GROSVENOR. Common sense says it, and nobody believes it more strongly than my friend from Georgia. The common sense of every man teaches him what a pitiful spectacle would be presented by a parliamentary body locked up in the embrace of the minority. The gentleman from Tennessee says that it is a canon of construction that all parts of a law or of a rule must have effect if possible. What, then, would be the effect given by the Chairman of this committee to this language if the view of the gentleman from Tennessee should prevail: "The committee may, by the vote of a majority of the members present, close all debate?" The gentleman says that the way to do it is to go into the House; that there is going to be too much wear and tear upon our consciences by doing it in committee.

Mr. MCMILLIN. I did not apply that remark to my friend from Ohio. I think he would be safe in that respect. [Laughter.]

Mr. GROSVENOR. Well, Mr. Chairman, after the long strain upon the conscience of the gentleman from Tennessee [Mr. MCMILLIN] and the apparent exuberant condition of that gentleman's conscience now, I think he need not be alarmed about the six weeks of this Congress that are to come. He will get along well enough. [Laughter.] But what does the language which I have read mean if it does not mean that the Committee of the Whole House may close debate? It is not a debatable question. Bear in mind that the gentleman from Tennessee [Mr. MCMILLIN] has not argued the real question. The real question is one made by the gentleman from Kentucky [Mr. MCCREARY], who offers an amendment to the motion made by the gentleman from Maryland [Mr. MCCOMAS].

The gentleman from Tennessee argues that we must go back into the House in order to close debate. There is the plain language of the rule: "The committee may by a majority vote close all debate."

Mr. MCMILLIN. My friend misunderstands me. I do not take the position which the gentleman attributes to me. I say it is in the House you must close debate if you expect to do it by the previous question; but if you undertake to do it here in the committee you can not do it by the previous question.

Mr. GROSVENOR. How can we close debate under the system which the gentleman proposes? The rule says we may close debate in Committee of the Whole; but the gentleman says, that if we want something analogous to the previous question, something that will operate as the previous question operates, we must go into the House to find it and apply it. If he is right about that, then this rule ought to say, "The Committee of the Whole is absolutely powerless to close debate," because the very moment that the amendment of the gentleman from Kentucky is voted down, assuming that it would be, the gentleman from Tennessee would make another motion; and when that is voted down one hundred and forty or more motions on that side of the House may be made.

It appears by the statement of gentlemen better acquainted with the former rules than I am that this is the first time the language which I have cited found its way into the rules of the House. It must now have for the first time an intelligent construction. And the first question that the Chairman must ask himself is, for what was this language put there? Was it put there to be absolutely meaningless, absolutely noneffective, absolutely valueless for any purpose? or was it put there with the express object of enabling the Committee of the Whole to get rid of the old tedious process of rising and going back into the House for the purpose of limiting debate?

Why, Mr. Chairman, in the condition of things which we have here—and we have a right to take notice of what is going on—if the motion were made to rise for the purpose of limiting debate, this motion could be amended. Under the argument of the gentleman from Tennessee the motions to amend would be absolutely limitless. But suppose they were not. We go back into the House, and thereupon we enter upon just such a day's work as we had yesterday. That is what you are coming to. The gentleman from Tennessee having warned the Chairman that he must be careful about the sort of ruling he is to make, it may be proper for us to warn the Chair that if we go back into the House for the purpose of limiting debate we may spend another day just as valuelessly as we spent yesterday, and just as purposelessly, as we are probably going to spend a great many more days of this session until the majority rises in its power and puts an end to the filibustering on the other side.

Mr. Chairman, my point is that this rule is easy of construction from the standpoint which I occupy. It is said on the other side by one gentleman that it is not possible to suppose it was the intention to cut off amendments. Why, sir, I can see no reason for that assumption. The previous question upon the most important bills that were ever pending in Congress cuts off amendments. The previous question demanded upon the introduction of the most important bill that was ever presented in this House is a conclusive bar to all

amendments. The time comes occasionally when the majority is compelled to cut off amendments; and it is no argument against a certain construction of this rule that by such construction amendments must cease to be offered.

But the rule is carefully guarded on that point, for it states that after debate has been closed, whether upon the pending paragraph or upon pending amendments only, "this shall not preclude further amendment, to be decided without debate." The Chairman will have no difficulty in deciding this question, so as to give full force and effect to the language of this subdivision of the rule, if he will bear in mind that two things, wholly distinct and independent, are covered. One is debate. That is to be absolutely closed; but amendments are not to be absolutely cut off. Amendments may be brought forward after debate has closed; but they are to be decided without debate.

We have reached only the first stage of this question; and that is, whether the motion to close debate is amendable. I do not suppose any gentleman seriously argues that under this rule debate may not be closed in Committee of the Whole. The rule admits of no other interpretation; it is perfectly plain and simple. The language is not complicated; it is not involved in any doubtful construction. The proposition is the plainest and simplest in the world. The other question is the question of the right to offer amendments afterward; and it will be time enough to cross that bridge when we come to it. You are called upon, Mr. Chairman, simply to say, when a proposition is offered to close debate, whether that proposition is amendable so as to allow further time for debate.

Let us see how this is to operate. It is said that under the construction we contend for the minority is to lose certain God-given, constitutionally intrenched rights. How? Suppose the amendment of the gentleman from Kentucky be put and voted down; then he has lost his right to have thirty minutes' additional time.

Mr. McCREARY. The right I am demanding now is the right to offer an amendment and the right to have this House vote upon that amendment, a right which has been allowed in all the years gone by in the Committee of the Whole and in the House.

Mr. GROSVENOR. There are a great many things happening nowadays that never happened before. So that is not an argument.

Only a few words more. Under my construction of this rule, if the House votes upon the amendment of the gentleman from Kentucky, and, we will say, votes it down, that is the end of his proposition; and we come to a vote on the motion to close debate. Now, this side of the House simply asks from the Chair a ruling which will put the vote the other end foremost, if you please. We say we want to close debate now; that is the first proposition; it is made before the gentleman from Kentucky makes his motion. We desire to close debate now. The minority, if it is a minority, has no right to thirty minutes' debate if the majority does not so desire——

Mr. McCREARY. Will the gentleman allow me to interrupt him just there?

Mr. GROSVENOR. Well, I would like to complete my sentence.

Mr. McCREARY. I wish to ask the gentleman if he will refer to a precedent, in all the years gone by, where a power such as that now invoked has been claimed.

Mr. GROSVENOR. I am told that there never was such a rule before.

Mr. McCREARY. Ah; there have been many rules adopted this session unlike any ever heard of before.

Mr. GROSVENOR. And I am very glad of it.

Mr. VAUX. You do not seem to make much headway with them. [Laughter.]

Mr. GROSVENOR. No, we do not; but we will.

Mr. McCREARY. And the gentleman knows that the rules have not facilitated business.

Mr. VAUX. Although you have had the full benefit of "common parliamentary law."

Mr. GROSVENOR. But we have demonstrated to the country that, if we have not facilitated business, these rules are powerful to get rid of a great deal of obstruction on the part of the minority.

Mr. McCREARY. The rules have been an absolute obstruction to business, although you have had the power to pass any special rules to meet emergencies which you saw proper. And you have been rebuked by the country for what you have done.

Mr. GROSVENOR. Well, I am going to get ready some time to reply to the gentleman from Illinois when he puts that at me, out of his own mouth.

A MEMBER. You mean the gentleman from Kentucky?

Mr. GROSVENOR. No; I mean the gentleman from Illinois [referring to Mr. SPRINGER].

Mr. McCREARY. I did not understand the gentleman from Ohio.

Mr. GROSVENOR. I say I am going to get ready at some time to reply to the gentleman from Illinois when he makes the suggestion, out of his own mouth.

Mr. McCREARY. I understood the gentleman to say that I was echoing the sentiment of the gentleman from Illinois.

Mr. GROSVENOR. That is correct.

Mr. McCREARY. I wish to inform the gentleman that he is simply mistaken. When I say he and his party have been rebuked I am simply echoing the sentiment of millions of the voters of the United States. [Applause on the Democratic side.]

Mr. GROSVENOR. Well, I was trying to apologize for the gentleman from Kentucky. I felt sorry that he should have made such a proposition, and I was not surprised if he got it from the source that I thought he got it from.

But, Mr. Chairman, the gentleman from Kentucky I am sure will allow me to finish what I was trying to say when he interrupted me.

The proposition came first to close the debate upon this paragraph of the bill. It is unquestionably within the power of the committee to do so. The gentleman from Kentucky indicates that he desires thirty minutes more debate. The way to get that is to vote down the proposition to close debate, and the debate then goes on without limitation. That is his remedy.

Mr. McCREARY. I want to say to the gentleman from Ohio that I desire to have my amendment allowing one hour's debate carried. But, higher than that and away above it, is my desire that the right of a Representative on this floor to offer an amendment to a motion shall not be curtailed, a right that has been allowed in all of our past history, and never denied by any chairman of the Committee of the Whole or any Speaker of the House. [Applause on the Democratic side.]

Mr. GROSVENOR. It has never been ruled in favor of the gentleman's idea by any Chairman of the Committee of the Whole or anybody else under these rules.

Mr. McCREARY. I want to call the attention of the gentleman from Ohio to the ruling made by the present Chairman of the Committe of the Whole only last Saturday. A motion was made by the gentleman from Maryland to limit debate to one minute. Some other gentleman moved to amend by making it twenty minutes, and I offered a further amendment which was entertained.

Mr. GROSVENOR. Well, the gentleman has already stated that fact. He is not telling us anything new. It has nothing whatever to do with the pending question.

Mr. McCREARY. I think it has.

Mr. GROSVENOR. A proposition to limit debate to one minute is, of course, amendable by putting some other number of minutes, but is not debatable. But this is a different proposition. This is the construction of a rule which expressly provides that by a majority vote we may close debate. So that the precedent the gentleman states has nothing in the world to do with the question before the committee.

This is an important question. It is a question whether or not the majority of the Committee of the Whole is to be powerful or powerless to do anything.

Mr. BLOUNT. I would like to ask the gentleman a question, with his permission.

Mr. GROSVENOR. Certainly.

Mr. BLOUNT. The gentleman says the proposition that you can limit the time for debate is one thing, but that you can make a motion to close debate, which is quite another thing.

Now, if there are these two several powers lodged in the Committee of the Whole, I wish to ask the gentleman from Ohio whence he derives power to limit debate, except in the sense of closing debate.

Mr. GROSVENOR. Well, that is a pertinent question and not very easy to answer. But, inasmuch as we have here an authority to close debate and inasmuch as closing debate does not mean limiting debate, because to limit debate is not to close it, we need not go beyond the pending motion. The act takes place when you vote on the proposition. The act authorized by the rule is to close debate, but the act of limiting debate is not the act of closing it.

Mr. BLOUNT. Where, then, do you get the power to limit debate at all in the Committee of the Whole?

Mr. GROSVENOR. For the purpose of this discussion that is not necessary to be determined. I am not discussing that question at all; but the rules themselves limit debate on each amendment under this debate to five minutes on each side.

Mr. BLOUNT. I know, but does the gentleman mean to say that the Committee on Rules of the House when they adopted the rules gave the committee the power to close debate and not the power to limit it?

Mr. GROSVENOR. Well, what does the gentleman say himself about the power of limiting debate?

Mr. BLOUNT. I say that they are one and the same thing.

Mr. GROSVENOR. Well, I differ with you on that.

Mr. BLOUNT. And, further, that the motion to close debate is amendable.

Mr. GROSVENOR. That is the very question we have been discussing all afternoon.

Mr. BLOUNT. I understand that, but I supposed the gentleman permitted an interruption; and now, after having his attention called to it, I would like him to give an answer to the question I have submitted. At the same time let us have his construction of what the words "closing debate" mean. I am inviting his attention to the difficulty which it seems to me his construction of the words "closing debate" involves.

Mr. GROSVENOR. There is one growing out of the fact that the word "limit" is omitted from the rules. But I maintain without

hesitation that the words "close debate" are not synonymous with the words "limit debate" by any sort of means, because——

Mr. BLOUNT. Then what I want to know of my friend is, if that is not so, how does it happen that during all this Congress, under this rule, when we have been in Committee of the Whole, the Chair has entertained motions, and the House has assented to them, to limit debate? We are doing it daily.

Mr. GROSVENOR. I know that it has been done and that is all I can say about it. It may have been done without the point of order being raised. I have read a number of decisions that were made here during the pendency of the tariff bill, when about as sharp parliamentary practice was adopted on either side as was possible, and I do not find that any question of order was ever made. The point of order was never made against the proposition to limit debate in the Committee of the Whole, and it was done over and over again; and until that point of order has been made and decided I do not see that the argument weighs anything against my proposition. That is all I desire to say.

Mr. CHEADLE. Mr. Chairman, will the gentleman permit a question?

Mr. GROSVENOR. Yes, sir.

Mr. BLAND. I desire to submit one or two propositions——

Mr. GROSVENOR. I have not yielded the floor. The gentleman from Indiana [Mr. CHEADLE] desires to ask a question.

Mr. CHEADLE. I ask the gentleman, before he yields the floor, to discuss the proposition at what time is this motion proper to limit debate.

Mr. CUTCHEON. At any time after there has been debate.

Mr. GROSVENOR. At what time?

Mr. CHEADLE. Yes. Suppose, for instance, I should offer an amendment to the pending bill and speak five minutes in support of that amendment, would the committee have the right to limit debate and let nothing be said against it, in order to close debate?

Mr. GROSVENOR. No, because the rule says that under the five-minute rule five minutes may be allowed on either side, and that is a matter of right; and if there has not been five minutes' debate here upon each side I concede that the motion is not in order.

Mr. CHEADLE. That is the very point that I wish to hear the gentleman upon, because at the time the motion was made there was a discussion upon one side. Gentlemen upon the other side asked for recognition in opposition to it, and then this motion was made.

Mr. GROSVENOR. But the gentleman from Maryland [Mr. MCCOMAS] said that he himself had opposed it, and, as I thought, that put an end to that point.

Mr. OUTHWAITE. He said he had spoken upon it.

Mr. BLAND. Mr. Chairman, I desire to submit a few propositions.

Mr. VAUX, Mr. CUTCHEON, and Mr. HOOKER addressed the Chair.

Mr. BOUTELLE. Mr. Chairman, if all the Democratic candidates for the Speakership have scored, let us have a ruling. [Laughter on the Republican side.]

Mr. BLAND. Mr. Chairman, I desire to occupy only a few minutes.

The CHAIRMAN. The gentleman from Missouri is recognized.

Mr. BLAND. I would like to have order and the attention of the Chair while I am speaking.

The CHAIRMAN. The committee will please be in order. The gentleman from Missouri desires to address the committee on the point of order.

Mr. BLAND. I take it, Mr. Chairman, that the analogy in this proposition, in the decision that the Chair makes, must relate to the paragraph itself and the proceedings of the committee; that is, to say, in the Committee of the Whole it is not in the power of the committee to cut off amendments, but only debate. Now this motion is made with reference to a paragraph about which no one disputes, that it is not within the power of the committee to cut off amendment.

In other words, the paragraph itself, the matter under consideration, as to which this motion is made, and the motion itself, must be considered by analogy of the rules applying to the paragraph. That is to say, that inasmuch as the paragraph itself is subject to amendment, and it is not within the power of the committee to prevent that, any motion that is germane to it, with reference to it, is subject to the same rules. It is subject to amendment, and it is not possible to cut off that amendment, and especially so by a single motion. Now, that is one proposition.

The next proposition is this, Mr. Chairman—it has been stated before by the gentleman from Georgia: The only paragraph of the rule or the only section of the rule that permits a limitation of debate is the one under consideration. That is the only authority we have to limit debate at all. And it has been the universal practice of the Committee of the Whole—and the present Chairman has recognized it—that where a motion is made to close debate in a minute or in a half minute, or to close debate in an hour, or it may be to close debate absolutely, any one of them is amendable. They are upon the same line. To move to close debate in one minute or to close it without time, each and every one must be amendable, because all come under the same paragraph and under the same authority to make a motion.

Now, what is the difference between making a motion to close debate absolutely or to close it in an hour? If one is amendable, necessarily another must be amendable; and to hold otherwise would be simply to hold that in the Committee of the Whole when a motion is made to close debate no amendment can be made to it, but on the contrary that if it is proposed to close debate within a certain time amendments are in order. There is no right and no reason in it.

But, Mr. Chairman, the argument that comes in answer is that of *ad inconvenientum*, that the committee must do something, and in order to do that something the Chairman of this committee must take the rules of the committee in hand, not to construe them in accordance with precedents, not to construe them in accordance with reason, not to construe them according to the spirit in which they were enacted, but in Committee of the Whole, where debate and where amendment are unlimited, argument is brought here to induce the Chair to override the rules and to override the rights of the minority.

Mr. FRANK. Will my colleague yield to me for a question?

Mr. BLAND. Not just now. Now, it is stated that those amendments may be unlimited. So it is with this paragraph and every paragraph in this bill. Where a salary is granted of $3,000, in the next paragraph I might move that that salary be cut down to $2,999, and continue it down to $1, and so on with every section of that paragraph and every section of the bill. It is almost limitless. If gentlemen want to undertake to compel the Chairman of the Committee of the Whole to override the rights of the minority by a ruling of that sort, they simply invite motions of that kind in retaliation.

Every dollar and every cent of money appropriated in this bill is subject to amendment, and there is no possibility of a limit to it. You might just as well ask the Chairman of the Committee of the Whole to limit debate upon the paragraph and amendment as upon a motion that relates to it. This is a motion that relates to that paragraph and is governed in the construction of the rules by analogy to the rule applying to the paragraph itself, which is that you can not cut off amendment.

So I say, Mr. Chairman, that gentlemen can not make much speed by asking the Chairman to override the rights of the minority, unless it is proposed to override every right and take this bill out of Committee of the Whole and pass it without further amendment or chance of amendment at all. Now, Mr. Chairman, I do not think we are going to make progress by any arbitrary ruling of the Chair because of any inconvenience. I do not think that facilitates legislation. I do not think that preserves that good feeling in this House, and that respect for the Chair, which is in the interest of orderly legislation and that will facilitate matters.

So I say, Mr. Chairman, in summing up, the idea of going into Committee of the Whole with these money bills is to get rid of the previous question. If we were considering the bill in the House as in Committee of the Whole you might move the previous question; but we are considering it in Committee of the Whole, where unlimited debate and unlimited opportunity for amendment are allowed. The rule only runs to the extent that debate may be limited either to one half minute or altogether. But in all this proceeding the same rule applies, and must apply, with reference to motions to amend paragraphs and every amendment of the paragraph, and intends that no motion to close debate at all with reference to the paragraph shall be or can be made or entertained by the Chair that will cut off amendment.

Mr. CUTCHEON. Now, Mr. Chairman, there can be no doubt this is an important question, and one that ought to be decided without any reference to a particular amendment, but with reference to the orderly transaction of the business of the Committee of the Whole, not only of this session, but possibly of other subsequent sessions. Precedents are mighty things and bind procedure long after individuals have passed away.

The simple question now before us is whether or no to "close debate" is the same thing as to "limit debate." There is no question that the House has the right to instruct the committee as to the limit of debate. That is not the question here at all.

The paragraph before us is to be construed in connection with and in relation to the preceding paragraph. Paragraph 5 of the rule provides:

> When general debate is closed by order of the House, any member shall be allowed five minutes to explain any amendment he may offer, after which the member who shall first obtain the floor shall be allowed to speak five minutes in opposition to it, and there shall be no further debate thereon.

That is the rule as to the five minutes' debate. The language is mandatory.

Mr. BLOUNT. Will the gentleman allow me a suggestion at that point?

Mr. CUTCHEON. Certainly.

Mr. BLOUNT. That does not exclude another amendment and debate on another amendment.

Mr. CUTCHEON. I am coming to that.

Mr. BLOUNT. I beg the gentleman's pardon.

Mr. CUTCHEON. Now, the language of this rule is mandatory:

> Any member shall be allowed five minutes to explain any amendment he may offer, after which the member who shall first obtain the floor shall be allowed to speak five minutes in opposition to it.

Now, take paragraph 6 in connection with that:

The committee may, by the vote of a majority of the members present, at any time after the five minutes' debate has begun—

That is, the five minutes occupied by those in the affirmative and five minutes against it—

At any time after the five minutes' debate has begun upon proposed amendments to any section or paragraph of a bill, close—

Close—

all debate——

Mr. BLOUNT. Will the gentleman allow me there?

Mr. CUTCHEON. In a moment. These are three incisive words that must govern us, because they are in the rules. They may—

close all debate upon such section or paragraph, or, at its election, upon the pending amendments only.

Now, I will hear the suggestion of the gentleman from Georgia.

Mr. BLOUNT. I was going to suggest that the rule declares that there should be five minutes for and five minutes against the amendment. That, the gentleman must observe, is confined to that particular amendment. There may be twenty amendments offered and debated five minutes on either side. The proposition here is not to close debate on an amendment, but to close debate on all amendments.

Mr. CUTCHEON. Yes; and, Mr. Chairman, that is precisely what the rule says:

Close all debate upon such section or paragraph, or, at its election, upon the pending amendments only (which motion shall be decided without debate); but this shall not preclude further amendment, to be decided without debate.

Now I would like to call the attention of the Chair and of the committee to this point: What does the rule mean by "closing debate?" I do not think the language is susceptible of more than one interpretation. This can not be done until after the five-minute debate has begun. The rule implies at least five minutes of debate, and, I think, ten minutes of debate. Then the question is to be put to the committee, Shall the debate proceed longer? The committee can say "ay" or they can say "no." If the committee think they want more debate it is for them to vote down the proposition to close debate, and the debate goes on, and, after a time, the gentleman in charge of the bill can again move to close debate. That is what the rule means.

But if you want to limit debate, then the motion is that the committee rise and go back into the House and let the House limit the debate. The House can put a limit of thirty minutes, forty minutes, or whatever time it chooses upon the debate, and then resolve itself into Committee of the Whole again and the debate proceeds in Committee of the Whole within the limit of time fixed by the House. But in Committee of the Whole you can not limit debate; you can simply say that debate shall now close. That motion may be made, and if the committee does not consent to it the debate goes on, and then, if you want to limit debate, you go into the House.

Mr. BLOUNT. Does the gentleman mean to say that the several persons who have presided from time to time over the Committee of the Whole as chairman have erred in entertaining propositions like that of the gentleman from Kentucky [Mr. McCREARY] and that the House has been indifferent to that erroneous action?

Mr. CUTCHEON. I will say, in response to the gentleman, that I do not think this precise question has ever before been raised, and therefore it has never been decided. I concede that the practice has been as the gentleman suggests. The other day, when we were in Committee of the Whole on the army bill, we agreed that debate on the pending paragraph should continue for a certain length of time, and that agreement was observed.

Mr. BLOUNT. I am not stating the case of an agreement, but the case of motions which have been uniformly entertained by the Chair and never questioned by the committee or by the House. I ask the gentleman whether the interpretation which he now seeks to put upon the rule is not a different one from that which has been put upon it by gentlemen who have presided over the Committee of the Whole heretofore, and I ask him further whether he thinks they have been in error and that this error has been running on all this while without being noticed by the Committee of the Whole or the House.

Mr. CUTCHEON. Mr. Chairman, it is quite possible that, inadvertently, the distinction between limiting debate and closing debate has not been observed; but, now that the question is raised, it is for the Chair to say whether limiting debate and closing debate are the same thing or not; and, next, it is for the Chair to say whether a motion to close debate is itself amendable. To close debate is to end it, and there is but one way to end it, and that is not amendable. The proposition is not that the debate shall run a certain length of time and then close, but is that it shall altogether absolutely cease. That is the proposition to "close debate," and that proposition can be amended.

Mr. OUTHWAITE. Will the gentleman permit a question?

Mr. CUTCHEON. With pleasure.

Mr. OUTHWAITE. This rule reads in part as follows:

6. The committee may, by the vote of a majority of the members present, at any time after the five minutes' debate has begun upon proposed amendments to any section or paragraph of a bill, close all debate upon such section or paragraph, or, at its election, upon the pending amendments only.

As I understand the gentleman, he insists—and that is the proposition which the Chair is to consider and decide upon in deciding this point of order—that the motion made by the gentleman from Maryland [Mr. McCOMAS] is not amendable. If the gentleman in charge of the bill [Mr. McCOMAS] has made a motion to close all debate upon the section or paragraph and that motion is not amendable, how is the committee to elect to close debate upon the pending amendments only? If the motion of the chairman be to close debate upon the whole paragraph, how can the committee decide to close debate upon "the pending amendments only" unless the motion of the chairman is amendable?

Mr. CUTCHEON. But that does not go to the question of time at all.

Mr. OUTHWAITE. But you insisted that the motion to close debate was not amendable.

Mr. CUTCHEON. The chairman moves to close all debate upon the pending paragraph. Another proposition may be to close all debate upon the pending section. That, of course, is a different proposition.

Mr. OUTHWAITE. Then you admit that that proposition would be amendable?

Mr. CUTCHEON. The language of the rule would seem to cover that modification so as to permit the committee to decide whether they would close all debate upon the paragraph or upon the section. But that does not go to the element of time. In either case it is an absolute, instant closure that is proposed, and if the committee do not desire to do that, there is just one other thing for them to do, that is, to vote down the proposition and go on with the debate.

Mr. BLAND. If you can amend a motion to close the debate in one minute, why not amend a motion to close debate? Why should one be allowable and the other not?

Mr. CUTCHEON. If that has been done, it has been done, in my opinion, without a close construction of the language of the rule. I do not think that the rule strictly construed admits of that interpretation.

Mr. HOOKER. Mr. Chairman, when the rules of the present House were adopted they did away with the constitutional provision as to what should constitute a quorum of the House. The Constitution having provided that a quorum to transact business should consist of a majority of the members-elect, that provision was overridden and the power given to the Speaker to count a quorum when a quorum has not answered on a yea-and-nay vote. That was an infringement of the Constitution by subterfuge.

But when in the rules the majority reduced the quorum in a Committee of the Whole House from a majority of the members-elect to one hundred, when the quorum was thus changed in the Committee of the Whole, where all great money bills involving questions of taxation in which the people are interested are considered, still further violence was done to the constitutional provision requiring that a majority of the members should be necessary to transact business. The power was given in the Committee of the Whole to one hundred members—which in this House upon its organization was eighty-five less than a quorum—to pass upon all questions referred to the Committee of the Whole.

What is the Committee of the Whole but the House resolved into a committee to consider, amend, and perfect bills that may be referred to it and report them back to the House? Under these rules the whole power of the House is stolen from the House itself and confided to fifty-one members, fifty-one being a majority of one hundred, thus violating in a still more flagrant manner the letter and spirit of the Constitution, which provides that a quorum of the House shall consist of a majority of the members-elect.

Now the proposition is made by the motion of my honorable friend from Maryland to give the Committee of the Whole the power to limit debate—in the language of the gentleman from Michigan who has just spoken, to "close debate." It is proposed to give to fifty-one members the power to do this. Talk about the rights of a minority. Your very rules, if the construction now insisted upon should be adopted and enforced, give to fifty-one members the power to pass upon all the grave questions which are referred to the Committee of the Whole, including all the important measures involving taxation upon the people.

Now if the motion may be made in Committee of the Whole to close debate whenever the five-minute discussion has been begun, then you may make that motion instantly; you may allow no consideration of amendments, no debate upon the various paragraphs of the measure, thus relegating to one-sixth of the members of the House power to determine all these great questions.

It was said yesterday by my honorable friend from Ohio, the chairman of the Ways and Means Committee [Mr. McKINLEY] that the minority are responsible for your not doing business.

Sir, I thought that the honorable gentleman himself, the honorable Speaker of this House, and other gentlemen on that side of the Chamber, through the daily press and through the monthlies, had boasted when the first session of this Congress adjourned that they had made this a "business House;" that they had adopted a code of rules by which the majority could transact business, and that this had ceased to be a "deliberative body." That was the boast of the Speaker. And you illustrated that when you passed that most important meas-

ure, the judiciary bill, in exactly one hour and a half by the index fingers of the clock. You cut off debate on the election bill and passed it in the same way. You adopted the same proceeding with reference to the tariff bill.

Mr. CUTCHEON. Will the gentleman allow me a question?

Mr. HOOKER. Yes, sir.

Mr. CUTCHEON. Was the gentleman in the Forty-ninth Congress?

Mr. HOOKER. I was.

Mr. CUTCHEON. Does he remember that in that Congress one of the great appropriation bills was passed under a suspension of the rules without debate or amendment?

Mr. WHEELER, of Alabama. Because nobody wanted amendment or debate; because it was a proper bill in all respects and everybody knew it.

Mr. CUTCHEON. I only say that you cut off debate and amendment.

Mr. HOOKER. It is not an infrequent thing to adopt that course when no man wants to discuss the proposition. But here were members wanting to discuss every proposition in that judiciary bill, and you cut off debate and amendment; you passed it in an hour and a half. The boast was made that you had adopted an ironclad set of rules by which you could force every measure to a passage. You went before the country boasting of what you had accomplished; that this had become a "business House;" that it was capable of performing and had performed wonders, particularly in the passage of the measures I have named. You went before the country asking their approbation of the ironclad rules and the severe rulings of the Speaker of this House under those rules. The decision of the people was rendered on the 4th of November last; and it would have been better for you if you had done no "business" at all than to have done what you did.

Mr. ROWELL. I rise to a point of order; the gentleman is not discussing the question.

Mr. HOOKER. I was simply using these considerations as arguments for the purpose of convincing you, Mr. Chairman, that you ought not to be successfully appealed to, to second this effort in behalf of that movement which is always going on: the stealing of power from the hands of the many and placing it in the hands of the few. So far from adopting the restrictive construction now contended for in the practice of the Committee of the Whole, you should rather follow an enlarged construction, for the office and function of the Committee of the Whole is consideration, amendment, debate—not restriction upon those rights.

Mr. McCOMAS. Mr. Chairman, if a few more Republican members will come here and stay here we will do the business of the House. Now, as I presume the House and the Chair have been sufficiently enlightened on this question, so that it may be decided to-morrow morning, the question having been very fully discussed and it being understood, I think, that the discussion now close, I will move that the committee rise.

Mr. BUCKALEW. I hope that the gentleman from Maryland will allow me three minutes.

Mr. McCOMAS. I yield to the gentleman three minutes.

Mr. BUCKALEW. Mr. Chairman, I wish to say a few words on this subject, because I am interested in the permanent rules of this House, because this subject must undergo consideration at the next session and in the future sessions of Congress, and because I have a very clear opinion with regard to the point presented for the decision of the Chair.

Now, sir, the consideration of bills in a Committee of the Whole from time immemorial, as everybody knows who has given the matter consideration, has been for the purpose that they might be freely debated and amendments freely offered. It has been found in the progress of time that this very right of membership might be abused and grievously abused. Therefore, in this House itself it has been the rule and practice for the House to issue an order to the committee before it is formed. And what has been the ordinary motion?

Why, sir, that all debate in the Committee of the Whole upon a particular section of the bill or upon the whole measure itself, shall close at a given day or time—in one hour, in five hours, or in one minute. Virtually, the House can order the debate to close forthwith, as soon as the committee is formed, because one minute means nothing else in that connection, or the order may be that it shall close at a later period of time. The form in which the House ordinarily votes upon the proposition is that all debate upon such and such a proposition shall close, according to the order of the House, in a given period of time, and the committee obeys the order so made.

Now, it has been supposed by those who made the rules at present in force and for which I did not vote—it has been supposed necessary in this connection that this House should vote that one hundred of its members should constitute a quorum of the Committee of the Whole, of which fifty-one members are a majority. That has been thought necessary by the majority and they have adopted such a rule and have enforced it in the House. It was thought necessary, as I understood the rules when they were debated and as I now understand them, that the Committee of the Whole should also be authorized to order the closing of debate, the same power which the House had theretofore exercised, and which was sometimes to close debate at once, or at other times to close it on a fixed day in the future, and in general terms this rule therefore confers on the Committee of the Whole the power to close debate.

But, Mr. Chairman, does that mean forthwith, instanter? Is it under the rule necessary to close debate at some fixed time? No, sir; it is subject to the discretion of the committee, just as before these rules were adopted; and still that discretion rests in the House to make that closure instantly or make it operative in the future.

Mr. McCOMAS. To close all debate.

Mr. BUCKALEW. All debate, either upon a pending section, an amendment, or upon some division of the bill, or upon the measure itself, according to its character.

Now, what difficulty is there in the Chair construing this power in the committee by analogy with the power in the House—that it is discretionary with the committee to say that the debate shall close at once, or in an hour, or in ten hours? Well, sir, that is admitted. But if it is discretionary with the committee to decide that the debate shall close instanter or at some future period of time then fixed, it is indispensably and indisputably the right of the members of the House to possess the power to make such motions as will permit that discretion in the committee to be exercised, so that the House may choose between an immediate or future closing.

Therefore, this later aspect in the debate, which is a merely verbal one in my judgment and without importance, between the power to close the debate and the power to limit debate, has no foundation. There is no bottom for it. The practice of the House, and the form in which the House has voted on all former questions on such occasions, was decisive that the Committee of the Whole, which has now transferred to it a concurrent power of closing debate, is to close it as the House would or might close it; and that they have a discretion, in order to exercise which it is indispensable that amendments may be offered to the motion to close debate, without which the House could not have a choice between two propositions, unless it went through the tedious and unnecessary business of voting down the first motion, and afterwards having a second proposition submitted, and so on until it had reached a conclusion. The House ought to have the whole subject before it when it votes. Hence an amendment and an amendment to the amendment are in order, and are admitted on the face of the rules. [Applause on the Democratic side.]

Mr. McCOMAS. I now renew the motion that the committee rise.

The motion was agreed to.

The committee accordingly arose; and the Speaker having resumed the Chair, Mr. BURROWS reported that the Committee of the Whole House on the state of the Union, having had under consideration the District of Columbia appropriation bill, had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had concurred in the resolution of the House for printing 500 copies of the hearing before the Select Committee of the House of Representatives on the Eleventh Census upon a resolution for a recount in the city of New York.

ORDER OF BUSINESS.

Mr. McCOMAS. I move that the House do now adjourn.

Mr. WALKER. I hope the gentleman will withdraw the motion for a moment.

The SPEAKER. The Chair desires to submit a resolution for present consideration.

Mr. MILLS. Regular order.

The SPEAKER. This relates to the business of the House. The Clerk will read.

The Clerk read as follows:

Resolved, That the Senate be requested to return to the House of Representatives the bill (S. 828) for the relief of Sarah E. E. Perine, widow and administratrix of William Perine, deceased.

Mr. ROGERS. I demand the regular order.

The SPEAKER. This is a privileged resolution.

Mr. BRECKINRIDGE, of Kentucky. What is the purpose of the resolution?

The SPEAKER. It is simply to correct a mistake in enrolling. The question is on the adoption of the resolution.

The question was taken; and on a division (demanded by Mr. ROGERS) there were—ayes 64, no 1.

Mr. ROGERS. There is no quorum voting and none present, Mr. Speaker.

The SPEAKER (having counted the House). One hundred and forty-five members are present—less than a quorum.

Mr. MILLS. I move that the House do now adjourn.

Mr. McCOMAS. Mr. Speaker, I have already submitted that motion.

The SPEAKER. Well, the gentleman from Texas and the gentleman from Maryland both move that the House adjourn. [Laughter.]

The motion was agreed to; and accordingly (at 5 o'clock and 16 minutes p. m.) the House adjourned.

EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

UNITED STATES BUILDING AT LEAVENWORTH, KANS.

Letter from the Secretary of the Treasury, requesting an appropriation of $8,000 for the United States courthouse, post office, etc., building at Leavenworth, Kans.—to the Committee on Appropriations.

WASHINGTON AND GEORGETOWN RAILWAY COMPANY.

Letter from the president of the Washington and Georgetown Railway Company, transmitting the annual report of that company for the fiscal year ended December 31, 1890—to the Committee on the District of Columbia.

RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolution was introduced and referred as follows:

By Mr. ANDERSON, of Kansas:

Resolved, That the Interstate Commerce Commission be, and is hereby, requested to furnish to the House of Representatives information, as indicated by the following queries, at the earliest practicable date.

1. Whether the commission has reason to believe, from public rumor or otherwise, that several railroad companies operating lines west of Chicago or of the Mississippi River are seeking to enter into any form of combination, or have entered into such combination, as will enable said combination or its agents to control, in whole or in part, the charges made to the public by any of said companies for the transportation of interstate passengers or freight.

2. Whether it has reason to believe that an article published in the New York Herald January 9, 1891, a copy of which is appended hereto, is substantially correct, and that "The New Agreement," set forth in said article, or any other agreement of similar tenor as to the more important points, is sought to be made or has been made by the presidents or other authorized officers of either of the following or other railroad companies, namely, the Missouri Pacific, Atchison, Topeka and Santa Fé, Southern Pacific, Northern Pacific, Union Pacific, Chicago and Northwestern, Chicago, Rock Island and Pacific, Denver and Rio Grande, Rio Grande Western, Chicago, Milwaukee and St. Paul, Wabash, Iowa Central, Illinois Central, Chicago, Burlington and Quincy, and the Missouri, Kansas and Texas.

3. Whether any combination of any of said companies has been formed, or is attempted to be formed, known as the Western Traffic Association, or otherwise, possessing power to affect the charges made to the public upon the traffic indicated by Article II of said alleged or other agreement, namely:

"ARTICLE II.

"The business to be covered by this agreement shall be all the State and interstate traffic, both freight and passenger, which is competitive between any two or more of the parties thereto, having origin or destination in Illinois, Minnesota, Wisconsin, and the peninsula of Michigan, or any State or Territory west of the Mississippi River, except business passing between points north of the Ohio River and points south thereof, both of which are east of the Mississippi River. The business to or from the Republic of Mexico via Rio Grande River crossings shall be included."

4. Whether the commission can furnish an approximate estimate of the population residing in the States and Territories mainly originating, receiving, or affected by "the business" indicated in Article II; the annual tonnage and aggregate market value of the freight carried, and the aggregate sum of money annually collected by these companies and others which handle said "business," both passenger and freight.

5. Whether any form of agreement or understanding has in any way been entered into by either of said companies or others to make a territorial division of the railroad business as indicated in Article IX, or otherwise, namely:

"ARTICLE IX.

"The territory served by the lines parties to this agreement shall be divided into four or more sections or divisions, observing as nearly as practicable the natural divisions of the territory as represented by existing associations, and each division may be put under the immediate supervision and direction of one of the commissioners chosen."

6. Whether any agreement, as just indicated, has been or is likely to be made, whereby the power to fix the charges to the public by one line is placed in the hands of officers of other lines supposed to compete for the same business, as set forth by the following:

"ARTICLE VIII.

"The traffic manager, general freight agent, general passenger agent, or other duly authorized officer of the respective companies, members of this association, shall constitute respectively the freight-rate and passenger-rate committees for the territories or districts within which their respective lines are interested, but all action of the rate committees shall be reviewed and approved in writing by the general manager or highest traffic officers of the interested members before becoming operative. The establishment of or changes in rates or divisions or the rules and regulations governing the same, by the unanimous vote of said rate committees, when approved as aforesaid, shall be effective when they so order.

"If differences arise the question at issue shall be referred to the commissioners for determination: *Provided, however*, The members of the advisory board for any interested company may, after giving the commissioners an opportunity to be heard, have power to give thirty days' notice of such change in the rates, divisions, rules, or regulations, as they believe the interests represented by them require, and the date it shall become effective, save and except that this power shall not be exercised by any member of the advisory board for and in behalf of any business now covered by the Transcontinental Association or the Southwestern Railway and Steamship Association."

7. Whether any agreement has been made that will enable such combination to affect through rates on traffic substantially as indicated by

"ARTICLE X.

"SECTION 1. The division of through rates on the traffic subject to this agreement, whether between lines members of the association or between lines in the association and outside companies, shall be arranged through the association: *Provided, however*, That when one road has a proprietary interest in another the divisions between such roads shall be what they elect and shall not be the property of the association: *Provided, further*, That as regards traffic contracts at this date actually existing between lines not having common proprietary interests, the same shall be reported, so that the divisions with competing lines may, if thought advisable by them, be made on equally favorable terms.

"SEC. 2. All contracts now in existence which may in any manner affect or control rates or divisions upon any traffic included in this agreement shall be filed with the commissioners forthwith."

8. Whether any such agreement empowers a commissioner or other person "to adopt such measures as will enable each line to carry its fair share of the competitive traffic" (Art. VII, 1), or "to make an equitable division between interested lines of the competitive traffic, either freight or passenger, or both, of any one or more specified points or of any designated territory" (VII, 2), or to require "copies of all waybills and reports of traffic" of said roads, "and shall have authority to examine and check all books, accounts, and vouchers in relation to traffic subject to this agreement" (VII, 3); and whether the action of one commissioner, in fixing the charges of one line, is subject to the action of all the other commissioners, as follows: "The action of the commissioners shall be by unanimous vote in all matters pertaining to the appointment (apportionment) of traffic or the establishment of, or a change in, rates, divisions, rules, or other regulations. In other respects a majority vote may control" (VII, 8).

9. Whether such combination, if any, places the appellate and final power over the commissioners, charges to the public, territorial division of business, prorating of through traffic, or apportionment of traffic in a given district to competing companies wholly in the hands of a few persons designated as an "advisory board" (Article XI).

10. What associations, embracing what companies, if any, are to-day fixing rates, or dividing traffic, as indicated by Article XII, and has any agreement been entered into which substantially embodies said Article XII? "The rates and divisions of same affecting traffic covered by this agreement, duly established and in effect on January 31, 1891, under the agreement of existing associations and the rules and regulations governing same as provided by said associations, except as modified by this agreement, shall continue in force until changed as herein provided."

11. Whether in the opinion of the commission railways are public highways built under eminent domain; whether their business so affects the public as to give the public a legal or equitable interest in that business; whether, in the main, the people have any practically effective safeguard against exorbitant charges by these common carriers except that of competition between them; whether, such a combination of rival lines as virtually eliminates competition in rates or traffic is in violation of statutory or common law or of equity; whether, if any such unlawful combination exists or is likely to exist, the commissioner or any officer of the United States possesses power to secure an enforcement of law and a punishment of such conspirators against the public; and, if not, what legislation should be enacted to the end that the people shall be effectively protected against the bowelless greed of a few corporations now dominating and controlling the charges made for transportation to millions of American citizens.

Resolved, 2, That the commission is hereby empowered and requested to make forthwith such investigation as it may deem necessary for the information of Congress as to the above and kindred subjects.

[New York Herald, January 9, 1891.]

The Western Traffic Association—for such is the official title of the syndicate or pool formed to control the business of all the railroads west of Chicago—is now an assured fact.

The representatives of $3,000,000,000 of capital invested in these railroads held their second meeting yesterday in this city and worked in perfect harmony to perfect a plan for eliminating much of the competition now going on in the West. They reiterated their pledges to maintain rates, to divide all the traffic for competitive points, to abolish competing agencies and concentrate their business in the hands of joint agents, to drop unnecessary passenger trains, and altogether to wipe out millions every year from their expense sheets.

The advisory board, composed of the president and one director of each road, assembled at the Windsor Hotel at half past 10 o'clock in the morning. A general declaration of principles was signed at the conference held at J. Pierpont Morgan's house on December 15. The more difficult task of reconciling individual interests and securing the adoption of a specific treaty the details of which will be agreeable to all the fifteen railway systems in the association now confronted the presidents. A good deal of work was disposed of yesterday, but much remains to be done.

REFERRED TO A COMMITTEE.

The advisory board proper met in the morning, under the chairmanship of Roswell Miller, president of the St. Paul road, and discussed the railway problem. Jay Gould had a good deal to say in favor of his plan for abolishing the agencies of the companies and for pooling freight between competitive points. Several propositions were considered, and finally the formation of by-laws and rules was referred to a committee to consist of members of the advisory board and active freight and traffic men.

The members of the advisory board were present, as follows: Missouri Pacific—Jay Gould. Atchison, Topeka and Santa Fé—Allen Manvel, president; George C. Magoun, chairman of board. Southern Pacific—C. P. Huntington, president; J. C. Stubbs, third vice president. Northern Pacific—Thomas F. Oakes, president; David S. Wegg, director. Union Pacific—Sidney Dillon, president. Chicago and Northwestern—Marvin Hughitt, president; Albert Keep, chairman of the board. Chicago, Rock Island and Pacific—R. R. Cable, president; B. Brewster, director. Denver and Rio Grande—David H. Moffat, president; George Coppell, chairman of the board. Rio Grande Western—William J. Palmer, president; David Dodge, general manager. Chicago, Milwaukee and St. Paul—Roswell Miller, president; Samuel Spencer, director. Wabash Railroad—O. D. Ashley, president; Charles M. Hays, director. Iowa Central—Russell Sage, president; C. H. Ackert, general manager. Illinois Central—S. V. R. Crugar, director. Chicago, Burlington and Quincy—Charles E. Perkins, president; Charles Payne, director. Missouri, Kansas and Texas—H. K. Enos, president.

At 1 o'clock the board adjourned until 10 o'clock this morning, and then the committee on by-laws and rules assembled. This committee consisted of these gentlemen: Atchison, Messrs. Allen Manvel and Col. John J. McCook; Chicago and Northwestern, Messrs. Hughitt and Newman; Burlington, Messrs. Perkins and Harris; Rock Island, Messrs. Cable and Johnson; Great Northern, J. Kennedy Tod; Missouri Pacific, Messrs. Jay Gould and Leeds; Northern Pacific, Messrs. Oakes, Wegg, and Hannaford; Southern Pacific, Messrs. Stubbs and Sproule; Union Pacific, Messrs. Dillon and Mellen. The roads belonging to the association and not mentioned above had their advisory board members on the committee.

The committee's deliberations lasted until half past 5 o'clock in the afternoon and then they adjourned until 9 o'clock this morning. Their work is not completed, but they have put into shape an agreement which in their opinion covers the purpose of the organization. It is subject to changes and will be changed, perhaps very materially, both by the committee and by the board, but the Herald gives it as the net result at this stage of the deliberations and as well calculated to show the scope and aims of the new association.

Article I has not yet been passed upon, the claims of New York and Chicago as the headquarters of the organization being about even. Action on the adoption of some of the sections has been suspended pending deliberation. Here is the agreement as it now stands:

THE NEW AGREEMENT.

ARTICLE I.

The name of the association shall be the Western Traffic Association, and its principal office shall be in the city of Chicago, where all regular meetings shall be held unless otherwise ordered by the board.

ARTICLE II.

The business to be covered by this agreement shall be all the State and interstate traffic, both freight and passenger, which is competitive between any two or more of the parties thereto, having origin or destination in Illinois, Minnesota, Wisconsin, and peninsula of Michigan, or any State or Territory west of the Mississippi River, except business passing between points north of the Ohio River and points south thereof, both of which are east of the Mississippi River. The business to or from the Republic of Mexico via Rio Grande River crossings shall be included.

ARTICLE III.

The advisory board shall meet quarterly on the second Tuesday of January, April, July, and October each year. Special meetings of the board shall be called by the president whenever in his judgment necessary, or upon the request in writing of any three members of said board, giving at least ten days' notice of the time and place of such meeting. The records of the meeting of the advisory board shall be kept by its secretary, and the proceedings shall be promulgated by him for the information of members.

ARTICLE IV.

The following officers shall be elected by ballot at the January meeting in each year by four-fifths of the members: President, finance committee, four or more commissioners, one of whom shall be named as chairman.

ARTICLE V.

The president shall be a member of and shall preside at all meetings of the advisory board.

ARTICLE VI.

The finance committee shall consist of five members of the board. It shall elect from its number a chairman, who shall preside at its meetings, and, in case of the absence of the president of the advisory board, shall act as president *pro tempore*. It shall control all disbursements, authorize the employment of necessary clerks and other assistants required by the commissioners.

ARTICLE VII.

SECTION 1. The commissioners shall adopt such measures as will tend to secure uniform, stable, and reasonable rates, prevent unjust discrimination, and enable each line to carry its fair share of the competitive traffic.

SEC. 2. On the application in writing to the commissioners by any interested company for its share of the competitive traffic, either freight or passenger, or both, of any one or more specified points or of any designated territory, the commissioners shall make an equitable division thereof between the interested lines, upon such basis and in such lawful manner as they deem advisable, subject to revision after full investigation.

SEC. 3. The commissioners shall have power, and it is hereby made their duty, to establish a bureau for the collection and preservation of such information and statistics as may be necessary to enable them to execute the powers conferred and to perform the duties imposed upon them. To that end they shall be furnished with copies of all waybills and reports of traffic when called for, and shall have authority themselves or by designated subordinates to examine and check all books, accounts, and vouchers in relation to traffic subject to this agreement.

SEC. 4. All violations of this agreement or failure to comply with the orders of the advisory board or of the commissioners by any member of the association or any officer or representative of such member shall be reported to the advisory board for such action as it may deem expedient.

SEC. 5. The commissioners shall have power to establish and promulgate, from time to time, rules and regulations for the orderly conduct of the proceedings before them and change, add to, and repeal the same.

SEC. 6. Applications to the commissioners for relief shall be promptly investigated and determined, reasonable opportunity to be heard being given to all parties interested. In cases of extreme urgency the matter may be determined without a hearing, all members interested being first notified of the proposed action.

SEC. 7. The commissioners shall apportion the expenses of the association among the members, render monthly statements thereof, and make drafts therefor.

SEC. 8. The action of the commissioners shall be by unanimous vote, in all matters pertaining to the apportionment of traffic or the establishment of or a change in rates, divisions, rules, or regulations. In other respects a majority vote may control.

SEC. 9. The commissioners shall have authority to construe this agreement and all resolutions which may be adopted; and their decision shall be binding until reversed by the advisory board.

ARTICLE VIII.

The traffic manager, general freight agent, general passenger agent, or other duly authorized officer of the respective companies, members of this association, shall constitute, respectively, the freight-rate and passenger-rate committees for the territories or districts within which their respective lines are interested, but all action of the rate committees shall be reviewed and approved in writing by the general manager or highest traffic officers of the interested members before becoming operative. The establishment of or changes in rates or divisions or the rules and regulations governing the same by the unanimous vote of said rate committees, when approved as aforesaid, shall be effective when they so order.

If differences arise the question at issue shall be referred to the commissioners for determination: *Provided, however*, The members of the advisory board for any interested company may, after giving the commissioners an opportunity to be heard, have power to give thirty days' notice of such change in the rates, divisions, rules, or regulations, as they believe the interests represented by them require, and the date it shall become effective, save and except that this power shall not be exercised by any member of the advisory board for and in behalf of any business now covered by the Transcontinental Association or the Southwestern Railway and Steamship Association.

ARTICLE IX.

The territory served by the lines parties to this agreement shall be divided into four or more sections or divisions, observing as nearly as practicable the natural divisions of the territory as represented by existing associations, and each division may be put under the immediate supervision and direction of one of the commissioners chosen.

ARTICLE X.

SECTION 1. The division of through rates on the traffic subject to this agreement, whether between lines members of the association or between lines in the association and outside companies, shall be arranged through the association: *Provided, however*, That when one road has a proprietary interest in another the divisions between such roads shall be what they elect and shall not be the property of the association: *Provided, further*, That as regards traffic contracts at this date actually existing between lines not having common proprietary interests, the same shall be reported, so that the divisions with competing lines may, if thought advisable by them, be made on equally favorable terms.

SEC. 2. All contracts now in existence which may in any manner affect or control rates or divisions upon any traffic included in this agreement shall be filed with the commissioners forthwith.

ARTICLE XI.

SECTION 1. Any member aggrieved by any action or determination or nonaction of the commissioners may appeal therefrom to the advisory board, which shall, at its first meeting thereafter, either regular or special, consider and determine the question on its merits; but such appeals shall not stay the execution of the action or determination appealed from. Should the advisory board reverse or modify the action or determination of the commissioners, such restitution shall be prescribed in the order of modification or reversal as the advisory board may deem proper.

SEC. 2. Any member affected by any act or determination of the commissioners made without an opportunity to be heard may apply for a hearing with a like right of appeal.

SEC. 3. The commissioners, in their discretion, may allow a stay of execution of the order pending an appeal to the advisory board.

SEC. 4. If an appeal should not be determined by the advisory board within sixty days from its completion, in cases where the action or determination appealed from involves a change of rate, division, rule, or regulation, or the apportionment of traffic, the order or decision so appealed from shall then be suspended and the conditions previously existing, so far as changed thereby, restored until the determination of such appeal.

SEC. 5. An appeal taken more than sixty days after notice of the order or decision appealed from may be dismissed by the advisory board upon its own motion or on motion of any interested member of the association.

SEC. 6. An appeal shall be complete when a notice, subscribed to by either the president, the vice president, the general manager, or traffic manager of the appealing party and describing with reasonable certainty the action, determination, or order appealed from, shall be filed with the commissioners.

ARTICLE XII.

The rates and divisions of same affecting traffic covered by this agreement, duly established and in effect on January 21, 1891, under the agreement of existing associations and the rules and regulations governing same as provided by said associations, except as modified by this agreement, shall continue in force until changed as herein provided.

ARTICLE XIII.

The preceding rules and the agreement in pursuance of which they are made shall not be construed as depriving the board of directors or its executive committee of any railroad company party hereto of the right and power to fix rates and make rules and regulations affecting its business or lines; and any and all action taken by the advisory board, commissioners, rate committees, or other agency of this association shall be subject to review, revision, modification, or rescission by the board of directors or its executive committee of any party hereto.

ARTICLE XIV.

It is declared to be the true intent and meaning of the association agreement, as well as of the by-laws passed in pursuance thereof, that their provisions have no application to traffic which begins and ends in any State or Territory whose laws prohibit the making or carrying into effect of such agreements or by-laws with respect to such traffic, and the commissioners, finance committee, and all functionaries charged with any authority or duty under said agreement or by-laws are required to give full effect to this declaration;

to the Committee on Commerce.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. RANDALL, from the Committee on Commerce, reported favorably the bill of the House (H. R. 13189) for the establishment of a light and fog-signal station near Butler Flats, New Bedford, Mass., accompanied by a report (No. 3516)—to the Committee of the Whole House on the state of the Union.

Mr. SAWYER, from the Committee on Invalid Pensions, reported favorably the bill of the House (H. R. 12645) to place upon the pension rolls the name of Elizabeth Wolcott, accompanied by a report (No. 3517)—to the Committee of the Whole House.

Mr. NUTE, from the Committee on Invalid Pensions, reported favorably the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 11077) granting pension to Sarah Hutchins. (Report No. 3518.)

A bill (H. R. 11454) increasing pension of Erastus D. Butler, of Togus, Me. (Report No. 3519.)

A bill (H. R. 12585) increasing pension of Lafayette Soper, of Morrisville, Vt. (Report No. 3520.)

Mr. LEE, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 12261) to authorize the Washington and Western Railroad Company of Virginia to extend its line into and within the District of Columbia, reported, as a substitute therefor, a bill (H. R. 13245) to authorize the Washington and Western Railroad Company of Virginia to extend its line into and within the District of Columbia; which was read twice, and, accompanied by a report (No. 3521), referred to the House Calendar.

Mr. FLICK, from the Committee on Invalid Pensions, reported with amendment the bill of the House (H. R. 1870) granting an increase of pension to Maria L. Hammer, accompanied by a report (No. 3522)—to the Committee of the Whole House.

Mr. FLICK also, from the Committee on Invalid Pensions, reported favorably the bill of the House (H. R. 13159) restoring the pension of Caroline Dawson, accompanied by a report (No. 3523)—to the Committee of the Whole House.

Mr. FLICK also, from the Committee on Invalid Pensions, reported with amendment the bill of the House (H. R. 12741) to increase the pension of Allen J. Maker, accompanied by a report (No. 3524)—to the Committee of the Whole House.

Mr. BELKNAP, from the Committee on Invalid Pensions, reported favorably the bill of the House (H. R. 12826) granting a pension to

Sarah A. Joiner, accompanied by a report (No. 3525)—to the Committee of the Whole House.

Mr. BELKNAP also, from the Committee on Invalid Pensions, reported with amendment the bill of the House (H. R. 13074) granting a pension to Emma Southwick Brinton, accompanied by a report (No. 3526)—to the Committee of the Whole House.

Mr. MORRILL, from the Committee on Invalid Pensions, reported with amendment the bill of the House (H. R. 12316) granting an increase of pension to Horace B. Seeley, captain Company K, Eighty-sixth Regiment New York Infantry Volunteers, accompanied by a report (No. 3527)—to the Committee of the Whole House.

Mr. CRAIG, from the Committee on Invalid Pensions, reported with amendment the bill of the House (H. R. 12806) granting a pension to William D. Calkins, Company A, One hundred and eleventh Pennsylvania Volunteers, accompanied by a report (No. 3528)—to the Committee of the Whole House.

Mr. REYBURN, from the Committee on Claims, reported favorably the bill of the House (H. R. 9162) for the relief of the legal representatives of John Wightman, deceased, accompanied by a report (No. 3529)—to the Committee of the Whole House.

Mr. SHERMAN, from the Committee on Expenditures in the Department of Justice, reported favorably the bill of the Senate (S. 3529) regulating the fees and emoluments of district attorneys, marshals, and clerks in the States of Oregon, Nevada, Idaho, Montana, Washington, North Dakota, and Wyoming, accompanied by a report (No. 3530)—to the House Calendar.

Mr. DINGLEY, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 8674) to impose a discriminating duty on tea imported from this side of the Cape of Good Hope, and for other purposes, reported, as a substitute therefor, a bill (H. R. 13248) to impose a discriminating duty on tea imported from countries which discriminate against the United States; which was read twice, and, accompanied by a report (No. 3531), referred to the Committee of the Whole House on the state of the Union.

Mr. MANSUR, from the Committee on Claims, reported favorably the following bills; which were severally referred to the Committee of the Whole House:

A bill (S. 4484) for the relief of D. H. Mitchell. (Report No. 3532.)

A bill (H. R. 5134) for the relief of the heirs and legal representatives of Richard Meade, deceased. (Report No. 3533.)

Mr. WILLIAMS, of Ohio, from the Committee on Military Affairs, to which was referred the following resolution:

Resolved, That the Secretary of War be, and is hereby, respectfully requested to furnish this House with the list of retired army officers now in the civil service of the Government, showing retired rank of each officer, date of retirement, and date of employment in civil service, and, when practicable, the nature of such civil service and pay;

reported the same favorably, and, accompanied by a report (No. 3534), it was referred to the House Calendar.

Mr. WALLACE, of New York, from the Committee on Naval Affairs, reported favorably the bill of the House (H. R. 12788) to reorganize the Marine Band, accompanied by a report (No. 3535)—to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the following changes of reference were made:

A bill (H. R. 12855) granting an increase of pension to Adam Deitz—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8964) for the relief of Daniel Donovan—Committee on Claims discharged, and referred to the Committee on the District of Columbia.

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, severally read twice, and referred as follows:

By Mr. HEARD (by request): A bill (H. R. 13244) to incorporate East and West Washington Traction Railway Company of District of Columbia—to the Committee on the District of Columbia.

By Mr. DICKERSON: A bill (H. R. 13246) granting certain property to the city of Newport, Ky.—to the Committee on Military Affairs.

By Mr. GIBSON (by request): A bill (H. R. 13247) to amend the charter of the Georgetown and Tennallytown Railway Company of the District of Columbia—to the Committee on the District of Columbia.

By Mr. WADDILL: A bill (H. R. 13260) to construct a road from the city of Richmond, Va., to the national cemetery at Cold Harbor, in the county of Hanover—to the Committee on Military Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. CRAIN: A bill (H. R. 13249) for the relief of A. M. Shannon & Co., of Galveston, Tex.—to the Committee on Claims.

By Mr. FUNSTON: A bill (H. R. 13250) for the relief of W. F. Osborn—to the Committee on War Claims.

By Mr. HOLMAN: A bill (H. R. 13251) granting a pension to Theodore Eck, of St. Paul, Ind.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13252) granting a pension to Anna T. Unger—to the Committee on Invalid Pensions.

By Mr. KINSEY (by request): A bill (H. R. 13253) for the relief of John T. Perry, of De Soto, Mo.—to the Committee on Invalid Pensions.

By Mr. LAWLER: A bill (H. R. 13254) for the relief of John O'Farrell—to the Committee on Military Affairs.

By Mr. LEE (by request): A bill (H. R. 13255) for the relief of loyal citizens, therein named, of Loudoun County, Virginia—to the Committee on War Claims.

By Mr. PARRETT: A bill (H. R. 13256) granting a pension to Barbara Schreiner—to the Committee on Invalid Pensions.

By Mr. STONE, of Kentucky: A bill (H. R. 13257) for the relief of Charles S. Hamlin—to the Committee on War Claims.

By Mr. STRUBLE: A bill (H. R. 13258) to increase the pension of Charles Striegel—to the Committee on Invalid Pensions.

By Mr. YODER: A bill (H. R. 13259) granting a pension to Charles G. Hood—to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 13261) for the relief of Michael Sullivan—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDERSON, of Kansas: Petition of Farmers' Alliance No. 2584, Marshall County, Kansas, for passage of the antioption bill—to the Committee on Agriculture.

Also, petition of citizens of same county and State, for same measure—to the Committee on Agriculture.

By Mr. ANDREW: Petition of the Citizens' Association, of Boston, Mass., in aid of an act to regulate immigration and to amend the naturalization laws of the United States—to the Select Committee on Immigration and Naturalization.

By Mr. COOPER, of Ohio: Petition of Carey Hutchinson and others, citizens of Delaware County, Ohio, for passage of House bill 5353, defining options and futures—to the Committee on Agriculture.

Also, petition of H. R. Ketch and others, citizens of New California, Ohio, for same measure—to the Committee on Agriculture.

Also, petition of W. G. Lefner and others, citizens of Morrow County, Ohio, for same measure—to the Committee on Agriculture.

Also, resolutions of New California Alliance, Ohio, No. 657, for the same measure—to the Committee on Agriculture.

Also, resolution of Concord Alliance, of Delaware County, Ohio, for same measure—to the Committee on Agriculture.

Also, resolution of Maple Grove Alliance, No. 3, of Morrow County, Ohio, for the same measure—to the Committee on Agriculture.

By Mr. FARQUHAR: Resolutions of the Harlem (N. Y.) Republican Club, for passage of the tonnage bill—to the Committee on Merchant Marine and Fisheries.

By Mr. FLICK: Petition of 25 citizens of Adams County, Iowa, asking passage of House bill 5353, defining options and futures—to the Committee on Agriculture.

Also, resolutions of Economy Alliance, No. 1665, asking passage of same measure—to the Committee on Agriculture.

By Mr. FORMAN: Petition of 23 farmers of Madison County, Illinois, members of Wood River Lodge, Farmers' Mutual Benefit Association, asking passage of House bill 5353, to prevent dealing in options—to the Committee on Agriculture.

Also, petition of other farmers of same county, for same measure—to the Committee on Agriculture.

Also, petition of members of Round Prairie Lodge, No. 1410, Farmers' Mutual Benefit Association, of same county and State, for same measure—to the Committee on Agriculture.

Also, petition of Sebastopol Lodge, No. 2710, Farmers' Mutual Benefit Association, of same county and State, for same measure—to the Committee on Agriculture.

Also, petition of other farmers of same county and State, for same measure—to the Committee on Agriculture.

Also, petition of members of Werts Lodge, Farmers' Mutual Benefit Association, of same county and State, for same measure—to the Committee on Agriculture.

Also, petition of 14 farmers of same county and State, members of Union Lodge, No. 3324, Farmers' Mutual Benefit Association, for same measure—to the Committee on Agriculture.

Also, petition of 25 farmers of same county and State, members of Butler Prairie Lodge, Farmers' Mutual Benefit Association, for same measure—to the Committee on Agriculture.

By Mr. FRANK: Protest of citizens of Webb City, Mo., against public building at Joplin, Mo.—to the Committee on Appropriations.

By Mr. FUNSTON: Petition for the relief of W. F. Osborn—to the Committee on War Claims.

Also, petition for relief of W. F. Osborn, being affidavits of claimant, Agnes H. Bossart, and Mrs. Mary A. Grant—to the Committee on War Claims.

Also, petition of citizens of Wilder, Kans., praying speedy passage of House bill 5353, defining options—to the Committee on Agriculture.

Also, resolutions of officers and members of Wilder Alliance, Wilder, Johnson County, Kansas, for same measure—to the Committee on Agriculture.

Also, petition of citizens of De Soto, Johnson County, Kansas, for same measure—to the Committee on Agriculture.

Also, petition of citizens of Briggs, Kans., for same measure—to the Committee on Agriculture.

By Mr. GEAR: Petition of T. F. Luckenbill and 37 others, citizens of Des Moines County, Iowa, praying speedy passage of the Butterworth option bill, H. R. 5353—to the Committee on Agriculture.

Also, petition of J. H. Shaw and 24 others, citizens of Van Buren County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of Amos Townsend and 19 others, citizens of Henry County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of A. H. Cunningham and 43 others, citizens of Louisa County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of James Johnson and 26 others, citizens of Louisa County, Iowa, for same measure—to the Committee on Agriculture.

Also, resolutions of Elm Grove Farmers' Alliance, No. 1583, of Iowa, for same measure—to the Committee on Agriculture.

Also, resolutions of Valley Alliance, No. 1310, of Henry County, Iowa, for same measure—to the Committee on Agriculture.

Also, resolutions of Huron Alliance, No. 712, of Huron, Des Moines County, Iowa, for same measure—to the Committee on Agriculture.

By Mr. GROUT: Petition (circulated by the Woman's Christian Temperance Union) signed by Mary C. Randall, superintendent, and Laura Woodburn, secretary of Woman's Christian Temperance Union of West Wardsborough, Vt., representing 17 members, praying passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic liquors—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. HILL: Resolutions of Emery Green Farmers' Alliance, in favor of House bill 5353, known as the option bill—to the Committee on Agriculture.

Also, petition of F. M. Dougherty and others, citizens of La Salle County, Illinois, in favor of same measure—to the Committee on Agriculture.

Also, petition of H. J. Marriot and others, citizens of same county and State, for same measure—to the Committee on Agriculture.

Also, resolutions of Utica and Waltham Farmers' Alliance, No. 83, Illinois, for same measure—to the Committee on Agriculture.

By Mr. HOLMAN: Petition and papers of Mrs. Anna T. Unger for a pension—to the Committee on Invalid Pensions.

By Mr. HOPKINS: Petition against passage of the Breckinridge Sunday-rest bill—to the Committee on Labor.

By Mr. JOSEPH: Memorial from the Commercial Club of Albuquerque, N. Mex., praying Congress for a more liberal appropriation for the support of the Indian schools located near that city—to the Committee on Indian Affairs.

By Mr. LACEY: Petition and evidence in support of bill for relief of Whipple Handy, late of Eighty-third Indiana Volunteers—to the Committee on Military Affairs.

By Mr. LEE: Petition on claim of Thomas Huntington, of Alexandria County, Virginia—to the Committee on War Claims.

By Mr. McCLELLAN: Petition of William Garrison and 14 others, citizens of Whitley County, Indiana, praying passage of House bill 5353, known as the option bill, defining options and futures, and imposing special duties upon dealers therein; and requesting members of the House and Senators from Indiana to actively support said bill and speedily secure its final passage—to the Committee on Agriculture.

Also, resolutions of Oak Grove Alliance, Allen County, Indiana, praying immediate passage of House bill 5353, known as the option bill, defining options and futures, declaring that the burdens and destruction it imposes upon gamblers in agricultural products will destroy the business which prevents the farmers and planters from receiving a fair and reasonable compensation for the labor and expense of production—to the Committee on Agriculture.

By Mr. MANSUR (by request): Petition of Knights of Labor, for constitutional amendment to be submitted granting women the right of suffrage—to the Committee on the Judiciary.

By Mr. MORROW: Petition of 2,004 citizens of the District of Columbia in favor of the Morrow Chinese exclusion act—to the Select Committee on Immigration and Naturalization.

Also, petition of C. H. Palmer and 19 others, citizens of Pittsburgh, Pa., in favor of same measure—to the Select Committee on Immigration and Naturalization.

Also, petition of Henry Monk and 8 others, of Maine, for same measure—to the Select Committee on Immigration and Naturalization.

Also, petition of District Assembly, No. 66, Knights of Labor, held January 15, 1891, District of Columbia, and representing 750 petitioners, for same measure—to the Select Committee on Immigration and Naturalization.

Also, petition, maps, papers, etc., concerning the interests at Popoff Island, Alaska—to the Committee on the Public Lands.

By Mr. OWEN, of Indiana: Petition (circulated by the Woman's Christian Temperance Union) signed by P. J. Horn, Mrs. Catlin, Mrs. Maggie Blair, and 90 others, citizens of Monon, Ind., praying passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages—to the Select Committee on the Alcoholic Liquor Traffic.

Also, petition (circulated by the Woman's Christian Temperance Union) signed by Mrs. L. J. Horner, president, and Lizzie A. Kerr, secretary of Woman's Christian Temperance Union, of Monon, Ind., for same measure—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. PERKINS: Petition (circulated by the Woman's Christian Temperance Union) signed by John Duncan, Jeff. Allen, Mrs. Carrie Beaty, and 80 others, citizens of Weir, Kans., praying passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic liquors—to the Select Committee on the Alcoholic Liquor Traffic.

Also, petition (circulated by the Woman's Christian Temperance Union) signed by John Shearer, James Shelton, Mrs. Eli Cox, and 81 others, citizens of La Cygne, Kans., for same measure—to the Select Committee on the Alcoholic Liquor Traffic.

Also, memorial of Commercial Club of Albuquerque, N. Mex., on Indian education—to the Committee on the Territories.

By Mr. PETERS: Petition of citizens of Hodgeman, Scott, and Sedgwick Counties, Kansas, favoring passage of the option bill—to the Committee on Agriculture.

By Mr. SENEY: Petition of E. D. Williams and 60 others, citizens of Seneca County, Ohio, favoring passage of House bill 5353, defining options and futures—to the Committee on Agriculture.

Also, petition of Christian Church, of Fostoria, Ohio, praying passage of Senate bill 4173, to investigate through a commission the social evil—to the Committee on Education.

By Mr. SIMONDS: Petition (circulated by the Woman's Christian Temperance Union) signed by the Winter Woman's Relief Corps of Stafford Springs, Conn., representing 34 members, praying passage of the bill providing for the appointment of a commission on the subject of the social vice—to the Select Committee on the Alcoholic Liquor Traffic.

Also, petition (circulated by the Woman's Christian Temperance Union), signed by W. C. Miner and Martha A. Nichols and 55 others, citizens of Stafford Springs, Conn., for same measure—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. SKINNER: Petition of R. B. Creecy and 44 others, of North Carolina, favoring House bill 892—to the Committee on Commerce.

By Mr. STEWART, of Georgia: Statements about the application for pension of Mrs. Ellis, of Spalding County, Georgia—to the Committee on Invalid Pensions.

Also, statement of the application of Mrs. Eveline Spalding, of Spalding County, Georgia—to the Committee on Invalid Pensions.

By Mr. THOMAS: Resolutions of Ithaca Farmers' Alliance, No. 138, of Richland County, Wisconsin, favoring the passage of House bill 5353, defining options and futures—to the Committee on Agriculture.

Also, petition of Anton Peterson and 13 others, of Vernon and Monroe Counties, Wisconsin, for same measure—to the Committee on Agriculture.

Also, petition of Henry Schoff and 18 others, of Ithaca, Richland County, Wisconsin, for same measure—to the Committee on Agriculture.

Also, petition of Levi Wallace and 26 others, of Ithaca, Richland County, and Monroe County, Wisconsin, for same measure—to the Committee on Agriculture.

SENATE.

WEDNESDAY, *January* 21, 1891.

The Senate met at 10 o'clock a. m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The VICE PRESIDENT. The Journal of yesterday's proceedings will be read by the Secretary.

Mr. GORMAN. Mr. President, I suggest the want of a quorum. I ask that the roll be called.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll; and the following Senators answered to their names:

Allen,	Dolph,	Kenna,	Sawyer,
Allison,	Edmunds,	McPherson,	Stewart,
Berry,	Faulkner,	Manderson,	Stockbridge,
Blair,	George,	Mitchell,	Walthall,
Blodgett,	Gorman,	Morgan,	Washburn,
Cockrell,	Gray,	Morrill,	Wilson of Iowa.
Coke,	Hale,	Pasco,	
Cullom,	Harris,	Pugh,	
Davis,	Hoar,	Reagan,	
Dixon,	Jones of Arkansas,	Sanders,	

The VICE PRESIDENT. Thirty-six Senators have responded to their names. No quorum is present.

Mr. PADDOCK and Mr. VANCE entered the Chamber and answered to their names.

Mr. EDMUNDS. I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators who are in town.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant-at-Arms will see that the order of the Senate is executed.

Mr. BATE, Mr. CASEY, Mr. DAWES, Mr. FRYE, Mr. HAMPTON, Mr. HISCOCK, Mr. HAWLEY, Mr. SHERMAN, and Mr. VOORHEES entered the Chamber and answered to their names.

The VICE PRESIDENT (at 10 o'clock and 15 minutes a. m). Forty-seven Senators have responded to their names. A quorum is present. The Journal of yesterday's proceedings will be read by the Secretary.

The Secretary proceeded to read the Journal of yesterday's proceedings, and having read—

Petition and memorials were presented and appropriately referred—

Mr. GORMAN said: Let the entries be read. I want to hear the Journal read in full.

The Secretary resumed and concluded the reading of the Journal at length.

Mr. GORMAN. Mr. President, I understand that the question now before the Senate is the approval of the Journal? Is that correct?

The VICE PRESIDENT. That is the question. Shall the Journal be approved?

Mr. GORMAN. Have I a right to the floor upon that question?

The VICE PRESIDENT. The Senator has a right to the floor upon any motion he may make for the correction of the Journal.

Mr. GORMAN. I shall move to strike out the last clause read by the Secretary beginning—

On motion of Mr. ALDRICH—

I ask a page to bring me the Journal.

Mr. SPOONER. May we have reported the words which the Senator moves to strike out?

Mr. GORMAN. I have sent for the Journal for the purpose of indicating the words. The entry in the Journal reads:

On motion of Mr. ALDRICH that the Senate resume the consideration of the resolution to amend the rules so as to provide a limitation of debate—

That was the Senator's motion—

it was determined in the affirmative.

I move to strike out the words:

It was determined in the affimative.

Mr. President, I make this motion because that did not occur. The Journal is not correct in that particular. Before going on to say what I propose, I will state that I think there could have been no doubt of the result finally of taking up the resolution, because that was generally understood. It is not for the pupose of interfering with the consideration of the resolution that I make this motion, but it is that the Journal may contain the exact truth as to what occurred in the body, and it is with a view that we may adhere strictly to the rules of this body. No Senator, whether in the majority or the minority, can for a moment submit to permitting an entry to be made that a question has been carried when the vote was not put to the Senate and announced.

Now, sir, what occurred? Twice yesterday an attempt had been made to take a Senator from the floor. When the resolution of the Senator from Oregon was under consideration, coming up as it did under the rule, while I had the floor it was announced that as objection had been made to the resolution it had gone over. The Chair very graciously and properly, when his attention was called to the mistake, corrected it at once, and, after a short colloquy, by unanimous consent the resolution went over to come up this morning.

Now, what does the RECORD show in this case? I shall read all of it relating to this proceeding. It will be found on page 1649 of the CONGRESSIONAL RECORD of this morning:

LIMITATION OF DEBATE.

Mr. ALDRICH. I move the consideration of the resolution indicated by me.
Mr. MORGAN. I wish to know what is the proposition now.
The VICE PRESIDENT. Will the Senator from Rhode Island state his motion again?
Mr. ALDRICH. I move that the Senate proceed to the consideration of the resolution submitted by me on the 29th of December, and which was under consideration during the morning hour this morning.
The VICE PRESIDENT. The question is on the motion made by the Senator from Rhode Island. [Putting the question.]
Mr. MORGAN. Mr. President——
The VICE PRESIDENT. The ayes appear to have it.
Mr. MORGAN. Mr. President, I have addressed the Chair five or six times, and the Chair I think saw me.
Mr. ALDRICH. I ask that the resolution be laid before the Senate.

It will here be noted that no announcement whatever of a vote was made by the Vice President, no negative put.

The VICE PRESIDENT. Will the Senator restate his request?
Mr. ALDRICH. I ask that the resolution be laid before the Senate.
Mr. MORGAN. Mr. President, I am not debating anything. I am on my feet, addressing the Chair respectfully, and I do not propose to be overslaughed in this way.
Mr. GEORGE. I am off the floor now.
Mr. MORGAN. I desire to know whether there is——
Mr. ALDRICH. I rise to a question of order. I ask that the resolution be laid before the Senate in accordance with the vote of the Senate. My motion has already been adopted, I understand.
Mr. MORGAN. I wish to know whether there is any agreement of the Senate about that.
Mr. HOAR. Let the title be read.
The VICE PRESIDENT. The title will be read.
The Chief Clerk read the resolution submitted by Mr. ALDRICH December 29, 1890, as follows—

Reading the whole resolution, which I will omit now.

Mr. ALDRICH and Mr. MORGAN addressed the Chair.
The VICE PRESIDENT. The Senator from Rhode Island is recognized as entitled to the floor.
Mr. MORGAN. I rise to a question of order.
The VICE PRESIDENT. The Senator from Alabama——
Mr. ALDRICH. I understand the motion I made was adopted?
Mr. RANSOM. The Chair could not have declared it so.
The VICE PRESIDENT. The resolution was taken up this morning.
Mr. MORGAN. I rise to a question of order.
Mr. ALDRICH. I have the floor.
Mr. MORGAN. I rise to a question of order, Mr. President.
The VICE PRESIDENT. The Senator from Alabama will state his point of order.
Mr. MORGAN. My point of order is this——
Mr. BUTLER. The Senator from Rhode Island will please take his seat while the point of order is being decided.
Mr. MORGAN. My point of order is this: The Senator from Mississippi [Mr. GEORGE] had the floor. He yielded it under some arrangement that has not yet been explained to the Senate. I have several times inquired very respectfully to know what that was, and I now respectfully ask the Chair whether the Senator from Mississippi has yielded the floor absolutely or upon some agreement.
The VICE PRESIDENT. The Chair has no knowledge of any agreement.
Mr. ALDRICH. I submit that that is not a point of order.
Mr. MORGAN. It is a point of order, because if there is any agreement about it I want to object to it.
Mr. ALDRICH. No agreement has been made. The Senator from Mississippi yielded the floor and I made the motion.
Mr. CARLISLE. If the Senator will allow me, I understand the situation to be just this: The Senator from Mississippi had the floor and was addressing the Senate on the bill known as the election bill; and before he had concluded his remarks he yielded to the Senator from Rhode Island for the purpose of making a motion. Now, what the rights of the Senator from Mississippi may be is a question which will arise hereafter, in case we resume the consideration of the election bill, and is not a question which can be decided now.
Mr. EDMUNDS. That is it exactly.
Mr. MORGAN. That is true; but my rights depend on whether there was an agreement between the Senator from Mississippi and the Senator from Rhode Island that he was to resume the floor after this motion.
Mr. ALDRICH. There has been no agreement at all, so far as I am concerned.
The VICE PRESIDENT. The Chair has no knowledge of any agreement.
Mr. MORGAN. I merely addressed the Chair in good faith and in a polite way, and I propose to do so hereafter, and I propose when I do that something shall be done about it.
Mr. ALDRICH. I understand the resolution——
Mr. EDMUNDS. What is the pending question?
Mr. ALDRICH. That is what I wish to ask.
The VICE PRESIDENT. The pending question is the resolution offered by the Senator from Rhode Island.
Mr. ALDRICH. That resolution being pending, I move that the Senate do now adjourn.
Mr. RANSOM. May I ask a question?
The VICE PRESIDENT. The Senator from Rhode Island moves that the Senate adjourn.
Mr. RANSOM. May I ask a question?
The VICE PRESIDENT. Does the Senator from Rhode Island withdraw his motion to adjourn?
Mr. ALDRICH. No; I do not.
The VICE PRESIDENT. The Senator from Rhode Island moves that the Senate adjourn.
Mr. RANSOM. Mr. President, I rise to a question of order.
The VICE PRESIDENT. The question is on the motion of the Senator from Rhode Island that the Senate do now adjourn.
The motion was agreed to; and (at 6 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 21, 1891, at 10 o'clock a. m.

Mr. President, that is precisely what occurred in this body. The motion was made by the Senator from Rhode Island to proceed to the consideration of the resolution offered by him. While the vote was pending and before it had been taken, never announced by the Chair, the Senator from Alabama in front of me rose and addressed the Chair, as he states, five or six times, and during the colloquy which I have read the Chair, for some reason unknown to me, seemed to have reached the conclusion that, because the resolution had been considered ten minutes between 11.50 and 12 o'clock in the morning and then had gone over, and the regular order or the unfinished business had been taken up, that gave the resolution some right; and therefore he declared it to be before the Senate.

Why, Mr. President, no man who has the slightest idea of parliamentary law could have made such a decision. It is in the teeth of the rules of the Senate. It is in violation of all the laws that govern legislative bodies. No presiding officer, no matter who he be, can take a Senator from the floor when by the rules of the Senate he has the right to it, and I do not believe that the Senate of the United States will permit a Journal to stand that declares a falsehood.

There is nothing in this question as to the time of the consideration of this resolution. Nobody cares for it. The majority of the Senate would have taken it up upon a fair vote. There was no serious contest about it. It is a resolution for a gag in the Senate of the United States. If you have the power to pass it and destroy the liberty and freedom of speech in this great body, that is your affair. In my judgment the American people will politically crucify the party that does it. But I submit to you that in doing it you have no right to violate the rules that govern the body. You ought to do it by the methods laid down by the rules to govern the body.

It will not do, Mr. President, in this free land of ours, when there is disturbance in every walk of life, when three or four Legislatures

are threatened by force, when the very institutions of the country are trembling, for this high body, presided over by the Vice President of the United States, to set the example and say, "I will ignore the law; I will trample the rights of States under my feet; no longer shall the law govern." When you do that you take a responsibility such as no man living in this land of ours has ever assumed. You set the example for any lawless man to use his own strong arm or to combine with others to trample down the Constitution of his country or the laws of his State.

Insignificant as this proposition here is, in the consideration of this resolution it goes beyond it. I beg you, sir, and the Senate to pause. Let us go on in order. Let us respect the rights of each other. Let us observe the rules that have been provided, and, as I said before, under them in an orderly way, if the majority of the Senate carry out what they contemplate, that responsibility must rest upon you.

Mr. SPOONER. Mr. President, I should like to make an inquiry of the Senator from Maryland.

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from Wisconsin?

Mr. GORMAN. If the Senator can have unanimous consent I will yield.

Mr. BUTLER. I object, Mr. President.

The VICE PRESIDENT. Objection is made.

Mr. SPOONER. The Senator from Maryland may consider that——

Mr. BUTLER. I rise to a point of order.

The VICE PRESIDENT. The Senator from South Carolina will state his point of order.

Mr. BUTLER. The Senator from Wisconsin has no right to interrupt the Senator from Maryland without his consent and without unanimous consent, and I object.

Mr. GORMAN. Mr. President, that was an unfortunate decision yesterday, which destroys deliberation in this body. It ought never to have been made. It ought never to be enforced. I ask now, sir, with a view to fair dealing and intelligent legislation hereafter, that the Senator from Wisconsin may have unanimous consent to ask me his question.

Mr. SHERMAN. Oh, no; I think the rule is a very good one and ought to be observed.

Mr. BUTLER. I object to the Senator from Ohio addressing the Chair from his seat.

Mr. CULLOM. I object to the Senator from South Carolina. He should take his seat.

Mr. BUTLER. I rose to a point of order. I have a right to do that at any time, and I call the Senator from Ohio to order. I hope he will observe it hereafter.

Mr. SPOONER. I rose, as I had a right to do, and addressed the Chair for the purpose of ascertaining whether the Senator from Maryland would permit me to ask him a question. The Chair in his decision yesterday announced that that was not in violation of the rule and that it did not require unanimous consent.

The VICE PRESIDENT. Will the Senator from Maryland allow the Senator from Wisconsin to ask him a question?

Mr. GORMAN. I will, sir.

Mr. SPOONER. The Senator from Maryland declined and I accepted his declination.

Mr. GORMAN. No, sir, I did not decline. I asked unanimous consent that the Senator should go on, if unanimous consent were necessary. I do not decline to yield. I should be glad to hear the Senator's question.

Mr. SPOONER. Afterwards the Senator asked unanimous consent, but he declined at the time.

Mr. GORMAN. Oh, no. The Senator from Wisconsin knows perfectly well, with my relations with him and with every Senator in this body, that I have never declined to yield to a question, and he entirely misunderstood me. I should be glad to have his question put.

Mr. SPOONER. I will simply say to the Senator that I did not intend to do him any injustice, but I understood him as declining.

Mr. GORMAN. Not at all, sir. I shall be glad to hear the question of the Senator from Wisconsin. Do I understand that the Senator does not desire to ask the question?

Mr. SPOONER. The Senator from South Carolina objected. I shall not ask unanimous consent to ask a question.

Mr. GORMAN. Mr. President, as I said a moment ago——

Mr. BLAIR. I rise to a suggestion of order. As I understood the decision of the Vice President yesterday, it was simply that the right of interrupting for the purpose of asking a question could not be so prolonged and abused as to take permanent possession of the floor, and the Vice President ruled that a question such as is ordinarily propounded in the Senate Chamber might be yielded to and a response made to it. I understood that to be the ruling of the Chair.

Mr. MITCHELL. The Vice President stated distinctly yesterday, in announcing his decision, that a temporary interruption might be permitted, but not to take a Senator off the floor.

Mr. BUTLER. It might be permitted by the Senator having the floor; that was the decision of the Vice President, and that no Senator had a right to yield the floor indefinitely, and he stated the reason why he made that decision. Now, I intend hereafter as far as I can do so——

Mr. SPOONER. I rise to a point of order.

The VICE PRESIDENT. The Senator will state his point of order.

Mr. SPOONER. The Senator from Maryland [Mr. GORMAN] has the floor.

Mr. BUTLER. The Senator from Wisconsin has not stated his point of order.

Mr. SPOONER. I stated it, but the Senator from South Carolina simply did not hear it; that is all.

Mr. BUTLER. I did not hear it. I should like to have it stated again.

Mr. ALDRICH. Will the Senator from Maryland allow me to make a suggestion?

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from Rhode Island for a suggestion?

Mr. GORMAN. Yes, sir.

Mr. ALDRICH. I will state that under the rule of the Senate adopted a few days ago the morning hour expires to-day at 11 o'clock. There is no practical question involved in the statement which the Senator from Maryland has made. I am quite willing to concede for this purpose that the Vice President did not declare the motion carried, and I have no objection to the motion being made to amend the Journal, but to avoid any possible question which may arise, being entitled to the floor even upon the contention made by the Senator from Maryland, at 11 o'clock I shall move that the Senate proceed to the consideration of the resolution offered by me, and there can be then no question as to the exact right and status of all parties concerned.

Mr. GORMAN. Mr. President, as I said a moment ago it is not a question as to proceeding to the consideration of the resolution. That is not the point at all; it is away beyond that; it is a great question as to the rights of Senators. That is the question that I desire to be decided by the Senate.

The Senator from Rhode Island knows perfectly well he would not have had any serious trouble in getting up his resolution, because it was the clear understanding that he was to call it up this morning, as he has the right to do, and take the responsibility of doing. But after the occurrences of yesterday the Senator from Rhode Island must not make the declaration that there is nothing of practical importance before this body. Yes, sir, there is a question of great practical importance. It is the question whether in this great body the rights of the representatives of the States shall be preserved or whether they shall be stricken down by a combination between a Senator on the floor and the Vice President who presides over this body.

Now, sir, if the Senate will correct the Journal, well and good. That terminates it and I trust will terminate it forever, and that we shall never have this scene repeated here of an attempt either designedly or ignorantly or otherwise made.

I therefore ask for a vote on my motion, which I will construe, and which I believe the country will construe, as the correction of a great wrong perpetrated in this body yesterday.

The VICE PRESIDENT. The question is on the motion made by the Senator from Maryland [Mr. GORMAN] to amend the Journal.

Mr. GORMAN. I call for the yeas and nays on that motion.

The yeas and nays were ordered.

Mr. HALE. Let the motion be stated definitely.

The VICE PRESIDENT. The motion will be stated.

The CHIEF CLERK. It is proposed to strike from the Journal the following words:

It was determined in the affirmative.

Mr. TELLER. Mr. President, I was not present yesterday and know nothing about this matter. I therefore ask to be excused from voting on this proposition.

Mr. SHERMAN. I hope the Vice President will decide the question as to whether the Journal is correct or not. That is a privilege of the Presiding Officer always.

Mr. HARRIS. I do not think the Presiding Officer has any right to decide any such question. That is a question for the Senate.

Mr. SHERMAN. It has been the general custom.

Mr. HARRIS. I do not care what the custom has been, the rule requires the action of the Senate upon it.

Mr. SHERMAN. I, as a Senator, not being here at the time the proceeding occurred and not knowing myself, would like to ask the Presiding Officer whether the motion to take up the resolution was agreed to and whether the Chair announced the decision of the Senate upon the subject. That I have a right to ask for my information, to guide me in my vote.

The VICE PRESIDENT. The Chair will read from a memorandum which he made this morning before the opening of the session.

The Chair, from his own recollection, supported by the CONGRESSIONAL RECORD, is of the opinion that, while putting the question on the motion made by the Senator from Rhode Island, he did not formally declare the vote as carried, though he stated that the ayes appeared to have it, and he will therefore again submit the question to the Senate.

Mr. HARRIS. That is the exact fact as I heard it.

Mr. BUTLER. Precisely.

Mr. SHERMAN. Upon the statement thus made by the Presiding Officer, I do not hesitate for a moment to vote to correct the Journal.

The VICE PRESIDENT. The Chair will also state in addition that he has had no consultation with any Senator beyond the fact that the matter was called to his attention after the Senate adjourned yesterday afternoon, and he refreshed his memory by referring to the CONGRESSIONAL RECORD this morning, with the result which he has just announced.

Mr. MORGAN. Mr. President, yesterday I was trying to get the attention of the Chair in order that I might submit a question to the Chair for information, for I understood, there being a good deal of confusion at the time in the Senate, that there was some arrangement or agreement between the Senator from Rhode Island [Mr. ALDRICH] and the Senator from Mississippi [Mr. GEORGE] under which the Senator from Mississippi yielded the floor to the Senator from Rhode Island for what I presumed he thought was a supposed advantage or a probable advantage in his right to continue the debate upon the elections bill when it might again come before the Senate.

I took the floor, and in the vain endeavor to make the Chair hear me when I spoke very distinctly and very frequently and had my modesty taxed until it was almost on the point of giving way, I was trying to bring to the attention of the Chair the fact that the proceeding was irregular and that the Senator from Rhode Island was rushing his resolution upon the Senate for consideration at a time and under circumstances that were not parliamentary. The Senator from North Carolina [Mr. RANSOM], who is very watchful, a fine parliamentarian, a very experienced Senator, and a thoroughly just man, was admonishing me of the situation at the time, so that my attention was drawn sharply to what was going along, and while I had the floor and held and kept the floor, without having yielded it, having stated that I rose to a question of order, the Chair in the hurry of business accepted the motion of the Senator from Rhode Island and pushed that resolution through without calling for the negative vote and without giving me or the Senator from North Carolina, who was looking out for it, an opportunity to demand a division or the yeas and nays. That is the exact situation.

I am not on my feet at this moment to make any accusation whatever against the Vice President, not the slightest. I know the embarrassment that must attend the transaction of business upon subjects of heated controversy like this at all times, but the Senate yesterday afternoon seemed to have gotten into a rather fretful and querulous condition upon the subject of the transaction of this business before the body. Such things, Mr. President, I have seldom, and I believe I have never, participated in at all. I try to do here what I think is right under the rules and practice of this body, and it wounds me deeply to see any departure from a well-recognized rule.

On yesterday, when we were discussing this question, a matter arose as to whether a Senator might yield to a question without unanimous consent. The Senate virtually decided he could not. The point was made that he could not yield without unanimous consent, and the Vice President, in delivering his opinion upon that question, avoided the precise point that was raised by the objection that was stated, and went on to say, and to say properly, that a Senator could not yield the floor permanently in favor of another Senator, because, as I suppose the reasoning was, the rules provide that every Senator in this body shall have the right to rise and be recognized by the Chair, if he is the first to address the Chair upon the occasion.

Mr. President, I then on yesterday observed again a matter that has not gone into the RECORD, and I do not repeat it to get it into the RECORD at all, but I repeat it for the purpose of emphasizing what we ought to do under existing conditions. Senators have a practice of going to the Vice President and asking him to put their names upon a list for recognition. That is farming out the privileges of the Senate. That is contrary to the rule. When the Vice President in advance makes an agreement with a Senator that he will recognize him next after a certain Senator has got through or in a certain order of recognition, that violates the rule of this body and deprives a State of the right to rise and be heard in this body.

If that violation of rule and parliamentary usage and law is to be tolerated here, there is nothing at all to prevent any man who happens to preside in this Chamber from giving to his own political party any advantage that they may seek in the way of recognition. I object to that. A Senator who wants to pursue the rules and does not resort to that artifice, for the purpose of getting himself in advance of somebody else or for the purpose of playing a game in favor of his political party, is at a terrible disadvantage when other men go and, by arrangement with the Chair, obtain the right of recognition, and conduct the business of the Senate really by a private agreement between the Chair and a Senator. I object to that, I say, and, now that we have this subject up, I hope that that matter will not hereafter be done. If it is it will become my duty at any time to raise a question upon it.

I am very glad, indeed, the Vice President before he came in this morning, after thinking over what occurred on yesterday came to remember the fact exactly as it occurred, that he had not put the negative of the proposition, and that the Senate did not vote upon the question of taking up this clôture rule.

The VICE PRESIDENT. The Chair will remind the Senator from Alabama that he called his attention to the fact that the custom had prevailed during the present session, to which no objection had been made so far as the Chair is aware, of having a list of names.

Mr. MORGAN. I admit the custom. All of our presiding officers have done it, but I hope the Senate will not indulge in it hereafter.

The VICE PRESIDENT. The Chair hopes the Senator does not think the Chair had any intention to treat him with anything but the greatest possible courtesy.

Mr. MORGAN. There is not the slightest idea of censure in my mind, nor can there be in the mind of anyone in regard to the conduct of the Vice President on this subject or any other, because it has been a custom that has obtained in this body for a long time.

Mr. HARRIS. It is a custom as old as the Senate.

Mr. HALE. Mr. President, I think it must be plain to every Senator that the Chair has done nothing more in making or receiving lists of speakers than to keep the names of those who desire to present their views upon any particular question and by unanimous consent acting upon it. Nobody claims that because certain Senators when a measure is pending go to the Chair and ask him to take their names down that that is an ironclad list and that only the Senators whose names are down can speak. The general rule of the Senate is that the Senator rising first shall be recognized by the Chair and is entitled to the floor, and when I or any Senator go to the Chair and ask that my name be put down upon the list next if no one is ahead of me it simply means that when the Senator speaking has closed his remarks then I am to be upon the floor first if I can. If I do not secure the attention of the Chair, when there is a vacant space for speaking, then the Senator on the other side or on this side who rises undoubtedly is entitled to the floor, undoubtedly will be recognized by the Chair, and proceedings will go on in accordance with the rules and practice of the Senate. But suppose two Senators, as the Senator from Massachusetts [Mr. HOAR] suggests, rise simultaneously, undoubtedly in a case of that kind any Senator in the Chair acting *pro tempore* as President of the Senate or the Vice President would naturally recognize the Senator who had notified the Chair that he desired to speak. But it does not shut out the Senator who does rise first.

The practice which has obtained in the Senate is for the convenience of Senators and for the dispatch of business. It is better that in a general debate any Senator desiring to take part in it should know when he should be present to take part in the debate, and it does not infringe upon the right of others. I hope it will not be understood that any reflection is cast upon the present presiding officer in making the list as he has done.

Mr. GIBSON. Mr. President, I concur fully in the remarks made by the Senator from Maine. It is the practice of this body, as it was of the other House when I was a member of it, for the Chair to recognize such a preferred request in advance. But, sir, I must say, to be perfectly frank, that it has been the custom to ask recognition to speak on the pending bill and not to make the request to speak on the pending bill and then to move to lay it aside and to discuss a different matter. I do not desire to characterize such conduct, because I do not intend under any stress of circumstances to show any discourtesy to any member of this body nor to violate the decorum of this body; but I submit to the Senate that the request by the Senator from Rhode Island on yesterday was not to be recognized on the bill under consideration, but to lay aside that bill and to introduce another, the like of which has never been under consideration during the whole one hundred years of the existence of the Senate.

Mr. DAWES. If the Senator will refer to the RECORD he will observe that the Senator from Mississippi asked when the Senator from Rhode Island rose for what purpose he rose, if it was to make that motion, and the Senator from Rhode Island stated that he rose for that purpose.

Mr. GIBSON. I am aware of that. I admit that. But that is not the point. The point I make is that the custom of this body is for Senators to notify the presiding officer of their wish to be recognized on the pending bill, and the Senator from Rhode Island made such a request by submitting his name, as I understand it, on the list which was before the Vice President, the presiding officer of this body, but instead of rising to discuss the bill he rose to discuss another proposition wholly out of line in respect to the measure that the Senate was then considering.

Mr. President, no one knows better than the presiding officer of this body that I would be the last member of the Senate, perhaps, to place any censure upon him, and I think the memorandum which he presented to the Senate this morning of itself would correct the Journal. I was a witness of what was transpiring in the Senate yesterday, an eager and interested witness. I saw the attitude of the Senator from Rhode Island; I saw the eagerness with which the Senator from North Carolina [Mr. RANSOM] was witnessing the proceedings. I was intent myself upon the determination to call the yeas and nays, if nobody else did, upon the question submitted by the Senator from Rhode Island.

I doubt not that every Senator on this side of the Chamber who was present had made up his mind that the resolution enforcing the clôture should never come before the Senate except on a yea-and-nay vote. The memorandum furnished by the presiding officer of this body shows that he had never declared that that motion was carried. I trust, therefore, that the Journal may be corrected by a unanimous vote of the Senate or by unanimous consent, without a party vote on it.

I do not desire to place any reflection whatever upon the presiding officer of this body, but I think we can all afford to be fair and frank and just. The presiding officer has treated us with perfect candor and courtesy, and I think members of the Senate should vie with one another in treating him in the same spirit.

Mr. COCKRELL. Mr. President, I heartily concur with what the Senator from Maine has stated in regard to a custom that has grown up here of Senators registering their names. I know upon almost every important question which has consumed any considerable time in its discussion in the Senate there has been made and placed upon the Vice President's desk a memorandum of the names of the Senators, and generally when there were Senators upon opposite sides to speak it has been arranged so that one would come on one side and then one upon another.

Mr. CULLOM. And by general consent of all parties.

Mr. COCKRELL. By general consent a Senator would come up and say "I want my name put down here below," or something of that kind. That has been the custom.

Mr. MORGAN. If the Senator from Missouri will submit to an interruption, I wish to ask him a question based upon his own experience, and that is whether this pre-emption of places on any debate, whether on a bill pending or for the purpose of taking up some other bill, has not been the reason why the Senate Chamber is emptied of its occupants during the time the debate is going on. If Senators were required to be here in order to get the floor, they would hear what was going on in the Senate and would not be off doing something else.

Mr. COCKRELL. I do not agree with the Senator from Alabama upon that proposition. I have no doubt that a number of Senators knowing that a certain number of other Senators were going to speak to-day, for example, would go home and prepare their speeches for to-morrow or the next day. That very frequently occurs when Senators know that no vote will be taken, and so if Senators were to inquire and find out that two or three or four Senators were ready to speak to-day they would make pairs with other Senators and go off and go to work upon their speeches. I do not think it has had anything to do with the emptying of the Senate Chamber of Senators. I think, however, in some cases it has been very convenient for Senators. I understand it has not been the rule that if the Senator whose name comes next is not in his seat, and some other Senator addresses the Chair before he does, that that Senator should be seated and the other Senator have precedence. That never has been the rule. It is expected that each Senator will be in his seat and address the President of the Senate in the order in which the names appear. If he does not he loses his place. That is all there is about it. It is a convenience, however.

Mr. President, there is another question that was raised yesterday evening and raised this morning. I hope we shall have no misunderstanding about that. The idea of unanimous consent of the Senate for one Senator to interrupt another is a farce. There is no such rule in parliamentary law or in the rules of the Senate. In parliamentary law and by the rules of the Senate the method of procedure is perfectly plain. In the very nature of things, in common sense and common honesty and common decency, no one entitled to the floor and speaking can be interrupted except by his permission or consent. Now, the rule of the Senate and parliamentary law are based upon that principle of decency and honesty; and the rule of the Senate is:

1. When a Senator desires to speak he shall rise and address the presiding officer, and shall not proceed until he is recognized, and the presiding officer shall recognize the Senator who shall first address him. No Senator shall interrupt another Senator in debate without his consent—

Not the consent of the Senate, but "his consent," the consent of the Senator who is speaking—

and to obtain such consent he shall first address the presiding officer; and no Senator shall speak more than twice upon any one question in debate on the same day without leave of the Senate; which shall be determined without debate.

Mr. President, we also have in a pamphlet the phraseology of the Senate which is observed. I have not looked at it for some time, but I think there is a special form which has been used here in the Senate prescribed for the presiding officer. I will find it in a moment. [A pause.] I was under the impression that in this pamphlet there was the exact language. It has been some time since I read it. I do not just lay my hand upon the place where it occurs, but I am quite certain it is contained in it.

Mr. EDMUNDS. It is on page 150, Mr. President.

The VICE PRESIDENT. For what purpose does the Senator rise?

Mr. EDMUNDS. I ask leave to put an inquiry to the Senator from Missouri in the way of a suggestion.

The VICE PRESIDENT. Does the Senator from Missouri yield?

Mr. COCKRELL. Certainly; I yield with pleasure.

Mr. EDMUNDS. The Senator will find it, I think, in Rule XIX.

Mr. COCKRELL. I have the rule, but I was looking in this little pamphlet for the phraseology the presiding officer uses.

Mr. BUTLER. Inasmuch as that question has been decided by the Chair, I shall object to the Senator from Vermont proceeding. I raise the question of order.

Mr. COCKRELL. Having the floor, I yield to the Senator from Vermont.

Mr. EDMUNDS. I am not asking leave to proceed; I was communicating information.

Mr. BUTLER. Then I call the Senator from Vermont to order. I rise to a question of order and I call him to order.

Mr. EDMUNDS. Now I sit down and the Senator will state his point of order.

Mr. BUTLER. My point of order is that the Senator has no right to interrupt the Senator from Missouri except by unanimous consent, and I object to his interruption of the Senator from Missouri.

The VICE PRESIDENT. The Chair understood the Senator from Missouri to yield to the Senator from Vermont for a question or suggestion.

Mr. COCKRELL. I did.

Mr. BUTLER. Yes, sir; and I object, notwithstanding the consent of the Senator from Missouri. I should like to have the Chair rule on that point of order again. The Chair ruled on it yesterday evening. I make the point of order that the Senator from Vermont has no right to interrupt the Senator from Missouri except by unanimous consent.

Mr. EDMUNDS. The point of order must be decided without debate and the Senator from South Carolina has the floor.

Mr. BUTLER. The Chair appealed to me for a remark, and I was making it to the Chair, and not to the Senator from Vermont.

Mr. EDMUNDS. The Senator is out of order all the same.

The VICE PRESIDENT. The Chair sustains the point of order made by the Senator yesterday, which is of the same character as the one made by the Senator from South Carolina to-day.

Mr. GORMAN. What is the ruling of the Chair?

Mr. BUTLER. He sustains the point of order.

Mr. HARRIS. I ask the Chair to have Rule XIX read, which I think will satisfy Senators.

The VICE PRESIDENT. Rule XIX will be read.

The Secretary read as follows:

RULE XIX.

DEBATE.

1. When a Senator desires to speak he shall rise and address the Presiding Officer, and shall not proceed until he is recognized, and the Presiding Officer shall recognize the Senator who shall first address him. No Senator shall interrupt another Senator in debate without his consent, and to obtain such consent he shall first address the Presiding Officer; and no Senator shall speak more than twice upon any one question in debate on the same day without leave of the Senate——

Mr. HARRIS. That is enough of the rule to have read.

The VICE PRESIDENT. The Chair was evidently in error in his ruling on the point of order made by the Senator from Massachusetts yesterday to this extent, that the rule clearly states that no Senator shall interrupt another in debate without his consent. He modifies his ruling to that extent.

Mr. BUTLER. I did not catch what the Chair said.

The VICE PRESIDENT. The Chair modifies the ruling which he made last evening on the point of order raised by the Senator from Massachusetts to this extent, that it is only necessary to obtain the consent of the Senator who has the floor.

Mr. BUTLER. Then the Chair, as I understand, admits that the Chair committed an error in taking me off the floor on the objection of the Senator from Massachusetts.

Mr. EDMUNDS. That is quite another thing.

Mr. HOAR. It was quite another thing.

Mr. BUTLER. No, sir, it was not quite another thing, and I shall demonstrate when I get the floor that it was not another thing.

Mr. COCKRELL. Does the Senator from Vermont desire to ask me a question?

Mr. EDMUNDS. I only wished to call the attention of the Senator to what apparently he was unable to find. That was all, and it has been found.

Mr. COCKRELL. There is no question about the decision; and I confess very frankly that in reading in the RECORD what was stated yesterday evening I do not understand that it was the intention at least of the Chair to go as far as it was construed.

The VICE PRESIDENT. It was not the intention of the Chair.

Mr. COCKRELL. That is the reason why I call up the question now, because it would be a great outrage on parliamentary discussion if one Senator should not be permitted to ask another Senator a question. That did not have any reference to farming out the floor of the Senate indefinitely. The two propositions are entirely different from each other.

Mr. HOAR. I was going to ask the Senator if he claimed that one Senator could assign the floor to another.

Mr. BUTLER. I call the Senator from Massachusetts to order, and I ask the Senator to take his seat while the point of order is being decided.

The VICE PRESIDENT. The Chair will have his ruling of yesterday read from the RECORD.

The Chief Clerk read as follows:

The VICE PRESIDENT. He might transfer it for a question or by courtesy of the Senate or by unanimous consent; but otherwise a Senator on the floor might parcel out the entire time of the session in that way to one Senator after another. The Senator from Mississippi is entitled to the floor.

Mr. HOAR. Does the Chair recede from that ruling?

The VICE PRESIDENT. The Chair does not.

Mr. GORMAN. How is that?

The VICE PRESIDENT. The Chair does not recede from the ruling as stated in the RECORD, which has just been read by the Chief Clerk.

Mr. COCKRELL. Mr. President, one word in regard to the rule in regard to questions while a Senator is on the floor. The practice has frequently grown into an abuse by Senators interrogating each other back and forth without permission of the Chair. That has frequently been done. There has been a great deal of latitude allowed in that respect, but still it is not right; and that practice does not make it a rule of the Senate or a precedent which should be followed. The true course is for the Senator wishing to interrupt a Senator on the floor to address the Presiding Officer, and the Presiding Officer addresses the Senator having the floor, and, if the Senator on the floor yields, the question can be put.

Now, as to farming out the privileges of the floor indefinitely, it is just precisely like the enrolling of the names of the Senators as those who are to be entitled to the floor. I do not conceive that Senators can go to the Vice President's desk and enroll their names and by that means exclude all other Senators from getting the floor, and I do not hold that any one Senator can take the floor of the Senate and indefinitely hold the floor by yielding it out to other Senators. Extremes are not correct. It has been a universal custom here, and there is no rule against it, that a Senator could yield for a question, and he does yield.

It is the rule for a Senator to yield for a question, or if a Senator wants to make an explanation during the remarks of another Senator. That is always allowed, and it has never required the unanimous consent of the Senate. I know the Senator from Vermont has made explanations while I was speaking and I have made them while he was speaking. All this is in the interest of the transaction of the public business. I was very glad to find that the presiding officer this morning had made out a statement, without any consultation with Senators, stating exactly the occurrences as they did take place yesterday evening. I am glad that we have the rule in regard to interruptions settled, for it is settled correctly and orderly, that a Senator has a right to rise and address the Chair and ask of the Chair to inquire of the Senator addressing the Senate whether he will yield to a question, and it is only for that Senator to determine whether he will yield or not.

Mr. HARRIS. Mr. President, a single moment. I am sure that there is not a Senator upon this floor who is willing or desires to do the presiding officer the slightest injustice, but it has been stated twice in the debate this morning, inadvertently I am sure, that the Chair did not put the negative of the question upon the motion of the Senator from Rhode Island yesterday evening. I desire to say that I was a very attentive listener to that proceeding. The Chair put the question in the ordinary way, the negative as well as the affirmative, and both were responded to, and a second or two after putting the question the Chair announced "the ayes appear to have it," just as the Chair has stated in the memorandum read this morning. I simply wanted to put that fact on record, so that there should not be, by inference or otherwise, any injustice done the Chair in respect to that proceeding.

Now, as to the other question which has been so elaborately debated about the Chair keeping a memorandum of Senators who apply for recognition, I simply desire to say there has not been a gentleman in that chair, whether it be the regular presiding officer or a Senator temporarily called upon from time to time, from the first hour I entered the Senate down to this time and I apprehend for many years before, who has not kept such memoranda when there were a number of Senators giving notice to the Chair that they desired recognition. As to whether the practice may be good or bad I have nothing to say, but I certainly have never seen any objection to it, nor do I see any now.

That much I desired to say in justice to all parties concerned in this controversy.

Mr. EDMUNDS. Mr. President, the practice of lists, as it is called, is I think, and I have always thought, a very bad one. It was tried at one time in the English Parliament, and it got so offensive and unjust that it was entirely exploded. On the last occasion, I think, which finished it, the two great leaders, Gladstone and Disraeli—I believe it was—had sufficient courage and I hope sufficient candor to state correctly that they were entirely unaware that any such list was made up and in the Speaker's hands, and that it was an outrage and it never ought to be tolerated for a minute. I dare say they were candid and true about it.

Since I have been here, so far as I remember, I have never asked to have my name put on a list, because I believed it was not fair. I was willing to stand on the rule of the Senate, which says that the Senator who first rises shall be recognized, and if two rise at a time, I do not know whether the rule says it or not, but it is common law, at any rate, that the Chair shall choose, as he must choose, which one he shall recognize. In doing that the custom of fairness has always prevailed so far that, where there is a desire of two gentlemen to speak at the same time and if one who had last spoken was on one side of the Chamber, the Chair would recognize the one on the other side, so as to have fair play. There is no difficulty in getting on in that way.

During the time that I had the honor to preside in this body, for two years, when such lists were presented to me, I said to all the gentlemen that I had not the least objection to making a memorandum, but that I should certainly follow the rule, and if anybody got up before they did that person would be recognized, for I felt bound to execute the rule and not any private understanding, and that they must take their chance about that. That I think was right.

What the Chair decided yesterday in respect of this matter of interruptions, as it appears in the RECORD, was perfectly correct. It is exactly according to the parliamentary law. A gentleman wishing to interrupt another must address the Chair. The Chair gets the leave of the gentleman who has the floor, not for yielding the floor in such a way as to go on and make a speech, but for a question or a brief explanation, the gentleman holding the floor to go on with his remarks. That is where it is.

Now, as to the other question, it appears to be literally and technically true that the Chair, having put the question for the affirmative and for the negative, as the Senator from Tennessee says, on taking up this proposed rule, declared that the "ayes" appeared to have it. Before he said the next word in his mouth he was interrupted by somebody addressing the Chair. Then some confusion arose, and at last, after a considerable amount of confusion about claims for the floor and points of order, as I see, and I remember it very well, wishing to understand clearly what had become of the resolution, I asked the Chair what was the pending question, and the Chair responded it was the resolution offered by the Senator from Rhode Island, to which nobody in the Senate made any dispute or objection, and that on the request of somebody else, I think, later, was repeated.

Now, technically and literally the Chair did not say "The ayes have it," but the thing went as if he had said it, and being inquired of publicly what was before the Senate he stated without any objection from anybody that it was the resolution which was before the Senate.

Mr. RANSOM. May I ask the Senator's permission to interrupt him?

The VICE PRESIDENT. Does the Senator yield to the Senator from North Carolina for a question?

Mr. EDMUNDS. With pleasure.

Mr. RANSOM. Exactly at the moment alluded to by the Senator from Vermont I rose and asked permission to ask a question. I repeated it twice afterwards and then finally rose to a question of order and could not be recognized.

Mr. EDMUNDS. Where does that appear in the RECORD?

Mr. RANSOM. On page 1650 of the RECORD.

Mr. EDMUNDS. Pending a motion to adjourn the Senator from North Carolina, I think, would be entitled to raise a question of order, but he would not be entitled to interrupt the proceedings to rise and ask a question.

Mr. RANSOM. If the Senator from Vermont will look at the RECORD he will see that I did it in both instances. I am not complaining of the Vice President, because I appreciate the excitement under which the Senate was laboring at the time.

Mr. EDMUNDS. What is the page?

Mr. COCKRELL. Page 1650.

Mr. HOAR. The last page of the Senate proceedings.

Mr. EDMUNDS. I will begin at the top of the column:

The VICE PRESIDENT. The pending question is the resolution offered by the Senator from Rhode Island.

Mr. ALDRICH. That resolution being pending, I move that the Senate do now adjourn.

Mr. RANSOM. May I ask a question?

The VICE PRESIDENT. The Senator from Rhode Island moves that the Senate adjourn.

Mr. RANSOM. May I ask a question?

The VICE PRESIDENT. Does the Senator from Rhode Island withdraw his motion to adjourn?

Mr. ALDRICH. No; I do not.

The VICE PRESIDENT. The Senator from Rhode Island moves that the Senate adjourn.

Mr. RANSOM. Mr. President, I rise to a question of order.

There I think the Senator from North Carolina had a right to be recognized, if he was heard by the Chair.

Mr. BUTLER. If the Senator from Vermont will permit me, I will call his attention to the observation made by the Senator from North Carolina before that, in the first column, on page 1650, about midway:

Mr. RANSOM. The Chair could not have declared it so.

He called attention to the fact that the vote had not been announced.

Mr. EDMUNDS. What I have read took place subsequently. I have nothing further to add, Mr. President.

Mr. BUTLER. Mr. President, a good deal has been said by Senators who have made their statements entirely from memory as to what occurred yesterday when I was not permitted to interrupt the Senator

from Mississippi, and I desire to restate what did occur in a manner which can not be doubted by anybody. I will therefore proceed to read from the RECORD what occurred.

Mr. EDMUNDS. On what page?

Mr. BUTLER. On page 1649. I do this, Mr. President, because I think that an act of very great injustice was done to me personally. I was about to say that an act of discourtesy had been committed by the Senator from Massachusetts and the Senator from Ohio in their intemperate interruption of what I was saying, and, I might add, the bad temper exhibited by the Senator from Ohio when he demanded that I should take my seat. Now, sir, what occurred?

The VICE PRESIDENT——

Mr. SHERMAN. Mr. President, will the Senator allow me to make a statement in regard to that matter?

Mr. BUTLER. When I get through the Senator may.

Mr. SHERMAN. I may not be in such good humor then as I am now.

Mr. BUTLER. I can not help that. The Senator will have to remain here if he wants to make a statement in reply.

The VICE PRESIDENT. The Chair understands that the Senator from Mississippi is entitled to the floor.

Mr. BUTLER. Will the Senator from Mississippi permit me to read a few sections from the Revised Statutes? Will he do so or will he permit me to do so for him?

Mr. GEORGE. If it is agreeable to the gentlemen who control the Senate—

Referring, I suppose, to the Senator from Ohio and the Senator from Massachusetts and the Senator from Vermont—

If it is agreeable to the gentlemen who control the Senate; I do not want to be guilty of anything like treason, but I will do it.

Mr. BUTLER. I will proceed, then, Mr. President.

Mr. HOAR. Mr. President, I object.

The VICE PRESIDENT. Objection is made. The Senator from Massachusetts has raised a point of order.

Mr. BUTLER. I should like the Chair to decide that point of order.

Mr. FAULKNER. I should like to call the attention of the Senator from Massachusetts to what occurred the other day, and, as he is a fine parliamentarian, I assume that it was correctly done.

He rose, when the Senator from Maryland [Mr. GORMAN] had the floor, and, when asked by the Senator from Maryland whether he desired to proceed with his remarks, he said yes. The Senator from Maryland withdrew all objection at that time to his proceeding; he was recognized by the Chair, and immediately the Senator from Massachusetts turned around to the Senator from New York [Mr. HISCOCK], and turned the floor over to him. That was certainly done in the presence of the Senate, and he was exercising his right to turn over the floor, which he had obtained, to the Senator from New York, who proceeded.

Mr. BUTLER. Mr. President, the situation is just this, as I understand it: The Senator from Mississippi has the floor. I arose and requested that Senator to yield the floor to me for the purpose of interjecting some matter into his speech which I thought would help it, strong, powerful, and eloquent as it has been. The Senator from Mississippi yielded to me for that purpose; I was recognized by the Chair for that purpose; and, as was suggested, I occupied the floor for some time, the Secretary reading instead of myself. Now, when I propose to proceed, the Senator from Massachusetts [Mr. HOAR] objects and makes a point of order. I should like the Chair to decide that point of order. Of course, I shall bow to the decision of the Chair, but I want the Chair to decide the point of order made by the Senator from Massachusetts, to wit: that one Senator occupying the floor has no right to yield it to another for any purpose.

That was the point of order.

Mr. CULLOM. Except by unanimous consent.

Mr. BUTLER. For any purpose.

Mr. SHERMAN. Mr. President, the point of order having been made, it is the duty of the Senator from South Carolina to take his seat and allow the Chair to decide it. That is clearly the rule of the Senate expressly prescribed; and I hope there will be no violation of the rule in this matter. The Senator can take his seat and then the Chair can decide the point of order.

Mr. BUTLER. It is quite unnecessary for the Senator from Ohio to administer that lecture to me.

Mr. SHERMAN. I insist upon the enforcement of the rule, if the Senator speaks in that way—

Manifesting, as I think, Mr. President, an irritation and temper which amounts almost to puerility. I had not violated any rules of the Senate knowingly or intentionally, either by standing or otherwise, and it was quite unnecessary, I repeat, either for the Senator from Ohio to admonish me in that direction or to exhibit that puerile temper when I replied to him in a respectful manner.

The VICE PRESIDENT. The Chair is of opinion that the point of order made by the Senator from Ohio is well taken and that the Senator from South Carolina should resume his seat until the point of order is decided by the Chair.

Mr. BUTLER. Very well, sir; I want that settled.

The VICE PRESIDENT. The Chair is of the opinion that a Senator entitled to the floor can not transfer that right indefinitely to any other Senator.

Mr. BUTLER. That is not the point of order.

The VICE PRESIDENT. He might transfer it for a question or by courtesy of the Senate or by unanimous consent; but otherwise a Senator on the floor might parcel out the entire time of the session in that way to one Senator after another. The Senator from Mississippi is entitled to the floor.

Mr. GEORGE resumed the floor; and after having spoken for three-quarters of an hour, etc.

Mr. President, the assumption that I desired to take the floor for an indefinite period was an act of gross injustice to me. No Senator has a right to assume in advance that his equal upon this floor, his peer, is going to commit a fraud upon the Senate and upon the country, because if any Senator had committed a fraud or desired to do so the Senator from Massachusetts must have done it when he took the floor and yielded it indefinitely to the Senator from New York.

But I say, Mr. President, that is a violent assumption, and I want to say now that it was not my purpose to take the floor indefinitely, and nobody had a right to assume it, but that I was exercising a right which has been exercised by every Senator upon this floor since I have been a member of it, for nearly fifteen years. I desired in good faith to get in the RECORD the election laws as they now are written in the statute books of this country, so that they might have more currency in the country than they now receive within the limits of the Revised Statutes. I was perfectly sincere and should have concluded in perhaps twenty minutes.

I therefore resent as an imputation upon the good faith of my conduct any suggestion that I intended to take the floor indefinitely, especially when that admonition comes from the Senator from Massachusetts, who even at this session has done precisely the same thing, and transferred the floor to the Senator from New York to speak as long as he chose.

Mr. President, I was actuated by two considerations, the first to get into the speech of the Senator from Mississippi the election laws of this country as they now stand and by the further consideration of relieving that Senator of the fatigue under which he was clearly laboring. Am I not to be permitted to extend this courtesy to a brother Senator? Am I to be told by a Senator who himself has violated the rule, if there is such a rule, that I shall not be permitted to do this thing?

Mr. President, since I have been a member of the Senate I have seen that side of the Chamber consume hours and days filibustering against the orderly proceedings of this body, and reading volume after volume of irrelevant matter in order that time might be consumed. These, these are the Senators who arise with virtuous indignation and attempt to hold me up to opprobrium for exercising an undisputed right on this floor.

Sir, I do not intend to rest quietly under that imputation. I want to say now that I exonerate the presiding officer of this body from any intention to do me injustice.

The VICE PRESIDENT. Will the Senator allow the Chair to state that in using the word "indefinitely" he had no reference whatever to the Senator from South Carolina, and only intended to rule upon the general question?

Mr. BUTLER. I understand that, Mr. President. I do not believe the Chair did intend to apply it to me. But still I insist that the effect of it was to deprive me of my right on this floor and to take me from the floor upon the suggestion and the objection of the Senator from Massachusetts, who had himself taken the floor and yielded it to another Senator indefinitely. That was the effect of it, Mr. President.

I think I can say with safety, and with accuracy, and with truth that I have never knowingly or willingly violated one line or syllable of any rule of this body, and have never been guilty of an act of disrespect to the presiding officer, and I can with safety appeal to the distinguished Senator from Kansas [Mr. INGALLS], who has presided with so much impartiality and ability, with so much fairness and justice to both sides of this Chamber in his long career as Presiding Officer, to sustain me in that proposition.

I therefore resent with indignation any suggestion from any Senator or any source that I was attempting to perpetrate a fraud upon this body by interposing for the purpose of getting matter material to the issue in the RECORD and of relieving a brother Senator. I had a right to do it, sir; and to show that I had the right, when we were confronted with that ruling this morning and I demanded an enforcement of it strictly by objecting to a Senator interrupting another, the Senate was brought to its senses and the ruling properly reversed.

Now, Mr. President, in regard to the practice of making lists for the presiding officer, that certainly has been the custom since I have been a member of this body. I do not understand the Senator from Alabama to have made any special complaint that it had been done, but his admonition, if I may use that expression, was that we should refrain from it in the future, and I think he gave very sound reasons for it. Still I have not the slightest objection where that right is parceled out fairly on both sides of the Chamber; I do not see that any injustice can be done to anybody by it. I believe that impartiality has been observed by your predecessor, the Senator from Kansas. I believe it has been observed by him, as I stated, with absolute impartiality and fairness; and I believe it has been observed by the present presiding officer of the Senate with absolute fairness and impartiality.

We never have observed and I do not think in the nature of things we ever can observe the absolute letter of the rules of this body. There has been from time immemorial, and I trust will continue for all time to come, an unwritten law of this body of mutual respect and courtesy one for the other that is higher and better and more commendable than all the laws you can put into your rules. For one I have attempted to observe that unwritten law as well as the written. At times all of us, Mr. President, carried away perhaps by heat or excitement, or, if you choose, temper, make remarks one to the other which are soon, I trust, regretted and forgotten, because we can certainly facilitate the public business more effectually, we can discharge the high duties devolving upon us more expeditiously and pleasantly, by the observance of those rules of courtesy and decorum than by constant carping and factious opposition one to the other.

I felt it due to myself, sir, due to the dignity of this body, due to the gravity of the question before us, that I should make this state-

ment; and, I repeat, no human being had a right to assume that I intended to occupy the floor indefinitely, but that I was simply taking advantage of my right to get the consent of the Senator from Mississippi to occupy it as long as he chose I should occupy it, and we have no right to assume that he would commit a fraud or perpetrate a fraud upon the proceedings of this body by permitting me to extend those remarks beyond a reasonable time.

Mr. HALE. Mr. President, in order to get down to actual business, I ask the Chair what has become of the proposition to which everybody seemed to assent, that the Journal should be corrected. Has a motion been made or has any action of the Senate taken place upon that?

The VICE PRESIDENT. The motion was made by the Senator from Maryland [Mr. GORMAN], and the yeas and nays have been ordered.

Mr. HALE. I suggest, in view of what has taken place on both sides of the Chamber, that the call for the yeas and nays be withdrawn and that the Journal be amended by unanimous consent, in order that we may go on to some actual business.

Mr. GORMAN. Mr. President, I can not consent to that. I think this is so important a matter that after the memorandum offered by the Chair itself there ought to be a record made by every Senator on this question. I can not therefore withdraw the call for the yeas and nays.

Mr. HALE. My suggestion was precisely in the line of the memorandum submitted by the Chair, to which everybody seemed to assent; and if everybody can consent that the Journal be corrected we will save the time that would otherwise be consumed by a yea-and-nay vote. But of course if the Senator, in response to my appeal, insists that the yeas and nays must be taken, the rules of the Senate authorize him to do that. I only say that it is an additional consumption of time and it seems to me not needed.

Mr. HOAR. Mr. President, I do not propose to detain the Senate, the time is so precious, by any reply whatever to the heated and excited speech of the Senator from South Carolina [Mr. BUTLER]. I do not conceive that it needs or requires any. But I wish to say that there is not the slightest support, either in the fact or in the RECORD, for the assertion that I ever undertook to yield the floor to the Senator from New York or anybody else in my time and as holding it. My name was on the Vice President's list. The name of the Senator from New York followed mine on the list; and when I rose to speak I learned after I had risen that the Senator from New York desired to speak then, and what I said was this:

I understand that it will be agreeable to the Senator from New York [Mr. HISCOCK] to address the Senate at this time, and therefore, with the leave of the Senate, I shall give way to that Senator and reserve what I have to say until the conclusion of his remarks.

I yielded the the floor entirely.

Mr. HALE. The Senator was in charge of the bill.

Mr. HOAR. I was in charge of the bill. The Senator made his speech and then I obtained the floor again. Although I used the phrase "with the leave of the Senate," it was a phrase of courtesy merely.

Mr. DANIEL. Will the Senator allow me to ask him a question?

The VICE PRESIDENT. Will the Senator from Massachusetts yield to the Senator from Virginia?

Mr. HOAR. I have no objection.

Mr. DANIEL. For what purpose did he take the floor that morning?

Mr. HOAR. I took the floor expecting to proceed with my speech and was ready to proceed. Thereupon the Senator from New York made it known to me that he would like to speak at that hour of the day. So I said I would give way to him, and I gave way to him and obtained the floor again later. It was a mere transfer by two Senators who had the floor in succession. I had not begun my speech.

Mr. SHERMAN. In respect to the very important motion submitted by the Senator from Maryland as to whether our able and excellent and experienced minute and journal clerk, Mr. Spencer, has made a mistake as to what occurred last evening in journalizing, I think it is a very small matter. It is very rare indeed from my experience in the Senate that this gentleman, who is probably the most accomplished and experienced of the officers of the Senate, has made a mistake upon a question of this kind; and it seems to me it is pretty hard for my friend from Maryland to press his motion and endeavor to magnify it to some great error when it was only a natural conclusion from the facts that occurred.

It is apparent by the statement of the presiding officer that he did not announce the result of the vote and it appears so from the CONGRESSIONAL RECORD; and yet it also appears that the Senate seems to have acted upon the idea that the resolution was pending and that the Vice President so declared it. Therefore it is not to be wondered at that this excellent officer, who was watching no doubt intently the proceedings of the Senate, to make a fair record, would come to the conclusion that the motion to take up the resolution had been agreed to. It so says in the RECORD, but I think according to the strict fact, as the Vice President did not announce the vote, but only said "the ayes seem to have it," but did not say "the ayes have it," this officer should not be put in an embarrassing position here as performing an act of great public importance swollen into magnitude all at once by the grand imagination of my friend from Maryland. Therefore it seems to me like pushing one of the officers of the Senate unduly and unkindly to take a yea-and-nay vote here to correct the records of the Senate, as if some terrible crime had been committed by this faithful officer. That is the way it looks to me.

So when I rose and made the inquiry of the presiding officer, as I did not happen to be here last night, and he said that he did not understand the question as having been announced, that ought to have been the end of it, and the Journal might be corrected *pro forma* without anything further being said. I shall vote for the correction of the Journal, although I think it is a pretty hard thing to make a great thing out of a very small one.

As to what has been said by my friend from South Carolina, if he is willing to let it stand as he did, well and good; I have nothing more to say about it. I have certainly no unkind feeling toward him; and what I did I think was about right. If I showed temper, that is one of the imperfections of human nature, and the Senator from South Carolina will be the last man to find fault with anybody for showing a little bit of temper.

Mr. KENNA. Mr. President, I rise for the purpose of correcting the recollection of the Senator from Massachusetts in reference to what transpired on the occasion to which he has referred. As every time I have attempted to say anything touching these various matters the Senator has seemed—I do not know how correct my impression may be—to take offense at what I have shown and said, I desire to premise my observations now by the statement that I have not risen for the purpose of giving offense in any manner whatever.

I think it important, in so far as the occurrence of yesterday afternoon has been discussed in connection with what transpired on a former occasion, namely, on December 30, that the Senate should be in possession of the facts as they transpired, as they are shown by the RECORD. I read from the RECORD:

Mr. HOAR. I ask the unanimous consent of the Senate that the Chair now lay—

This was when the Senator from Massachusetts first rose, and it is found on page 890 of the RECORD—

Mr. HOAR. I ask the unanimous consent of the Senate that the Chair now lay before the Senate a bill returned from the House of Representatives. The Senate passed a bill to authorize the issue of a duplicate check. I am informed by the clerk of the Committee on Finance of the Senate that the date of that check is misdescribed in the preamble; it is the 9th of September when it should be the 8th. I merely ask to have that amendment made. The bill has passed the Senate already.

There can be no doubt, Mr. President, on that statement made by the Senator from Massachusetts, that that was the purpose for which he took the floor, not to proceed with the elections bill or with any other than the bill named in his observations.

The VICE PRESIDENT. The Chair lays before the Senate the bill (S. 4476) directing the issue of a duplicate of a lost check drawn by A. W. Beard, collector of customs at the port of Boston, Mass., in favor of De Blois & Co., returned from the House of Representatives at the request of the Senate.

Mr. HOAR. I move to reconsider the votes by which the bill was ordered to a third reading and passed.

The motion to reconsider was agreed to.

Mr. HOAR. In the third line of the preamble the date of the check should be given as "the 8th day of September," according to the clerk of the Finance Committee, instead of "the 9th day of September." I ask that the preamble be amended by substituting the word "eighth" for the word "ninth."

The VICE PRESIDENT. The preamble will be so amended if there is no objection. The Chair hears none, and as amended the preamble will be agreed to.

Mr. HOAR. Now let the bill be passed.

Mr. HARRIS. The bill will have to go to its third reading and be passed.

The VICE PRESIDENT. If there be no further amendment, the bill will be ordered to a third reading.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

So that the Senator from Massachusetts rose in his place to address himself to the subject of the consideration of that bill. The bill was taken up, modified, and passed by the Senate.

Mr. HOAR and Mr. STEWART addressed the Chair.

The VICE PRESIDENT. The Senator from Massachusetts.

Mr. HOAR. I yield to the Senator from Nevada to give a notice.

Nothing is said there about the permission of the Senate.

Mr. STEWART. I desire to give notice that to-morrow morning, immediately after the routine morning business, I shall move to take up the bill (S. 4675) to provide against the contraction of the currency, and for other purposes, with a view of submitting some remarks thereon.

Mr. TELLER. What is the number of the bill?

Mr. STEWART. It is Senate bill 4675, reported by the Committee on Finance, to provide against the contraction of the currency, and for other purposes. I shall want to speak about half or three-quarters of an hour at the conclusion of the routine morning business.

Mr. President, the Senator from Massachusetts had arisen for the purpose of addressing himself to a particular measure. That measure on his motion was taken up by the Senate and passed. He still held the floor and yielded to the Senator from Nevada for the purpose of giving a notice, and then the following transpired:

Mr. GORMAN. I move that the Senate proceed to the consideration of the bill (H. R. 11120) providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law, and on that I ask for the yeas and nays.

Mr. HOAR. The Senator is not now entitled to make that motion. I have the floor and have been recognized by the Chair. I merely yielded to the Senator from Nevada to give a notice.

Mr. FAULKNER. I understood that the Senator from Massachusetts was recog-

nized, and he made a motion to amend his bill, and then surrendered the floor and the Senator from Nevada [Mr. STEWART] gave his notice.

Mr. HOAR. I merely asked unanimous consent informally, as I supposed other Senators rose for the same purpose.

Mr. GORMAN. Do I understand the Senator from Massachusetts desires to take the floor to speak?

Mr. HOAR. Yes, sir.

And within three minutes, as shown by this RECORD, and after that statement, the Senator from Massachusetts yielded the floor to the Senator from New York [Mr. HISCOCK] to make a speech of indefinite duration. That is the record, that is the history of that transaction.

Mr. HOAR. I yielded wholly and entirely and did not undertake to hold the floor and parcel it out. I got it again later, as has been done every day.

Mr. PLATT. As I understand, this motion is to be decided by the yeas and nays, and as something has been said on this side about unanimous consent if the demand for the yeas and nays is withdrawn, I wish to say that I shall vote against the correction of the Journal. I wish in a word, in order that my vote may be understood, to explain my position.

Mr. PASCO. The Senator can not be heard on this side of the Chamber.

Mr. PLATT. It is not my fault. I think that the whole proceeding entirely justifies the Journal as it stands. It is true, I suppose, that the Vice President presiding in the Senate did not, after having said "the ayes appear to have it," make the formal announcement that the ayes had it, but I do not think that was essential in view of what followed, for the Vice President and the Senate seemed to understand, and the Senate seemed to acquiesce in the understanding of the Vice President, that the motion had been carried; and in consequence of that the resolution was laid before the Senate and read and understood at the adjournment to have been before the Senate. I think the entry in the Journal, that the question was determined in the affirmative, is justified by the circumstances of the occasion. Others may not think so, but that is my own individual opinion, and therefore I shall vote against the correction of the Journal.

Mr. GORMAN. I deem it due to the officers of this body to say one word in reply to the Senator from Ohio [Mr. SHERMAN]. The Senator from Ohio seemed to lay great stress on the fact that I had called attention to this matter and that I had reflected upon the officers of this body, the Secretary and the Journal clerk. I do not think that that is a fair deduction from anything I said in bringing this question to the attention of the Senate. I had no such intention. I believe that the Secretary, and the Journal clerk, under his control, did their full and entire duty, and I reflect upon them in no way. I can not permit the remarks of the Senator from Ohio to go out without that contradiction.

I know, Mr. President, that the general law is that—

The Journal—

As I now read from Cushing, on page 169—

The Journal is to be kept or made up, in the first instance, by the clerk alone, who is the sworn recording officer of the assembly, subject only to the control of the assembly itself, and not to the control of the presiding officer or of any other member.

That is the law, and it is the duty of the Secretary under his oath to make a fair record under the control of nobody, and I repeat, when the Vice President announced the fact, as will be seen in the RECORD, that the resolution was before the body the Journal clerk was bound to take note of it, and he made the entry upon the Journal in conformity with the announcement of the Chair, and it was bound to remain there until the Senate should order it corrected. It could not be ordered by the Vice President or any member of the body, but must be ordered by the body itself. Hence, when I brought the question to the attention of the Senate this morning, it was for the purpose of correcting the Journal by the only authority upon the face of the earth that can correct it.

Now, I want to add to what was so well stated by the Senator from Tennessee [Mr. HARRIS] that I think, and I knew at the time or believed at the time, that the Vice President was mistaken. What I have said this morning is not for the purpose of reflecting upon him, but, taking the whole transaction, the attempt in the early part of the day to take me off the floor without submitting the question to the Senate, was an error of judgment, and when it came to this last proposition, taking the two in connection upon the same day, it was destroying free speech in this body and trampling upon the rights of Senators.

I say, Mr. President, that it is a marked case, and for the sake of those who are to come after us, not for the purpose of reflecting upon the presiding officer or upon the clerks—for there is no reflection whatever intended upon them—now that the question has come for the first time in this pointed way, I ask that the record may be clear and complete and perfect by this body by its vote, making the correction of an outrage which occurred in a previous day's proceedings. That is all I ask.

Mr. MORGAN. I have no desire to protract this or any other debate, but there are some matters connected with this occasion that I think make it necessary that I should add something to what I have already had to say about it.

I am sorry that the gentleman from Tennessee [Mr. HARRIS] is not here, for I have some remarks to make in regard to his recollection about this proceeding. I do not desire to change anything at all that is in the CONGRESSIONAL RECORD in regard to this matter, for that makes the case quite plain enough. The Senator from Tennessee thinks that he heard the Vice President put the negative of the question. If he says that he heard that, I can only say that I did not hear it. I was on the floor at the time and giving very good attention. I do not pretend that any man can make a statement of a negative proposition that is equal in force as evidence with a proposition that is affirmatively stated. So that if the Senator from Tennessee, who is now here, heard the Vice President put the negative of the proposition to the Senate, then of course that settles the matter so far as he and I are concerned. I did not hear it.

What I objected to, Mr. President, was this: In the morning hour an effort was made, and it was successful, to bring up this clôture resolution. It is a resolution which has been a long time looked forward to by Senators with apprehension and by the country with alarm. There are Senators here who have been a long time in this body and who have respect for its rules and its practices and its traditions, because those practices and traditions have given to the country an assurance of conservative action upon any matter of legislation that might come before this body. Our rules have been very liberal here, doubtless owing to the fact that Senators, while equal in their representative capacity and power in voting in this body, nevertheless represent States of the American Union, and I have even had occasion to remark that I felt, and no doubt other Senators feel the same thing, that when I take my place on the floor of the Senate I am attended with the responsibility that I owe to 1,500,000 people in my own State and that my responsibilities are largely modified and measured by the peculiarities of the situation, political and otherwise, of my own people. So that men who represent such large constituencies are supposed to have a right to freedom of debate that perhaps would not apply with so great force at least to those who represent smaller constituencies in the other House of Congress.

The Senate has found also that by a liberal exercise of the powers of majorities in this body the business of this body has very largely outstripped, if I may use that expression—I think it is a correct one—the business in the corresponding and much larger body of the House of Representatives, so that our dockets have always kept ahead of the dockets of the other House very largely, not only in the number of measures that have passed this body, but also in respect of the importance of those measures, for here we have given consideration to great measures very often that have gone to the House of Representatives and have failed there of any consideration at all for the want of time or for some other reason. What the Senate has been doing in this particular has worked out a very great advantage to the country. I am in favor of maintaining the ancient landmarks, the old situation which originated with this Government at the laying of its foundations and has kept along with it in its history all the time, and out of which great benefit has come to the people of the United States.

In the future this will be more needed than it has ever been in the past. As this body increases in size and as the States increase in number, it is all the more important that every one of the vastly diversified interests of the people of the United States in these respective local sovereignties should have a free and full expression upon the floor of the Senate. It makes no difference here whether a State is the size of Rhode Island or whether it is like Texas, twenty-two times as large as Rhode Island, they have equal power and equal suffrage in this body, and the right of recognition which belongs to the presiding officer of this body is certainly, in that view, one of the most important rights that any one can point to. It is a right which has the control of all the destiny of the legislation of this body in many very important crises.

Mr. President, knowing what had occurred yesterday morning and appreciating and believing, as the Senator from Maryland [Mr. GORMAN] did, that the effort was to take him off the floor, I expected there would be a repetition of that effort at some other time during the day. I desired very much to get the floor upon this bill for the purpose of discussing it in good faith. I have several times been on the floor in respect to this bill, but never for the purpose of taking it up and discussing it. I have attempted, by a resolution that I introduced here and tried to discuss several mornings amid various interruptions, to get the bill into such shape as that intelligent legislation could be had upon it. In that I have not so far succeeded, and that resolution has gone beneath the waves, doubtless far beyond the power of the hand of resurrection, but when it comes to a question that concerns me and my own constituency, whether I have presented any view of this question in which they are personally and materially and directly interested, they can say to me "You have not done so."

I remained here on yesterday with this purpose in my mind, to take the floor if I could when the Senator from Mississippi [Mr. GEORGE] had yielded it. I saw several opportunities when I might have slipped into the debate in the Senate, but I did not consider that it was in consonance with the dignity of the State that I represent here that I should do so. I determined in my own mind that if I had recognition from the Chair it should be a fair Senatorial recognition, and that I

should feel at liberty when I took the floor to speak upon this measure without any cramp or embarrassment or any suspicion that I was trying merely to waste time.

I have some views upon this question, Mr. President, which I still desire to present to the Senate. They have not been presented, so far as I am able to discover, by other Senators who have had the matter under discussion. They may not be of value to anybody else, but they are valuable to my own constituency and they are valuable to myself for the course I shall take on this very important bill. So I waited all day yesterday with patience in the effort to get the floor. While I was thus waiting the Senator from South Carolina [Mr. BUTLER], by the permission of the Senator from Mississippi, was beginning to read certain sections of the Revised Statutes which he asked me to point out to him.

I was unfortunate enough not to point out to him the sections which he really desired to read, and upon a further statement what it was he wished to put into the RECORD I turned to the proper pages of the Revised Statutes and said to the Senator from South Carolina that if the Senator from Mississippi had yielded the floor and he would yield to me I desired to take the floor upon the bill, and that I would read the statutes as a part of my argument that he proposed to have read to the Senate, for the reason that I intended to comment upon those very statutes and compare them with the bill that was then before the Senate. Thereupon, having the floor under such circumstances, though not—yes, I had been recognized by the President of the Senate—the Senator from Rhode Island [Mr. ALDRICH] interposed. I had said this:

Mr. MORGAN. If the Senator from South Carolina wishes to have that provision read and if the Senator from Mississippi [Mr. GEORGE] is through with his argument, I should like to take the floor upon this bill. As I propose to discuss that matter, I can have that provision read.
Mr. ALDRICH. We on this side of the Chamber can not hear the Senator from Alabama at all.
Mr. MORGAN. I said I would take the floor upon the pending bill.
Mr. ALDRICH. I object to that.
The VICE PRESIDENT. The Chair has the name of the Senator from Rhode Island [Mr. ALDRICH] next on the list.

Now, there I had the floor. There was no one to object to my keeping it. The Senator from South Carolina [Mr. BUTLER] was not objecting, the Senator from Mississippi [Mr. GEORGE] was not objecting. The first objection came from the Senator from Rhode Island [Mr. ALDRICH], and the Chair instantly recognized that his objection was predicated upon the fact that he had made a list of the gentlemen who were to appear in succession before the Senate in this debate and that the name of the Senator from Rhode Island was next on the list. I asked this question:

Mr. MORGAN. How is that, Mr. President?
Mr. HOAR. The Senator from Mississippi has not yielded the floor.

In that the Senator from Massachusetts was then really mistaken.

Mr. ALDRICH. Do I understand that the Senator from Mississippi has yielded the floor?
Mr. GEORGE. Oh, no, sir; I have the floor yet. I have been so much in the habit of having the floor of late that I may not know how to yield it.
Mr. HOAR. Then let the Senator from Mississippi go on.
Mr. MORGAN. Mr. President, I do not wish to violate any usage of the Senate in clearing the floor.

It is printed "in clearing the floor." "In claiming the floor" is what I said.

Mr. ALDRICH. I do not understand how one Senator can take the floor before another Senator concludes.
Mr. MORGAN. But at the same time I understand that it is a violation of the rule of the Senate, when a Senator rises and is recognized by the Chair, or if the Chair first sees him he is bound to recognize him, to make an agreement beforehand to parcel out the floor to one Senator or another.

Mr. SHERMAN then interposed.

Mr. SHERMAN. I should like to say that a Senator can hardly arrange to parcel out the floor either.
Mr. EDMUNDS. I insist on the regular order.
Mr. GEORGE. I am entitled to the floor.

Thereupon, Mr. President, when the Senator from Mississippi resumed the floor, claiming the right to it, I yielded, and I yielded to an arrangement which had been made obviously between the Chair and the Senator from Rhode Island [Mr. ALDRICH] that he was the next Senator in order to be recognized. During the day I had observed, as I thought, that that was the programme and I objected to it in my mind, though I said nothing about it. The Senator from Rhode Island therefore—and if I am wrong some Senator can correct me—had an arrangement with the Chair by which that Senator was to be recognized, not to continue the debate upon the election bill then pending, but was to be recognized to supplant that bill with a resolution for a new rule of the Senate. It was to that that I objected. It was there that I was right. It was there that I was claiming the privilege of a Senator and the privilege of my State to be heard upon this floor.

I desired to take the floor in good faith upon this measure, not for the purpose of protracting the debate upon it, for I would have been perfectly willing, in order to have enjoyed this privilege, to go on last night though there might not have been five Senators to hear me. It does not depend with me at all upon how many Senators may choose to listen to me here or whether the galleries may be pleased or displeased with what I have to say, for my remarks are not addressed, on an occasion of this kind particularly, to Senators who do not wish to hear, but they are addressed, through the public records, to the people I have the honor to represent.

I complained then and I still complain that a wrong and an injustice was done to me and to my State by a violation, palpable and outrageous, of the rules of this body; for if the President of the Senate can farm out the privileges of this body in advance and determine that nobody shall be recognized, except one who has made a previous agreement with the Chair, then, of course, the orderly conduct of business in this body is entirely interrupted, and that by the arbitrary ruling of a man who is not even a member of the body. I objected to that then and I object to it now.

It is not to be disguised that all day yesterday, or at least during most of the day, the Senator from Rhode Island had his arrangements made that his rule was to be the next in order, it made no difference who got the floor in actual precedence of rising and addressing the Chair, for I was on the floor and had it, and had it quietly, and rightfully, and peacefully, and I was taken off of it in the manner in which this RECORD here describes.

Then, Mr. President, I was witnessing the subsequent proceedings of this body with very attentive care, too, and when I again got the floor, before the Senator from Rhode Island could bring in his clôture resolution and have it submitted to the Senate, I stood there maintaining the floor upon my demand to have a judgment from the Chair upon a question of order that I raised, and, it makes no difference when a Senator rises in good faith to a question of order, he has the right to maintain the floor until he states his question.

I suppose nobody will dispute that in a parliamentary way. I had the floor demanding that the Chair should hear me upon the question of order, and notwithstanding I had the floor under those circumstances and with that demand the Senator from Rhode Island again took the floor away from me to push his resolution to the front, and the Chair took the resolution and submitted it to the Senate, and the ayes were demanded and some expression of response was given. If the noes were demanded I did not hear the demand, but the Senator from Tennessee says they were voted upon, and that settles it so far as he and I are concerned.

That is not the point; that is not the question. At the very moment of time when the Chair was having the resolution laid before the Senate I was on my feet and had addressed the Chair five or six distinct times, and the Chair looked me full in the face while I was doing it; but the Chair had determined that the agreement with the Senator from Rhode Island should override the rules of the Senate, and, because he had obtained the consent of the Chair in advance that he should have the floor upon his resolution, he determined that the rules of the Senate should not give me the right of recognition, though I was on the floor demanding the opportunity to state a point of order. The Chair, while that was pending and while I was on the floor, continued to have the matter disposed of, and the resolution got before the Senate in that way; and I stood here during all the time the Clerk was reading it, and afterwards, when he got through, I was still on the floor and still demanding my question of order, that I should be informed about it, and that the Chair would enable me to have an opportunity to state it. That is the fact.

Mr. President, there is a serious aspect to this matter, and I think that Senators ought to look at it with more composure than they were willing to do yesterday. This is not a Rump Parliament, to be broken up by the intrusion of a Cromwell here. This is not an unlawful body holding its way against right and justice and public demands. The Senate of the United States in discussing this bill, which reaches down to the very bottom of the constitutional organization of the country and which reaches also so as to include the question of the peace of society, ought not to be treated as if they were making war upon some mere pet project of a political party. Whatever Senators may feel about it, we on this side feel that it is a bill that violates in every possible sense the constitutional construction of the Government of the United States.

Why, sir, the venerable Senator who sits at my right [Mr. REAGAN], in closing his remarks the other day, said solemnly before the Senate, if I gathered his remarks correctly, that he would rather his dead body should be borne from this Chamber than that he should have to sit here and have the bill pass. That was not a freak of resentment; that was not a storm of passion engendered in his bosom by political antagonism. He felt, whether he was right in feeling it or not, that the question was a vital one and that when the disposal of this question had come it would finally result in a total perversion, as he thinks and as I believe, of the Constitution of the United States in respect of the power of the Congress of the United States over the election of members of the House of Representatives and members of the Senate.

In a question of so much gravity as this it is natural that there should be some intensity of feeling. I have not done anything, I believe, with a view of trying to increase it. On the contrary, I have been trying to assuage the intensity of this feeling. I have been merely trying to come to the merits of this case in such a way as that it could have an intelligent discussion and the people of the United States could be made to comprehend it in all its length and breadth and depth, and afterwards, if the measure is passed, if the people of the United States

choose to affirm it and adopt it as a new method of administration of the laws of the United States, well and good. If they choose to reverse it, however, time will suffice amply for the people to reverse the judgment, and we shall come back again together with this matter sponged from the statute books.

I look forward to the results of this bill with exceeding apprehension. I should like to prevent the evil consequences which I think will necessarily flow from it. I think that we shall see it looming up in almost every act of legislation hereafter of a general character, and particularly on appropriation bills. I think that the next House of Representatives will make a struggle to pass its condemnation of the measure, if we should pass it here now, which will bring to the attention of the country very sharply the fact that thirty-three States of the American Union out of the forty-four voted in the last election to condemn the measure. I believe that, and I am afraid that it will find its way upon legislation in regard to appropriation bills and such as that.

Mr. President, we have lived for seventeen years under a system of laws devised by the wisdom of Congress which contained every single feature that is in this bill, except one or two—contained every feature, except the nullification of the laws of the States as to the right of making returns of elections to the House of Representatives, and the country has grown in peace, in prosperity, in good will, in thrift, in enterprise, in magnificence, in grandeur, in everything of which an American could be proud, and I believe there is not one man on this floor to-day who more enjoys the success of the people of the United States under our existing laws than I do.

No Democrat has brought in a bill, as I understand, to repeal these election laws or the supervision which certain gentlemen think ought to be had by the Government of the United States over the election of members of Congress. They have been willing to let the matter go along and demonstrate whether it was good or whether it was bad with an election system just as complete and perfect as the one we are here now proposing to inaugurate in respect of controlling men in the casting of their votes and preventing disturbance, and the like of that. We have been trying it now for seventeen or eighteen years, living under it, and these laws have worn themselves out; they have rusted out upon the statute book because the people of the United States have not been willing to enforce them.

There are many laws which have become obsolete and gone into desuetude because of the fact that the people of the United States did not want them—many laws. I can cite you to one now of a most important character, which has gone into absolute disuse because the people of the United States have set up a different form of the administration of the constitutional functions in that particular. I refer now to the Constitution of the United States in regard to the electors for President and Vice President. That great office of elector of President and Vice President was established in the Constitution entirely independent of every other power and function of the Government of the United States. It was intended that these electors should hold the most responsible power of any great tribunal, any high commission, that could be organized in this Government under any circumstances whatever. It was above the Supreme Court, above the Executive, above Congress, above everything, and the States stood there in the Constitution handling this majestic power of theirs with the right to determine for themselves whether the electors should be chosen by the vote of the people of the respective States or by the Legislatures thereof.

Now, what has become of that? Conventions meet in St. Louis and conventions meet in Chicago and they nominate their candidates for the Presidency, and the various political conventions meet in the States and they nominate their candidates for electors. The people vote for the candidates for electors to support the ticket that is presented by the respective great national parties, and after the election is over and the question comes as to whether the electors shall follow the nomination made at Chicago or the nomination made at St. Louis, those electors have practically no more power to resist the dominion and influence and the absolute and peremptory command of these conventions as to these nominees than a baby five months old would have to resist the power of its father in disposing of its person.

If either of these conventions nominated a man for President who, after the conventions had passed and after the electors had been chosen, should steal a horse, or commit an embezzlement, or do anything of that kind, these electors would at the peril of their lives take the responsibility of voting against that man in obedience to the instructions of their party.

Now, then, all of the great machinery for the election of President and Vice President of the United States has sunk and gone to naught. It is absolutely a mere piece of regulation, to regulate the manner of conducting the election, but as to the pith and substance of the voting and the right of electors to refuse to vote for the nominee of the convention, the right no longer exists.

How has that come about? Because the American people, in the majesty of their unexpressed opinion and through the assistance of party organizations, have concluded that they would abandon the constitutional methods of electing the President and the Vice President, that they would take away from the electors the right that they have got to make a choice of the men who should preside in these elevated offices.

The laws regulating the ballot box, the voting, the returns, the supervision, the scrutiny, and the like of that, which have been on the statute book for seventeen years, have gone almost into the same condition of decay, the reason in both cases being simply this, that the people of the United States have not been willing to act upon and adopt and enforce the systems that have been prevailing.

Now, when you propose another system, when that piece of political machinery contained in these election laws had failed of its work, had broken down in the effort to use it, then the political builder comes around and demands that that machinery shall be rebuilt and some new powers put into it. In doing that they do what was attempted to be done in the organization of the Government by the party that was called Federalist. They attempt to put the whole of the power of this Government in the hands of the Congress of the United States and to give to the House of Representatives and the Senate conjointly that absolutism which belongs to the Parliament of Great Britain.

We have got back now in this bill to a distinct, unmistakable recognition in the two Houses of Congress and in their legislative power of the absolutism of the British Parliament. When we thus step back over the march of a hundred years of progress and again place ourselves in a position where we are just what the British Government was when we withdrew from it and declared our independence, I feel, Mr. President, that the foundations of the constitutional system under which we are acting have been torn up, that they have been overthrown, and, therefore, it is right in the Senator from Texas, it is right in any Senator, if he feels that way, to say that he would as soon have his dead body borne on a litter from this Chamber as to stand by and have a bill of this kind enacted.

Of course civil methods and civil procedure will obtain and must obtain and shall obtain upon these questions, but when it comes to the point of having this system of government, under which we have been living now for a century, absolutely perverted, absolutely overturned, and the whole system destroyed, it is not to be wondered that Senators on this side of the Chamber desire to have an opportunity to have debate, nor is it to be wondered that they are willing to stay here day after day and night after night in order to get their opinions upon the RECORD. When the other day it was demanded of us that we should sit out this bill and stay here during the night, and the Senator from West Virginia [Mr. FAULKNER] had the floor upon the measure and was making a speech of marked ability (as he never fails to make a speech of marked ability), a Republican Senator came in and demanded to know whether a quorum was present.

The Senator from Virginia knew there was no quorum present, but he had not made that question. He was willing to go on with his discussion of this great measure notwithstanding a quorum was not present, for he desired to get his views upon the RECORD. I should have been glad at any time to take the floor at midnight to get my views upon the RECORD before this threatened clôture could be brought down upon us to shut us off from debate. I should have been glad to do it at any hour of the night, because my zeal in this matter is a zeal begotten of fear and apprehension that we are destroying the work of our fathers in this bill that we are trying now to force, without proper debate and proper amendment, through this Senate.

But the objection was raised by a Republican Senator that there was no quorum present. When that objection was made, of course the Chair had to pay attention to it, and did so. What was the result? The balance of the night was spent in scurrying about through this city in hunting up Senators, who sometimes were transported in cabs to the Capitol and had not been here a half hour until they deserted again and went off to their places of repose—Senators from both sides.

Now, Mr. President, after treatment of that kind and after the proceedings of the Senate were stopped, when it was said that we must have an all-night session in order to discuss this measure, I think before Senators who wish to express themselves upon this bill are rudely torn from the floor by the honorable Senator from Rhode Island [Mr. ALDRICH], the Senator from Ohio [Mr. SHERMAN], and the Senator from Vermont [Mr. EDMUNDS], that some consideration ought to be paid to the claims of our States if we have no right to personal consideration in their eyes.

I am not a candidate for the flatteries or the good opinions or anything else of any set of men in this body who stand against the interests of the State of Alabama. I propose, as far as I know how to do it, to represent the interests and the welfare of that State at whatever cost it may be to me personally, and, therefore, I desired to take the floor, and I had the floor and I was taken off the floor by an agreement between the Vice President and the Senator from Rhode Island that debate on this measure was to stop and the clôture was to be called up. I object to it. It is wrong. It is nothing but an outrage.

Mr. DANIEL. I have no temper or feeling on this subject, Mr. President, and I do not see that there is just ground for any beyond the earnest feeling that every Senator must entertain that the proceeding should be entirely regular. I should not venture to say anything in addition to what has been said on this subject, but I was not occupied at the time this matter occurred in attempting to get the floor or in any other matters, but was an intent watcher and listener to the proceedings. I can not see, Mr. President, that there is any fair foundation for invidious reflection or for censure upon any one. The clerical

officers of the body, the Secretary and his assistants, have simply performed their duty. The Senator from Ohio [Mr. SHERMAN] is entirely mistaken if he regards the action of any one on this side of the Senate as intending or as having the effect to imply any criticism upon them. So far from criticism, they deserve approbation.

As to the presiding officer of the Senate, no one has fair reason to conceive that he has done his duty otherwise than as he conceived it to exist. At the same time, Mr. President, gentlemen upon the other side should recognize the fact that the positions which this side has taken are correct in themselves; and, that there may be no mistake about this, I beg to summarize in very brief words the points which this side have taken.

There were four errors committed in rulings respecting the debate. All four of those errors were committed against this side of the Chamber and in favor of the other side of the Chamber, and while I have not even the vague suspicion that the decisions made were actuated by the least improper motive, yet the effect of those decisions was in each case such as to place this side at a disadvantage; and they are pointed out now that they may be a caution to all, in order to avoid their recurrence, and that they may be corrected as far as it now lies within the power of the Senate to correct them, rather than with any view of implying censure in the least degree.

In the first place, Mr. President, the vote of yesterday afternoon was not announced. The presiding officer, with that candor which has always characterized his conduct in this Chamber and which should be met with an equal candor, has himself stated that fact, and therefore the correction that that fact implies will, of course, follow.

In the second place, Mr. President, a motion to adjourn was entertained at a time when the gentleman who made that motion had no title to recognition. No motion to adjourn can be made while a question is pending and until the decision is announced. Therefore this error came out in secondary degree and a Senator was recognized when he was not in order.

In the third place, Mr. President, a Senator on this side was refused recognition—I allude to the Senator from North Carolina [Mr. RANSOM]—and I might say two Senators, for the Senator from Alabama [Mr. MORGAN] rose simultaneously, and they rose for the purpose of making the point of order which would have saved the time of the Senate and this discussion had they been recognized.

In the fourth place, a Democratic Senator was taken from the floor and compelled to be seated in the presence of the Senate when he was acting in strict accordance with its written rule and in conformity to its uniform and never-before-questioned practice.

Mr. ALDRICH. I am sure the Senator does not wish to misstate the facts in this case. Not only is the statement made not true, but I obtained the floor by the yielding, the positive yielding, of the Senator from Mississippi [Mr. GEORGE] for that purpose, distinctly stated both by myself and by the Senator from Mississippi. I addressed the Chair and was recognized by the Chair.

Mr. DANIEL. The Senator is mistaken. I was not referring to that incident, but to the incident when the Senator from South Carolina [Mr. BUTLER] was taken from the floor, I think, upon the objection of the Senator from Massachusetts [Mr. HOAR].

Mr. CARLISLE. Will the Senator from Virginia allow me to make a suggestion to the Senator from Rhode Island?

Mr. DANIEL. Yes, sir.

Mr. CARLISLE. My suggestion is that the Senator from Mississippi [Mr. GEORGE], who was addressing the Senate, yielded the floor to the Senator from Rhode Island [Mr. ALDRICH] to make a certain motion——

Mr. ALDRICH. Certainly.

Mr. CARLISLE. To wit, the motion to take up for consideration the resolution. After that motion had been made and the Senator from Rhode Island had performed the duty for which the floor was yielded to him, the Senator from Alabama [Mr. MORGAN] took the floor, and while he was standing upon the floor and addressing the President of the Senate the Senator from Rhode Island moved to adjourn.

Mr. ALDRICH. I did not yield the floor at all.

Mr. CARLISLE. The point I make is that the Senator could not hold the floor for two purposes. He could have held the floor only for the purpose of making a motion to take up his resolution, for which purpose the floor had been yielded to him by the Senator from Mississippi; but when he made that motion he lost the floor and it became the common property of the Senate.

Mr. ALDRICH. Does the Senator from Kentucky mean to say, having made the motion and the presiding officer having decided, as he did, that the resolution offered by me was before the Senate, that I was not entitled to the floor by all the usages of every parliamentary body on the resolution itself?

Mr. CARLISLE. If the Senator addressed the presiding officer first, undoubtedly he was.

Mr. ALDRICH. I did address the presiding officer first. The Senator from Alabama could only possibly have intruded himself into that debate by raising a question of order.

Mr. CARLISLE. I will go further and say that, according to the usages of the Senate and House of Representatives also, the Senator from Rhode Island was entitled to the floor for the purpose of discussing or disposing of his resolution.

Mr. ALDRICH. Unquestionably.

Mr. CARLISLE. Not for the purpose of proceeding to some other business or for the purpose of moving an adjournment.

Mr. KENNA. If the Senator will pardon me at that juncture, it was upon the very question as to whether that resolution was before the Senate or not, that the Senator from North Carolina [Mr. RANSOM] was endeavoring to address the Chair, upon the very question as to whether the resolution of the Senator from Rhode Island was before the Senate.

Mr. DANIEL. Mr. President, the Senator from Rhode Island, who interrupted me to say that I was incorrect in my statement, would himself be incorrect if he had in mind the same instance that I had in making the suggestion.

Mr. ALDRICH. I beg the Senator's pardon if I misstated him, for I merely made the statement I did upon the suggestion of a Senator near me as to the character of the statement made by the Senator from Virginia. If I was mistaken in that, I beg the Senator's pardon.

Mr. DANIEL. I was not referring to the matter which the Senator had in his mind, but to the fact that, previous to the colloquy of yesterday afternoon, a Democratic Senator, the Senator from South Carolina [Mr. BUTLER], was taken from the floor upon the objection of the Senator from Massachusetts [Mr. HOAR], if I correctly remember, upon a point in which he was sustained, although the Senator from South Carolina was acting in strict conformity to the written rule of the Senate and in accordance with its settled practice time out of mind.

Now, Mr. President, all of these mistakes were committed against this side of the Chamber; and I apprehend that they were probably committed because of the possible apprehension of the Chair that there was a disposition upon this side to get the floor, if possible, to retard proceedings, and that they were committed under that prejudgment of the state of mind of this side of the Chamber which now appears to be erroneous and warns us all not to prejudge the conduct of any one until all the facts have appeared and until the case is in a fair shape for judicial determination.

I think under the circumstances the Senator from Connecticut would make a great mistake if he declined to vote for the correction of the Journal. It is clear that the Journal is not correct and the Senator's memory of what transpired is, as I conceive, a little mistaken. It is true that the result of the vote on yesterday was not announced, and it is not true, as that Senator apprehends, that it was a matter of no consequence whether it was announced or not.

Mr. PLATT. Will the Senator allow me to interrupt him? I do not wish to do so unless it is perfectly convenient.

Mr. DANIEL. Certainly.

Mr. PLATT. Suppose this had been the exact situation: That the Vice President had put the question to the Senate and asked the Senators who were in favor of the motion to say "ay," had asked those opposed to it to say "no," and then had said, "The ayes appear to have it," and immediately followed it by saying, "The resolution is before the Senate," and the resolution had then been read and there had been no protest entered or no call by the Senate to have a further test upon the motion, does not the Senator think that that would have been a practical and legal determination in favor of the proposition that was submitted?

Mr. DANIEL. I do.

Mr. PLATT. That is what I understand to have been practically the case.

Mr. CARLISLE. Will the Senator allow me a minute only to reply to the Senator from Connecticut?

Mr. DANIEL. Please permit me to reply; I am stating my judgment upon it. If the facts were as the Senator conceives, I should not disagree with him, and I do not think that there is a disagreement between his mind and my own as to what would be appropriate under the same conditions; but the fact is that the "ayes" were called for and given, the "noes" were called for and given, and the Chair said, "The ayes seem to have it," and then proceeded to lay the resolution before the Senate at a time when a Senator was trying to get recognition for the purpose of calling for the yeas and nays——

Mr. PLATT. I think not.

Mr. DANIEL. And to make the point of order that the Chair had not announced the result. It is just there that I beg leave to differ with the conclusions of the Senator from Connecticut. If it had been assumed that unanimous consent was given, the formal announcement of what all assumed to be the case might not have been indispensable, but the truth is that a Senator was upon his feet addressing the Chair for the purpose of calling his attention to the fact that the announcement was not made and another was seeking recognition to call for the yeas and nays. Both were in order, and he who first addressed the Chair was entitled to recognition.

Mr. PLATT. If the Senator will permit me once more, I do not think the CONGRESSIONAL RECORD bears him out in the statement that any Senator was seeking the floor for the purpose of calling for the yeas and nays, but on the other hand each Senator was seeking it for some other purpose.

Mr. DANIEL. Whether the RECORD announces who the Senators were who addressed the Chair or not, the fact is true, and I am a witness of the fact, because I was attending intently to what transpired. The fact as I now state it will not be denied, and if it was appropriate to record such facts and the RECORD does not do it, the RECORD itself is in error.

Mr. GIBSON. Let me call the Senator's attention to the RECORD, beginning with "the Vice President," at this point. [Indicating.]

Mr. DANIEL. It seems that the RECORD does bring attention to the fact that the Senator from North Carolina [Mr. RANSOM] rose to a question of order. If Senators will look on page 1650, second column, they will observe that the CONGRESSIONAL RECORD verifies my memory of it. I had not referred to the RECORD to refresh it, and did not know the fact until a copy of the RECORD was handed me by the Senator from Louisiana:

Mr. RANSOM. Mr. President, I rise to a question of order.

Mr. President, that is exactly what I witnessed and exactly what I heard. Perceiving that and that the Senator from Connecticut has been mistaken in his memory of the transaction, does he not also perceive that the correction of the Journal which is asked is in the interest of exact truth and justice and that indeed we can not decline to make it?

Mr. President, the presiding officer of this body is the only presiding officer of a legislative body in the United States who occupies a judicial position, unless it be the presiding officers and some of the State senators who are the lieutenant governors of the respective States, who occupy towards those State senates something very akin to the relation which he occupies towards this body. In the lower houses of the Legislatures of the United States and in the House of Representatives of the United States it has been the practice always to anticipate the presence of a partisan, and in that anticipation they are seldom if ever disappointed. But the presiding officer of this body is not chosen by it. He is chosen by a power superior to that which selects any Senator, for while the Senators represent the States in their equality and in those portions of residuary sovereignty which yet reside in them, the presiding officer of this body represents the whole American people and all the States, being chosen by the whole American people, not as a body, but through the electoral agency of the State. The result of this mechanism and of the status which is given to the presiding officer of the Senate has tended even more than that of the English House of Commons to make our presiding officer a judicial officer.

It was but recently that in reading one of the debates in the English House of Commons I saw the remark of Lord John Manners, the chancellor of the duchy of Lancaster, who, in speaking of the prerogatives and of the functions of the speaker of the House of Commons, declared that for forty-five years he had served in that body and that within all that time he had never once discerned the slightest deviation of the Chair from absolute impartiality; and Mr. Gladstone, in an earlier debate upon the rules of the House of Commons, declared that it would be as impossible for a tyrant and oppressor to sit upon the throne of England as for a partisan to be the speaker of the House of Commons, and that any indication of partiality upon his part would drive him from his chair and out of the country.

With the dignity of the office as it exists in England in the speaker of the House of Commons and in the dignity of the presiding officer of this Chamber as it exists here, there is found the strongest guaranty to the people of the United States of that fairness and that integrity which should characterize their proceedings.

Mr. President, a Senator who would unjustly criticise the presiding officer or who would attempt to belittle the influence of his great authority without just grounds would in my opinion be guilty of a departure from that high spirit of honest manhood as degrading to him as would the partiality of the presiding officer be degrading to him.

Therefore, Mr. President, as I was a witness to what occurred on yesterday, I feel myself obliged by a sense of fairness and justice which should not deviate for any advantage, and can not deviate without being dishonest, to declare that while errors have crept into our proceedings which were errors which might be justly complained of for the purpose of their correction, they were also errors which did not arise in my opinion from the slightest disposition to error from any inclination of the presiding officer to be unjust.

Mr. EUSTIS. Mr. President, not having had the opportunity to address the Senate upon the questions which have engaged its attention for the last six weeks, believing that we are approaching a revolutionary crisis in this debate, and being admonished that the freedom of debate in this body may at any moment be arbitrarily suppressed, representing in part a State which I judge from the discussions is one of the chief offending States which it is proposed to discipline by Federal law, not believing, as the Senator from Wisconsin [Mr. SPOONER] seemed to believe the other day, that upon questions of government there is such a thing as local boils, I deem it my duty at this juncture to briefly discuss the pending question and cognate questions involved in this measure.

In the first place, Mr. President, what is the character of this proposed law? What kind of a statute is this which we are called upon to enact? You might search ancient and modern history and consult the legislation of every civilized country that has ever been known, from its foundation to the present time, and I challenge any member of the Committee on Privileges and Elections, with the single exception that I shall mention, which is not a parallel case, to show that it has ever been proposed to enact such a law as has been reported by a majority of the Committee on Privileges and Elections.

What is that proposed legislation? It is a measure to change and transform our Government from what it is, a law to readjust the relations between the State governments and the Federal Government, a law to reapportion the power of the States as to the Federal Government, a law which is intended to take from the people the power which they have created for themselves, the privileges and the rights which they have created for themselves in the exercise of their sovereign power, and to transfer the power to a few Republican Federal officials.

It is nothing but a disguised scheme to establish Federal imperialism in our Government, to make a few irresponsible Republican Federal officials stronger and more potential than the people themselves, and to place that power beyond the reach of the people of the States. Yet as fundamental as is this proposed change, as destructive as it is of the structure of our Government, as disastrous and disturbing as it is as to the operation of our Government, one would imagine that when you proposed to substitute for the American people a new government unknown to them, with new powers and new responsibilities, at least that would be done by a constitutional amendment.

But, Mr. President, it can not be shown that this is attempted even by a law of Congress, for your proposed law does not go into operation of its own vigor. Your proposed law, after it is passed by the Congress of the United States and is approved by the President of the United States in constitutional form, does not become a law in the proper sense. It is not a law that operates by its own vitality; it is not a law that operates by reason of the judgment of Congress; it is not a law which operates by reason of legislative will; but it is a law which, in order to become operative at all, requires, I say, what is unknown to this country, that one hundred citizens shall have the supreme privilege and power of declaring whether that law shall at all be operative and effective.

If, as you claim, Congress has the absolute and unlimited power over this subject, if, as you claim, these outrages have been committed and these evils must be cured by legislative power, why is it, I ask, that the Committee on Privileges and Elections have not reported to the Senate a law which becomes operative, which becomes executory the moment it receives the approval of the President of the United States? What discovery is this that one hundred citizens in the State of New York, in the State of New Jersey, in the State of Louisiana, in the State of Mississippi, are declared by your law to be superior not only to the people of those States but to the Congress of the United States itself, and their judgment, their opinion, not that of Congress, not that of the people, is to declare whether this law is necessary and shall be put into force at any election?

Thus are these one hundred men unknown, who are invested by Congress with this infallibility of judgment, with this superior wisdom, with this supreme integrity, to determine whether a governor of a State and every other State official who has any duty to perform with reference to the elections are, under State laws, to be impeached and to be declared unworthy of confidence.

Mr. GRAY. May I interrupt the Senator for a moment?

Mr. EUSTIS. Certainly.

Mr. GRAY. I ask the Senator who these one hundred men are who are to be invested with these transcendent powers? The bill provides that their names shall be written upon a list filed away by the supervisor of elections, and when the proposition was made that that list should be made public, the Senate, by a majority vote, decided that it should not. So we shall never know who these men are.

Mr. EUSTIS. That is true. The people of Russia know when the emperor issues an edict he accepts the responsibility of that act of government. The people of Persia know when the Shah of Persia issues his edict. But when this edict is issued by one hundred unknown citizens who have the power to put into operation this vast machinery by which State rights are to be stricken down, by which State dignity and statehood itself are destroyed, by which millions of money are to be expended, this operation is to remain to the American people an unveiled mystery. They are not to be told or advised who has brought about this change in their form of government; they are not to know who has transferred their government from one of State and Federal power to imperial power. That fact is to remain unknown to the American people. All this proceeding by which this vast transformation takes place, this transmutation of Governmental power, is to be a star-chamber proceeding.

What, then, is this law, except that the Committee on Privileges and Elections has not dared to bring a law of universal application into this Senate. They have not dared to bring a law into this Senate, which, like all other laws, is self-operative and executory after it receives the approval of the President of the United States; but they have framed the scheme of a law by which they propose to license one hundred individuals in any one State to exercise the constitutional power of really enacting and executing the law.

You have framed a law which is not even a plebiscite, in which you

consult neither the majority of the people from whom you propose to wrest this power, nor any considerable number of the citizens of the State. I would ask how it is that this arbitrary and insignificant number has been selected? Why not have made it a thousand, or five thousand, instead of a hundred? Why not have made it a majority, as the Legislatures do in the States when they want to empower the people to build a bridge, or to repair a public road, or to build a courthouse or schoolhouse? What is this council of one hundred, which is to exercise vaster, stronger, and more fundamental power as to our Government than the people themselves are to exercise, than the Congress of the United States itself is to exercise? What does this discovery mean, that this council of one hundred petitioners, upon their mere *ipse dixit*, upon their mere volition, upon their mere caprice, or upon their mere, partisan judgment, shall exercise this vast power, by which not only the structure of our Government is fundamentally changed, but they are able to let loose, in every community in this country, a political Polyphemus that shall devour and destroy their liberties and their constitutional freedom?

Ah, Mr. President, there has been no oversight in this law. There is not a provision in this law that has not been carefully studied and prepared for a fixed purpose and to accomplish an ascertained result. It is a wonderful piece of artistic work. In its every detail, in its comprehensiveness, it is worthy of some great and superior genius. I do not myself believe that it ever originated in the classic brain of any representative from Massachusetts, either in this or in the other Chamber. There is an adroitness, a cunning, a shrewdness, a political sagacity, which show the handiwork of an exceedingly skillful and artistic expert.

Legally speaking, Mr. President, there is such a thing as a woman giving birth to a monster; that is, a being that has no recognizable human feature, that can not perform a legal act, and can not inherit. That thing breathes, but it has never been known that such an inhuman monster has ever had an adoptive parent; but the Senator from Massachusetts, as chairman of the committee, has assumed all the maternal obligations and responsibilities of this hideous, inhuman monster. He has caressed it; he has taken it to his bosom; he has warmed it in his fond embrace; he has freely given it its adoptive mother's milk.

The reason for the conferring of this vast and unlimited power, this power which is greater than is lodged in any constitutional amendment, this power to dictate to the American people under what form they shall live hereafter, this power which is to inform the American people of the rights and of the privileges they shall exercise and enjoy, and of the rights and privileges they shall not exercise and enjoy, I say is perfectly evident. We can not be mesmerized or hypnotized by the honeyed phrases of the Senator from Massachusetts. We understand this bill, we understand this scheme, and we understand this conspiracy.

The reason why these one hundred citizens were selected to be invested with this sovereign and with this supreme power is that one hundred ignorant, vagabond negroes in the State of Louisiana, perhaps ex-convicts of the penitentiary, shall decide this momentous question of whether the people themselves shall conduct and regulate their elections or whether these elections shall be turned over to Republican returning boards.

The Senator from Massachusetts—I am glad that he is in the Chamber—informs us and informs the country that this is not a partisan measure. I quote from what the Senator from Massachusetts stated in his speech the other day:

> I wish to reject and to repel, with all the indignation which the calumny deserves, the aspersion that this is a partisan measure or that any man who supports it is actuated by a partisan purpose.

I am surprised, Mr. President, not to find at the close of this sentence the usual words when a huge joke is perpetrated in this body, "Great laughter."

In the first place, the Senator from Massachusetts must know where the power to appoint these returning boards is lodged, where the power to appoint these chief supervisors is lodged; and he knows as well as I do that, being lodged in the circuit judges, every State in this Union, with the exception of four States, is within a circuit which is presided over by a Republican judge. Of those four excepted States Tennessee and Kentucky are Southern, Michigan and Ohio are Northern, they being in a circuit which is presided over by a judge who is a Democrat. So that in every other State the appointing power is vested in a Republican. He is to appoint the chief supervisors and Republican returning boards for every Democratic State in this country with the exception of Tennessee and Kentucky.

Now, this is a political office. The functions and attributes of both the supervisors and the board of canvassers are purely political. All their acts, all their proceedings, all their responsibilities, are purely political. The President of the United States is perfectly competent to appoint, I take it, supervisors and boards of canvassers. The President of the United States appoints judges of the Supreme Court of the United States; he appoints Cabinet officers; he appoints district attorneys; he appoints marshals, collectors of ports, and so on. And yet, instead of this power being vested in the President of the United States, who is responsible to the people and responsible to Congress, the Senator from Massachusetts has framed a bill conferring the power of appointing these political officers, not upon the President of the United States, but upon persons who ought to have, in a properly constituted government, nothing to do with political power and political officials.

By this bill he has invested these circuit judges with that power of establishing Republican returning boards in every Democratic State in this Union with the exception of Tennessee and Kentucky.

And yet the Senator from Massachusetts resents the suspicion that he is actuated by partisan motives. He repels the imputation that this is in any sense a partisan law. He disclaims and disavows that he is actuated in the composition of this bill by any partisan motives; and that utterance he has made to the country and to the Senate. He wishes us to believe that whatever may be his record, whatever may be disclosed in his career up to this time, he has reached that point with regard to this law, that sublime, immaculate, and angelic position, that there is not a single taint or speck of partisanship in the bill which he has reported to this body.

Why have you invented a scheme to force upon Democratic States Republican returning boards? What has actuated you to tell the great State of New York, the great States of New Jersey, Connecticut, and Indiana—leaving out the Southern States—that "although you are Democratic States, and because you are Democratic States, we will take this power of conducting and deciding elections which you enjoy and which you intrust to Democratic officials, and transfer that power to Republican officials and Republican returning boards. We impeach your Democratic governor; we declare him unfit to exercise the power which he has exercised from the foundation of the Government, to certify to the result of an election"—a power which has never been abused so far as I know—"we declare him to be unworthy of confidence; we impeach his intelligence; we impeach his integrity; and we wrest from him his authority which has been conferred upon him by the people of his State, to whom he is responsible under the sanction of his oath; we wrest that power from these Democratic officials in Democratic States; we transfer that power, and vest it in Republican officials who are not responsible to the people; in Republican returning boards, who are not responsible to the people; and we do that upon this vast and immense scale." And yet the Senator from Massachusetts complacently informs us that his feelings would be cruelly lacerated and his conscience would be horribly shocked if anyone for a moment should harbor the suspicion that this is a partisan measure and that he is actuated by partisan motives.

Mr. President, the best work that has ever been written upon the subject of morality was written by the most immoral man that ever lived in the world. His name was Jean Jacques Rousseau. I think, after the public utterances which the Senator from Massachusetts has made in this body and after the exposition which has been made and which will continue to be made of the venomous, bitter, loathsome, poisonous partisanship with which this monstrous measure is saturated, from every pore of which exhales offensively low, dirty, vindictive, poisonous partisanship, if he seeks immortal fame, the Senator from Massachusetts ought to write a book upon the question of what is partisanship and what is sectionalism.

Mr. President, on account of the present temper of the American people, by reason of the fact that sectionalism is disappearing in our common country, by reason of the fact that the American people, by the very instinct of their magnanimity are drawing themselves closer and closer in a common fraternity and common brotherhood; by reason of the fact that any sectional or partisan measure in its terms would be denounced by the American people; those who have concocted and are championing this bill have found it necessary to present to this body a disguised and emasculated bill. This bill is aimed at Southern communities and Southern States. This bill, as regards its operation and purpose, is intended to revive, reorganize, and rehabilitate the Republican party in the South. This bill is intended, as regards the South, to be a second reconstruction measure, by reason of the ignominious and deserved failure of the first reconstruction measure.

Therefore, while I shall say something before I finish as regards the conduct and the attitude of the Southern people to show that they do not deserve, and that no honorable man would impose upon them, this chastisement, I regret that the bill has been so framed that it includes our Northern brethren and our Democratic friends of the North. You could not propose a measure, you could not devise a measure that in its terms should operate only as you intend that it should operate. You did not have the courage to propose a law which should only apply to the Southern States. You knew that that would be resented by every fair-minded man at the North and that such a law would bring forth universal indignation and universal execration.

Therefore, Mr. President, the majority of the Committee on Privileges and Elections have been obliged to frame a law that is as destructive of constitutional government at the North as it will be in the South; that invites and will provoke as much strife, as much contention, and as much bloodshed, if any blood be shed, at the North, as it will at the South. And I call the attention of the Senator from Massachusetts—I regret that he is leaving the Chamber——

Mr. HOAR. If the Senator will wait for a moment, I will return.

Mr. EUSTIS. Certainly. [Laughter.]

There is no doubt of the fact, Mr. President—I can testify to it as regards one section of the North—that there is an intense feeling upon this question in Northern communities when Democratic Governors feel called upon to address messages to their Legislatures calling attention to the fact that a majority in Congress are proposing to enact a law which is revolutionary, which is incendiary, which is intended to affect and destroy their liberties, to wrest from them their rights and their privileges. It is not surprising, sir, that this widespread alarm and consternation and indignation have taken deep root in the Northern mind and in Northern communities.

It may be, sir, that while these Senators propose to legislate against the South they are really legislating against their own communities and their own constituencies, for my opinion is that in the State of Louisiana this law will utterly fail of its purpose, and will never accomplish the result which is sought and desired by those who are promoting this revolutionary scheme. The negroes, in my judgment, will turn their backs upon the Senator from Massachusetts. They will tell him: "That is not what we want; agitation and contention are not what we want; conflict with our white friends and neighbors is not what we want. We do not expect to realize this impossible dream of governing the white race in the South. You furnished us once with these weapons; you armed and you equipped us once for that conflict; you urged and incited us once for that desperate effort. We by our ignorance engaged in this strife, in this contention, and in this struggle; and what was the result? The result was that we failed, as we ought to have failed; and, instead of strife, we want peace; instead of contention and conflict, we want neighborly feeling from these white people of the South. We want them to furnish us with the means of subsistence, of educating and of rearing our families. We want industrial advancement, and we turn our backs upon the Senator from Massachusetts and tell him that his professions of sympathy for us have caused us too many sacrifices to receive another such donation from him."

When has the Senator from Massachusetts ever uttered a word in this Chamber to sustain those people in their efforts for their industrial advancement? When has he been heard except to throw firebrands in their midst and urge them to rush to their destruction? What exhibition of sympathy, of sincere and philanthropic sympathy, has he ever exhibited in favor of the colored people and the colored race of the South? No, Mr. President, the Senator from Massachusetts is intent upon their taking a weapon which they will reject; upon arming themselves for a fray, and for a danger, and for a conflict from which they will shrink.

And I would ask the Senator from Massachusetts, if this measure should be a failure in the South, if this law, which is nothing but the suspended statute, if this law, which has no vitality in itself, no vigor, no self-operation, no self-execution, remains a dead statute as regards the South; if in the South you can not get one hundred ignorant negroes to breathe their pestilential breath into the inanimate nostrils of that moribund law, and it remains a dead statute as regards the South—suppose, sir, that the field of action, the field of disturbance and of strife and of bloodshed shall be transferred from the South to Northern communities and Northern States; suppose, sir, that while this statute is aimed at Southern communities and Southern States it should fail of operation in that section of the country, and that these Northern communities and Northern States, which do not deserve this provocation, this irritation, and this chastisement, should receive those deadly bullets which you aim at us; what answer will you Senators from the North make to your constituencies that without any reason, any provocation, you have precipitated upon those Northern communities and those Northern States this terrible conflict between State and Federal power?

I suppose, Mr. President, that the Senator from Massachusetts will tell me that the Northern communities and Northern States are too orderly to indulge in any such contention and resistance to Federal law; that that crime, that offense, is only committed in the South, and never in the North.

Ah, Mr. President, if I chose I could select an episode in the history of our country which would show that when you pass a law which has encountered resentment from the people, which has encountered determined opposition from the people, which was passed in conflict with the public opinion of the community and of the State, which was so eloquently described by the Senator from Colorado [Mr. WOLCOTT] and the Senator from Nevada [Mr. STEWART], that law will be resisted by that State and by that community. If I chose to select an episode that more strikingly, more glaringly illustrates that truth, I would select what has occurred in the State of Massachusetts itself.

Although the provocation in the South has been terrible; although the wrongs, the injustice, and the oppression which those people have suffered have been immeasurable, yet I say in no Southern State has there ever been such an exhibition of fierce, determined, and resistless opposition to the Federal law as has taken place in the city of Boston and in the State of Massachusetts. I am not criticising the action of the people of Massachusetts or of Boston at that time. I am merely reminding the Senator from Massachusetts that what was said by the eloquent Senator from Colorado [Mr. WOLCOTT] and the eloquent Senator from Nevada [Mr. STEWART], which was sneered at by Senators on the other side, is the truth and nothing but the truth; that it is the truth in Louisiana; that it is true in Massachusetts.

Now, what was done? Mr. President, when the first fugitive-slave law was passed, that law was unanimously passed by the Senate of the United States and there were only seven negative votes in the House. A supplemental law was passed in 1850. I am not aware that the constitutionality of that law was ever questioned except by such men as Charles Sumner. No judge, I believe, had ever pronounced that law unconstitutional. It was the law of the land. It was a law enacted by the Congress of the United States and approved by the President of the United States. It was a law, I repeat, whose constitutionality was never disputed.

A slave by the name of Anthony Burns escaped from the State of Virginia and became a fugitive in the city of Boston. There was a gentleman by the name of Loring, a man of most exceptional character, a man who was universally respected in the State of Massachusetts, a gentleman who was a Whig and not a Democrat, a gentleman who had never had any association or intercourse with the Southern people; therefore, it is fair to assume that his sympathies during that period were probably anti-Southern. He held the office of judge of probate, and at the same time that of United States commissioner. The question was presented to him as United States commissioner, under that Federal law, and, discharging simply a judicial duty, he conscientiously decided that that fugitive should be given up, and that he was bound to obey and execute the United States law. Here is a very mild account of that matter. I read from Mr. Wilson's History of the Slave Power in America, volume 2:

> The action of Judge Loring excited a deep feeling of indignation throughout the State, which soon manifested itself in various forms. Having been elected to a professorship in Harvard College, his name came before the board of overseers, of which the Massachusetts senate formed a part; but, in consequence of this widespread dissatisfaction and of the political revolution which had just swept the State, he was rejected. Petitions were then sent to the Legislature, signed by several thousand names, praying for his removal from his office as judge of probate. These petitions were referred to the proper committee, which gave the subject a thorough hearing and examination. Webb, Parker, Phillips, and Ellis appeared for the petitioners, and Richard H. Dana, jr., appeared for the defense. The committee reported an address to the governor in favor of the prayer of the petitioners, which the house adopted by a vote of 207 to 111, and the senate by a vote of 28 to 11. The governor's council, by a vote of 7 to 2, also approved it.

But Governor Gardner, who had then recently been elected, recoiled from the performance of such an act as this, that is to say, discharging in disgrace a most eminent, honest, and conscientious State judge because he had declared it his duty to enforce a law passed by the Congress of the United States.

> But Governor Gardner refused to grant the prayer. This action of the governor did not satisfy the people of Massachusetts; and after the inauguration of Mr. Banks, in 1858, the Legislature adopting a similar address, the new executive responded by his removal. But the same action which rendered him odious to the people of Massachusetts commended him to the confidence of the slaveholders and to the favor of the national administration. He was nominated by President Buchanan to the office of judge of the Court of Claims, and promptly confirmed by the Senate, though strenuously opposed by the Massachusetts Senators.

This, Mr. President, is a very mild account of what really occurred. I am glad to bring this incident to the attention of the Senate, for it gives me the opportunity of speaking most highly of Judge Loring, one of whose law pupils I had the honor to be for several years. His house was mobbed and his property destroyed, not by the scum of Boston, not by the hoodlums of Boston, but that mob was headed by the first and leading citizens of Boston. The courthouse was mobbed also. Certainly the courthouse was an innocent party in this transaction. But so mobocratic had become the spirit of the citizens of Boston and the citizens of Massachusetts that they were not satisfied with mobbing the offending judge (as they considered him), but every piece of granite of the temple of justice had, in their estimation, committed an offense against the humanities of the people of Massachusetts.

Yet, sir, how often have we heard on this floor the Senator from Massachusetts arraigning before the bar of Congress Southern communities and Southern States as though they were under his guardianship, his tutelage, and were responsible to his majesty for their conduct and their attitude toward the Federal Government of the United States, selecting every random piece that he could pick up from newspapers, religious and nonreligious, and basing upon these irresponsible sources the grave issue of trying and condemning the Southern States, in the face of the record which I have this day presented to the attention of the Senate.

He also spoke, Mr. President, of the suppression of the vote, of the political proscription existing in the South, appealing to us almost in lachrymose tones to do justice to the negro, and in the name of heaven to let the negroes vote and to let their votes be counted. Why, Mr. President, the State of Massachusetts is fruitful of very important historical events.

I would remind the Senator from Massachusetts that, in my estimation and in my judgment, the case of the most relentless, unblushing, cruel, and unconstitutional political proscription is one that occurred in the State of Massachusetts.

Sir, it was the aim of our fathers who framed the Constitution of the United States that this question of religion should never enter into our

political deliberations or political action. From the bloody history of England they gathered the wisdom to provide that the people of the United States should be exempt from that terrible curse, religious contention and religious proscription; that it would be in violation of the spirit of the Constitution that any State or any political party should establish a religious test as a qualification for office in this country.

And yet, Mr. President, do we not remember the period of 1854 and 1855 in the State of Massachusetts, when her people decided by an overwhelming majority, on a question that stirred the State from top to bottom, the principle and the proclaimed determination that no man who worshiped God in a Catholic church should hold office in the State; that before he became qualified (in the estimation of the people of that State), before he could reinstate himself as eligible to political office, no matter how insignificant, in the State of Massachusetts, he must renounce the religion of his mother and bow down to Massachusetts' Protestantism, and worship that God and that God alone?

Was that the justice, Mr. President, which the Senator from Massachusetts invokes from us? Was that the toleration which he invokes from us? Ah, Mr. President, if that platform of Massachusetts and that political faith of Massachusetts had not been destroyed and exterminated in this country by the sturdy democracy of this land, this country from one end to the other would have been plunged into civil strife and human blood would have flowed on every political field of this vast domain.

But that is not all, Mr. President. Not satisfied with making war upon the religion of their fellow-citizens, reviving the days when they burned convents and expelled nuns from their consecrated habitations; not yet satiated with that infernal spirit of political proscription which makes the blackest page that has been written in the history of this country; not satisfied with having gorged themselves with political power secured by having trampled upon the religion of their fellow-citizens, they extended their political warfare and their political proscription in still another direction, and declared in their platform and in their political creed that no man who was born abroad, although he might be a naturalized citizen of the United States, was qualified to hold office in the State of Massachusetts; that Mr. Pat Collins, who has served his State with distinction in the other House; who has conferred—though he would not say so himself—honor upon the constituency which he represented in the other House, and who only a few days ago was tendered a position by a Democratic governor as judge of the supreme court of Massachusetts; that John Boyle O'Reilly, that great Irishman who made fame by his honesty, his patriotism, and his literary attainments, around whose tomb the other day were gathered, irrespective of party, thousands and thousands of Boston citizens, feeling that the State of Massachusetts had suffered a terrible bereavement—that those two men, under the political creed which existed, and which probably the Senator from Massachusetts, if he had been old enough, would have indorsed, were unworthy for a double reason to hold any office in the State of Massachusetts, one because they were Catholics and the other because they were foreign-born citizens.

Mr. President, I have occupied more time than I intended, and I shall conclude very shortly. I do not wish to be offensive to any Senator, but my candid opinion—and I have to speak candidly because this is a great question, in which my people are very seriously concerned—is that this whole bill, from the beginning of the first section to the end of the last section, is intended for no other purpose whatever than to attempt to carry elections by fraud and by military force. If your object was merely to scrutinize and inspect, if your object was merely that Federal officials should ascertain how many frauds are being committed by State officials, who commit the offense or violate the election laws, the statutes now in existence are ample for any such purpose. Under the existing law I have seen Federal supervisors in the State of Louisiana present from the time the very first name was registered up to the time when the very last vote from the very last box was counted.

Mr. GORMAN. I have seen the same.

Mr. EUSTIS. The Senator from Maryland says he has also. I have no doubt of that. I have seen the chief registrar of the parish of New Orleans, who came to consult me, and upon my advice not to obey the instructions of the chief supervisor was arrested ten times on ten consecutive days; and I declare that if you have the honest purpose of simply supervising, inspecting, examining, and ascertaining the result of any election wherein a member of Congress is voted for, under the existing statute you have every provision of law which is necessary for that purpose.

If you want to arrest State officials, if you want to arrest Democratic voters, you have that power to the fullest extent, and you have exercised it at your good will and your good pleasure. Thousands and tens of thousands of Democratic voters of this country have been arrested by your United States marshals under instructions from United States supervisors. Why are you not satisfied with that? Why should not this be a limitation upon your powers and upon your political influence? What is your motive for destroying the peace of communities, degrading the States, impeaching governors, and usurping this political power beyond that which you have enacted by your own party and which you exercise to-day?

Ah, Mr. President, it is not the inspection of votes, it is not the examination of votes, it is not the ascertainment of the result that you are seeking to accomplish by this law. It is the canvassing and the certifying of the result. That is the vermin that is to be produced by your law. That is the putrid matter that is introduced in the statutes. That is the political cunning that underlies and permeates this statute. You are not satisfied that the people themselves shall open to your inspection everything that there is to inspect and examine, that you can collect evidence if you choose from this inspection and this examination.

No, Mr. President, you want to establish and to create Republican returning boards in Democratic States. That inspiration comes from a gentleman who, like the Senator from Massachusetts, is not a partisan—Mr. THOMAS B. REED! He was actuated by no partisan motives! It was no partisan inspiration of his when he declared in a speech at Pittsburgh, Pa., that the Republicans would never be satisfied until they had their own canvassing and their own certification of results.

Now, Mr. President, I heard the Senator from Massachusetts on this floor tell the country that in 1876 this country had reached a most serious crisis; I heard him, and he said it with strong and uncontrollable emotion. I heard him inform this country that it was by a miracle that the American people were saved from civil war. I heard him compliment these Southern representatives in this Chamber for their conduct upon that occasion, when they came forward, not as partisans but as patriots, to stem this tide of excitement and to restore peace and public order in this country. Has the Senator from Massachusetts forgotten that that crisis of which he spoke, that peril which he depicted, that serious danger with which the peace of this Republic was confronted, was the result of Republican returning boards in the South?

Mr. HOAR. State returning boards.

Mr. EUSTIS. The Republican returning boards.

Mr. HOAR. State returning boards.

Mr. EUSTIS. It does not make any difference now whether they were State returning boards or not; your returning boards will be worse than State returning boards.

State Republican boards. But even under that infamous returning-board law of Louisiana, by which these infamous rascalities and villanies were consummated and accomplished, receiving the approval and indorsement of Republican chiefs in this Chamber—even that infamous returning-board law had limitations which this law does not possess.

If I do not commit any offense in the supposition that there has been no improvement in the political morality of the Republican party, and that if in 1876 they were capable of committing every crime in the catalogue, not hesitating at perjury and forgery, in order to promote the fortunes of the Republican party—I tell the honorable Senator from Massachusetts that unless he can demonstrate—which I do not think was demonstrated at the last Presidential election—that the Republican party is more pure, that its political moralities are improved, I tell him that he takes the responsibility of fathering and advocating a measure which, if we are to judge of the truth of history in the past, may precipitate our common country to the very verge of conflict and civil war.

And that is the measure that he offers to the people of the North; that is the measure that he offers to the people of the South, a people now engaged in their industrial pursuits, engaged in the development of the material resources of the country, engaged in advancing their fortunes and their prosperity in order to make their just contribution to the wealth, the power, and the grandeur of our country. I tell him that if in 1876 we honestly and patriotically tendered him our conservative votes that saved the people of the North and the people of the South from impending catastrophe, we again, in the same spirit, tender him the same conservative votes, which we beg him to accept.

Mr. President, the people of the South of course feel an intense interest in this important measure. They have passed through great trials, through great tribulations, and have been confronted with very serious situations; and, sir, if they are to be again called to face another terrible ordeal you will find that they will show that same resolute calmness, that same self-sacrificing devotion, that same heroic fortitude, that same sublime constancy which have extorted tribute even from the lips of the Senator from Massachusetts. [Applause.]

Mr. HOAR. Mr. President, after some months since this measure was before Congress, after some weeks of continuous debate, and after individual speeches, prolonged not only through four or five days, but through nights to the weary torture of the Senate, the Senator from Louisiana [Mr. EUSTIS] has broken his silence and addressed himself to the question whether the Journal of the Senate ought to be corrected.

It seems that the honorable Vice President, after a vote, to which there was no audible dissent, on a motion to take up a resolution to change the rules, pronounced that "the ayes seem to have it," and thereupon laid the pending measure before the Senate, had it read, and recognized the Senator from Rhode Island [Mr. ALDRICH] as being entitled to the floor in the debate upon it. But it has been discovered that after the declaration that "the ayes seem to have it" the Vice President did not add in terms, "the ayes have it;" and although he has laid the measure before the Senate, pronounced it the

pending measure, and recognized somebody to debate it, the gentlemen on the other side of the Chamber have spent the entire day, so far, in discussing whether the Journal ought not to be amended, and the Senator from Louisiana [Mr. EUSTIS] seems to think that it is pertinent to that question that he should rise in his place and deliver this diatribe and philippic against the Commonwealth of Massachusetts and against the Senator who in part represents her upon this floor.

I think it is the most extraordinary spectacle, Mr. President, I will not say of impudence or insolence, but of colossal assurance, that I ever witnessed, considering the history of the Senator's own State, considering what his feet stood upon in Louisiana until that State itself spewed him out of her mouth. I think this exhibition is pretty remarkable.

He has discovered, in raking the history of Massachusetts for two hundred and fifty years, that on one occasion a mob went to the house of a commissioner, where they uttered some groans, but, as far as I ever heard, did no mischief, that magistrate having surrendered a panting fugitive to be taken back to the lash of the taskmaster in a Southern State; that on another occasion a judge, who had violated an express statute of the Commonwealth prohibiting its judges of probate from exercising the office of a United States commissioner in the surrender of fugitive slaves, was removed from office for that disobedience.

It is to those two things which the Senator, representing a State in regard to which Philip Sheridan, long before his death, when in command of that department, declared had murdered more men for their political opinions than fell on both sides during the entire Mexican war, a State whose annals are known and known only by the terrible and bloody history of Coushatta and Colfax, and the convention, and the slaying of Twitchell, and the shooting off the arms of his brother, and the thousands and ten thousand infamous cruelties and crimes which are the disgrace and the horror of American civilization, alone in her history calls attention. [Applause in the galleries.]

The VICE PRESIDENT. The occupants of the galleries must maintain order or the Chair will be compelled to enforce the rules of the Senate and have the galleries cleared.

Mr. HOAR. Mr. President, the worst of these crimes no loyal American mentions even, because he does not wish that those stains on the history of his country and on humanity should be remembered in the annals of the future.

Does that Senator, first the beneficiary and next the victim of these political processes, that Senator whom even Louisiana would not tolerate any longer in her service, undertake to arraign the Commonwealth of Massachusetts? Why, Mr. President, the Senator has as little understood the history he has undertaken to recite as if he were a schoolboy in the fifth form. Even then he would be flogged and birched for his ignorance in reciting his lesson in history.

The Commonwealth of Massachusetts never undertook by statute, by constitutional amendment, nor by ordinance to declare that men of the Catholic faith or men of foreign birth should not hold office. The only thing she did, which she changed, in a year or two after it was done, on her own motion and voluntarily, was to provide that there can be an interval between naturalization and the right to vote. She had suffered as New York had suffered in the time of Tweed, by the fraudulent naturalization processes, and she thought that the cure of that evil was to interpose a period between the time of naturalization and the time of admission to suffrage.

The Senator says he supposes that if I had been old enough I should have approved that policy. I will take the liberty of informing that Senator that I was old enough, that I had been engaged in the public service of Massachusetts several years before that policy was adopted; that I resisted it even then, mild as it was, with all my might, and stood in a small minority for a year or two until the returning sense of the people came around to my way of thinking.

Mr. EUSTIS. Will the Senator from Massachusetts allow me to ask him a question.

The VICE PRESIDENT. Does the Senator from Massachusetts yield?

Mr. HOAR. Certainly.

Mr. EUSTIS. At that period, when he resisted Knownothingism, are we to understand that the Senator was a Democrat?

Mr. HOAR. I was not a Democrat, but the men who did the things of which the Senator from Louisiana complains are some of them among the Democratic leaders of Massachusetts to-day. The only survivor, so far as I know, of the attack on the Boston courthouse, and the man who headed that mob, was the Democratic candidate for Congress in the Harvard College district at the last election but one.

Now, Mr. President, the Senator from Louisiana has alluded to my honored friend, Mr. John Boyle O'Reilly. If that eloquent voice, now hushed in death, could speak, if those eloquent lips were not mute, they would be the first to pronounce the condemnation and the indignation of John Boyle O'Reilly at the attitude and the conduct and the utterances of the Senator from Louisiana on this floor. The last time I met Mr. O'Reilly in his life I heard him repeat that wonderful poem delivered by him at the completion of the monument to the landing of the Pilgrims at Plymouth Rock. The tribute of that Irishman and Catholic is as great a tribute as was ever paid to the heroic and illustrious history of Massachusetts. He had what the Senator from Louisiana never will have, the far-sighted tolerance to understand the greatness and glory of that community founded on civil and religious freedom and, in spite of a few slight departures, true to civil and religious freedom throughout all its history. There was no more perfect lover and admirer and appreciator of the Puritanism of Massachusetts than that noble and magnificent Irish Catholic who has just gone to his grave.

Now, Mr. President, I do not propose to follow the Senator from Louisiana through the hours that he has spent in the elaborate tirade of abuse with which he has sought to prolong this debate. The question before the Senate is on the amendment of the Journal, and with that question I propose to leave the Senate to deal.

Mr. CARLISLE. Mr. President, the question immediately before the Senate arises upon the motion made by the Senator from Maryland [Mr. GORMAN] to correct the Journal of yesterday's proceedings; and, although every Senator who has spoken, except one, admits that the correction ought to be made, in view of what has been done and in view of some things that have been said, I desire to be heard for a very few minutes.

The Senator from Ohio [Mr. SHERMAN] says that this is a matter of very small importance. It may be, Mr. President, a matter of very small importance so far as its effect upon the proceedings which took place yesterday is concerned; but the strict and impartial administration of the rules and the strict and impartial observance of all the formalities adopted by legislative assemblies can never be a matter of small importance.

They may appear trivial and unimportant, but they all have a useful purpose to subserve, and upon their observance depend not only the regular and orderly proceedings of the body itself, but the freedom of debate among its members. Perhaps no one has stated more correctly the real purpose of all just rules and forms than Sir Thomas Erskine May in his standard work upon the parliamentary law of England. Speaking of the rules of Parliament he says:

> The rules of Parliament are designed to afford every legitimate opportunity of discussion, to insure reasonable delays in the passing of important measures, and to guard the rights of minorities.

These are the purposes sought to be accomplished by every just code of parliamentary law—free and full discussion, such reasonable delay as will enable the body to deliberate fully upon the merits of every measure that comes before it, and the protection of the minority in the exercise of all its rights.

Now, what occurred yesterday just before the adjournment may not have been important as it affected the proceedings then going on, because the subject-matter before the Senate was not debatable under the rules, but I dissent entirely from the proposition made by the Senator from Connecticut [Mr. PLATT] this morning, that, when the presiding officer had put the question and had heard those who voted in the affirmative and those who voted in the negative and then announced that the "ayes" appeared to have it, he had a right to assume that the question was decided, that the proceedings were closed, and to lay the matter before the Senate.

Sir, under the common parliamentary law of this country every question which is debatable at all—and under that law, as I shall endeavor to show hereafter, all questions are debatable unless there is a rule to the contrary—the right of debate exists to its fullest extent up to the last moment when the presiding officer has not only taken the vote in the affirmative and the vote in the negative, but has announced the result. It is not sufficient merely that he has said the "yeas" are so many and the "nays" are so many, but he must conclude the announcement that the "ayes" have it and the motion is agreed to, or the motion is not agreed to, before the right of debate can be cut off in any parliamentary assembly governed by the common parliamentary law. How often has every Senator upon this floor seen a debate renewed even after the presiding officer had commenced to take the vote, and sometimes continued for hours and even for days.

I concede, Mr. President, that if the presiding officer puts both sides of the question and then states as he did yesterday afternoon that the "ayes" appear to have it, and without any protest or objection from any Senator upon the floor proceeds upon the assumption that the proposition has been carried, the matter is concluded.

But such was not the case yesterday afternoon. In the midst of the confusion which then existed upon the floor the presiding officer omitted to make the announcement either that the ayes have it or that the motion of the Senator from Rhode Island had been agreed to, and thereupon, notwithstanding the Senator from North Carolina [Mr. RANSOM] and the Senator from Alabama [Mr. MORGAN] were both upon the floor endeavoring to secure the attention of the Chair, the Chair laid the resolution before the Senate. I do not speak of this for the purpose of criticising the action of the presiding officer, because we all know how difficult it is at times for those of us who are giving the closest attention to what is transpiring upon the floor to see and hear everything that occurs.

The other incident which occurred yesterday was that while the Senator from Mississippi [Mr. GEORGE] was addressing the Senate the Senator from South Carolina [Mr. BUTLER] rose, addressing the presiding officer, and asked the Senator from Mississippi to yield to him

for what purpose I do not know except what the Senator himself has stated.

The Senator from Mississippi yielded, and thereupon the Senator from Massachusetts [Mr. HOAR] objected, and the presiding officer decided, correctly in my judgment, that a Senator who occupies the floor in his own right can not continue to hold it and yield to another Senator for the purpose of making a speech indefinitely, because under such a rule as that, as very well stated by the presiding officer, one Senator might hold the floor of the Senate throughout the whole session and not only prevent a vote upon the merits of the measure pending, but prevent the consideration of any amendments or anything else.

By the common parliamentary law, as I understand it, no member upon the floor can be interrupted by another except upon a question of order or a question of privilege. This practice which has grown up in the Senate, however, and which it established by a rule, permits a Senator to rise and, by addressing the presiding officer, through him ascertain whether or not the Senator occupying the floor is willing to yield—while it results sometimes in very considerable inconvenience, especially to the Senator who is speaking—is perhaps, after all, a very good rule or practice, because it enables Senators to call attention to the actual points in dispute and have a discussion of the actual questions which the Senate desires to hear.

Mr. GORMAN. That requires no unanimous consent.

Mr. CARLISLE. No, the practice which I have stated requires no unanimous consent. It rests alone with the Senator who occupies the floor whether he will yield or not.

The rule is familiar, I suppose, to the Senate, but I will read it:

RULE XIX.

DEBATE.

When a Senator desires to speak he shall rise and address the presiding officer, and shall not proceed until he is recognized, and the presiding officer shall recognize the Senator who shall first address him. No Senator shall interrupt another Senator in debate without his consent, and to obtain such consent he shall first address the presiding officer; and no Senator shall speak more than twice upon any one question in debate on the same day without leave of the Senate, which shall be determined without debate.

That, as I was about to say, does not require the unanimous consent of the Senate or the consent of any member of the Senate, except the one who is then addressing it. But if the Senator who is then addressing the Chair undertakes to hold the floor permanently, so as to exclude all other Senators from addressing the Chair except those whom he may himself select, I think it would be an abuse of the rule and it ought not to be permitted. But the Senator from South Carolina disavowed any such purpose, and certainly there was no evidence of the existence of such a purpose yesterday afternoon when this occurred.

Mr. HOAR rose.

Mr. CARLISLE. I will hear the Senator.

Mr. HOAR. I desired to ask the Senator when he got through that point if he would be kind enough to give the Senate, as the result of his great parliamentary experience, his views also on the other question which has been discussed somewhat this morning, which I dare say he intended to do.

Mr. CARLISLE. What question is that?

Mr. HOAR. That is, the question of the duty and right of the Chair, when Senators rise simultaneously, to assign the floor to one or the other according to his notion of the will of the Senate and of justice between the sides.

Mr. CARLISLE. I shall speak of that in a moment.

In connection with this same subject I desire to say that in the House of Representatives the absolute right of a member who secures the floor to yield it to any other member is and always has been recognized; but in that case no great inconvenience can result, because under the rules of the House the member himself is limited to one hour, and when that hour elapses the House is again in possession of the floor.

Mr. DAWES. Is it not the express rule in the House that he may yield for the purpose of explaining a measure?

Mr. HOAR. It is the express rule.

Mr. DAWES. That rule was instituted within the last fifteen years.

Mr. CARLISLE. I have no recollection at the present moment of the existence of any conventional rule of the House upon that subject, because my attention has not been called to it, though possibly there may be. At any rate, it has always been the practice.

Mr. President, upon the question of recognition to which the Senator from Massachusetts called my attention—and I speak of it only because he has called my attention to it, for it is not involved, to any great extent at least—in this controversy, of course the presiding officer of every deliberative body has the absolute power, if he sees proper to exercise it, to determine whom he will recognize.

Mr. DAWES. Will the Senator allow me to read the rule to which I alluded?

Mr. CARLISLE. Certainly.

Mr. DAWES. The rule provides that—

While a member is occupying the floor he may yield it to another for explanation of the pending measure, as well as for personal explanation.

Mr. CARLISLE. That is the rule; but, as I have stated the practice, it goes far beyond the rule. Any Representative may yield the remainder of his time to another member and allow him to occupy the entire time, which, as I have stated before, consists of one hour only, and he may yield it to him for any purpose of debate which is legitimate in view of the proceedings then going on in the House.

While the general parliamentary law and while the rules of most legislative assemblies make it the duty of the presiding officer to recognize the member who rises first and addresses the Chair, yet, as a matter of fact, we all know that it is absolutely within the power of the presiding officer to determine at all times which member he will recognize, and from his decision in that matter I know of no appeal, for no one man can say with absolute certainty that the presiding officer saw or heard one member before or after he heard or saw another member.

In the English House of Commons, as I understand the practice, the speaker exercises this right of recognition, but subject at all times to be corrected, by the voice, as it were, of the members on the floor; for the custom there is, if he recognizes a member who is not thought to be entitled to the floor, to cry out the name of the member who is entitled to it, and thereupon the Speaker, in obedience to what he considers the will of the House, recognizes the other member; but if he still doubts he may submit the question to the House.

Mr. HOAR. I desire to ask the Senator if it is not the practice in the House of Representatives for the Speaker, when members arise simultaneously or nearly simultaneously—for instance, if members rise to move to suspend a rule—to recognize the person who he thinks it will be most in accordance with the will or the convenience of the House to have recognized, or if the last person debating has been on one side then to recognize a person on the other?

Mr. CARLISLE. I think the Speaker exercises that sort of discretionary power all the time in giving recognition to members; and moreover, as I said this morning in response to the Senator from Rhode Island, the particular member who is in charge of a measure is always supposed to be, and by the practice of the House is always, entitled to receive recognition when that measure is called up; but it is recognition for the purpose of proceeding with that measure, either debating it or disposing of it in some way; in other words, he is not entitled to any special privilege or recognition for the purpose of doing something else not connected with that measure.

Mr. President, I have said that while this matter which occurred yesterday afternoon is of no great concern so far as it affected the proceeding then going on, yet it may be a matter of vital consequence to the Senate and to the people of this country and it is a matter of vital consequence to the Senate and to the people of this country to preserve intact all the rules and formalities which secure regularity and order in our proceedings. The opportunity to debate often depends entirely upon the observance or nonobservance of some very little and formal matter.

Mr. MORGAN. I beg to say to the Senator from Kentucky that I think it is a matter of very great consequence to me at least that, having the right to take the floor upon the bill, I should have been prevented from exercising that right by a prior agreement between the Senator from Rhode Island and the Chair. I do not think it was right.

Mr. CARLISLE. I am not speaking of that, Mr. President. I am speaking of the action of the presiding officer in laying the resolution before the Senate before the final result of the vote had been announced. The rule as to the right to debate and the time during which that right exists is stated, in better language than I could state it, by Mr. Cushing in his standard American work on the Law and Practice of Legislative Assemblies. He says:

When members no longer rise to address the house on the question before it and the debate appears to be concluded, it is then the business of the speaker to put the question, in order to obtain the decision of the house upon it. If, in consequence of irresolution, or the belief that others are to speak, or for any other cause, members who desire to speak suffer the question to be put before they rise in their places, they are nevertheless entitled to be heard and to move amendments, etc.

Then he quotes from a very old authority these words:

It being a fundamental rule "that the house can not be concluded in anything so long as any gentleman stands up to speak, that respect is had to the gentleman that stands up to suppose that possibly he may say something to give new light into the matter coming to the question so as to change the whole thing; it is not known what a gentleman will say till he speaks."

The right to speak is so sacred and the exercise of it at the pleasure of every member so important to the freedom of debate that the speaker may even be interrupted while in the act of putting the question, on the same principle that a member, whilst speaking, may be interrupted by another member rising to order, or for the purpose of calling the attention of the house to a matter in which its privileges are immediately involved.

The right to speak is a matter of such high privilege that a member on the floor may interrupt the presiding officer himself while putting the question and demand its exercise.

I was very much surprised to hear the distinguished Senator from Vermont [Mr. EDMUNDS] yesterday morning or the morning before insisting that under the general parliamentary law certain motions and certain questions were not debatable. The Senator insisted that notwithstanding the rule of the Senate about the construction of which there has been some controversy, but conceding that the rule of the Senate bore the construction put upon it by the Senator from Maryland, we were then remitted to the general parliamentary law, and that

under that law it was not in order to debate an appeal taken from a decision upon a point of order arising upon an undebatable proposition.

Mr. President, I undertake to say that it is the common law of English-speaking people all over the world that every proposition properly presented for the consideration of a legislative body is debatable unless that legislative body has voluntarily made a rule to the contrary. Universal freedom of speech among the people and perfect freedom of debate among their representatives is the common and unwritten law of the race to which we belong. These legislative assemblies are simply the representatives of the people, and as a matter of fundamental rule or principle it might just as well be contended that the people themselves have no right to discuss a question presented for their decision as to contend that their representatives have no right to discuss the questions presented to them for their consideration.

Wherever the English-speaking people have established a legislative assembly—and they have established these representative assemblies wherever they have settled and established governments—this universal rule has been recognized, and there is no case under parliamentary law where a conventional rule has not been adopted in which the question is not debatable. The motion to adjourn, the motion to lay on the table, and even the motion for the previous question itself were debatable by the common parliamentary law. The Senate in revising its code of rules has recognized this principle, this rule of parliamentary law, as fundamental, and wherever it desired to limit debate or to prohibit debate it has so said in express terms in its rules.

Whoever attempts to abridge debate in an American legislative assembly or to destroy the freedom of speech among the American people must show a warrant for his action. I insist that there is but one single class of appeals provided for in the rules of the Senate which is not debatable, and that is the case where what is called a subsequent question of order arises. Where one question of order has arisen and been decided and there is an appeal from it, and pending that appeal another question of order arises and an appeal is taken from that, the second appeal is not debatable because the rules of the Senate say so, and for no other reason.

Mr. President, no presiding officer who has ever sat in either the House of Representatives or this Chamber has undertaken to deny the right of debate or to abridge that right to any extent whatever except in strict accordance with the existing rules of the body over which he presides, and I do not believe that any one ever will do so.

It was said by the Senator from Vermont yesterday afternoon, and perhaps there was a purpose in saying it, that the so-called clôture resolution was a matter of privilege, and it may be, as suggested by the Senator from Louisiana [Mr. EUSTIS], that we are upon the threshold of a great parliamentary contest. If so, sir, I still have faith that the laws and traditions of legislative assemblies in this free country will continue to be respected everywhere, not only in the chair, but on the floor. The utmost extent to which any presiding officer has ever gone even in the consideration of matters of the highest privilege was to hold that dilatory and obstructive motions would not be entertained; not that the freedom of debate should be destroyed or abridged; not that the representatives of the people should be denied the right to be heard upon the propositions upon which they were to vote, but simply that in the consideration of these matters of high privilege the time of the assembly should not be wasted by motions made for mere purposes of delay and obstruction.

Beyond that no presiding officer has ever yet gone. Beyond that no legislative body sitting in this Capitol at least has ever authorized them to go. When it was sought to abridge or to suppress debate in the British House of Commons the power was not given to the speaker absolutely to do it from the chair, but he was authorized simply to formulate and lay before that body a set of rules which would enable the body to do it for itself.

I am reminded by the Senator from Maryland [Mr. GORMAN] that a former presiding officer of this body, Vice President Colfax, decided that every appeal was debatable, no matter upon what it arose. That is simply in the line of the argument I am endeavoring to make, and I think it can be established by reference to abundant authorities that at the common parliamentary law not appeals only, but every question that comes before the body, is debatable unless there is a conventional rule to the contrary. The motion to adjourn is debatable. The motion to lay on the table is debatable. The motion for the previous question was debatable in the English House of Commons from the time it was first established in 1604 or 1605 until the present hour, and that motion is not used there for the purpose of suppressing debate. It is used for the purpose of suppressing the subject itself and enabling the body to dispose of it without voting directly upon it; and for that purpose it prevailed in this Senate until perhaps about the beginning of the present century.

Mr. ALDRICH. Will the Senator allow me to interrupt him?

Mr. CARLISLE. Certainly.

Mr. ALDRICH. Is the Senator aware that in the Senate until 1828 the presiding officer, the Vice President, decided all questions of order without appeal and without debate?

Mr. CARLISLE. Certainly.

Mr. ALDRICH. And that Mr. Jefferson stated that that was the common law which governed the proceedings of the Senate?

Mr. CARLISLE. I have said nothing at all inconsistent with that. All I have said is——

Mr. ALDRICH. Then I certainly misunderstood the statement of the Senator, if his whole statement was not inconsistent with it.

Mr. CARLISLE. Not at all. All I have said is that when the question is presented to the Senate it is debatable. I have not undertaken to say that at the common parliamentary law there was any appeal from the decision of the Chair to the body over which he presides.

Mr. ALDRICH. Or any debate.

Mr. CARLISLE. There is none now in the English House of Commons.

Mr. ALDRICH. And that is the rule which would govern the Senate, provided there were no rules.

Mr. CARLISLE. The proposition I make is that as soon as you gave the Senate the right to pass upon an appeal, as soon as you provided by your rule that the question should come before the Senate for its decision, then it came there as every other question must come before a legislative assembly, subject to debate unless you provided to the contrary in the rules.

Mr. ALDRICH. I understand the Senator to be laying down what he claimed would be the common parliamentary law which would apply to the Senate in case there were no rules——

Mr. CARLISLE. But we have a rule allowing appeals——

Mr. ALDRICH. Where the rules did not apply——

Mr. CARLISLE. Oh no.

Mr. ALDRICH. And I say the rule which applied to the Senate for the first thirty-nine years of its existence and which would apply to-day, so far as I know, if there were no rules, was that all questions of order should be decided by the Vice President without appeal and without debate.

Mr. CARLISLE. I agree to that, but the Senate has adopted a rule which authorizes the President of the Senate in the first place to decide the question of order without debate, but provides that upon that an appeal may be taken to the Senate.

Mr. ALDRICH. In certain specified cases.

Mr. CARLISLE. Certainly, and now my argument is that in every case where an appeal can be taken to the Senate, except in the one single case where it has provided to the contrary, that appeal is debatable, and that is the whole of my proposition. If you have no rule whatever upon the subject, then the parliamentary law as stated by Mr. Jefferson would apply, and the presiding officer of the Senate would decide it himself without debate and without appeal. The Senate itself could never be called upon to pass its judgment upon the proposition, and of course there could be no debate. But whenever and under whatever circumstances the Senate is called upon to pass its judgment upon any proposition it has the same right to debate as the people have to discuss questions submitted to them, unless you show a rule or a law to the contrary.

Now, as I have said, the motion for the previous question itself was debatable, and therefore it afforded no opportunity whatever for closing debate. The form of the question, as it was finally modified at common parliamentary law, was that the main question be now put, and that was debatable. Mr. Jefferson says in his Manual that, pending the motion for the previous question, amendments might be offered to the main question, and those amendments might be discussed also, thus broadening the scope of the debate. If the body refused to sustain the motion, that is, refused to vote that the main question be now put, then the main question was simply suppressed for that single day.

Senators will therefore see that it could not possibly be used to suppress debate, because all those who desired to debate the main question had to do was to discuss the motion for the previous question until the House adjourned, and then the next day the motion for the previous question had to be made again and go through the same process. Its effect was to suspend for the time being a discussion upon the merits of the original proposition.

Moreover, this motion for the previous question could not and can not now be made upon any subsidiary motion, such as to lay upon the table or to postpone or to commit, and all those questions are still debatable and the discussion may go on *ad infinitum*. So the rule which is now proposed here goes just as far beyond the previous question as known to parliamentary law in England and formerly in this country as it is possible to go. That previous question in that form and with that effect prevailed in this body, as I said a moment ago, until about the beginning of the present century, and no instance can be found where it was used to suppress or abridge debate. Its purpose was entirely different.

Perhaps, as suggested by the Senator from Maryland, it was only invoked three times in the Senate, but the original purpose of course is known to all who have given any attention to parliamentary law. It was to take away from the body disagreeable and delicate subjects upon which it did not desire to vote directly. The motion was that the main question be now put, and the member who made the motion voted against his own motion, that the main question be not now put, and

thus he removed the subject from the body; and that was its whole purpose.

Mr. President, I have not taken part in this debate to-day for the purpose of consuming time, nor do I know or believe that any other Senator has; but I thought it proper to say this much in view of the positive statements made by the Senator from Vermont [Mr. EDMUNDS] a few days ago, that in the absence of a rule prohibiting debate it was the duty of the presiding officer of this body to refuse the privilege of debate upon an appeal. So far as I am concerned I hope that the measures which have been delaying the consideration of the regular business of the session for so long may be disposed of in some way at as early a moment as possible, in order that Congress may proceed to discharge the duties for which we were sent here.

I shall not attempt to discuss the clôture rule now, for I presume we shall have an opportunity to do that hereafter, nor to express my opinion upon the election bill. Those are the two questions, the two irritating subjects, which stand in the pathway of Congress and prevent it from approaching the consideration of the appropriation bills and other legislation which the country needs and which it expects at our hands, and with which this side of the Senate, so far as I am advised, is ready to proceed.

Mr. VEST. Mr. President, it would be extreme vanity upon my part to presume that I could add anything to the discussion of parliamentary law and usage to which we have listened from Senators on both sides of the Chamber. I have never pretended to be an expert as to parliamentary law, and although my public service antedates by some years my service in this body, I confess with very great modesty and some contrition that my knowledge of parliamentary law has been and is confined to the rules that a motion to adjourn and a motion for the previous question are always in order. When I came to the Senate of the United States and found that the previous question did not obtain here, I was remitted to the isolated fact that a motion to adjourn is always in order. I am told now that the additional rule is to be added of the previous question as to the proceedings of this body; and, Mr. President, permit me to say that the events upon yesterday would under ordinary circumstances be trivial but for the fact that the shadow of this clôture rule, which goes further than the ordinary previous question, rests upon all that we do and say now upon every subject. There is a tension not only in this Chamber, but throughout the country, an extreme tension, brought about by the intimation that the time is rapidly approaching when the presiding officer of this body will, under some general and nebulous parliamentary law, declare that debate is ended and that freedom of speech has ceased to exist in the Senate of the United States.

This has been for one hundred years the tribunal in which absolute liberty of speech has existed. In this body there has been a conservative feeling which has withstood all the storms of partisan passion and rage. The great popular branch of Congress has given way under political emergencies, and extraordinary methods outside of the law and the Constitution, in my judgment, have prevailed in order to bring about the objects of party. But it has been the boast of the Senate and of all its members and of all the great men whose names illustrate our history, and whose services will last in memory so long as we have a country, that here in this Chamber was liberty of speech, if it ceased to exist everywhere else.

Mr. President, with the shadow of this clôture rule resting upon us, with the intimation which has almost come to be a matter of knowledge that the most extreme measures will be used to terminate this debate, I shall make no apology for giving my opinion upon the questions that are pending now before the Senate.

The extraordinary spectacle is presented in a representative government, supposed to be based upon the will of the people, where the popular voice is understood to have a response through representatives of the people—the extraordinary spectacle is presented of a most extreme, harsh, irritating measure being forced, against popular sentiment and in the face of a recent popular election.

When during the last session the tariff bill was under consideration we were repeatedly told that both parties would go to the country, and that the people of the United States would decide the great issues at the polls. In the co-ordinate branch of the Government action had also been taken upon this pending bill. It was then here in the Senate of the United States, and only postponed because the tariff introduced an influence that overshadowed the pending bill and caused us to go to the consideration of tariff taxation. But when we adjourned and went to the people of the United States, this pending bill was an issue, made so in every county in every State of the Union. The people at the November election passed their judgment, delivered their verdict upon this pending bill, as well as upon the tariff measure, which had been signed by the President and become a law.

We reassembled here in the face of a great defeat inflicted upon the Republican party, which for a quarter of a century had controlled the destinies of the American people. We came back and the shattered columns of our Republican adversaries hesitated and wavered in the presence of the popular verdict that had been rendered at the polls; but party necessities became supreme. The leaders of the Republican party determined in view of the overwhelming popular defeat that had come upon them to make a new alignment of their forces and to perpetuate their power by trampling upon the will of the people and through coercion in the shape of the pending bill to bring about what they had failed to achieve at the polls.

Every intelligent man in this country to-day understands the meaning of this bill politically. It means that in order to avert the great disaster that formulated itself in the November election this bill is now to be put upon the statute books in order that intimidation and coercion and national force shall overcome the will of the majority of the people of this country and continue political power in the Republican party. That is the plain meaning of it, and in order that this desperate measure may become a law it is now supplemented by the attempt to destroy the usages of the Senate, to trample down in the only place in this country where free speech exists the constitutional right of the Senators of sovereign States within their sphere under the Constitution to be heard here in the discussion of great questions as representing the will of their constituents.

Mr. President, let us hope that what the giants of the past failed to achieve the leaders of the Republican party to-day can not accomplish. It becomes of the utmost importance for us to know the attempts that have been made under great party excitement and party exigencies, like that which now has come upon the Republican party, in the past, by whom it was attempted, and what has been the result.

Do our friends upon the other side of this Chamber think that they can to-day defy the public sentiment of this country and do what for one hundred years has been attempted in only a few instances and then without success?

We talk of a representative Government; we boast in each recurring celebration of our National Independence of the antithesis in regard to liberty and popular representation between this country and that from which we separated; we talk of this grand Republic, where the people are supreme, the imperial people, and then of the downtrodden people of England, from whose clutches we escaped during the Revolution. Mr. President, if a general election had been held in England upon a great pending question like that in the bill now before us, if the ministry had gone to the people and been defeated as the Republican party has been defeated, every British minister would have surrendered his portfolio; the Queen would not have dared to thwart the popular will expressed at the polls.

Now, what has been the history of the attempt to introduce this clôture rule, or previous question, in the Senate of the United States? I have before me an official record from the beginning to the end of this whole question, collated with great care and absolutely accurate.

In 1850, during the long debate on the admission of California, Mr. Douglas, of Illinois, offered a resolution for the previous question in the Senate, but when it came up in its order it was laid on the table without a word of debate. (Congressional Globe, first session, Thirty-first Congress, volume 21, part 2, pages 1466 and 1688.)

At the same session Mr. Underwood, of Kentucky, offered a resolution for a new rule, by which an amendment could be laid on the table without carrying the bill or resolution with it. That resolution was opposed as being a sort of previous question and was withdrawn by Mr. Underwood. (Congressional Globe, volume 21, part 2, first session, Thirty-first Congress, pages 1688, 1689, 1690, and 2034.)

March 10, 1870, Mr. Hamlin submitted a resolution that, where a subject had been for two days under consideration, it should be competent, without debate, for the Senate by a two-thirds majority to fix a time not less than one day thereafter when the main question should be taken, but allowing each Senator who offered an amendment to speak five minutes on the same and a like time for another Senator to reply. No action was taken upon this resolution. (Congressional Globe, Forty-first Congress, second session, part 2, page 1819.)

March 25, 1870, Mr. Wilson, of Massachusetts, submitted a resolution instructing the Select Committee on the Revision of the Rules to inquire into the expediency of adopting a rule for the remainder of the session providing that when a bill shall have been considered for two days two-thirds of the Senators present may order it to a third reading.

Mr. Thurman objected to the resolution and it went over.

April 7, 1870, the resolution was laid before the Senate, and on motion of Mr. EDMUNDS it went over.

When the resolution was again called up it was agreed to, but the committee never submitted any report upon it. (Congressional Globe, Forty-first Congress, second session, part 3, pages 2212, 2479, and 2669.)

April 4, 1870, when the Senate was considering a bill "to admit the State of Georgia to representation in the Congress of the United States," Mr. Chandler, of Michigan, offered a resolution that, upon the resumption of the consideration of the Georgia bill, there shall be no adjournment or recess until the final vote be taken.

Mr. Thurman objected, and the resolution went over. (Congressional Globe, Forty-first Congress, second session, part 3, page 2386.)

The resolution was called up April 14, 1870. In the course of the debate, Mr. Anthony, of Rhode Island, opposed the resolution on the ground that it would be setting a very dangerous precedent. I call the attention of my friend from Rhode Island to the language of his illustrious predecessor, that it would be setting a very dangerous prec-

edent and taking away very important and precious rights of minorities.

Mr. EDMUNDS made the point of order that the resolution did not comply with the fifty-third rule, and therefore was out of order.

I have not had time to look up that rule, but I am curious to do so to see what part of the fifty-third rule that resolution did not comply with.

The Vice President sustained the point of order and the resolution was ruled out. (Congressional Globe, Forty-first Congress, second session, part 3, pages 2669 and 2670.)

March 17, 1873, at the special session of the Senate, Mr. Wright, of Iowa, offered a resolution instructing the Committee on the Revision of the Rules to inquire into the propriety of so amending the rules as to provide, first, that debate shall be confined and be relevant to the subject-matter before the Senate; second, that the previous question may be demanded either by a majority vote or in some modified form, etc.

Mr. Thurman objected to the consideration of the resolution and it went over.

March 19, Mr. Wright called up his resolution and a debate occurred, participated in by Messrs. Thurman, Bayard, Casserly, and Carpenter, who opposed the resolution, and by Mr. Wright, of Iowa, and Mr. SHERMAN, who favored a limitation of debate. Mr. STEWART favored the reference of the resolution, as did Mr. Anthony, the latter stating that he was not in favor of limiting debate in the Senate, but was perfectly willing that the resolution should go to the Committee on Rules.

The motion to take up the resolution was defeated on a yea-and-nay vote—yeas 25, nays 30. Among the nays were Alcorn, Boutwell, Cameron, Carpenter, Fenton, Ferry of Connecticut, Gilbert, Hamilton of Texas, Morrill of Maine, Morton, Oglesby, Patterson, Robertson, Schurz, and West—Republicans. (CONGRESSIONAL RECORD, volume 1, Forty-third Congress, special session of the Senate, pages 90, 113, 117.)

April 23, 1890, Mr. CHANDLER, of New Hampshire, offered a resolution that whenever a bill or resolution reported from a committee is under consideration the Senate may, on motion to be acted on without debate or dilatory motion, order that on a day not less than six days after the passage of the order debate shall cease and the Senate proceed to dispose of the bill or resolution; and when said day shall arrive, at 3 o'clock the vote shall be forthwith taken without debate or dilatory motions upon any amendment to the bill or resolution, and upon the passage thereof. Whenever a quorum of Senators shall not vote upon any roll-call, the presiding officer, at the request of any Senator, shall cause to be entered upon the Journal the names of all Senators present and not voting, and such Senators shall be deemed and taken as in attendance and present as part of a quorum to do business, and the declaration of the result of the voting shall be made accordingly, etc.

The resolution was referred to the Committee on Rules and not reported back. (CONGRESSIONAL RECORD, volume 21, part 4, Fifty-first Congress, first session, page 3704.)

Mr. President, there is the history from the record of the previous question, or the clôture rule, which is another form of the same question, in the Senate of the United States. I make no apology now for referring briefly to the only extended debate had upon this subject that can be found in the RECORD. It is the debate referred to in the memoranda that I have read from, when Messrs. Bayard, Casserly, and Carpenter participated. Mr. Bayard stated the position of the opponents in this language:

Mr. BAYARD. Mr. President, I look with great disfavor upon this proposition; nor do I know of any justification for the charge that the public business has been obstructed by the forms of debate in this body. I do not mean to say that members may not at times have grown impatient, especially those whose power was assured, and who were therefore eager for the victory which was sure to come to them by force of numbers. As to the obstruction of public business, as I say, I know of none. I can think of no instance of it. Will it not be time enough to make this change in the rules of our debate when experience has shown the necessity for it?

Free speech is what was intended to be secured by the rules, as we now have them. Free speech is what we have had under them, and without meaning to make an issue of fact with the honorable Senator who has just taken his seat, or with any other Senator on this floor, I must declare that in my experience in this body I have known no abuse of the privilege of debate. On the contrary, I have known great advantage to come from it. The majority have it in their power to enact measures into laws. Leave, then, at least, to those who oppose you, the privilege of protest and the privilege of giving the reasons for their protest. "Strike but hear;" and do not hasten so to strike without hearing.

I shall at all stages oppose any proposition that undertakes to limit debate beyond the just discretion of members here. There is a personal responsibility of men to their country and their constituency on this subject which ought to be sufficient, which in the past has proved sufficient to protect the country. As I have said, I look with great disfavor upon the proposition of introducing any gag law into the rule of debate in this body. There surely is no necessity for it upon the ground of public business, and no mere expediency will justify it. Gentlemen may be a little fatigued sometimes at hearing views opposed to their own in this Chamber, but they should recollect that, after all, it is a poor privilege for men to speak when defeat certainly awaits them at the end of the debate. The minority know that fact, and so long as it is possible to appeal to the reason and by argument to produce a change in votes, the time is well spent, and I trust it will not be the disposition of the Senate to shorten it. It will be time enough to set on foot these rigorous measures when an abuse has occurred. I do not admit that it has occurred yet. I do not think it can be justly said to have occurred yet, and I therefore hope the Senate will indicate their unwillingness to take the first step even for referring for information a resolution of this character to a committee.

Mr. CARPENTER——

Mr. EDMUNDS. Will the Senator yield to me for a question?

Mr. VEST. Certainly.

Mr. EDMUNDS. Let me ask the Senator—I came in while he was reading—whose remarks he was reading from then?

Mr. VEST. Those were the remarks of Mr. Bayard, of Delaware.

Mr. EDMUNDS. Now, I wish to ask the Senator, if he will allow me, what Mr. Bayard would say after the exhibition of to-day about a question of the amendment of the Journal.

Mr. VEST. If the Senator from Vermont will permit me to take my own course in debating this question I think I shall come to the question that he propounds.

As to what cause there is for departing from this great rule in the Senate of the United States as shown in present facts and in surrounding conditions, I deny absolutely that there is any excuse for putting this clôture rule into effect. I say that until every Senator representing a State in this body has been heard in his own fashion, it is an outrage to suppress the liberty of speech here. There are nine Senators upon this side of the Chamber who have not spoken upon the pending elections bill. I can say for myself that, while I have been prepared to say what little I chose to say for weeks, I have not done so because other Senators, older than myself in years and who had pressing reasons, asked that they should be heard, and I gave way to them. It is an assumption that we have wasted time here. The Senator has no right to assume that we look upon this measure as he does. On the contrary, we regard it as an outrageous and infamous measure, as one involving personal liberty and one attacking constitutional freedom, and we would be recreant to every trust that our people have put in us if we did not fight it by every honorable and parliamentary method which can be used by a minority.

Mr. EDMUNDS. Will the Senator yield to me—I do not mean to yield the floor—but for a question?

Mr. VEST. Certainly.

Mr. EDMUNDS. If I may be allowed to remind the Senator, the pending question has been all day on amending a particular paragraph of the Journal, as written, in respect to the accuracy of what took place yesterday, and three-quarters, if not nine-tenths, of the debate to-day has been upon an entirely different question. Does the Senator mean to say that that is fairly and honestly legitimate?

Mr. VEST. Yes, Mr. President, a thousand times yes, under the circumstances. We are told here, if not in direct terms, by inference which is absolutely irresistible and unavoidable, and we can taste it in the surrounding atmosphere, all these corridors are full of it, and we can hear it all over this Capitol and in the public press, that the time is rapidly approaching when debate will be ended in this Chamber by the action of the presiding officer. When that is to come we can not tell. It may be in an hour, it may be in a day, it may be in a week, but that rests entirely with the majority in this Chamber. It is conceded here that ultimate action on this clôture rule, brought here from the caucus of the Republican party by their accredited agent, the Senator from Rhode Island [Mr. ALDRICH], is simply a preliminary movement.

Are we not to avail ourselves of every opportunity under parliamentary rules to address the people of the United States in regard to a bill which we think affects, and not only affects but attacks, the fundamental doctrine of constitutional liberty in this country? I make no excuse for speaking upon the whole subject whenever I can in view of the attitude of the Republican party here now, especially in view of the action of the presiding officer of this Chamber last evening when a Senator, exhausted in his place, asked the poor privilege that a brother Senator should read an extract for him, and that privilege was denied him upon the objection of a Republican Senator, and that objection sustained by the Chair. Never before in my twelve years' service in this Chamber have I seen that done. Never before have the ordinary rules of courtesy been violated in order to meet a supposed political exigency.

Mr. President, the right of a minority, inside of parliamentary rules, to resist in every way possible what they consider to be an infraction of the spirit of the Constitution, if not its letter, what they believe tramples upon the dearest rights of a free people, is a right sacred in itself and which no brave and honest representative will ever surrender.

Mr. President, we have heard great complaint in this Chamber about the *tu quoque* rule, as it is called in the old Latin phrase. We have heard from two or three Senators, "Oh, yes; your whole argument is, 'You have done these things in the North also. It is true the Southern people have been guilty of outrages; but you have inflicted outrages upon the Chinese, and you have scenes of disorder and bloodshed in your own communities;' " and they say this is not an argument at all. The Savior of mankind used it when He said:

Judge not, that ye be not judged.

For with what judgment ye judge, ye shall be judged: and with what measure ye mete, it shall be measured to you again.

And why beholdest thou the mote that is in thy brother's eye, but considerest not the beam that is in thine own eye?

Or how wilt thou say to thy brother, Let me pull out the mote out of thine eye; and, behold, a beam is in thine own eye?

Thou hypocrite, first cast out the beam out of thine own eye, and then shalt thou see clearly to cast out the mote out of thy brother's eye.

I have seen upon the other side of the Chamber in my service here of twelve years, on occasion after occasion, the Republican seats vacant

in order to break a quorum. I have seen Senators who are now before me sit in their seats and sneeringly refuse to answer to their names in order to thwart the will of the majority in this Chamber in the two years that we held control here.

I witnessed, time after time, Republican Senators trample upon the rules of the Senate, and their only plea for it was party exigency in order to defeat measures which they considered were detrimental to their political supremacy in the United States. I recall upon one occasion when that gallant old soldier, General Burnside, then a Senator from Rhode Island, whom I afterwards with loving hands helped to bury in the State he represented, stood upon this floor and publicly, as the RECORD shows, begged pardon for having violated the rules of the Senate in having been led by the action of the Republican caucus into trampling under foot the will of the majority fairly expressed here, and he said, "I have done it heretofore under the solicitation of my associates, but, so help me God, I will never do it again." [Applause in the galleries.]

Mr. EDMUNDS. Order! Order!

Mr. VEST. Now the tender conscience and the silken ear of the Senator from Vermont, who was here then and participated in those scenes without protest upon his part, are lacerated and torn by the spectacle of a little delay on the Democratic side.

Mr. EDMUNDS. A little delay?

Mr. VEST. Yes, a little delay. [Laughter.] If the Senator likes that word, let him mouth it and swallow it and digest it—a little delay, infinitesimally little compared with the evils in this infamous bill which you propose to force upon the country against public sentiment. When you are attempting to trample upon the will of the people of this country as expressed at the polls, as expressed in the public newspapers, and as expressed by leading men, North and South, of the Republican party, your own party, we are to sit here like dumb cattle to be driven to the sacrifice, and then when we undertake to use our constitutional redress and the means that the law of the country has put in our hands, we are told that we are obstructing the public business!

There was a Senator once in this Chamber, the most brilliant whom I ever served with, a lawyer, an orator, and a statesman, who could rise above party—I mean Matt Carpenter, of Wisconsin. Here is what he said about this clôture rule, and he was beyond doubt a Republican:

Mr. CARPENTER. Mr. President, I entirely concur with the Senator from Delaware who has just taken his seat.

There ought to be one place in this Government where there can be not only free debate, but full debate.

He speaks to-day from his grave and tells his associates here what is the dearest right of a Representative of the people in the Halls of Congress.

There is another body of very honorable men, to which I can not refer, but of which I have heard more or less, of whose doings I have seen some things, where a previous question obtains, and I certainly shall never vote nor give the slightest encouragement by any vote of mine to establish a previous question here.

Senator Carpenter said that in 1873 of another place, which I shall not name. What would he have said if he had been here and witnessed the scenes in that other place during the last session of Congress? What would he have said if he had witnessed the outrageous and flagrant disregard of rules, when the will of one man supplanted that of the Representatives of the entire people; when laws were enacted by the will of a committee of three and no measure could be considered unless it came from that committee; when the will of the people of the United States goes for nothing before the *ipse dixit* of three men, whose action is subordinate to that of one, whose only purpose is to bring about political supremacy for his party and himself?

Mr. President, I have read from the record all that I can find upon this subject. It is not all the authority that can be had. I am not in the habit of reading the past utterances of my colleagues for the purpose of convicting them of inconsistency, but I desire to read from a great authority, circumstances and conditions considered, as to the propriety of this clôture rule in the Senate. I do not read this as an attack upon the distinguished author, but I read it in order to appropriate the argument he makes.

Mr. TELLER. I should like to ask the Senator what he reads from. I did not hear it.

Mr. VEST. I was about to state that. I read from an article which has obtained some notoriety in The Youth's Companion, of Boston, Mass., November 13, 1890, and it is a monograph on the Senate by Senator GEORGE F. HOAR.

The word "Senate" comes from the Latin word *senex*. It meant, at first, an assembly of old men.

That is interesting information.

People used to believe that only old men were fit to make laws. This is shown by the titles of the chief lawmaking assemblies of different countries, some of which are still in use. The Latin *senatus* or *patres conscripti* (conscript fathers), the Greek *gerousia* (from *geron*, old man), the Saxon *aldermen* or *aldermen*, the French *seigneur*, preserve traces of this early usage.

In some cases where the name is kept, mature age is no longer required for the office. The Constitution of the United States provides that "no person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen."

But the State Legislatures, in the appointment of Senators, have adhered much more closely to the theory from which the body derives its name than the Constitution itself requires. The average age of the persons who now compose the Senate is sixty years. It has but eight members who are less than fifty years old, and not one less than forty-five.

The Government established by the Constitution of the United States differs from those of other countries in many things, but especially in five essential particulars.

Then the Senator proceeds to give these five essential particulars. I now come to what is pertinent to the clôture rule. Senator HOAR says:

The Senate also differs from the House of Representatives, and I believe from all other legislative bodies in this country, in that the "previous question" and every other device for putting an end to debate, except that of unanimous agreement, is unknown to its proceedings.

The "previous question," according to the practice of parliamentary bodies here, is introduced by a motion "that the main question be now put." In the House of Representatives it is put without debate. In some assemblies a debate is allowed, which, however, is confined strictly to the question whether or not the vote shall be taken at once, without permitting any discussion of the merits of the pending measure.

If the "previous question" is ordered, there can be no further debate, and, what is commonly of quite as much importance, there can be no further amendment. The measure must be adopted or rejected as it is; so that members are put in the awkward position of being compelled to vote against a measure containing some things which they approve or for a measure containing some things which they dislike, without a chance to perfect it or to record their opinion on particular parts or clauses. Measures are passed or defeated without giving opportunity to the members of the body either to instruct their associates by discussion or to perfect the measure by suggesting amendments.

There are also in other legislative bodies limitations on the time of debate, either by general rules or by special orders passed by the majority in particular cases. But in the Senate there can be no limit upon debate except by unanimous consent.

In this assembly speech is absolutely unfettered. Every measure can be discussed fully without restraint and amended without limit. This is of immense importance, not only to the perfection of legislation, but also to the dignity of the Senate, and, in my opinion, to civil liberty itself.

An attempt was made by Mr. Clay, during the Presidency of John Tyler, to introduce the hour rule and the "previous question" into the Senate.

Mr. VOORHEES. Whom is the Senator reading from now?

Mr. VEST. From the Senator from Massachusetts [Mr. HOAR].

The Democratic minority, threatened forcible resistance. Some of Mr. Clay's political friends flinched from his support, and the plan was given up.

It will be readily seen how great conservative force is exerted by a body so constituted, in which the discussion and amendment are unrestricted, even in the matter of ordinary legislation. But the House of Representatives has voluntarily placed itself at a disadvantage through a provision of the Constitution which was intended to secure for it a special dignity and privilege. In the convention which framed the Constitution there was an earnest controversy between the large States, which insisted that the representation in both Houses of Congress should be according to population, and the smaller States, which urged that the representation of the States should be equal.

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I have not space here to explain what I have fully explained elsewhere, how this provision, coupled with the "previous question" in the House, gives the power of fullest discussion and amendment of these great bills in the Senate.

I should have read, however, the preceding sentences in regard to the appropriation bills:

It seemed for a good while that this difference could not be reconciled and that the convention must break up without accomplishing anything. The difference was reconciled by what is known as the Connecticut compromise, by which the States are to be equally represented in the Senate, but as an equivalent all bills for raising revenue must originate in the popular branch; but the Senate may propose or concur with amendments, as on other bills. The House of Representatives claims, and the Senate for a long time has yielded the claim, that this gives the House the exclusive power of originating all the great appropriation bills by which the Government is carried on.

I have not space here to explain what I have fully explained elsewhere, how this provision, coupled with the "previous question" in the House, gives the power of fullest discussion and amendment of these great bills in the Senate, while, as they are finally shaped, the House commonly passes them not only without discussion and amendment, but even in ignorance of what they contain.

I call attention now to the fact that this previous question or clôture rule is intended to apply for this session not only as to the pending measure, but as to the great appropriation bills which are to come to us from the House of Representatives. Therefore the argument here made by the Senator from Massachusetts applies in its full scope and vigor to the clôture rule that is now pending in this body.

Again Senator HOAR says:

But in the United States the process of change is slow and is meant to be slow. To any new law there must go the assent of the President, whose term of office is four years, and of the Senate, where the votes of Delaware, Rhode Island, and Nevada equal those of New York, Pennsylvania, and Ohio. Indeed, it may well be expected that instances will happen where the majority of the House will be of one political opinion for a generation, and the majority of the Senate of another. That has been the case during twelve of the last fourteen years.

If any citizens be disposed to be impatient under this restraint upon the will of the majority, let them remember that it was in this way that our fathers laid the foundation of their Government below the frost.

They meant that it should declare the will of the people. But the will so declared was to be mature, deliberate, well considered—its sober second thought. They were building for centuries, not for hours.

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The limit upon the number of the Senate is an added security for its performing its conservative functions. Experience has shown that however calm and dignified and wise individual men may be, they become easily subject to passion and excitement when assembled in large bodies. James Madison said that "had every Athenian citizen been a Socrates every Athenian assembly would still have been a mob."

Mr. President, that argument against the clôture rule was made November 13, 1890. Has anything occurred since then to change the force of this argument? Is there anything to-day that makes this clôture rule any less an infraction of civil liberty than it was on November

13, 1890? For one hundred years the previous question has not obtained in this Senate. It was championed by Mr. Douglas and abandoned, it was championed by Mr. Clay and abandoned, and now the Senator from Massachusetts gives the most conclusive arguments against it, and yet its shadow is upon us, upon every bill, upon every debate, upon every word that is uttered in this Chamber, and that in the face of the great exigencies as to material interests that rest upon the people of the United States to-day, and in defiance of the prayer, the absolute prayer, that comes up from every part of the country for relief against existing conditions.

But, Mr. President, it is the most terrible indictment of representative government that has ever been made to say that this clôture rule shall now be applied and this force bill, this election bill, shall be passed in the face of the absolute proof we have that an immense majority of the people of the United States have given their deliberate judgment against it.

I am not in the confidence of the Republican party. I am not the keeper of their conscience or presumed to be in a position to advise them, but I have a right to avail myself of arguments known to all men and facts that are patent to all in order to substantiate the truth of what I say. If public sentiment be not against this bill, why is it that the anomaly is now presented that all the great leading Republican papers of this country to-day are outspoken against it, not in one section, but in all, in the East, in the West, in the North, and in the South?

Mr. FRYE. Republican papers?

Mr. VEST. Yes; Republican papers and leading Republican papers.

Mr. FRYE. Where is there one in New England?

Mr. REAGAN. I do not remember the title of it, but there is a Republican paper in Boston which opposes the bill.

Mr. VEST. The Boston Advertiser; I have it here. It came out in as strong an editorial against it as I have ever read. The city of Boston, I believe, is in New England?

Mr. FRYE. Yes, sir; Boston is in New England.

Mr. VEST. It is very close to Plymouth Rock, where the Senator from New York [Mr. EVARTS] once said "the Pilgrim fathers landed and fell on their knees, and then fell on the aborigines." [Laughter.]

Now, I quote from the Omaha Bee. That is a Republican paper in Nebraska:

From the point of view of party interest such legislation would at this time be most inexpedient. The great majority of Republicans at the North do not desire it, and the reduced Republican representation from the South in the next Congress is very convincing evidence that the Republicans generally of that section are not favorable to it.

The St. Louis Globe-Democrat, and that is a Republican paper within my personal knowledge, if there is one in this country, and it is the organ of the party in the Mississippi Valley, says:

The country does not demand any legislation of this kind at present, whether moderate or radical, and if any is seriously attempted the persons who lead in the movement will be held to a rigid accountability by the party. Speaking generally, the gentlemen who are said to be persisting in the passage of the Lodge bill are the persons to whom the country is indebted for the extreme and unrepublican provisions contained in the McKinley law. If these men were as observant as they are resolute and perverse, they would see that the party is not in the mood just now to stand any more of their folly. Let the election bill sleep where it is on the Calendar. The country is not asking for its passage in any shape, and if Republicans persist in bringing it forward they will simply be doing work from which the Democratic party will reap the benefit.

Mr. President, I hardly know whether I should say it or not, but I honestly believe it, and it may go for what it is worth; if I were speaking here to-day as a partisan I would thank the promoters of this measure to pass it. If I sought simply the supremacy of the party to which I belong, I would "thank God, and not look the gift horse in the mouth." I am not a prophet, as the Senator from Kansas said the other day, nor the son of a prophet, but pass this bill, especially as you propose to pass it, by trampling upon the rules of the Senate and by gagging Senators here from States—pass it under such conditions, and not five States in this Union will give their electoral votes to the Republican party at the next Presidential election.

Why, then, you may ask me, do I oppose it? I oppose it because I honestly believe from my standpoint, knowing my own race as I do, knowing the negroes as I do, and knowing the South, where I have lived, as I do, I believe that the destruction of material interests, the alienation, the innumerable evils that would come from this bill would make me a criminal if I looked to partisan advantage instead of to the good of the entire country.

My friends upon the other side have not the same issue they had in the war. Permit me to say they make the great mistake that they are yet fighting the battle for human freedom. Then they had the sympathy of the entire civilized world, and the South was handicapped with the prejudice of the whole civilized world against them, but to-day the prejudice of the white men of the world will be with the South in the struggle that you are invoking. There are laws above your statute books that you never can abrogate and never can limit. They are planted in the human breast by the Great Architect of the Universe, and they will remain there until time shall be no more.

If the hour should come—and may God avert it—when madness and folly will cause race collision in the South, make no mistake about the prejudices and the sympathies of the whites of the North without regard to party in a terrible conflict like that. When, in the Sepoy insurrection in India, British officers threatened to pistol their wives and daughters to prevent them from falling into the hands of their barbarous foe, there was not one white man upon the face of the earth, even if the inveterate enemy of England, who did not pray for success to the British arms; and it will be so again. You are playing with edged tools, but while helping the Democrats you may inflict a mortal wound upon the fairest section of this country and upon the material prosperity of the whole Union.

If it were only a question of your supremacy or of ours, I would say "God speed." I want no better issue than this. You will solidify the white men of the South and you will not get one more vote from the negro, whilst in the North you will draw the color line, and so soon as you do your party commits suicide politically. You may say this is not right; you may talk about the Republican party never going backward, that it must always advance, as an eloquent orator said the other day in another part of this Capitol. Because you made one mistake you must carry it out to the end, even if the end be death. You take no note of surrounding conditions, you are to stimulate yourselves to action by uttering the warcries of twenty-five years ago, forgetting that white-robed peace is spreading its pinions again over our country and that all our people want is rest.

Now, I proceed to read another article, which is taken from the St. Paul Pioneer Press, also a Republican paper. That paper says:

The independent Republican has served a stern warning on his party leaders. He has told them in time what they must expect if they persist in denying his reasonable demands and in following their prearranged programme to the bitter end. He desires to vote the Republican ticket, which is the ticket of his choice. He has no desire to turn over the Government once more to Democratic hands. But he will be heard and heeded. And he is, first and last and always, unalterably opposed to the Federal election bill. If the House is fixed in its madness, the Senate must stand between the Republican party and this threatened ruin. It was warned what would happen if it passed the McKinley bill, and in more terrible fashion than any prophet dreamed of was that warning realized. It is warned now that, if the Lodge bill becomes a law, it will be next to impossible to save the party in 1892 from the vengeance of the voters who see it insensible to the lessons of November.

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"The purpose of the proposed law," said the Sentinel in one of its articles, "has our warmest approval; we only oppose the attempt to enact it from a settled conviction that the law would prove impracticable and be productive of considerable evil and of no good whatever." The Sentinel attributed the difficulty about the negro vote at the South to the prejudice of the whites against negro rule.

And it goes on to say:

It is no answer to this argument to declare the prejudice which practically nullifies a provision of the national Constitution in many of the Southern States is all wrong and that it must not be tolerated. The statesman will adjust his action to facts and not to abstract theories. The prejudice exists and will produce its inevitable results until it is greatly abated.

Firmly believing that the cure for existing evil and injustice can only be found in time and reason, coupled with a firm attitude on the part of the people who condemn outrage and wrong, we do not wish to see the Republican Congress enact the farce of passing a law which would prove as ineffectual as the Pope's famous bull against the comet.

I read again from the Globe-Democrat:

It is evident that the colored man—

Alluding to the late South Carolina election—

It is evident that the colored man and brother is not imbued with a sense of the value of those rights and privileges which white men prize so highly. His experience as a free man and a citizen has not lifted him to the plane of intelligent and conscientious devotion to his country and its institutions. He does not care so much for the franchise as many people suppose. His views of life and society are radically different from ours, and are likely to remain so for a long time to come. It is not to be doubted that much of the sympathy that we are in the habit of manifesting for him because of his political wrongs is wasted.

Mr. President, there is not an intelligent man acquainted with the negro race who does not know that these words are eminently true, and that the extraordinary measures now taken, upon the assumption that the negro is deprived against his own will of the right of suffrage, and that if Congress passes this law he will rush to the polls frantically to exercise the right of a freeman, are a gross mistake. The negro at one time was anxious to vote. Like all semicivilized races he was pleased with a toy; he was attracted by a novelty; he was allured by the rhetorical bombast about his formulating legislation and controlling the destinies of the country. All that has passed away, and to-day, as the Globe-Democrat says, there are thousands and thousands of negro voters in the South who, with all the facilities and means to vote, would not exercise the privilege, who care nothing for it, and who are much more solicitous in regard to their material wants than political privileges.

Much has been said in this debate about the constitutional question. I do not propose to discuss that, but in speaking to the people of the country I desire to say, in passing, I have given the closest attention and inquiry to what I believe to have been the intent of the framers of the Constitution as to the clause conferring upon Congress the right to regulate the times, places, and manner of elections for members of Congress. I concede here to-day (and it is more, possibly, than any of my colleagues upon this side are willing to concede) that under the language of the clause of the Constitution that confers this power, and especially under the decision of the Supreme Court of the United States in the Siebold case, reported in 100 United States Reports, the

power is ample and complete according to the language of the provision of the Constitution. But, Mr. President, the spirit of that provision is against the exercise of the power as proposed. I mean to say that it never was contemplated by Hamilton and Madison, who were the prime movers in the convention, that Congress should ever pass such a law as that which you propose now and for the reasons that are given in this Chamber.

Mr. CARLISLE. Will the Senator allow me to suggest to him there——

Mr. VEST. Certainly.

Mr. CARLISLE. If it will interrupt the Senator of course I will not.

Mr. VEST. It will not interrupt me.

Mr. CARLISLE. The Senator concedes that under the Constitution Congress has the power to make or alter the regulations as to the time, place, or manner of holding elections, and I think that concession is correct, but what I desired to call the attention of the Senator to is this, that the bill which has been under consideration in the Senate does not make or alter any regulation as to the time or the place or the manner of holding elections. All the change it makes in the election laws of the States is in regard to the certification of the result of the election.

Mr. VEST. That is what I was coming to.

Mr. CARLISLE. So that it is outside of the constitutional power delegated to Congress.

Mr. VEST. I was coming to that argument, and I agree with the Senator from Kentucky absolutely in regard to it. The great difference between the existing law now in the Revised Statutes, and which has been there for twenty years, and the proposed bill, is as to the certification of the returns. That is the virus in this whole bill.

We hear repeatedly from our Republican friends that this is no material change in existing legislation. I beg most respectfully to state that the change is enormous, radical, and, in my opinion, absolutely fatal to the rights of the States and to free elections. Heretofore by the provisions of the Revised Statutes the manner of holding the elections was regulated to some extent by the presence of supervisors and marshals, but there is added this additional provision that the States which for one hundred years have alone certified the results of elections within their limits for members of Congress are now to be controlled and supervised by Federal officials. In other words, that the controlling and finishing power of the National Government shall be put upon the elections for members of Congress in the respective States, and we know what that means.

Mr. GIBSON. Will it interrupt the Senator from Missouri if I make a suggestion to him?

Mr. VEST. Not at all.

Mr. GIBSON. I wish to suggest that this bill goes further than to constitute a returning board in each State to make returns from that State to the House of Representatives. It invades the House of Representatives itself and directs the Clerk of that House how he shall make up his roll constituting the House on which the House itself shall organize, which is in violation of the constitutional provision which declares that each House shall make the rules for its own proceedings and elect its own officers.

Mr. VEST. That is certainly true, Mr. President, and that is the essential feature of this whole bill. It is mere leather and prunello if you leave out the certification.

As I said, for twenty years we have had nearly all the provisions of this bill in a modified form. I had occasion the other day here to allude from personal knowledge to the operations of this law in my own State and in the city of St. Louis. I stated here, and it has not been denied and will not be denied, for I read the testimony of the gentleman who did the work, Mr. W. D. W. Barnard, that he appointed 1,028 marshals in the city of St. Louis in 1876. He divided them into companies and regiments and put captains and colonels over them. He struck off the registration list 5,700 voters, some of them the oldest and most respected citizens of St. Louis who had come there when the Indians were plying their canoes on the Father of Waters.

They went to the polls and could not vote. Many of them were arrested on the day of the election without writ, dragged off before United States commissioners, and held until after the polls were closed. Mr. Barnard went before a Congressional committee and swore that he did this in the interests of the Republican party, and he brought his bill for $21,000 here to the Attorney-General, Mr. Taft, who had ordered him to do it, as he swore, as his pay for this infamous work, and when he handed it over Taft said to him jocularly, "Was there not anybody else to be made a deputy marshal in Missouri?" "Well," said Barnard, "we intended to make it a safe job; we intended to do the work effectually. We brought you three Republican members of Congress and two of the districts were absolutely Democratic, and this was the first time they had ever gone Republican." "Well," said Taft, as he took up his pen and signed the voucher, "that is so, Mr. Barnard; you bring a good deal of sugar in your spade." [Laughter.]

That was under the operation of the laws we now have. What would it be if you add to that a canvassing board of three men, appointed by a Republican circuit judge, who got his office through the political influence of Senators and Representatives in this Capitol, and who is a partisan? for all this nonsense about a man eliminating his partisan feeling as soon as he puts on the judicial ermine is fit simply for children. Judges are partisans. The Supreme Court of the United States has made some of its most important decisions under the pressure of political exigency. There is not a circuit judge to-day holding his office for life who will not go back to the party to which he belonged when appointed, who has not the same prejudices, and the same passions, and the same political bias.

Take a man like Barnard, who manacled a whole city, the fifth city in the Union, a man who told the United States marshal, Leffingwell, when he hesitated about appointing these deputy marshals without a petition, as the law requires, from two citizens of St. Louis, "Have you not got your orders from Washington City? Has not the Attorney-General told you what to do?" "Yes," said Leffingwell, "but I do not want to do it. I was born and raised with these Democrats; they are honest men, and there is no trouble in St. Louis about elections, and there has never been any difficulty in regard to them. I do not want to disfranchise my old neighbors, for that is what it means." "Well," said Barnard, "who made you marshal?" Said Leffingwell, "You had a good deal to do with it." "Then you obey orders, for the power that made can unmake. Do that dirty work or you walk the plank politically, and another man becomes marshal of this district." "Well," said Leffingwell, like a distinguished official of old when he called for a basin of water and said, "I am innocent of the blood of this just person," "I will not do this; I can not do it, but I will turn the job over to you." "Very good," said Barnard, "give me the power and I will work it," and he took the power, and the result was he sent here three Republican Congressmen, two of the districts being absolutely Democratic.

And yet we hear it said that there is nothing new in this bill, when you add a canvassing board to be appointed at the instance of such men as W. D. W. Barnard and W. W. Dudley, who appointed in the city of Indianapolis in 1880 six hundred deputy marshals and carried the city. He had twenty-five in each ward absolutely under his control and did the work of his party most effectually.

Mr. President, this canvassing board is intended to absolutely insure success to the Republican party in every district where they choose to exercise the power. Under the provisions of this bill their certificate is made conclusive until the House of Representatives shall act.

The Clerk of the House is to make up the roll of members from the returns made by this canvassing board. They have judicial power. They can strike out whole townships and precincts. They receive these lists from the chief supervisor, who has himself gone through them and eliminated such names as he pleases and then sends them up to the canvassing board, who go over them again, then send on their certificate to the Clerk of the House of Representatives, that certificate being conclusive until the House of Representatives shall act.

In other words, they furnish a majority in the House to determine upon the whole question of every contested election. They do as was done to us in the State of Missouri when we were called upon to vote on what was known as the Drake constitution, and there was an oath in that constitution which made every man swear that he had never sympathized in thought or feeling with the Southern cause, had never given a crust of bread or a drink of water to anybody engaged in it, and the constitution itself provided that in the vote on the adoption of the constitution no man should vote until he took the oath which he was called to vote on, or, in other words, as a condition precedent that portion of the constitution was assumed already to have been adopted and was obligatory upon every voter.

The House of Representatives is to be made up on the returns of the canvassing board so as to insure a Republican majority, and they pass upon the qualifications of every man whose seat is contested. Why, the man who can not see the object of such legislation is an idiot and it would be paying him a compliment to say he is partially insane. They can take this machinery and perpetuate their power forever. The canvassing board, although I may be a candidate for Congress and have a majority of 10,000 votes, can throw out my majority and give the certificate to the other party, and its action is conclusive on the Clerk of the House of Representatives in making up the roll.

This is the object and intention of creating the canvassing board; but the bill if passed will be overwhelmed by popular odium and will recoil upon the desperate politicians who are responsible for this infamy.

Senators say, "You can go to a United States circuit court and file a petition." Is there a lawyer who does not know what a farce that is? What practitioner does not know that opposing counsel in a case like that could protract the proceedings until the term of two years is practically exhausted and the man who has the certificate has drawn the salary and after a fashion discharged the duties of Representative? That is the mockery you offer to a people robbed of their will, who have gone to the polls under their State laws, who have their canvassing board under their statute, and their State officers are thrust aside contumeliously, the statute of the State and its dignity trampled under foot, and a man sent here to represent the people of the district who has no more right to a seat than I have now to a seat in the British Parliament.

I recur to the fact that this man Barnard, in the city of St. Louis, after he had carried the election, after he had struck off nearly 6,000 voters, after he had done his work effectually at the polls, and heard that the canvassing board, which, under our statute, is composed of the county judges and the county clerk, was about to throw out a certain precinct—precinct No. 77—with one of his deputy marshals, went down to the county clerk's office, where the State board was in session, stalked in like a military tyrant, booted, spurred, and sabered, and with an oath said, "You dare to make a return of that precinct and I will put every one of you in jail!" and he swears himself that he did this without any warrant whatever, and says, "I would have done it." He got his authority from Washington City, and with no respect whatever for the State of Missouri, of which he was a citizen, he determined to trample its laws ignominiously under foot.

But recurring to this constitutional question, I was proceeding to say that I admit the letter of the constitutional provision gives Congress almost unlimited power—the letter of it—and the Siebold case has gone to the full limit; but I say that the spirit of that enactment is against the exercise of the power proposed in this bill, and I call attention to the fact that Mr. Hamilton, the father of that provision, in his defense of it when it was attacked vigorously by the States in proposed amendments to it and by members in the convention, never contemplated for one instant the exertion of the power for the causes given in this debate.

There is no pretense now that States have refused to elect. The only pretense is that States have not elected honestly and fairly and that there has been a suppression of certain votes. Now, is it not remarkable, if this constitutional provision was intended to apply to such a case, that we find no mention of it anywhere in the debates of the convention or in the arguments in the Federalist? On the other hand, an entirely different argument is made and an entirely different explanation given.

In Paper 59 of the Federalist Mr. Hamilton says:

> Nothing can be more evident than that an exclusive power of regulating elections for the National Government in the hands of State Legislatures would leave the existence of the Union entirely to their mercy. They could at any moment annihilate it by neglecting to provide for the choice of persons to administer its affairs. It is to little purpose to say that a neglect or omission of this kind would not be likely to take place. The constitutional possibility of the thing, without an equivalent for the risk, is an unanswerable objection.

That is to say, the possibility that the States might refuse to elect at all is the argument that he gives for the enactment of that clause of the Constitution.

In 100 United States Supreme Court Reports, the Siebold case—and I make no apology for quoting from the opinion of the minority—Justice Field delivered the minority opinion and was joined by another justice not now on the bench. Justice Field says:

> That was designed—

Referring to section 4, Article I, of the Constitution—

> That was designed simply to give the General Government the means of its own preservation against a possible dissolution, from the hostility of the States to the election of Representatives or from their neglect to provide suitable means for holding such elections. This is evident from the language of its advocates, some of them members of the convention, when the Constitution was presented to the country for adoption. In commenting upon it, in report of the debates, Mr. Madison said that it was meant to give the National Legislature a power not only to alter the provisions of the States, but to make regulations in case the States should fail or refuse altogether. (Elliot, Deb., 402.) And in the Virginia convention, called to consider the Constitution, he observed that "it was found impossible to fix the time, place, and manner of the election of Representatives in the Constitution. It was found necessary to leave the regulation of these, in the first place, to the State governments, as being best acquainted with the situation of the people, subject to the control of the General Government, in order to enable it to produce uniformity and prevent its own dissolution." (3 Elliot, Deb., 367.)

And in the Federalist, says Judge Field, Hamilton said that the propriety of the clause in question rested—

> upon the evidence of the plain proposition that every government should contain in itself the means of its own preservation.
>
> Similar language is found in the debates in the conventions of the other States and in the writings of jurists and other statesmen of that period.
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> * * * * * * *
>
> In the conventions of several States—

Says Judge Field—

> which ratified the Constitution an amendment was proposed to limit in express terms the action of Congress to cases of neglect or refusal of a State to make proper provisions for Congressional elections, and was supported by a majority of the thirteen States; but it was finally abandoned upon the ground of the great improbability of Congressional interference so long as the States performed their duty.

Mr. President, it is evident from these extracts, which I have abbreviated as much as possible, that the framers of the Constitution and the great men who defended it in the Federalist never contemplated for an instant that any such bill as is now pending in the Senate should be passed upon the grounds that we have heard urged here in debate. The whole exigency that this clause of the Constitution was intended to meet was that if States, under the control of a cabal of politicians inimical to the General Government, as Hamilton puts it, or for any reason, should refuse to send Representatives and Senators to Congress, in that event, in pursuance of the right of self-preservation, Congress should have the power to provide for the election of Representatives and Senators. There is no pretense that any such exigency has arisen. But we hear, on the contrary, in this Chamber only the assertion that elections in a certain portion of the Union are not honestly conducted. In other words, the right of the people of the States to choose their Representatives is impugned because they have sent certain persons here as Representatives.

Mr. President, the fundamental error in this whole business is that our Republican friends seem to think that a man's nature is changed by making him an agent of the Federal Government instead of an agent of the State. They seem to be laboring under the delusion that there is a sort of glamour about a Federal office that purifies the incumbent and makes him patriotic and honest. They seem to assume that Federal officers are *per se* better than State officers, that there is some magic, necromantic elixir about an office conferred by the National Government, and that work done by the State officer may be corrupt and that done by the national officer can not be. Do you furnish any additional guaranty of honest elections by having them supervised by a Federal officer? Do you think that anything in the parchment or paper that comes from one of these departments changes a scoundrel into a patriot, a corrupt man into a pure one? Is there anybody who has been in Washington City six months who believes that?

I tell my friends—they will think I am giving them a great deal of advice this afternoon—that you are playing with edged tools again. I may be mistaken about the Constitution, I may be mistaken about this law, but one thing I am not mistaken about, and that is how the people feel in that regard. If there is one thing under heaven odious to the people of my country—I mean the whole country, but from personal observation I confine it to the Western country—if there is any one thing more odious than another in the shape of the administration of law, it is one of these gentlemen from Washington City clothed with the national authority and assuming to be better than the people of a State and entitled by virtue of his office to control their affairs.

There is no love for Federal courts. That may be a disastrous observation, but it is true. If there is any law that is odious in the West—and I am confining myself to what I know—it is the law that permits these Federal deputy marshals to drag poor, hungry, starving men through the brush to a place where a Federal court is held and thrust them into jail and hold them there in order to make a few dollars in the way of fees under the authority of the General Government.

Here we are now in this bill giving additional Federal authority, creating more Federal officials. The Senator from Alabama [Mr. MORGAN] read the other day an estimate of the cost, which is the smallest part of this whole business, and yet what was it? Seventeen million dollars a year in order to take away from the people the control of their own elections; $17,000,000 a year! What do you suppose the farmers of the West will say to that? Pass this bill, and I tell you as a Democrat I should rejoice at it, for though I hope that "the sunset of life" does not give me "mystical lore," I can see now the old Assyrian motto upon the forehead of every man that votes for it, "Mene, Mene, Tekel, Upharsin." You will trouble these seats no more after the people can pass upon that vote. Seventeen million dollars for Federal officials to go into the States and thrust aside the State officers and take control of State elections and certify them up here and bring their bills here to be paid out of the tax money of the people, and at the same time the negroes, in whose name all this is done, are simply interested in the question of hog and hominy, something to eat.

Mr. President, I said a few minutes ago that all this comes from persistence in error, and I intend to speak very plainly about it. The fundamental error upon which all this miserable legislation is based comes from your having given suffrage to an unprepared race. It is the great political crime, in my judgment, of this century. It was an outrage on the negro, because he was not fit for it, and you imposed upon him responsibilities that he could not meet and duties that he could not perform. You can not inflict a greater outrage upon any human being than to demand of him something he is unable to perform and hold him responsible for what he is absolutely unable to do. It was an outrage upon the whites, because you have disturbed the relations between the whites and the blacks in the South, and you are impeding the march of material improvement, phenomenal, unprecedented in the history of the world.

I do not care about going back and thrashing over old straw, but the Senator from Wisconsin [Mr. SPOONER] said, and it has been repeated in this debate, that the charge that suffrage was given to the negroes of the South for political reasons was not true, that it was given to them for defense, and for nothing else. Mr. President, I have before me an extract from a speech by the author of negro suffrage. That is the best authority in the world on that subject. Here is the statement of Thaddeus Stevens, the great commoner, as he was called, who was the author of negro suffrage. I read from a speech made by him. He said:

> A good reason for negro suffrage is that it will insure the ascendency of the Republican party—

That is it——

Mr. GORMAN. Was that a Republican Senator?

Mr. VEST. No; Thad. Stevens.

> Do you avow the party purpose! exclaims some horror-stricken demagogue. I do. For I believe on my conscience that on the continued ascendency of that

party depends the safety of this great nation. If impartial, i. e., negro suffrage is excluded in the rebel States, then every one of them is sure to send a solid rebel representation to Congress and cast a solid rebel electoral vote. Then, with their kindred copperheads of the North, they would always select the President and control Congress. * * * For these and other reasons I am for negro suffrage in every rebel State. If it be just, it should not be denied; if it be necessary, it should be adopted; if it be a punishment to traitors, they deserve it.

I have not the slightest doubt that my friend from Wisconsin indorses it; but I am now addressing myself to the reasons for negro suffrage. It was not given to the negro to protect him. It was given to punish the "traitors of the South" and to make a solid Republican party in all the Southern States, as Thad. Stevens, with his accustomed manliness and vigor, openly declared.

In passing I can not help reverting to a reminiscence during the Hayes Administration, that Administration so prolific of reminiscences. Just after the returns came in from Louisiana and Florida and South Carolina, and all honest men in this country assumed that Tilden was elected, and the Democrats had commenced their bonfires and were passing their resolutions, Mr. Hayes accepted the result and published an interview in which he said that he cared nothing for the office of President; that its salary and emoluments and honors were tempting, but they were not overwhelming with him; but he said, with supposed tears in his eyes, "What now will become of the poor colored man of the South turned over to the tender mercies of his former master?"

It was not six months until his visiting statesmen were in Louisiana making a contract with Kellogg's Legislature by which they turned out Packard, who had more votes at the election than Hayes, and pacified him with a consulship at Liverpool. Hayes got the Presidency, and the poor negro was turned over to the tender mercies of his old master. The crocodile tears disappeared. We had the same thing in South Carolina. My distinguished friend, the Senator from that State [Mr. HAMPTON], whose eloquent address fell upon our ears the other day, paid a visit here to the Capital and negotiated with the President of the United States, Mr. Hayes, as to South Carolina matters, and the result was that the poor negro was turned over to the tender mercies of his former master, and yet we are told now that this bill must be passed for the negro, who has been deprived of rights which are dearer to him than life itself.

Mr. President, I have heard something of this sympathy for the negro on another question. I have heard repeatedly here since I have been a member of this body, and elsewhere, that the most terrible consequences would follow and the most horrible evils must be anticipated if this Government and the making of its laws should be turned over to unrepentant rebels, whose hands were stained with loyal blood; and yet I have never seen any rebel, ensanguined in loyal gore from head to foot, that could not come to Congress from a Republican district in the South, provided he would simply give in his adhesion to the Republican party, without one single word of repentance.

We used to hear a great deal of the massacre at Fort Pillow, where poor negroes were shot down like hares in the swamps around that fort, butchered until their blood was ankle deep, and yet I see the author of the Fort Pillow massacre, so called by Republicans, an eminent Republican statesman now in this city, an adviser of the Administration and loyal essentially. He has never uttered one word of repentance, and I undertake to say for him to-day, although I do not enjoy his confidence of late years, that he will not say now that he is sorry for one thing that he did in the war. I have never seen one of these Confederate brigadiers, who is now loyal, who does not take pride in his record as a Confederate soldier, although for personal and political purposes he votes the Republican ticket.

The negroes can go after their votes have been made available, and the sins, crimson though they be, of the bloodiest traitor that ever wore the Confederate gray are all washed away in the political pool of Siloam, if he will simply bring a Republican ballot in his hand.

Mr. President, I have said, and I say it very frankly and honestly, that in my judgment it was a great wrong committed upon the negro race to have the responsibility of suffrage put upon them. It was like giving a deadly weapon to a child. They were not responsible for it and they are not responsible for the consequences. I speak of them as their friend. I was born and raised amongst them, and nursed by one of them, and have always been their friend. I owned them by inheritance, never for profit, and to-day I would do anything in my power to elevate and ameliorate their condition.

I am not here now to defend outrage. I am here to state facts. I declare, what every honest and intelligent man knows to be the fact, that our race is the same North and South, and that, given the provoking cause, they act in the same way. There have been disturbances and bloodshed in the South. It is a wonder there has not been more when you consider the attrition of race, the diverse conditions, when you consider the fact that the slaves of the proudest people in the world were made their political masters—or it has been attempted to be done.

I was amazed to hear the Senator from Oregon [Mr. DOLPH] say the other day, when defending the conduct of his people towards the Chinese, that it is not the same case as in the South. No, Mr. President, it is not the same. The Chinamen do not propose to vote. The Chinaman has never been the slave of the people amongst whom he has come. The Chinaman simply comes to work and to go back with what he earns to the Celestial Kingdom. But here is a race that have been slaves for a thousand years, brutalized by slavery, not from any fault of theirs, but under the immutable and inexorable decrees of fate, and here is our race, the mixed blood of the Cavalier and the Huguenot, the proudest race that ever lifted its crest on the face of the earth, and they are to be put under their former slaves; and yet we are told, because hot-headed young men amongst them precipitate collisions, because the presence of the miserable carpetbaggers, who came like vultures to the battlefield in order to batten and feed upon the carcasses of the dead, is resented by this people, that they have no right to be heard in this Chamber, that they are murderers, outlaws, assassins, ku klux, beyond the pale of humanity.

Mr. President, we have heard in this Hall about the dagger and the torch. I simply hope that Senators do not know what that sort of talk means. I would be ashamed of this Senate if I thought any Senator here, knowing what it meant, would use it in the hearing of this tropical, ignorant, emotional race. Thomas Jefferson, the author of the Declaration of Independence, the statute of Virginia for religious freedom, the father of the University of Virginia, the greatest statesman ever produced in this and I was about to say in any other country, said from amidst his fruits and flowers at Monticello, after he had left public life, when he heard of the agitation over the Missouri compromise, "this question fills me with terror like a fire bell in the night," and yet we have here the flippant remark "the dagger and the torch."

Marc Antony when he went "to bury Cæsar, not to praise him," and when he spoke of Brutus and Cassius as "honorable men," took occasion to say that Cæsar had made a will, but he would not read it, and when the mob said "Read!" "Read!" with feigned reluctance he read that Cæsar had to each individual citizen of Rome given 75 drachmas and his gardens "this side the Tiber," that there might be a place of recreation and resort to the people of Rome and their children forever. Lashed to fury by this insidious eloquence, the mob burst forth with shouts of "Kill!" "Kill!" "Burn!" "Burn!" The gentle Antony entreated:

> Good friends, sweet friends, let me not stir you up
> To such a sudden flood of mutiny.
> They that have done this deed are honorable.

Then, as the people rushed from the market place with torch and dagger, he soliloquized:

> Now let it work. Mischief, thou art afoot,
> Take thou what course thou wilt!

Mr. President, no man should approach this question except with distrust of his conclusions and fear of the result. In the South, if these infernal measures are persisted in, there may be awakened a spirit which no man can control. I am not here to prophesy, but I am here to state facts that every man knows about our race, the dominant race of the world, the race in whose veins is the tiger blood that can not be tamed or chained.

It is well enough for our friends on the Pacific coast to stand here and appeal to us to help them to protect American civilization, American homes, and American firesides from the Chinese. Do they think there is no civilization, that there are no homes, and no firesides in the South? Do they propose that we shall listen to their appeals and yet be dumb and silent under a clôture rule with a knowledge of what must come to the South, to all her material interests, and what may come, even worse, if this madness and lunacy be persisted in?

When Chinese were shot down by the light of their burning homes at Seattle and Rock Spring they tell us the authors were punished. How punished? Was anybody hung, any body sent to the penitentiary? Where is the record? I recollect, as a member of the Committee on the Judiciary, that under Cleveland's Administration a man—the record of the committee shows his name—was appointed United States marshal for Washington Territory, and the point was made by the Senator from Vermont [Mr. EDMUNDS] that he had presided over a meeting of citizens at which was organized the massacre at Seattle when the Chinese were shot down like wolves and their houses burned at midnight. I received a letter from that man, in which he said, "Do not insist on my confirmation. Let me be rejected on the ground that I was chairman of that meeting, and it will make me the most popular man on the coast."

Where was the punishment inflicted? You had United States courts there. Who was gibbeted for that massacre at midnight? Was there ever anything in the South that exceeded it in horror? Why, Coushatta, of which the Senator from Massachusetts [Mr. HOAR] spoke, was a bed of roses compared to that icy night, when blood ran in rivulets and naked human beings fled through the darkness shrieking in terror, to be shot down like wild beasts.

The Chinese never were slaves; the Chinese did not propose to vote; the Chinese were not used by carpetbaggers to rob the State and plunder the taxpayer; and yet our friends from the Pacific coast say, "Save our American civilization from the yellow hordes that come from the East," when they see their own race, blood of their blood and bone of their bone, struggling with the most terrible problem that God ever permitted to be put upon the human race, and they turn away and close their ears and say "The Republican party takes no step backwards;

on with the dance! We propose to carry out our platform, no matter what may occur."

Mr. President, I know the negroes well. A more inoffensive race has never existed, nor one more unfortunate. They have been slaves from the beginning of time so far as we know. They have been ostracized; they have lost country; they have lost liberty. As far back as the oriental imagery of the "Song of Solomon" we read:

Look not upon me, because I am black, because the sun has looked upon me; my mother's children were angry with me; they made me the keeper of the vineyards; but mine own vineyard have I not kept.

Loss of country, social ostracism, slavery under the decree of Almighty God, is the inscrutable fate of the negro; and now to-day his pretended friends are inflicting upon him a greater outrage than all combined. They are thrusting him unprepared into the political arena to be alternately the sport of demagogues and the victim of violence. No man, unless an enemy of the negro race, can defend his vote for this bill except upon the ground of ignorance.

Mr. President, no intelligent man can legislate upon a subject of this sort without taking into account racial peculiarities and differences. That is the fundamental error of our friends. I do not attack their honesty, I do not assail their motives, but I do say that they are legislating blindly, without making any allowance for the constitutional and racial peculiarities of the negro.

I do not propose to go now into a physiological and analytical discussion of the intellectual powers of the African. I content myself with the broad assertion that the negro is not a governing race; that it is not a colonizing race; that it is not an aggressive race; that it is a parasitic race. I say that a thousand years have shown it to be so, and you may pass all your force bills until millennial glory and we will see the same result. You may find negroes here and there who, under education and imitation (for they are the most imitative race in the world) will approximate to the whites. They are good citizens, many of them, for they are inoffensive and amiable, but in the contest for the prizes of life between our race and theirs they will be left far behind in all competition, and it will be so to the end of time. We are criminal if we do not recognize these facts.

You made one sad mistake, and, as a great French statesman said, "It is worse than a crime; it is a blunder;" you gave suffrage to these people when they were not prepared for it; you furnished in the South an instrumentality for crime and plunder; you furnished ready-made to the hands of the miserable political adventurers, who went there after the war, exactly what they needed to plunder the Southern people and to exasperate them to desperation, and you were forced by the inevitable laws of nature, laws which you can not control, to acknowledge reconstruction a failure.

After twenty years of peace and prosperity, when our race in the South, the colonizing and conquering race of the world, handicapped as they are by the ignorant negro, have achieved such progress as amazes economists and financiers everywhere, you now turn in your political desperation, in the face of the overwhelming vote against you and against this bill, to attempt the old miserable expedient of coercion and force.

I say you are "fighting the stars in their courses," and you will never succeed. Mr. Jefferson, who was a philosopher, if nothing else, paid great attention to the characteristics of the Indian and negro races. They were in Virginia in large numbers when he commenced public life, and he examined and discussed this as every question exhaustively. I say to the young man in this country now, if you want one exhaustless source of information on every question, get the works of Jefferson. He never spoke, but wrote. You will find in the nine volumes of his works, which were sold to the Government, essays upon every conceivable subject, until it becomes a matter of wonder how any one man could have done the amount of intellectual labor which is shown in these books. Mr. Jefferson says:

Comparing them—

The negroes—

by their faculties of memory, reason, and imagination, it appears to me that in memory they are equal to the whites; in reason much inferior, as I think one could scarcely be found capable of tracing and comprehending the investigations of Euclid; and that in imagination they are dull, tasteless, and anomalous.

Mr. HOAR. What?

Mr. VEST—

dull, tasteless, and anomalous. It would be unfair to follow them to Africa for this investigation. We will consider them here, on the same stage with the whites, and where the facts are not apochryphal on which a judgment is to be formed. It will be right to make great allowances for the difference of condition, of education, of conversation, of the sphere in which they move.

Many millions of them have been brought to and born in America. Most of them, indeed, have been confined to tillage, to their own homes, and their own society; yet many have been so situated that they might have availed themselves of the conversation of their masters; many have been brought up to the handicraft arts, and from that circumstance have always been associated with the whites. Some have been liberally educated, and all have lived in countries where the arts and sciences are cultivated to a considerable degree, and all have had before their eyes samples of the best works from abroad. The Indians, with no advantage of this kind, will often carve figures on their pipes not destitute of design and merit. They will crayon out an animal, a plant, or a country, so as to prove the existence of a germ in their minds which only wants cultivation. They astonish you with strokes of the most sublime oratory, such as prove their reason and sentiment strong, their imagination glowing and elevated.

But never yet could I find that a black had uttered a thought above the level of plain narration; never saw even an elementary trait of painting or sculpture. In music they are more generally gifted than the whites with accurate ears for tune and time, and they have been found capable of imagining a small catch. Whether they will be equal to the composition of a more extensive run of melody or of complicated harmony is yet to be proved. Misery is often the parent of the most affecting touches in poetry. Among the blacks is misery enough, God knows, but no poetry. Love is the peculiar œstrum of the poet. Their love is ardent, but it kindles the senses only, not the imagination.

* * * * * * *

We know that among the Romans, about the Augustan age especially, the condition of their slaves was much more deplorable than that of the blacks on the continent of America. The two sexes were confined in separate apartments, because to raise a child cost the master more than to buy one.

Cato, for a very restricted indulgence to his slaves in this particular, took from them a certain price. But in this country the slaves multiply as fast as the free inhabitants. Their situation and manners place the commerce between the two sexes almost without restraint. The same Cato, on a principle of economy, always sold his sick and superannuated slaves. He gives it as a standing precept to a master visiting his farm to sell his old oxen, old wagons, old tools, old and diseased servants, and everything else become useless. "*Vendat boves vetulos, plaustrum vetus, ferramenta vetera, servum senum, servum morbosum, et si quid aliud supersit vendat*" (Cato, *De re rustica*, cap. 2).

The American slaves can not enumerate this among the injuries and insults they receive. It was the common practice to expose in the island Æsculapius, in the Tiber, diseased slaves whose cure was like to become tedious. The Emperor Claudius, by an edict, gave freedom to such of them as should recover, and first declared that if any person chose to kill rather than to expose them, it should not be deemed homicide. The exposing them is a crime of which no instance has existed with us, and were it to be followed by death it would be punished capitally. We are told of a certain Vedius Pollio, who, in the presence of Augustus, would have given a slave as food to his fish for having broken a glass. With the Romans the regular method of taking the evidence of their slaves was under torture.

Here it has been thought better never to resort to their evidence. When a master was murdered, all his slaves in the same house or within hearing were condemned to death. Here punishment falls on the guilty only, and as precise proof is required against him as against a freeman. Yet, notwithstanding these and other discouraging circumstances among the Romans, their slaves were often their rarest artists. They excelled, too, in science, insomuch as to be usually employed as tutors to their master's children. Epictetus, Terence, and Phædrus were slaves. But they were of the race of whites. It is not their condition, then, but nature, which has produced the distinction.

Mr. President, that was the testimony of Mr. Jefferson, who knew this race well and who has philosophically and analytically studied their racial peculiarities. I do not care about extending the discussion on that point. I know it will be said there are eminent negroes in this country, that there are even some artists of a certain mediocre ability; but I am speaking of general racial power, and I say that it is not from the condition of slavery, as Mr. Jefferson says, but it is the racial quality which prevents them from ever becoming successful competitors for the prizes of life with the Anglo-Saxon race to which we belong. This is recognized fully all over the Northern States. You can not point to negro lawyers or physicians or ministers who have attained any distinction except amongst their own people. Even when one of them does attain any distinction it is abnormal and excites great admiration and astonishment. I am not depreciating their really good qualities. They are an amiable, inoffensive race when not excited by demagogues.

The negro is naturally parasitical and inoffensive and dependent, but, like all ignorant tropical races, they furnish the aptest food for the incendiary purposes of bad men. To show that this is no sectional prejudice on the part of Mr. Jefferson, I want to read from a distinguished scientist, a Republican, because I take this to be one of the most interesting features of this entire controversy. If we are running up against natural laws, if we are attempting to perpetrate a great blunder against the laws of nature, the slower we go the better. We should make haste very slowly in a direction like that.

I admit here—I want no misconception—that suffrage once given can never be taken away; once conferred it is irrevocable, and therefore the negro is a component part of our political civilization, and in order to understand him and to legislate in regard to him, we must understand his racial peculiarities, or else we make "confusion worse confounded" and bring untold disaster upon him and ourselves. I speak to deaf ears in this Chamber; but there is a large audience that will appreciate what I say, because there is no intelligent man who does not know what I state to be absolutely true. I am the negro's friend, a better friend than any of the political adventurers who would lead him to ruin for their own purposes.

In volume 2 of the Life and Correspondence of Professor Louis Agassiz, of Harvard University—good authority, I take it, on that side of the Chamber—will be found a most interesting correspondence which he had with Dr. S. G. Howe as to the present and future status of the negro race.

Professor Agassiz says:

I trust we shall be wise enough—

This was just after the war—

I trust we shall be wise enough not to complicate at once our whole system with new conflicting interests, before we have ascertained what may be the practical working of universal freedom and legal equality for two races, so different as the whites and negroes, living under one Government. We ought to remember that what we know of the negro, from the experience we have had of the colored population of the North, affords but a very inadequate standard by which to judge of the capabilities of the pure blacks as they exist in the South.

We ought, further, to remember that the black population is likely at all times to outnumber the white in the Southern States. We should therefore beware how we give to the blacks rights by virtue of which they may endanger the progress of the whites before their temper has been tested by a prolonged expe-

rience. Social equality I deem at all times impracticable, a natural impossibility, from the very character of the negro race. Let us consider for a moment the natural endowments of the negro race as they are manifested in history on their native continent, as far as we can trace them back, and compare the result with what we know of our own destinies, in order to ascertain, within the limits of probability, whether social equality with the negro is really an impossibility.

We know of the existence of the negro race, with all its physical peculiarities, from the Egyptian monuments several thousand years before the Christian era. Upon these monuments the negroes are so represented as to show that in natural propensities and mental abilities they were pretty much what we find them at the present day: indolent, playful, sensual, imitative, subservient, good natured, versatile, unsteady in their purpose, devoted, and affectionate. From this picture I exclude the character of the half-breeds, who have, more or less, the character of their white parents. Originally found in Africa the negroes seem at all times to have presented the same characteristics wherever they have been brought into contact with the white race; as in Upper Egypt, along the borders of the Carthagenian and Roman settlements in Africa, in Senegal, in juxtaposition with the French, in Congo in juxtaposition with the Portuguese, about the Cape, and on the eastern coast of Africa in juxtaposition with the Dutch and the English.

While Egypt and Carthage grew into powerful empires and attained a high degree of civilization; while in Babylon, Syria, and Greece was developed the highest culture of antiquity, the negro race groped in barbarism and never originated a regular organization among themselves. This is important to keep in mind and to urge upon the attention of those who ascribe the condition of the modern negro wholly to the influence of slavery. I do not mean to say that slavery is a necessary condition for the organization of the negro race. Far from it. They are entitled to their freedom, to the regulation of their own destiny, to the enjoyment of their life, of their earnings, of their family circle. But with all this nowhere do they appear to have been capable of rising by themselves to the level of the civilized communities of the whites, and therefore I hold that they are incapable of living on a footing of social equality with the whites in one and the same community without becoming an element of social disorder.

Mr. President, I have read these extracts to show that whenever we attempt to legislate upon this subject, ignoring entirely racial peculiarities and characteristics, we are legislating in violation of natural laws and in ignorance of what must be the controlling power as to the future relations, political and social, of the two races.

If there could be any doubt in regard to the fact that the negro is not a governing race, that they are not an aggressive race, that they are not a colonizing race, and that they are totally unfit to control the destinies of commonwealths—and that is the proposition contained in the pending bill—it is shown by the awful experience of the Southern States when that experiment was tried just after the war.

Mr. President, no amount of rhetoric, no amount of eloquent description can do justice to the condition of the Southern States after that terrible experiment when political power was put in the hands of the negroes, their passions and prejudices inflamed by political adventurers, who went to the South for plunder, and whose sole desire was to load their miserable carcasses with all they could obtain, and then leave the people of those States to solve this terrible problem for themselves. When that midnight darkness rested upon the Southern States no intelligent man could ever have been made to believe that it would have been attempted again in this country; and when it ended a nightmare passed away from the land. Only the vile and infamous prayed that this deluge of crime might come again in order that they might profit by it. As long as the English language is written and spoken the description by Hon. Jere Black of Louisiana after ten years of carpetbag rule will be read and quoted. He says:

During the last ten years—

This was said in 1876—

During the last ten years the city of New Orleans paid, in the form of direct taxes, more than the estimated value of all the property within her limits, and still has a debt of equal amount unpaid. It is not likely that other parts of the State suffered less. The extent of their spoliation can hardly be calculated; but the testimony of the carpetbaggers themselves against one another, the reports of committees sent by Congress to investigate the subject, and other information from sources entirely authentic make it safe to say that a general conflagration, sweeping over all the State from one end to the other and destroying every building and every article of personal property, would have been a visitation of mercy in comparison to the curse of such government. This may seem at first blush like gross exaggeration, because it is worse than anything that misrule ever did before.

The greediest of Roman proconsuls left something to the provinces they wasted; the Roman did not strip the Saxon quite to the skin; the Puritans under Cromwell did not utterly desolate Ireland. Their rapacity was confined to the visible things which they could presently handle and use. They could not take what did not exist. But the American carpetbagger has an invention unknown to those old-fashioned robbers, which increases his stealing power as much as the steam engine adds to the mechanical force of mere, natural muscles. He makes negotiable bonds of the State, signs and seals them according to the forms of law, sells them, converts the proceeds to his own use, and then defies justice to go behind the returns.

By this device his felonious fingers are made long enough to reach into the pockets of posterity; he lays his lien on property yet uncreated; he anticipates the labor of coming ages and appropriates the fruits of it in advance; he coins the industry of future generations into cash and snatches the inheritance from children whose fathers are yet unborn. Projecting his cheat forward by this contrivance, and operating laterally at the same time, he gathers an amount of plunder which no country in the world would have yielded to the Goth or the Vandal.

This is a terrible description, and yet not overdrawn, of ten years' negro rule in Louisiana under the carpetbag régime. Yet this is the political repast to which the people of the Southern States are invited, a carnival of ruin such as never prevailed in any country before. The Senator from Louisiana [Mr. EUSTIS], who addressed us this afternoon, testified under oath before a Congressional committee in 1876, and I will read from his testimony. He said:

I do not suppose it would be possible for you gentlemen to appreciate the condition of the people of Louisiana, the enormous taxes they pay without any return. The only result they see is that the officeholders grow rich while the people are impoverished.

The appeal for martial law, which is inexplicable to our Democratic Northern friends, was made by all classes of people, the largest property-owners and everybody else. They preferred to have a Prussian military despotism rather than have a continuance of the government we have had here for the last two years. If things continue it will be only a question of time when we will all be bankrupt. I would not to-day take as a donation all the property below Canal street and bind myself to hold it and pay taxes on it, if the taxes now existing are to continue.

Under these laws the popular belief is that the power of the governor is absolute. If Governor Warmoth maintains this one-man power in this State I do not intend to vote or take any part in any election in Louisiana. Corruption is general; legislation is bought and sold. With this corruption the executive and the other State officers are connected. The governor is accredited with being able to control the Legislature. I know of no measures he favored which failed to pass.

This is from the report of the Schofield committee, pages 532 and 533.

Now, if this be assailed as the testimony of a Democratic Senator, I want to read from a document filed with the Committee on Commerce at the last session, when Warmoth's name was before us as collector of the port of New Orleans. This document was filed by five of the most distinguished Republicans in Louisiana. It is signed by Hon. H. D. COLEMAN, member of Congress; Richard Simms, Thomas A. Cage, Henry Demas, State senators; A. H. Leonard, ex-United States attorney, and M. Marks. They all appeared before the committee in person, and then they left this paper, filed amidst the records of the Commerce Committee now. It comes from Republicans. They charge:

First. That the period during which Warmoth was governor was an era of unblushing and defiant corruption.

Second. That during his administration an immense debt was incurred for which the State received no consideration.

Third. That Governor Warmoth was responsible for this debt and the general spoliation of the State of which he was governor.

Fourth. That while governor he was personally interested in, and benefited by, several infamous schemes by which the State was defrauded.

These charges are simply samples of what the most distinguished politicians in Louisiana to-day say of this era to which we are invited to return in order to finish the plunder and ruin of the Southern people, recuperated as they have been by years of honest industry.

There is a recently published volume entitled "Governor Chamberlain's Administration in South Carolina." Says this author:

The new State officers took office July 9, 1868. In the first Legislature, which assembled on the same day, the senate consisted of thirty-three members, of whom nine were negroes and but seven were Democrats. The house of representatives consisted of one hundred and twenty-four members, of whom forty-eight were white men, fourteen only of these being Democrats. The whole Legislature thus consisted of seventy-two white and eighty-five colored members. At this date the entire funded debt of South Carolina amounted to $5,407,306.27. At the close of the four years (two terms) of Governor R. K. Scott's administration, December, 1872, the funded debt of the State amounted to $18,315,033.91, including past due and unpaid interest for three years. During the period of this administration, no public works of any appreciable importance had been begun or completed. The entire increase of about thirteen million dollars may be said to represent only increased extravagant and profligate current expenditures.

That Legislature, with an overwhelming majority of negro members, did that work in four years. But the Southern whites are denounced here as cutthroats, murderers, and assassins because they hold up their hands to-day to their brethren in the North and cry, "Who will deliver us from the body of this death?"

Mr. President, I am not afraid of this issue. If I were speaking here as a partisan I would say "God welcome the hour when we can confront the Republican party on this record." There is no amount of political prejudice that can overcome these figures. I should like with my feeble powers to stand on Wall street, New York, and appeal to the business men of that great city with this record.

The American people do not propose to deliver the white men of the South over to this state of things again. The negroes have not increased in political knowledge. Their natures are the same. The carpetbaggers are the same. The same old thieves are lurking now in the recesses to which they have been driven by indictments, ready to avail themselves of the statutes of limitation and come forth to their old work.

I took the trouble not long since to find what this negro rule had cost these States. In the reconstructed States, as they call them, during the period of reconstruction this amount of debt was piled up, for which there was no consideration:

Alabama	$26,705,781	Mississippi	$1,367,449
Arkansas	15,223,286	North Carolina	19,107,522
Florida	15,185,485	Tennessee	5,277,129
Georgia	32,912,250	Texas	12,629,021
Louisiana	23,506,474	Virginia	6,329,503

I desire to add to this my own State, in which, as my colleague and myself too well know, five years of carpetbag Republican administration cost us over $40,000,000. Our railroads were put up by the Republican Legislature and sold for a mere song. For five years the taxpayers stood helpless and hopeless while the carpetbaggers and the few negroes of the State made the laws and robbed us at their pleasure. My colleague and myself could not practice law; we could not vote; ministers could not preach; women could not teach; even the Sisters of Charity, the Little Sisters of the Poor, were refused the ministration of their holy offices by the Republican constitution of Missouri

under which this robbery of over $40,000,000 was perpetrated on the people.

This was the cost of negro domination in the South, but the negroes never received a cent of it. The white scoundrels who led and deceived them, and through their instrumentality plundered the white people, got the money. Some of them went to the penitentiary. Two governors of the States, elected by negro votes, wore striped clothes. And to this we are asked to return!

Mr. President, as a matter of course what I say upon this subject is ascribed to my prejudice as a Democrat and a Southern man. I accept that as an inevitable result, but I want to make one appeal to the clear-headed practical business men of the North, to the larger audience who must eventually settle this question. I have read the result of negro domination in the Southern States. That is the meaning of this bill.

Now, I say that no honest Northern man, not an adventurer, goes to the South who does not act with the Democratic party from sheer necessity. I make that statement. There may be here and there an exception, but as a rule where business men go South and make investments they may vote the Republican ticket as to President and Vice President, but they vote at the State elections for Democrats, and they are compelled to do it. I will prove it from sworn testimony.

In the contested-election case from Mississippi of Hill *vs.* Catchings, at the last session, Rev. William Cross was put under oath.

Rev. William Cross swears that his age is thirty-one, his place of former residence New York City, and his present occupation that of Episcopal minister at Graceville, Miss.

I do not see the Senator from Massachusetts [Mr. HOAR] here. He read the other day from some Episcopal editor. I want to read now from an Episcopal minister at Greenville, Miss.:

"Before coming South," he says, "my politics were Republican. I voted my first vote for James A. Garfield. I vote the Democratic ticket now and have done so ever since I came South, because the rank and file of the Republican party here is composed of people I do not consider the best citizens. I was raised a Republican and my father taught all his boys to vote that ticket, but since coming South I find that the Republican party is not composed of the same element as in the North."

Mr. William Starling, of Greenville, testified that he served as a major in the Federal Army; that he was a Republican before going South, but that he does not approve of the policy of the Republican party towards the South nor of Southern Republicans as a body. He believes it to be a fact that on going South to reside Northern Republicans, almost without exception, abandon the party. He had never seen during his residence in the South any attempt to deprive negroes of their legal rights, but he did not believe in accepting negro leadership in politics.

H. A. Mullaly, superintendent of the Planters' oil mill, in Greenville, testified that he was born in Massachusetts and was a Republican in national politics. He voted against the Republican candidate for Congress because he thought it unsafe to trust the Republican party locally under its present organization and leadership. "My knowledge of politics in the South," he said, "is limited to the two places. I have lived in Memphis and Greenville. As a business man I would deem it very unsafe to give them (the Republicans) any control where I now reside, in Greenville. I would say that the Republican party can not be built up with its present timber or gather any strength with the better element."

A. P. Keesecker testified that he was a Republican "in national affairs," born in Iowa, and now a banker in Greenville. He voted against the Republican nominee for Congress. He did not know a single white man in the county who voted for the Republican nominee. The Northern men, Federal soldiers among them, whom he had heard speak on the subject, were, like himself, Republicans only in "national affairs," when they retained any connection with that party. The Republican party could never command confidence under negro leadership.

Edward Storm, ex-captain of the Ninety-fourth Ohio Infantry, testified that, though "a national Republican," he voted against the party in Mississippi affairs, because it sought to put ignorance in control. He did not know a single white Republican who voted the party ticket for Congress.

Now, could there be any statement more conclusive than that? These are ex-officers in the Federal Army, ministers of the gospel, business men, Republicans from birth and education, who go South and are forced to act with the Democratic party to preserve their property, their homes and firesides, wives and children. Mr. President, there can not be any argument so unanswerable, and I challenge any Republican Senator to say why this thing is so and why then they propose to put back upon the Southern people under their Federal bayonets this rule which these gentlemen swear is abhorrent to them and unsafe to the community.

I have before me an extract from a Louisiana paper, a Republican paper, from the Morgan City Free Press, entitled "Who is responsible?" It says:

The Daily City Item aptly observes that "if the Republican party of Louisiana desires the outrages of which it complains suppressed it will not appeal to Congress or the North for redress," and we believe that this is the proper view.

Mr. HARRIS. Will the Senator from Missouri yield to me for a moment?

Mr. VEST. Certainly.

Mr. HARRIS. I simply desire to suggest that there is evidently not a quorum present, and I do not think the business of the Senate ought to proceed or that the Senator from Missouri ought to be required to talk to empty desks.

The PRESIDING OFFICER (Mr. BLAIR in the chair). The want of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll; and the following Senators answered to their names:

Aldrich,	Cockrell,	Farwell,	Hale,
Blair,	Coke,	Faulkner,	Harris,
Call,	Davis,	Gibson,	Hawley,
Carey,	Edmunds,	Gray,	Higgins,
Hoar,	Pasco,	Sanders,	Vest,
Jones, of Nevada,	Platt,	Shoup,	Warren.
Manderson,	Power,	Stewart,	
Paddock,	Pugh,	Stockbridge,	

The PRESIDING OFFICER. Thirty Senators have responded to their names.

Mr. ALDRICH. I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The Senator from Rhode Island moves that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

Mr. HOAR. I should like to make a suggestion that will answer once for all and that I am sure will be consented to unanimously; and that is that in all proceedings under calls of the Senate the name of the Senator from California [Mr. HEARST] be omitted by the Sergeant-at-Arms.

Mr. EDMUNDS. And the Senator from Georgia [Mr. BROWN].

Mr. HOAR. And the Senator from Georgia [Mr. BROWN].

Mr. HARRIS. And the junior Senator from Georgia [Mr. COLQUITT], who is quite ill.

Mr. EDMUNDS. Yes, that is right.

Mr. HARRIS. The junior Senator from Georgia is quite ill and is confined to his house.

Mr. ALDRICH. I suggest, also, the Senator from Colorado [Mr. TELLER], who is quite ill.

Mr. HARRIS. I know he left the Chamber complaining very much this evening, and I think the name of the Senator from Colorado ought to be excluded from any further proceedings.

Mr. EDMUNDS. Except those named by unanimous consent——

The PRESIDING OFFICER. If there be no objection, the names of the four Senators who are absent ill will be excepted from subsequent proceedings.

Mr. DOLPH entered the Chamber and answered to his name.

Mr. GIBSON (at 6 o'clock and 35 minutes p. m.). I move that the Senate adjourn. It is now half past 6 o'clock.

The PRESIDING OFFICER. The Senator from Louisiana moves that the Senate adjourn.

Mr. EDMUNDS. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. COCKRELL (when his name was called). I am paired with the Senator from Wisconsin [Mr. SAWYER], who was compelled to be absent for a little while.

Mr. DANIEL (when his name was called). I beg leave to state that I am paired with the Senator from Washington [Mr. SQUIRE], and therefore I refrain from voting.

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE].

Mr. DOLPH (when his name was called). I am paired with the senior Senator from Georgia [Mr. BROWN]. As I stated the other day, I notified him that the pair must be modified so that I can vote to make a quorum. I have not exercised that privilege, I believe, on a matter of importance. I will vote, as I understand a quorum is not present. I vote "nay."

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY]. Otherwise I should vote "yea."

Mr. GORMAN (when his name was called). I am paired with the Senator from Maine [Mr. FRYE]. If he were present, I should vote "yea."

Mr. GRAY (when his name was called). I am paired with the Senator from Illinois [Mr. CULLOM]. Although we have an understanding that either can vote to make a quorum, I do not consider that that question arises now, and therefore I feel compelled to withhold my vote.

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL]. If he were present, I should vote "yea." He being absent, I shall withhold my vote.

Mr. WALTHALL (when his name was called). I am paired with the Senator from Wisconsin [Mr. SPOONER]. My colleague [Mr. GEORGE] is paired with the present occupant of the chair [Mr. BLAIR].

Mr. WILSON, of Maryland (when his name was called). I am paired with the Senator from Iowa [Mr. WILSON].

The roll call was concluded.

Mr. CARLISLE. I am paired with the Senator from North Dakota [Mr. PIERCE].

Mr. JONES, of Arkansas (after having voted in the affirmative). Has the Senator from New York [Mr. HISCOCK] voted?

The PRESIDING OFFICER. The Senator from New York [Mr. HISCOCK] is not recorded as voting.

Mr. JONES, of Arkansas. I am paired with that Senator and withdraw my vote.

Mr. CALL. I am paired with the Senator from South Dakota [Mr. PETTIGREW]. I should vote "yea," if he were here.

The result was announced—yeas 9, nays 19; as follows:

YEAS—9.

Berry,	Eustis,	Pasco,	Ransom,
Blackburn,	Gibson,	Pugh,	Vest.
Coke,			

NAYS—19.

Aldrich,	Hale,	Manderson,	Shoup,
Carey,	Hawley,	Paddock,	Stewart,
Dolph,	Higgins,	Platt,	Stockbridge,
Edmunds,	Hoar,	Power,	Warren.
Farwell,	Jones of Nevada,	Sanders,	

ABSENT—60.

Allen,	Cullom,	Ingalls,	Reagan,
Allison,	Daniel,	Jones of Arkansas,	Sawyer,
Barbour,	Davis,	Kenna,	Sherman,
Bate,	Dawes,	McConnell,	Spooner,
Blair,	Dixon,	McMillan,	Squire,
Blodgett,	Evarts,	McPherson,	Stanford,
Brown,	Faulkner,	Mitchell,	Teller,
Butler,	Frye,	Moody,	Turpie,
Call,	George,	Morgan,	Vance,
Cameron,	Gorman,	Morrill,	Voorhees,
Carlisle,	Gray,	Payne,	Walthall,
Casey,	Hampton,	Pettigrew,	Washburn,
Chandler,	Harris,	Pierce,	Wilson of Iowa,
Cockrell,	Hearst,	Plumb,	Wilson of Md.
Colquitt,	Hiscock,	Quay,	Wolcott.

So the Senate refused to adjourn.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Rhode Island [Mr. ALDRICH] that the Sergeant-at-Arms be directed to request the attendance of absent Senators. Is the Senate ready for the question?

Mr. EDMUNDS. With the exceptions stated already.

The PRESIDING OFFICER. With the exception of the four Senators whose names have been given.

Mr. GORMAN. Who are the exceptions?

Mr. HARRIS. The senior Senator from Georgia [Mr. BROWN], the junior Senator from Georgia [Mr. COLQUITT], the Senator from California [Mr. HEARST], and the Senator from Colorado [Mr. TELLER] are the exceptions made to the order.

Mr. HAWLEY. I suggest that we add the Senator from North Carolina [Mr. VANCE].

Mr. GORMAN. The Senator from North Carolina [Mr. VANCE] ought to be excused.

Mr. EDMUNDS. Yes, let us leave out the Senator from North Carolina [Mr. VANCE]. I think that is fair under the circumstances.

The PRESIDING OFFICER. Without objection, the name of the Senator from North Carolina [Mr. VANCE] will also be omitted.

Mr. JONES, of Arkansas. The Senator from Mississippi [Mr. GEORGE] left the Senate this afternoon quite unwell. I am sure he is too unwell to attend the session of the Senate to-night. I hope he will be excused also.

Mr. EDMUNDS. We might ask him to come. We are not compelling them now.

Mr. DANIEL. I would suggest that the junior Senator from Vermont [Mr. MORRILL] be omitted.

Mr. EDMUNDS. The senior Senator from Vermont does not ask to be excused, I am sure.

Mr. DANIEL. I am very glad to hear it.

The PRESIDING OFFICER. It is within the knowledge of the Chair that the Senator from Mississippi [Mr. GEORGE] is really ill, and if there be no objection his name will be added to those excused. The question recurs on the motion of the Senator from Rhode Island, which is that the Sergeant-at-Arms be directed to request the presence of absent Senators with the exception of the names ordered to be excepted by the Senate.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant-at-Arms will request the presence of absent Senators.

Mr. ALLEN entered the Chamber and answered to his name.

Mr. JONES, of Arkansas (at 6 o'clock and 55 minutes p. m.). As there are by actual count but four Republican Senators in the Chamber, it seems to me clear there is no desire on the part of that party to have a session to-night. Therefore I ask unanimous consent that the Senate adjourn.

The PRESIDING OFFICER. The Senator from Arkansas moves that the Senate adjourn.

Mr. MANDERSON. On that question I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. COCKRELL. I ask unanimous consent to suggest to the Chair that the Senator from Arkansas did not move to adjourn; he only asked unanimous consent, and that was not given.

Mr. ALDRICH. The motion was put by the Chair to adjourn.

The PRESIDING OFFICER. The Chair understood that it was a motion to adjourn. The roll-call will proceed.

The Secretary resumed the call of the roll.

Mr. CARLISLE (when his name was called). I am paired generally with the Senator from North Dakota [Mr. PIERCE], but by an arrangement made since the last vote was taken that pair was transferred to the Senator from Georgia [Mr. BROWN], and I am at liberty to vote. I vote "yea."

Mr. COCKRELL (when his name was called). I am paired with the Senator from Wisconsin [Mr. SAWYER].

Mr. DANIEL (when his name was called). I beg leave to state that I am paired generally with the Senator from Washington [Mr. SQUIRE], and therefore refrain from voting.

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE].

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY]. Otherwise I should vote "yea."

Mr. GORMAN (when his name was called). I am paired with the Senator from Maine [Mr. FRYE].

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL]. I should vote "yea," if he were present.

Mr. RANSOM (when his name was called). I am paired with the Senator from Maine [Mr. HALE]. I should vote "yea," if he were present.

Mr. WALTHALL (when his name was called). I am paired with the Senator from Wisconsin [Mr. SPOONER].

The roll-call was concluded.

Mr. BERRY. I am paired with the Senator from Colorado [Mr. TELLER].

Mr. JONES, of Arkansas. I am paired with the Senator from New York [Mr. HISCOCK]. As he does not seem to be present, I withhold my vote.

Mr. SANDERS. I was requested to announce the pair of the Senator from Nebraska [Mr. PADDOCK] with the Senator from Louisiana [Mr. EUSTIS].

The result was announced—yeas 5, nays 16; as follows:

YEAS—5.

Blackburn,	Gibson,	Pasco,	Pugh.
Carlisle,			

NAYS—16.

Aldrich,	Edmunds,	Hoar,	Sanders,
Allen,	Farwell,	Manderson,	Shoup,
Carey,	Hawley,	Platt,	Stockbridge,
Dolph,	Higgins,	Power,	Warren.

ABSENT—67.

Allison,	Davis,	Jones of Nevada,	Sawyer,
Barbour,	Dawes,	Kenna,	Sherman,
Bate,	Dixon,	McConnell,	Spooner,
Berry,	Eustis,	McMillan,	Squire,
Blair,	Evarts,	McPherson,	Stanford,
Blodgett,	Faulkner,	Mitchell,	Stewart,
Brown,	Frye,	Moody,	Teller,
Butler,	George,	Morgan,	Turpie,
Call,	Gorman,	Morrill,	Vance,
Cameron,	Gray,	Paddock,	Vest,
Casey,	Hale,	Payne,	Voorhees,
Chandler,	Hampton,	Pettigrew,	Walthall,
Cockrell,	Harris,	Pierce,	Washburn,
Coke,	Hearst,	Plumb,	Wilson of Iowa,
Colquitt,	Hiscock,	Quay,	Wilson of Md.
Cullom,	Ingalls,	Ransom,	Wolcott.
Daniel,	Jones of Arkansas,	Reagan,	

So the Senate refused to adjourn.

After some delay, Mr. HISCOCK, Mr. INGALLS, Mr. MCCONNELL, Mr. SPOONER, Mr. TURPIE, and Mr. WILSON, of Iowa, entered the Chamber.

Mr. CARLISLE. It appears that my name is on the list of absentees. I was present at the time when both votes were taken, and on the last question I cast my vote. But I was not present when the roll was called before the first motion to adjourn.

Mr. PASCO. I suggest that the Senator from Kentucky was present when the order was made to request the attendance of absentees.

Mr. CARLISLE. I was present in the Chamber when the order was made, but I was not present when the roll was called preceding the motion for the order.

The PRESIDING OFFICER. The clerks will correct the record accordingly.

Mr. RANSOM. I have been in the Senate half an hour and voted once or twice since this matter came up. I see that my name is not recorded.

The PRESIDING OFFICER. The Senator will be recorded as present.

Mr. REAGAN. Mr. President, I desire to report my presence in the Chamber.

Mr. WILSON, of Maryland, entered the Chamber and answered to his name.

Mr. BLACKBURN. Mr. President, there has not been a roll-call either to vote or to answer to the name during the day or night that I have not answered. It may be, Mr. President, that on the first call I was not present. I voted on the motion to adjourn, which was the last motion before the Senate. The omission of my name is a mistake, a very natural one, made at the Clerk's desk.

The PRESIDING OFFICER. The Chair will explain that the call of the Senate is not yet completed.

Mr. BLACKBURN. There has been a vote of the Senate since that call.

Mr. HARRIS. But there was a roll-call before that, and the list of absentees was made up from that roll-call.

Mr. BLACKBURN. Then I ask to correct it in the light of the vote

taken on the motion to adjourn, which was made subsequent to that roll-call, and which shows that I was present.

The PRESIDING OFFICER. The name of the Senator will be recorded as present.

Mr. CASEY, Mr. DANIEL, and Mr. DIXON answered to their names.

The PRESIDING OFFICER. Forty-six Senators are present. The Senator from Missouri [Mr. VEST] will proceed.

Mr. VEST. Mr. President——

Mr. COCKRELL. I rise to a question of order.

The PRESIDING OFFICER. The Senator from Missouri rises to a question of order. The Senator will state his question of order.

Mr. COCKRELL. I do not doubt the correctness of the number who have answered to their names, but they do not seem to be here.

Mr. HARRIS. They have been here.

Mr. COCKRELL. They may have been here, but they are absent now.

The PRESIDING OFFICER. Forty-six Senators have answered to their names.

Mr. HARRIS. There is no doubt about that number having been here, but they are not here is the point.

The PRESIDING OFFICER. It is not necessary that there should be forty-six Senators here to constitute a quorum of the Senate. The Senator from Missouri will proceed.

Mr. HARRIS. It is necessary that there should be forty-five Senators present.

Mr. COCKRELL. I raise the question of order directly. The Chair can count, and he will see that there is no quorum present.

The PRESIDING OFFICER. The absence of a quorum being suggested, the roll will be called.

The Secretary called the roll; and the following Senators answered to their names:

Aldrich,	Dolph,	Ingalls,	Shoup,
Allen,	Edmunds,	McConnell,	Stewart,
Blackburn,	Farwell,	Manderson,	Stockbridge,
Blair,	Faulkner,	Paddock,	Vest,
Carey,	Gorman,	Pasco,	Walthall,
Carlisle,	Gray,	Platt,	Warren,
Casey,	Harris,	Power,	Wilson of Iowa,
Cockrell,	Hawley,	Ransom,	Wilson of Md.
Daniel,	Higgins,	Reagan,	
Davis,	Hiscock,	Sanders,	
Dixon,	Hoar,	Sherman,	

The PRESIDING OFFICER. Forty-one Senators have responded to their names. There is not a quorum present.

Mr. INGALLS. I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

Mr. COCKRELL. That order has already been made and is being executed.

Mr. INGALLS. It was discharged, I supposed, by the additional call for a quorum.

The PRESIDING OFFICER. The Senator from Kansas moves that the Sergeant-at-Arms be directed to request the presence of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant-at-Arms is so directed.

After a little delay, Mr. BLODGETT, Mr. COKE, Mr. CULLOM, and Mr. HAMPTON entered the Chamber and answered to their names.

The PRESIDING OFFICER. A quorum of the Senate having responded to their names, the Senator from Missouri [Mr. VEST] is entitled to proceed.

Mr. VEST. Mr. President, when interrupted by the calling of the roll to ascertain the presence of a quorum, I was endeavoring to enforce the point that the people of the South, who are to-day confronted with this problem of negro suffrage, must be assumed to be the best judges as to the necessities of their situation and of the proper remedies for the evils that are before them. And in order to obviate the very natural response to any evidence I might produce that the statements I read came from partisan sources, I had placed before the Senate the testimony of Northern men who have gone to the South, Republicans, and who state under oath that they were compelled, in order to preserve their property, to act with the Democratic party. I was endeavoring to show from Republican sources what is the opinion, without regard to party, in the Southern States, as to the delicate problem presented to our countrymen in that locality, and I was reading from a Louisiana Republican paper, which says:

The Daily City Item—

This is from the Morgan City Free Press, a Republican paper—

The Daily City Item aptly observes that "if the Republican party of Louisiana desires the outrages of which it complains suppressed, it will not appeal to Congress or the North for redress," and we believe that this is the proper view. We have never known an outside party to meet with any great success in settling a family quarrel, and the difficulties in Louisiana are of a family character which should be settled at home. We believe that the wisdom and Christian spirit of our people will prevail, if the other families that compose this great Union will keep hands off.

Our present troubles, which are called "race troubles" (a decided misnomer), can be traced directly to the work of several would-be Republican leaders, who exhibited more stomach for office than brain for the good of the community. It was through them that in 1867 large numbers of ignorant colored men were massed into secret societies and taught to believe that the planters were robbing them, and that they should strike just at the time the planter would be obliged to meet their demands or lose heavily on the crop. The men who did most of the urging to colored men to join, who did most of the talking and advising the strike, were white Republicans. And our readers will remember that the Free Press took a bold stand against it, and made many enemies by doing so, and was finely boycotted for it.

The strike came and with it violence on the part of the strikers, and the result was several dead colored men in each parish, whose blood trickled towards the doors of these same Republicans whose irrational teachings had brought about these terrible consequences. The retribution was just, but it fell in the wrong place. From the unfortunate occurrence of that year grew a spirit of revenge in the breast of a few and fear with others. White men could see a negro uprising in a street-corner fight and one man on horseback at night was a thousand regulators to the negro. Irresponsible men undertook to constitute themselves as vindicators of the law and punish the offenders. But the people have decided that this system shall not prevail and we are fast settling into a better order of things. The press of the State, with but few exceptions, is demanding that the authorities must restore order and force the perpetrators of outrages to punishment through legal methods.

Even if this were not the case, we should go into court with clean hands, and for this reason the Republican party of this State at least has no right to appeal to Congress, because many of its members are to a great extent responsible for the present condition of things. We are very sorry to be obliged to differ with several of our Republican friends, but we are perfectly independent in our Republicanism, and propose to place matters of public importance in an honest and proper light.

Mr. President, I have said, and I repeat, that if it were not for the white adventurers, who are the enemies of black and white alike and who are actuated simply by mercenary motives, who desire but to load themselves with plunder and then leave the real citizens of the Southern States to settle the awful problem that divides them, there would be no trouble in the South, but the same motives of self-interest would regulate matters there which prevail in Northern communities. There are no climatic influences that change the passions and prejudices of men. They are all, North and South, governed by self-interest alike. If it were not for blind partisanship our friends on the other side of this Chamber would recognize the axiomatic fact that it is not to the interest of the white men of the South to butcher negroes.

It is absolute absurdity to talk of the white men of the South, having made the advances they have in material wealth—their cotton fields to-day whitened with the product that brings us the largest portion of the gold that comes from our exports; the men who have made the spiral smoke to ascend from a thousand factories; the men who have caused the music of the loom to be heard in all the villages of the South, and who have dug from the bowels of the earth the iron that to-day is controlling the markets of the world—plotting by day to murder negroes and riding by night as ku klux; that is the dream of partisan prejudice. The white men of the South are too anxious to reestablish their devastated homesteads and to make their fields productive, in order to support their wives and children. If the politicians and carpetbaggers would leave them alone, a permanent peace, based on mutual interests, would prevail in every portion of the Southern States.

After the terrible war which desolated one section of the Union and brought grief to almost every home, North and South, when the Southern soldiers returned, the negroes met them not only in a kindly spirit, but affectionately. During the war, one-tenth part of the same number of white men, although unarmed except by nature, would have terminated that struggle in twenty-four hours. But the negroes, to show their racial characteristics, remained loyal to their masters in almost every instance, even within the sound of hostile guns; they not only refused to rise against the people of the South, even when their own freedom was at stake, but labored on contentedly to produce the supplies that fed the Confederate armies in the field. Never until the negro was attempted to be made a political instrumentality, unprepared for it, untutored, brutalized by a thousand years of slavery, never until the immense responsibilities of American citizenship were thrust upon him was, there trouble between the white and black races in the Southern States.

With this political responsibility came confusion, disorder, rapine, plunder, until, as I read this afternoon, the history of the world does not show in so many pages so dark an era of crime and fraud as was shown during the terrible days of reconstruction in the South.

Mr. President, any man who is not determined to vote for his party rather than his country, if he will intelligently listen to testimony, even from Republican sources, must know that to-day the South is fast approaching an era when the great laws regulating social and political conditions must adjust the relations between the black and white races. No law of Congress will do it. You may fill your statute books with all the force bills that you please to enact, and you will but aggravate by foreign interference the agencies that are at work against both races. You might as well expect to help the conditions of a physical body when you inject into it foreign substances, and substances, besides, antagonistic to each other and unnatural in themselves; you might as well expect physical health under such conditions as to expect social and economic prosperity in a country when you inject into it foreign instrumentalities, alien to the people, and which they must resent.

I know no way of treating the subject except as a practical man. I know of no way better than to produce evidence here as in a court of justice. I know no witnesses so competent, none so reliable, as those who have been face to face with this problem and have seen the Southern people battle with it every day in their homes and for their wives and children.

Why, Mr. President, I have lived in the Southern States. I lived once in a parish in Louisiana where there was a negro majority of over 5,000. I know the condition of things there, and all the rhetoric in the world will not change my conclusions or those of any other intelligent man who has been face to face with this problem.

Now, let us hear the testimony of witnesses who know something about this subject; not pseudo-philanthropists, not either optimists or pessimists who, upon a pedestal in New England, establish a theory and then propose to make conditions conform to it. Let us look at this as if it were an issue in court to be tried upon testimony.

In the first place, here is a letter from a leading Republican in Virginia. Permit me, before I read it, to make one statement for which I am responsible. During the last election—or rather, let me go back a little further—during the last session of Congress it will be remembered that there was a celebrated election contest in a co-ordinate branch of Congress which attracted the attention of all the country. It was between a white man and a colored man from Virginia. The colored man was one of the most intelligent of his race. It resulted, as the Democrats thought most unjustly, in a Democrat being ejected from his seat and this colored man, LANGSTON, being put in his place.

Congress adjourned with LANGSTON holding the seat. The case was remitted to the people of the district in Virginia which had been contested. LANGSTON appealed to the people to certify his title as given him by the House of Representatives. The white Republicans, including General Mahone, the chairman of the Republican State committee, told Mr. LANGSTON that he should have the entire machinery of the election law to assist him in that contest. They said to him, "You complain," or rather, "It is complained that we can not have a fair election in Virginia and in your district. Now, you shall have as many supervisors and as many deputy marshals as you please, of your own race, in order to have your title confirmed at the polls by popular election."

What was the result, Mr. President? I call the attention of every honest, intelligent man to it. What was the result, with all the machinery of the election law invoked in his behalf? Mr. LANGSTON was defeated in that contest by 4,000 votes, with all the supervisors and deputy marshals he wanted, and this in a Republican district.

I have been told by the most distinguished Republican from Virginia inside of twenty-four hours that nothing but a standing army would be able to put a colored man into Congress over a white man even in a Republican district of that State.

Now, you will say that is a deplorable condition of affairs. For the sake of the argument, granted. What does it prove? Simply that your election bill is not worth the paper it is written on, even if you could pass it, so far as political domination by the negro is concerned—I mean for the purpose of giving you political supremacy in the South. You will irritate, you will exasperate, you will make desperate the people over whom you propose to put it, but for practical purposes, in my judgment, you will not attain the political supremacy at which you aim.

Now let me read from a white Republican and an intelligent man in Virginia.

Here is a letter from Col. H. C. Parsons, of Natural Bridge, Va., to Congressman EVANS, of Tennessee:

NATURAL BRIDGE, VA., *December* 13, 1890.

DEAR SIR: In reply to your inquiry in regard to the Federal elections bill I may answer that there has been no general expression of the sentiment of the Republicans of Virginia, and for others I can not speak; but, speaking for myself and those with whom I have had opportunity to confer, we hope the bill will not pass.

We have found no reason in the unreasoning clamor that has been raised against it nor any objection in the constitutional doubts or the Congressional limitations of power that have been made. We only look at it from our standpoint and within our limited horizon, and here it can not operate for good.

We are compelled to recognize the facts of our condition, that absolute majorities do not rule and can not rule; that courage, independence, organizing power, and landlordism cast into the scales decisive weight; that the solid South can never be broken except by the development of internal forces; that the black race left to its own deliverance since the States were admitted can not bear the political responsibilities that have brought nothing but disappointment for twenty years.

We see the sufficient objection to the bill in the fact that it is impolitic and must become inoperative. That where it can be enforced it is not needed and where it is needed it can not be enforced. Because it will not bring the relief sought for to-day, and because, in the possibilities of the future, it may give a dangerous power and precedency to a Tammany control and Democracy.

Where in the South, except in a few mountain districts (where such a law is not needed) are the brave and discreet men for supervisors? Where the police? Where the juries to declare penalties? Where the sentiment to support the law?

The Republican party, now charged for the first time in many years with unchallenged power, may now fulfill its obligation to the enfranchised race, which has entered upon the third decade of loyal service and to which we have given nothing to better their condition. It is in the power of this Congress (and of this I particularly write to you, as you represent the central and most progressive Republican district in the South) to accomplish a great and beneficent work.

The trouble is not so much that the freedmen can not vote as that they are not free. Only from the bettering of their condition can they be made independent voters. The wreck of the Freedman's Savings Bank is still the crime of the century. This child race can not advance with the bayonet behind the ballot. It can only progress through peaceful ways—through the increase of wages and savings. The man who in the beginning said "forty acres and a mule" was not without philosophy. The rate of wages can only be increased and the earnings saved through manual labor, education, and postal savings banks. Under our present system the black man can not be taught any trades, and he will trust nothing but the Government.

Whatever objection may have existed to the Blair bill—

I ask the attention of the presiding officer particularly to this—

I see no ground of opposition to the establishment of industrial schools in every part of the United States. We have in the South the best labor in the world, obedient, hardy, sober, able to compete even with the Chinaman upon the plane of the cost of production. In this labor lie the greatest wealth of the South and the best assurances of its development; but our mines and factories send abroad for labor at a price from two to five times as great as our own commands. We send our iron away to be wrought, our cotton to be woven, to our continued loss. If it is possible to open a way for half a million black men to enter our mines and mills and for one hundred thousand black girls to enter our factories, the congestion of the labor market will be relieved, and more will be done for the protection of the race than is possible to be done through political enactment.

If you will go further and fix a plan for the savings bank so simple that the ignorant may avail themselves of it, a plan of cards and stamps to be affixed, that could without any accounting grow into interest-paying and convertible certificates, you would have made prosperity permanent. If the postal savings bank had been erected on the ruins of the Freedman's Savings Bank it would, without costing the nation one dollar, I believe, have added to the holdings of the freedmen $200,000,000 and the circulating medium of the South $100,000,000; it would have made the black man too important a factor to be ignored, and have done much toward the solution of the race problem.

If it be true that our party saved this Union, to none other is it so important that it be a Union in fact. That there should be no color line, no sectional line. If the Republican party freed the slave, the responsibility of giving him an even chance in life rests particularly upon it. With the black men of the South to-day it is not so much of politics as of poultry, and who can number the benefits that would come upon the South generally and upon the whole nation through such assistance?

The colored vote divided between the parties—sought by labor organizations and Farmers' Alliances—would lose its threatening solidarity. The generosity that comes with good fortune would move the white people, and the two races, upon different lines, but equally advancing, would approach the goal through the rivalry of success. The South would as naturally divide as the North. Once more it would turn to fair argument and calm debates; it would no longer be difficult to find a Republican paper between the Potomac and the Rio Grande; the intellect of our young men would no longer be dwarfed by partial statement and one-sided argument, and statesmanship would return.

When Mr. Lincoln was taunted with having no Southern policy he slowly answered: "I would make every man in the South feel in his heart and in his purse it was better for him that the war ended as it did." And General Grant summed up the case in his simple desire: "Let us have peace." These were the two wisest speeches of reconstruction.

If after this benevolent work the solid South remains solid without excuse, then the argument in the greater North would be prevailing. It is time that the chapter of reconstruction should be closed. Its warnings should light us against repeated blunders. It is better to adopt policies that shall bring independence to one race and confidence to the other than to provoke a foredoomed contest; better than to forge a chain to be broken or a bolt to be caught and hurled back.

Very respectfully,

H. C. PARSONS.

Hon. H. CLAY EVANS.

The Senator from Massachusetts read the other day a letter from an editor of the Episcopal Church. I have before me, sent to me by a member of the Republican party with whom I have no personal acquaintance, the following statement, taken from the New England Congregationalist and republished in the Buffalo (N. Y.) Commercial Advertiser:

SOUTHERN NEGROES—FACTS AS TO THEIR TREATMENT—A PLAIN STORY TOLD BY AN INTELLIGENT OBSERVER WHO HAS NO DESIRE TO WORK UP ANY POLITICAL PREJUDICES—STRONG PROOF FROM RELIABLE SOURCES.

Of the 12,000 inhabitants of Dougherty County, Georgia, in which Albany is situated, 9,000 are negroes. In the city the proportions of the two races are about equal. In the country there are eight or ten blacks to one white person.

Educationally, the opportunities for negro children are general and increasing. Free schools, mostly taught by colored teachers, are provided by the State in most of the school districts of the county for four months in each year, with a prospect that the time will soon be extended to six months. I visited an academy in charge of two young men who have been students, though not graduates, of Atlanta University.

There were, in the two rooms, about 130 children doing fair work in the common branches of study, and the furnishings were quite in advance of those of the average New England country schoolhouse thirty years ago. While there is no law compelling attendance, there seems to be a growing ambition on the part of colored parents to send their children to school. White people have become convinced that it is best to provide elementary education for the colored, and the county school commissioners, who are excellent men, seem thoroughly interested in the matter. Opinions appear to be divided as to the advantages of the Blair bill, but it is my impression that national aid to education would in that section work more harm than benefit. The State seems to be able and increasingly disposed to provide for its needs in that direction.

Financially the outlook for the negro is hopeful. A dozen years ago the whites were reluctant to sell to him land, but their views have changed. They believe it is safer and wiser to encourage him to make and keep a home. A good many own land, and those who get possession of it seldom part with it. A considerable number have excellent credit and are as thoroughly trusted as the soundest of their white neighbors. More and more various employments are open to them than at the North. They often outbid white men in small contracts for building, transportation of goods, and the like.

Socially there are several grades of negroes in this section. Those on the plantations are generally less intelligent than those in the city, while those who have come from the Carolina coast are sometimes so ignorant and use such barbaric language that it is difficult to understand them. The large majority live in one-roomed, windowless cabins, with scarcely any furniture, tenants without rent of the owners of the plantations. But those who own homes, and take pride in making them clean and attractive, tend to form a higher social grade. The two races associate less with each other than during the years following the war, and the tendency is toward further separation. White children and black play less together than formerly. The negroes are coming more and more to have their own quarters in each town, with their churches and schools. Too large a proportion of the young people, the first generation since slavery, have been allowed to grow up with the idea that freedom means the absence of all restraints, and they swarm the streets at all hours with the curiosity of children whenever anything new is to be seen.

I was riding one day in a procession, in an open carriage with Governor Gordon, Senator COLQUITT, and Dr. Duncan. Several times the carriage stopped for a few minutes, and each time the negroes crowded one another to look into the carriage and to shake hands with the governor and Senator. At one point a bright-looking negro, about thirty years old, pushed ahead of the others and said, "Are you Governor Gordon?" "Yes," said the governor, pleasantly,

extending his hand; "I am glad to see you." The black man surveyed him deliberately for a minute, and then said, "Well, Governor Gordon, you're a very promising looking man." In the tabernacle when the admission was free, as on Sunday, many blacks came in. I preached to about two thousand people, of which perhaps one-fourth were colored. They occupied a place by themselves, except a few who were known as preachers and teachers. These came toward the front and sat among the whites. I can not see how any closer mingling could have been agreeable to the white people, and I think the negroes felt more at home by themselves.

Religiously, one's impressions vary according to his point of approach. The pastors have great influence over their people, and while some of these are good men others do not inspire confidence. I attended a conference of assistant ministers and deacons in charge of a Baptist preacher who has, it is said, over five thousand members in his churches. He visits each church once a month or oftener, admonishes his people plainly, and occasionally administers physical discipline. Being sent for one day on complaint of an injured husband, he rode to the house, called the couple into the yard, asked a few questions, applied his horsewhip smartly to both parties, and settled the case. He was a slave till he was past thirty years of age, but has since learned to read and write. He has sound practical sense, not a little eloquence, and is universally respected and trusted by both races.

I attended another. One discouraging sign is the apparent want of respect and confidence among the negroes for each other. By request I joined in marriage a young colored couple. Afterwards I tried to show the audience of colored people what good results would follow if they should maintain a Christian home and abide faithful to each other, when I was interrupted by an elder remarking, "I doubt if they do dat;" and this was followed by a general expression which showed that chaste married life was not to be expected. When I rebuked them for this, and said that they ought to expect it, and that to assume that it would not be was to encourage unchastity and shame, the idea seemed new to them, though they responded heartily.

After remarks by Rev. O. P. Gifford at another church, the preacher said, "Dis sermon take hold of me down to my very toes. Now, is you gwine to take it home wid you dat way, or is you gwine to go on stealin' and lyin' and goin' with each others' wives like you been doin' all de time?" The greatest lack among them seems to be the lack of wisdom and patience in home life, discipline, and culture of children to obedience and self-control. The great majority have the heedlessness, improvidence, and irresponsibility of undisciplined children.

Politically the largest part are entirely unfit for the duties of citizens.

Mr. HOAR. Will the Senator from Missouri permit me to ask him a question?

Mr. VEST. Certainly.

Mr. HOAR. I wish to inquire what part of the Journal the Senator is addressing himself to.

Mr. VEST. To all of it, Mr. President; and the Senator can suit himself; he can make his own selection. Any other witticism which the Senator from Massachusetts may make will, I hope, be put in the RECORD.

Mr. HOAR. I thought the witticism was on the part of the Senator from Missouri.

Mr. VEST. Mr. President, I propose to proceed with my speech, or whatever it may be called, without regard to anything that the Senator from Massachusetts may say. This article continues:

I am convinced that both they and the whites are morally worse off than if suffrage had never been given to them. Intimidation, so far as I could learn, is not practiced in this section. But in other ways the whites, and not always the best class either, control the elections. Left to themselves, the negroes in any precinct do not know enough to comply with the legal requirements, and so the entire vote in such precincts can be thrown out. Ordinarily, now that the novelty has worn off, many of them care nothing for voting, and in some sections election days have passed by before they hear of them. When their votes are wanted, bribery is common and open, the price of a vote varying from 50 cents to $10. Frequently by various devices the votes first put into their hands have been changed before they reached the polls. The best people deplore this state of things, which gives large opportunity to unscrupulous politicians; but under like conditions the same results would follow in any part of the country. There are exceptions, growing in number, of negroes who are intelligently seeking the public good and who vote accordingly. The only relief which I can see is to apply to both white and black some fair test of intelligence and responsibility as prerequisites for citizenship. That, with the secret ballot, would go far toward solving the political problem.

There are cases where intelligent negroes suffer hardships in being shut up to the society of their own race. There are cases where inoffensive blacks are unjustly treated by whites. Cases are more numerous where aggressive and arrogant whites come into collision with aggressive and ignorant colored people, in which cases the latter are sure to get the worst of it. But if my impressions are correct, the majority of white people in the South are disposed to deal patiently and kindly with the colored race and the negroes in general are not discontented with their position. There are encouraging signs of movement toward better things. I very much doubt if as little friction would exist if in any part of the North the same proportion of colored and white people should be brought together as in Georgia. Our white Christian brethren in the South are entitled at least to fair and just judgment on the part of their brethren in the North; and, though I have visited nearly every inhabited section of the United States, I have nowhere found a more Christian spirit, a more honest disposition to treat all men of every race with helpful kindness, a truer culture, and a more generous and genuine hospitality than in this fair city of Albany, Ga.—*Rev. A. E. Dunning* in Congregationalist.

I make no apology for reading that. It is in the nature of evidence from a Northern man and a Republican in politics, who testifies as to the condition of things in Georgia.

There is an editorial in the Buffalo Commercial Advertiser commenting on this letter, which says:

THE NEGRO IN THE SOUTH.

Our readers will thank us for reprinting to-day an article from that most able paper, the Congregationalist, in which the condition of the negro, in some parts of the South at least, is described. The article is from the pen of Rev. A. E. Dunning, one of the editors of the paper, as well as one of the most eminent of the Congregational ministers of New England. Visiting a session of the Georgia Chautauqua at Albany, in that State, Mr. Dunning took that opportunity to examine into the relations of the blacks and whites, and he has made an unquestionably fair and most interesting report.

The Commercial, as its readers can bear witness, has taken very little stock in the attempts made to keep up partisan rancor and sectional hate by an agitation of the "negro problem." We maintain—as every fair-minded person must maintain—that the colored man of the South should have a fair chance to vote and should have his vote fairly counted. But it is also plain to fair-minded men that the Southern people are confronted with a problem that calls for the utmost caution in its solution and that is full of peril in its most favorable aspect.

It is easier for Northern people, in cities where the colored people can be counted by scores very easily, to declare how the two races shall be politically related than it is to decide that matter in a community like that visited by Dr. Dunning, where the blacks are in proportion to the whites as ten to one. He bears testimony most grateful to those who have been hoping that the whites would be just, would be patient, would be kind. And we are free to say that more reliance can be placed upon the testimony of such a man than upon the fiery speeches of United States Senators or the exaggerated romancing of writers and lecturers who have a book to sell.

That is from the Buffalo Commercial Advertiser of April 16, 1890.

Now, Mr. President, that is the condition of the negroes in a community in which they stand ten to one with the white race, and after the former slaves of that white race are to be put over it, the proudest white race in the world, in whose veins is the mingled blood of the Cavalier and the Huguenot, and who will submit to no sort of oppression.

Mr. HARRIS. Will the Senator from Missouri yield to me for a moment?

Mr. VEST. Certainly.

Mr. HARRIS. My object is to come here when the Senate meets and to remain here till it adjourns. If the majority insists on keeping it in session, thereby keeping me here, I want them here. It is evident that there is not now a quorum of Senators on the floor.

The PRESIDING OFFICER. The absence of a quorum being disclosed, the Secretary will call the roll of the Senate.

The Secretary called the roll; and the following Senators answered to their names:

Aldrich,	Davis,	Hoar,	Sherman,
Allen,	Dixon,	Ingalls,	Shoup,
Allison,	Dolph,	McConnell,	Stewart,
Bate,	Edmunds,	McMillan,	Stockbridge,
Berry,	Evarts,	Manderson,	Turpie,
Blackburn,	Farwell,	Morgan,	Vest,
Blair,	Gibson,	Morrill,	Warren,
Carey,	Gray,	Platt,	Washburn,
Carlisle,	Harris,	Power,	Wilson of Iowa.
Casey,	Hawley,	Ransom,	
Cullom,	Higgins,	Reagan,	
Daniel,	Hiscock,	Sanders,	

The PRESIDING OFFICER. Forty-five Senators have answered to their names and the Senator from Missouri [Mr. VEST] is entitled to the floor.

Mr. VEST. Mr. President, I hope that no feeling of courtesy will cause our Republican friends to remain in the Chamber. We only desire that they should stay when we do and as long as we do.

Mr. CULLOM. We are here.

Mr. VEST. I hope Senators will remain, not to hear me, but if they will come in occasionally on roll-calls it will not permit us to become lonesome.

Now, Mr. President, I want to read the testimony of Bishop Vincent, from the Buffalo Express, a Republican paper:

HOPEFUL AND PROUD—BISHOP VINCENT'S OBSERVATIONS WHILE IN THE SOUTH—NINETY OUT OF ONE HUNDRED PEOPLE HE SAYS HE FOUND EXPRESSING GOOD WILL TOWARD THE COLORED MAN.

Bishop Vincent has just returned from a trip South, where he has been engaged in regular church work. Being in charge of the Mississippi Conference held at Vicksburg, the Louisiana Conference at Shreveport, the Arkansas Conference at Hot Springs, and the Little Rock Conference at Forth Smith, he has necessarily been south of Mason and Dixon's line for several weeks, and he could not, with his powers of observation, well fail to take note of the social and political condition of things there. The fact that all of these conferences except the Arkansas are colored added greatly to this opportunity for studying the Southern problem.

"Won't you tell us how you were impressed by what you saw there?" asked the reporter.

The bishop replied that he should be very glad to do so, for he was not only very hopeful, but he was very proud of the South. "I was struck," said he, "with the great improvement of the people, especially the ministers. My cabinet of colored ministers at Vicksburg was equal to any white one I ever had for good sense, business tact, and wisdom of administration generally. In my early visits South there were always things coming up to be laughed at."

"So the negro of the funny papers did really exist once?" remarked the reporter, glad to know that ancient history does lend some color to the current colored joke.

"I was going to gather up some of them," continued the bishop, "but I find that they are gone. The negro is advancing, and I want to say another thing, though it is not at all Republican. While I am a strong Republican, out of one hundred classes of the whole Southern people I found ninety expressing good will to the negro and utter disbelief of the stories of abuse of the negro as circulated here. I was assured by scores in this wise: 'If we believed these stories we would make war against the perpetrators of such outrages.'

"They do not believe such things exist. I suppose that in some parts they exist and in some they do not. It is the politicians South who keep up this race feeling, but it is not the people. Still the people do not want the colored man to rule; they do not think it safe; and, while I may sometimes be almost ready to make the same confession, I always say that every American citizen has a right to vote and have his vote counted. I say that the majority must rule, and if the Anglo-Saxon hasn't ingenuity enough and enough trust in God to risk the issue, then he hasn't the right to rule, for the race that is just is going to come out on top, be it black or white."

The bishop here qualified his statement by saying that he was no politician and did not wish to be regarded as such. "I am delighted with the South," he went on, "and I found more comfort in looking to the future than ever before since the war. I was born in Alabama, though I removed from there when young. I have many relatives there and my sympathies are there in all but the main question," making this statement no doubt to show his familiarity with Southern affairs.

"I have good hope for the future of church and state. One thing we need is more ministers going South to take charge of churches and more coming North to do the same, so that we may understand each other better. I will not deny that I heard sentiments expressed that irritated me greatly, but the conciliatory sayings are nine to one of the opposite."

Mr. President, I have said before that outrages have been committed in the South. It would be assuming that the people there were more than men, that they had not the passions of men, if these outrages had not occurred. If the Northern people would apply the golden rule, then they would appreciate the condition of the Southern whites, and they would be more conciliatory in their treatment of this terrible question. Sir, these outrages have been exaggerated. To give a conspicuous example I will mention one case within my personal knowledge. The Senator from New Hampshire [Mr. CHANDLER] not now in his seat during the last Congress brought here a catalogue of horrors, of murders committed in the Southern States, or the former slave States, and he had culled, with an industry much to be admired, paragraphs from every county paper, statements anonymously made from newspaper correspondence, irritating and exasperating comments from irresponsible sources, to show that the South had a carnival of crime and that the negroes were being butchered by wholesale.

Among other instances of horror given by the Senator from New Hampshire was a murder of an inoffensive negro at Mascotte, Mo. Mr. President, there never was any such place in Missouri. [Laughter.] There never was a post office, town, or hamlet in the State of Missouri with that name.

Mr. GRAY. They must have wiped it out.

Mr. VEST. It was never there. No negro was ever murdered there. It was a pure fabrication of some irresponsible vagabond, who sent it to the Senator from New Hampshire, and in his desire to malign the Southern people he brought it here. I went not only to the Post-Office Department, but to every one of my colleagues, and I could find nothing of it. This is a fair sample of the way in which these outrages are manufactured and sent all over the North.

Many of the pious, God-fearing people of New Hampshire, when they read of this, doubtless held up their hands in holy horror at the butchers who murder negroes every night and hunt them down as they hunt foxes in Virginia.

The negroes in Missouri number about 125,000 persons. Their vote constitutes no factor whatever in political contests. The negroes of Missouri, Mr. President, vote with as much freedom as the whites. It would be absurd to state otherwise. Except in a municipal elections, where one party or the other—and they do it indifferently—seeks to utilize them, the negro vote, as I have said, is no political factor whatever. Yet the Senator from New Hampshire finds a place that never existed and a murder that never occurred in order to malign the people of my State. But we must submit to it; and when a Democratic Senator rises here and enters even a feeble protest, the cry is heard "To arms! To arms! The rebellion has again broken out and the ghost of Jeff. Davis is rushing to the front." [Laughter.]

Mr. President, did it never suggest itself to our friends on the other side that if negro suffrage is a blessing it would be well enough to take a little of it here at home?

Has it never suggested itself to our Republican friends that there is no place more fit to materialize the blessings of negro suffrage than right here in the District of Columbia, where all of us would have the benefit of it? The suffrage was conferred on the negroes here by a Republican Congress when the Democratic party was supposed to be dead—it had been buried—and *Requiescat in pace* had been carved on its tombstone. At that time, with absolute power, the Republicans of both Houses passed a bill that gave negro suffrage in the District of Columbia. I have here a report made three years afterward, made by a Republican committee of the House of Representatives, reporting in that body a bill to repeal the suffrage act. The report says that after three years there was not one cent of money in the District treasury; that they had not paid any of their salaries for over eight months, that the whole concern was bankrupt, in a worse condition than the Freedmen's Bank when they stole even the blotting paper.

That was the result of negro suffrage here, under the shadow of the Capitol and with the Goddess of Liberty stretching out her bronze arms to protect the colored brother. And it will never be brought back here. It is good enough for the South, but it will never disturb the delicate olfactories of our Republican friends who reside here or who are compelled to remain here the larger portion of their time. Negro suffrage is like a new country. The "good country" is always just over the hill; you can always discover its blessings from afar, but when you attempt to make practical application of it to the men who are preaching its blessings they want none of it, except for their neighbors in distant States.

The Southern people are maligned and denounced because they do not accept this force bill with alacrity and without even protest. We are told by Republican Senators that their party takes no step backward and that the negro must have all his rights, that he must be treated justly and fairly. Mr. President, let them apply the same rules to Northern communities where the negroes have never been slaves, where this racial prejudice is to be presumed not to exist to as large an extent as it must necessarily in Southern communities.

Take this District of Columbia, of which I have spoken. Here, of all places, the negroes should have equal rights under the immediate protection of the Government and under a local government created by Congress. Yet what are the facts? No negro can buy property in this city in any white ward or locality; not even Fred. Douglass can go into a white locality in this community and buy property if his color is known. Real-estate agents and owners of real estate refuse to sell property to such people.

You can give the negro the right to vote, of locomotion, and to earn his living, but when it comes to the rights that are dependent upon the sentiment of the people and that can not be enforced by law, the negro is absolutely without such rights.

Why, in the State of Massachusetts, in God-fearing, liberty-loving Massachusetts, I saw the other day, and have now, a circular of the Springfield Fire and Marine Insurance Company, in which they instruct their Western agent to take no risks upon property owned or leased by a negro.

Mr. DAWES. I wish to say that the gentleman referred to, who lives in my district, came out with a letter denying that whole thing.

Mr. VEST. Well, Mr. President, here is the circular.

Mr. DAWES. The president of the company, in plain words, and without equivocation, says that if there is any such circular as that abroad in the land it is without authority and without the knowledge of the company.

Mr. VEST. We have the circular——

Mr. DAWES. I have no doubt of it.

Mr. VEST. Purporting to be issued by the company, dated at Chicago, in its Western department; and among the prohibited risks are risks upon property leased to, tenanted by, or owned by negroes. It covers schools, colleges, business houses, and all. I say that this circular has been distributed all over the West, and this is the first time that I ever heard any denial in regard to it.

Mr. DAWES. Mr. President, I ask the Senator to yield to me a moment.

Mr. VEST. I will yield.

Mr. DAWES. I do not know anything about the truth of this matter. I know that the gentleman who replied in that excellent Democratic paper, the Springfield Republican, to the Senator's first allusion to that matter—the president of the company—denied it just in the measure in which I have repeated the denial to-night. I know nothing about it.

Mr. VEST. I give the facts, Mr. President; it is the most undoubted fact that the circular was distributed all over the Western States.

Mr. DAWES. If the Senator from Missouri will give me the circular I will inclose it to the president of the company and there leave the question of veracity. I have no doubt the Senator is perfectly truthful in what he states, as far as he states it, and I have the same confidence in the president of that company.

Mr. VEST. Very good.

Mr. DAWES. They are both leading Democrats in the vicinity in which they live, and therefore are entitled to credit.

Mr. VEST. Why, Mr. President, I am not saying that Republicans alone have this prejudice. My distinct assertion is that both Republicans and Democrats in the North have it, and it is simply frivolous for the Senator to talk now about this president being a Democrat, and that therefore his assertion is worth any more. I have produced that circular, sent to me by a constituent of mine in North Missouri, showing that among the prohibited risks are edifices, etc., occupied or owned by negroes.

Now, here is a letter from General S. P. Armstrong, principal of the Hampton (Va.) Institution for the Education of Negroes. He is not a Democrat. There is no insinuation about his veracity I suppose. General Armstrong served in the Federal Army during the war and has voted the Republican ticket, without scratching, and therefore everything that he says must be true, according to the Senator from Massachusetts. [Laughter.] He has been South, and here is his testimony:

While lawlessness is still the curse of some sections, there is, even in the "black belts" of the Gulf States, a steady, if slow, advance towards good government, the gain in every ten years being noticeable. I did not myself believe this until my own observation and the opinions of some thoughtful Southern men convinced me of it.

There are, unquestionably, multitudes of "low-down" negroes and many wretched neighborhoods, but I think that intelligent white men everywhere in the South admit that the line between the good and the bad is every year more distinctly drawn, a sure proof of progress. The gain was never so rapid as now, thanks to negro pluck and purpose and to the stern discipline of their past, which developed qualities which schools alone can not create; and this basis of hope is, I believe, beyond the reach of any political pressure. Increasing enterprise at the South and the new industrial life of the people are helpful conditions and, where they are supplemented by education, are pushing the better part of the negro race into prosperity, giving them a place and making them a power. The talk of disfranchisement is idle; it comes too late; the negro is not what he was twenty-five years ago, and the next half century will see great changes.

As prosperity creates social distinctions, political divisions will follow, and the human nature of both races may be trusted to adjust the relations, which are, indeed, to-day generally amicable. In those localities where lawlessness and injustice have repelled capital and immigration, the penalty of impoverishment is the swift result, and Government can do little; the people must finish the work of reconstruction.

Mr. President, I was much struck the other day with an article

which I read in the Philadelphia American, an extreme Republican paper, and one which has on this question invariably taken ground against the Southern people. It was addressed by a Virginia old-time Whig to the editor of the American. Says this gentleman, obviously a man of intelligence:

To the Editor of the American:

By your favor I have been a reader of the American for some years, and I desire now to renew my thanks, and to express my high opinion of the paper. In dignity and ability, in conservative wisdom on nearly all subjects, in high moral tone always, in the selection and mode of treating its topics, I know of no other political and literary paper which comes so near the best ideals as the American. Its only weakness, I beg leave to say, from my point of view, is its failure to understand the Southern question or the Southern people, a weakness almost universal with Northern newspapers.

I mean no discourtesy by this remark and have no thought of trying to prove it. I agree with the political doctrines of the American on all general subjects. I am a full believer in the principle of protection. I agree with your general views as to the province of the Federal Government. In a word I believe in the old Whig doctrines, which are embodied in an intensified form in the Republican party.

And yet I am practically a Democrat. I have never voted the Republican ticket and do not see how I ever can. Moreover, I am one of many in the South who occupy this apparently inconsistent position. For many years after the war the old Whigs of the South generally, though in sectional matters wholly identified with their Southern brethren, still hoped that all questions growing out of the war would be adjusted sufficiently to allow truly national subjects to monopolize the political fields and thus enable Southern men to act respectively with those of the North who held similar doctrines in reference to the general policy of the Federal Government. More than this, there was a tendency even among Democrats in the South, to favor a protective tariff as an obviously effective policy for the development of the great, though almost dormant resources of the Southern States. And on other points there was noticeable a tendency to accept a modification of former views.

I am sorry to say that the course of events has almost extinguished these tendencies. For the present, at least, the tide is reversed. Even among Republican voters in the South there seems to be a lessening zeal for the Republican party. So far as I am able to see, even the negroes have lost much of their enthusiasm for the party. Comparatively few negroes have become Democrats, but they have in a large measure lost the suspicion and dread they once had of the Democratic party. This relief of mind came to them when the experience of a Democratic national Administration showed them that they had no more reason to fear one party than another. My expectation is that as a race the negroes, under the impulse of their amiable natures and their local and personal attachments, will more and more identify themselves politically with the Southern white people. In this tendency I believe is to be found the explanation of what is often spoken of as the "suppression of the negro vote." The negro vote has not generally been suppressed, but the negro is rapidly suppressing himself.

I may not be well informed, but I am an attentive observer and I travel in half a dozen Southern States, and to the best of my knowledge and belief there is as much fairness and freedom in our elections as in yours.

It is the knowledge of this fact that inspires the almost universal condemnation in the South of what is called "the force bill." The apology for the bill lies in a false accusation; and were it to pass, its only effect, in my opinion, would be to create the very condition of affairs which ostensibly it is designed to remedy.

You begin now to divine why it is that we old Whigs in the South can not go to the Republican party. Whether justly or unjustly, we regard your party as personally hostile to the Southern white people and as anxious to set over us our negro population.

In a contest of this sort there can not be two parties among the intelligent people in the South. Northern Republicans who come South, and whom we are always pleased to welcome, soon see that in this matter we are right. Just now we in Virginia are made happy by an irruption of first-class Northern people, an extra large proportion of whom come from your beautiful city, where religion, science, and literature both adorn and inspire a marvelous scene of mercantile thrift and mechanical skill and industry. We regard such people as re-enforcement in every way.

Could sectional issues be laid aside and a Republican party spring up in the South composed of such men as compose it in the North, the wishes of many of our people would be gratified, and all would see in it an augury of permanent peace and justice between the sections. But by a strange persistence in what is shown by every token to be a wrong policy, the Republican party has quenched all present hope of such a result and is constantly aggravating every evil. All this portends a future against which I close my eyes.

Pardon me, Mr. Editor, this letter is wholly unpremeditated, and without any party purpose.

SENEX.

The editor then gives the extreme Republican side of this question, all of which can be put in a single sentence, to the effect that "the Republican party takes no step backward; whether right or wrong, we propose to go on; whether there be red ruin in the path or not, we intend to carry out what we said in our national platform. We can not afford to retreat; we do not propose to do so."

Mr. President, what this correspondent has said in regard to this force bill and similar measures in the South is absolutely true, and every intelligent man familiar with that section knows it. Just so long as the Republican party forces upon that section this issue of the political domination of the white people in the South by the negroes you will meet with an eternal and solid resistance. The whites of that section can not afford to divide with that question before them.

The Republican party heretofore has said that its great object was to divide the South. The "Solid South" has been the bugbear of the politicians of the Republican stamp, and yet if you had all the ingenuity that is possible to the human intellect you could not invent a plan which would make the South so solid as the eternal agitation of this question by the interference of the National Government in order to bring about the political domination of the negroes. You may as well talk to a man whose house is on fire and whose wife and children are inside of it about the tariff or the coinage of silver as to approach the white people of the South on other issues so long as you threaten them with the political domination of the blacks. Everything else is subordinated to that issue so long as its shadow is thrown on the Southern people. You can never eliminate from their minds the recollection of reconstruction. You can never take away from them the dark specter that was before them for ten long years, while robbery, fraud, and rapine held high carnival in the Southern States.

You can never exorcise the recollection of Bullock of Georgia, Moses of South Carolina, or Warmoth and Kellogg of Louisiana, when property ceased to be valuable, when men had not money enough to move away, and when they stood beneath the eternal stars and lifted their hopeless hands to heaven, despairing of earth. That is what you propose to bring back to the Southern people.

It has been said here that there is a remedy for this in migration. The negroes will never migrate. They are a race of strong local attachments. They are parasitic in all their tendencies. They are citizens of the United States and that right can never be taken from them. They do not propose to go back to Africa, and there is no other place for them. It was the dream of Mr. Lincoln to colonize the negroes, and he used the contingent fund for the purpose, after his message to Congress on the subject, and sent three hundred to Isle à Vache, in the West Indies, under a contract, from Norfolk, Va.

As I said, he used the contingent fund for that purpose, and with what result? I took the pains to hunt up the original contract and to ascertain the result. The negroes were to be started in agriculture; but in less than twelve months all of them were back here in Washington City, upon the hands of the Government, and the whole venture was a miserable failure.

Liberia has been a failure. It was under the protection of the greatest statesmen of this country. Mr. Clay was third vice president of the colonization society. What is that country to-day? The race prejudice between the negroes of full blood and the mulattoes is more violent and bitter than between the whites and blacks elsewhere.

Liberia, left to itself, has shown that the negroes are incapable of conducting government and making laws and cementing institutions. The negro is a component part of our civilization and must so remain. The dream (with all respect to my friends on this side of the Chamber who have advanced it) of a great scheme of colonization for the negro is in my judgment entirely Utopian and impracticable.

There have been in history but two great national migrations.

The first was that of the children of Israel, the story of whose wanderings is found in that wonderful book of Exodus which closes with the plaintive but triumphant acclaim:

> For the cloud of the Lord was upon the tabernacle by day and fire was on it by night in the sight of all the house of Israel throughout all their journey.

The Hebrew to-day on land and sea beholds, in the clouds that toss around the northern pole and in the fire of an equatorial sun, the eternal promise of an eternal God to him and his people.

The second great migration was that of the Moors, or Moriscos, in 1609, during the reign of Philip III of Spain. As long as the English language is read or spoken, the history of this martial and refined people will exist in the pages of those two delightful productions of Washington Irving, the Conquest of Granada and the Alhambra.

For eight hundred years the Moors resided in Spain, and their castellated palaces, amidst the mountains of Castile and Arragon, their hanging gardens, beautiful women, and splendid warriors, make romantic the pages of history. But kingly greed and priestly fanaticism aroused the populace against them, and in 1609 they were driven from Spain with circumstances of barbarity unequaled in the history of the world. We are told that 150,000 of them were taken at one time to the northern coast of Africa and that 100,000 of them perished by disease and want and under the lances and swords of Bedouins of the desert.

These are the only two great migrations, the first that of the Jews and the second that of the Moors.

Mr. MORGAN. Would it disturb my friend, the Senator from Missouri, if I should call his attention to some recent events in this connection that he is now discussing?

Mr. VEST. Not at all.

Mr. MORGAN. I will read from the Morning Post, published in this city this morning:

EXCITEMENT AT ATLANTA.

ATLANTA, GA., *January* 20.

The excitement among the negroes over the scheme of the United States and Congo National Emigration Steamship Company does not abate. It is estimated that 2,000 negroes have come to Atlanta from Texas and Mississippi to wait for the promised ship to take them, as they expect, from Savannah to Africa, and the cold weather of the past few days has found them in such destitution that the city has in many instances been compelled to aid them. The disclosures through the press have created no little excitement among the homeless negroes from a distance and those of Atlanta who have put their money into the company. There is some talk of bringing the matter before the courts.

In connection with that, there is quite a long editorial statement of the movement which has resulted in these negroes assembling at Atlanta, Ga., under the promise, or supposed promise, that they were to receive in payment for $1.02 (the 2 cents being postage money) a free passage from this country to Africa, there to be colonized either in the Congo country or in Liberia. It seems that Bishop Johnson, of the colored church here, has had charge of the matter here in connection with various other persons. I am not able to detect at all that there has been any fraud upon the part of these men. It seems to me

that they are really acting in good faith in their endeavor to get up a negro migration. But the point in the case is this: It may doubtless seem almost incredible, I will say to my friend from Missouri, that such an impression could be made without any knowledge of it on the part of the white people or of the intelligent gentlemen of the press of this country until it broke out all of a sudden. We find that two or three thousand people have assembled at Atlanta for the purpose of going to Africa. No one, it appears, has stimulated them to such purpose by any measure suggested in Congress, although they doubtless expected that the Government of the United States would pay their passage money from this coast, across the Atlantic Ocean, to Africa. I notice in the same paper an extract from a cablegram which reads as follows:

EMIGRATION TO AFRICA AS A SOLUTION OF THE NEGRO PROBLEM.

LONDON, *January* 20.

The Times this morning publishes the concluding paper in a remarkable series of articles on the negro question in America. To-day's article proposes the adoption of a system of assisted negro immigration and compensation, and points to the central belt of Africa as the most suitable region for such emigrants. The Times, in an editorial on the subject, asks whether the prosecution of a race war be cheaper than the furtherance of a negro exodus. It says: "The immigration proposal is sure to offend many, both in America and England, but the critics may fairly be called to describe this alternative settlement as equally permanent and honorable. It is an extreme measure, only to be justified by a serious condition of affairs; but such, in the opinion of a careful observer who has long been there, is the condition of the Southern States. The gloomiest prediction as to the reconstruction policy of the Republicans have been fulfilled, and it is especially their duty to bestir themselves and endeavor to put an end to the chronic disorder and peril."

I do not know, Mr. President, that I am correct in differing with the Senator from Missouri [Mr. VEST] in the belief that there is a strong subcurrent of feeling among the African population in the United States that they want to go to some country where they can find recognition both in government and in society and where there is no pressure brought to bear upon them to keep them back in their course of improvement, which is so desirable and which they seem to be striving for so earnestly.

I thank the Senator from Missouri for allowing me to interrupt him.

Mr. VEST. Mr. President, I know the ability and eloquence with which my friend from Alabama [Mr. MORGAN] has advanced his views about these people, and yet, with the greatest deference to him, I must be permitted to say that I have not the slightest confidence in the idea of deportation. He and I alike have lived among that race and know their habits, and I know he will agree with me in saying that they are the most credulous and emotional people in the world, the most susceptible to influences, and unfortunately, from strangers. No picture is too gaudy, no idea too extravagant to tempt the tropical fancy of this unfortunate and ignorant race.

Some years ago we had an experience in my own State (Missouri) that illustrated this to the largest extent. It will be remembered that in 1879 the negro exodus commenced from Mississippi to Indiana and Kansas. Some unscrupulous speculators went amongst the negroes in the South and seduced them with chromos representing ideal homes in Indiana and Kansas, beautiful fields, rose-embowered cottages, fine cattle, splendid horses, and all manner of luxury and wealth, to be had by the simple experiment of emigration from the South. I remember the first arrival of one hundred and fifty in my own city, Kansas City, Mo. They came in the fall, when there was a sharp northwestern wind, such as we have occasionally in that climate, causing the cold of the coming winter to be acutely felt.

I went to the Union Depot, and shall never forget the sight which was presented. There were one hundred and fifty of those poor, deluded creatures, clothed in their cotton garments, which were unfit for the climate, utterly unused to its rigors, bewildered as to localities, and with no idea except that they would be taken where they could live without work, and where, under cloudless skies, there would be perpetual flowers and sunshine.

The first thing to be done with them was to feed and clothe them, and we did it. But when they found that they were in Missouri all their fears seemed to be aroused under the apprehension that they would be immediately sacrificed by the "border ruffians" of that State, and they asked to be taken to Kansas. The people of Kansas did not want them, knew nothing about them. The scoundrels who had deluded and seduced them into coming disappeared.

It was the same way in Indiana. There is no story so extravagant, there is no delusion so enormous that these people will not accept it.

I remember very well the report of the committee appointed by this Senate to investigate that exodus and ascertain the reason for it. The Senator now occupying the chair [Mr. BLAIR], together with the present Secretary of the Treasury [Mr. Windom], then a Senator from Minnesota, constituted the minority of the committee. I think the Senator from Indiana [Mr. VOORHEES] was chairman. There were two other Democratic Senators, and the minority consisted, as I have said, of the Senator from New Hampshire now in the chair [Mr. BLAIR], and the then Senator from Minnesota [Mr. Windom], now Secretary of the Treasury. To show how little our friends from the North, entirely honest though they may be, know about negroes and how little of the gift of prophecy was given to them, I read from the minority report of that committee, made by Senator Windom and Senator BLAIR:

As to the future of the exodus we can only say that every witness whose opinion was asked upon this point declared that it was only begun, and that what we have seen in the past is nothing compared with what is to come unless there shall be a radical change on the part of the Democrats in the South. They say that the negro has no confidence in the Democratic party, and that if a Democratic President shall be elected there will be a general stampede of the colored race.

Mr. President, we did elect a Democratic President, and there was no stampede of the colored race from the South. The exodus ceased as mysteriously and suddenly as it began. It was only an exhibition of the spasmodic and emotional characteristics of the negro race. The Indian has to a large extent the same characteristic. Go to an Indian reservation, and you will find that an Indian will, without any reason whatever, take down his tepee, pack his pony, and move to another part of the reservation. It is but an exhibition of their nomadic tendency and an indication of semicivilization.

Lately we have heard of the negroes pouring by thousands from North Carolina into Mississippi; and those who know the negro race will be prepared to hear—possibly, too, in the next year—that the hegira has begun from the west to the east, and that they are pouring back from Mississippi into North Carolina.

The minority of that committee were of the opinion that political reasons had caused the exodus. And yet, as I say, it ceased as suddenly as it began. The election of Cleveland did not cause a single negro to leave his habitat in order to seek a home elsewhere.

Mr. President, the solution of this question will not be found in legislation. It is to be found in the attrition of the races, socially and in business, and in the dictates of mutual self-interest.

The Senator from Connecticut [Mr. HAWLEY], when he spoke upon the old "force bill" in the House of Representatives, of which he was then a member, gave the only solution that is possible when he said:

"Then you acknowledge yourself to be without power to remedy these evils?" To a large extent I do acknowledge it. There are wrongs that we can never reach in this Hall until we have changed the Constitution of the United States. There is a social and educational and moral reconstruction of the South needed that will never come from any legislative halls, State or national; it must be the growth of time, of education, and of Christianity. We can not perfect that reconstruction through statutes if we had all the powers of the State Legislature and of Congress combined. We can not put justice, liberty, and equality into the hearts of a people by statutes alone.

Senators upon the other side little understand our race if they believe that any portion of it will accept dictation, outside of their State lines, from the National Government without earnest protest. If there is any principle of our Government that overrides all others, if there is any sentiment embedded in the hearts of the American people, it is local self-government. Whatever else may be true, it is absolutely true that when you undertake to impose upon an American in any section of this country laws to which he has not given his consent you immediately arouse resistance.

What intelligent man does not know that this bill is for partisan and political purposes? Why is it that all at once the Republican party has awakened to the immediate and overwhelming necessity of interfering with the Southern people? During the last election, in November, not a single outrage even was manufactured by the Republican press in regard to the election in the South. There was peace and tranquillity all over that section. And yet the Republican party now comes "armed in proof," lance in rest, when there is no pretense, even from the most brutal partisan, that the last elections in the Southern States were not peaceable, to pass this bill.

If you tell me that an election is not fair because one portion of the voters controls the others, then I say there is no such thing as a fair election in the United States. You never will reach the time, you never will see the occasion, when intellect and money and social influence do not control a portion of the people by another portion. To expect otherwise would be to expect that human nature has been changed radically and essentially. As these gentlemen from the North who have visited the South say, intellect and social influence predominate there as they predominate here and as they will predominate to the end of time.

Now, Mr. President, let me call attention to one or two features of this bill which prove, as strongly as "proof of Holy Writ," that this is a partisan measure.

In the first place, it has never been explained here, nor pretended to be explained, as to the change made in regard to the petitioners who put into motion the machinery of this bill. Under the law now upon the statute books it is required that ten citizens of good standing in a city may petition for the appointment of these Federal officers to supervise elections. After revision upon revision, passing through the committee time and again, coming from Mr. John I. Davenport, full-grown, as Minerva sprang from the brain of Jove, this bill afterwards goes into the hands of a distinguished member of the House, then through the Elections Committee there, then to the Elections Committee of the Senate, then revised and reprinted, and revised and reprinted again; and yet in this bill pending here in the Senate the words "of good standing" are stricken out as to these petitioners.

Mr. GRAY. Will the Senator allow me to ask him a question?

The PRESIDING OFFICER (Mr. BLAIR in the chair). Does the Senator from Missouri yield to the Senator from Delaware?

Mr. VEST. Certainly.

Mr. GRAY. Do I understand the Senator from Missouri to say that the words "good standing" were in the original law?

Mr. VEST. Yes.

Mr. GRAY. "Good standing," as applied to the supervisors?

Mr. VEST. "Good standing," as to the petitioners.

Mr. GRAY. The words "good standing," as applied to supervisors in the original law, were stricken out?

Mr. VEST. As to the petitioners. The petitioners were required in the Revised Statutes to be of good standing.

Mr. GRAY. Is there any equivalent language substituted?

Mr. VEST. No equivalent words at all. Under the Revised Statutes, as we have had the law for twenty years, the men who put this machinery into operation under that law were required to be men of good standing.

And now, deliberately, I charge it here, those words "good standing" were struck out of this bill, and under the bill with those words out every jailbird, every felon, every scoundrel, reeking from the filth and scum of the city, can put his name to one of these petitions, and there is to be no question about its effect. By virtue of that petition, coming from such a source, this enormous exercise of power will go into effect on the part of the Federal Government.

Mr. President, more than that. Look at the constitution of this board of canvassers. How are they to be appointed? They are appointed, as a matter of course, at the instigation and request of the chief supervisor. They are appointed by a Federal judge. They are appointed by a Republican, at the instance of a Republican, and a majority are Republicans; and their certificate as to the election is to be made conclusive upon the Clerk of the House of Representatives until the constitutional power of the House itself is exercised as to the qualifications of its own members.

Mr. PASCO. Will the Senator from Missouri give way to me?

Mr. VEST. Certainly.

Mr. PASCO. Mr. President, I suggest that there is no quorum in the Chamber.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll; and the following Senators answered to their names:

Aldrich,	Dixon,	Ingalls,	Sanders,
Allen,	Dolph,	Jones of Nevada,	Sherman,
Allison,	Edmunds,	McConnell,	Shoup,
Bate,	Evarts,	McMillin,	Stewart,
Blair,	Farwell,	Manderson,	Stockbridge,
Carey,	Gray,	Morgan,	Vest,
Casey,	Harris,	Morrill,	Warren,
Cockrell,	Hawley,	Paddock,	Washburn,
Cullom,	Higgins,	Pasco,	Wilson of Iowa.
Davis,	Hiscock,	Platt,	
Dawes,	Hoar,	Power.	

The PRESIDING OFFICER. Forty-two Senators have answered to their names.

Mr. ALDRICH. I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The Senator from Rhode Island moves that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant-at-Arms is so directed.

Mr. ALDRICH (at 10 o'clock p. m.). I wish to inquire if the Sergeant-at-Arms has made any report on the order of the Senate given some time since.

The PRESIDING OFFICER. The Secretary will read the report of the Sergeant-at-Arms.

The Secretary read as follows:

SERGEANT-AT-ARMS UNITED STATES SENATE,
Washington, January 21, 1891.

SIR: In obedience to the order of the Senate received by me at 9.40 p. m., directing that I request the attendance of absent Senators, I have the honor to report that I have requested the attendance of Senators SAWYER and SPOONER, who responded that they would come at once; also Senators FAULKNER, GORMAN, BERRY, COKE, and CARLISLE, who were enjoying lunch in Democratic conference room of the Senate, and they responded that they would come when they got through with their lunch. The order is being further executed by deputy sergeants-at-arms.

Very respectfully,

E. K. VALENTINE,
Sergeant-at-Arms United States Senate.

The PRESIDENT OF THE SENATE.

Mr. ALDRICH. I move that the Sergeant-at-Arms be directed to compel the attendance of absent Senators.

The PRESIDING OFFICER. The Senator from Rhode Island moves that the Sergeant-at-Arms be directed to compel the attendance of absent Senators.

Mr. MORGAN. On that motion I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE].

Mr. DAWES (when his name was called). I am paired with the junior Senator from Georgia [Mr. COLQUITT] except for the purpose of making a quorum. As this vote does not require a quorum, I withhold my vote.

Mr. DIXON (when his name was called). I have a general pair with the Senator from South Carolina [Mr. HAMPTON] unless my vote is needed for the purpose of making a quorum. I therefore withhold it for the present.

Mr. MCMILLAN (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE].

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN]. If he were present, I should vote "yea."

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS].

Mr. SPOONER (when his name was called). I have a general pair with the Senator from Mississippi [Mr. WALTHALL]. He not being in the Chamber, I do not feel at liberty to vote. If he were here, I should vote "yea."

Mr. ALLEN (when Mr. SQUIRE'S name was called). My colleague [Mr. SQUIRE] is paired with the Senator from Virginia [Mr. DANIEL].

Mr. VEST (when his name was called). I am paired with the Senator from Kansas [Mr. PLUMB]. If he were here, I should vote "nay."

Mr. WILSON, of Iowa (when his name was called). I am paired with the Senator from Maryland [Mr. WILSON]. If he were present, I should vote "yea."

The roll-call was concluded.

Mr. HISCOCK (after having voted in the affirmative). I am paired generally with the Senator from Arkansas [Mr. JONES], always with the right, however, to vote to make a quorum, and therefore I have voted.

Mr. HARRIS. A quorum is not necessary on this question.

Mr. HISCOCK. With the understanding that a quorum is not necessary, I withdraw my vote.

Mr. CASEY. I wish to announce that my colleague [Mr. PIERCE] is paired with the Senator from Kentucky [Mr. CARLISLE] and that the Senator from Maine [Mr. HALE] is paired with the Senator from North Carolina [Mr. RANSOM].

Mr. RANSOM. I am paired with the Senator from Maine [Mr. HALE]. If he were present, I should vote "nay."

Mr. DOLPH. Is it too late to raise a point of order? I should like to inquire if——

The PRESIDING OFFICER. It is not in order pending the roll-call.

Mr. DOLPH. I will vote "nay" and explain my vote at the first opportunity.

Mr. GRAY (after having voted in the negative). I change my vote to "yea."

The result was announced—yeas 23, nays 6; as follows:

YEAS—23.

Aldrich,	Edmunds,	Hoar,	Sherman,
Allen,	Evarts,	McConnell,	Shoup,
Allison,	Farwell,	Morrill,	Stockbridge,
Carey,	Gray,	Platt,	Warren,
Casey,	Hawley,	Power,	Washburn.
Cullom,	Higgins,	Sanders,	

NAYS—6.

Bate,	Dolph,	Morgan,	Payne.
Cockrell,	Harris,		

ABSENT—59.

Barbour,	Dawes,	Kenna,	Sawyer,
Berry,	Dixon,	McMillan,	Spooner,
Blackburn,	Eustis,	McPherson,	Squire,
Blair,	Faulkner,	Manderson,	Stanford,
Blodgett,	Frye,	Mitchell,	Stewart,
Brown,	George,	Moody,	Teller,
Butler,	Gibson,	Paddock,	Turpie,
Call,	Gorman,	Pasco,	Vance,
Cameron,	Hale,	Pettigrew,	Vest,
Carlisle,	Hampton,	Pierce,	Voorhees,
Chandler,	Hearst,	Plumb,	Walthall,
Coke,	Hiscock,	Pugh,	Wilson of Iowa,
Colquitt,	Ingalls,	Quay,	Wilson of Md.
Daniel,	Jones of Arkansas,	Ransom,	Wolcott.
Davis,	Jones of Nevada,	Reagan,	

The PRESIDING OFFICER. The Sergeant-at-Arms will execute the order of the Senate.

Mr. SPOONER. Mr. President, if I have not already sufficiently indicated my presence by the response I made in answer to the roll call, I should like it noted that I am here.

Mr. GRAY. Mr. President, I move, if it is in order, to reconsider the vote by which the order was just made to compel the attendance of absent Senators. I ask if that motion is in order.

The PRESIDING OFFICER. Does the Chair understand the Senator to make the motion?

Mr. GRAY. I will make it, if it is in order. I will ask the Chair if it is in order.

Mr. RANSOM (to Mr. GRAY). Make your motion. It is in order.

Mr. GRAY. I move to reconsider the vote by which the order to compel the attendance of absent Senators was just made, and upon that I wish——

Mr. EDMUNDS. Debate is not in order, Mr. President.

The PRESIDING OFFICER. The Chair must decide the question without debate, and the Chair will hold——

Mr. GRAY. I ask unanimous consent to call the attention of the Chair to the grounds on which I base the motion. It is an important question affecting the highest privilege of a Senator.

Mr. ALDRICH. Debate of any kind is not in order.

Mr. GRAY. I ask unanimous consent to state the grounds upon which I made a motion that concerns in the highest degree the privilege of Senators.

Mr. ALDRICH. I object to any debate pending the order of the Senate.

Mr. HARRIS. Is not a motion to reconsider debatable under the express literalisms of the rule?

Mr. ALDRICH. Not by any means. No motion is debatable at this time.

Mr. HOAR. And no motion can be put.

Mr. ALDRICH. And no motion is in order.

The PRESIDING OFFICER. The rule is explicit that only specified motions are in order, and the Chair will so hold; and he holds that the motion to reconsider is not in order.

Mr. GRAY. Mr. President——

The PRESIDING OFFICER. Debate is not in order.

Mr. HARRIS. It was held on last Friday night, when we remained here all night——

Mr. HOAR. Debate is not in order.

Mr. HARRIS. It was held that any motion or any debate in respect to the procuring of a quorum was in order.

Mr. EDMUNDS. Nothing of the kind was held.

Mr. HARRIS. It was so held on that occasion.

Mr. EDMUNDS. The Senator is mistaken.

Mr. HARRIS. It was so held on that occasion; but I grant that no other business can be done except such as pertains to a quorum.

Mr. EDMUNDS. Debate is not in order.

Mr. GRAY. It is impossible that a motion should be carried even by a minority of this body but that liberty to reconsider it should be allowed.

Mr. EDMUNDS. I object to debate.

The PRESIDING OFFICER. Objection being made, debate is not in order.

Mr. GRAY. It is my right as a Senator of the United States to call the attention of the Chair to the fact that a motion to reconsider——

The PRESIDING OFFICER. The Senator will come to order.

Mr. GRAY. A motion to reconsider made by a Senator is in order.

The PRESIDING OFFICER. The Senator from Delaware will consider himself as called to order and he will please take his seat.

Mr. GRAY. I take my seat, but I protest against the ruling of the Chair. I appeal from the decision of the Chair.

The PRESIDING OFFICER. The Senator from Delaware appeals from the decision of the Chair, which appeal must be decided without debate. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. MORGAN. I ask for the yeas and nays. Is that debate?

Mr. EDMUNDS. No.

The PRESIDING OFFICER. Upon the appeal taken by the Senator from Delaware the yeas and nays are demanded? Is the call seconded?

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. SHERMAN. What is the question before the Senate?

The PRESIDING OFFICER. The question is on the appeal from the decision of the Chair.

Mr. SHERMAN. The question is, Shall the decision of the Chair stand——

Mr. HARRIS. Let the Chair state the question. I object to debate.

Mr. EDMUNDS. That is right.

The PRESIDING OFFICER. The question before the Senate is, Shall the decision of the Chair stand as the judgment of the Senate?

The Secretary resumed and concluded the call of the roll.

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE]. If he were present, I should vote "yea."

Mr. DAWES (when his name was called). I am paired with the junior Senator from Georgia [Mr. COLQUITT]. If he were present, I should vote "yea."

Mr. DIXON (when his name was called). I am paired with the Senator from South Carolina [Mr. HAMPTON].

Mr. FRYE (when his name was called). I am paired with the senior Senator from Maryland [Mr. GORMAN]. If he were present, I should vote "yea;" and I will vote if necessary to make a quorum.

Mr. HISCOCK (when his name was called). I am paired with the Senator from Arkansas [Mr. JONES]. I understand that a quorum is not necessary on this vote, and therefore I refrain from voting, though I have the right to vote if necessary to make a quorum. I should vote "yea."

Mr. MCMILLAN (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE].

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN]. If he were present, I should vote "yea."

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS].

Mr. RANSOM (when his name was called). I am paired with the Senator from Maine [Mr. HALE]. If he were present, I should vote "nay."

Mr. SPOONER (when his name was called). I am paired with the Senator from Mississippi [Mr. WALTHALL]. If he were present, I should vote "yea."

Mr. VEST (when his name was called). I am paired with the Senator from Kansas [Mr. PLUMB].

Mr. WILSON, of Iowa (when his name was called). I am paired with the Senator from Maryland [Mr. WILSON]. If he were present, I should vote "yea."

The roll-call having been concluded, the result was announced—yeas 23, nays 5; as follows:

YEAS—23.

Aldrich,	Dolph,	Hoar,	Sherman,
Allen,	Edmunds,	McConnell,	Shoup,
Allison,	Evarts,	Morrill,	Stockbridge,
Carey,	Farwell,	Platt,	Warren,
Casey,	Hawley,	Power,	Washburn,
Cullom,	Higgins,	Sanders,	

NAYS—5.

Bate,	Harris,	Morgan,	Pasco.
Gray,			

ABSENT—60.

Barbour,	Davis,	Jones of Nevada,	Reagan,
Berry,	Dawes,	Kenna,	Sawyer,
Blackburn,	Dixon,	McMillan,	Spooner,
Blair,	Eustis,	McPherson,	Squire,
Blodgett,	Faulkner,	Manderson,	Stanford,
Brown,	Frye,	Mitchell,	Stewart,
Butler,	George,	Moody,	Teller,
Call,	Gibson,	Paddock,	Turpie,
Cameron,	Gorman,	Payne,	Vance,
Carlisle,	Hale,	Pettigrew,	Vest,
Chandler,	Hampton,	Pierce,	Voorhees,
Cockrell,	Hearst,	Plumb,	Walthall,
Coke,	Hiscock,	Pugh,	Wilson of Iowa,
Colquitt,	Ingalls,	Quay,	Wilson of Md.
Daniel.	Jones of Arkansas,	Ransom,	Wolcott.

The PRESIDING OFFICER. The decision of the Chair is sustained. The Sergeant-at-Arms will execute the order of the Senate.

Mr. MORGAN. The question of reconsideration has not yet been voted upon.

The PRESIDING OFFICER. It was decided by the Chair not to be in order.

Mr. MORGAN. Not to be in order?

The PRESIDING OEFICER. The appeal just decided was an appeal from the decision of the Chair.

Mr. MORGAN. Inasmuch as now it becomes the duty of the Sergeant-at-Arms to execute the order, I call for the reading of it.

Mr. FRYE. One moment, if the Senator will allow me. I understand there is a roll-call. If there is, I desire to have my name entered as present.

Mr. EDMUNDS. This is a call of the yeas and nays.

Mr. FRYE. I meant a call of the Senate.

Mr. MORGAN. I ask for the reading of the order of the Senate, Mr. President.

The PRESIDING OFFICER. The Secretary will read the order.

Mr. SHERMAN. The Senator wants read the names of those present, I suppose.

Mr. MORGAN. I merely want to hear what the order is. I have never heard it yet.

Mr. FRYE. I believe I have a right to answer to the roll-call which is still pending and to indicate that I am present? I mean the call of the Senate.

The PRESIDING OFFICER. The name of the Senator from Maine will be called.

Mr. FRYE was recorded as present.

The PRESIDING OFFICER. The order referred to will be read.

The Secretary read as follows:

UNITED STATES SENATE,
Washington, D. C., January 21, 1891.

Ordered, That the Sergeant-at-Arms be directed to use all necessary means to compel the attendance of absent Senators, except those detained on account of sickness.

Mr. GRAY. I rise to a point of order on a question of the highest privilege.

The PRESIDING OFFICER. Debate is not in order.

Mr. GRAY. I rise to a question of order.

The PRESIDING OFFICER. The Senator will come to order and take his seat.

Mr. GRAY. I rise to a question of order.

The PRESIDING OFFICER. No debate is in order.

Mr. GRAY. I rise to a question of order. I want to state my point of order. I address the Chair respectfully to give me an opportunity to state my point of order.

The PRESIDING OFFICER. The Chair will read the rule of the Senate.

Mr. GRAY. I raise a question of order and request the Chair to hear my point of order.

The PRESIDING OFFICER. The Chair declines to hear the Senator. The Senator will take his seat.

Mr. GRAY. It is a question of the highest privilege.

The PRESIDING OFFICER. The Chair declines to recognize the Senator.

Mr. MORGAN. That is an outrage.

Mr. GRAY. Of course it is an outrage.

Mr. VEST. It is a gross outrage.

Mr. GRAY. I ask the Chair if he will recognize me to state the point of order.

The PRESIDING OFFICER. The Chair declines to listen to the Senator and will read the rule.

Mr. MORGAN. I object to the Chair reading the rule. That is out of order.

Mr. GRAY. Am I not permitted to rise to a point of order and state it and am I to be ruled out of order?

The PRESIDING OFFICER. Pending the execution of the order of the Senate——

Mr. HARRIS. Will the Chair read the rule that shows a Senator has not the opportunity to make a point of order? I should be glad to hear it, if there be such a rule in any legislative body on the face of the earth.

The PRESIDING OFFICER. The Chair will read the third clause of Rule V.

Mr. MORGAN. I object. That is in the nature of debate, and I object to it.

The PRESIDING OFFICER. The Chief Clerk will read the third clause of Rule V.

The Chief Clerk read as follows:

3. Whenever upon such roll-call it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant-at-Arms to request, and, when necessary, to compel the attendance of the absent Senators; which order shall be determined without debate; and pending its execution, and until a quorum shall be present, no debate, nor motion, except to adjourn, shall be in order.

Mr. GRAY. Mr. President, I do not rise to debate, I do not rise to make a motion, but I rise to present a point of order, and I ask the Chair respectfully to hear me.

The PRESIDING OFFICER. The Chair declines to hear the Senator.

Mr. GRAY. I ask the Chair respectfully to hear me present a point of order, which must, *ex necessitate*, always be allowed in any parliamentary body.

The PRESIDING OFFICER. The Chair has stated his decision to the Senator and requests him to be seated.

Mr. GRAY. The Chair does not know my point of order, and I am asking permission to state it now, as I have a right to do. I have a right to stand and ask to be heard on the point of order under the rules of the Senate.

At this point Mr. SAWYER entered the Chamber and answered to his name.

Mr. VEST. Mr. President, may I inquire if the Chair rules that the Senator from Delaware has not the right to make a point of order?

The PRESIDING OFFICER. Forty-five Senators having answered to their names, there is a quorum present, and the Chair will listen to the point of order made by the Senator from Delaware. The Senator from Delaware will state his point of order.

Mr. GRAY. My point of order, Mr. President, is that it was not within the competency of the Senate under its present rules to make the order which has just been read at the desk directing the Sergeant-at-Arms of the Senate to "use all necessary means to compel the attendance of absent Senators."

The PRESIDING OFFICER. The Chair overrules that point of order as being made too late.

Mr. GRAY. I have not stated it yet.

The PRESIDING OFFICER. Very well; the Senator will proceed.

Mr. GRAY. And I propose to state the grounds upon which I make that point of order.

The PRESIDING OFFICER. The Chair declines to hear the Senator.

Mr. GRAY. The grounds are, in the first place——

Mr. ALDRICH. I object to debate.

The PRESIDING OFFICER. The point of order is not debatable. It must be decided without debate.

Mr. GRAY. A quorum is present. What does the Senator from Rhode Island mean by objecting to debate?

Mr. ALDRICH. I mean to say that the point of order is not debatable. It can only be stated.

Mr. GRAY. I have not stated it yet.

Mr. ALDRICH. The Senator said he proposed to give the reasons.

Mr. GRAY. I said that the rule——

Mr. ALDRICH. I object to debate.

Mr. GRAY. That is not debate.

Mr. ALDRICH. Let the rule be read.

The PRESIDING OFFICER. The Senate will listen to the reading of the rule.

Mr. ALDRICH. I ask that the first clause of Rule XX be read.

The PRESIDING OFFICER. The Secretary will read the first clause of Rule XX.

The Chief Clerk read as follows:

RULE XX.

QUESTIONS OF ORDER.

1. A question of order may be raised at any stage of the proceedings, except when the Senate is dividing, and, unless submitted to the Senate, shall be decided by the presiding officer without debate, subject to an appeal to the Senate; when an appeal is taken any subsequent question of order, which may arise before the decision of such appeal, shall be decided by the presiding officer without debate; and every appeal therefrom shall be decided at once, and without debate; and any appeal may be laid on the table without prejudice to the pending proposition, and thereupon shall be held as affirming the decision of the presiding officer.

Mr. GRAY. I appeal from the decision of the Chair, Mr. President.

The PRESIDING OFFICER. The point of order made by the Senator from Delaware the Chair rules out of order, and declines to entertain it as being made too late; from which decision of the Chair the Senator from Delaware appeals, and the Chair will submit the question of appeal to the Senate; the question being, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. ALDRICH. I move to lay the appeal on the table.

The PRESIDING OFFICER. The Senator from Rhode Island moves to lay the appeal on the table.

Mr. GRAY. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE]. If he were present, I should vote "yea."

Mr. DIXON (when his name was called). I am paired with the Senator from South Carolina [Mr. HAMPTON].

Mr. HISCOCK (when his name was called). I am paired with the Senator from Arkansas [Mr. JONES]. I am at liberty to vote to make a quorum. I will vote "yea" now and withdraw my vote if a quorum is found to have voted.

Mr. McMILLAN (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE].

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS].

Mr. RANSOM (when his name was called). I am paired with the Senator from Maine [Mr. HALE]. If he were here, I should vote "nay."

Mr. SPOONER (when his name was called). I am paired with the Senator from Mississippi [Mr. WALTHALL]. If he were here, I should vote "yea."

Mr. VEST (when his name was called). I am paired with the Senator from Kansas [Mr. PLUMB].

Mr. WILSON, of Iowa (when his name was called). I am paired with the Senator from Maryland [Mr. WILSON]. I will withhold my vote unless it be necessary to constitute a quorum, in which case I am at liberty to vote.

The roll-call was concluded.

Mr. WILSON, of Iowa. Understanding that a quorum has not voted; I vote "yea."

Mr. DIXON. If a quorum has not voted I am permitted to vote on the terms of my pair with the Senator from South Carolina [Mr. HAMPTON].

The PRESIDING OFFICER. No quorum has voted.

Mr. DIXON. Then I vote "yea."

Mr. FAULKNER. I desire to state that I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. HOAR (to Mr. FAULKNER). Transfer your pair.

Mr. RANSOM. Oh, no.

Mr. FAULKNER. I do not care about transferring it.

The result was announced—yeas 29, nays 7; as follows:

YEAS—29.

Aldrich,	Dolph,	Hoar,	Shoup,
Allen,	Edmunds,	McConnell,	Stockbridge,
Allison,	Evarts,	Morrill,	Warren,
Carey,	Farwell,	Platt,	Washburn,
Casey,	Frye,	Power,	Wilson of Iowa.
Cullom,	Hawley,	Sanders,	
Dawes,	Higgins,	Sawyer,	
Dixon,	Hiscock,	Sherman,	

NAYS—7.

Bate,	Gorman,	Harris,	Pasco.
Cockrell,	Gray,	Morgan,	

ABSENT—52.

Barbour,	Brown,	Chandler,	Eustis,
Berry,	Butler,	Coke,	Faulkner,
Blackburn,	Call,	Colquitt,	George,
Blair,	Cameron,	Daniel,	Gibson,
Blodgett,	Carlisle,	Davis,	Hale,

Hampton,	Manderson,	Pugh,	Teller,
Hearst,	Mitchell,	Quay,	Turpie,
Ingalls,	Moody,	Ransom,	Vance,
Jones of Arkansas,	Paddock,	Reagan,	Vest,
Jones of Nevada,	Payne,	Spooner,	Voorhees,
Kenna,	Pettigrew,	Squire,	Walthall,
McMillan,	Pierce,	Stanford,	Wilson of Md.
McPherson,	Plumb,	Stewart,	Wolcott.

The PRESIDING OFFICER. No quorum having voted, the Secretary will call the roll of the Senate.

The Secretary called the roll; and the following Senators answered to their names:

Aldrich,	Edmunds,	Jones of Nevada,	Sawyer,
Allen,	Evarts,	McConnell,	Sherman,
Allison,	Farwell,	McMillan,	Shoup,
Bate,	Faulkner,	Manderson,	Spooner,
Blair,	Frye,	Mitchell,	Stanford,
Carey,	Gorman,	Morgan,	Stockbridge,
Casey,	Gray,	Morrill,	Vest,
Cockrell,	Harris,	Paddock,	Warren,
Cullom,	Hawley,	Pasco,	Washburn,
Davis,	Higgins,	Platt,	Wilson of Iowa.
Dawes,	Hiscock,	Power,	
Dixon,	Hoar,	Ransom,	
Dolph,	Ingalls,	Sanders,	

The PRESIDING OFFICER. Forty-nine Senators having responded to their names, a quorum is present. The question recurs on the motion of the Senator from Rhode Island [Mr. ALDRICH] to lay the appeal on the table, on which motion the yeas and nays were ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE].

Mr. DIXON (when his name was called). I am paired with the Senator from South Carolina [Mr. HAMPTON]. I withhold my vote unless it is necessary to make a quorum.

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. HISCOCK (when his name was called). I am paired with the Senator from Arkansas [Mr. JONES], with the right to vote to make a quorum. I vote "yea," and will withdraw my vote if it appears that a quorum has voted.

Mr. MCMILLAN (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE].

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS].

Mr. RANSOM (when his name was called). I am paired with the Senator from Maine [Mr. HALE]. If he were here, I should vote "nay."

Mr. SANDERS (when Mr. SPOONER's name was called). I was requested to announce a pair between the Senator from Wisconsin [Mr. SPOONER] and the Senator from Mississippi [Mr. WALTHALL].

Mr. WILSON, of Iowa (when his name was called). I again announce my pair with the Senator from Maryland [Mr. WILSON]. I shall withhold my vote unless it be necessary to make a quorum.

The roll-call was concluded.

Mr. VEST. I am paired with the Senator from Kansas [Mr. PLUMB].

Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. DIXON. I understand a quorum has not voted. According to the terms of my pair with the Senator from South Carolina [Mr. HAMPTON] I am permitted to vote to make a quorum. I vote "yea."

Mr. MANDERSON. Feeling quite assured that the Senator from Kentucky [Mr. BLACKBURN], with whom I am paired, would vote "nay" on this question if present, I will vote "nay."

Mr. MCMILLAN. For the same reason I will vote "nay," being paired with the Senator from North Carolina [Mr. VANCE].

Mr. SPOONER. I am paired with the Senator from Mississippi [Mr. WALTHALL]. If he were present I am informed he would vote "nay," and for the purpose of making a quorum I shall vote as he would. I vote "nay."

Mr. PADDOCK. I am paired with the Senator from Louisiana [Mr. EUSTIS]. He would vote "nay" if here and I will vote "nay" to make a quorum.

The result was announced—yeas 30, nays 9; as follows:

YEAS—30.

Aldrich,	Dolph,	Hoar,	Sherman,
Allen,	Edmunds,	McConnell,	Shoup,
Allison,	Evarts,	Mitchell,	Stanford,
Carey,	Farwell,	Morrill,	Stockbridge,
Casey,	Frye,	Platt,	Warren,
Cullom,	Hawley,	Power,	Washburn.
Dawes,	Higgins,	Sanders,	
Dixon,	Hiscock,	Sawyer,	

NAYS—9.

Cockrell,	McMillan,	Pasco,	Stewart.
Gorman,	Manderson,	Spooner,	
Harris,	Paddock,		

ABSENT—49.

Barbour,	Brown,	Coke,	George,
Bate,	Butler,	Colquitt,	Gibson,
Berry,	Call,	Daniel,	Gray,
Blackburn,	Cameron,	Davis,	Hale,
Blair,	Carlisle,	Eustis,	Hampton,
Blodgett,	Chandler,	Faulkner,	Hearst,
Ingalls,	Payne,	Reagan,	Walthall,
Jones of Arkansas,	Pettigrew,	Squire,	Wilson of Iowa,
Jones of Nevada,	Pierce,	Teller,	Wilson of Md.
Kenna,	Plumb,	Turpie,	Wolcott.
McPherson,	Pugh,	Vance,	
Moody,	Quay,	Vest,	
Morgan,	Ransom,	Voorhees,	

The PRESIDING OFFICER. No quorum having voted, the Secretary will call the roll of the Senate.

The Secretary called the roll; and the following Senators answered to their names:

Aldrich,	Dolph,	McConnell,	Sherman,
Allen,	Edmunds,	McMillan,	Shoup,
Allison,	Evarts,	Manderson,	Stanford,
Bate,	Farwell,	Mitchell,	Stewart,
Blair,	Faulkner,	Morgan,	Stockbridge,
Carey,	Frye,	Morrill,	Vest,
Casey,	Gray,	Paddock,	Warren,
Cockrell,	Harris,	Pasco,	Washburn,
Cullom,	Hawley,	Platt,	Wilson of Iowa.
Davis,	Higgins,	Power,	
Dawes,	Hiscock,	Sanders,	
Dixon,	Hoar,	Sawyer,	

The PRESIDING OFFICER. Forty-five Senators have responded to their names. A quorum of the Senate being present, the roll will be again called on the motion of the Senator from Rhode Island [Mr. ALDRICH] to lay the appeal of the Senator from Delaware [Mr. GRAY] on the table.

The Secretary proceeded to call the roll.

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE].

Mr. DIXON (when his name was called). I am paired with the Senator from South Carolina [Mr. HAMPTON], with the understanding that I may vote to make a quorum. I vote "yea."

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. HISCOCK (when his name was called). I am paired with the Senator from Arkansas [Mr. JONES]. I vote "yea" to make a quorum, as I have a right to do.

Mr. MCMILLAN (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE], but being assured that he would vote "nay," if present, I vote "nay" to make a quorum.

Mr. MANDERSON (when his name was called). I am satisfied that the Senator from Kentucky [Mr. BLACKBURN] would vote "nay" upon this question if he were present, and being paired with that Senator, I vote "nay."

Mr. SPOONER (when his name was called). I am paired with the Senator from Mississippi [Mr. WALTHALL], but being assured that he would vote with his party in the Senate, I vote as he would vote if present. I vote "nay."

Mr. WILSON, of Iowa (when his name was called). I am paired with the Senator from Maryland [Mr. WILSON], and withhold my vote unless it be necessary to make a quorum.

The roll-call was concluded.

Mr. DAVIS. It is understood between the Senator from Indiana [Mr. TURPIE] and myself that I may vote if necessary to make a quorum. I will therefore vote. I vote "yea."

The result was announced—yeas 29, nays 9; as follows:

YEAS—29.

Aldrich,	Dixon,	Hiscock,	Shoup,
Allen,	Dolph,	Hoar,	Stanford,
Allison,	Edmunds,	McConnell,	Stockbridge,
Carey,	Evarts,	Mitchell,	Warren,
Casey,	Farwell,	Platt,	Washburn.
Cullom,	Frye,	Power,	
Davis,	Hawley,	Sawyer,	
Dawes,	Higgins,	Sherman,	

NAYS—9.

Bate,	McMillan,	Morgan,	Sanders,
Cockrell,	Manderson,	Pasco,	Spooner.
Harris,			

ABSENT—50.

Barbour,	Daniel,	Kenna,	Squire,
Berry,	Eustis,	McPherson,	Stewart,
Blackburn,	Faulkner,	Moody,	Teller,
Blair,	George,	Morrill,	Turpie,
Blodgett,	Gibson,	Paddock,	Vance,
Brown,	Gorman,	Payne,	Vest,
Butler,	Gray,	Pettigrew,	Voorhees,
Call,	Hale,	Pierce,	Walthall,
Cameron,	Hampton,	Plumb,	Wilson of Iowa,
Carlisle,	Hearst,	Pugh,	Wilson of Md.
Chandler,	Ingalls,	Quay,	Wolcott.
Coke,	Jones of Arkansas,	Ransom,	
Colquitt,	Jones of Nevada,	Reagan,	

The PRESIDING OFFICER. No quorum having voted, the Secretary will call the roll of the Senate.

The Secretary called the roll; and the following Senators answered to their names:

Aldrich,	Cullom,	Farwell,	Hiscock,
Allen,	Davis,	Faulkner,	Hoar,
Allison,	Dawes,	Frye,	Jones of Nevada,
Bate,	Dixon,	Hale,	McConnell,
Carey,	Dolph,	Harris,	McMillan,
Casey,	Edmunds,	Hawley,	Manderson,
Cockrell,	Evarts,	Higgins,	Mitchell,

Morgan,	Sanders,	Stanford,	Washburn,
Morrill,	Sawyer,	Stewart,	Wilson of Iowa.
Paddock,	Sherman,	Stockbridge,	
Platt,	Shoup,	Vest,	
Power,	Spooner,	Warren,	

The PRESIDING OFFICER. Forty-five Senators having answered to their names, a quorum is present. The Secretary will call the roll on the motion of the Senator from Rhode Island [Mr. ALDRICH] to lay the appeal on the table.

The Secretary proceeded to call the roll.

Mr. DAVIS (when his name was called). There is an arrangement between the Senator from Indiana [Mr. TURPIE] and myself that I may vote to make a quorum. I vote "yea."

Mr. DIXON (when his name was called). I am paired generally with the Senator from South Carolina [Mr. HAMPTON], with the privilege of voting to make a quorum. I therefore vote "yea."

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. MCMILLAN (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE]. Being assured that he would vote "nay," I will vote "nay."

Mr. MANDERSON (when his name was called). I vote "nay" on this question, being assured that the Senator from Kentucky [Mr. BLACKBURN], with whom I am paired, would so vote if he were present.

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS]. If he were here, he would vote "nay." I will therefore vote "nay."

Mr. SPOONER (when his name was called). I am paired with the Senator from Mississippi [Mr. WALTHALL]. If he were present, he would vote "nay," and for the purpose of helping to make a quorum I vote "nay."

Mr. VEST (when his name was called). I am paired with the Senator from Kansas [Mr. PLUMB].

Mr. WILSON, of Iowa (when his name was called). I am paired with the Senator from Maryland [Mr. WILSON], and withhold my vote unless it is necessary to constitute a quorum.

The roll-call was concluded.

Mr. HISCOCK. I am paired with the Senator from Arkansas [Mr. JONES], with the right to vote to make a quorum. Therefore I vote "yea."

The result was announced—yeas 27, nays 7; as follows:

YEAS—27.

Aldrich,	Dolph,	Higgins,	Power,
Allison,	Edmunds,	Hiscock,	Sawyer,
Carey,	Evarts,	Hoar,	Shoup,
Casey,	Farwell,	McConnell,	Stockbridge,
Cullom,	Frye,	Mitchell,	Warren,
Davis,	Hale,	Morrill,	Washburn.
Dixon,	Hawley,	Platt,	

NAYS—7.

Harris,	Manderson,	Pasco,	Spooner.
McMillan,	Paddock,	Sanders,	

ABSENT—34.

Allen,	Coke,	Jones of Nevada,	Squire.
Barbour,	Colquitt,	Kenna,	Stanford,
Bate,	Daniel,	McPherson,	Stewart,
Berry,	Dawes,	Moody,	Teller,
Blackburn,	Eustis,	Morgan,	Turpie,
Blair,	Faulkner,	Payne,	Vance,
Blodgett,	George,	Pettigrew,	Vest,
Brown,	Gibson,	Pierce,	Voorhees,
Butler,	Gorman,	Plumb,	Walthall,
Call,	Gray,	Pugh,	Wilson of Iowa,
Cameron,	Hampton,	Quay,	Wilson of Md.
Carlisle,	Hearst,	Ransom,	Wolcott.
Chandler,	Ingalls,	Reagan,	
Cockrell,	Jones of Arkansas,	Sherman,	

The PRESIDING OFFICER. No quorum having voted, the Secretary will call the roll.

The Secretary called the roll; and the following Senators answered to their names:

Aldrich,	Edmunds,	Hoar,	Platt,
Allison,	Evarts,	Jones, of Nevada,	Power,
Blair,	Farwell,	McConnell,	Sanders,
Carey,	Faulkner,	McMillan,	Sawyer,
Casey,	Fry,	Manderson,	Shoup,
Cockrell,	Gray,	Mitchell,	Stewart,
Cullom,	Hale,	Morgan,	Vest,
Davis,	Harris,	Morrill,	Warren,
Dixon,	Hawley,	Paddock,	Washburn,
Dolph,	Higgins,	Pasco,	Wilson of Iowa.

The PRESIDING OFFICER. Forty Senators have responded to their names, not a quorum.

After a little delay, Mr. HISCOCK, Mr. SPOONER, and Mr. STOCKBRIDGE entered the chamber and answered to their names.

Mr. DOLPH (at 11 o'clock and 25 minutes p. m.). I should like to inquire if the Sergeant-at-Arms has made any report on the order requiring the attendance of absent Senators.

The PRESIDING OFFICER. No written report has been made to the Presiding Officer. The Sergeant-at-Arms has informed the Presiding Officer that he is engaged in the execution of the order of the Senate.

Mr. DOLPH. That is merely private information, I suppose, to the Presiding Officer. The report, I understand, must be made in writing and submitted to the Senate.

The PRESIDING OFFICER. The Chair has no further information.

Mr. MANDERSON. I rise to make an inquiry that I think has proper relation to the present subject matter. Has the Sergeant-at-Arms received an order under the last roll-call and a list of absentees as shown by the last roll-call?

The PRESIDING OFFICER. The Chair is informed by the clerks that the list of absentees is shown to the Sergeant-at-Arms from time to time as he applies for it, under the custom of the Senate.

Mr. MANDERSON. Has a list of absentees been given to him under the last roll-call?

The PRESIDING OFFICER. The Chair is informed by the officers of the Senate that he has been shown the last roll-call and is supposed to be aware of the absentees.

Mr. DOLPH. I inquire for information if the order is still in force which was made on a previous roll-call directing the Sergeant-at-Arms to compel the attendance of absent Senators. It does not seem to have been very successful, as the last call of the Senate has disclosed.

The PRESIDING OFFICER. Various calls of the roll indicate the necessity of its being treated as a continuing order of the Senate. The Sergeant-at-Arms has just informed the Chair that he is making the utmost efforts to execute the order of the Senate.

Mr. GRAY. I should like to respectfully inquire whether, after a roll-call and a list of absentees disclosed thereby, it should not require a new order of the Senate to compel the attendance of the absentees thus disclosed on the last roll-call.

The PRESIDING OFFICER. The Chair is unable to inform the Senator.

Mr. GRAY. I should like to ask the Chair whether it is competent for the Chair to order the Sergeant-at-Arms to compel the attendance of any Senators whose absence is disclosed by the call of the Senate without an order of the Senate for that purpose.

The PRESIDING OFFICER. The Chair is unable to inform the Senator upon those questions, which have been discussed from the foundation of the Constitution. The Senator is a learned lawyer and is aware of the language of the Constitution and of the rules and practice of the Senate quite as much as the Chair.

Mr. GRAY. I am asking the question in good faith for my information and the information of some of my colleagues. I should like to know whether it is competent for the Sergeant-at-Arms to take a list of absentees under a roll-call and use all necessary means to compel their attendance without an order of the Senate for that purpose. I am not meaning to make a question that is at all disrespectful to the Chair, but it is made in good faith. In other words, where a roll-call discloses absentees who were not disclosed on a previous roll-call, I inquire whether their attendance can be compelled under the order made upon a previous roll-call without a new order of the Senate. That is my question.

The PRESIDING OFFICER. It must be apparent to the Senator from Delaware that debate or discussion is at this time out of order under the rules of the Senate.

Mr. GRAY. It is not discussion; I ask the question.

The PRESIDING OFFICER. Should the Chair answer the question it would violate the rules of the Senate by completing a discussion.

Mr. HOAR. I beg to submit that the Chair answered the Senator's question exactly right. He answered that he did not know.

Mr. GRAY. That may be, Mr. President, but somebody ought to know the rule on a matter of this kind.

The PRESIDING OFFICER. The Chair presumes that the Senator from Delaware or the Senator from Massachusetts may know better.

Mr. GRAY. I take it that the Senator from Massachusetts would like to know, if the Sergeant-at-Arms came to execute that order upon his person, whether he had an order of the Senate specifically directing him to so execute it.

Mr. ALDRICH. I suppose that is the reason why the Senator was in the Democratic conference room and did not respond to the request of the Sergeant-at-Arms.

Mr. GRAY. I have not been in any conference room; I have been in my seat.

The PRESIDING OFFICER. The Chair is informed that the order is the usual document issued by the Senate, upon orders of a similar character to that of to-night, and on this occasion it was also issued and signed by the Presiding Officer; but its force and validity and of what importance it may be it is not for the Chair to determine. The Sergeant-at-Arms has informed the Chair that he is doing his best in securing the presence of absent Senators, but without very flattering success.

Mr. HARRIS. May I inquire if I am to understand from the statement of the Chair that upon each roll-call a new order is issued by the Chair to the Sergeant-at-Arms?

Mr. EDMUNDS. No, he has not said anything of the kind.

The PRESIDING OFFICER. There has been a single order issued, the one that was read to the Senate.

Mr. HARRIS. That is what I supposed would be the case, but I

was not sure from the statement of the Chair but that additional orders had been issued.

The PRESIDING OFFICER. There has been but one vote or decision of the Senate making an order to compel the attendance of absent members, and upon that action a written order was issued, and there has been no other.

Mr. HARRIS. Then may I inquire of the Chair if a list of the absentees as shown by the roll-call accompanying the order was given to the Sergeant-at-Arms?

The PRESIDING OFFICER. The Chair is so informed.

Mr. WOLCOTT entered the Chamber and answered to his name.

Mr. ALDRICH. I ask unanimous consent——

Mr. WOLCOTT (at 11 o'clock and 35 minutes p. m.). I move that the Senate adjourn.

Mr. ALDRICH. I think I have the floor.

The PRESIDING OFFICER. The Senator from Colorado moves that the Senate adjourn.

Mr. HOAR. The Senator from Rhode Island was recognized.

Mr. GRAY. The Chair has decided differently.

Mr. RANSOM entered the Chamber and responded to his name.

The PRESIDING OFFICER. The Senator from Colorado moves that the Senate do now adjourn.

Mr. EDMUNDS. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DIXON (when his name was called). I am paired with the Senator from South Carolina [Mr. HAMPTON].

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. McMILLAN (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE].

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. DOLPH (when Mr. PIERCE'S name was called). I will state that the pair between the senior Senator from Georgia [Mr. BROWN] and myself has been transferred to the Senator from Kentucky [Mr. CARLISLE] and the Senator from North Dakota [Mr. PIERCE], so that the Senator from Kentucky [Mr. CARLISLE] stands paired with the Senator from North Dakota [Mr. PIERCE].

Mr. VEST (when his name was called). I am paired with the Senator from Kansas [Mr. PLUMB].

Mr. WILSON, of Iowa (when his name was called). I am paired with the Senator from Maryland [Mr. WILSON].

The roll-call was concluded.

Mr. HARRIS (after having voted in the affirmative). I ask if the name of the Senator from Vermont [Mr. MORRILL] is recorded as having voted.

The PRESIDING OFFICER. He is not recorded.

Mr. HARRIS. I will withdraw my vote. I am paired with that Senator.

Mr. FRYE. I am paired with the senior Senator from Maryland [Mr. GORMAN].

Mr. HISCOCK. I am paired with the Senator from Arkansas [Mr. JONES], with the right to vote to make a quorum.

Mr. PADDOCK. I am paired with the Senator from Louisiana [Mr. EUSTIS]. He would vote "yea" if he were here, and I will vote "yea."

The result was announced—yeas 7, nays 25; as follows:

YEAS—7.

Cockrell,	Morgan,	Pasco,	Wolcott,
Gray,	Paddock,	Ransom,	

NAYS—25.

Aldrich,	Edmunds,	McConnell,	Stanford,
Allen,	Evarts,	Mitchell,	Stockbridge,
Allison,	Hale,	Platt,	Warren,
Carey,	Hawley,	Power,	Washburn.
Casey,	Higgins,	Sanders,	
Cullom,	Hiscock,	Sawyer,	
Dolph,	Hoar,	Shoup,	

ABSENT—55.

Barbour,	Daniel,	Ingalls,	Quay,
Bate,	Davis,	Jones of Arkansas,	Reagan,
Berry,	Dawes,	Jones of Nevada,	Sherman,
Blackburn,	Dixon,	Kenna,	Spooner,
Blair,	Eustis,	McMillan,	Squire,
Blodgett,	Farwell,	McPherson,	Stewart,
Brown,	Faulkner,	Manderson,	Teller,
Butler,	Frye,	Moody,	Turpie,
Call,	George,	Morrill,	Vance,
Cameron,	Gibson,	Payne,	Vest,
Carlisle,	Gorman,	Pettigrew,	Voorhees,
Chandler,	Hampton,	Pierce,	Walthall,
Coke,	Harris,	Plumb,	Wilson of Iowa,
Colquitt,	Hearst,	Pugh,	Wilson of Md.

So the Senate refused to adjourn.

Mr. ALDRICH. I ask unanimous consent to make a brief statement.

Mr. VEST. I have no objection to the statement.

Mr. ALDRICH. I will make it very brief.

Mr. FAULKNER. I object, Mr. President, to any statement.

Mr. RANSOM. Let us hear it.

Mr. GRAY (to Mr. FAULKNER). Do not object. Let the Senator go on and make it.

Mr. VEST (to Mr. FAULKNER). Let him make the statement.

Mr. HARRIS. I hope the Senator from West Virginia will withdraw the objection and let the Senator from Rhode Island make the statement he desires to make.

Mr. FAULKNER. I will withdraw the objection with the understanding that unanimous consent will be given on the other side to any Senator on this side who desires to make a statement in reply.

Mr. RANSOM. Certainly, that will be done.

Mr. HOAR. We shall see when the time comes.

Mr. RANSOM. Certainly, it will be done.

Mr. FAULKNER. With that understanding, at the request of my colleagues I withdraw my objection, but I do so against my own judgment.

The PRESIDING OFFICER. The Chair is informed that there is a quorum now present.

Mr. HARRIS. Does the roll-call show a quorum?

The PRESIDING OFFICER. On the call of the Senate forty-five Senators have responded to their names. There is a quorum of the Senate present. The question recurs on the motion of the Senator from Rhode Island to lay the appeal on the table, upon which the yeas and nays have been ordered. The Secretary will call the roll.

Mr. ALDRICH. Pending that, I desire to make a brief statement.

The PRESIDING OFFICER. The rule is explicit that the roll-call shall not be interrupted.

Mr. HAWLEY and Mr. MITCHELL (to Mr. ALDRICH). Ask unanimous consent.

Mr. CULLOM. Let the roll be called. Let us dispose of that.

The PRESIDING OFFICER. The Secretary will call the roll on the motion to lay the appeal on the table.

The Secretary proceeded to call the roll.

Mr. DIXON (when his name was called). I have a general pair with the Senator from South Carolina [Mr. HAMPTON]. By the terms of that pair I may vote to make a quorum. I vote "yea."

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. McMILLAN (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE].

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS]. If he were here, he would vote "nay." I will therefore vote "nay" to make a quorum.

Mr. SPOONER (when his name was called). I am paired with the Senator from Mississippi [Mr. WALTHALL]. I am informed that he would vote "nay" if present, and I vote "nay."

Mr. WILSON, of Iowa (when his name was called). I am paired with the Senator from Maryland [Mr. WILSON], unless my vote be necessary to make a quorum. I shall withhold my vote.

Mr. WOLCOTT (when his name was called). I should like to ask if the Senator from West Virginia [Mr. KENNA] has voted.

Mr. FAULKNER. The Senator from West Virginia [Mr. KENNA] is at home sick.

Mr. WOLCOTT. I am paired with the Senator from West Virginia [Mr. KENNA] on this question.

The roll-call having been concluded,

Mr. VEST. I am paired with the Senator from Kansas [Mr. PLUMB].

Mr. HARRIS (after having voted in the negative). Is the Senator from Vermont [Mr. MORRILL] recorded?

The PRESIDING OFFICER. He is not recorded.

Mr. HARRIS. I must again withdraw my vote. I am paired with that Senator, and I voted without remembering that he is absent.

Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr. BLACKBURN], but believing he would vote "nay" on this question I vote "nay."

The result was announced—yeas 23, nays 6; as follows:

YEAS—23.

Aldrich,	Dixon,	Hawley,	Power,
Allen,	Dolph,	Higgins,	Sanders,
Allison,	Edmunds,	Hiscock,	Sawyer,
Carey,	Evarts,	Hoar,	Stockbridge,
Casey,	Frye,	Mitchell,	Washburn.
Cullom,	Hale,	Platt,	

NAYS—6.

Cockrell,	Morgan,	Pasco,	Spooner.
Manderson,	Paddock,		

ABSENT—59.

Barbour,	Davis,	Kenna,	Shoup,
Bate,	Dawes,	McConnell,	Squire,
Berry,	Eustis,	McMillan,	Stanford,
Blackburn,	Farwell,	McPherson,	Stewart,
Blair,	Faulkner,	Moody,	Teller,
Blodgett,	George,	Morrill,	Turpie,
Brown,	Gibson,	Payne,	Vance,
Butler,	Gorman,	Pettigrew,	Vest,
Call,	Gray,	Pierce,	Voorhees,
Cameron,	Hampton,	Plumb,	Walthall,
Carlisle,	Harris,	Pugh,	Warren,
Chandler,	Hearst,	Quay,	Wilson of Iowa,
Coke,	Ingalls,	Ransom,	Wilson of Md.
Colquitt,	Jones of Arkansas,	Reagan,	Wolcott.
Daniel,	Jones of Nevada,	Sherman,	

The PRESIDING OFFICER. No quorum having voted, the Secretary will call the roll of the Senate.

The Secretary called the roll; and the following Senators answered to their names:

Aldrich,	Edmunds,	McConnell,	Sawyer,
Allen,	Evarts,	McMillan,	Shoup,
Allison,	Faulkner,	Manderson,	Spooner,
Blair,	Frye,	Mitchell,	Stanford,
Carey,	Hale,	Morgan,	Stockbridge,
Casey,	Harris,	Paddock,	Vest,
Cockrell,	Hawley,	Pasco,	Warren,
Cullom,	Higgins,	Platt,	Washburn,
Dixon,	Hiscock,	Power,	Wilson of Iowa,
Dolph,	Hoar,	Sanders,	Wolcott.

The PRESIDING OFFICER. Forty Senators have answered to their names—not a quorum. The Sergeant-at-Arms makes an additional report, which the Secretary will read.

The Chief Clerk read as follows:

UNITED STATES SENATE, *Washington, January* 21, 1891.

SIR: In obedience to the order heretofore received, I have the honor to further report that I requested the immediate attendance of the following Senators, who responded by appearing in the Senate Chamber: Messrs. SAWYER, WOLCOTT, MITCHELL, STANFORD, SPOONER, HALE, CALL, FRYE, and RANSOM. The following Senators are reported as being sick: Messrs. TELLER, KENNA, and WILSON, of Maryland. The following Senators are reported out of the city of Washington: Messrs. CAMERON, CHANDLER, MOODY, PETTIGREW, PIERCE, QUAY, and SQUIRE.

Very respectfully,

E. K. VALENTINE,
Sergeant-at-Arms, United States Senate.

To the PRESIDENT OF THE SENATE.

Mr. MITCHELL. Mr. President, I rise to a parliamentary inquiry. I should like to inquire what is the precise question before the Senate?

The PRESIDING OFFICER. There is none. The Senate is awaiting the assembling of a quorum, and under the rules there should be no debate.

Mr. HOAR. There is no Senate before the question. [Laughter.]

Mr. ALDRICH. I desire to repeat the request which I made a few minutes since to make a brief statement.

The PRESIDING OFFICER. The Senator will state the request.

Mr. ALDRICH. It is that I may be permitted to make a brief statement to the Senate.

Mr. RANSOM and others. No objection.

Mr. ALDRICH. The records of the Senate disclose the fact that all the Senators sitting upon this side of the Chamber who are in the city with one exception, I think, are present and answering to their names. Of the Senators sitting upon the other side I think the highest number who have been recorded upon a roll-call is seven at any time during the discussion in recent hours. As there is no quorum of Republican Senators in the Senate at this moment and in the city, it is evident that no business can be transacted to-night owing to the attitude of Senators upon the other side, and that the only result which could arise from protracting this session from now until the hour of adjournment to-morrow would be the fatigue and the discomfort which are certain to follow to Republicans sitting upon this side of the Chamber. With these facts in view, I move that the Senate do now adjourn.

Mr. COCKRELL. I ask permission to say just one word, and that is, to add "in consequence of the absence of Senators on this and on the other side of the Chamber."

Mr. MITCHELL. And that side particularly.

The PRESIDING OFFICER. The motion is made by the Senator from Rhode Island that the Senate do now adjourn.

The motion was agreed to; and (at 11 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 22, 1891, at 10 o'clock a. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January* 21, 1891.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

APPROVAL OF THE JOURNAL.

The Journal of the proceedings of yesterday was read.

Mr. MILLS. Mr. Speaker, I object to the approval of the Journal. I rise to debate that proposition.

Mr. MCKINLEY. Mr. Speaker——

The SPEAKER. The gentleman from Ohio [Mr. MCKINLEY] is recognized.

Mr. BRECKINRIDGE, of Kentucky. I raise the question of order——

Mr. MCKINLEY. I move the previous question.

Mr. BRECKINRIDGE, of Kentucky (continuing). That there is no quorum in the House to do business.

The SPEAKER. The gentleman from Ohio [Mr. MCKINLEY] moves the previous question.

Mr. BRECKINRIDGE, of Kentucky. I raise the question of order that there is no quorum present.

The SPEAKER. That will be determined by the vote. As many as are in favor of ordering the previous question will say "ay."

Mr. BRECKINRIDGE, of Kentucky. I raise the question of order that you can not——

The SPEAKER. Those opposed will say "no." The ayes seem to have it.

Mr. SPRINGER demanded a division.

The House divided; and there were—ayes 62, noes 10.

Mr. MCKINLEY. I demand the yeas and nays.

Mr. BRECKINRIDGE, of Kentucky. I raise the point that there is no quorum in the House.

The SPEAKER. The gentleman from Ohio demands the yeas and nays. As many as are in favor of taking this question by yeas and nays will rise in their places and be counted.

The yeas and nays were ordered.

The question was taken; and there were—yeas 143, nays 96, not voting 92; as follows:

YEAS—143.

Adams,	Darlington,	Lehlbach,	Rockwell,
Allen, Mich.	Dingley,	Lind,	Rowell,
Atkinson, Pa.	Dolliver,	Lodge,	Scull,
Atkinson, W. Va.	Dorsey,	Mason,	Sherman,
Baker,	Dunnell,	McComas,	Simonds,
Banks,	Evans,	McCormick,	Smith, Ill.
Bartine,	Farquhar,	McDuffie,	Smith, W. Va.
Bayne,	Featherston,	McKenna,	Smyser,
Belden,	Finley,	McKinley,	Snider,
Belknap,	Flick,	Miles,	Spooner,
Bergen,	Flood,	Miller,	Stephenson,
Bingham,	Frank,	Milliken,	Stewart, Vt.
Boothman,	Funston,	Moffitt,	Stivers,
Boutelle,	Gear,	Moore, N. H.	Stockbridge,
Bowden,	Gest,	Morey,	Struble,
Brewer,	Greenhalge,	Morrill,	Sweet,
Brosius,	Grosvenor,	Morrow,	Sweney,
Buchanan, N. J.	Grout,	Morse,	Taylor, Ill.
Burrows,	Hall,	Niedringhaus,	Taylor, J. D.
Caldwell,	Haugen,	Nute,	Taylor, Tenn.
Candler, Mass.	Henderson, Ill.	O'Donnell,	Thomas,
Cannon,	Hermann,	O'Neill, Pa.	Thompson,
Carter,	Hill,	Osborne,	Townsend, Colo.
Caswell,	Hitt,	Payne,	Townsend, Pa.
Cheadle,	Hopkins,	Payson,	Vandever,
Cheatham,	Kelley,	Perkins,	Van Schaick,
Clark, Wis.	Kennedy,	Peters,	Waddill,
Clark, Wyo.	Kerr, Iowa	Post,	Wade,
Cogswell,	Ketcham,	Pugsley,	Walker,
Coleman,	Kinsey,	Quackenbush,	Wallace, Mass.
Connell,	Knapp,	Raines,	Wallace, N. Y.
Cooper, Ohio	Lacey,	Randall,	Wickham,
Craig,	Laidlaw,	Ray,	Williams, Ohio
Culbertson, Pa.	Langston,	Reed, Iowa	Wilson, Ky.
Cutcheon,	Lansing,	Reyburn,	Yardley.
Dalzell,	Laws,	Rife,	

NAYS—96.

Abbott,	Cowles,	Lester, Ga.	Rogers,
Alderson,	Crisp,	Lewis,	Rusk,
Allen, Miss.	Culberson, Tex.	Martin, Ind.	Sayers,
Anderson, Miss.	Cummings,	Martin, Tex.	Shively,
Andrew,	Dickerson,	McClammy,	Skinner,
Barnes,	Dockery,	McClellan,	Spinola,
Barwig,	Edmunds,	McCreary,	Springer,
Biggs,	Ellis,	McMillin,	Stewart, Ga.
Blanchard,	Enloe,	McRae,	Stewart, Tex.
Bland,	Flower,	Mills,	Stockdale,
Blount,	Forney,	Montgomery,	Stone, Ky.
Breckinridge, Ark.	Fowler,	O'Ferrall,	Stump,
Breckinridge, Ky.	Geary,	O'Neall, Ind.	Tarsney,
Buchanan, Va.	Geissenhainer,	O'Neil, Mass.	Tillman,
Bunn,	Goodnight,	Outhwaite,	Tucker,
Bynum,	Hatch,	Owens, Ohio	Turner, Ga.
Campbell,	Hayes, W. I.	Parrett,	Vaux,
Candler, Ga.	Haynes,	Paynter,	Wheeler, Ala.
Caruth,	Henderson, N. C.	Peel,	Whitelaw,
Catchings,	Herbert,	Perry,	Wiley,
Chipman,	Holman,	Pindar,	Willcox,
Clarke, Ala.	Hooker,	Quinn,	Williams, Ill.
Cobb,	Kilgore,	Reilly,	Wilson, Mo.
Cooper, Ind.	Lanham,	Richardson,	Wilson, W. Va.

NOT VOTING—92.

Anderson, Kans.	Covert,	La Follette,	Robertson,
Arnold,	Crain,	Lane,	Rowland,
Bankhead,	Dargan,	Lawler,	Russell,
Beckwith,	Davidson,	Lee,	Sanford,
Bliss,	De Lano,	Lester, Va.	Sawyer,
Boatner,	Dibble,	Magner,	Scranton,
Brickner,	Dunphy,	Malsh,	Seney,
Brookshire,	Ewart,	Mansur,	Stahlnecker,
Brower,	Fitch,	McAdoo,	Stone, Mo.
Brown, J. B.	Fithian,	McCarthy,	Stone, Pa.
Browne, T. M.	Forman,	McCord,	Taylor, E. B.
Browne, Va.	Gibson,	Moore, Tex.	Tracey,
Brunner,	Gifford,	Morgan,	Turner, Kans.
Buckalew,	Grimes,	Mudd.	Turner, N. Y.
Bullock,	Hansbrough,	Mutchler,	Washington,
Burton,	Hare,	Norton,	Wheeler, Mich.
Butterworth,	Harmer,	Oates,	Whiting,
Carlton,	Hays, E. R.	Owen, Ind.	Whitthorne,
Clancy,	Heard,	Penington,	Wike.
Clements,	Hemphill,	Phelan,	Wilkinson,
Clunie,	Henderson, Iowa	Pickler,	Wilson, Wash.
Comstock,	Houk,	Pierce,	Wright,
Cothran,	Kerr, Pa.	Price,	Yoder.

So the previous question was ordered.

The Clerk announced the following pairs:
Until further notice:
Mr. WRIGHT with Mr. GEISSENHAINER.
Mr. HENDERSON, of Iowa, with Mr. PENINGTON.
Mr. EWART with Mr. MAGNER.
Mr. HOUK with Mr. RICHARDSON.
Mr. COMSTOCK with Mr. STAHLNECKER.
Mr. DE LANO with Mr. ROWLAND.
Mr. PICKLER with Mr. DARGAN.
Mr. SCRANTON with Mr. TRACEY.
Mr. BLISS with Mr. WHITING.
Mr. STONE, of Pennsylvania, with Mr. PRICE.
Mr. THOMAS M. BROWNE with Mr. FITHIAN.
Mr. RUSSELL with Mr. KERR, of Pennsylvania.
Mr. GIFFORD with Mr. MORGAN.
Mr. HANSBROUGH with Mr. CLANCY.
On this vote:
Mr. BROWNE, of Virginia, with Mr. BRUNNER.
Mr. SANFORD with Mr. LEE.
Mr. BROWER with Mr. BANKHEAD.
For this day:
Mr. BURTON with Mr. FITCH.
Mr. ARNOLD with Mr. DUNPHY.
Until Thursday next:
Mr. TAYLOR, of Tennessee, with Mr. WASHINGTON.

Mr. RICHARDSON. I ask to have the vote recapitulated, and pending that I desire to raise a question of order. It does not seem to be the present practice to have the vote recapitulated unless it is demanded by a member. The practice heretofore, if I understand it correctly, has been to recapitulate the vote without having it demanded.

The SPEAKER. It has not been done latterly.

Mr. RICHARDSON. When was the practice changed, may I inquire? Has it been during this session? Heretofore it has been the rule and practice to recapitulate the vote without having it asked for, and it has only been dispensed with by unanimous consent.

The SPEAKER. There is no rule that requires any recapitulation whatever.

Mr. RICHARDSON. Then I ask to have the vote recapitulated.

The SPEAKER. The gentleman asks it and the Chair directs the Clerk to recapitulate.

The Clerk recapitulated the names of those voting.

The result of the vote was then announced as above recorded.

Mr. MILLS. I rise to debate the proposition——

Mr. MCKINLEY. Mr. Speaker——

The SPEAKER. The gentleman from Ohio is recognized.

Mr. MCKINLEY. Mr. Speaker, I will not occupy any time now.

Mr. MILLS. Does the Chair recognize me for twenty minutes?

The SPEAKER. For twenty minutes; yes, sir.

Mr. MILLS. I did not understand the Chair.

The SPEAKER. The Chair responds, yes, sir. The gentleman from Texas.

Mr. MILLS. I yield five minutes to the gentleman from Missouri.

Mr. BLAND. Mr. Speaker, I understand that probably a special order will be brought in here for the purpose of taking the appropriation bill for the District of Columbia out of the Committee of the Whole and placing it upon its passage. To that special order, Mr. Speaker, I shall offer as an amendment a resolution which I desire to have read at the desk.

The SPEAKER. The question before the House is on the approval of the Journal.

Mr. BLAND. I want to have that resolution read for information.

Mr. DINGLEY. I understand that can be done only as a part of the gentleman's speech.

The SPEAKER. The gentleman has stated what it is; and it is not in order to discuss a matter to be introduced.

Mr. BLAND. Mr. Speaker, the Chair seems to be very particular as to the order, on me especially. I say that this is a resolution in favor of fixing a day for the consideration of the Senate free-silver bill, and I intend to move it as an amendment to any special order. [Applause on the Democratic side.]

The SPEAKER. The question before the House is the approval of the Journal. The Chair will say that the——

Mr. BLAND. I hope that will not come out of my time.

The SPEAKER. The gentleman from Missouri has no right to discuss anything but the question before the House, which is the approval of the Journal.

Mr. BLAND. Well, now, Mr. Speaker——

The SPEAKER. Twenty minutes are given for discussion upon that question, and the Chair hopes the gentleman will keep within the rules of the House.

Mr. MILLS. That has never been done heretofore.

Mr. BLAND. Mr. Speaker, since I have been a member of this House the latitude of debate has been very extended; and why I should be singled out, and why this subject to which I alluded should be singled out, as a matter for the animadversions of the Speaker at this time, I do not understand. I suppose the Speaker intends from what we know of his authority and past attitude to prevent the silver bill coming into Committee of the Whole from the Committee on Coinage, Weights, and Measures or its consideration in the House.

Mr. DINGLEY. I call the gentleman to order.

The SPEAKER. The gentleman is not speaking to the question before the House.

Mr. BOUTELLE. I demand the regular order. [Derisive jeers on the Democratic side.]

Mr. BLAND. How many other gentlemen from Maine are there?

Mr. BOUTELLE. I demand that that gentleman be called to order.

Mr. MILLS. What ails that gentleman?

Mr. BOUTELLE. And the other one over there.

Mr. TUCKER. And the other one over there.

Mr. MILLS. Nobody pays any attention to you.

Mr. CUMMINGS. Let the gentleman from Maine go into the forecastle, where he belongs.

Mr. BOUTELLE. I ask that the gentleman from Texas be made to take his seat.

The SPEAKER. The gentleman from Texas is not in order.

Mr. MILLS. You took your seat immediately after that remark.

Mr. BLAND. Mr. Speaker, I ask that the resolution be read for information.

The SPEAKER. The gentleman knows that is not in order.

Mr. MCCREARY. I ask the gentleman from Missouri to read his own resolution.

Mr. BLAND. I will have the Clerk return the resolution to me.

Mr. BIGGS. Let us have order, please.

The SPEAKER. The House will be in order.

Mr. BLAND. I will read my resolution:

Resolved, That the Committee on Coinage, Weights, and Measures be discharged from the further consideration of the bill (S. 4675) to provide a unit of value and for the coinage of gold and silver, and for other purposes, and that said bill be the special order in the House immediately after the reading of the Journal, on Tuesday, January 27, instant, and if not disposed of on said day this order to continue from day to day until said bill is finally disposed of.

That, I say, Mr. Speaker, is the resolution I intend to offer as an amendment to any special order that is offered in this House for the consideration of any other bill; and I shall insist on it from now until the 4th of March or until that bill is considered and passed by this House.

Mr. MILLS. I yield five minutes to the gentleman from Arkansas [Mr. ROGERS].

Mr. ROGERS. Mr. Speaker, I have a question that I desire this morning to pleasantly and respectfully address to the attention of the Chair, not to the House particularly. On yesterday afternoon the gentleman from Maryland [Mr. MCCOMAS], after the committee rose from the consideration of the District of Columbia appropriation bill, moved that the House adjourn, whereupon Mr. WALKER rose and said:

I hope the gentleman will withdraw the motion for a moment.

Thereupon the Speaker said:

The Chair desires to submit a resolution for present consideration.

Thereupon the Speaker laid before the House a certain bill; whereupon I demanded the regular order. The Speaker responded:

This is a privileged question.

The Speaker has held upon me more than once during the present session that a demand for the regular order is equivalent to an objection; so that I objected to the consideration, as I understood, in view of the Speaker's ruling, to the laying of that bill before the House.

Now, Mr. Speaker, I call attention to the fact that none of these things appear upon the Journal, and then I call attention to the fact that in Rule IX it is provided that—

Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings.

I assume that this resolution related to the integrity of the proceedings of the House; that is, that it was a case, such as happened too frequently during the present session, of a bill improperly enrolled, a mistake or mistakes on the part of the clerical officers of this House.

The rule provides further as follows:

Second, the rights, reputation, and conduct of members individually in their Representative capacity only; and shall have precedence of all other questions, except motions to adjourn.

Now, Mr. Speaker, I think, out of deference to the high place, the dignified station, that you are called upon to fill, you ought at least to withdraw this motion and submit it to the House in the ordinary, usual, and proper way, and not in violation of this rule that I have just read. I want to say further that I can see a little bit of a hole, that you can not get a bristle in, through which the Speaker can drag himself if he pleases, and that is because he did not state the proposition of the gentleman from Maryland. But the record shows, Mr. Speaker, that when this was all done the gentleman from Texas [Mr. MILLS] rose and moved to adjourn. Thereupon my friend from Maryland [Mr. MCCOMAS] contested that high honor with him, saying, "Mr. Speaker, I have already submitted that motion," and then the Speaker, in deference to the motion which the gentleman from Maryland had already made, rose and said:

Well, the gentleman from Texas and the gentleman from Maryland both move that the House adjourn.

So that the Speaker did in fact recognize the action of the gentleman from Maryland by announcing that he had made this motion, notwithstanding the fact that after this vote had been taken the gentleman from Texas had made the motion to adjourn, as I have just now stated, before the gentleman from Maryland made that statement. And, Mr. Speaker, I want not only to call attention to this method of doing business, but I desire that in the future, when we are to be governed by the rulings of the Speaker, he shall at least state the proposition if he expects afterwards to crawl out of the little bit of a hole that I have just now mentioned into which you could not get a bristle.

Now, all we want is something like a fair and impartial administration of the rules that you made yourselves, and I invite your attention, Mr. Speaker, to a fact that I think you have forgotten. It is that these rules, in so far as they are within the Constitution, were passed by this body in pursuance of the constitutional power which the House of Representatives has to make rules for its own government; and whenever you or any other gentleman upon this floor—and you above all others, for you occupy the exalted position of Speaker of the House of Representatives, the third highest position in the gift of the American people—whenever you or any other gentleman upon this floor violate these rules, you violate rules that are passed in pursuance of constitutional power, and to that extent you revolutionize the Government and destroy the dignity of the high station which you have been called upon to fill.

Mr. HENDERSON, of Illinois. Mr. Speaker, I would like to inquire how much longer this House is to submit to this disorder.

Mr. MILLS. This does not come out of my time, I hope.

The SPEAKER. The Chair desires—— [Cries of "Regular order!"]

Mr. HENDERSON, of Illinois. I would like to know how much longer this House is to submit to this, to sit here and see the Speaker insulted day after day. [Cries of "Regular order!" on the Democratic side.]

The SPEAKER. The regular order is demanded. The gentleman [Mr. HENDERSON, of Illinois] will resume his seat.

Mr. HENDERSON, of Illinois. I propose myself, if nobody else will do it, to demand hereafter that language of this kind shall be taken down.

Mr. BRECKINRIDGE, of Kentucky. The gentleman himself——

Mr. MILLS. You let your Speaker do right and he will not be criticised. And if he does not do right he is unworthy the respect of this House. [Applause on the Democratic side.]

The SPEAKER. The Chair desires to say to the House, if gentlemen will be kind enough to be in order, that one reason why he expects that in due time his services to the country will be appreciated [laughter on the Democratic side] is because of the virulent attacks which have been made upon him, the personal nature and character of which this House can appreciate. The Chair has endeavored at all times to administer the rules of the House as he understands them and as the House has sustained him in doing, and the Chair will continue to do so as long as he occupies the exalted position to which he has been chosen by the House of Representatives and in which he has been unvaryingly sustained. [Applause on the Republican side.]

As to the suggestions which have been made by the gentleman from Arkansas [Mr. ROGERS] with regard to the proposition for carrying on the business of the House, the Chair laid before the House informally this resolution, as he has done in other cases and as has always been the custom, for the transaction of the business of the country, and every member of the House is a witness of the propriety of his action. [Applause on the Republican side.]

Mr. MILLS resumed the floor and said: Mr. Speaker, how much time have I remaining?

The SPEAKER. Ten minutes.

Mr. ENLOE. Mr. Speaker, I would like to make a parliamentary inquiry.

The SPEAKER. The gentleman from Texas has the floor.

Mr. ENLOE. I would like to get a part of the time on the other side.

Mr. MILLS. Mr. Speaker, I rise to continue for a few moments the discussion of the parliamentary question which was presented a few mornings ago and only partially considered by the House of Representatives. On Saturday last, having voted with the prevailing side, I made a motion under the rules of the House to reconsider the vote adopting the Journal of the preceding day. The Chair refused to entertain that motion. From that refusal of the Chair I appealed to the House who created the Chair, and the Chair refused to entertain that appeal. I do not know what reasoning controlled the mind of the Chair in making those decisions. He did not condescend to give to the country or to this House either reason or authority for his decision; but he simply informed the House that "I am Sir Oracle; when I ope my mouth let no dog bark." [Derisive cries on the Republican side.] Keep your menagerie silent over there, Mr. Speaker, while I am talking.

The Speaker has since cited to the House two decisions as justifying him in the course which he pursued, neither of which decisions was made under the rules of the House, and he knew it, because he participated in the discussion when one of those decisions was made and the other reviewed.

The first was the decision of Mr. Speaker Randall, made upon precisely similar propositions—a motion to reconsider and an appeal from his decision when he refused to entertain the motion. But Mr. Randall made that decision, as he stated in these records, under command of an act of Congress, not under the rules of the House of Representatives. The gentlemen upon the other side of the House were prepared to steal the Presidency of the United States; and before they could consummate that project they had an act passed that in the House of Representatives no dilatory motion should be entertained when it was attempted to carry out the decree of "eight to seven" which was made by the electoral commission. It was in obedience to that law—and Mr. Randall quoted it—that he made his decision. He made it because the law compelled him to make it; and it was not made under the rules of the House of Representatives. Mr. Randall, quoting the law, says:

That law says that it shall be the duty of the House after two hours' debate to put the main question, cutting out of course every other motion.

Mr. REED. But the gentleman from Pennsylvania "allowed" a half dozen other motions. What does he say to that?

Mr. RANDALL. I put only such questions as I felt could be admitted and were allowed.

Mr. REED. Ah, that is it.

Mr. RANDALL. Allowed under the law. The law bound me. To me the law was higher than the rules when the law came in conflict with the rules.

That is the decision which the present Speaker quotes as justifying him in refusing to entertain a motion recognized by the rules.

The other case was where Mr. Speaker Keifer ruled that when the House was proceeding under the Constitution to make a code of rules it would be impossible to exercise the constitutional power with which the House was invested if dilatory motions could be made to prevent the majority from making rules. He did not make his decision under the rules. He especially said, quoting Mr. Speaker Blaine in support of his position, that when the House was proceeding under the Constitution to make a code of rules no dilatory motion should be entertained to prevent it from making rules.

Mr. Blaine sat for seven years in that chair where the distinguished citizen from Maine now sits, and he refused every importunity of his party friends to break the rules. He said, "You have your remedy; change the rules, and when you bring in a proposition to change the rules no dilatory motion will be entertained; but just as long as you have a code of rules, that code of rules shall be enforced in the House." And he did enforce them.

Now let us see what Mr. Speaker Keifer said in justifying himself for making that decision. He quotes what Mr. Blaine had said:

The Chair has repeatedly ruled—

This is the language of Mr. Speaker Blaine—

that pending a proposition to change the rules dilatory motions could not be entertained; and for this reason he has several times ruled that the right of each House to determine what shall be its rules is an organic right, expressly given by the Constitution of the United States. The rules are the creature of that power, and of course they can not be used to destroy the power. The House is incapable by any form of rules of divesting itself of its inherent Constitutional power to exercise its function to determine its own rules. Therefore the Chair has always announced, upon a proposition to change the rules of the House, he would never entertain a dilatory motion.

What I assert is what Mr. Randall asserted and what my friend from Illinois [Mr. SPRINGER] asserted the other day, that you may search the records of this body from its beginning one hundred years ago to the present time, and you can not find that any Speaker ever refused to entertain a motion to reconsider a question except in these two instances, one based on a law mandatory upon Congress, and the other upon the constitutional authority of each House to make a code of rules.

The Speaker stands out solitary and alone, "wrapped in the solitude of his own originality." [Applause on the Republican side.] There has never been a precedent—keep your menagerie in order on that side, Mr. Speaker [laughter and applause on the Democratic side]—there has never been a precedent in the past for it; and when the 4th day of March shall come, and you disappear, in accordance with that judgment of the country of which you spoke awhile ago, it will never be repeated again in the future of this Government. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman has expired.

Mr. BOUTELLE. Is that all?

Mr. MILLS. I will continue it to-morrow morning. [Laughter.]

Mr. MCKINLEY. Mr. Speaker, I yield to the gentleman from Iowa [Mr. KERR] two minutes.

Mr. KERR, of Iowa. I simply desire to say, Mr. Speaker, that the RECORD as published this morning does me injustice in failing to publish the language of the gentleman from Texas reflecting upon the Speaker in full, as well as in failing to exhibit the manner of the gentleman from Texas that called for my remarks. That is all I desire to say. The gentleman's language is published in the papers throughout the country, and it will be unnecessary for me to ask that it be inserted in the RECORD, even if his remarks were proper to be so inserted.

Mr. MILLS. Does the gentleman allude to me? I did not hear what he had to say.

Mr. KERR, of Iowa. I stated that the RECORD of this morning as published does me injustice in failing to state all of the language of the

gentleman from Texas in reference to the Speaker which was the occasion of my remarks as they appear in the RECORD this morning.

Mr. MILLS. Then, Mr. Speaker, it does me great injustice too.

Mr. KERR, of Iowa. I said further that it was unnecessary for me to ask that the remarks be published in the RECORD, as they already appear in the journals of the country.

Furthermore, Mr. Speaker, I wish to say, as a matter of privilege, that the statement published in the Post and sent to the country, evidently by the same inspiring mind, making the assertion that the Sergeant-at-Arms had peremptorily ordered me to take my seat [laughter on the Democratic side], is wholly untrue, as he did not address me at all.

Mr. SPINOLA. He went over there. [Laughter.]

Mr. MILLS. I wish to state [cries of "Order!" on the Republican side] that I have not seen the notes of the debate of yesterday. [Loud cries of "Order!" on the Republican side.] I have not touched the notes; I have not seen them. [Renewed cries of "Order!" "Order!"]

I want to ask the gentleman from Iowa what he meant by his allusion to me. Does he mean to say that I have changed the RECORD? I have not seen the notes of the reporters or touched them. Now, after that I want to know if he refers to me.

Mr. KERR, of Iowa. I will say, Mr. Speaker, that I saw the notes of the reporter, but the RECORD as published this morning suppresses a portion of the language. Unquestionably a portion of what I saw has been stricken out.

Mr. MILLS. Do you refer to me as having stricken anything out?

Mr. KERR, of Iowa. I claim no knowledge on the subject. Of course I do not know who was the occasion of it.

A MEMBER. Probably the supervising editor of the RECORD. [Laughter.]

Mr. CUMMINGS. What is suppressed? You say you saw the notes; now, what do you claim was suppressed?

Mr. KERR, of Iowa. I have stated that it appears in the papers of the country. It is unnecessary for me to repeat it. [Cries of "Vote!" "Vote!"]

Mr. MILLS. I have seen no newspaper account of it, nor have I talked with any newspaper man on the subject. [Cries of "Vote!" "Vote!"]

Mr. MCKINLEY. Let us have a vote.

The SPEAKER. The question is on the approval of the Journal.

The question was taken.

Mr. MILLS. Let us have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 154, nays 118, not voting 59; as follows:

YEAS—154.

Adams,	Dingley,	Lehlbach,	Sanford,
Allen, Mich.	Dolliver,	Lind,	Sawyer,
Anderson, Kans.	Dorsey,	Lodge,	Scull,
Atkinson, Pa.	Dunnell,	Mason,	Sherman,
Atkinson, W. Va.	Evans,	McComas,	Simonds,
Baker,	Farquhar,	McCord,	Smith, Ill.
Banks,	Featherston,	McCormick,	Smith, W. Va.
Bayne,	Finley,	McDuffie,	Smyser,
Belden,	Flick,	McKenna,	Snider,
Belknap,	Flood,	McKinley,	Spooner,
Bergen,	Flower,	McMillin,	Stephenson,
Bingham,	Frank,	Miles,	Stewart, Vt.
Boothman,	Funston,	Miller,	Stivers,
Boutelle,	Gear,	Milliken,	Stockbridge,
Bowden,	Gest,	Moffitt,	Stone, Ky.
Brewer,	Greenhalge,	Moore, N. H.	Strubie,
Brosius,	Grosvenor,	Morey,	Sweet,
Browne, Va.	Grout,	Morrill,	Sweney,
Buchanan, N. J.	Hall,	Morrow,	Taylor, E. B.
Burrows,	Harmer,	Morse,	Taylor, Ill.
Butterworth,	Haugen,	Mudd,	Taylor, J. D.
Caldwell,	Hays, E. R.	Nute,	Thomas,
Candler, Mass.	Henderson, Ill.	O'Donnell,	Thompson,
Cannon,	Hermann,	O'Neill, Pa.	Townsend, Colo.
Carter,	Hill,	Osborne,	Townsend, Pa.
Caswell,	Hitt,	Payne,	Turner, Kans.
Cheadle,	Hopkins,	Payson,	Vandever,
Cheatham,	Kelley,	Perkins,	Van Schaick,
Clark, Wis.	Kennedy,	Peters,	Waddill,
Clark, Wyo.	Kerr, Iowa	Post,	Wade,
Cogswell,	Ketcham,	Pugsley,	Walker,
Coleman,	Kinsey,	Quackenbush,	Wallace, Mass.
Connell,	Knapp,	Raines,	Wallace, N. Y.
Cooper, Ohio	Lacey,	Randall,	Wickham,
Craig,	La Follette,	Ray,	Williams, Ohio
Culbertson, Pa.	Laidlow,	Reed, Iowa	Wilson, Ky.
Cutcheon,	Langston,	Reyburn,	Yardley.
Dalzell,	Lansing,	Rife,	
Darlington,	Laws,	Rowell,	

NAYS—118.

Abbott,	Breckinridge, Ky.	Clarke, Ala.	Dibble,
Alderson,	Brickner,	Clements,	Dickerson,
Allen, Miss.	Brookshire,	Cobb,	Dockery,
Anderson, Miss.	Brown, J. B.	Cooper, Ind.	Edmunds,
Andrew,	Buchanan, Va.	Cothran,	Ellis,
Barnes,	Bunn,	Covert,	Enloe,
Barwig,	Bynum,	Cowles,	Forman,
Biggs,	Campbell,	Crain,	Forney,
Blanchard,	Candler, Ga.	Crisp,	Fowler,
Bland,	Caruth,	Culberson, Tex.	Geary,
Blount,	Catchings,	Cummings,	Geissenhainer,
Breckinridge, Ark.	Chipman,	Davidson,	Goodnight,
Grimes,	Mansur,	Parrett,	Stockdale,
Hare,	Martin, Ind.	Paynter,	Stump,
Hatch,	Martin, Tex.	Peel,	Tarsney,
Hayes, W. I.	McAdoo,	Perry,	Tillman,
Haynes,	McClammy,	Pierce,	Tucker,
Heard,	McClellan,	Pindar,	Turner, Ga.
Hemphill,	McCreary,	Quinn,	Vaux,
Henderson, N. C.	McRae,	Robertson,	Wheeler, Ala.
Herbert,	Mills,	Rogers,	Whitelaw,
Holman,	Montgomery,	Rusk,	Wike,
Hooker,	Moore, Tex.	Sayers,	Wiley,
Kilgore,	Mutchler,	Seney,	Wilkinson,
Lane,	Norton,	Shively,	Willcox,
Lanham,	O'Ferrall,	Skinner,	Williams, Ill.
Lawler,	O'Neall, Ind.	Spinola,	Wilson, Mo.
Lee,	O'Neil, Mass.	Springer,	Wilson, W. Va.
Lester, Ga.	Outhwaite,	Stewart, Ga.	
Lewis,	Owens, Ohio	Stewart, Tex.	

NOT VOTING—59.

Arnold,	Comstock,	Maish,	Scranton,
Bankhead,	Dargan,	McCarthy,	Stahlnecker,
Bartine,	De Lano,	Morgan,	Stone, Mo.
Beckwith,	Dunphy,	Niedringhaus,	Stone, Pa.
Bliss,	Ewart,	Oates,	Taylor, Tenn.
Boatner,	Fitch,	Owen, Ind.	Tracey,
Brower,	Fithian,	Penington,	Turner, N. Y.
Browne, T. M.	Gibson,	Phelan,	Washington,
Brunner,	Gifford,	Pickler,	Wheeler, Mich.
Buckalew,	Hansbrough,	Price,	Whiting,
Bullock,	Henderson, Iowa	Reilly,	Whitthorne,
Burton,	Houk,	Richardson,	Wilson, Wash.
Carlton,	Kerr, Pa.	Rockwell,	Wright.
Clancy,	Lester, Va.	Rowland,	Yoder.
Clunie,	Magner,	Russell,	

So the Journal was approved.

The SPEAKER. On this question the yeas are——

Mr. RICHARDSON. Mr. Speaker, I would like to have the vote recapitulated; and while standing I want to state that I am paired with my colleague [Mr. HOUK] on political questions. I do not know whether this is a political question or not and I voted, but I will withdraw my vote, lest it be so considered. I ask to have the vote recapitulated.

The SPEAKER. Does the gentleman from Tennessee think there is any error in the vote?

Mr. RICHARDSON. I am not informed whether there is or not.

The SPEAKER. It is taking so much time unnecessarily.

Mr. RICHARDSON. I simply ask it, as I believe I have the right to do.

The SPEAKER. The Chair does not think the gentleman has a right in the matter.

Mr. RICHARDSON. I think I have a right to do so.

The SPEAKER. The Chair does not think so.

Mr. RICHARDSON. Well, I ask it as a right, to have the vote recapitulated.

Mr. MCMILLIN. Mr. Speaker, I would call the attention of the Chair, in all deference, to the fact that we have already relaxed the former ruling on this subject. Originally, up to this session or this Congress, so far as I know, it had been the custom to have the recapitulation as a matter of right, and the universal practice, except where dispensed with by submission to the House and by unanimous consent. If one man objected the vote had to be recapitulated.

The SPEAKER. The Chair does not think it is a right, but the Clerk will recapitulate.

Mr. GEAR. I object.

The Clerk recapitulated the names of those voting.

The result of the vote was then announced as above recorded.

ORDER OF BUSINESS.

Mr. CANNON. Mr. Speaker, I rise to present a privileged report. I present the following substitute for a resolution, which is submitted by the Committee on Rules.

The Clerk read as follows:

The Committee on Rules, having had under consideration the House resolution of January 19, 1891, relating to the consideration of H. R. 12729, have considered the same and beg leave to report the following substitute:

"*Resolved*, That immediately after the passage of this resolution the House shall resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of H. R. 12729, which shall be open to amendment in accordance with the rules in any of its paragraphs without further reading; that at 5 o'clock p. m., unless the bill is sooner ready, it shall be reported to the House with amendments, if any, adopted by the committee, and the previous question shall be considered as ordered on the bill and amendments to the final passage."

Mr. CANNON. Mr. Speaker, I move the adoption of the resolution, and upon that motion I demand the previous question.

Mr. BLOUNT. Mr. Speaker——

Mr. BLAND. I rise to a parliamentary inquiry. If the previous question is voted down will it not be open for amendment?

The SPEAKER. It will in that case be open for proper amendment. [Cries of "Regular order!" on the Republican side.]

Mr. BLAND. I give notice that if the previous question is voted down I shall offer an amendment——

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker——

The SPEAKER. The question is upon ordering the previous question. As many as are in favor will say ay.

Mr. BRECKINRIDGE, of Kentucky (speaking at the same time). I move to lay the resolution on the table.

The SPEAKER. Those opposed will say no. The ayes appear to have it——

Mr. BRECKINRIDGE, of Kentucky. I rose before the Speaker began to put the question and moved to lay the resolution on the table.

The SPEAKER. The Chair had already put the question.

Mr. BLOUNT. Mr. Speaker——

The SPEAKER. One moment. The Chair intends to present the matter fairly, and desires that the House shall distinctly understand it.

Mr. BRECKINRIDGE, of Kentucky. I do not desire to criticise the Chair or to intimate that the matter is not to be fairly stated, but I merely desire to say that before the Chair began to put the motion I rose, saying, "Mr. Speaker," and I continued to say "I move to lay the resolution on the table.

Mr. CANNON. But, Mr. Speaker, the gentleman has not the power to take me off my feet, to move to lay that upon the table, when I move the previous question.

Mr. BRECKINRIDGE, of Kentucky. The gentleman had yielded the floor.

Mr. CANNON. Not at all.

Mr. ANDERSON, of Kansas. The Chair was putting the question.

Mr. MCMILLIN. The motion of the gentleman from Illinois took him from the floor as soon as he had made it.

The SPEAKER. The House must be in order. The gentleman from Illinois [Mr. CANNON] demanded the previous question.

Mr. BRECKINRIDGE, of Kentucky. And yielded the floor after so doing.

The SPEAKER. And, pending that, the gentleman from Kentucky moved to lay the resolution on the table.

Mr. BLOUNT. Mr. Speaker, I rise to a question of order.

Mr. CANNON. There is nothing in the rules that enables the gentleman at this stage to make the motion to lay upon the table, as I understand it.

The SPEAKER. It is not to lay the demand for the previous question on the table, but the motion of the gentleman from Kentucky was to lay the resolution on the table.

Mr. BRECKINRIDGE, of Kentucky. The resolution, not the previous question.

Mr. ANDERSON, of Kansas. Mr. Speaker——

Mr. BLOUNT. I rise to a point of order on this resolution.

The SPEAKER. The gentleman will state his point of order.

Mr. BLOUNT. I ask attention to Rule XXVIII, which reads as follows:

1. No standing rule or order of the House shall be rescinded or changed without one day's notice of the motion therefor, and no rule shall be suspended except by a vote of two-thirds of the members present, except to fix a day for the consideration of a bill or resolution already favorably reported by a committee on motion directed to be made by such committee.

Now, Mr. Speaker, under the rule of the House the District bill must be considered by paragraphs, those paragraphs must be read, and the bill must be concluded in committee before it shall be reported to the House; but here is an order proposing a suspension. That is the effect of it, a suspension of this rule and the mode of proceeding under the rule. This I claim can not be done except by a two-thirds vote, under this rule. Now, I understand that all questions touching the rules of the House are, by virtue of the rules, referred to the Committee on Rules. But I do not understand that this fact changes Rule XXVIII, which provides for a suspension only by a two-thirds vote, except to fix a day for the consideration of a bill or a resolution already favorably reported. I take it we must construe the rule which defines the jurisdiction of the Committee on Rules in matters of this sort in connection with this other rule; and, doing so, we may report a resolution fixing a day, but we can not go beyond that and alter the rules as to proceeding in Committee of the Whole.

The SPEAKER. This is a matter of such common occurrence in the House that the Chair does not think there can be any question about it. It seems very clear and is the course the House has always pursued. The question is upon the motion to lay upon the table.

Mr. BLOUNT. Mr. Speaker——

The SPEAKER. As many as are in favor will say "ay;" those opposed, "no." [The question being taken.] The noes seem to have it.

Mr. SPRINGER. Division.

The SPEAKER. A division is demanded.

Mr. CANNON. Mr. Speaker, we may just as well have the yeas and nays.

The question was taken; and there were—yeas 112, nays 147, not voting 72; as follows:

YEAS—112.

Abbott,	Breckinridge, Ark.	Candler, Ga.	Cothran,
Alderson,	Breckinridge, Ky.	Carlton,	Covert,
Anderson, Miss.	Brickner,	Caruth,	Cowles,
Andrew,	Brookshire,	Catchings,	Crain,
Barnes,	Brown, J. B.	Clarke, Ala.	Crisp,
Barwig,	Buchanan, Va.	Clements,	Cummings,
Bigga,	Bunn,	Clunie,	Davidson,
Blanchard,	Bynum,	Cobb,	Dibble,
Blount,	Campbell,	Cooper, Ind.	Dickerson,
Edmunds,	Hooker,	Norton,	Springer,
Ellis,	Kilgore,	O'Ferrall,	Stewart, Ga.
Enloe,	Lane,	O'Neall, Ind.	Stewart, Tex.
Flower,	Lanham,	O'Neil, Mass.	Stockdale,
Forman,	Lee,	Outhwaite,	Stone, Ky.
Forney,	Lester, Ga.	Owens, Ohio	Stump,
Geary,	Lewis,	Parrett,	Tarsney,
Geissenhainer,	Mansur,	Paynter,	Tillman,
Goodnight,	Martin, Ind.	Perry,	Tucker,
Grimes,	Martin, Tex.	Pierce,	Vaux,
Hare,	McAdoo,	Pindar,	Wheeler, Ala.
Hatch,	McClammy,	Quinn,	Whitelaw,
Hayes, W. I.	McClellan,	Robertson,	Wike,
Haynes,	McCreary,	Rogers,	Wiley,
Heard,	McMillin,	Sayers,	Wilkinson,
Hemphill,	McRae,	Seney,	Willcox,
Henderson, N. C	Mills,	Shively,	Williams, Ill.
Herbert,	Montgomery,	Skinner,	Wilson, Mo.
Holman,	Moore, Tex.	Spinola,	Yoder.

NAYS—147.

Adams,	Dingley,	Laws,	Rowell,
Allen, Mich.	Dolliver,	Lehlbach,	Sanford,
Anderson, Kans.	Dorsey,	Lind,	Sawyer,
Atkinson, Pa.	Dunnell,	Lodge,	Scull,
Atkinson, W. Va	Evans,	McComas,	Sherman,
Baker,	Farquhar,	McCord,	Simonds,
Banks,	Featherston,	McCormick,	Smith, Ill.
Bartine,	Finley,	McDuffie,	Smith, W. Va.
Bayne,	Flick,	McKenna,	Smyser,
Belden,	Flood,	McKinley,	Snider,
Belknap,	Frank,	Miles,	Spooner,
Bingham,	Funston,	Miller,	Stephenson,
Boothman,	Gear,	Milliken,	Stivers,
Boutelle,	Gest,	Moffitt,	Stockbridge,
Bowden,	Greenhalge,	Moore, N. H.	Struble,
Brewer,	Grosvenor,	Morey,	Sweet,
Brosius,	Grout,	Morrill,	Taylor, E. B.
Buchanan, N. J.	Hall,	Morrow,	Taylor, Ill.
Burrows,	Harmer,	Morse,	Taylor, J. D.
Butterworth,	Haugen,	Niedringhaus,	Thomas,
Caldwell,	Hays, E. R.	Nute,	Thompson,
Candler, Mass.	Henderson, Ill.	O'Donnell,	Townsend, Colo.
Cannon,	Hermann,	O'Neill, Pa.	Townsend, Pa.
Carter,	Hill,	Osborne,	Turner, Kans.
Caswell,	Hitt,	Payne,	Vandever,
Cheadle,	Hopkins,	Payson,	Van Schaick,
Cheatham,	Kelley,	Perkins,	Waddill,
Clark, Wis.	Kennedy,	Peters,	Wade,
Clark, Wyo.	Kerr, Iowa	Post,	Walker,
Cogswell,	Ketcham,	Quackenbush,	Wallace, Mass.
Coleman,	Kinsey,	Raines,	Wallace, N. Y.
Connell,	Knapp,	Randall,	Williams, Ohio
Cooper, Ohio	Lacey,	Ray,	Wilson, Ky.
Culbertson, Pa.	La Follette,	Reed, Iowa	Wilson, Wash.
Cutcheon,	Laidlaw,	Reyburn,	Wright,
Dalzell,	Langston,	Rife,	Yardley.
Darlington,	Lansing,	Rockwell,	

NOT VOTING—72.

Allen, Miss.	Craig,	Magner,	Rusk,
Arnold,	Culberson, Tex.	Maish,	Russell,
Bankhead,	Dargan,	Mason,	Scranton,
Beckwith,	De Lano,	McCarthy,	Stahlnecker,
Bergen,	Dockery,	Morgan,	Stewart, Vt.
Bland,	Dunphy,	Mudd,	Stone, Mo.
Bliss,	Ewart,	Mutchler,	Stone, Pa.
Boatner,	Fitch,	Oates,	Sweney,
Brower,	Fithian,	Owen, Ind.	Taylor, Tenn.
Browne, T. M.	Fowler,	Peel,	Tracey,
Browne, Va.	Gibson,	Penington,	Turner, Ga.
Brunner,	Gifford,	Phelan,	Turner, N. Y.
Buckalew,	Hansbrough,	Pickler,	Washington,
Bullock,	Henderson, Iowa	Price,	Wheeler, Mich.
Burton,	Houk,	Pugsley,	Whiting,
Chipman,	Kerr, Pa.	Reilly,	Whitthorne,
Clancy,	Lawler,	Richardson,	Wickham,
Comstock,	Lester, Va.	Rowland,	Wilson, W. Va.

So the motion to lay on the table was rejected.

Mr. WHITTHORNE. Mr. Speaker, it is frank to say that I heard my name called, but at the moment I thought I was paired with the gentleman from Ohio [Mr. PUGSLEY] and did not answer. I am informed the gentleman withdrew the pair, which he did with my consent; yet I was looking for him on this side and I did not see him. I ask that I may have the privilege of voting.

The SPEAKER. The Chair thinks that can not be permitted under the rule.

Mr. MILLS. Let the Clerk recapitulate the vote.

Mr. BLOUNT. I desire to change my vote.

The name of Mr. BLOUNT was called, and he voted "yea."

The vote was recapitulated.

The result of the vote was then announced as above recorded.

The SPEAKER. The question is on ordering the previous question.

The question was put; and the Speaker announced that the ayes seemed to have it.

Mr. BLAND. Division, Mr. Speaker.

Mr. MILLS. Division, Mr. Speaker.

Mr. CANNON. We may just as well have the yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 147, nays 116, not voting 68; as follows:

YEAS—147.

Adams,	Atkinson, Pa.	Banks,	Belden,
Allen, Mich.	Atkinson, W. Va.	Bartine,	Belknap,
Anderson, Kans.	Baker,	Bayne,	Bingham,

Boothman,	Funston,	McKenna,	Smith, Ill.
Boutelle,	Gear,	McKinley,	Smith, W. Va.
Bowden,	Geat,	Miles,	Smyser,
Brewer,	Greenhalge,	Miller,	Snider,
Brosius,	Grosvenor,	Moffitt,	Spooner,
Browne, Va.	Hall,	Moore, N. H.	Stephenson,
Buchanan, N. J.	Harmer,	Morrill,	Stewart, Vt.
Burrows,	Haugen,	Morrow,	Stivers,
Butterworth,	Hays, E. R.	Morse,	Stockbridge,
Caldwell,	Henderson, Ill.	Mudd,	Struble,
Candler, Mass.	Hermann,	Niedringhaus,	Sweet,
Cannon,	Hill,	Nute,	Sweney,
Carter,	Hitt,	O'Donnell,	Taylor, E. B.
Caswell,	Hopkins,	O'Neill, Pa.	Taylor, Ill.
Cheadle,	Kelley,	Osborne,	Taylor, J. D.
Cheatham,	Kennedy,	Payne,	Thomas,
Clark, Wis.	Kerr, Iowa	Perkins,	Thompson,
Clark, Wyo.	Ketcham,	Peters,	Townsend, Colo.
Cogswell,	Kinsey,	Post,	Townsend, Pa.
Coleman,	Knapp,	Pugsley,	Turner, Kans.
Connell,	Lacey,	Quackenbush,	Vandever,
Cooper, Ohio	La Follette,	Raines,	Van Schaick,
Craig,	Laidlaw,	Randall,	Waddill,
Culbertson, Pa.	Langston,	Ray,	Wade,
Dalzell,	Lansing,	Reed, Iowa	Walker,
Darlington,	Laws,	Reyburn,	Wallace, Mass.
Dingley,	Lehlbach,	Rife,	Wallace, N. Y.
Dorsey,	Lind,	Rockwell,	Wickham,
Dunnell,	Lodge,	Rowell,	Williams, Ohio
Evans,	Mason,	Sanford,	Wilson, Ky.
Farquhar,	McComas,	Sawyer,	Wilson, Wash.
Featherston,	McCord,	Scull,	Wright,
Finley,	McCormick,	Sherman,	Yardley.
Frank,	McDuffie,	Simonds,	

NAYS—116.

Abbott,	Cobb,	Lane,	Pindar,
Alderson,	Cooper, Ind.	Lanham,	Quinn,
Allen, Miss.	Covert,	Lawler,	Rusk,
Anderson, Miss.	Cowles,	Lee,	Sayers,
Andrew,	Crain,	Lester, Ga.	Seney,
Barnes,	Culberson, Tex.	Mansur,	Shively,
Barwig,	Cummings,	Martin, Ind.	Skinner,
Biggs,	Dargan,	Martin, Tex.	Spinola,
Blanchard,	Davidson,	McAdoo,	Springer,
Bland,	Dibble,	McClammy,	Stewart, Ga.
Blount,	Dickerson,	McClellan,	Stewart, Tex.
Breckinridge, Ark.	Dockery,	McCreary,	Stockdale,
Breckinridge, Ky.	Edmunds,	McMillin,	Stone, Ky.
Brickner,	Ellis,	McRae,	Stump,
Brookshire,	Flower,	Mills,	Tarsney,
Brown, J. B.	Forman,	Montgomery,	Tillman,
Buchanan, Va.	Forney,	Moore, Tex.	Tucker,
Buckalew,	Fowler,	Mutchler,	Turner, Ga.
Bunn,	Geary,	Norton,	Turner, N. Y.
Bynum,	Goodnight,	O'Ferrall,	Vaux,
Campbell,	Grimes,	O'Neall, Ind.	Wheeler, Ala.
Candler, Ga.	Hatch,	O'Neil, Mass.	Whitelaw,
Carlton,	Hayes, W. I.	Outhwaite,	Whitthorne,
Caruth,	Heard,	Owens, Ohio	Wike,
Catchings,	Hemphill,	Parrett,	Willcox,
Chipman,	Henderson, N. C.	Paynter,	Williams, Ill.
Clarke, Ala.	Herbert,	Peel,	Wilson, Mo.
Clements,	Holman,	Perry,	Wilson, W. Va.
Clunie,	Hooker,	Pierce,	Yoder.

NOT VOTING—68.

Arnold,	Dolliver,	Kerr, Pa.	Reilly,
Bankhead,	Dunphy,	Kilgore,	Richardson,
Beckwith,	Enloe,	Lester, Va.	Robertson,
Bergen,	Ewart,	Lewis,	Rogers,
Bliss,	Fitch,	Magner,	Rowland,
Boatner,	Fithian,	Maish,	Russell,
Brower,	Flick,	McCarthy,	Scranton,
Browne, T. M.	Flood,	Milliken,	Stahlnecker,
Brunner,	Geissenhainer,	Morey,	Stone, Mo.
Bullock,	Gibson,	Morgan,	Stone, Pa.
Burton,	Gifford,	Oates,	Taylor, Tenn.
Clancy,	Grout,	Owen, Ind.	Tracey,
Comstock,	Hansbrough,	Payson,	Washington,
Cothran,	Hare,	Penington,	Wheeler, Mich.
Crisp,	Haynes,	Phelan,	Whiting,
Cutcheon,	Henderson, Iowa	Pickler,	Wiley,
De Lano,	Houk,	Price,	Wilkinson.

So the previous question was ordered.

The result of the vote was then announced as above recorded.

Mr. ENLOE. Mr. Speaker, I desire to have my vote recorded.

The SPEAKER. Was the gentleman present when his name was called?

Mr. ENLOE. I was at the door and heard my name called; but the Clerk passed before I had time to answer.

The SPEAKER. The Chair thinks that is not within the rule.

Mr. ENLOE. I was half way in the House if not entirely. I was in the door. [Laughter.]

The SPEAKER. The gentleman from Illinois is recognized.

Mr. CANNON. In the absence of any desire for debate upon the other side I am ready for a vote.

The SPEAKER began to put the question.

Mr. BLOUNT. Mr. Speaker, I do not know how the gentleman came to the conclusion that we did not desire to debate this resolution.

Mr. CANNON. I said in the absence of any desire for debate I was ready for a vote. If the gentleman desires to talk, I have no objection.

The SPEAKER. The gentleman from Georgia is recognized.

Mr. BLOUNT. Mr. Speaker, for the first time during this session of Congress we have come back to the method of doing away with the rules of the House and adopting a special order for considering measures. I had hoped that had ended. By reason of the lessons of the last campaign I had hoped that it had ended in the special orders, passed in a manner contrary to the rules, on the tariff legislation, on the silver legislation, and on the election laws. These were passed over our protest, and we were met with the declaration from the other side that "the country wanted business and not talk," to which there came an acclaim of vehement approval of the distinguished gentleman who announced that as the maxim of the other side of the House such as the most ambitious person could have desired.

But, Mr. Chairman, there came later on, at the elections in November, another voice, louder than the gentlemen's on the other side of the Hall, louder than was ever heard on any issue in the country heretofore, on all of these questions, adverse to the diatribes we have listened to heretofore from our friends on the other side, and I had hoped that there would be some recognition of the declaration at the polls in matters of this sort.

We are told that notwithstanding this the majority have still a few days of power, and they are going to continue in their course for what little life they have left. And so we are here again with an order changing the rules of the House in reference to appropriation bills and the manner of their consideration, a change as serious as any that we have had made in the past. Now, sir, you are proposing that the Committee of the Whole may consider the District of Columbia appropriation bill by paragraphs without reading them. Members may not know what is in the bill, but nevertheless that course is to be pursued until 5 o'clock, and the order is that at that hour the committee shall not sit any longer, that no further amendments shall be offered, that no further voice of criticism shall be raised, but that the House shall be brought to a vote on the bill without further debate or amendment.

That is substantially and succinctly what is proposed by this rule. It would be idle, I suppose, for me to call attention to the provision of the Constitution which requires a majority to do business in this House except to send for absentees or to adjourn. The practice in the past has shown that that would be idle. There is, therefore, before us a proposition to be adopted by this House, and now pending before it, that less than a majority of the House shall give all the consideration that this bill is to have, shall propose all the amendments that may be made, shall do all the debating that is to be had, and that the House shall be brought to a vote, not on the consideration of the bill, but on its passage. It is idle, I say, for me to call attention to this in face of our experience in the past. But that is what is now proposed.

In clause 3 of Rule XXIII you have seen fit to provide that all motions or propositions, originating either in the House or Senate, involving a tax or charge upon the people shall be considered in Committee of the Whole for debate and amendment. The provision is that they shall be considered in Committee of the Whole, where there is no limit of debate except the modern one proposed by this House or by the rising of the committee for the House to close debate. That rule of the House is traversed by this proposed order, as all the rules in reference to the Committee of the Whole which are of value in securing careful legislation are traversed by it. Now, what is the reason for this? We are told that this bill has been too long before the House. You are told that debate has been prolonged without reason. You are told that the Committee of the Whole can not cut off debate. Sir, if that were the difficulty, why does not this House adopt a measure to cut off debate in Committee of the Whole? Why do you come in with this special order in reference to this particular bill detailing what the House shall and what it shall not do in respect to it?

Mr. BRECKINRIDGE, of Kentucky. If the gentleman will permit I will call his attention to the fact that in the whole time that we have been in Committee of the Whole on this bill the gentleman in charge of the bill has moved to close debate but twice. On one occasion the committee voted to have forty minutes' debate, defeating the gentleman's motion and adopting the amendment of my colleague from Kentucky [Mr. MCCREARY]. On the other occasion when the gentleman in charge of the bill moved to close debate, a point of order was raised which was discussed yesterday afternoon, but not decided, so that in point of fact the gentleman [Mr. MCCOMAS] has never undertaken except on a single occasion to use the power of the rules to crush out debate upon this bill.

Mr. BLOUNT. I was coming to that. The gentleman from Maryland, in the progress of the consideration of this bill, has only twice attempted to curtail debate in Committee of the Whole. On the first occasion, as stated by the gentleman from Kentucky, the majority of the committee declined to vote to close debate as proposed by the gentleman from Maryland——

Mr. BRECKINRIDGE, of Kentucky. But decided to fix a limit of forty minutes.

Mr. BLOUNT. I understand. The House did not see fit to close debate at the time indicated by my friend from Maryland; but is it any cause for indignation or reproach that the majority of this House decided that they did not desire the debate to close as the gentleman proposed?

The second effort to close the debate made by the gentleman from Maryland was made yesterday afternoon, and instead of permitting the House to come to a vote upon that question, as had been its prac-

tice hitherto, there was invoked from the Chairman of the Committee of the Whole a ruling which, if made, would have been a surprise to this body because it would have been without precedent. That is the history of this matter. Suppose there have been some amendments offered that were not pertinent, does that destroy the power of the chairman to make the motion? Because some gentleman is recognized to make a motion not pertinent, is that to prevent this House from considering the substantial matters in the bill?

No, sir; this effort is without any justification. I hold that the rules of this House, authorized by the Constitution of the United States, are a law to every member in this House, and no love of power, no impatience of the constitutional course of proceeding here, will justify this extraordinary measure. This bill might have been out of the Committee of the Whole long ago if the power given under the rules to close debate had been exercised, but it has not been. The suggestion has been made in the debate that it is competent, after a motion to amend the motion to close debate had been voted down, for another and another to be offered, and so on indefinitely, and that allegation is made as a reason for adopting this rule, in face of the fact that such methods have never been resorted to in Committee of the Whole.

In my judgment the existing situation is the fault of the majority side of the House for not exercising its power to close debate. Here is a bill involving millions of dollars, with legislation in it, and yet it is proposed that at a given time to-day this House shall say to the Committee of the Whole: "You have trifled with this business long enough; we will not permit you to consider it longer or to sit longer; we mean to take it up and conclude it, right or wrong."

Mr. Speaker, how much time have I used?

The SPEAKER. Fourteen minutes.

Mr. BLOUNT. I yield the remainder of my time to my friend from Tennessee [Mr. MCMILLIN].

Mr. MCMILLIN. I yield three minutes to the gentleman from Missouri [Mr. BLAND].

Mr. BLAND. Mr. Speaker, at the proper time I wish to move to recommit this order with instructions that next Tuesday, after the reading of the Journal, the bill as it came from the Senate for the free coinage of silver shall be taken up for consideration and considered from day to day until disposed of. I do not desire to do this, Mr. Speaker, as any reflection upon the committee to which that bill has been referred, because we have had only two meetings, and I would not undertake to say that there is a disposition in the committee to defer the consideration of the bill to a late period of the session. At the same time it is proposed to have gentlemen from various parts of the country come before the committee to discuss it, and a policy of that sort might prevent final action upon the bill at this session.

The SPEAKER. The gentleman is not discussing the matter before the House.

Mr. BLAND. If the Chair will permit me I will go on. Nobody else has called me to order——

The SPEAKER. It is the duty of the Chair to do so.

Mr. BLAND. I say that I intend to move to recommit the bill with those instructions——

The SPEAKER. The question before the House is the motion that has been presented by the gentleman from Illinois.

Mr. BLAND. And I propose to recommit that motion, if the Chair will understand me, and that is in order.

The SPEAKER. That is not debatable.

Mr. BLAND. I am debating the resolution itself, and I propose to debate it upon the ground that it is subject to recommitment with certain instructions; and when that proposition comes up the Chair can rule upon it——

The SPEAKER. The gentleman will see at once that he can not under the rules discuss a matter that is not before the House.

Mr. BLAND. I would like to know why it is not in order for me to discuss anything that pertains to this resolution.

The SPEAKER. The gentleman's remarks do not pertain to the resolution.

Mr. BLAND. Is not the resolution subject to recommitment?

The SPEAKER. It is subject to recommitment, but only with proper instructions.

Mr. BLAND. With proper instructions! Well, I suppose the Chair rules out any instructions I may submit before they have been proposed.

The SPEAKER. The gentleman must know——

Mr. BLAND. When the Chair undertakes to make such a ruling it will be time enough for me to argue it.

The SPEAKER. This is so plain a case that the Chair thinks the gentleman from Missouri——

Mr. BLAND. The Chair seems to be restless with "the gentleman from Missouri" and the silver question. The Chair is not disposed to hear anything on that question.

The SPEAKER. The Chair has always been disposed to listen to the gentleman.

Mr. BLAND. I remember that last session the Chair turned his back to me, and recognized gentlemen all over the other side of the House, while refusing to recognize me. I understand very well the animus of the Chair in that regard.

When I undertake to discuss a question germane to this resolution, stating that I want to move to recommit the resolution, my remarks are pertinent to this debate; and nobody except the Chair has interposed any objection.

Now, Mr. Speaker, I say furthermore——

Mr. KERR, of Iowa. I wish to say that on every occasion when any gentleman on the floor has undertaken to discuss a measure not pertinent and not before the House I have raised objection, and I insist that the Chair shall enforce the rule.

Mr. BLAND. If the Chair should rule my proposition out of order when it has been offered, I propose to show that Mr. Speaker CARLISLE has recognized such propositions under similar circumstances. It has been the practice of the House, although the present occupant of the chair has intimated in advance his purpose to rule out my proposition——

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. MCMILLIN. Mr. Speaker, it is extraordinary for the Committee on Rules to undertake to cap all their other unheard-of proceedings by proposing to enact by rule that a bill making appropriations to the amount of $5,000,000 shall not be read either in the House or in Committee of the Whole. That is exactly what this resolution proposes. I believe we have never gone that far before; but here we propose to provide that there shall be no reading of this bill; that this money, one-half of which is to be paid by this District and one-half by the people of the United States, shall be expended without opportunity to discuss the measure or even hear it read. Against that method we protest. We have appealed to the country once within the last six months, and there are a great many members on this side and a great many on the other who remember well the result of that appeal. This method in part was adopted by the gentleman from Ohio [Mr. MCKINLEY] when in charge of the bill revising the tariff.

We said then, when you throttled us and put that measure through without due discussion or due deliberation, that we appealed from you to the people whose power it was to make and unmake Congresses; and the people unmade one immediately. [Applause on the Democratic side.]

Now, Mr. Speaker, what does all this mean? We have ample time to consider the appropriation bills deliberately, but they are to go down the line in order that the deck may be cleared and a bill put through the other end of the Capitol and through this House providing for force at the polls, so that the people can not protest again. That is the issue involved here.

The SPEAKER. The gentleman's time has expired.

Mr. MCMILLIN. I regret it. [Applause on the Democratic side.]

Mr. CANNON. Mr. Speaker, if I can have the attention of the House for a few moments, because I do not desire to occupy more than five minutes' time, I will state that two years ago the District appropriation bill and the pension appropriation bill were both considered and passed on the 10th day of December, 1888, in one day.

Mr. MCMILLIN. Does not the gentleman know that it took weeks to consider it as it came back from the other end of the Capitol?

Mr. CANNON. Not at all. I am speaking of the passage of those bills in the last Congress. I say that two years ago, during the last Congress, both of these bills were passed in one day.

Mr. MCMILLIN. Because that was a Democratic Congress and legislated regularly.

Mr. CANNON. I decline to yield.

The SPEAKER. The gentleman from Tennessee ought not to interrupt without the permission of the gentleman occupying the floor.

Mr. CANNON. A week ago last Monday we commenced the consideration of the District appropriation bill. It has been under consideration from that time to the present, making nine days substantially for its consideration, except that there was a part of one day which was given to the consideration of a special order.

Mr. BRECKINRIDGE, of Kentucky. If the gentleman will allow me, he does not want to make a mistake in his statement.

Mr. CANNON. I can not yield for an interruption.

Mr. BRECKINRIDGE, of Kentucky. We commenced the consideration of the District bill on Wednesday. We had the army appropriation bill on Monday and Tuesday and a part of Wednesday.

Mr. CUTCHEON. That is correct.

Mr. CANNON. Well, the gentleman may be right; but at all events one week has been consumed substantially. During that time it is perfectly patent to the House and to the country that the gentlemen in the minority have not been desirous of considering the bill, but that their tactics have simply been employed for purposes of delay. They have avowed that to be their purpose and still avow it.

Now, then, there are on the Calendar the District of Columbia bill, the legislative bill, the consular bill, the Military Academy bill, the Indian bill, and the Naval Academy appropriation bill, all awaiting consideration of the House. They are to be followed later on by the sundry civil and the deficiency bills. There are between this and the 4th day of March next, when this Congress expires, thirty-seven legislative days, and yet these appropriation bills, carrying many hundreds of millions of dollars for the public service, are in front of us for their first consideration in the House; whereas this bill, carrying, say, $6,000,000, has been under an alleged consideration for a week.

True, Mr. Speaker, we had an election last fall, as has been so often stated on the other side; notwithstanding, we upon this side of the House are in the majority yet and are chargeable with the appropriations and necessary legislation for the country. It is the duty, therefore, of this side of the House, in the face of factious and dilatory opposition, to shoulder up the burden cast upon us and pass these bills. And speaking for one I propose to perform my share of that duty, and I ask this side of the House to stand together in the performance of that duty. [Applause on the Republican side.]

One word further. The gentleman from Tennessee and other gentlemen on that side of the House have been in the habit heretofore during this session of rising in the early part, and in the middle, and at the close, substantially, of each session of the House, flapping their wings and crowing and saying that "There was an election!"

Mr. OUTHWAITE. Well, there was an election, was there not?

Mr. CANNON. Yes, there was an election; but up to this time the responsibility is still on this side of the House. When you come in, when you have power and responsibility, it will be time enough for you to shoulder it. Wait until the time comes.

And now a single remark in conclusion. I as a Republican, and as a member upon this side, am proud of the parliamentary reform and the legislation of this Congress, especially so far as this House is concerned. [Applause on the Republican side.] If I had supreme power there is no great measure that we have enacted, there is no parliamentary procedure that we have inaugurated, that I would repeal or expunge. [Renewed applause on the Republican side.]

Mr. ENLOE. That is simply the ruling passion strong in death.

Mr. CANNON. I am old enough to have witnessed in this country and participated in many elections. I recollect, Mr. Speaker, in 1862 we had an election——

Mr. JASON B. BROWN. Will the gentleman allow a question?

Mr. CANNON. I have but a few moments, and I prefer not to be interrupted.

Mr. JASON B. BROWN. The gentleman declines to yield?

The SPEAKER. The gentleman declines to yield.

Mr. JASON B. BROWN. I am very glad to know it.

Mr. CANNON. In those dark days I recollect that a cyclone of Democratic victory swept over the most of the North and West, including the State of Illinois. [Applause on the Democratic side.] Ah, gentlemen, applaud, but the record of your party in those days is infamous, but again in 1864 a cyclone of Republican victory passed over the country. [Applause on the Republican side.] I recollect then, Mr. Speaker, that in 1874 a cyclone of Democratic victory passed over the country. The Republican party then, as always, having confidence in its ability and devotion to the country and to the public service, kept faith and stood firm; and having that confidence in the intelligence of the country it went before the people at the next election——

Mr. SPRINGER (interrupting). And stole the Presidency. [Laughter and applause on the Democratic side.]

Mr. CANNON (continuing). And won. And that we will do again in 1892, and the Democratic party will again go to the wall.

Mr. RICHARDSON. Wait until that time comes and see whether it will or not.

Mr. VAUX. What do you want of a force bill if you have all this confidence?

Mr. CANNON. I trust we will pass a law effective enough to protect any and every citizen everywhere in his rights under the law and under the Constitution; and the gates of hell and the Democratic party shall not prevail against it. [Cheers on the Republican side.]

Mr. VAUX. But to do it you take away the rights of the minority.

Mr. RICHARDSON. Let us hope you will not steal the Presidency again.

Mr. McCOMAS. Mr. Speaker——

Mr. CANNON. How much time remains to this side?

The SPEAKER. The gentleman has ten minutes.

Mr. CANNON. I yield four minutes, or so much of it as he may wish, to the gentleman from Maryland [Mr. McCOMAS].

Mr. McCOMAS. For six days we have endeavored to pass this appropriation bill. I have pressed the bill by motions to limit debate at every stage, but the time has been consumed in irrelevant and often foolish discussion. It is the plain purpose of the Democratic side to filibuster against all appropriation bills until the end of this Congress.

We came here last session and were warned that the majority would not be allowed to pass any but appropriation bills and then adjourn. We came here this session and are now told that we can not even pass appropriation bills. The Democratic side of the House have determined to nullify our constitutional power as the majority party and boldly conspire to starve the Government, the Army and Navy, the courts, the Executive.

In this House, when Democratic, I have seen the sundry civil appropriation bill with its varied interests and vast scope carrying twenty millions pass under suspension of the rules without debate. I have seen a pension appropriation bill carrying nearly one hundred millions pass within an hour. I have seen a District of Columbia appropriation bill like this, whereon the filibusters have contrived to waste the last six days, pass the House in twenty minutes.

Through the party of obstruction we must with this the first bill of many blaze the path of duty. This special order is the only way to pass an appropriation bill. This side has tried every expedient, has exhausted patience, and consented to a weary waste of public time. Only forty days for work remain.

To-day the right of the majority to rule—in either end of this Capitol—according to the Constitution, is denied.

Let others falter elsewhere, we will not falter at this end of the Capitol.

Let us hold up the hands of that gallant soldier and pure President whose brave message called back the country to a juster judgment of the achievements of this Administration and Congress. [Applause on the Republican side.]

Let us pass the money bills and defeat the revolutionists who are contriving to paralyze Congress and starve the Government.

We can and will stand here with a quorum of Republicans to do right, to pass the elections bill should it come back, to pass now the money bills for the Government of the people. We will go on with the people's business, do it well, wisely, and bravely, and challenge with high confidence the judgment of the people in 1892. [Loud applause on the Republican side.]

Mr. CANNON. I yield the remainder of my time to the gentleman from Ohio [Mr. McKINLEY].

Mr. McKINLEY. Mr. Speaker, how much time have I?

The SPEAKER. The gentleman has eight minutes.

Mr. McKINLEY. It must be manifest——

Mr. McMILLIN. What time has been occupied by the other side?

The SPEAKER. Twelve minutes.

Mr. McKINLEY. It must be manifest, Mr. Speaker, not only to the members of this House, but to the country, that the minority intend by every possible obstruction, under parliamentary law and outside of parliamentary law, to stop all of the legislation of this Congress, until it shall be settled that a certain bill (the election bill) now pending in another branch of this Congress shall be laid aside or defeated. So that we might, at the very beginning of this discussion, and the further discussion that looks to the making of rules for the future business of Congress, as well understand the position of our adversaries touching the remaining business of this Congress,

And this position, Mr. Speaker, is not new. We witnessed in the Forty-fifth Congress and again in the Forty-sixth Congress the same purpose upon the part of gentlemen on that side of the Chamber at that time to repeal certain portions of the election laws then in force, and they went so far at that time as to declare that no supplies should be voted for this Government or for any department of this Government unless those supplies carried with them a repeal of certain provisions of the election laws then found upon the statute books of our country, and which were obnoxious to the Democratic party.

Mr. TUCKER. And we succeeded, too.

Mr. McKINLEY. The contest to-day, Mr. Speaker, is the same contest as that of twelve years ago. It is simply presented in another form. It is the same issue and with the same purpose in view. The minority, who were then the majority, say that no business shall be done in the House of Representatives, not even the passage of the necessary appropriation bills, unless this side of the Chamber shall turn its back upon an election law to secure the rights, the constitutional rights of American citizens. [Applause on the Republican side.] I say the question then is the contest now, one and the same, and I give gentlemen on that side of this Chamber notice that so far as this majority is concerned it does not propose to turn away from that law looking to honest elections and an honest ballot. [Applause on the Republican side.] If that measure shall come from the other branch of Congress to this before the 4th day of March this majority will stay here until the clock strikes 12 on that day, the last day of this Congress, to put upon our statute books a provision to secure the American citizens their constitutional suffrage in every part of the Republic. [Applause on the Republican side.]

Mr. OUTHWAITE. Mr. Speaker, will the gentleman yield to me for a question?

Mr. McKINLEY. And we are not to be driven away by clamor or abandon our plain duty because of the obstructions offered on the other side.

Mr. OUTHWAITE. Will the gentleman yield to me for a question?

Mr. RICHARDSON. Mr. Speaker, I rise to a question of order.

Mr. McKINLEY. The gentleman from Ohio had his day yesterday.

The SPEAKER. One moment.

Mr. RICHARDSON. The Chair did not permit the gentleman from Missouri [Mr. BLAND] to discuss another question a few moments ago when the resolution was pending. Now the gentleman from Ohio is proceeding to discuss another matter, and he is not in order.

The SPEAKER. The gentleman from Ohio is replying to remarks made by the gentleman from Tennessee [Mr. McMILLIN].

Mr. RICHARDSON. I submit that debate is not in order, Mr. Speaker, and I hope the Chair will rule upon my point. [Cries of "Regular order!"]

Mr. McKINLEY. I do not propose, Mr. Speaker, to enter the field of abuse into which gentlemen on the other side have attempted to lead us. I could not cope with certain gentlemen on that side of the Chamber if I chose to in that line. [Laughter on the Republican side.]

I could not if I would, and would not if I could. [Applause on the Republican side.] No public man has ever received such bitter assaults as have been heaped upon the Speaker of the House of Representatives in a most impudent and offensive manner by certain gentlemen on that side of the Chamber. [Derisive jeers on the Democratic side, and a cry, "They were deserved!"]

I want to say to them when they say it is "deserved" that whatever the criticism is, if deserved by the gentleman who presides over this House, that criticism is to be shared in by every one of his colleagues on this side of the House [applause on the Republican side of the House]; for there has not been a single parliamentary ruling made by the Speaker from the beginning of the Fifty-first Congress until now, when any question has been raised upon it, that has not received the approval of the majority of the House of Representatives. [Loud applause on the Republican side.]

Mr. SPRINGER. How about the country?

Mr. McKINLEY. The gentleman asks, "How about the country?"

Mr. CRISP. How about the silver bill?

Mr. McKINLEY. I do not intend to be led away from the discussion I had undertaken.

Mr. CRISP. How about the silver bill?

Mr. McKINLEY. I understand all about the silver bill; and the action of the Speaker, although for the moment a majority reversed his action, was ultimately approved and confirmed by a yea and nay vote in the House. [Applause on the Republican side.]

Mr. SPRINGER. How about the country?

Mr. McKINLEY. Gentlemen on your side of the Chamber helped to sustain it. They say, "You lost the elections last fall." So we did; but we are the agents of the public will until the 4th of March next, and we propose to exercise our rights and execute the trust they committed to us, until that time. [Loud applause on the Republican side.]

Mr. OUTHWAITE. And manufacturers turned off their employés for not voting your ticket.

Mr. McKINLEY. Now, the gentleman from Ohio had a chance to exhibit his qualities for Speaker yesterday, and he ought to let me alone to-day. [Laughter on the Republican side.]

Now, Mr. Speaker, I want to say I have had occasion to look into the record to discover how much time has heretofore been occupied upon the District of Columbia appropriation bill; and I find that in the Forty-seventh Congress it took one day, in the Forty-eighth Congress it took one day and two hours, in the Forty-ninth Congress it took less than one day, and in the Fiftieth Congress it took two hours less than a full legislative day; while eight days have already been spent on this bill and we have only reached the fifth page, and there are more than fifty pages of the bill. Substantial amendments and legitimate debate would not have occupied to exceed a single day, certainly not more than two days.

Mr. SPINOLA. That was a business Congress. [Laughter.]

Mr. McKINLEY. It was a business Congress undoubtedly. I wish I had the time to quote from my distinguished friend from Texas.

Mr. MILLS. You may take the time if you will give me time to reply.

Mr. McKINLEY. I have here some most excellent talk upon this question of filibustering by the gentleman from Texas.

Mr. MILLS. I move to extend the time of the gentleman from Ohio. [Cries of "Regular order!"]

Mr. McKINLEY. I will beg leave of the House, Mr. Speaker, to print in my remarks this statement of the length of time that has been taken on appropriations.

Mr. McMILLIN. We have no objection to that.

The SPEAKER. Without objection, leave will be granted.

There was no objection.

The statement is as follows:

Days of debate on appropriation bills.

Bills.	Congresses.			
	Fiftieth.	Forty-ninth.	Forty-eighth.	Forty-seventh.
Agricultural	One day (less)	One day	One hour	One day.
Army	One and one-half days.	One day (less)	One day	Four days.
Consular and diplomatic	One hour	Seven days	Two and one-half days.	One-half day.
District of Columbia	One day (less)	One day (less)	One-half day.	One day.
Pension	One-half day.	Few minutes.	One day	Do.
Indian	Two days	One day (less)	Two and one-half days.	Do.
Legislative, executive, and judicial.	One day (less)	Three days	Two days	Four and one-half days.
Military Academy	One-half day.	Few minutes.	One-half day.	One-half day.
Navy	One day	Two and one-half days.	One-half day (less).	Five days.
Post-Office Department.	Four and one-half days.	One-half day.	Five days	Do.
River and harbor	Three days (failed).	Five days	Fifteen days.	Do.

Mr. BLAND. Mr. Speaker, I desire to move to recommit the resolution with instructions.

The SPEAKER. The gentleman will present his motion.

Mr. BLAND. There is so much disorder I can not hear.

The SPEAKER. The House will be in order.

The Clerk read as follows:

Mr. BLAND moves to recommit the pending resolution with instructions to report back for consideration the following resolution:

"*Resolved*, That the Committee on Coinage, Weights, and Measures be discharged from the further consideration of the bill (S. 4675) to provide a unit of value and for the coinage of gold and silver, and for other purposes, and that said bill be the special order in the House immediately after the reading of the Journal on Tuesday, January 27 instant, and if not disposed of on said day this order to continue from day to day until said bill is finally disposed of."

Mr. McCOMAS. I make the point of order on that resolution, Mr. Speaker.

Mr. CANNON. I make the point of order that the instructions therein contained are not in order and are not germane, for another matter was pending in the House; and it would not be in order.

The SPEAKER. It is not in order.

Mr. McMILLIN. I would like to be heard on the point of order.

The SPEAKER. The Chair has ruled on this question once. We are acting now under the previous question.

Mr. McMILLIN. But, Mr. Speaker, that does not prevent the point of order being presented.

The SPEAKER. The Chair thinks it does.

Mr. McMILLIN. But I can show the Chair that the Chair himself has entertained a motion to recommit to this committee giving instructions as to what should be done.

The SPEAKER. Giving instructions; but this is a different thing. This is not in order; it is not germane.

Mr. McMILLIN. Then, Mr. Speaker, I will undertake to show the Chair [cries of "Regular order!"] if he adheres to that, with all deference, that the matter ought to be settled deliberately; and I shall not take the time of the House unnecessarily.

Mr. CANNON. The gentleman is participating in dilatory tactics and is not in order.

Mr. McMILLIN. I will be able to show the House, Mr. Speaker, that Mr. Speaker CARLISLE entertained a motion similar to this, providing for an entirely different proposition, and it was submitted and the question recommitted. I can sustain my position on this question by reference to the rulings of two Speakers, yourself and Mr. Speaker CARLISLE.

The SPEAKER. The Chair thinks it is not in order.

Mr. BLAND. I appeal from the decision of the Chair, and on that I desire to be heard.

The SPEAKER. Debate is not in order.

Mr. BRECKINRIDGE, of Kentucky. I rise to a parliamentary inquiry.

Mr. BLAND. Debate has always been considered in order on an appeal. How can a point of order be decided unless there can be some explanation or debate, some intelligent consideration of it?

Mr. BRECKINRIDGE, of Kentucky. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BRECKINRIDGE, of Kentucky. Does the decision of the Chair go to the extent of holding that the entire motion of the gentleman from Missouri [Mr. BLAND] is out of order or that only so much of it as——

The SPEAKER. If any part of it is out of order it is all out of order.

Mr. BLAND. Now I hope we may have some discussion on the point, because we are able to show, if the Speaker will permit, that when a similar motion was made in a previous Congress Speaker CARLISLE admitted it.

The SPEAKER. The Chair overrules the point of order, and the gentleman from Missouri appeals from the decision of the Chair.

Mr. BLAND. We have a right to discuss that question.

The SPEAKER. The question is, Shall the decision of the Chair stand as the judgment of the House?

Mr. CANNON. I move to lay the appeal on the table.

The SPEAKER. The gentleman from Illinois moves that the appeal be laid on the table.

Mr. McMILLIN. I wish to make a parliamentary inquiry. Does the Chair decide that the appeal taken by the gentleman from Missouri is not debatable?

The SPEAKER. The Chair thinks so.

Mr. McMILLIN. The Chair holds that?

The SPEAKER. That is the view of the Chair.

Mr. McMILLIN. We wanted to know what rulings we were operating under.

Mr. BLAND. Does the Chair rule that where a point of order is made it is not debatable——

The SPEAKER. It is not debatable under the present circumstances.

Mr. BLAND. And that there can be no debate on an appeal from the decision of the Chair on a point of order? Do I understand that? I ask the Chair that question. Is not an appeal from the decision of the Chair debatable?

The SPEAKER. It is not debatable at the present time.

Mr. BLAND. At what time is it debatable?

The SPEAKER. This one is not debatable at all.

Mr. BLAND. I understood the gentleman from Ohio to say that the Chair——

The SPEAKER. The question is upon the motion of the gentleman from Illinois [Mr. CANNON] to lay on the table the appeal from the decision of the Chair. As many as are in favor of laying the appeal on the table will say "ay"——

Mr. MILLS. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was determined in the affirmative—yeas 146, nays 123, not voting 62; as follows:

YEAS—146.

Adams,	Darlington,	Lehlbach,	Scull,
Allen, Mich.	Dingley,	Lind,	Sherman,
Anderson, Kans.	Dolliver,	Lodge,	Simonds,
Atkinson, Pa.	Dorsey,	McComas,	Smith, Ill.
Atkinson, W. Va.	Dunnell,	McCord,	Smith, W. Va.
Baker,	Evans,	McCormick,	Snyser,
Banks,	Farquhar,	McDuffie,	Spooner,
Bartine,	Featherston,	McKenna,	Stephenson,
Bayne,	Finley,	McKinley,	Stewart, Vt.
Beckwith,	Flick,	Miles,	Stivers,
Belden,	Flood,	Miller,	Stockbridge,
Belknap,	Gear,	Moffitt,	Struble,
Bergen,	Gest,	Moore, N. H.	Sweet,
Bingham,	Greenhalge,	Morey,	Sweney,
Boothman,	Grosvenor,	Morrill,	Taylor, E. B.
Boutelle,	Grout,	Morrow,	Taylor, Ill.
Bowden,	Hall,	Morse,	Taylor, J. D.
Brewer,	Harmer,	Mudd,	Thomas,
Brosius,	Haugen,	Niedringhaus,	Thompson,
Brower,	Hays, E. R.	O'Donnell,	Townsend, Colo.
Browne, Va.	Henderson, Ill.	O'Neill, Pa.	Townsend, Pa.
Buchanan, N. J.	Hermann,	Osborne,	Turner, Kans.
Burrows,	Hill,	Payne,	Vandever,
Caldwell,	Hitt,	Payson,	Van Schaick,
Candler, Mass.	Hopkins,	Perkins,	Waddill,
Cannon,	Kelley,	Peters,	Wade,
Carter,	Kennedy,	Post,	Walker,
Caswell,	Kerr, Iowa	Pugsley,	Wallace, Mass.
Cheatham,	Ketcham,	Quackenbush,	Wallace, N. Y.
Clark, Wis.	Kinsey,	Raines,	Wickham,
Clark, Wyo.	Knapp,	Ray,	Williams, Ohio
Cogswell,	Lacey,	Reed, Iowa	Wilson, Ky.
Coleman,	La Follette,	Reyburn,	Wilson, Wash.
Connell,	Laidlaw,	Rife,	Wright,
Craig,	Langston,	Rowell,	Yardley.
Cutcheon,	Lansing,	Sanford,	
Dalzell,	Laws,	Sawyer,	

NAYS—123.

Abbott,	Cothran,	Holman,	Reilly,
Alderson,	Covert,	Hooker,	Richardson,
Anderson, Miss.	Cowles,	Lane,	Robertson,
Andrew,	Crain,	Lanham,	Rogers,
Bankhead,	Crisp,	Lawler,	Sayers,
Barwig,	Culberson, Tex.	Lester, Ga.	Seney,
Biggs,	Cummings,	Lester, Va.	Shively,
Blanchard,	Dargan,	Mansur,	Skinner,
Bland,	Davidson,	Martin, Ind.	Spinola,
Blount,	Dibble,	Martin, Tex.	Springer,
Boatner,	Dickerson,	McClammy,	Stewart, Ga.
Breckinridge, Ark.	Edmunds,	McClellan,	Stewart, Tex.
Breckinridge, Ky.	Ellis,	McCreary,	Stockdale,
Brickner,	Enloe,	McMillin,	Stone, Ky.
Brookshire,	Fithian,	McRae,	Stone, Mo.
Brown, J. B.	Flower,	Mills,	Stump,
Buchanan, Va.	Forman,	Montgomery,	Tarsney,
Buckalew,	Forney,	Moore, Tex.	Tillman,
Bunn,	Fowler,	Norton,	Tucker,
Bynum,	Geary,	O'Ferrall,	Turner, Ga.
Campbell,	Geissenhainer,	O'Neall, Ind.	Turner, N. Y.
Candler, Ga.	Gibson,	O'Neil, Mass.	Vaux,
Carlton,	Goodnight,	Outhwaite,	Wheeler, Ala.
Caruth,	Grimes,	Owens, Ohio	Whitelaw,
Catchings,	Hatch,	Parrett,	Wike,
Cheadle,	Hayes, W. I.	Paynter,	Wiley,
Chipman,	Haynes,	Peel,	Wilkinson,
Clarke, Ala.	Heard,	Perry,	Willcox,
Clements,	Hemphill,	Pierce,	Wilson, Mo.
Clunie,	Henderson, N. C.	Pindar,	Yoder.
Cobb,	Herbert,	Quinn,	

NOT VOTING—62.

Allen, Miss.	Dunphy,	Mason,	Rusk,
Arnold,	Ewart,	McAdoo,	Russell,
Barnes,	Fitch,	McCarthy,	Scranton,
Bliss,	Frank,	Milliken,	Snider,
Browne, T. M.	Funston,	Morgan,	Stahlnecker,
Brunner,	Gifford,	Mutchler,	Stone, Pa.
Bullock,	Hansbrough,	Nute,	Taylor, Tenn.
Burton,	Hare,	Oates,	Tracey,
Butterworth,	Henderson, Iowa	Owen, Ind.	Washington,
Clancy,	Houk,	Penington,	Wheeler, Mich.
Comstock,	Kerr, Pa.	Phelan,	Whiting,
Cooper, Ind.	Kilgore,	Pickler,	Whitthorne,
Cooper, Ohio	Lee,	Price,	Williams, Ill.
Culbertson, Pa.	Lewis,	Randall,	Wilson, W. Va.
De Lano,	Magner,	Rockwell,	
Dockery,	Maish,	Rowland,	

So the appeal from the decision of the Chair was laid on the table.

The following additional pairs were announced:

Until further notice:

Mr. HOUK with Mr. KILGORE.

Mr. T. M. BROWNE with Mr. WHITTHORNE.

For the rest of the day:

Mr. NUTE with Mr. BARNES.

Mr. ROCKWELL with Mr. LEE.

Mr. RICHARDSON. I ask that the vote be recapitulated.

The SPEAKER. Does the gentleman think any error has been made?

Mr. RICHARDSON. Mr. Speaker, I think I have the right to demand a recapitulation. That right has always been accorded members. I ask that the vote be recapitulated.

The SPEAKER. Does the gentleman think that any error has been made?

Mr. RICHARDSON. I do not say that I believe anything of that kind; but I ask to have the vote recapitulated in accordance with former precedents.

The SPEAKER. The Clerk will recapitulate the vote.

The vote having been recapitulated, the result was announced as above stated.

Mr. McMILLIN. I move to recommit with the following instructions——

Mr. BAYNE. I make a point of order upon the motion.

The SPEAKER. What is the gentleman's point of order?

Mr. BAYNE. That there has been one motion to recommit.

Mr. McMILLIN. I did not hear the gentleman's point.

The SPEAKER. Only one motion to recommit is in order.

Mr. McMILLIN. We have not had one such motion. The Chair declined to entertain one that was offered. That does not deprive the House of the right to vote upon a motion that is in order. The House has not yet acted upon anything of the kind.

Mr. HOLMAN. Otherwise a member unfriendly to a proposition, by first obtaining the floor and making a motion to recommit, might exclude a bona fide motion of that kind.

Mr. McMILLIN. Yes; a gentleman on the other side might make a motion to recommit in a form not in order, so as to prevent any one on this side making a proper and admissible motion.

Mr. HOLMAN. It was on that ground that Speaker CARLISLE held that an amendment to a motion to recommit was in order.

Mr. BAYNE. I make the further point that this motion is dilatory.

The SPEAKER. The gentleman from Pennsylvania makes the point of order that the motion is dilatory.

Mr. McMILLIN. Let it be read; it will show on its face what it is.

The Clerk read as follows:

Mr. McMILLIN moves to recommit the resolution with instructions to report back a resolution providing for the reading of the remainder of the bill and setting apart two days, or so much thereof as may be necessary, for the consideration of the bill named therein.

Mr. McMILLIN. That provides for an extension of the time——

Mr. CANNON. It is perfectly evident to everybody that it is dilatory.

The SPEAKER. The Chair thinks it is apparent from the whole course of the proceedings to-day that the motion is a dilatory one, and therefore declines to entertain it. [Applause on the Republican side.]

Mr. McMILLIN. I appeal from the decision of the Chair.

The SPEAKER. The Chair declines to entertain the appeal.

Mr. McMILLIN. The Chair has that power——

The SPEAKER. The Chair regrets to exercise the power, but exercises it believing that he is performing the duties enjoined upon him by the rules of the House. [Applause on the Republican side.]

Mr. SPRINGER. I move that the House do now adjourn.

The SPEAKER. The Chair declines to entertain that motion upon the same ground.

Mr. SPRINGER. Upon the same ground! I insist upon the motion to adjourn.

The SPEAKER. The gentleman from Illinois understands. The question is now on the adoption of the resolution.

The question was taken on the adoption of the resolution reported from the Committee on Rules.

Mr. McMILLIN (pending the count). I ask for a division.

Mr. CANNON. Let us have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 153, nays 124, not voting 54; as follows:

YEAS—153.

Adams,	Brewer,	Connell,	Funston,
Allen, Mich.	Brosius,	Cooper, Ohio	Gear,
Anderson, Kans.	Brower,	Craig,	Gest,
Atkinson, Pa.	Browne, W. Va.	Culbertson, Pa.	Greenhalge,
Atkinson, W. Va.	Buchanan, N. J.	Dalzell,	Grosvenor,
Baker,	Burrows,	Darlington,	Grout,
Banks,	Butterworth,	Dingley,	Hall,
Bartine,	Caldwell,	Dolliver,	Harmer,
Bayne,	Candler, Mass.	Dorsey,	Haugen,
Beckwith,	Cannon,	Dunnell,	Hays, E. R.
Belden,	Carter,	Evans,	Henderson, Ill.
Belknap,	Caswell,	Farquhar,	Hermann,
Bergen,	Cheatham,	Featherston,	Hill,
Bingham,	Clark, Wis.	Finley,	Hitt,
Boothman,	Clark, Wyo.	Flick,	Hopkins,
Boutelle,	Cogswell,	Flood,	Kelley,
Bowden,	Coleman,	Frank,	Kennedy,

Kerr, Iowa	Moffitt,	Rife,	Taylor, J. D.
Ketcham,	Moore, N. H.	Rowell,	Thomas,
Kinsey,	Morey,	Sanford,	Thompson,
Knapp,	Morrill,	Sawyer,	Townsend, Colo.
Lacey,	Morrow,	Scull,	Townsend, Pa.
La Follette,	Morse,	Sherman,	Turner, Kans.
Laidlaw,	Mudd,	Simonds,	Vandever,
Langston,	O'Donnell,	Smith, Ill.	Van Schaick,
Lansing,	O'Neill, Pa.	Smith, W. Va.	Waddill,
Laws,	Osborne,	Smyser,	Wade,
Lehlbach,	Payne,	Snider,	Walker,
Lind,	Payson,	Spooner,	Wallace, Mass.
Lodge,	Perkins,	Springer,	Wallace, N. Y.
McComas,	Peters,	Stephenson,	Wickham,
McCord,	Post,	Stewart, Vt.	Williams, Ohio
McCormick,	Pugsley,	Stivers,	Wilson, Ky.
McDuffie,	Quackenbush,	Stockbridge,	Wilson, Wash.
McKenna,	Raines,	Struble,	Wright,
McKinley,	Randall,	Sweet,	Yardley.
Miles,	Ray,	Sweney,	
Miller,	Reed, Iowa	Taylor, Ezra B.	
Milliken,	Reyburn,	Taylor, Ill.	

NAYS—124.

Abbott,	Cothran,	Hooker,	Quinn,
Alderson,	Covert,	Lane,	Reilly,
Allen, Miss.	Cowles,	Lanham,	Richardson,
Anderson, Miss.	Crain,	Lester, Ga.	Robertson,
Andrew,	Crisp,	Lester, Va.	Rusk,
Bankhead,	Culberson, Tex.	Lewis,	Sayers,
Barwig,	Cummings,	Maish,	Seney,
Bigga,	Davidson,	Mansur,	Shively,
Blanchard,	Dibble,	Martin, Ind.	Skinner,
Bland,	Dickerson,	Martin, Tex.	Spinola,
Blount,	Dockery,	McAdoo,	Stewart, Ga.
Boatner,	Edmunds,	McClammy,	Stewart, Tex.
Breckinridge, Ark.	Ellis,	McClellan,	Stockdale,
Breckinridge, Ky.	Enloe,	McCreary,	Stone, Ky.
Brickner,	Fithian,	McMillin,	Stone, Mo.
Brookshire,	Forman,	McRae,	Stump,
Brown, J. B.	Forney,	Mills,	Tarsney,
Buchanan, Va.	Fowler,	Montgomery,	Tillman,
Buckalew,	Geary,	Mutchler,	Tucker,
Bunn,	Geissenhainer,	Norton,	Turner, Ga.
Bynum,	Gibson,	O'Ferrall,	Turner, N. Y.
Campbell,	Goodnight,	O'Neall, Ind.	Vaux,
Candler, Ga.	Grimes,	O'Neil, Mass.	Wheeler, Ala.
Carlton,	Hare,	Outhwaite,	Whitelaw,
Caruth,	Hatch,	Owens, Ohio	Wike,
Catchings,	Hayes, W. I.	Parrott,	Wiley,
Chipman,	Haynes,	Paynter,	Wilkinson,
Clarke, Ala.	Hemphill,	Peel,	Willcox,
Clements,	Henderson, N. C.	Perry,	Williams, Ill.
Clunie,	Herbert,	Pierce,	Wilson, Mo.
Cobb,	Holman.	Pindar,	Wilson, W. Va.

NOT VOTING—54.

Arnold,	Dunphy,	Mason,	Rowland,
Barnes,	Ewart,	McCarthy,	Russell,
Bliss,	Fitch,	Moore, Tex.	Scranton,
Browne, T. M.	Flower,	Morgan,	Stahlnecker,
Brunner,	Gifford,	Niedringhaus,	Stone, Pa.
Bullock,	Hansbrough,	Nute,	Taylor, Tenn.
Burton,	Heard,	Oates,	Tracey,
Cheadle,	Henderson, Iowa	Owen, Ind.	Washington,
Clancy,	Houk,	Penington,	Wheeler, Mich.
Comstock,	Kerr, Pa.	Phelan,	Whiting,
Cooper, Ind.	Kilgore,	Pickler,	Whitthorne,
Cutcheon,	Lawler,	Price,	Yoder.
Dargan,	Lee,	Rockwell,	
De Lano,	Magner,	Rogers,	

So the resolution was adopted.

The following additional pair was announced:

Mr. PICKLER with Mr. HEARD, on this vote.

Mr. WHEELER, of Alabama. Mr. Speaker, has the vote been recapitulated? I desire to have it recapitulated.

The SPEAKER. The gentleman surely does not wish to waste four or five minutes in that way. [Laughter.]

Mr. WHEELER, of Alabama. I ask to have the vote recapitulated.

The SPEAKER. The Chair hopes the gentleman will not insist. [Laughter.]

Mr. WHEELER, of Alabama. I must insist upon it. This is a most important vote.

Mr. GROSVENOR. Mr. Speaker, I make the point of order that the gentleman has no right to insist upon it. The rules do not give any such right. It is a merely personal request.

The SPEAKER. The Chair thinks that perhaps the easiest way to get through with it is to have the vote recapitulated.

Mr. WHEELER, of Alabama. The easiest way is always to do right, and I am glad to see that the Chair is disposed to do right in spite of the suggestion of the gentleman from Ohio. [Laughter.]

The SPEAKER. The gentleman from Alabama is not in order.

Mr. WHEELER, of Alabama. The gentleman from Ohio [Mr. GROSVENOR] was not in order either. I was simply saying that I was glad to see the Chair disposed to do right regardless of the protest of the gentleman from Ohio. [Laughter.]

The SPEAKER. The Clerk will recapitulate the vote.

The Clerk read the names of members voting.

Mr. OUTHWAITE. Mr. Speaker, I observe from the recapitulation that my vote is not recorded. I voted upon the second roll call.

The SPEAKER. The gentleman's name will be called.

Mr. OUTHWAITE'S name was called and his vote was recorded.

Mr. SPRINGER. Mr. Speaker, I desire to change my vote from "yea" to "nay."

The result was announced as above recorded.

Mr. SPRINGER. I desire to move to reconsider the vote on this resolution, in view of the fact that we have not time enough left in which to execute the order made by the resolution.

Mr. ROWELL. I make the point of order that that is a dilatory motion.

Mr. SPRINGER. It can not be dilatory.

The SPEAKER. The Chair sustains the point of order.

Mr. SPRINGER. I desire to appeal respectfully from the decision of the Chair.

The SPEAKER. The Chair desires to state to the gentleman from Illinois that he declines to entertain the appeal. [Laughter.]

Mr. SPRINGER. The Chair will certainly allow me to state that we have not time enough left to execute the order.

The SPEAKER. The House resolves itself into the Committee of the Whole House on the state of the Union, and the gentleman from Michigan, Mr. BURROWS, will please take the chair.

Mr. SPRINGER. I see I have been entrapped and I want to change my vote back to how it was at first. [Laughter.]

The SPEAKER. The Chair thinks that on reflection the gentleman from Illinois will probably prefer to leave his vote as it is now. [Laughter.]

Mr. SPRINGER. Oh no; I want to place my vote where it belongs.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole, Mr. BURROWS in the chair.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the further consideration of the bill making appropriations for the support of the government of the District of Columbia for the fiscal year ending June 30, 1892, under the special order, which the Clerk will now read.

Mr. MCCREARY. I believe, Mr. Chairman, that at the time the committee rose on yesterday we were considering a point of order raised by the gentleman from Maryland on an amendment which I had submitted to his motion.

The CHAIRMAN. The Clerk will first report the order under which the committee is operating.

The Clerk read as follows:

Resolved, That immediately after the passage of this resolution the House shall resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 12729), which shall be open to amendment, in accordance with the rules, in any of its paragraphs without further reading; that at 5 o'clock p. m., unless the bill is sooner ready, it shall be reported to the House with the amendments, if any, adopted by the committee, and the previous question shall be considered as ordered on the bill and amendments to its final passage.

Mr. SPRINGER. What becomes of the point of order raised by the gentleman from Maryland?

The CHAIRMAN. The Chair has some question in his mind as to whether the proceedings, under the point of order, would not fall after the adoption of the special order. The committee is now acting in accordance with the special order.

Mr. MCCOMAS. Mr. Chairman, I will immediately resolve any doubts in the mind of the Chair upon that subject by withdrawing the point of order.

Mr. BRECKINRIDGE, of Kentucky. And I renew the point of order.

Mr. MCCREARY. The gentleman has no right to withdraw the point of order.

Mr. MCCOMAS. I wish now to offer an amendment.

The CHAIRMAN. The gentleman from Maryland withdraws the point of order.

Mr. BRECKINRIDGE, of Kentucky. And I renew it.

Mr. MCCOMAS. I am on the floor, Mr. Chairman, and have not yielded it.

Mr. BRECKINRIDGE, of Kentucky. But only for that purpose, to withdraw the point of order.

Mr. MCCOMAS. I have an amendment to offer.

Mr. BRECKINRIDGE, of Kentucky. I have a right to renew the point of order. The gentleman has no right to withdraw it after it is made and debated and then claim the floor for another purpose. That is a parliamentary trick that the Chair can not afford to give the sanction of his name to.

The CHAIRMAN. The committee will be in order. The Chair has not made any ruling. There is no necessity for criticisms upon the action of the Chair in advance of any action.

Mr. WHEELER, of Alabama. We have every confidence in the Chair. [Laughter.]

Mr. MCCREARY. There is, Mr. Chairman, a very easy way out of the difficulty; that is, to rule upon the point of order made by the gentleman from Maryland.

The CHAIRMAN. There need be no confusion in regard to this matter. The Chair understands the gentleman from Maryland to withdraw the point of order. Does the Chair understand the gentleman also to withdraw his motion to close the debate?

Mr. McCOMAS. I do withdraw the motion.

Mr. BRECKINRIDGE, of Kentucky. I have renewed the point of order, and I now renew the motion.

Mr. McCREARY. And I renew the amendment which I offered.

Mr. McCOMAS. Now, Mr. Chairman——

Mr. McCREARY. I deny the right of the gentleman from Maryland, when he makes a motion to close debate and an amendment to the motion has been offered, making the time one hour, to withdraw the motion without the consent of the committee after it has been debated.

Mr. ANDERSON, of Kansas. But there has been no action taken upon it.

Mr. McCOMAS. I hold that the rule fixing the time for the discussion of this bill in the Committee of the Whole takes away all of the effect of my point of order, and also the necessity for a motion to close debate on any paragraph of the bill. The order of the House supersedes any action which the committee may have taken.

Mr. McCREARY. What was done in the House has no bearing upon the point of order raised in the Committee of the Whole as to the limit of debate.

Mr. CANNON. Necessarily it does. The House could close the debate at once. The committee may have desired to debate the bill for days.

Mr. McCOMAS. In the interest of the discussion of this bill, for which gentlemen have claimed to be so anxious, I desire that the House should use the time up to the final vote on the bill in debating and discussing it and offering amendments. For that reason I withdraw the point of order.

Mr. ADAMS. And I desire to offer an amendment to the bill.

Mr. CUTCHEON. Mr. Chairman——

Mr. McCREARY. I ask a ruling on my point of order.

The CHAIRMAN. The gentleman from Maryland withdraws his point of order.

Mr. McCREARY. But it has been renewed.

Mr. CUTCHEON. And I raise the point of order that the committee is now proceeding under instructions of the House which has limited the debate on all amendments until 5 o'clock to-night.

The CHAIRMAN. If the committee will be in order there is no difficulty about this matter. The gentleman has a right to withdraw his motion; and now the committee is proceeding under a special order which requires that the balance of the bill shall not be read, but shall be open for amendment. The gentleman from Maryland rises to amend the bill, and is recognized for that purpose.

Mr. BRECKINRIDGE, of Kentucky. I appeal from the decision of the Chair.

Mr. CUTCHEON. That is right; use up the little time you have with your dilatory motions. [Cries of "Sit down!" on the Democratic side.]

Mr. BRECKINRIDGE, of Kentucky. The gentleman from Michigan will be responsible to his own constituents and I will be responsible to mine.

Mr. CUTCHEON. I did not catch the mellifluous language of the gentleman from Kentucky.

Mr. BRECKINRIDGE, of Kentucky. I said that if the gentleman from Michigan would be responsible to his own constituents for his action here I would be responsible for mine. [Applause on the Democratic side].

Mr. CUTCHEON. Oh, all right.

The CHAIRMAN. It is utterly impossible to transact business in this confusion.

Mr. SPINOLA. I rise for a parliamentary inquiry.

The CHAIRMAN. The Chair declines to recognize any gentleman in this confusion.

Mr. SPINOLA. Not for a parliamentary inquiry?

The CHAIRMAN. Not for any purpose.

Will the gentleman from Maryland have the kindness to send up his amendment?

Mr. McCOMAS. On page 17, in line 2——

Mr. BRECKINRIDGE, of Kentucky. I have taken an appeal from the decision of the Chair.

The CHAIRMAN. The Chair will recognize no one until the committee is in order. If the gentleman from Maryland [Mr. McCOMAS] will state his amendment——

Mr. SAYERS. Mr. Chairman——

Mr. McCOMAS. On page 17, in line 2——

Mr. SAYERS. Will the gentleman yield to allow me——

The CHAIRMAN. Will the gentleman permit the amendment to be stated? The Chair will recognize no one until the committee is in order.

Mr. SAYERS. Will the gentleman yield to allow me to offer an amendment on page 6?

Mr. BRECKINRIDGE, of Kentucky. I call the gentleman from Maryland [Mr. McCOMAS] and the gentleman from Texas [Mr. SAYERS] to order.

The CHAIRMAN. The gentleman from Kentucky——

Mr. BRECKINRIDGE, of Kentucky. The Chair made a decision that the gentleman from Maryland [Mr. McCOMAS] had the right to withdraw his motion to limit debate, as we were proceeding under the special order. From that I appeal. Therefore the amendment of the gentleman from Maryland [Mr. McCOMAS] is not in order.

Mr. ALLEN, of Michigan. I make the point of order that the motion of the gentleman from Kentucky [Mr. BRECKINRIDGE] is dilatory.

Mr. BIGGS. How do you know it is?

Mr. ALLEN, of Michigan. It is obviously, on the face of it.

Mr. McCOMAS. Mr. Chairman, if I can be heard——

Mr. BRECKINRIDGE, of Kentucky. With great respect to the gentleman from Maryland [Mr. McCOMAS], I understood the Chair to say that he recognized me, and I insist upon the appeal. This is a very important matter——

The CHAIRMAN. The gentleman from Maryland [Mr. McCOMAS] withdraws his motion to close debate upon the paragraph and the gentleman from Kentucky [Mr. BRECKINRIDGE] renews it. The Chair held that, as the House has adopted a special order governing the proceedings of the committee, the committee must now proceed under the special order. From that ruling the gentleman from Kentucky [Mr. BRECKINRIDGE] appeals.

Shall the decision of the Chair stand as the judgment of the committee?

Mr. BLOUNT. I understand that the appeal is debatable.

Several MEMBERS on the Republican side. Oh, no.

Mr. BRECKINRIDGE, of Kentucky. I have the floor on that.

The CHAIRMAN. It is not debatable.

Mr. BLOUNT. I wish to be heard——

Mr. BRECKINRIDGE, of Kentucky. Why is the appeal not debatable?

The CHAIRMAN. Because the original proposition to close debate is not debatable. The proposition to close debate, like the proposition for the previous question, is not debatable, and therefore the appeal is not debatable.

Mr. BRECKINRIDGE, of Kentucky. Oh, it is not that. [Cries of "Regular order!" on the Republican side.]

Mr. BLOUNT. I wish to ask the attention of the Chair to a rule of the House.

Mr. BRECKINRIDGE, of Kentucky. But that is not the question. The Chair has decided that we were proceeding under the order of the House, and upon that proposition has made a certain decision. I have appealed from that decision——

The CHAIRMAN. The Chair is quite sure that the gentleman from Kentucky understands and knows that a motion to close debate is not debatable.

Mr. BRECKINRIDGE, of Kentucky. That is not the question.

Mr. McCREARY. Mr. Chairman—— [Cries of "Regular order!" on the Republican side.] Mr. Chairman, I rise to a parliamentary inquiry. The gentleman from Maryland moved to close debate. I moved to amend that motion by closing debate in one hour——

The CHAIRMAN. The Chair understands that perfectly.

Mr. McCREARY. Yes, and that question is debatable.

The CHAIRMAN. The motion of the gentleman from Kentucky fell with the withdrawal of the motion of the gentleman from Maryland. As many as believe that the judgment of the Chair shall stand as the judgment of the committee——

Mr. BLOUNT. Mr. Chairman—— [Cries of "Regular order!"]

Mr. McCREARY. I had not yielded the floor.

The CHAIRMAN. The gentleman from Georgia [Mr. BLOUNT]——

Mr. McCREARY. I have not yielded the floor.

Mr. BLOUNT. I desire to call the attention of the Chair to a rule. I do not propose to waste time.

Mr. BOUTELLE. I object.

The CHAIRMAN. The Chair can not recognize gentlemen in this confusion.

Mr. McCREARY. What became of the amendment that I offered?

The CHAIRMAN. The Chair stated to the gentleman that his amendment fell with the withdrawal of the original motion.

Mr. McCREARY. I appeal from the decision of the Chair.

Mr. BOUTELLE. One appeal is already pending.

The CHAIRMAN. There is one appeal already pending. Two appeals can not be pending at the same time.

Mr. ATKINSON, of Pennsylvania. I move to lay the appeal on the table.

Mr. BLOUNT. Will the Chair allow the rule to be read which I wish to call to his attention?

Mr. ALLEN, of Michigan. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. ALLEN, of Michigan. My point of order is this: That all these motions made so far by gentlemen on the other side are contrary to and in contravention of the spirit of the order of this House just adopted, and the Chair should hold that they are dilatory and for that reason out of order. The object of them is to break down the order of the House in Committee of the Whole. [Cries of "Louder!" on the Democratic side.]

The CHAIRMAN. Will the committee have the kindness to be in order?

Mr. BLOUNT. Mr. Chairman, I would like to have read a rule of the House.

The CHAIRMAN. The Chair will recognize no one until the committee is on order. [Cries of "Regular order!"]

Mr. RICHARDSON. I want to know what the question is.

The CHAIRMAN. The committee will please be in order.

Mr. BLOUNT. Mr. Chairman, there is a great deal of confusion in the Hall and we can not hear what is being said.

Mr. SMITH, of Arizona. Mr. Chairman, there is a great deal of confusion in the Hall.

Mr. SPINOLA. Mr. Chairman——

The CHAIRMAN. The Chair will recognize no one until the committee is in order.

Mr. KILGORE. Mr. Chairman, I can not hear what the gentleman from New York is saying.

Mr. SPINOLA. I have a substantial amendment to offer, for the enfranchisement of the colored man. [Laughter.]

The CHAIRMAN. The Chair desires to admonish the committee that the time under the special order is going on, and the Chair will recognize no one until the committee is in order.

Mr. SPINOLA. Mr. Chairman, I have a substantial amendment.

The CHAIRMAN. The Chair trusts that the gentleman from New York will be in order.

Mr. SPINOLA. I desire to make a parliamentary inquiry, to know——

The CHAIRMAN. The Chair will not recognize any parliamentary inquiry until the committee is in order.

Mr. SPINOLA. I wanted to know if the amendment of the gentleman from Maryland has been sent up to the desk?

The CHAIRMAN. Nothing is in order until the committee is in order.

Mr. DORSEY (to Mr. SPINOLA). The Chair states that the committee must come to order.

Mr. SPINOLA. I beg pardon. I will wait a moment then.

The CHAIRMAN. The Chair thinks the committee will be in order after awhile.

Mr. McCOMAS. Mr. Chairman——

Mr. BLOUNT. Mr. Chairman, I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BLOUNT. I wish to ask the Chair if it is not the rule in committee, and that it has been uniformly held, that debate on an appeal in the Committee of the Whole can only be closed by unanimous consent, there being no rule of the House touching the matter.

The CHAIRMAN. In answer to the parliamentary inquiry, the Chair will state that an appeal from a decision on a motion to close debate is not debatable.

Mr. BLOUNT. I have not debated it. I simply asked the opinion of the Chair.

Mr. ANDERSON, of Kansas. Regular order.

The CHAIRMAN. It is a well-settled principle of parliamentary law that if an original proposition is not debatable any motion made in relation to it is not debatable. This is well settled. A motion was made to close debate. That motion was not debatable, and as the gentleman withdraws that motion now it can not be debatable, for if a motion to close debate is not debatable then the withdrawal of the motion to close debate is not debatable, and it is on that the appeal is taken. The question is: Shall the decision of the Chair stand as the judgment of the committee?

Mr. BRECKINRIDGE, of Kentucky. The Chair obscures this distinction——

The question was put; and the Chairman announced that the "ayes" seemed to have it.

Mr. BRECKINRIDGE, of Kentucky. I demand tellers.

Tellers were ordered; and Mr. McCOMAS and Mr. BRECKINRIDGE, of Kentucky, were appointed as tellers.

The committee divided; and the tellers reported—ayes 114, noes 75.

Mr. McCREARY. I demand the yeas and nays. [General laughter.]

The CHAIRMAN. So the decision of the Chair stands as the judgment of the committee. The gentleman from Maryland proposes an amendment, which the Clerk will read.

The Clerk read as follows:

On page 17, in line 2, strike out the word "five" and insert "ten;" so that it will read "ten thousand dollars."

Mr. McCOMAS. Mr. Chairman——

Mr. SPINOLA. Mr. Chairman, I desire to offer a substantial amendment to that of the gentleman from Maryland.

The CHAIRMAN. The gentleman from New York will please be in order. One amendment is now pending. Does the gentleman propose an amendment to the amendment of the gentleman from Maryland?

Mr. SPINOLA. Certainly I do, sir. I offer a substitute.

The CHAIRMAN. The gentleman will be recognized.

Mr. SPINOLA. I rise, Mr. Chairman, for the purpose of offering a substantial substitute to the amendment offered by the gentleman from Maryland.

The CHAIRMAN. But the gentleman from Maryland has the floor on an amendment and he is entitled to debate it.

Mr. McCOMAS. Before I state the object of the amendment, Mr. Chairman, I wish to make a parliamentary inquiry. Under the operation of this order must the committee rise at 5 o'clock whether they are voting, debating, or what not? Must the committee rise at 5 o'clock whether we are voting or debating at that hour?

The CHAIRMAN. There is no question about the terms of the order.

Mr. McCOMAS. Now, Mr. Chairman, the commissioners have informed me, in a letter in response to a letter addressed to them, that $5,000 for this purpose is not sufficient, because the sum, as they say, for damages under condemnation proceedings for streets already exceeds the $5,000 we have allowed, and aggregate nearly $10,000. Therefore we offer the amendment to strike out "five" and insert "ten."

Mr. HOOKER. Mr. Chairman, I would like to make an inquiry of the gentleman from Maryland, and that is whether he does not think, on the very inquiry he has now made in reference to the rule that requires a vote at 5 o'clock or that the committee rise at 5 o'clock, whether we have proceeded or not to consider this very amendment, that there should be a longer time for debate.

The CHAIRMAN. The question is on the amendment of the gentleman from Maryland.

Mr. McCOMAS. In answer to the distinguished gentleman from Mississippi I will state that I have been trying for six days to get a chance to offer that amendment and have not had an opportunity to do so because of the discussion of newspaper items.

Mr. HOOKER. Then I respectfully ask him further if he does not now at least want it considered. I want to debate it myself.

The CHAIRMAN. The time of the gentleman from Maryland has expired. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add as an additional section to the bill the following:

"That the commissioners of the District of Columbia be, and they are hereby, directed to report to Congress on or before January 1, 1892, a plan providing for the restoration of local self-government to the people of the District of Columbia whereby each citizen of the age of twenty-one years or upwards, without regard to color or previous condition of servitude, may be entitled to vote for all general officers necessary to administer the government of the District upon a basis in accordance with a republican form of government."

Mr. ROWELL. Mr. Chairman, I make the point of order that that is not germane to the bill.

Mr. SPINOLA. I do not surrender the floor, Mr. Chairman. [Laughter.]

The CHAIRMAN. The gentleman from New York will himself perceive that his proposition is not an amendment to the one now pending, and if he will withhold it for the present the Chair will recognize him later.

Mr. SPINOLA. I will wait a few moments. [Laughter.]

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Maryland [Mr. McCOMAS.]

The amendment was agreed to.

Mr. SAYERS offered the following amendment:

Amend by inserting, at the end of line 11, page 6 of the bill, the following:

"And when such assessment shall have been completed, the commissioners of the District shall transmit to Congress a statement showing the total assessed value of each block and of each separate fractional block, including the improvements thereon, within the city limits."

Mr. HOPKINS. Mr. Chairman, I rise to oppose that amendment. Under the latitude which has been allowed in the debate thus far upon this bill I desire to call the attention of members of the committee——

Mr. McCOMAS. Mr. Chairman, I was about to make the point of order on that amendment that it is very wide and is not in order on this bill.

The CHAIRMAN. It is too late to make the point of order. The gentleman from Illinois will proceed.

Mr. SPRINGER. Do not waste the time. We have only twenty-five minutes before 5 o'clock. [Laughter.]

Mr. HOPKINS. Mr. Chairman, as I was observing, I desire to direct my remarks principally to the statements made by the gentleman from Georgia [Mr. CLEMENTS] when this bill was under consideration the other day, in relation to the proposition to provide free schoolbooks for six different grades only in the schools of the District of Columbia. I am heartily in favor of that provision of the bill. The only criticism that I have to make upon it is that in my judgment it does not go far enough. I believe that not only in the District of Columbia, but in every State in the Union, free schoolbooks should be furnished for every grade in every school. It is the boast of this country that we have free public schools. Large sums of money are levied and collected annually for the purpose of building public schoolhouses and furnishing them, and employing teachers for the benefit of the school children of the country.

Mr. BYNUM. Mr. Chairman, I make the point of order that the gentleman is not confining himself to the amendment.

The CHAIRMAN. The gentleman from Indiana makes the point

of order that the gentleman from Illinois is not confining his remarks to the amendment before the House.

Mr. HOPKINS. The gentleman evidently does not understand my position. I am coming to the amendment by slow degrees. [Laughter.]

The CHAIRMAN. The Chair hopes the gentleman will confine himself within the rule.

Mr. HOPKINS. As I was saying, Mr. Chairman, large sums of money are provided annually to procure able and competent teachers to instruct the children in our schools, but under the system which requires the parents to procure schoolbooks for their children hundreds and thousands of children in every State in the Union are deprived of the benefits of the public schools. In the city of Washington there are hundreds of children who are utterly unable to provide themselves with the books necessary to give them the advantages of the public schools of this city. Wherever the system of free schoolbooks has been tried, it has resulted beneficially to the community.

The State of New Hampshire has adopted that system; the State of Maine has adopted it; the State of Massachusetts has adopted it; and in those States the consensus of opinion is not only that it has proved beneficial to the community at large, but that a large percentage of children who, under the other system, would grow up in ignorance have been provided with ample means for acquiring and have acquired a competent education. The principal point which the gentleman from Georgia [Mr. CLEMENTS] made was that a discrimination should be made between the rich and the poor. In my judgment, Mr. Chairman, that would be an invidious discrimination. The gentleman claimed, as I understood his argument, that poor children should be provided with books if their parents would make the proper representations to the school authorities that they were unable to provide the books themselves; and it is against such a discrimination as that that I enter my protest.

Unfortunate but proud-spirited people will not publicly admit, as the gentleman's position requires them to, that they are the subjects of charity. They prefer to let their children go without the benefits rather than to thus proclaim themselves paupers. Gentlemen may argue that it is a foolish pride and that parents who love their children and desire to see them receive some little education at least will not hesitate to avail themselves of the privilege of procuring free schoolbooks on these conditions. The experience and observation of the best educators this country has produced are against this argument.

A familiar illustration can be furnished by a comparison of the citizens of some of the States in the Union where the ideas of the gentleman from Georgia have prevailed with some of those States where we have the public-school system administered in its true spirit. Before 1860, under the statutes in the State of Virginia, in order that the children of school age might get the benefit of the school money provided by the State, the parent was compelled to make affidavit in substance that he was a pauper. What was the result? The wealthy class was educated largely by private tutors and then sent to the academies and colleges. The great mass of the free white citizens were unable to give such educational advantages to their children, and being proud-spirited they neglected or refused to make the necessary acknowledgment which would entitle them to public money for school purposes; and the result was, as shown by statistics, that they grew up in ignorance.

In Illinois and Michigan and other of the Northwestern States no such invidious requirements have been made upon the poor man. Our public schools have been open to rich and poor alike. The best instructors that money could hire have been employed, and the public schools have been patronized by all classes. The poor man's son has sat at the same desk with the son of his wealthy neighbor, and has contested, and often successfully, for the school honors. This system of education has done away with all class feeling and has given us in Illinois and neighboring States a population of intelligent, high-spirited, and honorable men and women, who are a credit to American citizenship.

[Here the hammer fell.]

Mr. ROGERS. I rise to a parliamentary inquiry. There is an amendment pending; is there any amendment pending to that amendment?

The CHAIRMAN. There is not.

Mr. ROGERS. I want to submit an amendment to the amendment.

The CHAIRMAN. The Chair must first recognize the gentleman from Texas [Mr. SAYERS], who offered the pending amendment, and then he will recognize the gentleman from Arkansas.

Mr. SAYERS. Mr. Chairman, it seems to me that this amendment, which has for its purpose the furnishing to Congress of information in regard to the assessed value of property in this city, ought to be adopted. We know from the testimony of citizens and from what has appeared in the newspapers that whole blocks of property in this city have been assessed largely below their real value, and it occurs to me that if a fair and impartial assessment of the real estate of this District were made the present rate of taxation would yield largely more revenue than the wants of the city would require, and thus Congress might be enabled to reduce the rate of taxation. [Cries of "Vote!" "Vote!"]

Mr. BLOUNT. I move to close debate on the paragraph and all amendments thereto.

The CHAIRMAN. The Chair thinks that motion is hardly necessary. The vote can be taken at once.

Mr. BLOUNT. Am I entitled to have my motion submitted?

The CHAIRMAN. Certainly, if the gentleman insists upon it.

Mr. McCOMAS. I hope it will not be adopted.

The CHAIRMAN proceeded to put the question.

Mr. ROGERS. I move to amend so as to allow ten minutes for debate.

Mr. McCOMAS. I make the point of order that the gentleman can not make that motion while the committee is dividing.

Mr. ROGERS. I was on the floor when the Chair commenced to put the question and was endeavoring to make myself heard.

The CHAIRMAN. The Chair accepts the statement of the gentleman from Arkansas and entertains the amendment. The gentleman moves to amend by making the time ten minutes.

Mr. BRECKINRIDGE, of Kentucky. Now, I make a point of order that the amendment of the gentleman from Arkansas is not in order.

Mr. FOWLER. I hope the Committee of the Whole will be allowed to perfect this bill.

The CHAIRMAN. The Chair overrules the point of order; and the question is on the amendment proposed by the gentleman from Arkansas.

The question being taken, the amendment of Mr. ROGERS was rejected.

The question recurring on the motion of Mr. BLOUNT to close debate, it was agreed to.

The CHAIRMAN. The question is now on the amendment of the gentleman from Texas [Mr. SAYERS], which has already been read.

The question being taken, the amendment was not agreed to; there being on a division (called for by Mr. SAYERS)—ayes 74, noes 113.

Mr. SPINOLA. I now desire to submit my proposition.

The CHAIRMAN. In a moment. The gentleman from Illinois [Mr. ADAMS] desires to be recognized.

Mr. ADAMS. I have sent an amendment to the desk.

The CHAIRMAN. If the gentleman from Illinois [Mr. ADAMS] will have the kindness to give way for a moment, the Chair desires to recognize the gentleman from Georgia [Mr. CLEMENTS], a member of the committee, who has an amendment to submit.

Mr. CLEMENTS. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add at the end of line 9, page 38, the following:

"*Provided*, That the Metropolitan Railroad Company of the District of Columbia shall pay and satisfy to the District of Columbia within six months from the approval of this act the full amount of the judgment rendered against the said company by the supreme court of the District of Columbia at the suit of the said District, in cause numbered 22458, at law, on the dockets of said court, with the costs of said cause and interest on the amount of said judgment from its date until paid, and that upon the failure of the said company so to pay and satisfy said judgment, costs, and interest within the time aforesaid the charter of the said company shall become forfeit, and all its rights, privileges, and franchises as a body corporate shall cease and determine: *And provided further*, That the Washington and Georgetown Railroad Company of the District of Columbia shall pay and satisfy to the District of Columbia, within six months from the approval of this act, the full amount of the judgment rendered against the said company by the supreme court of the District of Columbia at the suit of the said District, in cause number 22457, at law, on the dockets of said court, with the costs of said cause and interest on the amount of said judgment from its date until paid, and that upon the failure of the said company so to pay and satisfy said judgment, costs, and interest within the time aforesaid, the charter of the said company shall become forfeit, and all its rights, privileges, and franchises as a body corporate shall cease and determine."

Mr. CLEMENTS. Two judgments were obtained in the supreme court of the District of Columbia in favor of the District, one against the Metropolitan Railroad Company for $147,000 and one against the Washington and Georgetown Railroad Company for over $40,000, on account of work done and material furnished therefor in the repair and improvement of the streets between the tracks of these roads, and two feet on either side thereof. Under the law the companies were required to do this work without expense to the District. They failed and neglected to do it, and it was done by the District and became a lawful and proper charge against the companies. They refused to pay it, suits were brought with the result above stated, appeals were taken in these cases, and by decisions of the Supreme Court of the United States the judgments were reversed solely upon the statute of limitations.

Some of the officials of the District in office at the time the work was done, and whose duty it was to protect the rights of the District, were also stockholders and officers in one of these railroad companies then and for some time thereafter. This fact may explain why suit was not brought in time. These companies are not paupers. They have made large profits, enjoying valuable franchises granted by the public. It is is simply disgraceful that under the circumstances they should be allowed to hold the advantage thus obtained. The amendment merely requires them, notwithstanding the statute of limitations, to do their duty under the law. The payment of these judgments, including interest from date, would put in the Treasury for the District about $200,000, justly due it for money long since expended by it for the benefit of these companies. I call attention to the following extract from a recent report of the attorney for the District, A. G. Riddle:

In the Supreme Court of the United States, where a number of District cases are still pending, but two causes were heard on their merits namely, the cases

of the Metropolitan Railroad Company against the District and Brown against the District. The former case was begun by the District in the supreme court of the District, and had for its object the recovery from the railroad company of the amount expended by the District in paving the spaces between and adjacent to the tracks of the company, which, by law, it was the duty of the company to do. In the court below the District obtained a judgment for upwards of $147,000, and the railroad company sued out a writ of error. The cause was argued in the Supreme Court at the last term, and on the 21st instant that court rendered its decision, reversing the judgment below on the ground of error in the rulings on the question of limitations and directing the court below to enter judgment for the defendant. I have not had an opportunity to see the court's opinion, and have no knowledge of its language, except such as I have derived from the newspaper reports; but, if the court's judgment be as reported, it seems to me to put an end to the case, as well as to the similar cases against the Washington and Georgetown and Columbia Railroad Companies.

The work sued for in these cases was done by the District at various times from October, 1872, to January, 1874, except a very small part, which was not finished until July, 1875. Under the ruling of the Supreme Court, the actions by the District should have been brought within three years after the doing of the work. I came into office in November, 1877, too late, according to the court, to have saved the District's rights, except as to the work done in 1875, even had I immediately brought the suits. But in point of fact I was wholly unaware of the claims against the companies until some time after taking office. The matter first came to my attention in the winter of 1878–'79, in connection with certain questions presented to me in relation to the revision of the special assessments on streets traversed by the roads. It was then too late to save the District's rights as to any of the work, if the statute of limitations should be held applicable.

The matter came to the attention of Congress, and the House Committee on the District called before it the presidents of the companies, and, although I was not present at the conference and was not invited and had no opportunity to be, I was informed that it was there agreed that statements of fact should be made up and submitted to the supreme court of the District for its decision as to the liability of the companies, it being further agreed that the question of limitations should be waived. After months of ineffectual efforts to procure the making up of the statements I caused statements of the cost of the work to be prepared and demand of payment made upon the companies. This I followed by bringing the suits, and I was met at the threshold by the plea of limitations.

As to this point the responsibility for the situation rests upon those in office before my connection with the District began. I think that, without regard to technical questions of law, the companies should in justice pay for the work in question, and I urge it upon you to bring the matter promptly and forcibly to the attention of Congress, which body, under its reserved rights as to alteration or repeal of their charters, can, if it sees fit, quickly bring the companies to terms.

I also ask attention to the opinion of the Supreme Court, as follows:

Metropolitan Railroad Company *vs.* District of Columbia. Error to the supreme court of the District of Columbia. No. 5. Argued November 22, 1888; decided October 21, 1889.

The District of Columbia is a municipal corporation having a right to sue and be sued and is subject to the ordinary rules that govern the law of procedure between private persons.

The Maryland statute of limitations of 1715 which is in force in the District of Columbia embraces municipal corporations.

The sovereign power of the District of Columbia is lodged in the Government of the United States, and not in the corporation of the District.

This court expresses no opinion upon the question whether when the right of property in highways and public places is vested in a municipality an assertion of that right against purprestures or public nuisances is subject to the law of limitations.

An action by a municipal corporation to recover from a street railroad company the cost of maintaining pavements in a street which the company is by its charter bound to maintain is not an action upon the statute, but one in assumpsit.

Assumpsit. Verdict for the plaintiff and judgment on the verdict. The defendant sued out this writ of error. The case is stated in the opinion.

Mr. Nathaniel Wilson and Mr. Walter D. Davidge for plaintiff in error.

Mr. Henry E. Davis and Mr. A. G. Riddle for defendant in error.

Mr. Justice Bradley delivered the opinion of the court.

This was an action brought by the District of Columbia in November, 1880, to recover from the Metropolitan Railroad Company the sum of $161,622.52. The alleged cause of action was work done and materials furnished by the plaintiff in paving certain streets and avenues in the city of Washington at various times in the years 1871, 1872, 1873, 1874, and 1875 upon and in consequence of the neglect of the defendant to do said work and furnish said materials in accordance with its duty as prescribed by its charter.

The defendant was chartered by an act of Congress dated July 1, 1864 (13 Stat., 326, chapter 190), and amended March 3, 1865 (13 Stat., 536, chapter 119). By these acts it was authorized to construct and operate lines or routes of double-track railways in designated streets and avenues in Washington and Georgetown.

The first section of the charter contains the following proviso: "*Provided*, That the use and maintenance of said road shall be subject to the municipal regulations of the city of Washington within its corporate limits." Of course this provision reserves police control over the road and its operations on the part of the authorities of the city. The fourth section of the charter declares, "that the said corporation hereby created shall be bound to keep said tracks and for the space of two feet beyond the outer rail thereof and also the space between the tracks at all times well paved and in good order without expense to the United States or to the city of Washington." The fifth section declares "that nothing in this act shall prevent the Government at any time at their option from altering the grade or otherwise improving all avenues and streets occupied by said roads or the city of Washington from so altering or improving such streets and avenues and the sewerage thereof as may be under their respective authority and control; and in such event it shall be the duty of said company to change their said railroad so as to conform to such grade and pavement.

It is on these provisions that the claim of the city is based.

The amended declaration sets out in great detail the grading and paving which were done in various streets and avenues along and adjoining the tracks of the defendant and which it is averred should have been done by the defendant under the provisions of its charter, but which the defendant neglected and refused to do.

The defendant filed twelve several pleas to the action, the eleventh and twelfth being pleas of the statute of limitations. Issue was taken upon all the pleas except those two and they were demurred to. The court sustained the demurrer and the cause was tried on the other issues and a verdict found for the plaintiff. (4 Mackey, 214.)

The case is brought here by writ of error which brings up for consideration a bill of exceptions taken at the trial and the ruling upon the demurrer to the pleas of the statute of limitations. It is conceded that if the court below erred in sustaining that demurrer the judgment must be reversed. That question will therefore be first considered.

It is contended by the plaintiff that it (the District of Columbia) is not amenable to the statute of limitations for three reasons: first, because of its dignity as partaking of the sovereign power of government; secondly, because it is not embraced in the terms of the statute of limitations in force in the District; and, thirdly, because if the general words of the statute are sufficiently broad to include the District, still municipal corporations unless specially mentioned are not subject to the statute.

1. The first question, therefore, will be, whether the District of Columbia is or is not a municipal body merely or whether it has such a sovereign character or is so identified with or representative of the sovereignty of the United States as to be entitled to the prerogatives and exemptions of sovereignty.

In order to a better understanding of the subject under consideration it will be proper to take a brief survey of the government of the District and the changes it has undergone since its first organization.

Prior to 1871 the local government of the District of Columbia on the east side of the Potomac had been divided between the corporations of Washington and Georgetown and the levy court of the county of Washington. Georgetown had been incorporated by the Legislature of Maryland as early as 1789 (Davis's Laws, District of Columbia, 478), as Alexandria had been by the Legislature of Virginia as early as 1748 and 1779 (Davis's Laws, 533, 541); and those towns and cities were clearly nothing more than ordinary municipal corporations with the usual powers of such corporations. When the Government of the United States took possession of the District, in December, 1800, it was divided by Congress into two counties, that of Alexandria on the west side of the Potomac and that of Washington on the east side, and the laws of Virginia were continued over the former and the laws of Maryland over the latter; and a court called the circuit court of the District of Columbia was established with general jurisdiction, civil and criminal, to hold sessions alternately in each county; but the corporate rights of the cities of Alexandria and Georgetown and of all other corporate bodies were expressly left unimpaired except as related to judicial powers. (See act of February 17, 1801, 2 Stat., 103, chapter 15.) A supplementary act passed a few days later gave to the circuit court certain administrative powers, the same as those vested in the county and levy courts of Virginia and Maryland respectively; and it was declared that the magistrates to be appointed should be a board of commissioners within their respective counties and have the same powers and perform the same duties as the levy courts of Maryland. These powers related to the construction and repair of roads, bridges, ferries, the care of the poor, etc. (Act of March 3, 1801, 2 Stat., 115, chapter 25.) On May 3, 1802, an act was passed to incorporate the city of Washington (2 Stat., 196, chapter 53). It invested the mayor and common council (the latter being elected by the white male inhabitants) with all the usual powers of municipal bodies, such as the power to pass by-laws and ordinances, powers of administration, regulation and taxation, amongst others specially named the power "to erect and repair bridges, to keep in repair all necessary streets, avenues, drains, and sewers, and to pass regulations necessary for the preservation of the same agreeably to the plan of said city." Various amendments from time to time were made to this charter and additional powers were conferred. A general revision of it was made by act of Congress passed May 15, 1820 (3 Stat., 583, chapter 104). A further revision was made and additional powers were given by the act of May 17, 1848 (9 Stat., 223, chapter 42), but nothing to change the essential character of the corporation.

The powers of the levy court extended more particularly to the country outside of the cities; but also to some matters in the cities common to the whole county. It was reorganized and its powers and duties more specifically defined in the acts of July 1, 1812 (2 Stat., 771, chapter 117), and of March 3, 1863 (12 Stat., 799). By the last act the members of the court were to be nine in number and to be appointed by the President and Senate.

In the first year of the war, August 6, 1861 (12 Stat., 320, chapter 62), an act was passed "to create a Metropolitan police district of the District of Columbia and to establish a police therefor." The police had previously been appointed and regulated by the mayor and common council of Washington; but it was now deemed important that it should be under the control of the Government. The act provided for the appointment of five commissioners by the President and Senate, who, together with the mayors of Washington and Georgetown, were to form the board of police for the District; and this board was invested with extraordinary powers of surveillance and guardianship of the peace.

This general review of the form of government which prevailed in the District of Columbia and city of Washington prior to 1871 is sufficient to show that it was strictly municipal in its character and that the Government of the United States, except so far as the protection of its own public buildings and property was concerned, took no part in the local government, any more than any State government interferes with the municipal administration of its cities. The officers of the Departments, even the President himself, exercised no local authority in city affairs. It is true, in consequence of the large property interests of the United States in Washington, in the public parks and buildings, the Government always made some contribution to the finances of the city; but the residue was raised by taxing the inhabitants of the city and District, just as the inhabitants of all municipal bodies are taxed.

In 1871 an important modification was made in the form of the District government; a Legislature was established with all the apparatus of a distinct government. By the act of February 21 of that year, entitled "An act to provide a government for the District of Columbia" (16 Stat., 419, chapter 62), it was enacted (section 1) that all that part of the territory of the United States included within the limits of the District of Columbia be created into a government by the name of the District of Columbia, by which name it was constituted "a body corporate for municipal purposes," with power to make contracts, sue and be sued, and "to exercise all other powers of a municipal corporation not inconsistent with the Constitution and laws of the United States."

A governor and Legislature were created; also a board of public works, the latter to consist of the governor as its president, and four other persons, to be appointed by the President and Senate. To this board were given the control and repair of the streets, avenues, alleys, and sewers of the city of Washington and all other works which might be intrusted to their charge by the Legislative Assembly or Congress. They were empowered to disburse the moneys raised for the improvement of streets, avenues, alleys, and sewers, and roads and bridges, and to assess upon adjoining property, specially benefited thereby, a reasonable proportion of the cost, not exceeding one-third. The acts of this board were held to be binding on the municipality of the District in Barnes *vs.* District of Columbia (91 U. S., 540). It was regarded as a mere branch of the District government, though appointed by the President and not subject to the control of the District authorities.

This constitution lasted until June 20, 1874, when an act was passed entitled "An act for the government of the District of Columbia, and for other purposes" (18 Stat., 116, chapter 337). By this act the government established by the act of 1871 was abolished, and the President, by and with the advice and consent of the Senate, was authorized to appoint a commission, consisting of three persons, to exercise the power and authority then vested in the governor and board of public works, except as afterwards limited by the act. By a subsequent act, approved June 11, 1878 (20 Stat., 102, chapter 180), it was enacted that the District of Columbia should "remain and continue a municipal corporation," as provided in section 2 of the Revised Statutes relating to said District, and the appointment of commissioners was provided for, to have and to exercise similar powers given to the commissioners appointed under the act of 1874.

All rights of action and suits for and against the District were expressly reserved *in statu quo*.

Under these different changes the administration of the affairs of the District of Columbia and city of Washington has gone on in much the same way, except a change in the depositaries of power and in the extent and number of powers conferred upon them. Legislative powers have now ceased and the municipal government is confined to mere administration. The identity of corporate existence is continued, and all actions and suits for and against the District are preserved unaffected by the changes that have occurred.

In view of these laws the counsel of the plaintiff contend that the government of the District of Columbia is a department of the United States Government, and that the corporation is a mere name and not a person in the sense of the law distinct from the Government itself. We can not assent to this view. It is contrary to the express language of the statutes. That language is that the District shall "remain and continue a municipal corporation," with all rights of action and suits for and against it. If it were a department of the Government, how could it be sued? Can the Treasury Department be sued, or any other Department? We are of opinion that the corporate capacity and corporate liabilities of the District of Columbia remain as before, and that its character as a mere municipal corporation has not been changed. The mode of appointing its officers does not abrogate its character as a municipal body politic. We do not suppose that it is necessary to a municipal government or to municipal responsibility that the officers should be elected by the people. Local self-government is undoubtedly desirable where there are not forcible reasons against its exercise. But it is not required by any inexorable principle.

All municipal governments are but agencies of the superior power of the State or government by which they are constituted and are invested with only such subordinate powers of local legislation and control as the superior legislature sees fit to confer upon them. The form of those agencies and the mode of appointing officials to execute them are matters of legislative discretion. Commissioners are not unfrequently appointed by the Legislature or executive of a State for the administration of municipal affairs or some portion thereof, sometimes temporarily, sometimes permanently. It may be demanded by motives of expediency or the exigencies of the situation; by the boldness of corruption, the absence of public order and security, or the necessity of high executive ability in dealing with particular populations. Such unusual constitutions do not release the people from the duty of obedience or from taxation or the municipal body from those liabilities to which such bodies are ordinarily subject.

Protection of life and property are enjoyed perhaps in greater degree than they could be in such cases under elective magistracies; and the government of the whole people is preserved in the legislative representation of the State or General Government. "Nor can it in principle," said Mr. Justice Hunt in the Barnes case, "be of the slightest consequence by what means these several officers are placed in their position, whether they are elected by the people of the municipality or appointed by the President or a governor. The people are the recognized source of all authority, State and municipal, and to this authority it must come at last whether immediately or by a circuitous process." (Barnes *vs* District of Columbia, 91 U. S., 540, 545.)

One argument of the plaintiff's counsel in this connection is that the District of Columbia is a separate State or sovereignty, according to the definition of writers on public law, being a distinct political society. This position is assented to by Chief Justice Marshall, speaking for this court in the case of Hepburn *vs.* Ellzey, 2 Cranch, 445, 452, where the question was whether a citizen of the District could sue in the circuit courts of the United States as a citizen of a State. The court did not deny that the District of Columbia is a State in the sense of being a distinct political community; but held that the word "State" in the Constitution, where it extends the judicial power to cases between citizens of the several "States," refers to the States of the Union. It is undoubtedly true that the District of Columbia is a separate political community in a certain sense, and in that sense may be called a State; but the sovereign power of this qualified State is not lodged in the corporation of the District of Columbia, but in the Government of the United States. Its supreme legislative body is Congress.

The subordinate legislative powers of a municipal character which have been or may be lodged in the city corporations or in the District corporation do not make those bodies sovereign. Crimes committed in the District are not crimes against the District, but against the United States. Therefore, whilst the District may in a sense be called a State it is such in a very qualified sense. No more than this was meant by Chief Justice Taney when in the Bank of Alexandria *vs.* Dyer, 14 Pet., 141, 146, he spoke of the District of Columbia as being formed by the acts of Congress into one separate political community, and of the two counties composing it (Washington and Alexandria) as resembling different counties in the same State; by reason whereof it was held that parties residing in one county could not be said to be "beyond the seas" or in a different jurisdiction in reference to the other county, though the two counties were subject to different laws.

We are clearly of opinion that the plaintiff is a municipal corporation having a right to sue and be sued and subject to the ordinary rules that govern the law of procedure between private persons.

2. But the supreme court of the District supposes that municipal corporations are not embraced in the words of the statute of limitations. Let us see whether that view can be maintained.

The statute in force in the District is that of Maryland, passed in 1715, chapter 23. The act as regards personal actions is substantially the same as that of 21 James I. It commences with a preamble, as follows: "Forasmuch as nothing can be more essential to the peace and tranquillity of this province than the quieting the estates of the inhabitant thereof, and for the effecting of which no better measures can be taken than a limitation of time for the commencing of such actions as in the several and respective courts within this province are brought, from the time of the cause of such actions accruing."

It is then enacted, "that all actions of trespass *quare clausum fregit*, all actions of trespass, detinue, sur trover, or replevin * * *; all actions of account, contract, debt, book, or upon the case * * *; all actions of debt for lending, or contract without speciality * * *, shall be sued or brought by any person or persons within this province * * *, shall be commenced or sued within the time and limitation hereafter expressed, and not after; that is to say, the said actions of account and the said actions upon the case, upon simple contract * * *, and the said actions for debt, detinue, and replevin * * * within three years ensuing the cause of such action, and not after." (1 Kilty's Laws, April, 1715, c. 23.) There is nothing in any part of the act to restrain the generality of this language: "All (enumerated) actions sued or brought by any person or persons within this province * * * shall be commenced within three years." Corporations are "persons" in the law. There is no apparent reason why they should not be included in the statute. It is conceded that private corporations are included. On what ground, then, can municipal corporations be excluded? Not on the ground that they are not "persons," for that would exclude private corporations. They are therefore within the terms of the law.

3. Are they not also within the spirit and reason of the law? They are certainly within the reason of the preamble. It is just as much for the public interest and tranquillity that municipal corporations should be limited in the time of bringing suits as that individuals or private corporations should be. The reason stated in the preamble for the passage of the law applies to all; and, moreover, it shows that the objects of the law are beneficent ones and therefore that it should be liberally construed. It can not apply to the sovereign power of course. No restrictive laws apply to the sovereign unless so expressed, and especially no laws affecting a right on the ground of neglect or laches, because neglect and laches can not be imputed to him. And it matters not whether the sovereign be an individual monarch or a republic or State. The principle applies to all sovereigns. The reason usually assigned for this prerogative is that the sovereign is not answerable for the delinquencies of his agents. But, whatever the true reason may be, such is the general law, such the universal law except where it is expressly waived. The privilege, however, is a prerogative one and can not be challenged by any person inferior to the sovereign, whether that person be natural or corporate.

It is scarcely necessary to discuss further the question of the applicability of the statute of limitations to a purely municipal corporation when it is embraced within the general terms of the law. It was expressly decided to be applicable in the cases of Kennebunkport *vs.* Smith (22 Maine, 445); Cincinnati *vs.* First Presbyterian Church (8 Ohio, 298); Cincinnati *vs.* Evans (5 Ohio St., 594); St. Charles County *vs.* Powell (22 Missouri, 525); Armstrong *vs.* Dalton (4 Devereux, Law, 568); and other cases cited in the notes to Wood on Limitations, section 53; and to 2 Dillon on Municipal Corporations, section 668, third edition. Judge Dillon, in the section last cited, accurately says: "The doctrine is well understood that to the sovereign power the maxim '*nullum tempus occurrit regi*' applies, and that the United and the several States are not without express words bound by statutes of limitations.

Although municipal corporations are considered as public agencies exercising in behalf of the State public duties, there are many cases which hold that such corporations are not exempt from the operation of limitation statutes, but that such statutes, at least as respects all real and personal actions, run in favor of and against these corporations in the same manner and to the same extent as against natural persons. In Evans *vs.* Erie County, 66 Penn. St., 222, 228, Sharswood, J., says, "That the statute of limitations runs against a county or other municipal corporation we think can not be doubted. The prerogative is that of the sovereign alone, *nullum tempus occurrit reipublicæ*. Her grantees, though artificial bodies created by her, are in the same category with natural persons." See also Dundee Harbor Trustees *vs.* Dougall, 1 Macqueen H. L. Cas., 317. But we forbear to quote further authorities on the subject. We hold the doctrine to be well settled.

What may be the rule in regard to purprestures and public nuisances by encroachments upon the highways and other public places it is not necessary to determine. They are generally offenses against the sovereign power itself, and as such no length of time can protect them. Where the right of property in such places is vested in the municipality an assertion of that right may or may not be subject to the law of limitations. We express no opinion on that point, since it may be affected by considerations which are not involved in the present case.

The court below, in its opinion on the demurrer, suggests another ground having relation to the form of the action on which it is supposed that the plea of the statute of limitation in this case is untenable. It is this, that the action is founded on a statute, and that the statute of limitations does not apply to actions founded on statutes or other records, or specialties, but only to such as are founded on simple contract or on tort. We think, however, that the court is in error in supposing that the present action is founded on the statute. It is an action on the case upon an implied assumpsit arising out of the defendant's breach of a duty imposed by the statute, and the required performance of that duty by the plaintiff in consequence. This raised an implied obligation on the part of the defendant to reimburse and pay to the plaintiff the moneys expended in that behalf. The action is founded on this implied obligation, and not on the statute, and is really an action of assumpsit. The fact that the duty which the defendant failed to perform was a statutory one does not make the action one upon the statute. The action is clearly one of those described in the statute of limitations.

The case of Carroll *vs.* Green (92 U. S., 509) is strongly in point. That was a bill against stockholders of an insolvent bank to enforce their liability for double the amount of their stock, according to the provisions of their charter. It was held by this court that the liability of the stockholders arose from their acceptance of the charter and their implied promise to fulfill its requirements, and that the legal remedy to enforce it was an action on the case, to which the statute of limitations would apply; and hence that it applied to a bill in equity founded on the same obligation. To the same effect is the case of Beatty's Administrators *vs.* Burnes's Administrators (8 Cranch, 98), where an action for money had and received was brought, under the Maryland act of 1791, against a party who had received from the United States payment for land situated in the District, which land was claimed by the plaintiff to belong to him. This court held that inasmuch as the form of the action was covered by the statute of limitations of Maryland, it could be pleaded in bar, notwithstanding the action was given by the statute of 1791. So, in McCluny *vs.* Silliman (3 Pet., 270, 277), it was held that the statute of limitations of Ohio was pleadable to an action on the case brought against a receiver of the land office to recover damages for his refusing to enter the plaintiff's application in the books of his office for certain lands in his district. It was contended that such a case could not have been contemplated by the Legislature; but the court held that the action was within the terms of the statute, and that this was sufficient. Many more cases might be cited to the same point, but it is wholly unnecessary.

The judgment must be reversed and the cause remanded, with directions to enter judgment for the defendant on the demurrer to the pleas of the statute of limitations; and it is so ordered.

Mr. ATKINSON, of Pennsylvania. I make a point of order on the amendment.

The CHAIRMAN. Will the gentleman state his point of order?

Mr. ATKINSON, of Pennsylvania. The point of order is that the amendment is not germane to the bill; and, besides that, it changes existing law.

Mr. ANDERSON, of Kansas. And that it hits a railroad company. [Laughter.]

The CHAIRMAN. The gentleman from Pennsylvania makes a point of order against the amendment. The Chair sustains the point of order.

Mr. CLEMENTS. I hope the point of order will not be insisted upon. This amendment simply requires this corporation to pay judgments for the improvement of their tracks by the Government, a work which they were required by law to do themselves.

The CHAIRMAN. The Chair sustains the point of order.

Mr. ANDERSON, of Kansas. In order to get the question before the House, I appeal from the decision of the Chair.

Mr. SPINOLA. I thought I was to be recognized.

The CHAIRMAN. The Chair will recognize the gentleman in a moment.

Mr. ANDERSON, of Kansas. I would like, with very great respect to the Chair, to appeal from that decision, in order to test the sense of

the House on the question as to whether this railroad shall be compelled to pay its debts.

Mr. SPINOLA. Oh, this is all dilatory.

The CHAIRMAN. The gentleman from Kansas appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee?

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, I understood the gentleman from Kansas to have taken an appeal from the decision of the Chair.

Mr. ANDERSON, of Kansas. I did.

Mr. BRECKINRIDGE, of Kentucky. I desire to submit a few remarks pending the question on the appeal.

There are in this bill several increases of salary and some changes of law which are obnoxious to points of order when made against them, if the bill had been properly considered as is the custom in the consideration of such bills.

Now, the gentleman from Maryland [Mr. MCCOMAS] indicated in the course of his remarks that there was a desire on his part to have the bill fairly and fully considered. I will not say it is not so; but I will say that the gentleman from Maryland has manifestly indicated a preference for this mode of passing the bill over the regular one. There was not a single moment of time when this bill was before the committee, from the time it was called up, as soon as the debate had begun, when the gentleman sought to limit debate, that his views in that regard were not assented to; once on the motion of the gentleman from Kentucky [Mr. MCCREARY] it was made forty minutes, at another time, by an agreement between the gentleman from Georgia [Mr. CLEMENTS] and myself, the debate was limited to thirty minutes on an important provision of the bill, and the gentleman from Maryland asked that it be extended ten minutes longer, making forty in all; and the third time he sought to have the debate closed by a motion, to which an amendment was offered, whereupon he raised the point of order, which was discussed for a long time in the committee, and which I am glad to know the Chair decided against him on an appeal which I made but a little while ago on a similar motion.

It is to be presumed that the gentleman from Michigan, the Chairman of the Committee of the Whole, notified the gentleman from Maryland as to what would be his decision on the point of order. Then the rule under which we are now operating came in. Now, I say this whole thing indicates that the gentleman from Maryland did not desire to close the debate, for it is manifest that he has not taken the steps necessary to do it.

This bill, I desire further to say, upon a statement made the other day by the gentleman from Pennsylvania, who helped to prepare the bill [Mr. MUTCHLER], a member of the subcommittee, appropriated a sum larger than the revenues of the District will be for the coming year, and in this present year there will probably be a deficit at the time the bill for this year passes; we will be confronted soon with a deficiency in the revenues of the District of Columbia of nearly $3,000,000.

A MEMBER. More than $3,000,000.

Mr. BRECKINRIDGE, of Kentucky. More than $3,000,000, for a part of a debt that is maturing. We will also be met with a deficit growing out of the appropriation for parks and other improvements. All of these matters will necessarily go to the next Congress, and will come in under the appropriations in this bill that are now retained in the bill, but which would be properly ruled out if the bill could have been properly considered on points of order.

It is no answer to such criticisms as have been made by the gentleman from Georgia, in large part, in his opening address, and also made by the gentleman from Pennsylvania [Mr. MUTCHLER] that there has been time wasted in political debate on the bill. We all know that time has been taken up in that manner. There has been no hypocrisy on either side in respect to that question. The Democratic party wants, of course, the House to go as slowly in such matters as it well can go, while gentlemen on the other side want it to go just as fast as it possibly can. The gentleman from New York [Mr. BELDEN], in his criticisms on the bill, which I do not repeat and which probably are not entirely just, but are so in part, has stated some of the objections to the form in which the bill was presented.

Now, the gentleman from Maryland and gentlemen of the other side of the House had a remedy. It was the remedy provided under the rules. It was one which could be put into effective operation immediately. There was no time when the gentleman from Maryland privately asked for a cessation of debate, that he was not cheerfully and promptly met with a response from this side. Hence, there is no necessity for the application of this gag rule. There was no necessity for the overriding of the ordinary methods of parliamentary practice in dealing with such matters—the refusal of the Speaker to recognize a motion to reconsider a motion to go into Committee of the Whole to consider a bill of this magnitude with less than an hour's debate. It was perfectly clear, whether we had wasted the day or not, that the time under any circumstances was not sufficient for the consideration of such a measure.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. BRECKINRIDGE, of Kentucky. Do I understand that the time is limited to five minutes? Does the rule confine me to that time?

The CHAIRMAN. The Chair thinks so.

Mr. BRECKINRIDGE, of Kentucky. I think the Chair is mistaken, with all deference to him; but I will not question the decision.

The CHAIRMAN. The Chair thinks it has been held so heretofore.

Mr. MCCOMAS. Mr. Chairman, I am, and I have a right to be, surprised at the statements and comments made at the end of this debate by the gentleman from Kentucky who has just taken his seat, a debate which has been prolonged six days, after every honest effort on my part has been put forth to facilitate the consideration of this bill.

Mr. SPINOLA. You would be a great deal more surprised if some of the rest of us could get at you. [Laughter.]

Mr. MCCOMAS. I have sought to have the bill considered by paragraphs upon its merits for amendment and debate, and yet we find the gentleman from Kentucky, a member of the same committee, who out of the committee it would seem ought to have been actively assisting in the passage of the bill, where he approved it, one of the foremost amongst those protracting the discussion, delaying action, retarding its progress in every manner, inviting debate on all political subjects, and wasting, not only the time of the committee, but by that policy allowing the Police Gazette in sections to be put into the debate by gentlemen on that side of the House. Everything was for delay.

Station-house reports have been read in the course of the debate, and have gone into the RECORD. Everything has been discussed except this bill. It is a bill which has been approved by members of both sides of this House on this committee. It is a bill which gentlemen have not attacked, because they dared not attack it upon its merits.

Mr. BRECKINRIDGE, of Kentucky. Do I understand the gentleman to say here publicly that the members of the subcommittee and of the minority of the committee approved of all of this bill?

Mr. MCCOMAS. No. It is a bill of a thousand items, and out of a thousand items the school books and one or two other items have met with the objection of a minority of the committee.

Mr. BRECKINRIDGE, of Kentucky. Then the gentleman ought not to make the statement which he has just made, that the members of the committee upon both sides have found no fault with the bill.

Mr. MCCOMAS. Gentlemen differed from us upon a few items, but gentlemen on that side and on this side agree upon perhaps nine hundred and ninety or nine hundred and ninety-two items out of a thousand, and no effort has been made here by them to discuss the few items of difference; but the effort has been simply to delay the consideration of the bill.

Mr. SPRINGER. Will the gentleman yield——

Mr. SPINOLA. Will the gentleman from Maryland [Mr. MCCOMAS] give way for a moment?

Mr. MCCOMAS. In the time that now remains to me, Mr. Chairman——

Mr. SPRINGER. There are some propositions here which I wish to get out of the way.

Mr. MCCOMAS. I will yield to the gentleman from Illinois [Mr. SPRINGER] for a question.

Mr. SPRINGER. I want to have some of these propositions considered——

Mr. MCCOMAS. I do not yield for that purpose.

Mr. ROGERS. I desire to offer an amendment.

The CHAIRMAN. The gentleman from Maryland declines to yield.

Mr. SPRINGER. Mr. Chairman, I desire to submit——

The CHAIRMAN. The gentleman from Maryland [Mr. MCCOMAS] is entitled to the floor.

Mr. MCCOMAS. I will yield to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. I desire to submit a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SPRINGER. I desire to know whether the parts of the bill against which points of order were made or reserved are to be retained in the bill at 5 o'clock. There are several provisions here that are clearly subject to the point of order, and I desire that those provisions shall go out of the bill before the committee rises.

Mr. VAUX. Will not the gentleman from Maryland [Mr. MCCOMAS] permit——

Mr. MCCOMAS. Those matters can not be considered until they are reached, and gentlemen have made no effort to reach them, but have made every effort to delay the consideration of the bill.

Mr. VAUX. Will not my young friend, whose modesty is so great, yield just one minute?

Mr. ROGERS. Mr. Chairman——

Mr. MCCOMAS. I would be very glad to yield to the gentleman for a question.

Mr. ROGERS. I call time on the gentleman from Maryland. His time is up.

Mr. MCCOMAS. Now, Mr. Chairman——

Mr. ROGERS. I call the attention of the gentleman to the fact——

The CHAIRMAN. If the committee will be in order gentlemen will not be obliged to talk so loud.

Mr. McCOMAS. Now, Mr. Chairman, a parliamentary inquiry. I desire to inquire of the Chair whether, under the operation of the special order, it is necessary to submit a motion that the committee rise.

Several MEMBERS on the Republican side. Oh, no.

Mr. McCOMAS. Or whether the committee will rise at 5 o'clock by virtue of the operation of the special order.

Mr. SPINOLA. Will the gentleman yield?

The CHAIRMAN. The gentleman's time has expired.

Mr. ROGERS. Mr. Chairman, I desire to submit the following amendment——

Mr. ANDERSON, of Kansas. I call for a vote on my appeal.

Mr. ROGERS. I hope this amendment will be voted upon.

The CHAIRMAN. The committee will please be in order. The amendment of the gentleman from Arkansas is not in order at this time. An appeal is pending.

Mr. ANDERSON, of Kansas. Let us have a vote on the appeal.

The CHAIRMAN. The question is upon the appeal of the gentleman from Kansas [Mr. ANDERSON]. As many as are of the opinion that the decision of the Chair shall stand as the judgment of the committee will say "ay."

The question was taken; and the Chairman announced that the ayes seemed to have it.

Mr. SPRINGER demanded a division.

The committee divided; and there were—ayes 110, noes 78.

The CHAIRMAN. The ayes have it, and the decision of the Chair stands as the judgment of the committee.

Mr. SPRINGER. Tellers. [Cries of "Regular order!" on the Republican side.]

The CHAIRMAN. The regular order is demanded. The hour of 5 o'clock having arrived, the committee will rise, under the order of the House.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BURROWS reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 12729) making appropriations for the support of the government of the District of Columbia for the fiscal year ending June 30, 1892, and under the order of the House reported the same back to the House with sundry amendments.

Mr. SPRINGER. That is right—under the order of the House, not of the committee.

Mr. McCOMAS. And the previous question is ordered.

Mr. SPRINGER. I move that the House do now adjourn.

The SPEAKER. The Clerk will read the special order.

Mr. OUTHWAITE. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. OUTHWAITE. Under the order of the House under which we are now acting, there was a provision as to amendments, but there was no provision made for the consideration of points of order. This bill is in several instances obnoxious to a point of order in that it contains legislation which is contrary to existing law or which changes existing law. The inquiry I wish to submit to the Chair is, what opportunity, if any, is there to submit those points of order?

The SPEAKER. The Chair thinks there is none.

Mr. OUTHWAITE. There is none!

Mr. SPRINGER. I move that the House do now adjourn. [Cries of "Regular order!"]

Mr. ROGERS. Yes; it has gone like an iridescent dream.

The SPEAKER. The Clerk will report the special order.

The Clerk read as follows:

Resolved, That immediately after the passage of this resolution the House shall resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12729, which shall be open to amendment in accordance with the rules in any of its paragraphs without further reading; that at 5 o'clock p. m., unless the bill is sooner ready, it shall be reported to the House with the amendments, if any, adopted by the committee; and that the previous question shall be considered as ordered on the bill and amendments to the final passage.

Mr. SPRINGER. Now, Mr. Speaker, I resume my motion that the House adjourn.

The SPEAKER. The question is on the amendments, which the Clerk will read.

Mr. BOUTELLE. That is a dilatory motion.

Mr. SPRINGER. It is not a dilatory motion.

The SPEAKER. The Chair thinks so.

Mr. SPRINGER. We have been in session for five hours——

The SPEAKER. The Chair thinks it is perfectly evident that it is a dilatory motion, and declines to entertain the motion or to submit it to the House.

Mr. SPRINGER. All right, then.

Mr. OUTHWAITE. Mr. Speaker, I demand a separate vote on all the amendments.

The SPEAKER. A separate vote is demanded on the amendments, and the Clerk will report the first amendment.

Mr. SPINOLA. Mr. Speaker, is a question of high privilege in order?

The SPEAKER. It is not.

Mr. SPINOLA. Not a question of high privilege?

The SPEAKER. Not a question of high privilege.

Mr. SPINOLA. I simply wanted to announce the fact that David B. Hill has been elected United States Senator for the State of New York. [Laughter and loud applause on the Democratic side.]

The Clerk read as follows:

On page 3, line 16, before the word "heretofore," insert the word "and," and in line 18, strike out the word "and" and insert the word "or."

The SPEAKER. The question is on agreeing to the amendment.

The question was put; and the Speaker announced that the ayes seemed to have it.

Mr. SPRINGER. Division.

The House divided; and there were—ayes 118, noes 67.

Mr. SPRINGER. I demand tellers, Mr. Speaker.

Mr. CANNON. We may just as well have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 153, nays 67, not voting 111; as follows:

YEAS—153.

Adams,	Culbertson, Pa.	Langston,	Rowell,
Allen, Mich.	Cutcheon,	Lansing,	Sanford,
Anderson, Kans.	Dalzell,	Laws,	Sawyer,
Atkinson, Pa.	Darlington,	Lehlbach,	Scull,
Atkinson, W. Va.	Dingley,	Lind,	Sherman,
Baker,	Dolliver,	Lodge,	Simonds,
Banks,	Dorsey,	McComas,	Smith, W. Va.
Bartine,	Evans,	McCord,	Snider,
Bayne,	Farquhar,	McCormick,	Spooner,
Belden,	Featherston,	McDuffie,	Stephenson,
Belknap,	Finley,	McKenna,	Stivers,
Bergen,	Flick,	McKinley,	Struble,
Bingham,	Flood,	Miles,	Sweet,
Boothman,	Frank,	Miller,	Sweney,
Boutelle,	Funston,	Moffitt,	Taylor, E. B.
Bowden,	Gear,	Moore, N. H.	Taylor, Ill.
Brewer,	Gest,	Morey,	Taylor, J. D.
Brosius,	Greenhalge,	Morrill,	Thomas,
Browne, Va.	Grosvenor,	Morrow,	Thompson,
Buchanan, N. J.	Hall,	Morse,	Townsend, Pa.
Buckalew,	Harmer,	Mudd,	Turner, Kans.
Burrows,	Haugen,	Mutchler,	Vandever,
Butterworth,	Hays, E. R.	Niedringhaus,	Van Schaick,
Caldwell,	Heard,	O'Donnell,	Waddill,
Campbell,	Henderson, Ill.	O'Neill, Pa.	Wade,
Candler, Mass.	Hermann,	Osborne,	Walker,
Cannon,	Hill,	Payne,	Wallace, Mass.
Carter,	Hitt,	Payson,	Wallace, N. Y.
Caswell,	Holman,	Perkins,	Wickham,
Cheatham,	Hopkins,	Peters,	Wike,
Clark, Wis.	Kelley,	Post,	Williams, Ill.
Clark, Wyo.	Kennedy,	Pugsley,	Williams, Ohio
Clements,	Kerr, Iowa	Quackenbush,	Wilson, Wash.
Cogswell,	Ketcham,	Raines,	Wilson, W. Va.
Coleman,	Kinsey,	Randall,	Wright,
Connell,	Knapp,	Ray,	Yardley.
Cooper, Ohio	Lacey,	Reed, Iowa	
Craig,	La Follette,	Reyburn,	
Culberson, Tex.	Laidlaw,	Rife,	

NAYS—67.

Abbott,	Cobb,	Hooker,	Peel,
Alderson,	Cooper, Ind.	Kilgore,	Pindar,
Allen, Miss.	Cothran,	Lester, Va.	Reilly,
Bankhead,	Covert,	Mansur,	Rogers,
Barwig,	Cowles,	Martin, Ind.	Sayers,
Biggs,	Crain,	Martin, Tex.	Springer,
Blanchard,	Crisp,	McAdoo,	Stewart, Ga.
Boatner,	Cummings,	McClellan,	Stone, Mo.
Breckinridge, Ark.	Dickerson,	McCreary,	Tillman,
Brickner,	Dockery,	McMillin,	Tucker,
Brookshire,	Edmunds,	McRae,	Turner, Ga.
Buchanan, Va.	Ellis,	Mills,	Turner, N. Y.
Bunn,	Forney,	Montgomery,	Vaux,
Bynum,	Geissenhainer,	Oates,	Wheeler, Ala.
Carlton,	Goodnight,	O'Ferrall,	Whitelaw,
Clarke, Ala.	Haynes,	Outhwaite,	Wilson, Mo.
Clunie,	Herbert,	Parrett,	

NOT VOTING—111.

Anderson, Miss.	Enloe,	Maish,	Seney,
Andrew,	Ewart,	Mason,	Shively,
Arnold,	Fitch,	McCarthy,	Skinner,
Barnes,	Fithian,	McClammy,	Smith, Ill.
Beckwith,	Flower,	Milliken,	Smyser,
Bland,	Forman,	Moore, Tex.	Spinola,
Bliss,	Fowler,	Morgan,	Stahlnecker,
Blount,	Geary,	Norton,	Stewart, Tex.
Breckinridge, Ky.	Gibson,	Nute,	Stewart, Vt.
Brower,	Gifford,	O'Neall, Ind.	Stockbridge,
Brown, J. B.	Grimes,	O'Neil, Mass.	Stockdale,
Browne, T. M.	Grout,	Owen, Ind.	Stone, Ky.
Brunner,	Hansbrough,	Owens, Ohio	Stone, Pa.
Bullock,	Hare,	Paynter,	Stump,
Burton,	Hatch,	Penington,	Tarsney,
Candler, Ga.	Hayes, W. I.	Perry,	Taylor, Tenn.
Caruth,	Hemphill,	Phelan,	Townsend, Colo.
Catchings,	Henderson, Iowa	Pickler,	Tracey,
Cheadle,	Henderson, N. C.	Pierce,	Washington,
Chipman,	Houk,	Price,	Wheeler, Mich.
Clancy,	Kerr, Pa.	Quinn,	Whiting,
Comstock,	Lane,	Richardson,	Whitthorne,
Dargan,	Lanham,	Robertson,	Wiley,
Davidson,	Lawler,	Rockwell,	Wilkinson,
De Lano,	Lee,	Rowland,	Willcox,
Dibble,	Lester, Ga.	Rusk,	Wilson, Ky.
Dunnell,	Lewis,	Russell,	Yoder.
Dunphy,	Magner,	Scranton,	

So the amendment was agreed to.

Following are the additional pairs, for the rest of the day:
Mr. DUNNELL with Mr. MARTIN, of Texas.
Mr. HOUK with Mr. MOORE, of Texas.
Mr. WILSON, of Kentucky, with Mr. PAYNTER.
Mr. BROWNE, of Virginia, with Mr. CLARKE, of Alabama.
Mr. ATKINSON, of West Virginia, with Mr. ALDERSON.
Mr. CHEADLE with Mr. SHIVELY.
Mr. MILLIKEN with Mr. LESTER, of Georgia.
Mr. STEWART, of Vermont, with Mr. ANDREW.
Mr. STOCKBRIDGE with Mr. TARSNEY.
Mr. GROUT with Mr. HEMPHILL.
Mr. SMYSER with Mr. CRAIN.

Mr. BUNN. Mr. Speaker, my colleague [Mr. HENDERSON, of North Carolina] is detained from the House on account of sickness.

Mr. BYNUM. I voted on the second roll-call, but I do not think the Clerk recorded my name.

The name of Mr. BYNUM was called, and he voted "nay."

The result of the vote was then announced as above recorded.

The SPEAKER. The Clerk will report the next amendment.

Mr. WHEELER, of Alabama. I move that the House do now adjourn. It is after 5 o'clock.

The Clerk read as follows:

Amend by adding, at the end of line 25 of page 3 of the bill, the following: "*And provided further*, That the sum total"—

Mr. DOCKERY. I hope the gentleman from Maryland will make the motion to adjourn.

Mr. MILLS. If you do not you will not have a quorum here.

The Clerk continued as follows:

Provided further, That the sum total of the accounts so allowed shall not exceed in amount $20,000, and that the commissioners of the District of Columbia shall report to the next Congress the amounts so allowed and to whom.

Mr. OUTHWAITE. Mr. Speaker, I wish to withdraw my request for a separate vote on each amendment.

Mr. SPRINGER. I renew it and desire a separation of this proposition. I demand a division of that amendment.

The SPEAKER proceeded to put the question on the amendment.

Mr. SPRINGER. Mr. Speaker, you hear me; I demand a division of the amendment.

The SPEAKER. The Chair will be glad to hear the gentleman from Illinois.

Mr. SPRINGER. I hope the Chair will hear me. I ask for a division of that amendment.

The SPEAKER. The Chair does not think that is in order.

Mr. SPRINGER. Let the amendment be read and the Chair will see that it contains two distinct substantive propositions.

Mr. BOUTELLE. We have already voted upon it.

Mr. ATKINSON, of Pennsylvania. I make the point of order that the call for a division is too late.

Mr. WILLIAMS, of Illinois. You mean that the Speaker heard it too late, do you not? [Laughter.]

The SPEAKER. An amendment reported from the Committee of the Whole is not divisible. The question is on agreeing to the amendment. [After a pause.] The ayes seem to have it.

Mr. SPRINGER. I ask for a division on that.

The House divided; and there were—ayes 118, noes 6.

Mr. SPRINGER. No quorum has voted and there is no quorum present.

Mr. BOUTELLE. How do you know that?

The SPEAKER. On this question the yeas are 118——

Mr. SPRINGER. Mr. Speaker, I made the point of order that no quorum was present and that none had voted.

The SPEAKER. How does the gentleman know until the vote is announced?

Mr. SPRINGER. I heard it.

The SPEAKER. The Chair has not announced it. On this question the ayes are 118 and the noes are 6.

Mr. SPRINGER. I make the point of order that no quorum has voted and that there is no quorum present.

The SPEAKER. The Chair overrules the point that no quorum has voted.

Mr. SPRINGER. I also make the point that no quorum is present.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] makes the point that no quorum is present. [After counting the House.] There are 174 members and more present.

Mr. SPRINGER. I demand the yeas and nays.

The SPEAKER. The gentleman from Illinois asks for the yeas and nays.

The question was taken on ordering the yeas and nays, and 34 members voted in the affirmative—not a sufficient number.

Mr. SPRINGER. Count the other side.

The SPEAKER counted the other side and announced that 137 members had voted in the negative.

Mr. SPRINGER. Mr. Speaker, some of the gentlemen counted voted on the other side. I demand tellers on ordering the yeas and nays.

Tellers were refused.

Mr. ROGERS. Mr. Speaker, I make the point of order that the Chair did not request members to stand up and be counted, but went on counting them without making that request.

The SPEAKER. The Chair is informed that he made the usual request.

Mr. ROGERS. The Chair is mistaken about that; I was listening.

Mr. BOUTELLE. The gentleman is mistaken himself.

The SPEAKER. The Chair does not wish to have any doubt about it. Gentlemen who are in favor of ordering tellers will rise in their places and be counted.

Upon a rising vote, 44 members voted in the affirmative.

Tellers were ordered; and the Speaker appointed Mr. SPRINGER and Mr. MCCOMAS.

The House divided; and the tellers reported—ayes 46, noes 125; and the yeas and nays were ordered.

The question was taken; and there were—yeas 142, nays 3, not voting 186; as follows:

YEAS—142.

Adams,	Culbertson, Pa.	Lehlbach,	Rowell,
Allen, Mich.	Cutcheon,	Lind,	Sanford,
Anderson, Kans.	Dalzell,	Lodge,	Sawyer,
Atkinson, Pa.	Darlington,	Mason,	Scull,
Baker,	Dolliver,	McComas,	Sherman,
Banks,	Dorsey,	McCord,	Simonds,
Bartine,	Evans,	McCormick,	Smith, Ill.
Bayne,	Farquhar,	McDuffie,	Smith, W. Va.
Belden,	Fentherston,	McKenna,	Snider,
Belknap,	Finley,	McKinley,	Spooner,
Bergen,	Flick,	Miles,	Stephenson,
Bingham,	Forney,	Miller,	Stivers,
Boothman,	Frank,	Moffitt,	Struble,
Boutelle,	Funston,	Moore, N. H.	Sweet,
Bowden,	Gear,	Morey,	Sweney,
Breckinridge, Ky.	Greenhalge,	Morrill,	Taylor, E. B.
Brewer,	Grosvenor,	Morrow,	Taylor, Ill.
Brosius,	Hall,	Mudd,	Taylor, J. D.
Buchanan, N. J.	Haugen,	Mutchler,	Thomas,
Buckalew,	Hays, E. R.	Niedringhaus,	Thompson,
Burrows,	Henderson, Ill.	O'Donnell,	Townsend, Colo.
Caldwell,	Hitt,	O'Neill, Pa.	Townsend, Pa.
Candler, Mass.	Holman,	Osborne,	Turner, Kans.
Cannon,	Hopkins,	Parrett,	Vandever,
Carter,	Kelley,	Payne,	Van Schaick,
Caswell,	Kennedy,	Perkins,	Waddill,
Cheatham,	Kerr, Iowa	Peters,	Wade,
Clark, Wis.	Ketcham,	Post,	Walker,
Clark, Wyo.	Kinsey,	Pugsley,	Wallace, N. Y.
Clements,	Knapp,	Quackenbush,	Wickham,
Cogswell,	Lacey,	Raines,	Williams, Ohio
Coleman,	La Follette,	Ray,	Wilson, Wash.
Connell,	Laidlaw,	Reed, Iowa	Wright,
Cooper, Ohio	Langston,	Reilly,	Yardley.
Cowles,	Lansing,	Reyburn,	
Craig,	Laws,	Rife,	

NAYS—3.

Allen, Miss.	Crisp,	Martin, Tex.

NOT VOTING—186.

Abbott,	Cummings,	Lawler,	Rowland,
Alderson,	Dargan,	Lee,	Rusk,
Anderson, Miss.	Davidson,	Lester, Ga.	Russell,
Andrew,	De Lano,	Lester, Va.	Sayers,
Arnold,	Dibble,	Lewis,	Scranton,
Atkinson, W. Va.	Dickerson,	Magner,	Seney,
Bankhead,	Dingley,	Maish,	Shively,
Barnes,	Dockery,	Mansur,	Skinner,
Barwig,	Dunnell,	Martin, Ind.	Smyser,
Beckwith,	Dunphy,	McAdoo,	Spinola,
Biggs,	Edmunds,	McCarthy,	Springer,
Blanchard,	Ellis,	McClammy,	Stahlnecker,
Bland,	Enloe,	McClellan,	Stewart, Ga.
Bliss,	Ewart,	McCreary,	Stewart, Tex.
Blount,	Fitch,	McMillin,	Stewart, Vt.
Boatner,	Fithian,	McRae,	Stockbridge,
Breckinridge, Ark.	Flood,	Milliken,	Stockdale,
Brickner,	Flower,	Mills,	Stone, Ky.
Brookshire,	Forman,	Montgomery,	Stone, Mo.
Brower,	Fowler,	Moore, Tex.	Stone, Pa.
Brown, J. B.	Geary,	Morgan,	Stump,
Browne, T. M.	Geissenhainer,	Morse,	Tarsney,
Browne, Va.	Gest,	Norton,	Taylor, Tenn.
Brunner,	Gibson,	Nute,	Tillman,
Buchanan, Va.	Gifford,	Oates,	Tracey,
Bullock,	Goodnight,	O'Ferrall,	Tucker,
Bunn,	Grimes,	O'Neall, Ind.	Turner, Ga.
Burton,	Grout,	O'Neill, Mass.	Turner, N. Y.
Butterworth,	Hansbrough,	Outhwaite,	Vaux,
Bynum,	Hare,	Owen, Ind.	Wallace, Mass.
Campbell,	Harmer,	Owens, Ohio	Washington,
Candler, Ga.	Hatch,	Paynter,	Wheeler, Ala.
Carlton,	Hayes, W. I.	Payson,	Wheeler, Mich.
Caruth,	Haynes,	Peel,	Whitelaw,
Catchings,	Heard,	Penington,	Whiting,
Cheadle,	Hemphill,	Perry,	Whitthorne,
Chipman,	Henderson, Iowa	Phelan,	Wike,
Clancy,	Henderson, N. C.	Pickler,	Wiley,
Clarke, Ala.	Herbert,	Pierce,	Wilkinson,
Clunie,	Hermann,	Pindar,	Willcox,
Cobb,	Hill,	Price,	Williams, Ill.
Comstock,	Hooker,	Quinn,	Wilson, Ky.
Cooper, Ind.	Houk,	Randall,	Wilson, Mo.
Cothran,	Kerr, Pa.	Richardson,	Wilson, W. Va.
Covert,	Kilgore,	Robertson,	Yoder.
Crain,	Lane,	Rockwell,	
Culberson, Tex.	Lanham,	Rogers,	

On this vote the following-named members were paired:
For the rest of the day:
Mr. BECKWITH with Mr. GEISSENHAINER.

Mr. BROWNE, of Virginia, with Mr. CLARKE, of Alabama.
Mr. MOFFITT with Mr. CUMMINGS.
Mr. HERMANN with Mr. MCRAE.
Mr. HARMER with Mr. MCCREARY.
Mr. RANDALL with Mr. TURNER, of Georgia.
Mr. MORSE with Mr. MANSUR.
Mr. BINGHAM with Mr. MONTGOMERY.
Mr. GEST with Mr. STEWART, of Texas.
Mr. HILL with Mr. TUCKER.

Mr. ATKINSON, of West Virginia. I voted in order to make a quorum, but I desire to withdraw my vote, as I am paired on this bill with my colleague [Mr. ALDERSON].

Mr. HILL. I wish to withdraw my vote. I voted under a misapprehension. I am paired.

Mr. RAY. I desire to vote.

The SPEAKER directed Mr. RAY's name to be called; and he voted in the affirmative.

Mr. BRECKINRIDGE, of Kentucky. I make the point of order that the gentleman has not brought himself within the rule, so as to be entitled to vote.

The SPEAKER. The gentleman was noted as present.

Mr. BRECKINRIDGE, of Kentucky. I suppose, however, that before he has a right to vote the names of those noted as present must be announced. The rule requires the announcement.

The SPEAKER. The Chair, as a matter of convenience to the member, directed his name to be called.

Mr. BRECKINRIDGE, of Kentucky. I do not mean to criticise the Chair.

The SPEAKER. The Clerk will announce the names of members present and not voting.

The Clerk read as follows:

Mr. Atkinson of West Virginia, Mr. Browne of Virginia, Mr. Butterworth, Mr. Cobb, Mr. Dingley, Mr. Dockery, Mr. Hill, Mr. Hooker, Mr. Kilgore, Mr. Lester of Virginia, Mr. Martin of Indiana, Mr. Mills, Mr. Montgomery, Mr. Outhwaite, Mr. Rogers, Mr. Springer, Mr. Taylor of Tennessee, Mr. Wheeler of Alabama, and Mr. Williams of Illinois.

Mr. KELLEY. I desire to call the attention of the Chair to the fact that there are two members in the gallery, Mr. TAYLOR, of Ohio, and Mr. MCMILLIN, of Tennessee, whose names have not been called among those present and not responding. I would like to ask as a parliamentary inquiry whether it is not competent to call them? [Laughter.]

The SPEAKER. The Clerk will recapitulate the vote. It will then be seen whether the gentlemen indicated by the gentleman from Kansas [Mr. KELLEY] are recorded. They may be recorded as voting.

The Clerk having recapitulated the vote,

Mr. JOSEPH D. TAYLOR. I desire to correct the gentleman from Kansas [Mr. KELLEY]. I voted on the first roll-call, before I went to the gallery. [Laughter.]

The SPEAKER. The record shows that the gentleman voted.

Mr. KELLEY. I desire to inform the gentleman from Ohio that he is not the "Mr. Taylor" I referred to. [Laughter.]

Mr. JOSEPH D. TAYLOR. I understood the gentleman used my initials.

The SPEAKER. On this question the yeas are 143, the nays 3. There is no quorum present, as the Clerk informs the Chair.

Mr. MCCOMAS. I ask consent that the House now take a recess until 11 o'clock to-morrow morning.

Mr. BRECKINRIDGE, of Kentucky. I think we had better meet at the usual hour.

Mr. MCCOMAS. Well, since the other side of the House seems to be emptied and we have not a quorum, I move that the House adjourn.

Mr. BRECKINRIDGE, of Kentucky. I would like to know whether it is not perfectly natural that the House should be empty at this hour—dinner time.

LEAVE TO PRINT.

The SPEAKER. Before putting the question on the motion to adjourn the Chair desires to submit a request of the gentleman from Georgia [Mr. CLEMENTS] to print in the RECORD some remarks with extracts in relation to an amendment offered by him in Committee of the Whole to-day. The Chair hears no objection.

The question being taken on the motion to adjourn, it was agreed to; and accordingly (at 6 o'clock and 3 minutes p. m.) the House adjourned.

EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

OWENSBOROUGH HARBOR, KENTUCKY.

Letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a report of the examination and survey of the harbor of Owensborough, Ky.—to the Committee on Rivers and Harbors.

REPORT OF THE ZOÖLOGICAL PARK COMMISSION.

Letter from the secretary of the commission for the establishment of a Zoölogical Park in the District of Columbia, transmitting the final report of said commission—to the Committee on the District of Columbia.

MEMORIALS AND RESOLUTIONS OF STATE LEGISLATURES.

Under clause 3 of Rule XXII, the following memorials and resolutions of the Legislature of the State of Massachusetts were introduced and referred as follows:

By Mr. WALKER, of Massachusetts: Resolutions of the house of representatives of the Commonwealth of Massachusetts, relating to the passage of a general bankruptcy law by Congress—to the Committee on the Judiciary.

Also, resolutions of the house of representatives of the Commonwealth of Massachusetts, in favor of honest money—to the Committee on Coinage, Weights, and Measures.

By Mr. MORSE: Resolutions of Massachusetts Legislature, in favor of a national bankrupt law—to the Committee on the Judiciary.

Also, resolutions of the Massachusetts Legislature, against Senate bill for the free coinage of silver and in favor of honest money—to the Committee on Coinage, Weights, and Measures.

By Mr. ANDREW: Resolutions of the Massachusetts Legislature, in favor of a general bankruptcy bill—to the Committee on the Judiciary.

Also, resolutions of the Massachusetts Legislature, against the free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. LODGE: Resolutions of the Legislature of Massachusetts, in favor of a general bankruptcy bill—to the Committee on the Judiciary.

Also, resolutions of the Legislature of Massachusetts, in favor of honest money—to the Committee on Coinage, Weights, and Measures.

By Mr. O'NEIL, of Massachusetts: Resolutions of the Legislature of Massachusetts, in favor of a bankruptcy law—to the Committee on the Judiciary.

Also, resolutions of the Legislature of Massachusetts, against the bill providing for the free coinage of silver—to the Committee on Coinage, Weights, and Measures.

RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolution was introduced and referred as follows:

By Mr. CANNON:

Resolved, That on Saturday, January 24, at 4 o'clock p. m., unless the bill H. R. 13049 (legislative appropriation bill) shall have been reported to the House by the Committee of the Whole House on the state of the Union, the said committee shall be discharged from its further consideration, with all amendments pending thereto, and the previous question shall be considered as ordered thereon;

That on Wednesday, January 28, at 4 o'clock p. m., unless the bill H. R. 12783 (naval appropriation bill) shall have been reported to the House by the Committee of the Whole House on the state of the Union, the said committee shall be discharged from its further consideration, with all amendments pending thereto, and the previous question shall be considered as ordered thereon;

That on Friday, January 30, at 4 o'clock p. m., unless the bill H. R. 13069 (diplomatic and consular appropriation bill) shall have been reported to the House by the Committee of the Whole House on the state of the Union, the said committee shall be discharged from its further consideration, with all amendments pending thereto, and the previous question shall be considered as ordered thereon;

That on Tuesday, February 3, at 4 o'clock p. m., unless the bill H. R. 12922 (Military Academy appropriation bill) shall have been reported to the House by the Committee of the Whole House on the state of the Union, the said committee shall be discharged from its further consideration, with all amendments pending thereto, and the previous question shall be considered as ordered thereon;

to the Committee on Rules.

By Mr. BOUTELLE:

Resolved, That immediately after the reading of the Journal on Thursday, January 22, the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 12782, making appropriations for the naval service for the fiscal year ending June 30, 1892, upon which general debate shall be confined to three hours, after which the bill shall be open to amendment under the five-minute rule, and that at 5 o'clock on Friday, January 23, unless the bill is sooner ready, it shall be reported to the House with amendments, if any, adopted by the committee, and the previous question shall be considered as ordered on the bill and amendments to the final passage;

to the Committee on Rules.

By Mr. CANNON:

Resolved, That clause 6 of Rule XXIII be amended by adding thereto the following proviso:

"*Provided*, That whenever a general appropriation bill shall have been considered for two days under the five-minute rule it shall be in order to move that said bill and all amendments, adopted or pending, be reported to the House, which motion shall not be amendable or debatable;"

to the Committee on Rules.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. DE LANO, from the Committee on Pensions, reported favorably the bill of the House (H. R. 7813) to place the name of James H. Walton on the pension rolls, accompanied by a report (No. 3536)—to the Committee of the Whole House.

Mr. SPINOLA, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 2100) for the relief of Col. Thomas P. O'Reilly, reported, as a substitute therefor, a bill (H. R. 13267) for the relief of Col. Thomas P. O'Reilly; which was read twice, and, accompanied by a report (No. 3537), referred to the Committee of the Whole House.

Mr. CUTCHEON, from the Committee on Military Affairs, reported favorably the bill of the House (H. R. 13150) to transfer officers on the retired list of the Army from the limited list to the unlimited list and to reduce the limited list from 400 to 350, accompanied by a report (No. 3538)—to the House Calendar.

Mr. LANSING, from the Committee on Military Affairs, reported with amendment the bill of the House (H. R. 12682) to reappoint Warren C. Beach a captain in the Army and to place him on the retired list in addition to the number now authorized, accompanied by a report (No. 3539)—to the Committee of the Whole House.

Mr. SAWYER, from the Committee on Invalid Pensions, reported favorably the bill of the Senate (S. 3680) granting a pension to Peter Zimmerman, accompanied by a report (No. 3540)—to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the following changes of reference were made:

A bill (H. R. 11193) granting a pension to James Wilcox, Company C, Fourth United States Infantry—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12355) granting a pension to James Wilcox—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, severally read twice, and referred as follows:

By Mr. LANGSTON: A bill (H. R. 13262) to provide for the establishment of a national industrial university for the education of colored persons, residents of the United States—to the Committee on Education.

By Mr. CANDLER, of Massachusetts: A bill (H. R. 13263) to grant to the Seville Southern Railway Company a right to trestle across the shoal water between mainland on Charlotte Harbor to Pine Island, thence to La Costa Key—to the Committee on Commerce.

Also, a bill (H. R. 13264) to authorize the construction of a bridge across the St. John's River, in the State of Florida, at a point near Astor, in Volusia County—to the Committee on Commerce.

By Mr. PAYNE: A bill (H. R. 13265) to amend an act entitled "An act relating to the record of wills in the District of Columbia," approved July 9, 1888—to the Committee on the District of Columbia.

By Mr. GROUT: A bill (H. R. 13266) to provide for the payment of bonds of the District of Columbia falling due July 1, 1891, and July 1 and 26, 1892—to the Committee on the District of Columbia.

By Mr. BIGGS: A bill (H. R. 13268) to place bags on the free list—to the Committee on Ways and Means.

By Mr. CULBERSON, of Texas: A bill (H. R. 13269) to punish intruders on the lands of the five civilized tribes—to the Committee on the Judiciary.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BLANCHARD: A bill (H. R. 13270) granting a pension to Peter William Frederick—to the Committee on Pensions.

By Mr. BOOTHMAN: A bill (H. R. 13271) granting an increase of pension to Alonzo R. Hyatt—to the Committee on Invalid Pensions.

By Mr. COGSWELL: A bill (H. R. 13272) for the relief of Rafael A. Bayley—to the Committee on Claims.

By Mr. GEAR: A bill (H. R. 13273) granting a pension to Sue C. Eva—to the Committee on Invalid Pensions.

By Mr. GOODNIGHT: A bill (H. R. 13274) for relief of Ellen Hogan, Bowling Green, Ky.—to the Committee on War Claims.

Also, a bill (H. R. 13275) for the relief of Samuel M. Ross—to the Committee on War Claims.

Also, a bill (H. R. 13276) for the relief of Isham Tooley, of Tompkinsville, Ky.—to the Committee on Military Affairs.

By Mr. MOREY: A bill (H. R. 13277) to correct the military record of R. V. Freeman—to the Committee on Military Affairs.

By Mr. STEWART, of Georgia: A bill (H. R. 13278) granting a pension to W. M. Moody—to the Committee on Pensions.

By Mr. STIVERS: A bill (H. R. 13279) for the relief of James Bigler—to the Committee on War Claims.

By Mr. WALLACE, of Massachusetts: A bill (H. R. 13280) granting a pension to Annie E. Lawrence, widow of Levi Lawrence, late first lieutenant Company F, Twenty-fifth Massachusetts Infantry Volunteers—to the Committee on Invalid Pensions.

By Mr. WHEELER, of Alabama: A bill (H. R. 13281) to grant a pension to Jesse Edwards—to the Committee on Pensions.

Also, a bill (H. R. 13282) to grant a pension to Jesse Nelson—to the Committee on Pensions.

By Mr. WILEY: A bill (H. R. 13283) granting a pension to Frances Adela Salisbury—to the Committee on Invalid Pensions.

By Mr. MARTIN, of Indiana: A bill (H. R. 13284) to correct the military record of Jonathan Murphy, of Grant County, Indiana—to the Committee on Military Affairs.

By Mr. SKINNER: A bill (H. R. 13285) for the relief of Zaddock Meadors—to the Committee on War Claims.

Also, a bill (H. R. 13286) for the relief of E. W. Pelliter—to the Committee on War Claims.

By Mr. WHEELER, of Alabama: A bill (H. R. 13287) for the relief of John W. McKee—to the Committee on War Claims.

Also, a bill (H. R. 13288) for the relief of Evaline Metz—to the Committee on War Claims.

Also, a bill (H. R. 13289) for the relief of Aaron Wilhite—to the Committee on Military Affairs.

Also, a bill (H. R. 13290) for the relief of Anderson Wilhite—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELDEN: Petition of Sara A. Collins, president, and Julia A. Tanner, secretary, of the Woman's Christian Temperance Union, of Cortland, N. Y., asking prompt and favorable action on Senate bill 4173—to the Committee on Education.

Also, petition and papers asking that the name of Mrs. Amanda M. Cardner, of Liverpool, N. Y., widow of Edson D. Cardner, late lieutenant Third New York Cavalry, be placed upon the pension roll, subject to the regulations and limitations of same—to the Committee on Invalid Pensions.

By Mr. BOOTHMAN: Petition of Job Hodson and 38 others, citizens of Williams County, Ohio, in favor of House bill 5353—to the Committee on Agriculture.

Also, petition of George Hodson and 41 others, citizens of same place, for same measure—to the Committee on Agriculture.

By Mr. BOUTELLE (by request of Mr. REED, of Maine): Resolutions of the Philadelphia Board of Trade, in opposition to the Senate free-coinage bill—to the Committee on Coinage, Weights, and Measures.

By Mr. BOWDEN: Petition of masters of coastwise vessels to Congress for a breakwater in Lynnhaven Bay, Virginia—to the Committee on Rivers and Harbors.

Also, petition of the Chamber of Commerce of the city of Norfolk, Va., for same improvement—to the Committee on Rivers and Harbors.

By Mr. COGSWELL: Memorial for relief of the widow of Rafael A. Bagley—to the Committee on Claims.

By Mr. CULBERTSON, of Pennsylvania: Petitions of citizens of Erie County, Pennsylvania, favoring the passage of the option bill, H. R. 5353—to the Committee on Agriculture.

By Mr. DE LANO: Petition of Grange No. 578, New Berlin, N. Y., concerning inequality of appropriations for the various Departments—to the Committee on Appropriations.

By Mr. GEAR: Letter of J. R. Taylor in regard to the pension of W. F. Baird—to the Committee on Invalid Pensions.

By Mr. KERR, of Iowa: Petition of Highland Alliance and of Highland Township, citizens of Tama County, Iowa, for passage of the Butterworth bill—to the Committee on Agriculture.

By Mr. LANE: Petition of the Farmers' Mutual Benefit Association of Moultrie County, Illinois, for woman suffrage—to the Committee on the Judiciary.

By Mr. LAWS: Petition of 238 citizens of Frontier County, Nebraska, asking an appropriation for feed and seed for drought sufferers of Southwest Nebraska—to the Committee on Agriculture.

By Mr. McCLELLAN: Petition of James Winebrenner and 50 others, citizens of Green Center, Noble County, Indiana, praying passage of House bill 5353, known as the option bill, defining options and futures and imposing special duties upon dealers therein; declaring that the bill was introduced in January, 1890, and that the time that has elapsed since its introduction has afforded ample opportunity for the public discussion of the effects of the evil it proposes to suppress upon the legitimate grain, cotton, and hog growing interests of the country, and asking for its immediate passage—to the Committee on Agriculture.

Also, resolutions of Saturn Farmers' Alliance, of Whitley County, Indiana, praying immediate passage of House bill 5353, known as the option bill, defining options and futures, declaring that the so-called

business of dealing in options as it is commonly practiced on boards of trade is as clearly a mere gambling device as a "wheel of fortune" or a faro lay-out and as such entitled to no more consideration at the hands of the lawmaking power—to the Committee on Agriculture.

By Mr. MILLIKEN: Petition (circulated by the Woman's Christian Temperance Union) signed by George Boiler, J. F. Briggs, Oliver M. Tuttle, and 69 others, citizens of Winthrop, Me., praying passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. MARTIN, of Indiana: Additional evidence on claim of Charles A. Larkin for removal of charge of desertion; affidavit of N. B. Barron and letter of Col. George E. Lemon to affiant—to the Committee on Military Affairs.

Also, letter of Capt. F. C. Ainsworth, to accompany House bill 9838, for same purpose—to the Committee on Military Affairs.

Also, affidavit of claimant, for same purpose—to the Committee on Military Affairs.

Also, another affidavit of claimant, for same purpose—to the Committee on Military Affairs.

Also, papers in connection with the application of the same claimant, for same purpose, accompanied by a letter from Hon. B. M. Cobb—to the Committee on Military Affairs.

Also, letter from J. C. Brougan to the Adjutant General, and the latter's reply, to accompany the same bill—to the Committee on Military Affairs.

Also, petition of Martin Landes, private, Company I, Seventh West Virginia Volunteer Infantry, to accompany the bill (H. R. 9839) to correct affiant's military record—to the Committee on Military Affairs.

By Mr. MORRILL: Petition of Robert Henderson and 42 others, citizens of Geary, Kans., asking for the passage of the ex-prisoners-of-war bill—to the Committee on Invalid Pensions.

Also, petition of Bion S. Hutchens and 132 others, citizens of Clay Center, Kans., asking passage of same measure—to the Committee on Invalid Pensions.

Also, petition of D. R. Gordon and 42 others, citizens of Abilene, Kans., for passage of same measure—to the Committee on Invalid Pensions.

By Mr. OWENS, of Ohio: Petition of the Farmers' Mutual Benefit Association No. 1955, of Ohio, in favor of the antioption bill, H. R. 5353—to the Committee on Agriculture.

Also, petition from Crawford County, Ohio, in favor of the same measure—to the Committee on Agriculture.

Also, petition of Jacob Reitz and 19 others, citizens of Tuscarawas County, Ohio, praying for the passage of House bill 5353—to the Committee on Agriculture.

By Mr. PARRETT: Petition, affidavits, and other papers, for pension of Barbara Schreiner, to accompany House bill 13256—to the Committee on Invalid Pensions.

By Mr. PAYNTER (by request): Petition of James W. Perkins, for his pay, bounty, and discharge—to the Committee on Invalid Pensions.

By Mr. POST: Resolutions of Peoria County (Illinois) Grange, No. 33, relative to the tariff on farm machinery—to the Committee on Ways and Means.

By Mr. SMITH, of Illinois: Resolutions from Pulaski County, Illinois, favoring passage of the antioption bill—to the Committee on Agriculture.

By Mr. SMYSER: Petition of W. L. Porter and 52 others, citizens of Seville, Medina County, Ohio, praying passage of the option bill—to the Committee on Agriculture.

Also, resolution of Farmers' Alliance of Seville, Ohio, for same measure—to the Committee on Agriculture.

By Mr. SNIDER: Petition of the F. W. Halsted Post, Hennepin County, Minnesota, in favor of the Lodge election bill—to the Select Committee on the Election of President, Vice President, and Representatives in Congress.

Also, petition of Farmers' Alliance, Mound City, Minn., for bill to prohibit dealing in options and in futures in grain—to the Committee on Agriculture.

Also, petition of citizens of Hennepin County, Minnesota, for same measure—to the Committee on Agriculture.

Also, petition of citizens of Wright County, Minnesota, for same measure—to the Committee on Agriculture.

Also, petition of citizens of Ramsey County, Minnesota, in favor of same measure—to the Committee on Agriculture.

Also, petition of citizens of Medina, Minn., for same measure—to the Committee on Agriculture.

Also, petition of the Farmers' Alliance of Stockholm, Minn., in favor of same measure—to the Committee on Agriculture.

Also, petition of the Farmers' Alliance of Lathrop, Minn., in favor same measure—to the Committee on Agriculture.

Also, petition of the Farmers' Alliance, of Medina, Minn., in favor of same measure—to the Committee on Agriculture.

Also, petition of citizens of Hennepin County, Minnesota, for same measure—to the Committee on Agriculture.

Also, petition of the Chamber of Commerce of St. Paul, Minn., in favor of an appropriation for artesian wells for irrigation purposes—to the Committee on Agriculture.

By Mr. SPRINGER: Petition of certain citizens of Tazewell County, Illinois, for the speedy passage of House bill 5353—to the Committee on Agriculture.

Also, petition of Big Grove Alliance, No. 52, Mason County, Illinois, for same measure—to the Committee on Agriculture.

By Mr. STAHLNECKER: Preamble and resolutions of Manhattan Club, in opposition to the force bill—to the Committee on Elections.

By Mr. STIVERS: Petition (circulated by the Woman's Christian Temperance Union) signed by Mary E. Dego, president, and Emma B. Shafer, secretary, of the Woman's Christian Temperance Union of Pine Bush, New York, representing 60 members, praying passage of the bill providing for the appointment of a commission on the subject of the social vice—to the Committee on Education.

By Mr. TOWNSEND, of Pennsylvania: Petition of certain citizens of Pennsylvania, for passage of the option bill—to the Committee on Agriculture.

By Mr. WHEELER, of Alabama: Petition of William F. Grissom, of Franklin County, Alabama, praying that the Committee on War Claims refer his claim, together with all papers and proofs relating thereto which were submitted to the Southern Claims Commission, to the Court of Claims, under act of March 3, 1883—to the Committee on War Claims.

SENATE.

THURSDAY, *January* 22, 1891.

The Senate met at 10 o'clock a. m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The VICE PRESIDENT. The Journal of yesterday's proceedings will be read.

Mr. FAULKNER. I would suggest that, by reason of the inclemency of the weather and the lateness of the session yesterday, we have not a quorum here this morning.

The VICE PRESIDENT. The roll will be called.

The Secretary called the roll; and the following Senators answered to their names:

Aldrich,	Daniel,	Gorman,	Pasco,
Bate,	Davis,	Hale,	Sawyer,
Berry,	Dixon,	Harris,	Sherman,
Blair,	Edmunds,	Hiscock,	Shoup,
Casey,	Farwell,	Kenna,	Turpie,
Cockrell,	Faulkner,	McConnell,	Walthall.
Cullom,	Frye,	Manderson.	

The VICE PRESIDENT. Twenty-seven Senators have answered to their names. No quorum is present.

Mr. ALDRICH. I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

The VICE PRESIDENT. The Senator from Rhode Island moves that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant-at-Arms will see that the order of the Senate is executed.

After a little delay, Mr. WASHBURN, Mr. HOAR, Mr. REAGAN, Mr. SANDERS, Mr. ALLISON, Mr. WILSON of Iowa, Mr. PADDOCK, Mr. SPOONER, Mr. STEWART, Mr. MORGAN, Mr. TELLER, Mr. HAWLEY, Mr. PLATT, Mr. STOCKBRIDGE, Mr. RANSOM, Mr. BUTLER, Mr. BARBOUR, and Mr. GRAY entered the Chamber and answered to their names.

The VICE PRESIDENT (at 10 o'clock and 20 minutes a. m.). Forty-five Senators have responded to their names. A quorum is present. The Journal of yesterday's proceedings will be read by the Secretary.

The Journal of yesterday's proceedings was read.

Mr. ALDRICH. The question, I suppose, is upon the approval of the Journal, which has just been read.

The VICE PRESIDENT. That is the pending question.

Mr. ALDRICH. Upon that I propose to address the Senate.

Mr. MORGAN. That is not the question.

Mr. HARRIS. Mr. President——

Mr. ALDRICH. Mr. President, the Journal of the proceedings of yesterday, which has just been read, furnishes a record which is without parallel in the history of the Senate of the United States.

Mr. HARRIS. I rise to a parliamentary inquiry. Has the Senator concluded?

Mr. ALDRICH. No, sir.

Mr. HARRIS. I did not seek to interrupt the Senator.

Mr. ALDRICH. These proceedings disclose two facts beyond any question: first, that it is the determined policy of Senators sitting upon the other side of the Chamber, a minority of this body, to prevent any legislation or any action by the Senate unless their views or their wishes as to certain measures shall be agreed to by this side of the Chamber; in other words, that, unless they shall be allowed to dictate what measures shall receive the consideration of this body, the order in which they

shall be considered, and their final disposition, public business is to be entirely suspended.

We have upon this side of the Chamber, notwithstanding the frequent reassuring declarations made by the Senator from Maryland [Mr. GORMAN], long been aware of this purpose, but yesterday all disguises were thrown off and this purpose was not only disclosed in action, but was made apparent by the addresses made upon the other side of the Chamber.

Before 11 o'clock on yesterday I had said for myself and for this side of the Chamber that the motion which was made to correct the Journal, and which was the only subject before the Senate upon yesterday, would be agreed to by unanimous consent. That statement was repeated a number of times by other Senators upon this side.

Notwithstanding that fact, for more than twelve hours the discussion proceeded nominally upon that motion, but really upon the bill to regulate elections, which has been recently before the Senate, and upon the resolution submitted by me to amend the rules of this body. The Senator from Wisconsin [Mr. SPOONER] reminds me further in that respect that the presiding officer had made a statement to the Senate which removed all issue between the Senators on either side of the Chamber as to that precise question of amending the Journal, and, as I have already stated, we offered upon this side to agree to the motion of the Senator from Maryland unanimously.

Now, this declaration of purpose on the part of the members of the minority of this body is, in my opinion, of such a character that it can not for a moment be acceded to. In fact, to agree to this intolerant and outrageous domination of a minority as to the proceedings of this body would be to strike a serious blow at free institutions. It is in fact revolution.

I desire at this point to read a statement made in the Senate by a former distinguished Senator from Georgia. I read from the CONGRESSIONAL RECORD of June 19, 1879. Mr. Hill, of Georgia, said upon similar proceedings which then took place in this body:

> Here is a measure that has been debated at the last session of Congress, debated in the other House and debated in this. It has been debated at this session of Congress for weeks. Gentlemen say that it is a constitutional right that they have to speak in their own way and in their own time, and if a majority of this body differed with them they have a right to sit in their seats and refuse to vote, and thereby prevent legislative action. That is the point which I say in my judgment is revolutionary, because there is no escape from it.
>
> Mr. CARPENTER. It is the mildest possible form of revolution.
>
> Mr. HILL, of Georgia. Ah, Mr. President, government may be destroyed just as effectually by nonaction as by malaction; and if one member of the Government is justified under the Constitution in refusing to perform his duty every member of the Government is justified in refusing to perform his duty and government becomes an instantaneous failure. It is no mild form of revolution; it is one of the most insidious forms of revolution possible. It is a revolution that you can not meet by force and suppress by force.
>
> Now, I want to say to the gentlemen on the other side that this idea is not original, though it may be original in this Senate; I do not know, but I understand from elder members of the Senate that for the first time in the history of this Senate the things which we witnessed last night have occurred; that is, gentlemen have sat here and refused to vote. I do not know whether it is true or not and I do not state whether it is true or not. I am speaking now for myself——
>
> Mr. CARPENTER. Let me correct the Senator.
>
> Mr. HILL, of Georgia. Please excuse me, friend. I do not know whether it is so or not, and it does not make any difference whether it is so or not; but certainly it is the first time I have witnessed it. It is the first time I have heard of its being enacted on this floor. I have heard of it in the other House; I have heard of it in the other legislative bodies, and sometimes it has been excused and sometimes it has not been, and gentlemen generally excuse it to their own conscience by pleading that some other great end is to be accomplished. I speak for myself, and I want to enter now my protest upon this record against the idea that gentlemen have a right to sit in their seats and refuse to perform their affirmative, positive duty under the Constitution for the purpose of obstructing the legislation of the country one hour.
>
> I said to the gentlemen that this idea was not original. I am not going to reopen the controversy. This is not the first time I have discussed it. It is not the first time I have considered it. A little over two years ago, for a higher and greater purpose than the purpose of allowing one or two members to make speeches, for a higher and greater purpose than allowing a debate to progress one day, and for the purpose, as was alleged, of preventing a gigantic fraud, the doctrine was advanced that gentlemen had the constitutional right, by dilatory motions and sitting in their seats, to prevent the accomplishment of a positive duty. That doctrine was asserted by intelligent gentlemen, and they said they violated no constitution in doing it; and if the doctrine is right they had as much right to sit in their seats and refuse to vote or to make dilatory motions to prevent the completion of the Presidential count as the Senator from Wisconsin has or any of the gentlemen on the other side have to prevent the passage of a bill or to delay the passage of a bill. If you have a right to do it for one purpose you have a right to do it for any purpose; and the purpose then was avowed.

That is on the electoral-count bill.

> I carefully considered it; I held it then to be revolutionary. I believed it to be revolutionary. I believed it would be revolutionary although it was to prevent an acknowledged and unmitigated fraud.

Mr. STEWART. On what bill were those remarks made?

Mr. ALDRICH. The army appropriation bill. This is from the speech of a Democratic Senator from the Democratic State of Georgia.

Mr. TELLER. What is the date of it?

Mr. ALDRICH. June 19, 1879.

Mr. VEST. Will the Senator please inform us who sat in their seats and refused to vote?

Mr. ALDRICH. Some of the Republican members of the Senate.

Mr. VEST. Some! Two-thirds of them; three-fourths of them.

Mr. RANSOM. Nine-tenths.

Mr. ALDRICH. That does not justify revolution, according to my notion. Several Republican Senators did vote and more did not vote.

Mr. GRAY. Only three Republicans voted.

Mr. ALDRICH. Bearing upon this, I desire to have read paragraph 835 of the first volume of Story on the Constitution.

The VICE PRESIDENT. The paragraph will be read by the Chief Clerk.

The Chief Clerk read as follows:

> 835. It may seem strange, but it is only one of many proofs of the extreme jealously with which every provision in the Constitution of the United States was watched and scanned, that though the ordinary quorum in the State Legislatures is sometimes less, and rarely more, than a majority; yet it was said that in the Congress of the United States more than a majority ought to have been required; and in particular cases, if not in all, more than a majority of a quorum should be necessary for a decision. Traces of this opinion, though very obscure, may perhaps be found in the convention itself. To require such an extraordinary quorum for the decisions of questions would in effect be to give the rule to the minority instead of the majority, and thus to subvert the fundamental principles of a republican government. If such a course were generally allowed, it might be extremely prejudicial to the public interests in cases which required new laws to be passed, or old ones modified, to preserve the general in contradistinction to local or special interests. If it were even confined to particular cases, the privilege might enable an interested minority to screen themselves from equitable sacrifices to the general weal; or, in particular cases, to extort undue indulgences. It would also have a tendency to foster and facilitate the baneful practice of secession, a practice which has shown itself even in States where a majority only is required, which is subversive of all the principles of order and regular government, and which leads directly to public convulsions and the ruin of republican institutions.

Mr. ALDRICH. Before I pass from the citation from the remarks of the Senator from Georgia I will say that the question then before the Senate was upon the passage of the army appropriation bill over the President's veto, the House having inserted a provision as a rider upon that bill which was agreed to in the Senate, repealing certain provisions of law. The question involved there was an entirely different one from the one involved in this discussion. It was whether a majority of Congress should be allowed to dictate to the Executive the terms upon which the supply bills should be passed in order that the Government might be carried on. That was an entirely different question from that lately before the Senate.

Mr. TELLER. Will the Senator allow me to interrupt him?

Mr. ALDRICH. Certainly.

Mr. TELLER. I want to say that that was virtually a contest whether the present election laws should be repealed on an appropriation bill.

Mr. ALDRICH. But it was a question about the right of the Senate or the propriety of the Senate and House dictating to the President the terms upon which an appropriation bill should be passed.

Mr. TELLER. The other House saw fit in the appropriation bill to practically repeal the then existing election laws by a provision put in the bill. The Senate at that time was Democratic as well as the House, and the contest in this body was whether the minority would allow that to be done. I was a member of the Senate at that time and I have some recollection of it.

Mr. ALDRICH. The question then was whether the minority would submit to a demand that certain legislation should be repealed or the Government starved to death. That was simply the question involved.

Now, I am not saying this in justification——

Mr. TELLER. I beg the Senator's pardon, that was not the question.

Mr. ALDRICH. There may be a difference of opinion between the Senator and myself.

Mr. TELLER. The question was whether we should agree to put in certain provisions or defeat the whole appropriation. It was a question then whether the majority or the minority of Congress should control, and the minority controlled in that case.

Mr. REAGAN. Will the Senator allow me?

Mr. ALDRICH. The statement made by the Senator from Colorado is tantamount to the question as stated by me. I see no difference.

The VICE PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Texas for a question?

Mr. STEWART. I wish to make an inquiry of the Senator from Rhode Island.

Mr. ALDRICH. I prefer to yield to one Senator at a time. I will hear the Senator from Texas.

Mr. REAGAN. I suggest, in addition to the statement being made by the Senator, that the bill then before the Senate provided for the repeal of the law authorizing the appointment of special deputy marshals of election. The law which it proposed to repeal was itself passed as a rider upon a military appropriation bill, so that if it was right to put a rider on to pass the law it could not have been wrong to put a rider on to repeal the law.

Mr. STEWART. I should like to inquire——

The VICE PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Nevada?

Mr. ALDRICH. Certainly.

Mr. STEWART. I ask if under any circumstances it is proper to decline to vote and to use all other means within the rules to defeat a bill. Is it proper under any circumstances?

Mr. ALDRICH. No, sir; I do not think opposition should be carried to that extremity.

Mr. STEWART. On no bill?

Mr. ALDRICH. On no bill. I think that would be revolution, as was stated by the Senator from Georgia very plainly and explicitly.

Mr. STEWART. Let me ask another question,

Mr. ALDRICH. I shall have to ask the Senator to excuse me, because——

Mr. STEWART. I wish to ask just one more question and that will be all.

Mr. ALDRICH. Go on.

Mr. STEWART. Is it under any circumstances proper for the Senate to violate its own rule for the purpose of reaching a result?

Mr. ALDRICH. I do not quite understand what the Senator means by his question. I think that when a bill is under consideration the body is bound to follow in its legislative functions the rules that it has adopted for its government until they are changed. That question is not before the Senate now, but I think it is clearly within the right of the Senate, under the Constitution and in accordance with the provisions of the unwritten parliamentary law in every country in the world, to change its rules. It is an inherent right belonging to the organization of the body if not expressly delegated by the Constitution itself, to change its rules at any time and in any manner that it sees fit.

Mr. HARRIS. I should like to ask the Senator from Rhode Island, admitting, as he asserts, that it is the right of every deliberative body to change its rules, if in proposing to change them the existing rules must not control the action of the body in bringing about that change.

Mr. ALDRICH. Not if the existing rules are of such a nature that action can be prevented.

Mr. HARRIS. Then I understand the Senator to assert——

Mr. ALDRICH. If it becomes necessary, Mr. President, in order to change the rules of any body to have unanimous consent, and there is a member of that body who has the physical power to talk indefinitely, then he has the power to prevent action as to any change of its rules; and that can not be tolerated by any legislative body for a moment.

Mr. HARRIS. Then will the Senator allow me to ask him further?

Mr. ALDRICH. Certainly.

Mr. HARRIS. If I understand this declaration of a moment since it amounts to this: that, upon a resolution proposing to change the standing rules of the body, he asserts that in our proceedings in considering that resolution we may ignore the existing rules of the body, may ruthlessly violate the standing rules of the body, and may do, regardless of the rules that were made to control our action, whatever a bare majority of the body may choose to do. Is that what the Senator assumes?

Mr. ALDRICH. No; the Senator is putting words into my mouth which I did not use and he is making an application of them which I did not make.

Mr. HARRIS. The words were not stronger than those used by the Senator.

Mr. ALDRICH. I made no statement such as the Senator from Tennessee imputes to me; but I will say, if he seeks to make the application of the statement which I did make to the present conditions, that, in the first place, it is not within the competency of the Senate to establish a rule which will prevent our successors or the Senate at any time, under the Constitution, from changing its rules; and I will say further, for the information of the Senator, that I do not think there is anything in the present rules of the Senate—if he desires me to make such a statement—which prevents the Senate from changing its rules at any moment.

Mr. President, I did not mean to say, when I spoke of the different conditions at the time that Mr. Hill made his speech in 1879, that this revolutionary conduct was justifiable under any circumstances whatever. I do not think it is. The minority in a body have certainly the right to debate questions fully and freely. They have a right to show their opposition to a measure in every possible way consistent with their duties to the country and to the Senate; but when they undertake to say, as they do in this case, that, unless we lay aside a certain bill or submit to the order of business which they shall dictate, no legislation of any kind shall be proceeded with in a session which expires by limitation, as this one does, within thirty-five days from this time, I say that the action is revolutionary in the highest degree, and can not be tolerated by any self-respecting representative of a sovereign State or of the people of the United States.

Senators upon the other side did not show their obstructive purposes yesterday solely by debating a question which had been agreed to by unanimous consent, to the exclusion of all other business; but they absented themselves from the Chamber. They ridiculed the mandate of the Senate which sought to compel or request their attendance. They remained in the Capitol and in committee rooms of the Capitol, refusing to attend the sessions of the Senate upon the order of the Senate itself. They gave to the official representatives of this body discourteous answers.

Now, Mr. President, I understand, as every member of the Senate does, that it is within the range of possibility for the Senators on the other side by these obstructive and dilatory motions and this interminable debate to prevent for a time, and possibly for all time, legislation by Congress at this session.

Another fact which is disclosed by yesterday's proceedings is that the present rules of the Senate are wholly inadequate and ineffective to prevent such obstructive and dilatory proceedings. We even can not ask that the rules of this body be enforced without giving serious offense to Senators on the other side of the Chamber. Exultant, derisive, defiant, they have set at naught all the precedents of the Senate, the power of its officers, and been remiss in their constitutional duty to appear here and answer whenever business is in order in the Senate. I say that this condition of affairs discloses the fact that the rules of the Senate as they now exist are fatally defective to prevent insidious but dangerous revolution of this kind.

The method taken by the Senator from Maryland [Mr. GORMAN] yesterday is only one of the innumerable methods which might be taken by Senators on the other side to prolong discussion indefinitely and to prevent the action of the Senate upon any question which might come before it, and some new device will probably be adopted when this question is disposed of. I do not wish the Senators on the other side to understand that we do not know and realize that under the present rules of the Senate we are completely at the mercy of the minority, however small it may be, so long as they have the capacity to talk, and that capacity seems to exist in a number of Senators upon the other side to a remarkable degree.

Mr. President, I have said that the method taken yesterday is only one of very many. When this disappears some other will appear. We understand that as well as you, and it will be necessary before the public business can be proceeded with in an orderly and constitutional manner that the rules of the Senate shall be changed. If it is impossible to change the rules of the Senate, then there is nothing left for us to do but to allow you to take possession of the Senate and manage its affairs according to your own notions. The nominal majority of the Senate sits upon this side of the Chamber and is properly held responsible for the legislation of the Senate, but with responsibility we should have power. If we have no power to legislate upon any subject except by your consent and by acceding to your domination, then the responsibility does not properly belong to this side of the Chamber.

Mr. BUTLER. Will the Senator allow me a moment to make a suggestion?

The VICE PRESIDENT. Does the Senator from Rhode Island yield?

Mr. ALDRICH. Not just now. I will later on.

If the power to control legislation, either by obstructive methods or by an actual majority upon the roll-call, belongs to your side of the Chamber, then we are willing to submit, and you will find no obstruction from this side to any order of business which you may decide upon hereafter. Now I yield to the Senator from South Carolina.

Mr. BUTLER. In discussing the question of responsibility I desire to call the attention of the Senator to a very significant remark made by the Senator from Ohio [Mr. SHERMAN] the other day when we had the silver bill under discussion. If I am not mistaken, that Senator threw the entire responsibility for that legislation upon this side of the Chamber. I merely desired to call the attention of the Senator to that fact as he was passing along.

Mr. ALDRICH. Mr. President, if you have a majority on this question, which I believe to be the question of all questions before the American Senate, then you are entitled to the responsibility and entitled to all that it implies, and we are a minority and to be treated as such, and we shall submit to the rule of the majority.

What is the actual condition in which we find ourselves to-day? As I have already stated, but thirty-five days of this present session of Congress remain. Forty-six days have elapsed, which have been given, with the exception of a few days—I do not remember the exact number—to the consideration of one bill, and yet Senators say that they have not had time to discuss the measure properly.

Freedom of debate, that inestimable privilege which belongs to every legislative body in this country, is only the means to secure an end. It was intended, and its greatest use, its only use in fact, is to secure wise and proper legislation and to prevent that which is unwise and improper. When this means is used to destroy or to prevent all legislation, it is not freedom of debate, but it is a revolutionary proceeding taken in the name of liberty.

The distinguished Senator from Delaware [Mr. GRAY], who is now giving me his attention, opened the discussion of the bill to which I have alluded, by a speech very able and very exhaustive, which occupied three legislative days of the session. I do not find any fault with this. From his position as a representative of the minority it was perhaps not an unusual length of time upon a bill of this importance, but I suggest to that Senator that, if his associates upon that side should understand freedom of debate to mean an occupancy of an equal length of time, but twenty-seven Senators could possibly have spoken in the entire session to the exclusion of everything else. Is that freedom of debate? The Senator from Kentucky [Mr. CARLISLE], now absent from his seat, said yesterday that it was not only free debate, but full debate that was necessary. If the other Senators in this Chamber had

occupied the same length of time in the discussion of this question as was occupied by the Senator from Delaware the whole legislative year, if it had been possible to continue the session for that length of time, would have been occupied in a full discussion of this one measure. Was any such right ever contemplated by or granted to the members of any legislative body in providing for freedom of debate in this or any other body? Certainly not.

If the time which has been occupied by some two or three Senators upon the other side should be the rule which should apply to the remainder of the session, not more than eight or ten Senators could possibly be heard from now until the 4th of March. Is this the liberty of debate which is characterized by all the great writers as one of the muniments of free government? Certainly not.

Back of this bill and back of this pending rule, what legislation is there that the Senate is obliged to act upon if the Government is to continue? In the first place, none of the large appropriation bills have been acted upon by the Senate. They are all yet to receive its legislative sanction, every one of them, as I remember, and the Senator from Maine [Mr. HALE] confirms my recollection.

Besides, there is the apportionment bill upon which representation in the next House of Congress and in the next Electoral College is based, certainly a bill of great importance. There is the bankruptcy bill, which is now on our Calendar. There is the pure-food bill reported by the Senator from Nebraska [Mr. PADDOCK], the Conger lard bill, and many other measures of great public importance.

Mr. HARRIS. Will the Senator allow me to make a suggestion to him?

Mr. ALDRICH. I will yield for a question.

Mr. HARRIS. I simply want to suggest to the Senator that if he will move to proceed to the consideration of any one of the appropriation bills or any one of the bills he has mentioned I think he can get the unanimous consent of Senators on this side of the Chamber to do so.

Mr. ALDRICH. That is in exact confirmation of what I have stated already two or three times this morning, that if we will yield to the dictation of the minority of this body and let them say what legislation we shall adopt and the manner in which we shall adopt it, then everything is all right, then freedom of debate is to be forgotten, if you please. That is extremely generous on the part of the minority as represented by the distinguished Senator from Tennessee.

Mr. MORGAN. If the Senator will allow me, then they were what he calls the minority of the body, and yet they were in the majority of this body to set this bill aside in favor of the silver bill, and when you tried to call it up again you had to ask the Vice President of the United States to help you out of the rut.

Mr. SPOONER. That made a majority.

Mr. ALDRICH. That made a constitutional majority.

Mr. MORGAN. Not of the Senate.

Mr. ALDRICH. Certainly it did, because the Vice President has the constitutional right to vote in case of a tie. I think, however, that is not a very serious question.

Yesterday several Senators stated that one of the reasons why they were proceeding with this irrelevant discussion at this time was the fact that an amendment to the rules had been introduced by me which was hanging over them. This measure they chose to denominate as a "gag rule" and to characterize it by similar epithets.

Now, what is the nature of the resolution which I submitted as an amendment to the rules? It simply provides, and that is all there is of it and the only practicable possible effect of it, that, after a measure has been under debate in the Senate for a reasonable length of time, debate upon it may be restricted, but that one-half an hour's time should be assigned each Senator and the representative of every State. The closure must be voted by a majority of the Senate in the first instance, and after that we have a possible forty-four hours' debate; and I submit to Senators, and I submit to the country, that half an hour is quite as long a time as any one needs to express his opinions upon any bill in the nature of fair debate upon it.

I believe myself—I suppose I am in a minority in the Senate on that point—but I believe the time is soon coming, if it is not already here, when, owing to the great amount of business in the body and the increase in its membership, a previous question, an absolute previous question, will be found necessary. With all this important legislation pending, unless we are willing tamely to submit to the judgment or inclinations of the Senator from Tennessee and to every single Senator upon the other side of the Chamber, we can not pass any one of these important bills in the present state of the rules. I say that this condition is intolerable and it becomes the duty, in my opinion, the most positive duty of this body in some way and by some method to so change its rules as to allow the Senate to proceed in a constitutional and an orderly manner to discharge the great functions which are imposed upon it by law. Believing this sincerely, I now move, Mr. President, that the Senate proceed to the consideration of the resolution submitted by me on the 29th day of December.

Mr. HARRIS and Mr. GORMAN addressed the Chair.

Mr. ALDRICH. I ask that the motion be submitted to the Senate.

Mr. HARRIS. Mr. President——

The VICE PRESIDENT. The Senator from Tennessee.

Mr. ALDRICH. I do not yield the floor. I ask that the resolution may be submitted to the Senate.

Mr. GORMAN and others. You can not do that.

Mr. HARRIS. As part of the Senator's remarks he can have the resolution read if he chooses.

Mr. ALDRICH. No, sir; I make the motion, and I ask that the motion be put.

Mr. HARRIS. I rise to a question of order that the motion is not now in order.

Mr. ALDRICH. It is in order. I am willing to submit the question to the Chair.

Mr. HARRIS. I ask the Chair to have Rule III read.

Mr. EDMUNDS. Let the Chair state what the motion is first.

Mr. HARRIS. That may be done.

The VICE PRESIDENT. The question is on the motion of the Senator from Rhode Island [Mr. ALDRICH] that the Senate proceed to the consideration of a resolution which will be stated.

The CHIEF CLERK. A resolution by Mr. ALDRICH proposing an amendment to the rules of the Senate.

Mr. HALE. Let the resolution be read.

The VICE PRESIDENT. The resolution will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That for the remainder of this session the rules of the Senate be amended by adding thereto the following:

"When any bill, resolution, or other question shall have been under consideration for a reasonable time it shall be in order for any Senator to demand that debate thereon be closed. On such demand no debate shall be in order, and pending such demand no other motion except one motion to adjourn shall be made. If such demand be seconded by a majority of the Senators present, the question shall forthwith be taken thereon without debate. If the Senate shall decide to close debate on any bill, resolution, or other question, the measure shall take precedence of all other business whatever, and the question shall be put upon the amendments, if any, then pending, and upon the measure in its successive stages, according to the rules of the Senate, but without further debate, except that every Senator who may desire shall be permitted to speak upon the measure, including all amendments, not more that once, and not exceeding thirty minutes.

"After the Senate shall have decided to close debate as herein provided, no motion shall be in order but a motion to adjourn or to take a recess, when such motions shall be seconded by a majority of the Senate. When either of said motions shall have been lost or shall have failed of a second, it shall not be in order to renew the same until one Senator shall have spoken upon the pending measure or one vote upon the same shall have intervened.

"Pending proceedings under the foregoing rule no proceeding in respect of a quorum shall be in order until it shall have appeared on a division or on the taking of the yeas and nays that a quorum is not present and voting.

"Pending proceedings under the foregoing rule all questions of order, whether upon appeal or otherwise, shall be decided without debate, and no obstructive or dilatory motion or proceeding of any kind shall be in order.

"For the foregoing-stated purposes the following rules, namely, VII, VIII, IX, X, XII, XIX, XXII, XXVII, XXVIII, XXXV, and XL, are modified."

Mr. HARRIS. I ask that Rule III be read upon my question of order.

The VICE PRESIDENT. The rule will be read.

The Chief Clerk read as follows:

RULE III.

COMMENCEMENT OF DAILY SESSIONS.

1. The presiding officer having taken the chair and a quorum being present, the Journal of the preceding day shall be read, and any mistake made in the entries corrected. The reading of the Journal shall not be suspended unless by unanimous consent; and when any motion shall be made to amend or correct the same, it shall be deemed a privileged question and proceeded with until disposed of.

2. A quorum shall consist of a majority of the Senators duly chosen and sworn.

Mr. ALDRICH. I ask that Rule VIII be read.

The VICE PRESIDENT. Rule VIII will be read.

The Chief Clerk read as follows:

RULE VIII.

ORDER OF BUSINESS.

At the conclusion of the morning business for each day, unless upon motion the Senate shall at any time otherwise order, the Senate will proceed to the consideration of the Calendar of bills and resolutions, and continue such consideration until 2 o'clock; and bills and resolutions that are not objected to shall be taken up in their order, and each Senator shall be entitled to speak once and for five minutes only upon any question; and the objection may be interposed at any stage of the proceedings, but upon motion the Senate may continue such consideration; and this order shall commence immediately after the call for "concurrent and other resolutions," and shall take precedence of the unfinished business and other special orders. But if the Senate shall proceed with the consideration of any matter notwithstanding an objection, the foregoing provisions touching debate shall not apply.

All motions made before 2 o'clock to proceed to the consideration of any matter shall be determined without debate.

Mr. HARRIS. Mr. President, my point of order is this: The correction of the Journal is a question of the highest privilege. The unfinished business this morning is the motion of the Senator from Maryland to correct the Journal of day before yesterday.

Mr. ALDRICH. Mr. President, debate is not in order.

Mr. HARRIS. I am quite as well aware of that as the Senator, and I do not propose to debate it. I am stating the question of order.

The VICE PRESIDENT. The Chair will for the present hear discussion on the point of order.

Mr. HARRIS. The unfinished business is the motion of the Senator from Maryland [Mr. GORMAN], made on yesterday morning, to correct the Journal of the previous day's proceedings, and the pending question when the Senate adjourned last night was the motion of the Senator from Rhode Island [Mr. ALDRICH] to lay upon the table the

appeal of the Senator from Delaware [Mr. GRAY] from the decision of the Chair upon a question of order. Rule III requires that it shall be proceeded with until it is concluded. That is my point of order.

Mr. ALDRICH. Mr. President, the question before the Senate——

Mr. HARRIS. I deny that I debated, and I object to debate upon the question of order.

Mr. EDMUNDS. That is right. Let us vote.

Mr. ALDRICH. I understood the Chair to say that he would listen to discussion on the point of order for the time being.

Mr. GORMAN. That is right.

Mr. HARRIS. Very well; I shall withdraw my objection.

Mr. EDMUNDS. The Chair can not do that. [Cries of "Vote!" "Vote!"]

Mr. ALDRICH. I decline, in view of the objection——

Mr. GORMAN. There is no objection. [Cries of "Question!" "Question!"]

The VICE PRESIDENT. The Chair did not hear the Senator from Rhode Island.

Mr. ALDRICH. In view of the manifest objection on the other side——

Mr. GORMAN and Mr. GRAY. There is no objection.

Mr. COCKRELL. There is no objection on this side of the Chamber.

Mr. ALDRICH. Well, objection is made on this side of the Chamber.

Mr. SHERMAN and others. Question.

Mr. ALDRICH. I should like to have——

Mr. GRAY. The Chair asked that it might be debated.

Mr. ALDRICH. I understand it is solely with the indulgence of the Chair that any debate can be allowed, and with that understanding I would not occupy more time than the Senator from Tennessee has occupied in stating my understanding of the present situation of affairs.

Mr. BLAIR. Any debate will proceed subject to the objection of any Senator, I suppose.

Mr. ALDRICH. Yes, undoubtedly.

Mr. BLAIR. At any ime.

Mr. HARRIS. If it is to proceed subject to objection at any time and to be cut off at any moment at the will of any Senator, I shall object to any debate at all.

Mr. EDMUNDS. That is right.

Mr. HARRIS. If the Senator wants to debate it and the Chair is willing to hear debate, I am willing that the door shall be thrown wide open.

The VICE PRESIDENT. The Chair will for the present hear discussion on the point of order.

Mr. ALDRICH. I will state, then, the parliamentary position as I understand it. At the expiration of the morning hour, which under the present order of the Senate is 11 o'clock, the subject under consideration was the approval of the Journal of yesterday's proceedings. Pending that question, which is not a privileged question and not made a privileged question by the rules of the Senate or by parliamentary practice in this or any other body, I make a motion which I am authorized to do by the rules, by Rule VIII which has been read, to proceed to the consideration of a resolution upon the Calendar and which has been before the Senate for consideration.

Now the Senator from Tennessee interposes an objection on the ground that the unfinished business is the motion to lay upon the table an appeal, which came over, as he claims, from yesterday, upon an amendment offered by the Senator from Maryland [Mr. GORMAN].

I submit that if there is any unfinished business which comes up after the morning hour, then it is the very resolution which I now move to take up. Pending the question of the approval of the Journal, the Journal stands, making this resolution the unfinished business of yesterday, and until that question is disposed of, the resolution itself is necessarily the unfinished business before the Senate. Of course, if the amendment should be adopted to the Journal and we should strike out the action of the Senate as set forth therein, then perhaps some other question might be the unfinished business. If the question suggested by the Senator from Tennessee is a question of privilege, he can not, by that suggestion, take me off the floor on my motion to proceed to the consideration of a particular order of business. I am not certain about it at this moment, but he might, perhaps, after the rule was up, be permitted to make a motion to proceed to the consideration of another question, which might be a question of privilege or it might not. That is a question that the Senate can not decide here. The question now before the Senate, and the only question, is my motion, which must be proceeded with and disposed of by the Senate without debate and without the consideration of any other question.

Mr. STEWART. I wish to ask the Senator whether he claims that it was the duty of the Chair to lay the resolution before the Senate at 11 o'clock.

Mr. ALDRICH. No, sir. I have moved to take up the resolution submitted by me exactly as the Senator from Nevada himself the other day moved to take up the silver bill pending the election bill. That is the motion I have made, and I have made it under precisely the same circumstances under which the Senator made the motion I have alluded to. Now, I claim that the resolution is itself the unfinished business, but to avoid any possible questions which may arise I have made the motion, which is clearly in order.

As to the claim that the reading or approval of the Journal is a privileged question and the necessity of disposing of it before any other motion is made, I ask that a portion of the Journal of Thursday, June 19, 1879, first session, Forty-sixth Congress, be read, commencing with the beginning of the Journal.

Mr. EDMUNDS. Who was President of the Senate at that time?

Mr. ALDRICH. Mr. Thurman, of Ohio, was then President *pro tempore* of the Senate, and Senators upon the other side will judge of the value of the precedent when the names are read upon one side or the other of that question.

The VICE PRESIDENT. The Secretary will read as requested.

The Chief Clerk read as follows:

THURSDAY, *June* 19, 1879.

The President *pro tempore* called the Senate to order and stated that, owing to the length of the session yesterday, the Journal had not been completed, and asked that its reading be postponed until it be finished.

Mr. Conkling having objected,

The President *pro tempore* stated that so much of the Journal as had been made up would be read, and the Journal of yesterday's proceedings having been read as far as it was written up,

The President *pro tempore* announced that the presentation of petitions and memorials was in order;

When

Mr. Conkling raised the question of order that, under the first rule of the Senate, no business could be transacted until the Journal had been read.

The President *pro tempore* overruled the question of order raised by Mr. Conkling.

From the decision of the Chair Mr. Conkling appealed to the Senate; and

On motion by Mr. Hereford that the appeal lie on the table,

The yeas were 33, and the nays were 4.

On motion by Mr. Hereford,

The yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative are:

Messrs. Bailey, Bayard, Beck, Call, Cockrell, Coke, Davis of Illinois, Davis of West Virginia, Eaton, Garland, Gordon, Groome, Harris, Hereford, Hill of Georgia, Houston, Jonas, Jones of Florida, Kernan, Lamar, Maxey, Morgan, Pendleton, Randolph, Ransom, Saulsbury, Slater, Vance, Voorhees, Walker, Wallace, Whyte, Withers.

Those who voted in the negative are:

Messrs. Booth, Burnside, Morrill, Windom.

Mr. PASCO. I ask that the names of those who refused to vote and endeavored to break the quorum, and did break the quorum on that occasion, may be read also.

Mr. ALDRICH. I have no objection to having the whole Journal read if the Senator desires.

The VICE PRESIDENT. The Journal does not state the names of those who were present and not voting.

Mr. PASCO. I have the list here.

The Chief Clerk resumed the reading of the Journal of June 19, 1879, as follows:

The number of Senators voting not constituting a quorum,

The President *pro tempore* directed the roll to be called; and

Fifty Senators answered to their names.

A quorum being present,

The question recurring on the motion of Mr. Hereford that the appeal lie on the table,

The yeas were 26 and the nays were 4.

Mr. HARRIS. The Journal does not show that fifty Senators were then present and answered to their names on the call of the Senate.

Mr. EDMUNDS. No, it does not.

Mr. PASCO. I have a list of those who refused to vote on that occasion, and I ask that those names be read also.

Mr. ALDRICH. I have no objection to the reading of the whole Journal if the Senator desires it.

Mr. HOAR. I insist that the reading shall proceed.

The VICE PRESIDENT. The Journal does not appear to state the names of those who answered on the call of the Senate.

Mr. PASCO. I have a list of the names here, and I ask that it may be read. It is from the RECORD.

Mr. ALDRICH. The Senator can put that in in his own time, if he desires to do so.

Mr. PASCO. I ask that it may be put in as a part of the record now being read.

Mr. ALDRICH. The Senator can put it in when he gets the floor. I have no objection to its going in, but I prefer that he shall put it in in his own time.

Mr. PASCO. It is a list of those who succeeded at the time in breaking a quorum.

Mr. ALDRICH. Let the reading proceed.

The Chief Clerk read as follows:

The yeas and nays having been heretofore ordered,

Those who voted in the affirmative are:

Messrs. Bayard, Beck, Call, Coke, Davis of Illinois, Davis of West Virginia, Garland, Groome, Harris, Hereford, Hill of Georgia, Houston, Jonas, Lamar, Maxey, Morgan, Pendleton, Ransom, Saulsbury, Slater, Vance, Voorhees, Walker, Whyte, Withers.

Those who voted in the negative are:

Messrs. Allison, Booth, Burnside, Morrill.

During the roll-call,

Mr. Bayard called the attention of the Chair to the fact that there were Senators present and not voting; and having named Mr. Chandler, asked that

under the seventeenth rule of the Senate he be required to assign his reasons therefor.

Whereupon,

The President *pro tempore* directed the name of Mr. Chandler to be called; and

Mr. Chandler declining to vote, and assigning his reasons therefor,

The Presiding Officer (Mr. Harris in the chair) submitted the question to the Senate.

And on the question,

Shall Mr. Chandler be excused from voting?

The yeas were none and the nays were 33.

On motion by Mr. Conkling,

The yeas and nays being desired by one-fifth of the Senators present,

None voted in the affirmative.

Those who voted in the negative are:

Messrs. Bayard, Beck, Call, Cockrell, Coke, Davis of Illinois, Davis of West Virginia, Eaton, Garland, Groome, Harris, Hereford, Hill of Georgia, Houston, Jonas, Jones of Florida, Kernan, Lamar, McDonald, Maxey, Morgan, Pendleton, Randolph, Ransom, Saulsbury, Slater, Vance, Vest, Voorhees, Walker, Wallace, Whyte, Withers.

The number of Senators voting not constituting a quorum,

The President *pro tempore* directed the roll to be called; and

Fifty-one Senators answered to their names.

A quorum being present, and

The question recurring on the motion of Mr. Hereford that the appeal lie on the table,

The yeas were 32 and the nays were 3,

The yeas and nays having been heretofore ordered,

Those who voted in the affirmative are:

Messrs. Bayard, Beck, Call, Coke, Davis of Illinois, Davis of West Virginia, Eaton, Garland, Groome, Harris, Hereford, Hill of Georgia, Houston, Jonas, Jones of Florida, Kernan, Lamar, McDonald, Maxey, Morgan, Pendleton, Randolph, Ransom, Saulsbury, Slater, Vance, Vest, Voorhees, Walker, Wallace, Withers.

Those who voted in the negative are:

Messrs. Burnside, Kirkwood, Morrill.

The number of Senators voting not constituting a quorum,

The President *pro tempore* counted the Senate and announced that a quorum was present.

Mr. Saulsbury, by unanimous consent, submitted the following resolution; which was considered by unanimous consent, and agreed to:

"*Resolved*, That the Secretary of the Senate be"——

Mr. ALDRICH. Omit the resolution and read the next sentence.

The Chief Clerk read as follows:

A message from the President of the United States, by Mr. Pruden, his secretary:

Mr. President, the President of the United States has approved and signed——

Mr. ALDRICH. Omit that and read the next sentence.

The Chief Clerk read as follows:

The President *pro tempore* announced that the morning hour had expired, and called up the unfinished business of the Senate at its last adjournment.

Mr. ALDRICH. That is all I desire to have read.

Pending the reading of the Journal, the Senate proceeded, after discussion and after a question had been raised and sustained by a Democratic Senate, to the consideration of other business at the conclusion of the morning hour, precisely as I propose to do by the motion which I have submitted.

As the Vice President has suggested that he will only care to listen to brief remarks, I do not wish to cite a large number of authorities in the other House and in this bearing upon the same question, because I think the precedent is so clearly in point that no further suggestion or argument on my part is necessary.

Mr. RANSOM. The Senator from Rhode Island has stated that according to the Journal of day before yesterday as it now stands and was read yesterday morning at the desk his resolution is now the pending question before the Senate.

Mr. ALDRICH. No, I beg the Senator's pardon. I do not make that point. I was merely saying that this would be true if that Journal stood; but I rely entirely upon the status of my motion made in my place as a Senator.

Mr. RANSOM. I understand the Senator exactly, and we do not disagree about that. He states as the fact, the parliamentary fact, if I may call it so, that according to the Journal of day before yesterday, as read yesterday morning, his resolution is the pending question. Then, according to the Journal, the proposition of the Senator from Rhode Island to-day is not necessary. It is out of order. It is in no sense proper, because if the Journal stands uncorrected, the Journal undertakes to declare, and he says it does declare, that his resolution is the pending order.

Now, the Senator from Maryland immediately at that point submitted a motion to correct the Journal that was read yesterday morning; and it must be manifest that before the Senate can proceed definitely to any business before it that Journal must be corrected. The correction of that Journal is preliminary and antecedent to any business that can be done. Imagine for a moment the condition of the Senate in proceeding upon a Journal which has been admitted not to speak the truth, which records a falsehood, which records in truth a parliamentary impossibility; and in the face of that fact the Senator from Rhode Island proposes to step over, to go around, to flank that parliamentary obstacle, and by a *coup d'état* to do away with the Journal of the Senate, ignore it, put it aside; and he moves to proceed to the consideration of a resolution which he says has already, according to the Journal, been taken up and is the order of the Senate.

What, Mr. President, is the Journal for? How can the Senate proceed in good order unless the Journal is right, unless there is rectitude and truth in it? You can not go beyond the step to correct the Journal. I respect the precedents of the Senate; I ought to respect the precedents of the Senate. The authority which the Senator from Rhode Island has read here is not parallel with the case before us. The question here is, is the Journal correct? It has been admitted that it is not correct. I say it is a parliamentary impossibility that it can be right, and with the permission of the Chair I shall demonstrate it.

At 11 o'clock day before yesterday, the 20th of the month, the Senator from Rhode Island called up his resolution. Upon the proposition of the Senator from Rhode Island to amend the rules being taken up, the Senator from Tennessee [Mr. HARRIS] promptly submitted a point of order. The point of order was entertained by the Chair. It was attached to the proposition, and it could not be taken from it except by order of the Senate; yet the Journal, which was read yesterday morning, the Senator from Rhode Island declares, states that his proposition had been adopted by the Senate. Adopted by the Senate? How could it be adopted by the Senate unless the President had first disposed of the point of order raised by the Senator from Tennessee? The Journal should be corrected. It declares a parliamentary impossibility; it is not true; and the Senate can not go around it or about it or jump over it to consider anything else. The rule declares that it shall be disposed of. It is a question of the highest privilege.

Mr. STEWART. Mr. President, it is plain that this resolution can not be taken up and can not be adopted without a violation of the rule.

Mr. ALDRICH. I submit that is not the question now before the Senate. The question is a point of order.

Mr. STEWART. I am going to speak to the point of order.

The VICE PRESIDENT. The question is on the point of order. Discussion can only proceed on that question.

Mr. STEWART. The identical question as to whether the rule shall be disregarded is involved in the motion that was pending yesterday, whether a Senator can be taken off his feet and a measure put before the Senate without having the vote declared after debate has ceased. That is what we were doing in the discussion yesterday.

It has been suggested that that was a trivial matter. It was by no means trivial; it was vital. It was a right that had been maintained from the foundation of the Government and never violated during all the heated discussions and controversies for a hundred years. During the time the Democratic party was in ascendency and when the question of slavery was agitating the country and the proposition for its extension, and while the Senate staid in session——

The VICE PRESIDENT. The Chair will remind the Senator that the question is on the point of order raised by the Senator from Tennessee [Mr. HARRIS] against the motion offered by the Senator from Rhode Island [Mr. ALDRICH].

Mr. STEWART. I am coming to that. I do not suppose if the point is to be argued that the Vice President will undertake to control my line of argument.

I say during all these controversies, as aggressive as the Democratic party was in the extension of slavery, the Senate staid here for months and allowed the minority to talk, as was done in 1860 and at other memorable periods, and never attempted to take a Senator off his feet.

Mr. ALDRICH. I submit that that question is not germane to the point of order.

Mr. STEWART. Now, I say the question which was before the Senate and that went over as unfinished business was a very high question of privilege. If there can be any question of privilege that surpasses all others it is the right of a Senator to proceed under the rules; and that question was involved in the question pending when the Senate adjourned last night. Do Senators say that that question, which is more important than any other, involving a right which has been preserved inviolate for a hundred years during all the controversies, shall not be settled now and that it is not paramount to this? If that is not a privileged question, what can be a privileged question? Above all others it is the most important of any, and it went over as the unfinished business. I say that it is a privileged question and can not be laid aside until it is disposed of and the Senator can proceed in order.

Mr. ALDRICH. That is not before the Senate.

Mr. STEWART. It is before the Senate as unfinished business. It continued until we adjourned last night. It is before the Senate as unfinished business, and it may as well be disposed of *in limine*, because this proposed rule can never be adopted without a revolution from the nature of the proceedings that were taken to place the resolution before the Senate.

Mr. COCKRELL. Mr. President——

The VICE PRESIDENT. The Chair is ready to render his ruling on the point of order.

Mr. COCKRELL. Mr. President, the Constitution requires that each House shall keep a Journal of its proceedings and from time to time publish the same. Now, here is a motion to proceed to the consideration of a particular resolution when the question of the verity of that Journal which the Constitution requires shall be kept is before the Senate and undecided. It is a question of the highest privilege and was so decided on yesterday. It was brought before the Senate and discussed as such, and on a motion of the Senator from Rhode Island, who makes this motion, an appeal from the decision of the Chair upon the yeas and nays is now the unfinished business before the Senate.

Mr. President, it does seem to me that it would be a monstrous decision to say that we shall lay aside that question of privilege, that question of the highest order, and take a Senator from the floor who is discussing it in a fair and legitimate way, and take up a resolution.

Mr. STEWART. Will the Senator allow a suggestion? The question pending is as to whether this resolution is before the Senate or not. The very question pending is where the resolution is; and it is a question of the highest privilege where the resolution is, whether it is before the Senate or not. That question can not be ignored and the resolution taken up until we determine whether the resolution requires any action taking it up.

Mr. COCKRELL. I say that that question must be decided. The Senate can not afford to undertake to trample down its rules. I say to you, Mr. President, I say to the opposite side of this Chamber, it is a dangerous precedent. It will come home to trouble any party that undertakes to override and trample under its feet the rules of the Senate.

Mr. President, here is a question as to whether the Journal shall be corrected. The Constitution requires us to keep it, the Constitution requires us to publish it to the world, that the world may know and see our proceedings. That is a question of the highest privilege, and now the Senator from Rhode Island proposes to trample it under his feet and to trample under his feet a question of the highest privilege and of order and to take up another question; and by doing that he proposes to take from the floor a Senator discussing the very motion which he himself has made, and which is now pending, upon the yeas and nays.

Mr. BLAIR. I desire to correct what I conceive to be a misapprehension on both sides of the Chamber as to the question pending at the adjournment last night, and which, it is alleged, constitutes the unfinished business.

The Senator from Missouri [Mr. VEST] was engaged in due and orderly discussion of the subject before the Senate, the proposed amendment of the Journal. Speaking at considerable length and the Chamber becoming thin, the Senator from Tennessee raised the point whether there was a quorum present, and proceeding under the rule to obtain a quorum several times repeated was the exact matter which was under discussion during the remainder of the evening up to the adjournment.

There being no quorum present, a motion being made that the Sergeant-at-Arms be directed to compel the attendance of absent Senators, the motion being declared carried, the Sergeant-at-Arms entering upon the execution of the order, the Senator from Delaware [Mr. GRAY] moved to reconsider the vote by which the Senate had made the order giving such directions to the Sergeant-at-Arms. The Chair decided that his motion was at that time out of order. An appeal from the decision of the Chair was taken to the Senate, which appeal the Senator from Rhode Island moved to lay upon the table, and all the subsequent proceedings were upon the question whether the decision of the Chair should be sustained or whether the appeal should be laid upon the table. Had a quorum been obtained, had that been disposed of, the Senator from Missouri [Mr. VEST] would have been entitled to the floor and would have proceeded in the discussion of the question before the Senate.

So the motion which the Senator from Rhode Island makes this morning simply sets aside the entire subject-matter, and it has nothing whatever to do with the particular privilege of the Senator from Missouri to proceed in discussing that subject-matter. If that were set aside to be taken up at some subsequent period the Senator from Missouri would be entitled to the floor. This is a larger motion which is made. It is one to set aside the entire subject-matter and to substitute for it the consideration of this proposed amendment of the rules under the Constitution.

I wish to observe that the Constitution in providing that a journal shall be kept makes no suggestion as to the time when that journal shall be made up or the time when the proceedings with reference to its correction and its accuracy shall be taken and completed by the Senate. Such proceedings may be at the end of the session; they may be midway in the session; they may be daily, according to the convenience and necessity of the Senate itself.

Mr. SHERMAN. Mr. President, the only question before the Senate now is a question of order, and that is whether the Senate has a right under our rules to proceed to any particular business that it chooses to consider after the morning hour.

A privileged question has no more right on our Calendar than any other question. A question involving the right of a member to his seat or involving the correction of an error in the Journal is called a privileged question and naturally stands first to be determined, but the Senate can at any time displace a privileged question or any other question that is pending before it by a majority vote. The rule expressly provides that after the morning business and after the morning hour any Senator who may obtain the floor may move to take up any other proposition. It is not necessary for him to move to postpone, but he may move to take up any other proposition, whatever may be the nature and character of that proposition.

The pending question may be a privileged question, but that does not prevent the Senate, by a majority vote, from taking up any other question whatever. The rule, it seems to me, is so plain and the practice has been so constant that whatever might be the judgment of the Senate in a particular case, there ought not to be any doubt about the rule.

We displace a privileged question every day by the ordinary morning business under the rules of the Senate. We expressly provide that after the morning hour, pending any question whatever, it makes no difference what it is, the Senate may proceed upon motion to anything else on the Calendar. Now, is there anything clearer than that?

The Senator from Rhode Island, waiting until after 11 o'clock, which by the express order of the Senate now is the end of the morning hour when we are meeting at 10 o'clock, moved to proceed to the consideration of the resolution. If the Senate prefer to consider a privileged question, the question about correcting the Journal, it is within their power to do so. If they choose to fix the salary of a page rather than to proceed with this privileged business they have a right to do it. It is a question purely for the judgment of the Senate.

Mr. GRAY. Will the Senator from Ohio yield to me for a question?

Mr. SHERMAN. Certainly, but I am now through.

Mr. GRAY. I should like to ask the Senator in what consists the character that is termed privileged. If what the Senator from Ohio says is correct wherein consists the significance of that term?

Mr. SHERMAN. It can be called up by right at any time, but as a matter of course the Senate may refuse to take up a privileged question. It has been done a dozen times, a hundred times, in our proceedings.

Mr. GRAY. What becomes of that portion of the rule declaring it a privileged question which also says it shall be proceeded with until disposed of?

Mr. SHERMAN. That provision ends with the day, and it can not be taken up except as the unfinished business of the day before.

Mr. BLACKBURN. Mr. President——

Mr. SHERMAN. Let me answer one question before I hear my friend from Kentucky. There is no doubt about that provision. It is a mere direction of the Senate. The Senate may itself proceed to any other business and there is no restraint upon the power of the Senate to so proceed.

Mr. BLACKBURN. Will the Senator from Ohio allow me to ask him a question?

Mr. SHERMAN. Certainly; but I do not want to get away from the question of order.

Mr. BLACKBURN. Does the Senator from Ohio hold the motion of the Senator from Rhode Island to be a privileged matter?

Mr. SHERMAN. I do not.

Mr. BLACKBURN. The consideration of the rule proposed by the Senator from Rhode Island, the Senator from Ohio admits is not a privileged matter?

Mr. SHERMAN. That I do not think is material; but I do not care whether it is or not. I think any question, the pay of a page, might be before the Senate and be taken up and considered and disposed of before the highest question of privilege, if a majority of the Senate so say.

Mr. BLACKBURN. Then, with the permission of the Senator from Ohio, I simply want to say that he does not claim that the motion made by the Senator from Rhode Island involves a matter of privilege. He could not claim it; he is too good a parliamentarian. He knows that under the rule a proposition to amend the rules of the Senate can not be considered without one day's notice given. Every privileged matter can be considered instantly. Now, if that is not a privileged matter——

Mr. SHERMAN. The Senator is arguing the question.

Mr. BLACKBURN. A question of privilege is pending before the Senate, and it is an effort now to displace a question of privilege to bring before the Senate a matter that is not privileged.

Mr. SHERMAN. The right to frame our rules is a constitutional power given to us expressly by the Constitution of the United States. The right to correct our Journal is an ordinary incident and would have been disposed of in two minutes.

Mr. RANSOM. Will the Senator from Ohio allow me?

Mr. SHERMAN. Not now. Wait until I get through with my friend from Kentucky. The right to amend its rules is an incident to every legislative body, and it is the foundation right upon which our powers rest, because without the power of making our rules we should be as helpless as a band of children without a teacher. But as we have the power to make rules we are guided by those rules.

As to the correction of our Journal, that is a mere incident and ought to be disposed of in a moment, and it would have been disposed of in two minutes upon the declaration of the presiding officer that there was an error in it; but Senators chose, as they had a right to do, to divert that simple matter, which would have been corrected in a moment, into a discussion in order to prevent the Senate from exercising its plain constitutional power.

Now, I say the Senate here has the right to assert its power upon the motion of the Senator from Rhode Island. He simply moves the Sen-

ate to take up a particular proposition, and I do not care what that proposition is, the motion is in order and the Senate must determine that question.

Mr. HARRIS. I want to ask the Senator a question if he will allow me. He says that the proposition to amend our rules is the exercise of a constitutional power. That I grant. Now, I should like to ask the Senator from Ohio if there be any proposition pending before the Senate of the United States that is not pending in the exercise of a constitutional power.

Mr. SHERMAN. As to the relative importance of these motions I do not think that the Senator and I would differ. The making of our rules is the highest fundamental power of the Senate of the United States. We are in respect to that the exclusive and sole controlling power, while in respect to other powers we are simply a co-ordinate branch of the legislative department of the Government.

Mr. BLACKBURN. Will the Senator from Ohio allow me to ask him a question?

Mr. SHERMAN. Certainly.

Mr. BLACKBURN. Does not the Constitution of the United States impose upon each House of Congress as an imperative duty the keeping of a Journal?

Mr. SHERMAN. Oh, yes.

Mr. BLACKBURN. Then I ask the Senator how we can properly proceed to do anything until that constitutional requirement has been complied with.

Mr. SHERMAN. Suppose a minority of this body should take the position that we shall not do what is required by the Constitution, that we shall not correct the Journal, as they do now say; that we shall not debate the question of correcting the Journal, but we shall debate a question not before us?

Mr. BUTLER. Nobody has said that.

Mr. SHERMAN. Suppose they go on for fourteen hours, until midnight, holding that position, debating it, and preventing us from doing what the Constitution requires us to do, is the Senate so utterly powerless that that thing must go on continuously, day after day, and upon the pretext of correcting the Journal we are to dissolve the Congress of the United States? No, sir; the Senate of the United States has the power at any moment under its rules, after the morning hour, to proceed to any question whatever upon the Calendar. That is as clear as day, and it is the rule that asserts the power of the Senate at its pleasure to proceed to anything. Nothing is so sacred, no question is so privileged, as to be beyond the power of the Senate to say what it will do from time to time and from day to day.

Mr. BUTLER. Can the Senate take a Senator off the floor who is entitled to it by virtue of his right to make a speech, as is proposed to do by this proceeding?

Mr. SHERMAN. The Senator must know that that has been done hundreds of times.

Mr. BUTLER. I never heard of it before.

Mr. SHERMAN. The Senator from Nevada [Mr. STEWART] stopped the debate on the election bill by a motion, and nobody questioned the right of the Senate to take up another bill.

Mr. BUTLER. That was not my question. The question I put to the Senator from Ohio is whether the Senate has a right to violate a right which a Senator has acquired, that is to say, when occupying his position, delivering a speech to the Senate, has the Senate the right to take him off the floor by the interjection of other business by a vote?

Mr. SHERMAN. It does it every day.

Mr. ALDRICH. If the Senator will excuse me, I will state that if any one is entitled to the floor I am. I made the motion on an appeal from the decision of the Chair, and if anybody had the floor at the close of business last night it was myself.

Mr. BUTLER. Then I put the question to the Senator from Rhode Island and ask him to answer it. Has the Senate the right to take him off the floor by a vote now?

Mr. ALDRICH. No; not when I am entitled to it.

Mr. BUTLER. That is the question.

Mr. MORGAN. It is a question of privilege.

Mr. BUTLER. I am very glad the Senator has answered it.

Mr. BLACKBURN. It is admitted by the Senator from Ohio that the Constitution of the United States imposes the duty upon this Chamber to keep a Journal of its proceedings and a correct Journal. Now, I submit that the effort which is being made by the Senator from Rhode Island is not in the direction of a compliance with that provision of the Constitution. He by his motion now proposes to do something other and different. The Journal has not been approved. Its correctness has been challenged, and the question pending here is to correct that Journal, if indeed it be erroneous, or approve it, in order that we shall obey the mandate of the organic law of this land. The Senator from Rhode Island makes a motion entirely in a different direction and his proposition is to go at something else and leave the mandate of the Constitution unobeyed.

Mr. GORMAN, Mr. CARLISLE, and Mr. STEWART addressed the Chair.

The VICE PRESIDENT. The Senator from Maryland.

Mr. SPOONER. I rise to a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his parliamentary inquiry.

Mr. SPOONER. I ask if the Chair desires for his guidance further discussion on the point of order.

The VICE PRESIDENT. The Chair does not.

Mr. SPOONER. Then I make the point of order that debate is no longer in order.

The VICE PRESIDENT. The Chair had recognized the Senator from Maryland and he will hear him.

Mr. GORMAN. The Chair had recognized me. Now, I want to submit to my friend——

Mr. SPOONER. I have no disposition to interfere with the Senator from Maryland; but the rule of the Senate requires that the point of order shall be decided without debate. By practice, I understand, the Chair, feeling sometimes the need of advice, is permitted not to change the rule at his will, but by common consent to ask for a discussion. I inquired of the Chair if he desired further information on this point of order for his guidance. The Chair replied that he did not.

Mr. HARRIS. Will the Senator from Wisconsin allow me to make a suggestion?

Mr. SPOONER. I made the point of order that in that event further debate was certainly not in order, if it was in order at all; but I have no desire to make that point as against the Senator from Maryland. I give notice, however, that after he shall have concluded I shall ask the Chair to rule upon the point of order.

Mr. HARRIS. I want to make a suggestion to the Senator from Wisconsin.

Mr. SPOONER. I will hear the Senator.

Mr. HARRIS. When this question was presented by the Senator from Rhode Island, that is as to debate, unanimous consent was asked, when the Chair suggested a willingness to hear debate. I believe it was the Senator from New Hampshire [Mr. BLAIR] who suggested that if consent was given it must be with the understanding that any Senator might interpose an objection at any time, to which I replied that unless the debate could proceed without securing such right, but any Senator could cut it off at his own will, I should object to any debate. Then it was agreed that the debate might proceed. I take it for granted that it must be done on the understanding that such objection was not to cut off any debate.

Mr. ALDRICH. Oh, no.

The VICE PRESIDENT. The statement made by the Chair was that the Chair would for the present hear discussion on the point of order.

Mr. SPOONER. That was as I understood it, and I certainly did not agree for one to indefinite debate.

Mr. ALDRICH. Nor I.

The VICE PRESIDENT. The Senator from Maryland will proceed.

Mr. BLAIR. I wish to say that I understood no such suggestion as that stated now by the Senator from Tennessee. I understood that I had a right, or any other member of the Senate, to interpose an objection.

Mr. HARRIS. The RECORD will show that I said unless it was permitted to every Senator to debate I should object to any debate. The RECORD will show that I said so as distinctly and as loudly as I could.

Mr. BLAIR. I do not dispute the Senator's statement, but I say I did not hear it.

Mr. HARRIS. As to that, of course I know nothing.

Mr. GORMAN. Mr. President, there is scarcely an instance in the history of this body when it is appealed to where Senators on both sides of the Chamber have not been treated fairly. When the Senate had secured a quorum this morning the presiding officer directed that the Journal of yesterday's proceedings should be read. Immediately upon the conclusion of the reading, and before it had been approved, the Senator from Rhode Island asked consent to make a statement.

Mr. ALDRICH. Mr. President, I beg the Senator's pardon; I took the floor on the pending question, which was the approval of the Journal.

Mr. GRAY. Of yesterday's proceedings?

Mr. ALDRICH. Of yesterday's proceedings.

Mr. GORMAN. The Senator took the floor on the question of the approval of the Journal of yesterday, as he states, and asked the consent of the Senate to make a statement.

Mr. ALDRICH. I asked no consent of the Senate.

Mr. GORMAN. Well, you stated that you desired to make a general statement in regard to the condition of business of the Senate.

Mr. ALDRICH. I said I took the floor upon the pending question.

Mr. GORMAN. And he made a statement. Now, the Senator from Rhode Island, I trust, will not be excited.

Mr. ALDRICH. I am not in the slightest excitement; I never was calmer in my life.

Mr. GORMAN. The Senator will not deny that he made a speech and arraigned this side of the Senate and charged us with delaying the business, and that he then made a motion (after his statement) to proceed to the consideration of the resolution.

Mr. ALDRICH. As disclosed by the record of yesterday's proceedings.

Mr. GORMAN. Very good; as disclosed by the records of this Con-

gress, if you please. Make it as broad as you please. Now, I ask the consent of the Senate, in fairness, to be permitted to answer the statement of the Senator from Rhode Island and not to be confined to the technical question before the body.

Mr. ALDRICH. I will agree that after the proposed rule is taken up the Senator shall have all the time that he pleases, which he would have of course, under the rules, without my consent.

Mr. BLAIR. He may want until the 4th of March.

Mr. ALDRICH. Well, within reason; I will modify it. I think the Senator will have ample opportunity, and I have no doubt he will take the occasion to express his views upon any question which may be before the Senate at any time.

Mr. GORMAN. I hardly think that even the Senator from Rhode Island would be so unfair as to insist upon his last statement. He made a statement here arraigning this side of the Chamber that it might have its effect upon the vote which we are about to take. Now, is it not fair and no more that you should permit a reply to it at this time and before this vote is taken?

Mr. ALDRICH. If the Senator would say to me frankly that he is in doubt about the vote of any Senator on the other side and that they need encouragment by any remarks of his, I should not object to it; but I do not think there is a necessity for any such consumption of time on his part.

Mr. GORMAN. The Senator from Rhode Island can not pettifog in that way. I put the direct proposition to the other side, Will you permit me in fairness to reply to what has been stated by the Senator from Rhode Island upon a matter that has no direct bearing upon the point that is soon to be decided by the Chair? I ask the other side——

Mr. SPOONER. Is any one interrupting the Senator or dictating to him what he shall say? He has the floor. I withdraw my point of order as against him.

Mr. RANSOM. The Senator from Rhode Island renewed it, I understood.

Mr. SPOONER. No, he did not; he only asked a question.

Mr. GORMAN. Very good. Then I understand that I have the permission of the body, and I will proceed. I consider that as equivalent to an admission that I am at liberty to proceed.

Mr. FRYE. Not necessarily; not indefinitely.

Mr. ALDRICH. I object to indefinite debate. After the resolution is taken up the Senator from Maryland or any other Senator will have a right to debate the question.

Mr. GORMAN. Mr. President, it is well enough for us to go back and look at the history of this case, and see the steps that have been taken with a view——

Mr. ALDRICH. Mr. President, I object to any discussion as to what led up to this condition or what has happened heretofore; and I must insist, so far as I can, under the rules of the Senate, that the discussion shall be strictly upon the point of order before the Senate, and brief at that.

The VICE PRESIDENT. The Chair is of opinion that discussion should be confined to the question now before the Senate, which is the point of order raised by the Senator from Tennessee [Mr. HARRIS].

Mr. TELLER. I want the President of the Senate to cite me the rule that authorizes the Senator from Rhode Island to call any Senator to order for the manner in which he is discussing any question before the Senate. It is the first time I ever heard that question in the Senate. For one, I am prepared to enter my protest against anybody acting as the censor of any member of this body.

Mr. ALDRICH. As the Senator makes a remark somewhat personal in its character, I will say that when a Senator is proceeding out of order against the express rules of the Senate, any Senator has the right to raise a question of order.

Mr. TELLER. I will say to the Senator that he can not show any rule of the Senate which requires any Senator to speak in this body germane to the question.

Mr. ALDRICH. That is not the point I make. I claim that the first clause of the twentieth rule provides that a point of order shall be decided without debate.

Mr. TELLER. If the Senator from Maryland is going on by permission of the Senate, as I understand he is, and by the special permission of the Senator from Rhode Island, who seems to be the boss in this matter, he is allowed to proceed according to the rules of the Senate as he sees fit. He must be either taken from the floor or he must be allowed to proceed in his own way.

Mr. ALDRICH. If that is the rule, I object to further debate.

Mr. TELLER. It is too late.

Mr. GORMAN. Mr. President——

The VICE PRESIDENT. The Chair again repeats the statement which he made, that the Chair will for the present hear discussion on the point of order.

Mr. HARRIS. Will the President allow me to suggest that the Chair has no power to make a question debatable that is not debatable. The question was mooted between Senators, and I should like for the Chair to have the Reporter show the last remarks that were made when the final agreement was reached that this matter might be debated. I distinctly stated that unless the door was thrown wide open I should object to any debate, as I had a right to do.

Mr. ALDRICH. Does the Senator from Tennessee mean to say that his statement made at that time constituted unanimous consent of the Senate?

Mr. HARRIS. I do mean to say exactly that.

Mr. ALDRICH. I disclaim——

Mr. HARRIS. Let the Reporter read what was said.

Mr. ALDRICH. It makes no difference whatever what the Senator from Tennessee said; he is not the Senate nor the representative of the Senate.

Mr. HARRIS. He does not profess to be, but he professes to be one Senator having as much right on this floor as any other Senator.

Mr. ALDRICH. It takes more than one Senator to make a unanimous agreement for the Senate.

Mr. HARRIS. So it does; but the debate proceeded upon the condition that was then stated.

Mr. ALDRICH. No such condition would be enforced except by a statement from the Chair and by the unanimous consent of the Senate.

Mr. BUTLER. It takes only one Senator, Mr. President, to violate an agreement, and I suggest to the Senator from Rhode Island——

Mr. ALDRICH. There was no agreement made.

Mr. GORMAN. Mr. President, I think I am entitled to the floor.

The VICE PRESIDENT. The Senator from Maryland is entitled to the floor.

Mr. PASCO. I ask the Senator to yield to me. I want to suggest that it does not lie in the mouth of the Senator from Rhode Island to object to this discussion when he accepted the full privilege under the agreement stated by the Senator from Tennessee.

Mr. ALDRICH. That was after I made the motion.

Mr. GORMAN. Mr. President, I do trust we may go on without these personalities and proceed in a regular and legitimate way. What I desired was to contribute something to the promotion of the public business and the public welfare, and I trust that my friends on the other side will permit me to go on in an orderly way and that we may dispose of this question as soon as it can properly be done. I want to discuss the point of order as well as everything connected with it, and I must be permitted to do it in my own way.

For the benefit of the Chair and for the benefit of the Senate, I will quote a decision upon this very point made by a very distinguished gentleman who presided over the House of Representatives for quite a number of years and afterwards was honored with the position that you now occupy. He was associated with all the great men of the war. He was the idol of his party during a part of his public life. When he presided over the deliberations of the Senate an attempt was made upon a technicality to suppress the greatest man that Massachusetts has honored with a seat in this body since Mr. Webster, one whose name will go down to history with the great men of this nation, radical in his politics as he was, but great. I refer to the late Charles Sumner.

The Senator from Ohio [Mr. SHERMAN] attempted upon a motion, similar to the one pending to-day, to suppress him and confine his remarks to the technical question before the body. The point was raised, and Vice President Colfax made his decision, which has never been questioned from that hour to this. It will be found in the Congressional Globe, page 1293, February 29, 1872, a resolution having been offered by that distinguished Senator from Massachusetts to investigate the purchase of arms by the French. It went through a long debate until finally it came to a point of order made by the Senator from Ohio that the Senator from Massachusetts must be confined to the discussion of the point before the Senate. Vice President Colfax said:

The Chair will state the question again if no Senator objects. He does not desire to detain the Senate by restating it. The Chair decides that by the usage of the Senate, the Senator from Massachusetts being entitled to the floor on an appeal, the Chair can not restrain him by his own opinions as to the pertinency of his remarks to the question before the Senate; that by the usage of the Senate the Senator himself is to be the judge of their relevancy to the question. An appeal is taken from that decision. The Senator from Ohio [Mr. SHERMAN], stating that he believes it to be a wrong decision, appeals, and the Chair will state that if the decision is reversed he will with great pleasure execute what will then be the declared will of the Senate. The question is, "Shall the decision of the Chair stand as the judgment of the Senate?"

Upon that vote the yeas were 28 and the nays were 18, sustaining the decision of the Chair that a Senator on the floor had a right to judge for himself what should be the line of his argument. The yeas who sustained the Vice President were—

Messrs. Caldwell, Casserly, Davis of West Virginia, Frelinghuysen, Goldthwaite, Hill, Johnston, Kelly, Lewis, Logan, Morrill of Vermont, Norwood, Pomeroy, Pratt, Robertson, Saulsbury, Schurz, Scott, Spencer, Sprague, Stevenson, Stockton, Sumner, Thurman, Tipton, Trumbull, Vickers, and West—28.

Those in the negative were—

Messrs. Ames, Boreman, Cameron, Carpenter, Clayton, Conkling, Corbett, Cragin, Edmunds, Flanagan, Gilbert, Hamlin, Harlan, Morton, Nye, Osborn, Sherman, and Wright.

Before the yeas and nays were taken the Senator from Vermont said:

Mr. EDMUNDS. Though I have no opportunity to explain my vote, I feel obliged to vote "nay" on this precise question.

From that day to this, Mr. President, every member of this body has considered that question settled.

Sir, I can not present this case without tracing it up from the beginning, as I understand it. What is the condition, Mr. President? The Senator from Rhode Island says it is necessary to change the rules of the Senate, in an arbitrary way, that the public business may proceed.

Mr. President, we have passed through, in the last forty or fifty years, great political contests, and the rules of the Senate have been found ample to enable us to conduct the public business. It is not necessary to go into details, but take this Congress for an example. Here we have had the experiment tried in the legislation of the country of the most arbitrary rules that could be devised by the mind of man, where the power has been placed in the hands of three men in a body that must act upon every measure that becomes a law. Under those rules the legislation has gone on.

Compare it with the result in this body where we have had free discussion. History will record the fact that here, where we have had free discussion, a greater amount of business has been transacted. It will record the fact that that discussion has enabled us to detect many of the errors and outrages that were contained in measures that have come to this body without consideration or without opportunity to debate them. It is admitted on all sides, it was admitted by the Senator from Massachusetts upon the pending elections bill, that the discussion here had brought the necessity for amendments to his own bill.

In August last we had two measures before this body. One was the tariff bill, under the charge of the Senator from Rhode Island. The other was the election bill, that the Senator from Massachusetts claims is so necessary for the purity of the ballot and the protection of human rights. Here we were in August with both of these bills before the body.

The Senator from Massachusetts [Mr. HOAR], anxious to lay the foundation of a rule which would close debate, presented his motion to amend the rules. The Senator from Rhode Island [Mr. ALDRICH], having in charge the measure which he had most at heart, found those two great measures here together, with no definite time for Congress to adjourn, no time fixed by the Constitution until the 4th of March next. There was a majority on the other side of the Chamber, a majority in the House of Representatives, and you had the earnest support of the Executive——

Mr. HOAR. I rise to a question of order.

Mr. GORMAN. Of course the Senator will——

The VICE PRESIDENT. The Senator from Massachusetts will state his point of order.

Mr. HOAR. The Senator from Maryland is not discussing the matter which the Chair submitted to the Senate.

Mr. GORMAN. The Senator was out when the question was submitted to the Senate for its decision.

The VICE PRESIDENT. The Chair has twice repeated the statement which he made, which was that the Chair will, for the present, hear discussion on the point of order. The Chair hopes that the Senator will not occupy much longer time on the floor.

Mr. GORMAN. I am discussing the point of order, Mr. President. I have been doing precisely as the Senator from Rhode Island [Mr. ALDRICH] did. I am coming in my own way to the point which the Chair, I hope, will decide correctly later on.

Mr. ALDRICH. If the Senator from Maryland will allow me, the speech which I made was not on a point of order and not by the unanimous consent of the Senate. I had taken the floor in my own right on the question then before the Senate.

Mr. GORMAN. I know how difficult it is for me to make the Senator from Rhode Island understand any argument I make. I have never succeeded in doing that since he and I have been in the Senate and I never hope to; but I trust the Senator will content himself and let us go on in an orderly way and not be constantly interrupting the proceedings.

Mr. President, these two great measures were before this body. One, as we understood it on this side of the Chamber, affected the rights of every citizen of the United States and threatened the States themselves, and was destructive of home rule, of local self-government; the other, the one which was in charge of the Senator from Rhode Island, we regarded on this side of the Chamber as a measure which was intended to rob four-fifths of the people of the United States for the benefit of the other one-fifth. You had time to consider both. It was your duty, if you believed it necessary for the promotion of the best interests of the people, to retain Congress here until December to pass both those bills.

You probably would have had the power to do it, but the Senator from Rhode Island in charge of the measure which was expected to bring thrift to the few men who are engaged in certain industries made up his mind that he and his party and the country would be content if they could only take the money of the people; and while the Senator from Massachusetts shouted once and feebly for the liberties of the people and a free ballot and a fair count, when he looked at the balance sheet and saw how much his section of the country was to get by the passage of that infamous tariff bill, he smiled and submitted to the decree of the Senator from Rhode Island and the remainder of his friends on that side, and let liberty, freedom go, and a pure ballot go, so that a favored few might wax fat and strong at the expense of the consumers.

Then there was another thing. The Senators on that side supposed and believed—for the atmosphere was full of it—that with the passage of that measure, the tariff, they could control the elections.

There was scarcely a Republican, from the one who holds the highest position in the land to the lowest, who did not believe that with the arbitrary power which had been exercised elsewhere, with the bait which had been held out to all who could be bought, the country was theirs. You went before the people, and they responded. It was flashed over the wires that Massachusetts had repudiated the Republican party. Rhode Island swept into the Democratic column; the Western States rolled up Democratic majorities. Such an uprising of the people has not heretofore occurred; your force bill and gag rule were involved in the contest, and, therefore, the people have determined this question.

Mr. President, when we came back here in December the Senator from Massachusetts was met with this condition, having willingly surrendered to the Senator from Rhode Island to pass his tariff measure with a feeble protest and with the other declaration made by him upon the floor that, if it went over, there would not be time in the short session of Congress to consider such an important bill. That was his declaration. I say, Mr. President, the Senator from Massachusetts made the declaration when his bill went over at the regular session and we had determined to adjourn Congress *sine die*, that if that action was taken, that was the end of his bill; that it could not be considered at the short session of Congress.

Now, sir, with the elections against you, you of the Republican party, under the lead of the Senator from Massachusetts and under the lieutenancy of the Senator from Rhode Island, brought your bill forward on the very second day of the session, a bill that the Senator from Massachusetts and the Republican party by its vote had declared could not be properly considered at this session, but you began its consideration on the second day of the session. You have pressed it to the exclusion of all other business of the body. It has been kept here so that nothing whatever of consequence might be considered until we reached the point where eight Senators on the other side of the Chamber made up their minds that they would have the financial bill considered.

Those of us on this side of the Chamber said at once, "We will go to the consideration of the bill; we will do more; we will agree, as we have agreed, on all the matters pertaining to the business of the Government which are necessary either for its financial affairs or in the way of appropriations, that we will limit debate by unanimous consent." Mr. President, we limited debate on the silver bill on the suggestion of the Senator from Kansas [Mr. INGALLS], and we made the time so short that the Republican Senators themselves were compelled to ask for an extension. So, Mr. President, up to this point there has been no obstruction whatever on this side of the Chamber, except upon the discussion of the force bill and this clôture rule; and I want to say to the Senator from Rhode Island that there has not been, there is not now, and there is not likely to be any obstruction to measures necessary for the support of the Government.

Mr. DAWES. Is the majority or the minority to decide what is necessary?

Mr. GORMAN. I did not catch the Senator's remark.

Mr. DAWES. Who is to determine what is necessary for the support of the Government, the minority or the majority?

Mr. GORMAN. In this case, Mr. President, it is not necessary for me to go over that to say to the Senator from Massachusetts that he and his party determined at the last session that the election bill was not necessary for the support of the Government. When you had all the time before you from August to December, yes, even until the 4th of March next, to pass it, you postponed it with the declaration that it could not be properly considered at this session of the Senate. So you have determined that question. What are the measures that are necessary? The Senator knows what they are. He has measures under his charge that are necessary for the support of the Government and to carry on the Government. He has great appropriation bills under his charge, two or three of which are in this body and in the hands of the Committee on Appropriations. They are absolutely necessary and they are of that class of legislation which is as well known as the Senator himself is known.

Therefore, Mr. President, I resent the statement of the Senator from Rhode Island that there has been any obstruction. There has never been obstruction upon the business matters of this body. The Senator from Massachusetts [Mr. HOAR] and the Senator from Rhode Island [Mr. ALDRICH] have been for months and months laying the foundation and trying to make the excuse for the passage of this rule. There is nothing like it in the history of the body. It is true that in the past attempts have been made, resolutions have been offered, the matter has been discussed, but never before in the history of the Senate, so far as I can find it in the records, has such a persistent attempt been made to lay the foundation for such a rule and such an attempt made to place the minority in the position, or to attempt to create the

impression that we are in the position, of delaying and obstructing, as has been done in this case.

The Senator from Rhode Island began it on the tariff bill by wanting to fix a day for voting upon that measure without giving any time whatever for its consideration and knowing perfectly well when he made the suggestion that it would be rejected. He contented himself after he got his agreement to vote upon the tariff bill, and then came the Senator from Massachusetts with resolution after resolution changing the rules of the Senate, and the Senator from New Hampshire [Mr. CHANDLER] and other Senators on that side of the Chamber. When we came to the consideration of the measure at this session, on the second day of the consideration of the election bill the Senator from Massachusetts asked consent to have the vote taken upon it on the following Friday, all for the purpose of creating the impression that we were unnecessarily delaying action. Think of it, Mr. President, that he should have made such an effort on the second day of the consideration of such a measure! He followed it up, and I think asked that the final vote on his election bill should be taken every Friday for three or four Fridays.

Why he always selected Friday to ask that the bill should be voted upon I do not know, unless he wanted to crucify the liberties of the American people on Friday. [Applause in the galleries.] He followed it up. He endeavored to make the impression always that we were obstructing, and the Senator from Rhode Island, lying close to his flank, "fat and saucy" over the tariff, regarding, I suspect, that by that he got the advantage of the distinguished Senator from Massachusetts last year in getting his measure through, felt in honor bound, I suppose, to come to his relief, and to come to it in this revolutionary way, a way that has never been before suggested in the history of the body.

Now, Mr. President, what is that rule?

The VICE PRESIDENT. The Chair will remind the Senator from Maryland that an hour and twenty-five minutes have already been occupied in the discussion of the point of order.

Mr. GORMAN. But a very small portion of it by myself, Mr. President. I will conclude as soon as I can, unless the Chair is specially anxious to cut me off.

The VICE PRESIDENT. The Chair is ready to rule upon the question of order.

Mr. GORMAN. There is no limit, I think. I do not think there is any suggestion of a limit to my remarks, Mr. President.

The VICE PRESIDENT. It is the duty of the Chair to rule upon the question without debate. The debate proceeds by courtesy.

Mr. GORMAN. The courtesy has been extended to me, and I trust I shall be able to get through in a few minutes more. I have stated the causes which led up to the present condition of affairs as succinctly as I could. I should have been glad of the opportunity to elaborate them.

Now, Mr. President, we come along to the proposition before this body. There has been an attempt, as I have shown, and a systematic attempt, to put this side in a false position. I desire to say again that if the Senator from Rhode Island and Senators on the other side of the Chamber desire to go on with the public business, to take up such matters as the whole country are interested in, the great appropriation bills, etc., we will meet you now, as we would have done at any hour during the session, with an anxious desire to consider them carefully in committee and speed them through the Senate as fast as we possibly can with a view to fair legislation. It is therefore your matter and yours alone if the public business is delayed.

There is one thing, Mr. President, which may as well be understood now as at any other time, and that is while on a measure such as the one pending, or on a proposition such as you make to violate the rules of the Senate in making a new rule, or in the passage of a law which we believe to be in violation of the Constitution of the country, we will stand and fight it under those rules with the fullest and the freest and the fairest debate, let the consequences be what they may. We will appeal to the American people to sustain us, because we are looking alone to their rights. [Manifestations of applause in the galleries.]

Now, Mr. President, what is the technical point? There can not be any question, in my judgment, as to what is before this body. The Senator from Rhode Island had read a few moments ago the Journal of this body, quoting it as a precedent for the action he is now taking. What was that action? The Senate had remained in session so long that it was a physical impossibility for the clerks to complete the Journal, so that when the Senate met only a part of the Journal was prepared and could be read. The point of order was made, possibly for the purpose of delay, that the entire Journal must be read before the Senate could proceed to business. The Senate determined otherwise in the public interests. There was no question as to the correctness of the Journal, but in the closing hours of the session the public weal required that for the moment the Senate should go on with the presentation of petitions and memorials and other matters until the clerks could produce the Journal and then have it read and approved. That was Mr. Thurman's position.

There is another thing that occurred at the last session. A good authority on the other side of the Chamber, or he ought to be, the Senator from Vermont [Mr. EDMUNDS], came in here on Friday, the 1st day of August, 1890, as will be found in the CONGRESSIONAL RECORD, on page 8721. After securing a quorum:

THE JOURNAL.

The Journal of yesterday's proceedings was read.

Mr. EDMUNDS. I move to amend and correct the Journal in the first paragraph, where the absence of a quorum was disclosed, by inserting what the truth is as it appears in the RECORD:

"The Secretary called the roll, and the following Senators answered to their names:"

* * * * * * *

The PRESIDENT *pro tempore*. The Senator from Vermont moves to amend and correct the Journal by the insertion of the names of those who responded upon the call of the roll of the Senate yesterday morning. Is the Senate ready for the question?

Mr. SHERMAN. I will ask if that has been the custom of the Senate heretofore.

The PRESIDENT *pro tempore*. It has not been the custom.

Mr. SHERMAN. I doubt very much whether the Senate ought in a particular case to make a departure from the rule.

Mr. EDMUNDS. I mean to have it general hereafter, all the time, and that is what it ought to be. The rule requires that the Journal should tell everything that takes place.

And so the discussion went on, the distinguished Senator from Vermont holding that the first thing in order in the morning was the approval of the Journal, and he required by a vote of the Senate, or he had by a vote of the Senate, the Journal amended by inserting the list of those who happened to be present at the call, a thing which had never been done before. That was at the last session and that is the rule of the body.

Now, Mr. President, you are called upon by a portion of your party in the Senate to overrule this precedent of last year and to overrule every precedent. There is no authority or precedent which can be cited which would sustain you in so ruling.

Mr. EDMUNDS. May I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from Vermont?

Mr. GORMAN. Certainly.

Mr. EDMUNDS. I should like to ask my honorable friend from Maryland what the circumstance of a motion to amend the Journal, such as my honorable and distinguished friend made the day before yesterday, and that which I made on the occasion referred to, has to do with the question of what subsequent motion may be made before the Journal is finally disposed of. I made no such motion and no such question was pending at that time.

Mr. GORMAN. The Senator from Vermont moved to amend the Journal the moment after it was read, that being a matter of the highest privilege and the first question to come before the Senate.

Mr. EDMUNDS. I admit, the question being on approving the Journal, that I moved to amend it, as the Senator did two days ago with entire propriety, both of us being in order in making that motion, because we got the floor to do it and the Senate either agreed or disagreed—I think they disagreed—to my motion. I wanted to have the names of the Senators present entered so far as the Journal goes, and that was all there was to it. The question whether it was competent, as Judge Thurman decided and the Democrats sustained him in doing, to go on with some other thing before the Journal was disposed of, I submit is quite another question. It may be right or it may be wrong one way or the other, but that is not the same question.

Mr. GORMAN. I understand, but I should like to ask of the Senator from Vermont as a matter of fact, is it not the first and highest question and the only question you have before the Senate, that you must dispose of the Journal before you can proceed with any other business?

Mr. EDMUNDS. I answer no.

Mr. GORMAN. What does the rule say? I ask the Senator to read the rule.

Mr. EDMUNDS. I have read the rule a good many times even before my honorable friend came here to so well represent the State of Maryland. The rule is perfectly familiar to everybody. It says that the Journal shall be amended, shall be considered, and the question shall be continued until it is disposed of. It is disposed of for the time being by taking up anything else, just as in respect to the credentials of a Senator. [Laughter.] I did not know that I had made a witty remark. I am glad I have. It is exactly like the credentials of a Senator, which are, as a matter of course, of the very highest privilege, higher than a question of rules, because, first, we must have a Senate before we can have any rules.

Now, it has been decided in this Chamber with universal consent, as I believe, at any rate the Senate decided—though I can not recall the exact precedent at this moment, of course—the credentials of a Senator having been presented and being a question of the highest privilege to be continued until disposed of, they may be disposed of in any way, by proceeding to other business, by reference to a committee, or whatever. So that, I submit, the honorable and distinguished Senator is quite wide of the mark as to what he has referred to having the slightest application to the subject that is now in hand.

Mr. GORMAN. Now, Mr. President, I shall at this point again read the rule after the statement of the Senator from Vermont, who is regarded by everybody in this country as one of the most distinguished

lawyers we have here. I am not a lawyer, and I confess, after the statement the Senator has just made, I rejoice that I never was a member of that profession.

Mr. EDMUNDS. So do I.

Mr. GORMAN. The Senator from Vermont says we can proceed to other business before approving the Journal. Rule III, clause 1, says that—

1. The presiding officer having taken the chair and a quorum being present, the Journal of the preceding day shall be read, and any mistake made in the entries corrected. The reading of the Journal shall not be suspended unless by unanimous consent; and when any motion shall be made to amend or correct the same it shall be deemed a privileged question and proceeded with until disposed of.

Mr. President, those of us who are not lawyers take a common sense view of affairs and interpret language as honest men do, according to its real meaning, and I think there is a majority in this country of my class, and there will be no question as to their determination of this question, no matter what the Senate may do.

Mr. CARLISLE. Mr. President——

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from Kentucky?

Mr. GORMAN. Certainly.

Mr. CARLISLE. The Senator from Vermont states that this rule is complied with when the question is temporarily disposed of by taking up something else. I submit to every Senator upon that side of the Chamber whether that is the real meaning of the rule or the real purpose of the rule. It is the only case where, so far as I know under the rules of the Senate, any particular matter is made privileged, and the express mandatory provision, according to the rule, is that it shall be proceeded with until it is disposed of; that is, decided, concluded, settled by the final action of the Senate or by the final action of the President of the Senate, if he has any power in the premises.

Now, as the Senator from Maryland has yielded to me, I should like to have it understood that I may proceed for ten or fifteen minutes to discuss the real question before the Senate, and I am not disposed to proceed to do that without an understanding in advance.

Mr. ALDRICH. I beg the Senator's pardon. I did not hear him.

Mr. CARLISLE. I had stated, inasmuch as the Senator from Maryland had yielded to me and I had started to say something upon this rule, that I should like to have the privilege of calling the attention of the Senate for perhaps five, ten, or twelve minutes to the actual question before the Senate, and nothing else.

Mr. SPOONER. I hope the Senator will not take the floor in that way.

Mr. CARLISLE. I would not take it in that way without notifying the Senate.

Mr. SPOONER. I hope when the Senator from Maryland has concluded the Senator from Kentucky may have the privilege which he desires.

Mr. CARLISLE. That is all I want, because this is a question of very great importance to the Senate, in my judgment.

Mr. SPOONER. The Senator from Kentucky is an able parliamentarian, and he discussed the point of order yesterday, confining himself entirely to that, and I think would do so again to-day.

Mr. GORMAN. Of course I shall be very glad to hear the Senator from Kentucky if he desires to go on and it is the pleasure of the Senate. I shall conclude what I have to say with this statement to emphasize it, that at no time during this Congress has there been any obstruction on the part of the minority to the ordinary public business of the Government, and there would not be now, nor will there be for the remainder of the session, except that we shall insist upon a full discussion of questions which are purely political. If the majority of the Senate desire to go on with the business, as has always been the case, as has been the universal rule of both parties, no matter which was in the majority, fixing their order of business, as has been the custom between the two sides of the Chamber, we will meet them with a patriotic desire to pass such legislation as may inure to the benefit of the whole people, giving them the full liberty, as the party in the majority ought to have, to determine upon what questions they desire to submit to the country, as we did in the case of the tariff bill.

Mr. CARLISLE. Mr. President, this is a question of the very gravest importance, because upon its decision depends the integrity of the proceedings of this body not merely for to-day, but perhaps for all time to come. The Senate, in the exercise of its constitutional power and in the exercise of a power which, in my judgment, every legislative assembly possesses inherently, without any express grant, has adopted a code of rules for the government of its proceedings, and the question presented for our consideration now is simply whether or not the Senate will, in proceeding to amend its rules, abide by them as they exist or violate them. It is said by the distinguished Senator from Ohio [Mr. SHERMAN] that a proposition to amend the rules of the Senate is a matter of such high privilege that for the purpose of reaching its consideration everything else pending before the Senate may be disregarded, without regard to the requirements of the rules already in force.

I agree that if the Constitution of the United States or any law passed in pursuance of the Constitution of the United States contained a mandatory provision requiring the Congress, or either House of Congress, to do a certain thing within a certain time or at a certain time, or absolutely to do a certain thing without specifying a time, then it would be the duty of Congress or the duty of that particular House, as the case might be, no matter what might be pending when the proper time arrived, to lay it aside and comply with the requirements of the Constitution or law; but no such question is presented here. The Constitution simply provides that "each House may determine the rules of its proceedings," a grant of power which, as I have already said, in my judgment, was unnecessary, because by the constitution of every legislative assembly it must have the power to regulate its own proceedings in a manner not inconsistent, of course, with the fundamental law of the land.

This provision, Mr. President, is a simple recognition or affirmation of a right which would have existed without it, but the Constitution also contains seventeen separate and distinct grants of power to Congress to legislate over various subjects, and one general grant to make all laws which may be necessary to carry into effect the powers delegated.

Now, sir, it may be better said—it can be said with more force—that the Senate may, in the manner in which the Senator from Rhode Island now proposes, pass from the consideration of its own Journal and take up a bill to establish a uniform system of bankruptcy throughout the United States, or a bill to regulate commerce, or any other bill relating to the subjects over which it has power expressly delegated to it by the Constitution, than it can be said that it can pass from it merely for the purpose of amending its own rules.

There is no mandatory provision of the Constitution involved in this question, and no less a parliamentary authority and constitutional lawyer than General Garfield expressly stated this proposition in a somewhat celebrated debate which took place in the other end of the Capitol, a debate, by the way, which arose upon an appeal from a decision on a question of order arising out of a nondebatable question. General Garfield said, speaking of the Constitution:

It empowers each House to make rules, and one of the rules which this House has made prescribes how the rules shall be amended.

His argument was clear and conclusive to establish a proposition that the House, when it was proceeding to amend its rules, must proceed in accordance with the rules as they exist, and not in violation of them.

Mr. President, the Senator from Ohio, of course, will recognize the difference between privileged questions and questions of privilege. There is a wide and well-known difference between these two classes of questions. Mr. Cushing states what a question of privilege is:

1499. The very existence of a legislative assembly, to say nothing of its power of acting with freedom and efficiency, depends so entirely upon the maintenance of what are denominated its privileges, and of the privileges of its individual members, that all questions relating to these subjects are deemed of paramount importance, and are allowed to supersede for the time being any other question which may then be under consideration.

When, therefore, any question of this kind arises, as, for example, when members are attacked with force and violence, either within the precincts of the house or on their way thither; or are obstructed in entering the house, either by violence or insult; when the proceedings of the house are disturbed or interrupted, either by members or strangers; when the freedom of debate and proceeding is attempted to be overawed by mobs or armed force without or when a personal quarrel takes place between two or more members within the house; in all such cases the house will proceed at once, laying aside, or rather suspending, without any vote, all other business, to consider the matter in which their privileges are involved, and, if necessary, to bring the subject before the house; a member speaking may even be interrupted in his speech in the same manner as if he had been guilty of a breach of the orders of the house.

These are given as instances of questions of privilege. They are questions which affect the rights and safety of its members, the freedom of debate upon its floor, and the honor, dignity, and independence of the body itself, and when one of these questions arises the house will proceed instantly from the consideration of whatever may be before it and take up that high question and decide it.

But a privileged question is a very different thing.

The same author says:

PRIVILEGED QUESTIONS.

1507. Questions of this description are those to which precedence is given beforehand over other questions of the same nature by some general or special order of the assembly.

Now, sir, I have read from Mr. Cushing to show what are questions of privilege and what are privileged questions. Everybody will concede that the Senate has before it now, on the motion of the Senator from Rhode Island, no question of privilege. No assault has been made upon any member, no quarrel or affray has occurred upon the floor, no disorderly proceedings have occurred in the body, no assault has been made upon its integrity or its independence or its rights in any respect. We are legislating in the usual and ordinary way under the Constitution. But a privileged question was pending at the time the Senator made his motion, a question expressly made privileged by the third rule. A proceeding to amend the rule is not a privileged question by any rule of the Senate. Mr. Cushing confines those questions to certain subjects, which have been given preference by some special order of the assembly. I read it again:

Questions of this description are those to which precedence is given beforehand over other questions of the same nature by some general or special order of the assembly.

Now, it is proposed that a question which is acknowledged to be a

privileged question under our own rules, shall be laid aside, abandoned, suspended for the purpose of taking up one which has never been made a privileged question by any rule of the Senate or by any rule of parliamentary law, simply upon the ground that the Constitution of the United States allows or recognizes the right of each House to determine the rules of its own proceedings. Why, sir, it delegates to each House, as I have already said, the power to legislate over a great number of subjects, and you have as much right to suspend the reading of your Journal, refuse to decide a motion to correct that Journal, and abandon the proceeding then pending for that purpose, and take up any other ordinary matter of legislation, as to abandon it for the purpose of taking up this. The rule of the Senate is that this question is privileged and shall be proceeded with until disposed of.

Mr. President, if the motion of the Senator from Rhode Island shall be agreed to I ask what becomes of the Journal of the Senate of the day before yesterday and yesterday. When the Senate adjourns on the 3d of March next of course the Journal of that day's proceedings can not be read and approved, because there will be no Senate here thereafter to do so, and no law or rule of the Senate can require an impossibility; and moreover when the Senate adjourns on the 3d of March next—the legislative day of the 3d, although we generally sit as a matter of fact on the 4th—no proceedings can thereafter occur based upon what is shown by the Journal of a preceding day. Now, our proceedings day after day, while the Senate remains in session, are based each one upon the proceedings of the day preceding it, and until the Senate has read and has approved the Journal it has no substantial or legal foundation under the Constitution or its own rules for what it is doing.

Mr. MORGAN. If the Senator from Kentucky will allow me, I wish to call his attention to the fact that the Senator from Rhode Island [Mr. ALDRICH] this morning took the floor upon the proposition that the clôture rule was the pending question before the Senate and announced that he had the right to do it.

Mr. ALDRICH. I beg the Senator's pardon. I made no such statement and took the floor on no such proposition.

Mr. CARLISLE. I hope the Senator will let me proceed on this particular point.

Mr. ALDRICH. I am willing to let the Senator proceed.

Mr. MORGAN. Then I misunderstood the Senator from Rhode Island. I should like to know what he did take the floor upon.

Mr. CARLISLE. My proposition was that the proceedings on each succeeding day are based upon the assumption that the proceedings of the day before were regular and valid and have received the approval of the Senate, as required by the rules. Suppose, Mr. President, that the day before yesterday a vote had been taken in the Senate upon a bill from the House of Representatives and it was declared from the chair that the bill had passed, and it had been sent to the President of the United States for his approval and signature, but it had been discovered yesterday morning that the bill had not passed in fact and a motion was made to correct the Journal so as to show what actually occurred in this body. The Senator from Rhode Island says you can abandon this proposition to correct your Journal and leave this bill in the hands of the President for ten days to receive his signature, when every man here knew personally that it never passed this body at all.

Mr. ALDRICH. Does the Senator mean to be understood that the status of a bill before the President depends upon the Journal of the Senate?

Mr. CARLISLE. It depends upon whether it passed the Senate or not.

Mr. ALDRICH. It depends upon a fact which is certified by the presiding officer of this body, whether it passed or not.

Mr. CARLISLE. Certainly, and behind that certification is presumed to be a lawful, regular action of this body, because the officer has no right to certify until that action has been had, and in the case supposed by me it is discovered afterwards that no such action was had.

Mr. ALDRICH. Does the Senator mean to say that the President of the United States examines the Journal of the two Houses?

Mr. CARLISLE. Not at all. That is exactly what I do not say. I say the President of the United States does not examine your Journals and therefore he will go on and sign the bill, which never passed the Senate at all, and attempt to make it a law of the land. A mistake has been made, as was made the day before yesterday, which the pending motion is designed to correct, and the officers of the House proceed in the regular discharge of their duties to certify what was done. The President never comes here to ascertain whether a mistake was made or not. He looks only, as the Senator from Rhode Island says, to the certification made by the officer of the Senate, and it is discovered that that certification in fact, while it appears to be correct on the Journal, ought never to have been made because the Journal itself was incorrect.

Mr. GIBSON. Is there any power to correct an error in the Journal subsequently in such a case as that supposed by the Senator from Kentucky except by a repeal of the act?

Mr. CARLISLE. Perhaps not so long as our Journal stands uncorrected. If an act were sent to the President for his signature, which the Journal itself did not show to have been passed, the courts might look at the Journals to determine the question, but when the Journal itself shows that it passed, although that showing is false and erroneous, no court in the United States can correct it, and it becomes a law without the consent of one of the branches of the Legislature.

Mr. President, I conclude my remarks with a repetition of the statement that this is a matter of the very gravest importance, and Senators on both sides of the Chamber should approach its consideration in a spirit of absolute fairness and justice. None of us can obtain an advantage by violating the rules of this body. If the motion made by the Senator from Rhode Island is sustained, the result is simply that Rule III of the Senate has been abrogated, not by the Senate, but by the officer appointed by the Constitution to preside over its deliberations. That rule stands as plain, as explicit as the English language can make it, and there can be no mistake about its meaning. The motion to correct the Journal is a privileged question—not a question of privilege, but a privileged question—and the plain rule adopted by the Senate provides that it shall be proceeded with until it is disposed of. How disposed of? Disposed of by abandoning its consideration and proceeding to the consideration of something else? The motion now made does not present a privileged question under any rule of the Senate, and yet in order to consider it we are asked to abandon a privileged matter.

Mr. ALDRICH. Mr. President, I am sure the Senator does not wish to misstate my motion.

Mr. CARLISLE. I do not.

Mr. ALDRICH. There is nothing in the rules of the Senate or in the usages of the Senate or under ordinary parliamentary law or any other authority which would prevent the Senator from Kentucky or any other Senator moving, if this motion shall be carried or lost, to take up the question of the approval of the Journal of yesterday or day before yesterday. It is no abandonment of the question; it is simply proceeding under the rules of the Senate to the consideration of another question; that is all.

Mr. CARLISLE. Rule III reads:

> The presiding officer having taken the chair and a quorum being present, the Journal of the preceding day shall be read, and any mistake made in the entries corrected. The reading of the Journal shall not be suspended unless by unanimous consent; and when any motion shall be made to amend or correct the same, it shall be deemed a privileged question and proceeded with until disposed of.

Mr. ALDRICH. But, if the Senator will excuse me for one moment——

Mr. CARLISLE. Certainly.

Mr. ALDRICH. He confuses the situation, I think, before the Senate at this moment. The question which was pending when I made the motion was not the question whether the Journal of day before yesterday should be amended.

Mr. CARLISLE. That was the first question.

Mr. ALDRICH. No; I beg the Senator's pardon. The question before the Senate was, the Journal of yesterday having been read, whether that should be approved. The question of the approval of the Journal of day before yesterday was not before the Senate, is not before the Senate, and can not get before the Senate, however high a question of privilege it may be, except upon the motion of some Senator.

Mr. CARLISLE. Mr. President, I have read the rule, and I will not detain the presiding officer a moment longer, for the purpose of showing that when this motion is once made it continues before the body until disposed of; and when your Journal was read this morning the very first question which it was the duty of the presiding officer to put to the Senate was upon the motion made by the Senator from Maryland to correct the Journal of the day before. Until that was done not another motion could be entertained under this rule.

The VICE PRESIDENT. The Chair will rule upon the point of order.

Mr. PASCO. Mr. President——

Mr. ALDRICH. Mr. President, I object to further debate. It has been protracted to an indefinite length.

The VICE PRESIDENT. The Chair does not find any rule bearing upon the question of amending or approving any other Journal than that of the preceding day, and is therefore of opinion that the motion made by the Senator from Rhode Island is in order, the morning hour having expired.

The Chair will avail himself of the present occasion to say that he has no pride of consistency nor any desire to do otherwise than to administer the rules of the Senate as he understands them with entire impartiality. It will be his pleasure as it will be his duty to execute all decisions of the Senate, whether they support or overrule his decisions, to the best of his ability.

Mr. HARRIS. I suppose the opinion of the Chair as submitted is intended to overrule the point of order that I made upon the motion of the Senator from Rhode Island.

The VICE PRESIDENT. That is the intention of the Chair.

Mr. HARRIS. It is then overruled?

The VICE PRESIDENT. It is overruled.

Mr. HARRIS. From that decision I appeal.

The VICE PRESIDENT. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. SHERMAN. That is not debatable.

Mr. GORMAN. I ask for the yeas and nays on the appeal.

The yeas and nays were ordered.

Mr. GORMAN. Now let the question be stated.

The VICE PRESIDENT. The question is, Shall the decision of the Chair stand as the judgment of the Senate? The Secretary will call the roll on sustaining the decision of the Chair.

The Secretary proceeded to call the roll.

Mr. BUTLER (when his name was called). On this question I am paired with the Senator from Pennsylvania [Mr. CAMERON]. If he were present, I should vote "nay."

Mr. CALL (when his name was called). On this question I am paired with the Senator from South Dakota [Mr. PETTIGREW.] If he were here, I should vote "nay."

Mr. CARLISLE (when his name was called). Under the arrangement made yesterday, transferring my pair with the Senator from North Dakota [Mr. PIERCE] to the Senator from Georgia [Mr. BROWN], I am at liberty to vote. I vote "nay."

Mr. DANIEL (when his name was called). I am paired with the Senator from Washington [Mr. SQUIRE]. Otherwise I should vote "nay."

Mr. DAWES (when his name was called). I am paired with the junior Senator from Georgia [Mr. COLQUITT]. If he were present, I should vote "yea."

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY]. I see the Senator from Maryland [Mr. WILSON] is not present, and if it will be agreeable to the Senator from Iowa [Mr. WILSON], who is paired with him, I will transfer my pair with the Senator from Pennsylvania [Mr. QUAY] to the Senator from Maryland [Mr. WILSON], which will enable the Senator from Iowa and myself to vote.

Mr. WILSON, of Iowa. I consent.

Mr. FAULKNER. I vote "nay."

Mr. CASEY (when Mr. PIERCE'S name was called). My colleague [Mr. PIERCE] is paired, by a transfer of pairs, with the Senator from Georgia [Mr. BROWN]. He is necessarily absent.

Mr. MANDERSON (when Mr. QUAY'S name was called). I was requested to announce that the Senator from Pennsylvania [Mr. QUAY] is detained from the Chamber by illness. His pair, I believe, has been announced, through a change of pairs, with the Senator from Maryland [Mr. WILSON].

Mr. ALLEN (when Mr. SQUIRE'S name was called). My colleague [Mr. SQUIRE] is paired with the Senator from Virginia [Mr. DANIEL]. If present, my colleague would vote "yea."

Mr. VEST (when his name was called). I am paired with the Senator from Kansas [Mr. PLUMB]. I should vote "nay" if he were present.

Mr. TURPIE (when the name of Mr. VOORHEES was called). I wish to say that my colleague [Mr. VOORHEES] is detained by illness and is paired with the Senator from South Dakota [Mr. MOODY]. If present, my colleague would vote "nay."

The roll-call was concluded.

Mr. BLODGETT. I am paired with the junior Senator from New Hampshire [Mr. CHANDLER]. If that Senator were present, I should vote "nay."

Mr. ALLISON (after having voted in the affirmative). The senior Senator from Kansas [Mr. INGALLS] was obliged to leave for his home yesterday on matters of importance to him, and I am paired with him on all matters connected with the consideration of this proposed rule. Having inadvertently voted, I ask leave to withdraw my vote. I have reserved the right to vote, of course, if my vote is necessary to make a quorum; but that is not necessary now.

Mr. FAULKNER. I ask whether the Senator from California [Mr. STANFORD] is recorded.

The VICE PRESIDENT. He is not recorded.

Mr. FAULKNER. I desire to state that the Senator from California [Mr. STANFORD] is paired with his colleague [Mr. HEARST], who is ill.

The result was announced—yeas 35, nays 30; as follows:

YEAS—35.

Aldrich,	Edmunds,	McConnell,	Sawyer,
Allen,	Evarts,	McMillan,	Sherman,
Blair,	Farwell,	Manderson,	Shoup,
Carey,	Frye,	Mitchell,	Spooner,
Casey,	Hale,	Morrill,	Stockbridge,
Cullom,	Hawley,	Paddock,	Warren,
Davis,	Higgins,	Platt,	Washburn,
Dixon,	Hiscock,	Power,	Wilson of Iowa.
Dolph,	Hoar,	Sanders,	

NAYS—30.

Barbour,	Faulkner,	Kenna,	Stewart,
Bate,	George,	McPherson,	Teller,
Berry,	Gibson,	Morgan,	Turpie,
Blackburn,	Gorman,	Pasco,	Vance,
Carlisle,	Gray,	Payne,	Walthall,
Cockrell,	Hampton,	Pugh,	Wolcott.
Coke,	Harris,	Ransom,	
Eustis,	Jones of Arkansas,	Reagan,	

ABSENT—23.

Allison,	Chandler,	Jones of Nevada,	Squire,
Blodgett,	Colquitt,	Moody,	Stanford,
Brown,	Daniel,	Pettigrew,	Vest,
Butler,	Dawes,	Pierce,	Voorhees,
Call,	Hearst,	Plumb,	Wilson of Md.
Cameron,	Ingalls,	Quay,	

The VICE PRESIDENT. The decision of the Chair is sustained. The question recurs on the motion made by the Senator from Rhode Island [Mr. ALDRICH].

Mr. ALDRICH. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BUTLER. What is the question? Let it be stated.

The VICE PRESIDENT. The question is, Will the Senate proceed to the consideration of the resolution submitted by the Senator from Rhode Island?

Mr. GORMAN. Let the resolution be read, Mr. President.

Mr. EDMUNDS. It has been read twice already.

The VICE PRESIDENT. The resolution will be reported.

The Chief Clerk read the resolution submitted by Mr. ALDRICH December 29, 1890, as follows:

Resolved, That for the remainder of this session the rules of the Senate be amended by adding thereto the following:

"When any bill, resolution, or other question shall have been under consideration for a reasonable time, it shall be in order for any Senator to demand that debate thereon be closed. On such demand no debate shall be in order, and pending such demand no other motion except one motion to adjourn shall be made. If such demand be seconded by a majority of the Senators present, the question shall forthwith be taken thereon without debate. If the Senate shall decide to close debate on any bill, resolution, or other question, the measure shall take precedence of all other business whatever, and the question shall be put upon the amendments, if any, then pending, and upon the measure in its successive stages according to the rules of the Senate, but without further debate, except that every Senator who may desire shall be permitted to speak upon the measure, including all amendments, not more than once, and not exceeding thirty minutes.

"After the Senate shall have decided to close debate as herein provided, no motion shall be in order but a motion to adjourn or to take a recess, when such motions shall be seconded by a majority of the Senate. When either of said motions shall have been lost or shall have failed of a second, it shall not be in order to renew the same until one Senator shall have spoken upon the pending measure or one vote upon the same shall have intervened.

"Pending proceedings under the foregoing rule no proceeding in respect of a quorum shall be in order until it shall have appeared on a division or on the taking of the yeas and nays that a quorum is not present and voting.

"Pending proceedings under the foregoing rule all questions of order, whether upon appeal or otherwise, shall be decided without debate, and no obstructive or dilatory motion or proceedings of any kind shall be in order.

"For the foregoing stated purposes the following rules, namely, VII, VIII, IX, X, XII, XIX, XXII, XXVII, XXVIII, XXXV, and XL, are modified."

Mr. GORMAN. Mr. President, I move to lay the motion of the Senator from Rhode Island on the table.

Mr. EDMUNDS. That is not in order.

Mr. ALDRICH. It is too late.

Mr. SHERMAN. It is not in order until after it is taken up.

Mr. EDMUNDS. A motion to proceed to the consideration of a bill can not be laid on the table.

Mr. ALDRICH. I raise the question of order that the motion made by the Senator from Maryland is not in order, and that the motion to proceed to the consideration of the resolution can not be laid on the table. After the resolution is taken up then the Senator from Maryland can move to lay it on the table.

Mr. GORMAN. I should be glad if the Chair would read any rule on the subject. Let us have the rule read.

Mr. ALDRICH. It is ordinary parliamentary law.

Mr. GORMAN. I call the Senator from Rhode Island to order now. I want the Chair to decide this matter without any interference on our part.

The VICE PRESIDENT. The Chair does not find any rule bearing upon the point raised. He will therefore put the motion made by the Senator from Maryland.

Mr. GORMAN. I demand the yeas and nays on that motion.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BLODGETT (when his name was called). I am paired with the junior Senator from New Hampshire [Mr. CHANDLER].

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON].

Mr. CALL (when his name was called). I am paired with the Senator from South Dakota [Mr. PETTIGREW]. If he were here, I should vote "yea."

Mr. DAWES (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT].

Mr. FAULKNER (when his name was called). Under the arrangement for the transfer of pairs that was suggested on the former roll call, I vote "yea."

Mr. MANDERSON (when Mr. QUAY'S name was called). I desire to announce that the Senator from Pennsylvania [Mr. QUAY] stands paired for the day, by a transfer of pairs, with the Senator from Maryland [Mr. WILSON]. The Senator from Pennsylvania is detained from the Senate by illness. I make this announcement for the day.

Mr. TURPIE (when the name of Mr. VOORHEES was called). I wish to announce again the pair of my colleague [Mr. VOORHEES] with the Senator from South Dakota [Mr. MOODY]. My colleague would vote "yea" on this motion.

The roll-call was concluded.

Mr. ALLISON. On this question I am paired with the senior Senator from Kansas [Mr. INGALLS]. If he were present, I should vote "nay."

Mr. DANIEL. I am paired with the Senator from Washington [Mr. SQUIRE]. Otherwise I should vote "yea." I presume he would vote "nay."

Mr. VEST. I wish to announce my pair with the junior Senator from Kansas [Mr. PLUMB].

The result was announced—yeas 30, nays 35; as follows:

YEAS—30.

Barbour,	Faulkner,	Kenna,	Stewart,
Bate,	George,	McPherson,	Teller,
Berry,	Gibson,	Morgan,	Turpie,
Blackburn,	Gorman,	Pasco,	Vance,
Carlisle,	Gray,	Payne,	Walthall,
Cockrell,	Hampton,	Pugh,	Wolcott.
Coke,	Harris,	Ransom,	
Eustis,	Jones of Arkansas,	Reagan,	

NAYS—35.

Aldrich,	Edmunds,	McConnell,	Sawyer,
Allen,	Evarts,	McMillan,	Sherman,
Blair,	Farwell,	Manderson,	Shoup,
Carey,	Frye,	Mitchell,	Spooner,
Casey,	Hale,	Morrill,	Stockbridge,
Cullom,	Hawley,	Paddock,	Warren,
Davis,	Higgins,	Platt,	Washburn,
Dixon,	Hiscock,	Power,	Wilson of Iowa.
Dolph,	Hoar,	Sanders,	

ABSENT—23.

Allison,	Chandler,	Jones of Nevada,	Squire,
Blodgett,	Colquitt,	Moody,	Stanford,
Brown,	Daniel,	Pettigrew,	Vest,
Butler,	Dawes,	Pierce,	Voorhees,
Call,	Hearst,	Plumb,	Wilson of Md.
Cameron,	Ingalls,	Quay,	

So the motion to lay on the table was not agreed to.

The VICE PRESIDENT. The Secretary will call the roll on agreeing to the motion made by the Senator from Rhode Island.

The Secretary proceeded to call the roll, and Mr. ALDRICH and Mr. ALLEN answered to their names.

Mr. RANSOM. Mr. President——

The VICE PRESIDENT. For what purpose does the Senator rise?

Mr. RANSOM. I rise to a point of order, sir.

The VICE PRESIDENT. A point of order is not in order during the roll-call.

Mr. RANSOM. I rose, sir, and addressed the Chair before the roll-call commenced, and continued in it, if that point is insisted on.

The VICE PRESIDENT. The Chair assures the Senator that he did not recognize his voice.

Mr. RANSOM. I have been in the Senate a long time and have known a roll-call recalled to allow a point of order to be made when a Senator was on the floor addressing the Chair at the time when the call was begun.

The VICE PRESIDENT. The roll-call will proceed.

Mr. RANSOM. Does the Chair rule me out of order?

The VICE PRESIDENT. The Chair thinks a point of order is not in order during a roll-call, after the first name has been responded to.

Mr. HOAR. I hope the Senator from North Carolina will have unanimous consent to make his point of order. He rose about simultaneously and believes himself that he rose in time.

The VICE PRESIDENT. Is there objection? The Chair hears no objection, and the Senator will state his point of order.

Mr. RANSOM. I have a right to make my point of order. Mr. President, this is the point of order that I make: As the Journal of the proceedings of day before yesterday reads, the proposition now submitted to the Senate and upon which the vote is to be taken has already been adopted by the Senate, although morally we know the Journal speaks a falsehood. There stands the Journal declaring that on the 20th day of January the proposition of the Senator from Rhode Island was decided in the affirmative. I submit, with that action of the Senate now pronounced upon the Journal, it is out of order for the Senate to take this proceeding upon the pending proposition.

The VICE PRESIDENT. The Chair does not think the point of order well taken. The roll-call will proceed.

Mr. RANSOM. From the ruling of the Chair I beg leave to appeal; and upon that appeal I ask for the yeas and nays.

The yeas and nays were ordered.

The VICE PRESIDENT. The Secretary will call the roll.

Mr. GORMAN. I think the Chair ought to state what we are to vote on. The Chair should state the proposition, so that we may have no confusion.

The VICE PRESIDENT. The question is, Shall the decision of the Chair on the point of order raised by the Senator from North Carolina stand as the judgment of the Senate?

Mr. BUTLER. What was the point of order?

Mr. EDMUNDS. The Chair overruled the point of order.

Mr. BUTLER. What was the point of order?

Mr. GORMAN. Will the Chair please state the point of order?

Mr. EDMUNDS. It has been stated already.

Mr. BUTLER. I want to hear it stated again.

The VICE PRESIDENT. The Chair will ask the Senator from North Carolina to restate his point of order.

Mr. RANSOM. At the request of the Chair, I will restate the point of order. It is that the Journal containing the proceedings of the 20th of January, as read yesterday morning and as now standing, declares that the proposition submitted by the Senator from Rhode Island has already been adopted by the Senate. It was carried, says the Journal, affirmatively. And if I may state the point of order still further, I say that for this body now to go on and adopt the motion of the Senator from Rhode Island in the face of that fact is against any rule of order and cannot be done without declaring by implication that the Journal is false.

The VICE PRESIDENT. The roll will be called on sustaining the decision of the Chair.

Mr. GORMAN. I insist on the Chair stating the motion. All these questions ought to be stated from the chair. Let the Chair state what we are voting on.

The VICE PRESIDENT. The Chair will then ask the Senator from North Carolina to submit his point of order in writing.

Mr. GORMAN. Very good; do that.

Mr. RANSOM. If the Chair will give me time, I shall do it. [A pause.] Mr. President, I submit my point of order in writing.

The VICE PRESIDENT. The Chair will read the point of order made by the Senator from North Carolina: The point of order is that the motion to take up the resolution is not in order because the Journal of the 20th instant, as read on the 21st, shows that the resolution was taken up on the 20th, and, if that be true, it then became and is now the unfinished business. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. EDMUNDS. I understand the Chair to have overruled the point of order.

The VICE PRESIDENT. The Chair has overruled the point of order.

Mr. HALE. And an appeal has been taken.

Mr. GORMAN. The vote is now whether——

The VICE PRESIDENT. Whether the decision of the Chair shall stand as the judgment of the Senate.

Mr. GORMAN. To vote "yea" upon this question is to sustain the Chair?

The VICE PRESIDENT. A vote "yea" sustains the decision of the Chair.

Mr. GORMAN. And to vote "nay" is to sustain the point of order made by the Senator from North Carolina?

The VICE PRESIDENT. That is correct.

Mr. BUTLER. I rise to a parliamentary inquiry, which I wish the Chair or somebody who is versed in parliamentary law will answer. If the Journal was not correct, or if, in other words, the Journal had not been questioned, would not this proposed rule be before the Senate? I understand that if the Journal is admitted to be correct it is already before the Senate. I do not understand why the Senator wants now to take another vote to bring up the resolution again if it is before the Senate.

The VICE PRESIDENT. That is in effect the point of order raised by the Senator from North Carolina, which the Chair has already decided. The question is, Shall the decision of the Chair stand as the judgment of the Senate? The roll-call will proceed.

The Secretary proceeded to call the roll.

Mr. BLODGETT (when his name was called). I am paired with the junior Senator from New Hampshire [Mr. CHANDLER].

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON].

Mr. CALL (when his name was called). I am paired with the Senator from South Dakota [Mr. PETTIGREW]. If he were here, I should vote "nay."

Mr. FAULKNER (when his name was called). Having transferred my pair with the Senator from Pennsylvania [Mr. QUAY] to the Senator from Maryland [Mr. WILSON], I vote "nay."

Mr. TURPIE (when the name of Mr. VOORHEES was called). I wish to announce the pair of my colleague [Mr. VOORHEES] with the Senator from South Dakota [Mr. MOODY]. My colleague is detained by illness. I wish to state also that, if present, my colleague would vote "nay."

The roll-call having been concluded, the result was announced—yeas 36, nays 27; as follows:

YEAS—36.

Aldrich,	Edmunds,	McConnell,	Sanders,
Allen,	Evarts,	McMillan,	Sawyer,
Blair,	Farwell,	Manderson,	Sherman,
Carey,	Frye,	Mitchell,	Shoup,
Casey,	Hale,	Morrill,	Spooner,
Cullom,	Hawley,	Paddock,	Stockbridge,
Davis,	Higgins,	Platt,	Warren,
Dixon,	Hiscock,	Plumb,	Washburn,
Dolph,	Hoar,	Power,	Wilson of Iowa.

NAYS—27.

Barbour,	Blackburn,	Eustis,	Gibson,
Bate,	Carlisle,	Faulkner,	Gorman,
Berry,	Coke,	George,	Gray,

Hampton,	McPherson,	Pugh,	Vance,
Harris,	Morgan,	Ransom,	Vest,
Jones of Arkansas,	Pasco,	Reagan,	Walthall.
Kenna,	Payne,	Turpie,	

ABSENT—25.

Allison,	Cockrell,	Moody,	Teller,
Blodgett,	Colquitt,	Pettigrew,	Voorhees,
Brown,	Daniel,	Pierce,	Wilson of Md.
Butler,	Dawes,	Quay,	Wolcott.
Call,	Hearst,	Squire,	
Cameron,	Ingalls,	Stanford,	
Chandler,	Jones of Nevada,	Stewart,	

The VICE PRESIDENT. On the point of order raised by the Senator from North Carolina [Mr. RANSOM] the decision of the Chair is sustained. The roll will be called on the motion made by the Senator from Rhode Island [Mr. ALDRICH].

Mr. GORMAN. Now, what is the motion before the body? I ask the Chair what is pending now.

The VICE PRESIDENT. The motion to proceed with the resolution submitted by the Senator from Rhode Island [Mr. ALDRICH], which has been read.

Mr. GORMAN. Now, Mr. President, I rise to a point of order. Rule XXI provides that—

1. All motions shall be reduced to writing, if desired by the presiding officer or by any Senator, and shall be read before the same shall be debated.

I suggest that the Senator from Rhode Island has not reduced his motion to writing.

Mr. EDMUNDS. This is not a debatable resolution.

Mr. DOLPH. Mr. President, I rise to a point of order.

The VICE PRESIDENT. The Senator from Oregon will state his point of order.

Mr. DOLPH. I raise the point of order that it is too late, after the roll-call has commenced, to raise a point of order. The point of order raised by the Senator from North Carolina was admitted by unanimous consent.

Mr. GORMAN. The roll-call had not commenced. I have a right to have the motion reduced to writing.

The VICE PRESIDENT. The rule will be read.

The Chief Clerk read as follows:

RULE XXI.

MOTIONS.

1. All motions shall be reduced to writing, if desired by the presiding officer or by any Senator, and shall be read before the same shall be debated.

The VICE PRESIDENT. It is not a debatable motion in the opinion of the Chair.

Mr. GORMAN. "All motions"—I ask the Chair to read it again—"all motions shall be reduced to writing, if desired by the presiding officer or by any Senator, and shall be read."

Mr. HOAR. Before they are debated.

Mr. GORMAN. The point of order raised by the Senator from North Carolina was not debatable, and the Chair held that it must be put in writing. I only ask that we may have a fair hearing on both sides.

The VICE PRESIDENT. The Chair only intended to state that the motion itself was not debatable.

Mr. GORMAN. But I ask for a right which I am entitled to under Rule XXI, and I ask the Senator from Rhode Island, so that the Journal may not make any mistake hereafter, that he reduce his motion to writing.

Mr. DOLPH. I rise to a point of order, and that is that it is too late to raise a point of order. The roll-call had commenced.

Mr. BUTLER. Oh, no; there has not been a response to the roll-call.

Mr. DOLPH. The Senator from North Carolina was permitted to make his point of order by unanimous consent, and I object to any point of order being interposed now.

Mr. COCKRELL. That roll-call was completed half an hour ago.

The VICE PRESIDENT. The question is not debatable. The Senator from Maryland makes a request, the Chair understands, of the Senator from Rhode Island.

Mr. GORMAN. I do, under the twenty-first rule.

The VICE PRESIDENT. Will the Senator from Rhode Island comply with the request?

Mr. DOLPH. I hope the Chair will pass upon the point of order that I raise.

The VICE PRESIDENT. The Chair thinks the point not well taken.

Mr. BUTLER. I call the Senator from Oregon to order.

The VICE PRESIDENT. The Chair is of opinion that the point of order made by the Senator from Oregon is not well taken.

Mr. SPOONER. Mr. President, I rise to a point of order.

The VICE PRESIDENT. The Senator from Wisconsin will state his point of order.

Mr. SPOONER. My point of order is that the motion made by the Senator from Rhode Island does not fall within the rule cited by the Senator from Maryland.

Mr. HARRIS. That is exactly what the Chair has decided on a former point.

Mr. GORMAN. That has already been decided.

Mr. SPOONER. The rule refers only to debatable motions.

The VICE PRESIDENT. The Chair will read the motion made by the Senator from Rhode Island: "I move that the Senate proceed to the consideration of the following resolution." The resolution has been read. Does the Senator from Maryland desire to have it read again?

Mr. GORMAN. No, sir; I do not care to have the resolution read again.

The VICE PRESIDENT. The Chair would like to state in this connection that he had no intention of causing any inconvenience to the Senator from North Carolina in asking him to submit his point of order in writing, but as it was somewhat lengthy the Chair was apprehensive he might not correctly report the remarks made by the Senator from North Carolina.

Mr. RANSOM. I understood the Chair perfectly.

The VICE PRESIDENT. The roll-call will proceed.

Mr. GORMAN. Upon reflection, so as to make the Journal exactly correct, I think we should have the resolution read.

Mr. BUTLER. Read the motion again.

The VICE PRESIDENT. The resolution will be again reported.

The Chief Clerk read as follows:

I move that the Senate proceed to the consideration of the following resolution:

"*Resolved*, That for the remainder of this session the rules of the Senate be amended by adding thereto the following:

"'When any bill, resolution, or other question shall have been under consideration for a reasonable time it shall be in order for any Senator to demand that debate thereon be closed. On such demand no debate shall be in order, and pending such demand no other motion except one motion to adjourn shall be made. If such demand be seconded by a majority of the Senators present, the question shall forthwith be taken thereon without debate. If the Senate shall decide to close debate on any bill, resolution, or other question, the measure shall take precedence of all other business whatever, and the question shall be put upon the amendments, if any then pending, and upon the measure in its successive stages according to the rules of the Senate, but without further debate, except that every Senator who may desire shall be permitted to speak upon the measure, including all amendments, not more than once, and not exceeding thirty minutes.

"'After the Senate shall have decided to close debate as herein provided, no motion shall be in order but a motion to adjourn or to take a recess, when such motions shall be seconded by a majority of the Senate. When either of said motions shall have been lost or shall have failed of a second, it shall not be in order to renew the same until one Senator shall have spoken upon the pending measure or one vote upon the same shall have intervened.

"'Pending proceedings under the foregoing rule no proceeding in respect of a quorum shall be in order until it shall have appeared on a division or on the taking of the yeas and nays that a quorum is not present and voting.

"'Pending proceedings under the foregoing rule all questions of order, whether upon appeal or otherwise, shall be decided without debate, and no obstructive or dilatory motion or proceedings of any kind shall be in order.

"'For the foregoing stated purposes the following rules, namely, VII, VIII, IX, X, XII, XIX, XXII, XXVII, XXVIII, XXXV, and XL, are modified.'"

The VICE PRESIDENT. The roll will be called.

The Secretary proceeded to call the roll.

Mr. BLODGETT (when his name was called). I again announce my pair with the junior Senator from New Hampshire [Mr. CHANDLER].

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON].

Mr. CALL (when his name was called). I am paired with the Senator from South Dakota [Mr. PETTIGREW]. If he were here, I should vote "nay."

Mr. FAULKNER (when his name was called). Under the arrangement I have already announced, I vote "nay."

The roll-call was concluded.

Mr. ALLISON. On this question I am paired with the senior Senator from Kansas [Mr. INGALLS]. If he were present, I should vote "yea."

Mr. DAWES. I am paired with the junior Senator from Georgia [Mr. COLQUITT]. Otherwise I should vote "yea."

Mr. CASEY. My colleague [Mr. PIERCE] is ordinarily paired with the Senator from Kentucky [Mr. CARLISLE], but by a transfer of pairs he is paired with the Senator from Georgia [Mr. BROWN].

Mr. ALLEN. I wish to announce the pair of my colleague [Mr. SQUIRE] with the Senator from Virginia [Mr. DANIEL].

Mr. DOLPH. I desire to supplement what was stated in regard to the pair of the Senator from North Dakota [Mr. PIERCE] with the senior Senator from Georgia [Mr. BROWN] by saying that that arrangement will stand until further announcement, so that it will not have to be repeated at every roll-call.

Mr. WALTHALL. My colleague [Mr. GEORGE] is paired with the Senator from New Hampshire [Mr. BLAIR].

Mr. BLAIR (after having voted in the affirmative). The Senator from Mississippi [Mr. GEORGE] has been present and responding all the time, and I supposed he was present on this roll-call. If he be not present and my vote be not necessary to make a quorum, I withdraw it.

The VICE PRESIDENT. The Senator from Mississippi has not voted on this call.

Mr. TURPIE. I wish to reannounce, upon this call, the absence of my colleague [Mr. VOORHEES], who is paired with the Senator from South Dakota [Mr. MOODY]. My colleague would vote "nay" if present.

Mr. DANIEL. I wish to state that I am paired with the Senator from Washington [Mr. SQUIRE], and that I have observed the pair on every vote that has been taken.

Mr. FAULKNER. I will ask whether the Senator from California [Mr. STANFORD] is recorded.

The VICE PRESIDENT. He is recorded in the affirmative.

Mr. FAULKNER. I understood that he was paired with his colleague [Mr. HEARST]. As he has recorded his vote in the affirmative, it will be very proper to transfer the pair of the Senator from Virginia [Mr. DANIEL] with the Senator from Washington [Mr. SQUIRE] to the Senator from California [Mr. HEARST], so as to enable the Senator from Virginia [Mr. DANIEL] to vote, and I make that transfer.

Mr. DANIEL. With that understanding, I vote "nay."

The VICE PRESIDENT. The Senator from New Hampshire [Mr. BLAIR] stands recorded as voting "yea."

Mr. BLAIR. I stated that unless my vote be necessary to make a quorum I desire to recall it.

The VICE PRESIDENT. The Senator from New Hampshire withdraws his vote.

The result was announced—yeas 36, nays 32; as follows:

YEAS—36.

Aldrich,	Evarts,	McMillan,	Sawyer,
Allen,	Farwell,	Manderson,	Sherman,
Carey,	Frye,	Mitchell,	Shoup,
Casey,	Hale,	Morrill,	Spooner,
Cullom,	Hawley,	Paddock,	Stanford,
Davis,	Higgins,	Platt,	Stockbridge,
Dixon,	Hiscock,	Plumb,	Warren,
Dolph,	Hoar,	Power,	Washburn,
Edmunds,	McConnell,	Sanders,	Wilson of Iowa.

NAYS—32.

Barbour,	Eustis,	Jones of Nevada,	Reagan,
Bate,	Faulkner,	Kenna,	Stewart,
Berry,	Gibson,	McPherson,	Teller,
Blackburn,	Gorman,	Morgan,	Turpie,
Carlisle,	Gray,	Pasco,	Vance,
Cockrell,	Hampton,	Payne,	Vest,
Coke,	Harris,	Pugh,	Walthall,
Daniel,	Jones of Arkansas,	Ransom,	Wolcott.

ABSENT—20.

Allison,	Call,	George,	Pierce,
Blair,	Cameron,	Hearst,	Quay,
Blodgett,	Chandler,	Ingalls,	Squire,
Brown,	Colquitt,	Moody,	Voorhees,
Butler,	Dawes,	Pettigrew,	Wilson of Md.

So the motion was agreed to.

LIMITATION OF DEBATE.

The VICE PRESIDENT. The resolution is before the Senate.

Mr. ALDRICH. Mr. President——

Mr. HARRIS. I rise to inquire what has become of the question of order that I raised on the 20th, when this same matter was supposed or announced to be before the Senate.

Mr. GORMAN. Let the resolution be read.

Mr. HARRIS. Let the resolution be read. I will then put my inquiry to the Chair.

The VICE PRESIDENT. The resolution will be read.

The Chief Clerk read the resolution submitted by Mr. ALDRICH December 29, 1890, as follows:

Resolved, That for the remainder of this session the rules of the Senate be amended by adding thereto the following:

"When any bill, resolution, or other question shall have been under consideration for a reasonable time it shall be in order for any Senator to demand that debate thereon be closed. On such demand no debate shall be in order, and pending such demand no other motion except one motion to adjourn shall be made. If such demand be seconded by a majority of the Senators present, the question shall forthwith be taken thereon without debate. If the Senate shall decide to close debate on any bill, resolution, or other question, the measure shall take precedence of all other business whatever, and the question shall be put upon the amendments, if any, then pending, and upon the measure in its successive stages according to the rules of the Senate, but without further debate, except that every Senator who may desire shall be permitted to speak upon the measure, including all amendments, not more than once, and not exceeding thirty minutes.

"After the Senate shall have decided to close debate as herein provided, no motion shall be in order but a motion to adjourn or take a recess, when such motion shall be seconded by a majority in the Senate. When either of said motions shall have been lost or shall have failed of a second, it shall not be in order to renew the same until one Senator shall have spoken upon the pending measure or one vote upon the same shall have intervened.

"Pending proceedings under the foregoing rule no proceeding in respect of a quorum shall be in order until it shall have appeared on a division or on the taking of the yeas and nays that a quorum is not present and voting.

"Pending proceedings under the foregoing rule all questions of order, whether upon appeal or otherwise, shall be decided without debate, and no obstructive or dilatory motion or proceedings of any kind shall be in order.

"For the foregoing stated purposes the following rules, namely, VII, VIII, IX, X, XII, XIX, XXII, XXVII, XXVIII, XXXV, and XL, are modified."

Mr. ALDRICH and Mr. HARRIS addressed the Chair.

The VICE PRESIDENT. The Senator from Rhode Island.

Mr. HARRIS. Mr. President, I rise to a parliamentary inquiry. Does the Chair hold that the question presented by me on a former day is still pending?

The VICE PRESIDENT. The Chair first recognized the Senator who made the motion; he will then hear the Senator from Tennessee upon the point of order.

Mr. ALDRICH. I yield to the Senator from Tennessee for that purpose.

Mr. HARRIS. I ask the Chair if my question of order presented on the 20th is still pending.

The VICE PRESIDENT. The Chair is of opinion that the point of order made by the Senator from Tennessee should have been made before the Senate had agreed to take up the resolution offered by the Senator from Rhode Island; and that it can not be made after the resolution has been taken up by a vote of the Senate.

Mr. HARRIS. Does the Chair overrule my point of order?

The VICE PRESIDENT. The Chair is of opinion that the point——

Mr. DANIEL. It was made before the resolution was taken up.

Mr. HARRIS. My point of order was made on the 20th. The Chair has held that it was necessary to take this question up to-day, and by a yea-and-nay vote of the Senate it was taken up to-day.

Mr. ALDRICH. Debate is not in order on this question?

The VICE PRESIDENT. No debate is in order.

Mr. HARRIS. I am stating facts, and not debating.

Mr. ALDRICH. I understand, but whether they are facts or otherwise, debate is not in order.

Mr. HARRIS. Did not the Senator from Rhode Island move to proceed to the consideration of the resolution?

Mr. ALDRICH. Undoubtedly.

Mr. HARRIS. And was not my question of order pending, made on the 20th?

Mr. ALDRICH. I understand the Chair to overrule the Senator's point of order.

Mr. HARRIS. Very well; let the facts be understood and let the Chair rule.

Mr. GRAY. Mr. President, the question carries the point of order with it.

The VICE PRESIDENT. The Chair will entertain the point of order again.

Mr. ALDRICH. I suggest that the Senator from Tennessee state his point of order.

Mr. GORMAN. It has been stated.

Mr. HARRIS. The Senator from Tennessee stated his point of order on the 20th, but the Senator from Tennessee can state it again if the Senator desires him to do so.

Mr. ALDRICH. I do not desire it if the Chair does not.

Mr. HARRIS. I will enable the Senator to understand it if he will give me his attention.

Mr. ALDRICH. No, I do not care to understand it.

Mr. HARRIS. I suppose you do not care to understand it. I imagine you want to understand anything else other than that.

Mr. PASCO. I suggest that the point of order raised by the Senator from Tennessee be read from the RECORD containing the proceedings of the 20th.

The VICE PRESIDENT. It will be read from the Journal.

The Chief Clerk read as follows:

On motion by Mr. ALDRICH that the Senate proceed to the consideration of the resolution submitted by him December 29, 1890, to amend the rules to provide a limitation of debate under certain conditions, and for that purpose to modify Rules VII, VIII, IX, X, XII, XIX, XXII, XXVII, XXVIII, XXXV, and XL,

It was determined in the affirmative.

Whereupon,

Mr. HARRIS raised a question of order, namely, that the notice given by Mr. ALDRICH was not sufficiently specific to meet the requirements of Rule XL, as it did not specify the parts of the rules proposed to be suspended, modified, or amended, and the purposes thereof; and that the proposed rule materially modifies Rules V and XX, and neither of these rules is mentioned in the notice as rules proposed to be suspended, modified, or amended.

Pending which,

The Vice President announced that the hour of 2 o'clock had arrived, etc.

The VICE PRESIDENT. The Chair will modify the ruling which he made a few moments ago, and express the opinion that the point of order is not well taken, for the Chair is of opinion that the purpose and spirit of the rule are stated in the resolution submitted by the Senator from Rhode Island.

Mr. FAULKNER. From that decision I take an appeal, Mr. President.

Mr. WOLCOTT. Will the Chair please state the question again?

Mr. HARRIS. The Chair has overruled the point of order submitted by me on the 20th instant.

Mr. BATE. Let us understand it.

Mr. MORRILL. The question is on the appeal from the decision of the Chair.

The VICE PRESIDENT. The Senator from West Virginia appeals from the decision of the Chair.

Mr. HARRIS. Upon that appeal, Mr. President, I desire to say——

Mr. ALDRICH. The appeal has not been stated by the Chair, as I understand it. I ask that the appeal may be stated by the Chair.

Mr. HARRIS. I have no objection to that, certainly.

Mr. STEWART. Let the point of order be stated and the appeal.

Mr. ALDRICH. What is the precise question before the Senate?

The VICE PRESIDENT. The point of order will be again stated.

The Chief Clerk again read the entry in the Journal of the proceedings of the 20th instant.

Mr. HARRIS. Now, Mr. President——

Mr. ALDRICH. Mr. President, I ask the Senator from Tennessee to allow the Chair to state what the question is.

Mr. HARRIS. Of course, with pleasure.

The VICE PRESIDENT. The question is on the point of order raised by the Senator from Tennessee [Mr. HARRIS], which has just been read; and on that the Chair states that he is of opinion that the point of order is not well taken, for the reason that he is of opinion that the purpose and spirit of the rule are stated sufficiently in the resolution.

Mr. EDMUNDS. And from that an appeal has been taken.

The VICE PRESIDENT. And from that an appeal has been taken. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. HARRIS. That is the pending question, and I do not think the decision of the Chair ought to stand as the judgment of the Senate, for divers and sundry reasons, some few of which I will assign.

Mr. BLAIR. Mr. President, I object to debate on the appeal.

Mr. HARRIS. The Senator may very well say that he objects; but it does not amount to very much practically.

Mr. BLAIR. I object to debate upon the appeal to be submitted. Evidently there can be no progress made in business in this way.

Mr. HARRIS. Mr. President, I decline to be interrupted by the Senator from New Hampshire.

Mr. EDMUNDS. He rises to a point of order.

Mr. BLAIR. Mr. President, I rise to a question of order.

Mr. HARRIS. Very well; then he only has a right to state his point of order.

Mr. BLAIR. I make the objection that debate upon the appeal is not in order.

The VICE PRESIDENT. The Chair is of opinion that debate is in order.

Mr. BLAIR. At the election of the Chair. ["Order!"]

The VICE PRESIDENT. The Senator from Tennessee will proceed.

Mr. HARRIS. Mr. President, I invoke in all sincerity and earnestness the careful attention of every Senator to the literalisms and the spirit, intent, and meaning of the fortieth rule of the Senate, adopted under the authority of the Constitution of the United States. It provides that—

No motion to suspend, modify, or amend any rule, or any part thereof, shall be in order except on one day's notice in writing, specifying precisely—

And I beg the Senate to emphasize the word "precisely"—

the rule or part thereof to be suspended, modified, or amended, and the purpose thereof.

Now, in the first place, I deny that the Senator from Rhode Island [Mr. ALDRICH] has given any notice whatever of his intention to amend or suspend the rules of this body. He introduced a resolution upon one day, and two or three days thereafter he reintroduced a precise copy, word for word, of the same resolution, alleging at the time that the former introduction of the resolution was intended by him as a notice. But it bears none of the features of a notice, not having the language of a notice in any part of the resolution so offered.

In that resolution—admitting, for the sake of the argument, that it may be regarded as a notice—he specified, under the requirements of Rule XL, Rules VII, VIII, IX, X, XIX, XXII, XXVII, XXVIII, XXXV, and XL as rules to be suspended, modified, or amended, but does not specify what part of any one of these rules is intended to be modified, amended, or suspended. In that respect his notice is insufficient under the literalisms as well as the spirit and meaning of Rule XL.

But a more serious objection even than that is found in the fact that Rule V, the standing rule of the Senate, provides, among other things, in clause 2:

2. If, at any time during the daily sessions of the Senate, a question shall be raised by any Senator as to the presence of a quorum, the presiding officer shall forthwith direct the Secretary to call the roll.

And the proceedings under the call shall go on as regulated by that rule. Rule V is not one of the rules specified by the resolution of the Senator as a rule which he proposes either to suspend, to modify, or to amend.

The same may be said as to Rule VI, in respect to the presentation of credentials of a Senator-elect. His proposed resolution materially modifies Rule VI, but that rule he does not specify in his notice as a rule that he proposes to amend, or to modify, or to suspend.

The first clause of Rule VI reads as follows:

The presentation of the credentials of Senators elect and other questions of privilege shall always be in order, except during the reading and correction of the Journal, while a question of order or a motion to adjourn is pending, or while the Senate is dividing.

The proposed rule provides that when it is put in operation no business other than that upon which debate is closed shall be in order; and Rule XX provides that when a question of order is submitted to the Senate, or an appeal from the decision of the Chair, the question is debatable; but the proposed rule says it shall be decided without debate.

It also distinctly modifies the plain and literal meaning of Rule XX; and that, too, is not a rule that he has notified the Senate of any intention upon his part to modify or to amend.

Therefore this motion to proceed to the consideration of this resolution now, in the absence of notice, as required by Rule XL, modifying materially, indeed abrogating, the most important portion of Rules V, VI, and XX, is in direct and open violation of the plain literalisms and spirit of Rule XL, which demands such notice in writing before any such proposition can be submitted to the Senate. No notice whatever has been given up to this good hour as to any intention on the part of the Senator from Rhode Island or any other Senator to modify, amend, or suspend any part of either of the three rules that I have mentioned, V, VI, and XX.

Therefore the Chair has, by his decision, violated the plain letter and spirit of Rule XL by deciding against the question of order raised by myself, and if the Senate shall sustain that decision it will put itself in the attitude of openly, willfully, deliberately, and flagrantly violating the standing rules of the Senate adopted under the authority of the Constitution and intended to guide and control the presiding officer and every Senator upon this floor so far as the conduct of the business of the Senate is concerned. If the Senate has reached the point that the Chair seems to have reached, of a readiness to openly, willfully, and deliberately violate the literalisms of the standing rules that have been made to control our action here, we have indeed, Mr. President, reached the point in this body, the last that I had supposed on the face of the earth where the point of absolute, willful, and deliberate revolution would assert itself and raise its hideous head and exert its force.

In order that there shall be no doubt about these facts I will read the provision of the resolution that I say abrogates the most important and material part of standing Rule V of the Senate:

Pending proceedings under the foregoing rule, no proceeding in respect of a quorum shall be in order until it shall have appeared, on a division or on the taking of yeas and nays, that a quorum is not present and voting.

Now, let us see how that tallies with the provisions of Rule V, to which I have already referred.

If, at any time—

I read from clause 2 of Rule V—

If, at any time during the daily sessions of the Senate, a question shall be raised by any Senator as to the presence of a quorum, the presiding officer shall forthwith direct the Secretary to call the roll, etc.

This proposed rule says that no proceedings whatever shall be entered upon in the Senate with respect to a quorum until the absence of a quorum has appeared by a division of the Senate or by a yea-and-nay vote, abrogating absolutely the provisions of the second clause of Rule V.

Again:

Pending proceedings under the foregoing rule all questions of order, whether upon appeal or otherwise, shall be decided without debate, and no obstructive or dilatory motion or proceedings of any kind shall be in order.

Rule XX provides that—

A question of order may be raised at any stage of the proceedings, except when the Senate is dividing, and, unless submitted to the Senate, shall be decided by the presiding officer without debate, subject to an appeal to the Senate; when an appeal is taken any subsequent question of order, which may arise before the decision of such appeal, shall be decided by the presiding officer without debate. Any subsequent question, not this one, but any question subsequent to the one pending, shall be decided without debate.

Under the proposed rule every question of order, whether upon appeal or otherwise, shall be decided without debate. Yet the notice, or the paper that is claimed as a notice, does not specify Rule XX, or any part of Rule XX, as one of the rules that it proposes to modify, or to suspend or amend. These rules have to be absolutely ignored. They have to be openly, willfully, and deliberately violated by this Senate, if the Senate shall decide to sustain the decision of the Chair as the judgment of the Senate with respect to the construction and the duties under a proper construction of Rule XL of this body.

But upon this general question, Mr. President, I will submit some considerations, having in view all of the questions involved.

Mr. President, the fifth section of the first article of the Constitution of the United States provides—

That each house may determine the rules of its proceedings.

Under this authority the Senate has determined and established the rules of its proceedings.

They are found in this Manual, numbered from I to XL inclusive, and they are the supreme law to you, as the presiding officer, and to me and every other Senator. So far as the proceedings of the Senate are concerned, what is called general parliamentary law has no place here except in cases, if there be such, where the Senate has made no rule for itself. Therefore, in dealing with the pending resolution, which proposes the establishment of a new and wholly unprecedented rule, we must be governed by the rules already constitutionally established.

The first two lines of the proposed rule confess the impropriety of its adoption by providing "that for the remainder of this session the rules shall be amended by adding thereto," etc.

If such rule be wise and proper for conducting the business of the Senate, why limit its operation to "the remainder of this session?" Why not urge it as one of the standing rules of the Senate for the future as well as present?

What emergency exists at this particular time or during the present session that demands the adoption of a rule which so radically changes the methods of the Senate adhered to for the last eighty-four years in dealing with questions pending before it?

I beg Senators to pause, consider, and scrutinize this proposed rule before they record their votes for it.

It provides that "when any bill, resolution, or other question shall have been under consideration for a reasonable time"—it does not say who shall judge of the reasonableness of the time, but when it shall have been under consideration for a reasonable time—"it shall be in order for any Senator to demand that debate thereon be closed."

The time necessary to the proper consideration of any bill, resolution, or question depends upon the importance of the question.

We all know that a reasonable time for the consideration of some questions may be ten, twenty, or thirty minutes, while in the consideration of some other questions months may be profitably employed.

But under this provision of the proposed rule any one Senator may demand and a bare majority of the Senate may decide to gag the Senate and close debate even though forty-three Senators may feel that it is vitally important to the country and themselves to debate the question further. Is this just to the twenty-one sovereign States whose representatives are thus silenced?

But in addition to this and quite as important, if not more important, the rule cuts off the right to propose amendments and forces the Senate to vote yea or nay upon a bill, no matter of what length or of what degree of importance, without the power to propose amendments or suggest changes which would tend to perfect it.

To illustrate the absurdity of such method of legislation, take the pending bill, the force bill, as it is not inaptly called.

As sent to us from the House it contains fifty-seven sections and seventy-six pages of printed matter.

The Senate committee reports the House bill back to the Senate with one amendment, which is intended as a substitute for the whole House bill, and this substitute contains thirty-nine sections and fifty-seven pages of printed matter. So that we have under consideration ninety-six sections of legislation, which cover one hundred and thirty-three pages of printed matter; and under this rule, if adopted, there can be but one amendment offered to the House bill and but one amendment offered to the Senate substitute. Both House bill and Senate substitute contain many provisions which a very large minority of the Senate believes to be unconstitutional, and most if not all of their provisions impolitic, unnecessary, and mischievous.

Yet this proposed rule says to the Senate and to each Senator, "You shall not suggest the errors, imperfections, and impolicy of this bill by debate; you shall not be permitted to put yourself on record by proposing or voting for amendments to perfect it. You shall vote yea or nay upon it just as it is."

In addition to this, when debate is closed under it and while it is in operation, it dispenses with all morning business. You can not present a petition, make a report from a committee, or introduce a bill or resolution. Nor can you receive a message from the President of the United States or from the House of Representatives, however important and urgent such messages may be. Nor can you present the report of a conference committee or the credentials of a Senator elect or raise the question of the presence of a quorum, even though there may not be a dozen Senators present. It reverses all the traditions and all the precedents of the Senate, and in my opinion is intended to accomplish a purely partisan purpose, a purpose not demanded or desired by any considerable portion of the American people.

The fact that it is intended to force the passage of the Federal election bill is too thinly disguised to deceive anybody.

That measure was not an issue when the Fifty-first Congress was elected; but the passage of this bill in the House and the earnest efforts of the Republican majority to pass it in the Senate during the last session made it a distinct issue in the election of the Fifty-second Congress, and in that contest it was condemned and repudiated by an overwhelming majority of the people.

It is a measure based upon the single idea that the people of the States can not be trusted to control the election of their own Representatives and that it is necessary to send officers and agents of the Federal Government, clothed with extraordinary powers, to supervise, oversee, and control them in the performance of duties purely State, and not Federal. There is, in my opinion, no measure of policy sufficiently important to justify us in thus gagging the Senate or putting this wrong and insult upon the States.

But, however this may be, I assert with absolute confidence that there is no measure, the immediate passage of which is of sufficient importance to justify the Senate in adopting a rule which abridges the right of free speech, gags its members, and not only cuts off debate, but denies them the right to perfect the measure by amendment.

The Constitution provides that "Congress shall make no law * * * abridging the freedom of speech or of the press."

Mr. President, where is the absolute freedom of speech more important to the interests of the people and to civil liberty itself than in the American Senate? And especially so, when you consider the fact that the Senate is the only legislative body in the Federal Government where absolute freedom of debate and unlimited amendment are permitted.

Let the strong hand of the Federal Government take control of the elections in the States; cut off the freedom of debate and amendment in the Senate, and you have created a despotism under which self-government and civil liberty are but names, fading memories of the earlier and better days of the Republic. The constitutional rule throughout this country is absolute freedom of speech in the Senate and everywhere else, and, but for the constitutional authority given to each House of Congress "to determine the rules of its proceedings," neither House could constitutionally or rightfully abridge or limit the right of debate. From March 26, 1806, the Senate has had no rule that cut off general debate or amendment. From that time to this, general debate has been absolutely free, and the right to offer amendments unlimited except when and only when the Senate has, by unanimous consent, agreed to take the final vote on a pending measure at a named hour, and this agreement is never made while there is a single Senator who wishes either to debate or amend further.

There have been at different times various propositions to limit debate in the Senate, but no proposition such as this has ever received even respectful consideration at the hands of the body.

In July, 1841, Mr. Clay suggested that in his opinion the time had arrived when the Senate should adopt the hour rule or the previous question, but the mere suggestion provoked such a storm of opposition that he abandoned it and did not even offer a resolution for that purpose.

Mr. CARLISLE. Will the Senator from Tennessee yield to me?

The PRESIDING OFFICER (Mr. MANDERSON in the chair). Does the Senator yield to the Senator from Kentucky?

Mr. HARRIS. With pleasure.

Mr. CARLISLE. I ask the Senator from Tennessee whether it is not a fact that upon the occasion to which he refers more than one member of the Senate—the Senate at that time being composed of very able and distinguished men—announced distinctly that they would resist if necessary by physical force any attempt to abridge the freedom of speech in the Senate.

Mr. HARRIS. That is certainly true, Mr. President, as the record shows.

On the 27th of July, 1850, Mr. Douglas offered a resolution to apply the previous question in the Senate, but on motion of Mr. Atchison it was laid on the table without even a division of the Senate.

On the 22d of August, 1850, Mr. Underwood offered a resolution to make it in order to lay an amendment on the table without carrying the bill with it. The resolution was laid upon the table without division.

Mr. GORMAN. Mr. President, I ask the Senator from Tennessee to yield to me for a moment.

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Maryland?

Mr. HARRIS. Certainly.

Mr. GORMAN. It is very evident that there is no quorum of this body present. The other side, who have gone on with this matter without regard to the rules, do not even remain to hear what is said. I ask for a call of the Senate.

The PRESIDING OFFICER. The Senator from Maryland having raised the question of no quorum, the Secretary will call the roll.

The Secretary called the roll; and the following Senators answered to their names:

Aldrich,	Davis,	Jones of Nevada,	Sawyer,
Allen,	Dixon,	Kenna,	Sherman,
Allison,	Edmunds,	McConnell,	Shoup,
Bate,	Evarts,	McMillan,	Spooner,
Berry,	Farwell,	Manderson,	Stanford,
Blair,	Faulkner,	Morrill,	Stockbridge,
Blodgett,	Frye,	Paddock,	Teller,
Butler,	Gibson,	Pasco,	Turpie,
Call,	Gorman,	Payne,	Vance,
Carey,	Hale,	Platt,	Warren,
Carlisle,	Harris,	Plumb,	Washburn,
Casey,	Hawley,	Power,	Wilson of Iowa,
Cockrell,	Higgins,	Reagan,	Wilson of Md.
Cullom,	Hoar,	Sanders,	Wolcott.

The PRESIDING OFFICER. Fifty-six Senators have responded to their names. A quorum of the Senate being present, the Senator from Tennessee will proceed.

Mr. HARRIS. I was proceeding to refer to some precedent propositions to limit debate in the Senate, when interrupted by the roll-call, and was about to refer to the proposition made by Mr. Hale, of New Hampshire. On the 5th of April, 1862, Mr. Hale, of New Hampshire, offered the following:

Resolved, That the Senate may at any time during the present rebellion, by a vote of a majority of the members present, fix a time when debate on any matter pending before the Senate shall cease and terminate, and the Senate shall, when the time fixed for terminating the debate arrives, proceed to vote without debate on the measure and all amendments pending or that may be offered.

It was laid before the Senate the next morning and debated by Mr. Davis and Mr. Trumbull, until the expiration of the morning hour, and was never heard of again.

This proposition was limited to the duration of the war, and evi-

dently intended to facilitate the passage of war measures; but even then, where the exigencies of the greatest war of modern times might demand prompt legislative action, the Senate refused to entertain the proposition.

On the 10th of March, 1870, Mr. Hamlin submitted the following:

Resolved, That whenever any question shall have been under consideration for two days it shall be competent, without debate, for the Senate, by a two-thirds majority, to fix a time not less than one day thereafter when the main question shall be taken; but each Senator who shall offer an amendment shall be allowed five minutes to speak upon the same, and one Senator a like time to reply.

It was referred to the Committee on Rules and never reported back.

This proposition required a majority of two-thirds to close general debate on the bill, and left the right of amendment unlimited, with five minutes' debate for and against amendments; but even in this form the Senate refused to entertain it.

On the 25th of March, 1870, Mr. Wilson offered the following:

Ordered, That the Select Committee on the Rules be instructed to consider the expediency of adopting a rule for the remainder of the session providing that whenever any bill has been considered for two days the question on ordering it to a third reading may be ordered by a two-thirds vote of the Senators present and voting.

Objected to by Mr. Thurman and went over.

On April 14, 1870, it was agreed to and went to the committee, and was never reported back.

This proposition was limited to the remainder of the session and required a two-thirds vote to order a bill to a third reading, which order would cut off amendments, but leave debate free and untrammeled. But the Senate would not adopt it.

On March 17, 1873, Mr. Wright offered the following:

Resolved, That the Committee on the Revision of the Rules be instructed to inquire into the propriety of so amending the rules as to provide:

First. That debate shall be confined and be relevant to the subject-matter before the Senate.

Second. That the previous question may be demanded either by a majority vote or in some modified form.

Third. For taking up bills in their regular order on the Calendar for their disposition in such order, prohibiting special orders, and requiring that bills not finally disposed of when thus called shall go to the foot of the Calendar unless otherwise directed.

It came up next day and was debated and postponed to the 1st day of December following, and was never heard of afterwards.

On April 26, 1872, Mr. Scott submitted the following:

Resolved, That during the present session it shall be in order pending an appropriation bill to move to confine debate on the pending bill and amendments thereto to five minutes by any Senator on the pending motion, and the motion to limit debate shall be decided without debate.

April 29, on motion of Mr. EDMUNDS, amended as follows:

And no amendment to any such bill making legislative provisions, other than such as directly relate to the appropriations contained in the bill, shall be received.

And, so amended, it was agreed to; but it will be seen that it was limited to the present session and to appropriation bills and amendments thereto, and, under it, a motion to postpone was debatable, and debated without limit, as the record shows.

On February 14, 1873, Mr. Anthony offered the following:

Resolved, That during the present session it shall be in order at any time to move a recess, and, pending an appropriation bill, to move to confine debate on amendments thereto to five minutes by any Senator on the pending motion, and such motion shall be decided without debate; and no amendment to any such bill making legislative provisions, other than such as directly relate to the appropriation contained in the bill, shall be received; and no special orders shall be made during this session.

Agreed to on the 15th February.

On May 18, 1874, Mr. Morrill, of Maine, offered a resolution, a precise copy of the foregoing with the following proviso added:

Provided, That this order shall not extend to the Post Office appropriation bill.

Agreed to.

It will be seen that this resolution was limited to the present session and proposed to limit debate only on amendments to appropriation bills, not on the bill itself or any other question than amendments to appropriation bills.

On January 19, 1875, Mr. Morrill, of Maine, offered the following:

Resolved, That during the present session it shall be in order at any time to move a recess, and, pending an appropriation bill, to move to confine debate on amendments thereto to five minutes by any Senator, on the pending motion, and such motion shall be decided without debate.

Agreed to.

And on March 1, 1876, Mr. Morrill, of Maine, moved an exact copy of the above resolution, which was agreed to. But, as in the other cases, the rule was limited to the present session and to amendments to appropriation bills.

On June 25, 1884, Mr. ALLISON offered the following:

Resolved, That during the remainder of the present session of the Senate it shall be in order to move at any time that debate on any amendment, or on all amendments, to any appropriation bill then before the Senate, be limited to five minutes for each Senator, and that no Senator shall speak more than once on the same amendment in form or in substance. The question on such motion shall be determined without debate.

Agreed to.

But it was limited to present session and confined to amendments on appropriation bills.

While these various resolutions limited debate upon amendments to appropriation bills, none of them limited debate upon the bill itself except one, and that did not limit the absolute freedom of debate upon a motion to postpone the consideration of the bill.

So, I assert with absolute confidence that from the 26th day of March, 1806, there has been no proposition to limit general debate in the Senate that has not been rebuked as an attack upon free speech and upon the rights of the States and the people and dangerous to well-considered legislation as well as to civil liberty. They have been, as they ought to have been, invariably defeated.

From 1789 to 1806, when the "previous question" was recognized by the rules, its operation was invoked but four times that I have been able to find upon a somewhat careful examination of the record.

But, Mr. President, as to the importance of the absolute freedom of debate and unrestricted and unlimited right of amendment in the Senate, I have the carefully prepared and deliberate opinion of an eminent statesman and scholar, and one of the best parliamentarians that occupy seats upon this floor.

The honorable Senator from Massachusetts [Mr. HOAR] in a communication to The Youth's Companion, published in Boston, Mass., on the 13th of November, 1890, presents this question so much more clearly and forcibly than I can hope to do that I trust he will pardon me for quoting him and allowing him to make the argument for me, better, far better than I can hope to make for myself.

His communication is upon the parliamentary methods of the United States Senate, in comparison with other legislative bodies in this and other countries, and is one of which any statesman and ripe parliamentarian may well be proud.

After discussing the parliamentary methods of various legislative bodies, including our own House of Representatives, Mr. HOAR said:

The Senate, also, differs from the House of Representatives and, I believe, from all other legislative bodies in this country, in that the "previous question" and every other device for putting an end to debate, except that of unanimous agreement, is unknown to its proceedings.

The "previous question," according to the practice of parliamentary bodies here, is introduced by a motion that the main question be now put. In the House of Representatives it is put without debate. In some assemblies a debate is allowed, which, however, is confined strictly to the question whether or not the vote shall be taken at once, without permitting any discussion of the merits of the pending measure.

If the "previous question" is ordered, there can be no further debate, and, what is commonly of quite as much importance, there can be no further amendment. The measure must be adopted or rejected as it is; so that members are put in the awkward position of being compelled to vote against a measure containing things which they approve or for a measure containing some things which they dislike, without a chance to perfect it or to record their opinion on particular parts or clauses. Measures are passed or defeated without giving opportunity to the members of the body either to instruct their associates by discussion or to perfect the measure by suggesting amendments.

There are also in other legislative bodies limitations on the time of debate, either by general rules or by special orders passed by the majority in particular cases. But in the Senate there can be no limit upon debate except by unanimous consent.

In this assembly speech is absolutely unfettered. Every measure can be discussed fully without restraint and amended without limit. This is of immense importance not only to the perfection of legislation, but also to the dignity of the Senate, and, in my opinion, to civil liberty itself.

I repeat the last sentence because it is worthy of earnest emphasis.

Mr. President, unfettered debate and unlimited amendment being of "immense importance," incalculable importance, "not only to the perfection of legislation, but also to the dignity of the Senate and to civil liberty itself," I am sure that, whatever other Senators may do, the honorable Senator from Massachusetts will never give his approval or support to any rule that fetters debate or limits the right of amendment, to any rule which jeopardizes the dignity of the Senate and civil liberty.

Nor will he consent to any rule which compels Senators "to vote against a measure containing things which they approve or for a measure containing some things which they dislike, without a chance to perfect it or to record their opinions on particular parts or clauses."

In the article referred to, the honorable Senator also says:

An attempt was made by Mr. Clay, during the Presidency of John Tyler, to introduce the hour rule and the "previous question" into the Senate. The Democratic minority threatened forcible resistance. Some of Mr. Clay's political friends flinched from his support, and the plan was given up.

It will be readily seen how great conservative force is exerted by a body so constituted, in which discussion and amendments are unrestrained, even in the matter of ordinary legislation; but the House of Representatives has voluntarily placed itself at a disadvantage through a provision of the Constitution which was intended to secure for it a special dignity and privilege.

Mr. President, the disadvantage here referred to by the honorable Senator is found in the rule and practice of the House of Representatives to limit both debate and amendment by the previous question, such rule as is here proposed for the Senate.

In speaking of the constitutional provision which requires all bills for raising revenue to originate in the House and the claim of the House of the right to originate all the great appropriation bills, he said:

I have not space here to explain what I have fully explained elsewhere, how this provision, coupled with the "previous question" in the House, gives the power of fullest discussion and amendment of these bills in the Senate, while as they are finally shaped the House commonly passes them not only without discussion and amendment, but even in ignorance of what they contain.

Mr. President, can there be found a more conclusive reason against

limiting the right of debate and amendment in the Senate than is found in this suggestion of the Senator from Massachusetts?

While one House of the legislative department is so fettered by its rules as to prevent full debate and amendment to great and important measures, is it wise or safe to the country to gag the other House so as to render it impossible to freely and fully debate and suggest amendments to important legislative propositions in the other?

As "the House commonly passes them not only without discussion and amendment, but in ignorance of what they contain," I am sure the Senator from Massachusetts will never consent to put the Senate in the same unenviable attitude.

In this able and admirable article the Senator, referring to the rapidity with which governmental policies may be changed in some other countries, says:

> But in the United States the process of change is slow and is meant to be slow. To any new law there must go the assent of the President, whose term of office is four years, and of the Senate, where the votes of Delaware, Rhode Island, and Nevada equal those of New York, Pennsylvania, and Ohio. Indeed, it may well be expected that instances will happen where the majority of the House will be of one political opinion for a generation and the majority of the Senate of another. That has been the case during twelve of the last fourteen years.
>
> If any citizen be disposed to be impatient under this restraint upon the will of the majority, let him remember that it was in this way that our fathers laid the foundation of their Government below the frost.
>
> They meant that it should declare the will of the people, but the will so declared was to be mature, deliberate, well considered, its sober second thought. They were building for centuries, not for hours. They were prescribing the laws of health and growth for a mighty national life, compared with whose duration years, terms of Presidential office, generations of men, are but as the pulsation of an artery.

Mr. President, I defy the ingenuity of the human brain to answer the logic of these suggestions of the Senator from Massachusetts or successfully combat them.

Sudden and frequent changes in the policy of the Government are hurtful to all the great interest of the country and hasty and imperfectly considered legislation is dangerous to the rights of the States and the people.

Legislation in a Government like ours should reflect none other than "the mature, deliberate, and well-considered will of the people, their sober second thought."

Absolute freedom of debate, with the right of unlimited amendment, may be and doubtless is sometimes abused, but there are none of the privileges enjoyed by humanity that are not subject to abuse.

As legislators we can better afford to submit to any amount of abuse of the right of free speech and amendment than to the passage of measures without full, mature, and deliberate consideration.

The greatest evil that can possibly result from the abuse of the right of unlimited debate and amendment is the postponement of a measure to another Congress; but if such measure is demanded by public interest and a matured public sentiment, the people may be confidently relied upon to send men to Congress who will enact it into law.

It is better, much better, that we make haste slowly than to dispose of great questions promptly, but without the fullest, most mature, and deliberate consideration.

Even if it is admitted that the pending measure is wise, just, and necessary to the proper administration of the Government and well-being of the country, what justification can be found for thus unduly pressing its consideration upon this short session of the Senate (limited, as it is by the Constitution, to the 4th of March) to the exclusion of the great appropriation bills, which should be carefully considered and which must be passed, and many other measures important in themselves and important that they be acted upon at the present session.

Every Senator knows that if the pending measure should become a law to-morrow it would have nothing to operate upon until November, 1892, as no Representatives to Congress are to be elected until that time, and under the Constitution the Fifty-second Congress must meet on the first Monday in December, 1891, and will have eleven months in which to pass any and all laws necessary to regulate that and subsequent elections, if any shall be deemed necessary.

I can find no reason for the persistent earnestness with which this measure is pressed at this session unless it be the resolve of the Republican majority to give prompt and unmistakable evidence of the truth of the declaration of a prominent and leading Republican recently publicly made:

> That hereafter the Republicans intend to do their own voting, their own counting, and their own certifying.

Mr. President, if there was no object in view other than an assumed necessity for this legislation, if there were no partisan objects and purposes to be accomplished by it, there is not, in my opinion, a Senator upon this floor who would not agree with me in the declaration that it can wait. The first session of the Fifty-second Congress will have abundant time to perfect and pass all necessary legislation on this question before the next election.

But, as a matter of cold fact, we all know that the earnestness with which this bill was pressed during the last session of Congress made it a distinct and prominent issue in the election of November, 1890, and we all know that it, in connection with other issues, led the Republican party to the most disastrous defeat ever experienced by any one of the great political parties of the country in either modern or ancient times.

Yet, in the face of that almost unanimous verdict of the people and in open defiance of emphatically pronounced popular will, from the first day of the present session its consideration has been pressed to the exclusion of all other business, however important, except when eight Republican Senators voted with all the Democratic Senators (on Monday, the 5th of January) to consider the financial measure reported from the Committee on Finance with the hope of giving some measure of relief to the business interests of the country and averting, if possible, a threatened and probable financial panic, which, if it occurs, must carry bankruptcy and ruin to a large proportion of our most enterprising citizens.

Ten days were devoted to the consideration of that measure, but on the 15th day of the present month this pet measure of the Senator from Massachusetts is thrust upon us again, and for two days and two nights we sat here without recess or adjournment, and all other legislative days since the 15th, debating its provisions and endeavoring to perfect it and make it less objectionable by amendments, and now we are confronted by this new rule, which proposes to seal the lips and silence the voice of the representatives of sovereign States upon a question which proposes to degrade the States of the Union below the level of a self-governing people, and which degrades the Senate below the dignity and respectability of a deliberative body.

I sincerely trust that neither party prejudice nor party zeal will ever accomplish such result in this land of self-governing freemen.

Mr. ALDRICH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield?

Mr. ALDRICH. I understand the Senator is through.

The PRESIDING OFFICER. The Senator has not yielded the floor, as the Chair understands.

Mr. ALDRICH. I understood he had concluded.

The VICE PRESIDENT. Does the Senator yield the floor?

Mr. HARRIS. Yes, sir.

Mr. ALDRICH. Mr. President, as I understand the contention of the Senator from Tennessee it is that the resolution now before the Senate by a vote of the Senate for consideration can be objected to by him on the ground that the notice which I gave in submitting it, or on making the motion, was defective or insufficient. Now, in addition to the reason given by the Vice President in overruling the point of order, there are two other reasons which to my mind are absolutely conclusive as to the correctness of the decision of the permanent presiding officer of the Senate.

The rule which the Senator from Tennessee cites as the basis of his claim is Rule XI, which reads as follows:

> No motion to suspend, modify, or amend any rule, or any part thereof, shall be in order, except on one day's notice in writing, specifying precisely the rule or part proposed to be suspended, modified, or amended, and the purpose thereof.

It will be noticed that this rule only applies to motions made to suspend, modify, or amend the rules. Now, I suggest to the Senator from Tennessee that the notice upon which I rely, so far as I do rely upon notice, for making this resolution in order was made on the 28th day of December, and on the 29th of December I moved in the open Senate, in accordance with previous notice, the resolution which is now pending, and if any point of order could be made at any time as to the sufficiency of the notice to make the motion, that was the time, and the only time, at which the point could be raised; but the motion was made without objection.

Mr. GRAY. When was that?

Mr. ALDRICH. On the 29th day of December.

Mr. GRAY. When the rule was introduced?

Mr. ALDRICH. When I made a motion for the amendment of the rules, the day after the notice was given, or two days after the notice was given. I am not sure about that. I think it was one day, the motion having been made without objection.

Mr. GRAY. May I ask the Senator from Rhode Island what that motion was on the 29th?

Mr. ALDRICH. A motion to establish a certain rule as provided by the resolution. I introduced the resolution, which of course was making the motion. It was a motion to add a new rule, in effect. The motion having been made without objection, I repeat, and having been before the Senate from the 29th of December until the 20th of January without objection, and on the 20th of January having been taken up by the Senate by a vote for consideration, and having again on this day been taken up for consideration, it is too late to raise the point which could only have been made upon the presentation of the motion itself. If this were not so, the point could be raised at any time upon any question that has been before the Senate for consideration by the direct vote of the Senate.

Mr. GRAY. I want to ask the Senator from Rhode Island——

The PRESIDING OFFICER. Does the Senator from Rhode Island yield?

Mr. ALDRICH. Certainly.

Mr. GRAY. Does the Senator say the introduction of the resolution was the making of the motion?

Mr. ALDRICH. Unquestionably it was, by every principle of parliamentary law.

Mr. GRAY. When that was introduced no action of the Senate was asked; on the contrary, it was expressly understood by the proponent of the resolution that the matter was to go over, and the attention of the Senate was not drawn to the phraseology, the framework, or the structure of that notice in any respect. Does not the Senator therefore think that the time when action is proposed by the Senate is the proper time to raise the question of order as to the competency of the notice?

Mr. ALDRICH. Not when the rule provides that objection must be made when the motion is made. The rule runs against the motion and not against the question of consideration. It can be made at no other time except when the motion is made. The notice was given publicly. It included the resolution itself in the precise terms that it was afterwards offered. It was a notice to the Senate as to the form of the notice and as to the form of the resolution, and the whole question was submitted to the Senate as early as the 28th of December. If there was any objection to the form of the notice, the Senators on the other side had ample time to investigate that question before the motion was made. I repeat, the rule runs against the motion, and not against the question of consideration.

Mr. GRAY. Unless I misunderstand the Senator from Rhode Island—and that is possible—he says the point of order should have been made instantly upon the making of the motion.

Mr. ALDRICH. Exactly.

Mr. GRAY. In December?

Mr. ALDRICH. That is the very object——

Mr. GRAY. It was absolutely impossible to make that point of order without the opportunity to examine the framework and structure of the proposed rule.

Mr. ALDRICH. But the Senator had the opportunity afforded by the notice, which was submitted to the Senate in accordance with the rule. It is the object of the rule that twenty-four hours' notice shall be given that time may be afforded to investigate that question, to find out whether the rule proposed modifies any other rule or is for any other purpose, and to ascertain the sufficiency and adequacy of the notice.

Mr. FRYE. And it remains on the table an entire day before it is taken to the Calendar.

Mr. ALDRICH. Of course it remains on the table and has remained on the table from that time to this. So that, I submit, if any point of order at all can be made in this case, which I think I shall be able to show hereafter can not be made, it must have been made at the time the motion was made——

Mr. GRAY. If the Senator will pardon me, as I do not wish to take the floor after he is through, I should like to understand this matter, if he will allow me, in the way of an interlocutory debate.

Mr. ALDRICH. Certainly.

Mr. GRAY. The notice was given and the motion was made, but was not acted upon or proposed to be acted upon by the Senator from Rhode Island, as I understand.

Mr. ALDRICH. That is a different question.

Mr. GRAY. Is not the very reason and the sense of the rule which the Senator is now discussing that at any time before serious consideration of the rule is proposed by the Senator, a point of order which goes to the regularity of the proposition is fundamental in its nature and ought to be in order under the very rule the Senator in now quoting.

Mr. ALDRICH. Obviously not, for otherwise the rule would have said that no motion shall be considered by the Senate except under certain conditions, which it does not say.

Mr. HARRIS. I should like to call the attention of the Senator from Rhode Island to the first two lines of Rule XX, which read:

A question of order may be raised at any stage of the proceedings, except when the Senate is dividing.

Mr. ALDRICH. That is a different question entirely.

Mr. HARRIS. "A question of order may be raised at any stage of the proceedings."

Mr. ALDRICH. I do not deny that, in the parliamentary sense, the Senator may submit his question of order to the Senate at any time. That is undoubtedly true, but, having been submitted, it becomes the duty of the presiding officer to rule that it is incompetent as an objection against this action, to overrule, in other words, the question of order, as the Vice President has done.

Mr. GRAY. Will the Senator point me to the rule he has just quoted?

Mr. ALDRICH. Rule XL is the rule in question.

Mr. CARLISLE. The Senator will allow me. I came into the Senate Chamber just as the colloquy between the Senator from Rhode Island and the Senator from Delaware began, and perhaps did not hear exactly what the Senator from Rhode Island had said. Do I understand the Senator from Rhode Island to insist that the point of order should have been made upon the notice itself?

Mr. ALDRICH. No, when the motion was made, upon the motion as provided by the rule.

Mr. GRAY. That rule I ask the Senator to refer me to.

Mr. ALDRICH. Rule XL.

Mr. GRAY. I beg the Senator's pardon, I mean the rule that refers to the time when the point of order should be made.

Mr. ALDRICH. Oh, I do not say there is any rule of that kind. I am taking my position upon general parliamentary law.

Mr. CARLISLE. I call the attention of the Senator from Rhode Island to the fact that no point of order could possibly be made against the resolution until it was before the Senate in some form for action.

Mr. ALDRICH. It was before the Senate for that purpose, for the purpose of examination and ascertainment, on the 28th of December. The motion was made on the 29th of December.

Mr. CARLISLE. To take up the resolution?

Mr. ALDRICH. No, I beg the Senator's pardon. The motion was made in accordance with notice, and the Senate on the 20th of January proceeded by a vote to take it up.

Now, my contention is that the point of order, if good at all—and I think I shall show hereafter that it is not—if it was pertinent at all, must have been made when the motion was made; but in any event that the action of the Senate by a vote in taking up this motion for consideration was such that the point of order fell with it, if any had existed prior to that time.

Mr. CARLISLE. As I understand it, the question the Senator is now discussing is not a question as to whether the point of order was well taken if it had been taken in time, but the Senator insists that it was not taken at the proper time. The suggestion that I make to him is that when he first made his motion, as he expresses it, but I would say when he first introduced his resolution—because that is what it is—it was not before the Senate for consideration in any form whatever and could not be until the Senate had voted to take it up.

Mr. ALDRICH. I beg the Senator's pardon.

Mr. CARLISLE. You might as well say that a point of order should be made against a bill or joint resolution when a Senator rises in his place and introduces it, as to say it should be made here when a Senator introduces his resolution. It can not be done until the resolution is up for consideration.

Mr. ALDRICH. Does the Senator mean to say that, under the rule requiring that no bill shall be introduced until certain conditions shall have been complied with, a bill having been introduced by general consent, without objection, and having been taken up by a vote of the Senate without objection, he could then raise the point of order that the conditions of introducing the bill had not been complied with?

Mr. CARLISLE. That is not the point.

Mr. ALDRICH. That is precisely analogous to this.

Mr. CARLISLE. That is not the point. The Senator had a right to introduce his resolution to amend the rules which he specifies.

Mr. ALDRICH. I beg the Senator's pardon; I had no right to make that motion except by giving previous notice, as I did.

Mr. CARLISLE. But the Senator gave the notice, and the Senator had a right to introduce some resolution, therefore, in accordance with that notice, and he afterwards introduced his resolution. The Senate could not stop to determine whether that resolution was in accordance with the notice or not until the resolution was taken up. It is not a case where a Senator had no right to introduce a bill until he had given notice. The Senator had given notice to the Senate and had advised the Senate what it was that he proposed to do with regard to the amendment and modification of its rules. That gave him a right to bring in the resolution to modify those rules; and when he brought it up, if it did not conform to the notice he had given, it was subject to a point of order whenever the Senate reached it for consideration, and not before. That is the point I make.

Mr. ALDRICH. The Senator probably did not hear my original statement. Perhaps I had better restate the grounds upon which I base it.

The rule provides, and provides only, that no motion shall be made to amend the rules, etc., except upon previous notice. The objection runs under the rule solely against the motion to amend, and not against the question of consideration by the Senate itself. The notice having been given, the motion having been made in accordance with the notice, and the Senate having voted to proceed to the consideration of this resolution on two separate occasions without objection, that action of the Senate, taken by unanimous consent, constituted a waiver on the part of everybody as to any point of order which might have existed, if any, at any time.

Mr. CARLISLE. That is the very point in controversy. My contention is that a Senator could not waive that, for he had no opportunity to waive it.

Mr. ALDRICH. That is a question of regularity, as the Senator from Wisconsin [Mr. SPOONER] very well suggests to me, and it must have been made, and could only have been made when the motion was offered, and that is the object of the notice.

Mr. GRAY. Which motion is the motion to consider?

Mr. ALDRICH. No, sir; the motion to amend. This rule does not apply to motions to consider at all. It has no reference to motions to consider.

Mr. GRAY. The rule does not, but the point of order is applicable to that.

Mr. ALDRICH. I beg the Senator's pardon. He can not raise the point of order except upon this rule, which provides that no motion shall be made. It is not a question of consideration.

The next point is——

Mr. GORMAN. Will the Senator permit me before he passes from that?

Mr. ALDRICH. Certainly.

Mr. GORMAN. The rules provide that, after we have gone through with the preliminary condition of giving notice and the resolution has gone to the Calendar, it can not be considered by this body until it is reached on the call of the Calendar or until some Senator has moved to proceed to the consideration of it and the Senate has taken it up. When that motion is made no debate and no suggestion of any kind whatever is in order under the rules——

Mr. SPOONER. The Senator begs the question.

Mr. GORMAN. No, I do not.

Mr. ALDRICH. The only time when it was in order, I submit to the Senator from Maryland, under the rules, was at that precise moment.

Mr. GORMAN. Why, Mr. President, you can not submit a point of order or make an inquiry as to the propriety of a matter until it is before the body. The Senator from Rhode Island can not cite an instance in the history of the Senate where such a point has been made or where advantage has been taken of such a technicality, even if it could be described by that name.

Mr. ALDRICH. I do not rely entirely upon the point I have already stated.

Mr. GORMAN. I should judge not, and I should like to see the Senator, who is chairman of the Committee on Rules of this body, cite to the Senate a single instance in the history of legislation where it has ever been held that a point of order could be made upon a bill, a resolution, or a motion, until it had come before the body for consideration. By common sense, as well by the strict letter of the law, I as a Senator have no right, no power, no opportunity, to raise any question whatever about it until that time. Therefore, if that be true, the Senator from Tennessee raised the question of order at the first moment that it was possible for any Senator to raise it. I will agree to surrender the whole point in the case if the Senator can instance a single case to the contrary in the history of any legislative body controlled by English-speaking people.

Mr. ALDRICH. The Senator from Maryland misapprehends my position about the matter.

Mr. GORMAN. No, I do not.

Mr. ALDRICH. And he certainly misapprehends the character of the rule itself. We have another rule which provides that all bills shall be read, unless otherwise ordered by unanimous consent, three times on three separate days. It is customary every day for bills to be passed to a second reading by unanimous consent and be referred to committees. Now, does the Senator mean to say that, when a bill has been referred to a committee, reported back by that committee, and placed upon the Calendar, and a motion made and adopted to proceed to the consideration of that bill, it is competent for a Senator to object to the consideration of the bill on the ground that it had not been read twice upon two separate days?

Mr. GORMAN. No, I do not.

Mr. ALDRICH. That is another analogous case.

Mr. GORMAN. Let us see right there. We can do anything in this body by unanimous consent, it makes no difference what it is.

Mr. ALDRICH. That is what we have done in this case.

Mr. SPOONER. We apparently can not do much without unanimous consent.

Mr. GORMAN. The Senator from Wisconsin ought not to make that suggestion. The Senator has succeeded very often. We can do anything by unanimous consent. In the case referred to, the bill had practically been read by the order of the Senate; but I say to the Senator from Rhode Island that he can not amend one of these bills, he can not make the point that the bill is not in conformity with the rules of legislation, or anything in connection with it, until it comes up by the order of the Chair or is called from the Calendar on the motion of a Senator.

If it is done upon the motion of a Senator, then a point of order or debate to show that it ought not to be taken up can not be had under the rules. So that the time a point of order can be raised is when the Senate by a vote has determined that the subject is before the body. At that moment the Senator from Tennessee did it, and that was the only moment possible for him to do it. I repeat, the chairman of the Committee on Rules, who ought to have a great responsibility in this matter, before violating what has been the usage of the Senate from time immemorial, ought to produce one case at least where it has been held that a point of order was not made in time, it being, as we conceive, the only time that it could be made, when the subject-matter was before the Senate.

Mr. ALDRICH. I will submit, in answer to that suggestion, that there probably never has been a precedent of this kind in the history of the Senate. I can not imagine a state of affairs, except one like this, where every conceivable question of order is being raised obviously for the purpose of delay, when such a question ever could have arisen in the history of the Senate, and I presume the question never has been before the Senate in any form before.

Mr. GRAY. If the Senator will allow me one other suggestion, I will promise not to interrupt him again.

Mr. ALDRICH. Certainly.

Mr. GRAY. The Senator has said that there has been no precedent for a ruling of the kind which he is now debating. So much the more important that the precedent now to be made should be made carefully and with due consideration, and it is only because I am impressed with that duty that I presume to trouble the Senator now by interrupting him.

The rule reads, in substance, that no such motion as has been made by the Senator, or attempted to be made, to suspend, modify, or change the rules, shall be in order—clear, emphatic, and express negative words—and it does not require a point of order to establish the infirmity or the absolute nullity of any motion to change a rule that does not comply with this fortieth rule under that language, so that no motion to change the rules shall be in order unless notice in writing is given.

Now, suppose the Senator from Rhode Island had made a motion to change the rules when no notice at all had been previously given in writing, a case in which there was not the scratch of a pen to be pointed to as a notice in writing, does the Senator from Rhode Island for one moment contend that at any point of time down to an actual vote upon such a proposition this point could not be raised and the infirmity of the motion, or attempted motion, be called to the attention of the Senate?

Mr. STEWART. I would suggest in that connection that ordinarily when we are considering appropriation bills we go on and discuss them awhile, and sometimes when we are about to take a vote on an amendment the chairman of the Committee on Appropriations will say, "I interpose a point of order on the amendment," notwithstanding it has been discussed a long time and the amendment is ruled out. That is the ordinary course in such cases.

Mr. GRAY. The Senator will observe that the rule by its construction and framework decides this whole question for the Senate. It says in so many words that such a motion, not founded upon a written notice, shall not be in order. So that it can not require any technical raising of that point at any particular time in order to make it proper that the Chair should rule upon it. The Chair might of his own motion call the attention of the Senate to that fact and rule that such a motion was out of order, or any Senator who discovered it would have laid upon him the duty to call the attention of the Chair at any time to that fact. It is an infirmity that would be inherent in that motion and which does not require a surgical operation in order to extract it or bring it to view. It is a motion that has no right and no legal existence before the Senate under the express rule of the Senate, and therefore whenever it appears either to the Chair or upon the suggestion of a Senator to the Chair the point of order must *ex necessitate* be a proper thing to consider.

Mr. ALDRICH. Mr. President, the effect of this rule and its language is that no motion can be made unless certain conditions have been complied with. But a motion was made by unanimous consent without objection, the resolution went upon the Calendar without objection, it was moved in the Senate that the consideration of it be proceeded with without objection, and the Senate voted to consider it without objection, and it is now too late to raise the question that the motion could not have been made on account of defective notice; as it would be too late, if a motion or a bill were before the Senate, to raise an objection that it had not been read when it had been read actually by unanimous consent, a waiver of the rule by unanimous consent of the Senate. Some rule is waived at every session of the Senate by unanimous consent.

Mr. GORMAN. There is no unanimous consent in this case.

Mr. ALDRICH. Of course, as the Senator from Wisconsin [Mr. SPOONER] suggests to me, if there is anything in the point of order, if it had been made in time, the resolution would not have gone on the Calendar and the motion would not have been properly before the Senate.

Mr. GRAY. Was unanimous consent asked to make the motion?

Mr. ALDRICH. Unanimous consent was not asked, but unanimous consent was given. There was no objection.

Mr. GRAY. Then the Senator does not mean—I only want to know his meaning—that technically this notice was given or this motion was made by unanimous consent, but only that there was no objection made at the time?

Mr. ALDRICH. At the time.

Mr. GRAY. That is a different thing.

Mr. SPOONER. Does the Senator from Delaware think that if this resolution had been taken up and had been under debate for a week it would have been in order to make the point that requisite notice had not been given?

Mr. GRAY. Certainly. Let me say to the Senator from Wisconsin, suppose the Senate of the United States had been proceeding under a mistake, the mover of the resolution being under a mistake that he had filed a notice when he had not, and we had gone on to debate this proposal to amend the rules, and it had been discovered by the Secretary calling it to our attention, or the Senator from Wisconsin, for instance, that there had been no written notice under the rule; in such a case does the Senator suppose that under that rule which says that

no motion shall be in order to amend the rules without a written notice, it would not be his duty to call the attention of the Chair to it, and equally the duty of the Chair to pass upon a question of that kind when so raised?

Mr. SPOONER. I think that unanimous consent may be granted upon a request or I think it may be taken as granted by the action of the Senate *sub silentio*.

Mr. GRAY. But unanimous consent was never asked, and I take it—I never heard the question raised before—that what is called unanimous consent, which is so potential in every parliamentary body, can never be taken to be given unless it is first asked and the Chair puts the question, "Is objection made?" and says he hears none.

Mr. ALDRICH. There is another aspect of the case upon the statement of which I think the Senator from Delaware will see the absurdity of his position.

Mr. GORMAN. Will the Senator allow me?

Mr. ALDRICH. Excuse me a moment; I want to answer the point made by the Senator from Delaware.

Suppose this point of order was a good one, what is the rule that has been violated and what would be the effect of sustaining the point of order raised? That the motion shall not prevail. Now, if the point of order is sustained——

Mr. GRAY. Oh, no.

Mr. ALDRICH. Oh, yes. I beg the Senator's pardon; that is the effect of it.

Mr. GRAY. The rule says no such motion shall be in order.

Mr. ALDRICH. In other words, it shall not be made.

Mr. GRAY. Oh, no. It says such a motion shall not be in order.

Mr. ALDRICH. When made.

Mr. SPOONER. Does that mean when made it shall be considered?

Mr. GRAY. It shall not be in order.

Mr. SPOONER. Suppose the Senate waives that and enters upon the consideration of it?

Mr. GRAY. I do not know any language that is plainer than the language of the rule, that no such motion shall be in order, and nothing can be before the Senate unless it is in order.

Mr. STEWART. Mr. President——

The PRESIDING OFFICER. The Senator from Nevada will suspend. The Chair must insist that the maintenance of orderly debate and the rules of the Senate shall be observed, and Senators desiring to interrupt a Senator speaking shall address the Chair and receive the permission of the Senator who has the floor.

Mr. ALDRICH. I do not know whether I have the floor or not. Gentlemen all around me seem to be speaking.

The PRESIDING OFFICER. Does the Senator yield to the Senator from Nevada [Mr. STEWART]?

Mr. ALDRICH. I yield first to the Senator from Nevada.

Mr. STEWART. If it be true that the fact of the Senate having voted to take this motion up for consideration makes it in order, then I do not see why that rule does not apply in the ordinary course to appropriation bills which we have here. When a Senator offers an amendment to such bills and no objection is made I have known discussion to go on for an hour or two, and finally the chairman of the Committee on Appropriations says, "If this debate goes on I shall raise the point of order that the amendment is not in order." I have known Senators, when their own amendments were pending, to sit down without undertaking to defend them for fear the point would be raised. I have known such a discussion to go on for an hour or more before the point would be raised and the amendment would be ruled out of order by the Chair. That is a common practice.

Mr. KENNA. Will the Senator from Rhode Island allow me?

Mr. ALDRICH. Excuse me a moment. I want to answer what the Senator from Nevada has said.

Mr. STEWART. I have not got through. When a Senator moves to take up a resolution the rule is that the vote shall be taken without debate. There can be no amendment to the motion to take up. It must be decided without debate. When it is taken up here, which is the very first time it can be reached, a Senator makes his point of order that it can not be considered because it is not in order. There are many things that are out of order and that can not be considered.

Suppose we had a bill which originated here raising revenue and it had been brought before the Senate and had been discussed. If any one discovered it was a bill raising revenue, he would say: "This is not in order; we have no power to originate a bill of this kind," and the Senate would be compelled to rule it out of order, no matter at what time in the discussion that point was raised. You can not determine that until you have had the bill up for consideration. You can not name any time when this point could be made until the subject is before the Senate. You can make motions out of order, but they can not be considered in the Senate when attention is called to the fact that they are out of order. This is very plain. The resolution is brought before the Senate and when the Senate comes to investigate it sees the proper notice has not been given.

Mr. ALDRICH. I will say just a single word in answer to the suggestion made by the Senator from Nevada that the rule to which he refers in regard to amendments to appropriation bills can only be enforced and applied when an amendment is reached, and at no other time, and that is that it is not analogous to the case now in dispute.

Mr. DAWES and Mr. KENNA addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Massachusetts or the Senator from West Virginia?

Mr. ALDRICH. I yield to the Senator from Massachusetts.

Mr. DAWES. There is in the House of Representatives an express rule that no appropriation bill shall contain any matter of independent legislation or that shall change existing law, and yet from time immemorial that rule has been considered as waived unless someone at the moment the bill is reported reserves all points of order pertaining to it. There never has been any departure from that for the last thirty years at least.

Mr. KENNA. Will the Senator from Rhode Island yield to me a moment?

Mr. ALDRICH. Yes, sir.

Mr. KENNA. I desire to call the attention of the Senator to a short colloquy which occurred at the time he offered this particular proposition. It is very short, and it is better perhaps that I should read it:

Mr. ALDRICH. In accordance with previous notice, I offer a resolution as an amendment to the rules.
The VICE PRESIDENT. The resolution will be read.
The Secretary read the resolution, as follows.

Then the proposition, which is now the subject of discussion, upon which the point of order is made, was read, and at the close of the reading—

Mr. ALDRICH. For the convenience of Senators I ask that the resolution may be printed in bill form and go over.
The VICE PRESIDENT. It will be so ordered.
Mr. COCKRELL. I should like to ask, before the resolution is passed over, if this is a substitute for the notice that was given or is this the resolution?
Mr. ALDRICH. This is the resolution offered in accordance with the notice.
Mr. COCKRELL. And in pursuance of the notice that was given the other day?
Mr. ALDRICH. Yes, sir.
Mr. COCKRELL. Now, Mr. President, I ask if it is in order to make a motion to refer the resolution to the Committee on Rules.
Mr. ALDRICH. Not now.
Mr. COCKRELL. I think it is in order.
Mr. ALDRICH. Not now, the resolution having gone over. Whenever the resolution comes up I take it it will be in order to make that motion, but the resolution is not now before the Senate.

If that statement be correct, the resolution never was before the Senate. But the colloquy continues:

Mr. COCKRELL. How was it taken from the Senate?
Mr. ALDRICH. By my having asked that it go over under the rules.
Mr. COCKRELL. Does the request of the Senator take it over without any action of the body?
Mr. ALDRICH. Unquestionably, under the rule.
Mr. FRYE. It is the same as an objection.
Mr. COCKRELL. Does the Senator consider that he offered the resolution and then objected to it so as to make it go over?
Mr. ALDRICH. Yes, sir; that is the practical effect of it.
Mr. COCKRELL. All right, Mr. President.

The practical effect of the proposition of the Senator from Rhode Island is that he may stand in his place and offer this proposition to amend the rules, and, while so occupying his place and in possession of the floor, by the entering of an objection which carries the proposition over, cut off any point of order from being made against it.

Mr. ALDRICH. I do not see how the Senator can arrive at that conclusion.

Mr. KENNA. I do not see how any other conclusion can be arrived at on the statements I have read from the RECORD.

Mr. ALDRICH. The only question after the motion was made was upon the question of consideration—whether it should be considered at once or whether consideration should be postponed until a subsequent day, and the effect of my action at that time was simply to postpone the consideration. If the point of order was a good one, which I say it was not, the resolution could never have been introduced, could never have gone over, and would never have gone upon the Calendar, and the point would have been sound if the objection was vital.

But I will now go on with the next reason why I think the decision of the Chair should be sustained by the Senate. The provision of the rule simply requires a Senator to use his own best judgment in stating the effect of a proposed amendment, and the different rules and parts of rules which are modified by its provisions. Now, to say that, because a Senator who gives the notice believes that the proposition would affect certain rules and because some other Senator believes that it affects certain other rules, the notice is defective, it seems to me, is putting a very erroneous construction upon the rule itself. For instance, the resolution which is now before the Senate has a number of pending amendments offered by the Senator from Texas [Mr. REAGAN] and by the Senator from Tennessee [Mr. HARRIS], which would change completely the character of the amendment itself.

Does the Senator mean to say that those amendments can not be acted upon because they might affect some rule which was not included in the original notice? Does the Senator mean to say, because he believes that this proposition will affect the first rule of the Senate, or the tenth rule of the Senate, which may be a question of construction to be decided at some time in the future by the Senate itself, I am to be bound by his construction at this time after the resolution is before the Senate for action? In giving that notice I tried in good faith

to state what the rule required, the purpose of the resolution, which was stated by the terms of the resolution itself, and which, of course, is the very best evidence of its purpose and intent. I was not obliged to do that, as the Senator from Wisconsin [Mr. SPOONER] says. Unquestionably I was not. But I stated, as far as I could, the rules and parts of rules specifically, under the rule, which I thought were to be modified by its provisions.

Now, the Senator from Tennessee comes in and says he thinks that another rule is modified; or some other Senator, after this point of order is disposed of, might get up and say he thought some other rule was modified or changed in some obscure respect by the provisions in this proposed amendment. As the Senator from Wisconsin very well suggests, some other Senator, the Senator from Texas [Mr. REAGAN], for instance, might suggest that the Senator from Tennessee [Mr. HARRIS] was not correct in his construction of the amendment. The only purpose of that rule was to prevent surprises in the nature of amendments to the rules, and it requires that a Senator suggesting an amendment shall give notice of its purpose and state the rule or the rules which he believed would be modified, or that it is his intention to modify, by the provisions of the amendment, and he is bound to state also his understanding of the purpose of the rule. When that is done the full requirement of the rule is complied with; but it is perfectly competent for the Senate to amend that rule in any direction so that it shall modify not only the rules named by me, but any other rules of the Senate.

The Senator from Tennessee certainly can not claim that, if his own contention is correct, the notice is not adequate as to the modifications and suspensions of the rules which are named. Where is he to draw the line? There has been by this notice a substantial and honest attempt made to comply with the requirements of the rule, and I submit that they have been fully complied with.

Mr. HARRIS. Will the Senator from Rhode Island allow me to ask him if he asserts that he has given any notice to the Senate of his intention to suspend, modify, or amend Rule V, Rule VI, or Rule XX?

Mr. ALDRICH. I do not claim that I have, and I do not admit that it is necessary that I should.

Mr. HARRIS. Very well. I ask the Senator if he contends that he had given such notice?

Mr. ALDRICH. Oh, no.

Mr. HARRIS. Then does not the Senator admit that, before he can amend any one of the rules of the Senate or propose to amend them, he must under Rule XL give one day's notice of such intention and specify the rules or parts of rules which he proposes to amend, modify, or suspend?

Mr. ALDRICH. Not by any means. It is competent that I should, this resolution being before the Senate, move to strike out, if you please, the first rule.

Mr. HARRIS. Will the Senator consent to read Rule XI as a part of his answer to my question?

Mr. ALDRICH. I did not understand the Senator's remark.

Mr. HARRIS. I asked the Senator if he did not admit that, before he could, under the rules of this body, propose to modify any standing rule of the body, he was bound to give one day's written notice of that intention, specifying the rule or part of rule that he proposed to amend, modify, or suspend. Then I asked him if he would consent to read Rule XL as a part of his answer to that question.

Mr. ALDRICH. I stated to the Senator from Tennessee, what I now repeat, that a proposition to amend the rules, which the Senator from Tennessee must admit is to that extent a notice given to the Senate, can be amended by the Senate itself, upon the motion of any Senator to amend any or all the other standing rules of the Senate, without notice, and when this question is here before the Senate and the Senate has jurisdiction of the subject it is within the competence of the Senate, notwithstanding the nature of the notice which has been given, supposing the resolution to be here properly, by its own act to change any or all of its rules. I submit that the notice given by me was competent, was adequate, and sufficiently expressive of the purpose of the resolution and of the different rules that were intended to be amended by it as provided by Rule XL.

Mr. GRAY. May I ask the Senator from Rhode Island a question, if it will not disturb him? I understand that we are interrupting him a good deal, but I do not propose to take the floor when he sits down, and therefore I ask the privilege of interrupting him now. I will ask him—for he is better acquainted with the rules than I am—whether it is not the case under Rule V of the Senate that, if any member shall call the attention of the presiding officer or suggest to the presiding officer the absence of a quorum, it is thereby made the duty of the presiding officer to direct the Secretary to call the roll. Is not that clause a part of Rule V?

Mr. ALDRICH. Yes.

Mr. GRAY. Then I ask the Senator whether in his resolution there is not the following:

> Pending proceedings under the foregoing rule no proceeding in respect of a quorum shall be in order until it shall have appeared on a division or on the taking of the yeas and nays that a quorum is not present and voting.

I ask whether that provision does not modify or change the rule to which I have just referred.

Mr. ALDRICH. I am suggesting to the Senator, if I have made myself understood, and I am not sure that I have, that whatever might be held by me or any other Senator to be the ultimate effect of the resolution, it was not necessary that I should set forth in the notice every conceivable effect which it might have, by implication or otherwise. If that were so, then, of course, each Senator might have an idea of his own as to whether——

Mr. GRAY. I ask the Senator what his idea is as to the effect of that language on Rule V, whether or not it changes or modifies it.

Mr. ALDRICH. My present impression has nothing to do with the purpose which I had in view.

Mr. GRAY. Would the Senator object to saying what his present impression is as to the effect of that language on Rule V?

Mr. ALDRICH. I would answer that by stating my next point, which I think will give the Senator a sufficient answer upon that branch of his inquiry.

Mr. GRAY. Of course the Senator can answer in his own way.

Mr. DOLPH. Mr. President ——

Mr. HARRIS. Will the Senator from Rhode Island allow me?

Mr. ALDRICH. I yield to the Senator from Oregon [Mr. DOLPH].

Mr. DOLPH. Mr. President, I have not been present at all of the discussion, and the suggestion I am about to make may have been made by some other Senator, but I desire to say that I do not myself believe that Rule XL applies to a new rule which by implication modifies some previous rule.

Mr. ALDRICH. I have not reached that point. I propose to take that up next.

Mr. DOLPH. I suggest that the modification or change which is contemplated by Rule XL, where it is provided that notice shall be given, does not apply to the adoption of a new rule which by implication modifies a previously existing rule, unless it proposes to change the language of that rule. It is analogous to the constitution of a State which provides that no act shall be amended by mere reference to title, but that every act amended, or the section amended, shall be set forth at large.

It has always been held, so far as I know, that that does not apply to an independent act which modifies an existing act of legislation by implication, but only relates to the amendment of an act or a section of an act by striking out words or inserting words, so that it may not be necessary to look through a whole volume of statutes to compare the amendment with the text of previous statutes in order to determine what amendment has been made. In other words, that amendments by implication are not included in the prohibition. Certainly this is an analogous case, and it can not be contemplated that, where a new rule is adopted, which may by implication affect others without changing the language, any notice in regard to that is required at all.

Mr. ALDRICH. I am much obliged to the Senator from Oregon for his very valuable statement.

Mr. DOLPH. Otherwise, as suggested by the Senator from Wisconsin [Mr. SPOONER], it would be necessary that a Senator giving notice should be infallible. He must determine as a matter of law in advance and mention every rule which would be in any way affected by a proposed change.

Mr. ALDRICH. Mr. President——

Mr. GRAY. Will the Senator allow me to see if I understand the contention of the Senator from Oregon? for I am not sure that I do. Does he contend that under the rule of the Senate which says that "no motion to suspend, modify, or amend any rule or any part thereof shall be in order except on one day's notice in writing," and so on, he may nevertheless propose a new rule of the Senate which shall be directly contrary to existing rules and in effect abrogate them without giving any notice whatever? Is that the extent of his contention?

Mr. ALDRICH. If the Senator will allow me, in the next point I shall make I will state my views on that subject.

Mr. GRAY. Is that the contention of the Senator from Oregon?

Mr. DOLPH. The contention of the Senator from Oregon is simply that Rule XL does not apply to the adoption of a new rule which by implication modifies a previous rule, unless it is proposed to change the language of the existing rule.

Mr. GRAY. His contention is not, then, as I understood it.

Mr. FAULKNER. I ask my friend from Rhode Island if he will allow me to make a suggestion.

Mr. ALDRICH. Certainly.

Mr. FAULKNER. I do not exactly understand how the question of unanimous consent enters into the consideration of the question under the appeal now before the Senate. I understand the ruling of the Chair to be, not that the point of order was made too late, but that the point of order itself, assuming that it was made in time, was not a good point, and was for that reason overruled. Therefore the only question before the Senate is not as to whether the point of order was made in time, but whether, assuming it was made in time, it was a good point.

Mr. ALDRICH. I am stating to the Senate as well as I can, in my feeble way, the reasons why the Chair should be sustained. I am not confining my position in sustaining the opinion of the Chair to the one point so well stated by the Vice President in overruling the point of order of the Senator from Tennessee [Mr. HARRIS].

Now, I will say, thirdly, in regard to this matter, that my opinion agrees with that of the Senator from Oregon [Mr. DOLPH], that no notice whatever was required in this case. The purpose of Rule XL, if it be read carefully, will be apparent. It seems to me that upon motions to suspend the rule the purpose thereof should be stated in the notice given by the Senator; in other words, if a rule is to be suspended in regard to the consideration of a particular measure or bill notice must be given as to the particular matter. In case where certain rules were to be modified or amended by changes in the text of the rules themselves notice must be given of the rules to be modified or amended and as to the exact language and as to the manner in which they shall be modified or amended.

But in this case, a new rule is to be added to rules of the Senate, which is only to be operative under certain conditions and in certain cases, not modifying or suspending or amending the general rules of the Senate, but establishing a new rule as to certain particular cases and under certain particular circumstances. An amendment of the rules of this kind does not require the notice provided for by Rule XL. Therefore my giving the notice in this case was a work of surplusage.

Mr. GRAY. Then, I ask the Senator why did he specify any rules?

Mr. ALDRICH. Simply out of abundant caution. I knew the nature of the contest in which I was engaged; I understood the keenness, the ability, the ingenuity, and the technicality of the Senators on the other side of the Chamber; and I knew that I should be met from the first day that this resolution was introduced until it was finally acted upon by the Senate by a storm of objections and points of order raised by men who are veterans in the service, whose service extends through almost the entire history of the last half century, not only in this House but in the other, and I was anxious, so far as possible, that no loophole should be left, so far as my action was concerned, by which this question should be displaced.

Mr. HARRIS. Will the Senator allow me to ask him a question?

Mr. ALDRICH. Certainly.

Mr. HARRIS. I ask him if his proposed rule does not modify the eleven rules which he enumerates in the resolution, and also Rule V, Rule VI, and Rule XX.

Mr. ALDRICH. Not as current rules. It establishes an additional rule for the guidance of the Senate under certain conditions. As current rules every one of them remains intact.

Mr. HARRIS. But is not there an absolute conflict between those standing rules to which I have referred and the rule that the Senator proposes to adopt?

Mr. ALDRICH. There is no conflict whatever under all ordinary conditions. These rules all remain intact.

Mr. HARRIS. When your rule is put in operation and the Senate is acting under it, does it not modify the eleven rules that you have enumerated, and Rule V and Rule VI and Rule XX?

Mr. ALDRICH. No, sir; not as applicable to the ordinary business of the Senate.

Mr. HOAR. Will the Senator from Rhode Island allow me to make one suggestion to him? Suppose we should introduce a rule for the government of the Senate in joint convention with the House of Representatives for any other purpose, a condition of things to which the present and existing rules of the Senate do not apply; there is no rule for that special emergency; and suppose we need something. Now, it would not be necessary, in providing, for instance, that no member should address the Chair or that the motions should be made as they were under the electoral-commission statute only when one member made it and another indorsed it—it would be necessary to go over all the ordinary rules of the body and specify that this rule which is made for a particular occasion is intended to modify the general rules of the Senate. This new rule proposes to deal with a condition of things which could not exist under the old rules of the Senate, and they are making their own rules for that condition.

Mr. HARRIS. I have one other question I want to submit to the Senator.

Mr. ALDRICH. The Senator from Massachusetts has stated my position better than I could do it myself.

Mr. HOAR. That is impossible.

Mr. HARRIS. There is one question in addition I wish to submit, and I think it is my last. I want to know if the Senator intends to adhere to his declaration of a few moments since. If his rule does not modify the rules that I have specified, why is it that he puts into his own resolution this language?

For the foregoing stated purposes the following rules, namely, VII, VIII, IX——

Mr. HOAR. Out of abundant caution.

Mr. ALDRICH. I have said that.

Mr. HARRIS. The Senator from Rhode Island does not need any suggestion.

Mr. ALDRICH. I have already made the suggestion.

Mr. HARRIS—

VII, VIII, IX, X, XII, XIX, XXII, XXVII, XXVIII, XXXV, and XL, are modified.

The Senator thought when he introduced his resolution that he was modifying those rules or he would not have put that language in, and now, if I understand him, he thinks he does not modify any rule.

Mr. ALDRICH. I put it in, as I have already stated to the Senator, out of abundant caution.

Mr. BLAIR. Superabundant.

Mr. ALDRICH. Yes; superabundant caution, as the Senator from New Hampshire very well suggests, and to answer just such hypercritical objections as have been made by Senators on the other side of the Chamber.

Mr. President, I think I can sum up my answer to the point of order made by the Senator from Tennessee in three phrases: The point of order comes too late; the notice is adequate, if notice was required; and, third, that no notice is required under the rules for this amendment. And now, Mr. President, as I have been very liberal in listening and in yielding to Senators, I move to lay the appeal on the table.

Mr. GORMAN. Mr. President——

The VICE PRESIDENT. Before the Chair recognizes the Senator from Maryland ——

Mr. ALDRICH. Does the Chair not recognize my motion? I made a motion to lay the appeal on the table.

The VICE PRESIDENT. The Chair did not hear the Senator. The question is on the motion made by the Senator from Rhode Island.

Mr. GORMAN. What is that motion?

The VICE PRESIDENT. Will the Senator state his motion again?

Mr. ALDRICH. My motion is to lay the pending appeal on the table.

The VICE PRESIDENT. The question is on the motion of the Senator from Rhode Island to lay the appeal on the table.

Mr. ALDRICH. On that question I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GORMAN. Let the motion be read.

The VICE PRESIDENT. The Senator from Rhode Island moves that the appeal be laid on the table.

Mr. ALDRICH. That is, the pending appeal.

Mr. GORMAN. I ask that it may be reduced to writing, so as to have no mistake about it.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the bill (S. 882) for the relief of the sureties of George W. Hook, deceased, having been presented to the President on the 8th instant for his approval and not having been returned by him to the House of Congress in which it originated within the time prescribed by the Constitution of the United States, had become a law without his approval.

The message also announced that the President had, on the 21st instant, approved and signed the following acts:

An act (S. 953) for the erection of a public building at Fort Dodge, Iowa;

An act (S. 507) to provide for the erection of a public building in the city of Youngstown, Ohio;

An act (S. 3417) to provide for the purchase of a site and the erection of a public building thereon at Haverhill, in the State of Massachusetts; and

An act (S. 2405) to provide for the purchase of a site and the erection of a public building thereon at Lewiston, in the State of Maine.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. MCPHERSON, its Clerk, announced that the House requested the Senate to return to that body the bill (S. 828) for the relief of Sarah E. E. Perine, widow and administratrix of William Perine, deceased.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution; and they were thereupon signed by the Vice President:

A bill (S. 1384) to provide for the purchase of a site and the erection of a public building thereon at Mankato, in the State of Minnesota; and

A joint resolution (H. Res. 210) to print the eulogies on Hon. Edward J. Gay.

EXECUTIVE COMMUNICATION.

The VICE PRESIDENT laid before the Senate a letter from the Secretary of the Treasury, recommending an appropriation to complete the public building at Leavenworth, Kans.; which was referred to the Committee on Appropriations, and ordered to be printed.

NICARAGUA CANAL.

Mr. MORGAN. I ask the unanimous consent of the Senate to offer a resolution for reference to the Committee to Audit and Control the Contingent Expenses of the Senate.

The resolution was read, as follows:

Resolved, That the additional sum of $150 is appropriated, to be paid out of the contingent fund of the Senate, to pay for additional maps and prints to accompany the report of the Committee on Foreign Relations on the maritime canal of Nicaragua.

Mr. GORMAN. How does that resolution get in?

Mr. MORGAN. I offered it. I ask its reference to the Committee on Contingent Expenses.

Mr. GORMAN. Very well.

The VICE PRESIDENT. The resolution will be so referred.

PETITIONS AND MEMORIALS.

Mr. HOAR presented the following resolution of the Legislature of Massachusetts; which was ordered to be printed in the RECORD, and laid on the table:

COMMONWEALTH OF MASSACHUSETTS, *In the year* 1891.

Resolutions relating to the passage of a general bankruptcy law by Congress.

Whereas the laws of the several States and Territories relating to settlements by debtors with their creditors are conflicting in their provisions and often unjust to both debtor and creditor;

Whereas the want of a uniform law on the subject of bankruptcies tends to the curtailment of business through lack of confidence by business men, and becomes a cause of financial stress entailing injury and loss; and

Whereas under the Constitution of the United States the right to pass a general bankruptcy law is reserved to Congress:

Be it resolved, That the Senators and Representatives from this Commonwealth in the Congress of the United States are hereby requested to use their influence to obtain the passage at the present session of the bankruptcy bill now before Congress, entitled "An act to establish a uniform system of bankruptcy throughout the United States.

Resolved, That a copy of these resolutions be transmitted to each of the Senators and Representatives from this Commonwealth in the Congress of the United States.

HOUSE OF REPRESENTATIVES, *January* 16, 1891.

Adopted.

EDWARD A. McLAUGHLIN, *Clerk*.

A true copy.
Attest:

EDWARD A. McLAUGHLIN,
Clerk of the House of Representatives.

Mr. REAGAN presented the petition of Hon. E. R. Bumpus and 30 other citizens of Terrell, Tex., and the petition of the Board of Trade of San Antonio, Tex., praying for the passage of the Torrey bankruptcy bill; which were ordered to lie on the table.

BILL INTRODUCED.

Mr. COKE introduced a bill (S. 4914) for the relief of A. M. Shannon & Co.; which was read twice by its title, and referred to the Committee on Claims.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (H. R. 12729) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1892, and for other purposes; in which it requested the concurrence of the Senate.

SARAH E. E. PERINE.

The VICE PRESIDENT laid before the Senate the request of the House of Representatives for the return of the bill (S. 828) for the relief of Sarah E. E. Perine, widow and administratrix of William Perine, deceased; and by unanimous consent the request was ordered to be complied with and the bill returned to the House of Representatives.

HOUSE BILL REFERRED.

The bill (H. R. 12729) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1892, and for other purposes was read twice by its title, and referred to the Committee on Appropriations.

ABSENT SENATORS.

Mr. DOLPH. I offer a resolution and ask that it be read.

Mr. GORMAN. Reserving any point of order, the resolution may be offered.

The VICE PRESIDENT. The resolution will be read for information subject to objection.

The Secretary proceeded to read the resolution, and read as follows:

Resolved, That the Committee on the Judiciary be, and they are hereby, directed to inquire and report to the Senate, at as early a day as practicable, whether clause 3 of Rule V of the rules of the Senate is such a compliance with the requirements of section 5 of Article I of the Constitution as to the manner in which the attendance of absent members may be compelled as to authorize less than a quorum of the Senate when in session to compel the attendance of absent members, and whether a direction by the Senate, less than a quorum being present, to the Sergeant-at-Arms of the Senate to compel the attendance of absent members——

Mr. GORMAN. Mr. President, I object now to the reception of the resolution.

The VICE PRESIDENT. Objection is made; the resolution will go over.

Mr. GORMAN. I object to the resolution being entertained at all; it is out of order.

The VICE PRESIDENT. Objection is made.

Mr. GIBSON. I offer——

Mr. DOLPH. I object to any further business and call for the regular order.

Several SENATORS. Regular order!

Mr. GORMAN. All right, I agree to that.

The VICE PRESIDENT. The regular order——

Mr. BERRY. Did not the Senator from Oregon introduce something just now by unanimous consent?

Mr. GORMAN. No; he tried to do so.

LIMITATION OF DEBATE.

The Senate resumed the consideration of the resolution submitted by Mr. ALDRICH.

The VICE PRESIDENT. The motion of the Senator from Rhode Island [Mr. ALDRICH] will be read.

The Secretary read, as follows:

I move to lay on the table the appeal taken by the Senator from Tennessee [Mr. HARRIS] from the decision of the Chair overruling the point of order raised by that Senator.

The VICE PRESIDENT. On this motion the yeas and nays have been ordered; and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON].

Mr. CALL (when his name was called). I am paired with the Senator from South Dakota [Mr. PETTIGREW]. If he were here, I should vote "nay."

Mr. DAWES (when his name was called). I am paired with the junior Senator from Georgia [Mr. COLQUITT]. I should vote "yea," if he were here.

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY]. Otherwise I should vote "nay."

Mr. CASEY (when Mr. PIERCE'S name was called). My colleague [Mr. PIERCE] is paired with the senior Senator from Georgia [Mr. BROWN].

Mr. ALLEN (when Mr. SQUIRE'S name was called). My colleague [Mr. SQUIRE] is paired with the Senator from Virginia [Mr. DANIEL].

Mr. TURPIE (when Mr. VOORHEES'S name was called). I wish to state that my colleague [Mr. VOORHEES] is absent and is paired with the Senator from South Dakota [Mr. MOODY]. If present, my colleague would vote "nay."

The roll-call was concluded.

Mr. JONES, of Arkansas (after having voted in the negative). Is the Senator from New York [Mr. HISCOCK] recorded?

The VICE PRESIDENT. He is not recorded.

Mr. JONES, of Arkansas. Then I withdraw my vote. I am paired with that Senator.

Mr. FAULKNER. I transfer the pair I have with the Senator from Pennsylvania [Mr. QUAY] to my colleague [Mr. KENNA] and vote. I vote "yea."

Mr. ALLISON. On this question I am paired with the Senator from Kansas [Mr. INGALLS]. If he were present, I should vote "yea."

Mr. PLUMB (after having voted in the affirmative). I am paired with the Senator from Missouri [Mr. VEST]. A moment ago I voted, supposing the Senator from Missouri was in the Chamber. As he is not present, I withdraw my vote.

Mr. BLAIR. My colleague [Mr. CHANDLER] is paired with the Senator from New Jersey [Mr. BLODGETT]. On the previous roll call it was my duty to make the same announcement. I supposed the Senator from New Jersey [Mr. BLODGETT] was in the Chamber, but afterwards found he was not.

The result was announced—yeas 33, nays 28; as follows:

YEAS—33.

Aldrich,	Edmunds,	McMillan,	Sherman,
Allen,	Evarts,	Manderson,	Shoup,
Blair,	Farwell,	Mitchell,	Spooner,
Carey,	Frye,	Morrill,	Stockbridge,
Casey,	Hale,	Paddock,	Warren,
Cullom,	Hawley,	Platt,	Wilson of Iowa.
Davis,	Higgins,	Power,	
Dixon,	Hoar,	Sanders,	
Dolph,	McConnell,	Sawyer,	

NAYS—28.

Barbour,	Eustis,	Harris,	Reagan,
Bate,	Faulkner,	McPherson,	Stewart,
Berry,	George,	Morgan,	Teller,
Blackburn,	Gibson,	Pasco,	Turpie,
Carlisle,	Gorman,	Payne,	Vance,
Cockrell,	Gray,	Pugh,	Walthall,
Coke,	Hampton,	Ransom,	Wilson of Md.

ABSENT—27.

Allison,	Colquitt,	Jones of Nevada,	Squire,
Blodgett,	Daniel,	Kenna,	Stanford,
Brown,	Dawes,	Moody,	Vest,
Butler,	Hearst,	Pettigrew,	Voorhees,
Call,	Hiscock,	Pierce,	Washburn,
Cameron,	Ingalls,	Plumb,	Wolcott.
Chandler,	Jones of Arkansas,	Quay,	

So the motion to lay the appeal on the table was agreed to.

The VICE PRESIDENT. The decision of the Chair is sustained. The resolution is before the Senate.

Mr. COCKRELL. Mr. President, a great deal has been said in the way of intimation and insinuation that the transaction of the public business of the Senate has been unnecessarily delayed; that the business of the Senate has been impeded and its disposition delayed; that very little work has been done in the Senate; that this side of the Chamber is proving an obstruction to the proper disposition of the public business. When I look at the records and the facts, and see them as they are, I am really astonished at the forbearance and indulgence

shown by this side of the Chamber and the assistance which has been extended to the majority in order to enable it to dispose of its business in a regular and proper way.

Mr. President, you may search the annals of Congress for years and years past and you will fail to find one where so much public business was disposed of from the beginning to the end of the first session of a Congress as was disposed of from the beginning to the end of the first session of the present Congress, which adjourned on the 1st day of October, 1890.

Mr. President, look at the Calendar. The point reached when it was last under consideration was a bill reported December 17, 1890. All the bills which were reported prior to the 1st day of October, 1890, had been called for consideration, and either disposed of or they had received consideration until objection was made, and they were placed under Rule VIII or Rule IX. Now, I challenge any Senator to show where at so early a stage the Senate had, in the consideration of the Calendar of private and public bills, reached and passed over, considered and disposed of, all the bills as has been done at this session.

Mr. President, there had been no accumulation of business in the Senate until the present bill was forced upon the consideration of the Senate to the exclusion of everything else, not only after the morning hour, but, in most instances, during the morning hour. Up to the 11th day of December last the Senate had passed 1,112 bills, of which the House of Representatives had passed only 525, leaving 587 bills passed by the Senate awaiting consideration and action in the so-called deliberative branch of Congress, where deliberation has ceased.

The number of House bills passed by the House of Representatives was 1,348, of which the Senate has disposed of 900, leaving only 448 bills of the House of Representatives unacted upon by the Senate, and of these 8 have been reported to the Senate and indefinitely postponed, leaving only 440 bills. The number of bills in the Senate acted upon by the committees, reported back to the Senate, and by the Senate indefinitely postponed and disposed of was 536, besides concurrent resolutions and other resolutions and orders of various kinds.

Now, I say that is a record which can not be excelled or equaled in any of the past Congresses; and that business was done by the aid and co-operation of the minority of this body and without any clôture rule, without any previous question, in pursuance of the great cardinal principles which the distinguished Senator from Massachusetts has held up as the essential elements which distinguish the Senate and make it the body it is.

Mr. HOAR (in his seat). The body it was.

Mr. COCKRELL. Mr. President, I believe I will accept the amendment suggested in a low tone by the distinguished Senator from Massachusetts, and say that it was the Senate that was and not that Senate that has been made by the efforts which have very recently been pressed upon the attention of the Senate.

Mr. President, something was said by my good friend from Rhode Island [Mr. ALDRICH] in the remarks he made a little before 12 o'clock last night, that this side of the Chamber had only so many Senators present, forgetting to count the very small number on the opposite side, insufficient to constitute a quorum or to do any business, intimating that we are absenting ourselves upon the roll-call, etc. I beg to say that such insinuation and innuendoes do not come very well from our distinguished friend from Rhode Island, nor the Senator from Massachusetts.

I have in my hand a Journal of the Senate of the United States, of the first session, Forty-sixth Congress, 1879, and that shows some very remarkable proceedings. I will not say that they were dilatory; I will let them speak for themselves. Quite a large number of Senators then present are still members of this body. They may have forgotten the proceedings at that time, and by way of refreshing their memories I will call their attention to some of them.

Mr. President, I have before me the Journal of the proceedings of the Senate of June 18, 1879. The question was upon the engrossment and third reading of the army appropriation bill:

Ordered, That the amendments be engrossed and the bill read a third time.
On the question, Shall the bill pass?
It was determined in the affirmative—yeas 47, nays 4.

The bill was about to be passed, when

On motion by Mr. Carpenter, at 6 o'clock and 30 minutes p. m., that the Senate adjourn,
It was determined in the negative—yeas 21, nays 30.

* * * * * * *

On motion by Mr. Conkling, that the Senate proceed to the consideration of executive business,
The yeas were 4 and the nays were 30.

* * * * * * *

The question recurring on the motion of Mr. Chandler that the Senate proceed to the consideration of executive business,
The yeas were 4 and the nays were 29.
The yeas and nays having been heretofore ordered,
Those who voted in the affirmative are:
Messrs. Cameron of Pennsylvania, Davis of Illinois, Morrill, Voorhees.
Those who voted in the negative are:
Messrs. Bayard, Bell, Call, Coke, Davis of West Virginia, Eaton, Garland, Hampton, Harris, Hereford, Hill of Georgia, Houston, Jonas, Jones of Florida, Kernan, Lamar, McDonald, Maxey, Morgan, Pendleton, Randolph, Ransom, Saulsbury, Slater, West, Walker, Wallace, Whyte, Withers.
The number of Senators voting not constituting a quorum,
The President *pro tempore* directed the roll to be called;
Pending which,
On motion by Mr. Carpenter, at 6 o'clock and 40 minutes p. m., that the Senate adjourn,
It was determined in the negative—yeas 2, nays 28.
On motion by Mr. Carpenter,
The yeas and nays being desired by one-fifth of the Senators present,
Those who voted in the affirmative are:
Messrs. Burnside, Davis of Illinois.
Those who voted in the negative are:
Messrs. Bayard, Call, Cameron of Pennsylvania, Coke, Davis of West Virginia, Eaton, Garland, Groome, Harris, Hereford, Houston, Jonas, Jones of Florida, Kernan, Lamar, McDonald, Maxey, Morgan, Pendleton, Randolph, Ransom, Saulsbury, Slater, Vest, Walker, Wallace, Whyte, Withers.
So the motion was not agreed to.
The number of Senators voting not constituting a quorum,
The President *pro tempore* directed the roll to be called; and
Forty-nine Senators answered to their names.
A quorum being present, and
The question recurring upon the motion of Mr. Conkling that the Senate proceed to the consideration of executive business,
The yeas and nays having been heretofore ordered,
The yeas were 1 and the nays were 29.

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On motion by Mr. Carpenter, at 7 o'clock and 13 minutes p. m., that the Senate adjourn,
It was determined in the negative—yeas 0, nays 25.

* * * * * * *

On motion by Mr. Carpenter, at 7 o'clock and 50 minutes p. m., that the Senate adjourn,
It was determined in the negative—yeas 1, nays 21.
No quorum.
On motion by Mr. Whyte that the Sergeant-at-Arms be directed to request the attendance of absent Senators,
It was determined in the affirmative—yeas 21, nays 0.

* * * * * * *

On motion by Mr. Carpenter (at 8 o'clock and 10 minutes p. m.), that the Senate adjourn,
It was determined in the negative—yeas 14, nays 23.

* * * * * * *

On motion by Mr. Conkling, that further proceedings under the call be dispensed with,
It was determined in the negative—yeas 4, nays 22.

* * * * * * *

On motion by Mr. Carpenter (at 8 o'clock and 25 minutes p. m.), that the Senate adjourn,
It was determined in the negative—yeas 3, nays 24.

No quorum voting, and the motion was not agreed to.

On motion by Mr. Conkling,
Ordered, That further proceedings under the order be dispensed with.
On motion by Mr. Carpenter, at 8 o'clock and 35 minutes p. m., that the Senate adjourn,
It was determined in the negative—yeas 13, nays 26.
On motion by Mr. Conkling,
The yeas and nays being desired by one-fifth of the Senators present,

* * * * * * *

So the motion was not agreed to.
A quorum being present, and
The question recurring on the motion of Mr. Conkling, that the Senate proceed to the consideration of executive business,
The yeas were 4 and the nays were 26.

* * * * * * *

The number of Senators voting not constituting a quorum,
The Presiding Officer directed the roll to be called, when
Forty-two Senators answered to their names.
On motion by Mr. ALLISON, at 9 o'clock and 10 minutes p. m., that the Senate adjourn,
It was determined in the negative—yeas 14, nays 26.

The motion was not agreed to.

Mr. Blaine raised a question of order that, Mr. Eaton not having responded when his name was called, his vote was not properly recorded under the seventeenth rule of the Senate, and in contravention of the rules of the Senate.
The Presiding Officer (Mr. Whyte in the chair) overruled the question of order, and
From the decision of the Chair Mr. Blaine appealed to the Senate.
On motion by Mr. McDonald, that the appeal lie on the table,
The yeas were 27, the nays 0.

* * * * * * *

The number of Senators voting not constituting a quorum,
The Presiding Officer directed the roll to be called; and fifty-one Senators answered to their names.
The number of Senators present constituting a quorum, and
The question recurring upon the motion of Mr. McDonald, to lay the appeal on the table,
The yeas were 29, the nays 0.

* * * * * * *

A quorum being present,
On motion by Mr. Whyte, at 10 o'clock p. m., that the Senate adjourn,
It was determined in the negative—yeas 12, nays 25.
On motion by Mr. Blaine,
The yeas and nays being desired by one-fifth of the Senators present,

* * * * * * *

So the motion was not agreed to.
The number of Senators voting not constituting a quorum,
The Presiding Officer directed the roll to be called; and
Forty-four Senators answered to their names.
A quorum being present, and
The question recurring on the motion of Mr. McDonald, to lay the appeal of Mr. Blaine on the table,
The yeas were 26, the nays 0.

* * * * * * *

The number of Senators voting not constituting a quorum,
The Presiding Officer directed the roll to be called; and
Forty-one Senators answered to their names; and
The question recurring on the motion of Mr. McDonald, to lay the appeal on the table,
The yeas were 27 and the nays 0.

* * * * * * *

The number of Senators voting not constituting a quorum,

On motion by Mr. Burnside, at 10 o'clock and 35 minutes p. m., that the Senate adjourn,
It was determined in the negative—yeas 10, nays 25.

* * * * * * *

The number of Senators voting not constituting a quorum,
The Presiding Officer directed the roll to be called; and
Forty-one Senators answered to their names.
A quorum being present,
On motion by Mr. Allison that Mr. Whyte be excused from further attendance,
On motion by Mr. Carpenter to amend the motion by adding thereto the words "and all other absent Senators,"
The yeas were 3, and the nays were 26.
On motion by Mr. Conkling, the yeas and nays being desired by one-fifth of the Senators present,
Those who voted in the affirmative are:
Messrs. Kirkwood, Pendleton, Windom.
Those who voted in the negative are:
Messrs. Bailey, Bayard, Call, Cockrell, Davis of West Virginia, Eaton, Garland, Groome, Hampton, Harris, Hereford, Hill of Georgia, Houston, Jonas, Jones of Florida, Kernan, McDonald, Maxey, Morgan, Randolph, Slater, Vance, Vest, Walker, Withers.
The number of Senators voting not constituting a quorum,
On motion by Mr. Hereford, that the Sergeant-at-Arms be directed to request the attendance of absent Senators,
Mr. Conkling raised a question of order that the motion was not in order.
The Presiding Officer overruled the question of order, and decided that the motion was in order;
From which decision Mr. Conkling appealed to the Senate.
On motion by Mr. Hereford, that the appeal lie on the table,
The yeas were 25 and the nays 0.

Here were a distinguished Senator from Iowa, another distinguished Senator from New York, and another distinguished Senator then from Maine, now the distinguished Secretary of State, among others, who were present and participating in the proceedings; the distinguished Senator from Wisconsin, Mr. Carpenter, and Mr. Chandler participating in the proceedings and yet not voting, sitting in their seats in the Senate Chamber.

The number of Senators voting not constituting a quorum, the Presiding Officer directed the roll to be called.

I could go on for an indefinite time, showing the same thing; but I understand that my friend from Florida [Mr. PASCO] has made a collection from the RECORD, not from the Journal, and I will ask him at the proper time to give the Senate the benefit of his labors.

The question recurring on the motion of Mr. Hereford to request the attendance of absent Senators,
It was determined in the affirmative—yeas 22, nays 0.

* * * * * * *

On motion by Mr. PADDOCK, at 5 o'clock and 12 minutes a. m., that the Senate adjourn,
It was determined in the negative—yeas 7, nays 21.

They had had an all-night session.

On motion by Mr. PADDOCK, that further proceedings under the order be dispensed with,
The yeas were 7 and the nays were 21.

* * * * * * *

The number of Senators voting not constituting a quorum,
On motion by Mr. CAMERON, of Pennsylvania, that further proceedings under the order be dispensed with,
The years were 4 and the nays were 23.

* * * * * * *

The number of Senators voting not constituting a quorum of the Senate,
On motion by Mr. PADDOCK, that further proceedings under the order be dispensed with,
The yeas were 6 and the nays were 16.

* * * * * * *

The number of Senators voting not constituting a quorum,
The Presiding Officer directed the roll to be called; and
Thirty-two Senators answered to their names.
On motion by Mr. Burnside, that the Sergeant-at-Arms be directed to compel the attendance of absent Senators,
On motion by Mr. Rollins to strike out the word "compel" and insert in lieu there of "request."
It was determined in the negative.
The question then recurring on the motion of Mr. Burnside,
It was determined in the affirmative.
On motion by Mr. Withers, at 11 o'clock and 50 minutes a. m. (Thursday),
The Senate adjourned.

On Thursday, June 19, the Senate met at 12 o'clock m., within ten minutes after the adjournment of an all-night session. Then it was that—

The President *pro tempore* called the Senate to order and stated that owing to the length of the session of yesterday the Journal had not been completed, and asked that its reading be postponed until it is finished.
Mr. Conkling having objected,
The President *pro tempore* stated that so much of the Journal as had been made up would be read; and the Journal of yesterday's proceedings having been read so far as it was written up,
The President *pro tempore* announced that the presentation of petitions and memorials was in order;
When
Mr. Conkling raised the question of order that, under the first rule of the Senate, no business could be transacted until the Journal had been read.
The President *pro tempore* overruled the question of order raised by Mr. Conkling.
From the decision of the Chair Mr. Conkling appealed to the Senate; and
On motion by Mr. Hereford, that the appeal lie on the table,
The yeas were 33 and the nays were 4.

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On motion by Mr. Hereford,
The yeas and nays being desired by one-fifth of the Senators present,

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The number of Senators voting not constituting a quorum,
The President *pro tempore* directed the roll to be called; and
Fifty Senators answered to their names.
A quorum being present,
The question recurring on the motion of Mr. Hereford, that the appeal lie on the table,
The yeas were 26 and the nays were 4.

* * * * * * *

During the roll call,
Mr. Bayard called the attention of the Chair to the fact that there were Senators present and not voting; and, having named Mr. Chandler, asked that under the seventeenth rule of the Senate he be required to assign his reasons therefor;
Whereupon
The President *pro tempore* directed the name of Mr. Chandler to be called; and
Mr. Chandler declining to vote and assigning his reasons therefor,
The Presiding Officer (Mr. HARRIS in the chair) submitted the question to the Senate;
And on the question,
Shall Mr. Chandler be excused from voting?
The yeas were none and the nays were 33.

* * * * * * *

The number of Senators voting not constituting a quorum,
The President *pro tempore* directed the roll to be called; and
Fifty-one Senators answered to their names.
A quorum being present, and
The question recurring on the motion of Mr. Hereford, that the appeal lie on the table,
The yeas were 32 and the nays were 3.

* * * * * * *

The number of Senators voting not constituting a quorum,
The President *pro tempore* counted the Senate and announced that a quorum was present.

* * * * * * *

The President *pro tempore* announced that the morning hour had expired, and called up the unfinished business of the Senate at its last adjournment, namely, the bill (H. R. 2175) making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes, the question being on the amendment by Mr. Blaine to the amendment proposed by Mr. Conkling; and
The Senate resumed, as in Committee of the Whole, the consideration of the said bill; and,
Pending debate,
On motion by Mr. Thurman, at 3 o'clock p. m.,
The Senate adjourned.

Mr. PASCO. Mr. President, I sought an opportunity to present this matter at the time the Senator from Rhode Island [Mr. ALDRICH] called for the reading of the Journal of Thursday, June 19, 1879, as the reading did not disclose the names of those who presented themselves for the purpose of making a quorum, it being my wish and desire to make the record complete and perfect. But I suppose it did not suit the purposes of the Senator from Rhode Island to have that complete and perfect record laid before the Senate, and he objected to the introduction of the complete record at that time.

I afterwards sought the opportunity, before the Vice President announced his decision; but the Vice President thought that the time had come when his decision should be submitted to the Senate; and I was again unable to present the full record. But by the courtesy of the Senator from Missouri, and not with any desire to take up any of the time of the Senate, I should like now to read that list. It is part of what occurred on the 19th of June, 1879. The incomplete Journal had been read and Mr. Conkling had submitted to the Chair that the full Journal of the day's proceedings should be read and demanded the reading of the whole proceedings. The Journal was read, and, the reading of the first rule having been asked, the President *pro tempore* said:

It is the opinion of the Chair that the Senate can not be prevented from transacting business by a failure to write up all the Journal, and that the rule does not require an impossibility.
As far as the Journal has been written up it has been read. The rest of it, in the opinion of the Chair, must be read hereafter; therefore the Chair overrules the point of order made by the Senator from New York.

From that decision the Senator from New York [Mr. Conkling] appealed, and the vote as read at the request of the Senator from Rhode Island [Mr. ALDRICH], was—yeas 33, nays 4. The names of the absentees were not recorded in the Journal, and I asked that the record might be completed by the addition of the names of the absentees. They were as follows:

Messrs. Allison, Anthony, Bell, Blaine, Bruce, Butler, Cameron of Pennsylvania, Cameron of Wisconsin, Carpenter, Chandler, Conkling, Dawes, Edmunds, Farley, Ferry, Grover, Hamlin, Hampton, Hill of Colorado, Hoar, Ingalls, Johnston, Jones of Nevada, Kellogg, Kirkwood, Logan, McDonald, McMillan, McPherson, Paddock, Platt, Plumb, Rollins, Saunders, Sharon, Teller, Thurman, Vest, Williams.

Mr. HOAR. Will the Senator allow me one moment? I wish to say to the Senator that, as he has read my name among the names of the absentees, I think he will find, by looking at the RECORD of June 14, that I was called to Massachusetts at that time, and I was absent during the whole of those proceedings. I wish, however, before I complete my statement, to say, for candor requires that I should say, that if the Senator should look at the proceedings of another year—I have forgotten whether before or afterwards—he will find that I did take part in a similar arrangement. I was absent during all those proceedings, so that I had nothing to do with that particular case; but I repeat there was an occasion in the history of the Senate where I did take part in such proceedings.

Mr. PASCO. Then, although the Senator from Massachusetts was not present on that occasion, yet he did justify such a proceeding by his example at another time.

Mr. HOAR. The fact which I have stated I thought it due to candor to state.

Mr. EDMUNDS. Will the Senator from Florida kindly tell me the date of the RECORD he is reading?

Mr. PASCO. June 18, 1879, page 2172, ninth volume, part 2, of the CONGRESSIONAL RECORD for that year.

Mr. EDMUNDS. If the Senator will allow me for one minute, as he appears to imply, by reading my name among others, as people who seceded, as Story says in his work upon the Constitution of the United States, I will state that on looking at the Journal of the Senate—I may not be exactly accurate about the precise date—it will be found that the last time I appear to have been in the Senate and voting was on the 6th of June; and I am perfectly safe in saying that at the time when these transactions took place I was not in the city escaping from a vote, but was either ill myself or, on account of the illness of some of my family, was entirely away and knew nothing about it until the transaction was completed. I was sure the Senator would, as he has very kindly done, allow me to state that.

Mr. PASCO. I am not making any charges, Mr. President, against any of these Senators. This measure seems to have had the entire approval of the body of Republican Senators generally. There was no word of condemnation from a single Senator at that time. The Senator from Vermont may have been at issue with his party with regard to the propriety of these proceedings. It was all right if he was. I was simply presenting the record. If any of the Senators I have named who are here now wish to submit any excuse for or explanation of their acts, I am perfectly willing to give them time to do it. I will read, however, the names of the Senators who were then in the Senate and who are here now still as members of it: Messrs. ALLISON, CAMERON of Pennsylvania, DAWES, EDMUNDS, HOAR, INGALLS, JONES of Nevada, PADDOCK, PLATT, PLUMB, and TELLER.

Among the distinguished Senators who were also present, and who have been recognized as leaders in their party, were Messrs. Blaine, Carpenter, Chandler, Hamlin (once Vice President of the United States), Kirkwood (once a Cabinet officer), and a number of other Senators.

I merely wished to present this record, Mr. President, not to make any comments on it, and I thought it would be an appropriate time and place to introduce it when the Senator from Rhode Island was presenting the Journal of that date. I thank the Senator from Missouri for his courtesy.

Mr. COCKRELL. Mr. President, whatever has been done during this session of the Senate by this side of the Chamber, there are precedents to sustain it, precedents on the opposite side of the Chamber, and precedents of the most distinguished Senators who have occupied seats in this Chamber. But no such proceedings have been resorted to as those I have read. Our proceedings have been legitimate; they have been parliamentary; they have not been dilatory or obstructive. We have engaged in a fair and legitimate discussion of this great question involved in this gag rule and force bill. We have discussed it as we believe it ought to be discussed in order to be presented before the American people.

During the first night's session that we had here, Mr. President, it will be remembered that we were proceeding with the discussion without ever raising a question in regard to a quorum being present, though everybody saw and knew there was no quorum. The distinguished Senator from Montana [Mr. SANDERS] raised the question of a quorum, and then nothing further was done during that entire night's session, because there never was a quorum here to enable the Senate to proceed to the consideration of business.

Now, Mr. President, who is responsible for a quorum not being here? Is the minority alone to be held responsible? Is there not a divided responsibility? It is a very violent charge to hold that the minority alone is responsible because no quorum is here for the transaction of business. The majority, upon that side of the Chamber, when they can not have their way and force things to suit themselves, charge their failure to the minority; and when the majority on that side have control, then they charge all the responsibility again upon the minority. This is a very strange procedure. Now, Mr. President, the Senators who are attempting to force this bill through are those who are responsible for the quorum. I think, in proportion to numbers, there have been as many Senators present on this side as on that side.

Mr. President, we heard of this clôture rule for a long time before it was introduced. Why, do you know, Mr. President, that I never could get myself up to the belief that such a rule would be brought in here? Why? While I am a young man, young compared with the age of a nation, I and my children (I have five boys) have been taking The Youth's Companion, and we had been reading from the able pen of the distinguished Senator from Massachusetts. I did not believe that the Senator from Rhode Island would have the hardihood, I will almost say impudence, to come into this Senate Chamber with such a resolution as this, when he knew that the distinguished Senator from Massachusetts, who is leading in this fight upon the force bill, was bound to oppose that resolution.

Mr. President, you can scarcely imagine how I appreciate this Youth's Companion. [Laughter.] I hold in my hand The Youth's Companion of November 13, 1890, printed or published in Boston, the center of knowledge, learning, patriotism, devotion to precedent, to law, and to parliamentary rules. I want to read this article in full, and if possible, I want it printed in the RECORD, and then I shall ask that it be printed as a document of the Senate, with a large blank space left all around it, so that it may be framed and hung in the parlors of the loyal people of this country, and adorn the walls of our libraries and our colleges, particularly the institutions for the education of the young; that it be hung where the rising statesmen of this country, the youth who aspire to tread in the footsteps of those who occupy high official positions in life to-day, may see it and be improved and enlightened by it:

THE SENATE.

[By Senator GEORGE F. HOAR.]

The word "Senate" comes from the Latin word *senex*. It meant, at first, an assembly of old men. People used to believe that only old men were fit to make laws. This is shown by the titles of the chief lawmaking assemblies of different countries, some of which are still in use. The Latin *senatus* or *patres conscripti* (conscript fathers), the Greek *gerousia* (from *geron*, old man), the Saxon *alderman* or *elderman*, the French *seigneur*, preserve the traces of this early usage.

In some cases where the name is kept, mature age is no longer required for the office. The Constitution of the United States provides that "No person shall be a Senator who shall not have attained to the age of thirty years and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen."

But the State Legislatures, in the appointment of Senators, have adhered much more closely to the theory from which the body derives its name than the Constitution itself requires. The average age of the persons who now compose the Senate is sixty years. It has but eight members who are less than fifty years old and not one less than forty-five.

The Government established by the Constitution of the United States differs from those of other countries in many things, but especially in five essential particulars.

First. There is a large domain from which Government is altogether excluded. Wherever in America the people have created a State or nation, they have said to it, "Thus far shalt thou come, and no farther. There are some things which, under no circumstances, shall any government be permitted to do."

Second. The powers of sovereignty are divided between the nation and the States. The nation exercises those sovereign powers which affect our dealings with other countries, including the powers of war, peace, treaties, and the regulation of foreign commerce; those which affect the dealings of the people of the different States with each other, including the establishment of post offices, a bankruptcy system, currency and the government of the Territories, which are the common property of all the people.

To the national Government is committed also the duty of guaranty to each State of a republican form of government, and preventing the State from infringing the new constitutional provisions which secure personal freedom, equality before the law, equality of political power, to all men born or naturalized within the United States.

For all purposes of commerce and foreign intercourse we are a Republic, a unit, speaking with one voice; for all purposes of domestic government we are forty-four republics, various, diverse, each free to seek its own welfare, to make its own laws, to regulate its own institutions in its own way, only by an irresistible central power prohibited from doing wrong and constrained to do right in those things which are essential to republican liberty.

Third. These forces of State and nation are kept by the authority of the Supreme Court from exceeding their appointed bounds, either by invading each other's province or by entering the domain which the Constitution prohibits to the lawmaking power.

The Supreme Court can pronounce null and void any statute which violates the Constitution, whether passed by Congress or by a State Legislature. The mandates or prohibitions of this august tribunal must be obeyed by every executive officer.

Fourth. In the National Government itself the character of a nation composed of the whole people of the United States and that of a confederacy of distinct States are inextricably blended.

The Executive is chosen by electoral colleges in which each State, in addition to a number of electors proportioned to its population, is entitled to two, corresponding to the number of its Senators. The manner of choosing electors is determined by the States. If these colleges fail to elect, the choice is made by the House of Representatives by an election in which every State has an equal vote.

One of the two Houses of the National Legislature is chosen by direct vote of the people in districts of equal population. The other is chosen by the State Legislatures, each State being entitled to an equal number.

This conception, Dr. Lieber thinks, "is the chief American contribution to the common treasures of political civilization. It is that by which America will influence other parts of the world more than by any other political institution or principle."

Fifth. The fifth essential peculiarity of the Government of the United States, perhaps the most essential of all, is that with which we are now to deal, the constitution of the Senate.

The men who framed the Constitution had studied thoroughly all former attempts at republican government. History was strewn with the wrecks of unsuccessful democracies. Sometimes the usurpation of the executive power, sometimes the fickleness and unbridled license of the people, had brought popular governments to destruction. To guard against these two dangers they placed their chief hope in the Senate.

In the first place they made it a perpetual body. The President lays down his office at the end of four years. If any obstacle prevent the election or induction of his successor, the executive power itself is in abeyance. The House of Representatives has but a short life. A new one must be organized every two years, and a large part of its term is often consumed in the process of organization.

But the Senate is indestructible. The Senate which was organized in 1789 at the inauguration of the Government abides and will continue to abide, one and the same body, until the Republic itself shall be overthrown or until time shall be no more.

The individual Senator has a fixed term of six years. One-third of the body go out of office every two years. But the body remains in sufficient numbers to pass upon the title of new claimants to their seats and empowered to perform all its constitutional functions. The term of office of the Senator is six years, longer than that of any other officer under the Constitution, save only the judges, who are appointed to hold office for life.

The Senate also, alone of all the departments of Government, is unchangeable and indestructible by any constitutional process.

Mr. President, I am astonished that some of my Democratic brethren here are not absorbing the principles which are being set forth in this

document that I am reading. They do not seem to appreciate it at all. I am astonished that my Democratic brethren are not listening to these great cardinal principles which are ably and eloquently portrayed by the distinguished Senator from Massachusetts. I want them to hear them; they are precious truths.

The Senate also, alone of all the departments of Government, is unchangeable and indestructible by any constitutional process. In any other respect the Constitution may be changed, if both Houses of Congress, by a two-thirds vote, or a convention asked for by two-thirds of the States, propose them and three-fourths of the States ratify them. But no State, without its consent, can be deprived of its equal vote in the Senate.

While the members of the other House are elected by a direct popular vote, and under the established practice the electors of the President and Vice President are chosen by a direct popular vote to perform a function in which they exercise no discretion, but merely execute the will of the bodies by whom they were nominated, the Senator is appointed, or, as we usually say in referring to the process, elected, by the Legislature of the State.

This method of choice, by persons who themselves are chosen men, of weight in the community, and also hold an important public office, discharging in the public view a duty for which they are responsible to their constituents, secures care, deliberation, and discretion in the selection. It also preserves the equal power of the States in national legislation, since no law can pass which is not approved both by a majority of the representatives of the people and by a majority of the representatives of the States.

The great advantage of two branches of a Legislature is secured not only by having all laws passed upon by two houses, but by having those two houses represent different constituents and interests.

The Senate also differs from the House of Representatives, and I believe from all other legislative bodies in this country, in that the "previous question" and every other device for putting an end to debate, except that of unanimous agreement, is unknown to its proceedings.

Mr. President, I will read that last paragraph again.

The Senate also differs from the House of Representatives, and I believe from all other legislative bodies in this country, in that the "previous question" and every other device for putting an end to debate, except that of unanimous agreement, is unknown to its proceedings.

Mr. MITCHELL. Is not that the fact?

Mr. COCKRELL. Now, where is the Senator from Rhode Island? I do not see him in his seat. He ought to be here to hear this. How has he dared to come in here with this device for cutting off debate?

Mr. DAWES. Mr. President——

The PRESIDING OFFICER (Mr. PLATT in the Chair). Does the Senator from Missouri yield to the Senator from Massachusetts?

Mr. COCKRELL. Certainly.

Mr. DAWES. In the absence of my colleague——

Mr. COCKRELL. Your colleague is right here absorbing everything. [Laughter.]

Mr. EDMUNDS. Order!

Mr. HOAR. If the Senator will pardon me, I desire to say that I never enjoyed myself so much in my life, and the Senator from Missouri never before made so good a speech in his life.

Mr. DAWES. Notwithstanding my colleague is still here——

The PRESIDING OFFICER. The Senator from Missouri will please suspend. Applause in the galleries and disorder on the floor of the Senate must cease, and the Senate must proceed in order.

Mr. DAWES. The inquiry I desired to make in the presence of my colleague was if the Senator from Missouri could not draw a distinction between freedom of debate and eternity of talk.

Mr. COCKRELL. Well, we will see whether his colleague drew any distinction between freedom of legitimate debate and even eternity to all eternity of talk:

The "previous question," according to the practice of parliamentary bodies here, is introduced by a motion "that the main question be now put." In the House of Representatives it is put without debate. In some assemblies a debate is allowed, which, however, is confined strictly to the question whether or not the vote shall be taken at once, without permitting any discussion of the merits of the pending measure.

If the "previous question" is ordered, there can be no further debate, and, what is commonly of quite as much importance, there can be no further amendment. The measure must be adopted or rejected as it is; so that members are put in the awkward position of being compelled to vote against a measure containing some things which they approve or for a measure containing some things which they dislike, without a chance to perfect it or to record their opinion on particular parts or clauses. Measures are passed or defeated without giving opportunity to the members of the body, either to instruct their associates by discussion or to perfect the measure by suggesting amendments.

There are also in other legislative bodies limitations on the time of debate—

Will the senior Senator from Massachusetts now give me his ear? Mr. President, he seems to be given up to hardness of heart, and reprobateness of mind, and even these touching appeals from his distinguished colleague fall without any impression upon him:

There are also in other legislative bodies limitations on the time of debate, either by general rules or by special orders passed by the majority in particular cases. But in the Senate there can be no limit upon debate except by unanimous consent.

Mr. GIBSON. May I ask the Senator what he is reading from? It is very interesting.

Mr. COCKRELL. I am astonished at the Senator from Louisiana asking that question. I am reading from the great letter of the distinguished Senator from Massachusetts [Mr. HOAR], published in The Youth's Companion as a mighty beacon light, a cloud by day and a pillar of fire by night to guide the footsteps of American youth.

Mr. GIBSON. I have just come into the Chamber, and that is my apology for asking the question.

Mr. COCKRELL. The language is so eloquent the Senator ought to have recognized it at once.

Mr. GIBSON. I presumed it was the essay of the Senator from Massachusetts.

Mr. BERRY. Will the Senator state when that was published in The Youth's Companion?

Mr. COCKRELL. November 13, 1890.

There are also in other legislative bodies—

I will quote that again—

limitations on the time of debate, either by general rules or by special orders passed by the majority in particular cases.

Mr. ALDRICH entered the Chamber.

Mr. COCKRELL. You have lost a great deal, my good friend from Rhode Island, by not being here to hear all this.

Mr. FRYE. He has heard it read three times already in the Senate.

Mr. COCKRELL. Never so well.

Mr. ALDRICH. Nor with such emphasis.

Mr. COCKRELL:

But in the Senate there can be no limit upon debate except by unanimous consent. In this assembly speech is absolutely unfettered. Every measure can be discussed fully without restraint and amended without limit. This is of immense importance—

I quote it again—

This is of immense importance, not only to the perfection of legislation, but also to the dignity of the Senate, and, in my opinion, to civil liberty itself.

Mr. HOAR. Will the Senator yield to me for a moment?

Mr. COCKRELL. With great pleasure.

Mr. HOAR. On the 10th day of August last, I think, I introduced in the Senate a rule which in substance is that which is now pending. Early in November following the introduction of that rule I corrected the proof of this article, of which the Senator will kindly give me the date once more, if he has it.

Mr. COCKRELL. The article is not signed. It is published in The Youth's Companion, of November 13, 1890.

Mr. HOAR. Three months after the introduction of the rule which I had draughted and introduced in the Senate, and when I corrected the proof of the article, I had the rule before me, and examined it to see whether there was any inconsistency in the two statements. So it does not seem to me that there is any inconsistency whatever, as I shall have occasion to show and as I think will be easily understood when I address the Senate more at length.

Mr. GRAY. Will the Senator object if I ask him when that article was written?

Mr. HOAR. The article was written during the previous summer.

Mr. STEWART. It was corrected in November?

Mr. HOAR. It was corrected in November.

Now, Mr. President, this rule preserves everything which that article declares should be preserved for the sake of maintaining the dignity of the Senate.

Mr. HARRIS. Does it preserve the right of amendment?

Mr. HOAR. Yes, it does.

Mr. HARRIS. Where?

Mr. HOAR. Let me make my statement.

In the first place, the Senate is not to apply it until after reasonable debate, according to the provision of the rule itself. In the next place, after that reasonable debate has been had and the Senate adopts this clôture, it provides for a half-hour's further debate for every member of the Senate who chooses to avail himself of it. In the third place, it provides for putting the question upon all amendments then pending and all amendments of which notice may then be given.

Mr. HARRIS. Does this proposed rule make that provision?

Mr. HOAR. Yes, it makes that provision.

Mr. HARRIS. The Senator is wholly mistaken about the rule pending.

Mr. HOAR. Then it has not followed the rule which I introduced.

Mr. HARRIS. I refer to the rule pending here. I do not know what the Senator refers to.

Mr. HOAR. I understand the rule which is pending here——

Mr. HARRIS. The proposed rule excludes every amendment except pending amendments, and there can be but one amendment pending to the substitute and one amendment to the House bill.

Mr. HOAR. Then it is not in accordance with my judgment or opinion in that particular.

Mr. HARRIS. Then I should like to have the Senator's opinion as to what it ought to be.

Mr. HOAR. I have given an opinion of what it ought to be. It ought to contain a provision that every amendment of which any Senator shall then have given notice shall be entertained.

Of course, Mr. President, the Senate has other duties besides the mere talking, as I think the American people by this time very thoroughly understand and believe, and one is that the work which the Senate is here for is not to talk, but to legislate. That is the one constitutional purpose of the creation of the Senate. Now, when this great and generous provision for every Senator uttering his opinion is used for the purpose of preventing, not the purpose of aiding, legislation, as we have seen by one Senator who, after spending four days and part of four nights in debate, proceeds to read a historic essay which he brought in printed in typewriting, having no more to do with the pending meas-

ure than the Mosaic code, or when the Senators on a question whether it is in order to take up the resolution for clôture make long day speeches, as we heard yesterday from the Senator from Missouri [Mr. VEST] on another totally different subject, that is not the freedom of debate.

There is nothing in that article which says for a moment that by reason of the freedom of debate it shall be in order for a minority of the Senate to spend days and nights and weeks in talking about something else than the subject before the Senate, thereby overthrowing the great constitutional function of the Senate as a legislative body. There is not a syllable, there is not an utterance, there is not a phrase, there is not a thought in that article which the Senator from Missouri has in part read which I do not stand by and which I will not defend to the extent of my feeble ability against all comers. But it would bring that very estimate of the Senate of the United States itself into deserved disgrace and contempt if, claiming the right without limit, within the bounds of reason, and to amend a pending measure, you are to be permitted to be abused by a minority by making talk about matters which are not pending measures, which have nothing to do with the business before the Senate, or by proposing amendments.

Mr. President, it is a notorious fact that the Senator from Rhode Island having this matter in charge has been told from some source that if his resolution went in as it was originally proposed amendments enough could be offered on that side of the Chamber to consume in reading the entire time from the present day until the 4th of March, when we are to adjourn under the constitutional limitation of Congress.

Mr. BUTLER. May I ask the Senator from Massachusetts a question?

The PRESIDING OFFICER. The Chair understands that the Senator from Massachusetts is speaking by the courtesy of the Senator from Missouri [Mr. COCKRELL].

Mr. HOAR. Is the Senator from Missouri going to read the rest of the article? I hope so.

Mr. COCKRELL. I shall do so in the morning.

Mr. HOAR. Very well.

Mr. BUTLER. Referring to the observation of the Senator from Massachusetts as to what he terms the reasonableness of debate, may I inquire of that Senator who is to be the judge of the reasonableness of debate. In other words, if a Senator gets upon the floor to discuss a public question which he considers of vital importance, who but himself is to judge for him as to whether his remarks are reasonable if they continue ten minutes, or thirty minutes, or one hour, or three hours, or twelve hours?

Mr. EDMUNDS. It is the body——

Mr. HOAR. I will answer that question. Within all reasonable limits and bounds, undoubtedly the Senator himself; but the Senate of the United States are not fools——

Mr. BUTLER. Some people think they are.

Mr. HOAR. The American people are not fools. The Senate knows, the American people know, every Senator knows, when this concession to the dignity and authority of the great office which each Senator holds is abused, and when it is attempted to defeat the constitutional will of the American people as expressed by every constitutional law-making body, by gentlemen getting up here and making long talks about matters which have nothing whatever to do with the subject under discussion. You can not go on presuming in favor of the dignity of eighty-eight or one hundred Senators against the notorious fact which is thrust in our faces every moment.

Mr. BUTLER. The Senator has not answered my question.

Mr. HOAR. I have. I say within reasonable bounds; but when those reasonable bounds are transgressed——

Mr. BUTLER. Who is to judge of that?

Mr. HOAR. The Senate itself must judge, just as we judge of every other instance of misconduct. I say, Mr. President——

Mr. ALDRICH. Mr. President——

Mr. HOAR. If I may be pardoned one other sentence, I say that an attempt to defeat law-making in this country by the Congress of the American people by the processes of long debate and of taking up time, the attempt which we have seen at this very session, is as much a conspiracy against the Constitution and the constitutional liberty and the constitutional right and the national authority of the American people as was the rebel congress that met at Richmond. [Applause on the floor and in the galleries.]

Mr. GRAY. Was that true of the attempt in 1879?

Mr. BUTLER. Mr. President——

Mr. EDMUNDS. Order!

Mr. GRAY. I want to ask the Senator from Massachusetts——

Mr. COCKRELL. Mr. President——

The PRESIDING OFFICER. Order must be preserved in the galleries and on the floor.

Mr. GRAY. I want to ask the Senator from Massachusetts if that was true in 1879, when that side of the Chamber filibustered?

Mr. BUTLER. That is the question I was going to ask the Senator from Massachusetts.

Mr. COCKRELL. Mr. President——

The PRESIDING OFFICER. The Senate will please be in order.

Mr. COCKRELL. I have the floor, Mr. President.

The PRESIDING OFFICER. The Senator will suspend one moment. The Senate will be in order. Senators will resume their seats.

Mr. ALDRICH. Will the Senator from Missouri yield——

The PRESIDING OFFICER. The Senator will wait one moment. The Chair insists that the Senate shall be in order, that Senators shall resume their seats, and that business shall proceed in order. The Senator from Missouri has the floor.

Mr. STEWART. May I offer an amendment?

Mr. COCKRELL. If it is only to offer an amendment, I yield.

Mr. ALDRICH. If it is the convenience of the Senator from Missouri to complete his remarks in the morning I will now make a motion——

Mr. COCKRELL. The Senator from Nevada simply wants to offer an amendment to be printed.

Mr. STEWART. I give notice of an amendment which I desire to have printed.

Mr. ALLISON. And read.

Mr. BUTLER. Let it be read.

The PRESIDING OFFICER. The proposed amendment will be read.

The Chief Clerk read as follows:

Strike out all after the word "whatever," in line 13, down to and including the word "debate," in line 17, and insert the following: "and debate on pending amendments and such amendments as may be offered while the measure is under consideration shall be limited as provided in Rule VIII.

After the word "motion," where it occurs the second time in line 22, insert the following: "to recommit with or without instructions to lay on the table."

Strike out all of lines 29, 30, 31, and 32.

After the word "rule," in line 33, insert the following: "Rule XVII shall be suspended, and."

Mr. GIBSON. I wish to offer an amendment.

Mr. COCKRELL. Very well.

The PRESIDING OFFICER. The Senator from Louisiana gives notice of a proposed amendment.

Mr. GIBSON. It is in line 10, after the word "majority," to insert "of two-thirds of the Senators present."

The PRESIDING OFFICER. The amendment will be ordered printed.

Mr. ALDRICH. If the Senator from Missouri will now yield to me I will move——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Rhode Island?

Mr. COCKRELL. I do.

Mr. ALDRICH. I move that the Senate take a recess from now until to-morrow morning at 11 o'clock.

Mr. BERRY. I should like to ask the Senator from Rhode Island a question. Will the Senator from Missouri [Mr. COCKRELL] be entitled to the floor at that time?

Mr. ALDRICH. He certainly will.

Mr. BERRY. The Chair took the other Senator from Missouri off the floor and yielded it to the Senator from Rhode Island without the consent of the other Senator, and I want it understood before we agree to the motion that the Senator from Missouri will be entitled to the floor to-morrow morning.

Mr. COCKRELL. I will take care of the floor.

Mr. ALDRICH. Unquestionably the Senator from Missouri will be entitled to the floor to-morrow.

The PRESIDING OFFICER. The Chair understands that the motion is not debatable. The Senator from Rhode Island moves that the Senate take a recess until 11 o'clock to-morrow morning.

The motion was agreed to; and (at 6 o'clock and 2 minutes p. m.) the Senate took a recess until to-morrow, Friday, January 23, 1891, at 11 o'clock a. m.

AFTER THE RECESS.

(*Continuation of legislative proceedings of Thursday, January 22, 1891.*)

The recess having expired, the Senate reassembled at 11 o'clock a. m., Friday, January 23, 1891.

The VICE PRESIDENT. The Senate resumes the consideration of the resolution submitted by the Senator from Rhode Island [Mr. ALDRICH], upon which the Senator from Missouri [Mr. COCKRELL] is entitled to the floor.

Mr. HOAR. Will the Senator from Missouri yield to me for a moment?

Mr. COCKRELL. I yield to the Senator from Massachusetts.

Mr. HOAR. I wish to correct a statement which I made or am reported as having made yesterday. The Senator from Delaware [Mr. GRAY] asked me when the article which the Senator from Missouri is quoting was written. I replied that the article was written during the summer. What I think I said was that it was written during the previous summer. However that may be, the article was unquestionably written in the summer of the year before, because we were in Washington until the 1st or 2d of October last year. But it contains my opinions at the time when it was published on the 13th of November, when I examined the proof, and my opinions to-day.

Mr. GORMAN. I suggest that there is no quorum present. I ask that the roll be called.

The VICE PRESIDENT. The roll will be called.

The Secretary called the roll; and the following Senators answered to their names:

Allen,	Dawes,	McPherson,	Sawyer,
Allison,	Dolph,	Manderson,	Sherman,
Bate,	Edmunds,	Mitchell,	Spooner,
Blair,	Faulkner,	Morrill,	Stewart,
Casey,	Frye,	Paddock,	Stockbridge,
Chandler,	Gorman,	Pasco,	Teller,
Cockrell,	Hale,	Plumb,	Turpie,
Coke,	Hawley,	Ransom,	Wilson of Iowa.
Cullom,	Hoar,	Reagan,	
Davis,	McMillan,	Sanders,	

Mr. TURPIE. I wish to state that my colleague [Mr. VOORHEES] is detained at his residence by serious illness.

The VICE PRESIDENT. Thirty-eight Senators have answered to their names. No quorum is present.

Mr. EDMUNDS. I move that the Sergeant-at-Arms be directed to request absent Senators to come in.

The VICE PRESIDENT. The Senator from Vermont moves that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

After a little delay, Mr. MCCONNELL, Mr. CARLISLE, Mr. WASHBURN, Mr. BUTLER, Mr. PLATT, Mr. JONES of Arkansas, and Mr. ALDRICH entered the Chamber and answered to their names.

The VICE PRESIDENT (at 11 o'clock and 10 minutes a. m.). Forty-five Senators have responded to their names. A quorum is present. The Senator from Missouri will proceed.

Mr. MORRILL. Will the Senator from Missouri allow me to introduce a joint resolution, which I ask to have referred to the Committee on Printing.

Mr. COCKRELL. I yield.

Mr. GORMAN. I must reserve all points of order under the decision of the Chair yesterday. Let the resolution be read for information.

The VICE PRESIDENT. The joint resolution will be read.

The Secretary read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in the distribution of journals, books, and public documents now authorized by law to incorporated bodies, institutions, and associations, the Secretary of the Interior is hereby authorized and directed to include each college founded on or sustained in part by a land grant or appropriations from Congress.

Mr. GORMAN. I am compelled to object to any business whatever except the regular order.

Mr. EDMUNDS. That is right.

Mr. HOAR. The Senator from Missouri permits me to add one word to what I said last night, which I should have said then but the Senate was about adjourning and I made my remarks as compact as possible.

The VICE PRESIDENT. Does the Senator from Missouri yield?

Mr. COCKRELL. I yield with great pleasure.

Mr. HOAR. What I desired to say was that I put this proposition exactly as I should if the case had arisen in the Supreme Court of the United States. I suppose there is nobody on this floor or elsewhere who would not state in the strongest language which he could command the importance to that tribunal of absolutely free and untrammeled discussion; that no member of the court should be curtailed in stating his opinions to his brethren or in suggesting any modification of any judgment which that court were about to pronounce or were expected to pronounce that occurred to him.

But suppose it could be conceived of that august tribunal that in the case of some great controversy about to pass into judgment affecting the interests of large portions of the American people, exciting their feelings, four members of the nine should undertake alternately to read opinion day after day and night after night and week after week, one taking turns with the other, and having read aloud all the decisions that had been made since the foundation of the Government, and in that way prevented the action of the court altogether or postponed it until the judgment would cease to be efficient and effectual, would anybody doubt that it would be the duty of the majority of that great tribunal to interpose and to adopt some rule which would put a stop and limit to the length of opinions or the number of arguments which should be made by the minority? and would anybody claim that that action was inconsistent with the fullest respect for untrammeled freedom of discussion or suggestion when it was used in good faith?

It is an affront almost to the name, it is an affront to the character of that illustrious bench even to suppose possible what I have supposed, but that bench is certainly no more important, no more august, no more illustrious, no higher in its constitutional functions than the Senate of the United States.

The VICE PRESIDENT. The Senator from Missouri will proceed.

Mr. COCKRELL. Mr. President, when the Senate took a recess yesterday evening I was reading that very able article of the distinguished Senator from Massachusetts, in regard to the Senate, which is a specific answer to what he said yesterday evening and also this morning. I will now finish the reading of that article, and I shall be compelled to ask the Senate to have it printed as a separate document in order that we may treasure it up and have it bound with other valuable documents to transmit to our children.

I closed yesterday evening on this paragraph or section of the letter:

In this——

Referring to the Senate—

assembly speech is absolutely unfettered. Every measure can be discussed fully without restraint and amended without limit. This is of immense importance, not only to the perfection of legislation but also to the dignity of the Senate, and, in my opinion, to civil liberty itself.

An attempt was made by Mr. Clay, during the Presidency of John Tyler, to introduce the hour rule and the "previous question" into the Senate. The Democratic minority threatened forcible resistance. Some of Mr. Clay's political friends flinched from his support, and the plan was given up.

It will be readily seen how great conservative force is exerted by a body so constituted, in which the discussion and amendment are unrestricted, even in the matter of ordinary legislation.

I will quote the last sentence again, Mr. President:

It will be readily seen how great conservative force is exerted by a body so constituted, in which the discussion and amendment are unrestricted, even in the matter of ordinary legislation. But the House of Representatives has voluntarily placed itself at a disadvantage through a provision of the Constitution which was intended to secure for it a special dignity and privilege. In the convention which framed the Constitution there was an earnest controversy between the large States, which insisted that the representation in both Houses of Congress should be according to population, and the smaller States, which urged that the representation of the States should be equal.

It seemed for a good while that this difference could not be reconciled and that the convention must break up without accomplishing anything. The difference was reconciled by what is known as the Connecticut compromise, by which the States are to be equally represented in the Senate, but as an equivalent all bills for raising revenue must originate in the popular branch; but the Senate may propose or concur with amendments, as on other bills. The House of Representatives claims, and the Senate for a long time has yielded the claim, that this gives the House the exclusive power of originating all the great appropriation bills by which the Government is carried on.

I have not space here to explain what I have fully explained elsewhere, how this provision, coupled with the "previous question" in the House, gives the power of fullest discussion and amendment of these great bills in the Senate, while as they are finally shaped the House commonly passes them not only without discussion and amendment, but even in ignorance of what they contain.

Mr. President, it may be that you did not fully comprehend the significance of that last sentence. I will read it again:

I have not space here to explain what I have fully explained elsewhere, how this provision, coupled with the "previous question" in the House, gives the power of fullest discussion and amendment of these great bills in the Senate, while as they are finally shaped the House commonly passes them not only without discussion and amendment, but even in ignorance of what they contain.

Oh, how truly the distinguished Senator has pictured the proceedings of a representative body, once representative, but no longer deliberative. It seems that this article was corrected in November last, after the proceedings in the House of Representatives in the first session of the Fifty-first Congress, and I am sure no more scathing disapprobation of gag rule has ever been administered to that House from this side of the Chamber than is contained in the paragraph I have read and reread. He proceeds:

The passage of measures also under suspension of the rules, by which so many important bills are carried through the House without debate or consideration, is unknown to the practice of the Senate.

In England the use of the veto power is now unknown. The chief executive officers of the state represent the majority of the House of Commons, and change when that majority changes. The House of Lords have a concurrent share in legislation, but they do not venture long to maintain an opposition to the public will as represented by the Commons. If they should undertake to do so, the creation of new peers in sympathy with the Commons would soon overcome their resistance. So, notwithstanding their hereditary monarchy and hereditary legislative chamber, when England changes her mind the will of her people finds prompt expression in her laws.

But in the United States the process of change is slow, and is meant to be slow.

"But in the United States the process of change is slow, and is meant to be slow." No great measure is to be hurried through without the fullest deliberation, consideration, and amendment. The processes of legislation, of change of existing laws, must be slow. I wish the Senator from Rhode Island would heed this in his reckless efforts here to trample under his feet the parliamentary usage of this deliberative body during the past century. But I will proceed:

To any new law there must go the assent of the President, whose term of office is four years, and of the Senate, where the votes of Delaware, Rhode Island, and Nevada equal those of New York, Pennsylvania, and Ohio. Indeed, it may well be expected that instances will happen where the majority of the House will be of one political opinion for a generation and the majority of the Senate of another. That has been the case during twelve of the last fourteen years.

If any citizens be disposed to be impatient under this restraint upon the will of the majority, let them remember that it was in this way that our fathers laid the foundation of their Government below the frost.

Let me say to the distinguished Senator from Rhode Island, pushed and urged forward by the distinguished Senator from Massachusetts, if those Senators have become impatient let me commend to them the words of deliberation and wisdom and prudence and foresight which the Senator from Massachusetts wrote to the youth of this great country and of coming generations only in November last:

If any citizens be disposed to be impatient under this restraint upon the will of the majority, let them remember that it was in this way that our fathers laid the foundation of their Government below the frost.

I commend to the prayerful consideration of the distinguished Senator from Massachusetts now in his wild and reckless impatience these words. He seems to have forgotten them. I proceed now:

They meant—

That is, referring to the fathers—

They meant that it should declare the will of the people. But—

"But," mark the phrase—

But the will so declared was to be mature, deliberate, well considered, its sober second thought.

Will the Senator from Massachusetts give us a chance to take a sober second thought? Will he himself take a sober second thought? I proceed:

They were building for centuries, not for hours.

Great thought!

They were building for centuries, not for hours. They were prescribing the laws of health and growth for a mighty national life, compared with whose duration years, terms of Presidential office, generations of men, are but as the pulsation of an artery.

The Senate, also, shares with the President the great power of making treaties. This is expressly declared by the Constitution to be part of the lawmaking power. Treaties duly ratified become the law of the land. They repeal all former laws with which they are inconsistent. They can only be repealed themselves by new treaties or by later laws to which, of course, the consent of the Senate is essential.

Such is our great constitutional barrier against popular error or caprice.

"Such is our great constitutional barrier against popular error or caprice." Shall the great constitutional barrier be maintained and preserved and handed down to coming generations? is the question now before the Senate. Upon that question in November last, after mature deliberation, the Senator from Massachusetts delivered a deliberate, well-matured, second-sober-thought opinion and judgment. Now he proposes, through the instrumentality of the Senator from Rhode Island, whom he has put forward here to press this clôture rule, to trample under his feet every principle and every sentiment and every emotion and every thought contained in this great article which he wrote for the youth of the country.

The Senate——

He proceeds—

is a shield equally impenetrable against the usurpation of executive power.

Beautiful figure it is!

The Senate is a shield equally impenetrable against the usurpation of executive power. Congress may by law vest the appointment of inferior officers in the President alone, in the heads of the Departments or in the courts of law. But embassadors, public ministers and consuls, judges of the Supreme Court, all officers not inferior, and all other officers whose appointment as above is not vested in the President, heads of Departments, or courts, can be appointed only by the advice and consent of the Senate. This includes also, it should be noted, all officers of the Army and Navy.

The Executive can act only through these instruments. It is unlikely that he would ever find many servants in any attempts upon the liberties of the people among public officers whose appointment has received the approval of a majority of a body representing all the States of the Union.

But there is another security. That is the jurisdiction of the Senate as a high court of impeachment. The House of Representatives can place every national officer, including the President, upon his trial before the Senate for treason, bribery, or other high crimes and misdemeanors. Judgment upon conviction may extend to removal from office and perpetual disqualification to hold and enjoy any office of honor, trust, or profit under the United States. The pardoning power of the President does not extend to cases of conviction upon impeachment.

We have had, fortunately, during our first century, little occasion to resort to this power. But James Monroe declares that "The right of impeachment and of trial by the Legislature is the mainspring of the great machine of government. It is the pivot on which it turns. If preserved in full vigor and exercised with perfect integrity every branch will perform its duty."

Every executive officer who shall seek to usurp power or who shall in any way commit high crime or misdemeanor in office, may be impeached by the House of Representatives and tried before the Senate, and, on conviction, removed from office and adjudged incapable of holding office forever thereafter. It has been doubted whether an officer can be impeached after he has left office, either by resignation or the expiration of his term. But the Senate has twice held that he is still subject to impeachment.

Over every public officer, whether he be tempted to abuse or usurp power or to gain wealth by corrupt means in office, hangs during his whole life the dread of what the Federalist calls the "awful discretion" of the Senate to try him in the presence of the whole American people, and to visit him with the perpetual infamy of its sentence.

The limit upon the number of the Senate is an added security for its performing its conservative functions. Experience has shown that, however calm and dignified and wise individual men may be, they become easily subject to passion and excitement when assembled in large bodies. James Madison said that, "had every Athenian citizen been a Socrates, every Athenian assembly would still have been a mob."

Mr. President, I have finished reading this very great article. As I said yesterday evening, I almost feel humiliated when I think of the course of the Senator from Rhode Island in bringing this resolution in, which he must have done without the consultation, advice, or approbation of the Senator from Massachusetts. I was still more astonished yesterday evening when the Senator from Massachusetts, in the explanation which he was giving after I had commenced the reading of this article, said:

Now, Mr. President, this rule preserves everything which that article declares should be preserved for the sake of maintaining the dignity of the Senate.

Mr. President, I suppose the Senator from Massachusetts intended the words "this rule" to refer to the pending resolution presented by the Senator from Rhode Island and now before the Senate. I do not want to misconstrue or misinterpret the language of the Senator from Massachusetts. I want to meet his position fairly and squarely, and I say now I can not see what else he referred to in that sentence upon page 1777 of the RECORD, near the top:

Now, Mr. President, this rule preserves everything which that article declares should be preserved for the sake of maintaining the dignity of the Senate.

Mr. HARRIS. Does it preserve the right of amendment?

Mr. HOAR. Yes, it does.

Mr. HARRIS. Where?

Mr. HOAR. Let me make my statement.

In the first place, the Senate is not to apply it until after reasonable debate, according to the provision of the rule itself. In the next place, after that reasonable debate has been had and the Senate adopts this clôture, it provides for a half hour's further debate for every member of the Senate who chooses to avail himself of it. In the third place, it provides for putting the question upon all amendments then pending and all amendments of which notice may then be given.

Mr. HARRIS. Does this proposed rule make that provision?

Mr. HOAR. Yes, it makes that provision.

This resolution seems to be very much in the position of the force bill itself. It is brought here and it is urged by the Senator from Massachusetts, and he draws to his alliance the Senator from Rhode Island and others to pass the force bill, and then they bring in a resolution to stop debate. No one has yet ventured to explain exactly the meaning and operation of the force bill or election bill and no one has undertaken yet to explain exactly the provisions of this resolution. We have charged that the Senator from Massachusetts was not the author of the bill which is now pending, neither the House bill, nor the substitute, and therefore it was proper and appropriate that he should not undertake on the floor of the Senate to make a specific definition and explanation of its terms.

It seems that we have the same spectacle exhibited here in regard to this proposed rule. The Senator from Massachusetts is pressing the rule, the contents of which he himself does not know, and this rule is to be Reeded, and Lodged, and Davenported, and Hoared through this Senate, as measures have been through the other body, without consideration and without deliberation and without any knowledge of what they really are.

I will show the Senator from Massachusetts that he does not comprehend the resolution as it is before the Senate. The Senator said when he reviewed this article in November last that he had before him the resolution. I do not intend to attempt to misconstrue——

Mr. SPOONER. What resolution?

Mr. COCKRELL. Wait a moment. I do not undertake to attempt to misconstrue the resolution referred to by the Senator. The resolution of the Senator from Rhode Island had not been introduced in November last.

Mr. SPOONER. I understand the Senator from Massachusetts to say that he had before him the resolution which he himself had introduced.

Mr. COCKRELL. That is what I was going to show. The Senator said he had the resolution before him, referring previously in his article to a resolution which he himself had introduced. I say in that language he could not have referred to the Aldrich resolution, because that was not introduced until the 23d day of December. I have in my hand the resolution of the Senator from Massachusetts which was introduced on August 9, 1890, Miscellaneous Document 204, referring to the closing of debate. It says:

Resolved, That the rules of the Senate be amended by adding the following:

"When any bill or resolution shall have been under consideration for a reasonable time it shall be in order for any Senator to demand that debate thereon be closed. If such demand be seconded by a majority of the Senators present, the question shall forthwith be taken thereon without further debate, and the pending measure shall take precedence of all other business whatever. If the Senate shall decide to close debate, the question shall be put upon the pending amendments, upon amendments of which notice shall then be given, and upon the measure in its successive stages according to the rules of the Senate, but without further debate, except that every Senator who may desire shall be permitted to speak upon the measure not more than once and not exceeding thirty minutes.

"After such demand shall have been made by any Senator no other motion shall be in order until the same shall have been voted upon by the Senate, unless the same shall fail to be seconded.

"After the Senate shall have decided to close debate no motion shall be in order but a motion to adjourn or to take a recess, when such motion shall be seconded by a majority of the Senate. When either of said motions shall have been lost or shall have failed of a second, it shall not be in order to renew the same until one Senator shall have spoken upon the pending measure or one vote upon the same shall have intervened."

Yesterday evening the Senator, as I remember, referred to a resolution he had introduced on the 10th of August last. That was a mistake. The Senator offered substantially the same resolution on the 19th of August last, Miscellaneous Document 219, as a substitute for the resolution submitted by the junior Senator from Pennsylvania [Mr. QUAY] on the 18th of August. This brings me down to the language of the Senator, the language I have read, and the explanation I have given:

Now, Mr. President, this rule preserves everything which that article declares should be preserved for the sake of maintaining the dignity of the Senate.

Let us take up the Aldrich resolution just as it is. It was introduced on December 23, 1890, Miscellaneous Document 33:

Resolved, That for the remainder of this session the rules of the Senate be amended by adding thereto the following:

"When any bill, resolution, or other question shall have been under consideration for a reasonable time it shall be in order for any Senator to demand that debate thereon be closed. On such demand no debate shall be in order, and pending such demand no other motion except one motion to adjourn shall be

made. If such demand be seconded by a majority of the Senators present, the question shall forthwith be taken thereon without debate. If the Senate shall decide to close debate on any bill, resolution, or other question, the measure shall take precedence of all other business whatever, and the question shall be put upon the amendments, if any, then pending, and upon the measure in its successive stages according to the rules of the Senate, but without further debate, except that every Senator who may desire shall be permitted to speak upon the measure, including all amendments, not more than once and not exceeding thirty minutes.

"After the Senate shall have decided to close debate as herein provided, no motion shall be in order but a motion to adjourn or to take a recess, when such motions shall be seconded by a majority of the Senate. When either of said motions shall have been lost or shall have failed of a second, it shall not be in order to renew the same until one Senator shall have spoken upon the pending measure or one vote upon the same shall have intervened.

"Pending proceedings under the foregoing rule no proceeding in respect of a quorum shall be in order until it shall have appeared on a division or on the taking of the yeas and nays that a quorum is not present and voting.

"Pending proceedings under the foregoing rule all questions of order, whether upon appeal or otherwise, shall be decided without debate, and no obstructive or dilatory motion or proceedings of any kind shall be in order.

"For the foregoing stated purposes the following rules, namely, VII, VIII, IX, X, XII, XIX, XXII, XXVII, XXVIII, XXXV, and XL, are modified."

Mr. President, the Senator yesterday contended before the Senate that the rule now pending here permitted amendments. The language of it is:

And the question shall be put upon the amendments, if any, then pending.

How many amendments can be pending? Two amendments to the original bill and two to the substitute. To the original bill, the House bill, one amendment can be pending and an amendment to that amendment, and that is all. That would make two amendments, but not to the bill. One would be an amendment to the measure itself and the other an amendment to the amendment, and that is all that could be pending. So it is with the substitute. An amendment can be pending to that and an amendment to that amendment. So that really there can be only two amendments pending at the time the clôture rule is to be enforced, and yet the Senator from Massachusetts gets up on this floor and says that that resolution is in pursuance of the spirit and letter of this article in The Youth's Companion. Two amendments, as I say, alone can be pending. Now, let us see what he says:

In this assembly—

The Senator says in his letter——

speech is absolutely unfettered. Every measure can be discussed fully without restraint and amended without limit.

What is the meaning of that "and amended without limit?" And yet he proposes here to fetter debate. He proposes a gag rule with one hand upon the mouth of the Senate, and with the other, holding it by the throat, he strangles it. Now, mark you what he says of freedom of speech and unlimited debate:

Every measure can be discussed fully without restraint and amended without limit. This is of immense importance—

Immense importance—

not only for the perfection of legislation, but also to the dignity of the Senate and, in my opinion, to civil liberty itself.

And yet here we behold the Senator trampling down the principles of civil liberty itself by this rule, the very principles which he declared were essential to the maintenance of civil liberty in this country.

But what is this resolution, Mr. President? I have read it. In addition to cutting off amendment and restricting all amendments to two simply, and in addition to the gag rule which it imposes in restraint of debate, of discussion, of exposure, it has some other peculiarities about it. I want to call the attention of the Senator from Massachusetts to the language, because it appears in his resolution as well as here:

If such demand be seconded by a majority of the Senators present, the question shall forthwith be taken thereon without debate.

Here is a bold proposition to enable three out of five Senators on this floor, if only that number are present, to pass a rule to limit debate and prohibit amendments, to gag the Senate in its discussion and its right to offer amendments. Now, mark you, it does not say "a majority of the Senate," but it says "a majority of the Senators present." This is put in specifically. There is an object in it. It is only a majority of the Senators present that is required.

It is wholly immaterial whether that majority is a majority of the Senate or not. I say no such proposition has ever been made in the Senate of the United States before. In other portions of this resolution "a majority of the Senate" is spoken of, but here, when it is proposed that the demand shall be seconded, it is only to be seconded by "a majority of the Senators present." No quorum of the Senate is necessary, no majority of the Senate is necessary. Three Senators, two favoring and one opposed, could enforce the gag rule. Is this right, is it honest, is it fair, is it just? Is this the kind of proceeding the Senator from Massachusetts desires to see inaugurated in this great conservative body?

There are other provisions which I shall not consume the time of the Senate now in discussing, as they are apparent upon the face of the resolution itself. The rule proposes to modify or to some extent to repeal Rule VII, in regard to the introduction of morning business; Rule VIII, in regard to the order of business prior to 2 o'clock; Rule IX, in regard to the order of business subsequent to 2 o'clock; Rule X, in reference to all special orders; Rule XII, in regard to voting and the calling of the yeas and nays and the excusing of Senators; Rule XIX, in regard to debate, interruptions, transgressing the rules, taking down the words etc.; Rule XXII, which treats of the precedence of motions; Rule XXVII, reports of conference committees are to be excluded; Rule XXIX, messages from the President and the House of Representatives are to be ignored and refused; Rule XXXV, that no session with closed doors can be held; and Rule XL, suspension and amendment of the rules.

Mr. EDMUNDS. Mr. President, I ask the Senator, or rather I ask the Chair to ask the Senator from Missouri, if he will permit me to make a suggestion to him on the point just preceding the one he has now been speaking of on the subject of Senators present.

Mr. COCKRELL. With pleasure.

Mr. EDMUNDS. I wish to call the attention of my friend from Missouri, who I know means to be fair and just in his criticisms on these words "Senators present," to a clause used, I believe, in precisely the same words in the Constitution of the United States, and which has never been understood to mean a majority of Senators present unless there was a Senate to do business, that is a quorum; that is under the head of the powers of the President, on page 53 of our Manual here, the second clause:

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur.

The very language as to Senators present that is contained in this proposed rule. I submit, therefore, to my friend, without taking his time, that his commentary upon that is entirely erroneous, if he will allow me to say so—I of course mean no offense by that—that he is mistaken; that "Senators present" mean Senators present in a Senate capable of doing business, just as the Constitution says about it. I thank the Senator for permitting me to call his attention to it.

Mr. COCKRELL. What page does the Senator read from?

Mr. EDMUNDS. Page 53 of the volume I have. It is under the head of the Presidential powers in the Constitution, and it is the second clause of the second section of Article II of the edition that I have of our book of rules.

Mr. COCKRELL. It says:

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur.

Mr. President, I do not think that that would mean anything less than a quorum. I do not think that clause of the Constitution would give the Senate in executive session the power to advise and consent to the ratification of a treaty unless there is a quorum present.

Mr. EDMUNDS. I agree with the Senator entirely, and the same thing, as my friend from Massachusetts [Mr. HOAR] reminds me, is in the clause about impeachment. I think everybody understands that when the words "Senators present" occur in the Constitution or anywhere else they refer to Senators present in a Senate capable of doing business.

Mr. COCKRELL. The Constitution is a very different instrument from a mere rule of the Senate. Wherever any business is referred to in the Constitution to be transacted by the Senate or the House of Representatives, the Senate or the House meant by such language is that provided for in section 5 of Article I of the Constitution:

Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business.

In other words, the constitutional limitation is that there must be a majority of the Senate or House to do any business, except only that they can secure a quorum by requesting or compelling the presence of absent members, but they can do no business, they can only perpetuate their existence until they can get a quorum.

But, Mr. President, here is a rule which has no provision in it and no reference to a majority of the Senate and as to what is a quorum of the Senate to transact business. It ignores largely all the other rules and says "a majority of the Senators present," and that you can not raise the question of a quorum unless there is a yea-and-nay vote taken on a division disclosing less than a quorum, and that is in the subsequent proceedings.

Mr. EDMUNDS. Will the Senator allow me?

Mr. COCKRELL. I yield to the Senator from Vermont.

Mr. EDMUNDS. Mr. President, if my friend will pardon me for a single moment, he surely can not contend that it is necessary either to insert or to refer to the Constitution of the United States or the fundamental constitution of this body in making a rule. When, therefore, the rule says a "majority of Senators present," or whatever, may do a certain thing, it is just the same as if the Constitution were written into every line of it, and using the same language that is used in the Constitution.

The Senator referred to what I was about to call his attention to; that is, to the latter part of the very same rule, which evidently was most carefully drawn in order to repel the idea of any possibility of counting a quorum or doing anything else by the action of the Senate, other than what should be done by a majority of the whole Senate voting upon it. Notice how carefully it is said, "present and voting," so that there can be no counting people as present, and so on.

Mr. COCKRELL. Allow me to ask the Senator one question, to get

at his understanding. His understanding, then, is, if such demand be seconded by a majority of Senators present, that majority of Senators present must be a majority of a quorum?

Mr. EDMUNDS. Undoubtedly, just as clear as words can make it, taking the Constitution into view and the rest of the rule as well.

Mr. HOAR. The Senator will allow me to add—though it does not strengthen the argument of the Senator from Vermont in the least, but it shows how common that phraseology is—the same phrase is used also in the matter of conviction on impeachment, "two-thirds of the Senators present," without saying two-thirds of the whole Senate.

Mr. COCKRELL. But in the Constitution, you know, there is an express requirement that a majority is necessary to do any business, and therefore it supposes the presence of a quorum. I am disposed to attach a great deal of significance to the interpretation given to this rule by the distinguished Senator from Vermont [Mr. EDMUNDS], because in reading this rule over and comparing it with other rules that were introduced on the subject of the previous question, I can see the handwriting of the distinguished Senator from Vermont very plainly.

Mr. EDMUNDS. It is very strange that you could understand it, for you could not read my handwriting very well, nor anybody else.

Mr. COCKRELL. That will probably account for my being misled according to the interpretation of the Senator in using the words "a majority of the Senators present," but, if the demand must be seconded by a majority of a quorum, as a matter of course there is no ground of criticism. I would not criticise it or say anything of that kind, because a question of that kind should be settled by a majority of a quorum.

In its further provisions, in addition to modifying the rules to which I have referred, after the clôture resolution has been adopted, each Senator can speak once and not exceeding thirty minutes, and the Senate is practically to continue until the business is disposed of, and only two amendments can be offered. This brings us to the point of the question of the clôture resolution. I desire to discuss this proposed rule fairly and in the light of precedent and authority and reason.

The first Senate of the United States under the Constitution assembled on Wednesday, March 4, 1789. No quorum, however, appeared until April 6. On April 6 a quorum appeared. That was on Monday. On Tuesday, April 7—

Messrs. Ellsworth, Lee, Strong, Maclay, and Bassett were appointed a committee to prepare rules for the government of the two Houses in cases of conference, and to take under consideration the manner of electing chaplains, and to confer thereupon with a committee of the House of Representatives.

The same committee were also to prepare rules for conducting the business of the Senate.

One of the very first motions in the Senate was to establish rules.

Mr. FRYE. Will the Senator from Missouri allow me one moment?

Mr. COCKRELL. Certainly.

Mr. FRYE. As the Senator is considering the clôture rule, so called, I desire to say to him that undoubtedly there will be an amendment offered, and I have no question adopted, which will give not exceeding one day for the consideration of all amendments of which notice shall theretofore have been given.

Mr. COCKRELL. I thank the Senator for the suggestion; but it is a queer way of legislating to bring a bill in here and keep it before the Senate for four or five months. The election bill was reported, I believe, some time in August last, was it not? I am not certain.

Mr. FRYE. I do not remember.

Mr. COCKRELL. I will thank the Secretary to inform me at what date the bill was reported from the Committee on Privileges and Elections.

Mr. FRYE. The Senator will certainly admit that after a bill is reported and is on the Calendar or on the table is the only opportunity for the offering of amendments.

The CHIEF CLERK. The bill was reported August 7, 1890.

Mr. COCKRELL. On August 7, 1890, this bill was reported from the Committee on Privileges and Elections. The first amendments that were submitted by the friends of the bill or by the Senator in charge were only submitted last week. We have been discussing the bill for nearly a month upon certain clauses and a Senator comes in and moves to amend it. Here we have had a resolution lying before us ever since the 23d day of December and other resolutions ever since April last. The watchful Senator from New Hampshire [Mr. CHANDLER], always in the lead in such matters, on April 23, 1890, submitted a resolution for the previous question. This resolution has been before us and was introduced on the 23d of December. It has been discussed and is now under discussion, and if these amendments are to be made, why are they not made so that we shall have an opportunity of discussing them? Why are they not proposed now? A very slight amendment may make a very material alteration, and it might have a decided effect upon the discussion.

I, however, do not know what amendments will be offered, and therefore I can only discuss the resolution as it is printed and now before the Senate, and my criticisms of the resolution as it is must be legitimate until the amendments are offered and agreed to. I should hope for the sake of the Senate that numerous amendments would be made to the resolution. But, as I was proceeding to state, this committee on the 13th day of April, 1789—I read from the Annals of Congress—made its report:

The report of the committee to prepare rules for conducting the business of the Senate was read, and ordered to lie for consideration.

On April 16 the report of the Committee on Rules was agreed to and printed. These rules were nineteen in number and they are found in the Journals of Congress, upon page 20 of the Annals of the First Congress, from 1789 to 1791, volume 1. There are so many different prints of the Annals that the pages do not all agree, I believe:

Resolved, That the following rules, from No. 1 to 19, inclusive, be observed:

1. The President having taken the chair and a quorum being present, the Journal of the preceding day shall be read, to the end that any mistake may be corrected that shall have been made in the entries.

2. No member shall speak to another or otherwise interrupt the business of the Senate, or read any printed paper, while the Journals or public papers are reading, or when any member is speaking in any debate.

3. Every member when he speaks shall address the Chair, standing in his place, and when he has finished shall sit down.

4. No member shall speak more than twice in any one debate on the same day without leave of the Senate.

5. When two members shall rise at the same time the President shall name the person to speak; but in all cases the member first rising shall speak first.

6. No motion shall be debated until the same shall be seconded.

7. When a motion shall be made and seconded it shall be reduced to writing if desired by the President or any member, delivered in at the table, and read by the President before the same shall be debated.

8. While a question is before the Senate no motion shall be received unless for an amendment, for the previous question, or for postponing the main question, or to commit it, or to adjourn.

Rules VIII and IX contain what is called the previous question:

9. The previous question being moved and seconded, the question from the Chair shall be: "Shall the main question be now put?" And if the nays prevail the main question shall not then be put.

10. If a question in debate contain several points, any member may have the same divided.

11. When the yeas and nays shall be called for by one-fifth of the members present, each member called upon shall, unless for special reasons he be excused by the Senate, declare openly and without debate his assent or dissent to the question. In taking the yeas and nays and upon a call of the House the names of the members shall be taken alphabetically.

12. One day's notice at least shall be given of an intended motion for leave to bring in a bill.

13. Every bill shall receive three readings previous to being passed; and the President shall give notice at each, whether it be the first, second, or third; which reading shall be on three different days unless the Senate unanimously direct otherwise.

14. No bill shall be committed or amended until it shall have been twice read, after which it may be referred to a committee.

15. All committees shall be appointed by ballot, and a plurality of votes shall make a choice.

16. When a member shall be called to order he shall sit down until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President without debate; but if there be a doubt in his mind he may call for the sense of the Senate.

17. If a member be called to order for words spoken the exceptionable words shall be immediately taken down in writing, that the President may be better enabled to judge of the matter.

18. When a blank is to be filled and different sums shall be proposed the question shall be taken on the highest sum first.

19. No member shall absent himself from the service of the Senate without leave of the Senate first obtained.

I have read these rules because they are very short and because the large majority of them are rules of the Senate to-day, although it may be under different numbers. The rules of the Senate which I have read remained in force substantially, with now and then an additional amendment, or clause, or rule, until the 26th day of March, 1806. However, during the interval between 1789 and 1806 a number of resolutions were passed in regard to amending the rules and in adding to them. November 1, 1891, it was—

Ordered, That Messrs. Burr, Butler, and Robinson be a committee to revise the rules and report such alterations and additions as may be necessary.

On the 3d of March, 1797, a motion was made to expunge the thirteenth rule. I will read the thirteenth rule:

13. Every bill shall receive three readings previous to its being passed; and the President shall give notice at each, whether it be the first, second, or third; which readings shall be on three different days unless the Senate unanimously direct otherwise.

This motion to expunge this rule I suppose was in the interest of hurrying business through, and it was negatived. Then a motion was made to suspend the same, and that was also negatived. You will see it was just at the close of a session of Congress. On the 20th of June, 1797, a motion was made to add after the fourteenth rule a new one, as follows; this is an addition to the rule:

And when a motion shall be made for striking out any period, section, or clause in a report, resolution, or bill, it shall always be in order to move any amendment or amendments of such period, section, or clause, and such amendment or amendments shall always be decided before the question on striking out is put.

That is substantially the rule of the Senate to-day. But further consideration was postponed, and on the 23d of June the resolution itself was postponed until the next Congress.

January 9, 1798, a motion was made to amend the nineteenth rule by adding certain words to it. The motion was referred to a select committee composed of Senators Tracy, Anderson, Livermore, Goodhue, and Payne, and on June 8 Mr. Tracy, from the committee, reported an addition to Rule XIX. It was read and ordered to lie for consideration; and on June 25, 1798, the Senate took into consideration the report, which was agreed to, and the addition made to Rule XIX.

On December 5, 1803, on motion that it be—

Resolved, That when any bill, resolution, or amendment shall be agreed on, no reconsideration shall take place on the same day, unless moved for by a member in the majority; nor shall any reconsideration of a bill, resolution, or amendment take place the succeeding day, but with the consent of four-fifths of the House—

it was agreed that this motion lie for consideration. On December 12, 1803, the Senate took into consideration the motion made on the 5th instant, and it was agreed that this motion be referred to Messrs. Tracy, Dayton, and Baldwin to consider and report thereon to the Senate.

On January 13, 1804, Mr. Tracy, from the committee to whom was referred said resolution, made report, which was read and ordered to lie for consideration.

In the first session of the Ninth Congress, 1805–'06, proceedings for a revision of the rules were taken. January 10, 1806, it was—

Resolved, That a committee be appointed to take into consideration the rules for conducting business of the Senate of the United States, and report to the Senate such alterations and amendments, if any, as they shall judge proper; and

Ordered, That Messrs. Anderson, Tracy, Baldwin, Bradley, and Adams be the committee.

On March 13, 1806—

Mr. Anderson, from the committee to whom was referred on the 10th of January last the motion for a revision of the rules for conducting business in the Senate, made report; which was read, and ordered to lie for consideration.

On March 18, 1806—

The amendments reported by the committee to the rules for conducting business in the Senate were considered as in Committee of the Whole; and having been further amended were adopted and reported to the House.

Ordered, That they pass to a third reading.

That was March 18, 1806. On March 21—

The amendments reported to the rules for conducting business in the Senate were read a third time, and further amendment proposed.

Ordered, That the further consideration thereof be postponed.

On Wednesday, March 26, 1806—

The Senate resumed the amendments reported to the rules for conducting business in the Senate, and, having agreed to further amendments, the rules were adopted, as follows.

Mr. President, up to that time there had been nineteen rules, with some additions. This revision of the rules made forty standing rules of the Senate. I want to call special attention to this revision of the rules. As a matter of course we have very little preserved of what was said in the Senate during the consideration of those rules, and, in fact, as to the consideration of the business of the Senate at that time. The rules, however, as amended and agreed to on that day, are printed in full, and they leave out all reference to a previous question.

While a question is before the Senate no motion shall be received unless for an amendment, for postponing the question, or to commit it, or to adjourn, and the motion for adjournment shall always be in order and decided without debate.

Mr. President, you will see that this is almost identically Rule VIII as adopted April 16, 1789. Rule VIII there reads:

8. While a question is before the Senate no motion shall be received unless for an amendment, for the previous question, or for postponing the main question, or to commit it, or to adjourn.

Rule VIII adopted in 1806 leaves out the words "for the previous question" and leaves out the word "main," and reads "for postponing the question," and then adds "and the motion for adjournment shall always be in order and decided without debate."

Rule IX in the revision of 1806 reads:

9. If the question in debate contains several points any member may have the same divided.

Rule IX in the old revision was:

The previous question being moved and seconded, the question from the Chair shall be, "Shall the main question be now put?" and if the nays prevail the main question shall not then be put.

So that rule in its entirety was abandoned and left out of the revision in 1806. I have not had the time to get an accurate account of the few times that it was attempted in the Senate of the United States between 1789 and March, 1806, to invoke the previous question. I understand from the Senator from Maryland and the Senator from Tennessee that there were only four efforts made during that time, so far as the search of the records of Congress discloses, to invoke the aid of the previous question.

Mr. HARRIS rose.

Mr. COCKRELL. I yield to the Senator from Tennessee.

Mr. HARRIS. I have made a careful examination of the record, and I find that from 1789 to the time when the previous question was dropped out of the rules in 1806 the motion for the previous question was made only four times, and one of the four was upon a preamble, and the Chair held the motion out of order. But it was invoked and put in operation three times within that period.

Mr. COCKRELL. We do not have any full account of the circumstances under which the rule was attempted to be carried into force those four times and was actually carried into force three times, but it is sufficient to say that the Senate was willing to abandon the rule entirely.

Mr. President, from 1806 up to 1841 we had no further attempt to amend or change the rules or bring in the previous question. I want to give as brief an account as I can of the effort that was made by Mr. Clay in 1841, under the Presidency of John Tyler, which was referred to by the Senator from Massachusetts in his instructions to the youth of the country. He says:

An attempt was made by Mr. Clay, during the Presidency of John Tyler, to introduce the hour rule and the "previous question" into the Senate. The Democratic minority threatened forcible resistance. Some of Mr. Clay's political friends flinched from his support and the plan was given up.

Now it seems that in that Congress in 1841, in the House of Representatives, a new rule was adopted, or, it may be, enforced, for closing debate. An important measure, deemed so to the Administration of Mr. Tyler, which was then represented by Mr. Clay, was pending in the Senate and had been discussed for some time. On July 12, 1841, an important measure, the fiscal bank of the United States being under discussion, and some considerable discussion having taken place, Mr. Clay, after making a speech in reply to Senator Wright and others, but particularly in reply to Senator Wright, of New York, said:

He could not help regarding the opposition to this bill as one eminently calculated to delay the public business, with no other object that he could see than that of protracting to the last moment the measures for which this session had been expressly called to give to the people. This, too, was at a time when the whole country is crying out in an agony of distress for measures of relief. Does the Senator believe it practicable or within the contemplation of the majority to propose a bill, or that it could be passed, or a bank formed for the management of the public fund in which the Government was to have no interest? What then was the use—and he would put it to the candor and consideration of the Senator himself—what was the use of urging such amendments as only served to protract discussion and kill time, without any hope of practical results?

This was now the third week in which the Senate had been engaged in the discussion of this bill. If the same proportion of time is lost in the other House, considering the proportionate number of its members, instead of getting through the business of this extra session in July it will be the last of autumn before it can be done. He would urge upon the gentlemen opposite some consideration for the just expectations of the country and of the majority, and not pursue a course that would lead to an inference that embarrassment and delay were the objects aimed at.

Mr. Wright in reply said:

He did not mean to consume more time than he judged necessary for the honest discharge of his duty to his constituents and to the whole country. So much he hoped he would be permitted to do without feeling under any necessity of restraint on account of incurring the severe displeasure of the Senator from Kentucky. He [Mr. Wright] did not know until now that the opinions which he had been repeating over and over in this Chamber for the last three years were at last new to the Senator or that the expression of them on this very appropriate occasion should excite so much of his ineffable surprise.

Mr. GRAY. From whom is the Senator reading?

Mr. COCKRELL. That is from Senator Silas Wright, jr., of New York. Mr. Clay, in reply to what the Senator from New York [Mr. Wright] and others had urged, said:

What was the case the other day on one motion for an amendment that there could have been no rational hope of carrying? There were no less than seven speeches on that side and not a word on this; yet the decision was so decidedly against it as to show that it was nothing but time thrown away, for no end. He did not attribute to the Senators any motives for delay. He only spoke of the matter of fact. He admitted that his side had had its share of time to mature the bill; but that was their right as the friends of the measure; they were entitled to such time as was requisite in perfecting it. He did not doubt that the Senators on the other side conceived they were following the path of duty and acting conscientiously, according to the opinions they entertained, in trying to defeat the measure, or, if they could not do that, render it as odious as possible in the eyes of the world, in order that it might ultimately fail. He recollected a parallel instance. During the war with Great Britain, Mr. Pickering and some others denounced a loan which went to carry on the war, and endeavored to dissuade capitalists from embarking in this loan.

I now read from the proceedings of the Senate of July 13, 1841. Mr. Clay then said he would be glad if the Senate would take up the loan bill reported from the other House, and after some discussion he continued:

When at the early part of the session he had urged upon the Senate the necessity of action and the example this grave body ought to show of dispatch in the public business, he was met by the opposition with the cry of what is the use of such hurry? the other branch of Congress would be so far behind that it never could catch up. The cry was "Why precipitate business? there is plenty of time for discussion; go on as we may we shall be in advance of the House." Now, what was the fact? They were absolutely behind the House; the land bill, this bill, and others had been passed by that body; and with all those important measures before them, taking up their time, it was asked why they had not brought it up earlier. The House had been treading on the heels of the Senate, and at last got the start of it a long way in advance of the business of the session.

The reason was obvious. The majority there is for action, and has secured it. Some change was called for in this Chamber. The truth is that the minority here control the action of the Senate and cause all the delay of the public business. They obstruct the majority in the dispatch of all business of importance to the country; and particularly those measures which the majority is bound to give to the country without further delay. Did not this reduce the majority to the necessity of adopting some measure which would place the control of the business of the session in their hands? It was impossible to do without it; it must be resorted to.

Now, as to the proposition of the Senator from South Carolina, could he really be serious? Could he imagine for a moment that after all that had passed about the Treasury note scheme the present Administration could entertain such a proposition?

Mr. Clay said further:

But, as he had indulged in anticipation, to put the matter beyond doubt, he [Mr. Clay] would have the Senator to know that he would resort to the Constitution and act on the rights insured in it to the majority by passing a measure that would insure the control of the business of the Senate to the majority. If he did not adopt the same means which had proved so beneficial in the other House, he would have something equally efficient to offer. He had no doubt of the cheerful adoption of such a measure when it should come before the Senate. So far from the rule being condemned, he would venture to say that it

would be generally approved. It was the means of controlling the business, abridging long and unnecessary speeches, and would everywhere be hailed as one of the greatest improvements of the age. He thought it would be necessary to resort to similar means or some other to give the majority a control of the business in the Senate.

Look at the facts in this case. Here already three weeks and a half had been spent in amendment after amendment to this bill, being discussed and debated at as full length as if the whole bill was on its final passage. Yet if a proposition is urged to confine debate to the merits or demerits of each amendment, there is an outcry made about abridging the liberty of speech. Was such a course as that adopted on the other side proper? Was it such as would be tolerated by the American people? Did Senators on the other side think that the people would complain that speeches were cut off which would prevent the public business from being carried on? No such thing; but they think they know the people. Now, he knew the people too, and he knew they were not going to complain about the abridgment of long speeches in Congress. They want their business to be done; they want action, and not so much talk about it.

The people will be very glad to find they can get the measure they are so impatient for carried through without the useless delay of waiting for long speeches to be delivered. He recollected once meeting with one of the most intelligent and truly sensible men it had ever been his good fortune to be acquainted with, and he was struck with a remarkable saying of his; it was that he considered it utterly impossible for any man, he did not care what his genius was, to speak sensibly or usefully on any topic for more than a quarter of an hour. What, then, he (Mr. Clay) would say, was the use of such speeches as are here made? There were 240 members in the other House; if each was to consume an hour, when would a session terminate? And yet the restriction would be complained of. The greatest grievance complained of by the people with regard to Congress is the delay of public business by long speeches.

Mr. King said the Senator complained of three weeks and a half having been lost in amending his bill. Was not the Senator aware that it was the Senator himself and his friends had consumed most of the time? But now that the minority had to take it up, the Senate is told there must be a gag law. Did he understand that it was the intention of the Senator to introduce that measure?

Mr. CLAY. I will, sir; I will.

Mr. KING. I tell the Senator then that he may make his arrangements at his boarding house for the winter.

Mr. CLAY. Very well, sir.

Mr. KING. Did not the Senator in the beginning of the session press forward his favorite measure, the bank bill, by removing the rubbish, as he called the subtreasury, declaring that it could not be delayed a moment, in order to give to the people this bank bill? The subtreasury was repealed to make room for this splendid bank; and now that was to be set aside all at once to make room for something else, while the delay was to be charged upon them. The loan bill was now to be forced. It was the bank bill at the beginning of the session. If there was any real necessity for it then it existed still. He (Mr. King) to test that point was ready, and he would undertake to make the proposition for his friends, to get through with their amendments to-day and to-morrow and let the bill go to the vote on Saturday or Monday at furthest.

No, no; that would not do. The Senator did not now want to risk that. Some of his friends were absent; they must be waited for. With whom then was the delay? The Senator from Kentucky had forgotten his own course and that of his friends when they were in the minority. Look at the panic session. Did they not consume six months in debating every measure however trifling in itself for political effect, and were he and his friends to be restricted from presenting their views on measures so momentous?

He (Mr. King) was truly sorry to see the honorable Senator so far forgetting what is due to the Senate as to talk of coercing it by any possible abridgment of its free action. The freedom of debate had never yet been abridged in that body since the foundation of this Government. Was it fit or becoming after fifty years of unrestrained liberty to threaten it with a gag law? He could tell the Senator that, peaceable a man as he (Mr. King) was, whenever it was attempted to violate that sanctuary he for one would resist that attempt even unto the death. Perhaps all this was uncalled for, but the occasion would be some excuse. He was for testing the question of the Senator's power to carry his bank bill. Let it be called up now, and let the country judge between the Senator and the opposition whose was the fault of delay.

I now read what Mr. Benton, of Missouri, said:

Mr. Benton would take this opportunity to say a word on this menace, so often thrown out, of a design to stifle debate and stop amendments to bills in this Chamber. He should consider such an attempt as much a violation of the Constitution and of the privileges of the Chamber as it would be for a military usurper to enter upon us at the head of his soldiery and expel us from our seats.

It is not in order, continued Mr. Benton, it is not in order, and would be a breach of the privilege of the House of Representatives, to refer to anything which may have taken place in that House. My business is with our own Chamber, and with the threat that has so often been uttered on this floor, during this extra session, of stifling debate and cutting off amendments by the introduction of the previous question.

With respect to debates, Senators have a constitutional right to speak; and while they speak to the subject before the house there is no power anywhere to stop them. It is a constitutional right. When a member departs from the question, he is to be stopped; it is the duty of the Chair—your duty, Mr. President—to stop him, and it is the duty of the Senate to sustain you in the discharge of this duty. We have rules for conducting the debates, and these rules only require to be enforced in order to make debates decent and instructive in their import, and brief and reasonable in their duration. The Government has been in operation above fifty years, and the freedom of debate has been sometimes abused, especially during the last twelve years, when those out of power made the two Houses of Congress the arena of political and electioneering combat against the Democratic administration in power.

The liberty of debate was abused during this time; but the Democratic majority would not impose gags and muzzles on the mouths of the minority; they would not stop their speeches; considering, and justly considering, that the privilege of speech was inestimable and inattackable, that some abuse of it was inseparable from its enjoyment, and that it was better to endure a temporary abuse than to incur a total extinction of this great privilege.

But, sir, debate is one thing and amendments are another. A long speech, wandering off from the bill, is a very different thing from a short amendment, directed to the texture of the bill itself and intended to increase its beneficial, or to diminish its prejudicial, action. These amendments are the point to which I now speak and to the nature of which I particularly invoke the attention of the Senate.

By the Constitution of the United States, each bill is to receive three readings, and each reading represents a different stage of proceeding and a different mode of action under it. The first reading is for information only; it is to let the House know what the bill is for, what its contents are; and then neither debate nor amendment is expected and never occurs except in extraordinary cases. The second reading is for amendment and debate, and this reading usually takes place in Committee of the Whole in the House of Representatives and in quasi committee in the Senate. The third reading, after the bill is engrossed, is for passage; and then it can not be amended and is usually voted upon with little or no debate. Now, it is apparent that the second reading of the bill is the important one, that it is the legislative, the lawmaking reading, the one at which the collective wisdom of the House is concentrated upon it, to free it from defects and to improve it to the utmost, to illustrate its nature and trace its consequences.

The bill is drawn up in a committee or it is received from a Department in the form of a *projet de loi*, and reported by a committee, or it is the work of a single member and introduced on leave. The bill, before perfected by amendments, is the work of a committee, or of a head of a Department, or of a single member, and, if amendments are prevented, then the legislative power of the House is annihilated; the edict of a secretary of a committee, or of a member, becomes the law, and the collected and concentrated wisdom and experience of the House has never been brought to bear upon it. The previous question cuts off amendments; and, therefore, neither in England nor in the United States until now, in the House of Representatives, has that question ever been applied to bills in Committee of the Whole on the second reading.

This question annihilates legislation, sets at naught the wisdom of the House, and expunges the minority. It is always an invidious question, but seldom enforced in England and but little used in the early periods of our own Government. It has never been used in the Senate at all, never at any stage of the bill; in the House of Representatives it has never been used on a second reading of the bill, in Committee of the Whole until the present session—this session, so ominous in its call and commencement, and which gives daily proof of its alarming tendencies, and of its unconstitutional, dangerous, and corrupting measures. The previous question has never yet been applied in this Chamber; and to apply it now, at this ominous session, when all the old Federal measures of fifty years ago are to be conglomerated into one huge and frightful mass and rushed through by one convulsive effort; to apply it now, under such circumstances, is to muzzle the mouths, to gag the jaws, and tie up the tongues of those whose speeches would expose enormities which can not endure the light, and present to the people these ruinous measures in the colors in which they ought to be seen.

The opinion of the people is invoked; they are said to be opposed to long speeches and in favor of action. But do they want action without deliberation, without consideration, without knowing what we are doing? Do they want bills without amendments, without examination of details, without a knowledge of their effect and operation when they are passed? Certainly the people wish no such thing. They want nothing which will not bear discussion. The people are in favor of discussion and never read our debates with more avidity than at this ominous and critical extraordinary session. But I can well conceive of those who are against those debates and want them stifled. Old sedition-law Federalism is against them; the cormorants, who are whetting their bills for the prey which the acts of this session are to give them, are against them; and the advocates of these acts, who can not answer these arguments and who shelter weakness under dignified silence, they are all weary, sick, and tired of a contest which rages on one side only, and which exposes at once the badness of their cause and the defeat of its defenders. Sir, this call for Action! Action! Action! as it was well said yesterday, comes from those whose cry is, Plunder! Plunder! Plunder!

The previous question and the old sedition law are measures of the same character and children of the same parents, and intended for the same purposes. They are to hide light, to enable those in power to work in darkness, to enable them to proceed unmolested, and to permit them to establish ruinous measures without stint and without detection. The introduction of this previous question into this body, I shall resist as I would resist its conversion into a bed of justice—*lit de justice*—of the old French monarchy for the registration of royal edicts. In these beds of justice, the parliament formed into a bed of justice, the kings before the revolution caused their edicts to be registered without debate and without amendment. The king ordered it, and it was done; his word became law. On one occasion, when the parliament was refractory, Louis XIV entered the chamber, booted and spurred, a whip in his hand, a horsewhip in his hand, and stood on his feet until the edict was registered. This is what has been done in the way of passing bills without debate or amendment in France.

I now quote from the other Senator from Missouri at that time, Mr. Linn:

Mr. Linn said it was an old Scottish proverb, that threatened people live longest. He hoped the liberties of the Senate would yet outlive the threats of the Senator from Kentucky. But, if the lash was to be applied, he would rather it was applied at once than to be always threatened with it. There is great complaint of delay; but who was causing the delay now growing out of this threat? Had it not been made, there would be no necessity for repelling it. He knew of no disposition on the part of his friends to consume the time that ought to be given to the public business. He had never known his friends, while in the majority, to complain of discussion. He knew very well and could make allowances that the Senator from Kentucky was placed in a very trying situation. If he brought forward measures that were questionable he had to encounter resistance. But he was in the predicament that he had pledged himself to carry those measures, and, if he did not, it would be his political ruin. He had everything on the issue; hence his impatience to pronounce judgment against the right of the minority to discuss his measures.

Mr. President, this certainly seems to paint in exact colors the situation of the distinguished Senator from Massachusetts.

Mr. Clay hoped the Senator would allow him to say that on no occasion had he offered to pronounce judgment.

Mr. Linn said he had understood him to say that if the Senate was disposed, as he thought it ought to do, they would adopt the same rule as the other House.

Mr. Clay said certainly, he meant that.

Mr. Linn said very well; if the Senator was in such a critical condition as to be obliged to say he can not get his measures through without cutting off debate, why does he not accept the proposition of taking the vote on his bank bill on Monday? If he brings forward measures that have been battled against successfully for a quarter of a century, is it any wonder that they should be opposed and time should be demanded to discuss them?

Mr. President, think of it! Here is a proposition to bring forward any other measure of public business except this one which had been discussed and battled for for over a quarter of a century, and it was the particular one which Mr. Clay said must be passed under the gag rule. It is the same way here. Here is the force bill; it was defeated in a Republican Congress in 1875, in the closing session of the Forty-third Congress, where the Republican party had a majority, I believe, of two-thirds and all the branches of administration, and the present distinguished Secretary of State, Mr. Blaine, was then Speaker of the House of Representatives. It has been brought before the country prior to this time; it has been brought before it for a quarter of a century, and now it must be taken up or nothing else.

We said to them: "Take up the silver bill." It was taken up. We joined in the votes to dispose of it. We passed it; it was necessary legislation. We have said time and again, take up any bill of public im-

portance, any public measure for the interest of the people, and not this old matter that has been before the country for over a quarter of a century, and we will join you in hastening action upon it. We say so to-day. Take up your pure-lard bill; take up your bankruptcy bill; take up any of the public measures which the country is petitioning for from one end of it to the other, and upon which you receive petitions day by day whenever you allow them to be presented. Take them up; we will join you. We will consider them; we will be as brief as it is possible to be in their discussion. But if you insist upon this old measure, merely partisan, not indorsed by one-half of your own party, we say to the Senator from Massachusetts, we say to the shadow of the Lodge that is behind him pressing him forward, we must discuss this measure; we are entitled to discuss it in all its bearings and in all its ramifications; and we have done nothing else.

Mr. Linn said very well; if the Senator was in such a critical condition as to be obliged to say he can not get his measures through without cutting off debate why does he not accept the proposition of taking the vote on his bank bill on Monday? If he brings forward the measures that have been battled against successfully for a quarter of a century is it any wonder that they should be opposed and time should be demanded to discuss them? The Senator is aware that Whiggery is dying off in the country and that there is no time to be lost; unless he and his friends pass these measures they are ruined. All he should say to him was, pass them if he could. If, in order to do it, he is obliged to come on with his gag law, he [Mr. Linn] would say to his friends, let them meet him like men. He was not for threatening, but if he was obliged to meet the crisis he would do it as became him. The rules adopted were always for themselves and against the minority. What was this loan bill? Was it, like Treasury notes, to pay out for claims due? No, it was to anticipate claims not due. Why not, then, hold it over and meet the claims due in the shortest and most obvious way? The hurry is so great that to get it passed we are threatened with a measure which will consume a whole week in discussion.

Mr. Clay, from his seat, asked: Did the Senator mean to say a week would be consumed in executive session?

Mr. Linn said he did not; he meant that a week would be consumed in the discussion of the gag law.

The matter again came up on July 16:

Mr. Clay asked the indulgence of the Senate to take up the loan bill. He felt persuaded that gentlemen on the other side had no disposition to throw impediments or embarrasments in the way of the Treasury; and after what he had stated yesterday in relation to its condition he felt convinced they would see the necessity of some prompt action on the bill. Indeed if it were not passed on at once there would be no telling what the consequence might be. He would call their attention to the Treasury note bills, which had been passed generally on the same day they were received or at most in not more than a day after. The bill before them was the same in effect, simply changing the mode of effecting the same object. He submitted therefore to the candor and liberality of gentlemen on the other side whether it would not be better to let the bill before them pass and relieve the Treasury, and reserve their opposition until the duty bill came up, or land bill, when they would have ample opportunity to offer their views.

Mr. Wright was willing to extend to the majority the same aid as had been given by them to his friends when in power for supplying the wants of Government by the Treasury note bills. But he contended that this bill was not of the same character, not to supply the temporary wants of Government, but to furnish means which would render it possible to dispose of one entire branch of the public revenue. In that sense, and that alone, he should oppose the bill. It would be desirable to get through with the bill under consideration before another was taken up, which it appeared to him might be done, and the loan bill postponed three or four days, considering the amount stated by the Senator to be in the Treasury, and the accruing revenue.

Mr. Clay said the spirit of the Senator was creditable to him and similar to that by which he was usually actuated. But he was incorrect in his assertion, and the design of this bill was not to provide for the distribution of the proceeds of the lands. If the land bill was passed it would not take effect till next year, and with the money derived from the lands this bill was still necessary. It was the duty bill which Senators could oppose on this ground, and not the loan bill.

This ends the discussion of the gag rule as proposed by the Senator from Kentucky, Mr. Clay, in 1841. It was called the hour rule or the previous question at that time. It was totally abandoned and no further effort was made. No such rule was ever actually introduced into the Senate; the Senate was simply threatened with it, and that was all.

Mr. President, the next effort that was made to limit debate in the Senate was in 1850. Stephen A. Douglas, of Illinois, July 22, 1850, gave notice of his intention to introduce a resolution to change the rules so as to apply the "previous question," July 27, 1850.

Mr. Douglas, in pursuance of notice, introduced the following resolution:

Resolved, That the following be and the same is adopted as a standing rule of the Senate:

"That the 'previous question' shall be admitted when demanded by a majority of the members of the Senate present; and its effect shall be to put an end to all debate and bring the Senate to a direct vote: first, upon a motion to commit, if such motion shall have been made; and, if this motion does not prevail, then, second, upon amendments reported by a committee, if any; then, third, upon pending amendments; and finally, where such question shall have been decided, where none shall have been offered, or where none may be pending, then it shall be upon the main question or questions leading directly to a final decision of the subject-matter pending before the Senate.

"On a motion for the previous question and prior to the seconding of the same, a call of the Senate shall be in order; but, after a majority shall have seconded such motion, no call shall be in order prior to a decision of the main question. On a previous question there shall be no debate. All incidental questions of order arising after a motion shall have been made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate."

Wednesday, August 28, 1850, the following, submitted by Mr. Douglas on the 27th of July, came up for consideration.

That is the resolution just as I have before read it. Then "on motion of Mr. Atchison, the resolution was laid on the table," and that ended the effort of Stephen A. Douglas to introduce the previous question.

Mr. EDMUNDS. We must be very careful to be correct, Mr. President.

The PRESIDING OFFICER (Mr. DOLPH in the chair). Does the Senator from Missouri yield to the Senator from Vermont?

Mr. COCKRELL. I yield with pleasure.

Mr. EDMUNDS. I merely wished to inquire whether there was a division by the yeas and nays or otherwise on that motion to lay on the table.

Mr. COCKRELL. When the Senator rose to ask me the question I was just in the act of stating that it was absolutely so unanimous that there was not even a division or a yea-and-nay call. Mr. Douglas had no following, not even sufficient to call for the yeas and nays, and there was not one in the Senate who wanted a division. I have read just what the Congressional Globe says.

On motion of Mr. Atchison, the resolution was laid on the table.

He was one of the Senators from Missouri at that time.

Mr. EDMUNDS. Was that the last of it?

Mr. COCKRELL. That was the last of that resolution. On the 22d of August, 1850, Mr. Underwood said:

I desire to submit a resolution to amend the rules of the Senate, and by the adoption of which I think a great deal of time may be saved. It proposes that a motion may be made to lay an amendment to any proposition, bill, or resolution upon the table, and, if it prevails, that it shall not carry the original bill or resolution with it. If it can be considered now I will make that motion.

The PRESIDENT. It can not be considered now.

Mr. UNDERWOOD. Then I ask that it be laid on the table.

The PRESIDENT. The resolution will be read.

The resolution was read, as follows:

"*Resolved*, As an amendment to the rules, that a motion may be made to lay any proposition to amend a bill or resolution upon the table, and, if it prevail, the proposed amendment shall be laid on the table, but the bill or resolution shall not go with it."

On September 27, 1850, Mr. Underwood said:

I rise to ask the Senate to take up a resolution which I offered some time ago, proposing to amend our rules so as to authorize a motion to be made to lay an amendment on the table without carrying with it the bill. I propose, if the Senate will take it up, to amend it so as to make it applicable alone to the appropriation bills. I put it to the Senate, if we had a rule of that sort, whether it would not be an immense saving of time at the end of the session.

I present that proposition now and ask Senators whether it would not be expedient now to adopt that amendment to the rules, so that the multitude of amendments that are offered to the appropriation bills may be laid upon the table at the pleasure of the Senate, and thus cut off a great deal of unprofitable or unnecessary debate. We have seen the evil resulting from discussing amendments day after day, thereby procrastinating the final action on the bill. I propose to confine the amendment to the appropriation bills alone, for the mere purpose of saving time.

Mr. HUNTER. I hope this resolution will not be taken up. It will lead to debate.

Mr. UNDERWOOD. If any gentleman says he wishes to debate it, I will withdraw it.

Mr. HUNTER. I shall feel compelled to debate it.

Mr. UNDERWOOD. Then I withdraw it.

That was the end of that movement. On April 4, 1862, Senator Hale, of New Hampshire, said:

I give notice of a new rule to the Senate that I shall propose. Of course I am obliged to give notice before I can call it up.

The Secretary read as follows:

"*Resolved*, That the Senate may at any time during the present rebellion, by a vote of the majority of the members present, fix a time when debate on any matter pending before the Senate shall cease and terminate; and the Senate shall, when the time fixed for terminating the debate arrives, proceed to vote without debate on the measure and all amendments pending that may be offered."

"All amendments pending that may be offered." On April 7, 1862, the following occurred:

The PRESIDENT *pro tempore*. If there be no further morning business within the morning hour, the Chair will call up the special order, as the hour for its consideration has nearly arrived, which is the unfinished business of the last session of the Senate, the confiscation bill.

Mr. HALE. The morning hour has not quite expired. I gave notice of a new rule on Friday, and I should like to have a vote of the Senate upon it.

The PRESIDENT *pro tempore*. It is in order if the Senator calls for its consideration.

The Senate proceeded to consider the following resolution—

Being the same resolution I have just read.

Mr. HALE. I do not desire to discuss the resolution. It is a matter that has been discussed a great while and the Senate understands it. I simply ask for the yeas and nays upon it.

The yeas and nays were ordered.

Mr. DAVIS. Mr. President, I do not see any need for the adoption of the resolution or for a change in the standing rules of the Senate with respect to debate. The resolution seems to contemplate a change to exist only during the present rebellion. I do not know of any unnecessary delay in debate or in any other way that has taken place on the passage of any measure to suppress the present rebellion through the Senate. On the contrary, I think there is a most commendable disposition throughout the whole Senate, and among all of its members, to hasten to a reasonable amount the consideration of measures the tendency of which is to bring this war to a close.

If the gentleman had proposed an amendment of the rules restricting all measures to be introduced at the present session of Congress to measures necessarily or properly connected with the suppression of the present rebellion, I think it would have had much better reason and sense in it. It seems to me that the honorable Senator who proposes this reform in our rules can not seriously contemplate that it will apply to any measure for the raising of the ways and means to carry on the war, because we all know that there has been no disposition manifested by any party in the Senate, or by any member of the Senate, to retard unnecessarily the passage of any such measure through the body. It seems to me it must have for its object the restriction of debate on measures not nec-

essarily connected with the war. I think there is no need for it at all in relation to any matter or any class of subjects that have come, or may be likely to come, before the Senate for its consideration. I do not believe that the freedom of debate, which is tolerated by the rules of the Senate, has been so much abused as to make such a change as that at all necessary or proper. I therefore hope that the resolution will not be adopted.

Mr. COLLAMER. It has been regarded for a long time in our history as consistent with the dignity and self-respect of this body that they should stop talking when it is necessary, without having any rule or gag about it. It was considered that they were not so numerous nor so exceedingly taken with the desire of stump speaking but what when they discussed a subject they would discuss it at a proper time and take the vote when they had done. They have been enabled to restrain themselves by that course without any sacrifice of the public service and highly to their own respect and to the respectability of the body.

It seems to me, sir, that at this period, when one-third of our number is gone and we really have not anything like as much occasion for such a rule, we may yet endure that freedom of discussion which can be indulged among gentlemen without detriment to the public interests; and I therefore trust that we shall not adopt anything of this kind. It may be said we will not use it. Sir, it should not exist. The very voting for it seems to imply a necessity for it. I do not believe that necessity exists; nor do I think that the progress of this session or the proceedings of this body during this rebellion show that there is any occasion for it. The moment it is adopted, then will begin a scramble unbecoming the dignity of the body.

Mr. President, I commend that language to the Senators who are pressing this measure, this gag rule, upon this body.

The moment the day and hour is fixed for taking a vote, to-morrow or any other day, then there will be a scramble for the floor to see whether a man can have an opportunity to be heard. Such a course, so undignified and unbecoming to a body like this, of our limited numbers, I say is not to be invited by the adoption of any rule of this kind. I desire—and I think I may do it with safety, for I do not much trespass on the time of the Senate—that this resolution, uncalled for and unnecessary, may not be adopted at this period of the session.

The morning hour expired and it was passed over. That ended that effort to gag the Senate, to suppress debate, to limit and cut off amendments, and compel the Senate to pass measures without full and fair consideration.

The next effort was made on March 10, 1870, when Mr. Hamlin, then a Senator from Maine, submitted a resolution to close debate, which was referred to the Select Committee on the Revision of the Rules:

Mr. Hamlin submitted the following resolution; which was referred to the Select Committee on the Revision of the Rules:

"*Resolved*, That whenever any question shall have been under consideration for two days, it shall be competent without debate for the Senate by a two-thirds majority to fix a time not less than one day thereafter, when the main question shall be taken; but each Senator who shall offer an amendment shall be allowed five minutes to speak upon the same, and one Senator a like time in reply."

You see that is a mild form. When a question had been considered two days, then it was to take a two-thirds majority to fix a time, not less than a day, when the main question should be taken and amendments offered at pleasure. That was the last of that proposition.

On March 25, 1870, Senator Wilson, of Massachusetts, offered the following order and asked for its present consideration:

Ordered, That the Select Committee on the Rules be instructed to consider the expediency of adopting a rule for the remainder of the session providing that whenever any bill has been considered for two days the question on ordering it to a third reading may be ordered by a two-thirds vote of the Senators present and voting.

Mr. DOLPH. Will the Senator from Missouri yield to me for an interruption?

The PRESIDING OFFICER (Mr. FRYE in the chair). Does the Senator from Missouri yield to the Senator from Oregon?

Mr. COCKRELL. Certainly.

Mr. DOLPH. I understood the Senator was attempting to give a full history of the debates upon the resolution to permit a motion to amend to be laid on the table without carrying the original proposition with it. I think he omitted a somewhat important discussion on that amendment, among others a speech from a very eminent Democrat, Senator Cass, in which he advocated the measure. I will send it to the Senator now if he desires to read it.

Mr. COCKRELL. Let me see where it is.

Mr. DOLPH. The resolution was taken up on page 1688 of volume 24, part 2 of the Congressional Globe, August 28, 1850. On page 1689 Mr. Underwood, of Kentucky, gives his reasons for favoring the resolution, and on page 1690 General Cass makes some pertinent suggestions in favor of the amendment. I will send the volume of the Globe to the Senator.

Mr. COCKRELL. Will the Senator give me the first reference he has there?

Mr. DOLPH. The resolution is taken up on page 1688 of the Globe, August 28, 1850. On the next page Mr. Underwood addresses the Senate in favor of the resolution, and on the following page General Cass made some very pertinent suggestions, stating that he thought some wisdom still resided in the people and they knew something that they did not get through Congress.

Mr. COCKRELL. I had my attention called to this, but in the memorandum of what I desired to quote I did not have that reference. I inadvertently remarked that what I said was all that was said on the Underwood resolution. The Senator is correct. On the same day that the resolution of Mr. Douglas was laid upon the table, August 28, 1850, Mr. Underwood's resolution, which had been offered on the 22d, was taken up for discussion, and it was discussed by Mr. Underwood. I will read some of those extracts. I will not take up the time of the Senate in reading all of the debate.

Mr. BRADBURY. I move to lay the resolution on the table.

Mr. UNDERWOOD. I hope the Senator will withdraw that motion for a moment, to allow me to say half a dozen words.

Mr. BRADBURY. I will do so, if the Senator will renew the motion.

Mr. UNDERWOOD. I will do it, but I shall vote against it, the floor being obtained by me on a condition of that sort. The effect of that amendment will be to enable us to get clear of long debates upon amendments to a bill or original resolution. It will have something of the effect of the previous question, though not wholly the same. It will separate the amendment from the original resolution, and it will be a great time-saver, and I hope the Senate will adopt it.

I now renew the motion of the Senator to lay the resolution on the table, but I hope the Senate will vote against it.

The question was taken on laying the resolution on the table; and there were—ayes 13, noes 18; so the motion was not agreed to. The question then recurred on the adoption of the resolution.

Mr. HUNTER. This is an important innovation upon our rules.

Mr. BUTLER (in his seat). Very important.

Mr. TELLER. I ask the Senator if he will allow me to interrupt him a moment to make an inquiry.

Mr. COCKRELL. Certainly.

Mr. TELLER. I should like to inquire of the Senator who has the pending resolution in charge, the chairman of the Committee on Rules, I suppose, how long a time we are to be given on this debate. I should say, by way of excuse for making the inquiry, that I desire to submit some few remarks on this question if I can, but I am not in a condition to do so to-day.

Mr. ALDRICH. I have been hoping to be able to get the floor to make a request of the Senate that we might agree upon some time to-morrow or next day when the vote should be taken upon the resolution; and, if the Senator from Missouri will yield to me for that purpose now, I shall be very glad to try to arrange some time for the final disposition of this question.

Mr. COCKRELL. I should like to ask the Senator why he asks that question.

Mr. ALDRICH. Does the Senator refer to me?

Mr. TELLER. I understand the Senator from Missouri to ask me that question.

Mr. COCKRELL. Yes.

Mr. TELLER. I ask the question because I suppose it is pretty thoroughly understood, at least that has been the rumor and I suppose it has reached everyone, that there is to be a stage in the discussion on this resolution when debate will be cut off arbitrarily, and there will be no opportunity to proceed beyond that, and without probably very much notice to Senators who desire to speak, and I desire to speak myself.

Mr. DANIEL. I desire to give notice that I wish to speak on this subject.

Mr. TELLER. I desire to speak on the subject, but I am not prepared to do it to-day, even if I could get the floor, and that is the reason I wanted the information.

Mr. GRAY. Will the Senator from Missouri allow me?

Mr. COCKRELL. Yes.

Mr. GRAY. How can the Senator from Rhode Island [Mr. ALDRICH] possibly give the Senator from Colorado [Mr. TELLER] the information which he asks? I had supposed that the Senate itself would determine that matter and that when debate is closed the vote will be taken. I do not suppose the Senator from Rhode Island is capable of giving such information. I should be very sorry to belong to this body if he was.

Mr. TELLER. I suppose it has been the fact heretofore that the Senate by unanimous consent has always settled the question as to the time for taking the vote——

Mr. REAGAN. Mr. President——

Mr. COCKRELL. I will allow the Senator from Colorado to finish his remarks, and then I will yield to the Senator from Texas.

Mr. TELLER. I was saying what had been the custom. I suppose the Senator who has charge of this resolution does not make any pretense, although I hear some undertone sort of protest to what I am saying from him, but that there is to be a new and different rule adopted now for the purpose of bringing debate to a close, such as has never taken place before in the Senate. There is to be what I believe the French call a *coup d'état*, something by which we are to be brought up all at once to a vote, whether we are ready to vote or not. If the Senator does propose any such extraordinary method we are at least entitled to have a reasonable time to debate and to know what he calls "reasonable." Heretofore "a reasonable time," I suppose, has been a question for the Senate. Now it seems that it is about to become a question for some individual, whoever that may be. I ask the question in perfectly good faith for the purpose of finding out how long we may expect to have an opportunity to speak. If I can not speak within the time, of course I shall have to forego making any remarks.

Mr. REAGAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield?

Mr. COCKRELL. I yield for a question.

Mr. REAGAN. I wish simply to say——

Mr. GIBSON. Mr. President——

Mr. COCKRELL. I can not yield to two Senators at once.

The PRESIDING OFFICER. The Senator from Texas [Mr. REAGAN] has the floor.

Mr. REAGAN. The Senator from Colorado [Mr. TELLER], in the face of the flagrant violation of the rules of the Senate which occurred yesterday on a kindred question, may well make the inquiry to ascertain when the rules are again to be so violated as to prevent debate on this great and interesting question. I simply desire to say that I have a few words to say upon it. I shall not occupy much time, but I hope there will be some reasonable time given for the discussion of a measure of this sort, which is to revolutionize the method of doing business in the Senate.

Mr. GIBSON. I wish to ask the Senator from Colorado a question. If, as the Senator from Colorado suggests, it is within the power of the Senator from Rhode Island, supported by a bare majority of the Senate, to arbitrarily cut off further debate, I ask what is the necessity for this rule of clôture or gag law, because a majority may at any time, through the Senator from Rhode Island, stop debate arbitrarily. Why, therefore, establish a rule?

Mr. TELLER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Colorado?

Mr. COCKRELL. I yield to the Senator from Colorado.

Mr. TELLER. I will say to the Senator from Louisiana [Mr. GIBSON] that I am unable to answer. I am not capable myself of discussing this question or understanding it in a way that makes any distinction between action upon a rule and action upon a bill. Of course I have heard it said several times here that it is a constitutional duty to fix the rules. It is a constitutional duty also for us to proceed upon bills and vote upon them. It seems to me if the power exists anywhere to close debate, it exists as much on a bill as it does on a rule.

I do not care now to discuss that question. I only rose for the purpose of ascertaining whether I shall have an opportunity to discuss it later. I want to get, if I can, some idea when the debate will close. Somebody, Mr. President, under this new theory has got to say when the debate closes. Heretofore, as I have said, debate has been closed by the unanimous consent of the Senate. Now, it seems that power is to be turned over to somebody else. I have not inquired who that is going to be—it is quite immaterial to me—but I should like to know the date when it is to be determined, when the rule is to be put in force.

Mr. ALDRICH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Rhode Island?

Mr. COCKRELL. I yield for a question.

Mr. ALDRICH. I presume it is not necessary to discuss or take up the time of the Senate in discussing hypothetical questions. I take it for granted that there can be no closure of debate upon this resolution except by the action of the Senate itself and that no individual is therefore to be able, if he were so disposed, to arbitrarily assume functions which can only be exercised by the Senate acting in its own capacity.

Therefore I do not care to cross any bridge, imaginary or otherwise, which may be suggested by the Senator from Colorado or any other Senator, until I reach it, so far as I am concerned personally, but I do ask the Senate that some time may be fixed at which the vote may be taken upon this resolution; and I now ask unanimous consent, if the Senator from Missouri will yield to me for that purpose, that debate be closed on the pending resolution and amendments and the vote taken to-morrow afternoon at 5 o'clock.

The PRESIDING OFFICER. The Senator from Rhode Island asks the unanimous consent of the Senate——

Mr. COCKRELL. Mr. President——

Mr. TELLER. I wish to ask a question.

Mr. ALDRICH. I should be glad if Senators upon the other side would consent——

Mr. COCKRELL. The Senator from Colorado [Mr. TELLER] wants to ask a question. Let him ask the question and then I will see whether I shall yield for the request of the Senator from Rhode Island.

Mr. TELLER. I wished to ask the Senator from Rhode Island, the representative of the Committee on Rules, if I have misstated the purpose of the committee. Of course, I do not claim to have the information officially, but it is well understood in this Capitol and out of it, in the newspapers and elsewhere, that there is to be an arbitrary closing of debate (and I did not suppose that was a question the Senator was sensitive upon or disputed), and I wanted to know when it would take place. If the Senator can not tell us, I suppose we shall go along in the dark, until that superior mind which is to control this body in the future shall determine when that crisis has arrived.

Mr. ALDRICH. What became of my request for unanimous consent?

Mr. GRAY. Will the Senator yield to me a moment? If I may be pardoned for interposing, I hope the Senator from Missouri will yield to the suggestion of the Senator from Rhode Island, because the Senator from Rhode Island has made a proposition which is entirely usual and is the proper, orderly method which the Senate has heretofore always taken when it is desired to close debate at a specific time, to wit, by unanimous consent; and I think that the proceeding of the Senator from Rhode Island in asking that he might get unanimous consent for to-morrow or at any other time is entirely regular, and I hope the Senator from Missouri will allow him to make the request.

Mr. ALDRICH. I hope the reasonableness of my request will strike all Senators on the other side with the same force that it does the Senator from Delaware.

Mr. GRAY. I think the Senator was quite regular when he made the request.

Mr. COCKRELL. Mr. President——

The PRESIDING OFFICER. The Senator from Rhode Island asks——

Mr. COCKRELL. One moment. I will yield if it does not take up too much time. I have no objection to the Senator putting the question, if it does not lead to debate.

Mr. ALDRICH. I suggest to my friend from Missouri that I am not responsible at this time for taking the time from him in discussing this question, and want to say only a word in answer to the Senator from Colorado [Mr. TELLER] as to the suggestion he has made, rather by insinuation than in any other manner. I wish to say that it is not my intention nor, so far as I know, the intention of any one upon this side to proceed to the disposition of this question in any manner except such as would be recognized as proper and correct by any person who has a proper understanding and appreciation of the situation we are in. I expect and intend, so far as I have any control in this matter, to use every reasonable effort to secure an early disposition of the resolution. The state of the public business and every consideration urge me to do this. Just when or how that will be done will depend very largely upon the Senate itself; but I conceive it to be my duty to press this matter for consideration with all the skill and all the zeal which I possess.

Mr. TELLER. The chairman of the Committee on Rules must have some idea, for undoubtedly his committee have conferred somewhat about it, as to what is a "reasonable time" to allow the debate to proceed. I am not now raising the question as to what the chairman calls "reasonable." We can tell better by that.

Mr. ALDRICH. That idea was indicated by the request which I made to the Senate that the vote should be taken at 5 o'clock to-morrow. I do not understand as yet whether that request has been granted or not. I ask unanimous consent that the vote may be taken at the time indicated by me.

Mr. GORMAN. Let the Chair now repeat the request?

The PRESIDING OFFICER. The Senator from Rhode Island [Mr. ALDRICH] asks unanimous consent that the vote on the pending measure and the amendments may be taken at 5 o'clock to-morrow afternoon. Is there objection? ["Yes." "Yes."]

Mr. GORMAN. Mr. President——

Mr. COCKRELL. Pending this question I yield the floor to Senators to discuss it.

The PRESIDING OFFICER. The Chair so understood by the Senator taking his seat. Is there objection to the request of the Senator from Rhode Island?

Mr. GORMAN. I have the floor, I understand, on that suggestion.

The PRESIDING OFFICER. The Senator from Maryland will proceed.

Mr. GORMAN. Mr. President, I am very glad indeed that the Senator from Rhode Island has made the suggestion. That has been the universal custom from the beginning. It is the way in which all public business has been transacted from the organization of this body. It is the orderly, certain way of securing results, and, I am glad to say, by adhering to it in the past we have succeeded in passing all the legislation which has been necessary for this great people, who have grown from a few millions to 62,000,000.

But, Mr. President, the length of debate, the time to be consumed upon a proposition, is determined by the circumstances and the importance of the measure. The proposition now pending, coming, as it does, under the peculiar circumstances and in the peculiar way in which it has been brought before this body, makes it necessary that we should proceed with caution and proper deliberation.

We are taking a step which, in my judgment, overturns the whole history of this body. The measure itself comes before the body under most peculiar circumstances. It has been brought here by the decision of the Chair and the vote of the majority of this body in direct opposition to every rule of parliamentary law, both specific, as provided by the rules of the body, and general parliamentary law, and no instance in the history of legislation can be cited where such action has been taken as was taken during this day's session; that is, during the calendar day of yesterday, but of to-day's session, as we only had a recess from 6 o'clock last evening until 11 o'clock this morning.

Mr. President, I do not at this moment propose to characterize the action which has been taken, but it will be, I trust, fully and completely stated, and stated often, for I regard it as one of the most unfortunate pages that will be found in the records of this body, and I believe that the time will come, when, by an almost unanimous vote, we shall follow the action of Congress upon another memorable occasion, when General Jackson by a resolution was condemned, and this body passed an order drawing around that resolution a deep black line. So I believe the time will come, when, by common consent of

men of all parties, we will draw a deep black line around the Journal of the proceedings of this day.

Good government and orderly conduct of the business of 62,000,000 of people, in my judgment, are involved in this proposition. Freedom of speech and all that follows in its wake are to be determined by the resolution now pending. In my judgment, Mr. President—and I speak alone for myself—I think it is the most revolutionary proposition which has ever been presented. I think if it is enacted and we should be bound by it, its consequences can not be measured by any man, not to the South, but to the North, and to the West, and to the entire country. It jeopardizes all business interests, in my judgment, and the good conduct of our local governments in all the States of the Union. Mr. President, such a proposition, if I have properly characterized it, ought to have at least fair debate before we are brought to a vote upon it.

As to the manner of determining the time when the vote is to be taken, I am delighted that the Senator from Rhode Island recognizes that it ought to be done in the usual way, by consent, not by the *ipse dixit* of one man, who has been honored by his fellow countrymen with the second highest office, and whose reputation for intelligence as a presiding officer and for his fairness as a presiding officer he has yet to make.

So vast and important are the results which are to follow the adoption of this gag rule that I submit to the Senator from Rhode Island, there has not been sufficient discussion upon the pending resolution. Therefore, for the time being, I object to fixing any time for its consideration.

The PRESIDING OFFICER. The Senator from Maryland objects.

Mr. DAWES. Regular order.

The PRESIDING OFFICER. The Senator from Missouri will proceed.

Mr. ALDRICH. Will the Senator from Missouri allow me to say a single word?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Rhode Island?

Mr. COCKRELL. Yes, sir.

Mr. ALDRICH. Mr. President, I wish to say, in answer to the remarks of my friend from Maryland [Mr. GORMAN], that while I made this proposition in good faith, and intend to make every suggestion which it is possible for me to make looking in the direction of securing an early settlement of this question, if that attempt fails, as it will fail, I judge, from the objection now made by the Senator from Maryland, I shall use every effort in every direction to secure what I deem to be absolutely imperative, early action by the Senate upon this resolution.

Mr. COCKRELL. Mr. President, the Senator from Oregon [Mr. DOLPH] called my attention to some part of the discussion of Mr. Underwood's resolution. I have quoted the proceedings of August 22, 1850, when it was presented, and then the proceedings of September 27, 1850, when Mr. Underwood withdrew it. I did not quote what was done on the 28th of August, 1850, the day that Mr. Douglas's resolution was laid on the table. On that day the resolution of Mr. Underwood came up. Mr. Bradbury moved to lay it on the table; that was withdrawn, and Mr. Underwood said:

> I will do it, but I shall vote against it, the floor being obtained by me on a condition of that sort. The effect of that amendment will be to enable us to get clear of long debates upon amendments to a bill or original resolution. It will have something of the effect of the previous question, though not wholly the same. It will separate the amendment from the original resolution, and it will be a great time-saver, and I hope the Senate will adopt it.
>
> I now renew the motion of the Senator to lay the resolution on the table, but I hope the Senate will vote against it.

And the Senate did vote against it, and the resolution was not laid on the table. At that time this question was discussed by Mr. Hunter in opposition to it and by Mr. Underwood in favor of it. Mr. Underwood said:

> I did not expect to debate this question, but I must be permitted to make a few remarks in reply. This rule will not prohibit any gentleman offering an amendment from debating his proposition to amend.
>
> Whenever a bill or resolution is pending and any one wishes to amend it, he obtains the floor to make his motion to amend, and he can be heard. Courtesy, as well as the rules of the Senate, gives him the fullest latitude in being heard when he makes his proposition. After he shall have been heard as the mover of the amendment, I want to place it in the discretion of the Senate then to get clear of the amendment, if it pleases to do so. If the majority consider the proposition of such importance that they desire to entertain it for debate, they will not, if the motion is made, lay it on the table.

Mr. Dickinson said:

> I have great distrust as to the propriety of invading any old parliamentary custom which has been practiced so long. There may be instances when it is desirable, for the sake of promoting the public interest, to get rid of debate; but those instances, I think, are very rare indeed in their occurrence. In my judgment, so far from restricting or condemning full debate, we ought, as a general rule, rather to encourage it. Freedom of discussion is the great safety valve of our institutions and doubtless saves us from the commission of many an error.
>
> Many questions are brought before us here which when first introduced we do not understand, and in order that we may understand them we are led into research; and thus the mind of this body not only becomes enlightened, but that of the public also. Anxious as I sometimes am to see matters acted upon speedily, I am still unwilling to see the whole parliamentary practice of the world overturned for the purpose of obtaining the end proposed. I shall therefore vote against this proposition in any form.

Mr. Douglas was opposed to it because it did not go far enough. As the Senator from Oregon [Mr. DOLPH] kindly called my attention to that, I will read what Mr. Cass said:

> Mr. CASS. Mr. President, I merely wish to say one word, and that is to express the high gratification which I feel on finding that we have got so able a convert to the new doctrine of "progress" as the honorable Senator from Kentucky.
>
> Now, I am inclined to be of the same opinion as the Senator from Kentucky. I have no belief in this parliamentary law as being the best law in the world or that this nation would be ruined without it. There is "progress" in that law, as well as in any other, and I think we have no right to say that we will not change it because it has been practiced in the House of Representatives and in the Senate.
>
> We should make a rational inquiry into the matter, and not avow that we will support the present rule because it has been long in use. I am not frightened at the idea of innovation or change in our parliamentary law. The "progress" to which the honorable Senator from Kentucky alludes is as applicable to that law as to any other law; and I suppose we have scarcely got a stationary Senator upon this floor, so stationary as to say that the law shall never be changed or that it is the best law that ever was or ever can be continued in operation.
>
> Mr. President, I am a friend of freedom of discussion; but at the same time I must be permitted to say that I believe that the people of this country know a great deal which they have never learned from Congress; and I fully believe that they are fully competent to discuss every question that arises here. That is my belief; and if I had not that belief my doubts as to the stability and excellence of our institutions would be much greater than they now are. That is my opinion as to the capabilities of the American people. Still, I am perfectly willing to sustain freedom of discussion.
>
> But I heard the honorable Senator from South Carolina just now talk about the celerity of our movements, after we have been here nine months and done nothing. I should like to know what slowness is. [Laughter.]
>
> It is well known that the slowness of our movements is a matter of reprobation from one end of the country to the other. Do you believe that when a matter has been discussed here daily for two or three weeks by minds fully illuminated, we do not understand the subject? Why, sir, many of those questions which we have discussed here are so well understood that if Solomon were to come down with all his wisdom he could not suggest a new idea or even a new word in which to clothe an old one. The subject is exhausted, and yet we are to be told that the American people do not understand it and we are to go on discussing it.
>
> Now, I have nothing to do with the mechanical part of this business. I do not see how that can affect the freedom of discussion. Here is an amendment to a bill which, if a motion to lay that amendment on the table should prevail, carries the bill with it. It is proposed so to alter the rule as to obviate this carrying a bill with an amendment in such a case; and it seems to me that such an alteration, instead of limiting discussion, will promote it. I do not see how it is to stop discussion at all. It seems to me both natural and proper that, if you have a bill under consideration and have had an amendment to it discussed for a certain length of time, you should dispose of that amendment, so as to allow the Senate to proceed to the consideration of the main question.

After some other discussion another bill came up. Now, Mr. President, that motion was not a motion for the previous question nor was it a motion to limit debate. It was simply a motion made by Mr. Underwood that any Senator might move to lay on the table a pending measure without carrying to the table with the amendment the original proposition; and that has been embodied in the rules of the Senate for many years. I read Rule XVII:

> RULE XVII.
>
> AMENDMENT MAY BE LAID ON THE TABLE WITHOUT PREJUDICE TO THE BILL.
>
> When an amendment proposed to any pending measure is laid on the table it shall not carry with it or prejudice such measure.

We have had the same thing here, Mr. President, during the present session. A motion was made to lay upon the table, and it was carried. So that ended that discussion.

Now, Mr. President, I go to the proceedings of March 25, 1870, when Mr. Wilson said:

> I offer the following order and ask for its present consideration:
>
> "*Ordered*, That the Select Committee on the Rules be instructed to consider the expediency of adopting a rule for the remainder of the session providing that whenever any bill has been considered for two days the question on ordering it to a third reading may be ordered by a two-thirds vote of the Senators present and voting."
>
> Mr. THURMAN. I object.
>
> The PRESIDING OFFICER. Objection being made, it will lie over.

Now I come to the proceedings of the Senate of April 14, 1870. The resolution of Mr. Wilson having gone over, it was placed on the Calendar.

> The next resolution was one submitted by Mr. Wilson on the 25th of March as to the expediency of adopting a rule for the remainder of the session fixing a time when the question on ordering a bill to a third reading shall be put.
>
> Mr. WILSON. I ask to have the resolution read.
>
> The VICE PRESIDENT. It will be reported in full.
>
> The Secretary read as follows:
>
> "*Ordered*, That the Select Committee on the Rules be instructed to consider the expediency of adopting a rule for the remainder of the session providing that whenever any bill has been considered for two days the question on ordering it to a third reading may be ordered by a two-thirds vote of the Senators present and voting."
>
> Mr. WILSON. I hope it will be allowed to go to the committee.
>
> The VICE PRESIDENT. It is a resolution directing the committee to inquire into the expediency of adopting a proposed rule.
>
> The resolution was agreed to.

The resolution went to the committee, simply instructing the committee to consider the propriety of it. No action was ever had thereafter. That ended that movement, Mr. President. Now, I come to March 17, 1873, when Mr. Wright, of Iowa, offered a resolution:

> Mr. WRIGHT. I offer a resolution.
>
> The resolution was read, as follows:
>
> "*Resolved*, That the Committee on the Revision of the Rules be instructed to inquire into the propriety of so amending the rules as to provide—
>
> "First. That debate shall be confined and be relevant to the subject-matter before the Senate.
>
> "Second. That the previous question may be demanded either by a majority vote or in some modified form.

"Third. For taking up bills in their regular order on the Calendar; for their disposition in such order; prohibiting special orders, and requiring that bills not finally disposed of when thus called shall go to the foot of the Calendar, unless otherwise directed."

Mr. THURMAN. When was that resolution offered?

Mr. WRIGHT. I have just offered the resolution. It is a resolution of inquiry to the Committee on Rules.

Mr. THURMAN. I object to its present consideration.

Mr. WRIGHT. I give notice that I shall call up the resolution to-morrow morning. I ask that it be printed.

The VICE PRESIDENT. The order to print will be made, if there be no objection.

The resolution was ordered to be printed. On March 19, 1873, Mr. Wright called up his resolution and Mr. Thurman, of Ohio, spoke against it. I will read some parts of the remarks:

Mr. THURMAN. Mr. President, I hope that resolution will not be taken up now. It ought not to be pressed in so thin a Senate as this. I know the Senator from Iowa says it is simply a resolution of inquiry; but it is a resolution to inquire about what the Senate itself knows just as much as any committee can know. It is an inquiry about matters entirely within our own knowledge. The only duty a committee could have would be to tell us what we know ourselves and perhaps to draw some rule according to its own notions. I do not see that it alters the case in the least that this is a resolution of inquiry.

I hope it will not be taken up for another reason. It must necessarily give rise to a long discussion; it can not be otherwise. It can not be that the whole practice of the Senate, from the foundation of the Government to this day, is to be overturned without due consideration. For instance, if I am in order in speaking about the resolution itself, here is a proposition that debate is to be confined to remarks that are germane to the subject under consideration. Why, sir, it was decided more than sixty years ago that the Senate would not trust its presiding officer with the decision of the question whether a Senator's remarks were germane; and for this very plain reason, that the presiding office of this body is not chosen by the Senate; he is chosen by the people, wholly independent of the Senate, under no control of the Senate whatsoever; and to give to an officer chosen in that way the right to decide whether a Senator's remarks are germane to the subject or not, to give him a control over the debates of this body, would be utterly indefensible. But I do not want to go into the merits of this resolution unless it is taken up. I hope that it will not be taken up now, but that we shall proceed with the matter that is properly under consideration before the Senate.

Mr. WRIGHT. I must confess my utter surprise that there should be any objection to the passage of this resolution. The Senator from Ohio says that the Senate understands this question just as well as a committee does. The same thing might be said of every resolution of inquiry that is introduced here, and the consequence would be that you never would get any matter to a committee for inquiry and report to this body.

I think that the fair way to dispose of this question is that you shall get it to a committee, let them examine it, and it may be that they will not report in favor of a single proposition that I propose in this resolution. My object is simply to get it to a committee for inquiry; let them report it here, and then we can discuss it if discussion becomes necessary. How else can we get the question before the Senate legitimately except through a committee?

I know the questions that are involved in this resolution have been spoken of frequently in the session just closed, and indeed ever since I have had the honor of a seat in this body: whether it were better that debate should be confined to the subject matter before the Senate; whether it were better that we have a previous question in some form; whether it were better that we take up the Calendar in its order and dispose of the cases upon the Calendar, or to have special orders made from time to time and have all the unseemly scenes that we have in this body in reference to the taking up of bills out of order, and the constant struggle that we have on this floor for precedence in the hearing of bills.

My object simply is that we shall have these matters reported on from a committee for the purpose of expediting the business of the Senate. If, when the committee comes to investigate these matters, they find it better to adhere to the rules as they stand now, then well enough. If they deem it advisable to report some amendments on these subjects, then we can discuss those amendments and consider what is best to be done. But I confess I do not see how we are to get these matters legitimately before the Senate unless through a committee. As I have already said in answer to the suggestion that the Senate understands this question as well as any committee, the same objection might be made to every proposition to refer any question in this body.

Now, Mr. President, I am not solicitous about having this resolution pressed at this time. It occurs to me, however, that the Senate is about as full now as we can expect to have it during the morning hour at any time. If it be deemed better to pass it over for a few moments, until more of the Senators come in, I shall have no objection.

Mr. DAVIS. Allow me to ask the Senator a question. When does he expect this report? At this session?

Mr. WRIGHT. Whenever the committee get ready. I understand that if this matter is referred to the committee they can report at the next session, the subject being before them, without a re-reference at the next session.

Mr. SHERMAN then spoke in favor of the resolution and Mr. Bayard addressed the Senate against it. Then Mr. Carpenter said:

Mr. President, I entirely concur with the Senator from Delaware who has just taken his seat. There ought to be one place in this Government where there can be, not only free debate, but full debate. There is another body of very honorable men, to which I can not refer, but of which I have heard more or less, of whose doings I have seen some things, where a previous question obtains, and I certainly shall never vote nor give the slightest encouragement by any vote of mine to establish a previous question here.

Mr. DANIEL. Will the Senator kindly give me a reference to the volume and page?

Mr. COCKRELL. Yes. I read from page 115 of the CONGRESSIONAL RECORD, volume 1, Forty-third Congress, special session of the Senate in 1873:

When has this privilege of debate ever been abused? In the four years I have been here, never within my knowledge. On two or three exciting occasions we have "sat it out," as the phrase is; we have spent the night. Is it not far better for Senators to take that inconvenience once or twice in the course of a session than to establish a binding rule here, which substantially stops debate? In my judgment no time will be saved by it. A man is making a speech. Some one gets up and calls him to order, because he is wandering from the point. It is a very nice question to determine, until a man has got through, whether he has been wandering from the point or not. There is a great deal of collateral learning that may be at the end of a speech brought in and tacked on to the subject, which seems while it is progressing to be entirely irrelevant.

Some man thinks the speaker has got over the line; he gets up and calls him to order; the Chair sustains the point of order; he appeals, and then we go off into a debate on the point of order as to whether the man speaking is inside the rule or outside. In my judgment any attempt to establish such a rule here would waste the time of the Senate, for it can not be expected that Senators who desire to discuss a measure, and who think they are within the rule, if they should be called to order and ruled by the Chair to be out of order on that subject, would submit to it without a pretty full discussion. When you get to the question of the appeal from the decision of the point of order, then you are certain to hear the man say what he desired to say, for the purpose of showing that his speech was in order, and that would bring you right back where you were before, except that you would have had the row and ill-feeling that result from a point of order sustained and an appeal taken to the Senate.

My friend from New York [Mr. Conkling] suggests that a row is always in order. I think it is. It tends to purify the atmosphere. I am for a row myself; but at the same time I prefer to have it out of the regular course of business rather than in it.

As the rule of free debate, in my judgment, since I have been here, which is a very short time of course, has never been abused, I take it it never was before or it would have been changed. I certainly shall not vote for a change, and I shall vote every time I can get a chance not to change it.

Mr. CASSERLY. Mr. President, I am in favor of a reference to the Committee on Rules with respect to the third division of this resolution. I agree that there should be some rule as to the orderly and convenient taking up of bills. The effort and contest frequently required here to enable a Senator to get the floor to call up a bill are such as ought to be remedied, if possible. This difficulty with a diffident person almost disables him from properly attending to the most necessary business committed to his care. So we should have a rule by which every Senator should have his day, as of right, in getting a bill in his charge before the Senate. Hence, if this resolution shall be amended, as I shall ask the Senate to amend it, by striking out the first and second divisions, I should have no objection to it.

But, Mr. President, for one, I am not willing to leave to any committee the right to determine, or even to report, whether we shall have a previous question in this body or not. Of this I will speak again presently.

That debate should be confined to the subject-matter before the Senate I agree is desirable; yet, I say no rule is required on the subject. In my time here, more than four years, I call to mind but a single case where, by a deliberate act of a Senator, there was a discussion of an important subject entirely foreign to the question then before the Senate.

I am reminded there was one other case of the same kind. It was where a Senator about to leave this body, and unable to obtain any other opportunity to express his views on a subject which the Senate had charged him and others with in committee, was compelled to avail himself of that mode of addressing the Senate. Thus there were two cases in more than four years, one of them a case of absolute necessity, where the subject, the Louisiana case, was one of the utmost gravity; while the other and the earlier case was one of great gravity, in which a good many Senators were very desirous of hearing the Senator who spoke.

The Senator from Wisconsin [Mr. Carpenter] never was more correct than when he said just now that the contests certain constantly to arise upon points of order made with respect to the real or supposed irrelevancy of a speaker would consume more time than the speech if it went on.

* * * * * * *

The proposition for a previous question is still more objectionable. Such a rule is simply a power in the majority for the suppression of debate. To such a rule I never can consent. The Senate of the United States, at least, should have an unlimited freedom of debate. How wretched is the condition of a minority which has not the poor privilege of making its complaints to the country! Such a rule puts it in the power of a majority to work a practical destruction of free discussion. I do not think, sir, the experience we have had of the workings of the previous question in the legislative history of this country is calculated to induce us to adopt it here.

Why, sir, it is the destruction of all true parliamentary discussion. If it be true—though it is not I who say so—that parliamentary oratory in its best sense has almost disappeared from one House of Congress, as is said by many of our best thinkers on the subject, it is owing undoubtedly more to the previous question, with its natural ally, the one-hour rule, than to any other one cause.

Such are my convictions on this part of the subject that I, for one, will never so much as vote to take up a resolution which implies that the previous question in the Senate is even open to consideration.

* * * * * * *

Mr. THURMAN. Mr. President, I wish to say a few words more. The Senator from Iowa says that if this resolution is not referred to a committee it is of no use to refer any resolution to a committee. I do not see the force of that reasoning at all. We can refer an inquiry to a committee very properly where we are not ourselves possessed of the facts.

Why, Mr. President, let me say that this matter goes still further. The moment you adopt a previous question in the Senate, the moment you confine and limit debate as the first clause of this resolution does, from that moment the weight and power and influence of the Senate in this country will begin to decline. Sir, there was a time when the House of Representatives was the great power in this Government. Then the Senate sat with closed doors, and no word of its debates went to the country; but from the moment the Senate opened its doors and debated in public the influence of the Senate began to increase until its relative influence in the country became greater than that of the House of Representatives. But, sir, it would not have become greater than that of the House of Representatives, even with open debate, had it not been for the hour-rule which was adopted in the House of Representatives and its previous question. That is the truth about it, and long-sighted men in that House saw it and predicted it when the hour-rule was adopted: that that was signing the death-warrant of the influence of the House of Representatives in this country; and it has proved to be true.

Sir, begin this in the Senate, curtail debate here in some impatient haste of a majority that can not bear to hear even discussion of questions, in that spirit of despotism that would stop all debate whatsoever, in that spirit that says that deliberative bodies in which public measures are discussed are a nuisance, and that it is best to have no discussion at all—let this first step be taken, and from that very day the decline of the influence of the Senate in this country will begin.

Mr. President, there is no necessity whatever for this measure. I can speak for my friends on this side of the Chamber. I can appeal to the record. Who have been here in greater proportion to their numbers, during the long and tedious and weary nights of the session that we often have, when there is no speaking against time, when there is no disposition whatever to waste time, but when we are compelled to sit here in order to discharge our public duties and do the public business? Look at your Journals and see what party in this body is here in the greatest proportion of its numbers.

* * * * * * *

Mr. ANTHONY. I am not in favor of limiting debate in the Senate, but I am perfectly willing that this resolution shall go to the Committee on Rules; and, in voting to take it up, I do not wish to be misunderstood.

The question was on taking up the resolution. On a division there were—ayes 21, noes 21; and on the yeas and nays being ordered and

taken, there were—yeas 25, nays 30. So the Senate refused to consider the resolution then.

On March 20, 1873, Mr. Wright, said:

Mr. WRIGHT. In the absence of the Senator from New York, who is not in his place, I offer the following additions to the rules of the Senate, and ask that they be printed, and referred to the Committee on Rules:

"*Resolved*, That the following be added to the rules of the Senate:

"RULE —. No debate shall be in order unless it relate to or be pertinent to the question before the Senate.

"RULE —. Debate may be closed at any time upon any bill or measure by the order of two-thirds of the Senators present, after notice of twenty-four hours to that effect.

"RULE —. All bills shall be placed upon the Calendar in their order and shall be disposed of in such order unless postponed by the order of the Senate. All special orders are prohibited except by unanimous consent; and bills postponed shall, unless otherwise ordered, go to the foot of the Calendar."

Mr. THURMAN. Let that resolution lie over.

The VICE PRESIDENT. The Senator from Ohio objects to the consideration of the resolution. Does the Senator ask to have it printed?

Mr. THURMAN. It had better be printed.

Mr. WRIGHT. My motion was that it be printed and referred to the Committee on Rules.

Mr. THURMAN. No; let it lie over.

The VICE PRESIDENT. Objection being made to its consideration, the resolution will lie over until to-morrow. The order to print will be made if there be no objection.

On March 21, 1873, Mr. Wright called up the resolution, and after considerable discussion as to whether it should be taken up, which was participated in by Senators SHERMAN, Thurman, and Howe, Mr. Wright himself said:

Mr. WRIGHT. Then I make that motion. Instead of the motion to lay upon the table, I move to postpone the further consideration of this subject until the first day of the next session.

Mr. DAVIS. Will not that be in the nature of a special order?

The VICE PRESIDENT. The Chair thinks not. The question is on the motion of the Senator from Iowa.

The motion was agreed to.

Consequently it was postponed until the beginning of the next session of Congress, and that ended the matter for good. It was not brought up again.

Now, Mr. President, I am tracing, in consecutive order, the proceedings upon the previous question and on limitation of debate, and I now come to the proceedings in 1883.

On the 2d of March, 1883, the Senate instructed the Committee on Rules to sit during the recess with reference to modifying and simplifying the rules of the Senate.

On December 10, 1883, Mr. FRYE submitted a report, No. 2, and a resolution for a new edition of the Manual, in accordance with the suggestions of the report, and two hundred copies of that were ordered to be printed for the use of the Senate.

On December 13, 1883, the Senate, as in Committee of the Whole, considered the report of the Committee on Rules, as also on the 18th, 19th, and 20th of December, 1883, and on January 7, 1884, the consideration of the report of the Committee on Rules was resumed, and was continued on the 8th, 9th, 10th, and 11th; and on the 11th of January, 1884, the report of the Committee on Rules as amended was adopted, and the rules were ordered to take effect on and after January 21, 1884.

Now, Mr. President, I have carefully noted all this discussion in regard to these rules, and in the entire discussion there is not one word of reference to the previous question. Then how does it come up? Mr. President, I have before me this report entitled:

SENATE RULES AND JOINT RULES OF THE TWO HOUSES OF CONGRESS.

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Senate rules.
Memoranda explanatory of Senate rules.
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Memoranda of code of joint rules.
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In this report, Mr. President, the original rule as adopted in the Senate is printed in the first column under the head of "Original rule;" then in the next column is the amended form of that rule; and then in the third column, under the head of "Present rule," are the present rules of the Senate at that date; and in the fourth line, under the head of "Proposed rule," is the rule reported by the Committee on Rules. In the first column, under the head of "Original rule," is this remark:

RULE XXII.

In the original rules of the Senate, adopted April 16, 1789, the previous question was recognized, but in the revision of March 26, 1806, it was omitted, and has not since that time been admitted.

Under the head of "Amended form" there is a blank. Under the head of "Proposed rule" I will read this rule that was proposed by the Senator from Maine [Mr. FRYE], now a member of this body, from the Committee on Rules:

RULE XXII.

PREVIOUS QUESTION.

1. The previous question shall be admitted when demanded by a majority of the Senators present, if a quorum, and its effect shall be to put an end to all debate, and bring the Senate to a direct vote, first, upon a motion to commit, if such motion shall have been made; and, if this motion does not prevail, then, second, upon amendments reported by a committee, if any; then, third, upon pending amendments; and, finally, where such questions shall have been decided, or where none shall have been offered, or where none may be pending, then it shall be upon the main question or questions leading directly to a final decision of the subject-matter before the Senate. But when the previous question shall have been ordered, the Senator in charge of the pending measure shall be entitled to the floor for one hour to close the debate, which time he may occupy in his own right or may yield to any Senator or Senators desiring to speak further.

2. A call of the Senate shall not be in order after the previous question is ordered, unless it shall appear upon an actual count by the presiding officer that a quorum is not present.

3. On a motion for the previous question there shall be no debate; all incidental questions of order arising after a motion shall have been made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

Under the head of "Memoranda explanatory of Senate rules" I find under Rule XXII the following:

RULE XXII.

PREVIOUS QUESTION.

This is a new rule. In the first code of rules adopted by the Senate, April 16, 1789, the "previous question" was recognized. It was dropped in the revision of 1806 and has not been admitted in the Senate since that time. A rule for the previous question was submitted to the Senate by Mr. Douglas, July 27, 1850, Thirty-first Congress, first session, and was tabled at the same session. April 4, 1862, Thirty-seventh Congress, second session, Mr. Hale proposed a rule providing "that during the present rebellion" the Senate might by a majority-vote fix a limit to debate, and it was indefinitely postponed. At a special session of the Senate, March 20, 1873, Mr. Wright submitted a rule as follows: "Debate may be closed at any time upon any bill or measure by the order of two-thirds of the Senators present, after notice of twenty-four hours to that effect." The consideration of this rule was indefinitely postponed.

Now, Mr. President, in the "Memoranda explanatory of Senate rules and proposed changes," etc., is this preface:

The original code of Senate rules was adopted at the first session of the First Congress, April 16, 1789, and embraced nineteen rules in number. The first revision of the rules was made March 26, 1806 (Ninth Congress, first session), and twenty-one new rules were added to the original code. The second revision was made January 3, 1820 (Sixteenth Congress, first session), and five new rules were added to the number then in force. The third revision was made February 14, 1828 (Twentieth Congress, first session), and three new rules were added, making the number of rules in force after this revision forty-eight.

The code of rules adopted at this time (February 14, 1828), was in force without revision for some forty years, although in the interim some of the rules embraced in the code were amended and modified. The fourth revision was made March 25, 1868 (Fortieth Congress, second session), by a committee, of which Mr. Anthony was chairman. In this revision no material changes were made in the existing rules, excepting to incorporate in the code such amendments and modifications as had been made since the former revision. Five new rules were added in this revision, increasing the number of rules to fifty-three.

The fifth and last revision was made January 17 1877 (Forty-fourth Congress, second session), by a committee of which Mr. Ferry was chairman. In the different revisions which have been made, the original rules, adopted in the early Congresses, when the Senate was a small body, have been preserved and appear with scarcely any modifications in the present code. The Senate having increased largely in numbers and parliamentary methods and practices having materially changed, the necessity for a thorough revision of the rules has become apparent.

In the present revision, the aim has been to simplify the code as far as possible by embracing under one rule, with different clauses, all the rules relating to the subject matter now scattered through the code, and conforming the rules to present practices in the Senate, where such practice does not conflict with parliamentary law, and where it has been so steadily adhered to as to make it in fact, unwritten law. The proposed rules have been arranged in systematic order, beginning with the rules relating to the commencement of daily sessions, appearance of a quorum, and following the order of business of the daily sessions.

Now, Mr. President, I have carefully gone over all the proceedings in regard to the previous question in the history of the entire Senate, from its organization in 1789 to the present time. The result of it is that in the rules first proposed to the Senate in 1789 the previous question was contained in the eighth and ninth rules, and they continued until March 26, 1806, when the rule was dropped, practically abandoned, left out entirely, and since that time efforts have been made, feeble efforts (one by Mr. Clay), in 1841, again in 1850, again in 1862, and in 1873, and then in 1883 by the Senator from Maine [Mr. FRYE]. I remember very distinctly the report that was made in that case, and it is remarkable that that rule, presented to the Senate as it was by the Senator from Maine, from the Committee on Rules, and printed in its report, and urged by the committee, should have been abandoned.

The Senator from Maine has exhibited intense interest in the passage of the previous question. When he was chairman of the Committee on Rules why did he not press the rule and report it to the Senate in 1883? There it is in his report No. 2, made to the Senate, recommended in the report and urged. Now, why was it not brought up in the Senate? I challenge any one to take the CONGRESSIONAL RECORD and examine page by page through the entire discussion of that subject of the revision of the rules in 1883 and 1884 and find one word uttered in favor of that Rule XXII for the previous question. It was so antagonistic to the better, sober, second thought of the Senate that the Senator from Maine had to abandon it.

That was only eight years ago, Mr. President, when the Senator from Maine had to abandon all idea of having a previous question adopted in the Senate, and that previous question was a mild measure compared with the resolution of the Senator from Rhode Island [Mr. ALDRICH]. It was a very moderate measure compared with that of the Senator from Rhode Island. It was not nearly so completely a gag rule, a rule that practically prohibits any debate or the offering of amendments.

Now, Mr. President, what is the necessity for this amendment now? Why is it that this question is to be so pertinaciously pressed upon the Senate at this time? What is the necessity for this gag rule? Why is it that in this closing session of the Fifty-first Congress we are called upon to pass a gag rule which will enable a bare majority of the Senate to take up any measure without debate, and when in its opinion debate has proceeded sufficiently far to force its passage without any

amendment, and that rule only to last during the present session? If it is a wholesome rule, why should it not be a permanent one? If it is a wise and judicious rule, why shall it not be made permanent? Why is it to apply only to this session?

Why, Mr. President, it is useless to disguise the matter. This resolution is for the purpose of enabling the Senate by a bare majority, if they can get it, to pass a bill known as the force bill. That is the only object on earth. It is to pass the force bill, the Lodge bill, the bill that has grappled the Senator from Massachusetts [Mr. HOAR], and has him in its deadly embrace so that he can not get away from it. The shadow of the Lodge bill hangs darkly over him, its arms embracing so that he can not get away from it. He is determined that that bill shall be passed by the Senate. He knows, and I know, and all of us know that if it were left to the calm, sober, second thought of the Republican majority of the Senate alone, without any partisan pressure, that bill could not pass with a majority of that Republican majority.

Let the Senator from Massachusetts divest this measure of any partisan action. Let him take away from it the pressure of the Czar of all the Russias who is pressing it upon the attention of the Senate here. Let him take away from it the fear of Lodge that is overshadowing him. Let this measure come up as an independent measure, irrespective of any politics, as a measure upon its own merits, and would the Senator from Massachusetts be pressing it as he is? Would he be pressing it when he knows that if the Senate were to follow the doctrine in the article written by him and published in The Youth's Companion, in that able address to the youths of this country, he could not pass that bill even if every Democratic Senator was absent and all the Republicans were present and all of them voting; he could not get a majority for it?

Why, Mr. President, this measure is presented as if a handful of Democrats on this side of the Chamber were obstructing the entire Republican party. We deny it. We are only demanding fair play and legitimate discussion of this old question which has been before the country for a quarter of a century, a question which the Republican party has repudiated, repudiated in 1875. We are opposing what a bare majority of a Republican majority is attempting to cast upon the people unbidden and uninvestigated. It has not come here, Mr. President, with the entire assent of the Republican party.

I say to-day, and the Senators on the other side know it, if they could throw off the shackles which the Senator from Massachusetts has thrown around this measure, making it a partisan measure and bringing to bear every partisan influence that partisan ingenuity can bring to bear—he knows perfectly well that there is not a majority of the Republican voters of the United States in favor of this bill. Take this bill and leave it to a vote of the Republicans of Missouri. Why, Mr. President, it would not get anything like a minority of them. It is not demanded by the Republicans of the United States, and it is a sham and a fraud when it is undertaken upon this floor to make it appear that a minority, a Democratic minority here, is fighting against the solid Republican party.

No, Mr. President, no. The Republican party has not indorsed this measure, and I am glad of it. I would feel mortified and ashamed if the old Republican party that has battled so long in this country should go before the nations of the earth to-day, in this period, confessing that the American people were no longer capable of self-government. Oh, what a humiliating spectacle, that a great political organization should place itself in the attitude of confessing before the world that the people of the United States are no longer capable of holding an election! Think of the distinguished Senator from Massachusetts going home to the people of his State and upon the stump telling them face to face: "You are no longer competent to hold an election for Representatives in Congress by your Republican State authorities. You must let me and the Federal Administration send you some United States deputy marshal to take you and lead you up to the polls and tell you how to vote and when to cast your ballot."

Now does the Senator from Massachusetts believe any such thing as that? And yet that is what this bill proposes. I say that they have no right, Mr. President, to say that this is a Republican measure which the Republican party is unanimously attempting to force upon us. I say it is a merely partisan measure which a bare majority, a partisan majority of the Republican majority, is undertaking to thrust down the throats of the American people and against the better judgment of the Republicans of the United States. I believe to-day that if it were left to the Republican party, the intelligent vote of the Republican party, it would have a majority against it.

The Senator from Massachusetts knows how reluctant many Senators are to take up this measure to the exclusion of everything else. Yet it is pressed, and the rules of the Senate, freedom of debate, limitation of amendment, offering of amendments, must be destroyed simply for the purpose of passing this one measure.

Mr. President, what is the pretense? They say there have been some long speeches made on this side of the Chamber. They complain of the Senator from Mississippi [Mr. GEORGE] speaking so long. Who provoked it? Who forced the issue, Mr. President? A constitution has recently been adopted in his State. Of the convention which framed that constitution he was a member. That constitution has been attacked in this debate and dragged in by those who are pressing this force bill, and he had a right, it was his duty to reply to that attack, and reply at length.

Other matters have been drawn into this debate. The race question has been drawn into it, and other questions, great questions, questions which can not be settled by legislation; and because Senators have discussed them from both sides we are told and it is charged that this debate is merely for delay, merely for procrastination. It is a great question. It is the question which the people of the United States settled when they achieved their independence from the British Government, that they were capable of self-government. It is the question whether the Congress shall now declare to them that they are no longer capable of holding elections for Representatives in Congress. It is a question as to whether the taxpayers of the United States shall be taxed anywhere from $15,000,000 to $30,000,000 to pay hireling deputy United States marshals and others to stand around and watch them and, if a free citizen does not do just as the prejudiced deputy marshal may direct, to arrest that free citizen and thrust him into prison and deprive him of the right to vote.

That is the question, Mr. President. It is not a question here as to the amendment of the committee before the Senate even. Do we not all know that that is not the bill practically? It is not the Senate substitute that is staring us in the face and against which we are forced to battle. It is the Lodge bill as it came from the other House pure and simple. That is the bill we are fighting. You know and we know that if the Senate substitute passes and it goes into conference the conferees of the other House will compel the conferees of the Senate to yield and the House bill will be agreed to pure and simple, and it will be brought in under the clôture rule and will be passed. That is the question. It is not a modified form of the force bill that we have to consider, but it is the Lodge-Davenport bill pure and simple. Do you think that the Senator from Massachusetts, with the dread of this bill hanging over him and his failure to secure its passage, would fail to yield up all the Senate amendments and let the bill go through and be known to prosterity as the Lodge-Hoar bill?

Mr. President, I am astonished at the Senator from Massachusetts pressing the bill with so much pertinacity and persistency. He strikes in every direction, at friend and foe. The Lodge virus seems to have placed him in the condition of a rattlesnake in dog days, blinded by the intensity of its own virus it strikes in every direction; he is as apt to hit one thing as another. Here the bill is; it must be kept here. The silver bill, financial measures, the appropriation bills, everything else must be subordinated to the whims and caprices of the Senator from Massachusetts, until he can do what? Until he can trample upon his entire life record by this one act; until he can give stultification to the noblest sentiments he has ever written to the youth of this country; until he can gag the Senate and prevent amendments and prevent free discussion.

Think of what the youth of this country will say when they read his essay, as I hope to have it printed so that it can be stuck up in a handsome frame in illuminated type and have recorded below it the vote of the Senator from Massachusetts for this gag rule, suppressing debate, cutting off amendments by a bare majority of a majority, trampling under the feet all the traditions of this grand body, the Senate which he has portrayed in such brilliant and impressive colors to the youth and children of the country. He has held up this great body to them as one of the grandest bodies on earth, to which in their brightest anticipations they may aspire, and yet when he has crowned it with all these honors and glories he tramples them all under his feet and writes the gag law in the Senate, suppression of debate and prevention of amendments to correct measures.

Mr. President, I do not see how it is possible for the Senator to vote for this resolution. We only ask for fair and full discussion. We have not had it, Mr. President. Not one solitary Senator has yet undertaken to analyze this force bill as it passed the other House. It has been abandoned as a dead, pestiferous, stinking thing, not to be considered in the Senate, and yet it is the measure that is really to be voted against, not the comparatively mild substitute—mild compared with the original—of the Senator from Massachusetts, but the original bill. No man has undertaken on this floor to explain it, and in my judgment, with due deference to all the distinguished names which are connected with these bills, there is only one living man who can explain it, and that is John I. Davenport. He is the only man who can take the bill section by section and explain it in all its minutiæ and its operations and tell you exactly how it could be carried out; and I confess that I have a suspicion that he is somewhat of an interested party, as he is living off the existing laws and hopes to see a new bureau established in the executive branch of the Government, a bureau of elections, with a life office in it, and a handsome salary, and as a matter of course he will be put at the head of it.

Mr. President, what does the Lodge bill mean? No Senator has explained it to us. The Senator from Massachusetts even has not attempted to explain to us all of the provisions of the Senate substitute. The Senator from Wisconsin [Mr. SPOONER] came nearer than any of them in explaining it. Why do they not take up this bill and discuss it

section by section and tell us what it means, tell us how many United States marshals can be appointed under it, tell us what will be the operation of it, tell us how much it will cost, and let the people understand this new-fangled machinery that is to be introduced in the administration of the Government when you tell them that they are no longer capable of selecting a Representative in Congress.

Oh, humiliating confession! What a spectacle to present to the republics of the world who are imitating our example, who have established their republican governments upon ours and are depending upon us for their maintenance and support to a large extent. We have led the way; the eyes of the world are upon us. We have tried to demonstrate that man is capable of self-government. We have devised a republican system by which we leave to States and communities the right, the power, and the privilege of controlling and governing themselves; and now, after the lapse of a hundred years, we are told by the Senator from Massachusetts and the coterie under the influence of the combination which has brought this bill here that they are no longer to be trusted; that the people of Massachusetts, of Missouri, and of the other States are no longer capable of holding an election for a Representative in Congress.

They may elect electors for President of the United States; they may elect governors; they may elect their judiciary, their supreme judges, their circuit judges; they may elect their State representatives, senators and members of the house; they may elect their county and township and town officials, but they can not be trusted to elect a Representative to Congress unless they have a parcel of United States deputy marshals around the polls watching them and telling them how to behave themselves and how to march up to the polls and where to cast their ballots. Oh, shame on you, my friend from Massachusetts, when you attempt to force upon the people of this country such a humiliating confession as this!

Say to the good people of Massachusetts, in your own towns, that you have maintained there for centuries, that you are no longer capable of holding a general election unless you have a parcel of deputy marshals there! How would my good friend, the senior Senator from Massachusetts [Mr. DAWES] feel, if he were to go back there to his great town, which, I believe, is one of the largest and oldest in the State maintaining a town organization, and tell them they were not capable of conducting their affairs, of holding an election, unless they had some deputy United States marshals standing around the polls?

Mr. President, where are these deputy marshals to come from? Are they to be translated from some celestial country? Are they to be above human beings? Who is to select them that they are to consider themselves holier and purer and better than the great mass of the intelligent voters of the United States? Who will endow them with more knowledge and discretion and judgment and patriotism than the great mass of the people? Why will they know more about the laws and methods of electing a Representative in Congress than the voters of the various counties and precincts in the United States? Think of a majority merely of the Republican party in the Senate telling the people of the United States you can not be trusted any longer to elect a Representative in Congress!

I can not believe it will be done, Mr. President. I do not believe that enough of the Republican majority in the Senate will vote to stultify themselves and to say that their constituents do not know how and are not fit to elect a Representative in the House of Representatives without the aid and intervention of deputy United States marshals. I do not believe that the Senators will vote that way when it comes to the test. I shall hope not, for the name, and the honor, and the glory of our old Republic of the United States, which stands to-day before the nations of the earth as a great exemplar.

Mr. President, I am glad to see my friend, the distinguished Senator from Vermont [Mr. EDMUNDS], in his seat. That reminds me of a letter I have, addressed to him, I am very fearful that he has never seen, and I think it is but right and proper that I should read it to him in order that he may see how one of his former constituents and Republican friends views this measure:

WEATHERFORD, TEX., *August* 25.

SIR: While I have no personal acquaintance with you, but being a native of Vermont State, I feel justified in addressing you to utter my protest, feeble though it may be, against the passage of the Federal elections bill, and to urge upon you and your colleagues in the Senate the utter needlessness of such a law, and some reasons that seem to me so strong why it should not become a law.

And it seems to me that from the fact that I am a Republican and voted for Harrison and Morton; that I lived in a Republican State until I was twenty-nine years of age; that my only brother was a Union soldier and died in actual service; that I myself enlisted in the Union Army, but was not mustered into service on account of my being but fourteen years of age; that my father, a Republican and an Abolitionist, sat in the first Republican convention and supported vigorously Scott, Frémont, Lincoln, Grant, Hayes, and Garfield. I mention these things simply to show that I have been bred in your political faith and ought to be firmly fixed in the doctrines of your party.

What I feel and shall try to express ought to have some weight, for surely the feelings and opinions of Southern Republicans merit some consideration at the hands of Republicans of the North. I have lived in Texas eleven years. My four living children were born here, and two of my children are buried here. I have lived a portion of that time in Northern Texas and the remainder of the time in Southern Texas.

My business has been such that I have traveled in the cars and by private conveyance in all parts of the State, and have been among all classes of its people. I am usually credited with keeping my ears and eyes open, and I affirm without fear of contradiction that a man's politics (his being known to every one to be a Democrat or Republican) has as little effect, so far as the treatment of himself or his family is concerned in business or socially, at school, at church, in the courts—nay, even at the ballot box—as it does in Vermont or Minnesota, and it can not be justly said that this applies only to Texas, for the reason that Texas is largely peopled with natives of all the other Southern States, and very many of them men recently moved here from those States.

I can truly say that I have often been filled with astonishment and wonder at the universal acquiescence of these people in their defeat and the results of the late war, and any Northern man must marvel at it who comes here and lives or mingles freely among these people, when he remembers what an awful war it was.

I know that Abraham Lincoln's character is almost universally respected and admired among Southern men; I know they almost universally feel that the war ended for the best, that it has been and is better for the South that slavery as an institution passed away with the war, and if there is here and there a man who feels at all sore it is a feeling caused more, I believe, by some phases of carpetbag reconstruction as it took place in some portions of the South than by any occurences during or direct and necessary results of the late war.

The chief cause, in my opinion, for the feeling of alarm and anxiety that exists throughout the South—and it does exist and is genuine and occasioned by the proposed passage of the Federal election bill—is that the people of the South fear a repetition of those occurrences.

I feel certain that if President Harrison and the supporters of this measure in the House and Senate could visit this country and travel through the Southern States, talk with and observe these people in their places of business and in their homes, they would acknowledge that Congressman LANHAM, of this district, in his recent speech in the House upon this measure, uttered the truth and nothing more. But they need not do even that if they are open to conviction. Let them ask the solid men of Boston, who recently made such heavy and permanent investments in Waco, Dallas, and Fort Worth, Tex., or your neighbors, the Vermont capitalists, that have invested thousands upon thousands of dollars in Texas cities, men who know these people by actual business and social contact with them.

Let them ask the Hon. Charles N. Fowler, president of the Equitable Mortgage Company of New York and a prominent Republican, whose company is constructing a railroad and developing a coal mine in this very county, and the investment is the result of his own personal investigation, he having been here several times. Ask him if there is any more need of a Federal election law in the South than in the North. Ask Russell Harrison, who has traveled all over the State very lately, or Mr. Gould, who recently staid over two months here, if they think the verdict at Appomattox needs affirmation.

Ask the members of the Grand Army of the Republic, who gathered from every city, village, and cross-road post office throughout the South in Boston recently, whether they think the war is over or not, whether they think there are any verdicts of the late war to be affirmed, and if a single business or professional man among them all says that the Southern Republicans need a Federal election law to protect them in their property or rights, then I will confess that I am an abnormal idiot; that I have departed from the faith of my fathers and am wandering in strange ways and following false gods; that I do not know a happy, free, and prosperous country when I am living in it, and move back North and teach my children that it is all a mistake, that the war is not over; that I have been dreaming for the last eleven years in thinking that peace and harmony prevail in this section.

It may be urged that frauds have been perpetrated in isolated cases and negroes deprived of their right to vote. But suppose this true. Is it necessary to pass this election bill which is a menace to the whole South because of what has occurred in some sections of the South? Are there no other ways or means to be used to insure a free vote and a fair count but by the passage of this law?

In conclusion I must say that I wait with anxiety the action of the Senate, and I know of many Southern Republicans who do, as we can not see anything but trouble ahead for us who have come here to live among these people if the bill becomes a law, for human nature is much the same here as at the North.

If there is to be another crusade and a re-enactment of the disgraceful scenes and fearful outrages that I am fully convinced were perpetrated under the guise of reconstruction by many of the vandal and reprobate carpetbaggers who bore the same relation to the Republican party after the war that the camp followers who pillage and rob the dead and dying after a battle do to the fighting portion of an army, then will we Southern Republicans indeed have reason to cry out, "Good Lord, deliver us from our friends, the Republicans of the North, and the protection they insist on forcing on us."

FRANCIS GRANGER.

Hon. GEORGE F. EDMUNDS,
United States Senator from Vermont, Washington, D. C.

Mr. EDMUNDS. Mr. President, may I interrupt my friend from Missouri?

The PRESIDING OFFICER (Mr. DOLPH in the chair). Does the Senator from Missouri yield to the Senator from Vermont?

Mr. COCKRELL. Certainly; with pleasure.

Mr. EDMUNDS. I think it right to say that the person, or the professed person, who appears from that print to have been said to have written such a letter, has not done me the honor to send the letter to me; and that is all I know about it. I should guess that it was a fabricated performance, intended to promote the operations of resistance that are going on here now.

Mr. COCKRELL. The letter speaks for itself. It was published in the St. Louis Republic and is a genuine letter, the insinuations of the Senator from Vermont in regard to his former constituent and fellow-Republican to the contrary notwithstanding.

Mr. President, I have spoken of the Lodge bill as the real bill. Now, I read from a paper that professes to be independent, the Washington Post. Its principal editor was once Republican Postmaster-General and an ardent Republican, and I suppose that the Post can not be accused of partisan prejudice.

The inside history of the Lodge force bill has at last leaked out. As formerly draughted, it contained provisions for the use of the Australian ballots, to be officially provided, and for the nomination of independent candidates for Congress by not less than 500 voters, who could have the names of their candidates placed upon the official ballots. With these provisions the measure was widely indorsed at the North by labor organizations and ballot reformers. The former saw an opportunity for nominating independent candidates and the latter saw a check put to the open purchase of voters. Such a bill would be in many ways useful North and South. Such a bill was introduced, and would have passed the House had not a cloud appeared. It was at first no bigger than a man's hand, but it grew like a cyclone. It was the Farmers' Alliance, South and West.

Astute Skipper REED saw it and he went to First Mate LODGE and in substance said: "We will have to reef our sails a leetle. Strike out those kangaroo

ballot and independent nomination clauses. If we let these Alliance people have such an opening they will nominate independent candidates in every district out West, and knock us out of at least twenty seats. If they want to run independent candidates we can't help it, but we can't afford to encourage them in running by furnishing a secret ballot and paying their election expenses to boot."

So the bill was turned over to John I. Davenport, and he trimmed its claws so close that they look and feel like ingrowing toe nails.

Mr. President, we have how it came about.

Some of my Republican friends over there have contended that the Republican party was pledged to this measure in its national utterances, etc. I take it that James G. Blaine is a pretty good representative of the Republican party; he was its standard bearer in 1884, and I want to read an extract from his letter of acceptance:

It would be a great calamity to change these influences under which Southern Commonwealths are learning to vindicate civil rights and adapting themselves to the conditions of political tranquillity and industrial progress. If there be occasional and violent outbreaks in the South against this peaceful progress, the public opinion of the country regards them as exceptional and hopefully trusts that each will prove the last.

Mr. President, I have extracts here from a number of business papers deprecating this bill—nonpartisan papers. I read an article now from the American Grocer:

BUSINESS MEN AND THE FORCE BILL.

As a general rule we think that business journals should not interfere with partisan politics, but there are political measures which are so intimately associated with the welfare of the whole country that it becomes the duty of every business man to speak out and let himself be heard upon them.

At Appomattox, General Grant said to General Lee: "Tell your men to take their horses home with them to help them make their crops," and afterward uttered the immortal words, "Let us have peace."

The people of the South accepted their defeat in good part and went earnestly to work to retrieve their fortunes, with a result which has challenged the admiration of the world; but just as the New South is emerging from its darkness, with its labor contented and its resources developing by a union of Southern effort and Northern capital, certain politicians, actuated by the same spirit which General Grant rebuked, now come forward and for partisan purposes seek again to stir up strife between the North and the South by proposing what is popularly known as "the force bill," a Federal election law which Lincoln, Grant, and Garfield, the great leaders of the Republican party, if alive to-day, would unhesitatingly condemn, and which every fair-minded man must pronounce as unwise as it is unnecessary. Even intelligent colored men are already found protesting against it as sure to result in detriment to their race.

The conditions at the South are such that until the colored people have grown in intelligence, toleration, and virtue the white race must necessarily be the dominant race. Northern Republicans who visit the South and see for themselves admit this. The property of the South is being taxed to educate the colored people, and in time they will rise to the responsibilities and duties of citizenship; but to attempt to employ bayonets in regulating elections in a Republican country a quarter of a century after the war is a step backward that "the common sense of most" will not indorse and that the dominant party will find to be as bad policy from a Republican party point of view as it is untimely and unjust.

Among the first to condemn it will be the men in blue who fought against the men in gray and who sympathize more with the sentiments of their great leader than they do with those who seek to speak for the Republican party to-day. At any rate, it is time for the business men of the United States to protest in the name of the country's welfare against such legislation as the force bill, and that they will protest earnestly and vigorously the leaders of the Republican party will find out in 1892, if they do not before.

Mr. President, I have detained the Senate longer than I anticipated or desired. I wanted to discuss this infamous clôture rule, a proposition to gag Senators, to cut off amendments, to stop debate, to rush measures through the Senate without due consideration, without any effort at proper amendment. I should like to have said more upon the force bill, and I had hoped while that bill was up that an opportunity would be offered me to speak upon the iniquities of many of its provisions, the uselessness of many of its provisions, the extraordinary expense that will be imposed upon the American people by that measure, which will be anywhere from fifteen to thirty million dollars.

I wanted to speak of the provisions which prevent the accounting officers of the Treasury from even having an opportunity of examining and auditing the accounts of these deputy marshals, a privilege you deny to all the regular deputy marshals and to United States marshals and district attorneys. There are many things in the bill which I desired to discuss, but as this is the rule I shall not detain the Senate longer by discussing those provisions except simply to say that I do hope and trust that when this measure comes to a vote before the Senate, if it ever shall, it will be defeated. I do not believe it is to the interest of the Republican party. I believe as firmly as I stand in my seat that it will be the death knell of the Republican party in the struggle of 1892, and that politically it is to the interest of the Democratic party that it should be passed.

But, Mr. President, I do not want to see any such law as the measure proposed placed upon our statute books under a Democratic Administration or a Republican Administration. Partisan politics will override in times of partisan strife and contention, and they may not be controlled by the wiser and more conservative heads in the party, and I say it is a dangerous power to place in the hands of any executive administration, Republican or Democratic. I say that it will not benefit the Republican party in the South.

The injury that it will do to the South will be to create anew race antagonisms that are rapidly dying out. You can not settle by law the status, socially, religiously, and politically, of any two distinct races of people. You might pass ten thousand laws declaring the Chinese upon the Pacific coast citizens of the United States and entitled to all the rights and privileges and immunities of citizens, and place them by the express terms of law upon political and social and religious equality with the American white citizens there, and yet you could not make them mingle in social relations; the law would be a perfect dead letter.

You can not pass a law which will prescribe what particular people any gentleman shall admit into his private residence. It is his castle. You can not regulate by law the social and business relations. It is useless to attempt it, and whenever you do attempt it you only create greater friction and greater strife and greater restlessness; you do no one any good.

But, Mr. President, this is a dangerous bill; there is no good in it. The people of the United States in every Congressional district are competent to hold an election for Representatives. If they are competent to elect a Presidential elector, why can they not elect a Representative in Congress at the same time? If they are competent to elect governors, supreme judges of their States, judges of the circuit courts, and others at the same time and place, why are they not competent to elect their Representatives in Congress? Why shall you have a portion of the citizens of the United States as guards?

Mr. HAWLEY rose.

Mr. COCKRELL. Why shall the distinguished Senator from Connecticut [Mr. HAWLEY], who rises now to address me, when he goes home to vote in Connecticut, have a deputy United States marshal to march him up to the ballot box and show him where to deposit his ballot and how to vote the Republican ticket?

Mr. HAWLEY. I never saw a marshal who was regarded as an enemy, nor a soldier of the United States either.

The PRESIDING OFFICER. The Senator from Connecticut will suspend a moment. Does the Senator from Missouri yield to the Senator from Connecticut?

Mr. COCKRELL. Certainly.

Mr. HAWLEY. I beg pardon of the Chair. I took it for granted he did from his kindly observation. I merely want to ask him, in order to assist him in making his speech as long as possible, what he thinks of the Federal regulations for the election of Senator? If there is any body in a State competent to act in its own matters it is the Legislature in the choice of Senator, and yet every step of the Legislature in the choice of Senator is ordered and directed by a Federal statute.

Mr. COCKRELL. There is not one particle of supervision over the election of representatives and senators in the General Assembly of a State. There is not a sign of a letter on the statute book that refers to the election of those State officers.

Mr. HAWLEY. The whole process is laid down by the Federal law.

Mr. COCKRELL. Not a bit of it. There is not a scratch of the pen on any statute that has ever existed or even been suggested that proposes to interfere with the right of the electors of a State in electing a representative in the lower house or a State senator. Here the matter stands. The Senator from Connecticut can be elected without Federal supervision.

The people of Connecticut are competent to go and vote for their representatives and senators for their town or election districts, and these representatives and senators meet under the State law and regulations and hold an election for Senator and elect the Senator from Connecticut to this great conservative body; and then he comes around and says to his people, "You can elect the men who elect me. That is all right. You can do that without deputy United States marshals. But you can not elect a Representative in the Lower House of Congress, for whom you vote at the same time you vote for a State representative and a State senator, unless you have Federal supervision, with deputy marshals to attend and supervise all registration and all the paraphernalia provided by this bill."

Mr. President, I hope this bill will be remitted to its tomb, its final resting place, where it may rest for all time to come. [Applause in the galleries.]

The PRESIDING OFFICER. The rules of the Senate prohibit any demonstrations of applause in the galleries. The Chair hopes that this admonition will be sufficient and that it will not be found necessary to clear the galleries.

Mr. GRAY. Mr. President, it is a matter of sincere regret to me that the debate which ensued upon the resumption of the consideration of the elections bill, and which was proceeding regularly, and, I think, for the edification of the Senate, at all events for the edification of the country, should not have been allowed to proceed uninterruptedly without the interposition of this drastic, rude, violent proposition made by the Senator from Rhode Island in the resolution which is now before the Senate for consideration.

There was no necessity for it. It was a violation of all the precedents that have obtained in this body for a hundred years. Nothing had occurred in this body in the course of the debate upon the elections bill that was any warrant for turning back the current of history, violating American traditions, trespassing upon that liberty of all liberties, the liberty of debate, the freedom of speech, the freedom of speech in this body, as dear and as sacred and as important to the maintenance of our institutions as the freedom of the press, its correlative.

Those of us who were opposing in our own way and by fair argument seeking to show the unfairness and impropriety of the bill had not violated any of the proprieties of debate. We had not transgressed the rules that govern the orderly conduct of business and of discussion in parliamentary bodies among English-speaking people. There was no necessity upon the face of things that could have justified the interposition of the rude, arbitrary proposition that is made in this resolution in anything that has happened hitherto on either side of this Chamber.

For, Mr. President, it is a significant fact that this great question which has been thrown into this arena has not (as it should not), thank God, divided this Chamber on party lines. When we speak of the majority and the minority it is not a partisan majority or a partisan minority of which we speak. It is assumed that there is a majority in favor of this bill. If so, it is not a partisan majority. It is assumed that a minority only is opposing it. If true, it is not a partisan minority nor one made up on party lines. I say that is a matter for congratulation when the fundamental rights of American citizens and the institutions of free government are brought into question and into debate. It is a fortunate thing that that should be so. I should, indeed, have something of despair of the Republic if a question like this were to divide the country on the lines that divide the two great parties which biennially struggle for supremacy at the ballot box.

And what is true of this body is true of the country, Mr. President. It can not have escaped the intelligent observation of patriotic and duty-loving and country-loving Senators that public opinion in this country has not divided upon party lines. Those who are best informed as to the drift of public opinion, those who conduct the great newspapers of this country, have given us an evidence of public opinion that can not be disregarded and ought not to be overlooked.

Why, sir, the press, I mean the great leading newspapers that mold on the one hand public opinion and on the other reflect it, are divided in their opposition to or their advocacy of this bill by no party lines. Influential, able papers that support Republican policies and Republican methods, that represent the Republican party at all elections, denounce this bill as severely, many of them in terms as unmeasured as have been used by anyone upon this floor. I would not take up the time of the Senate, even in a cursory review of what these great indexes of public opinion point to, were it not for the importance of this phase of the question, for we have been told here more than once and by more than one Senator that this is the struggle of a partisan minority to obstruct the will of the majority who are charged with the responsibility of legislation here.

What public opinion do the promoters of this measure represent outside of that opinion which comes from tight and close party organization as seen here in this Capital city of our country? What public demand, whether of Republican or Democratic citizens, do the promoters of this measure represent that has evidenced itself before this body?

Mr. SHERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from Ohio?

Mr. GRAY. Certainly.

Mr. SHERMAN. I should like to ask my friend what measure he is referring to?

Mr. GRAY. I am referring to the elections bill.

Mr. SHERMAN. Oh! I supposed that this was a question as to whether on the whole a majority should not assert its power to pass, not the elections bill particularly, but any bill, or whether a minority of this body should have the power by the abuse of debate to prevent the majority from expressing the will of the majority. That is the question. I do not intend to be led off into any discussion about the proposed election law; the Senator spent two days in denouncing that measure, and I supposed now he would come to the question, in view of the present condition of the Senate, composed of eighty-eight members, whether, according to the example of deliberative bodies in all countries and from our own experience here within the last week especially, a case has not arisen when it is imperative that the majority should either abandon its power or submit to the will of the minority, so that we can not take up a single measure and debate it but it is met all the time by discussion upon a bill that is not now pending before the Senate. Now, I should like to have my friend from Delaware——

Mr. GRAY. Mr. President, if the Senator is going to take advantage of my courtesy to read me a lecture as to how I shall continue the debate upon this clôture measure, I leave that to his own sense of propriety.

Mr. SHERMAN. It is not exactly that; but I should like to have the opinion of the Senator from Delaware upon the question now pending. That is the question to be discussed, I think.

Mr. GRAY. Mr. President, age and long experience in public service, I grant, give to the Senator a great many privileges which I would be one of the last to disregard. I respect his experience and his long and illustrious career as a public servant. But still I draw the line here, that not even his eminent services, nor his age, nor his experience gave him any right to interrupt me in order to administer a reproof as to the manner in which I chose to address myself to the question now before the Senate.

I will say to the Senator from Ohio, whom I do respect, that I was discussing what seemed to me the utter absence of any necessity for this clôture rule, and, as it came as an interruption to the debate on the elections bill, I was trying to point out, in my own imperfect way, I admit, that the discussion upon that bill had hitherto been conducted within the lines of propriety and usage in the Senate; that the bill itself was of such great importance and attacked such fundamental interests that the opinion upon it in the country had not been divided upon party lines; and I was proceeding to demonstrate that position.

I shall proceed, Mr. President, in that line, because in my humble opinion, notwithstanding what the Senator from Ohio says, I consider it pertinent, absolutely relevant to the question now before the Senate to consider the state of opinion, to which I invite the attention of the Senate. It may not be a pleasant thing to the Senator to know that even his own party does not stand behind him in pressing this measure that we consider so odious and so absolutely inconsistent with the traditions of American liberty.

The great city of Philadelphia, with its able and well-established press, has given no uncertain voice as to the policy of this bill. The press of that great city, notwithstanding that it is often called, and I do not know but justly called, the stronghold of the Republican party in this country, at least so far as its great cities are concerned, with its constant, unvarying, and enormous Republican majorities rolled up ever since the year 1860, when it gave its vote to Mr. Lincoln for the Presidency—I mean its leading newspapers, which reflect its public opinion as well as aid in forming it, present this remarkable fact, that out of ten newspapers only one supports this bill. I shall mention the papers that are against it, at least which do not advocate it.

The Inquirer, an old Whig paper, afterwards a Republican paper, always unfaltering in its devotion to the fortunes of the Republican party, supporting its candidates at every election, ably conducted, widely circulated—I have read it since I was able to read—that paper opposed this bill. The Evening Telegraph, another paper of large circulation, always supporting the Republican party, never failing in its devotion to the cardinal doctrines of Republicanism, also opposes this bill. The Evening Bulletin, another paper of Republican faith, of long standing, of conceded ability, and of eminent fairness in the treatment of public questions, also opposes this bill. The Evening Call, likewise a Republican paper, opposes this bill. The Philadelphia Record, a Democratic paper, opposes this bill—a paper of as large a circulation as any, I believe, in the city, unless it is the Public Ledger. The Public Ledger, owned and edited by that eminent philanthropist whose name has been associated with all the great movements of social progress for generations, Mr. George W. Childs, honorably known all over this country, opposes the bill. The Times, an independent paper, professing neither Democracy nor Republicanism, opposes the bill.

Mr. President, it is not merely idle words to read this catalogue of these great fingerposts of public opinion and of the drift of public sentiment. It means something. It means that there is after all deposited in the American heart a love for American traditions and for local self-government that has made this Republic of republics possible on this continent. Party lines (it is a matter of congratulation to say it and know it) do not go below the surface. Down below party lines and distinctions lies the great bed-rock of American liberty and of American self-government; and when you seek to array a party on a question against those fundamental ideas of American liberty you count without your host, and your followers refuse to forget that they are Americans when they are challenged as Republicans or as Democrats.

But that is not all the evidence that has come to us about this matter of which I am speaking. We have no right to turn deaf ears to the voice of the people as it comes to us through the press. We are here not, I admit, to sacrifice conscience and conviction to what may appear to be a wave of public feeling or public sentiment, but we are equally on the other side if we avert our faces from those who would tell us what the sentiment of the country is and close our ears to the voices that would admonish us.

How is it in the city of Boston? The leading paper of Republican faith, one of the oldest, one of the most respected, that has been almost a Bible to the partisans of that party for generations, opposes this bill.

Mr. MORGAN. To what paper does the Senator refer?

Mr. GRAY. The Advertiser.

Mr. FRYE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from Maine?

Mr. GRAY. Certainly.

Mr. FRYE. Has the Senator with him the editorial from the Boston Advertiser, to which he refers, as proof of what he has stated?

Mr. GRAY. I think I have it, and I shall produce it before I get through.

Mr. FRYE. I should like the Senator to do so, for I do not understand that to be the position of the Boston Advertiser myself.

Mr. GRAY. I think I have the paper here.

So, Mr. President, in the great metropolitan city of New York; I will not stand here and detain the Senate by calling the roll of the newspapers of that city. You all know them; you read them; they are upon your desks every day. They are dealing in no flippant and idle

denunciation in regard to this bill, but in serious admonition and appeal to those who are intrusted with the great responsibility that rests upon us; they are daily pleading that the bill may be laid aside in order that the great interests of this Government and country and its people may be properly attended to by appropriate legislation.

So with the West. I do not pretend to have a list of the papers of the West which are opposed to the bill. There are many more than I have here noted; but I have reason to believe—as every Senator who chooses to interest himself in regard to the matter of public opinion in regard to this bill can convince himself—that the opinion of that great region of our country, without regard to party, is opposed to the bill in respect to which we are invoked to apply this drastic measure for shutting off debate—I was going to say gag law.

Mr. MORGAN. Just as well.

Mr. GRAY. Perhaps it is just as well to call things by the right name, even if that name offends ears polite.

The Omaha Bee, a Republican paper, calls this bill a "hateful sectional measure, a force bill which has been repudiated by the press and public sentiment of the North, South, East, and West."

The Minneapolis Journal, which I am informed is a Republican paper, says:

The Federal election bill has been switched off to a side-track, where, like a good many "empties" of the railroads, it is to be hoped it will rest forgotten. It is a good riddance. Let it go.

The St. Paul Pioneer Press says:

It is something to be thankful for that the bill for Federal control of elections has received what appears to be its finishing stroke. This dreary measure has blocked the way of business for weeks. It has become more and more distasteful to the country every day. The longer debate on it was continued the fewer friends it found. Nobody wanted it except a few infatuated politicians, who had succeeded in giving it a party standing. Probably not more than one-third of the Republican Senators really believed it a wise measure. It has threatened the country long enough with its promise of the erection of an unprecedentedly powerful Federal machine. It is a dead duck, and the country is heartily glad of it.

That is from the St. Paul Pioneer Press. The St. Louis Globe-Democrat I believe is a good Republican paper, as good Republican papers go. It says in an article entitled, "The election bill dead:"

The force bill is dead beyond any hope of resurrection, and its advocates should make the best of the situation. It is useless to quarrel with facts. More than half of the Republican masses are opposed to legislation of that sort, and their influence is making itself felt in the Senate. The bill has passed out of the domain of practical politics, and it has no further interest except as an example of a policy which the Republicans should take especial pains in the future to avoid.

Mr. President, that means something. It means something more than the opinion of the individual editor. The conductor of a great paper that depends upon a Republican constituency for its success and its patronage would not idly and incautiously and without due reflection utter opinions of that kind unless he were sure of the grounds upon which he uttered them and of the support with which they were to be met.

I spoke of the Philadelphia Inquirer. Let me read just a short passage from an editorial from the Philadelphia Inquirer, to which I have just alluded:

The Inquirer does not like to antagonize anything that the majority of the leaders of the Republican party deem of importance.

Of course it does not. It only gives greater weight to a Republican paper when it does, and of course it does not like to antagonize it.

But it feels that it has a duty to perform when it advises the Senate, in the name of the Republican party of Pennsylvania, to lay aside the political discussion on the elections bill and take up more important legislation. If Republicans were united on this bill it would not say a word, but it believes that the great bulk of the party is opposed to any further waste of time, and it knows full well that as far as Pennsylvania is concerned not one person in one hundred either understands the bill or cares whether it is passed or not.

Now, I have here an editorial from a Denver paper, which the Senator from Colorado has laid on my desk.

Mr. TELLER. The Denver Republican.

Mr. GRAY. A Republican paper, I believe?

Mr. TELLER. It is the leading paper of the State and of that section of the country.

Mr. GRAY. I am glad to know that it is a paper entitled to so much consideration. Let me read what it says about the elections bill:

No well-informed person will deny that Congress has the power to enact a law regulating Congressional elections; but it does not follow that every intelligent person will admit that Congress ought at the present time to exercise this power.

Mr. WOLCOTT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from Colorado?

Mr. GRAY. Certainly.

Mr. WOLCOTT. Will the Senator permit me to interrupt him?

Mr. GRAY. Certainly.

Mr. WOLCOTT. I should like to state that the proprietor of the paper an editorial from which the Senator has just read is the gentleman whose name has been sent in by the President as one of the monetary commissioners, and he will be confirmed at the first opportunity.

Mr. GRAY. I am glad to know that he has the *imprimatur* of the President.

Mr. SANDERS (in his seat). Is he a good man?

Mr. WOLCOTT. Read this editorial and you will think he is.

Mr. GRAY. He was formerly a Senator in this body, I believe.

Mr. WOLCOTT. He was.

Mr. GRAY. Says this editorial:

There is no doubt that the Democrats in the Southern States are guilty of gross violations of the rights of Republicans at elections—

And therefore he must be a Republican—

but the discussion of the question whether the elections bill now pending in the Senate should be passed does not rest alone upon the consideration of the fact that these outrages are committed. The question still remains as to whether the proposed law would correct the evil complained of by protecting Southern Republicans in the exercise of the elective franchise. If the law would not accomplish this, it would be better not to enact it.

Even though we admit that the proposed law would correct the abuses referred to, it still does not follow that the Senate ought to pass the bill. Some things are lawful which are not expedient. This is particularly true in politics. The matter of expediency should always be considered when the question is as to whether a measure looked upon as partisan should be adopted at a particular time.

The enactment of a law governing Federal elections would not fill up the measure of the duties of the Republican party. There are many other subjects with respect to which the country needs the action of the Republican party. The leaders of the party have, therefore, no right to force it over a precipice and thus prevent it from taking its proper place in the future government of the country.

It is a very serious question as to whether the passage of the elections bill at this session of Congress would insure the defeat of the Republican party in 1892. In considering this phase of the subject we may admit everything that the advocates of this bill claim, and after making all these admissions we may still assert that at this time its passage would be inexpedient. There is a strong sentiment in the North which demands that interference with the local politics of the Southern States shall be abandoned for the future.

This Northern sentiment which condemns the elections bill is by no means confined to the Democratic party. There are thousands of stanch Republicans who might refuse to vote the Republican ticket in 1892 if this bill were to become a law. The fact that Senator CAMERON, of Pennsylvania, and Senator STEWART, of Nevada, have declared themselves against the bill is an indication of the truth of this assertion.

The discussion of the elections bill should be brought to a speedy close. The passage of the bill at this time would probably be unwise, and the continuance of the discussion interferes with the transaction of much more important business.

Mr. WOLCOTT. May I interrupt the Senator a moment further?

Mr. GRAY. Certainly.

Mr. WOLCOTT. When I interrupted the Senator from Delaware and called his attention to the proprietorship of the paper, the Senator from Montana [Mr. SANDERS] asked me in a very audible voice if the proprietor of the paper was a good man. I desire to say in response to the Senator from Montana that he was a former Senator in this body and was admitted without contest.

Mr. SANDERS. I knew that.

Mr. GRAY. Mr. President, I am not going to weary the Senate much longer with repeating the expressions of opinion merely of newspapers, to which I have referred, some of which I have not mentioned, but I have already spoken of the Evening Telegraph. I had some extracts from the Philadelphia Bulletin which I can not lay my hand on, but I may perhaps find them before I get through. But let me read just one word besides from the Evening Telegraph of which I have spoken. Here is a very late one, January 19:

If there was ever a time when the Republican party stood in need of great, patriotic leaders, if ever there was a time when it needed to be saved from the policy of unpatriotic leaders, it is now. It is confronted to-day by one of the greatest perils which have ever threatened its perpetuity; it is beset by men who are either blind or indifferent to the consequences of their efforts to make the Republican party responsible for one of the most unrepublican measures which have ever marked the history of a great popular political organization.

These men, inspired by reckless partisanship, intoxicated with power long enjoyed and much abused, feeling that they have forfeited the confidence and respect of the country, are struggling with desperate energy and with the proposed use of forbidden expedients to retain their power by the creation of election machinery which in every part of the country will, if put in successful operation, deprive the people of their heretofore unquestioned right in times of peace and tranquillity to manage and control the election of their public servants.

The efforts of these leaders to make a law of the Federal elections bill, as they were exhibited in the prolonged Senatorial day of the 16th instant and the notice served upon the Senate, when it was found that those efforts had failed, to set up a gag rule, for the purpose of depriving the minority, almost equal in numbers and quite equal in character, to the majority, of its rights, should fill the mind not only of the South, but of the entire country, with alarm.

That is a long editorial and I will not detain the Senate by reading it through. I have read enough to let the Senate understand its purport.

Mr. ALDRICH. What paper is that?

Mr. GRAY. The Philadelphia Evening Telegraph. There has been not only one, but there have been twenty editorials in that paper to the same effect.

Mr. ALDRICH. What is the politics of that paper?

Mr. GRAY. It is a Republican paper to my own knowledge and has never failed to support the Republican ticket in the city of Philadelphia from the time the Republican party was born until the present time.

Mr. ALDRICH. I should like to hear the opinion of the Senator from Pennsylvania on that subject.

Mr. GRAY. My own opinion is as good as that of anybody else on that question, because I live within the circle of circulation of the Philadelphia papers. I have read the Evening Telegraph twenty-five years, every day that I have read any newspaper, and I know it has

never faltered in supporting the Republican party in any biennial election.

The PRESIDING OFFICER. There is no rule that conduces better to preserving order than the rule which requires when a Senator is to be interrupted his consent shall first be obtained through the Chair.

Mr. ALDRICH. I beg pardon of the Chair.

The PRESIDING OFFICER. The Chair calls the attention of the Senate to that rule because it has been so habitually disregarded.

Mr. GRAY. One great paper in the extreme Northwest, the Portland Oregonian, which has been the standard there of the Republican party, I believe and as I am informed, for a great many years, opposes the passage of this election bill.

I have some other extracts from newspapers, not to weary the Senate with reading them all, but just that I may demonstrate the truth of what I say and that it may be observed by the language and style of argument used by these papers that it is not a merely formal opposition, it is not the opposition of indifference, but it is the pronounced opposition of conviction that is voiced by these great guides of public opinion.

So far as this matter of public sentiment is concerned, the evidence of the press, the evidence of those whose high position, occupation, and past employment give them a peculiar right to speak is not to be disregarded. Here is a note of the opinion of a gentleman who has been often lauded on this floor, a gentleman whose acquaintance I have not the honor to possess, but by reputation, certainly, he is entitled to a respectful hearing when he speaks about a matter in regard to which he has peculiar opportunities of information. I refer to General S. C. Armstrong:

The question is discussed in the last issue of the Southern Workman, the organ of the Hampton (Va.) Institute, which represents the views of General S. C. Armstrong, a Union soldier and a Republican. Admitting that the bill aims at a great evil, the article insists that the evil is one which can not be cured by legislation. "The time for political reconstruction," it says, "has, we think, passed. The so-called 'force bill' is of a piece with other legislation that has utterly failed. Five years of hard fighting—a cruel necessity—followed by about ten years of lawmaking, brought us to the only possible reconstruction, that suggested by Senator HAWLEY," when he said, in 1875: "There is a social, and educational, and moral reconstruction of the South needed that will never come from any legislative halls, State or national; it must be the growth of time and education and Christianity." The Workman holds that there is a steady and great advance in the condition of the negro, and adds: "Let us alone; give us a chance to make men of ourselves."

I hope that phrase, "Let us alone," used in this connection by this Union soldier and Republican, will not meet with the insolent sneer that I have heard come from the other side of this Chamber when repeated by gentlemen whose heart strings were wrung by the debate on this question. "Let us alone in our State institutions, let us manage our own destiny," has been the appeal under the Constitution of the United States and under the institutions of our country. That was met in this House and in the other with the sneer, "Yes, that is what the counterfeiters say, 'Let us alone;' that is what the felons say, 'Let us alone,' when the officer seeks to take them to State prison."

I submit that language of that kind and a retort of that kind is not the language or the retort of patriotic, liberty-loving American citizens, who can take their brother American by the hand, whether he lives North or South, and say, "We have a common country and a common destiny that we will work out together under the laws and constitutions of our own country." When General Armstrong uses the same language, I will expect a more respectful treatment of that plea:

Let us alone—

He says—

give us a chance to make men of ourselves is the idea of the negro who expects to support himself by hard work of muscle and brain. Let them alone politically; train teachers and leaders; teach their young the best methods and the dignity of labor; give them ideas, and let them fight it out.

Mr. President, going very cursorily over these great evidences of public sentiment, let me call the attention of the Senate to another, a different one, but a concurring one, the resolution of a great body of American citizens representing perhaps more industrial workers of this great land than any other that ever assembled; I mean the resolutions that were passed by the convention of the National Farmers' Alliance and Industrial Union of America in national council assembled. Now, it will not do to say that this is demagogism, that this is the heady resolve of a lot of immature and inexperienced men, and that it is foreign to the purpose for which they had assembled. That is sometimes said.

I have heard this treated in that way by those who are in favor of this bill, that the Farmers' Alliance did not truly represent the people whom they profess to represent, but I do not think we need pause to consider such objections as that. Whether we agree or differ in opinion, we are not to be overcome and dominated by resolutions of any body of men however respectable or however large; but, Mr. President, I contend that a representative body, like the Farmers' Alliance, representing men who have as large a stake in the interests of this country, in the destiny of this country, in the future of this country, as any similar body can have, is entitled, at least, to respectful consideration. Now, what do they say? The resolutions are as follows:

Whereas the President of the United States in his annual message to Congress recommends and urges the immediate passage of the measure known as the Lodge election bill; and whereas said bill involves a radical revolution in the election machinery of the Union, both State and national, and its passage will be fatal to the autonomy of the States and cherished liberties of the citizens; and whereas said bill is partisan in spirit and will be partisan in its application, thus revitalizing the gory ghost of sectional estrangement; and whereas in the holy war which we have declared against sectionalism the firesides of the farmers of the North, East, South, and West are the citadels around which the heaviest battles are being fought, and to the end that victory may crown our crusade let fraternity and unity reign: Therefore,

Be it resolved by the National Farmers' Alliance and Industrial Union of America in national council assembled, That we do most solemnly protest against the passage of said Lodge election bill, and we most earnestly petition our Senators to employ all fair and legal means to defeat this unpatriotic measure, which can result in nothing but evil to our common and beloved country.

Resolved further, That a copy of this preamble and resolutions be forwarded to each Senator in Congress.

Mr. President, that seems to me like the language of dignified, sober, and patriotic men. They certainly believed in what they so resolved. If that be so, with all these accumulated evidences that I have pointed out to the Senate from the press, from individual citizens, can it be true that those who are advocating this bill and who are now proceeding to ask the Senate to pass this drastic measure that is to stop debate and put the minority of this body upon this bill absolutely in the power of the majority—can it be that it is one the advocacy and urgency of which are proper and right and supported by that public opinion in this country which must always in the end govern and control its destiny and policy?

I do not think so. I do not think that you are justified, let me say with due respect to my colleagues who differ with me in this matter, in asking the Senate to put behind it all its traditions of parliamentary procedure which have obtained for a hundred years, in order that you may pass a bill, no matter how conscientious you may be in its support or how sincerely convinced of its necessity or propriety, unless you also believe that you have the support of the public sentiment of this country, and I do not believe that you can undertake to convince yourselves that you have that support in the face of all the evidence to the contrary.

So, Mr. President, I allude to this not for the purpose of advising anybody, for I have no right to advise anybody as to his duty, but to appeal, so far as I am able, to those who differ with me to pause and consider the situation in which we find ourselves with this measure to stop debate, this proposed gag law, or, to use what ought to be its proper designation, this clôture proposition, for I like the foreign word better than any attempted American paraphrase. I do not want it to become Americanized. It has not the accent of American liberty from one end of it to the other. Let us call it by its foreign name, clôture.

I say that the time you take to bring that measure in is inopportune; that you are not justified in pressing it to the exclusion of all other business. You had this force bill on your tables at midsummer, this bill with reference to which this clôture resolution is proposed. It lay there with one other great measure, the measure for tariff taxation, which occupied us all of the summer and half of the autumn, and you deliberately chose between the two which should occupy the attention of the Senate and which should be postponed in its consideration.

You could have passed either, but you deliberately said: "We will pass the one," that is the tariff bill, and then in the short session, that has always been devoted to the passage of the necessary appropriation bills and those measures of special urgency which the nation justified you in considering, that you would take this bill up, knowing that the session was limited, knowing that the time was short, at the very close of the Fifty-first Congress, and proclaim that that bill must be pressed through even if you had to trample upon the rights of a protesting minority in order to pass it.

Now, that is not right. You could have done otherwise. There are times when you can pass this bill or any other without violating any of the usages which have governed parliamentary procedure in this body for a hundred years; and you have no right to come in here in this short session, after deliberately postponing it, when you could have taken it up last summer, when there was ample opportunity for debate and when debate would have exhausted itself and the bill would necessarily have been voted upon; and yet you said, "We will not only postpone it, but we will put it in the last weeks of the Fifty-first Congress and we will crowd it through, even though we have to disregard the rights of free debate," so important, as the Senator from Massachusetts [Mr. HOAR] says, to the civil liberty of this country. That is not fair. I do not believe the American people have sustained or will sustain you in a proposition of that kind.

Let the bill go over to the next Congress. Why, you have waited a hundred years; can you not wait nine months? You have done without it in all your past history; can you not wait until the ides of next December and then bring it before the Congress of the United States? Then there will be time to debate it and debate will exhaust itself and not interfere with its being disposed of as full debate now, I concede, must. You can not have full debate on this question in the closing weeks of a Congress that expires by constitutional limitation so soon. Why can you not relegate it to the next Congress? What is the reason?

I am speaking of the force bill now. Why, this very clôture resolution or one that had the same name, although not the same, when introduced into the English Parliament in the House of Commons, was

debated from February until the next November and until the last day of November.

Mr. STEWART. And it had been debated the year before.

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from Nevada?

Mr. GRAY. I do.

Mr. STEWART. I merely wished to make that remark.

Mr. GRAY. It had been debated the year before, as the Senator from Nevada says, and yet you tell us that you must pass this bill in the remaining weeks and in the closing hours of the Fifty-first Congress, even if you have to destroy the liberty of debate in this body and the freedom of speech, which has never been questioned in a hundred years of its glorious history.

Mr. STEWART. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from Nevada.

Mr. GRAY. I do.

Mr. STEWART. After months of debate in the House of Commons, it having been under consideration for two years, there was no attempt to pass the clôture in violation of the existing rules, as is attempted now.

Mr. ALDRICH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from Rhode Island?

Mr. GRAY. I do.

Mr. ALDRICH. I wish to understand the remark of the Senator from Nevada.

Mr. STEWART. I said there was no attempt to pass it in violation of the existing rules.

Mr. ALDRICH. What?

Mr. STEWART. The clôture.

Mr. ALDRICH. Where?

Mr. STEWART. In the British House of Commons.

Mr. ALDRICH. It was passed by a process there, if the Chair will permit me, which in the Senate of the United States, I imagine, will not be attempted. They simply suspended the opposition for the day and sent them out of the House.

Mr. GRAY. That was the only way they could do it. That was the only way that was open to those who were attemping by a similar measure in the House of Commons to throttle the free speech that had lived there and flourished there for many generations.

Mr. ALDRICH. If the Senator from Delaware will excuse me a moment, I had hardly completed my statement.

Mr. GRAY. I knew what the Senator was going to say, for I am not unfamiliar with the history of the matter.

Mr. ALDRICH. A few days prior to the adoption of the clôture the speaker of the House of Commons, as he said, by a right superior to the rules of the House of Commons, had terminated the debate in the presence of the same gentlemen who were afterwards excluded, notwithstanding their most earnest and vehement protests, and put the question to the house notwithstanding the attempt on the part of a number of members of Parliament to exercise what the Senator from Delaware is properly denominating the freedom of speech.

Mr. GRAY. Mr. President, I was aware of the fact that this party who propose this violence to free speech were driven to the revolutionary method of suspending and driving out of the house the opposition members, and I tell the Senator from Rhode Island that he never can hope to succeed in the American Senate with his proposition until he has power to suspend and drive out of it the minority that sits on this side. [Applause in the galleries.]

Mr. EDMUNDS. Order! Order!

The PRESIDING OFFICER. The people in the galleries have been once admonished. The Sergeant-at-Arms is directed to notify the doorkeepers that upon a repetition of disorder the disorderly persons are to be ejected from the galleries.

Mr. ALDRICH. Will the Senator allow me to make another suggestion?

Mr. GRAY. I will.

Mr. ALDRICH. I will say that we are living here under a rule of order, parliamentary and constitutional law, and I think no attempt will be made, notwithstanding the menacing attitude of the Senator from Delaware, to exclude him or any other member of the Senate from its deliberations.

Mr. EDMUNDS. But the majority will go on.

Mr. GRAY. I have no fear that the majority will not go on. It will go on just as long as there is an American Senate here, and will go on in the orderly fashion it has gone on for a hundred years.

Mr. HOAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from Massachusetts?

Mr. GRAY. I should like to finish my sentence.

Mr. HOAR. I should like to ask the Senator two questions put in one: first, whether he claims that there is any difference in the constitutional power of a majority of the Senate and the constitutional power of a majority of the House of Representatives to establish a previous question? If there be no difference in his mind, does he think it would be justifiable for a minority of the House of Representatives to resist forcibly the previous question.

Mr. GRAY. I have said nothing about a minority anywhere resisting forcibly.

Mr. HOAR. I was asking the question.

Mr. GRAY. I have heard no proposition, I certainly entertain none myself, that the minority should forcibly resist any proposition it is competent for the majority to make under the rules of the Senate and the Constitution and laws of our country. Of course, there are some things that are not imaginable—unimaginable things, that if attempted by the majority would be resisted by the minority.

Mr. HOAR. Does the Senator think there is any difference between the constitutional power of the Senate and that of the House of Representatives to establish a limitation of debate?

Mr. GRAY. I think there is no difference at all in the power, and I agree so entirely with the Senator from Massachusetts himself in regard to this whole matter that I want to preserve in one body of this Congress, at least, the freedom of speech and the liberty for full debate which is so necessary to be preserved, in order that the wisdom of our institutions may be vindicated and the country that we represent in a legislative capacity preserved from improvident legislation.

I agree with him that the difference between the Senate and the House of Representatives is altogether in favor of the Senate and that it is important that that difference should be preserved; that there is good reason for the historical fact that in all the years of our history, having rounded out a full century of freedom under our Constitution, no attempt to gag free speech or limit debate has ever been attempted or enforced in the Senate of the United States. I agree with the Senator from Massachusetts when he says that in the Senate:

> Every measure can be discussed fully without restraint and amended without limit.

I agree with him when he says:

> This is of immense importance, not only to the perfection of legislation, but also to the dignity of the Senate, and, in my opinion, to civil liberty itself.

That is why I am here in my own imperfect way, but with all the earnestness that any man is capable of bringing to the discharge of public duty, appealing to my friends on the other side to agree with me, to agree with the Senator from Massachusetts, that this measure is a stab, a blow at civil liberty in this country. Liberty does not easily or soon recover from the wounds inflicted upon it by its enemies. *Hæret lateri lethalis arundo.* It will be a long time before the arrow is plucked from its side if once it shall ever be lodged there.

The limits that the discussion of this question naturally lay down for it are not very wide, I confess, so far as this clôture resolution is concerned, but they are wide enough to touch all the interests of sixty-four millions of people. They are large enough to project themselves into the future and affect generations yet unborn. Then, there is no apology needed for the humble individual who now addresses the Senate, or for any other Senator, for taking the time and challenging the attention of his fellow-Senators when a proposition of this kind is made.

Why, Mr. President, what is this resolution? What does it propose?

> That for the remainder of this session—

Why, Mr. President, the very first four words is a confession of the iniquity and impolicy and impropriety of this proposed measure. "For the remainder of this session." Why for the remainder of this session and not for all time? If it is a good thing, one to be commended to Senators, one that is to be approved by the people whom we represent, then it is good not only for this session, but for all sessions. Why this timidity? What have we done that we should forfeit now those rights which have obtained in the past and are to obtain again in the future?

Mr. EDMUNDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from Vermont?

Mr. GRAY. Certainly.

Mr. EDMUNDS. I may remind the Senator from Delaware of what he is perfectly well aware, that on many occasions in respect of appropriation bills an order limited to that particular session has been made, which was a clôture more complete than the one embraced in this resolution, and which no Democrat objected to, so far as I now remember, although there may have been individuals on both sides who objected to it; so that the circumstance that this is limited to this session is not without precedent.

Mr. GRAY. Oh, Mr. President, I am not dealing with those things that are done for expedition of business by that practical-minded people of whom we are a part, and which are constantly done by unanimous consent.

Mr. EDMUNDS. It was not by unanimous consent.

Mr. GRAY. I know how business is forwarded; I know how the mind of the American people works in the practical grooves laid down by its ancestors. We are not the Gallic, we are not the Latin race; we are not doctrinaires about this thing. We are practical, and we carry business through by facilitating its progress every day by unanimous consent. It shows the genius of our people for parliamentary govern-

ment. We are practical. We have made it a study, an art. To depart from it would interfere with, obstruct, and embarrass business.

To give a man the liberty of walking in at a door is a very different thing from putting handcuffs on his wrists and driving him at the point of the bayonet. It is the difference between free will and individual liberty, which will disport itself one way or the other, but generally in proper paths and in right directions, and the policy of selecting the path and driving the man ahead of you in it. One is freedom and the other is despotism, though they both may seem to be the same and bring the man to the same goal.

No, Mr. President, there is the confession of the iniquity of this bill in its first four words and in its first line. It goes on:

When any bill, resolution, or other question shall have been—

Now listen—

shall have been under consideration for a reasonable time.

How well that sounds! How euphemistic the phrase! Why, all absolutism deals in these mild and pleasant-sounding phrases. "Why, good people, do not be worried; your liberties are not in danger; freedom of debate is not threatened; all we say is 'When any bill, resolution, or other question shall have been under consideration for a reasonable time.' Nobody can object to that. Do you object to it, Mr. A? Do you not think when 'a reasonable time' has elapsed that debate ought to cease?" "Oh, yes;" and Mr. B says the same thing, and so you go through the whole catalogue and you find affirmative answers; but when it comes to the other question, what is "a reasonable time?" and who is to be the judge of a reasonable time? and where do you provide in that resolution a criterion for reasonable time? then I should like to know what the answer of the Senator who supports this resolution is going to be.

Why put it there at all except as a misleading catch-word, something that will appeal to a certain off-hand spirit of fairness in the American people, something to catch the first-blush opinion when you read it? But look how unmeaning it is. Mr. President, we are not children; we are men; we are endeavoring to deal soberly and intelligently with important legislation. Tell me what this means:

When any bill, resolution, or other question shall have been under consideration for a reasonable time it shall be in order for any Senator to demand that debate thereon be closed.

Nobody is named in the order. It is not when the President of the Senate thinks it is "a reasonable time." In the clôture rule of the House of Commons it is there to rest upon the opinion of the Speaker. That was at least sensible and meant something. The clôture rule in the House of Commons read that "whenever in the opinion of Mr. Speaker the debate shall have continued a reasonable time." Why did not this resolution say "Whenever in the opinion of the President of the Senate?" It would have been much better to say that than to leave this in the air, unless you confess it does not mean anything.

When debate shall have continued "for a reasonable time it shall be in order for any Senator to demand" that it "be closed." If the President of the Senate is not to be the judge and the majority of the Senate is not to be the judge, then any single Senator is to be the judge for himself and compel the President of the Senate to entertain that motion when he thinks "a reasonable time" has been consumed.

Now, what sort of a rule of procedure is that for a body of American citizens? Is the Senate of the United States to adopt a rule that will make it subject to the caprice of one Senator? If my friend from Vermont [Mr. EDMUNDS] comes in in the morning and his breakfast has been a good one and he feels at one with the world, he will allow debate to run on with his natural amiability of character; but if things have gone wrong with him, if his breakfast has not been well digested, and irritation, that can come to the best of men, comes to him, after a few minutes he may get up and say, "This debate ought to stop;" it has gone on "a reasonable time," in his opinion, and the President must entertain his motion.

I would rather have this resolution say at once, "When any bill or resolution shall have been under consideration for a reasonable time in the opinion of the Senator from Vermont," for then he would have some responsibility thrown upon him; everybody would be looking to him and the whole people of the United States would have him in full view as to how he discharged that great duty; but when there is no responsibility upon anybody, when a Senator can make up his mind that "a reasonable time" has elapsed, then I say that we are without chart or compass, that we are without rule for our guidance, and must depend upon the whim and caprice of the passing moment for the enjoyment of the simplest rights of debate in a parliamentary body like this.

Mr. EDMUNDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from Vermont?

Mr. GRAY. I do, with pleasure.

Mr. EDMUNDS. The Senator is entirely unjust to the proposition when he says that any Senator by caprice or good-will or ill-will can dispose of this question. It is the Senate of the United States, which the Constitution declares shall be a majority of it to do business, not a minority. I will add, however, for the benefit of my honorable friend and his associates, after all that has taken place, that if he can get the rule amended in the way that he proposes and leave it to the Senator from Vermont, the debate would be closed within less than thirty minutes. [Laughter.]

Mr. GRAY. I was not wrong then, Mr. President. I am sorry the Senator did not enjoy his breakfast this morning. Perhaps he will enjoy it more another morning. It only illustrates my proposition. Seriously, the Senator is mistaken in saying that the Senate has anything at all to do with this matter of having this motion put.

Mr. EDMUNDS. I did not say that, if the Senator will pardon me. I want to obey the rules. I did not say that. I said that the rule provided that any Senator might raise that question and any Senator can raise, as we have seen in the last four or five days and for a good while before, any question he likes, and then it was for the body and not for him to determine whether the debate has gone on long enough.

Mr. GRAY. The resolution does not say so, Mr. President.

Mr. EDMUNDS. I think it does.

Mr. GRAY. The resolution and the Senator from Vermont differ, that is all I can say. I am not speaking about the fact that the Senate after a motion is before the body may deal with it as it pleases—I am speaking of the putting of the motion at all—whereas in the English House of Commons it is not competent for a member upon his own motion at any time to raise that question and have it put, but it can only be after the speaker has notified the house that debate has proceeded for a reasonable time that he can do so. By this resolution, whenever a bill or resolution has been considered for "a reasonable time" a Senator may put the motion.

Mr. EDMUNDS. Oh, no; make it, not put it.

Mr. GRAY. I am not versed, perhaps, in parliamentary law. I mean make the motion.

Mr. BUTLER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from South Carolina?

Mr. GRAY. I do.

Mr. BUTLER. I should like to suggest to the Senator from Delaware that the speaker of the British House of Commons is a nonpartisan, elected as such, and really is intended for the protection of the minority.

Mr. GRAY. Certainly. I was coming to that, but the Senator from South Carolina has opportunely suggested it. The clôture rule of the House of Commons depends upon the judgment of Mr. Speaker, and when he thinks that a debate has proceeded for "a reasonable time" he may cause the motion to be put or make a statement, after which any member of the House may put the motion, but that speaker is, as we all know, a nonpartisan. He does not represent a political party in any sense, as the Speaker of the House of Representatives, as the Vice President of the United States, or as the President *pro tempore* of the Senate represents one. He holds through all administrations. Why, there was a speaker, whose name I do not now recall, who held his high position for forty years, and he continued to administer the rules of the House of Commons without regard to the mutations of fortune of politics through all administrations, and it is for that reason that they thought they could safely trust him with this great administrative duty, I suppose.

Mr. EDMUNDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from Vermont?

Mr. GRAY. I do.

Mr. EDMUNDS. I beg the Senator from Delaware to remember, as I am sure he does, that the speaker of the House of Commons, however much of interest we may have in British procedure—and I confess I have not a great deal—but, taking that for an illustration, the speaker of the House of Commons is always a member of that body. He can not be a member of that body unless he is elected by the constituency whence he comes; and there are parties in Great Britain, as there are in the United States and always have been, as intense in their feelings and views as we gentlemen on the two sides of this Chamber are now about ours. The party in the majority in the House of Commons nominates their speaker, whom the Crown graciously approves, according to their course of affairs, and that man, therefore, goes out of the ranks of his partisans into the chair.

Mr. BUTLER. And there he stays.

Mr. EDMUNDS. Just as the President *pro tempore* of the Senate here or the Speaker of the House of Representatives goes to the chair. Having got there—I do not wish to interfere with my friend from Delaware by making too long a statement as he knows perfectly well——

Mr. GRAY. I am always glad to hear the Senator. He does not interrupt me.

Mr. EDMUNDS. Like every other partisan, like my friend from Tennessee [Mr. HARRIS], whom I have often seen in the chair, he ceases to be a partisan just as far as human nature is capable of allowing a man to do. That is true there and it is true here, and the cases are therefore, I think, with great respect, just alike.

Mr. GRAY. The Senator need not put any restraint upon himself in interrupting me. I am always glad to have my speech decorated with the remarks of the Senator from Vermont.

I wish to call the attention of the Senator from Vermont to this fact: I understand that a speaker of the House of Commons must have been a member of the House. He must have been sent there as other members are sent, first as the nominee and then as the member-elect of a political party; but there is this difference, let me submit to the Senator from Vermont, that when the speaker is taken from the body of the House of Commons and placed in the chair and his selection approved by the Crown he is there by usage and prescriptive right, so to speak—if I may use so strong a word—without regard to the successes or to the defeats of the political party to which he belongs.

It may have been in the majority when he was placed there and he may continue as the Speaker long after it has been in the minority, and he so continues. Therefore, he is taken out of partisan politics in a sense very different from that in which the Speaker of the House of Representatives or the President *pro tempore* of the Senate is taken out. He is taken out very much as a judge of a United States court is taken out. They are partisans when they are appointed, that is, they are members of political parties, and if they are fit to be judges they have strong convictions, but when they are placed upon the bench they are independent of the fortunes of political parties for the tenure of the place which they hold. I submit to the Senator and the Senate that the difference between the presiding officer of the House of Commons and the presiding officer of the Senate of the United States is as wide as possible.

Mr. EDMUNDS. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from Vermont?

Mr. GRAY. I do.

Mr. EDMUNDS. I beg the Senator from Delaware to again remember, as he will perfectly, that, according to the English constitution (they call it an unwritten constitution), nowadays a Parliament can only last for seven years at the most, and it may be dissolved by the Crown at any time within the seven years.

Now, this partisan elected man who comes to be speaker when the fortunes of his political party have gone into the minority, he always being of the majority party when elected, and there is a dissolution of Parliament, whether he is to continue to be speaker any more or to have a chance to be speaker any more depends upon his going back to his constituents and getting re-elected. If his party, when they come back to the new House of Commons, continue to be in the majority, very likely he will be, as he is very often and for a long time has been, elected speaker again; and we have known in our own country the same thing to happen. If it happens that the opposing political party, Tory or Whig or whatever their names may now be, come into power, he is no more speaker. The majority party name their man for speaker and the Queen always approves. So I submit, with great respect to my friend, that his supposed difference of these analogies is not quite accurate.

Mr. GIBSON. Will the Senator from Delaware allow me to read an extract bearing on this point?

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from Louisiana?

Mr. GRAY. I do.

Mr. GIBSON. Mr. Bryce, a member of Parliament and author of The American Commonwealth, says, in an article published in the October number of the North American Review what I will read, bearing upon this particular point. He says:

> But in Parliament the speaker and the chairmen of committees (whom for shortness I generally include when I refer to the speaker) are and have always been nonpartisan officials. Each, no doubt, has belonged to a party and has been chosen on the proposition of a party leader. But the speaker is deemed, once he has assumed the wig and gown of office, to have so distinctly renounced himself of all party trappings that, if he is willing to go on serving in a new Parliament in which the party to which he belonged is in a minority, the majority is, nevertheless, expected to elect him anew.
>
> Thus Speaker Brand, although he had once been whip of the Liberal party, was re-elected speaker in 1874 by the Tory party, which had then gained a majority, and served on till 1883. The speaker is not permitted, so long as he holds office, to deliver any party speech outside Parliament or even to express his opinions on any party question, and in the chair itself he must be scrupulously fair to both parties, equally accessible to all members, bound to give his advice on points of order without distinction between those who ask it.

Mr. GRAY. Now, Mr. President, I have pointed out what I still conceive to be the very wide distinction between the position and tenure of the presiding officer of the House of Commons and that of the presiding officer of the American Senate or of the American House of Representatives, which makes sensible, in that respect at least, the clôture rule adopted in 1882, relieves it from the absurdity, at least, of language like this. It would have been just as well to say, when any bill is under consideration, "It shall be in order for any Senator to move that debate shall close."

It might just as well have said that and left out the phrase "reasonable time." It is only—I was going to say intended, and would say intended, if I could be thought to do so without any disrespect to the chairman of the Committee on Rules—to deceive somebody and make him think that whenever a movement of that kind is made it is only made when reasonable time has been consumed in debate.

Now, what is reasonable time? How can you limit debate in a body in which free speech obtains by prescribing that the judgment of the Senators or of a majority of Senators shall limit it and still say that free speech does operate? You can not eat your cake and have it too You can not be free and submit your freedom to the determination and will of some one else. Free speech in parliamentary bodies means something. It means nothing if you say it can only continue so long as a majority, if you please, should will to allow. The two things are contradictory. Free speech as long as the majority of this body think it reasonable is just as much not free speech as if you were to say free speech should no longer be an attribute of the Senate of the United States.

Words are nothing. It is the substance that we must consider when we are dealing with matters of this high import. Absolutism has no place in American institutions anywhere, in the legislative branch any more than in the executive branch of the Government. Absolutism is at war with American freedom and with American liberty everywhere. You can not have a little absolutism in the Senate of the United States without diminishing and detracting from the fabric of American liberty by so much. Absolutism, whether of a crowned monarch or of a dominant majority, is clearly, unless it is restrained in its encroachments upon those who are subject to its power——

Mr. EDMUNDS. How about the absolutism of the minority?

Mr. GRAY. One moment. You can not have the absolutism of the majority without crushing under the feet of the majority the rights of the minority whom it seeks to control.

Mr. EDMUNDS. How about the absolutism of the minority?

Mr. GRAY. One moment, if you please. I do not wish to be interrupted so. It is all a farce to talk about the reasonable limit of debate in the opinion of majorities, if you are to be content that free speech and liberty of debate have any place longer in American institutions.

You say that the power of obstruction must be put down, must be taken from the minority, that it is intolerable, this opportunity and liberty of obstruction that the minority has, when the majority makes up its mind. Very well. Let us destroy the power of obstruction and you have destroyed free parliamentary government. Obstruction is the very weapon of liberty in all English-speaking countries. There is no unimpeded path for a majority to walk in, no unobstructed road for its will to be worked through, unless that road and that path lead to despotism. Obstruction in parliamentary proceedings by a minority has been the fruitful source of some of the grandest achievements of human liberty that this world has known. You can not do away with it. You can not destroy it without at the same time doing away with the muniments of freedom and destroying liberty itself.

We can put up with obstruction, we can pay the price of our liberties, Mr. President; we can dispense with the haste and with the so-called business methods that obtain in some parliamentary bodies, because we are willing to pay the price of liberty. If you want a smoothly working machine, if you want a governmental framework that will produce at the least expense and in the shortest time given results, then I say go to your despotism, go to a crowned czar, or go to an unrestrained majority, an unobstructed majority, and there you will get results speedily, quickly, and inexpensively, without cost of time. But you will get other results too. The spirit of freedom will have to die and the spirit of American liberty will have to suffer a fatal lesion before that desirable state of things can be brought about.

Mr. EDMUNDS. Mr. President, will the Senator from Delaware yield to me?

Mr. GRAY. I am very anxious to get through and I am sure the Senator will pardon me.

Mr. EDMUNDS. I only want to ask one question.

Mr. GRAY. I am limited as to time, because I am obliged to leave the city to-morrow.

Mr. EDMUNDS. I merely wish to ask a question; I do not wish trespass upon the Senator's time.

Mr. GRAY. Very well.

Mr. EDMUNDS. I wish to ask the Senator how it would do to add to the constitutional provisions now existing that "a majority of the Senate be a quorum to do business" the words which the argument of the Senator implies ought to be there: "But no vote shall ever be taken on any matter without the consent of the minority?"

Mr. GRAY. Ah, Mr. President, that does not apply at all. I have just granted you and admitted, for the sake of the argument, that the institutions of our country and the rules by which parliamentary freedom has been protected are quite expensive, that they cost much in time, much in patience, much in wear upon the temper of those who are in the majority, but unless we are brought to see that the cost is too great we must pay it.

I recollect, sir, when I, a boy, first observed the workings of the laws of my State, I was sitting in a courtroom where there was a poor, lame negro, tattered, ignorant, and brutish in appearance, who had been indicted for stealing a pair of chickens. Twenty-four grand jurors had sat upon his case and returned a true bill. Twelve petit jurors had been selected from a panel of forty-eight and they were trying the case.

A district attorney paid by the State was prosecuting the indictment. A judge of a superior court sat upon the bench, watchful and careful of the rights of the prisoner. And I, in the bumptious wisdom of extreme youth, said: "How absurd all this expense and ceremony and procedure and paraphernalia to try a poor drunken negro for stealing a pair of chickens! Why did not a justice of the peace take him to the whipping-post (which we have in Delaware) and punish him and let him go." I had near me, to whom I was making the remark, an old farmer friend, who was wise, as some farmers are. He put his hand upon my arm and said: "My young friend, it is all true what you said about the cost of time and the ceremony and trouble that it takes to try that poor negro for stealing a pair of chickens, but I want you to reflect, my young friend, that it is the price we pay for our liberties."

And so it is, Mr. President. It would have cost a few cents to punish him by the Austrian method or in Germany or in France perhaps—I do not know; I have not been in those countries—but it costs more than that to punish him in an American State. I say it did not cost too much. And so I say, Mr. President, that though you may be impatient of obstruction with the rules that have obtained in English-speaking parliaments for so many years, giving opportunity to the minority to obstruct; though you may fret and fume and grow excited over that obstruction; though time may be wasted; though money may be taken from the Treasury; yet it is more important—inconvenient as I admit it to be—it is more important that we should pay that price than that you should be allowed to strike down the least of these great muniments of American and English liberty.

Mr. President, we can, as I said before, wait nine months for this bill to be considered, as we have waited one hundred years. No branch of the Government is dependent for its existence and operations upon its passage. It is not an appropriation bill, except so far as the appropriation necessary for its own administration is concerned. You can turn it over to a Congress where obstruction can not defeat a vote upon it. You can take it up where debate will exhaust itself, and you will not be driven to put this rude, arbitrary, and cruel clôture upon the right of free speech in this body.

Turn it over to the Fifty-second Congress. Ah, my friends, why not? Do you say you can not trust them? Do you dare to rise in your place and say you will not trust the representatives of the American people to deal with this nine months hence as well as you can deal with it now? Does it lie in our mouths as Senators of the United States to give any such miserable reason as that? Then you say it is party expediency, for there is nothing else left; and party expediency is an excuse, an argument that must shrivel and die in the presence of considerations such I have been attempting to urge.

If this bill had been taken up when it was brought over from the House of Representatives you would have had a free course and ample time to dispose of it. I admit as much. Debate would have exhausted itself. But you said, "No, we will not take that time; we will not put it in that parliamentary situation; but we will, protest or no protest, override and trample under foot the rights of the minority; we will press it in the closing hours of the Fifty-first Congress, with only a few weeks in which to dispose of it. We will put aside all other business. We will let the pensioners of the United States go without any appropriation to pay their pensions. We will let the Army, now out there on the frozen plains of Dakota, go without their monthly stipend. But this bill must pass in these few weeks that ought to be devoted to considering their interests and to providing for their maintenance. The Navy may be unprovided for. The shipyards, where the keels of the new American Navy are lying, may be idle, but this bill must pass now and at no other time. It must pass before the ides of March, because we say that we are a majority and the minority must give way and remove the obstructions they make in our path."

Mr. President, you have arrived at a state of things in which the obstruction does exist, I admit. But it exists by reason of the constitution of your Congress under the Constitution of the United States. It exists by reason of the nature and the framework of our Government. You have no right to say that you will pull down this fair fabric erected by our fathers in order that absolutism may reign in the Senate of the United States.

Now, this proposed rule provides:

After the Senate shall have decided to close debate as herein provided, no motion shall be in order but a motion to adjourn or to take a recess, when such motions shall be seconded by a majority of the Senate. When either of said motions shall have been lost or shall have failed of a second, it shall not be in order to renew the same until one Senator shall have spoken upon the pending measure or one vote upon the same shall have intervened.

Pending proceedings under the foregoing rule no proceeding in respect of a quorum shall be in order until it shall have appeared on a division or on the taking of the yeas and nays that a quorum is not present and voting.

Thereby repealing a rule that has heretofore governed the Senate and is one of its code of rules (Rule V), which declares that at any time a Senator may make the point to the Chair of no quorum the Chair shall immediately direct the Secretary to call the roll. It directly repeals it, and yet no notice is given that that rule shall be so repealed or changed. And yet Rule XL says that a motion to change the rules or modify them or qualify them or abrogate them shall not be in order unless previous notice in writing for one day shall have been given specifying the rule to be changed, modified, altered, or abrogated.

And yet here we stand with this proposition before the Senate, violating the rule upon its face at the very outset; and I contend that I have the right now to call the attention of the presiding officer of the Senate to that fact and ask that it be passed upon by him and by the Senate—as to whether the rule is properly before the Senate and can be considered under the rules that must govern this body.

Mr. STEWART. May I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from Nevada?

Mr. GRAY. I do.

Mr. STEWART. It will be observed that that rule anticipates proceeding without a quorum, and a Senator is not at liberty to suggest that there is not a quorum present when business is being transacted.

Mr. GRAY. I do not speak now of the enormity of the rule. I only want to suggest this very radical and fundamental objection, that here we are attempting to change a rule of the Senate, and in so doing violating an express rule of the Senate, a rule which says that no motion to change a rule or abrogate it shall be in order—it does not require any point of order to be made—unless notice is given in writing for one day, specifying by number the rule or rules to be changed or modified or abrogated by the proponent.

Now, Mr. President, our rights are being violated by the majority, if there be a majority. I do not believe there is a majority of this Senate in favor of a violent proceeding like this, and will not believe it until it has actually been called out at the desk from the tallies of the clerks. I will not believe that here, when we are attempting to make an important rule to stifle debate, you ruthlessly, and without reason or excuse, will violate the rules that already govern this body. You can not do that without injuring the integrity of this Senate. You can not do that without injuring its dignity and its reputation as a parliamentary body. Therefore I can not believe and will not believe, as I said before, until the votes are counted at the desk, that a majority of this body will agree to any such thing.

As the Senator from Nevada [Mr. STEWART] says, this undertakes to provide that we shall proceed without a quorum to do business, practically violating the Constitution of the United States.

Mr. EDMUNDS. May I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from Vermont?

Mr. GRAY. Yes, sir.

Mr. EDMUNDS. Will the Senator read the particular line or paragraph he now refers to providing that the Senate shall proceed to do business without a quorum?

Mr. GRAY. The language of the proposed rule is:

Pending proceedings under the foregoing rule no proceeding in respect of a quorum shall be in order until it shall have appeared on a division or on the taking of the yeas and nays that a quorum is not present and voting.

So we can sit here for a whole day or a whole night, or for both, without a quorum, and it will be out of the power of any Senator, as it is in his power now, under the rules, to call the attention of the presiding officer to that fact and have the roll of the Senate called.

Mr. EDMUNDS. Will the Senate be able to do any business then?

Mr. GRAY. It ought to have been——

Mr. EDMUNDS. The proposed rule says that on a division or on the taking of the yeas and nays there must be a quorum, and not one to be counted, but a voting quorum.

Mr. GRAY. If the Senator from Vermont is of opinion that the only business of the Senate is to vote, and not to consider and to discuss and to be present—assisting, as the French say, when they attend a place of meeting—if he thinks that is not a part of the duty of a Senator, then he is quite right. But I have always conceived that under the law the Senate might proceed without an actual vote each day on any question, whether principal or subordinate, ancillary or otherwise, with a part of the business of the Senate, and that it just as much requires the attendance of Senators as any other part of their business. If the suggestion of the Senator from Vermont be true, then one Senator or two Senators could transact all the business, and the sound of these little electric bells could alarm the other Senators and bring them in from the cloakrooms, the lounges, and committeerooms, and they could come and vote and go out again, and in this way the whole business of the American Senate might be transacted.

That does not comport with my ideas of the proper constitution of the Senate of the United States or with the due decorum and dignity which ought to obtain in the transaction of its business. I do not know how long Rule V has been in existence, but I should think a great while. So that that rule seems to be one of the most necessary rules, one that a parliamentary body would make at the very outset when it attempted to regulate its own proceedings.

I do not know how that may be as a matter of fact, but I will venture the assertion, without knowing exactly, that that was an ancient rule of this body; at all events, it is one that has approved itself, both to this body and the other House of Congress, and it is there for a wise purpose. It is there in order that the duties of a Senator may not be

evaded by any Senator and in order that the actual presence of States in this body may be secured when matters are being discussed or proposed for consideration.

It is all obvious enough. Why should it be done away with in order to pass one bill of the character of this elections bill, popularly known as the force bill? Why, Mr. President, tyranny the world over pursues the same methods and seeks its ends in the same devious ways. It is one thing, whether it rests with the Czar of Russia or makes itself felt among the snows of Siberia, or whether it is claimed by a majority of a house of Parliament or in the Congress of the United States. It is the working out of the will of the person who holds the power, irrespective of the will and the liberty of those upon whom it is operating.

Why, I know that there never was a proposition made to subjugate a free people, to establish a despotism anywhere, certainly in what are called modern times, that it was not done with high sounding phrases. This proposition is that when a "reasonable time" has elapsed, and not before—it might have said "and not before," and we would not be better off—shall debate be closed.

When King George wanted to work his will upon his dependent colonists he did not upbraid them and denounce them. He "wanted to subserve the happiness and welfare of his beloved subjects in the colony of Massachusetts Bay" was the same resounding phrase or preamble of some kind that preceded every act and every manifesto of the tyranny of that king towards this country. It is always so. Wherever absolute power is deposited it is impatient of contradiction, impatient of obstruction. We have been slow in learning that lesson. Human nature is the same to-day that it was a thousand years ago, and we owe our liberties not so much to the increase in intelligence, great as it has been, and the diffusion of knowledge and education, as to the sturdy resistance of those upon whom absolutism was sought to be worked.

It was the resistance of the barons that wrested the charter from King John. It was the resistance of the common people that overthrew the Stuarts. It was the resistance of the "embattled farmers" who fired the shot whose echo "sounded round the world" that overthrew the tyranny of King George. And it will be the resistance of the plain people of America of this day and generation that will thwart and destroy and make null all the attempts of any set of men, whether they be a majority or a minority, to control their liberties and destroy their freedom.

Institutions, Mr. President, that have been erected and grown up during all these struggles are what protect freedom and liberty to-day throughout the world, wherever they obtain. Benevolence will not do it. Tyrants are benevolent; kings are benevolent; monarchs are amiable. They do not desire the suffering or the unhappiness of their subjects. But will that make you more content, Mr. President, to live under a monarch or a despotism, that the personal character and the disposition and the temper of the monarch are such that in all private contact he is lovely and amiable and attractive? No, Mr. President, we do not hold our liberties upon the reasonableness of the majority.

We do not hold our liberties upon the reasonableness of the majority any more than we hold them upon the good will or benevolence of an individual tyrant. We have surer muniments of freedom than that, and unless we maintain them (and God willing we will maintain them), then we shall lose all they were intended to guard.

I have here the clôture resolution as it was introduced into the House of Commons. It is not very long. It was introduced into the House of Commons in 1882 and afterwards became the rule of that House:

> That when it shall appear to Mr. Speaker, or to the chairman of a committee of the whole House, during any debate, to be the evident sense of the House, or of the committee, that the question be now put, he may so inform the House or the committee; and if a motion be made "that the question be now put," Mr. Speaker or the chairman shall forthwith put such question; and if the same be decided in the affirmative the question under discussion shall be put forthwith: *Provided*, That the question shall not be decided in the affirmative if a division be taken unless it shall appear to have been supported by more than two hundred members or unless it shall appear to have been opposed by less than forty members and supported by more than one hundred members.

So, Mr. President, in the first place, there is this difference which I have already pointed out, that the time of the close of the debate must appear reasonable to a fixed and determined arbiter, Mr. Speaker, whose character and tenure of office have already been discussed.

Mr. HOAR. And that is higher than a majority of the Senate?

Mr. GRAY. Mr. President, I do not agree that the majority of the Senate of the United States or of the House of Commons would be a safer repository than Mr. Speaker in order to initiate the motion. In addition to the necessity of a fixed and statutory or prescribed majority, there is also the further safeguard that to this judicial and impartial officer, the Speaker, it must have also appeared, before it can even be put to the House, that a reasonable time has been consumed in debate. The statutory majority—I know 200 is not a majority of the whole number of those who are entitled to sit in the House of Commons——

Mr. EDMUNDS. There are about 680, I believe,

Mr. GRAY. Somewhere between five and six hundred, I understand.

Mr. EDMUNDS. Over 600.

Mr. GRAY. I will not dispute that, though I am inclined to think I am right.

Mr. HAWLEY. There are about 675.

Mr. GRAY. And yet I am informed on good authority—and if I had time, which I have not, I should be able to show to the Senate—that two hundred is more than a majority three hundred and sixty-four days out of three hundred and sixty-five days, because the people who have a right to sit in the House of Commons are very numerous, as the Senator from Vermont says, and except upon very important occasions and at very long intervals there never is anything like an attendance of a majority of that House actually in the chamber. The chamber will not hold more than one-half of them; there are no accommodations even for seating the membership; but on some great epoch in the national history the "whips" are sent out and the old country squires are brought down from their country seats and from their hounds and fox hunts, and they come in, booted and spurred very often, in order to respond to the "whip" and give their vote at these rare intervals, but in the ordinary transactions and the ordinary debate 200 is more than a majority of the House of Commons as it is usually constituted for the purpose of the transaction of business. There is not in that rule so proposed and adopted anything like the drastic force and the stringent capacity for injustice that there is in the rule proposed by the Senator from Rhode Island.

Mr. President, we do not want to cross the Atlantic and take examples from England, certainly in these latter days, as to how we shall govern the proceedings of the Senate of the United States. It is a most significant fact, one pregnant with instruction and pregnant with warnings to the American people, that the first time in the history of the English House of Commons that any attempt was ever made to check or limit the freedom of debate was made in order to suppress home rule in Ireland.

Go out and tell the American people, go out and tell our naturalized fellow-citizens from that stricken and unhappy isle, that we are taking a page from the history of the English Parliament, where they were attempting, with all the power of money and aristocracy and prescription, to crush out independence and home rule in that oppressed portion of the world; that it was in order that Irishmen might be gagged in the House of Commons, that their mouths might be closed when they attempted to assert the freedom of speech that belonged to them as representatives of their nation and their people, that this prototype of the rule to throttle free speech in the Senate of the United States was passed; that it was only because the patriotic representatives from that liberty-loving and liberty-defending island were driven from the House of Commons that they were enabled to work their will and for the first time to blot the fair page of English parliamentary history with a measure of tyranny like this. I say, go out and tell the American people and the naturalized citizen of this country from that island that that is the example you are following here in order to destroy home rule in this country.

Mr. HOAR. I wish to ask the Senator a question.

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from Massachusetts?

Mr. GRAY. I do.

Mr. HOAR. I desire to ask the Senator if that measure was not adopted under the lead and direction of William Ewart Gladstone, the great leader of the Home Rule party to-day?

Mr. GRAY. I trust, Mr. President——

Mr. HOAR. Let me finish the sentence.

Mr. GRAY. I beg pardon; I thought the Senator had concluded.

Mr. HOAR. He is the great leader of the Home Rule party to-day to whom they are all devoted, who, although he is now a leading Home Ruler, has not changed his opinion in that respect.

Mr. GRAY. Mr. President, I trust that the conversion which took place in that great English statesman after 1882 will take place in some equally distinguished American statesmen in 1891, and that they may repent of this foul blow which is threatened against home rule in the United States of America. [Applause in the galleries.]

The PRESIDING OFFICER. The Senator from Delaware will suspend. Persons in the galleries have been warned on more than one occasion that no demonstrations of approval or disapproval are allowed in the galleries. The Sergeant-at-Arms has been directed to notify the doorkeepers to eject from the galleries any persons who make any demonstrations. If it is repeated an order will be directed to clear the galleries.

Mr. ALDRICH. Will the Senator allow me to ask him a question?

Mr. GRAY. Certainly.

Mr. ALDRICH. Am I to infer from what the Senator says that Mr. Gladstone has changed his opinion about the necessity of a rule for closing debate in the House of Commons, a rule adopted not only under his leadership, as has been very well suggested by my friend from Massachusetts, but concurred in by leaders and members of both of the great political parties of Great Britain?

Mr. GRAY. Mr. President, Mr. Gladstone at the time he led his party in the adoption of that rule was the inveterate, uncompromising

foe of home rule in Ireland. He was deaf to their appeals. He would not listen to the argument or to the speech of those who were defending its people and pleading for its women and children. But, sir, since that unhappy day Mr. Gladstone was great enough and big enough and grand enough to put behind him the errors he then committed and to come out and place himself at the head of that gallant band of Englishmen who are fighting to-day for the liberty of Ireland.

No, Mr. President, we do not need to cross the Atlantic yet for examples to follow in order that we may stifle debate on the floor of the Senate of the United States. That example does not commend itself to the good sense and to the patriotic instincts of the American people. Clôture, this foreigner, with strange air and mien, who can not talk the English-American speech, who has not the accent of liberty on his tongue, comes here and is knocking at the door of the Senate for admission and to be taken in and made at home. It may do in France; it may do in Austria; it may do in Germany; but it will not thrive when transplanted on American soil; and I predict that it will wither and die before another year has rolled around.

What did Bentham say, that great political philosopher?

In France the terrible decrees of urgency for the closing of discussion may well be remembered with dread. They were formed for the subjugation of the minority and for the purpose of stifling argument which they dreaded.

And that is the purpose here. It is the purpose everywhere where it has ever been applied. In the countries where it obtained as an institution, censorship of the press went hand in hand with it. You can not stifle free debate and also keep a free press. You will after awhile get impatient of the strictures and the criticisms of a free, untrammeled press.

Alien and sedition laws are of kindred blood with this rule. They did not flourish long in American soil. But they were good men who voted for these alien and sedition laws. I can see them now with their periwigged heads and their ruffled shirts and their buff vests and shad-belly coats, the very essence of respectability. They represented the conservative classes. They were good fathers, and good husbands, and good citizens, and good neighbors, and they were somewhat shocked and scandalized at the freedom of the press, and they said, as the Senator from Vermont would say or has said in substance, "Oh, we do not oppose liberty; it is license that we oppose. We do not oppose freedom of debate; it is only unreasonable freedom of debate that we oppose." And so they said, "The liberty of the press is dear to us; but, my friend, you must recollect there is a difference between liberty and license.

"License will not do. Liberty of the press we grant that. Let us see the article. Well, that may do; it is coming very near the verge of license though, and, if it does, then the alien and sedition law, *scandalum magnatum*, must apply, and the editor must abide the pains and penalties. You must recollect in conducting this sheet that you are not to cross the line. Liberty we ought to maintain. Liberty! We all love liberty. Liberty of the press is one of the watchwords of freedom. But license, oh, that is a different thing. License tends to the demoralization of the community; license tends to the sapping of the foundations of social order, and it will not do to tolerate it."

And so Senators will find, when you attempt to draw the distinction between freedom of debate and what is unreasonable freedom of debate, that you will run into the same shadowy ground, and you will find yourself trespassing upon the liberties that belong to all American citizens, and you will find you can not erect any standard between liberty and license; you have got to leave it to work itself out by the good sense of the people themselves; and that has served from the beginning until now to save us from all the results that were prophesied from untrammeled liberty of the press.

Mr. President, this measure is obnoxious to every sentiment of American freedom. Its companions are such as I have described. It must go hand in hand with alien and sedition laws and with the censorship of the press, as it has in all the countries whence the clôture, this foreigner, this exotic, has come.

I do hope, I do believe, I express the confidence now as an American Senator, that there will be no line drawn in that alley that shall separate the friends and opponents of this measure, but that the votes will cross that line and there will be a majority—I trust not a partisan majority, but a majority of American Senators who will continue to vindicate the great principles of American liberty and parliamentary freedom as they have existed for a hundred years in the Senate of the United States.

Mr. STEWART obtained the floor.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. 828) for the relief of Sarah E. E. Perine, widow and administratrix of William Perine, deceased, with an amendment in which the concurrence of the Senate was requested.

RECESS.

Mr. ALDRICH. I move that the Senate take a recess until to-morrow morning at 11 o'clock.

The motion was agreed to; and (at 6 o'clock p. m.) the Senate took a recess until to-morrow, Saturday, January 24, 1891, at 11 o'clock a. m.

AFTER THE RECESS.

(*Continuation of legislative proceedings of Thursday, January* 22, 1891.)

The recess having expired, the Senate reassembled at 11 o'clock a. m., Saturday, January 24, 1891.

The VICE PRESIDENT. The Senate resumes the consideration of the resolution submitted by the Senator from Rhode Island [Mr. ALDRICH], upon which the Senator from Nevada [Mr. STEWART] is entitled to the floor.

Mr. HARRIS. Is there a quorum present?

The VICE PRESIDENT. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Allison,	Davis,	Hiscock,	Reagan,
Barbour,	Dawes,	Hoar,	Sanders,
Berry,	Dixon,	Jones of Arkansas,	Sawyer,
Blair,	Dolph,	McConnell,	Sherman,
Butler,	Edmunds,	McMillan,	Spooner,
Cameron,	Faulkner,	McPherson,	Stewart,
Carey,	Frye,	Manderson,	Stockbridge,
Carlisle,	Gorman,	Mitchell,	Teller,
Chandler,	Hale,	Morrill,	Turpie,
Cockrell,	Harris,	Platt,	Vest,
Daniel,	Hawley,	Ransom,	Wilson of Iowa.

Mr. WILSON, of Iowa. I desire to state that the Senator from North Dakota [Mr. CASEY] is detained from the Senate temporarily this morning by public business and is unable to be present at this roll-call.

The VICE PRESIDENT. Forty-four Senators have answered to their names. There is not a quorum present.

Mr. EDMUNDS. I move that the Sergeant-at-Arms be directed to request the attendance of absentees.

The VICE PRESIDENT. The Senator from Vermont moves that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant-at-Arms will see that the order of the Senate is executed.

Mr. CULLOM answered to his name.

The VICE PRESIDENT (at 11 o'clock and 5 minutes a. m.). A quorum is now present.

Mr. HARRIS. I move that further proceedings under the call be dispensed with.

Mr. CULLOM. I simply desire to say that I answered my name when it was first called.

The VICE PRESIDENT. It was not heard by the clerks. The Senator from Tennessee moves that further proceedings under the call be dispensed with.

The motion was agreed to.

The VICE PRESIDENT. The Senator from Nevada will proceed.

Mr. FRYE. I am quite anxious, on account of one or two exceedingly important nominations, that there should be a very brief executive session. Does the Senator from Nevada object?

Mr. STEWART. I do not, if it is not to occupy any considerable time.

Mr. FRYE. It could not occupy more than five or ten minutes at the outside.

Mr. STEWART. I yield for that purpose.

EXECUTIVE SESSION.

Mr. FRYE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session the doors were reopened.

LIMITATION OF DEBATE.

The VICE PRESIDENT. The Senate resumes the consideration of the resolution submitted by the Senator from Rhode Island [Mr. ALDRICH], and the Senator from Nevada [Mr. STEWART] is entitled to the floor.

Mr. DAWES. I ask permission, if it will not interrupt the Senator too much, to present some morning business.

Mr. RANSOM. Do not.

Mr. DAWES. It is out of order, I know.

Mr. KENNA. Mr. President, I object.

The VICE PRESIDENT. Objection is made. The Senator from Nevada will proceed.

Mr. STEWART. Before proceeding with my remarks I desire to offer the amendment of which I gave notice and which has been printed.

Mr. FAULKNER. Let it be read.

The VICE PRESIDENT. The amendment of the Senator from Nevada will be read.

The Chief Clerk read as follows:

Strike out all after the word "whatever," in line 13, down to and including the word "debate," in line 17, and insert the following: "and debate on pending amendments and such amendments as may be offered while the measure is under consideration shall be limited as provided in Rule VIII."

After the word "motion," where it occurs the second time, in line 22, insert the following: "to recommit with or without instructions, to lay on the table."

Strike out all of lines 29, 30, 31, and 32.

After the word "rule," in line 33, insert the following: "Rule XVII shall be suspended, and."

Mr. FAULKNER. On that I demand the yeas and nays.
The VICE PRESIDENT. Is the demand seconded?
Mr. PLATT. On what? On all the amendments? There are three or four separate amendments.
Mr. GORMAN. We can separate them. Let us first order the yeas and nays on all.
The yeas and nays were ordered.
The VICE PRESIDENT. The yeas and nays are ordered on the first amendment, the Chair understands.
Mr. GORMAN. I understand that the yeas and nays have been ordered on the entire amendment offered by the Senator from Nevada.
The VICE PRESIDENT. There are four amendments.
Mr. GORMAN. I understand, but the Senator offers it as one amendment.
Mr. STEWART. I offer it as an entirety.
Mr. HARRIS. It is one amendment, but divisible.
Mr. STEWART. It is in order.
The VICE PRESIDENT. The yeas and nays have been ordered on the first amendment, the Chair understands.
Mr. HOAR. I understand there are four amendments proposed by the Senator from Nevada?
The VICE PRESIDENT. There are.
Mr. HOAR. Of course only two can be in order at one time.
Mr. FRYE. Only one, unless it is an amendment to another amendment.
Mr. GORMAN. I understand the Senator from Nevada offers a single amendment to the resolution, which contains several propositions, upon which afterwards any Senator may demand a division. What we now ask is that the yeas and nays may be ordered upon the amendment as offered.
Mr. EDMUNDS. The other side have a right to have the yeas and nays ordered on any amendment that is pending, but if when we look at it it is more than one amendment, then the yeas and nays can only be ordered on that part of it that is in order, being one amendment. If under the name of one amendment the Senator from Nevada has offered four distinct amendments, not one amendment to another, of which you could have two, I agree——
Mr. GORMAN. Mr. President, we can not hear one word on this side.
Mr. EDMUNDS. It is not of much consequence. I was only stating what the Senator from Maryland would agree to, I have no doubt.
Mr. HARRIS. Let the amendment be again read.
The VICE PRESIDENT. The amendment will be again read.
The Chief Clerk read Mr. STEWART'S amendment.
Mr. COCKRELL. The yeas and nays are ordered upon that, are they not?
The VICE PRESIDENT. Shall the amendments proposed by the Senator from Nevada be considered as one?
Mr. GORMAN. Yes, they are to be so considered.
The VICE PRESIDENT. The yeas and nays have been ordered upon it. The Senator from Nevada will proceed.
Mr. STEWART. Mr. President, the first question that presents itself at this time is, why the business of the session is suspended for the purpose of considering this proposed rule? It certainly is not for the purpose of providing a permanent and efficient rule for the government of this body. The first clause in the resolution discloses the fact that it is but a temporary expedient. It reads as follows:

That for the remainder of this session the rules of the Senate be amended by adding thereto the following.

This drastic rule is only intended, then, for the remainder of the present session. The question then arises, what has happened or what is pending

TO RENDER NECESSARY THIS DEPARTURE

from the ordinary proceedings of the Senate? Why this interruption of the business of the Senate at the last session of the Fifty-first Congress, when no appropriation bills have been passed; when numerous important measures are pending; when if the Senate were devoted to the business at hand and should work day and night to the end of the session, it would hardly be possible to find time to complete what must necessarily be done by this Congress? Why is all the important business of legislation stopped and a proposition introduced

THAT IS UNAMERICAN,

that is contrary to the genius of our institutions, and that has never been found necessary in the hundred years of this Senate's existence? Through all the contests that have taken place such a resort has never been found necessary before. It is a proposition that never was considered in the British Parliament during all the years and during all the ages when the people of that country were struggling for freedom; it is a proposition, I repeat, that was never entertained by the British Parliament during the years

IT WAS STRUGGLING FOR LIBERTY.

It only came under consideration when liberty was to be suppressed.
Has it come to this, after all the parliamentary history of free people in England and the United States, after all the struggles of the Anglo-Saxon race for liberty, that the American Senate shall stop business and change the order of things to suppress discussion at this time? It seems to me that we should pause before we press this question. It should not be pressed unless there is imminent danger to the Republic, unless there is some great emergency whereby the civil liberty can not be preserved without it. Nothing else will justify such a proceeding at this time. If what the Senator from Massachusetts [Mr. HOAR] observed the other day be really true, I admit that we should now suspend business. I will call attention to his declaration of the situation. If what he says be true,

THEN WE ARE INDEED IN REVOLUTIONARY DAYS

and must resort to every means in our power to preserve the Government. The Senator from Massachusetts on the day before yesterday made the following statement:

If I may be pardoned one other sentence, I say that an attempt to defeat lawmaking in this country by the Congress of the American people by the processes of long debate and of taking up time, the attempt which we have seen at this very session, is as much a conspiracy against the Constitution and the constitutional liberty and the constitutional right and the national authority of the American people as was the rebel congress that met at Richmond.

If that be true, it may be a justification for these proceedings. But the question arises, is it true? On the contrary, is not the reverse true? If I understand the elections bill correctly, the principle of it if carried into effect would be more

PREJUDICIAL TO HUMAN LIBERTY THAN SECESSION ITSELF.

With secession we should still retain local government. With Federal officers superintending local elections in every State in the Union there is no more home rule for America; and when that is destroyed all is lost. The proposition lying at the foundation of the bill is more dangerous than secession, because with secession the different governments occupying the country might enjoy freedom in their own jurisdiction; but with Federal supervision of local elections

THERE CAN BE NO LIBERTY.

It was never contemplated by the framers of the Constitution, not even suggested by any of them, that Federal officials should manage local elections of any kind, not even the election of members of Congress, much less the election of State officers and electors of President and Vice President. I have examined so far as I might the discussions that arose over the provision of the Constitution under which this power is claimed, and it never was suggested that there should be a Federal officer at the polls. The provision in the Constitution which grants this power was not much considered in the debates; the debates were meager upon the subject; but when it came before the people it met with serious opposition. It took all the eloquence and persuasion

OF HAMILTON AND MADISON

to satisfy them that it would not be any infringement upon their civic liberties. The provision is contained in section 4 of Article I of the Constitution:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

Congress may "make or alter such regulations." The reason assigned by Mr. Madison for this provision was very simple and very suggestive, and the reason assigned when this provision was under discussion must by implication exclude any other and very different reason. Mr. Madison said:

The necessity of a general government supposes that the State Legislatures will sometimes fail or refuse to consult the common interest at the expense of their local convenience or prejudices. The policy of referring the appointment of the House of Representatives to the people, and not to the Legislatures of the States, supposes that the result will be somewhat influenced by the mode. This view of the question seems to decide that the Legislatures of the States ought not to have the uncontrolled right of regulating the times, places, and manner of holding elections. These were words of great latitude. It was impossible to foresee all the abuses that might be made of the discretionary power. Whether the electors should vote by ballot or *viva voce*, should assemble at this place or that place, should be divided into districts or all meet at one place, should all vote for all the Representatives or all in a district vote for a number allotted to the district—these, and many other points, would depend on the Legislatures, and might materially affect the appointments. Whenever the State Legislatures had a favorite measure to carry, they would take care so to mold their regulations as to favor the candidates they wished to succeed. Besides, the inequality of the representation in the Legislatures of particular States would produce a like inequality in their representation in the National Legislature, as it was presumable that the counties having the power in the former case would secure it to themselves in the latter. What danger could there be in giving a controlling power to the National Legislature? Of whom was it to consist? First, of a Senate to be chosen by the State legislatures. If the latter, therefore, could be trusted, their Representatives could not be dangerous. Secondly, of Representatives elected by the same people who elect the State Legislatures. Surely, then, if confidence is due to the latter, it must be due to the former. It seems as improper in principle, though it might be less inconvenient in practice, to give to the State Legislatures this great authority over the election of the Representatives of the people in the General Legislature, as it would be to give to the latter a like power over the election of their representatives in the State Legislatures.

The inconveniences that might possibly arise, if this power were not granted, are tersely pointed out by Mr. Madison. Judge Story in reviewing it uses the very same argument over again and suggests that they had a case in point; that Rhode Island, during the existence of the Confederation, refused to send delegates at a time when important measures were pending and thus had defeated the measures.

THE CONSTITUTIONAL POWER WAS PROVEN NECESSARY.

When this provision was attacked Mr. Hamilton came out in three elaborate articles in favor of it, each one assigning that the sole purpose of it was to prevent a failure in sending members to Congress. There was no suggestion that the United States should do more; not, certainly, of sending its officers to superintend the elections. It was simply to provide that elections should be held, and all that Hamilton claimed for it was that elections should be held by the people for members of Congress, and that they should have that privilege

INDEPENDENT OF THE STATE LEGISLATURES.

That is all he claimed for it. That, he said, was the scope and purpose of the provision; and with that understanding it was adopted by the States.

If he had suggested that the Federal officials would be sent into the States to superintend the elections, the Constitution could not have been adopted. The suggestion was never made by anyone. It was discussed on other lines. The reason given was that it embodied a power to preserve the Union by preventing a failure of elections; Congress might define the place and manner, so that, if the States failed to legislate, the people would still have a chance to send their representatives. That was all that was claimed for it, and even that was regarded as dangerous, and over this provision there was more trouble among the States than over all the balance of the Constitution. It was regarded as more objectionable than any other provision.

Mr. MITCHELL. May I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Oregon?

Mr. STEWART. Yes, sir.

Mr. MITCHELL. How does the Senator reconcile the position he has taken just now in regard to the construction——

Mr. GORMAN. We can not hear a word the Senator has said and I do not think it has been possible for the Reporter to have heard him.

Mr. MITCHELL. The question is how the Senator reconciles the position he has taken as to the construction to be placed on that clause of the Constitution he is discussing with the legislation, to which he gave his consent, I think, some years since, providing the manner in which United States Senators should be elected.

Mr. STEWART. I will come to that. I doubt whether it can be reconciled. That law was passed for the purpose of correcting frauds in New York City. It was not intended for the South. It was inserted on the suggestion of a delegation from that city. The late Senator from New York, Mr. Conkling, made application to me, when I had charge of the bill, to see that delegation and see if something could not be done.

Mr. SPOONER. Then the Senator contends that Congress had the power to do it.

Mr. STEWART. As to the legislation referred to——

Mr. MITCHELL. I refer to the act of Congress providing for the manner in which Senators shall be elected. The Senator misunderstands me entirely. I ask how the Senator from Nevada reconciles the position he is taking now as to the construction of the clause of the Constitution he has just read with the act of Congress heretofore passed—I forget the date of it—providing for the manner in which United States Senators shall be elected?

Mr. STEWART. Oh, I did misunderstand you; I thought you referred to the supervisors of election law. In regard to the election of United States Senators, there is no unwarrantable Federal interference. The Congress of the United States in providing the time and manner of electing United States Senators confined itself exactly within the provisions of the Constitution. It has fixed the time and manner and left the Legislatures elected by the people of the States free as to the conducting of the elections.

IT HAS PLACED NO FEDERL OFFICIALS OVER THE LEGISLATURE.

There are no marshals therein. There are no supervisors within their halls. The representatives of the people of the States alone are there, free to act of their own volition.

Mr. MITCHELL. Will the Senator allow me a moment?

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Oregon?

Mr. STEWART. Certainly.

Mr. MITCHELL. The clause of the Constitution is the same as to the power of Congress, and it is a question of power, and not a question of policy nor a question of extent of the exercise of power. The same clause, the same language that confers the power upon Congress to regulate the time and manner of election of members of the House of Representatives applies to the power in reference to the election of United States Senators.

IT IS THE QUESTION OF POWER

that I am talking about. I agree with a good deal the Senator says, but wholly disagree with him as to his construction of the constitutional provision he is discussing.

Mr. STEWART. I understand the question perfectly. It is a question of power, and Congress has kept itself within its constitutional power in regulating the time and manner of electing Senators, but

IT HAS EXCEEDED ITS CONSTITUTIONAL POWER

in attempting to control local elections.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. STEWART. Yes.

Mr. SPOONER. Has not the Supreme Court decided that the power existed in Congress to pass such a law?

Mr. STEWART. I will come to that in a moment. That is one of the darkest pages of our history, and I am going to use it as an illustration of the iniquity of legislation of this character if you will allow me to proceed.

Mr. SPOONER. The Senator does not answer my question.

Mr. STEWART. I do not propose to stop now, but I am going to comment upon it more at length hereafter than I can do at this time. If Senators will only allow me to proceed in order, I will meet each one of these points in due time.

Mr. SPOONER. I beg the Senator's pardon for interrupting him. I only asked him a question. I know of no Senator who interrupts oftener by questions than the Senator from Nevada himself.

Mr. STEWART. I am perfectly willing to be interrupted, but one does not want to mix up a constitutional argument with too many questions in anticipation of what is coming.

Mr. MITCHELL. I beg the Senator's pardon. I shall not interrupt him again.

Mr. STEWART. I am perfectly willing to be interrupted when I am on any particular point, but I do not care to be interrupted on a question I am not at the time discussing.

Mr. SPOONER. I beg the Senator's pardon. Perhaps I was obtuse. I thought when the Senator was discussing the constitutional power of Congress in this respect it would be pertinent to ask him if the Supreme Court of the United States had not decided that the power existed.

Mr. STEWART. I have that decision here.

Mr. HOAR. I should like to ask the Senator a question upon the point he is now on.

Mr. STEWART. I decline to be interrupted. I know it is very annoying to men who have preconceived notions to have them exploded. [Laughter.] I know they do not like it. I should not if I occupied that position. If I had declared that what was being done to delay the passage of this bill was equivalent to secession,

WAS AS CRIMINAL AS SECESSION,

I should not like to have the attention of the country called to the fact that this bill is an attempt to subvert the liberties of the people by interfering with local elections. Before I further proceed I wish to call attention to some of the provisions of this bill, so that we may have the facts before us.

Mr. HOAR. I desired to ask the Senator a question on the point he was just departing from, but if he objects of course I will not do it.

Mr. STEWART. I object until I get some of these facts before the country. Do not get nervous. [Laughter.]

Mr. HOAR. No.

Mr. STEWART. We find on page 15 of this bill a provision for the appointment of supervisors and for a sufficient number to attend to and supervise all the precincts. We find on page 21 of the bill a provision that the supervisors are election officers, and that there are thus to be United States election officers at every precinct of the United States at the next election. We find on page 29 a provision that allows these election officers to pass upon the qualification of voters and also to swear them. We find on page 71 that the polls may be surrounded by marshals. We find on page 83 that the marshals of the United States in any judicial district shall appoint special deputy marshals and shall require from each of them a report, etc. It is required on page 87 that there be an assignment of such deputy marshals as shall be appointed, and the marshal shall be governed as to the number by the request of the chief supervisor of elections.

These marshals have extraordinary powers.

THEY CAN KEEP ORDER AND ARREST WITHOUT WARRANT.

In fact, their power is only limited by the extent of their discretion or their audacity. What kind, what class of men will naturally be found in such employment? We well know that business men will not hire out to run elections, that men who engage in political elections for pay as a rule—I mean those who run them, who keep order on the outside, who challenge, who attend to the business for pay—generally belong to a class of professional politicians. Then the chief of these professional politicians holds office during good behavior.

Mr. SPOONER. Will the Senator allow me to ask a question upon the point of what he is now discussing?

Mr. STEWART. Yes.

Mr. SPOONER. Do the marshals under this proposed law possess powers any different from those conferred upon them by the existing law?

Mr. STEWART. They may not, but they are now confined to cities of over 20,000 inhabitants. By this bill they will infest the entire country.

Mr. SPOONER. Did the Senator vote for the existing law?

Mr. STEWART. Certainly I did. Now you have got the point.

Mr. SPOONER. I have got that much anyhow.

Mr. TELLER. I should like to say, if the Senator will allow me, that their powers are practically the same, but the deputy marshals are selected by the chief supervisor of elections. They are not selected by the marshal.

Mr. STEWART. If the Senator from Wisconsin [Mr. SPOONER] desires me to take up that point now, I will say that I voted for that law for the purpose of meeting what was supposed to be a great emergency

ON ACCOUNT OF FRAUDS

in the city of New York. I objected to its general application in the South; I objected to its application in the rural districts on general principles; I confined it to great cities. I think that law was subject to abuse, that it contained provisions that never should have been enacted; but, because that was an abuse to some extent, does it follow that we must wipe out local elections altogether? Besides, that very law illustrates the danger of

TRAMPLING UPON THE RESERVED RIGHTS OF THE STATES.

One extreme brings another. That law is now treated by Senators as constitutional law, as a legitimate exercise of the functions of government. A very different state of things existed then from what exists now, and to that I desire to call the attention of the Senator from Wisconsin. That law was passed under a different state of things, a different condition of legislation than now exists, and it is provided——

Mr. SPOONER. The Senator does not claim, I suppose, that the constitutional power depends upon the state of facts that may exist?

Mr. STEWART. If the Senator will allow me, I will explain my point. When that law was passed the States were at liberty to fix a time of electing members of Congress. They had then the power to prevent any interference with their local elections. Congress had not at that time exercised its supervisory power to fix the time. The States then could have fixed a time for electing members of Congress, so that there would have been a separate election, and, with a separate election, Federal officers would have no power to control the local elections in the States or interfere with the election of electors of President and Vice President. That law was passed in 1870.

In 1872 Congress passed an act fixing the time of electing members of Congress on the Tuesday after the first Monday of November every two years. That put the election of Congressmen on a day when the Congress well knew all the State elections were being held, and most of them were being held by virtue of constitutional provisions that could not be changed for a term of years. Not only that, but Congress has power to fix the time for electing Presidential electors. It has fixed the time for holding the election of Presidential electors on the Tuesday after the first Monday in November each four years. So Congress has by these various acts put all the elections together.

IT WAS NOT THE WORK OF THE STATES.

By this bill you can have hundreds, yea thousands, and perhaps hundreds of thousands of officers under the pay of the National Government so as to control every poll as election officers, with paramount authority over State officers, with power to arrest State officers, with power to conduct the election, with power to administer oaths; in other words,

WITH EXCLUSIVE POWERS.

This is by Congressional legislation, which makes it impossible for the States to assert their individual rights, and such laws have been passed since the act to which the Senator from Wisconsin alludes became a law.

Judge Story, in reviewing this matter, speaks of the utter impossibility of the representatives of the people exercising this power in a way to affect the reserved rights of the States. I read from Judge Story on page 285:

Nor can it be said, with correctness, that Congress can in any way alter the rights or qualifications of voters. The most that can be urged, with any show of argument, is that the power might in a given case be employed in such a manner as to promote the election of some favorite candidate or favorite class of men, in exclusion of others, by confining the places of election to particular districts and rendering it impracticable for the citizens at large to partake in the choice.

He said that there was no possibility of interfering with the rights of the people. Judge Story had not known of the wit of the modern politicians; he had not fathomed it.

HE NEVER HAD SEEN A DAVENPORT

when he wrote that, or he would have known there were other means of circumventing the Constitution and interfering with the reserved rights of the States. The Constitution provides that—

Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

The States shall appoint them.

The Congress may determine the time of choosing the electors and the day on which they shall give their votes; which day shall be the same throughout the United States.

Leaving out other State officers, Congress has fixed a day for the election of Presidential electors. It has also fixed a day for the election of members of Congress, except in two or three States, as Vermont, Maine, etc., and it has also fixed the identical day for electing Representatives in Congress and of electors of President and Vice President. What becomes then of the rights of a State to appoint electors of President and Vice President of the United States if 500,000 Federal officers, paid by the money of the Government, with power superior to the State officers, are to be distributed at every polling place?

WHAT IS TO BECOME OF THE LIBERTY OF THE PEOPLE?

With the power and patronage of the Executive, with the veto power, with the appointing power, with the power to construe laws, which amounts almost to the dispensing power, how can the people resist this army of paid officers? If this bill becomes a law it will be treated as you are attempting to treat the elections law now on the statute books, as a part of the Constitution. If you commit this wrong, it will be urged in excuse of further wrongs.

THE DEMANDS OF DESPOTISM ARE NEVER SATISFIED

If the Senate of the United States deliberately decides that a President, who is a candidate for re-election, may send to the polls as many marshals as he sees fit to promote his re-election, you will mexicanize this country and you will have the same person elected or no election at all unless the people rebel.

Mr. DANIEL. Mr. President, will the Senator from Nevada yield to me for a moment?

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Virginia?

Mr. STEWART. Yes, sir.

Mr. DANIEL. I beg leave to call the attention of the Senator from Nevada, in the line of his argument, to the fact that the supervisors are already endeavoring to interfere with the State elections and are making charges for ballot counting in the State elections for members of assembly in New York. If the Senator will turn to the accounts of Mr. Davenport, contained in the letter of the Secretary of the Treasury which was transmitted to us December 20, 1890, he will find a statement of Mr. Davenport's charges.

Mr. STEWART. Will the Senator read it?

Mr. DANIEL. With the permission of the Senate I will read it. I read from a letter addressed to Hon. William Lawrence, First Comptroller of the Treasury, from J. Altheus Johnson and Douglas Binns, who were two clerks in the Treasury Department sent to New York for the purpose of reviewing the accounts of Mr. Davenport and making a return to the Treasury Department. They say, on page 8 of Senate Executive Document No. 22, Fifty-first Congress, second session:

The seventh item of the account is as follows:

"To filing 5,057 supervisors' returns of canvass of votes, at 10 cents each, $505.70."

Then they state:

These are returns made by the supervisors of the number of votes cast in their respective election districts. The supervisors canvassed and counted the votes that were cast for each of the eight tickets that were voted, and made returns thereof to the chief supervisor, as per printed blanks hereto attached and marked Exhibit F. There were seven hundred and twelve election districts in the city, and a return was made from each district of the number of votes cast in each of the ballot boxes used thereat.

(On the margin, in red ink:) Suspend this for consideration.—W. L.

These 5,057 returns are, therefore, classed as follows:

Returns of votes for electoral ticket	712
Returns of votes for city and county	712
Returns of votes for judiciary	712
Returns of votes for Congressional ticket	712
Returns of votes for assembly ticket	712
Returns of votes for city (aldermen) ticket	712
Returns of votes for constitutional amendment	712
Returns of votes for justices	73
Total	5,057

In making this charge Mr. Davenport has evidently construed section 2018, Revised Statutes, requiring supervisors "personally"——

Mr. ALDRICH. Will the Senator allow me? I do not wish to make a speech, but simply to ask a question.

Mr. DANIEL. Let me get through reading the paragraph.

Mr. ALDRICH. I simply want to ask whether this is offered in explanation of the constitutional argument made by the Senator from Nevada?

Mr. STEWART. It is offered to show

HOW YOU INTERFERE WITH LOCAL ELECTIONS.

Mr. DANIEL. It continues:

In making this charge Mr. Davenport has evidently construed section 2018, Revised Statutes, requiring supervisors "personally to scrutinize, count, and canvass each ballot cast, whatever may be the indorsement on the ballot or in whatever box it may have been placed or be found," as requiring them, in the discretion of the chief supervisor, to prepare returns of all officers voted for, State as well as Congressional. If this be the correct construction of that section, then the charge should be allowed as made. But it is not apparent that such is the true intent and meaning of that section. The preamble, which sets forth the purpose of the law and which must be appealed to in construing its every portion, declared: "To the end that each candidate for the office of Representative or Delegate in Congress may obtain the benefit of every vote for him cast," the supervisors shall "personally scrutinize, count, and canvass each ballot cast."

I leave that document with the Senator from Nevada.

Mr. STEWART. That illustrates the beginning of this thing. That is the initial step to scrutinize and count and examine all the ballots, for what purpose? For the purpose of seeing if the Congressional election is fair? That is one of the incidents. As I said before, if you

place an army of officers at each poll the incidentals will be the rule and what is within the legitimate authority of the Government will be the exception. These officers will be there to control the elections. What a power this would be in

THE HANDS OF AN UNSCRUPULOUS PRESIDENT,

if we should ever elect one, or of an ambitious President who thought it was necessary that he should be elected because he was the best man to control the elections! You have put in this bill a continuous appropriation. You are unwilling to submit to the people each year the question whether they will live under this system of government. You have put in permanent appropriations because you can not trust the people to carry this law into effect, and the use of the money appropriated is within the discretion of the parties to be benefited. The use of Government money at elections will be limited only by the desire of the candidates for election, and we all know that

THAT IS NOT A GOOD LIMITATION.

With unlimited power to draw in various ways from the Federal Government money to control local elections, where is the liberty of the people? What chance of success will those have who are against the Administration that may happen to be in power? The Federal officials can arrest their opponents, put them in jail, and an inquiry can be had afterwards, but the election goes along all the same. Are the American people prepared for such a procedure?

Now, in order to accomplish this purpose, in order

TO MAKE A MONARCHY OF OUR REPUBLIC,

it has been found necessary to resort to revolutionary measures, to deny that this Senate is longer to be governed by law, and, as I propose to show, the law has already been plainly and palpably violated in the house of its friends during the consideration of this motion. Because Senators here insist upon their legal rights, to be governed by rules, to prevent the subversion of the institutions, the Senator from Massachusetts [Mr. HOAR] tells us that this is more criminal than secession itself. He will find in the United States the criminals too numerous to punish. No party ever dared to put such a plank in its platform; no party ever dared to go before the people and pretend that it would put Federal officers over local elections throughout this country. The Democratic party has never so declared and the Republican party has never so declared.

We are told that this is according to Republican principles. I deny it. If it had been put in the platform and discussed before the people, President Harrison could not have been elected. Who can say that a glimmer of this enormity has not flashed upon the people or that the election bill did not have something to do with the last election? I tell you if the people of this country are jealous of anything,

IT IS OF THE SACRED RIGHT OF HOME GOVERNMENT.

From home government, from local government, liberty grew. It has been contended for for hundreds of years, and our race is the only race that ever enjoyed it. The Anglo-Saxon race contended for it through all the struggles of its history. These struggles established parliamentary government in Great Britain. When our ancestors came here they were planted in little communities, and they had the council house and the town meeting as the safeguards of liberty and self-government. They planted their institutions on local government as the only safe foundation. That principle became so strongly embedded in the hearts of the people that

WHEN KING GEORGE ATTEMPTED TO RULE

from his throne and to dictate to and control the humble citizens of America, who loved these free institutions more than life and were willing to go forward and engage in a struggle with all the world if necessary for the maintenance of home rule, he found not only stubborn but desperate resistance.

Local government was the foundation stone of our Republic. No party dared to put in its platform a suggestion that it would trample upon this sacred right.

KINGS HAVE LOST THEIR HEADS AND CROWNS HAVE FALLEN

because they dared tread this dangerous ground. The history of this country is crowded with struggles for liberty. Sometimes these struggles have been unavailing, sometimes resisted by arbitrary power, but the Anglo-Saxon has moved forward in this and every other country wherever he has planted a colony, and has established home rule, and will forever maintain it.

The effort of Great Britain to strangle home rule in Ireland will be a failure. The Anglo-Saxon, although he may be enraged for a time and may be prejudiced and do wrong, can not carry Englishmen with him for a permanent enslavement of any part of the people of that empire. You can not crush out home government until you destroy the people who established it. You are powerless when you infringe upon the sacred rights of the people, and the Republican party recognized that principle at Chicago. I will read the plank in the platform which is held up to us. We are called traitors by newspapers who have lost their heads or have objects to gain, because

WE DARE TO DEFEND THE RIGHTS OF THE PEOPLE.

I commend the platform to those papers and to those men who would read Republicans out of the party because they adhere to the principles of free government.

It is as follows:

We affirm our unswerving devotion to the National Constitution and to the indissoluble Union of the States; to the autonomy reserved to the States under the Constitution; to the personal rights and liberties of citizens in all the States and Territories in the Union, and especially to the supreme and sovereign right of every lawful citizen, rich or poor, native or foreign born, white or black, to cast one free ballot in public elections and to have that ballot duly counted. We hold the free and honest popular ballot and the just and equal representation of all the people to be the foundation of our republican government, and demand effective legislation to secure the integrity and purity of elections, which are the fountains of all public authority. We charge that the present Administration and the Democratic majority in Congress owe their existence to the suppression of the ballot by a criminal nullification of the Constitution and laws of the United States.

Of course that last clause alludes to the suppression of the colored vote in the South. Be it so. Acknowledge all that is claimed for it, and it is bad enough. It is not the problem now before us. Let that be as it may, is that a reason why the people of all the States shall be denied a free ballot? If that be so, is it a reason

WHY FEDERAL OFFICERS SHALL SUPERINTEND LOCAL ELECTIONS

throughout the States, as they must under this bill at the next election, and as they must continue to do, so far as the election of electors of President and Vice President is concerned, if this bill becomes a law? The time of electing Presidential electors can not be changed by the States. The Congress has power to mix State elections with Congressional elections, and it has done so by fixing the same day for both elections.

Little did the people think when they were dealing with this negro question that it was necessary to sacrifice their liberties, their right of self-government, to accomplish the abolition of slavery and the enfranchisement of the colored man. I tell those who regard the condition of the South as an evil that there are other remedies provided in the Constitution for its abatement which do not involve the destruction of local government. When the people of the United States have come to the deliberate conclusion, and their will is legitimately expressed, that any State in the South has not a republican form of government, it is the duty of the Government of the United States to guaranty such form by such methods as may be appropriate. Then you will deal with a single case; then a free people will deal with it; then it will not be dealt with by a people who have no liberty themselves or whose officers are

PLACED IN POWER BY EXECUTIVE PATRONAGE

and the money of the United States.

Again, there is another remedy provided in the Constitution. Whenever any State shall deny to any of its male citizens over twenty-one years of age the right to vote, there shall be a corresponding reduction in the number of Representatives of that State. We must guaranty to each State a republican form of government. We can deny them representation if they deny suffrage to any portion of their male citizens. These are plain provisions. But you must not, in order to accomplish these desirable ends, deprive the citizens of other States of a free ballot. There is no stronger declaration in favor of this right than is found in this same Republican platform. None can be draughted stronger than that. I was present and voted for it. I approved it then and I approve it now, every word of it,

BUT I DO NOT APPROVE A SUBVERSION OF IT.

Will any man contend that the Federal Government has a right to appoint officers who shall control the election of the Presidential electors? But still the election of Representatives and Presidential electors is fixed at the same time by Congress, and no man will assert that an army of Federal officers at the polls, under the pretense of conducting Congressional elections, would not control all the elections. Is it not the boast of those who claim the good effects of the Federal election law in New York that it stops frauds in State elections, and have not the papers boldly advocated it on that ground, and is not the main purpose put forward by them that by it you can control State elections?

STATE ELECTIONS MAY BE FRAUDULENT.

Violence will sometimes occur in States. The people in governing themselves have committed many excesses; they have frequently done wrong, and their wrongs have been held up by tyrants from time immemorial as an excuse for despotism. The incapacity of the people to govern themselves has been proclaimed, and the fall of our Government, based on the theory of free suffrage, has been predicted on account of the excesses that occur, but those very excesses have been important lessons. They have taught the people how to govern. The frauds in elections in the city of New York challenged the attention of the country, and the people of the various States are now engaged in using every possible method to secure honest elections.

If left to themselves, with increasing intelligence and education, they will work out the problem. It is more hopeful than it was in the beginning; it is more hopeful than it was three hundred years ago; it grows more hopeful daily. They will work it out if you will leave them alone. If they can not work it out, if the problem is too difficult for them to solve, free government must perish.

Who shall say that the United States marshals and supervisors will do no wrong? Who shall say that the paid agents of Federal power will do no wrong? Is the history of the past any evidence that they will not? What has been the history of our own country? Look at the grievances that were endured by the colonies on account of imperial appointees. See how they oppressed the people. Read the his-

tory of any other country and tell me if the appointees of imperial power have been more just and have done less wrong than the people would do to themselves if let alone. If an example of that kind can not be produced, we will not return to monarchy. No example in all history will show

THAT THE SATRAPS OF IMPERIAL POWER

have been more just in their dealings with the people than the people have been with themselves.

I am unwilling to try this experiment of permitting Federal officers to control local elections by any device whatever. It is in violation of the Constitution and is revolutionary and wrong. It is worse than secession, because it strikes at the vitals of liberty. Freedom might exist in a State with the country divided in parts. Liberty will be gone when the Federal Government interferes with the right of a man to vote. If the citizen can be arrested and taken from the polls, if he can be incarcerated, if he has a superior over him at the ballot box, then liberty is gone.

And while there is such a measure as this pending, contrary to the rule, independent of the law, Senators say to those who would uphold the law and exercise the principles of home government

THAT THEY ARE WORSE THAN TRAITORS.

Have fanaticism and greed of power reached such a point as this? Is there no limit to the audacity of men who would subvert the Constitution?

Now, I propose to call attention for a few minutes to what has been done by the Senate in its attempt to adopt this clôture rule and show that the law has been violated. First, by what authority were rules made? The Constitution furnishes that authority. It provides that—

Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

Each House may make rules for its orderly proceeding, but when they have made those rules the majority are bound by them as much as the minority. Every writer on parliamentary law tells us that the object of rules is to restrain the majority and protect the minority. That is why this power was given, and when a rule is made it is as much a law as an act of Congress which has been passed by both Houses and signed by the President. It is a law made by the authority vested in the Senate, and it governs the members of that body, the majority as well as the minority.

THESE RULES HAVE BEEN TRAMPLED UNDER FOOT

by the presiding officer of this Senate. We find in Rule XL a provision how the rules may be amended, and that is binding also:

No motion to suspend, modify, or amend any rule, or any part thereof, shall be in order, except on one day's notice in writing, specifying precisely the rule or part proposed to be suspended, modified, or amended, and the purpose thereof. Any rule may be suspended without notice by the unanimous consent of the Senate, except as otherwise provided in clause 1, Rule XII.

The rules can not be amended without notice specifying the section to be repealed, suspended, or modified. Now, this proposed rule suspends and affects many of the rules. It affects them all. It is a new mode of procedure. I will call attention to one feature of it that goes to the organization of the Senate itself, and we will see how the standing rules are affected. By Rule V when there is not a quorum present any Senator may suggest the want of a quorum, then it shall be the duty of the presiding officer to order the roll-call and ascertain if there is a quorum; and no business can be done when there is no quorum present.

Now, for the purpose of doing business when there is no quorum, for the purpose of enabling Senators to go into the cloakroom and avoid hearing this measure discussed, to enable them to keep out of their seats and to make it impossible to call them back until we come to vote on some question pending, they desire to suspend Rule V by the terms of the gag rule proposed by the Senator from Rhode Island. It may be excusable, it may be they do not want to hear this measure discussed, it may be more convenient to retire when discussion is going on. This is the provision in the proposed rule which abrogates Rule V and puts it in the power of the Senate to keep business going although there may not be three members here:

Pending the proceedings under the foregoing rule no proceeding in respect of a quorum shall be in order until it shall have appeared on a division or on the taking of the yeas and nays that a quorum is not present and voting.

They assume that it is not necessary for them to become enlightened.

THEY PREFER DARKNESS RATHER THAN LIGHT.

This business is to be put through without argument and in pursuance of some supposed political necessity. The argument is closed; you do not want to hear any discussion upon this question; and therefore you will require no quorum for debate and you will deny to the minority who happen to be on the floor the power to call for a quorum. You limit the motion to adjourn so that they can not adjourn. You say further that there shall be only certain motions to adjourn. Grant this, and you can compel the debate to continue while you sleep in committeerooms and cloakrooms and listen to none of the debate. That provision it seems to me was designed to throw contempt upon the arguments of those who protest against this proceeding.

But we are told that the Supreme Court has decided that the power to control all elections exists in Congress, and that is an end of it. Ah!

THE SUPREME COURT WAS ORGANIZED TO DECIDE CASES, NOT TO RUN POLITICS.

The Supreme Court is an important factor, however. The great respect that is entertained for it in this country and throughout the world is all derived from its judicial character, from its purity, from the fact that it is nonpartisan. The judges hold their tenure for life. The court has become illustrious throughout the world for its justice. Every American is proud of our Supreme Court, of our Federal courts. The people have been proud of them in the past and will be in the future unless they are dragged into the filthy pool of politics and cease to become the safeguards of the rights of man. To those courts the litigant appeals with confidence. There is no political bias there. There he may obtain justice, and upon the confidence of the people in the tribunals of justice the stability of our institutions rests.

The Constitution gives the courts such jurisdiction in certain cases as Congress shall prescribe. The original jurisdiction amounts to nothing. It is limited to embassadors and contests between the States. All the remainder is by statutory regulations. Take away

THE JURISDICTION CONFERRED BY CONGRESS,

and it is as powerless as a page of the Senate to affect any political result. In the first section of the third article the Constitution provides for the establishment of courts; the second section provides what may be Federal questions in the discretion of Congress; and the third section provides:

In all cases affecting embassadors, other public ministers, and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction.

That is all of the original jurisdiction of the Supreme Court. Is not that court dependent upon Congress and the Executive for all its power which can affect the fate of political parties? Is it fit to be appealed to in this contest? Is it fit to determine these questions which are reserved for Congress to determine? Shall the Federal courts

BE THE ARBITERS OF POLITICAL RIGHTS?

Can they secure them to the people without power or patronage? The very first election case that went before the Supreme Court under the Federal election law showed the absurdity of submitting a political question to that court. The judges were divided on political lines, as everybody will be and must be when dealing with political questions. The Republicans decided that the law was constitutional; the Democrats held that it was not. There were only two Democrats, it is true, but if there had been a Democratic majority the decision would have been the other way.

Now, look at the narrow view taken of this question by the majority of the Supreme Court. The narrow view taken of it shows that they had not comprehended the magnitude of the question at all. The language of the court is most significant, and I desire to call particular attention to the way they treat the question, how they mystify and how they dodge the main facts, and assume false premises as the basis of their decision.

Mr. BUTLER. From what case is the Senator about to read?

Mr. STEWART. I am reading from *Ex parte* Siebold, 100 United States Reports, 392:

As a general rule, it is no doubt expedient and wise that the operations of the State and National Governments should, as far as practicable, be conducted separately, in order to avoid undue jealousies and jars and conflicts of jurisdiction and power. But there is no reason for laying this down as a rule of universal application. It should never be made to override the plain and manifest dictates of the Constitution itself. We can not yield to such a transcendental view of State sovereignty. The Constitution and laws of the United States are the supreme law of the land, and to these every citizen of every State owes obedience, whether in his individual or official capacity. There are very few subjects, it is true, in which our system of government, complicated as it is, requires or gives room for conjoint action between the State and national sovereignties. Generally, the powers given by the Constitution to the Government of the United States are given over distinct branches of sovereignty from which the State governments, either expressly or by necessary implication, are excluded.

I think this is a case where they are

EXCLUDED BY NECESSARY IMPLICATION.

But in this case expressly, and in some others by implication, as we have seen in the case of pilotage, a concurrent jurisdiction is contemplated, that of the State, however, being subordinate to that of the United States, whereby all question of precedency is eliminated.

In what we have said it must be remembered that we are dealing only with the subject of elections of Representatives to Congress. If, for its own convenience, a State sees fit to select State and county officers at the same time and in conjunction with the election of Representatives, Congress will not be thereby deprived of the right to make regulations in reference to the latter. We do not mean to say, however, that for any acts of the officers of election, having exclusive reference to the election of State or county officers, they will be amenable to Federal jurisdiction; nor do we understand that the enactments of Congress now under consideration have any application to such acts.

The court say that if the States choose through State action to have their elections at the same time with Congressional elections they must take the consequences, and they did take the consequences. State officers were arrested by Federal officials, charged with crime, punished for acting contrary to the laws of Congress in conducting the State election in the city of Baltimore, and the court say it was the fault of the State in commingling State and Federal elections. But is it the fault of the State if the elections of electors of President and Vice President and Representatives in Congress are commingled?

HAS NOT CONGRESS COMMINGLED THEM?

Is it the fault of the States if at the next general election State and Federal officers are elected at the same time? If this bill should become a law most of the States will be unable to change the time of electing State officers before the next election so as to rid their local elections from Federal interference.

Many of them are trammeled by their constitutions, which can not be amended before the next general election. All of them would be embarrassed by the vast expense such a change would involve. Is not the manifest object of this bill to

ENABLE FEDERAL OFFICIALS TO CONTROL LOCAL ELECTIONS?

If not, why is it pressed at this time, when it is not in the power of the States, if this bill becomes a law, to rescue from Federal interference the election of State officers at the next general election? Is not the intention of this bill to take from the States the power reserved to them by the Constitution to appoint electors of President and Vice President? If not, why is it that the bill is now pressed while the laws of Congress require that the electors of President and Vice President and Representatives in Congress shall be elected at the same time? If the framers of this bill had not intended to control the election of President by Federal appointees they would have provided a different time for the election of members of Congress from that prescribed for the election of Presidential electors. No court can say that it is the fault of the State if Federal officials exclude the State officers from participation in Presidential elections. The State can not separate these elections. Congress has the power to fix both and has already fixed them upon the same day.

EXECUTIVE POWER ALREADY OVERSHADOWS CONGRESSIONAL PROCEEDINGS.

It overshadows all financial operations; it overshadows the business of the country. It is now proposed to place at the disposal of the Federal Executive legions of paid political wirepullers and roughs to secure his re-election. Would not the liberties of the people be in danger if this bill should become a law?

I will read further from the decision of the Supreme Court, which is very suggestive:

It must also be remembered that we are dealing with the question of power, not of the expediency of any regulations which Congress has made. That is not within the pale of our jurisdiction. In exercising the power, however, we are bound to presume that Congress has done so in a judicious manner; that it has endeavored to guard as far as possible against any unnecessary interference with State laws and regulations, with the duties of State officers, or with local prejudices. It could not act at all so as to accomplish any beneficial object in preventing frauds and violence, and securing the faithful performance of duty at the elections, without providing for the presence of officers and agents to carry its regulations into effect. It is also difficult to see how it could attain these objects without imposing proper sanctions and penalties against offenders.

The court say they could not act at all without imposing penalties and without making supervisors and marshals Federal officers. Does the court mean to say that Congress can not provide separate elections and exercise all the powers conferred by the Constitution to prescribe the times, places, and manner of holding Congressional elections, without overpowering and superseding State officers engaged in governing local elections; that the reserved rights of the States must be destroyed to enable Congress to exercise the power to prescribe times, places, and manner of holding Congressional elections? Does anybody suppose that the Constitution would have been adopted if there had been a suspicion that there was lurking anywhere a provision which was utterly destructive of the right of self-government? The intimation that Congress can not exercise all the power conferred by the Constitution stultifies the intelligence of the tribunal which makes it, whether that tribunal be the court or Senate.

I maintain, if Congress can not regulate elections

WITHOUT ENCROACHING UPON THE RESERVED RIGHTS OF THE STATES,

the people will not tolerate any such Congressional regulation whatever. Those rights are first and paramount within their limits. The most sacred of them is the right of local government, and Congress has no right in exercising this pretended power to interfere with them, and especially has it no power when it may exercise the power conferred without interfering with States' rights. It can fix a different time and carry out the provisions of the Constitution without overawing the people in the choice of their officers.

You say you want to remit this to the courts. I reply it is not a question for the courts. It is a question we must decide. We can not shirk the responsibility. The court must be preserved to decide cases, and not be ingulfed in the whirlpool of political controversy. The conflicts of party never have been designed for that forum. It is co-ordinate, it is true, but co-ordinate only as it is held sacred. It is taken for granted that it knows no power except to maintain its mandates in the cases which it decides. That is its power, and while it confines itself there no one can criticise the court. It is historical in this country that the court was nearly destroyed by dragging it into politics. By going outside of

THE QUESTIONS LEGITIMATELY PRESENTED IN THE DRED SCOTT CASE

and deciding political questions the court was very nearly ruined. And now has it come to this, that the Republican party is going to imitate the bad example of the Democratic party, which has been so much condemned, and drag the courts into this struggle, a struggle between imperial power and the people sustaining the right of self-government? How powerless will be the courts in that conflict,

A CONFLICT WHICH HAS OVERTURNED THE POWER OF KINGS.

The views of the minority in the Dred Scott case were approved by the people and those of the majority were condemned. The views of the minority in the election case to which I have referred will be indorsed by all who love liberty, while the decision of the majority will be referred to as

AN APOLOGY FOR USURPATION AND WRONG.

What is the watchword of progress, the foundation of liberty? It is home rule. For what reason is it that the Anglo-Saxon can recover liberty when lost? Because he is willing to sacrifice life for self-government. How was it with the French and other nations who have struggled for liberty? When our Revolution came we were fighting for established principles, for home government, and when we drove back the Britons our condition was that of law and order. When the French tore down the Bastile they had nothing upon which to rebuild. They hated everything in the past, for everything was associated with tyranny. They had no guide. They tore down the fabric and attempted to build anew. It took time. The government they formed fell, but rose again. The struggles, the blood, the carnage were repeated, and may again be repeated. The love of liberty in the Frenchman is unconquerable, but he has been deprived of local self-government so long that he has no sure foundation upon which

TO BUILD REPUBLICAN INSTITUTIONS.

The experience of the last hundred years has been valuable to him. Now, for the first time, the French Republic exhibits unmistakable signs of perpetuity. If the Frenchman when he tore down the Bastile had understood the principles of local self-government, monarchy could not have returned to oppress the people and mock their efforts to establish free government.

The difference between a republic and a monarchy is that the former is governed by law, the latter by the caprice of autocratic power. To violate the rule of law and to inaugurate the arbitrary power of a majority in disregard of law the rule under consideration is proposed. Law protects minorities and majorities alike. The Constitution authorizes each House to make rules for its government to restrain the impetuosity of arrogant majorities. The necessity for such restraint is illustrated by the eagerness of the majority to destroy the right of self-government by the passage of a bill which has never been sanctioned by the people.

I call the attention of the Senate to Jefferson's Manual to show the object of rules and their necessity. But before doing so I desire

TO SHOW A PLAIN VIOLATION OF THE RULES

of this Senate, which under the Constitution are equally binding with a law of Congress.

The consideration of this proposed rule of which notice should have been given and of which no sufficient notice had been given is a violation of the law which governs this body. It is a rule for the special purpose of gratifying temporarily the ambition of the majority. In other words, it is a rule to avoid all rules, and it can not be adopted without the abrogation of rules, without revolution. Do you believe that the country

WILL JUSTIFY US IN REVOLUTIONIZING THE SENATE

to accomplish such a purpose as I have described? What is the object of rules? I read from Jefferson's Manual, page 199:

Mr. Onslow, the ablest among the speakers of the House of Commons, used to say, "It was a maxim he had often heard when he was a young man, from old and experienced members, that nothing tended more to throw power into the hands of administration and those who acted with the majority of the House of Commons than a neglect or departure from the rules of proceeding; that these forms as instituted by our ancestors operated as a check and control on the actions of the majority, and that they were in many instances a shelter and protection to the minority against the attempts of power." So far the maxim is certainly true and is founded in good sense; that as it is always in the power of the majority, by their numbers, to stop any improper measures proposed on the part of their opponents, the only weapons by which the minority can defend themselves against similar attempts from those in power are the forms and rules of proceeding which have been adopted as they were found necessary from time to time, and are become the law of the House, by a strict adherence to which the weaker party can only be protected from those irregularities and abuses which these forms were intended to check, and which the wantonness of power is but too often apt to suggest to large and successful majorities. (2 Hats., 171, 172.)

That is the only object of the rules. The majority can protect itself without rules, but they are designed to protect the minority. I regret to be compelled to say that in this Senate Chamber the rights of the minority under the rules of this body have been disregarded by the Vice President and that violation is approved by a majority of Senators. Contrary to the rules, an amendment was proposed of which no adequate notice had been given and which was clearly out of order, but which was declared to be in order. It is further proposed—we need not disguise it—to pass this rule by a violation of the rules; by denying the right of discussion according to the rules of this body. Such usurpation is always in the interest

OF TYRANNY AND UNWARRANTED POWER.

Those who oppose this proceeding stand on the precedents in this country for a hundred years and on the precedents of Great Britain during all her trials for five hundred years, precedents that never have

been violated in either Europe or America, by Parliament or the Senate of the United States, except in one instance, when it was violated to suppress Ireland and for no other purpose. It was violated in the interest of depotism against a struggling people. If such purpose is carried out, if the rules of the Senate are violated to pass this bill, it will not be the end of the discussion. The people will be alarmed; the people will rise up, and you will hear a louder voice than you heard in the last election.

Mr. HOAR (in his seat). Not louder than we hear now.

Mr. STEWART. I am glad I am able to speak so that the Senator from Massachusetts is able to hear me.

I SUPPOSED HE WAS DEAF TO REASON ENTIRELY.

I supposed his anxiety to trample upon the rights of the people was so intense that he could hear nothing but the clang of the deputy marshal's revolver, the thud of the policeman's club, and the howls of the mob at elections.

We have gone far enough in the violation of the rules of the Senate, rules born of the great struggle for representative government. It is time to pause.

THE LAST ELECTIONS ARE AN EVIDENCE OF THAT FACT.

It will not do to lay it to the tariff altogether, for the tariff was an issue on which the President was elected; the tariff was before the people; it was discussed; there were two parties on that question; but this bill, forced through the House of Representatives, comes here and is exhibited to the people after the party came into power by their votes. They were called on to sustain the Republican party in making it a law. The people refused by overwhelming majorities. You now propose to pass the bill against the will of the people expressed at the ballot box. They answered your proposal to interfere with local elections from the Atlantic to the Rocky Mountains. Are you deaf to that answer? On the Pacific coast the bill was never discussed. They did not realize that it was to be an issue. It was not discussed or defended or alluded to in my State during the canvass, and the people passed upon other issues. But those who went forth proclaiming that they would pass this bill have either had greatly reduced majorities or

THEY HAVE BEEN ELECTED TO STAY AT HOME.

In view of this admonition, with a two-thirds Democratic majority in the House of Representatives, I appeal to my Republican brethren to halt before they step over the precipice, destroy the party, and place it in an attitude from which it can never recover, for if there arises a suspicion that our party for any purpose will sacrifice the right of the people at the polls to elect their own officers, that is the end of the Republican party. I appeal to you in behalf of the Republican party to stop in this mad career.

It is time to stop. Pass the necessary legislation, satisfy the people that you will adhere to your platforms and that you are in favor of protecting the reserved rights of the States, but that in any purpose which you may have, no matter how laudable, no matter how necessary, you will refrain from laying hands upon the Constitution or trample under your feet its provisions. You must take that ground or you can not sustain your party. The party can not live unless it is planted on solid ground such as was set forth in the Republican platform at Chicago.

I say that this bill, mixing local and Federal elections, mixing Congressional and Presidential elections together, and providing Federal officers to supervise them, is a step you ought not to take.

I warn you as Republicans.

I HAVE BEEN A REPUBLICAN FOR MANY YEARS.

I have stood by the party; I have never faltered to sustain it; I have never voted for any other. I am a Republican and I now want to save the Republican party from this fatal leap. It is putting itself in conflict with the people. You had better take warning from the late election. You must be in touch with the people in all you do if you expect them to sympathize with you and sustain you.

I appeal in behalf of the Constitution, in behalf of free government,

IN BEHALF OF LAW.

I appeal to you to stop this proceeding and cease to violate the rules, cease to trample the Constitution under your feet, for if you proceed you must fail. There is but one judgment that can be pronounced by a free people upon the violation of the Constitution which you propose. Stop now and save the party! Above all, I appeal to you to refrain from attempts to deprive the people of a free ballot, uncontrolled by Federal power. Leave the election of State officers and Presidential electors to the State, according to the guaranties of the Constitution.

The PRESIDING OFFICER (Mr. PLATT in the chair). The question is on agreeing to the amendment of the Senator from Nevada [Mr. STEWART], on which the yeas and nays have been ordered.

Mr. SANDERS obtained the floor.

Mr. ALDRICH. I ask the Senator from Montana to allow me to interrupt him for a moment that I may make a request of the Senate.

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Rhode Island?

Mr. SANDERS. I do.

Mr. ALDRICH. I ask unanimous consent that the debate upon the pending resolution be limited to half an hour to each Senator, and at the close of that debate——

Mr. VEST. I object.

Mr. COCKRELL. We object to that.

Mr. ALDRICH. That we vote upon the pending resolution and amendments without further debate.

Mr. COCKRELL. We object to that.

Mr. ALDRICH. Then I ask that the speeches hereafter be limited to one hour to each Senator.

Mr. COCKRELL. We object to that, Mr. President.

Mr. ALDRICH. Then I ask, further, that the vote may be taken upon the pending resolution on Monday next at 12 o'clock.

Mr. COCKRELL. We object to that for the present.

Mr. VEST. Why does not the Senator put his request in writing and just put it in the RECORD? He intends it for publication merely. He knows it will not be agreed to.

Mr. ALDRICH. I can not hear the Senator's remark.

Mr. VEST. I ask why he does not simply put his request in writing and let it go into the RECORD at once.

Mr. ALDRICH. I do not quite understand the point made by the Senator from Missouri. Does the Senator raise the point that my request must be in writing?

Mr. VEST. Oh, no; I do not care about that.

The PRESIDING OFFICER. The Chair understands the Senator from Rhode Island to ask unanimous consent to these several propositions——

Mr. VEST. There is objection here and the Senator from Rhode Island knew that we objected.

Mr. ALDRICH. I had no reason to know there would be objection.

Mr. VEST. The Senator has been declaring here for a week that this side of the Chamber is acting for delay and would agree to no time for a vote.

Mr. ALDRICH. On the contrary——

Mr. VEST. If he said anything here at all, he said that.

Mr. ALDRICH. I know that, but on the contrary——

Mr. VEST. He must believe it or not believe it. If he believes it, why does he make this request?

Mr. ALDRICH. On the contrary, the Senator from Missouri has protested every day with equal vigor that there was no such disposition on that side of the Chamber, and these requests are made for the purpose of testing the sincerity of those declarations of our friends.

The PRESIDING OFFICER. Did the Chair understand that objection is made to the request of the Senator from Rhode Island?

Mr. COCKRELL. Of course.

Mr. VEST. Of course there is objection.

Mr. ALDRICH. I ask, then, whether the Senator from Nevada [Mr. STEWART], whom I do not see in the Chamber, or the Senators upon the other side are willing to fix any time when they will allow a vote to be taken on the pending resolution.

Mr. COCKRELL. We can not fix a time now, Mr. President. As soon as we ascertain how far the debate is going to extend then we may be able to ascertain a time.

Mr. FAULKNER. I was just going to observe that I know several Senators who are anxious to be heard upon this question, and it would be impossible to tell how long they desire to address the Senate until after they have spoken. It will certainly be unfair in the Senator from Rhode Island to ask us to fix any time at all. After that is done and they are through he can make the request.

The PRESIDING OFFICER. The Senator from Montana will proceed.

Mr. SANDERS. Mr. President, the resolution before the Senate touching the progress of the public business in the course of this debate has to some extent been lost to view. In the presence of public pending measures of possibly larger import the mind and the speech of those who have considered this matter have leaped beyond the immediate contention and have grasped the wider view.

I do not mention this fact, Mr. President, to make any complaint. I think what has been said touching the pendency of this resolution, which it is alleged curtails the freedom of debate, is based upon a misapprehension of definitions and terms. There is a difference between freedom of debate and unlimited debate. There is a difference between freedom of debate and the right to invade any organization or any forum and there to speak indefinitely. The right to freedom of debate is not an individual right, but is a right that appertains to all, and it can not be sacrificed to the rights of mere individuals.

If upon mathematical principles and dogmatic assertions the right to freedom of debate in this forum means unlimited debate we shall come to that condition of affairs where we shall divide the ordinary sessions of the Senate into forty-four different periods and assign to each State an equal length of time. So long as the conduct of affairs is left to a majority it must be permitted to determine the various items of business that are to occupy our attention, the length of time accorded to each, having regard to their relative importance to the people, and it is no invasion of any individual or municipal right for a majority so to proceed.

But this entire discussion has seemed to progress in this regard upon the proposition that it is the right of Senators and the interests of States municipally considered that are to be alone regarded. But behind the Senators upon this floor are the people themselves whose opinions within the limits of the Constitution it is our solemn duty to weave into written law. It is their rights that are supreme and above ours. It is their convictions that are to be embodied in policies and words. Nor should their rights and interests and directions be thwarted because it is alleged there are individual or official rights that may so sacrifice the time that belongs to the people that their august commands shall not be obeyed.

I had prescribed to myself an humble duty of answering a single grievous accusation which has been made by those who are opposed to the bill known as the Federal election bill, that it was born in the night and was sought to be crowded through the Senate in the early twilight of morning without consideration and in defiance of the will of the people; but I am so beholden heretofore to the unfailing courtesy of this body, a courtesy which I wish in behalf of myself to acknowledge and which I am satisfied I might also acknowledge in behalf of those other gentlemen who with me are now upon this floor (exceeding in number I believe I may say any number of newly admitted Senators who have heretofore occupied seats in this Chamber since the organization of the Government), that I think I may presume upon that courtesy to say a word or two beyond what I had prescribed to myself.

In the first place, I think it wise that we shall stop and inquire in the abstract what proposition is embodied in this proposed Federal election law. It is proposed by it to throw a flood of light, so far as light can be commanded by the Federal Government, upon the processes of those persons who act by virtue of State authority and attempt in the other House of Congress to determine who shall be members thereof. The House of Representatives has come to the Senate with this bill and has said, "such is the condition of affairs that the House of Representatives is not the embodiment of the supreme will of those who by the Constitution and laws of the United States are entitled to create it." It is a matter primarily that concerns that House, and the ordinary deferences that are shown by one House to the other appeal to us, unless there be insuperable objections, to accept their statement of the truth and to give to them the remedy which in the judgment of the members of that House is adequate to the correction of a great wrong.

In former times when people acknowledged the divine right of kings and an heir to the throne was to be born, they surrounded the bedchamber with the high ministers of state, and no lady of the land could plead any engagement of society or business as against the command of the royal authority that that chamber should be guarded sacredly, that there should be no intrusion upon the royal line, of foundlings picked up in the slums. This was done to preserve the line of authority, that royal power should continue where, by the divine command, it had been placed. In humble imitation of that transaction, not to be belittled now that we have fallen upon more enlightened times, we stand here to see that the authority and power of the citizens of the United States find deliberate and peaceful and rightful expression in those organisms which by the Constitution are created for the enactment of law.

Meant therefore to facilitate simply so small an object as that, with a bill fitting and appropriate in a feeble and quiet way indeed to compass it, great questions of philosophy have intruded themselves upon this floor, have occupied the attention of scholars and orators here, and we have finally reduced this discussion down (for I am not going into it in detail) to the naked proposition whether in the last two hundred years the world has progressed in the right direction. Stripping this discussion of all verbiage, of all subterfuges, of all the honeyed words by which it is sought to be covered up, we are confronted here now, after James Otis and Samuel Adams are dead, with the naked and bald proposition that an oligarchy is preferable to a democracy.

I care not how gentlemen, with reference to this discussion, squirm or explain. Nakedly and boldly we are told in these last ten years of the nineteenth century that the great discussions of two centuries are in vain, and that the drift of public sentiment towards the right of man to govern himself has been not only a miscarriage, but a mistake.

I have been interested, if not instructed, by those criticisms that have been made upon the organic laws of several Commonwealths in this land, whereby it has been sought to limit the right of suffrage to people who possess certain literary qualifications or had not violated the criminal laws under which they lived. Concerning the propriety of any attempt to erect a literary qualification which should entitle or deny to a man the right of suffrage, opinions differ. There are always doctrinaires, men who themselves can read, who are arguing with more or less wisdom that that should be the test whereby it shall be inexorably determined whether a man shall have a voice in the making of the laws under which he is to live. That the subject is one of no inconsiderable difficulty and that the finite mind can not frame in words a test that shall be philosophic and just, if there be any limitation at all, must be readily conceded.

A half century ago there floated through the literature of our land a poem describing the philosopher's scales. They were methods by which the moral and intellectual qualities of each individual were to be determined. If that romance could be woven into actual fact we could philosophically prescribe a rule where, by weighing a man, we could determine whether his intelligence and morality and patriotism brought him to a given standard or not; we could determine where in the scale of weighing individuals the right of suffrage would begin. But nobody who has discussed this question, nobody who claims that there should be an educational test governing the right to vote, has ever claimed that that test was absolutely philosophic or absolutely satisfactory. The most literary man in the country may be unpatriotic and may be wicked. Education tending, indeed, to drive selfishness and baser passions out of the human mind, does not always succeed, and there are educated villains who vote, and vote wrong, and there are illiterate people who vote, and vote right.

But that discussion is entirely aside from anything that is presented in this body. A government, democratic in form, making a test of such a character and quality as to operate in exceptional instances, in my own view is unwise. It nevertheless has a large support in the convictions of a great many very excellent people. But my experience, extending over a wide area and with many classes of men, has demonstrated to me that patriotism, morality, and intelligence are not necessarily confined to those who possess literary qualifications. I am willing to leave that discussion with the Senators from Massachusetts and Colorado and the other States where that qualification exists, to wrestle with it as to them shall seem meet.

But that is not the question that is involved in this discussion and is not the basis upon which hostility to this legislation stands. It is here and now boldly and baldly asserted that it is right, that it is philosophic, that it accords with the past traditions and present interests of these people that a majority of the citizens of a Commonwealth in the United States be excluded from the ballot. There is, therefore, asserted here the divine right of kings, not bound up, indeed, in a single individual, but distributed through a small class chosen by themselves.

Now, I am not about to proceed with an argument that a democracy is preferable to an oligarchy. I am not going to proceed to read from authorities the various arguments by which for at least two centuries the world has been enlightened upon this theme. I content myself with dismissing it very much in the language of William Pitt in his speech upon the bill to tax America in 1776, when he said:

> I came not here armed at all points with law cases and acts of Parliament, with the statute book doubled down in dog's ears to defend the cause of liberty. On such a subject I will not debate points of law, but rely for the defense of liberty on a general principle, a constitutional principle. It is a ground on which I stand firm, on which I dare meet any man.

Mr. Clay, upon the floor of the House, in the year 1818, in endeavoring to assist the Republics of South America in their struggle against their mother country, speaking of their people, said:

> But it is sometimes said that they are too ignorant and too superstitious to admit of the existence of free government. * * * I deny the alleged fact of ignorance; I deny the inference from that fact, if it were true, that they want capacity for free government. * * * The fact is not therefore true that the imputed ignorance exists; but if it does, I repeat, I dispute the inference. It is the doctrine of thrones that man is too ignorant to govern himself; their partisans assert his incapacity in reference to all nations: if they can not command universal assent to the proposition it is then demanded as to particular nations, and our pride and our presumption, too, often make converts of us. * * * Self-government is the natural government of man.

I think that extract from Mr. Clay throws a flood of light upon the gulf which lies between the proposition to exclude temporarily and for exceptional reasons a few of any particular nation and an attempt to deny to the majority of that nation a right to control its destinies. This question is not a new one. Two hundred years ago last year John Locke, in his Essay on Government, said:

> The great question which in all ages has disturbed mankind and brought on them the greatest part of those mischiefs which have ruined cities, depopulated countries, and disordered the peace of the world, has been, not whether there be power in the world, nor whence it came, but who should have it. The settling of this point being of no smaller moment than the security of princes, and the peace and welfare of their estates and kingdoms, a reformer of politics, one would think, should lay this sure, and be very clear in it; for if this remain disputable, all the rest will be to very little purpose; and the skill used in dressing up power with all the splendor and temptation absoluteness can add to it, without showing who has a right to have it, will serve only to give a greater edge to man's natural ambition, which of itself is but too keen. What can this do but set men on the more eagerly to scramble, and so lay a sure and lasting foundation of endless contention and disorder, instead of that peace and tranquillity which is the business of government and the end of human society?

I am perfectly certain, Mr. President, that no man can have sat in this Chamber and listened to this argument from people who claim they are more immediately interested in this legislation than others without having a deep impression made upon his mind. I am perfectly certain that no one who has sat on this side of the Chamber has not had his mind and heart opened to a conception of every difficulty under which those Commonwealths labor. I am perfectly certain that through that portion of the country in which these difficulites exist, possibly in a lesser degree, there is a fixed and unalterable purpose to see that the institutions of good government in those lands are made secure.

But I know, in the light of what Mr. Clay said as to the temptations under which we all labor to exaggerate the wrongs of political opPo-

nents, the dangers which their advent to power would bring, we shall insist upon being very certain that there is put in peril some institution of the country, and peril imminent, peril certain, and peril abiding before we shall consent that there shall be erected in the nineteenth or twentieth century a government not of the people, by the people, and for the people within the limits of the United States of America.

Still less do I undertake to belittle the disorder that from the close of our late civil commotions attended the attempt to re-establish in correct relations with the Government of the United States State governments there. Suspicious that these difficulties have been grossly exaggerated, conscious that the conditions which surrounded those communities made orderly progress impossible, a time when there was neither peace nor war, a time when every industrial and social organization was shattered in the dust, I could not expect, unless divine wisdom had charge of affairs, that everything should progress in an orderly manner, and that those communities in their earlier lives, under their reorganizations, should manifest that "unity and married calm of states" of which Shakespeare speaks.

I think I may say, further, that much of that disorder arose from other conditions of society there—and I say these things without blaming any individual. Of course where private fortunes were shattered, where the pressing needs of families required the exclusive attention of men theretofore conducting public affairs, they were necessarily in a greater or lesser degree withdrawn from those avocations. But it is a further fact, attested by many evidences in the Government archives and elsewhere, that the passions of that war for the time being so soured persons identified with those States, and to whom we should all look for their wise rehabilitation, that they denied their contribution of advice and wisdom and labor and sacrifice to that great work.

I undertake to affirm in this presence that if the wise and prudent and intelligent people in any community of the North, soured by existing conditions, should withdraw in sullen hostility their advice and assistance from the conduct of public affairs, ruin as wild and as sweeping as came to the South would be visited upon the Commonwealths that were thus abandoned to their fate. "Eternal vigilance" of the ignorant is not "the price of liberty," but it must be the vigilance of the wise as well.

Now that we have fallen upon happier times and now that the passions of those contentions have in a measure subsided, now that those men, with their fortunes re-established and their patriotism reinspired, have taken hold of the conduct of those matters, I have an abiding faith that, in conjunction with the humble and the poor, with the illiterate and the ignorant, every institution of civil liberty, every institution of good government will be as secure in their hands as it is in those great Northern States that are forever inviting into their midst and forever receiving a large influx of peoples unaccustomed to the habits and ideas of democratic government, not comprehending the language in which their laws are written, in which intercourse is conducted, in which their literature is established.

Nay, these great perils do not confront alone these States that have within their limits peoples of a different color, but confront as well those States that have within their limits a newly arrived population unfitted by all their traditions and history to take hold of the delicate mechanism of government and conduct it wisely and well. It is our habit and policy, in so far as we may, to have these large arrivals of foreign migration first comprehend our written speech and conduct, so far as they can, their affairs in our own tongue. We strive by all the processes that are possible to be used to educate them in the principles of liberty, which, as they are impelled by individual selfishness and patriotism, it is not a difficult lesson to teach or learn.

This occupies much of our time. It occupies more of our solicitude. But we have rescued every Commonwealth from all the perils which this mighty influx has placed upon it from time to time. It is not a very long task before men begin to take an interest in public affairs. We then pass on and take possession of newer arrivals, until we are building up in all those Commonwealths a complex community, composed of various races of men, but equally taking an intelligent and effective interest in the conduct of public affairs and separating upon public issues according as their views of interest and duty require. Nothing that has occurred since this great influx of populations began has seemed to place in peril the existence of wise and liberal governments throughout the land. This high example, the result of much reflection and much toil, we commend to all persons who are surrounded by like perils and who would rescue the institutions of their country from the shipwrecks which are threatened.

The criticisms which have been made of this bill touching its constitutionality I dismiss with a single observation. The Constitution of the United States, having given to Congress the power to make rules and regulations for the election of members of the House of Representatives, has not minimized or belittled that plenary power thus granted by a prior provision that individual States in the first instance might make those regulations, nor by a further provision that Congress might alter the regulations of the State so made. It stands as if it were a grant of power originally conferred upon Congress to make such regulations as would secure to the people the certainty that their voices, expressed in the forms of law by men upon whom the law has cast the privilege of the franchise, would find expression in the House of Representatives.

The accusation that this bill is born of sectional animosity is unworthy of a reply. God knows that from the heart of heart of every man and woman within the limits of these United States there goes out to the people of these Commonwealths thus surrounded and thus complaining an abiding and an abounding wealth of affection. Nowhere in any Republican spot or place can language be found that would indicate that in the heart of its possessor there was any rancor or any revenge or any hatred. It was the purpose of the people of the United States swiftly, upon the surrender of the armies of the late Confederacy, in official action to put behind them every memory and every recollection and every lesson—not every lesson, indeed—but every word having reference to that strife. They meant to keep their eye toward the morning sun, and therefore they petrified into organic laws the conditions upon which those States should be admitted to normal relations with the Government and should accept whatsoever of assistance and aid, patriotism and power, could suggest on the part of their sister Commonwealths to speed them on their way.

This bill that is before this Senate is a bill of peace. It may be beaten, but by beating it you simply remit to future discussion the question whether the processes by which that commotion was ended shall be the final determination of it or no. On the fourth day of next March this Congress may adjourn with this bill not a law, with a sense of deep and grievous wrong rankling in the bosoms of one-tenth of our citizens—nay, more than that—with the consciousness that injustice is being perpetrated in the light of day that is not only known to a majority of the people but is known by all.

You may continue that condition of affairs, I do not say how long, for it is not my purpose to be a prophet here; but in so much as you have separated the classes of your citizens, as you have allowed a portion of them to be denied participation in the conduct of the Government, you have thereby increased day by day as the hours roll by the widening gulf between those who are admitted to citizenship and those who are denied that boon; you make denser the ignorance of those whom you forbid to enjoy with you this great heritage; you build up within the limits of these Commonwealths a proletariat and a set of pariahs. Yea, you invoke abiding and abounding mischief for the future, not merely in this forum, not merely before these people, but even above and beyond them; for there, if there be anything truer than another, it is that the farmer at his home, at his fireside and in his field, the miner at work in the bowels of the earth, the artisan at work at his bench, and the laborer at his daily toil, the people of these United States have deeply in their heart of hearts an immutable sense of justice. They can not be silenced. Neither honeyed words, nor yet defiant words will annihilate that sense of justice. They entertain a purpose as deep as ever man possessed that the contentions which found embodiment in the thirteenth, fourteenth, and fifteenth amendments of our Constitution, which settled forever the controversies to which they allude, shall not be merely a piece of literature in the books, but shall remain a tangible and palpable fact in history. They mean that the fifteenth amendment shall not be—

> A painted Jove
> With idle thunder in his lifted hand.

But the plea of inopportuneness is also made against this bill. It is said that there is "order in Warsaw."

It is said that normal processes are, in one way and another, working out a solution of this problem. And all kinds of vagaries and prophecies are afloat in regard to a change which shall consist with the annihilation of the fifteenth amendment of the Constitution of the United States. Against this plea of inopportuneness I put immutable justice. The time to do right is here and now. Against this discussion whether it is wise that we shall have regard to race in determining who shall exercise the suffrage I put the fifteenth amendment of the Constitution as having settled that matter at once and for all. As against the present and commanding duty to see that that amendment is made a fact in our organic law and that the rights which it describes are secured to the humblest citizen I put the oath which you administer when we take our seats in this Hall. It is never inopportune to obey your oath. It is never inopportune to do justice. It is never inopportune to weave around the humble and the lowly citizen of the United States the panoply of protection that shall make his humblest rights secure.

But it is further said upon the whole there is financial prosperity in the South, and that the passage of this law will arrest it or at least disturb it. I am reminded by that plea of the ponderous speech of the great Englishman when he said: "It was the boast of Augustus that he 'found Rome of brick and left it of marble.'" But he adds: "How much nobler shall be that sovereign's boast who shall have it to say that he found law dear and left it cheap; found it a sealed book, left it a living letter; found it the patrimony of the rich, left it the inheritance of the poor; found it the two-edged sword of craft and oppression, left it the staff of honesty and the shield of innocence."

It is said that race hatred will be excited by this bill. I pray that there may be no confusion of speech when that phrase "race hatred" is used. Is there in the length and breadth of this land anywhere a

solitary individual guilty of a skin not colored like our own who will hate any race the more that it has come to his rescue and has secured to him the privileges which, by the organic law of the country in which he was born, to whose prosperity and experience he has ministered—that it has secured to him those rights beyond question? Certainly not. The race hatreds, therefore, diminish to this consideration: That notice is served upon us that if we shall be obedient to the oaths which we have taken, if we shall carry out the Constitution which is the measure of individual and collective right, somebody will hate those to whom these rights are thus secured.

I can not conceive that that argument is of controlling import. I know that when human passions are worked up to the degree that they have been worked up over this question, very intelligent and sober-minded men create in their own minds chimeras, and difficulties, and dangers that the facts do not justify when the event transpires.

It has been twenty-five years since some of these men to whom this boon of the elective franchise was accorded were slaves. That is a time during which human beings may have learned much. Among the homes of their ancestors, among the institutions where they were reared, surrounded by the neighbors upon whom their infantile eyes first looked, twenty-five years might certainly embody much of education touching the great interests of the country of which they are a component part.

It is twenty years more than we require for the most ignorant immigrant that comes to our land to instruct himself in the mysteries of democratic government, wholly new to him, and, in some instances, petrified in a language of which he is entirely ignorant. I do not believe that the question that was submitted to the Commonwealths of the South twenty-five years ago is the question of to-day. Conditions have changed. Education has instructed this class of people. Besides that, a large number of individuals in that country to-day are voters who were never slaves. I believe, therefore, that the prophesies of evil which we hear are the visions of persons frightened, rather than instructed by their wisdom and by the probabilities touching human action. I believe that we have had experience enough in our history to demonstrate that these dismal things which are prophesied of and concerning this race of people have no foundation in fact.

I believe, further than that, the very instant we allow a political party to paint the atrocities of their political competitors, to put into speech the dangers which they do or do not believe would result from the accession of their opponents to power, and allow them because of that opinion of theirs to exclude them from the franchise, that moment we have destroyed democratic government throughout the length and breadth of this land.

I said, and I said truly, that it was the purpose of the people of the United States that our former sectional difficulties should be at once and forever ended and should have no lot or part in existing or future discussion. They meant that that rebellion, wicked and pitiful as it was, should never be mentioned on either floor of Congress, not because they were ashamed of their relations to it or of anything that they did with reference to it; but they never will consent that there shall be, by stealthy approach or otherwise, any encroachment upon those immutable principles of public law and public justice that they have woven into their constitution as part and parcel of that settlement.

If within six years from the time you have adopted the fifteenth amendment you may trample it under foot, if you may tear it in pieces, and upon its fragments stand in the Hall of the House of Representatives and say that the rights which it secured shall be held in contempt, as is said over and over and over again, they have a vague apprehension that in six, or ten, or twenty, or sixty years more, if you please, a short time in the life of a nation, that amendment may be destroyed, and you may proceed to the fourteenth amendment, and then to the thirteenth, until you have eradicated all the progress that we made by those mighty sacrifices of those four years. It is perfectly certain that whatever may be said of individual apathy, whatever may be said of the appeals of capital, whatever may be said of editors whose indigestion places them in discord with public convictions, it is perfectly certain that, if there is one thing deeper in the hearts of the people of the United States than another, it is that democratic government within the limits of the United States shall remain forever.

I stand amazed at the audacity of this proposition. What has been the drift of public thought and action during the two hundred years that have transpired since the quotation from Mr. Locke which I have read was published? What is the drift of things to-day? Why, the morning dispatches even bring us news that in the mildest form of kingly government that exists on the earth, one which it might be supposed would reconcile men to live under its traditions and institutions, traditions and institutions under which they were born, there are civil commotions of a character and quality that imperil kingly power. It was the contagion of our example that destroyed the first and the last empire or kingdom on the continent of America.

It has gone back to Europe, whence it came, and thrones are tottering there. And shall it be given to us to abandon the great lesson which we have taught, to expurgate from our Constitution and from our other great state papers the immortal declaration of Thomas Jefferson that "governments derive their just powers from the consent of the governed," and allow to be erected within the limits of the United States a government that is avowedly based upon the fact that it circumvents the wishes of a majority of its people?

This is a large task that is proposed. If at the close of this century we are going to about-face, are going back a century or two centuries in human history until the divine right of a superior race, a minority, to rule shall be again established, we have a large task in the history of the world to perform.

We must have expurgated editions of John Milton and John Locke and Hooker and all the great writers who philosophically have undertaken to treat of human government. We must have expurgated editions of the Declaration of Independence and the Constitution of the United States. Yes, as my friend from Massachusetts [Mr. HOAR] so well suggests, we have got to have the New Testament submitted to a revision, and those sentences in it that are the boiled-down essence of divine wisdom and that have inspired men to reach their present high condition, have got to be driven out of existence and away from the eyes of the women and the children and the men, not only of this land, but of all lands. And when we have done all this it would be idle. In the human heart are sentiments which can not be eradicated so long as it beats. The ponderous tread of the generations is in a single direction.

Whoso shall abide by the impulse and accept it shall be made stronger and nobler and better; and whoso shall challenge it in its onward march, him shall it grind to powder.

I have been pleased, and I will not say I have not been instructed by the frequent appeals that have been made to us to halt in this attempt to secure the living spirit of the Constitution instead of the cold literature which it embodies, by the pictures of peril in which we put liberty. To turn the calcium light, from whatever sources it may come, upon the action of the people, in order to see precisely what they do, and to see that that which they have done they have the benefit of, is going to result, according to the prophets of evil that croak around this discussion, in the destruction of the rights of the people; and literature that was born of resistance to kings, that was born of resistance to privileged classes, that was the literature that voiced the purpose of the common people whose aspirations were thwarted, is recited in this Chamber as if it were argument against this action of ours.

Why, sir, my own relations to this bill are possibly colored somewhat by a consciousness that I possess that it will be of abiding use and will prevent abiding mischief in the Commonwealth in which I reside. All over this land the sources of power are being day by day stealthily corrupted. The triple hags of party rancor, race hatred, and corporate greed are stirring their hell-broth of civil commotion in this land. It is time that every process by which they seek to corrupt the sources of power, to misdirect the expression of it when it has once found expression, be exposed and that the purpose of the people be given strength in our body politic.

No chain is stronger than its weakest link. Enough has transpired in our history, and is transpiring to-day in the various Commonwealths of Connecticut, Colorado, New Hampshire, Nebraska, and Montana, and in other places, to excite the solicitude of the thoughtful and the anxiety of the patriotic. That weakest point in democratic institutions, as organized under our Constitution and not supplemented by this law, is the transmission of power existing primarily in the people, and in those people that by the Constitution and law are given the right to vote, from the individuals who possess it to the officers and the organisms who are to exercise it, a sort of umbilical cord, as it were, that in the infancy of authority connects the people with their representatives.

Whoever undertakes to weaken that, whoever undertakes to prevent its being strengthened, is an enemy to his country; and whoever undertakes to belittle the importance of any effort to strengthen it attempts to sacrifice the public good upon the altar of a desire to wield power that does not legitimately belong to him or to his party.

If we may assail to-day the rights of people because they are not of our complexion and color, to-morrow we may select the next class of people weakest in numbers or authority or in intelligence and sacrifice them, and having compassed the destruction of these two classes we may go on conquering and to conquer.

But I beg leave to say that every event in history makes it certain that there is a line in that direction which you can not cross without stirring up strifes that nobody would desire to have stirred—that weird specter which

> From his horrid hair
> Shakes pestilence and war.

And who believes that within the limits of the United States labor is going to secure its reward when one-tenth of the laboring classes are to be excluded from participation in the conduct of the Government which they support and maintain? I am very well aware of organizations that exist whose principles have not wholly crystallized into chosen expression, but who are nevertheless groping in the dark for the ultimate truth to which they will finally arrive and which profoundly concerns their welfare. I say I am well aware of such societies, and I look upon them with entire patience in all their mistakes and shortcomings.

No man can leap instantly into the complex system of government and comprehend the subtle and intangible forces that operate upon human prosperity. But so long as these men are thinking the matter over, so long as they are willing that upon their operations there shall be thrown the flood of light which public discussion gives, so long every institution of our country is secure.

It was a profound truth embodied in a formula of words worthy to be written in gold, that "error is powerless so long as truth is left free to combat it," and upon the hustings, at the homes of the people, upon Senate floors, and upon the platforms of the various organizations of our people, they are coming to consider upon this matter and will ultimately arrive at the true solution of existing economic difficulties. Doubtless it will take time. Doubtless crude propositions will find temporary support. But these things are sifted by processes larger than discussion here, and out of it all there will be evolved the ultimate grain of truth, a profound remedy for evils which the people see, but which they have not wholly been able to embody and describe in words.

For this purpose to them one thing is necessary: that that which they say, that that which they do, that that which they believe, that that which by their ballot they declare shall be a rule of action, shall find expression in those bodies which were created to be the embodiment of the public will. If you shall deny to those people such expression and such action, you have gone far in the direction of disorder and civil war.

I was amused yesterday at a little inventory presented by the honorable Senator from Delaware [Mr. GRAY], involving, I should think, twenty or thirty men out of the 63,000,000 of people constituting this Commonwealth, supposed to be in greater or lesser sympathy with the political party with which I am to some extent identified, who had expressed an opinion that the Constitution of the United States, as embodied in the last amendment to it, could forego all oaths for its enforcement, and that those of us who had taken and subscribed an oath that we would support, protect, and defend it might well forego that solemn duty, because, forsooth, possibly in our oaths the word "now" was omitted. I desire, Mr. President, to say that there is no newspaper that has been appointed the tribunal to express the popular will. Opinions are as variable as the shade.

What influences and interests operate now and then to produce a condition of public sentiment which I do not know how better to characterize than as a condition of moral flabbiness I do not undertake to say. I undertake to say that in those places where authoritatively the people of the United States have expressed their will they have with no uncertain sound declared their purpose and desire that these amendments to the Constitution should stand as the bulwark and shield against all forms of oppressions, no matter how humble the individuals oppressed might be. And, as to the possible possessors of wealth who control here and there a newspaper, I desire to call the attention of this Senate for a moment to a few facts in history which are an utter and a supreme answer to all the imputations that have been cast upon the honorable Senator from Massachusetts [Mr. HOAR], or those who agree and believe with him that this bill ought to be passed, for having suddenly sprung the bill upon the people and pressing it through with undue haste.

The fifteenth amendment to the Constitution of the United States was effected after wise deliberation, after ample discussion, and was the expression of the popular will. In all that has transpired on this floor, if we shall except the solitary extract from the religious newspaper published at Little Rock, in the State of Arkansas, there has been no proposition to repeal that amendment. As a necessary sequence to that amendment, whenever it is disobeyed, laws fitting and proper for its enforcement or to expose its violation are the supreme and pressing duty. And so when, in 1874 and 1875, the people of the United States saw this amendment torn in pieces and trodden under foot, they expressed in those forums where that expression would not be impertinent or irrelevant, their convictions of the public duty of the Congress of the United States. From that time until this in those forums they have repeated that expression. So that I can say of the bill now pending:

'Tis not the hasty product of a day,
But the well-ripened fruit of wise delay.

I have thought it would not be improper to see what had been done on this subject in those tribunals where the people have assembled in their representative capacity over the length and breadth of this land to formulate in words the primal and the essential purposes that they have in view, and which, after being formulated, are presented to all the people for their ratification or rejection.

And going to that great Republican convention which assembled in Chicago in 1868, and speaking, not indeed of the fifteenth amendment of the Constitution, but of a law that had in view a like purpose, they declared that—

The guaranty by Congress of equal suffrage to all loyal men at the South was demanded by every consideration of public safety, of gratitude, and of justice, and must be maintained; while the question of suffrage in all the loyal States properly belongs to the people of those States.

They further declare:

That we recognize the great principles laid down in the immortal Declaration of Independence as the true foundation of democratic government; and we hail with gladness every effort toward making these principles a living reality on every inch of American soil.—*Republican Platform*, May 20, 1868, Chicago, Ill.

Four years thereafter, meeting again in Philadelphia, they declared that—

2. The recent amendments to the national Constitution should be cordially sustained because they are right, not merely tolerated because they are law, and should be carried out according to their spirit by appropriate legislation, the enforcement of which can safely be intrusted only to the party that secured those amendments.

3. Complete liberty and exact equality in the enjoyment of all civil, political, and public rights should be established and effectually maintained throughout the Union by efficient and appropriate State and Federal legislation. Neither the law nor its administration should admit any discrimination in respect to citizens by reason of race, creed, color, or previous condition of servitude.

They further declared:

16. The Republican party proposes to respect the rights reserved by the people to themselves as carefully as the powers delegated by them to the States and to the Federal Government. It disapproves of the resort to unconstitutional laws for the purpose of removing evils by interference with rights not surrendered by the people to either the State or National Government.

I ought before leaving the action of the convention of 1872 to say that the people of the United States, with a unanimity seldom manifested in their history, certainly seldom in times of peace, indorsed and adopted as an appropriate expression of their views that platform which I have read.

Assembling again in Cincinnati in 1876, they said:

2. The Republican party has preserved these governments to the hundredth anniversary of the nation's birth, and they are now embodiments of the great truths spoken at its cradle: "That all men are created equal; that they are endowed by their Creator with certain inalienable rights, among which are life, liberty, and the pursuit of happiness; that for the attainment of these ends governments have been instituted among men, deriving their just powers from the consent of the governed." Until these truths are cheerfully obeyed, or, if need be, vigorously enforced, the work of the Republican party is unfinished.

They further resolved that—

3. The permanent pacification of the southern section of the Union and the complete protection of all its citizens in the free enjoyment of all their rights is a duty to which the Republican party stands sacredly pledged. The power to provide for the enforcement of the principles embodied in the recent constitutional amendments is vested by those amendments in the Congress of the United States; and we declare it to be the solemn obligation of the legislative and executive departments of the Government to put into immediate and vigorous exercise all their constitutional powers for removing any just causes of discontent on the part of any class and for securing to every American citizen complete liberty and exact equality in the exercise of all civil, political, and public rights. To this end we imperatively demand a Congress and a Chief Executive whose courage and fidelity to these duties shall not falter until these results are placed beyond dispute or recall.

It is a sad commentary that in that day vague suspicion haunted the people lest indeed this great purpose of theirs should not be woven into law. They therefore proceeded to the adoption of the amendment now to some extent involved.

In 1880, after the adoption of the fifteenth amendment, the Representatives of the people who acted with the Republican party again assembled at Chicago, and they there declared that—

8. Equal, steady, and complete enforcement of the laws and protection of all citizens in the enjoyment of all privileges and immunities guarantied by the Constitution are the first duties of the nation. The danger of a solid South can only be averted by the faithful performance of every promise which the nation made to the citizen. The execution of the laws and the punishment of all those who violate them are the only safe methods by which an enduring peace can be secured and genuine prosperity established throughout the South. Whatever promises the nation makes the nation must perform, and the nation can not with safety relegate this duty to the States.

The solid South must be divided by the peaceful agencies of the ballot and all opinions must there find expression; and to this end honest voters must be protected against terrorism, violence, or fraud, and we affirm it to be the duty and the purpose of the Republican party to use all legitimate means to restore all the States of this Union to the most perfect harmony which may be practicable; and we submit to the practical, sensible people of the United States to say whether it would not be dangerous to the dearest interests of our country at this time to surrender the administration of the National Government to a party which seeks to overthrow the existing policy, under which we are so prosperous, and thus bring distrust and confusion where there is now order, confidence, and hope.—*Republican platform, June 2, 1880, Chicago, Ill.*

In June, 1884, the Republicans again assembled at Chicago, and they declared that—

We denounce the fraud and violence practiced by the Democracy in Southern States, by which the will of the voter is defeated, as dangerous to the preservation of free institutions, and we solemnly arraign the Democratic party as being the guilty recipient of the fruits of such fraud and violence. We extend to the Republicans of the South, regardless of their former party affiliations, our cordial sympathy, and pledge to them our most earnest efforts to promote the passage of such legislation as will secure to every citizen, of whatever race and color, the full and complete recognition, possession, and exercise of all civil and political rights. * * * Asserting the equality of all men before the law, we hold that it is the duty of the Government in its dealings with the people to mete out equal and exact justice to all citizens of whatever nativity, race, color, or persuasion, religious or political. We believe in a free ballot and a fair count.

In 1888, when the present Congress of the United States was elected and the present Chief Executive, against the patronage then in the possession of the Democratic party, the Republican party, as a declaration of its conviction and a promise of what it would do, declared that—

We reaffirm our unswerving devotion to the National Constitution and to the indissoluble Union of the States; to the autonomy reserved to the States under the Constitution; to the personal rights and liberties of citizens in all the States and Territories in the Union, and especially to the supreme and sovereign right

of every lawful citizen, rich or poor, native or foreign born, white or black, to cast one free ballot in public elections and to have that duly counted. We hold the free and honest popular ballot and the just and equal representation of all the people to be the foundation of our republican Government, and demand effective legislation to secure the integrity and purity of elections, which are the fountains of all public authority. We charge that the present Administration and the Democratic majority in Congress owe their existence to the suppression of the ballot by a criminal nullification of the Constitution and laws of the United States.

Now, I submit, Mr. President, that there are petrified in words, not in detail, the provisions of the law now pending in this body for discussion, and unless we desire to betray the people of the United States, who at great sacrifice of time and toil wrested and rescued this Government and the House of Representatives and the Chief Executive from a political party that they believed were indifferent in this matter, unless we desire to betray them, the supreme and solemn duty here to fulfill their commands is upon us.

Why, sir, they did this under circumstances of discouragement such as seldom fall to the lot of a party. Forty or fifty men elected to the electoral college, without consulting the people for whom they were apportioned to the States from which they came, notwithstanding all that, the people of the United States, with the high purpose of making their Constitution the supreme law, in the face of a discouragement, said, "We will have a Congress that will pass such legislation as in its judgment and ours will make the fifteenth amendment a fact in American history."

I ought not to stop, Mr. President, from a record of what has been said by the people in this essential and primary capacity in which they have met in their political conventions without recalling some other utterances coming from other political parties. The Democratic party in 1876, when they came nearer electing their President than they had done before for sixteen years, and when some of them even at this late day are not wholly satisfied but that by some of the processes set in motion their candidate was entitled *prima facie* to the insignia of authority, itself declared:

For the Democracy of the whole country, we do here reaffirm our faith in the permanence of the Federal Union, our devotion to the Constitution of the United States, with its amendments universally accepted as a final settlement of the controversies that engendered civil war, and do here record our steadfast confidence in the perpetuity of republican self-government.

In absolute acquiescence in the will of the majority, the vital principle of republics; in the supremacy of the civil over the military authority; in the total separation of church and state, for the sake alike of civil and religious freedom; in the equality of all citizens before just laws of their own enactment; in the liberty of individual conduct, unvexed by sumptuary laws; in the faithful education of the rising generation, that they may preserve, enjoy, and transmit these best conditions of human happiness and hope, we behold the noblest products of a hundred years of changeful history; but, while upholding the bond of our Union and great charter of these our rights, it behooves a free people to practice also that eternal vigilance which is the price of liberty.—*Democratic Platform*, June 27, 1876, St. Louis, Mo.

That sounds so much like its illustrious author that I need not recall his name.

I ought to recur to the Democratic party and its platform in 1872, assembled at Cincinnati, accepting as its assertion of principles a platform theretofore prepared by the Liberal Republican party, as it was called, being entitled to that cognomen because it lacked some of the liberality of the party from which it sprang. It said:

1. We recognize the equality of all men before the law, and hold that it is the duty of government, in its dealings with the people, to mete out equal and exact justice to all, of whatever nativity, race, color, or persuasion, religious or political.

2. We pledge ourselves to maintain the union of these States, emancipation, and enfranchisement, and to oppose any reopening of the questions settled by the thirteenth, fourteenth, and fifteenth amendments of the Constitution.—*Liberal Republican Platform*, May 1, 1872, Cincinnati, Ohio.

In 1880 the Democratic party again declared in its convention:

Fourth. The right of a free ballot is a right preservative of all rights, and must and shall be maintained in every part of the United States.—*Democratic Platform*, June 22, 1880, Cincinnati, Ohio.

In 1884 the Democrats, assembled, by their representatives, on the 10th of July, at Chicago, declared:

That the preservation of personal rights, the equality of all citizens before the law, the reserved rights of the States, and the supremacy of the Federal Government within the limits of the Constitution will ever form the true basis of our liberties and can never be surrendered without destroying that balance of rights and powers which enables a continent to be developed in peace and social order to be maintained by means of local self-government.

But it is indispensable for the practical application and enforcement of these fundamental principles that the Government should not always be controlled by one political party. Frequent change of administration is as necessary as a constant recurrence to the popular will. Otherwise abuses grow and the Government, instead of being carried on for the general welfare, becomes an instrumentality for imposing heavy burdens on the many who are governed for the benefit of the few who govern. Public servants thus become arbitrary rulers.

July 5, 1888, the Democratic convention again assembled, at St. Louis, and desiring to meet the approval of the American people after these years of forgetfulness of the fifteenth amendment, declared:

Chief among its principles of party faith are the maintenance of an indissoluble union of free and indestructible States now about to enter upon its second century of unexampled progress and renown, devotion to a plan of government regulated by a written constitution strictly specifying every granted power. * * * In every department and branch of Government under Democratic control the rights and the welfare of all the people have been guarded and defended, every public interest has been protected, and the equality of all our citizens before the law, without regard to race or color, has been steadfastly maintained. Upon its record thus exhibited and upon the pledge of a continuance to the people of the benefits of Democracy, it invokes a renewal of popular trust by the re-election of a Chief Magistrate who has been faithful, able, and prudent.

A party known as the American National party, which assembled in 1875, at Pittsburgh, declared:

5. That the civil equality secured to all American citizens by articles thirteenth, fourteenth, and fifteenth of our amended Constitution should be preserved inviolate.

The Prohibition Reform party which met May 17, 1876, at Cleveland, Ohio, declared:

Second. The abolition of class legislation, and of special privileges in the Government, and the adoption of equal suffrage and eligibility to office, without distinction of race, religious creed, property, or sex.

As a part of its principles, on February 22, 1878, the party known as the National party declared:

Fourteenth. We believe in the supremacy of law over and above all perishable material, and in the necessity of a party of united people that will rise above old party lines and prejudices.

The National Liberal platform, adopted by a convention of delegates at Cincinnati, Ohio, September 14, 1879, declared:

2. National protection for national citizens in their equal civil, political, and religious rights, to be guaranteed by amendment of the United States Constitution and afforded through the United States courts.

The National (Greenback) party at Chicago, Ill., June 9, 1880, declared:

Tenth. We denounce as dangerous the efforts everywhere manifest to restrict the right of suffrage.

The Independent Republican party in 1880 declared in favor of:

1. The continuance on the statute book of laws protecting the rights of voters at national elections. But national supremacy affords no pretext for interference with the local rights of communities; and the development of the South from its present defective civilization can be secured only under constitutional methods, such as those of President Hayes.

I have not read these, Mr. President, except to say that, whenever a time shall come that we shall teach the people of these United States when they assemble in their primary capacities in political conventions and place a formula of words embodying their views upon record and submit it to the people for their ratification or rejection that those words are idle and that you hold their opinions thus expressed in contempt, you have gone a great ways toward alienating their affections from democratic government, or, rather, you have gone a great ways towards convincing them that democratic governments in fact do not exist here, although in form they seem to do so.

All of this speech is irrelevant. The question as to who is entitled to vote has been embodied in a law not now up for discussion and which nobody here has proposed to repeal. There are processes for its abolition if it shall be found harmful to the individual rights of citizens or to the securities or sanctities of human government. That is the orderly way by which it must be repealed, if at all. Says the divine Hooker: "There can be no less acknowledged of law than that her seat is the bosom of God, her voice the harmony of the world." If we are going to abandon law, if every man is to be a law unto himself, anarchy is already here.

It is convenient to divert public attention from the discussion of abstract questions by making arguments to individuals, by endeavoring to hold up to scorn some person appointed by the law to conduct affairs of great delicacy and of high duty, and therefore much opposition has been manifested to this law because, in a city where it is enforced, there has been appointed one of the citizens of that State, Mr. John I. Davenport, whose action has come in here for comment and amplification and condemnation and denunciation, and I do not know but that I might add vituperation as well.

The great offense of Mr. Davenport seems to have been that he was a geographer. I do not know of a more instructive map, not excepting our own Centennial Map, that has ever been printed, than a map of which Mr. Davenport is the compiler, and I do not know but I ought to add, having regard to the notes and explanations which accompany it, also the author. It is the map of a block in the city of New York, bounded by Bayard and Canal streets and by the Bowery and Elizabeth street. From it it appears that the total population in June, 1870, was 396; in January, 1871, 394; total of males, native, naturalized, and alien, twenty-one years of age and upwards, 147. The registration of this block in the years before mentioned is as below stated:

In 1868, 247; 1869, 573; 1870, 579; 1871, 351; 1872, 71; 1873, 66; and so on, 61, 68, and 82. The national election law of May 31, 1870, was first enforced in 1870. The national election law of February 28, 1871, was first enforced in 1872, when the registered voters from this district fell from 351 to 71. The map itself contains a description of each house, the number of individuals who live in it, the number of males of the age of twenty-one years residing therein, and it shows that this block was honey-combed with fraud until that fraud paled under the mere observation of impartial men appointed by the courts of the United States for the southern district of New York. I ask leave that that map may be printed as illustrating my remarks.

The PRESIDING OFFICER. The Chair hears no objection.

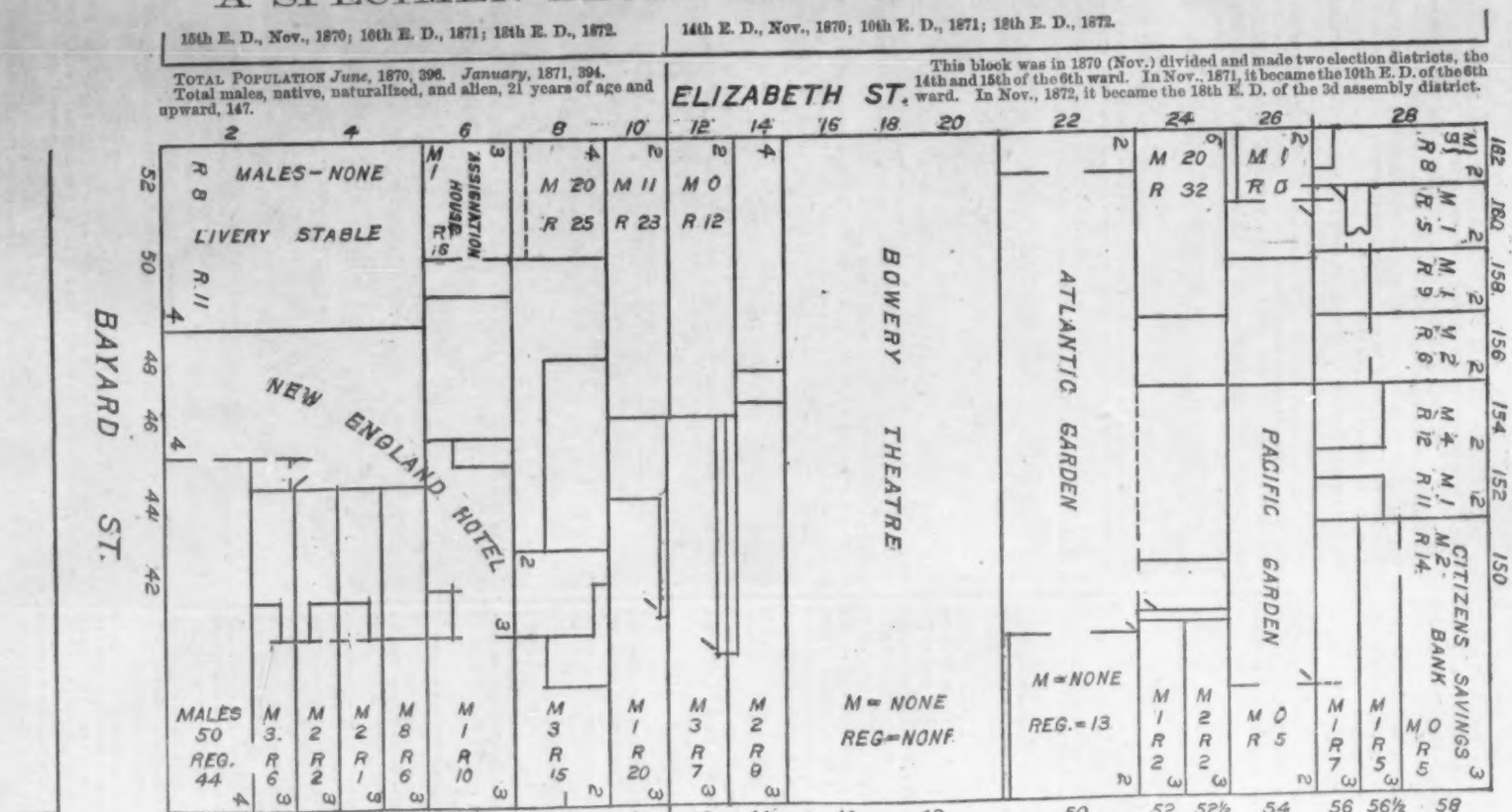
A SPECIMEN BLOCK IN THE CITY OF NEW YORK.

15th E. D., Nov., 1870; 10th E. D., 1871; 18th E. D., 1872.

14th E. D., Nov., 1870; 10th E. D., 1871; 18th E. D., 1872.

TOTAL POPULATION *June*, 1870, 396. *January*, 1871, 394.
Total males, native, naturalized, and alien, 21 years of age and upward, 147.

This block was in 1870 (Nov.) divided and made two election districts, the 14th and 15th of the 6th ward. In Nov., 1871, it became the 10th E. D. of the 6th ward. In Nov., 1872, it became the 18th E. D. of the 3d assembly district.



The registration of this block was, in the years below mentioned, as below stated:

1868	247
1869	573
May, 1870	579
*Nov., 1870	359
1871	351
†1872	71
1873	66
1874	61
1875	68
1876	82

* The national election law of May 31, 1870, was first enforced this year.

† The national election law of Feb. 28, 1871, was first enforced this year.

BLOCK 6046.

N. B.—The figures within the house lines, and under the letter *M*, show the number of "*males*" who resided therein in June, 1870, and January, 1871. The figures within the house lines and under the letter "*R*," show the number of persons who registered from the houses so indicated at the election of 1871. The small figures running in an opposite direction show the height of each building in stories.

Mr. SANDERS. I said, Mr. President, that one of the reasons which had induced me possibly to take the view I have of this law was the result of the need of it in my own State. It seems to be the opinion of some honorable Senators upon this floor that, if any body shall submit his right to an office to investigation by the tribunal authorized by law and that right to office is vindicated, somehow or other that title is thereby weakened. It seems to me that so far as that is concerned it is wisest and best to make sure of the gradual transmission of power from the people to the authorities who are ultimately in their behalf and name to exercise it.

In the State of Montana, at a recent election, personal ambition and corporate greed assembling a large body of men, many of whom were wholly unacquainted with the affairs of this Government, in the woods, in an unoccupied and unfrequented region, extracted from some officers there, as they supposed, under the forms of law, a return whereby the people of that State were denied the conduct of their own affairs. A partial and mutilated history of that transaction found expression at a former session of this Senate. Ultimately and finally that matter was probed to the bottom, and it was found by a judicial tribunal competent to determine, in a controversy of which it had jurisdiction, and by a court absolutely unanimous upon proof that was unquestionable, that there was there concocted a base forgery and an attempt to wrest from the people of Montana their sovereign authority and power.

I am not going to delay the Senate by asking it to listen to the arguments by which those facts were made manifest. Suffice it to say that, if there be anything in the logic of figures, if it was true that the division of the funds which were stolen from the corporation of New York by Mr. Tweed and his confederates was traced to each one of them by the indisputable logic of figures by Mr. Tilden and Mr. EVARTS and the other gentlemen who co-operated with them in that transaction, so it was made incontestibly certain that there was an attempt on the part of a few people, for personal aggrandizement, to wrest the birthright of the people of Montana from their hands.

I have in my possession the ninth volume of the Montana reports, where there was, upon all the proof adduced, a judicial determination of the questions that were there involved, holding that, in the controversy between two citizens as to whether, in and about that transaction, the returns from that top of the Rocky Mountains were or were not the returns of the proceedings of the electors at that point, and without reference to technical objections, and upon the substantial merits of the controversy, the returns themselves were the concoction of some of the individuals appointed to supervise an election, and in no way or manner responded to the votes that were actually cast at the ballot box there at precinct 34, in the county of Silver Bow. I had occasion to pass by it the other day. There was not a human being living where that precinct was; the cormorant and the bittern possess it, the owl also and the raven dwelt in it, and there were stretched out upon it the lines of confusion and the stones of emptiness.

I will ask leave of the Senate, without reading it, to publish as a part of my remarks the decision of the court in the case to which I have referred.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. SANDERS. It is in the ninth volume of Montana reports, the case of Lloyd *vs.* Sullivan, found on page 584. I will hand it to the Reporter.

The VICE PRESIDENT. Leave is granted.

[The decision is appended to Mr. SANDERS's remarks.]

Mr. SANDERS. What is the great objection to this proposed law? It is found in the fact that it makes reasonably certain that fraud shall not have its reward. Our existing laws and their condition put us into this most remarkable condition, that if a person can be found wicked enough, base enough, criminal enough to subvert the popular will as expressed in the ballot box, and furnish to the individual who has not been elected the *prima facie* evidence of his authority, thereupon the crime, in the first place, is made secure, and in the next place, by the multiplication of these instances, all forms of punishment for such crimes are made impossible.

The great merit of this proposed law is that, although there may be fraud—I do not expect, in fact, that the millennium will come when the President shall approve this bill—it makes it exceedingly uncertain whether the concoctors of that fraud will ever become its beneficiaries. It makes it reasonably certain that they will not. It puts into the hands of an impartial tribunal, a nonpartisan tribunal, an investigation of the question whether that party shall be entitled to the *prima facie* evidence which entitles him to go to the House of Representatives, and there, in conjunction with other persons who have in like manner wrested authority from the people of the several Congressional districts, vote one another into office. That is the chief merit of this bill.

I do not expect indeed that it will secure the absolute integrity of elections, but it puts into the only tribunal known to our Government that is nonpartisan in its character an investigation of the question as to who is entitled to the *prima facie* authority. It is said we have no nonpartisan tribunals. It is said that courts themselves are actuated by partisan motives. It is intimated, if not said, that to such an extent does partisanship permeate them as that we can not rely upon them any more than we can upon party caucuses or party officers not surrounded by the panoplies and traditions and decisions of courts of law. If the United States is so honeycombed with partisanship as that the judicial tribunals no longer administer justice, if the law is not above magistrates, as Cicero affirmed, then indeed have we got a long distance towards anarchy and destruction.

But, in the name of the courts and with a wide observation of them, I repudiate the imputation. A judge is placed upon a point where he is the observation of all men, and if he betrays by a hair's breadth from unworthy motives the immutable justice, the law as it is written in the books, the law which is "the voice of God and the harmony of the world," he becomes instantaneously the local point of "million fingered scorn." It is just that it should be so. In all our history, while there have been grievous mistakes, while there have been errors uncorrected and errors corrected, we have maintained the integrity of our judicial tribunals, and we intend to maintain it to the end.

It is far better to remove the cold and mathematical calculation of who has voted and how he has voted into the serene sky of nonpartisan indifference, as manifested by judicial tribunals, than to put it into the boiling caldron of partisan rancor and partisan strivings, where the strife is for triumph more than truth.

There is no occasion, Mr. President, to deal with ideal condit ions of society. With all the legislation of which we are capable, human nature will remain much as it is. There will be instances where the will of majorities will have been circumvented; there will be instances where it will find legitimate expression.

It is one of the happy circumstances of our form of government that the presence of a Federal law is its own executor. It is not ordinarily necessary to appeal to officials to see that it is enforced. In the presence of the august expression of 63,000,000 of people within the limits of that domain confided to them the mere expression and formulation of their will in words has found a ready obedience from all patriotic citizens.

So when this law is placed upon your statute book and it shall go out through all the length and breadth of this land, happily to be invoked only where it is imperatively needed, it will be leaves for the healing of the nation. We shall have encouraged our fellow-citizens at the South to act harmoniously together; we shall have destroyed the idea that upon this orb races have such relations to each other as that they are essentially and necessarily hostile; we shall have placed certainly the right to limit individuals who shall govern it upon the secure foundation of obedience to the law and the Constitution of the country under which we live; we shall have held before the ignorant motives and ambitions which will incite them to become good citizens.

I know full well the anxieties that surround this debate. These galleries are filled with men whose aspirations, hopes, and despair find little expression on this floor; a race of people from the night of time oppressed, bowed down, trampled upon in every form and circumstance of contumely that wickedness could invent, thrust into this continent not of their own volition, made the servants, the unwilling servants, of a haughty and arrogant people, but all the time yielding to the influences that surrounded them, becoming more and more harmonious with the civilization in which they existed, until finally, without fault of theirs, they became the subjects and the objects of a great civil commotion. Their loyalty to their masters, their loyalty to the great impulse of freedom under which their masters went down in the tempests of war, has been the admiration of orators and poets, and will remain their admiration to the end of time.

What sorrow will come to them if we shall be disobedient to our oaths, if we shall be forgetful of the Constitution, if we shall not remember the stern commands of the people who elected us to represent them on these floors, if we shall forget the plaintive appeal of the House of Representatives for some legislation whereby the legitimacy of its organization may be acknowledged, and if we shall forget the further fact that "law is the voice of God and is the harmony of the world," and possesses all its sanctions because it emanates from an unquestioned authority and power, I will not assume to paint. Corrupt the source of that power and there is an end to its sanctity; it will not be a disgrace to have disobeyed it.

So, through the contentions of these times and as a result of all this struggle and sacrifice and toil, we shall probably not live to see a perfect government nor exact civil order. Out of it all, we can at most hope to evolve that time foretold by the poet when—

* * * the common sense of most shall hold a fretful realm in awe,
And the kindly earth shall slumber, lapt in universal law.

[Applause in the galleries.]

APPENDIX.

Lloyd, appellant, *vs.* Sullivan, respondent (9 Montana Reports, 573-613).

BLAKE, C. J.—This is an election contest between Lloyd, the appellant, and Sullivan, the respondent, who were candidates for the office of sheriff of the county of Silver Bow at the election held in 1889. The certificates of the nomination of Lloyd by the Republican and Sullivan by the Democratic conventions were properly filed. The official abstract of the vote cast at the election, according to the canvass which was made October 14, 1889, gave Lloyd 3,490, and Sullivan 3,363 votes. There was no other canvass of the vote for these parties, but the county clerk issued the certificate of election to Sullivan.

The statute which governs the procedure and trial of the issues arising in this proceeding provides as follows: "All contests of county officers shall be tried in the proper county, and when an elector shall wish to contest such election he shall file with the clerk of the board of county commissioners, within ten days after such person shall have been declared elected, a statement in writing, specifying the grounds of contest, verified by affidavit, and such clerk shall issue to the contestant a notice to appear at time and place specified in the notice, before the district court." (Comp. Stats., fifth division, section 1043.)

Then follows this section: "Section 1044. The district judge, at the time specified in the notice (and it shall appear by the sheriff's return that notice has been duly served on the contestor) shall proceed to try such contests. Each party shall be entitled to subpœnas and subpœnas *duces tecum*, as in ordinary cases in law, and the district court shall hear and determine in such manner as shall carry into effect the express will of a majority of the legal voters, as indicated by their votes for such office, not regarding technicalities or error in spelling the name of any candidate for such office; and the clerk of said court shall issue a certificate to the person declared to be elected by said court, which shall be presumptive evidence of the right of said person to hold such office, and he shall be entitled to enter upon and hold said office until such decision shall be reversed on appeal." In pursuance of these statutory requirements, the proper notices were filed, issued, and served by Lloyd, an answer was made by Sullivan to the statement of contest, and a replication was filed by Lloyd.

It will be necessary to observe carefully some of the proceedings upon the trial, and to prevent any misunderstanding thereon they will be recited in the language of the court below. The following judgment was entered February 24, 1890: "This cause came on regularly for trial on the 11th day of February, 1890, before the court sitting without a jury; whereupon witnesses were examined and other evidence introduced on the part of the contestant and respondent respectively, and the evidence being closed, and the argument of counsel heard, the cause was submitted to the court for consideration and decision; and after due deliberation thereon the court delivers its findings and decision in writing, which is filed, and orders that judgment be rendered in accordance therewith. Wherefore, by reason of the law and the findings aforesaid, it is by the court ordered, declared, and adjudged that, at the general election held in the county of Silver Bow on the first Tuesday, being the first day of October, 1889, the respondent, Eugene D. Sullivan, received a majority of all the legal votes cast in said county at said election for the office of sheriff of said county of Silver Bow, and was and is duly elected to said office."

The findings of the facts, which are fifteen in number, contain this statement: "The evidence in the above-entitled cause having been fully heard, together with the argument of counsel for the respective parties, and the same having been submitted to the court for decision, the court, in response to the written request of the parties, makes the following findings of facts from the evidence, and its conclusions of law thereon."

Thereupon Lloyd filed a notice of his intention "to move the court to vacate and set aside the decision of the court rendered in the above cause, and to grant a new trial of said cause." The statement which was "approved and allowed" March 31, 1890, by the judge of the court below, contains the testimony which was introduced upon the trial, the exceptions which were saved by the appellant, and the specifications of the "particulars in which the evidence is insufficient to sustain the findings and decisions of the court."

Upon April 3, 1890, "the motion for a new trial herein, heretofore taken under advisement, is by the court overruled, and to which ruling of the court plaintiff, by counsel, duly excepts." The notice of appeal states "that the contestant in the above-entitled action hereby appeals to the supreme court of the State of Montana from the order of the district court of the second judicial district of the State of Montana, overruling contestant's motion for a new trial of said action, and refusing a new trial thereof, made and entered in said court on the 3d day of April, A. D. 1890."

At the threshold of this inquiry the respondent contends that the motion for a new trial does not lie, and the court has no jurisdiction of the appeal.

The statutes and constitutions of the States vary materially, and it must be admitted that the decisions are not harmonious upon this question. The law of this State, which has been cited, evidently contemplates that the judgment of the district court shall not be final, for its terms expressly limit the right of "the person declared to be elected" to "enter upon and hold said office until such decision shall be reversed on appeal." The construction sought to be enforced by the respondent renders this provision nugatory and deprives the aggrieved party of a substantial right. In Payne *vs.* Davis (2 Mont., 382) the value of the property involved in the controversy was $50; the act of the Legislative Assembly declared that this court shall have jurisdiction in civil cases "where the amount in dispute exceeds $100." Upon the motion of the respondent to dismiss the appeal we held that "statutes must be so construed as to maintain the right of appeal, if the established rules of interpretation are not violated;" and adjudged that the restriction was inconsistent with the organic act of the Territory, which allowed appeals "in all cases from the final decisions" of the district court, and therefore void. The case was then heard and determined upon its merits. Subsequently the statute concerning the subject was amended and now provides as follows:

"The supreme court shall have appellate jurisdiction in all cases tried in the district courts." (Code Civ. Proc., section 697.) Let us consider some sections of the Code of Civil Procedure. "A judgment or order in a civil action, except when expressly made final by this act, may be reviewed as prescribed by this act." (Section 418.) "An appeal may be taken to the supreme court from the district courts in the following cases: First, from a final judgment or any part thereof entered in an action or special proceeding commenced in those courts or brought into those courts from other courts; second, from an order granting or refusing a new trial." (Section 444.)

The constitution declares that the "appellate jurisdiction of the supreme court shall extend to all cases at law and in equity." (Article VIII, section 3.) And it is claimed by the respondent that an election contest is not included by the word "cases," which has a technical meaning.

This construction would confine the jurisdiction of this court within narrow bounds. But it is obvious that full effect has not been given to every part of the instrument, which in this matter is its own interpreter. The eleventh section uses this language in defining the jurisdiction of the district court: "The district court shall have original jurisdiction in all cases at law and in equity." Then follows this phrase "including all cases," which are enumerated, such as "proceedings in insolvency, actions to prevent or abate a nuisance, all matters of probate, actions of divorce and for annulment of marriage, and for all such special actions and proceedings as are not otherwise provided for." The framers of the constitution have plainly ignored the familiar signification which is attached in the reports to "cases at law" and "cases in equity." This view is confirmed by this section: "There shall be but one form of civil action, and law and equity may be administered in the same action." (Article VIII, section 28.)

The fifteenth section of the same article is of vital force in this discussion. "Writs of error and appeals shall be allowed from the decisions of the said district courts to the supreme court under such regulations as may be prescribed by law." Construing these provisions together it is clear that the appellate jurisdiction of this court extends to all cases, actions, and proceedings which have been finally decided in the district courts. Our jurisdiction is in substance similar to that of the supreme court under the Territorial government, and this objection could have been urged with equal power before the period of transition to statehood.

The case of Heyfron *vs.* Mahoney (*ante*, page 497), which was an election contest under the statutes, *supra*, for the same office, was filed July 8, 1889, in the supreme court of the Territory, and was upon the docket during three terms. The able and learned counsel for the respondent never questioned the jurisdiction of the appellate court, and argued the cause upon its merits.

The cases of Dorsey *vs.* Barry (24 Cal., 449) and Casgrave *vs.* Howland (24 Cal., 457) support the position of the respondent, that the power of the court which tries an election contest ceases upon the entry of the judgment, and that it can not grant a new trial or reopen the issues of law or fact. This conclusion is reached by the construction of this section of the code of civil procedure of the State of California: "Either party aggrieved by the judgment of the court may appeal therefrom to the supreme court, as in other cases of appeal thereto from the county court." (Section 1126.) This is found in the title which provides for "contesting certain elections." When we consult the chapter regulating "appeals from county courts," it will be seen that they are limited to "an order granting or refusing a new trial in the cases designated in this section."

Election contests are not specified in the "cases" which are enumerated, but in this State the district court possesses jurisdiction of the same matter, and the practice has been uniform that the appellate court will not consider the evidence in the record when there is no motion for a new trial. (Allport *vs.* Kelley, 2 Mont., 343; Chumasero *vs.* Vial, 3 Mont., 376; Largey *vs.* Ledman, 3 Mont., 472; Broadwater *vs.* Richards, 4 Mont., 78; Twell *vs.* Twell, 6 Mont., 19; Alder Gulch Con. Min. Co. *vs.* Hayes, 6 Mont., 31; Blessing *vs.* Lias, 7 Mont., 103.)

On an appeal from a judgment, the judgment roll alone is brought before this court. (Chumasero *vs.* Vial, *supra*; Clark *vs.* Baker, 6 Mont., 153; Princeton Mining Company *vs.* First National Bank of Butte, 7 Mont., 530.) In Chumasero *vs.* Vial, *supra*, we said: "This appeal has been taken from the judgment alone, and the only questions before us relate to the conclusions of law, which must be drawn from the facts." The case of Princeton Mining Company *vs.* First National Bank of Butte, *supra*, was tried by the court without a jury, and Mr. Justice Bach in the opinion says: "There was no motion for a new trial made; therefore we are to conclude that all of the findings are supported by the evidence; that there was no evidence to sustain the findings requested and refused, and that where there is no finding on any issue the court found in favor of the plaintiff upon that issue. Such is the rule laid down by the statutes and from the authorities."

This procedure was followed in Heyfron *vs.* Mahoney, *supra*, and has been adopted in some States. (Govan *vs.* Jackson, 32 Ark., 553; Dobyns *vs.* Weadon, 50 Ind., 298; Hadley *vs.* Gutridge, 58 Ind., 307.) We are therefore of the opinion that the appellant was compelled by the adjudications of this court to resort to the practice which is therein defined.

It now becomes necessary to refer to some of the findings of the facts by the court below which are properly before us for review.

"5. The returns of the election at precinct 34 were delivered to the clerk of the board of county commissioners by the said W. A. Pennycook, one of the judges, in person, some time between the 1st and 15th days of October, 1889. * * * The said returns contain the proper tally sheets and extensions, the names of the candidates voted for, the number of votes received by each, and in full length, in words duly certified by the judges and clerks who held the said election at said precinct. * * * The signatures to the said returns are in the true and genuine handwriting of the judges and clerks of election at said precinct, and from an inspection of said returns the number of votes cast and for whom cast can be easily ascertained.

"7. The said returns from said precinct 34 show upon their face, and the court finds the fact to be, that 174 votes were polled thereat at said election, and that the respondent, Eugene D. Sullivan, received at said precinct 165 votes, and the contestant, John E. Lloyd, 9 votes. At all the other precincts of said county, as shown by the returns thereof, respondent received at said election 3,363 votes, and the contestant 3,490 votes; so that, counting the votes cast at precinct 34, together with the votes cast at all the other precincts of said county, for the office of sheriff, the contestant, Lloyd, received 3,499 votes, and the respondent 3,528 votes, a majority of 29 votes for said office in favor of said Sullivan, and the court so finds the fact to be.

"11. The polls were closed at 6 o'clock, as announced, and thereafter, during the evening and night of said day, the said judges proceeded to canvass and count and make out the returns of the votes cast at said precinct.

"12. That A. N. Anderson and Thomas O'Keefe, who were sworn as clerks of election at said precinct 34, performed none of the clerical work thereat, but all the clerical work was performed by the judges, and principally by Pennycook.

"15. On the whole evidence the court finds that the said election, held at precinct 34 in said county, on the 1st day of October, 1889, was fairly and honestly conducted; that no fraud was committed or attempted at said precinct by the election officers or others; that such irregularities as occurred thereat were without fraudulent intent and resulted in injury to no one, and did not affect the result or the fairness of the election; that all voters registered for said precinct who applied to vote were permitted to vote; that no intimidation or undue influence was exercised or attempted upon the voters by any one; that the said judges and clerks, nor either of them, did not mark any ballot after its delivery by the voters to the judge of election, nor were said ballots marked by the judges of election in any manner, except by the official stamp placed thereon before they were delivered to the voters; and that the said returns from the said precinct 34 express and show the true and correct result of said election held thereat."

It is apparent from the finding of the facts that the election of the appellant or respondent to the office in controversy depends upon the vote of the precinct numbered 34, in the county of Silver Bow. The court below decided that the returns which had been rejected by the board of canvassers were valid and exhibited the true count of the ballots which had been cast by the legal voters. This is the battlefield of the judicial conflict. We are surprised that the counsel for the respondent maintains that "the question of fraud in the conduct of the election at precinct 34, which was thrust into this case by contestant against the objection of respondent, is an immaterial matter and can not be considered as an element in its determination." This was the main issue at the trial upon which testimony was offered by both parties, and the objections of the respondent upon similar grounds were overruled and the court found distinctly thereon, and rendered judgment accordingly.

The record shows that Sullivan had commenced an action against Lloyd, and that, upon a question raised by counsel, the court said: "In these two cases there is only one point to decide, and that is as to who is entitled to this office. It seems to me that it is unnecessary to try both of the cases. The court is only desirous to determine the rights of these parties on the evidence that may be presented to it. I think that from the pleadings presented in these two cases the case of Lloyd *vs.* Sullivan presents all the issues between these parties and the issue of that will determine the whole matter." The statement of contest says that the county clerk, "disregarding his plain duty, * * * issued a certificate of election to the said office to the said Sullivan; that the said clerk, in support of his said illegal action as hereinbefore set out, claims to have knowledge of the return of a large number of votes for the said Sullivan as returned from precinct 34, said county, and which said returns were not included in the said abstract of votes, and which said votes, if they had been so returned, would, in fact, give to the said Sullivan the highest number of votes for the said office; that in fact and in law there were no legal returns presented to said canvassers from the said precinct 34. * * * That there were no legal returns, as by law

in such cases provided, ever or at all received by said canvassers." The answer denies these allegations.

The transcript shows that the appellant at all times assailed the returns of this precinct, and the conduct of the officers thereof, and pointed out specifically his objections. The respondent did not file a demurrer to the statement of contest, or move to make any part thereof specific and certain, or by any pleading attack the same. In Heyfron *vs.* Mahoney, *supra*, we considered briefly the nature of this proceeding, and held that it was proper to allow the grounds to be amended to conform to the proof. If the court below had sustained this objection of the respondent, the appellant could propose amendments in compliance with the ruling, and the same issue would have been heard and determined. But we think that the trial was conducted upon the correct theory and interpretation of the pleadings.

This view is entertained by distinguished lawyers, whose opinion upon the issue involved in the contest is entitled to great respect. Hon. GEORGE GRAY, of Delaware, delivered a speech in April, 1890, in the Senate of the United States regarding this matter, and said: "I had intended, but I will not detain the Senate longer by doing so, to refer to the opinion of the court of the State of Montana, after the Territory had become a State, in a cause that was properly before it concerning the election of the sheriff of Silver Bow County, in which the whole conduct of that election at precinct 34 was gone into judicially, and judicially found and determined. * * * In the case to which I have just alluded, decided in February, the court makes certain findings. They are very interesting; of course not binding on the Senate, but certainly persuasive as the judgment of a court upon the facts that were in contest before it in a case pleaded to issue, and in which the issue involved the integrity of these polls." (2 CONGRESSIONAL RECORD, page 3104.)

The fifteenth finding of fact, *supra*, is then quoted by the honorable Senator, who has a bias for the respondent. We have read carefully every speech and document relating to the admission of the Senators from this State, and can not find any expression of dissent from this remark regarding the issue to be investigated by the court below. When we reflect that every observation in that high body of legislators attracts searching and intelligent criticism, the unanimity upon this point is convincing.

The branches of this extensive examination may be treated in four divisions, and we will discuss, in the first place, the conduct of the officers of the election at precinct 34, and the statutes governing them.

It appears that there were three persons who served as judges of election, W. A. Pennycook, John Morrison, and William O'Reagan, the first two named being appointed as Republicans and the last a Democrat. The statute requires the number to be five and that vacancies shall be filled on the morning of the election by the voters. (Stats., sixteenth sess., page 140, sec. 21, Comp. Stats., fifth div., sec. 1011).

"The said judges shall choose two persons, having the same qualifications with themselves, to act as clerk of the election." (Comp. Stats., fifth div., sec. 1012.)

A. M. Anderson and Thomas O'Keefe were evidently selected for this purpose. Anderson, the sole officer of the election who testified at the trial, was called by the respondent, and we quote from the record his answers to questions:

"Pennycook wanted me to act as clerk, and I refused, but he said to stay around and he would do it for me."

"There was another clerk appointed, too?"

"Yes, sir. Tom O'Keefe."

"Did he act as clerk?"

"I don't think he did."

"Who did the clerical work?"

"Pennycook."

"Did Morrison do some?"

"Yes, sir."

"So that the clerks did not do the work; that work was done by the judges?"

"Yes, sir. I went away about eight minutes to 7."

"The polls were closed then?"

"Yes, sir. They closed the polls at 6 o'clock."

"Did Pennycook say anything about going away?"

"No, sir. I asked him at 6 o'clock if I could go, and he said, 'Yes, you can go to work.'"

The witness testified that he worked the night before and the night after the election, and upon cross-examination said:

"You say that you came down according to Mr. Pennycook's orders to act as clerk of that election?"

"Yes, sir; he sent for me."

"As a matter of fact did you ever write a line in that election?"

"I never did."

"Who showed you the election returns after the close of the election?"

"Pennycook."

"Where?"

"He showed it to me when he came back from town."

"When he came back from Butte?"

"The next time I saw him."

"Where did he have them?"

"He had the papers in his hands."

"Did you certify that they (the returns) were correct?"

"Yes, sir."

"How did you know that they were correct if you did not keep them yourself?"

"I do not say that I just know."

"Is it not a fact that you do not know whether they were correct or not?"

"How could I know when I did not keep them?"

"Do you know when Keefe signed those returns?"

"I suppose the same time as I did, the same day."

"Was his name down when you signed?"

"No, he signed after me, I think."

"When did you see Pennycook after that (the closing of the polls and going to work)?"

"I don't know if it was a day or two days."

"You didn't see him the next morning?"

"No, sir; I went right to bed when I came from my work."

"You didn't see him the second day after that?"

"I think I saw him that night at 12 o'clock when I was eating my supper. I saw him then."

"What night was that?"

"The second or third night after election."

"What are the duties which the law devolves upon the clerks of an election?"

"Previous to votes being taken the clerks of election shall take and subscribe the following oath: 'I, A B, do solemnly swear or affirm that I will perform the duties of clerk of the election according to law and the best of my ability, and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same.'" (Comp. Stats., fifth div., sec. 1015.) At the opening and before the closing of the polls "one of the clerks under the direction of the judges shall make proclamation of the same." (Comp. Stats., fifth div., sec. 1017.)

The clerks of the election shall enter the name of the elector and number in the poll book. (Comp. Stats., fifth div., sec. 1017.)

Upon the adjournment of the polls the clerk shall in the presence of the judges compare their respective poll lists, compute and set down the number of votes, and correct all mistakes that may be discovered according to the decision of the board, until such poll lists shall be made in all respects to correspond. (Comp. Stats., fifth div., sec. 1024.)

The ballots and the poll lists agreeing or being made to agree, the board shall then proceed to count and ascertain the number of votes cast, and the clerks shall set down in their poll books the names of every person voted for, and, at full length, the office for which such person received such votes, and the number he did receive, the number being expressed at full length, such entry to be made as near as circumstances will admit, in the following form: * * *

Certified by us:

B and
C,
Clerks of Election.

Attest:

M N,
O P,
Q R,
Judges of Election.

(Comp. Stats., fifth div., sec. 1030.)

The judges of election shall then inclose and seal one of the poll books, under cover, directed to the clerk of the board of county commissioners of the county in which such election was held, and the packet thus sealed shall within three days from the closing of the polls be conveyed by one of the judges or clerks of election, to be determined by lot, to the post office nearest the house in which said election for such precinct was held, and register and mail the same to the clerk of the board of county commissioners. (Comp. Stats., fifth div., sec. 1031.)

All the statutory provisions requiring the services of the clerks of the election at precinct 34 were deliberately violated by the three judges. The clerks were selected with the understanding that they did not possess the necessary qualifications and that they should not perform their lawful duties. The poll book, which is mentioned in the last section, was delivered personally by Pennycook to the county clerk. There is no evidence to prove the time when the poll books and returns were prepared, but Anderson did not affix his signature until the unusual hour of midnight upon the second or third day after the election, and the name of his co-clerk, Keefe, was not visible. In the mean time Pennycook had visited Butte and returned, and it is needless to say that it was generally known then from the news of the election which had been received that the vote of precinct 34 might turn the scale in the county of Silver Bow and the State. He was compelled to make another trip to Butte and carried the poll book, which for some inexplicable reason had not been put in proper form as promptly as the law demands.

"As soon as the polls of the election shall be finally closed, the judges shall immediately proceed to canvass the vote given at such election and the canvass shall be public and shall continue until completed." (Comp. Stats., fifth div., sec. 1027.)

John Wilson testified that he and Charles Omo were in this polling place about 7.30 o'clock, p. m.

"Did somebody put him (Omo) out?"

"He was told to go out."

"By whom?"

"By Pennycook."

"What else did he say to him?"

"I don't know as I heard him say anything, except that he had no business there, he said."

"What did Omo say?"

"He stepped out."

Charles Omo testified:

"What else did you see him (Pennycook) do while you were there?"

"He stopped very shortly when I stepped in, and says, 'What can I do for you?' I said, 'Is not there anything in here to drink or smoke?' 'No,' he says, 'there is nobody allowed in here and the polls are closed; please step out.' I said I supposed this was a public place. 'Not at present; please step out.' I did not move and he jumped up and came over to where I was and said, 'Please step out.'"

"What did you do when they told you to go out?"

"Looked around and then stepped over to the door and Pennycook took me by the shoulder and said, 'Please step out,' and I said 'All right' and walked out, and he shut the door behind us."

"Who told you that this was not a public place?"

"Pennycook."

"Did these gentlemen say anything to you about it?"

"Morrison said 'The best thing you can do is to go out and attend to your business.'"

Thomas McCann testified that he voted "the straight Democratic ticket, except two men."

"Were you there after the polls were closed?"

"I was."

"Did you go to the polls after they were closed?"

"No, sir."

"Why did you not?"

"I could not get in."

"Did you try to get in?"

"Yes, sir."

"Why couldn't you get in?"

"The judges wouldn't let me."

"Did you notice anything peculiar about this place?"

"Nothing, only the door was locked."

"Did you try it?"

"Yes, sir."

"Do you know who was inside?"

"Pennycook and Morrison; that was all I saw."

"How did you see him?"

"I saw Pennycook open the door once or twice."

"What did you say to the persons inside when you tried to get in and found the door locked?"

"I told them that I thought anybody could go in there that wanted to."

"What did they reply?"

"That they could not."

"You were there until half past 9?"

"Yes, sir; about that time; I went to bed between half past 9 and 10."

"Were they (Pennycook and Morrison) in there all that time?"

"Yes, sir."

Dennis O'Neil testified that he was "electioneering" at this precinct and "voted for the Democratic candidates."

"You say that you went up to the polling place after the polls were closed, and that the only reason that no person was allowed in there was what Pennycook told you, that they were drunk?"

"Yes, sir."

"Do you know that the other men who went there and asked for drink were drunk?"

"No, sir."

"You don't?"

"I know that they was not."

"You know that men went there and asked for admission who were not drunk?"

"Yes, sir."

From this and other evidence which is contained in a voluminous record and can not be quoted at length, it is proved that O'Reagan, one of the judges of the election, did not discharge his grave public task after the polls were closed. Pennycook and Morrison conducted privately the canvass, and excluded all persons from a privilege secured by the statute. The testimony does not prove that one citizen ever saw a ballot produced from the box at this precinct or heard it read or tallied. There was no public canvass. The record does not disclose any reason for the assumption by Pennycook and Morrison of the labor and responsibility which should have been shared by five judges and two clerks of the election.

The certificate of the returns is irregular.

"Certified by us this 2d day of October, 1889.

"Attest:

"W. A. PENNYCOOK,
"JOHN MORRISON,
"WILLIAM O'REAGAN,
"*Judges of Election.*

"THOMAS O'KEEFE,
"A. N. ANDERSON,
"*Clerks of Election.*"

The statute *supra* requires the clerks to certify and the judges to attest the number of votes received by each person.

Second. We will now comment upon the anomalous features of the returns of precint 34. The statute provides that the name of every elector shall be pronounced "with an audible voice" by the judges to whom his ticket may be delivered before the same shall be put in the box, and "the clerk of the election shall enter the name of the elector and number in the poll book." The voters of the precinct were numbered consecutively from 1 to 174, and the poll book shows that they cast their ballots in the following remarkable order: The three judges, the two clerks, and the remainder in alphabetical array, according to the capital letter, from John A. Anderson to Robert Youngberg. This is the list:

No.	Names of voters.	No.	Names of voters.	No.	Names of voters.
1	W. A. Pennycook.	59	Al. Gilles.	117	J. P. McDonald.
2	John Morrison.	60	E. Gronlund.	118	John McLeod.
3	Wm. O'Reagan.	61	Wm. Goodwin.	119	B. McHugh.
4	Thos. O'Keefe.	62	John Gustafson.	120	John McAvoy.
5	A. N. Anderson.	63	O. Gilhooley.	121	J. M. McFadden.
6	John A. Anderson.	64	A. Green.	122	D. McCarthy.
7	S. Alworth.	65	Thos. Huson.	123	J. W. McPike.
8	Hen. Anderson.	66	Matt Hoynes.	124	Y. McCann.
9	Alex. Anderson.	67	Pat Hannigan.	125	Chris. Nelson.
10	H. Abraham.	68	A. Henderson.	126	Oscar Niemi.
11	N. E. Album.	69	D. Hogan.	127	M. Neylan.
12	Swan Anderson.	70	Chas. Halstrom.	128	Ole Nelson.
13	James Bush.	71	T. Henrickson.	129	C. Neegan.
14	C. Beaudet.	72	M. F. Hogan.	130	Thos. O'Reilly.
15	Wm. Beattie.	73	Wm. Huldberg.	131	D. O'Leary.
16	John Berggren.	74	Ole Hanson.	132	A. Olsen.
17	Frank Brady.	75	Matt. Isaacson.	133	O. Olsen.
18	H. Broderick.	76	C. Johnasson.	134	D. O'Neil.
19	Wm. Broes.	77	A. Janson.	135	Em. Olander.
20	John Bauehr.	78	J. F. Johnson.	136	G. Punnell.
21	Noble Britton.	79	A. Johnson.	137	Ed. Pouley.
22	A. Brooks.	80	Ole Johnson.	138	John Peterson.
23	J. J. Brandt.	81	Sam Johnson.	139	John Pecsengo.
24	Wm. Burns.	82	Chas. Johnson.	140	Frank F. Price.
25	P. Byatrom.	83	Frank Johnson.	141	Chas. Pidgeon.
26	B. A. Borjesson.	84	R. Keopke.	142	John Pierson.
27	Frank Curry.	85	N. Knutson.	143	R. Pollock.
28	M. Cannavan.	86	J. M. Kelly.	144	A. Pederson.
29	T. H. Cridland.	87	A. Kehren.	145	Jos. Preston.
30	M. Cowley.	88	John Kaskela.	146	J. T. Pogson.
31	C. Campbell.	89	Nels Kukola.	147	C. F. Peterson.
32	J. Clark.	90	M. Kearney.	148	John Petterson.
33	Tom Cavanaugh.	91	W. F. Keefe.	149	A. Rod.
34	Chris. Carolin.	92	Robt. Kelly.	150	John Reynolds.
35	P. Cuisero.	93	Ed. Leary.	151	A. Richter.
36	J. Cosgrove.	94	Fred Lovell.	152	Jas. Ryan.
37	C. Cassidy.	95	Ed. Lang.	153	Geo. Ramberg.
38	D. Docicco.	96	D. J. Lynch.	154	J. Rourke.
39	G. Docicco.	97	A. Linden.	155	Ole Rosenson.
40	M. Doherty.	98	N. Linden.	156	Owen Slaven.
41	John Durkin.	99	A. Locke.	157	H. Smith.
42	C. A. Dahlgren.	100	Jere Larkin.	158	J. Stanger.
43	John Delavan.	101	Jan. Linfears.	159	Chas. Swanson.
44	Joe Davis.	102	C. Lindgreen.	160	Jas. Steele.
45	Jas. Douglas.	103	E. Larson.	161	L. Subat.
46	Martin Deacy.	104	C. Laudergren.	162	John Smith.
47	Thos. Dunn.	105	C. Larson.	163	L. Studness.
48	M. Dougherty.	106	Otto Leyer.	164	C. Stream.
49	R. Eagelson.	107	Wm. Maher.	165	Wm. Sass.
50	Jas. English.	108	Jno. Mulligan.	166	R. Thompson.
51	O. M. Frikson.	109	John Moriarty.	167	Ed. Wesner.
52	L. N. Fish.	110	J. Moran.	168	R. Williams.
53	Mike Flaherty.	111	P. W. Murphy.	169	Jas. Whalen.
54	Chas. Fenton.	112	J. P. Murphy.	170	E. Williams.
55	T. F. Gibbons.	113	N. Norlin.	171	J. Waline.
56	Jas. P. Gallagher.	114	R. Mooney.	172	Pat. White.
57	Tom. Gallagher.	115	J. Murey.	173	John West.
58	Wm. Grant.	116	L. K. Moore.	174	Robt. Youngberg.

The official ballot at the precinct contained the names of eighty-two candidates for State, county, and township officers, to wit: Member of Congress, governor, lieutenant governor, secretary of state, attorney-general, treasurer, auditor, superintendent of public instruction, clerk of supreme court, chief justice, two associate justices, district judge, county clerk, sheriff, senator, ten representatives, three county commissioners, clerk of court, treasurer, county superintendent of schools, surveyor, assessor, coroner, public administrator, attorney, two justices of the peace, and two constables. The Republican and Democratic parties had respectively made nominations for these positions, and the constitution was submitted for approval. Each of these alleged voters exercised fully his right of suffrage according to the returns which embody the figures.

	Votes.
21 Democrats had 171 votes, making	3,591
3 Democrats had, including constitution, 172 votes, making	516
1 Democrat had, including constitution, 173 votes, making	173
14 Democrats had, including constitution, 170 votes, making	2,380
1 Democrat had, including constitution, 169 votes, making	169
1 Democrat had, including constitution, 168 votes, making	168
1 Democrat had, including constitution, 165 votes, making	165
Total	7,162
20 Republicans had 3 votes, making	60
5 Republicans had, including constitution, 2 votes, making	10
1 Republican had, including constitution, 1 vote, making	1
10 Republicans had, including constitution, 4 votes, making	40
4 Republicans had, including constitution, 5 votes, making	20
1 Republican had, including constitution, 9 votes, making	9
1 Republican had, including constitution, 6 votes, making	6
Total	146
	7,162
Grand total	7,308

One hundred and seventy-four voters had 42 votes to cast, 7,308 votes.

Such mathematical exactness upon the part of so many voters is unprecedented. When we remember that the Australian system prevailed and that a mark was placed opposite the name of each candidate and that a large number of these persons had recently obtained the right to vote through declarations of their intention to become citizens of the United States, the result seems to be wonderful. At the same time, the proposition for the issuance of bonds in the sum of $25,000 for school purposes excited a slight interest, and only 91 voters expressed their wishes thereon.

We will illustrate these views by a reference to the vote of the other precincts of the county of Silver Bow and the State upon the adoption of the constitution and the choice of a member of Congress.

Vote of Silver Bow County, in 1889, for Congressman and constitution.

No.	Precinct.	Carter, Rep.	Maginnis, Dem.	Constitution. For.	Constitution. Against.	Total constitution.	Total Congress.
1	Walkerville	239	206	253	35	288	447
2	.....do	107	108	126	21	147	215
3	Centerville	179	101	151	21	172	280
4	.....do	236	407	371	24	395	643
5	Butte	183	107	139	14	153	290
6	.....do	135	230	236	14	250	365
7	.....do	159	142	190	14	204	301
8	.....do	78	126	131	17	148	204
9	.....do	200	219	277	24	301	419
10	.....do	156	234	241	26	267	390
11	.....do	133	104	125	21	146	237
12	.....do	244	241	260	22	282	485
13	.....do	198	184	233	30	263	382
14	.....do	110	97	88	16	104	207
15	Parrott	208	170	199	65	264	378
16	Menderville	209	69	162	12	174	278
17	.....do	124	61	75	9	84	185
18	South Butte	160	167	203	25	228	327
19	Black Tail	35	28	13	2	15	63
20	Centennial Brewery	90	77	88	18	106	167
21	Rocker	91	30	53	4	57	121
22	Burlington	142	63	77	11	88	206
23	Silver Bow	16	18	18	3	21	34
24	Silver Bow Junction	14	21	15	5	20	35
26	McCune's Wood Camp	25	161	142	7	149	186
27	German Gulch	2	12	8	.....	8	14
28	Norton Gulch	18	5	2	.....	2	23
29	Feeley	8	19	13	1	14	27
30	Divide	18	12	22	3	25	30
31	Melrose	34	28	38	2	40	62
32	Soap Gulch	8	2	6	1	7	10
33	Clipper Nine	6	5	7	.....	7	11
	Total	3,566	3,456	3,962	467	4,429	7,022

No polls were opened at precinct No. 25.

The following was the result in the State:

Carter, 19,922 votes; Maginnis, 18,264 votes; total for Congressman, 38,186 votes; for the constitution, 24,676 votes; against the constitution, 2,274 votes; total upon the constitution, 26,950 votes, leaving a difference of 11,236 votes. Although the percentage of nonvoters upon the submission of the constitution when compared with the votes recorded for the Congressional candidates is high and substantially the same throughout Montana, in precinct 34 the rule does not operate and every elector voted according to the face of the returns. Even in precincts 32 and 33 where only 10 and 11 votes respectively were polled this average is unchanged. The number of voters in the county at this election is shown by another table to have been 7,329.

When we consult the returns of these precincts for the candidates for the offices which we have mentioned, it will be seen that there is a great difference between the possible and the actual vote. The number of citizens who failed to signify their choice in some respects is so regular that the average can be applied generally.

Vote of Silver Bow County in 1889 for officers:

Precinct No.	Voters.	Possible vote.	Actual vote.	Difference.
1	447	18,327	17,860	467
2	221	9,061	8,242	819
3	296	12,136	10,418	1,718
4	661	27,101	25,115	1,986

Precinct No.	Voters.	Possible vote.	Actual vote.	Difference.
5	238	12,318	11,304	914
6	388	15,908	14,883	1,025
7	315	12,915	12,992	823
8	207	8,487	8,224	263
9	432	17,712	16,597	1,115
10	415	17,015	15,590	1,425
11	244	10,004	9,345	659
12	515	21,115	18,686	2,429
13	394	16,154	15,209	1,145
14	223	9,143	7,949	1,194
15	392	16,072	14,879	1,193
16	307	12,587	10,890	1,089
17	199	8,159	7,081	1,073
18	341	13,981	12,540	1,441
19	65	2,665	2,292	373
20	176	7,216	6,408	808
21	124	5,084	4,530	554
22	221	9,061	8,042	1,019
23	37	1,517	1,385	132
24	36	1,476	1,332	144
25*				
26	190	7,790	7,217	573
27	15	615	520	95
28	28	1,148	835	313
29	27	1,080	936	144
30	31	1,240	2,319	203
31	63	2,520	1,032	208
32	10	410	393	17
33	11	451	433	18
Total	7,329	300,368	276,386	23,982

*No election held.

Another peculiarity of this vote, which, however, commends it to our favor, is the triumph which the supporters of the constitution achieved. It is the greatest majority that has been reported in any precinct of similar numbers, being 172 votes for and 2 votes against it.

While this question was not debated during the campaign from a partisan standpoint, the votes thereon were apportioned in the same manner as if they had been for the Democrats and against the Republicans. The county of Silver Bow, without precinct 34, was Republican, and the insignificant part of the ballots that was returned for its candidates under these conditions must be noted as strange and without an exemplar in Montana.

Third. We will review the testimony proving that actual fraud was perpetrated at precinct 34.

Before the record is examined it should be observed that most of the persons whose names are registered upon the poll book of the precinct were employed at the time of the election in building a railroad near that point and vanished when the work was finished. It was therefore difficult to produce them upon the trial as witnesses, and the number who testified was 10 out of 174 voters. The appellant offered in evidence two subpœnas with their returns duly verified, showing the names of the voters at precinct 34 who could not be found, to establish diligence upon his part to procure their attendance. The objection of the respondent to their introduction upon the grounds that they were irrelevant and immaterial was sustained by the court. The statute, *supra*, provides that "each party shall be entitled to subpœnas and subpœnas *duces tecum* as in ordinary cases in law."

We affirmed the ruling of the court in Heyfron vs. Mahoney, *supra*, that these papers should be admitted for this purpose.

In Blue vs. Peter (40 Kans., 717) the court said: "In addition there were subpœnas issued for about ninety of those claimed by Peter to be fictitious voters, and the return of the officer shows they were not to be found in Harper Township. * * * The failure to find the residence of so large a number of purported voters is more than suggestive and to our minds a very strong proof of fraudulent voting." The effect of this error upon the rights of the parties will not be further considered, but the circumstances afford a satisfactory explanation of the failure of the contestant to bring into court all the voters of the precinct.

Charles Johnson testified that he was a registered voter of precinct 34 and that he did not vote at this election. His name is upon the poll book as one who then and there voted, and is numbered 82.

Five voters, Axel Anderson, Charles Lindgreen, John A. Anderson, A. Green, and John Petterson, did not vote upon the constitution.

Axel Anderson testified:

"Did you vote for the constitution or against it?"

"I did not vote at all for that."

Charles Lindgreen, testifying through an interpreter, said:

"Did he vote for the constitution or against it?"

"He did not."

John A. Anderson testified:

"Did you vote for the constitution or against it?"

"No, sir; I left that blank."

He also swore that he marked the ballots for A. Green and John Petterson.

"Did you mark the constitution on either of them?"

"No, sir."

G. Pennell testified:

"And you did not vote at all for Carter and Maginnis?"

"For neither."

C. Lindgreen testified:

"Who did he vote for?"

"Martin Maginnis and two Republicans."

"Did he vote for the balance of the Democrats besides the Republicans?"

"No, sir."

"Did he only vote for three persons on the ticket?"

"Only three."

G. Pennell testified that he marked his ballot for "all the Republican candidates except four," and three Democrats, Toole, Richford, and Caplice.

Axel Anderson testified that he "voted the Republican ticket," excepting a Democrat who "was one of the last ones on the ticket."

John A. Anderson, A. Green, and John Petterson voted for "the straight Republican ticket."

The time when the witnesses deposited their ballots is generally given in their testimony and can be stated as follows:

Michael F. Hogan, 8 o'clock; John Morrison, quarter past 8 o'clock; C. Lindgreen, 10 o'clock; D. O'Neil, half past 10 o'clock; Axel Anderson, 1 or 2 o'clock; G. Pennell, 3 to 4 o'clock; and John A. Anderson, A. Green, and John Petterson voted together, but the hour is not revealed.

Axel Anderson testified that he left his ticket with Pennycook, who held it in his hand as he went out, and also said:

"Do you undertake to say that that ticket was marked or stamped by Pennycook after you handed it to him or before?"

"After."

"Are you sure of that?"

"Yes, sir."

C. Lindgreen testified:

"After he had marked his ballot, what did he do with it?"

"He gave it to Pennycook."

"What did Pennycook do with it?"

"He put a mark on it and put it in the ballot box."

"What kind of a mark did he put on it?"

"He had something like that" [the official stamp].

Charles Omo, the witness above named, further testified that he and Charles Wilson went into the voting place after the polls were closed, and saw Pennycook and Morrison there.

"What were they doing when you went in?"

"This Pennycook was doing some kind of stamping work there."

"What with?"

"With a stamp."

"Was it anything like that [the official stamp] on the table?"

"Yes, sir; something similar."

"What was he stamping?"

"Ballots."

"What kind of looking papers were they for size and color, etc.?"

"About 6 or 8 inches in width and 20 or 24 in length."

"What else did you see him do while you were there?"

(Then follows the answer which is given *ante*, page 596.)

"When he jumped up did you see anything else?"

"The only thing that I noticed was a bunch of papers that he had been sitting on."

"What were the papers?"

"I could not say; I took them to be ballots. They fell to the floor as he jumped up off the chair."

On cross-examination this witness answered:

"How many times did this gentleman stamp these papers?"

"Once only."

"Positive?"

"Yes, sir."

John Wilson, the above-named witness, corroborated the testimony of Omo, and, in reply to questions by the court, said:

"How many did he stamp?"

"He must have stamped probably two."

"In how long a time?"

"Just a short bit, probably a minute."

"Was that all he stamped while you were in there?"

"That was all I noticed."

"Were you in there longer than the time he occupied in stamping two papers?"

"I don't think I was."

"Did he have anything else there except papers?"

"He might have had a pencil."

"Did you see any books or check list there?"

"No, sir, I did not take notice to it."

"Did you see what impress this stamp left on the paper?"

"No, sir."

"Where was Omo at this time?"

"He was in there."

The foregoing testimony was not contradicted by any person and no effort was made by the respondent to impeach one of the witnesses. Pennycook and Morrison, who must possess the best evidence upon all the issues concerning the vote of precinct 34, were not put upon the stand. Through the remarks of counsel in the argument we learn that Pennycook during the trial was in Scotland and Morrison was in Colorado. This case in some of its phases has invaded the Senate Chamber and been expanded to national proportions, and the materiality of their testimony can be readily understood; but the subpœna of the appellant could not command Pennycook and Morrison to appear before the court and tell the truth.

When, therefore, the evidence which was produced is weighed these facts are established: some person voted in the name of Charles Johnson during his absence. All the electors of the precinct did not vote for or against the constitution. Pennell did not vote for either candidate for Congress. Lindgreen marked only three out of eighty-two candidates upon the ballot. Three voters cast "the straight Republican ticket." Axel Anderson marked all the Republican candidates except one, probably a constable, and Pennell voted for three Democrats and thirty-seven Republicans. Pennycook marked illegally some ballots after their delivery to him to be deposited in the box. The voters did not march to the polls in alphabetical array and the poll book does not disclose the number or order of those who voted. Pennycook and Morrison stamped ballots after the polls were closed, and Pennycook had a package under him when Wilson and Omo were present and required to leave the polling place.

The returns of precinct 34 are fraudulent and do not state truly the vote which each candidate for office received at the last election. And voters who had a right to be present when the votes were counted were ejected from the polling place by the judges when they were stamping ballots after the closing of the polls.

Fourth. We will apply to the facts the principles of the law which are laid down by the authorities.

The extraordinary length of this opinion restrains us from collecting the cases which throw light upon this subject, and we shall rely upon the doctrines which are stated in the textbooks. It is admitted by all that the statutes regulating elections are designed to protect the precious right of suffrage by securing an impartial count of the ballots and the choice of the people for public trust. The duties of the clerks of an election are as essential and as distinctly defined as those of the judges, so that they can be checks upon each other and vindicate the purity of the ballot box.

While many of the statutory requirements are directory and the form is always subordinate to the substance, they are nevertheless considered by the legislative department safeguards of the voter in the exercise of this privilege of citizenship. They have been violated with impunity by the officers of precinct 34 with the purpose of defeating the will of the people. Waiving the point that the returns are not properly certified, what legal weight attaches to them?

Mr. Paine says in his work on elections: "Poll books duly certified and returned are *prima facie* evidence of the truth of their contents; but the presumption so raised may be rebutted by proof that they are fraudulent and fictitious to such an extent as to render them wholly unreliable." (Section 592.) Mr. Mechem writes in his treatise on public officers: "It is presumed that the officers of election have done their duty and that the returns made by them are a full and fair statement of the true result, and this presumption is to be given effect until they are shown to be unreliable." (Section 227.)

Mr. McCrary, in his treatise on elections, says: "The return must stand until such facts are proven as to clearly show that it is not true. When shown to be fraudulent or false, it must fall to the ground." (Section 536.) "If an officer of

the election is detected in a willful and deliberate fraud upon the ballot box, the better opinion is that this will destroy the integrity of his official acts, even though the fraud discovered is not of itself sufficient to affect the result. The reason of the rule is that an officer who betrays his trust in one instance is shown to be capable of the infamy of defrauding the electors, and his certificate is therefore good for nothing. * * * We repeat, therefore, the opinion expressed in a former chapter that a willful and deliberate fraud on the part of such an officer, being clearly proven, should destroy all confidence in his official acts, irrespective of the question whether the fraud discovered is of itself sufficient to change the result." (Section 539.)

The nature of the proof to establish fraud is absolutely defined in Wheat *vs.* Ragsdale (27 Ind., 206), and Mr. Justice Elliott, for the court, says: "Direct and positive proof of the alleged fraud would in such a case be more satisfactory to the court or jury trying the case. Such frauds, however, are seldom committed in the presence of those who are not participants in them, and if only direct and positive evidence were admissible few, if any, of them would be brought to light. We are not aware of any reason why frauds upon the ballot box and thereby upon candidates for the offices to be filled may not as well be established by circumstantial evidence as frauds of any other character." In the American and English Encyclopedia of Law the rule is stated as follows: "While fraud is not to be presumed, it is equally true in election as in other cases that it is usually proved by circumstantial evidence. It would be very difficult, and generally impossible, to prove an agreement between the parties who committed the fraud; and, if no circumstantial evidence was recognized as sufficient, the frauds would generally go unrebuked." (Volume 6, page 354.)

In Littlefield *vs.* Green (Brightly's Leading Cases on Elections, 494), the court observes: "The names of the first 568 voters, as appears from the poll books, appear to have been registered and voted in alphabetical and numerical order. * * * One of them (the officers who conducted the election) swears that he can not account for the names appearing in alphabetical order on the poll books from A to Z and Z to A, but thinks that men voted in that order, a thing impossible and incredible." When, where, and by whom were the poll books and returns of precinct 34 made? The transcript may be searched in vain for any answer to these important inquiries. No witness ever saw the name of one voter recorded in the poll book.

In Knox County *vs.* Davis (63 Ill., 417), the court views, as a circumstance tending to prove fraud on the part of the officers of an election, their conduct, and says: "Again the moderator of the election has absented himself or absconded since the proceeding was instituted, so that his evidence could not be had."

In Russell *vs.* McDowell (83 Cal., 170), which was an election contest affecting the office of sheriff, the supreme court of California referred to similar conduct and Mr. Chief Justice Beatty said:

"Officers of election are, like all other persons, presumed to know the law, and their deliberate omission to follow directions designed to prevent fraudulent voting certainly calls for explanation. It casts suspicion upon their integrity, and is sufficient *prima facie* to make out a case of fraud. No doubt such omission is susceptible of explanation, and we are very willing to believe that the officers of these precincts erred through ignorance of the law and were not actually guilty of fraudulent intent.

"But as the case is presented we can not indulge that presumption. The officers were not called as witnesses, as they should have been, to prove that they acted as they did through ignorance and not with fraudulent purpose, and in the absence of any rebutting proof on this point we feel constrained to hold that the contestant made out a case of malconduct on the part of the election boards. * * * Here no proof in rebuttal was offered and the evidence for contestant stands absolutely uncontradicted." These authorities are directly in point and we hold that the commission of fraud at the election in precinct 34 has been shown by both direct and circumstantial evidence.

What is the remedy? If possible, the poll should be purged and the legal vote should not be suppressed by reason of the malconduct of the officers of the election. The absence of the citizens of the precinct is an obstacle which can not be overcome. How can the legitimate ballots be ascertained? If we reject the returns we can reasonably presume that the vote of precinct 34 upon the constitution was in the same ratio as the remainder of the county of Silver Bow. A calculation upon this basis demonstrates that this vote should have been 112 and that Pennycook and Morrison may have tampered with 62 ballots.

The constitution was not endangered, and there was no urgent demand for the counting of the whole vote of precinct 34 upon the question, but, in the preparation of the overwhelming majorities for certain candidates upon the ballots from governor to constable, policy probably dictated that there should be no exception. There should also have been a difference between the possible and actual vote of this precinct of 584 votes or thereabouts; but, contrary to the rule which prevailed in every polling place of the county, none is returned. This is not the mode of settling the contest, and we must seek relief elsewhere. Upon what rests the burden of proof under these circumstances?

Paine writes, in his work on elections, "When a poll book is so impeached the burden of proving legal votes by other proof is thrown upon the party claiming them." (Section 592.) "When the proceedings are so tarnished by fraudulent, negligent, or improper conduct on the part of the officers that the result of the election is rendered unreliable the entire returns will be rejected and the parties left to make such proof as they may of the votes legally cast for them." (Section 596.) In Phelps *vs.* Schroder (26 Ohio St., 558) the court held: "Where a polling book is impeached for fraud and rejected as *prima facie* evidence it does not follow that the legal voters who had voted at the election will be disfranchised or that the candidates will be deprived of the legal votes they actually received at the election in the township."

When the poll book was rejected the way was open for either party by testimony other than the poll book, and in addition to it, to have proved the number of legal votes he received in the township. * * * "Of course the burden of proof would have been on the party claiming the legal votes." The last sentence of section 539, *supra*, McCrary on Elections, is the following: "The party taking anything by an election conducted by such an officer must prove his vote by evidence other than the return." In the American and English Encyclopedia of Law, page 353, it is written: "Fraud destroys the value of returns as evidence."

The fraud does not invalidate the legal votes cast, but by destroying the presumption of the correctness of the returns it makes it necessary that any person who claims any benefit from the votes shall prove them; and where no proof is offered and the frauds are of such a character that the correct vote can not be determined the return of the precinct will be rejected. The findings of the court show that the majority for Lloyd in the remaing precints of the county of Silver Bow was 127. Under the authorities Sullivan would be compelled to prove that he received at least 150 of the 174 votes in precinct 34 (assuming that the last number represents the legal voters) in order to obtain any majority. No evidence of this description was offered by the respondent.

Some of the citations refer to the legal necessity for rejecting the vote of a precinct under the facts appearing in the record, and all the authorities lead to this conclusion. In American and English Encyclopedia of Law, page 334, we read: "But if the irregularities are so great that the election is not conducted in accordance with law, either in form or substance, where they are matters of substance, and render the result uncertain, and where they are fraudulent and the result is rendered uncertain thereby, the returns should be set aside, and the persons required to prove the legal votes cast for them.

Where the incompetency, inefficiency, and reckless disregard of the essential requirements of the law prevail to such an extent that the acts of the officers must be deemed unreliable, this will, of necessity, have the same effect as fraudulent action, and be ground for rejecting the returns. Says Mr. McCrary in his work on elections: "While a mere irregularity which does not affect the result will not vitiate the return, yet, where the provisions of the election law have been entirely disregarded by the officers and their conduct has been such as to render their returns utterly unworthy of credit, the returns must be rejected. In such a case the returns prove nothing." (Section 476, 3d ed.)

We therefore conclude that the findings of the court below regarding the legal effect of the election held upon the 1st day of October, 1889, at precinct 34, are contrary to the evidence and should be set aside. The returns thereof do not show the true result of the votes which were cast for the candidates, including the contestants for the office of sheriff. The officers did not canvass, count, and make said returns. The election was conducted in violation of the laws regulating the same, and the opportunity was afforded for the perpetration of crimes against the suffrages of the people. Ballots were illegally marked after they had been delivered to the judges to be put in the box. The official stamp was unlawfully placed upon ballots by one of the judges after the polls were closed. Fraud was committed by the officers of the election to such an extent that the actual vote of the precinct can not be ascertained, and the returns are valueless as evidence and must be rejected.

When these findings are discarded, the official vote of the board of canvassers of the county remains unaltered, and Lloyd should have been declared the person who was duly elected to said office.

It is therefore ordered and adjudged that the judgment be reversed with costs, and that the case be remanded to the court below with instructions to enter a judgment that John E. Lloyd was duly elected sheriff of the county of Silver Bow aforesaid for the term beginning with the date of the admission of the State of Montana into the Union and ending on the first Monday in January, 1893, and make the necessary orders to carry into effect this judgment.

Harwood, J., and DeWitt, J., concur.

Mr. MORGAN Mr. President, the question before the Senate, in the narrowest point of view, is whether the Senate will change the rules, under which it has operated for a century, for the purpose of enabling the majority in this body, who do not represent the majority of the people in the United States by any means, to pass a bill that does not receive the approval, it appears, of any political party in the United States.

When a measure of this magnitude, espoused by the President of the United States, can not be said to command the respect and approbation, or at least the tolerance, of the party to which he belongs, but excites the opposition of some of the most distinguished and able gentlemen who belong to his party in the Senate, it can scarcely be said that it is entitled to the right of precedence over all other legislation under rules that are peculiarly prepared for its enactment and for no other purpose.

Complaint has been made here that debate on this bill has been protracted. It has not been protracted beyond the interest the country feels in it, nor beyond the convictions of duty of Senators who have spoken upon it on both sides of this Chamber. The debate, it is true, has been a long one, but I believe I have never—I know I have never—heard a debate in which there has been so much attention paid to history, to law, to public policy, to right and justice, and so little departure from the true line of debate into the field of political acrimony and heated controversy as have characterized this present debate.

The Senator from New York [Mr. EVARTS], who is now about to retire from this Chamber with the honors which he has won here added to those that have already crowned him, almost the leading citizen of the United States, in his remarks made upon this bill on the 15th of January, said:

Mr. President, I shall not feel it at all necessary to repeat the arguments that have been presented on this side of the Chamber, but only to show, if I may be at all successful in the effort, how important this matter is to the people of this country, to the two Houses of Congress, to the political party that is in charge of the conduct of the Government, and not less important to the portions of the country where the operations of this bill are expected to be most energetic and where they are, in my judgment, most necessary.

I have no complaint to make, Mr. President, of the length to which the discussion in the consideration of this bill in the Senate has been protracted. A parliament, a congress, is the place primarily of debate. It is here that are assembled in authentic representation the opinions of all portions of the country and all views among the people. Here it is that, face to face, with such decorum, with such eloquence, and with such logic as may be brought to bear we are to hear, to search, to answer, and to resolve in legislation this great question.

Especially is it important for us to try to arrive at a better understanding, upon trustworthy evidence, of what the feelings, the opinions, and the purposes of the Democratic party have been as bearing on the general subject of the integrity and purity of elections. It is alike important to ascertain this in such a manner that it shall be satisfactorily accepted in the sections of the country where it is supposed the integrity and the purity of the elections are most threatened; and, having done this, to spread the results of such consideration before the people of the rest of the country, so that in their opinions, in their purposes, in their actions, they shall behold their duty as citizens, and, having a share in the legislation of Congress, know how to conduct themselves.

I shall not make any further reference to the delay that has occurred in the matter of debate after reading that preliminary statement from the Senator from New York, who is a venerable lawyer, who, in his diplomatic career, has added so much renown to his country, and who, I am glad to say, in making his final argument before the Senate of the United States, has left us a memorial and an example of the characteristics of debate in this body which should attend all of our deliberations hereafter.

It is a very great surprise, Mr. President, to the people of the United States that any party should have found itself in such a category—I say "party," I mean any faction of a party, for, although they are in the majority in this body, they are not the entire Republican party, even in this body—that any faction of a party should have found itself in such circumstances as that it was found necessary to resort to a very

extraordinary movement here for the purpose of preventing debate upon this measure and forcing a vote upon it before it had been sufficiently examined.

I am glad also to see that the younger members of this body do not all participate in that feeling of strife and desperation which characterizes the honorable Senator who is leading in this matter of forcing the clôture upon the country—that foreign word of bad reputation, likely to become a word in American nomenclature that will carry with it bitter feelings as long as it is uttered by the human tongue.

About two hours or two hours and a half ago the Senator from Rhode Island [Mr. ALDRICH], who has become very conspicuous in the advocacy of the closing of debate by compulsion and who has made himself equally as conspicuous by discourteously rising and rushing gentlemen off of the floor who actually had the right to be on the floor, by, not a polite request that they should retreat, but by interjecting himself between the Senator and the Senate so as to rub him out and prevent him from saying anything—that Senator got up on the floor two hours and a half ago and proposed to this side of the Chamber to consent that the speeches to be made upon this measure hereafter should not exceed a half hour, and then, that being rejected, in a spirit of very remarkable liberality, he enlarged it to an hour. He did not go beyond that, however, and we felt very much gratified that he did not find it necessary to say two or three hours, for that would have deprived us, if we had consented to it, of a part of the speech we have just heard in favor of clôture.

The Senator from Montana [Mr. SANDERS] had the floor at the time the Senator from Rhode Island got up, and had made a few remarks in opening his speech, which has been an interesting one, and he has continued for two hours and a half in utter contempt and disregard of the suggestion of the Senator from Rhode Island.

Why, sir, I regret that a Senator who has been here as long as the Senator from Rhode Island, who fancies himself in the lead of a great party in the United States and in the Senate upon this clôture, should have had such a bucket of cold water poured upon him as the Senator from Montana has seen proper to empty upon his defenseless head in the two-hour-and-a-half speech he made immediately after that invitation.

What did the Senator from Rhode Island want to do? Did he anticipate that the Senator from Montana, the young and fresh and virgin State, in the purity of its robes of righteousness just now appearing upon the floor, should want to occupy too much time or that perhaps he might say something a little indiscreet in the argument of this great question? Why should he interpose, unless it was that he wanted to cut his colleague down to a half hour's debate upon this question? He knew we would not accept the proposition when he made it. Knowing that, he did not have any difficulty in making it, any more than he had the other morning when the Senator from Missouri [Mr. VEST], who was on the floor of the Senate the previous evening when the Senate was adjourned because there was no quorum present, and when his speech was broken into in the middle and he had not exhausted his argument by any means, and he had the right to the floor when the question came over—the Senator from Rhode Island ruthlessly thrust himself in and took the floor from the Senator from Missouri, and I am very sorry to say that the Vice President sustained him in it. There may be reasons for it, but they are not upon the record. The history will go down to posterity as one of ruthless invasion of the rights of a Senator in order to get a temporary political or strategic advantage in this body.

Mr. President, this bill has a history, a legislative history, to which I propose to refer for a very few moments. Perhaps we shall find out from that recitation what has been the reason of the great pressure for closing the debate and forcing a vote in the closing hours of this Congress, when the Calendars are loaded with bills that the people are looking to with great attention and apprehension also; at a time when the people are fearing that the Congress of the United States will not come to their relief in their financial matters, their business affairs, and will not exert the powers of this Government in their behalf so as to protect them against disasters that are as yet unseen, but are so nearly palpable that we can almost touch them by reaching out the hand to the near future.

This bill had its origin in the House of Representatives, following a message of the President of the United States urging such legislation, and it was brought into that House from the committee, after having been offered before in the House and referred to the committee, on the 19th of June, 1890. The bill was called up and debated for a few days after it was reported on the 19th of June. It passed the House of Representatives on the 2d of July, 1890. It had short shrift in that House, Mr. President, we are informed—I am not able to state it as a matter of fact, because I can not refer to anything of that sort, but we are informed that that bill was like a child born out of season; it came misshapen into the House of Representatives, and time was not permitted to straighten it up and get rid of its deformities there, but it was rushed through in order to meet a political exigency.

Between the time of the meeting of that Congress and the passage of that bill through the House the little majority in that body was increased from, I believe, three, by the expulsion of six Democrats from that body. The manner in which that was done, the want of substantial reason for the expulsion of Mr. Jackson, Mr. Pendleton, Mr. Cate, Mr. Compton, Mr. Wise, and Mr. Turpin from that House, it is not necessary for me to go into now, and perhaps it would not be proper that I should do so, for it is not a part of the duty or the business of a Senator, I suppose, to question the rightfulness and the propriety and the honesty of the action of the House of Representatives; but we have, between the time of the organization of that House and the passage of that bill, the expulsion from that body of six Democrats, some of them among the ablest men in that body.

Those who were candidates for re-election, of these expelled members, have all been sent back by the people. So that the justice of their expulsion upon the grounds of fraud or impropriety of conduct in the elections which sent them there in the first place has not been sustained by the people. The people have reversed the action of the House in this and in many other cases of like kind, and some of those gentlemen, not all, but some who were driven out of the House are back there already occupying their seats, and a large number of the others will be in the next House of Representatives.

But why was it necessary to expel six members of that House from the time the House sat until this bill passed? Why, sir, it was necessary to do it in order to get a convenient chance to hold a quorum to pass the bill.

What were we doing in the Senate while that was going on? We were bringing new States and new Senators into the Union with startling rapidity. At the time this Congress met you did not have enough Senators in this body, counting out those gentlemen who are opposed to this bill, to pass it. You had need of recruits, and you opened your recruiting office and you got the recruits and they came here, and they are here now, representing States all of which do not contain as much population as the State of Alabama, and there are eight of them. The Senators from Montana were admitted April 16, 1890; from North Dakota, December 4, 1889; from South Dakota, December 2, 1889; from Washington, December 2, 1889; from Wyoming, December 1, 1890, and from Idaho, one of them December 29, 1890, and another January, 1891.

This bill, when it came from the House of Representatives, having been passed by that body on the 2d day of July, 1890, was received here on the 7th, and it was laid on the table of the Senate. On the 25th day of July it was referred to the Committee on Privileges and Elections. Why was all that time allowed to elapse between July 7 and July 25 with this bill lying on your table and not referred to a committee?

Mr. TELLER. Will the Senator allow me to interrupt him a moment?

Mr. MORGAN. Yes.

Mr. TELLER. I think the RECORD will show that when that bill come over I asked that it should lie on the table. I did that at the request of the chairman of the Committee on Privileges and Elections [Mr. HOAR] who was not present that morning, but who knew it was coming. I had nothing further to do with it.

Mr. MORGAN. I know. The Senator from Massachusetts was here very soon afterwards, and he knew, of course, the bill was lying on the table, this great bill in which the country has had such an immense interest at stake. Everybody says that. But there it continued to lie. The Senator from Massachusetts did not take it up from July 7 until July 25, eighteen days. That precious time, Mr. President, if it had been employed in the consideration of this bill, in its debate and discussion in this body, might have had a very essential effect and influence upon its destiny.

The committee then reported it back on the 7th day of August. Well, I am not going to complain that they took from the 25th day of July until August 7 to report it back; for, when they came to consider this misshapen thing that came from the House of Representatives they found it necessary to strike out every line and syllable of it and to bring it before this body as if it were a new-born creature. They struck out of it the jury-packing clause and the bayonet-at-the-polls clause and a number of other clauses. They recast the entire bill. They were not satisfied with the form in which it came from the House of Representatives, and they brought in an entirely new project here from the Committee on Privileges and Elections. That bill was placed upon the Calendar, and remained here, with certain feeble efforts to get it up, until after the Senate had been filled up with the new Senators from the Republican party coming from the Northwest, and it was understood, of course, and expected, of course, that when those Senators took their seats in this body they would be the advocates of this bill. It has not turned out that they were so in every particular.

The tariff bill then came along and there was no difficulty at all in getting the Senator from Rhode Island to push the tariff bill against the elections bill, the reason, of course, being that the Senator from Rhode Island, who is an adept upon all questions of tariff taxation and who is one of the pets of the plutocracy of that section of the world, found it was a convenient thing for his people, it was a mine of riches that he should open up and set his people to work to draw the wealth up and secure it in his bin before anything else was allowed to be done,

and so that tariff was interposed, and it was all very gratifying, no doubt, to the Senator from Massachusetts in one respect. He had not as yet got enough Senators on that side from the new States to overcome the powerful opposition of Senators of the Republican party from older States, who have taken the floor in a spirit of heroic devotion to their country and its Constitution and have opposed this measure.

That was just as well known to the Senator from Massachusetts before these Senators made their deliverances by votes and great arguments upon this floor as it is known now, and he waited for his majority, he waited for his recruits. He wanted to have his army strong enough when he got his bill before the Senate to force it through this body by any means, foul or fair, that could be used in a legislative way.

Then in the earlier part of the session the Senator from New Hampshire [Mr. BLAIR], who is not in his seat and will not much longer be in that seat, because the people of New Hampshire have found fault with him, occupied six weeks of the attention of this body upon a single bill, against which, when the Senate came to divide, there was a powerful and a crushing majority. Why was not that time utilized to some degree or to some extent in the consideration of this great and important measure?

Now, after all these delays and for these reasons, after this bill that has been delayed by a constraint and force of circumstance that the Senator from Massachusetts has found embarrassing his action in his own party and on his own side of the aisle, he is found here, with the assistance of the Senator from Rhode Island, who is simply paying a debt to him, to engineer through this body a clôture that is a surprise, an astonishment, and a grief to the whole American people. That the Senate of the United States should have worked a hundred years as a continuous body, under the administration of the majestic men who have occupied these seats and who have adorned the history of this country, without having in a single instance in time of war or in time of peace found it necessary to resort to a measure of this kind to close debate and force a bill by mere strength of numbers through this body—after this wonderful example and wonderful testimony in favor of the proceedings of this Senate heretofore and of the rules by which we have been governed, it is a strange and anomalous, yes, sir, a frightful, thing to the American people that this should be done now.

Those Senators who have laid this plan of action, who have waited here, as their friends have also waited in the other House, for the recruiting of their numbers until they could pass the bill, will go down to posterity, Mr. President, as the most ruthless invaders of the rights of minorities in legislative bodies that have ever lived in the history of this country or any other. Historians are challenged to point out a parallel instance. The clôture in the House of Commons has been referred to here, and the name of that eminent man, Mr. Gladstone, has been quoted as authority for introducing here the British method of closing debate upon this matter. Not only are we referred to the British method of closing debate as authority for the pending resolution, but the Senator from Massachusetts in the last session of this Congress, when he took the floor to recommend in his opening speech the provisions of this bill to the American people, laid the foundations of his argument, as he has laid the foundations of his bill, in British statutes. He referred in his argument to the fact that the British statutes which relegated the appointment of supervisors or managers of elections to the control of the courts in Great Britain had worked well, and it was from those British statutes that he dug up the root of this bill that he is so earnestly endeavoring to plant in American soil.

Outside of Great Britain, even in the most despotic countries where elections are permitted, where the people have any right to vote, we find no harsh overseership to interfere with the right of the people to assemble at the polls and to cast whatever of suffrage is permitted to them under the laws of the county in which they live; but Great Britain has had, for years together, antagonized to its landed aristocracy what might be called, not a rebellious element, but a liberty-loving element. The characteristic of a British statesman is the love of domination, rule by absolute power, until you come to question his rights and privileges and his authority. When he has a colony under his control or when there is a component part of the kingdom of Great Britain, not made up of Englishmen, who have ideas of government that are peculiar in some sense to themselves, the Briton at once throws himself back upon what he conceives is his divine right to rule and control other men, just as the Senator from Massachusetts does, and he demands that all other people and communities shall submit themselves to his will, and that they shall receive at his hands law and judgment and justice as he chooses to measure it out, and that they shall do it without complaint.

So, in dealing with the Irish people, that quick-tempered, high-strung, talented, splendid race of men, in whose utterances and throughout whose entire history genius sparkles like the stars in the heavens, when they came in contact with the Irish and wanted to rule them, the Briton found that the Irishmen still had a flavor of ancient liberty in their mouths and a desire that they should enjoy some of the home rule for which their patriots had shed their blood through centuries and centuries. The Briton concluded that, although they had a place in the Parliament and were the peers in that respect of any man who came from England, Scotland, or Wales, they should be choked down by a rule that would prohibit them from having a word to say whenever the speaker of the House, supported by a certain number of that body, should decree that they should cease debate and remain silent. Then it was, Mr. President, that there was planted in the Irish heart that feeling of resentment and bitterness which will rankle there until after awhile it will either burst the bonds of this imprisonment or else Ireland will perish.

British ideas of domination, of absolutism, of election laws and gag laws, appear in the Senate. The Senator from Massachusetts borrowed his law from the British statutes. He borrowed his clôture from the history of the suppression of the Irish people in the Parliament of Great Britain; and that region of country referred to by the Senator from New York [Mr. EVARTS] as the region to which this law was to be made particularly applicable—the Southern States—is the part of this land against which the Senator from Massachusetts desires to use his clôture and in which he desires to plant this root of bitterness which he has dug from British soil, to the total perversion of the Government of the United States, not traditional merely, but as it has been received and passed upon by actual precedent and actual vote and actual administration now for a round century.

So that when we are told that we must cease debate we are told that the voice of liberty must die within us. As we are not yet dead, neither is liberty dead within us, and as we hope for the resurrection, by the mercy and providence of God, so, by the power of the American people, we hope that we shall yet be saved with our liberties untarnished and unimpaired.

We plead with the Senate for this and we hope that we shall not be chastised because of our long and earnest importunity.

I have now said what I desire to say about the history of this proposition for clôture in this body. I will not stop to characterize it any further than I have done, because, Mr. President, words are unavailing to give a real impression of the horror with which I look upon it. If it were now the fact that the Senate of the United States was discussing a proposition to cede Alabama to the Government of Spain and to consort her with Cuba under the horrors of a military despotism that prevails in that land, I should not feel more concerned about the destiny of my people and my State than I do when I find the traditions of the fathers are all to be set aside, the precedents disregarded, and the Constitution, as I think I can demonstrate, violated, ruthlessly violated.

The people of the United States are not demanding this measure. They have had statutes that are like it in every particular, but two or three, that are unimportant to it as a system of law to preserve the purity of elections, now for nineteen or twenty years upon the statute book. In the execution of those laws, with all the rigidity of administration that it was possible to bring to bear, the Attorney-General reports this in regard to election crimes:

> There were pending July 1, 1890, 8,683 criminal prosecutions, namely, 68 for violation of customs laws, 4,075 for violation of internal-revenue laws, 534 for violation of post-office laws, 336 for violation of election laws, 61 under naturalization laws, 269 under the intercourse laws, 162 under the pension laws, 7 under the civil-rights acts, 57 for embezzlement, and 3,114 miscellaneous prosecutions.

Not 4 per cent. of the prosecutions now pending, which doubtless reach back with reference to the date of the alleged commission of offenses for four or five or six years—not 4 per cent. of those prosecutions are under the election laws, and yet there is not one single crime mentioned in this bill that is not to be found particularly defined and the punishment particularly prescribed in the Revised Statutes of the United States as they exist to-day. After you have passed this bill and put your sickle into the harvest you will not reap any more victims with this new bill than you have done under the old, so far as the offenses are concerned for the violation of which men are to be tried in the courts. You may get more political power under this bill than you do under the existing law, but you will do it by giving better shelter to fraud and crime.

We have had recently an election on the 4th day of November in every State and every Territory of the American Union, except Alaska, and I want to put it to the Senate of the United States, but more especially to the people of the United States—for I must say, with all due respect, that I have more respect for the masters than I have for the men, and I want to put it, therefore, to the Senate of the United States and to their masters, the people of the United States—where in all this great and broad land on the 4th of November was there interference with an election by anybody? What crime was committed at the ballot box? Who is impeached of having gained his election in the manner mentioned by the Senator from Silver Bow in all these elections on the 4th day of November?

Why, sir, there is not a whimper of complaint. Nobody has a word to say about it. Peace and order and propriety and law and the faithful administration of it pervaded the whole United States in the election on the 4th of November, and here comes the report of the Attorney-General of the United States, in which he recites all the cases that are now pending in the courts upon the subject of elections, as to all previous elections, and they do not amount to 4 per cent. of the controversies and indictments that

are pending in the United States courts for the violation of the laws of the United States. Where then is the necessity, where the urgent need of this measure for the defense and protection of the rights and liberties of the people of the United States in that sacred privilege of casting the ballot?

Just at the moment when crime has disappeared and when the elections are confessedly fair throughout the country new laws are demanded and new party machinery must be rigged up, for the reason that the country is Democratic.

In the face of evidence like this the assertion that there is any necessity for the passage of this law now, which amounts to any degree of emergency, is utterly absurd; in the face of these facts that assertion is a bald falsehood. No man can truthfully make it or sustain it; no man can prove it. The people of the United States will take any man's assertion that there is a necessity for this law now emergent and compelling, and they will compare it with that statement which shows that not 4 per cent. of the crimes that are upon the dockets of the United States courts result from the election laws, and when they have tongued their expressions upon the clamorous breeze it will swell to a storm of indignation when they say "that statement is false; your accusation is false; your pretended ground for emergent action here and the tearing down of the rules of the Senate and the traditions of the fathers is all a piece of by-play. You have some other motive. There is some party necessity that you recognize that comes to the front and that you are bound to support, and in order to do it successfully you resort to false accusations." No man will ever escape it, Mr. President; no man can ever sponge out that decree which is already recorded in the hearts of sixty-two millions of American people. You can not recall it; you can not reverse it; you can not prevent their future action from being regulated by it, and they will rise upon you and they will reassert their liberties against you in spite of your false declarations and the pretended necessity you find here for emergent action on the clôture.

Mr. President, during the last five or eight years in this country the different States of the American Union, for reasons that are entirely satisfactory to them and entirely justify their action, have been industriously engaged in the reformation of their laws in regard to elections. There has been introduced into the United States, after long debate, a system that I believe had its origin in Australia, which has been adopted with more or less of modification by a number of States of this Union; a system which has drawn to its support some of the ablest minds in the Union and which has concerned very deeply every legislative body that has assembled as yet in the United States in the different local governments.

The marked improvement in the security of the privileges of an honest and unrestrained ballot that has taken place in virtue of and in connection with this new system of legislation has been amongst the most gratifying of the evidences of the progress of the American people and of the success of their unaided powers in securing to themselves purity of government through the assistance of their own local institutions. That suggests to my mind, Mr. President, the inquiry why it is that Senators should assume that they possess more virtue than the people who sent them here; that they are better than the Legislatures that elected them; that they, because they have received, or bought, or in some way secured a commission from a Legislature, have risen to that superlative dignity of character and talents and abilities and moral elevation as that they are now ready to lay down the law to their own States and all the rest of the States of the American Union, and are ready to affirm that they understand the local interests in every State more intimately and better than the representatives of those States within the bodies of their own Legislatures.

The people have gone on in these nurseries of liberty that we so proudly style the American States and they have built up their election system so as to guard the purity and sanctity of the ballot. Does any Senator here suppose that he has a more correct idea of the value and sanctity and purity of the ballot than the members of the Legislature that sent him here or than the people who elected those Legislatures? Have we got into that pharisaical condition, Mr. President, that we are becoming the mentors of the people of the United States in all of their affairs and that we must draw to us, as power always draws, with the suction and grasp of the octopus, all within its reach; that we must absorb the powers of the people of the United States in order that we may do better for them than they can do for themselves?

Are there Senators who have such magnificent conceptions of their own abilities? I dare say there must be. I know there are, for this bill is an emanation from the minds of just such men, and yet there are men in the State Legislatures and men in private life who would shame these Senators with what they know about government, and who could in point of virtue, morality, and respectability, in every sense of the word, at least claim to be their peers. Why, then, are we here dictating to the people of the different States the methods by which they shall control their elections and certify their Representatives to the Congress of the United States? Who is it that sits in the other House? The people of the United States by their Representatives, and they would not have them there if, like Switzerland or some other of the smaller republics that have existed, the people could meet in a body and do their own legislation. They would not intrust their liberties into the hands of men to whom they delegate authority and who swear before Almighty God that they will be true to the Constitution under which it is delegated; the people would not do it if they could conveniently assemble in the different Legislatures and transact the business for themselves. The business is so important in its character that they would not undertake to delegate it to any set of men in the world if they possibly could avoid it. But the men who sit in that House are the mere Representatives of the people.

What people? The people of each State separately and distinctly. That is the way they are chosen; that is the way they are sent. Those are the people they represent. Are they better than the people they represent, and will these men at last say to the people who elected them, "We do not think it is safe for you to make out commissions for us and send us to the Congress of the United States. We would prefer to put the power in the hands of somebody else, and we would rather have disinterested nonresidents to come into your midst and determine the question of your elections than to leave it to you and to those by whom you are surrounded"?

So in this body the States come here to sit; the little States and the big ones sit together, and with equal power and a suffrage that can not be made unequal, even with the consent of the States. The Constitution says, "without the consent of the States," but there is no way provided for the consent to be given for unequal suffrage here. Rhode Island, in the lead of this clôture, says to the State of Texas, "Be silent. Don't you speak any more about this matter. Don't open your mouth about it at all. I have heard you until I am satisfied. I don't think that reasonably you can have anything more to say, and if you are two hundred and twenty-six times bigger than I am it makes no difference." [Laughter.] "I can sit in this body and I can choke you down." That is a magnificent privilege for Rhode Island, we will say; but, Mr. President, it only illustrates the balance of sovereignties in this Senate Chamber and only shows a reason why every one of them should be treated with perfect courtesy, and why each of them should have a right to present as against a bill of this kind all the arguments that show, or tend to show, even in the imaginations of Senators, grounds why, under the Constitution of the country, this thing can not be done.

Why is it that the States have taken up this subject and have undertaken to provide these laws, the Australian ballot and other systems of very careful legislation for the control of the elective franchise within their borders? One reason is the dissemination of the negro population amongst the Northern States. They are pulling up and leaving the South. They are going off into the Northern States, and the people of those Northern States begin to find that it is necessary to purify the methods of their own elections and to control them with a closer hand than they have done heretofore, in order to control that class of population.

Another reason is that immigration to this country has changed very much of late and at least 90 per cent., if not 95 per cent., of the States of the American Union admit men to vote who are twenty-one years of age and come to the United States from foreign countries, not upon being naturalized and made citizens, but merely upon the filing of a declaration of an intention to become citizens; 95 per cent. of the constitutions of the States of the American Union have got that provision in them. So that the right to cast the ballot in all these States, except four or five, does not depend upon naturalization or citizenship in the United States, but depends upon State constitutions and the mere option of the man who comes from abroad, which he may never carry out at all so as to become naturalized, if he chooses not to do it, to go into a court or a clerk's office and there file, under oath, a declaration of his intention to become a citizen of the United States.

Of late, the Irish immigration, which formerly afflicted the Republican party so deeply, has ceased to a great extent. I do not know exactly why. The German population is ceasing, doubtless for the reason that our vast domain of arable land in the Northwest has been largely taken up, and Austro-Hungarian immigration and Italian immigration is taking its place and coming in, the surface coming first, with all the accumulations of trash and vice that are always found on the surface of things. That is coming first and going out into the States, spreading itself, with all its vicious and villainous attributes and characteristics, into the body of the people of the United States. And, having a right under the State constitutions to make a declaration merely of their intention to become citizens and thereupon to be admitted into the suffrage equally with us who were born and raised here, the States are compelled to guard the ballot box with systems of laws suited to the peculiar condition of each State.

Congress can never do this successfully. The States must have great and varied powers when they can do this. They do it every day. Why do you not undertake in this bill to prevent that in some way? Why do you not so correct the State constitutions by acts of Congress as to prevent unnaturalized foreigners from voting? That really is a growing evil that has given rise virtually to the Australian ballot. That is amongst the most pronounced of the reasons why the States of the Union in later years have been engaged in the reformation of their election laws to control these men casting their ballots under the per-

mission given to them now for a century, that they should come in here and exercise freely with us the power to control, by the will of the majority, this great Government of ours, this complex and beautiful system, which the wisest jurist sometimes finds himself unequal to the task of balancing in all of its great and essential functions.

The States invite foreign people to come here because we wish to extend to all people of the world the largest opportunity for the enjoyment of the liberties of American citizenship. The vicious among them come in here and infest our communities. They go to New Orleans, and there they set up their secret conspiracies that are called the Mafia, a brigandage that is imported from Italy. They go into Pennsylvania and Ohio, and there they take possession of mines and work for smaller wages than other men will work for, and they can not be excluded, because these great States invite them and make them in every essential particular citizens from the moment almost that they land. The States are handling these people and the questions concerning their political rights and powers with success. Therefore we find that the States of the American Union are doing far better, far more for the protection and purification of the ballot, than the Congress of the United States can ever hope to do. All the boasted wisdom of the Senate is not adequate to this great task. The Senate is not wiser, after all, than all the Legislatures that have chosen the Senators now on this floor.

There have been riots in New York, in Philadelphia, in Ohio, and in other Northern States in respect of elections, but here let me remark, Mr. President, with absolute and undeniable truth, that there are no election riots in the South. You can not point out an instance. You can not find a parallel in all Southern history with the riots that have taken place in Philadelphia, in New York, in Boston, in Cincinnati, and in Chicago. The riotous conduct in respect of elections in Northern States has drawn the attention of the sober-minded and good people of those States to the necessity of exercising the powers of the local sovereignties for the purpose of protecting the ballot box, and these local sovereignties have just as clear and distinct effect upon the purity of elections and just as beneficial, as compared with any power that the Government of the United States can exert, as they have in protecting life or liberty.

Who would think that the Congress of the United States, with all the appliances at hand and all the vast sums in the Treasury, could be trusted in the different States of the American Union to protect life against assassination or murder, or property against arson or mob violence? Who is there bold enough to undertake to supplant and drive away from the protection of the rights of the people those guaranties which the guardianship of the States throws around every hearthstone and every individual? We have just as much reason for trying to suppress murder in the States through the assistance and agencies of Congress as we have to suppress violence or any other irregularity at the elections for Congress or elsewhere.

There is another reason, and a most potent reason, too, why the Australian ballot has been resorted to in the Northern States, and that is the notorious use of money in elections.

They charge us, Mr. President, with using shotguns in elections at the South. These myths that have been nurtured like the bacteria in the blood, until they have produced diseased minds on the part of our accusers, bring them to their feet from time to time here to charge the people of the South with the use of the shotgun at elections. They do not come out and tell us when, where, or how. They do not point out the men, they do not mention the instances, but covering themselves behind that shelter, which a false accuser always adopts, of a general statement, not consisting of any particulars at all, they utter these declarations against us.

It is not true, Mr. President. These imputations against communities were not in the slightest degree true, and, if true in regard to any special instance, the explanation would always be that there had been some aggression or that some drunken man, some purblind fool, had concluded he would make himself notorious, and, in doing so, has drawn down a thousandfold more the reprobation of the community in which he lives than he has even the censure of those Senators who get up here and make themselves conspicious and notorious by uttering calumnies against the South.

But, sir, we have not used money. We have had a little of it, though we are poor. We contribute to the commerce of this country from a single crop in the South more than three hundred millions annually. We do not consume very much of it. We have some money. We have a Republican community that anybody knows, if we chose to use the seductions of money upon, that we could use it broadcast.

Who would like to have an easier job, if his conscience was bad enough, than to take some silver dollars and go out and buy elections in the South? What is it you can not buy from the great body of the Republican party in the South? What is it they have not sold where they could find a purchaser? And yet, Mr. President, we have not done it. In all their accusations they do not bring that against us. If we had used a little money, the accusations would not have been made, the informers would not have been about to send up their communications through newspapers and letters to Senators to get them to parade them before the world as accusations against the South. No, sir, we have disdained it. We have not tried to corrupt anybody. Our cause is not one, Mr. President, that in our estimation will bear the taint and tinge of corruption. We think it is an honest cause and worthy of an honest defense by honest men. Hence it is we do not resort to bribery. We do not have to raise great election funds in the South for the purpose carrying elections. We do not hire missionaries to go out and look after the polls and look after the people and dicker with them for their votes.

But how is it on the other side of the line, whence the accusation against us comes? What is the meaning of the millions of moneys that are contributed so liberally? What is the meaning of that disgusting expression that emanated from a Republican, perhaps a Senator, that the manufacturers would have the "fat fried out of them" in order to carry on elections? What is the meaning of "blocks of five?" What is the meaning of the enormous subscriptions of money that have been made by men and to men, as trustees, who stand at the very head of the church, wonderful developments of modern piety, and sanctity, and purity? What use was to be made of that money? Can any man say? That it was a corrupt use there can not be a question. That American citizen who will befoul his own country and its laws by going to his neighbor or his friend or his political associate to furnish him with money to corrupt and to carry an election better deserves to be surrounded with the walls of a penitentiary than a Southern horse thief would be.

That is one reason why you want an Australian ballot in the North. Honest men up there have become disgusted with those methods; they want to stop it, and the only way they have found yet by which they could do it was to give a man a booth to vote in, an official ticket with the names of candidates printed on it, and then let him go by himself, when no eye is observing him, mark the ticket to suit himself, carry it to the ballot box and deposit it—to be a free man just for a moment, and in that moment of real liberty to exercise the functions of a real, true American citizen. Hence the people of the Northern States have found it necessary to concern themselves about free elections, and I am very much gratified that they have done it. I hope the South will follow the example of adopting within their States some system equivalent to the Australian ballot for the protection of the sacred right of voting.

That, Mr. President, is the constitutional and the indispensable duty of the States of this Union. At the time of the formation of the Constitution every one of them except Rhode Island had a constitution of its own. Rhode Island came in under a British charter and lived a long time under the British charter, and she has not worn the British out of her woof and warp yet; it is there yet. These States all had charters and they had the right to exercise the powers necessary to the work of controlling elections.

The Supreme Court spoke historically about this matter in the case of Minor vs. Happersett, from Missouri. Mr. Justice Waite, who was a Republican, delivered the opinion of the court; and I wish to read a little history as he has recorded it in that book for the purpose of showing that the States of the American Union, at the laying of the foundation of our Government, exercised all of these rights for themselves, and upon what basis they exercised them.

This was a question as to whether a woman in Missouri had a right to vote under the fifteenth amendment. She went to the polls and attempted to exercise her privilege and was sent away. Thereupon she brought her suit for damages, and the case found its way finally into the Supreme Court of the United States, and it became necessary for that court to make some statements about the law and the manner in which the Government was organized for this particular purpose:

> If the right of suffrage is one of the necessary privileges of a citizen of the United States, then the constitution and laws of Missouri confining it to men are in violation of the Constitution of the United States, as amended, and consequently void. The direct question is therefore presented whether all citizens are necessarily voters.
>
> The Constitution does not define the privileges and immunities of citizens. For that definition we must look elsewhere. In this case we need not determine what they are, but only whether suffrage is necessarily one of them.
>
> It certainly is nowhere made so in express terms. The United States has no voters in the States of its own creation.

That is a very strong statement, and one which I hope will stand for good and all in spite of the efforts made in this bill to give to the United States the same control of voters as if they were Federal voters and were not State voters.

> The elective officers of the United States are all elected directly or indirectly by State voters.

That is something also that is very worthy of remembrance when we are considering the pending bill.

> The members of the House of Representatives are to be chosen by the people of the States, and the electors in each State must have the qualifications requisite for electors of the most numerous branch of the State Legislature. Senators are to be chosen by the Legislatures of the States, and necessarily the members of the Legislature required to make the choice are elected by the voters of the State. Each State must appoint in such manner, as the Legislature thereof may direct, the electors to elect the President and Vice President. The times, places, and manner of holding elections for Senators and Representatives are to be prescribed in each State by the Legislature thereof; but Congress may at any time, by law, make or alter such regulations, except as to the place of choosing Senators.

Now I turn to the history here stated:

When the Federal Constitution was adopted, all the States, with the exception of Rhode Island and Connecticut, had constitutions of their own. These two continued to act under their charters from the Crown. Upon an examination of those constitutions we find that in no State were all citizens permitted to vote. Each State determined for itself who should have that power. Thus, in New Hampshire, "every male inhabitant of each town and parish with town privileges, and places unincorporated in the State, of twenty-one years of age and upwards, excepting paupers and persons excused from paying taxes at their own request," were its voters; in Massachusetts, "every male inhabitant of twenty-one years of age and upwards, having a freehold estate within the Commonwealth of the annual income of £3, or any estate of the value of £60;" in Rhode Island, "such as are admitted free of the company and society" of the colony; in Connecticut such persons as had "maturity in years, quiet and peaceable behavior, a civil conversation, and 40s. freehold or £40 personal estate," if so certified by the selectmen; in New York, "every male inhabitant of full age who shall have personally resided within one of the counties of the State for six months immediately preceding the day of election * * * if during the time aforesaid he shall have been a freeholder, possessing a freehold of the value of £20 within the county, or have rented a tenement therein of the yearly value of 40s., and been rated and actually paid taxes to the State;" in New Jersey, "all inhabitants * * * of full age who are worth £50, proclamation money, clear estate in the same, and have resided in the county in which they claim a vote for twelve months immediately preceding the election;" in Pennsylvania, "every freeman of the age of twenty-one years, having resided in the State two years next before the election and within that time paid a State or county tax which shall have been assessed at least six months before the election;" in Delaware and Virginia, "as exercised by law at present;" in Maryland, "all freemen above twenty-one years of age having a freehold of 50 acres of land in the county in which they offer to vote and residing therein, and all freemen having property in the State above the value of £30 current money and having resided in the county in which they offer to vote one whole year next preceding the election;" in North Carolina, for senators, "all freemen of the age of twenty-one years who have been inhabitants of any one county within the State twelve months immediately preceding the day of election and possessed of a freehold within the same county of 50 acres of land for six months next before and at the day of election."

And so in regard to South Carolina and Georgia, covering the whole of the then States of the American Union.

In this condition of the law—

Says the Supreme Court—

in respect to suffrage in the several States it can not for a moment be doubted that if it had been intended to make all citizens of the United States voters, the framers of the Constitution would not have left it to implication. So important a change in the condition of citizenship as it actually existed, if intended, would have been expressly declared.

I shall not detain the Senate by further reading of this opinion except as to one or two brief extracts.

It is true—

Says the court—

that the United States guaranties to every State a republican form of government.

The question has been raised here whether the present constitution of the State of Mississippi was republican in form, whether it was such an one as that Congress might not pass this proposed election law for the purpose of rectifying and straightening up what had gone wrong in Mississippi.

It is also true that no State can pass a bill of attainder and that no person can be deprived of life, liberty, or property without due process of law. All these several provisions of the Constitution must be construed in connection with the other parts of the instrument and in the light of the surrounding circumstances.

I beg the Senate to remember that that is the statement of the court, for I shall have use for it further on. I repeat it:

All these several provisions of the Constitution must be construed in connection with the other parts of the instrument, and in the light of the surrounding circumstances.

The guaranty is of a republican form of government. No particular government is designated as republican, neither is the exact form to be guarantied in any manner especially designated. Here, as in other parts of the instrument, we are compelled to resort elsewhere to ascertain what was intended.

The guaranty necessarily implies a duty on the part of the States themselves to provide such a government. All the States had governments when the Constitution was adopted. In all, the people participated to some extent, through their representations elected in the manner specially provided. These governments the Constitution did not change. They were accepted precisely as they were, and it is, therefore, to be presumed that they were such as it was the duty of the States to provide. Thus we have unmistakable evidence of what was republican in form, within the meaning of that term as employed in the Constitution.

As has been seen, all the citizens of the States were not invested with the right of suffrage. In all, save perhaps New Jersey, this right was only bestowed upon men and not upon all of them. Under these circumstances it is certainly now too late to contend that a government is not republican, within the meaning of this guaranty in the Constitution, because women are not made voters.

Then the court go on to argue still more fully to their final conclusion that the law of the State of Missouri which confined the right of suffrage to males of twenty-one years of age or upwards was not in violation of the Constitution of the United States.

But, Mr. President, the contrariety of provisions in the various State constitutions not merely as to the qualifications for suffrage, but also as to the manner of conducting elections was so great, the differences were so palpable and in some instances were so extreme, that when the Constitution came forth as the fruit of the joint efforts of these great States thus organized and thus put into operation, it must be conceded that it would require a powerful exigency in public affairs to justify the slightest invasion of the laws of the States either as to the qualification of electors or as to the manner of holding and conducting elections, and especially as to the right to hold and conduct them, irrespective of the particular manner in which the voting might be done.

Thus we have seen that the ballot, with all of its powers and incidents, is of State origin and method, as was declared in the case of Minor vs. Happersett in Missouri. The count and credentials based on the ballot are by State authority, and all the officers chosen at every election in the United States are State officers.

The Presidential electors, Senators, members of the House of Representatives are the only officers the people choose who are connected with the Federal Government, and as to the choice of each of these different classes of officers each of the State constitutions had its peculiarities at the time of the adoption of the Constitution, which it was not found necessary to change, and the Supreme Court says that each of these States was republican in form; that no objection was taken to this difference in election laws; that the Constitution of the United States was not in hostility to any of these State constitutions, and, one constitution not being in hostility with another, it results, from every construction that every statesman in the American Union, whether Whig, or Democrat, or Republican, or Federalist, has ever placed upon that instrument, that the constitutions of the States as they stood at the time of the adoption of the Federal Union are as much organic law and as much entitled to permanency in our system as the Constitution of the United States, for the Constitution of the United States was framed with the express and direct purpose that it should not conflict with the constitutions of the original thirteen States that were drawn into the American Union.

Not a single American State found it necessary to change a word in its constitution, in order to find itself in harmonious union with the other States under the Constitution of the United States. Yet it is now asserted that Congress can repeal any constitution of the original thirteen States, so far as it ordains what we are now pleased to term "the manner" of holding elections for members of Congress.

Now, we must remember that the only officers who have any functions connected with the United States Government that in any sense represent the people of the United States are the two Houses of Congress and the President of the United States, and that each of these States at the time of the formation of the Union had its own peculiar system, not merely of qualifying electors, but also of directing the manner in which the voters should exercise their right.

Mr. President, we hear it said here often, it is one of the catchwords of debate, it seems to me, which Senators delight to dwell upon as if it was a sort of axiomatic statement of a proposition which was unanswerable, that a man in Massachusetts has as much right in the freedom and liberty of a man to vote in Alabama as he has in his own right and freedom and liberty to vote in Massachusetts. Now, what an absurdity that is in connection with this case of Happersett. We find that widows had the right to vote in New Jersey when the Constitution was formed. The Supreme Court admits it. We find that there were property qualifications and alienage qualifications attached to the right to vote in Rhode Island and in Connecticut. We find that each one of the States had a different system of qualification for the electors, so that a man in Massachusetts did not have the same broad power of suffrage that a man had in South Carolina, for in South Carolina and Georgia in the beginning they adopted that broad, wise, and liberal system which all the States of modern admission have come practically to adopt. Certainly no woman in Virginia or Massachusetts had the right to vote; that was conceded by the constitution of New Jersey to widow women.

Now, here was this drawing together into one common bond of union of all the different States, each State being composed of its citizenship and nothing else. Rocks and hills and mountains high do not make States. Men and only men make States. These men in these different States had different powers and rights and privileges of suffrage, so that a man in Massachusetts did not have as much weight and influence as a man had in South Carolina upon the destinies of the American Government, and where we find this inequality existing now in the State governments, such, for instance, as has been recently ordained in the new constitution of Mississippi, there is not only no ground of complaint about it, but Senators, after getting up here and growling through speeches of hours in length, wind up by admitting that it is none of their business.

Equality of the right to vote is not the attribute of State citizenship. Equality of rights and privileges is an attribute of citizenship of the United States, and not of the different States.

The Supreme Court says, in Happersett's case, the United States have no voters. There is not a voter in the United States; no, not even in the District of Columbia. I speak of the States, and not of the Territories. Who can assert that his right to vote is in the remotest degree derived from the Government of the United States? If the States choose to make rules for themselves to regulate the suffrage, no man in Massachusetts has a right to complain of what we do in Alabama unless we violate the fourteenth or the fifteenth amendments. His power is not affected in the least by the number of voters that vote or are silent in an election in Alabama.

To show more distinctly the power of the States over the elections for Congress, let us suppose that a vacancy occurs in the representation from a district in Alabama. What does the Constitution provide about that? Why, that it may be supplied by an election to be held under a writ issued by the executive of the State. How are you going to find out whether there is a vacancy? The Clerk of the House of Representatives would certify to the governor of the State that there was a vacancy. Why do you go to him about it? Why do you not supply it yourself? Why not pass a law that the governor need not be notified, that the House knows when a district is vacant, and, the Congress having provided a means of electing, the House will send out its agents to hold the election and get the certificate and seat the man, whether the State likes it or not? Why do you not do that? Because the sovereign right of choosing these Representatives is in the State and not in either House or in the Congress of the United States, for the first article of the Constitution of the United States, after vesting the legislative power in Congress, says:

The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

Mr. President, the purpose of this bill is to rob the States of their powers over the elections of members of Congress and gather them into the grasp of Congress. Now, we may move upon this citadel by slow approaches, by zigzags and ditches and fortified flanks and the like of that, but the general march is toward the citadel, the general purpose is to rob the States of their control over their own Representatives; and after we have drawn them sufficiently within the power of Congress to make the mere question of the legal qualification of the voter a matter of no concern then we shall have usurped the whole power, and the Congress of the United States will dictate to the people of the United States as to every man who shall take his seat in this body and in the other House. The people will be heard of no more. Your boasted liberties will all be gone. Those who are now, or think they are, your masters will become your slaves, your servile serfs and tools, to work the bidding of dirty, bribed demagogues.

The movement begins with providing Federal certificates instead of State commissions to the members of the House of Representatives. There is where it begins. It will only end when Congress shall commission Senators and Presidential electors. Why, sir, when that sage from New York [Mr. EVARTS] was on this floor recently debating this bill, feeling himself possessed of the spirit of the bill and accommodating his argument to what he knew was its purposes, I asked him the question whether or not a Senator was an officer of the United States Government, and immediately he answered me from the fullness of his heart and in the confidence of his belief, "Certainly he is;" and when I remonstrated by saying that the Constitution was against it and the decisions of the courts were against it and the decision of the Senate was against it, the Senator made no reply, but on the next day that remark did not appear in the RECORD; that utterance, which is the very soul of this bill, was lost to history.

If the honorable Senator had openly maintained for one-half hour his ground, as he does yet maintain it by never having denied it, this bill would have gone into thin air at the very first pass that an opponent made against it, for if Senators and Representatives are officers of the United States they are not officers of the State, the States have not anything more to do with them, and the United States Government can find its own ways and means of perpetuating its Senators here, and the members of the House of Representatives.

Right there comes the radical difference, right there is the point of division, right there is the usurpation of this bill. Just at that point is the place where tyranny and despotism set out on a new march, reversing all the traditions of the century and reversing every precedent that the American people ever thought that they had established.

Now, let me call your attention to the first clause of this bill, just to show you what it is, and how, in a few words, it gives absolute executive power to the chief supervisors of elections:

That the chief supervisors of elections now in office—

Not hereafter to be selected or appointed—

That the chief supervisors of election now in office, their successors, and such supervisors of elections as may hereafter be appointed under any law of the United States are charged, in their respective judicial districts and in such Congressional districts the majority of the counties of which are within their judicial districts, both in person and by and through the supervisors of election who may, from time to time, be appointed, with the supervision of elections at which Representatives or Delegates in Congress are voted for, with the enforcement of the national election laws and with the prevention of frauds and irregularities in naturalization.

I have been astonished that any set of gentlemen, who imagined even that they were constitutional lawyers, would so far pervert the Constitution of the United States for the purpose of giving some supposed advantage to a political party, or for any other purpose, unless it was to destroy absolutely the Government, could ever have given their consent in the face of the Constitution of the United States to this declaration that the chief supervisors of election now in office are charged within their districts with the enforcement of the national election laws.

These national election laws, be it remembered, are, on both sides of the Chamber, said to be very important laws. They are laws that carry with them great political consequences. They are laws that affect the right of States to representation both in the Senate and in the House of Representatives. They are laws that carry with them penalties that imprison men in penitentiaries for long terms and mulct them in tremendous sums of damages running up to as high as $5,000. So they are very important laws. Who is charged with the execution of these laws? Chief supervisors of elections now in office!

Whom does the Constitution of the United States charge with the execution of all Federal laws? The President of the United States. This bill *ex industria* cuts out the President of the United States entirely. He can not remove John I. Davenport. He can not give an order to John I. Davenport any more than I can. No judge of any court in the United States can give to him an order. No man can interfere with him in the execution of this law, because this bill, if it is constitutional, says that he is charged with the execution of this law. These supervisors are to run an independent department of the Government and are to be responsible to no one.

This, Mr. President, is a very important matter, and I want to look at it in the light of authority as well as of argument. In Article II, section 1, of the Constitution there is this provision:

The Executive power shall be vested in a President of the United States of America.

In Article II, section 3, after reciting other duties that are made incumbent on the President, we find this provision—and I wish to call the attention of the Senator from Massachusetts, the chairman in charge of this bill, to it, if he will give me his attention just a moment—in section 3 of Article II of the Constitution, the concluding clause reads thus:

He shall take care that the laws be faithfully executed and shall commission all the officers of the United States.

Then he takes an oath as President that he will faithfully execute the laws and obey the Constitution of the country.

When we, in the beginning of the Government, came to organize a Cabinet of legal advisers and assistants to the President we began with the Secretary of State. Later on in the argument I may read those statutes for the purpose of proving beyond all controversy the position I now take. The Secretary of State is put directly under the control of the President and is more directly under his personal control than any other officer, because the President has the control of the diplomatic power, and the Secretary of State is his lawful Cabinet officer, to execute his will in that particular. The Secretary of the Treasury is put partially under the control of the President. In the constitution of his office various reports are required to be made by him. But he is not an independent officer. The Secretary of War and the Secretary of the Navy are put especially and peculiarly under the control of the President of the United States. The Postmaster-General is also put directly under his control. And so it goes through the Interior Department, and the Department of Justice, and now the Department of Agriculture. The Attorney-General is put under the control of the President and is bound to give information and advice upon the state of the law, upon the requirement of the President.

Now, let me ask why it is that all these great Cabinet officers were put directly under the personal control of the President of the United States, so that they must carry out his will in regard to every matter, according to law, unless the law expressly says that this officer must account to or report to somebody else? How could there be an executive head to the Government of the United States unless he had the right to execute the law, unless it was one of the duties of his office? It could not be done. You can not put a provision of that kind in the law, to make any man in the United States who holds a public office take the place of the President of the United States in this very important particular.

Mr. President, I have been utterly surprised to find that a lawyer of the ability of the Senator from Massachusetts could have passed over this point without seeing it. He takes John I. Davenport, blinded by his desire to wreak his political vengeance upon the people of the South—he abrogates the Constitution of the country and puts Davenport in a position as independent of the President of the United States as the Chief Justice of the Supreme Court of the United States is and as the presiding officer of the Senate is.

Our Government is constituted of three departments, each independent of the other. What is the result of this? The Supreme Court can not control Congress; the Supreme Court can not control the President; the President can not control the Supreme Court; the President can not control Congress, and Congress can not control the President or the Supreme Court except in the way of voting supplies and in enacting laws that do not infringe the constitutional duties of the President and the judicial department for the government of the country. The independence of these various departmental powers of the United States is the very sheet anchor of the liberties of the country.

Without this independence there is no such thing as American liberty, and with it there is a liberty of a new creation, where human rights have found their citadel, never to be disturbed by the hand of tyranny and wrong.

This bill, flouting its impudent assault upon the Constitution of the United States in the face of Congress and of the American people, in the eager desire of its authors to press what they suppose are its party advantages, destroys this feature of the Constitution of the United States and gives to Davenport and other chief supervisors powers in which they are absolutely independent of the President and of the courts. Who can control them? No man who lives. Pass this bill and concede its constitutionality, and there is not that human being in this world who can control John I. Davenport or any other chief supervisor, and there are some of them very much worse than John I. Davenport, as I shall show before I get through.

Now, I wish to read some definitions of power from the Supreme Court of the United States. I will read from 4 Wallace, 407. When I read the case, or a part of it, that was argued at very great length by able men, the Senate will at once reach the same conclusion the court did, and which it delivered through its then Chief Justice, Salmon P. Chase. The Chief Justice, in delivering the opinion of the court, says:

A motion was made some days since, in behalf of the State of Mississippi, for leave to file a bill, in the name of the State, praying this court perpetually to enjoin and restrain Andrew Johnson, President of the United States, and E. O. C. Ord, general commanding in the district of Mississippi and Arkansas, from executing or in any manner carrying out certain acts of Congress therein named.

The acts referred to are those of March 2 and March 23, 1867, commonly known as the reconstruction acts.

The Attorney-General objected to the leave asked for upon the ground that no bill which makes a President a defendant and seeks an injunction against him to restrain the performance of his duties as President should be allowed to be filed in this court.

This point has been fully argued, and we will now dispose of it.

We shall limit our inquiry to the question presented by the objection, without expressing any opinion on the broader issues discussed in argument, whether in any case the President of the United States may be required by the process of this court to perform a purely ministerial act under a positive law or may be held amenable in any case otherwise than by impeachment for crime.

The single point which requires consideration is this: Can the President be restrained by injunction from carrying into effect an act of Congress alleged to be unconstitutional?

It is assumed by the counsel for the State of Mississippi that the President, in the execution of the reconstruction acts, is required to perform a merely ministerial duty. In this assumption there is, we think, a confounding of the terms ministerial and executive, which are by no means equivalent in import.

I beg the attention of the Senator from Massachusetts [Mr. HOAR] to a decision that I think destroys his bill:

A ministerial duty, the performance of which may, in proper cases, be required of the head of a department, by judicial process, is one in respect to which nothing is left to discretion. It is a simple, definite duty, arising under conditions admitted or proved to exist, and imposed by law.

The case of Marbury vs. Madison, Secretary of State, furnishes an illustration. A citizen had been nominated, confirmed, and appointed a justice of the peace for the District of Columbia, and his commission had been made out, signed, and sealed. Nothing remained to be done except delivery, and the duty of delivery was imposed by law on the Secretary of State. It was held that the performance of this duty might be enforced by mandamus issuing from a court having jurisdiction.

So, in the case of Kendall, Postmaster General, vs. Stockton & Stokes, an act of Congress had directed the Postmaster General to credit Stockton & Stokes with such sums as the Solicitor of the Treasury should find due to them, and that officer refused to credit them with certain sums so found due. It was held that the crediting of this money was a merely ministerial duty, the performance of which might be judicially enforced.

In each of these cases nothing was left to discretion. There was no room for the exercise of discretion. The law provided for the performance of a certain specific act, and the law provided that its performance might be required by mandamus. The specific act required of John I. Davenport and other supervisors here is to enforce the law about elections, the whole body of the law, and also about naturalization, political and executive, broad judicial determinations under the law as to the necessity for its exercise, and the occasion and manner of putting it into judgment and into execution, and in all that, and in everything, independent of the President of the United States or anybody else.

For some reason, that we must endeavor to ascertain, this bill is to create the only office in the United States, not named in the Constitution, that is entirely above the control of any department of the Government, in the exercise of its discretionary powers:

Very different is the duty of the President in the exercise of the power to see that the laws are faithfully executed and among these laws the acts named in the bill. By the first of these acts he is required to assign generals to command in the several military districts and to detail sufficient military force to enable such officers to discharge their duties under the law. By the supplementary act, other duties are imposed on the several commanding generals, and these duties must necessarily be performed under the supervision of the President as Commander-in-Chief. The duty thus imposed on the President is in no just sense ministerial. It is purely executive and political.

We have been discussing here about ministerial duties and judicial duties, but we have said nothing, so far, about executive and political duties. Executive and political duties, as well as judicial powers, are combined in the "charge" which this proposed statute gives to the chief supervisors of the enforcement of this law. While we are nursing our wrath against other communities and trying to visit vengeance upon men who are just as good as we are, we had better be paying a little attention to our oaths to support the Constitution of the United States, and not destroy the powers of the executive head of this Government by putting them in the hands of John I. Davenport or any other man. No court will sustain it. They can not do it.

You may strike these words out of the first section, and yet they merely describe what is in the bill and indicate its purpose. You can can not eliminate this violation of the Constitution from your bill without striking out everything except the enacting clause. It is there to stay. The fatal defect runs through the whole structure of the bill.

When we talk about the distinction between judicial and ministerial powers, let us not overlook these other distinctions mentioned by the Supreme Court of the United States as to executive and political power.

It is clear, beyond question, that this bill gives to the chief supervisors the same description of power that the Constitution gives to the President when it declares that "the executive power shall be vested in a President of the United States of America" and when it swears him that he "will faithfully execute the office of President" and charges him that "he shall take care that the laws be faithfully executed."

An attempt on the part of the judicial department of the Government to enforce the performance of such duties by the President might be justly characterized, in the language of Chief Justice Marshall, as "an absurd and excessive extravagance."

It is true that in the instance before us the interposition of the court is not sought to enforce action by the Executive under constitutional legislation, but to restrain such action under legislation alleged to be unconstitutional—

And therefore void—

but we are unable to perceive that this circumstance takes the case out of the general principles which forbid judicial interference with the exercise of executive descretion.

The decision of the court would have been the same if the laws that the President was enforcing in Mississippi were plainly unconstitutional. It was a question of the power of the Supreme Court to interfere with the head of a co-ordinate department in the exercise of powers not purely ministerial. It was decided that no other department had that right.

There, Mr. President, is the law laid down in a broad and unmistakable way, that the judiciary will have no right to interfere, after this bill has become a law, with this officer who is exercising executive and political discretion as to the manner of its performance.

The court proceeds:

It was admitted in the argument that the application now made to us is without a precedent; and this is of much weight against it.

Had it been supposed at the bar that this court would, in any case, interpose by injunction to prevent the execution of an unconstitutional act of Congress, it can hardly be doubted that applications with that object would have been heretofore addressed to it.

Occasions have not been wanting.

The constitutionality of the act for the annexation of Texas was vehemently denied. It made important and permanent changes in the relative importance of States and sections, and was by many supposed to be pregnant with disastrous results to large interests in particular States. But no one seems to have thought of an application for an injunction against the execution of the act by the President.

And yet it is difficult to perceive upon what principle the application now before us can be allowed and similar applications in that and other cases have been denied.

The fact that no such application was ever before made in any case indicates the general judgment of the profession that no such application should be entertained.

It will hardly be contended that Congress can interpose in any case to restrain the enactment of an unconstitutional law; and yet how can the right to judicial interposition to prevent such an enactment, when the purpose is evident and the execution of that purpose certain, be distinguished, in principle, from the right to such interposition against the execution of such a law by the President?

How would it sound, Mr. President, if a bill had been ordered to be engrossed for a third reading here in the Senate, after it had passed the House of Representatives, and some one interested against the bill should go over to the Supreme Court and ask for an injunction to prevent the Senate from passing that bill? What would be the character of such an application in contemplation of constitutional lawyers? Of course it would be a mockery.

The court further says:

The Congress is the legislative department of the Government; the President is the executive department. Neither can be restrained in its action by the judicial department, though the acts of both, when performed, are, in proper cases, subject to its cognizance.

Let them go on and act, and, after they have acted, the court can act; but it can not prevent them from acting according to their own discretion.

The court continues:

The impropriety of such interference will be clearly seen upon consideration of its possible consequences.

Suppose the bill filed and the injunction prayed for allowed. If the President refuse obedience, it is needless to observe that the court is without power to enforce its process. If, on the other hand, the President complies with the order of the court and refuses to execute the acts of Congress, is it not clear that a collision may occur between the executive and legislative departments of the Government? May not the House of Representatives impeach the President for such refusal? And, in that case, could this court interfere in behalf of the President, thus endangered by compliance with its mandate, and restrain by injunction the Senate of the United States from sitting as a court of impeachment? Would the strange spectacle be offered to the public world of an attempt by this court to arrest proceedings in that court?

These questions answer themselves.

It is true that a State may file an original bill in this court, and it may be true, in some cases, that such a bill may be filed against the United States; but we are fully satisfied that this court has no jurisdiction of a bill to enjoin the President in the performance of his official duties, and that no such bill ought to be received by us.

It has been suggested that the bill contains a prayer that, if the relief sought

can not be had against Andrew Johnson as President, it may be granted against Andrew Johnson as a citizen of Tennessee. But it is plain that relief as against the execution of an act of Congress by Andrew Johnson is relief against its execution by the President. A bill praying an injunction against the execution of an act of Congress by the incumbent of the Presidential office can not be received, whether it describes him as President or as a citizen of a State.

Now, there we have a judgment of the Supreme Court of the United States, in a case in point, as to the absolute necessity of keeping separate the powers of the different great departments of this Government. Now, sir, you confer upon the chief supervisors of elections now in office or hereafter to be in office in this bill the power that the Constitution of the United States says that only the President has in respect of the enforcement of the laws of the United States, a part of the executive power of the United States. You confer it upon chief supervisors of elections, and you say that they are charged in their respective judicial districts with the enforcement of the national election laws and with the prevention of frauds and irregularities in naturalization. The President has nothing to do with it. The supervisor is not made amenable or responsible to the President.

If you give this power of executive control and enforcement in regard to the election laws of the United States to anybody, you are bound to give it to somebody who is responsible to the President, and to give it to anybody as chief supervisor and not connect him with immediate responsibility to the President of the United States is simply to grossly and absurdly violate the Constitution of the land.

So we start out in the consideration of this bill with this plain, broad defect in its system: it violates the Constitution of our country.

Suppose you should go into a Federal court after this bill has passed and file a bill there to enjoin John I. Davenport from arresting eight thousand men who are supposed not to have proper certificates of naturalization, or from taking men arrested in the morning of the election day and penning them up in iron cages, one hundred, and two hundred, and three hundred in a cage. Suppose you were to go into a Federal court and ask that court for an injunction or prohibition against him to prevent him from doing that thing. If the court should hold that the bill was constitutional it would say that Congress had vested in John I. Davenport and the other chief supervisors all the executive power necessary for the enforcement of that law, and we can no more interfere with him than we could in the case of Andrew Johnson where he was executing in the State of Mississippi an alleged unconstitutional law.

Mr. ALDRICH. As the Senator from Alabama is willing to suspend his remarks, I move that the Senate take a recess until Monday morning at 12 o'clock.

The PRESIDING OFFICER (Mr. DAVIS in the chair). The Senator from Rhode Island moves that the Senate take a recess until Monday next at 12 o'clock.

The motion was agreed to; and (at 5 o'clock and 15 minutes p. m.) the Senate took a recess until Monday, January 26, 1891, at 12 o'clock m.

AFTER THE RECESS.

(*Continuation of legislative proceedings of Thursday, January* 22, 1891.)

The recess having expired, the Senate reassembled at 12 o'clock m., Monday, January 26, 1891.

The VICE PRESIDENT called the Senate to order and said: The Senate resumes the consideration of the resolution offered by the Senator from Rhode Island [Mr. ALDRICH], upon which the Senator from Alabama [Mr. MORGAN] is entitled to the floor.

Mr. MORGAN. Mr. President——

Mr. EVARTS. Will the Senator allow me to send up an order for printing certain papers?

Mr. KENNA. We can not hear the Senator from New York.

Mr. BUTLER. I object, Mr. President.

The VICE PRESIDENT. Objection is made.

Mr. BUTLER. I have some morning business I should like to get in myself.

Mr. MORGAN. Mr. President, on Saturday, when the Senate took a recess, I was trying to present a view of the first section of the elections bill characteristic of the entire measure, and which is a merely preliminary description of the scheme of legislation that is involved in the whole of this proposed law. I wish to call attention to it again briefly.

My proposition is that the Government of the United States is divided under the Constitution into three departments and that no office can be created in the United States that is not assignable in its duties to one of these departments. We have not any power to create in the United States an office that is entirely independent of the control of any one of those departments, and when we undertake to do it we violate the whole frame of the Government. The bill provides—

> That the chief supervisors of elections * * * are charged * * * with the enforcement of the national election laws and with the prevention of frauds and irregularities in naturalization.

The enforcement of a law belongs to the executive power; the prevention of frauds and irregularities in naturalization belongs to the judicial power. We may just as well undertake to confer upon the supervisors of elections legislative powers as to give them either the executive or the judicial powers that are provided for in this bill.

I have thought very much about this to ascertain whether it were possible to strike out that declaration in the preliminary part of the bill, and thereby change the character of the measure, and I am satisfied that it is not. The change of greatest importance that is made in the existing state of the law on the subject of national elections by the bill is the increase of the powers of the chief supervisors in the Congressional districts and giving them an entirely independent function of government.

The purpose of that, of course, is to introduce into the United States a new method of certification of members of Congress, so as to exclude the States from having anything to do with sending out returns or certificates of the election of members to the House or to the Senate. The House is contemplated now. The Senate will after awhile be included in that same arrangement, for when the absolutism of the Congress of the United States has been established in one instance and it has set its face in the direction of usurping powers and supplying its membership whenever it may be needed, the Senate will very certainly be included in the operation of the statutes, because the language which gives the power to Congress to interfere with the organization of the House, or to provide a manner of organization, or to provide the persons who shall constitute the members of the House applies with equal force, as everybody admits, to the Senate.

I have wondered why the framers of this new departure in legislation should have undertaken to give to the chief supervisors of election this very extraordinary power, for it must be remembered, as I said the other day when I had the floor, that this bill does not subordinate the chief supervisors of elections to either of the heads of the departments of the Government of the United States, neither to the President, to Congress, nor to the judiciary—I mean now in regard to the administration of the law as we shall leave it when it has passed both Houses and has been signed by the President. After this proposed act becomes a law, if it ever shall, by the approval of the President, until Congress shall alter it it will stand as an assurance in favor of the chief supervisors of election in the different districts of the United States that they are entirely independent of the control of any department of this Government.

It is equivalent to the organization of a new department in the Government; and, as I said, I have been at a loss to understand why that should be so. I have found some light thrown upon that question rather conjecturally by some newspaper comments which I will bring to the attention of the Senate. The President of the United States in recommending to Congress legislation in regard to the election laws has indicated very clearly the point in which he thinks these laws need improvement. He says in his last annual message:

> It is not, therefore, a question whether we shall have a Federal election law, for we now have one and have had one for nearly twenty years, but whether we shall have an effective law. The present law stops just short of effectiveness, for it surrenders to the local authorities all control over the certification which establishes the *prima facie* right to a seat in the House of Representatives. This defect should be cured.

That is as far as I need now read from the message in order to show the precise point in which this bill introduces a new feature into the administration not merely of the election laws, but of the Government of the United States. The bill which is now before the Senate had been reported to this body when this message was sent in here, and of course the message had reference to the bill. The President of the United States there saw, if he took pains to look into the subject at all, that his executive powers were encroached upon by this bill and that he was voluntarily abdicating them in favor of the different supervisors of elections in the different districts of the United States.

It is the first instance in which I remember having seen such an action on the part of any of the officers of the United States, when they would come in and voluntarily make an abdication of a very important part of their authority into the hands of some other person, some new agent of the law selected, in his place and stead, to do the things which the Constitution required him to do, which he has sworn that he will do, and in reference to which the Constitution, in addition to what is said to other officers on subjects of this character, contains an express charge to him that he will see that the laws are faithfully executed. He says that the law is ineffective; that the present law stops just short of effectiveness, for it surrenders to the local authorities all control over the certificates which establish the *prima facie* right to a seat in the House of Representatives. It is, then, for the purpose of securing that particular feature of the law that this message was sent in, and that feature was in the bill at the time the message came here.

Now, why should the President of the United States, in order to accomplish this purpose, yield into the hands of the chief supervisors of elections in the different districts this power which the Constitution confers upon him and enjoins that he shall exercise to enforce the national election law? What act of Congress has ever heretofore in any

case whatsoever, in any emergency, however great or pressing, taken from the President of the United States the power to enforce the national legislation and give it into the hands of some third person? That has never been done, and I trust it will not be done in this case, although the President invites that it shall be done in his message to Congress.

The President of the United States wanted to have the moral control over all the supervisors of elections in this country, and he expected to gain it by two propositions which are contained in this bill. The first is that (every chief supervisor in the United States to-day being a Republican) they should be confirmed in their offices by this bill during their natural lives and beyond the power of courts or any other tribunal in the United States to displace them. So he takes that corps of officers appointed and in office, all of them being of his party, and he has them confirmed by the statute for life. Then he confers upon these officers plenary power to enforce this law, and power just as great as he would have himself under the Constitution, if the law is constitutional and if the chief supervisor were not interposed or interpolated for the purpose of taking off of his hands a duty that he must perform.

Now, he knows that these men being in office for life, being Republicans, his moral power over them is just as great as if he had the actual legal right to instruct them in the performance of every one of their duties. But, Mr. President, it would be an unseemly and scandalous thing to place in the hands of the President of the United States the power to control the elections of this country. A man who has served but one term and is a candidate for nomination for another could hardly be expected to recommend to the Congress of the United States that they would put that power in his hands.

So the President of the United States did not have the moral courage to ask Congress to take these powers, unseemly as they are, and place them in his hands, and place them under the control of the executive department of the Government; but he says, instead of that: "Put these supervisors, who are all Republicans, in for life; put them beyond the power of anybody to remove them. Then take enough of my powers out of my hands as President of the United States to give them a thorough independence of action in their offices, which I can not control actually, but, the moral control being with me, I will take the chances of having these men to act for me, and with me, and under my advice, and under the domination of the Republican party, so that the results hereafter will not be mistaken."

Now, Mr. President, that is rather a painful attitude for the President to be in. It is still more painful that the country should be placed in that situation towards the executive head of this Republic. Commenting upon that state of affairs, the New York Times of January 25 says:

> Both the gag rule and the force bill are in fact Administration measures, and not in a way or degree that entitles them to respect because the President is the chief of his party. They are worse than partisan devices; they are devices for the promotion of the personal designs of Mr. Harrison. That gentleman believes that they will give him a renomination whether his party desire it or not and that they may give him a re-election whether the people wish it or not. Beyond all doubt the great majority of the American people are opposed to the force bill. It is far from certain that a free vote of the Republicans alone would not be against it. As a means of honestly carrying the next election it is hopeless. But by the creation of a great mass of political appointments in Democratic States it is believed by Mr. Harrison that it would give him the control of the next Republican national convention, and it is hoped by him that it would give him the control of the electoral vote next year. It is for this, and for this alone, that the Senatorial Republican leaders are making what we can not but regard as their disgraceful fight. It is a comfort to be able to believe that if they succeed in this struggle they only invite disaster in the wider one. They may think that the end justifies the means. We are confident that they will find that the means will defeat their end.

If I had made that utterance upon my own responsibility of course it would have had neither weight nor tolerance at the hands of the alleged majority on the other side of this Chamber, but coming from a great Northern journal, that at least has the capacity for taking an impartial view of the situation and of expressing the opinion that the American people, or a large portion of them to say the least, entertain in regard to this new and peculiar feature in the bill, and in the action of the President, and in the recommendations of his message, it seems to me that it is worth while that we should give attention to it.

Mr. FRYE. What is the journal, if the Senator please?

Mr. MORGAN. The New York Times of Sunday. I must say that I regard this feature of the bill, which, as I have said before, is a characteristic of the whole measure, as being an innovation upon the power of the Executive of the United States the like of which never was attempted before and which in its results must be entirely revolutionary. You might just as well say that General Schofield shall have in his charge the enforcement of the military laws of the United States, the President to the contrary notwithstanding, or the Admiral of the Navy shall have in his charge the execution of that portion of the military laws of the United States which relate to naval affairs and naval operations, the President to the contrary notwithstanding, or that the Secretary of State shall have charge of diplomatic relations and diplomatic functions, the President of the United States to the contrary notwithstanding—you might just as well say that any member of this body, the Vice President, shall have the power to enact laws, the presence of the Senate to the contrary notwithstanding, as to take out of the organic structure of the different departments of the Government of the United States some of the most important of their powers and confer them upon an individual, so that in the exercise of these powers his conduct shall be absolutely unquestionable and shall be entirely discretionary.

I wish to read also from the same paper, as I have the subject now under consideration, some further remarks and criticisms about the attitude of the Senate just at this moment of time upon the question that is now being so seriously pressed upon our attention, that the minority of this body are obstructing, as it is said, by debate, the progress of legislation upon this particular bill. The article is headed "The 'hold-over' House."

> The question that is now agitating Congress is one that is apt to arise, and that generally does arise, whenever a House "holding over" is to be succeeded by one of a different political complexion. When the Senate and the President are of the same politics as the outgoing House, there will be an effort to crowd into the session between the Congressional election and the next 4th of March legislation favorable to their party and correspondingly offensive to the minority about to become a majority. This latter party will, of course, resist such legislation by using all the expedients for delay with which parliamentary law furnishes them. That is to say, the last session of a Congress under the condemnation of the people will necessarily be a filibustering session.
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> It is perfectly idle for the members of the transient and precarious majority to complain of this, as they are rather foolishly doing at present. Every man of them knows perfectly well that he would be doing the same thing if his party were in opposition, and an appeal to the people is futile when the question at issue has just been submitted to the people and decided against the majority in the existing Congress. Yet this is what the Republicans have been doing in both Houses. Senator ALDRICH yesterday read the Democrats a solemn lecture upon their criminal conduct in "filibustering" to prevent the passage of a bill intended to put the control of elections to Congress in the hands of agents of the Republican party, and in the House Mr. MCKINLEY has been doing the same thing, and has further been guilty of the absurdity of calling himself and his fellow-Republicans "agents of the popular will."
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> Of course this is nonsense. The Republicans are the agents of the popular will of November, 1888, when the people did not know what use they were going to make of their agency. Since the people found out, the Republicans in Congress are the discredited agents of the popular will, and they would be the discharged agents but for the curious anomaly in our system by which a discredited legislature is allowed to go on for four months exercising functions of which the people have shown their will that it should be deprived.
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> Of course such a condition gives rise to filibustering. But the anomaly and the injury of it do not lie in the danger of filibustering. They lie in the danger that a discredited and desperate party may be able to foist upon the country legislation that the country has rejected, in spite of all that filibustering can do to prevent it. That is the real offense against the principles of representative government, and it is that offense that the Republicans in Congress are trying to commit.
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> It is as idle to complain of this as to complain of filibustering. If the Republicans were in the minority they would filibuster to prevent the passage of bills hostile to their party. If the Democrats were in the majority we have no reason for supposing that they would not use their power as the Republicans are using theirs. It is only fair, however, to say that the Democrats have not shown in national politics that belief in a divine right of their party to govern the country, without regard to what the country may think about it, which Republican leaders have so often exhibited and acted upon. In a general way, however, either party will do in its own behalf whatever it is permitted to do, unrestrained by anything short of positive law.
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> The real grievance is the anomaly that makes it possible for a defeated party to go on acting as if it were the victorious party. Complaint of this is not idle and ought not to be futile. It is not altogether clear just how this anomaly came about. It is not embodied in the Constitution, and the casual circumstance that the early inaugurations of the Presidents happened to be fixed for the 4th of March is probably responsible for it. A hundred years ago a journey from the most remote part of the country to the Capital was a long and tedious business, and before beginning his service a Congressman-elect needed time to put his private affairs in order. Perhaps four months was not too long a time for all this, but it is an absurdly long time now. Inauguration day can not easily be changed, since the Constitution secures a term of four years to the President. But there is nothing to prevent an amendment of the statute by which the Representatives shall take office, as all other office-holders do, on the 1st of January succeeding their election.

The elections spoken of in that newspaper were somewhat remarkable. There are twenty-four Senators on this floor advocating the force bill and the gag rule from the States of New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Delaware, Illinois, Michigan, Wisconsin, Minnesota, Nebraska, Iowa, and Montana, and the majority against the force bill in those States was 184,500 in the last election. If our Government were as liberal to the people as the British Government these Senators would not dare keep their seats here and vote for the bill against the popular expression.

The popular expression, numbering as it does a total majority of about 800,000 votes, would have been responded to on the other side of this Chamber and the parliament would have been dissolved under the British constitution. The Parliament would have been compelled to yield to it, and the entire cabinet of the Queen would have gone out of office under such a rebuke as the people have given to the force bill on the 4th day of last November, for no man can deny—at least he can not deny to the satisfaction of anybody but himself—that the force bill was one of the issues that went before the people in the last November election and against which the people pronounced a sedate and crushing judgment.

I read a statement from another journal:

> In November the people gave their verdict.
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> It caused the most clearly defined and overwhelming political revolution ever known in the history of our Government.
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> In the vote of the whole country for Representatives in Congress the Democratic majority over the total Republican vote was 800,376. In a total vote of

nearly 10,000,000 for Representatives the Republican candidates were in a minority of 1,333,202, while the regular Democratic vote exceeded that of all other candidates—Republican, Farmers, Prohibition, Independent, and Labor combined—268,550.

A Republican majority of 24 in the present House was converted into a Democratic majority of 157 in the next Congress.

In seventeen Northern States the total vote cast was within less than 7 per cent. of the Presidential vote of 1888. And in these States the Democratic gain in the popular vote was over 602,000! In 1888 the Republicans carried every one of these seventeen States. In 1890 the Democrats carried twelve of them. The House of Representatives was made Democratic by a safe working majority without counting a single member from the South.

So the Democracy of the Union finds its solidity in the Northern States now, and not in the South. The South is a mere appanage at this time, a sort of tail to the kite. It is the Northern people who have solidified in favor of the Democratic party.

Now, under these circumstances do Senators feel that they are justified and compelled by party allegiance or party domination or party patronage to follow the President of the United States in his recommendation that they shall relieve him of some of the executive powers enjoined upon him in the Constitution and place those powers in the hands of the chief supervisors of election in the different Congressional districts in the United States? for that is precisely the issue.

There is no disguising it; there is no evading it. The country will perfectly understand as plain a matter as that. The President of the United States, not being willing to come in with his message and claim for himself the power to execute the election laws of the country, begs Congress to take the execution out of his hands and put it into the hands of selected agents already in office, whose political characteristics and political obedience to the will of the President are just as well ascertained before these men act as they will be afterwards.

I stated the other day that the purpose of this bill was to rob the States of their power of certifying or making returns of elected Congressmen and to gather all of these powers into the grasp of Congress. The movement begins with providing Federal certificates, instead of State commissions, for members of the House of Representatives. It will only end when Congress shall commission Senators and Presidential electors as well.

I grant that the commission of a member of the House or of the Senate is not his election. Either House may admit a man to sit in either body without any commission or any certificate at all, if it chooses to do so, for each House is the judge of the returns made to it. What are the returns that are made to the Senate and to the House of Representatives? They are not usually or necessarily a statement of the votes that are cast for Senators in the legislative body. Certainly they are not statements of the votes that were cast in the Congressional district for a member of the other House. The return to the House of Representatives from the State governments consists of a certificate made under the great seal of the State by the governor, who is acting upon the authority of certificates made to him in pursuance of State laws, and who has determined through the constituted agencies and authorities of the State government that a certain person has received a majority or a plurality, as the case may be, in an election for a member of the House of Representatives in a particular district. Those are the returns.

The Constitution says that each House shall be the judge of the returns of its members, that is to say, Mr. President, each House shall be satisfied in its own judgment as to what are sufficient returns, and it makes no difference what formalities the law may enact or that the act of Congress may prescribe for the coming in of these returns or the manner in which they shall be certified, either House in the exercise of its independent constitutional power has the right to set aside all the returns and all the certificates of every kind and character, and act directly upon the question whether or not a member who presents himself is entitled to be seated in the body, and after that action has been taken by either House no man in the world can question it.

I have seen Senators seated on this floor without any return. I remember when the Senator from New York, Mr. Conkling, on one occasion had been elected by the Legislature of New York and no certificate had come here, no return had come here, and nothing but a telegram of a private character sent to him or some of his friends could be presented in this body for the purpose of showing that he had been elected a Senator; and he upon that return was received by the Senate, who had no doubt of his election, and he was sworn into office. Senators here remember that circumstance, perhaps, as well as I do. There was a case where the Senate set the precedent of disregarding all formalities of returns as provided in the act of Congress or any State, the laws of the State of New York, or any other law. Exercising their constitutional right to judge of the returns they seated the Senator from New York in this body upon a telegram. The Senate of the United States did not do that hastily or inconsiderately. Many of the ablest and oldest of the Senators on this body who were Senators at that time were present. The subject was remarked upon, but no man found any ground for an objection to the authority and power of the Senate to say to Mr. Conkling, "Come in and be sworn at this desk as a Senator from New York. Your returns satisfy us."

Mr. President, the commission or the certificate, therefore, is not the office, and Congress can not make it the office, and Congress can not make the certificate the repository of the office or of the official power, and Congress can not make the right to hold the office depend upon the certificate, for either House at any time can annul or disregard and set aside the certificate and revoke your solemn legislation here just as if it never had gone upon the statute book.

So, Mr. President, a bill to require the Secretary of the Senate to place on the rolls of this body the name of a Senator who is commissioned by the President would be a queer subject of debate in the other House. Suppose that some Senator came here with a commission from the President of the United States and presented it to this body as showing his right to a seat in it. That would be a very strange and anomalous proceeding. But if there was a vacancy from his State the Senate of the United States could set that piece of writing aside, that commission, aside, and proceed, without reference to that or anything else, to determine that the returns of the election here were satisfactory to them, for *non constat*, every Senator in this body might have been present at the moment of the election of that gentleman and might have witnessed it with his own eyes.

They are satisfied with the returns and therefore they seat the man in this Chamber, the House at the same time indulging in wild criticism upon the action of the Senate in seating a man in this body upon a Presidential certificate. What right would the House, in a case of that kind, have to make a criticism upon our conduct? What right has the House of Representatives ever had to question the fact that Mr. Conkling was seated in this body upon a telegram? What business is it of theirs or of any other department of this Government if we choose to seat any man in this body upon our oaths here that he is a Senator elected from a State? None at all.

So, on the other hand, Mr. President, what business is it of ours what shall be the credentials of a member of the House of Representatives, upon what returns he shall be seated, what shall be the characteristics of the returns as to the statement of facts, majority of votes polled, or anything of that kind? What interest have we got in it as a Senate? None whatever; and we are passing laws here now for the purpose of regulating the returns to the House of Representatives and giving to the certificates of those returns a certain legal effect, which may be utterly disregarded by the House of Representatives at any moment they see proper, and we can not call them in question about it.

Then what are we doing here? What is the object of our legislation? If we require a certificate of election in favor of a member of Congress to pass around through the hands of Federal officials on a by-road, through the circuit court of the United States, into the hands of the Clerk of the House of Representatives, and there give to it a certain legal significance and thereby drive out a certificate that the State authorities have issued and delivered into the hands of the man that the State has determined had been elected, what are we doing in respect to giving actual validity to the election of the person who holds the United States certificate?

We are doing simply a vain act, something that the House can disregard at its pleasure, something that no man in that House is bound to execute, unless it may be the merely ministerial officer of the House, and I do not believe he is bound to execute it, for the House can relieve him of that duty by a simple vote or resolution in a moment. If the Clerk of the House of Representatives were to refuse to receive one of these certificates provided for under this act and enroll it and should thereby deprive a man who held that certificate from taking his seat in the House and the House of Representatives on a majority vote should say, "That is well done; that man was not entitled to his seat, but the other man was entitled to his seat," your penal enactment against that Clerk would go into thin air in a moment. The House would simply nullify your act and the Clerk would be scot free and no court in Christendom could convict him after that judgment of the House.

Then, what are you doing here? Passing a law that nobody is bound to respect, passing a law that carries with it no penalties, no right, no privilege, when the House of Representatives sees proper to put its foot down upon it and crush it into atoms.

Mr. President, it is idle for a lawyer to talk about legislation and passing laws to which there are no sanctions. They are mere expressions of opinion; they are mere resolutions. If you pass a law against me or to control my conduct in any way and I have the right to say that that law is null and void by my election, I have the right to set it aside, that is not legislation, for no mandatory legislation in the Congress of the United States or in any other legislative body can be conditioned upon its final acceptance by any person who is to be affected by it. That is not a law. That is a mere resolution. That is what is in this bill, and there is no more than that in it; and after we have enacted it here we will find that so far as this certification is concerned, and so far as we undertake to control the House of Representatives in giving indulgence to or affirming the validity of these certificates, we have accomplished nothing. We may assemble a mob in the House of Representatives, which for the moment of time, being in a majority, may use a good deal of that brute force that is now strangely characteristic of legislative bodies in the United States for the purpose of gaining an organization and through that organization, whether it is right or whether it is

wrong, pressing along until they finally accomplish all the purposes of a political party.

We may do that, Mr. President; and that is the purpose of this whole business. This scheme is designed by the President of the United States and his followers for the mere purpose of lodging in the House of Representatives a nominal majority which, after they have been placed there in virtue of a law that the House has a right to annul and set aside, may be able to and will be able, when they get there by the power of a majority—which seems to be such a precious word and thought in the minds of Senators on the other side of the Chamber now—by the power of a majority hold on to that organization and vote out every man who is honestly entitled to a seat in the body.

What means all of this trouble, turmoil and difficulty in the various Legislatures of New Hampshire, Connecticut, Nebraska, Colorado, and elsewhere through your Northern States—what does it all mean? It means, Mr. President, that members of political parties and factions of political parties and men interested in getting themselves into power have learned from us that what they have to do is to seize upon a legislative body, get the occupancy of the chambers, and then to work out the destruction of their political opponents or enemies—seize in this way upon the powers of State governments, and afterwards hold them at their will and pleasure, until they think proper to give up that power, a thing that they never think proper to do.

I think I would be justified, Mr. President—because it is true, and perhaps I have just as much right to speak the truth as anybody—in referring to the fact that in the Southern States there never was a strife of this kind except when the carpetbaggers came down and were wrangling and quarreling among themselves about the capture of Legislatures. That is not a characteristic of Southern action in legislative departments and bodies, but how prevalent is it here now! Where did this new and abnormal action on the part of the Legislatures of the various States find its precedent? It found it in this body; it found it in fourteen or fifteen election cases that have occurred in the United States where seats of members of this Senate have been contested in this body upon the ground that the Legislatures had no authority to elect them or else upon the ground that bribery brought Senators here. That is another trouble we do not have in the South. We do not have any Senators there who are accused of buying their offices.

With a view of making this matter a little plainer, if I can, I will refer to the powers that are conferred by this bill upon the chief supervisor of elections, and if I take Mr. Davenport's case as an illustration, I will take it only as an illustration. His case has been made conspicuous by the manner in which this law has been administered heretofore, and we know from that, or we think we do, or we fear we do, about the manner in which it will be administered hereafter.

I wish now to call the attention of the Senate and the country to the powers that are conferred by this bill upon the chief supervisor and I will undertake to point out as far as I am able to do it—I do not know that I shall be able because of the confusion in the text of this bill—those powers that are new and those that are old, those that exist now under the laws heretofore enacted. I have read the general, broad scope of language in which the chief supervisors are charged with the execution of this national election law. There is a peculiarity in the language of that first section of this statute in respect of the powers of the chief supervisors to prevent frauds and irregularities in naturalization.

The process of naturalization has always been a judicial proceeding in this country. I do not think we have ever had any naturalization laws, except some statutes that naturalized men because they were soldiers in the Army, without application to a court, but we have had no system under which a man could change his allegiance from a foreign government and assume allegiance to the United States Government otherwise than through the action of a judicial tribunal.

Now, what is meant here that "the chief supervisor is charged with the prevention of fraud and irregularities in naturalization?" We will take up irregularities first. What are irregularities in naturalization? They must be defective petitions or defective proof or defective judgment rendered upon the proof or defective record evidence of what has transpired in the court. How can a private citizen, not a judicial officer, not on the bench, not having the right judicially to enforce the naturalization laws, execute this function confided here to the chief supervisor of preventing irregularities in naturalization?

Is not that an impossibility? Unless you can intrude the chief supervisor of a district into the circuit court or district court or into a State court, any court where naturalization is permitted and carried on—how is he to "prevent"—for that is the language—"irregularities in naturalization?" Is the supervisor an officer of the court? The statute does not say so. We have other statutes which make other men the advisers of the court. The district attorneys are looked upon as the legal advisers of the courts. They belong to the advisory jurisdiction of the country; they belong to the executive branch of the Government; they are appointed by the executive branch of the Government; and they, like the Attorney-General in his functions in regard to the President and heads of Departments, are made, by the statute and by the Constitution also, the legal advisers of the courts.

Now, in one capacity or the other the chief supervisor must get into that court, State or Federal court. He must either have a right to go on the bench and take the judge off and determine upon the regularity of naturalization, or else he must have the right of the President or the district attorney of the United States to stand by and advise the court in regard to irregularities. But is he a pimp and an informer? Is he that? You do not say so. Why not say, if that is your meaning, that the function of this man is to go about and hunt up the private record of individuals and get the facts together and bring them to the attention of the court, and thereupon to get the judgment of the court whether the naturalization is right or whether it is wrong?

Then we will take up the other subject of preventing frauds and irregularities in naturalization. He is charged with the duty of preventing frauds in naturalization. That can not be done unless he sits in judgment upon the evidence which is lying at the foundation of the right of naturalization, either outside of the court or inside of the court. It is the duty of a judge to prevent fraud in naturalization, and no man can stand by and tell the judge what he shall do or what he shall not do in exercising his function to prevent such fraud. But here you have it.

Now, that is superadded to the other clear and distinct violation of the Constitution of the United States in taking a part of the executive power from the hands of the President of the United States and confiding it to the chief supervisors of elections, and condemns this first section of this proposed act absolutely, and strikes out of it all of the machinery of the act that relates to the same subject to which I have been speaking, for the bill says—and I will repeat it; it can not be repeated too often—that these chief supervisors of elections "are charged * * * within their respective judicial districts * * * with the enforcement of the national election laws." The next duty of the chief supervisors is found in the third section of the proposed act:

It shall be the duty of the chief supervisor of elections in each judicial district, to whom application shall have been made under this act, in due and seasonable time, to inform a circuit judge of the United States for the circuit in which his judicial district is situate that he has business to present to such circuit court in respect to the next ensuing election.

Now, this high and mighty functionary thus clothed with the powers of the President in the enforcement of the law, freed from the constraint and control of any and every body in the world, notifies a judge of the circuit court of the United States. When does he notify him? "In due and seasonable time."

Who determines what is due and seasonable time? Nobody but the high and mighty, not the President, not any judge, only the high and mighty determines what is a seasonable time. He takes his time, makes it a convenient time for himself, does not consult even the convenience of the court, and what does he inform the court of? "That he has business to present to such circuit court in respect of the next ensuing election." He, not the country, not the people of a Congressional district; he, the high and mighty, has business to present to the circuit court in respect of the next ensuing election for Representatives or Delegates in Congress. What then occurs?

Whereupon it shall be the duty of such circuit judge, and he is required within ten days thereafter, to open, or cause to be opened, the circuit court at the most convenient place in such judicial district for the purpose of transacting all such business pertaining to registration or election matters as may, under the laws of the United States, there be transacted and done.

He is not a suitor in the court; he does not come in with a petition and ask to be heard, or as a defendant there to make a matter of statement of defense. He comes in with a mandate. He comes in as the President of the United States would come if he had similar power under a statute, and informs the circuit judge that it is necessary that a term of the court should be held within ten days of the time he sees proper to summon him, and that he must attend at some suitable place, to be named in the mandate, then and there to open his court, and to deal with such matters as shall be brought before him concerning an election.

Now, we see how the power of the chief supervisor rises in its majestic form above liberty, above rights, above communities, above the Constitution, and above the President. There he stands in his awful grandeur and rules the courts as one in authority.

The court when so opened shall be always open for the transaction of such business until the second day succeeding the election.

Some judge must stay there to keep a court open. I have never known a court yet that was kept open when the judge was away. So whether there is a district judge substituted or whether there is a circuit judge summoned by the high and mighty, he must stay there and keep the court open for ten days and until the second day succeeding the election, staying there under the admonition and command of the chief supervisor, only him and no one else.

Mr. KENNA. Will it interrupt the Senator for me to make a suggestion to him?

The PRESIDING OFFICER (Mr. PLATT in the chair). Does the Senator from Alabama yield to the Senator from West Virginia?

Mr. MORGAN. I shall be glad to hear from the Senator.

Mr. KENNA. Under that clause in the bill, for instance in the fourth judicial circuit in which Maryland is, where five States are em-

braced and seven judicial circuits, I believe that demand upon the circuit judge may be made by seven different chief supervisors for seven judicial districts.

Mr. MORGAN. And on the same day.

Mr. KENNA. And on the same day. So the judge of that circuit must within ten days after that demand comes in put seven separate and distinct courts in operation at the same time and continue them.

Mr. MORGAN. Then if he does not do it, if he can not do it, there is another provision in this proposed law by which the chief supervisor may proceed to appoint supervisors and have the business transacted. You make it impossible in some of the districts of the United States for the judges to exercise this function, absolutely physically impossible, and thereupon you devolve the duty of appointing the supervisor upon the chief supervisor in the respective districts. If the President of the United States, with such a man as that under his thumb, can not get a nomination, national conventions are harder to work than I thought they were; but if he ever gets an election under the provisions of such an act as that the people of the United States would be very much duller and weaker than I think they are.

Mr. President, I do not like to go through with this bill. It is a shame, it is an outrage; this whole bill is. It is a piece of political patchwork and machinery that would not do credit to a pothouse politician. It is filled up with incongruities, absurdities, contradictions, violations of the Constitution of the country, the like of which no bill before ever did contain, and I think after we get through with this one there will never be another like it. I know what its fate is now if you pass it, Senators; the people will pass you by after you have done this; it is about the last bill that you will have the opportunity to pass when you thrust this measure down the throats of the American people with a gag law.

Now, the next thing is to open a recruiting office for the benefit of the chief supervisor in the district. He wants to find out who in the district or in some precincts of the district is interested in carrying on elections and who is mean enough to quit his work, if he has got any to do, and go off and serve the Government for five, eight, or ten days at $5 a day and become the tool of the party to do its dirty work. That is what he wants to find out; and we put an invitation in here, a sort of bid to such people as that in the fourth section of the bill, when we say:

Any male citizen of the United States of good character, a resident and qualified voter in the city or town, county or parish, or in the Congressional district in which shall be situated the place in which he is to discharge his duties, and who can read and write the English language, may, at any time between the close of one Congressional election and the holding of the next succeeding election at which an election for Representatives or Delegates in Congress is by law required to be held or at which a special election is ordered to fill a vacancy, apply, over his own signature on such blank form as the chief supervisor may prescribe, to be appointed a supervisor of election.

We shall have plenty of applications.

So the chief supervisor has the right to prescribe the form of the application, putting in all the conditions that he may choose to put in, and if you let him prescribe the conditions and the form he is very apt to find out who his friends are before he gets through writing and sends off his blank forms.

Now, a male citizen of the United States, a resident and qualified voter in the city or county, town or parish, etc., in which he is to be appointed, may apply to be made a supervisor. In some of these States, in one at least, we have ratified a constitution at the present session of Congress in favor of female citizens of the United States. I refer to the State of Wyoming. Why put "male citizens" in here?

Why, Mr. President, if I were going to trust to the honesty of the people of Wyoming for an election, I would trust the women there before I would the men, if they are Mormon women, for Mormon or not Mormon they are better than the men of Wyoming. Men who will cater to the condition of affairs and sentiments in a State for the purpose of getting the votes of women to put them into office and confer power upon their little States that are not entitled to representation in Congress according to the basis of representation, are not as good as the women, if they are Mormon women, whom they invite to vote. I would trust the women. Why do you put in "male citizens of the particular district?" You exclude every woman in Wyoming when you do that, although she is entitled to vote.

The chief supervisor of elections in any judicial district who has received any petition provided for in section 2 of this act shall thereafter, from time to time, prepare, present, and certify to such circuit court lists of persons whom he shall believe to be eligible for appointment as supervisors of election in the place or places for which petitions for supervision have been received; in preparing such lists the chief supervisor shall not be confined to the applications he may have received, and lists may be presented for each place from which a petition for the supervision of the registration or the election shall have been received, until the court shall have appointed for the city or town, for the county or parish, or for the entire Congressional district such number of supervisors of election as the chief supervisor shall believe to be sufficient to enable him to properly provide for the filling of all election districts or voting precincts within his jurisdiction and the filling of all vacancies which may from any cause be created or arise, which number shall not, however, be less than double the whole number of supervisors which each such city or town, county or parish, or entire Congressional district is entitled to the services of.

Now, there we drop the qualification that he is to be a citizen or a voter. When the chief supervisor comes to make up his list he is not confined to persons who are citizens or voters. That qualification which applies to persons who make application to be appointed is not extended to the appointees of the chief supervisor. He selects them and he makes out lists and submits the lists to the court.

Who is there to object to his list, to canvass it, to criticise it, to point out the personal objections or any other objections that may exist to the appointment of these supervisors? No one at all. He makes up his list, and not only does he make up a list of the number that may be requisite in each district, that is to say, three supervisors for each precinct, but double the number, so that he shall have always on hand a large contingent.

Now, these supervisors are not required to be of different political parties. Those whom the chief supervisor selects may be all of the same party. So you place within the control of the man, under this bill, who is charged with the enforcement of the election laws, the power to select his agents, to enforce it at his will and pleasure, and they need not be citizens even of the State in which the power is to be exercised.

Mr. President, while I am on that branch of the subject I want to read a little history just to show how this matter has been transacted heretofore. I read from the report of the committee of which Mr. SPRINGER was chairman in respect to the case of Lot Wright, United States marshal in the State of Ohio.

Section 2028 of the Revised Statutes as it exists now, modified, you see, in this particular by the bill which is under consideration, provides:

No person shall be appointed a supervisor of election or a deputy marshal, under the preceding provisions, who is not, at the time of his appointment, a qualified voter of the city, town, county, parish, election district, or voting precinct in which his duties are to be performed.

That is the law as it stands, and the bill changes it so as to give the supervisors a larger swing and to permit them to do under the sanction of the law what I shall now proceed to show was done in Ohio contrary to the law, and in Cincinnati it was met with a mob that it seemed for a time would overturn civil government in that city.

The committee speaking of the appointment of these deputy marshals——

Mr. GRAY. What year was that?

Mr. MORGAN. In 1884. The committee say:

The appointments of special deputy marshals were made upon the application, in writing, of Jacob Singlinger and J. C. Harper. The former was one of the special deputy marshals and the latter was a United States circuit court commissioner, and both were residents of the Second Congressional district. The application was dated September 26, 1884. There was no application, in writing, for the appointment of deputy marshals made by citizens of the First Congressional district. The appointments were made without any reference to section 2028 of the Revised Statutes, requiring the persons appointed to be voters in the election district or voting precinct in which their duties were to be performed. In fact, the section was wholly disregarded in making the appointments, but in many cases deputies doubtless performed duties in their own precincts. But in some cases persons who were known to Marshal Wright to reside in Hamilton County, outside of the city of Cincinnati, were appointed to serve in the city. Appointments were made of general deputies to serve in many of the suburban villages on election day, and to perform no other duties than those pertaining to the election. All such appointments were without authority of law, and were expressly prohibited by section 2030 of the Revised Statutes.

In addition to these general deputies appointed in the suburban villages of Hamilton County, Marshal Wright appointed many others, who were nonresidents of the State of Ohio, to act as general deputy marshals.

So in this bill it is purposely provided that not only deputy marshals, but supervisors of election may be appointed of classes of persons who are not residents of the State in which they are appointed.

He furnished the committee a list, which is printed on page 300 of the testimony, but could not give their places of residence. This list embraces only about 130 names; but Mr. Wright did not know how many others were appointed of whom he had no record. He claimed that the general deputies appointed by him would not exceed 150; but he admitted that his clerks signed his name to commissions and that he did not keep a record of those appointed. He did purchase, however, 1,300 metallic badges and 2,000 ribbon badges, purchased in separate lots of 1,000 each, to be worn by his deputies on election day.

The testimony developed the names of quite a number of persons who were appointed whose names do not appear in any of the published lists. The whole number of special and general deputy marshals appointed whose names are given is 1,501. But Marshal Wright, in his letter to the Attorney-General of October 29, already referred to, says that he had employed special deputy marshals as follows: 68 men for more than two days and 1,600 men two days each. He also says:

"In addition to the above force I had many others who did excellent service (not under pay)."

He therefore sent a requisition upon the Treasury for $17,860 as the sum required to pay the special deputies. But on December 2, the day upon which the House of Representatives passed the resolutions authorizing this investigation, he presented his account before the United States circuit court in Cincinnati for approval, in which he showed indebtedness to such deputies to the amount of only $14,105. The names of the deputies to whom payments were made at this time amounted to only 1,313. Subsequently 58 names were added to the list, and these were paid $695. He seems to have paid as special deputies 130 men less than he says he employed, and the sum of $3,065 less than he said he owed on this account.

The published list of general deputies does not disclose their residences, but the testimony showed that Charles Adams, after whose name "Sixth ward" is written, was then a citizen of Colorado and holds a position in the Post-Office Department. W. F. Crawford is a post-office inspector at Austin, Tex. W. H. H. Llewellyn, after whose name "Sixth ward" is written, is agent of the Mescalero Apaches, in New Mexico.

That was the general muster of deputy marshals who were summoned

into Cincinnati on that occasion for the purpose of controlling that election.

Mr. GRAY. May I ask the Senator from Alabama if that states anywhere how many deputy marshals were employed who were not under pay?

Mr. MORGAN. I think it does not.

Mr. GRAY. That seems to be a very surprising statement.

Mr. MORGAN. I think it does not. He reports the whole number simply.

Mr. GRAY. There would seem to be no limit at all to the power of a marshal to appoint deputy marshals who are willing to volunteer for such partisan work; and that is a very dangerous power, it would seem to me.

Mr. MORGAN. And that was done under a law which required every deputy marshal to be a citizen of the State.

I will read further from the report of the House committee:

TESTIMONY OF POLICEMEN.

James F. Ferrill, a policeman, and resident of the city for thirty years, testified that at precinct A, Sixth ward, there were about one hundred colored deputy marshals, armed with bull-dog revolvers. He said they were mostly strangers to him; that there were two hundred or three hundred more colored men about the polls at that precinct than he had ever seen at any previous election; that they interfered with the police in the discharge of their duties; that in the morning when the polls were opened the gangway leading to the polls was crowded with colored men, many of them marshals, for an hour or two; that they were voting and that many of them he had never seen in the ward before; that the employment of deputy marshals in that precinct was entirely unnecessary, and that they contributed in no way toward keeping the peace at the polls.

Anthony Donnelly, a policeman of twelve years' experience and a resident of the city for over thirty years, testified that he was well acquainted with the residents of the Twentieth ward; that he was on duty at precinct B of that ward; that in the morning, about 6 o'clock, when he arrived, there was a great crowd about the polls, principally of colored men; that when the polls opened the colored marshals stood on both sides of the gangway and took complete possession of and blocked up the approaches to the polling place; that fully twenty-five of those who acted as marshals were strangers to him, persons whom he had never seen; that there were fully fifty colored and ten to twelve white marshals about the polls all day; that quite a number of strange colored people came there during the day in squads of three to six and voted; that when challenged they swore their votes in; that the colored marshals would protect and encourage them, telling them to swear in their votes; that the conduct of the marshals was overbearing; that they were armed with clubs and revolvers; that it was dangerous to be about the polls during the day; that when any disturbance arose the marshals displayed their clubs and pistols; that after the polls closed, about 9 o'clock at night, riots occurred near the corner of Sixth and Freeman streets, in which colored marshals and citizens participated, and that two policeman and one colored marshal were killed and several citizens wounded; that a great many shots were fired and general alarm produced.

It would be tedious and unprofitable to recite the many acts of violence and disorder that occurred during the day. Many innocent persons were the victims of assault and stray shots. On two occasions mobs of citizens, infuriated by the conduct of colored deputy marshals at the polls, assaulted the marshals and other colored persons, and two unoffending colored men were set upon, chased through the streets, and cruelly beaten.

Another colored man, who was mistaken for a colored marshal who had fired into the crowd near the polls, was chased through the streets by a mob of boys and men, and narrowly escaped.

The wards in which the greatest disturbances were had were the Sixth, Eighth, Eighteenth, Nineteenth, and Twentieth. These wards were generally those in which there were large Democratic majorities. In other wards of the city the election was conducted in a quiet manner, with a few unimportant exceptions.

THE MULLEN CASE.

It has already been stated that the stenographic report of the testimony in the case of The United States *vs.* Michael Mullen was by agreement printed as a part of the testimony taken by your committee. It was claimed on the part of Marshal Wright that such facts as were disclosed in the Mullen trial justified the extraordinary efforts made by him in the appointment and arming of deputy marshals.

Mullen was a lieutenant of police in the city of Cincinnati. About 11 o'clock on the night previous to the election he received a telephone message from the chief of police of Covington, Ky., stating that a large number of negroes were about to cross the bridge connecting the two cities. He inferred that they were Kentucky negroes, coming to Cincinnati to vote illegally, and went at once towards the bridge in order to look after them. He learned they had gone to negro boarding houses on the landing, and at once proceeded there, where he found an unusual number of colored people.

He caused the arrest at two different houses of fifty to seventy-five negroes, and took them to the Hammond street stationhouse, where they were placed in a basement room, where tramps and vagrants were permitted to sleep whenever they desired to do so. The negro prisoners and a number of tramps, white and black, remained in the stationhouse during the night and until about 6 o'clock on Tuesday evening, the day of the election. Lieutenant Mullen, in his testimony, and others, insisted that the door of the room was not locked, and that the imprisoned persons could have walked out any time. This was a disputed point in the case.

The case was disposed of by agreement to the effect that a *nolle* should be entered against all the defendants except Lieutenant Mullen, and that he should plead guilty as to one count and be acquitted as to all others in the indictment. The count upon which a plea of guilty was entered charged defendant with preventing John Venable and other persons from voting at the October election. There was no doubt that eight or ten of the persons arrested by Lieutenant Mullen were regular boarders at Venable's boarding house and were legal voters at the election. Hence his plea of guilty to the charge of preventing these persons from voting.

The court sentenced Lieutenant Mullen to one year's imprisonment in the county jail, and he is now serving out his sentence.

It appears that Marshal Wright did not know of the Mullen arrests until after the polls closed on election day. He could not, therefore, have been actuated in his course by anything that Lieutenant Mullen did. His counsel only claimed for him that his conduct was justified in view of such facts as were developed in the Mullen trial, and upon information that came to him from various sources to the effect that gangs of repeaters were flocking to Cincinnati from all parts of the country.

There is no doubt that such rumors and reports came to his knowledge, but a careful investigation and an earnest effort on his part to secure a fair election would have led him to adopt some such course as was recommended by the citizens' committee, of which Mr. Ingalls was chairman. If his information were correct the methods adopted for averting the threatened outrages were rather calculated to aggravate them than to prevent their occurence.

CONCLUSION.

From the testimony taken by your committee it will appear:

That the deputy marshals appointed by Marshal Wright were largely in excess of the necessities of the situation;

That they were appointed as Republican partisans and political workers, and in most cases prostituted their official positions to partisan ends;

That they were armed with revolvers and other deadly weapons furnished by the national committee of the Republican party;

That many of such deputy marshals so appointed and armed were notorious criminals and men of known vicious and brutal habits, and many of them were nonresidents of the State of Ohio;

That many of such deputy marshals, acting under the orders of Marshal Wright, aided, abetted, and encouraged fraudulent voting, intimidation of voters, and committed gross outrages upon the elective franchise and the rights of honest voters;

That the employment and payment of special deputy marshals on the day after the election was without legal warrant, and all moneys paid to such persons for services on that day were illegal, and the sums so paid should be returned to the United States Treasury;

That the appointment of deputy marshals who were nonresidents of the State of Ohio was without warrant, and constituted a gross usurpation of authority; and

That the appointment of deputy marshals was in many other respects irregular, illegal, and an unwarranted abuse of his official trust.

Wherefore your committee are of the opinion that Lot Wright, United States marshal for the southern district of Ohio, has been shown by the testimony herewith submitted to have committed high crimes and misdemeanors; that he has been guilty of usurpation of authority and violation of law in the manner set forth in the preamble to the resolutions adopted by the House of Representatives on the 3d day of December last.

In view of the impracticable nature of impeachment proceedings and especially at this late day of Congress, your committee will not recommend the adoption of articles of impeachment in his case.

The committee ask leave to be discharged from the further consideration of the subject.

All of which is respectfully submitted.

Mr. WOLCOTT. Mr. President——

The PRESIDING OFFICER (Mr. PLATT in the chair). Does the Senator from Alabama yield to the Senator from Colorado?

Mr. WOLCOTT. If the Senator from Alabama will yield to me, I move that the Senate proceed to the consideration of the bill (H. R. 12500) making an apportionment of Representatives in Congress among the several States under the Eleventh Census, and upon that motion I call for the yeas and nays.

Mr. MORGAN. Mr. President, of course I shall not object to the motion, but I must say that I am called upon to yield at a very interesting period of my remarks, which I hope I never shall have the opportunity to resume.

The PRESIDING OFFICER. The Chair understands that the Senator from Alabama does yield for that purpose. Will the Senator from Colorado once more state his motion?

Mr. WOLCOTT. I move that the Senate proceed to the consideration of the bill (H. R. 12500) making an apportionment of Representatives in Congress among the several States under the Eleventh Census.

The PRESIDING OFFICER. The Senator from Colorado moves that the Senate proceed to the consideration of a bill the title of which will be read.

The CHIEF CLERK. A bill (H. R. 12500) making an apportionment of Representatives in Congress among the several States under the Eleventh Census.

The PRESIDING OFFICER. Upon this motion the Senator from Colorado demands the yeas and nays.

The yeas and nays were ordered.

Mr. DOLPH. I move to lay the motion on the table.

The PRESIDING OFFICER. The Senator from Oregon moves to lay the motion of the Senator from Colorado on the table.

Mr. HARRIS. Upon which——

Mr. COCKRELL. That motion is not in order.

Mr. GORMAN. No; it is not in order.

Mr. MORGAN. The motion of the Senator from Colorado requires a direct vote, I understand.

Mr. COCKRELL. A motion to proceed to the consideration of a bill can not be laid on the table.

The PRESIDING OFFICER. The Chair is of the opinion that the fact that the yeas and nays have been ordered does not prevent a motion to lay on the table.

Mr. COCKRELL. That is not the point of order. The point of order is that a motion to proceed to the consideration of any bill can not be laid on the table.

Mr. ALDRICH. I have some doubt about that question, but the Senate the other day, upon motion of the Senator from Maryland [Mr. GORMAN], voted upon the precise question which is now involved, and the Vice President, then in the chair, decided that the motion was in order. However, I have some doubt about its correctness.

Mr. HARRIS. Upon that the Senator from Rhode Island did not ask an appeal?

Mr. ALDRICH. I did not ask an appeal, and so the precedent stands, I suppose.

Mr. COCKRELL. It was expressly decided by the Senate in the Forty-third Congress, on a very important question, the Pinchback case, that a motion to proceed to the consideration of a bill could not be laid on the table.

Mr. ALDRICH. I had never heard the motion made in the Senate until it was made by the Senator from Maryland the other day under precisely the same conditions we are now in. The Vice President held the motion to be in order, and no appeal was taken, and it stands as a precedent for whatever it may be worth on this occasion.

The PRESIDING OFFICER. As the Chair remembers the rule, the only provision on the subject of a motion to proceed to the consideration of a bill is that it shall be determined without debate. The present occupant of the chair thinks that a motion may be made to lay such a motion on the table and understands from what has been said that that has been the ruling of the Vice President. Therefore the Chair will hold that the motion is in order. The Senator from Oregon moves to lay the motion of the Senator from Colorado upon the table.

Mr. HARRIS. Upon that motion I demand the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CARLISLE (when his name was called). I have a general pair with the Senator from North Dakota [Mr. PIERCE] and the Senator from Oregon [Mr. DOLPH] is paired with the Senator from Georgia [Mr. BROWN]. By an arrangement the pairs have been transferred so that the Senator from Oregon and myself may vote. I vote "nay."

Mr. MCPHERSON (when his name was called). I am paired with the Senator from Delaware [Mr. HIGGINS]. If he were present, I should vote "nay."

Mr. CASEY (when Mr. PIERCE's name was called). My colleague [Mr. PIERCE] is paired with the Senator from Georgia [Mr. BROWN].

Mr. PLUMB (when his name was called). On this question I am paired with the Senator from Louisiana [Mr. GIBSON]. If he were present, I should vote "yea."

Mr. ALLEN (when Mr. SQUIRE's name was called). My colleague [Mr. SQUIRE] is paired with the Senator from Virginia [Mr. DANIEL].

Mr. TURPIE (when Mr. VOORHEES's name was called). My colleague [Mr. VOORHEES] is detained at his residence by illness, and is paired with the Senator from South Dakota [Mr. MOODY]. If present, my colleague would vote "nay" on this motion.

The roll-call was concluded.

Mr. CALL. I am paired with the Senator from South Dakota [Mr. PETTIGREW]. I transfer the pair to my colleague [Mr. PASCO] and vote "nay."

Mr. DAWES. Has the junior Senator from Georgia [Mr. COLQUITT] voted?

The PRESIDING OFFICER. He is not recorded.

Mr. DAWES. I am paired with him. Otherwise I should vote "yea."

Mr. DANIEL. I have a general pair with the Senator from Washington [Mr. SQUIRE]. By authority of the Senator from Nevada [Mr. STEWART] I transfer that pair to the Senator from California [Mr. STANFORD] who is absent, and being thus at liberty to vote——

Mr. ALDRICH. I doubt the authority of the Senator from Nevada or any other Senator to pair the Senator from California [Mr. STANFORD] in that way upon this question.

Mr. STEWART. I will state that I have no authority to pair him, but I have his statement, distinctly made before he went to New York. I did not know he was going, but he told me he was in favor of taking up this bill and it is unfair to pair him against it.

Mr. ALDRICH. The Senator from California has told me distinctly on many occasions, as he has many other Senators on this side of the Chamber, that he is in favor of the pending resolution and in favor of its consideration; and I think it is taking a very unfair advantage of the Senator from California to pair him on this question unless upon special authority.

Mr. HARRIS. I should like to suggest to the Senator from Rhode Island that it is a question for the Senator from Virginia himself. If he is satisfied from the information he has obtained that he is keeping faith with the Senator from California [Mr. STANFORD] and with his pair, it is for him to decide, and not for the Senator from Rhode Island, or myself, or anybody else.

Mr. ALDRICH. The Senator from Nevada says expressly he has no authority to pair the Senator from California on this question.

Mr. STEWART. I had a conversation with the Senator from California. He objected to various provisions of this proposed rule, but he is in favor of a rule generally; and I asked him then with regard to going on with business. He said he was decidedly in favor of taking up this particular bill, the apportionment bill, and would vote for it. That was all of the conversation. There was no further conversation about pairs, but that is his position.

Mr. DANIEL. I will not consent to vote with any question as to the propriety of my doing so. If the Senator from Nevada takes the responsibility to pair the Senator from California, then I shall vote, but I could not under any dispute as to my action feel at liberty to vote.

Mr. STEWART. Mr. President——

Mr. ALDRICH. I desire to emphatically dispute the right of any Senator to pair the Senator from California [Mr. STANFORD] unless he has that authority in writing or in some manner which would make it absolutely certain that he desired to be paired.

Mr. VEST. When was that ever required in the Senate before?

Mr. ALDRICH. It never has been required that I know of, and I do not understand that the Senator from Nevada claims he has any authority from the Senator from California.

Mr. BUTLER. Why require it now?

Mr. STEWART. I do not claim any authority——

Mr. ALDRICH. Just one word more. It is very evident that this vote is to be controlling in this matter; that it is to be the decisive vote; and I submit to every member of the Senate that it is not right——

Mr. BUTLER. This is not debatable. I call the Senator from Rhode Island to order.

Mr. ALDRICH. It is not fair or just to place a Senator in the position in which the Senator from California will be placed by this action.

Mr. STEWART. I do not claim the right to pair the Senator from California, but I do claim the right to exonerate any person with whom he is paired, because I am certain he would want to be recorded, from what he told me distinctly, against this motion to lay on the table. He stated distinctly that he would vote to take up the apportionment bill. I take the responsibility of exonerating others.

Mr. DANIEL. Then I can not vote under the circumstances.

Mr. CHANDLER. I desire to announce my pair with the junior Senator from New Jersey [Mr. BLODGETT]. If he were present, I should vote "yea."

Mr. DAWES. I have the consent of the Senator from West Virginia [Mr. FAULKNER] to transfer my pair with the junior Senator from Georgia [Mr. COLQUITT] to the Senator from Idaho [Mr. SHOUP], and I vote "yea."

Mr. ALLISON. On this question I am paired with the Senator from Kansas [Mr. INGALLS]. If he were present, I should vote "yea."

Mr. PASCO. During my temporary absence from the Chamber a pair has been transferred by my colleague, so that I stand paired with the Senator from South Dakota [Mr. PETTIGREW]. If the Senator from South Dakota were present I should vote "nay."

Mr. ALLISON. I transfer my pair with the Senator from Kansas [Mr. INGALLS] to the Senator from Montana [Mr. SANDERS], and I vote "yea."

Mr. HARRIS. How is that?

Mr. ALLISON. The Senator from Montana [Mr. SANDERS] is not paired, and I have been requested to make that transfer.

Mr. CHANDLER. I desire to transfer my pair to the Senator from Idaho [Mr. SHOUP].

Mr. CULLOM. That has been done.

Mr. BERRY. He has already been paired. One Senator can not be paired twice.

Mr. TELLER. Let the result be announced.

Mr. MCPHERSON. I desire to transfer my pair with the Senator from Delaware [Mr. HIGGINS] to the Senator from Indiana [Mr. VOORHEES] in order that I may vote. I vote "nay."

Mr. COLQUITT. I am generally paired with my friend from Massachusetts [Mr. DAWES], and, as I am present, he is at liberty to vote, as I am.

Mr. DAWES. I have transferred my pair, with the consent of the Senator from West Virginia [Mr. FAULKNER], to the Senator from Idaho [Mr. SHOUP].

Mr. ALDRICH. I think the Senator from Georgia [Mr. COLQUITT] does not understand the situation. He stands paired with the Senator from Idaho [Mr. SHOUP.]

Mr. CHANDLER. I desire to inquire whether a pair has been announced with the Senator from Idaho [Mr. SHOUP].

Mr. RANSOM. Yes, with the Senator from Georgia [Mr. COLQUITT].

Mr. EDMUNDS. The Senator from Georgia has voted.

Mr. VEST. He has not voted.

Mr. HARRIS. Not understanding the proposition, he proposed to vote, but upon explanation I understand the Senator from Georgia has not voted.

Mr. EDMUNDS. I misunderstood him in the confusion.

Mr. HARRIS. It was stated over here, I do not know upon what authority, that the Senator from Idaho [Mr. SHOUP] has already been paired, I believe, with the Senator from Georgia [Mr. COLQUITT].

Mr. COCKRELL. The Senator from Massachusetts [Mr. DAWES] has just stated that.

Mr. ALDRICH. I desire to call the attention of the Chair——

Mr. WOLCOTT. I object to any debate. Let the result of the vote be announced. The Senator from Rhode Island is out of order.

Mr. HOAR. It never was heard of, where one Senator was paired with two by accident, that it was not allowed to be explained.

Mr. GORMAN. It has been explained.

Mr. ALDRICH. I call the attention of the Senator from New Jersey [Mr. MCPHERSON] to the fact that the Senator from Indiana [Mr.

VOORHEES] is already paired, I think, with the Senator from North Dakota [Mr. PIERCE].

Mr. FAULKNER. The Senator from Georgia [Mr. BROWN] is paired with the Senator from North Dakota [Mr. PIERCE].

Mr. ALDRICH. An announcement of that kind was made.

Mr. FAULKNER. That enables the Senator from Oregon [Mr. DOLPH] to vote. In my judgment the Senator from Georgia [Mr. COLQUITT] has a right to vote.

Mr. ALDRICH. I beg pardon; the Senator from Indiana [Mr. VOORHEES] is paired with the Senator from South Dakota [Mr. MOODY].

Mr. PUGH. Let the result be declared.

Mr. ALDRICH. A pair was announced between the Senator from Indiana [Mr. VOORHEES] and the Senator from South Dakota [Mr. MOODY]. I think it should be properly arranged between the two sides——

Mr. RANSOM. The Senator from Rhode Island has explained the situation as he finds it, and I hope the result of the vote will be announced.

Mr. FAULKNER. The Senator from South Dakota [Mr. MOODY] is paired with the Senator from California [Mr. HEARST].

Mr. WOLCOTT. I object to any debate.

Mr. ALDRICH. I do not think the Senator from Colorado can take me off the floor.

Mr. WOLCOTT. It is very apparent that nothing can take the Senator from Rhode Island off the floor.

Mr. BUTLER. Mr. President, I call the Senator from Rhode Island to order.

Mr. VANCE. Let the result of the vote be announced.

Mr. BUTLER. I believe under the rule the Senator from Rhode Island must take his seat while the question of order is being settled.

The VICE PRESIDENT. The Senator from South Carolina will state his point of order.

Mr. BUTLER. My point of order is that the roll has been called, that under the rule the result must be announced, and the Senator from Rhode Island is discussing——

Mr. ALDRICH. The arrangement of pairs between the two sides has always been a matter of discussion——

Mr. HOAR. It is a question of the highest privilege.

Mr. ALDRICH. It is a question of the highest privilege, and I doubt the authority of the Senator from South Carolina or any other Senator to call me to order for undertaking to arrange pairs between the two sides so that no Senator shall be paired with two Senators.

Mr. BUTLER. I am acting upon my own authority, whether the Senator from Rhode Island desires it or not, and I insist on my point of order.

Mr. RANSOM. Regular order.

The VICE PRESIDENT. The Chair understands that it is the uniform practice in the Senate to allow discussion or explanation with reference to pairs.

Mr. MCPHERSON (after having voted in the negative). Before the result is announced, my action having been called in question by the Senator from Rhode Island, I wish to know distinctly whether I have a right to vote. I understand from Senators who sit near me that the Senator from Indiana [Mr. VOORHEES] is absent and without a pair. Therefore I transferred my pair——

Mr. ALDRICH. A pair was announced between the Senator from South Dakota [Mr. MOODY] and the Senator from Indiana [Mr. VOORHEES].

Mr. FAULKNER. If the Senator from Rhode Island had listened to me when I rose before, he would have found how the pairs stand and that they are all right. The Senator from South Dakota [Mr. MOODY] is paired with the Senator from California [Mr. HEARST] and the Senator from Indiana [Mr. VOORHEES] is without any pair. That entitles the transfer to be made in accordance with the arrangement suggested by the Senator from New Jersey [Mr. MCPHERSON].

Mr. VANCE. Let the result be announced.

Mr. HARRIS. Announce the result.

The result was announced—yeas 34, nays 35; as follows:

YEAS—34.

Aldrich,	Dixon,	Hoar,	Quay,
Allen,	Dolph,	McConnell,	Sawyer,
Allison,	Edmunds,	McMillan,	Sherman,
Blair,	Evarts,	Manderson,	Spooner,
Carey,	Farwell,	Mitchell,	Stockbridge,
Casey,	Frye,	Morrill,	Warren,
Cullom,	Hale,	Paddock,	Wilson of Iowa.
Davis,	Hawley,	Platt,	
Dawes,	Hiscock,	Power,	

NAYS—35.

Barbour,	Coke,	Jones of Nevada,	Teller,
Bate,	Eustis,	Kenna,	Turpie,
Berry,	Faulkner,	McPherson,	Vance,
Blackburn,	George,	Morgan,	Vest,
Butler,	Gorman,	Payne,	Walthall,
Call,	Gray,	Pugh,	Washburn,
Cameron,	Hampton,	Ransom,	Wilson of Md.
Carlisle,	Harris,	Reagan,	Wolcott.
Cockrell,	Jones of Arkansas,	Stewart,	

ABSENT—19.

Blodgett,	Gibson,	Pasco,	Shoup,
Brown,	Hearst,	Pettigrew,	Squire,
Chandler,	Higgins,	Pierce,	Stanford,
Colquitt,	Ingalls,	Plumb,	Voorhees,
Daniel,	Moody,	Sanders,	

So the Senate refused to lay Mr. WOLCOTT's motion on the table.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 24th instant approved and signed the following acts:

An act (S. 77) to provide for the construction of a public building at Portland, Oregon;

An act (S. 1724) granting a pension to Charles Stenger;

An act (S. 4416) granting a pension to Thomas Richardson;

An act (S. 4070) granting an increase of pension to Aaron H. Le Van;

An act (S. 4167) granting an increase of pension to Sarah V. Azpell; and

An act (S. 2808) for the relief of Amos Gilbert.

The message also announced that the President had on this day approved and signed the following acts:

An act (S. 3957) granting an increase of pension to Mrs. Mary McIntosh;

An act (S. 3976) granting a pension to George A. Perkins;

An act (S. 4506) granting a pension to Frederick Slawson; and

An act (S. 4507) granting a pension to Johanna Teubner.

APPORTIONMENT OF REPRESENTATIVES.

The VICE PRESIDENT. The question recurs on the motion made by the Senator from Colorado [Mr. WOLCOTT] that the Senate proceed to the consideration of the bill (H. R. 12500) making an apportionment of Representatives in Congress among the several States under the Eleventh Census; on which the yeas and nays have been ordered. The roll will be called.

The Secretary proceeded to call the roll.

Mr. ALLISON (when his name was called). I am paired with the Senator from Kansas [Mr. INGALLS]. I transfer that pair to the Senator from Montana [Mr. SANDERS], and vote "nay."

Mr. CALL (when his name was called). I am paired with the Senator from South Dakota [Mr. PETTIGREW]. If he were here, I should vote "yea."

Mr. CARLISLE (when his name was called). In accordance with the announcement made at the taking of the last vote by the Senator from Oregon [Mr. DOLPH] I am at liberty to vote. I vote "yea."

Mr. CHANDLER (when his name was called). I am paired with the junior Senator from New Jersey [Mr. BLODGETT].

Mr. PLUMB (when his name was called). On this question I am paired with the Senator from Louisiana [Mr. GIBSON]. If he were present, I should note "nay."

Mr. MCPHERSON (when Mr. VOORHEES's name was called). I desire to state that my pair with the Senator from Delaware [Mr. HIGGINS] has been transferred to the Senator from Indiana [Mr. VOORHEES]. Both Senators are absent.

The call having been concluded, the result was announced—yeas 35, nays 34; as follows:

YEAS—35.

Barbour,	Eustis,	Kenna,	Teller,
Bate,	Faulkner,	McPherson,	Turpie,
Berry,	George,	Morgan,	Vance,
Blackburn,	Gorman,	Pasco,	Vest,
Butler,	Gray,	Payne,	Walthall,
Cameron,	Hampton,	Pugh,	Washburn,
Carlisle,	Harris,	Ransom,	Wilson of Md.
Cockrell,	Jones of Arkansas,	Reagan,	Wolcott.
Coke,	Jones of Nevada,	Stewart,	

NAYS—34.

Aldrich,	Dixon,	Hoar,	Quay,
Allen,	Dolph,	McConnell,	Sawyer,
Allison,	Edmunds,	McMillan,	Sherman,
Blair,	Evarts,	Manderson,	Spooner,
Carey,	Farwell,	Mitchell,	Stockbridge,
Casey,	Frye,	Morrill,	Warren,
Cullom,	Hale,	Paddock,	Wilson of Iowa.
Davis,	Hawley,	Platt,	
Dawes,	Hiscock,	Power,	

ABSENT—19.

Blodgett,	Daniel,	Moody,	Shoup,
Brown,	Gibson,	Pettigrew,	Squire,
Call,	Hearst,	Pierce,	Stanford,
Chandler,	Higgins,	Plumb,	Voorhees.
Colquitt,	Ingalls,	Sanders,	

So the motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to the consideration of the bill (H. R. 12500) making an apportionment of Representatives in Congress among the several States under the Eleventh Census.

Mr. BLAIR. Mr. President, where a man falls down, that is the place for him to get up again. Let the Republican party pass the educational bill and all will be well. [Cries of "Regular order!"]

Mr. MORGAN. Mr. President, have I leave to hang up my "bruised arms for monuments?" [Laughter.]

Mr. COCKRELL. Let the bill be read.

The VICE PRESIDENT. The bill will be read.

The Chief Clerk read the bill reported by Mr. HALE from the Committee on the Census, as follows:

Be it enacted, etc., That after the 3d of March, 1893, the House of Representatives shall be composed of 356 members, to be apportioned among the several States as follows:

Alabama, 9; Arkansas, 6; California, 7; Colorado, 2; Connecticut, 4; Delaware, 1; Florida, 2; Georgia, 11; Idaho, 1; Illinois, 22; Indiana, 13; Iowa, 11; Kansas, 8; Kentucky, 11; Louisiana, 6; Maine, 4; Maryland, 6; Massachusetts, 13; Michigan, 12; Minnesota, 7; Mississippi, 7; Missouri, 15; Montana, 1; Nebraska, 6; Nevada, 1; New Hampshire, 2; New Jersey, 8; New York, 34; North Carolina, 9; North Dakota, 1; Ohio, 21; Oregon, 2; Pennsylvania, 30; Rhode Island, 2; South Carolina, 7; South Dakota, 2; Tennessee, 10; Texas, 13; Vermont, 2; Virginia, 10; Washington, 2; West Virginia, 4; Wisconsin, 10; Wyoming, 1.

SEC. 2. That whenever a new State is admitted to the Union the Representative or Representatives assigned to it shall be in addition to the number 356.

SEC. 3. That in each State entitled under this apportionment the number to which such State may be entitled in the Fifty-third and each subsequent Congress shall be elected by districts composed of contiguous territory and containing as nearly as practicable an equal number of inhabitants. The said district shall be equal to the number of the Representatives to which such State may be entitled in Congress, no one district electing more than one Representative.

SEC. 4. That in case of an increase in the number of Representatives which may be given to any State under this apportionment such additional Representative or Representatives shall be elected by the State at large, and the other Representatives by the districts now prescribed by law until the Legislature of such State in the manner herein prescribed shall redistrict such State, and if there be no increase in the number of Representatives from a State the Representatives thereof shall be elected from the districts now prescribed by law until such State be redistricted as herein prescribed by the Legislature of said State.

SEC. 5. That all acts and parts of acts inconsistent with this act are hereby repealed.

Mr. HALE. Mr. President——

Mr. BLACKBURN. With the permission of the Senator from Maine I simply rise to ask that the report accompanying the bill be read, as well as the views of the minority of the committee.

Mr. HALE. That, of course, the Senator is entitled to have done, but before the report is read I wish to state that the bill as reported from the committee is precisely the bill as it passed the House of Representatives.

Mr. COCKRELL. Mr. President, I want to hear the Senator from Maine. This is an important question. I think the Chair ought to be able to make the Senators take their seats or go into the cloakrooms. There ought to be that much power in the Chair.

The PRESIDING OFFICER (Mr. FRYE in the chair). Senators will retire to the cloakrooms who are conversing in the rear of the Chamber.

Mr. HALE. As I stated, the bill is precisely the bill which passed the House of Representatives, making the number of Representatives in the Fifty-third Congress 356. There is, I think, but one amendment that has been offered to the bill, and that is the series submitted by the Senator from Minnesota [Mr. DAVIS]. Before the reading of the reports I believe the Senator from Minnesota desires that his amendments shall be read, so that the Senate may see just what questions are before it.

Mr. DAVIS. I send to the desk my proposed amendments and I ask that they may be read.

The PRESIDING OFFICER. The amendments will be read.

The Chief Clerk read as follows:

In section 1, line 5, strike out the words "fifty-six" and insert in lieu thereof the word "sixty."

In section 1, line 8, strike out the word "six" and insert in lieu thereof the word "seven."

In section 1, line 26, strike out the word "seven" and insert in lieu thereof the word "eight."

In section 1, line 28, strike out the word "fifteen" and insert in lieu thereof the word "sixteen."

In section 1, line 34, strike out the word "four" and insert in lieu thereof the word "five."

In section 2, line 3, strike out the words "fifty-six" and insert in lieu thereof the word "sixty."

Mr. BLACKBURN. With the permission of the Senator from Maine [Mr. HALE], who is in charge of the bill, in order that the Senate may act intelligently upon the amendments proposed by the Senator from Minnesota [Mr. DAVIS], I ask that we may have read the report accompanying the bill and then the views of the minority of the committee. Before the reading of the reports, as I see that the Senator from Minnesota [Mr. DAVIS] is in his seat, I observe that that Senator offered on December 29 certain amendments to the bill. I presume those amendments are superseded by the amendments which he offered on the 12th of January.

Mr. DAVIS. They are superseded by the amendments just read.

The PRESIDING OFFICER. The Secretary will read the report of the committee and the views of the minority.

The Chief Clerk proceeded to read the report submitted by Mr. HALE January 13, 1891, and read to page 5, when

Mr. DAVIS said: I suggest that no useful purpose is subserved by reading those tables and I do not think it was the intention that they should be read.

Mr. GRAY. I hope that they will be read. This whole matter is new, and I am trying to follow it and inform myself about it.

Mr. DAVIS. Is it intended to have all these tables read?

Mr. GRAY. Yes, I think so.

The PRESIDING OFFICER. The Secretary will proceed with the reading.

The Secretary resumed the reading of the report on page 6, at "Table A." After reading for some time,

Mr. HALE. I desire to make a suggestion, and that is that the reading of these recapitulations, which was called for by the Senator from Delaware [Mr. GRAY], may be dispensed with. I want to suggest to him, as that is very fatiguing and laborious to the clerks, that he waive the request and allow the Secretary to read the appendix on pages 24 and 25, then the views of the minority as submitted by the Senator from Minnesota [Mr. DAVIS], and when that is done, as the Senator from Minnesota desires to address the Senate, and under the circumstances which have been before us to-day he is not prepared, I ask that the bill be informally laid aside until to-morrow morning, giving Senators an opportunity to examine the bill, and meantime take up the Calendar, or, as the Senator from Minnesota has suggested, take up pension cases or appropriation bills, as may be preferred.

Mr. HOAR. I should like to have the Senate take up the bankruptcy bill if there be no other business ready.

Mr. HALE. Of course there is plenty of business ready.

Mr. MITCHELL. The Indian depredations bill, for instance.

Mr. HALE. My suggestion is only in the interest of the expedition of business and in order to give the Senator from Minnesota an opportunity to speak.

Mr. HOAR. I should like to ask, with the leave of the Senator from Maine, to take up the bankruptcy bill.

Mr. COCKRELL. We can not do that.

Mr. BLACKBURN. We can not hear the Senator.

Mr. HALE. The Senator from Massachusetts asks me to yield to take up the bankruptcy bill. That, of course, I can not do. The Senate has decided to consider the present bill, the apportionment bill. That is before the Senate; and my request, which, of course, could only obtain by unanimous consent, is that after the report proper had been read then the bill be informally laid aside to be taken up to-morrow morning, in order to give Senators an opportunity to examine it and in order to give the Senator from Minnesota an opportunity to prepare his remarks.

Mr. BLACKBURN. Nobody objects to that; but will the Senator from Maine yield to a suggestion for a moment?

Mr. HALE. Certainly.

Mr. BLACKBURN. Is it not his purpose, in reaching this agreement by unanimous consent, to have the disputed Journal of the Senate corrected by unanimous consent, and then lay aside the pending bill and take up the Calendar of pension cases, as he suggests, until to-morrow, when the consideration of this bill will be resumed?

Mr. HALE. I think that is a very good suggestion.

Mr. BLACKBURN. Then let us do that.

Mr. HALE. I consent to that, for one.

Mr. DOLPH. I object to any order of business being outlined in this way.

Mr. BERRY. I did not hear the Senator from Oregon.

Mr. DOLPH. I say that I object to the order of business being outlined as stated.

Mr. HOAR. I wish the Chair would state from the desk my request that the bankruptcy bill be taken up, and then if it be objected to that will appear.

The PRESIDING OFFICER. Does the Senator from Maine withdraw his request?

Mr. HALE. No; I should be very glad to have the arrangement made in the interest of expediting the public business.

The PRESIDING OFFICER. The Senator from Maine asks unanimous consent that the further reading of the tables in the report be dispensed with, that the remainder of the report of the majority and the views of the minority be read, and that then the pending bill be laid aside informally until to-morrow's session——

Mr. FAULKNER. At 2 o'clock.

The PRESIDING OFFICER. At 2 o'clock, as the unfinished business.

Mr. BLACKBURN. Before that request is submitted to the Senate I desire to ask what was the suggestion made by the Senator from Massachusetts [Mr. HOAR]. Did I understand the Senator from Massachusetts to ask that this bill be informally laid aside in order that the general bankruptcy bill might be taken up?

Mr. HALE. I so understood the Senator from Massachusetts.

Mr. HOAR. The Senator will pardon me. If I may have unanimous consent I wish to say that I understood the request of the Senator from Maine involved, after this matter which has been suggested was disposed of, the bill going over until to-morrow, leaving us with the rest of the day undisposed of, and I requested, if that were done, that the rest of the day might be devoted to the bankruptcy bill.

Mr. BLACKBURN. Only to-day?

Mr. HOAR. Yes.

Mr. BLAIR. Mr. President, I wish to call up the labor bills.

Mr. HOAR. I wish to say, if the Senator from New Hampshire [Mr. BLAIR] claims that the undisposed-of labor bill is entitled to the rest of the day, I think that under the understanding on both sides of the Chamber that would probably prevail over my request.

Mr. BLACKBURN. I am perfectly willing to accept the suggestion of the Senator from Massachusetts to take the bankruptcy bill up for consideration either for the rest of this day or until finally disposed of, provided it does not displace the bill the Senate is now considering.

Mr. ALLISON and Mr. BLAIR addressed the Chair.

The PRESIDING OFFICER. This debate is proceeding by unanimous consent.

Mr. BLACKBURN. We are ready to consent either that labor bills or pension bills be considered, or both.

Mr. COCKRELL. No, not by a good deal do I assent to the labor bill.

Mr. ALLISON. I, of course, do not wish to speak out of order. The Chair says debate is proceeding by unanimous consent. I desire simply to say, in order, that I shall be glad, at any moment when there is an opportunity, to ask the Senate to consider appropriation bills.

Mr. HALE. I think my request had better not be embarrassed by connecting it with any subject to be taken up after the pending bill shall be informally laid aside. If that consent can be had now, then, after reading the formal part of the report, the text of the report——

The PRESIDING OFFICER. The Chair understood the Senator from Kentucky [Mr. BLACKBURN] to suggest that the request was not complete. Does the Senator add anything to the request he made?

Mr. BLACKBURN. I wish the unanimous consent to include the approval of the Journal.

Mr. ALDRICH. I think the Senator from Maine should modify his request to this extent, that the two Journals of the Senate which were not approved shall be approved and disposed of; that sufficient time shall be allowed for the transaction of the ordinary morning business, the presentation of bills, and matters of that sort, and that after that the Senate itself should determine its order of business, either to go on with the Calendar or take up such business as may be agreed upon then, with the understanding that the apportionment bill becomes the unfinished business to-morrow morning after the ordinary routine morning business is disposed of.

Mr. HALE. If consent can be gained to that proposition that would be satisfactory.

Mr. COCKRELL. I should like to make this suggestion, that by unanimous consent—and it can only be done by unanimous consent—the further reading of the tables in the report be dispensed with and the report of the majority and the appendix to that report be read, and then that the report of the minority be read and the tables of each be inserted in their proper place in the RECORD as a part of the report, but not read; and, when that is through, that by unanimous consent the Journal be disposed of and morning business be received, and when that is done, if there is any time left, that the Senate proceed to the consideration of the unobjected pension cases which are now piling up on the Senate Calendar.

Mr. DOLPH. To the last part of the proposition I object. I want the Senate to determine what it will take up.

Mr. ALDRICH. I think if the Senator from Missouri will modify his request, leaving out the last provision, and allow the Senate to determine afterwards what bills on the Calendar shall be proceeded with, there will be no difficulty. There seems to be an understanding that we go to the Calendar.

Mr. COCKRELL. No; we can not do that.

Mr. HALE. I renew my request, coupling with it the proposition that the Journal of the last two days be approved and morning business be received.

Mr. BUTLER. Let us have order. We can not hear the Senator.

Mr. HALE. It is my proposition as originally made, with an addition to it that after the text of the reports has been read, without the tables of figures, but the tables to be incorporated in the RECORD, the Journals of the last two days' session be approved and morning business be received. After that, what shall be done for the rest of the day is in the hands of the Senate, and I do not think it had better be connected with this request.

Mr. KENNA. Do I understand that the pending measure goes over informally?

Mr. HALE. It goes over informally, to come up as the unfinished business to-morrow morning.

The PRESIDING OFFICER. The Senator from Maine asks unanimous consent that the further reading of the tables in the report of the majority and in the views of the minority be dispensed with, that the remainder of the report be read and also the views of the minority, and that then the further consideration of the pending bill be postponed until 2 o'clock to-morrow.

Mr. HALE. Informally laid aside.

The PRESIDING OFFICER. Informally laid aside until 2 o'clock to-morrow, and that then the Journals of the last two days be approved.

Mr. COCKRELL. Be read and approved.

The PRESIDING OFFICER. And that the Journals of the last two days be read and approved. Is there objection?

Mr. FAULKNER. I understand that at 2 o'clock to-morrow the pending bill is to be considered as the unfinished business.

Mr. HALE. Undoubtedly.

Mr. BLACKBURN. There is no doubt of that.

The PRESIDING OFFICER. It will be the unfinished business under this arrangement, the Chair thinks.

Mr. FAULKNER. I just wanted that understanding. Then it is proposed, as I understand, that the Calendar be proceeded with this evening. We want it understood that there are exceptions: that the proposed rule which has now been postponed and the elections bill shall not be considered.

Mr. ALDRICH. Shall not be brought up.

Mr. HOAR. There is no understanding on that subject.

Mr. HALE. I do not think we need go into that.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maine as stated by the Chair?

Mr. KENNA. There is. Unless there is some understanding that the proposition which has just been laid aside by a vote of the Senate is not to occupy the time from 10 to 12 o'clock to-morrow, I object.

The PRESIDING OFFICER. Objection is made and the reading of the report will proceed.

Mr. COCKRELL. Let the report be read.

Mr. KENNA. If the Senate should take a recess to-night until to-morrow at 10 o'clock and its attention is to be occupied with the matter that has just been laid aside, then I object.

The PRESIDING OFFICER. Objection is made.

Mr. HALE. I think the Senator will withdraw his objection.

Mr. GORMAN. I trust the Senator from Maine will make his statement again. I do not think it was understood on this side. Will the Senator repeat his statement?

Mr. KENNA. For reasons satisfactory to myself and which I need not state, I withdraw the objection.

The PRESIDING OFFICER. Is there any objection to the request, the Senator from West Virginia having withdrawn his objection?

Mr. DOLPH. Let it be stated once more.

Mr. PADDOCK. I have just come into the Chamber and I shall be very glad to know what the request is.

Mr. HALE. I will repeat the proposition. It is that the reading of the tables and recapitulations in the report from the Committee on the Census be dispensed with and that the text of the report of the majority and the views of the minority be read.

Mr. COCKRELL. And the appendix.

Mr. HALE. And the appendix, the tables to be printed in the RECORD; that then the bill be informally laid aside to come up to-morrow at 2 o'clock as unfinished business, and that the Journals of the last two days' session be read and approved.

Mr. DAVIS. To-morrow?

Mr. HALE. To-day; then morning business is to be received and after that the disposition of the time is to be with the Senate.

Mr. GORMAN. I hope there will be no objection to that.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from Maine [Mr. HALE]? The Chair hears none, and it is so ordered.

Mr. HALE. Now I hope the Secretary will proceed with the reading of the text of the report.

The PRESIDING OFFICER. The reading will proceed.

The Chief Clerk resumed and concluded the reading of the report and the views of the minority. The report is as follows:

The Committee on the Census, to whom was referred the bill H. R. 12500, having had the same under consideration, beg leave to submit the following report:

The matter to which this bill relates was thoroughly investigated by the Committee on the Eleventh Census of the House of Representatives, and their report is adopted by your committee, who report back the bill and recommend its passage.

[House Report No. 3280, Fifty-first Congress, second session.]

Mr. DUNNELL, from the Select Committee on the Eleventh Census, submitted the following report (to accompany H. R. 12500):

The Select Committee on the Eleventh Census, to whom was referred H. R. 12000, H. R. 12265, H. R. 12402, H. R. 12500, and H. R. 12503, providing for the apportionment of Representatives among the several States as provided by Article XIV, section 2, of the Constitution of the United States, respectfully report that they have considered the subject of such apportionment and report back H. R. 12500 with a favorable recommendation. The bill provides that after the 3d day of March, 1893, the House of Representatives shall be composed of 356 members, assigned as follows:

Alabama	9	Michigan	12
Arkansas	6	Minnesota	7
California	7	Mississippi	7
Colorado	2	Missouri	15
Connecticut	4	Montana	1
Delaware	1	Nebraska	6
Florida	2	Nevada	1
Georgia	11	New Hampshire	2
Idaho	1	New Jersey	8
Illinois	22	New York	34
Indiana	13	North Carolina	9
Iowa	11	North Dakota	1
Kansas	8	Ohio	21
Kentucky	11	Oregon	2
Louisiana	6	Pennsylvania	30
Maine	4	Rhode Island	2
Maryland	6	South Carolina	7
Massachusetts	13	South Dakota	2

Tennessee	10	Washington	2
Texas	13	West Virginia	4
Vermont	2	Wisconsin	10
Virginia	10	Wyoming	1

It will be seen that the following States retain their present representation: Connecticut, Delaware, Florida, Idaho, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Mississippi, Montana, Nevada, New Hampshire, New York, North Carolina, North Dakota, Ohio, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, and Wyoming.

It will be further seen that the bill gives to each of the following States one additional member: Alabama, Arkansas, California, Colorado, Georgia, Kansas, Massachusetts, Michigan, Missouri, New Jersey, Oregon, Washington, and Wisconsin.

Two additional members are given to each of the following States: Illinois, Minnesota, Pennsylvania, and Texas.

Three additional members are given to the State of Nebraska.

Twenty-six of the forty-four States retain their present representation. Thirteen States each gain one additional member. Four States each gain two additional members, and one State gains three.

The aggregate increase over the present membership of the House is twenty-four.

Your committee here insert the following portion of the report of the Superintendent of the Census to the honorable Secretary of the Interior November 25, 1890:

Verified population of the United States in 1890.

The United States	62,622,250
North Atlantic division	17,401,545
Maine	661,086
New Hampshire	376,530
Vermont	332,422
Massachusetts	2,238,943
Rhode Island	345,506
Connecticut	746,258
New York	5,997,853
New Jersey	1,444,933
Pennsylvania	5,258,014
South Atlantic division	8,857,920
Delaware	168,493
Maryland	1,042,390
District of Columbia	230,392
Virginia	1,655,980
West Virginia	762,794
North Carolina	1,617,947
South Carolina	1,151,149
Georgia	1,837,353
Florida	391,422
Northern Central division	22,362,279
Ohio	3,672,316
Indiana	2,192,404
Illinois	3,826,351
Michigan	2,093,889
Wisconsin	1,686,880
Minnesota	1,301,826
Iowa	1,911,896
Missouri	2,679,184
North Dakota	182,719
South Dakota	328,808
Nebraska	1,058,910
Kansas	1,427,096
Southern Central division	10,972,893
Kentucky	1,858,635
Tennessee	1,767,518
Alabama	1,513,017
Mississippi	1,289,600
Louisiana	1,118,587
Texas	2,235,523
Indian Territory	
Oklahoma	*61,834
Arkansas	1,128,179
Western division	3,027,613
Montana	132,159
Wyoming	60,705
Colorado	412,198
New Mexico	153,593
Arizona	59,620
Utah	207,905
Nevada	45,761
Idaho	84,385
Alaska	
Washington	349,390
Oregon	313,767
California	1,208,130
The United States	62,622,250
North Atlantic division	17,401,545
South Atlantic division	8,857,920
Northern Central division	22,362,279
Southern Central division	10,972,893
Western division	3,027,613

From this aggregate population of the United States, namely, 62,622,250, your committee subtracted the aggregate population of the District of Columbia and of the Territories of Arizona, New Mexico, Oklahoma, and Utah. The remainder was 61,908,906. With this number different ratios were obtained by taking as a divisor any proposed number. Each number was taken from 332 to 375. The ratio in the first instance was 186,473. Dividing the population of each State by this ratio it was found that ten States would each lose one from their present representation and that in two instances fractions would remain considerably more than a moiety. The old and new methods of computation were used.

These methods are explained elsewhere in this report. Trials were made until a number was found that would give a ratio which in application would secure each State against any loss in its membership and in no instance leave a major fraction. This number was found to be 356. The ratio was 173,901. The number of members obtained on even division was 339. The additional 17 needed to make the number 356 was secured by giving another member to each of the States having left to it a major fraction. These States and the fractions remaining are here given:

Alabama	121,809	Oregon	139,866
California	164,724	Rhode Island	171,605
Georgia	98,343	South Carolina	107,743
Indiana	103,592	South Dakota	154,907
Iowa	172,896	Texas	148,711
Kentucky	119,635	Vermont	158,521
Maine	139,383	Virginia	90,871
Maryland	172,885	Wisconsin	121,771
Massachusetts	152,131		

It will be seen by an inspection of Table A in the Appendix, which is made a part of this report, that all the major fractions remaining from a division by the ratio 173,901 are absorbed in finding the 17 needed to make the number 356.

Your committee have not deemed the number fixed in this bill an unreasonable increase in the membership of the House. A much larger increase has been urged by many members. An increase in the membership of the House has been made in every apportionment act since 1789, except in that passed in 1843, when there was a reduction of 15. At this point the following table will be of interest:

Constitution, 1789, ratio 30,000, whole number of Representatives	65
First Census, 1793, ratio 33,000, whole number of Representatives	105
Second Census, 1803, ratio 33,000, whole number of Representatives	141
Third Census, 1813, ratio 35,000, whole number of Representatives	181
Fourth Census, 1823, ratio 40,000, whole number of Representatives	213
Fifth Census, 1833, ratio 47,700, whole number of Representatives	240
Sixth Census, 1843, ratio 70,680, whole number of Representatives	223
Seventh Census, 1853, ratio 93,423, whole number of Representatives	233
Eighth Census, 1863, ratio 127,381, whole number of Representatives	243
Ninth Census, 1873, ratio 131,425, whole number of Representatives	293
Tenth Census, 1883, ratio 151,911, whole number of Representatives	325
Eleventh Census, 1893, ratio 173,901, whole number of Representatives	356

In connection with the above table the following exhibit will be of value:

Population of the United States.

1790	3,229,214
1800	5,308,483
1810	7,239,881
1820	9,633,822
1830	12,866,020
1840	17,069,453
1850	23,191,876
1860	31,443,321
1870	38,558,371
1880	50,155,783
1890	62,622,250

At the request of the chairman of the committee the Superintendent of the Census furnished the following tables, and also the appendix which was used when the last apportionment bill was under consideration:

TABLE A.—*Population, ratio, fractions, and members of Congress for each State on total number of members from 332 to 375.*

States.	Population.	332. Ratio, 1: 186,473. No. of Representatives on even division.	332. Ratio, 1: 186,473. Fraction resulting.	332. Ratio, 1: 186,473. Final number of Representatives.	333. Ratio, 1: 185,912. No. of Representatives on even division.	333. Ratio, 1: 185,912. Fraction resulting.	333. Ratio, 1: 185,912. Final number of Representatives.
United States	61,908,906	315	3,614,527	332	318	3,230,140	333
Alabama	1,513,017	8	21,233	8	8	25,721	8
Arkansas	1,128,179	6	9,341	6	6	12,707	6
California	1,208,130	6	89,292	6	6	92,658	6
Colorado	412,198	2	39,252	2	2	40,374	2
Connecticut	746,258	4	366	4	4	2,610	4
Delaware	168,493	1	.....	1	1	.....	1
Florida	391,422	2	18,476	2	2	19,598	2
Georgia	1,837,353	9	159,096	10	9	164,145	10
Idaho	84,385	1	.....	1	1	.....	1
Illinois	3,826,351	20	96,891	20	20	108,111	20
Indiana	2,192,404	11	141,201	12	11	147,372	12
Iowa	1,911,896	10	47,166	10	10	52,776	10
Kansas	1,427,096	7	121,785	7	7	125,712	8
Kentucky	1,858,635	9	180,378	10	9	185,427	10
Louisiana	1,118,587	5	186,222	6	6	3,115	6
Maine	661,086	3	101,667	3	3	103,350	3
Maryland	1,042,390	5	110,025	5	5	112,830	5
Massachusetts	2,238,943	12	1,267	12	12	7,999	12
Michigan	2,093,889	11	42,686	11	11	48,857	11
Minnesota	1,301,826	6	192,988	7	7	442	7
Mississippi	1,289,600	6	170,762	7	6	174,123	7

*Including 5,338 persons in Green County, in Indian Territory, claimed by Texas.

TABLE A.—Continued.

States.	Population.	332. Ratio, 1: 186,473. No. of Representatives on even division.	Fraction resulting.	Final number of Representatives.	333. Ratio, 1: 185,912. No. of Representatives on even division.	Fraction resulting.	Final number of Representatives.
Missouri	2,679,184	14	68,562	14	14	76,416	14
Montana	132,159	1		1	1		1
Nebraska	1,058,910	5	126,545	6	5	129,350	6
Nevada	45,761	1		1	1		1
New Hampshire	376,530	2	3,584	2	2	4,706	2
New Jersey	1,444,933	7	139,622	8	7	143,549	8
New York	5,997,853	32	30,717	32	32	48,669	32
North Carolina	1,617,947	8	126,163	9	8	130,651	9
North Dakota	182,719	1		1	1		1
Ohio	3,672,316	19	129,329	20	19	134,988	20
Oregon	313,767	1	127,294	2	1	127,855	2
Pennsylvania	5,258,914	28	36,770	28	28	52,478	28
Rhode Island	345,506	1	159,033	2	1	159,594	2
South Carolina	1,151,149	6	32,311	6	6	35,677	6
South Dakota	328,808	1	142,335	2	1	142,895	2
Tennessee	1,767,518	9	89,261	9	9	94,310	9
Texas	2,235,523	11	184,320	12	12	4,579	12
Vermont	332,422	1	145,949	2	1	146,510	2
Virginia	1,655,980	8	164,196	9	8	168,684	9
Washington	349,390	1	162,917	2	1	163,478	2
West Virginia	762,794	4	16,902	4	4	19,146	4
Wisconsin	1,686,880	9	8,633	9	9	13,672	9
Wyoming	60,705	1		1	1		1

States.	334. Ratio, 1: 185,356. No. of Representatives on even division.	Fraction resulting.	Final number of Representatives.	335. Ratio, 1: 184,802. No. of Representatives on even division.	Fraction resulting.	Final number of Representatives.	336. Ratio, 1: 184,253. No. of Representatives on even division.	Fraction resulting.	Final number of Representatives.
United States	319	3,218,256	334	319	3,391,658	335	319	3,563,495	336
Alabama	8	30,169	8	8	34,601	8	8	38,993	8
Arkansas	6	16,043	6	6	19,367	6	6	22,661	6
California	6	95,994	6	6	99,318	6	6	102,612	6
Colorado	2	41,486	2	2	42,954	2	2	43,692	2
Connecticut	4	4,834	4	4	7,050	4	4	9,246	4
Delaware	1		1	1		1	1		1
Florida	2	20,710	2	2	21,818	2	2	22,926	2
Georgia	9	169,149	10	9	174,135	10	9	179,076	10
Idaho	1		1	1		1	1		1
Illinois	20	119,231	21	20	130,311	21	20	141,291	21
Indiana	11	153,488	12	11	159,582	12	11	165,621	12
Iowa	10	58,336	10	10	63,876	10	10	69,366	10
Kansas	7	129,604	8	7	133,482	8	7	137,325	8
Kentucky	10	5,075	10	10	10,615	10	10	16,105	10
Louisiana	6	6,451	6	6	9,775	6	6	13,069	6
Maine	3	105,018	3	3	106,680	3	3	108,327	3
Maryland	5	115,610	5	5	118,380	6	5	121,125	6
Massachusetts	12	14,671	12	12	21,319	12	12	27,907	12
Michigan	11	54,973	11	11	61,067	11	11	67,106	11
Minnesota	7	4,334	7	7	8,212	7	7	12,055	7
Mississippi	6	177,464	7	6	180,788	7	6	184,082	7
Missouri	14	84,200	14	14	91,956	14	14	99,642	14
Montana	1		1	1		1	1		1
Nebraska	5	132,130	6	5	134,900	6	5	137,645	6
Nevada	1		1	1		1	1		1
New Hampshire	2	5,818	2	2	6,926	2	2	8,024	2
New Jersey	7	147,441	8	7	151,319	8	7	155,162	8
New York	32	66,461	32	32	84,189	32	32	101,757	32
North Carolina	8	135,099	9	8	139,531	9	8	143,928	9
North Dakota	1		1	1		1	1		1
Ohio	19	150,552	20	19	161,078	20	19	171,509	20
Oregon	1	128,411	2	1	128,965	2	1	129,514	2
Pennsylvania	28	68,046	28	28	83,558	28	28	98,930	28
Rhode Island	1	160,150	2	1	160,704	2	1	161,253	2
South Carolina	6	39,013	6	6	42,377	6	6	45,631	6
South Dakota	1	143,452	2	1	144,006	2	1	144,555	2
Tennessee	9	99,314	9	9	104,300	9	9	109,241	10
Texas	12	11,251	12	12	17,899	12	12	24,487	12
Vermont	1	147,066	2	1	147,620	2	1	148,169	2
Virginia	8	173,132	9	8	177,564	9	8	181,956	9
Washington	1	164,034	2	1	164,588	2	1	165,137	2
West Virginia	4	21,370	4	4	23,586	4	4	25,782	4
Wisconsin	9	18,676	9	9	23,662	9	9	28,603	9
Wyoming	1		1	1		1	1		1

TABLE A.—Continued.

States.	337. Ratio, 1: 183,706. No. of Representatives on even division.	Fraction resulting.	Final number of Representatives.	338. Ratio, 1: 183,169. No. of Representatives on even division.	Fraction resulting.	Final number of Representatives.	339. Ratio, 1: 182,624. No. of Representatives on even division.	Fraction resulting.	Final number of Representatives.
United States	322	3,133,588	337	323	3,172,330	338	324	3,160,985	339
Alabama	8	43,369	8	8	47,721	8	8	52,041	8
Arkansas	6	25,943	6	6	29,207	6	6	32,447	6
California	6	105,894	6	6	109,158	6	6	112,398	6
Colorado	2	44,786	2	2	45,874	2	2	46,954	2
Connecticut	4	11,434	4	4	13,610	4	4	15,770	4
Delaware	1		1	1		1	1		1
Florida	2	24,010	2	2	25,098	2	2	26,178	2
Georgia	10	293	10	10	5,733	10	10	11,133	10
Idaho	1		1	1		1	1		1
Illinois	20	152,231	21	20	163,111	21	20	173,911	21
Indiana	11	171,638	12	11	177,622	12	12	940	12
Iowa	10	74,836	10	10	80,276	10	10	85,676	10
Kansas	7	141,154	8	7	144,962	8	7	148,742	8
Kentucky	10	21,575	10	10	27,015	10	10	32,415	10
Louisiana	6	16,351	6	6	19,615	6	6	22,855	6
Maine	3	109,968	3	3	111,600	3	3	113,220	3
Maryland	5	123,860	6	5	126,580	6	5	129,280	6
Massachusetts	12	34,471	12	12	40,999	12	12	47,479	12
Michigan	11	73,123	11	11	79,107	11	11	85,047	11
Minnesota	7	15,884	7	7	19,692	7	7	23,472	7
Mississippi	7	3,658	7	7	7,466	7	7	11,246	7
Missouri	14	107,300	14	14	114,916	14	14	122,476	15
Montana	1		1	1		1	1		1
Nebraska	5	140,380	6	5	143,100	6	5	145,800	6
Nevada	1		1	1		1	1		1
New Hampshire	2	9,118	2	2	10,206	2	2	11,288	2
New Jersey	7	158,991	8	7	162,799	8	7	166,579	8
New York	33	119,261	33	32	136,669	33	33	153,947	33
North Carolina	8	148,299	9	8	152,651	9	8	156,971	9
North Dakota	1		1	1		1	1	97	1
Ohio	19	181,902	20	20	9,076	20	20	19,876	20
Oregon	1	130,061	2	1	130,605	2	1	131,145	2
Pennsylvania	28	114,246	29	28	129,478	29	28	144,598	29
Rhode Island	1	161,800	2	1	162,344	2	1	162,884	2
South Carolina	6	48,913	6	6	52,177	6	6	55,417	6
South Dakota	1	145,102	2	1	145,646	2	1	146,186	2
Tennessee	9	114,164	9	9	119,060	10	9	123,920	10
Texas	12	31,051	12	12	37,579	12	12	44,059	12
Vermont	1	148,716	2	1	149,260	2	1	149,800	2
Virginia	9	2,626	9	9	7,522	9	9	12,382	9
Washington	1	165,684	2	1	166,228	2	1	166,768	2
West Virginia	4	27,970	4	4	30,146	4	4	32,306	4
Wisconsin	9	33,526	9	9	38,422	9	9	43,282	9
Wyoming	1		1	1		1	1		1

States.	340. Ratio, 1: 182,086. No. of Representatives on even division.	Fraction resulting.	Final number of Representatives.	341. Ratio, 1: 181,551. No. of Representatives on even division.	Fraction resulting.	Final number of Representatives.	342. Ratio, 1: 181,020. No. of Representatives on even division.	Fraction resulting.	Final number of Representatives.
United States	325	3,150,203	340	326	3,139,532	341	327	3,128,963	342
Alabama	8	56,337	8	8	60,609	8	8	64,857	8
Arkansas	6	35,669	6	6	38,873	6	6	42,059	6
California	6	115,620	7	6	118,824	7	6	122,010	7
Colorado	2	48,028	2	2	49,096	2	2	50,158	2
Connecticut	4	17,018	4	4	20,054	4	4	22,178	4
Delaware	1		1	1		1	1		1
Florida	2	27,312	2	2	28,320	2	2	29,382	2
Georgia	10	16,503	10	10	21,843	10	10	27,153	10
Idaho	1		1	1		1	1		1
Illinois	21	2,566	21	21	13,780	21	21	24,932	21
Indiana	12	7,384	12	12	13,792	12	12	20,164	12
Iowa	10	91,046	10	10	96,386	10	10	101,696	10
Kansas	7	152,501	8	7	156,239	8	7	159,956	8
Kentucky	10	37,785	10	10	43,125	10	10	48,435	10
Louisiana	6	26,077	6	6	29,281	6	6	32,467	6
Maine	3	114,831	3	3	116,433	4	3	118,026	4
Maryland	5	131,965	6	5	134,635	6	5	137,290	6
Massachusetts	12	53,923	12	12	60,331	12	12	66,703	12
Michigan	11	90,954	11	11	96,828	11	11	102,669	12
Minnesota	7	27,231	7	7	30,969	7	7	34,686	7
Mississippi	7	15,005	7	7	18,743	7	7	22,460	7
Missouri	14	129,924	15	14	137,470	15	14	144,904	15
Montana	1		1	1		1	1		1
Nebraska	5	148,485	6	5	151,155	6	5	153,810	6
Nevada	1		1	1		1	1		1
New Hampshire	2	12,360	2	2	13,428	2	2	14,490	2
New Jersey	7	170,338	8	7	174,076	8	7	177,793	8
New York	32	171,133	33	33	6,670	33	33	24,193	33
North Carolina	8	161,267	9	8	165,539	9	8	169,787	9
North Dakota	1	634	1	1	1,168	1	1	1,699	1
Ohio	20	30,606	20	20	41,296	20	20	51,916	20
Oregon	1	131,682	2	1	132,216	2	1	132,747	2
Pennsylvania	28	159,654	29	28	174,586	29	29	8,434	29
Rhode Island	1	163,421	2	1	163,955	2	1	164,486	2
South Carolina	6	58,639	6	6	61,843	6	6	65,029	6
South Dakota	1	146,723	2	1	147,257	2	1	147,788	2
Tennessee	9	128,753	10	9	133,559	10	9	138,338	10
Texas	12	50,503	12	12	56,911	12	12	63,282	12
Vermont	1	150,337	2	1	150,871	2	1	151,402	2
Virginia	9	17,215	9	9	22,021	9	9	26,800	9
Washington	1	167,305	2	1	167,839	2	1	168,370	2
West Virginia	4	34,454	4	4	36,590	4	4	38,714	4
Wisconsin	9	48,115	9	9	52,921	9	9	57,700	9
Wyoming	1		1	1		1	1		1

TABLE A.—Continued.

States.	343. Ratio, 1 : 180,492. No. of Representatives on even division.	Fraction resulting.	Final number of Representatives.	344. Ratio, 1 : 179,968. No. of Representatives on even division.	Fraction resulting.	Final number of Representatives.	345. Ratio, 1 : 179,446. No. of Representatives on even division.	Fraction resulting.	Final number of Representatives.
United States	328	3,118,487	343	328	3,287,739	344	329	3,276,899	345
Alabama	8	69,081	8	8	74,273	8	8	77,449	8
Arkansas	6	45,127	6	6	48,371	6	6	51,503	6
California	6	125,178	7	6	128,322	7	6	131,454	7
Colorado	2	51,214	2	2	52,362	2	2	53,306	2
Connecticut	4	24,290	4	4	26,386	4	4	28,474	4
Delaware	1		1	1		1	1		1
Florida	2	30,438	2	2	31,486	2	2	32,530	2
Georgia	10	32,433	10	10	37,672	10	10	42,893	10
Idaho	1		1	1		1	1		1
Illinois	21	36,019	21	21	47,023	21	21	57,985	21
Indiana	12	26,500	12	12	32,788	12	12	39,052	12
Iowa	10	106,976	11	10	112,216	11	10	117,436	11
Kansas	7	163,652	8	7	167,320	8	7	179,974	8
Kentucky	10	53,715	10	10	58,955	10	10	64,175	10
Louisiana	6	35,635	6	6	38,779	6	6	41,911	6
Maine	3	119,610	4	3	121,182	4	3	122,748	4
Maryland	5	139,930	6	5	142,550	6	5	145,160	6
Massachusetts	12	73,039	12	12	79,327	13	12	85,591	13
Michigan	11	108,477	12	11	114,241	12	11	119,983	12
Minnesota	7	38,382	7	7	42,050	7	7	45,704	7
Mississippi	7	26,156	7	7	29,824	7	7	33,478	7
Missouri	14	152,296	15	14	139,632	15	14	100,940	15
Montana	1		1	1		1	1		1
Nebraska	5	156,450	6	5	159,070	6	5	161,680	6
Nevada	1		1	1		1	1		1
New Hampshire	2	15,546	2	2	16,594	2	2	17,638	2
New Jersey	8	997	8	8	5,189	8	8	9,365	8
New York	33	41,617	33	33	58,909	33	33	76,135	33
North Carolina	8	174,011	9	8	178,203	9	9	2,933	9
North Dakota	1	2,227	1	1	2,751	1	1	3,273	1
Ohio	20	62,476	20	20	72,956	20	20	83,396	21
Oregon	1	133,275	2	1	133,799	2	1	134,321	2
Pennsylvania	29	23,746	29	29	38,942	29	29	54,080	29
Rhode Island	1	165,014	2	1	165,538	2	1	166,060	2
South Carolina	6	68,297	6	6	71,341	6	6	74,473	6
South Dakota	1	148,316	2	1	148,840	2	1	149,362	2
Tennessee	9	143,090	10	9	147,806	10	9	152,504	10
Texas	12	69,619	12	12	75,907	12	12	82,171	12
Vermont	1	151,930	2	1	152,454	2	1	152,976	2
Virginia	9	31,552	9	9	36,268	9	9	40,966	9
Washington	1	168,898	2	1	169,422	2	1	169,944	2
West Virginia	4	40,826	4	4	42,922	4	4	45,010	4
Wisconsin	9	62,452	9	9	67,168	9	9	71,866	9
Wyoming	1		1	1		1	1		1

States.	346. Ratio, 1 : 178,927. No. of Representatives on even division.	Fraction resulting.	Final number of Representatives.	347. Ratio, 1 : 178,412. No. of Representatives on even division.	Fraction resulting.	Final number of Representatives.	348. Ratio, 1 : 177,899. No. of Representatives on even division.	Fraction resulting.	Final number of Representatives.
United States	329	3,445,055	346	330	3,433,503	347	331	3,422,329	348
Alabama	8	81,601	8	8	85,721	8	8	89,825	8
Arkansas	6	54,617	6	6	57,707	6	6	60,785	6
California	6	134,568	7	6	137,658	7	6	140,736	7
Colorado	2	54,344	2	2	55,374	2	2	56,400	2
Connecticut	4	30,550	4	4	32,610	4	4	34,662	4
Delaware	1		1	1		1	1		1
Florida	2	33,568	2	2	34,598	2	2	35,624	2
Georgia	10	48,083	10	10	53,233	10	10	58,363	10
Idaho	1		1	1		1	1		1
Illinois	21	68,884	21	21	79,699	21	21	90,472	21
Indiana	12	45,280	12	12	51,460	12	12	57,616	12
Iowa	10	122,626	11	10	127,776	11	10	132,906	11
Kansas	7	174,607	8	7	178,212	8	8	3,904	8
Kentucky	10	69,365	10	10	74,515	10	10	79,645	10
Louisiana	6	45,025	6	6	48,115	6	6	51,193	6
Maine	3	124,305	4	3	125,850	4	3	127,389	4
Maryland	5	147,755	6	5	150,330	6	5	152,895	6
Massachusetts	12	91,819	13	12	97,999	13	12	104,155	13
Michigan	11	125,692	12	11	131,357	12	11	137,000	12
Minnesota	7	49,337	7	7	52,942	7	7	56,533	7
Mississippi	7	37,111	7	7	40,716	7	7	44,307	7
Missouri	14	174,206	15	15	3,004	15	15	10,699	15
Montana	1		1	1		1	1		1
Nebraska	5	164,275	6	5	166,850	6	5	169,415	6
Nevada	1		1	1		1	1		1
New Hampshire	2	18,676	2	2	19,706	2	2	20,732	2
New Jersey	8	13,517	8	8	17,637	8	8	21,741	8
New York	33	93,262	34	33	110,257	34	33	127,186	34
North Carolina	9	7,604	9	9	12,239	9	9	16,856	9
North Dakota	1	3,792	1	1	4,307	1	1	4,820	1
Ohio	20	93,776	21	20	104,076	21	20	114,336	21
Oregon	1	134,840	2	1	135,355	2	1	135,868	2
Pennsylvania	29	69,131	29	29	84,066	29	29	98,943	30
Rhode Island	1	166,579	2	1	167,094	2	1	167,607	2
South Carolina	6	77,587	6	6	80,677	6	6	83,755	6
South Dakota	1	149,881	2	1	150,396	2	1	150,909	2
Tennessee	9	157,175	10	9	161,810	10	9	166,427	10
Texas	12	88,399	12	12	94,579	13	12	100,735	13
Vermont	1	153,495	2	1	154,010	2	1	154,523	2
Virginia	9	45,637	9	9	50,272	9	9	54,889	9
Washington	1	170,463	2	1	170,978	2	1	171,491	2
West Virginia	4	47,086	4	4	49,146	4	4	51,198	4
Wisconsin	9	76,537	9	9	81,172	9	9	85,789	9
Wyoming	1		1	1		1	1		1

TABLE A.—Continued.

States.	349. Ratio, 1 : 177,389. No. of Representatives on even division.	Fraction resulting.	Final number of Representatives.	350. Ratio, 1 : 176,883. No. of Representatives on even division.	Fraction resulting.	Final number of Representatives.	351. Ratio, 1 : 176,379. No. of Representatives on even division.	Fraction resulting.	Final number of Representatives.
United States	331	3,588,589	349	331	3,753,545	350	333	3,565,091	351
Alabama	8	93,905	8	8	97,953	9	8	101,985	9
Arkansas	6	63,845	6	6	66,881	6	6	69,905	6
California	6	143,706	7	6	146,832	7	6	149,856	7
Colorado	2	57,420	2	2	58,432	2	2	59,440	2
Connecticut	4	36,702	4	4	38,726	4	4	40,742	4
Delaware	1		1	1		1	1		1
Florida	2	36,644	2	2	37,656	2	2	38,664	2
Georgia	10	63,463	10	10	68,523	10	10	73,563	10
Idaho	1		1	1		1	1		1
Illinois	21	101,182	22	21	111,808	22	21	122,392	22
Indiana	12	63,736	12	12	69,808	12	12	75,856	12
Iowa	10	138,006	11	10	143,066	11	10	148,106	11
Kansas	8	7,984	8	8	12,032	8	8	16,064	8
Kentucky	10	81,745	10	10	89,805	10	10	94,845	10
Louisiana	6	54,253	6	6	57,280	6	6	60,313	6
Maine	3	128,919	4	3	130,437	4	3	131,949	4
Maryland	5	155,445	6	5	157,975	6	5	160,495	6
Massachusetts	12	110,275	13	12	116,347	13	12	122,395	13
Michigan	11	142,610	12	11	148,176	12	11	153,720	12
Minnesota	7	60,103	7	7	63,645	7	7	67,173	7
Mississippi	7	47,877	7	7	51,419	7	7	54,947	7
Missouri	15	18,349	15	15	25,939	15	15	33,499	15
Montana	1		1	1		1	1		1
Nebraska	5	171,965	6	5	174,495	6	6	636	6
Nevada	1		1	1		1	1		1
New Hampshire	2	21,752	2	2	22,764	2	2	23,772	2
New Jersey	8	25,821	8	8	29,869	8	8	33,901	8
New York	33	144,016	34	33	160,714	34	34	967	34
North Carolina	9	21,446	9	9	26,000	9	9	30,536	9
North Dakota	1	5,330	1	1	5,836	1	1	6,340	1
Ohio	20	124,536	21	20	134,656	21	20	144,736	21
Oregon	1	136,378	2	1	136,884	2	1	137,388	2
Pennsylvania	29	113,733	30	29	128,407	30	29	143,023	3
Rhode Island	1	168,117	2	1	168,623	2	1	169,127	2
South Carolina	6	86,815	6	6	89,851	6	6	92,875	6
South Dakota	1	151,419	2	1	151,925	2	1	152,429	2
Tennessee	9	171,017	10	9	175,571	10	9	180,107	10
Texas	12	106,855	13	12	112,927	13	12	118,975	13
Vermont	1	155,033	2	1	155,589	2	1	156,043	2
Virginia	9	59,479	9	9	64,033	9	9	68,569	9
Washington	1	172,001	2	1	172,507	2	1	173,011	2
West Virginia	4	53,238	4	4	55,262	4	4	57,278	4
Wisconsin	9	90,319	9	9	94,933	9	9	99,469	10
Wyoming	1		1	1		1	1		1

States.	352. Ratio, 1 : 175,878. No. of Representatives on even division.	Fraction resulting.	Final number of Representatives.	353. Ratio, 1 : 175,379. No. of Representatives on even division.	Fraction resulting.	Final number of Representatives.	354. Ratio, 1 : 174,884. No. of Representatives on even division.	Fraction resulting.	Final number of Representatives.
United States	334	3,553,541	352	334	3,717,712	353	335	3,705,683	354
Alabama	8	105,993	9	8	109,985	9	8	113,945	9
Arkansas	6	72,911	6	6	75,905	6	6	78,875	6
California	6	152,862	7	6	155,856	7	6	158,826	7
Colorado	2	60,442	2	2	61,440	2	2	62,430	2
Connecticut	4	42,746	4	4	44,742	4	4	46,722	4
Delaware	1		1	1		1	1		1
Florida	2	39,666	2	2	40,664	2	2	41,654	2
Georgia	10	78,573	10	10	83,563	10	10	88,513	10
Idaho	1		1	1		1	1		1
Illinois	21	132,913	22	21	143,392	22	21	153,787	22
Indiana	12	81,868	12	12	87,856	12	12	93,796	13
Iowa	10	153,116	11	10	158,106	11	10	163,056	11
Kansas	8	20,072	8	8	24,064	8	8	28,024	8
Kentucky	10	99,855	11	10	104,845	11	10	109,795	11
Louisiana	6	63,319	6	6	66,313	6	6	69,283	6
Maine	3	133,452	4	3	134,949	4	3	136,434	4
Maryland	5	163,000	6	5	165,495	6	5	167,970	6
Massachusetts	12	128,407	13	12	134,395	13	12	140,335	13
Michigan	11	159,231	12	11	164,720	12	11	170,165	12
Minnesota	7	70,680	7	7	75,173	7	7	77,638	7
Mississippi	7	58,454	7	7	61,947	7	7	65,412	7
Missouri	15	41,014	15	15	48,499	15	15	55,924	15
Montana	1		1	1		1	1		1
Nebraska	6	3,642	6	6	6,636	6	6	9,606	6
Nevada	1		1	1		1	1		1
New Hampshire	2	22,774	2	2	25,772	2	2	26,762	2
New Jersey	8	37,909	8	8	41,901	8	8	45,861	8
New York	34	18,001	34	34	34,967	34	34	51,797	34
North Carolina	9	35,045	9	9	39,536	9	9	43,991	9
North Dakota	1	6,841	1	1	7,340	1	1	7,835	1
Ohio	20	154,756	21	20	164,736	21	20	174,636	21
Oregon	1	137,889	2	1	138,388	2	1	138,883	2
Pennsylvania	29	157,552	30	29	172,023	30	30	11,494	30
Rhode Island	1	169,628	2	1	170,127	2	1	170,622	2
South Carolina	6	95,881	6	6	98,875	7	6	101,845	7
South Dakota	1	152,930	2	1	153,429	2	1	153,924	2
Tennessee	10	8,738	10	10	13,728	10	10	18,678	10
Texas	12	124,987	13	12	130,975	13	12	136,915	13
Vermont	1	156,544	2	1	157,043	2	1	157,538	2
Virginia	9	73,078	9	9	77,569	9	9	82,024	9
Washington	1	173,512	2	1	174,011	2	1	174,506	2
West Virginia	4	59,282	4	4	61,278	4	4	63,258	4
Wisconsin	9	103,978	10	9	108,469	10	9	112,924	10
Wyoming	1		1	1		1	1		1

TABLE A.—Continued.

States.	355. Ratio, 1 : 174,391. No. of Representatives on even division.	355. Ratio, 1 : 174,391. Fraction resulting.	355. Ratio, 1 : 174,391. Final number of Representative.	356. Ratio, 1 : 173,901. No. of Representatives on even division.	356. Ratio, 1 : 173,901. Fraction resulting.	356. Ratio, 1 : 173,901. Final number of Representatives.	357. Ratio, 1 : 173,414. No. of Representatives on even division.	357. Ratio, 1 : 173,414. Fraction resulting.	357. Ratio, 1 : 173,414. Final number of Representatives.
United States	338	3,345,200	355	339	3,334,469	356	341	3,150,299	357
Alabama	8	117,889	9	8	121,809	9	8	125,705	9
Arkansas	6	81,833	6	6	84,773	6	6	87,695	6
California	6	161,784	7	6	164,724	7	6	167,646	7
Colorado	2	63,416	2	2	64,396	2	2	65,370	2
Connecticut	4	48,694	4	4	50,654	4	4	52,602	4
Delaware	1		1	1		1	1		1
Florida	2	42,640	2	2	43,620	2	2	44,594	2
Georgia	10	98,443	11	10	98,343	11	10	103,213	11
Idaho	1		1	1		1	1		1
Illinois	21	164,140	22	22	629	22	22	11,243	22
Indiana	12	99,712	13	12	105,592	13	12	111,436	13
Iowa	10	167,986	11	10	172,886	11	11	4,342	11
Kansas	8	81,968	8	8	85,888	8	8	89,784	8
Kentucky	10	114,725	11	10	119,625	11	10	124,495	11
Louisiana	6	72,241	6	6	76,181	6	6	78,103	6
Maine	3	137,913	4	3	139,383	4	3	140,844	4
Maryland	5	170,435	6	5	172,885	6	6	1,906	6
Massachusetts	12	146,251	13	12	152,131	13	12	157,975	13
Michigan	12	1,197	12	12	7,077	12	12	12,921	12
Minnesota	7	81,089	7	7	84,519	7	7	87,928	7
Mississippi	7	68,863	7	7	72,293	7	7	75,702	7
Missouri	15	63,319	15	15	70,669	15	15	77,974	15
Montana	1		1	1		1	1		1
Nebraska	6	12,564	6	6	15,504	6	6	18,426	6
Nevada	1		1	1		1	1		1
New Hampshire	2	27,748	2	2	28,728	2	2	29,702	2
New Jersey	8	49,805	8	8	53,725	8	8	57,621	8
New York	34	68,559	34	34	85,219	34	34	101,777	35
North Carolina	9	48,428	9	9	52,328	9	9	57,221	9
North Dakota	1	8,328	1	1	8,818	1	1	9,305	1
Ohio	21	10,105	21	21	20,305	21	21	30,622	21
Oregon	1	139,376	2	1	139,866	2	1	140,353	2
Pennsylvania	30	26,284	30	30	40,984	30	30	55,594	30
Rhode Island	1	171,115	2	1	171,605	2	1	172,092	2
South Carolina	6	104,803	7	6	107,743	7	6	110,665	7
South Dakota	1	154,417	2	1	154,907	2	1	155,394	2
Tennessee	10	23,608	10	10	28,508	10	10	33,378	10
Texas	13	142,831	13	12	148,711	13	12	154,555	13
Vermont	1	156,031	2	1	158,521	2	1	159,008	2
Virginia	9	86,461	9	9	90,871	10	9	95,254	10
Washington	2	608	2	2	1,588	2	2	2,562	2
West Virginia	4	65,230	4	4	67,190	4	4	69,138	4
Wisconsin	9	117,361	40	9	121,771	10	9	126,154	10
Wyoming	1		1	1		1	1		1

States.	358. Ratio, 1 : 172,930. No. of Representatives on even division.	358. Ratio, 1 : 172,930. Fraction resulting.	358. Ratio, 1 : 172,930. Final number of Representative.	359. Ratio, 1 : 172,448. No. of Representatives on even division.	359. Ratio, 1 : 172,448. Fraction resulting.	359. Ratio, 1 : 172,448. Final number of Representatives.	360. Ratio, 1 : 171,969. No. of Representatives on even division.	360. Ratio, 1 : 171,969. Fraction resulting.	360. Ratio, 1 : 171,969. Final number of Representatives.
United States	341	3,312,923	358	342	3,302,427	359	344	3,119,942	360
Alabama	8	129,577	9	8	133,438	9	8	137,265	9
Arkansas	6	90,599	6	6	93,491	7	6	96,365	6
California	6	170,559	7	6	994	7	7	4,847	7
Colorado	2	66,338	2	2	67,302	2	2	68,260	2
Connecticut	4	54,938	4	4	56,466	4	4	58,992	4
Delaware	1		1	1		1	1		1
Florida	2	45,562	2	2	46,526	2	2	47,484	2
Georgia	10	108,053	11	10	112,873	11	10	117,668	11
Idaho	1		1	1		1	1		1
Illinois	22	21,891	22	22	32,495	22	22	43,033	22
Indiana	12	117,244	13	12	123,028	13	12	128,776	13
Iowa	11	9,666	11	11	14,968	11	11	20,237	11
Kansas	8	43,656	8	8	47,512	8	8	51,344	8
Kentucky	10	129,335	11	10	134,155	11	10	138,945	11
Louisiana	6	81,007	6	6	83,899	6	6	86,773	6
Maine	3	142,296	4	3	143,742	4	3	145,179	4
Maryland	6	4,810	6	6	7,702	6	6	10,576	6
Massachusetts	12	163,783	13	12	169,567	13	13	3,346	13
Michigan	12	18,729	12	12	24,513	12	12	30,261	12
Minnesota	7	91,316	8	7	94,690	8	7	98,043	8
Mississippi	7	79,090	7	7	82,494	7	7	85,817	7
Missouri	15	85,234	15	15	92,464	15	15	99,649	16
Montana	1		1	1		1	1		1
Nebraska	6	21,330	6	6	24,222	6	6	27,095	6
Nevada	1		1	1		1	1		1
New Hampshire	2	30,670	2	2	31,634	2	2	32,592	2
New Jersey	8	61,493	8	8	65,349	8	8	69,181	8
New York	34	118,233	35	34	124,021	35	34	150,907	35
North Carolina	9	61,577	9	9	65,915	9	9	70,226	9
North Dakota	1	9,789	1	1	10,271	1	1	10,750	1
Ohio	21	40,786	21	21	50,908	21	21	60,967	21
Oregon	1	140,837	2	1	141,319	2	1	141,798	2
Pennsylvania	30	70,114	30	30	84,574	30	30	98,944	31
Rhode Island	1	172,576	2	2	610	2	2	1,368	2
South Carolina	6	113,589	7	6	116,461	7	6	119,335	7
South Dakota	1	155,878	2	1	156,360	2	1	156,839	2
Tennessee	10	38,218	10	10	43,038	10	10	47,828	10
Texas	12	160,993	13	12	166,147	13	12	171,295	13
Vermont	1	159,492	2	1	159,974	2	1	160,453	2
Virginia	9	99,610	10	9	103,948	10	9	108,259	10
Washington	2	3,530	2	2	4,494	2	2	5,452	2
West Virginia	4	71,074	4	4	73,002	4	4	74,918	4
Wisconsin	9	130,510	10	9	134,848	10	9	139,159	10
Wyoming	1		1	1		1	1		1

TABLE A.—Continued.

States.	361. Ratio, 1 : 171,493. No. of Representatives on even division.	361. Ratio, 1 : 171,493. Fraction resulting.	361. Ratio, 1 : 171,493. Final number of Representatives.	362. Ratio, 1 : 171,019. No. of Representatives on even division.	362. Ratio, 1 : 171,019. Fraction resulting.	362. Ratio, 1 : 171,019. Final number of Representatives.	363. Ratio, 1 : 170,548. No. of Representatives on even division.	363. Ratio, 1 : 170,548. Fraction resulting.	363. Ratio, 1 : 170,548. Final number of Representatives.
United States	345	3,109,783	361	346	3,099,924	362	346	3,260,535	363
Alabama	8	141,073	9	8	144,865	9	8	148,633	9
Arkansas	6	99,221	7	6	102,065	7	6	104,891	7
California	7	7,679	7	7	10,997	7	7	14,294	7
Colorado	2	69,212	2	2	70,160	2	2	71,102	2
Connecticut	4	60,286	4	4	62,182	4	4	64,066	4
Delaware	1		1	1		1	1		1
Florida	2	48,436	2	2	49,384	2	2	50,326	2
Georgia	10	122,423	11	10	127,163	11	10	131,873	11
Idaho	1		1	1		1	1		1
Illinois	22	53,505	22	22	63,933	22	22	74,295	22
Indiana	12	134,488	13	12	140,176	13	12	145,828	13
Iowa	11	25,473	11	11	30,687	11	11	35,868	11
Kansas	8	55,152	8	8	58,944	8	8	62,712	8
Kentucky	10	143,705	11	10	148,445	11	10	153,155	11
Louisiana	6	89,629	6	6	92,473	7	6	95,299	7
Maine	3	146,607	4	3	148,029	4	3	149,442	4
Maryland	6	13,432	6	6	16,276	6	6	19,102	6
Massachusetts	13	9,534	13	13	15,096	13	13	21,819	13
Michigan	12	35,973	12	12	41,661	12	12	47,313	12
Minnesota	7	101,375	8	7	104,693	8	7	107,990	8
Mississippi	7	89,149	7	7	92,467	7	7	95,764	8
Missouri	15	106,789	16	15	113,899	16	15	120,964	16
Montana	1		1	1		1	1		1
Nebraska	6	29,932	6	6	32,796	6	6	35,622	6
Nevada	1		1	1		1	1		1
New Hampshire	2	33,544	2	2	34,492	2	2	35,434	2
New Jersey	8	72,989	8	8	76,781	8	8	80,549	8
New York	34	167,091	35	35	12,188	35	35	28,673	35
North Carolina	9	74,510	9	9	78,776	9	9	83,015	9
North Dakota	1	11,226	1	1	11,800	1	1	12,171	1
Ohio	21	70,963	21	21	80,917	21	21	90,808	21
Oregon	1	142,274	2	1	142,748	2	1	143,219	2
Pennsylvania	30	113,224	31	30	127,444	31	30	141,574	31
Rhode Island	2	2,520	2	2	3,468	2	2	4,410	2
South Carolina	6	122,191	7	6	125,035	7	6	127,861	7
South Dakota	1	157,315	2	1	157,789	2	1	158,260	2
Tennessee	10	52,588	10	10	57,328	10	10	62,038	10
Texas	13	6,114	13	13	12,276	13	13	18,399	13
Vermont	1	160,929	2	1	161,403	2	1	161,874	2
Virginia	9	112,543	10	9	116,809	10	9	121,048	10
Washington	2	6,404	2	2	7,352	2	2	8,294	2
West Virginia	4	76,822	4	4	78,718	4	4	80,602	4
Wisconsin	9	143,443	10	9	147,709	10	9	151,948	10
Wyoming	1		1	1		1	1		1

States.	364. Ratio, 1 : 170,079. No. of Representatives on even division.	364. Ratio, 1 : 170,079. Fraction resulting.	364. Ratio, 1 : 170,079. Final number of Representative.	365. Ratio, 1 : 169,613. No. of Representatives on even division.	365. Ratio, 1 : 169,613. Fraction resulting.	365. Ratio, 1 : 169,613. Final number of Representatives.	366. Ratio, 1 : 169,150. No. of Representatives on even division.	366. Ratio, 1 : 169,150. Fraction resulting.	366. Ratio, 1 : 169,150. Final number of Representatives.
United States	346	3,420,464	364	347	3,409,757	365	347	3,568,103	366
Alabama	8	152,385	9	8	156,113	9	8	159,817	9
Arkansas	6	107,705	7	6	110,501	7	6	113,269	7
California	7	17,577	7	7	20,839	7	7	24,080	7
Colorado	2	72,040	2	2	72,972	2	2	73,898	2
Connecticut	4	65,942	4	4	67,806	4	4	69,658	4
Delaware	1		1	1		1	1		1
Florida	2	51,264	2	2	52,196	2	2	53,122	2
Georgia	10	136,563	11	10	141,223	11	10	145,853	11
Idaho	1		1	1		1	1		1
Illinois	22	84,613	22	22	94,865	23	22	105,051	23
Indiana	12	151,456	13	12	157,048	13	12	162,604	13
Iowa	11	41,027	11	11	46,153	11	11	51,246	11
Kansas	8	66,464	8	8	70,192	8	8	73,896	8
Kentucky	10	157,845	11	10	162,505	11	10	167,135	11
Louisiana	6	98,113	7	6	100,909	7	6	103,687	7
Maine	3	150,849	4	3	152,247	4	3	153,636	4
Maryland	6	21,916	6	6	24,712	6	6	27,490	6
Massachusetts	13	27,916	13	13	33,974	13	13	39,993	13
Michigan	12	52,941	12	12	58,533	12	12	64,089	12
Minnesota	7	111,273	8	7	114,535	8	7	117,776	8
Mississippi	7	99,047	8	7	102,309	8	7	105,550	8
Missouri	15	127,999	16	15	134,989	16	15	141,934	16
Montana	1		1	1		1	1		1
Nebraska	6	38,436	6	6	41,232	6	6	44,010	6
Nevada	1		1	1		1	1		1
New Hampshire	2	36,372	2	2	37,304	2	2	38,230	2
New Jersey	8	84,301	8	8	88,029	8	8	91,733	8
New York	35	45,088	35	35	61,398	35	35	77,603	35
North Carolina	9	87,236	9	9	91,430	9	9	95,597	10
North Dakota	1	12,640	1	1	13,106	1	1	13,569	1
Ohio	21	100,657	23	21	110,443	22	21	120,166	22
Oregon	1	143,688	2	1	144,154	2	1	144,617	2
Pennsylvania	30	155,044	31	31	11	31	31	14,364	31
Rhode Island	2	5,348	2	2	6,280	2	2	7,206	2
South Carolina	6	130,675	7	6	133,471	7	6	136,249	7
South Dakota	1	158,729	2	1	159,195	2	1	159,658	2
Tennessee	10	66,728	10	10	71,388	10	10	76,018	10
Texas	13	24,496	13	13	30,554	13	13	36,573	13
Vermont	1	162,343	2	1	162,809	2	1	163,272	2
Virginia	9	125,269	10	9	129,463	10	9	133,630	10
Washington	2	9,232	2	2	10,164	2	2	11,090	2
West Virginia	4	82,478	4	4	84,342	4	4	86,194	4
Wisconsin	9	156,169	10	9	160,363	10	9	164,530	10
Wyoming	1		1	1		1	1		1

TABLE A.—Continued.

States.	367. Ratio, 1: 168,689. No. of Representatives on even division.	367. Fraction resulting.	367. Final number of Representatives.	368. Ratio, 1: 168,231. No. of Representatives on even division.	368. Fraction resulting.	368. Final number of Representatives.	369. Ratio, 1: 167,775. No. of Representatives on even division.	369. Fraction resulting.	369. Final number of Representatives.
United States	348	3,557,076	367	350	3,377,970	368	351	3,367,971	369
Alabama	8	163,505	9	8	167,169	9	9	3,042	9
Arkansas	6	116,045	7	6	118,793	7	6	121,529	2
California	7	27,307	7	7	30,513	7	7	33,705	4
Colorado	2	74,820	2	2	75,736	2	2	76,648	1
Connecticut	4	71,502	4	4	73,334	4	4	75,158	2
Delaware	1		1	1	262	1	1	718	1
Florida	2	54,044	2	2	54,960	2	2	55,872	1
Georgia	10	150,463	11	10	153,043	11	10	159,603	17
Idaho	1		1	1		1	1		7
Illinois	22	115,193	22	22	125,269	23	22	135,301	23
Indiana	12	168,136	13	13	5,401	13	13	11,329	13
Iowa	11	56,317	11	11	61,355	11	11	66,371	11
Kansas	8	77,584	8	8	81,248	8	8	84,896	8
Kentucky	11	2,056	11	11	8,094	11	11	13,110	11
Louisiana	6	106,453	7	6	109,201	7	6	111,937	7
Maine	3	155,019	4	3	156,393	4	3	157,761	4
Maryland	6	30,256	6	6	33,004	6	6	35,740	6
Massachusetts	13	45,386	13	13	51,940	12	13	57,868	13
Michigan	12	69,421	12	12	75,117	12	12	80,589	12
Minnesota	7	121,003	8	7	124,209	8	7	127,401	8
Mississippi	7	108,777	8	7	111,963	8	7	115,175	6
Missouri	15	148,849	16	15	155,719	16	15	162,559	16
Montana	1		1	1		1	1		1
Nebraska	6	46,776	6	6	49,524	6	6	52,260	6
Nevada	1		1	1		1	1		1
New Hampshire	2	39,152	2	2	40,068	2	2	40,980	2
New Jersey	8	95,421	9	8	99,085	9	8	102,733	9
New York	35	93,738	35	35	109,768	36	35	125,728	36
North Carolina	9	99,746	10	9	103,868	10	9	107,972	10
North Dakota	1	14,030	1	1	14,488	1	1	14,944	1
Ohio	21	129,847	22	21	139,465	22	21	149,041	22
Oregon	1	145,078	2	1	145,536	2	1	145,992	2
Pennsylvania	31	28,655	31	31	42,553	31	31	56,989	31
Rhode Island	2	8,128	2	2	9,044	2	2	9,956	2
South Carolina	6	139,015	7	6	141,763	7	6	144,499	7
South Dakota	1	160,119	2	1	160,577	2	1	161,033	2
Tennessee	10	80,628	10	10	85,208	10	10	89,768	10
Texas	13	42,566	13	13	48,520	13	13	53,448	13
Vermont	1	163,733	2	1	164,191	2	1	164,647	2
Virginia	9	137,779	10	9	141,901	10	9	146,005	10
Washington	2	12,012	2	2	12,928	2	2	13,840	2
West Virginia	4	88,038	4	4	89,870	4	4	91,694	5
Wisconsin	9	168,679	10	10	4,570	10	10	9,130	10
Wyoming	1		1	1		1	1		1

States.	370. Ratio, 1: 167,321. No. of Representatives on even division.	370. Fraction resulting.	370. Final number of Representatives.	371. Ratio, 1: 166,870. No. of Representatives on even division.	371. Fraction resulting.	371. Final number of Representatives.	372. Ratio, 1: 166,422. No. of Representatives on even division.	372. Fraction resulting.	372. Final number of Representatives.
United States	352	3,358,188	370	354	3,181,396	371	355	3,171,774	372
Alabama	9	7,128	9	9	11,187	9	9	15,219	9
Arkansas	6	124,253	7	6	126,959	7	6	129,647	7
California	7	36,883	7	7	49,040	7	7	43,176	7
Colorado	2	77,556	2	2	78,458	2	2	79,354	2
Connecticut	4	76,974	4	4	78,778	4	4	80,570	4
Delaware	1	1,172	1	1	1,023	1	1	2,071	1
Florida	2	56,780	2	2	57,682	2	2	58,578	2
Georgia	10	164,143	11	11	1,783	11	11	6,711	11
Idaho	1		1	1		1	1		1
Illinois	22	145,289	23	22	155,211	23	22	165,067	23
Indiana	13	17,231	13	13	23,094	13	13	28,918	13
Iowa	11	71,365	11	11	76,326	11	11	81,254	11
Kansas	8	88,328	8	8	92,136	9	8	95,720	8
Kentucky	11	18,104	11	11	23,063	11	11	27,993	11
Louisiana	6	114,661	7	6	117,367	7	6	120,055	7
Maine	3	159,123	4	3	160,476	4	3	161,820	4
Maryland	6	38,464	6	6	41,170	6	6	43,850	6
Massachusetts	13	63,770	13	13	69,633	13	13	75,457	13
Michigan	12	86,037	12	12	91,449	12	12	96,825	13
Minnesota	7	130,579	8	7	133,736	8	7	136,873	8
Mississippi	7	118,353	8	7	121,510	8	7	124,646	8
Missouri	16	2,048	16	16	9,264	16	16	16,432	16
Montana	1		1	1		1	1		1
Nebraska	6	54,984	6	6	57,690	6	6	60,378	6
Nevada	1		1	1		1	1		1
New Hampshire	2	41,888	2	2	42,790	2	2	43,686	2
New Jersey	8	106,365	9	8	109,973	9	8	113,597	9
New York	35	141,618	36	35	157,403	36	36	6,661	36
North Carolina	9	112,058	10	9	116,117	10	9	120,149	10
North Dakota	1	15,398	1	1	15,849	1	1	16,297	1
Ohio	21	158,575	22	22	1,176	22	22	11,632	22
Oregon	1	146,446	2	1	146,897	2	1	147,345	2
Pennsylvania	31	71,063	31	31	85,044	31	31	98,932	32
Rhode Island	2	10,864	2	2	11,766	2	2	12,662	2
South Carolina	6	147,223	7	6	149,929	7	6	152,617	7
South Dakota	1	161,487	2	1	161,933	2	1	162,386	2
Tennessee	10	94,308	11	10	98,818	11	10	103,298	11
Texas	13	60,350	13	13	65,213	13	13	72,037	13
Vermont	1	165,101	2	1	165,552	2	1	166,000	2
Virginia	9	150,091	10	9	154,150	10	9	158,182	10
Washington	2	14,748	2	2	15,650	2	2	16,546	2
West Virginia	4	93,510	5	4	93,314	5	4	97,106	5
Wisconsin	10	13,670	10	10	18,180	10	10	22,660	10
Wyoming	1		1	1		1	1		1

TABLE A.—Continued.

States.	373. Ratio, 1: 165,976. No. of Representatives on even division.	373. Fraction resulting.	373. Final number of Representatives.	374. Ratio, 1: 165,532. No. of Representatives on even division.	374. Fraction resulting.	374. Final number of Representatives.	375. Ratio, 1: 165,090. No. of Representatives on even division.	375. Fraction resulting.	375. Final number of Representatives.
United States	357	2,996,368	373	358	2,987,568	374	359	2,978,946	375
Alabama	9	19,233	9	9	23,229	9	9	27,207	9
Arkansas	6	132,323	7	6	134,987	7	6	137,639	7
California	7	46,298	7	7	49,406	7	7	52,500	7
Colorado	2	80,246	2	2	81,134	2	2	82,018	2
Connecticut	4	82,354	4	4	84,130	4	4	85,898	4
Delaware	1	2,517	1	1	2,961	1	1	3,403	1
Florida	2	59,470	2	2	60,358	2	2	61,242	2
Georgia	11	11,617	11	11	16,504	11	11	21,363	11
Idaho	1		1	1		1	1		1
Illinois	23	8,903	23	23	19,115	23	23	29,281	23
Indiana	13	34,716	13	13	40,488	13	13	46,234	13
Iowa	11	86,160	11	11	91,044	12	11	95,906	12
Kansas	8	99,288	9	8	102,840	9	8	106,376	9
Kentucky	11	32,899	11	11	37,783	11	11	42,645	11
Louisiana	6	122,731	7	6	125,395	7	6	128,047	7
Maine	3	163,158	4	3	164,490	4	4	726	4
Maryland	6	46,534	6	6	49,198	6	6	51,850	6
Massachusetts	13	81,235	13	13	87,027	13	13	92,773	14
Michigan	12	102,177	13	12	107,505	13	12	112,809	13
Minnesota	7	139,994	8	7	143,102	8	7	146,196	8
Mississippi	7	127,768	8	7	130,876	8	7	133,970	8
Missouri	16	23,568	16	16	30,672	16	16	37,744	16
Montana	1		1	1		1	1		1
Nebraska	6	63,054	6	6	65,718	6	6	68,370	6
Nevada	1		1	1		1	1		1
New Hampshire	2	44,578	2	2	45,466	2	2	46,350	2
New Jersey	8	117,125	9	8	120,677	9	8	124,213	9
New York	36	22,717	36	36	38,701	36	36	54,613	36
North Carolina	9	124,162	10	9	128,159	10	9	132,137	10
North Dakota	1	16,743	1	1	17,187	1	1	17,629	1
Ohio	22	30,844	22	22	30,612	22	22	40,336	22
Oregon	1	147,791	2	1	148,235	2	1	148,677	2
Pennsylvania	31	112,758	32	31	126,522	32	31	140,224	32
Rhode Island	2	13,554	2	2	14,442	2	2	15,326	2
South Carolina	6	155,293	7	6	157,957	7	6	160,609	7
South Dakota	1	162,832	2	1	163,276	2	1	163,718	2
Tennessee	10	107,758	11	10	112,198	11	10	116,618	11
Texas	13	77,835	13	13	83,607	13	13	89,353	13
Vermont	2	470	2	2	1,358	2	2	2,242	2
Virginia	9	162,196	10	10	660	10	10	5,080	10
Washington	2	17,438	2	2	18,326	2	2	19,210	2
West Virginia	4	98,890	5	4	100,666	5	4	102,434	5
Wisconsin	10	27,120	10	10	31,560	10	10	35,980	10
Wyoming	1		1	1		1	1		1

ROBERT P. PORTER,
Superintendent of Census.

TABLE B.—*Present members of Congress and compendium of members under census of 1890 from 332 to 375.*

States.	Present number.	332.	333.	334.	335.	336.	337.	338.	339.	340.	341.	342.	343.	344.	345.
Alabama	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8
Arkansas	7	6	6	6	6	6	6	6	6	6	6	6	6	6	6
California	7	6	6	6	6	6	6	6	6	7	7	7	7	7	7
Colorado	2	1	2	2	2	2	2	2	2	2	2	2	2	2	2
Connecticut	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
Delaware	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Florida	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Georgia	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
Idaho	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Illinois	20	20	20	21	21	21	21	21	21	21	21	21	21	21	21
Indiana	13	12	12	12	12	12	12	12	12	12	12	12	12	12	12
Iowa	11	10	10	10	10	10	10	10	10	10	10	10	11	11	11
Kansas	7	7	8	8	8	8	8	8	8	8	8	8	8	8	8
Kentucky	11	10	10	10	10	10	10	10	10	10	10	10	10	10	10
Louisiana	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6
Maine	4	3	3	3	3	3	3	3	3	3	4	4	4	4	4
Maryland	6	5	5	5	6	6	6	6	6	6	6	6	6	6	6
Massachusetts	12	12	12	12	12	12	12	12	12	12	12	12	12	13	13
Michigan	11	11	11	11	11	11	11	11	11	11	11	12	12	12	12
Minnesota	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7
Mississippi	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7
Missouri	14	14	14	14	14	14	14	14	15	15	15	15	15	15	15
Montana	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Nebraska	6	3	6	6	6	6	6	6	6	6	6	6	6	6	6
Nevada	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
New Hampshire	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
New Jersey	7	8	8	8	8	8	8	8	8	8	8	8	8	8	8
New York	34	32	32	32	32	32	33	33	35	33	33	33	33	33	33
North Carolina	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9
North Dakota	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Ohio	21	20	20	20	20	20	20	20	20	20	20	20	20	20	21
Oregon	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Pennsylvania	28	28	28	28	28	28	29	29	29	29	29	29	29	29	22
Rhode Island	2	2	2	2	2	2	2	2	2	2	2	2	2	2	9

TABLE B.—Continued.

States.	Present number.	332.	333.	334.	335.	336.	337.	338.	339.	340.	341.	342.	343.	344.	345.
South Carolina	7	6	6	6	6	6	6	6	6	6	6	6	6	6	6
South Dakota	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Tennessee	10	9	9	9	9	9	10	10	10	10	10	10	10	10	10
Texas	11	12	12	12	12	12	12	12	12	12	12	12	12	12	12
Vermont	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Virginia	10	9	9	9	9	9	9	9	9	9	9	9	9	9	9
Washington	1	2	2	2	2	2	2	2	2	2	2	2	2	2	2
West Virginia	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
Wisconsin	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9
Wyoming	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Total	332	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

States.	346.	347.	348	349.	350.	351.	352.	353.	354.	355.	356.	357.	358.	359.	360.
Alabama	8	8	8	8	9	9	9	9	9	9	9	9	9	9	9
Arkansas	6	6	6	6	6	6	6	6	6	6	6	6	6	7	6
California	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7
Colorado	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Connecticut	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
Delaware	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Florida	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Georgia	10	10	10	10	10	10	10	10	10	11	11	11	11	11	11
Idaho	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Illinois	21	21	21	22	22	22	22	22	22	22	22	22	22	22	22
Indiana	12	12	12	12	12	12	12	12	13	13	13	13	13	13	13
Iowa	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11
Kansas	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8
Kentucky	10	10	10	10	10	10	11	11	11	11	11	11	11	11	11
Louisiana	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6
Maine	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
Maryland	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6
Massachusetts	13	13	13	13	13	13	13	13	13	13	13	13	13	13	13
Michigan	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12
Minnesota	7	7	7	7	7	7	7	7	7	7	7	7	8	8	8
Mississippi	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7
Missouri	15	15	15	15	15	15	15	15	15	15	15	15	15	15	16
Montana	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Nebraska	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6
Nevada	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
N. Hampshire	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
New Jersey	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8
New York	34	34	34	34	34	34	34	34	34	34	34	35	35	35	35
North Carolina	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9
North Dakota	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Ohio	21	21	21	12	21	21	21	21	21	21	21	21	21	21	21
Oregon	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Pennsylvania	29	29	30	30	30	30	30	30	30	30	30	30	30	30	31
Rhode Island	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
South Carolina	6	6	6	6	6	6	6	7	7	7	7	7	7	7	7
South Dakota	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Tennessee	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
Texas	12	13	13	13	13	13	13	13	13	13	13	13	13	13	13
Vermont	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Virginia	9	9	9	9	9	9	9	9	9	9	10	10	10	10	10
Washington	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
West Virginia	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
Wisconsin	9	9	9	9	9	10	10	10	10	10	10	10	10	10	10
Wyoming	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1

States.	361.	362.	363.	364.	365.	366.	367.	368.	369.	370.	371.	372.	373.	374.	375.
Alabama	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9
Arkansas	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7
California	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7
Colorado	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Connecticut	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
Delaware	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Florida	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Georgia	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11
Idaho	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Illinois	22	22	22	22	23	23	23	23	23	23	23	23	23	23	23
Indiana	13	13	13	13	13	13	13	13	13	13	13	13	13	13	13
Iowa	11	11	11	11	11	11	11	11	11	11	11	11	11	12	12
Kansas	8	8	8	8	8	8	8	8	8	8	9	8	9	9	9
Kentucky	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11
Louisiana	6	7	7	7	7	7	7	7	7	7	7	7	7	7	7
Maine	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
Maryland	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6
Massachusetts	13	13	13	13	13	13	13	13	13	13	13	13	13	13	14
Michigan	12	12	12	12	12	12	12	12	12	12	12	13	13	13	13
Minnesota	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8
Mississippi	7	7	8	8	8	8	8	8	8	8	8	8	8	8	8
Missouri	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16
Montana	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Nebraska	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6
Nevada	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
New Hampshire	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
New Jersey	8	8	8	8	8	8	9	9	9	9	9	9	9	9	9
New York	35	35	35	35	35	35	35	36	36	36	36	36	36	36	36
North Carolina	9	9	9	9	9	10	10	10	10	10	10	10	10	10	10
North Dakota	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Ohio	21	21	21	22	22	22	22	22	22	22	22	22	22	22	22
Oregon	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Pennsylvania	31	31	31	31	31	31	31	31	31	31	31	32	32	32	32
Rhode Island	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
South Carolina	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7
South Dakota	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Tennessee	10	10	10	10	10	10	10	10	10	11	11	11	11	11	11
Texas	13	13	13	13	13	13	13	13	13	13	13	13	13	13	13
Vermont	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2

TABLE B—Continued.

States.	361.	362.	363.	364.	365.	366.	367.	368.	369.	370.	371.	372.	373.	374.	375.
Virginia	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
Washington	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
West Virginia	4	4	4	4	4	4	4	4	5	5	5	5	5	5	5
Wisconsin	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
Wyoming	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1

ROBERT P. PORTER,
Superintendent of Census.

APPENDIX.

THE MOIETY QUESTION—GENERAL WALKER'S LETTER TO HON. S. S. COX.

At the request of the late Hon. S. S. Cox, General Walker, then Superintendent of the Tenth Census, addressed that gentlemen the following letter, which is here reprinted at the suggestion of Hon. M. H. DUNNELL, chairman of the House Committee on the Eleventh Census, for use of committee:

DEPARTMENT OF THE INTERIOR, CENSUS OFFICE,
Washington, D. C., January 15, 1881.

DEAR SIR: In response to your request, I would say that I see no correct principle underlying the practice of giving an additional Representative to all States having a moiety of the number of inhabitants taken as the divisor in determining the number of Representatives to which each State shall be entitled under the census.

In my view, the only logical method is to take at the outset the final number of Representatives, which number shall be used as a divisor in obtaining the ratio of Representatives to population. The ratio so obtained should be applied in succession to the population of each State. This process will yield in the aggregate a number somewhat less than the number of Representatives originally taken. The difference should be made up by assigning to the States having the largest fractions additional Representatives. Whenever a sufficient number of additional Representatives have been assigned, on account of fractions, to make up the total number taken, such assignment should cease.

If that number be exceeded, as in the case of the assignment of additional Representatives on account of a moiety, the ratio of representation is thereby changed, whether that excess be one or more, a new ratio is determined, and the work has to be done all over again. It might easily happen that upon the new ratio another State would be found to have a fraction in excess of the moiety, and therefore entitled upon the same principle to an additional Representative. The addition of such a Representative, however, giving a new total, would again change the ratio, and the application of that ratio might find still another State in excess of the moiety, and so on.

I inclose a series of tables which afford a practical illustration of this process. In Table I, I have taken 23 communities, which we may assume to be the counties of a State, named A to W, inclusive, having an aggregate population of 120,000. Taking the total number of Representatives at 200, we have 1 Representative to every 600 inhabitants. Applying this ratio in succession to the population of the several counties, we have 190 Representatives assigned upon even division, as appears in column 3, while there is an aggregate of fractions, shown in column 4, of 6,000. Assigning 10 additional Representatives according to the highest fractions, we have, in column 5, the total 200, the original number of Representatives taken.

Here, according to my view, the work should stop. If, however, assignments are to be made upon a moiety, we find the county named G receiving an additional representative, its fraction being greater than one-half of 600. The number of representatives, now, however, has become not 200, but 201, and the ratio is no longer 1 to 600, but 1 to 597. Applying the ratio in succession to the population of the several counties, as in Table II, we have an aggregate number of 192 representatives upon even division, with an aggregate of fractions reaching 5,376. Assigning 9 additional representatives upon the highest fractions, we have the total number 201, the number last taken, but there still remains one county, U, having a fraction in excess of the moiety.

This county, therefore, upon the moiety principle, must receive an additional representative, which, however, would make the total number 202, and change the ratio to 1 to 594. Now, if G was entitled to an additional representative by reason of having a fraction in excess of the moiety of 600, which was *not* the number of inhabitants to a representative, U is equally entitled to an additional representative because it has a fraction in excess of the moiety of 597, which *is* the actual number of inhabitants to a representative. But if U receives an additional representative on account of its moiety, then the number of representatives becomes not 201, but 202, and the ratio becomes 1 to 594. Applying this ratio to the population of the several States in succession, as shown in Table III, we have the number of 194 representatives assigned upon even division.

Giving 8 additional representatives upon the highest fractions, we have the number 202, according to the scheme; but this still leaves one county, Q, having a fraction in excess of a moiety of 594. Now, upon the moiety principle, Q has just as good a right to have an additional representative as U or G in the instances previously taken. If, however, this claim is to prevail, the number of representatives is again changed, namely, to 203, and the ratio is again changed, namely, to 1 to 591; a new distribution takes place, as seen in Table IV, and again a claimant for an additional representative appears in I, which has a fraction of 299, being more than one-half the number (591) of inhabitants to a representative.

The result of giving I an additional representative is shown in Table V, where, with a total number of 204 representatives, yielding the ratio 1 to 588, there still appears a new county, O, which claims an additional representative on precisely the same grounds as G, U, Q, or I, namely, as having a fraction equal to a moiety of the number of inhabitants to a representative. And so this thing might go on indefinitely.

I see no rational conclusion, therefore, but that the number first taken, through which, as a divisor, to obtain the number of inhabitants for a representative, should be maintained, and so many additional representatives, and only so many, be assigned upon fractions as are needed to make up the original number. To go beyond this is to lose all hold on any principle governing the matter.

Very respectfully yours,

FRANCIS A. WALKER,
Superintendent of Census.

Hon. S. S. COX,
House of Representatives.

Illustrative Table I.

[Number of representatives, 200; ratio, 1: 600.]

1	2	3	4	5
Name of county.	Population of county.	Number of representatives on even division.	Fraction resulting.	Final number of representatives assigned.
A	10,155	16	555	17
B	9,531	15	531	16
C	8,731	14	331	15
D	7,683	12	483	13
E	6,989	11	389	12
F	6,020	10	20	10
G	5,721	9	*321	9
H	5,730	9	330	10
I	5,027	8	227	8
J	5,373	8	573	9
K	4,831	8	31	8
L	4,801	8	1	8
M	4,752	7	552	8
N	4,241	7	41	7
O	4,410	7	210	7
P	3,929	6	329	7
Q	3,879	6	279	6
R	3,689	6	89	6
S	3,600	6	.....	6
T	3,331	5	331	6
U	3,299	5	299	5
V	3,049	5	49	5
W	1,229	2	29	2
Total	120,000	190	6,000	200

*In excess of the moiety of 600.

Illustrative Table II.

[Number of representatives, 201; ratio, 1: 597.]

1	2	3	4	5
Name of county.	Population of county.	Number of representatives on even division.	Fraction resulting.	Final number of representatives assigned.
A	10,155	17	6	17
B	9,531	15	576	16
C	8,731	14	673	13
D	7,683	12	519	13
E	6,989	11	422	12
F	6,020	10	50	10
G	5,721	9	348	10
H	5,730	9	357	10
I	5,027	8	261	8
J	5,373	9	.....	9
K	4,831	8	55	8
L	4,801	8	25	8
M	4,752	7	573	8
N	4,241	7	62	7
O	4,420	7	231	7
P	3,929	6	347	7
Q	3,879	6	297	6
R	3,689	6	107	6
S	3,600	6	18	6
T	3,331	5	346	6
U	3,299	5	*314	5
V	3,049	5	64	5
W	1,229	2	35	2
Total	120,000	192	5,376	201

*In excess of the moiety of 597.

Illustrative Table III.

[Number of representatives, 202; ratio, 1: 594.]

1	2	3	4	5
Name of county.	Population of county.	Number of representatives on even division.	Fraction resulting.	Final number of representatives assigned.
A	10,155	17	57	17
B	9,531	16	27	16
C	8,731	14	415	15
D	7,683	12	555	13
E	6,989	11	455	12
F	6,020	10	80	10
G	5,721	9	375	10
H	5,730	9	384	10
I	5,027	8	275	8
J	5,373	9	27	9
K	4,831	8	79	8
L	4,801	8	49	8

Illustrative Table III—Continued.

1	2	3	4	5
Name of county.	Population of county.	Number of representatives on even division.	Fraction resulting.	Final number of representatives assigned.
M	4,752	8	.....	8
N	4,241	7	83	7
O	4,410	7	252	7
P	3,929	6	365	7
Q	3,879	6	*315	6
R	3,689	6	125	6
S	3,600	6	36	6
T	3,331	5	361	6
U	3,299	5	329	6
V	3,049	5	79	5
W	1,229	2	41	2
Total	120,000	194	4,764	202

*In excess of the moiety of 594.

Illustrative Table IV.

[Number of representatives, 203; ratio, 1: 591.]

1	2	3	4	5
Name of county.	Population of county.	Number of Representatives on even division.	Fraction resulting.	Final number of Representatives assigned.
A	10,155	17	108	17
B	9,531	16	75	16
C	8,731	14	457	15
D	7,683	13	.....	13
E	6,989	11	488	12
F	6,020	10	110	10
G	5,721	9	402	10
H	5,730	9	411	10
I	5,027	8	*299	8
J	5,373	9	54	9
K	4,831	8	103	8
L	4,801	8	73	8
M	4,752	8	24	8
N	4,241	7	104	7
O	4,410	7	273	7
P	3,929	6	383	7
Q	3,879	6	333	7
R	3,689	6	143	6
S	3,600	6	54	6
T	3,331	5	376	6
U	3,299	5	344	6
V	3,049	5	94	5
W	1,229	2	47	2
Total	120,000	195	4,755	203

*In excess of the moiety of 591.

Illustrative Table V.

[Number of representatives, 204; ratio, 1: 588.]

1	2	3	4	5
Name of county.	Population of county.	Number of representatives on even division.	Fraction resulting.	Final number of representatives assigned.
A	10,155	17	159	17
B	9,531	16	123	16
C	8,731	14	499	15
D	7,683	13	39	13
E	6,989	11	521	12
F	6,020	10	140	10
G	5,721	9	429	10
H	5,730	9	438	10
I	5,027	8	323	9
J	5,373	9	81	9
K	4,831	8	127	8
L	4,801	8	97	8
M	4,752	8	48	8
N	4,241	7	125	7
O	4,410	7	*294	7
P	3,929	6	401	7
Q	3,879	6	351	7
R	3,689	6	161	6
S	3,600	6	72	6
T	3,331	5	391	6
U	3,299	5	359	6
V	3,049	5	109	5
W	1,229	2	53	2
Total	120,000	195	5,340	204

*Exactly the moiety of 588.

The views of the minority, submitted by Mr. DAVIS January 13, 1891, are as follows:

The undersigned, a minority of the Committee on the Census, are unable to agree with the report of that committee on H. R. 12500, and submit the reasons for their dissent.

These reasons are illustrated and, in our opinion, are sustained in many respects by the history of the several apportionments since 1792, and it is therefore deemed proper to set out some portions of that history.

Two methods of apportionment have obtained. The first method assumed "a common divisor or ratio of representation, which being applied to the separate population of the respective States, but, rejecting fractions, the number of Representatives allotted to each is ascertained. (Mr. Polk in his report, May 3, 1832, upon the amendments of the Senate to the apportionment bill.)"

The second method is "that the population of each State shall be divided by a common divisor, and that in addition to the number of members resulting from such division a member shall be allowed to each State whose fraction exceeds a moiety of the divisor. (Mr. Webster in his report, April 5, 1832, by which the Senate amendments discussed by Mr. Polk were presented.)"

The difference of opinion was concerning representation for a moiety of the divisor. Mr. Polk held such representation unconstitutional. Mr. Webster asserted its constitutionality. The first method obtained until the apportionment under the census of 1840. In making that apportionment the opinion of Mr. Webster prevailed, and has ever since furnished the rule, save in some exceptional cases hereafter mentioned, and which do not impeach the correctness of the foregoing statement.

The first general apportionment bill was disapproved by President Washington because it allowed a Representative to each of several States for a fraction under 30,000. While no principle of apportionment was stated in the bill, this was the mathematical result of its provisions, that New Hampshire should have 5 members, Massachusetts 10, and so on, providing for each State. This was a manifest violation of the mandate of the Constitution, that "the number of Representatives shall not exceed 1 for every 30,000, but each State shall be entitled to at least 1 Representative."

Under the census of 1800 Congress distributed 141 members among fifteen States. Mr. White, of Delaware, endeavored to secure an additional member for that State for a fractional remainder of 24,811, but the proposition was negatived as unconstitutional.

In the Twelfth Congress the House, proceeding upon the census of 1810, placed the ratio at 37,000 and distributed 180 members. The Senate, on motion of Mr. Bayard, reduced the ratio to 35,000, and then gave to Delaware an additional member, making the total 181.

In the Seventeenth Congress, proceeding upon the census of 1820, an effort was made for the first time to abandon an equal ratio for all the States and to adopt a number which would make the average to each member within each State equal. This proposition was not approved, and a bill passed upon the basis of a ratio of 40,000, resulting in 212 members and allowing no representation for fractional remainders.

In the Twentieth Congress, proceeding upon the census of 1830, Mr. Polk reported in the House of Representatives an apportionment bill based upon the ratio of 48,000, which produced 240 members and which allowed no representation for fractional remainders over 30,000. The result was favorable to Tennessee and to New York, but was unfavorable to the New England States. The House reduced the ratio to 47,300, which diminished the fractions, but which did not change the distribution of the members.

The bill passed the House of Representatives and was referred in the Senate to a select committee of which Mr. Webster was the chairman. His report (Senate Documents, first session, Twenty-second Congress, vol. 3, p. 119) presents an exposition and discussion of the two methods of apportionment, and it proposed an amendment to the bill based upon the rule hereinbefore set forth. This amendment did not prevail. But the principle upon which it was framed was adopted in the act making the apportionment under the census of 1840, and has ever since obtained. The most material portions of Mr. Webster's report are as follows:

"The Constitution, therefore, must be understood not as enjoining an absolute relative equality—because that would be demanding an impossibility—but as requiring of Congress to make the apportionment of Representatives among the several States according to their respective numbers, as near as may be. That which can not be done perfectly must be done in a manner as near perfection as can be. If exactness can not, from the nature of things, be attained, then the greatest practicable approach to exactness ought to be made.

"Congress is not absolved from all rule merely because the rule of perfect justice can not be applied. In such a case approximation becomes a rule; it takes the place of that other rule which would be preferable, but which is found inapplicable, and becomes itself an obligation of binding force. The nearest approximation to exact truth or exact right, when that exact truth or that exact right can not itself be reached, prevails in other cases, not as matter of discretion, but as an intelligible and definite rule, dictated by justice and conforming to the common sense of mankind, a rule of no less binding force in cases to which it is applied and no more to be departed from than any other rule or obligation.

* * * * * * *

"The next thing to be observed is that the Constitution prescribes no particular process by which this apportionment is to be wrought out. It has plainly prescribed the end to be accomplished, namely, the nearest approach to relative equality of representation among the States; and whatever accomplishes this end, and nothing else, is the true process. In truth, if, without any process whatever, whether elaborate or easy, Congress could perceive the exact proportion of representative power rightfully belonging to each State, it would perfectly fulfill its duty by conferring that portion on each, without reference to any process whatever. It would be enough that the proper end had been obtained. And it is to be remarked further that, whether this end be attained best by one process or by another, becomes, when each process has been carried through, not matter of opinion, but matter of mathematical certainty.

"If the whole population of the United States, the population of each State, and the proposed number of the House of Representatives be all given, then, between two bills apportioning the members among the several States, it can be told, with absolute certainty, which bill assigns to any and every State the number nearest to the exact proportion of that State; in other words, which of the two bills, if either, apportions the Representatives according to the number of the States, respectively, as near as may be.

"If, therefore, a particular process of apportionment be adopted and objection be made to the injustice or inequality of its result, it is surely no answer to such objection to say that the inequality necessarily results from the nature of the process. Before such answer could avail it would be necessary to show either that the Constitution prescribes such process and makes it necessary o rthat there is no other mode of proceeding which would produce less inequality and less injustice. If inequality which might have otherwise been avoided be produced by a given process, then that process is a wrong one. It is not suited to the case and should be rejected.

"Nor do the committee perceive how it can be matter of constitutional propriety or validity, or in any way a constitutional question, whether the process which may be applied to the case be simple or compound, one process or many processes, since, in the end, it may always be seen whether the result be that which has been aimed at, namely, the nearest practicable approach to precise justice and relative equality.

"The committee, indeed, are of opinion, in this case, that the simplest and most obvious way of proceeding is also the true and constitutional way. To them it appears that in carrrying into effect this part of the Constitution the first thing naturally to be done is to decide on the whole number of which the House is to be composed, as, when under the same clause of the Constitution a tax is to be apportioned among the States, the amount of the whole tax is, in the first place, to be settled. When the whole number of the proposed House is thus ascertained and fixed, it becomes the entire representative power of all of the people in the Union. It is, then, a very simple matter to ascertain how much of this representative power each State is entitled to by its numbers; if, for example, the House is to contain 240 members, then the number of 240 expresses the representative power of all the States, and a plain calculation readily shows how much of this power belongs to each State.

"This portion, it is true, will not always nor often be expressed in the whole number, but it may always be precisely exhibited by a decimal form of expression. If the portion of any State be seldom or never one exact tenth, one exact fifteenth, or one exact twentieth, it will still always be capable of precise decimal expression; as one-tenth and two-hundredths, one-twelfth and four-hundredths, one-fifteenth and six-hundredths, and so on. And the exact portion of the State being thus decimally expressed, will always show to mathematical certainty what integral number comes nearest to such exact portion.

"For example, in a House consisting of 240 members the exact mathematical proportion to which her numbers entitle the State of New York is 38.59. It is certain therefore that 39 is the integral or whole number nearest to her exact proportion of the representative power of the Union. Why then should she not have 39? Why should she have 40? She is not quite entitled to 39; that number is something more than her right; but allowing her 39, from the necessity of giving her a whole number and because that is the nearest whole number, is not the Constitution fully obeyed when she has received the thirty-ninth member?

"Is not her proper number of Representatives then apportioned to her as near as may be? And is not the Constitution disregarded when the bill goes further and gives her a fortieth member? For what is such a fortieth member given? Not for her absolute number, for her absolute number does not entitle her to 39. Not for the sake of apportioning her members to her numbers as near as may be, because 39 is a nearer apportionment of members to numbers than 40. But it is given, say the advocates of the bill, because the process which has been adopted gives it.

"The answer is, no such process is enjoined by the Constitution. The case of New York may be compared or contrasted with that of Missouri.

"The exact proportion of Missouri, in a general representation of 240, is 2.6. That is to say, it comes nearer to three members than to two, yet it is confined to two. But why is not Missouri entitled to that number of Representatives which comes nearest to her exact proportion? Is the Constitution fulfilled as to her while that number is withheld, and while, at the same time, in another State, not only is that nearest number given, but an additional member given also?

"Is it an answer with which the people of Missouri ought to be satisfied when it is said that this obvious injustice is the necessary result of the process adopted by the bill? May they not say with propriety that since three is the nearest whole number to their exact right, to that number they are entitled and the process which deprives them of it must be a wrong process?

* * * * * * *

"The whole number of Representatives of which the House is to be composed is of necessity limited. This number, whatever it is, is that which is to be apportioned, and nothing else can be apportioned. This is the whole sum to be distributed. If, therefore, in making the apportionment, some States receive less than their just share, it must necessarily follow that some of the other States have received more than their just share. If there be one State in the Union with less than its right some other State has more than its right, so that the argument, whatever be its force, applies to the bill in its present form as strongly as it can ever apply to any bill.

* * * * * * *

"The rule has been frequently stated. It may be clearly expressed in either of two ways. Let the rule be that the whole number of the proposed House shall be apportioned among the several States according to their respective numbers, giving to each State that number of members which come nearest to her exact mathematical part or proportion; or, let the rule be that the population of each State shall be divided by a common divisor, and that, in addition to the number of members resulting from each division, a member shall be allowed to each State whose fraction exceeds a moiety of the division.

* * * * * * *

"Either of these is, it seems to the committee, a fair and just rule, capable of uniform application, and operating with entire impartiality. There is no want of a common proportion or a common divisor, there is nothing left to arbitrary discretion. If the rule in either of these forms be adopted it can never be doubtful how every member of any proposed number for a House of Representatives ought to be assigned. Nothing will be left in the discretion of Congress, the right of each State will be a mathematical right, easily ascertained, about which there can be neither doubt nor difficulty, and in the application of the rule there will be no room for preference, partiality, or injustice.

"In any case, in all time to come, it will do all that human means can do to allot to every State in the Union its proper and just proportion of representative power. And it is because of this, its capability of constant application, as well as because of its impartiality and justice, that the committee are earnest in recommending its adoption to Congress. If it shall be adopted they believe it will remove a cause of uneasiness and dissatisfaction recurring or liable to recur with every new census, and place the rights of the States in this respect on a fixed basis, of which none can with reason complain. It is true that there may be some numbers assumed for the composition of the House of Representatives, to which, if the rule were applied, the result might give a member to the House more than was proposed. But it will always be easy to correct this by altering the proposed number by adding one to it or taking one from it, so that this can be considered no objection to the rule."

The opinion of Mr. Webster did not prevail at that time, but, as we have before observed, it obtained as to the census of 1840 and has ever since furnished the rule.

In enacting for the apportionment under the census of 1840 the House of Representatives placed the ratio at 50,179 and the membership at 217. The Senate added six members for fractions, and the House of Representatives finally concurred.

The census of 1850 was preceded by a statute providing for the method and principle of the apportionment to be made upon that census. To the bill providing for taking the census of 1850 sections were added on the motion of Representative Vinton, of Ohio, fixing the number of the House of Representatives at 200 and directing the Secretary of the Interior to divide the population entitled to representation by 200, and to divide the population of each State by the quotient thus obtained as a ratio, assigning to each State a representation for each full ratio of its population and one for each fraction until the entire 200 should be exhausted. The number of members was increased to 233.

In making the apportionment under the census of 1860 the House of Representatives passed a bill in framing which 233 was taken as the basis. To this number the House of Representatives added 6 members to represent large frac-

tions in as many States. The Senate, in acting upon this bill, adhering to the basis of 233, added 8 to that number, namely, 2 to the 6 that had been added by the House, and gave an additional member each to two other States, namely, Illinois and Minnesota. The bill as thus amended became a law, under which the membership was 241.

In enacting for the apportionment under the census of 1870, the House of Representatives passed a bill framed upon the Vinton plan, directing an apportionment of 275 members to be made by the Secretary of the Interior. The Senate increased the number to 300, but the House refused to concur and the bill was lost.

Two years afterwards the House of Representatives (Forty-second Congress, second session) passed a bill apportioning 283 members on the following plan: Four States—Delaware, Nebraska, Oregon, and Nevada—had a population less than the ratio obtained by dividing the population of the United States by 283. One member was therefore assigned to each of these States. The sum of their population was then subtracted from the entire population of the States and the remainder of that population was divided by 279 for a new ratio, upon which the apportionment of all the States (excepting the above four) was made. In doing this seventeen States received each one member for fractional remainders. This bill was approved February 2, 1872.

Subsequently, in the same session and on the 5th day of March, 1872, Mr. Mercur, from the Committee on the Judiciary, reported to the House of Representatives "A bill supplemental to an act entitled 'An act for the apportionment of Representatives to Congress among the several States according to the Ninth Census,' approved February 2, 1872." The facts were that under the act of February 2, 1872, no States suffered diminution of membership excepting New Hampshire and Vermont. These States fell from 3 members each to 2 each. The membership had been fixed by the act of February 2 at 283.

Had the number of members not been thus increased over what the membership of the House of Representatives then was under the next preceding apportionment, the loss of Representatives would have been: New York, 3; Pennsylvania, 2; Ohio, 2; Connecticut, 1; Massachusetts, 1; Kentucky, 1; Maine, 1; Rhode Island, 1; Vermont, 1; New Hampshire, 1. By increasing the membership to 283 each of these States excepting New Hampshire and Vermont retained the membership it had under the last preceding apportionment. The injustice to New Hampshire and Vermont was manifest.

It is stated in the report upon this supplemental bill: "The recent action of Congress in increasing the size of the House to 283 in order to save eight States from a diminution in the number of their Representatives has induced the committee to recommend a further increase of nine members, making the whole number 292, which is believed to be the smallest number that, upon an equitable and constitutional apportionment, will leave each State with at least its present representation."

This report presents a table made up upon the basis of 292, by which each of nine States, namely, New Hampshire, Vermont, New York, Pennsylvania, Indiana, Tennessee, Louisiana, Alabama, and Florida, obtained one member more than it had under the act of February 2, 1872. The ratio under this proceeding was 134,425. The moiety of this ratio is 67,212½. New Hampshire and Florida had each less than this moiety. New Hampshire had 55,450; Florida had 56,323.

The report states as to this: "The committee, however, in addition to 12 members assigned to fractions by the above table, assign one to New Hampshire and one to Florida, making in all a House of 292. The reason for this is that greater injustice will be done these States by not giving it (*sic*) the additional Representative than to the other States by giving it."

The bill became a law.

After the census of 1880 the House of Representatives passed a bill apportioning 319 members, on the Vinton plan, but the measure failed to pass the Senate.

In the Forty-seventh Congress (first session, 1882) a bill was introduced providing for the apportionment of 330 members, as follows:

Alabama	8	Mississippi	7
Arkansas	5	Missouri	14
California	5	Nebraska	3
Colorado	1	Nevada	1
Connecticut	4	New Hampshire	2
Delaware	1	New Jersey	7
Florida	1	New York	34
Georgia	10	North Carolina	9
Illinois	21	Ohio	21
Indiana	13	Oregon	1
Iowa	11	Pennsylvania	29
Kansas	6	Rhode Island	1
Kentucky	11	South Carolina	6
Louisiana	6	Tennessee	10
Maine	4	Texas	10
Maryland	6	Vermont	2
Massachusetts	12	Virginia	10
Michigan	11	West Virginia	4
Minnesota	5	Wisconsin	8

Pending the bill, Mr. ANDERSON, of Kansas, offered the following amendment:

Strike out all of section 1, after the enacting clause, and insert these words: That after the 3d of March, 1883, the House of Representatives shall be composed of 325 members, to be apportioned among the several States as follows:

Alabama	8	Mississippi	7
Arkansas	5	Missouri	14
California	6	Nebraska	3
Colorado	1	Nevada	1
Connecticut	4	New Hampshire	2
Delaware	1	New Jersey	7
Florida	2	New York	34
Georgia	10	North Carolina	9
Illinois	20	Ohio	21
Indiana	13	Oregon	1
Iowa	11	Pennsylvania	28
Kansas	7	Rhode Island	2
Kentucky	11	South Carolina	7
Louisiana	6	Tennessee	10
Maine	4	Texas	11
Maryland	6	Vermont	3
Massachusetts	13	Virginia	10
Michigan	11	West Virginia	4
Minnesota	5	Wisconsin	9

This amendment was agreed to. The bill as thus amended passed the House and was passed by the Senate on February 21, 1882. Under this amendment of Mr. ANDERSON the gain and loss were as follows: Gain—California, 1; Florida, 1; Illinois, 1; Kansas, 1; South Carolina, 1; Texas, 1; Wisconsin, 1. Loss—Pennsylvania, 1; Rhode Island, 1.

The bill as reported by the committee fixes the membership of the House of Representatives at 356. The method by which this number was agreed upon is stated in the report as follows:

"From this aggregate population of the United States, namely, 62,622,250, your committee subtracted the aggregate population of the District of Columbia and of the Territories of Arizona, New Mexico, Oklahoma, and Utah. The remainder was 61,908,906. With this number different ratios were obtained by taking as a divisor any proposed number. Each number was taken from 332 to 375. The ratio in the first instance was 186,473. Dividing the population of each State by this ratio it was found that ten States would each lose one from their present representation and that in two instances fractions would remain considerably more than a moiety. The old and new methods of computation were used.

"These methods are explained elsewhere in this report. Trials were made until a number was found that would give a ratio which in application would secure each State against any loss in its membership and in no instance leave a major fraction. This number was found to be 356. The ratio was 173,901. The number of members obtained on even division was 339. The additional 17 needed to make the number 356 was secured by giving another member to each of the States having left to it a major fraction."

This is the first attempt, so far as the undersigned are advised, to make the mere production of an equation the desideratum of an apportionment bill.

No such estoppal of justice by a merely mathematical process has ever before been proposed so far as our researches inform us. It means simply that it is the duty of Congress in making an apportionment to compute on the basis of different numbers of membership (from 332 to 375 in the present case) and to take that number of which the excess after an even division will be just the number, no more, no less, that will be equal to and be absorbed by the States having a moiety or more of the ratio.

This desideratum (if it can be considered such) is so obvious that it would naturally occur to legislators whenever engaged in the duty of making an apportionment. If it ever has thus presented itself it has heretofore always been rejected. Unbroken precedent since the apportionment under the census of 1840 confirms this observation.

Mr. Webster seems to have had in contemplation the situation here presented as to Missouri (which is stated hereinafter), namely, an instance where the number to be distributed falls short by one of supplying all of the States, having left after even division a fractional moiety, or over, of the ratio. He observes:

"It is true that there may be some numbers assumed for the composition of the House of Representatives to which, if the rule were applied, the result might give a member to the House more than was proposed; but it will always be easy to correct this by altering the proposed number by adding one to it or taking one from it; so that this can be considered no objection to the rule."

If it had ever occurred to Mr. Webster that the arithmetical process was the thing to be persisted in and preserved inviolably, he would have stated, in answer to the objection, that it would be the duty of Congress to ascertain and to adopt that number of members which would exactly take up and appropriate the excess remaining for distribution after an even division. He was not hampered by any such arithmetical embarrassment. He considered that any number that seemed best calculated to do justice to each and all the States could be taken, and that in that case, whenever (as is usually the case) the result will "give a member to the House more than was proposed," to "correct this by altering the proposed number by adding one to it or taking one from it."

Indeed, a large portion of Mr. Webster's report is composed of a refutation of the contention that the power of Congress ends with the exhaustion of the "process."

The computer is always strenuous for his process. It is not necessary in the present instance to question its correctness or its applicability so far as it goes, but when it is exhausted other considerations intervene and other methods may, as Mr. Webster maintained, be properly employed. The computer asserts that the distribution for fractional remainders in excess of a moiety must cease whenever such fractional remainders are absorbed, notwithstanding one State with such a remainder may be left unsupplied. The process or the method thus becomes the thing to be sustained, and the object to be attained must fall short of a more perfect attainment, because the process has reached its limit of operation and has become impotent.

This is the opinion of Mr. Francis A. Walker, expressed in his letter of January 15, 1881, appended hereto and to the report of the committee. But his argument *ab inconvenienti* sacrifices the Constitution to arithmetic. Mr. Webster maintained that the constitutional requirement that "Representatives and direct taxes shall be apportioned among the several States which may be included in this Union according to their respective numbers," means that such apportionment shall be "as near as may be." His argument to sustain this exposition has never been answered in any attempt to reply to it.

He demonstrated that to disregard the major fractional remainders was not complying with this constitutional requirement "as near as may be," and that representation for such fractional remainders is a nearer approximation than to deny representation for any fraction whatever. It results that the right of representation for a fraction in excess of a moiety of the ratio is as clearly the constitutional right of any State as it is its right to a Representative for the full ratio. This being so, to deny to a State having such a remainder its Representative because the arithmetical process has exhausted its power of operation is to deny a constitutional right of the State thus situated, and to place it in disparity with all the other States.

If it is constitutional to award to one or to several States membership on account of a fractional remainder of a moiety or more of the ratio, it is unconstitutional in any instance or upon any pretext to deprive another State having such a moiety or more, but less than the favored State, for no other reason than that the process does not, to use a homely phrase, furnish enough to go around. In such a case representation is apparently apportioned according to numbers as to certain States, and is unquestionably not apportioned according to numbers as to the State that is thus deprived.

Mr. Webster perceived this and held that in such a case there should be an addition of a member, departing from the mathematical process which had become impotent to fulfill the constitutional requirement.

The letter of Mr. Walker, to which these observations are applicable, was written as advisory to the apportionment under the census of 1880.

The variations of membership under a rigid application of the process for which such complete efficacy is claimed, may be illustrated from the tables themselves. Tennessee starts with 9 members on a basis of 332 members. She rises to 10 on a basis of 336. She recedes to 9 on 337. She regains 10 on 338.*

A similar perturbation occurs in the tables upon which was based the apportionment under the census of 1880. Alabama gained 1 Representative on the basis of 299 members, increasing from 7 to 8 members at that point, but lost 1 at 300, falling back to 7. This was called the "Alabama paradox." An elaborate mathematical explanation by Mr. Walker is found in Executive Document No. 65, Vol. 18, Forty-sixth Congress, third session.

When this paradox appeared in the case of Alabama the consequence of her loss of 1 member was stated by Mr. Walker to be that "in the assignment of additional Representatives upon fractions, according to the total number of 300, Illinois and Texas receive an additional Representative each, while Alabama loses that which she gained at 299.

It is probably a correct supposition that if the apportionment in the above instance had been made upon the basis of 300 the "learned arithmeticians" would have vindicated their process by the sacrifice of substantial justice and constitutional right, and would have insisted that Alabama should suffer the loss and that Illinois and Texas should retain their increase.

* Arkansas rises from 6 to 7 members on the basis of 359, but falls to 6 members on a basis of 360.

It is the opinion of the undersigned that Arkansas, Minnesota, Missouri, and New York ought to have each 1 more Representative than is provided by this bill. If the question of total membership and the process of computation are to be considered this increase should rest on the basis of 359 members for that purpose, adding 1 for Missouri for the reason that she has a fractional remainder greatly in excess of a moiety of the ratio, which, as it is the lowest of 18 States having such a remainder, can not be satisfied by the surplus of 17 left after an even division. New York is allowed but 34 Representatives by the bill as reported. No number between 356 and 360, inclusive, can well be considered.

By fixing the membership at 356 on a ratio of 173,901, one-half of which is 86,950½, the following States are left with remainders which are barely less than a moiety of the ratio:

Arkansas	84,773
Minnesota	84,519
New York	85,219

When it is considered that by increasing the number of members (from 356 to 359, only 3) each of these States rises to over a moiety, and that Missouri also attains 92,464, and that by this slight addition to the membership Arkansas attains 93,491, Minnesota 94,690, New York 134,621—in all, including Missouri, 415,266—a most cogent reason is expressed by the fact itself why the rights of nearly half a million people should prevail over the result under a membership of 356, which result is merely a mathematical achievement. These States should receive an additional member each. We do not deem it essential that such an act shall be complicated by any particular consideration of ratios as produced by division of any number constituting the total membership, so long as is the fact in the present instance. No other States suffer diminution or disparity. The fact that 356 produces such consequences and the fact that the remedy is so easy and wrongs no other State are to our minds conclusive that the number 356 ought to be abandoned.

Of course, however, the increase determines approximately the number and ratio to be adopted. It will be found that 359 meets every requirement excepting as to Missouri, which ought to receive satisfaction of her right under the principle established by the logic of Mr. Webster, because the failure as to Missouri is that she is the eighteenth and lowest State having a fractional remainder exceeding a moiety of the ratio, and there are but 17 members to be distributed.

Placing the membership at 356, the ratio is 173,901, one-half of which is 86,950½.

On this basis Arkansas is entitled to 6 members and has a fractional remainder of 84,773; Minnesota is entitled to 7 members and has a fractional remainder of 84,519; New York is entitled to 34 members and has a fractional remainder of 85,219.

Taking the number of members at 357, the ratio is 173,414, one-half of which is 86,707.

Upon this basis Arkansas has a fractional remainder of 87,695, but her membership remains at 6; Minnesota has a fractional remainder of 87,928, and her membership remains at 7; New York has a fractional remainder of 101,777, and her membership rises from 34 to 35.

Taking 358 as the number of members, the ratio is 172,930, one-half of which is 86,465.

Arkansas, with a fractional remainder of 90,599, has still 6 members; Minnesota, with a fractional remainder of 91,316, rises from 7 to 8; while New York, with a fractional remainder of 118,233, remains at 35.

Taking 359 as the number of members, the ratio is 172,448, one-half of which is 86,224.

Upon this basis Arkansas, with a major fraction of 93,491, rises from 6 to 7 members; Minnesota, with a major fraction of 94,690, rises from 7 to 8 members; New York, with a fractional remainder of 134,621, remains at 35 members; while Missouri, with a fractional remainder of 94,464, remains at 15 members, the number which she acquired upon the basis of 356 members.

With 359 as a divisor, no State loses any representation. There remains 17 excess to be absorbed by the fractional remainders after division. The States getting an additional member by the distribution of this 17 are:

Alabama	1	New York	1
Arkansas	1	Oregon	1
California	1	South Carolina	1
Georgia	1	South Dakota	1
Indiana	1	Texas	1
Kentucky	1	Vermont	1
Maine	1	Virginia	1
Missouri	1	Wisconsin	1
Minnesota	1		

But the 17 excess is not enough to supply all the States having more than a moiety of 172,448, so Missouri, which has the lowest major fraction, must, if the principle of the bill recommended is applied to it, be left out and thus be deprived of representation. She is the only State thus deprived which has more than a moiety of 172,448.

Minnesota stands next above Missouri, exceeding her by only 2,220.

It is the opinion of the undersigned that one should be added for Missouri.

The bill should, in our opinion, be amended as follows:

Strike out from line 5 of section 1 the words "fifty-six" and insert in lieu thereof the word "sixty."

Strike out from line 5 of section 1 the word "six" and insert in lieu thereof the word "seven."

Strike out from line 26, in section 1, the word "seven" and insert in lieu thereof the word "eight."

Strike out from line 28, in section 1, the word "fifteen" and insert in lieu thereof the word "sixteen."

Strike out from line 34, in section 1, of the bill, the word "four" and insert in lieu thereof the word "five."

In section 2, line 3, strike out the words "fifty-six," and insert in lieu thereof the word "sixty."

C. K. DAVIS.
J. H. BERRY.
RUFUS BLODGETT.

[The Tables A and B appended to the minority report, as well as the appendix, are identical with those of the report of the majority in the preceding pages.]

The PRESIDING OFFICER. Under the agreement the bill will now be laid aside until to-morrow, at 2 o'clock, when it will be taken up as the unfinished business.

CREDENTIALS.

Mr. COCKRELL presented the credentials of GEORGE G. VEST, chosen by the Legislature of Missouri a Senator from that State for the term beginning March 4, 1891; which were read and ordered to be filed.

JOURNAL OF TUESDAY'S PROCEEDINGS.

The PRESIDING OFFICER. The next question under the agreement before the Senate is the approval of the Journal of last Tuesday's proceedings. That Journal has been read once and an amendment offered to strike out certain words. The Secretary will report the amendment offered.

The SECRETARY. It is proposed to strike out the words—

It was determined in the affirmative.

The PRESIDING OFFICER. Is the Senate ready for the question?

Mr. GORMAN. On that question the yeas and nays have been ordered.

The PRESIDING OFFICER. On this question the yeas and nays were ordered.

Mr. CULLOM. I inquire if the Senator from Maryland desires the yeas and nays now.

Mr. GORMAN. I ask unanimous consent to withdraw the call for the yeas and nays.

Mr. CULLOM. My understanding is that there was no opposition to the correction of the Journal.

Mr. GORMAN. The yeas and nays were ordered, but I ask unanimous consent to withdraw the call.

The PRESIDING OFFICER. Without objection, the demand for the yeas and nays will be withdrawn and the question is on the amendment. [Putting the question.] The amendment is agreed to. Shall the Journal as amended be approved?

The Journal as amended was approved.

JOURNAL OF WEDNESDAY'S PROCEEDINGS.

The PRESIDING OFFICER. The Journal of Wednesday's proceedings has also been read, but no amendment was proposed to it. That Journal will be regarded as approved, if there be no objection. The Chair hears none, and the Journal of Wednesday's proceedings is approved.

HOUR OF MEETING TO-MORROW.

Mr. GORMAN. In view of the arrangement entered into a few minutes ago, I move that when the Senate adjourns to-day it adjourn to meet at 12 o'clock to-morrow.

The motion was agreed to.

PETITIONS AND MEMORIALS.

The PRESIDING OFFICER. Under the agreement, morning business will now be received. Petitions and memorials are first in order.

Mr. DOLPH presented a petition of the Chamber of Commerce of Tacoma, Wash., praying that an appropriation be made by Congress for a dry dock and naval station on Port Orchard Bay, Washington; which was referred to the Committee on Appropriations.

Mr. McCONNELL presented a concurrent resolution of the Legislature of Idaho; which was read, and referred to the Committee on Foreign Relations, as follows:

EXECUTIVE DEPARTMENT, *Secretary's Office, Idaho.*

I, A. J. Pinkham, secretary of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of Senate concurrent resolution No. 11, which was filed in this office the 19th day of January, A. D. 1891, and admitted to record.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State, at Boisé City, the capital of Idaho, this 21st day of January, A. D. 1891.

[SEAL.]

A. J. PINKHAM,
Secretary of Idaho.

Senate concurrent resolution No. 11 (Weiler), requesting our Senators and Representative in Congress to support the resolution introduced in the House of Representatives by Congressman CUMMINGS, of New York, asking our Government to protest and remonstrate against the Government of the Czar in the persecution of the Jews in Russia.

We, your memorialists, the Legislature of the State of Idaho, view with horror and dismay the cruel persecution of the Jewish citizens of Russia by the Government of that country.

We believe that the Government of the United States, true to its traditional sympathy with the unjustly oppressed of every race, religion, and nationality, should, in the name of common humanity, raise its voice in protest, doing what in its power lies to rescue these unfortunates from an impending fate as cruel as it is undeserved.

We are aware that our Government is powerless to interfere in the internal affairs of Russia. We feel, however, that an earnest expression deprecating the inhuman, barbarous treatment of the Russian Jewish people, coming from so august a body as the Congress of the United States, could not fail to wield a moral influence upon the Government of the CZAR.

We respectfully submit that such a remonstrance is, in our judgment, permissible. If the charges made by Russia against its Jewish subjects be true, it is certainly an unfriendly act to force them upon other nations. If the charges be false, then it is also an unfriendly act on the part of Russia to first pauperize and then expel them in a dependent state, either to perish miserably in the eyes of the civilized world or to become charges upon the pity and charity of powers in amicable intercourse with its Government.

Your memorialists therefore respectfully ask you to support the resolution introduced in the House of Representatives by Congressman CUMMINGS, of New York, requesting our Government to protest and remonstrate against the evils herein set forth. And your memorialists will ever pray, etc.

Resolved, That one copy of this memorial be forwarded to each of our Senators and Representative at Washington.

January 13, 1891. Passed Senate.

JOHN S. GRAY,
President pro tempore of the Senate.

January 17, 1891. Passed the House.

F. A. FENN, *Speaker of the House.*

(Indorsed:) I hereby certify that the within senate concurrent resolution No. 11, providing for a request to our Senators and Representative in Congress to support the resolution introduced by Congressman CUMMINGS, of New York, protesting against the persecution of the Jews in Russia, originated in the senate of the Legislature of the State of Idaho during the first session.

M. C. ATHEY, *Secretary of the Senate.*

SECRETARY'S OFFICE, *Boisé City, Idaho.*

Filed this 19th day of January, 1891.

A. J. PINKHAM, *Secretary.*

Mr. McCONNELL presented a concurrent resolution of the Legislature of Idaho; which was read, and referred to the Committee on Finance, as follows:

DEPARTMENT OF THE INTERIOR, *Secretary's Office, Idaho.*

I, A. J. Pinkham, secretary of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of house substitute for senate concurrent resolution No. 9, which was filed in this office the 14th day of January, A. D. 1891, and admitted to record.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State. Done at Boisé City, the capital of Idaho, this 16th day of January, A. D. 1891.

[SEAL.]

A. J. PINKHAM,
Secretary of Idaho.

House substitute for senate concurrent resolution No. 9.

Whereas the people of Idaho view with alarm the efforts of the enemies of American prosperity to reduce the tariff on lead and lead ores, for the reason that if they should be successful in their attack upon the present tariff and repeal existing laws or materially reduce the importation tax on lead and lead ores, it will paralyze the most important industry in our State, upon which every other industry and interest in the State depends to a greater or less extent, and would immediately throw out of employment hundreds of our citizens and compel them to seek other employment and other homes, and at once cut off from our mineral product of wealth, realized from our natural resources, nearly $10,000,000, the product of our lead-silver mines, and bring disaster to the State: Therefore,

Be it resolved by the senate of the State of Idaho (the house of representatives concurring), That the Legislature of the State of Idaho protests against the repeal or any modification of the importation tax on lead or lead ores, and our Senators and Representative in Congress are urged to use their best efforts to prevent any change in existing laws touching this subject; and

Resolved, That a copy of these resolutions be forwarded to the lead-producers' and miners' convention to be held in the Chamber of Commerce in Denver, Colo., on the 13th instant, and one copy to each of our Senators and Representatives in Congress.

January 9, 1891. Passed the House.

F. A. FENN, *Speaker of the House.*

January 12, 1891. Passed the Senate.

JOHN S. GRAY,
President pro tempore of the Senate.

(Indorsed:) I hereby certify that senate concurrent resolution No. 9, for which the within house substitute for senate concurrent resolution No. 9 has been substituted, being a protest against any reduction of the importation tax on lead and lead ores and urging Senators and Representatives in Congress to use every effort to prevent same, originated in the senate of the Legislature of the State of Idaho during the first session.

M. C. ATHEY, *Secretary of the Senate.*

SECRETARY'S OFFICE, *Boisé City, Idaho.*

Filed this 14th day of January, 1891.

A. J. PINKHAM, *Secretary.*

Mr. McCONNELL presented a concurrent resolution of the Legislature of Idaho; which was read, and referred to the Committee on Finance, as follows:

DEPARTMENT OF THE INTERIOR, *Secretary's Office, Idaho.*

I, A. J. Pinkham, secretary of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of Senate concurrent resolution No. 10, which was filed in this office the 15th day of January, A. D. 1891, and admitted to record.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State. Done at Boisé City, the capital of Idaho, this 16th day of January, A. D. 1891.

[SEAL.]

A. J. PINKHAM,
Secretary of Idaho.

Senate concurrent resolution No. 10 (De Lemar).

To the honorable the Senate and House of Representatives in Congress assembled:

We, your memorialists, the Legislature of the State of Idaho, would respectfully represent to your honorable bodies that the unjust discrimination now being made by the United States assay office at Boisé City, Idaho, against the producers of silver bullion which does not contain any gold, and also against the producers of silver bullion which contains less gold than the law now requires, inflicts great loss and hardships upon the miners, laborers, and merchants of the State of Idaho, without any benefit whatever accruing to the General Government.

We would respectfully state that it is the custom of the various United States assay offices to purchase all bullion of 500 fineness or over, making 500 fineness the lowest limit which thus contains $10.34 gold and one-half ounce of silver per each ounce of bullion, for which said assay office pays the full New York market quotation of the day such bullion is received, the General Government thus paying all express and refining charges and even the return exchange on moneys thus paid out at Boisé City, while all silver bullion containing gold of a less quantity than $10.34 per each ounce of bullion is thus rejected, compelling the miners to pay four times as large express charges as does the General Government, and in addition pay for refining such bullion and the shipment to New York City, where such bullion is invariably sold to speculators, who only offer the same to the General Government when the price suits them.

Besides the great loss by discrimination, the miner must either wait seven or eight weeks before he receives returns for bullion so sold or borrow money at heavy Western interest rates from the banks to pay his just debts to the laborers and merchants who furnish him with supplies.

We respectfully submit that such discrimination is more flagrantly unjust since under the act of July, 1890, called the "Windom act," authorizing the Secretary of the United States Treasury to issue silver certificates upon all silver purchased, which silver certificates are thereby made a legal tender for all debts, both public and private, thus enjoying the full purchasing power of gold.

We would further state that the purchasing by the General Government of all silver and gold bullion at the United States assay offices nearest the mines will remedy this great wrong and better enable the Government to guard against the purchasing of foreign bullion at points where such foreign bullion intermixes with bullion produced from American mines.

Resolved, That our Senators and Representative are hereby requested to use all necessary means to bring the object of this memorial to the attention of Congress.

And be it further resolved, That the secretary of state be respectfully requested to transmit a copy of this concurrent resolution and memorial to our Senators and member of Congress.

January 13, 1891, passed the senate.

JOHN S. GRAY,
President pro tempore of the Senate.

January 14, 1891, passed the house.

F. A. FENN, *Speaker of the House.*

(Indorsed:) I hereby certify that the within senate concurrent resolution No. 10, being memorial to Congress requesting that silver as well as gold bullion be purchased at United States assay office at Boisé City, originated in the senate of the Legislature of the State of Idaho during the first session.

M. C. ATHEY, *Secretary of the Senate.*

SECRETARY'S OFFICE, *Boisé City, Idaho.*

Filed this 15th day of January, 1891.

A. J. PINKHAM, *Secretary.*

Mr. McCONNELL presented the following petitions of citizens of Idaho, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Petition of David Chapman and 18 other citizens of Moscow, Latah County, Idaho;

Resolutions of Alliance No. 91, of Moscow, Latah County, Idaho; and

Petition of S. A. Haworth and 30 other citizens of Idaho.

Mr. DAVIS presented resolutions of the Farmers' Alliance of Murray County, Minnesota, favoring the passage of the farmers' antioption bill; which were referred to the Committee on Agriculture and Forestry.

He also presented the petition of George E. Middleton, Mrs. Ella A. Glass, and 101 other citizens of Alexandria, Minn., praying for the passage of the bill providing for the appointment of a national commission on the subject of social vice; which was referred to the Committee on Education and Labor.

He also presented the following petitions and resolutions from the State of Minnesota, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Petition of Peter A. Peterson and 41 other citizens of Big Stone County, Minnesota;

Petition of Ira M. Cady and 16 other citizens of Magnolia Township, Rock County, Minnesota;

Petition of A. S. Stephens and 8 other citizens of Brown's Valley, Traverse County, Minnesota;

Petition of B. F. Fixson and 18 other citizens of Minnesota;

Petition of Fred. Dockendorff and 22 other citizens of Barnum, Carlton County, Minnesota;

Petition of John Deulin and 41 other citizens of Barnum, Carlton County, Minnesota;

Petition of Michael Caven and 39 other citizens of Blue Earth County, Minnesota;

Petition of E. W. Colby and 10 other citizens of Minnesota;

Petition of George T. Oldham and 12 other citizens of Todd County, Minnesota;

Petition of P. O. French and 11 other citizens of Yellow Medicine County, Minnesota;

Petition of William H. Happel and 25 other citizens of Houston County, Minnesota;

Petition of Herman Bergard and 12 other citizens of Mound Prairie, Houston County, Minnesota;

Resolutions of Buran Alliance, No. 769, of Minnesota;

Resolutions of Barnum Alliance, No. 1195, of Moose Lake Township, Carlton County, Minnesota;

Resolutions of citizens of Brown County, Minnesota;

Resolutions of Farmers' Alliance of Good Thunder, Minnesota;

Resolutions of Solid Rock Alliance, No. 1220, of Birch Dale, Todd County, Minnesota;

Resolutions of Alliance 1206, of Looney Valley, Houston County, Minnesota;

Resolutions of Lincoln Alliance, No. 718, of Lake Benton, Lincoln County, Minnesota;

Resolutions of Fish Creek Farmers' Alliance, No. 600, of Minnesota;

Resolutions of Magnolia Farmers' Alliance, No. 845, of Magnolia, Rock County, Minnesota;

Petition of E. R. Rice and 25 other citizens of Todd County, Minnesota;

Petition of B. F. Warren and 34 other citizens of Murray County, Minnesota;

Petition of L. Johnson and 32 other citizens of Fillmore County, Minnesota;

Petition of J. M. Sprague and 8 other citizens of Blue Earth County, Minnesota;

Petition of F. E. Titus and 39 other citizens of Fillmore County, Minnesota;

Petition of M. Gainor and 38 other citizens of Blue Earth County, Minnesota;

Petition of M. O. Lakensgaard and 22 other citizens of Nicollet County, Minnesota;
Petition of C. L. Weber and 28 other citizens of Dodge County, Minnesota;
Resolutions of Farmers' Alliance No. 1147, of Benton County, Minnesota;
Petition of George Pappenfus and 29 other citizens of Benton County, Minnesota; and
Resolutions of Farmers' Alliance of Slayton, Murray County, Minnesota.

Mr. DAVIS also presented the petition of J. C. Miller, of Marshall, Minn., praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. PADDOCK presented the following petitions, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:
Petition of J. A. Smith and 39 other citizens of Nebraska;
Petition of James Wallace and 26 other citizens of Buffalo County, Nebraska;
Petition of H. P. Rogers and 18 other citizens of Buffalo County, Nebraska;
Petition of Joseph Stewart and 5 other citizens of Boone County, Nebraska;
Resolutions of Cumming Park Alliance No. 650, Custer County, Nebraska;
Petition of John Cooney and 37 other citizens of Custer County, Nebraska;
Petition of George Winder and 19 other citizens of Antelope County, Nebraska;
Resolution of Blaine Alliance, No. 735, of Antelope County, Nebraska;
Resolutions of Black Hill Suballiance, No. 1428, of Sartoria, Buffalo County, Nebraska;
Petition of Frank Rochrich and 22 other citizens of Sartoria, Buffalo County, Nebraska;
Petition of A. M. Ross and 10 other citizens of Nebraska;
Resolutions of Boone Alliance, No. 4195, Nebraska;
Petition of H. W. Kessler and 23 other citizens of Buffalo County, Nebraska;
Resolutions of Farmers Alliance No. 794, Nebraska;
Petition of L. H. Ingersoll and 33 other citizens of Clay County, Nebraska;
Resolutions of Alliance No. 638, Custer County, Nebraska;
Petition of O. H. Maze and 8 other citizens of Custer County, Nebraska;
Petition of J. F. Spicer and 16 other citizens of Clay County, Nebraska;
Resolutions of West Lyma Alliance, No. 1059, of Harvard, Clay County, Nebraska;
Resolutions of Blaine Alliance, No. 469, Hastings, Nebr.;
Petition of B. B. Snodgrass and 40 other citizens of Adams County, Nebraska;
Resolutions of West Grove Alliance, No. 1442, Ashland Cass County, Nebraska;
Petition of O. J. Wortman and 35 other citizens of Cass, County, Nebraska;
Resolutions of Progressive Alliance, No. 1099, of Banner County, Nebraska;
Petition of A. Barton and 11 other citizens of Blaine County, Nebraska;
Resolutions of delegates of the Blaine County (Nebraska) Farmers' Alliance;
Petition of J. L. Cropper and 54 other citizens of Sargent, Custer County, Nebraska;
Petition of H. M. Street and 43 other citizens of Broken Bow, Custer County, Nebraska;
Resolutions of Lake Shore Alliance, No. 1023, of Nebraska; and
Petition of Jacob Beck and 86 other citizens of Burt County, Nebraska.

Mr. PADDOCK presented the following memorials remonstrating against the passage of the Conger lard bill and praying for the passage of the Paddock pure-food bill; which were ordered to lie on the table:
Memorial of the New York Produce Exchange, through its president;
Memorial of the Grocers' Association, of Baltimore, Md.; and
Memorial of the Wholesale and Retail Grocery Trade and General Merchants, of Akron, Ohio.

Mr. PADDOCK presented a petition of the Omaha Board of Trade, praying for the passage of Senate bill 4329, authorizing official investigations of the electrical industries, and the manufacture of electrical apparatus and their uses, as applied to other industries of the country; which was referred to the Committee on the Census.

Mr. CULLOM presented the following petitions, praying for the passage of the Conger lard bill; which were ordered to lie on the table:
Petition of citizens of Jersey County, Illinois;
Petition of Lodge 4724, Farmers' Mutual Benefit Association, of Illinois;
Petition of Burritt Lodge 4241, Farmers' Mutual Benefit Association, of Illinois;
Petition of citizens of Winnebago County, Illinois;
Petition of members of Hickory Lodge, Farmers' Mutual Benefit Association, of Jersey County, Illinois;
Petition of Restick Alliance, of Whiteside County, Illinois;
Petition of Jersey County (Illinois) Assembly, Farmers' Mutual Benefit Association, of Illinois;
Petition of Williamson County Assembly, Farmers' Mutual Benefit Association, of Illinois;
Petition of Otterville Lodge, Farmers' Mutual Benefit Association, of Jersey County, Illinois;
Petitions of citizens of Jersey County, Illinois;
Petition of Delhi Lodge, Farmers' Mutual Benefit Association, Jersey County, Illinois; and
Petition of citizens of La Salle County, Illinois.

Mr. CULLOM also presented the following petitions, praying for the passage of the Paddock pure-food bill; which were ordered to lie on the table:
Petition of District Assembly 1139, Farmers' Mutual Benefit Association, of Jasper County, Illinois;
Petition of members of District Assembly 683, Farmers' Mutual Benefit Association of Illinois;
Petition of members of District Assembly 1581, Farmers' Mutual Benefit Association of Illinois;
Petition of members of District Assembly 935, Farmers' Mutual Benefit Association of Illinois;
Petition of members of Farmers' Mutual Benefit Association of Union County, Illinois;
Petition of District Assembly 2771, Farmers' Mutual Benefit Association of Illinois.
Petition of District Assembly 1309, Farmers' Mutual Benefit Association of Illinois;
Petition of District Assembly 411, Farmers' Mutual Benefit Association of Illinois;
Petition of District Assembly 101, Farmers' Mutual Benefit Association of Illinois;
Petition of District Assembly 1455, Farmers' Mutual Benefit Association of Illinois;
Petition of District Assembly 586, Farmers' Mutual Benefit Association of Illinois;
Petition of District Assembly 1643, Farmers' Mutual Benefit Association of Illinois;
Petition of District Assembly 544, Farmers' Mutual Benefit Association of Illinois;
Petition of District Assembly 178, Farmers' Mutual Benefit Association of Illinois;
Petition of District Assembly 2386, Farmers' Mutual Benefit Association of Illinois;
Petition of District Assembly 1450, Farmers' Mutual Benefit Association of Illinois;
Petition of District Assembly 3343, Farmers' Mutual Benefit Association of Illinois;
Petition of District Assembly 331, Farmers' Mutual Benefit Association of Illinois;
Petition of District Assembly 2106, Farmers' Mutual Benefit Association of Illinois;
Petition of District Assembly 2495, Farmers' Mutual Benefit Association of Illinois;
Petition of District Assembly 366, Farmers' Mutual Benefit Association of Illinois;
Petition of District Assembly 665, Farmers' Mutual Benefit Association of Illinois;
Petition of members of subordinate District Assembly 1676, Farmers' Mutual Benefit Association of Illinois;
Petition of District Assembly 2387, Farmers' Mutual Benefit Association of Illinois;
Petition of Oak Ridge Lodge 1782, Farmers' Mutual Benefit Association of Illinois;
Petition of District Assembly 737, Farmers' Mutual Benefit Association of Illinois;
Petition of District Assembly 1669, Farmers' Mutual Benefit Association of Illinois;
Petition of District Assembly 210, Farmers' Mutual Benefit Association of Illinois;
Petition of District Assembly 2400, Farmers' Mutual Benefit Association of Illinois;
Petition of Subordinate Assembly 1748, Farmers' Mutual Benefit Association of Illinois;
Petition of District Assembly 946, Farmers' Mutual Benefit Association of Illinois;
Petition of District Assembly 3856, Farmers' Mutual Benefit Association of Illinois;
Petition of District Assembly 3325, Farmers' Mutual Benefit Association of Illinois;

Petition of District Assembly 1279, Farmers' Mutual Benefit Association of Illinois;

Petition of District Assembly 645, Farmers' Mutual Benefit Association of Illinois;

Petition of District Assembly 1967, Farmers' Mutual Benefit Association of Illinois;

Petition of District Assembly 2040, Farmers' Mutual Benefit Association of Illinois;

Petition of District Assembly 120, Farmers' Mutual Benefit Association of Illinois;

Petition of District Assembly 1517, Farmers' Mutual Benefit Association of Illinois;

Petition of Lodge 1346, Farmers' Mutual Benefit Association of Illinois;

Petition of District Assembly 858, Farmers' Mutual Benefit Association of Illinois;

Petition of District Assembly 1585, Farmers' Mutual Benefit Association of Illinois;

Petition of District Assembly 82, Farmers' Mutual Benefit Association of Illinois;

Petition of District Assembly 726, Farmers' Mutual Benefit Association of Illinois;

Petition of District Assembly 301, Farmers' Mutual Benefit Association of Illinois;

Petition of District Assembly 2600, Farmers' Mutual Benefit Association of Illinois;

Petition of District Assembly 1515, Farmers' Mutual Benefit Association of Illinois; and

Petition of District Assembly 2269, Farmers' Mutual Benefit Association of Illinois.

Mr. CULLOM also presented the following memorials, remonstrating against the passage of the Conger lard bill; which were ordered to lie on the table:

Memorial of Lodge 2705, Farmers' Mutual Benefit Association, of Glenarm, Ill.;

Memorial of officers and 30 members of Union No. 145, Farmers' Alliance and Industrial Union of Illinois;

Memorial of Union No. 54, Schuyler County (Illinois) Farmers' Alliance and Industrial Union;

Memorial of officers and 12 members of Farmers' Alliance and Industrial Union No. 202, of Livingston County, Illinois;

Memorial of officers and 14 members of Union No. 138, Farmers' Alliance and Industrial Union of Macoupin County, Illinois;

Memorial of officers and 17 members of Farmers' Alliance and Industrial Union of Illinois, No. 94, of Menard County;

Memorial of 21 members of Farmers' Alliance and Industrial Union No. 76, of Illinois;

Memorial of officers and members of Union No. 36, Henry County (Illinois) Farmers' Alliance and Industrial Union;

Memorial of officers and 36 members of Union No. 207, Graymount (Illinois) Farmers' Alliance and Industrial Union;

Memorial of officers and members of Union No. 116 and 144, of Jackson County Farmers' Alliance and Industrial Union, of Illinois;

Memorial of Farmers' Alliance and Industrial Union No. 133;

Memorial of Farmers' Alliance and Industrial Union No. 113, of Illinois;

Memorial of officers and 18 members of Farmers' Alliance apd Industrial Union No. 166, of Illinois;

Memorial of sundry citizens of Illinois;

Memorial of certain citizens of Illinois;

Memorial of officers and 36 members of Farmers' Alliance and Industrial Union No. 236, of Scott County, Illinois;

Memorial of Farmers' Alliance and Industrial Union No. 85, Whiteside County, Illinois;

Memorial of members of Farmers' Alliance and Industrial Union No. 245, of Illinois;

Memorial of Union No. 7, Jackson County, Farmers' Alliance and Industrial Union of Illinois;

Memorial of 15 members of the Farmers' Alliance and Industrial Union No. 150, of Illinois;

Memorial of Union No. 173, Henry County, Farmers' Alliance and Labor Union of Illinois;

Memorial of officers and members of Alliance, No. 86, Carroll County, Farmers' Alliance and Industrial Union of Illinois;

Memorial of 18 members of Alliance No. 212, Farmers' Alliance and Industrial Union of Illinois;

Memorial of members of Farmers' Alliance and Industrial Union of Illinois, No. 29, Jo Daviess County, Illinois;

Memorial of Alliance No. 89, Farmers' Alliance and Industrial Union of Illinois;

Memorial of secretary and 10 members of Alliance No. 241, Farmers' Alliance and Industrial Union of Illinois;

Memorial of George Grimes, secretary, and 16 members of Alliance No. 230, of Farmers' Alliance and Industrial Union of Illinois;

Memorial of Ida Fullmer, secretary, and the members of Alliance No. 255, of Farmers' Alliance and Industrial Union, of Montezuma, Illinois;

Memorial of Wrightsville Alliance No. 151, of Illinois;

Memorial of the members of Farmers' Alliance and Industrial Union No. 118, of Illinois; and

Memorial of Farmers' Alliance and Industrial Union No. 125, of Illinois.

Mr. CULLOM also presented the following petitions, praying for the passage of the Paddock pure-food bill and remonstrating against the passage of the Conger lard bill; which were ordered to lie on the table:

Petition of 14 members of Union No. 159, of Pike County (Illinois) Farmers' Alliance and Industrial Union;

Petition of Farmers' Alliance and Industrial Union No. 147, of Morgan County, Illinois;

Petition of Farmers' Alliance and Industrial Union No. 234, of Scott County, Illinois;

Petition of president and secretary Farmers' Alliance and Industrial Union No. 98, Randolph County, Illinois;

Petition of president, vice president, and 19 members Cottonwood Alliance of Pike County, Illinois;

Petition of the secretary and members of Farmers' Alliance and Industrial Union No. 239, of Illinois;

Petition of 16 members of Union No. 228, Farmers' Alliance and Industrial Union of Illinois;

Petition of Farmers' Alliance and Industrial Union No. 257, of Woodford County, Illinois;

Petition of officers and 14 members of Union No. 181, Farmers' Alliance and Industrial Union, of Macoupin County, Illinois;

Petition of secretary and 26 members of Farmers' Alliance and Industrial Union, No. 40, of Morgan County, Illinois;

Petition of officers and 22 members of Farmers' Alliance and Industrial Union No. 117, of Pearl, Ill.;

Petition of Farmers' Alliance and Industrial Union No. 231, of Livingston County, Illinois;

Petition of 18 members of Farmers' Alliance and Industrial Union No. 226 of Illinois;

Petition of the president, secretary, and members of Farmers' Alliance and Industrial Union No. 220, of Morgan County, Illinois;

Petition of 17 members of Alliance No. 120, Farmers' Alliance and Industrial Union of Illinois;

Petition of 13 members of Farmers' Alliance and Industrial Union of Illinois, No. 106;

Petition of the members of Farmers' Alliance and Industrial Union No. 108, of Cass County, Illinois;

Petition of the officers and 20 members of lodge No. 127 of Farmers' Alliance and Industrial Union, of Barrows, Green County, Illinois;

Petition of the officers and 7 members of Jefferson County Farmers' Alliance and Industrial Union No. 157, of Illinois;

Petition of the officers and 44 members of lodge No. 142, Farmers' Alliance and Industrial Union, of Independence, Pike County, Illinois;

Petition of the officers and 20 members of lodge No. 186, of Scales Mounds, Jo Daviess County, Illinois, Farmers' Alliance and Industrial Union; and

Petition of the officers and 7 members of lodge No. 204, Farmers' Alliance and Industrial Union, of Hancock County, Illinois.

Mr. CULLOM also presented a resolution of the Chicago (Ill.) Law Institute, favoring the passage of some bill for the relief of the Supreme Court of the United States; which was ordered to lie on the table.

He also presented a petition of citizens of Saybrook, Ill., praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. QUAY presented a petition of the Western Pennsylvania Sabbath Association of Pittsburgh, Pa., praying for the passage of the Blair Sunday-rest bill; which was referred to the Committee on Education and Labor.

He also presented the following petitions, praying for the passage of the Torrey bankruptcy bill; which were ordered to lie on the table:

Petition of the Wholesale Grocers of Pittsburgh, Pa.;

Petition of the Drug Exchange of Philadelphia, Pa.; and

Petition of Orr, Painter & Co., of Reading, Pa.

Mr. QUAY also presented a petition of the United Labor League of Philadelphia, Pa., and vicinity, praying for the passage of the international copyright bill; which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Pittsburgh, Pa., praying for the early conclusion of all legislation relative to finance; which was ordered to lie on the table.

He also presented a petition of the late members of Company E, Two hundred and second Regiment, Pennsylvania Volunteers, praying for the enactment of a law authorizing the Second Auditor of the Treasury to settle their claims for portion of bounty still due them; which was referred to the Committee on Military Affairs.

He also presented the petition of Harmony Council, No. 53, Junior Order United American Mechanics, praying for the passage of the bill to restrict immigration, as reported from the Committee on Immigration; which was ordered to lie on the table.

He also presented the following petitions, praying for the passage of the Federal elections bill; which were ordered to lie on the table:

Petition of the Citizens' Republic Club, of Philadelphia, Pa.;

Petition of the War Veterans' Club, of Philadelphia, Pa.; and

Petition of the Republican members of the house of representatives of the State of Pennsylvania.

Mr. QUAY also presented the following petitions, praying for the passage of the Conger lard bill; which were ordered to lie on the table:

Petition of Porter Township, Huntington County, Pennsylvania, Farmers' Alliance;

Petition of Harding, Britton & Co., of Philadelphia, Pa.; and

Petition of citizens of Otter Creek, Mercer County, Pennsylvania.

Mr. QUAY also presented a petition of the Board of Trade of Philadelphia, Pa., praying that an appropriation be made for the acquisition of additional property for the extension of the post-office facilities at that city; which was referred to the Committee on Public Buildings and Grounds.

Mr. COCKRELL presented a resolution of the house of representatives of the Legislature of Missouri; which was read and ordered to lie on the table, as follows:

STATE OF MISSOURI,
City of Jefferson, House of Representatives, ss:

I, Abner S. Smith, chief clerk of the house of representatives of the Thirty-sixth General Assembly, do hereby certify that on the 14th day of January, 1891, the following resolution was introduced into and passed the house.

ABNER S. SMITH, *Chief Clerk.*

SEVENTH DAY, AFTERNOON SESSION,
Wednesday, January 14, 1891.

Whereas the adulteration of food, drugs, and liquors exists to such an alarming extent as to involve every article of diet, drugs, and drink; and

Whereas these adulterations are often harmful to health and always injurious, and are frauds when sold under a deceptive title; and

Whereas one of the products of the hog, one of the largest agricultural interests, on which depends in a great measure the market for our Western corn, is adulterated to such an extent as to be excluded from several of the European markets, thereby greatly injuring one of our principal agricultural industries: Therefore,

Resolved, That the house of representatives of the Missouri General Assembly, now in session, do ask and urge the members from our State in the Senate of our National Congress the importance and necessity of promptly enacting laws to prevent the false branding and adulteration of all food products, including liquors and drugs.

Resolved, That a copy of these resolutions be forwarded to Hon. F. M. COCKRELL and Hon. GEORGE G. VEST, at Washington, D. C.

Mr. COCKRELL presented a resolution of the house of representatives of the Legislature of Missouri; which was read and referred to the Committee on the Judiciary, as follows:

To the Hon. FRANCIS M. COCKRELL,
United States Senator, Washington, D. C.:

I hereby transmit to you the following resolution:

"Whereas the Judiciary Committee of the National House of Representatives of the United States has recently reported a bill in which it recommends the enactment of a law prohibiting aliens and unnaturalized foreigners from owning or acquiring title to real estate in the United States, with an amendment to the same, proposed by said committee, that all American lands now owned by unnaturalized foreigners shall at the expiration of ten years be forfeited to the Government; and

"Whereas said report is in entire conformity with the views of the members of this house upon said subject of alien ownership of land: Therefore,

"*Resolved by the house of representatives of the General Assembly of the State of Missouri*, That the herein-recited bill and amendment meet its hearty approval and indorsement, and that we hereby urgently request the members of the Missouri delegation in Congress to use the most effective means within its power to secure the passage of said bill, and that a copy of this resolution be forwarded to our Senators and Representatives at Washington;"

which was introduced into and passed by the house of representatives of the Thirty-sixth General Assembly of the State of Missouri, on the 16th day of January, A. D. 1891.

A true copy of the original as introduced as passed.

CHAS. L. ROWLAND,
Assistant Chief Clerk.

JEFFERSON CITY,
January 17, 1891.

Mr. COCKRELL presented a resolution of the house of representatives of the Legislature of Missouri; which was read and referred to the Committee on Finance, as follows:

STATE OF MISSOURI,
City of Jefferson, House of Representatives:

I, Abner S. Smith, chief clerk of the house of representatives of the Thirty-sixth General Assembly, do hereby certify that on the 19th day of January, 1891, the following resolution was introduced into and passed the house.

A. S. SMITH, *Chief Clerk.*

Resolution relating to the tariff and the free coinage of silver.

Whereas the prevailing "hard times" and industrial depression that exist throughout the country are the result of protective-tariff taxes imposed for the enrichment of the few at the expense of the many, and the manipulation and contraction of the currency by the money kings of Wall street and the national banks, which have depressed the prices of all farm products; and

Whereas it is a well-established principle of our free representative form of Government that the taxing power vested in Congress by the Federal Constitution can only be rightfully and constitutionally exercised for the purpose of raising a sufficiency of revenue to meet the expenses of Government administered in all of its branches upon principles of the most rigid honesty and the strictest economy; and

Whereas holding with the United States Supreme Court that "to lay with one hand the power of the Government on the property of the citizen and with the other to bestow it upon favored individuals to aid private enterprises and build up private fortunes is none the less a robbery because it is done under the forms of law and is called taxation;" and believing with Thomas Jefferson in the doctrine of "free commerce with all nations," but that so long as revenues for the support of the Federal Government are raised in part by tariff taxes, such taxes should fall upon the luxuries of life and not on the necessaries, nor upon raw material; and believing further that the silver-coinage act passed at the first session of the present Congress is a fraud upon the people: Therefore,

Be it resolved by the house of representatives of the Thirty-sixth General Assembly of the State of Missouri, That, to the end that the cost of books, periodicals, and newspapers may be cheapened, and the trusts and combinations which control the production of those articles which are essentially necessary to the farmers and laborers of the country in their every-day life and work may be destroyed and the cost of living be reduced, our Senators in Congress be instructed and our Representatives in Congress be requested to use their influence and their votes to have placed on the free list all paper and pulps used in the manufacture of paper, binder twine, cotton ties, barbed wire, and wire rods for fencing; lumber, white lead, and paints; all agricultural implements and edge tools; coal, tin, and tin plate, blankets, worsteds for men and women's clothing; all kitchen and table ware, and all raw material used in the manufacture of any of the above articles.

Resolved further, That, in order that the volume of money may be increased, we favor the free and unlimited coinage of silver.

Resolved, That we can not too highly commend the course of our Democratic Senators and Representatives in Congress for their courageous and consistent advocacy of the rights and interests of the people in favoring free coinage and opposing the imposition of protective-tariff taxes.

Resolved, That a copy of these resolutions be forwarded to each of our Senators and Representatives in Congress by the chief clerk of this house.

Mr. COCKRELL. I present a petition of the Mechanics' Exchange of St. Louis, Mo., dated January 13, 1891, to the Congress of the United States, in behalf of the passage of the Torrey bankruptcy bill and its immediate consideration by the Senate. It is quite a long petition and is a very important one. I move that it be printed as a miscellaneous document and lie on the table.

The motion was agreed to.

Mr. COCKRELL also presented the following petitions, praying for the passage of the Torrey bankruptcy bill; which were ordered to lie on the table:

Petition of Everett Pattison and other citizens of St. Louis, Mo.;

Petition of the Robert D. Patterson Stationery Company, F. J. Comstock & Co., and other business firms of St. Louis, Mo.; and

Petition of W. T. Brantley and other citizens of Cheraw, S. C.

Mr. COCKRELL. I also present resolutions of the Commercial Club of Kansas City, Mo., dated January 20, 1891, urging the favorable consideration of the treaty between the Cheyenne and Arapahoe tribes of Indians and the United States through the Cherokee Commission, I believe it was, for the purchase of some 4,000,000 acres of land immediately west of Oklahoma Territory, and the ratification of the pending bill, which I think is Senate bill 4890, by the Senate at the present session. I believe that bill has already been reported to the Senate and is now on the Calendar.

The PRESIDING OFFICER. The resolutions will lie on the table.

Mr. COCKRELL also presented a petition of the St. Louis (Mo.) Butchers' Union, praying for the passage of the Conger lard bill; which was ordered to lie on the table.

He also presented a petition of the Laundrymen's National Association of America, praying for the passage of House bill 5357, known as "the Morrow Chinese exclusion act;" which was referred to the Committee on Foreign Relations.

He also presented the following petitions of Farmers' Unions of Missouri, praying for the passage of the Paddock pure-food bill; which were ordered to lie on the table:

Petitions of Farmers and Laborers' Union Nos. 3 and 740, of Adair County, Missouri;

Petition of Farmers and Laborers' Union No. 25, of Bates County, Missouri;

Petition of Farmers and Laborers' Union No. 542, of Barton County, Missouri;

Petition of Farmers and Laborers' Union No. 1133, of Caldwell County, Missouri;

Petition of Farmers and Laborers' Union No. 614, of Cass County, Missouri;

Petition of Farmers and Laborers' Union No. 730, of Carroll County, Missouri;

Petition of Farmers and Laborers' Union No. 341, of Cape Girardeau County, Missouri;

Petition of Farmers and Laborers' Union No. 1306, of Chariton County, Missouri;

Petition of Farmers and Laborers' Union No. 243, of Coop County, Missouri;

Petition of Farmers and Laborers' Union No. 360, of Dunklin County, Missouri;

Petition of Farmers and Laborers' Union No. 66, of Daviess County, Missouri;

Petition of Farmers and Laborers' Union No. 591, of Gentry County, Missouri;

Petition of Farmers and Laborers' Union No. 715, of Henry County, Missouri;

Petitions of Farmers and Laborers' Union Nos. 25, 247, and 548, of Jefferson County, Missouri;

Petition of Farmers and Laborers' Union No. 126, of Knox County, Missouri;

Petition of Farmers and Laborers' Union No. 148, of Linn County, Missouri;

Petitions of Farmers and Laborers' Union Nos. 559 and 698, of Macon County, Missouri;
Petition of Farmers and Labors' Union No. 1113, of Madison County, Missouri;
Petitions of Farmers and Laborers' Union Nos. 631 and 926, of Moniteau County, Missouri;
Petition of Farmers and Laborers' Union No. 1184, of Newton County, Missouri;
Petition of Farmers and Laborers' Union No. 767, of Nodaway County, Missouri;
Petition of Farmers and Laborers' Union No. 1993, of Osage County, Missouri;
Petitions of Farmers and Laborers' Union Nos. 20 and 1104, of Phelps County, Missouri;
Petitions of Farmers and Laborers' Union Nos. 319 and 1360, of Stoddard County, Missouri;
Petitions of Farmers and Laborers' Union No. 1091, of Ray County, Missouri;
Petition of Farmers and Laborers' Union No. 627, of Vernon County, Missouri;
Petition of Farmers and Laborers' Union No. 571, of Adair County, Missouri;
Petition of E. H. Hutson and J. H. Wilkerson and other members of Farmers and Laborers' Unions of Missouri;
Petition of James King and 78 other citizens of St. Louis, Mo.;
Petition of H. W. Westbrook and 23 other citizens of St. Louis, Mo.;
Petition of John Horner and 34 other employés of the painting department of Haydock Brothers' Carriage Factory, of St. Louis, Mo.; and
Petition of Charles Schroeder and 86 merchants of St. Louis, Mo.

Mr. COCKRELL also presented the following memorials, remonstrating against the passage of the Conger lard bill; which were ordered to lie on the table:

Memorial of John Horschman and 28 other wage-workers of St. Louis, Mo.;
Memorial of Joseph Schmitt and 37 coworkers of St. Louis, Mo.;
Memorial of John T. Star and 10 other wage-workers of St. Louis, Mo.;
Memorial of Frank J. Keller and 17 other workingmen of St. Louis, Mo.;
Memorial of William F. Houston and 10 other workingmen of St. Louis, Mo.;
Memorial of C. B. Gougherty and 11 other wage-workers of St. Louis, Mo.;
Memorial of Henry Loehrs and 15 other wage-workers of St. Louis, Mo.;
Memorial of Joseph Sneider and 6 other merchants of St. Louis, Mo.;
Memorial of Anderson Brooks and 12 other wage-workers of St. Louis, Mo.;
Memorial of William Hoffstetter and 20 other workingmen of St. Louis, Mo.;
Memorial of John H. Seewald and 24 other workingmen of St. Louis, Mo.;
Memorial of Gust. A. Wise and 32 other workingmen of St. Louis, Mo.;
Memorial of F. Bus and 22 other wage-workers of St. Louis, Mo.;
Memorial of George W. Scoville and 27 other workingmen of St. Louis, Mo.;
Memorial of George W. Kumpff and 21 other workingmen of St. Louis, Mo.;
Memorial of George Bramlage and 14 other wage-workers of St. Louis, Mo.;
Memorial of Gus Brunsinghaus and 16 other wage-workers of St. Louis, Mo.;
Memorial of Lawrence Higgins and 15 other wage-workers of St. Louis, Mo.;
Memorial of Louis Bender and 9 other wage-workers of St. Louis, Mo.;
Memorial of Thomas Elliott and 41 other workmen of St. Louis, Mo.;
Memorial of George F. Decker and 40 other wage-workers of St. Louis, Mo.;
Memorial of J. Stephens and 57 other workmen of St. Louis, Mo.;
Memorial of George Munroe and 15 other workmen of St. Louis, Mo.;
Memorial of George U. Winter and 10 other merchants of St. Louis, Mo.;
Memorial of John Dempsey and 96 other wage-workers of St. Louis, Mo.;
Memorial of J. H. Kearns and 47 other workingmen of St. Louis, Mo.;
Memorial of Charles Carroll and 125 other workingmen of St. Louis, Mo.;
Memorial of T. J. Nicholson and 25 other workingmen of St. Louis, Mo.;
Memorial of William Zimmerman and 53 other workingmen of St. Louis, Mo.;
Memorial of Fred Schriver and 38 other workingmen of St. Louis, Mo.;
Memorial of Timothy Hennessy and 43 other workingmen of St. Louis, Mo.;
Memorial of William Merkel and 14 other workingmen of St. Louis, Mo.;
Memorial of Edward Fitzgerald and 94 other workingmen of St. Louis, Mo.;
Memorial of H. B. Meyer and 26 other workingmen of St. Louis, Mo.;
Memorial of Herman Welzer and 27 other employés of different manufacturers in St. Louis, Mo.;
Memorial of Frank J. Schaefer and 31 other workingmen of St. Louis, Mo.;
Memorial of Arthur A. Vogel and 29 other workingmen of St. Louis, Mo.;
Memorial of John F. Ruth and 18 other workingmen of St. Louis, Mo.;
Memorial of Maurice Hartnett and 22 other workingmen of St. Louis, Mo.;
Memorial of Robert Fisher and 49 other workingmen of St. Louis, Mo.;
Memorial of James Ryan and 49 other workingmen of St. Louis, Mo.;
Memorial of Charles A. Fetzold and 39 other workingmen of St. Louis, Mo.;
Memorial of Charles Matt and 36 other workingmen of St. Louis, Mo.;
Memorial of J. T. Hottinger and 59 other workingmen of St. Louis, Mo.;
Memorial of George Woodley and 26 other laborers of St. Louis, Mo.; and
Memorial of M. Johnson and 17 other workingmen of St. Louis, Mo.

Mr. HALE presented the petition of George Bailey, E. H. Purdie, Mrs. Bessie P. Cutler and 74 other citizens of Winthrop, Me., praying for the passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages; which was referred to the Committee on Education and Labor.

Mr. HOAR presented the following petitions, praying for the passage of the Federal election bill; which were ordered to lie on the table:

Petition of Republican city and county committee of the Fifth Congressional district of Kentucky;
Petition of the Colored National League of Boston, Mass.; and
Petition of citizens of Montgomery County, North Carolina.

Mr. HOAR presented the following petitions, praying for the passage of the Torrey bankruptcy bill; which were ordered to lie on the table:

Petition of business houses of Boston, Mass.;
Petition of business houses of Boston, Mass.; and
Petition of business houses of great commercial importance, of Boston, Mass.

Mr. HOAR presented a petition of citizens of Boston, Mass., praying for the passage of Senate bill 4173 to provide for a national commission of inquiry in regard to social vice; which was referred to the Committee on Education and Labor.

Mr. DAWES presented a resolution of the house of representatives of Massachusetts; which was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

COMMONWEALTH OF MASSACHUSETTS, *in the year* 1891.

Resolutions in favor of honest money.

Whereas the people of Massachusetts believe in honest money and look to their Senators and Representatives in Congress to defend a sound currency; and

Whereas they believe in a conservative regulation of the currency and condemn its inflation either by the issue of inconvertible paper money or by the free coinage of the depreciated dollar; and

Whereas a bill has just passed the Senate of the United States providing for the free coinage of silver and its unlimited purchase by the United States Government at a fixed price; and

Whereas this measure will debase our currency and imperil the commercial credit of the United States and endanger the prosperity of all its citizens, and particularly the welfare of the wage-earners:

Resolved, That we hereby express our thanks to our Senators for their opposition to such a measure, and that we request them and our Representatives in Congress to use every effort to defeat not only the proposed unlimited purchase of silver by the national Treasury at extortionate rates, but also any measure including free coinage or tending in any way to debase our currency.

Resolved, That we request our Senators and Representatives in Congress to use their influence to secure the adoption by the chief commercial nations of the world of a fixed ratio between gold and silver.

Resolved, That these resolutions be communicated to Congress, and that a copy thereof be transmitted to each of the Senators and Representatives in Congress from this Commonwealth.

HOUSE OF REPRESENTATIVES, *January* 16, 1891.

Adopted.

EDWARD A. McLAUGHLIN, *Clerk.*

A true copy. Attest:

EDWARD A. McLAUGHLIN,
Clerk of the House of Representatives.

Mr. DAWES presented a petition of the Young Men's Democratic Club of Massachusetts in favor of honest money and remonstrating against the passage of the bill for the free coinage of silver; which was referred to the Committee on Finance.

He also presented the petition of Howard W. Spur & Co. and 13 other leading wholesale grocers of the city of Boston, Mass., praying

for the speedy passage of the Conger lard bill; which was ordered to lie on the table.

He also presented the following petitions, praying for the passage of the Torrey bankruptcy bill; which were ordered to lie on the table:

Petition of citizens of Boston, Mass.;

Petition of citizens of Boston, Mass.;

Petition of citizens of North Dighton, Mass.; and

Petition of citizens of Springfield, Mass.

Mr. REAGAN presented the memorial of Charles H. Allyn and 37 other citizens of Corsicana, Tex., remonstrating against the passage of the Conger lard bill; which was ordered to lie on the table.

He also presented a petition of the Legislative Assembly of the Territory of New Mexico, praying Congress to pass a bill for the final adjudication and settlement of private land claims in that Territory; which was read, and ordered to lie on the table, as follows.

Council memorial No. 1.

To the Senate and House of Representatives of the United States in Congress assembled:

Whereas there is urgent necessity for the enactment by the Congress of the United States of a law establishing a court or tribunal whose duty it shall be to hear and determine as to the validity, character, and extent of claims made to lands by communities and private individuals within the Territory of New Mexico, and which are based upon grants or concessions alleged to have been made by the Governments of Spain and Mexico: Therefore,

Be it resolved by the Legislative Assembly of the Territory of New Mexico, That the Congress of the United States be, and it is hereby, requested to enact at once a law that will create a court or tribunal with power to hear and adjudicate all such claims in a prompt and speedy manner, and the general features of the bill upon this subject that was lately passed by the lower House of Congress meets with the commendation of this body, but this body most earnestly protests against such portions of such bill as provide that the court thereby created shall sit or hold any of its sessions in the city of Washington, believing that if such a provision is retained in the bill and the same becomes a law, great injustice would be done to a large number of claimants in this Territory and that if they shall be compelled to present their claims before a court or tribunal in Washington City the necessary cost and expense in doing so would be a practical denial of the right, and their claims would of necessity have to be abandoned.

Resolved, That a copy of this memorial be forwarded to Hon. ANTONIO JOSEPH, Delegate in Congress from this Territory, with a request that he present the same to the Senate and House of Representatives, and also that a copy thereof shall be sent to the President of the United States, Speaker of the House of Representatives, and President of the Senate.

Approved January 16, 1891.

Mr. PAYNE presented a petition of the Cleveland (Ohio) Vessel-Owners' Association, praying for the passage of the bill for the improvement of the navigation of the Detroit River; which was referred to the Committee on Commerce.

He also presented the petition of Louis Benton and 47 other citizens of Delaware County, Ohio, and the petition of R. S. Holman and 48 other citizens of Springfield, Ohio, praying for the passage of the Conger lard bill; which were ordered to lie on the table.

He also presented the following petitions praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Resolutions of Maplewood Farmers' Alliance, No. 49, of Maplewood, Shelby County, Ohio;

Petition of G. M. Davis and 31 other citizens of Morrow County, Ohio;

Petition of H. J. Stall and 87 other citizens of Williams County, Ohio;

Petition of C. W. Longwell and 37 other citizens of Sycamore Township, Wyandot County, Ohio;

Petition of Thomas A. Wells and 19 other citizens of Delaware County, Ohio;

Petition of H. R. Ketch and 7 other citizens of New California, Union County, Ohio;

Petition of John S. Allen and 37 other citizens of Kinsman, Trumbull County, Ohio;

Petition of J. S. Detrick and 36 other members of Maplewood Farmers' Alliance, No. 49, of Shelby, Ohio;

Petition of O. E. Perry and 15 other citizens of Logan County, Ohio;

Petition of W. L. Clark and 31 other citizens of Harrison, Ohio;

Resolutions of members of Ohio Farmers' Suballiance, No. 356, of Station 15, Harrison County, Ohio;

Petition of John P. Sinclair and 27 other citizens of Montgomery County, Ohio;

Resolutions of members of Philo Farmers' Alliance, No. 465, of Ashland County, Ohio;

Petition of H. S. Loomis and 21 other citizens of Deerfield, Portage County, Ohio;

Resolutions of members of Holmesville Farmers' Suballiance, No. 47, of Holmesville, Holmes County, Ohio;

Petition of C. B. Freeman and 42 other citizens of Marion County, Ohio;

Resolutions of the members of the Marion Farmers' Alliance, No. 126, of Ohio; and

Petition of J. W. Rowe and 10 other citizens of Staunton, Fayette County, Ohio.

Mr. PAYNE also presented the petition of the Fostoria Glass Company, Messrs. Isaac Harter & Co., and the Fostoria Shade and Lamp Company, of Fostoria, Ohio, praying for the enactment of the Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. HAWLEY presented the following petitions, praying for the passage of the bill providing for the appointment of a commission on the subject of social vice; which were referred to the Committee on Education and Labor:

Petition of Louise M. Wood, president, Carrie M. Clark, secretary, of the Woman's Relief Corps, and 34 other members, of Stafford Springs, Conn.;

Petition of E. A. Cleveland, W. C. Miner, and 73 other members of Harmony Temple of Honor, of Stafford Springs, Conn.;

Petition of Jennie T. Miner, Mrs. Augusta F. Taft, and 58 other members of the Woman's Christian Temperance Union of Stafford Springs, Conn.; and

Petition of W. C. Miner, Martha A. Nichols, and 65 other citizens of Stafford Springs, Conn.

Mr. HAWLEY also presented the petitions of Brown, Thompson & Co. and eight other leading firms of Hartford, Conn., praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. WASHBURN presented the following petitions, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Petition of T. T. Braaten and 14 other citizens of Norman County, Minnesota;

Petition of John Lehman and 8 other citizens of Mayhew, Benton County, Minnesota;

Petition of Thomas Flanegan and 39 other citizens of Rice County, Minnesota;

Petition of Samuel Bellig and 50 other citizens of Sleepy Eye, Brown County, Minnesota;

Petition of James Rowe and 29 other citizens of Kilkenny, Le Sueur County, Minnesota;

Petition of Edward McGee and 19 other citizens of Moulton, Murray County, Minnesota;

Petition of T. O. Tehee and 26 other citizens of Alma, Marshall County, Minnesota;

Petition of R. J. Hall and 21 other citizens of Stevens County, Minnesota;

Petition of Michael Austin and 21 other citizens of McLeod County, Minnesota;

Petition of L. W. Elle and 16 other citizens of McLeod County, Minnesota;

Petition of Gottlieb Birnstihl and 8 other citizens of Nobles County, Minnesota;

Petition of Walter Bean and 15 other citizens of Westbrook, Cottonwood County, Minnesota;

Petition of C. J. Sharratt and 14 other citizens of Lyon County, Minnesota;

Petition of Levi Gardner and 18 other citizens of Lincoln County, Minnesota;

Petition of William P. Schmitt and 34 other citizens of Brown County, Minnesota;

Petition of J. T. Montgomery and 45 other citizens of Brown County, Minnesota;

Petition of F. M. Kennedy and 19 other citizens of Brown County, Minnesota;

Petition of Swan Nelson and 41 other citizens of Whitfield, Kandiyohi County, Minnesota;

Resolutions of Rockwell Alliance, No. 520, of Minnesota;

Resolutions of Alta Vista Farmers' Alliance, No. 781, of Lincoln County, Minnesota;

Resolutions of Alliance No. 980, of Fairview Township, Lyon County, Minnesota;

Resolutions of Whitfield Farmers' Alliance, of Kandiyohi County, Minnesota;

Resolutions of Center Farmers' Alliance, of Patton, Minn.;

Resolutions of H. M. Iverson, John C. Amundson, Fosten Torkelson, and Christ. O. Mindrum, of Clay County, Minnesota;

Resolutions of Brookfield Farmers' Alliance, No. 710, of Minnesota;

Petition of E. B. Rice and 25 other citizens of Todd County, Minnesota;

Resolutions of Murray County Farmers' Alliance, of Minnesota;

Petition of A. C. Bisbee and 8 other citizens of Nevada Township, Mower County, Minnesota;

Petition of George Downs and 23 other citizens of Cottonwood County, Minnesota;

Resolutions of Lenora Alliance, No. 853, of Lenora, Minn.;

Petition of J. W. Smith and 17 other citizens of Nicollet County, Minnesota; and

Petition of J. A. Dodge and 21 other citizens of Dodge County, Minnesota.

Mr. WILSON, of Iowa, presented the following petitions, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Petition of 16 citizens of Carroll County, Iowa;

Petition of 28 citizens of Story County, Iowa;

Petition of 40 citizens of Hanover County and Allamakee County, Iowa;

Petition of the Farmers' Alliance of Sherman Center, Story County, Iowa;
Petition of the Farmers' Alliance, of Allamakee County, Iowa;
Petition of the Farmers' Alliance, of Allamakee County, Iowa;
Petition of 85 citizens of Muscatine County, Iowa;
Petition of 22 citizens of Dallas County, Iowa;
Petition of 62 citizens of Butler County, Iowa;
Petition of 40 citizens of Grundy County, Iowa;
Petition of 12 citizens of Webster County, Iowa;
Petition of 25 citizens of Adams County, Iowa;
Petition of 16 citizens of Union County, Iowa;
Petition of Farmers' Alliance 1507, of Dallas County, Iowa;
Petition of Farmers' Alliance of Grundy County, Iowa;
Petition of Farmers' Alliance 2944, of Muscatine County, Iowa;
Petition of Farmers' Alliance 1868, of Butler County, Iowa;
Petition of Farmers' Alliance 1871, of Butler County, Iowa;
Petition of Hardin Creek Farmers' Alliance, of Webster County, Iowa;
Petition of Farmers' Alliance 1665, of Adams County, Iowa;
Petition of Farmers' Alliance 1544, of Hardin County, Iowa;
Petition of 8 citizens of Polk County, Iowa;
Petition of 18 citizens of Winneshiek County, Iowa;
Petition of 7 citizens of Mitchell County, Iowa;
Petition of 22 citizens of Page County, Iowa;
Petition of 31 citizens of Iowa County, Iowa;
Petition of 9 citizens of Clay County, Iowa;
Petition of 11 citizens of Clarke County, Iowa;
Petition of 43 citizens of Cherokee County, Iowa;
Petition of 20 citizens of Carroll County, Iowa;
Petition of Farmers' Alliance 1341, of Winneshiek County, Iowa;
Petition of Farmers' Alliance 1194, of Toledo, Iowa;
Petition of Farmers' Alliance 1874, of Carroll County, Iowa;
Petition of Farmers' Alliance 1510, of the State of Iowa;
Petition of Farmers' Alliance 1051, of Iowa County, Iowa;
Petition of Farmers' Alliance No. 1544, of Hardin County, Iowa;
Petition of Center Farmers' Alliance, of Page County, Iowa; and
Petition of Farmers' Alliance No. 1866, of the State of Iowa.

Mr. WILSON, of Iowa, also presented the petition of 16 citizens of Union County, Iowa, praying for the speedy passage of the antioption bill; which was referred to the Committee on Agriculture and Forestry.

He also presented petition of 47 business firms of Creston, Iowa, praying for the immediate consideration and passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. PLATT presented the following petitions, praying for the passage of the pending copyright bill; which were ordered to lie on the table:

Petition of 91 educators of the United States;
Petition of the Typothetæ Society; and
Petition of 187 librarians of twenty States and the District of Columbia.

Mr. PLATT also presented a petition of citizens of Bridgeport, Conn., and a petition of the Connecticut State Board of Trade, praying for the passage of the Torrey bankruptcy bill; which were ordered to lie on the table.

He also presented a memorial of the Connecticut State Board of Trade, remonstrating against the passage by Congress of the silver-coinage bill passed by the Senate; which was ordered to lie on the table.

He also presented a petition of citizens of Canterbury, Conn., praying for the passage of a law giving States jurisdiction over original packages of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

Mr. SHERMAN presented the following petitions, praying for the passage of the Conger lard bill; which were ordered to lie on the table:

Petition of Centerfield Farmers' Alliance, No. 419, of Ohio;
Resolutions of officers and members of Clarkson Subordinate Farmers' Alliance, No. 43, of Clarkson County, Ohio;
Resolutions of Maple Grove Farmers' Alliance, No. 3, of Morrow County, Ohio;
Resolutions of the Citizens and Farmers' Alliance, No. 41, of Seville, Ohio;
Resolutions of the South Pulaski Farmers' Alliance, No. 529, of Williams County, Ohio;
Resolutions of members of Johntown Farmers' Alliance, No. 371, of Fayette County, Ohio;
Resolutions of Sycamore Farmers' Alliance, No. 223, of Sycamore, Wyandot County, Ohio;
Resolutions of Coitsville Farmers' Alliance of Coitsville Township, Mahoning County, Ohio;
Resolutions of members of Concord Alliance, of Delaware County, Ohio;
Resolutions of Washington Farmers' Alliance, No. 570, of Tuscarawas County, Ohio;
Resolutions of members of Kinsman Farmers' Alliance, No. 332, of Kinsman, Ohio;
Resolutions of Protective Farmers' Alliance, No. 183, of Wayne County, Ohio;
Resolutions of members of Red Oak Farmers' Alliance, No. 530, of Brown County, Ohio;
Resolutions of Keystone Farmers' Alliance, No. 405, of Keystone, Jackson County, Ohio;
Resolutions of members of Venice Farmers' Alliance, No. 168, of Seneca County, Ohio;
Resolutions of Farmers' Alliance No. 498, of Griggs Corners, Ashtabula County, Ohio;
Resolutions of members of Big Sandy Farmers' Alliance, No. 129, of Ohio Farmers' Alliance, of Stark County, Ohio;
Petition of Clarkson Subordinate Farmers' Alliance, of Clarkson, Columbiana County, Ohio (110 members);
Petition of L. W. Strong and 41 other citizens of Seville, Medina County, Ohio;
Petition of W. L. Hopkins and 87 other citizens of Middlefield, Geauga County, Ohio;
Petition of J. G. Salsbury and 17 other citizens of Williams County, Ohio;
Petition of I. M. Allen and 21 other citizens of Fayette County, Ohio;
Petition of W. B. M. Gehan and 11 other citizens of Coitsville, Mahoning County, Ohio;
Petition of Henry Rowles and 19 other citizens of Stark County, Ohio;
Petition of J. C. Shunk and 39 other citizens of West Township, Columbiana County, Ohio;
Petition of O. J. Vine and 12 other members of Second Good Hope Alliance, Stark County, Ohio;
Petition of L. C. Murphy and 19 other citizens of Tuscarawas County, Ohio;
Petition of Daniel Onssatt and 40 other citizens of Plain Township, Wayne County, Ohio;
Petition of Charles Brooks and 9 other members of Ohio Farmers' Alliance, of Clermont County, Ohio;
Petition of J. E. Bartramand and 31 other members of Griggs Alliance, Ashtabula County, Ohio;
Petition H. C. Falter and 43 other citizens of Venice Township, Seneca County, Ohio;
Petition of P. D. Machamer and 39 other citizens of Bannus Alliance, Stark County, Ohio;
Petition of Joseph Hale, jr., and 22 other citizens of Keystone, Jackson County, Ohio;
Petition of D. A. Metzger and 21 other citizens of Jeromeville, Ashland County, Ohio;
Resolutions of Washington Alliance, No. 502, Farmers' Alliance, of Washington Township, Holmes County, Ohio;
Petition of William Heimburger and 30 other citizens of Washington Township, Holmes County, Ohio;
Petition of William Hutchinson and 38 other citizens of Greene County, Ohio;
Petition of Jacob M. Bushey and 30 other citizens of Holmesville, Holmes County, Ohio;
Petition of William Gardner and 12 other citizens of Brown County, Ohio;
Petition of Samuel Cropt and 22 other citizens of Marion County, Ohio; and
Petition of E. A. Johnston and 27 other citizens of Richland County, Ohio.

Mr. SHERMAN also presented a petition of the Cleveland (Ohio) Vessel-Owners' Association, praying for the passage of what is known as the Detroit River tunnel bill; which was referred to the Committee on Commerce.

Mr. WOLCOTT presented the memorial of S. T. Crawford and 20 other prominent citizens of Pueblo, Colo., remonstrating against the passage of the Conger lard bill and favoring a general law such as the Paddock pure-food bill; which was ordered to lie on the table.

He also presented a petition of the Commercial Club of Albuquerque, N. Mex., praying for the passage of House bill No. 9798, to establish a court for the settlement of Mexican land claims; which was ordered to lie on the table.

Mr. BLAIR presented a petition of citizens of Portsmouth, N. H., praying for the passage of an act for the amendment of an act to promote the efficiency of the Life-Saving Service, and encourage the saving of life from shipwreck; which was referred to the Committee on Appropriations.

He also presented the petition of George Crilley, a citizen of the United States, praying for relief from the Government for loss caused by "the Des Moines land steal," so called; which was referred to the Committee on Public Lands.

He also presented a petition of the Board of Trade of Manchester, N. H., praying for the creation of an international monetary commission, and the adoption of the bimetallic standard; which was referred to the Committee on Finance.

He also presented a petition of the twenty-fifth annual convention of the Bricklayers and Masons' International Union of America, praying for the passage of certain House bills in their interest; which was ordered to lie on the table.

He also presented the following petitions, praying for the passage of the Conger lard bill; which were ordered to lie on the table:

Petition of William H. Parker and 18 other citizens of Whitefield, N. H.; and

Petition of J. H. Watkins and 28 other citizens of Walpole, N. H.

Mr. VEST. I present the memorial of a large number of representative farmers and cattle-raisers in attendance at the St. Louis Fair from the States of Ohio, Indiana, Illinois, Wisconsin, Michigan, Iowa, Missouri, Kansas, and Colorado, remonstrating against the passage of the Conger lard bill. The memorial is not very long, and, coming from the source it does, at their request I ask that it be printed as a miscellaneous document.

The PRESIDING OFFICER. Is there objection?

Mr. ALLISON. There are so many petitions pro and con respecting this measure that if we are to have a miscellaneous document on one side I think we had better have one upon the other. I hope the Senator from Missouri will not press the request.

Mr. VEST. I have no personal feeling or wish about the matter, but I prefer the request of these gentlemen, some of whom are constituents of the Senator from Iowa whom I had the pleasure of meeting when the Select Committee on the Transportation and Sale of Meat Products was in session in his State. If he wants to take the responsibility of objecting, I have nothing to say.

Mr. ALLISON. I do not object to printing——

Mr. VEST. It is a short memorial, it is very accurately drawn, and it comes from representative men. I can speak accurately as to my own State and Southern Illinois. The memorialists remonstrate against the passage of the Conger lard bill and give reasons therefor. If the Senator has no objection, it can go into the RECORD.

Mr. ALLISON. I prefer that it should be printed as a miscellaneous document. I withdraw my objection.

Mr. PLUMB. Let me say a word in regard to the matter, and I want to appeal now to the Senator from Missouri. I have here a large number of petitions and memorials on both sides of the question. The language of all the petitions is substantially the same. The weight to be attached to them grows out of the character of the signers. It seems to me if we are to print an argument on this question on one side we ought to print the argument on the other.

But, what is more important still, we ought to emphasize the judgment of the signers by printing their names. I have here petitions signed pro and con from probably 3,000 or 4,000 people, and I appeal to the Senator whether we do not by printing these memorials enter upon an indefinite expansion of miscellaneous documents with a view to the solution of this one question which if we were to apply to other questions would make miscellaneous documents coextensive with the CONGRESSIONAL RECORD. We should not print an argument in favor of one measure more than another.

Mr. HALE. I object, Mr. President, to the printing.

Mr. VEST. I simply want to state that if this document came from one State only I should not prefer the request, even at the instance of these gentlemen, but it comes from all the Western States.

Mr. HALE. I must object to the printing of documents upon either side of the question.

The PRESIDING OFFICER. Objection is made.

Mr. HALE. The trouble is, when we begin to print petitions and memorials there is no end to it, and if they are noted on the Journal and appear in the RECORD in the customary form that is as fair for one as the other.

Mr. VEST. I will withdraw the memorial, and I notify the Senator from Maine that I shall take the very first opportunity when the bill comes up to make some remarks and to put this memorial in the remarks, and I think it will then go into the RECORD. I am not astonished that the Senator from Maine is opposed to printing it.

The PRESIDING OFFICER. Leave will be granted to withdraw the memorial.

Mr. VEST presented the following petitions, praying for the passage of the Torrey bankruptcy bill; which were ordered to lie on the table:

Petition of B. C. Wilson & Son, of Warrenton, Mo.;

Petition of Excelsior Manufacturing Company *et al.*, of St. Louis, Mo.; and

Petition of Compton & Sons' Lithograph and Printing Company, of St. Louis, Mo.

Mr. VEST presented a petition of the house of representatives of the General Assembly of the State of Missouri, praying for Congressional legislation to prevent the adulteration and false branding of food products; which was ordered to lie on the table.

He also presented the following petitions, praying for the passage of the Conger lard bill; which were ordered to lie on the table:

Petition of Baker Union No. 2878, of De Kalb County, Missouri;

Petition of Cameron District Grange of Clay, Clinton, Caldwell, Daviess, and De Kalb Counties, Missouri;

Petition of William N. Farr and other citizens of Andrew County, Missouri;

Petition of William K. Jackson and other citizens of Andrew County, Missouri, and resolutions of West Star Alliance, No. 98, of Fillmore, Mo, and of Farmers and Laborers' Union, No. 803, of Bullion, Mo.;

Petition of Nodaway Island Farmers' Alliance, No. 3, and petition of John R. Moore *et al.*, of Andrew County, Missouri;

Petition of Netsan Cole and other citizens of Adair County, Missouri;

Petition of J. T. Remington and 35 other citizens of Livingston County, Missouri; and

Petition of the Butchers' Union of St. Louis, Mo.

Mr. VEST. I also present resolutions of the Commercial Club of Kansas City, Mo., favoring the treaty recently made by the Cherokee commission with the Cheyenne and Arapahoe Indians for the purchase of their lands west of Oklahoma Territory. I ask that they be referred to the Committee on Indian Affairs.

Mr. COCKRELL. A bill on that subject has already been reported and is on the Calendar.

Mr. VEST. Let the resolutions lie on the table, then.

The VICE PRESIDENT. The resolutions will lie on the table, a bill on that subject having been reported.

Mr. VEST. I am not so certain but that the resolutions ought to go, if the bill has not been reported, to the Committee on Foreign Relations, as they relate to a treaty, and the question as to whether the Indian tribes are foreign nations or not has not been settled by the Supreme Court. Let the resolutions lie on the table.

The VICE PRESIDENT. The resolutions will lie on the table.

Mr. VEST presented a resolution of the house of representatives of the General Assembly of Missouri, favoring the placing on the free list of paper, barbed wire, agricultural implements, edged tools, binding twine, cotton ties, wire rods, lumber, coal, tin and tin plate, worsted for women and children's wear, kitchen and table ware, and also for the free coinage of silver; which was referred to the Committee on Finance.

He also presented a resolution of the house of representatives of the General Assembly of Missouri, favoring legislation forfeiting to the Government of the United States, at the end of ten years, lands held in this country by aliens and unnaturalized foreigners; which was referred to the Committee on Public Lands.

He also presented a resolution of the State Grange of Missouri, in favor of legislation against adulteration and false branding of food products; which was ordered to lie on the table.

Mr. MORRILL presented a petition of citizens of St. Albans, Vt., praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of the Laundrymen's National Association of America, praying for the prompt and immediate passage of what is known as the Morrow Chinese exclusion act, regulating the subject-matter of the exclusion of the Chinese; which was referred to the Committee on Foreign Relations.

Mr. ALLISON presented a petition of H. S. Miner and other citizens of Rockford, Iowa, and the petition of W. V. Smith and other citizens of Colo, Iowa, praying for the speedy passage of a law giving the several States authority to control the manufacture and sale of oleomargarine, butterine, and all compounds in imitation of butter; which were referred to the Committee on Agriculture and Forestry.

He also presented the following petitions for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Petition of Highland Alliance, No. 1446, of Montour, Iowa;

Petition of E. A. Merritt and 10 other citizens of Tama County, Iowa;

Petition of R. B. Arnold and 10 other citizens of Monroe County, Iowa;

Petition of C. H. Graves and 14 other citizens of Howard County, Iowa;

Petition of A. C. Francis and a number of other citizens of Union County, Iowa;

Petition of T. J. McCleary and a number of other citizens of Polk County, Iowa;

Petition of St. Charles Alliance, No. 1889, of Iowa;

Petition of A. M. Walker and a number of other citizens of Mitchell County, Iowa;

Petition of Oak Grove Lodge, No. 4940, of Iowa;

Petition of D. G. Clark and a number of other citizens of Charles City, Iowa;

Petition of J. Hendrix and 23 other citizens of Muscatine and Louisa Counties, Iowa;

Petition of Grant Alliance, No. 685, of Iowa;

Petition of Hazel Dell Alliance, No. 1870, of Iowa;

Petition of R. M. Van Patten and 10 other citizens of Clarke County, Iowa;

Petition of J. D. Shook and 15 other citizens of Butler County, Iowa;

Petition of James Fleming and 21 other citizens of Sac City, Iowa;

Petition of A. H. Gatton and 30 other citizens of Muscatine County, Iowa;

Petition of A. A. Bestline and 21 other citizens of Greene Township, Iowa;

Petition of M. C. Dingley and 14 other citizens of Buchanan County, Iowa;

Petition of White Maple Farmers' Alliance, No. 1241, of Iowa;

Petition of R. Linet and 15 other citizens of Sioux County, Iowa;

Petition of Farmers' Mutual Benefit Association, farmers and citizens of Sweetland Township, Muscatine County, Iowa;
Petition of Smithfield Farmers' Alliance, No. 1253, of Iowa;
Petition of W. Henderson and 42 other citizens of Pocahontas County, Iowa;
Petition of Plover Farmers' Alliance of Iowa;
Petition of F. T. Hawley and 20 other citizens of Butler County, Iowa;
Petition of Lowell Alliance, No. 1882, of Iowa;
Petition of Denis Stapleton and 5 other citizens of Washington County, Iowa;
Petitions of Farmers' Alliance No. 687, of Iowa;
Petition of 35 citizens of Clay County, Iowa;
Petition of Alliance No. 1191, of Iowa;
Petition of A. A. Brown and 31 other citizens of Muscatine County, Iowa;
Petition of Alliance No. 1542, of Iowa;
Petition of Nolo Lodge Farmers' Mutual Benefit Association of Iowa;
Petition of Farmers' Alliance No. 1880, of Iowa;
Petition of A. W. Weller and 10 other citizens of Emmet County, Iowa;
Petition of O. E. Edwards and 12 other citizens of Webster County, Iowa;
Petition of Prairie Grove Alliance No. 864, of Iowa;
Petition of Alliance No. 1671, of Iowa;
Petition of Blocket Farmers' Alliance of Bert, Iowa;
Petition of Beaver Center Alliance, Dallas County, Iowa;
Petition of James Sigerson and 17 other citizens of Dallas County, Iowa;
Petition of D. A. Beck and 20 other citizens of Palo Alto County, Iowa;
Petition of Prairie Grove Alliance No. 864, Sioux County, Iowa;
Petition of W. D. Hearn and 10 other citizens of Plymouth County, Iowa; and
Petition of Thomas Hanna and 8 other citizens of Kossuth County, Iowa.

Mr. ALLISON also presented a petition of A. C. Francis and a number of other citizens of Union County, Iowa, praying for the speedy passage of House bill No. 5353, defining options and futures; which was referred to the Committee on Agriculture and Forestry.

He also presented the following petitions, praying for the speedy enactment of a law giving the several States authority to control the manufacture and sale of oleomargarine, butterine, and all compounds in imitation of butter:

Petition of George H. Fuller and a large number of citizens of Rockwell, Iowa;
Petition of C. F. Crane and a large number of other citizens of Plymouth, Iowa;
Petition of William Brown and a large number of other citizens of Mason City, Iowa;
Petition of M. L. Ware and a number of other citizens of Coggon, Iowa; and
Petition of J. D. Denison and a large number of other citizens of Clarion, Iowa.

Mr. ALLISON also presented a memorial of Farmers' Alliance No. 1081, of Guthrie County, Iowa, remonstrating against the passage of the Conger lard bill and favoring the passage of the Paddock pure-food bill; which was ordered to lie on the table.

Mr. BARBOUR presented a petition of the Norfolk (Va.) Chamber of Commerce and the petition of captains engaged in the coastwise trade, praying that an appropriation be made to form a harbor of safety and refuge in Lynn Haven Bay, near Cape Henry; which were referred to the Committee on Commerce.

Mr. SPOONER presented a petition of the Paint, Oil, and Drug Club of Milwaukee, Wis., praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented the following petitions, praying for the passage of the Conger lard bill; which were ordered to lie on the table:

Petition of L. L. Selvig and 30 other citizens of Polk County, Wisconsin;
Petition of J. W. Dean and 37 other citizens of Polk County, Wisconsin;
Resolutions of Little Falls Farmers' Alliance, No. 122, of Little Falls, Polk County, Wisconsin;
Petition of Otto Thingould and 36 other citizens of Barron County, Wisconsin;
Resolutions of Farmers' Alliance No. 61, of Maple Grove, Barron County, Wisconsin;
Petition of Robert Heberlien and 11 other citizens of Douglas, Marquette County, Wisconsin;
Petition of Levi Wallace and 25 other citizens of Vernon and Monroe Counties, Wisconsin;
Petition of Ole Samuelson and 13 other citizens of Vernon and Monroe Counties, Wisconsin;
Petition of Henry Schauf and 18 other citizens of Ithaca, Richland County, Wisconsin;
Petition of August Hitt and 34 other citizens of Alma, Buffalo County, Wisconsin;
Resolutions of Richwood Alliance, No. 131, of West Port, Richland County, Wisconsin; and
Petition of G. M. Clark and 40 other citizens of Richland County, Wisconsin.

Mr. VANCE presented a petition of citizens of Mount Airy, N. C., praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. McMILLAN presented a memorial of the Grand Rapids (Mich.) Board of Trade, remonstrating against the passage of the Conger lard bill; which was ordered to lie on the table.

He also presented a petition of the Board of Trade of Detroit, Mich., praying for the passage of Senate bill 4741, relative to the coasting trade of the Great Lakes; which was referred to the Committee on Commerce.

Mr. PLUMB presented the following petitions, praying for the passage of the Conger lard bill; which were ordered to lie on the table:

Petition of the Hoge Alliance, of Leavenworth County, Kansas;
Petition of Prairie View Alliance, No. 43, of Bentley, Kans.;
Petition of Reno Alliance, No. 1699, of Leavenworth County, Kansas; and
Petition of Equity Alliance, No. 1975, of Johnson County, Kansas.

Mr. PLUMB also presented three memorials of citizens of Kansas, remonstrating against the passage of the Conger lard bill; which were ordered to lie on the table.

He also presented the following petitions, praying for the passage of the Paddock pure-food bill; which were ordered to lie on the table:

Petition of Farmers' Alliance and Industrial Union No. 1950, of Ellsworth County, Kansas;
Petition of Farmers' Alliance and Industrial Union No. 2120, of Lynn County, Kansas;
Petition of Farmers' Alliance and Industrial Union No. 1073, of Leavenworth County, Kansas;
Petition of Farmers' Alliance and Industrial Union No. 2340, of Washington County, Kansas;
Petition of Farmers' Alliance and Industrial Union No. 2182, of Smith County, Kansas;
Petition of Farmers' Alliance and Industrial Union No. 2294, of Ford County, Kansas;
Petition of Farmers' Alliance and Industrial Union No. 2114, of Neosho County, Kansas;
Petition of Farmers' Alliance and Industrial Union No. 2055, of Rush County, Kansas;
Petition of Farmers' Alliance and Industrial Union No. 2170, of Smith County, Kansas; and
Petition of Farmers' Alliance and Industrial Union No. 1700, of Leavenworth County, Kansas.

Mr. PLUMB. I also present a petition of citizens of Hayes City, Kans., praying for the passage of a bill to quiet the title of the Otoe and Missouria reservation lands; which I ask may be referred to the Committee on Indian Affairs.

Mr. PADDOCK. I suggest to the Senator from Kansas, the chairman of the Committee on Public Lands, a fact that seems to have escaped his memory, that that subject is before the Committee on Public Lands.

Mr. PLUMB. Then I suggest a change of reference. I suggest that the petition be referred to the Committee on Public Lands.

The VICE PRESIDENT. That reference will be made.

Mr. PLUMB also presented the petitions of John Shearer, James Shelton, Mrs. Eli Cox, and 95 other citizens of La Cygne, Kans., and Jeff Allen, Mrs. E. W. Messenger, and 80 other citizens of Weir, Kans., praying for the passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages; which was referred to the Committee on Education and Labor.

Mr. DAVIS presented a petition of citizens of Waterville, Minn., praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. MANDERSON. I present twenty-six resolutions and petitions very numerously signed by citizens of Nebraska, praying for the passage of the Conger lard bill. I submit with them a memorandum showing their exact character, and I ask that they be separately noted in the RECORD and ordered to lie on the table, as the bill to which they refer has been reported and is on the Calendar.

The petitions were ordered to lie on the table, as follows:

Petition of M. Oakley and 40 other citizens of Nebraska;
Petition of A. C. Fenderson and 19 other citizens of Butler County, Nebraska;
Resolutions of the members of Progressive Farmers' Alliance, No. 980, Sartoria, Buffalo County, Nebraska;
Resolutions of Farmers' Alliance, No. 1008, Buffalo County, Nebraska;
Petition of B. P. Reynolds and 11 other citizens of Boone County, Nebraska;
Petition of D. R. Baker and 17 other citizens of Chase County, Nebraska;

Petition of James Long and 7 other citizens of Antelope County, Nebraska;

Petition of J. W. Smith and 9 other citizens of Clay County, Nebraska;

Petition of C. H. Linscott and 34 other citizens of Clay County, Nebraska;

Petition of N. A. Johnson and 8 other citizens of Cuming County, Nebraska;

Petition of A. H. Veemer and 21 other citizens of Cuming County, Nebraska;

Resolutions of the Elm Island Farmers' Alliance, No. 663, Nebraska;

Petition of Henry Oak and 14 other citizens of Cuming County, Nebraska;

Petition of W. T. Croft and 6 other citizens of Clay County, Nebraska;

Resolutions of Myrtle Alliance, of Custer County, Nebraska;

Resolutions of Excelsior Alliance, No. 1797, of Verona, Clay County, Nebraska;

Petition of Michael Yaeger and 19 other citizens of Clay County, Nebraska;

Resolutions of Collum Alliance, No. 901, Cedar Creek, Cass County, Nebraska;

Resolutions of Coburgh Alliance, No. 723, of Custer County, Nebraska;

Petition of R. H. Clifford and 14 other citizens of Coburgh, Custer County, Nebraska;

Petition of Frank W. Hinze and 17 other citizens of Banner County, Nebraska;

Resolutions of Union Alliance, No. 1268, Cedar Rapids, Boone County, Nebraska;

Petition of A. J. Barney and 20 other citizens of Boone County, Nebraska;

Resolutions of the Subordinate Farmers' Alliance, No. 1897, of Cuming Township, Cuming County, Nebraska;

Resolutions of Sargent Alliance, No. 563, of Nebraska;

Resolutions of Tappan Valley Alliance, No. 480, of Custer County, Nebraska;

Petition of Jacob Beck and 86 other citizens of Burt County, Nebraska;

Petition of H. M. Street and 43 other citizens of Broken Bow, Custer County, Nebraska; and

Petition of Charles A. Betz and 30 other citizens of Sargent, Custer County Nebraska.

Mr. PASCO presented a petition of 16 business firms of Key West, Fla., praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of the Commercial Club of Albuquerque, N. Mex., praying for the passage of a bill establishing a United States land court for the settlement of private land claims in the Territories of Utah and New Mexico and the States of Colorado, Nevada, and Wyoming; which was ordered to lie on the table.

Mr. WILSON, of Maryland, presented a petition of citizens of Baltimore, Md., praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. HISCOCK presented petitions of members of the Woman's Christian Temperance Union residing in twenty different counties of the State of New York, praying for the passage of Senate bill 4173, to provide for a national social vice commission of inquiry; which were referred to the Committee on Education and Labor.

He also presented a petition of 20 members of Grange No. 578, of New Berlin, N. Y., praying that a copy of the daily CONGRESSIONAL RECORD be sent to every school district in the United States; which was referred to the Committee on Printing.

He also presented a petition of citizens of New York State, praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of W. J. Vintz and 12 other citizens of Indian River, N. Y., praying for the passage of the Conger lard bill; which was ordered to lie on the table.

Mr. COKE presented a memorial of L. S. Ross, B. Gibbs, F. R. Lubback, W. B. Wortham, John D. McCall, Richard Harrison, John T. Craddock and many other citizens of Texas, remonstrating against the passage of the Conger lard bill; which was ordered to lie on the table.

Mr. FAULKNER presented a petition signed by 40 citizens of Cincinnati, Ohio; Messrs. Brice, Higbee & Co., the Dazell, Gilmore & Leighton Company, of Findlay, Ohio; the Central Glass Company, of Wheeling, W. Va.; Challenor, Taylor & Co., (limited), of Tarentum, Pa.; Bryce Bros., of Pittsburgh, Pa.; the Riverside Glass Works, of Wellsburgh, W. Va.; and William McCully & Co., of Pittsburgh, Pa., praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. ALLEN presented the following petitions, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Petition of F. M. Gibbins and 13 other citizens of Lincoln County, Washington;

Petition of F. M. Gibbins and 10 other citizens of Lincoln County, Washington;

Petition of G. W. Coplin and 21 other citizens of Spokane County, Washington;

Petition of B. F. Cligs and 36 other citizens of Spokane County, Washington;

Resolutions of the Latah Farmers' Alliance, No. 101, of Latah, Spokane County, Washington;

Petition of T. H. Burns and 4 other citizens of Spokane County, Washington;

Resolutions of Pioneer Farmers' Alliance, No. 12, of Cheney, Spokane County, Washington;

Petition of J. H. Schench and 39 other citizens of Lincoln County, Washington;

Petition of C. A. Belfree and 38 other citizens of Lincoln County, Washington;

Resolutions of Farmers' Alliance No. 121, of Garfield, Wash.;

Petition of D. H. Fetrick and 9 other citizens of Garfield County, Washington;

Petition of W. J. Kelly, and 13 other citizens of Garfield County, Washington;

Resolutions of Bellplain Farmers' Alliance, No. 124, of Garfield County, Washington;

Petition of Harrington Alliance, of Harrington, Wash., signed by William Yarwood, president, and Frank Brown, secretary; and

Resolutions of Covello Alliance, No. 98, of Covello, Columbia County, Washington.

Mr. COCKRELL. I present a petition of E. H. Ellis and many other citizens of Oklahoma Territory, addressed to the Senate, urging the ratification practically of the treaty between the Cheyenne and Arapaho Indians and the opening up of the Cheyenne and Arapaho reservation as soon as possible. As all the subject-matter of the petition may not be embraced in the bill which has been reported from the Committee on Indian Affairs in regard to the ratification of that treaty, I move that the petition be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. HAMPTON presented a petition of Mrs. Sabina O'Callaghan, of Charleston, S. C., praying compensation from the United States Government for use, occupation, and damage to certain property at Charleston, S. C.; which was referred to the Committee on Claims.

Mr. FRYE presented a petition of 65 citizens of Staten Island, New York, praying for the appointment of a national commission to investigate social vice; which was referred to the Committee on Education and Labor.

He also presented a petition of Turner Brothers & Newcomb and other citizens of Portland, Me., praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

The VICE PRESIDENT presented a petition of the Textile Publishing Company of New York, praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of the members of the Farmers' Mutual Benefit Association, Tippecanoe Lodge, No. 4865, of the State of Indiana, praying for an amendment to the Constitution of the United States conferring the right of suffrage upon women; which was ordered to lie on the table.

He also presented a communication from the Republican State League of Kentucky, praying for the passage of the elections bill; which was ordered to lie on the table.

He also presented a petition of the United Brotherhood of Carpenters and Joiners' Union, No. 465, of Long Island City, N. Y., praying for the adoption of an amendment to the Constitution providing for woman suffrage; which was ordered to lie on the table.

He also presented a memorial of the United German Democracy of the city and county of New York, remonstrating against the passage of the Lodge election bill; which was ordered to lie on the table.

He also presented a petition of iron-molders of Union No. 51, of the State of Indiana, praying for an amendment to the Constitution securing to the women of the United States the right of suffrage; which was ordered to lie on the table.

He also presented the memorial of A. T. McAllister, of Hazelton, Pa., remonstrating against the passage of the Lodge election bill; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union, of Medfield, Mass., praying for an amendment to the Constitution to prohibit the manufacture or sale of alcoholic liquors; which was ordered to lie on the table.

He also presented a petition of the Textile Workers' Progressive Union, No. 8, of Philadelphia, Pa., praying for the adoption of an amendment to the Constitution providing for woman suffrage; which was ordered to lie on the table.

He also presented a petition of the Local Union of Carpenters and Joiners, No. 234, of Cuyahoga County, Ohio, praying for the adoption of an amendment to the Constitution of the United States providing for woman suffrage; which was ordered to lie on the table.

He also presented resolutions adopted at a mass meeting of citizens of Ogden, Utah Territory, congratulating the Senate upon the passage

of the silver bill and urging its passage in the House of Representatives; which were ordered to lie on the table.

He also presented the petition of Arnold, Constable & Co., of the city of New York, praying for favorable action on the Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a telegraphic petition of the Dry Goods Importers' Association of New York City, praying for favorable action on the Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a communication from the secretary of New Mexico, transmitting a memorial of the Legislative Assembly in regard to the creation of a court to adjudicate Spanish land grants in that Territory; which was referred to the Committee on the Judiciary.

He also presented resolutions of the house of representatives of the Legislature of Massachusetts; which were ordered to be printed in the RECORD, and referred to the Committee on Finance, as follows:

COMMONWEALTH OF MASSACHUSETTS, *in the year* 1891.

Resolutions in favor of honest money.

Whereas the people of Massachusetts believe in honest money and look to their Senators and Representatives in Congress to defend a sound currency; and

Whereas they believe in a conservative regulation of the currency, and condemn its inflation, either by the issue of inconvertible paper money or by the free coinage of the depreciated dollar; and

Whereas a bill has just passed the Senate of the United States providing for the free coinage of silver and its unlimited purchase by the United States Government at a fixed price; and

Whereas this measure will debase our currency and imperil the commercial credit of the United States and endanger the prosperity of all its citizens, and particularly the welfare of the wage-earners:

Resolved, That we hereby express our thanks to our Senators for their opposition to such a measure, and that we request them and our Representatives in Congress to use every effort to defeat not only the proposed unlimited purchase of silver by the national Treasury at extortionate rates, but also any measure including free coinage or tending in any way to debase our currency.

Resolved, That we request our Senators and Representatives in Congress to use their influence to secure the adoption by the chief commercial nations of the world of a fixed ratio between gold and silver.

Resolved, That these resolutions be communicated to Congress, and that a copy thereof be transmitted to each of the Senators and Representatives in Congress from this Commonwealth.

HOUSE OF REPRESENTATIVES, *January* 16, 1891.

Adopted.

EDWARD A. McLAUGHLIN, *Clerk.*

A true copy. Attest:

EDWARD A. McLAUGHLIN,
Clerk of the House of Representatives.

CROW CREEK INDIAN LANDS.

The VICE PRESIDENT laid before the Senate a message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Indian Affairs and ordered to be printed, as follows:

To the Senate and House of Representatives:

I transmit herewith a letter of the Secretary of the Interior, accompanied by a letter from the Commissioner of Indian Affairs, who transmits a draught of a bill for compensating the Indians of the Crow Creek reservation for the loss sustained by them by reason of their receiving less land per capita in their diminished reservations than is to be received by Indians occupying other diminished reservations.

The matter is presented for the early consideration of the Congress.

BENJ. HARRISON.

EXECUTIVE MANSION, *January* 26, 1891.

REPORT ON GUN FACTORIES AND STEEL FORGINGS.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States; which was read:

To the Senate and House of Representatives:

I transmit herewith a letter of the Secretary of War, accompanied by the final report of the Board on Gun Factories and Steel Forgings for high-power guns, and appendices thereto.

BENJ. HARRISON.

EXECUTIVE MANSION, *January* 26, 1891.

Mr. DAWES. I move that the message, with the accompanying papers, be referred to the Committee on Appropriations.

Mr. DOLPH. I suggest, as that item will be appended to some appropriation bill, that it ought to go to the Committee on Appropriations. Otherwise it should go to the Committee on Coast Defenses.

The VICE PRESIDENT. The communication, with the accompanying papers, will be referred to the Committee on Appropriations.

Mr. DAWES. That is right.

ZOÖLOGICAL PARK.

The VICE PRESIDENT laid before the Senate the final report of the commission for the establishment of a Zoölogical Park in the District of Columbia; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. ALLISON subsequently said: What became of the report respecting the Zoölogical Park?

The VICE PRESIDENT. It was referred to the Committee on the District of Columbia.

Mr. ALLISON. I do not object to the reference. I think the subject will have to be considered by the Committee on Appropriations, but I have no objection to its going to the District Committee.

The VICE PRESIDENT. The Chair is under the impression that the Committee on the District of Columbia has heretofore had consideration of the subject; but if agreeable the report will be referred to the Committee on Appropriations.

Mr. COCKRELL. There is nothing but an appropriation about it. It ought to go to the Committee on Appropriations.

The VICE PRESIDENT. The communication, with the accompanying papers, will be referred to the Committee on Appropriations, if there be no objection.

Mr. ALLISON. Very well.

EXECUTIVE COMMUNICATION.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the governor of the Territory of Utah, inclosing a report of the commissioners of public schools of that Territory for the year ending December 31, 1890; which, with the accompanying papers, was referred to the Committee on Territories, and ordered to be printed.

REPORT OF BRIGHTWOOD RAILWAY COMPANY.

The VICE PRESIDENT laid before the Senate the report of the Brightwood Railway Company of the District of Columbia for the year 1890; which was referred to the Committee on the District of Columbia, and ordered to be printed.

REPORT OF CAPITOL, NORTH O STREET AND SOUTH WASHINGTON RAILWAY COMPANY.

The VICE PRESIDENT laid before the Senate a communication from George White, president of the Capitol, North O Street and South Washington Railway Company, transmitting the annual report of that company for the fiscal year ending April 30, 1890; which was referred to the Committee on the District of Columbia, and ordered to be printed.

REPORTS OF COMMITTEES.

Mr. BLODGETT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 12639) granting a pension to Mary A. McKee;

A bill (H. R. 12293) to grant a pension to Maj. Gen. Franz Sigel; and

A bill (H. R. 1196) granting a pension to Ellen E. Truex.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 4428) granting a pension to Matilda S. Thompson, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1736) granting a pension to Mary Ann Dougherty;

A bill (H. R. 6196) granting an increase of pension to Matthew C. Griswold;

A bill (H. R. 12432) granting a pension to Mrs. Mary Baldouf;

A bill (H. R. 12771) granting a pension to Diana Dickey;

A bill (H. R. 2138) for the relief of Mary Ann Reid;

A bill (H. R. 6633) for the relief of Daniel Graff;

A bill (H. R. 11080) granting a pension to Ann M. Mosher;

A bill (H. R. 10895) for the relief of Richard M. A. Fenwick, late of the Mexican war;

A bill (H. R. 11125) granting a pension to Margaret Cooney, formerly Margaret Dolan;

A bill (H. R. 11329) to pension James Murphy;

A bill (H. R. 6516) authorizing an increase of invalid pension to William H. Morse, of Lawrence, Mass.;

A bill (H. R. 7789) to increase the pension of Mrs. Mary A. McCulloch;

A bill (H. R. 12113) granting a pension to Theressa D. Doubles;

A bill (H. R. 12319) granting a pension to Mrs. K. S. Sutliff, widow of John D. Sutliff;

A bill (H. R. 12946) granting a pension to Lydia P. Holmes;

A bill (H. R. 12835) granting a pension to Ann Maria Bullock Schram;

A bill (H. R. 7394) granting a pension to Caroline E. Gray;

A bill (H. R. 12244) granting a pension to Annie B. Pettigrew;

A bill (H. R. 12195) to pension Hannah C. Reid;

A bill (H. R. 12603) granting a pension to Lucy J. Blanchard, late a volunteer nurse in the United States military service;

A bill (H. R. 12797) granting a pension to Hannah L. Palmer;

A bill (H. R. 12118) granting a pension to Eliza Jane Saunders;

A bill (H. R. 12386) granting a pension to Mary S. Wheeler; and

A bill (H. R. 12478) granting a pension to Jane Falk.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 2302) granting a pension to Lucinda Call; and

A bill (H. R. 12307) granting a pension to Margaret Proctor Noyes.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 12123) granting a pension to Sophia Wenzel;

A bill (H. R. 4894) increasing the pension of Catherine Doyle; and

A bill (H. R. 10742) granting a pension to Josephine S. Hansel, late Wilson.

Mr. DAVIS, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments:

A bill (H. R. 12312) to grant a pension to Mary C. Hoffman, widow of General William Hoffman; and

A bill (H. R. 12841) granting an increase of pension to General Isaac F. Quimby.

Mr. DAVIS, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 13023) granting a pension to Mary E. Armstrong;

A bill (H. R. 4822) granting a pension to John Gallagher;

A bill (H. R. 8125) granting a pension to Frederick B. Sells;

A bill (H. R. 12528) granting a pension to Maria M. C. Richards;

A bill (H. R. 13060) to grant a pension to General Nathaniel Prentiss Banks;

A bill (H. R. 10079) for the relief of Nancy Potter;

A bill (H. R. 11173) to increase the pension of Elias D. Thompson;

A bill (H. R. 11635) to pension Mrs. Margaret Walker;

A bill (H. R. 9819) granting a pension to Martha A. Kendrick;

A bill (H. R. 5717) for the relief of Margaret Constable;

A bill (H. R. 6392) granting a pension to Jane Boswell Moore Bristor;

A bill (H. R. 12147) to grant a pension to Elender Johnston; and

A bill (H. R. 12614) granting a pension to Mary Williams.

Mr. ALLISON. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 12573) making appropriations for the support of the Army for the fiscal year ending June 30, 1892, and for other purposes, to report it with amendments. I desire to give notice that at some opportune time during the present week I shall ask the Senate to consider the bill.

The VICE PRESIDENT. Meanwhile the bill will be placed on the Calendar.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 4886) to authorize the Norfolk and Western Railroad Company to bridge the Tug Fork of the Big Sandy River at certain points, where the same forms the boundary line between the States of West Virginia and Kentucky, reported it with amendments.

Mr. TURPIE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 9948) granting a pension to Mrs. Matilda Kent;

A bill (H. R. 10992) granting a pension to Mrs. Mary B. Floyd;

A bill (H. R. 7880) granting a pension to Mrs. G. W. Griffith;

A bill (H. R. 9779) granting a pension to Mrs. Lydia N. Atkinson;

A bill (H. R. 6686) for the relief of Coplin McKelvey;

A bill (H. R. 1634) for the relief of William M. Robinson;

A bill (S. 4856) to increase the pension of Ambrose B. Carlton;

A bill (H. R. 5546) granting a pension to H. W. Goodnight; and

A bill (H. R. 10873) to increase the pension of Robert Hall.

Mr. TURPIE, from the Committee on Pensions, to whom was referred the petition of Benjamin C. Shaw, late major of the Forty-seventh Regiment Indiana Volunteer Infantry, praying to be allowed a pension, submitted a report thereon accompanied by a bill (S. 4915) granting a pension to Col. Benjamin C. Shaw; which was read twice by its title.

BILLS INTRODUCED.

Mr. HISCOCK introduced a bill (S. 4916) for the relief of Theodore R. Timby; which was read twice by its title, and referred to the Committee on Patents.

Mr. PLUMB introduced a bill (S. 4917) to provide for the execution of certain treaty provisions with the Quapaw Indians, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 4918) granting a pension to Margaret A. West; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 4919) granting an increase of pension to Samuel Walker; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4920) granting an increase of pension to William H. Egolf; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 4921) granting a pension to Thomas Hamill; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 4922) to grant a pension to Nancy Jane Knetsar, of Moline, Ill.; which was read twice by its title, and referred to the Committee on Pensions.

Mr. POWER introduced a bill (S. 4923) to ratify and confirm an agreement with the Crow tribe of Indians, in the State of Montana, and to make appropriations for carrying the same into effect; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. McCONNELL introduced a bill (S. 4924) to provide the times and places for holding terms of the United States courts in the State of Idaho; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 4925) to provide for the establishment and maintenance of an Indian industrial school in the State of Idaho; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. CHANDLER introduced a bill (S. 4926) to reorganize the Marine Band; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. HALE introduced a bill (S. 4927) providing for the publication and distribution of the reports of the Eleventh Census; which was read twice by its title, and referred to the Committee on Printing.

Mr. BLAIR introduced a bill (S. 4928) for the establishing, in connection with the colleges of agriculture and the mechanic arts, schools of normal instruction in the culture and training of domestic animals; which was read twice by its title, and referred to the Committee on Education and Labor.

He also introduced a bill (S. 4929) for establishing in the colleges of agriculture and the mechanic arts departments for the instruction of girls and women in useful occupations and the arts of home life; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. BLAIR. The bills I have just introduced are very brief and relate to important subjects, which I am not hoping will be fully considered by this Congress, but which I believe will come to be fully considered by future Congresses and become laws at some time. I ask that they be printed in the RECORD.

The VICE PRESIDENT. Is there objection?

Mr. HARRIS. What are the papers?

Mr. BLAIR. Two very short bills that I desire to have printed in the RECORD.

Mr. HARRIS. The Senator has a right to have them read if he wishes to and then have them printed.

Mr. BLAIR. They are very brief. They are in the nature of a few last words, and I hope there will be no objection.

The VICE PRESIDENT. The bills will be ordered to be printed in the RECORD in the absence of objection. The Chair hears none.

The bills are as follows:

A bill (S. 4928) for the establishing, in connection with the colleges of agriculture and the mechanic arts, schools of normal instruction in the culture and training of domestic animals.

Be it enacted, etc., That for the purpose of increasing the happiness, usefulness, and value of domestic animals, and for the prevention of cruelties inflicted upon them by reason of the ignorance now so general in regard to the notions and dispositions of the dumb creatures in whose usefulness and value the people are so deeply interested, and for whose condition and happiness they are responsible, that there be established, in connection with each of the colleges of agriculture and the mechanic arts which is supported or assisted by the United States, a normal-school department for the instruction of pupils and teachers in the natures and dispositions of animals, and in the art of their culture, training, and improvement for human use; and that in such department provision be made for practical experiments and illustrations in the training of animals, as well as in the science of animal life and economy in its relation to the welfare of both man and beast.

SEC. 2. That for the purpose of carrying out the provisions of this act there is hereby appropriated the sum of $10,000, to be paid annually to each of said colleges, out of moneys in the Treasury not otherwise appropriated.

A bill (S. 4929) for establishing in the colleges of agriculture and the mechanic arts departments for the instruction of girls and women in useful occupations and the arts of home life.

Be it enacted, etc., That there is hereby established in each of the colleges of agriculture and mechanic arts supported by or assisted by the United States a female department, to be chiefly under the control and management of women, for the education of and training of young girls and women and for their training as teachers in the arts of cooking, sewing, care of health, and nursing of the sick, and in all the different departments of household care and work which are necessary in the homes of farmers and mechanics and in the homes and families of all who obtain their living by manual toil, to which may be added such further instruction in the common and useful and ornamental arts and occupations of which manual labor is an element, and in such other special knowledge as shall serve to render girls and women more capable of self-support, or which may enable them better to discharge the duties of wives and mothers and promote the happiness of home life among the people.

SEC. 2. That to carry out the provisions of this act there is hereby appropriated, and shall be hereafter annually appropriated, from the moneys in the Treasury not otherwise appropriated, the sum of $10,000.

Mr. MANDERSON introduced a bill (S. 4930) granting an increase of pension to John C. Knapp; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DANIEL introduced a bill (S. 4931) to reimburse the depositors of the Freedman's Savings and Trust Company for losses incurred by the failure of said company; which was read twice by its title.

Mr. DANIEL. I ask that the bill be referred to the Committee on Claims.

Mr. SPOONER. I think the bill should go to the Committee on Finance. I think that committee has had the subject in charge hitherto.

Mr. DANIEL. I have no objection to that reference.

The VICE PRESIDENT. The bill will be referred to the Committee on Finance, if there be no objection. The Chair hears none.

Mr. WILSON, of Maryland, introduced a bill (S. 4932) for the relief of Harvey E. Maccoun; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4933) for the relief of the legal representatives of Henry W. Freedley, late major in the United States Army; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. MITCHELL introduced a bill (S. 4934) for the relief of Charles L. Scudder; which was read twice by its title, and referred to the Committee on Foreign Relations.

He also introduced a bill (S. 4935) granting an increase of pension to James D. Kirkpatrick; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FAULKNER introduced a bill (S. 4936) for the extension of letters patent to Albin Warth, of Stapleton, in the county of Richmond and State of New York, for an improvement in mechanical movements, dated May 26, 1874, No. 151457; which was read twice by its title, and referred to the Committee on Patents.

Mr. MORRILL introduced a joint resolution (S. R. 151) authorizing the distribution of public documents to land-grant colleges; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. MORRILL subsequently said: The chairman of the Committee on Printing suggests to me that the joint resolution which I introduced in relation to the distribution of public documents to land-grant colleges should be referred to the Committee on Printing. I ask that the reference may be changed in that way.

The VICE PRESIDENT. The reference will be changed and joint resolution referred to the Committee on Printing, in the absence of objection.

Mr. MANDERSON (by request) introduced a joint resolution (S. R. 152) authorizing the printing of a history of the monument erected by the United States Government to commemorate the close of the Revolutionary war at Yorktown; which was read twice by its title, and referred to the Committee on Printing.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. ALLEN submitted an amendment intended to be proposed by him to the consular and diplomatic appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. PLUMB submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on the Library, and ordered to be printed.

Mr. DOLPH. By direction of the Committee on Coast Defenses I offer an amendment intended to be proposed to the bill making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, for the fiscal year ending June 30, 1892, and for other purposes, which is an amendment providing an appropriation of $1,000,000 for the establishment and maintenance at some point on or near the Pacific coast of a plant for finishing and assembling the parts of heavy guns and other ordnance for the use of the Army and Navy, and also authorizing the President to appoint a board of army and navy officers to locate the most suitable site for the erection of such a plant.

This is the same amendment reported by me from the Committee on Coast Defenses at the last session, which was referred to the Committee on Appropriations and which I advocated before them. I hope this amendment will receive favorable consideration.

The VICE PRESIDENT. The proposed amendment will be referred to the Committee on Appropriations and ordered to be printed, in the absence of objection.

Mr. DOLPH. I also offer an amendment intended to be proposed to the same bill, providing for the appropriation of a sum sufficient for the construction of the coast defenses recommended by the Board of Fortifications and Other Defenses, to be available from year to year until expended. I move that the amendment be referred to the Committee on Appropriations and printed.

The motion was agreed to.

Mr. DOLPH. I also offer an amendment intended to be proposed to the Indian appropriation bill, appropriating $5,000 additional for the purpose of carrying into effect the provisions of "An act providing for the allotment of lands in severalty to the Indians residing on the Umatilla reservation, in the State of Oregon, and for other purposes," approved March 3, 1885. By the terms of the original appropriation the amount was to be refunded to the Government out of the proceeds of the sales of lands, but the appropriation has been exhausted and it is necessary to make an additional appropriation. With the amendment I send to the desk, to be referred to the committee, a copy of a letter from the Commissioner of Indian Affairs to the Secretary of the Interior, and I ask that the amendment, together with the accompanying papers, may be referred to the Committee on Appropriations and printed.

The VICE PRESIDENT. That order will be made, in the absence of objection.

Mr. DOLPH. I also offer an amendment intended to be proposed by me to the bill making appropriations for the support of the government of the District of Columbia for the fiscal year ending June 30, 1892, and for other purposes, providing for the appropriation of $5,000 to carry into effect the act recently passed by Congress, entitled "An act to prevent the spread of scarlet fever and diphtheria in the District of Columbia."

I also offer an amendment to the deficiency appropriation bill appropriating the sum of $1,550 for the purpose of enforcing the provisions of the same act during the present fiscal year, no appropriation having been made for that purpose.

I submit with these amendments a letter from the health officer of the District, showing the necessity for the appropriations. I move that the amendments, with the accompanying papers, be referred to the Committee on Appropriations and printed.

The motion was agreed to.

Mr. DOLPH. I also submit an amendment intended to be proposed to the District of Columbia appropriation bill, providing for the purchase of historical manuscripts relating to the District of Columbia; which I move be referred to the Committee on Appropriations, and printed.

The motion was agreed to.

ABSENT SENATORS.

Mr. DOLPH. I offer a resolution for reference to the Committee on the Judiciary.

The VICE PRESIDENT. The resolution will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the Committee on the Judiciary be, and they are hereby, directed to inquire and report to the Senate at as early a day as practicable whether clause 3 of Rule V of the rules of the Senate is such a compliance with the requirements of section 5 of Article I of the Constitution, as to the manner in which the attendance of absent members may be compelled, as to authorize less than a quorum of the Senate when in session to compel the attendance of absent members, and whether a direction by the Senate, less than a quorum being present, to the Sergeant-at-Arms of the Senate to compel the attendance of absent members, as provided for in said third clause of Rule V, is a sufficient warrant and authority to the Sergeant-at-Arms to authorize him to use force, if necessary, in bringing absent Senators to the Senate Chamber.

Mr. COCKRELL and Mr. VANCE. Let it be printed and go over.

The VICE PRESIDENT. The resolution will be printed and go over.

COIN AND PAPER MONEY.

Mr. PLUMB submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to inform the Senate of the amount of each kind, coin and paper money, in existence in the United States at this time, the average amount of each held by the Treasury, the purposes for which held, the amount of each held by the banks and banking institutions of the country, so far as known or can be estimated, the amount of each in actual circulation among the people, together with the reasons upon which the Secretary bases his opinion as to the amount of each kind of money, paper and coin, in the United States.

PRINTING OF A DOCUMENT.

Mr. MITCHELL submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That the Public Printer is hereby directed to print 5,000 copies of Miscellaneous Document No. 37, this session, and deliver them to the document room.

ORDER OF BUSINESS.

Mr. BLAIR. Mr. President, I move that the Senate now proceed to the consideration——

Mr. COCKRELL. Are we through with morning business?

The VICE PRESIDENT. Is there further morning business?

Mr. HALE and Mr. PADDOCK addressed the Chair.

The VICE PRESIDENT. The Chair has recognized the Senator from New Hampshire [Mr. BLAIR].

Mr. BLAIR. I ask the Senate to proceed to the consideration of House bill 11120.

Mr. COCKRELL. Is the morning business concluded? I protest against that.

The VICE PRESIDENT. Is there further morning business?

Mr. HALE. Mr. President——

The VICE PRESIDENT. Does the Senator rise to morning business?

Mr. HALE. I rise about a question as to the order of business.

The VICE PRESIDENT. Is there further morning business?

Mr. HALE. Mr. President, under the unanimous agreement——

The VICE PRESIDENT. If there be no further morning business, that order is closed, and the Calendar under Rule VIII is in order.

Mr. HALE. I wish to ask a question.

Mr. BLAIR. I yield to the Senator from Maine.

Mr. HALE. I do not ask the Senator to yield. Under the unanimous agreement made by the Senate to-day, a part of the programme was to be the reading and approval of the Journals of the last two days. Has that been done?

The VICE PRESIDENT. That has been done.

Mr. HALE. Then I have no further question to ask.

Mr. BLAIR. I ask the Senate to proceed to the consideration of the

bill (H. R. 11120) providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law. It is Calendar No. 1984.

The VICE PRESIDENT. Is there objection?

Mr. COCKRELL. Yes, sir.

The VICE PRESIDENT. Objection is made.

Mr. BLAIR. I move that the Senate proceed to the consideration of that bill.

The VICE PRESIDENT. The Senator from New Hampshire moves that the Senate proceed to the consideration of a bill the title of which will be stated.

The CHIEF CLERK. A bill (H. R. 11120) providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law.

The VICE PRESIDENT. The question is on the motion of the Senator from New Hampshire.

Mr. HALE. I rise to a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Maine will state it.

Mr. HALE. If the motion of the Senator from New Hampshire prevails, will it in any way interfere with the coming up of the apportionment bill as the unfinished business at 2 o'clock to-morrow?

Mr. BLAIR. I will state that if the bill is now taken up I shall treat it as subject to that agreement.

Mr. COCKRELL. Let us have a decision from the Chair as to that.

Mr. FRYE. As I was at the time the agreement was made the occupant of the chair, I will state that by unanimous consent the apportionment bill went over until 2 o'clock to-morrow, then to be the unfinished business.

Mr. HALE. Against everything?

Mr. FRYE. Yes.

Mr. HARRIS. I want to suggest to the Senator from New Hampshire that instead of moving to take up his bill he ask unanimous consent to call it up.

Mr. BLAIR. I did so and that was objected to. I began by asking unanimous consent.

Mr. HARRIS. It is very clear to my mind if the motion of the Senator from New Hampshire is carried and we should adjourn upon that bill, technically under the rules the bill of the Senator from New Hampshire would be the unfinished business to-morrow.

Mr. BLAIR. I stated, and will state again, that if the Senate shall decide to take up at this time the bill I have named I shall treat that action of the Senate as subject to the agreement to proceed with the apportionment bill at 2 o'clock to-morrow.

Mr. PADDOCK. Several mornings since, in the morning hour, the bill known as the Indian depredations bill was taken up and considered until the expiration of the morning hour, and then went over as the unfinished business. We are now, so to speak, in the morning hour, and I think it is due to that proposition, on account of its importance and on account of its precedence at this time, that it shall be considered. I do not think it will take more than an hour to dispose of the bill.

Mr. HOAR. I suppose the Senator does not claim that there is any such thing technically in the morning hour as unfinished business.

Mr. PADDOCK. Not technically, of course, but it would require a motion to take the bill up if there should be objection. It is at the head of the Calendar of unobjected cases. It was read at length, partially considered, several statements made in support of the bill, etc. It is in a situation where it is entitled to be taken up at this time.

The VICE PRESIDENT. The question is on the motion of the Senator from New Hampshire [Mr BLAIR].

The question being put, a division was called for—and the ayes were 23.

Mr. BLAIR. I ask for the yeas and nays.

Mr. GORMAN. Oh, no.

Mr. HOAR. I hope the demand for the yeas and nays will be withdrawn.

Mr. BLAIR. I withdraw the demand for the moment. Let the contrary vote be taken.

The VICE PRESIDENT. Those opposed to taking up the bill will please stand until they can be counted.

Seventeen Senators voted in the negative.

The VICE PRESIDENT. The vote discloses that there is not a quorum present.

Mr. SPOONER. I move that the Senate adjourn.

Mr. BLAIR. I ask for the yeas and nays upon the motion which I submitted to the Senate.

The VICE PRESIDENT. The question is on the motion of the Senator from Wisconsin [Mr. SPOONER] that the Senate do now adjourn. [Putting the question.] The "ayes" appear to have it.

Mr. BLAIR. Mr. President, if I may be allowed to say a word——

The VICE PRESIDENT. The "ayes" have it, and the motion is agreed to.

The Senate thereupon (at 4 o'clock and 35 minutes p. m., Monday, January 26, 1891) adjourned until to-morrow, Tuesday, January 27, 1891, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate January 24, 1891, being legislative day January 22, 1891.

SUPERINTENDENT OF CHARITIES.

Amos G. Warner, of Nebraska, to be superintendent of charities for the District of Columbia, as provided for in the act making appropriations for the District of Columbia, approved August 6, 1890.

GENERAL APPRAISER OF MERCHANDISE.

Wilbur F. Lunt, of Maine, to be general appraiser of merchandise, to succeed J. Lewis Stackpole, resigned.

REGISTER OF LAND OFFICE.

James B. Lindsay, of Beaver City, Nebr., to be register of the land office at McCook, Nebr., *vice* Sterling P. Hart, whose term of office will expire February 27, 1891.

POSTMASTERS.

Samuel Bucknell, to be postmaster at National Stock Yards, in the county of St. Clair and State of Illinois, in the place of Gilbert B. Forster, whose commission expires February 14, 1891.

Edward M. Harriss, to be postmaster at Duquoin, in the county of Perry and State of Illinois, in the place of Julien S. Palmer, whose commission expired January 20, 1891.

Edward Sorin, to be postmaster at Notre Dame, in the county of St. Joseph and State of Indiana, whose commission expires February 14, 1891.

John H. Whetstone, to be postmaster at Iowa City, in the county of Johnson and State of Iowa, in the place of George Paul, whose commission expires January 29, 1891.

Alexander Smith, to be postmaster at Baton Rouge, in the parish of East Baton Rouge and State of Louisiana, in the place of Alexander J. McGregor, resigned.

John G. Orr, to be postmaster at Pittsfield, in the county of Berkshire and State of Massachusetts, in the place of William J. Coogan, whose commission expires January 27, 1891.

Charles A. Perley, to be postmaster at Baldwinsville, in the county of Worcester and State of Massachusetts; the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1891.

Miss Julia R. Walker, to be postmaster at East Northfield, in the county of Franklin and State of Massachusetts; the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1891.

Alvin D. Pettit, to be postmaster at Ithaca, in the county of Gratiot and State of Michigan, in the place of Daniel C. Johnson, whose commission expired January 20, 1891.

Ella L. Kempe, to be postmaster at Montevideo, in the county of Chippewa and State of Minnesota, in the place of Ella L. Kempe, whose commission expires February 14, 1891.

Fred. Seebach, to be postmaster at Red Wing, in the county of Goodhue and State of Minnesota, in the place of Willett W. DeKay, whose commission expires February 26, 1891.

Ira D. Warren, to be postmaster at Zumbrota, in the county of Goodhue and State of Minnesota; the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1891.

Charles C. Hilton, to be postmaster at Appleton City, in the county of St. Clair and State of Missouri, in the place of Peter S. Latsch, whose commission expires January 29, 1891.

Ephraim R. Bee, to be postmaster at Cambridge, in the county of Furnas and State of Nebraska; the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1891.

George W. Ferree, to be postmaster at Edgar, in the county of Clay and State of Nebraska, in the place of James W. Carson, whose commission expired January 7, 1891.

Rush O. Fellows, to be postmaster at Auburn, in the county of Nemaha and State of Nebraska, in the place of David Campbell, whose commission expired January 10, 1891.

Adrian H. Kriegsmann, to be postmaster at Blue Hill, in the county of Webster and State of Nebraska, in the place of Edgar Hilton, whose commission expired January 10, 1891.

Chauncey H. Greene, to be postmaster at Littleton, in the county of Grafton and State of New Hampshire, in the place of Andrew W. Bingham, whose commission expires February 22, 1891.

John Mason, to be postmaster at Plymouth, in the county of Grafton and State of New Hampshire, in the place of Chauncey A. Fellows, whose commission expires February 22, 1891.

Mrs. Annie E. Sartwell, to be postmaster at Whitefield, in the county of Coos and State of New Hampshire; the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1890.

John H. Ackerman, to be postmaster at Englewood, in the county of Bergen and State of New Jersey, in the place of Francis H. Demarest, whose commission expired January 10, 1891.

William Cumberbeach, to be postmaster at Orange Valley, in the county of Essex and State of New Jersey, in the place of Joseph T. Mathews, whose commission expired January 10, 1891.

James C. Youngblood, to be postmaster at Morristown, in the county of Morris and State of New Jersey, in the place of Edward A. Quayle, whose commission expires February 26, 1891.

Garry A. Willard, to be postmaster at Boonville, in the county of Oneida and State of New York, in the place of Francis A. Willard, whose commission expires February 3, 1891.

William F. Benjamin, to be postmaster at Roseburgh, in the county of Douglas and State of Oregon, in the place of William N. Moore, whose commission expired January 5, 1891.

Henry A. Groman, to be postmaster at Bethlehem, in the county of Northampton and State of Pennsylvania, in the place of Owen A. Luckenbach, deceased.

Miss Elizabeth V. Neyman, to be postmaster at Grove City, in the county of Mercer and State of Pennsylvania, in the place of William J. Neyman, deceased.

Prince R. Stetson, to be postmaster at Reading, in the county of Berks and State of Pennsylvania, in the place of Calvin Goodman, whose commission expired May 18, 1890.

John Clinton, to be postmaster at Brownsville, in the county of Haywood and State of Tennessee, in place of Daniel Bond, whose commission expires February 26, 1891.

Robert C. Wilcox, to be postmaster at Clarksville, in the county of Montgomery and State of Tennessee, in the place of Mary B. Johnson, whose commission expired January 6, 1891.

Charles F. Wheeler, to be postmaster at Burlington, in the county of Chittenden and State of Vermont, in the place of George W. Beckwith, whose commission expires February 26, 1891.

Hervey L. Coe, to be postmaster at Port Washington, in the county of Ozaukee and State of Wisconsin; the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1891.

Aianza A. Bailey, to be postmaster at Evanston, in the county of Uintah and State of Wyoming, in the place of Wilson Dillen, resigned.

CIRCUIT JUDGE.

Marcus W. Acheson, of Pennsylvania, to be United States circuit judge for the third judicial circuit, *vice* William McKennan, resigned, under section 714, Revised Statutes of the United States.

COLLECTOR OF CUSTOMS.

William H. Luce, of Maine, to be collector of customs for the district of Waldoborough, in the State of Maine, to succeed Joseph E. Moore, whose term of office has expired by limitation.

REVENUE SERVICE.

First Lieut. Horatio D. Smith, of Massachusetts, to be a captain in the revenue service of the United States, to succeed Capt. John McGowan, deceased.

ORDNANCE DEPARTMENT.

Col. Daniel W. Flagler, to be Chief of Ordnance with rank of brigadier-general, January 23, 1891, *vice* Benét, retired from active service.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 24, 1891.

COMMISSIONERS ON INTERNATIONAL COIN AND COINS.

Nathaniel P. Hill, of Colorado, to be a commissioner to consider the establishment of an international coin or coins.

Lambert Tree, of Illinois, to be a commissioner to consider the establishment of an international coin or coins.

William A. Russell, of Massachusetts, to be a commissioner to consider the establishment of an international coin or coins.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January* 22, 1891.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

APPROVAL OF THE JOURNAL.

The SPEAKER. The Clerk will proceed to read the Journal of the proceedings of yesterday.

Mr. SPRINGER. Mr. Speaker——

Mr. ROGERS. I make the point of order that there is no quorum present.

The SPEAKER. The Chair will count the House.

Mr. ENLOE. I move a call of the House.

The SPEAKER. The motion is not in order.

Mr. ENLOE. I am glad to be informed of the fact.

Mr. SPRINGER. Why is the motion not in order?

Mr. ENLOE. I rise to a parliamentary inquiry.

The SPEAKER. The Chair is counting for a quorum and begs that he may not be interrupted.

Mr. SPRINGER. But the Chair has counted once. Is this the second count?

The SPEAKER (having concluded the count of the House). One hundred and sixty-eight members are present and the Clerk will proceed with the reading of the Journal.

The Clerk proceeded to read the Journal.

Mr. SPRINGER. I fail to find so many, but I presume the Speaker counted far enough——

The SPEAKER. The Chair is sorry the gentleman from Illinois made a failure in his attempt. The Clerk will continue the reading of the Journal.

Mr. ENLOE. I challenge the correctness of the count by the Chair. Will the Chair listen?

The SPEAKER. The Clerk will continue the reading of the Journal.

Mr. ENLOE. Will the Chair hear my objection?

The SPEAKER. The Chair overrules the suggestion of the gentleman from Tennessee.

Mr. ENLOE. Overrules a challenge as to the accuracy of his count?

The SPEAKER. He does.

Mr. ENLOE. Then there is no appeal from the figures of the Chair?

The SPEAKER. No appeal whatever.

The Clerk continued the reading of the Journal.

Mr. SPRINGER. I make the point of order that the Clerk is not reading the entire Journal.

The SPEAKER. The Clerk will read the Journal in the usual way.

Mr. SPRINGER. I desire that the Clerk shall read the entire Journal of the proceedings of yesterday.

The SPEAKER. The Chair is informed that the Clerk is doing so.

Mr. SPRINGER. He is not. I beg the Chair's pardon, he is skipping. I make the point of order that the Clerk is not reading the entire Journal.

The SPEAKER. The Chair is informed that the Clerk is reading the Journal.

Mr. SPRINGER. He is reading a portion of it, but not all of the Journal. There was a yea-and-nay vote on ordering the previous question on the approval of the Journal, to which the Clerk has paid no attention.

The SPEAKER. The Clerk will proceed with the reading of the Journal.

Mr. SPRINGER. Will the Chair refuse to entertain my point of order?

The SPEAKER. The gentleman will state his point of order.

Mr. SPRINGER. I make the point of order that the Clerk omitted entirely to read the yea and nay vote to which I have referred.

The SPEAKER. It is not customary to read the list of names of those voting.

Mr. SPRINGER. It is customary when called for.

The SPEAKER. The Clerk will continue the reading of the Journal.

Mr. HOLMAN. But, Mr. Speaker, when the reading of the names is demanded and the gentleman has a right to demand the reading of the names, they must be read; otherwise the Journal is not read.

The SPEAKER. The list of names is the same as that printed in the RECORD. It is precisely the same. Does the gentleman claim that it is not accurate as appears in the Journal?

Mr. SPRINGER. How do I know unless it is read?

Mr. DORSEY. The gentleman from Illinois ought to be careful or there will be another candidate for Speaker of the next House knocked out.

The SPEAKER. Does the gentleman ask for the reading of the names?

Mr. SPRINGER. I do.

Mr. HOLMAN. It has always been granted when the demand was made.

The SPEAKER. It has never been customary to read it.

Mr. HOLMAN. Always, when the demand was made.

Mr. ENLOE. How does the Chair know that the Clerk has read what appears in the RECORD, unless he has compared it himself?

The SPEAKER. The Chair is so informed.

The Clerk will proceed to read the entire Journal.

The Clerk resumed and concluded the reading of the Journal up to the hour of adjournment.

Mr. SPRINGER. I desire to have that portion of the Journal read, which is also printed in the RECORD, containing the executive communications, lists of resolutions, and other matters of that kind introduced and referred on yesterday. They were not read, but they form a part of the Journal.

The SPEAKER. The Clerk will read that portion of the Journal.

The Clerk resumed and concluded the entire Journal.

Mr. McKINLEY. Mr. Speaker, I have no reason to believe——

Mr. McMILLIN (interrupting). Mr. Speaker——

Mr. McKINLEY (continuing). That there is any inaccuracy in the Journal which has just been read.

Mr. McMILLIN. Mr. Speaker, I desire——

Mr. McKINLEY. And my purpose is, after a few minutes of debate, to call for the previous question.

Mr. ANDERSON, of Kansas. Upon the approval of the Journal?

Mr. McKINLEY. If any gentleman on that side of the House desires five minutes I will be glad to yield to him; after which I will occupy a minute or two myself and ask a vote.

Mr. McMILLIN. I suggest to the gentleman that he demand the previous question now, and the twenty minutes allowed under the rule will be all I will ask. I will be frank to say that five minutes will not be sufficient for what I wish to suggest.

Mr. ROGERS. What is the question and who made any motion?

The SPEAKER. The question is on the approval of the Journal.

Mr. ROGERS. Did anybody make a motion?

Mr. McMILLIN. I shall have to ask for an extension of the time, as I will want more than five minutes.

Mr. McKINLEY. I yield five minutes to the gentleman from Tennessee.

Mr. McMILLIN. I can not say what I have to say in that time.

Mr. ROGERS. Will the Chair answer my inquiry?

The SPEAKER. The Chair has answered the gentleman's inquiry.

Mr. ROGERS. I have propounded another that he has not answered.

The SPEAKER. Will the gentleman have the kindness to state it?

Mr. ROGERS. The gentleman will have the kindness to state it. I asked who made any motion to approve the Journal.

The SPEAKER. It is not needed.

Mr. SPRINGER. Ah, well, then I desire to amend it——

The SPEAKER. The question is on the approval of the Journal.

Mr. McMILLIN. I think the quickest way out would be for the gentleman to move the previous question.

Mr. BLAND. Mr. Speaker, if the gentleman from Ohio [Mr. McKINLEY] will listen to the proposition——

The SPEAKER. The gentleman from Tennessee [Mr. McMILLIN] has five minutes.

Mr. McMILLIN. Mr. Speaker, I have stated that I can not say what I desire to say in five minutes. I do not wish to be cut off——

Mr. BLAND. If the gentleman from Ohio [Mr. McKINLEY] will permit me, I do not think there is any desire to prolong the debate unnecessarily.

The SPEAKER. The gentleman from Ohio does not yield.

Mr. SPRINGER. I move the previous question, then, on the approval of the Journal, if he does not yield.

The SPEAKER. The gentleman from Ohio [Mr. McKINLEY] is entitled to the floor.

Mr. SPRINGER. But he must either use his time or else yield the floor.

Mr. McKINLEY. I will say to the gentleman from Tennessee [Mr. McMILLIN] that I have no desire to cut him off from any debate touching the Journal itself. If, after he has occupied five minutes, he desires two or three minutes in addition thereto, I shall be glad to yield it to him. What I desire is to save this waste of time which is constantly going on.

Mr. BLAND. You may save a roll-call by permitting a little debate.

Mr. McMILLIN. The gentleman from Ohio [Mr. McKINLEY] knows that I am not in the habit of wandering from the subject under consideration very much, nor of consuming unreasonably the time of the House.

Mr. McKINLEY. Will ten minutes be enough for the gentleman from Tennessee?

Mr. McMILLIN. Ten minutes will probably be as much time as I will need.

Mr. McKINLEY. I yield ten minutes to the gentleman from Tennessee [Mr. McMILLIN].

The SPEAKER. The gentleman from Tennessee [Mr. McMILLIN] is recognized for ten minutes.

Mr. SPRINGER. I would suggest to the gentleman from Tennessee [Mr. McMILLIN] that if he occupies that time without any further understanding other gentlemen on this side who desire to be heard will be cut off.

Mr. McMILLIN. Mr. Speaker, I wish to say that I do not desire by any discussion of the question to cut other gentlemen off, and, that being so, the gentleman can take whatever course he sees fit.

I will state to my friend, the gentleman from Ohio [Mr. McKINLEY], that I realize if I occupy ten minutes I cut other gentlemen off from the right to the twenty minutes we would get on this side after the previous question shall have been ordered, and I do not want to be placed in that attitude.

Mr. SPRINGER. Then I move the previous question.

Mr. McKINLEY. I desire to debate the proposition for a few minutes, and then I shall demand the previous question, the gentleman from Tennessee declining to take the ten minutes which I have offered him.

Mr. McMILLIN. I have stated my reasons for that course, that I do not wish to cut off other gentlemen who are desirous of being heard in the twenty minutes to which we would be entitled.

The SPEAKER. The Chair desires to remind the gentleman from Tennessee, in order that there may be no misunderstanding about it, that after the debate which has already taken place, if the House orders the previous question, there can be no further debate.

Mr. McADOO. There has been no debate yet.

Mr. SPRINGER. There has been no opportunity for debate yet on the question of the approval of the Journal.

Mr. McMILLIN. I do not wish to cut off other gentlemen, although I did wish to say something pertinent to the question.

Mr. SPRINGER. There has been no debate yet, Mr. Speaker.

Mr. McMILLIN. I will suggest to the gentleman from Ohio that the business of the House will proceed more rapidly if gentlemen on this side are allowed the time to which they are entitled.

Mr. BLAND. Mr. Speaker, I ask unanimous consent that the previous question be considered as ordered and then there can be twenty minutes' debate on a side.

Mr. McKINLEY. I object.

The SPEAKER. The Chair desires the House to understand the meaning of its action. If the previous question is now ordered, no further debate will be allowed.

Mr. SPRINGER. There has been no debate allowed as yet, and I hope the gentleman from Ohio——

Mr. McKINLEY. What I desire to accomplish is to save time and go on with the business of the House.

Mr. SPRINGER. The way to save time is to observe the rules.

Mr. McKINLEY. My only desire is to save time. Do I understand the gentleman from Missouri to ask that the previous question may be considered as ordered without a yea-and-nay vote?

Mr. BLAND. Without a yea-and-nay vote on the demand for the previous question.

Mr. McKINLEY. I am perfectly willing to do that.

Mr. McMILLIN. I will state to the gentleman that that is what we have been trying to suggest.

Mr. McKINLEY. I believe it will save time, and therefore I ask that the previous question may be considered as ordered.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the previous question may be considered as ordered on the approval of the Journal——

Mr. SPRINGER. With twenty minutes' debate on either side.

The SPEAKER. And no roll-call.

Mr. SPRINGER. No roll-call on what?

The SPEAKER. No roll-call on the previous question or on the approval of the Journal.

Mr. DOCKERY. That was not included in the proposition of my colleague [Mr. BLAND].

Mr. BLAND. Oh, no; that was not my proposition. My request was only with reference to the previous question.

The SPEAKER. Well, the Chair simply desires to understand what the proposition is.

Mr. BIGGS. We will make our own contract.

Mr. BLAND. I hope there will be no roll-call on either proposition, but my request only related to ordering the previous question.

The SPEAKER. That is what the Chair wants to understand.

Mr. BLAND. My proposition was simply that the previous question be considered as ordered. I do not think there will be a roll-call on either, and I certainly hope there will not.

The SPEAKER. If unanimous consent is given no roll-call will be possible. That is the reason why the Chair asked the question.

Mr. BLAND. Then I ask unanimous consent that the previous question be considered as ordered.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the previous question be considered as ordered. Is there objection? [After a pause.] The Chair hears none; and accordingly the previous question is ordered. The gentleman from Ohio [Mr. McKINLEY] is recognized to control twenty minutes and the gentleman from Tennessee is recognized to control twenty minutes.

Mr. McMILLIN. Mr. Speaker, I will be obliged if the Chair will indicate when I have occupied twelve minutes.

Mr. Speaker, I desire now to state wherein the Journal is incorrect as to yesterday's proceedings by reason of improper rulings of the Chair. The rules provide explicitly that after the previous question has been ordered a motion shall be entertained by the Chair to recommit either with or without instructions.

Mr. DUNNELL. Mr. Speaker, I think we ought to have order.

The SPEAKER. The Chair desires to state that the disorder is not on the left of the Chair. [Cries of "Oh!" "Oh!" on the Democratic side.] Will gentlemen be in order on the right? Will gentlemen please take their seats?

Mr. McMILLIN. The following, Mr. Speaker, is the language of the rule:

> It shall be in order, pending the motion for or after the previous question shall have been ordered on its passage, for the Speaker to entertain and submit a motion to commit, with or without instructions, to a standing or select committee.

On yesterday, sir, a special rule was reported from the Committee on Rules, and the gentleman from Missouri [Mr. BLAND] moved to

recommit it with instructions. The Chair held that that was not in order, because the subject-matter was not germane. I then moved, Mr. Speaker, concerning that bill, and that bill only, the following (it will be remembered that the bill had not been read in full, forty pages of it not having been read or considered):

The SPEAKER. The gentleman from Pennsylvania makes the point of order that the motion is dilatory.
Mr. MCMILLIN. Let it be read; it will show on its face what it is.
The Clerk read as follows:
"Mr. MCMILLIN moves to recommit the resolution with instructions to report back a resolution providing for the reading of the remainder of the bill and setting apart two days, or so much thereof as may be necessary, for the consideration of the bill named therein."
Mr. MCMILLIN. That provides for an extension of the time——
Mr. CANNON. It is perfectly evident to everybody that it is dilatory.
The SPEAKER. The Chair thinks it is apparent from the whole course of the proceedings to-day that the motion is a dilatory one, and therefore declines to entertain it. [Applause on the Republican side.]
Mr. MCMILLIN. I appeal from the decision of the Chair.
The SPEAKER. The Chair declines to entertain the appeal.
Mr. MCMILLIN. The Chair has that power——
The SPEAKER. The Chair regrets to exercise the power, but exercises it believing that he is performing the duties enjoined upon him by the rules of the House. [Applause on the Republican side.]

In other words, the Chair held that the proposition to read a bill making appropriation of millions, that had not been read and was to be passed without reading, was dilatory. Just before that the Chair had made the boast that in everything wherein he had acted in this session and the last he had been sustained by the House. This is the first time that this ruling has ever been made. Prior rulings had been made by the present Speaker, and a prior ruling had been made by his predecessor, Mr. Speaker CARLISLE, in direct conflict with this; and I so stated. I then appealed from the ruling of the Chair and the Chair declined to entertain that appeal. In other words, the Chair refused to give the House the only opportunity it was possible for it to have to determine whether it would sustain him or not; and he preferred, it seems, to sustain himself.

Mr. Speaker, what are the rulings on this question? It is not my custom to make motions that are not in order if I know it. I have tried to demean myself as became one who felt that a responsibility rested upon him.

In the Forty-ninth Congress, Mr. CARLISLE in the chair, and chairman of the Committee on Rules, the gentleman from Illinois [Mr. Morrison] reported the following resolution:

Resolved, That on Saturday afternoon, the 24th of July, the House shall take a recess from 5 o'clock until 8 o'clock p. m., the evening session being devoted exclusively to the consideration of such bills as may be presented by the Committee on Public Buildings and Grounds; that the evening session herein provided for shall continue not later than 11 o'clock p. m.

This was for consideration of bills reported from the Committee on Public Buildings and Grounds. When that came up for consideration, the gentleman from California [Mr. Henley], after a colloquy that I will not take time to read, said:

The SPEAKER. The previous question has been ordered, but the gentleman has the right to make a motion to recommit.
Mr. HENLEY. I move, then, that this resolution be recommitted to the Committee on Rules with instructions to report a resolution appropriating the session of Saturday night for the consideration of land-grant forfeiture bills—the Northern Pacific land forfeiture. [Applause.]
The SPEAKER. Will the gentleman from California put his motion in such a form that the Chair can submit it to the House? The gentleman first mentions land-grant forfeiture bills generally and then he names a particular bill.
Several MEMBERS (to Mr. Henley). Make it general.
The SPEAKER. The Chair does not understand whether the gentleman intends the business of that evening session to be the consideration of all land-grant forfeiture bills generally or only the Northern Pacific——
Mr. HENLEY. The Northern Pacific.
Several MEMBERS. Make it general.
Mr. MORRISON. I call for the regular order.
The SPEAKER. The gentleman from California moves that this resolution be recommitted with instructions to report it back with a substitute providing for a session on Saturday evening next, beginning at 8 o'clock, for the consideration of the bill to forfeit the land grant of the Northern Pacific Railroad Company.

Sir, there was here a different bill proposed in the motion to recommit, and Mr. Speaker CARLISLE held that that was in order, and under that ruling necessarily the proposition of the gentleman from Missouri [Mr. BLAND] to recommit with instructions fixing a day for the consideration of the silver bill was unquestionably in order. So was my motion in order yesterday. But I come down still further, Mr. Speaker. We do not have to rely on the rulings of your predecessor to show that the Chair was in error in his ruling, with all deference. But before I pass from that, we voted on that proposition by yeas and nays, and it carried. The resolution was recommitted, and my distinguished friend from Ohio [Mr. MCKINLEY] is one of the gentlemen who voted in the affirmative to recommit the resolution, with Mr. Henley's instruction.

Mr. Speaker, on the 1st day of last May the following resolution was introduced from the Committee on Rules by the gentleman from Ohio [Mr. MCKINLEY]:

The Committee on Rules, to which were referred sundry resolutions relating to bills before the Judiciary Committee, respectfully report the following resolution as a substitute, and recommend that it do pass:
"*Resolved*, That immediately after the passage of this resolution the House proceed to consider, in the order named, Senate bill No. 1, relating to trusts; House bill 6941, relating to copyrights, and House bill 3316, relating to bankruptcy, and then such other bills as the Judiciary Committee may call up, to continue until the close of the session of Friday."

On page 4087 of the RECORD I made this inquiry:

Mr. MCMILLIN. Mr. Speaker, I rise to a parliamentary inquiry.

You were in the chair, Mr. Speaker.

The SPEAKER. The gentleman will state it.
Mr. MCMILLIN. Is it in order now to move to recommit this report, with instruction, to the Committee on Rules?
The SPEAKER. It is in order.
Mr. MCMILLIN. Then I move to recommit the report to the Committee on Rules, with instructions to report a resolution fixing a day for the consideration of the trust bill by itself.
The SPEAKER. The gentleman from Tennessee moves to recommit the resolution to the Committee on Rules with instructions to report a resolution fixing a day for the consideration of the trust bill alone.

The question was taken, and it was voted upon by the yeas and nays.

Now, I do not wish to put the Speaker in the position of going further than he really did. I admit that the ruling does not go so far, because the question was not raised so as to include the motion of the gentleman from Missouri, although it was in order. But the ruling, Mr. Speaker, of your predecessor does go that far, and the ruling is counter to the one that you made yesterday, refusing to entertain a motion to recommit the resolution from the Committee on Rules. The two rulings you made are in direct conflict with each other.

What are the exigencies before us that we are to have one set of rulings in the last session of this Congress and another set this session, by the same presiding officer, on the same subject? All we ask, Mr. Speaker, is fair play in this fight. [Cries of "Oh!" on the Republican side.] I know it sounds like a joke to the other side that anybody wants fair play; but it is a fact nevertheless.

The SPEAKER. The gentleman has occupied twelve minutes.
Mr. MCMILLIN. Then I will not consume further time, as I have agreed to yield the remaining eight minutes to other gentlemen.
Mr. CUTCHEON. But my friend will observe that no point of order was made upon Mr. Henley's motion.
Mr. MCMILLIN. No; and no man dreamed that one would lie on that motion. The parliamentary inquiry I made was answered by the Speaker and settled the question.
Mr. CUTCHEON. But no ruling was made upon the point.
Mr. MCMILLIN. The Speaker stated that it was in order then. If it was in order then, how is it that it was not in order yesterday?
Mr. CUTCHEON. He simply entertained it.
The SPEAKER. The gentleman from Tennessee has just read that the only question the Speaker answered was whether a motion to commit with instructions was in order.
Mr. MCMILLIN. But you entertained my instructions then and you refused to entertain them yesterday.
The SPEAKER. That is very true, because it was under different circumstances.
Mr. MCMILLIN. Under different circumstances?
The SPEAKER. Entirely.
Mr. MCMILLIN. But, Mr. Speaker, the parliamentary question was exactly the same.
The SPEAKER. By no means.
Mr. MCMILLIN. Exactly the same.
The SPEAKER. The Chair will answer the gentleman later.
Mr. CUTCHEON. In that case it related to the same subject-matter.
Mr. MCMILLIN. So did the one yesterday. I reserve the balance of my time.
Mr. MCKINLEY. If gentlemen on the other side do not desire to occupy further time I ask for a vote on the approval of the Journal.
Mr. MCMILLIN. I yield three minutes to the gentleman from Illinois [Mr. SPRINGER].
Mr. SPRINGER. I desire to call attention to another portion of this record which I think deserves special mention. At 5 o'clock on yesterday, after the House had been in continuous session for five hours, I moved to adjourn. The Speaker held, without any point of order being made, that the motion was dilatory, that he could not entertain it upon the ground that it was a dilatory motion. Now, I want to submit in all candor and fairness to the other side of the House [laughter and cries of "Oh!" "Oh!" on the Republican side] whether if that motion had been made by the gentleman from Maryland [Mr. MCCOMAS] in charge of this bill they do not think it would have been regarded as in order and entertained by the Chair. Therefore, it comes to this—and this is the meaning of this action of the House and of the Speaker on yesterday—that when a motion is made by a member of the minority of the House the Speaker may decide it to be dilatory and refuse to put it, while if it is made by a member of the majority it is not a dilatory motion.
Mr. CUTCHEON. That is because actions speak louder than words.
Mr. SPRINGER. It simply means that the Speaker has assumed, and the majority behind him has assumed, that this side of the House can make no motion under the rules unless the Speaker is pleased to entertain it, and the Speaker will not permit even an appeal from his decision; so that the rights of the minority on this floor are completely

surrendered and we have no right to make any motion here, according to the decisions of the Chair, unless the Chair is pleased to grant us that privilege.

The Chair has refused to entertain motions of the highest privilege when made upon this side of the House, to-wit, the motion to reconsider, which until this session has always been deemed a motion of the highest privilege, and, on yesterday, the motion to adjourn, which in all legislative bodies throughout the civilized world is regarded as always in order. The Chair refused on yesterday to entertain the motion of the gentleman from Tennessee [Mr. MCMILLIN] to recommit with instructions—a motion put into the rules for the very purpose of enabling the minority of the House to get an expression upon a motion when that expression has been prohibited under the operation of the previous question. So that all the safeguards that are provided in the rules for the protection of the minority have been swept away by the action of the Speaker, and that action, I am sorry to say, has up to this time when submitted to the House been sustained by his friends on the other side.

The SPEAKER. The time of the gentleman has expired.

Mr. MCMILLIN. I yield one minute to the gentleman from Missouri [Mr. BLAND].

Mr. BLAND. Mr. Speaker, as I stated yesterday, the Speaker refused to allow any debate upon my motion on an appeal, and the House voted upon it without debate on information. Now, since we have undoubted precedents showing that that resolution was unquestionably in order, I intend, the next time a rule of a similar sort is presented to the House, to again make a similar motion, and I hope that after gentlemen have heard the citation of precedents to-day, showing that such a motion is undoubtedly in order, I shall be sustained in the proposition. For unquestionably when Speaker CARLISLE held a similar resolution to be in order no gentleman in the House on either side questioned its being in order. That is a matter of precedent and a matter of history. And the present Speaker, in the first session of this Congress, did not hold differently. I say that my motion was in order, and I will test the House again upon a similar resolution when the occasion offers.

The SPEAKER. The time of the gentleman has expired.

Mr. MCMILLIN. I yield three minutes to the gentleman from Tennessee [Mr. ENLOE].

Mr. ENLOE. Mr. Speaker, I think the parliamentary situation which this House has reached under the direction of the Chair may be stated to be this: That the minority has at last come to that point where in the estimation of the Chair and of the majority of the House the minority has no right except the right to keep silence. We are not permitted to amend, not permitted to debate, not permitted to make any motion to recommit a measure, not permitted to make a motion to adjourn, not even permitted to insist on the reading of the bill; so that, as I have said, under the rulings of the Chair the minority on this side has no rights left here except to sit and vote, or to sit and be counted, if we do not choose to vote, or to abandon our seats on this floor.

Now, I do not want to comment on the conduct of the Speaker personally, because the Speaker and the individual who holds that high office may be considered in two different capacities. The Speaker, according to the theory of our Government and according to the theory of parliamentary government everywhere, is, or ought to be, the organ of the House of Representatives. He should be the servant of the House. He was created by the House. But from time to time, by reaching out and grasping more power, by making arbitrary rulings, and, if I must say it, by usurpation of the authority that belongs to this House, he has succeeded at last in centering in the Speaker's chair all the power and all the authority that belongs to this House. I want to say that in characterizing the conduct of the Speaker I do not mean to analyze the character of the individual. I hope that the character of the individual would better stand analysis than the conduct of the presiding officer of the House will stand criticism.

I notice in the RECORD this morning that the able coadjutor of the Speaker upon the Committee on Rules, the gentleman from Illinois [Mr. CANNON], has submitted and sent to the Committee on Rules a proposition which looks to the absolute abandonment of the code of rules which we were told was adopted here for the purpose of expediting the public business, and is intended to complete the parliamentary despotism which the Speaker has sought, in season and out of season, to establish here.

[Here the hammer fell.]

The SPEAKER. The Chair would like to make an observation. While during this debate the question has been nominally upon the approval of the Journal, which is a statement of facts, the discussion has really been upon the propriety of certain rulings of the Chair. And the Chair is very much surprised that the gentleman from Tennessee [Mr. MCMILLIN] should produce as rulings made either by the present occupant of the chair or by his predecessor what was done when no ruling in fact took place. A ruling is ordinarily made upon a point of order, and if no point of order is made the action taken is never considered to be a precedent. Both in the case which the gentleman cited in this Congress and that which he cited in the year 1886, no point of order seems to have been made; and consequently there was no ruling by the Chair. Unanimous consent does not establish precedent. But there has been a ruling, made by the immediate predecessor of the present occupant of the chair, a ruling which the Chair had in mind and will have read to the House, a ruling which, as he has no doubt, governs the matter.

The Clerk read as follows from the House Journal, July 27, 1886:

Mr. Henley moved the previous question;
Pending which,
Mr. HITT moved to recommit the bill to the Committee on Public Lands with instructions to report the Senate bill for which a substitute had been adopted.
Mr. SPRINGER made the point of order that the said motion was not in order, for the reason that the text of the Senate bill had been stricken out by the House and new matter inserted, and that it was not in order to propose the insertion of matter which the House had just rejected.
The Speaker sustained the said point of order, and held it was not in order to move the recommitment of a bill with instructions to report matter which would not be in order if offered as an amendment in the House. The House had just voted to strike out the text of the Senate bill and insert a new proposition, and it was not therefore in order to do indirectly by way of recommitment that which could not be done directly by way of amendment.

The SPEAKER. In accordance with the principle stated in the ruling just read the present occupant of the chair made his decision, and he intends to adhere to it; and that decision had the approval of the House. Consequently the Journal makes an accurate statement of fact.

Mr. MCMILLIN. Will the Speaker indulge me one moment?

The SPEAKER. Certainly.

Mr. MCMILLIN. As the Speaker has expressed surprise at my adduction of the authorities, he will remember that in the case which I quoted involving his own action I rose first and made the parliamentary inquiry whether it would be in order to recommit the bill, and the Speaker ruled that it would. The stricture I made upon the Speaker was founded on the fact that he on the occasion referred to ruled that this motion was in order.

The SPEAKER. He did say that a motion to recommit was in order, and a proper one was. When the motion was actually made no question was raised as to its propriety, and therefore no decision made. Yesterday the Chair ruled the same motion not in order on the ground that it was plainly a dilatory motion.

The Chair desires that the House may understand this question, because these frequent bickerings do not seem to add very much to the dignity of the assembly or of the occasion. In using this language the Chair wishes to make no reflection upon the gentleman from Tennessee, whose course he does not animadvert upon.

Mr. MCMILLIN. I try to keep my conduct so free from suspicion that I am not prompt to suppose that anyone else intends to impugn it.

Mr. Speaker, the point to which I wanted to call the attention of the Chair was that the report on which Mr. Speaker CARLISLE ruled was not from the Committee on Rules at all. The jurisdiction of the Committee on Rules is different from that of other committees. It has perhaps a hundred things pending before it. I do not think the cases are analogous at all.

The SPEAKER. The Chair thinks his action is analogous to the decision in the precedent just read and that the principle is entirely covered by that precedent.

Now, in practical proceedings it is possible to use any motion as a dilatory motion. Gentlemen may, as it seems to the Chair was done yesterday, pursue a course of motions entirely proper in themselves, but which, taken in all their connections, mean a destroyal of the order of the House. It was to prevent this that the Chair was ordered by the rules of the House to entertain no dilatory motion.

Mr. MCMILLIN. I would like to interrupt the Chair——

The SPEAKER. The gentleman will permit the Chair to conclude his statement. It is just as much an act of disorder to use an orderly motion in a disorderly manner as it is to make physical difficulties.

A member may interrupt the proceedings of a legislative assembly by loud and violent language, by obstreperous manner, or by misconducting himself in the various other ways that can be imagined. He may also do it by submitting motions which, while admissible under ordinary rules, are manifestly made for the sole purpose of delay and to hinder the action of the House. That may be protracted to such an extent that the good order which should prevail in such a legislative assembly as the House of Representatives absolutely requires that the Chair should not entertain such motions; and the Chair must act on one of a series of motions and continue it in order to enable the House to transact its legitimate duties.

The business of a legislative body, among other things, is to legislate. It should not permit its legislative duties to be wantonly and constantly interrupted by its own members, even if they do it by means of the most ordinary and recognized motions.

The Chair desires to say this much in order that the ground of its action in regard to these rulings may be understood by the members of the House; and he sincerely hopes that there may be in future no further personal matters interjected in connection with the duties of the Chair and the business of the House.

Mr. BLAND. There will not be if the Chair will confine himself to the rules of the House.

Mr. MCMILLIN. The only thing in which I will beg the indulgence of the Chair further in that connection is to remind the Chair of the fact

that by another rule of the House, which I did not have time to read during the few moments I occupied the floor, the motion I made could only be made once during the legislative day, and the Chair was not to be troubled or could not be further troubled with such a motion, and hence that it could not have been construed as a dilatory motion.

The SPEAKER. The fact that from the hour of the meeting of the House, at 12 o'clock, until 4 o'clock in the afternoon the entire time was consumed before the rule was adopted was evidence enough to the mind of the Chair; and the action in respect to the Journal which continued for days and the scenes of disorder which prevailed in the House in connection with all of its proceedings were amply sufficient to satisfy every member of the House who gave the matter dispassionate consideration that the observations of the Chair are just; and the Chair repeats that he sincerely hopes such scenes may cease for the future for the credit and dignity of the House of Representatives. [Applause on the Republican side.]

Mr. BLAND. They will cease when the Chair rules according to proper parliamentary law.

Mr. SPRINGER. If the Chair will permit me——

Mr. McKINLEY. I yield now to the gentleman from Illinois [Mr. HENDERSON].

Mr. SPRINGER. Will the Chair indulge me just a moment in regard to the decision to which he referred a moment since?

Mr. McKINLEY. I have yielded to the gentleman from Illinois [Mr. HENDERSON].

The SPEAKER. The Chair would be obliged if the gentleman from Ohio would allow the gentleman from Illinois on the right of the Chair to be heard.

Mr. McKINLEY. Certainly.

Mr. SPRINGER. The point of order cited by the Chair was one that I made myself and I think I ought to be permitted to explain the circumstances. [Cries of "Regular order!" on the Republican side.]

Mr. FLOWER. Why, the Speaker has just asked you to keep quiet over there.

Mr. SPRINGER. That point of order I made, on the occasion referred to, does not apply to the proposition of the gentleman from Missouri pending on yesterday. The point there made was that the House had already decided the very question that the motion involved, and that you could not repeat the question indefinitely after the House had decided it in a different form. That was all.

But, Mr. Speaker, I am of opinion, if the Chair will indulge me a moment further, that the proposition of the gentleman from Missouri would be in order as an amendment to the proposition of the gentleman from Illinois to the rules, being an additional order of business to be fixed by the House, the subject-matter being the transaction of business, and not the subject-matter of a bill.

The SPEAKER. The Chair is clearly of the other opinion.

Mr. HENDERSON, of Illinois. Mr. Speaker——

The SPEAKER. How much time does the gentleman yield?

Mr. McKINLEY. Five minutes.

Mr. HENDERSON, of Illinois. Mr. Speaker, with reference to some remarks by myself on yesterday, I desire to say at this time that during the nearly sixteen years in which I have had the honor to occupy a seat on the floor of this House I have very seldom occupied the attention of this body unless I had something to say that I thought might be of interest in connection with legislation then pending or with proceedings before the House then pending. But I have sat here and witnessed exhibitions on the part of some of the members of this House which I confess have greatly surprised me at different times.

I do not deny the right of a member on the opposite side of the House to criticise the action of the Speaker, provided it is done in a gentlemanly and proper manner; and I do not know that I am to set myself up as to what is gentlemanly and what is proper in that connection. But I have witnessed scenes here when it did seem to me that members of this House brought disgrace upon it, so much so that an honorable man would almost feel a temptation to resign his office and retire to private life.

Mr. BYNUM. We have never had such scenes as you have exhibited on that side. We have not resorted to fisticuffs over on this side of the House.

Mr. HENDERSON, of Illinois. I am not justifying this side of the House, nor do I object to any proper and legitimate criticism upon the action of the Speaker. I yield to every member the right to do that. But I do not think that members have the right to rise here day after day and openly and defiantly insult the Speaker of the House, because when you do that you insult every member on this side of the House. This side is responsible for the Speaker. This side placed him in the position which he occupies now; and I do not hesitate to say that in my judgment he has endeavored to be fair and just, and has been much fairer to some gentlemen on the other side of the House than I had supposed it possible for a man to be under such circumstances. [Derisive laughter on the Democratic side.]

Now, what I would like, Mr. Speaker, would be to see this House go to work and consider matters of legislation in an orderly and decent manner. I think that good order is one of the first laws to be observed everywhere, and it ought to be observed in matters of legislation, and especially in a body which claims to be a deliberative body.

Mr. MAISH. There is good authority for saying it has ceased to be one.

Mr. HENDERSON, of Illinois. It is no part of my purpose to say who brought about that result. I said yesterday that when these insults should occur again I would demand that the words be taken down; but some of my friends on this side say, "No, that is exactly what members want, to take up the time of the House," and they have insisted that I should not do so. But I do want to say that I would like to see the proceedings of this House go forward from day to day in an orderly manner, and in a way that would reflect no dishonor or discredit upon us and those we represent or upon the country. [Applause on the Republican side.]

Mr. McKINLEY. Mr. Speaker, we must be satisfied by this time of the correctness of the Journal, and therefore I ask a vote on its approval.

The SPEAKER. The question is on the approval of the Journal. As many as are in favor will say "ay."

Mr. MILLS. Was the previous question ordered?

The SPEAKER. The previous question was ordered. The question is on the approval of the Journal.

The question was taken; and the Speaker announced that the ayes seemed to have it.

On a division (demanded by Mr. SPRINGER) there were—ayes 114, noes 75.

So the Journal was approved.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The SPEAKER. The Clerk will continue the roll-call on the amendment which was under consideration at the adjournment of the House last night.

Mr. SPRINGER. Would it be in order to have the amendment read?

The SPEAKER. It can be done by unanimous consent.

Mr. SPRINGER. Then I ask unanimous consent that the amendment be read.

Mr. McCOMAS. It is the amendment of the gentleman from Texas [Mr. SAYERS] limiting the amount to $20,000.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Amend by adding, at the end of line 25 of page 3 of the bill, the following:

"*Provided further*, That the sum total of the accounts so allowed shall not exceed in amount $20,000 and that the commissioners of the District of Columbia shall report to the next Congress the amounts so allowed and to whom."

The SPEAKER. The Clerk will call the roll.

The question was taken; and there were—yeas 253, nays 4, not voting 74; as follows:

YEAS—253.

Abbott,	Cooper, Ohio	Kelley,	Osborne,
Adams,	Covert,	Kennedy,	Owen, Ind.
Alderson,	Cowles,	Kerr, Iowa	Owens, Ohio
Allen, Mich.	Craig,	Ketcham,	Parrett,
Anderson, Kans.	Culberson, Tex.	Kilgore,	Payne,
Anderson, Miss.	Culbertson, Pa.	Kinsey,	Paynter,
Andrew,	Cummings,	Knapp,	Peel,
Arnold,	Cutcheon,	Lacey,	Penington,
Atkinson, Pa.	Dalzell,	La Follette,	Perkins,
Atkinson, W. Va.	Darlington,	Laidlaw,	Perry,
Baker,	Davidson,	Lane,	Peters,
Barnes,	Dingley,	Langston,	Pierce,
Bartine,	Dolliver,	Lanham,	Pindar,
Barwig,	Dorsey,	Lansing,	Post,
Bayne,	Dunnell,	Lawler,	Pugsley,
Belden,	Edmunds,	Laws,	Quackenbush,
Belknap,	Ellis,	Lee,	Quinn,
Bergen,	Enloe,	Lehlbach,	Randall,
Biggs,	Evans,	Lester, Ga.	Ray,
Blanchard,	Farquhar,	Lester, Va.	Reed, Iowa
Bland,	Featherston,	Lind,	Reilly,
Blount,	Flick,	Lodge,	Reyburn,
Boothman,	Flood,	Maish,	Richardson,
Boutelle,	Flower,	Mansur,	Rife,
Bowden,	Forman,	Martin, Ind.	Robertson
Breckinridge, Ark.	Forney,	Martin, Tex.	Rogers,
Brewer,	Fowler,	Mason,	Rowell,
Brosius,	Funston,	McAdoo,	Rusk,
Brown, J. B.	Gear,	McClammy,	Sayers,
Browne, Va.	Geary,	McClellan,	Scull,
Buchanan, N. J.	Geissenhainer,	McComas,	Seney,
Buchanan, Va.	Gest,	McCormick,	Sherman,
Bunn,	Gibson,	McCreary,	Shively,
Burrows,	Goodnight,	McDuffie,	Simonds,
Bynum,	Greenhalge,	McKenna,	Skinner,
Caldwell,	Grimes,	McKinley,	Smith, Ill.
Campbell,	Grosvenor,	McMillin,	Smith, W. Va.
Candler, Ga.	Grout,	McRae,	Smyser,
Candler, Mass.	Hall,	Miles,	Snider,
Cannon,	Hare,	Miller,	Spinola,
Carter,	Harmer,	Milliken,	Spooner,
Caswell,	Hatch,	Mills,	Stephenson,
Cheadle,	Haugen,	Moffitt,	Stewart, Ga.
Cheatham,	Hayes, W. I.	Moore, N. H.	Stewart, Vt.
Chipman,	Hays, E. R.	Morrill,	Stivers,
Clancy,	Haynes,	Morrow,	Stockbridge,
Clarke, Ala.	Heard,	Morse,	Stockdale,
Clark, Wis.	Henderson, Ill.	Mutchler,	Stone, Mo.
Clark, Wyo.	Herbert,	Niedringhaus,	Struble,
Clements,	Hermann,	Nute,	Stump,
Cobb,	Hill,	Oates,	Sweet,
Cogswell,	Hitt,	O'Donnell,	Sweney,
Coleman,	Holman,	O'Ferrall,	Taylor, E. B.
Connell,	Hooker,	O'Neall, Ind.	Taylor, Ill.
Cooper, Ind.	Hopkins,	O'Neill, Pa.	Taylor, J. D.

Taylor, Tenn.	Turner, N. Y.	Washington,	Wilson, Ky.
Thomas,	Vandever,	Whitelaw,	Wilson, Mo.
Thompson,	Van Schaick,	Wickham,	Wilson, W. Va.
Tillman,	Vaux,	Wike,	Wright,
Townsend, Colo.	Waddill,	Wiley,	Yardley,
Townsend, Pa.	Wade,	Wilkinson,	Yoder.
Tucker,	Walker,	Willcox,	
Turner, Ga.	Wallace, Mass.	Williams, Ill.	
Turner, Kans.	Wallace, N. Y.	Williams, Ohio	

NAYS—4.

Fithian,	Moore, Tex.	Stewart, Tex.	Stone, Ky.

NOT VOTING—74.

Allen, Miss.	Catchings,	Henderson, Iowa	Raines,
Bankhead,	Clunie,	Henderson, N. C.	Rockwell,
Banks,	Comstock,	Houk,	Rowland,
Beckwith,	Cothran,	Kerr, Pa.	Russell,
Bingham,	Crain,	Lewis,	Sanford,
Bliss,	Crisp,	Magner,	Sawyer,
Boatner,	Dargan,	McCarthy,	Scranton,
Breckinridge, Ky.	De Lano,	McCord,	Springer,
Brickner,	Dibble,	Montgomery,	Stahlnecker,
Brookshire,	Dickerson,	Morey,	Stone, Pa.
Brower,	Dockery,	Morgan,	Tarsney,
Browne, T. M.	Dunphy,	Mudd,	Tracey,
Brunner,	Ewart,	Norton,	Wheeler, Ala.
Buckalew,	Finley,	O'Neil, Mass.	Wheeler, Mich.
Bullock,	Fitch,	Outhwaite,	Whiting,
Burton,	Frank,	Payson,	Whitthorne,
Butterworth,	Gifford,	Phelan,	Wilson, Wash.
Carlton,	Hansbrough,	Pickler,	
Caruth,	Hemphill,	Price.	

So the amendment was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. HOUK with Mr. MORGAN.

Mr. HENDERSON, of Iowa, with Mr. WASHINGTON.

Mr. THOMAS M. BROWNE with Mr. WHITTHORNE.

Mr. RUSSELL with Mr. KERR, of Pennsylvania.

Mr. STONE, of Pennsylvania, with Mr. PRICE.

Mr. BLISS with Mr. WHITING.

Mr. DE LANO with Mr. ROWLAND.

Mr. SCRANTON with Mr. TRACEY.

Mr. COMSTOCK with Mr. STAHLNECKER.

Mr. EWART with Mr. MAGNER.

On this vote:

Mr. GIFFORD with Mr. CLUNIE.

Mr. BROWER with Mr. BANKHEAD.

For the rest of the day:

Mr. MUDD with Mr. NORTON.

Mr. LANSING with Mr. TARSNEY.

Mr. BANKS with Mr. DARGAN.

Mr. BURTON with Mr. CARUTH.

Mr. FRANK with Mr. HENDERSON, of North Carolina.

The result of the vote was then announced as above recorded.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Strike out lines 12 to 16, page 5, and insert in lieu thereof the following:
"The register of wills shall prepare papers in connection with appointment of guardians to enable indigent boys to enlist in the United States Navy, as provided by law, without making any charge therefor."

The amendment was agreed to.

Mr. SAYERS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. SAYERS. Would it be in order now to ask unanimous consent to offer an amendment?

The SPEAKER. There is one more amendment yet to be presented to the House. After that is reported the Chair will present the gentleman's request.

The Clerk read as follows:

Page 17, line 2, strike out the word "five" and insert the word "ten."

The amendment was agreed to.

Mr. SAYERS. I ask unanimous consent to offer an amendment.

The SPEAKER. Will the gentleman from Maryland in charge of the bill give attention? The gentleman from Texas [Mr. SAYERS] desires unanimous consent to offer an amendment.

Mr. SAYERS. I ask unanimous consent to offer an amendment which I will read:

Amend by inserting, at the end of line 14, page 6 of the bill, the following:
"And when such assessment shall have been completed the commissioners of the District shall transmit to Congress a statement showing the total assessed value of each block and of each separate fractional block, including the improvements thereon, within the city limits."

Mr. MCCOMAS. Personally I favor the amendment, but I must object. I have no authority from the committee to accept such an amendment, and I do not know the sense of the House. Therefore I must object to unanimous consent.

Mr. ATKINSON, of Pennsylvania. I would like to have the amendment reported.

The SPEAKER. The gentleman from Maryland objects.

Mr. MCMILLIN. Let the amendment be reported.

Mr. MCCOMAS. It has been read by the gentleman from Texas.

Mr. BREWER. I trust the gentleman from Maryland will withdraw his objection, if the amendment is satisfactory to him.

Mr. MCCOMAS. That matter had better come up in an assessment bill, which I apprehend will soon be brought into this House. It is a part of an assessment bill.

The SPEAKER. Objection is made. The question is on ordering the bill to be engrossed for a third reading.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

The SPEAKER. The question is on the passage.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. BLAND. Let us have the yeas and nays on this bill. It is important to have the yeas and nays on this bill, as it has not been read.

The yeas and nays were ordered.

The question was taken; and there were—yeas 140, nays 86, not voting 105; as follows:

YEAS—140.

Allen, Mich.	Culbertson, Pa.	Lind,	Rowell,
Anderson, Kans.	Cutcheon,	Lodge,	Sanford,
Arnold,	Dalzell,	Mason,	Scull,
Atkinson, Pa.	Darlington,	McComas,	Sherman,
Atkinson, W. Va.	Dolliver,	McCord,	Simonds,
Baker,	Dorsey,	McDuffie,	Smith, Ill.
Bartine,	Dunnell,	McKenna,	Smith, W. Va.
Bayne,	Evans,	McKinley,	Smyser,
Beckwith,	Farquhar,	Miles,	Snider,
Belden,	Featherston,	Miller,	Spooner,
Belknap,	Finley,	Moffitt,	Stephenson,
Bergen,	Flick,	Moore, N. H.	Stivers,
Boothman,	Flower,	Morey,	Struble,
Boutelle,	Funston,	Morrill,	Sweet,
Bowden,	Gear,	Morrow,	Sweney,
Brewer,	Gest,	Morse,	Taylor, E. B.
Brosius,	Greenhalge,	Mutchler,	Taylor, Ill.
Browne, Va.	Grout,	Nute,	Taylor, J. D.
Buchanan, N. J.	Harmer,	O'Donnell,	Taylor, Tenn.
Burrows,	Haugen,	O'Neill, Pa.	Thomas,
Butterworth,	Hays, E. R.	Osborne,	Thompson,
Caldwell,	Herbert,	Owen, Ind.	Townsend, Colo.
Candler, Ga.	Hermann,	Owens, Ohio	Townsend, Pa.
Candler, Mass.	Hill,	Payne,	Turner, Kans.
Cannon,	Hopkins,	Perkins,	Van Schaick,
Caswell,	Kelley,	Peters,	Waddill,
Cheadle,	Kennedy,	Post,	Wade,
Cheatham,	Kerr, Iowa	Pugsley,	Walker,
Clark, Wis.	Ketcham,	Quackenbush,	Wallace, N. Y.
Clark, Wyo.	Kinsey,	Raines,	Wickham,
Cogswell,	Knapp,	Randall,	Williams, Ohio
Coleman,	Lacey,	Ray,	Wilson, Ky.
Connell,	Laidlaw,	Reed, Iowa	Wilson, W. Va.
Cooper, Ohio	Langston,	Reilly,	Wright,
Craig,	Lehlbach,	Reyburn,	Yardley.

NAYS—86.

Abbott,	Edmunds,	Maish,	Skinner,
Alderson,	Ellis,	Mansur,	Spinola,
Allen, Miss.	Enloe,	Martin, Ind.	Springer,
Barwig,	Forney,	Martin, Tex.	Stewart, Tex.
Biggs,	Fowler,	McClellan,	Stockdale,
Blanchard,	Geary,	McCreary,	Stone, Ky.
Bland,	Geissenhainer,	McMillin,	Stone, Mo.
Brickner,	Goodnight,	McRae,	Stump,
Brookshire,	Hare,	Montgomery,	Tillman,
Bunn,	Hatch,	Moore, Tex.	Turner, Ga.
Bynum,	Hayes, W. I.	Oates,	Turner, N. Y.
Campbell,	Haynes,	O'Neall, Ind.	Vaux,
Chipman,	Heard,	Parrett,	Washington,
Clarke, Ala.	Hemphill,	Paynter,	Wheeler, Ala.
Clements,	Holman,	Peel,	Whitelaw,
Cobb,	Kilgore,	Penington,	Wike,
Covert,	Lane,	Perry,	Wiley,
Cowles,	Lanham,	Pierce,	Wilkinson,
Culberson, Tex.	Lawler,	Quinn,	Williams, Ill.
Cummings,	Lee,	Richardson,	Wilson, Mo.
Davidson,	Lester, Ga.	Sayers,	
Dockery,	Lester, Va.	Seney,	

NOT VOTING—105.

Adams,	Cooper, Ind.	Houk,	Rockwell,
Anderson, Miss.	Cothran,	Kerr, Pa.	Rogers,
Andrew,	Crain,	La Follette,	Rowland,
Bankhead,	Crisp,	Lansing,	Rusk,
Banks,	Dargan,	Laws,	Russell,
Barnes,	De Lano,	Lewis,	Sawyer,
Bingham,	Dibble,	Magner,	Scranton,
Bliss,	Dickerson,	McAdoo,	Shively,
Blount,	Dingley,	McCarthy,	Stahlnecker,
Boatner,	Dunphy,	McClammy,	Stewart, Ga.
Breckinridge, Ark.	Ewart,	McCormick,	Stewart, Vt.
Breckinridge, Ky.	Fitch,	Milliken,	Stockbridge,
Brower,	Fithian,	Mills,	Stone, Pa.
Brown, J. B.	Flood,	Morgan,	Tarsney,
Browne, T. M.	Forman,	Mudd,	Tracey,
Brunner,	Frank,	Niedringhaus,	Tucker,
Buchanan, Va.	Gibson,	Norton,	Vandever,
Buckalew,	Gifford,	O'Ferrall,	Wallace, Mass.
Bullock,	Grimes,	O'Neil, Mass.	Wheeler, Mich.
Burton,	Grosvenor,	Outhwaite,	Whiting,
Carlton,	Hall,	Payson,	Whitthorne,
Carter,	Hansbrough,	Phelan,	Willcox,
Caruth,	Henderson, Ill.	Pickler,	Wilson, Wash.
Catchings,	Henderson, Iowa	Pindar,	Yoder.
Clancy,	Henderson, N. C.	Price,	
Clunie,	Hitt,	Rife.	
Comstock,	Hooker,	Robertson,	

So the bill was passed.

During the roll call,

Mr. VAUX (when his name was called) said: I can not vote for an appropriation bill that has never been read in the House. I vote "nay."

The following additional pair was announced:

Mr. HANSBROUGH with Mr. STEWART, of Georgia, for the rest of the day.

The result of the vote was then announced as above recorded.

Mr. McCOMAS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RETURN OF A BILL TO THE SENATE.

The SPEAKER. If there be no objection to the passage of the resolution presented to the House the other night, the Clerk will read it.

The Clerk read as follows:

Resolved, That the Senate be requested to return to the House of Representatives the bill (S. 828) for the relief of Sarah E. E. Perine, widow and administratrix of William Perine, deceased.

The SPEAKER. The question is on the adoption of the resolution.

The question was put, and the resolution was adopted.

The SPEAKER. The Chair desires to correct a statement that was made by the Chair in reference to this bill. The Chair stated it was owing to some mistake made by the Enrolling Clerk. The mistake was made at the Clerk's desk here. The Chair understands that by an oversight the bill was sent to the Senate without the substitute adopted by the House. It is necessary that the bill should be recalled to permit the amendment to be engrossed and the bill to be properly messaged to the Senate.

ENROLLED BILLS SIGNED.

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill and joint resolution of the following titles; when the Speaker signed the same:

A bill (S. 1384) to provide for the purchase of a site and the erection of a public building thereon at Mankato, in the State of Minnesota; and

Joint resolution (H. Res. 210) to print the eulogies on Hon. Edward J. Gay.

ORDER OF BUSINESS.

Mr. BOUTELLE. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 12782) making appropriations for the naval establishment. Pending that I would like to ask my colleague on the other side what arrangement will be satisfactory in regard to general debate.

Mr. HERBERT. I think this side of the House will be satisfied with two hours and a half.

Mr. BOUTELLE. Then I will move that general debate be closed at the end of four hours, two and a half hours to be conceded to the other side of the House.

The SPEAKER. That can be done by unanimous consent. The proposition of the gentleman from Maine is that general debate shall close in four hours, two and a half to be controlled by the gentleman from Alabama [Mr. HERBERT] and the remainder by the gentleman from Maine. Is there objection?

Mr. SPINOLA. Before that order is carried out I would ask unanimous consent for the consideration of a small resolution.

The SPEAKER. No other business can be done but that now. The Chair hears no objection to the request of the gentleman from Maine. The question is on the motion that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the naval appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. BURROWS in the chair.

NAVAL APPROPRIATION BILL.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering the bill (H. R. 12782) making appropriations for the naval service for the fiscal year ending June 30, 1892, and for other purposes.

Mr. BOUTELLE. Mr. Chairman, I shall occupy the time of the committee for only a few minutes.

Mr. RICHARDSON. The bill has not been read, I believe.

Mr. BOUTELLE. Mr. Chairman, I ask unanimous consent that the preliminary reading of the bill be dispensed with.

Mr. RICHARDSON. I object. We have just passed an important appropriation bill without reading it.

The CHAIRMAN. The gentleman from Tennessee [Mr. RICHARDSON] objects, and the bill will be read.

Mr. BOUTELLE. Mr. Chairman, I understood that the two hours and a half explanation of the bill would be satisfactory to the other side without this perfunctory reading of the bill, which can give no information whatever. I hope that my colleague on the committee [Mr. HERBERT] will be able to arrange with his friends on that side so that we may have unanimous consent to dispense with the first reading.

Mr. HERBERT. I ask my friend from Tennessee [Mr. RICHARDSON] to withdraw the demand for the reading of the bill.

Mr. RICHARDSON. I do not want to appear indelicate or unreasonable, but we have just passed an appropriation bill appropriating $5,000,000 without reading it, and I think this bill ought to be read.

The CHAIRMAN. Does the gentleman insist upon his objection to the request of the gentleman from Maine?

Mr. RICHARDSON. I insist upon it.

The CHAIRMAN. The Clerk will read.

The Clerk read the bill in full.

Mr. BOUTELLE. Mr. Chairman, at this stage of the session and in view of the delayed condition of the public business, I shall not detain the committee by any extended remarks. The appropriation bill for the naval service this year has been formulated upon estimates furnished by the Department aggregating $33,331,580.11. The appropriations recommended in the bill just read amount to $30,955,965.78. The amount of the appropriations for the current fiscal year was $24,136,035.53, including $1,000,000 appropriated for the purchase of nickel ore or nickel matte, of which appropriation, I may state parenthetically, only about $50,000 has been used for the purchase of nickel for experimental purposes.

It will be seen, therefore, that the appropriation bill now submitted for the fiscal year ending June 30, 1892, calls for $6,819,930.25 more than the last previous annual appropriation; but it will be observed that no part of this increase is due to any addition to the ordinary expenditures of the naval establishment. The amount of the increase represents the increased expenditures necessary to meet the actual obligations of the Government accruing during the year 1892 upon contracts for the construction of ships and their armor and the necessary expenditures upon vessels now under construction in the navy yards.

Mr. OUTHWAITE. Will the gentleman permit a question?

Mr. BOUTELLE. Certainly.

Mr. OUTHWAITE. I should like some information as to the amount which has been expended for the construction of the Navy during the last six years and the amount for which the Government is now obligated. I know that the gentleman is well acquainted with the facts, and I would be obliged to him if he would give me that information in brief form.

Mr. BOUTELLE. Mr. Chairman, to meet the inquiry of the gentleman from Ohio, which is very pertinent, I will incorporate in my remarks a tabulated statement giving the detailed figures of all the expenditures that have been made for the increase of the Navy since the construction of our modern steel war vessels began, including the estimates made for the current fiscal year.

Mr. OUTHWAITE. If the gentleman can without inconvenience, I wish that he would give me now, approximately, the aggregate amount spent for construction during the last six years and the total amount for which the Government is obligated by contract. What I want to get at is about how much money we have expended under the recent movement to reorganize the Navy.

Mr. BOUTELLE. I have a table here showing the amounts, but it would take some time to go through it and make the additions.

Mr. OUTHWAITE. I do not want the details now, but only the total.

Mr. BOUTELLE. I have the figures here and will give the gentleman the information he seeks later.

Mr. HEARD. The gentleman has referred to an appropriation of $1,000,000 for the purchase of nickel, of which he says a small proportion has been expended.

Mr. BOUTELLE. About $50,000.

Mr. HEARD. If I understand the matter correctly, that appropriation of $1,000,000 can not be used in a general way for the purposes of the Navy, but stands as a special appropriation dedicated to the special purpose for which it was made.

Mr. BOUTELLE. I am glad the gentleman has called attention to that point. That money is specifically appropriated for the purchase of nickel ore, or nickel matte, for use in the manufacture of armor plate, and is to be expended under the discretion of the Secretary of the Navy.

Mr. HEARD. And it can not be used to swell this general appropriation?

Mr. BOUTELLE. It has nothing to do with the general appropriations for carrying on the construction of vessels. And in connection with that special appropriation I may as well say at this point that the expenditure so far has been merely for the purchase of a sufficient amount of nickel ore for the construction by American manufacturers of nickel-armor plates, which are to be subjected to further tests in order to determine the merits of the different kinds of armor and the different percentages of nickel.

This increase in the amount of the appropriation asked for this year, amounting to $6,819,930.25, is made up of $5,322,500 to meet the obligations already incurred upon vessels authorized prior to the assembling of the Fifty-first Congress. Only $1,497,430.25 of the amount

appropriated in this bill is to be applied to work on the vessels authorized at the first session of the present Congress.

The estimates of the Department as originally furnished to the House called for $13,712,379 as the entire amount that would be expended under the Bureaus of Construction and Repair and of Steam Engineering on all the vessels under construction from October 1, 1890, to the close of the fiscal year ending June 30, 1892. The committee eliminated the amount which would be expended during 1891, and that has been certified to the Appropriations Committee for a deficiency item of $1,605,950.26.

It is only necessary to say, in explanation of how this deficiency arose, that it is largely due to the unusual, unexpected, and very gratifying promptness with which the Department has been enabled to get the vessels authorized during the last session under contract and under construction, so that an amount which the committee had no reason to anticipate will be expended upon those vessels during the fiscal year 1891, the aggregate required upon all the authorized vessels during the remainder of the current year amounting to $1,605,950.26.

Taking that amount from the original aggregate estimates submitted by the Department, of $13,712,379, we have $12,106,428.74 remaining as the estimated amount to be expended during the next fiscal year under the two bureaus which have charge of the construction of the hulls and machinery of all the vessels. Since these estimates were first made, in December, although they had been very carefully pruned and examined at the Department, the departmental officers have again gone over the figures with great care in order to reduce the amount asked for to the smallest possible sum that will meet the actual requirements of the coming fiscal year; and by this revision the estimates for the Bureaus of Construction and Steam Engineering have been reduced to $11,349,347.32, a reduction, as will be perceived, of $757,081.42 from the estimates of $12,106,428.74 originally submitted.

But, Mr. Chairman, it will be observed that these estimates were submitted upon the vessels authorized prior to the present bill, in which we have authorized the construction of one additional fast cruiser at a cost not to exceed, exclusive of armament, $2,750,000; and therefore the committee have left in the amount to be appropriated under construction and steam machinery this sum of $757,081.42 to be used on account of the construction of that cruiser in connection with the other vessels during the coming fiscal year; and with that provision for the additional vessel proposed under this bill the committee have left the entire amount of appropriation under those two bureaus at the amount originally fixed. The exact figures were twelve million one hundred and six thousand and some odd hundreds of dollars, and the committee put in the bill the even sum of $12,107,000.

I have in my hand a tabulated statement of the entire appropriations which have been made since the inauguration of what is known as the new Navy, since we began the evolution from wooden to steel ships. Does the gentleman from Ohio [Mr. OUTHWAITE] desire the aggregate?

Mr. OUTHWAITE. The aggregate only.

Mr. BOUTELLE. Commencing with the first appropriation for the first of what are known as the "Roach ships," under the act of March 3, 1883, there has been appropriated up to and including the act of March 2, 1889, under the head of increase of the Navy, $33,257,326.41. That is the amount appropriated on account of these vessels of the new Navy up to the assembling of the Fifty-first Congress. By adding to that the amount of $8,120,000, appropriated at the last session for the vessels previously authorized, and on account of the three battle ships, one cruiser, one torpedo cruiser, and one torpedo boat, authorized by the act of June 30, 1890, we have the sum of $41,377,326.41 representing the amount appropriated up to the present time for the construction and armament of the vessels of the new Navy. The details are given in the following table:

Appropriations for the increase of the Navy.

The act of March 3, 1883, authorized the construction of the following vessels, known as the Roach vessels:		
Chicago, Boston, Atlanta, Dolphin		$4,308,964.41
Appropriations were made for the construction of the Roach vessels, as follows:		
By act of March 3, 1883		$1,300,000.00
Act of July 7, 1884:		
Bureau of Construction and Repair	$921,500.00	
Bureau of Steam Engineering	620,000.00	
Bureau of Equipment and Recruiting	78,600.00	
Bureau of Navigation	30,000.00	
Bureau of Ordnance	500,000.00	
		2,150,100.00
Act of March 3, 1885 (deficiencies):		
Bureau of Construction and Repair	$75,857.23	
Bureau of Steam Engineering	86,983.57	
		162,340.80
By transfer from construction and repair appropriation by order of Secretary, etc		40,162.61
By act of July 26, 1886:		
Bureau of Construction and Repair	$95,861.00	
Bureau of Ordnance	91,137.00	
Bureau of Ordnance:		
Deficiency for gun carriages and powder	22,000.00	
Deficiency for labor at Washington yard	60,000.00	
Deficiency, freight and material	48,913.00	
Foreign and domestic bills	37,294.84	
Deficiency, existing contracts	63,655.16	
		436,861.00
Act of March 30, 1888:		
Bureau of Construction and Repair	$40,000.00	
Bureau of Ordnance	175,000.00	
Bureau of Navigation	1,500.00	
		$217,500.00
Total appropriations for Roach vessels		4,308,964.41

RECAPITULATION.

Appropriations for Roach vessels.

Appropriated by—	
Act March 3, 1883	$1,300,000.00
Act July 7, 1884	2,150,100.00
Act March 3, 1885	162,340.80
Transfer from Construction and Repair:	
Appropriation May 6, 1885	40,162.61
Act of July 26, 1886	436,861.00
Act of March 30, 1888	217,500.00
Total	4,308,964.41

INCREASE OF THE NAVY.

By act of March 3, 1885:	
Vessels authorized March 3, 1885 (Newark, Charleston, Yorktown, Petrel)	$1,895,000.00
By act of August 3, 1886:	
Vessels and monitors, August 3, 1886 (Baltimore, Vesuvius, Maine, Amphitrite, Texas, Cushing, Puritan, Monadnock, Terror, and $150,000 authorized to be expended on construction plant, navy yards New York and Norfolk)	2,500,000.00
Armament: Includes vessels under act March 3, 1885, and Miantonomoh	1,000,000.00
By act of March 3, 1887:	
Gunboats and cruisers authorized March 3, 1887 (Philadelphia, San Francisco, Concord, and Bennington)	1,500,000.00
Monitors and vessels authorized March 3, 1885, and August 3, 1886 (Newark, Charleston, Yorktown, Petrel, Baltimore, Vesuvius, Maine, Texas, Cushing, Puritan, Monadnock, Terror, Amphitrite, and Miantonomoh)	2,420,000.00
Vessels for coast and harbor defense (Monterey)	1,000,000.00
Armament of all of above vessels	2,128,362.00
Armor and gun steel, above vessels	4,000,000.00
By act of September 7, 1888:	
Construction and machinery:	
Armored cruiser No. 2, protected cruiser No. 6, cruisers Nos. 7, 8, 9, 10, and 11, and all vessels theretofore authorized	3,500,000.00
Steel practice vessel	260,000.00
Armament (for all new ships)	2,000,000.00
By act of March 2, 1889:	
Construction and machinery:	
Armored steam cruising monitor, dynamite cruiser No. 2, gunboats Nos. 5 and 6, 1 ram, and all vessels theretofore authorized	4,055,000.00
Four steam tugs	140,000.00
Armor and armament (for all new ships)	2,500,000.00
Testing rapid turret guns and re-enforce cartridges	50,000.00
Total	28,948,362.00

RECAPITULATION.

Appropriated by—	
Act March 3, 1885	$1,895,000.00
Act August 3, 1886	3,500,000.00
Act March 3, 1887	11,048,362.00
Act September 7, 1888	5,760,000.00
Act March 2, 1889	6,745,000.00
Total	28,948,362.00

TOTAL RECAPITULATION.

Amounts appropriated for Roach vessels	$4,308,964.41
Amounts appropriated for other vessels	28,948,362.00
Total	33,257,326.41

INCREASE OF THE NAVY.

Limitation of cost of vessels.

Chicago, Atlanta, Boston, Dolphin	$4,308,964.41
Newark	1,900,000.00
Charleston	1,100,000.00
Yorktown	520,000.00
Petrel	275,000.00
Baltimore	1,500,000.00
Vesuvius	350,000.00
Maine	2,500,000.00
Texas	2,500,000.00
Cushing	100,000.00
Puritan, Monadnock, Amphitrite, Terror	3,178,046.00
Philadelphia, San Francisco	3,000,000.00
Concord	550,000.00
Bennington	550,000.00
Miantonomoh (no limitation).	
Monterey	2,000,000.00
Armored cruiser No. 2	3,500,000.00
Protected cruiser No. 6	1,800,000.00
Cruiser No. 7	1,100,000.00
Cruiser No. 8	1,100,000.00
Cruiser No. 9	700,000.00
Cruiser No. 10	700,000.00
Cruiser No. 11	700,000.00
Practice cruiser	260,000.00
Armored steel cruising monitor	1,500,000.00
Dynamite cruiser No. 2	450,000.00
Gunboat No. 5, gunboat No. 6	700,000.00
Ram, harbor defense (no limitation).	
Steam tug	35,000.00
Steam tug	35,000.00
Steam tug	35,000.00
Steam tug	35,000.00
Indiana, coast-line battle ship	4,000,000.00
Massachusetts, coast-line battle ship	4,000,000.00

Oregon, coast-line battle ship	$4,000,000.00
Cruiser No. 12	2,750,000.00
Torpedo cruiser	350,000.00
Torpedo boat	125,000.00
Total, exclusive of armament	51,607,010.41

There are very many gratifying features in connection with the development of our naval establishment which it would give me great pleasure to dwell upon if I thought the time were opportune; but I deem it more important that we should proceed as promptly as possible with the consideration of the bill. I have no excuses to make for the increase which this appropriation bill shows over its predecessor, because it is simply a provision to meet the expenditures and obligations of the Government authorized by previous law. I may say here, as it is proper I should say, that this appropriation for the coming fiscal year represents so far as the vessels authorized up to this time are concerned, the culmination of the increase of expenditure.

We have been authorizing vessels from time to time; they have been reaching various stages of completion, and during the year 1892 a larger number of those vessels will be in a condition to have a larger expenditure made upon them than at any previous time since we began the construction of the Navy and larger than is likely to occur in the future at the rate at which we have hitherto progressed. In evidence of that, I may call attention to the fact that while the estimates show that the expenditures on this account during 1891 amounted to $10,336,300.76, and the estimates for 1892 are $11,349,347.32, the estimates for 1893 upon all the vessels at present authorized are only $7,158,604.

This is more elaborately shown in the accompanying table:

Expenditures to October 1, 1890, and estimated expenditures from that date, on new ships now under construction or authorized, exclusive of armor and armament.

Date of act.	Vessels.	Tonnage.	Amount expended to October 1, 1890.	Estimates.					Total expenditures and estimates.	Date of completion.
				1891.	1892.	1893.	1894.	Total estimates.		
March 3, 1885	Newark	4,083	$1,052,070.46	$337,120.00				$337,120.00	$1,389,190.46	1891
August 3, 1886	Vesuvius	725	328,224.56	3,350.00				3,350.00	331,574.56	1890
Do	Maine	6,648	1,065,334.62	651,600.00	$330,000.00	$73,500.00		1,055,100.00	2,121,034.62	1893
Do	Texas	6,314	469,627.38	623,420.00	518,420.00	650,000.00		1,796,840.00	2,266,467.38	1893
Do	Cushing	100	96,209.59	5,000.00				5,000.00	101,209.59	1890
Do	Puritan*	6,060	535,537.10	69,500.00	124,738.00	700,000.00		1,755,738.00	2,214,636.75	1893
Do	Monadnock*	3,815	223,180.46	192,000.00	126,000.00					
Do	Amphitrite*	3,815	284,065.75	173,000.00	140,000.00					
Do	Terror*	3,815	436,115.44	107,000.00	123,500.00					
March 3, 1887	Philadelphia	4,300	1,389,291.84	181,000.00				181,000.00	1,570,291.84	1890
Do	San Francisco	4,083	1,245,551.97	463,848.26				463,848.26	1,709,400.23	1890
Do	Concord	1,700	402,014.43	131,600.00				131,600.00	533,614.43	1891
Do	Bennington	1,700	390,591.89	131,600.00				131,600.00	522,191.89	1891
Do	Miantonomoh†	3,815	926,722.15	27,880.00	7,800.00			35,380.00	962,102.15	1892
Do	Monterey	4,003	609,815.22	631,422.50	456,106.00	127,000.00		1,214,528.50	1,824,343.72	1893
September 7, 1888	New York	8,150	23,141.46	895,500.00	1,253,533.32	1,180,000.00		3,329,033.32	3,352,174.78	1893
Do	Protected Cruiser No. 6	6,300	12,179.42	322,280.00	538,800.00	910,000.00		1,772,080.00	1,784,259.42	1893
Do	Cincinnati	3,000	151,825.65	488,500.00	442,500.00	17,000.00		948,000.00	1,099,825.65	1893
Do	Raleigh	3,000	162,531.31	556,000.00	372,000.00	9,000.00		937,000.00	1,099,531.31	1893
Do	Cruiser No. 9	2,000	170,904.53	330,750.00	116,375.00	72,803.00		519,928.00	690,832.53	1893
Do	Cruiser No. 10	2,000	170,853.44	330,750.00	116,375.00	72,803.00		519,928.00	690,781.44	1893
Do	Cruiser No. 11	2,000	35,019.65	363,960.00	276,000.00	17,722.00		657,682.00	693,701.65	1893
March 2, 1889	Armored steel cruising monitor.	3,130	3,301.31						3,301.31	
Do	Dynamite vessel No. 2									
Do	Gunboat No. 5	1,000	5,142.77	114,660.00	200,000.00	29,288.00		343,948.00	349,090.77	1893
Do	Gunboat No. 6	1,000	3,076.72	114,660.00	200,000.00	29,288.00		343,948.00	347,024.72	1893
Do	Ram for harbor defense	2,050	3,354.82	200,000.00	600,000.00	130,000.00		930,000.00	933,654.82	1893
June 30, 1890	Cruiser No. 12	7,300	439.00	555,000.00	1,115,000.00	1,060,000.00		2,730,000.00	2,730,439.00	1893
Do	Indiana	8,500	2,072.68	660,000.00	1,320,000.00	585,400.00	$427,963.00	3,063,363.00	3,065,405.68	1894
Do	Massachusetts	8,500	1,991.68	660,000.00	1,320,000.00	585,470.00	497,933.00	3,063,333.00	3,065,324.68	1894
Do	Oregon	8,500	2,017.68	660,000.00	1,320,000.00	709,400.00	533,933.00	3,223,333.00	3,225,350.68	1894
Do	Torpedo cruiser	750		140,000.00	210,000.00	150,000.00		500,000.00	500,000.00	1892
Do	Torpedo boat No. 2	112		37,500.00	37,500.00	50,000.00		125,000.00	125,000.00	1893
			10,183,804.98	10,164,900.76	11,264,347.32	7,158,604.00	1,529,799.00	30,117,651.08	40,301,456.06	
	Balance due on miscellaneous contracts and minor items			171,400.00	85,000.00			256,400.00		
				10,336,300.76	11,349,347.32			30,374,051.08		
	Balance of appropriation on hand October 1, 1890			8,937,841.25						
	Deficiency, 1891			1,398,459.51						
	Or in round numbers as reported			1,400,000.00						
September 7, 1888	Steel practice vessel	138	3,400.78	22,500.00	157,500.00	76,000.00		256,000.00	259,400.78	1893

*Subsequent to act of August 3, 1886.

†Subsequent to act of March 3, 1887.

NOTE.—An estimate has also been submitted for 1892 for $400,000 for equipment, and it is probable that about $200,000 more will be required in 1893 and 1894.

From this it will be seen that during the coming fiscal year we reach a point where many of these vessels will be completed, and during that time the aggregate expenditure for the construction of all the vessels reaches its maximum in amount. In other words, Mr. Chairman, we are passing the apex of expenditures in this regard.

Mr. OUTHWAITE. But are you not providing for the construction of other vessels, and will you not thereby again increase expenditures at some future time for the same reason that you are now suggesting?

Mr. BOUTELLE. It is improbable that the annual expenditure will be so large again under ordinary circumstances at our present rate of progress. For instance, in the present bill we have only authorized the construction of one ship, at a cost of $2,750,000, and it would require a large and rapid and continued authorization of vessels to bring the amount in any year up to so large a sum as will be required for the current year. We have been progressing rapidly for a few years in the construction of our Navy, and it was necessary that we should do so, because we had no modern ships and had already delayed so long in providing for them. It has been deemed wise, therefore, to authorize the construction of the first of our new vessels with a considerable degree of rapidity.

The figures of the Department show that so far as the vessels now authorized are concerned the fiscal year 1892 is exceptional in the way of expenditures, because so large a number of vessels authorized, some as far back as 1885, provision for which is included in this bill, are reaching such a stage that during the coming year the obligations of the Government under contracts and the necessary expenditures on vessels now building in the navy yards will reach, as I have already shown, a sum nearly twice as large as will be required in 1893.

Mr. CHEADLE. Can the gentleman give information to the committee as to the increase of $6,819,930.25 under the head of "Increase in the Navy?" What amount is due to authorizations of former Congresses?

Mr. BOUTELLE. I have already stated that, but I will repeat it for the information of the gentleman from Indiana. Of this increase of $6,819,930.25, $5,322,500 is to be applied to vessels authorized prior to the assembling of this Congress and $1,497,430.25 will be applied upon the three battle ships and other smaller vessels authorized by the last Congress.

And, Mr. Chairman, I am glad to be able to say that the necessity for this appropriation during the coming fiscal year is due to the very

commendable and creditable as well as gratifying efficiency which the Department has reached in dealing with these matters of design and construction, so that last year when the bill authorizing the construction of three modern battle ships—vessels of larger size and vastly more powerful than have ever before been attempted in this country—was approved on the 30th day of June, 1890, on the following day, July 1, 1890, the Department was able to issue advertisements giving the general features of all the ships, and within three months from the day of the approval of the authorizing act of Congress the contracts were signed, under detailed specifications furnished by the Navy Department, for three ships that are believed by the best informed experts to represent in all the features of their design the most formidable fighting vessels that ever have thus far been put under construction in any part of the world.

In relation to the general provisions of the bill, Mr. Chairman, I have only to say that the ordinary expenditures of the Department are shown to have been decreased rather than increased in the last year. We have raised nobody's pay; we have authorized no new offices. The appropriations for the current ordinary expenditures of the Department, as will be shown by reference to the report, amount to $13,589,327.83, which is a reduction of $667,069.75 as compared with those of the previous year. The bill is reported by the unanimous voice of the committee, and I am unaware of any item that has not the approval of every member.

I have no desire to say anything further at present, and will reserve the remainder of my time, yielding the floor to my colleague on the other side of the Chamber.

Mr. HERBERT. I now yield twenty minutes to the gentleman from Texas [Mr. SAYERS].

Mr. SAYERS. Mr. Chairman, I can only, in the time yielded me by the gentleman from Alabama, briefly call the attention of the committee to the expenditures which have been incurred and which are estimated as necessary to be incurred in the construction of the vessels that have been authorized. On the 2d of December last I addressed a communication to the Secretary of the Navy, and the statement which has been furnished me in response leads to a conclusion quite different from that presented by the gentleman from Maine [Mr. BOUTELLE]. The statement to which I refer, Mr. Chairman, shows that the sum total of expenditures, actual and estimated, will amount to $40,560,856.84, exclusive of the cost of armor and armament.

It must be borne in mind, Mr. Chairman, that this sum does not include the expenditures made in the construction of the Chicago, Boston, Atlanta, Dolphin, Yorktown, Petrel, Charleston, and Baltimore, nor the expenditures upon the Puritan, Monadnock, Amphitrite, Terror, and Miantonomoh prior to August 3, 1886, and March 3, 1887.

Mr. BOUTELLE. Will the gentleman permit an interruption? What correction does he make in my statement in regard to the $40,000,000 of which he speaks?

Mr. SAYERS. I understood the gentleman to say that the sum total of the new vessels would reach a certain amount.

Mr. BOUTELLE. The gentleman from Ohio [Mr. OUTHWAITE] asked me the aggregate amount of the appropriation. This is another thing.

Mr. SAYERS. I have then misunderstood the gentleman. The statement from the Department also omits the cost of dynamite vessel No. 2 and of the armored steel cruising monitor which were authorized by the act of March 2, 1889.

Mr. BOUTELLE. Dynamite vessel No. 2 has not been constructed.

Mr. SAYERS. Both vessels are authorized to be built.

Mr. BOUTELLE. Well, but they have done nothing toward constructing them.

Mr. HERBERT. And do not propose to this year.

Mr. SAYERS. Nevertheless they are authorized to be built, and may be built, unless Congress should forbid.

Mr. BOUTELLE. No appropriation has been made for them.

Mr. SAYERS. A general appropriation has been made. The last naval bill contained an appropriation of $5,000,000 for the construction of vessels that had been authorized and that were to be authorized. If I mistake not, there is a similar provision in the bill under consideration.

Now, Mr. Chairman, if the committee will give me attention, I will endeavor to show the cost of these vessels, so far as I have been able to obtain it from the Navy Department. I shall arrange the vessels into groups to correspond with their dates of authorization.

In the first group may be classed the Puritan, Monadnock, Amphitrite, Terror, and Miantonomoh. They are monitors and originally cost the Government about $6,439,190.47. Towards the close of Mr. Robeson's administration as Secretary of the Navy, a very few days before his term of office expired, an order was made by him, without authority of law, to reconstruct these vessels, which had cost the sum which I have named. From the date of that order until March 4, 1885, there was expended in their reconstruction $5,682,469.17. The expenditures since made and estimated as necessary to complete them amount to the further sum of $4,176,738.90.

So that, Mr. Chairman, not taking into the account the original cost of these vessels, we find the sum total of expenditures, actual and estimated, upon them, exclusive of the cost of armor and armament, to be $9,859,208.07.

In the second group, that is, those authorized by the act of March 3, 1883, are the Dolphin, Boston, Atlanta, and Chicago. They were begun in 1883, and all of them were completed in 1887 except the Chicago, which was not commissioned until April 17, 1889.

I have not been able to obtain the full and complete cost of these vessels. On the 1st day of July, 1889, they were appraised under an order of the Secretary of the Navy, and their value, not including their armor and armament, was fixed at $2,900,000. Since then $87,996 have been expended upon them.

Not regarding their actual cost, but taking their appraised value as a basis, and adding to it subsequent expenditures, we have the sum of $3,987,996 as the cost of these vessels, not including their armor and armament.

In the third group, those authorized by the act of March 3, 1885, we have the Charleston, Yorktown, Petrel, and Newark.

The Yorktown was commissioned on the 23d day of April, 1889, and under the order of the Secretary of the Navy was appraised at $520,000, not including her armor and armament. Since then $21,654.30 have been expended upon her, making the cost of this vessel, taking the appraisements as a basis, $541,654.30, not including her armor and armament, and if to this we add the amount expended upon the other vessels to October 1, 1890, and the estimates to complete them, we will find the cost of this group, exclusive of armor and armament, to be $3,471,361.91.

The fourth group, authorized by the act of August 3, 1886, comprises the Baltimore, Vesuvius, Cushing, Maine, and Texas. The first three of these vessels, Mr. Chairman, have been completed at a cost of $2,022,969.27, excluding armor and armament. The expenditures on the Maine and Texas to October 1, 1890, and the estimates to complete them, not including armor and armament, amount to $4,387,502. Adding these two sums we have $6,410,471.27 as the cost of this group of vessels, exclusive of their armor and armament.

In the fifth group, authorized by the act of March 3, 1887, are to be found the Philadelphia, San Francisco, Concord, Bennington, and Monterey. The expenditures on them to October 1, 1890, and the estimates to complete them, not including their armor and armament, will aggregate $6,159,842.11.

The sixth group, authorized under the act of September 7, 1888, consists of the New York, protected cruiser No. 6, Raleigh, cruiser No. 9, cruiser No. 10, cruiser No. 11, steel practicing vessel, and Cincinnati.

Their cost, exclusive of armor and armament, will, it is estimated at the Department, reach the sum of $9,670,507.56. In the seventh group, authorized under the act of March 3, 1889, are to be found gunboat No. 5, gunboat No. 6, the ram for harbor defense, dynamite vessel No. 2, and the armored steel cruising monitor.

Expenditures have been made and estimates given as to cost of completion only upon the first three of the vessels named in this group, and they aggregate $1,629,470.31, not including armor and armament. Only $3,301.31 have been expended on the armored steel cruising monitor, and no estimates have been given for its completion; and in the case of dynamite vessel No. 2 no expense has been incurred and no estimate as to cost of construction has been furnished me.

The eighth, or last group of vessels authorized under the act of June 30, 1890, embraces cruiser No. 12, Indiana, Massachusetts, Oregon, torpedo cruiser, and torpedo boat No. 2.

The amount expended to October 1, 1890, and estimated to complete them is $12,711,521.04, exclusive of armor and armament.

Summing up the cost of these vessels in their several groups, not including armored steel cruising monitor and dynamite vessel No. 2, and accepting the appraisement of the vessels, valued on July 1, 1889, as a basis of calculation with reference to them, we find that the expenditures incurred and estimated as necessary to their completion upon forty vessels of the "new Navy" will reach $53,900,396.27, exclusive of the cost of their armor and armament.

Without going, Mr. Chairman, into details as regards the cost of ordnance for these vessels, not including torpedoes and ammunition, I have been informed that the expenditures already incurred and estimated as necessary for the purpose, will reach the sum of $10,501,814.05 for thirty-eight of the vessels. As to what may be necessary in the matter of ordnance for the remaining four vessels I have not been advised.

Adding the cost of ordnance to that of hull and machinery, we have $64,810,336.34 as the sum total of these classes of expenditures for ordnance for thirty-eight vessels and for hull and machinery for forty vessels, leaving four of the vessels heretofore authorized unprovided with ordnance and two unprovided with hull and machinery.

It must not be forgotten that the armor has not been included. Upon this point, Mr. Chairman, I desire to have read a portion of a communication which I have received from the Navy Department and which I send to the Clerk's desk.

The Clerk read as follows:

NOTE.—It is impracticable at present to make an estimate approaching accuracy of the final cost of the armor on any of the vessels now under construction. The price of the armor intended for the five [three?] double-turreted monitors, the

Maine, Texas, and Monterey, now under contract to be manufactured by the Bethlehem Iron Company, could be given; but this will probably be modified by questions of premiums, freight, method or system of manufacture, and ballistic tests. Regarding the armor which will be placed upon other vessels and for which no contract has yet been made, the bureau is not in a position to make any estimates beyond those of an extremely general character for the reasons already given as affecting the Bethlehem contract, and it being, at this date, a matter of doubt as to what system of armor, whether simple or nickel steel, will be adopted for these vessels. The item armor is therefore excluded in the estimates which are tabulated.

Mr. SAYERS. It will be readily seen, Mr. Chairman, that it would be exceedingly difficult to approximate the cost of the armor of these vessels. The Department has not been able to state an estimate upon which it could safely rely.

Mr. OUTHWAITE. What is the grand total?

Mr. SAYERS. The construction of forty-two vessels has been authorized, and from the best information that I have been able to obtain the ordnance for thirty-eight vessels and the hull and machinery for forty vessels will cost not less than $64,383,046.34. My opinion is that these vessels, if all completed, will entail an expenditure of not less than $75,000,000.

Mr. Chairman, I have not yet alluded to the item of equipment. The Secretary has estimated for $400,000 for this purpose for 1892, and he says that it is probable that $200,000 more will be required for 1893 and 1894. These charges must be included in the general cost.

The necessity for large appropriations will be pressing upon us. For the present fiscal year there will be a deficiency of $1,398,459.51; for the year 1892 an appropriation of $11,506,847 will be required for hulls and machinery; for 1893 $7,234,604 for the same purpose; and in 1894 $1,529,799.

In addition to these sums an expenditure of not less than $8,085,350 will be needed for ordnance after the 30th day of June next.

When it is considered, Mr. Chairman, that as soon as these forty-two ships have been completed and commissioned the enlisted force of the Navy must be largely increased, entailing additional expenditures as to pay, clothing, and subsistence, it occurs to me that Congress has gone far enough in providing for a new navy and that the construction of no other ships should be authorized. The cost of maintaining these vessels will be very heavy indeed. They are not long-lived. They must be repaired quite often. At the proper time I shall therefore move to strike out the provision in the bill which looks to the building of another ship.

[Here the hammer fell.]

Mr. SAYERS. I ask the gentleman from Alabama to allow me a few minutes more.

Mr. HERBERT. I yield the gentleman two minutes more.

The CHAIRMAN. The gentleman from Texas has two minutes more, the Chair understands, the gentleman from Alabama yielding that much time to him.

Mr. SAYERS. My object in asking further time was to obtain information from the gentleman from Alabama as to the entire cost of the new vessel, including armor, armament, hull, and machinery.

Mr. HERBERT. The estimate for the vessel is $2,750,000. It is not to be an armored vessel, but a swift cruiser.

Mr. SAYERS. That would not be the total cost. You must include armor, equipment, and ordnance. All will be necessary to the vessel.

Mr. CUTCHEON. I would be glad to hear the colloquy between the gentleman from Texas and the gentleman from Alabama.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HERBERT. I yield now to the gentleman from New Jersey [Mr. McADOO], but I understand that he has some time given him by the chairman of the committee.

Mr. McADOO. Mr. Chairman, I understood that the gentleman from Indiana [Mr. HOLMAN] was going to speak at this time.

Mr. SPINOLA. If there is any dispute about the division of the time I will occupy it myself on the martyrs' monument. [Laughter.]

Mr. HERBERT. Mr. Chairman, the gentleman from New Jersey [Mr. McADOO] will take the floor in the time yielded to him by the chairman of the committee.

The CHAIRMAN. Is that the understanding?

Mr. BOUTELLE. Mr. Chairman, if my friend from New Jersey [Mr. McADOO] will permit me a moment, I desire to meet the wishes of gentlemen on the other side so far as I can, and therefore I have yielded them two hours and a half of the time for general debate, and I have also agreed to give an additional twenty minutes to the gentleman from New Jersey [Mr. McADOO]; but I would prefer that some gentleman who opposes this bill should occupy the floor now.

Mr. HERBERT. The gentleman from Indiana [Mr. HOLMAN] can speak now if he desires.

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] is recognized.

Mr. HOLMAN. Mr. Chairman, I do not wish to occupy the floor at this time.

Mr. HERBERT. Then I yield one hour to the gentleman from Ohio [Mr. OUTHWAITE].

Mr. OUTHWAITE Mr. Chairman, I had hoped to have an opportunity to secure some data to use in considering this bill in one of its aspects. But it has come about that I must now speak without time to do so. From the remarks of the gentleman from Texas [Mr. SAYERS] and the remarks of the chairman of the committee [Mr. BOUTELLE], it is evident that each succeeding Administration vies with its predecessors in expenditure for the construction and armament of a new navy. From the statements made by these gentlemen upon opposite sides of the House it is difficult to determine exactly how much has been already expended by the Government in the construction of ships of war of different kinds and characters and their armament, or for how much the existing contracts obligate the Government.

In other words, there seems to be a difference of perhaps $20,000,000 between the one side and the other in a matter in which there ought not to be a dollar of difference. It ought to be possible to present to this House an exact statement of what that part of our new navy already finished has cost us and also of what that portion of it which is still unfinished is to cost us. If I were to make an estimate from what I have heard this afternoon I should say that we had already expended over $40,000,000 and that this bill provides for an additional expenditure of some $16,607,000 more; that those two sums would not cover by many millions the amount for which we as a Government are under contract and which the taxes upon the people will be obliged to meet hereafter. It may be safe to say that the cost of the new navy at present planned for will be somewhere between $75,000,000 and $100,000,000. That is about as near as we can come from the data furnished this afternoon. If I had more time or if the gentlemen who have spoken had had more time to make their statements, we might arrive more nearly at the correct amount.

It is not my purpose to discuss this bill critically. My object in taking the floor at this time is to discuss the reconstruction of the Navy in connection with the subject of building up the merchant marine of this country, so far as that is provided for in the bill which is now suspended over this House, known as the tonnage bill or subsidy bill. If an opportunity is given the gentleman who has that bill in charge to present it to the House, it may come up again at the end of the consideration of this bill.

One feature of that bill is such that I can commend it, though objecting seriously to anything and everything in the nature of a subsidy or bounty to any industry in this country. I refer to that peculiar feature of the bill which provides that some of the bounty which is to be paid shall be paid to vessels of a certain character, hereafter to be built, the plans and specifications for the construction of which are to be subject to the inspection and control of the Navy Department, so that each vessel when completed shall be of such a character that, if the United States Government should at any time desire to take possession of it for war purposes, it would be suitable for the uses of the Government.

That is an unobjectionable feature of the bill, because there is a direct appropriation of the money of the people for the uses of the people and for the national defense. But to the other features of the bill I do object, and speak against the bill at this time, because, from the peculiar course of the Committee on Rules of this House, there may be no opportunity for me to discuss the bill to the extent that I should desire. That committee may conclude that debate upon that bill is undesirable and damaging and shut it off summarily, as they are wont to do in such cases.

The bill provides that there shall be paid, out of moneys in the Treasury of the United States not otherwise appropriated, to any vessel, whether sail or steam, registered pursuant to the laws of the United States, and which shall be engaged in the foreign trade, plying between the ports of the United States and foreign ports, as follows: If a steam vessel of not exceeding 11 knots speed when loaded, or if a sailing vessel, the sum of 10 cents per gross register ton for the first 500 miles or fraction thereof sailed outward and the same sum for the first 500 miles or fraction thereof sailed inward on any voyage or voyages; 10 cents per gross register ton for the second 500 miles or fraction thereof sailed outward and the same sum for the second 500 miles or fraction thereof sailed inward, and 20 cents per gross register ton for each thousand miles thereafter, and pro rata for any distance sailed less than 1,000 miles after the first thousand miles sailed. The payments at the rate of 20 cents per ton for each 1,000 miles sailed, as herein provided, shall continue for the term of ten years at that rate, and thereafter for another term of nine years at a reduction of 2 cents per ton each year upon each 1,000 miles sailed and pro rata for any less distance.

There is class legislation of the worst kind; for it is intended to tax the whole people for the pecuniary benefit of a small number of them. I do not recognize the right of a temporary majority in this Congress now or at any other time to take from the earnings of labor, even in the smallest sum, to put into the pockets of capitalists additional wealth. I know that the advocates of this species of robbery are wont to sneer at such views of this legislation. They wish us to regard it as having to do solely with our "commercial independence" and "national defense." The abstraction of the public funds from the Treasury for private uses, as contemplated by this bill, will not contribute to either sufficiently to justify our imitating one of the worst paternal features of European Governments.

While striving to put money into the purses of their constituents at the expense of ours, they eloquently invoke us to be "drawn away

from and lifted above the merely material consideration which might influence us in the discussion of ordinary questions." I might have been moved by this appeal, if I could have put away from my mind the "merely material considerations" in the interest of their constituents only, which these orators disclose as they progress in their arguments.

In 1872 a measure similar to this one in some degree was pending before Congress. It was a bill to secure an increased annual appropriation to the Pacific Mail Steamship Company, in the nature of a subsidy for the transportation of mails and other purposes. That company had been receiving a large subsidy from the Government since 1865, and in 1872 they sought and obtained an increase of $500,000 per annum more.

I could quote many eloquent and stirring passages from the speeches made in Congress in favor of that subsidy similar to those uttered in favor of this bill. How the good of the country depended upon its immediate passage! How we should build up our commercial independence and stay the decline of our merchant marine! The enemies of that corrupt and corrupting legislation were attacked as the foes of the proposed bounty bill are now assailed. So it went through both Houses and became a law.

Then, as now, the Republican party controlled both branches of Congress. Somehow, an investigation was set on foot in a subsequent Congress. Then was it developed that "merely material consideration" had cut quite a figure in influencing that legislation. There was nearly a million in it. An officer of the House—the Postmaster—handled $125,000 of the corruption fund; the rest of the $900,000 was put into other hands, chiefly into the hands of lobbyists.

Mr. Chairman, I do not know whether any of that money purchased a single vote for the passage of that act, and I do not know that the lobby which has been mentioned as active around this House during the consideration of this bill is working in any such corrupt way to secure its passage. But I may think that I am "drawn away from and lifted above merely material considerations," while opposing a measure of this kind against their scheming in its favor.

"This is not a political measure," says one of its promoters on this floor. Ah! I am glad of that. We may then expect a fair chance to discuss it. We may hope to see some gentlemen on the other side against it. It will be well for them if they are. Especially may those gentlemen who represent inland districts in this Congress, and who are back with their constituents the next, prudently take this opportunity to recover some of their lost ground in the public confidence. Look at the bill. It is a plain proposition to mortgage the income of the Government to the amount of at least one hundred millions. The Commissioner of Navigation—the zealous advocate of the measure—urging everything in its favor with almost reckless extravagance, tries to make it appear that about $48,800,000 will answer for the first ten years.

No reliance can be placed on such estimates from such sources in such cases as this. It is not clear that the bill makes a permanent appropriation; but it certainly is intended to create an unavoidable obligation for the full amount that may be claimed during the twenty years under its provisions. Let no member who disapproves this method of using the people's money content himself with the thought that subsequent Congresses can refuse to appropriate it. Certainly they can, and very probably they will; but that does not excuse the shirking of one's duty here and now. Let us prevent the wasting of the amount proposed for the first year, as well as for all the other nineteen. This evil, once fastened upon the people, may maintain its grasp.

But a word here as to this incurring of a new national debt. The appropriations for 1892 nearly equal the estimated revenue for that year. When the latter is collected and the former expended, together with the deficiency appropriations that will be necessary, there will be nothing of our annual income left. What additional charges have been made or are proposed to be made by this Congress besides that carried by this bill? The sugar bounty, $7,000,000 or $8,000,000, with predictions for a yearly increase. The permanent appropriation of several millions for the Federal election bill, and within the week there has been reported favorably in the Senate a bill to guaranty $100,000,000 of bonds for the Nicaragua Canal. There are other instances besides these.

When you get all these prodigal propositions through, you may look around in vain for the Republican party in the Western and Northwestern States. The cyclone of popular condemnation will have carried away even the stones of its former foundation in the farming communities. Two years ago we talked of a surplus in the Treasury. My colleague from Ohio [Mr. MCKINLEY], in one of his stump speeches during the campaign of 1888, said, "The Democratic party was troubled about how to handle that surplus; they know more about a deficiency." Well, the deficiency and the Democratic party are about to come at the same time, and both largely on account of the Republican party knowing too well how to dispose of a surplus. It is given out by the friends of this subsidy that our foreign commerce is increasing under the recent tariff. If that be so, the tariff act does not accomplish its purpose. The framer of that measure announced that it was an American tariff for American producers, to shut out foreign competition. If German productions are now coming here in greater quantities than heretofore, it is nothing more than a temporary accession. It does not mean continued greater importations and greater revenue. The gentleman from Maine [Mr. DINGLEY] in his remarks a few days ago said that "our cargoes had multiplied under the tariff that has existed since the war as never before." This is the common statement of an easily refuted proposition often made in defense of a protective tariff. In the annual report of the Chief of the Bureau of Statistics on the foreign commerce of the United States for the year ending June 30, 1890, on page 15, is a table to which I call attention. It is a statement of our exports and imports from 1843 to 1890. Our commerce and thus our cargoes are shown therein. I ask the careful attention of the committee to this table, the best authority contradicting such claims as those made by the gentleman from Maine. I extract the following:

TOTAL EXPORTS AND IMPORTS OF THE UNITED STATES.

In 1850 they were	$317,885,252
In 1860 they were	687,192,176
Showing an increase of	369,306,924

Or an increase of 116 per cent. in ten years. This was in ten years of low-tariff times.

In 1867 they were	$690,267,237
In 1877 they were	1,053,798,346
Increase	363,531,109

Or 52⅔ per cent. in ten years. I have taken the first ten years after the war and its immediate effects had ceased.

In 1877 the total of our commerce was	$1,053,798,346
In 1887 the total of our commerce was	1,408,502,979
Increase	354,804,633

Or 33½ per cent. in ten years.

This is a fair showing of our cargoes since the war and before.

In neither ten years of the tariff that has existed since the war have our cargoes multiplied one-half as fast as they did in the last ten years before the war. It may be of interest to note, also, that the general exports of Great Britain, of Germany, and of France have increased from what they were in 1880, while those of the United States have fallen off. Protection statesmen consider exports only as desirable commerce. The increase for Great Britain was about $142,000,000; the increase for Germany was about $77,000,000; the increase for France was about $29,000,000; while the decrease for the United States was about $62,000,000.

Draw what conclusion you may from these facts, surely it can not be that a protective tariff increases the cargoes of our exports. I do not claim anything more. There are many things besides laws that influence the commerce of the world, the exchanges of commodities between the nations of the earth.

To listen to the lofty periods of the promoters of this subsidy one might suppose that its only objects were grandly humanitarian or nobly patriotic. Descend to a scrutiny of the results sought to be obtained. Enter upon the practical questions involved. Who will be directly benefited by the money of the people which is to be given away? Not the sailor on or connected with the vessels to whom this money is to be paid nor any of the labor connected with our commerce. "The wages paid to American crews are, on the average of the fleet, much higher than to crews of foreign ships, and they always have been higher since we had a merchant marine," says Commissioner Bates in his letter to the chairman of the Committee on Merchant Marine and Fisheries. Then in the next sentence he discussed the tariff just a little. Hear him:

> This difference in wages has not been due to duties on foreign goods, but mainly to the activity and skill of our seamen and the opportunities existing for a livelihood ashore.

This is rank heresy for a protectionist. But its truth is equally applicable to all our labor. Further on in his letter Mr. Bates said, when speaking of the reduction in crews of British sail ships:

> These ships, averaging 1,188 tons each, now carry only two men to the 100 tons. Thirty-five years ago, when American shipping stood some show to keep the sea, carrying from two to three men to the 100 tons, British ships of equal size carried three to four men to the 100 tons, and other nations from four to five.

Proof again that it was the activity, energy, and skill of our seamen that guarantied them the better wages, just as it is in the other occupations of labor in this country. The Commissioner says our superiority in this respect has departed, our crews are composed of 90 per cent. of foreigners and aliens. But the bill will correct this evil, say its friends. Look at section 3. It will restore the energy, skill, and superiority of seaman, they claim. Perhaps so.

My objection to that section is that it is a subterfuge. "The bill is to withdraw our young men from their westward home-seeking back to the old-time sea pursuits," says the gentleman from Maine. For the convenience of the ship-owners it is provided in section 3 that it shall only be necessary for the members of the crew to have declared their intentions to become citizens. Part of the process of shipping crews hereafter in vessels receiving this subsidy will be to take men who have not had sufficient interest in our Government to become citizens thereof into a court and have them declare such intentions.

Is this a patriotic thing to do—bribe the outcasts of the world to assume our citizenship by a job as stoker or roustabout? "Suppose we

buy our ships in Liverpool, shall we get our sailors in Hong-Kong?" eloquently writes the Commissioner of Navigation. Oh, no, sir. Give our ships a subsidy, and under this bill they will find Lascars, Congolians, Nanki-Poos, and Yang-tse-Kiangs enough to work them, whenever it may suit their convenience to bring over such a human cargo to ship for future passages. The passage of this bill might benefit a small portion of the labor of the country. The strongest argument in favor of the McKinley bill was that the better wages of our workingmen depended upon our protective-tariff system. I will read a few illustrations as to how it works since the passage of that bill:

A dispatch from Trenton, N. J., December 10, says:

The Manufacturing Potters' Association, consisting of owners of potteries making sanitary ware in this city, Baltimore, and East Liverpool, held a meeting in this city on Tuesday, and decided to reduce the wages of the operative potters from 10 to 20 per cent.

The pottery business is one of the chief beneficiaries of the tariff. The new tariff law does not increase the rates of duty, but the McKinley administrative bill accomplished indirectly an increase of from 5 to 15 per cent. The manufacturers respond by reducing wages.

A few days earlier than this there was a reduction in the wages of the mule-spinners in the Merrimac Mills, Lowell, Mass. The excuse for this was that the wages were higher than in Fall River; but this was denied by the Manufacturers' Gazette, which informs us that "to equalize the wages of the Lowell spinners with those of Fall River would require an advance of from 23 to 35 per cent.;" and the Boston Commercial Bulletin lately said that there was a "strong inclination on the part of manufacturers [in Fall River] to cut down wages, and thus follow the example of Lowell mill men."

Immediately after the passage of the McKinley bill the wages of the employés in the plush factory at Catasaqua, Pa., were reduced, so that the general effect of the bill appears to be to afford capital enlarged opportunities of making profits and compel labor to take smaller wages than before.

The Scottdale Rolling Mill and Pipe Works and the Charlotte Furnace, at Scottdale, Pa., have shut down indefinitely. One thousand men are thrown out of employment.

A dispatch from Ishpeming, Mich., January 11, says:

The iron mines of Marquette County have decided on a 10 per cent. reduction right through. Very few men will be discharged, but the reduction in wages has been found necessary in view of the present demoralized condition of the ore market. In the Menominee and Gogebic ranges several thousand men have been discharged.

In the mills at Thompsonville, Conn., the hours of labor were increased, making an indirect reduction of 10 per cent. in the wages of the operatives. A member of the firm of E. S. Higgins & Co. told a New York Commercial Advertiser reporter that his firm would probably find it necessary to reduce wages.

A dispatch from Newark, N. J., November 17, says:

There is trouble among the spinners in the Clark O. N. T. spinning mills here and at Kearney, N. J., and should they strike, as they threaten to do, about four hundred and fifty men, boys, and girls will be out of work. Superintendent Herbert Walmsley and his assistant overseers are again blamed for the grievances of which the men complain. Mill No. 1 is at Newark, and mills Nos. 2 and 3 are at Kearney. In Newark, the men say, it was agreed to give the men $33 every two weeks, in one mill in Kearney $35, and in the other $38. The men were told that only by the retention of the customs duties on their products could they expect to get an increase of wages or even to have their wages kept at those rates. Nevertheless, since last March, the spinners say, their wages have been gradually reduced, and since the passage of the McKinley tariff law there has been a further reduction of at least 9 per cent.

There was a reduction of wages in one of the Clark thread mills soon after President Harrison succeeded President Cleveland.

General Manager James M. Swank, of the American Iron and Steel Association, expresses his opinion on the condition of the iron trade in the Bulletin of the association, as follows:

The iron trade of this country starts off badly at the beginning of the new year. The South Chicago Steel Plant of the Illinois Steel Company has been closed; the furnace-owners of the Shenango and Mahoning Valleys threaten to bank or blow out their furnaces if coke prices and freight rates are not further reduced, a threat which means as much as anything else that the demand for pig iron has fallen off; the strike of the coal-miners in the Birmingham district continues, and the tendency to blow out furnaces in the district has not been checked, all of which means that orders for Alabama pig iron are not now pressing heavily upon the makers.

Prices of nearly all iron and steel products are weak, and a general reduction in wages seems to be inevitable.

We are sorry to notice a disposition among some workingmen not to accept their share of the shrinkage in business and in values which now everywhere exists in this country. The great majority of iron and steel workers, however, take a sensible view of the situation. There will be no strikes in the iron trade this winter. But 5,000 of Carnegie's men must take lower wages.

I do not propose to go into the tariff discussion further to-day. I recently saw in one of the newspapers of the country two columns of short paragraphs showing the different instances in which in protected industries of the United States the wages of labor have been diminished since the passage of the recent tariff legislation. I have observed only two instances in which there has been an increase of wages in the same period, and both of those were in industries which can not be said to be protected, one being the case of a railroad company that had increased the pay of its employés, the other was of telegraph operators.

But to return to my argument on the subsidy bill. While the tariff legislation was intended to prevent commerce, this subsidy legislation, it is claimed, is to promote it. What a contradiction! A perfect paradox. Both come from the same source. Both are sustained by that statesmanship which has promulgated the doctrine that it were better for American enterprise if the oceans that surround us were seas of fire or that our home market should be hemmed in by a Chinese wall.

Pursuing the inquiry as to who will receive the direct benefit of this bounty, we should see whether it will do any good for the producers of the bounty. We have had some experience heretofore in subsidizing American lines in the foreign trade. We have paid out some millions in that way. I do not find a history of those transactions nor a showing of their result in this book of 500 pages, called the report of the committee. Why this omission? Was there nothing good to be shown?

Mr. FARQUHAR. The gentleman will find in the majority report a statement of every dollar expended on subsidies heretofore.

Mr. OUTHWAITE. But what I wanted was not only an exhibition of the amount of the expenditure, but some showing of some benefit having resulted from such expenditure in the past. Any such exhibit I say is omitted both from this book and from the report. Did you know of any?

Mr. BLOUNT. The gentleman will allow me to say that the statements of the report to which the gentleman from New York [Mr. FARQUHAR] refers are very largely conjectural; the cost of this proposed policy can only be tested by the trial.

Mr. FARQUHAR. What does the gentleman characterize as "conjectural?" our statements as to the expenditures to be made under this bill?

Mr. BLOUNT. The statements as to the amount of this subsidy.

Mr. FARQUHAR. Not at all; the cost is calculated exactly.

Mr. BLOUNT. Oh, no; the report on this point consists partially of figures and partially of the commentary of the committee.

The CHAIRMAN. Does the gentleman from Ohio [Mr. OUTHWAITE] yield for these interruptions?

Mr. OUTHWAITE. I do not yield any further.

This report does show that some of the foreign governments require from ship lines, as a return for their subsidy, that they shall reduce their freight rates upon certain products of the country, thus aiding the shippers thereof in the trade competition with their foreign rivals. It is not so in this bill, nor was it so in former subsidy bills. The bounties gave no such result.

The giving of those millions to ship-owners did not reduce the price of our carrying to market one cent upon all the grain, flour, meal, cotton, and manufactures which we exported during the life of those subsidies.

This could have been shown, if those subsidies had been of any benefit to producers, either agricultural or manufacturing, in this country by reducing one iota the charges they had to pay for carrying their wares to market.

A few days ago there appeared in the Washington Post a short interview with Mr. C. A. Griscom, of Philadelphia. Who this gentleman is I do not know, but he speaks like a ship-owner, here to assist this legislation through. He makes this important admission:

No, the passage of the subsidy bill will not give American ship-owners such advantage that they can make lower freight rates than foreign ships.

Mr. Chairman, I trust members of this House, especially from agricultural districts, who think of voting for this bill, will make a note of this declaration.

Mr. CUTCHEON. Will the gentleman allow me a question?

Mr. OUTHWAITE. Certainly.

Mr. CUTCHEON. Supposing what the gentleman has just said is true; if the bill succeeds in doing what it is designed to do, that is, producing greater competition, would not this increased competition produce lower freights, not directly but indirectly?

Mr. OUTHWAITE. The gentleman says, "if this bill succeeds." I propose in the line of my argument to show that it will not succeed, and that this is conceded by the best friend of this bill and its promoter, the Commissioner of Navigation.

Mr. CUTCHEON. Then I wanted to ask the gentleman this other question: If the bill does not succeed in building up greater competition by bringing into this trade a larger number of vessels, would not the cost be far below the figures which the gentleman gives? In other words, is not the cost dependent upon the building up of greater competition——

Mr. OUTHWAITE. Not at all or very slightly.

Mr. CUTCHEON. And if we should not have the increased number of vessels with the increased competition, would not the cost necessarily be far less than the gentleman estimates?

Mr. OUTHWAITE. I shall show by Commissioner Bates that the number of vessels has nothing to do with the competition. There is the difference between us as to the definition of competition. It does not necessarily mean number of vessels in the foreign trade.

Again Mr. Griscom says: If the tonnage bill is passed it will only enable our ship-owners to engage in foreign commerce by putting them on a sort of equality with the ship-owners of other countries. We will then be in a position to compete, but not to carry at loss rates.

I repeat, "not to carry at less rates." Of what value is it to our producers to have more vessels running out of our ports to foreign ones if these vessels do not carry at less rates? There has not been of recent years any scarcity of vessels, as I shall show by the Commissioner of Navigation further on.

Thus it is clear that the money to be paid out under this bill, if it should become a law, is to remain among the profits of the men who first receive it, the ship-owners and steamship companies.

The men engaged in this business do not expect to pay and will not pay their labor any more than they have been paying. This subsidy

policy will not diminish the freight rates at all, for these men will not take off anything on account of receiving this subsidy; and hence it goes to swell the profits of the ship-owners and the ship companies without any corresponding return to those who must pay the freight. As in the case of the Pacific Mail, they can afford to spend an immense sum of money to further their schemes. It is shown by the testimony in that investigation that there is another class of our fellow-citizens who may temporarily profit by the voting of these subsidies, "some of the dealers in these steamship companies' stocks in Wall street." I received in my mail last week a paper called the Wall Street News, with a blue-pencil mark around one paragraph. I suppose other members received the same. This publication shows the fact to which I have before called attention: that one of the companies interested in securing this legislation in order to send up its stock has already spread the rumor on the street that this bill is to pass. Gentlemen here who are so anxious to get up the bill to prohibit "gambling in futures" might embrace the opportunity to strike down at least one instance of that kind.

There is another class intended to be benefited by the bill—the shipbuilders, the capitalists who own the shipyards. They are hard to satisfy. Since 1872 they have been permitted to import free of duty the chief materials used in building ships for use in our foreign trade. Every time the tariff has been revised by its friends additional favors have been extended to them. The recent bill gives them all these advantages and more too, for it increases the list of materials which they may import untaxed and permits this privilege not only as to vessels for our foreign trade, but also as to vessels for "foreign account and ownership," so that they may compete in the ship markets of the world.

Read the articles which they may have untaxed, and notice how many of them are also used by the farmers of the country, but not untaxed: "Lumber, timber, hemp, manilla, wire rope, and iron and steel rods, bars, spikes, nails, plates, tees, angles, beams, and bolts and copper."

Mr. Chairman, I would call the attention of gentlemen from Nebraska, Kansas, Iowa, and Minnesota to this state of things and ask them if their constituents are not patriotic enough to suffer these direct discriminations in our tariff law against them and also vote that part of the tax which they pay upon these necessary articles shall also be paid out of the Treasury into this favored industry. If they are not, they can not satisfy the Maine ship-yards' love of country.

Mr. FARQUHAR. Will the gentleman permit me one observation at this point? I stated, I believe, in my opening remarks on the shipping bill the fact that the concessions made by the last tariff bill in reference to the building of ships had been demanded by the Democratic party for the last ten years; and we have gone just as far as possible in the direction of allowing the importation of imported material. Four years ago in the Shipping Committee the entire contention was that we could build up the whole American marine provided we allowed the importation of these plates, angles, etc., mentioned by the gentleman; and I as one member of the committee contended four years ago that it was fair to try that experiment. There was a Democratic request for the adoption of this policy, and the request has been granted.

Mr. OUTHWAITE. I do not want to say anything further on that point; I am not making any criticism in that regard; I am only criticising the overreaching spirit of this particular industry—shipbuilding—and showing that those engaged in it are not satisfied with what has been done for them. We relieve them of taxation upon many articles for which we tax ourselves. Now they ask that part of the tax we pay shall go to enrich them. To what end is this patriotic self-denial required? "To restore our merchant marine to its lost footing in a practical and speedy way." But how? No advocate of the bill has shown us. They quote the subsidy policy of European Governments and insist that we must follow these examples of European monarchical policy. But as the friends of this measure insist that its opponents are influenced by British emissaries to favor British theories, it may be well briefly in reply to call the attention of the House to a letter from Mr. John Codman, one of the most illustrious men of this country, a man who, having been a common sailor, has risen to eminence as a ship-owner. In this letter he most emphatically challenges the proof that anyone has been influenced by British emissaries to oppose this bill. He, having protested against such legislation as this, has also offered a considerable reward for proof that anyone has been influenced by British emissaries to oppose this bill. His repeated challenge has never been met. It can not be squarely met, or that would have been done by some of the active lobbyists working in favor of this bill. As I said a moment ago, the friends of this bill demand that we shall follow British legislation in this line. They become angry if anyone suggests that the British subventions are only fair pay for postal services or that they are now paid to but 2 per cent. of their shipping. So far as I am concerned it matters not whether they constitute fair mail pay or a considerable additional bounty. I follow no such inapt example.

The empire of Great Britain is distributed all over the world; upon every sea she has her colonies. Her scattered territorial possessions are many times larger than the whole United States, and her subjects outside of the islands comprising the United Kingdom are numbered by hundreds of millions. She needs frequent communications and great means of transportation for political reasons between the colossal members of her mighty empire. She also seeks and prizes the markets of the world. She gathers her raw materials in every clime, takes them home untaxed to give labor to her millions, and her argosies laden with her finished products sail unto all the peoples of the earth.

With her statesmen commerce is peace and prosperity. We need not imitate her Government, but we could take some valuable lessons from her liberal policy. She maintained the high protective policy as we are doing, until her industries were in the most deplorable condition that they have been during the century, so that upon every street of her manufacturing cities, upon every field of her farms, in every hamlet and every village of the great domain of the United Kingdom, the voice of distress and starvation, of the agony that attends the deepest poverty, was heard from her working people.

It was these facts that induced some of her statesmen who had previously rejected the idea of an approach toward freer trade, to accede to the popular cry for relief. That their working people have greatly improved in their condition since the change, no one denies. That fact is never questioned, though often concealed.

As to whether the policy proposed in this bill will succeed in producing the result which is claimed for it and upon which its promoters defend it in this House, I shall now say a word. I hold in my hand a letter from the Commissioner of Navigation addressed to the chairman of this committee. I read these words from that letter:

I desire to say the main thing lacking in building and running American ships is not cheapness and low wages—

Not cheapness and low wages, I repeat—

but the control of trade and regular employment.

Will some friends of this measure, when they have the opportunity to take the floor, show to this House how the granting of a subsidy to the owner of a steamship line is going to bring about the control of trade; how the paying of money out of the Treasury of the United States to some steamship company is going to give to the ships of that company regular employment? Shall we pay them to remain idle.

Mr. BLOUNT. Will the gentleman let me call his attention to another suggestion in the statement of Mr. Bates before this committee?

Mr. OUTHWAITE. I have marked various other passages of this letter on which I desire to comment.

Mr. BLOUNT. I do not wish to interrupt the gentleman, of course, without his consent.

Mr. OUTHWAITE. Is it in this connection?

Mr. BLOUNT. I think it is, materially so.

Mr. OUTHWAITE. I shall be very glad to have the suggestion of the gentleman from Georgia.

Mr. BLOUNT. The gentleman asks how this subsidy is going to benefit the commerce of the country by paying this subsidy into the pockets of the ship-owners, and I wanted to call his attention to a very singular statement which appears in the testimony or statement of the Commissioner of Navigation before this committee, made last February. He says:

In this connection it is important that the bounty shall be put at the command of vessel-owners, so that it shall avail in the purchase of a part or the whole of cargoes.

So that if they can not get cargoes by the ordinary competition of vessels engaged in trade, they may use the money to purchase them.

Mr. OUTHWAITE. That, I think, Mr. Chairman, will hardly meet the approval of the American people. No other capitalists are helped to quite such an extent.

But I proceed with these suggestions of Captain Bates in this letter to the chairman of the committee. After the sentence which I have just quoted, which quite contradicts the gentleman from Maine—

I desire to say the main thing lacking in building and running American ships is not cheapness and low wages, but the control of trade and regular employment—

He goes on:

The time was when it was competition, but now it is preference—

The gentleman from Michigan suggested to me during the course of this discussion that it was a question of "competition;" but this expert seems to have a very different opinion. He says it is "preference"—

the preference of foreign merchants and alien underwriters that controls the employment of our ships.

How is a bounty to ship-owners going to get rid of that preference which is held for particular lines of ships? What makes this preference?

He says:

Foreigners control our carrying *because the operation of our commercial treaties has enabled them to grasp and hold our commerce* and to share among themselves the navigation that is rightfully American.

Are our commercial treaties at fault? Will a bounty obviate this difficulty? Will a subsidy to the ship-owners do away with it or change this state of affairs?

Again, Mr. Bates says:

What we may think is American commerce, and should yield employment to our ships in the foreign trade, belongs to merchants and owners of foreign nations, and is preferably insured and protected by foreign underwriters and for-

eign flags. Without home employment no marine can last. An American marine can not exist on foreign sustenance, and hence dies.

I call special attention to this language of the expert from whom I am quoting. A ship-owner's bounty is no remedy for such evils:

If Congress needs to be convinced of the futility of competition for employment of American ships in foreign trade, let it look into history. Take six months of the year 1885, at San Francisco, in the grain trade. During the month of August twelve British but not one American ship was chartered; and for three months, while twenty-seven British and one German ship sailed, not a single American in the trade left the port.

You thus see that it was not for want of American vessels there to accept these cargoes. That is very plain.

For the six months named, on the average for each month of the British fleet awaiting charters, in proportion to vessels disengaged, 45 per cent. got cargoes and 40 per cent. sailed. For the same period, of the American fleet awaiting charters, 7.8 per cent. of vessels obtained cargoes and sailed. Of the German vessels 50 per cent. received charters and 28.1 per cent. sailed. Thus the British flag had a preference over our own in our own port of 5½ to 1.

No bounty you could give will change that state of affairs.

Our ships were offering for charters at rates much below the British all the time.

Can a bounty be of any benefit to our ships under such circumstances? They were at that very time offering to take the cargoes at much less rates than the British ships demanded and received, yet they could not get the cargoes.

In the last week of October, British iron ships were asking and receiving 20 per cent. and British wooden ships 5 per cent. more than American vessels could obtain when they did secure engagements.

American ships were there in the harbor waiting for cargoes and the American ships were well manned and were better built. The American ships in every sense of the word, according to this authority on shipping, were better ships, were safer ships, and were those which ought to have had the commerce, but for some reasons "preference," not "competition," dictated who should carry forth the cargoes from American harbors, and the dictation was a preference for the foreign vessels.

With the showing of the Commissioner of Navigation, believing it to be a production of a truthful man, thoroughly skilled in the matter of which he writes, an enthusiast in favor of American shipping, taking it up and analyzing it carefully, there is nowhere in it a justification for spending a single cent for subsidizing any steamship line or any ship line out of American harbors at this time.

Then I return to the proposition that if there were in the bill only the provision to which I alluded favorably in the opening of my remarks, that hereafter vessels which are to be built for commercial purposes should have their plans submitted to the Naval Department and should be constructed in such a manner as to become helpful adjuncts of the American Navy in case we had necessity for them, I could vote some reasonable compensation for them. But when its provisions are not calculated simply to build up the merchant marine in this way and are intended to put large sums of the people's money into the coffers of capital invested in one direction, and not to benefit any other class of our American citizens except ship-owners and the owners of shipyards, I say this subsidy bill should not be permitted to pass this House. [Applause on the Democratic side.]

Mr. HERBERT. How much time did the gentleman from Ohio [Mr. OUTHWAITE] occupy?

The CHAIRMAN. Fifty minutes.

Mr. HERBERT. I yield thirty minutes to the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. I do not wish to occupy the time of the committee, and inasmuch as it is now late and as the gentleman from Alabama [Mr. HERBERT] would not wish to begin this evening, I trust there will be no objection to an adjournment until to-morrow, so as to let the gentleman from Alabama speak to a full House.

Mr. BOUTELLE. I think the spirit of our agreement, which was very liberal or intended to be so, involved the use of the time this afternoon to a reasonable extent.

Mr. HOLMAN. Well, I will say to the gentleman from Maine [Mr. BOUTELLE] that I will very cheerfully waive my time for the purpose of giving the gentleman from Alabama [Mr. HERBERT] an opportunity of speaking to-morrow.

Mr. BOUTELLE. If the gentleman from Indiana [Mr. HOLMAN] will use the time allotted to him, taking it out of the time of the gentleman from Alabama, I will move that the committee rise.

Mr. HOLMAN. I was suggesting that the committee rise, with the understanding that no time shall be occupied to-morrow except by the gentleman from Alabama. I waive the thirty minutes which were yielded to me.

Mr. BOUTELLE. How much time does that leave remaining to that side?

Mr. HERBERT. It leaves about fifty minutes.

Mr. BOUTELLE. Which you will occupy?

Mr. HERBERT. Yes, sir. The gentleman from Indiana [Mr. BYNUM] asks five minutes and I will yield it to him now if he wishes it.

Mr. BYNUM. I do not wish to occupy the time now.

Mr. HERBERT. That will leave fifty minutes to our side, and I will not occupy more than that time.

Mr. BOUTELLE. I want to accommodate my colleague, but I think if other gentlemen upon that side are going to speak they ought to speak now.

Mr. HOLMAN. There is no time lost, as the gentleman will see, because we waive the time which would be occupied between now and the hour of adjournment.

Mr. HERBERT. That would be thirty minutes, and the gentleman from Indiana waives that time.

Mr. BOUTELLE. How much time will that leave?

Mr. HERBERT. That will leave fifty minutes.

Mr. BOUTELLE. Are there eighty minutes yet remaining?

Mr. HERBERT. No, it just leaves fifty altogether.

Mr. BOUTELLE. Would there be eighty minutes if the gentleman from Indiana [Mr. HOLMAN] had not yielded his time?

Mr. HERBERT. Yes, I think there would be.

Mr. BOUTELLE. I will ask the Chairman how much time has been occupied on the other side.

The CHAIRMAN. The gentleman from Alabama in charge of the time upon that side has used one hour and fourteen minutes. There is one hour and sixteen minutes remaining.

Mr. HERBERT. Then we would have about fifty minutes remaining if the thirty minutes yielded to the gentleman from Indiana are taken out.

Mr. HOLMAN. I would suggest to the gentleman from Alabama [Mr. HERBERT] that he reserve one hour for his own use to-morrow.

Mr. HERBERT. No other gentleman except myself will speak upon this side to-morrow.

Mr. BOUTELLE. It is understood, then, that to-morrow the gentleman from Alabama is to use the rest of his time.

Mr. HERBERT. Yes, sir.

Mr. BOUTELLE. That the gentleman from Alabama [Mr. HERBERT] is to use fifty minutes to-morrow?

The CHAIRMAN. The Chair understands that the remaining time on that side is fifty minutes.

Mr. BOUTELLE. With that understanding I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. ALLEN, of Michigan, reported that the Committee of the Whole House on the state of the Union had had under consideration the naval appropriation bill and had come to no resolution thereon.

Mr. BOUTELLE. Mr. Speaker, I move that the House do now adjourn.

Mr. BLAND. I move that the House do now adjourn.

ORDER OF BUSINESS.

Mr. WALKER. I ask unanimous consent that the Committee of the Whole House be discharged from the consideration of the bill which I hold in my hand and that it be considered in the House. It is for an appropriation to continue a public building which has been fenced up in the center of my city for two years. The Senate have passed it unanimously and the House committee have unanimously reported it.

Mr. SPRINGER. How much does it involve?

Mr. WALKER. It was for $250,000, and they have cut it down to $150,000. The citizens themselves contribute $100,000 to buy the lot.

Mr. OWENS, of Ohio. Regular order.

Mr. MCMILLIN. Mr. Speaker, I move that the House do now adjourn.

Mr. BOUTELLE. The motion is already pending. I made it.

Mr. WALKER. I hope the gentleman will allow this to go through.

The motion of Mr. BOUTELLE was agreed to; and accordingly (at 4 o'clock and 31 minutes p. m.) the House adjourned.

EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

TRANSPORTATION OF WITNESSES IN ALASKA.

Letter from the Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General in relation to providing means for the transportation of witnesses and for the arrest of murderers in certain parts of Alaska—to the Committee on Appropriations.

OHIO RIVER.

Letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a copy of the report of the examination and survey of the Ohio River between the mouth of Green River, Kentucky, and the city of Evansville, Ind.—to the Committee on Rivers and Harbors.

TIONESTA CREEK, PENNSYLVANIA.

Letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a copy of the report of the examination and survey of Tionesta Creek, Pennsylvania—to the Committee on Rivers and Harbors.

HENRY L. POPE VS. THE UNITED STATES.

Letter from the assistant clerk of the Court of Claims, transmitting a copy of the opinion and findings filed by the court in the case of Henry L. Pope against The United States—to the Committee on War Claims.

MEMORIALS AND RESOLUTIONS OF STATE LEGISLATURES.

Under clause 3 of Rule XXII, the following memorials and resolutions were introduced and referred as follows:

By Mr. HEARD: Resolution of the house of representatives of the Legislature of the State of Missouri, requesting the support of the members of Congress from said State for a bill proposing to forfeit all lands owned in the United States by aliens after ten years from date of its passage—to the Committee on the Public Lands.

By Mr. WALLACE, of Massachusetts: Resolutions adopted by the house of representatives of the Commonwealth of Massachusetts, relating to the passage of a general bankruptcy law by Congress—to the Committee on the Judiciary.

Also, resolutions adopted by the house of representatives of the Commonwealth of Massachusetts, in favor of honest money—to the Committee on Coinage, Weights, and Measures.

By Mr. COGSWELL: Resolutions of the Legislature of Massachusetts, in favor of a bankruptcy law—to the Committee on the Judiciary.

Also, resolutions of the Legislature of Massachusetts, in favor of honest money—to the Committee on Coinage, Weights, and Measures.

By Mr. SHIVELY: Concurrent resolutions of the Indiana Legislature, in favor of an amendment to the Federal Constitution providing for the election of Senators by direct vote of the people—to the Committee on the Judiciary.

By Mr. BLAND: Resolutions of the house of representatives of the State of Missouri, favoring the passage of the bill to prevent alien ownership of lands—to the Committee on the Public Lands.

By Mr. HATCH: Resolutions of the house of representatives of the State of Missouri, favoring the passage of the bill to prevent alien ownership of lands—to the Committee on the Public Lands.

RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolutions were introduced and referred as follows:

By Mr. EZRA B. TAYLOR:

Resolved, That on Friday, January 23, 1891, immediately after the passage of this resolution, House bill No. 9014, to define and regulate the jurisdiction of the courts of the United States, with the amendments of the Senate thereto, shall be considered, and after one hour of such consideration the previous question shall be considered as ordered, and the vote taken upon the bill and report of the Committee on the Judiciary recommending nonconcurrence in the Senate amendments thereto and agreeing to a conference thereon;

to the Committee on Rules.

By Mr. GROSVENOR:

Resolved, That it shall be in order, whenever the Committee of the Whole House rises from the consideration of a general appropriation bill, for the member in charge of the bill to move that the committee be discharged from the further consideration of such bill, and said bill be read a third time and put upon its final passage, which motion shall be decided without debate; and, if decided in the affirmative, the bill and such amendments as have been adopted in the committee, or were pending, shall be acted upon by the House as if the previous question had been ordered on the bill to its passage;

to the Committee on Rules.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. McCORMICK, from the Committee on the Judiciary, reported with amendment the bill of the House (H. R. 12504) fixing the compensation of the assistant attorneys in the Department of Justice, accompanied by a report (No. 3541)—to the Committee of the Whole House on the state of the Union.

Mr. MASON, from the Committee on Commerce, reported with amendment the bill of the House (H. R. 13071) authorizing the construction of a draw, street railway, motor, wagon, and pedestrian bridge over the Missouri River near Omaha, Nebr., accompanied by a report (No. 3542)—to the House Calendar.

Mr. O'NEILL, of Pennsylvania, from the Committee on the Library, to which was referred the bill of the House (H. R. 8679) to provide for the appointment of an official indexer of public documents, reported, as a substitute therefor, a bill (H. R. 13292) to provide for the indexing of public documents; which was read twice, and, accompanied by a report (No. 3543), referred to the Committee of the Whole House on the state of the Union.

Mr. CULBERTSON, of Pennsylvania, from the Committee on War Claims, reported favorably the bill of the House (H. R. 11586) for the relief of Frederick Engelhardt, accompanied by a report (No. 3544)—to the Committee of the Whole House.

Mr. LEHLBACH, from the Committee on Public Buildings and Grounds, reported favorably the following bills; which were severally referred to the Committee of the Whole House on the state of the Union:

A bill (H. R. 628) appropriating the sum of $30,000 for the enlargement and improvement of the United States Government building at Greensborough, N. C. (Report No. 3545.)

A bill (S. 4683) to provide a suitable site for a post office in the city of Providence, R. I. (Report No. 3546.)

Mr. LEHLBACH also, from the Committee on Public Buildings and Grounds, reported with amendment the bill of the House (H. R. 7992) for the erection of a public building at Newburyport, Mass., accompanied by a report (No. 3547)—to the Committee of the Whole House on the state of the Union.

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, severally read twice, and referred as follows:

By Mr. TURNER, of Kansas: A bill (H. R. 13291) to divide the State of Kansas into an eastern and a western judicial district, and for other purposes—to the Committee on the Judiciary.

By Mr. BELKNAP: A bill (H. R. 13293) for the erection of a public building at the city of Ionia, State of Michigan—to the Committee on Public Buildings and Grounds.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BELDEN: A bill (H. R. 13294) granting a pension to Mrs. Amanda M. Cardner, of Liverpool, N. Y., widow of Edson D. Cardner, late lieutenant Third New York Cavalry—to the Committee on Invalid Pensions.

By Mr. BELKNAP: A bill (H. R. 13295) granting a pension to Caroline A. Burghardt, an army nurse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13296) granting a pension to Mary M. Craig Hadley, an army nurse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13297) granting a pension to Martha A. Wood Furgeson, an army nurse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13298) granting a pension to Florence Petigrew Lithgrow, an army nurse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13299) granting a pension to Georgiana Smith, an army nurse—to the Committee on Invalid Pensions.

By Mr. COGSWELL: A bill (H. R. 13300) granting an increase of pension to John F. Whipple—to the Committee on Invalid Pensions.

By Mr. FITHIAN: A bill (H. R. 13301) granting a pension to Jacob Hall—to the Committee on Pensions.

By Mr. GOODNIGHT: A bill (H. R. 13302) for relief of W. A. Dram, as administrator of A. Dram, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13303) for the relief of Henry Fowler, of Gamaliel, Ky.—to the Committee on Military Affairs.

Also, a bill (H. R. 13304) for relief of Alexander Ritter, of Gamaliel, Ky.—to the Committee on Military Affairs.

Also, a bill (H. R. 13305) for the relief of William A. Walthall—to the Committee on War Claims.

By Mr. MOFFITT: A bill (H. R. 13306) to remove the charge of desertion from the record of John Wagner Haseltine—to the Committee on Military Affairs.

By Mr. MORRILL: A bill (H. R. 13307) to pension Morgan D. Lane—to the Committee on Invalid Pensions.

By Mr. O'NEALL, of Indiana: A bill (H. R. 13308) for the relief of Henry R. Greene—to the Committee on War Claims.

Also, a bill (H. R. 13309) for the relief of Henry C. Haynes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13310) for the relief of Nelson Purcell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13311) for the relief of Willis E. Wallace—to the Committee on Invalid Pensions.

By Mr. RANDALL: A bill (H. R. 13312) granting a pension to Catharine Moran—to the Committee on Invalid Pensions.

By Mr. RUSK: A bill (H. R. 13313) for the relief of John Barron—to the Committee on Naval Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDREW: Resolutions of a meeting of business men in Faneuil Hall, Boston, against the free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. BELKNAP: Petition of the Ex-Prisoners of War Association of Davis County, Kentucky, for passage of the bill in behalf of the Union ex-prisoners of war—to the Committee on Invalid Pensions.

Also, petition of Louis Druirs and 31 others, citizens of Fond du Lac County, Wisconsin, in favor of same measure—to the Committee on Invalid Pensions.

Also, petition of W. K. Hobart and 22 others, of Henry County, Iowa, in favor of same measure—to the Committee on Invalid Pensions.

Also, petition of G. A. Curt and 42 others, of Manistee, Mich., in favor of same measure—to the Committee on Invalid Pensions.

Also, resolution of Post No. 211, Grand Army of the Republic, Department of New York, in favor of same measure—to the Committee on Invalid Pensions.

Also, petition of John Averill and 168 others, of Maine, in favor of same measure—to the Committee on Invalid Pensions.

Also, petition of Fred Warner and 80 others, of Monroe County, New York, in favor of same measure—to the Committee on Invalid Pensions.

Also, petition of Frank Mase and 123 others, residents of Saginaw, Mich., in favor of same measure—to the Committee on Invalid Pensions.

Also, petition of John Field and 631 others, citizens of Philadelphia, Pa., in behalf of same measure—to the Committee on Invalid Pensions.

Also, petition of E. B. Hyde and 66 others, of Montana, for same measure—to the Committee on Invalid Pensions.

Also, petition of Peter B. Agar and 50 others, of Delaware, for same measure—to the Committee on Invalid Pensions.

Also, petition of Henry B. Pierce and 80 others, of Massachusetts, for same measure—to the Committee on Invalid Pensions.

Also, petition of T. M. Mozingo and 130 others, of Kentucky, for same measure—to the Committee on Invalid Pensions.

Also, petition of H. H. Spencer and 105 others, of Missouri, for same measure—to the Committee on Invalid Pensions.

Also, petition of L. G. Kinsley and 45 others, of Vermont, for same measure—to the Committee on Invalid Pensions.

Also, petition of B. F. Goodwin and 40 others, of Iowa, in favor of same measure—to the Committee on Invalid Pensions.

Also, petition of A. E. Gregory and 231 others, of California, for same measure—to the Committee on Invalid Pensions.

Also, petition of N. H. Gaines and 154 others, of the State of Pennsylvania, for same measure—to the Committee on Invalid Pensions.

Also, petition of Alvin P. Hovey and 462 others, of the State of Indiana, for same measure—to the Committee on Invalid Pensions.

Also, petition of William S. Harlan and 195 others, of the State of Washington, for same purpose—to the Committee on Invalid Pensions.

Also, petition of Augustus C. Pane and 200 others, of Virginia, in favor of same measure—to the Committee on Invalid Pensions.

Also, petition of John Grierson and 250 others, of Illinois, in favor of same measure—to the Committee on Invalid Pensions.

Also, petition of A. F. Coleman and 225 others, of Michigan, in favor of same measure—to the Committee on Invalid Pensions.

Also, petition of William H. Backus and 863 others, of Ohio, for same measure—to the Committee on Invalid Pensions.

Also, petition of C. R. Nary and 1,064 others, of the State of Kansas, in favor of same measure—to the Committee on Invalid Pensions.

Also, petition of W. W. Slater and 2,109 others, of the State of New York, for same measure—to the Committee on Invalid Pensions.

By Mr. BOUTELLE (by request of Mr. REED, of Maine): Petition of the committee of 100, of Boston, asking that appropriations be made for the support of schools among the Indians to the full amount estimated to be needed by the Commissioner of Indian Affairs as approved by the Secretary of the Interior—to the Committee on Indian Affairs.

By Mr. COGSWELL: Resolutions of a mass meeting at Faneuil Hall, Boston, Mass., against the free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. CRAIG: Petition of citizens of Jefferson County, Pennsylvania, favoring the option bill (H. R. 5353)—to the Committee on Agriculture.

By Mr. CUMMINGS: Petition in reference to immigration into the United States—to the Select Committee on Immigration and Naturalization.

By Mr. DOLLIVER: Petition numerously signed by citizens of Breeda, Carroll County, Iowa, in favor of the law to control the manufacture and sale of butter imitations—to the Committee on the Judiciary.

Also, petition of F. E. Jatho and 14 others, citizens of same county and State, in favor of the speedy passage of the antioption bill (H. R. 5353)—to the Committee on Agriculture.

Also, petition of Farmers' Alliance, No. 1874, of same county and State, for same measure—to the Committee on Agriculture.

Also, petition of Robert Wiley and 22 others, citizens of Greene County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of West Maple Alliance, No. 1241, of Greene County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of Charles Hanna and 17 others, citizens of Kossuth County, Iowa, in favor of same measure—to the Committee on Agriculture.

Also, petition of the Blackbat Alliance, Burt, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of O. E. Edwards and 12 others, citizens of Webster County, Iowa, in favor of same measure—to the Committee on Agriculture.

Also, petition of Callender Farmers' Alliance, No. 1880, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of H. W. Wells and 11 others, citizens of Emmet County, Iowa, in favor of same measure—to the Committee on Agriculture.

Also, petition of Alliance No. 1542, of Iowa, for same measure—to the Committee on Agriculture.

Also, petition of John Higley and 19 others, citizens of Independence Township, Palo Alto County, Iowa, for same measure—to the Committee on Agriculture.

By Mr. GROUT: Papers in pension case of Mary B. Peck, House bill 13138—to the Committee on Invalid Pensions.

Also, memorial of Citizens' Association of Boston, relative to aliens being naturalized—to the Select Committee on Immigration and Naturalization.

Also, protest against abolishing tax on alcohol used in arts, from Albany Chemical Company—to the Committee on Ways and Means.

By Mr. WALTER I. HAYES: Resolutions of Lincoln Centre Alliance, Iowa County, Iowa, in favor of the option bill—to the Committee on Agriculture.

Also, resolutions of the Farmers' Mutual Benefit Association of Sweetland Township, Muscatine County, Iowa, in favor of same measure—to the Committee on Agriculture.

Also, petition of 38 citizens of same county and State, for same measure—to the Committee on Agriculture.

Also, petition of 31 citizens of Iowa County, Iowa, for same measure—to the Committee on Agriculture.

By Mr. HAYNES: Petition of H. H. Tucker and 25 others, citizens of Sandusky County, Ohio, asking passage of House bill 5353, defining options and futures—to the Committee on Agriculture.

Also, resolutions of Buckeye Farmers' Alliance, of Sandusky County, Ohio, in favor of same measure—to the Committee on Agriculture.

Also, resolutions of Lucy Crowell Alliance, of Sandusky County, Ohio, for same measure—to the Committee on Agriculture.

Also, petition of H. R. Tucker and 28 others, citizens of Sandusky County, Ohio, asking passage of same measure—to the Committee on Agriculture.

By Mr. HENDERSON, of Illinois: Papers in relation to improvement of Harlem River—to the Committee on Claims.

By Mr. HERMANN: Petitions of citizens and farmers of Wasco County, Oregon, favoring passage of the Butterworth option bill—to the Committee on Agriculture.

By Mr. JOSEPH: Memorial of the miners of New Mexico, protesting against the removal of the duty from Mexican lead ores—to the Committee on Ways and Means.

By Mr. LAWS: Petition of 46 members of Star Alliance, Nebraska, urging passage of House bill 5353—to the Committee on Agriculture.

Also, petition of 11 citizens of Nebraska, for same measure—to the Committee on Agriculture.

Also, resolution of Star Alliance, Nebraska, demanding passage of same measure—to the Committee on Agriculture.

Also, petition of 24 citizens of Butler County, Nebraska, for same measure—to the Committee on Agriculture.

By Mr. LODGE: Resolutions against free coinage—to the Committee on Coinage, Weights, and Measures.

By Mr. McCLELLAN: Petition of Arthur L. Gillespie and 28 others, citizens of Whitley County, Indiana, praying passage of House bill 5353, known as the option bill, and saying "that after carefully weighing this discussion we are profoundly impressed with the conviction that the gigantic gambling device known as 'short' selling, on which one party agrees to sell what never did and never will exist, is a potent cause in producing ruinous agricultural depression, from which the country has greatly suffered"—to the Committee on Agriculture.

Also, resolutions of Bischoff Alliance, No. 56, of Allen County, Indiana, in favor of the immediate passage of the option bill, defining options and futures, declaring that the point has been reached when it clearly appears that the gamblers must be stopped or the producers must be deprived of the fruits of their labor—to the Committee on Agriculture.

By Mr. MARTIN, of Indiana: Affidavit of Capt. Ross Griffin, to accompany House bill 13284, to correct the military record of Jonathan Murphy—to the Committee on Military Affairs.

By Mr. O'FERRALL: Petition of Letitia Pollard, of Shenandoah County, Virginia, praying that her war claim be transmitted to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. O'NEALL, of Indiana: Petition of Henry R. Greene, for a special bill—to the Committee on Claims.

By Mr. O'NEILL, of Pennsylvania: Petition of citizens of Philadelphia, asking Congress to pass Senate bill 4173, to provide for a national commission to investigate the subject of the social vice—to the Committee on Education.

By Mr. OWENS, of Ohio: Petition of Charles W. Wilkins and 25 others, for passage of the antioption bill—to the Committee on Agriculture.

Also, petition of Ohio Farmers' Suballiance No. 47, Holmes County, Ohio, for same measure—to the Committee on Agriculture.

Also, petition of Warwick Farmers' Alliance, No. 587, Tuscarawas County, Ohio, for same measure—to the Committee on Agriculture.

By Mr. PETERS: Petitions containing 101 individual signatures and 559 representative indorsements, in favor of a national Sunday-rest law—to the Committee on Labor.

Also, resolutions of Haskell County (Kansas) Alliance, favoring the option bill—to the Committee on Agriculture.

By Mr. RAINES: Petition of the Ontario and Livingston Sheep-Breeders and Wool-Growers' Association—to the Committee on Ways and Means.

By Mr. SAWYER: Petition (circulated by the Woman's Christian Temperance Union) signed by the Woman's Christian Temperance Union of Perry, N. Y., representing 60 members, praying passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. SENEY: Petition of Jonas Foster and 27 others, citizens of Seneca County, Ohio, praying passage of House bill 5353, defining options and futures—to the Committee on Agriculture.

Also, petition of John K. Hord and 23 others, citizens of Crawford County, Ohio, for same measure—to the Committee on Agriculture.

By Mr. SHIVELY: Petition of John N. Rupel and others, citizens of St. Joseph County, Indiana, in favor of the arrears of pension bill, the prisoners of war bill, the sums for the payment of same to be issued by the Government in form of Treasury notes—to the Committee on Invalid Pensions.

By Mr. STONE, of Kentucky: Petition of George R. Redford, Memphis, Tenn., for compensation for property taken by the United States Army during the late war—to the Committee on War Claims.

Also, petition on claim of Timothy Tobey, of Memphis, Tenn.—to the Committee on War Claims.

Also, petition on claim of John Larkin, of Shelby County, Tennessee—to the Committee on War Claims.

By Mr. STRUBLE: Petition of L. H. Bishop and 16 others, citizens of Sioux County, Iowa, favoring passage of House bill 5353—to the Committee on Agriculture.

Also, resolutions of Grant Alliance, No. 685, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of James Fleming and 24 others, citizens of Sac County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of H. B. Stever and 27 others, citizens of Cherokee County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of Charles Kaing and 8 others, citizens of Clay County, Iowa, for same measure—to the Committee on Agriculture.

Also, resolutions of Prairie Star Alliance, No. 1866, of same county and State, for same measure—to the Committee on Agriculture.

By Mr. SWEET: Petition and resolutions by 36 members of Mountain Meadow Alliance, No. 145, Latah County, Idaho, for passage of the option bill—to the Committee on Agriculture.

By Mr. SWENEY: Petition of certain citizens of Iowa, for passage of the antioption bill—to the Committee on Agriculture.

Also, petition of certain other citizens of same State, for a law to control the manufacture and sale of butter imitations—to the Committee on the Judiciary.

Also, petition of certain other citizens of same State, for same measure—to the Committee on the Judiciary.

By Mr. EZRA B. TAYLOR: Resolutions of the Farmers' Alliance of Windham, Ohio, in favor of the option bill—to the Committee on Agriculture.

Also, resolutions of the Farmers' Alliance of Hartford, Trumbull County, Ohio, for same measure—to the Committee on Agriculture.

Also, petition of C. D. Bacon and 39 others, citizens of same place, for same measure—to the Committee on Agriculture.

By Mr. JOSEPH D. TAYLOR: Memorial of the Woman's Christian Temperance Union of St. Clairsville, Ohio, signed by Mrs. H. E. Welday, president, and Mrs. Rufus Rose, secretary, urging passage of the bill providing for the appointment of a commission to investigate the evils of the liquor traffic—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. TAYLOR, of Tennessee: Petition of citizens of Sullivan County, Tennessee, asking passage of the free-coinage bill, and praying for the establishment of a farmers' loan bureau in the Treasury Department—to the Committee on Coinage, Weights, and Measures.

By Mr. WICKHAM: Petition of 20 census enumerators in Huron County, Ohio, for an act granting enumerators more adequate compensation than that received—to the Select Committee on the Eleventh Census.

Also, memorial of Model Township Alliance, Crestline, Ohio, for passage of the Butterworth option bill—to the Committee on Agriculture.

Also, petition of S. N. Wilsh and 55 others, citizens of Cleveland, Ohio, for same measure—to the Committee on Agriculture.

Also, petition of J. C. Ohler and 28 others, citizens of Richland County, Ohio, for same measure—to the Committee on Agriculture.

Also, petition of Ed. Johnston and 27 others, citizens of Plymouth Township, Richland County, Ohio, for same measure—to the Committee on Agriculture.

Also, petition of D. A. Mitzger and 21 others, citizens of Ashland, Ohio, for same measure—to the Committee on Agriculture.

Also, petition of J. W. McSully and ten others, citizens of Richland County, Ohio, for same measure—to the Committee on Agriculture.

Also, memorial of Greentown Farmers' Alliance, No. 363, of Ashland County, Ohio, for same measure—to the Committee on Agriculture.

Also, memorial of Moravia Alliance, No. 364, of Huron County, Ohio, for same measure—to the Committee on Agriculture.

Also, memorial of Farmers' Alliance No. 519, of Newville, Richland County, Ohio, for same measure—to the Committee on Agriculture.

Also, memorial of Hazel Grove Alliance, No. 325, of Richland County, Ohio, for same measure—to the Committee on Agriculture.

Also, memorial of Philo Farmers' Alliance, No. 445, of Richland County, Ohio, for same measure—to the Committee on Agriculture.

By Mr. WIKE: Petition of Henry C. Lerry and 37 others, citizens of Jersey County, Illinois, asking passage of the bill (H. R. 5353) defining options and futures—to the Committee on Agriculture.

Also, petition of Jersey County Assembly of the Farmers' Mutual Benefit Association, of Jersey County, Illinois, in favor of same measure—to the Committee on Agriculture.

Also, petition of Hickory Log Lodge, No. 5075, Jerseyville, Ill., for same measure—to the Committee on Agriculture.

Also, petition of Otterville Lodge, No. 4288, Farmers' Mutual Benefit Association of Jersey County, Illinois, in favor of same measure—to the Committee on Agriculture.

By Mr. WILLIAMS, of Illinois: Petitions of citizens of Jefferson County, Illinois, against passage of the Conger lard bill—to the Committee on Agriculture.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January* 23, 1891.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

APPROVAL OF THE JOURNAL.

The Journal of the proceedings of yesterday was read.

The SPEAKER. Without objection, the Journal as read will be approved.

There was no objection.

Mr. SPINOLA. I ask unanimous consent for the consideration of a short resolution, which will take but a minute.

The SPEAKER. The gentleman from Rhode Island.

Mr. SPOONER. I ask unanimous consent to discharge the Committee of the Whole from the further consideration of the bill (H. R. 4376) for the relief of Washington L. Parvin and Henry A. Greene.

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, the Journal has not been read through and approved.

The SPEAKER. The Journal has been read and approved.

Mr. BRECKINRIDGE, of Arkansas. I have not heard any vote on the approval of the Journal.

The SPEAKER. The Chair put the usual request to the House that without objection the Journal would be considered as approved.

Mr. BRECKINRIDGE, of Arkansas. If the Chair did so he did it in a wholly inaudible voice.

The SPEAKER. The Chair, of course, considered that the House agreed to it. If the gentleman states that he intended to object, the Chair will not insist that his point is too late.

Mr. BRECKINRIDGE, of Arkansas. I submit, with all respect, Mr. Speaker, that the Chair can not find six gentlemen on this side of the House who heard the Chair make that announcement.

The SPEAKER. If the gentleman states that he intended to object the Chair does not propose to insist that the Journal was approved.

Mr. BRECKINRIDGE, of Arkansas. I wish to state, Mr. Speaker, that I am satisfied that not six gentlemen on the floor about me heard the Chair submit that question. If the Chair put that question on the approval of the Journal, Mr. Speaker, no gentleman on this side heard it.

Mr. CUTCHEON. The gentleman can object.

Mr. BRECKINRIDGE, of Arkansas. I was listening and did not hear it.

The SPEAKER. Gentlemen on the left of the Chair heard it put.

Mr. PAYSON. I heard it.

Mr. SPINOLA. I heard it.

Mr. McMILLIN. I was sitting by the gentleman from Arkansas and paying attention, and I did not hear it.

The SPEAKER. The Chair simply desires to state that he does not intend to insist on the Journal having been approved, because it is a question for unanimous consent, and the Chair will put the question again on the approval of the Journal.

Mr. BRECKINRIDGE, of Arkansas. I wish further, with respect, to request that when a proposition is put to the House it should be submitted in an audible tone of voice.

The SPEAKER. Does the gentleman object to the approval of the Journal?

Mr. BRECKINRIDGE, of Arkansas. I do. I wish the whole of the Journal to be read.

The SPEAKER. The question is on the approval of the Journal.

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, I trust the Chair will not put the question on the approval of the Journal without the whole of it being read. The Chair stated that proposition, and I trust that the reading will be completed.

The SPEAKER. All the Journal has been read that it is customary to read.

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, does the Chair decide whether or not my demand is a parliamentary or proper one, and has not the House the right to have all of that Journal read which it will be called upon to approve? I make that demand, and if the Chair determines to ignore it, let that be with the Chair.

The SPEAKER. Will the gentleman specify what has not been read?

Mr. BRECKINRIDGE, of Arkansas. Will the Chair specify what has not been read?

The SPEAKER. Will the gentleman from Arkansas specify what he claims has not been read?

Mr. BRECKINRIDGE, of Arkansas. The Chair has stated that there are portions which have not been read, and it is not for me to specify. We have a right to have the whole Journal read, and I wish to have read all that we shall be called upon to approve.

The SPEAKER. The question is on the approval of the Journal.

Mr. BRECKINRIDGE, of Arkansas. Does the Speaker overrule my demand?

The SPEAKER. If the gentleman will state what portion of the Journal has not been read the Chair will then rule upon it.

Mr. ANDERSON, of Kansas. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BRECKINRIDGE, of Arkansas. All that portion of the Journal has not been read with respect to the executive communications and the like; and the Chair himself has admitted that parts of the Journal have not been read.

Mr. ANDERSON, of Kansas. A point of order, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. ANDERSON, of Kansas. I make the point of order that the gentleman did not make his point at the proper time.

The SPEAKER. The Chair does not intend to recognize that point. The gentleman from Arkansas states that he did not hear the Chair put the question, and that he intended to object.

Mr. BRECKINRIDGE, of Arkansas. The Chair admits that there are portions which have not been read.

The SPEAKER. The gentleman does not state any portion of the Journal that has not been read. The question is on the approval of the Journal.

Mr. BRECKINRIDGE, of Kentucky. I demand the reading of the reference to executive communications.

Mr. BRECKINRIDGE, of Arkansas. I call the attention of the Chair to the executive and other communications which become a part of the Journal; but, sir, it is not necessary for me to enumerate all the parts. The Chair admits that the Journal has not been read in full.

The SPEAKER. The Chair does not admit or deny. The Chair has simply stated to the gentleman if he will state what he claims has not been read the Chair will rule upon it.

Mr. MORSE. The times and places of religious worship and rates of hack hire were not read, I suppose he means.

Mr. BRECKINRIDGE, of Arkansas. The references to executive and other communications have not been read.

The SPEAKER. It has not been customary to read those parts unless request has been made for their reading.

Mr. BRECKINRIDGE, of Arkansas. The request is being made.

The SPEAKER. Will the gentleman state what parts of the Journal have not been read?

Mr. BRECKINRIDGE, of Arkansas. I ask that all parts which have not been read be read.

The SPEAKER. Will the gentleman specify any part that has not been read? and then the Chair will rule upon that.

Mr. BRECKINRIDGE, of Arkansas. I call the attention of the Chair to the executive and other communications, mention of which he will find in the RECORD.

The SPEAKER. Does the gentleman request that they be read?

Mr. BRECKINRIDGE, of Arkansas. I ask that the Clerk proceed to read those portions of the Journal referred to which is found on page 1744; and all other parts of the Journal.

The SPEAKER. Does the gentleman request that they be read?

Mr. BRECKINRIDGE, of Arkansas. I do.

Mr. ROGERS. I suggest that all the yea-and-nay votes taken yesterday be read.

The SPEAKER. It is too late to make that demand.

Mr. BRECKINRIDGE, of Arkansas. I have a right, as a member of this House, to require that all parts of the Journal which have been omitted shall be read, and the Chair can ascertain what portions have not been read from the Clerk.

The SPEAKER. The Chair states all the parts have been read which are ordinarily read. Does the gentleman insist on the reading of those parts which are not usually read?

Mr. BRECKINRIDGE, of Arkansas. I submit that proposition and make that demand. I demand that all parts that have not been read shall be read.

The Clerk proceeded to read the Journal.

Mr. BRECKINRIDGE, of Arkansas, (during the reading). Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. BRECKINRIDGE, of Arkansas. I rise to inquire whether the resolution introduced by Mr. EZRA B. TAYLOR and the resolution introduced by Mr. GROSVENOR are not spread in full upon the Journal?

The SPEAKER. They follow in due order. The Clerk will read.

The Clerk resumed the reading of the Journal.

Mr. BRECKINRIDGE, of Arkansas (interrupting the reading). Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. BRECKINRIDGE, of Arkansas. There is so much confusion in the Hall that it is impossible to hear the reading, and, also, the Journal is read too fast for the reading to be carefully followed.

The SPEAKER. The Chair hopes the House will be in order. The Clerk will continue.

The Clerk resumed and completed the reading of the Journal.

Mr. MCKINLEY and Mr. BRECKINRIDGE, of Arkansas, rose.

The SPEAKER. The gentleman from Ohio [Mr. MCKINLEY] is recognized.

Mr. MCKINLEY. Mr. Speaker, if there is to be any controversy over the approval of this Journal, I shall occupy a few minutes and then demand the previous question, to the end that we save time on the final approval of the Journal.

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, I would call the attention of the Chair to two or three errors in the Journal that ought to be corrected.

The SPEAKER. Does the gentleman from Ohio yield?

Mr. MCKINLEY. For what purpose?

Mr. BRECKINRIDGE, of Arkansas. I wish to move a correction of the Journal as to two or three evident errors that appear in it. For instance, there are some petitions here which should be referred to the Committee on Invalid Pensions that appear in the Journal as having gone to the Committee on Agriculture. I dare say that is an error. Perhaps it is a misprint in the RECORD and the Journal Clerk may have been misled by the misprint in the RECORD. Otherwise there has been an erroneous reference. There are two or three other errors of the same kind.

Mr. MCKINLEY. Are the Journal and the RECORD the same on those points or is there a difference between them?

Mr. BRECKINRIDGE, of Arkansas. The Journal reads that these two petitions have gone to the Committee on Agriculture, and evidently either there has been a faulty reference or else there is a mistake in the Journal.

Mr. MCKINLEY. If there be any real error in the Journal I, of course, want it corrected.

Mr. DINGLEY. Let it be done by unanimous consent.

Mr. BRECKINRIDGE, of Arkansas. It can be done by the House.

Mr. MCKINLEY. If it is the purpose of the gentleman from Arkansas to move to correct any real error in the Journal, I trust that he will ask unanimous consent for the correction to be made, which I am sure will be very cordially granted on this side of the House.

Mr. BRECKINRIDGE, of Arkansas. Well, I call attention to these errors now.

Mr. MCKINLEY. But I give notice that if it is the purpose to delay the business of the House, if this proceeding is for that purpose, I shall occupy a minute or two in debate and then demand the previous question.

Mr. BRECKINRIDGE, of Arkansas. I do not, of course, propose to go with the gentleman from Ohio into a discussion of my purpose. I submit my motion to correct the Journal, and if the gentleman does not think——

Mr. MCKINLEY. I agree with the gentleman from Arkansas that if there is any real mistake in the Journal it ought to be corrected; I am sure gentlemen on both sides will all agree to that.

Mr. BRECKINRIDGE, of Arkansas. Well, I have pointed out two seeming mistakes, and a very brief analysis will show whether they are real errors or not.

Mr. MCKINLEY. If the gentleman will ask unanimous consent to correct any errors which he may have discovered, I am sure it will be given.

Mr. BRECKINRIDGE, of Arkansas. I bring these errors to the attention of the Chair. The Journal was read hastily and there was considerable confusion in the Hall——

Mr. McKINLEY. Will the gentleman speak a little louder? We can not hear him over here.

The SPEAKER. Will the House please be in order?

Mr. BRECKINRIDGE, of Arkansas. You will find in the list of petitions a little below those introduced by the gentleman from Iowa——

Mr. McKINLEY. It is understood, Mr. Speaker, that I yield only for the purpose of having these errors pointed out?

The SPEAKER. That is understood.

Mr. BRECKINRIDGE, of Arkansas. I am calling attention to what I think an error in the Journal. In the list of petitions, a little below those presented by the gentleman from Iowa [Mr. BELKNAP], you will find——

Mr. McKINLEY. On what page?

Mr. BRECKINRIDGE, of Arkansas. Page 1745 of the RECORD. You will find there a petition by W. H. Hobart and 22 others of Henry County, Iowa, for the passage of the bill in behalf of the Union ex-prisoners of war, which appears to have been referred to the Committee on Agriculture.

Mr. McKINLEY. That is evidently an error.

Mr. BRECKINRIDGE, of Arkansas. I ask to have the fact correctly set forth in the Journal, and if the reference in this case is improperly stated I ask to have the error corrected. I have no objection to its being done by unanimous consent.

The SPEAKER. The Chair understands that that error has been corrected.

Mr. BRECKINRIDGE, of Arkansas. It has been corrected?

The SPEAKER. The Chair so understands.

Mr. BRECKINRIDGE, of Arkansas. Now, I will call your attention to another error where I trust the correction has been introduced since the Journal was read. A little below the petition to which I have just referred there is a "petition of John Field and 631 others, citizens of Philadelphia, Pa., in behalf of same measure." This was reported by the Journal clerk and is published in the RECORD as having been referred to the Committee on Agriculture. If that error has not been corrected, I trust it will be corrected.

The SPEAKER. The Chair understands that these are typographical errors, committed at the Printing Office, and that such errors are always corrected as a matter of course.

Mr. BRECKINRIDGE, of Arkansas. Of course we have nothing to go by, Mr. Speaker, except what is in the RECORD and what is read by the Clerk as the Journal; and when the Journal as read by the Clerk is approved by the House I do not see how it can be subsequently corrected lawfully, unless the question is brought back into the House.

The SPEAKER. It has always been customary to make these verbal corrections.

Mr. McKINLEY. It seems that in this case the Journal is correct.

Mr. BRECKINRIDGE, of Arkansas. It does not. The Speaker has distinctly stated that the correction that I called attention to was made.

The SPEAKER. No; the correction had already been made.

Mr. McKINLEY. I understood the Speaker to say that in the Journal the error that the gentleman finds in the RECORD had been corrected, and that the proper reference appears in the Journal. That was my understanding.

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, I have called attention to the Journal as read by the Clerk. The impression given out by the gentleman from Ohio is that in the Journal this matter was not read as printed in the RECORD and as stated by me.

Mr. McKINLEY. That was the impression I obtained from the inquiry I made at the Clerk's desk.

Mr. BRECKINRIDGE, of Arkansas. I suppose the gentleman is satisfied now that, through no fault of his own, his impression was wrong.

Mr. McKINLEY. I will say to the gentleman that if I was wrong I am ready at once to admit it; and, if the Journal does not show that the proper reference was made, it ought to show it. I understand from the Speaker that it does show it.

The SPEAKER. A transcript of these petitions is furnished by the Clerk for the RECORD and a corrected transcript is made for the Journal.

Mr. BRECKINRIDGE, of Arkansas. Now, Mr. Speaker, there are two or three petitions that appear to have been lost. Here is the petition of the "Ohio Farmers' Suballiance, No. 47, Holmes County, Ohio," referring to the passage of the antioption bill.

A MEMBER. What page?

Mr. BRECKINRIDGE, of Arkansas. Page 1746 of the RECORD. This petition which appears in the RECORD was not read by the Clerk. I wish to inquire whether any record has been made in the Journal of this petition of these members of the Farmers' Alliance? Their petition should be properly recorded and respectfully referred to the appropriate committee.

Mr. McKINLEY. If that has been omitted from the Journal I ask unanimous consent——

The SPEAKER. It has not been omitted; it is in the Journal.

Mr. BRECKINRIDGE, of Arkansas. Then only the reading was omitted. There are two other petitions, the reading of which was omitted; at least I feel justified in saying that they were, as I listened very carefully and could not hear them mentioned. Here is the "petition of Warwick Farmers' Alliance, No. 587, Tuscarawas County, Ohio"——

The SPEAKER. What member introduced that?

Mr. BRECKINRIDGE, of Arkansas. It was introduced by Mr. OWENS, of Ohio. If that gentleman were here I presume he would be paying attention to this matter. That petition appears to have been lost.

The SPEAKER. It is in the Journal and has been read.

Mr. BRECKINRIDGE, of Arkansas. I find also "resolutions of Haskell County (Kansas) Alliance, favoring the option bill." This was not read by the Journal clerk.

The SPEAKER. That was introduced by whom?

Mr. BRECKINRIDGE, of Arkansas. By Mr. PETERS.

The SPEAKER. It is in the Journal.

Mr. ALLEN, of Michigan. The Journal having been read in the hearing of the House, is not the gentleman bound to accept that rather than to go to the RECORD in this way?

Mr. BRECKINRIDGE, of Arkansas. I submit that this has either been omitted from the Journal or not read. Of course the House has no means of knowing——

The SPEAKER. It is in the Journal and the Clerk informs the Chair that it was read.

Mr. BRECKINRIDGE, of Arkansas. I must differ from the Clerk. I was listening carefully and marked the matter with great care. If it was read, it was not audibly read or not discerned by myself. I recognize that such errors are liable to occur. [Cries of "Regular order!"]

The SPEAKER. The question is on the approval of the Journal. The Journal was approved.

CHARGES AGAINST COMMISSIONER OF PENSIONS.

Mr. BOUTELLE was recognized by the Chair.

Mr. COOPER, of Indiana. I rise to a question of privilege and desire to be heard.

Mr. BOUTELLE. I move that the House resolve itself into Committee of the Whole on the state of the Union——

The SPEAKER. The gentleman from Indiana states that he rises to a question of privilege.

Mr. COOPER, of Indiana. I desire to send, Mr. Speaker, to the Clerk's desk and have this resolution read, as a prelude to the point of order.

The SPEAKER. The gentleman will state his question of privilege.

Mr. COOPER, of Indiana. What I send to the desk is a necessary part of it.

Mr. KERR, of Iowa. I make the point of order——

Mr. MILLS. Let us have it read first and then we can understand what it is.

Mr. KERR, of Iowa. I make the point of order that before the gentleman can trespass upon the time of the House to have read an article on which he bases a question of privilege, he must state what the question of privilege is.

The SPEAKER. The Chair thinks the gentleman should state his question of privilege.

Mr. COOPER, of Indiana. I desire to do so, Mr. Speaker, but the paper I send to the desk is a necessary part of my statement, and I prefer to have it read by the Clerk in the hearing of the House rather than to read it myself.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolution was introduced and referred as follows:

By Mr. COOPER, of Indiana:

"Whereas the select committee now charged with the investigation of certain charges against the Commissioner of Pensions, heretofore submitted to it, has been reorganized by reason of the retirement therefrom of one of its members under such circumstances as to suggest the necessity of a more extended investigation of that officer and bureau; and

"Whereas it is charged in the New York World, St. Louis Republic, and other leading newspapers of the United States that certain corporations have been created for the purpose of advancing real-estate speculations in the city of Washington; that the said Commissioner is the president of one, and that leading officials in that Department are at the head of another such corporation; that the stock thereof has been openly offered and sold among the employés of said bureau; that a circular was issued containing, among other like statements, the following:

"'It is desired that all employés of the Pension Bureau who wish to do so shall be given ample opportunity to secure stock.

"'To this end the board of directors by unanimous vote passed the following resolution:

"'"*Resolved*, That preference be given employés of the Pension Office to subscribe for the first 240 shares of the stock of this company, and that the book of the company be kept open ten days for that purpose."'

"And that these things are done and advertised over the official signatures of such employés is well known to said Commissioner; and

"Whereas in its issue of September 2, instant, and other recent issues, the New York Tribune, another leading newspaper, specifically charges gross violations of the law and misconduct in office on the part of certain employés in said bureau, all of which has been and is well known to said Commissioner, but which he condones and refuses to punish or correct; and

"Whereas heretofore, on the 9th day of August, 1890, Representative ENLOE, of Tennessee, introduced a resolution in which it was charged that one John Raum

was advertising himself as an attorney practicing before said bureau, and claiming special facilities for the prosecution of certain classes of cases, coupled with a statement that he was a son of the Commissioner, and said resolution was referred to the Committee on Rules and never reported back to the House: Therefore,

"*Be it resolved*, That said committee be, and it is hereby, authorized and directed to investigate all said charges, and any like or kindred matters which affect the management of said bureau, whether it relates to the said Commissioner or any officer or employé thereof;"

to the Select Committee on Charges against the Commissioner of Pensions.

Mr. McKINLEY. Mr. Speaker——

Mr. DINGLEY. I make the point of order that that does not present a question of privilege.

Mr. McKINLEY. I submit that there is nothing in the paper which has just been read disclosing the fact that a question of privilege is presented.

Mr. COOPER, of Indiana. Mr. Speaker, I desire to show wherein it does present a question of privilege and asked to have it read for that purpose.

The SPEAKER. The gentleman will state his question of privilege.

Mr. COOPER, of Indiana. I will do so, Mr. Speaker.

The resolution which has just been read by the Clerk was introduced by myself on the 4th day of last September. Under the rules of the House it was referred, either by the Speaker of the House or by the Clerk, to the select committee having in charge the investigation of certain charges theretofore made against the Commissioner of Pensions. On the 11th day of September following, the committee having that same resolution under consideration passed the following order:

The committee met pursuant to adjournment—

I quote from the minutes of the committee made by the clerk.

The SPEAKER. But the gentleman can not quote what occurred in the committee.

Mr. COOPER, of Indiana. Then I will state the facts as they did occur.

The SPEAKER. The gentleman can not state what occurred in committee.

Mr. BLAND. But how can the gentleman from Indiana state his question of privilege unless he is permitted to state the facts on which it is based?

The SPEAKER. The gentleman has a right to state his question of privilege, but he must do it under the rules of the House.

Mr. COOPER, of Indiana. I propose to do so.

I say that on the 11th day of last September the committee having the matter of the investigation of the charges against the Commissioner of Pensions under consideration passed a resolution directing its chairman to return the resolutions just read to the House with a recommendation that they be referred to some other committee, and that the chairman of that committee has never performed the duty required of him or directed to be performed by the committee.

This, Mr. Chairman, I repeat, was on the 11th day of last September. These resolutions recited charges of a grievous and damaging character against an important bureau of the Government, and it is the duty of the chairman of a committee, or of that member of the committee having charge of the execution of the will or special order of the committee, to perform the duty assigned to him. That has not been done.

I therefore send to the Clerk's desk and ask to have read the following resolution, which I desire to offer as a matter of privilege.

Mr. STRUBLE. Mr. Speaker, I object to this. The gentleman presents no question of privilege. It is only a matter of censure of a committee out of the mouth of the gentleman from Indiana.

Mr. BLAND. It is a question of the highest privilege as shown by the gentleman, because it refers to the integrity of the proceedings of the House.

Mr. COOPER, of Indiana. I ask that the resolution be read, Mr. Speaker.

The SPEAKER. It will be read for the information of the House.

The Clerk read as follows:

Resolved, That the select committee having in charge the investigation of certain charges against the Commissioner of Pensions, to whom were referred, on the 4th day of September last, a preamble and resolution reciting additional misconduct and corruption in office on the part of said Commissioner, be directed to forthwith return said resolution to the House with a report of the proceedings had thereon by said committee.

[Cries of "Regular order!" on the Republican side.]

Mr. McKINLEY. I make the point of order that that does not involve a question of privilege.

Mr. COOPER, of Indiana. I do not yield the floor.

Mr. MORRILL. I would like to have the privilege of making a statement before the question of privilege is raised.

The SPEAKER. The Chair understands the gentleman from Indiana has stated his question of privilege. The gentleman from Kansas——

Mr. COOPER, of Indiana. But I desire to be heard——

The SPEAKER. Well, but the Chair has not yet submitted the resolution. The question of privilege must first be determined.

Mr. COOPER, of Indiana. On that I desire to be heard.

The SPEAKER. And the point of order has been made by the gentleman from Ohio——

Mr. COOPER, of Indiana. I desire to be heard upon that, Mr. Speaker. My question of privilege arises under Rule IX which provides as follows:

Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings.

I rest this question of privilege upon that clause which declares those questions privileged which relate to the integrity of the proceedings of the House. It has not been forty-eight hours since the Speaker has ruled upon a like question, involving the very same important matter. The Speaker announced, only a day or so ago, that a resolution requiring the Senate to return to the House a measure which had been sent over there by the House, for certain purposes of the House, was a privileged question.

I ought not to be required to argue that this is a privileged question, because if a member of a committee can take a bill which he is directed to report to the House, or a report of the proceedings of a committee which he is required to bring into the House, and put it in his pocket or lock it up in his desk and keep it there until one session of Congress has adjourned and another has met and half passed, then there is no security for the proceedings of the House and there is no longer any power in the House to protect itself against the conduct of its members. So I say, Mr. Speaker, this resolution presents a question of the highest privilege, involving the very integrity of the proceedings of this body.

Now, Mr. Speaker, upon the question as to whether this resolution should be adopted I desire to be heard.

Mr. McKINLEY. I make the point that the question of order must first be determined.

The SPEAKER. Of course the question of order must first be determined. The gentleman from Kansas——

Mr. COOPER, of Indiana. I have not yielded the floor.

The SPEAKER. The Chair understands the gentleman has finished speaking on the point of order.

Mr. COOPER, of Indiana. I want to be heard on the resolution itself.

Mr. McKINLEY. The gentleman can be heard on the merits of the resolution after the point of order is determined.

Mr. COOPER, of Indiana. With that understanding I am perfectly willing to yield.

The SPEAKER. The Chair desires that there may be no misapprehension about this. The first question is upon the point of order.

Mr. COOPER, of Indiana. Yes, sir.

The SPEAKER. The gentleman has been heard on that point. Does he desire to be further heard upon the point of order?

Mr. COOPER, of Indiana. Mr. Speaker, I desire to be heard upon the resolution.

The SPEAKER. That is not yet before the House.

Mr. McKINLEY. If that is held to be privileged, then the gentleman will have the right to speak upon that.

Mr. COOPER, of Indiana. As to the point of order, I desire to be further heard.

Mr. STRUBLE. That is, if there is anything left on which to be heard.

Mr. COOPER, of Indiana. I do not think the point of order can possibly lie against this resolution, for the reason that it presents, as I have said, a very material and important question involving the rights and privileges of the House of Representatives. It is a part of the duty of the House of Representatives to inquire into the conduct and management of the several bureaus of the Government, as much so as to legislate or to discharge any of the other functions of this high body. This resolution, which was introduced by me on the 4th day of last September, recited the fact, first, that a system of real-estate rings——

Mr. STRUBLE. I raise the point of order that it appears the gentleman is not discussing the question of order.

The SPEAKER. The Chair hopes the gentleman will confine himself to the point of order.

Mr. STRUBLE. He is discussing the resolution or alleged resolution.

Mr. COOPER, of Indiana. I will confine myself to the question. This resolution recites the fact that a system of real-estate rings——

Mr. McKINLEY. I make the point of order that the gentleman is not speaking to the point of order.

Mr. COOPER, of Indiana. Mr. Speaker, I was about to say that this resolution recites in substance that a system of real-estate rings has fastened itself upon the Pension Office, and that of one of those rings the Commissioner of Pensions has made himself the head and chief. I have here——

The SPEAKER. The Chair hopes the gentleman will confine himself to the point of order, which is as to whether this is a privileged question or not. After it has been decided, if the House should conclude this is a matter properly before it, then the merits can be gone into, but not otherwise.

Mr. BLAND. If the resolution recites facts that ought to be investigated and this committee has failed to investigate them——

The SPEAKER. The gentleman from Indiana [Mr. COOPER] has the floor.

Mr. BLAND. I want to reply to the Speaker. I say he is in order.

Mr. COOPER, of Indiana. Mr. Speaker, I desire, on the suggestion of the gentleman from Tennessee [Mr. ENLOE], that the resolution be reported with this amendment:

Strike out all after the word "House" in the last sentence.

I will ask to have it reported with that amendment.

The Clerk read as follows:

Strike out the following:
"With a report of the proceedings had thereon by said committee."

Mr. COOPER, of Indiana. Now read the resolution without that.

The Clerk read as follows:

Resolved, That the select committee having in charge the investigation of certain charges against the Commissioner of Pensions, to whom were referred on the 4th day of September last a preamble and resolution reciting additional misconduct and corruption in office on the part of said Commissioner, be directed to forthwith return said resolution to the House.

Mr. COOPER, of Indiana. The importance, Mr. Speaker, of the measure I was about to say is stated clearly in the resolution.

The SPEAKER. It is not a question of the importance of the measure, but it is a question whether it is a matter of privilege, and the Chair hopes the gentleman from Indiana will confine himself to that.

Mr. COOPER, of Indiana. This is one of the methods by which I have attempted to arrive at the fact that this is a question of privilege. I do not think it can be a question of privilege, so high a question as that, without being of some importance; and the greater the importance the higher the privilege. And it seems to me that I am entitled to state the nature of the question upon which the point of order is made.

The SPEAKER. If it is a question of privilege and whether it is simple or great, it is governed by the same rule.

Mr. COOPER, of Indiana. Still, I do not desire, Mr. Speaker, to have my pace set by the Speaker.

The SPEAKER. The Chair must preserve order, and one of the methods of preserving order is to ask the gentleman to confine himself to the point of order.

Mr. COOPER, of Indiana. I have been endeavoring to do that, Mr. Speaker, to the best of my ability.

The SPEAKER. If the gentleman will do that, the matter will be free from matters which would not control in the decision.

Mr. COOPER, of Indiana. The Speaker can not tell whether it will control the decision until he has heard what I have to say about it.

The SPEAKER. But it is perfectly evident that the gentleman is not speaking to the point of order.

Mr. COOPER, of Indiana. That may be evident to the Speaker, but I think I have been addressing myself to the point of order.

The SPEAKER. Does the gentleman propose to speak to the point of order?

Mr. COOPER, of Indiana. I do propose to speak to this point of order. I am endeavoring, as I was saying, Mr. Speaker, to show how it is a matter that affects the integrity of the proceedings of the House. Now, if it is true, as I have said, and of the truth of that I hold the evidence in my hand, that a system of real-estate rings is being created in the Bureau of Pensions, and the——

Mr. McKINLEY. I make the point of order that the gentleman ought not to be permitted to do under cover of discussing a point of order that which might be timely and well in a discussion of the merits.

Mr. FLOWER. No investigation, it seems, is in order—not even of the Indian Bureau.

Mr. CUTCHEON. This has nothing to do with that.

Mr. BLAND. If there is nothing wrong in the action of the Commissioner, then there is no privilege; if there is anything wrong it is a privilege and it affects the integrity of that committee.

Mr. COOPER, of Indiana. I desire, Mr. Speaker, to be heard on the question of privilege after the point of order has been passed upon. But I desire to say this, Mr. Speaker, that I do not wish that this resolution shall be trifled with, for in the last session of the Forty-seventh Congress a resolution was introduced by the gentleman from Mississippi [Mr. Manning] to investigate this same Commissioner of Pensions when he was Commissioner of Internal Revenue, and that resolution was referred to a committee——

Mr. McCOMAS. We have nothing to do with the Forty-seventh Congress.

The SPEAKER. The gentleman is out of order.

Mr. COOPER, of Indiana. Mr. Speaker——

The SPEAKER. The gentleman under the rules of the House must take his seat.

Mr. COOPER, of Indiana. I desire to discuss that——

The SPEAKER. Under the rules of the House the gentleman must resume his seat.

Mr. COOPER, of Indiana. Mr. Speaker, I have not transgressed the rules of the House.

The SPEAKER. The Chair calls the gentleman to order and asks him to resume his seat under the rules.

Mr. COOPER, of Indiana. Yes, sir; I was addressing myself to the point of order, Mr. Speaker.

The SPEAKER. The gentleman must take his seat under the rules of the House. The Clerk will cause the rule to be read.

Mr. COOPER, of Indiana. That is not necessary Mr. Speaker. If I am not in order I do not desire to proceed.

The SPEAKER. The gentleman from Indiana has taken his seat. Does the gentleman from Kansas desire to be heard?

Mr. BLAND. I rise to a question of order. I have the right——

The SPEAKER. The Chair called the gentleman to order and the Clerk will read the rule.

Mr. BLAND. I rise to a point of order.

The SPEAKER. The Clerk will read the rule.

The Clerk read as follows:

Rule XIV, clause 4:

"If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call him to order; in which case he shall immediately sit down, unless permitted, on motion of another member, to explain, and the House shall, if appealed to, decide on the case without debate; if the decision is in favor of the member called to order, he shall be at liberty to proceed, but not otherwise; and if the case require it, he shall be liable to censure or such punishment as the House may deem proper."

Mr. BLAND. Now, Mr. Speaker, the point of order that I make is that the Chair can not recognize the gentleman from Kansas [Mr. MORRILL] before an opportunity is given to make a motion that the gentleman from Indiana [Mr. COOPER] may proceed in order.

The SPEAKER. No gentleman rose to make that motion.

Mr. BLAND. I did.

Mr. McMILLIN. The Chair turned and called to the gentleman from Kansas.

The SPEAKER. The rule specifies what motion shall be made.

Mr. BLAND. I rose for the express purpose of calling the attention of the Chair to that point, that, under the rule, he could not recognize the gentleman from Kansas until an opportunity had been given to some member to make a motion that the gentleman from Indiana [Mr. COOPER] might proceed in order.

The SPEAKER. The gentleman from Missouri is undoubtedly right in saying that a member has the right to make that motion, and had the Chair been aware that any member proposed to make it he would have recognized him for that purpose, as he now recognizes the gentleman from Missouri.

Mr. BLAND. The Chair gave no opportunity——

The SPEAKER. Does the gentleman from Missouri make the motion?

Mr. BLAND. I do make the motion; and I will make it again if necessary.

Mr. BRECKINRIDGE, of Kentucky. I rise to a point of order.

The SPEAKER. This is a question to be decided by the House without debate.

Mr. BRECKINRIDGE, of Kentucky. I rise to a point of order. [Cries of "Regular order!"] I make the point of order that the motion made by the gentleman from Missouri [Mr. BLAND] is out of order; and I desire to submit a suggestion to the Chair upon that point, because I think it is important.

The SPEAKER. This is a question which is to be decided without debate, and the gentleman can not be heard except by unanimous consent.

There was no objection.

Mr. BRECKINRIDGE, of Kentucky. I make the point of order that the motion made by the gentleman from Missouri [Mr. BLAND] is out of order; that it does not come under this rule. This is addressed to the discretion of the Chair, who is to decide the question of order, and he has the right to say to the member who is addressing him on the point of order that he does not desire to hear further argument. Now, without expressing any opinion as to whether the action of the Chair was proper or improper, I think that on all sides we agree that the rules of the House ought to be regarded, and I think the power of the Chair to stop debate on a question of order directed to him is one that we ought not to impair. Though I may disagree with the Chair on many matters, I think the Chair has the right to stop debate on a question of order in his discretion.

The SPEAKER. The Chair desires to state the case to the House, because the gentleman from Kentucky [Mr. BRECKINRIDGE] has made some observations which it is desirable that the House should pay attention to. The Speaker endeavored in every way possible to induce the gentleman from Indiana [Mr. COOPER] to address the Chair upon the point of order in order. He did not exercise the power, which is inherent in the Chair, of saying that he did not desire to hear anything more, because he was perfectly willing to hear anything that was in order, but the gentleman from Indiana continued to proceed, as the Chair thinks, out of order. The Chair then called him to order, and the gentleman from Missouri [Mr. BLAND] now makes the motion that the gentleman from Indiana be heard further, in order, and that is the motion that is to be put to the House without debate.

Mr. BLAND. The Chair properly states the question; and the motion which I have made is clearly in order.

The question was taken on the motion of Mr. BLAND; and the Speaker declared that the noes seemed to have it.

Mr. HOLMAN. I ask for a division.

The House divided; and there were—ayes 92, noes 124.

Mr. BLAND. Let us have tellers.

Mr. MCKINLEY. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 117, nays 142, not voting 72; as follows:

YEAS—117.

Abbott,	Dibble,	Maish,	Sayers,
Alderson,	Dickerson,	Mansur,	Seney,
Anderson, Miss.	Dockery,	Martin, Ind.	Shively,
Andrew,	Edmunds,	Martin, Tex.	Skinner,
Barwig,	Ellis,	McAdoo,	Spinola,
Blanchard,	Enloe,	McClellan,	Springer,
Bland,	Fithian,	McCreary,	Stewart, Tex.
Boatner,	Flower,	McRae,	Stockdale,
Breckinridge, Ark.	Forman,	Mills,	Stone, Ky.
Breckinridge, Ky.	Forney,	Montgomery,	Stump,
Brickner,	Fowler,	Mudd,	Tarsney,
Brookshire,	Geary,	Mutchler,	Tillman,
Brown, J. B.	Geissenhainer,	Norton,	Turner, Ga.
Buchanan, Va.	Goodnight,	Oates,	Turner, N. Y.
Bunn,	Hatch,	O'Ferrall,	Vaux,
Bynum,	Hayes, W. I.	O'Neall, Ind.	Washington,
Campbell,	Haynes,	O'Neil, Mass.	Wheeler, Ala.
Candler, Ga.	Heard,	Outhwaite,	Whitelaw,
Caruth,	Herbert,	Owens, Ohio	Whitthorne,
Cheadle,	Holman,	Parrett,	Wike,
Chipman,	Hooker,	Paynter,	Wiley,
Clancy,	Kerr, Pa.	Penington,	Wilkinson,
Clements,	Kilgore,	Perry,	Willcox,
Clunie,	Lane,	Pierce,	Williams, Ill.
Cobb,	Lawler,	Price,	Wilson, Mo.
Covert,	Lee,	Quinn,	Wilson, W. Va.
Crain,	Lester, Ga.	Richardson,	Yoder.
Crisp,	Lester, Va.	Robertson,	
Culberson, Tex.	Lewis,	Rogers,	
Cummings,	Magner,	Rusk,	

NAYS—142.

Adams,	Craig,	Laws,	Sawyer,
Allen, Mich.	Culbertson, Pa.	Lehlbach,	Scull,
Anderson, Kans.	Cutcheon,	Lind,	Sherman,
Arnold,	Dalzell,	Lodge,	Simonds,
Atkinson, Pa.	Dingley,	Mason,	Smith, W. Va.
Atkinson, W. Va.	Dolliver,	McComas,	Smyser,
Baker,	Dunnell,	McCord,	Snider,
Bartine,	Evans,	McDuffie,	Spooner,
Bayne,	Farquhar,	McKenna,	Stephenson,
Beckwith,	Featherston,	McKinley,	Stewart, Vt.
Belden,	Finley,	Miles,	Stivers,
Belknap,	Flick,	Miller,	Stone, Pa.
Bergen,	Flood,	Moffitt,	Struble,
Boothman,	Frank,	Moore, N. H.	Sweet,
Boutelle,	Funston,	Morey,	Sweney,
Bowden,	Gear,	Morrow,	Taylor, E. B.
Brewer,	Gest,	Morse,	Taylor, J. D.
Brosius,	Greenhalge,	Nute,	Taylor, Tenn.
Browne, T. M.	Grosvenor,	O'Donnell,	Thomas,
Browne, Va.	Grout,	O'Neill, Pa.	Thompson,
Buchanan, N. J.	Hall,	Osborne,	Townsend, Colo.
Burrows,	Harmer,	Owen, Ind.	Townsend, Pa.
Burton,	Haugen,	Payne,	Vandever,
Butterworth,	Henderson, Ill.	Payson,	Waddill,
Caldwell,	Hill,	Perkins,	Wade,
Candler, Mass.	Hitt,	Post,	Walker,
Cannon,	Kelley,	Pugsley,	Wallace, Mass.
Caswell,	Kennedy,	Quackenbush,	Wallace, N. Y.
Cheatham,	Kerr, Iowa	Raines,	Wickham,
Clark, Wis.	Ketcham,	Randall,	Williams, Ohio
Clark, Wyo.	Kinsey,	Reed, Iowa	Wilson, Ky.
Cogswell,	Knapp,	Reyburn,	Wilson, Wash.
Coleman,	Lacey,	Rife,	Wright,
Comstock,	Laidlaw,	Rockwell,	Yardley.
Connell,	Langston,	Rowell,	
Cooper, Ohio	Lansing,	Russell,	

NOT VOTING—72.

Allen, Miss.	Cowles,	Hermann,	Pindar,
Bankhead,	Dargan,	Hopkins,	Ray,
Banks,	Darlington,	Houk,	Reilly,
Barnes,	Davidson,	La Follette,	Rowland,
Biggs,	De Lano,	Lanham,	Sanford,
Bingham,	Dorsey,	McCarthy,	Scranton,
Bliss,	Dunphy,	McClammy,	Smith, Ill.
Blount,	Ewart,	McCormick,	Stahlnecker,
Brower,	Fitch,	McMillin,	Stewart, Ga.
Brunner,	Gibson,	Milliken,	Stockbridge,
Buckalew,	Gifford,	Moore, Tex.	Stone, Mo.
Bullock,	Grimes,	Morgan,	Taylor, Ill.
Carlton,	Hansbrough,	Morrill,	Tracey,
Carter,	Hare,	Niedringhaus,	Tucker,
Catchings,	Hays, E. R.	Peel,	Turner, Kans.
Clarke, Ala.	Hemphill,	Peters,	Van Schaick,
Cooper, Ind.	Henderson, Iowa	Phelan,	Wheeler, Mich.
Cothran,	Henderson, N. C.	Pickler,	Whiting.

So the motion of Mr. BLAND was rejected.

The following pairs were announced:

Mr. LA FOLLETTE with Mr. MCMILLIN.

Mr. STOCKBRIDGE with Mr. LANHAM, until 3 o'clock to-day.

Mr. HERMANN with Mr. CLARKE, of Alabama, until Tuesday next.

Until further notice:

Mr. GIFFORD with Mr. PINDAR.

Mr. GROUT with Mr. HEMPHILL.

Mr. SCRANTON with Mr. TRACEY.

Mr. MCCORMICK with Mr. REILLY.

Mr. HENDERSON, of Iowa, with Mr. DARGAN.

Mr. NIEDRINGHAUS with Mr. HATCH.

Mr. BLISS with Mr. WHITING.

Mr. DE LANO with Mr. ROWLAND.

Mr. HANSBROUGH with Mr. STAHLNECKER.

Mr. HOUK with Mr. WHITTHORNE.

For this day:

Mr. HOPKINS with Mr. BLOUNT.

Mr. BROWER with Mr. BANKHEAD.

Mr. EWART with Mr. MOORE, of Texas.

On this vote:

Mr. BANKS with Mr. BARNES.

Mr. BLAND. I ask for a recapitulation of the vote.

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, the name of the gentleman from Kentucky [Mr. BRECKINRIDGE] was called by the Clerk a second time. He voted "ay" on the first roll-call. I ask that his vote be recorded.

The SPEAKER. The Clerk will recapitulate the vote, so that, if there is any reason to suppose there is an error, it may be corrected.

The vote having been recapitulated,

Mr. BRECKINRIDGE, of Arkansas. I observe that the name of the gentleman from Kentucky [Mr. BRECKINRIDGE] is not recorded at all. He voted in the affirmative. [At this point Mr. BRECKINRIDGE, of Kentucky, entered the Hall.] Here is the gentleman himself.

The SPEAKER. The name of the gentleman is not recorded.

Mr. BRECKINRIDGE, of Kentucky. I voted on the first roll-call in the affirmative.

The SPEAKER. The gentleman's name will be recorded.

The result of the vote was announced as above stated.

The SPEAKER. The Chair is now ready to decide the question.

Mr. HOLMAN. I would like to be heard a moment.

The SPEAKER. The Chair does not wish to hear further discussion, unless the gentleman desires to be heard in favor of the point of order.

Mr. HOLMAN. I do not.

Mr. ENLOE. I would like to know——

The SPEAKER. The Chair desires to decide the question.

The statement made by the gentleman from Indiana [Mr. COOPER] is that a committee of this House adopted a resolution to report, for re-reference by the House under the twenty-second rule, resolutions which had been referred to that committee in regular order. He states that a considerable length of time has elapsed since that action was taken by the committee to which the original resolution was referred; and he claims that this is a question of privilege involving the rights of the House and its method of doing business. The Chair thinks it is plainly so; that, the committee having ordered a report of that kind, it should have been made in a reasonable time, and that the House has a right to make inquiry into the matter and to decide what ought to be done under the circumstances.

Mr. COOPER, of Indiana. I desire to be heard on the resolution which has been read by the Clerk. I ask that the resolution be read again.

The Clerk read as follows:

Resolved, That the select committee having in charge the investigation of certain charges against the Commissioner of Pensions, to whom were referred on the 4th day of September last a preamble and resolution reciting additional misconduct and corruption in office on the part of said Commissioner, be directed to forthwith report said resolution to the House.

Mr. COOPER, of Indiana. Mr. Speaker, I think it important that this resolution should be returned to the House, both by reason of the fact that it recites matters concerning which the House has not only the power but the right to inquire and also because the resolution has been so withheld by the committee. I do not submit this resolution or take this action with the view of reflecting discredit upon the committee; it is not my purpose to do that, but simply to call the attention of the House to what I consider a very important matter concerning which the House ought to inquire.

This resolution, Mr. Speaker, recites that certain real-estate rings have been organized, have fastened themselves upon the office of the Bureau of Pensions, and that their methods of transacting business there are such as to call for investigation. I hold in my hand a published prospectus of one of these corporation rings, to which the name of the Commissioner of Pensions is attached as president, bearing along with it his official designation as Commissioner of Pensions.

I do not think, Mr. Speaker, that any public official has the right to give the sanction of his official name or designation to any private enterprise, no matter how pure or how important it may be. The Commissioner of Pensions was chosen for the purpose of transacting the business of the Government, and he is entitled to put his signature with his official designation upon public documents only.

A good deal of merriment was caused in the State of Ohio a few years ago by the mention of the fact that a governor of that State, who had been a member of a thriving business firm in Cincinnati, had signed his name to a commission as "R. M. Bishop & Co."

That, of course, cast no reflection upon the public service, because it was an inadvertence; but when a person holding a high office endeavors to carry his official signature into private affairs and thereby give weight, dignity, and influence to enterprises in which he embarks, he violates the privileges of the office to which he has been chosen and

subjects the service of the Government to the danger of becoming identified with enterprises of doubtful character. It is both indelicate and improper, and in my judgment can not be too severely condemned.

I want to call the attention of the House to the character of this pamphlet which has been circulated through the Pension Office. This is a prospectus of a corporation many of which have been set on foot in the Bureau of Pensions since the present incumbent has been in office. Like all the others created by him, it is visionary, though seductive. It is "made of such stuff as dreams are made of;" it is such as the "imagination bodies forth in form," an "airy nothing." Of this character of corporation I hold in my hand a specimen. I want to call your attention to some of the language used in this advertisement of this wildcat speculation in which the Commissioner of Pensions has used his official signature.

Too much can not be said of the beauty of the place, where nature has been so lavish——

Mr. RICHARDSON. What are you reading from now?

Mr. COOPER, of Indiana. I am reading from this pamphlet to which I have just referred:

The situation is high and rolling, the location healthy and pleasant, the scenery grand and picturesque. Magnificent vistas leading out as far as the eye can reach present themselves on every side, while below you a swift-flowing stream, through a beautiful valley with sloping sides, winds itself away in the far distance. Pure water and pure air are found in their perfection at Charlton Heights; and such is the restfulness and harmony of the surroundings at this beatiful spot that sound sleep—

"Tired nature's sweet restorer"

falls as "noiselessly on the eyelids as the snowflake on the bird's wings."

[Laughter and applause on the Democratic side.]

* * * * * * *

In addition to the other improvements now rapidly progressing a hotel will soon be erected at a cost of $70,000 and furnished with all modern improvements for health and comfort, including electric lights, elevators, baths, etc. An artificial lake built upon a grand scale, ornamented with bridges and arches, and supplied with boats for rowing and fishing, will add beauty and pleasure to the place.

[Laughter.]

Mr. Speaker, I have no doubt that there was but one other place which could rival the gorgeous splendor of this magical and enchanting spot, and that was the palace by the Lake of Como; and that, like this, existed only in imagination. It is eloquently described by the gardener's son as—

A deep vale
Shut out by Alpine hills from the rude world,
Near a clear lake margined by fruits of gold
And whispering myrtles, glassing soft skies
As cloudless, save with rare and roseate shadows,
As I would have thy fate—

Mr. Speaker. [Laughter.]

* * * * * * *

A palace, lifting to eternal summer
Its marble walls from out a glossy bower
Of coolest foliage, musical with birds
Whose songs should syllable thy name—

Mr. Speaker. [Laughter and applause.]

This remarkable pamphlet winds up as follows:

In these days of exaggerated statement and unqualified representations it is natural that the readers of this pamphlet should desire to know something concerning the accuracy of all that has been presented to them in its pages. The officers——

The SPEAKER. The Chair desires to call the attention of the gentleman to the fact that the only question now before the House is the adoption of the resolution which he has submitted.

Mr. COOPER, of Indiana. This is the last sentence, Mr. Speaker, of this pamphlet, and I am nearly done.

Mr. SPINOLA. Why, he is trying to please the Speaker; let him go on.

The SPEAKER. The Chair hopes the gentleman will confine himself to the question pending.

Mr. COOPER, of Indiana. I hope I may be permitted to finish this last sentence.

The SPEAKER. The Chair must express the hope that the gentleman will confine himself to the rules of the House.

Mr. ENLOE. I think we ought to charge something for putting this in our newspapers.

Mr. MORSE. Is it possible to get in on the ground floor? [Laughter.]

Mr. COOPER, of Indiana. The gentleman asks if it is possible to get it on the ground floor. Now, just let me show you. He says:

In these days of exaggerated statement and unqualified representations, it is natural that the readers of this pamphlet should desire to know something concerning the accuracy of all that has been presented them in its pages. The officers of this association named below, who are representative citizens and favorably known to the citizens of Washington, will cheerfully furnish all desired information.

President,

GREEN B. RAUM,
Commissioner of Pensions.

The suggestion there is, if you desire to get in on the ground floor you must call on the Commissioner of Pensions. [Laughter.]

Now, Mr. Speaker, this resolution recites the fact further that the gentleman from Tennessee [Mr. ENLOE] early in the session, under the rules of the House, submitted a resolution which recited the fact that the son of the Commissioner, Mr. John Raum, was advertising through the newspapers of the United States the fact that he was the son of his father, and that by reason thereof he had peculiar facilities afforded him for enabling claimants to get their cases through, and especially requesting persons having knotty or rejected cases to communicate with him. I have a letter sent out by this same John Raum, written on a sheet with a letter-head which is as follows:

Office of Green B. Raum, attorney and counselor at law, No. 1307 F street, northwest:

With a stamp affixed thereon bearing the name of "John Raum, attorney at law, 1307 F street, N. W., Washington, D. C.," showing that the office of one is the office of the other. This letter was written from Washington, D. C., March 28, 1890, and reads as follows:

DEAR SIR: In your pension claim you are required to furnish the following evidence:

1. Testimony of any officer or first sergeant of your company and regiment showing when, where, and how you contracted sunstroke, gunshot wound of left index finger, and injury to great toe of right foot, and when and where you contracted rheumatism in the service.

2. If you can't furnish the above, state the facts and reasons under oath and then furnish the testimony of comrades.

3. Testimony of a medical officer of your regiment, showing treatment for above-named disabilities in the service.

4. Furnish the best obtainable evidence (medical, if possible) showing whether, and, if so, to what extent, you have suffered from rheumatism and results of sunstroke from the date of your discharge to the present time.

If you want the address of comrades send me their names.

I inclose blanks.

Please comply with the order for examination sent to you in January, and also execute and return the fee agreements then sent.

Yours, truly,

JOHN RAUM.

Here is a letter showing upon its face that the son of the Commissioner of Pensions is drumming for business, and in his letter, in which he shows he has sent out a fee agreement to be signed, he shows that he is in possession of facts which he has no right to know unless he is the authorized attorney of that claimant, because by Rule LIII of the office no person is entitled to know the facts which he here shows he knows unless he is the authorized agent of that person, with a power of attorney on file.

But, Mr. Speaker, in addition to that, this resolution recites the fact that the New York Tribune calls the attention of the public to the fact that there are numerous misdoings and malfeasances in office over in this bureau. I want to call attention to one of them, and then I will conclude.

The Commissioner of Pensions created an office in the bureau for another one of his sons and called it the office of appointment clerk. There is no law which provides for an appointment clerk. This young man, Green B. Raum, jr., whom he thus put in office, is, with a young man who sits at his desk, virtually the power behind the throne that controls and dictates appointments.

Now, Mr. Speaker, only a few months ago this young man, who controlled the appointments over there, removed from office a man by the name of Charles Edelin, a soldier, a man of good character, a man who carries an honorable discharge both from the Army and the Navy, who served his country three years in the day of trial, and who was recommended to that bureau by the gentleman from Maryland [Mr. MUDD]. Mr. Edelin was removed on the 10th day of November, and in his stead was appointed Mr. Frederick A. Dyson, a colored man of this city, who at the time of his appointment was under indictment for keeping a disorderly, low place, and who, since his appointment, has been convicted in the district court on a trial by jury for keeping an unlicensed bar.

It is unnecessary for me to proceed further with the enumeration of causes for the adoption of this resolution. The House, it seems to me, can see the necessity of a thorough and complete investigation of this office.

I reserve the remainder of my time, Mr. Speaker.

Mr. MORRILL. Mr. Speaker, I desire only to reply to that part of the gentleman's remarks in which he charged me with a neglect of duty, or rather more than that, in the alleged withholding of a report which I was instructed by the committee to make.

The resolution which the gentleman has had read at the Speaker's desk, and to which he has alluded as being introduced in September last, was referred to the special committee to investigate certain charges against General Raum. As soon as those resolutions were called to my attention I presented them to the committee. The committee carefully considered the matter, and after a full and free discussion decided unanimously that the resolutions were improperly referred; that the committee chosen to investigate these special charges had no power to go into any other investigation without an order from the House.

On motion of the gentleman from Mississippi [Mr. LEWIS], my distinguished colleague on that committee, by unanimous vote, the committee instructed me to return that resolution to the House, with the recommendation that it be referred to the appropriate committee. On the very day the committee took that action, and within a single hour of the time that the vote was taken in that committee, I wrote out a report and I returned the resolution with that report, at the hands of a page, to the Speaker's desk.

Some six weeks ago the gentleman from Indiana [Mr. COOPER] asked me what was done with the resolution. I explained the whole thing to him; told him, as fully, frankly, and freely, and as clearly as I could in the English language, what I had done, and I have never given the matter a thought since. You can imagine my surprise, Mr. Speaker, that I should be charged here this morning with withholding a report that I was instructed by my committee to make after having fully explained to the gentleman from Indiana that I had made the report. [Applause on the Republican side.]

I yield the floor to the gentleman from Ohio [Mr. GROSVENOR].

Mr. BLAND. Mr. Speaker——

Mr. COOPER, of Indiana. In reply to the remarks of the gentleman from Kansas I desire to say that I expresaly disavowed any desire to cast any reflection on the gentleman who is chairman of that committee. [Cries of "Oh!" on the Republican side.] I hope gentlemen will deal fairly; there is no occasion for this manifestation of feeling.

Mr. MORRILL. The gentleman from Indiana knows that within six weeks he asked me about it, and I explained it to him and told him that I had made that report.

Mr. COOPER, of Indiana. Has it ever been made?

Mr. MORRILL. It was sent to the Speaker's desk promptly, within an hour of the action of the committee.

Mr. COOPER, of Indiana. It seems it could not be found. I say it has not been put upon the record and is no part of the records of the House.

Mr. MORRILL. That is not my fault.

Mr. COOPER, of Indiana. And the file clerk has twice searched to discover whether you made that report; but I desire to say, Mr. Speaker, that the statement of the gentleman from Kansas to me was followed immediately by a request from me upon the file clerk to see whether that was true [cries of "Order!" "Order!" on the Republican side], and the file clerk, after making search——

The SPEAKER. The gentleman from Ohio [Mr. GROSVENOR] has the floor unless he chooses to yield.

Mr. GROSVENOR. I do not.

Mr. COOPER, of Indiana. I thought I was recognized.

The SPEAKER. Does the gentleman from Ohio yield?

Mr. COOPER, of Indiana. I thought I was recognized to reply to the gentleman from Kansas.

Mr. BOUTELLE. No, you recognized yourself.

The SPEAKER. The gentleman from Kansas [Mr. MORRILL] yielded to the gentleman from Ohio [Mr. GROSVENOR]. The Chair permitted the gentleman from Indiana to proceed by general consent.

Mr. GROSVENOR. Mr. Speaker, I do not stand here as the champion or defender of any man. I have had no communication with the Commissioner of Pensions with regard to this investigation. I only want to contribute a few words to the literature of the occasion.

In the first place, I want to protest in the name of fairness against the introduction here, under the form of an alleged privileged question, of attacks upon men who are not involved in any investigation before the House of Representatives.

I do not understand that in this country a father is held responsible for the indiscretions of a son, if there are any indiscretions. I do not know that there are any in this case. I am not aware that the Commissioner of Pensions, or the President of the United States, or a member of Congress even is held responsible because a son of his may have employed as a hostler somebody who has never paid his license tax as a dealer in intoxicating liquor. It looks as if we were getting this whole subject upon rather a low plane of investigation and consideration.

I do not know that it is necessary that a member of Congress who is fortunate enough to have a horse is compelled to trace out the antecedents of every man who wants to undertake the job of grooming and feeding that horse, or holding him on the sidewalk, or doing any other thing that he is paid for. And it looks to me as if my friend from Indiana, who has devoted the first term of his career in Congress to the single effort of exposing alleged wrong in a public office, has gotten off the track and has gone after somebody who is not involved in the present consideration of the question at all.

Mr. COOPER, of Indiana. Will the gentleman allow me a question?

Mr. GROSVENOR. Well, I think not; but if it is simply a question, yes. If he wants to ask a question, all right.

Mr. COOPER, of Indiana. I understood you to say that your understanding of my remarks was that this was the employment of a hostler. My statement was that this young man, as appointment clerk, has given a position in the Pension Office to this man in order that he might use him as a hostler.

Mr. GROSVENOR. That feature of it is disclosed by the testimony taken on yesterday, which showed that the man was a messenger in the Pension Office and was a hostler outside after his work at the office was done.

Mr. COOPER, of Indiana. It is another question altogether.

Mr. GROSVENOR. It is not a matter of any consequence which he was. In the next place, it sounds a little formidable to the galleries and to some locations it may sound formidable in the country, if the Commissioner of Pensions is engaged in some other business than that of his office or if he is interested in some other business. The whole point that the gentleman has made in regard to some real estate somewhere has no merit in it whatever.

Is it possible that every Congressman or every Government official is to be dragged up before the public for every utterance that he or somebody for him has made in regard to a matter of business? The gentleman from Indiana does not intimate that the publication which he has read is a false one. He has indulged in some flights of fancy, and has copied here a description of certain supposed surroundings of the Lake of Como, taken from the play of the Lady of Lyons; but he came a great deal nearer a personification of the boys who ran after the gardener's son and threw dirt at him than he has to a personification of the gardener's son himself. [Laughter and applause on the Republican side.]

Now, I have nothing to say at this time about the general scope of this investigation. When it comes here in the form of a report we shall be ready to dispose of it, and I hope it may come at an early day. When it does come here, I undertake to say now, Mr. Speaker, that there will not be a smell of the fire of corruption or malfeasance or nonfeasance upon the skirts of the garments of Green B. Raum, Commissioner of Pensions. [Applause on the Republican side.] Before the young gentleman from Indiana was old enough to know the difference between the American flag and the Confederate symbol, Green B. Raum had shed his blood on the field in defense of his country. [Derisive jeers on the Democratic side.] But certainly I expected such a sound as that. I expect it always to come from that side. The time appears to be coming in this country, Mr. Speaker, when it is unsafe for a man, if he wants to be respected, to mention the American flag. [Cries of "Oh, no!" on the Democratic side.]

I shall not deviate from the line I was on; but before the young gentleman could tell the difference between the two ensigns Green B. Raum followed the flag of his country and upon the battlefield shed his blood to uphold the Union and the liberties of the people of the States. And afterward, in a position where any dishonorable man, any corrupt man, any man who had a tendency to evil-doing as a public officer, might have made untold thousands of dollars, Green B. Raum passed through the whole ordeal, administered a great bureau of this Government in times when it took honest men to stand unsmirched as he did, and he had no criticism against him. No one suspected his honor.

Mr. ENLOE. Will the gentleman yield for a question?

Mr. GROSVENOR. Yes, sir.

Mr. ENLOE. I would like the gentleman from Ohio to state whether or not he thinks it is an exactly proper proceeding that a member of a jury who is to try a case to come out in advance and announce his confidence in the innocence of the accused.

Mr. GROSVENOR. I stand upon the presumption of innocence. I stand upon the record of Green B. Raum——

Mr. TURNER, of New York. Stand on your own record.

Mr. CUTCHEON. That criticism should have been addressed to the gentleman from Indiana, who is also a member of the jury.

The SPEAKER. One at a time.

Mr. GROSVENOR. I stand upon the record of Green B. Raum, and the presumption is that he is innocent, and the gentleman from Indiana takes his stand on his own declaration and assumes the contrary.

But, Mr. Speaker, I shall not yield further to the gentleman from Tennessee, because he punctuates the RECORD more than all of the rest of the members together with that sort of debate.

Now, Mr. Speaker, I will tell the gentlemen on that side—and many of them will agree with me, for many of them are just as faithful to this interest as I am—that there is contained in the little paragraph which I send to the desk, and which I ask the Clerk to read, something that the soldiers of this country are vastly more interested in than they are in the question of who carries the horses of the clerks of the Pension Office.

The Clerk read as follows:

WHAT THE PENSION OFFICE IS DOING—OVER TEN THOUSAND CERTIFICATES ISSUED IN FIFTEEN DAYS—TROUBLESOME INQUIRIES OF CONGRESSMEN.

WASHINGTON, *January* 22.

A statement prepared at the Pension Office shows that there were issued during the first fifteen days in the present month 10,377 pension certificates, the larger portion of them being under the dependent pension act of June 27, 1890. This is said to be the largest number ever issued by the bureau during a like period. It was stated that the large number of inquiries relating to pending cases daily received from members of Congress, all of which have to be answered, is seriously interfering with the regular business of the office. One day last week, it is said, the inquiries of this character received amounted to about 2,086. For this particular day nearly the entire adjudicating force of the office, which numbers about 600 examiners, were detailed for the special duty of answering these queries. At the close of the day 311 inquiries remained unanswered. The number of letters received of this character each day during a session of Congress ranges from 600 to 1,500, and often a much larger number. The accumulation of this work keeps a large force constantly employed.

Mr. GROSVENOR. Mr. Speaker, that is a matter that Green B. Raum is intimately connected with, and that is a result which the soldiers of this country are vastly more interested in than in the points made by the gentleman from Indiana, at least so far as we have heard them this morning.

Mr. BRECKINRIDGE, of Kentucky. Will the gentleman allow me to submit an inquiry, not about what he has just been saying, but about the matter at issue?

Mr. GROSVENOR. Yes, sir.

Mr. BRECKINRIDGE, of Kentucky. Under the state of facts revealed by the gentleman from Kansas [Mr. MORRILL], that he made the report in accordance with the order of the Committee on Invalid Pensions, with the recommendation that the resolution be referred to another committee, and that report having been mislaid or lost and nothing done about it since the 11th of September, what in the judgment of the gentleman from Ohio is the proper action for the House to take under that state of facts to find that resolution or supply its place?

Mr. GROSVENOR. That is a question very easy to settle, but I am not charged with the duty of settling it or of even giving an opinion about it. There is no trouble or complication about the solution of that problem.

Mr. BRECKINRIDGE, of Kentucky. Will the gentleman make such an amendment or offer such a resolution as will make efficient the solution which he has in mind?

Mr. GROSVENOR. I will not take any responsibility upon that point. Now, Mr. Speaker, I yield the floor to the gentleman from Illinois [Mr. CANNON].

Mr. BRECKINRIDGE, of Kentucky. Then my friend declines to give the House the benefit of that easy solution which he thinks can be had.

Mr. CANNON. Mr. Speaker, the gentleman from Ohio has yielded to me, and I now yield a moment to my colleague from Illinois [Mr. HENDERSON].

Mr. HENDERSON, of Illinois. Mr. Speaker, I have had no disposition or intention to enter into any discussion of this question. The friends of General Raum from his own State have thrown no obstacle in the way of the fullest, fairest, and freest investigation of the charges that have been made against him. I have expected that when the committee had made its report to the House I might have something to say in regard to it, but I do not think it is proper to discuss it beforehand, and it seems to me that the gentleman from Indiana [Mr. COOPER] has been persistently bringing this matter forward here with the view of putting into the RECORD things that he regards as damaging to the character of General Raum at times when the friends of that gentleman have no fair opportunity of meeting them. When this report is made, as I hope it will be made by the committee on investigation, I expect to have something to say upon the subject.

Mr. CANNON. Mr. Speaker, this report having been made as stated by the gentleman from Kansas [Mr. MORRILL] and the gentleman from Indiana [Mr. COOPER], stating that the Journal does not show a minute of it and that the resolution itself can not be found, it seems to me that in that condition of the case perhaps the better way would be to adopt this resolution, let it go to the committee, and let that committee report the fact of having made this report, and then the House will be in condition, upon that report, to take such steps, if any, as may be proper to supply the files.

The SPEAKER. The Chair would like to make a suggestion to the House in that regard. The rules of the House provide that such a motion shall be made in open House. The third section of Rule XXII provides that—

> Correction in case of error of reference may be made by the House in accordance with Rule XI on any day immediately after the reading of the Journal, by unanimous consent, or on motion of a committee claiming jurisdiction, or on the report of the committee to which the bill has been erroneously referred.

If this resolution were withdrawn it would be in order to move the proper reference upon the report of the committee. There was evidently an error made in supposing that the report was to be sent to the Speaker's desk or to the Clerk's desk, as ordinary motions are. There is where the error seems to have occurred and if the Chair had had an opportunity to know about this matter beforehand he thinks he could have pointed out this remedy, which is very simple and could be applied at any time. There was simply an error on the part of the gentleman from Kansas as to what was proper under the rule.

Mr. MORRILL. I would like to ask the Chair if that has not been a common practice in this House.

The SPEAKER. The Chair can not say that it has been a common practice. Sometimes members have brought propositions for references to the desk and the Chair has submitted them in the same informal manner in which submission has been made of the requests of members for leave of absence and matters of that sort. It has been done in that way as a mere matter of convenience.

Mr. MORRILL. I am satisfied that more than fifty bills, in cases of that kind, have been returned from the Committee on Invalid Pensions with a request for re-reference, and I remember distinctly that on one occasion the Speaker requested me to hand him the bills instead of taking up the time of the House in open session.

The SPEAKER. Those are individual instances. The error is one which any member might make, because the correction is a new practice under the new rule.

Mr. COOPER, of Indiana. Mr. Speaker, I think I will accept the suggestion of the gentleman from Illinois [Mr. CANNON]; but first I desire to be heard a moment in response to the gentleman from Ohio [Mr. GROSVENOR].

Mr. CANNON. I yield the gentleman from Indiana a moment.

Mr. COOPER, of Indiana. In regard to the suggestions made by the gentleman from Ohio [Mr. GROSVENOR] as to when I first learned the distinction between the Federal and the Confederate flag, I desire to say this, that I have never yet learned that "the flag" was a symbol to be used for the purpose of shielding anybody from investigation. I did hear it reported at one time that a certain lawyer of ability in defending a man accused of breaking into a smokehouse set up the defense that his client was not guilty because he "had fought at Stony Point," and the jury returned a verdict of acquittal for that reason.

But I have never heard such a suggestion made in the House of Representatives as a good reason why we ought not to inquire into the conduct of one of our public servants. I think the gentleman is entitled to a copyright on that style of discussion here.

As to the suggestion of the gentleman from Illinois [Mr. HENDERSON], for whom I have the profoundest respect, I desire to say that this matter is not a part of the investigation which has been pending and is in progress before the select committee; otherwise I should not have brought it here. It was not my purpose to come here with an irrelevant matter.

This had been ruled out in the investigation of questions pending in the committee already constituted; and as it was new matter entirely I brought it here last September for the purpose of endeavoring to obtain the direction of the House to this committee that it widen the scope of the investigation so as to embrace these charges which were so publicly made. Failing to have jurisdiction taken by that committee after the resolution had been referred to it, I had to adopt the only and the last resort which a member of Congress has in such cases, that is, to call the attention of the House to the circumstances as they existed. And I submit that the action now proposed justifies what I did.

I repeat, although the remark may not be received kindly, that I have the very highest regard for the gentleman from Kansas [Mr. MORRILL], and I know that he has not done this purposely. But as I now learn that this resolution has miscarried in some way I will say that so far as I am concerned the result has been the same whether the resolution was suppressed on the Clerk's table or in the committee room. What I want is to have the resolution brought before the House in such a manner that it can be lawfully disposed of and this matter brought to a trial.

Mr. CANNON. The gentleman will allow me a word. This resolution to which he refers was published in the RECORD, I believe, so that there is a copy of it in existence?

Mr. COOPER, of Indiana. Oh, yes; it was published twice. I want to say further, if the gentleman will permit me, that on the 4th day of last December, in my place here in the House, I called the attention of the House to the fact that this resolution had been tabled somewhere along the line, had been smothered. Since then I have made frequent efforts to find it and had not succeeded until now.

Mr. CANNON. If the gentleman will allow me, I think this whole matter can be readily solved; and for that purpose I desire to yield a moment to the gentleman from Kansas [Mr. MORRILL]; but before doing that I would be glad to yield to my friend from Illinois [Mr. SMITH].

Mr. SMITH, of Illinois. Mr. Speaker, I will state to the gentleman from Indiana [Mr. COOPER] that, while he and I were both too young to be in the war, yet General Raum comes from the district that I have the honor to represent to-day, the old district which General John A. Logan represented years ago; and I am happy to say that from a careful investigation I believe, and from my knowledge of General Raum I know, that there has been no improper action on his part as Commissioner of Pensions. And I give notice now that when the investigating committee shall have made a report on this case I desire to be heard.

Mr. CANNON. I yield now to the gentleman from Kansas [Mr. MORRILL], who, I think, can probably solve this whole question.

Mr. MORRILL. Mr. Speaker, I hold in my hand the original resolution introduced by the gentleman from Indiana [Mr. COOPER] last September, which I have just taken from the Clerk's table; and in accordance with the instructions of the select committee to investigate the charges against the Commissioner of Pensions I report the resolution back to the House with the recommendation that it be referred to the appropriate committee.

Mr. CANNON. Now will the gentleman from Indiana withdraw his resolution and let this report be made?

The SPEAKER. The Chair desires to call the attention of the gentleman from Kansas [Mr. MORRILL] to the fact that this document came from the files of the House, not from the Clerk's desk.

Mr. MORRILL. I should have said "the files of the House."

Mr. CANNON. Now I suggest that the gentleman from Indiana [Mr. COOPER] withdraw his resolution and let the report be made.

Mr. COOPER, of Indiana. That is entirely satisfactory to me. I suppose it is the purpose of the gentleman from Kansas to ask the adoption of his report?

Mr. MORRILL. That, of course, is with the House.

Mr. COOPER, of Indiana. All I desire is that this matter shall go to some committee and that the resolution shall not be misplaced in any way.

The SPEAKER. The gentleman from Kansas reports back for proper reference a resolution the title of which the Clerk will read.

The Clerk read as follows:

Resolution relating to the investigation of the Commissioner of Pensions.

The SPEAKER. The gentleman from Kansas moves that this be referred—to what committee?

Mr. MORRILL. To the Committee on Rules.

The SPEAKER. The question is on the reference of the resolution as proposed.

Mr. MUDD. I ask the gentleman to yield to me for a moment to make a statement in reference to a remark of the gentleman from Indiana when he occupied the floor, in which the removal of a constituent of mine from the Pension Office was referred to.

Mr. MORRILL. I yield to the gentleman for a few moments.

Mr. MUDD. It is perhaps due to myself to say, and the gentleman from Indiana I am quite sure will bear me out in the assertion, that no part of the information he imparted to the House about the removal of a colored soldier, appointed on my recommendation in the Pension Office, and the character of the man who was appointed as his successor was given by myself.

Mr. COOPER, of Indiana. That is entirely correct.

Mr. MUDD. It was derived from sources of information resorted to by the gentleman from Indiana, with which I had nothing to do and of which I had no knowledge.

As to the correctness of the statement made by the gentleman, however, I reserve comment for the present. [Cries of "Question!"]

Mr. COOPER, of Indiana. The gentleman is correct; I learned these facts from other sources entirely——

The SPEAKER. The question is on the change of reference recommended.

The motion was adopted.

ORDER OF BUSINESS.

Mr. BOUTELLE. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill making appropriations for the naval service for the coming fiscal year.

Mr. ENLOE. On that motion I raise the question of consideration in the interest of the Private Calendar.

The SPEAKER. The question of consideration can not be raised.

Mr. ENLOE. Then in the interest of the Private Calendar I hope the motion will be voted down.

Mr. SPINOLA. This is private-bill day. We ought to take the day for its legitimate purposes.

The SPEAKER. The question is on the motion of the gentleman from Maine.

The question was taken; and on a division there were—ayes 116, noes 66.

Mr. ENLOE and Mr. GEISSENHAINER demanded tellers.

Mr. BOUTELLE. We may as well have the yeas and nays at once.

The yeas and nays were ordered.

The question was taken; and there were—yeas 144, nays 95, not voting 92; as follows:

YEAS—144.

Adams,	Cooper, Ohio	Lehlbach,	Russell,
Allen, Mich.	Craig,	Lind,	Sawyer,
Anderson, Kans.	Culbertson, Pa.	Lodge,	Scull.
Arnold,	Cutcheon,	Mason,	Sherman,
Atkinson, Pa.	Dalzell,	McComas,	Simonds,
Atkinson, W. Va.	Dingley,	McCord,	Smith, Ill.
Baker,	Dolliver,	McDuffie,	Smith, W. Va.
Bartine,	Dunnell,	McKenna,	Smyser,
Bayne,	Evans,	Miles,	Snider,
Beckwith,	Farquhar,	Miller,	Spooner,
Belden,	Featherston,	Moffitt,	Stephenson,
Belknap,	Finley,	Moore, N. H.	Stewart, Vt.
Bergen,	Flick,	Morey,	Stivers,
Bingham,	Flood,	Morrill,	Stone, Pa.
Boothman,	Frank,	Morrow,	Struble,
Boutelle,	Funston,	Morse,	Sweet,
Bowden,	Gear,	Mudd,	Sweney,
Brewer,	Gest,	Nute,	Taylor, E. B.
Brosius,	Greenhalge,	O'Donnell,	Taylor, Ill.
Browne, T. M.	Grosvenor,	O'Neill, Pa.	Taylor, J. D.
Browne, Va.	Hall,	Osborne,	Taylor, Tenn.
Buchanan, N. J.	Harmer,	Owen, Ind.	Thomas,
Burrows,	Haugen,	Payne,	Thompson,
Burton,	Hays, E. R.	Payson,	Townsend, Colo.
Caldwell,	Henderson, Ill.	Perkins,	Townsend, Pa.
Candler, Mass.	Hill,	Peters,	Turner, Kans.
Cannon,	Hitt,	Post,	Vandever,
Carter,	Kelley,	Pugsley,	Waddill,
Caswell,	Kennedy,	Quackenbush,	Wade,
Cheadle,	Kerr, Iowa	Raines,	Walker,
Cheatham,	Ketcham,	Randall,	Wallace, Mass.
Clancy,	Kinsey,	Ray,	Wallace, N. Y.
Clark, Wis.	Knapp,	Reed, Iowa	Wickham,
Clark, Wyo.	Lacey,	Rife,	Williams, Ohio
Cogswell,	Langston,	Rockwell,	Wilson, Ky.
Comstock,	Lawe,	Rowell,	Yardley.

NAYS—95.

Abbott,	Enloe,	Mansur,	Sayers,
Alderson,	Fithian,	Martin, Ind.	Seney,
Anderson, Miss.	Flower,	Martin, Tex.	Shively,
Andrew,	Forman,	McClammy,	Skinner,
Barnes,	Forney,	McClellan,	Spinola,
Barwig,	Fowler,	McCreary,	Springer,
Bland,	Geary,	McRae,	Stewart, Tex.
Breckinridge, Ark.	Geissenhainer,	Mills,	Stone, Ky.
Breckinridge, Ky.	Gibson,	Montgomery,	Stone, Mo.
Brickner,	Goodnight,	Mutchler,	Stump,
Brookshire,	Hare,	Norton,	Tarsney,
Buchanan, Va.	Heard,	Oates,	Tillman,
Buckalew,	Herbert,	O'Ferrall,	Tucker,
Bynum,	Holman,	O'Neall, Ind.	Turner, Ga.
Candler, Ga.	Kerr, Pa.	O'Neil, Mass.	Turner, N. Y.
Catchings,	Kilgore,	Owens, Ohio	Vaux,
Chipman,	Lane,	Parrett,	Washington,
Clunie,	Lawler,	Peel,	Wheeler, Ala.
Cobb,	Lee,	Penington,	Wike,
Culberson, Tex.	Lester, Ga.	Perry,	Wiley,
Cummings,	Lester, Va.	Pierce,	Williams, Ill.
Dickerson,	Lewis,	Price,	Wilson, Mo.
Dockery,	Magner,	Richardson,	Wilson, W. Va.
Edmunds,	Maish,	Rogers,	

NOT VOTING—92.

Allen, Miss.	Covert,	Henderson, N. C.	Quinn,
Bankhead,	Cowles,	Hermann,	Reilly,
Banks,	Crain,	Hooker,	Reyburn,
Biggs,	Crisp,	Hopkins,	Robertson,
Blanchard,	Dargan,	Houk,	Rowland,
Bliss,	Darlington,	La Follette,	Rusk,
Blount,	Davidson,	Laidlaw,	Sanford,
Boatner,	De Lano,	Lanham,	Scranton,
Brower,	Dibble,	Lansing,	Stahlnecker,
Brown, J. B.	Dorsey,	McAdoo,	Stewart, Ga.
Brunner,	Dunphy,	McCarthy,	Stockbridge,
Bullock,	Ellis,	McCormick,	Stockdale,
Bunn,	Ewart,	McKinley,	Tracey,
Butterworth,	Fitch,	McMillin,	Van Schaick,
Campbell,	Gifford,	Milliken,	Wheeler, Mich.
Carlton,	Grimes,	Moore, Tex.	Whitelaw,
Caruth,	Grout,	Morgan,	Whiting,
Clarke, Ala.	Hansbrough,	Niedringhaus,	Whitthorne,
Clements,	Hatch,	Outhwaite,	Wilkinson,
Coleman,	Hayes, W. I.	Paynter,	Willcox,
Connell,	Haynes,	Phelan,	Wilson, Wash.
Cooper, Ind.	Hemphill,	Pickler,	Wright,
Cothran,	Henderson, Iowa	Pindar,	Yoder.

So the motion was agreed to.

The following additional pairs were announced:

Mr. WRIGHT with Mr. GEISSENHAINER, until further notice.

Mr. FRANK with Mr. WHITELAW, until further notice.

Mr. VAN SCHAICK with Mr. ELLIS, for the rest of the day.

Mr. LAIDLAW with Mr. BUNN, for the rest of the day.

Mr. HATCH. Mr. Speaker, I desire to know if my name is recorded.

The SPEAKER *pro tempore* (Mr. PAYSON). The gentleman is not recorded.

Mr. HATCH. Because the Clerk did not call my name on the second roll; and as I am paired with my colleague, Mr. NIEDRINGHAUS, I did not desire my name recorded.

Mr. LANHAM. I agreed to pair with the gentleman from Maryland [Mr. STOCKBRIDGE] until 3 o'clock this afternoon. I do not know whether notice of the pair has been given or not.

Mr. COLEMAN. Mr. Speaker, I desire to withdraw my vote and also to make a brief statement.

Being a member of the Committee on Naval Affairs, I have no desire to embarrass the efforts of that committee in any manner; while at the same time the first bill on the Private Calendar is the bill (H. R. 3209) for the relief of the Citizens' Bank of Louisiana. I voted "no" on the motion of the gentleman from Maine, but for the reason stated I withdraw my vote.

The result of the vote was then announced as above recorded.

NAVAL APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. BURROWS in the chair.

Mr. BOUTELLE. Mr. Chairman, my colleague on the committee, the gentleman from Alabama [Mr. HERBERT], by an understanding agreed to last evening, is entitled to the floor for fifty minutes.

Mr. HERBERT. Mr. Chairman, I have been a member of the committee which reported this bill for the past six years. Political considerations have seldom obtruded themselves upon the deliberations of that committee. For most of the time there has been an entire absence of partisan feeling or purpose. Democrats and Republicans have devoted themselves absolutely and wholly to the work they were set to do. The result is that the progress we are making in building up a new navy is very gratifying. It has awakened again the pride that the American people has always taken in that arm of the service and has attracted public attention both on this continent and in Europe.

What a glorious spectacle it would be, Mr. Chairman, if all the committees of this House and if both branches of this Congress could consider every question as it rises as this Naval Committee has done for years past, on its merits; if we could consider the negro question when it is obtruded upon us in like manner as we have considered the Chi-

nese question, and if our sole purpose could always be to arrive at such a solution as was most conducive to the public welfare.

Southern men have borne a due share of the patriotic labor performed by this Committee on Naval Affairs; and I am sure I may say for all of them that they have done this duty with an eye solely to the security of the American people, the protection of their property, and the honor and glory of the American flag. But while these gentlemen have been performing that flinty unostentatiously, every possible effort has been made by their political opponents to bring them into disrepute before the country they were serving. I suppose it is true that for years past there has been scarcely a rostrum in the Northern States that has not rung during every political campaign with fierce denunciations of these Southern men and the section from which they come. These things have not swerved them from their fixed purpose faithfully to perform the duties they owe to the country.

I have been speaking solely of one committee of this House, Mr. Chairman, and the good work done for the country by Southern men on that; but I might broaden my remarks and challenge criticism of the work done everywhere in this Congress in this House, and the other, by Southern men. They have stood squarely on the doctrine of Jefferson, economy in the public expense, that labor may be lightly burdened. They have at the same time always favored the reduction of unnecessary taxation, and we have never demanded anything for our section that we were not willing to accord to every other section of the country.

If we have claimed a part in the making of the laws of the land and in the administration of the Government, it has been that we might aid in making laws for the good of all, and in administering the Government for the benefit of all. Most of the members from my section since I have had a seat in this Congress have been Democrats; and I am proud to say, sir, that no lobby has ever been powerful enough, no influences have ever been strong enough, to array any considerable portion of these Representatives in favor of any subsidy, of any scheme whatever that was intended to benefit the few at the expense of the many. Subsidies for railroads, subsidies for shipping, increased subsidies to manufacturers, to be paid for in the sweat of the faces of the poor, have never been able to count upon success by reason of votes from Democrats.

But, while we claim to be economists, we discriminate. While opposing unjust taxation and unnecessary appropriations, we have always been willing to vote every dollar that was necessary for the maintenance of the Navy of the United States. I do not mean by that, Mr. Speaker, a navy equal to those of Great Britain or France, but a navy respectable in size and first-class in all its appointments, such a navy as will, at least, give to the world assurance of the power that lies behind it. And this is the position that is occupied, as I understand it, by all the gentlemen on this side of the House, whether they come from the North or from the South. Our purpose in maintaining a navy is that which lies at the foundation of this Union, to promote the common defense and general welfare.

Now, Mr. Chairman, if any gentleman here supposes that my friend from Texas [Mr. SAYERS], who read some very formidable figures yesterday in his argument against the new cruiser which is carried by this bill, does not occupy this position, they entirely mistake him.

Mr. SAYERS. Will the gentleman allow me to interrupt him?

Mr. HERBERT. Certainly.

Mr. SAYERS. I want to assure the gentleman that while I am in favor of an adequate navy I am totally opposed to the appropriation of public money in the present condition of the country and state of our revenues for the construction of the ships authorized at the last session of Congress; and I propose, if the opportunity is offered, to move to strike out the ship provided for in this bill, for the reason that I believe enough ships have already been authorized.

Mr. HERBERT. I am not misrepresenting my friend and have no intention whatever of placing him in any other position than that in which he has placed himself. I was about to assert, and I do assert, in his presence that he is a friend of the American Navy. We may differ as to details, but I know well how the gentleman stands on this question. Six years ago when I happened to be presiding over this committee, he was at my side, and he was as able a lieutenant in the great work that we commenced at that time as was my eloquent and enthusiastic friend, the gentleman from New Jersey [Mr. MCADOO].

I heard the gentleman at that time, when the committee as then organized reported its first bill to authorize new ships, use some of the figures which he used yesterday, those relating especially to the cost of the five monitors which we authorized to be completed, the Terror, the Amphitrite, the Monadnock, the Puritan, and the Miantonomoh. Those ships had been built up under Grant's administration by Secretary Robeson without any authority of law, as he contended then, and I fully concurred with him. They had been not only, as he thought and I thought, illegally constructed, but extravagance had been displayed in their building.

But the question we were to consider at that time was, finding these ships on hand, what we were to do with them. The committee concluded, with his full concurrence, that we ought to utilize them, and so we provided that they should be armored and completed. Now, at that time——

Mr. SAYERS. The gentleman must not in that way put me in the position of criticising either the last administration or the present administration in the work of reconstructing the Navy. I have heard nothing against the present Secretary of the Navy or any bureau officer that would justify me in criticising them, but what I object to is further expenditures in the matter of increasing the number of vessels.

Mr. HERBERT. I am not misrepresenting my friend or putting him in any false position, but I am simply saying that if at that time an attempt had been made to charge this proposed new navy with the expense shown by the figures he read here yesterday for the work done by Mr. Robeson on those monitors, he would have said it was an injustice, that the programme we entered upon for the building of ships ought not to be charged with the full cost of these vessels. And yet yesterday, in reading the figures which show the total cost of the new navy that has so far been authorized, he included those figures. I say in that respect——

Mr. SAYERS. I would ask my friend, when the Secretary of the Navy, at my request, on the 2d of December last, furnished me a list of vessels now in progress of construction, and among those vessels these very same monitors were mentioned, is it not my duty, when undertaking to show the cost of constructing the new navy, to also include the cost of these very vessels which are embraced in the new navy? That is what I want to know.

Mr. HERBERT. What I am saying, Mr. Chairman, is that my friend ought to have adverted to the fact which was within his knowledge, that a considerable portion of the expenditures shown by the figures he read, that is to say, the original cost of these vessels, had been incurred years ago, and it would have been but fair for him to make that statement.

Mr. SAYERS. If the gentleman will do me the honor to read my remarks he will find that I have expressly shown the amount of expenditures upon these monitors prior to the 4th of March, 1885.

Mr. HERBERT. I am not misrepresenting my friend in any way; but as my time is limited to fifty minutes I hope he will not interrupt me.

Mr. SAYERS. I will state that I will avail myself of the five-minute rule to reply.

Mr. HERBERT. That is right. I am merely stating the facts and I have not misstated them.

Then again my friend also alluded to two other vessels which have not been constructed, and which, if he does not know it, I will tell him now are not at all likely to be built.

Mr. SAYERS. I would like to know if there is not an act authorizing the construction of them.

Mr. HERBERT. I am about to make a full statement if you will allow me. There is an act, as the gentleman knows, authorizing the second dynamite cruiser, but I think he knows it provides that that vessel shall never be built unless the first dynamite cruiser proves to be a complete success upon trial.

Mr. BOUTELLE. The Secretary states that he does not contemplate building it.

Mr. HERBERT. The Secretary in his report states that he does not contemplate building that, because he does not think that the dynamite cruiser is a success.

Mr. SAYERS. Suppose it should be.

Mr. HERBERT. If that first vessel should be successful, then the Secretary would be ready to build the second. Then, again, another ship, called a cruising monitor, has been laid aside and is not to be built. Now, then, I pass from that point, and I hope I will be allowed to proceed.

Now, Mr. Chairman, as to the cost of this new navy. In the first place, what is it and what are its prospects? Including the four Roach ships, which were authorized under the Arthur Administration, we have altogether, large and small, forty vessels that are expected to be built. Two of these are very small boats, torpedo boats, of which other nations have from one to two hundred and some even more; six of them are very small cruisers, classed as gunboats; the others are cruisers, several of which are completed and already at sea, and coast-defense vessels and battle ships, all of which are in process of construction.

Under the present administration of the Department very rapid progress is being made with these vessels. The Secretary states in his report that at the grand review to be held in connection with the World's Fair in April, 1893, and which all the navies of the world will be invited to attend, he expects to have thirty-six of these ships in line. This includes, of course, the twelve or fifteen already completed. Here is the list of vessels he expects to have then in commission.

Name.	Type.	Tonnage.
ARMORED VESSELS.		
First rate:		Tons.
New York	Cruiser	8,150
Maine	do	6,648
Texas	Battle ship	6,314
Puritan	Monitor	6,060

Name.	Type.	Tonnage.
ARMORED VESSELS—continued.		
Second rate:		
Monterey	Monitor	4,003
Amphitrite	do	3,815
Miantonomoh	do	3,815
Monadnock	do	3,815
Terror	do	3,815
Third rate:		
Harbor-defense ram		2,050
UNARMORED VESSELS.		
First rate:		
Cruiser No. 6		5,500
Second rate:		
Chicago	Protected cruiser	4,500
Baltimore	do	4,400
Philadelphia	do	4,300
Newark	do	4,083
San Francisco	do	4,083
Charleston	do	3,130
Boston	Cruiser	3,189
Atlanta	do	3,189
Raleigh	do	3,000
Cincinnati	do	3,000
Third rate:		
Cruiser 9	Cruiser	2,000
Cruise 10	do	2,000
Cruiser 11	do	2,000
Bennington	Gunboat	1,700
Concord	do	1,700
Yorktown	do	1,700
Dolphin	do	1,485
Gunboat No. 5	do	1,000
Gunboat No. 6	do	1,000
Fourth rate:		
Vesuvius	Dynamite-gun vessel	970
Petrel	Gunboat	870
Practice vessel	do	835
Torpedo cruiser	do	760
Cushing	Torpedo boat	100
Torpedo boat No. 2	do	112

Now, these thirty-six ships will, including the ship carried in the present bill, constitute all that are now authorized to be built, except four. These four will all be nearing completion and the thirty-six will all be completed by April, 1893, and when they are put in line at that review Americans can look at the comparison they will then be able to make between American and foreign navies with pride and gratification, because, taking them altogether, big and little, class for class, ship for ship, we expect to show a navy that is superior to any in the world, taking an equal number of ships, for seagoing qualities, for speed, and for efficacy in every respect.

And why should it not be so, Mr. Chairman? Fortunately, we commenced our shipbuilding programme after hundreds of millions of dollars had been expended by the nations of Europe in building up their modern navies, and we were able to utilize the experience that those nations had gathered from their costly experiments of the preceding fifteen or twenty years. This programme can only be said to have fairly begun during the Administration of President Cleveland, for then only were the foundations broadly and completely laid. Then Congress not only provided for new ships, but also gave the money and authority to put ship yards in order, to contract for gun steel and armor, and to establish a plant for the manufacture of high-power guns. Secretary Whitney proceeded with the utmost care, and time has so far vindicated the wisdom of every step that he took.

He found well under way four ships, which have since been completed and which have attracted favorable notice throughout the world. He found at that time that we had abroad two naval officers making their headquarters, one in London and one in Paris, to observe and give us the information about the improvements made in the navies of the world. We were educating abroad at the same time a number of first-class young men who had graduated highest at the Naval Academy. We carefully cultivated these sources of information and improvement, and we somewhat increased the amount of money that was available for the education of these young men and for obtaining a knowledge of the new navies of the world.

Progress for a time was necessarily slow because great caution was necessary where the expenditure of great sums of money were contemplated, for everyone knows that a modern navy costs money, and it was some time before Secretary Whitney, having informed himself of the latest plans abroad and having in some cases purchased the best of them, was able to begin in earnest the real work of building up the Navy.

Now, in the first session of Congress under Mr. Cleveland's Administration, although we authorized seven vessels to be built, our expenditures then were brought down for the coming year to $13,907,887 for the whole naval establishment. We very carefully pruned and everywhere brought the expenses down to the lowest possible limit, lower I believe than they had ever been since 1860, and though we authorized ships to be built, the progress in building those ships was necessarily so very slow for several years that the actual expenditures for several succeeding years continued to be small. But as new ships were being authorized in Congress after Congress, work was constantly acccumulating to be done and to be paid for in the future.

In the mean time our designers in the Departments were acquiring experience; they were being aided by young men fresh from the practical schools of shipbuilding in Europe; the facilities furnished by the Congress and the Secretary of the Navy were being utilized; the gun plant established at Bethlehem under the contract made by Mr. Whitney has commenced rapidly delivering gun forgings; the great gun plant at the Washington navy yard has become, as Lieutenant Colonel Hope, of the English army (a great authority on ordnance), says, the most perfect; it is turning out guns which that same distinguished expert says are the most perfect in the world.

By means of that plant we are building these guns at a constantly increasing rate of speed, and I am glad to say also at a very much reduced cost. This same Bethlehem company was, under its contract, to begin long before this the delivery of armor plates. The difficulties it has encountered have delayed this work, and so have put off the payment of moneys that would otherwise have been expended before this time. But it promises now to commence delivery in the ensuing fiscal year, for which we are providing.

In addition to all these causes of accumulating expenditures coming upon us now, the present Secretary, to expedite the new ships, has made another contract for armor plates. This is with the Carnegie firm; and this, while it will hasten the completion, will also hasten the payment of the moneys.

These are the reasons briefly stated, Mr. Chairman, why the present bill mounts up to the sum of $30,955,965.78.

The bill carries far more than the average expenditures of past years and more than the expenditures need to be in future, unless the expenses for 1893 shall approximate the same sum. But, if the figures furnished me by the Department shall prove to be correct, then, sir, not even the bill for next year will amount to as much as this, including the new cruiser in the bill.

Now, Mr. Chairman, the gentleman from Texas [Mr. SAYERS], in order to show how much these new vessels were costing, went back, as I say, to 1872 and 1874, and took the first original cost of these monitors and added it to all the cost of those vessels which have been authorized up to the present time, including the present one, and which are all to be completed before or during the fiscal year 1894; and he made rather a startling showing that our new navy, as at present provided for, will cost an immense sum.

Now, Mr. Chairman, I desire to address myself for a few moments to gentlemen on this side of the House, to Democrats. As I understand it, the Democratic party has always been in favor of a vigorous foreign policy and of a Navy which would enable us to enforce that policy. Go back to the Administration of Mr. Buchanan; take the last three years of that Administration, and see what were the expenditures for the Navy, including the new ships. I have a table here which shows that exactly.

During the three years 1858, 1859, and 1860 the expenditures for naval purposes of the United States amounted to $13,419,000. Our population then was 30,000,000. Then we had a fort crowning every eminence that looked out upon any of the approaches to any of our ports—at Boston, Mobile, New York, the mouth of the Mississippi—everywhere we had forts and guns and ammunition sufficient, in the estimation of the naval officers of that day, with the aid of the Navy we then had, to fully protect and defend our seaports.

The expenditures for the Navy alone, including shipbuilding, averaged over $13,000,000. Our population, as I have said, was then 30,000,000. That made the expenditure for naval defense 44 cents per capita. I have figured up the expense of this shipbuilding programme. Beginning with 1886 I have taken the expenditures from that year to 1894, nine years. I have put down accurately the expenditures up to and including the fiscal year ending June 30, 1892, for which we are now providing. Then I have estimated that the ordinary expenditures for the fiscal years 1893 and 1894 will be the same as the ordinary expenses for the year 1892. Then I add to that the total estimated cost of completing all the ships now authorized, also the sum, the balance which will be required to complete in 1893 and 1894 the new ship carried in this bill—I say balance, because part of the money to build it is in the present bill. Having done this I find that the average expenditure for these nine years, including the ordinary expense of maintaining the Navy, *personnel* and all, is $21,933,000.

Now, Mr. Chairman, we have sixty-two and a half millions of people. Now we have got in our cities by the sea, subject to the assaults of an enemy, three times as much population and four times as much property as we had in 1860. Now we have no forts as we had in 1860. The old forts that we had then are useless. The guns that we had then are useless. We have nothing in the world to depend upon now to defend us against the attack of a foreign foe except this little Navy, the growth of which I have briefly sketched, consisting of forty vessels, and which the gentleman thinks is extravagant. And yet—and I desire gentlemen to take this fact into their minds—the figures I have given show that our per capita expenditure to-day in building up

this new Navy, and in maintaining the establishment, *personnel* and all, amounts to only 35 cents, while the expenditure per capita for naval defense amounted to 44 cents in 1860. Here is the table:

EXPENDITURES FOR THE NAVY.

1858	$14,053,264.64
1859	14,690,927.90
1860	11,514,649.83
	40,258,842.37
Average	13,419,614.12

Or, per capita, 44 cents.

1886	$13,907,887.00
1887	15,141,126.80
1888	16,926,437.65
1889	21,378,809.31
1890	22,006,206.24
1891	24,036,035.53
1892	30,955,965.78
1893	*14,348,965.78
1894	*14,348,965.78
Estimated cost of completing in 1893-'94 all ships provided for heretofore	22,898,735.00
	196,049,134.87
In deficiency bill present year	* 1,350,000.00
	197,399,134.87
Average	21,933,239.21

*Ordinary expense.

Or, per capita, 35 cents.

Is any gentleman here afraid of figures like these? Can gentlemen who believe that this Congress owes a duty to the country at large justify themselves if they oppose so reasonable an expenditure as this for defense of the country? How long and to what extent we shall continue to increase the Navy will be a question to be decided in the future. In my opinion the time has not come now when we should refuse to authorize the one cruiser carried in this bill.

In concluding what I have to say about this bill let me call attention to the fact, Mr. Chairman, that since we entered upon this programme of building up the Navy we have not increased the pay of any of the officers, line or staff; we have not increased the number of officers. In fact the number now is smaller than it was years ago, by reason of the operation of the law passed in 1882 for the gradual diminution of the official *personnel* of the Navy, with which we have not seen proper to interfere.

Mr. Chairman, how much time have I left?

The CHAIRMAN. The gentleman has twenty minutes remaining.

Mr. HERBERT. Now, I desire to devote a few moments to the consideration of a cognate question, a bill upon which I submitted some observations a few days ago. This is a bill that is not demanded by the necessities of the Government, not sanctioned by any just principle of legislation, and in it you will find that wasteful, unjust, ruinous expenditure of the people's money that may be justly denominated extravagance. Let me give gentlemen some accurate figures in relation to the subsidy bill. That bill is advocated by certain gentlemen upon the ground that it furnishes a means of increasing our Navy. I contend in the first place that it will not have any such effect.

The result of the subsidy legislation, if the subsidy is continued long enough, may be to build up an American merchant marine; but, subsidize as long as you choose, you will never, by the operation of this bill, create vessels fit for naval service. Why? Simply because no unarmored vessel is now needed in the Navy unless it is very fast. We need just two classes of war ships. One is the battle ship that can fight, the other is the ship that can run away from battle ships and can overtake and destroy merchant vessels. I believe I may say it is the unanimous opinion of the Committee on Naval Affairs and of all who have looked into the question that small ships and slow ships, unarmored, are useless for naval purposes. We have got a few of them already built which we can utilize, but we have all we want. There is not a member of the Naval Committee who would to-day for a moment think of authorizing the construction of an unarmored cruiser that could not make 20 knots an hour.

We want the few such vessels that we have for the purpose of displaying our flags in the ports of the inferior nations of the world, and there are other uses for those vessels, but we need now no more of them than we have already. Now, what does this bill propose? It proposes to subsidize all sorts of shipping, and my friend from New York [Mr. FARQUHAR], when it was charged in the debate that it could not be told how much this bill would cost, stated that accurate figures, ton for ton, had been furnished by the Commissioner of Shipping. I have here those figures, and I wish to put them into the RECORD as a part of my remarks.

This bill subsidizes in the first place the existing sailing vessels of the country, and everybody knows that they are not fit for naval purposes. Now, what will that subsidy cost according to these figures, the accuracy of which is vouched for by the gentleman from New York? But before I give you the cost let me first show you the anticipated effect of the subsidy. In the course of ten years the sail tonnage eligible for the subsidy, as this Commissioner puts it, is to go down from 356,000 to 310,000. That is the effect of paying this subsidy for ten years to that class of shipping. It will absolutely fall off 46,000 tons. Now, the difference between the eligible and ineligible sail tonnage is simply the difference between ships fit to carry any sort of cargo a long way and ships that are only fit to carry cargoes of inferior character or to carry any kind of cargoes a short way. This eligible tonnage, I say, will fall off 46,000 tons in ten years.

How much will we have paid for it? The figures of the Commissioner of Navigation answer $8,657,000. Now, I ask the gentleman to explain for what purpose we should subsidize this shipping. I can only see one reason and that is the reason which the chairman of the committee gave in the committee to his colleague Mr. FITHIAN, when he said that he wanted to be perfectly fair to all classes of shipping and did not want any one to complain. I suppose I might carry on his reason and say that if they did complain they would not sustain this subsidy.

Mr. COLEMAN. Will the gentleman allow an interruption?

Mr. HERBERT. I will yield simply for a question.

Mr. COLEMAN. I only wish to suggest that the gentleman puts the Committee on Naval Affairs in a rather awkward position if he undertakes to place them in a position antagonistic to the shipping bill.

Mr. HERBERT. I am speaking now only for myself; I certainly do not speak for gentlemen who are in favor of this subsidy.

Mr. FARQUHAR. Some members on your side made very good speeches yesterday on this point. The gentleman from Ohio [Mr. OUTHWAITE] said he thought that the paragraph of the shipping bill in regard to the Navy was all right.

Mr. HERBERT. Well, I am speaking for myself, not for any other gentleman. The meaning of the gentleman from Ohio has, I think, been misunderstood, but certainly he had not seen these figures which have been kindly furnished to me; if he had, I can vouch that he never would have said that this proposition was all right, if he did say it.

Mr. FARQUHAR. I think it safe to say that probably a majority of the present Naval Committee are in favor of the naval features of that bill.

Mr. HERBERT. That may be. I am speaking to this House; and, while it may be that a majority of the Naval Committee are in favor of this proposition, I do not know how the fact is, but I hope a majority of this House will not be. And I am addressing myself to gentlemen from the interior, whose constituents get none of this bounty. Mr. Griscom, whose testimony was quoted yesterday, states, as the gentlemen from Maine [Mr. MILLIKEN and Mr. DINGLEY] have stated on this floor, that this subsidy will not result in any reduction of freights. It is only 11 per cent. of the cost of running the ships. The farmer gets no benefit from this measure. It all goes to the ship-owner. No part of it to the great body of the taxpayers of the country.

Now how much is this to cost? The calculations I shall give you of ultimate cost are based on the figures furnished by the Commissioner of Navigation. The bill is to cost $47,000,000 in ten years. I assume that, if the lobby is powerful enough now to get this bill through for the benefit of this particular class, it will at the end of ten years, when these people are getting over $8,000,000 per annum, insist on and carry through this House a bill which will continue the subsidy, at least to an extent equal to the basis on which the subsidy is to begin.

Now, what are the figures as shown by its advocate, the Commissioner of Navigation? He says that in ten years we shall have increased our shipping enough to carry, instead of 12½ per cent. of our present commerce, 35 per cent.

In other words, we shall by an expenditure of forty-seven millions of dollars gain in ten years 2½ per cent. a year of the shipping necessary to carry our present exports and imports. Now apply the rule of three as I have done and see how long a time must elapse before we shall be able to carry 100 per cent. of our foreign trade. In thirty-nine years from this date, the gain being 2½ per cent. a year, we shall be able to carry exactly 100 per cent. of our present commerce. How much will it cost? Within that time we shall have paid $505,000,000 to enable us to carry——

Mr. FARQUHAR. Can the gentleman name any nation on the face of the earth that does itself 100 per cent. of its carrying trade?

Mr. HERBERT. My argument is in reply to yours and is based on your figures. There is not a gentleman who has made a speech on this floor in advocacy of your bill who has not started out by saying that we are losing millions and millions of dollars by the fact that our carrying trade is done by foreign vessels when we ought to do it ourselves. I take you upon your own hypothesis and your own figures, and I say it will take thirty-nine years according to these figures which you vouch for, and it will take $505,000,000 according to these figures to enable us to carry, what? What our commerce will be then? No; what it is now. What will it be thirty-five years from now? If you go back thirty-nine years you find that our commerce has increased about fourfold. Suppose it only doubles in the next thirty-nine years, then you find that this scheme upon which you have entered will cost over a billion of dollars.

Mr. FARQUHAR. The gentleman certainly does not intend to make a travesty of figures and represent us as claiming that at the end of ten years we shall carry 35 per cent. of our present commerce. Our position is that we shall carry 35 per cent. of any commerce that we may have at the end of ten years. It is not the equivalent of our present commerce that our figures deal with.

Mr. HERBERT. I am simply quoting from your Commissioner of Navigation.

Mr. FARQUHAR. The Commissioner is correct, if you will read him properly. If our commerce at the end of ten years amounts to three thousand millions it is all the same; it is 35 per cent. of that amount that we shall carry.

Mr. HERBERT. The gentleman is mistaken. The Commissioner, in his letter, after explaining his calculations as to increase and cost for ten years, says: "If we had these fleets now we would carry 35 per cent. of our foreign commerce, which has more than doubled in thirty years past." This is exactly what I stated. Now, every man here knows that unless our foreign trade should meanwhile be crippled by some law which will absolutely build up a "wall of fire," as is sometimes contended for on this floor, so as to keep our foreign trade, it will have doubled in that time; and, if so, it will take a billion of dollars in order to do this.

Now, then, Mr. Speaker, why should the Republican party in the Senate and in this House present a new demand and indiscriminate subsidy for shipping when subsidies were condemned at the polls in the last election? The McKinley bill was a subsidy bill. It had an express provision for subsidizing sugar; and there was an admission in the report which accompanied the bill, or rather a statement, that this sugar bounty was a mere substitute for the tariff tax that had existed before that time. Now, the people of this country condemned, by a majority hitherto unheard of, the McKinley bill, and in that condemnation they condemned subsidies. Why, then, should you insist now, after that election, to carry out a policy which has been so condemned by the people? That has not always been the course of the Republican party.

Mr. COLEMAN. Will the gentleman yield for a question?

Mr. HERBERT. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has ten minutes.

Mr. HERBERT. I yield for a question only.

Mr. COLEMAN. It is rather in the nature of a suggestion.

Mr. HERBERT. I can not yield for an argument.

Mr. COLEMAN. I simply wish to make a suggestion which I think is pertinent in connection with what you are saying. The people did not understand the McKinley bill, particularly the cotton-planters of the South, who were told that it would cost them a great deal more than the law which had been repealed; when as a matter of fact the McKinley bill will bale the cotton of the South at 6 cents a bale less than was paid before the bill went into operation.

Mr. HERBERT. Well, if the gentleman from Louisiana thinks the people were not capable of understanding the legislation of this country and if he thinks they did not understand the McKinley bill, let him go to them again with this McKinley bill and its counterpart, the subsidy bill, and he will find that they are intelligent enough to appreciate it. There is no difficulty about that, no sort of doubt of it. The trouble was they did understand it and understand it too well for your side of this House.

Mr. FARQUHAR. I hope the gentleman will let that bill go before the country for a vote in 1892.

Mr. HERBERT. If I had my way I would repeal that McKinley bill and go before the country on the repealing act.

Mr. COLEMAN. That is just the trouble. You want to repeal the bounties on sugar——

Mr. HERBERT. I must beg not to be interrupted further. I ask, Mr. Chairman, why has the Republican party insisted on carrying out the policy thus condemned at the polls? That has not always been the policy of your party, gentlemen. In 1882 an issue was made upon the civil-service law. New York was carried on that question against the Republican party by an immense majority. The Republicans in both Houses of Congress at the session preceding that election had spat upon and condemned the proposition even to pass a bill that would prevent the levying of tribute on the clerks in the Departments.

As soon as that cyclone was over the Republicans came back here and made haste in the Senate to pass through that body the bill which became the present civil-service law and sent it to the House. Not only that, but in the convention of 1884 the Republican party assembled at Chicago passed a resolution referring, not in words, but unmistakably to that exploit, and boasting of it by saying that the Republican party had been in that and other matters "quickly responsive to public opinion." Those resolutions were reported to that convention by Hon. WILLIAM MCKINLEY, Jr. He is the same gentleman who three days ago in this House used this language:

> You say we lost the election. So we did; but we are the agents of the popular will until the 4th of March next, and we propose to carry out our trust.

Now, I repeat, why do you now come back here after these elections and boldly and openly defy the will of the people? Why is it that you seem determined in spite of these warnings of the people to rush your bills through the House when the principles on which the bill is based, and in one case the bill itself, have been condemned? Will you contend that the force bill was not an issue in the campaign? Let me read here a part of the Republican platform of Massachusetts, on which the great issue was made. I read from a newspaper the following statement of facts.

> The Republican platform declared it to be "the plain duty of every Republican Senator and Representative in Congress to labor unceasingly to place the measure known as the Federal election bill, or some other equally effective law, upon the statute book of the nation;" the Democratic, that "we are opposed to the scheme of a national election law." In New Hampshire the Republican platform "demanded the speedy enactment into law of the Federal elections bill;" the Democratic "denounced the Federal elections or force bill." In Michigan the Republicans "urged the speedy enactment by Congress of such laws as shall protect every American citizen in the exercise of this sacred right" [to the suffrage]; the Democrats "denounced the Lodge force election bill, which passed the House and has the active support of the Administration, as revolutionary and unconstitutional."

What was the result in these three States. The ten Republicans and two Democrats of Massachusetts were replaced by seven Democrats and five Republicans; the two Republicans of New Hampshire were replaced by two Democrats; nine Republicans and two Democrats of Michigan were replaced by eight Democrats and three Republicans. And as it was in these three States so it was everywhere throughout the land. Everywhere, North and South, East and West, the force bill was condemned. And yet you seek to pass it through here, just as you do the subsidy bill, when the people have spoken at the polls against it. What is the reason for this change of front? Why is it that seven years ago you boasted of being "quickly responsive to public opinion," and now you come in and openly defy it?

Mr. JOSEPH D. TAYLOR. Will you yield for a question?

Mr. HERBERT. Only for a question.

Mr. JOSEPH D. TAYLOR. Do you think the McKinley bill affected the result of the election in Ohio?

Mr. HERBERT. I do not think it affected it as much in the State of Ohio as in some other States, or there would not have been so many "spared monuments" as there are from that State; but it did affect the result everywhere throughout the country, and the gentleman knows it.

Mr. COLEMAN. Will the gentleman allow me?

Mr. HERBERT. I must decline to yield.

Mr. COLEMAN. Just for an instant. I think I am entitled——

Mr. HERBERT. I beg not to be interrupted further. I have but a few moments.

Now, Mr. Chairman, I am asking the question, Why did you change front? Why were you quickly responsive, and why did you boast that you were quickly responsive to public opinion six years ago and why do you defy it now? There must be some difference somewhere, and the only difference I can see is in the nature of the commands emanating from the people. You were willing to change front and vote for a civil-service bill, because whether that bill was passed or not the electors were left more or less free to vote as they pleased. If you refused to vote for the civil-service bill they were still free to vote condemnation upon you for your failure to pass it.

But these two bills you seek now to pass in defiance of the expressed will of the people are different. One gives you money with which to bribe your way into power and the other gives you power to coerce and to count at will. The subsidy bill begins by giving your friends what you admit is over two millions the first year and gradually increases the sum until in ten years it runs up to over $8,000,000 per annum. What an immense sum to draw in popular elections or to use in corrupting Congress.

All gentlemen who have examined this question know that when the Pacific Mail subsidy came here for a continuation of its bounty that it was getting from the Government, there was only about $1,000,000 per annum involved; and the record made with that $1,000,000 was the most disgraceful, except the Crédit Mobilier, that has ever disgraced the name of Congress.

The appropriations in this bill are continuous, and this corruption fund can never be taken away from the Republican party until their opponents get full possession of both Houses of Congress and of the Presidency. That seems to be the reason, gentlemen, why in this case you are not willing to be quickly responsive to the command of the people.

And so it is with the force bill. You make the chief supervisor of elections in the several Congressional districts an autocrat. You give him absolute control over the Treasury of the United States. You make that appropriation indefinite, continuing, absolute, and without limit, and you hope that, with the aid of these subsidies and of this force bill, in defiance of public opinion you will be able to continue yourselves in power.

Mr. COLEMAN. You know I voted against the election bill.

Mr. HERBERT. I am glad to say that the gentleman from Louisiana and two others on that side who know the state of affairs in the South voted against the bill.

Mr. COLEMAN. And I was not re-elected either.

[Here the hammer fell.]

Mr. BOUTELLE. In the interest of the transaction of the public business I will merely say that I am sorry my friend and colleague [Mr. HERBERT] did not get his ships into action the other end to. While his very effective speech in behalf of the naval appropriation bill voiced the sentiments of the committee in a very able way, I do not suppose he desires to hold any of his colleagues responsible for the views which he has expressed upon various other topics since he left the subject of the Navy.

As I said before, I am only sorry that he did not make his speech the other end to, so that he would have left upon the minds of the members of the House the very favorable impression with regard to our Navy, which I think ought to have resulted from his cogent and pertinent observations.

I now yield twenty minutes to the gentleman from New Jersey [Mr. MCADOO].

Mr. MCADOO. Mr. Chairman, I think that both ends of my distinguished friend's speech are good, that advocating the building of a moderate, efficient navy and that opposing subsidies, and indeed I know of no better authority in this House or out of it than the able, painstaking, careful, and conservative gentleman from Alabama [Mr. HERBERT]. In taking leave of the committee, after eight years of continuous service upon it, I wish to say of him that I consider him, speaking generally, as safe a man to follow upon all questions relative to the Navy as any one who has ever served in this House; and in saying this I wish in no way to disparage the ability and zeal of other members of the committee. Having no personal or special local interest in naval rehabilitation and reorganization, his broad and catholic patriotism and robust Americanism entitle him to the highly honorable designation of statesman. His stand on this question does infinite credit to the farseeing statesmanship and the splendid nonsectional spirit of the Southern people in their phenomenal and unrivaled progress.

The fathers who framed the Constitution seem, in the light of our experience, living under it, to have been inspired. They failed to provide in that instrument for the support of a standing military establishment, and the great Father of his Country, in what might be called his last will and testament to the American people, impressed upon them that they should not have any foreign entanglements and alliances; and in the instrument itself the defense of the country was left to a navy and the militia, who are the freemen of the vicinage. Now, while our fathers were careful to impress upon their descendants that the United States should never become entangled in foreign politics and adjured them to avoid foreign complications, they were, in my opinion, very wise in providing for the proper defense of the coast. We are told by the Apostle Paul that "none of us liveth to himself, and no man dieth to himself." And, while this was a profound religious and moral suggestion, it also, in my opinion, contains a lesson for statesmen.

We are told by recent scientific writers that by reason of the unsanitary surroundings of the Russian dwellings in the great city of St. Petersburg during the rigors of almost Arctic winters we got the germ that set everybody all around the world to sneezing during the recent epidemic and drove so many to their graves. Now, Mr. Chairman, the significance of the text and the illustration which I have endeavored to make use of here is that we are neighbors, if not brothers, to all mankind and must of necessity be vitally concerned in the affairs of all other persons and nations; that the action of the smallest factor of a man on this great globe affects the life and the well-being of every other man, the neglected, forgotten, and infected beggar spreading contagion and death to the highest in the state, the vicious nation compelling the virtuous to arm, and that, therefore, while our fathers were wise in advising us not to interfere in foreign politics, it was the logic of the situation that as we increase in wealth and population foreign interests might interfere with us however carefully we might separate ourselves from them; and so there was made in the Constitution itself provision for a navy.

Now, we do not want a splendid military establishment, whether it is of the Army or of the Navy (in fact the less Army the better), to be put in rivalry with the great establishments, the cost of which burden the people in Europe, and I for one would not on this floor, nor out of this House, advocate the taxing of the toiling and producing people of the United States to keep up a powerful military establishment or a vast and colossal navy to compete with the navies of Europe; if for no other reason, our tremendous pension and other burdens being about as much as we can bear; but, on the other hand, I would believe it criminal negligence, if nothing worse, that the long and exposed coasts of the richest country in the world, whose aggregated wealth excites the cupidity of mankind, should not be properly defended. The question of building a small, but efficient navy, and of properly defending the seacoast and harbors of the United States, interests every citizen of the United States.

When this bill was up in the last Congress there was an attempt to make it a local question. The Southern States especially are interested in the free ingress and egress to the great Gulf ports. They have 18,000 miles in the Southern States of water-way commerce. That commerce is not interfered with, as in the North, by ice in the winter. Every stream that flows through those States is seeking salt water. That salt water is ridden by the navies of the world. We have as yet, notwithstanding what we have expended, not a sufficient naval force to keep open the great Gulf and Atlantic ports into which these magnificent streams bearing the water-way internal commerce of the country flow.

In this connection the following from the Tradesman, published at Chattanooga, Tenn., is of interest, showing tremendous growth of commerce, manufactures, and wealth in the South:

WATER TRANSPORTATION.

In addition to its railroads, the South has another means of internal transportation in the rivers, far superior to any other section of the country. The Southern rivers are generally larger than those of the North and West. The South has the Mississippi and all its numerous tributaries, and a number of other rivers, as the Alabama, empty into the Gulf, and the Savannah, James, etc., into the Atlantic. The mileage of navigable streams in the South is twice as great, in comparison with area, as in the North, affording cheap and easy transit to market. Moreover, the Southern streams are never frozen over, and thus closed to navigation during a considerable portion of the year. They must be taken into consideration in all questions of transportation, as they aid materially in carrying produce to market, particularly heavy articles, such as coal and iron. The mileage open to navigation is being increased each year. During the past years noted improvements were made in the Mississippi River, while the Upper Tennessee was put in connection with the lower portion of the river and the Ohio and Mississippi by the Government canal around Mussel Shoals.

Taking this into consideration, the South possesses the following means of shipping its products from the interior to market, in addition to the fact that it has such a long coast line accessible to the largest ocean vessels:

Miles of railroad	41,118
Miles of navigable streams	18,928
Total transportation mileage	60,046

This is three times as much as France or England.

States and Territories.	Coke and bituminous coal pig iron, year ended—		Charcoal pig iron, year ended—		Total production of pig iron (exclusive of furnace castings), year ended—	
	May 31, 1880.	June 30, 1890.	May 31, 1880.	June 30, 1890.	May 31, 1880.	June 30, 1890.
	Tons.	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Tons.*
Alabama	27,213	788,396	35,124	103,964	62,336	890,360
Georgia	16,300	23,072	6,799	10,675	23,099	33,747
North Carolina	.....	577	.....	2,800	.....	3,377
Kentucky	39,240	38,139	18,775	6,060	58,015	44,199
Tennessee	41,258	239,281	6,475	51,413	47,733	290,697
Texas	.....	.....	1,400	7,150	1,400	7,150
Virginia	8,226	294,246	9,459	7,906	17,785	302,152
West Virginia	78,427	108,734	1,316	.....	79,743	108,734
Total	210,763	1,490,448	79,348	189,968	290,111	1,640,416

Southern cotton mills, 1890.

States.	Total.	In operation.			New, not completed.	Burned.
		Old.	New.	Idle.		
Alabama	23	15	.....	6	2	.....
Arkansas	4	2	.....	2	.....	.....
Florida	1	.....	1	.....	.....	.....
Georgia	70	42	11	*10	3	4
Kentucky	5	4	.....	1	.....	.....
Louisiana	5	3	.....	1	.....	1
Mississippi	11	8	.....	3	.....	.....
North Carolina	114	87	13	8	4	2
South Carolina	51	33	10	3	5	.....
Tennessee	30	23	1	6	.....	.....
Texas	7	2	2	2	1	.....
Virginia	13	†11	2	.....	.....	.....
Total	334	230	39	43	15	7

*Including one mill changed to woolen.
†Three mills stopped during part of season.

TRUE VALUATION OF PROPERTY IN THE SOUTH.

Mr. Gannett, an expert, made for the Census Bureau a very careful estimate of the relation that the assessments bore to the actual wealth of these States. Based on the percentage calculated by him, the true valuation of property in the Southern States to-day is:

	True valuation.
Alabama	$796,844,833
Arkansas	520,228,112
Florida	322,192,992
Georgia	926,283,595
Kentucky	1,491,598,093
Louisiana	618,092,105
Mississippi	467,593,115
North Carolina	662,857,143
South Carolina	323,155,586
Tennessee	1,029,673,000
Texas	1,657,716,648
Virginia	938,090,403
Total	9,752,815,635

That is, the South is nearly half as rich again to-day as when the war swept over it to destroy its wealth. The condition of the Southern States during the

past forty years, their advance, decline, and new advance, is best illustrated in the following table:

Year.	Assessed wealth.	Actual wealth.
1850	$2,590,358,602	
1860	4,801,970,635	$3,368,209,219
1870	2,576,193,113	3,533,659,130
1880	2,164,155,795	6,098,000,000
1890	3,774,584,625	9,752,815,635

The South has made good the losses of the war and is better off now than in its flush days.

We have to-day growing at the door of the Northwest of the United States the greatest maritime port that the world has ever seen; and I prophesy that within twenty years the commerce of Puget Sound will be equal to that of almost the northeast coast of the Atlantic itself. This extract from the pen of Mr. Moses P. Handy, who writes from investigation, to Lippincott's Magazine, is undoubtedly accurate. It confirms my own impressions formed while there:

The commerce, present and prospective, of the State, is a topic so fruitful that it might well have an article to itself. The deep water and bold shores of Puget Sound and its geographical location give the cities springing up on those shores an assurance of greatness which is impregnable. There is no bar to cross at the entrance to any of the harbors. "Ships can always enter the Straits of Juan de Fuca, and once inside no storm disturbs them." This is the undisputed dictum of one of the highest authorities in the art of navigation. Puget Sound is 5,000 miles nearer to Hong-Kong than is Liverpool, and by way of Puget Sound New York is brought 1,400 miles nearer to Canton than is Liverpool. Australia and all of Oceanica are nearer to Washington than to England; and China, Japan, and Siberia are thousands of miles nearer.

With the consideration of less distance must be coupled the additional advantage that with the Japan current in their favor ships on the Pacific bound to Puget Sound can sail 20 miles a day farther than on other seas. The immense significance of these things with reference to the future of the Evergreen State can not be overestimated. By reason thereof the United States must sooner or later control the commerce of Asiatic countries with Europe and America (that of China with Great Britain is estimated at $30,000,000 annually), and on Puget Sound will rise one of the great cities of the world. Will it be Seattle or Tacoma, or will they combine to make the metropolis of the Pacific coast? That matters little. Washington will be a seaport State of the very first rank; the waters of Puget Sound will be white with the sails of all nations, and its shores will teem with a population running into millions.

So that when you ask me what personal or direct interest the population of our country have in the naval question, I say it goes home to every man, whether he lives in Indiana or Texas, in the new State of Washington or on the northeast coast of the Atlantic. If it ever is made a local or sectional question, then I say to those who will engage in preaching that new sectionalism, they will find themselves surrounded by a cordon on every side of immense communities in this great land within at least 700 miles of salt water or whose ports are affected by the Great Lakes on the north of us, arrayed against that sectionalism. That is the question, and I say frankly, therefore, that they must decide that matter for themselves.

The local, narrow, and superficial issue may be made by contending that they have had no benefit from the expenditures for the Navy in the way of building ships and making guns and that they are not directly at the mercy of a foreign fleet. This in truth is a specious and untenable statement of the case. If the people in the central basin of the United States want to keep the political power which is now theirs they must hold it by acting wisely and with statesmanship and with such broad, catholic views as will protect the rights of all the people of the Republic. They are an intelligent, progressive, manly, industrious, independent, and self-assertive mass of robust typical Americans, and can, I feel sure, be relied upon to prove equal to any emergency or responsibility.

Now, having said this much in the general way as to this question not being a local one and that it concerns the man who raises corn in Kansas as much as the man who puts it on the ship at New York, Baltimore, New Orleans, San Francisco, or Tacoma, or those who use it in New Jersey, Massachusetts, or Alabama, I will say something with reference to particular criticisms of this bill.

The first criticism made to this bill, as I understand it, is that the amount to be expended for work contracted for is very large, amounting to $75,000,000 for the modern vessels built and ordered built. The gentleman from Texas, who is always careful, and has collected his figures honestly and laboriously, as he always does everything, and who is frank and ingenuous in every statement he makes to this House, I believe puts the cost at $75,000,000, and the number of vessels correctly at forty-two that are to comprise the new navy. I think his figures are much too large, but admit them for the sake of argument.

Well, if these ships shall have been completed for $75,000,000, which is a large sum, then I for one am glad that that amount has been expended or will be expended, and that these ships shall be completed for that amount; and, if these forty-two ships shall have been completed for that amount, I say it is the best investment the United States ever made. Forty-two ships that might stand between the farmers of the United States and a market on the seaboard and a market in a foreign country is a cheap investment. Why, the pension appropriations in this session of Congress will be $160,000,000, I am told; and yet there are gentlemen on this floor who claim to be consistent who berate the expenditure of 50 cents for the Navy who would vote for $150,000,000 for pensions! They would vote for pensions to wooden Indians for rheumatism in their toes if somebody shook a ballot on election day behind its bunch of imitation cigars; they delight to deliver long jeremiads about the burdens of government, the poor farmer, paternal government, military display, and then by one vote saddle all our poor, hard-working people with a sum so great that the cost of all European military and naval establishments is a mere song by comparison; they would vote money by the bushel at the first touch of local pressure, and they would not expend a dollar for the defense of the seacoast of the United States.

I am not making any criticism of just expenditures for pensions or competing in ostentatious display of political virtue. Were I doing so, I might justly claim that seaboard representatives, if animated by the same spirit, would vote solidly for subsidies to shipping. There are $22,000,000 appropriated for the improvement of rivers and harbors, and that is for rivers and harbors that are of no use to you if your coast is besieged by a foreign fleet; millions for State canals. There are many millions appropriated for miscellaneous expenses dribbled out in ascertaining the habits of tumble-bugs; biology, paleontology, and the relation of groundhogs to meteorology; dribbled out in making elaborate sketches of nowhere and profound treatises about nothing; and yet some gentlemen stand here and vote for all these things, voting for hundreds of thousands of dollars, evidently on the ground that Congress should be an eleemosynary institution to dole out pittances to the suffering people of this land.

Gentlemen, if I understand them, who are against this bill say that the next bill will be larger, and the next larger, in carrying out the expenditure for the construction of these vessels already provided for by law. That is not true. The expenditure for the vessels already provided for by law will reach high-water mark in the next Congress. That is true. The next Congress will be obliged to appropriate more than its predecessors to carry out the contract now in existence. And the reason is this: When, six years ago, under the management and the splendid foresight and business ability of William C. Whitney, we began to build this new navy we had not in this whole land a place where they could press the steel ingots to make the assembled guns or armor. We were buying our armor abroad.

To-day we are making the ingots and the guns, and foreign nations are coming here to learn the secret of the guns which we are making, admitted by English official experts to be the best made in the world. Then we could not find steel plate sufficient to keep the work in progress. Gradually American genius and American capital and American ability and American labor have produced the plants that are turning out the materials every day better and faster, and our private shipbuilding establishments, having learned by experience in the actual work, can build a ship now in three years which when we begin to build this navy would have taken ten years, and in one year that then would have taken three. These ships having been provided for in bills covering the last eight years and the establishments not being able to turn out the materials fast enough, our facilities having been limited and our experience none, the work went along slowly and the bills came in to be paid slowly.

But now the whole thing has matured. We can build the ships faster, we have plenty of skilled labor, we have the materials, the work is going on rapidly, and the bills are becoming due for the work which has been ordered. That is why increased appropriations will be necessary. But after you have paid the largest amount, which will be next year, the expenditure, so far as the ships already ordered are concerned, will begin to decline, and the appropriation under the head of "Increase of the Navy," unless you order more ships, will begin to go down, as is shown by the table prepared by the chairman of the committee. Next year, under the head of "Increase of the Navy," there will have to be appropriated for bills likely, in the nature of things, to become due, $11,000,000, but in 1894 the necessary appropriations will go down to $1,000,000. And yet I have been told by gentlemen here to-day that this bill is a Jacob's ladder in finance, going up and up into the hundreds of millions.

That, as I have shown, is not the case. The figures are so clearly and accurately stated in the report accompanying this bill and in the remarks of my able colleagues on the committee, the chairman and the gentleman from Alabama [Mr. HERBERT], that it would be unnecessary iteration to repeat them. But, sir, the original and fundamental objection here to this and kindred bills confronts us, for I have no doubt that in the minds of many opponents the question is not the kind of ship, but whether there shall be any ship at all, guns or no guns, defended or defenseless.

If the statement were true that this bill would continue to go up indefinitely, for work now ordered, as it is not true, and yet the American coast was undefended and American cities were exposed, and we were obliged to have an efficient navy and a coast defense, our plain duty still would be to go ahead at any reasonable cost. Gentlemen say a navy is an expensive matter. Of course it is, a very expensive matter. An army is an expensive matter, and in Europe, where the sword has carved out the map of that continent like a

checker-board, the populations are groaning under the tremendous cost of the military establishments.

Universal peace is the cheapest thing in the world, if you can get it, but even individually we have law courts, policemen, gibbets, jails, and burglar alarms. As was said in a very noticeable article which appeared in the New York Sun during the holiday season, the strangest thing in this great century, with all its light and civilization and religious feeling, is that men and nations are arming themselves as never before, the armaments of Europe never being greater than they are in this year of 1891, when we are supposed to have almost reached the apex of civilization, Christian charity, and brotherly love.

While I venture the criticism that due allowance is not made therein for the results of religion in modern civilization, I quote in part from this article:

According to the ecclesiastical calendar the founder of Christianity was born into the world eighteen hundred and ninety years ago to-day. At His birth, we are told in Scripture, a multitude of angels appeared in the heavens, singing "Glory to God in the highest, and on earth peace, good will toward men." When Jesus began His earthly mission in Galilee, His proclamation to mankind was, "Repent, for the kingdom of heaven is at hand!"

Nearly two thousand years have passed since then, and as yet peace, good will, and repentance have not come. The kingdom of heaven is not yet established on earth.

The world was never before armed for war as it is to-day. The greatest expenditures of Christendom are for the maintenance of armies and navies and for the supply of munitions of war. Every art and every science is enlisted in the business of dealing death and destruction to mankind, with the result that wars grow more bloody and their devastation more terrible.

When Jesus came upon the earth men fought hand-to-hand, or discharged arrows and javelins at short range. Now, armed with weapons of precision, they fight at long range, and the field within which the slaughter may be accomplished is vastly extended. Gunpowder was first employed in war nearly a century before the introduction of the modern art of printing, by means of which the message of Jesus has been sent throughout the world. In our day explosives far more violent than simple gunpowder are employed. The caliber and the destructive force of great guns are increased steadily, and machine and magazine guns multiply the rapidity and deadliness of hostile fire.

A great part of the patents granted by all Christian nations are for warlike devices, and one of the important industries of this peaceful Republic itself is the manufacture of implements and munitions of war. Physics, chemistry, and mechanics are studied ceaselessly, to bring every force and element of nature to the aid of the soldier. The zeal with which the hunt for new means of killing men is pursued is as great as the devotion of Professor Koch in his search for means of saving their lives. Not a day passes when war is not going on somewhere in the world, and all Europe, armed to the teeth, waits in expectation of a conflict more gigantic and terrible than any which has occurred in the history of mankind.

Somewhat in the same line the most earnest, eloquent, learned, humane, goodly, and godly man in all the pulpits of Europe, Archdeacon Farrar, of London. In a recent discourse he said:

When we read of these frightful inventions, explosives of unknown force, guns of infinite destructiveness, torpedoes which go far under the sea to blow up navies; when we see man's ingenuity exercised in the elaborations of devilish engineering and international jealousy adding its dread quota to the miseries caused by commercial rivalry; when we see in Europe at this moment at least twelve and a half millions of armed men, doomed to lives of unproductive menace, amid groaning and tax-burdened populations, I ask you which seems most likely to happen in our days, the dawn of that millennium, when

> The war drum shall throb no longer
> And the battle flag be furled,
> In the parliament of man,
> The federation of the world—

or, rather, that Armageddon battle of the last days when the hosts of evil shall concentrate all their wrath for one last and deadly battle with the hosts of light.

Therefore, Mr. Chairman, we are obliged to prepare to defend ourselves, if necessary, against the rest of mankind, whilst hoping and striving and waiting for the higher civilization of the millennial period. To-day, in Chili, they have a revolution which puts at stake the lives and the property of American citizens. We have a controversy with Great Britain as to our rights in Behring Sea, about which opinions may differ; but if our flag is insulted—if those who represent us, as the administrators of our Government for the time being, should declare American rights had been wantonly infringed or arrogantly denied in a resort to force, then on that question we are all Americans. Yet our honor and our rights are being defended by what? By the Pinta, a tugboat. And down in Chili to-day, where the British navy has been massed to protect the humblest subject of the British flag, the American citizen, with his property and his life at stake and a revolution surging around him, has nothing but a few old wooden boats with cast-iron guns to rely upon for his protection.

I have been told by gentlemen here that we should stop building a navy; and, if I understand aright my distinguished friend from Texas, he says we have reached a point where the expenditure is so large and the Navy so great that we should call a halt upon it. But what are the facts? In a list beginning with England and including France, Russia, Germany, Holland, Spain, Italy, Turkey, China, Sweden and Norway, and Austria, we do not come up to Austria. Austria has fifty-six modern vessels. Yet distinguished gentlemen on this floor have urged, and I have no doubt will again urge upon the House, that we are trying to compete with a great modern naval establishment.

England has three hundred and sixty-seven, or at this date nearer four hundred vessels, and almost every vessel on that list is a modern ship, armed with assembled guns, and with every provision which science can afford. When you speak of our forty-two vessels, most of them of an unarmored class, mere commerce-chasers, with our battle ships unbuilt, and then tell the American people that we have committed them to the policy of competing with Great Britain, are you stating the facts of the case? Sweden and Norway, little countries in the northwest corner of Europe, with vast tracts of their land to the far north frozen, have sixty-four modern ships, more than equal to the American Navy. Here is the official statement:

The effective force of the United States Navy, when all the ships now authorized are completed, excluding those which by the process of decay and the operation of law will by that date have been condemned, will comprise eleven armored vessels, of which only three are battle ships, and thirty-one unarmored vessels, making a total of forty-two.

The following statement shows the number of war vessels on the effective list of the principal foreign powers, built, building, or projected, at the present time, and exclusive of sailing and practice ships:

Country.	Armored.	Unarmored.	Total.
England	76	291	367
France	57	203	260
Russia	49	119	168
Germany	40	65	105
Holland	24	70	94
Spain	12	78	90
Italy	19	67	86
Turkey	15	66	81
China	7	66	73
Sweden and Norway	20	44	64
Austria	12	44	56

And the other day the London Times, in speaking of the controversy betweeen that country and ours, taunted us and said: "We have a navy which is in being; the Yankees have a navy which is on paper. If the Yankees want to fight with us, we will be charitable to them and send over the old ferryboats of the Thames River to meet such of the Yankee Navy as has really been built." This is substance, as I have not the excerpt at hand.

Pardon me for saying it, my friends, but we have a national fault: that of taking things for granted. Abroad people speak of "Yankee bluster;" they say we think we can do the impossible. We have really accomplished the seemingly impossible so often, especially during our own war, that we have become complacent and may be oversanguine.

Why, sir, a distinguished gentleman on this floor said to me this morning, "We can build a navy in thirty days." He said: "I was up there myself and saw the monitor built, and it only took three months." "Why," said I, "we can build a monitor now in twelve hours; we just make a mold and run the hot iron into it. But we do not build ships that way nowadays. That was a cast-iron ship." We do well now if we build a modern steel and armored, double-turreted monitor type of vessel in two or three years. I am myself a friend of the monitor type, and wish we had many of them.

Go down to the Washington navy yard and take an 8-inch or a 6-inch assembled gun, and with it you could make holes in those old cast-iron monitors as easy as shooting rifle balls through a roll of butter.

If we had any real naval conflict, such a vessel would be as useless as a stone and sling against a Springfield rifle.

A modern ship is the acme of science, the very high-water mark of modern ingenuity. Here is a picture [exhibiting a paper] of a cruiser which has been built lately in Philadelphia, which has no superior in the world. In the construction of that vessel every appliance of art and science known to mankind has been utilized. That ship is an object lesson, illustrating the forward march of mechanical ingenuity and science.

[Here the hammer fell.]

Mr. McADOO. I hope the gentleman from Maine will yield me a little more time.

Mr. BOUTELLE. I yield the gentleman five minutes more.

Mr. McADOO. I agree with gentlemen who say that it is a singular waste of human ability and skill that it should be put into a war ship. But, sir, we confront every day hard, painful facts confronting the ideals for which we strive, and toil, and hope, and pray. Whilst there is one bad man anywhere, war is a possibility always. The reformers who have undertaken to bring heaven down to earth by act of Congress have always left out of their theories the fact that all men are not good. When you make all men good, when you have a state of society in which every man is a God-fearing, righteous, just, true man, then you can erect any Utopia you want. But human nature has not changed. Telephones, telegraphs, steam, electricity, all the multitudes of inventions of modern times have not regenerated and made anew the wicked human heart of man, and until you do that war is always a possibility. The Patent Office has done much.

Now, before concluding I wish to say a word with reference to the type of ship provided in this bill. I have not approved these large ships; I do not approve of them. I believe that what we should do first of all is to defend the coasts and harbors of the United States. That is what the people are paying their money for, not for great ships to be commanded by admirals with epaulets and all the panoply and pageantry of display. Defend your harbors first. That great and good

man, Thomas Jefferson, whose wisdom has stood the test of time and experience, was right when he advocated one hundred gunboats which you could draw off and put under a shed like a farmer's wagon in time of peace, and put out in time of war to defend your harbors.

If I had had my will in the last Congress, I would not have provided for building those three great battle ships, useful and powerful as they will undoubtedly prove themselves. If I could not have both and must make immediate choice, I would have provided instead for building ten little vessels that could go in ten feet of water, with four great guns each. In time of peace we could box them up and they would scarcely need a watchman to take care of them; but in time of war they could defend our harbors. I criticised the policy of building these large ships because it seems to me like putting all the strength of your army on a picket line, putting a hundred giants on the picket line, with nothing for them to fall back upon.

I have refrained, and will now refrain, from trying to amend this bill as to the vessel provided for therein, because I am satisfied that the opponents of this measure, in the main, would not discuss types of ships, but really do not wish to build any more vessels or make any further substantial provision for coast defense. I wish I could amend the bill by providing two or three small monitor type of vessels in lieu of this cruiser, splendid as she will be in her class. In this view I think I am now joined substantially by the present very able and efficient Secretary of the Navy, Mr. Tracy. In his last report he says:

> The type of ship which the Department would suggest for purely local purposes is an enlarged Puritan, of light draught, not more than 14 to 16 feet, of moderate speed, and intended absolutely for smooth-water cruising, but with such armor and armament as to make it, at the same time, irresistible and invulnerable against any single assailant. Twenty inches of armor and eight 13-inch guns would fulfill the prescribed conditions. It is a serious question, however, whether greater advantages would not be gained by distributing the guns in two vessels instead of one; but, whichever plan is adopted, the general conditions of the problem remain the same.
>
> The ships would be intended exclusively for local purposes and would have a post and a station from which they would never be absent. While the battle ships are of the first importance to concentrate along the coast, or in the waters not far removed from it, wherever they may be needed, the continuous presence of a sufficient number of harbor-defense vessels would stay the entrance of an enemy until the battle ships could arrive. The type of harbor-defense ships described is less expensive than the sea-going ships, and it answers, as no other type can answer, the requirements of American harbors.
>
> Should such a line of construction be adopted, the vessels so built should be regarded as distinctively for local protection. The movement towards the creation of a naval militia, which has found expression in the legislation of four States—Massachusetts, Rhode Island, New York, and Pennsylvania—would receive additional strength and encouragement from the creation of this national force reserved for local purposes. The harbor-defense ship would become the rally point, the armory, the drill hall, the parade ground, and the naval school of those young men who have shown such spirit and earnestness in the organization of the naval militia. It should be their privilege to become the principal source of supply for the complement, both of officers and men, of their local ship, and the result would be an addition of incalculable strength to the naval resources of the country.
>
> If such a plan should be adopted it is reasonable to believe that Boston, New York, Philadelphia, Baltimore, New Orleans, San Francisco, and the cities on Puget Sound would become centers of naval strength instead of being, as they are to-day, conspicuous examples of maritime weakness, and inviting objects of maritime attack; while these local forces, organized in complete harmony with the spirit of American institutions, would be welded together and transfused with the spirit of naval discipline by the small but efficient standing force which the country will always maintain.
>
> In conclusion I would repeat here the proposition that was laid down at the opening of my report last year, that "the purpose for which the United States maintains a Navy is not conquest, but defense." The best guaranty of peace is a judicious expenditure for the Navy, such as will meet the necessities of the country. At the present time it has not such a force, nor will it have the force required even when all the ships now authorized are completed. The problem of naval construction has been simplified almost beyond belief in the last eight years. It only remains to add to the number of vessels of types already in existence.
>
> The price is not too high to pay if it affords the means whereby the United States, for the first time in many years, may be enabled to preserve and defend its rights. War is a great calamity, but it is not the greatest calamity that can befall a free, intelligent, and self-respecting people.
>
> B. F. TRACY, *Secretary of the Navy.*

Your big battle ship goes out beyond your harbor to engage the vessels of the enemy. She draws 25 feet of water and is perhaps worsted in the engagement. She can not return to her own harbor, and hence she is liable to capture; and, Mr. Chairman, I hold that you can only defend harbors by floating batteries, because land batteries never stopped a hostile fleet. They entered every harbor in Europe; they went up to and passed New Orleans in the late war, and they will do the same unto the end of time. The only way, therefore, I contend, that you can defend your harbors is by a fleet of floating batteries, which may be maneuvered like your battle ships, and I would first therefore have provided the proper defenses by building a large number of these floating batteries, and then, after we had properly defended our harbors and seacoast in that manner, proceed with the construction of larger ships.

Not that these being constructed will not be used or that they may not be utilized in possible entanglements with foreign nations which we can not avoid, because the great beehive of Europe must find an outlet somewhere for its surplus population. It is to-day following the old precedent set in ages gone by, robbing the helpless natives of Africa, carving up the unknown Dark Continent, casting lots for possession, to find an outlet for their people; and the other day a Spanish war vessel sailed out into the Pacific absolutely looking for some little island somewhere that the natives could not protect, for the purpose of claiming it. And so it goes on, the grand, gigantic, international land-grabbing trust of Europe holds together its combination for the purpose of stealing the lands of the helpless and dependent.

On both sides of us, upon our own borders, we have foreign populations, one speaking our own language, but not living under our flag; and we must take into consideration the possibilities that may come from their proximity. And, Mr. Speaker, when we strike down the drastic and barbarous declarations of war against commerce which we made during the last Congress, when we give greater freedom to our trade and enter into those commercial relations with South America which promise so much, we will need these ships and others to protect our commerce then growing on a wholesome, true, and natural basis, as well as defend our coast against foreign aggression.

If I had time I would like to touch more fully upon these questions——

The CHAIRMAN. The time of the gentleman has expired.

Mr. McADOO. I hope the gentleman will yield to me for a few moments longer.

Mr. BOUTELLE. I would be very much pleased to do so, but I have already yielded the balance of the time on the other side.

The CHAIRMAN. The gentleman has forty-three minutes of his time remaining.

Mr. BOUTELLE. I yield fifteen minutes to the gentleman from Illinois [Mr. ADAMS].

Mr. ADAMS. Mr. Chairman, ever since the Committee of the Whole was instituted as a permanent institution in our legislative system it has been considered proper on the passage of the annual appropriation bills to discuss in that part of the debate which is called "general debate" the policy of the Department of the Government for which the appropriations were made. But when we come to what is known as the five-minute debate on paragraphs and amendments I have always held that we ought to confine ourselves to a practical discussion of the provisions of the bill. This is my justification in asking the attention of the committee for a few moments now.

My purpose is to point out what I regard to be an erroneous position taken by the Secretary of the Navy in respect to his right as head of the Navy Department to accept a bid from a firm on the great northern lakes for the construction on the northern lakes of the hull and machinery of a vessel which is intended to be used as a part of the naval force of the United States.

The question arose on what is called the "practice ship" which we authorized last year or year before; and the Secretary refers in his annual report to the position which he took, and which I think is prejudicial to my constituents and the constituents of every gentleman who represents a lake district on this floor, in the following way: He first called for bids without limitation, except the limitation provided in the appropriation bill, and received only one bid. That was rejected because in his opinion the firm making the bid did not have the necessary plant. He thereupon readvertised, and on that readvertisement two bids were received: one from a Michigan firm and one from a firm on the seacoast.

The firm of F. W. Wheeler & Co., of West Bay City, Mich., offered to build the hull and machinery of the vessel for $245,000, and the firm of Samuel L. Moore, Sons & Co., of Elizabethport, N. J., agreed to build it for $250,000. The Michigan firm was therefore the lowest bidder by $5,000. He rejected the lower bid and gave it to the other firm, the only reason he alleged for the action being stated on page 8 of his report, in the following words:

> The firm of F. W. Wheeler & Co. were the lowest bidders, but the Department could not, under existing treaty stipulations, award a contract for the construction of a vessel of war upon the Great Lakes, and their proposal was therefore rejected.

That is all he says on the subject.

If the Secretary had said that this Michigan firm was not in possession of a proper plant, that would be a legitimate objection. If he had said that although they might build a vessel on the Lakes they could not deliver it to the United States Navy on tide water, that would be a legitimate objection. But when he merely puts it on the ground of the existence of treaty stipulations I think it is my duty and the duty of every other gentleman who is interested in shipbuilding on the Lakes to respectfully dissent from his conclusions.

I have not the slightest intention of criticising the Secretary personally. He undoubtedly received advice from some one. He may have received advice from the legal adviser of the Navy Department, or from the State Department, or from some other source. My position is that he was either ill advised or, if he was well advised, then a state of things exists which requires the attention of all Congressmen representing the Northwestern States.

Mr. CUTCHEON. Will my friend allow me?

Mr. ADAMS. Certainly.

Mr. CUTCHEON. Is the gentleman of the opinion that under the treaty of 1817 our Government could construct war ships upon the lakes beyond the limit of that treaty?

Mr. ADAMS. I am just coming to that, and the gentleman will get his answer in a few minutes. I do not know what treaty stipulations the Secretary refers to unless he refers to the so-called arrangement of 1817, to which my friend from Michigan alludes. That ar-

rangement was not a treaty in the strict sense of the term. It was not made by the Executive and the Senate. It was an arrangement. It is so styled in the Book of Treaties and Conventions, which I hold in my hand:

An arrangement between the United States and Great Britain, made by Richard Rush, esq., acting as Secretary of Department of State, and Charles Bagot, His Britannic Majesty's envoy extraordinary, etc., concluded April 28, 1817.

The naval force to be maintained upon the American lakes by His Majesty and the Government of the United States shall henceforth be confined to the following vessels on each side; that is:

On Lake Ontario, to one vessel not exceeding 100 tons burthen and armed with one 18-pound cannon.

On the upper lakes, to two vessels not exceeding like burthen each and armed with like force.

On the waters of Lake Champlain, to one vessel not exceeding like burthen and armed with like force.

All other armed vessels on these lakes shall be dismantled and no other vessel of war shall be there built or armed.

If either party should hereafter be desirous of annulling this stipulation and should give notice to that effect to the other, it shall cease to be binding after the expiration of six months from the date of such notice.

The naval force so to be limited shall be restricted to such services as will in no respect interfere with the proper duties of the armed vessels of the other party.

This arrangement has been adhered to, to a certain extent, for many years, but it has not been strictly complied with. The only ship of war that I am familiar with on the western lakes is the steamer Michigan. I am quite sure she has more than one gun, and, as for an 18-pound cannon, it is an obsolete instrument of war, and I doubt whether any of our ships of war on the Great Lakes are armed in that ancient and obsolete way.

The arrangement was simply an understanding between two Governments that neither party would maintain a substantial navy on the Great Lakes. During our civil war our Government, in consequence of actual and threatened raids from Canada, repeatedly increased our naval forces on the Great Lakes. The British Government protested, but our Government asserted that the necessities of the civil war required the increase, intimating at the same time that they did not intend to continue the policy of maintaining a navy on the Lakes. But in 1864–'65 that treaty was formally brought to an end by the Government of the United States giving the six months' notice mentioned as one of the stipulations of the treaty, and that action of the Government was ratified or approved by a formal vote of the House of Representatives, and, I think, of the Senate. I believe it was a joint resolution.

The war came to an end. Mr. Lincoln was assassinated. Mr. Johnson succeeded, and his Secretary of State entered into correspondence with the British minister as to whether the arrangement of 1817 should be maintained or not. Finally a letter passed from our Secretary of State addressed to the British minister, I think, intimating that that notice might be considered as withdrawn. The notice had been formally given by the State Department, formally ratified by the House of Representatives; and the renewal of the treaty, if it was renewed, was in this formal way.

But Great Britain and Canada were not satisfied with the situation even on the basis of a substantial renewal of the arrangement of 1817. They proceeded to change the situation by enlarging the locks of the Canadian canals so that there might be a navigable channel between the Canadian waters of the Great Lakes and the Atlantic Ocean.

In this way the condition of things on which the arrangement of 1817 was founded ceased to exist. The purpose of the arrangement was this. There being a great system of lakes there, to which the naval vessels of neither party could have access from the ocean, every vessel to be used there in time of war must be built there.

It was deemed wise to put the two parties on terms of perfect equality by providing that they should not build or arm ships of war on the Great Lakes. Immediately after the conclusion of the civil war, the Canadian or British Government as I have already stated proceeded to change the status by establishing a navigable channel between the Great Lakes and the Gulf of St. Lawrence. The Canadian canals were enlarged and their locks were lengthened.

These improvements are well under way and are so far completed that there is now a depth of nearly 14 feet of water, as I was informed within a year by an officer of the Navy Department, in all these canals; and I see by an article which I cut from the Washington Post this morning that the Great Lakes are to be accessible from the sea and are to be the field of a considerable ocean commerce between Great Britain and Chicago and other lake ports.

The statement which I cut from the paper is as follows:

FROM ENGLAND TO CHICAGO—THE ESTABLISHMENT PROPOSED OF ANOTHER LINE OF STEAMSHIPS.

DETROIT, MICH., *January* 22.

About two years ago a syndicate was formed in London whose object was to build and operate a line of steamships to run from some point in England to Chicago, bringing out freight and carrying dressed beef and dairy products back. Nothing was done at that time, owing to the fact that Canadian canals would not accommodate ships drawing 9 feet of water. Recently the shallowest canal has been so far improved as to afford a depth of a little over 9 feet, and the project is being pushed with a vigor which indicates that the salt-water ships may soon be steaming up and down the Great Lakes.

The agent of this syndicate is now on a visit to the different lake cities making contracts for freight by the new line and so far he has met with sufficient success to satisfy him that the undertaking will be a success. The capital stock of the company will be $5,000,000 and there will be ten steamships built to begin with. These steamships will cost from $125,000 to $150,000 each and will form a weekly line, with two ships running wild.

There is, I think, an inaccuracy in the newspaper statement which I have read. It states that the depth of the locks on the Canadian canals is to be 9 feet. I believe it is to be 14 feet.

So that now it is practicable to have a regular communication for commercial purposes between any point on the Great Lakes and Europe. So the situation of things is changed and the Great Lakes are accessible to Great Britain and are not accessible to us. Therefore I insist that even if that treaty is in existence it ought not to be.

Mr. HOLMAN. Will my friend excuse me? He says the Great Lakes are not accessible to us. Why not?

Mr. CUTCHEON. Because we have not the canals.

Mr. HOLMAN. I know, but we have the right to the use of the Canadian canals to the Gulf of St. Lawrence.

Mr. ADAMS. We have the right to go through the Canadian canals for commercial purposes.

Mr. HOLMAN. On the same terms as Canadian vessels.

Mr. CUTCHEON. But we could not use them for war ships.

Mr. ADAMS. But not for war ships; and I will show the gentleman the significance of my remarks by stating what I have been informed within a year by a naval officer that there are some twenty gunboats of the British navy that could go through all these canals and occupy the Northern Lakes.

Mr. HOLMAN. They would not be stopped, perhaps, until they reached the Detroit River.

Mr. ADAMS. No.

Mr. DOLLIVER. Do I understand that the deepening of the Welland Canal is claimed to do away with the treaty, if such a treaty exists?

Mr. ADAMS. No, sir; but it changes the situation of things so that whereas under that arrangement we were on an equal footing, neither we nor they having access to the lakes, we are not now on an equal footing, because we have not access and they have.

Mr. HOLMAN. But was not that notice you speak of withdrawn?

Mr. ADAMS. It was withdrawn in the manner I state, an informal withdrawal by the Secretary of State in President Johnson's Cabinet after it had been formally made and ratified by a formal vote of the House of Representatives and Senate.

But of course it is not a matter of great importance——

Mr. CUTCHEON. I desire to call the attention of the gentleman to the language here.

Mr. ADAMS. I would rather postpone this now, because I do not know how much of my fifteen minutes is left.

Mr. CUTCHEON. The question there of maintaining the force upon the lakes is the same as of constructing a vessel on the lakes——

Mr. ADAMS. That would bring me to the exact question I wished to discuss. Here was a firm, Wheeler & Co., of Michigan, who offered to build for naval purposes of the United States a steel practice vessel. It was not alleged that they did not have the necessary plant. It is not alleged that they were not a responsible firm. It was not alleged that they could not have transported that ship in some way to the seacoast and tendered it complete to the Government. In fact, what fell from the lips of the gentleman from Michigan [Mr. WHEELER] on this floor a few days ago, he being a member of that firm, shows how they might have complied with their contract.

Last year they built an ocean steamer of 2,500 or 3,000 registered tons, took it apart, as all steel steamers can be, by taking out certain rivets and putting in bulkheads, sent it through the Canadian canals, put it together and sent it into the coastwise trade of the United States. It is now there, and transported a few days ago the largest cargo of sugar, I am informed, ever carried between New Orleans and Philadelphia. I was informed by that gentleman that the cost of taking that vessel apart, sending it through the canals and putting it together again was only about 2 per cent. of the $250,000 which the hull and machinery cost.

Now, I think that that very clearly shows whether this company could have built that practice ship. That was undoubtedly the intention, and the inference is that Wheeler & Co. could have done so. I think the time will soon come, on account of the improved facilities that have been obtained in Chicago, when right there in Chicago an ocean steamer of 2,500 or 3,000 tons burden will be built more cheaply than it could be built at any other port on the lakes, and therefore the decision of the Secretary of the Navy is important as affecting not merely a single concern of West Bay City, Mich., but affecting the entire shipbuilding interests of the northern lakes. It is a great and growing industry.

If we can build any part of the new American Navy and deliver the vessels so built to the Government on tide water we ought to be allowed to do so. It is in the interest not merely of our shipbuilding industry on the lakes, but it is in the interest of the Navy itself that our shipyards should be allowed to compete with the shipyards of the seacoast.

We ought not to be barred out by the Secretary of the Navy because of the stipulations of the arrangement of 1817, which either does not exist at all or if it does exist does not apply to the hull and machin-

ery of a vessel built on the lakes to be used only on the seaboard, and, if it does apply to such a vessel or the parts of such a vessel, then it ought to be terminated on the shortest possible notice. But I have no idea that the Canadian authorities would have made any objection whatever to the shipment through the canals of the hull and machinery which Wheeler & Co. proposed to construct for the Government.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BREWER. I hope the gentleman from Illinois will be permitted to continue his remarks.

Mr. HOLMAN. I hope the gentleman's time may be extended.

Mr. ADAMS. I shall ask leave to extend my remarks in the RECORD.

Mr. BOUTELLE. I would be greatly pleased to extend the time of the gentleman from Illinois, and yield time to other gentlemen if it were feasible; but the time is slipping away very fast. And, further, in view of the fact that the members of the committee have so fully refrained from occupying the time of the House, I think I am justified in asking that we now consider general debate closed.

Mr. KERR, of Iowa. Mr. Chairman, I believe there is some time left for general debate. The time has not been exhausted, and I would like to hear further from the gentleman from Illinois.

Mr. BOUTELLE. Mr. Chairman, I understand there is a remainder of time for the consideration of the bill and that I am to control it in behalf of the committee. We have no desire for further debate, and I ask that the bill be now read by paragraphs.

Mr. KERR, of Iowa. I make the point of order that while the gentleman has control of the time he has no right to give up the time to prevent discussion and that he can not do it.

Mr. BOUTELLE. Why, Mr. Chairman, I asked unanimous consent that gentlemen may extend their remarks in the RECORD.

Mr. KERR, of Iowa. That is not the point.

The CHAIRMAN. Is there objection to the request of the gentleman from Maine that gentlemen may extend their remarks in the RECORD?

Mr. KERR, of Iowa. I object to that.

Mr. BOUTELLE. I ask that the Clerk may proceed with the reading of the bill by paragraphs for amendment.

Mr. KERR, of Iowa. I make the point of order, Mr. Chairman, that the gentleman has no right to make that motion.

The CHAIRMAN. The Chair will recognize the gentleman from Iowa if he desires to address the committee.

Mr. KERR, of Iowa. I yield my time to the gentleman from Illinois [Mr. ADAMS].

Mr. BOUTELLE. Mr. Chairman, I do not want to yield the floor.

The CHAIRMAN. The gentleman can not yield to another gentleman, and the Chair understands the gentleman from Maine has control of the time.

Mr. BOUTELLE. I have not yielded to the gentleman from Iowa.

The CHAIRMAN. The present occupant of the chair was not in the chair part of the time.

Mr. BOUTELLE. If the chairman of the committee in charge of the bill can be permitted to address the Chair a moment——

The CHAIRMAN. The gentleman from Maine.

Mr. BOUTELLE. I would like to ask, Mr. Chairman——

Mr. KERR, of Iowa. Mr. Chairman——

The CHAIRMAN. The gentleman from Maine is recognized.

Mr. KERR, of Iowa. The Chair recognized me.

The CHAIRMAN. The gentleman from Iowa yielded his time to the gentleman from Illinois. The Chair holds that the gentleman can not do that. The gentleman from Maine has the floor.

Mr. BOUTELLE. Mr. Chairman, I hold the floor.

Mr. KERR, of Iowa. I respectfully appeal from the decision of the Chair in holding that I can not yield that time.

Mr. KELLEY (to Mr. KERR). You can take it back and use it yourself.

Mr. KERR, of Iowa. And if I can not yield it, I can use it myself; and I claim the right to use it.

Mr. BOUTELLE. Mr. Chairman——

Mr. KERR, of Iowa. If the Chair holds otherwise I shall respectfully appeal——

The CHAIRMAN. There is no difficulty about the matter at all. There are twenty-eight minutes remaining for general debate by those in favor of the bill. If no gentleman claims the floor——

Mr. BOUTELLE. I claim the floor, to control the time.

The CHAIRMAN. The gentleman from Maine claims the floor, and the Chair respects his claim as chairman of the committee.

Mr. BOUTELLE. I desire to say, Mr. Chairman, in regard to this matter, that the understanding arrived at in the House——

Mr. KERR, of Iowa. Mr. Chairman, I make the point of order that the gentleman can not claim the right to occupy the floor for the discussion of the bill and then discuss the point of order. The time set apart was for the discussion of the bill.

Mr. BOUTELLE. I trust the Chair will be able to obtain order in the committee. [Laughter.] Mr. Chairman, the arrangement made in the House for general debate before we went into Committee of the Whole to consider this bill——

Mr. KERR, of Iowa. Mr. Chairman, I make the point of order that the gentleman has no right to consume the time of this committee in discussing a question that is not before the committee. [Laughter.]

Mr. BOUTELLE. Mr. Chairman, I trust that the Chair will protect me in my position on the floor.

Mr. KERR, of Iowa. If you discuss the bill no objection will be made. Or else allow somebody else to discuss it.

Mr. BOUTELLE. Mr. Chairman, as I said before, it was arranged in the House before we went into Committee of the Whole that general debate should continue for four hours——

Mr. KERR, of Iowa. I insist upon the point of order, Mr. Chairman.

Mr. BOUTELLE. A desire was expressed by gentlemen on the other side of the House that two hours and a half might be granted to them for general debate, whereupon I proposed that four hours should be fixed by the House for general debate, of which two and a half hours should be yielded to gentlemen on the other side, to be controlled by the gentleman from Alabama, my colleague on the committee [Mr. HERBERT], the remainder of the time to be controlled by myself.

Mr. KERR, of Iowa. Mr. Chairman, I make the point of order——

Mr. BOUTELLE. I occupied some twenty minutes of my time and reserved the remainder.

Mr. KERR, of Iowa. Mr. Chairman, I make the point of order that the gentleman is not confining himself to the question before the committee.

Mr. BOUTELLE. I trust I shall not be interrupted.

The CHAIRMAN. The gentleman from Maine has twenty-eight minutes remaining.

Mr. KERR, of Iowa. But not to discuss a point of order.

The CHAIRMAN. The Chair can not direct the course of the gentleman's discussion.

Mr. BOUTELLE. Well, Mr. Chairman, in the interest of orderly procedure, I ask the Chair to rule once for all whether I am entitled to the floor and entitled to be protected against this disorder.

The CHAIRMAN. The gentleman from Maine [Mr. BOUTELLE] has the floor and will proceed.

Mr. BOUTELLE. Then I ask that the gentleman from Iowa [Mr. KERR] be respectfully requested to resume his seat. [Laughter.]

Mr. KERR, of Iowa. Mr. Chairman, before I resume my seat, I ask a ruling of the Chair upon the point of order as to whether the gentleman from Maine, in view of the opinion of the Chair that so many minutes were remaining for the discussion of the bill, has the right to consume the time set apart for that purpose in discussing a question of order. [Laughter.]

The CHAIRMAN. The Chair ruled upon that question that there were twenty-eight minutes left for general debate, that the gentleman from Maine was recognized, and that the Chair could not direct the course of the gentleman's remarks. The gentleman from Maine has the floor.

Mr. BOUTELLE. Mr. Chairman, my simple purpose was to state that the time allotted to me, only twenty-two minutes of which was consumed by myself, had been given to members of the committee on this side of the House if they should desire to employ it; but, as my colleagues on the committee were more anxious to proceed with the consideration of this bill than to occupy the time in addressing the committee, I supposed it was entirely competent for me to state that there was no desire on their part to use the remainder of the time, so that we could proceed with the consideration of the bill under the five-minute rule.

But if the Chair holds that under the arrangement made by the House the committee is precluded from dispensing with the flow of oratory and that we must have the entire time which was allotted for general debate occupied in general debate, why, then, of course, I must redeem the obligations which I have incurred to members of my committee and give the time to them. I want it distinctly understood that while the committee would be glad at this time to proceed with the consideration of the bill under the five-minute rule, yet if the Chair holds that the time must be consumed in general debate, and I understand that the Chair does so hold——

The CHAIRMAN. The Chair so holds if any gentleman on the side to which the time belongs desires to occupy it. Otherwise the order of the House would be nugatory.

Mr. BOUTELLE. Then I will yield ten minutes to my colleague from Iowa [Mr. DOLLIVER].

Mr. DOLLIVER. I do not care to address the committee at this time.

Mr. BOUTELLE. Then, Mr. Chairman, if my colleague from Iowa has changed his mind I yield to the gentleman from Massachusetts [Mr. LODGE].

Mr. LODGE. How much time have I, Mr. Chairman?

The CHAIRMAN. There are fifteen minutes remaining

Mr. LODGE. Mr. Chairman——

Mr. GROSVENOR. I would like to make a parliamentary inquiry. I understood the chairman of the Naval Committee to congratulate the House on the fact that the members of the committee had not used any of the time in discussing the naval bill. I would like to know how it

happened that the House having under consideration the so-called subsidy bill, and I having thirty-five minutes of my time remaining, the floor has been taken away from me by certain gentlemen and the subsidy bill discussed while I have been excluded from the floor. [Laughter.]

The CHAIRMAN. The gentleman from Massachusetts will proceed.

Mr. KERR, of Iowa. Before the gentleman proceeds, I wish to make the point of order that no resolution ought to pass, and it is not legitimate that any resolution should pass the House, providing for the consideration of a bill with time so apportioned between the two sides that no one in fact opposed to the bill can be heard at all, as has been the fact in this instance.

The CHAIRMAN. The Chair understood that the time of gentlemen on the left of the Chair was by agreement to be under the control of the chairman of the Committee on Naval Affairs.

Mr. BOUTELLE. The time was assigned under the order of the House.

Mr. HOPKINS. I trust the chairman of the Naval Committee will allow some gentleman opposed to the bill to discuss it a little. Members of the House who are not on the committee would like to listen to some criticisms upon the bill.

Mr. ALLEN, of Michigan. I rise to a preliminary inquiry. After the gentleman from Massachusetts [Mr. LODGE] shall have spoken fifteen minutes, how much of the time will be left under the order for general debate?

The CHAIRMAN. None.

Mr. ALLEN, of Michigan. Where in the world have the twenty-eight minutes gone? I was going to ask unanimous consent that the gentleman from Iowa [Mr. KERR] have the remaining part of the time.

The CHAIRMAN. Does the gentleman from Massachusetts yield?

Mr. BOUTELLE. I yielded only to the gentleman from Massachusetts.

Mr. LODGE. Mr. Chairman, the gentleman from Texas [Mr. SAYERS], in a speech which, if I understood it, was a criticism of this measure, took the broad ground that we have now enough ships in the American Navy and that he is opposed to even the single cruiser for which an appropriation is authorized in this bill. It seems to me, Mr. Chairman, that the objection to this bill and the just criticism is in the utter insufficiency of its authorization of ships. There seems to be an idea in regard to the Navy that every dollar spent upon it is money wasted.

To my thinking there is no subject of appropriation before Congress which is of more direct benefit as an assurance of the prosperity and safety of the people of the United States than proper expenditures for the Navy and for harbor and coast defense. It is all very well to say that we are not likely to become involved in war. It is true that every thinking man would deplore a great war with another nation; yet no one can tell at what moment we may be precipitated into such a struggle. It is not many years since we had a difficulty with Spain which might easily have grown into a conflict. A still shorter time ago we were on the verge of trouble with Germany.

When France was building the canal across the Isthmus it looked as if we might be called upon to enforce the "Monroe doctrine" as we understand it, and protect that great artery of commerce. Such questions as these may arise at any moment. There is never a day when we may not be compelled to fight in behalf of the honor, the interests, or the safety of the people of the United States.

At this very time we have unsettled questions with Great Britain. No one who has followed those questions and observed them can doubt for one moment that they hang to-day unsettled by the last Administration and by this Administration because Great Britain knows that the great ports of the United States, the great seaboard cities with their millions of wealth and inhabitants, lie absolutely at the mercy of her cruisers.

Great Britain knows that fact well, and that is why we reach no settlement with her. If we had our ports defended and a powerful fleet these questions would not remain unsettled for three months. It is because England understands that the loss which threatens us in the case of sudden war is so great that they believe that any party and any Administration would hesitate long to take ground which might lead to hostilities. It is easy to presume too far on this belief, and in defense of national rights and honor the American people, I am glad to say, would be ready to fight, no matter what the first cost might be.

At the same time, although we feel no doubt of the ultimate result of a struggle with any nation that may attack us, and although we fear no nation on earth, there is no use in disguising facts. It is a good deal better to spend a few millions now instead of many millions after war has begun.

There can be no doubt in any one's mind that the American people are as brave a people as live. There can be no doubt that with our great resources and our vast population we can face fearlessly any nation on earth. But we can not fight successfully at the outset of a struggle if we have neither forts nor ships nor guns. We ought to have such provision, not for the sake of precipitating war, but for the sake of assuring and maintaining honorable peace. The attitude of England to-day, unless it is greatly misrepresented, the attitude of the present Tory Government and of a portion at least of the Tory party, indicates a readiness to have a conflict precipitated with the United States.

I trust that no war will arise out of the questions now pending, which are neither important enough nor of a nature to produce war between the United States and England. None the less, the great temptation to hostilities exists. So is the temptation of a nation armed at all points to adopt an attitude beyond endurance with regard to another, when it sees that other nation weak in ships, weak in forts, weak in guns, unable to meet the first shock of war. As I have said, it is very easy to presume too far upon this state of things and upon the desire of the United States to be at peace with all the world. But the hard facts remain and human nature is human nature always.

It is, therefore, well never to forget the old maxim of preparing for war in time of peace, because in that way peace is best assured. We have no foe who can attack us on land. We need no army more powerful than that we now have. If war should come it would be upon the sea that we must fight and by sea that we should be attacked. Naval power, as every one knows who has studied history, has had, from the days of Hannibal, more to do with determining the fate of nations than almost anything else. We are prone to overlook and neglect it, but when we do we are blind to all the teachings of the past both in our own history and that of other nations.

When we went into the war of 1812, we went in with the same boundless confidence which we now feel when the possibility of war is suggested. We met with disaster simply because we were totally unprepared. The first victories we gained were those won by the few ships we then had afloat; and to-day if we want to make our negotiations and diplomacy successful, if we want to have them worthy of the American name and of American honor, we must see to it that we have the means of defense to back us up.

All of the new ships that thus far have been appropriated for are but trifling in numbers and force as compared with the great navies of the world. It is true that we are not a nation devoted to conquest, or annexation; but any one who watches the course of events must see that Great Britain is fortifying her posts all around this country, for bases of supply; that in the last two or three years she has been building up the fortifications at Santa Lucia, that she is building up her fortifications all around our borders, and that she is drawing about this country a cordon of forts and bases of supply for a navy manifestly for use in case of war.

It is well for us, then, to consider that the moment may come at any time in the affairs of a nation when in a burst of national anger war would be precipitated. Nations enter into war as men enter into quarrels, often on the slightest pretext. It is possible "greatly to find quarrel in a straw when honor 's at the stake;" and if you touch the honor of the American people they are as likely to go to war, although the mission of the great democracy is peace, as any other nation of the world. They would be a poor-spirited people indeed if they were not quick to defend their honor against the slightest touch; and I say to you, Mr. Chairman, that the naval bill, with proper appropriations for the Navy, is an expense more justifiable and more desirable than almost any other expenditure upon which Congress enters.

We expend $20,000,000 annually for rivers and harbors; we expend millions for public buildings and for all expenses of Government in every direction, and yet members of this House undertake to grumble and find fault because we authorize the paltry appropriation of $3,000,000 to build a cruiser. If war should come on this country the absence of a navy would cost us more millions than any navy that we could ever think of building.

There is nothing to my mind that appeals more broadly to the patriotic sentiment of all Americans than a proper protection of our coasts, reaching all along the Atlantic, around the Gulf, upon the lakes, and up the great west coast of the Pacific. This is a matter, Mr. Chairman, it seems to me, where all political parties should be a unit and where all diversity of feelings or of sentiment should cease. It is a question of the well-being, of the honor, and of the protection of the country itself.

I shall vote for this bill. I believe that it is a reasonable and proper bill in all of its provisions. But I end as I began, with this criticism, that it does not go nearly far enough. If war should come, the people of the United States would never forgive those of their Representatives who left them, by a short-sighted economy, exposed to insult and disaster. If this Congress does not do enough in this direction, it will come upon succeeding Congresses, no matter what party is in control. I believe that the American people are determined that their coasts shall be protected, their cities not subjected to insult, and that when we enter into diplomacy we shall not always have hanging over us the threat that New York, Boston, Philadelphia, San Francisco, New Orleans, and our other seaport cities may be put to a shameful ransom because we want the courage and the generosity and the foresight in a time of profound peace and ample revenue to appropriate five, ten, or even twenty million dollars to provide an American Navy fit to protect the honor of the country and the safety of its people. [Applause.]

Mr. BOUTELLE. How much time is remaining?

The CHAIRMAN. Three minutes.

Mr. BOUTELLE. I will occupy the three minutes, Mr. Chairman, simply by making an observation that this naval appropriation bill is solely a bill to provide means to meet the obligations of the United States Government. It is not a prospective bill. It is not a bill launching out into great enterprises in the future. It makes provision for the payment of money pledged by the Government upon contracts entered into and work in progress in the navy yards; and either this Congress will appropriate the money or the next will have to do it or repudiate the obligations of the Government.

There has been no disposition on the part of the committee to attempt any shifting of responsibility, no purpose of evading the just obligations devolving upon us of providing for the future. The fact that the political control of this body is to pass into the hands of our opponents next year has had no effect whatever upon our committee in dealing with this, the greatest obligation which rests upon us. And, while this appropriation is larger than usual, as has been adverted to, the reasons are stated, and the committee have felt it their duty to report to the House for appropriation every dollar that the country is honorably and legally bound to expend for the purposes specified in the bill during the fiscal year ending June 30, 1892.

The CHAIRMAN. The time for general debate has expired. The Clerk will read the bill by paragraphs.

The Clerk read as follows:

For the pay of officers on sea duty; officers on shore and other duty; officers on waiting orders; officers on the retired list; admiral's secretary; clerks to commandants of yards and stations; clerks to paymasters at yards and stations; general storekeepers; receiving ships and other vessels; extra pay to men reenlisting under honorable discharge; pay of petty officers, seamen, landsmen, and boys, including men in the engineers' force and for the Coast Survey Service and Fish Commission, 7,500 men and 750 boys at the pay prescribed by law; in all, $7,300,000.

Mr. SAYERS. I move the following amendment, which I send to the Clerk's desk, to come in at the end of line 8, page 2.

The Clerk read as follows:

By Mr. SAYERS: Add the following after the word "dollars," on line 8, page 2: "And the Secretary of the Navy is hereby directed to incorporate in the next annual report a statement showing the name and tonnage of each vessel that has been completed since March 4, 1885, when authorized to be built, when begun, and when commissioned, its entire cost of construction, including armor and armament and its cost for repairs since completion, and also a statement showing the name and tonnage of each vessel not completed, when authorized to be built, when begun, the probable date of its completion, including armor and armament, and the estimated amount required for its completion, including armor and armament."

Mr. BOUTELLE. I understand the purpose of the gentleman from Texas, and have no objection to the amendment. I would prefer, however, with his assent, that that shall come in as a separate amendment in another part of the bill, where we have paragraphs of a more general character. This portion relates to the pay of the Navy, and I would prefer to keep the old forms intact. I will yield to the gentleman for the submission of his amendment hereafter.

Mr. SAYERS. Mr. Chairman, I have no objection to complying with the gentleman's suggestion, and I hope the amendment will lie on the table, to be considered when we reach the proper place.

Mr. BOUTELLE. I will say that I will confer with the gentleman from Texas privately as to the place where this should come in.

Mr. KERR, of Iowa. I move to strike out the section.

Mr. Chairman, it has been said by the gentleman who has just taken his seat [Mr. MCADOO] that this Government ought to be prepared to defend itself and that we ought to have a navy. I find in a declaration made in the Democratic platform in 1884, on which our Democratic friends came into power, that one of the accusations against the Republican party was that they had expended hundreds of millions of dollars in the creation of a navy that did not exist. Their statements went to the extent in some cases of saying that we had expended since the close of the war and up to 1884 the sum of $400,000,000 for a navy that at the time was absolutely worthless.

Mr. BLAND. All of which was true.

Mr. KERR, of Iowa. I do not know whether that was true or not. It was, perhaps, in the main true, for the changes constantly going on in naval warfare make almost all ships in this age experimental, and newer and better ones are constantly taking their place, the expense to the Treasury constantly going on.

Mr. TUCKER. In the main true?

Mr. KERR, of Iowa. I do not say that the amount was as stated, but that the fact that the Navy was practically worthless was decidedly true.

Now, our Democratic friends ought to have pursued a different policy. They ought not to have expended so much money in the building of a navy as, according to the complaint made in the platform, had been done previously. But I find that they did not change the policy. In 1885 there was only $1,885,000 which they had expended on our Navy. In 1886 it went up to nearly $4,000,000. In 1887 our Democratic friends spent $11,048,000 in a single year in the construction of a navy. The amount was $5,760,000 in 1888 and in 1889 $6,745,000. Forty-one million dollars in a few years for big ships alone.

Now, Mr. Chairman, I hold that it is now a very serious question whether every dollar of that money as a means of national defense is not absolutely wasted. I know that it is claimed by men who have studied the subject that the science of military engineering has proceeded to such perfection that ballooning in warfare can be so used that big ships for the coast defenses of the United States would be absolutely worthless as against an engineering force on the other side in the use of balloons and dynamite bombs, and that measures for the protection of our coast of similar character, involving only a few hundred thousand dollars, would be more efficient as a means of protection by means of which the largest ships could be sunk. But however valuable the present defenses may now appear, the fact is that in a few years they may become worthless; and the true policy is to secure by proper encouragement the elements of a navy, and then if the emergency should arise we can soon construct a navy.

Mr. CUTCHEON. Can the gentleman cite a case where a balloon has been used for the destruction of coast defenses?

Mr. KERR, of Iowa. The gentleman must remember that the science of war has greatly progressed since we have had any practical experience in that direction.

The CHAIRMAN. Does the gentleman desire a vote on his amendment striking out the paragraph?

Mr. KERR, of Iowa. I suppose it would be useless to call for a vote and would be a waste of time, and therefore I will withdraw it.

Mr. BLAND. Mr. Chairman——

The CHAIRMAN. There is no amendment pending.

Mr. BOUTELLE. If the gentleman from Missouri will give his attention, it is now seven minutes to 5, and I understand the Committee on Invalid Pensions have no desire for a meeting this evening.

Mr. BLAND. Does the gentleman propose to move that the committee do now rise? If so, I will yield to him.

Mr. BOUTELLE. I move that the committee do now rise. I do so for the purpose of allowing the House to dispose of the evening session.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BURROWS, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill (H. R. 12872) making appropriations for the naval service for the fiscal year ending June 30, 1892, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced the return, in accordance with the request of the House, of the bill (S. 828) for the relief of Sarah E. E. Perine, widow and administratrix of William Perine, deceased.

ORDER OF BUSINESS.

Mr. MORRILL. Mr. Speaker, I am instructed by the Committee on Invalid Pensions to request unanimous consent that the rule for Friday evening sessions may be vacated so far as the session for this evening is concerned.

The SPEAKER. Is there objection?

Mr. BLAND. Unless it is understood that we adjourn at 5 o'clock——

Mr. BOUTELLE. I am going to move that the House adjourn.

The SPEAKER. Adjournment is sufficient any way.

Mr. BOUTELLE. I move that the House do now adjourn.

Mr. WALKER. I ask unanimous consent to discharge the committee——

The SPEAKER. Does the gentleman from Kansas yield?

Mr. MORRILL. I do not yield. I make the request for unanimous consent that the evening session be dispensed with for this evening.

The SPEAKER. The gentleman from Kansas [Mr. MORRILL], chairman of the Committee on Invalid Pensions, asks unanimous consent that the rule whereby an evening session is required this evening be vacated, for this evening only.

Mr. OWENS, of Ohio. I object.

Mr. BOUTELLE. I move that the House do now adjourn.

The SPEAKER. Pending that, the Chair will lay before the House, if there be no objection, the following requests of members.

The Clerk read as follows:

REPORT OF THE SELECT COMMITTEE ON THE WORLD'S FAIR.

Mr. CANDLER, of Massachusetts, chairman of the Select Committee on the World's Fair, asks unanimous consent for the passage of the following resolution:

"*Resolved*, That 2,000 additional copies of Report No. 3500 be printed for the use of the Select Committee on the World's Fair."

FRENCH SPOLIATIONS CLAIMS.

Mr. COGSWELL asks that a reprint may be made of Mr. MANSUR's report (No. 558) of the last session on findings of the Court of Claims in certain cases known as the French spoliation claims.

WITHDRAWAL OF A BILL.

Mr. LEE asks leave to withdraw from the files of the House, without leaving copies, the bill (H. R. 11601) and accompanying papers.

LEAVE OF ABSENCE.

Mr. PINDAR asks leave of absence indefinitely, on account of sickness in his family.

The SPEAKER. Without objection these several requests will be considered as granted.

Mr. KERR, of Iowa. Mr. Speaker, that report on the French spoliation claims is very lengthy, and I do not think we ought to incur any additional expense on account of it. Therefore, I object.

The SPEAKER. Objection is made to the reprint of that report. Is there objection to any of the other requests? [After a pause.] The Chair hears none, and the requests are granted.

The motion of Mr. BOUTELLE was then agreed to; and accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned.

EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

EMPLOYÉS OF THE WAR DEPARTMENT.

Letter from the Secretary of War, transmitting a list of the employés of the War Department from December 1, 1889, to November 30, 1890, and the sums paid to each employé; also a copy of a letter from the Secretary of War to the Secretary of the Treasury on the efficiency of the employés of the War Department—to the Committee on Appropriations.

CLERKS AND MESSENGERS FOR THE INSPECTOR GENERAL'S OFFICE.

Letter from the Secretary of War, transmitting a letter from the Inspector General of the Army in reference to the employment of additional clerks and messengers—to the Committee on Appropriations.

BERWICK'S BAY, LOUISIANA.

Letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a report of the examination and survey of Berwick's Bay, Louisiana—to the Committee on Rivers and Harbors.

HARBOR LINES AT PORTAGE LAKE, MICHIGAN.

Letter from the Secretary of War, transmitting a copy of a report upon the question of the establishment of harbor lines at Portage Lake, Michigan—to the Committee on Rivers and Harbors.

EFFICIENCY OF THE WAR DEPARTMENT EMPLOYÉS.

Letter from the Secretary of the Treasury, transmitting a communication from the Secretary of War relating to the standard of efficiency of the employés of the War Department—to the Committee on Appropriations.

UNITED STATES PENITENTIARY IN UTAH.

Letter from the Secretary of the Treasury, transmitting a copy of a letter from the Attorney-General in relation to an appropriation of $2,500 for the erection of shops at the United States penitentiary at Utah—to the Committee on Appropriations.

MEMORIALS AND RESOLUTIONS OF STATE LEGISLATURES.

Under clause 3 of Rule XXII, the following resolution of the Legislature of the State of New York was introduced and referred as follows:

By Mr. STAHLNECKER: Concurrent resolution of the Legislature of New York State, relative to the improvement of Hudson River—to the Committee on Rivers and Harbors.

RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolution was introduced and referred as follows:

By Mr. COLEMAN:

Resolved, That a committee of three members of the House of Representatives be appointed by the Speaker to consider and report as to the advisability of provision being made for the payment of valid claims of American citizens in connection with the Nicaragua Canal scheme, either by the Government of the United States or Nicaragua, or both;

to the Committee on Rules.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. TAYLOR, of Tennessee, from the Committee on Invalid Pensions, reported with amendment the bill of the House (H. R. 4033) for relief of Mrs. Agnes Findley Halsey, who served as nurse in the late war under the name of Miss Agnes Findley, accompanied by a report (No. 3548)—to the Committee of the Whole House.

Mr. YODER, from the Committee on Invalid Pensions, reported favorably the bill of the House (H. R. 12757) granting a pension to Mary S. Day, accompanied by a report (No. 3549)—to the Committee of the Whole House.

Mr. MARTIN, of Indiana, from the Committee on Invalid Pensions, reported with amendment the following bills of the House, which were severally referred to the Committee of the Whole House:

A bill (H. R. 11215) granting a pension to Joel A. Holdren. (Report No. 3550.)

A bill (H. R. 12902) to increase the pension of George Whitacre, of Huntington, Ind. (Report No. 3551.)

Mr. SNIDER, from the Committee on Military Affairs, reported favorably the bill of the House (H. R. 9430) to remove the charge of desertion against George W. Hayner, accompanied by a report (No. 3552)—to the Committee of the Whole House.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported favorably the bill of the House (H. R. 13236) for the relief of Hugh M. Henson, accompanied by a report (No. 3553)—to the Committee of the Whole House.

Mr. BELKNAP, from the Committee on Invalid Pensions, reported favorably the bill of the House (H. R. 13295) granting a pension to Caroline A. Burghardt, an army nurse, accompanied by a report (No. 3554)—to the Committee of the Whole House.

Mr. ATKINSON, of Pennsylvania, from the Committee on the District of Columbia, reported with amendment the bill of the House (H. R. 13247) to amend the charter of the Georgetown and Tennallytown Railway Company of the District of Columbia, accompanied by a report (No. 3555)—to the House Calendar.

Mr. POST, from the Committee on Public Buildings and Grounds, reported favorably the bill of the House (H. R. 12443) to provide for the erection of a Government building at Chicago, Ill., accompanied by a report (No. 3556)—to the Committee of the Whole House on the state of the Union.

Mr. LIND, from the Committee on Commerce, reported with amendment the bill of the House (H. R. 13055) to amend an act entitled "An act for the construction of a bridge at South St. Paul, Minn.," accompanied by a report (No. 3557)—to the House Calendar.

Mr. NORTON, from the Committee on Pensions, reported favorably the bill of the House (H. R. 12051) for the relief of Margaret Hitt, of Lincoln County, Missouri, accompanied by a report (No. 3558)—to the Committee of the Whole House.

Mr. MANSUR, from the Committee on Claims, reported favorably the bill of the Senate (S. 2310) for the relief of M. A. Fulton, Silas Staples, and the other sureties upon the official bond of James B. Reymert, executed to the United States on the 7th February, 1860, as receiver of public moneys, accompanied by a report (No. 3559)—to the Committee of the Whole House.

Mr. TURNER, of Georgia, from the Committee on Commerce, reported favorably the bill of the House (H. R. 13131) to authorize the Norfolk and Western Railroad Company to bridge the Tug Fork of the Big Sandy River at certain points where the same forms the boundary line between the States of West Virginia and Kentucky, accompanied by a report (No. 3560)—to the House Calendar.

Mr. ATKINSON, of Pennsylvania, from the Committee on the District of Columbia, reported with amendment the bill of the House (H. R. 11929) to protect the lives of travelers and employés on railroads and the property of railroad companies in the District of Columbia, accompanied by a report (No. 3561)—to the House Calendar.

Mr. BELKNAP, from the Committee on Invalid Pensions, reported favorably the bill of the House (H. R. 13298) granting a pension to Florence Petigrew Lithgrow, an army nurse, accompanied by a report (No. 3562)—to the Committee of the Whole House.

Mr. GROUT, from the Committee on the District of Columbia, reported with amendment the bill of the House (H. R. 13266) to provide for the payment of bonds of the District of Columbia falling due July 1, 1891, and July 1 and 26, 1892, accompanied by a report (No. 3563)—to the Committee of the Whole House on the state of the Union.

Mr. BELKNAP, from the Committee on Invalid Pensions, reported favorably the bill of the House (H. R. 13297) granting a pension to Martha A. Wood Furgeson, an army nurse, accompanied by a report (No. 3564)—to the Committee of the Whole House.

Mr. HILL, from the Committee on Pensions, reported with amendment the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 11349) to grant a pension to Nancy F. Glenn. (Report No. 3565.)

A bill (H. R. 12009) to grant a pension to Martha Tennery, widow of James H. Tennery, of Captain Griffin's company, First Illinois, Black Hawk war. (Report No. 3566.)

A bill (H. R. 12550) to grant a pension to Robert Moore, of Kirkwood, Ill. (Report No. 3567.)

A bill (H. R. 12581) to increase the pension of Joseph Mason, of Dallas City, Ill. (Report No. 3568.)

Mr. SMYSER, from the Committee on Pensions, reported favorably the following bills; which were severally referred to the Committee of the Whole House:

A bill (H. R. 9576) to increase the pension of Mrs. Mary Jane Mallory. (Report No. 3569.)

A bill (H. R. 3258) granting a pension to Hannah Crimmins. (Report No. 3570.)

A bill (S. 2586) granting a pension to Andrew J. Elliott. (Report No. 3571.)

A bill (S. 4016) granting a pension to Frank C. Myrick. (Report No. 3572.)

A bill (S. 4045) granting a pension to John Farrell. (Report No. 3573.)

A bill (S. 4697) to pension Charles W. Geddes for services rendered in the war with Mexico. (Report No. 3574.)

A bill (S. 337) granting a pension to Levi Donley. (Report No. 3575.)

A bill (S. 4487) granting a pension to John W. West. (Report No. 3576.)

A bill (S. 4299) granting a pension to Nathan C. Moore. (Report No. 3577.)

Mr. SMYSER also, from the Committee on Pensions, reported with amendment the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 11461) granting an increase of pension to Washington M. Rice. (Report No. 3578.)

A bill (H. R. 4906) granting a pension to William C. Young. (Report No. 3579.)

A bill (H. R. 10611) granting a pension to Mary Ellis. (Report No. 3580.)

Mr. PARRETT, from the Committee on Pensions, reported with amendment the bill of the House (H. R. 10483) granting a pension to Marcellus A. Stovall, accompanied by a report (No. 3581)—to the Committee of the Whole House.

Mr. NORTON, from the Committee on Pensions, reported with amendment the bill of the House (H. R. 11926) granting a pension to Ira A. Stout, accompanied by a report (No. 3582)—to the Committee of the Whole House.

Mr. BARWIG, from the Committee on Pensions, reported with amendment the bill of the House (H. R. 9876) granting a pension to Mrs. Agnes B. Collins, accompanied by a report (No. 3583)—to the Committee of the Whole House.

Mr. PERKINS, from the Committee on Indian Affairs, reported with amendment the bill of the House (H. R. 333) to open to homestead settlement certain portions of the Indian Territory, and for other purposes, accompanied by a report (No. 3584)—to the Committee of the Whole House on the state of the Union.

Mr. MANSUR, from the Committee on Claims, reported favorably the bill of the House (H. R. 4365) for the relief of R. L. Jennings, late postmaster at Marshall, Tex., accompanied by a report (No. 3585)—to the Committee of the Whole House.

Mr. SMITH, of Illinois, from the Committee on Claims, reported favorably the bill of the House (H. R. 11549) for the relief of Thomas J. Smith, accompanied by a report (No. 3586)—to the Committee of the Whole House.

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, severally read twice, and referred as follows:

By Mr. PERKINS (by request): A bill (H. R. 13314) to provide for the execution of certain treaty provisions with the Quapaw Indians, and for other purposes—to the Committee on Indian Affairs.

By Mr. WHITELAW: A bill (H. R. 13315) to authorize a survey of that portion of the Mississippi River south of the city of Cape Girardeau, in the State of Missouri, to the Arkansas line—to the Committee on Rivers and Harbors.

By Mr. BRICKNER: A bill (H. R. 13316) establishing a lighthouse at Ahnapee, Wis.—to the Committee on Commerce.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BUTTERWORTH: A bill (H. R. 13317) for the relief of Frederick Ford—to the Committee on War Claims.

By Mr. CARUTH: A bill (H. R. 13318) granting a pension to Agnes C. Junot—to the Committee on Pensions.

By Mr. COMSTOCK: A bill (H. R. 13319) for the relief of Charles W. Buttz—to the Committee on Claims.

By Mr. HOUK: A bill (H. R. 13320) for the relief of James H. Bunn, of Oliver Springs, Tenn.—to the Committee on Military Affairs.

By Mr. McCREARY: A bill (H. R. 13321) for the relief of Thomas Stone's heirs—to the Committee on War Claims.

Also, a bill (H. R. 13322) granting a pension to Edwin H. Walker—to the Committee on Invalid Pensions.

By Mr. McKINLEY (by request): A bill (H. R. 13323) granting a pension to Mrs. Sarah A. Woodbridge—to the Committee on Invalid Pensions.

By Mr. McRAE: A bill (H. R. 13324) to pension Lucretia Boyett—to the Committee on Pensions.

By Mr. WASHINGTON: A bill (H. R. 13325) increasing the pension of Sarah J. Mallory—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ATKINSON, of Pennsylvania: Petition of citizens of Huntingdon County, Pennsylvania, praying for the passage of the option bill, H. R. 5353—to the Committee on Agriculture.

By Mr. BROWNE, of Virginia: Petition of Frank Hoskins, for payment of advances made in employment of assistant lightkeepers at Cherrystone, Va.—to the Committee on Claims.

By Mr. BUCHANAN, of New Jersey: Petition of Robert Sinnickson, of Trenton, N. J., for establishment of industrial army to construct national highways, etc.—to the Committee on Labor.

Also, petition of Young Men's Republican Association of Asbury Park, N. J., for passage of elections law—to the Select Committee on the Election of President, Vice President, and Representatives in Congress.

By Mr. CALDWELL: Petition of the Bund for Liberty and Civil Rights, of Cincinnati, Ohio, in opposition to free coinage—to the Committee on Coinage, Weights, and Measures.

Also, resolutions of Cincinnati Chamber of Commerce, against the same measure—to the Committee on Coinage, Weights, and Measures.

By Mr. CARUTH: Papers to accompany a bill granting a pension to Agnes C. Junot—to the Committee on Pensions.

By Mr. COGSWELL: Petition of Francis A. Osborn and Herbert L. Harding, president and secretary of Citizens' Association of Boston, in relation to the naturalizaton of foreigners—to the Select Committee on Immigration and Naturalization.

By Mr. COMSTOCK: Petitions from Clay, Benton, Carlton, Marshall, and Otter Tail Counties, Minnesota, favoring passage of Butterworth option bill—to the Committee on Agriculture.

Also, petition (circulated by the Woman's Christian Temperance Union) signed by George E. Middleton, Mrs. Ella M. Gloss, and 102 others, citizens of Alexandria, Minn., praying for the appointment of a commission on the subject of social vice—to the Committee on Education.

By Mr. COOPER, of Ohio: Resolutions of Alliance No. 396, of Delaware County, Ohio, in favor of House bill 5353, defining options and futures—to the Committee on Agriculture.

Also, petition of A. C. Adams and 42 others, citizens of the same county and State, for the same measure—to the Committee on Agriculture.

Also, resolutions of Big Walnut Alliance, No. 588, Ohio, in favor of the same measure—to the Committee on Agriculture.

Also, petition of H. C. Moonhouse and 50 others, citizens of Morrow County, Ohio, for the same measure—to the Committee on Agriculture.

Also, resolutions of Liberty Alliance, No. 508, Hardin County, Ohio, in favor of the same measure—to the Committee on Agriculture.

Also, petition of W. A. Holmes and others, citizens of Hardin County, Ohio, for the same measure—to the Committee on Agriculture.

By Mr. DALZELL: Petition of Amalgamated Association of Iron and Steel Workers No. 125, of Lawrence County, Pennsylvania, in favor of woman suffrage amendment to Constitution of the United States—to the Committee on the Judiciary.

Also, petition of wholesale grocers of Pittsburgh, Pa., in favor of an amendment to the proposed bankrupt law—to the Committee on the Judiciary.

By Mr. DE LANO: Petition relative to the Chinese exclusion act—to the Select Committee on Immigration and Naturalization.

By Mr. HAUGEN: Petition of Ole Johnson and 22 others, citizens of Barron County, Wisconsin, in favor of the antioption bill—to the Committee on Agriculture.

Also, petition of Turtle Lake Farmers' Alliance, No. 41, of Wisconsin, for the same measure—to the Committee on Agriculture,

By Mr. WALTER I. HAYES: Resolutions of Oak Grove Farmers' Mutual Benefit Association, of Muscatine and Louisa Counties, Iowa, in favor of option bill—to the Committee on Agriculture.

Also, petition of 24 citizens of Muscatine and Louisa Counties, Iowa, for the same measure—to the Committee on Agriculture.

By Mr. HENDERSON, of Iowa: Telegram from the State officers of Iowa, urging the granting of a charter to the Interstate Bridge Company of Council Bluffs and Omaha—to the Committee on Commerce.

Also, papers from Mrs. Mary J. Philpot, president Young Woman's Christian Temperance Union, Cedar Falls, Iowa, urging the passage of a bill providing for a commission of inquiry on the liquor traffic—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. HITT: Memorial and petition of 146 residents of Honolulu, for the suppression of liquor traffic in Congo State—to the Committee on Foreign Affairs.

Also, petition and memorial of 106 residents of New Zealand, Siam, Mexico, and other countries, for the same measure—to the Committee on Foreign Affairs.

Also, memorial and petition of 267 residents of India, for the same measure—to the Committee on Foreign Affairs.

Also, petition and memorial of 299 residents of China, for the same measure—to the Committee on Foreign Affairs.

Also, memorial and petition of 64 Christianm inisters and others, residents of Japan, for same measure—to the Committee on Foreign Affairs.

Also, petition and memorial of 635 residents of Queensland, Australia, for the same measure—to the Committee on Foreign Affairs.

By Mr. HOUK: Petition praying a pension for Hannah M. Sexton, of Blount County, Tennessee—to the Committee on Pensions.

Also, petition and affidavits in support of House bill No. 12619, for the relief of Thomas F. Lee—to the Committee on Military Affairs.

By Mr. KELLEY: Petition of 15 citizens of Star Township, Coffey County, Kansas, asking for a law to prevent the adulteration and misbranding of food and drugs—to the Committee on Agriculture.

By Mr. LIND: Petition of P. O. French and 11 others, citizens of

Yellow Medicine County, Minnesota; also, of M. Caren and 37 others, citizens of Blue Earth County, Minnesota; also, of L. W. Colby and 11 others, citizens of Minnesota; also, of T. A. Pinzel and 15 others, citizens of Le Sueur County, Minnesota; also, of C. C. Peterson and 18 others, citizens of Brown County, Minnesota; also, of J. M. Cady and 15 others, citizens of Rock County, Minnesota; also, of Horace Vermilya and 19 other citizens; also, of William McBrown and 19 others, citizens of Blue Earth County, Minnesota; also, of F. M. Kennedy and 19 others, citizens of Brown County, Minnesota; also, of William P. Schmidt and 33 others, citizens of Brown County, Minnesota; also, of J. T. Montgomery and 39 others, citizens of Brown County, Minnesota; also, of Levi Gardner and 19 others, citizens of Lincoln County, Minnesota; also, of Adolph Depping and 14 others, citizens of Lyon County, Minnesota; also, of Walter Bean and 14 others, citizens of Cottonwood County, Minnesota; also, of B. Biernsthiel and 8 others, citizens of Nobles County, Minnesota; also, of Frank Pauk and 11 others, citizens of Nobles County, Minnesota; also, of J. N. Mullin and 12 others, citizens of Blue Earth County, Minnesota; also, of E. W. Engel and 12 others, citizens of Jackson County, Minnesota; also, of E. McGee and 19 others, citizens of Murray County, Minnesota; also, of James Bowe and 29 others, citizens of Le Sueur County, Minnesota; also, of Jesse Palmer and 50 others, citizens of Brown County, Minnesota; also, of S. Bellig and 50 others, citizens of Brown County, Minnesota; also, of Henry Walter and 6 others, citizens of Lac qui Parle County, Minnesota; also, of W. S. Sanborn and 13 others, citizens of Yellow Medicine County, Minnesota; also, of L. I. Lecland and 17 others, citizens of Yellow Medicine County, Minnesota; also, of Frederick C. Schultz and 15 others, citizens of Lac qui Parle County, Minnesota; also, of G. P. Leadenburg and 14 others, citizens of Lyon, County, Minnesota; also, of J. B. Johnson and 5 others, citizens of Rock County, Minnesota; also, of Louis Tiller and 25 others, citizens of Nicollet County, Minnesota; also, of William Harty and 26 others, citizens of Elysian, Minnesota; also, of Cormac Giblin and 16 others, citizens of Smith's Mill, Waseca County, Minnesota; also, of A. McCullom and 43 others, citizens of Blue Earth County, Minnesota; also, of B. Briggs and 8 others, citizens of Nicollet County, Minnesota; also, of B. Briggs and 8 others, citizens of Nicollet County, Minnesota; also, of F. D. Seaman and 14 others, citizens of Waseca County, Minnesota; also, of K. Torgerson and 18 others, citizens of Highwater, Lyon County, Minnesota; also, of C. Bingham and 37 others, citizens of Alta, Lincoln County, Minnesota; also, of S. L. Wait and 6 others, citizens of Lynd, Lyon County, Minnesota; also, petition of John Wilkinson and 14 others, citizens of Waseca County, Minnesota; also, of P. Shipman and 18 others, citizens of Lexington, Le Sueur County, Minnesota; also, of J. M. Cudy and 16 others, citizens of Magnolia, Rock County, Minnesota; also of J. C. Brown and 14 others, citizens of Lyon County, Minnesota; also, of Edward Ryden and 32 others, citizens of Bernadotte County, Minnesota; also, of Paul Kanne and 7 others, citizens of Le Sueur County, Minnesota; also, of Josef Kudinke and 47 others, citizens of Montgomery, Le Sueur County, Minnesota; also, of Jacob Mondry and 35 others, citizens of Montgomery, Le Sueur County, Minnesota; also, of Frank Stauk and 48 others, citizens of the same place; also, of Godfrey Peterson and 19 others, citizens of Lake Sarah, Murray County, Minnesota; also, of J. B. Johnson and 5 others, citizens of Rock County, Minnesota; also, of Oshawa, Nicollet County, Alliance, Minnesota; also, of M. Gainor and 43 others, citizens of Blue Earth County, Minnesota; also, of the Alta Vesta Alliance, of Minnesota; also, of Ehrdal Alliance, of Minnesota; also, of Mapletown Alliance, Blue Earth County, Minnesota; also, of Triumph Alliance, Martin County, Minnesota; also, of Walter Alliance, Lac qui Parle County, Minnesota; also, of Alliance of Yellow Medicine County, Minnesota; also, of Nergeland Alliance, of Minnesota; also, of Le Sueur County (Minnesota) Alliance; also, of Maxwell Farmers' Alliance, Le Sueur, Minn.; also, of Cam Release Alliance, of Minnesota; also, of B. F. Warren and 34 others, citizens of Murray County, Minnesota; also, of George Downs and 23 others, citizens of Cottonwood County; also, of T. S. Toresen and 37 others, citizens of Lac qui Parle County, Minnesota; also, of Prairie Alliance, Blue Earth County, Minnesota; also, of Murray County Farmers' Alliance, Murray County, Minnesota; also, of Belview Alliance, Cottonwood, Minn.; also of Lake Prairie Farmers' Alliance, Nicollet County, Minnesota; also, of the Lincoln County (Minnesota) Alliance; also, A. O. Bjork and 18 others, citizens of Nicollet County, Minnesota; also, of M. O. Lokensgard and 23 others, citizens of Nicollet County, Minnesota; also, A. Fandell and 23 others, citizens of Lac qui Parle County, Minnesota, all praying for the speedy passage of the antioption bill—to the Committee on Agriculture.

By Mr. LAWS: Petition of 109 citizens of Clay County, Nebraska, for the antioption bill—to the Committee on Agriculture.

Also, resolutions of Liberty Alliance, Clay County, Nebraska, for the same measure—to the Committee on Agriculture.

By Mr. LODGE: Memorial of Universalist clergymen of Boston, Mass., praying for the passage of the bill (H. R. 12209) to restrict immigration—to the Select Committee on Immigration and Naturalization.

Also, memorial of Baptist clergymen of the same city, for the same measure—to the Select Committee on Immigration and Naturalization.

Also, resolutions adopted by a mass meeting of citizens of the same city, for the same measure—to the Select Committee on Immigration and Naturalization.

By Mr. McCLELLAN: Resolutions of Green Township Farmers' Alliance, of Noble County, Indiana, in favor of passage of the option bill, and declaring that in a single year these fictitious sales are made in quantities far in excess of the producers' power of the country in a hundred years if delivery were contemplated by the parties to them—to the Committee on Agriculture.

Also, petition of William Shordon and 28 others, citizens of Allen County, Indiana, praying passage of the option bill—to the Committee on Agriculture.

By Mr. O'NEALL, of Indiana: Petition in favor of the antioption bill (H. R. 5353)—to the Committee on Agriculture.

Also, petition of L. C. Titus and 70 others, citizens of Minnesota, asking passage of same measure—to the Committee on Agriculture.

Also, petition of John T. Jones and others, for same measure—to the Committee on Agriculture.

By Mr. OWENS, of Ohio: Petition of O. C. Williams and 34 others, of Farmerstown, Holmes County, Ohio, for passage of the antioption bill (H. R. 5353)—to the Committee on Agriculture.

By Mr. PARRETT: Petition of J. M. McKinney and others, farmers of Indiana, in favor of the speedy passage of House bill 5353, defining options and futures, and imposing special taxes upon dealers therein—to the Committee on Agriculture.

By Mr. PAYNE: Petition of the Woman's Christian Temperance Union and 50 citizens of Genoa, N. Y., for a bill to prohibit traffic in alcoholic liquors—to the Committee on Education.

By Mr. SENEY: Petition of Samuel Decker and 38 others, citizens of Seneca County, Ohio, praying passage of House bill 5353, defining options and futures—to the Committee on Agriculture.

By Mr. STONE, of Pennsylvania: Resolutions of Excelsior Farmers' Alliance, No. 49, of Warren County, Pennsylvania, in favor of the Conger lard bill—to the Committee on Agriculture.

By Mr. SWENEY: Petition of A. W. Walker and 6 other citizens of Mitchell County, Iowa, in favor of the antioption bill—to the Committee on Agriculture.

Also, petition of W. H. Griswold and 34 others, citizens of Charles City, Floyd County, Iowa, in favor of same measure—to the Committee on Agriculture.

Also, petition of St. Charles Alliance, No. 1887, Floyd County, Iowa, for same measure—to the Committee on Agriculture.

Also, petition of Nordrup Alliance, No. 1341, Iowa, for same measure—to the Committee on Agriculture.

Also, petition or Edgar Anderson and 22 others, citizens of Winneshiek County, Iowa, for same measure—to the Committee on Agriculture.

By Mr. WASHINGTON: Affidavits to accompany House bill 12986, for relief of Sallie A. Page—to the Committee on War Claims.

By Mr. WIKE: Petition of Fred. Gangloff and 28 others, members of Delhi Lodge, No. 3809, of the Farmers' Mutual Benefit Association, Jersey County, Illinois, praying passage of the House bill 5353, defining and prohibiting dealing in options and futures—to the Committee on Agriculture.

Also, resolutions of same lodge, for enactment of a law to define and prohibit dealing in options and futures—to the Committee on Agriculture.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January* 24, 1891.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

APPROVAL OF THE JOURNAL.

The SPEAKER. The Clerk will cause the Journal to be read.

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, I make the point of order that no quorum is present and that the Journal can not be read without a quorum is present.

The SPEAKER (after counting the House). Sixty-four members are present—not a quorum.

Mr. McKINLEY. I move a call of the House.

Mr. BLAND. No quorum being present, I move that the House adjourn.

The question was taken on ordering a call of the House, and the Speaker announced that the "ayes" seemed to have it.

Mr. BLAND. Division, Mr. Speaker.

The House divided; and there were—ayes 75, noes 7.

So a call of the House was ordered.

The Clerk called the roll; and the following members failed to respond to their names:

Abbott,	Bankhead,	Bliss,	Brunner,
Adams,	Banks,	Boatner,	Buchanan, N. J.
Alderson,	Barnes,	Bowden,	Buckalew,
Allen, Miss.	Bartine,	Brickner,	Bullock,
Anderson, Miss.	Beckwith,	Brower,	Bunn,
Andrew,	Bergen,	Brown, J. B.	Burton,
Arnold,	Biggs,	Browne, T. M.	Butterworth,
Baker,	Bingham,	Browne, Va.	Caldwell,

Campbell,	Grout,	Montgomery,	Smyser,
Candler, Mass.	Hansbrough,	Moore, N. H.	Spinola,
Carlton,	Harmer,	Morey,	Springer,
Cheadle,	Hatch,	Morgan,	Stahlnecker,
Clark, Wyo.	Hemphill,	Morrow,	Stewart, Vt.
Clarke, Ala.	Henderson, Ill.	Mudd,	Stockbridge,
Coleman,	Henderson, Iowa.	Niedringhaus,	Stockdale,
Connell,	Henderson, N. C.	Norton,	Stone, Pa.
Cooper, Ind.	Herbert,	Nute,	Struble,
Cothran,	Hermann,	O'Donnell,	Stump,
Covert,	Hill,	Osborne,	Sweney,
Cowles,	Hitt,	Outhwaite,	Tarsney,
Craig,	Hopkins,	Paynter,	Taylor, E. B.
Crain,	Houk,	Payson,	Taylor, J. D.
Cummings,	Kelley,	Pennington,	Taylor, Tenn.
Dalzell,	Kerr, Pa.	Perry,	Tillman,
Dargan,	Ketcham,	Peters,	Townsend, Pa.
Darlington,	Kinsey,	Phelan,	Tracey,
Davidson,	Knapp,	Pickler,	Turner, N. Y.
De Lano,	Lacey,	Pierce,	Vaux,
Dibble,	Lansing,	Pindar,	Wade,
Dickerson,	Lawler,	Post,	Washington,
Dolliver,	Lester, Ga.	Price,	Wheeler, Mich.
Dunnell,	Lester, Va.	Ray,	Whitelaw,
Dunphy,	Lodge,	Reyburn,	Whitthorne,
Enloe,	Magner,	Rife,	Wickham,
Ewart,	Mansur,	Robertson,	Wilkinson,
Featherston,	Mason,	Rogers,	Willcox,
Fitch,	McAdoo,	Rowland,	Williams, Ill.
Flick,	McCarthy,	Rusk,	Williams, Ohio.
Flood,	McClellan,	Sanford,	Wilson, Ky.
Forman,	McCord,	Sawyer,	Wilson, Wash.
Geary,	McCormick,	Scranton,	Wright,
Gibson,	McDuffie,	Seney,	Yardley.
Gifford,	McMillin,	Shively,	
Goodnight,	Miller,	Simonds,	
Greenhalge,	Milliken,	Smith, Ill.	

The following members subsequently appeared and their presence was noted by the Clerk under the rule:

Mr. ABBOTT, Mr. ADAMS, Mr. ALDERSON, Mr. ANDERSON of Mississippi, Mr. ARNOLD, Mr. BAKER, Mr. BANKHEAD, Mr. BANKS, Mr. BARTINE, Mr. BIGGS, Mr. BOATNER, Mr. BRICKNER, Mr. BUCHANAN of New Jersey, Mr. BUCKALEW, Mr. BUNN, Mr. BURTON, Mr. CANDLER of Massachusetts Mr. DALZELL, Mr. DAVIDSON, Mr. DOLLIVER, Mr. DUNNELL, Mr. ENLOE, Mr. FLICK, Mr. GREENHALGE, Mr. GROUT, Mr. HOPKINS, Mr. KINSEY, Mr. LACEY, Mr. LANSING, Mr. LAWLER, Mr. LESTER of Georgia, Mr. MAGNER, Mr. MANSUR, Mr. MASON, Mr. MCCORD, Mr. MCDUFFIE, Mr. MCMILLIN, Mr. MONTGOMERY, Mr. MOORE of New Hampshire, Mr. NORTON, Mr. NUTE, Mr. O'DONNELL, Mr. OUTHWAITE, Mr. PAYSON, Mr. SMITH of Illinois, Mr. SMYSER, Mr. SPRINGER, Mr. STEWART of Vermont, Mr. STOCKDALE, Mr. STRUBLE, Mr. STUMP, Mr. JOSEPH D. TAYLOR, and Mr. WASHINGTON.

The SPEAKER. One hundred and ninety-five members respond. Without objection, the Clerk will proceed with the reading of the Journal.

The Clerk proceeded to read the Journal.

Having read the Journal down to the record of the vote on allowing Mr. COOPER, of Indiana, to be heard further in order, the Clerk was proceeding without reading the vote in detail.

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, I notice that the Clerk is skipping the record of that vote. Let us see if the vote is properly recorded in the Journal.

Mr. MCKINLEY. Mr. Speaker, I did not hear the remark of the gentleman from Arkansas.

Mr. BRECKINRIDGE, of Arkansas. I say the Clerk is skipping the record of a vote, and we ought to know that we are properly recorded in our vote on that proposition.

The SPEAKER. The Clerk will read the vote.

The Clerk read the vote, and then the remainder of the formal part of the Journal.

The SPEAKER. Without objection, the Journal will be approved.

Mr. BRECKINRIDGE, of Arkansas. I object. I call for the reading of the Journal in full. I called for it in the beginning and I call for it again now.

Mr. MCKINLEY. Mr. Speaker, if the purpose is to delay the business of the House, after a few minutes' debate I shall call for the previous question upon the approval of the Journal, for the purpose of saving time.

Mr. BRECKINRIDGE, of Arkansas. The Chair, I trust, will not put the previous question on the approval of the Journal until the Journal is read.

The SPEAKER. The Chair does not understand the gentleman from Arkansas.

Mr. BRECKINRIDGE, of Arkansas. The Chair, I trust, will give me his attention, and then I have no doubt he will be able to apprehend my point. It is that the Journal to be submitted to the House for approval shall be read in full. The proposition is not a very abstruse one.

The SPEAKER. The Chair suggests to the gentleman from Arkansas that the additional matter to which he refers is printed in the RECORD, and it is a waste of time to read it here. It has taken half an hour already to read the Journal.

Mr. BRECKINRIDGE, of Arkansas. I can not take the judgment of the Chair as to my course, so long as I am acting within parliamentary law. I invoke the judgment of the Chair only as to the parliamentary law.

The SPEAKER. It has never been the practice to read the Journal any further than it has been read.

Mr. BRECKINRIDGE, of Arkansas. The Journal in that imperfect form can not be approved without unanimous consent, and if the Chair means to rule that this Journal can be submitted for approval before it is read, let the Chair make that plain. I demand the reading of the Journal in full.

Mr. CUTCHEON. What is the reason of this sudden zeal on the part of the gentleman to have all these petitions read?

Mr. BRECKINRIDGE, of Arkansas. I am not accountable to the gentleman. I only invoke the parliamentary law, and the gentleman knows that he must obey the law, and I trust the Chair will enforce the law.

Mr. MCKINLEY. Mr. Speaker, there has been so much confusion that I have been unable to hear distinctly the statement of the gentleman from Arkansas. I would like to know if it is claimed that the Journal has not been fully read.

Mr. BRECKINRIDGE, of Arkansas. My claim is just that.

Mr. MCKINLEY. Will the gentleman point out wherein it has not been read?

Mr. BRECKINRIDGE, of Arkansas. Certainly. On page 1857 of the RECORD the gentleman will find a message from the Senate which has not been incorporated in the Journal as read to us. He will find also on the same page executive and other communications which have not been read.

The SPEAKER. The message from the Senate has been read.

Mr. BRECKINRIDGE, of Arkansas. Also memorials and resolutions of State Legislatures. The Journal must import verity, and how do we know that the Journal is correct if it is to be made up behind closed doors and then not read in full to the House?

The SPEAKER. The gentleman can know it in the same way that he has known it for fourteen years past.

Mr. SPRINGER. I desire to remind the Chair that until this session matters of this kind were introduced in open House and constituted a part of the body of the Journal.

Mr. BRECKINRIDGE, of Arkansas. The Chair has no right to criticise me while I am acting according to parliamentary law.

The SPEAKER. The Chair criticises the gentleman——

Mr. BLAND (interposing). The Chair is always unjust in its criticism and treats this side of the House with contempt.

Mr. BRECKINRIDGE, of Arkansas. It is the duty of the Chair to administer the parliamentary law, and I trust that he will confine himself to his proper sphere.

The SPEAKER. The Chair will confine himself to his duty. The Clerk will read.

The Clerk resumed the reading.

Mr. BRECKINRIDGE, of Arkansas (interrupting). Mr. Speaker, the Clerk is omitting the report which accompanies those bills.

The SPEAKER. The Clerk will proceed.

Mr. COOPER, of Indiana. Mr. Speaker, I wish to ask whether the omissions that are made by the Clerk are made by the direction of the Speaker.

The SPEAKER. The Clerk will proceed.

Mr. BRECKINRIDGE, of Arkansas. I rise to a point of order. The Speaker has ruled heretofore, and I can refer him to the RECORD to show it——

The SPEAKER. It was simply a report that was omitted.

Mr. BRECKINRIDGE, of Arkansas. That is part of the business of this House and I demand that it be submitted to the House in the Journal. If it is in the Journal I demand that it be read, and, if not, it should be put there.

The SPEAKER. It will be read. The Clerk will proceed.

The Clerk resumed the reading.

Mr. BRECKINRIDGE, of Arkansas (again interrupting). Mr. Speaker, I call attention to the fact that the reading is inaudible. We can not hear it in this part of the Hall.

The SPEAKER. The Clerk will proceed.

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, I rise to a point of order. I demand that order be preserved on the floor and that business be done in an orderly and businesslike way.

The SPEAKER. The Chair trusts the House will be in order. The Clerk will proceed.

The Clerk resumed and concluded the reading.

The SPEAKER. If there be no objection, the Journal as read will be approved.

Mr. BRECKINRIDGE, of Arkansas. There are one or two corrections which I think should be made in the Journal.

Mr. MCKINLEY (having been recognized). I do not hear the gentleman.

Mr. BRECKINRIDGE, of Arkansas. There are one or two errors in the Journal to which I think attention should be called.

Mr. MCKINLEY. I will yield to the gentleman a moment or two if he has any correction to point out.

Mr. BRECKINRIDGE, of Arkansas. I call attention to these matters——

Mr. MCKINLEY. Of course I want no inaccuracy in the Journal.

Mr. BRECKINRIDGE, of Arkansas. Because these corrections

should precede, of course, the approval of the Journal. It is not only a legitimate subject of inquiry, but a most obligatory one. We know that the Journal Clerk is required to furnish for the RECORD a transcript of these reports, petitions, etc., and therefore the RECORD ought to be a true copy of what is read from the Clerk's desk. On page 1859 (if gentlemen will turn to it) they will find, under the head of "Petitions, etc.," that a petition was presented by Mr. HAYES, of Iowa. The Journal does not indicate the State from which that petition came, and consequently the location or residence of those citizens is lost in oblivion. It was not read by the Clerk. The name "Iowa" should be inserted to indicate in what State these citizens who petition Congress reside; the Journal should show where the people holding the views represented in those petitions live. I move that the name of the State be inserted in the Journal in connection with the petition presented by the gentleman from Iowa.

The SPEAKER. Those corrections of which the gentleman is speaking are corrections in the RECORD.

Mr. BRECKINRIDGE, of Arkansas. I do not hear the remark of the Chair.

Mr. MCKINLEY. If there is any such error in the Journal, I ask unanimous consent that it may be corrected.

The SPEAKER. There is no such error, as the Chair is informed.

Mr. BRECKINRIDGE, of Arkansas. Well, if the name of the State is in the Journal it should have been read. It was not read; we have to go by the reading.

The SPEAKER. The Clerk informs the Chair that it was read.

Mr. BRECKINRIDGE, of Arkansas. If read, it was read very inaudibly. I presume the Clerk hardly remembers every name that he has read.

The SPEAKER. It is all correct in the Journal, as the Chair understands.

Mr. BRECKINRIDGE, of Arkansas. I call the attention of the Chair to this matter to show what the omissions are. In the petitions introduced by Mr. LIND—perhaps a hundred in number—the word "citizens" in this transcript which appears in the RECORD occurs a hundred times, but it was not mentioned six times in the reading by the Clerk, which shows, of course, that the Clerk, either by some instruction or by his own option, is in the habit of omitting many words which appear here in the RECORD.

Mr. MCKINLEY. I do not yield for debate. I yield for any proper correction of the Journal.

Mr. BRECKINRIDGE, of Arkansas. I do not yield to the gentleman, Mr. Speaker. My motion is in order.

The SPEAKER. The gentleman from Ohio was recognized and yielded a few minutes to the gentleman from Arkansas.

Mr. BRECKINRIDGE, of Arkansas. I do not care to receive recognition on this question as a matter of favor. I call the attention of the Speaker and of the House to the defects in the Journal as read by the Clerk. And I am here to call attention to another, which marks the incorrect reference of a bill.

Mr. MCKINLEY. I desire to say that I have tried in every possible way, in the interest of a correct Journal, to yield to the gentleman from Arkansas and other gentlemen who may find inaccuracies in the Journal. It is manifest now that this proceeding is only for the purpose of delay. It has happened now for several days that petitions, resolutions, bills, and reports which have been referred——

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, how does the gentleman from Ohio get on the floor?

The SPEAKER. By the recognition of the Chair.

Mr. BRECKINRIDGE, of Arkansas. The Chair is very kind to the gentleman from Ohio.

The SPEAKER. The Chair endeavors to be kind to all gentlemen who are in order.

Mr. MCKINLEY (continuing). In regard to those formal matters, which during the last twelve or fourteen years, so far as I know, have never been read as a part of the Journal, gentlemen on the other side are demanding every day that these items shall be read. The sole purpose evidently is to consume and waste the time of the House, which has now but a few days until the final adjournment. Now, Mr. Speaker, having made that statement, I demand the previous question on the approval of the Journal.

Mr. BRECKINRIDGE, of Arkansas. I am prepared to call attention to some other errors in the Journal. [Cries of "Regular order!" on the Republican side.] There are manifest errors which I have already pointed out.

Mr. MCKINLEY. I demand the regular order.

The SPEAKER. The Chair desires to say to the House, in order that there may be no misunderstanding, that the previous question cuts off debate.

Mr. BRECKINRIDGE, of Arkansas. And the Chair rules me out of order?

The SPEAKER. The Chair does.

Mr. BRECKINRIDGE, of Arkansas. I submit to the decision of the Chair.

The SPEAKER. The question is on ordering the previous question, which has been demanded.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. BRECKINRIDGE, of Arkansas. I demand a division.

Mr. MCKINLEY. Mr. Speaker, I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 135, nays 105, not voting 91; as follows:

YEAS—135.

Adams,	Dingley,	Lind,	Simonds,
Allen, Mich.	Dolliver,	Lodge,	Smith, Ill.
Anderson, Kans.	Dorsey,	Mason,	Smith, W. Va.
Arnold,	Dunnell,	McDuffie,	Smyser,
Atkinson, Pa.	Evans,	McKinley,	Snider,
Atkinson, W. Va.	Ewart,	Miles,	Spooner,
Baker,	Farquhar,	Miller,	Stephenson,
Bartine,	Featherston,	Moffitt,	Stivers,
Bayne,	Finley,	Moore, N. H.	Stockbridge,
Beckwith,	Flick,	Morey,	Stone, Pa.
Belden,	Frank,	Morrill,	Struble,
Belknap,	Funston,	Morse,	Sweet,
Bergen,	Gear,	Mudd,	Taylor, E. B.
Boothman,	Gest,	Nute,	Taylor, Ill.
Boutelle,	Greenhalge,	O'Donnell,	Taylor, J. D.
Brewer,	Grosvenor,	O'Neill, Pa.	Taylor, Tenn.
Broslus,	Grout,	Osborne,	Thomas,
Buchanan, N. J.	Hall,	Owen, Ind.	Thompson,
Burrows,	Haugen,	Payne,	Tillman,
Burton,	Hays, E. R.	Payson,	Townsend, Colo.
Caldwell,	Henderson, Ill.	Perkins,	Townsend, Pa.
Candler, Mass.	Hill,	Peters,	Turner, Kans.
Cannon,	Hitt,	Post,	Vandever,
Carter,	Hopkins,	Pugsley,	Van Schaick,
Caswell,	Kennedy,	Quackenbush,	Waddill,
Cheatham,	Kerr, Iowa	Raines,	Wade,
Clark, Wis.	Kinsey,	Randall,	Walker,
Cogswell,	Knapp,	Ray,	Wallace, Mass.
Comstock,	Lacey,	Reyburn,	Wallace, N. Y.
Cooper, Ohio	Laidlaw,	Rockwell,	Williams, Ohio
Craig,	Langston,	Rowell,	Wilson, Ky.
Culbertson, Pa.	Lansing,	Russell,	Wilson, Wash.
Cutcheon,	Laws,	Scull,	Wright.
Dalzell,	Lehlbach,	Sherman,	

NAYS—105.

Abbott,	Crain,	Lewis,	Quinn,
Alderson,	Crisp,	Magner,	Richardson,
Andrew,	Culberson, Tex.	Maish,	Sayers,
Bankhead,	Davidson,	Mansur,	Seney,
Barwig,	Dockery,	Martin, Ind.	Skinner,
Biggs,	Edmunds,	Martin, Tex.	Springer,
Blanchard,	Ellis,	McClammy,	Stewart, Ga.
Bland,	Enloe,	McClellan,	Stewart, Tex.
Blount,	Fithian,	McCreary,	Stockdale,
Breckinridge, Ark.	Flower,	McMillin,	Stone, Ky.
Breckinridge, Ky.	Forman,	McRae,	Stone, Mo.
Brickner,	Forney,	Mills,	Stump,
Brookshire,	Fowler,	Montgomery,	Tucker,
Brown, J. B.	Geary,	Moore, Tex.	Turner, Ga.
Buchanan, Va.	Geissenhainer,	Mutchler,	Turner, N. Y.
Buckalew,	Grimes,	O'Ferrall,	Washington,
Bunn,	Hare,	O'Neall, Ind.	Wheeler, Ala.
Bynum,	Haynes,	O'Neil, Mass.	Whitthorne,
Candler, Ga.	Herbert,	Outhwaite,	Wike,
Caruth,	Holman,	Owens, Ohio	Wilkinson,
Catchings,	Hooker,	Parrett,	Williams, Ill.
Chipman,	Kilgore,	Paynter,	Wilson, Mo.
Clancy,	Lane,	Peel,	Wilson, W. Va.
Clunie,	Lanham,	Penington,	Yoder.
Cobb,	Lawler,	Perry,	
Cooper, Ind.	Lee,	Pierce,	
Covert,	Lester, Ga.	Price,	

NOT VOTING—91.

Allen, Miss.	Cowles,	Kelley,	Robertson,
Anderson, Miss.	Cummings,	Kerr, Pa.	Rogers,
Banks,	Dargan,	Ketcham,	Rowland,
Barnes,	Darlington,	La Follette,	Rusk,
Bingham,	De Lano,	Lester, Va.	Sanford,
Bliss,	Dibble,	McAdoo,	Sawyer,
Boatner,	Dickerson,	McCarthy,	Scranton,
Bowden,	Dunphy,	McComas,	Shively,
Brower,	Fitch,	McCord,	Spinola,
Browne, T. M.	Flood,	McCormick,	Stahlnecker,
Browne, Va.	Gibson,	McKenna,	Stewart, Vt.
Brunner,	Gifford,	Milliken,	Sweney,
Bullock,	Goodnight,	Morgan,	Tarsney,
Butterworth,	Hansbrough,	Morrow,	Tracey,
Campbell,	Harmer,	Niedringhaus,	Vaux,
Carlton,	Hatch,	Norton,	Wheeler, Mich.
Cheadle,	Hayes, W. I.	Oates,	Whitelaw,
Clark, Wyo.	Heard,	Phelan,	Whiting,
Clarke, Ala.	Hemphill,	Pickler,	Wickham,
Clements,	Henderson, Iowa	Pindar,	Wiley,
Coleman,	Henderson, N. C.	Reed, Iowa	Willcox,
Connell,	Hermann,	Reilly,	Yardley.
Cothran,	Houk,	Rife,	

So the previous question was ordered.

The following pairs were announced, until further notice:

Mr. BROWNE, of Virginia, with Mr. COWLES.

Mr. FLOOD with Mr. CUMMINGS.

Mr. GIFFORD with Mr. PINDAR.

Mr. GROUT with Mr. HEMPHILL.

Mr. SCRANTON with Mr. TRACEY.

Mr. MCCORMICK with Mr. REILLY.

Mr. HENDERSON, of Iowa, with Mr. DARGAN.

Mr. NIEDRINGHAUS with Mr. HATCH.

Mr. BLISS with Mr. WHITING.

Mr. DE LANO with Mr. ROWLAND.

Mr. HANSBROUGH with Mr. STAHLNECKER.
Mr. DARLINGTON with Mr. FITCH.
Mr. HOUK with Mr. WHITELAW, for this day.
Mr. SMITH, of Illinois, with Mr. WILLCOX, for this day.
Mr. BERGEN with Mr. DUNPHY, for this day.
Mr. BOWDEN with Mr. LESTER, of Virginia, for this day.
Mr. YARDLEY with Mr. ALLEN, of Mississippi, for this day.
Mr. HERMANN with Mr. CLARKE, of Alabama, until Tuesday next.
Mr. SWENEY with Mr. BULLOCK, on this vote.
Mr. CLARK, of Wyoming, with Mr. WILEY, on this vote.
The result of the vote was then announced as above recorded.
The SPEAKER. The question is on the approval of the Journal.
Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker——
The SPEAKER. For what purpose does the gentleman rise?
Mr. BRECKINRIDGE, of Arkansas. I rise to ask if the Speaker rules that debate has been had upon the question of the approval of the Journal, so as to cut off the forty minutes allowed under the rule?
The SPEAKER. It has been, and the question is on the approval of the Journal.
The question was taken; and on a division there were—ayes 102, nays 34.
Mr. BRECKINRIDGE, of Arkansas. There is no quorum, Mr. Speaker.
The SPEAKER. There is evidently a quorum present.
Mr. BRECKINRIDGE, of Arkansas. Does the Chair decide without counting? I call for tellers. I demand tellers.
The SPEAKER. On this question the yeas are 102 and the nays are 34.
Mr. BRECKINRIDGE, of Arkansas. The Chair has previously announced that. I demand tellers.
I submit, with all respect to the Speaker, that although he has under the rules assumed at least the power to count a quorum, this thing of gauging by the eye may do perhaps to class cotton, but certainly it can not be relied upon for determining the question of a quorum in the House of Representatives.
The SPEAKER. We have just had a yea-and-nay vote which discloses the presence of 240 members.
Mr. BRECKINRIDGE, of Arkansas. But that is not the last vote, Mr. Speaker. The Speaker ought not to rest his case on that citation. I demand tellers.
Mr. MCKINLEY. Let us have the yeas and nays.
The yeas and nays were ordered.
The question was taken; and there were—yeas 132, nays 93, not voting 106; as follows:

YEAS—132.

Adams,	Dalzell,	Magner,	Scull,
Allen, Mich.	Dingley,	Mason,	Sherman,
Anderson, Kans.	Dolliver,	McComas,	Smith, Ill.
Andrew,	Dorsey,	McDuffie,	Smith, W. Va.
Arnold,	Dunnell,	McKenna,	Smyser,
Atkinson, Pa.	Evans,	McKinley,	Snider,
Atkinson, W. Va.	Ewart,	Miles,	Spooner,
Baker,	Farquhar,	Miller,	Stephenson,
Bartine,	Flick,	Moffitt,	Stivers,
Bayne,	Funston,	Moore, N. H.	Stockbridge,
Beckwith,	Gear,	Morey,	Stone, Pa.
Belden,	Gest,	Morse,	Struble,
Belknap,	Greenhalge,	Mudd,	Sweet,
Boothman,	Grosvenor,	Nute,	Taylor, E. B.
Boutelle,	Grout,	O'Donnell,	Taylor, Ill.
Brewer,	Hall,	O'Neill, Pa.	Taylor, J. D.
Brosius,	Harmer,	Osborne,	Taylor, Tenn.
Buchanan, N. J.	Haugen,	Owen, Ind.	Thomas,
Burrows,	Hays, E. R.	Payne,	Thompson,
Burton,	Henderson, Ill.	Payson,	Townsend, Colo.
Butterworth,	Kelley,	Perkins,	Townsend, Pa.
Caldwell,	Kennedy,	Peters,	Turner, Kans.
Candler, Mass.	Kerr, Iowa	Post,	Vandever,
Cannon,	Kinsey,	Pugsley,	Van Schaick,
Carter,	Knapp,	Quackenbush,	Waddill,
Caswell,	Lacey,	Randall,	Wade,
Cheatham,	La Follette,	Ray,	Walker,
Clark, Wis.	Laidlaw,	Reed, Iowa	Wallace, Mass.
Cogswell,	Langston,	Reyburn,	Wallace, N. Y.
Coleman,	Lansing,	Rockwell,	Williams, Ohio
Cooper, Ohio	Laws,	Rowell,	Wilson, Ky.
Culbertson, Pa.	Lehlbach,	Russell,	Wilson, Wash.
Cutcheon,	Lind,	Sawyer,	Wright.

NAYS—93.

Abbott,	Chipman,	Holman,	Mutchler,
Alderson,	Clancy,	Kilgore,	O'Ferrall,
Anderson, Miss.	Cobb,	Lane,	O'Neall, Ind.
Bankhead,	Cooper, Ind.	Lanham,	Outhwaite,
Barwig,	Covert,	Lawler,	Owens, Ohio
Biggs,	Culberson, Tex.	Lee,	Parrett,
Bland,	Dockery,	Lester, Ga.	Peel,
Blount,	Edmunds,	Lewis,	Penington,
Breckinridge, Ark.	Ellis,	Maish,	Perry,
Breckinridge, Ky.	Enloe,	Martin, Ind.	Pierce,
Brickner,	Fithian,	Martin, Tex.	Price,
Brookshire,	Flower,	McClammy,	Quinn,
Buchanan, Va.	Forney,	McClellan,	Richardson,
Buckalew,	Fowler,	McCreary,	Rogers,
Bunn,	Geissenhainer,	McMillin,	Sayers,
Bynum,	Goodnight,	McRae,	Seney,
Candler, Ga.	Hare,	Mills,	Skinner,
Caruth,	Haynes,	Montgomery,	Springer,
Catchings,	Heard,	Moore, Tex.	Stewart, Ga.
Stewart, Tex.	Tillman,	Whitthorne,	Wilson, W. Va.
Stockdale,	Tucker,	Wike,	Yoder.
Stone, Ky.	Turner, Ga.	Wilkinson,	
Stone, Mo.	Turner, N. Y.	Williams, Ill.	
Stump,	Wheeler, Ala.	Wilson, Mo.	

NOT VOTING—106.

Allen, Miss.	Crain,	Hermann,	Raines,
Banks,	Crisp,	Hill,	Reilly,
Barnes,	Cummings,	Hitt,	Rife,
Bergen,	Dargan,	Hooker,	Robertson,
Bingham,	Darlington,	Hopkins,	Rowland,
Blanchard,	Davidson,	Houk,	Rusk,
Bliss,	De Lano,	Kerr, Pa.	Sanford,
Boatner,	Dibble,	Ketcham,	Scranton,
Bowden,	Dickerson,	Lester, Va.	Shively,
Brower,	Dunphy,	Lodge,	Simonds,
Brown, J. B.	Featherston,	Mansur,	Spinola,
Browne, T. M.	Finley,	McAdoo,	Stahlnecker,
Browne, Va.	Fitch,	McCarthy,	Stewart, Vt.
Brunner,	Flood,	McCord,	Sweney,
Bullock,	Forman,	McCormick,	Tarsney,
Campbell,	Frank,	Milliken,	Tracey,
Carlton,	Geary,	Morgan,	Vaux,
Cheadle,	Gibson,	Morrill,	Washington,
Clark, Wyo.	Gifford,	Morrow,	Wheeler, Mich.
Clarke, Ala.	Grimes,	Niedringhaus,	Whitelaw,
Clements,	Hansbrough,	Norton,	Whiting,
Clunie,	Hatch,	Oates,	Wickham,
Comstock,	Hayes, W. I.	O'Neil, Mass.	Wiley,
Connell,	Hemphill,	Paynter,	Willcox,
Cothran,	Henderson, Iowa	Phelan,	Yardley.
Cowles,	Henderson, N. C.	Pickler,	
Craig,	Herbert,	Pindar,	

So the Journal was approved.
The Clerk announced the following additional pairs:
Until further notice:
Mr. KETCHAM with Mr. BRUNNER.
On this vote:
Mr. CLARK, of Wyoming, with Mr. WILEY.
The result of the vote was then announced, as above recorded.

ORDER OF BUSINESS.

Mr. BOUTELLE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole on the state of the Union for the purpose of resuming the consideration of the naval appropriation bill.

TARIFF AND FREE COINAGE OF SILVER.

Mr. HATCH. Mr. Speaker, will the gentleman from Maine yield to me simply to allow me to ask to have printed in the RECORD to-morrow morning a resolution of the house of representatives of the General Assembly of the State of Missouri in relation to the tariff and the free coinage of silver?
Mr. BOUTELLE. I yield for that purpose.
Mr. HATCH. I am obliged to the gentleman. I ask that the resolutions be printed in the RECORD.
The SPEAKER. Without objection, the request of the gentleman from Missouri will be granted. Is there objection? [After a pause.] The Chair hears none.
The resolutions are as follows:

STATE OF MISSOURI, CITY OF JEFFERSON,
House of Representatives.

I, Abner S. Smith, chief clerk of the house of representatives of the thirty-sixth General Assembly, do hereby certify that on the 19th day of January, 1891, the following resolution was introduced into and passed the house.

A. S. SMITH, *Chief Clerk.*

Resolution relating to the tariff and the free coinage of silver.

Whereas the prevailing "hard times" and industrial depression that exist throughout the country are the result of protective-tariff taxes imposed for the enrichment of the few at the expense of the many, and the manipulation and contraction of the currency by the moneys kings of Wall street and the national banks, which has depressed the prices of all farm products; and

Whereas it is a well-established principle of our free representative republican form of government that the taxing power vested in Congress by the Federal Constitution can only be rightfully and constitutionally exercised for the purpose of raising a sufficiency of revenue to meet the expenses of government administered in all of its branches upon principles of the most rigid honesty and the strictest economy; and

Whereas holding with the United States Supreme Court that "to lay with one hand the power of the Government on the property of the citizen and with the other to bestow it upon favored individuals to aid private enterprises and build up private fortunes is none the less a robbery because it is done under the forms of law and is called taxation;" and believing, with Thomas Jefferson, in the doctrine of "free commerce with all nations," but that so long as revenues for the support of the Federal Government are raised in part by tariff taxes such taxes should fall upon the luxuries of life, and not on the necessaries of life, nor upon raw material; and believing further that the silver-coinage act passed at the first session of the present Congress is a fraud upon the people: Therefore,

Be it resolved by the house of representatives of the Thirty-sixth General Assembly of the State of Missouri, That to the end that the cost of books, periodicals, and newspapers may be cheapened, and the trusts and combinations which control the production of those articles which are essentially necessary to the farmers and laborers of the country in their everyday life and work may be destroyed and the cost of living be reduced, that our Senators in Congress be instructed and our Representatives in Congress be requested to use their influence and their votes to have placed on the free list all paper and pulps used in the manufacture of paper, binder twine, cotton ties, barbed wire, and wire rods for fencing, lumber, white lead and paints, all agricultural implements and edged tools, coal, tin and tin plate, blankets, worsteds for men and women's clothing, all kitchen and table ware, and all raw materials used in the manufacture of any of the above articles.

Resolved further, That in order that the volume of money may be increased we favor the free and unlimited coinage of silver.

Resolved, That we can not too highly commend the course of our Democratic Senators and Representatives in Congress for their courageous and consistent

advocacy of the rights and interests of the people in favoring free coinage and opposing the imposition of protective-tariff taxes.

Resolved, That a copy of these resolutions be forwarded to each of our Senators and Representatives in Congress by the chief clerk of this house.

NAVAL APPROPRIATION BILL.

The motion of Mr. BOUTELLE was then agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, for the purpose of further considering the naval appropriation bill, with Mr. BURROWS in the chair.

The CHAIRMAN. The Clerk will read the next paragraph of the bill.

The Clerk read as follows:

For commissions and interest; transportation of funds; exchange; mileage to officers while traveling under orders in the United States, and for actual personal expenses of officers while traveling abroad under orders, and for traveling expenses of apothecaries, yeomen, and civilian employés, and for actual and necessary traveling expenses of naval cadets while proceeding from their homes to the Naval Academy for examination and appointment as cadets; for rent and furniture of buildings and offices not in navy yards; expenses of courts-martial, prisoners and prisons and courts of inquiry, boards of investigation, examining boards, with clerks' and witnesses' fees, and traveling expenses and costs; stationery and recording; expenses of purchasing-paymasters' offices of the various cities, including clerks, furniture, fuel, stationery, and incidental expenses; newspapers and advertising; foreign postage; telegraphing, foreign and domestic; telephones; copying; care of library, including purchase of books, photographs, prints, manuscripts, and periodicals; ferriage, tolls, and express fees; costs of suits; commissions, warrants, diplomas, and discharges; relief of vessels in distress; canal tolls and pilotage; recovery of valuables from shipwrecks; quarantine expenses; reports, professional investigation; cost of special instruction, at home or abroad, in maintenance of students and attachés and information from abroad, and the collection and classification thereof, and other necessary incidental expenses; in all, $240,000.

Mr. HOLMAN. Mr. Chairman, I move to strike out the pending paragraph. I am not surprised that this bill is not arresting any special attention, for we are becoming accustomed to largely increasing appropriations, and yet the pending increase is a part of a system of expenditures that we are entering upon which ought to arrest the attention of this House and of this country. No gentleman yet, since the increase in the Navy began, has been able or thought it politic to point out with any clearness the necessity for it. The enormous increase of the Navy, which is manifestly in contemplation and which is steadily going on, is only a feature of the remorseless growth of extravagance in our Government.

At a time when the people generally of this country are insisting, notwithstanding the full flow of money into the Treasury, upon the necessity for economy in the interest of honest government, we are appropriating enormously more for the enlargement of the Navy than ever occurred before in a time of peace, and we are doing so at a time when the absence of any necessity for a great navy is more apparent than at any time in our former history. An increase in the naval and military power of our Government has never before been received with favor by Congress in a time of peace.

The Treasury of this Government was overflowing during the Administration of President Jackson and millions of money were loaned to the States, and yet it never occurred to the statesmen of that day that the large sums of money accumulated in the public Treasury should be expended in an expensive and extravagant Navy, although we were a comparatively feeble power, with undefined boundaries on the north and south and with real causes for apprehending conflicts with foreign powers.

Now with a future absolutely assured, with all questions of boundary settled, with no prospect of any breach of friendly relations on the part of any nation toward us, we are building ships of war and making naval appropriations swell into vast millions never contemplated in a time of peace in our former history. Let us see how we are progressing in this field of superfluous and unnecessary extravagance. See how rapidly we progress in a field of expenditure where not a dollar of increase is demanded by the public safety or public necessity. I give in the following table the naval appropriations of the Forty-fourth and Forty-eighth Congresses, and then for last year, this year, and the appropriations for next year, 1892, as proposed by the pending bill:

Year.	Congress and session.	Amount.
1877	First session, Forty-fourth Congress	$12,742,155.40
1878	Second session, Forty-fourth Congress	13,541,024.40
1885	First session, Forty-eighth Congress	14,980,472.59
1886	Second session, Forty-eighth Congress	15,070,837.95
1889	First session, Fiftieth Congress	19,942,835.35
1890	Second session, Fiftieth Congress	21,632,510.27
1891	First session, Fifty-first Congress	24,136,035.53
1893	Second session, Fifty-first Congress	30,955,965.78

Mr. BOUTELLE. Will my friend from Indiana allow me to call his attention to the fact that in the line of remarks which he is pursuing there might be the construction that this Congress is entering upon some new and unusual expenditures? I hope the gentleman, with his usual candor, will state the facts in that regard.

Mr. HOLMAN. On the contrary, what I have said already repels that, because I have just said this is only the progress of a system, and have specified the appropriations made by the Fiftieth Congress.

Mr. BOUTELLE. We are simply providing to meet the obligations which have been incurred in previous Congresses.

Mr. HOLMAN. Oh, no; but going on authorizing larger contracts to be made hereafter, for the contracts authorized by the last session do not yet appear. You are authorizing still further contracts by this bill.

Mr. BOUTELLE. Oh, no; only one and it is very small.

Mr. HOLMAN. This bill provides for $2,750,000 for one vessel.

Mr. BOUTELLE. Yes; but that is the only new vessel authorized. The gentleman will bear in mind that the greater part of the amount appropriated in this bill is for carrying on work which was authorized, and for the payment of which we were obligated, under a Democratic Administration.

Mr. HOLMAN. I am not questioning that, because I am conceding that this is the carrying on of a system. I objected to it in the beginning, so that there can be no pretense that I am objecting to this bill as a new measure. I objected to it when it was entered upon. The contracts authorized by the last session, involving $14,750,000 and more, do yet appear, for the appropriations are to be made hereafter, but the contracts are made.

The CHAIRMAN. The gentleman's time has expired.

Mr. HOLMAN. Unless some other gentleman desires to speak, I would like to take a few moments more.

Mr. MCCREARY. I ask unanimous consent that the gentleman be allowed to proceed.

The CHAIRMAN. How much time does the gentleman desire?

Mr. HOLMAN. I would like to have five minutes more.

Mr. BOUTELLE. I hope he will be permitted to have five minutes.

Several MEMBERS. Take ten minutes.

Mr. HOLMAN. Now, gentlemen must bear in mind that this is only part of the general drift in statesmanship. The entire appropriations for the current expenses of the Government for last year were $286,646,460.32. For the present current year they are $361,770,057.79, being an increase in the amount of the current annual appropriations of $75,123,597.47 in a single session of Congress. From this should be deducted $23,482,659.35 for increase of pensions and for the census, and still the enormous increase is $51,640,938.12.

I challenge gentlemen to point to an instance in our history where anything approaching that has ever occurred before. So that, omitting the increase of the pension list and leaving off the census, still there is an actual increase in the current expenses of our Government by the acts of the first session of this Congress of the enormous sum of over $51,000,000.

Where are we drifting, gentlemen? Does any gentleman feel astonished that the industries of this country are depressed, that the laboring men are crying out for relief, that great bodies of men, larger and more influential than ever before, are combining together for the purpose of reforming this state of things and of improving their condition and to better their fortunes? Do gentlemen suppose that you can draw from the labor of the country and appropriate $361,000,000 annually with a permanent appropriation of over $100,000,000, reaching over $462,000,000 a year, with remorseless steadiness year after year, and still our people prosper, and that, too, on a currency all told of less than $1,600,000,000?

Mr. SAYERS. Will the gentleman allow me to ask him a question?

Mr. HOLMAN. Certainly.

Mr. SAYERS. Is not a large proportion of the increase of appropriations and expenditures to which you refer attributable to the increased pension appropriations?

Mr. HOLMAN. I am not including the pension appropriations. I have taken the appropriations of the last session of last Congress, which were $286,000,000, and I have deducted the appropriations of the last session from the present current year, and I have deducted over $23,000,000, that represents the increased pension appropriations and the appropriation for the census, which is an extraordinary expenditure, and the increase is the sum I have named.

Mr. SAYERS. Has the gentleman taken into consideration the pension deficiency for the present fiscal year of $45,000,000?

Mr. HOLMAN. Of course I have not taken that into account, because I am not speaking of that; we have not come to that. I am speaking of appropriations already made.

Mr. SAYERS. This present year we will have a deficiency of about $45,000,000 on account of pensions.

Mr. HOLMAN. That is not before us. I am talking of the appropriations we have made and deducting the increased pension appropriations from the account.

If gentlemen think this Government can prosper under that sort of taxation and expenditure they labor under a fearful delusion. The country will grow poorer and poorer and the wealth of the wealthy will steadily increase. Excessive taxation impoverishes the people and creates great private estates.

Now, one word, sir, as to the necessity for all this. Gentlemen talk about the perils of this Government, but gentlemen do not rise up, I think, to the magnitude of this Government. No nation ever existed

so completely exempt from peril as ours, from the character of our institutions, absence of ambitious purposes of conquest and aggrandizement, and no outlying possessions except the bleak Alaska.

The CHAIRMAN. The time of the gentleman has expired. If there be no objection, the *pro forma* amendment will be considered as withdrawn and the Clerk will read.

The Clerk read as follows:

Contingent, Navy: For all emergencies and extraordinary expenses arising at home or abroad, but impossible to be anticipated or classified, exclusive of personal services in the Navy Department or any subordinate bureaus or offices, at Washington, D. C., $7,000.

Mr. HOLMAN. Mr. Chairman——

Mr. McCREARY. How much were the appropriations for pensions last year?

Mr. HOLMAN. They were over $86,000,000; this year, over $98,000,000; and there is a deficiency for this year and was for last year; but I am not taking the increase of pensions into account in my comparison.

The CHAIRMAN. What motion does the gentleman from Indiana make?

Mr. HOLMAN. I move to strike out the last word.

I am only comparing the appropriations of last year with the appropriations for the present year, and showing that, independent of the increasing appropriations for pensions, there has been an increase of over $51,000,000 in our appropriations. We are paying out for the present current year over $462,000,000, including permanent appropriations.

Mr. McCREARY. I would like to ask the gentleman from Indiana if he remembers how much money was appropriated in 1884 for pensions?

Mr. HOLMAN. I can not say at this moment.

Mr. McCREARY. I have before me a statement which shows that in 1884 the appropriation was $57,273,536.70.

Mr. HOLMAN. Mr. Chairman, I am not making a comparison as to the amount of the pension appropriations, but of appropriations in excess of the increase. I am trying to show the rapidly increasing expenditures of this Government and the increase now compared with last year.

Mr. SAYERS. The appropriations for pensions have doubled within the last six years.

Mr. HOLMAN. Why, certainly; and nobody is complaining about that.

Mr. HERBERT. Will the gentleman permit me to ask him a question?

Mr. HOLMAN. Certainly.

Mr. HERBERT. I would ask the gentleman if he does not think that the most rapid increase in the expenditures of this Government has been for pensions?

Mr. HOLMAN. I did not hear the gentleman.

Mr. HERBERT. I ask the gentleman if he does not think that the increase in expenditures for pensions has been more rapid in the last fifteen years than for anything else in this Government; and I also ask him if he has not voted for every one of those increases.

Mr. HOLMAN. Certainly; but I am not talking about the pension question at all, I have said repeatedly.

Mr. HERBERT. I wanted to give my friend a chance to answer that.

Mr. HOLMAN. I have answered it. I want to tell my friend that nobody is complaining of the expenditures for pensions. I am not. I want my friend to understand that distinctly. When you talk of the expenditures for pensions you talk of expenditures which are entirely proper, and which are distributed broadcast over all this country, and reach a class of persons who are eminently deserving, and who, speaking of it in the most modest terms, have rendered great service to their country.

Mr. HERBERT. But does the gentleman think it is entirely fair to deliver a homily on the extravagant expenditures of the Government and leave out the most extravagant item of all?

Mr. HOLMAN. I am not leaving out the most extravagant item of all, taking into account the duty of the Government. On the contrary, if the gentleman has done me the honor to listen to what I have said, he must have observed that I stated distinctly the expenditures of these two years, not taking into account the item for increase of pensions. I am not complaining of that increase, for it is necessary and proper, but of unjustifiable extravagance when no public necessity exists. And it must be remembered that the increase I have named is the increase for a single year, although at the end of the first seventy-two years of our national existence we had not reached a total annual expenditure of $62,000,000.

Now, Mr. Chairman, following out the idea suggested by the gentleman from Alabama [Mr. HERBERT], the pension appropriation, whatever it may be, is approved by the country at large, and, as I have already said, it is an expenditure which is diffused among the people of all parts of the country. It does not build up great private estates or do injustice to any section of our country. With the exception of the appropriations for pensions and rivers and harbors, my friend must remember that the great body of this vast wealth annually expended is concentrated in a comparatively small section of our Union, under the legislation of which this is a part——

Mr. HERBERT. There is one section of the country that is almost entirely left out of the pension distribution.

Mr. HOLMAN. I think the expenditure for pensions benefits all sections more or less. My friend should not be astonished that in the portions of the country north and east of us there is such a rapid accumulation of wealth in the savings institutions and such an enormous increase in the aggregate wealth of those communities. There is such increase because hundreds of millions of public money are spent annually in that region which thus boasts of its general prosperity.

My friend complains of the pension expenditure which reaches a great body of our people in a greater or less degree in every section of the Union, but he might just as well complain of the appropriation for rivers and harbors, which, as I have said, is the only other great item of our national expenditure which is generally diffused. This bill, with the system of which it is a part, provides for large disbursements from the public Treasury for years to come, and it piles up that expenditure where? In the gentleman's section of the Union? In the Southwest? In the West? In the Northwest? No; but it builds up fortunes in one section of our country.

I glory in the prosperity of that portion of the Union, but I do not wish to see that prosperity built up by the impoverishment and oppression of labor in other sections of the Union. My friend from Alabama spoke in terms which seemed to at least excuse this policy. I highly appreciate his soundness of judgment and patriotism; but at the meeting in 1893 of the navies of the world in our waters I do not believe my friend will fail to condemn the policies of foreign powers who keep up navies for the avowed purpose of keeping down their own people as well as of resisting foreign aggressions.

These great navies are to parade in our waters, and it is to be a great occasion of display and triumph. Yet, sir, that display will simply represent the pomp and glitter of power and wretchedness and poverty of millions of people, a great display of power of rulers by which millions of our people are reduced, by unjust and remorseless taxation, to abject and hopeless poverty. Is that in harmony with the spirit of our age? Why, sir, a distinguished gentleman within the last year or two, within the limits of this Capitol building, tried to alarm the public mind, to alarm the courageous heart of the American people, by the idea of hostile vessels passing through the Welland Canal, up the Great Lakes, and shelling Chicago!

Why, sir, the only nation that could do this by any human possibility is a nation which Providence has placed in an attitude which gives us bond and security to keep the peace toward us. Do gentlemen suppose that the power upon the other side of the Atlantic intends to surrender to us its vast possessions on the north? Does Spain propose to surrender to us her possessions adjacent to our coast? Sir, there never was a day when the peace and safety of this Government were so absolutely assured as they are at the very time when we are appropriating vast millions for this costly glitter of a splendid navy.

The *pro forma* amendment was withdrawn.

The Clerk read as follows:

Ocean and lake surveys: For ocean and lake surveys, the publication and care of the results thereof; the purchase of nautical books, charts, and sailing directions, and freight and express charges on same; preparing and engraving on copper plates the surveys of the Mexican coasts, and the publication of a series of charts of the coasts of Central and South America, $14,000.

Mr. SAYERS. I move *pro forma* to strike out the last word. If the gentleman from Maine [Mr. BOUTELLE] will give me his attention for a moment, I desire to ask him whether the proposition for the publication of charts of the coasts of Central and South America is not a new one.

Mr. BOUTELLE. No; this was formerly included under the head of "navigation supplies;" but there has been a readjustment of the duties of the bureaus in the Navy Department, so that this matter is now placed under this head.

Mr. SAYERS. My information was that charts of our western and southwestern coasts, extending around Mexico, were being prepared under the direction of the Navy Department; but I did not know that the Department was engaged in preparing charts of the coasts of Central and South America. Accepting the gentleman's statement as, of course, correct, does he think that the appropriation recommended is large enough?

Mr. BOUTELLE. It is what has been requested by the bureau. This matter was formerly under the head of "navigation supplies" and was in charge of the Navigation Bureau; but all these supplies are now under the direction of the Bureau of Equipment. The ocean and lake surveys remain under the Navigation Bureau as before.

Mr. SAYERS. Can the gentleman inform us whether the surveys along the coast of Mexico have been completed yet?

Mr. BOUTELLE. I think those surveys have been completed and that preparation is being made for engraving and printing the charts.

Mr. SAYERS. I withdraw the amendment.

The Clerk read as follows:

Recruiting and transportation: For expenses of recruiting for the naval service; rent of rendezvous and expenses of maintaining the same; advertising for

men and boys, and all other expenses attending the recruiting for the naval service, and for the transportation of enlisted men and boys at home and abroad, $30,000.

Mr. BOUTELLE. I desire to offer on behalf of the committee a formal amendment, designed to incorporate this and the following paragraph under one head.

The Clerk read as follows:

On page 4 strike out from line 6 to line 21, inclusive, and insert in lieu thereof the following:

"Recruiting, transportation, and contingent, Bureau of Navigation: For expenses of recruiting for the naval service; rent of rendezvous and expenses of maintaining the same; advertising for men and boys, and all other expenses attending the recruiting for the naval service, and for the transportation of enlisted men and boys at home and abroad; for heating apparatus for receiving and training ships, and extra expenses thereof; for freight, telegraphing on public business, postage on letters sent abroad, ferriage, ice, apprehension of deserters and stragglers, continuous-service certificates, good-conduct badges and medals for boys; schoolbooks for training ships; packing boxes and materials, and other contingent expenses and emergencies arising under cognizance of the Bureau of Navigation, unforeseen and impossible to classify, $45,000."

Mr. BOUTELLE. This amendment embraces the exact text of the bill, the only effect being to treat under one head "Recruiting, transportation, and contingent," and to make one appropriation under this head.

The CHAIRMAN. If there be no objection, the amendment will be considered as adopted.

There was no objection.

Mr. BOUTELLE. I ask that a letter from the Department in reference to the amendment just adopted be published in the RECORD.

There was no objection. The letter is as follows:

NAVY DEPARTMENT, *Washington, December 24, 1890.*

SIR: I have the honor to request that the appropriations "Recruiting and transportation, $30,000," and "Contingent, Bureau of Navigation, $15,000," House bill 12782, page 4, may be consolidated under one head, to read:

"Recruiting, transportation, and contingent, Bureau of Navigation: For expenses of recruiting for the naval service; rent of rendezvous and expenses of maintaining the same; advertising for men and boys, and all other expenses attending the recruiting for the naval service, and for the transportation of enlisted men and boys at home and abroad; for heating apparatus for receiving and training ships, and extra expenses thereof; for freight, telegraphing on public business, postage on letters sent abroad, ferriage, ice, apprehension of deserters and stragglers, continuous-service certificates, good-conduct badges, and medals for boys; school books for training ships; packing boxes and materials, and other contingent expenses and emergencies arising under the cognizance of the Bureau of Navigation, unforeseen and impossible to classify, $45,000."

For the past two years the appropriation under recruiting and transportation has not been sufficient to meet the needs of the service, and it is feared there will be a deficiency again this year under this heading.

The necessity of fitting ships out and putting them out of commission at the Mare Island navy yard has greatly increased the expenses of recruiting and transportation, but it is believed that, if the headings of the appropriations and the amounts under each are combined as requested, the bureau will be able to meet its necessary expenditures without creating a deficiency.

Very respectfully,

B. F. TRACY, *Secretary of the Navy.*

Hon. CHARLES A. BOUTELLE,
Chairman Committee on Naval Affairs.

Mr. HOLMAN. Mr. Chairman, I move to amend by striking out the last word. I desire to call the attention of the gentleman from Alabama [Mr. HERBERT] to another fact which perhaps he overlooked. We have now in our Navy over forty vessels of steel and iron, saying nothing about the vast body of vessels that we have on the stocks and the large numbers authorized but not yet contracted for. With a navy of about eighty wood and metal vessels, as our Navy Register now shows, when in a few years the proposition shall come before this House for an increased force to man the ships where will my friend from Alabama stand then in regard to an enlargement of our naval force? I think my friend will not willingly see that force enlarged.

Let any statesman of this county in a time of profound peace propose an enlargement of the force of the Army or Navy, and I think he will hear from the people an indignant protest. This increase in the number of our vessels can not occur, I fear, without an increase of the force to man those vessels. The statesman of this country who proposes to enlarge our naval force to the extent necessary to equip this new navy will find, I think, that he has misapprehended public sentiment. If we had important outlying possessions I should take this to be the proper policy; if, like European powers that have large navies, we had outlying colonies and wished to keep them in subjection, I do not see what else we could do.

But the idea of the American Congress imitating the policy of the monarchies of Europe, the object of which is to maintain their own power by force and to keep their people in subjection, is a thing I can not understand. For one I would feel that the great increase of the Navy, which means the placing of a guard over our own people by the power of Government, would be the most fearful calamity that could befall us, for it would show how thoroughly changed we are from the spirit of our fathers.

The idea of feeling alarm now, when we stand not simply in the very front rank of the nations, but the first of the nations! The mere declaration of an embargo upon our part against any naval and commercial power would produce a revolution among its own people. Providence has made us secure against external force. We have not been in peril during the last forty years by the unfriendliness of any nation. We are now beyond the point of danger, recognized by the nations as the first, and all this by gift of Providence, intelligence, and courage of our people and the conquests and triumphs of liberty and peace.

[Here the hammer fell.]

Mr. HERBERT. Mr. Chairman, the gentleman from Indiana, addressing himself personally to me, says that I have misunderstood public sentiment——

Mr. HOLMAN (interrupting). No; I stated if my friend expects to increase the Navy by a large body of ships that he has misunderstood public sentiment.

Mr. HERBERT. That is what I said.

Mr. HOLMAN. I used the word "if."

Mr. HERBERT. The gentleman said I misapprehended public sentiment in this country.

Mr. HOLMAN. No, not that; but that you would misapprehend public sentiment if you did propose to increase the Navy as has been suggested here from time to time.

Mr. HERBERT. I can not understand why these remarks should have been addressed to me personally, nor why it should be said upon any hypothetical state of facts that I misapprehended public sentiment. What have I done or said——

Mr. HOLMAN. Will the gentleman allow me?

Mr. HERBERT. Yes, sir.

Mr. HOLMAN. It was fairly in answer to the interruption of my friend himself previously with reference to my position upon other matters.

Mr. HERBERT. I have not misstated the position of the gentleman in what I said. He certainly addressed himself to me, calling me by name.

Mr. HOLMAN. No; I did not call the gentleman's name.

Mr. HERBERT. The gentleman addressed himself to me in such manner that there could be no question as to whom he referred to, and spoke of my misapprehending public sentiment.

Mr. HOLMAN. Allow me to state again. I said——

Mr. HERBERT (interrupting). I understand what the gentleman said——

Mr. HOLMAN (continuing). I said if you thought that an increase in the naval force—an increase of the number of our ships to compete with the navies of foreign powers—was demanded by the people that you misapprehended public sentiment. I only made the statement because my friend complained that I was complaining of an increase in the Navy, while at the same time he drew the inference that I favored a more liberal policy of pensions.

Mr. HERBERT. Well, the gentleman certainly addressed his speech to me and spoke of my misapprehending public sentiment. I am not hunting public sentiment; I am hunting for my duty, and I will do it if I know what it is. But, Mr. Chairman, from the drift of the gentleman's remarks it occurs to me that he is undertaking to define the true position of the Democratic party towards the Navy, as something other than and very distinct from that which I have described it to be.

The gentleman is a much older Democrat than I, simply because he is an older man, and his personal recollections go much further back than mine. But I call his attention to certain facts in the history of this country to which I alluded on yesterday, and of which he himself must have personal knowledge, because, if I am not mistaken, he was then a member of Congress.

During the last Democratic Administration prior to the late war the Democratic policy was, as I stated on yesterday, that the United States should have a respectable navy at least in size; that it should have the finest ships in the world, ship for ship superior to the vessels of any other nation. That great party throughout its history has always been noted for its vigorous foreign policy, and the Navy was its right arm.

I stated on yesterday that for the thirty years ending with 1860, although our population was only 30,000,000, we had a navy, then consisting of wooden ships armed with cast-iron guns, which cost us on an average between thirteen and fourteen million dollars per annum.

I then showed, collating all the figures, what the shipbuilding programme was on which we had entered in 1885–'86 here in this House; I demonstrated that, continued until 1894, counting every dollar that will be expended during that time, including the new ship carried on this bill, the result will be, for these nine years while we are building up a navy of steel vessels, first class in all respects, a navy armed with guns the very finest in the world, the aggregate cost will be something over $21,000,000 per annum. I said also that comparing our population and expenditures in 1860 with our population and expenditures at the present time, we find that the Democrats of that day expended upon the Navy, a wooden navy, when they were not building it up, except by slow degrees, when there had been no revolution in shipbuilding as there has been since, 44 cents per capita.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. HERBERT. Mr. Chairman, I would like ten minutes more, and ask unanimous consent to be permitted to occupy that much time.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. HERBERT. And that, comparing our population and our present rate of expenditures during these nine years, that expenditure will be 35 cents per capita. And that is what the gentleman from Indiana [Mr. HOLMAN] denounces as extravagant, and what he would have this side of the House believe is undemocratic.

Now, Mr. Chairman, I can but allude to the course of the gentleman himself who criticises this expenditure, and who reminds me that no portion of this money is to be expended in that part of the country which I have the honor in part to represent. That is all true. Not a ship is to be built, so far as I know, not a gun is to be constructed, so far as I know, in any of the Southern States; but I do not conceive, Mr. Chairman, that my duty here ends with voting for appropriations that go immediately to the people of my district or with voting against appropriations that can not be traced directly to it.

I think I owe a duty to the country at large as well as to the district I represent, and if I do owe a duty to my country at large anywhere it is right here, when we come to consider the question of putting that country in a condition to defend itself, to defend its immense coasts—a coast line greater than that possessed by any other nation in the world—against a possible foreign attack. If there were no portion of my district that rested upon the coast, that would not, or ought not at least, to make any difference with my course on a great national question like this.

If there be any national question, if there be any case in which this Federal Government becomes national in its broadest sense, it is precisely such a case as is raised by this bill, a bill that relates to appropriations for defending our citizens abroad as well as at home, for maintaining the power and the efficacy of this Government. The gentleman says we have no outlying possessions; but our fathers thought it was necessary for us to have a navy to defend our foreign trade and to defend our seacoasts, and in the days when they were spending 44 cents per capita upon a navy we had forts, we had guns for every fort, and every magazine was full of ammunition. And at that time it was believed that these forts, with the Navy we then had, were amply sufficient to defend us against any foreign assault.

These are the reasons, briefly stated, why I vote for an appropriation of this kind, because I believe it my duty to the whole country which, in part I represent. So far as the gentleman from Indiana [Mr. HOLMAN] himself is concerned, I ask him if the most extravagant expenditure, if the greatest increase in the expenses of this Government, has not taken place in the last fifteen years in pensions, and if he has not voted for every one of those bills?

Mr. HOLMAN. Why, certainly, with pleasure.

Mr. HERBERT. And when $160,000,000 or $175,000,000 are being expended upon pensions he carps and cavils here at expending $21,000,000 a year for the purpose of maintaining and building up our Navy.

If I had ever seen the gentleman vote against a single appropriation for a public building or anything else that went into his own district, then I could sympathize a little more with the criticism that he makes upon me, and I could appreciate more fully perhaps than I do the force of the argument which he addresses to me, that I ought not to vote for this bill, simply, forsooth, because the ships are not built in the district or in that section of country from which I come.

Mr. Chairman, I have not desired, and did not intend, to get into a debate with the gentleman from Indiana that was at all personal or to allude to his own course; but it does seem to me that now and then, occasionally, arguments ought to reach him, as they seem to reach other people on this floor, that are not addressed directly and immediately to the constituency he represents. I did not seek, and avoided, any controversy with him. For I have the very highest regard, both as a Democrat and a friend, for the distinguished gentleman from Indiana, and if I have betrayed, in the few remarks I have made, any feeling whatever, I beg the gentleman to believe that it is simply because he seems, in the several speeches he has made, to address himself personally to me and to be attempting to reach me through a personal appeal to the constituency I represent on this floor.

I am willing to go before that constituency and say to them that I have voted to increase the Navy, to build up ships and a Navy which I pray God there may never be any use for; that is to say, which will never go into battle. I represent, Mr. Chairman, an intelligent and patriotic constituency. I am willing always to rest myself upon that intelligence and patriotism. They know as well as I do there is a use, Mr. Chairman, and that there always will be a use, for a Navy, to keep the peace with foreign nations. We do not need a large Navy. I have never contended for such a Navy as the nations of the Old World have. But, sir, we should show to the world that we have a Navy built at home, and small it may be, first class in men, first class in ships, and first class in guns, and the world should know that behind that Navy is a power and a will to increase it to any size whatever that may be required, to resent any affront that may be offered us or to defend ourselves against any attack whatever. That, sir, that is the position on which I stand, and that I believe to be the attitude of the Democratic party.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HERBERT. Mr. Chairman, just one moment more.

The CHAIRMAN. Unless there is objection, the Chair will recognize the gentleman.

Mr. HERBERT. The gentleman from Indiana has spoken about eighty ships. I want to say in conclusion that there are not eighty ships in the Navy; that the few old wooden hulks are rapidly going out, and while you can count upon the register that many there are absolutely no wooden ships, or scarcely any, in the Navy that are useful, and that within the course of five years there will not be left a wooden ship except perhaps the Kearsarge and the Hartford, which Congress has decided to keep, in perpetual memory of their gallant past, just as the Constitution has been handed down to us from the war of 1812.

The Clerk read as follows:

Naval War College and Torpedo School on Coaster's Harbor Island: For maintenance of the Naval War College and Torpedo School on Coaster's Harbor Island, $10,000.

Mr. HOLMAN. Mr. Chairman, I assure the gentleman from Alabama [Mr. HERBERT] that I did not intend to address the remarks I made in this debate a short time ago particularly to him, and I wish to say especially that so far as they were addressed to him it was not done in any unkindly spirit. The remarks I addressed to the gentleman from Alabama, and which he seems to have taken exception to, were made rather on account of his interruption by a question as to our pension appropriations than for any other reason. My friend is correct in saying that I have always supported appropriations for pensions. I have always done so. Gentlemen may criticise our pension laws if they think proper; but I feel very sure that the country generally approves the policy of Congress with reference to pensions. A large number of our people not directly interested in pensions would approve a more liberal policy, especially in view of the large appropriations we are making from year to year which tend directly to the consolidation of the wealth of the country in the hands of a few of our people. The expenditure for pensions is demanded by the public judgment. It is demanded by the patriotism of the country and by our sense of honor and justice. That stands upon an entirely different footing from excessive expenditures not demanded by the general welfare. I am surprised that gentlemen compare the expenditure of money for pensions with excessive and hitherto unknown expenditures for the Navy. The expenditure for pensions reaches directly or indirectly almost every fireside in the whole land; while, of course, far greater in the North, still it reaches every State in the Union more or less. Laboring men and women in the main receive its benefits. In a far greater degree than any other expenditure made by the Government it restores to the laboring people the money drawn by taxation into the Treasury from labor.

I am surprised that gentlemen should compare such an expenditure, which, considered from their own standpoint, is a means by which the improper accumulations in the Treasury can be most profitably, justly, and fairly distributed, with that for the Navy, which does not diffuse but consolidates the wealth drawn from the people by taxation. There are two objections to the expenditures in progress and in contemplation for a great Navy. First, it is an unnecessary expenditure; the safety and general welfare of our country do not require it; and, secondly, it is a perilous expenditure, for, in my judgment, an increase in the Navy beyond what is fairly reasonable, greatly beyond the Navy deemed ample in all our former history in a time of peace, such as is being done, and the increase of the naval force which must follow, or an increase of our Army which is almost certain to follow, would be a peril to our institutions and should sound a note of alarm.

There are few men in this country who would favor the policy of European Governments as to navies and armies when they consider its bearing upon the free institutions of our Republic. My friend talks of a navy compared with that of other governments. Are we to imitate the policy of monarchies with great outlying possessions such as all the European powers having great navies possess?

Mr. HERBERT. I beg the gentleman's pardon. I did not say anything about having such a navy as other countries. I spoke of ships, ship by ship, that were superior to theirs in the quality of the ships.

Mr. HOLMAN. Oh, superior ships!

Mr. HERBERT. And I want the gentleman to understand that I never had any idea of this country ever building up such a navy as Great Britain has.

Mr. HOLMAN. Of course not. I admit the gentleman only talks of a navy of the highest order as to ships, but he speaks of it as if it was an important public institution of our country. What do we need a great navy for? Let me answer that question by asking the gentleman what do nations that we are asked to imitate need a navy for? Why, the great navies and armies of the European powers have for successive centuries consigned and still consign the great multitude of their people to poverty and wretchedness.

What do they need navies for? Great Britain needs a navy to domineer over and enslave a large portion of the human race; and, of course, she needs a great and splendid navy. It is in Europe the instrument and agent of despotism. Great Britain and the nations of the continent—still afflicted and cursed by the pride and petty ambition of rulers—need navies to overawe their own people at home and their colonies abroad. Now, what do we need a navy for? Is it for the pur-

pose of national safety? Our fathers, when this Republic was a feeble power, did not deem a great navy necessary to the public safety. They relied with confidence on the advantage of our position and the energy of a free people. Even when our northeastern boundary was in dispute and might result in a conflict with Great Britain at any hour, our fathers had the courage and self-reliance to reject schemes of taxation to create a great navy and were willing to meet the emergency when it came.

Did our Government, when the northwestern boundary was in dispute, indulge in fearful apprehensions and deem it necessary to tax our people to build a great navy in anticipation of war? No, no. They knew that in the war of 1812, and afterwards in every emergency whenever an occasion arose to confront an enemy, the courage, intelligence, and genius of the people would be equal to the demand and an army and navy would appear. In all our history, in every emergency whenever an army and navy were required to maintain the safety and honor of the nation they have sprung up as if by enchantment. There is in recent years an element of timidity, foreign to our system of government and to our people, that has something to do with this idea of a great navy; and it will in the progress of time demand a great army. The overgrown private fortunes that our public policy, State and Federal, have encouraged and almost created during the last twenty-five years and which these great appropriation bills of Congress are adding to every year to the extent of ever-growing millions of dollars——

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOLMAN. Mr. Chairman, I ask the same indulgence as was granted to the gentleman from Alabama.

Mr. McMILLIN. Mr. Chairman, if I can be recognized I yield my time to the gentleman from Indiana.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that he be permitted to proceed for ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. HOLMAN. These imperial fortunes which these appropriation bills are helping to build up—for you can not draw from the whole people of this country from $450,000,000 to $460,000,000 a year and expend it largely in some particular portion of our country on contracts and orders of the Departments and special acts of Congress without building up or enlarging imperial private fortunes—these fortunes are naturally timid—I might use the word "cowardly"—and they are asking by petitions and methods that do not appear on the records of Congress for a stronger government. They want a stronger, a splendid government, a stronger navy and army. They distrust the people and are demanding that the Government shall arm itself with power. Yet, think of a navy founded on a patriotic impulse shelling a great city of the seaboard in the case of an uprising of the people! Louis Napoleon, within the memory of us all, constructed fortifications around Paris in the name of the liberty of France for the purpose of subjugating the people of Paris, the heart of France.

Mr. McMILLIN. And he did it.

Mr. HOLMAN. Yes, he did it. History is crowded with such examples. I am sure that the honorable members of this House who have favored the policy of a great navy have been actuated by patriotic motives and by an honorable pride in the greatness of their country. I admit that a splendid navy and a great army add greatly to the splendor and pomp of government, but is all this in harmony with the dignity and simplicity of a great Republic; great, not by a display of its power, but by the prosperity and happiness of its people? In Europe and in almost all other portions of the globe countless millions of wealth are drawn from the labor of hopeless and wretched multitudes of people, and the greatness and power of government is displayed in the splendor of its establishments, its armies and navies; but surely such wretched tinsel can not adorn a republic; its splendor is a happy and prosperous people. This splendor so becoming to a republic, so honorable to the highest statesmanship, will fade away and disappear under the statesmanship that by excessive taxation gives splendor to the nation. A splendid government means the poverty and misery of the people. The history of the human race confirms this.

There is another class of men who, of course, favor a great navy, and they are in your lobbies always. They plead in the public press earnestly for measures that shall give safety to the nation. They are the men who reap large profits from the building of ships and the costly armament of ships. Now, gentlemen must not misunderstand me. I have always favored a reasonable navy, such as has been deemed necessary and proper in the former years of our history. I am very willing to construct iron and steel ships of war as our present ships become unseaworthy; but that is not what we are discussing now. This measure is not the last, although contracts for war ships, involving more than $40,000,000, are now authorized. When the appropriation bills in the Forty-ninth Congress were distributed among the various committees, I predicted such results as this. Now in every committee of the House having bills in charge in relation to a Department, the head of the Department becomes an efficient power in legislation. Your Secretary of the Navy called for a number of line-of-battle ships, twenty, I think, and a corresponding number of cruisers and vessels of less pretensions, the line-of-battle ships to cost $4,000,000 each and a million dollars each for armament (this was not named by the Secretary); something away beyond the experience of our Government, even in time of war. Three of these line-of-battle ships were authorized by Congress last session and are now under contract, and one cruiser at a cost of $2,750,000. The appropriation in this bill for next year for the Navy is $30,955,965, but in the next session of Congress it will be more than $40,000,000, as contracts for the construction of these expensive ships progress—a sum vastly beyond the total expenditures of our Government for the Navy at any former period in a time of peace, and seldom exceeded or equaled in a time of war. And such are the fruits of great revenues drawn by remorseless taxation into our Treasury, enriching our Government and impoverishing our people!

Mr. McMILLIN. Will the gentleman state in this connection what the expenditure for this purpose averaged twelve or thirteen years ago?

Mr. HOLMAN. I have not the figures at hand for that period. I have spoken only of the increase during the last four years.

Mr. McMILLIN. If I recollect, the amount twelve or thirteen years ago did not exceed $15,000,000.

Mr. HOLMAN. It was less than $13,000,000 thirteen years ago. I wish to call the attention of my friend from Alabama [Mr. HERBERT] to the further fact that we have been assured from official sources year after year that our torpedo and dynamite system, on which we have expended hundreds of thousands of dollars in the last few years, has been brought to such a degree of perfection that our harbors are absolutely safe in any emergency, and yet, through some of these lobby influences which are always at work, we are expending millions of dollars—more than $6,000,000 this year—for forts, and more than $30,000,000 for the luxury of a great navy, and millions more for navy yards, dry docks, and armament, so that Pittsburgh and the section of the Union eastward from that fortunate city exults in the patriotic forethought of Congress in the enormous expenditures of our Government for the purposes of national defense, more, perhaps, than we would expend in this line if we were in actual war with a great power. There are two classes of men, I venture again to repeat, especially demanding this legislation: First, the men of overgrown fortunes who have become distrustful of the people and want a strong government. They want what a great Democrat once denounced, "a splendid government," a government resting on armies and navies and powerful corporations. The Democratic party have from the beginning demanded a plain, frugal government, resting on the courage, manhood, and intelligence of the people. We shall have expended, including this appropriation of $30,955,965, over $106,000,000 on our Navy during the period of four years, or at a rate exceeding $25,000,000 a year, and we have not yet provided, except partially, for the equipment, armament, and the "manning" of this great Navy that we are bringing into life. We are going on just as though we were a nation with great outlying possessions demanding a constant display of power on the high seas. We are imitating the methods of foreign powers, forgetting that those costly methods are intended and created to overawe their own people and keep them in subjection as well as to resist aggressions from neighboring states threatened by feuds engendered ages ago by the petty jealousies of ambitious rulers. We have no such feuds with foreign powers.

I protest, Mr. Chairman, against patriotism being invoked to justify this large and now ever-increasing expenditure. There is no patriotism in this. There is no patriotism in a display of naval power which, exceeding the requirements of national use, merely expresses the ascendency of the Government over its people.

Now, Mr. Chairman, while I have opposed this great increase of the Navy, or any increase, from the beginning, I distinctly disclaim any opposition to a reasonable navy sufficient to meet any emergency that is likely to arise. We have within a few days sent a ship of war to carry the remains of the late king of the islands west of our Pacific coast, who had died within our territory, back to his own land. That is perhaps quite proper as an act of courtesy and kindness to the people of a neighboring government. We have recently sent a ship of war to carry the remains of the great Ericsson, who rendered to our Govnrnment services of the greatest value in the late war, back to his native land in Northern Europe. We occasionally need a war ship in our diplomacy. That was eminently proper.

These international courtesies are all well enough, and I have always been willing to appropriate a reasonable sum of money from year to year to keep up a respectable navy, such as has been deemed necessary in the intercourse of our Government with foreign powers, and to protect our people abroad, in all former years; but we are going way beyond that, and have entered a field of expenditures which even our great revenues will not justify, and if they did it would be criminal to employ them for a purpose so remote from the interests and welfare of our people. A respectable navy, involving an expenditure of from thirteen to fifteen millions a year, is perhaps, in the present state of national intercourse, proper enough. A great navy, such as is in contemplation, is not required, and is a menace to our free institutions, for in due time a great army would follow.

I have already called attention to the fact that we have been assured from year to year from official sources that our torpedo and dynamite system would be sufficient to protect our ports against any possible invasion by a hostile force. We have expended hundreds of thousands of dollars on that assurance to perfect that system. If that method of defense is not sufficient let us be so informed and let that method of

getting money from the Treasury be ignored. But I have no apprehensions of our shores being assailed by any foreign force. Nations generally consider in advance the result of their assault on a foreign power; war, in modern times, never occurs without warning between great powers. No commercial nation can assail us without its commerce being promptly driven from the high seas, and no other can. With our vast resources we are already prepared for any emergency.

In view of all the facts it is manifest that the enormous expenditure contemplated of public money to create, arm, and equip a great navy at this time of assured peace, a navy greatly beyond the current requirements of our Government, is without justification or excuse. Excessive revenues which year after year are impoverishing our people and the timidity of great private estates which excessive taxation are creating, two causes each equally hostile to our system of government, are responsible for this unamerican legislation which proposes to add to a great Republic the splendor of government which in all the ages has been a symbol of monarchical power, not the expression of the greatness and prosperity of a people.

The Clerk read as follows:

Ordnance and ordnance stores: For procuring, producing, preserving, and handling ordnance material; for the armament of ships; for fuel, tools, and material, and labor to be used in the general work of the Ordnance Department; for furniture at magazines, at the ordnance dock, New York, and at the naval ordnance and proving ground, $130,000; proof of naval armament, $10,000; expenses of target practice, $15,000; in all, $155,000.

Mr. HERBERT. I move to strike out the last word. The remarks of my friend from Indiana show very clearly that he has not studied this question as he usually does the questions upon which he addresses the House. He speaks of the extent of this vast navy of forty ships.

Mr. Chairman, as I have already said, in a few years all of our old vessels will have passed away. Here we have forty vessels altogether, the construction of which has been authorized not just now, but at different times during the past nine years. This number includes four ships that were authorized as far back as the Administration of President Arthur. What does this immense new navy the gentleman talks about consist of? Two of the vessels are small torpedo boats, the only torpedo boats we have, while other nations have from one to two hundred, and some even more.

Mr. HOLMAN. Will my friend state whether it is not true that we have received official information that, after all, it is probable that wooden vessels will be found to be the most durable and reliable ships?

Mr. HERBERT. If the gentleman has received any such information, it is entirely incorrect. It is like the information he has received in regard to the defense of our coast by means of torpedoes. There is nothing in it.

Mr. HOLMAN. I admit that I do not rely very much upon these official sources, but does not the Chief of the Bureau of Navigation say that the lifetime of a wooden ship is greater than that of an iron ship?

Mr. HERBERT. Not unless the wooden ship is sheathed and covered up with copper and other metals in such a way as to make it more expensive than modern vessels built of steel.

The gentleman's information on that subject is entirely erroneous if it goes any farther than I have stated; and the statement he makes to the House that we can defend our coasts with torpedoes is absolutely worthless.

Mr. HOLMAN. Oh, no; I spoke——

Mr. HERBERT. If the gentleman does not stand on the statement he made, I will go on.

Mr. HOLMAN. I spoke of official information we had received.

Mr. HERBERT. The gentleman ought not to cite "official information" unless he thinks there is something in it.

Mr. HOLMAN. Whom are you afraid of as likely to threaten or attack our ports?

Mr. HERBERT. Mr. Chairman, I have only five minutes, and the gentleman will allow me to proceed.

He speaks of timidity being at the bottom of a good deal of this desire for a navy.

Mr. HOLMAN. For a great navy.

Mr. HERBERT. I admit that certain gentlemen residing very far in the interior of the country, looking solely at their own districts and nothing else, are not at all timid. They seem to regard with great complacency all that may be said about the exposed condition of our seacoast cities, and I have no doubt, sir, they will continue to be very brave just as long as no inventor has devised a gun that will carry a shot from the seacoast into their districts.

But, Mr. Chairman, when diverted, I was about to say that this little navy of ours authorized during the last nine years consists, or will consist, when completed so far as it now goes, in the next three years, in the first place, of two little torpedo boats of about 100 tons each; then seven gunboats, small vessels; then about twelve cruisers, and about ten armored vessels. I may not have the figures exact; but those are about the proportions of this very formidable Navy which the gentleman thinks threatens the liberties of the country. Now I sympathize to a great extent with what the gentleman said about the Army.

[Here the hammer fell.]

Mr. HERBERT. I would like to have five minutes more.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to be heard for five minutes more. Is there objection?

Mr. BOUTELLE. I hope my colleague will let us read on in the bill a little further.

Mr. HERBERT. I want just five minutes to answer these questions while they are fresh in my mind.

There being no objection, Mr. HERBERT's time was extended for five minutes.

Mr. HERBERT. The gentleman speaks of this Navy of ours as being dangerous to the liberties of the country, and he compares our Navy in some manner or other with the force with which Louis Napoleon surrounded Paris. Why, sir, the gentleman knows very well there is no sort of comparison in this case whatever; that this Navy can only operate at sea and up the great rivers; that Paris is an interior city, and it was the army——

Mr. HOLMAN. I spoke of both being done in the name of patriotism.

Mr. HERBERT. Oh, yes; many great crimes may have been done in the name of patriotism; but what has that to do with this question?

Now, I would readily vote with the gentleman to cut down the Army from 25,000 to 15,000. I believe the latter number to be as many men as we need. I think it would be a very wise measure to save that expenditure upon the Army and use the amount annually for a few years to build up the Navy. On land we are absolutely invincible against any nation, against any force that could be sent against us; but at sea we are helpless. These torpedoes that the gentleman speaks of he admits, without the need of discussion on my part, can not of themselves be depended upon for the defense of the country. We can not rely on them to defend us, and we have no forts. Our old forts are absolutely worthless against modern guns. Now does the gentleman seriously argue before this Committee of the Whole that there is really any danger to the liberties of this country from a little navy of forty vessels, assorted as these are?

Mr. HOLMAN. We have eighty now.

Mr. HERBERT. But I have told the gentleman again and again that these old ships are going rapidly out and that in the course of half a dozen years there will not be one left.

Mr. HOLMAN. But I have told my friend that according to the official reports the wooden vessels last longest.

Mr. HERBERT. Now, Mr. Chairman, by reason of interruptions I have not been able to speak in any connected manner during the time allotted me, but I wish to say in conclusion that I would like to compare my record with that of the gentleman for economy. Take all the extravagant measures for which he has voted, all these immense appropriations that were for the benefit of the people in his district, and place my votes side by side with his. I would like my constituents and his to compare our records and see who it is that has a right to cry out about extravagance in an appropriation for the Navy.

Mr. HOLMAN. I want to say to my friend from Alabama that while my district pays about $3,000,000 into the public Treasury annually in the form of internal revenue it has never had any appropriation except $50,000 for any purpose whatever.

Mr. HERBERT. How much do you get every year for pensions?

Mr. HOLMAN. All that Congress authorizes.

Mr. HERBERT. And how much whisky, on which your people get the profits, do my people drink and thus pay taxes for? [Laughter.]

Mr. HOLMAN. Oh, that is without limit. [Renewed laughter.]

Mr. KERR, of Iowa. Mr. Chairman, yesterday evening I called attention to the pledges made by the Democratic party in favor of economy, and also showed that in the last Administration they had been expending about as much money as had formerly been expended for a navy notwithstanding their professions of economy.

I believe a statement has been made that these vessels in the Navy when constructed will last only about twenty-two or twenty-three years. The expenditure provided in this bill is on an average rate of $15,000,000 per annum; so that if the present expenditure, which meets the approval of all the members of the Naval Committee on both sides of the House, Democratic as well as Republican, is continued, the charge may be made as properly twenty years from now, as it was made a few years ago against the Republican party, that we had sunk or squandered $400,000,000 in a navy. That expenditure has been going on with the entire approval of our friends on the other side.

This expenditure of $15,000,000 a year will have to be continued through a period of time when no one in the world is threatening this Government in any manner whatever with war. It will have to be continued when there is no more danger of being attacked by any nation in the world than there is of our deliberately attacking another nation without cause. And I hold this, that the only proper measure that we ought to pass here is a bill to create the elements of a navy, to secure to our American merchant marine the control of the seas.

We have more commerce, Mr. Chairman, than any other nation of the world. It amounts to more than one and one-half billions of dollars a year, and if we would develop our merchant marine, build up the elements of a navy in that manner, then, when war comes, we have the foundation on which to build a force necessary to protect ourselves.

For that reason I insist that this expenditure for big ships should be discontinued.

The gentleman from Alabama says that we in the interior do not care. We are beyond the reach of the enemy's guns. I am willing to concede that we do not have the perpetual fear of being attacked from abroad that some cities on the seacoast pretend to have——

Mr. HOPKINS (interrupting). But have not as a matter of fact.

Mr. KERR, of Iowa (continuing). But have not in fact. The fact of the matter is that they have no such apprehension, but they have large navy yards that receive appropriations of the public money and they get the benefit of it. The people of the whole country pay it into the Treasury, and the navy yard in the gentleman's district and in one or two other districts along the coast get the money and get the benefit of what the majority of the people have to pay. It is a surprise to me——

Mr. HERBERT (interrupting). The gentleman does not mean to say that I have a navy yard in my district?

Mr. KERR, of Iowa (continuing). It is a surprise to me that gentlemen can advocate such a proposition. The only theory on which I can account for it is that it produces a large amount of money to be distributed among the working people in their particular districts.

These people are largely instrumental in sending men to Congress who will promote the work in the yards. They insist that we shall expend fifteen millions to keep their laboring people at work in their districts.

Mr. HERBERT. Does the gentleman think that there is a navy yard in my district?

Mr. KERR, of Iowa. There is in Alabama.

Mr. HERBERT. Oh, no.

Mr. KERR, of Iowa. Oh, yes; at Pensacola.

Mr. HERBERT. That is in Florida.

Mr. KERR, of Iowa. But it is right on your coast. You have Mobile Bay, and you have been anxious to have one there for a long time. You are trying to get one there.

Mr. COLEMAN. No; there is one at Pensacola and New Orleans is trying to get one.

Mr. HERBERT. I suppose if you had one in your district you would be for the bill too.

Mr. KERR, of Iowa. I suppose if I had one in my district they would send men here who would work as hard for it as you do. Consequently, not having one, we are not as anxious to spend our part of the $15,000,000 our people have to help to pay as you are. We do not see the necessity for the expenditure as much as you do. The gentleman is advocating this expenditure, while at the same time he is opposing with all his powers a measure which would set our merchant marine on a firm basis again and we could earn by our commerce the cash to make the expenditure which the gentleman is so willing now that we shall make.

Besides that, Mr. Chairman, I want to call the attention of the committee to the fact that these great collections of metal known as war ships are of no practical use. The Spanish Armada was wholly valueless because it was not supported by men instructed in seamanship and who had the spirit of naval warfare. Hence it was totally worthless; and so will our great floating batteries be unless we have men instructed in naval warfare to man them when the time comes. That is what we ought to do, build up our merchant marine first, and our Navy would come into existence as our Army does when we need it.

[Here the hammer fell.]

The CHAIRMAN. The *pro forma* amendment will be regarded as withdrawn. The Clerk will proceed with the reading.

The Clerk read as follows:

Armor tests: For the purpose of making ballistic tests and experiments in the development of American armor the Secretary of the Navy is hereby authorized to use $100,000, or so much thereof as may be necessary, out of the appropriation of $1,000,000 appropriated by joint resolution of September 29, 1890, for the purpose of nickel ore or nickel matte.

Mr. BOUTELLE. I ask to have the amendment I send to the desk made, simply to correct a typographical error.

The Clerk read as follows:

On page 6, line 22, strike out the word "purpose" and insert "purchase."

The amendment was adopted.

The Clerk read as follows:

Equipment of vessels: For purchase of coal for steamers' and ships' use, including expenses of transportation, storage, and handling the same; hemp, wire, iron, and other materials for the manufacture of cordage, anchors, cables galleys, and chains; canvas for the manufacture of sails, awnings, hammocks, and other canvas work; water for steam launches; stationery for commanding and navigating officers of ships, equipment officers, on shore and afloat, and for the use of courts-martial on board ship, and for the purchase of all other articles of equipment at home and abroad and for the payment of labor in equipping vessels and manufacture of equipment articles in the several navy yards; foreign and local pilotage and towage of ships of war; services and materials in repairing, correcting, adjusting, and testing compasses on shore and on board ship; nautical and astronomical instruments, and repairs to same; libraries for ships of war; professional books and papers, and drawings and engravings for signal books; naval signals and apparatus, namely; signal lights, lanterns, rockets, running lights, compass-fittings, including binnacles, tripods, and other appendages of ships' compasses; logs and other appliances for measuring the ship's way, and leads and other applicances for sounding; lanterns and lamps and their appendages for general use on board ship, for illuminating purposes, and oil and candles used in connection therewith; bunting and other materials for making and repairing flags of all kinds; photographic instruments and materials; musical instruments and music; and for introducing and maintaining electric lights and interior signal communications on board vessels of war, $960,000.

For installing the United States steamship Lancaster with an electric-lighting plant, $6,000, in addition to amount heretofore appropriated.

Mr. BOUTELLE. Mr. Chairman, I offer the amendment I send to the desk, to strike out lines 19, 20, and 21, providing for the electric-lighting plant for the steamship Lancaster. The Department has changed the order with regard to the ship, which will go on foreign service, and has informed us that this appropriation will not be necessary.

The amendment was adopted.

The Clerk read as follows:

CIVIL ESTABLISHMENT, BUREAU OF EQUIPMENT.

Navy yard, Portsmouth, N. H.: For one clerk at $1,200; one clerk at $1,000.

Mr. KERR, of Iowa. I move to strike out the last word.

A great deal has been said during this debate about the danger to our seacoast, and especially Boston and New York have been mentioned as being in great danger from injury on account of the threatening attitude of foreign naval powers. I am of the opinion that there is no cause for any great apprehension on that subject, as I am also of the opinion that, if we should by some misfortune become involved in foreign war and their ships should attack either Boston or New York and levy a contribution which would take a few millions of the money from these wealthy men who are having their wealth vastly accumulated by our foreign commerce, they would not be "quite so English, you know," for the next fifty years. Their apprehensions are not a sufficient reason for the annual expenditure of $15,000,000 for building big ships and of $31,000,000 for our Navy.

I withdraw the *pro forma* amendment.

The Clerk read as follows:

Launching ways and slips at New York and Norfolk navy yards: For launching ways and granite slips, $13,000.

Mr. BOUTELLE. I move to amend by making the amount appropriated for the granite slips and launching ways immediately available.

The Clerk read as follows:

On page 13, line 16, after the word "dollars," insert the words "to be made immediately available."

The amendment was agreed to.

The Clerk read as follows:

In all, $59,189.17, and no other fund appropriated by this act shall be used in payment for such services.

Mr. BOUTELLE. I move the following amendment to correct a clerical error in the footing.

The Clerk read as follows:

Page 16, line 14, strike out the word "eighty-nine" and insert in lieu thereof the word "ninety-seven."

The amendment was agreed to.

Mr. BOUTELLE. Also the following amendment, for the same purpose:

The Clerk read as follows:

Page 16, line 15, amend by striking out the word "seventeen" and inserting in lieu thereof the word "thirty-seven."

The amendment was agreed to.

The Clerk read as follows:

Naval Home, Philadelphia, Pa.: For one superintendent, at $2000; one steward, at $480; one matron, at $360; one chief cook, at $360; one assistant cook, at $240; one assistant cook, at $180; one chief laundress, at $192; four laundresses, at $168 each; four scrubbers, at $168 each; eight waiters, at $168 each; eight laborers, at $240 each; one stable keeper and driver, at $360; one master-at-arms, at $480; two house corporals, at $300 each; one barber, at $360; one carpenter, at $845; one painter, at $600; one engineer to run elevator, $600; water rent and gas, $2,400; cemetery, burial expenses, and headstones, $350; improvement of grounds, $500; repair of buildings, furnaces, grates, ranges, furniture, and repairs of furniture, $6,000; music in chapel, $600; transportation of indigent and destitute beneficiaries to the Naval Home, $500; for support of beneficiaries, $50,000; total for Naval Home, $71,215; which sum shall be paid out of the income from the naval pension fund.

Mr. BOUTELE. I offer an amendment, making an appropriation, I will state, for the removal of the Naval Observatory to the new building, which will become necessary during the present year. The estimates were not furnished in December, but have been sent in since by a communication which I will ask to have printed in the RECORD.

The communication is as follows:

TREASURY DEPARTMENT, *December* 31, 1890.

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication from the Secretary of the Navy of the 30th instant, submitting estimates of appropriations in connection with abandoning the old and equipping the new Naval Observatory, amounting to $294,487.20.

Respectfully, yours,

WILLIAM WINDOM, *Secretary*.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

NAVY DEPARTMENT, *Washington, December* 30, 1890.

SIR: I have the honor to transmit herewith, and to request that they may be communicated to Congress, estimates of appropriations that will be required in abandoning the old and in equipping the new Naval Observatory for occupancy.

These estimates, amounting to $294,487.20, have been carefully prepared, and it is of great importance that appropriations for the purpose mentioned may be made as early as practicable and that they be made immediately available.

The accompanying copy of a communication from the Superintendent of the Naval Observatory, dated the 26th instant, explains the importance and necessity of prompt action in the premises.

The Department fully approves of the estimates submitted and earnestly recommends the same to the early and favorable action of Congress.

I have the honor to be, sir, very respectfully,

B. F. TRACY, *Secretary of the Navy.*

The SECRETARY OF THE TREASURY.

NAVAL OBSERVATORY,
Washington, December 26, 1890.

SIR: I have the honor to submit the inclosed estimates for abandoning the old and to prepare and equip the new Naval Observatory for occupancy, amounting to a total of $294,487.20.

I invite your special attention to the care that has been exercised in preparing these estimates in order that a minimum cost for the articles commensurate with the place and contemplated work might only be forwarded for your consideration. The conclusions and prices were adopted after frequent consultations with astronomers and with persons skilled in constructing and erecting instruments and their accessories, and with Civil Engineer George Mackey, United States Navy, whose valuable services were courteously placed at my disposal by the Chief of the Bureau of Yards and Docks, Navy Department.

In presenting the report I beg leave to state that I have endeavored economically to confine myself to the actual necessities of an observatory worthy of the name, keeping in view that the outfit of this magnificent plant should at least be upon a par with other observatories of our country.

The new Naval Observatory is now approaching completion and promises to be finished and turned over to the Government by the contractors on July 1, 1891.

It will require from nine months to one year from the time an agreement is entered into before many of the instruments can be furnished; and as it is advisable to commence work on grounds, water supply, and other outdoor work in the early spring of 1891, it is respectfully urged that the appropriation be made immediately available to avoid loss of time in getting the new Naval Observatory in working order, provided that the work upon all instruments of precision and their accessories may be done by the Secretary of the Navy without contract or in such manner as he shall deem most advantageous to the Government.

I am, respectfully, your obedient servant,

F. V. McNAIR,
Captain United States Navy, Superintendent.

The CHIEF OF THE BUREAU OF EQUIPMENT,
Navy Department.

Mr. BOUTELLE. I offer the following amendment.

The Clerk read as follows:

On page 17 amend after line 19 by inserting the following:

"NEW NAVAL OBSERVATORY.

"For bookcases, railing, shelving, standard, etc., $3,464; for transporting instruments, apparatus, piers, books, and other articles from the old to the new Naval Observatory, $2,760; for repairing and remounting great equatorial (26-inch) and its accessories, great equatorial building, including observers' elevating platform, $32,600; for repairing and remounting meridian circle and its accessories, east transit building, $6,160; for repairing and remounting transit instrument and its accessories, south transit rooms, $600; for repairing and remounting prime vertical transit instrument, $2,510; for furniture and gas or electric fixtures for new Naval Observatory, for main building, great equatorial building, clock buildings, four transithouses, boilerhouse, and magnetic building, $13,625; for inclosing grounds, $3,066; for the construction of well tank, cistern, and for purchasing and placing pump, boiler, ejectors, and pipes for water supply, $10,925; for installation of electric plant, $18,179; for one standard clock, $550; for clock-room fittings, including clocks, reflectors, piers, instruments, and all accessories complete, $5,250; for official residence of the superintendent, $20,000; for grading, macadamizing, and guttering roads around new Naval Observatory building, $12,000. Total for Naval Observatory, $136,689."

During the reading of the amendment,

Mr. McMILLIN said: Reserving the point of order on that amendment, I wish to hear an explanation of it by the gentleman from Maine [Mr. BOUTELLE].

The CHAIRMAN. If there be no objection, the amendment will be considered as agreed to.

Mr. BOUTELLE. Mr. Chairman, I understand the gentleman from Tennessee wishes to be heard on this amendment.

Mr. McMILLIN. I wanted to hear an explanation from the gentleman from Maine on the amendment.

Mr. BOUTELLE. I will say to the gentleman from Tennessee that this is simply a continuation of the work of transferring the Naval Observatory from its present quarters to the new building, which has been in the course of construction for a number of years, and is now completed, so that it will be desirable within a short time to transfer the instruments and offices to their new quarters. These estimates were prepared late in December, and referred to our committee in an executive document on January 7, 1891, and therefore, not appearing in the original estimates, we have had to offer this in the form of an amendment.

Mr. McMILLIN. Does not the gentleman find that the appropriation made there for the electric plant is excessive upon examination?

Mr. BOUTELLE. After a careful examination of the estimates I will say the aggregate amount carried by this amendment is a very large reduction from the original estimates, which called for an expenditure of $294,487.20.

Mr. McMILLIN. I remember that a new plant was put into the Interior Department. I do not remember exactly what it cost, but it strikes me that this is in excess of the rate at which we put that plant in.

Mr. BOUTELLE. The committee thought not. They examined it and had the superintendent and the chief of the bureau before them, and went over the matter with considerable care.

Mr. McMILLIN. Does this complete the transfer or will another appropriation be necessary?

Mr. BOUTELLE. This completes the transfer, but it does not complete all the work of grading and improving the grounds and it does not include appropriations for some new and additional instruments asked for.

Mr. McMILLIN. The gentleman is satisfied that this is all that is necessary for the work?

Mr. BOUTELLE. The committee was satisfied that this appropriation was absolutely necessary for the coming year.

Mr. McMILLIN. I simply wanted that explanation. I did not know when the gentleman offered the amendment whether it was new legislation; but I see it is not.

Mr. BOUTELLE. I will say that the item for electric plant is based on the actual bids.

The amendment was agreed to.

The Clerk read as follows:

Medical director's residence, naval hospital, Mare Island, California: For construction of a residence for the medical director in charge of naval hospital, Mare Island, California, in full for all expenses of erecting and making necessary improvements about the grounds, $15,500.

Mr. BRECKINRIDGE, of Kentucky. I will ask the gentleman in charge of the bill as to the necessity for the construction of a residence quite so handsome as one costing $15,000 on Mare Island. Is not that a rather unnecessary expenditure?

Mr. BOUTELLE. The committee thought not. I will say to the gentleman from Kentucky that the surgeon in charge is occupying quarters in the hospital, and a number of other officers are occupying part of the quarters that should be set apart for the benefit of patients; and my impression is that the amount of $15,500 is exactly the amount of the lowest bid upon the estimates made.

Mr. BRECKINRIDGE, of Kentucky. I can quite understand how it may be entirely proper to have a residence for the surgeon in charge, and I would not hesitate to vote for an appropriation to give the surgeon a separate residence.

Mr. BOUTELLE. The gentleman of course is aware that the expenses of building on Mare Island are somewhat greater than they would be in some other sections of the country.

Mr. BRECKINRIDGE, of Kentucky. That is true; but there are certain advantages which the United States Government has, especially at such place, in the transportation of material substantially free that would add a good deal to making it cheaper. I do not desire to move to strike it out.

Mr. BOUTELLE. I will say to the gentleman that the committee, with the best information that they could get, came to the conclusion that the proper price was named, as it was based on the lowest bid upon the estimates made.

Mr. BRECKINRIDGE, of Kentucky. It was the lowest bid; but the lowest bid was on that special plan. Of course, they might change the plan, and if you change the plan you could get a lower bid. If they first agree upon a plan, then, of course, the bids must be in accordance with that plan.

Mr. BOUTELLE. Well, I understand——

Mr. BRECKINRIDGE, of Kentucky. Now, the question in my mind is the necessity for such a residence as would cost $15,500 for the surgeon in charge of the hospital of a naval establishment, when the surgeon is not the principal officer at the establishment.

Mr. BOUTELLE. I will say to the gentleman——

Mr. BRECKINRIDGE, of Kentucky. In the navy yard there are, of course, the naval officers. They are officers of higher rank than the surgeon, and, while it is necessary to have a residence for the surgeon, he is not the chief officer on the station; and it looks to me as if it was a pretty large appropriation for such a residence, because it makes everything else poor in comparison with that $15,500 residence.

Mr. McKENNA. I will say to the gentleman from Kentucky that Dr. Brown, the Medical Director, figured this as low as possible for the very purpose of securing the appropriation. He has been urging it upon Congress for years, and at last it has been put in the appropriation bill on his recommendation after he has figured it just as low as possible in consideration of the circumstances of that place.

Mr. BRECKINRIDGE, of Kentucky. How large a building is it? Is the gentleman familiar with the plan?

Mr. McKENNA. No, sir.

Mr. BRECKINRIDGE, of Kentucky. You do not know how large a building it is. I will ask the gentleman in charge of the bill if he knows.

Mr. BOUTELLE. I do not pretend to be an architect.

Mr. BRECKINRIDGE, of Kentucky. If the gentleman does not know, who does?

Mr. BOUTELLE. All I can say to my friend from Kentucky is——

Mr. BRECKINRIDGE, of Kentucky. If the gentleman in charge of the bill does not know, whom shall we inquire from? The gentleman is the only source we can go to for information.

Mr. BOUTELLE. I desire in all sincerity to answer my friend's inquiry. I will merely say that the committee estimated on this cost according to the best light they could obtain. The Surgeon General appeared before us. We had the bureau officers before us; we exam-

ined into the matter, and the conclusion we came to was to authorize the building of such a residence. We had recommendations from the officers on the station and others, and we came to the conclusion that that was a proper item.

Mr. RICHARDSON. Can the gentleman tell us what is the salary of this medical director who is to occupy this residence?

Mr. BOUTELLE. I can not tell without looking at his name. It depends upon his longevity pay, how long he has been in the service.

Mr. RICHARDSON. Can the gentleman state the salary approximately?

Mr. BOUTELLE. I should suppose about $3,500.

Mr. RICHARDSON. It seems to me, Mr. Chairman, that the construction of a $15,000 house for a gentleman getting the salary which this officer receives is rather extravagant. We are paying him a very handsome salary, and then to come in and build him a $15,000 residence certainly seems going pretty far.

Mr. BOUTELLE. My impression is that the residences at stations of this character have not been built for a less sum than that.

Mr. SAYERS. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

At the end of line 4, page 24, insert the following: "*And provided further*, The Secretary of the Navy shall incorporate in his next annual report a statement showing the name and tonnage of each vessel that has been completed since March 4, 1885; when authorized to be built, when begun, and when commissioned; its entire cost of construction, including armor, armament, equipment, and premiums, and its cost for repairs since completion; also, a statement showing the name and tonnage of each vessel not completed, when authorized to be built, when begun, the probable date of its completion, the amount expended upon its construction, including armor, armament, and equipment, and the estimated amount required for its completion, including armor, armament, equipment, and premium."

Mr. BOUTELLE. Mr. Chairman, the committee have no objection to the amendment.

The amendment was adopted.

Mr. BOUTELLE offered an amendment; which was read, as follows:

On page 24, after the amendment just adopted, insert the following: "For improvement of plant at navy yard at Portsmouth, N. H. For additional tools other than heretofore authorized, required to further improve the condition of the yard for repairing iron and steel ships, $25,000."

Mr. HERBERT. Mr. Chairman, I desire to make a brief statement. In the little controversey between the gentleman from Indiana [Mr. HOLMAN] and myself a few minutes ago he made one statement that I neglected to reply to. He made a prediction that the appropriation in the naval bill for the next fiscal year would amount to $40,000,000.

Now, I have looked carefully into this matter and have had the figures from the Navy Department, and I desire to say that according to my understanding the appropriations for the fiscal year 1893, if the present programme only is carried out, will be less than the appropriation for this year. I think it is proper that I should make that statement. I desire to say further that, inasmuch as the gentlemen on the other side of the House were going out of control, I have thought it proper that the committee should be particular to put into this bill all the probable expenditures for the next fiscal year, and I have watched closely to see that that was done, and have not observed any disposition on the part of the gentlemen of the committee upon the other side to omit from this bill anything that properly ought to be in it. In my opinion the bill contains a sufficient appropriation, and there will be no deficiency; that is, if the estimates made by the Department are correct, for, of course, in making up the bill we have to go upon those estimates.

Mr. BOUTELLE. Mr. Chairman, I desire to offer a formal amendment to correct some inaccuracies in the printing of the bill.

The amendment was read, as follows:

On page 29, line 1, amend by striking out in the first word the capital letter "I" and inserting in lieu thereof the small letter "i," so that that section may be considered in connection with line 24, on page 28, as one and the same paragraph.

On page 29, line 17, first word, amend in the same way.

Also, on page 31, line 3, amend by making the same change.

The amendment was agreed to.

The Clerk read as follows:

Total for pay of Marine Corps, $696,296.28.

Mr. RICHARDSON. Mr. Chairman, I move to strike out the last word. A few days ago, when another bill was pending, I had occasion to present some evidence to show the discrimination made against the colored man in this country, particularly in the Northern States. I have not arisen now for the purpose of offering further evidence on that point to any great extent; but I can not permit this occasion to pass without saying that the kind of discrimination against the colored man which I referred to the other day is exercised, as it seems to me, by the officers of the Navy as well as by private individuals in the Northern States. As evidence of that fact, I desire to have read the extract which I send to the Clerk's desk, which relates not to an ordinary colored man, but to one of the most distinguished citizens of this Republic, a man so eminent as to have been appointed by the present Administration our minister to Hayti.

The Clerk read as follows:

The officials of the State and Navy Departments will draw a great sigh of relief when Fred. Douglass is well on his way to Hayti. The State Department is very much upset because the fuss between Douglass and the navy officers has become public property. The State Department people, of course, attempt to deny the whole thing, and they are generally supported by the Secretary of the Navy. The naval officers stationed here are more candid, and they have no hesitation in discussing the matter on all its merits. The Secretary of the Navy and the Administration people generally are trying to turn the question from its real merits. They deny that Commandar Kellogg, of the Ossipee, asked to be relieved from duty when he was notified that he would have to convey Douglass to Hayti. In this they are correct. Commander Kellogg did not ask to be relieved from duty for that cause; nor did any of his subordinate officers decline to convey Douglass to Hayti. They did, however, emphatically refuse to dine with Douglass or to give up their own quarters for the convenience of Douglass and his family.

In naval circles here the whole affair is considered a huge joke, and the friends of the Ossipee officers think that the Kearsarge men have been put in a hole. The Kearsarge officers are flaming mad, and the "guying" of naval officers on account of the Douglass affair has not the effect of sweetening their temper. Friends of Douglass were claiming yesterday and to-day that the officers of the Kearsarge had pledged themselves to Secretary Tracy to dine with Douglass on the way to Hayti. One of the officers here telegraphed to a friend, one of the Kearsarge officers, last night, asking if the officers intended dining with Douglass, and to-day he received the following reply by telegraph:

"We do not object to take Douglass to Hayti, but we do most emphatically object to dining with him, and we won't do it. We have no accommodation for women on board, and Douglass's wife will be an expensive nuisance, as we will have to provide linen and chamber necessaries."

Total for Marine Corps, $947,530.42.

Mr. BOUTELLE. In order to correct a clerical error in the footing in the paragraph just read, I move to amend by striking out "forty-seven," and inserting in lieu thereof "fifty."

The amendment was agreed to.

The Clerk read as follows:

INCREASE OF THE NAVY.

That, for the purpose of further increasing the naval establishment of the United States, the President is hereby authorized to have constructed by contract one protected cruiser of about 7,300 tons displacement, at a cost, exclusive of armament, not to exceed $2,750,000, to have a maximum speed of not less than 21 knots, and in the construction of said vessel all of the provisions of the act of August 1, 1886, entitled "An act to increase the naval establishment," as to materials for said vessel, its engine, boilers, and machinery, the contract under which it is built, the notice of any proposals for the same, the plans, drawings, specifications therefor, and the method of executing said contract, shall be observed and followed, and said vessel shall be built in compliance with the terms of said act, save that in all its parts said vessel shall be of domestic manufacture. And in the contract for the construction thereof, such provisions for minimum speed and for premiums for increased speed and penalties for deficient speed may be made, subject to the terms of this bill, as in the discretion of the Secretary of the Navy may be deemed advisable; and if the Secretary of the Navy shall be unable to contract at reasonable prices for the construction of said vessel, then he may build the same in such navy yard as he may designate.

And so much of the act approved March 2, 1889, as authorized the construction by contract of one armored steel cruising monitor of not less than 3,000 tons displacement, at a cost not exceeding $1,500,000, exclusive of armament and any premium for increased speed, is hereby repealed.

Mr. SAYERS moved to amend by striking out the following:

INCREASE OF THE NAVY.

That, for the purpose of further increasing the naval establishment of the United States, the President is hereby authorized to have constructed by contract one protected cruiser of about 7,300 tons displacement, at a cost, exclusive of armament, not to exceed $2,750,000, to have a maximum speed of not less than 21 knots, and in the construction of said vessel all of the provisions of the act of August 3, 1886, entitled "An act to increase the naval establishment," as to materials for said vessel, its engines, boilers, and machinery, the contract under which it is built, the notice of any proposals for the same, the plans, drawings, specifications therefor, and the method of executing said contract, shall be observed and followed, and said vessel shall be built in compliance with the terms of said act, save that in all its parts said vessel shall be of domestic manufacture. And in the contract for the construction thereof such provisions for minimum speed and for premiums for increased speed and penalties for deficient speed may be made, subject to the terms of this bill, as in the discretion of the Secretary of the Navy may be deemed advisable; and if the Secretary of the Navy shall be unable to contract at reasonable prices for the construction of said vessel, then he may build the same in such navy yard as he may designate.

Mr. ADAMS. In order that my rights may not be waived, I wish to say that at the proper time I desire to make a point of order against the second clause of this paragraph, lines 14 to 19 on page 39.

The CHAIRMAN. Will the gentleman state his point of order?

Mr. ADAMS. My point is that the provision is a change of existing law.

The CHAIRMAN. The point of order will be reserved. The gentleman from Texas [Mr. SAYERS] is entitled to the floor to discuss his amendment.

Mr. BOUTELLE. This amendment of the gentleman from Texas simply proposes, as I understand, to exclude from the bill one item, that providing for an additional vessel.

Mr. SAYERS. That is all.

Mr. BOUTELLE. That proposition has been discussed by the gentleman and others, and is so well understood now that I suppose we can have a vote on it at once.

Mr. BLAND. I do not think the House understands it. I am sure I have never heard it discussed. No doubt members of the Naval Committee may understand it; but I would like to hear some explanation.

Mr. BOUTELLE. I had no desire whatever to cut off any statement which my friend from Texas might desire to make. I simply wanted to pay him the tribute of saying that he had already stated his views with great cogency; and I supposed they were understood.

The CHAIRMAN. The gentleman from Texas is entitled to the floor.

Mr. SAYERS. Mr. Chairman, I shall not consume more than a moment of the time of the committee. I have offered this motion to strike

out for the reason (and that reason only) that I believe at the present time we have authorized a sufficient number of vessels to be constructed; and I do not think there is any necessity whatever for the construction of the vessels provided for in the clause which I moved to strike out. This is all I have to say.

Mr. RICHARDSON. Mr. Chairman, I wish to say only a word. I have already submitted evidence tending, I think, to show how the colored man is discriminated against on the land and on the sea. I submitted a few days ago extracts to show that outrages criminal in their nature are perpetrated upon this race (and I believe the fact has not been controverted) north of Mason and Dixon's line quite as often in proportion to the numbers of the colored population as in the South. I desire now to submit an extract from a paper published in the State of Illinois showing the treatment of the colored race in the rising city of Aurora in that State. I ask the Clerk to read this very brief extract as a part of my remarks.

The Clerk read as follows:

A SLICK COON—ARISTOCRATIC CITIZENS OBJECT TO A NEGRO NEIGHBOR.

AURORA, ILL., *December* 26.

Tom Cooper, a respectable colored citizen of Aurora, owned a little market garden and house adjoining the city. A few weeks ago some of the boomers desired to plat the land in that vicinity and, objecting to a colored neighbor, gave $8,000 for Cooper's property. He then bought a house and lot on Pennsylvania avenue, whereupon his aristocratic neighbors immediately clubbed together and bought him out, giving a handsome profit. The enterprising colored man has since bought his old house and four lots of the property, and will realize handsomely on the venture.

Mr. RICHARDSON. It will be observed that not only is this colored man treated in the way described in that article, but the people of Illinois denounce him as a "coon."

Mr. HOPKINS. Will the gentleman who has just sent up that little clipping from a newspaper state from what paper he takes it?

Mr. RICHARDSON. I can not state that, for I failed to mark the extract at the time; but it is from an Illinois paper. I do not remember the name.

Mr. CUTCHEON. It is clearly manufactured.

Mr. HOPKINS. I wish to say that so far from there being any discrimination against Mr. Cooper there has not been any at all. The $8,000 which he received for that property was a fair valuation, and the bargain was made between the respective parties irrespective of the question whether they were whites or blacks. Mr. Cooper is a gentleman who has lived in Aurora a great many years, and it is no compliment to him to say that he is as reputable as the gentleman who sent that clipping to the Clerk.

Mr. RICHARDSON. I want the gentleman to understand that I made no attack on Mr. Cooper's reputation.

Mr. HOPKINS. The people of Aurora and the vicinity where Mr. Cooper is generally known regard and treat him in the manner I have indicated.

The CHAIRMAN. The question is on agreeing to the amendment proposed——

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman——

The CHAIRMAN. The gentleman from Kentucky rises to oppose the amendment?

Mr. BRECKINRIDGE, of Kentucky. I rise for the purpose of an inquiry which I desire to submit to the gentleman from Maine.

The CHAIRMAN. The motion to strike out the last word is the pending amendment, and the gentleman from Kentucky will be heard upon that.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, I desire to submit an inquiry to the gentleman in charge of the bill.

The CHAIRMAN. The gentleman from Maine will please give his attention.

Mr. BRECKINRIDGE, of Kentucky. This is the authorization of a ship costing the sum of about two and a half millions of dollars and which it is proposed now to construct?

Mr. BOUTELLE. Two millions seven hundred and fifty thousand dollars, exclusive of armament.

Mr. BRECKINRIDGE, of Kentucky. How much will the armament cost?

Mr. BOUTELLE. I am not able to give the exact figures.

Mr. BRECKINRIDGE, of Kentucky. I do not mean exactly, but about how much?

Mr. BOUTELLE. I presume that the appropriation will be increased in the sum of about $300,000 on that account.

Mr. BRECKINRIDGE, of Kentucky. How much is appropriated on this account by the pending bill?

Mr. BOUTELLE. The gentleman from Kentucky is of course aware of how the appropriations are made. About $757,000 of the appropriation in this bill would be available toward the work on this vessel during the next fiscal year.

Mr. BRECKINRIDGE, of Kentucky. Why do you repeal the appropriation of last year?

Mr. BOUTELLE. Well, I will answer the question of the gentleman. I had intended to answer it later on, but it is as well now as hereafter.

We have only in this bill, as the gentleman is aware, authorized the construction of one vessel. The reason for asking no more than that is because this bill, for reasons already stated, is quite large. We have been providing for expenditures that must be made during the coming year, and which have, as I stated before, about reached their maximum. We did not suppose that either side of the House would desire the work of building up the Navy to be entirely stopped; and so we provided for building this ship, not a very expensive one. The Secretary of the Navy having stated in his last annual report that the dynamite cruiser No. 2 (to which attention was called by the gentleman from Texas the other day in connection with the fact that no further estimates were made in that direction) was authorized conditional on the success of the first experimental ship of that class and that it had not been fully determined that the experiments in that direction had been entirely successful, no further action had been taken in the matter. So that question is still pending.

In respect to the steel cruising monitor authorized in 1889, the Secretary says, in referring to all of the various vessels authorized and what has been done or omitted to be done in regard to them:

There remain two other vessels, the dynamite gunboat No. 2, whose construction was authorized conditionally in case the Vesuvius proved a success, which fact has not yet been demonstrated, and the armored cruising monitor, also an experimental design, whose features hardly seem to meet the present demands of naval construction.

In view of that statement, Mr. Chairman, it seemed to the committee that we ought not to let an amount of authorization reaching a million and a half dollars stand charged up against the increase of the Navy if the Department did not intend to use it. Therefore in connection with the proposition incorporated in this bill, which we have reported to Congress authorizing this additional cruiser, it is also recommended that this provision of the act of 1889 be repealed. So you will see that the repeal, in connection with the authorization of an additional expenditure involves an increase of only the difference between the $1,500,000 repealed and the amount provided for the construction of the cruiser, $2,750,000.

Mr. ADAMS. It is fair to the gentleman from Kentucky to state in this connection that I have made a point of order against the repeal of this provision.

Mr. BOUTELLE. I will also state that the point of order applies to the paragraph immediately following the one that is proposed to be stricken out. It does not affect the pending proposition, which is to strike out.

Mr. BRECKINRIDGE, of Kentucky. It does in this way: If the point of order is sustained and we pass the section, we authorize two vessels; that is to say, we authorize the one at $2,750,000 and we continue in force the act of 1889. Now, some of us might be willing to have one vessel, but not both.

Mr. BOUTELLE. Well, of course, I can not anticipate what the ruling of the Chair will be, but I can not deem it possible that the point of order will be sustained.

Mr. BRECKINRIDGE, of Kentucky. But the gentleman is aware of the fact that we have both found in our experience in this House that the Chair does sometimes disagree with us on such matters.

Mr. BOUTELLE. Certainly; and without going into discussion of that I will say that, as a regular annual appropriation bill has been repeatedly recognized as the measure on which appropriation for additional ships is in order, it seems to me that the repeal of an appropriation, or the transfer of the appropriation from one vessel to another, must be equally in order.

Mr. BRECKINRIDGE, of Kentucky. Can the gentleman state how many cruisers of this particular type or class have already been authorized? I mean this $2,750,000 cruiser.

Mr. BOUTELLE. We have but one, and I do not think I am violating any confidence in saying that in the conferences of the committee, as to how many and what type we should authorize this year, we were largely guided by the suggestion of my friend and colleague from Alabama [Mr. HERBERT], who among others advised the adoption of this particular class. For myself, I was inclined to advocate one more large battle ship, believing in the desirability of strengthening our line of battle in that direction. Another of my colleagues preferred the building of a vessel similar to the New York, an armored cruiser of 8,150 tons.

My colleague from Alabama expressed much interest and satisfaction in this cruiser that we authorized last year, a cruiser of about 7,300 tons, of very high speed, the fastest that we have ever authorized—a vessel in which we required the highest rate of minimum speed by one knot that was ever required in our Navy, or a speed of not less than 21 knots, and with the expectation that she will reach a speed even above that.

Mr. BRECKINRIDGE, of Kentucky. Can the gentleman state the aggregate number of vessels of all characters authorized by the bills which have been passed within the last four or five years?

Mr. BOUTELLE. A tabulated statement, which I had printed in the RECORD of Friday, will show the gentleman from Kentucky that the modern vessels of what is known as the new navy, now completed or authorized, number forty-two, of all classes, including the dynamite cruiser No. 2 and the armored steel cruising monitor which the De-

partment has indicated no purpose to build. Without these two the list embraces forty vessels and includes the five double-turreted monitors, Puritan, Miantonomoh, Monadnock, Terror, and Amphitrite, whose hulls were begun in 1874–'75; the four Roach ships, Chicago, Atlanta, Boston, and Dolphin, authorized by the act of March 3, 1883; the three coast-line battle ships, Indiana, Massachusetts, and Oregon; the two battle ships, Maine and Texas; one ram; the armored cruiser, New York; the armored coast-defense ship, Monterey; twelve protected cruisers of various sizes; six small cruisers or gunboats; one practice ship for the Naval Academy; one dynamite cruiser Vesuvius; one torpedo cruiser, and two torpedo boats.

Mr. BRECKINRIDGE, of Kentucky. There are only three of the battle ships, I believe.

Mr. BOUTELLE. Only three.

Mr. BRECKINRIDGE, of Kentucky. And they were authorized in the act of the last session.

Mr. BOUTELLE. I should qualify that by saying that only three of those are first-class, very heavy battle ships. There are the Maine, the Texas, and the Puritan, and some of the other monitors which might be called battle ships of an inferior grade.

Mr. BRECKINRIDGE, of Kentucky. I mean those that we have popularly called battle ships in the debates of Congress; only three of those which were authorized by the bill passed in the last session of Congress, under the supervision of the gentleman from Maine.

Mr. BOUTELLE. The gentleman is correct in that regard.

Mr. HERBERT. If my colleague will allow me to correct a statement, I will say in reply to the gentleman from Kentucky [Mr. BRECKINRIDGE]—he asked how many ships had been authorized in the last four or five years, and the reply was forty-two, including those two ships that are not expected to be built. I desire to correct that statement by reminding my colleague that that number, forty-two, goes back to and includes the ships that were authorized in 1880, and 1881, and all the ships since that time.

Mr. BOUTELLE. I thought that was the scope of his inquiry.

Mr. BRECKINRIDGE, of Kentucky. That is what I meant, ships belonging to what is popularly called the new navy.

Mr. HERBERT. What I wished to say was that if that number is included, it goes back further than was stated.

Mr. BRECKINRIDGE, of Kentucky. I referred to those built under the Administrations of Presidents Arthur, Cleveland, and Harrison, and those not yet completed.

Mr. BOUTELLE. I will say to the gentleman that the only vessels outside of that are the five double-turreted monitors and one or two others.

Mr. HERBERT. Those monitors are also included which are to be completed, but they were originally constructed under the administration of General Grant, so that these forty-two ships reach back eighteen years altogether.

Mr. SAYERS. Do I understand the gentleman in charge of this bill to say that the vessel contemplated by this provision is a type of cruiser No. 12?

Mr. BOUTELLE. It is intended to be a duplicate of it, with the exception that the Navy Department may improve on it.

Mr. SAYERS. According to the estimate of the Secretary of the Navy in regard to cruiser No. 12, the cost of that vessel, exclusive of equipment, armor, and armament, will be something over $2,700,000. And, if you add the armor and armament to that——

Mr. BOUTELLE. We have authorized $2,750,000.

Mr. SAYERS. I am going by the estimate of the Secretary of the Navy. Now, if you armor and arm this vessel, its entire expense when completed will run up to fully $4,000,000 in all.

Mr. HERBERT. Let me correct the gentleman from Texas. That is not an armored cruiser, but an unarmored cruiser, and there will be no cost for armor connected with it.

Mr. BOUTELLE. The gentleman is mistaken, I will say.

Mr. SAYERS. The report of the Secretary will hereafter show whether I am mistaken or not.

Mr. BOUTELLE. This vessel is intended to be purely a commerce-destroyer. It is a light vessel, very fast, with three propellers, one under each quarter, and a propeller amidships, and is to carry a comparatively light armament. She is intended for great speed and to carry a few guns, and her purpose is to chase merchantmen, so that her armament will not be very expensive.

Mr. SAYERS. I understand from the report of the Secretary of the Navy that if he could have just six such ships he would not need any of the vessels that he has now or any more hereafter.

Mr. BOUTELLE. I think my friend is mistaken.

Mr. SAYERS. Let us see what he says.

Mr. BOUTELLE. I think the Secretary's remark applies to the New York and the larger and more heavily armored and armed cruisers.

Mr. SAYERS. If the gentleman will return to page 14 of the Secretary's report he will see he says:

> In cruiser No. 12 the Department has sought to produce a vessel absolutely without parallel among the war ships of the world.

He comments upon the qualities of this vessel and says:

> In other words, this ship, so powerful in offensive force as to equal all ordinary cruisers, so well protected as to be hardly vulnerable to the lighter class of guns, so abundantly supplied with separate engines as to be incapable of being wholly disabled, can steam completely around the world without touching at any point for coal and without receiving fresh supplies from colliers; and yet, when the occasion arises, she can overtake with ease the fleetest of the ocean greyhounds. Six such ships would exterminate the commerce of any country under the present conditions of commerce protection, and would thus, under these conditions, absolutely preclude an attack from a commercial state, however threatening in its demands, powerful in its armored fleet, or aggressive in its foreign policy.

Now, I submit, Mr. Chairman, that, if this vessel is to accomplish everything that the Secretary of the Navy predicts for it, it will be well enough now to incorporate in this bill a provision directing that the Secretary of the Navy shall not build those heavy battle ships, but shall substitute in the place of them three cruisers like cruiser No. 12, so that when we get six we shall not need any more ships and have no need of any ships except those six. If his statement is correct we do not want our seacoast defended or anything of that kind, because these six ships will protect us against any commercial nation, however strong or aggressive.

Mr. BOUTELLE. Mr. Chairman, I will say to the gentleman from Texas that he will observe that the Secretary's remarks are applied entirely to the effectiveness of this vessel for destroying commerce. As I said before, that is exactly what she is adapted for. But she is not adapted for heavy warfare. She is not an armored vessel.

Mr. SAYERS. Then what does the Secretary mean by this language? Referring to six such ships, he says:

> Would preclude an attack from a commercial state, however threatening in its demands, powerful in its armored fleet, or aggressive in its foreign policy.

What does he mean by that language, if he does not mean that if the United States Government had six ships like cruiser No. 12 it would be absolutely safe from all foreign aggression?

Mr. BOUTELLE. Well, I will say in reply to that of course it is impossible for me to estimate the effectiveness of this ship; but taking the statement of the Secretary as the gentleman has quoted it, it simply seems to furnish a very cogent reason for building a second of these ships if six of them would be so effective.

Mr. SAYERS. But is it not also a very cogent reason for repealing the act for the construction of those battle ships?

Mr. BOUTELLE. The gentleman, of course, is aware that those battle ships are now in course of construction, and the Government is obligated.

Mr. SAYERS. It might be well to stop them where they are.

Mr. CUTCHEON. We may have to fight some time.

Mr. ROGERS. Mr. Chairman, what is the parliamentary status of the amendment now pending?

The CHAIRMAN. An amendment is proposed to strike out, on page 38, all after line 14 down to and including line 13 on the next page.

Mr. ROGERS. Is that still pending?

The CHAIRMAN. The Chair has not limited the committee to the five-minute debate, because there seemed to be an effort to arrive at the facts.

Mr. ROGERS. That is precisely what I have in view.

The CHAIRMAN. The gentleman from Arkansas.

Mr. ROGERS. Mr. Chairman, the Commissioner of Navigation, of whom I never heard until recently and whom I do not know——

Mr. HOPKINS. That is your misfortune, my friend.

Mr. ROGERS. Was so irreverent towards Representatives from Arkansas and Kentucky in his official report to Congress as to state that the Congress of the United States ought not to be guided by the Representatives from those States, because they regard ships as myths. The suggestion that I made makes manifest the propriety not only of my following my distinguished friend from Kentucky, who is making some inquiries with reference to this bill for information, but also that I should avail myself of the earliest possible opportunity in the same direction; and therefore I do not know just how these appropriations for ships are made. And while the gentleman from Kentucky seems to be better informed upon that subject than I am, I wanted to ask in good faith of the gentleman from Maine just how these appropriations are made.

Mr. BOUTELLE. I will state to my friend from Arkansas that the custom has been for Congress to authorize the construction of a vessel or so many vessels and place a limitation upon the cost. Then we have been in the habit, since I have had any connection with the naval appropriation bills, of appropriating a sum, after the general features of the provisions for the naval establishment have been completed in the bill, specifically, under the head of increasing the Navy, under the head of the Ordnance Bureau, covering armor and armament of vessels, and that of the Bureaus of Construction and Steam Machinery, covering the elements of hulls and machinery, and these items, as the gentleman will see in examining one of the appropriation bills, begin by saying: "Towards the construction and completion of the vessels authorized under the act of" so and so, or "under the present act," so much money, and that money is placed at the disposal of the Department under existing law to fulfill contracts or in application to expenditures authorized by law.

Mr. ROGERS. As I understand, on the face of this bill, at some

point subsequent to this, there will appear precisely the amount the bill carries.

Mr. BOUTELLE. No, sir; the appropriation bill does not state that.

Mr. ROGERS. Will it not state the sum total of appropriation that is carried in the bill?

Mr. BOUTELLE. The bill does not state the amount. It has not been customary to put that in the bill. The report accompanying the bill shows the amount; and I can give the gentleman the correct amount as stated in the report.

Mr. ROGERS. Then that is purely speculative, is it not—estimated?

Mr. BOUTELLE. Oh, no; the report gives the exact amount.

Mr. ROGERS. The exact amount?

Mr. BOUTELLE. The exact amount provided for in this bill is reported to the House.

Mr. ROGERS. Then how will the Department officers know when they have arrived at the limit they are entitled to expend during this fiscal year?

Mr. BOUTELLE. Because the appropriation is applied under each specific act of authorization.

Mr. ROGERS. Do you mean "applied" or "limited?"

Mr. BOUTELLE. I will answer the gentleman's question in this way. There had been authorized a certain number of ships. They are now under construction in various stages of completion. This bill has an item providing an appropriation of $4,000,000, and that item goes on to state the date of the act under which it is applicable, for carrying on the work of providing the armament and armor for these vessels. Under the head of "Construction and steam machinery" there is another item of $12,107,000 appropriated, which is limited in its application to carrying on and completing the work on vessels under construction authorized under the acts of such a date and this act. Under that appropriation the Department is authorized to use this money to carry on the work upon all these vessels, making the payments upon the contracts as they come due, and being simply limited by the law requiring them to keep within the authorization of expenditure.

Mr. ROGERS. I am unable to feel certain that I understand the matter yet. Doubtless it is my fault, and it may be that our friend, the Commissioner of Navigation, was not so "previous" and "protuberant" as it occurred to me that he was, but still I think he must be very "fresh" to indulge in reflections of that kind. [Laughter.] I have no doubt, I say, that it is my own fault, but I do not feel quite certain that I yet understand the gentleman's answer. Let me state it as I understand it. Anyone looking at this bill when it has been enacted into law will be able, as I understand, to take the appropriations and tell exactly what the aggregate amount is that the bill carries.

Mr. BOUTELLE. And the report stated the exact amount, and the only change since that has arisen from amendments adopted by the Committee of the Whole.

Mr. ROGERS. But the point I make is this: The executive officers or any other officers of the Government will not be governed by your report; they will be governed by the law; and what I want to know is what is in the bill that limits the amount carried.

Mr. BOUTELLE. I see the gentleman's point, and it is a very proper one to make inquiry about. The limitation is not in the gross amount, but it is in each item of the appropriation.

Mr. ROGERS. Then the aggregate must show precisely what the bill carries.

Mr. BOUTELLE. Oh, unquestionably; and in administering this appropriation the Department is limited to the specific items appropriated in the bill.

Mr. ROGERS. Now, Mr. Chairman, I hope the Commissioner of Navigation will discover that I have taken the hint and am trying to get some information on this important subject. [Laughter.]

Mr. BOUTELLE. I hope the gentleman will not make the Naval Committee responsible for the Commissioner of Navigation.

Mr. BRECKINRIDGE, of Kentucky. It does seem to me, Mr. Chairman, that we have reached a point in the construction of a navy when we can afford to suspend the authorization of the building of new ships. The cruisers that we already have or have under contract, the battle ships that we have under contract, the torpedo boats and other vessels that we have authorized, are sufficient for purposes of experiment, and, I think, sufficient for purposes of defense until we can see our way further.

I believe very much in the statement which has been made by several members of the Committee on Naval Affairs in the last few years, that the true mode of naval defense for us is to have floating batteries for our larger harbors, torpedo boats for use if an attack should be made on those harbors, and a few fast cruisers. We already have several fast cruisers. The science of gunnery is constantly changing, so that any money we might have spent fifteen years ago in that line would have been substantially wasted, and I think any money that we spend now, over and above what we have already authorized, is as liable to be expended wastefully as profitably. It seems to me, therefore, that at present there is no need for this particular ship.

This does not seem to be an expenditure that is required by any necessity, even if all the predictions of possible war should turn out to be true. It is absolutely impossible for us to undertake to construct a great navy, like the navies of the great powers, all at once; and if it were possible it would not be at all proper. I do not believe this is the proper policy for us to pursue. Our seacoast is too long to be successfully defended except by floating batteries, torpedo boats for harbor defense, and a few cruisers for the high seas.

Mr. BOUTELLE. That is what we are asking.

Mr. BRECKINRIDGE, of Kentucky. But I think we have already authorized enough of these vessels. If this statement to which the gentleman has referred me is correct, the Philadelphia is a cruiser; the San Francisco is a cruiser; then there are cruisers No. 6, No. 9, No. 10, No. 11. These are smaller cruisers; but they are fast vessels capable of successfully destroying the commerce of any enemy. Now, I wish to ask the gentleman from Maine what addition will be required to our naval force—not as to the ships, but as to manning them—when the vessels already authorized are constructed and put into commission.

Mr. BOUTELLE. Not necessarily any at once. We are getting rid of wooden vessels and replacing them with these modern ships; and it is entirely a matter of discretion and expediency as to the number of ships we shall keep in commission. I suppose wise administration would require that we keep enough vessels afloat all the time to maintain a sufficient nucleus of trained men to enable us to extend our force in an emergency.

Mr. BRECKINRIDGE, of Kentucky. Does the gentleman imagine for a moment that if we build these ships we shall have no increase of force in the Navy?

Mr. BOUTELLE. I do not imagine we shall have no increase; but I imagine the increase will not be very large.

Mr. BRECKINRIDGE, of Kentucky. In the judgment of the gentleman, what will be that increase?

Mr. BOUTELLE. Oh, I do not think there is any immediate prospect of any considerable increase.

Mr. BRECKINRIDGE, of Kentucky. And what will be the additional annual expense of the Navy Department with these additions?

Mr. BOUTELLE. The gentleman of course will see at once that that will be absolutely dependent on what use is made of the vessels. We are not building these ships because we expect that as soon as a certain number are ready we are going to plunge into a war with some other nation; we are building them on the supposition that war may come. Now, the present Navy Department may deem it necessary for the service that a certain portion of ships should be kept in commission. The Secretary of the Navy after 1892 (Republican as I hope he will be) may have different views from the present Secretary of the Navy.

Mr. BRECKINRIDGE, of Kentucky. It takes a very small foundation for the gentleman to build his "hope" upon.

Mr. BOUTELLE. If in the next Administration we should have a Democratic Secretary of the Navy, as the gentleman undoubtedly hopes we shall, he may have different ideas from the present Secretary. That matter is entirely speculative; and I simply want to make this suggestion to the gentleman from Kentucky, that this bill does not really ask any addition to the number of ships authorized for the Navy.

Mr. BRECKINRIDGE, of Kentucky. So I understand.

Mr. BOUTELLE. We are simply substituting a vessel of the most approved type for one the Department does not seem disposed to build.

Mr. BRECKINRIDGE, of Kentucky. So far as I am able to judge with my quite insufficient information, this type of vessels is the one I would like to see built. I believe in the fast cruiser. I do not believe in the battle ships. I was opposed to authorizing the building of those battle ships. I think it would be well if the law authorizing the construction of those ships should be repealed or suspended rather than continue to spend money upon them, for I have looked upon that expenditure as wasteful.

The construction of these cruisers is, I think, a move in the right direction; but this bill, upon the statement made by the distinguished chairman of the Naval Committee, establishes as a precedent that every naval bill brought in ought to authorize the construction of a vessel; that we ought to continue in the construction of a navy. Now, I think we have reached a point where we ought to suspend the construction of any additional vessels. As to vessels already authorized, let their construction proceed, if you choose; see what their cost is to be and what burden their maintenance will put upon the taxpayers of the country.

In the mean time it will be seen what inventions and improvements are made in the construction of ships, in the science of gunnery, in the strength of armor, as to all of which there are experiments and changes constantly going on. The real point between the gentleman from Maine and myself is not as to the value of this particular ship, but the more serious question whether at every session of Congress we shall authorize an additional vessel or whether we have not reached a point where we had better cease for the present the authorization of new ships.

Mr. ROGERS. I would like to ask the gentleman whether he is a member of the Naval Committee?

Mr. BRECKINRIDGE, of Kentucky. I am not.

Mr. ROGERS. I was under the impression, from the elaborate and

splendid statement of the question which the gentleman has made, that he certainly was a member of the committee, and I wished to know whether he was one of those gentlemen included in the remark of the Commissioner of Navigation to which I have already referred.

Mr. BRECKINRIDGE, of Kentucky. I am not included; nor have I done myself the honor to read the report of the Commissioner. Doubtless it was a mistake on my part.

Mr. ROGERS. Nor have I read that report; life is too short; and such information as I may have acquired has reached me through other channels.

Mr. HOLMAN. I move to amend by striking out the last word. The gentleman from Kentucky is, of course, aware of the fact that, as to the three line-of-battle ships already authorized to be constructed, the contracts for their construction have been made. Now, the fact may not be generally known that those line-of-battle ships are simply to be batteries, harbor batteries. They are not to be seagoing vessels. They are to cost four millions of dollars each, without the armor or armament. When armored they will cost five millions, and yet they are not intended to be used as seagoing vessels.

Now, contracts have been already made for their construction. I had prepared an amendment proposing that no money appropriated by this act should be applied to the construction of these vessels, under the impression that the contracts had not yet been made. But I find that they have been and are now in progress of execution.

I trust, therefore, for reasons already given, that this motion will be sustained; that the power to construct this vessel at a cost of not exceeding $2,750,000 shall be stricken out, for this vessel itself will involve an expenditure of at least, or perhaps over, four millions of dollars.

I am not satisfied that the view taken by the gentleman from Kentucky is a correct one. I think we have got away beyond the point where our navy ought to cease. I am in favor of a respectable navy such as is convenient for a Government like ours, but not a navy to overawe our own people, and that is what these great naval armaments mean.

The CHAIRMAN. The question is on agreeing to the amendment to strike out.

The question was taken; and on a division there were—ayes 34, noes 66.

Mr. SAYERS. Let us have tellers.

Tellers were ordered.

Mr. SAYERS and Mr. BOUTELLE were appointed tellers.

The committee again divided; and the tellers reported—ayes 34, noes 79.

So the amendment was rejected.

The Clerk read as follows:

And so much of the act approved March 2, 1889, as authorized the construction by contract of one armored steel cruising monitor of not less than 3,000 tons displacement, at a cost not exceeding $1,500,000 exclusive of armament and any premium for increased speed, is hereby repealed.

Mr. ADAMS. Mr. Chairman, I believe that this ought not to be adopted, and I should be willing to argue it upon its merits. But I intend now to briefly confine myself to the point of order.

I will admit that this is a question which I think has never before been raised in Congress because the occasion for raising it has never appeared. The very form of the proposition, it may be, would incline the Chairman to see that it is a change of existing law, for the paragraph declares that a certain portion of an existing statute shall be repealed. If a statute providing that a certain portion of an existing law be repealed is not a change of law, it is very difficult to state the proposition in any stronger form.

At the same time I will admit, as the gentleman from Maine [Mr. BOUTELLE] has observed, that the authorization of new ships is frequently made in appropriation bills, and I simply submit the question to the Chair whether, having become a part of the Statutes at Large, it having become a ship which the President is authorized to have constructed, it having become a purpose for which the next Congress may lawfully appropriate money, because it was authorized by law, that provision making that unauthorized which is now authorized is not a change of existing law within the meaning of the rule.

I have the list here to which this provision alludes. I do not know that any specific reference to it will be necessary. I am willing to submit the point of order, and if the Chair deems that it is proper to change the law in this particular method, then I desire to be recognized to move to strike out the item.

Mr. LODGE. Mr. Chairman, it has been held, I think, several times that the authorization of ships in the naval appropriation bill was not new legislation or a change of existing law within the meaning of the rule. If that ruling which has been made by different Chairmen is correct, as I believe it to be, it seems to me to follow that the power of repeal must necessarily go with the power of authorization where nothing has been done to carry out the authorization. It seems that the powers are necessarily one and inseparable; that if we can authorize a new ship in an appropriation bill, and not be obnoxious to the rule, we can remove the authorization in a similar bill, where nothing has been done on the ship, and not be obnoxious to the rule.

Mr. BOUTELLE. I desire to submit to the Chair this suggestion: That in the authorization of ships of the Navy on a regular appropriation bill Congress in one sense is not exercising the power of enacting original legislation. The original law is the law creating the naval establishment, and the annual appropriation bill providing for guns, ships, shot and shell, and dry docks, and other articles for the Navy is simply supplying the necessary materials for carrying out the existing law. In doing so it is clearly within the purview of the appropriation bill to make substitution of one item for another. And if we can in one appropriation bill, as we did last year and the year before, provide for a dry dock here or there, and for building ships or putting up barracks and all of the various items that go to the fulfillment of the requirement which rests on Congress by the laws which established the Navy, why we certainly in proposing, as we do this year, to authorize the construction of a more modern type of vessel to take the place of one provided under a former law, are clearly acting in accordance with precedents and within the rules of the House.

Mr. ADAMS. If the Chair will permit a few words just at this point, I conceive that the gentleman from Maine may be mistaken as to the rule under which I make the point of order, because when he refers to dry docks as an incident to the Navy I will admit that a dry dock may be an incident to a navy and may be proper to appropriate for.

Mr. BOUTELLE. And so is a ship.

Mr. ADAMS. But that comes under the other part of clause 2 of Rule XXVII, in regard to appropriations for expenditures not previously authorized by law. That question is a question whether you can make an appropriation for a particular purpose. The purpose for which you can make it is a purpose previously authorized by law.

The purpose authorized by law may be the creation of a new navy; hence might follow an appropriation for a dry dock or even an appropriation for a vessel; but it does not follow that where it has become by positive statute lawful for the President to do a certain thing a subsequent act making it unlawful for him to do that thing is not a change of existing law; and I will state to the chairman that the clause under which I make this point of order is clause 2 of Rule XXI. The first part of it was the part I imagined was in the mind of the gentleman from Maine when he spoke. The last part of it is:

Nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

If this proposed provision is not in this bill it will be lawful for the next Congress or some subsequent Congress to appropriate or not to appropriate for this particular vessel; but if this bill should pass with this provision in it, then it will not, I fancy, be proper for the next Congress to appropriate for it in the appropriation bill. I conceive that it amounts to a change of existing law.

Mr. BLOUNT. The gentleman from Maine [Mr. BOUTELLE] said in the course of the debate a few moments ago that the uniform practice had been to treat the authorization of ships on an appropriation bill as in order.

Mr. BOUTELLE. So far as my experience has gone——

Mr. BLOUNT. I was saying, Mr. Chairman, that for a long series of years, and in all probability the present occupant of the chair [Mr. BURROWS] will remember that, it was uniformly held that the authorization of ships on appropriation bills was legislation inimical to this provision.

The first ruling made contrarywise was by my friend from Kentucky [Mr. MCCREARY] a few years ago. The matter, I think, has been allowed to go on for two or three years without question.

Mr. BOUTELLE. Oh, no; the point has been raised and decided. The point was raised in the last session.

Mr. BLOUNT. I will accept the gentleman's correction. The point was raised in the last session——

Mr. BOUTELLE. And overruled.

Mr. BLOUNT. But the majority of the decisions have been the other way.

Mr. BOUTELLE. Will not my friend refer to the gentleman from Alabama [Mr. HERBERT], who has had charge of these bills——

Mr. BLOUNT. The gentleman from Alabama [Mr. HERBERT] can take the floor in his own right. I desire to say what I have to say in a connected way. The majority of the decisions have been the reverse of what has been stated by the gentleman from Maine; and if he will go back to the period before the war he will find even then the practice of the House and the ruling of the presiding officer was to the contrary. The authorization of ships was always in a separate bill. Now, sir, let us look at the reasons for it; and I think the better opinion is that it is not in order.

What are your appropriation bills? They are for the current expenditures of the Government. You might just as well, Mr. Chairman, say that because you have authorized a navy you may authorize ships or do anything; that because you have created your Post-Office Department you can authorize in appropriation bills buildings or anything that you may conceive will facilitate the matter of the handling of the mails of the country. I repeat, sir, the appropriation bills are not intended to generate policies at all. The character of your Navy before the appropriations bill went to the Committee on Naval Affairs was determined by legislation, and legislation from that committee. And the

Committee on Appropriations, so far as I am aware, when they passed that bill never once entertained any idea that they could authorize the construction of a ship on a naval appropriation bill.

Now, the transfer of the appropriation for the Naval Department to the Committee on Naval Affairs does not change the mode of procedure in the manner of authorization, and ought not. We know how our appropriation bills are considered here. The matter of the size of the Navy or the size of the Army is not a matter of to-day. It is not a matter of this year. It is not current expenditure. It is a question of policy, and ought not to be decided in these appropriation bills, in my opinion.

Now, the rule has already been read. No appropriation shall be reported in any general appropriation bill or be in order as an amendment thereto for any expenditure not previously authorized by law.

Mr. HERBERT. I will ask my friend if he can quote any of these adverse decisions that he speaks about.

Mr. BLOUNT. I wish to say to my friend, very frankly, that I have not the decisions where I can quote from them, but I have been in the House, made the point of order, had charge of the naval appropriation bill for years, made the point myself, and the ruling was made by the Chair, and made repeatedly.

Mr. HERBERT. You should find it in the Digest.

Mr. BLOUNT. I have stated to my friend that I did not find in the Digest the ruling of my friend from Kentucky [Mr. McCREARY], nor any ruling of any Chairman on this subject. The question was asked if I found that ruling, and I answer that I did not find any ruling of that kind, as it does not appear in the Digest.

Mr. BOUTELLE. Will it disturb the gentleman if I interrupt him at that point?

Mr. BLOUNT. I like to get through with an idea, but I will yield to the gentleman.

Mr. BOUTELLE. How does the gentleman account for the fact that under the late Democratic Administration, not only of the executive department but of this House, the appropriation bills were made to carry appropriations not only for the support of the Navy, but also for the authorization of these ships.

Mr. BLOUNT. Mr. Chairman, I was not discussing what the late Administration did at all.

Mr. BOUTELLE. I say, in this House.

Mr. BLOUNT. Well, I mean in this House.

Mr. BOUTELLE. The gentleman remembers such was the fact?

Mr. BLOUNT. I have already said that for two or three years——

Mr. BOUTELLE. Or more.

Mr. BLOUNT. Or four, if you please, such had been the ruling. The rulings have been various. I thought the ruling was erroneous at the time, and I still think so. I thought that it ought not to have been done in that careless way. I believe in the wholesomeness of the suggestion of this rule, that appropriation bills should be confined to objects that have been distinctly authorized, and that there should be no expenditures provided for in them except those authorized by existing law.

Now, that is the doctrine laid down in the rule; and for years, until within the last four years, there has been a uniformity in the rulings by the Chair in that direction. Beginning at a period antedating the war and running down, whenever the question has been raised, it has been held that it was not in order to place on an appropriation bill items not authorized by existing law.

Mr. CANNON. Now, will my friend allow me?

Mr. BLOUNT. Yes.

Mr. CANNON. As I understand, he states the fact to be that the construction of ships has been authorized in the naval appropriation bill, that being a general appropriation bill——

Mr. BLOUNT. Yes, sir.

Mr. CANNON. On the ground that the Navy is authorized by law. Now, does it follow that, when a ship has been authorized by enactment, express enactment at that, the law can be repealed which authorized it——

Mr. BLOUNT. That involves the whole matter.

Mr. CANNON. Especially when you take that very language of the last sentence of the rule, which expressly provides that no law shall be repealed or amended in an appropriation bill?

Mr. BLOUNT. That involves the whole question. The gentleman has put the argument in a very forcible way; and, if this original legislation was in order in this bill, then it is in order to repeal this legislation.

Mr. CANNON. Why so?

Mr. BLOUNT. I am going to state the reason and I want the gentleman to mark it. If the original authorization for building a ship on an appropriation bill was in order, then it is in order to provide for the repeal on a bill, because you have accepted the principle that you are not confined to the matter of the annual expenditures, but that you can increase the size of the Navy; you can build ships; and, if you are not content with what you are building, you may change the ship or you may substitute something else. And there is the error.

The very thing my friend dislikes is just what follows if this ruling is allowed to stand. You do not know, the House does not know, what moment there may be brought in an appropriation bill, and you may put ship upon ship upon it, perhaps not properly placed there, perhaps unwisely constructed, and if it is in order for the committee to do so it is in order for anybody else; and hence you are at any time liable to loose legislation in reference to the Navy, to the Army, to the Post Office, or any other Department on appropriation bills.

Mr. CANNON. If my friend will allow me, I agree with him exactly. I think the ruling was erroneous in which the authorization of ships was allowed on general appropriation bills.

Mr. BLOUNT. I agree with the gentleman in that.

Mr. CANNON. But it was allowed on the ground that the Navy was established by law, and that therefore you could build a ship. A law was enacted authorizing this express ship, and there is a negative clause in this rule:

> Nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

Now, everybody admits that this is existing law, and it is referred to as existing law; and, while you might by construction, perhaps, specify the amount that was intended to be sufficient when you gave authorization for the ship upon a general appropriation bill, because there is no direct language, nothing that prohibits it in the authorization, no direct language in the negative, it would be a prohibition of the repeal.

Mr. BLOUNT. Mr. Chairman, I have this to say in relation to that matter. My friend insists that the last legislation which is proposed here, to repeal an existing law, is contrary to that rule, but he makes a distinction between that and the case where the ship was authorized on the bill, because of the language in the last case changing the existing law. Now, I submit that before the authorization of the ship there was no authority of law for it. The Secretary had no right to make any contract to build that ship. He would have been liable to impeachment if he had involved the Government in such expenditure without law. You change the law which permitted him to build that particular ship, so that if the objection lies to the last amendment it lies to the old law, and I think, Mr. Chairman, it is never too late to correct a ruling which has been improperly made, especially where it relates to public expenditures.

Mr. BOUTELLE. Will the gentleman now allow us to have a ruling?

Mr. BLOUNT. I have not occupied a great deal of the time of the committee. I know my friend is impatient; I know I am not in accord with him; I know he is content with the presentation of this question he has made, but I submit that he had better be patient a little while longer; I shall not take much time.

Mr. BOUTELLE. I have no wish to interrupt my friend if he has anything more to say. I supposed he had concluded.

Mr. BLOUNT. I was going to say simply this, Mr. Chairman: If this is to be the policy of the House in reference to appropriation bills, then there is no restraint on expenditure in any branch of the public service. If this is permissible on the ground that you have established a Navy, then it is permissible to make a similar appropriation on any appropriation bill for any Department of the Government upon the ground that that Department has been established.

Mr. HERBERT. Mr. Chairman, I rose to oppose the point of order, but do not desire to speak unless the Chair wants to hear something more upon that side.

The CHAIRMAN. The Clerk will read what the Chair has indicated in the RECORD.

The Clerk read from the CONGRESSIONAL RECORD of February 19, 1885, page 1914, as follows:

> Mr. RANDALL. I submit that the paragraph is in order under the exception stated in the rule:
>
> "Unless in continuation of appropriations for such public works and objects as are already in progress."
>
> Mr. LONG. I do not care for this matter with reference to the completion of the New York. But, if the view taken by the gentleman from Illinois is correct, then that portion of the bill which relates to an increase of the Navy is also subject to the point of order.
>
> I therefore desire to call the attention of the Chair to the fundamental law on this subject. There is existing law for the construction of new vessels. Section 417 of the Revised Statutes reads as follows, and I call the attention of the Chair to that section:
>
> "The Secretary of the Navy shall execute such orders as he shall receive from the President relative to the procurement of naval stores and materials and the construction, armament, equipment, and employment of vessels of war as well as all other matters connected with the naval establishment."
>
> There exists to-day a law by which under that sanction the President can order the Secretary of the Navy to construct, arm, equip, and employ vessels; and an appropriation to meet the expense of such construction is an appropriation to carry out an object contemplated by existing law. * * *
>
> Mr. DINGLEY. I desire to say one word upon the point of order. It seems to me it is not important in the discussion and decision of this point of order whether or no there exists to-day authority of law for the construction of this vessel; because under paragraph 3, Rule XXI, this exact instance is provided for. The rule says:
>
> "No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law"—
>
> If it stopped there the suggestion of my friend from Illinois would be correct; but it proceeds—although there may not be authority of law—yet—
>
> "unless in continuation of appropriations for such public works and objects as are already in progress."
>
> A paragraph or amendment with that object in view is in order. If this is a

public work in progress, assuming that there was authority for it to have been entered upon and it is not completed, then a provision may be reported in an appropriation bill for the completion of it.

Mr. KEIFER. Will the gentleman from Maine tell us when this vessel has been in progress—how many years ago?

Mr. DINGLEY. It makes no difference. If it is an incomplete work it is in progress until its completion.

Mr. CANNON. The rule does not say "which has been in progress," but it says "in progress"—*in præsenti*.

Mr. DINGLEY. The work has been going on. Though there may have been no work during the last week or during the last year, yet if it is incomplete the work is in progress.

Mr. KEIFER. Although suspended?

The CHAIRMAN. The Chair is ready to rule on the point of order. Clause 3, Rule XXI, provides that—

"No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress."

Unquestionably the general rule is that no appropriation is in order on a general appropriation bill unless the appropriation be authorized by previously existing law. That is the general rule. But to that general rule there is an express exception:

"Unless in continuation of appropriations for such public works and objects as are already in progress."

That is to say, if the work be a public work and it is already in progress, then there need not be any previous legislative authority for the work.

Now, the Chair must believe that the construction of this ship is a public work. The Chair also believes that it is in progress. The mere fact that this vessel begun in 1883 is confessedly still incompleted, the Chair thinks, so far as this rule is concerned, does not show that that work is not now in progress. The fact that the actual construction is temporarily interrupted for want of appropriation or some other reason does not interfere with the idea that the work is in progress. The Chair therefore overrules the point of order.

The CHAIRMAN. A decision was rendered covering the same point by the gentleman from New York [Mr. COX]. The Chair thinks it is in order to make an appropriation for the construction of the Navy on this appropriation bill. The Chair overrules the point of order, but will recognize the gentleman from Illinois [Mr. CANNON] to move to strike out the paragraph.

Mr. CANNON. I desire to say a single word. Either I do not understand the reason of the rule or the Chair does not. I will ask the Chair if he has had his attention called to the last sentence in clause 2 of Rule XXI.

The CHAIRMAN. The Chair did have his attention called to that, and the decision of Mr. COX covers the very point which the gentleman suggests.

Mr. CANNON. I do not understand that the decision which the Chair has had read comes within a gunshot of the question—I say that with all respect to the Chair. Here was a law that authorized the construction of this ship, and now this is not to appropriate money for that purpose, but to repeal that law.

The CHAIRMAN. That is true; but, if it was proper to make an appropriation in that way for the construction of a ship, it is in order to provide for other disposition of the money appropriated for that purpose.

Mr. CANNON. It would be so ordinarily, if it was not for the negative clause in the rule. That is what I was trying to bring to the attention of the Chair.

Mr. BOUTELLE. Mr. Chairman, if it is competent to make an authorization for the construction of a vessel, it is certainly competent to authorize a certain amount that has been appropriated on another structure to be applied to the construction of this vessel.

Mr. ADAMS. That is not the question.

The CHAIRMAN. The Clerk will read what the Chair has indicated in the RECORD of January 12, 1889, the decision of Mr. COX.

The Clerk read as follows:

Mr. CUTCHEON. Mr. Chairman, to finish very briefly what I desire to say, if the gentleman from Arkansas will follow the history of the Military Academy from its foundation in 1802 down to the present time he will find that in all the years that have passed the Committee on Appropriations have had the unquestioned right, authority, and jurisdiction to decide upon the construction of such new buildings as were deemed necessary to carry out the purposes of the Academy. This is not the ordinary case of erecting a public building for a post office in a town or for a customhouse in a city. It is simply an appropriation to give additional facilities to a national institution which has been in existence for three-quarters of a century, and in this case what is proposed is no more than the repair of an old building.

The CHAIRMAN. Without entering upon the question of the jurisdiction of one committee as related to that of any other, the Chair holds that under clause 12 of Rule XI, "to the military establishment and public defense, including the appropriation for its support and for that of the Military Academy," the Committee on Military Affairs has jurisdiction in this matter; and therefore they have properly jurisdiction of this subject matter as to the erection of buildings.

The Chair will cause to be read the third clause of Rule XXI.

The Clerk read as follows:

"No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress; nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto."

The CHAIRMAN. Without regard to the precedent cited by the gentleman from Illinois, the Chair decides that, within the meaning of the provision just read, the building proposed to be erected—"fire-proof building on site of public grounds at West Point"—is within the purview of the rule. The construction of a building is an incident to the maintenance of the Academy itself, the object being already in progress, the main object contemplated not only by the bill, but by the very institution of the Academy itself.

Without reference to other decisions made from the chair either in Committee of the Whole or otherwise, the present occupant of the chair is informed that the Speaker of the House on a former appropriation bill held that an appropriation for the construction of a new vessel was in continuation of the general object of maintaining a navy; and that decision of the Speaker "runs on all fours" with the decision which the Chair now makes when he overrules the point of order.

Mr. BOUTELLE. Now that the ruling of the Chair has been made, let us have a vote on the amendment.

Mr. CANNON. I would like to put this case to the Chair, for after all said and done——

Several MEMBERS. Regular order!

Mr. CANNON. Gentlemen will make nothing by asking for the "regular order."

Mr. LODGE. If the gentleman is not satisfied with the ruling let him take an appeal.

Mr. CANNON. I want to make a single remark to the Chair.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. CANNON. Mr. Chairman, it seems to me the decisions which have been rendered are decisions sustaining the building of a ship by a law appropriating money in the prosecution of an existing public work. Now, this proposition is not for the building of a ship; it is the repeal of a law providing for the building of a ship, and such repeal of existing law is distinctly prohibited by the negative sentence at the conclusion of clause two of the rule. That is all I want to say.

The CHAIRMAN. If it is in order to provide on an appropriation bill for the construction of a ship, why is it not in order on an appropriation bill to modify the method of its construction?

Mr. CANNON. Because of the negative sentence at the close of clause 2 of the rule.

Mr. CUTCHEON. If one does not change existing law, the other does not.

The CHAIRMAN. If the Chair is in error, the remedy is with the committee. An appeal can be taken.

Mr. CANNON. I do not take an appeal.

The CHAIRMAN. The gentleman from Illinois [Mr. ADAMS] is recognized on his motion to strike out the paragraph.

Mr. SPRINGER. Will the gentleman yield for a motion that the committee rise?

Mr. ADAMS. I have no objection to that.

Mr. SPRINGER. Then I make that motion. It is now twenty minutes after 5 o'clock and it is evident we can not complete the bill this evening.

Mr. BOUTELLE. I hope that gentlemen on this side and on the other side who desire to transact public business will help to vote down this motion.

The question being taken on the motion of Mr. SPRINGER that the committee rise, there were—ayes 34, noes 68.

Mr. HOLMAN. I call for tellers.

Tellers were ordered; and Mr. HOLMAN and Mr. BOUTELLE were appointed.

The committee again divided; and the tellers reported—ayes 33, noes 59.

Mr. HOLMAN. No quorum has voted.

The CHAIRMAN. No quorum is necessary on a motion that the committee rise. The motion is not agreed to. The gentleman from Illinois [Mr. ADAMS] is recognized for five minutes on his motion to strike out the paragraph.

Mr. ADAMS. Mr. Chairman, I see here the gentleman from Alabama [Mr. HERBERT], who was the chairman of the Committee on Naval Affairs in the last Congress. He was at the head of that committee when this law which it is now proposed to repeal was under consideration, and he fought strenuously for the authorization of this vessel. That question was a debated question in this House. It was well considered; a good deal was said pro and con; and what was said against the proposition was mainly said by the gentleman from Maine, now the chairman of the Committee on Naval Affairs. The House decided against him. The proposition went to the Senate and was there considered. It was brought here again upon a conference report, and the deliberate judgment of Congress was expressed that the construction of such a vessel ought to be authorized.

To authorize the construction of a vessel does not compel the President to have it constructed; it does not necessarily lead to the expenditure of a single dollar; but it enables the executive branch of the Government to call upon Congress to appropriate for this matter two years or four years hence, if the experiments with the monitors now near completion should show that the low free-board vessel is as successful as the battle ship, which is the darling of the gentleman from Maine. It is admitted that the low free-board vessel or a vessel something like the monitor is a cheaper vessel; we can get more force, more guns, for a certain amount of money in that way than we can by the construction of the elaborate line-of-battle ships for which provision was made in the last naval bill. I do not object to the authorization of either type of vessel, but I desire to leave the hands of Congress free so that the next Congress may appropriate money in one direction or the other, as may seem wise and economical.

To say that the act on this subject shall be repealed simply says that Congress shall not appropriate for this matter in the next House and that the President shall not be authorized to construct this class of vessel, however strongly he may feel that the public interest requires it.

The only conceivable motive for such a provision is to lower the apparent sum total of the authorizations in this naval bill. I do not believe it necessary to limit the discretion of the next House of Representatives, in which the gentleman from Alabama himself will be responsible for naval affairs, or to limit the discretion of the executive branch of the Government, merely for the sake of striking out an authorization which was extremely unpopular with a small number of members of this House, and for the further purpose of diminishing the apparent sum total of the authorizations for the increase of the Navy.

Mr. BOUTELLE. Now, Mr. Chairman, let us have a vote.

Mr. HERBERT. I desire to be heard for a moment on this proposition.

The gentleman from Illinois [Mr. ADAMS] has put me in a situation which renders it necessary, as I think, that I should reply briefly to his statements. It is true that I did, as he states, contend for and that the House sustained me in putting this vessel upon the appropriation bill and authorizing its construction after a contest had been made. I relied at that time upon the opinions and advice of the experts in the Navy Department, upon whom I am accustomed principally to place reliance in these matters. I thought so then, and I am inclined to think now that, notwithstanding what seems to be a change of opinion on the part of these gentlemen——

Mr. ADAMS. What gentlemen?

Mr. HERBERT. These experts in the Department, to whom I have referred.

Mr. ADAMS. The gentlemen quoted by the gentleman from Alabama in the last Congress?

Mr. HERBERT. Yes; the experts in the Navy Department. I say that I am inclined now to the opinion that, notwithstanding an apparent change of views on their part, this would be a very useful vessel.

But, Mr. Chairman, as matters stand now I am satisfied that this ship will not be built, and in fact I myself would not advise the building of the ship against what appears to be the opinion of those who are called and whom we look upon as experts.

Mr. ADAMS. Has the gentleman any objection to stating the grounds of their opposition?

Mr. HERBERT. No, sir; but I hope the gentleman will allow me to get through with what I have to say.

Mr. ADAMS. Certainly, if the gentleman objects to incorporating their views.

Mr. HERBERT. The attitude of the question is this: That ship is now authorized by law and the question is constantly coming up here as to how many ships are to be built and how many are authorized. It seems to stand in the way somewhat of the proper authorization of new ships; and as it is not likely to ever be built, as these gentlemen seem, to some extent at least, to have changed their minds as to the efficacy or desirability of this vessel, I shall vote in favor of this repeal.

I think it useless to keep this provision here year after year with no prospect of the completion of the vessel. I am not able to state what brought about this change of opinion, but I know that there has been a change of opinion as to the desirability of the ship.

Mr. ADAMS. Will the gentleman yield for a question?

Mr. HERBERT. Certainly.

Mr. ADAMS. Suppose we come a little nearer to the completion of the Amphitrite and of the other monitor-class vessel; might not the Department come to the conclusion under the rather liberal provisions of the statute the gentleman supported two years ago that this vessel might be an economical one if built, and that it would prove to be a successful and useful vessel?

Mr. HERBERT. This vessel differs very considerably from the Amphitrite and that class of vessels.

Mr. ADAMS. It belongs to the monitor class of vessels.

Mr. HERBERT. And it is very certain that no vessel of that kind can now be laid down at the Department. I myself would not advise their construction. [Cries of "Vote!" "Vote!"]

Mr. LIND. Mr. Chairman, I move to strike out the last word. I have listened to this discussion with a great deal of patience and have not occupied very much of the time of the House. I notice by glancing at the report accompanying this bill that one reason given by the chairman of the committee for the unusual number of expenditures provided in the bill is that it is intended to stimulate great manufacturing enterprises, to give employment to labor, and to afford the farmers a market.

A little while ago we authorized the building of a cruiser at an expense of several million dollars, which, according to the statement of the Secretary of the Navy, if that is to be relied upon, will preclude the possibility of war in the future. [Laughter.]

Mr. BOUTELLE. One cruiser?

Mr. LIND. Yes; the building of that cruiser and one or two more.

Mr. BOUTELLE. Oh!

Mr. LIND. As we have authorized the construction of cruisers which will preclude the possibility of war, as the Secretary says, and dispense with the necessity of battle ships, we make appropriation to finish the battle ships, I presume, for the purpose of furnishing employment to labor and stimulating manufacturing enterprises as well as giving the farmers increased markets for their products. Now, I ask my friend from Illinois, who is a Western man and who represents a Western constituency, in the interest of the farmers not to press his motion to strike out. The battle ships, if we are to rely upon the language of this report, are built in the interest of his constituency and mine.

Mr. BOUTELLE. Why, he is moving to keep it in.

Mr. LIND. I beg the gentleman's pardon. I want to express my cordial support——

Mr. ADAMS. The gentleman did not intend to ask a question then.

Mr. LIND. No, I did not. I want to express my cordial support of the position the gentleman has taken, because I think we need that vessel as much as we do the battle ships we authorized in the last Congress; the style of the vessel does not cut much figure when the object is to furnish the farmers a market and stimulate our manufacturing enterprises and employ labor.

Mr. CHEADLE. I move to strike out the last two words.

I remember in the last Congress, after the most thorough and exhaustive discussion both in the committee and upon the adoption of the conference report, by a decided vote of the House it was determined to build this compound monitor vessel. Now it is proposed this afternoon, with less than one-fourth the membership of the House present, to repeal the act of authorization. For what purpose?

Gentleman have said this afternoon that this is an obsolete form of vessel. I say here, and no one can deny it, that the only steel and iron vessel that has ever stood the test of a conflict is the monitor. There is not a battle ship afloat, belonging to any nation on earth, that has ever been under a severe test. Gentlemen may say that this vessel could not withstand the force of the improved shot and heavy ordnance. It is not known that any battle ship which floats can withstand that test.

I say it is the policy of the Government to build those vessels which can best protect the harbors and great cities upon our coasts, and experience has taught us that in the crucible of battle the monitors were found effective; and so I believe to-day that these modern monitors, strengthened and improved as they will be, are the most effective battle ships that float the water. I therefore trust that the motion to strike out will prevail.

The CHAIRMAN. Without objection the *pro forma* amendment will be considered as withdrawn.

Mr. BOUTELLE. Now, I hope we will have a vote.

Mr. BLOUNT. I hope the chairman of the Committee on Naval Affairs will let the committee rise. It is evident that gentlemen want to investigate the matter.

The question was taken on the amendment; and the Chairman announced that the noes seemed to have it.

On a division (demanded by Mr. SPRINGER), there were—ayes 7, noes 36.

Mr. SPRINGER. I make the point of order that no quorum has voted and that no quorum is present.

Mr. BOUTELLE. Mr. Chairman, as it has been developed that, in the absence of the usual obstruction by our Democratic friends, we are obliged to encounter obstruction on our own side from the chairman of the Appropriations Committee and others, I think we will have to rise. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BURROWS reported that the Committee of the Whole House on the state of the Union had had under consideration the naval appropriation bill and had come to no resolution thereon.

CLERK TO THE WORLD'S FAIR COMMITTEE.

Mr. GRIMES. Mr. Speaker, I desire to make a privileged report from the Committee on Accounts.

The Clerk read as follows:

Resolved, That the Select Committee on the World's Fair be, and is hereby, authorized to employ a clerk during the present session of the Fifty-first Congress, to be paid from the beginning of said session out of the contingent fund of the House, until otherwise provided, a compensation of $6 per day.

The Committee on Accounts have had under consideration the accompanying resolution, the same being a resolution authorizing the Select Committee on the World's Fair to employ a clerk during the present session of the Fifty-first Congress, to be paid from the beginning of said session, out of the contingent fund of the House, a compensation of $6 per day. A clerk was given the Committee on the World's Fair at the first session of the present Congress at the same compensation. The work of the Committee on the World's Fair has been such as to necessitate the employment of a clerk at the present session, and the Committee on Accounts, to whom was referred the said accompanying resolution, respectfully recommend its passage.

Mr. HOLMAN. I move that the House do now adjourn. That can come up Monday morning.

Mr. PEEL. I hope the gentleman will withdraw that motion until I can get permission to print certain letters in the RECORD.

Mr. HOLMAN. I move that the House do now adjourn.

Mr. PEEL. I hope the gentleman will yield——

The SPEAKER. It is impossible to yield without going on with the business before the House.

Mr. HOLMAN. This will do just as well Monday morning.

Mr. SPOONER. This simply provides for a clerk for the World's Fair Committee.

Mr. HOLMAN. It is very unusual.

Mr. SPRINGER. Oh, no; the committee had a clerk during the last session.

Mr. HOLMAN. If it was presented during the last session, we should have understood it.

Mr. KILGORE. Mr. Speaker, I think I shall have to demand the regular order.

The SPEAKER. The Chair hopes the gentleman from Texas will not demand the regular order, as the matter seems to be in progress of adjustment. [Laughter.]

Mr. HOLMAN. I think there should be a word of explanation about this. It will come up Monday morning.

Mr. McKINLEY. I think, if the gentleman will yield and a word of explanation is given, there will be no objection.

Mr. GRIMES. There was a resolution passed at the first session of the present Congress, giving to the World's Fair Committee a clerk, and they have been acting under the belief that it referred to the present session of Congress as well.

This resolution was introduced by the chairman of the committee and referred to the Committee on Accounts. They present a unanimous report and ask that the same be adopted.

Mr. HOLMAN. I withdraw the objection, Mr. Speaker, on that explanation.

The SPEAKER. The objection is withdrawn. The question is on the adoption of the resolution.

Mr. KILGORE. Mr. Speaker, I would like to make an inquiry about that. Do I understand that they have not had a clerk during the present session?

Mr. GRIMES. They have had a clerk under the impression that the provision for one went over.

Mr. KILGORE. All right, then.

The question was put, and the resolution was adopted.

Mr. GRIMES moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CENSUS OF STONE COUNTY, ARKANSAS.

Mr. PEEL. Mr. Speaker, I desire to have two letters printed in the RECORD. I want to state that in the discussion of the apportionment bill I said that there was omitted from the census three political townships in Stone County, Arkansas. I find on examination that that was a mistake, and in justice to the Census Office I want these letters printed in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

The letters are as follows:

DEPARTMENT OF THE INTERIOR, CENSUS OFFICE,
Washington, January 12, 1891.

MY DEAR SIR: Acting upon the suggestion in your letter of December 29, that I should correspond with State Senator W. H. H. Oyler, of Mountain View, Ark., in regard to alleged omission from the census of three political townships in Stone County, Arkansas, I addressed him by telegraph, asking him to wire at my expense any information in regard to the matter which he might have. He replied that all that he had heard or knew was that A. J. Stevenson had hurriedly taken three townships, namely, Sylamore, Turkey Creek, and Red River, in place of E. O. Rushing, who was sick. The records of this office show the fact that Stevenson enumerated two districts, namely, No. 226 and No. 227, composed of the townships of Turkey Creek, Sylamore, Farris, Red River, and Locust Grove. His work in both, upon the population and agricultural schedules, was very good and seems entirely satisfactory. The county shows an increase of population over the census of 1880 of nearly 2,000.

I think that beyond doubt the complaint arose from the fact that Rushing, the enumerator originally appointed for No. 226, failed to act, and rumor, as too often occurs, did not report the whole fact, which in this case was that Stevenson was immediately substituted for him, and completed the work.

I wired Supervisor Gulley on December 26, informing him of the complaint and requesting immediate investigation by him. The message found him at Indianapolis, Ind., and on December 31 he replied that it was surely a mistake, but he would investigate. His report has not yet been received, probably on account of the delay he has experienced in making inquiry by mail, but as I have learned the facts above stated I do not deem it necessary to await his report before communicating with you.

There were probably a thousand districts in the United States where the original enumerators, by reason of sickness or from other cause, failed to act, but in all such cases substitutes were appointed and the work was completed as soon as it was possible to do so.

Very respectfully,

ROBERT P. PORTER,
Superintendent of Census.

Hon. S. W. PEEL,
House of Representatives.

DEPARTMENT OF THE INTERIOR, CENSUS OFFICE,
Washington, January 19, 1891.

MY DEAR SIR: I have the honor to acknowledge the receipt of your letter of the 17th instant, and beg to express my appreciation of your desire to remedy any injustice that has been wrought by the misstatement relative to the enumeration of three townships in Stone County, Arkansas.

While I could scarcely believe that an enumeration could be so seriously defective as was represented without the attention of this office having been called to it until nearly six months after its completion, I confess I was somewhat staggered to receive from Mr. W. D. Foulke, chairman of the special committee of the Civil Service Reform Association, the statement that three whole political townships in Stone County, Arkansas, had been omitted from the enumeration, and that not a single man, woman, or child in either of the three townships had been taken.

On receipt of this statement, I at once communicated with the supervisor of the district and with yourself, as well as instituting an investigation based upon the records of the enumeration as they existed in this office. The result of that investigation left no doubt, not only that the townships in question had been enumerated, but that the work had been intelligently and in every way satisfactorily performed, and the admission of State Senator Oyler, who appears to have been your informant, that all he had heard, or knew, was that the three townships had been hurriedly taken, leaves no doubt that the change of enumerators, owing to the original appointee being taken ill, led to a fear that the work would not be properly done, from which it was but one step to the assertion that it had not been properly done.

So many reports of this kind have proved on investigation to be without foundation, that I gladly take advantage of your kind offer to make public the result of the investigation that has been made in this case, by reading this communication in conjunction with my letter of January 12, a copy of which is herewith inclosed.

Very respectfully,

ROBERT P. PORTER,
Superintendent of Census.

Hon. S. W. PEEL, *House of Representatives.*

HONEST BUTTER.

Mr. DOLLIVER. Mr. Speaker, I ask to have printed in the RECORD the petition for "honest butter" which I send to the Clerk's desk. [Laughter.]

There was no objection.

The petition is as follows:

To the Senate and House of Representatives of the United States in Congress assembled:

The undersigned, citizens of the State of Iowa, respectfully ask that you speedily enact a law giving to the several States authority to control the manufacture and sale of oleomargarine, butterine, and all compounds in imitation of butter.

A. C. Tupper, Iowa State dairy commissioner; O. T. Denison, president Iowa Butter, Cheese, and Egg Association; J. W. Johnson, secretary of Iowa Butter, Cheese, and Egg Association; M. B. Doolittle, practical dairyman; M. Stalki, State veterinary surgeon; Eugene Secor, trustee of Iowa Agricultural College, Iowa; E. W. Stanton, acting president of Iowa Agricultural College, Iowa; S. P. Yeomans, trustee of Iowa Agricultural College, Iowa; J. L. Budd, professor of horticulture, Iowa Agricultural College; J. C. Hainer, professor of physics and electrical engineering, and secretary of board of trustees of Iowa Agricultural College; Chas. M. Dunbar, chairman of board of trustees of Iowa Agricultural College; C. D. Boardman, trustee of Iowa Agricultural College; J. L. Stevens; John N. Wood, trustee of Iowa Agricultural College; J. W. Garner, trustee of Iowa Agricultural College; J. S. Jones, trustee of Iowa Agricultural College; C. F. Saylor, trustee of Iowa Agricultural College; W. O. McElroy, trustee of Iowa Agricultural College; James Wilson.

DES MOINES, IOWA, *January*, 1891.

BRANCH FOLDING ROOM.

Mr. SPOONER. Mr. Speaker, I present a privileged report, which ought to be passed upon. It is very brief, and I do not think it will create any discussion.

The SPEAKER. The Chair will submit it to the House.

The Clerk read as follows:

Resolved, That the Doorkeeper of the House of Representatives be, and he is hereby, authorized to continue the lease of the premises at No. 235 Pennsylvania avenue, northwest, for use as a branch folding room, for one year from January 1, 1891, at a rental not to exceed $125 per month, the same to be paid out of the contingent fund of the House until other provision is made therefor.

Mr. HOLMAN. I wish to say that that report can come up at any time.

Mr. SPOONER. It is not easy for it to come up at any time. In the present condition of the House it is very difficult to get it up.

Mr. HOLMAN. What are all these rooms at each side of the Capitol for if they can not be used for such a purpose?

Mr. SPOONER. They can not be utilized for this purpose. This branch folding room is a four-story building on Pennsylvania avenue which has been hired by the House for several years on annual leases. The lease expired on the last of December and we had notice to quit; but finally the matter has been arranged, and this resolution is now reported for the purpose of continuing the lease. It is necessary. There are many thousand books stored in that house, and it is used for the purpose of folding and putting up the books that are received by members of the House.

Mr. HOLMAN. I hope the gentleman will let this matter rest.

Mr. SPOONER. It ought not to rest, because the matter ought to be disposed of. [Cries of "Regular order."]

Mr. SPRINGER. It is in such a condition of unrest that it can not rest. [Laughter.]

Mr. HOLMAN. I hope the gentleman will let it go over. Mr. Speaker, I interpose a motion to adjourn.

The SPEAKER. If the gentleman interposes a motion to adjourn the whole proceeding will have to be vacated.

Mr. SPOONER. I will say to the gentleman from Indiana that there are no rooms in the Capitol that are suitable for this purpose.

Mr. HOLMAN. It seems to me that it is almost impossible that there should not be ample room.

Mr. SPOONER. That matter has been very fully investigated and as a matter of fact it has been found that there is no room for this purpose.

The SPEAKER laid before the House the following personal requests of members; which were granted, there being no objection:

REPRINT OF REPORT.

Mr. COGSWELL asks that a reprint may be made of Mr. MANSUR'S report (No. 558) of the last session on findings of the Court of Claims in certain cases known as the French spoliation claims.

WITHDRAWAL OF PAPERS.

Mr. REYBURN requests that Madeira and Cabada have permission to withdraw from the files of the House the papers in their claim, no adverse action ever having been had.

LEAVE OF ABSENCE.

Mr. ALLEN, of Mississippi, asks leave of absence, for ten days, on account of sickness in his family.

The motion of Mr. HOLMAN was then agreed to; and accordingly (at 5 o'clock and 45 minutes p. m.) the House adjourned.

EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

LABORATORY, ETC., FOR THE MARINE-HOSPITAL BUREAU.

Letter from the Secretary of the Treasury, requesting an appropriation to enable the Marine-Hospital Bureau to rent an additional building for a laboratory, etc., and also that an additional passed assistant surgeon be detailed to the bureau as a permanent bacteriologist—to the Committee on Appropriations.

CAPITOL, NORTH O STREET AND SOUTH WASHINGTON RAILWAY CO.

Letter from the president of the Capitol, North O Street and South Washington Railway Company, transmitting the report of said company for the fiscal year ended April 30, 1890—to the Committee on the District of Columbia.

BOAT OR NUMBER FOUR CHANNEL, FLORIDA.

Letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a copy of the report of the examination and survey of Boat or Number Four Channel, Florida—to the Committee on Rivers and Harbors.

BREVET RANK OF OFFICERS.

Letter from the Secretary of War, transmitting a copy of a letter from the major general commanding the Army, recommending a change in the law authorizing the President to confer brevet rank on officers of the United States Army for gallant services in Indian campaigns—to the Committee on Military Affairs.

REPORTS RELATING TO SILK.

Letter from the Secretary of Agriculture, transmitting a statement of all purchases of cocoons and all sales of silk and silk waste during the fiscal year ending June 30, 1890; also the reports of the Ladies' Silk Culture Society of California and the Women's Silk Culture Association of the United States—to the Committee on Agriculture.

SHIP CHANNEL BETWEEN THE GREAT LAKES.

Letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a copy of the report of the examination and survey for a ship channel between the Great Lakes—to the Committee on Rivers and Harbors.

MEMORIALS AND RESOLUTIONS OF STATE LEGISLATURES.

Under clause 3 of Rule XXII, the following memorials and resolutions were introduced and referred as follows:

By Mr. STONE, of Missouri: Resolutions of the house of representatives of the Missouri General Assembly, instructing the Senators and requesting the Representatives in Congress from that State to support legislation to place certain articles named on the free list, and to provide for the free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. DOCKERY: Resolutions of the house of representatives, Missouri Legislature, urging Congress to pass a law prohibiting alien ownership of lands—to the Committee on the Judiciary.

By Mr. HEARD: Resolutions adopted by the house of representatives of the State of Missouri, referring to the subjects of national taxation, tariff, free coinage of silver, etc.—to the Committee on Coinage, Weights, and Measures.

By Mr. DOCKERY: Resolutions of the house of representatives, Missouri Legislature, urging Congress to repeal taxes on agricultural implements, necessaries of life, etc., and favoring the free coinage of silver—to the Committee on Ways and Means.

By Mr. BLAND: Resolutions of the house of representatives of the State of Missouri, indorsing the twelve apostles of tariff reform and the free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. WILSON, of Missouri: Resolutions of the house of representatives of the Thirty-sixth General Assembly of the State of Missouri, in opposition to the present tariff law and in favor of the free and unlimited coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. BOUTELLE (on behalf of himself and colleagues): Resolution of the Legislature of the State of Maine, in favor of further appropriation for tools, etc., for the Kittery navy yard—to the Committee on Naval Affairs.

RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolutions were introduced and referred as follows:

By Mr. RUSSELL:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound in cloth 5,000 extra copies of the report of the Superintendent of the United States Coast and Geodetic Survey for the fiscal year ending June 30, 1890, together with the usual necessary progress sketches and illustrations, 1,000 copies of which shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 2,000 copies for the use of the United States Coast and Geodetic Survey;

to the Committee on Printing.

By Mr. BURROWS:

Resolved, That 2,750 copies of the Digest for the present session be printed, of which number 2,500 copies shall be bound in paper covers for the use of the House, and 250 copies bound as usual for distribution as follows: one copy each to Senators, officers of the two Houses, heads of Departments and bureaus, and correspondents entitled to admission to the press gallery;

to the Committee on Printing.

By Mr. BLAND:

Resolved, That the Committee on Coinage, Weights, and Measures be discharged from the further consideration of Senate bill 4675, to provide a unit of value and for the coinage of gold and silver, and for other purposes, and that the same be the regular order in the House immediately after the reading of the Journal, and to continue the regular order from day to day until disposed of;

to the Committee on Rules.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. GROUT, from the Committee on the District of Columbia, reported with amendment the bill of the House (H. R. 12755) to provide assessment of real estate in District of Columbia in 1891 and every three years thereafter, accompanied by a report (No. 3587)—to the House Calendar.

Mr. SMYSER, from the Committee on Pensions, reported favorably the bill of the House (H. R. 13066) granting a pension to Henry Sisson, accompanied by a report (No. 3588)—to the Committee of the Whole House.

Mr. SMYSER also, from the Committee on Pensions, reported with amendment the bill of the House (H. R. 12900) to increase the pension of Mrs. Elizabeth R. Gordon, widow of Maj. George A. Gordon, Fifth Cavalry, accompanied by a report (No. 3589)—to the Committee of the Whole House.

Mr. WILKINSON, from the Committee on Commerce, reported with amendment the bill of the House (H. R. 12839) to authorize the Rapides Bridge Company (limited) to construct and maintain a bridge across Red River at or near Alexandria, La., accompanied by a report (No. 3590)—to the House Calendar.

Mr. MAISH, from the Committee on War Claims, reported favorably the bill of the House (H. R. 11242) for the relief of Thomas Antisell, accompanied by a report (No. 3591)—to the Committee of the Whole House.

Mr. BOOTHMAN, from the Committee on Claims, reported favorably the following bills of the Senate; which were severally referred to the Committee of the Whole House:

A bill (S. 1173) for the relief of Horace A. W. Tabor. (Report No. 3592.)

A bill (S. 1174) for the relief of William M. Keightley. (Report No. 3593.)

A bill (S. 1175) for the relief of B. F. Rockefellow. (Report No. 3594.)

A bill (S. 1176) for the relief of Royal M. Hubbard. (Report No. 3595.)

Mr. SPINOLA, from the Committee on War Claims, reported favorably the bill of the Senate (S. 395) for the relief of Sarah K. McLean, widow of the late Lieut. Col. Nathaniel H. McLean, accompanied by a report (No. 3596)—to the Committee of the Whole House.

Mr. BURROWS, from the Committee on Levees and Improvements of the Mississippi River, reported with amendment the bill of the House (H. R. 12168) to repair and build the levees of the Mississippi River, to improve its navigation, to afford ease and safety to its commerce, and to prevent destructive floods, accompanied by a report (No. 3598)—to the Committee of the Whole House on the state of the Union.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, an adverse report was delivered to the Clerk and laid on the table, as follows:

By Mr. PARRETT, from the Committee on Pensions, on the bill

(H. R. 11903) granting a pension to Jonathan Davis. (Report No. 3597.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the following changes of reference were made:

A bill (S. 311) for the relief of the representatives of James and William Crooks of Canada—Committee on War Claims discharged and referred to the Committee on Foreign Affairs.

A bill (H. R. 10236) granting a pension to Theresa B. Walbach—Committee on Invalid Pensions discharged and referred to the Committee on Pensions.

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills and a joint resolution of the following titles were introduced, severally read twice, and referred as follows:

By Mr. ADAMS: A bill (H. R. 13326) to authorize the city of Chicago to erect a crib in Lake Michigan for waterworks purposes—to the Committee on Commerce.

By Mr. CARTER: A bill (H. R. 13327) to ratify and confirm an agreement with the Crow tribe of Indians, in the State of Montana, and to make appropriations for carrying the same into effect—to the Committee on Indian Affairs.

By Mr. BLAND: A bill (H. R. 13328) to prohibit the further issue of national-bank notes and to issue legal-tender notes to take the place of bank notes—to the Committee on Banking and Currency.

By Mr. WHITING: A joint resolution (H. Res. 274) to authorize the Secretary of the Treasury to sell to the city of Port Huron, Mich., a portion of the Fort Gratiot lighthouse reservation—to the Committee on Commerce.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BOUTELLE (at request of Mr. REED, of Maine): A bill (H. R. 13329) granting a pension to Solomon Mayberry—to the Committee on Invalid Pensions.

By Mr. BRECKINRIDGE, of Kentucky: A bill (H. R. 13330) for the relief of Mrs. Attoway W. Chism—to the Committee on Invalid Pensions.

By Mr. BREWER: A bill (H. R. 13331) to remove the charge of desertion against Thomas Egan—to the Committee on Military Affairs.

By Mr. CARUTH: A bill (H. R. 13332) granting a pension to Anna C. Dewhurst, invalid daughter of the late George Dewhurst, an acting master in the United States Navy during the late civil war—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13333) granting a pension to Mary Catherine Reardon—to the Committee on Invalid Pensions.

By Mr. CHEADLE: A bill (H. R. 13334) granting an honorable discharge to Edward Wertheimer, of New York, N. Y.—to the Committee on Military Affairs.

By Mr. DORSEY: A bill (H. R. 13335) granting an increase of pension to Orange P. Warner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13336) granting an increase of pension to Joseph Westbrook—to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 13337) granting a pension to Henry Allhorn—to the Committee on Pensions.

By Mr. HITT: A bill (H. R. 13338) authorizing the President to appoint and retire Wallace Tear as a first lieutenant in the United States Army—to the Committee on Military Affairs.

By Mr. LIND: A bill (H. R. 13339) for the relief of Sylvester Truesdell—to the Committee on the Public Lands.

By Mr. McRAE: A bill (H. R. 13340) to pension David Sanders—to the Committee on Pensions.

By Mr. O'NEALL, of Indiana: A bill (H. R. 13341) to remove the charge of desertion from the record of William B. Grigsby, late a corporal of Company F, Fiftieth Regiment of Indiana Volunteers—to the Committee on Military Affairs.

By Mr. STRUBLE: A bill (H. R. 13342) granting a pension to Mrs. C. A. Sawyer—to the Committee on Invalid Pensions.

By Mr. YODER: A bill (H. R. 13343) granting an increase of pension to Augustus G. Frable—to the Committee on Invalid Pensions.

By Mr. DE LANO: A bill (H. R. 13344) to increase the pension of William A. Peck—to the Committee on Invalid Pensions.

By Mr. WHEELER, of Alabama: A bill (H. R. 13345) granting a pension to Mrs. L. G. Baylor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13346) for the relief of Giles W. Bass—to the Committee on War Claims.

Also, a bill (H. R. 13347) for the relief of Hiram Garwood—to the Committee on War Claims.

Also, a bill (H. R. 13348) to increase the pension of Ann Catherine Hull—to the Committee on Pensions.

Also, a bill (H. R. 13349) for the relief of James N. Maples—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk, and referred as follows:

By Mr. ANDREW: Resolution of Democratic town committee of Wilton, Mass., against free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. BOOTHMAN: Resolutions of Jewell Alliance, No. 536, of Defiance County, Ohio; also, of Antwerp Farmers' Alliance, No. 64, of Paulding County, Ohio; also, of Ridge Alliance, No. 477, of Van Wert County, Ohio; also, of W. F. Flack and 14 others, citizens of Paulding County, Ohio; also, resolutions of Mount Lion Alliance, No. 254, of Williams County, Ohio; also, resolutions of East Bridgwater Alliance, No. 663, of Williams County, Ohio; also, of A. E. Bookmiller and 27 others, citizens of Williams County, Ohio; also, of H. G. Nevell and 9 others, citizens of Defiance County, Ohio; also, of J. H. Robertson and 100 others, citizens of Defiance County, Ohio; also, of C. S. Ireland and 17 others, citizens of Van Wert County, Ohio; also, of J. L. Beard and 26 others, citizens of Williams County, Ohio; also, resolutions of Defiance Alliance, No. 378, Defiance County, Ohio, all praying for the speedy passage of the option bill—to the Committee on Agriculture.

By Mr. BURTON: Memorial of the Toledo Produce Exchange, in favor of bill in relation to coasting trade on the Great Lakes—to the Committee on Commerce.

By Mr. BUTTERWORTH: Resolution of the Chamber of Commerce of Cincinnati, Ohio, protesting against the passage of the free coinage silver bill—to the Committee on Coinage, Weights, and Measures.

By Mr. CANNON: Petition of Dr. S. A. Reel and others, soldiers and sailors of the late war, favoring the passage of a law authorizing the issuance of legal-tender paper money to each soldier and sailor in amount sufficient, with compound interest added, to make his pay equal to contract, etc.—to the Committee on Invalid Pensions.

By Mr. COOPER, of Ohio: Resolutions of McDonald Alliance, No. 595, Hardin County, Ohio; also, petition of John J. Dorcutt and others, citizens of Hardin County, Ohio; also, resolutions of Maple Grove Alliance, No. 641, Forest, Ohio; also, petition of Marion Lamb and others, citizens of McDonald, Hardin County, Ohio; also, petition of Newton Rule and others, citizens of Monroe County, Ohio; also, resolutions of Whetstone Alliance, No. 8, Morrow County, Ohio, all in favor of the speedy passage of House bill 5353, defining options and futures—to the Committee on Agriculture.

By Mr. CRAIN: Petition of Gulf City Alliance, 4030, asking that the Government engineers be authorized to improve the harbor of Galveston, Tex., instead of having the work done by contract—to the Committee on Rivers and Harbors.

Also, petition of same Alliance, in favor of free coinage of silver—to the Committee on Coinage, Weights, and Measures.

Also, petition of same Alliance, asking the enactment of the subtreasury bill—to the Committee on Ways and Means.

By Mr. FINLEY: Petition of officers, citizens, and soldiers of Clinton County, Kentucky, asking Congress to pass a special act granting a pension to Rev. Rufus K. Dick, a patriotic citizen of Clinton County, Kentucky—to the Committee on Invalid Pensions.

By Mr. FITHIAN: Two petitions of citizens of Lawrence County, Illinois, in favor of the Paddock pure-food bill—to the Committee on Agriculture.

By Mr. FUNSTON: Petition for division of the third judicial district of Kansas—to the Committee on the Judiciary.

Also, two petitions of citizens of Johnson County, Kansas, asking for speedy passage of House bill 11565, known as the Conger lard bill—to the Committee on Agriculture.

By Mr. WALTER I. HAYES: Petition of 24 citizens of Muscatine and Louisa Counties, Iowa, in favor of the option bill—to the Committee on Agriculture.

By Mr. EDWARD R. HAYS: Three petitions of citizens of Polk County, Iowa, praying for the speedy passage of the option bill—to the Committee on Agriculture.

By Mr. HITT: Memorial and resolution of the Chicago Law Institute, for the passage of the Davis bill, or other legislation to relieve the Supreme Court—to the Committee on the Judiciary.

By Mr. HOPKINS: Petition of A. C. Lensku, Dr. A. M. Hill, D. W. Hartman, and others, of Geneva, Ill., that a restraint be placed by Congress on the immigration of paupers and convicts to our shores—to the Select Committee on Immigration and Naturalization.

By Mr. McCLELLAN: Petition of Hiram Porter and 9 others, citizens and members of St. Joe Alliance, No. 2, Allen County, Indiana, praying for the immediate passage of the option bill and alleging that it is manifestly unjust that the prices which actual producers of grain, cotton, and hog products are to receive therefor shall be made to depend upon any other conditions than those which demand and supply establish—to the Committee on Agriculture.

Also, resolution of Union Grove Alliance, Whitley County, Indiana, demanding the passage of the option bill and declaring that justice to producers can not be reached by inharmonious piecemeal State legislation, followed by what in many cases would be weak, ineffective,

and halting State execution; that if a remedy is secured at all for an evil whose ramifications extend over the whole country it must be furnished by a national law—to the Committee on Agriculture.

By Mr. McKINLEY: Resolutions of citizens of Ohio; also, petitions of other citizens of Ohio, favoring the passage of the bill defining options and futures—to the Committee on Agriculture.

By Mr. MOREY: Resolution of Bellbrook (Ohio) Alliance; also, of 32 citizens of Barnesville, Ohio, for passage of the antioption bill—to the Committee on Agriculture.

By Mr. O'NEALL, of Indiana: Petition to remove from the record the charge of desertion against William B. Grigsby, late a corporal Company F, Fiftieth Indiana—to the Committee on Military Affairs.

Also, memorial of the Farmers' Mutual Benefit Association, of Knox County, Indiana, praying certain legislation for the relief of the farming and laboring classes—to the Committee on Agriculture.

By Mr. OWENS, of Ohio: Petition of F. A. Stafford and 29 others of Farmers' Alliance No, 404. of Ohio; also, of A. H. Snyder and 67 others of Farmers Alliance No. 439, of Holmes County, Ohio, requesting passage of the antioption bill (H. R. 5353)—to the Committee on Agriculture.

By Mr. PUGSLEY: Petition of 16 citizens of Morrisville; also, of 39 citizens of Clinton County; also, of Davis Farmers' Alliance, No. 184; also, of 22 members of Farmers Alliance No. 449, of Morrisville, all of the State of Pennsylvania, praying for the speedy passage of the option bill—to the Committee on Agriculture.

By Mr. SPRINGER: Petition and memorial of Chicago Law Institute, for such legislation as will relieve the Supreme Court—to the Committee on the Judiciary.

By Mr. RANDALL: Resolutions of the Board of Trade of Fall River, Mass., against free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. ROCKWELL: Papers relating to House bill 13230, granting a pension for the relief of Mary E. Clifford—to the Committee on Invalid Pensions.

By Mr. STONE, of Pennsylvania: Resolutions of Encampment No. 42, Union Veteran Legion, Department of Pennsylvania, in favor of House bill 8287, being a bill to insure preference, etc., to veterans of the late war—to the Select Committee on Reform in the Civil Service.

By Mr. EZRA B. TAYLOR: Petition of A. J. Powers and 7 others, citizens of Trumbull County, Ohio; also, of Farmers' Alliance of Virginia, Ohio; also, of Farmers' Alliance of South Ridge, Ashtabula County, Ohio; also, of E. C. Durkee and 24 others, citizens of Ashtabula, Ohio, praying for the speedy passage of the antioption bill—to the Committee on Agriculture.

By Mr. TOWNSEND, of Pennsylvania: Petitions numerously signed by citizens of Mercer, Beaver, and Lawrence Counties; also, Forest Hill Farmers' Alliance, of Pennsylvania; also, resolutions of Pioneer Alliance Agricultural School; also, resolutions of New Bedford Alliance, No. 20, of Pennsylvania; also, of Mayaville Alliance, of Pennsylvania; also, resolutions of Welcome Alliance Industrial School, of Pennsylvania; also, of citizens of Pennsylvania and Clover Township Alliance, of same State; also, of other citizens of Pulaski, Lawrence County; also, of Alliance No. 33, Fredonia, Mercer County, Pennsylvania; also, petition of Alliance of Beaver County; also, petitions of citizens of same county and State, all praying for the speedy passage of the antioption bill—to the Committee on Agriculture.

By Mr. WICKHAM: Memorial of Worthington Alliance, No. 407, Richland County, Ohio; also, of Pleasant Head Alliance, No. 176, same county and State; also, petition of L. Perry Wolfe and 55 others, citizens of same county and State; also, of Edward Secrist and 20 others, citizens of same county and State, all for passage of the Butterworth option bill—to the Committee on Agriculture.

REREFERENCE.

The Committee on Agriculture having had the following petition under consideration, the said committee is discharged from the consideration of the same and it is referred to the Committee on the Judiciary:

By Mr. SWENEY: A petition numerously signed by citizens of Bethel, Fayette County, Iowa, in favor of legislation against butter imitations.

HOUSE OF REPRESENTATIVES.

MONDAY, *January* 26, 1891.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

APPROVAL OF THE JOURNAL.

The SPEAKER. The Clerk will cause the Journal of Saturday's proceedings to be read.

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, before the reading of the Journal and before the transaction of any business begins I demand that the presence of a quorum be ascertained.

The SPEAKER. Does the gentleman claim that no quorum is present?

Mr. BRECKINRIDGE, of Arkansas. I do.

Mr. McKINLEY. There is evidently a quorum present.

Mr. BRECKINRIDGE, of Arkansas. Let that fact be officially ascertained.

The SPEAKER proceeded to count the House.

Mr. BRECKINRIDGE, of Arkansas (after a pause). I call for the announcement by the Chair.

The SPEAKER. One hundred and sixty-seven members are present. The Clerk will read.

The Clerk read the Journal down to the first roll-call, and was proceeding without reading the names.

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. BRECKINRIDGE, of Arkansas. I object to the Clerk omitting any part of the Journal that is to be submitted to the House, and he is doing so.

The SPEAKER. If the gentleman notices anything omitted he can call attention to it.

The Clerk resumed and completed the reading of the Journal in full.

Mr. McKINLEY. Mr. Speaker, I do not desire to demand the previous question unless there is to be further contention about the approval of the Journal. Upon the motion to approve the Journal and before demanding the previous question, I desire to say——

Mr. BRECKINRIDGE, of Arkansas. The gentleman has no right to cut off debate under the previous question by interjecting discussion in this way.

The SPEAKER. The gentleman from Ohio has the floor.

Mr. McKINLEY. Before demanding the previous question I desire to submit an observation or two to the House concerning this daily waste of time on the part of certain gentlemen upon the other side of the Chamber.

Mr. BLOUNT. Mr. Speaker, will the gentleman from Ohio allow me to ask him a question?

Mr. BLAND (interrupting). Yes, and the Senate has wasted two months on an infamous bill, one that will set this country by the ears. You can not down the people of this country by any such course. [Applause on the Democratic side and general confusion.]

Mr. McKINLEY. Mr. Speaker, I decline to be interrupted except by my own consent. I yield to the gentleman from Georgia [Mr. BLOUNT] for a question.

Mr. BLOUNT. I desire to ask the gentleman——

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, I rise to a question of order.

The SPEAKER. The Chair has vainly endeavored to control gentlemen upon his right.

Mr. BRECKINRIDGE, of Arkansas. The question of order I rise to is that there is so much confusion in the Hall of the House that we can not hear the gentleman from Ohio.

The SPEAKER. If the gentleman [Mr. BRECKINRIDGE, of Arkansas] would exert his influence, he would help to stop some of it.

Mr. BRECKINRIDGE, of Arkansas. The gentleman is exerting it now, and he calls upon the Speaker to preserve order.

The SPEAKER. The gentleman ought to have exerted it before. Disorder begets disorder.

Mr. BLOUNT. Mr. Speaker, the gentleman from Ohio [Mr. McKINLEY] has given notice that he intends, after a few observations, to demand the previous question. Where there has been no previous discussion twenty minutes' debate on each side is admissible under the rule; and I wish to ask the gentleman whether he proposes now to give gentlemen on this side of the House an opportunity to say anything in relation to the approval of the Journal, whether that is a part of his purpose in debating the matter before the previous question is ordered.

Mr. McKINLEY. I will say to the gentleman from Georgia that I shall yield to him for any correction he may desire to make in the Journal. If there is any inaccuracy in the Journal, every gentleman on both sides of the House wants to have it corrected; but when gentlemen—and the gentleman from Georgia must appreciate this—when gentlemen will indulge in the delay which we have observed here for the last three or four days, demanding the reading of matters that are immaterial, matters which have never been demanded to be read before, it is manifest that the majority, which is responsible for legislation, must do whatever is necessary within the rule for the purpose of hastening the public business.

Now Mr. Speaker, I want to say to the gentleman further, in answer to his question, that it is my purpose, as soon as I have concluded the observations I am about to make, to demand the previous question for the purpose of saving forty minutes of the public time of the House of Representatives.

Several MEMBERS on the Republican side. That is right.

A MEMBER on the Democratic side. If you want to save time, you had better not make any observations.

Mr. McKINLEY. I must make some observations, or there will be forty minutes of debate to follow the ordering of the previous question; and it is to avoid that that I say what I am about to say touching the approval of the Journal. I will give to the gentleman at any moment

any time to make any correction of any improper entry in this Journal.

Mr. BLOUNT. I wish to ask the gentleman whether he does not believe that the spirit of the rule, where it declares that on a question upon which there has been no previous debate twenty minutes shall be allowed on each side after the ordering of the previous question, contemplates, when it speaks of "previous debate," that there should have been debate in the proper sense of the word, not a speech on only one side of the question, but a discussion of the question upon both sides? Does he think it ever was conceived that the use which he now proposes should be made of this language of the rule?

Mr. MCKINLEY. That depends altogether upon the spirit of the proceedings that lead up to the demand for the previous question. Where there is an open, confessed, and manifest purpose on the part of gentlemen to delay the public business, I say that it is a part of the duty of the majority to do everything possible under the rules to reach these great appropriation bills now pending before the House.

Mr. BLOUNT. If the gentleman will allow me——

Mr. MCKINLEY. I decline to yield further, unless the gentleman wants to correct the Journal.

Mr. BLOUNT. I want to say this, and the gentleman will not gainsay it, that he has made allegations as to the purposes of this side of the House in reference to the correction of the Journal, and now he denies to us any opportunity to make reply.

Mr. MCKINLEY. Mr. Speaker, I want to say right here, before demanding the previous question, that we have thirty-two days of this session yet remaining and we have nine important appropriation bills to be considered in this House. Two hours of every day for the last three or four days have been consumed in connection with the approval of the Journal—two-fifths of every day's session—two-fifths, if this policy is continued, of the thirty-two days remaining of the session, which means the consumption of about twelve days with proceedings of this character, leaving about twenty days in which to do the public business.

Mr. DOCKERY. I wish to ask the gentleman——

The SPEAKER. The gentleman from Ohio declines to yield.

Mr. DOCKERY. The gentleman has not heard my question.

The SPEAKER. He has already stated that he declines to be interrupted.

Mr. MCKINLEY. Now, if we should give to each one of these nine appropriation bills two days, practically all the time left of this session would be consumed in the consideration of these bills, saying nothing of the time that should be occupied in considering Senate amendments and conference reports which may come before the House. Now, Mr. Speaker, I demand the previous question.

Mr. DOCKERY. Will the gentleman allow me——

Mr. MCKINLEY. I decline to yield.

The SPEAKER. The gentleman from Ohio demands the previous question.

Mr. BRECKINRIDGE, of Arkansas. I want to say to the gentleman that he will not gain anything by thus throttling debate.

The SPEAKER (having put the question on ordering the previous question). The ayes seem to have it.

Mr. HOLMAN and others on the Democratic side. Division!

Mr. MCKINLEY. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 142, nays 108, not voting 81; as follows:

YEAS—142.

Adams,	Dingley,	McComas,	Sherman,
Allen, Mich.	Dolliver,	McDuffie,	Simonds,
Anderson, Kans.	Dorsey,	McKenna,	Smith, Ill.
Arnold,	Dunnell,	McKinley,	Smith, W. Va.
Atkinson, Pa.	Evans,	Miles,	Smyser,
Atkinson, W. Va.	Farquhar,	Miller,	Snider,
Baker,	Featherston,	Moffitt,	Spooner,
Banks,	Finley,	Moore, N. H.	Stephenson,
Bartine,	Flick,	Morey,	Stewart, Vt.
Bayne,	Frank,	Morrill,	Stivers,
Beckwith,	Funston,	Morse,	Stockbridge,
Belknap,	Gear,	Mudd,	Stone, Pa.
Bergen,	Gest,	Nute,	Struble,
Boothman,	Greenhalge,	O'Donnell,	Sweet,
Boutelle,	Grosvenor,	O'Neill, Pa.	Taylor, E. B.
Brewer,	Grout,	Osborne,	Taylor, Ill.
Brosius,	Hall,	Owen, Ind.	Taylor, J. D.
Browne, T. M.	Harmer,	Payne,	Taylor, Tenn.
Buchanan, N. J.	Haugen,	Payson,	Thompson,
Burrows,	Hays, E. R.	Perkins,	Townsend, Colo.
Burton,	Henderson, Ill.	Peters,	Townsend, Pa.
Candler, Mass.	Hill,	Post,	Turner, Kans.
Cannon,	Hopkins,	Pugsley,	Vandever,
Carter,	Houk,	Quackenbush,	Van Schaick,
Caswell,	Kennedy,	Raines,	Waddill,
Cheadle,	Kerr, Iowa	Randall,	Wade,
Cheatham,	Kinsey,	Ray,	Walker,
Clark, Wis.	Knapp,	Reed, Iowa	Wallace, Mass.
Clark, Wyo.	Lacey,	Reyburn,	Wallace, N. Y.
Cogswell,	Laidlaw,	Rife,	Wickham,
Comstock,	Langston,	Rockwell,	Williams, Ohio
Connell,	Lansing,	Rowell,	Wilson, Ky.
Cooper, Ohio	Laws,	Russell,	Wilson, Wash.
Cutcheon,	Lehlbach,	Sawyer,	Yardley.
Dalzell,	Lind,	Scranton,	
Darlington,	Lodge,	Scull,	

NAYS—108.

Abbott,	Ellis,	Martin, Ind.	Sayers,
Alderson,	Enloe,	Martin, Tex.	Sehey,
Andrew,	Fithian,	McAdoo,	Shively,
Barwig,	Flower,	McClellan,	Skinner,
Biggs,	Forman,	McCreary,	Spinola,
Bland,	Forney,	McRae,	Springer,
Blount,	Fowler,	Mills,	Stewart, Ga.
Breckinridge, Ark.	Geary,	Montgomery,	Stewart, Tex.
Breckinridge, Ky.	Geissenhainer,	Mutchler,	Stockdale,
Brickner,	Gibson,	Norton,	Stone, Mo.
Brookshire,	Grimes,	Oates,	Stump,
Buchanan, Va.	Hare,	O'Ferrall,	Tarsney,
Bunn,	Hayes, W. I.	O'Neall, Ind.	Tillman,
Bynum,	Haynes,	O'Neil, Mass.	Tracey,
Candler, Ga.	Heard,	Outhwaite,	Turner, Ga.
Caruth,	Henderson, N. C.	Owens, Ohio	Turner, N. Y.
Catchings,	Herbert,	Parrett,	Vaux,
Chipman,	Holman,	Paynter,	Washington,
Clements,	Kerr, Pa.	Peel,	Wheeler, Ala.
Cobb,	Lane,	Penington,	Whitelaw,
Cooper, Ind.	Lanham,	Perry,	Whitthorne,
Crain,	Lawler,	Pierce,	Wike,
Crisp,	Lee,	Price,	Wilkinson,
Davidson,	Lester, Ga.	Quinn,	Williams, Ill.
Dickerson,	Lewis,	Richardson,	Wilson, Mo.
Dockery,	Magner,	Robertson,	Wilson, W. Va.
Edmunds,	Mansur,	Rusk,	Yoder.

NOT VOTING—81.

Allen, Miss.	Clarke, Ala.	Hemphill,	Niedringhaus,
Anderson, Miss.	Clunie,	Henderson, Iowa	Phelan,
Bankhead,	Coleman,	Hermann,	Pickler,
Barnes,	Cothran,	Hitt,	Pindar,
Belden,	Covert,	Hooker,	Reilly,
Bingham,	Cowles,	Kelley,	Rogers,
Blanchard,	Craig,	Ketcham,	Rowland,
Bliss,	Culberson, Tex.	Kilgore,	Sanford,
Boatner,	Culbertson, Pa.	La Follette,	Stahlnecker,
Bowden,	Cummings,	Lester, Va.	Stone, Ky.
Brower,	Dargan,	Maish,	Sweney,
Brown, J. B.	De Lano,	Mason,	Thomas,
Browne, Va.	Dibble,	McCarthy,	Tucker,
Brunner,	Dunphy,	McClammy,	Wheeler, Mich.
Buckalew,	Ewart,	McCord,	Whiting,
Bullock,	Fitch,	McCormick,	Wiley,
Butterworth,	Flood,	McMillin,	Willcox,
Caldwell,	Gifford,	Milliken,	Wright.
Campbell,	Goodnight,	Moore, Tex.	
Carlton,	Hansbrough,	Morgan,	
Clancy,	Hatch,	Morrow,	

So the previous question was ordered.

The following pairs were announced until further notice:

Mr. HANSBROUGH with Mr. STAHLNECKER.

Mr. NIEDRINGHAUS with Mr. HATCH.

Mr. DE LANO with Mr. ROWLAND.

Mr. BLISS with Mr. WHITING.

Mr. HENDERSON, of Iowa, with Mr. DARGAN.

Mr. MCCORMICK with Mr. REILLY.

Mr. GIFFORD with Mr. PINDAR.

Mr. FLOOD with Mr. CUMMINGS.

Mr. BROWNE, of Virginia, with Mr. COWLES.

Mr. BUTTERWORTH with Mr. ALLEN, of Mississippi.

Mr. MASON with Mr. MCCLAMMY.

Mr. THOMAS with Mr. MAISH.

Mr. LESTER, of Virginia, with Mr. BOWDEN.

Mr. HERMANN with Mr. CLARKE, of Alabama, until Tuesday next.

Mr. MORROW with Mr. CLUNIE, for one week.

Mr. KETCHAM with Mr. DUNPHY, for this day.

Mr. BROWER with Mr. BANKHEAD, on this vote.

Mr. CULBERTSON, of Pennsylvania, with Mr. MOORE, of Texas, on this vote.

The result of the vote was then announced as above recorded.

Mr. BLAND. Mr. Speaker, let us have a recapitulation of the vote.

The SPEAKER. Has the gentleman reason to suppose that the vote is incorrectly taken in any particular?

Mr. BLAND. I ask that the vote be recapitulated.

Mr. TRACEY. I demand a recapitulation of the vote.

The SPEAKER. The Chair declines to order a recapitulation.

Mr. BLAND. I appeal from the ruling of the Chair.

The SPEAKER. The Chair declines to entertain the appeal.

Mr. WHEELER, of Alabama. How am I recorded?

Mr. BLAND. Then the Chair is simply an autocrat and will not obey the rules of the House. The Chair is not fit to preside over a caucus of hoodlums. [Cries of "Regular order!"]

Mr. WHEELER, of Alabama. Mr. Speaker, I demand to know how my vote is recorded.

The SPEAKER. The Chair is informed that the gentleman is recorded in the negative.

Mr. BRECKINRIDGE, of Arkansas. How is my vote recorded?

The SPEAKER. The question is on the approval of the Journal.

Mr. BLOUNT. Mr. Speaker, I wish to raise this question, as to whether under the rule there is not now time for debate. The gentleman from Ohio [Mr. MCKINLEY] has stated to the Chair—— [Cries of "Regular order!"]

The SPEAKER. For what purpose does the gentleman from Georgia rise?

Mr. BLOUNT. I rise for no purpose of delay, but with a view of

asking the Chair to settle a question which I think is of some importance to the House of Representatives.

The gentleman from Ohio took the floor and moved that the Journal be approved, announcing, without yielding to any member on this side of the House, that he would in a few minutes demand the previous question. He claimed, as his position, that that discussion, confined to himself alone, he should regard and insist, was the debate prior to ordering the previous question contemplated by the rules of the House, which would preclude the debate of forty minutes allowed where no debate took place preceding the demand for the previous question.

The previous question has been ordered on the last vote taken. No one on this side has been heard on the question that is pending—has not been heard because it has been assumed that perhaps the Chair was acquiescing in the opinion of the gentleman from Ohio.

Now, then, the only debate we have had is a speech on the part of the gentleman from Ohio of a few moments. I insist that that is not debate, not debate within the contemplation of the rule, and that it is trifling with the term to so designate it. A debate participated in by a single person and on one side of a question is certainly a most singular kind of debate—a debate without discussion or without controversy of any character.

I have been guilty of the seemingly simple thing of referring to the definition of the term in Webster's Dictionary to ascertain the meaning given there of the word. I should not have done so but for the attitude taken by the gentleman from Ohio on this question.

Debate—

Says Mr. Webster—

a fight, contention, or strife, contention in words or arguments, discussion for the purpose of elucidating truth, strife in argument between persons of different opinions, dispute, controversy, as the debates in Parliament or Congress.

Again, in another place, he gives the definition of the word "debate:"

To engage in combat for, to fight for, to contend for in words or arguments, to strive to maintain by reasoning, to dispute, to discuss, to argue, to contest, as opposing parties; as, the question was debated till a late hour.

And, again, in another place:

To engage in strife or combat, to contend, to struggle, to dispute, to deliberate, etc.

Now, Mr. Speaker, it is manifestly clear from this signification of the term that it means a controversy in which persons holding opposite sides of a question are engaged in a discussion in which each side is heard.

The SPEAKER. The Chair is ready to rule upon the question of order.

Mr. BLOUNT. I hope the Chair will allow me a word or two more. I am not seeking what is dilatory, Mr. Speaker, and I propose to show my position in a very few moments.

The SPEAKER. The Chair has very great respect for the gentleman from Georgia, but hopes he will not occupy much time. The Chair has listened to the gentleman now for five minutes.

Mr. BLOUNT. I shall conclude in two minutes.

Mr. SPRINGER. I rise to a question of order.

Mr. BLOUNT. I hope I shall not be interrupted.

Now, the word "debate" has a signification about which there can be no doubt on the part of anybody. To construe, therefore, the speech of the gentleman from Ohio as debate would be like trifling even in a schoolroom; it would be an insult and an outrage on this body. [Applause on the Democratic side.]

Now, Mr. Speaker, if you see fit to rule that this is debate I am content, if you are.

Mr. SPRINGER. I make the point of order that there are twenty minutes allowed on each side for debate, and I claim the right to be heard.

The SPEAKER. The Chair overrules the point of order presented by the gentleman from Georgia, the case being perfectly clear and having been frequently decided in that way before.

Mr. BLOUNT. I respectfully appeal from the decision of the Chair.

The SPEAKER. The Chair declines to entertain the appeal of the gentleman on the same ground, that the appeal is dilatory.

The question is on the approval of the Journal.

Mr. SPRINGER. Mr. Speaker——

The SPEAKER proceeded to submit the question.

Mr. SPRINGER. I have a right to make the point of order which I have submitted, and I ask a ruling upon it.

The SPEAKER (stating the question). The ayes seem to have it——

Mr. SPRINGER. Do you suppose that you are facilitating business by this course?

The SPEAKER. The Chair thinks so.

Mr. SPRINGER. You are not facilitating it; you are delaying business.

The SPEAKER. The ayes have it, and the Journal is approved.

Cries of "Division!"

Mr. SPRINGER. You are the obstructionist of business here. You will not allow members to be heard.

Several members demanded a division on the approval of the Journal.

Mr. MCKINLEY. Let us have the yeas and nays.

Mr. SPRINGER. You will see how much this is likely to facilitate public business.

The SPEAKER. The gentleman from Ohio demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 141, nays 107, not voting 83; as follows:

YEAS—141.

Adams,	Darlington,	Lodge,	Scull,
Allen, Mich.	Dolliver,	McComas,	Sherman,
Anderson, Kans.	Dorsey,	McDuffie,	Smith, W. Va.
Arnold,	Dunnell,	McKenna,	Smyser,
Atkinson, Pa.	Evans,	McKinley,	Snider,
Atkinson, W. Va.	Farquhar,	Miles,	Spooner,
Baker,	Finley,	Miller,	Stephenson,
Banks,	Flick,	Moffitt,	Stewart, Vt.
Bartine,	Frank,	Moore, N. H.	Stivers,
Bayne,	Funston,	Morey,	Stockbridge,
Beckwith,	Gear,	Morrill,	Stone, Pa.
Belknap,	Gest,	Morse,	Struble,
Bergen,	Greenhalge,	Mudd,	Sweet,
Boutelle,	Grosvenor,	Nute,	Taylor, E. B.
Brewer,	Grout,	O'Donnell,	Taylor, Ill.
Brosius,	Hall,	O'Neill, Pa.	Taylor, J. D.
Browne, T. M.	Harmer,	Osborne,	Taylor, Tenn.
Buchanan, N. J.	Haugen,	Owen, Ind.	Thompson,
Burrows,	Hays, E. R.	Payne,	Townsend, Colo.
Burton,	Henderson, Ill.	Payson,	Townsend, Pa.
Caldwell,	Hill,	Perkins,	Turner, Kans.
Candler, Mass.	Hitt,	Peters,	Vandever,
Cannon,	Hopkins,	Post,	Van Schaick,
Carter,	Houk,	Pugsley,	Waddill,
Caswell,	Kelley,	Quackenbush,	Wade,
Cheadle,	Kennedy,	Raines,	Walker,
Cheatham,	Kerr, Iowa	Randall,	Wallace, Mass.
Clark, Wis.	Kinsey,	Ray,	Wallace, N. Y.
Clark, Wyo.	Knapp,	Reed, Iowa	Wickham,
Cogswell,	Lacey,	Reyburn,	Williams, Ohio
Coleman,	Laidlaw,	Rife,	Wilson, Ky.
Comstock,	Langston,	Rockwell,	Wilson, Wash.
Connell,	Lansing,	Rowell,	Yardley.
Cooper, Ohio	Laws,	Russell,	
Cutcheon,	Lehlbach,	Sawyer,	
Dalzell,	Lind,	Scranton,	

NAYS—107.

Abbott,	Dickerson,	Martin, Tex.	Rusk,
Alderson,	Dockery,	McAdoo,	Sayers,
Barwig,	Edmunds,	McClellan,	Seney,
Bigga,	Ellis,	McCreary,	Shively,
Bland,	Enloe,	McMillin,	Skinner,
Boatner,	Fithian,	McRae,	Spinola,
Breckinridge, Ark.	Forney,	Mills,	Springer,
Breckinridge, Ky.	Geary,	Montgomery,	Stewart, Ga.
Brickner,	Geissenhainer,	Moore, Tex.	Stewart, Tex.
Brookshire,	Gibson,	Mutchler,	Stone, Ky.
Brown, J. B.	Grimes,	Norton,	Stone, Mo.
Buchanan, Va.	Hare,	Oates,	Stump,
Bunn,	Haynes,	O'Ferrall,	Tarsney,
Bynum,	Heard,	O'Neall, Ind.	Tillman,
Candler, Ga.	Hemphill,	O'Neil, Mass.	Tucker,
Carlton,	Henderson, N. C.	Outhwaite,	Turner, Ga.
Caruth,	Herbert,	Owens, Ohio	Turner, N. Y.
Catchings,	Holman,	Parrett,	Vaux,
Chipman,	Hooker,	Paynter,	Wheeler, Ala.
Clements,	Kerr, Pa.	Peel,	Whitelaw,
Cobb,	Lane,	Penington,	Whitthorne,
Cooper, Ind.	Lanham,	Perry,	Wike,
Crain,	Lawler,	Pierce,	Wiley,
Crisp,	Lee,	Price,	Williams, Ill.
Culberson, Tex.	Lester, Ga.	Quinn,	Wilson, Mo.
Dargan,	Lewis,	Richardson,	Wilson, W. Va.
Davidson,	Martin, Ind.	Rogers,	

NOT VOTING—83.

Allen, Miss.	Clunie,	Hatch,	Pickler,
Anderson, Miss.	Cothran,	Hayes, W. I.	Pindar,
Andrew,	Covert,	Henderson, Iowa	Reilly,
Bankhead,	Cowles,	Hermann,	Robertson,
Barnes,	Craig,	Ketcham,	Rowland,
Belden,	Culbertson, Pa.	Kilgore,	Sanford,
Bingham,	Cummings,	La Follette,	Simonds,
Blanchard,	De Lano,	Lester, Va.	Smith, Ill.
Bliss,	Dibble,	Magner,	Stahlnecker,
Blount,	Dingley,	Maish,	Stockdale,
Boothman,	Dunphy,	Mansur,	Sweney,
Bowden,	Ewart,	Mason,	Thomas,
Brower,	Featherston,	McCarthy,	Tracey,
Browne, Va.	Fitch,	McClammy,	Washington,
Brunner,	Flood,	McCord,	Wheeler, Mich.
Buckalew,	Flower,	McCormick,	Whiting,
Bullock,	Forman,	Milliken,	Wilkinson,
Butterworth,	Fowler,	Morgan,	Willcox,
Campbell,	Gifford,	Morrow,	Wright,
Clancy,	Goodnight,	Niedringhaus,	Yoder.
Clarke, Ala.	Hansbrough,	Phelan,	

So the Journal was approved.

The Clerk announced the following additional pairs:

Until further notice:

Mr. HENDERSON, of Iowa, with Mr. WILLCOX.

Mr. BROWER with Mr. BANKHEAD.

Mr. SMITH, of Illinois, with Mr. MANSUR until 3 o'clock p. m.

On this vote:

Mr. BOOTHMAN with Mr. YODER.

Mr. SANFORD with Mr. ANDREWS.

Mr. BLAND. Mr. Speaker, I ask for a recapitulation.
The SPEAKER. The Clerk will recapitulate.
The Clerk recapitulated the names of those voting.
Mr. BUNN. Mr. Speaker, I desire to announce that my colleague [Mr. McCLAMMY] is absent from the House on account of sickness in his family. He has received a telegram calling him home.
The result of the vote was then announced as above recorded.

ORDER OF BUSINESS.

Mr. BOUTELLE. Mr. Speaker, I move that the House do now resolve itself into the Committee of the Whole House on the state of the Union for the purpose of further considering the naval appropriation bill.
Mr. CANNON. Mr. Speaker——
Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker——
Mr. BOUTELLE. I yield to the gentleman from Illinois for a moment.

SIXTH AUDITOR'S OFFICE, POST-OFFICE DEPARTMENT.

Mr. CANNON. I desire to report the following joint resolution from the Committee on Appropriations and ask unanimous consent for its passage. It is to prevent a portion of the Sixth Auditor's Office from being thrown out from the Marini building, which will happen on the first of the month, under a mandatory provision of law, unless the time is extended. The building is not yet completed into which it is proposed to move, and it is impossible to complete it before the 1st of May.
Mr. BLAND. I hope the resolution will be read.
Mr. BRECKINRIDGE, of Arkansas. Is this a request for unanimous consent?
The SPEAKER. A request for unanimous consent.
Mr. BLAND. Unanimous consent for consideration?
The SPEAKER. The request is for unanimous consent for the passage of the resolution.
Mr. MILLS. Let the gentleman ask unanimous consent to consider it.
Mr. CANNON. Oh, no; let us have unanimous consent for its passage.
Mr. McMILLIN. We can not give consent to go on in an irregular way. If the gentleman wants unanimous consent to go on in the ordinary way, he can get it.
Mr. CANNON. Unless there is unanimous consent to pass this resolution I shall not delay the time of the House or allow our friends on the other side to do so by taking up time unnecessarily upon it.
Mr. McMILLIN. Very well; go on and take your own course.
Mr. MILLS. Let us have unanimous consent to consider it.
Mr. CANNON. I ask unanimous consent for the passage of the resolution.
Mr. RICHARDSON and Mr. BRECKINRIDGE, of Arkansas, objected.
Mr. GROUT. Will the gentleman yield to me for a moment?
Mr. CANNON. Let the resolution be read.
Mr. RICHARDSON. You did not ask that before.
The SPEAKER. The Clerk will report the resolution.
The Clerk read as follows:

Joint resolution authorizing use of building known as Marini Hall for money-order division of the Sixth Auditor's Office until May 1, 1891.

Resolved, That the provision in the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1891, which requires that the building known as Marini Hall shall be vacated by the money-order division of the office of the Auditor for the Post-Office Department not later than February 1, 1891, be, and the same is hereby, amended so as to authorize the use of said building for said object until not later than May 1, 1891. And so much of the appropriation made by the said act for the rent of an additional building for said money-order division from February 1, 1891, as may be necessary, is hereby made available for the payment of the rental for said Marini Hall until not later than May 1, 1891, at the rate of $4,000 per annum.

Mr. DOCKERY. Mr. Speaker, I hope there will be no objection to the consideration of the resolution.
Mr. BLOUNT. I would like to ask the gentleman when the lease of the building expires.
Mr. CANNON. There is a mandatory provision of law which compels them to move out of the Marini Building on the 1st of February. The new building will not be ready to move into until the 1st of May.
Mr. MILLS. There will be no objection to considering the resolution.
Mr. DOCKERY. I hope there will be no objection to the consideration.
The SPEAKER. The gentleman from Illinois asks unanimous consent for the passage of the resolution.
Mr. RICHARDSON. I object.
Mr. BLOUNT. I hope the gentleman from Illinois will move to go into the Committee of the Whole and dispose of it in that way.
Mr. CANNON. The gentleman from Illinois will do no such thing.
Mr. BRECKINRIDGE, of Arkansas. It is easy enough to get it passed by taking the regular course.

NAVAL APPROPRIATION BILL.

The SPEAKER. Objection is made. The question is upon the motion of the gentleman from Maine [Mr. BOUTELLE] that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill.
The question was taken; and the Speaker announced that the ayes seemed to have it.
Mr. BRECKINRIDGE, of Arkansas. Division.
Mr. BOUTELLE. We had better have the yeas and nays.
The yeas and nays were ordered.
The question was taken; and there were—yeas 135, nays 108, not voting 88; as follows:

YEAS—135.

Adams,	Dalzell,	Laidlaw,	Sawyer,
Allen, Mich.	Darlington,	Langston,	Scranton,
Anderson, Kans.	Dolliver,	Lansing,	Scull,
Arnold,	Dorsey,	Laws,	Sherman,
Atkinson, W. Va.	Dunnell,	Lehlbach,	Simonds,
Baker,	Evans,	Lodge,	Smith, W. Va.
Banks,	Ewart,	McComas,	Smyser,
Bartine,	Farquhar,	McDuffie,	Snider,
Bayne,	Featherston,	McKenna,	Spooner,
Beckwith,	Finley,	McKinley,	Stivers,
Belknap,	Flick,	Miles,	Stockbridge,
Bergen,	Frank,	Miller,	Stone, Pa.
Boutelle,	Funston,	Moffitt,	Struble,
Brewer,	Gear,	Morey,	Sweet,
Brower,	Gest,	Morse,	Taylor, E. B.
Browne, T. M.	Greenhalge,	Nute,	Taylor, Ill.
Buchanan, N. J.	Grimes,	O'Donnell,	Taylor, J. D.
Burrows,	Grosvenor,	O'Neill, Pa.	Taylor, Tenn.
Burton,	Grout,	Osborne,	Thompson,
Caldwell,	Hall,	Owen, Ind.	Townsend, Colo.
Candler, Mass.	Harmer,	Payson,	Townsend, Pa.
Cannon,	Haugen,	Perkins,	Turner, Kans.
Carter,	Hays, E. R.	Peters,	Vandever,
Caswell,	Henderson, Ill.	Post,	Van Schaick,
Cheadle,	Hill,	Pugsley,	Waddill,
Cheatham,	Hitt,	Quackenbush,	Wade,
Clark, Wis.	Hopkins,	Raines,	Walker,
Clark, Wyo.	Houk,	Randall,	Wallace, Mass.
Cogswell,	Kelley,	Ray,	Wallace, N. Y.
Coleman,	Kennedy,	Reed, Iowa	Williams, Ohio
Comstock,	Kerr, Iowa	Reyburn,	Wilson, Ky.
Connell,	Kinsey,	Rife,	Wilson, Wash.
Cooper, Ohio	Knapp,	Rockwell,	Yardley.
Cutcheon,	Lacey,	Russell,	

NAYS—108.

Abbott,	Davidson,	Mansur,	Robertson,
Alderson,	Dickerson,	Martin, Ind.	Rogers,
Anderson, Miss.	Dockery,	Martin, Tex.	Rusk.
Andrew,	Edmunds,	McAdoo,	Sayers,
Atkinson, Pa.	Ellis,	McClellan,	Seney,
Bankhead,	Enloe,	McCreary,	Shively,
Barwig,	Fithian,	McRae,	Skinner,
Biggs,	Flower,	Mills,	Spinola,
Blanchard,	Forman,	Montgomery,	Springer,
Boatner,	Forney,	Moore, N. H.	Stewart, Ga.
Breckinridge, Ark.	Geary,	Moore, Tex.	Stewart, Tex.
Breckinridge, Ky.	Geissenhainer,	Mudd,	Stone, Ky.
Brickner,	Gibson,	Mutchler,	Stone, Mo.
Brookshire,	Goodnight,	Norton,	Stump,
Buchanan, Va.	Hare,	O'Ferrall,	Tarsney,
Bunn,	Hayes, W. I.	O'Neall, Ind.	Tillman,
Bynum,	Haynes,	O'Neil, Mass.	Tracey,
Candler, Ga.	Heard,	Outhwaite,	Tucker,
Caruth,	Henderson, N. C.	Owens, Ohio	Turner, Ga.
Chipman,	Holman,	Parrett,	Turner, N. Y.
Clements,	Hooker,	Paynter,	Vaux,
Cobb,	Kerr, Pa.	Penington,	Washington,
Cooper, Ind.	Lanham,	Perry,	Wheeler, Ala.
Crain,	Lawler,	Pierce,	Wike,
Crisp,	Lee,	Price,	Wiley,
Culberson, Tex.	Lester, Ga.	Quinn,	Williams, Ill.
Dargan,	Lewis,	Richardson,	Wilson, W. Va.

NOT VOTING—88.

Allen, Miss.	Cothran,	La Follette,	Pindar,
Barnes,	Covert,	Lane,	Reilly,
Belden,	Cowles,	Lester, Va.	Rowell,
Bingham,	Craig,	Lind,	Rowland,
Bland,	Culbertson, Pa.	Magner,	Sanford,
Bliss,	Cummings,	Maish,	Smith, Ill.
Blount,	De Lano,	Mason,	Stahlnecker,
Boothman,	Dibble,	McCarthy,	Stephenson,
Bowden,	Dingley,	McClammy,	Stewart, Vt.
Brosius,	Dunphy,	McCord,	Stockdale,
Brown, J. B.	Fitch,	McCormick,	Sweney,
Browne, Va.	Flood,	McMillin,	Thomas,
Brunner,	Fowler,	Milliken,	Wheeler, Mich.
Buckalew,	Gifford,	Morgan,	Whitelaw,
Bullock,	Hansbrough,	Morrill,	Whiting,
Butterworth,	Hatch,	Morrow,	Whitthorne,
Campbell,	Hemphill,	Niedringhaus,	Wickham,
Carlton,	Henderson, Iowa	Oates,	Wilkinson,
Catchings,	Herbert,	Payne,	Willcox.
Clancy,	Hermann,	Peel,	Wilson, Mo.
Clarke, Ala.	Ketcham,	Phelan,	Wright,
Clunie,	Kilgore,	Pickler,	Yoder.

So the House decided to go into Committee of the Whole.
During the roll-call,
Mr. ROGERS said: Mr. Speaker, let us have order. I understand the force bill is defeated in the Senate. [Great applause and cheering on the Democratic side.]
The SPEAKER. The Clerk will proceed.
Mr. BREWER. Another Bull Run.

The Clerk resumed the call of the roll; pending which,

Mr. HATCH said: Mr. Speaker, I would like to ask unanimous consent to dispense with the call of the roll. I do not think there is any necessity for it now.

The SPEAKER. The Clerk will proceed.

Mr. SMITH, of Illinois (when his name was called). Mr. Speaker, I am paired with the gentleman from Missouri [Mr. MANSUR] until 3 o'clock; otherwise I would vote.

The call of the roll was resumed and concluded.

The following pairs were announced:

Mr. MORRILL with Mr. WILSON, of Missouri, until further notice.

Mr. BOOTHMAN with Mr. YODER, for the rest of the day.

The result of the vote was then announced as above recorded.

MESSAGE FROM THE PRESIDENT.

Sundry messages in writing from the President of the United States were communicated to the House by Mr. PRUDEN, one of his secretaries, who also announced the approval of the following acts:

On January 21, 1891:

An act (H. R. 12395) granting a pension to Mrs. E. J. Baldy, widow of W. H. Baldy;

An act (H. R. 4574) to make payn ent to E. H. Mix, E. H. Griswold, D. D. Griffith, and C. C. Goodspeed on erroneous land-entry payments;

An act (H. R. 7082) for the relief of Maj. Joseph W. Wham, paymaster, United States Army; and

An act (H. R. 178) to provide for enlarging the proposed public building at Savannah, Ga., the purchase of another site, if practicable, and for the sale of the present site.

On January 24, 1891:

An act (H. R. 11814) to provide the assessor of the District of Columbia with plats of subdivisions outside of the cities of Washington and Georgetown.

On January 26, 1891:

An act (H. R. 7119) to authorize the Secretary of War to loan certain cannon to the Saratoga Monument Association; and

An act (H. R. 2787) to authorize the Secretary of War to remove the charge of desertion from the records of the War Department as to Dudley Johnson, late ordnance sergeant, United States Army.

NAVAL APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. BURROWS in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill, and the pending question was on the motion of the gentleman from Illinois [Mr. ADAMS] to strike out the paragraph which the Clerk will read.

The Clerk read as follows:

Strike out on page 39 from line 14 to line 19, inclusive, as follows:

"And so much of the act approved March 2, 1889, as authorized the construction by contract of one armored steel cruising monitor of not less than 3,000 tons displacement, at a cost not exceeding $1,500,000 exclusive of armament and any premium for increased speed, is hereby repealed."

The CHAIRMAN. Upon this motion the committee was dividing, and tellers will please resume their places. The gentleman from Maine, Mr. BOUTELLE, and the gentleman from Illinois, Mr. ADAMS, will act as tellers.

Mr. BOUTELLE. Mr. Chairman, I ask unanimous consent that this question may be taken by a rising vote.

The CHAIRMAN. Is there objection to the request of the gentleman from Maine? [After a pause.] The Chair hears none.

The question was taken; and there were—ayes 5, noes 51.

So the motion to strike out was rejected.

The Clerk read as follows:

Armament: Towards the armament and armor of domestic manufacture, for the vessels authorized by the act of August 3, 1886; of the vessels authorized by section 3 of the act approved March 3, 1887; of the vessels authorized by the act approved September 7, 1888; of the vessels authorized by the act of March 2, 1889; of those authorized by the act of June 30, 1890, and this act, $4,000,000.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I want to say a few words, not strictly germane to this bill, as we were denied all debate in regard to the proceedings which took place this morning. It is not fair for gentlemen upon the other side of the House to utter a few words in debate, sufficient to state their position, and then deny any time to this side of the House. The manner in which the Journal——

Mr. BOUTELLE. I understand the gentleman is not debating this bill?

Mr. BRECKINRIDGE, of Arkansas. I am not. If the gentleman from Maine had done me the honor of listening to my remarks he would have known that.

Mr. BOUTELLE. I could not hear the gentleman, on account of the disorder in the committee.

Mr. BRECKINRIDGE, of Arkansas. The manner in which the Journal is made up now is radically different from the manner in which it has been made up in all previous Congresses. In the exercise of the great constitutional right of petition, which the people possess, in making known their wants and their wishes to their Representatives, it has always heretofore been the custom to have their petitions presented in open House, and their titles, with a synopsis of their contents and objects, read before the eyes and in the hearing of the Representatives of the people. But, sir, it has remained to this Congress to cause the petitions of the people to be put in that box which you see there hung against the Clerk's desk. There is nothing to bring them to the attention of Congress. They are then referred, by hands unseen to this House, to whatever committee the party making the reference may see fit to refer them, and then this action is presumably printed rightly in the RECORD which is spread upon our desks.

Sir, there is no gentleman here who will presume to say that the members of this House read through the ponderous record of the reference of petitions to analyze them and find out what are the wants and prayers of the people. The petitions go to the committees. No member of this House learns of these petitions except members of the committee; and we know that they are but faintly voiced, as a rule, by these custodians. Sir, this is smothering the voice of the people.

Upon Friday I called attention to several inaccurate references of petitions that had not even gone to the right committee; and while I was seeking to have the Journal corrected the correction was made at the Clerk's desk and those references were then properly stated and ordered in the Journal. But, sir, when we have thus changed the whole way of dealing with the expression of the people's will, it comes with a poor grace for gentlemen to say that in thus seeking to have these corrections made and in giving this modest publicity to the petitions of the people it is for the purpose of delay.

If gentlemen on that side of the House had not suppressed the petitions of the people during the past Congress perhaps their policy would not have gone so far apart from the public will as to have turned the majority which they have in this House into a Democratic majority in the next House of 157 members.

The gentlemen speak of their being here as the agents of the people's will, but they are not agents acting without instructions. The people have spoken; but, owing to a system adopted at the beginning of our Government, because of the long distances between some of the States and the Capitol and the lack of transportation, the outgoing Congress meets for its final session after the new Congress has been elected——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLS. Mr. Chairman, if I can be recognized I will yield my time to the gentleman from Arkansas.

Mr. MCCREARY. I ask unanimous consent that the gentleman from Arkansas be allowed five minutes more.

Mr. BOUTELLE rose.

Mr. BRECKINRIDGE, of Arkansas. I will say to the gentleman from Maine that I do not wish to trespass at any great length upon his time.

Mr. BOUTELLE. How much time does the gentleman desire?

Mr. BRECKINRIDGE, of Arkansas. A few minutes.

Mr. BOUTELLE. I will yield to the gentleman five or eight minutes.

The CHAIRMAN. Is there objection to the request for unanimous consent that the gentleman from Arkansas be allowed to proceed for five minutes longer?

There was no objection.

Mr. BRECKINRIDGE, of Arkansas. Sir, the people have spoken, and if the gentlemen who have been persevering here in partisan legislation are exercising the trust of the people's power they know that they are violating the instructions which they have received. I do not see the distinguished gentleman from Ohio [Mr. MCKINLEY] in his seat, but my remarks are not sufficiently personal in their character to make it necessary for me to withhold them for that reason, as I am dealing solely with the public aspects of this question.

I am willing to admit a great desire on my part to move very slowly with the legislation in this Congress until we see the result of proposed action upon these partisan measures, and especially upon the "force bill" which is now pending before the American Congress. But we have good news from the other end of the Capitol at this time. [Applause on the Democratic side.] We trust that at last the sound of the people's voice has been heard, that that voice which has rung out in condemnation of this measure in Massachusetts, in New York, in Pennsylvania, in Ohio, in Indiana, in Kansas, in Iowa, in Michigan, in Wisconsin, in Minnesota, and in Illinois, by a majority full 800,000 strong throughout this whole country, is at last being heeded by those who are the agents of the popular will, but who have been betraying the instructions of their principals.

Gentlemen cannot say, and especially my distinguished friend from Ohio [Mr. MCKINLEY] can not say, that that voice was not pronounced against the force bill. If not against the force bill, then against what? Do you mean to say that it was all directed against the McKinley bill? Sir, those who read aright the signs of the times know that it was pronounced against all forms of radicalism that have been practiced during the first session and the present session of this Congress. Look at these petitions which I have caused to have read here. During the

last two or three meetings of the House I have had read in your hearing hundreds of petitions from the people, embracing thousands, if not tens of thousands of names, and not one of them has asked you to pass the measure to which all your energies and affections seem to be devoted.

These petitioners are here demanding you to pass the antioption bill; they are here demanding that you repeal the McKinley bill; they are here demanding that you pass a free-silver bill, and only such measures as these. Sir, whenever you abandon your bad, bitter, and condemned partisan legislation and gentlemen on this side of the House can refrain from exercising their parliamentary and constitutional powers of obstervation and delay without incurring the danger of the exercise of your reckless will which you know is contrary to the most overwhelming expression of the people's wishes which this country has ever witnessed, then in my opinion you will have the unbroken efforts of this side of the House to aid you in putting through these relief measures and also in passing the necessary appropriation bills.

But gentlemen can not say that the Government is in any danger from the course which we pursue, because we are almost at the beginning of the official life of the new House of Representatives, which will represent the overwhelming majority of the people of this country, and the President could easily convene that House in session and let it pass all the bills required to meet the wants of the Government before the 30th of next June, the end of the present fiscal year, and then there would be a body in this Hall which would represent the public will, and you know and the country knows there would be no danger of the failure of any necessary bills and no danger of the passage of this condemned and revolutionary measure. [Applause on the Democratic side.]

Mr. KELLEY. Mr. Chairman——

The CHAIRMAN. The Chair will recognize the gentleman when the reading of the paragraph is completed.

The Clerk resumed and completed the reading of the bill.

Mr. BOUTELLE. I ask unanimous consent to offer the amendment which I send to the desk.

The Clerk read as follows:

Page 40, line 23, amend by adding, after the word "dollars," the following: "To be made immediately available."

The amendment was agreed to.

Mr. BOUTELLE. Mr. Chairman, the consideration of the bill in committee having been completed, I move that the committee rise and report it to the House.

The CHAIRMAN. The Chair stated to the gentleman from Kansas [Mr. KELLEY] that he would be recognized at the close of the reading, and the Chair will recognize him.

Mr. KELLEY. Mr. Chairman, I have been listening to a part of the debate on this bill, and to only a part of it, but I heard the remark fall from the lips of the gentleman from Arkansas [Mr. BRECKINRIDGE] a few minutes ago that that side of the House had received good news from the other end of the Capitol, referring, I suppose, to what is considered the defeat of the election bill by the Senate. [Applause on the Democratic side.] I desire to remind the gentleman and the House that he and the party of Democratic gentlemen over them are not the only persons who, as the telegraph carries that news abroad, will think that they hear "good news" from the other end of this Capitol.

I have not a particle of doubt that on receipt of this information the assassins of John M. Clayton will throw up their hats and halloo and shout. [Derisive cries on the Democratic side.] They will say, "That gives us further permission to assassinate." I have not a particle of doubt that the assassins of John Prentiss Mathews, a Republican postmaster in Mississippi, who was killed a few days ago in Carrollton, Miss., and the assassins who took the life of his father a few years ago because he was a Republican, will also greet this intelligence as good news, throw up their hats and shout, accepting it as a license for them to kill more Republicans. [Derisive cries on the Democratic side.]

Mr. Chairman, something has been said about the betrayal of party pledges. I know of no betrayal of party pledges, so far as this end of the Capitol is concerned, but the gentlemen (if there be such) who at the other end of the Capitol have betrayed party pledges are responsible to their constituents and to the country, and it seems to me that if there is any such betrayal on the part of any in the Republican party, it comes from those men who, having been instructed by their party platforms, and which instructions they accepted, to vote for the measure in question, have turned around and voted against it. That will be sad news to the Spartan band of Republicans in the South who have been holding aloft the banner of liberty there. To them it means ostracism and more Republican funerals. The gentleman from Mississippi [Mr. LEWIS] desired as, I understood, to ask me a question, and I very much desire he should do so.

[Here the hammer fell.]

Mr. FLOWER. I move to amend by striking out the last word.

Mr. WHEELER, of Alabama. Mr. Chairman——

Mr. KELLEY. I desire to answer in all candor the question which the gentleman desired to put.

The CHAIRMAN. The gentleman's time has expired.

Mr. FLOWER. I move to strike out the last word.

The CHAIRMAN. That is the pending amendment.

Mr. WHEELER, of Alabama. I move to strike out the last two words.

Mr. FLOWER. I rise to oppose the pending amendment.

The CHAIRMAN. The pending amendment——

Mr. FLOWER. I would like to be heard for five minutes.

The CHAIRMAN. The pending amendment is a motion to strike out the last word.

Mr. FLOWER. I move to strike out the entire paragraph.

The CHAIRMAN. The gentleman will suspend for a moment.

Mr. FLOWER. I rise to oppose the pending amendment. Am I not in order?

The CHAIRMAN. The gentleman from Kansas [Mr. KELLEY] moved to strike out the last word——

Mr. KELLEY. I desire to answer the question which the gentleman from Mississippi desired to put.

The CHAIRMAN. The gentleman from Kansas moved to strike out the last word, on which amendment he spoke for five minutes.

Mr. HOOKER addressed the Chair.

Mr. KERR, of Iowa. I ask unanimous consent that the gentleman from Kansas be accorded the same privilege that was allowed to the gentleman on the other side [Mr. BRECKINRIDGE, of Arkansas]. I ask that he have five minutes additional.

Mr. KELLEY. The gentleman from Mississippi has very courteously indicated his desire to make an inquiry——

Mr. COOPER, of Indiana. I rise to ask unanimous consent——

The CHAIRMAN. The Chair can not entertain any request for unanimous consent until the Committee of the Whole is in order.

Mr. KELLEY. Mr. Chairman——

The CHAIRMAN. The Chair will recognize no one until order is restored. [A pause.] The gentleman from Iowa [Mr. KERR] asks unanimous consent that the gentleman from Kansas may be allowed to proceed for five minutes longer.

Several MEMBERS. That is right.

The CHAIRMAN. Is there objection?

Mr. MILLS. I desire to say——

The CHAIRMAN. The committee will please be in order and allow the Chair to submit the question. Is there objection to the request of the gentleman from Iowa [Mr. KERR]?

Mr. MILLS. I want to say that unless five minutes be given to the gentleman from New York [Mr. FLOWER] I object.

The CHAIRMAN. Objection is made. The gentleman from Alabama [Mr. WHEELER] is recognized as entitled to the floor for five minutes in opposition to the motion to strike out the last word.

Mr. WHEELER, of Alabama. Mr. Chairman, the expressed indignation of those who revere and respect the form of government bequeathed to us by our fathers has at last called from the Speaker of this House a three-column article as an apology to the American people for his illegal and unparliamentary rulings and his violation of the Constitution of the United States. He has sought to place before the country the best possible justification for his conduct. In his long and labored article he has endeavored to lay before the people of the United States the best possible precedent for his arbitrary and illegal rulings.

What is the best possible precedent the Speaker can find to justify the course he has pursued? His best possible precedent, the only precedent he cites, is contained in his assertion that in monarchical England, by means somewhat similar to his method of procedure, but not so arbitrary, Parliament was enabled to pass the coercion bill to trample Ireland under the feet of English soldiers.

With an air of satisfied triumph the Speaker tells the Irishmen of America that to enable Parliament to pass the coercion bill every Irish patriot who attempted to defend and uphold the rights of that grand, brave, and noble people was suspended and driven from his seat in the British House of Commons. [Applause.]

Yes, Mr. Chairman, British tyranny over downtrodden Ireland is cited as sufficient precedent to justify tyranny over American freemen, a country the freedom of which was sanctified by the best blood of the patriots of the Revolution.

Has the Speaker of this House forgotten, has the Republican side of this House forgotten that seven years of war with England were undergone by our forefathers in order to save them and their posterity from the tyranny of the British Government? And now, after one hundred years, the Speaker of this House, supported as he claims by the Republican party, is attempting to adopt the very measures which were denounced in our Declaration of Independence and to escape from which our forefathers pledged their lives, their fortunes, and their sacred honor.

If the Speaker and the Republican party want precedent for tyranny they need not stop at England. They may go farther east. They can go to Siberia, and they will find there imperial precedents for tyranny. They will there find precedents which to their minds will justify the course they propose to pursue in the management of this Government. They may go further still; they may go to the Spanish Inquisition, and there they will find precedents for any character of cruelty and usurpation of power, and I assert that no usurpation of power by the Czar of Russia or the managers of the Spanish Inquisition could be more dangerous to liberty than the precedent established to-day of declaring and

recording a vote of this House without allowing any verification as to whether the vote had been correctly or fraudulently counted.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. FLOWER addressed the Chair.

Mr. BOUTELLE. I move that the committee rise and report the bill with the amendments favorably to the House.

Mr. BRECKINRIDGE, of Kentucky. I rise to a question of order.

Mr. FLOWER. Mr. Chairman, have I not the floor?

The CHAIRMAN. The Chair will state the condition if gentlemen will resume their seats and the committee will be in order.

Mr. FLOWER. I would like about five minutes. I hope the Chairman of the committee will allow me to have five minutes.

The CHAIRMAN. Will the gentleman have the kindness to allow the Chair to state the question?

Mr. FLOWER. Certainly.

The CHAIRMAN. The gentleman from Maine moves that the committee rise and report the bill and amendments favorably to the House——

Mr. BRECKINRIDGE, of Kentucky. And against that motion I have submitted a point of order, Mr. Chairman, that the motion can not be made to report the bill as long as gentlemen desire to amend. The motion to amend takes precedence of the motion to rise and report.

Mr. HOLMAN. And debate never having been closed upon the paragraph——

The CHAIRMAN. The pending amendment is the motion to strike out the last word, and debate upon that amendment is exhausted.

Mr. BOUTELLE. I make the point of order that the bill has been completed and that no amendments have been offered.

Mr. BRECKINRIDGE, of Kentucky. But I move to amend by striking out the word "seven," in line 5, page 41, where the total is fixed $12,107,000, so that it will read $12,100,000.

Mr. BOUTELLE. I understood that the gentleman took the floor upon the point of order.

Now, I desire to call the attention of the gentleman from Kentucky to the fact that, as chairman in charge of and responsible to the House for this bill, I objected to gentlemen on this side continuing the irrelevant debate, and pressed my motion as against them. I trust, therefore, that gentlemen on the other side, who since I objected to the continuance of debate on my own side have occupied ten minutes, will not object to the motion that the committee rise and report the bill to the House.

Mr. BRECKINRIDGE, of Kentucky. I wish to say in response to the gentleman from Maine two things: First, the gentleman's conduct in charge of the bill has been exceedingly courteous, and I am obliged to the gentleman for it, and would be disposed to respond favorably to his request. In the second place I do not expect to occupy any of the time in this discussion, and will yield the five minutes on my motion to the gentleman from New York. If the gentleman from New York can get the five minutes by consent so far as I am concerned I am willing that it shall be done.

The CHAIRMAN. Is there objection to the gentleman from New York proceeding for five minutes?

Mr. BOUTELLE. The gentleman from New York will see that I am compelled to object, as I did on my own side.

Mr. FLOWER. Then, I make the point of order that a motion to amend is pending, and you can not move that the committee rise and make a favorable report.

The CHAIRMAN. The *pro forma* amendment is pending, and the debate on that has been exhausted.

Mr. BRECKINRIDGE, of Kentucky. My amendment was not *pro forma*.

The CHAIRMAN. The Chair had reference to the amendment of the gentleman from Kansas [Mr. KELLEY]. Is the *pro forma* amendment withdrawn?

Mr. KELLEY. I withdraw it.

Mr. FLOWER. Now, Mr. Chairman——

Mr. BOUTELLE. I renew my motion.

The CHAIRMAN. The Chair thinks the motion of the gentleman from Kentucky is in order.

Mr. BOUTELLE. Then, I understand the Chair does not entertain my motion at all?

The CHAIRMAN. The Chair can not submit the motion of the gentleman from Maine as long as a member of the committee rises to offer an amendment. Amendments to the bill are still in order, and debate will be until the committee shall itself vote to close debate on amendments.

Mr. BRECKINRIDGE, of Kentucky. My motion is to strike out the word "seven," in line 5, on page 41 of the bill; and in explanation of that amendment I yield my time to the gentleman from New York, who understands it better than I do.

Mr. ALLEN, of Michigan. Is that in order? I object.

The CHAIRMAN. It can only be done by unanimous consent.

Mr. DALZELL, Mr. COOPER, of Ohio, and others objected.

Mr. BRECKINRIDGE, of Kentucky. I withdraw the amendment.

Mr. FLOWER. I renew it.

Mr. KERR, of Pennsylvania. Mr. Chairman——

Mr. HOOKER. Mr. Chairman, the gentleman from Kentucky withdrew his amendment, and the gentleman from New York has a right to renew it.

The CHAIRMAN. The Chair will entertain the amendment.

Mr. FLOWER. I hope this will not come out of my time. This is the first time since this bill has been under discussion that I have had an opportunity to say a word, and I wanted all the while to answer some of the remarks that gentlemen on the other side have made in regard to the filibustering tactics, as they call them, on this side.

I had a chance to get into the speech of Major MCKINLEY one sentence, and that was all; and now I want to get in one or two more, because other gentlemen have stated in the course of the debate that the majority on this side in the Fifty-second Congress was obtained because the Democratic party suppressed the vote of citizens in thousands and tens of thousands of cases. Gentlemen, I deny that statement emphatically. The men who suppressed the Republican party were the men in that party who are opposed to protection run mad. They are opposed to your taking away from the people the right of home rule, as you are trying to do in the force bill before the Senate. It was done by the men who are opposed to your voting away the surplus from the Treasury and leaving it empty.

The Democratic party, to which this side of the House belongs, are in favor of an honest ballot and a fair count. [Derisive laughter and applause on the Republican side.]

Yes; I repeat, in favor of an honest ballot and a fair count. [Renewed laughter on the Republican side.]

Mr. PERKINS. I ask unanimous consent that his photograph be taken. [Laughter.]

The CHAIRMAN. The gentleman from New York will suspend until the disorder on the floor shall cease.

Mr. VAUX. The Chair should take note of the fact that the disorder was not on the Democratic side.

Mr. FLOWER. In every State of this Union the Democratic party is abreast of the Republicans for ballot reform, home rule, and an honest count. [Applause on the Democratic side.] The only two States in this Union that are laggards in this race are the States of Pennsylvania and Maine. [Renewed applause on the Democratic side.]

Pennsylvania has now a Democratic governor and he is asking his Legislature for a ballot-reform law, and the Speaker of this House and the Maine delegation had better go to their homes and fight for an honest ballot and a fair count there, instead of trying to defeat home rule here and trying to urge on the House this bill that they have sought so long to impose upon the country. This bill, and not the Democratic party, impedes legislation. It is a bill which in the seventy judicial districts of the United States has only nine judges which belong to the Democratic party to help execute. It is a bill that you gentlemen know that under it you can have a majority of your supervisors of election Republicans, men who will run riot over home rule and the liberties of the people, because they are not responsible to the people. It is a bill to concentrate the power of this Government in the hands of one party. [Applause on the Democratic side.]

[Here the hammer fell.]

Mr. KERR, of Iowa. I ask to be heard on the other side.

Mr. SPINOLA. I renew the amendment.

Mr. FLOWER. The Democratic party in the North have 33 majority over all the Republicans in the next Congress, not counting the 115 Democrats from the South. Were votes suppressed there—in Illinois, in Iowa, in New York? No. They suppressed you. In New York we have an honest ballot, but you have refused us a fair count. Two hundred thousand of our citizens will be misrepresented in the next House.

The CHAIRMAN. The gentleman from Iowa [Mr. KERR] rises to oppose the amendment and is recognized for five minutes.

Mr. KERR, of Iowa. Allusion was made on the other side of the House the other day to what Iowa had done, and especially to the report made by Senator ALLISON in regard to suffrage in the District of Columbia. That is a question on which it is conceded that the Government has power over the District. It has that power by virtue of an express provision of the Constitution of the United States, but I showed the other day that all of the Democrats in Congress in the Forty-third Congress voted for the present city government. I wish to call attention here to the fact that the State of Iowa, by a vote of its own people in 1866, declared that every man in the State of Iowa, without regard to his color, should have the right to vote.

Twenty-four thousand majority of the people of Iowa recorded their votes in favor of that proposition. Much has been said about the popular will. The Republican party of this nation in every election for twenty-two years has stood firmly by the amendments to the Constitution of the United States, which give to every man in the United States the right to vote, and that has been indorsed by the people in all the elections that have been held. Even the Democratic party in the platform on which Mr. Tilden was nominated placed themselves squarely in favor of that doctrine; and in our recent platform the Republican party declared in favor of the enforcement of that doctrine. Do the men on the other side cease their opposition to that proposition

because of the declaration of the American people on that subject? For twenty-two years at every election they have declared in favor of universal suffrage for the black man as well as the white, and the constitutional amendment urged by General Grant in his first message made it the duty of Congress to enforce that amendment by appropriate legislation.

Mr. SPINOLA. Why do you not give it to them in this District?

Mr. WILLIAMS, of Illinois. We are for that, all of us.

Mr. KERR, of Iowa. The people of the United States have over and over again by popular vote declared the duty of the American Congress to guaranty that right on every portion of American soil, and they have sustained that declaration by a majority vote for six successive Presidential elections; and it is time that the Democratic party, if they believe now, as they once claimed, that the voice of the people is the voice of God, shall pay some attention to their will as expressed in those successive elections. Gentlemen have referred to the vote in Iowa. I tell the gentleman that the vote last fall in Iowa reversed the verdict of a year before and declared in favor of the entire Republican State ticket, although the year before it had elected a Democratic governor.

Mr. WASHINGTON. How about your Congressmen?

Mr. VAUX. What do you want of the force bill if that is so?

Mr. KERR, of Iowa. Every proposition that we have stood by in this Congress has been submited to a vote of the American people, and they indorsed those propositions, every one of them, by electing the Republican party to assume control of this Government for four years. Do gentlemen on that side heed the verdict?

Several MEMBERS on the Democratic side. Yes.

Mr. KERR, of Iowa. Have they acquiesced in the decision made in 1888? Have they acquiesced in the verdict that recorded the approval of every one of those propositions?

Mr. BOUTELLE. What has become of my motion?

Mr. ROGERS. It has gone like an "iridescent dream."

The CHAIRMAN. The gentleman's motion is held in abeyance because of a motion to amend the paragraph.

Mr. BOUTELLE. I would like to have my motion reverted to.

The CHAIRMAN. Debate upon the present amendment is exhausted.

Mr. LEWIS. I move to strike out the last paragraph.

Mr. BOUTELLE. I would like to be recognized on my motion.

The CHAIRMAN. The Chair will recognize the gentleman in a moment. The Chair has promised the gentleman from Mississippi [Mr. LEWIS] that he would be recognized.

Mr. BOUTELLE. Will the Chair notify me when that moment arrives?

Mr. SPINOLA. Your motion is dilatory and can not be entertained. [Laughter.]

The CHAIRMAN. The gentleman from Mississippi [Mr. LEWIS] desires to address the committee. Will the committee please be in order?

Mr. LEWIS. Mr. Chairman, I desire to say, in answer to the charge made by the gentleman from Kansas [Mr. KELLEY] that a murder was recently perpetrated in the State of Mississippi, that there is not a decent or respectable Republican within the State of Mississippi who will assert that politics had anything whatever to do with the killing of young Mathews. I want to say furthermore for the information of gentlemen on that side, and particularly for the information of the gentleman from Kansas, that this killing has been the subject of an investigation by a Cabinet meeting and that Mr. Wanamaker himself has said that politics had nothing to do with the killing and that it was simply a personal difficulty.

Mr. KELLEY. If the gentleman will allow me, I would like to ask him to furnish that statement of Mr. Wanamaker to this House.

Mr. TUCKER. He has just done it.

Mr. LEWIS. I assert on my own responsibility that he has made such a statement and I can prove it; but I do not propose to prove it right now. I want to say that this man who was killed was parading the streets of that town armed with a gun and a pistol after having sworn that he was going to take the life of this young druggist, McBride, and that after having made this threat he was approaching the business house of this young man with a gun at present arms, when the young man, as I believe, and as the court held which investigated this matter, killed him purely in self-defense. And I would like the gentleman from Kansas [Mr. KELLEY] and others who attempt to create the impression that the people of Mississippi have no regard for human life, to give to this matter that degree of fair investigation to which the people of this country are entitled, even though they may live in the South.

Mr. STRUBLE. I would like to ask my friend a question.

The CHAIRMAN. Does the gentleman from Mississippi yield?

Mr. LEWIS. Yes.

Mr. STRUBLE. Can the gentleman explain to the House how it is that so many persons murdered in Mississippi turn out to be active Republicans?

Mr. HEARD. Because we never hear of the Democrats who are killed. You fellows make no objection to that. [Laughter on the Democratic side.]

The CHAIRMAN. The Chair understands the gentleman from Mississippi has the floor.

Mr. LEWIS. In answer to that question, Mr. Chairman, I will say that the reason why a great many people are killed is because they do not behave themselves and because they want to kill somebody else. [Laughter on the Democratic side.] I have never known a peaceable, law-abiding citizen, though a Republican, injured in his person or in his property during my long residence in the South.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BOUTELLE. Mr. Chairman, can I have a vote on my motion now?

Mr. LEWIS. I withdraw the *pro forma* amendment.

Mr. WILKINSON. Mr. Chairman, I wish to address the committee in opposition to the amendment proposed by the gentleman from Mississippi.

The CHAIRMAN. The gentleman from Louisiana.

Mr. BOUTELLE. Mr. Chairman, how long can this be continued?

The CHAIRMAN. Until debate is closed.

Mr. WILKINSON. Mr. Chairman, this bill is imperfect no doubt in many of its details, but still I am opposed to making so small a change as striking out the last word. I am willing to let it go as it is; but before it passes from the consideration of the House I wish to speak briefly in the few minutes at my disposal, not on a political subject, but on a matter in which the people of my own district are particularly concerned, and that is on the proposed location of a navy yard or dry dock on or near the waters of the Gulf of Mexico. I listened patiently, Mr. Chairman, to the debate on the numerous points of order that were raised on Saturday evening last against certain features of this bill; but the hour was late, members were anxious for adjournment, and I did not care to prolong that discussion then.

The members of this House are aware that the Fiftieth Congress provided for the appointment of a commission of naval officers to recommend a site for a dry dock and navy yard on or near the Gulf of Mexico. They are aware that the distinguished officers composing that commission performed their duties and made their report recommending in no uncertain language that Algiers, La., should be selected.

This report was completely ignored, as we all know, by the Committee on Naval Affairs of this House, so far as any action to carry out the recommendation of that commission was concerned.

When the naval appropriation bill was before the House at its last session I offered an amendment to carry out the recommendations of the naval commission appointed in accordance with the act of the Fiftieth Congress providing for the purchase of additional lands at Algiers, La., for the establishment of a navy yard and dry dock.

The gentleman from Maine [Mr. BOUTELLE], who opposed so strenuously during the present debate the point of order which the present chairman [Mr. BURROWS] has overruled, himself raised a similar point of order against my amendment, which was promptly decided by the occupant of the chair [Mr. BUTTERWORTH] in his favor and against me. I said then, Mr. Chairman:

> The appropriation for these ships is, in my opinion, justifiable in this bill under the qualification of clause 2, Rule XXI, that I have alluded to. But all new ships, whose keels are not laid, whose plans are not drawn, are they to be a continuation of public works and objects already in progress, when yards to build them or docks for their repair are to be excluded by the same rule under which justification is found for the building of the ships? If ships are a portion of the naval establishment, are not docks and yards a portion also? The maintenance of our naval establishment comprises and includes every item of its expense and maintenance, and any appropriation germane to this subject clearly has a right in this bill.

After taking that stand in April last, I am glad to discover the position of the gentleman from Maine [Mr. BOUTELLE] so changed that on Saturday last he used almost the identical argument that I had done before when he said:

> The original law is the law creating the naval establishment, and the annual appropriation bill providing for guns, ships, shot and shell, and dry docks, and other articles for the Navy is simply supplying the necessary materials for carrying out the existing law.

I am gratified indeed, Mr. Chairman, that the chairman of the Committee on Naval Affairs has so completely come over to the parliamentary position which I contended for at the last session. I trust that he and other members of the committee will adhere to the position now taken and will not attempt when this subject comes up on the naval appropriation bill in the Fifty-second Congress to crowd it out by resorting to points of order which their present position now acknowledges to have been wrong.

Mr. Chairman, I have not renewed the amendment I made at the last session because this whole matter is now under consideration by a new commission composed of eminent gentlemen from the Navy, the Army, and from private life. Their character and abilities entitle them to—and they doubtless have—the respect and confidence of the communities interested in their decision, and, whatever that decision may be, I feel sure that it will be fair and impartial.

Their final sessions will not take place, I am informed by the Department, for some weeks yet; and when their report is ready in all likelihood the hours of the Fifty-first Congress will be over. The successors of my zealous colleague [Mr. COLEMAN] and myself will no doubt be heard on this subject by the members of the Fifty-second Congress.

This whole matter has been long, unjustly, and frivolously delayed; but, having waited this long, it can wait a little longer, and I feel satisfied that justice will prevail in the end.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired, and without objection the *pro forma* amendment will be considered as withdrawn.

Mr. ROGERS. Mr. Chairman——

Mr. BOUTELLE. Mr. Chairman, my motion is that the committee rise and report the bill to the House.

Mr. ROGERS. Mr. Chairman, I have an amendment I desire to offer.

Mr. BOUTELLE. Mr. Chairman, as we have got back to the naval bill and have resumed its consideration—we had almost lost sight of that—I move to limit debate on the pending paragraph to one minute.

[Cries of "Oh, no!"]

Mr. ROGERS. I move to amend that by making it twenty minutes.

The CHAIRMAN. The question is on the amendment of the gentleman from Arkansas.

The question was put; and the Chairman announced that the noes seemed to have it.

Several MEMBERS. Division.

The committee divided; and there were—ayes 77, noes 87.

The CHAIRMAN. The question recurs on the motion to limit debate to one minute.

The question was put; and the Chairman announced that the ayes seemed to have it.

Mr. SPINOLA. I will take that minute with the permission of the House.

Mr. BRECKINRIDGE, of Kentucky. Division, Mr. Chairman.

Mr. BOUTELLE. Does the gentleman from New York desire to take that minute to address the committee on the monument?

Mr. SPINOLA. Why, of course I do.

Mr. BOUTELLE. I yield it.

Mr. SPINOLA. Now, Mr. Chairman, the attention of the American people has been called to an important question which is pending before this House, one which has almost shaken the Republic from its center to its circumference. It is the erection of a monument to the 11,500 patriots [great laughter] who died in order that we might be here to-day to make laws for the benefit of the American people and not to pass obnoxious bills and to attempt to rob the American people of their rights as citizens. Why, sir—how much time have I, Mr. Chairman?

The CHAIRMAN. About three seconds. [Laughter.]

Mr. SPINOLA. Well, good afternoon, gentlemen. We have knocked out your force bill in the Senate and I bid you good day. [Laughter.]

Mr. ROGERS. Mr. Chairman, do I understand that the limitation of debate cuts me off from the right to offer an amendment without debate?

The CHAIRMAN. Not at all. The Chair has made no such intimation.

Mr. ROGERS. I offer the amendment which I send to the desk. I have been trying to get in this amendment for some days in view of the manifest growth of parliamentary law.

The amendment was read, as follows:

Hereafter parliamentary prize fights, parliamentary pantomime, parliamentary frauds, parliamentary tricks, parliamentary jugglery, and hypnotism are prohibited within the District of Columbia; and any person who shall hereafter be present at or participate in any such prize fight, or who shall practice any parliamentary pantomime, fraud, trick, or jugglery, or be present at any exhibition of hypnotism, shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding $1,000 and imprisoned not exceeding one year, or both, in the discretion of the court.

Mr. ENLOE. Mr. Chairman, I make the point of order against that amendment.

The CHAIRMAN. The point of order is sustained.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, would the amendment be in order by striking out the penalty named and inserting a provision that the offender shall be confined in one of the cruisers authorized to be constructed by this act? [Laughter.]

The CHAIRMAN. The Chair thinks not.

The motion of Mr. BOUTELLE that the committee rise and report the bill to the House was agreed to.

The committee accordingly rose; and Mr. PAYSON having taken the chair as Speaker *pro tempore*, Mr. BURROWS, from the Committee of the Whole, reported that they had had under consideration the bill (H. R. 12782) making appropriations for the naval service for the fiscal year ending June 30, 1892, and for other purposes, and had directed him to report the same to the House with sundry amendments.

Mr. BOUTELLE. Mr. Speaker, I demand the previous question on the adoption of the amendments recommended by the Committee of the Whole, and also upon the engrossment, third reading, and passage of the bill.

The previous question was ordered.

Mr. BOUTELLE. Mr. Chairman, I ask unanimous consent that the amendments recommended by the Committee of the Whole be voted upon in gross.

There was no objection.

The amendments were read and adopted.

The SPEAKER *pro tempore*. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time.

Mr. HOLMAN. Mr. Speaker, I move to recommit the bill with instructions to strike out all of the paragraph under the head of "Increase of the Navy," being all after line 13, page 38, and all of page 39 down to line 13.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Indiana [Mr. HOLMAN] to recommit the bill with instructions.

Mr. HOLMAN. I move that that part proposed to be stricken out be read.

Mr. BOUTELLE. Perhaps the gentleman can state the substance of it just as well. I understand that he simply proposes to strike out the authorization of the construction of one cruiser.

Mr. HOLMAN. Yes, sir; one cruiser authorized to be constructed, at an expense of, I believe, $2,775,000.

Mr. BOUTELLE. Well, that is understood; and now let us have a vote.

The question was taken on the motion of Mr. HOLMAN to recommit with instructions; and the Speaker *pro tempore* declared that the noes seemed to have it.

Mr. HOLMAN. I would like to have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 70, nays 149, not voting 112; as follows:

YEAS—70.

Alderson,	Crisp,	Lewis,	Sayers,
Anderson, Kans.	Dickerson,	Mansur,	Shively,
Barwig,	Dockery,	Martin, Ind.	Skinner,
Biggs,	Edmunds,	Martin, Tex.	Springer,
Bland,	Ellis,	McClellan,	Stewart, Ga.
Breckinridge, Ky.	Enloe,	McRae,	Stewart, Tex.
Brickner,	Fithian,	Mills,	Stone, Ky.
Brookshire,	Forman,	Montgomery,	Tillman,
Brown, J. B.	Geissenhainer,	Moore, Tex.	Tucker,
Brunner,	Goodnight,	Norton,	Turner, Ga.
Buchanan, Va.	Heard,	Oates,	Vaux,
Bunn,	Holman,	O'Ferrall,	Washington,
Caruth,	Hooker,	O'Neal, Ind.	Whitelaw,
Catchings,	Kerr, Iowa	Parrett,	Wike,
Cheadle,	Kerr, Pa.	Paynter,	Williams, Ill.
Clements,	Lane,	Peel,	Yoder.
Cobb,	Lanham,	Perry,	
Cooper, Ind.	Lee,	Pierce,	

NAYS—149.

Adams,	Darlington,	Laws,	Russell,
Allen, Mich.	Davidson,	Lehlbach,	Scranton,
Andrew,	Dingley,	Lind,	Scull,
Arnold,	Dorsey,	Lodge,	Sherman,
Atkinson, Pa.	Evans,	McAdoo,	Simonds,
Atkinson, W. Va.	Ewart,	McComas,	Smyser,
Baker,	Farquhar,	McCord,	Spinola,
Bankhead,	Featherston,	McKenna,	Spooner,
Banks,	Finley,	McKinley,	Stephenson,
Bartine,	Flick,	Miles,	Stewart, Vt.
Bayne,	Flower,	Miller,	Stivers,
Belknap,	Forney,	Moffitt,	Stockbridge,
Bergen,	Frank,	Moore, N. H.	Stockdale,
Blanchard,	Funston,	Morey,	Stone, Mo.
Blount,	Gear,	Morse,	Struble,
Boutelle,	Geary,	Mudd,	Sweet,
Brewer,	Gest,	Nute,	Sweney,
Brosius,	Gibson,	O'Donnell,	Taylor, E. B.
Browne, T. M.	Greenhalge,	O'Neil, Mass.	Taylor, Ill.
Buchanan, N. J.	Grimes,	O'Neill, Pa.	Taylor, J. D.
Burrows,	Grosvenor,	Osborne,	Taylor, Tenn.
Burton,	Grout,	Outhwaite,	Thompson,
Caldwell,	Haynes,	Owen, Ind.	Townsend, Colo.
Candler, Ga.	Hays, E. R.	Owens, Ohio	Townsend, Pa.
Carter,	Henderson, Ill.	Payson,	Tracey,
Caswell,	Herbert,	Perkins,	Turner, Kans.
Cheatham,	Hill,	Peters,	Vandever,
Clark, Wis.	Hitt,	Quackenbush,	Walker,
Clark, Wyo.	Hopkins,	Quinn,	Wallace, N. Y.
Cogswell,	Houk,	Raines,	Whitthorne,
Coleman,	Kelley,	Randall,	Wickham,
Comstock,	Kennedy,	Ray,	Williams, Ohio
Connell,	Knapp,	Reed, Iowa	Wilson, W. Va.
Cooper, Ohio,	Lacey,	Reyburn,	Wright,
Crain,	La Follette,	Robertson,	Yardley.
Culberson, Tex.	Laidlaw,	Rogers,	
Cutcheon,	Langston,	Rowell,	
Dalzell,	Lansing,	Rusk,	

NOT VOTING—112.

Abbott,	Breckinridge, Ark.	Chipman,	De Lano,
Allen, Miss.	Brower,	Clancy,	Dibble,
Anderson, Miss.	Browne, Va.	Clarke, Ala.	Dolliver,
Barnes,	Buckalew,	Clunie,	Dunnell,
Beckwith,	Bullock,	Cothran,	Dunphy,
Belden,	Butterworth,	Covert,	Fitch,
Bingham,	Bynum,	Cowles,	Flood,
Bliss,	Campbell,	Craig,	Fowler,
Boatner,	Candler, Mass.	Culbertson, Pa.	Gifford,
Boothman,	Cannon,	Cummings,	Hall,
Bowden,	Carlton,	Dargan,	Hansbrough,

Hare,	Mason,	Pindar,	Stump,
Harmer,	McCarthy,	Post,	Tarsney,
Hatch,	McClammy,	Price,	Thomas,
Haugen,	McCormick,	Pugsley,	Turner, N. Y.
Hayes, W. I.	McCreary,	Reilly,	Van Schaick,
Hemphill,	McDuffie,	Richardson,	Waddill,
Henderson, Iowa	McMillin,	Rife,	Wade,
Henderson, N. C.	Milliken,	Rockwell,	Wallace, Mass.
Hermann,	Morgan,	Rowland,	Wheeler, Ala.
Ketcham,	Morrill,	Sanford,	Wheeler, Mich.
Kilgore,	Morrow,	Sawyer,	Whiting,
Kinsey,	Mutchler,	Seney,	Wiley,
Lawler,	Niedringhaus,	Smith, Ill.	Wilkinson,
Lester, Ga.	Payne,	Smith, W. Va.	Willcox,
Lester, Va.	Penington,	Snider,	Wilson, Ky.
Magner,	Phelan,	Stahlnecker,	Wilson, Mo.
Maish,	Pickler,	Stone, Pa.	Wilson, Wash.

So the motion of Mr. HOLMAN was rejected.

The following additional pairs were announced for the rest of the day:

Mr. BELDEN with Mr. KILGORE.

Mr. CULBERTSON, of Pennsylvania, with Mr. BARNES.

Mr. BINGHAM with Mr. DARGAN.

Mr. CRAIG with Mr. PENINGTON.

Mr. ALLEN, of Michigan, with Mr. RICHARDSON.

Mr. KINSEY with Mr. TARNSEY.

Mr. ROCKWELL with Mr. LESTER, of Georgia.

Mr. HARMER with Mr. WILEY.

The result of the vote was announced as above stated.

The bill was then passed.

Mr. BOUTELLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SURVEY OF THE SAVANNAH RIVER.

Mr. HENDERSON, of Illinois, from the Committee on Rivers and Harbors, reported back with a favorable recommendation the following resolution; which was read, considered, and adopted:

Whereas since the Secretary of War, under date of February 17, 1890, transmitted to the House of Representatives a letter from the Chief of Engineers of date of February 15, 1890, together with the report of Lieut. O. M. Carter, Corps of Engineers, upon the survey of the Savannah River above Augusta, as found in Executive Document H. R. No. 213, Fifty-first Congress, first session, there has been a further report of the survey of said river prepared, together with maps of survey of the said river between the cities of Augusta and Savannah: Therefore,

Resolved, That the Secretary of War be requested to transmit to the House of Representatives the completed report of said survey, including said maps of survey of said river between Augusta and Savannah.

Mr. HENDERSON, of Illinois, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEASE OF MARINI HALL.

Mr. CANNON. I again ask unanimous consent for the consideration and passage of the joint resolution which was read this morning, authorizing the extension of the lease of Marini Hall, in this city, until the 1st of May next.

Mr. DOCKERY. I hope there will be no objection to that request.

The joint resolution (H. Res. 275) authorizing the use of the building known as Marini Hall for the money-order division of the Sixth Auditor's Office until May 1, 1891, was read.

Mr. ROGERS. What is the question?

The SPEAKER *pro tempore*. The question is upon the request of the gentleman from Illinois [Mr. CANNON] for unanimous consent to consider and pass the joint resolution which has just been read.

Mr. ROGERS. This is Monday, and I think we ought to devote our time to-day to the business in order—District of Columbia business. I have no objection to this joint resolution being considered to-morrow, but I do object now.

The SPEAKER *pro tempore*. The gentleman from Arkansas objects. The gentleman [Mr. GROUT], the chairman of the Committee on the District of Columbia, is recognized.

ORDER OF BUSINESS.

Mr. GROUT. Mr. Speaker, I am much obliged for the recognition, and I wish respectfully to call the attention of the House to the fact that this is the day set apart under the rules for the consideration of District business. Giving notice that, as we have now only about an hour and ten minutes left of the ordinary daily session, I shall, before we close, ask for further time, I now call up House bill No. 4768.

Mr. SPINOLA. Will not my friend from Vermont give way to me for about two minutes on a very important bill?

Mr. GROUT. I must appeal to my amiable friend from New York [Mr. SPINOLA] not to press his request.

PAYMENT FOR CONDEMNED ALLEY.

The SPEAKER *pro tempore*. The gentleman from Vermont, chairman of the Committee on the District of Columbia, calls up for present consideration the bill which will be read.

The Clerk read as follows:

A bill (H. R. 4768) to pay for alley condemned in square numbered 493, in the city of Washington, District of Columbia.

Be it enacted, etc., That the act approved March 1, 1889, entitled "An act to re-appropriate to pay for alley condemned in square numbered 493," be amended by striking out all the words after the enacting clause, and in lieu thereof insert: "That, out of any money in the Treasury not otherwise appropriated, there be, and the same hereby is, appropriated a sum sufficient to pay, with interest, at the rate of 6 per cent. per annum, from August 6, in the year 1870, to the date of the approval of this act, the persons entitled to the amount awarded by the jury of condemnation for the land taken for an alley through square numbered 493, in the city of Washington, in the District of Columbia."

The SPEAKER *pro tempore*. The Chair would suggest to the gentleman from Vermont that this bill is on the Calendar of the Committee of the Whole House on the state of the Union.

Mr. GROUT. I was about to ask unanimous consent that the bill be considered in the House.

Mr. ANDERSON, of Kansas. I would like some information in regard to the provision in the bill requiring the Government to pay interest since 1870.

The SPEAKER *pro tempore*. The bill is not up for consideration at present. The gentleman from Vermont asks unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill and that it be now considered in the House. Is there objection?

Mr. ANDERSON, of Kansas. I will reserve objection until I can obtain some information about the matter.

Mr. GROUT. This bill is to make an appropriation made once before by Congress——

Mr. ANDERSON, of Kansas. When?

Mr. GROUT. Some years ago to pay for this alley.

The SPEAKER *pro tempore*. This can only be considered by unanimous consent.

Mr. ANDERSON, of Kansas. I have reserved the right of objection until I can understand why the Government is to pay interest for all of these years.

Mr. GROUT. I was about to explain the character of the bill so that the gentleman would not make objection.

This is an appropriation to pay for an alley once appropriated for by a previous Congress, but which was not paid for out of the appropriation until the appropriation for other and similar claims had been exhausted, making it necessary to come back to Congress to make another appropriation.

Mr. ADAMS. Where is this alley?

Mr. GROUT. It is described in the bill as being in square 493.

Mr. ANDERSON, of Kansas. In what year was the original appropriation made?

Mr. GROUT. In 1881 Congress appropriated a certain sum to compensate owners of property for ground condemned and used for alleys in this city. The amount due to owners of this property in square 493 was never called for and was covered into the Treasury some time subsequently. The commissioners of the District, to whom a copy of the bill was sent for approval, say that the land has been condemned and taken for public purposes and that it should be paid for. The Committee on the District of Columbia have therefore reported the bill favorably and ask its consideration.

Mr. ANDERSON, of Kansas. For what public purpose was the property taken?

Mr. GROUT. For an alley.

Mr. CUTCHEON. Why was not the money called for when the appropriation was made?

Mr. GROUT. It was not called for before the appropriation expired; but the reasons of the failure do not appear.

Mr. CUTCHEON. I mean before it was covered back into the Treasury.

Mr. GROUT. The report states all of the facts on which the committee acted. This was a recommendation from the commissioners.

Mr. CUTCHEON. But if it was through any neglect on the part of these parties who are directly interested, why should the United States be called to pay interest?

Mr. ANDERSON, of Kansas. Yes; and we are asked to pay interest here for ten years through their own neglect.

Mr. BLOUNT. I should like to ask the gentleman a question in relation to this matter.

Mr. GROUT. Very well.

Mr. BLOUNT. The bill that I have in my hand does not provide that this shall be paid equally out of the revenues of the District of Columbia and out of the Federal Treasury; and I wish to ask the gentleman if he desires it to be passed in that shape or if it is to be made to conform to the law and be paid equally by both.

Mr. GROUT. It should be made to conform to the law in that respect, one-half from the District's funds and one-half from the public Treasury.

Mr. ANDERSON, of Kansas. Well, Mr. Speaker, I object. Let them get their bill fixed up and leave out this ten years' extra interest.

Mr. GROUT. We make no objection to striking out the item of interest.

Mr. ADAMS. How much money is involved in this bill?

Mr. GROUT. I am unable to state exactly the amount.

Mr. CANNON. It seems to me that this bill had better go by for a while.

Mr. GROUT. Very well, Mr. Speaker; I will ask that the bill be laid aside for the present and I will call up another.

OPENING OF ALLEYS IN THE DISTRICT OF COLUMBIA.

Mr. GROUT. I now call up for present consideration the bill (H. R. 11854) to authorize the commissioners of the District of Columbia to open alleys and to provide for the expense thereof, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That whenever the commissioners of the District of Columbia shall, in pursuance of existing law, pass an order for the opening of an alley through any square in the District of Columbia, or shall order one already laid out to be widened or extended, the surveyor shall within fifteen days afterward distinctly mark off such alley in the manner in which it may be designated in the application therefor, and shall make out duplicate plats of such alley, showing its courses and boundaries and the area of ground in square feet which may be taken from lots or parts of lots in the square by the opening or extension of the alley, one of which plats shall be deposited in the office of the commissioners and the other kept in the office of the surveyor, and all such alleys or extensions shall thereafter be kept open and free for public use.

SEC. 2. That upon the filing of such plat in the office of the commissioners, the latter shall make application to the marshal of the District of Columbia to summon a jury of seven disinterested citizens of said District to assess the damage which may accrue to any individual or individuals by the opening or extension of such alley, and the return of the damages so ascertained shall be filed in the office of the said commissioners and the amount thereof, less the benefits hereinafter provided for, paid to the person or persons entitled thereto out of any unappropriated money in the Treasury of the United States, one-half of such payment to be charged against the revenue of said District.

SEC. 3. That when the return of damages shall have been made and filed with the commissioners as aforesaid, it shall be the duty of the commissioners to appoint three disinterested citizens to levy a tax equal to the amount thereof, together with the expenses attending the opening or extending of such alley, including the expense of examining the title to lots or parts of lots affected by the alley, in just proportion, upon the individuals whose property in the square may be benefited thereby, and they shall make due return to the commissioners of the amount levied on each individual, designating the lot for which they may be respectively taxed; and it shall be the duty of the commissioners to furnish a copy of said return to the collector of taxes, whose duty it shall be to collect the same as other taxes are collected.

SEC. 4. That all alleys opened or extended in the city of Washington since June 30, 1871, under an ordinance of the late corporation of Washington, approved November 4, 1842, are hereby made valid.

SEC. 5. That all alleys or parts of alleys heretofore closed by subdivision, with the approval of the commissioners, shall hereafter remain closed.

The committee recommended the adoption of the following amendment:

Add to the fifth section the following proviso:

"*Provided*, That nothing in this section, or section 4, shall be construed so as to affect pending litigation on the subject of these two sections."

The SPEAKER *pro tempore*. This bill is in the Committee of the Whole House on the state of the Union.

Mr. GROUT. I ask unanimous consent for its consideration in the House.

Mr. BLOUNT. I think we have been finding that our revenues are getting short, not even equal to meeting the payments on the public debt.

Mr. GROUT. This does not call for any immediate appropriation.

Mr. HOLMAN. But it calls for an appropriation hereafter.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Vermont?

Mr. HOLMAN. I object.

Mr. GROUT. Then I move that the House resolve itself into Committee of the Whole House on the state of the Union to consider the bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. CUTCHEON in the chair.

Mr. GROUT. Mr. Chairman, this bill has been read, and I will state briefly in reference to it that it is substantially a re-enactment of the alley law enacted by the late Legislature of the District of Columbia when they had a local government. The only necessity for its passage now is this, that the court has held that in the organic act creating the present District government there is no legal succession to the mayor, and so there can be no legal opening of alleys under the existing law. All of the alleys that have been opened since the ruling of the court to that effect have been on authority of Congress by a bill precisely like the one before the House a few moments ago for the opening of an alley and an appropriation for it. In that case the appropriation lapsed; it seems the parties never received it. The exact amount of it does not appear from the papers; but the commissioners state that these parties are entitled to their money for the alley and have not received it.

Now, this bill provides that the commissioners shall have authority that the mayor and common council had under the former District government. It is simply to obviate that necessity and make legal the acts of the commissioners, they meanwhile having performed some slight acts in the way of changing certain alleys——

Mr. ROGERS. I wish to ask the gentleman a question.

Mr. GROUT. Certainly.

Mr. ROGERS. I understand this is a general law for opening alleys.

Mr. GROUT. Precisely.

Mr. ROGERS. And commits the entire power to the commissioners of the District?

Mr. GROUT. It does.

Mr. ROGERS. How do you fix the rate of pay to be received for this property?

Mr. GROUT. The rates are to be fixed, as will be seen by the terms of the bill, by a jury of seven disinterested citizens, precisely in the way the old alley law provided, and which would be operative if the organic act had provided a legal succession to the mayor. But it failed to do so.

Mr. ROGERS. Pardon me for a moment. Do the commissioners impanel this jury?

Mr. GROUT. No, sir.

Mr. ROGERS. Who impanels them?

Mr. GROUT. The marshal of the District.

Mr. ROGERS. Who presides over them and controls the admission of proof?

Mr. GROUT. The marshal of the District.

Mr. ROGERS. An executive officer.

Mr. GROUT. It is the ordinary court for settling damages with reference to highways when they are laid out.

Mr. ADAMS. It is a court?

Mr. GROUT. It is not a court in the ordinary sense of the term. It is a jury for assessing damages, precisely as damages would be assessed for a highway, if it was laid out.

Mr. ADAMS. That is not the course of procedure in my own State. I should like to ask the gentleman a question, Mr. Chairman.

Mr. ROGERS. My friend from Illinois [Mr. ADAMS] is anticipating me somewhat. I am seeking information with reference to this matter. I did not hear the reading of the bill. I understand from the gentleman from Vermont [Mr. GROUT] that it is not a court by which this property is to be taken.

Mr. GROUT. Let me read the section; you will best understand it in that way.

Mr. ROGERS. I wish you would read it.

Mr. GROUT. The provision is as follows:

SEC. 2. That upon the filing of such plat in the office of the commissioners the latter shall make application to the marshal of the District of Columbia to summon a jury of seven disinterested citizens of said District to assess the damage which may accrue to any individual or individuals by the opening or extension of such alley, and the return of the damages so ascertained shall be filed in the office of the said commissioners and the amount thereof, less the benefits hereinafter provided for, paid to the person or persons entitled thereto out of any unappropriated money in the Treasury of the United States, one-half such payment to be charged against the revenues of said District.

Mr. ROGERS. The other half comes out of the Treasury?

Mr. GROUT. Yes, sir.

Mr. ROGERS. It ought to say so. But suppose either party is dissatisfied with the finding; then what?

Mr. ADAMS. The parties are not even summoned, so far as the gentleman has read. There is no provision for the parties to be present.

Mr. GROUT. That machinery is not all provided. It is supposed that they would be summoned; that they would be called before the board to show their claims with reference to this matter.

Mr. ROGERS. But, my dear sir, suppose they go on and render a judgment without the parties being summoned. Then what?

Mr. GROUT. I do not suppose it would be a good judgment.

Mr. ROGERS. I do not either; but then suppose either party is dissatisfied.

Mr. GROUT. Well, if it is thought best to allow an appeal to the courts——

Mr. ROGERS. But you say this is not a court.

Mr. GROUT. It is the ordinary board established for ascertaining damages when private property is taken for public use.

Mr. ROGERS. You are mistaken about its being the ordinary board. I take it there is not a State in the Union that has any such provision. But do you suppose you can take an appeal from a board to a court?

Mr. GROUT. I should suppose you could.

Mr. ROGERS. What sort of a record would you have? What sort of a trial would you have? Where is your machinery for it?

Mr. GROUT. I suppose the persons sitting as a jury to assess these damages would make up their finding.

Mr. ROGERS. But you have no provision at all for an appeal. You have seven men impaneled as a jury or as commissioners. They render an award. When the award is made, if either party is dissatisfied, there is no remedy, no right of appeal, no redress. Their judgment is final and conclusive. Does it occur to my friend that this is safe legislation, particularly when these parties are going into the public Treasury instead of into the private pockets of individuals?

Mr. ADAMS. There is another difficulty, if the gentleman from Arkansas [Mr. ROGERS] will allow me to suggest, that in the first part of the bill, which he perhaps has not read, it is provided that when the plat is filed, which is at a stage of the proceedings long before the calling of the jury, the public may take possession of the property and it shall be a public alley. Now, I did suppose that here in the District of Columbia, as in my own State, the Constitution of the United States would be regarded, which provides that private property shall not be taken for public use without just compensation; and we hold in my State

that there must be an opportunity for the private citizen to receive his compensation before the property can be taken for public use.

Mr. ROGERS. And it can not be taken even then without due process of law.

Mr. GROUT. There is a provision with reference to ascertaining the value of this property as a preliminary step, the same in this bill as in my State. It may be new to other gentlemen, but it does exist there. It is true that an appeal may be taken to the court in that State; but let me say, Mr. Chairman, that this bill was drawn by the district attorney and sent here for the consideration of the Committee on the District of Columbia, with a letter from the assistant district attorney of the District, which letter I ask the Clerk to read.

Mr. BUCHANAN, of New Jersey. Mr. Chairman, if the gentleman will yield for a question, for a moment——

The CHAIRMAN. Does the gentleman from Vermont yield to the gentleman from New Jersey?

Mr. GROUT. Yes, sir.

Mr. BUCHANAN, of New Jersey. Does the gentleman say that this bill comes from the district attorney's office of the District?

Mr. GROUT. This bill was drawn and sent by the district attorney's department of the District of Columbia for the action of the committee and the House.

Mr. BUCHANAN, of New Jersey. Then let me ask the gentleman this question: Suppose that the damages awarded be found to be very excessive as against the Government, is there any provision by which the district attorney's office could take an appeal? Is there any provision by which the Government would have any remedy against the excessive damages?

Mr. ADAMS. Or abandon the proceedings. That is what we do in my State, because the Government can abandon proceedings; but it is provided the moment the matter is filed here that it shall be to stay there.

Mr. GROUT. However that may be, you will learn, if you will listen to this letter from the law authorities of the District, that it is the same law that has been in existence in this city for years, however much gentlemen may criticise it.

Mr. BUCHANAN, of New Jersey. That does not make it any better.

The Clerk read as follows:

OFFICE OF THE ATTORNEY, DISTRICT OF COLUMBIA,
Washington, D. C., January 3, 1891.

DEAR SIR: In answer to your inquiries in reference to the bill (H. R. 11854) pending in the House to authorize the commissioners to open alleys, etc., I have to say the occasion for a new alley law is imperative and arises from the fact that according to judicial construction we have no law on the subject. The ordinance of the late corporation of Washington (Webb's Digest, 1, 2) provides (sec 2) that upon the filing of the plat of the proposed alley in the office of the register of the city the mayor shall make application, etc., and when the damages shall have been returned it shall be the duty of the mayor to appoint three disinterested citizens to assess benefits against abutting proprietors.

The act of February 21, 1871 (16 Stats., 419), changing the form of government for this District, whilst it provided that all laws and ordinances of the cities of Washington and Georgetown and the levy court should remain in force, etc., provided no legal succession to the mayor, and hence our courts since 1871 have uniformly held, where any of those ordinances requiring the mayor to do anything was involved, that such ordinance was invalid and a dead letter.

The District Assembly undertook to remedy the matter, and on the 23d of August, 1871, the governor approved an act authorizing the board of public works to condemn land for alleys in Washington and Georgetown and for streets and roads in the county of Washington; but it has been held in cases under this law that Congress, under the act of 1871, did not delegate to the District the power of eminent domain, and that, even if Congress had done so and the Legislative Assembly could further delegate the power to the board of public works, the law was so framed as to allow private property to be taken for private uses, and was therefore unconstitutional and void.

Within the past two or three years nearly every member of our supreme court has on *certiorari*, or on a bill in equity to enjoin alley proceedings, held the old corporation ordinance (Webb's Digest, 1) a dead letter, because there is no legal succession to the mayor, and the act of the District assembly void for the reasons above noted.

The bill in question was draughted by me, at the request of the commissioners, in August last, and is a recast of the old ordinance in Webb's Digest, with such changes as will adapt it to our present situation. The changes are as follows:

The jury of condemnation is reduced from twelve to seven. The damages in excess of benefits are to be paid out of the Treasury, one-half to be charged against the revenues of the District. The expense of examining the title of the abutting lots is provided for by the present bill. The object of this provision is to get the true ownership of the lots at the time of the proceedings, so as to give notice, without which the proceedings are void. The books of the assessor's office, which have been heretofore relied on, are not in all cases reliable as showing the true ownership of real property. Very often property is carried on the books in the assessor's office for years in the name of dead people. Especially is this the case as to estate devised by will.

Of late years the activity in real-estate transfers in this District has been so great that the examination of real-estate title, even for a short period, has become not only a matter of skill, but of considerable labor, and then such matters have passed pretty much into the hands of title companies who have the necessary material and special facilities for doing the work. Aside from this this office has quite enough to do without examining titles. The fees for such an examination in an alley case could rarely exceed $25, which the proposed bill will make a part of the costs of opening the alley. It could very rarely happen that any money would have to be taken out of the Treasury to pay alley expenses. The idea of the fourth section of the bill is to ratify all alley proceedings since 1871. The reason for this is obvious.

I believe I have now given you the principal reasons why the bill in question should become a law.

Very respectfully,

S. T. THOMAS,
Assistant Attorney, District of Columbia.

Col. H. M. ROBERT,
Engineer Commissioner, District of Columbia.

Mr. BLOUNT. Mr. Chairman, this bill provides for alleys from 1871 onwards. It provides for the opening of alleys hereafter. It provides for the expenditures out of the public Treasury. My colleague [Mr. CLEMENTS], who is a member of the Committee on Appropriations, informs me that the appropriations bill for the expenses for the two parks will call for more money than is yielded now under the revenues of the District of Columbia by reason of taxation. If that be true how is it to be met? There will be no money there to meet it. On other occasions we have been confronted with this same situation. We shall soon in the future be met with the declaration that we have passed such legislation, that we have involved the Government, and we are therefore bound to meet it.

Now, I submit that this is not wise legislation. If we have not taxed the people sufficiently to meet the current expenses of the Government we should not make expenditures beyond it, and which can only be met by a bonded debt or by borrowing money. We are confronted too, sir, with the fact that in July there are several millions of dollars of bonds to be paid, and no provision has been made to meet them. This being true, I say as to this item and every item that involves the expenditure, the House and the committee should not ignore the fact that there is no money to meet the expenses. It is said that there was legislation such as this in the act of 1871; that the old government, anteceding the present government of the city, enacted a provision of law similar to this.

I submit, sir, that there is nothing in the history of the old administration of the government of the District of Columbia that invites the confidence of the people of this country to-day. It is a record of reckless abuse and profligacy, and rather than be induced to action on account of a provision of that administration we should take warning from it. That was one of the things that were destroyed by reason of the change of government.

What this shall come to no man can tell. We can not say how many alleys have been opened. We can not say how many are to be opened. We can not say what sum of money shall be charged against the Government by reason of this action.

Now, what is the remedy? What is the true course to pursue? We have determined on the rate of taxation. Then we should regulate the expenditures in this District, under all the items of streets and everything else, with reference to that taxation and the revenue to be derived from it. Unless we shall pursue that course we shall never know of any economy, any conservatism, in the District. Your Committee on Appropriations will report bills for current expenses. They will equal or perhaps exceed the revenues. The Committee on the District of Columbia will come in with other legislation similar to this—how much no man can tell. We shall be confronted with a larger excess of expenditures over appropriations by reason of that.

I submit, sir, that it is unwise for a man in private life, and it is unwise in public affairs, and the sooner we have it understood, the sooner we have it ingrained in the minds of the people of this District, the sooner we have it ingrained at every point where human intelligence comes in contact with this question, the sooner shall we obtain wise legislation in respect to this District, and the sooner shall we come to careful appropriation of the various sums required by the District.

Mr. Chairman, we are not proceeding under the five-minute rule?

The CHAIRMAN. General debate has not been closed.

Mr. BLOUNT. Now, Mr. Chairman, let us deal liberally with the District; let us look to the wants of the District, whatever they are, and let it be done with an eye to the rate of taxation here. Unless we shall adopt this as a rule of conduct the Government will become profligate and we shall be confronted with an invitation to assume a bonded indebtedness here again. When the act of 1871 was passed we had turned over to us twenty-six millions of bonded debt, and now having assumed that responsibility, after we have thrown away that, it is proposed to throw open all the doors by such a bill as this, that will involve expenditures far beyond the revenues we have derived from taxation.

So far as the allegations I have made are concerned that we have already provided for expenditures in excess of the revenues from direct taxation, I have confirmed my opinion by asking the opinion of my colleague [Mr. CLEMENTS] whose carefulness in gathering information in relation to this District will be accepted and approved by every member of this House.

Mr. Chairman, I yield to the gentleman from Arkansas [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman——

Mr. VAUX. Mr. Chairman, I would like to ask the chairman of the Committee on the District of Columbia one or two questions.

The CHAIRMAN. The gentleman from Arkansas has the floor. Does he yield to the gentleman from Pennsylvania?

Mr. ROGERS. I will yield to the gentleman for a question if he desires it; but would the gentleman as lief ask his question when I get through?

Mr. VAUX. Yes, sir, if I can have the floor then.

Mr. ROGERS. Mr. Chairman, I ask the attention of the gentleman from Vermont. My desire is simply to save time, and I want to say to him that I think he would act wisely if he would withdraw this meas-

ure from the consideration of the House at this time, because, as the District of Columbia has so many bills upon the Calendar, it is important that we should dispatch as rapidly as possible those about which there will be no serious contest. Now, two things are perfectly clear, I take it, as to this legislation: first, that it is unwise and, second, that it is unconstitutional.

A MEMBER. And that it will be ineffective.

Mr. ROGERS. And that it will be ineffective. Let me invite the attention of my friend from Vermont to this matter. The bill simply provides that a man's property may be taken from him by the award of seven men. It may be done in his absence or his presence, and their award is to be accepted, and in the mean time, even pending that, the property is to be taken from him and used for alley purposes. In the fifth amendment to the Federal Constitution we find this provision:

> No person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be witness against himself, nor be deprived of life, liberty, or property without due process of law, nor shall private property be taken for public use without just compensation.

Mr. BOATNER. Is not that out of date?

Mr. ROGERS. My friend from Louisiana asks me if that is not out of date. It is not altogether out of date.

Mr. VAUX. The Constitution is.

Mr. ROGERS. Not altogether.

Mr. COOPER, of Indiana. Evidently the gentleman from Pennsylvania has not heard from the Senate. [Laughter.]

Mr. ROGERS. It has been decided an indefinite number of times, I do not know how often, what "due process of law" is. Not only by the Federal courts from the highest to the lowest, but by the State courts from the highest to the lowest it has been decided that due process of law means a service upon the parties interested, notice, a day in court, and an opportunity to present their case and have it heard and determined. That is due process of law as known in the English Government at the time of the adoption of our Constitution.

Now, this bill is totally wanting in any single provision looking to the due process of law. I do not know what may exist in this regard in other States than my own, but, so far as I am concerned, this is the first time I have ever heard of any sort of legal machinery designed to take a man's property away from him without giving him a day in court. There is not a provision in this bill even to notify the parties interested. There is no provision for an appeal from these seven jurors. There is not even the first step known to judicial procedure by which a party shall be brought before the court and have an opportunity to be heard.

It is not possible that the Congress of the United States intend to embark, in the very teeth and face of the Constitution, in legislation of this character. So, again, while you do provide a method to ascertain what the compensation shall be for the property to be thus taken, it is not any such method as is known to judicial procedure, and will not be until you have provided for an appeal from this board to some regularly constituted judicial tribunal.

There is another question that I think ought to be considered in this regard. I do not know just how gentlemen do who embark in real-estate speculations in this District, but occasionally on some bright Sunday afternoon, or Sunday morning when I do not go to church, I take a walk, and sometimes I go out into the surburbs to see the beautiful landscapes that are all around the city of Washington, and among other things there I observe extensive improvements, embracing hundreds of acres of land belonging to syndicates of capitalists who are laying out their property for speculative purposes, as they have a right to do. Now "out West" where I live, when a man embarks in a speculation of that kind he lays out his lots and makes his plats with all the streets and alleys laid down, and he donates the streets and alleys for public use. He does this as a matter of self-interest, in order that he may place his property upon the market and make it convenient and desirable for purchasers by giving them easy ingress and egress.

But by the terms of this bill, if you can get a compliant set of commissioners, the jurors appointed may actually belong to these syndicates and they can get together and call for the condemnation of streets and alleys through large parcels of land and require the people and the Government of the United States to pay for them out of the public Treasury. Does my friend from Vermont, the chairman of the committee, see any obstacle in the way of such a result if a conspiracy of that kind should be formed between the commissioners of the District and these real-estate syndicates? Now, I invite the attention of the gentleman to that point, and I ask him, does he intend, or does Congress intend, that real-estate speculators who may embark in the business of laying out and improving lands in the suburbs shall have the right to come to the public Treasury and take the money of the people of the United States to make valuable their own speculative investments?

Mr. Speaker, there is another phase of this matter worthy of a moment's consideration. A very distinguished gentleman in another body in this building said not long ago that some ten or twelve years of public service had taught him to believe—I think he said universally—that whenever a man comes to the District of Columbia, settles here, and embarks in any sort of business his chief business is to get into the public Treasury. Why, sir, it is a matter of universal complaint in the administration of the law, even in the courts, that where the Government is involved, when jurors come to fix the valuation of property in the District of Columbia, these assessments are absolutely beyond all reason. It is the interest of gentlemen living here and owning real estate to keep up the value of their property. But there is at least lodged in the courts the power to grant a new trial; there is at least recognized in the courts the right of appeal; there is at least preserved in the courts the right to have represented both the Government and the individuals interested.

There is no danger perhaps of individuals not being present or represented, if their real estate is in question; but here is a bill that gives to neither party a day in court; gives no process to bring parties in. A half dozen jurors may sit in some dark corner, it may be without notice to the parties interested and may act in pursuance of a conspiracy between real estate syndicates and the commissioners, if there should happen to exist any corruption. The object of certain parties no doubt is to get into the public Treasury up to their necks, and that when they have gotten in there shall be no right of appeal, no redress or remedy for the protection of the Treasury.

Why, Mr. Chairman, if this is the character of legislation upon which we are embarking, no wonder that the people last November pronounced against the inefficiency of the political party now in power. Why, sir, is it possible that these unsophisticated gentlemen whom the people have sent here from New England and other parts of the country, who have been considering this bill, think this a safe and wise policy to pursue? I hardly know how to discuss a proposition like this. It seems to me absolutely astounding. The bill provides no protection for the rights of anybody. It is without restriction, without limitation. It does not secure to any one a day in court or any right of appeal. Property may be taken under a so-called condemnation by six or seven scalawags sitting in some dark corner, summoned at the instance of somebody, without any opportunity for a fair and just consideration of the facts involved.

A MEMBER. The bill is unconstitutional.

Mr. ROGERS. It is unconstitutional, as my friend suggests. I have already argued that branch of the case. But that consideration does not have much weight here.

Now, I want to suggest to my able friend from Vermont, who I believe desires to do what is right when he knows what is right (as an Arkansas judge said of himself on one occasion), that he withdraw this bill so that it may go back to the committee to be further matured and returned here with some provisions which will guaranty the preservation of the rights of the citizen, the Government, and the Treasury, as should be provided in a bill so important and far-reaching in its effects.

I now yield the floor back to the gentleman from Georgia [Mr. BLOUNT].

Mr. BLOUNT. I yield five minutes to the gentleman from New Jersey [Mr. BUCHANAN].

Mr. VAUX. I thought I was to follow the gentleman from Arkansas [Mr. ROGERS].

Mr. BLOUNT. If the gentleman from New Jersey [Mr. BUCHANAN] will give way a moment I will yield to my friend from Pennsylvania a minute or two. How much time does the gentleman desire?

Mr. VAUX. I have a question or two to ask, which I want answered fully. I do not know that I can confine myself to a minute or two. We can not do business here by minutes. The Constitution of the United States does not regulate our legislative proceedings by minutes.

Mr. BLOUNT. I had promised to yield to the gentleman from New Jersey and I do not know how now I can avoid it.

Mr. BUCHANAN, of New Jersey. Oh, let the gentleman from Pennsylvania go on.

Mr. VAUX. Mr. Chairman, as I understood——

Mr. ROGERS. If the gentleman from Pennsylvania [Mr. VAUX] will give me his attention a moment, I wish to say that the time was yielded to me by my friend from Georgia——

Mr. VAUX. I am aware of that.

Mr. ROGERS. And therefore I was under an obligation to yield back the floor to him.

Mr. VAUX. I do not want what anybody else desires.

Mr. BLOUNT. I do not wish to be discourteous. I will yield to my friend from Pennsylvania as soon as my friend from New Jersey has had his five minutes.

Mr. BUCHANAN, of New Jersey. I have no desire to take up the time of the Committee of the Whole unless the gentleman from Vermont intends to press this bill.

Mr. GROUT. Before withdrawing the bill, which I had it in my mind to do, I wanted to say a word in explanation of the bill in reply somewhat to the severe strictures of the gentleman from Arkansas, [Mr. ROGERS].

Mr. BUCHANAN, of New Jersey. If it is the purpose of the gentleman to withdraw the bill, of course I do not wish to occupy any time.

Mr. GROUT. Because a measure of this kind, which provokes the discussion which this has, can have no hope of passage in the short

time at the disposal of the District Committee, I intended to ask that the bill be laid aside informally.

Mr. ADAMS. I hope the gentleman will allow me to submit one suggestion.

The CHAIRMAN. The gentleman from Vermont asks unanimous consent that this bill be laid aside informally. Is there objection?

Mr. ADAMS. I would respectfully suggest to the chairman of the committee that when this bill is withdrawn and recast a provision should be incorporated in it providing for an assessment of the net benefit. They do provide for paying net damages, for that comes out of the Treasury; but they do not provide for any assessment on the net benefits accruing to the adjacent property.

Mr. BLOUNT. I hope the gentleman from Vermont will ask for the recommittal of the bill to the committee, not for laying it aside.

Mr. GROUT. That can be done when we go back into the House.

Mr. BLOUNT. It is in order in the Committee of the Whole—a motion to recommit.

Mr. GROUT. It may be reported back to the House with a recommendation to that effect.

The CHAIRMAN. Does the gentleman submit that request?

Mr. GROUT. I make that motion.

The CHAIRMAN. In the absence of objection——

Mr. ANDERSON, of Kansas. I object. I move to strike out the enacting clause.

The CHAIRMAN. The Chair thinks that the motion is not in order at this time, pending the motion to recommit.

Mr. HOLMAN. I desire to amend the motion to recommit so as to provide certain instructions.

Mr. VAUX. What became of the gentleman from New Jersey? You took me off the floor and put him on. Where is he? [Laughter.]

The CHAIRMAN. The gentleman yielded to the chairman of the committee, and the chairman moved that the bill be laid aside with the recommendation that it be recommitted. The gentleman from Indiana now moves to amend the motion by providing certain instructions.

Mr. ANDERSON, of Kansas. Pending that motion I have moved that the enacting clause be stricken out.

The CHAIRMAN. Unless that be done in the form of an instruction the Chair thinks it can not be in order at this time.

Mr. HOLMAN. I move the following instructions as an amendment to the motion of the gentleman from Vermont.

The Clerk read as follows:

That the bill be reported to the House with the recommendation that it be recommitted with instructions to so amend the bill as to require the owners of the real estate benefited by the opening of alleys to pay the cost and expense attending the appropriation of lands and the opening of such alleys.

Mr. VAUX. I move an amendment to the amendment.

The CHAIRMAN. The gentleman will state it.

Mr. VAUX. I move that the committee be further instructed to provide that no money shall be paid for the opening of any alley since the year 1871, under the old District government, unless the parties thereto have had a hearing in court and the right to appeal.

Mr. GROUT. The bill provides for nothing of that kind now. Those alleys are not taken into consideration.

Mr. HEMPHILL. That is utterly irrelevant. This is not making an appropriation for back pay for these alleys.

Mr. VAUX. No; but it provides payment for opening these alleys.

Mr. HEMPHILL. Oh, no; it is for another purpose entirely.

Mr. VAUX. Oh, yes; the chairman of the committee so stated in his opening remarks, if I did not misapprehend him. He said the reason he desired something done with the bill was that money was appropriated for opening the alleys, but had never been paid.

Mr. GROUT. That had reference to another matter.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Indiana to report the bill back to the House with the recommendation that it be recommitted with the instructions just read.

Mr. GROUT. Mr. Chairman, just a word, by consent, in response to some suggestions made by the gentleman from Georgia. This bill carries no appropriation.

Mr. HEMPHILL. Not a cent.

Mr. GROUT. My friend from Georgia misapprehended it, if I understood him correctly, when he so stated, and the gentleman from Pennsylvania is also laboring under a misapprehension. It pays for no old alleys. It simply provides a method of opening them hereafter; and it seemed to me, in the committee, that we might mature the bill by providing for an appeal, if gentlemen so desired. But so much adverse criticism had been offered that I concluded the quickest way would be to get up something that we could agree upon, and let this bill go back to the committee and be there prepared.

Mr. BLOUNT. The gentleman certainly misapprehends the bill. It calls for an appropriation.

Mr. GROUT. A present appropriation?

Mr. BLOUNT. I so understand it.

The CHAIRMAN. The Chair will say that this debate is not in order on the pending motion.

Mr. GROUT. A moment, Mr. Chairman, if you please. The gentleman from Georgia raises a point which is new to me, if the bill provides for a present appropriation. It certainly does not. It simply provides a system by which the commissioners shall do this instead of having such questions come to Congress.

Mr. BUCHANAN, of New Jersey. But does it not provide that the damages shall be paid out of moneys not theretofore appropriated, and is not that a continuing appropriation?

Mr. GROUT. But that is for alleys hereafter to be opened under the provisions of this bill.

Mr. VAUX. If I misunderstood the gentleman I hope he will correct me, but I understood the gentleman in charge of the bill to say that the reason why this bill was necessary, or rather one reason given, was because under the old District government there had been some alleys opened for which money was due and damages due, but by changing the form of the government the courts had decided that, the mayor having been disposed of and a new system inaugurated, with nobody to take his place, there was no means of liquidating these damages, and——

Mr. GROUT. If the gentleman will permit, I understand the point. The remarks I then made related to the bill I had first up this afternoon. That related to a specific appropriation for a particular alley.

Mr. VAUX. Well, was not I right on the general principle?

Mr. BLOUNT. I will read a single paragraph from the bill.

The CHAIRMAN. This whole debate is irrelevant and out of order. The question is on the motion of the gentleman from Indiana.

Mr. BLOUNT. I have no objection, Mr. Chairman. I only desired to read a paragraph of the bill which I think bears out my assertion. [Cries of "Regular order!"]

The question being taken on the amendment of Mr. HOLMAN, it was adopted.

The motion of Mr. GROUT as amended was agreed to.

CHURCH PROPERTY IN THE DISTRICT OF COLUMBIA.

Mr. GROUT. Mr. Chairman, I call up the bill (S. 3460) to release certain church property in the District of Columbia from arrears of taxation. It appears to be a private bill.

The CHAIRMAN. The Chair will ask the gentleman from Vermont whether this is a bill to be considered in Committee of the Whole or in the House.

Mr. GROUT. In Committee of the Whole, I think.

The Clerk read as follows:

Be it enacted, etc., That all taxes and special assessments which may have been heretofore charged against any church property in the District of Columbia, but remaining unpaid, be canceled and released: *Provided*, That at the time such tax or special assessment was levied the property in question was used exclusively for church purposes.

Mr. SPINOLA. How much does this call for?

Mr. GROUT. I yield to the gentleman from South Carolina [Mr. HEMPHILL], who reported the bill.

Mr. HEMPHILL. I will say, Mr. Chairman, that the amount involved in this bill is between three and four thousand dollars. Almost every church in the District has been relieved from these special assessments, and the purpose of this bill is only to release so much property as is rightfully used for church purposes or for religious purposes. It does not include property which may be owned by churches, but which is used for business purposes.

Mr. ROGERS. Will the gentleman yield to me for a question?

Mr. HEMPHILL. Yes, sir.

Mr. ROGERS. Is property actually occupied for religious purposes in this District taxable now?

Mr. HEMPHILL. This is a special assessment. When streets are laid out——

Mr. ROGERS. What is the answer to that question?

Mr. HEMPHILL. Church property here is not ordinarily subject to taxation when used strictly for religious purposes.

Mr. ROGERS. What is this special assessment?

Mr. HEMPHILL. When streets are improved, or sewers are put down, or anything of that kind is done, a special assessment is levied on the adjoining property to cover a certain proportion of the expense.

Mr. ROGERS. What specific property is involved?

Mr. HEMPHILL. I can not say what specific property, but we have a report from the commissioners that the amount involved is between $3,900 and $4,000.

Mr. ROGERS. Who is to pay this money? You relieve the church property from it. Who is to pay it?

Mr. HEMPHILL. The result is that it will come out of the general fund of the District.

Mr. ROGERS. Is there any provision in the District appropriation for it?

Mr. HEMPHILL. We do not have to pay it, because the bill simply relieves this property from it.

Mr. CLEMENTS. It reduces the revenue that much.

Mr. HEMPHILL. The receipts of the District will be just that much less.

Mr. ROGERS. I understood this was for back taxes.

Mr. HEMPHILL. It is; to relieve this property from assessments already levied.

Mr. ROGERS. How far back?

Mr. HEMPHILL. I do not know how far back.

Mr. ANDERSON, of Kansas. *Ad infinitum.*

Mr. HEMPHILL. The amount can not exceed $4,000, according to the report of the commissioners.

Mr. BLOUNT. But the commissioners do not tell you what it was for.

Mr. HEMPHILL. It is very plain. It is for a special assessment for some improvement, like sewers, a portion of which is levied upon the adjoining property.

Mr. BLOUNT. How can it be plain, when you have not a single item from the commissioners as to what it is for?

Mr. HEMPHILL. We have it plainly stated in this way, that we wrote them to know what it amounted to and they replied that it amounted to between $3,900 and $4,000. If the commissioners have told what is not true, then we are misled; but, if they are honest and decent men, there is no question, under their statement, that it amounts to about $4,000.

Mr. BLOUNT. Does the gentleman think it at all unreasonable that the House which appropriates this money should know what it is for?

Mr. HEMPHILL. I do not think it is at all unreasonable. I say it is perfectly plain, from the statement of the commissioners, either that the amount is about $4,000 or they have not told what is true. That is all there is of it.

Mr. ANDERSON, of Kansas. Suppose three years hence there should be assessment made for improvement in drainage or anything of that kind, for which any church property was assessed, and these churches should fail to pay. Then under this act would they be relieved from any payment of tax?

Mr. HEMPHILL. No, sir; this relates simply to assessments that have been heretofore levied, and we have passed through Congress many bills relieving church property or school property from special assessments for these improvements. If there is any further information I can give to any gentleman who desires it, I shall be very glad to do so. Otherwise I would like to have a vote.

Mr. MOREY. How many pieces of property are involved in this bill?

Mr. HEMPHILL. I can not state the number.

Mr. MORSE. Is it a large number?

Mr. HEMPHILL. We have relieved various churches from time to time from these special assessments.

Mr. MOREY. The idea I want to get at is whether it is not practicable under this bill to designate the particular property. As I understand it from the reading of the bill, it is to exempt all this property in the District, against which assessments have heretofore been made.

Mr. HEMPHILL. Yes, sir.

Mr. MOREY. That is a very broad, sweeping provision. What I wanted to get at is whether it would not be practicable to designate and limit the operation of this bill to the particular property which is sought to be relieved.

Mr. HEMPHILL. Well, it might be possible, Mr. Chairman, to do that if we had the data; but we have the information from the office of the commissioners, where all these matters are kept of record, as to what the amount is; and that is all there can be in it so far as the House is concerned, I think.

Mr. MOREY. For that very reason I should think that this information might have been specific. These records ought all to have been accessible to the officers who furnished this information, and it seems to me that the House ought to have been put in possession of the exact facts, and not be called upon to enact into law a provision which might be extended to a vast amount of property of this character.

Mr. HEMPHILL. Well, Mr. Chairman, I presume it does not make much difference whether there is one or five or six or eight or ten. The point is that it amounts to $4,000, and that is all there is in it.

Mr. CLEMENTS and Mr. ROGERS addressed the Chair.

The CHAIRMAN. Does the gentleman from South Carolina yield?

Mr. HEMPHILL. I yield to the gentleman from Georgia.

Mr. CLEMENTS. Mr. Chairman, I only desire to say, upon the line of the gentleman from Ohio [Mr. MOREY], that this is rather sweeping and not specific enough in its provisions. There is a great deal of property owned by churches in this city, which is not necessary for use at this time. It may be held perhaps as an investment. Sometimes this property is contiguous to the church building, but is not used for religious purposes. Now, the law provides for improvements of the entire street in front of all church property; and under the present law there can be no special assessment for sewers, for the improvement of streets, or for any of those purposes, except under one provision, that is, a permit, which is provided for a specific case—for sidewalks, etc.

Mr. BLOUNT. I could not hear what my colleague said.

Mr. CLEMENTS. I say there is no such thing as general improvements of the streets to be charged against this property, nor for any special assessments whatever that are done by public appropriation. They are subject to assessments only in the case of a permit where it is for the improvement of the sidewalks; and it seems to me when the law provides entirely for the street in front of church property, and they are exempt from charges for general purposes, that there is no hardship in requiring this little contribution by the churches, which is confined here to such as can be levied under the permit system. That is small enough when we remember that we have already appropriated more than the revenue for the next fiscal year; and therefore it seems to me that there is no strong reason why this bill should pass.

Mr. ROGERS. Will the gentleman from South Carolina yield to me for a moment?

Mr. HEMPHILL. I will.

Mr. ATKINSON, of Pennsylvania. I would like to ask the gentleman from Georgia a question.

Mr. CLEMENTS. I have not got the floor.

Mr. HEMPHILL. I have taken the floor, and yield to the gentleman from Arkansas for a question.

Mr. ROGERS. I wish to ask my friend from South Carolina, in view of the fact that church organizations in many parts of the country are dealing in real estate by buying lots for speculative purposes, if it would not be wise to strike out the word "church," in line 4, and insert, after the word "Columbia," line 5, the following language:

Actually occupied for church purposes or purposes of religious worship;

So as to make it read:

That all taxes and special assessments which may have been heretofore charged against any property in the District of Columbia actually occupied for church purposes or purposes of religious worship, but remaining unpaid, be canceled and released.

Does he not think that it is as far as we ought to go in the way of releasing church organizations from taxation?

Mr. HEMPHILL. If the gentleman will look at the proviso he will agree with me:

Provided, That at the time such tax or special assessment was levied the property in question was used exclusively for church purposes.

So that it was intended to prevent release of any assessment against property which may be owned by a church for any other purpose than that which comes strictly within the purposes for which churches are established.

Mr. BAYNE. But suppose it has not been used exclusively for church purposes since, but was at the time the assessments were made. That would release it under that provision.

Mr. HEMPHILL. The only time we can fix is the time when the assessments were made.

Mr. BAYNE. Suppose it passed into the hands of another party altogether, or was in progress of being sold to another party, that would relieve the tax?

Mr. HEMPHILL. Yes, sir.

Mr. BAYNE. That is not right.

Mr. ANDERSON, of Kansas. Will the gentleman yield for a motion that the committee rise?

Mr. HEMPHILL. No, sir. We want to get this bill through.

Mr. ALLEN, of Michigan. Will the gentleman from South Carolina state how many different organizations will be relieved by the passage of this bill?

Mr. HEMPHILL. It is impossible for me to say. I was interested only in the amount, because I do not think it makes much difference whether there is one or half a dozen. As I stated before, a large number of special bills have passed the House relieving strictly church property from these assessments, and this bill is intended to cover any that may not have received the benefit of special acts.

Mr. OUTHWAITE. Can the gentleman state whether any of this property has passed into the hands of private owners?

Mr. HEMPHILL. None that I know of.

Mr. ANDERSON, of Kansas. Or into the hands of railroad companies? [Laughter.]

Mr. HEMPHILL. Nor into the hands of railroad companies. Now Mr. Chairman, I ask for a vote.

Mr. ADAMS. Mr. Chairman, I want to say just a few words against the bill. I shall not detain the committee long.

The CHAIRMAN. Does the gentleman from South Carolina yield to the gentleman from Illinois?

Mr. ADAMS. The gentleman yielded, and as general debate has not been closed I suppose I have the floor, but I am willing to take five minutes from the gentleman.

Mr. HEMPHILL. I yield five minutes to the gentleman from Illinois.

Mr. ADAMS. Mr. Chairman, it seems to me that a large proportion of the bills reported from the Committee on the District of Columbia are bills for relieving some person or persons in the District from their fair share of the public burdens. An assessment for benefits is just, simply because the property upon which it is to be levied has become more valuable by the improvement for which the assessment has been made. These church associations, if they are church associations, have had money put in their pockets by the improvements for which these assessments have been made. Otherwise the assessments would not have been made.

That is the theory of such an assessment, that the value of the property has been increased by it; and although I have been present here when many bills of this character have been reported, relieving some organization or other from such burdens as these, I have always voted against such bills and always spoken against them when I have had an opportunity. Independent of the view that the property involved in this bill may not now be devoted to religious purposes at all, apart from that view, I believe the only fair way, even if you do relieve this church property from the payment of general taxation, is to leave it at least subject to its proper proportion of the burden of these special assessments, based upon an actual money increase in the value of the property resulting from the improvements for which the assessments have been made.

Mr. HEMPHILL. It seems to me, Mr. Chairman, that the provisions of the bill must be generally understood by this time. The committee simply desired to submit the bill to the House with the information that they had. We have no special interest in pressing it, but it struck us that there were a great many gentlemen here who might like to do something religious. [Laughter.] They probably do not contribute anything themselves for church purposes, but we thought they might vote to pass this bill, and thus do the churches some service without it costing themselves a great deal. [Laughter.] I think we ought to have a vote upon the bill now, and if we are satisfied with it pass it, and, if not, vote it down.

Mr. BLOUNT. Mr. Chairman——

The CHAIRMAN. Does the gentleman from South Carolina yield to the gentleman from Georgia?

Mr. BLOUNT. I desire to take the floor in my own right. I shall not occupy it long.

Mr. HEMPHILL. I would like to make some arrangement with the gentleman——

Mr. BLOUNT. Mr. Chairman, I shall occupy very little time, but I do not want to take it in that way.

Mr. ANDERSON, of Kansas. Would it be agreeable to the gentleman to yield for a motion that the committee rise?

Mr. BLOUNT. It would.

The CHAIRMAN. Does the gentleman from South Carolina yield to the gentleman from Georgia?

Mr. HEMPHILL. How much time does the gentleman desire?

Mr. BLOUNT. It is not a question of yielding. I propose to take the floor in my own right.

Mr. HEMPHILL. The trouble is that the gentleman says he wants to speak and then says that he will yield for a motion that the committee rise.

Mr. BLOUNT. I am obliged to do it. I recognize the right of the gentleman to make the motion.

Mr. HEMPHILL. Mr. Chairman, I move that the committee do now rise.

Mr. BLOUNT. I do not think the gentleman will make any progress by that course.

Mr. HEMPHILL. I do not think I shall make any progress by the other course.

Mr. BLOUNT. Well, I have no objection to the motion to rise, and I will vote for it.

Mr. BUCHANAN, of New Jersey. Mr. Chairman, I desire to make a parliamentary inquiry. This bill when it comes up again will be subject to amendment, will it not?

Several MEMBERS. Oh, yes.

The CHAIRMAN. It will.

The motion of Mr. HEMPHILL was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CUTCHEON, from the Committee of the Whole, reported that they had had under consideration a bill (S. 11854) to authorize the commissioners of the District of Columbia to open alleys and provide for the expense thereof, and for other purposes, and had directed him to report the same back with the recommendation that it be recommitted with certain instructions; also, that the committee had had under consideration a bill (S. 3460) to release certain church property in the District of Columbia from arrears of taxation, and had come to no resolution thereon.

OPENING OF ALLEYS IN THE DISTRICT OF COLUMBIA.

The SPEAKER. The question is on the motion to recommit, as recommended by the Committee of the Whole on the state of the Union, the bill (H. R. 11854) to authorize the commissioners of the District of Columbia to open alleys and to provide for the expense thereof, and for other purposes.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. GROUT. I now move that the House take a recess until 10 o'clock to-morrow morning, for the transaction of District of Columbia business. [Cries of "Oh, no!"]

The motion was rejected; there being—ayes 33, noes 49.

Mr. FLOWER. I move that the House adjourn.

A. J. M'CREARY.

Mr. PERKINS. I ask unanimous consent to have considered at this time a bill which has twice passed both Houses of Congress, but failed of approval because sent to the President on each occasion during the last days of the session. It is a bill to pay to a man who is in destitute circumstances a small amount from an Indian fund; so that the bill does not take anything from the public Treasury.

A MEMBER. What amount is involved?

Mr. PERKINS. Only $8,000.

The bill was read, as follows:

A bill (H. R. 12239) for the relief of A. J. McCreary, administrator of the estate of J. M. Hiatt, deceased, and for other purposes.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay said A. J. McCreary, administrator of the estate of said J. M. Hiatt, survivor of said J. M. Hiatt & Co., late traders for the Osage tribe of Indians, out of any money in the Treasury accruing to said tribe of Indians by act of Congress approved June 16, 1880, the balance of said account, namely, the sum of $8,880, in full satisfaction of said demand against the said Osage tribe of Indians, on said credit extended to them as aforesaid.

Mr. PERKINS. This bill has been unanimously recommended by the Committee on Indian Affairs three different times; and although twice passed, without objection, by both Houses of Congress, it failed because, in the press of business during the closing days of the session, the President did not have time to consider it.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BYNUM. I call for the regular order.

Mr. BLAND. I move that the House adjourn.

The motion of Mr. BLAND was agreed to; and accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned.

EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

INCREASED FORCE IN OFFICE OF ASSISTANT TREASURER, NEW YORK.

Letter from the Secretary of the Treasury, transmitting a copy of a communication from the assistant treasurer of the United States at New York, in relation to the imperative need of an increase of force for his office, to be immediately available—to the Committee on Appropriations.

SPANISH LAND-GRANT COURT.

Letter from the secretary of the Territory of New Mexico, transmitting a copy of council memorial No. 1 of the Twenty-ninth Legislative Assembly of New Mexico, in relation to the Spanish land-grant court, for the purpose of adjudicating titles in that Territory—to the Committee on Private Land Claims.

MEMORIALS AND RESOLUTIONS OF STATE LEGISLATURES.

Under clause 3 of Rule XXII, the following memorials and resolutions were introduced and referred as follows:

By Mr. FLOWER: A concurrent resolution of the State of New York, favoring the passage of a bill prohibiting the adulteration of food and malt liquors—to the Committee on Agriculture.

By Mr. PAYNE: A concurrent resolution of the New York Legislature, in favor of bills relating to adulteration of food and malt liquors—to the Committee on Agriculture.

By Mr. JOSEPH: Memorial from the Legislative Assembly of the Territory of New Mexico, praying Congress to pass the "unlimited free coinage of silver bill"—to the Committee on Coinage, Weights, and Measures.

By Mr. SWEET: Memorial of the Legislative Assembly of the State of Idaho, relative to resolution introduced by Mr. CUMMINGS touching the treatment of the Jews in Russia—to the Committee on Foreign Affairs.

Also, memorial of Idaho Legislature, relative to purchase of gold and silver by the United States assay office at Boisé City, Idaho—to the Committee on Coinage, Weights, and Measures.

By Mr. TARSNEY: Resolutions of the General Assembly of the State of Missouri, favoring the passage of the bill reported from the Judiciary Committee of the House prohibiting alien ownership of lands—to the Committee on the Judiciary.

Also, resolutions of the General Assembly of the State of Missouri, favoring the free coinage of silver and in relation to the tariff—to the Committee on Coinage, Weights, and Measures.

By Mr. JOSEPH: Memorial from the Legislative Assembly of the Territory of New Mexico, praying Congress to pass a bill for the final adjudication of private land claims in said Territory—to the Committee on Private Land Claims.

RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolutions were introduced and referred as follows:

By Mr. STOCKBRIDGE:

Be it resolved by the House of Representatives of the United States of America (the Senate concurring), That there be printed in pamphlet form 30,000 copies of the Constitution of the United States of America, of which 10,000 shall be for the use of the Senate and 20,000 for the use of the House;

to the Committee on Printing.

By Mr. JOSEPH D. TAYLOR:

Resolved, That on Saturday, January 31, 1891, after sixty minutes of the morning hour, the House shall proceed to consider the bill (H. R. 5958) to provide for a commission on the subject of the alcoholic liquor traffic, subject to general appropriation bills, said bill to be continued as unfinished business thereafter until disposed of;

to the Committee on Rules.

By Mr. MCKINLEY:

Resolved, That on ——, and until the further order of the House, the daily hour of meeting be 11 o'clock a. m.;

to the Committee on Rules:

By Mr. WIKE:

Resolved, That there be printed 7,000 copies of the supplement to Congressional Directory, containing maps of all Congressional districts, for the use of the House;

to the Committee on Printing.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. O'NEILL, of Pennsylvania, from the Committee on the Library, reported with amendment the bill of the House (H. R. 5986) for the erection of a monument to the late Brig. Gen. James S. Wadsworth, United States Volunteers, accompanied by a report (No. 3599)—to the Committee of the Whole House on the state of the Union.

Mr. MASON, from the Committee on Commerce, reported with amendment the bill of the House (H. R. 10172) to amend section 22 of an act entitled "An act to regulate commerce," approved February 4, 1887, and amended March 2, 1889, so as to give common carriers the right to allow a greater weight of sample baggage to commercial travelers and their employés and reduced rates of transportation, accompanied by a report (No. 3600)—to the House Calendar.

Mr. FRANK, from the Select Committee on the Eleventh Census, reported favorably the bill of the Senate (S. 4767) amendatory of an act entitled "An act to provide for taking the eleventh and subsequent censuses," approved March 1, 1889, accompanied by a report (No. 3601)—to the House Calendar.

Mr. YODER, from the Committee on Invalid Pensions, reported with amendments the bill of the House (H. R. 7233) granting a pension to Margaret M. Copeland, accompanied by a report (No. 3602)—to the Committee of the Whole House.

Mr. BANKHEAD, from the Committee on Public Buildings and Grounds, reported favorably the bill of the House (H. R. 12919) to enlarge the United States courthouse and post-office building at Birmingham, Ala., and to appropriate money therefor, accompanied by a report (No. 3603)—to the Committee of the Whole House on the state of the Union.

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, severally read twice, and referred as follows:

By Mr. LANSING: A bill (H. R. 13350) to establish a fish hatchery in the State of New York, near the St. Lawrence River—to the Committee on Merchant Marine and Fisheries.

By Mr. PAYNE: A bill (H. R. 13370) amending section 766 of the Revised Statutes—to the Committee on the Judiciary.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BANKHEAD: A bill (H. R. 13351) for the relief of William H. Beasley—to the Committee on Military Affairs.

By Mr. BARWIG: A bill (H. R. 13352) granting a pension to Mrs. Hannah Williams—to the Committee on Pensions.

By Mr. CANNON: A bill (H. R. 13353) for the relief of Mrs. C. E. Carico—to the Committee on Invalid Pensions.

By Mr. CHEATHAM: A bill (H. R. 13354) for the relief of Maria Parks, dependent mother of John Parks and Calvin Parks—to the Committee on Invalid Pensions.

By Mr. DE LANO: A bill (H. R. 13355) for the relief of Lucy A. Wood, widow of Fleming Wood, a soldier of the war of 1812—to the Committee on Pensions.

By Mr. FITHIAN: A bill (H. R. 13356) granting increase of pension to Thomas J. Allen—to the Committee on Invalid Pensions.

By Mr. FLOWER: A bill (H. R. 13357) to extend patent to Albin Warth—to the Committee on Patents.

By Mr. GEST: A bill (H. R. 13358) to amend the records of the War Department and directing an honorable discharge to Capt. R. W. Babbitt, of Company G, Thirty-second Regiment of Illinois Infantry Volunteers, in the war of the rebellion—to the Committee on Military Affairs.

By Mr. GROUT: A bill (H. R. 13359) granting pension to Sarah W. Decamp, Burke, Vt.—to the Committee on Invalid Pensions.

By Mr. HOUK: A bill (H. R. 13360) for the relief of H. J. Fryor, of Adolphus, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 13361) granting a pension to George F. Gaudin, of Kismet, Tenn.—to the Committee on Invalid Pensions.

By Mr. MCMILLIN (by request): A bill (H. R. 13362) for the relief of Lewis Pendleton—to the Committee on Pensions.

By Mr. MOREY: A bill (H. R. 13363) granting a pension to Mary Ann Miller—to the Committee on Invalid Pensions.

By Mr. PARRETT: A bill (H. R. 13364) granting a pension to Rebecca J. Hall—to the Committee on Invalid Pensions.

By Mr. PAYNTER (by request): A bill (H. R. 13365) granting a pension to John Smith—to the Committee on Invalid Pensions.

By Mr. PETERS: A bill (H. R. 13366) granting an honorable discharge to James Campbell—to the Committee on Military Affairs.

By Mr. TRACEY: A bill (H. R. 13367) granting a pension to William H. Mansfield—to the Committee on Pensions.

By Mr. WALLACE, of New York: A bill (H. R. 13368) to pay to Sophia L. Bacon, widow of the late George B. Bacon, lieutenant commander United States Navy, a pension—to the Committee on Pensions.

By Mr. EVANS: A bill (H. R. 13369) for the relief of Hiram N. Roberts—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ATKINSON, of West Virginia: Petition of citizens that West Virginia State troops be made pensionable the same as regular soldiers of the United States Army—to the Committee on Invalid Pensions.

By Mr. BLANCHARD: Papers relating to the application of Peter William Frederick for a pension, to accompany House bill 13270, Fifty-first Congress—to the Committee on Pensions.

By Mr. JASON B. BROWN: Petition of 40 citizens of Jennings County, Indiana; also, of Assembly of Farmers' Mutual Benefit Association of Floyd County, Indiana, for passage of House bill 5353, defining options and futures—to the Committee on Agriculture.

By Mr. CHEATHAM: Petition of James Warters, of Lenoir County, North Carolina, praying that his war claim be referred to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. CLARK, of Wisconsin: Resolutions of the Milwaukee Chamber of Commerce, embracing 600 merchants and manufacturers, protesting against free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. COGSWELL: Resolutions of the Arkwright Club, an association of cotton-manufacturers and allied industries of the New England States, consuming over one-third of the cotton used in the country, and representing over one hundred millions of capital employed, with payrolls of over thirty millions annually; also, of the Young Men's Democratic Club of Massachusetts; also, of the executive committee of the New England Shoe and Leather Association, against the free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. CRAIN: Petition of Frank P. Murphy to have House bill 10825 referred to the Committee on Claims—to the Committee on Claims.

By Mr. DOLLIVER: Petition of Grand Army of the Republic Post, of Jefferson County, Iowa, in favor of the ex-prisoners of war bill—to the Committee on Invalid Pensions.

By Mr. FITHIAN: Papers in support of bill for the relief of Thomas J. Allen—to the Committee on Invalid Pensions.

Also, affidavits for support of bill for increase of pension of Isaac M. Shup—to the Committee on Invalid Pensions.

By Mr. FLICK: Resolutions of Hazel Dell Alliance, No. 1870, Iowa; also, petition of 22 citizens of Page County, Iowa; also, resolutions of Center Farmers' Alliance, Valley Township, Page County, Iowa, all praying the passage of House bill 5353, defining options and futures—to the Committee on Agriculture.

By Mr. FORMAN: Petition of 200 farmers of Madison County, Illinois, asking for the passage of House bill 5353, to prevent dealing in options—to the Committee on Agriculture.

Also, petition of Giger Lodge, No. 3143, Farmers' Mutual Benefit Association, of Illinois, for same measure—to the Committee on Agriculture.

By Mr. FRANK: Memorial protesting against enactment of sections 24 and 25 of House bill to regulate commerce—to the Committee on Commerce.

By Mr. GEARY: Petition numerously signed by citizens of California, for passage of House bill 892—to the Committee on Commerce.

By Mr. GEST: Proof upon the bill for relief of R. W. Babbitt—to the Committee on Military Affairs.

By Mr. GROUT: Petition of Sarah W. DeCamp, dependent mother of Leander DeCamp, late of Company G, Tenth Vermont—to the Committee on Invalid Pensions.

Also, protest of Arkwright Club, against the passage by the House of Representatives of the Senate free-coinage bill—to the Committee on Coinage, Weights, and Measures.

By Mr. HATCH: Petition of John Crilly for relief for being ejected from a tract of land in Iowa—to the Committee on the Public Lands.

By Mr. EDWARD R. HAYS: Resolution of people of Iowa; also, of

citizens of Story County, Iowa; also, of other citizens of same county and State, all praying passage of the option bill—to the Committee on Agriculture.

By Mr. HENDERSON, of Iowa: Resolutions by Asbury Farmers' Alliance, No. 1799, Iowa; also, resolutions by Defense Alliance, No. 1288, of Greene, Butler County, Iowa; also, by Barclay Township Alliance, No. 1582, Black Hawk County, Iowa; also, by Farley Farmers' Alliance, Dubuque County, Iowa; also, by Walter Local Alliance, No. 144, Iowa; also, by Chester Alliance, No. 607, Hardin County, Iowa; also, by 15 citizens of Butler County, Iowa; also, of 29 citizens of Golden, Iowa; all praying for the speedy passage of House bill 5353, defining options and futures, etc.—to the Committee on Agriculture.

Also, petition of 32 citizens of Jesup, Buchanan County, Iowa;

Also, of 17 citizens of Delaware County, Iowa, urging the enactment of a law giving to States authority to control the manufacture and sale of oleomargarine, etc.—to the Committee on the Judiciary.

By Mr. HITT: Petition of 56 citizens of Burritt Center (Winnebago County, Illinois) Farmers' Mutual Benefit Association, Lodge No. 4241, for speedy passage of the option bill—to the Committee on Agriculture.

Also, memorial and resolutions of 36 citizens of same place, for passage of the Conger lard bill—to the Committee on Agriculture.

By Mr. HOUK: Petition in support of House bill 6312, for relief of W. W. Kidwell—to the Committee on Invalid Pensions.

Also, petition in support of House bill 12619, for relief of Thomas F. Lee—to the Committee on Military Affairs.

Also, petition on claim of Joel Johnson, of Jefferson County, Tennessee—to the Committee on War Claims.

By Mr. LODGE: Memorial of the committee of one hundred of Lynn, Mass., praying passage of House bill 12207, a bill to restrict immigration—to the Select Committee on Immigration and Naturalization.

Also, resolutions of the Arkwright Club, of Boston, Mass., against free silver coinage; also, resolutions of the New England Shoe and Leather Association, protesting against the free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. McCLELLAN: Petition of John Frisky and 24 others, citizens of Green Center, Noble County, Indiana, in favor of the immediate passage of the option bill and alleging that they are profoundly impressed with the conviction that the gigantic gambling device known as "short" selling has been a potent cause of producing the serious agricultural depression from which the country has suffered; also, resolutions of Smith Alliance, No. 21, Churubusco, Whitley County, Indiana, in favor of the immediate passage of the "option" bill, and alleging that the point has been reached when it clearly appears that the gamblers must be stopped or the producers must be defrauded of the fruits of their labor—to the Committee on Agriculture.

By Mr. McKINLEY: Petition of citizens of Ohio, favoring passage of the bill defining "options" and "futures"—to the Committee on Agriculture.

By Mr. MOREY: Affidavits for removal of charge of desertion against R. V. Freeman—to the Committee on Military Affairs.

By Mr. MORRILL: Resolution of Reno Alliance, Leavenworth County; also, of J. M. Bacon and 12 others, of same county; also, of Hoge Alliance, all of Kansas, and all praying speedy passage of the option bill—to the Committee on Agriculture.

By Mr. O'NEILL, of Pennsylvania: Resolution of the Philadelphia Board of Trade, protesting against the passage of House bill 11568, known as the Conger bill, and urging the substitution of Senate bill 3991, known as the Paddock pure-food bill—to the Committee on Agriculture.

By Mr. PARRETT: Resolutions of the mayor and common council and of the Business Men's Association of the city of Evansville, Ind., in favor of the purchase of additional grounds for the marine hospital at said city, to accompany House bill 12866—to the Committee on Public Buildings and Grounds.

By Mr. PETERS: Petition of James Campbell, for removal of charge of desertion—to the Committee on Military Affairs.

By Mr. PUGSLEY: Petition of 43 citizens of Clinton County; also resolutions of Alliance 419, Centerfield; also of Alliance 71, Clinton County, all of Ohio, and all praying passage of the option bill—to the Committee on Agriculture.

By Mr. RAY: Resolutions adopted by Tube City Council, No. 378, Junior Order of United American Mechanics, of McKeesport, Pa., urging passage of the Lodge immigration bill—to the Select Committee on Immigration and Naturalization.

By Mr. ROWELL: Petition of citizens of Macon County, Illinois; also, of George Connard and 31 others, citizens of Macon County, Illinois; also, of Elwin Lodge, Farmers' Mutual Benefit Association, of same county and State, all praying speedy passage of the option bill—to the Committee on Agriculture.

By Mr. RUSSELL: Resolutions of the Connecticut State Board of Trade, protesting against passage of the free coinage of silver bill—to the Committee on Coinage, Weights, and Measures.

By Mr. SKINNER: Petition of Amos Taylor and others, of Beaufort County, North Carolina, for passage of House bill 5353—to the Committee on Agriculture.

By Mr. SPINOLA: Petition of Sergt. Francis Long and four others, for relief—to the Committee on Military Affairs.

By Mr. SWEET: Memorial of Board of Trade, Boisé City, Idaho, praying for the free coinage of gold and silver, etc.—to the Committee on Coinage, Weights, and Measures.

By Mr. SWENEY: Petition of 104 citizens of Hanover, Allamakee County, Iowa; also, of two Farmers' Alliances of said county and State, praying speedy passage of the option bill—to the Committee on Agriculture.

Also, petition of certain citizens of Kennett, Iowa; also, of certain citizens of Edgewood, Iowa; also, of certain citizens of Portland, Iowa, to control the manufacture and sale of all imitations of butter—to the Committee on the Judiciary.

Also, of 7 citizens of Mitchell County, Iowa, for the option bill—to the Committee on Agriculture.

By Mr. TARSNEY: Resolutions of Commercial Club of Kansas City, Mo., in favor of the ratification of treaty with Cheyenne and Arapahoe Indians for the ceding of the lands of said Indians lying west of Oklahoma, and asking that appropriations be made to carry into effect said treaty—to the Committee on Indian Affairs.

Also, petition of United Brotherhood of Carpenters, No. 7249, Jackson County, Missouri, praying an amendment to the Constitution of the United States securing to the women of the United States the right of suffrage—to the Select Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. TAYLOR, of Illinois: Petition of the Chicago Law Institute, in regard to a bill for the relief of the Supreme Court—to the Committee on the Judiciary.

Also, petition of citizens of Illinois, in regard to suffrage for women—to the Committee on the Judiciary.

By Mr. TOWNSEND, of Pennsylvania: Petition numerously signed by citizens of New Castle, Pa., for the passage of the Torrey bankrupt bill—to the Committee on the Judiciary.

By Mr. TRACEY: Petition of John G. Myers and 15 others, prominent business men at Albany, N. Y., favoring passage of the Torrey bankrupt bill—to the Committee on the Judiciary.

By Mr. WIKE: Petition of L. K. Mains and others, citizens of Jersey County, Illinois, praying the passage of House bill 5353, defining options and futures and prohibiting trading therein—to the Committee on Agriculture.

Also, petition of W. F. Frost and others, citizens of same county and State, for passage of House bill 1158, known as the Conger lard bill—to the Committee on Agriculture.

By Mr. WILSON, of Washington: Resolutions of Clear Lake Alliance, No. 31; also, of Grande Coulée Alliance, No. 66; also, of citizens of Lincoln County; also, of 13 citizens of Whitman County; also, of 22 citizens of The Dale, Whitman County; also, of Diamond Alliance, No. 33; also, of Farmers' Alliance No. 29, Guy, Whitman County; also, of 8 citizens of Alliance No. 32; also, resolutions of West Liberty; also, of 28 citizens, all of the State of Oregon, all praying for the speedy passage of the option bill—to the Committee on Agriculture.

Also, petition of 146 citizens of the State of Washington, asking for the repeal of the timber-land act of June 3, 1878—to the Committee on the Public Lands.

Also, memorial of the Chamber of Commerce, relating to the selection of Point Turner, on Point Orchard Bay, as a proper and suitable site for dry dock and naval station on Puget Sound—to the Committee on Naval Affairs.

SENATE.

TUESDAY, *January* 27, 1891.

The Senate met at 12 o'clock m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of the legislative day of January 22, 1891, was read and approved.

PERSONAL EXPLANATION.

Mr. EUSTIS. Mr. President, with the permission of the Senate, I desire to make a personal explanation. In the report of the proceedings of yesterday published in the Washington Post I find the following statement:

Mr. EUSTIS was also brought from home, although he did not arrive until after the vote had been taken.

I desire to state that I was present in this Chamber an hour before the first vote was taken and remained here and was present when the vote was taken and did vote. Therefore the statement that I was brought from home and arrived after the vote was taken is wholly inaccurate. I deem it proper to make this personal explanation because of the importance of the votes which were given yesterday.

CREDENTIALS.

The VICE PRESIDENT laid before the Senate the credentials of LELAND STANFORD, chosen by the Legislature of California a Senator

from that State for the term beginning March 4, 1891; which were read, and ordered to be filed, as follows:

STATE OF CALIFORNIA, *Executive Department.*

To all to whom these presents shall come, greeting:

Know ye that, whereas it appears from certified copies of the proceedings of the senate and assembly of the Legislature of 1891 of the State of California, in joint convention assembled at 12 o'clock m. on the 14th day of January, 1891, now on file in this office, that the Hon. LELAND STANFORD received a majority of all the votes of the senate and a majority of all the votes of the assembly, and was declared duly elected United States Senator in the Congress of the United States from the State of California, for the term of six years commencing March 4, 1891:

Now, therefore, I, H. H. Markham, governor of the State of California, in the name and by the authority of the people of the State of California, do commission him, the said LELAND STANFORD, United States Senator in the Congress of the United States from the State of California for the term of six years from and after the 4th day of March, A. D. 1891.

In testimony whereof I have hereunto set my hand and caused the great seal of the State to be affixed, at the city of Sacramento, this the 21st day of January, A. D. 1891.

[SEAL.]

H. H. MARKHAM, *Governor.*
E. G. WAITE, *Secretary of State.*

Mr. BUTLER presented the credentials of J. L. M. Irby, chosen by the Legislature of South Carolina a Senator from that State for the term beginning March 4, 1891; which were read, and ordered to be filed.

Mr. HOAR. I rose immediately on the reading of the credentials of the Senator from California, but I could not call the attention of the Senate to them until I had examined them again, having merely heard them read once.

I think I ought to say in regard to the credentials of the Senator from California just presented, speaking of course for myself alone, not undertaking to speak for any other Senator, that the credentials are insufficient, as it now seems to me, and do not furnish any evidence whatever of the title of that Senator to his seat. The credential is in substance as follows:

Whereas it appears from certified copies of the proceedings of the senate and assembly of the Legislature of 1891 of the State of California, in joint convention assembled at 12 o'clock m. on the 14th day of January, 1891, now on file in this office, that Hon. LELAND STANFORD received a majority of all the votes of the senate and a majority of all the votes of the assembly, and was declared duly elected United States Senator, etc.

Now, therefore, I, H. H. Markham, governor, etc., do commission him, the said LELAND STANFORD.

It does not contain the simple affirmation, which I suppose is all that is necessary, that on a certain day the gentleman in question was duly elected. I suppose that constitutes a sufficient credential under the customs of the Senate.

Mr. EDMUNDS. On the face of it.

Mr. HOAR. On the face of it. It merely affirms, without stating the facts which authorized the Legislature to proceed in joint convention and not by concurrent vote, that on a certain day an election took place. Of course I suppose nobody would claim that the governor is an official entitled to commission a Senator. He is made by the statute of the United States an officer to certify to the due election.

I presume this matter can be corrected, if it is thought best, or if, in view of the notorious fact of Mr. STANFORD'S election, when the Senate assembles in the next Congress they should do what has been done sometimes before the credentials arrive, swear him in, there would be no difficulty.

Mr. HARRIS. I suggest to the Senator from Massachusetts that there is abundant time before the expiration of the present term to have the credentials put in proper form. There can be no question about the facts.

Mr. HOAR. No, sir.

Mr. HARRIS. I submit the safest policy is to adhere to the proper and necessary form of certifying credentials.

Mr. HOAR. That was done in the case of the credentials of Mr. EVARTS as a Senator from New York, which, though very voluminous, seemed to some Senators insufficient.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. 12782) making appropriations for the naval service for the fiscal year ending June 30, 1892, and for other purposes; in which it requested the concurrence of the Senate.

INDIAN DEPREDATION CLAIMS.

Mr. PADDOCK. I give notice that at the conclusion of the routine morning business I shall ask the Senate to proceed to the consideration of the bill (H. R. 8150) to provide for the adjudication and payment of claims arising from Indian depredations, which was partly considered in the morning hour on the 16th instant.

The VICE PRESIDENT. The Chair will call the attention of the Senator from Nebraska to the resolution offered by the Senator from Oregon [Mr. MITCHELL], which, by unanimous consent, was to be laid before the Senate at the conclusion of morning business.

Mr. PADDOCK. There seems to have been a little conflict of orders. Before that order was made a similar order had been made with reference to the Indian depredations bill. It occupied the morning hour one day and it went over to be considered in the next morning hour, standing as the first bill on the Calendar under Rule VIII.

HOUSE BILL REFERRED.

The bill (H. R. 12782) making appropriations for the naval service for the fiscal year ending June 30, 1892, and for other purposes was read twice by its title, and referred to the Committee on Appropriations.

PETITIONS AND MEMORIALS.

Mr. EVARTS presented a petition of 50 citizens of the State of New York, praying for an amendment to the international copyright bill extending the benefits of the law to lithographers, etc.; which was ordered to lie on the table.

Mr. CAMERON presented a petition of the United Labor League of Philadelphia, Pa., praying for the passage of the international copyright bill; which was ordered to lie on the table.

He also presented the petition of J. M. Spear, A. J. Wright, and J. M. Hazel, of Philadelphia, Pa., praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented the following petitions, praying for the passage of the Conger lard bill; which were ordered to lie on the table:

Petition of J. M. Hamilton and 14 other citizens of Lawrence County, Pennsylvania;

Petition of M. E. Ash and 51 other citizens of Mercer County, Pennsylvania;

Petition of H. J. Osborn and 10 other citizens of Erie County, Pennsylvania;

Petition of Leroy Dean and 21 other citizens of Venango County, Pennsylvania;

Petition of J. A. Taylor and 18 other citizens of Beaver County, Pennsylvania;

Petition of J. O. Lothrop and 15 other citizens of Erie County, Pennsylvania;

Petition of Forest Hill Farmers' Alliance, of Beaver County, Pennsylvania;

Petition of Welcome Alliance Industrial School of Pennsylvania;

Petition of Chestnut Grove Alliance of North East, Pennsylvania; and

Petition of W. L. Mendenhall and 11 other citizens of Jefferson County, Pennsylvania.

Mr. CASEY (for Mr. MOODY) presented the following petitions, praying for the passage of the Conger lard bill; which were ordered to lie on the table:

Petition of Lewis D. Paradee and 37 other citizens of Union County, South Dakota;

Resolutions of Jefferson Alliance, No. 469, of Union County, South Dakota;

Resolutions of Big Sioux Alliance, No. 544, of Union County, South Dakota;

Petition of Henry Oakes and 11 other citizens of Union County, South Dakota;

Petition of C. H. Anderson and 17 other citizens of Manchester, Kingsbury County, South Dakota;

Resolutions of Manchester Farmers' Alliance, No. 417, of Manchester, Kingsbury County, South Dakota;

Petition of E. P. St. John and 13 other citizens of Deuel County, South Dakota;

Resolutions of Garfield Alliance, No. 254, of Clark, Clark County, South Dakota;

Petition of Joseph Phillips and 19 other citizens of Garfield, Clark County, South Dakota;

Resolutions of Farmers' Alliance of Kilborn, Grant County, South Dakota;

Resolutions of West Union Alliance, No. 599, of Day County, South Dakota;

Petition of E. C. Price and 14 other citizens of Day County, South Dakota;

Petition of C. W. Wright and 22 other citizens of Plano, Hanson County, South Dakota;

Petition of H. C. Spain and 19 other citizens of Ohio Township, Hand County, South Dakota;

Petition of K. E. Squires and 21 other citizens of Union County, South Dakota;

Petition of A. M. Breedlove and 33 other citizens of McCook County, South Dakota;

Petition of Gabriel L. Fiellestard and 35 other citizens of Miner County, South Dakota;

Resolutions of Hendue Farmers' Alliance, of Miner County, South Dakota;

Petition of G. W. Sickler and 9 other citizens of Spink County, South Dakota;

Resolutions of Garfield Farmers' Alliance, No. 545, of Spink County, South Dakota;

Petition of Alvah Hockett and 19 other citizens of Aurora County, South Dakota;

Resolutions of Centre Alliance, No. 435, of Aurora County, South Dakota;

Petition of Frank Longhead and 18 other citizens of Davison County, South Dakota;

Resolutions of Tobin Alliance, of Davison County, South Dakota;

Resolutions of Grand Meadow Farmers' Alliance, No. 510, of Sanborn County, South Dakota;

Petition of Fenton Keman and 8 other citizens of Sanborn County, South Dakota;

Petition of J. H. Eastman and 50 other citizens of Roberts County, South Dakota; and

Petition of William F. Horr and 10 other citizens of Roberts County, South Dakota.

Mr. CASEY also presented the petition of C. P. Peterson and 27 other citizens of Bisbee, Towner County, North Dakota, praying for the speedy passage of the Conger lard bill; which was ordered to lie on the table.

Mr. ALLEN presented a petition of the Tacoma (Wash.) Chamber of Commerce of Washington, praying Congress to enact such legislation and make such appropriations as may be necessary for the construction of a naval station and dry dock to be situated at Port Orchard, Wash.; which was referred to the Committee on Naval Affairs.

He also presented the following petitions, praying for the passage of the Conger lard bill; which were ordered to lie on the table:

Petition of Guy Farmers' Alliance, No. 29, of Whitman County, Washington; and

Petition of Clear Lake Alliance, No. 31, of Spokane County, Washington.

Mr. McMILLAN presented a petition of J. W. Millikin and 15 other citizens of Traverse City, Mich., and the petition of J. H. Hudson and 21 other citizens of Detroit, Mich., praying for the passage of the Torrey bankruptcy bill; which were ordered to lie on the table.

Mr. WILSON, of Iowa, presented the following petitions, praying for the passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages; which were referred to the Committee on Education and Labor:

Petition of W. C. Vanhorn, Daniel H. Martin, M. Ella Moffatt, and 144 other citizens of Albion, Iowa;

Petition of M. Ella Moffatt, president, and E. E. Vanhorn, secretary, of the Woman's Christian Temperance Union, of Albion, Iowa, representing 49 members;

Petition of Malinda C. Baldwin, president, and Mary J. Hussey, secretary, of Nonpartisan Woman's Christian Temperance Union, of Albion, Iowa, representing 24 members;

Petition of J. C. Mages, president, and William A. Gibbons, secretary, of Marshalltown District Methodist Episcopal Conference at Albion, Iowa, representing 27 members; and

Petition of J. S. Sands, chief templar, and Stella Devine, secretary, of the Good Templars' Lodge of Albion, Iowa, representing 41 members.

Mr. WILSON, of Iowa, also presented the following petitions, praying for the passage of the Conger lard bill; which were ordered to lie on the table:

Petition of Grange No. 37, Patrons of Husbandry of Council Bluffs, Iowa; and

Petition of 37 citizens of Pottawattamie County, Iowa.

Mr. QUAY presented a petition of Homer, Le Boutillier & Co. and other merchants of Philadelphia, Pa., praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented the following petitions, praying for the passage of the bill to restrict immigration, as reported by the Committee on Immigration; which were referred to the Committee on Immigration:

Petition of Bridesburgh (Pa.) Council, No. 135, Junior Order of United American Mechanics;

Petition of Diligent Council, No. 4, Junior Order United American Mechanics, of Philadelphia, Pa.

Petition of Sterling Council, No. 449, Junior Order United American Mechanics, of Hautzdale, Pa.

Petition of Empire Council, No. 12, Junior Order United American Mechanics;

Petition of Evening Star Council, Junior Order United American Mechanics, of Philadelphia, Pa.;

Petition of Keystone Council, No. 11, Junior Order United American Mechanics, of Philadelphia, Pa.;

Petition of Elk Lick Council, No. 400, Junior Order United American Mechanics, of Philadelphia, Pa.; and

Petition of American Council, No. 30, Junior Order United American Mechanics, of Philadelphia, Pa.

Mr. SHERMAN presented the following petitions, praying for the passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages; which were referred to the Committee on Education and Labor:

Petition of J. W. Carpenter, O. A. Wood, Ollie Jackson, and 113 other citizens of Montpelier, Ohio;

Petition of Marshall Diggs, Mamie Hardy, and 33 members of the Young People's Society of Christian Endeavor, of Montpelier, Ohio;

Petition of W. L. Fulton, Charles Trux, and 113 other citizens of Williams County, Ohio;

Petition of A. Williams, Mrs. A. H. Brubaker, and 55 other citizens of Williams County, Ohio;

Petition of V. Powers, A. Boiley, secretary of the Williams County Sunday School Union, of Williams County, Ohio;

Petition of Charles J. Scott, William S. Egnew, and 90 other citizens of Swanton Township, Lucas County, Ohio; and

Petition of I. P. Wood, John Fleming, Phœbe Wood, and 56 other citizens of Peru Township, Ohio.

Mr. SHERMAN also presented a memorial of the Cincinnati, Ohio, Chamber of Commerce, remonstrating against the passage of the bill providing for the free coinage of silver; which was ordered to lie on the table.

He also presented the petition of the Henderson-Achert-Krebs Lithographic Company, of Cincinnati, Ohio, praying for an amendment to the proposed international copyright bill for the protection of the lithographic, chromo publishing and photographic trades; which was ordered to lie on the table.

Mr. HISCOCK presented the following petitions, praying for the passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages; which were referred to the Committee on Education and Labor:

Petition of George D. Shafer, John M. Corwin, and 78 other citizens of Crawford, Orange County, New York; and

Petition of J. V. Goodrich, Mrs. F. H. Skutt, and 106 other citizens of North Rose, Wayne County, New York.

Mr. SANDERS presented the petition of Eliza Adelaide Ball, of Santa Barbara, Cal., praying for an increase of pension; which was referred to the Committee on Pensions.

He also presented a petition of the Laundrymen's National Association of America, praying for the passage of House bill 5357, known as the Morrow Chinese exclusion act; which was referred to the Committee on Foreign Relations.

Mr. CARLISLE presented the petition of Charles C. Kilburn, master and pilot of the tugboat Jessie Benton, the Admiral's dispatch boat, praying that the pension laws be amended; which was referred to the Committee on Pensions.

Mr. VANCE presented a memorial of citizens of Edgecomb County, North Carolina, remonstrating against the passage of the Conger lard bill; which was ordered to lie on the table.

Mr. BUTLER. I present a letter from a very intelligent young man of Columbia, S. C., by the name of C. Fitzsimons, secretary of the Southern Cotton-Oil Company, of Columbia, S. C., presenting a very concise and satisfactory argument—satisfactory to my mind—against the passage of the Conger lard bill. Inasmuch as that bill is now pending, I move that the memorial lie on the table.

The motion was agreed to.

Mr. HARRIS. I present the printed stereotyped form of a petition that is being circulated for signers, praying for the passage of the Torrey bankruptcy bill, signed by some 75 citizens of the city of Jackson, Tenn., and approved by the Jackson Board of Trade. I move that the petition lie on the table.

The motion was agreed to.

Mr. HARRIS. I also present a petition of the Butchers' Protective Association of Nashville, Tenn., praying for the passage of what is known as the Conger lard bill. Having no sympathy whatever with the objects of the petition, but recognizing the right of petition, I present the resolutions and move that they lie on the table.

The motion was agreed to.

Mr. WALTHALL presented the petition of J. Weiner and 48 other citizens of Holmes County, Mississippi, praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. CULLOM presented the following petitions of Temperance Unions of Illinois, praying for the passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages; which were referred to the Committee on Education and Labor:

Petition of the Woman's Christian Temperance Union, signed by W. M. Owen, W. T. Hartley, Martha C. Caraway, and 58 other citizens of Edgar County, Illinois;

Petition of the Woman's Christian Temperance Union, signed by W. E. Boon, J. C. Caraway, Flora Bolen, and 63 other citizens of Edgar County, Illinois;

Petition of the Woman's Christian Temperance Union, signed by Frank S. McKee, Taylor Glick, Mrs. R. Boon, and 87 other citizens of Edgar County, Illinois;

Petition of the Woman's Christian Temperance Union, signed by Horace Reed, pastor of the Methodist Episcopal Church, representing 300 members; H. K. Weiber, pastor; Ralph Hill, clerk of the Baptist Church, representing 75 members of Clinton, Ill.; and

Petition of the Woman's Christian Temperance Union, signed by W. H. Kerr, pastor, and H. Addison, clerk of the Christian Church, representing 165 members; Mrs. A. E. Argo, president, and Mrs. S. E. Richards, secretary, of the Woman's Christian Temperance Union, representing 165 members; W. H. Kerr, pastor, and H. Addison, clerk of the Christian Church, representing 32 members; J. C. Meredith, M. Harp, and 294 other citizens of Clinton, Ill.

Mr. CULLOM also presented a petition of the retail butchers of Chicago, Ill., praying for the passage of the Conger lard bill; which was ordered to lie on the table.

He also presented a petition of Lodge No. 37 of the Farmers' Mutual Benefit Association, of Union County, Illinois, praying for the

passage of the Paddock pure-food bill; which was ordered to lie on the table.

Mr. FRYE presented a petition of citizens of Portland, Me., praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of 22 citizens of the State of Maine, praying for the passage of the international copyright bill; which was ordered to lie on the table.

Mr. FRYE. I also present the petition of J. W. Winter and H. R. Rich, citizens of the United States, earnestly praying that a law be enacted "which shall compel the Treasury of the United States to receive all the potatoes that may be offered by any citizen of the United States, and issue certificates of deposit for the same at the rate of $1 for each 60 pounds so deposited, said certificates to be legal tender for all dues, debts, and demands." I move that the petition be referred to the Committee on Finance.

The motion was agreed to.

Mr. DAWES presented a petition of sundry citizens of Nantucket, Mass., praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. COCKRELL. I present a petition, numerously signed by citizens of Atchison County, in the State of Missouri, calling attention to the Conger lard bill and urging that it may be speedily enacted into law. As the bill has been reported, I move that the petition lie on the table.

The motion was agreed to.

Mr. COCKRELL presented the following petitions, praying for the passage of the Paddock pure-food bill; which were ordered to lie on the table:

Petition of Farmers and Laborers' Union No. 540, of Polk County, Missouri;

Petition of Farmers and Laborers' Union No. 204, of Daviess County, Missouri;

Petition of Farmers and Laborers' Union No. 5646, of Shelby County, Missouri;

Petition of Farmers and Laborers' Union No. 1197, of Barry County, Missouri;

Petition of Farmers and Laborers' Union No. 759, of De Kalb County, Missouri; and

Petition of Farmers and Laborers' Union No. 734, of Cass County, Missouri.

Mr. COCKRELL also presented the petition of Cameron District Grange, of Missouri, praying for the passage of the Conger lard bill; which was ordered to lie on the table.

Mr. HAMPTON presented a memorial of the Charleston (S. C.) Chamber of Commerce, remonstrating against the passage of the Conger lard bill; which was ordered to lie on the table.

Mr. BERRY presented the petition of J. C. Fraker, Joseph Carlock, Ophelia Overstreet, and 197 other citizens of Eureka Springs, Ark., praying for the passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages; which was referred to the Committee on Education and Labor.

He also presented a memorial of the Pine Bluffs (Ark.) Board of Trade, remonstrating against the passage of the Conger lard bill; which was ordered to lie on the table.

He also presented the following petitions, praying for the passage of the bill providing for the appointment of a national commission on the subject of social vice; which were referred to the Committee on Education and Labor:

Petition signed by L. P. Hines, superintendent, and Miss Grace Smelser, secretary, of Bible class of Baptist Church of Eureka Springs, Ark., representing 28 members;

Petition of R. S. Stevenson, Daniel McIntyre, and 4 other teachers of the First Presbyterian Sunday School of Eureka Springs, Ark.;

Petition of O. C. York, W. F. Purcell, and 19 members of the Christian Sabbath School of Eureka Springs, Ark.;

Petition of Minnie Rogers, president, and Ophelia Overstreet, secretary, of Young Woman's Christian Temperance Union of Eureka Springs, Ark., representing 7 members;

Petition of R. M. Floyd, M. D., and 5 other physicians of Eureka Springs, Ark.;

Petition of J. C. Tracker, superintendent, and Nellie McCollester, secretary of the Methodist Sunday school of Eureka Springs, Ark., representing 18 teachers;

Petition of W. Irelan, pastor of Christian Church, and 5 other ministers of the various churches of Eureka Springs, Ark.; and

Petition of C. S. Barnett, superintendent of city schools of Eureka Springs, Ark., and 11 teachers.

Mr. TURPIE presented the following petitions, praying for the passage of the Conger lard bill; which were ordered to lie on the table:

Petition of citizens of Crawford County, Indiana;

Petition of Good Luck Lodge, No. 2419, Farmers' Mutual Benefit Association, of Crawford County, Indiana;

Petition of citizens of Kosciusko County, Indiana;

Petition of citizens of Hillsborough, Fountain County, Indiana;

Petition of the New Market Alliance, No. 261, of Indiana; and

Petition of the Farmers' Mutual Benefit Association, County Assembly of Floyd County, Indiana.

Mr. TURPIE presented the petition of Julia H. Cox, of Richmond, Wayne County, Indiana, praying to be granted a pension as army nurse; which was referred to the Committee on Pensions.

Mr. CHANDLER presented a petition of 22 citizens of New Hampshire, praying for the passage of a national Sunday-rest law; which was ordered to lie on the table.

Mr. FARWELL presented a petition of the Chicago (Ill.) Law Institute, praying for the passage of a bill for the relief of the Supreme Court; which was ordered to lie on the table.

He also presented the following petitions of citizens of Illinois, praying for the adoption of an amendment to the international copyright bill; which were ordered to lie on the table:

Petition of J. W. Franks & Son, of Peoria, Ill.; and

Petition of the Hughes Lithograph Company and other business firms of Chicago, Ill.

Mr. FARWELL also presented the following petitions of citizens of Illinois, praying for the passage of the Torrey bankruptcy bill; which were ordered to lie on the table:

Petition of Mandel Brothers of Chicago, Ill.;

Petition of J. J. Oberlin and other citizens of Hirscher, Ill.; and

Petition of the National Association of Stove-Manufacturers of the United States.

Mr. VEST presented the petition of John A. Rhodes & Co., of Whiting, Mo., praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of Subunion No. 3106, Farmers and Laborers' Union, of De Kalb County, Missouri, praying for the passage of the Conger lard bill; which was ordered to lie on the table.

Mr. PLUMB presented the following petitions of citizens of Kansas, praying for the passage of the pure-lard bill; which were ordered to lie on the table:

Petition of the Hornview Alliance, No. 324, of Russell County, Kansas;

Petition of G. A. Hawley and other citizens of Butler County, Kansas;

Petition of Alliance No. 43, of Bentley, Kans.;

Petition of B. C. Smith and 41 other citizens of Sedgwick County, Kansas; and

Petition of B. B. Dougherty and 31 other citizens of Barber County, Kansas.

Mr. PLUMB also presented the following petitions of temperance unions of Kansas, praying for the passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages; which were referred to the Committee on Education and Labor:

Petition of the Woman's Christian Temperance Union, signed by E. M. Exley, A. Everah, Etta A. Cunningham, and 80 other citizens of Iola, Kans.;

Petition of the Woman's Christian Temperance Union, signed by E. M. Eckley, W. Cunningham, Mrs. C. A. Kinney, and 94 other citizens of Iola, Kans.;

Petition of the Woman's Christian Temperance Union, signed by H. Owens, Jacob Griffith, S. Esther Snyder, and 186 others, of El Dorado, Kans.;

Petition of the Woman's Christian Temperance Union, signed by Marion S. Fee, H. S. Randall, Francis M. Noble, and 53 other citizens of El Dorado, Kans.;

Petition of the Woman's Christian Temperance Union, signed by H. H. Groan, J. G. Schumaker, Mrs. Belle Hunter, and 18 other citizens of El Dorado, Kans.;

Petition of the Woman's Christian Temperance Union, signed by William Davidson, president, representing 230 members, of Topeka, Kans.; and

Petition of First Baptist Church, signed by John H. Calvin, chief clerk, representing 400 members, of Topeka, Kans.

Mr. PLUMB also presented the memorial of R. D. Morrison, D. A. Houff, and other citizens of the State of Kansas, the memorial of A. C. Pagett, W. L. Record, and other citizens of the State of Kansas, and a memorial of the Walnut Grove Alliance, No. 1862, of the State of Kansas, remonstrating against the passage of the Conger lard bill; which were ordered to lie on the table.

He also presented the following petitions of alliances and unions of Kansas, praying for the passage of the Paddock pure-food bill; which were ordered to lie on the table:

Petition of the Farmers' Alliance and Industrial Union, No. 68, of Harvey County, Kansas;

Petition of the Farmers' Alliance and Industrial Union, No. 2050, of Rice County, Kansas;

Petition of the Farmers' Alliance and Industrial Union, No. 27, of Cowley County, Kansas;

Petition of the Farmers' Alliance and Industrial Union, No. 1974, of Johnson County, Kansas; and

Petition of the Farmers' Alliance and Industrial Union, No. 2206, of Phillips County, Kansas.

Mr. PLUMB also presented a petition of the Mount Union Farmers'

Alliance, No. 1107, of Louisville, Kans., praying for the passage of the Conger lard bill; which was ordered to lie on the table.

He also presented a petition of the Shawnee County (Kansas) Teachers' Association, and a petition of the First Baptist Church representing 400 members, of Topeka, Kans., praying for the passage of a bill providing for the appointment of a national commission to investigate social vice; which were referred to the Committee on Education and Labor.

He also presented resolutions passed by the House of Representatives of the Kansas Legislature, remonstrating against the passage of the force bill, and praying for the enactment of laws authorizing the free and unlimited coinage of silver; which were referred to the Committee on Finance.

Mr. SPOONER presented a petition of the Cushing Naval Veterans of Milwaukee, Wis., praying for the removal of the charge of desertion from the record of Charles Smith, deceased, and the granting of a pension to his widow; which was referred to the Committee on Naval Affairs.

Mr. HOAR presented a petition of the First Congregational Church of Westminster, Mass., praying for the passage of a bill prohibiting the opening of the Columbian Exposition on Sundays; which was referred to the Select Committee on the Quadro-Centennial.

Mr. FRYE presented the petition of A. D. P. Moses and 86 other citizens of North Gorham, Me., and the petition of E. F. Harris and 27 other citizens of East Machias, Me., praying for the passage of the bill providing for the appointment of a national commission on the subject of social vice; which were referred to the Committee on Education and Labor.

REPORTS OF COMMITTEES.

Mr. WILSON, of Iowa. As preliminary to the submission of a report from the Committee on the Judiciary, I ask that Calendar No. 2329, Senate bill 4543, may be recommitted to that committee.

The VICE PRESIDENT. The title of the bill will be stated.

The CHIEF CLERK. A bill (S. 4543) to define the jurisdiction of the police court of the District of Columbia.

Mr. PLUMB. I object to taking up any bill from the Calendar until morning business is concluded.

The VICE PRESIDENT. Morning business is in order. The Senator from Iowa is making a report, and asks for the recommittal of a bill on the Calendar.

Mr. WILSON, of Iowa. Has the recommittal of that bill been had?

The VICE PRESIDENT. The bill will be recommitted, if there be no objection. The Chair hears none.

Mr. WILSON, of Iowa. I now, by the direction of the Committee on the Judiciary, report the bill (S. 4543) to define the jurisdiction of the police court of the District of Columbia, with an amendment, and I ask that it be placed on the Calendar.

The VICE PRESIDENT. The bill will be placed on the Calendar.

Mr. DAWES, from the Committee on Indian Affairs, to whom the subject was referred, reported a bill (S. 4937) granting to the Umatilla Irrigation Company a right of way through the Umatilla Indian reservation in the State of Oregon; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (S. 4768) granting right of way for an irrigation ditch and railroad sidetrack across the quartermaster's depot reservation in Yuma County, Ariz., reported it with an amendment.

Mr. TURPIE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 11972) for the relief of Montgomery Geiger; and

A bill (H. R. 12094) for the relief of John M. Wright, of Audrain County, Missouri.

Mr. FAULKNER, from the Committee on Pensions, to whom was referred the bill (H. R. 11925) increasing the pension of William L. Horn, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 2537) to increase the pension of James A. Underwood, reported it without amendment, and submitted a report thereon.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (H. R. 12347) granting a pension to Laura J. Haydon, formerly Burke, reported it without amendment, and submitted a report thereon.

PREVENTION OF COUNTERFEITING.

Mr. EDMUNDS. From the Committee on the Judiciary I report favorably with amendments the bill (H. R. 10862) to prevent counterfeiting or manufacture of dies, tools, or other implements used in counterfeiting, and providing penalties therefor. I ask unanimous consent to explain in a single word why I desire to put the bill on its passage now, if I may have leave.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Senator from Vermont will proceed.

Mr. EDMUNDS. It is a bill that passed the House of Representatives some time ago, but we have been unable to report it until now, not on account of any difficulty with the bill, but on account of circumstances that everybody is acquainted with. It is merely a technical bill extending to a certain class of counterfeited papers and things what the law now is as to other things, it having been found that the present law is defective. The amendments which the Committee on the Judiciary recommend are merely technical, to perfect the bill. The Secretary of the Treasury, who is taking care of genuine coins and securities, etc., is extremely desirous that the bill should be got through at this session on account of a failure of justice in some instances that have been brought to his attention. I therefore ask unanimous consent that the bill be now considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The VICE PRESIDENT. The amendments of the Committee on the Judiciary will be stated in their order.

The first amendment was, in section 1, line 7, after the word "of," to insert the words "any of;" in line 8, after the word "bronze," to strike out the word "or," and after "copper," in the same line, to insert the words "or other;" in line 15, after the word "who," to strike out "has" and insert "shall have;" in line 16, after the word "fraudulently," to insert "or unlawfully;" in line 17, after the word "who," to strike out "permit" and insert "shall permit;" in line 18, after the word "for," to insert the words "or in aid of;" in line 19, after the word "States," to strike out the words "as above described" and insert "hereinbefore mentioned;" and in line 20, after the word "thereof," to strike out the words "in any circuit or district court of the United States;" so as to make the section read:

That every person who, within the United States or any Territory thereof, makes any die, hub, or mold, either of steel or plaster, or any other substance whatsoever, in likeness or similitude, as to the design or the inscription thereon, of any die, hub, or mold designated for the coining or making of any of the genuine gold, silver, nickel, bronze, copper, or other coins of the United States that have been or hereafter may be coined at the mints of the United States, or who willingly aids or assists in the making of any such die, hub, or mold, or any part thereof, or who causes or procures to be made any such die, hub, or mold, or any part thereof, without authority from the Secretary of the Treasury of the United States or other proper officer, or who shall have in his possession any such die, hub, or mold with intent to fraudulently or unlawfully use the same, or who shall permit the same to be used for or in aid of the counterfeiting of any of the coins of the United States hereinbefore mentioned, shall, upon conviction thereof, be punished by a fine of not more than $5,000 and by imprisonment at hard labor not more than ten years, or both, at the discretion of the court.

Mr. EDMUNDS. The last of that series is an amendment of substance and it will take only a second to explain it. I think I ought to mention, as it is of substance, that, as the House bill had it, in any Territory or in the District of Columbia it would not be possible to prosecute, and therefore this change has been made.

The amendment was agreed to.

The next amendment was, in section 2, line 8, after the word "or," where it occurs the second time, to strike out "has" and insert "shall have;" in line 9, after "mold," to strike out "as described above" and insert "hereinbefore mentioned;" in line 10, after the word "fraudulently," to insert "or unlawfully;" in line 11, after "foreign," to strike out "coins" and insert "coin;" in line 13, after the word "foreign," to strike out "coins" and insert "coin;" in line 14, after the word "conviction," to strike out "in any district or circuit court of the United States" and insert "thereof;" so as to make the section read:

SEC. 2. That every person who, within the United States or any Territory thereof, without lawful authority, makes or willingly aids or assists in making, or causes or procures to be made, any die, hub, or mold, either of steel or of plaster, or of any other substance whatsoever, in the likeness or similitude, as to the design or the inscription thereon, of any dye, hub, or mold designated for the coining of the genuine coin of any foreign Government, or who conceals or shall have in possession any such die, hub, or mold hereinbefore mentioned, with intent to fraudulently or unlawfully use the same for counterfeiting any foreign coin, or who knowingly suffers the same to be fraudulently used for the counterfeiting of any foreign coin shall, upon conviction thereof, be punished by a fine of not more than $2,000 or imprisonment at hard labor not more than five years, or both, at the discretion of the court.

The amendment was agreed to.

The next amendment was, in section 3, line 3, after the word "who," to strike out "has" and insert "shall have;" in line 8, after "whatsoever," to insert a comma; in line 10, after the word "of," to insert "any," and in the same line to strike out "Governments" and insert "Government;" in line 11, after the word "either," to strike out "by an act of Congress" and insert "under the authority;" in line 12, after the word "or," to strike out "by the laws" and insert "under the authority;" and in line 14 to strike out the words "in any circuit or district court of the United States" and insert "thereof;" so as to make the section read:

SEC. 3. That every person who makes, or who causes or procures to be made, or who brings into the United States from any foreign country, or who shall have in possession with intent to sell, give away, or in any other manner use the same, any business or professional card, notice, placard, token, device, print, or impression, or any other thing whatsoever, whether of metal or its compound or of any other substance whatsoever in likeness or similitude, as to design, color, or the inscription thereon, of any of the coins of the United States or of any foreign government, that have been or hereafter may be issued as money, either under the authority of the United States or under the authority of any foreign government, shall, upon conviction thereof, be punished by a fine not to exceed $100.

The amendment was agreed to.

The next amendment was, in section 4, line 1, after the word "of," to insert the words "any of;" in line 2, after the word "States," to insert "or of any foreign government;" in line 3, after the word "or," to strike out "counterfeit" and insert "counterfeits of any of the;"

in line 4, after the word "States," to insert "or of any foreign government and all;" in the same line, to strike out the words "or any;" in line 5, to strike out "and" and insert "or;" in the same line, after the word "that," to strike out "has" and insert "shall have;" in line 6, after the word "any," to insert "of;" in line 7, after the word "coins," to strike out "as above described" and insert "hereinbefore mentioned;" and, in line 8, after the word "that," to strike out "are" and insert "shall be;" so as to make the section read:

SEC. 4. That all counterfeits of any of the obligations or other securities of the United States or of any foreign government, or counterfeits of any of the coins of the United States or of any foreign government, and all material or apparatus fitted or intended to be used, or that shall have been used, in the making of any of such counterfeit obligations or other securities or coins hereinbefore mentioned, that shall be found in the possession of any person without authority from the Secretary of the Treasury or other proper officer to have the same, shall be taken possession of by any authorized agent of the Treasury Department and forfeited to the United States, and disposed of in any manner the Secretary of the Treasury may direct.

The amendment was agreed to.

The next amendment was to strike out section 5, in the following words:

That if any United States district attorney, assistant United States district attorney, or other person specially authorized by either of them shall have cause to suspect that the manufacture of counterfeit money or the concealment of counterfeit money or the manufacture of dies, molds, or plates, fitted and intended to be used for the manufacture of counterfeit money of any kind or of the obligations or other securities, either of the United States of America or of a foreign country, or of a bank doing business under authority of a foreign government, or of a bank or corporation doing business under authority of any individual states of a foreign government is being carried on in any particular dwelling, house, store, building, boat, or other place, they, or either of them, upon proper application on oath to any justice of the peace, district judge, police justice, or any judge of the circuit or district court of the United States, or any commissioner of the United States circuit court, shall be entitled to a warrant to enter such house, store, building, boat, or other place, in the daytime only, and there to search for such counterfeit money, obligations, or other securities, dies, molds, plates, or implements, and if such be found, to seize and secure the same, and all such counterfeit money, obligations, or other securities, dies, molds, plates, or implements so seized shall be forfeited to the United States.

And in lieu thereof to insert:

That the several judges of courts established under the laws of the United States and the commissioners of such courts may, upon proper oath or affirmation, within their respective jurisdictions, issue a search warrant authorizing any marshal of the United States, or any other person specially mentioned in such warrant, to enter any house, store, building, boat, or other place named in such warrant, in the daytime only, in which there shall appear probable cause for believing that the manufacture of counterfeit money, or the concealment of counterfeit money or the manufacture or concealment of counterfeit obligations or coins of the United States or of any foreign government, or the manufacture or concealment of dies, hubs, molds, plates, or other things fitted or intended to be used for the manufacture of counterfeit money, coins, or obligations of the United States or of any foreign government, or of any bank doing business under the authority of the United States or of any State or Territory thereof, or of any bank doing business under the authority of any foreign government or of any political division of any foreign government, is being carried on or practiced, and there search for any such counterfeit money, coins, dies, hubs, molds, plates, and other things, and for any such obligations, and if any such be found, to seize and secure the same and to make return thereof to the proper authority; and all such counterfeit money, coins, dies, hubs, molds, plates, and other things and all such counterfeit obligations so seized shall be forfeited to the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill further to prevent counterfeiting or manufacture of dies, tools, or other implements used in counterfeiting, and providing penalties therefor, and providing for issue of search warrants in such cases."

Mr. EDMUNDS. I move that the Senate ask for a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the Vice President was authorized to appoint the conferees on the part of the Senate; and Mr. EDMUNDS, Mr. EVARTS, and Mr. VEST were appointed.

BILLS INTRODUCED.

Mr. BLODGETT introduced a bill (S. 4938) to further amend the act to provide a life-saving service; which was read twice by its title, and referred to the Committee on Commerce.

Mr. STOCKBRIDGE introduced a bill (S. 4939) giving the consent of the United States to the erection of a bridge across Portage Lake, Houghton County, Michigan, between the villages of Houghton and Hancock; which was read twice by its title, and referred to the Committee on Commerce.

Mr. DOLPH introduced a bill (S. 4940) for the relief of William B. Campbell, of Oregon; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. SANDERS introduced a bill (S. 4941) granting a pension to Eliza Adelaide Ball; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DAVIS introduced a bill (S. 4942) granting a pension to Mary E. Chamberlain; which was read twice by its title, and referred to the Committee on Pensions.

Mr. POWER introduced a bill (S. 4943) for the relief of Thomas Cushing; which was read twice by its title, and referred to the Select Committee on Indian Depredations.

Mr. CHANDLER introduced a bill (S. 4944) granting a pension to Maria S. Whitney; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DAWES introduced a bill (S. 4945) for the establishment of a light and fog signal station near Butler Flats, New Bedford, Mass.; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 4946) to punish intruders on the lands of the Chickasaws, Choctaws, Cherokees, Creeks, and Seminoles; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. MITCHELL introduced a bill (S. 4947) to incorporate the Pacific Cable Company, and for other purposes; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. TURPIE introduced a bill (S. 4948) granting an honorable discharge to Edward Wertheimer, of New York, N. Y.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. BARBOUR (by request) introduced a bill (S. 4949) authorizing sale of title of United States in lot 5, in square south of square 990; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BATE introduced a bill (S. 4950) for the relief of the heirs of Samuel B. Sparkman, of Nashville, Tenn.; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. BLODGETT submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. PLUMB and Mr. BUTLER submitted amendments intended to be proposed by them, respectively, to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. CAMERON it was

Ordered, That Madeira and Cabada have leave to withdraw the papers in their case from the files of the Senate, there being no adverse report.

MARITIME CANAL COMPANY OF NICARAGUA.

Mr. SHERMAN submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring therein), That there be printed in pamphlet form, with cover, 15,000 extra copies of the report of the Committee on Foreign Relations in support of Senate bill 4827, to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," of which 5,000 shall be for the use of the Senate and 10,000 for the House of Representatives.

RELATIONS WITH CANADA.

Mr. HOAR submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Select Committee on Relations with Canada be authorized to continue its investigations with all of the duties and powers authorized by the resolutions of the Senate relating to that committee of July 31, 1888, December 6, 1888, December 4, 1889, and of September 23, 1890, during the coming recess and report to the next session of the Senate.

HOUR OF MEETING.

Mr. PLUMB submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That, until otherwise ordered, the Senate will meet at 11 o'clock a. m., and the order of morning business shall continue for one hour only.

REPRINTING OF A BILL.

Mr. EVARTS. I ask for an order to be passed directing the printing of the judiciary bill organizing the courts as it passed the Senate. There are none now in print.

The VICE PRESIDENT. The order will be read.

The Chief Clerk read as follows:

Ordered, That 1,000 copies of the bill (H. R. 9014) to define and regulate the jurisdiction of the courts of the United States be printed as amended and passed by the Senate, 400 copies for the use of the Senate and 600 copies for the House of Representatives.

The VICE PRESIDENT. The order will be agreed to, if there be no objection. The Chair hears none, and it is agreed to.

ABSENT SENATORS.

Mr. PADDOCK. If there be no further morning business, I ask unanimous consent for the consideration of the Indian depredations bill.

The VICE PRESIDENT. Are there further resolutions, concurrent or other? If not, the Chair lays before the Senate a resolution coming over from yesterday, which will be stated.

The CHIEF CLERK. A resolution by Mr. DOLPH directing the Committee on the Judiciary to make certain inquiries and report to the Senate concerning clause 3 of Rule V of the rules of the Senate.

Mr. GORMAN. I trust the Senator from Oregon will let the resolution go over and not press it now.

Mr. PADDOCK. I understand it is the disposition of the Senator from Oregon to let the resolution go over, and I call his attention to the request of the Senator from Maryland.

Mr. DOLPH. If the resolution is likely to provoke discussion, I am willing that it should go over, retaining its place. I do not desire it to go to the Calendar. I did not see how anyone could object to the inquiry proposed, but I am fast learning that the rules of the Senate are not to be enforced. I am not very particular about the resolution.

The VICE PRESIDENT. What is the pleasure of the Senate?

Mr. GORMAN. Let the resolution go over.

Mr. PADDOCK. What is the understanding about it? I have the floor, I believe.

Mr. MITCHELL. As I offered the resolution, I desire to say a word——

Mr. DOLPH. This is not the resolution introduced by my colleague.

Mr. MITCHELL. I beg pardon. I thought it was the resolution in regard to the gun factories on the Pacific coast, which is to be laid before the Senate this morning.

Mr. HALE. What is the resolution?

The VICE PRESIDENT. The resolution will be reported.

The Chief Clerk read the resolution submitted by Mr. DOLPH January 26, 1891, as follows:

Resolved, That the Committee on the Judiciary be, and they are hereby, directed to inquire and report to the Senate at as early a day as practicable, whether clause 3 of Rule V of the rules of the Senate is such a compliance with the requirements of section 5 of Article I of the Constitution, as to the manner in which the attendance of absent members may be compelled, as to authorize less than a quorum of the Senate when in session to compel the attendance of absent members, and whether a direction by the Senate, less than a quorum being present, to the Sergeant-at-Arms of the Senate to compel the attendance of absent members, as provided for in said third clause of Rule V, is a sufficient warrant and authority to the Sergeant-at-Arms to authorize him to use force, if necessary, in bringing absent Senators to the Senate Chamber.

The VICE PRESIDENT. This resolution was submitted yesterday and went over.

Mr. HALE. I think the Senator from Oregon yesterday when he presented the resolution asked, as the RECORD shows, that it be referred to the Committee on Rules. That would seem to be a very proper disposition of it, and if the Senator consents to that now, in accordance with his original idea, the committee can consider it and report.

Mr. DOLPH. If that is satisfactory to the Senator from Maryland, I will consent to it.

Mr. GORMAN. I suggest that the resolution go over.

Mr. DOLPH. Retaining its place?

Mr. GORMAN. Yes.

Mr. HALE. Rather than be referred?

Mr. GORMAN. Yes, rather than be referred. Let it go over.

The VICE PRESIDENT. The resolution will go over, retaining its place.

SITE OF GUN FACTORY ON PACIFIC COAST.

Mr. PADDOCK. I ask the unanimous consent of the Senate to proceed to the consideration of House bill 8150.

The PRESIDING OFFICER (Mr. PLATT in the chair). Before submitting the request to the Senate, the Chair will inquire whether there is further morning business.

Mr. MITCHELL. Will the Senator from Nebraska yield to me a moment?

Mr. PADDOCK. I will later, when the Chair states that the bill is taken up. It is the bill (H. R. 8150) to provide for the adjudication and payment of claims arising from Indian depredations, which was considered in the morning hour early last week and partially finished.

The PRESIDING OFFICER. There is a resolution coming over from yesterday, the Chair understands, submitted by the Senator from Oregon [Mr. MITCHELL], which the Chair thinks it is his duty to lay before the Senate at this time. The resolution will be stated.

The CHIEF CLERK. A resolution submitted by Mr. MITCHELL directing the Secretary of War to furnish to the Senate certain information relative to selecting a site for the location and establishment of a gun factory on the Pacific coast, etc.

Mr. MITCHELL. On yesterday a message was received from the President of the United States communicating a request from the Secretary of War, accompanied by an additional report from the board recently organized for the purpose of investigating in regard to steel forgings, gun factory, etc. I now ask that that resolution lie over, retaining its place, until the report can be printed, in order that we may see what it contains. It may contain the very information called for by this resolution.

The PRESIDING OFFICER. The Chair understands that the Senator from Oregon asks that this resolution may lie upon the table, and not go on the Calendar, until the report to which he alludes has been printed.

Mr. MITCHELL. Yes, sir.

Mr. COCKRELL. What is the report to which the Senator alludes? I did not catch what the Senator said about the report.

Mr. MITCHELL. A supplemental report, a final report, was sent to the Senate yesterday by the President of the United States, from the board organized to investigate in regard to steel forgings, gun factory, etc. I ask that my resolution lie over until that is printed, in order that we may see what it is. It may contain the very information called for by my resolution.

In this connection I desire to state that the RECORD of this morning says that that communication was on yesterday ordered to be referred to the Committee on Appropriations, but it does not show that it was ordered to be printed. I hope the report may be printed by unanimous consent.

Mr. COCKRELL. What was the order in regard to printing?

The PRESIDING OFFICER. The Chair is informed by the Secretary that the report was ordered to be printed. Is there further morning business? If not, that order is closed.

INDIAN DEPREDATION CLAIMS.

Mr. PADDOCK. Mr. President, I ask unanimous consent to take up the bill to which I have referred.

The PRESIDING OFFICER. The Senator from Nebraska asks unanimous consent that the Senate proceed to the consideration of the bill (H. R. 8150) to provide for the adjudication and payment of claims arising from Indian depredations. Is there objection to the present consideration of the bill?

Mr. HALE. Of course the Senator from Nebraska understands that if this bill is taken up it will give way at 2 o'clock to the unfinished business.

Mr. PADDOCK. Certainly. It is simply a renewal of the consideration.

Mr. HALE. And for the remainder of the morning hour only.

The PRESIDING OFFICER. Is there objection?

Mr. MORGAN. I see that the Senator from Arkansas [Mr. JONES] is not here and he is opposed to the bill. To give him an opportunity to come in, I object.

Mr. PADDOCK. I do not hear the Senator.

The PRESIDING OFFICER. The Senator from Alabama [Mr. MORGAN] states that the Senator from Arkansas [Mr. JONES], who is opposed to the bill, is not in his seat.

Mr. PADDOCK. Mr. President, unless the Senator from Alabama knows the Senator from Arkansas desires to have a postponement of the bill, I shall feel constrained to move its consideration. It was considered in the morning hour the other day, read at length, debated somewhat, and went over at the conclusion of the morning hour. I think it is nothing more than fair that the bill should be considered by the Senate at the present time.

The PRESIDING OFFICER. The Chair will again inquire if there is objection to the present consideration of the bill.

Mr. PADDOCK. The Senator from Washington [Mr. ALLEN] desires to make some observations upon the bill this morning.

Mr. BLAIR. I do not rise to object at all, but to say with reference to the labor bill, the arrears for pay for eight hours' labor performed under the law by Government employés, that it is the understanding that I shall move that for consideration immediately after the determination of the Senate upon the apportionment bill. Therefore I interpose no objection to the request of the Senator from Nebraska.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8150) to provide for the adjudication and payment of claims arising from Indian depredations.

Mr. REAGAN. The amendment reported by the Senate committee was a substitute for the bill. That was read the other day, was it not?

Mr. PADDOCK. Both the original bill and the substitute were read. I may as well state briefly the legislative condition or stage of the proposition.

Mr. FRYE. Will the Senator hear me one moment before he starts in with this bill?

Mr. PADDOCK. Certainly.

Mr. FRYE. It is exceedingly important that a bill which will not occupy ten minutes, and to which there is no objection, should be passed now. It is Order of Business 2418, Senate bill 4886, to authorize the Norfolk and Western Railroad Company to bridge the Tug Fork of the Big Sandy River, etc. The circumstances are these. The railroad people reached Tug Fork and commenced to build a bridge, never supposing that it was a navigable stream; but an appropriation had at some time been made, and the district attorney proceeded to enjoin them from building without the consent of Congress. The contractors are now there waiting to work on the bridge, and it is exceedingly desirable that this bill should pass.

The PRESIDING OFFICER. Does the Senator from Nebraska yield for the purpose indicated by the Senator from Maine?

Mr. PADDOCK. I shall very cheerfully yield to the Senator from Maine to call up the bill to which he refers, but I have a prior obligation to the Senator from Wisconsin [Mr. SPOONER], who has a short bill, equally important as it is represented to me, which he thinks will take but a moment to pass. I am, therefore, at least under a moral obligation to my distinguished friend from Wisconsin to yield to him first, and then it will give me great felicity to yield to the Senator from Maine.

Mr. FRYE. The Senator is very courteous.

BUILDING LINE IN THE DISTRICT.

Mr. SPOONER. I ask the Senator from Nebraska to yield to me that I may request the Senate to proceed to the consideration of Calendar No. 2330 reported from the District Committee?

Mr. PADDOCK. I do so yield.

The PRESIDING OFFICER. The Senator from Wisconsin asks unanimous consent that the pending bill be informally laid aside in order that the Senate may proceed to the consideration of the bill named by him.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3736) legalizing the action of the commissioners of the District of Columbia in granting permits to extend any building or buildings beyond the building line, and declaring such building or buildings to be lawful structures.

The bill was reported from the Committee on the District of Columbia with an amendment, to strike out all after the enacting clause and in lieu thereof to insert:

That the action of the commissioners of the District of Columbia in heretofore granting permits for the extension of any building or buildings, or any part or parts thereof, in the city of Washington, in the District of Columbia, beyond the building line, and upon the streets and avenues of said city, is hereby ratified, without prejudice, however, to the legal rights of the Government in the event of the destruction by fire, or otherwise, of any such structure. And hereafter no such permits shall be granted except upon special application and with the concurrence of all of said commissioners and the approval of the Secretary of War.

Mr. COCKRELL. Let us have an explanation of that bill. What is the necessity for it?

Mr. SPOONER. Mr. President——

The PRESIDING OFFICER. The Chair will first state the question. The question is on agreeing to the amendment reported by the Committee on the District of Columbia.

Mr. SPOONER. Mr. President——

Mr. PADDOCK. I should have stated that the understanding with my friend from Wisconsin was that if this bill led to prolonged or lengthy debate it should not be pressed.

Mr. SPOONER. I can explain, I think, in a moment the necessity for the bill.

The commissioners of the District, if I may have the attention of the Senator from Missouri——

Mr. COCKRELL. I am listening if I can get other Senators to take their seats.

Mr. SPOONER. The commissioners of the District have for a number of years been in the habit of granting permits to the residents of the city to construct buildings extending, so far as ornamentation is concerned, bay windows and the like, beyond the building line. Citizens have in large numbers, acting under these permits and in good faith, constructed residences and other buildings. Recently the supreme court of the District decided that the commissioners had no authority to grant such permits, which renders, of course, if that decision shall be sustained, those structures illegal.

The Committee on the District of Columbia were of the opinion, as it had been the custom for so long a time for the commissioners to grant such permits upon a report of the engineer officer as to their propriety, reference being had to the public interests, and as the citizens acting in good faith under the permits made their investments and their expenditures, that so far as the past was concerned the structures ought to be legalized, with this reservation, that, if at any time any one of those structures should be destroyed by fire or otherwise, the Government should have a right to prevent a reconstruction, except in accordance with the strict building line. This legalization refers only to what has transpired in the past and it provides a rule as to the future:

And hereafter no such permits shall be granted except upon special application and with the concurrence of all of said commissioners and the approval of the Secretary of War.

That is all there is of the proposition, and that is a statement of the necessity for the passage of the bill.

Mr. CULLOM. I desire to inquire of the Senator whether this bill is broad enough in its scope to protect the lady who has been involved in court here for a good while.

Mr. SPOONER. I so understood.

Mr. CULLOM. I hope it is.

Mr. SPOONER. That was the intention of the committee.

Mr. CULLOM. I think that lady has had a pretty hard time of it.

Mr. SPOONER. It was the intention of the committee in every instance where a citizen of the District has, under such a permit, constructed a building, that it should be legalized by this bill.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

Mr. CULLOM. I wish to make the remark that I made a little while ago a little more specific. I have heard a good deal about the controversy that a lady by the name of Mrs. Cole has had with reference to the question of building over the line, as it is termed, and I am unwilling that anything shall pass here looking to that subject which is not broad enough in its scope to protect this lady from prosecution by the District authorities.

Mr. HARRIS. The bill was intended to protect this lady and a thousand other citizens who are in precisely the same category.

Mr. CULLOM. I had not heard of anybody else.

Mr. HAWLEY. There is only one remark I should like to interject here for record, and that is that the commissioners of the District should not do so any more. There is a continuous series of trespasses upon the building lines in this District which tend to deform our beautiful streets.

Mr. SPOONER. I agree entirely with the Senator in that.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill ratifying the action of the commissioners of the District of Columbia in granting permits to extend buildings beyond the building line, and regulating the granting of such permits hereafter."

BRIDGES OVER TUG FORK OF BIG SANDY RIVER.

Mr. FRYE. Now, if my distinguished friend from Nebraska will let me pass the bill to which I referred——

Mr. PADDOCK. I shall yield to my more distinguished friend.

Mr. FRYE. The Senator is very kind. I ask that Order of Business 2418, Senate bill 4886, may be considered.

The PRESIDING OFFICER. The Senator from Maine asks unanimous consent that the pending order may be informally laid aside to proceed to the consideration of a bill the title of which will be stated.

The CHIEF CLERK. A bill (S. 4886) to authorize the Norfolk and Western Railroad Company to bridge the Tug Fork of the Big Sandy River at certain points where the same forms the boundary line between the States of West Virginia and Kentucky.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maine?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Commerce with amendments, which were, in section 3, line 3, after the word "said," to strike out the word "structure" and insert "structures, or any of them," and in the same line, after the word "or," to strike out the word "its" and insert "their;" so as to make the section read:

That the right to alter, amend, or repeal this act is hereby expressly reserved, and the right to require any changes in said structures, or any of them, or their entire removal at the expense of the owners thereof, or the corporation or persons controlling the same, whenever the public interest requires it, is also expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INDIAN DEPREDATION CLAIMS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8150) to provide for the adjudication and payment of claims arising from Indian depredations.

The PRESIDING OFFICER. The bill has been read at length, and also the substitute reported by the Senate committee. One amendment has been made to the amendment proposed by the committee, in section 3, line 4, strike out the word "creditable" and insert the word "credible." The question is on agreeing to the amendment of the committee as amended.

Mr. PADDOCK. Mr. President, I will state that some time ago, during the preceding session of this Congress, the Senate Committee on Indian Depredations reported a bill on this subject to the Senate. The bill under consideration at the present time is a House bill on the same subject. When the House bill came to the Senate it was referred to and considered by the committee, and after very careful consideration the determination was reached to report the Senate bill as an amendment to the House bill, in the nature of a substitute. That is the legislative condition of the measure as it stands now before the Senate.

But, Mr. President, I only desire for myself, beyond what I have said at the present time, to correct a statement made by myself when this bill was under consideration before.

Mr. GORMAN. It is impossible to hear the Senator from Nebraska.

The PRESIDING OFFICER. The Senate will please be in order.

Mr. GORMAN. I for one should like to have an explanation made of the difference between the House bill and the proposed substitute of the Senate committee.

Mr. PADDOCK. So far as I am concerned, as I stated at the outset, I desire only to present the bill and make a single correction in reference to a statement I made before. After I shall have done that I shall let my colleague on the committee, the Senator from Washington [Mr. ALLEN], as prearranged, have an opportunity to make a statement; and the line of observations proposed to be followed by him will, as he tells me, be a full answer to the questions put by the Senator from Maryland [Mr. GORMAN]. I will not, therefore, do more than to make the correction to which I have before referred. I desire to say as to the statement or estimate of the probable cost to the Government made by me when the bill was under consideration before—a statement

made only from memory, without the reports of the Department before me—that the same was incorrect and misleading.

As I now remember, I stated the amount of Indian claims which had been investigated by the Interior Department as the number of claims that had been actually allowed by the Interior Department. This was a grave error, which I desire, as I said before, to correct. The number of claims—and this is to the date of January 16, 1891—received to that date at the Department, filed, and formally considered and reported upon by the Secretary of the Interior was 1,239, aggregating in amount $4,315,120.40. Of this amount, under the sifting processes of the Interior Department—which I will say, from my own personal knowledge as to some of these cases that have been investigated in my own section, has been very thorough—there was only $1,348,033.31, only about 30 per cent. of those that were considered investigated by the Department and reported to Congress by the Secretary of the Interior with the recommendation that they be paid.

Mr. President, I will not go into the subject any further at this time, but yield the floor to the Senator from Washington [Mr. ALLEN]. Hereafter and before the debate shall be closed I may have something more in detail to say on the whole subject.

Mr. ALLEN obtained the floor.

Mr. REAGAN. Mr. President, I desire to inquire the present status of this measure.

The PRESIDING OFFICER. The House bill has been read; the substitute reported by the committee of the Senate has been read, and a single verbal amendment has been made to the amendment of the committee.

Mr. PADDOCK. If the Senator from Texas will allow me, I will say to him that the Senate bill, as reported during the last session, was moved by the Committee on Indian Depredations of the Senate as an amendment in the nature of a substitute to the House bill. Both were read at the last consideration of this subject, so that the question will recur on the amendment, it being the substitution of the Senate for the House bill.

Mr. REAGAN. I desire to say that it seems to me the House bill is the better bill of the two. I say that with all respect to the committee, because——

The PRESIDING OFFICER. The Chair ought to state to the Senator from Texas that he has recognized the Senator from Washington [Mr. ALLEN] to proceed with his remarks upon the bill.

Mr. REAGAN. Very well.

Mr. MITCHELL. Will the Senator from Washington [Mr. ALLEN] yield to me for one moment, before he proceeds?

Mr. ALLEN. Certainly.

Mr. MITCHELL. I agree, so far as I am concerned, very fully with the Senator from Texas [Mr. REAGAN] that the House bill is the better bill; but, of course, before the substitute is voted upon, if there are any amendments to be offered, they ought to be submitted. I desire to call the attention of the Senator from Washington [Mr. ALLEN] to an amendment which I think ought to be made at the proper time, and if no other Senator offers it I shall, to strike out in line 10, page 10, the words "in amity with the United States."

Mr. ALLEN. Mr. President, in answering the question of the Senator from Maryland [Mr. GORMAN] I will briefly call attention to the general framework of the respective bills of the House and the Senate.

I will say, however, Mr. President, that the Special Committees on Indian Depredations, upon their organization, soon found themselves overpowered with the great number of individual claims that were presented before them. These claims came in so quickly and were so numerous that both the committee of the House and of the Senate found that it was a hopeless task for them to deal with the cases separately, and they at once turned their attention to the formation of some general act by which these claims might be adjudicated and finally settled. Agreeably to that idea, each House of Congress prepared a bill. That of the House of Representatives passed that body and came over to the Senate. Upon reference to the Indian Depredations Committee of the Senate that committee has reported back the Senate bill as a substitute.

I am free to say, in common with the Senator from Texas [Mr. REAGAN] and the Senator from Oregon [Mr. MITCHELL], my preference is for the House bill. The Senate bill gives general jurisdiction to the Court of Claims to hear and determine all claims of persons for injury or destruction to property by Indians in amity with the United States which has not been paid for or returned. It also confers a concurrent jurisdiction upon the United States district courts where the amount does not exceed $2,000, and a like concurrent jurisdiction upon the circuit courts of the United States where the amount exceeds $2,000, but does not exceed $10,000. It provides, in cases where suits are brought before the respective district and circuit courts, that the place of trial may be either where the claimant resides or where the depredation was committed. The House bill, on the contrary, creates an independent tribunal. It creates what is known as an Indian depredation court, consisting of three judges with a salary each of $3,500 per annum. It fixes a limitation upon the duration of this court, it expiring by limitation of law in 1894. The general scope of inquiry and of jurisdiction is the same in the two courts. The petitions by which the claims are presented to the court are substantially the same. But the House bill, as I say, creates an entirely independent tribunal. It also, in aid of the jurisdiction of this court, provides for the creation of certain commissioners whose duty it is to go out into the country where these depredations were committed, and where the evidence is to be obtained, and, under certain enumerated powers and with the authority described in the bill, take testimony, gather proofs, and prepare the cases for the determination of the courts.

Now, Mr. President, such is the general outline of these bills. In the short time allotted to me I shall not go into their details. I may, however, say that a limitation is placed upon the Senate bill to this extent: That any claim arising prior to the year 1867 shall not be considered in these adjudications unless the claim is pending; that is, unless the same has been presented to Congress by bill, supported by some evidence, or the claim has been investigated after presentation to the Interior Department and proof offered in support of it.

I think, Mr. President, the amount of these claims thus far examined by the Interior Department probably aggregates about $19,000,000 and the number of the claims about 5,700. When all are in there will be about 6,000 claims, aggregating, I judge, about $20,000,000. So it will be seen that it will be an impossible thing for Congress to take these claims up to deal with them severally.

Now, Mr. President, what is the origin of these claims? Whence came they and what is the obligation of the Government of the United States to pay them to the extent proven and established?

But, before passing to that, it seems to me that, in the light of the careful, zealous, painstaking, and thorough investigation the Interior Department has made of these claims, I am speaking within the bounds of the case when I say that upon the proof their entire amount will not exceed $4,000,000; certainly if they exceed $4,000,000 the excess will become comparatively small. As the Senator from Nebraska [Mr. PADDOCK] said, an examination of $4,000,000 in amount of them has resulted in allowance by the Interior Department of something over $1,000,000, a little in rise of 30 per cent. of the amount claimed; and it is fair to assume that the claims first presented and first considered are among the most meritorious and among those in which the proof is most complete and the greatest percentage of allowance will be had.

Mr. PADDOCK. If the Senator from Washington will allow me at that point, I will make a single, simple statement.

Mr. ALLEN. Certainly.

Mr. PADDOCK. By the investigations of the Interior Department the rule has obtained that unless there were two witnesses to support a claim that claim should not be considered at all by the Department or the court. Therefore it is estimated by those who have made a very careful examination into this subject that the amount of allowances will not exceed 25 per cent. of all the claims that have been filed, amounting to about $19,000,000.

Mr. ALLEN. I felt quite confident that statement was within a fair limitation. And, as supplemental to the suggestion of the Senator from Nebraska, I should say that the allowance of these claims—the ultimate payment of them—does not entirely rest upon the United States, under the Senate substitute bill, because it is provided that in case judgment be allowed it shall first be satisfied out of the annuities going to the Indian tribe or nation whose members may have committed the depredation; in the second instance, the judgment shall be satisfied out of the proceeds of the sale of lands belonging to these Indians, the purchase price of which is within the control of the Government; third, these judgments shall be satisfied out of appropriations by Congress for the benefit of these Indians, provided that in the judgment of the Secretary of the Interior such deductions can be made without doing injustice to the proper conduct of the policy of the Government towards the Indians. It is not until these three sources of indemnification have been exhausted that the United States becomes liable at all.

Now, Mr. President, I make the inquiry, why is it that the United States is or should be liable for the payment of these claims. You remember very well that upon the organization of this Government, under the treaty-making power of the nation, the Government of the United States solemnly entered into treaties with these Indians, placing them upon the same high plane that foreign nations occupied, putting them in the status of high contracting parties under treaty obligations; and, dealing with them thus from the organization of the Government, it excluded the citizen of the United States from all possibility of entering any tribunal or invoking any jurisdiction, aside from that of the United States itself, for the purpose of claiming or securing indemnity for any losses that he might sustain at the hands of the Indians.

More than that, under that provision of the Constitution giving to Congress the power to regulate commerce with foreign nations and among the States and with the Indian tribes, the United States, from the very foundation of this Government, assumed jurisdiction and control of this entire subject matter. Now, what did it do? In the very first Congressional legislation it was provided that when any Indian passed outside of the Indian country to which he belonged and went across into any State or Territory of the United States and there took, stole, or destroyed property of any citizen or inhabitant of the United States, the relief should be—what? The right of the citizen to go to the

courts of the State or Territories for redress? The right of the citizen individually to follow up his claim and obtain satisfaction? By no manner of means. But, on the contrary, it declared emphatically that if these outrages and wrongs were inflicted it was the duty of the citizen of the United States to apply to the Indian superintendent, or such agent as the Government might appoint, and upon that application to furnish his proof, and through that agent, who went to the Indian tribe, demand satisfaction for the injury or wrong that was sustained; and, if within eighteen months, which was deemed a reasonable time, this agent could not effect satisfaction, then it was his duty to report the matter back to the President of the United States to take such further steps as he might be advised, and the President of the United States was authorized, if he saw fit, to retain from the annuities of those Indians an amount that would compensate for the depredations that had been committed.

Not only was this the single method of relief provided, but it was declared affirmatively in this original statute of the United States that if the individual sought to obtain satisfaction himself in any other way or sought revenge for the wrong that was done him he forever forfeited any claim he had against the United States. Having assumed the responsibility of providing satisfaction for him, the Government of the United States went one step further, and declared that in the mean time it guarantied to the citizen an eventual indemnification for the injury he had sustained.

Now, Mr. President, this was the first legislation of Congress upon this subject, beginning almost at the foundation of the Government. This statute continued in force for four years, was re-enacted three successive times, and finally, in the year 1834, we not only had the substance of this legislation, but Congress went further. It made these same provisions, it made these same denunciations against any citizen who invoked any other power or sought, by any other method than that which the Government had provided, to obtain redress. As I say, it went a step further, and not only made it permissible, if the Government held annuities belonging to Indians, to pay for the injury done, but it made it the absolute duty of the Indian Department to make payment of the claims and declared that claimants should be paid out of annuities going to the tribe, and if those annuities were not sufficient for the purpose of liquidating the claims, then the Government of the United States declared that it "shall"—that is the language of the statute—pay out of the Treasury the amount claimed. Mr. President, this was the legislation of Congress in the year 1834. This legislation remained upon the statute book unchanged for twenty-five years, until during the year 1859.

During those twenty-five years one-third of the States of this Union were admitted into the Union. Perhaps one-third of the Territories were organized during that time. This was the great period of the development of the frontier of the United States, and especially the time in which depredations were committed and claims accrued. Pre-emption laws and other privileges and invitations were constantly held out by the General Government to induce the pioneer to go out into the undeveloped regions and subject himself to the hazards of Indian crimes and trespasses. As I say, this law stood as the law of Congress, unchanged and unaltered, from the year 1834 until the year 1859; and during all of this time Congress not only said that it would guaranty an eventual satisfaction of all these claims, but it absolutely entered into a direct and express contract with these brave and self-sacrificing pioneers to pay them the full amount out of the Treasury of the United States of the loss they should thus sustain.

Mr. President, such we assert was the status of these claims up to the year 1859; that the Government, by virtue of the supreme and exclusive control it had taken of this matter, while dealing with these Indian tribes as it did with independent treaty-making powers, and forbidding its citizens to seek indemnity or protect themselves through any of the courts or legal processes or by personal means, assumed the responsibility of standing between them and the Indians who had committed the wrongs and depredations. If there had been no other relationship than this we claim the equity of the case demands of this Government that it should indemnify these claimants to the extent of the losses that they have sustained in the manner pointed out in this bill.

But by these express statutory provisions the Government has bound itself so absolutely and directly that there is no such thing as gainsaying its obligation, and this statutory promise and undertaking is as express and as direct and inviolable to these claimants as any obligation that this nation has ever entered into.

It is true, Mr. President, that in the year 1859 the provisions of the statute of 1834 were repealed, which provided that compensation should be made out of the Treasury of the United States without specific appropriation, yet the statute providing for payment out of annuities remained, and in 1860, I think it was, the year following, Congress expressly declared that it was not the object of that statute in any manner to interfere with or affect the rights that had accrued and sprung up under the prior statutes.

But while the statute thus plainly stated that the rights of the citizens were fully recognized, and only the manner of their satisfaction having been repealed, so that there was no operative law by which when a claim was presented the money should be forthcoming without a special appropriation of Congress, the Government shortly went back to its original policy, and in pursuance of it recognized its liability, and year by year since 1885 has made annual appropriations for examination into and allowance of these claims. I think the annual appropriations for those five years must aggregate something like $85,000 to $100,000. Am I not correct?

Mr. PADDOCK. That is correct.

The PRESIDING OFFICER. The Senator from Washington will suspend. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business, which is the bill (H. R. 12500) making an apportionment of Representatives in Congress among the several States under the Eleventh Census, upon which the Senator from Minnesota [Mr. DAVIS] is entitled to the floor.

Mr. DAVIS. I shall take great pleasure in yielding for a few moments to enable the Senator from Washington to conclude his remarks.

Mr. PADDOCK. If there can be unanimous consent that the Indian depredations bill shall go over until to-morrow morning as the unfinished business, I suggest to the Senator from Washington that he will have the floor at that time.

Mr. COCKRELL. There is no such thing as unfinished business of the morning hour.

Mr. PADDOCK. If that is not practicable, I hope the Senator from Washington will be allowed to finish his remarks.

Mr. COCKRELL. Of course when the bill comes up again the Senator from Washington will be entitled to the floor and it will be yielded to him unanimously.

Mr. ALLEN. With that understanding I yield the floor.

Mr. PADDOCK. I give notice, then, that to-morrow, in the morning hour, I shall ask the Senate to renew the consideration of the bill.

The PRESIDING OFFICER. If the bill should be taken up the Senator from Washington [Mr. ALLEN] will be recognized as entitled to the floor upon it.

APPORTIONMENT OF REPRESENTATIVES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12500) making an apportionment of Representatives in Congress among the several States under the Eleventh Census, the pending question being on the amendment proposed by Mr. DAVIS.

Mr. DAVIS. Let the pending amendment be reported.

The SECRETARY. In section 1, line 5, after the words "three hundred," strike out the word "fifty-six" and insert in lieu thereof the word "sixty;" so as to read:

That after the 3d of March, 1893, the House of Representatives shall be composed of 360 members, etc.

The PRESIDING OFFICER. Is it the desire of the Senator from Minnesota that all his amendments shall be treated as one amendment or that they shall be separately considered?

Mr. DAVIS. My purpose was that they should be treated as one amendment.

The PRESIDING OFFICER. The whole of the amendment, then, will be read.

Mr. HALE. Of course whenever the question is taken upon them they will be divisible.

Mr. DAVIS. I suppose so. For the purposes of discussion, let the whole amendment be read.

The PRESIDING OFFICER. The remainder of the amendments proposed by the Senator from Minnesota will be read.

The remainder of the amendments were read, as follows:

In section 1, line 8, strike out the word "six" and insert in lieu thereof the word "seven."

In section 1, line 26, strike out the word "seven" and insert in lieu thereof the word "eight."

In section 1, line 28, strike out the word "fifteen" and insert in lieu thereof the word "sixteen."

In section 1, line 34, strike out the word "four" and insert in lieu thereof the word "five."

In section 2, line 3, strike out the word "fifty-six" and insert in lieu thereof the word "sixty."

Mr. DAVIS. Mr. President, it is my purpose, in a perfectly plain way, to endeavor to place upon a solid basis of fact and constitutional right the merits of the amendment which has just been read.

It was of course, Mr. President, so far as I am concerned, with a great deal of diffidence and only after a very careful examination that I felt constrained to differ from the opinion of the majority of this committee, by which opinion the bill as it came from the House was recommended without exception or amendment. But, feeling as I do that some meritorious questions of fact have been overlooked in regard to these States, and that some matters of constitutional construction have inadvertently not been considered, it became my duty, in the exercise of those convictions, to express a dissent from the conclusions of the majority of the committee, in which dissent I was joined by other members of the committee.

Mr. President, the apportionment of representation every ten years based upon the census is a most important public duty. I can imagine none more so. It stands at the very basis of our theory of govern-

ment. It prescribes in the present instance what shall be the representation for ten years to come for 62,000,000 of people. The act once passed and becoming operative can not be amended, can not be repealed. It affects every section and every State in this Union. The duty imposed upon us should be exercised with the most impartial justice. No question of sectional affection or antipathy should swerve us in the least. We should in all respects rise above the passions of the hour and perform this high constitutional duty with an exact and strict sense of our accountability.

The bill as it comes from the House of Representatives, and which has been reported by the majority of the committee, is based upon a representation of 356 members. The theory upon which this number was adopted and all others excluded is stated upon page 6 of the report of the views of the minority:

From this aggregate population of the United States, namely 62,622,250, your committee subtracted the aggregate population of the District of Columbia and of the Territories of Arizona, New Mexico, Oklahoma, and Utah. The remainder was 61,908,906. With this number different ratios were obtained by taking as a divisor any proposed number. Each number was taken from 332 to 375. The ratio in the first instance was 186,473.

Dividing the population of each State by this ratio it was found that ten States would each lose one from their present representation, and that in two instances fractions would remain considerably more than a moiety. The old and new methods of computation were used. These methods are explained elsewhere in this report. Trials were made until a number was found that would give a ratio which in application would secure each State against any loss in its membership and in no instance leave a major fraction. This number was found to be 356. The ratio was 173,901. The number of members obtained on even division was 339. The additional 17 needed to make the number 356 was secured by giving another member to each of the States having left to it a major fraction.

It is claimed as a merit, and almost as a conclusive merit of this talismanic number, 356, that it exactly absorbs, leaving no excess, the number of States having a major fraction after a division by the ratio.

We think, Mr. President, that too much stress is laid by the report of the committee upon this unique feature of the bill. The idea of making a search in the adjustment of a question of this character to find just the number which will absorb all the major fractions and leave nothing else to be accounted for, and then setting up the accomplishment of that arithmetical feat as an estoppel against rights which have always been regarded in every apportionment which has been made since 1840, is, to my mind, as stated in the views of the minority, substituting the functions and importance of the process, for the constitutional end to be attained, which is to apportion the representation among the States as near as may be, and I say that so far as my researches extend—and they have been as exhaustive as the limitations of time would permit—this is the first time in the history of all the acts of this character which have been passed since the foundation of the Government that this particular end and feat have been set up as a desideratum, and, when once found or attained, pleaded as an estoppel against further inquiry as to the rights of States that may have been left the unsatisfied possessors of fractions nearly approaching the moiety obtained by the use of any particular number.

Now, let us see how it worked in the present instance. Placing the membership at 356, the ratio is 173,901, one-half of which is 86,950½. On this basis three States approach within less than 2,000 of the moiety of this ratio. The State of Arkansas had a fractional remainder of 84,773, Minnesota had a fractional remainder of 84,519, and New York had a fractional remainder of 85,219. Great States, States that have increased enormously in population within the last ten years, two of them new States whose population has nearly doubled within that time, growing States now, and growing States for ten and twenty years to come, standing within a hair's breadth of the moiety of this arbitrary ratio thus obtained by the arbitrary use of the number 356, used to accomplish a merely mathematical achievement, are to be shut out from any consideration. It is said that we are not to look forward even three numbers to 359, to see if that condition of things can not be bettered, and that if by a slight increase in the number of membership these States can not so much increase in the fractions remaining after an even division that they will be plainly brought within the rule that a moiety or over of a major fraction is entitled to representation.

Now, I say, Mr. President—and I shall demonstrate it as I go along—that in the history of every apportionment since 1840 (I think I speak correctly) no such attempt as this has ever been made, and that in every instance inflictions of injustice of this character have been averted or remedied by arbitrary additions to the number of membership irrespective of the ratio or the divisor set up in the first instance.

This difficulty of satisfying fractions has existed ever since the foundation of this Government. Few people who have not studied this subject are aware to what extent, under any rule that can be adopted, a large number of the population of the States of the United States is left entirely without representation.

Upon an even division running through these tables the fractional remainder remaining unrepresented until taken up by the excess to be divided runs (in round numbers) from 3,000,000 down to 2,000,000 people, according to the number of membership experimented with, and when that excess is subject to the action of diminution by reason of the application of the seventeen or eighteen to be divided, as the case may be, there still remains in every case an unrepresented population in this country scattered throughout the various States of from 1,000,000 to 1,800,000.

Mr. President, I hold the true rule to be (of course keeping always within the limits of a proper number of Representatives for an excess, and an unwieldy number can not be thought of for a moment) to consider that number which will leave, or approximately leave, the largest unrepresented fraction after everything has been taken up, absorbed, and accounted for. And the very fact that pausing at 356 leaves three great States in the position which I have indicated is, in my judgment, a sufficient, ample, and convincing reason to sacrifice the process to the constitutional end to be attained instead of sacrificing the constitutional end to the integrity and symmetry of the process.

Since the adoption of the Constitution two methods of apportionment have obtained.

The first method assumed a common divisor or ratio of representation, which being applied to the separate population of the respective States, after rejecting fractions, the number of Representatives allotted to each is ascertained.

Now, the trouble with that method of apportionment, which was used up to the year 1840, was this: A ratio being found, the number of members was ascertained by division by the ratio into the total number of population which was properly to be considered for purposes of representation, and no fractions whatever were allowed. It was deemed by some strict constructionists unconstitutional to take them into account, although as I have said they rose into millions, two or three millions according to the quantity of the ratio and the number of members produced by it.

The other method was this: That the population of each State shall be divided by a common divisor, and that, in addition to the number of members resulting from such divisor, a member shall be allowed to each State whose fraction exceeds a moiety of the divisor.

These two methods of apportionment came into final collision and were discussed by two very great men in 1832, Mr. Polk, of Tennessee, adhering to the method which had prevailed up to that time, while in the Senate Mr. Webster considered the subject and produced a report upon it, which, in my judgment, is one of the greatest of his many great constitutional efforts. The difference of opinion was in regard to the representation for a moiety of the divisor. Mr. Polk held such representation unconstitutional; Mr. Webster asserted its constitutionality.

While Mr. Webster's views did not prevail in the collision of those reports in 1832, yet it so convinced the understanding of Congress that when the next apportionment, under the census of 1840, came to be made it furnished the rule almost without question, and it has furnished the rule ever since, which rule is to divide the population of each State by a common divisor, and in addition to the number of members resulting from such division a member shall be allowed to each State whose fraction exceeds a moiety of the divisor. Mr. Webster sustained this view by an argument and report of such power and cogency that I shall ask to have read from the views of the minority the marked passages as part of my remarks.

The PRESIDING OFFICER. The Chair hears no objection to the request. The Secretary will read as indicated.

The Secretary read as follows:

The Constitution, therefore, must be understood not as enjoining an absolute relative equality—because that would be demanding an impossibility—but as requiring of Congress to make the apportionment of Representatives among the several States according to their respective numbers, as near as may be. That which can not be done perfectly must be done in a manner as near perfection as can be. If exactness can not, from the nature of things, be attained, then the greatest practicable approach to exactness ought to be made.

Congress is not absolved from all rule merely because the rule of perfect justice can not be applied. In such a case approximation becomes a rule; it takes the place of that other rule which would be preferable, but which is found inapplicable and becomes itself an obligation of binding force. The nearest approximation to exact truth or exact right, when that exact truth or that exact right can not itself be reached, prevails in other cases, not as matter of discretion, but as an intelligible and definite rule, dictated by justice and conforming to the common sense of mankind; a rule of no less binding force in cases to which it is applied and no more to be departed from than any other rule or obligation.

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The next thing to be observed is that the Constitution prescribes no particular process by which this apportionment is to be wrought out. It has plainly described the end to be accomplished, namely, the nearest approach to relative equality of representation among the States; and whatever accomplishes this end, and nothing else, is the true process. In truth if, without any process whatever, whether elaborate or easy, Congress could perceive the exact proportion of representative power rightfully belonging to each State, it would perfectly fulfill its duty by conferring that portion on each, without reference to any process whatever. It would be enough that the proper end had been obtained. And it is to be remarked further that, whether this end be attained best by one process or by another, becomes, when each process has been carried through, not matter of opinion, but matter of mathematical certainty.

If the whole population of the United States, the population of each State, and the proposed number of the House of Representatives be all given, then between two bills apportioning the members among the several States, it can be told with absolute certainty which bill assigns to any and every State the number nearest to the exact proportion of that State; in other words, which of the two bills, if either, apportions the Representatives according to the number of the States, respectively, as near as may be.

If, therefore, a particular process of apportionment be adopted and objection be made to the injustice or inequality of its result, it is, surely, no answer to such objection to say that the inequality necessarily results from the nature of the process. Before such answer could avail it would be necessary to show either that the Constitution prescribes such process and makes it necessary or

that there is no other mode of proceeding which would produce less inequality and less injustice. If inequality which might have otherwise been avoided be produced by a given process, then that process is a wrong one. It is not suited to the case and should be rejected.

Nor do the committee perceive how it can be matter of constitutional propriety or validity or in any way a constitutional question, whether the process which may be applied to the case be simple or compound, one process or many processes, since, in the end, it may always be seen whether the result be that which has been aimed at, namely, the nearest practicable approach to precise justice and relative equality. The committee, indeed, are of opinion, in this case, that the simplest and most obvious way of proceeding is also the true and constitutional way.

To them it appears that in carrying into effect this part of the Constitution the first thing naturally to be done is to decide on the whole number of which the House is to be composed, as when under the same clause of the Constitution a tax is to be apportioned among the States, the amount of the whole tax is, in the first place, to be settled. When the whole number of the proposed House is thus ascertained and fixed, it becomes the entire representative power of all of the people in the Union. It is, then, a very simple matter to ascertain how much of this representative power each State is entitled to by its numbers; if, for example, the House is to contain 240 members, then the number of 240 expresses the representative power of all the States, and a plain calculation readily shows how much of this power belongs to each State.

This portion, it is true, will not always nor often be expressed in the whole number, but it may always be precisely exhibited by a decimal form of expression. If the portion of any State be seldom or never one exact tenth, one exact fifteenth, or one exact twentieth, it will still always be capable of precise decimal expression. As one-tenth and two-hundredths, one-twelfth and four-hundredths, one-fifteenth and six-hundredths, and so on. And the exact portion of the State, being thus decimally expressed, will always show to mathematical certainty what integral number comes nearest to such exact portion.

For example, in a House consisting of 240 members the exact mathematical proportion to which her numbers entitle the State of New York is 38.59. It is certain therefore that 39 is the integral or whole number nearest to her exact proportion of the representative power of the Union. Why then should she not have 39? Why should she have 40? She is not quite entitled to 39; that number is something more than her right; but allowing her 39 from the necessity of giving her a whole number, and because that is the nearest whole number, is not the Constitution fully obeyed when she has received the thirty-ninth member?

Is not her proper number of Representatives then apportioned to be as near as may be? And is not the Constitution disregarded when the bill goes further and gives her a fortieth member? For what is such a fortieth member given? Not for her absolute number, for her absolute number does not entitle her to 39. Not for the sake of apportioning her members to her numbers as near as may be, because 39 is a nearer apportionment of members to numbers than 40. But it is given, say the advocates of the bill, because the process which has been adopted gives it.

The answer is, no such process is enjoined by the Constitution. The case of New York may be compared or contrasted with that of Missouri.

The exact proportion of Missouri, in a general representation of 240, is 2.6. That is to say, it comes nearer to three members than to two, yet it is confined to two. But why is not Missouri entitled to that number of Representatives which comes nearest to her exact proportion? Is the Constitution fulfilled as to her, while that number is withheld, and while, at the same time, in another State, not only is that nearest number given, but an additional member given also? Is it an answer with which the people of Missouri ought to be satisfied when it is said that this obvious injustice is the necessary result of the process adopted by the bill? May they not say with propriety that, since three is the nearest whole number to their exact right, to that number they are entitled, and the process which deprives them of it must be a wrong process?

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The whole number of Representatives of which the House is to be composed is of necessity limited. This number, whatever it is, is that which is to be apportioned, and nothing else can be apportioned. This is the whole sum to be distributed. If, therefore, in making the apportionment, some States receive less than their just share, it must necessarily follow that some other States have received more than their just share. If there be one State in the Union with less than its right some other State has more than its right, so that the argument, whatever be its force, applies to the bill in its present form as strongly as it can ever apply to any bill.

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The rule has been frequently stated. It may be clearly expressed in either of two ways. Let the rule be that the whole number of the proposed House shall be apportioned among the several States according to their respective numbers, giving to each State that number of members which comes nearest to her exact mathematical part or proportion; or, let the rule be that the population of each State shall be divided by a common divisor, and that, in addition to the number of members resulting from such division, a member shall be allowed to each State whose fraction exceeds a moiety of the division.

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Either of these is, it seems to the committee, a fair and just rule, capable of uniform application and operating with entire impartiality. There is no want of a common proportion or a common divisor; there is nothing left to arbitrary discretion. If the rule in either of these forms be adopted it can never be doubtful how every member of any proposed number for a House of Representatives ought to be assigned. Nothing will be left in the discretion of Congress, the right of each State will be a mathematical right, easily ascertained, about which there can be neither doubt nor difficulty and in the application of the rule there will be no room for preference, partiality, or injustice.

In any case, in all time to come, it will do all that human means can do to allot to every State in the Union its proper and just proportion of representative power. And it is because of this, its capability of constant application, as well as because of its impartiality and justice, that the committee are earnest in recommending its adoption to Congress. If it shall be adopted they believe it will remove a cause of uneasiness and dissatisfaction recurring or liable to recur with every new census, and place the rights of the States in this respect on a fixed basis, of which none can with reason complain. It is true that there may be some numbers assumed for the composition of the House of Representatives, to which, if the rule were applied, the result might give a member to the House more than was proposed. But it will always be easy to correct this by altering the proposed number by adding one to it or taking one from it, so that this can be considered no objection to the rule.

Mr. WALTHALL. Will the Senator kindly repeat the statement which he has already made, which I did not hear distinctly. How near do the three States, Minnesota, Arkansas, and New York, come to the standard adopted by the committee? I think the Senator made the statement, but I did not hear it.

Mr. DAVIS. I can do that readily. By the standard made by the committee, placing the membership at 356, the ratio is 173,901, one-half of which is 86,950½. On this basis Arkansas is entitled to 6 members, but has a fractional remainder of 84,773, about 2,200 less than the moiety. Minnesota is entitled to 7 members and has a fractional remainder of 84,519, about 2,400 less. New York is entitled to 34 members and has a fractional remainder of 85,219, about 1,700 less.

Mr. GORMAN. How near do any other States come to that fraction?

Mr. DAVIS. No other States are in that condition.

Mr. HALE. I will answer that question.

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Maine?

Mr. DAVIS. Certainly.

Mr. HALE. Louisiana has a fraction of seventy-five thousand and odd, Mississippi has a fraction of seventy-two thousand and odd, and Missouri has a fraction of seventy thousand. So both Mississippi and Louisiana have larger fractions on the basis of 356 than Missouri, which is taken care of by the Senator's amendment.

Mr. BERRY. Will the Senator from Minnesota permit me a moment?

Mr. DAVIS. In a moment. I take care of Missouri on a different principle.

Mr. BATE. Let us hear it.

Mr. DAVIS. I will state it in its due order and connection. It is not convenient for me to state it now.

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Arkansas?

Mr. DAVIS. Certainly.

Mr. BERRY. On a basis of 359, however, Missouri would be the only State that would have a majority fraction, as I understand it. It would have a very much larger fraction than either Mississippi or the other State named by the Senator from Maine.

Mr. DAVIS. Unquestionably.

Mr. BERRY. That is based upon the idea of the Senator from Minnesota, to which I agree. Then Missouri is the only State, basing the membership on 359, that would have a majority fraction.

Mr. DAVIS. Missouri, under that number, is the only State left unsupplied; and, as to the other States mentioned by the Senator from Maine, their approach to the moiety is so remote that, as a matter of good sense, I have not considered them as falling within the beneficial effects of the principle which I have stated.

But I should prefer to go on, as this is a matter of close argument, much of the force of which lies in plain statement, and I am endeavoring to state it in a perfectly plain way.

Mr. HALE. The Senator understands that I only rose to answer the question propounded by the Senator from Maryland. I do not propose to interrupt the Senator.

Mr. DAVIS. I understand; I am very much obliged, and it was correctly stated.

The PRESIDING OFFICER. The Senator from Minnesota will proceed.

Mr. DAVIS. These words of Mr. Webster, written sixty years ago, had the force of a judgment then and have weighed with judicial force upon Congressional action ever since.

And I pause here merely to remark, in calling attention to the language which has just been read, that he was not perplexed by any questions of arithmetical process. He held distinctly, and it was the main purpose of his argument evidently in some respects to hold, that, to do substantial justice, to avoid such obnoxious dilemmas as are presented here by this talismanic number 356, it was the right and duty of Congress to seek that ratio of representation and that number of membership which would do even justice, and that if it should happen, as almost always must, that there would be one or more States with more than a moiety of the ratio left unsupplied by the number remaining after an even division, it was a constitutional right of those States to have that moiety supplied by 1, 2, or 3, or whatever the number necessary might be; and I say again that in all the history of legislation upon the subject the feat of arithmetical gymnastics has never before been attempted to find that number which would produce an equation and leave a State with no majority fraction to be accounted for. It never has been attempted to hold up the process in its perfection as the thing which was to exhaust all remedy and all investigation and all recourse beyond its working. The only argument that can be made in favor of this arbitrary number 356 is that it does produce an equation, that it leaves 17 to be distributed, and only 17 States under it have a moiety and more.

The argument against it is that, neat and admirable as it may be as an arithmetical performance, we are confronted with the facts concerning which the Senator from Mississippi [Mr. WALTHALL] just interrogated me; that here are three great States divided hardly by a hair's line from the number which constitutes a moiety or an excess and which by being put forward only three in number, to 359, come in with their additional member, and, when these four States are considered (for I shall consider Missouri in its more proper connection), this arithmetical performance gives a representation of over 400,000 people otherwise sacrificed to the process. In other words, with 356 as the ratio, 400,000 more people are represented than by the use of

the number 359. This is in itself a most convincing reason and argument to overthrow the attempt to make this arithmetical fetich an estoppel.

Now, Mr. President, this question of the representation of moities for a fraction, whether under the old system, which existed until 1840, or whether under the rule prescribed by Mr. Webster, which has existed ever since, has been a matter of contention and difficulty for one hundred years. The first apportionment bill ever passed was vetoed by President Washington because, in the endeavor to give certain States more representation than they were entitled to, that provision of the Constitution was infringed which provides that—

> The number of Representatives shall not exceed one for every 30,000.

Under the census of 1800 Congress distributed 141 members among fifteen States. Mr. White, of Delaware, endeavored to secure an additional member for that State for a fractional remainder of 28,811, less than 30,000; but the proposition was negatived as unconstitutional, and rightfully. I cite this to show that that contention was agitating the minds of the lawmakers ninety years ago.

In the Twelfth Congress the House, proceeding upon the census of 1810, placed the ratio at 37,000 and distributed 180 members, and the same question came up again as to Delaware. It was adjusted then and Delaware got an additional member, not by arbitrary and direct action, as was proposed by Mr. White, the Senator from that State, ten years before, but by changing the ratio, which is the reverse equivalent of doing just exactly what we propose to do here.

It was felt ninety years ago that under the ratio as at first proposed Delaware was suffering an injustice, and that if that ratio was allowed to stand under the provision of the Constitution she could not have a member for a number less than 30,000. It was perceived that if that ratio was left to stand she could not be remedied, and accordingly upon the motion of Mr. Bayard the ratio was changed and the problem was solved.

I purpose to go very briefly through the various acts of apportionment to show how under both systems and at all times the kind of relief that I am asking for here has been granted upon the same ground which I am so imperfectly endeavoring to express.

The Twentieth Congress was the one to which the report of Mr. Webster was submitted, and I will not go into that any further, as it is already sufficiently before the Senate. I will state again, however, that, although the opinion of Mr. Webster did not prevail as to the apportionment under the census of 1830, it did so profoundly convince the understanding of all constitutional lawyers and of every Congress that has succeeded that one that it has furnished a rule without a word of dissent, so far as I have been able to discover, ever since.

In enacting for the apportionment under the census of 1840 the House of Representatives placed the ratio at 50,179 and the membership at 217. Whether the process in that instance worked an equation or left a remainder I do not know, and I do not care for the purposes of this argument; but it was immediately perceived that under the workings of the process, so called, concerning which there ought to be no sanctity, injustice somewhere was done; and accordingly the Senate in making that apportionment added 6 members for fractions, and the House of Representatives finally concurred. It will be borne in mind that this was in 1840, the time when the views of Mr. Webster first obtained, and I will state here, although I have not set it forth in the report, that both the views of Mr. Webster and Mr. Polk were fully set forth in the report of Mr. Everett, who was the chairman of the Census Committee in the House, and that the whole matter was considered at that time in the light of events then so recent and of a policy of apportionment that was then about to be changed.

The very first act that we see done as the result of Mr. Webster's opinion upon this subject was to do just what he says all through his report Congress has the right to do, and which under certain circumstances it is its duty to do, to add for majority fractions, after the number left upon an even division has been absorbed, leaving some State lowest on the list with an unsatisfied moiety.

The census of 1850 was preceded by a statute providing for the method and principle of the apportionment to be made upon that census. To the bill providing for taking the census of 1850 sections were added on the motion of Representative Vinton, of Ohio, fixing the number of the House of Representatives at 200 and directing the Secretary of the Interior to divide the population entitled to representation by 200, and to divide the population of each State by the quotient thus obtained as a ratio, assigning to each State a representation for each full ratio of its population and one for each fraction until the entire 200 should be exhausted.

That was the amendment proposed by Mr. Vinton, and it was long after known and is known now as the Vinton plan. The number of 200 was set up as the number of membership, but it was again perceived that, by a rigid application of the process of the number and of the ratio as to that number, injustice would be produced, and accordingly in the progress of that bill through the House of Representatives and the Senate—I do not know in which body it occurred—the number 200 was by amendment increased to 233. So in making the apportionment under the census of 1860 the House of Representative passed a bill in framing which 233, the old number, was taken as the basis. To this number the House of Representatives added 6 members to represent large fractions in as many States.

Why? Doubtless the same situation was presented then as is presented here, that a rigid, unswerving, and unimpeachable application of the mathematical process would work an injustice, just as it works it here, and accordingly, as I have stated, 6 members were added to the initial number 233. But this did not go far enough in the opinion of the Senate. The Senate, in acting upon this bill, adhering to the basis of 233, added 8 to that number, namely, 2 to the 6 that had been added by the House, and gave an additional member each to two other States, namely, Illinois and Minnesota. The bill as thus amended became a law, under which the membership was 241.

In enacting for the apportionment under the census of 1870 the House of Representatives passed a bill framed upon the Vinton plan, directing an apportionment of 275 members to be made by the Secretary of the Interior. The Senate increased the number to 300, but the House refused to concur, and the bill was lost.

Two years afterwards occurs a passage in our legislative history which completely and in all respects illustrates the force and strength of the position I am endeavoring to maintain.

The Forty-second Congress, second session, passed a bill apportioning 283 members on the following plan: Four States, Delaware, Nebraska, Oregon, and Nevada, had a population less than the ratio obtained by dividing the population of the United States by 283. One member was therefore assigned to each of these States. The sum of their population was then subtracted from the entire population of the States and the remainder of that population was divided by 279 for a new ratio, upon which the apportionment of all the States, excepting the above four, was made. In doing this seventeen States received each one member for fractional remainders.

Now, that act of February 2, 1872, proceeded upon a ratio and number of membership and a distribution among seventeen States of the excess remaining after an even division upon every principle which can be invoked to sustain the report of the majority or the committee except the principle of producing an equation. That determination in that statute should have been final upon the subject; the arithmetical process should have been sustained, if the views of the majority of the committee are correct. It should not be open to impeachment or tampering. It had done its work; the business was closed according to the theories and arguments by which it must be attempted to support the present bill.

As I said, that act was approved on the 2d day of February, 1872, but it was felt that injustice had been done by it. The same considerations as to many States to which I am adverting here were presented on that occasion and the result was that on the 5th day of March, two months afterwards, Mr. Mercur, from the Committee on the Judiciary, reported to the House of Representatives "A bill supplemental to an act entitled 'An act for the apportionment of Representatives to Congress among the several States according to the Ninth Census,' approved February 2, 1872."

Now, what were the facts which induced that Congress to pass a supplemental census bill?

The facts were that under the act of February 2, 1872, no States suffered diminution of membership excepting New Hampshire and Vermont. These States fell from 3 members each to 2 each. The membership had been fixed by the act of February 2 at 283. Had the number of members not been thus increased over what the membership of the House of Representatives then was under the next preceding apportionment, the loss of Representatives would have been: New York, 3; Pennsylvania, 2; Ohio, 2; Connecticut, 1; Massachusetts, 1; Kentucky, 1; Maine, 1; Rhode Island, 1; Vermont, 1; New Hampshire, 1.

So they increased the number of membership from what it was under the last apportionment to 283, and supplied each of these States except New Hampshire and Vermont. The injustice to New Hampshire and Vermont was manifest. They could not come in as having major fractions under the act of February 2; they were left, so to speak.

It is stated in the report upon this supplemental bill:

> The recent action of Congress in increasing the size of the House to 283 in order to save eight States from diminution in the number of their Representatives has induced the committee to recommend a further increase of nine members, making the whole number 292, which is believed to be the smallest number that, upon an equitable and constitutional apportionment, will leave each State with at least its present representation.

Now, bear in mind that increasing this number of Representatives by 9 a new ratio was not sought for all the States; that was already fixed by the act of February 2, 1872, which had gone into operation. It was done simply to promote justice, to remedy disparity, to equalize conditions, and to accomplish what Mr. Webster says may and ought to be done, to increase by addition. This is one of the strongest examples upon which my argument can be illustrated.

But something more, Mr. President. This report of Mr. Mercur presents a table made up on the basis of 292, by which each of nine States, namely, New Hampshire, Vermont, New York, Pennsylvania, Indiana, Tennessee, Louisiana, Alabama, and Florida obtained one member more than it had under the act of February 2, 1872. The

ratio under this proceeding was 134,425. The moiety of this ratio is 67,212½. New Hampshire and Florida had each less than this moiety. New Hampshire had 55,450; Florida had 56,323.

So, on that occasion, Congress went far beyond what has ever been done or attempted before or since. It not only satisfied several States which by the adoption of any other number would have left a fractional remainder exceeding a moiety—it not only satisfied all such States which had a major fraction or would have it, but it actually gave to New Hampshire and Florida each a Representative for a minor fraction.

The report states as to this:

The committee, however, in addition to 12 members assigned to fractions by the above table, assign 1 to New Hampshire and 1 to Florida, making in all a House of 292. The reason for this is that greater injustice will be done these States by not giving it (*sic*) the additional Representattive than to the other States by giving it.

The bill became a law.

Coming down now to the Forty-seventh Congress, first session, 1882, a bill was introduced providing for the apportionment of 320 members. The same considerations arose which arise to-day and which will arise so long as this country survives to see apportionment bills passed. It was felt that by an application of the mathematical process, which results from the adoption of a fixed number of Representatives, an injustice akin to that of which we are complaining here would result; and pending the bill Mr. ANDERSON, of Kansas, offered an amendment, in substance, to strike out all of section 1 and by insertion amend it so that the number of membership shall be increased 6 or 7 members. That was adopted, and under that process I will state the gain and loss. The gain was: California, 1; Florida, 1; Illinois, 1; Kansas, 1; South Carolina, 1; Texas, 1, and Wisconsin, 1. The loss was: Pennsylvania, 1, and Rhode Island, 1.

Mr. President, I have shown by a brief, yet I think accurate and sufficiently comprehensive, history of the apportionment legislation since the beginning of the Government that neither the power nor the discretion of Congress is rightfully circumscribed by strict adherence to the mathematical process with which the committee set out or upon which this bill is based. Many things can be taken into consideration: the growth of the new States as in this case, close approximation almost approaching contact with moiety by the fraction of a discarded and disregarded State. In one instance, for reasons which I do not comprehend and am therefore unable to state, namely, under the apportionment of 1870, two States were given a member each for each less than a moiety. All this goes to show that there is a wide, generous, and yet not unrestrained discretion here by which in enacting these laws we can select that number of membership and that ratio which will extricate us from the perpetration of injustice, and we are thus emancipated from the restrictions of the mere results of the functions of an arithmetical process.

Mr. President, if it is such a conclusive thing to find a number such as this number 356, which will exactly take up, no more and no less, the number which remains after an even division, and thereby stop all power of discretion and all power to proceed to the consideration whether one number ahead or two numbers ahead or three numbers ahead, making an addition of those numbers only to the membership, may not on the whole be a matter of justice—I say if that may be considered a desideratum, it is one which would naturally have occurred to the great men who for nearly a century have preceded us in legislation of this character.

But it never has been thought of. No precedent for it can be found. Unbroken precedent is against it, and I can not find, except in Mr. Walker's remarkable essay in 1880, any attempt made to enforce this arithemetical restriction as to the inviolability of a process and as to our right or duty to leave a major fraction unrepresented, because, to use a homely phrase, "there was not enough to go around." Why, if this had been a thing to be desired, if it had been the proper thing, it would have occurred to those who have preceded us. Time after time it would have been attempted, and it would have succeeded. It would have succeeded, as the committee has done in this case, to have ranged through a series of numbers from 332 to 375 to find that number which will produce an equation and then close the book and say that the arithmetical process is satisfied, it has been devoured and become impotent in the process of that satisfaction, and, no matter how it may appear as to States almost in contact with the moiety of the fraction, and which could be admitted to another membership if the number of members were increased one, two, or three, yet we can not change it because the arithmetical fetich is sacred and is not to be touched by profane hands.

More than this, Mr. Webster had in clear contemplation this state of things. He had in contemplation the situation presented here as to Missouri, namely, an instance where the number to be distributed falls short by one of supplying all of the States having left, after even division, a fractional moiety over the ratio. Now, what does he say? Does he say, as Mr. Walker says in his note, that we have got to stop there because by going ahead and borrowing one to satisfy a constitutional requirement other States may come in on the same arithmetical claim? Not at all. He says:

It is true that there may be some numbers assumed for the composition of the House of Representatives to which, if the rule were applied, the result might give a member to the House more than was proposed. But it will always be easy to correct this by altering the proposed number by adding one to it or taking one from it; so that this can be considered no objection to the rule.

I say if it ever occurred to Mr. Webster that the arithmetical process was the thing to be sought after and attained and stopped at, he never would have said that we were at liberty to borrow one or more or to subtract one or more, but he would have laid down the rule as it is laid down in this report. The computer is always strenuous for his process, and I am not impeaching its correctness nor its applicability here so far as it goes, but when it is exhausted other considerations intervene and other methods may, as Mr. Webster maintained, be properly employed.

The computer asserts that the distribution for fractional remainders in excess of a moiety must cease whenever such fractional remainders are absorbed, notwithstanding one State with such a remainder may be left unsupplied. The process or the method thus becomes the thing to be sustained, and the object to be obtained must fall short of a more perfect attainment because the process has reached its limit of operation and has become impotent.

This is the opinion of Mr. Francis A. Walker expressed in his letter of January 15, 1881, appended to the report of the committee. But his argument *ab inconvenienti* sacrifices the Constitution to arithmetic. Mr. Webster maintained that the constitutional requirement that "Representatives and direct taxes shall be apportioned among the several States which may be included in this Union according to their respective numbers" means that such apportionment shall be "as near as may be." His argument to sustain this exposition has never been answered in any attempt to reply to it.

Mr. President, we have Mr. Webster as against Mr. Walker upon this point. Mr. Walker says that in case there remains a State with a fraction over a moiety, one State in excess of the number left after an even division, that State must be disregarded, because to regard it will infringe upon the arithmetical process. Mr. Webster, on the other hand, has demonstrated that in such a case every State, as a matter of constitutional right, is entitled to its representation on account of a fraction exceeding a moiety of the ratio. That a State has a constitutional right by reason of its excess exceeding the moiety of a ratio is no answer to the constitutional right to say that the process was exhausted before that State was reached. The answer is Mr. Webster's answer, for he supposes a case, namely, that to the extent of one at least (not by changing the ratio of the divisor) there should be added enough to comply with that constitutional rule which says that every State with a fraction in excess of a moiety shall receive its member on that account.

Otherwise stated, Mr. President, if it is constitutional to award to one or to several States membership on account of a fractional remainder of a moiety or more of the ratio, it is unconstitutional in any instance or upon any pretext to deprive another State having such a moiety or more, but less than the favored State, for no other reason than that the process does not, to use a homely phrase, furnish enough to go around. In such a case representation is apparently apportioned according to numbers as to certain States, and is unquestionably not apportioned according to numbers as to the State that is thus deprived.

There is no escaping, Mr. President, I think, the force of this constitutional argument. Now, I shall make a suggestion somewhat discursive.

I said a few moments ago that it was to be considered which ratio and which number of members would leave the greatest number of people represented, and would leave unrepresented the least number of people. Now, compare these two numbers, 356 and 359. By the application of 356, the number unrepresented, namely, those remaining after the seventeen have all been supplied and the majority fractions all taken up, is 1,856,217 people, a number greater than the population of my own State. With 359 the number unrepresented is 1,750,395. In other words, there is a difference of 105,822 in favor of the method of representation which results in the application of the number 359. We gain representation for 100,000 people, which representation will be sacrificed by indulging in the pride of the arithmetician generated by the perfection of his process.

I was saying, Mr. President, that figures are accurate. We admire their precise evolutions whereby great scientific and statistical results are obtained, evolved, and demonstrated; but figures have their perturbations, inexplicable sometimes except by a very high degree of mathematical talent. To show how utterly illusory this stately array, this pomp of figures, column after column, is in the present instance, I beg leave to call the attention of the Senate to a paradox in the tables and also to a paradox which existed in the tables of 1880.

The variations of membership under a rigid application of the process for which such complete efficacy is claimed may be illustrated from the tables themselves. Tennessee starts with 9 members on a basis of 332 members. She rises to 10 on a basis of 336. She recedes to 9 on 337. She regains 10 on 338 and holds it for a considerable time thereafter.

As pertaining to the State of Arkansas, whose case we have under consideration, we can not take the number 360 as a basis of apportionment, because, strange to say, Arkansas rises from 6 members to 7 on a basis of 359, but falls to 6 members on a basis of 360. Now, what

become of the inviolate and rigid and always accurate processes of mathematics when they are subjected to perturbations of this character?

Mr. HALE. Right there will the Senator allow me to say a word?

The PRESIDING OFFICER (Mr. ALLEN in the chair). Will the Senator from Minnesota yield to the Senator from Maine?

Mr. DAVIS. Certainly.

Mr. HALE. Is not what the Senator calls a perturbation, but which is, I claim, a perfectly natural result when investigated, fully explained by the Superintendent in his letter to Senator BERRY?

Mr. DAVIS. I do not intend to omit that letter.

Mr. HALE. I should like for the Senator to have it read.

Mr. DAVIS. A similar perturbation occurs in the tables upon which was based the apportionment under the census of 1880. Alabama gained 1 Representative on the basis of 299 members, increasing from 7 to 8 members at that point, but lost 1 at 300, falling back to 7. This was called the "Alabama paradox." An elaborate mathematical explanation by Mr. Walker is found in Executive Document No. 65, volume 18, Forty-sixth Congress, third session.

Any gentleman who has a gift and genius for mathematics can consult that elaborate mathematical explanation of a result so untoward and disturbing. Unquestionably it results from the action of mathematical processes inherent and latent in these tables that I am contending against. The inviolability of what is called here the process is to be maintained much as gentlemen on this side contended last year against the amendment of the tariff act, when it was objected that amendments would disturb "the symmetry of the bill."

When this paradox appeared in the case of Alabama the consequence of her loss of one member was stated by Mr. Walker to be that—

in the assignment of additional Representatives upon fractions, according to the total number of 300, Illinois and Texas receive an additional Representative each, while Alabama loses that which she gained at 299.

It is probably a correct supposition that, if the apportionment in the above instance had been made upon the basis of 300, the "learned arithmeticians" would have vindicated their process by the sacrifice of substantial justice and constitutional right, and would have insisted that Alabama should suffer the loss and that Illinois and Texas should retain their increase.

That was Mr. Walker's idea. That is the idea of the argument which is printed as the supplement to the report of the majority of the committee. Mr. Walker would have done one thing. Mr. Webster would have done precisely the contrary. He said that in a case of that character, to prevent injustice and secure equality, an equality which was apparent on either side of this column, that one should have been added to Alabama and in the other case to Tennessee.

Mr. President, I shall proceed to state the case of Missouri, for up to this time I have said very little about the rights and equities upon which her claim is based.

When we arrive at 359 (for the purposes of mathematical computation I assume that as a basis of apportionment for each a majority fraction more than a moiety resulting after an even division), Missouri has the lowest major fraction. Of States having that major fraction there are eighteen, and Missouri is the eighteenth. There are but seventeen left after an even division, and consequently, under the rule enforced by the report of the majority and by Mr. Walker, Missouri must go unrepresented simply because, to use an expression I used a few moments ago, there is not enough to go around; whereas (and I shall content myself with repeating it once more) Mr. Webster distinctly held, and it was the gist of his report, the point to which he bent all the powers of his massive understanding to establish, and which has not been overthrown from that day to this, that in that case Missouri was entitled to an addition of one member, not of grace, but of right; for, having demonstrated, as he had demonstrated, as an unquestionable constitutional proposition that every State having a moiety or more remaining after an even division was constitutionally entitled to a Representative therefor, he did not entertain for a moment the conception of the fact that after the arithmetical process had exhausted itself and become impotent it could stand in the way of conferring the constitutional right.

Mr. President, I have endeavored in a plain and practical way to set forth the considerations that have moved me, speaking only for myself, to urge that the bill should be amended in the respects indicated, and I submit them to the considerate judgment of the Senate.

Mr. BERRY. Mr. President, before I attempt to discuss the amendment offered by the Senator from Minnesota, to which amendment I agree and intend to support, I wish to make a few remarks in regard to the general question as to the manner of taking the census and as to its correctness.

In a country so large as this of ours, containing, as is shown by the recent census, some 63,000,000 people, a people who are continually changing their locations and their residences, it is an absolute impossibility that any census taken should be absolutely accurate and correct. It matters not how efficient the officers may be, the fact that people are continually moving from one State to another and that at the time specified, the 1st of June, a great many of them were passing from the United States altogether, it is utterly impossible that any system could be devised by which every citizen of the United States could be enumerated and his residence correctly stated.

That there has been very general complaint in regard to the recent census we all know. It has extended to every State in the Union. How much of it is based upon the fact that the disposition of the towns and cities throughout the United States—all of them, I think—is to exaggerate or overstate their population, how much of it is dissatisfaction and is attributable to disappointment arising from that, I can not say. How much of it is attributable to the inefficiency of the enumerators appointed in the various States—and some of them no doubt were inefficient and it was impossible that it should be otherwise—I can not say.

I want to say, however, that I do not think there is any evidence which can be relied on that goes to show that the Superintendent of the Census willfully and deliberately made a false enumeration in any of the States of this Union. While I think he has been incorrect and while I think that gross injustice has been done certain localities, I say there is not sufficient evidence that would justify me and warrant me in saying that it was corruptly made or intentionally, wrongfully made. That I could not say and would not say about any man without proof, and I do not think the proof is sufficient.

Mr. MORGAN. Will the Senator allow me to ask him a question?

Mr. BERRY. Certainly.

Mr. MORGAN. Suppose it had been corruptly and wrongfully made, how does that relieve us from making the apportionment upon that basis. We are obliged to take it.

Mr. BERRY. I will answer the Senator that it does not relieve us in any way. We have got to make the apportionment upon that basis. If the Senator from Alabama will listen to me until I get through, my remarks will show that they are in a certain way applicable to the State of New York, to which this amendment applies.

As I stated, it would be very difficult for any Superintendent of the Census to make a corrupt enumeration. It would be almost utterly impossible for him to give the necessary orders to his various subordinates throughout this country unless it could be or would be developed and ascertained and shown that it was so done.

I have thought proper to say this much in regard to this matter because there has been charged in some of the papers of the country that the census was deliberately and intentionally wrong and false. I say I do not think that the proof offered establishes that charge, but I do say that I believe there has been gross injustice done to some of the States of this Union and some localities in the Union by reason of conditions, some of which could not be overcome, and by reason of the inefficiency of certain subordinates employed by the Census Bureau.

Now, while these charges are not confined to any particular locality, I think that the charge which is best sustained, that the proof shows beyond any question or doubt, is that the city of New York has been unjustly and unfairly treated by the census. I believe that every man who has paid any attention to the reports upon that subject and to the correspondence, who is unprejudiced, will admit it. It may be that this grew out of the system adopted. The Superintendent stated, I believe, before the Census Committee of the Senate, that, as he understood his duties under the law, it was his duty to enumerate persons as of the locality where they were found on the 1st day of June.

That is to say, if citizens who lived in the city of New York were on the coast of New Jersey or on the coast of any other Eastern State on the 1st day of June, then he adopted the system, as he said that he believed the law required him to do, of treating those persons as residing in the State of New Jersey, or in the State of Maine, or wherever they might have been on the 1st day of June. I believe this to be a wrong principle. I think that they should have been enumerated by the enumerators wherever they were found and enumerated as living where their residence was.

In other words, I believe it was the duty of the enumerator on the coast of New Jersey, at Long Branch, if he found families there on the 1st day of June who actually resided in the city of New York, while he should have enumerated them, I think he should have stated their residence at the same time, and they should have been credited to that particular State where their permanent residence was. I think that would have been just to all the States, and I think that any other system will naturally and necessarily work injustice to certain States of this Union. It may be that New York suffered from this particular cause, but whatever the cause may have been the evidence is to my mind conclusive that New York City contains more people than she gets by the census.

One of the reasons why I state this is that by the Government census it is shown that the city of New York contains 1,513,000 inhabitants. There was a census taken later than that by the police there, and taken, too, as of the 1st of June, and they furnished names which showed that there were 1,710,715 inhabitants—almost 200,000 more shown by the police census than that shown by the Government census. A correspondence ensued, and a strong effort was made by the governor of the State of New York and by the mayor of the city of New York and by all the officials and a large number of other people to have a new count made. It was unsuccessful, and New York stands to-day on the enumeration made by the Government, notwithstanding

this police census, which, as I understand, has never been successfully attacked, shows she was entitled to 200,000 more than she gets by the Government census.

I cite this case particularly to show what gross injustice is done to the State of New York by selecting the number 356 as the basis upon which to make this apportionment. Not only has she suffered in this enumeration, but if 356, as provided for in this bill, be taken as the number, New York will have a minor fraction of 85,219 unrepresented according to the unjust census which was taken by the Government authorities, or, in other words, on the ratio of 173,901, one-half of that number is 86,950½, and New York would have 85,219, almost a moiety, almost enough to entitle her to one more even under this enumeration, and yet 85,219, according to the 356, go unrepresented in the State of New York.

That unrepresented fraction in New York, Mr. President, is a greater number than the population of the State of Idaho, of Wyoming, or of Nevada. Here are 85,000 people who are unrepresented even according to the Government census, saying nothing about the injustice that was done the city in that enumeration. She has more than 85,000 people unrepresented, which is a larger number than all the inhabitants of Wyoming, than all the inhabitants of Idaho, and almost double all the inhabitants of the State of Nevada.

Now, I think this is unjust. I think that great city and that great State should have fair dealing at the hands of Congress, and I most fully concur with the Senator from Minnesota that in the disposition of a bill like this no partisan considerations should enter into it; that we should make this apportionment upon a higher basis than that; that it matters not which party may be benefited by it, justice should be done to all the States of this great Union; and if either of the parties gain a political advantage thereby it is one to which they are entitled; and that no apportionment based upon any other idea than that of exact justice can meet the approval of the American people.

Now, then, that much in favor of the amendment of the Senator from Minnesota, in regard to New York. According to the amendment, furthermore, the State of Arkansas and the State of Minnesota will each gain a member, as also will Missouri, of which I shall speak later, but I wish to speak especially now of the two States of Arkansas and Minnesota. These States according to the census show that they have made the most rapid progress, or at least they are among those States which have made the most rapid progress, of any States in the Union. The State of Arkansas in 1880 had 802,000 inhabitants and something over. By this census it has 1,128,000, a gain of 40 per cent.

I think the gain in Minnesota probably was greater than that. Each of these two States, growing rapidly and growing daily, is left with an unrepresented fraction, if this bill becomes a law, Arkansas of 84,773, Minnesota of 84,519. Bear in mind now that one-half of the ratio adopted is 86,950½. I think it is unjust to these States. I think it is doubly unjust, because the States which I named awhile ago, Wyoming, Idaho, and Nevada, each with a less population than this unrepresented fraction, have recently been admitted into the Union, each with a member of Congress and each with two Senators upon this floor.

Then, in making this apportionment, if you aim to do full justice to all, the two States of Arkansas and Minnesota ought not to be left with that amount, almost a moiety, lacking just a little, and each one of them losing a Representative thereby. If this injustice can be avoided it is much more important to avoid that injustice to them than it is that the House of Representatives should consist of any particular or specific or magic number of 356.

Now, what is the argument that the majority of the committee make in favor of 356? The only argument that I have heard urged that was entitled to any consideration was that 356 is the least number that can be taken by which no State in the Union will lose any of its present Representatives, and therefore that 356 should be fixed. I admit the fact that the House of Representatives ought not to be too large; but it seems to me that the difference between 356 and 360 is so slight that it is far more important to do justice to the three States of New York, Minnesota, and Arkansas than it is that the House of Representatives should consist of the particular number of 356 Representatives.

Then in looking over the tables which the Senator from Minnesota has thoroughly and fully explained, you will find that if the number 359 is taken as the basis no substantial injustice can be worked to any State save and except the State of Missouri. If you take 359 you will find that it comes nearer doing exact justice to all the States, and that there is less ground of complaint than any other number which can be mentioned, and there is only one State, and that is the State of Missouri, which would suffer injustice if 359 is adopted.

On the basis of 359 Missouri has a fraction of 92,000 and something unrepresented. In consultation with the Senator from Minnesota [Mr. DAVIS] we agreed for various reasons, which will appear when the calculation is made, that 359 should be the basis adopted, and then, in order that no injustice should be done, we added one member arbitrarily to the State of Missouri because she would be the only State having a majority fraction which was unrepresented. That is all the difference there is between the bill and the amendment.

Mr. President, as to the number 356, agreed upon by the House of Representatives, which was supported by the chairman of the committee and a good many of the Democratic members of the other House, I want to say, in justice to the gentlemen who supported it, that I do not think they were seeking to gain any partisan advantage thereby. I do not think that that was the consideration which actuated them. They seemed to have a general disposition on both sides of the House, and I hope it will be general in this Chamber, to disregard any question as to whether a State is a Democratic State or a Republican State, but that the main purpose of the Congress of the United States, in a matter of this importance, which must stand for ten years, a matter that affects every part of this Union, will be that no injustice be done to any State in this Union, without regard to its politics. Therefore I trust and hope that the majority of the Senate will support the amendment proposed by the Senator from Minnesota, which is recommended by the minority of the Committee on the Census.

I recognize the anxiety of the chairman of the committee to have this bill become a law, and therefore his anxiety to have it passed as it came from the House of Representatives without being delayed by amendments which may be offered, but it seems to me that, in a matter of so much importance, where rank injustice will necessarily be done three States of this Union and a double injustice done to the State of New York, considerations of that kind should give way, believing that a fair and honest apportionment can be made and that it can be agreed upon by both Houses before the adjournment of the present session of Congress.

I assert again, and I think that the Senator from New York will not dispute the fact, that there is a well-grounded belief founded upon the evidence, that, even if New York were granted this justice, this representation for this 85,000 and odd unrepresented fraction, yet if that census had been taken in the manner in which it should have been taken, that great city would be entitled to 1,700,000 people instead of one million five hundred and odd thousand as shown by the census. But we can not remedy that. That has passed. A recount was refused and we must make, as the Senator from Alabama [Mr. MORGAN] said, this apportionment upon the basis as shown by these figures. But then when New York, under the basis of 356, has a majority fraction, and even under the basis of 359, it seems to me that justice to that State, as well as justice to the States of Arkansas and Minnesota, should prevail, and the amendment proposed by the Senator from Minnesota, all things considered, is the fairest basis upon which an apportionment can be made. I hope, therefore, that the amendment will be adopted.

The PRESIDING OFFICER (Mr. PLATT in the chair). The question is on the amendment of the Senator from Minnesota [Mr. DAVIS].

Mr. GORMAN. I should like to ask the Senator from Arkansas the reason why a recount could not have been had in the city of New York. I understand that recounts have been made in other cities, and I should like to have the Senator make some further explanation of why we are compelled to go on with the apportionment on these figures if injustice has been done.

Mr. BERRY. Mr. President, I do not have the correspondence before me now. I can produce it if time is allowed. If the bill is not disposed of this afternoon I can procure it for the Senator from Maryland by to-morrow morning. I have it at my room. Application, as I understand, was made in due form by the city authorities of that city to the Superintendent of the Census, giving the reasons as to why they thought a recount should be made. They took one special ward in New York, one of the smallest wards, and sent up the names, which show, I think, that there were some three or four hundred persons in one ward alone whose names they presented to the Superintendent of the Census; that these persons resided there; that their residence was there on the 1st of June; that their names were not taken, some of them, perhaps, because their houses were vacated at that time, some of them because of the inefficiency of the enumerators, some of them were absent from the city temporarily, and for various reasons. They gave the names and specified the numbers of their residences and the streets, to show the proof, and they did show by the police reports that these persons resided there on the 1st day of June.

But, as I said awhile ago, if I understand the Superintendent correctly in his statement before the committee, he held it to be his duty where persons were absent from New York on the 1st day of June, although their residences were there and they were only temporarily absent on the seacoast or at other points, to credit them to those States where they should be found on the 1st day of June. That, I say, I think is an injustice to New York, and I do not believe the law ever contemplated that the census should be taken in any such way.

The Superintendent upon that idea refused to accept the police enumeration and he went on to show that in the police enumeration there were some names on his list that were not upon their list, and he insisted that, taking this enumeration in October, many persons were represented there in October who were not there on the 1st day of June, and that it was unfair to take that census, although the police were directed to take it as of the 1st day of June. He insisted that it worked an injustice and worked more favorably to New York than it should have done.

I can not go over all the correspondence, but I know the governor of the State made an earnest effort and had a correspondence with the head of the Department, the Secretary of the Interior himself, and some bitterness grew up between the governor of the State of New York and the Secretary of the Interior, and there were some very sharp words passed between them. Every effort by all of the constituted authorities of New York that it was possible for them to make in order to have a new enumeration, as I understand, was made by the proper officials, and it was refused by the Department.

Now, as to why we should go on without retaking that census of New York City, I can only say that the bill is here. It passed the House of Representatives and it was sent to the Senate committee for action. The committee felt that perhaps it was the desire and wish of the majority of this Congress that the apportionment should be now made, and it was impossible to have the census retaken and the apportionment made at the present session of Congress. Is there anything further the Senator desires to know?

Mr. GORMAN. Yes, Mr. President. As the Senator from Minnesota and the Senator from Arkansas have both said, this is a matter that we all want to get exactly right. What I desire is the information and the accurate statements that come to us through this committee on the point which the Senator from Arkansas has been just discussing. If I understand him, he claims that the Superintendent of the Census declined to have his report verified by taking another census in the city in New York. If that was the rule of the office and it operated fairly on all sections of the country, I can understand it perfectly, but I should like to ask the Senator if it is not a fact that in other localities, notably in the State of Minnesota, where there was a question as to the accuracy of the census between the two cities of Minneapolis and St. Paul, the census was retaken, and, if it was retaken at these places or at any other in the United States, I should like to have an explanation as to why the same rule could not have been applied to the case of New York on the statements which were made.

Mr. BERRY. I reply to the Senator from Maryland that it is true that a recount was had, as I understand, in the city of Minneapolis and in the city of St. Paul, and perhaps in several other places throughout the United States.

As to why the Superintendent of the Census did not grant a recount in New York, I think possibly the Senator from Maine [Mr. HALE] could speak for the Superintendent of the Census rather than myself. I say to the Senator from Maryland frankly that I think the Superintendent of the Census ought to have granted a recount, and I think he made a mistake when he did not permit a recount in New York. I think by his refusal and his failure to do so a gross injustice has been worked to the State, and especially to the city of New York. As to why he did not do so, the Senator from Maine probably can answer better than I can, for I do not know.

Mr. HALE. Right here I will ask the Secretary to read the statement of the Superintendent of the Census, beginning on page 39 of the document I hold in my hand.

The PRESIDING OFFICER. Does the Senator from Arkansas yield for that purpose?

Mr. BERRY. Certainly.

Mr. HALE. I thought the Senator was through.

Mr. BERRY. I yield to the Senator for his statement, or I will yield the floor entirely if he desires it, and, if I wish to say anything afterwards, I can do so.

Mr. HALE. I only take the floor in answer to inquiries. I ask the Secretary to read, beginning on page 39 of the House document, being hearings before the Committee on the Eleventh Census of the House of Representatives on the application of the municipal authorities of the city of New York for a re-enumeration of that city, the statement of the Superintendent of the Census on page 39 and following to page 56. I ask that that may be read.

Mr. GORMAN. If the Senator will pardon me, all I desire is to get the facts. I have not followed this matter closely.

The PRESIDING OFFICER. If there be no objection, the Secretary will read the matter indicated by the Senator from Maine.

The Secretary read as follows:

STATEMENT OF HON. ROBERT P. PORTER.

Hon. Robert P. Porter, Superintendent of Census, then addressed the committee as follows:

Mr. PORTER. Mr. Chairman and gentlemen of the committee: I trust you will bear with me as patiently as you can, and remember that I am not a trained lawyer, as my friend, Mr. Bowers, is, and that I do not come here with any pretensions whatever to argue the legal or constitutional aspect of this case. I wish, however, to simply call your attention to a few of the facts which we have, and also to give you as briefly as possible a history of the New York application for a recount, from the standpoint of the Census Office.

I should also be glad if the committee will allow me, as far as possible, to present the line of argument that I have laid out before any questions are asked. Of course when I do not make myself clear on any particular point I shall be very glad to have you ask questions; but I should prefer to present my case, as Mr. Bowers has been permitted to do, with only the necessary interruptions to make my meaning clear to all, and to answer any and all questions the committee may propound afterwards.

In the first place I want to call attention to certain of the paragraphs in the resolution, which I think was introduced in Congress by Mr. FLOWER. I am quite sure that Mr. FLOWER would not wish to do the Census Office an injustice. One of his preambles reads as follows:

"Whereas the result of such enumeration has been brought to the attention of the Superintendent of Census and the Secretary of the Interior, and application made to them by the chief executive officer of the city of New York to make a new the enumeration and census of said city, which application has been declined."

Now I, as Superintendent of Census, never declined any application that was made by the municipality of New York, because no such application was ever presented to me with any facts whatever. The first and only facts that I have had in relation to the New York case were presented yesterday to you. The city of New York has never presented a single fact of any kind whatever to the Census Office to prove that the Federal enumeration was incorrect.

Another of the preambles reads as follows:

"Whereas the Superintendent of Census and Secretary of the Interior have refused access to, and inspection of, the census and enumeration returns on file in the office of the Secretary of the Interior, and have furnished a copy of the lists of names of only one ward."

Now, Mr. Chairman, by inference that paragraph does a great injustice to the Census Office. It says a list of names of only one ward were furnished. Now, what are the facts about that one ward. No application, no proper application, was filed in the Census Office for the names of that one ward until (if I am wrong on the date I hope I will be corrected) the 12th of November. On that day application was made by the municipality of New York for the names of persons enumerated in the Second ward that you gentlemen have heard so much about. At that time we had no less than twenty-four similar applications pending from other cities, every one of which took precedence of the application of the city of New York. Mr. Kenney came down and presented the resolution of the board of aldermen, asking for the population of that particular ward and no other ward.

Mr. BLOUNT. Who came down?

Mr. PORTER. Mr. Kenney.

Mr. MCKENNA. Have you the written application to that effect?

Mr. PORTER. Yes, sir; and can produce it if necessary.

Mr. FRANK. It is not necessary just now. Proceed with your argument.

Mr. PORTER. On the 12th of November Mr. Kenney presented to me this request for the population of that one ward, and, as I have said, there were twenty-four similar applications ahead of it. I made that application special, and on the 14th of November, less than two days afterwards, Mr. Kenney had the copy in full of the names that application called for, and went back to New York—this, gentlemen, within two days.

Mr. Kenney said personally that they would like to get the other four wards, and I stated that we would be glad to furnish the names; but he likewise said there was no special hurry; that what he wanted was the Second ward, and that he got forthwith. According to the newspaper statements, which, however, are not always reliable, Mr. Kenney has since then been very busily engaged, almost night and day until last Saturday night, working out the figures and securing the affidavits from the Second ward. Mr. Bowers admitted yesterday that it was a very stupendous piece of work, and I have no reason to doubt it. So that a grave injustice is done the Census Office in that preamble.

Another point made by Mr. Bowers relates to the posting of returns, and in doing which he gives us the history of the census laws from 1790. I think that one of the reasons that the posting of returns was abolished was the fact that the census is being taken much more rapidly now than at the time that provision was in force. For example, in 1850 the census was not completed until two years and nearly six months after the date of the enumeration, the last returns being received from California; whereas this year we telegraphed the official population of the State of Washington to the Legislature of that State there assembled within two months after the enumeration. General Walker and Mr. Cox, in framing this law, tried to throw out everything that would hinder or complicate the work and be an obstacle in the way of rapid returns.

I also wish to call your attention in that connection to the fact that these returns were never used by the several States and counties for any purpose such as described by Mr. Bowers. For all these years we have no facts showing that they were so used. In 1879 General Walker wrote a letter to the Secretary of the Interior asking for the abolition of this, to him, apparently unnecessary provision, calling for the posting of returns. General Walker said:

"The reason given for this recommendation was that a copy of a body of schedules so vast in extent was only to be made at a great expense, and that, in fact, the set of the returns deposited in the county clerk's office was not only useless, but mischievous, being subject, on account of proximity to the individuals and families enumerated, to curious or malicious examination. This recommendation was not followed by legislation, and at the census of 1870 two copies of the returns were made, as at 1850 and 1860."

General Walker made an investigation to find just how much these returns were used for the purpose indicated by Mr. Bowers, that is, for recounts, how valuable they were, and states the result on page 36 of the same report. He says:

"Some of the States, as I have learned through the personal inspection of officers of this bureau and by correspondence, the schedules of 1850, 1860, and 1870 are not preserved in shape and place to be accessible to visitors; in others they are, in fact, seldom or never visited."

Then again, on that point, he says:

"So vast and cumbersome is such a body of manuscript that any information which a visitor might arrive at from the returns could be given by one of the trained officers at the Census Office at Washington with far less effort and with far greater accuracy than by a person unfamiliar with such research looking for himself through the schedules at the State capital, and it may properly be said that the Census Office cheerfully affords, upon personal application, all information which it is deemed proper to extract from the schedules."

These extracts I merely give for the information of the committee. I thought it pertinent on this particular point, which Mr. Bowers seems to think important.

Mr. BOUTELLE. As a matter of fact this was left out of the law, was it not?

Mr. PORTER. Yes; it was finally re-enacted in 1880, but left out in the act of 1885.

Mr. BLOUNT. Left out on account of these suggestions, possibly.

Mr. PORTER. Very likely; for they would come with great authority from General Walker, as he had taken the census twice.

Mr. BOUTELLE. And Mr. Cox consulted him in framing this law.

Mr. PORTER. Yes, sir; what I have read is taken from an official report made by General Walker to Hon. Carl Schurz, Secretary of the Interior.

The other part of Mr. Bowers's argument, the legal part, I have entirely omitted, because it is in much abler hands than mine, if left with the committee.

Then Mr. Bowers said here again, in speaking to the resolutions:

"We have got only one ward; we have not the other four wards that we asked for, and we certainly could not get the whole fifteen hundred thousand in any reasonable time."

I merely protest, gentlemen, that that part of the resolution and that part of Mr. Bowers's statement is unjust to the Census Office, when I furnished all the information called for by the resolutions within two days and promised to furnish any other they might desire. That he refers to several times in his argument.

In another part of his remarks he says:

"It was not until the health department looked into the matter and ascertained that if those figures were correct the death rate of New York City had

increased so enormously as to indicate the presence of a pestilence, that the accuracy of the census became a matter of doubt."

On the question of pestilence I simply wish to say this: After making the allowance for the grippe, which I think the health department are willing to admit throws out something like 1,400 deaths as abnormal, the difference between the death rate in 1880 and 1890 is less than 2 in 1,000. The same difference occurs in San Francisco and New Orleans.

Take New Orleans, for instance. The State authorities of Louisiana had made an enumeration of their State and completed it the day the Federal enumeration commenced. We came out 2,500 more than they did, so that it might fairly be urged that in New Orleans the Federal census was thoroughly taken. It was, in fact, undoubtedly more complete than the census taken by the State authorities themselves, yet in that city the increase in the mortality is greater or quite as great as it is in New York City. The same is true of Boston. Take Boston, for example. Mr. BOUTELLE will tell you the same people have practically taken the census four times—I think in 1875, 1880, 1885, and 1890.

The census of 1890 turned out far ahead of anticipations. Between 1880 and 1885 the population of Massachusetts increased but 8 per cent., while we show an increase of 15 per cent. in the State between 1885 and 1890. It is the custom in Massachusetts to turn the census work over to the bureau of statistics, and I followed the precedent set by General Walker in that respect and had but one supervisor for the entire State. And yet in the city of Boston the mortality is as high and has increased as much as in New York. The same is true of Philadelphia and Brooklyn and of the District of Columbia, where the census was well taken by one of the best supervisors appointed, and where we have not had a single complaint.

So you see the statement that the death rate had increased so enormously as to indicate the presence of a pestilence can not for a moment be supported. There is no particular reason, so far as I know, why New York should be healthier in 1890 than it was ten years ago. The streets are not cleaner, that is certain. The water supply during the decade has been gradually diminishing, and was greatly less, until the completion of the aqueduct, which has only been open for use about six months, and could have had no effect upon the returns of the Eleventh Census. You must bear in mind that the increase in the city population of the country this decade is going to be something startling, nearly 60 per cent.

Now, that being the case, the increased death rate is largely due to increased density of population in the large cities. Another reason is the increased accuracy of the health departments. I have no doubt that in these last ten years the health department of the city of New York has learned something about collecting vital statistics. Here we have greater care in securing all the death returns and a constantly decreasing supply of water in addition. That is a point I think ought to be considered in justice to the Census Office, and goes a long way toward explaining the trifling increase in the death rate. The claim of an increased death rate seems to be the strongest statistical statement that Mr. Bowers had in his argument.

Once more, gentlemen, like a text this reference to the copying of the returns comes up in Mr. Bowers's remarks. He says:

"We have asked for four other wards and we have not got them yet, and if we had asked for the whole 1,500,000 the mayor of New York might very well have been chargeable with laches."

That I have already explained.

I now come to the affidavits on this question of the additions. I should consider, gentlemen, that if I brought the affidavit of Mr. Hunt here, who is one of my assistants, to the effect that he had added up the columns correctly, that you would go at once to the President and ask for my removal or that some friend would take me to an insane asylum.

Figures prove themselves. When the census returns of 62,622,250 are added up for this country they prove themselves. We have to divide these figures first into age, race, sex, occupation, etc., and make hundreds and hundreds of divisions, then distribute them into two hundred thousand minor civil divisions, and ultimately get them back again into a grand total of 62,622,250. What would be the use of affidavits to prove the correctness of that? They verify themselves as they go along.

Now, what we have wanted, and what we have been trying to get, is a certified copy of the number of persons in each election district in the city of New York, as shown by the police enumeration. On November 14 I wrote to the mayor asking for this, and he never even answered my letter. He never had the politeness or courtesy to answer me or furnish me those statistics by districts for the 947 police districts. If we had those we could tell where we were. These gentlemen can not tell where they are. The totals are useless unless accompanied by details which prove those totals. No affidavits from newspaper men or anybody else can prove that, no matter how honest or competent they may be.

Mr. Bowers admitted, and I am going to bring affidavits here to show that Mr. Olcott, who was the gentleman sent by us to ascertain the methods by which these gentlemen took the census—I will show you that Mr. Olcott caught on the fly, just "winged" as it were, a trifling error of 40,000 in the additions—an error which Mr. Bowers admitted to you yesterday occurred in this work. Olcott caught that accidentally. He did not go there for that purpose. As soon as discovered the mistake was corrected. I have a statement from Mr. Olcott to that effect, which I will read you later.

Again he says: "The books of five wards were sent down here and he declined to compare them unless the books were left with him." By "he" Mr. Bowers means the Superintendent of Census. I wish to say again, gentlemen, I have never had an opportunity of comparing these returns. I have never seen one and never had one offered to me until yesterday, when I was able to get two books. We have been working on them all night and will show you the comparisons we have made. Those are the first books I have been able to get and I have never had them in my possession before. I hope, therefore, that statement will be withdrawn.

Mr. BLOUNT. Has there been any controversy as to the terms on which the books should be turned over to you?

Mr. PORTER. No, sir; none whatever with me.

Again Mr. Bowers says:

"I do not question the propriety of the position he took; but we did not desire to place our books in the same position, where they might never be seen again outside of the Census Office."

I want you to pay particular attention to that. Now, right there comes the question of how we have treated all other cases. In other cities where the people were dissatisfied with the enumeration their representatives came to me or the mayor telegraphed to me, or the president of the chamber of commerce or some responsible citizen wrote or telegraphed, and we immediately sent special agents to the spot. We did not wait for any books or anything else. We sent them to investigate and see if they found anything wrong. This was pending the count, you know, during the month of June or in July. In case of complaint, if they said, "Here is a ward that was not well taken," instead of taking another enumeration the special agent or policeman would go into the ward and would ask the question, "Were you enumerated June 1?" If the occupant said yes, he passed on to the next case; if he said no, then he would get the facts.

Every night the special agents, who were assisted in this work by the police, would send their schedules to the Census Office and there they were immediately acted upon. Perhaps two-thirds would be found all right; the balance was sent to the supervisor, he in turn giving them to the enumerator, and the result of that was that we corrected the census as we went along. In New York no complaint whatever of that kind was made. The cities in which this occurred were in all parts of the country. Nashville, Tenn., was one of them. My friend Mr. WASHINGTON, who is sitting here, came to see me about it. The city took the census over again and found 150 less people than we did. They sent me a complimentary letter on that, which I accepted blushingly, because I have not had many compliments in this business.

It was the same way in St. Louis. Also in the city of Charleston, which my friend Mr. TILLMAN, who is not here this morning, knows about. We went all through the different cities in that way, co-operating in every case with the city officials, and in no case were we met with a refusal to turn over papers or a single doubt as to the integrity of the office.

Again Mr. Bowers said:

"Finally we did come here and ask him to give us a list of some of the wards, and he gave us a list of the Second ward. Now where the inhabitants of a city complain and ask a new enumeration there can be no great harm in giving it to them, as has frequently been done in relation to this and other censuses."

He goes on, "where there is a great hue and cry like that which grew up in New York City," etc. Now about the only general testimony that Mr. Bowers presented was that which he submitted in the shape of letters from the people, and he gave us, I think, sixteen yesterday, which were read as part of the evidence of complaints about the census.

As a preface to what I have to say on this subject I would like to read a few lines from a report of General Walker, Superintendent of the Ninth and Tenth Censuses, November 21, 1871, page 21, which indicates that it is not always in cases where they make the most noise that the inaccuracies are the greatest.

"The real faults of the census are generally those that are not complained of. The individuals and classes of citizens making the loudest complaints are commonly not those with respect to whom the census commits its errors. The cities and sections that are most noisy in their dissatisfaction are commonly those which are best taken, and for that very reason. It is in regions where apathy prevails in regard to the results of the enumeration, and it is in respect to individuals and families that neither write for the newspapers nor read them that the greater part of the omissions of the census occur."

As an illustration of that our friends here presented all the letters that they could find, that is, that they could get hold of readily, and they gave us some sixteen, all of which have been looked up and the writers of some of which we find to have been enumerated in June. In other cases we find the houses were shut up. Some of these names are familiar to all of you, like John H. Inman. In some cases the houses were not only shut, but the doors and windows nailed up. It is very difficult to take the census of these houses. Enumerators are only men after all. We expect more of them, but they are only ordinary men—some of them very good men.

In the case of Austin Corbin, the enumerator had to go six times to his office to get his name and those of his family, as I am reliably informed, having to pay his car fare each time. You see, in New York the business districts are far removed from the residence districts. In cities like St. Paul and Minneapolis they are nearer together, and it was not so much of a job. An enumerator in New York would oftentimes have to spend 50 cents to get a name. He would go to a house and find it nailed up, and perhaps the neighbor's house would be nailed up also. And, even if it was not, the neighbors would not always be able to give information. In other cases he found families in these houses, and the complainant who wrote the letters was evidently some boarder who was not in when our man called.

Those are the classes of cases we found in the sixteen letters presented here yesterday. Either they are wealthy people who have gone away and whose houses were absolutely shut up, or they were lodgers. There would sometimes be fifteen to twenty-eight people in a house and just one missed. We generally consider that the errors of omission balance and destroy errors of addition and the "padding." The latter are much more to be guarded against, as I shall show you when I come to speak of the cases of St. Paul and Minneapolis; and we find that the two classes of error about equal one another as a rule.

To return to these letters. In the case of E. H. De L'Espee, 222 East Fifteenth street, four families of sixteen persons were enumerated, but that one man was not found.

Jacques Krakauer, 1022 Lexington avenue—family found and schedule copied.

Charles H. Contoit, 728 Fifth avenue—house not found, which means that the enumerator went to the house and could not get in or was unable to find out who lived there.

Thomas Finnigan, 202 East Ninety-sixth street—five families of twenty-eight persons, but not Finnigan found.

D. Houghton, No. 15 East One hundred and twenty-seventh street—house not found.

Gerald Jackson, 72 West Forty-seventh street—family of four, but not Jackson found.

Christian Schneider, 35 West Twenty-first street—family of five, but not Schneider found.

Amasa Lyon, 224 West Forty-fourth street—house not found.

A. B. Levinson, 56 East One hundred and twentieth street—eight families of thirty-eight, but not Levinson found.

John H. Inman, 20 West Fifty-sixth street—house not found. That means in census vernacular could not get in, probably locked up.

E. Oppenheimer, 53 East Sixtieth street—house not found.

William Lummis, 557 Madison avenue—house not found.

Joseph S. Jacocks, 206 West Fifty-second street—twelve families of thirty-four persons, but not Jacocks found.

G. N. Williams, jr., 317 East Sixty-eighth street—family of Williams found and schedule copied.

A. W. Lemcke, 14 Van Nest place—family of Lemcke found and schedule copied.

Julius Ehrmann, 7 West Fifty-eighth street—house not found.

(Where the house was not found it was very probably closed for the summer).

As against that 16 I want to call your attention to the fact that, New York being a very large city, a special enumerator was appointed to investigate all cases of complaint. He looked after the people that wrote to the newspapers and attended to other omissions. We raked the city. The supervisor took all the principal daily papers, and every name appearing was duly followed up by one particular man named Speare. That was his duty. As a result of his investigation 2,478 names were added, he having found some of the complaints well founded.

Now, I wish the committee to bear Mr. Speare in mind, because when we come to examine later on the specific cases which the gentlemen have given us, we shall find some of Mr. Speare's work there, where he went to houses and did not find people. He was a man that was paid by the day, and a man employed especially for that purpose, to look up cases in which people complained. We shall find among the very people who now make affidavits declaring they were not enumerated persons who were visited by Mr. Speare, and afterward, in some cases, enumerated. That is the reason I wish specially to call your attention to Mr. Speare.

While these gentlemen have been calling our attention to this "hue and cry," the very cases mentioned have been examined; and, while they have 16 cases to present to you, I present you practically the information of 2,478 cases that

we looked up and corrected by our own energy, and I shall also show you that we watched every point that we possibly could, so as to get the very best results in our power.

It might be well to add that of the numerous complaints that we heard of at that time two-thirds were cases in which we found the enumeration had been made and there was no cause for complaint, but the others we corrected.

You must bear in mind, gentlemen, that Mr. Murray's office is within a mile and a half of the city hall, where the mayor and these gentlemen hold forth who have so ingeniously and with so much industry brought into question the census. It is within half a mile of the health department. Mr. Murray says no complaint whatever, not a single complaint, was made by the mayor's office or by the health department to him as the representative of the Census Office on the ground. The office of supervisor of census is a very important one. For the time being that officer takes charge of the entire territory allotted to him. And although the Superintendent, of course, gets all the criticisms if there are any errors, and those I am perfectly willing, of course, to bear, at the same time the supervisor is the responsible man who looks after these things. He, not the Superintendent, has the appointment of the enumerators. The Superintendent simply has the confirming of them, and if there are no charges made against them they are at once confirmed, because there were some fifty thousand of them and we had to do that quickly. Mr. Murray says no complaint was made by the city authorities.

Every complaint up to the time that we announced the population on the 18th day of July had been followed up. There was not at that time one left. These sixteen that Mr. Bowers presented to you yesterday probably came in since. I do not know anything about that, but at any rate we had not received any of them at that time. If we had received one of them, if people would only write to the Superintendent of the Census instead of the newspapers, omissions could all be corrected quickly.

Therefore, having announced the population of the city of New York on the 18th day of July, I had a right to believe that it was correct, and we went along about our other business. Every complaint that had been made was answered. The supervisor took his summer vacation after he had got through. He said there was nothing more to do. Every name that had appeared in any newspaper as having been omitted had been searched for and added to the list, if not already there, and we supposed the count was settled. In the mean time I was attending to the other complaints that had cropped up here and there and closing them up as fast as I could. Nothing more was heard of the New York census until September 5, when the Census Office received this resolution passed by the aldermen of the city of New York. I received two copies of it, one from the Secretary of the Interior and one which was sent directly to me. I would like to read this resolution passed by the board of aldermen of the city of New York September 2, 1890:

"Whereas there is reason to believe that the enumeration of the inhabitants of the city of New York, made in taking the Eleventh Census, is so defective that a very large number of the residents of this city have been omitted from said enumeration, and, in consequence of such omission"—

And yet the office of the supervisor was within half a mile of these gentlemen, and they never even sent anyone over there to state to him that the enumeration was defective or to give him any information whatsoever which he could use that would show that it was defective—

"and, in consequence of such omission, grave injustice is done to the city in many respects, and especially in substantial injury and wrong likely to occur through the deprivation of just Congressional representation by an apportionment based upon such defective census; and

"Whereas"—

Now, here comes in the point about the health board—

"Whereas the statistics of the health department, those of the department of taxes and assessments"—

I have shown you how the statistics of the health department correspond with other cities—

"the registration of voters, and the returns of votes cast at the elections, all indicate that the said enumeration of the Eleventh Census is deficient"—

And I wish to call your attention particularly here to the fact of the mention of the return of the votes, because I have something hereafter to say on that question—

Mr. ADAMS. That was in September?

Mr. PORTER. That was in September—

"all indicate that the said enumeration of the Eleventh Census is deficient to the extent of not less than 200,000 persons, and such official demonstrations are confirmed by the statistics of city travel"—

You will observe that the 200,000 there mentioned corresponds in round figures with the subsequent 200,000 that were found by the police.

Mr. BOUTELLE. Was this before the police count was made?

Mr. PORTER. That was before the police count was made. This was the first thing the Census Office heard.

Mr. BOUTELLE. On what estimate was that 200,000 based?

Mr. FLOWER. On the sanitary statistics.

Mr. PORTER. (Reading:)

"And such official demonstrations are confirmed by the statistics of city travel and by the daily observation of all New Yorkers; and

"Whereas in other cities, including the city of Albany, in this State, application has been made for a recount on the ground of inaccuracy in the census, and such application has been granted by the Department of the Interior of the United States Government having charge of the census."

Now, in regard to that reference to Albany. It is only just to myself to say that although this statement is contained in this official resolution passed by the board of aldermen of New York City, no recount had been had in Albany. The trouble in Albany was simply this: Certain persons there said they thought their districts were not correctly enumerated, and they presented facts which convinced our supervisor that there had been some omissions in a district largely inhabited by thieves and other persons of not very good repute, and we said we should be glad to co-operate with the police and find out if such was the case.

I ordered a re-enumeration of those districts pending the enumeration. This was in June and July. I ordered a re-enumeration through Mr. Manning, the mayor of the city and the editor of the Argus, a Democratic paper, who took a great deal of interest in the matter. I said, "To have this thing satisfactory, you name seven enumerators and I will name seven enumerators to go in and make this recount." Two of the districts came out identically as they did at first. In the low district I speak of they found an increase of 220. That is the way it was settled. In that case there was no hesitation whatever on the part of the city authorities to give us all the information they had in their possession, and there was no hesitation on the part of the Census Office to reciprocate in that respect. So you see the reference here to the recount in Albany is a statement that I question. I will read the rest of this:

"Resolved, That application is hereby made to the President of the United States, the Secretary of the Interior, and the Superintendent of the United States Census to order a recount of the population of the city of New York, in order that the inaccuracies of the enumeration which has been had may be corrected.

"Adopted by the board of aldermen September 2, 1890."

You will see, gentlemen, that while they make these assertions, including the one about Albany, which is not true, or, rather, there is a wrong inference there, they merely refer to the health department and to the tax department, to the transportation and to the "general observations of the citizens," and ask for a recount without pointing to a single error in the work.

Mr. ADAMS. And the votes.

Mr. PORTER. There is not a fact there. There is not a fact that could not be gotten up with equal force for any city in the United States. I can write a resolution of that kind concerning the census in any city in the United States, as I shall show you in a minute, and with just as much reason ask for a recount. I do not care what city. Select any city and similar facts could be produced to impugn the actual census.

Mr. BLOUNT. When did you first hear of the police enumeration?

Mr. PORTER. I am coming to that. That was in October. On the 5th of September, having received this, I naturally thought I should investigate it. There were no other facts to investigate. I could not turn it over to Mr. Hunt, at the head of the population department, as I did the police schedules last night. There was nothing but what I could answer as Superintendent of the Census. Here were the statistics, they urged. They were accessible to every one. The "daily observations of newspapers" were alike indefinite. I analyzed at that time the population of the city of New York. This was prepared for the Secretary of the Interior and sent to him, and subsequently published in all the New York papers. I want to particularly call your attention to some portions of the memoranda prepared at that time for the Secretary of the Interior, because the statements therein contained are very important. Part of the remarks which follow are based upon these memoranda.

These memoranda were prepared by the Superintendent of the Census, Saturday September 13, 1890.

On that evening the following portion of these memoranda was given to the special correspondents of the New York papers:

"Superintendent Porter this evening made public the following official count of the city of New York by wards. The report by election districts will be ready next week. The Census Office also furnished figures of 1880 by wards, to facilitate comparisons.

Ward.	1880.	1890.	Increase (+) or Decrease (−).
1	17,939	11,105	− 6,834
2	1,008	922	− 686
3	3,582	3,757	+ 175
4	20,996	17,764	− 3,232
6	20,196	22,993	+ 2,797
7	50,066	57,821	+ 7,165
10	47,554	57,514	+ 6,960
11	68,778	75,708	+ 6,930
13	37,797	45,882	+ 8,085
5	15,845	12,351	− 3,494
8	35,879	31,169	− 4,710
9	54,596	54,654	+ 58
14	50,171	28,038	− 2,133
15	31,882	25,185	− 6,697
16	52,188	49,250	− 2,938
17	104,837	102,668	− 2,169
18	66,611	63,100	− 3,511
20	86,015	84,218	− 1,797
21	66,536	62,295	− 4,241
12	81,800	244,793	+162,993
19	158,191	232,978	+ 74,787
22	111,606	156,526	+ 44,920
23	28,338	53,621	+ 25,283
24	13,288	19,779	+ 6,491
Total	1,206,299	1,513,501	*+ 25.47

*Per cent.

"In commenting upon the returns of the population by wards Mr. Porter said:

"'The number of wards does not indicate their geographical location and it is therefore necessary, in order to analyze the growth of the population of the city, to divide it into four groups, which for convenience may be designated as the lower end of the city, the tenement-house district, the business district, and the great residence district above Fortieth street. In lower New York I have included the First, Second, Third, and Fourth wards, which in 1880 contained a population of 44,125, but which June 1, 1890, contained only 33,548 persons, a decrease of 10,577.

"'In the second group has been included what may be termed the tenement-house district, including the Sixth, Seventh, Tenth, Eleventh, and Thirteenth wards, covering a quarter of the city on the east side in which a large population is massed and wherein the people are even more thickly settled than in 1880. The population of this district in 1880 was 224,301, and in 1890, 299,328, showing an increase of 34,937 in the decade.

"'Next we have to examine what may be termed the business district of the city, which has been constantly extending upward, until it may be fairly said to reach Fortieth street, the boundary of the Twentieth and Twenty-first wards. This district includes the great warehouses in the Fifth, Eighth, and Ninth wards, the business houses and stores which have been pushing their way during the last decade northward and crowding out the residents.'"

Of course you gentlemen understand that I am a citizen of New York and that I do not want to see the city of New York in a state of decay any more than these gentlemen do, and I shall show you this change in the population that they seem to complain about is really due to the increasing greatness and increasing wealth of the city.

"'I have included in this district the Fifth, Eighth, Ninth, Fourteenth, Fifteenth, Sixteenth, Seventeenth, Eighteenth, Twentieth, and Twenty-first wards. In only one of these wards, the Ninth, does the plus sign appear, and here the increase since 1880 was only 58. The total population of this district in 1880 was 544,560, and in 1890 512,923, a decrease for the business district of 31,632. A study of the depletion of this district as a resident quarter during the last decade, far from being a sign of decay, is proof of the tremendous advance of the great metropolitan district, which will show a population not far short of 3,000,000 when the official returns from all the adjacent places affected by this extension of business are given. It will be shown that not only has the residence district of New York extended northward, but eastward and westward into the surrounding suburban cities and towns.

"'The district above Fortieth street, including the Twelfth, Nineteenth, Twenty-second, Twenty-third, and Twenty-fourth wards has shown during the last decade a growth which is simply marvelous. In 1880 the population of this district was 393,223. In 1890 it had reached 708,697, an increase of 314,474. Here is a growth that the metropolis may well feel proud of, and which, in a decade, has added to the upper district a population equivalent to the entire population of the city of Cincinnati.

"'The distribution of the population of the city in 1880 and 1890 may thus be summarized:

	1880.	1890.
Lower end	3.6	3.2
Tenement-house district	18.6	17.1
Business district	45.2	33.9
Above Fortieth street	32.6	46.8
Total	100	100

"'The percentages of increase or decrease in the four divisions of the city are as follows:

Lower end	23.97
Tenement-house district	15.57
Business district	5.80
Above Fortieth street	79.97

"'These figures accord with the known facts in relation to the growth of the population of the city. An increase of nearly 80 per cent. above Fortieth street ought to be satisfactory, while an increase of nearly 16 per cent. in the tenement-house district is probably about correct.

"'I believe the census of New York has been carefully taken. The same method was employed as in 1880. Of course among over a thousand enumerators there may have been some careless ones as well as some incompetent ones. The pay was small. But that is the fault of the law, not of the census officers, and the date of taking the census, June 1, perhaps not the best date for large cities. The Superintendent of Census has nothing to to with this, for likewise it is prescribed by law.'"

That is the fact, that it is taken June 1.

Now, here is the point. On the 14th of September the following was published in every New York morning paper:

"If the board of health, the city council, or any other reputable authority, will point out omissions or careless work in any specific district or ward, the Census Office will gladly investigate and recount if necessary."

That was written, as I have said, on the 13th of September, and published in all the New York papers the next day.

A recount of the city, certainly above Fortieth street, where the population has increased 80 per cent. and where the total population June 1, 1890, was 707,697, would hardly be deemed necessary by the most enterprising advocate of a recount.

Now, gentlemen, so much I have said on the general question of the population. Now I propose to take up the points made in the resolution of the board of aldermen, which I received on the 5th of September.

The criticism against the Federal census in New York seems to be based upon—

1. Number of votes cast and the relative per cent. of increase.
2. The increase in the building of houses.
3. The increase in the traffic of the elevated railroad.
4. The increase of wealth.
5. Estimates of population based upon number of deaths.

Estimating population on the number of votes cast leads to innumerable errors, and such estimates are worse than worthless. They are absolutely misleading. For example, there are precincts in any large city where there may be found 1 voter in every 2½ or every 3 of the population, and others where the voters would not be more than 1 to every 5 or 6 of the population, as Mr. Bowers said to you this morning. Now, gentlemen, on that question, if I should be able subsequently to submit to you certain comparisons on certain districts, not the largest election districts, but fairly large districts of New York which these gentlemen have enumerated, and in which they show that the voting population is only 1 to 17, I mean the voters only 1 to 17 of the population, and only 1 to 14, and in others where we could show 1 to 2½, I think you will grant me that there is not much argument to base an exact and accurate statement of the population of any city on this sort of statistics. That I shall be able to show you later on.

A moment's reflection brings to mind the multitude of conditions that affect not only the relative number of voters to the total population, but the relative per cent. of increase of voters to the total per cent. of increase of the population. It would be easy to demonstrate by the vote of New York City that the population is only 1,000,000, and it is quite possible to imagine the condition of affairs where the vote in a given ward by precincts had increased during a period of years and the population decreased. No reliance whatever can be placed upon such methods when applied to ascertaining the population of a city or a community.

The vagaries of the Federal census are only a circumstance to the vagaries of the police census when I come down to comparing it by districts, as I shall do before I close my argument. Let me again read from the memoranda:

"Estimating population by the number of houses built is equally misleading. In 1887, before the Eleventh Census came up for discussion, various estimates were made by New York newspapers, and resulted in forecasts of population for 1890 varying from 1,537,000 to 1,900,000. The latter estimate was derived, I believe, by placing 18 persons in a house and the former by making the average something less to a house, which others claim as nearer the mark. Different cities differ. For instance, Brooklyn has 9 to a house and New York maybe 15 or 16; you can not tell what it will be until we get the figures. But you can not estimate it. The advantage of the first simple and elastic method of ciphering is apparent. It enables those who employ it to obtain almost any product they please by the mere assumption of a greater or less number of persons in each house. The only reliable test, after all, is the one involving an actual and impartial count of the population conducted by the United States officials, who can have no interest other than securing a correct census of all the people.

"An increase in traffic, as urged by the resolution, actually and relatively, on the street cars and elevated railroads as compared with increase in population, have been referred to as evidence of an incorrect enumeration. I mean, of course, the actual relative increase of population. Such argument is grotesque. The reduction of fares from 10 cents to 5 cents may easily have doubled the traffic in twelve months with an almost stationary population. The same may be said of those who marshal the increase of assessed value of property and estimated real wealth as evidence that the census returns are short of the mark.

"The rise in the value of real estate in a metropolis like New York City does not depend wholly upon the population that sleeps within its corporate limits, but upon the extent and ramification of its trade and commerce, the value of its business, and the constantly increasing value of its building sites. During the last decade whole areas in the business portion of the city, formerly containing dilapidated tenements, have given way to magnificent blocks, while above Fortieth street new areas have been built over to furnish houses for the 80 per cent. of increase in population which the Federal census shows has taken place in the upper part of the city. This, with a marvelous increase of the population in the metropolitan districts outside of the city, will account for any rise in value of real estate, even had the population remained stationary."

Speaking of estimates of population, you may remember they had a recount in Kansas City. They complained very bitterly there. My supervisor, like Mr. Murray, of New York, made a bad estimate, and one Monday morning I received a telegram:

"Population of Kansas City 4? per cent. below the estimate. What shall I do?"

To which I replied:

"Do? Why, don't make estimates."

They had a great deal of trouble on account of his estimate, and we took the census over again in twenty-four districts of Kansas City. What did we find? We found that there were 1,200 less than we had the first time. Then they petitioned me to accept the first count, and I said, "No, gentlemen, I can't do that, because we have found 900 illegal names inserted by one enumerator." One scoundrelly enumerator, who has been indicted and who ought to be in the penitentiary, had added these names. This accounted for 900 of the 1,200 decrease. That was the result of the work of an incompetent and thoroughly worthless man. Then, after the matter had been settled and there was no further argument to be made, some of the newspapers out there said what Kansas City ought to have had was a census based upon the clearing-house receipts; that that would be satisfactory. That is about the same as an estimate on the value of property referred to in the resolution of the New York alderman.

Referring to the contiguous territory, which may perhaps be termed the metropolitan district of New York, I feel it important that the increase in the population of this contiguous territory to the city should be taken into consideration. For example, a statement drawn up showing the population of this territory for 1880 brings about the following interesting facts: New York City, 1880, 1,206,299; 1890, 1,513,501. Contiguous territory, 1880, 1,138,625; 1890, 1,606,963.

This shows an increase in the total from 1880 of 2,344,924 to 3,120,464, making an increase of 25.4 for New York City and 41.1 for contiguous territory. Adding these together we have a population of over 3,000,000, an increase of over 41 per cent.

Is it not fair to assume that a large number of those persons who resided in the cheaper houses in the lower quarters of New York City have sought homes in these contiguous places and also that a large number of business men have preferred to secure homes in this direction to taking the long journey to Harlem and beyond? We discovered that a great many of the people who moved out of the tenement houses pulled down to make way for those magnificent blocks and fine warehouses have moved over to the poorer quarters of Jersey City and Hoboken.

The so-called depopulation of the city of New York is not, therefore, a depopulation at all, but rather a transfer from the metropolis of the country to the environing suburban cities.

The hour of 12 o'clock having arrived, the committee adjourned until Monday, December 8, 1890, at 10 a. m.

HOUSE OF REPRESENTATIVES,
Washington, D. C., December 8, 1890.

The Committee on the Eleventh Census met pursuant to adjournment at 10 o'clock a. m.

Present: The chairman and Messrs. MCKENNA, TAYLOR, BOUTELLE, BINGHAM, ADAMS, FRANK, SHERMAN, BLOUNT, TILLMAN, and WASHINGTON.

The CHAIRMAN. Mr. Porter will proceed.

STATEMENT OF MR. PORTER—CONTINUED.

Mr. PORTER. Mr. Chairman and gentlemen, when I left off on Saturday I was calling your attention to the memoranda that were written by the Superintendent of Census in reply to some resolutions that had been passed by the board of aldermen of the city of New York.

The CHAIRMAN. Those memoranda, as I understand, were made for the Secretary of the Interior prior to the hearing he granted.

Mr. PORTER. Yes, sir. In those resolutions you will notice that the aldermen refer to the fact that the population as announced did not correspond with the statistics of buildings of the health department, etc. I have a letter in connection with that. I did not, as will be remembered, confine my remarks strictly on Saturday to those memoranda, but the point I wish to make in connection with the production of these memoranda was simply this, that the Census Office attended to the resolution as well as it could and that the memoranda were prepared and published in part at the time.

Mr. BLOUNT. What do you mean by "attended to the resolution?"

Mr. PORTER. I mean that I answered it. This resolution I received at the Census Office September 5. It contained, as you have seen, no statement whatever of a discrepancy or error in the census, but simply made certain general statements. Those general statements were answered at the time in these memoranda, and to emphasize that fact they are produced. At the same time in my remarks Saturday I did not confine myself strictly to the memoranda, but added to and made comments and changes as I went along. I wish to open my argument this morning by reading a letter in relation to buildings, which has been sent me by Dr. Carroll, special agent of this office in charge of the collection of statistics of churches.

"PLAINFIELD, N. J., *October* 15, 1890.

"MY DEAR SIR: I beg to call your attention to the following facts which have come under my observation, and which may be of importance to the Census Office in connection with the police recount in New York City:

"In a letter published in the Real Estate Bulletin, at New York, and bearing date of July 25, 1890, it is shown that if the population of the city of New York is 1,700,000 there should be 95,555 dwellings in that city.

"The writer of the letter referred to, after a research, found that there were not quite 18 persons, on an average, to each dwelling; that the number of dwellings was given in the report of the fire department and that the number of persons, on an average, as given by the board of health, is 17.35 persons to a dwelling. Upon this basis he estimates that the population of the city for 1890 would be 1,575,000.

"The special agents of the classes of insurance and of vital statistics can obtain the reports of the fire department and of the board of health respectively.

"Respectfully submitted.

"CHARLES E. BUELL.

"Dr. H. K. CARROLL,
"*Special Agent, Plainfield, N. J.*"

The census of 1880 shows 16 and a fraction persons to each house. That is all I have to say on that point.

The only argument, Mr. Chairman, presented by the board of aldermen in their resolution that is worthy of serious consideration then is the question of the death rate. The census of 1890 shows a slight increase, exactly 1.97 per 1,000—about 2 in 1,000, after taking the allowance of Dr. Tracy, the head of the health department of New York, for the additional deaths due to the grippe. Those who undertake to estimate the population by death returns may run into sad errors. This fact has recently been brought out in a report made to the English House of Commons by a committee appointed to inquire into certain questions connected with the taking of the census of England.

In this report Dr. Ogle in his statement to the committee showed the wide divergence of ascertained facts from the estimates made. Yet it should be borne in mind that the registration in England is probably as complete as in any country. A table in this report shows that many cities proved to have a population of 16, 18, and even 25 per cent. above what the registrar general's estimate would give, and that five counties and twenty great towns, four metropolitan sanitary areas, and eleven registration districts have turned out to have a population much smaller than would be indicated, in some cases reaching 25 per cent. less than the so-called estimates of the registrar general. In fact great discrepancies were shown in each of these classes.

Considering the apparent abnormal increase in the death rate of New York City, is it not clear to assume, as a reasonable basis for the increase, that the board of health of New York City, keeping step with the progress of the age, has in the last ten years become more efficient in its methods of ascertaining to a certainty and recording with greater accuracy facts pertaining to mortality? In other words and in short, is it not more efficient in these respects than it was ten years ago, taking into consideration the enlargement of its powers and scope since that time?

One of the greatest sanitary authorities in this country says there is no reason whatever for assuming that New York is healthier to-day than it was ten years ago. In the first place, the streets are no cleaner; in fact, they are proverbially getting filthier all the time. Up to a few months ago there was a constantly diminishing water supply. On account of the aqueduct this could not be true during the next ten years, but there has been a notoriously insufficient supply of water in the last ten years. As mortality figures are obtained from the board of health, is it not reasonable to presume that they have been given with a greater degree of accuracy in 1890 then they were in 1880? Due allowance for a natural increased efficiency, under enlarged powers, would seem to answer, to a great extent, at least, the queries respecting the alleged abnormal increase in the death rate of the population of the city of New York.

The death rates of all large cities show an increase, even in cities where the people are perfectly satisfied with their enumeration. I gave some figures on Saturday in support of that. As population becomes more dense the death rate increases. In addition, the boards of health have become more efficient, especially in New York City, where the system of registration of deaths is almost perfect. Consequently the apparent death rate will be much higher, while the real death rate might have increased but little in proportion. Even, however, taking the board of health figures the death rate in New York has increased less than two in a thousand.

The census of New York, taken as of June 1, in accordance with the law and under the restrictions of the law, is undoubtedly a fair enumeration of the people at that date.

What the population of the city, taken under entirely different conditions, by the police, with half a dozen questions instead of thirty, as required by the act under which the Eleventh Census was taken, may have been four months later, under the conditions then existing, with thousands added to both extremes of population, by the return of the floating population of the lower quarters of the city and by the return of thousands of persons from abroad, from the watering places, and from the country, I am unable to say. The difference may be considerable without impugning to the slightest degree the Federal census. The fact is emphasized when it is borne in mind that the newspapers now clamoring about omissions and demanding recounts were in May and June engaged in a united effort to bring ridicule upon the enumerators and to antagonize the people against the census.

In spite of this almost violent opposition the United States enumerators behaved admirably and patiently did their best to secure every name. I might say, gentlemen, there, that those attacks were based upon features of the law over which the Superintendent had no control whatever. This is the case in regard to questions like those of mortgage indebtedness and questions relating to physical disabilities, which are in the census law and which we had to put in the schedules. This information we have had to ascertain, and yet the fight was most bitter in the city of New York for causes which were entirely beyond our control and with which we had nothing to do.

Possibly there were inefficient and careless enumerators in an army of nearly 60,000 who have aided in taking the Eleventh Census. That some of these may be found in New York City may likewise be true. Possibly the enumerators in some cases were unsuccessful. But in such cases I am of the opinion that the newspapers which so agitated this subject at the time indicated are more to blame than the alleged inefficiency of the Census Office. I think it has been shown that every method employed to invalidate the census of New York, excepting possibly that of the death rate, is based on assumption and experience and shows that estimates of population based on death rates are not infallible. It must also be borne in mind that the recount taken by the municipal authorities at the time of the year when the population of the city is undoubtedly greater, with no restraints, with no checks to avoid duplication of names taken in business districts, is far more likely to be fallible than the Federal census count of June 1 last.

In these resolutions, gentlemen, there is one line of statistics that is conspicuous for its absence, and that is the statistics of school attendance. While as Superintendent of the Census I placed but little reliance on any outside statistics in the face of an actual count of the population, at the same time if one line of statistics, such as death rates, or if the "daily observations" of the citizens of any given city may be taken into consideration in this matter, then I claim that the statistics of school attendance ought to have something to do with it. The statistics of school attendance, according to the statistics of New York, support the census. Bear in mind that I do not place much reliance on these statistics, as I have said before, but I wish to submit the facts to you. Allow me to read a letter from Dr. H. K. Carroll, special agent of the Eleventh Census and political editor of the New York Independent, in which he says:

"Allow me, please, to call attention to another point which I presume has not escaped you. There is made every year, I believe, by the truant officers connected with the board of education of the city of New York, a count of the school children in that city between the ages of five and twenty-one. From the city superintendent I have obtained the figures for the school census of 1880, and also that of 1890. The number of school children between the ages of five and twenty-one was—

In 1880	386,016
In 1890	479,000

"According to this the ratio of school children to the population returned by the census of 1880 was 3.125. Applying this ratio to the number of school children returned in 1890, namely, 479,000, we have as a result a probable population of 1,496,000 in round numbers."

After the board of aldermen resolution we heard nothing more from the city of New York. There is not a paper of any description on file. From the 5th of September, when we got the resolutions of the board of aldermen, until Mr. Olcott was sent we heard nothing. It was, however, announced that the New York police were going to take a census of their own. Feeling satisfied that if properly taken under the same conditions, and the people enumerated as of the 1st of June, that census would substantiate in every particular the census of June, I was perfectly willing to have them do it. They started in their own way on their work.

I was not consulted, of course, about it in any way. At the same time we thought it best to send some one from the office to find out the method adopted, and Mr. Olcott was sent with the following letter of introduction. Perhaps it might be well for me to explain that on the 13th of September I wrote the memoranda in reply to the resolutions of the board of aldermen and on the next day was taken seriously ill, and for two weeks knew nothing of what was done in the office. At the same time I am perfectly satisfied with the action that was taken at that time. It, however, leaves a gap so far as I am personally concerned. This letter, therefore, was signed by the Acting Superintendent of Census and addressed to the mayor of New York.

Mr. GORMAN. I suggest to the Senator from Maine that, by unanimous consent, we have an order made for a reprint of this document. It has never been printed for the use of the Senate. I suggest that 300 or 400 copies of it be printed. A copy of it can not be obtained in the document room or in the room of the Committee on the Census.

Mr. HALE. I have copies of it and I think copies can be obtained here.

Mr. GORMAN. I understand not. I have tried to obtain copies from the room of the Committee on the Census and the document room, but without success. It is already in type, as I understand, at the Government Printing Office, and a small edition would be of great use for us to-morrow morning.

Mr. HALE. If we can get it by to-morrow morning I have no objection.

Mr. GORMAN. I think we can get it to-morrow morning, as I understand from a telephone message I have received.

Mr. HALE. I hope, then, the Secretary will make the request special.

The PRESIDING OFFICER. Does the Senator from Maine make any motion?

Mr. HALE. I move that 500 copies of the document from which the Secretary has been reading be printed for the use of the Senate, and I shall ask the Secretary to request the Printing Office to make the order special, so that the copies may be here to-morrow morning.

The PRESIDING OFFICER. The Chair hears no objection to the request of the Senator from Maine, and that order will be made.

Mr. HALE. The Senator from Arkansas [Mr. BERRY], I believe, has the floor.

Mr. BERRY. I will detain the Senate but a short time. I want to say, in answer to the question put to me by the Senator from Maryland [Mr. GORMAN], that I have assumed that whatever might have been the duty of the Superintendent of the Census to grant a recount in New York, in all probability no recount could now be made, and the surest way to do justice to New York, while it would not do full justice, would be to give her one more member upon this large, unrepresented fraction, which comes from the estimate based upon a membership in the House of Representatives of 356. Assuming that there would not be a recount in New York, practical justice might be done to the State by giving her this additional number.

It was for that reason that I went at some length into what was alleged to have been done in the city of New York.

I wish to read, however, for a very short time from the remarks made by a distinguished member of Congress from the State of New York, who, as I conceive, is a very accurate, painstaking, and thoroughly honest member from that State, Mr. AMOS J. CUMMINGS, in which he states the facts so much better than I can state them that I prefer to read what Mr. CUMMINGS says. He says:

After the returns of the population of the city of New York were informally issued from the Census Office the board of health of that city made a discovery. Assuming that the figures of the census officers were correct and that the monthly statistics of the board of health as to the health of the city were also correct, an alarming state of affairs was disclosed. The city would seem to have been suffering from a pestilence. The average yearly death rate has risen in some wards to over 60 per cent. of the population. There was no outward evidence that the city was suffering from a pestilence. The streets were not jammed with funeral processions, nor were the ferryboats overloaded with mourners. It was evident to the health authorities that the figures given by the census enumerators were incorrect.

The president of the board of health reported the facts to the mayor. The mayor invoked the police authorities to secure a correct census. He desired to take no advantage of the Census Commissioner. He invited him to send one of his officers to New York City to supervise the police returns. This was done. The police census was taken under the supervision of this officer. It showed that there were over 196,000 inhabitants in New York City who had not been enumerated by the census officials. The police enumeration books were brought to this city; but the Superintendent of the Census evinced no special desire to peruse them.

Further on, Mr. CUMMINGS says:

But, sir, we got the names and the figures from the Second ward. We compared them with the names and the figures taken by the police authorities. The police authorities discovered nearly 460 persons in this, the smallest ward in the city of New York, who had not been enumerated. But this was not all. To verify the police count officials were sent through the ward and affidavits secured from the heads of families that covered over 450 persons who had not been enumerated by the census officials. In these affidavits the affiants swear that they were in New York in June, when the enumerators took the census, and that no enumerator called upon them or took their names. They had simply been overlooked, either willfully or unwittingly, by the enumerator. These affidavits were before the Census Committee when they reported this bill.

There is no question as to the fact in the Second ward. There has been no opportunity to compare the other wards with the figures and names turned into the office of the Census Commissioner. The Superintendent has not given us the returns. It is fair to assume that if the police returns from the Second ward are correct, as is shown by the affidavits, the police returns from the other wards of New York City are also correct. On evidence not as strong as this many a man has been hanged.

Mr. President, it appears here that in the smallest ward of the city

of New York there were more than 450 persons who swore that they were heads of families, living in that ward in June, and no enumerator called upon them, and their names were not upon the census books as shown by the Superintendent. With this state of facts coming from that one ward alone, with the police returns showing 198,000 names that were not taken, and the police census taken in the presence of an officer sent by the Commissioner of the Census, can any one doubt that great and gross injustice was done to that great city in taking the census? If it can not be corrected by a new enumeration, if full justice can not be done, can any Senator who desires to do justice regardless of the political complexion of any State in the Union, when New York has 85,000 unrepresented according to the Superintendent's own statements here, taking the census returns, and not the police returns, can any one say that the great State of New York ought not to have one other member under this apportionment bill, which purports to be fair to all the States?

Then, Mr. President, if that be true as to New York and if Arkansas has over 84,000 and Minnesota a fraction less than Arkansas, both of them having a fraction of over 84,000 when it requires but a fraction of 86,000 for a member, it does seem to me as to these three States, Arkansas, Minnesota, and New York, that there can not be any question that they should have one additional member. The argument made by the Senator from Minnesota—and the Senate has heard it—that, if these States be given one more, Missouri alone, based upon 359, would have a majority fraction, and no State ought to be left with that majority unrepresented, then Missouri should be given one more, making in round numbers 360.

If it be claimed that any political advantage will be gained by this, let those who make the claim remember that the three States of Wyoming, Idaho, and Nevada combined have only 190,000 inhabitants, and in the Presidential election they will number 9 electors from those three States, based alone upon 190,000 population, while in the three States of New York, Arkansas, and Minnesota, admitting the returns of the Census Bureau to be correct, more than 200,000 will go unrepresented, and there will be no elector for either one of these three fractions. I believe in a matter of this kind, which should be debated and should be determined from a nonpartisan standpoint, that it should be decided so as to do justice to every State, let that State be Democratic or Republican. I can not conceive how Senators upon the other side of the Chamber can refuse to do justice to these three States, upon which so much injustice will be done if the House bill passes without the amendment offered by the Senator from Minnesota.

Mr. HISCOCK. Mr. President, the Senator from Minnesota [Mr. DAVIS] and the Senator from Arkansas [Mr. BERRY] have both, I believe, united in the statement of the views of the minority of the committee, and I rise for the purpose of gaining some information from them. As I understand from the report which they have submitted, if you take 356 or 360 for the number of Representatives in the next House of Representatives, the representation to Arkansas will be 6.

Mr. BERRY. If the Senator from New York will permit me, I will correct that. There is no proposition to base the ratio upon 360 members.

Mr. HISCOCK. I understand that.

Mr. BERRY. The proposition is to put it upon 359 members, in which case Arkansas will have 7, and then to give one to Missouri arbitrarily.

Mr. HISCOCK. That is precisely the point which I am making.

Mr. BERRY. That is the proposition.

Mr. HISCOCK. The views of the minority, I understand, propose that the next House shall consist of 360 members. Now, as I understand it, upon either 356 or 360 members, the representation to Arkansas is 6; that is to say, in respect to Arkansas; and while you fix the number of members in the House of Representatives at 360 you must use the number 359 for your divisor to give an increase of one member to the State of Arkansas. I can not see any logic for that. I can not see any constitutional question involved or any possible theory upon which you can justify the taking of 359 as your divisor for the purpose of settling the ratio of certain States and then fixing arbitrarily 360 as the number of the House. Bear in mind that 360 is the number which the views of the minority advocate.

Mr. HALE. Let me call the Senator's attention also to the other remarkable result of this figuring, which is said to be not arithmetical, but equitable, that with the number of 360, which the amendment purposes, Pennsylvania, which has a larger fraction, is left out.

Mr. HISCOCK. Yes, I will come to that.

Mr. HALE. If the Senator is coming to that, I am very glad.

Mr. HISCOCK. Now, we will take Minnesota. At 360 Minnesota receives 8, or one additional to the number proposed by the plan of the majority. Bear in mind that 360 is to be the number of members of the House and that gives Minnesota this increase.

Mr. DAVIS. She has that at 359.

Mr. HISCOCK. Certainly she has it at 359; but, in view of what I shall state a little further on, I will then ask the Senator from Minnesota to say why he takes 359 for the divisor and then fixes the number arbitrarily at 360.

Now, New York has 35 members whether the number of members in the House be 359 or 360.

Mr. HALE. At 357 she gets 35.

Mr. HISCOCK. Certainly; at 357 she gets her 35 members. That is to say, if the House is to consist of 360 members, Minnesota will get 8 members, as proposed by the minority of the committee; New York will get 35 members, as proposed by the views of the minority; but Arkansas will receive only 6; she will not be increased.

Let us go now to the State of Pennsylvania. Constituting a House of 360 members will give Pennsylvania an increase of 1; Pennsylvania then goes from 30 to 31, that is, taking 360 as your divisor. I am taking the apportionment of representation among the States, the House to consist of 356, 359, or 360 members; 360 members is the number provided for by the views of the minority, and at 360 members Pennsylvania is increased to 31, using 360 as the divisor, precisely as the Senator from Minnesota uses 359 as the divisor to fix the representation of all the States excepting Missouri.

What I desire an explanation of is why 359 is adopted in part for the purpose of distributing the Representatives among the States while the House is to consist of 360. Why not take 360 in the first instance and use that as the divisor and apportion the Representatives among the States precisely in the same manner that you use 359 as to all the States except Missouri?

The report of the majority provides for a House of 356 members, the views of the minority provide for a House consisting of 360 members, a difference of 4. Now, if you take 360 as your divisor upon the plan adopted by the majority or by the minority, those 4 are distributed, 1 to the State of Missouri, 1 to the State of Minnesota, 1 to the State of New York, and 1 to the State of Pennsylvania. Why change from 359 when you are a part way through and go arbitrarily to Missouri, picking out one from the representation of that State to reach the 360 members, instead of taking 360 as your divisor and making your calculation precisely as you do on 359 as to all the States except the one State of Missouri?

Mr. CULLOM. What would be the effect with 360 as the divisor?

Mr. BERRY. Will the Senator from New York allow me to answer him now on that proposition?

Mr. HISCOCK. If you take 360 as your divisor, the effect will be to give the 4 additional members, 1 to New York, 1 to Missouri, 1 to Minnesota, and 1 to Pennsylvania.

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Arkansas?

Mr. HISCOCK. If the Senator will pardon me a moment, I desire to repeat my statement, and then I will yield.

Mr. BERRY. I understand the statement; it is not necessary to repeat it.

Mr. HISCOCK. I am not repeating the statement for the benefit of the Senator from Arkansas, but for the benefit of another Senator who asks me a question.

Mr. BERRY. I will wait until the Senator gets through.

Mr. HISCOCK. What I say is that, using 360 as your divisor, an increase of four above 356, it gives an increase of 1 to the State of Minnesota, 1 to the State of Missouri, 1 to the State of Pennsylvania, and 1 to the State of New York. But using 359, as the Senator from Minnesota proposes, for the purpose of settling the representation of all the States excepting Missouri, it distributes the 4 in this way: One to Arkansas, 1 to Missouri, 1 to Minnesota, and 1 to New York. That I would not call juggling, because I know it is not intended in that way, but that shifting in some way has the effect to increase the representation of Arkansas 1 and to decrease the representation of Pennsylvania 1; and I say frankly that I can not see any justification for it.

Mr. BERRY. Now, will the Senator yield?

Mr. HISCOCK. I now yield.

Mr. BERRY. I wish to say to the Senator from New York that it was not proposed by the minority of the committee to take 360 for a divisor and base it upon that, for the very reason, as he will see, that it would work absolute injustice to the smaller States. Upon a basis of 359 Arkansas is entitled to 7 members. But, as the Senator from Minnesota said, there is an apparent paradox; for when you use 360 as a divisor, as was explained by the Superintendent of the Census, Arkansas would have only 6. It would be an absolute injustice that in increasing the number of Representatives as you go up any State should have a less number than she would have with a smaller body of Representatives. Now, we believed that 359 was the proper number. I believe that, taking all the figures and numbers stated in the report, 359 comes nearer to justice than any other.

I will say frankly to the Senator from New York that so far as I was concerned I should not have insisted upon the extra number for Missouri, but that the Senator from Minnesota finding that, based upon 359 (which we had regarded as the correct number and the only number upon which we proposed to base our calculations, unless it went at 356, as fixed in the House bill), Missouri was the only State that would have a majority fraction based upon 359 which was unprovided for, he with great liberality, and I give him great credit and I honor him for it, said it was not right and proper that Missouri should be left in that

situation, but that she should have the additional number, making the total 360. As I said before, at 359, the Senator well knows——

Mr. DAVIS. Will the Senator from Arkansas allow me a moment right there?

Mr. BERRY. If the Senator from New York yields, I do.

Mr. HISCOCK. Oh, certainly; I yield.

Mr. DAVIS. Mr. President, I wish to interpolate here, because I think this is the point to do it, that the rights of Missouri do not stand upon what the Senator from Arkansas is so kind as to term my liberality or sense of justice, but they stand upon the doctrine announced by Mr. Webster in his report in 1832, which has been the law on this subject ever since, that whenever any State has a majority fraction it is a matter of constitutional right for that State to have a member added on account of it.

Now, the contention against this as to Missouri or any other State in the present instance would be that under 359, there being but seventeen left for an even division, and there being eighteen States to be supplied, and Missouri being the lowest, there are not enough to go around. But Mr. Webster says, in contravention of the arithmetical proposition, that in that case the State having a majority fraction is as a matter of constitutional right entitled to an additional member, notwithstanding the arithmetical situation, and that one may be added and one may be subtracted if necessary to bring about that result. Hence it was with no view of liberality or good will, although they perhaps might properly be indulged in, that I took the position I did in regard to Missouri.

Mr. HALE. Let me ask the Senator whether he has not made up this situation in order to entitle Missouri to come under the doctrine stated by Mr. Webster? At 356, which the committee took in the other House and which was sanctioned by the other House and which is reported by the Senate committee, neither Missouri, nor Arkansas, nor Minnesota, nor New York comes within Mr. Webster's argument of having a majority fraction. I shall take occasion to-morrow to comment upon the doctrine of Mr. Webster, as cited by the Senator from Minnesota, in which he was not arguing against any such proposition as the majority of the committee enforces here, but was arguing against the proposition maintained by Mr. Polk in the House of Representatives, that the apportionment must be made upon exact numbers, and that no fraction should be represented. Now, what the minority of the committee has done——

Mr. HISCOCK. Mr. President, I am entitled to the floor, and I yield; and I want it understood that in my judgment this sort of discussion throws more light upon this subject than speeches made by Senators occupying time.

Mr. HALE. I think so myself.

Mr. BERRY. The Senator from New York yielded to me, and when the Senator from Maine gets through I wish to say a few more words.

Mr. HALE. Let me say right here that I agree with the Senator from New York, for, however unimportant my contribution to this discussion may be, such discussion throws more light upon the subject than anything else.

Here is what is actually sought to be done by the minority. At 356 neither of the States I have indicated gets its extra member. At 357 New York gets it. Why not stop there? Because that does not satisfy Minnesota. So they go on to 358. At 358 Minnesota gets one. Why not stop there? Missouri is away out of sight, and does not come within Mr. Webster's doctrine by two. They do not stop at 358, because although New York and Minnesota get their extra member, Arkansas does not. So they go on to 359, and there Arkansas gets her extra member; and that satisfies those three States. But Missouri has so large a fraction that in order to gain an added strength, and perhaps to get support for this amendment, they seek to include Missouri.

But that makes 360 members. When the minority come to 360 members and undertake to make up the apportionment upon that, and divide it, they discover, to the dismay of the Senator from Arkansas, that it knocks Arkansas out and puts Pennsylvania in.

So there is a double shuffle resorted to, and they leave the basis of 360 and go back to 359, and put Missouri on because they say she comes within the Webster doctrine, which they have succeeded in getting up to by adding 3 to the majority report.

The truth is that when this matter is looked into by Senators fairly they will discover that nothing is so fair and just and liberal and arithmetical—if the Senate will excuse the use of the word—and equitable, as the majority report. The moment you start out beyond you are met by contentions and by doing injustice, as it is claimed, to some other State. The basis of the majority report is, first, that 356 gives every State its present representation. Then it gives to every State a Representative for a majority fraction.

When the Senator from Minnesota gets out of that, with all his ingenuity he will run against just such a snag as he did when he came to 359 and 360, so that he can not get both his States in unless he makes the basis, as the Senator from New York says, 359, and figures from that, although he makes the House 360.

Mr. BERRY. Mr. President, one word more, by permission of the Senator from New York. As I said awhile ago, I say frankly that I was willing to sacrifice my neighbor just north of Arkansas, Missouri, in order to get the 359; but I do insist upon the point I make. The Senator from New York talks about dividing by 360. He knows, and no one knows better, that that would work absolute injustice to Arkansas by reason of the fact that she is entitled to 7, and it would be gross injustice to her to raise the whole number and yet reduce the number from the State of Arkansas. As I said before, however, 359 takes in the three States of New York, Minnesota, and Arkansas, all three of which States are within 1,000 of having a majority fraction on 356.

Now, I will ask the Senator from New York, when he talks about juggling, if he thinks that it is justice to his State, after what has been stated here in regard to the manner in which the census was taken, to leave her on a basis of 356, with more than 85,000 of unrepresented people who are entitled to representation. I want to know, if Missouri is left out of this calculation, whether the Senator from New York will assist us in putting it at 359, these three States all having about 85,000 unrepresented people on the basis of 356.

Mr. HISCOCK. Mr. President, I had not intended to discuss to-day the question of injustice to New York, preferring rather to wait until the document that has been ordered to be printed to-night shall be laid on our tables in the morning. I have no doubt that at any other season of the year than that at which the census was taken New York State, and New York City as a political division of that State, would exhibit a very much larger population than she does by the present returns. I have never read the document that has been referred to. At the time I read a portion of the testimony as it was printed and I read what was said in the newspapers in respect to it. Certainly there was nothing that transpired which reflected upon the efficiency and the honesty of the Superintendent of the Census. I have heard read here to-day a part of the remarks made by my colleague in the other House, but no one needs to have it stated to appreciate the absurdity of correcting a census enumeration by health statistics or after any such mode as that.

I certainly would not be prepared to insist that our representation ought to be increased upon the figures presented by an actual enumeration in November in respect to one ward. At the time when all this transpired a political canvass was going on in the State of New York for the election of members of Congress, members of the Assembly, and a mayor of the city of New York; and, so far as the Democratic party was concerned, it was urging a grievance against the Republican party, that New York had been cheated in the census report that had been taken. That argument, with others, was resorted to for political effect; and upon allegations made in that way in the newspapers, in my judgment, the census returns ought not to be invalidated.

But, passing by all this, New York gets her 35 members of Congress if you fix the number of members of the House at 357. This discussion so far has advanced upon the theory that injustice has been done to New York and that that injustice ought to be and must be righted. Why not stop at 357, then, if New York is alone to be considered in this matter and this is to be urged upon the ground that injustice has been done to her?

At the suggestion of the Senator from Maine I yield to him, that he may move an executive session, although I had nearly finished.

EXECUTIVE SESSION.

Mr. HALE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 28, 1891, at 11 o'clock a. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 19, 1891.

TERRITORIAL JUDGE.

Alexander C. Bishop, of Utah Territory, to be judge of probate in Weber County, in the Territory of Utah.

POSTMASTERS.

Frank M. Pierce, to be postmaster at Brandon, in the county of Rutland and State of Vermont.

Albert Miller, to be postmaster at Dundee, in the county of Kane and State of Illinois.

Carl C. Crippen, to be postmaster at Eustis, in the county of Lake and State of Florida.

Lucius G. Martin, to be postmaster at Attica, in the county of Fountain and State of Indiana.

Milton D. Worrell, to be postmaster at Gibson City, in the county of Ford and State of Illinois.

Robert F. Shipley, to be postmaster at Mendota, in the county of La Salle and State of Illinois.

Thomas P. Dixon, to be postmaster at St. Charles, in the county of Winona and State of Minnesota.

Watson Molyneux, to be postmaster at Hawarden, in the county of Sioux and State of Iowa.

Amos H. Farwell, to be postmaster at Independence, in the county of Buchanan and State of Iowa.

William H. Smith, to be postmaster at Indianola, in the county of Red Willow and State of Nebraska.

Frank W. Mattoon, to be postmaster at Blue Springs, in the county of Gage and State of Nebraska.

Andrew Eaton, to be postmaster at Wells, in the county of Faribault and State of Minnesota.

James O. Hodges, to be postmaster at Mansfield, in the county of Bristol and State of Massachusetts.

William Wiles, to be postmaster at Fultonville, in the county of Montgomery and State of New York.

Corodon H. Pierce, to be postmaster at Salem, in the county of Washington and State of New York.

Miss Agnes J. Smith, to be postmaster at Stockbridge, in the county of Berkshire and State of Massachusetts.

John S. Fay, to be postmaster at Marlborough, in the county of Middlesex and State of Massachusetts.

Simeon Merrill, to be postmaster at Fairfield, in the county of Somerset and State of Maine.

Aaron Porter, to be postmaster at Eldora, in the county of Hardin and State of Iowa.

Arthur B. Wyman, to be postmaster at Woburn, in the county of Middlesex and State of Massachusetts.

Henry P. Waite, to be postmaster at North Easton, in the county of Bristol and State of Massachusetts.

Volney A. Chapin, to be postmaster at St. Johns, in the county of Clinton and State of Michigan.

James C. Tawes, to be postmaster at Crisfield, in the county of Somerset and State of Maryland.

Samuel N. McNair, to be postmaster at Emmitsburg, in the county of Frederick and State of Maryland.

James L. White, to be postmaster at Wellsborough, in the county of Tioga and State of Pennsylvania.

Gerrit J. Van Duren, to be postmaster at Holland, in the county of Ottawa and State of Michigan.

Josiah C. Gray, to be postmaster at Kalkaska, in the county of Kalkaska and State of Michigan.

William H. Gibson, to be postmaster at Tiffin, in the county of Seneca and State of Ohio.

Johnson Brown, to be postmaster at Bridgeport, in the county of Belmont and State of Ohio.

W. Howard Anderson, to be postmaster at Barnesville, in the county of Belmont and State of Ohio.

Noble F. Dunshee, to be postmaster at Bristol, in the county of Addison and State of Vermont.

Mary S. Mong, to be postmaster at Minerva, in the county of Stark and State of Ohio.

William A. Hunt, to be postmaster at St. Clairsville, in the county of Belmont and State of Ohio.

Executive nominations confirmed by the Senate January 27, 1891.

GENERAL APPRAISER OF MERCHANDISE.

William F. Lunt, of Maine, to be general appraiser of merchandise.

COLLECTOR OF CUSTOMS.

William H. Luce, of Maine, to be collector of customs for the district of Waldoborough, in the State of Maine.

POSTMASTERS.

William F. Benjamin, to be postmaster at Roseburgh, in the county of Douglas and State of Oregon.

Henry A. Burdett, to be postmaster at Clinton, in the county of Worcester and State of Massachusetts.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January* 27, 1891.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

APPROVAL OF THE JOURNAL.

The Clerk was proceeding to read the Journal of yesterday's proceedings, when

Mr. BRECKINRIDGE, of Arkansas, said: Mr. Speaker, I call for the ascertainment of a quorum before the reading of the Journal proceeds.

The SPEAKER (having counted the House). One hundred and sixty-seven members are present—a quorum. The Clerk will proceed with the reading.

The Journal was read down to the conclusion of the proceedings in open House.

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, I do not care to demand the reading of the less essential parts of the Journal——

Mr. MCKINLEY. We can not hear the gentleman from Arkansas. Will he please speak a little louder?

Mr. BRECKINRIDGE, of Arkansas. I say I do not care to insist upon the reading of the less essential parts of the Journal, although nothing that the House requires to be inserted in the Journal as legal evidence of its proceedings can in the strict sense of the word be unimportant. I do not call for the reading of the yeas and nays or of Executive and other communications, but I wish to have read the record of the memorials and resolutions of State Legislatures and also of the petitions or appeals from the people. I do not wish those to be omitted in the reading of the Journal. They are not presented in open House and they do not come to our ears unless the record of them be read.

The SPEAKER. The Chair does not understand the gentleman.

Mr. MCKINLEY. I understand that the gentleman demands the reading of the memorials of State Legislatures.

Mr. BRECKINRIDGE, of Arkansas. Memorials and resolutions of State Legislatures, and also the petitions of the people—not the yeas and nays and not Executive and other communications.

The SPEAKER. The Clerk will read.

Mr. BRECKINRIDGE, of Arkansas. I think the reports of committees should also be read. It is a very important matter that they should be read in the hearing of the House.

Mr. BUCHANAN, of New Jersey. I observe also, published in the RECORD, a list of places where religious services are held on Sundays. Is that a portion of the Journal? [Laughter.]

Mr. BRECKINRIDGE, of Arkansas. The gentleman may call for the reading of that if he likes; I do not call for it. I presume he needs that information. [Laughter.]

Mr. BUCHANAN, of New Jersey. I do not hear the gentleman.

Mr. MCKINLEY. I ask that the Clerk proceed with the reading.

The SPEAKER. The Clerk will go on with the reading of the Journal.

The Clerk resumed and concluded the reading of the Journal.

The SPEAKER. Without objection, the Journal will be considered approved as read.

QUESTION OF PRIVILEGE.

Mr. SPRINGER. Mr. Speaker, I rise to a question of privilege.

Mr. SPOONER. I move that the House resolve itself into Committee of the Whole——

Mr. SPRINGER. I have risen to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. SPRINGER. I send to the Clerk's desk a resolution to be read as the basis of the question which I desire to submit.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Whereas, during yesterday's session of the House, when a vote by yeas and nays had been ordered upon the previous question on the motion to approve the Journal, and the yeas and nays had been called, the recapitulation of said vote was dispensed with without the request for the consent of the House; and upon the request of the gentleman from Missouri [Mr. BLAND] and the demand of the gentleman from New York [Mr. TRACEY] for a recapitulation of the vote, the Speaker declined to order a recapitulation; and an appeal from this decision being made by the gentleman from Missouri [Mr. BLAND], the Speaker declined to entertain the appeal: Therefore,

Resolved, That this action on the part of the Speaker was unlawful; That to permit it to go uncondemned by the House would be to permit a precedent to stand, with apparent approval, that impairs the right and dignity of the House and that is inconsistent with a proper evidence of the integrity of its proceedings.

Mr. MCKINLEY. I make the point of order that this presents no privileged question——

Mr. SPRINGER. It is a question of the highest privilege.

Mr. MCKINLEY. Because the Chair distinctly made the ruling upon the ground that the motion or demand was dilatory.

Mr. BLAND. Of course he could rule out a call of the yeas and nays on the same ground. Everything is "dilatory" that does not suit the Speaker.

Mr. MCKINLEY. Besides, Mr. Speaker, there is nothing in the rules of the House that requires a recapitulation of the yea-and-nay vote.

Mr. SPRINGER. Do you make the point of order that this is not privileged?

Mr. MCKINLEY. I make the point of order that it is not privileged.

Mr. SPRINGER. Upon that I desire to be heard.

The SPEAKER. The gentleman from Illinois.

Mr. SPRINGER. A part of the privileges of this House, Mr. Speaker, is the right of the House to make up its own Journal of the proceedings of each day, and to preserve it, in order to know what we have done. In order to preserve and maintain the integrity of the proceedings of the House in that regard, every member has a right to know how he has been recorded upon the yea-and-nay list kept by the Clerk. If the right is to be held to remain exclusively with the Clerk to put members upon record on a yea-and-nay vote as he may see fit and we are to have no means of knowing how we are recorded, then we can not of course supervise the Journal at all. The Clerk makes it up and we know nothing of it until it is read the next morning; and the only possible chance for the correction of an inaccuracy is by the action of the House itself when it is read for approval each morning.

And it is manifest, Mr. Speaker, that, if this was permitted to be done without the consent of the members themselves, the result of votes might be changed without any knowledge on the part of the members of the House or of the House. It is therefore, and has always been held to be, a part of the roll-call itself, and the right of every member to know how he is recorded at the time the record is made up has never been questioned. Without this knowledge on the part of the members of the House we surrender our right absolutely to make our own record—each member surrenders his right—to the clerk, who makes up the record of the yea-and-nay vote in his own way.

From the very foundation of the Government until yesterday morning it has been regarded as a part of the roll-call to recapitulate the vote; and never has the question been raised as to the right of a member to demand that recapitulation. On the contrary unanimous consent has invariably been asked to dispense with the recapitulation. I may refer to the CONGRESSIONAL RECORD of the first session of this Congress, where there are numerous cases decided by the present Speaker of the House, to the effect that it required unanimous consent to dispense with the recapitulation. If it required unanimous consent to dispense with it in the first session of this Congress and all of the sessions of the Congresses preceding and up to this time during the present session, I submit that nothing has taken place, no change of the rules made, to dispense with that right on the part of the members at this time to have the vote recapitulated.

I submit, therefore, Mr. Speaker, that we should not allow this matter to pass without putting upon record the fact that the House itself holds that the recapitulation is a matter of privilege, belonging to each member of the House, and that we have a right to have the ruling changed; for the Speaker not only made the ruling in question, but declined on yesterday to entertain an appeal from his decision, so that he took it out of our power to overrule that decision, which was setting aside the precedents of a hundred years and establishing a new order of business in the House hitherto unknown anywhere.

Having declined to entertain the appeal from the ruling, it seems to me to be the right of the House to have the precedent absolutely established once and forever that this is a right of the members of the House. If, however, the majority on the floor intend to have the rule established, they can do so by a change of the rules of the House, but, as the rules stand and as the practice has existed heretofore, I submit that this is a question of privilege in which every member is interested and in which all should be united in securing a proper construction of the rule.

So much for the question of privilege. The gentleman from Arkansas desires to make some remarks upon this question, and I yield to him.

The SPEAKER. The gentleman from Arkansas.

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, the record as taken down by the Reporter shows that before the vote was announced by the Speaker, on yesterday, the gentleman from Missouri [Mr. BLAND] demanded a recapitulation of the vote. The records of Congress show, if I mistake not, that it has never been the custom to dispense with the recapitulation of the yea-and-nay vote without unanimous consent. I have marked numerous instances of this practice to which, if it be questioned, I can refer. But gentlemen must remember, in the frequent recurrence of this practice by the House, that whenever a vote has been concluded the Speaker has ordered the Clerk to recapitulate the names of gentlemen voting, and that the Clerk has proceeded to do so unless some member has asked that it be dispensed with. The uniform practice of the Chair has been to ask if there was objection; and without exception a single objection has defeated the motion or request to dispense with the recapitulation.

I question, Mr. Speaker, if this House is properly competent to pass a rule, much less the Chair to assume the power, to dispense with the recapitulation of the names of a yea-and-nay vote. It is an integral part of the taking of the yea-and-nay vote. You find nothing in the rules with regard to the taking of the yea-and-nay vote, or at least of the power to do so, because that is in the Constitution of the United States. It is stated literally in the very instrument under which we get our power to adopt rules. And, sir, I call special attention to the fact that, under the rules, a member is not permitted to stand by the Clerk while the vote is being called. Then what guaranty has this House as to the integrity of its vote? What guaranty has any member, what guaranty has the House as a body? No member can go to the desk and see that his vote is correctly or honestly put down. The only guaranty is that completion of the vote which has been observed from the foundation of Congress down to this good hour, that the vote shall be proclaimed in the hearing of the House and its members and by detail, so that a member can tell if he is rightly recorded, and every member, if he so desires, can keep a tally and determine the integrity of the vote of the House.

And, sir, if this usurpation of power should be permitted to go here and now unchecked and unrebuked, it would strike a blow, so far as lay in the power of the transient majority which is now on the floor of this House, at the very root of the integrity of the proceedings of Congress. [Cries of "Vote!" "Vote!" on the Republican side.]

The SPEAKER. The Chair does not think that the action of the Chair under the rules of the House in deciding motions to be out of order, on the ground that they are dilatory, can be made a question of privilege. If they could be, the sole purpose of the rule in giving to the Chair the power to put an end to dilatory motions would be nugatory. The Chair thinks therefore that it is not a question of privilege.

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, will the Chair permit one word? This is not a motion. The gentleman from Missouri [Mr. BLAND] did not make a motion and the gentleman from New York [Mr. TRACEY] did not make a motion; they made a demand.

The SPEAKER. They are precisely of the same character.

Mr. SPRINGER. I respectfully appeal from the decision of the Chair in holding that this is not a question of privilege.

Mr. MCKINLEY. I move to lay the appeal on the table.

Mr. BLAND. I would like to inquire of the Speaker what right the Chair has to judge of the motives or interpret the motives of gentlemen in making a rightful demand.

The SPEAKER. The gentleman from Ohio [Mr. MCKINLEY] moves to lay the appeal on the table.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. BLAND and Mr. BRECKINRIDGE, of Kentucky, demanded a division.

Mr. MCKINLEY. I demand the yeas and nays.

Mr. BLAND. Under the decision the Speaker has just made he can rule out amendments as dilatory.

The yeas and nays were ordered.

The question was taken; and there were—yeas 139, nays 105, not voting 87; as follows:

YEAS—139.

Adams,	Dolliver,	McComas,	Scull,
Allen, Mich.	Dorsey,	McCord,	Sherman,
Anderson, Kans.	Dunnell,	McCormick,	Simonds,
Arnold,	Evans,	McDuffie,	Smith, Ill.
Atkinson, Pa.	Farquhar,	McKenna,	Smith, W. Va.
Atkinson, W. Va.	Featherston,	McKinley,	Smyser,
Baker,	Finley,	Miles,	Spooner,
Banks,	Flick,	Miller,	Stephenson,
Bartine,	Funston,	Moffitt,	Stewart, Vt.
Bayne,	Gear,	Moore, N. H.	Stivers,
Beckwith,	Gest,	Morey,	Stockbridge,
Belden,	Greenhalge,	Morrow,	Stone, Pa.
Belknap,	Groavenor,	Morse,	Struble,
Bergen,	Grout,	Mudd,	Sweet,
Boothman,	Hall,	Nute,	Sweney,
Boutelle,	Harmer,	O'Donnell,	Taylor, E. B.
Brewer,	Haugen,	O'Neill, Pa.	Taylor, Ill.
Brosius,	Hays, E. R.	Osborne,	Taylor, J. D.
Buchanan, N. J.	Hermann,	Owen, Ind.	Taylor, Tenn.
Burton,	Hill,	Payne,	Thompson,
Caldwell,	Hitt,	Perkins,	Townsend, Colo.
Cannon,	Houk,	Peters,	Townsend, Pa.
Carter,	Kennedy,	Post,	Turner, Kans.
Caswell,	Kerr, Iowa	Pugsley,	Vandever,
Cheadle,	Ketcham,	Quackenbush,	Waddill,
Clark, Wis.	Kinsey,	Raines,	Wade,
Clark, Wyo.	Knapp,	Randall,	Walker,
Cogswell,	Lacey,	Ray,	Wallace, Mass.
Coleman,	La Follette,	Reyburn,	Wallace, N. Y.
Comstock,	Laidlaw,	Rife,	Williams, Ohio
Connell,	Langston,	Rockwell,	Wilson, Ky.
Cooper, Ohio	Lansing,	Rowell,	Wilson, Wash.
Cutcheon,	Laws,	Russell,	Wright,
Dalzell,	Lehlbach,	Sawyer,	Yardley.
Dingley,	Lodge,	Scranton,	

NAYS—105.

Abbott,	Culberson, Tex.	Lester, Ga.	Sayers,
Alderson,	Dargan,	Lewis,	Shively,
Anderson, Miss.	Davidson,	Maish,	Skinner,
Andrew,	Dibble,	Mansur,	Spinola,
Bankhead,	Dockery,	Martin, Tex.	Springer,
Barwig,	Dunphy,	McClellan,	Stewart, Ga.
Blanchard,	Edmunds,	McCreary,	Stewart, Tex.
Bland,	Ellis,	McMillin,	Stockdale,
Blount,	Enloe,	McRae,	Stone, Ky.
Breckinridge, Ark.	Fithian,	Mills,	Stone, Mo.
Breckinridge, Ky.	Forman,	Montgomery,	Stump,
Brickner,	Forney,	Mutchler,	Tarsney,
Brookshire,	Geary,	Norton,	Tillman,
Brown, J. B.	Geissenhainer,	O'Ferrall,	Tracey,
Brunner,	Gibson,	O'Neall, Ind.	Tucker,
Buchanan, Va.	Goodnight,	O'Neil, Mass.	Turner, Ga.
Buckalew,	Hare,	Outhwaite,	Turner, N. Y.
Bunn,	Haynes,	Owens, Ohio	Whitelaw,
Bynum,	Heard,	Parrett,	Whitthorne,
Campbell,	Henderson, N. C.	Paynter,	Wike,
Candler, Ga.	Herbert,	Peel,	Wiley,
Caruth,	Holman,	Penington,	Williams, Ill.
Clements,	Hooker,	Perry,	Wilson, W. Va.
Cobb,	Lane,	Price,	Yoder.
Covert,	Lanham,	Richardson,	
Crain,	Lawler,	Rogers,	
Crisp,	Lee,	Rusk,	

NOT VOTING—87.

Allen, Miss.	Bullock,	Clunie,	Ewart,
Barnes,	Burrows,	Cooper, Ind.	Fitch,
Biggs,	Butterworth,	Cothran,	Flood,
Bingham,	Candler, Mass.	Cowles,	Flower,
Bliss,	Carlton,	Craig,	Fowler,
Boatner,	Catchings,	Culbertson, Pa.	Frank,
Bowden,	Cheatham,	Cummings,	Gifford,
Brower,	Chipman,	Darlington,	Grimes,
Browne, T. M.	Clancy,	De Lano,	Hansbrough,
Browne, Va.	Clarke, Ala.	Dickerson,	Hatch,

Hayes, W. I.	Mason,	Pickler,	Thomas,
Hemphill,	McAdoo,	Pierce,	Van Schaick,
Henderson, Ill.	McCarthy,	Pindar,	Vaux,
Henderson, Iowa	McClammy,	Quinn,	Washington,
Hopkins,	Milliken,	Reed, Iowa	Wheeler, Ala.
Kelley,	Moore, Tex.	Reilly,	Wheeler, Mich.
Kerr, Pa.	Morgan,	Roberison,	Whiting,
Kilgore,	Morrill,	Rowland,	Wickham,
Lester, Va.	Niedringhaus,	Sanford,	Wilkinson,
Lind,	Oates,	Seney,	Willcox,
Magner,	Payson,	Snider,	Wilson, Mo.
Martin, Ind.	Phelan,	Stahlnecker,	

So the appeal was laid on the table.

The Clerk announced the following pairs:

Until further notice:

Mr. WHEELER, of Michigan, with Mr. KILGORE.

Mr. HENDERSON, of Illinois, with Mr. CLARKE, of Alabama.

Mr. LIND with Mr. DICKERSON.

Mr. CHEATHAM with Mr. FOWLER.

Mr. HENDERSON, of Iowa, with Mr. WILLCOX.

Mr. HANSBROUGH with Mr. STAHLNECKER.

Mr. NIEDRINGHAUS with Mr. HATCH.

Mr. DE LANO with Mr. ROWLAND.

Mr. BLISS with Mr. WHITING.

Mr. MCCORMICK with Mr. REILLY.

Mr. GIFFORD with Mr. PINDAR.

Mr. CUMMINGS with Mr. FLOOD.

Mr. BROWNE, of Virginia, with Mr. COWLES.

Mr. BUTTERWORTH with Mr. ALLEN, of Mississippi.

Mr. MASON with Mr. MCCLAMMY.

Mr. LESTER, of Virginia, with Mr. BOWDEN.

For one week:

Mr. MORROW with Mr. CLUNIE.

On this vote:

Mr. MORRILL with Mr. WILSON, of Missouri.

Mr. VAUX. Mr. Speaker, I am paired with the gentleman from Pennsylvania [Mr. DARLINGTON]. If I were not so paired I should have voted "no."

The result of the vote was then announced as above recorded.

COMPENSATING INDIANS OF THE CROW CREEK RESERVATION.

The SPEAKER laid before the House the following communication from the President of the United States; which was read, and referred to the Committee on Indian Affairs, and, with the accompanying papers, ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a letter of the Secretary of the Interior, accompanied by a letter from the Commissioner of Indian Affairs, who transmits a draught of a bill for compensating the Indians of the Crow Creek reservation for the loss sustained by them by reason of their receiving less land per capita in their diminished reservations than is to be received by Indians occupying other diminished reservations.

The matter is presented for the early consideration of the Congress.

BENJ. HARRISON.

EXECUTIVE MANSION, *January* 26, 1891.

REPORT OF BOARD ON GUN FACTORIES, ETC.

The SPEAKER also laid before the House the following communication from the President of the United States; which was read, and referred to the Committee on Appropriations, and, with the accompanying papers, ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a letter of the Secretary of War, accompanied by the final report of the Board on Gun Factories and Steel Forgings for high-power guns, and appendices thereto.

BENJ. HARRISON.

EXECUTIVE MANSION, *January* 26, 1891.

RAILROAD BONDS, OKLAHOMA CITY.

The SPEAKER also laid before the House a message from the President of the United States; which was read, as follows:

To the House of Representatives:

I return herewith, without my approval, the bill (H. R. No. 12365) entitled "An act to authorize Oklahoma City, in Oklahoma Territory, to issue bonds to provide a right of way for the Choctaw Coal and Railway Company through said city." This bill authorizes the corporation of Oklahoma City to issue corporate bonds to the amount of $40,000, for the purpose of providing a right of way for a railroad company through the city, if the proposition shall receive the assent of a majority of the legal voters at an election to be called for that purpose.

It is attempted to distinguish this case from the ordinary case of a municipal grant to a railway company by the fact that this railway company had located its line through the lands afterwards settled upon under the town-site law before such settlement, and that the route thus located cuts the plat of the city diagonally and in a way to be very injurious to property interests.

Upon an examination of the facts, it appears to me to be clear that no legal location was made by the railway company prior to the acquisition of the lands by the occupying settlers. Some preliminary surveys had been made, but no map of location had been filed with the Secretary of the Interior. If the rights of this company at this point of its road, as to right of way, are derived from the general statute of the United States upon that subject (Revised Statutes, Supplement, page 187), then section 4 distinctly saves the right of any settler who had located prior to the filing of a profile of the road and the approval by the Secretary of the Interior thereof. And if, on the other hand, the rights of the company at the point indicated are derived from the act of Congress of February 18, 1888, "to authorize the Choctaw Coal and Railway Company to construct and operate a railway through the Indian Territory, and for other purposes," section 6 of that act also plainly protects the right of any occupying claimant. The latter statute, it seems to me, was intended to grant a right of way only through Indian lands, and, if these lands were not such, the general statute, to which I have referred, would apply; but in either event the conclusion is the same.

It appears from the report of the committee that its favorable action, and, I must assume, the favorable action of Congress, proceeded upon the theory that there was a real controversy, doubtful as to its issue, as to the right of the railroad company to hold the line of its survey through the city.

Stripped, then, of this claim, the proposition is nakedly one to authorize Oklahoma City to donate $40,000 to the Choctaw Coal and Railway Company. The general statute of the United States prohibits such grants, and this must stand, until repealed, as a continuing expression of legislative opinion. If a departure from this rule is to be allowed at all, certainly it should only be where the circumstances are exceptional. Such circumstances, in my opinion, do not exist in this case. Already I have received from other cities in the Territory protests against special legislation of this sort, accompanied by the suggestion that if this policy is admitted other cities shall also be allowed to encourage the building of roads by donation.

Oklahoma City, according to the report of the Census Office, has a population of about 4,100, and this donation would be equivalent to nearly $10 per capita. Very little real estate, whether town site or country property, in this Territory is yet subject to assessment for taxation. The people have not yet had time to accumulate, and Congress has received appeals for aid to relieve a prevailing distress which the Territorial authorities have found themselves unable to deal with. It does not seem to me, in view of all these facts, that the wholesome rule prescribed by the general statute should be departed from.

BENJ. HARRISON.

EXECUTIVE MANSION, *January* 26, 1891.

Mr. STRUBLE. I move to refer that message, with the accompanying bill, to the Committee on the Territories.

Mr. BRECKINRIDGE, of Kentucky. I move that the House enter upon the reconsideration of this bill which has just been returned with the veto message of the President. It is a privileged motion, and I move that the House proceed under the Constitution to the consideration of the message of the President and to consider whether it will pass the bill notwithstanding the veto.

The SPEAKER. The Chair thinks it is competent for the House to refer it to the Committee on Territories.

Mr. STRUBLE. I hope that course will be adopted. It is usual to refer a veto message to the committee which reported the bill. I think it would only be proper to allow the committee to consider the matter, and that has been the custom of the House.

Mr. BRECKINRIDGE, of Kentucky. The motion I have made is a privileged question under the Constitution. It has been repeatedly decided that a motion to proceed to the consideration of a vetoed bill, with the objections of the President, is a privileged question under the Constitution. Not only that, but it has been further decided that a motion to discharge a committee from the further consideration of a veto message is a privileged question. Surely if it be a privileged question to discharge the committee and proceed to its consideration, *a fortiori* it is a privileged question to proceed to the consideration of it before it is thus referred.

The SPEAKER. The Chair will hold, unless some authority is produced to the contrary, that it is competent for the House to entertain the motion already made by the gentleman from Iowa [Mr. STRUBLE].

Mr. BURROWS. Mr. Speaker, if the gentleman from Kentucky will allow me to call his attention, he must remember that Speaker CARLISLE, in the last Congress, held repeatedly that that was a proper motion, and a motion would be entertained to refer a veto message to a committee; but although it was referred, it could be called up by any member at any time as a privileged matter.

Mr. BRECKINRIDGE, of Kentucky. I do not deny that the House has the power to refer a message to a committee; but I do say that it has not the power to refer it to a committee until it is determined not to consider the veto message.

Mr. CANNON. That is one way of determining not to consider it.

Mr. BURROWS. In the case that I refer to, the point was made that it must be immediately considered, and Mr. Speaker CARLISLE overruled that point, and held that it was in order to refer it.

Mr. BRECKINRIDGE, of Kentucky. Does the gentleman recollect what that case was?

Mr. BURROWS. There were several cases.

Mr. FARQUHAR. There were two public building bills, I recollect. Mr. Anderson, of Iowa, had one of the bills.

Mr. SPRINGER. It occurs to me that the actual status of the bill is this: Will the House pass this bill, the objections of the President to the contrary notwithstanding? That is the question now before the House; and, pending the consideration of that, it is competent for the Chair to entertain a motion to refer the bill or measure to a committee; and if a gentleman should make that motion, it seems to me that that motion would take precedence. We are now considering the measure itself. It was for that purpose that the Constitution provided the way in which it should be done.

Mr. BRECKINRIDGE, of Kentucky. I find that this——

Mr. HOOKER. Will the gentleman from Kentucky allow me to make a suggestion?

Mr. BRECKINRIDGE, of Kentucky. In a single moment.

I find, Mr. Speaker, that the authorities seem to be the following—that we shall proceed at once to the consideration of the bill, or to postpone it to a future day, or to refer it. Therefore, I do not desire further to insist on that point.

The SPEAKER. The question is on the motion of the gentleman from Iowa.

The question was put; and the Speaker announced that the "ayes" seemed to have it.

Mr. BRECKINRIDGE of Kentucky. A parliamentary inquiry. If the motion to refer to a committee is voted down, I suppose I can make a motion to proceed to its consideration.

Mr. HOOKER. I wish to suggest to the gentleman from Kentucky that a true construction of the rule and of the precedents will show it to be the case that a motion that the House do now consider the case or bill and pass it notwithstanding the objections of the President takes precedence of any other question and is the first question to be considered by the House. It is true that the House may decline to consider it and that the House may afterwards adopt a resolution to refer it; but the rule alluded to by the gentleman, I think, is correct, and the question is, Will the House now proceed to its consideration?

The SPEAKER. The Chair thinks the motion to refer is in order.

The question was again put; and the Speaker announced that the "ayes" seemed to have it.

Mr. BRECKINRIDGE, of Kentucky. Division.

The House divided; and there were—ayes 104, noes 83.

Mr. BRECKINRIDGE, of Kentucky. I call for tellers.

Mr. STRUBLE. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 134, nays 102, not voting 95; as follows:

YEAS—134.

Allen, Mich.	Dingley,	Lodge,	Sherman,
Anderson, Kans.	Dolliver,	McComas,	Smith, Ill.
Arnold,	Dorsey,	McCord,	Smith, W. Va.
Atkinson, Pa.	Dunnell,	McCormick,	Smyser.
Atkinson, W. Va.	Evans,	McDuffie,	Spooner,
Baker,	Farquhar,	McKenna,	Stephenson,
Banks,	Featherston,	McKinley,	Stewart, Vt.
Bartine,	Flick,	Miles,	Stivers,
Bayne,	Frank,	Miller,	Stockbridge,
Beckwith,	Funston,	Moffitt,	Stone, Pa.
Belden,	Gear,	Moore, N. H.	Struble,
Belknap,	Gest,	Morey,	Sweet,
Bergen,	Greenhalge,	Morse,	Sweney,
Boutelle,	Grosvenor,	Mudd,	Taylor, Ill.
Brewer,	Grout,	Nute,	Taylor, J. D.
Brosius,	Hall,	O'Donnell,	Taylor, Tenn.
Browne, Va.	Harmer,	O'Neill, Pa.	Thompson,
Buchanan, N. J.	Haugen,	Osborne,	Townsend, Colo.
Burrows,	Haya, E. R.	Owen, Ind.	Turner, Kans.
Burton,	Hermann,	Payne,	Vandever,
Caldwell,	Hill,	Perkins,	Van Schaick,
Candler, Mass.	Hitt,	Peters,	Waddill,
Cannon,	Houk,	Post,	Wade,
Caswell,	Kelley,	Pugsley,	Walker,
Cheadle,	Kennedy,	Randall,	Wallace, Mass.
Clark, Wis.	Kerr, Iowa	Ray,	Wallace, N. Y.
Clark, Wyo.	Ketcham,	Reed, Iowa	Wickham,
Cogswell,	Kinsey,	Reyburn,	Williams, Ohio
Coleman,	La Follette,	Rife,	Wilson, Ky.
Comstock,	Laidlaw,	Rockwell,	Wilson, Wash.
Connell,	Langston,	Rowell,	Wright,
Cooper, Ohio	Lansing,	Russell,	Yardley.
Cutcheon,	Laws,	Scranton,	
Dalzell,	Lehlbach,	Scull,	

NAYS—102.

Abbott,	Crisp,	Lester, Ga.	Richardson,
Alderson,	Culberson, Tex.	Lewis,	Robertson,
Anderson, Miss.	Dargan,	Maish,	Sayers,
Andrew,	Davidson,	Mansur,	Seney,
Bankhead,	Dockery,	Martin, Ind.	Shively,
Barwig,	Dunphy,	Martin, Tex.	Skinner,
Biggs,	Edmunds,	McAdoo,	Spinola,
Bland,	Ellis,	McClellan,	Springer,
Blount.	Enloe,	McCreary,	Stewart, Tex.
Breckinridge, Ark.	Fithian,	McMillin,	Stone, Mo.
Breckinridge, Ky.	Flower,	McRae,	Stump,
Brickner,	Forman,	Montgomery,	Tarsney,
Brookshire,	Forney,	Mutchler,	Tracey,
Brown, J. B.	Geissenhainer,	Norton,	Tucker,
Brunner,	Gibson,	O'Ferrall,	Turner, Ga.
Buchanan, Va.	Goodnight,	O'Neall, Ind..	Washington,
Buckalew,	Haynes,	Outhwaite,	Wheeler, Ala.
Bunn,	Heard,	Owens, Ohio	Whitelaw,
Bynum,	Henderson, N. C.	Parrett,	Whitthorne,
Campbell,	Herbert,	Paynter,	Wike,
Candler, Ga.	Holman,	Peel,	Wiley,
Caruth,	Hooker,	Penington,	Williams, Ill.
Chipman,	Lane,	Perry,	Wilson, W. Va.
Clements,	Lanham,	Pierce,	Yoder.
Cobb,	Lawler,	Price,	
Covert,	Lee,	Quinn,	

NOT VOTING—95.

Adams,	Catchings,	Dickerson,	Henderson, Iowa
Allen, Miss.	Cheatham,	Ewart,	Hopkins,
Barnes,	Clancy,	Finley,	Kerr, Pa.
Bingham,	Clarke, Ala.	Fitch,	Kilgore,
Blanchard,	Clunie,	Flood,	Knapp,
Bliss,	Cooper, Ind.	Fowler,	Lacey,
Boatner,	Cothran,	Geary,	Lester, Va.
Boothman,	Cowles,	Gifford,	Lind,
Bowden,	Craig,	Grimes,	Magner,
Brower,	Crain,	Hansbrough,	Mason,
Browne, T. M.	Culbertson, Pa.	Hare,	McCarthy,
Bullock,	Cummings,	Hatch,	McClammy,
Butterworth.	Darlington,	Hayes, W. I.	Milliken,
Carlton,	De Lano,	Hemphill,	Mills,
Carter,	Dibble,	Henderson, Ill.	Moore, Tex.
Morgan,	Pindar,	Simonds,	Townsend, Pa.
Morrill,	Quackenbush,	Snider,	Turner, N. Y.
Morrow,	Raines,	Stahlnecker,	Vaux,
Niedringhaus,	Reilly,	Stewart, Ga.	Wheeler, Mich.
Oates.	Rogers,	Stockdale,	Whiting,
O'Neil, Mass.	Rowland,	Stone, Ky.	Wilkinson,
Payson,	Rusk,	Taylor, E. B.	Willcox,
Phelan,	Sanford,	Thomas,	Wilson, Mo.
Pickler,	Sawyer,	Tillman,	

So the message and veto were referred to the Committee on Territories.

The following additional pairs were announced until further notice:

Mr. CULBERTSON, of Pennsylvania, with Mr. COWLES.

Mr. TOWNSEND, of Pennsylvania, with Mr. STEWART, of Texas.

Mr. THOMAS with Mr. MOORE, of Texas, for the rest of the day.

The result of the vote was then announced as above recorded.

ORDER OF BUSINESS.

Mr. ANDERSON, of Kansas. Mr. Speaker——

The SPEAKER *pro tempore* (Mr. BOUTELLE.) The gentleman from Rhode Island.

Mr. SPOONER. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the Military Academy appropriation bill.

Mr. ENLOE. Mr. Speaker, I rise to a question of privilege.

Mr. STUMP. Will the gentleman from Rhode Island yield to me for a moment?

Mr. ANDERSON, of Kansas. Pending the motion to go into Committee of the Whole, I desire to present a privileged resolution of inquiry.

The SPEAKER *pro tempore*. The motion of the gentleman from Rhode Island takes precedence.

The SPEAKER *pro tempore* proceeded to put the question.

Mr. ENLOE. Mr. Speaker, I rise to a question of privilege.

The SPEAKER *pro tempore*. The gentleman will state his question of privilege.

Mr. FARQUHAR. The House is dividing.

The SPEAKER. For what purpose does the gentleman from Tennessee rise?

Mr. ENLOE. I rise for the purpose of asking for the consideration at this time of the resolution which I send to the Clerk's desk.

The resolution was read from the RECORD, as follows:

Resolved, That the Regents of the Smithsonian Institution be, and they are hereby, requested and directed to furnish to the House of Representatives a detailed and itemized statement of the expenditures which have been made from the appropriation provided in the act approved April 30, 1890, entitled "An act for the organization, improvement, and maintenance of the National Zoölogical Park;" and they are further directed and requested to report whether or not any of the lands purchased for park purposes has been reserved from the public or set apart for scientific or other purposes than those for the Zoölogical Park; also, to report whether or not any part of the said appropriation has been expended in violation of the provisions of said act.

The SPEAKER. Upon what ground does the gentleman make that a question of privilege?

Mr. ENLOE. I call it a privileged question on the ground that the resolution has been introduced a sufficient length of time to make it privileged, it being an inquiry addressed to the Regents of the Smithsonian Institution. The matter has been before the Committee on Expenditures in the Interior Department, and the committee agreed to report a resolution striking out the portion of the resolution as read which calls for an itemized statement of the expenditures.

The SPEAKER. The rule applies only to resolutions of inquiry addressed to the heads of Executive Departments.

Mr. ENLOE. On that point, Mr. Speaker, I desire to say that the reason why the resolution was framed as it is and also the reason why I consider this as presenting a question of privilege is because it is addressed to the Regents of the Smithsonian Institution, who are made trustees for the disbursement of this fund and for the organization of this park and are not under the control of any Department of the Government.

The SPEAKER. "Heads of Executive Departments" is the language of the rule.

Mr. ENLOE. I understand; but the Regents of the Smithsonian are not under the jurisdiction of any Department of the Government.

A MEMBER. And consequently do not come under the rule.

Mr. ENLOE. They are virtually the head of a Department, and I should think they come within the meaning of the rule.

The SPEAKER. They are not heads of any Executive Department.

Mr. ENLOE. Furthermore, I will state that on yesterday morning the gentleman from Massachusetts, the chairman of the Committee on Expenditures in the Interior Department [Mr. BANKS], told me that he would bring the matter up and that the Speaker had agreed that it should be brought up and considered this morning. Upon that ground I passed it over yesterday morning, and I would like to have it disposed of now, because the Regents meet to-morrow.

The SPEAKER. The gentleman from Massachusetts [Mr. BANKS] did speak to the Chair with regard to it, and the fault, if there be any, is not his. The Chair was not aware that the matter would come up now. There is apparently some misunderstanding; but the Chair

makes this statement so that the gentleman from Massachusetts may be exonerated from any responsibility for it.

Mr. ENLOE. Do I understand the Chair to hold that this is not a privileged resolution?

The SPEAKER. The Chair does not see how it comes under the privilege for which the rule provides.

Mr. ENLOE. Then I will ask the Chair, to whom should such a resolution of inquiry be addressed in order to make this a privileged matter? What Department has jurisdiction of the Regents of the Smithsonian Institution?

The SPEAKER. The Chair could not tell that without some investigation.

Mr. ENLOE. I admit that this does not come within the rule technically, but there is no other way to get the information than by addressing the inquiry directly to the Regents. I ask that the resolution be considered now. It will take but a few minutes.

The SPEAKER. The Chair thinks it is clearly not one of the cases contemplated by the rule, and the Speaker resumed the chair while a division was going on because he saw that the gentleman temporarily occupying the chair had not talked with the gentleman from Tennessee on the subject. If the gentleman can at any time show that this is a question of privilege, the chair will entertain his motion at the proper time, but at present there does not seem to be any foundation laid for it.

Mr. ENLOE. Then at some other time the Chair will listen to an argument on the question of its being privileged?

The SPEAKER. At any time that the gentleman will show that this is a question of privilege the Chair will do his best to entertain the gentleman's motion.

Mr. ENLOE. I think, Mr. Speaker, the House would have no objection to the adoption of the resolution now.

The SPEAKER. The Chair presumes not; but, coming up in this way as a privileged proposition in the middle of the consideration of a matter which is highly privileged, the Chair does not think it can be entertained under the rule.

Mr. ENLOE. Well, Mr. Speaker, I believe it is privileged; but, instead of arguing that proposition, I will ask unanimous consent that the resolution be now considered by the House.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

Mr. CANNON. Is it expected to debate the resolution?

Mr. ENLOE. I want to make only a very brief statement, not longer than three or four minutes.

Mr. CANNON. If the consideration of the resolution can be confined to five minutes, I have no objection.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee that this resolution be now considered?

Mr. MILES. I object.

The SPEAKER. Objection is made. The question is on the motion of the gentleman from Rhode Island [Mr. SPOONER].

Mr. ANDERSON, of Kansas. Mr. Speaker, pending that, I have here a resolution reported back from the Committee on Commerce, asking certain information from the Interstate Commerce Commission. It is a privileged resolution, and——

The SPEAKER. The Chair thinks it is not privileged. The Interstate Commerce Commission is not the head of a department.

Mr. ANDERSON, of Kansas. I understood the Chair to say it was privileged.

The SPEAKER. The rule applies only to resolutions addressed to the "heads of Executive Departments." That is the language of the rule.

The question is on the motion of the gentleman from Rhode Island [Mr. SPOONER].

IMMIGRATION FUND.

Mr. STUMP. With the permission of the gentleman from Rhode Island, I would like to present for present consideration the resolutions which I hold in my hand.

The SPEAKER. Does the gentleman from Rhode Island yield?

Mr. SPOONER. I yield if it will not consume any time.

Mr. STUMP. It will not consume five minutes.

The SPEAKER. Is this a privileged resolution?

Mr. STUMP. No, sir; but I desire to submit the resolutions with the permission of the gentleman from Rhode Island.

The Clerk read as follows:

Whereas complaint has been made through the public press and by responsible citizens that immigrants arriving at the port of New York who are in distress and who are detained for further inspection do not receive proper care and treatment; and

Whereas by act of Congress passed in 1882, an "immigrant fund" was created by a capitation tax of 50 cents on each immigrant, which fund was to be paid into the Treasury of the United States "to be used, under the direction of the Secretary of the Treasury, to defray the expense of regulating immigration, and for the care of immigrants arriving in the United States, for the relief of such as are in distress, and for the general purposes and expenses of carrying this act into effect;" and

Whereas it is represented that a large sum of money raised by said tax belonging to said immigration fund specially held by the United States in trust under the provisions of said act, for the humane purpose of caring for said immigrants in distress, remains in the Treasury unexpended:

1. *Be it resolved*, That the Secretary of the Treasury furnish this House with a statement of amount of money now remaining in the Treasury belonging to the immigration fund. How much money has been received since the 1st of January, 1890. How much has been expended during that time, and what instructions he has given for the care of immigrants arriving in the United States in distress. What provisions he has made for the care of those who are detained for examination; and, specially, whether said immigrants are provided with proper food and sleeping accommodations.

2. *Be it resolved*, That the Select Committee on Immigration be directed to immediately investigate the manner of the treatment of immigrants arriving in the port of New York, with leave at any time to report to this House the result of its investigation.

Mr. DUNNELL. It seems to me that this investigation should extend to an earlier point than the resolutions name. Why not cover the period from 1882?

Mr. OWENS, of Indiana. We have completed that investigation.

Mr. STUMP. I ask for the present consideration of these resolutions.

Mr. BREWER. Are the resolutions presented simply for reference?

The SPEAKER. The gentleman from Maryland asks unanimous consent for their consideration.

Mr. DINGLEY. Let them be referred. The committee has the right to report at any time.

Mr. BREWER. I think they had better be referred.

Mr. STUMP. The consideration of the resolutions will not occupy a moment; I do not think there can be any objection.

Mr. DINGLEY. I understand that the committee has examined the matter and desires to have the resolutions pass. Therefore I make no objection.

There being no objection, the resolutions were considered and adopted.

BRIDGE OVER MISSOURI RIVER.

Mr. SPOONER. I yield for a moment to the gentleman from Iowa [Mr. REED] with the understanding that his proposition will give rise to no debate.

Mr. REED, of Iowa. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read the bill (H. R. 13071) authorizing the construction of a draw, street-railway, motor, wagon, and pedestrian bridge over the Missouri River near Omaha, Nebr.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. CAMPBELL. I object.

Mr. OUTHWAITE. I do not object to the consideration of the bill, but I do object to the passage of a bill of this character and magnitude without any explanation whatever of its necessity and without the report being read.

Mr. REED, of Iowa. There is a report accompanying the bill.

Mr. OUTHWAITE. I would like to have the report read.

Mr. SPINOLA. I will reserve the right of objection until the report has been read.

The report of the Committee on Commerce (by Mr. MASON) was read, as follows:

The Committee on Commerce, to whom was referred the bill (H. R. 13071) authorizing the construction of a draw, street-railway, motor, wagon, and pedestrian bridge over the Missouri River near Omaha, Nebr., report as follows:

At the present time there are existing between Omaha, Nebr., and Council Bluffs, Iowa, but two bridges, one of which is used exclusively as a railroad bridge, the other as a street-railway and wagon bridge.

The demands of commerce require and fair competition makes it necessary that new and additional facilities be furnished to the numerous railroads centering at Omaha and Council Bluffs for crossing the Missouri River at available points between said cities. It is the purpose of this bill, with the amendments herewith proposed, to provide such facilities.

At the present time the right of certain railroads to cross, with their trains, the present existing bridge is denied, and travel and commerce are thereby delayed and interrupted.

Owing to the low and flat character of the land on both sides of the river at and in the vicinity of the proposed location of the bridge desired to be constructed under the provisions of this bill (hereto attached), it will be impracticable, if not absolutely impossible, to construct a high bridge.

With the restrictions and requirements contained in the bill, the use and navigation of the river by boats or rafts is amply and sufficiently provided for. The bill is favored and its passage strongly urged by the citizens of both Omaha and Council Bluffs.

With the amendments herein proposed, the bill will correspond with Senate bill 4890, which has been submitted to the Secretary of War and by him referred to the Chief of Engineers, who has duly reported thereon, as will more fully and at large appear by a copy of said report, which is hereto attached.

To fully conform with said Senate bill and with the recommendations as made by the Chief of Engineers of the Department of War, the committee recommend the following amendments, to wit:

Amend the title by striking out the word "draw" and inserting in lieu thereof the word "railway," and after the word "near," in the second line of said title, add the words "Council Bluffs, Iowa, and."

After the words "Secretary of War," in line 18 of section 1, insert the words "and all railroads reaching the Missouri River near said point shall be permitted the unobstructed use of said bridge and the approaches thereto for engines, cars, and trains at reasonable compensation and rates of toll."

Strike out the word "by," in line 13 of section 2, and insert in lieu thereof the word "the."

Strike out the words "topography of," in lines 18 and 19 of section 2, and insert in lieu thereof the words "high and low water lines upon."

Strike out the words "with shore lines and soundings" and insert in lieu thereof the words "the direction and strength of the currents at all stages of the water, with soundings accurately showing the bed of the stream and the location of any other bridge or bridges, such maps to be sufficiently in detail to enable the Secretary of War to judge of the proper location of said bridge."

After the word "and," in line 20 of section 2, add the words "shall furnish."

Strike out all that portion of section 3 after the words "said bridge," in line 30.

Strike out the words "two years," in line 2 of section 8, and insert in lieu thereof the words "one year."

Strike out the word "four," in line 3 of said section 8, and insert in lieu thereof the word "three."

With the amendments proposed your committee recommend the passage of said bill.

—

OFFICE OF THE CHIEF OF ENGINEERS, UNITED STATES ARMY,
Washington, D. C., January 20, 1891.

SIR: I have the honor to acknowledge reference to this office of letter of the 16th instant, from the Committee on Commerce of the United States Senate, inclosing for War Department views thereon S. 4880, Fifty-first Congress, second session, "A bill authorizing the construction of a railway, street-railway, motor, wagon, and pedestrian bridge over the Missouri River, near Council Bluffs, Iowa, and Omaha, Nebr.," and to return the papers with the recommendation that the bill be amended as follows:

Section 2, line 13, change "by" to "the;" lines 18 and 19, strike out "the topography of," and substitute therefor "the high and low water lines upon."

Lines 19 and 20, strike out "with shore lines and soundings," and insert in lieu thereof "the direction and strength of the currents at all stages of the water, with soundings accurately showing the bed of the stream and the location of any other bridge or bridges, such map to be sufficiently in detail to enable the Secretary of War to judge of the proper location of said bridge."

Line 20, after "and" insert "shall furnish."

Section 8, line 2, change "two years" to "one year." Line 3 change "four" to "three."

This bill provides for two draw openings of not less than 200 feet each, to be maintained over the main channel of the river, and the company is required, at its own expense, to build and maintain, under the direction and supervison of the Secretary of War, works necessary to maintain the channel within the draw span of said bridge, and the company is further required to maintain a depth of water through the draw span not less than now existing at the point where the bridge may be located.

The interests of navigation are in my opinion sufficiently protected by the terms of the bill, and if amended as recommended above, I see no objection to its passage by Congress.

Very respectfully, your obedient servant,

THOS. LINCOLN CASEY,
Brigadier General, Chief of Engineers.

Hon. REDFIELD PROCTOR,
Secretary of War.

Mr. SPRINGER. I hope the gentleman from New York [Mr. CAMPBELL] will withdraw his objection to this bill. It has been considered by the Committee on Commerce and ought to be passed at once; otherwise a very important improvement will be greatly delayed.

Mr. CAMPBELL. I withdraw the objection.

The SPEAKER. Is there further objection to the consideration of this bill?

Mr. SPINOLA. I wish to state that I withdraw all objection to the bill owing to the patriotic position taken by the gentleman having it in charge upon the bill for the erection of a monument to the 11,500 martyrs. [Laughter.]

There being no objection, the House proceeded to the consideration of the bill.

The amendments reported by the committee and stated in the report as read were adopted.

The bill as amended was ordered to a third reading, read the third time, and passed.

The title of the bill was amended, as recommended by the committee, so as to read: "A bill authorizing the construction of a railway, street-railway, motor, wagon, and pedestrian bridge over the Missouri River, near Council Bluffs, Iowa, and Omaha, Nebr."

Mr. REED, of Iowa, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. SPOONER. I now renew my motion.

The SPEAKER. The gentleman from Rhode Island moves that the House resolve itself into Committee of the Whole on the state of the Union, for the purpose of considering general appropriation bills. [The question having been put.] The ayes seem to have it.

Mr. ENLOE. I call for a division.

The question being again taken, there were—ayes 67, noes 5.

Mr. ENLOE. I call for tellers.

Tellers were not ordered, only 15 voting therefor.

Mr. ENLOE. I call for the yeas and nays.

The yeas and nays were ordered, 26 voting therefor—more than one-fifth of the last vote.

The question was taken; and it was decided in the affirmative—yeas 162, nays 37, not voting 132; as follows:

YEAS—162.

Allen, Mich.	Brosius,	Catchings,	Dorsey,
Anderson, Kans.	Brower,	Cheadle,	Dunnell,
Arnold,	Browne, T. M.	Chipman,	Edmunds,
Atkinson, W. Va.	Brunner,	Clark, Wis.	Ellis,
Bartine,	Buchanan, N. J.	Clements,	Evans,
Barwig,	Buchanan, Va.	Cobb,	Farquhar,
Beckwith,	Buckalew,	Cogswell,	Featherston,
Belden,	Burton,	Coleman,	Flower,
Belknap,	Bynum,	Comstock,	Forney,
Bergen,	Caldwell,	Cooper, Ohio	Frank,
Bland,	Campbell,	Covert,	Funston,
Boothman,	Candler, Mass.	Culberson, Tex.	Gear,
Boutelle,	Cannon,	Cummings,	Geissenhainer,
Breckinridge, Ky.	Carter,	Cutcheon,	Gest,
Brewer,	Caruth,	Darlington,	Goodnight,
Brookshire,	Caswell,	Davidson,	Grosvenor,
Grout,	Lester, Ga.	Raines,	Taylor, Tenn.
Hall,	Martin, Ind.	Reed, Iowa	Tillman,
Harmer,	McComas,	Reyburn,	Townsend, Colo.
Haugen,	McCord,	Richardson,	Tracey,
Hays, E. R.	McCreary,	Rife,	Tucker,
Haynes,	McDuffie,	Rockwell,	Turner, Ga.
Heard,	McKinley,	Russell,	Turner, Kans.
Herbert,	Mofflit,	Sayers,	Vandever,
Hermann,	Moore, N. H.	Scull,	Van Schaick,
Hill,	Morey,	Seney,	Vaux,
Hitt,	Morrill,	Sherman,	Wade,
Houk,	Morse,	Smith, W. Va.	Walker,
Kelley,	Mutchler,	Smyser,	Wallace, Mass.
Kerr, Iowa	Nute,	Spinola,	Washington,
Ketcham,	O'Donnell,	Spooner,	Whitthorne,
Kinsey,	O'Neall, Ind.	Stephenson,	Wickham,
Lacey,	O'Neill, Pa.	Stivers,	Wike,
La Follette,	Osborne,	Stone, Ky.	Wilkinson,
Laidlaw,	Owen, Ind.	Stone, Pa.	Williams, Ill.
Langston,	Parrett,	Struble,	Williams, Ohio
Lanham,	Payne,	Stump,	Wilson, Wash.
Lansing,	Peters,	Sweet,	Wilson, W. Va.
Laws,	Price,	Taraney,	Yardley.
Lee,	Pugsley,	Taylor, E. B.	
Lehlbach,	Quackenbush,	Taylor, Ill.	

NAYS—37.

Abbott,	Enloe,	McMillin,	Rogers,
Alderson,	Fithian,	Montgomery,	Skinner,
Anderson, Miss.	Hare,	Norton,	Springer,
Andrew,	Henderson, N. C.	O'Ferrall,	Stewart, Tex.
Biggs,	Holman,	O'Neil, Mass.	Stone, Mo.
Blanchard,	Hooker,	Paynter,	Turner, N. Y.
Boatner,	Lane,	Penington,	Whitelaw.
Crain,	Lewis,	Perry,	
Dockery,	Martin, Tex.	Pierce,	
Dunphy,	McAdoo,	Robertson,	

NOT VOTING—132.

Adams,	Culbertson, Pa.	Lind,	Ray,
Allen, Miss.	Dalzell,	Lodge,	Reilly,
Atkinson, Pa.	Dargan,	Magner,	Rowell,
Baker,	De Lano,	Maish,	Rowland,
Bankhead,	Dibble,	Mansur,	Rusk,
Banks,	Dickerson,	Mason,	Sanford,
Barnes,	Dingley,	McCarthy,	Sawyer,
Bayne,	Dolliver,	McClammy,	Scranton,
Bingham,	Ewart,	McClellan,	Shively,
Bliss,	Finley,	McCormick,	Simonds,
Blount,	Fitch,	McKenna,	Smith, Ill.
Bowden,	Flick,	McRae,	Snider,
Breckinridge, Ark.	Flood,	Miles,	Stahlnecker,
Brickner,	Forman,	Miller,	Stewart, Ga.
Brown, J. B.	Fowler,	Milliken,	Stewart, Vt.
Browne, Va.	Geary,	Mills,	Stockbridge,
Bullock,	Gibson,	Moore, Tex.	Stockdale,
Bunn,	Gifford,	Morgan,	Sweney,
Burrows,	Greenhalge,	Morrow,	Taylor, J. D.
Butterworth,	Grimes,	Mudd,	Thomas,
Candler, Ga.	Hansbrough,	Niedringhaus,	Thompson,
Carlton,	Hatch,	Oates,	Townsend, Pa.
Cheatham,	Hayes, W. I.	Outhwaite,	Waddill,
Clancy,	Hemphill,	Owens, Ohio	Wallace, N. Y.
Clark, Wyo.	Henderson, Ill.	Payson,	Wheeler, Ala.
Clarke, Ala.	Henderson, Iowa	Peel,	Wheeler, Mich.
Clunie,	Hopkins,	Perkins,	Whiting,
Connell,	Kennedy,	Phelan,	Wiley,
Cooper, Ind.	Kerr, Pa.	Pickler,	Willcox,
Cothran,	Kilgore,	Pindar,	Wilson, Ky.
Cowles,	Knapp,	Post,	Wilson, Mo.
Craig,	Lawler,	Quinn,	Wright,
Crisp,	Lester, Va.	Randall,	Yoder.

So the motion was agreed to.

Mr. WHEELER, of Alabama. Mr. Speaker, I ask to have my name recorded. I heard the latter portion of my name called, but did not answer, for I was not aware that it was my name until after the next name on the roll was called.

The SPEAKER. The Chair thinks the gentleman does not bring himself within the rule.

Mr. WHEELER, of Alabama. I was not certain it was my name until I heard the word "Alabama," and then the next name on the roll called, which convinced me that my name had just been passed over. I do not know that my vote would be necessary, and perhaps it is not material, but if I have the right to do so I should like to record it.

The SPEAKER. The Chair thinks he can not entertain the request of the gentleman.

The following pairs were announced for the rest of the day:

Mr. BROWER with Mr. BANKHEAD.

Mr. WRIGHT with Mr. FITHIAN.

Mr. BAKER with Mr. SPINOLA.

Mr. PERKINS with Mr. PEEL.

Mr. CRAIG with Mr. DARGAN.

Mr. SPINOLA. I am paired with my colleague, Mr. BAKER, until 3 p. m. to-day, but I voted notwithstanding the pair, as I am satisfied he would vote on this question as I do.

The result of the vote was then announced as above recorded.

MILITARY ACADEMY APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. MCCOMAS in the chair.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the purpose of considering the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 12922) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1892.

Mr. SPOONER. I would like to ask gentlemen on the other side of the House if we can now agree on some limitation to the general debate?

Mr. WHEELER, of Alabama. There are several gentlemen on this side of the House who desire to be heard.

Mr. SPOONER. I ask first, Mr. Chairman, unanimous consent that the first formal reading of the bill be dispensed with.

Mr. WHEELER, of Alabama. Before that is done I think perhaps we might facilitate business by fixing the time for general debate.

Mr. SPOONER. After the House has disposed of the question I have just submitted, I think we will have no difficulty in agreeing upon some time when the general debate shall close.

Mr. WHEELER, of Alabama. I think it would be best before anything else is done to have some agreement as to the debate.

Mr. CANNON. Then, Mr. Chairman, if this bill is to be read I want to hear it read.

The CHAIRMAN. The reading of the bill can only be dispensed with by unanimous consent, and the Clerk will report the bill.

Mr. SPOONER. Mr. Chairman, I again submit the request for unanimous consent.

Mr. ROGERS. What is the request of the gentleman?

Mr. SPOONER. To dispense with the first formal reading of this bill.

Mr. ROGERS. What is the bill?

Mr. SPOONER. The Military Academy appropriation bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

Mr. SPOONER. Will the gentleman from Alabama now indicate what length of debate is desired on that side.

Mr. WHEELER, of Alabama. I have been informed that there are several gentleman desiring to speak. The bill is brought in rather suddenly and no gentleman has defined exactly the length of time he wants to occupy. We should have liberal debate.

Mr. SPOONER. Of course, my purpose in making the inquiry is that the consideration of the bill shall proceed in a businesslike manner, and I have no desire to cut off a reasonable discussion, but I think that on a bill of this character, presenting legislation in scarcely any respect, save for making the appropriations required by law, that no lengthy discussion is necessary.

Mr. WHEELER, of Alabama. This side of the House will desire about two hours.

Mr. SPOONER. The gentleman suggested to me this morning that he would like about a half hour himself on the bill. I am perfectly willing that there shall be an hour and a half on each side, and it seems to me that would be entirely reasonable.

Mr. WHEELER, of Alabama. I will suggest two hours on a side; and think that is as little as we can agree to.

Mr. SPOONER. Would not an hour on each side do?

Mr. WHEELER, of Alabama. I think not.

Mr. CUTCHEON. I suggest that an hour and a half is quite a reasonable time.

Mr. SPINOLA. I think if the chairman will permit two hours on a side, it will be a saving of time.

Mr. CUTCHEON. It is now half past 2 o'clock, and we ordinarily adjourn at 5; that will leave two hours and a half, and it seems to me that is enough for the consideration of this bill. We ought to finish it to-day. We have always done so at a single sitting heretofore, and I think the proposition is a perfectly reasonable one to limit the debate to the hour I have named.

Mr. WHEELER, of Alabama. I will say in response to the gentleman that I did not know until a short time ago that any gentleman on this side desired to be heard; but from the expressions of opinion which I have heard two hours is the shortest limit. Of course if it is not desired on that side gentleman need not occupy the whole time.

Mr. SPOONER. Then, I ask unanimous consent, Mr. Chairman, in view of the suggestion of the gentleman from Alabama, that the general debate be limited to not exceeding two hours on each side.

The CHAIRMAN. Is there objection?

Mr. CANNON. I object.

Mr. WHEELER, of Alabama. The gentleman from Illinois wants more time, I suppose.

Mr. SPOONER. I move that the general debate be limited to two hours.

Mr. WHEELER, of Alabama. On each side?

Mr. SPOONER. No; on both sides.

Mr. McMILLIN. That motion is not in order, the bill not yet having been discussed.

I think the proposition of the gentleman from Rhode Island was a perfectly fair one, and I hope my friend from Illinois will withdraw the objection. It is possible, and very probable, that we can get through in less time. If the other side does not desire to occupy the full time, of course that time can be saved also.

Mr. ROGERS. Let the debate run on for a short time, and then the gentleman can ask unanimous consent to limit it. There will be no opposition on this side, and I think perhaps he will make better progress.

Mr. SPOONER. Then I will withdraw the proposition, and suggest that we proceed with the debate for a short time, after which I will try to reach an agreement with gentlemen on the other side.

Mr. BLOUNT. I hope my friend from Illinois will withdraw his objection and let us go on with the bill under the limitation of time suggested by the gentleman from Rhode Island. I think we can soon dispose of it.

Mr. CANNON. I suppose under that understanding we will not be compelled to use all the two hours upon this side?

The CHAIRMAN. The agreement, as the Chair understands it, is to limit debate by unanimous consent to not exceeding two hours on either side.

Mr. McMILLIN. That is right.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. McCREARY. Mr. Chairman, I desire to make an inquiry. I suppose that means that no vote will be taken on the bill to-day?

Mr. CANNON. Why not?

Mr. SPOONER. I hope that we may arrive at a vote to-day.

Mr. McCREARY. It is now half past 2 o'clock.

The CHAIRMAN. The Chair will state that it is in the power of the committee, under this agreement, to consume not to exceed two hours, and, therefore, it is in the power of the committee to consume or not to consume the whole of that time, or any part of it.

Mr. McCREARY. If the agreement is to take not to exceed two hours on a side, what does that mean? What does that amount to? It is no agreement at all.

Mr. CUTCHEON. We may not want to use all the time.

Mr. SPOONER. The agreement is that the debate shall be limited to not to exceed two hours, and upon this side of the House I do not think we shall have occasion to consume the two hours; perhaps an hour, or possibly less than that, would be entirely satisfactory to this side of the House. I do not know that any serious discussion is likely to arise on the bill.

Mr. McCREARY. But the matter seems to be left indefinite.

The CHAIRMAN. The committee have already given unanimous consent, and under the regular order the gentleman from Rhode Island [Mr. SPOONER] is recognized.

Mr. SPOONER. The endeavor will be to finish the bill to-day.

Mr. McKINLEY. It is understood, Mr. Chairman, that under this unanimous consent the two hours that may be allotted to this side of the House may be cut very much shorter than that if it be the desire of those in charge of the bill.

The CHAIRMAN. That is the Chair's understanding.

Mr. BLOUNT. I do not think this side of the House could afford to insist upon the other side of the House debating, if they do not desire to do so.

Mr. McKINLEY. I have heard it claimed, I will say to the gentleman from Georgia, where a fixed time was given for debate, that if it was not all occupied by one side, gentlemen upon the other side might have the privilege of using that time; and it was simply that we might have an understanding upon that subject that I raised the question.

Mr. BLOUNT. I do not think anybody can misunderstand the matter under what has been said here now.

Mr. McKINLEY. There can not, in view of the statement of the Chair, surely.

The CHAIRMAN. The gentleman from Rhode Island is recognized.

Mr. SPOONER. Mr. Chairman, I had supposed that upon this bill, at least, the committee might give its attention and consideration without deviating into unnecessary and uncalled-for discussion of matters not affected by nor relating to the subject-matter of the bill itself. The bill that has been submitted by the committee, which is now under consideration, is a simple business bill, making appropriations in the ordinary manner for the support of the Military Academy for the fiscal year ending June 30, 1892. The general provisions of the bill are almost entirely confined to making appropriations in accordance with existing law for the support of the Military Academy.

There are provisions made for the building of additional quarters in continuation of the work that has been carried on at the Military Academy under appropriation bills of preceding years, and these, together with the proposed appropriations in the bill for the purpose of improving and repairing and plumbing and sewerage at West Point, are the principal features of the bill outside of the ordinary matters of appropriation in pursuance of existing law. There are no increases of salary or pay except in two cases, so insignificant that it seems almost unnecessary to refer to them at all. One is the case of five firemen whose pay has been increased, or is proposed to be increased, by the provisions of this bill, $5 each per month, giving them $50 per month each instead of $45 per month each, which they have heretofore received.

There is also a trifling increase in the additional pay granted to an

enlisted man employed in the adjutant's office, but it is the merest trifle. These, I believe, are the only cases where matters of pay or salary are in any way proposed to be increased or changed by the provisions of this bill, except as such changes are proposed in order to carry out the provisions of existing law in cases of increased pay accruing by reason of increased length of service of officers connected with the Academy. There have been no new officers or employés provided for by the bill, with the exception of two clerks in the offices of the adjutant and the quartermaster of the post respectively.

This provision is made in accordance with recommendations that have been pressed upon the attention of the committee, not only at the present, but at previous sessions of Congress, and the employment of these additional clerks is required on account of two old and efficient clerks, who have now served in those capacities for some forty years each, having become almost superannuated and incapable alone of performing the somewhat arduous and considerably increased duties appertaining to those offices. The appropriation proposed by the bill for the purpose of improving and repairing the plumbing and the sewerage at West Point has been made in one gross sum, as proposed by the bill, being considerably less than half the amount of the estimate made for that purpose, but being sufficient, as believed by the committee, to provide for the necessary work required to be done in that direction.

The sewerage system and the plumbing at West Point are of a very unsuitable and unsatisfactory character. There has been considerable sickness—diphtheria and other illness—at West Point, the existence of which is accounted for by those competent to judge concerning it as having arisen entirely on account of the deficient and improper plumbing and sewerage. The situation and location at West Point are eminently salubrious and healthful. There is no reason why filth diseases, such as diphtheria emphatically is, should be permitted to exist at that post, hazarding the lives of officers, cadets, and employés alike.

The committee do not think that they have proposed too liberally in that direction. Indeed, they question if the appropriation they propose, a gross sum of $15,000, will be sufficient to thoroughly and entirely cure the evils and imperfections now existing in respect to the sewerage and plumbing at West Point. But they do believe that this amount will be sufficient if judiciously expended, as they do not doubt that it will be, under the direction of a joint board of officers as suggested by an amendment they propose, consisting of the superintendent, the surgeon, and the quartermaster of the Academy, to at least put the sewerage and plumbing systems, and the fixtures and appurtenances in a condition where they will not be breeders of pestilence and disease; and the evil will be corrected which is aimed at, leaving, if necessary, the project of still further improving or modernizing the system of plumbing and sewerage for future appropriations and provisions to be made in subsequent appropriation bills.

The committee have consulted economy in the preparation of the bill. They have no desire to be, and believe that they have not been, parsimonious. They believe that the West Point Military Academy, the great military school of the nation, should receive liberal and fair consideration from Congress in matters of appropriation, providing all that is necessary and all that is reasonable and proper for the carrying out of the work which is intrusted to that academy. The provisions which I have referred to in part are more fully dealt with in the printed report submitted by the committee in connection with this bill. The expenditures proposed or appropriated for by the terms of the bill now under consideration amount to $402,064.64, being $150,672.26 less than the estimates and $33,231.47 less than the appropriations made for the support of the Military Academy by the bill passed at the last session for the present fiscal year.

I think now, Mr. Chairman, that I have briefly stated to the committee the general scope, purposes, and contents of the bill under consideration. With such information as I now have, I know of no reason why the bill itself should give rise to or occasion for any very considerable or lengthy discussion. I will now, therefore, yield such time as may be desired to any gentleman upon this side of the House for further general debate, and, that not being claimed, I will reserve the remainder of my time and yield to the gentleman from Alabama [Mr. WHEELER].

Mr. ENLOE. Mr. Chairman——

The CHAIRMAN. The Chair would like to inquire whether the time on either side of the House is to be controlled by the gentleman reporting the bill and a gentleman on the other side of the House.

Mr. CUTCHEON. Mr. Chairman, I was about to suggest that I think it would be proper for some gentleman representing the minority of the committee to control the time on that side, and I suggest that the gentleman from Alabama take the floor in his own right and yield such time as he may desire.

Mr. SPOONER. I supposed that was understood.

Mr. WHEELER, of Alabama. I take the floor and yield ten minutes to the gentleman from Tennessee.

The CHAIRMAN. Is there unanimous consent given to the understanding that the gentleman in charge of the bill on the one side and the gentleman from Alabama [Mr. WHEELER] on the other shall control the time on the respective sides? [After a pause.] The Chair hears no objection.

Mr. WHEELER, of Alabama. Mr. Chairman, I yield five minutes to the gentleman from Tennessee [Mr. ENLOE].

Mr. ENLOE. Mr. Chairman, availing myself of the latitude of debate on appropriation bills, I want to talk about——

Mr. SPOONER. May I inquire how much time I have occupied?

The CHAIRMAN. The gentleman from Rhode Island has occupied twelve minutes.

Mr. ENLOE. I want to give a little attention to the matter which I attempted to bring before the House this morning. I introduced a resolution some time in the early part of the month, calling upon the Regents of the Smithsonian Institution for certain information in regard to the management of the Zoölogical Park. Congress at its last session appropriated the sum of $92,000 for the organization, maintenance, and improvement of the National Zoölogical Park, and I find, according to the precedents that have been established, and I believe under the terms of the act, it was necessary and proper that the Regents of the Smithsonian Institution should assume that trust and devise ways and means to execute it, or vest the authority somewhere to use the appropriation in accordance with the direction of Congress. I am informed that the Board of Regents have not had a meeting since the passage of that act; that it has never assumed the trust; that the money appropriated has not so far been expended by due authority of law. I think it is clear that no one had the right to draw one dollar of the money from the Treasury and expend it without the direction of the Board of Regents of the Smithsonian Institution.

Mr. MILLIKEN. Let me ask the gentleman who has drawn the money and expended it.

Mr. ENLOE. I answer the gentleman's question by saying I understand that Mr. Langley, the Secretary of the Smithsonian Institution, has drawn the money and has expended it as he saw proper in the improvement of the park.

Mr. MILLIKEN. One other question for information. How could he do that if there has been no authorization by law for it to be done in that way?

Mr. ENLOE. I will call the gentleman's attention to the language of the act appropriating this money, and also to a precedent which I think covers the case exactly. Section 2 of the act approved April 30, for the organization and maintenance of the National Zoölogical Park, provided that the "said park is hereby placed under the direction of the Regents of the Smithsonian Institution, who are authorized to transfer to it any living specimens, whether of animals or plants, now or hereafter in their charge, to accept gifts for the park at their discretion in the name of the United States, and to make exchange of specimens, and to administer the said Zoölogical Park for the advancement of science and the instruction and recreation of the people."

Now, I find that in 1879, when Congress passed an act providing for the establishment of the National Museum, it was provided that a fireproof building should be erected for the use of the National Museum under the direction and supervision of the Regents of the Smithsonian Institution, etc. When that act was passed the Board of Regents accepted the trust and appointed a board or commission to supervise the construction of the building and to see that it was constructed in accordance with the plans and specifications, to subserve the purposes had in view by Congress in establishing the Museum. Every dollar of the money that was appropriated and expended was expended under the direction of that board or commission.

All this you will find in the Smithsonian report for 1879. Now, when Congress passed the act providing for the establishment of the National Zoölogical Park and placed the park under the control of the Regents of the Smithsonian Institution, I hold that not a dollar of that money could be lawfully expended without the acceptance of the trust by the Board of Regents, and that has not been done. In order to bring the matter before the House and get at the facts a little more fully, I have introduced to-day another resolution of inquiry which is addressed to the Secretary of the Treasury, asking him to inform Congress by what authority this money has been expended and whether it has been paid out and expended in accordance with law.

Mr. CUTCHEON. If the Board of Regents proceeded to administer the trust would not that be as much an acceptance of it as if they had taken formal action to that effect?

Mr. ENLOE. Certainly, if they proceeded to administer it; but they have had no meeting since the trust was imposed upon them, and therefore they can not have taken any action of that kind. But the secretary and the executive board have assumed, I suppose, that the Board of Regents, when it did meet, would approve whatever had been done by them.

Mr. MILLIKEN. Let me ask the gentleman why this whole matter should not be taken charge of by the Supervising Architect of the Treasury.

Mr. ENLOE. I suppose that is governed by the act making the appropriation.

No one else is directed or authorized to accept this trust but the Regents of the Smithsonian Institution, and they could only carry it forward in pursuance of the designs of Congress. There has been no official acceptance of the trust by the Regents, but the secretary of the

Smithsonian Institution has been acting, I suppose, on the assumption that his acts would be approved by the board when it met.

Now, the board holds its meeting to-morrow, and I wanted to call attention to the matter to-day so that it might be brought to the attention of the board at this meeting. It seems to me that it is a very loose way of doing business to provide a national park and place it under the control of such a body as the Board of Regents of the Smithsonian Institution, made up as that is, consisting of the Vice President, members of Congress, and citizens who reside in distant States, gentlemen who, in my judgment, are about as little fitted, by reason of their positions, for such a trust as anybody could be. My opinion is that members of the board do not know anything about what is done with the money, except as they get the information from the reports of their officers. They have no practical knowledge of the matter committed to them and they pay little or no attention to what is done.

Mr. MILLIKEN. If it does not take too much of the gentleman's time, I would like to know what his resolution is which is now before the House.

Mr. ENLOE. The gentleman should understand that there is no resolution now before the House.

Mr. MILLIKEN. The gentleman seems to be finding fault, and it seems to me that there is something in the fault which he finds, but what remedy does he propose? It seems to me that all this business should be done by the Supervising Architect of the Treasury, and he might be held responsible for it.

Mr. ENLOE. That would require another act of Congress directing that it should be placed under his control. At the time this bill was before Congress great anxiety was manifested to get it disposed of as quickly as possible.

A letter on the subject was addressed, I believe, to the gentleman from Maine himself [Mr. MILLIKEN], stating the necessity for early action so that the animals in the zoo at the Smithsonian Institution might be got away from those pens there and put into this park. Congress was urged to act upon the matter immediately, but I understand the secretary says there has been so much difficulty in getting title to the land that the accommodations for the animals were still unprovided, and the animals themselves are still in their pens and are likely to be there during the remainder of the winter.

Now, it is a very interesting thing——

Mr. MILLIKEN. I would simply suggest to my friend that if it is proposed to get title to these lands in the same way as has been done in other cases of which I have some knowledge—by condemnation—the chances are that the animals now existing will be dead by the time the land is acquired, and another generation of animals hereafter to be born will have an opportunity to occupy this park.

Mr. CUTCHEON. The condemnation has been completed.

Mr. ENLOE. I understand that the condemnation proceedings are completed and that now the title to the property is vested in the Government. The commission appointed to make the purchase has made its final report.

Mr. MILLIKEN. Then this case is contrary to my observations in other cases.

Mr. CUTCHEON. The condemnation has been completed, and the balance of the appropriation is going back to the Treasury.

Mr. ENLOE. I was about to say it is a very important matter if we are going into the business of establishing a zoölogical park or menagerie that we should have a first-class, respectable place of resort for the people who visit this city. I opposed the original appropriation; I did not like the Government going into the business of raising animals and running a menagerie; but as it has embarked in the business I think the money appropriated by Congress ought to be properly expended.

Now, I understand that the park has been inclosed by a picket fence. I do not think it was the intention of Congress to fence the public out of the park, but that the appropriation for fencing was intended to fence in the animals. That, however, is a matter in which the Secretary has exercised some latitude, claiming that he has good reason for doing so. But it seems to me that every street or road that is traveled ought to be open so that the public may drive through this park, and that nothing ought to be shut out or reserved from the public except what is necessary for the protection and preservation of the animals.

I have here a list of the animals which I will publish with my remarks, showing that we have a very expensive menagerie so far as it has gone. We have appropriated $199,614.16 in the first place to buy the property, we have spent $17,000 of the $92,000 appropriated last session, and we are asked for $110,000 at this session to proceed with this work and to maintain the zoo. A part of the property has been reserved for administrative purposes—about 14 acres of the most attractive part. I do not know whether that ought to be reserved from the public or not. I am inclined to think it ought to be open like the remainder of the park. I understand also that the contemplated improvements in this park will cost, when completed, the sum of $2,700 per acre, or $456,000.

In this list of annimals we have a grizzly bear, one cinnamon bear, three black bears, one puma, six buffaloes, four elks, three deer, one Rocky Mountain sheep that was living at the time this list was made, but has since died, four Angora goats, one prairie wolf, four gray foxes, four red foxes, one cross fox, two porcupines, seven raccoons, five opossums, four monkeys, and five prairie dogs.

Mr. KERR, of Iowa. I make the point of order that this discussion of the bear garden is not in order on this bill.

Mr. ENLOE. Mr. Chairman, I hope I am not hurting the gentleman's feelings by alluding to the monkeys in the Zoölogical Park. [Laughter.]

Mr. KERR, of Iowa. Not at all.

Mr. ENLOE. I do not mean to reflect on the gentleman.

Mr. CUTCHEON. We are sufficiently familiar with the animals.

Mr. ENLOE. I suppose you are, or you would not be here.

Mr. CUTCHEON. The fact that I have come over to this side [the Democratic side] of the aisle shows that I am not afraid.

Mr. ENLOE. The fact that you are in Congress shows that you have a good many of them in your district. [Laughter.]

Mr. CUTCHEON. They fully appreciate the value of your opinion.

Mr. ENLOE. Now, Mr. Chairman, I did not expect, of course, to indulge in this pleasantry; but I want to complete my statement.

[Here the hammer fell.]

Mr. ENLOE. I would like about three minutes more.

Mr. WHEELER, of Alabama. I yield to the gentleman three minutes more.

Mr. ENLOE. As I was about to say, I want these matters brought to the attention not only of the House, but of the Committee on Appropriations. I want that committee in making these appropriations to investigate carefully and see for what purposes the money is expended. I think there ought to be some inquiry on the part of Congress as to how this money has been expended heretofore. I think we ought not to go on making appropriations and vesting the trust of disbursing this fund in the hands of the Vice President of the United States, who certainly has not the time to go out to look after the monkeys, and the members of the Senate and House, who have no time to give to bear farming.

Mr. CUTCHEON. And the opossums.

Mr. ENLOE. This board of regents will not pay any attention to what is being done to take care of the opossums and the raccoons. I am willing that the gentleman from Iowa should offer his suggestion.

Mr. KERR, of Iowa. I suggest that perhaps we could get a member of Congress to attend to the monkeys. [Laughter.]

Mr. ENLOE. I have no doubt we could. I am perfectly willing the gentleman should have the position if he wants it. He is going out of Congress, I believe, and he ought to have something like that to do. After having served in this menagerie here, I think he would be a very competent superintendent. [Laughter.]

Mr. Chairman, there is one other matter to which I want to call attention, and then I will conclude. In the estimates for the present year now submitted to the Committee on Appropriations and under consideration there is a proposition by Professor Langley to establish in this Zoölogical Park an astrophysical observatory. I do not think this is exactly the proper place for an astrophysical observatory. It may be that science, and especially the branch of science which this institution is intended to promote, has some connection with a zoölogical garden, but I can not see it. I understand from Professor Langley the object in going out there is to get some retired place, some secluded retreat.

Mr. MILLIKEN. Will my friend allow another interruption?

Mr. ENLOE. Certainly.

Mr. MILLIKEN. I wish the gentleman would have the goodness to explain to the House, for I am sure we do not all understand the subject, the purpose and uses of this astrophysical observatory.

Mr. ENLOE. Well, if the gentleman from Maine would like to have an official answer, I will have to refer him to the Book of Estimates, which shows, I believe, for what purpose this is intended——

The CHAIRMAN. The time of the gentleman has expired.

Mr. ENLOE. I ask my friend from Alabama to yield to me just three minutes more, and then I will conclude.

Mr. WHEELER, of Alabama. I yield three minutes more to the gentleman from Tennessee.

Mr. ENLOE. I was going to say to the gentleman from Maine that I believe the astrophysical observatory is projected for the purpose of promoting a branch of science here which will give employment to a number of scientific gentlemen, who will have very expensive instruments furnished them at the expense of the Government; instruments of a very sensitive nature, so that they can study the relations of the sun and other heavenly bodies to human life, so that in the development of this science the gentleman from Maine may be able to determine whether there is some disturbance in the sun which has put the Speaker out of order in the morning and caused him to forget rules and law, or whether solar disturbances or astral influences have interrupted the transmission of a telegram or produced an electric storm in the House.

But I can not go into an elaborate exposition of all that this science may develop. I could go on and expatiate at some length on the question; but I content myself with stating that I am opposed to an

appropriation of $10,000 for the purpose of establishing an astrophysical observatory in the park, and I hope the Committee on Appropriations will not lend their aid to such a proposition. Everything relating to the management of this park ought to be carefully investigated, and the work properly directed.

Mr. WHEELER, of Alabama. I now yield thirty minutes to the gentleman from Arkansas [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, we have now under consideration an appropriation bill for the support of the Military Academy at West Point. We are educating our young men there for military purposes. It is to be presumed that they are to be taught in the approved methods of civilized warfare.

I want to make some observations to-day in this connection relating to the Indian war; and I hope my friend from Iowa will not regard the remarks that I have to submit as not being germane to the bill under consideration. They will not relate to any particular provision of the bill, but they do relate to the Army as a whole, and they have their bearing upon the education of our young men at the Military Academy. I make them now because at a later period in the present session we shall have up for consideration a bill for the support of the Indian service—the Indian appropriation bill—while the Army bill, I believe, has already passed the House, if I recollect aright.

There are some mysteries in connection with this late Indian war which I think are deserving of a very careful investigation at the hands of the American Congress, and by way of illustrating exactly the point that I have in view, in this connection, I desire to read, or have read from the Clerk's desk, a very elaborate and semiofficial document emanating from a distinguished gentleman, an appointee of the present Administration, who is now at the head of that service, the Commissioner of Indian Affairs. I clipped the other day from a copy of the New York World what purports to be an extract from a lecture delivered by him before some Indian association or other organization in the city of Washington, which to my mind presents in closest-cut form the questions at issue in respect to the recent war.

I would not do injustice to the military arm of the Government; I would not do injustice to the Indian branch of the service, but there is a conflict going on throughout the country in the newspaper press with reference to the origin of this late disturbance. The question involved is one of civilization. If the views entertained by many correspondents, and somewhat sympathized with by the Indian Commissioner, are true, it is the most severe reflection which has been cast upon the Army of the United States in its history, in connection with Indian affairs. If it be not true, the military arm of the Government ought to be vindicated.

If the blame lies at the door of the Indian service, every question of humanity, as well as of justice, demands that the American Congress shall remedy the evil without delay. And so I speak to-day with the utmost good faith. I speak, too, Mr. Chairman, with some personal knowledge, derived from long experience of the Indian service and of the Indians themselves. I do not speak from any simply philanthropic views. I speak from the standpoint of practical knowledge of these affairs, and to some extent a desire to see justice done to this class of people whom the Government has sought for so many years to elevate to citizens in order that they may not be subjected to massacre by the Army of this Government.

Having said this much, I desire to read this extract from the lecture of the Commissioner which I hold in my hand. If I could have the assurance of the Clerk that he would read it slowly and distinctly I believe I would send it up to the desk, because I believe it is a matter in which every member is interested—and I am sorry there are so few here to-day—and should have called to his attention for most careful consideration.

Mr. FLOWER. May I interrupt my friend to state a fact in this connection?

Mr. ROGERS. I yield for a moment.

Mr. FLOWER. I want to say that three weeks ago I introduced a resolution asking the committee to investigate this affair and it has slumbered ever since in the Committee on Rules.

Mr. ROGERS. I am obliged, I am sure, to my friend. It had occurred to me some weeks ago, and I had a consultation with friends on this side looking to the introduction of a resolution addressed to the Secretary of War and the Secretary of the Interior, asking for the official information in respect to the matter. I was not conscious of the fact that my friend had introduced a resolution which had gone to the Committee on Rules.

Mr. BLANCHARD. Will the gentleman yield to me for a moment?

Mr. ROGERS. Certainly.

Mr. BLANCHARD. I will state that the gentleman from New Jersey [Mr. MCADOO] introduced more than a month ago a resolution of inquiry addressed to the War Department, and perhaps to the Interior Department, asking for the facts touching the outbreak of the Sioux Indians and the death of Sitting Bull; and the same day I myself introduced a resolution for the appointment of a committee of five to investigate the whole Indian question. This, as I have said, was done more than a month ago.

Mr. CUTCHEON. Will the gentleman please allow me?

Mr. ROGERS. Yes, for a moment. Make it as brief as possible.

Mr. CUTCHEON. The resolution referred to by the gentleman from Louisiana [Mr. BLANCHARD] related solely to the arrest of Sitting Bull. It was referred to the Committee on Military Affairs, was considered at their first meeting, and promptly reported favorably, and has been upon the Calendar ever since.

Mr. BLANCHARD. But it is a privileged question and entitled to be called up at any time.

Mr. CUTCHEON. It has been upon the Calendar ever since.

A MEMBER. Why do you not call it up?

Mr. FLOWER. Mine was a privileged question.

Mr. MORSE. It takes two hours to approve the Journal every morning, so that we can not get time to consider these matters.

Mr. ROGERS. I would prefer not to be interrupted any further. This calls out what I desired to have called out. It seems to have been anticipated by other gentlemen, and I regret indeed that these resolutions have not received the consideration of the committees to which they have been referred, and then the consideration of the House. The resolution with reference to Sitting Bull ought to have been widened, and might have been widened, so as to embrace all of the facts with reference to the origin of this Indian war. I doubt not this war itself, which I am constrained to say—and I do so with some little timidity—was unprovoked and utterly indefensible so far as I can get information outside of official channels, probably cost the Government five or six millions of dollars.

It has been intimated in the public press and elsewhere that this Indian war was provoked in the interests of a Presidential aspirant, namely, the general in command; I mean General Miles. I am not willing to give any credence to this.

But, Mr. Chairman, casting that aside, from all the news we get, officially and semiofficially, from the public press, reports and otherwise, this matter is one that we ought not to turn a deaf ear to or to shut our eyes to. It ought to be investigated, thoroughly investigated, and if the blame for this Indian war lies at the door of the American people then we ought to bear the blame and the world ought to know it; and, whatever the remedy is, in the future appropriate legislation or steps ought to be taken, not only to remedy the evil, but to punish in a proper way those who have been responsible for misconduct.

I now send to the Clerk's desk, to be read, an extract from the lecture of the Commissioner of Indian Affairs, and I ask the Clerk to read it slowly and distinctly, so that members may be able to hear it.

The Clerk read as follows:

A decided flurry was created here to-night by the lecture of Commissioner Morgan, of the Indian Department, which was given before a large audience in the Young Men's Christian Association Hall. The Commissioner said some pretty sharp things regarding Uncle Sam's dealings with the red men, and all in line with what the World has been pointing out within the last month or two.

The subject of the lecture was "Some mistakes about Indians." The lecturer made the following points:

1. It is a mistake, as General Sherman says, that the Government is feeding 250,000 able-bodied paupers. There are but 244,000 Indians, and of this number 185,000 receive neither clothing nor subsistence from the Government, but are self-supporting.

2. It is a mistake to suppose that the Indians will not work. Even those who receive from the Government food and clothing engage more or less in some form of industrial pursuit.

3. It is a mistake to suppose that the Indians can not be civilized. The Indian possesses all the traits of humanity, and his children are as susceptible of education as the children of white men.

4. It is a mistake to have any more Indian wars. The Indians are not unfriendly to the whites, and will not go to war except for just reasons. They do not shoot each other as they do in the Oklahoma Legislature; they do not call out the militia as in the Nebraska Legislature, but when we steal their stock, shoot down their women and children, murder their men, and break our engagements with them it is a mark of their manhood that they will defend their rights. An Indian war is very often the expression of the very highest manhood.

5. It is a mistake to expect the Indians to earn a comfortable support off the lands and under conditions where white men would starve.

6. It is a mistake to suppose that there is only one Indian problem. Every reservation is a problem.

7. It is a mistake to suppose that Indians are generally drunkards. There is more whisky consumed in one white town on the Indian reservation than by all the Indians in the United States.

8. It is a mistake to suppose that the Indian service is corrupt. As at present carried on by the Government it will compare favorably with that of any other branch of the public service.

9. It is a mistake to fail to keep faith with the Indians. One of the secrets of the present Indian disturbance in Dakota is the fact that war was brought about by the failure of the Government to fulfill the promises made by the General Crook commission. I hold it is costly, unwise, and a national dishonor for us to fail to keep strictly to the letter any and every promise as a nation with any tribe of Indians on our soil.

10. It is a fearful mistake not to make ample provision at once for the education of all Indian children. It would cost only $3,000,000 to give every Indian boy and girl in the United States a good industrial and common-school education. In one generation the Indian problem would be solved, never to trouble us again. Let us educate the Indian children to be intelligent, so that they will have high aims and ambitions and be brought into sympathetic relations with the other 60,000,000 people of our great Republic.

Mr. ROGERS. Mr. Chairman, it seems from the lecture of the Commissioner of Indian Affairs that somebody has made, in connection with Indian matters, more mistakes than Moses ever made.

On that same piece of paper which the Clerk now holds in his hand is what I suppose to be an official report made by the superintendent of Indian education at this reservation, a Miss Goodale, who I un-

derstand is a lady of high repute and character. I desire the Clerk now to read that report which follows immediately after the article which the Clerk has just read.

The Clerk read as follows:

PINE RIDGE, *January* 12.

Yours of the 7th instant, asking for a report of the battle at Wounded Knee, is received. I was not an eye-witness of the fight, and my information has been obtained chiefly from Indian prisoners who engaged in it and half-breeds who were present, and from parties who visited the battlefield several days after the encounter.

The testimony of the survivors of Big Foot's band is unanimous on one important point, namely, that the Indians did not deliberately plan a resistance. The party was not a war party, according to their statements (which I believe to be true), but a party intending to visit the agency at the invitation of Red Cloud. The Indians say that many of the men were unarmed. When they met the troops they anticipated no trouble. There was constant friendly intercourse between the soldiers and the Indians, even women shaking hands with the officers and men.

The demand for their arms was a surprise to the Indians, but the great majority of them chose to submit quietly. The tepees had already been searched and a large number of guns, knives, and hatchets confiscated, when the searching of the persons of the men was begun. The women say that they, too, were searched, and their knives (which they always carry for domestic purposes) taken from them. A number of the men had surrendered their rifles and cartridge belts, when one young man (who is described by the Indians as a good-for-nothing young fellow) fired a single shot. This called forth a volley from the troops, and the firing and confusion became general.

I do not credit the statement which has been made by some that the women carried arms and participated actively in the fight. The weight of testimony is overwhelmingly against this supposition. There may have been one or two isolated cases of this kind, but there is no doubt that the great majority of the women and children, as well as many unarmed men and youths, had no thought of anything but flight. They were pursued up the ravines and shot down indiscriminately by the soldiers.

It is reported that one of the officers called out, "Don't shoot the squaws!" but the men were doubtless too much excited to obey. The killing of the women and children was in part unavoidable, owing to the confusion, but I think there is no doubt that it was in many cases deliberate and intentional. The Seventh Cavalry, Custer's old command, had an old grudge to repay.

The party of scouts who buried the dead reports 84 bodies of men and boys, 44 of women, and 18 of young children. Some were carried off by the hostiles. A number of prisoners, chiefly women, have since died of their wounds, and more will soon follow. The party who visited the battlefield on January 1, to rescue any wounded who might have been abandoned, and brought in 7, reports that nearly all the bodies of the men were lying close about Big Foot's Sibley tent, while the women and children were scattered along a distance of 2 miles from the scene of the encounter.

The main reflection which occurs to me in connection with this most unfortunate affair is that the same thing should not be allowed to happen again. The irresponsible action of one hot-headed youth should not be the signal for a general and indiscriminate slaughter of the unarmed and helpless.

ELAINE GOODALL.

Mr. ROGERS. Mr. Chairman, if this report is based upon truth, to my mind the massacre at Wounded Knee is the most shameful chapter in our Indian history. This information, I take it, is in the office of the Commissioner of Indian Affairs. Is it possible that a thing of this sort is to take place in our country and that no investigation and no examination is to be made of it to fix the responsibility where it properly belongs?

Mark you, Mr. Chairman, the significant facts that I draw from what reading I have done on this subject: First, there has not been a single, solitary white man murdered by these Indians or massacred by these Indians, or a single death which has occurred at their hands, off their reservation. They have not banded together and left the reservation to massacre the settlers, but whatever has transpired has transpired upon the reservation. That is the first accepted fact. And I am constrained to believe that when you come to investigate the massacre at Wounded Knee you will find that, if not all, at least a very large majority, possibly almost all of the Indians, at the time it occurred, were unarmed.

And I believe, Mr. Chairman, that, when the truth is developed and comes to light and is properly known, it will be found that whatever losses of life occurred to the American Army at that massacre occurred from their own guns; that in all probability they were ranged about the camp so that the firing which took place not only killed the Indians, but killed soldiers. This is my belief from the earliest reports that were received, and that belief has been strengthened and confirmed by all that I have read since. I do not understand, of course, why it is that we are not able to get at precisely the facts surrounding this transaction, so as to know its origin and what brought it on.

Certainly, no committee of this House wants to smother the facts. It can not be possible that the House of Representatives is unwilling that the truth shall be known. Why is it that some of the committees charged with the support of the Army and the support of the Bureau of Indian Affairs, and the Committee on Rules to whom these resolutions have gone, have not acted upon them and brought them before the House, so that we may get at the facts officially from the Department?

Mr. CUTCHEON. Will the gentleman yield to me for a moment?

Mr. ROGERS. Certainly.

Mr. CUTCHEON. I will say that at the time the resolution of the gentleman from New Jersey [Mr. MCADOO] was before the Committee on Military Affairs, which related solely to the arrest and killing of Sitting Bull, the matter of broadening the inquiry was discussed; so that we thought it would not be proper to make any reply on that amended resolution. At that time no official reports had been received, and in the brief time (the week) in which we were to report it was thought best not to amend that resolution, but to await other resolutions that might be introduced.

Mr. ROGERS. Mr. Chairman, in reply to that, I have only to say that I do not consider that I am in possession of facts which are authenticated in such a way as would justify any reflection upon anybody, either on the military arm of the Government or the Indian Office; but I have simply brought these matters forward that those gentlemen who are charged by their committee assignments with the management of Indian affairs and legislation with reference to Indian affairs and to the military arm of the Government may yet take the necessary steps to bring to light the facts which shall put us in possession of the origin of this Indian war and the enormous expense which it has cost the Government to carry it on.

It is not too late for my friend, the chairman of the Committee on Military Affairs, nor is it yet too late for the chairman of the Committee on Indian Affairs to take the necessary steps to bring this matter before Congress through official channels, and it ought to be done. We ought to know what the facts are. It ought to be discussed. The blame ought to be fixed and whoever is to be exonerated should be exonerated; and I have taken this occasion to lay this matter before the House in order that I may stir up action in proper quarters for an investigation of this subject.

Having said this much, I yield back the time to the gentleman from Alabama.

Mr. CUTCHEON. Will the gentleman from Alabama permit me just one moment, as the point I desire to state comes in right here?

Mr. WHEELER, of Alabama. Certainly.

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Michigan?

Mr. WHEELER, of Alabama. Certainly.

Mr. CUTCHEON. I desire to say, apropos to the remarks of the gentleman from Arkansas, that I apprehend there has been much mistake entertained in regard to the extravagant cost of these late Indian hostilities. No new men were brought into the field; no new enlistments were made; no increase was made in the pay roll; no increase in subsistence; and the only additional cost will be simply the cost of transportation in bringing the troops together. That is all I desire to say; and I am much obliged to the gentleman from Alabama for permitting me to say it.

Mr. WHEELER, of Alabama. I yield ten minutes to the gentleman from New York [Mr. FLOWER].

Mr. FLOWER. Mr. Chairman, on the 10th day of January last I introduced a resolution asking for an investigation of this whole Indian question. Having seen every evidence in the newspapers, I ask for it to be broad enough to make a thorough investigation of the whole matter.

In the first place, the Catholic Missions Board claim that their schools offered to educate these children for $108 each, and the Government rejected that offer, but now pays $165 each.

Bishop Hare, the Episcopal bishop, makes complaint and says that the Indians were starved into the last war; that they were first starved and then shot. Mr. Armstrong, as long ago as last April, prophesied this war, and said that the Indians were paying for beef cattle that were to be of a thousand pounds; that the Indians took them on their contract with the Government and when they got them they only weighed about 650 pounds apiece. Since I introduced this resolution I have received a letter, which I will now read:

ST. LOUIS, MO., *January* 12, 1891.

DEAR SIR: I hope and trust you may be successful in having the Indian trouble that is now existing thoroughly investigated. According to Commissioner Morgan's report the cattle furnished these Indians by the Government are not given in charity, but in payment for lands, and common justice demands they should get the number of cattle paid for by them. I have been informed by an ex-cowboy, who worked for parties that furnished the Government cattle for these Indians, that the Government has paid as many as three times for one lot of cattle. And the way the Indians are made to sustain the loss is as follows: Say the contractor would bring in a drove of 1,200 head of cattle and turn them over to the Government authorities, get his receipt for them. In a night or two following the contractor sends one of his cowboys into the Government herd and stampedes them. Then the contractor's men would gather and run off about one half of the herd. The Government herders would gather the other half and say nothing about the missing half, and in a day or two the contractor would bring his half in and sell the same cattle to the Government again. And Mr. Indian would pay for 1,800 head when he only received 1,200 head. Of course everyone connected with the cattle was in the steal. Wishing you success in the present endeavor to expose these frauds,

I am, yours respectfully,

JAMES LYMAN.

Representative FLOWER.

Here is a dispatch from Pine Ridge agency, January 12, via Rushville, which shows that these Indians wanted to be friendly with the white men, but they could not and be starved to death at the same time:

[From the World's special correspondent at General Miles's headquarters.]

THE INDIANS ARE STARVED—AMERICAN HORSE RECITES THEIR WRONGS TO THE WORLD CORRESPONDENT.

PINE RIDGE AGENCY, *January* 12 (via Rushville, Nebr.).

The disposition and future treatment of the Indians who went out on the war-path with Kicking Bear, Short Bull, and Two Strike will be a serious problem for the Indian Department to settle. American Horse, the chief who has always been friendly to the whites, is in favor of sending a delegation of the leading men from both the friendly and hostile bands to Washington and have the

case laid before the President and Secretary Noble. "If the Great Father will listen to us," said American Horse to the World correspondent last night in his simple, eloquent way, "he will soon learn that there are many things which should be changed. Even the men who went out and made war are not so much to blame as some white men say. My people have been peaceable in the face of many wrongs. It is not for them that I speak, but the poor people who were easily led astray because of bad influence on top of their sufferings. The white man can afford to be generous.

"It has been two years since this trouble started," he continued. "General Crook and two commissioners came up here to make a treaty for our land. Red Cloud objected to selling. I was in favor of selling or doing anything the Great Father wanted. Then they called us all in to the agency and kept us there for seven days. When we got back our stock and everything about our houses was gone. Then our rations were cut down. From that day our people have been divided. Some were so excited they could hardly be controlled. I labored to keep them all together and to have them do as the white man wanted. When our rations were cut down some of our people died. They had nothing to support life. The medicine was powerless. It was like the seed for our land—very poor. And the doctor was no better than our old women.

"Of course we blame much of this on the agents, for many of them have been bad. We complained, but it did not avail us. Thus it was many became so discouraged that they were easily led away by bad men. I say again, and will say it to the Great Father, that my people were nearly starved these last two years or more. And we were not clothed. Look at us. We are like men pulled out of the ditch—nothing but rags to cover us. They send us books and give us good advice, but paper and wind will not keep life together. If the people of the East heard the way we were treated they would refuse to believe it. The agent may cause a good deal of this; but why does the Government fail to keep the treaties? It is cold weather and yet our winter clothing has not come."

"What other causes for complaint have you?" I asked.

"I do not object to a military man for agent now, but I believe that after this trouble is settled we should have a man from civil life. They understand us better. We object to so many outsiders holding positions here. There are plenty of our young men who are capable of filling their places, and yet the agency people send away and get white men. Our schools are good enough, as far as they go, but we have not enough of them. I want our children to grow up like the white men."

"How about the property destroyed by the hostiles?"

"The property stolen and destroyed should come out of the money due the Brûlés, for they have done all the damage. I do not know any other way to settle it justly."

The position taken by the noted Sioux is in full accord with the stand taken by the heroic Father Craft.

"There can be no question about the sufferings of these people," he said when told of the statement by American Horse. "Say to the World for me that the Indian Department has been in the hands of men who paid absolutely no attention to the wants of the Indian. The mismanagement has been notorious. No man conversant with the state of affairs will deny that the Department is in bad shape. The agents are not always to blame. I believe the officials at Washington would make a devil out of an angel. Of course it is to their interest to keep matters as they are for years to come. The Indian is just now in a state of transition from the savage to the civilized state. With care and kind treatment he would soon become of use. Knowing this the schemers at Washington hold the Indians where they are, even pushing them back a trifle now and then. I corroborate every word American Horse has said about their food, clothing, homes, seed, and utensils. It is positively a shame the way Government treaties are violated."

Here is the letter of Mr. Frank Armstrong, which is a plain statement addressed to the Secretary of the Interior, April 7 of last year, prophesying this war because the Indians would certainly be starved, and that they would fight rather than be starved. I ask that it be printed in the RECORD.

The statement is as follows:

WARNED LONG AGO—INDIAN INSPECTOR FRANK ARMSTRONG WROTE LAST APRIL—THE PRESENT UPRISING PREDICTED NINE MONTHS AGO.

The following letter, written nearly a year ago, warned the Secretary of the Interior of the existence of conditions that would certainly lead to trouble unless a remedy were applied. General Armstrong was removed shortly afterward:

"PINE RIDGE AGENCY, SOUTH DAKOTA, *April* 7.

"*The Honorable Secretary of the Interior:*

"SIR: In former years this agency was allowed 5,000,000 pounds of beef. This year it has been reduced to 4,000,000 pounds. These Indians were not prepared for this change. No instructions had been given the agent that 1,000,000 pounds of beef would be cut off from the Indians this year. Consequently, issues were made from the beginning of the fiscal year—July 1, 1890—until the date of the final delivery of beef, about October 15, 1889, on the basis of 5,000,000 pounds for the year. This necessitated a large reduction in the beef issue afterward to catch up with the amount, and came just at the worst season of the year. The Indians were kept at the agency between three and four weeks in the farming season of 1889, when they should have been at home attending to their corn.

"Their enforced absence attending the Sioux Commission caused them to lose all they had planted by the stock breaking in on their farms and destroying everything they had. They had been compelled to kill their private stock during the winter to keep from starving, and in some cases have been depredating upon the stock of white people living near the line of the reservation.

"A bad feeling is growing among the Indians out of this, and may lead to trouble between the settlers and the Indians. The killing of a hog made the Nez Percé war, with Indians far more advanced than these people. The full allowance of beef should be given them. They complain, and with good grounds, that they were told by the Sioux commissioners that their rations, etc., should not be reduced; that while this very talk was going on the Department in Washington was fixing to cut off one-fifth of their meat supply, but did not let them know it, nor did the agent know it, until they had signed the Sioux bill. They had a good start in cattle, but have had to kill over three times as many of their own cattle, old and young, as they did the year before; that they have been deceived in doing what they did by the Government, and that they do not get as much now as they did before.

"I think cutting off this 1,000,000 pounds of beef and thereby forcing them to kill their own young cattle has put them back two years or more in raising stock and has created a feeling of disgust, which, unless something is done to repair it, will lead to trouble and bad conduct. They have now killed many of their own cattle, and will next commence to kill range cattle. Already hides and other evidences of this are being found on the reservation borders.

"Men will take desperate remedies sooner than suffer from hunger. Not much work can be expected with the present feeling. The Indians who advocated signing are now laughed at and blamed for being fooled. They do not get even their former rations, and ask where are all the promises that were made. The Government must keep faith as well as the Indians.

"The attention of the Department has frequently been called to the condition of the Cheyenne Indians at this agency, their dissatisfaction and determination to do nothing to better their condition. They now openly say they will leave there this spring, and therefore have no intention of putting in crops or doing any work.

"They may be held here by force, but it is questionable if it is a good policy to keep them at Pine Ridge agency any longer. The 900 Cheyennes at Tongue River, Montana, and these 500 Cheyennes of the same band here should be concentrated at one agency. The Sioux do not want them here, and they do not want to stay. They should not be kept as prisoners only. The Tongue River reservation is, I know, wanted by cattlemen. They should be a secondary consideration. These Indians should be concentrated there and a reservation obtained for them from the Crows, and the Cheyennes should be moved to it. They will then be satisfied, settle down, and go to work. No good can ever come to the Cheyennes if the course pursued toward them during the last six years is continued, and much bad may result.

"Why should Indians be forced to stay where they never located through choice? Put them where they want to live and can make a living, and let them stay there and do it. Without some prompt action regarding this beef matter, and also in the Cheyenne matter on this reservation, the Department may, this summer or fall, expect trouble. I have thought this of sufficient importance to lay it before the Department, and to go in person to ask that some action be taken. I have seen this Cheyenne matter brewing for two years, and I see now the Sioux put back in the principal industry on which they have to depend. With prompt action in this matter and a proper arrangement of districts for the issuing of rations, a plan for which I will submit, these people will go ahead. If not they will go backward, which to them is the easier road.

"FRANK C. ARMSTRONG,
"*United States Indian Inspector.*"

The letter of Bishop W. H. Hare, which I also give, corroborates Mr. Armstrong as to the condition of the Indians last year. He writes to Mr. Herbert Welsh, secretary of the Indians' Rights Association at Philadelphia, as follows:

SIOUX FALLS, *January* 7.

MY DEAR MR. WELSH: I have just returned from Pine Ridge agency, where I spent the two days ending January 5, at 4.30 p. m. I feel bound to write you in partial correction of views expressed by me heretofore.

The evidence compels the conclusion that, among the Pine Ridge Indians at least, hunger has been an important element in the causes of discontent and insubordination. In the farming season of 1889 (July) the Indians were all called into the agency and kept there for a month by the Sioux Commission. During their absence their cattle broke into their fields and trod down or ate up their crops. The Indians reaped practically nothing.

In the year 1890, drought, the worst known for many years, afflicted the western part of South Dakota and the Indian crops were a total failure. There is ample evidence that during this period the rations issued lasted, even when carefully used, only two-thirds of the time for which they were intended.

To add to their distress, this period, 1889 and 1890, was marked by extraordinary misfortunes. The measles prevailed with great virulence in 1889; the grip, in 1890. Whooping cough also attacked the children. The sick died from want. In this statement Inspector Gardiner, Dr. McGillicuddy, late agent, Miss Elaine Goodale, who has been in the camps a good deal, the missionary force, and many others whose testimony is of the highest value because of their character and their knowledge of the situation, all agree.

W. H. HARE.

Mr. EVANS. Will the gentleman permit me to make a statement right there?

Mr. FLOWER. Certainly.

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Tennessee?

Mr. FLOWER. I do.

Mr. EVANS. I can simply say this, Mr. Chairman, to the gentleman from New York, that I know of my own personal knowledge that the Commissioner of Indian Affairs is quite desirous for and even anxious to have an investigation made in accordance with the resolution introduced by the gentleman from New York, so that if there is any fault existing it be laid at the proper door.

Mr. FLOWER. I do not say whose fault it is, but I think it ought to be investigated. As the gentleman from Arkansas insists, if we have done any injustice there it ought to be righted. We should correct an injustice done to the poorest American citizen or to the poorest man domiciled in this country.

Mr. EVANS. I hope the gentleman will press his investigation, and if any injustice has been done that it will be corrected.

Mr. OUTHWAITE. If the gentleman from New York will permit me at this point, I will ask unanimous consent to print in the RECORD a memorial of the representatives of the General Society of Friends for Pennsylvania, New Jersey, and Delaware upon this subject. I do not ask to have it read, but ask to have it printed in the RECORD.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to have printed in the RECORD a certain memorial.

Mr. GROSVENOR. Mr. Chairman, I think a similar memorial has been presented by almost every member of the House and that it has already been referred to the appropriate committee; and for that reason I object to its publication in the RECORD.

The CHAIRMAN. Objection is made.

Mr. OUTHWAITE. I understand objection is made by the gentleman from Ohio.

Mr. WHEELER, of Alabama. I yield five minutes to the gentleman from Arkansas [Mr. PEEL].

Mr. PEEL. I was not present when this discussion commenced, and therefore hardly know how to reply to some things that I believe have been said here. I do not see the chairman of the Committee on Indian Affairs in the Hall at this moment, but I want to say that I know there is no disposition upon the part of that committee or any member thereof to suppress the fullest investigation of all this trouble. The subject has been discussed, and, as such committees of investigation are generally provided for upon the sundry civil bill, I have had some

talk with the members of the committee in charge of that bill with regard to putting in a clause providing for the appointment of a committee to make a thorough investigation of the trouble growing out of the late war with the Sioux Indians, and all other matters relating to that question, and report to the next Congress.

In regard to the Commissioner of Indian Affairs, I want to say that I am satisfied, from my relations with that gentleman, that he is as anxious to have a full and thorough investigation of these matters as any man in the public service or out of it. The whole subject has been talked over with the Commissioner, and we have given him, in the Indian appropriation bill, at his own suggestion, an item of $60,000 to enable him to change the manner and mode of delivering rations to these people, so that a good deal of the trouble that has heretofore existed can be corrected and avoided.

It must be remembered that during the disturbance out there the agency at Pine Ridge was taken away from the control of the Interior Department and placed under the War Department, so that the Indian Office would have no further jurisdiction over it. I am satisfied that anything that lies in the power of the Commissioner of Indian Affairs to have the matter investigated he is ready to do, and I hope that before this Congress adjourns provision will be made for the investigation. Gentlemen know that it is contrary to the rules of the House to put new legislation upon a general appropriation bill, and therefore no provision of this kind has been placed on the Indian appropriation bill, but I am ready and anxious to see a resolution passed covering all the points of the matter. I hope it will be done. Let the investigation be thorough, so that the country and the world may know the truth. If the responsibility falls upon the officers of the Government, let it fall upon them. There is nothing so far as I know about the Indian Office which indicates any inclination to suppress one solitary fact.

Mr. WHEELER, of Alabama. Mr. Chairman, I understand that one hour has now been occupied on this side, and the gentleman from Rhode Island [Mr. SPOONER] wishes to occupy some time of the other side.

Mr. SPOONER. I yield to the gentleman from Michigan [Mr. CUTCHEON], the chairman of the Committee on Indian Affairs.

Mr. CUTCHEON. Mr. Chairman, I desire at this time, entirely aside from the Military Academy bill, to place upon the record some facts and statements relative to the most unfortunate affair at Wounded Knee, so that they may go along with the matters that have been put in by the gentleman from Arkansas [Mr. ROGERS].

No one can deplore more than I do that most lamentable affair, lamentable from every possible standpoint, the loss of gallant officers and men from the Army, the taking of the lives of many of the Indians, and especially the killing and wounding of a considerable number of noncombatants. I suppose it is quite impossible for us fully to understand all the circumstances surrounding that tragedy. The Indians, who had surrendered the night before without surrendering their arms, were in a state of irritation and suspicion, and I desire now to put into the RECORD the statement of an eyewitness—not a statement like that of Miss Elaine Goodale, made up of hearsay and second-hand information, but the statement of an eyewitness, Father Craft, the wounded Catholic missionary, who fell between the lines in attempting to stay this tragedy.

The Clerk read as follows:

THE ARMY VINDICATED.

The following telegram, dated at Pine Ridge, has been received by Austin E. Ford, editor of the New York Freeman's Journal, from Rev. Father Craft, the Indian missionary, who was wounded through the lungs in the fight at Wounded Knee Creek:

"My wound feels considerably better and I may recover. Am very hopeful. I authorize you to contradict for me in my name, through the press, the reports in circulation that blame the Army for the sad tragedy at Wounded Knee Creek. Those reports do grave injustice to our soldiers and are instigated by those adverse to an honorable settlement of the present trouble and hostile to the desire of every true friend of the Indians, that they be permanently transferred from the charge of the Indian Bureau to the War Department. It is only by such a transfer that the Indians can expect just treatment.

"The whole trouble originated through interested whites, who had gone about most industriously and misrepresented the Army and its movements upon all the agencies. The Indians were, in consequence, alarmed and suspicious. They had been led to believe that the true aim of the military was their extermination. The troops acted with the greatest kindness and prudence. In the Wounded Knee fight the Indians fired first. The troops fired only when compelled to. I was between both, saw all, and know from an absolute knowledge of the whole affair whereof I say. The Indians state the case just as I do. I have every proof at hand, and when able will forward full statement and documentary evidence."

This is a striking refutation of the reports, prejudicial to the troops, which apparently were the cause of the investigation of Colonel Forsyth's conduct, which investigation seems to have resulted in his complete vindication.

Mr. CUTCHEON. Mr. Chairman, this affair occurred in the morning, in connection with an attempt to disarm the hostile Indians. There is no question, as I understand, upon any hand, that the first shot was fired from the Indian side. Miss Elaine Goodale, I believe, says that it was fired by one worthless fellow; other accounts say that there was a perfect fusillade commenced at a given signal, and that numbers of the troops fell at the first fire. I send to the Clerk's desk and ask to have read the marked portion of a dispatch published in the Army and Navy Register of January 3 giving a description of the commencement of the fight, accompanied by a list of the killed and wounded.

The Clerk read as follows:

With desperate bravery the 120 Indians turned upon their foe and poured a frightful volley upon the soldiers that were gathered closely about the tepees. The determination to fight and the execution of the design were so sudden that the soldiers were completely surprised. They had not expected resistance in the face of such overwhelming odds. They had come so near to the tents and were gathered so closely together that the first volley swept down before it a score of the brave men who had been sent forward to disarm Big Foot's desperate followers.

The return fire came upon the Indians just as suddenly as their own, but its effect was more deadly. The soldiers, maddened at the sight of their falling comrades, hardly awaited the command, and in a moment the whole front was a sheet of fire, above which the smoke rolled, obscuring the central scene from view. Through this horrible curtain single Indians could be seen at times flying before the fire, but after the first discharge from the carbines of the troopers there were few of them left. They fell on all sides like grain in the course of the scythe.

Indians and soldiers lay together, and, wounded, fought on the ground. Off toward the bluffs the few remaining warriors fled, turning occasionally to fire, but now evidently caring more for escape than battle. Only the wounded Indians seemed possessed of the courage of devils. From the ground where they had fallen they continued to fire until their ammunition was gone or until killed by the soldiers. Both sides forgot everything excepting only the loading and discharging of guns.

A BLOODY FIGHT—THIRTY-TWO WERE KILLED AND THIRTY WOUNDED.

For the first time since the Custer massacre the Army has suffered a heavy loss in officers and men in a bloody conflict with the Indians. The details of the remarkable conflict at Wounded Knee Creek are given below. But first we will give a list of the casualties, which is unfortunately imperfect, but containing all the names obtainable up to the time of going to press.

THE DEAD.

George D. Wallace, captain of Troop K, Seventh Cavalry; Bone, corporal, Troop I; Coffey, first sergeant, Troop B; Dyer, first sergeant, Troop A; John F. Frittle, first sergeant, Troop E; Oscar Pollock, hospital steward; William Adams, Troop K; Henry Arey, Troop A; Ralph A. Cook, Troop B; Cain, Troop A; Christensen, Troop K; Costello, Troop B; J. Cummings, Troop I; De Frey, Troop C; John Devrede, Troop C; Frey, Troop A; Forrest, Troop B; Hodges, Troop K; Johnson, Troop A; Kelley, Troop A; Kellner, Troop A; J. D. Keehert, Troop E; Hermann Kranberry, Troop A; Gustave Kool, Troop E; Logan, Troop A; McCue, Troop K; Wm. S. Mieso, Troop B; Wm. F. McClinto, Troop K; Joseph Murphy, Troop K; Newell, Troop B; Ragan, Troop A; Frank E. Reinecke, Troop D; Francis Scheinte; Tervell, Troop B; Bernhardt Zehndter, Troop I; Rev. Francis M. J. Craft, missionary priest, died of wounds.

THE WOUNDED.

Ernest A. Garlington, first lieutenant, Troop A, Seventh Cavalry; A. L. Hamthorn, second lieutenant, Second Artillery; Charles Campbell, quartermaster sergeant; Harry L. Clifton, corporal Troop K; George Lloyd, sergeant, Troop I; Theodore Rayner, first sergeant, Troop K; William Toohey, sergeant, Troop B; James Ward, sergeant, Troop B; Robert Brunner, Company B, Second Infantry; Peter Clausen, Troop C; John Coffey, First Artillery; Harry L. Cronin, Troop A; William Davis; George Elliott, Troop K; William H. Green, Troop C; Thomas Harran, Company B, Second Infantry; Alvin Hazelwood, Troop H; Gottlieb Hopp, Troop I; Henry Howard, Troop I; Wm. Kern, Troop E; Wm Kirkpatrick, Troop B; Frank Lewis, Troop B; Christopher Martin, Troop A; John McKenzie, Troop B; Daniel McMahon, Troop A; Hugh McMinnis; Adam Neter, Troop A; R. J. Nolan, Troop I; Ervin Schriever, Troop C; Samuel F. Smith, Troop K; Harry Stone; Edward A. Sullivan, Troop K; Harvey H. Thomas, Troop I; Fred Wodaer; George York, Troop D.

In the above list all not otherwise designated belong to the Seventh Cavalry.

Mr. CUTCHEON. It must not be forgotten that these troops were the same Seventh Cavalry a large part of which had been massacred to the very last man upon the Little Big Horn on that fearful July day when Custer fell. At that time two battalions of this regiment had ridden into an ambuscade of these same Sioux Indians, where they were literally exterminated, not a man left to tell the tale, actually piled up in heaps and windrows; and when this sudden fire was opened on them at Wounded Knee they remembered that terrible massacre, and, in my opinion, they had no doubt that a conspiracy had been formed among the Indians to exterminate them in the same way.

So, upon the impulse of the moment, the fire of the Indians was returned, and in the excitement consequent upon the sudden attack things were done which ought never to have been done. I am the last man upon the face of the earth who would stand here to justify or even to excuse the killing of noncombatants, but since this unfortunate affair I have conversed with several army officers, experienced in Indian campaigns, and they assure me that in the winter time, when the Indians wear their blankets, it is almost impossible to discriminate at a little distance between Indian males and Indian females. Their dress is almost identical. They wear their blankets over their heads, and at even a short distance it is almost impossible to distinguish the one from the other.

It must not be forgotten that before this affair commenced the battery of four machine guns, Hotchkiss guns, had been planted upon an adjacent eminence; and in the midst of this mêlée it seemed to the lieutenant commanding the battery that this portion of the Seventh Cavalry was about to be massacred, exterminated. He opened his battery upon the Indians; and it was impossible under these circumstances to prevent the destruction of a certain number of the noncombatants. I am assured also by army officers of experience in Indian campaigns that in such cases the fighting on the side of the Indians is not confined to the males, but the females also participate; and it is alleged that on this occasion the Indian women to some extent took part in the fight, not only with firearms, but actually with knives, and that some of the men slain at Wounded Knee were killed with knives in the hands of the Indian squaws.

Now, Mr. Chairman, I am not here to enter into any defense of the Army. I do not believe—I should abhor the belief—that there are in the American Army educated officers who would for one moment either encourage or tolerate such a thing as the killing of noncombatants. I

do not believe it; but I do believe that in the fierce frenzy of battle, and especially in this sudden attack upon the Seventh Cavalry that had that fearful experience in 1876, things were done in the heat and excitement that ought not to have been done if they could by any possibility have been avoided. Whether they could have been avoided I am not able to judge; but I trust that in due time all the information that can be had will be furnished to Congress and to the country at large, in order that the name and fame of the Army, which are so dear to all American citizens, may be cleared of even the suspicion of wrong.

Mr. ROGERS. Will the gentleman tell me——

The CHAIRMAN. The gentleman from Arkansas should address the Chair, and the Chair will ask the gentleman from Michigan whether he is willing to yield.

Mr. ROGERS. Mr. Chairman——

The CHAIRMAN. The gentleman from Arkansas.

Mr. ROGERS. Will the gentleman from Michigan yield to me a moment?

Mr. CUTCHEON. With pleasure.

Mr. ROGERS. I want to ask the gentleman whether with all the information he has on the subject he has formed any opinion as to whether or not many of the soldiers in the engagement referred to were not killed by other soldiers.

Mr. CUTCHEON. I have the opinion that a considerable portion of our own dead and wounded (a list of whom is included in one of the papers I have sent up) fell under the fire of our own troops. This engagement took place in a little basin or hollow; the tepees were in the center; the Indians were drawn up in the form of a crescent or arch. The troops were drawn up on three sides of a hollow square, not expecting any engagement or any resistance, for it seemed that resistance would be the height of absurdity. So when the fire was opened it was almost inevitable not only that the discharge of the small arms should take effect to some extent upon our own men, but also that the fire of the machine guns from the hills, when directed into this valley, should kill some of our own men.

Mr. Chairman, I ask unanimous consent to print in connection with my remarks quotations from the official report of the affair at Wounded Knee. I will not take up time in reading them.

The CHAIRMAN. The Chair hears no objection.

The quotations referred to by Mr. CUTCHEON are as follows:

OFFICIAL REPORTS OF THE FIGHT AT WOUNDED KNEE BY GENERALS MILES AND FORSYTH.

Dispatches received by the Adjutant General of the Army in reference to the Indian outbreak embrace the report of General Miles, dated at Pine Ridge Agency, January 5, and the report of General Forsyth, covering the unfortunate fight of the Seventh Cavalry with Big Foot's band of Sioux at Wounded Knee Creek, December 29. General Miles charges that in the affair of the 29th of December "the command were so placed that the fire must have been destructive to some of their own men, while other portions of the troops were so placed as to be noneffective. It also appears that after a large number of their arms (47) had been taken away from the Indians the fight occurred between the troops and the Indians in close proximity. Captain Wallace was killed with a war club, others were stabbed with knives, and bows and arrows were used." General Miles adds that when 150 Brûlé Indians from the Bad Lands came to the aid of Big Foot's band during the fight "the troops had become widely separated in chasing the Indians, and this band of Brûlés attacked Captain Jackson and recaptured 26 prisoners."

In the report of the action made by General Forsyth, that officer narrates the capture of Big Foot's band on the 28th by a detachment of the Seventh Cavalry, under Major Whiteside. He tells the story of the next day's action substantially as it has been told before. "The search for arms through their camp having proved almost fruitless," he continues, "I gave orders to search the persons of the bucks, again telling them that they must do as white men always do when surrendering, that is, give up their arms.

"At the first move to carry out the order last referred to the bucks made a break, which at once resulted in a terrific fire and a hot fight lasting about twenty minutes, followed by skirmish firing of about one hour. From the first instant the squaws started for the hills, and it is my belief that comparatively few of them were injured. Some bucks succeeded in getting away and three troops were sent in pursuit. They overtook and captured five bucks (all badly wounded), nineteen squaws and children, and killed six bucks.

"Very soon after the force was attacked by about one hundred and twenty-five bucks, supposed to be from the agency. In the fight which followed those captured had to be dropped. One of the troops sent out became separated a short distance and killed four Indians, one a buck; the other three could not be determined.

"As accurate an estimate as could be made of the dead Indian bucks in and near the camp was eighty-three, which, added to the seven before mentioned, makes ninety as the number of bucks killed.

"The attack on the three troops by the one hundred and twenty-five bucks, taken in connection with a message from the department commander to Major Henry, Ninth Cavalry, who was on White River, which message was opened by me by mistake and contained the information that the Brûlés had left the agency on the warpath, led me to believe that I was in danger of an attack by all the discontented Indians in this vicinity, and as my command had suffered greatly in killed and wounded, I deemed it not only prudent but obligatory in me to return to the agency."

FORSYTH EXONERATED.

PINE RIDGE AGENCY, SOUTH DAKOTA, *January* 10.

Colonel Forsyth will be cleared. Upon that point there is but little doubt. The investigating committee has completed its work, and while its members have as yet made no report, it is thoroughly understood that the colonel will be exonerated. The testimony of the officers and soldiers of the Seventh Cavalry leaves no other course open. Inquiry shows conclusively that no soldier was killed by the fire of another. The charges that this was done formed the basis of the complaint that the troops were improperly placed. It seems to be the impression among all army officers that Colonel Forsyth did wonders of organization in the midst of a great confusion. The testimony of Captain Nolan and Lieutenant Nicholson went to show that the men when firing continually called to one another, saying, "Don't shoot in that direction, they are women." Non-commissioned officers swore to the same thing, and it was shown fairly and conclusively that when the sex of the enemy was known accurately the fire of the troops was directed accordingly.

Mr. SPOONER. Mr. Chairman, I think there is no disposition to continue the debate on this side.

[Mr. WHEELER, of Alabama, withholds his remarks for revision. See Appendix.]

Mr. SPINOLA. Mr. Chairman, the dominant party upon the floor of this House have seen proper to pass a law taking away from the several State authorities the right to certify to the election of members of Congress who may be elected in those States and conferring the right of such certification upon irresponsible parties, to be created by the law, to hold their offices during their natural lives, and to be privileged to select their own successors. That is an unamerican act and an unconstitutional act; glaringly unconstitutional, I assert here and defy contradiction; for the Constitution of our country never could have been formed, never could have been established, if it had been thought for one moment in the convention which framed it that the Congress of the United States was to be clothed with the power and authority to take away from the States their right to regulate the election of their Representatives in Congress. All that took place in the convention justifies the statement. All the debates point in that direction. New York never would have ratified the Constitution if it had not been guarantied that the interference of Congress should apply only to States which should happen to be so derelict in their duty as to fail to send Representatives here. It was in order to prevent the dissolution of the Government from the possible failure of States to do their duty in cases of that kind that that clause of the Constitution which is here invoked was adopted.

Now, I wish to assert here, basing the statement upon my experience and observation in life, that no legislation which you can enact, pretending to be in the interest of the negro, will have the least effect in ameliorating the condition of that class of our citizens. What the negro wants is to be let alone. Let him alone and he will hew his own way to position and to greatness and will be able to compete with any race on the face of the earth if you give him an opportunity. But the negro can not live upon politics, and the quicker he learns to shun the negro politician as well as the white politician the better it will be for him, as the breath of the politician is as sure death to his advancement as though he inhaled the aroma of the upas tree. Neither can you change the political character of the Southern States by any such legislation as this bill proposes.

Why, sir, in my own experience I can look back to the time when a majority of the Southern States were not Democratic. Delaware was Whig, fixedly so, and Maryland also; Virginia a great portion of the time; Kentucky permanently; Tennessee and Georgia frequently; also Florida and Louisiana and North Carolina. All those were Whig States. Then reason and common sense prevailed, and the people were influenced, not by force of law, but by intelligent appeals to their judgment, and in many cases the result was against the Democratic party. You can never retrieve those States, gentlemen, and put them again in antagonism to the Democratic party unless you adopt the same course.

Now, as to this force bill, who has asked for its passage? Not a single petition that I have ever heard of. There was no application for it from anywhere; while, on the contrary, State after State, citizen after citizen, has remonstrated against its passage. The passage of this bill is demanded by one individual from the city of New York, and one alone, who has come here surrounded by a few political henchmen. He and his friends have been here during this entire session and they are here yet. John I. Davenport is here, with a few Republican district leaders from New York who, by some accident, have been enabled to appear disguised in decent clothes so as to mislead Republican Senators in relation to public sentiment in the city of New York.

Now, Mr. Chairman, I assert here with great confidence that not three men in every ten in the city of New York favor the passage of the measure known as the force bill. Go out upon the highways and stop the first ten men you meet, and seven of them at least will tell you that they are opposed to the bill, two will say that they have not read it, and the remaining one will probably be a politician and probably say: "Well, I am in favor of doing anything to throttle the Democratic party." But, gentlemen, the Democratic party will not be throttled in that way. You can only throttle the Democratic party of this country through the ballot box, and at the ballot box the people have spoken within the last few months in such a tone that I know my friends who are smiling over there did not smile when the result was announced on November 5 of 1890. They will not smile when they leave this hall in sackcloth and ashes to go home and weep and mourn. [Laughter.] No, sir, they will go home and sing "Nearer, my God, to Thee," because they will bid farewell forever to these gilded halls. [Laughter.]

My friend from Alabama [Mr. WHEELER] has called the attention of this House to what took place in reconstruction days. We thought we treated those Southern people pretty harshly when we whipped them on the battlefield. We gave them all they wanted and more.

Mr. COLEMAN. And did not you get something in return sometimes?

Mr. SPINOLA. In fact, quite frequently; in fact, as much as we could carry off conveniently. The gentlemen asks me what I did. Well, I did not do much. I only stopped two Confederate bullets myself; and that was as many as I wanted to monkey with. I was not like some of the Republicans in this House whose great war record consists in the fact that they just went out into the field and stopped cannon balls with their fists as fast as they came to them—that is, if you let them tell it. In fact, it is only recently that they commenced to do any hard fighting. No, sir, I was not one of that style. I had enough with two bullets. Still I served on until the close of the war.

Mr. BLAND. If the gentleman will yield a moment, I would like to make a motion to lay the "force bill" on the table. [Laughter.]

Mr. SPINOLA. The "force bill" appears to be dead.

Mr. McADOO. And this is its obituary.

Mr. SPINOLA. Well, I am apprehensive that it may not be entirely dead; and until I see it placed in the grave, with the sods over it, and its obituary pronounced by the venerable Senator from Massachusetts [Mr. HOAR], I shall not believe the measure is absolutely out of the way.

Mr. CUTCHEON. Does the gentleman believe in punishment after death?

Mr. SPINOLA. Well, those people who may continue to follow that bill will get punishment enough in this world without my wishing them any harm in the other.

Mr. CLEMENTS. This is a *post mortem* examination.

Mr. SPINOLA. Certainly. We are just going on mildly and quietly to dispose of that bill and get rid of it in such a way that it will never again haunt these halls.

Why, sir, there was a time when intellectual giants led the Republican party on this floor. I remember coming here years ago and sitting in the gallery when Roscoe Conkling raised his voice in this Hall against a similar bill. He held aloft the banner of the Republican party; its right and left guidons were in the hands one of James A. Garfield and one in the hands of James G. Blaine, who, with Conkling, were leaders worthy to be followed by any party. But a bevy of fresh leaders have taken their places and are carrying their party into eternity and certain ruin. [Laughter.] These new, fresh leaders of the Republican party remind me of a story which a Jerseyman told me of a dream he once had. He said he was asleep in the marshes of Jersey, and he thought he approached a very fine place, reached through an elegant porch; and there he met a little imp, who invited him in, saying, "His satanic majesty is inside and is expecting you here; he has sent me to show you the way in." Upon entering, the man saw great piles of human bodies stacked up like cordwood, with blue flames curling over and around and through them, on every side. The imp led him from one place to another and finally brought him to an elegant gilded hall. "Well," inquired the Jerseyman, "what place is this? and what are these men doing here, hanging around on these hooks?" "Oh," was the reply, "those are the fresh leaders of the Republican party in the House of Representatives of the United States; they are so green when they come in that we have to hang them up as you see and dry them before they will burn." [Laughter.] Our Republican leaders on the other side of the House have led their party to destruction, and they can never retrieve what they have done.

The gentleman from Alabama has not overstated the case in referring to what has happened since the war. Since the war, since the carpetbag governments were expelled, Northern men with capital have gone down into the South, have recognized there the field for investment, for enterprise, for energy, for Northern skill. Northern men have gone down there and joined hands with their Southern brethren; and they have developed that country in a manner never equaled elsewhere in the same space of time; and that section, if let alone, will become one of the garden spots of the Union for prosperity and wealth.

All the negro needs is to be let alone. I do not hesitate to say here to-day, and let it go upon the records of this House, that if he has a fair chance and the politicians will keep their contemptible, greasy hands off of him [laughter] in a hundred years from to-day there will be colored men in this land who will prove themselves the peers of any men on the face of the earth. In my opinion within that time some of them will rank among the wealthiest people of the land and become owners of large tracts of the cotton lands of the South, the rice fields, and sugar plantations. There are already two million of colored farmers in the country and more coming. I believe they will produce men who will be foremost among our fellow-citizens at the bar, and I have no doubt occupying honorable positions as judges of the highest courts in the country, as well as instructors in our highest institutions of learning, great in the mechanics and arts, and in intelligence and character equal at least to that of any people. This is a brief sketch of what may be the result of the colored people themselves declaring their freedom from politics as a race, and not allowing themselves to be "the hewers of wood or the drawers of water" of any political party, it makes no matter what such party may pretend to have done towards freeing them, as their freedom was the work of all the people of the North, and not the work of any political organization.

But in order to do this they must abandon the pursuit of politics for a living; they must devote themselves to religion and to education; they must be taught to be industrious and temperate and by their own good behavior command the respect of all with whom they may come in contact. I am sure that all these things ought to stimulate any people or any race to do those things that would make them prosperous, happy, and powerful among their fellow-men. They must not, as some of our colored friends do, sit here in these galleries while their wives and sisters are washing or scrubbing to make a living for them. They must go to work themselves.

I tell you there is, in my judgment, to-day, no man who can begin to form an idea of the successful manner in which this problem of the colored race will be solved in a hundred years from now. Only twenty-five years have elapsed since the negro was emancipated, and even to-day there are brilliant men among that race. But, in the name of God, let politicians leave them alone, especially the colored politicians, especially the Northern carpetbaggers, who in times past have gone down into the South to deceive the negroes and lie to them, as the Republican party has done since the war closed.

Now, sir, I am not going to mince words. Facts are what speak louder than anything else. In the first place, when the war closed these people were led to believe that the agents of the Freedmen's Bureau were going down amongst them with an immense drove of mules, with a surveyor along; that each darkey was to have the privilege of selecting his own mule and the surveyor was going to stake out his 40 acres of land. [Laughter.] That is what these poor innocent people believed was going to be done for them by their Republican friends. But let us see how they were deceived.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SPINOLA. I would like to have a little while longer.

Mr. WHEELER, of Alabama. I promised to yield some time to the gentleman from Louisiana [Mr. BLANCHARD]. I would ask unanimous consent that the time be extended for five minutes.

The CHAIRMAN. That can not be done except in the House. The committee has no power to extend the time.

Mr. BLANCHARD. May I ask how much time the gentleman from Alabama has remaining?

The CHAIRMAN. Five minutes.

Mr. SPINOLA. Oh, if that is all I will quit.

Mr. BLANCHARD. I would prefer a little more time than five minutes. If that is all the time under the control of the gentleman from Alabama I would prefer that the gentleman from New York should go on and consume the remainder of it himself.

Mr. SPINOLA. I was saying, Mr. Chairman——

Mr. CUTCHEON. Before the gentleman proceeds will he allow me to interrupt him for a suggestion? I would like to hear something about the monument.

Mr. SPINOLA. Oh, my dear sir, I will harass this House with that monument as long as you occupy seats on that side of it. [Laughter.]

Mr. WILLIAMS, of Ohio. You might succeed in getting the colored people to help you build it in a hundred years.

Mr. SPINOLA. Well, if the negroes had the power to do it I am satisfied that they would consent to make the appropriation now; and that inside of thirty days, if it was possible to get the work done in that time, these people would have it completed.

Mr. MILLIKEN. Then do you not think that they ought to be helped to vote?

Mr. SPINOLA. Yes, but you can not protect him by fraudulent force laws. Because, Mr. Chairman, there were no Hessians among the negroes in the days of the American Revolution. They were all true; and on every battlefield of the Revolution you find that the negroes were there true and faithful to the cause of liberty and Washington, beginning with Bunker Hill and down to the end of the conflict.

But, Mr. Chairman, there is no use in trying to disguise the fact that the negroes have been misled in the South by the Freedmen's Bureau and through the promises held out to them by miserable, pettifogging politicians. The purpose of my remarks was to show what a fraud the Republican party had perpetrated on the negroes since they had been freed, because what I have just cited was a thing everywhere known and recognized, and believed amongst the negroes, that 40 acres and a mule was to be given to each freedman; and, when these poor, innocent people found out that there was no truth in the story, and that they had been made mere tools to pull Republican chestnuts out of the fire, they gradually went to work for themselves; and when they did succeed in accumulating a little wealth by their labor then their Northern Republican friends came again and said, "We will take care of your money for you." [Laughter.]

The negroes were fooled again, but it was not the first time, as the Republicans established the Freedman's Bank, and when they had scooped in every dollar that these poor people had earned they "busted the bank" and left them absolutely penniless after fifteen years of hard labor. These are their Republican "friends" of the North. And the other day, as another buncombe motion in the House, a gentleman on that side introduced a bill providing that every man who was a slave should be paid out of the Treasury $500.

Why, Mr. Chairman, is there a sensible man among the Republican party who would support such a bill? Is there a single man on that side of the House who believes there was sincerity or honesty in such a proposition, or that there was not back of it another gigantic fraud? They knew it could not be done. It was simply a bluff, buncombe, a miserable subterfuge to deceive the negro, and nothing else. And so it has gone on from the very beginning until now. They are still pretending to be the friends of the negro, and this last miserable proposition, the force bill, is in the same line with the rest. They tell the negroes that they are going to put negroes in power in the South. Why, sir, you can send all of your marshals and all of your other officers connected with it, and all the paraphernalia described in that bill that you can gather together, and when they get down there, or when they get into the great State of New York, they will be told what their duty is and will get mighty short notice to quit. [Laughter.]

Why, Mr. Davenport states distinctly, notwithstanding that my friend from Massachusetts [Mr. LODGE], whom I do not see here now, claims that he is the father of this bill—Davenport states and asserts, and challenges contradiction of the fact, that he drew that bill, every section of it; and he has drawn it in such an adroit way that if it becomes a law it is worth $200,000 to him every Congressional election.

Mr. SPRINGER. It will not become a law.

Mr. SPINOLA. No; the American people are too sensible for that. The Senators have "put their ears to the ground," not like some of you gentlemen on that side who refused to put your ears there when I invited you last fall.

Mr. KERR, of Iowa. The silver ear? [Laughter.]

Mr. SPINOLA. The entire ear, and they could hear what the people of this country had to say upon the subject, and they heeded it, and that is more in my judgment than you gentlemen on that side of the House have undertaken to do. The Republican Senators heard the voices of their constituents; they heard the voice of the people, which some of you gentlemen on that side sometimes undertook to designate as the voice of God. Yes, Mr. Chairman, they heard the voices of their constituents, and they have laid that bill aside for the present, and I hope and trust permanently, for the good of the nation and for the good of the whole country without exception, North and South. [Applause on the Democratic side.]

But you have heard further from the country, and it was stated on that side of the House last week that the movement on the part of certain States to abandon legislation in the World's Fair scheme was a mere bluff. Let me tell you that you are mistaken. It is not a bluff from the great State of Indiana; it is not a bluff from the State of New Jersey; it will not be with Wisconsin when it comes; it will not be a bluff from Michigan, and, Mr. Chairman, let me conclude by saying that it will not be a bluff when the great State of New York thunders forth her voice on that question. [Applause on the Democratic side.]

The CHAIRMAN. The time for debate on that side has expired.

Mr. SPINOLA. Well, let us vote on the bill now, boys. [Laughter.]

Mr. SPOONER. The provisions of the bill have been so carefully and thoroughly discussed that it seems to me the necessity for further general debate scarcely exists. Yet I can not refuse the request of two or three gentlemen upon that side of the House who want to occupy a very few minutes. I yield to the gentlemen from Iowa [Mr. KERR].

Mr. BLANCHARD. Would it be in order now to move that the committee rise? It is 5 o'clock.

The CHAIRMAN. That motion would be in order if the gentleman from Iowa had not the floor.

Mr. SPOONER. Wait ten minutes.

Mr. KERR, of Iowa. Mr. Chairman, I desire, before I go any further, to say that so far as gentlemen on this side of the House are concerned there is no disposition to find fault with Confederate soldiers. I believe mankind, as a general rule, have respect for men who have strong convictions and who are willing to peril their lives for the sake of those convictions. Consequently there is a very general conviction that among the most reliable men in the South to-day are the men who were sincere in their opposition to the Government when its life was involved and who believed, as they then believed, many of them, that the very existence of civil society in the South depended on the success of the Confederate government.

But the gentleman from Alabama has presented some views calling attention to remarks in a paper published in this city, alleging that certain things were involved in the election bill. I believe the country understands that there was nothing involved in the election bill except the election of members of Congress and the control of election of members to this House. I am not going to concede, however, and I never have conceded that the General Government is not interested in the maintenance of free State elections in the South.

I hold that the Government possesses that power and always has possessed that power, by virtue of the provision in the Constitution which requires the General Government to guaranty a republican form of government to every State in the Union. And if the right of self-government to all of the people is denied by any State, it is the imperative duty of the General Government to see that that right is guaranteed by virtue of the provisions of the Constitution, old as the Constitution itself. The gentleman has said something about his apprehension of miscegenation in the South.

I believe the gentleman will concede that the desire on the part of many people in this country is that, if there shall be miscegenation, it shall be under the forms of law rather than in violation of law, and that, if a white man is bound to have colored children, he ought also to be bound to protect them. [Laughter.] I am speaking for myself only in the expression of that opinion [laughter], as gentlemen will understand, and not for any party. The people of the Southern States will consult their own tastes in their affiliations and social relations with the people of another color in the South, who are living there. Mr. Lincoln said that it did not follow because a man did not want a colored woman for a slave that he would want her for a wife.

Now, that of course is a question that belongs to the people of the Southern States to determine for themselves. It is well understood that since the war there has been very much less of that which the gentleman on that side has expressed his fear of than there was before the war.

Mr. WHEELER, of Alabama. The gentleman is entirely mistaken.

The CHAIRMAN. Does the gentleman yield?

Mr. KERR, of Iowa. I decline to yield, but I will yield for a statement.

Mr. WHEELER, of Alabama. I know you will allow me to make one statement, that before the war the masters of the slaves took the greatest pains possible to encourage virtue among their slaves. There is no class of people on the earth who had thrown around them as many guards as were thrown around that people.

Mr. KERR, of Iowa. That only emphasizes the fact that the guards thrown around the slaves by their masters were not very efficient. [Laughter.]

Now, the gentleman has spoken about the justification of the State governments in refusing to make appropriations for a fair provided by this Congress to be held on the Great Lakes. It seems to me, Mr. Chairman, that we are getting back to the day of the doughface in this Government when men are permitting themselves to be influenced by threats, as they were for many years before the war.

I believe, though, that the age of the doughface in this country as a power in the Government has passed away, and that the people of this great country thirty years ago arrived at the conclusion that they would rule this Government according to their will, and that no threat from any source would deter them from governing it as the majority of this country see fit in the exercise of their sound discretion, and that any attempt to prevent the American Congress or the American people from the exercise of their judgment upon any form of public policy is not to be permitted by attempts of that kind.

Mr. TUCKER. How about Indiana?

Mr. KERR, of Iowa. Indiana, I believe, has always been noted for being the home of the doughface.

The gentleman from Alabama [Mr. WHEELER] has said that no man has gone from the North to the South without being received with open arms. I admit that is true, if he has gone there and voted squarely with the Democratic party and supported the Democratic policy; but I made a statement the other day, and I repeat it now. The gentleman alluded to the distinguished orator of Mississippi before the war, who went from Maine—Mr. Prentiss, of Mississippi.

It is wonderful that the gentleman had to go back thirty-five or forty years to find a Northern man in the entire South who had ever been promoted to a position of honor, and that with his knowledge of public affairs he was not able to point to a single man to-day from the South of political distinction who acquired distinction in the war for the preservation of the Union.

Mr. TUCKER. The gentleman should remember that General Walker, of Virginia, was a New York man, and that Mr. STOCKDALE, of Mississippi, who is here, is a Pennsylvanian.

Mr. KERR, of Iowa. The gentleman mentions General Walker. In reply to that, I will allude to the fact that Governor Walker was chosen as a convenient agent to execute the wishes of those men in Virginia who were most opposed to dealing harshly with the Confederates of that State; and he was in favor of pursuing a line of policy that they wanted to pursue, and was chosen in advance as an efficient agent to accomplish their purposes in Virginia.

Mr. OUTHWAITE. How about Mr. Hancock, of Texas? He was a Union soldier of prominence and was sent to Congress shortly after the war.

Mr. KERR, of Iowa. What I said the other day was with reference to men in this House. I have not searched very carefully what the history of the State of Texas shows, but I know that one of the grandest men that this country ever produced, a man who was the peer of any man living in America at that time or to-day, was Governor Hamilton. Governor Hamilton, of Texas, was relegated to the rear simply because he was devoted to the Union in the days when the life of the Union was involved.

Mr. TUCKER. Why, the gentleman himself has been relegated to the rear.

Mr. KERR, of Iowa. Who?

Mr. TUCKER. The gentleman before me.

The CHAIRMAN. Does the gentleman from Iowa yield?

Mr. KERR, of Iowa. The gentleman from Virginia says that I have been relegated to the rear. [Laughter on the Democratic side.]

Mr. SPINOLA. We would like to have proof of that.

Mr. KERR, of Iowa. The gentleman, I suppose, wanted that statement to go into the RECORD uncontradicted. The gentleman ought to know that I am one of those men who think a man can retire from public life without serious danger to himself personally; and I chose of my own accord, when my friends thought I could have received a unanimous renomination, to write to my constituents that I did not seek re-election. [Applause on the Republican side.]

Mr. SPINOLA. One of the few men who put their ear to the ground. [Laughter.]

Mr. KERR, of Iowa. I wrote that to my constituents last April.

Mr. MOORE, of Texas. I want to interrupt the gentleman right there. He made an allusion to Texas. Is he aware of the fact that General Hamilton is dead and that he died very soon after the war?

Mr. KERR, of Iowa. I know that; but he had to retire from public life in Texas before he died.

Mr. MOORE, of Texas. General Hamilton died in Texas very soon after the war. He stood in the front rank in making war against the carpetbag administration——

The CHAIRMAN. Does the gentleman yield further?

Mr. KERR, of Iowa. I can not yield further. But General Hamilton stumped the North in favor of the reconstruction measures in 1866.

The CHAIRMAN. The gentleman declines to yield.

Mr. KERR, of Iowa. I alluded the other day to the fact that in this Congress there is only one man who was in the Union Army—that is, from the States that were in rebellion—and that is the gentleman from Northern Alabama, who was a soldier from my own district in the war; and while he has had a majority of 10,000 in his favor, yet he had to contest his seat in both the Fiftieth and Fifty-first Congresses by virtue of an adverse certificate. I know that in Eastern Tennessee, where the people are perhaps the most loyal in the entire country, they have sent Union soldiers, distinguished Union soldiers, and are continuing to send them; but I spoke of the rest of the South.

Now, Mr. Chairman, I have a few more words to say of a general nature before I close.

The time is coming in the history of this Government when the classes that have been governed without a voice in the Government will exercise the same severity (and I ask gentlemen to remember it) in the repression of those who attempt to deprive them of their fundamental rights and to tyrannize over them as the classes that govern have always exercised in the repression of those who attempt to dispute their exclusive authority. A hundred years ago in France was begun the great revolution in which the people began to assert their rights, and overthrew the church and the aristocracy and the king, and proceeded to treat those who questioned the sovereign rights of the people as enemies of the race and outlaws against mankind.

In that struggle the great apostle of American Democracy sympathized with the masses as against the friends of class privilege, and for half a century the men who sympathized with the masses in that struggle became the leaders in American politics and the men who sympathized with the aristocracy were relegated to the rear. It is true the republic in France went down and the strong man was installed in power, but since that day in France the terror of the ruler has waned and the masses have at last been installed in the government. The reign of terror, though bloody, was an important lesson to those who would trample on the masses, however humble they may be. I would warn our friends in the South that that lesson may be taught again. The people can not long be trampled on with impunity. The interests of the laboring masses are identical; there is no half-way place between absolute slavery and absolute freedom. The welfare of labor demands the full enfranchisement of the laboring masses.

The party that would deny the black man the right to vote or would fail to protect him in the enjoyment of that right would exclude nearly one-third of the laboring men of this country from the right of self-government and from all influence in the legislation of the country. Monopoly and intrenched privilege would not desire anything more destructive to the rights of the masses than this unless it should be to carry out the theories that formerly prevailed in the South and that were advocated in Debow's Review, namely, that there should be a class to govern and a class to work, and that in an ideal government the masses should be saddled and bridled and the rulers booted and spurred, and that labor should be owned by capital.

Now, Mr. Chairman, I say to you that it is important to the laboring interests of this country that the men who do the work, North and South, the men who represent the interests of the labor of the country, should have a voice in the governing power, that they of all men should be consulted; they are the foundation of our power, they are the mainstay of our civilization, the source of our strength North and South, and the Government of the United States should see that they are protected in the right to vote and to have their votes counted in every portion of this American Republic. The rights of labor demand this. [Applause on the Republican side.]

Mr. SPOONER. I now yield two minutes to the gentleman from Pennsylvania [Mr. BROSIUS].

Mr. BROSIUS. Mr. Chairman, the average American looks with disfavor upon any proposal to amend the Federal Constitution. For over sixty years its sacred fabric was untouched. No empiricism was bold enough to suggest an alteration in its organic structure. This reluctance may be due in part to a widely prevailing conviction that the framers of the instrument builded so wisely that no room exists for improvement and in part to a deep veneration for what was established by the founders of our Federal system. Respect for the work of the "fathers" within limits is commendable, but it ought not to blind us to needed improvements. Age can never sanctify error. No repugnance to change should make us indifferent to known defects. It is better to employ our minds in thinking what ought to be done now than in remembering what was done a hundred years ago. A disposition to amend the existing order is a necessary part of progress in politics as elsewhere. A conservative caution is well, but a wise promptitude in making alterations when they are due is the highest statesmanship.

VIEWS OF THE FRAMERS.

The colonists early in their political experience became sensible of the advantage of having the organs of government subjected to rigid limitations imposed by an instrument expressing the will of the people. There was universal acquiescence in the belief that in no other way could the liberties of the people be made secure. The framers of the Constitution crystallized this belief in the instrument whose superb mechanism so happily distributed the parts of government and so wisely limited the powers of each. In the execution of their great work of constructive statesmanship the fathers had before them the State constitutions as examples, which they followed perhaps more closely than they need have done, because it was easier to follow the buoys than to mark out new channels. There was nothing in those instruments to light the way to a definite limitation of the number of the popular branch of Congress. Madison distinctly refers to this in his defense of the scheme to make representation keep pace with the increase of population. Could he have foreseen how the idea would blossom and fruit in the later State constitutions his views might have taken a different shape.

To determine what should be put into the Constitution, on what lines and to what extent the agencies of government should be curtailed in their powers, was a problem whose solution encountered the greatest conceivable difficulties, and it can not be doubted that the conclusions of the framers were fully commensurate with the knowledge and experience of their time. There was nothing in the range of human knowledge to give them a hint of the amazing growth which was to characterize our population and resources. Their knowledge of the stable populations of the Old World furnished no suggestion of the marvelous multiplication of people in the New or of the great agencies that would leap from the brain and purpose of the young giant of the West to build up a great civilization.

The deliberations of the convention were not without episodes to illustrate the shortness of their vision in this respect. When Gerry proposed that the Representatives in Congress from the Western States thereafter admitted should not be allowed to exceed the number from the original thirteen States, lest the liberties of the latter might be imperiled, Sherman promptly responded that such a thing was not likely ever to occur. Equally vague were their views on the intellectual character of the men whom the West would build up for her quota of the statesmen of the future. Gouverneur Morris suggested in the debate that the Western States would not be likely to furnish men equally enlightened with those from the East to share the administration of Government. Could they have foreseen that in a hundred years our population would exceed 60,000,000, that the bulk of our strong men would come from the teeming hive beyond the Alleghanies and the Mississippi, and that the Representatives from the "wild West" would be to those from the original thirteen States as two to one, there is little doubt that the results of their deliberations would have been commensurate with their foresight.

A NARROW ESCAPE.

In this connection and before enlarging upon my own reasoning it is worth observing how nearly some of the views I shall present were prevailing a hundred years ago; how very near we were in the first two years of our history under the Constitution adopting an amendment similar to the one now proposed. More mature reflection had brought to the view of many minds the wisdom of imposing stricter limits upon the number of the House. Massachusetts had the honor of proposing to the First Congress the needed alteration. It had been recommended by her State convention and ratified by her Legislature. After mature consideration it was adopted in committee of the whole by a vote of 27 to 22. It was afterward so modified by the House as not to be acceptable to the people, and failed to receive the ratification of the requisite number of States. That amendment provided that—

After the first enumeration there shall be one Representative for every 30,000 inhabitants until the number shall amount to 100, after which the proportion shall be so regulated by Congress that the number of Representatives shall never be less than 100 nor more than 200, but each State shall always have at least one Representative.

A reading of the debate on this amendment makes it clear how sensible many of the members of the First Congress were of the true grounds of the alteration thus early proposed in our organic law. Many of them believed that at no time ought the number of the House to exceed two hundred; some thought that too many. Those who held views adverse to the amendment proceeded upon the assumption that the tendency in the future would be to keep the number at the figure first adopted, or at least to prevent any considerable increase; that the interest of the States, if not their jealousies, would unite them to that end. How wide of the mark they reasoned has been demonstrated by time and experience. The eloquent Ames, of Massachusetts, pleaded in vain that there would be motives to influence the best legislatures to increase their number; that there was a constant tendency in republican government to increase the popular branch of the Legislature; that men would naturally advocate measures that would increase their chances of continuing in office. "If," said this astute statesman, "there is a natural inclination in the Government to increase the number of the House, it will be prudent in us to counteract its baneful influence." Had these prophetic words been heeded, had those who heard them been as wise before as we are after the fact, this needed improvement, whose urgency has increased with lapse of time, would have been among the earliest amendments to the Constitution. The great State, Mr. Chairman, which the chairman of the Committee on Elections [Mr. LODGE] has the honor so ably and acceptably to represent was a hundred years ago beforehand in this matter; let her not be behindhand now.

WISER THAN OUR FATHERS.

It betrays no lack of respect to say that there were many things not revealed even to the prescient intellects of the framers of the Constitution. They were not sensible of the importance of imposing restrictions upon the power of Congress in that wide field covered by the first ten amendments. When more mature consideration and fuller discussion had produced in some minds a conviction of the need of additional restrictions there were still distinguished statesmen who believed the amendments useless lumber, of "no more value," said one, "than a pinch of snuff," since they went to secure rights never in danger. Yet, after the experience of a hundred years, it would be difficult to find a man so careless of his personal liberty, his private property, and of rights so transcendent as "freedom of conscience, freedom of speech and of the the press, as to be willing to dispense with the guaranties of the 'bill of rights.'"

So with the procession of events, the progress of knowledge, and the accumulation of experience comes a broader intellectual horizon. We are wiser than our fathers. A nearer and clearer view of the needs of our progressive conditions makes us sensible of the lack of constitutional provisions, whose utility was only discoverable by the light of a wider knowledge and a larger experience. In this category is the restriction proposed upon the number of the House of Representatives.

In presenting the claims of this proposition I do not hope to make them so plain that they will gleam through every eye. To reconcile all minds to a new proposition which crosses the path of cherished preconceptions is a task for which few are equal. I will not be able on such a question to stake off political wisdom or draw lines of clear demarkation between what is wise and what is otherwise; neither can we between light and darkness. Yet day and night, Burke assured us, are tolerably distinguishable. What I propose is so far out of the twilight and into the clear day as to be distinctly seen by all who are willing to look with unbiased eyes.

THE SITUATION.

To bring the existing situation into distinct view it may be stated that the only limitations upon the power of Congress to regulate the number of the House of Representatives are that it shall not exceed one for every 30,000 inhabitants and that each State shall have at least one member. These restrictions are a distinct concession of the principle for which we are contending, and they had for their object the prevention of a too numerous and unwieldy House. There was no fear that it would be too small for effective legislation. Story, in his Commentaries, says:

> The danger was that, from the national impulses of the popular will and the desire of ambitious candidates to attain office, the number would be soon swollen to an unreasonable size, so that it would at once generate and combine factions, obstruct deliberation, introduce and perpetuate turbulent and rash counsels.

There are those who believe that we are already perilously near the edge of this condition.

Now, Mr. Chairman, it is easily seen that it would be no infraction of the Constitution to make the ratio so large that no State could elect more than 1 Representative. In that event the House would now consist of 44 members. It would, on the other hand, be equally free from constitutional objection to make the ratio 30,000. This would give us a House of over 2,000 members. Between these extremes the pendulum of Congressional power swings.

It goes without saying that if it is a part of the purpose of a written constitution to limit the action of any organ of government, that limitation ought to be imposed at points most exposed to the dangers to be guarded against. The unlimited power of Congress to increase the number of the House is one of the exposed points, an unguarded back door through which much evil may enter and by reason of which we are in danger of "wooing the means of our legislative debility" and paying the enormous sums for our own enfeeblement in the inexcusable waste of money paid to members in excess of what would constitute an adequately representative and an effectively working body.

TENDING TO INCREASE.

Nothing can be more certain than the growing tendency to increase the membership of the House. The history of the past demonstrates it. The following table shows how steadily the number has been swelling:

Census.	Ratio.	Whole number of Representatives.
Constitution, 1789	30,000	65
First Census, 1793	33,000	105
Second Census, 1803	33,000	141
Third Census, 1813	35,000	181
Fourth Census, 1823	40,000	213
Fifth Census, 1833	47,700	240
Sixth Census, 1843	70,680	223
Seventh Census, 1853	93,423	234
Eighth Census, 1863	127,381	243
Ninth Census, 1873	131,425	293
Tenth Census, 1883	151,911	325
Eleventh Census, 1893	173,901	356

But it was further illustrated in the late debate on the apportionment bill. The chief end which the Committee on the Census set before them and which they seemed most proud of achieving, because it reconciled all minds, was to find a number which would prevent a loss to any State without unreasonably swelling the aggregate membership. The temptation to keep intact the delegations of the States whose population is stable is hard to resist. It will be no easier in the future than now. The virtue of an average member of Congress will be found not quite equal to the task of resisting the solicitations of State pride to maintain the numerical integrity of his delegation. If he is a man of heroic mold and can rise superior to such considerations he may still encounter a situation quite too much for him in the fact that his own seat is in peril. Who is fit to legislate upon the right to retain his own seat in Congress? Under the stress of such a situation how much easier it would be to give your adhesion to a place than to a principle. That the tenure of one's office depends upon his conclusions on a public question is not calculated to promote a wise decision goes without saying. Situations which invite such conflicts in the arena of legislation between private interest and public duty ought to be avoided whenever possible. Into such temptations the Constitution ought not to lead us and from the evil of yielding to them it ought to deliver us.

GENERATES STRIFE.

But, Mr. Chairman, there is another point of view from which the proposed amendment invites your considerate attention. It would remove from Congress a fruitful source of sectional bitterness and party strife. In the first apportionment after the adoption of the Constitution there was an unseemly wrangle between the North and South for the "ratios" favoring one or the other section. The House passed a bill favorable to the South; the Senate amended it so as to favor the North. The contention waxed so hot that not only Congress but the Cabinet was divided, strictly on sectional lines, and each section predicted a dissolution of the Union if a "ratio" favoring it was not adopted. Washington avoided taking sides by vetoing the bill that was finally passed, upon constitutional grounds. This vexatious question thus enjoyed the honor of supplying the occasion for the first veto in the history of the Government. In each succeeding apportionment the struggle for sectional or party advantage from the manipulation of "ratios" and the treatment of fractions was renewed with greater or less intensity, and sometimes with extreme virulence. Every decennial census has been followed by a battle of "ratios," in which passion and politics have carried the standards of section and faction in a wanton war for sectional conquest or party slaughter. The details of these controversies must be omitted. They are familiar to every student of our legislative history. They emphasize in the most graphic manner the importance of eliminating from our Government every unnecessary cause of sectional enmity and partisan strife.

ECONOMY.

The arguments, Mr. Chairman, in support of our proposal would not be complete without allusion to the cost of maintaining a numer-

ous House of Representatives. No amount of growth and no stretch of prosperity ought to make us indifferent to the claims of economy in the administration of Government. No man who thinks well of his country and desires to minimize the burdens of the people will sanction the waste of public money upon officials who are not only needless, but who actually embarrass the legislation of the country. The increase of 24 members by the recent apportionment bill carries an addition to the annual appropriation for the House of at least $130,000. In ten years it swells to $1,300,000, and so on down the years, gathering in volume as the House swells in number until the end comes.

In this connection I may add that 356 members can be comfortably accommodated in the Hall of the House without any radical or expensive alterations in its architectural structure, while any number in excess of that would require extensive modifications of the interior construction of the building, destroying its architectural unity, impairing its symmetry and beauty, and causing great inconvenience and expense in the remodeling.

TREND OF SENTIMENT.

Now, Mr. Chairman, in urging these desultory observations I am not "blazing" new ways, but following a distinct trend of sentiment which has left its impress upon every State constitution adopted in recent years. Few, if any, leave the number of either branch of their Legislatures under legislative control except to an extremely limited extent. The loom of time has woven some new figures in the web of our great experiment of self-government. The people, with great uniformity of view, have exercised their sovereignty in preventing by constitutional restriction the undue growth of their legislative bodies. They have learned the tendency of popular bodies to increase, and with the wisdom of Ames have counteracted its baneful influence.

THE BEST NUMBER.

But, Mr. Chairman, if the House should honor these suggestions by uniting with us in the belief that the tendency to unduly swell the number of the House should be guarded by constitutional restrictions, it still remains to show that the proposed number is as likely as any other to be the "magic one" that will secure the most of the best and the least of the worst results. In the demonstration of this it is necessary to have in mind the ends to be compassed by any regulation of the number of the House, constitutional or legislative. It is easy to deduce from the discussions in the Federal convention and from Madison's Summary the objects the "framers" set before them in considering the number of which the House should consist. Stated generally, they are:

1. A body large enough to be a safe custodian of the interests with which it is charged and to secure the benefits of free consultation and discussion, as well as immunity from too easy combinations for improper purposes.

2. A body small enough to avoid the confusion and feebleness resulting from the turbulence of numbers.

3. Congressional districts as large as is compatible with the Representative's knowledge of the local circumstances of his constituents and his means of keeping up the necessary touch of elbow with them in sentiment and sympathy.

In determining the size of a legislative body with a view of effectually securing these ends it is quite obvious that too much arithmetic will be likely to vitiate the result. In a problem of this kind twice 3 are not always 6, but may be 4. The law of "diminishing returns" is plainly operative here. The "framers" evidently considered the principle that requires representation to increase with population, without due attention to its limitations.

A body of 356 members is, no doubt, a safer custodian of the public interests than one of 44, but no one believes that a body of 2,000 would be proportionably safer. There is a number within whose charmed circle is to be found the maximum effectiveness, and inefficiency must increase in varying ratios as we depart either way from it. What that number is in a given case is the "pinch." Here "many men have many minds." It is instructive to note the kaleidoscopic views our people entertain on the subject of representative ratios. The States are widely variant in the numbers of their legislative bodies; so much so that it makes us almost despair of ever being able to arrive at a conclusion which will unite in its support both reason and experience.

The subjoined statement, which I will incorporate in my remarks, shows the population and area of each State, the number of the upper and lower houses of their respective Legislatures, and the ratio of population to each number:

RATIOS IN THE STATES.

From this table the most incongruous results appear, whether we compare the legislative assemblies directly or consider their respective ratios of representation. For example, Connecticut, with an area of 4,150 square miles and a population of 746,258, has 249 representatives, a ratio of less than 3,000, while California, with more than thirty-two times the area and nearly double the population, has but one-third the representatives and a ratio of 15,102. New Hampshire, with an area of 9,291 square miles and a population of 376,530, has 321 representatives, a ratio of 1,173, while New York, with an area of about five times as great and about sixteen times the population, has a little over one-third as many representatives and a ratio more than forty times as large. Between other States almost as great disparity prevails. The smallest ratio is 1,444, in Nevada, and the largest, 46,858, in New York. A similar variety of ratios prevails in the senatorial representation of the States.

An equal contrariety of view seems to exist upon this subject among European nations, as appears from the table hereto appended, showing the size of their legislative bodies.

FIRST PRINCIPLES.

It is thus apparent that we can derive little aid from the experience of the States or of other nations in the solution of our problem. Turning again to the experience of the Federal Legislature for a hundred years and a few general principles uniformly accepted by our people, we find abundant data to sustain the belief that a House of 356 members will be as safe a depository of the powers vested in it when our population is 100,000,000 as it is now. A Representative stands to his district in a twofold relation: First, as to territory; second, as to population. As to the former relation it is quite obvious that the numerical stability of the House can not increase the larger Congressional districts. The existing districts vary widely in area. The Tenth district of Pennsylvania consists of a single county, having an area of about 1,000 square miles. The Eleventh district of Texas is one hundred and twenty times as large, consisting of ninety-seven counties, with an area of 120,000 square miles. The large districts, it is easily seen, would diminish in territorial extent as population increases, while the smaller districts, in which population is more stable, would be increased in extent with lapse of time.

In his relation to the people of his district the qualifications of a Representative are more exacting. A general knowledge of his constituents, their principles and their employments and the laws under which they live, is quite essential. But any man who applies his intelligence to the subject can clearly see that with the largest ratio possible for a hundred years under the proposed limitation any man likely to be elected to Congress would easily meet all the conditions imposed either by the extent of his district or the number of his constituents. Mere numbers within a given area is not a matter of great consequence where there is similarity of interest and employment. Diversity in the industries of the district is of much greater moment; but the natural limitations upon this will keep the business interests of the district within easy range of the Representative's knowledge. Moreover, with modern facilities for communication and transit a member can be as well acquainted with the sentiments, sympathies, and interests of 300,000 people as with those of 30,000 scattered over the same area a hundred years ago, when Madison declared that "if the largest State in the Union be divided into ten or twelve districts the Representatives would possess an adequate knowledge of every local interest."

So that a due attention to the reasons which lie nearest the nerve of the problem can hardly fail to produce a conviction that, as far as the qualifications of the members to render effective service are concerned, the number proposed will adequately respond to any demand that will be made upon them for a hundred years.

EVILS OF NUMBERS.

But the body must be large enough to secure the benefits of consultation as well as immunity from too easy combinations for improper purposes. I hazard the statement that no man who witnessed the House of Representatives in action during some of the stormy scenes of the first session of the Fifty-first Congress will contend for a greater number to promote these important ends. The deliberative character of the House is already impaired by its size. Its dignity is frequently lost by conduct which would only be tolerated in a crowd—the behavior of members, the quality of debate, the attenuated wit and low-down retort, which occasionally make the judicious grieve, could not occur without the encouragement of numbers.

The enfeeblement born of confusion and turbulence is of all things to be avoided. Here we are already trembling on the edge of danger. The House is becoming unwieldy. A condition closely approaching chaos is possible to it in seasons of excitement. Much of the time the level of disorder is high enough to make it difficult for one-half the members to tell what the other half are doing. It has been on rare occasions a very cave of Æolus, with every wind let loose—deliberation impossible, profitable discussion out of the question, legislative business at a standstill, waiting for the storm to blow over. In these seasons of tumult the wisest head, the firmest hand, and the stoutest heart available in our time have been unequal to the task of maintaining the conditions necessary to the transaction of business. Without some restriction upon the tendency to increase, the House will continue to grow until confusion worse confounded will bring the nation to shame and invite the "lingual curse of Babel" to put an end to the stupendous folly of attempting to legislate in a mass meeting.

INFERIOR MEN.

Any comprehensive survey of the evils of an unduly numerous House must include the obvious source of weakness arising from the dimin-

ished responsibility of members as well as from the large number of inferior men likely to enter into its composition. An undue proportion of members of limited information and weak capacities make it easy for the few able and astute to direct and control legislation. Madison addressed himself to this view with great force and clearness. These are his words:

The more multitudinous a representative assembly may be rendered the more it will partake of the infirmities incident to collective meetings of the people. Ignorance will be the dupe of cunning and passion, the slave of sophistry and declamation. The people can never err more than in supposing that by multiplying their Representatives beyond a certain limit they strengthen the barrier against the government of a few. Experience will forever admonish them that on the contrary, after securing a sufficient number for the purposes of safety, of local information, and of diffusive sympathy with the whole society, they will counteract their own views by every addition to their Representatives.

HOUSE OF COMMONS.

Some who favor a larger House refer us to some European legislatures as examples of ideal legislative bodies, notably the House of Commons. This is not a happy reference. Passing over the total dissimilarity of the American and English legislative bodies and the fact that one does all the legislation for England, Ireland, Scotland, and Wales, and in a general way for the whole British Empire, while the other has for its limited sphere the remnant which remains after forty-four State Assemblies have supplied every local and State need, it is worthy of note that English statesmen do not conceal their belief that the House of Commons is too large for effective work, and no one conversant with the history of that body will fail to unite in that belief. That it is able to transact business with any degree of dispatch under ordinary circumstances is due in a great degree to the nonattendance of members.

But, lest the English example may be again quoted, I want to say very distinctly that, if anything could bring greater reproach upon America than the scenes which occasionally occur in Congress, it would be what would be likely to occur after we had formed it on the model of the House of Commons. It has on its rolls 670 members, 40 of whom constitute a quorum to do business. It rarely happens that more than two-thirds of the members are present at a time, and when they are, all but 360 must stand round like "bound boys," as that number exhausts the sitting space on the floor. No member can reserve a seat. The rules of the barbershop prevail. The "next" takes the seat until they are all occupied, and the hindmost stand or retire. If a member without a seat addresses the House he holds his hat in his hand or puts it on the floor. If he has papers or books to which he desires to refer he holds them in his arms or puts them in his pockets or on the floor. Gladstone objects to enlarging the hall, because he says "it is big enough."

Under the English legislative procedure members can not initiate legislation without the sanction of the Government. The bills they introduce are apt to pass over a parliamentary "bridge of sighs" into "dim dungeons of death," unless the treasury bench rescues them.

TUMULT OF NUMBERS.

Such conditions, it must be confessed, are well calculated to discourage attendance. Members who receive no salary and have other business easily yield to the solicitations of interest or pleasure and remain away. When lured by the expectation of a "scene" or brought in by the "whips," when the "division bell" can not reach them, they swell the crowd, but they bring little of the element of deliberation and less acquaintance with the bearings of the legislation on hand, but much subserviency to the leaders, many elements of the mob, and ready passions to be played on by the fiery orators who marshal the contending hosts, and the result is precisely what could be foreseen; excited members shake their fists in the speaker's face, disorderly calls produce an uproar which an Englishman likened to a "cataract in a thunder storm;" members usually grave, shouting with boyish abandonment, or, in a frenzy of desperation, struggling to lift their voices above the tumult of noises, comparable to those of a zoo just before feeding time, the eloquence of honorable members seeming like a real representation of the Morse telegraphic alphabet, the alternate dot representing the utterances of one side and the alternate dash the groans of the opposition, and the whole tumultuous assembly resembling "bedlam" more than a deliberative body of Christian statesmen. In depicting these occasional features of the House of Commons to illustrate the evil of undue numbers I have only borrowed in the main the delineations of Englishmen who saw what they described.

AN EXAMPLE TO BE SHUNNED.

Now, Mr. Chairman, is this the parliamentary feast to which American legislators are invited? Certainly an example so worthy to be shunned will no longer be held up for our imitation. The consequences of an unwieldy and overnumerous House of sturdy Britons ought to admonish us to avoid similar dangers, and make us sensible of the necessity of keeping the House of Representatives within the numerical limit of an effectively working body. To amend the Constitution to compass this wise and salutary end after a hundred years will be a reform which—

Is not the hasty product of a day,
But the well-ripened fruit of wise delay.

APPENDIX.

Statement showing the population and area of the States, the number of representatives and senators, and the ratios of population to each member.

States.	Population.	Area, square miles.	Lower house.	Upper house.	Ratio in lower house.	Ratio in upper house.
Alabama	1,513,017	50,722	100	33	15,130	45,850
Arkansas	1,128,179	52,198	92	32	12,262	35,393
California	1,208,130	156,501¼	80	40	15,102	30,203
Colorado	412,198	104,500	49	26	8,412	15,854
Connecticut	746,258	4,750	249	21	3,000	35,536
Delaware	168,493	2,120	20	9	8,424	18,721
Florida	391,422	59,268	76	32	5,150	16,369
Georgia	1,837,353	58,000	175	44	10,500	41,758
Illinois	3,826,351	55,414	153	51	25,009	75,027
Indiana	2,195,404	33,809	100	50	21,624	43,848
Iowa	1,911,892	55,045	100	50	19,119	38,238
Kansas	1,427,096	80,891	125	40	11,417	35,678
Kentucky	1,858,635	37,680	100	38	18,586	48,911
Louisiana	1,118,587	39,924	98	36	11,415	31,072
Maine	661,086	35,000	151	31	4,378	21,325
Maryland	1,042,390	11,124	117	26	8,909	40,092
Massachusetts	2,238,943	7,800	240	40	9,329	55,974
Michigan	2,093,889	56,451	100	32	20,939	65,434
Minnesota	1,301,826	83,531	107	43	12,166	59,174
Mississippi	1,289,600	46,750	120	40	10,746	40,300
Missouri	2,679,184	65,350	140	34	18,736	78,809
Nebraska	1,058,910	75,995	100	33	10,589	35,297
Nevada	45,761	112,090	40	20	1,144	1,830
New Hampshire	376,530	9,491	321	24	1,173	31,377
New Jersey	1,444,933	8,320	60	21	24,082	68,806
New York	5,997,853	47,000	128	32	46,858	187,433
North Carolina	1,617,947	43,500	120	50	13,483	32,359
Ohio	3,672,316	39,964	110	37	33,084	99,252
Oregon	313,767	95,274	60	30	5,229	10,459
Pennsylvania	5,258,014	46,000	204	50	25,159	105,160
Rhode Island	345,506	1,054	72	36	4,799	9,597
South Carolina	1,151,149	34,000	124	35	9,283	34,883
South Dakota	328,808	.....	121	48	2,635	6,850
Tennessee	1,767,518	45,600	99	33	17,853	70,701
Texas	2,235,523	274,356	106	31	21,090	72,114
Vermont	332,422	10,212	240	30	1,373	11,081
Virginia	1,655,980	38,348	100	40	16,559	38,511
West Virginia	762,794	23,000	65	26	11,735	31,783
Wisconsin	1,686,880	56,924	100	33	16,869	51,118

Statement showing the numbers of various European legislative bodies.

Austria-Hungary: Representative Assembly of the Empire	420
Belgium:	
Representative body	138
Senate	69
Denmark:	
Chamber of Representatives	102
Senate	66
France:	
Chamber of Deputies	576
Senate	300
Germany:	
Representative body	397
Federal Council	58
Great Britain: House of Commons	670
Greece: Chamber of Deputies	150
Italy: Chamber of Deputies	508
Japan: House of Representatives	300
Netherlands:	
Representative Chamber	100
Upper Chamber	50
Portugal:	
Chamber of Deputies	173
Chamber of Peers	180
Spain:	
Congress of Deputies	440
Senate	360
Sweden:	
Chamber of Deputies	226
Upper Chamber	148
Norway: Legislative Assembly	114
Switzerland:	
National Council	145
Upper House	44

Mr. SPOONER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to; and the Speaker having resumed the chair, Mr. McCOMAS, from the Committee of the Whole, reported that they had had under consideration the bill (H. R. 12922) making appropriations for the support of the Military Academy and had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. BRECKINRIDGE, of Arkansas. I move that the House do now adjourn.

Mr. MILLIKEN. Mr. Speaker, I have a privileged report that I desire to present.

The SPEAKER. The gentleman from Maine desires to present a privileged report.

Mr. PERKINS. Mr. Speaker, pending that I would like to present a report from the Committee on Indian Affairs.

INDIAN APPROPRIATION BILL.

Mr. PERKINS, from the Committee on Indian Affairs, reported a bill (H. R. 13388) making appropriations for the current and contingent

expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1892, and for other purposes.

Mr. OUTHWAITE. Mr. Speaker, I desire to reserve all points of order on the bill.

The SPEAKER. All points of order are reserved.

PUBLIC BUILDING, COLUMBUS, GA.

Mr. MILLIKEN. Mr. Speaker, I present the conference report which I send to the desk.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 138) for the erection of a public building at Columbus, Ga., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same.

S. L. MILLIKEN,
THOS. J. CLUNIE,
H. LEHLBACH,
Managers on the part of the House.

JOHN C. SPOONER,
S. PASCO,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The effect of the report is to perfect the bill so that it shall conform throughout to the bill as amended by the House.

The conference report was adopted.

PUBLIC BUILDING AT PUEBLO, COLO.

Mr. MILLIKEN also presented the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H. R. 154, "An act for the erection of a public building at Pueblo, Colo.," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same with an amendment as follows:

In line 10 strike out the words "four hundred thousand" and insert in lieu thereof the words "two hundred and twenty-five thousand;" and that the Senate agree to the same.

DANIEL KERR,
JO. ABBOTT,
Managers on the part of the House.

JOHN C. SPOONER,
JUSTIN S. MORRILL,
G. G. VEST,
Managers on the part of the Senate.

The statement of the House conferees is as follows:

The effect of the report is that it changes the limit of appropriation from $150,000, as passed by the House, to $225,000 as agreed to in conference.

The conference report was adopted.

PUBLIC BUILDING AT ROCKFORD, ILL.

Mr. MILLIKEN also presented the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 4559, "An act to provide for the erection of a public building at Rockford, Ill.," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate and agree to the same.

SETH L. MILLIKEN,
P. S. POST,
SAMUEL DIBBLE,
Managers on the part of the House.

JNO. C. SPOONER,
J. S. MORRILL,
G. G. VEST,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The effect of the report is to so change the phraseology of the bill as to the proceedings in the condemnation of a site (if one is not purchased, as substantially to conform to the recommendations of the Supervising Architect in that respect.

The SPEAKER. The question is on the adoption of the conference report.

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, I object to any further business being transacted, as there is no quorum here.

Mr. McKINLEY. I move that the House do now adjourn.

The SPEAKER. The conference report is before the House and the House is dividing. The question which the gentleman from Arkansas makes can be raised, I suppose, by making a point of no quorum when a division is demanded. The question now is upon the adoption of the conference report.

Mr. BRECKINRIDGE, of Arkansas. I do not withdraw the point, Mr. Speaker.

The SPEAKER. The Chair will finish the division.

Mr. BRECKINRIDGE, of Arkansas. I do not wish to interrupt the Chair.

The question was taken on the adoption of the conference report; and the Speaker declared that the ayes seemed to have it.

Mr. BRECKINRIDGE, of Arkansas, asked for a division.

The House divided; and there were—ayes 20, noes none.

Mr. BRECKINRIDGE, of Arkansas. I make the point that there is no quorum voting or present. It is not proper to legislate in this manner; and I renew my motion that the House adjourn.

Mr. McKINLEY. I hope the gentleman will not make the point as to this last bill, when he has just allowed two others to go through without objection.

The SPEAKER. There are as many members present now as there were then.

Mr. BRECKINRIDGE, of Arkansas. It would have been better to make the point at the beginning, but now there have been two bills passed, one on either side of the House, and that is enough.

Mr. McKINLEY. I hope that the gentleman will not make the point in this case. As I understand, this conference report makes no substantial change in the bill as it passed, but simply conforms it to the phraseology approved by the Supervising Architect.

Mr. BRECKINRIDGE, of Arkansas. I do not object to the bill, but I do object to this method of legislation.

Mr. MILLIKEN. I will simply say to the gentleman that this bill has once passed the House just as it is now, except in phraseology, when there was a quorum present.

Mr. BRECKINRIDGE, of Arkansas. There are but twenty men in the Hall, and we ought not to appropriate the public money when the House is so thin. Gentlemen have evidently gone away thinking there would be no further legislation this evening.

The SPEAKER. It is a mistake to say that only twenty members are present; there were only twenty voting. But the Chair thinks there is evidently not a quorum here.

Mr. SPOONER. I move that the House adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 25 minutes p. m.) the House adjourned.

EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communication was taken from the Speaker's table and referred as follows:

CLAIMS OF THE UMATILLA COMMISSION.

Letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior, submitting an estimate of an appropriation of $5,000 to settle the claims of the Umatilla Commission—to the Committee on Indian Affairs.

MEMORIALS AND RESOLUTIONS OF STATE LEGISLATURES.

Under clause 3 of Rule XXII, the following resolution was introduced and referred as follows:

By Mr. MORRILL: Resolutions of the house of representatives of the State of Kansas, asking for legislation in the interest of the masses and protesting against the passage of the Federal election bill—to the Select Committee on the Election of President, Vice President, and Representatives in Congress.

SENATE RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, the following Senate resolution was taken from the Speaker's table and referred as follows:

Resolved by the Senate (the House of Representatives concurring), That the Public Printer be, and he is hereby, authorized to print 2,500 extra copies of the annual report of the health officer of the District of Columbia, 100 for the use of the Senate, 350 for the use of the House of Representatives, and 2,050 for the use of the said health officer of the District;

to the Committee on Printing.

RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolutions were introduced and referred as follows:

By Mr. VAUX:

Resolved, That the Secretary of the Treasury be requested to inform the House of Representatives if the board of appraisers at the port of New York has increased the duty on imported merchandise, and if so by what authority of law, and, if any such increase has been made, if such increase was made under any provisions of a Federal statute, or by authority of any provisions of the "Act to reduce the revenue and equalize duties on imports, and for other purposes," or an "Act to simplify the laws in relation to the collection of revenue," approved June 10, 1890;

to the Committee on Ways and Means.

By Mr. ENLOE:

Resolved, That the Secretary of the Treasury be requested to inform the House of Representatives whether or not the Regents of the Smithsonian Institution have accepted the trust imposed by the act approved April 20, 1890, entitled "An act for the organization, improvement, and maintenance of the National Zoölogical Park," and to report by what legal authority the Treasury Department has paid out that portion of the appropriation made by said act, which has been expended up to and including the 27th day of January, 1891;

to the Committee on Expenditures in the Treasury Department.

By Mr. SHIVELY (by request):

Resolved by the House of Representatives, That a standing committee on the affairs of wage-workers, to be composed of one member from each State in this Union, who shall be chosen from and by the delegations of said States, be and it is hereby created for the purpose of considering and reporting upon the condition of the wage-workers within the limits of this Republic;

to the Committee on Rules.

By Mr. ANDERSON, of Kansas:

Resolved, That the Secretary of the Interior be, and hereby is, requested to have the House of Representatives furnished with the following information by the Interstate Commerce Commission at the earliest practicable date:

1. Whether any form of combination, designated as the Western Traffic Association, or otherwise, has been entered into by the several railroad companies hereinafter named, or any of them, for the purpose of handling, affecting, or controlling "all (or any of) the State and interstate traffic, both freight and passenger, which is competitive between any two or more of the parties to such agreement, having origin or destination in Illinois, Minnesota, Wisconsin, and peninsula of Michigan, or any State or Territory west of the Mississippi River," the said companies being Missouri Pacific; Atchison, Topeka and Santa Fé; Southern Pacific; Northern Pacific; Union Pacific; Chicago and Northwestern; Chicago, Rock Island and Pacific; Denver and Rio Grande; Rio Grande Western; Chicago, Milwaukee and St. Paul; Wabash; Iowa Central; Illinois Central; Chicago, Burlington and Quincy; Missouri, Kansas and Texas, and others.

2. Whether any understanding or agreement has been entered into by either of said companies, or others, to divide the railway business of the region above indicated into five or more sections or divisions, and to place the supervision of each division in the hands of a person designated as a "commissioner" or otherwise.

3. Whether such commissioners are authorized by any agreement to adopt such measures as will tend to secure uniform rates paid by the public to such companies and as will "enable each line to carry its fair share of the competitive traffic," or "to make an equitable division of the competitive traffic, either freight or passenger, or both, between the interested lines," or "to examine and check all books, accounts, and vouchers (of the several companies) in relation to such traffic."

4. Whether by any agreement of said companies provision is made for the establishment of "rate committees," passenger or freight, or other bodies composed of authorized representatives of these departments of each line in a division, empowered to fix and change the rates which shall be charged the public by such lines in that division, subject to appeals, first, to the commissioner of the division; second, to the board of commissioners; and, third, to a board composed of the presidents or other representatives of all the lines in the combination, and whether any punishment or penalty is to be imposed upon a line or person giving lower rates than those so determined.

5. Whether such agreement empowers the association to arrange "the division of through rates of the traffic subject to this agreement, whether between lines members of the association or between lines in the association and outside companies."

6. Whether, in the event that the commission should find any part of said agreement in violation of statutory or common law or the whole combination to be *ultra vires*, illegal, or nonequitable, the commission itself or any officer of the United States is now empowered to take such action as will lead to a protection of the public against exorbitant charges, and, if not, what legislation is necessary to protect the people against unjust and excessive rates.

Resolved, That the Interstate Commission is hereby requested to make forthwith such investigation as may be necessary for the information of the House on the above and kindred subjects;

to the Committee on Commerce.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. YODER, from the Committee on Invalid Pensions, reported favorably the bill of the House (H. R. 13271) granting an increase of pension to Alonzo R. Hyatt, accompanied by a report (No. 3604)—to the Committee of the Whole House.

Mr. BAKER, from the Committee on Commerce, reported favorably the bill of the House (H. R. 13316) establishing a lighthouse at Ahnapee, Wis., accompanied by a report (No. 3605)—to the Committee of the Whole House on the state of the Union.

Mr. DICKERSON, from the Committee on Commerce, to which was referred the following resolution of the House:

Resolved, That the United States Fish Commissioner be, and is hereby, requested to report to this body the desirability of the Government's establishing a fish hatchery in Southern Louisiana, at or near New Orleans, La.;

reported the same favorably, accompanied by a report (No. 3606)—to the Committee of the Whole House on the state of the Union.

Mr. SMYSER, from the Committee on Pensions, reported with amendment the bill of the House (H. R. 12628) granting a pension to Mrs. Edelyn Spalding, widow of Charles Spalding, deceased, accompanied by a report (No. 3607)—to the Committee of the Whole House.

Mr. BELKNAP, from the Committee on Invalid Pensions, reported favorably the following bills of the House, which were severally referred to the Committee of the Whole House:

A bill (H. R. 13154) granting a pension to Mary Jane Fox, army nurse. (Report No. 3608.)

A bill (H. R. 13153) granting a pension to Mary Brooks, army nurse. (Report No. 3069.)

A bill (H. R. 13299) granting a pension to Georgiana Smith, an army nurse. (Report No. 3610.)

Mr. BELKNAP, also, from the Committee on Invalid Pensions, reported with amendment the bill of the House (H. R. 13030) granting a pension to Mary Jane Cain, accompanied by a report (No. 3611)—to the Committee of the Whole House.

Mr. LAIDLAW, from the Committee on Claims, reported favorably the bill of the Senate (S. 502) for the relief of L. J. Worden, accompanied by a report (No. 3612)—to the Committee of the Whole House.

Mr. SAWYER, from the Committee on Invalid Pensions, reported favorably the bill of the Senate (S. 2529) granting a pension to Sarah J. Powers, accompanied by a report (No. 3613)—to the Committee of the Whole House.

Mr. OSBORNE, from the Committee on Military Affairs, reported with amendment the bill of the House (H. R. 12676) to authorize the President to restore Tenedore Ten Eyck to his former rank in the Army and to place him upon the retired list of officers, accompanied by a report (No. 3614)—to the Committee of the Whole House.

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, severally read twice, and referred as follows:

By Mr. STOCKBRIDGE: A bill (H. R. 13371) to provide for the inspection of vessels carrying export cattle from the United States to foreign countries, and for other purposes—to the Committee on Commerce.

By Mr. MORROW: A bill (H. R. 13372) to incorporate the Pacific Cable Company, and for other purposes—to the Committee on Foreign Affairs.

By Mr. DUNNELL: A bill (H. R. 13373) to authorize the Minnesota Boom Company to construct and operate booms and other structures in certain sloughs of the Mississippi River, and to drive and sheer into such booms logs, timber, and lumber found in said river—to the Committee on Commerce.

By Mr. LODGE: A bill (H. R. 13374) to further protect railroad employés—to the Committee on Commerce.

By Mr. DUNNELL: A bill (H. R. 13375) providing for the publication and distribution of the reports of the Eleventh Census—to the Committee on Printing.

By Mr. HOOKER: A bill (H. R. 13376) for the relief of authors—to the Committee on the Post Office and Post Roads.

By Mr. HARVEY: A bill (H. R. 13377) to approve and legalize an act of the Legislative Assembly of the Territory of Oklahoma extending the jurisdiction of the probate courts—to the Committee on the Territories.

By Mr. CONNELL: A bill (H. R. 13389) authorizing the construction of a railway, street-railway, motor, wagon, and pedestrian bridge over the Missouri River between the city of Council Bluffs, Iowa, and the city of Omaha, Nebr.—to the Committee on Commerce.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the following change of reference was made:

A bill (H. R. 10802) directing the Secretary of the Interior to reissue the pension certificate, No. 55356, of Charles R. Miller, late private Company D, Eighth Ohio Cavalry Volunteers—Committee on Invalid Pensions discharged, and referred to the Committee on Claims.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. ATKINSON, of Pennsylvania (by request): A bill (H. R. 13378) authorizing sale of title of United States in lot 5 in square south of square 990—to the Committee on the District of Columbia.

By Mr. ATKINSON, of West Virginia: A bill (H. R. 13379) granting relief to Ephraim Cates, of West Virginia—to the Committee on Invalid Pensions.

By Mr. BAKER: A bill (H. R. 13380) granting an increase of pension to Douglass E. L. Kislingbury and Wheeler S. Kislingbury, minor children of Frederick F. Kislingbury, late lieutenant Eleventh Infantry, United States Army—to the Committee on Pensions.

By Mr. BELKNAP: A bill (H. R. 13381) granting a pension to Sarah R. Kimball, an army nurse—to the Committee on Invalid Pensions.

By Mr. CHIPMAN: A bill (H. R. 13382) granting an increase of pension to James Dredge, late private Company K, Eighth Michigan Infantry Volunteers—to the Committee on Invalid Pensions.

By Mr. KERR, of Iowa: A bill (H. R. 13383) to remove the charge of desertion against Frances M. Hansell—to the Committee on Military Affairs.

By Mr. KETCHAM: A bill (H. R. 13384) for the relief of Patrick J. Murphy—to the Committee on the Judiciary.

By Mr. LEE: A bill (H. R. 13385) for the relief of C. F. Swetman—to the Committee on Claims.

By Mr. MORRILL: A bill (H. R. 13386) to increase the pension of Col. Everard Bierer—to the Committee on Invalid Pensions.

By Mr. WILLIAMS, of Illinois: A bill (H. R. 13387) to increase the pension of Attalas Choisser—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk, and referred as follows:

By Mr. ANDREW: Resolutions of the Arkwright Club, of Boston, protesting against the free coinage of silver—to the Committee on Coinage, Weights, and Measures.

Also, resolutions of the Young Men's Democratic Club of Massachusetts, protesting against the free and unlimited coinage of silver; also, resolutions of the executive committee of the New England Shoe and Leather Association, against the same measure—to the Committee on Coinage, Weights, and Measures.

By Mr. BOOTHMAN: Petition of the Woman's Christian Temper-

ance Union and 75 others, citizens of Montpelier, Ohio; also, of the Woman's Christian Temperance Union and the Young People's Society of Christian Endeavor, of same place; also, of Woman's Christian Temperance Union and 130 others, of Williams County, Ohio; also, of the Woman's Christian Temperance Union and 54 other citizens, of same place; also, of Sunday School Union, Woman's Christian Temperance Union, and Methodist Episcopal Church of Williams County, Ohio, all in favor of an act prohibiting the transportation of alcoholic liquors as a beverage between and through the States and the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. BOUTELLE (by request of Mr. REED, of Maine): Resolutions of the Milwaukee Chamber of Commerce, in opposition to the free-coinage bill—to the Committee on Coinage, Weights, and Measures.

By Mr. BOUTELLE: Petition signed by W. A. McGraw, Miranda T. Hall, and 41 others, citizens of East Machias, Me., praying for the passage of the bill providing for the appointment of a commission on the subject of the social evil—to the Committee on Education.

By Mr. BROSIUS (by request): Preamble and resolutions of John A. Logan Command, Union Veteran Union, asking that Union ex-soldiers be substituted for civilians as guards, guides, and attendants at Mt. Vernon, Va.—to the Committee on Military Affairs.

By Mr. CANNON: Petition of the Woman's Christian Temperance Union and 43 others, citizens of Edgar County, Illinois; also, of the Woman's Christian Temperance Union and 62 others, citizens of Chrisman, Ill.; also, of the Woman's Christian Temperance Union and 55 others, citizens of Edgar County, Illinois; also, of the Woman's Christian Temperance Union and 49 others, citizens of same place; also, of the Woman's Christian Temperance Union and 88 others, citizens of same place, all praying for the passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. COOPER, of Ohio: Petition of the Woman's Christian Temperance Union and 54 others, citizens of Ohio, praying for the passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. DELANO: Petition of the Woman's Christian Temperance Union and 364 others, citizens of Binghamton, N. Y., praying for the passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. DUNNELL: Petition of Warren Kennedy and 8 others, citizens of Minnesota; also, petition of Thomas E. Sheehan and 13 others, citizens of same State, all for the passage of the option bill—to the Committee on Agriculture.

By Mr. DUNPHY: Petition of Nicholas Helmer, praying for government assistance to build air ships—to the Committee on Naval Affairs.

By Mr. FUNSTON: Petition of the Woman's Christian Temperance Union and 39 others, citizens of Iola, Kans, praying for the passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages—to the Select Committee on the Alcoholic Liquor Traffic.

Also, petition of the Woman's Christian Temperance Union and 80 others, citizens of Iola, Kans., praying for the passage of the bill providing for the appointment of a commission on the subject of the social vice—to the Committee on Education.

By Mr. GROUT: Letter of W. S. Burke, Albuquerque, N. Mex., asking for more Indian appropriations—to the Committee on Appropriations.

Also, protest of the executive committee of New England Shoe and Leather Association, Boston, Mass., against the free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. HAUGEN: Resolutions of the Milwaukee Chamber of Commerce, against the silver-coinage bill—to the Committee on Coinage, Weights, and Measures.

By Mr. HITT: Petition of the National Laundrymen's Association of America, for the passage of House bill 5357, known as Morrow's Chinese exclusion act—to the Committee on Foreign Affairs.

By Mr. KERR, of Iowa: Petition of Francis M. Hansell, for honorable discharge—to the Committee on Military Affairs.

Also, of the Woman's Christian Temperance Union of Albion, Iowa; also, of another Woman's Christian Temperance Union of same place; also, of Marshalltown District Methodist Episcopal Conference, Iowa; also, of Woman's Christian Temperance Union and 113 others, citizens of same place; also, of another Woman's Christian Temperance Union and 41 others, of same place, all praying for the passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic liquors—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. LACEY: Additional evidence in support of claim of Whipple Handy—to the Committee on Invalid Pensions.

By Mr. LAWS: Petition of 181 citizens of Nebraska; also, resolutions of Mount Pleasant Alliance, Chase County, Nebraska, demanding passage of House bill 5353—to the Committee on Agriculture.

By Mr. McCLELLAN: Petition of Northwest Alliance, No. 22, of Whitley County, Indiana, signed by 51 of its members, praying for the passage of House bill 5353, defining options and futures, and imposing special taxes upon dealers therein, which was introduced in January a year ago—to the Committee on Agriculture.

By Mr. MARTIN, of Texas: Petition of the Farmers' Alliance of San Augustine County, Texas; also, preamble and resolutions of same alliance; also, petition of citizens of Henderson County, Texas, all praying for passage of subtreasury bills in Congress—to the Committee on Ways and Means.

By Mr. PARRETT: Additional affidavits to accompany bill 12853, granting a pension to Christian Pfeiffer—to the Committee on Invalid Pensions.

By Mr. PAYNE: Petition of the Woman's Christian Temperance Union and 119 others, citizens of North Rose, Wayne County, New York, for the passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic liquors—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. PERKINS: Protest of P. L. Alderson and 8 others, of Kansas, against the passage of the Conger lard bill—to the Committee on Agriculture.

By Mr. REILLY: Petition of ex-soldiers of Pottsville, Pa., in favor of Senate bill 2146 and House bill 8287—to the Select Committee on Reform in the Civil Service.

By Mr. RICHARDSON: Petition of the Laundrymen's National Association of America, relative to the Chinese exclusion act—to the Committee on Foreign Affairs.

By Mr. ROGERS (by request): Memorial of the Laundrymen's National Association of America, for the passage of House bill 5357, known as the Chinese exclusion act—to the Committee on Foreign Affairs.

By Mr. ROWELL: Petition of the Woman's Christian Temperance Union and Horace Reed, pastor Methodist Episcopal Church, representing 300 members; also, of H. K. Wilbur, pastor, and Ralph Hill, clerk, Baptist Church, representing 75 members; also, of M. Kern, pastor, and H. Adkinson, clerk, representing 165 members; also, of 327 citizens; also, of Young People's Society of Christian Endeavor of Christian Church; also, of 75 members of the Woman's Christian Temperance Union, all of Clinton, Ill., praying for the passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. SENEY: Petition of W. H. Hickey and 20 others, citizens of Putnam County, Ohio; also, of the Blanchard Alliance Club, No. 268, Ohio, favoring passage of the antioption bill—to the Committee on Agriculture.

By Mr. SWENEY: Petition of the Woman's Christian Temperance Union and 30 others, citizens of Fayette County, Iowa, praying for the passage of the bill providing for the appointment of a commission on the subject of the social vice—to the Committee on Education.

By Mr. TOWNSEND, of Colorado: Petition for an appropriation for the farming inhabitants of the counties of Morgan, Logan, Sedgweik, Phillips, Tuma, and Washington, in Eastern Colorado—to the Committee on Agriculture.

Also, petition of the Denver Real Estate and Stock Exchange, in favor of House bill 12496—to the Committee on the Public Lands.

By Mr. TURNER, of Kansas: Petition of P. E. Burham and 495 others, of Norton County, Kansas, asking for an appropriation of $100,000 to dam the hollows of Western Kansas to retain moisture for agricultural purposes—to the Committee on Appropriations.

By Mr. WALLACE, of Massachusetts: Petition of the Woman's Christian Temperance Union and 153 others, citizens of Haydenville, Mass., praying for the proposal of an amendment to the Constitution of the United States, providing that the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage shall be forever prohibited in the United States and in every place subject to their jurisdiction, and that Congress shall enforce this article by all needful legislation—to the Select Committee on the Alcoholic Liquor Traffic.

Also, petition of the First Congregational Church (182 members) of the town of Westminster, Worcester County, Massachusetts, praying for the enactment of a law prohibiting the opening of the Columbian Exposition on Sundays—to the Committee on Labor.

By Mr. WILLIAMS, of Illinois: Petition on claim of Mary Woodruff—to the Committee on Pensions.

SENATE.

WEDNESDAY, *January* 28, 1891.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PERSONAL EXPLANATION.

Mr. STEWART. Inasmuch as there was some misunderstanding and uncertainty with regard to the pair of the Senator from Califor-

nia [Mr. STANFORD] on Monday last, I desire, at his request, to have read a dispatch which he wrote and put in the telegraph office at 10 o'clock in the forenoon on Monday. It did not reach here until yesterday morning on account of the wires being down.

The VICE PRESIDENT. The Secretary will read as requested.

The Chief Clerk read as follows:

[Telegram.]

[No. 308 A, sent by U, received by D, check 95 D. H., received at Corcoran Building, southeast corner Fifteenth and F streets, Washington, D. C., January 26, 1894.]

NEW YORK, *January 26.*

To Hon. WILLIAM M. STEWART,
United States Senate, Washington, D. C.:

On general principles I am in favor of the cloture rule, but I am not in favor of anything that would shut out your proposed amendment to the election bill, providing it will apply only to election of Congress without such amendment. With my present views I should be obliged to vote against the election bill. I am in favor of doing the important business, passing apportionment and appropriation bills whenever we can. Show this to Senator ALDRICH. If it is necessary pair me accordingly. I shall try to be in Washington this evening.

LELAND STANFORD.

CHESAPEAKE FEMALE COLLEGE.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2591) giving the Court of Claims jurisdiction of the claims on account of property of the Chesapeake Female College possessed and used by the United States military authorities.

The amendments of the House of Representatives were, in line 2, after the word "use," to insert "and;" in line 2, after the word "occupation," to strike out "and injury;" and in line 6, after the word "taken," to insert "appropriated."

Mr. SPOONER. What bill is that?

Mr. ALLEN. It is what is known as the Chesapeake Seminary bill. It is a bill submitting the claim of this seminary to the Court of Claims for adjudication of the facts as to the value of the use and occupation of certain property near Fortress Monroe during the war, covering a number of years. The bill passed the Senate and went to the other House, where it was passed with certain amendments. I move that the Senate concur in the amendments of the House of Representatives.

Mr. SPOONER. What are the amendments?

The VICE PRESIDENT. The amendments will be read again.

The Chief Clerk read the amendments of the House of Representatives.

Mr. SPOONER. I think if the Senator from Washington will state the effect of the amendments Senators would understand it better than from the reading.

Mr. ALLEN. I will state that the only alteration made in the bill by the other House was to strike out the provision which allowed compensation for injuries done to the property. As the bill now stands, coming from the other House, it makes an allowance for the rent, use, and occupation of the property during the time occupied; and while the amendments are somewhat restrictive of the bill as it passed the Senate, I found it satisfactory to those who sought relief, and for that reason I moved that the Senate acquiesce in the amendments of the House of Representatives.

Mr. GORMAN. Let the bill be read.

Mr. COCKRELL. I should like to ask from what committee of the Senate the bill was originally reported.

Mr. SPOONER. From the Committee on Claims.

Mr. COCKRELL. Now let the whole bill be read as it will stand if the amendments are agreed to by the Senate.

The VICE PRESIDENT. The bill will be read as amended by the House of Representatives.

The Chief Clerk read as follows:

Be it enacted, etc., That the claims of the Chesapeake Female College, of Virginia, for the use and occupation of their property, in the year 1861 and thence to the year 1869, by the military authorities of the United States, as well as all claims for personal property taken, appropriated, and receipted for in behalf of the United States, be, and they are hereby, referred to the Court of Claims, and such adjudication shall be made thereon by said court as law and justice may seem to require; and the statutes of limitation shall not apply to these claims.

The VICE PRESIDENT. The Senator from Washington moves that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. GORMAN presented the petition of J. Herman Rothert, Edward Eplinger, and sundry other citizens of Baltimore, Md., praying for the enactment of the Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of the National Grange of the Patrons of Husbandry, praying for the passage of the Conger lard bill; which was ordered to lie on the table.

He also presented the following memorials, remonstrating against the passage of the Conger lard bill; which were ordered to lie on the table:

Memorial of Thomas Janney, T. Swann Latrobe, and other citizens of Baltimore, Md.;

Memorial of E. Mitchell & Sons, Bolton Brothers, and other citizens of Baltimore, Md.;

Memorial of W. J. Jamison & Son, George H. Coates, and other citizens of Baltimore, Md.; and

Memorial of J. E. S. McClellan, Richard Sherwood, and other citizens of Baltimore, Md.

Mr. COKE presented the following memorials, remonstrating against the passage of the Conger lard bill; which were ordered to lie on the table:

Memorial of A. T. Bradshaw, C. E. Lane, J. E. Moore, and other citizens of Texas; and

Memorial of Kellum & Rotan, Sanger Brothers, J. W. Mann, J. K. Rose, and other citizens of Waco, Tex.

Mr. CASEY (for Mr. PETTIGREW) presented the following petitions, praying for the passage of the Conger lard bill; which were ordered to lie on the table:

Resolutions of Farmers' Alliance of Alden Township, Hand County, South Dakota;

Petition of A. L. Furman and 18 other citizens of Alden Township, Hand County, South Dakota;

Resolutions of Crandon Farmers' Alliance, No. 273, of Crandon, Spink County, South Dakota;

Petition of C. F. Richard and 72 other citizens of Crandon, Spink County, South Dakota; and

Resolutions of Odessa Farmers' Alliance, No. 951, of South Dakota.

Mr. ALLEN presented the following petitions, praying for the passage of the Conger lard bill; which were ordered to lie on the table:

Petition of Adolphus Briggs and 22 other citizens of Whitman County, Washington; and

Petition of W. M. Lee and 13 other citizens of Whitman County, Washington.

Mr. COCKRELL presented the following petitions, praying for the passage of the Paddock pure-food bill; which were ordered to lie on the table:

Petition of the Farmers and Laborers' Union, No. 820, of Miller County, Missouri;

Petition of the Farmers and Laborers' Union, No. 583, of Jackson, Mo.;

Petition of the Farmers and Laborers' Union, No. 85, of Boone County, Missouri;

Petition of the Farmers and Laborers' Union, No. 514, of Franklin County, Missouri; and

Petition of the Farmers and Laborers' Union, No. 506, of Cedar County, Missouri.

Mr. MANDERSON presented the following petitions, praying for the passage of the Conger lard bill; which were ordered to lie on the table:

Petition of Charles Israel and 31 other citizens of Buffalo County, Nebraska;

Resolutions of Centre Alliance, No. 777, of Buffalo County, Nebraska;

Resolutions of Riverdale Alliance, No. 846, of Riverdale, Buffalo County, Nebraska;

Resolutions of Hopewell Farmers' Alliance, No. 844, of Buffalo County, Nebraska;

Petition of A. K. Hayden and 20 other citizens of Buffalo County, Nebraska;

Petition of Jacob Dedinger and 20 other citizens of Cedar County, Nebraska;

Petition of C. M. Blomess and 14 other citizens of Custer County, Nebraska;

Petition of W. C. Lange and 35 other citizens of Sutton, Clay County, Nebraska;

Petition of C. T. Berry and 5 other citizens of Custer County, Nebraska; and

Petition of A. J. Higbee and 21 other citizens of Buffalo County, Nebraska.

Mr. ALLISON presented the petition of P. F. Clousen and 48 other citizens of Lynn County, Iowa, praying for the speedy passage of House bill 5353, defining options and futures, and imposing special taxes upon dealers therein, etc.; which was referred to the Committee on Agriculture and Forestry.

He also presented the following petitions of citizens of Iowa, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Petition of Alliance No. 1875, of the State of Iowa;

Petition of Gill Vanderpool and 8 other citizens of Decatur County, Iowa;

Petition of S. M. Kelloway and 12 other citizens of Adair County, Iowa;

Petition of Independent Alliance, No. 1887, of the State of Iowa;

Petition of Prairie Hill Alliance, No. 674, of Polk County, Iowa;

Petition of Sioux Valley Alliance, No. 1727, of Monona County, Iowa;

Petition of J. H. Falvey and 32 other citizens of Monona County, Iowa;

Petition of Farmers' Alliance Assembly No. 1893, of the State of Iowa; and

Petition of W. M. Dixon and 39 other citizens of Alamakee County, Iowa.

Mr. ALLISON also presented the petition of R. H. Colbert, M. E. Seger, Effie White, and 31 other citizens of Fairview, Iowa, praying for the passage of the bill providing for the appointment of a national commission on the subject of social vice; which was referred to the Committee on Education and Labor.

He also presented the petition of Kellogg, Bige & Co. and a number of other business firms of Keokuk, Iowa, praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented the memorial of Thomas J. Stone and a number of other business firms of Sioux City, Iowa, remonstrating against the passage of any bankruptcy law at the present time; which was ordered to lie on the table.

Mr. PLUMB presented the following petitions, praying for the passage of the Conger lard bill; which were ordered to lie on the table:

Petition of Farmers' Alliance and Industrial Union No. 2091, of Thomas County, Kansas;

Petition of Farmers' Alliance and Industrial Union No. 1986, of Osborn County, Kansas;

Petition of Farmers' Alliance and Industrial Union No. 2049, of Rice County, Kansas; and

Petition of Farmers' Alliance and Industrial Union No. 50, of Cawley County, Kansas.

Mr. PADDOCK presented the memorial of G. W. Nagel and 21 other citizens of Clay County, Nebraska, praying for the passage of House bill 5353, defining options and futures; which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of J. E. Lucas and 35 other citizens of Nebraska, praying for the passage of a bill granting to the settlers who have made entries on even-numbered sections in the Fort Sedgwick military reservation the right to make final proof at the expiration of five years' continuous residence thereon; which was referred to the Committee on Public Lands.

He also presented the petition of General O. O. Howard and other members of the Eleventh Army Corps, Army of the Potomac, of the Cumberland, and of Georgia, praying that the important military services of Maj. Gen. Franz Sigel be suitably recognized and provision made for his gallant services; which was referred to the Committee on Military Affairs.

Mr. STEWART presented a petition of the Legislative Assembly of the Territory of New Mexico, praying that by proper legislation, providing for the free and unlimited coinage of silver, this money metal be at once restored to its natural position upon an equality with gold; which was ordered to lie on the table.

Mr. CULLOM presented a memorial of citizens of the State of Illinois, remonstrating against the passage of the Conger lard bill; which was ordered to lie on the table.

He also presented petitions of members of District Assemblies Nos. 12, 107, 177, 512, 815, 287, 1081, 1127, 1603, 1948, 2098, 2187, 2562, and 3612, Farmers' Mutual Benefit Association of the State of Illinois, praying for the passage of the Paddock pure-food bill; which were ordered to lie on the table.

He also presented memorials of members of Farmers' Alliances and Industrial Unions Nos. 55, 23, 16, 115, 109, 215, 103, 252, 47, 178, 23, 170, 105, 237, 156, 174, 111, 169, 259, 114, 251, 260, 65, 96, 95, 27, and 195, of the State of Illinois, remonstrating against the passage of the Conger compound-lard bill; which were ordered to lie on the table.

Mr. SHERMAN presented the petition of the members of the Presbyterian Church of Athens, Ohio, praying for the passage of a law to prevent the transportation in the mails of the Police Gazette and other similar publications; which was referred to the Committee on Post Offices and Post Roads.

He also presented the following petitions, praying for the passage of the Conger lard bill; which were ordered to lie on the table:

Petition of Robert Draper and 32 other citizens of Hardin County, Ohio;

Petition of C. O. Bacon and 40 other citizens of Hartford, Trumbull County, Ohio;

Resolutions of Hartford Farmers' Alliance, No. 315, of Hartford, Trumbull County, Ohio;

Petition of H. J. Shaffer and 37 other citizens of Washington Township, Stark County, Ohio;

Resolutions of Washington Alliance, of Stark County, Ohio;

Resolutions of Mount Zion Alliance, No. 234, of Williams County, Ohio;

Resolutions of Lucy Crawell Alliance, No. 145, of Sandusky County, Ohio;

Petition of E. M. Powers and 43 other citizens of Morrow County, Ohio;

Petition of C. E. Walton and 29 other citizens of Tuscarawas County, Ohio;

Petition of A. C. Donat and 41 other citizens of Greentown, Stark County, Ohio;

Petition of J. H. Robertson and 100 other citizens of Defiance County, Ohio;

Resolutions of Defiance Alliance, No. 378, of Defiance County, Ohio;

Resolutions of North Georgetown Farmers' Alliance, No. 509, of North Georgetown, Ohio;

Resolutions of Rupert Alliance, No. 114, of Ohio; and

Petition of M. P. Jacobs and 13 other citizens of Antwerp, Paulding County, Ohio.

Mr. TURPIE presented the following petitions of citizens and Alliances of the State of Indiana, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Resolutions of Bischoff Alliance, No 56, of Allen County, Indiana;

Petition of William Shordon and 25 other citizens of Allen County, Indiana; and

Resolutions of the National Butchers' Protective Association of Fort Wayne, Ind.

Mr. TURPIE presented a petition of citizens of Indianapolis, Ind., praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. FAULKNER, from the Committee on Pensions, to whom was referred the bill (H. R. 7189) granting a pension to James H. Orr, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 12640) to pension Sarah Thomasson, reported it without amendment, and submitted a report thereon.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 4880) authorizing the construction of a railway, street-railway, motor, wagon, and pedestrian bridge over the Missouri River near Council Bluffs, Iowa, and Omaha, Nebr., reported it with amendments.

Mr. MANDERSON. I ask that the bill may go to the Calendar. The House of Representatives have passed a similar bill, which will be brought over to-day, which will also go to the Calendar.

The VICE PRESIDENT. The bill will be placed on the Calendar.

Mr. FRYE, from the Committee on Foreign Relations, reported an amendment intended to be proposed to the consular and diplomatic appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. TURPIE, from the Committee on Pensions, to whom was referred the petition of Wiley R. Reeves, of New Albany, Ind., praying for an increase of pension, submitted a report thereon, accompanied by a bill (S. 4953) granting an increase of pension to Wiley R. Reeves; which was read twice by its title.

Mr. SPOONER, from the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 6460) to increase the appropriation for the erection of a public building at Portsmouth, Ohio, reported it without amendment.

EULOGIES ON THE LATE REPRESENTATIVES RANDALL AND KELLEY.

Mr. MANDERSON, from the Committee on Printing, to whom was referred the following concurrent resolution of the House of Representatives, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That the number of copies of the eulogies delivered in both Houses of Congress upon Samuel J. Randall, late a Representative from the State of Pennsylvania (authorized by House joint resolution approved December 19, 1890), and upon William D. Kelley, also late a Representative from the State of Pennsylvania (authorized under House joint resolution approved June 5, 1890), to be specially bound by the Public Printer and delivered to their respective widows, is hereby increased from 50 to 100 each.

EULOGIES ON THE LATE REPRESENTATIVE COX.

Mr. MANDERSON. I am instructed by the Committee on Printing, to whom was referred the joint resolution (H. Res. 234) to increase from 50 to 100 the number of copies of the eulogies on the late Samuel Sullivan Cox to be delivered to his widow, to report it favorably without amendment, and I ask for its present consideration.

The VICE PRESIDENT. The joint resolution will be read.

The Chief Clerk read the joint resolution, as follows:

Resolved, etc., That the number of copies of the eulogies delivered in both Houses of Congress upon Samuel Sullivan Cox, deceased, late a Representative from the State of New York, authorized under House joint resolution 150, to be specially bound by the Public Printer and delivered to his widow, is hereby increased from 50 to 100.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. COCKRELL. Is that the number the committee have now decided upon as the usual number for widows of deceased members?

Mr. MANDERSON. I can hardly say that this ought to be considered as a precedent. I am in hopes that during the coming recess of Congress the committees of the two Houses may get together, at least the Senate committee, if there should be no Committee on Printing of the House of Representatives, and decide definitely the number of eulogies that shall be printed. It seemed to the committee, coming as these measures did from the House of Representatives with reference to their own members, a proper thing to concur in the action of the House.

There has been no uniformity in the number of eulogies printed.

In some instances it has reached to the extent of 25,000 copies, in others to 12,500 copies; but I am in hopes that we shall be able to reach some uniform number or else suggest some new system with reference to the whole matter of printing eulogies. The propositions now brought before the Senate simply give to the widows of different deceased members of the other House 100 copies instead of fifty.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE AT LEXINGTON.

Mr. VEST. From the Committee on Commerce I report a bill authorizing the Lexington Ponton Bridge Company to construct and maintain a ponton bridge across the Missouri River at the city of Lexington, in the State of Missouri.

The bill (S. 4951) authorizing the Lexington Ponton Bridge Company to construct and maintain a ponton bridge across the Missouri River, at the city of Lexington, in the State of Missouri, was read the first time by its title.

Mr. VEST. I simply desire to state that there was a mistake in the title of an act passed by Congress which was signed by the President, and this bill is intended to correct that and to make certain amendments to the act that was passed which are necessary in order to have the bridge constructed.

Mr. PADDOCK. I should like to inquire of the Senator from Missouri if this is intended as a permanent structure or only for temporary use until another bridge can be constructed.

Mr. VEST. No; this is what is called a ponton bridge across the Missouri River at Lexington, and there is some difficulty there in regard to the construction of it on account of the provisions of the act already passed.

Mr. PADDOCK. On general principles I am not in favor of that style of bridge over the Missouri River.

Mr. VEST. This project was favorably reported upon by the Missouri River Commission and by the Board of Engineers, and I have their report here. The act has already been passed, and this is simply an amendatory act to remove the difficulty as to title and as to some formal matters in the construction of the bridge.

Mr. PADDOCK. I have no objection to the bill. The statement of the Senator from Missouri is satisfactory.

The VICE PRESIDENT. Is there objection to the consideration of the bill?

There being no objection, the bill was read the second time at length, and considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. MANDERSON introduced a bill (S. 4952) to amend an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes," approved June 20, 1878; which was read twice by its title, and referred to the Committee on Appropriations.

Mr. MORRILL introduced a bill (S. 4954) for the endowment of Howard University under the provisions of the act of August 30, 1890; which was read twice by its title, and referred to the Committee on Education and Labor.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CAREY submitted two amendments intended to be proposed by him to the Indian appropriation bill; which were referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. SHERMAN submitted an amendment intended to be proposed by him to the consular and diplomatic appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BUTLER. Yesterday I offered an amendment intended to be proposed to the sundry civil appropriation bill and had it referred to the Committee on Appropriations. I desire now to reintroduce the amendment, and I ask that it may be referred to the Committee on the Library and printed.

The VICE PRESIDENT. That order will be made in the absence of objection.

NAVAL OBSERVATORY OBSERVATIONS.

Mr. MANDERSON submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That 1,200 additional separate copies of each of the appendices to each of the annual volumes of the observations of the Naval Observatory for the years 1886, 1887, and 1888 be printed and bound for use of the Naval Observatory.

REPRINTING OF EIGHT-HOUR BILL.

Mr. BLAIR. I move that the bill (H. R. 11120) providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law be reprinted.

The VICE PRESIDENT. The question is on the motion of the Senator from New Hampshire.

Mr. COCKRELL. I understand that the Senator desires to have the usual number printed.

Mr. BLAIR. Certainly.

The motion was agreed to.

REPORTS UPON CLIMATE OF TEXAS.

Mr. REAGAN. I offer a resolution upon which I ask present action.

The PRESIDING OFFICER (Mr. FRYE in the chair). The Senator from Texas asks unanimous consent to offer a resolution. Is there objection?

Mr. EDMUNDS. Let it be read for information.

The PRESIDING OFFICER. The resolution will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the Secretary of War be, and is hereby, directed to transmit to the Senate the reports prepared under the direction of the Chief Signal Officer of the Army upon the climate of Texas, showing particularly the climatic condition as to the temperature and rainfalls, especially in the agricultural sections of said State, together with such tables and other matters as relate thereto, and with such suggestions bearing upon their relation to the prosecution of agricultural and kindred operations as may be deemed advisable by the Chief Signal Officer.

Mr. REAGAN. I merely wish to say that I have a letter from General Greely in which he says that he has all the information called for in the resolution, and will very gladly transmit it.

The resolution was considered by unanimous consent, and agreed to.

ABSENT SENATORS.

The VICE PRESIDENT. The Chair lays before the Senate the resolution offered by the Senator from Oregon [Mr. DOLPH], coming over from a previous day. The resolution will be stated.

The CHIEF CLERK. A resolution by Mr. DOLPH, directing the Committee on the Judiciary to make certain inquiries and report to the Senate concerning clause 3 of Rule V of the rules of the Senate.

Mr. GORMAN. A suggestion was made yesterday by the Senator from Maine [Mr. HALE], with the concurrence of the Senator who offered the resolution, I understand, to allow the resolution to be referred to the Committee on Rules. I now renew that motion. I objected to it yesterday.

The VICE PRESIDENT. The question is on the motion made by the Senator from Maryland that the resolution be referred to the Committee on Rules.

Mr. COCKRELL. I do not see the Senator from Oregon [Mr. DOLPH] in his seat.

Mr. SPOONER. I hope the resolution may lie on the table until the Senator who introduced it comes in.

Mr. GORMAN. I have no objection to that, but I understood the motion was made with his consent yesterday to refer the resolution to the Committee on Rules, and I objected. I have no objection, of course, to its going over.

The VICE PRESIDENT. The resolution will go over.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

A bill (H. R. 154) for the erection of a public building at Pueblo, Colo.; and

A bill (H. R. 188) for the erection of a public building at Columbus, Ga.

The message also announced that the House had passed a bill (H. R. 13071) authorizing the construction of a railway, street-railway, motor, wagon, and pedestrian bridge over the Missouri River near Council Bluffs, Iowa, and Omaha, Nebr.; in which it requested the concurrence of the Senate.

AGREEMENTS WITH OKLAHOMA TERRITORY INDIANS.

The VICE PRESIDENT. If there is no further morning business, that order is closed, and the Calendar under Rule VIII is in order.

Mr. DAWES. I move that the Senate proceed to the consideration of the bill (H. R. 11915) to ratify and confirm agreements with the Sac and Fox Nation of Indians, and the Iowa tribe of Indians, of Oklahoma Territory, and to make appropriations for carrying out the same. The bill will not cause any debate I am sure. It is very important that two or three of these bills should pass, and I should like to get one of them off the Calendar this morning.

Mr. COCKRELL. Let the bill be read for information subject to objection.

Mr. DAWES. It will have to go back to the other House, and therefore it ought to be passed at once.

The VICE PRESIDENT. The bill will be read.

The Chief Clerk read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Indian Affairs with amendments.

The first amendment was to insert as a new section the following:

SEC. 7. That whenever any of the lands acquired by the agreements in this act ratified and confirmed shall, by operation of law or proclamation of the President of the United States, be open to settlement, they shall be disposed of to actual settlers only, under the provisions of the homestead laws, except section 2301, which shall not apply: *Provided, however*, That each settler, under and in accordance with the provisions of said homestead laws, shall, before receiving a patent for his homestead, pay to the United States for the land so taken by him, in addition to the fees provided by law, the sum of $1.25 for each acre thereof.

The amendment was agreed to.

The next amendment was to insert as an additional section the following:

SEC. 8. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $100,000 to be paid to the Sac and Fox band of Indians now resident in Iowa, in full of all claims of every name and nature which said Indians now have upon the property included in the foregoing agreement of the Sac and Fox Indians in the Indian Territory or upon the United States, for the moneys arising therefrom, said sum to be paid to said Sac and Fox Indians of Iowa by the Secretary of the Interior, per capita, or in such other manner as said Indians shall direct, upon the execution by them, to his satisfaction, of a release as herein required.

The amendment was agreed to.

Mr. BUTLER. This appears to be a bill of a good deal of importance. Will the Senator from Massachusetts be good enough to explain, as briefly as he can, what the object of it is?

Mr. DAWES. Mr. President, I can in two or three minutes state the reasons for it. These are agreements with these Indians that, after they have had their allotments of land, they will sell the remainder to the United States for a sum something less than a dollar and a quarter an acre, and it is provided that the settler shall pay the United States a dollar and a quarter an acre; so that whatever we pay the Indians for the remainder of their lands will be reimbursed to the United States and they will be left with land enough to be taken in severalty to provide for all of them, men, women, and children.

Mr. BUTLER. Is the land in the Indian Territory?

Mr. DAWES. It is in the Indian Territory.

Mr. COCKRELL. I should like to know upon what principle we are taking these funds of the Indians in trust and agreeing to pay them for all time to come, or indefinitely, 5 per cent. interest.

Mr. DAWES. That is a feature of the agreement which I did not myself like. I think there ought to have been a provision to subject that trust fund to the future control of Congress, but it is according to the forms which have been used heretofore, and it is in the agreement, and it must be ratified as it has been agreed upon, or else sent back, and, if sent back, we can never get any other agreement. I think it would have been better that the money should remain in the Treasury at 5 per cent. interest, subject to such further disposition for the benefit of the Indians as Congress shall hereafter determine.

That seems to me to be a wiser way than to lock up this fund, as there are a great many other funds now locked up, in the Treasury, which can only be taken out of the Treasury by a mutual agreement between the Indians entitled to it and the United States, because they are there under a trust to which there are two parties, the United States and the Indians who put it there, and that will be the case with this fund. The alternative is to throw up these agreements entirely and run the risk of getting others.

I think, therefore, there should be no question about ratifying these agreements, because hereafter, and in the very near future, all the trust funds that are locked up in the Treasury must undergo a supervision, and there will be a change in the relation of the United States to those trusts and to the Indians; but it must be done by mutual agreement or by a high hand, and I have no doubt that it can be done by mutual agreement.

I am sorry to say, also, that there seems to be an almost uncontrollable passion among the Indians to get hold of those funds per capita in the Treasury, which ought to be, in my opinion, resisted. There is a small portion of this fund distributed per capita, but it is a small portion, and the less distributed per capita the better, in my opinion.

Mr. COCKRELL. I simply want to say that hereafter, if the sentimentalists who are negotiating these treaties with the Indians undertake to make the laboring and toiling masses of this country pay the Indians 5 per cent. interest upon the money, I shall oppose it. There is no justice, equity, right, or fair dealing in any such robbery of American citizens for the benefit of Indians, idle, vagabond Indians, as many of them are. Let them work. Let it be understood that they are to make a living for themselves down in the Indian Territory. Every one of those able-bodied Indians ought to be able to support himself, and I am tired, as the people of the United States are tired, of paying these bounties and gratuities.

Mr. DAWES. Mr. President, pretty much all the Senator says is true except what he has stated about sentimentalists.

The VICE PRESIDENT. The hour of 12 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business of yesterday.

Mr. PLUMB. I think we can now have a vote on this matter, and I ask that a vote may be taken by unanimous consent without further debate.

The VICE PRESIDENT. The title of the unfinished business will first be stated.

The CHIEF CLERK. A bill (H. R. 12500) making an apportionment of Representatives in Congress among the several States under the Eleventh Census.

The VICE PRESIDENT. The Senator from Maine [Mr. HALE] is entitled to the floor on the unfinished business.

Mr. PLUMB. I ask unanimous consent that the bill which has been under consideration, which has been read and the amendments adopted, may be concluded. The only question before the Senate now is on the passage of the bill.

Mr. GORMAN. We can not hear a word on this side.

The VICE PRESIDENT. The Senate will be in order. Will the Senator from Kansas please restate his proposition?

Mr. PLUMB. I ask unanimous consent that the regular order of business, the apportionment bill, may be laid aside temporarily, in order that there may be a vote taken on the bill which has been pending. The bill has been read and the amendments of the committee adopted.

Mr. HALE. If the vote can be taken at once without further debate, so that the bill may be got out of the way, I shall not object; but if it gives rise to further debate I shall object.

Mr. DAWES. Will the Senator from Maine let me answer the speech of the Senator from Missouri?

Mr. HALE. No, I do not think it needs any answer.

Mr. DAWES. Very well. I think more of the bill than I do of the Senator's speech.

The VICE PRESIDENT. Is there objection to the proposition that the bill which has been under consideration may be proceeded with and that the vote shall be taken on that bill? The Chair hears none.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The VICE PRESIDENT. The Chair suggests that the preamble should be amended by substituting the word "one" for "on," on page 4, line 10.

Mr. DAWES. That amendment should be made.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. In article 1 of the preamble, on page 4, line 10, it is proposed, after the word "agreement," to strike out the word "on" and insert the word "one;" so as to read:

Provided, however, That at the time allotments are being taken, as hereinafter provided for, the national council of said Sac and Fox Nation may release from the operation of this part of the agreement one or more quarters of said school section of land and such part or parts so released shall thereby become subject to allotment hereunder, or to homestead entry.

Mr. DAWES. Let that amendment be made.

The VICE PRESIDENT. The preamble will be so amended, if there be no objection.

The preamble as amended was agreed to.

Mr. DAWES. I move that the Senate request a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the Vice President was authorized to appoint the conferees on the part of the Senate; and Mr. DAWES, Mr. PLATT, and Mr. JONES, of Arkansas, were appointed.

PUBLIC BUILDING AT COLUMBUS, GA.

Mr. SPOONER. I ask leave to present at this time a conference report.

Mr. HALE. I do not wish to yield to anything which will occasion debate.

Mr. SPOONER. I do not think it will occasion any debate or occupy a minute's time.

Mr. HALE. Very well.

Mr. SPOONER. I present the report of a conference committee.

The VICE PRESIDENT. The report will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 188) for the erection of a public building at Columbus, Ga., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same.

S. L. MILLIKEN,
THOS. J. CLUNIE,
H. LEHLBACH,
Managers on the part of the House.

JOHN C. SPOONER,
S. PASCO,
Managers on the part of the Senate.

Mr. SPOONER. The report does not require action. The other House recedes from its disagreement.

The VICE PRESIDENT. No action is required on the report.

PUBLIC BUILDING AT PUEBLO, COLO.

Mr. SPOONER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 154, "An act for the erection of a public building at Pueblo, Colo.," having met, after full and free conference

have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same with an amendment as follows:

In line 10 strike out the words "four hundred thousand" and insert in lieu thereof the words "two hundred and twenty-five thousand;" and that the Senate agree to the same.

JOHN C. SPOONER,
JUSTIN S. MORRILL,
G. G. VEST,
Managers on the part of the Senate.
DANIEL KERR,
JO. ABBOTT,
Managers on the part of the House.

The report was concurred in.

FISH HATCHERY IN NORTHERN NEW YORK.

The VICE PRESIDENT laid before the Senate a communication from the Commissioner of Fisheries, in response to a resolution of the 18th ultimo, relative to the establishment of a fish hatchery in Northern New York; which was referred to the Committee on Fisheries, and ordered to be printed.

MISSOURI RIVER BRIDGE AT OMAHA.

The bill (H. R. 13071) authorizing the construction of a railway, street-railway, motor, wagon, and pedestrian bridge over the Missouri River near Council Bluffs, Iowa, and Omaha, Nebr., was read twice by its title.

The VICE PRESIDENT. The bill will be placed on the Calendar, a similar bill having been reported this morning from the Committee on Commerce.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

A bill (H. R. 4559) to provide for the construction of a public building at Rockford, Ill.; and

A bill (H. R. 8049) to provide for the disposal of the abandoned Fort Ellis military reservation in Montana under the homestead law, and for other purposes.

The message also announced that the House had passed the following concurrent resolution of the Senate:

Resolved by the Senate (the House of Representatives concurring), That there be printed 15,000 extra copies of the report of the Select Committee on Irrigation and Reclamation of Arid Lands, with the views of the minority and the testimony, to be bound in cloth in two volumes; 10,000 copies for the House of Representatives and 5,000 copies for the Senate.

The message further announced that the House had passed a joint resolution (H. Res. 275) authorizing use of building known as Marini Hall for money-order division of the Sixth Auditor's Office until May 1, 1891; in which it requested the concurrence of the Senate.

PUBLIC BUILDING AT ROCKFORD, ILL.

Mr. SPOONER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 4559, "An act to provide for the erection of a public building at Rockford, Ill.," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate and agree to the same.

JNO. C. SPOONER,
J. S. MORRILL,
G. G. VEST,
Managers on the part of the Senate.
SETH L. MILLIKEN,
P. S. POST,
SAMUEL DIBBLE,
Managers on the part of the House.

Mr. SPOONER. The report requires no action by the Senate.

APPORTIONMENT OF REPRESENTATIVES.

The VICE PRESIDENT. The unfinished business will be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12500) making an apportionment of Representatives in Congress among the several States under the Eleventh Census, the pending question being on the amendment proposed by Mr. DAVIS.

Mr. HALE. Mr. President, I do not propose to take up much of the time of the Senate in discussing this bill because many measures of importance will follow its consideration and disposition, and I am not in any way inclined to trespass upon the patience of this body beyond what I shall endeavor to make a plain statement of the bill itself as contrasted with the amendment proposed by the Senator from Minnesota [Mr. DAVIS].

To begin with, I think that Senators before taking attitude in favor of this amendment, which, if adopted, would throw this bill back into the House of Representatives, ought to bear in mind that the measure as it comes here is perhaps the one distinctive important measure which has had the practical assent of both parties in the House of Representatives. It was thoroughly discussed there, and the bill is a tribute in its provisions to the good sense and moderation of both sides in the House of Representatives.

It is not too often, Mr. President, during the present Congress, to say the least, that any bill comes from the House of Representatives that appeals in its provisions to Senators on both sides of this Chamber. Perhaps no bill excites more political interest, I will say with one or two exceptions, than the apportionment bill, which distributes the political power of the country for the next ten years by making up the numbers of the popular branch of Congress and apportioning them to the several States. It arouses political interests and local interests, and in arriving at the conclusion that the Committee on the Census did in the House of Representatives and in arriving at the conclusion that the House did in sustaining that bill by a very large vote, including leaders on both sides of that body, each side gave up strong political inducement to object and contest and perhaps destroy the bill.

As was stated in the debate there, the Republican committee reported the bill and desired its passage through as a clean apportionment bill. There was pressure both there and here that, in addition to the pure, plain apportionment bill which the House of Representatives has sent us, there should be provisions touching the Legislatures which should apportion under its provisions as to which year the apportionment should take place in, and there was a strong sentiment in favor of ingrafting on this apportionment bill provisions that should prevent what is known as gerrymandering throughout the country. The Republicans yielded that. They did not attempt it, because it was felt that in the condition of the House it would arouse a storm of opposition upon the other side and the true merit of the bill would be lost sight of.

On the other hand, upon the other side it was seen plainly that the largely dominating power was going from the old South under the census to the Northwest, and no objection was made on that account by members of the House of Representatives upon the Democratic side. Both parties agreed, as the debate in the House of Representatives shows clearly, that the motive that actuated and operated upon the vote there was the desire to put through a plain, clear, straightforward apportionment, and I appeal to Senators before taking sides against this bill, or before coming to a conclusion to vote for any amendment that will throw the bill back to the House, that they give to this bill the benefit of that conservative action in the House of Representatives, joined in by members upon both sides. Surely, Mr. President, the Senate in the Fifty-first Congress ought not to object to following a lesson of moderation and good sense taught by the House of Representatives.

Now, how was this result reached—this pure apportionment bill, with no political legislation upon it, no discrimination in favor of sections, but with an endeavor to do justice to all sections and to give a number to the House of Representatives that would be generally assented to? I may state here that in framing this bill and in passing it in the other body the general question of numbers was first considered. There were several prominent members who believed that the House of Representatives was too large and that it ought to be cut down, but the general sentiment was that it should be maintained about where it is, not enlarging it greatly, and in considering the bill the first thing sought—for that is a matter that excites the prejudice of every State when it is called upon to lose a member of its delegation—in the House bill was to find a number that would not reduce the representation of any State, thereby failing to arouse the objection and hostility of any State so reduced by the bill, and it was found, commencing at 332, the present number of the House of Representatives, and running along through the increases, that at the number 356 no State would lose a Representative. The committee felt that that was an important desideratum that had been reached, that it saved opposition, and it did not increase the membership materially so as to make the body unwieldy, being only an increase of 24 in all, and this, then, is one great reason why 356 was taken as the number for the next House of Representatives. All the States preserved the number of their Representatives in the House.

Now, what other reasons were there for fixing the number at 356? What was the process? The Senator from Minnesota has spoken against what he calls arithmetic overcoming equity. I think I shall be able to show pretty clearly—I hope that I may—before closing my remarks, that this bill is both arithmetic and equity and justice, and, so far from there being a basis of objection to the apportionment being made upon arithmetical calculations, everything about it is arithmetic.

The first apportionment that was decreed by Congress was made upon an arithmetical calculation, and the process in certain stages has always been the same way. What better way is there than to take the aggregate population of the whole country, which is now nearly sixty-two millions—I count out the District of Columbia, the Indians, and those who do not make any part of the voting population for members in Congress—what better way is there to get at it than this, than to take the entire population, fix the number, as the House committee did and as the Senate Committee did, that the House shall have, for whatever reason you choose, and then divide the entire population by the number fixed, so that it will show what the ratio is that shall entitle the people of a State to a member? Three hundred and fifty-six,

then, being the number fixed by this bill and the population being 61,906,356, the ratio given is 173,901.

Now, if the apportionment was made simply upon the entire population, there would be no difficulty in getting it, but by the Constitution and by all the laws imposed upon us the apportionment is made to States, and it will be found when you take the population of any State and divide it by 173,901, there will be overpluses, and it will be found, adding up all the States with the total apportionment of their ratios, it only gives 339 members. One of the old theories of apportionment was that you must stop there, and it was claimed for a long time that there was no constitutional right to go into the question of fractions; but that has been departed from ever since 1830, and it is found that there are 17 additional members added to 339 to make the number 356.

The strong point in favor of 356 is that you distribute those fractions to the States which have fractions, and it disposes of every majority fraction. The seventeen States dispose of every majority fraction. Seventeen States which gain a member each by this process are all above the majority fraction.

The Senator from Minnesota says that this is hard, because it leaves out the three great States of Arkansas, Minnesota, and New York; but he forgets that, in apportioning these seventeen under the rule which the committee followed, the great State of Georgia gets one, the great State of Indiana gets one, the great State of Iowa gets one, the great State of Kentucky gets one, the great State of Massachusetts gets one, the great State of Wisconsin gets one, and Virginia, South Carolina, South Dakota, and other States. It is not that the three which are left out measure the benefits of this process, but it is the seventeen States that get a majority fraction.

Right here I should be glad to be instructed as to where the lack of equity and fairness is in stopping at a majority fraction. I have seen all my life, as other Senators have, a majority fraction employed in settling certain political questions of representation. It is the fashion in my State, and I know it is in many others, in making up the conventions of both parties—I think it obtains not only in New England, but largely throughout the country—that if a township or a county is entitled, under the call for a convention, to a certain number of delegates, the practice is invariable with us that a majority fraction receives another delegate. Otherwise, where will you stop? Otherwise, what rule can be drawn? How can equity be better applied to all persons than to take a general rule which falls, like the rain from heaven, upon all alike?

How, in making up these important political conventions in the different States, could a better rule be given? It seems to me a subject on which we should be congratulated that the committee here found in 356 a number which saves the representation to every State and also saves the majority fraction to every State. It is a proposition so strong that only the individual interests which desire to gain an additional member could assail it or could present argumentation against it. It is a proposition that in itself would gain the commendation and support and assent, I venture to say, but for local interests, of nine out of every ten Senators in this body.

The Senator from Minnesota says that this is a wrong process because it excludes the three States of Arkansas, Minnesota, and New York, who have almost a majority fraction, but not quite. The answer might be, without going into that, that that is the misfortune of those States, but fortunately an examination of the condition shows that the answer need not be limited to that proposition, but that we may go further and show the utter inconsistency of this movement to maim, distort, and mangle this bill and send it back to an uncertain fate in the House of Representatives. Let us see as to the number 356, the reasons which I have given and which are reasons commending themselves, I think, to any fair mind. Let us see the situation of these three States.

The majority fraction under 356 is 86,950. Arkansas is found with 84,773, Minnesota with 84,519, New York with 85,219, Missouri with 70,669, Mississippi with 72,293, and when you depart and go beyond 356 each of these States begins to gain on its fraction. If any State on the figures seeks to add to its representation the only way would be to increase the whole number. I have shown that with 356 there is but one way of settling how the fraction shall be apportioned, and that is, to get your ratio, and then divide the population of each State; because while it may be said, and has been said, I think, here, that you should not adopt that as the rule and that you may arbitrarily admit another State, the basis of this calculation is on this process, and if you depart from the proposition to give 356, which takes care of every fraction, you have to begin to increase.

Now, let us see what happens when you go to 357. When you go to 357—and this involves an important point in this controversy which has not been touched—the State which gains is not Arkansas with her 84,773, nor Minnesota with her 84,519, nor New York with her 85,219, at the number of 356, but New York with her 101,777 at the number of 357. She has passed the smaller States in this race, and pretty soon I shall come to a consideration which will show Senators here why the committee stop at 356 for another reason, because every increase of members lowers the fractions and gives the large States that have many districts an advantage over the smaller States.

That is the great reason why the committee did not stop at 357, because New York then by that gained over the other States. So the members of the minority were not content to stop at New York with 101,000, although neither of the others had over 87,000, but they went on to 358 and found that Minnesota would get in there in addition to New York. But that would not include Arkansas, which was one of the three, under the basis of 356, which had nearly a majority fraction, and so they were constrained to go to 359.

Now, 359 discloses this condition: That Arkansas gets a member with 93,000, Minnesota with ninety-four thousand and odd, and New York with 134,000—still increasing over all the others. That would be on the basis of 359. But it does not take care of all the majority fractions; neither, for that matter, does 358. Three hundred and fifty-six is the one that takes care of all the majority fractions.

Now, the committee, having started from the programme which the fair men in the House agreed upon, to get some other number, find themselves in a morass on each number, and at 359 the worst of all, because they find that they take care of New York and Minnesota and Arkansas, and that they have got Missouri there with another large fraction and even more than a moiety fraction. But when they started from 356, which had been established by the House bill and by the committee there, Missouri was away out of sight and nowhere near a majority fraction. They have made the condition which gives Missouri more than a majority fraction and then they seek to take care of her by giving her a member.

The common-sense man says, I see, and there is no particular objection to going to 360, because when you give Minnesota, Arkansas, and New York 3 more it makes it 359, and Missouri 1 more makes it 360; but when you get a membership of 360 you must do inevitably what you did at 356, what you did at 357, at 358, and at 359; you must make a new divisor; you must apportion it among the States; and then it is found that the larger State of Missouri has passed by the smaller State of Arkansas, because every reduction of the ratio improves the chances of the large States, and Missouri has passed Arkansas and gets the additional Representative, and Arkansas does not.

Now, what should be done? Arkansas does not have so large a moiety as Missouri, and therefore does not get a member, which she did get at 359. What is the minority provision, then? They must take 360 as their basis. But the trouble with 360 as a basis is that the majority fraction is 85,986, and Pennsylvania, with a fraction of 98,970, gains that member, and not Arkansas. Why should it not? It is larger.

Mr. President, supposing that you go to 361; Arkansas gains again, because there is no large State to overcome her and she gets the 99,221. But Louisiana comes in then with a majority fraction of 89,629, just as the minority found that Missouri came in at 359, and she claims that she must have one more member, which makes 362, and when you get to 362 then Mississippi comes in with a majority fraction of 92,473 and she insists that she must have her additional member; and so if you depart from 356 you have worse difficulties all the way beyond.

Now, I want to go back a minute and show the operation of this increase of members upon the large States, and show why it is that neither New York nor Missouri ought to be regarded for an additional Representative. On this point, showing and explaining what the Senator from Arkansas called a paradox, that Arkansas had at 359 seven members and at 360 only had six members, I want the explanation given in a letter to the Senator from Arkansas [Mr. BERRY] by the Superintendent of the Census read, which, if Senators will kindly listen to, will show how inevitably this operates. I ask the Secretary to read the letter, and I hope Senators will give it their attention.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR, CENSUS OFFICE,
Washington, January 6, 1891.

DEAR SIR: I thought that, perhaps, in view of the interest you expressed in the mathematical paradox which shows that on an apportionment of 359 members Arkansas would gain a member, which under an apportionment of 360 members it would lose and again regain under an apportionment of 361 members, you would like to get the exact figures.

Therefore, I beg to say that in increasing the number of Representatives, as shown in tabular statements relative to the apportionment of members of the House of Representatives furnished (332 to 375 members), the number of inhabitants required to a Representative is diminished at each such increase of members by between five and six hundred, a few running below five hundred. In dividing by the number so reduced the population of a State having a smaller population, the influence upon its unrepresented fraction is very much less, necessarily, than in the case of a State having a larger population.

For example, if we assume for convenience that the number of inhabitants required for a Representative was 160,000, a State having 4,801,000 inhabitants would secure 30 Representatives, with an unrepresented fraction of 1,000; while a State having a population of 161,000 inhabitants would secure 1 Representative with an equal unrepresented fraction. If, however, the number of inhabitants to a Representative were reduced to 159,000, the fraction of the first State would rise to 31,000 while that of the second State would be only increased to 2,000. The effect upon the unrepresented fraction would be 30 times as great in the former as in the latter case.

Now, for the practical illustration of this as applied to Arkansas. With 359 Representatives two States have fractions very closely approaching each other, namely, Arkansas 93,491 and Missouri 92,464. The number of inhabitants to a Representative on this basis is 172,448. When the number of Representatives is increased to 360 the number of inhabitants required to a Representative sinks

to 171,969, a net reduction of 479. This, which I may call a gain for the present purpose to the States concerned, has to be multiplied in the case of Arkansas only by 6 (the number assigned to that State on an even division), while in the case of Missouri it is multiplied by 15. The result is that when 360 is taken as the number of Representatives the unrepresented fractions of each of these States must of course increase, but that of Arkansas increases the least, namely:

$$93,491+(6\times479)=96,365$$
$$92,464+(15\times479)=99,649$$

Arkansas' fraction becomes 96,365, while that of Missouri is 99,649. Consequently, in the assignment of an additional Representative, according to the total of 360, Missouri receives an additional member while Arkansas loses that which she gained at 359. At 361, however, she regains what was thus lost, her fraction rising to 99,221, which is sufficient to entitle her to the Representative whose addition to the previous number makes the House consist of 361 instead of 360.

In this connection I will take occasion to point out some analogous cases to that of Arkansas, namely:

Kansas gains 1 member at 371 on a fraction of 92,136. She loses that number at 372 on a fraction of 95,720, while Michigan gains 1 at a fraction of 96,825. She regains the lost member at 373 on a fraction of 99,288, while Iowa has a fraction of 86,160, or over half of ratio, but gains nothing. Tennessee gains 1 Representative at 336 on a fraction of 109,241; she loses that Representative at 337 on a fraction of 114,164, while Pennsylvania gains one Representative on a fraction of 114,246; she regains the lost member at 338, on a fraction of 119,060, while Maine, having a fraction over half of ratio (111,000), gains nothing.

I feel sure that these facts will be interesting to you, if not useful in the coming discussion on the apportionment bill. If there is anything else I can send you, be good enough to advise me and I shall take pleasure in doing so with as much promptitude as possible.

I have the honor to be, very respectfully,

ROBERT P. PORTER,
Superintendent of Census.

Hon. J. H. BERRY, *United States Senate.*

Mr. HALE. Mr. President, that explanation of the Superintendent of the Census shows clearly why it is that Arkansas gets her seventh member at 359, but loses it at 360. The Senator from Arkansas naturally, representing his State and with pride in increasing its delegation, claims that this was manifestly unfair, but it is the inevitable result of increasing the numbers, reducing the ratio, and giving gains to the large States.

One great reason why the committee stopped at 356 and did not go on even to 357, which gives New York another member, is found in the explanation given by the Superintendent. Do Senators know that starting at 332, the present membership of the House of Representatives, New York would have only 32 members?

Now, it was deemed not advisable to cut off any State, as I have said. So in running along the different numbers which the committee took, at 337 New York gains a member by a majority fraction. That gave her 33 members.

Going on a little further to 346, New York gains another member by a majority fraction, making her 34 members. So the committee stopped at 356. The committee said this increasing of membership and reducing the ratio has already given New York two additional members on majority fractions, and the committee will stop here because it is not fair to increase the numbers and thereby reduce the chances of the smaller States. If you go on a little further, 357 will give New York an additional member, and 378 will give her still an additional member, and she would be found gaining on majority fractions if you went up to 378, four members, while smaller States would not gain one. That is a consideration which ought to apply in any apportionment committee considering this subject either now or hereafter.

Every advance in membership increases the chances of all the large States. Every ten members increased in the House of Representatives gives New York one member additional and the smaller States would get none. Missouri, also, which is claiming under this amendment, has gained one member on the fraction already. At 340 members Missouri gained by a majority fraction, and that is another reason why the committee did not go on and increase the numbers. Arkansas gained a member at 332. So none of these States have been left out. The moment you get beyond 356 all these questions arise. But for the consideration that New York has already gained two members on majority fractions, I should be willing to give her the additional member and stop there, but I see plainly why the committee stopped at 356. It is not equitable to any State, to Maine, or Massachusetts, or Oregon, or Iowa, or Michigan, or Georgia, or any of the States of the Union that this increase should go on largely for the benefit of the great States; and so in the interest of protecting the smaller States the committee has stopped at 356.

Mr. President, these States do not suffer. I find in looking at this apportionment, looking over the whole matter—and it is an inspiring subject to contemplate—we have one State that has over 5,000,000 people, four States with over 3,000,000 people each, nine States with over 2,000,000 people each, and twenty-seven Commonwealths in the United States each with over 1,000,000 people. That grouping, perhaps more than any other, shows startlingly how we have increased, and the States that are sought now to be ingrafted upon this bill in this amendment have not fared ill in this great increase. Arkansas gets an additional member already, Missouri gets an additional member already, Minnesota gets two additional members already, and New York is increased two on her majority fractions over what the present basis of the House of Representatives would be. Is there any hardship in that?

It is claimed that these States represent the largest proportionate increase. I have been looking at the figures and do not find that that is so. The increases in Minnesota and in Arkansas are not by any means the largest proportionate increase in the United States. Colorado is away ahead of them, and, if we are looking to the future, Colorado ought to have an additional member. Washington is largely ahead, and is striding on to-day at a rate that is not paralleled perhaps by any State unless it may be Colorado, and, if the future is to be looked at, that State ought to have an additional member.

Mr. PADDOCK. I desire to remind the Senator from Maine that Nebraska has gained three members.

Mr. HALE. I did not mention that, because Nebraska is not in this amendment pool, is not claiming an additional member, but Nebraska does gain three. Nebraska's increase is larger. So, upon no ground whatever can it be claimed that this fair, reasonable, and just nonpartisan bill that the House of Representatives have sent over to us should be interfered with.

The Webster doctrine, as it has been called, has been invoked by the Senator from Minnesota, and I am very glad that the Senator in his investigations has struck the Webster report in the Twenty-second Congress. I have read the report very thoroughly and all the other reports accompanying it. There is not a thing in the Webster report that militates in the slightest degree against the proposition that is sought to be enforced here by the majority of the Committee and which was adopted by the House of Representatives. Previous to 1840, this report being made in 1842, the apportionment had gone on in different ways. The first one, and up to 1821, was what some member of the House called a go-as-you-please apportionment.

The matter is brought out as clearly in the brief speech made there by the gentleman from Missouri as in any discussion that was made. It was the go-as-you-please theory that the State should get what it could. They put in first one and then another, and they traded back and forth, and finally agreed upon something, and it was thought that was not dignified, and not reasonable, and not fair, and in 1830 the other theory was adopted, the theory of apportioning exactly to the States according to their numbers. That was not satisfactory because it left out the fraction. It was claimed in 1830 that this, under the Constitution, was the only method, and that there was no authority to deal with anything but the numbers that went to make up a district or a Representative; and that was the basis of 1830.

When the census of 1840 came around the House and the Senate were at odds in 1842, and Mr. Webster in this luminous report of his—and everything that comes from that great man is luminous—discusses the question not as against the proposition of the committee here and of the House of Representatives as proposed by the amendment of the Senator from Minnesota, but he discusses the proposition of the majority fraction being represented as against the theory of the House, which had been maintained by Mr. Polk in his report, which accompanies it in this same document, where he had taken the ground, representing the House of Representatives, that nothing but the numbers entitled to a Representative should be considered, and that it was not constitutional to do otherwise. Mr. Webster combated that in his usual great, forcible, conclusive manner, and this is what Mr. Webster says, which the Senator from Minnesota did not read, as the result of his investigation:

In the opinion of the committee—

He was representing the subcommittee—

no such objection—

Referring to the Polk theory, which had been advanced by the House—

applies to the amendment recommended by them. That amendment gives a rule, plain, simple, just, uniform, and of universal application.

The rule has been frequently stated. It may be clearly expressed in either of two ways.

Now, mark you:

Let the rule be that the whole number of the proposed House shall be apportioned among the several States according to their respective numbers, giving to each State that number of members which come nearest to her exact mathematical part or proportion; or let the rule be that the population of each State shall be divided by a common divisor, and that, in addition to the number of members resulting from such division, a member shall be allowed to each State whose fraction exceeds a moiety of the division.

Either of these—

Methods, says that great man in reasoning upon this subject—

Either of these is, it seems to the committee, a fair and just rule, capable of uniform application and operating with entire impartiality.

Mr. DAVIS. Mr. President, do I understand the Senator from Maine to say that I did not state in my remarks or that it is not stated in the report of the minority what Mr. Webster said?

Mr. HALE. I have read the report of the Senator with great care and attention and profit, and the Senator is a lawyer; he has not read this report without reading the other report, and he leaves out the general proposition in the report——

Mr. DAVIS. That is all right, but I want to know if I am correct in understanding the Senator from Maine to say that I did not state what he has just read.

Mr. HALE. I did not hear this read. If the Senator read it it missed my ear.

Mr. DAVIS. It is in the report of the minority and it was read in my remarks.

Mr. HALE. I did not hear that. But that is the salient point of the Webster report, that we have a right to consider majority fractions or to go absolutely and take the other course, and there is no doubt about that. He was contending against the report made by Mr. Polk, afterwards President of the United States, in the House of Representatives, and that was the only contention. It was not the contention that Mr. Webster was expounding in his inimitable way, that now exists between the committee here and the minority, between the House of Representatives and the minority; Mr. Webster did not go into that contention; his contention was against the Polk proposition, which shut out moieties and fractions.

Now, Mr. President, if I have made myself clear to the Senate I have shown the reasonable grounds upon which the number of 356 was fixed in establishing the membership of the House of Representatives. It is not an increase large enough to make the body unwieldy. We are practically estopped from considering the question of the reduction of members, because the sentiment in the House was almost unanimous against it.

Next, 356 was selected because it saved to every State her representation. No State was reduced; no State could be harmed; no State needed a reduction in order to cut off a district.

Next in importance, it rested at 356 because every majority fraction was therein taken and cared for. No discrimination was made against any State if the State came up with a majority fraction.

Another reason why it stopped was the reason I have most plainly indicated, and that is that every advance, every increase of membership results in a disproportionate gain on the part of the large States. New York at 356, reckoning from the present membership of the House, had gained 2 members on a majority fraction, and the committee thought it wise to stop there and not give her the additional one which she would gain at 357. Missouri had already gained at 350, I think it was, 1 member, and the committee did not at 356 find that Missouri was even near to the moiety fraction, as the other States were. Minnesota had already gained 2 members under the apportionment and is now seeking 3. Arkansas had gained 1 at the 332 point.

So, Mr. President, the committee, composed of distinguished members of the House of Representatives, led by the chairman, who is a member in the House of Representatives from the State that the Senator represents, led by him and maintained upon the floor and carried through by a member from that State, placed itself upon these propositions and these reasons which I have given.

Mr. DAVIS. Let me state to the Senator that the member from Minnesota who headed the committee in the other body stated, in his remarks in the House, that he did in committee move that 359 should be the basis of apportionment.

Mr. HALE. Undoubtedly, and there rested content, which is not true with the Senate committee, however. The chairman of the committee fought the bill through on the basis, and when the roll call was reached, I understand, upon the passage of the bill, there were not only found largely the Republican members but many of the leaders and their followers upon the Democratic side, because it was said there that as the political wrangle has been eliminated from this controversy and the attempt has been abandoned to ingraft upon this apportionment bill anything except a fair apportionment we will vote for this measure and send it to the Senate, hoping that that body will confirm our action.

Mr. President, the action of the House of Representatives ought to have some moral force upon this body. Nobody is so keen as to the right of his State as the member who stands upon the floor of the other House. During my services there I passed through two apportionment bills and the discussions which took place upon them, and joined in them, and I know that no member of the House was obliged to invoke Senatorial intervention to protect his State; and the interest is keenest there. It is the apportionment that fixes the membership of that body for the next ten years, and I can say to Senators upon this side and upon the other side that where a bill has come from the House that commends itself for its moderation and its nonpartisanship I do hope the Senate will pause and pause long, if it may be, before it opens the war and puts on an amendment and sends it back to the House, that may arouse and may kindle there controversies that were not seen when the bill passed by so handsome a majority.

With this, Mr. President, I leave the matter.

Mr. DAVIS. Mr. President, I dislike exceedingly even to recapitulate or condense anything that I have stated on a former occasion, but it seems to me that in the present instance it is necessary for me to do so to some extent by way of a brief and very brief reply to the remarks of the Senator from Maine.

Now, to be entirely fair in this matter, I fully concede that if we are to be restricted to the arithmetical process, namely, to this or that column of figures, to this or that number of members, to this or that moiety or basis of representation, everything that the Senator from Maine has said is mathematically right. There is not the least chance for any discussion between us upon that point.

But, Mr. President, I said yesterday, and I proved it from historical instances after ten years from the foundation of this Government, that in no preceding Congress was this strict and indissoluble adherence to mathematical formula and process ever attempted; but on the contrary, on every occasion where the matter has come up (and I think it has come up on every occasion since 1840), every Congress, seeing the injustice of the rigid application of the mathematical process, has emancipated itself from it in some degree, so far in one instance, namely, in 1872, as to add nine members, not by changing the ratio, not by continuing to entangle themselves in the intricacies and labyrinthine forms of the mathematical process, but as an act to prevent the injustice which would be perpetrated by a strict adherence to that process.

Now, what is the ground of the claim here that we make? It is that stopping at 356 in the desire to accomplish the mathematical feat of making things come out, even as they do under that number, we see three States, Arkansas, Minnesota, and New York, so near the major fraction that they almost touch it, within, as to each of the several States, from 2,400 to about 1,700. There they stand. It is perfectly manifest that standing thus they can not have relief under that number. But looking forward three numbers, to 359, it becomes perfectly apparent that by an addition of three to that number those States attain their major fraction to which they stood so near only three numbers back.

But coming forward to 359 we see that Missouri, which was not near a majority of the major fraction on 356, has passed it under 359, and in that case Mr. Webster said that irrespective of any rule of the mathematical process one could be added and should be added as a matter of constitutional right. He established, by a power and force of demonstration which no man since has ever successfully gainsaid, that it was a matter of constitutional right for every State to have its representation for a major fraction, and that it could not follow that, because there was not enough left after an even division to go around, any State should be left out for that reason; and he said, as plainly as language can be used to express ideas, in the concluding part of his report quoted on page 4 of the views of the minority:

> It is true that there may be some numbers assumed for the composition of the House of Representatives to which, if the rule were applied, the result might give a member to the House more than was proposed. But it will always be easy to correct this by altering the proposed number by adding one to it or taking one from it; so that this can be considered no objection to the rule.

Mr. HALE. Now, will the Senator tell me——

Mr. DAVIS. I must be excused. I do not wish to be interrupted just now. Wait until I get through.

My friend from Maine says that under 356 seventeen States get each 1. That is true. That is true in every apportionment; there is a number left to be distributed after an even division. There is no argument in favor of this particular number to be deduced from that.

He says that the number 356 saves every State from diminution. Mr. President, much of the trouble and much of the apparent disproportion in this case comes from the fact that the first thing sought to be done usually and for a long time in these matters is that no State shall lose any representation, and the consequence was that they could not in this case go below 332. That increased the representation, and while perhaps it does not particularly complicate the problem it limits the area in which the exercise of legal discretion can confer relief.

Now, see how this matter works. The State of Maine, which has increased but 12,000 in population since 1880, retains its representation at 4. The State of Minnesota, which has nearly doubled in population since that time and has more than twice the population of the State of Maine rises only from 5 to 7. I do not complain of that in the least. I would not take away from any State the representation which it has, but those are the facts.

Mr. President, the trouble is an apparent inability or unwillingness to grasp the idea that, whenever a number of members is added, necessarily we must go forward and change the ratio according to the numbers added. That is not so. When we go forward to 359 and add one for Missouri in obedience to constitutional requirement we do not take it from 360 any more than we do from 361 or 362. It is taken and given to Missouri, as Mr. Webster says, in the performance of our constitutional duty to confer upon Missouri a constitutional right. When members were added, as they were 9 in number on one occasion, and when on another occasion 8 were added, 6 in the House and 2 in the Senate, the ratio by no means in that case was put forward.

When the supplemental act of March 18, 1872, was passed, two months after the apportionment bill, and eight or nine members were added, the apportionment was not changed. In other words, that supplemental act was passed because looking over what had been done it was seen that by a rigid application of the mathematical process States had been unjustly treated, and treated as the States under question in my opinion are unjustly dealt with and treated here.

That disposes of the remark of the Senator from New York [Mr. HISCOCK], who says if we go to 360 we have to give Pennsylvania an additional member. So we would, but we do not go to 360.

Mr. HALE. Why not?

Mr. DAVIS. We can make 360 members without necessarily disturbing the whole table and imposing upon ourselves the liability and duty of employing a new ratio. The trouble is that the committee set up this arithmetical fetich of a divisor and a ratio and insist that when-

over a change is made by addition we have got to transpose the whole subject into that column of figures, whereas I insist and repeat that, on the many occasions in the history of this Government when such changes and additions have been made, that argument has never been advanced before.

Mr. HALE. Will the Senator allow me to ask him a question or would he prefer that I should wait?

Mr. DAVIS. Oh, no; I yield to the Senator from Maine.

Mr. HALE. The Senator says when they reach 359 and take care of Arkansas and Minnesota and New York it is found that that number is not enough to take care of Missouri, which has a majority fraction, and that Missouri's constitutional right is what they are seeking to maintain. Under Mr. Webster's contention, it making the membership 360 by adding Missouri, I want the Senator to answer me this plain question, why Missouri's right at 359 to an additional member under the Constitution is superior to Pennsylvania's right at 360, which has a larger fraction than Missouri has at 359? Now, if it is a constitutional question——

Mr. DAVIS. I will answer the question.

Mr. HALE. How is one more constitutional than another?

Mr. DAVIS. I want to answer the question.

Mr. HALE. I want an answer to it.

Mr. DAVIS. It is for the simple reason that my learned friend can not disentangle himself from the arithmetical process in which he has imprisoned his intellect in this matter of adding one arbitrarily when yet in the excercise of a constitutional power we do not necessarily go forward to 360. We have not got into that column of figures yet, and I do not propose to go there—no more than in 1872, when 9 members were added, did they put forward the number of Representatives 9 and thereby change the ratio and basis of apportionment.

Mr. HALE. Now let me ask one question——

Mr. DAVIS. If the Senator will excuse me——

Mr. HALE. The Senator will see——

Mr. DAVIS. I decline to be interrupted.

Mr. HALE. All changes produce the logical result——

The VICE PRESIDENT. The Senator from Minnesota declines to yield.

Mr. DAVIS. "Logical result." There is no such question in the case properly considered. Let me state it again, and I can not state it better than in the language of Mr. Webster, which I read a moment ago. He goes on and establishes the rule upon which the minority of the committee have proceeded, and which is fully in the understanding of the Senate. Now, what does he say? Mr. Webster says:

> It is true that there may be some numbers assumed for the composition of the House of Representatives, to which, if the rule were applied, the result might give a member to the House more than was proposed. But it will always be easy to correct this by altering the proposed number by adding one to it or taking one from it, so that this can be considered no objection to the rule.

Mr. Webster does not say when that necessity arises to perform a constitutional obligation that the ratio shall be changed and that an entirely new column of figures shall be entered upon and dealt with, but he says when a State has a moiety fraction over and there is not enough left to be supplied it must be supplied, and therefore it is done by adding one member. Otherwise how could the act of 1872, by which nine members were added, have been properly passed without an entire reconsideration of the apportionment as it was established by the preceding act of February 2, 1872? The argument would have been then, if you add nine members you have to go forward nine members and assume a new ratio and take it to pieces, and the whole question of fractions, and the entire range of the States of our Union, and all these martial columns of figures have to be gone over again. There was no difficulty of that kind proposed and there was no such difficulty in the mind of Mr. Webster.

Something has been said here as to what was done in another place upon this bill. It may be proper for me briefly to refer to that. The chairman of the committee of the other House stated in his remarks upon the passage of this measure that he had moved in committee that 359 be made the standard, and substantially the same amendment as that which I introduced here was introduced in the other House and voted on. I do not perceive any particular danger in our dealing with this question, as a co-ordinate branch of the Legislature, upon our own idea of what is right. I have the highest respect, of course, for the opinion of the other House upon this question, but we all have a duty to perform irrespective of considerations of that character.

The subject, Mr. President, is somewhat intricate in its facts; it is exceedingly complicated and intricate in its figures; it is by no means easy in comprehension upon some of the legal propositions which are adduced to sustain our position; but that we are firmly right in the position which we assume here is our abiding conviction.

Mr. HALE. The trouble with the whole scheme of the Senator from Minnesota, ingeniously as he puts it, invoking the great authority of Mr. Webster as he does, is that he starts out upon one basis and in order to get his States in before he gets through he takes another. His initial point is that we must not stop at 356 because it is an injustice to Minnesota and Arkansas and New York, who have so large a fraction. Now, if that is the proposition on which he starts, he has to maintain that clear through; and I endeavored to point out that when he starts with that proposition he will find it a burden heavier and heavier upon his back as he goes on. He can never stop unless he discards that proposition and invokes an arbitrary rule that will quit his march by adding another State outside of the number.

Now, I can not be made to see, I do not think any imprisoned intellect can be made to see what an unimprisoned intellect fails to see, if it is unfair not to give Arkansas and Minnesota on a fraction of 84,000 an additional member beyond 356, why it is not just as unfair at 360 to refuse to give Pennsylvania a member for a fraction of ninety-odd thousand, larger than a State to which is given an addditional member. I do not care what the Senator says about Mr. Webster having argued that Congress has a right arbitrarily at any time to add a member. Undoubtedly it has. So we can do it here; the Senate can do it here; but the question is, is it just?

Has the Senator a right to take an arbitrary point, 356, and declare that other States shall come in because they have so large a majority fraction, and when he gets to 360, a number that he fixes, has he a right to count out Pennsylvania? I protest here and now in the interest of that great Commonwealth against the injustice of making 360 the membership of the House of Representatives, and giving upon that basis to Arkansas, on a fraction of 96,365, an additional member, and refusing to Pennsylvania, with 98,414, an additional member.

Mr. PLATT. Or, to take 359, Pennsylvania has as large a fraction as Minnesota has at 356.

Mr. HALE. Or, as the Senator from Connecticut has stated, when you get to 359 Pennsylvania also has as large a majority fraction or larger than Minnesota has at 356.

We are not at odds as to the right of the Senate to do this thing. Mr. Webster was arguing it might be done. Of course it could be done, but the principle upon which the bill has been passed in the other House and has been brought before this body is a principle of fairness to all, and not exercising our arbitrary power. I defy the Senator from Minnesota or any advocate of this amendment to show to us why Minnesota should be given a member at 356 on a fraction of 84,000 when at 360 Pennsylvania with 98,000 is left out and Arkansas with 96,000 is left in.

In the whole programme, in the whole procession of ideas that have marked this bill from the time it was first considered in the committee of the House of Representatives to the present time by the committee of the Senate, there is no such anomalous feature as that. There is no discrimination anywhere where the eye of man can point to a large number for a State in one section that is left out and a smaller number applied to another State in another section that is put in; and, whether Mr. Webster be invoked or the ingenuity of the Senator from Minnesota be brought forth here to maintain it, no apportionment based upon a proposition that contains it in the bill itself or in the amendment will be approved by the American people.

I call for the yeas and nays on the amendment of the Senator from Minnesota.

Mr. WASHBURN. Mr. President, I do not presume that I can add very much to the very able presentation of this matter that has been made by my colleague [Mr. DAVIS], but I feel that unless the minority report is adopted or the majority report amended so great an injustice is to be done to my own State that I must here and now enter a protest.

So far as political advantage is concerned I do not believe there is anything of it. I do not believe this side of the Chamber or the other is making this reapportionment for a political advantage. I do not believe the House of Representatives intended anything of the kind, and so far as that is concerned the apportionment made by the House is a fair one. But I desire that the Senate shall consider the great injustice that is done in it especially to our own State, a State that during the last decade has almost doubled its population, from a little over 700,000 under the last census to a population of over 1,300,000, and in this apportionment on the division of 356 it only lacks 2,000 of the major fraction which would have given us the extra member or the other number, giving us 8 instead of 7 Representatives.

It seems to me as a matter of justice to the new and growing States that this should be taken into consideration. A State that is finished like my native State of Maine, which has not increased in its population in the last twenty years, should give some consideration to the growing, aggressive, and developing West, where we double our population every ten years. Just think of it. With the present rate of growth, in five years we should be entitled to two additional members, and in ten years we shall fully double what we had under the census of 1880.

Now, as a matter of fair play, of justice to communities, of justice to localities, and of especial justice to the growing Western States, this matter should be fairly considered. The same thing must apply in a lesser extent to Arkansas and to Missouri, both increasing rapidly in population and in development of all kinds. I shall regret exceedingly if our friends on both sides of the Chamber do not see it in that fair and just way and adopt the amendment submitted by my colleague as the views of the minority of the committee.

There is one point further, so far as Minnesota is concerned, to which I wish to allude. Had it not been for an unfortunate circumstance in taking the census, on account of the extreme rivalry existing between

two phenomenal cities of this country, St. Paul and Minneapolis, the census would have given us this extra member. We now lack only 2,000, but owing to the recount of population in those two cities, taken in an unfortunate season of the year, we lost 35,000 population that we otherwise should have had, in my judgment.

Mr. HALE. The Senator does not mean to say that Minnesota lost a Representative because those two cities were watching each other?

Mr. WASHBURN. I mean to say that we failed to gain one because of a recount, and we would have done so, no doubt, if it had not been for that recount, brought about by the jealous rivalry of these two cities. I do not think the reasons for a recount were any greater than in Omaha and several other cities; but there was a recount and it was a misfortune.

Mr. DAVIS. It was taken in August.

Mr. WASHBURN. It was taken at a very unfortunate time of the year, in August, and I have no doubt in the world that those two cities show a population of 20,000 less than if the final count had been made in June, as in the other States. So it occurs to me that there is a special reason why this feature of the amendment should be considered and favorably acted upon.

Mr. GORMAN. Mr. President, I agree with the Senator from Maine [Mr. HALE] and the Senator from Minnesota [Mr. DAVIS] that in the determination of this question politics should not and must not enter. The only question is whether the framework of the bill does exact justice to all the States of the Union. I have read with great care the majority and the minority reports. While I had an impression before perusing the Senate reports that probably the bill as it came from the other House is as fair as one could be framed with the enumeration that had been made, the conviction has been forced upon me by the views presented by the minority that some amendments should be made to the bill.

I should like to ask the Senator from Minnesota, before I proceed further in what I have to say, whether, if we adopted 361, following the theory of the majority of the committee, that would not produce a result that would be exactly fair to the States of Arkansas, Minnesota, Missouri, and New York, and whether it would have any other effect than that of including Pennsylvania and giving Pennsylvania one more Representative.

Mr. DAVIS. I am unable to answer without consulting the figures. My impression is that it would increase the number of the House to an extent which would be objected to. That would add Louisiana, Mississippi, Oregon, Pennsylvania, and South Carolina.

Mr. GORMAN. So I understand the Senator from Minnesota to say that there are serious objections to making it beyond 359.

As I said a moment ago, political considerations must not so far as I am concerned enter into the determination of this question. But at the same time we can not ignore the fact that the question has been raised as to injustice in the enumeration of at least one State of the Union if not more. I do not intend to reflect upon the Superintendent of the Census. I am inclined to believe, and I think the testimony warrants the statement, that in the main he has discharged his duty well; that the fignres which he presents are probably accurate, or as nearly so as they could be ascertained from the reports made. But the fact does stand out, nevertheless, that at the time when the enumeration was made in New York there were a great number of the inhabitants of that city who were absent, and I do not think that I go too far when I say that the proof is convincing that at least 200,000 people there have practically been disfranchised.

I asked the Senator from Arkansas [Mr. BERRY] yesterday what reason was assigned why the census was not retaken there; in response to which the Senator from Maine [Mr. HALE] had read the statement made by the Superintendent of the Census before a committee elsewhere, which statement I listened to as carefully as I could from the reading by the clerks, and I have glanced over it; but I confess that I have not yet heard any statement that is convincing to me of any good and sufficient reason for declining the request made by the authorities of the city of New York. I should like to ask the Senator from Maine now, who is in charge of the bill, to give us the reason why the Department refused to make a recount in New York after the request by the city government with the strong statements that were made by its representatives, considering that a like request was granted in other cities in States of the Union.

Mr. HALE. It would take too long to go over the whole of that question. It is all stated in the document printed, I think, at the request of the Senator from Maryland and which is before the Senate now, in the letters of Secretary Noble and of the Superintendent. It simply amounts to this: That, in the first place, there was nothing indicating any official action on the part of New York City or New York State until a long way beyond the time when other counts were gone into; that anything was informal, and when the testimony was produced it was incomplete; and that an investigation of the testimony produced, calling for a second count late in the season and almost at the end of the year, showed that it was of such an unsubstantial order that the Secretary did not deem it advisable to go on with the recount, thereby delaying, as it would have delayed, the entire census.

There was, I will say, a suspicion in the minds of many fair men that the New York movement was what might be called a bluffing game to secure the delay of the census returns and postpone the result, and it was considered that it was political in its nature and not really in the interest of a fair census. I do not need to go into the general reasons already touched upon by the Senator representing the State of New York, that any census taken in November would be very much larger than a census taken in June.

All of those considerations apply to the action of the Superintendent of the Census, and the whole subject-matter of the investigation is and has been for weeks before the committee of the House, which is dwelling upon and considering the subject, and in due time some report will be made from that committee. Under all these conditions and circumstances the Superintendent of the Census did not believe any recount was needed or properly called for in New York, and consequently declined it; and in that judgment I, for one, having given the subject some attention, fully concur. I think he was right. The Senator from Maryland thinks he was wrong.

Mr. President, there never will be a census taken when there will not be dissatisfaction somewhere. If you set up rules and theories why the population should be so and so, against what is presumed to be an impartial census, nobody will be satisfied. At every census that has been taken hundreds and thousands of towns have thought they had not population enough according to the returns, because everybody is in the habit of overestimating the population of the towns. The census of New York and the great cities around it shows that for the last ten years there has been an increase almost as great as there was between 1870 and 1880. Everybody knows that the growth of New York City proper in the last ten years has been somewhat sacrificed to the increased methods of communication with the other cities. Take a great circle embracing Jersey City, Brooklyn, Hoboken, and one or two other places, the aggregate increase in that great community as shown by the last census is almost as great as it was between 1870 and 1880. All these general considerations lead to the belief that the Superintendent of the Census was right.

Mr. GORMAN. Mr. President, I do not intend to be led off into a partisan discussion of this matter; but when the Senator from Maine assigns, as one of the reasons why this recount was not made, that it was because it was supposed to be a demand simply for a partisan advantage, I can say that while I am content and while I shall aid in the passage of an act at this session of Congress, I think it is the first instance—possibly the second—in the history of the country when the apportionment has been attempted to be made during the year in which the census has been taken.

Mr. CARLISLE. Will the Senator from Maryland allow me to make a suggestion in that line?

Mr. GORMAN. Certainly.

Mr. CARLISLE. I think the Senator from Maryland is correct in stating that this is the first attempt at making an apportionment by a Congress sitting in the same year when the census was taken, but I call his attention and that of other Senators to the fact that the Constitution provides that each State shall choose a number of electors equal to its representation in the House and Senate. Now, this bill provides that after the 4th of March, 1893, the House of Representatives shall consist of 356 members. The Presidential election occurs in November, 1892. The question I submit to the Senator from Maryland, and for the consideration of Senators on the other side is, if this bill passes, how many Presidential electors will the States choose in 1892? Are they to choose a number equal to the number which now compose the House and Senate or are they to choose the number provided for in the pending bill? For my part, I do not see how they can choose the number provided for in the pending bill, because when they are chosen the House and Senate consist of only so many members, not the number of members provided for in the bill.

Mr. DAVIS. If the Senator will allow me, that question must have arisen every ten years.

Mr. CARLISLE. It has not.

Mr. DAVIS. Clearly so, because the term of the next Congress can not begin until the term of the present Congress has expired.

Mr. CARLISLE. It never can arise except where the apportionment takes effect immediately after the year of a Presidential election.

Mr. DAVIS. But there are no Representatives, and can not be, under the apportionment, however we may word the bill, until after the expiration of the next Congress.

Mr. CARLISLE. But the question I submit, if the Senator from Maryland will pardon me, can arise only when the apportionment takes effect immediately, as this does, after a Presidential election. Suppose this apportionment took effect in 1895, then there would be no question but that we would have to elect in 1892 a number of electors equal to the present representation in the House and Senate. But in 1892, under this bill, the people of the United States will elect 356 Representatives to the other House of Congress. The question I submit is, can they at the same time elect 356 electors for President, corresponding with that number in the House, and two for each State besides? It seems to me they can not, because the Constitution provides that the people shall choose electors only equal to the present number, that is, the number which we will have in 1892.

Mr. DAVIS. Will not that always be the case necessarily?

Mr. CARLISLE. It could not be.

Mr. DAVIS. It seems to me so. I have not had any opportunity to compare this proposed statute with those which have preceded it, but manifestly to my mind this apportionment can not take effect until the term of the next Congress has expired; and unless it is a matter of deduction, I fancy that the phraseology of this bill follows the preceding acts.

Mr. CARLISLE. The difficulty arises from the fact that in this particular instance you make your apportionment take effect immediately after the Presidential election and you elect an additional number of members of the House of Representatives at the same time that you choose those electors. Now, the question I submit to the Senator from Minnesota is, how many electors are you going to elect? That question never arises, and never can arise, except when the apportionment act takes effect as this does.

Mr. DAVIS. I think that question must have arisen every ten years, necessarily, since the foundation of the Government.

Mr. CARLISLE. It could not do so. If the Senator from Minnesota will look at the records he will find that it could not arise; that the apportionment act did not take effect, as this does, immediately after a Presidential election.

Mr. GORMAN. Mr. President, the question raised by the Senator from Kentucky is a very important one. I take it that the chairman of the committee and the gentlemen in charge of the measure have given close attention to it, and, if the bill does require amendment in that particular, that amendment ought to be made now. At all events, the suggestion is well worth consideration. My attention has not been called to it before.

I was going on to say, Mr. President, in reply to the Senator from Maine, that it is an extraordinary fact that this is the first time in the history of the Government when an apportionment has been attempted to be made during the year in which the enumeration took place. That fact alone may show great party zeal. At all events, the fact that we intend to pass this proposed act at this session of Congress and at this extraordinary time ought not to be held against the people of New York and other communities as enabling you to charge them with partisan zeal and a desire to delay when they made the ordinary request at the earliest possible moment for the correction of the enumeration. I think it was unfair to the people of New York, that it was not fair for the Superintendent of the Census and the Secretary of the Interior to deny the request of the authorities of the city of New York, and, I believe, of the State as well, for a recount, simply that justice might be done them, stating the case as strongly as they did, and to raise these points.

But behind all that, Mr. President, and without going into a criticism of these officials, I think we can on both sides of the Chamber admit that there was a great deal of zeal on the part of the officers of the Government and an extraordinary desire to accomplish what never had been attempted before, to rush this measure through at this session of Congress. In saying that, I want to repeat that in the present condition of affairs I am not only content that it shall go through, but I shall aid in the passage of the bill in whatever form it goes through the Senate, being, as I said a moment ago, in favor of making a fair bill, and I believe it can be made a fair bill by the adoption of the amendment offered by the Senator from Minnesota and pressed by the minority of the committee.

In saying that, I confess I am controlled somewhat by the facts in the New York case. I believe it is perfectly well established that injustice has been done in that enumeration. I do not believe that even the amendments offered by the Senator from Minnesota will give the full measure of political power that that great Commonwealth is entitled to. But the amendment does correct it to some extent, and at the same time does justice to the States of Arkansas, Minnesota, and Missouri.

Now, the Senator from Maine says that the case made out by New York for a recount is not a good one. I read from the document entitled "Re-enumeration of New York City, being the record of the hearing before the Committee of the House of Representatives on the Eleventh Census, December 5, 1890," a statement made by Mr. Bowers, who, I take it, was the attorney who represented the city of New York in presenting that case to the House committee. On page 6, Mr. Bowers said:

> In the other case—
>
> Referring to the last census—
>
> the returns were public property. Under the act of 1889, the only means which anybody has to get information of that kind is to ask the Superintendent of the Census to give a municipality a list of the residents enumerated, and, in the case of the city of New York, we might get that at some distant day, but we certainly could not get it at once. We have now the list of only one ward. We have not obtained the list of the other four wards that we asked for, and we certainly could not get the list of the whole population in any reasonable time.

Now, under the operations of the law, as I understand it, contrary to the usual custom, those records as to the enumeration were not public property. The citizen of New York who felt aggrieved could not go to the supervisor of the census in his district and ascertain the result as his deputies had figured it. It was not a matter of record with the clerks of the courts, as was the case when previous censuses were taken, but those records were remitted to Washington, to the Superintendent of the Census, and there was no possible way to get information as to what the enumeration was except by going to the city of Washington, to the Superintendent of the Census. When application was made there all sorts of delays were put in the way, and up to this hour I understand they have not the information that they sought, and therefore they were compelled to rely upon the census which was taken by the police department in that great city. And so it was in other places.

I think injustice and great injustice was done in that case, and I consider it the greater because applications not based upon such specific statements, made by other communities, were recognized and were acted upon. A recount was made at the request of Minneapolis and St. Paul which resulted in an injustice to Minnesota, which is now sought to be corrected by this amendment.

Mr. President, the original act providing for this census, draughted by the distinguished gentleman, now no more, who represented New York City, Mr. Cox, draughted at a time when the two branches of Congress were of different political complexions, the House of Representatives being Democratic and this body being Republican, was intended to be fair in its operations, and had a general provision which, if given a fair interpretation, would have made the census absolutely nonpartisan. It provided in fact for a division of the enumerators between the two great parties, a perfectly fair division. I am sorry to say that the spirit of that law never was complied with, although the letter of it may have been.

In my own State I do not believe out of the one hundred or more persons employed that there was a single man (if one I do not know it) representing the Democrats in that State, who were in the majority by 20,000 or 30,000. So it was in the State of New York. So it was everywhere over the Union, with possibly one or two exceptions. When we come to remember that the city of New York in its politics is overwhelmingly Democratic, when they believe this injustice had been done them, when they know and have ascertained the fact in the only way in which they could ascertain it, that they have been deprived of the representation properly belonging to 200,000 people, as a matter of course they have some feeling in the matter. I confess that I believe the action of the Department here was unjust and unfair to that great community. I say that, notwithstanding I have made the declaration that I believe in the main the Superintendent intended to do what is right.

Mr. VANCE. Will the Senator allow me at that point to say something which may confirm the suggestion he has made?

The PRESIDING OFFICER (Mr. PLATT in the chair). Does the Senator from Maryland yield to the Senator from North Carolina?

Mr. GORMAN. Certainly.

Mr. VANCE. In 1870 the census of my State, North Carolina, showed that the population was 1,071,361. In 1880 it was 1,399,750, showing an increase in that decade of 328,389, or about 32½ per cent. The census of 1890, as reported, shows the population to be 1,617,947, or an increase of about 16 per cent. Those who are as well acquainted with the State of North Carolina as I am and who know that its prosperity and the increase in the number of its inhabitants have been little disturbed either by emigration or immigration know that there is a tremendous mistake here somewhere, either in the census of 1880 or in the census of 1890.

The natural increase of the people ought to have been about 30 per cent., according to the statistics. I know of my personal knowledge that there has been little emigration from the State, and what little there has been from the State has been fully compensated for by the immigration. But the last census shows that the percentage of natural increase of the people has diminished one-half in that State, though it has not been visited by pestilence and notwithstanding the fact that the natural physical condition of the people, which is favorable to fecundity, has been constantly increasing during the decade. There is a greater increase of wealth, there is a greater increase of all the comforts and conveniences of life, and there has been a greater increase in the marriage list in the State of North Carolina than there was in the preceding decade. Therefore it is not reasonable to suppose that the natural increase of the people has diminished one-half in the face of circumstances which should have caused an increase instead of a diminution.

So this census is not right, and I have no doubt that those well acquainted with the statistics and the condition of their own States in the South will find upon examination a similar state of affairs to that which I have shown in the State of North Carolina.

If the apportionment of representation in the next House of Representatives is based upon this census it will, in my opinion, be based upon a false and incorrect census. It is not necessary to assail the motives of the men who took that census in order to come to that conclusion. It is sufficient for us to know, in adopting an apportionment bill, that it is based upon an incorrect enumeration of the people, and that the purposes contemplated by the Constitution will not be obtained if we proceed to apportion the representation in Congress upon the recent census.

In order to do perfect justice, in my opinion, this bill should go over

until another Congress and until another enumeration shall have been had wherever sufficient cause can be shown for an additional enumeration.

Mr. PASCO. Mr. President——

The PRESIDING OFFICER. The Senator from Maryland [Mr. GORMAN] is entitled to the floor.

Mr. PASCO. Will the Senator from Maryland yield to me for a few moments?

Mr. GORMAN. I yield with pleasure.

Mr. PASCO. I wish to make a few suggestions in the same line as those made by the Senator from North Carolina [Mr. VANCE].

If this census is correct and we are to act upon it, one of the two propositions which have been submitted by the committee should doubtless be adopted. But I would like to call the attention of the Senator from Maine [Mr. HALE] particularly to the fact that the Census Bureau has not yet given to the Senate or the country any final statement as to the population of States by counties and divisions of counties.

We have had general figures from each State, but the Senate has been striving for a month or more to get from the Census Office a statement of the population by counties and Congressional districts. This morning I had a communication from the Superintendent, in response to a letter from me asking the population of a division of a county in one of the States, and the information was given me that he and his subordinates were unable now to give it and were still at work getting up the information to answer the call which was made some time ago for the population of the State by counties and districts. That information has not yet come here.

Now, how is it possible for the Superintendent to give to the Senate and the country the population of States when he has not yet been able to give us the population by counties? Why is that information held back? The population of a State must be ascertained by aggregating the returns from the counties and towns and precincts and other divisions of counties. Then it can be ascertained whether the original divisions were enumerated correctly or not. We can not attack the figures for the whole State.

My friend, the Senator from North Carolina [Mr. VANCE], can not point out where errors are in his State. He knows that they are somewhere; but if he had the population by counties, if he had the population by divisions of counties, if he had the population by precincts, then he could get the assistance of his people at home and have a comparison made showing defects, deficiencies, errors, and mistakes wherever they exist, and they could be pointed out and corrected. But we are simply told that there are so many hundred thousand people in the State of North Carolina, or so many million people in the State of New York, and when we come to test these results by examining the figures from the divisions we search in vain for these figures.

Now, Mr. President, I wish to call the attention of the Senate to a paper that was laid on our desks this morning coming from the Census Bureau relating to the population of Massachusetts by counties and their divisions. I have been supposing that the supplement to the Congressional Directory gave us correct and accurate information with reference to the population of the States. From that source I have learned that the population of Massachusetts, according to the last census report, was 2,233,407. But this morning there comes Census Bulletin No. 24 from Mr. Porter, and he gives the population of Massachusetts at 2,238,943, a discrepancy of over 5,000.

Can we go on, Mr. President, and perfect this work of apportionment when we have not the elements of population by counties or by divisions of counties? Can we know which is correct in regard to the population of Massachusetts, whether 2,233,407 or 2,238,943? Are there not similar errors and deficiencies in the returns from other States? We are only favored here in this instance with the population of Massachusetts. A day or two ago I got a similar bulletin with reference to New Hampshire, but I have not had an opportunity of comparing it with the figures in the supplement to the Congressional Directory, which, I understand, were furnished by the Census Bureau.

But if the Census Bureau now issues contradictory statements with reference to Massachusetts, making a difference of 5,000 and more in the total population, may there not be like errors and deficiencies in the population of other States? And, if so, are we not premature in our work? Are we not attempting to force this thing before its time? Are we not attempting to make this apportionment when we have not the elements upon which an apportionment can properly be made? There may be errors which affect the States of Minnesota, Pennsylvania, New York, and Arkansas, making a difference of a few thousand in the remainders, and in making the apportionment before we get the full figures we may be doing injustice to one or the other of these States.

I call the attention of the Senator from Maine [Mr. HALE] to these facts and suggest that there ought to be some explanation as to the figures we are working upon and whether or not we have in our possession the means of testing them as the final statement of the census. I have been examining this subject for some time, and I had supposed that this information, supplied by the supplement to the Congressional Directory, was correct; but this morning it is all wrong, there being a difference by the latest bulletin of 5,000 and more in a single State.

Mr. HALE. Does the Senator from Florida want me to reply to him now?

Mr. PASCO. I have but little more to say, but if the Senator has any question to ask I will yield.

The PRESIDING OFFICER. The Senator from Maryland [Mr. GORMAN] is entitled to the floor and has yielded to the Senator from Florida [Mr. PASCO].

Mr. HISCOCK rose.

Mr. GORMAN. I yield to the Senator from Florida.

Mr. PASCO. I have but little more to say, and perhaps it will be as convenient to the Senator from New York [Mr. HISCOCK] and the Senator from Maine [Mr. HALE] for me to complete what I was going to say. I will yield, however, to the Senator from Maine if he desires to ask a question.

But this is the state of the case. Now, Mr. President, I have striven for weeks, from the commencement of the present session, to get the population of my own State by counties. I have been satisfied that great injustice was done to the State of Florida, though perhaps not enough to make any difference in this apportionment, so far as that State is concerned. I have heard that the population of the city of Jacksonville, which my people at home believe is largely undernated, was taken upon the theory that those who had gone off to spend the summer elsewhere, and who are taxpayers and residents of that city, should be enumerated in the States where they were temporarily sojourning during the summer.

Where there is a large diminution of population, like that which is said to exist in the case of the city of Jacksonville, to be accounted for, the census was probably taken upon some such theory as that. I wanted to ascertain whether there were deficiencies all over the State, and I sought information from the Census Bureau with reference to counties and divisions of counties in order that I might investigate that matter, in order that I might get the help of my people at home in different parts of the State, to make comparisons and test the figures, but the information has not yet been given. I have not yet been able to get from the Superintendent a statement of the population of the different counties in my State and their divisions.

An effort was made on the 31st of December, 1890, here in the Senate by the Senator from Nebraska [Mr. MANDERSON], to get the population of all the States by counties and Congressional districts.

He offered the following resolution:

Resolved, That the Superintendent of the Census be, and he is hereby, directed to report to the Senate the population of the United States, according to the census of 1890, by Congressional districts, and that this information be supplied at the earliest possible moment.

That information has not yet come in. The same information was being sought at the same time by the Senator from West Virginia [Mr. FAULKNER], who had a similar resolution before the Senate, but it was withdrawn upon the adoption of the one offered by the Senator from Nebraska; and I stated at the same time that I was desirous of getting this information in reference to my own State.

Now, Mr. President, we are still without that information, and if the Superintendent of the Census is unable to give us the population by counties, if he is unable to give us the elements of the population upon which his final statement must rest, how is it possible for him to give us a statement which is accurate with reference to entire States, and how can we now make a fair and accurate apportionment?

I say, Mr. President, it is manifest that we require the information which we have requested, and we should have it before this apportionment can be properly made. I admit that the work of the committee appears to be thorough and careful, and I have listened with great interest to the subject as presented by the Senator from Maine [Mr. HALE] and the Senator from Minnesota [Mr. DAVIS]; but they have not touched at all upon this question as to the sufficiency of the information before the Senate. It seems to me that there has been an effort made somewhere, not in this body, to press this matter to a determination and a conclusion before we have the means of arriving at a proper result; and until we get the population of the States by Congressional districts and by counties, the very information which the Senate has been seeking for a month, we are not ready to enter upon the apportionment intelligently.

And while I am on the floor, as I do not expect to speak again on this subject, I would like to ask the Senator from Maine whether he has considered the inexpediency of having an even number of Representatives. The number is 356. That number, with 88 (the number of Senators), will make an even number in determining the number of Presidential electors; and I would like to suggest to him whether the inconvenience of having an even number has been considered in committee. I have seen no reference to it on this floor or in the public newspapers or elsewhere, and I would like to suggest that an even number is not desirable.

It might possibly result in a tie in a Presidential election, and we all know that that would be an unfortunate condition of things and would throw the election of President and Vice President into the House of Representatives and Senate. That has not been referred to, but it has occurred to me as being a manifest inconvenience. An even number should be avoided if possible, and whether it is done by raising or re-

ducing the number I suggest to the Senator from Maine that the avoidance of such a result should be considered.

Mr. HISCOCK. Mr. President——

The PRESIDING OFFICER. If the Senator from Maryland has yielded the floor——

Mr. HISCOCK. If not, I will speak in my own time.

Mr. GORMAN. I yield with pleasure.

Mr. HISCOCK. Mr. President, so much has been said upon the other side of the Chamber in respect to the injustice that has been done to New York by the majority report that it seems as if I am called upon to make some suggestions in response, I having concluded to support the majority report.

I do not believe that it is a matter of vital consequence to my State whether she has a representation upon the floor of the other House of 34 to 356 or 35 to 360. I believe if it is 34 to 356 she loses the fraction of a vote in her representation. But it is essentially a matter of interest to the people of the State of New York that a fair census should be taken, that an honest census should be taken, and that a full census should be taken.

To some extent my colleague [Mr. EVARTS] and myself are responsible for the census of the city of New York. We are responsible just to this extent, that we were consulted by the Superintendent of the Census in respect to who should be charged with the duty of taking that census and in respect to the agencies that should be employed to take it; and I speak for myself, and I think I speak also for my colleague in that particular, when I say that to no question brought to our attention did we give more careful consideration or exercise greater care in the selections that were made on the advice which we gave to the Superintendent of the Census or the Secretary of the Interior, in respect to those who were to be delegated there to have charge of that great work. I believe, sir, that honest, capable, efficient, and conscientious men were selected to discharge the duties imposed upon them by law. We advised the selection of the ablest men we could find to discharge those great duties.

Now, I have no doubt that any census taken in the State of New York, commencing the 1st of June, will fail to represent the actual population of that city. The Second ward of the city of New York has been referred to here to illustrate the errors that have been made in that census. It is what is called a down-town ward, a business ward. I may be mistaken, but I apprehend that there is not a dwelling or a tenement house in it. The population there is largely composed of janitors and laborers who have charge of buildings and perhaps some others, and the population very largely depends upon the activity of the business there at any season of the year.

When buildings are closed the people are away, and in that season of the year in which business is slack, if I may use that term, in which establishments are closed, or in which they have a reduced force (reduced on account of stagnation in business there in the summer season) an exhibit is made of a much less population than would be exhibited in the month of September or October.

It is a little remarkable in this respect that the Second ward was selected upon which to ground the grievance against the census. The wards in which dwellings and tenement houses exist and in which people have habitations of that kind were not selected, but the Second ward was chosen.

Mr. President, let us look at the law a moment in regard to the duties of the Superintendent of the Census. It provides that the enumeration required by the act shall commence with the 1st of June, 1890, and be taken as of that date; that each enumerator shall prosecute the canvass of his subdivision from that date forward on each week day, without intermission except for sickness or other urgent cause; that any unnecessary cessation of his work shall be sufficient ground for his removal and the appointment of another person in his place; and that any person so appointed shall take an oath, etc. It also provides that it shall be the duty of each enumerator to complete the returns in his district, and to prepare the returns thereof required to be made, and forward the same to the supervisor in his district on or before the 1st day of July.

Under the law he had 30 days. Now I call the attention of the Senate for a moment to the last clause of section 5 of the law under which the census was taken:

> Whenever it shall appear that any portion of the enumeration and census provided for in this act has been negligently or improperly taken and is by reason thereof incomplete, the Superintendent of the Census, with the approval of the Secretary of the Interior, may cause such incomplete and unsatisfactory enumeration and census to be amended or made anew under such methods as may, in his discretion, be practicable.

By the 1st of July those reports were to be in. I now call attention to the clause that I find in the letter of the Secretary of the Interior upon this subject:

> There are some excuses—
>
> He says—
>
> presented by the mayor why the papers are sent on in the shape they are that render it not inappropriate to notice that the first announcement of the United States census at 1,513,501, on the rough count, was made as early as July 18 last, and was then widely published, while the police count did not begin until September 29 last.

Now, I say very frankly for myself that I see no reason why a census should be ordered in the city of New York unless ordered throughout the State of New York, for, in a degree almost proportionate to the population, it is true of every city in New York that in the hot season, in the summer months, houses are closed, laborers are scattered, and the census enumeration does not indicate the population. That is true with reference to New England. It is true with reference to all States in which are large cities. Of course there are not so many changes of population in purely agricultural districts as in those districts in which a large proportion of the population are in large towns.

I say, therefore, upon the proof that was made before the Secretary of the Interior, or, in the first instance, before the Superintendent of the Census, I see no reason for a new enumeration in that State that would not apply to every State. The fault, the vice, if there is any, is in the period of time, the season of the year selected for taking the census. Yet I believe the same season of the year was selected for the recent census that has been selected for all preceding censuses.

Mr. GORMAN. Will the Senator from New York permit me to ask him a question?

Mr. HISCOCK. Certainly.

Mr. GORMAN. I desire to ask the Senator from New York whether it was not a fact that a publication was made immediately after the enumeration was had by the local officers, showing that there were 175,000 more persons in the city of New York than afterwards appeared when the count was revised in the office here.

Mr. HISCOCK. I think a representation of that kind, or partially to that effect at least, was made in September. I have no doubt that you may take the census of New York City next year in the month of June and take it again in September or October, when the people have returned there, when laborers who had found employment elsewhere during the summer months had returned to the places where they are employed in the fall, and you will find precisely the same discrepancies as you found last year. That is my opinion with reference to that.

Mr. GORMAN rose.

Mr. HISCOCK. I yield to the Senator from Maryland.

Mr. GORMAN. I rose merely for the purpose of getting information. I should like to ask the Senator from New York if it be a fact that the local officer, the supervisor of the census for that city (of course the Senator says he was recommended by him and his colleague and is an intelligent man, of all of which I have no doubt), had it announced or if it came to his office that there were 1,700,000 in New York and it was so published, and that three weeks or a month afterwards, whatever the time may have been, when the figures were revised here in the Census Office, then the publication was made for the first time that there were 175,000 less, did not that make a case that ought to have been looked into.

Mr. HISCOCK. I think not. If it did it could be accounted for upon the theory I have suggested.

Mr. GORMAN. But how could that theory be made to apply if the fact that I have suggested is true?

Mr. HISCOCK. I have attempted to demonstrate here—possibly I have failed—that from the necessities of the case there must be a large difference between the population exhibited by a census taken in the city of New York in the month of June and one taken late in September or in October of that year.

Mr. GORMAN. But the Senator will see that the census taken in September or October has no reference to the question I ask. In the month of June the officers, whom the Senator has so well described as being capable, high-toned, respectable gentlemen and earnest in the discharge of their duties, made 1,700,000 persons in the city of New York.

Mr. HISCOCK. I do not understand it so.

Mr. GORMAN. It was so published in all the papers.

Mr. HISCOCK. I do not understand it so. I do not understand that there was any evidence proving that there were 175,000 more people in New York in the month of June than were disclosed by the census report. I do not think there was any proof of that kind that could stand the test.

That is what I have to say in respect to that. I do not undertake to say that evidence may not have been furnished, taking the death rates, basing population upon the number of votes cast, and by methods of that sort; I do not undertake to say that that may not have been done.

I regret that the chairman of the Committee on the Census who has charge of the bill, and especially the Senator from Minnesota, are not present to listen to what I have to say in respect to the majority report or the apportionment as proposed in the views set forth by the minority.

Let us take the State of Arkansas to illustrate, for that is one of the States to which it is proposed to add a member. If you give to Arkansas 7 Representatives in the House of Representatives the result is that she has one Representative to each 161,168 of population. At the same time, if you fix the representation according to the views of the minority, Pennsylvania, at a representation of 30, would be 1 to every 175,267 of population. California, according to the views of the minority, is to have the same representation as Arkansas, and each of her

Representatives will have back of him 172,590, while Arkansas, I repeat, will have 161,168 and California will have back of each of her Representatives 10,000 more of population than each Representative from the State of Arkansas.

In the case of Colorado each of her Representatives will have back of him 206,099, while each Arkansas Representative will have, I repeat, back of him 161,168. Indiana will have 1 Representative to each 168,646 of population, while Arkansas will have, I repeat, in order that it may be thoroughly understood, 1 Representative to each 161,168 of population. Maryland, the State of my friend, will have 1 Representative to each 173,731 of population. Massachusetts will have 1 Representative to each 172,286 of population. South Carolina will have 1 Representative to each 164,449. Missouri will have, on a representation of 15, 1 Representative to each 178,000 and a little over, being about the same amount that Pennsylvania will have if she has allotted to her 30 Representatives. But the bill proposes to increase her representation 1, with the result that there would be 1 Representative to about 167,000 of population.

I have taken States indiscriminately for the purpose of this illustration, and I find this to be true: That Arkansas, upon a basis of 360 members, will have one less that she will have if the House is to consist of 359 members. Nevertheless it is true that each of her Representatives will more nearly represent the same population that the Representatives of other States will represent than if she is increased from 7 to 8.

The reason of this is illustrated in the letter which was read here from the Superintendent of the Census, Mr. Porter, that where the larger dividend is divided by two divisors, one larger and one smaller, of course, and the smaller dividend subdivided by the same divisors, the larger the dividend the larger the loss in fractions to the two as between the fractions made by the larger and the smaller dividends; but when you go one step further and seek to find out the population back of each of the Representatives you find that that is not affected in the same way; and, as I have said in this case, and I believe it to be true, that fixing the number at either 356 or 360 for the House of Representatives the populations back of the members respectively will be more nearly even at those numbers than at any intermediate number at which the House may be fixed.

Mr. President, I regard it as important that this bill should be passed at this session of Congress. It is not a precedent to be followed that it shall go over to the next Congress because heretofore apportionments upon the censuses have been made after the enumeration later than in this case. The question is whether we are as well prepared to make an apportionment now as we will be at any future time, and, if so, it ought to be done and those States entitled to a larger and fuller representation in the House of Representatives should have it. At this late day in this Congress, with the work that we have before us, in my judgment, to send this bill back to the House of Representatives to be revised there, and probably to be acted upon by a committee of conference, is so dangerous that, notwithstanding the offer is made of an additional member to the State of New York, I have made up my mind to vote for and support the report of the majority.

Mr. HALE. Mr. President, no prior census has been taken with the expedition which has characterized the present one. The reason why the apportionment bill has been delayed in its passage heretofore is that the census has been belated. The enumeration under the census of 1870 was not actually completed until August 23 of that year, and the census before the present one was only completed March 4, 1881. The final official count followed soon after that. So that it was impossible for Congress to grapple with the question of apportionment and pass upon it until after the ending of the Congress under which the census was taken; but there has never been any delay sought by either political party whenever the returns of the census have been so completed that Congress could deal with the matter.

The reason that the census and the apportionment are now before Congress is simply that under the present Superintendent that great work and all of the manifold labors that have been involved in it have been so managed and brought to a head that on November 26, 1890, the complete official report of all the population of the United States was made public and submitted to the people.

Mr. MORRILL. That never has been done before.

Mr. HALE. Never, as I have said. I have given the illustration of the other censuses that have been taken, and they have been months and, some of them, years behind this in expedition. I look upon this as being the most praiseworthy feat that has been performed under the Superintendent of the Census. Greater, wider, much more extensive as this work has been, still it has by good management been brought into such harmony and such working order that the announcement was made last November of the results of the census taken in the June preceding; and if anybody inquires (and inquiry has been made on the other side) why what is called undue haste is manifested in pushing this matter through, the explanation which I have just given is the answer: that the executive part of the work has been done with unparalleled celerity, and that now it is the duty of Congress to deal with the matter. The House of Representatives has acted upon this theory. There are no considerations that have been presented either by the Senator from North Carolina [Mr. VANCE] or the Senator from Florida [Mr. PASCO] that were not fittingly and properly considered by the House of Representatives. I do not remember in the debates that arose there that any suggestion was made as to the desirability of postponement. Never until this morning, when the attitude which, perhaps, may be taken on the other side of this Chamber was developed by the Senator from North Carolina, was an intimation given that there was a desire to postpone this matter and to throw it over into the next Congress.

The suggestion made by the Senator from Florida that the returns have not been received by counties and smaller municipal divisions does not in any way interpose as a barrier to the passage of this bill. All those figures by smaller municipal organizations are being every day worked out by the Superintendent of the Census, and from time to time the recapitulations of the different States have been received, and to-day the returns from a large number of States have been sent in by counties. I may say here with entire confidence, as bearing upon the practical side of this mattter, that long before the Legislatures now in session are ready to commence and continue the work of apportionment for the Congressional districts, every one of such States will receive official and accurate returns from the Census Office, so that the committees of the different Legislatures and the bodies themselves will not be delayed for a single day. I think the country ought to be congratulated and the Census Office ought to be congratulated upon the expedition and quickness with which this work has been performed.

The Senator from Kentucky [Mr. CARLISLE] has raised a question as to the operation of this bill on the Electoral College in the next Presidential election. The answer to that question, which came rather in the form of a query than an objection, is found in the fact that all of the census bills have been precisely in this regard like the present one. They have been passed in a Congress preceding the Congress which is to be elected under the apportionment provided for. The bills have provided when the act shall take effect and have fixed the number of Representatives. They are in this regard exactly like the present bill. After the Tenth Census was taken it was enacted that "after the 3d of March, 1883, the House of Representatives shall be composed" of so many members.

The act of February 20, 1872, applying to the Ninth Census, is precisely analogous to this, in that it was in relation to a Congress which came in with the President to be elected at the succeeding election; in other words, it was just twenty years ago; and, as everybody knows, under the cycles of Presidential elections, every twenty years the Presidential elections come around in the census year. That bill provides for the apportionment previous to the Presidential election of 1872. This bill provides for the Congress that shall come in next after the Presidential election of 1892. So that the analogy is complete. In that bill it was provided that "from and after the 3d day of March, 1873, the House of Representatives shall be composed of 283 members."

The present bill provides that "after the 3d of March, 1893," just twenty years after, "the House of Representatives shall be composed of 356 members." So there was a bill providing for a Congress coming in after the Presidential election intervening, precisely as this bill provides for the members of a Congress that shall come in directly after another Presidential election intervenes, making the analogy perfect between the two. There is no question therefore raised in this bill that was not raised under the other bills which have been passed.

Mr. GORMAN. I should like to ask the Senator from Maine whether the electoral college was then on the basis of the increased representation?

Mr. HALE. The electoral college in 1872 was upon the basis of the increase. The Manual, on pages 369, 370, and 371, shows the number of votes cast in the electoral college in that year, which corresponds to the increase of membership in the House with the Senatorial representation added. The language of that act, as I have just said, is precisely the language of the present bill. It seems, therefore, to have been settled by unvaried practice, by unbroken precedents, that whatever may be the time at which, so far as members of Congress are concerned, the apportionment shall take effect, the election of President has been based upon the representation that has been given to the Congress that is elected at the time of the Presidential election, and which comes in with the term of office of the President, which undoubtedly is a fair and reasonable construction.

It would not, it seems to me, be consistent with good sense that a Congress which is elected and comes in with the new President should be upon the old basis, but rather that it should be upon the new; and the Manual, which has been handed to me by the Senator from Wyoming [Mr. CAREY], seems to bear out this view.

Mr. GORMAN. The Senator from Kentucky [Mr. CARLISLE], who is absent from his seat for a moment, raised the point to which the Senator has just replied.

Mr. HALE. I regretted that the Senator was not here.

Mr. GORMAN. I have sent for the Senator. A moment ago, in private conversation, in addition to what he said in public, he seemed to have a very decided impression that there was an omission here which possibly might give trouble. As a matter of course we all want to have the matter correct, so that there can not be any difficulty about it. I

understood the Senator from Maine to say a moment ago that he had carefully examined the matter and that what heretofore occurred corresponds with the present condition of affairs. Of course, if the Senator from Maine has given it careful attention and has come to that conclusion I have nothing to say about the matter.

Mr. HAWLEY. Mr. President, judging by the attendance there is no intense desire for immediate action upon this bill, but I will submit a statement in support of the general positions taken by the Senator from Maine and also relative to matters interesting to my own State at least.

Connecticut has 746,258 inhabitants according to the last census, a gain in round numbers of about 124,000 during the ten years. She is certainly in a position to be quite impartial in this matter, for, beginning with 332 members of the House of Representatives, at a ratio of 186,473 for each member of the House, Connecticut would be entitled to 4, with a population of 366 to spare; and, following the tables accompanying the majority report, if the House should be 43 larger than it is, that is to say, if it should contain 375 members, Connecticut would, of course, still retain her old members and would have a surplus of 85,898. So that nowhere within this very wide range, covering, in the judgment of the committee, I suppose, all the possibilities of a bill like this, would she either gain or lose a member. It is true that, with her 4 members, she has a large number of inhabitants for each, much above the average for the whole country; that is, a ratio of 1 Representative to 173,901. Now, with the proposed number of 356 Connecticut saves her 4 members and has a balance to spare of 50,654.

With 375 members in the House, the table here says Connecticut would not gain another, but would have 4 Representatives. Though having more than one-half of the ratio, having a major fraction, that is to say, having 85,898 to spare, the table says she would not gain another Representative, I suppose, because those who have made up the table here find that that ratio could not be observed and spare her one for a major fraction.

Now, Connecticut, with her 746,258 and 4 Representatives, has 1 Representative for 186,564; that is, in round numbers, 13,000 above the ratio of the average of the States in the Union.

Now, let us see how the States which I will not say are complaining, but are asking for more, are situated in comparison with Connecticut. Minnesota has 7 Representatives under this bill. She has, to be sure, a considerable fraction, but she has 1 Representative for 185,975, while Connecticut has a Representative for 186,564. Minnesota is just a thousand better off than Connecticut as the bill stands. But if you give Minnesota the additional member sought she will have 8 members for her 1,301,826 people, being 1 Representative for 162,728, and she will be 14,000 better off for each member of the Legislature than Connecticut now is; that is to say, she will have a member in proportion to population 14,000 below that which gives a member in Connecticut.

The State of Arkansas, which is a beneficiary under the proposed amendment, has a population of 1,128,179. With the 6 Representatives it is proposed to give her, she would have one member for each 184,696, almost identically the representation that is proposed for Connecticut, which she expects to have. But, if you give Arkansas the additional member, she will have, with her 7 members, one for each 161,168—that is, she will be 12,000 per member better off than the average of the country and she will be 25,000 a member better off than Connecticut. By "being better off," I mean, of course, having a Representative for a smaller number of people.

It is utterly impossible, Mr. President, to adjust this representation with perfectly mathematical equality; it is absolutely impossible. As you increase the number of Representatives with a view of doing more nearly equal justice, you run into constant apparent absurdities; that is to say, the State A B, on a rise of 4 in the total number of members, might be entitled to an additional member, but, if you go on and add 8, that very State would fail to get a member, and another State, that is not entitled to it under the rise of 4, will get a member. It is perfectly simple to the ordinary common-school student of mathematics when he begins to think of it.

But, instead of this ratio of 1 to 173,000, we take the ratio of 1 to 172,000. That would give a spare thousand in each Congressional district, and New York immediately has 34,000 to spare to begin counting up a moiety, which she gets very soon.

In the long run, taking these tables, you approximate to an equality perhaps, but there will be an injustice that appears to be great in many cases to the persons concerned in any possible statement you can make. If we, for instance, let in the four States to which it is proposed to give an additional member each, we will find just below their fraction fractions in other States which will lead us to gratify them, and just below those fractions we will find some other States equally anxious and having an equity created by our action on this amendment almost equal to the equity which the Senator from Minnesota presents.

We are extraordinarily fortunate in the bill, so far as we can judge, which, if it shall pass here unanimously, will be practically the unanimous vote of the whole Congress. It comes to us having satisfied a body—and I speak with entire respect—that has been very difficult to satisfy in a great many matters; and we ought to congratulate ourselves upon the opportunity to pass an act of such great and lasting importance under such happy auspices.

Mr. HALE. The Senator from Kentucky [Mr. CARLISLE] is in his seat now. While he was absent, in answer to a question he raised about the operation of this bill upon the Electoral College, I referred to the apportionment bill of 1872, which is precisely analogous to this, having been passed fixing the representation in the same language that is applied in this bill and a Presidential election intervening as it does in this case.

That from and after the 3d day of March, 1873, the House of Representatives shall be composed, etc.

The present bill provides:

That after the 3d of March, 1893, etc.

It is at the end of twenty years and the circumstances are precisely the same. That bill was passed, taking effect on the 4th day of March after an intervening Presidential election like the present. In that Electoral College, which the people passed upon in 1872, in November, as under this bill they will in 1892, in November, the apportionment was 293 members and the Electoral College was 367 members, being made up of the 293 members of the House of Representatives provided for in the apportionment bill and 74 Senators, two from each State, making 367. That was the basis of the electoral vote at that time. In counting the votes of the States of Arkansas and Louisiana a question was raised about their double certificates, and they were not counted, but the basis of the college was 367 members, the new apportionment and the Senatorial representation added.

Mr. CARLISLE. What was the increase of members of the other House on that apportionment?

Mr. HALE. I think it was from 240 to 293.

Mr. CARLISLE. At any rate, there was an increase, which, of course, presents the same question that is presented here.

Mr. HALE. The same question precisely that is presented here. I will give the Senator the exact figures. The increase was from 243 to 293.

Mr. CARLISLE. An increase of 50.

Mr. HALE. An increase of 50. I recall the circumstances of that apportionment because I was a member of the House of Representatives at that time and took a great deal of interest in that subject.

Mr. CARLISLE. My attention was called a few moments ago to the fact that the apportionment based upon the census of 1870 was made by an act passed February 18, 1872, to take effect on the 4th of March, 1873, or rather providing the increase of Representatives to take effect, to begin on the 4th of March, 1873. I have not looked, however, at the record to see what number of Presidential electors was chosen in 1872. The Senator from Maine now furnishes that information. It appears that, without any question at all, the various States at that election in November chose a number of electors corresponding with the number of Representatives in the House and the Senate as it would stand under the new apportionment act. But, as I have said, there was no question whatever made about that election. The majority for the Republican candidate, General Grant, as everybody knows, was very large, and it would have made no difference one way or the other, no matter what number of electors was chosen by the people.

Suppose, however, the election should be very close and Nebraska, for instance, should choose in November, 1892, three more electors than the State is now entitled to under the existing law in the House of Representatives, and that the other States, which gain one or two Representatives under this bill, should also choose a larger number of electors and the result of the Presidential election should be determined by the votes of these additional electors, I submit to the Senator from Maine that under the Constitution, which we can not change by any law, no matter what language you may employ, each State is entitled only to that number of electoral votes which corresponds with its number of Representatives in the House of Representatives and its number of Senators here at the time when it chooses its electors.

If the Constitution does not mean that, it means nothing. You can not say that a State may choose a number of electors corresponding with the number of Representatives and Senators it may have at some future time, because if you do you are confined to no particular time, and you might as well say that a State may choose the number fifty years from now as to say it can choose the number it will have one year from now or two years from now. This is the language of the Constitution:

Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

If that does not mean that the State shall be entitled only to the number that it then has in the House and in the Senate, it has no definite meaning and no fixed meaning at all. While the precedent referred to by the Senator from Maine is entitled, of course, to some force, yet it settles nothing with regard to this matter, for the reason I have just stated, that there was no controversy whatever about the election, and the votes of these additional electors had no effect one way or the other.

But now we are proposing to make an apportionment which will increase the number of Representatives in the House to 356, or to 360 if the amendment proposed by the Senator from Minnesota [Mr. DAVIS]

shall be adopted, and we are approaching a Presidential election which may be very close and the result of which may depend upon a less number of votes than the increase which is being made to the number of Representatives in the House, and we may be confronted, therefore, with this very grave and important question involving the title to the chief executive office in the country, and if there is any way in which we can provide for a settlement of it, it seems to me we ought to do it.

Mr. HOAR. I should like to ask the honorable Senator from Kentucky, with his leave, whether there is not a precedent on this subject, and whether there must not have been one at every decennial period, and what he finds the precedent to be.

Mr. CARLISLE. There is one to which I referred.

Mr. HOAR. I understand; but are there not others?

Mr. CARLISLE. No other that I know of, for this reason, if the Senator will excuse me, that it has happened but once before, so far as I remember, and that was in 1872, that the new apportionment took effect just immediately following a Presidential election.

Mr. HOAR. I would say that I remember being a member of the Massachusetts Legislature in 1852, and I think the same thing happened then. I have not looked to see how the electoral college was arranged at that time.

Mr. HALE. It would occur, of course, every twenty years.

Mr. CARLISLE. It would if Congress happened to pass an apportionment bill as it does now.

Mr. HALE. And as it always has before.

Mr. CARLISLE. There was a bill passed in 1882 and we had no Presidential election until 1884.

Mr. HALE. It only occurs once in twenty years. In 1852 it was the same, and in 1832 the same, and the basis of the electoral vote was the representation in the Congress that was elected at the same time that the Presidential election occurred and the Congress that came in with the Presidential term. I do not think there is any exception.

So that, whatever question might be raised upon the language the Senator is debating, the precedents are the other way. It has without question, so far as I can find, been settled, and no demurrer was raised, no objection was raised, that the Electoral College should be upon the basis of the representation of the House of Representatives elected at the same time with the President, and the Senate added.

Mr. HOAR. If the Senator will pardon me, I notice in opening the Manual on pages 364 and 365 that the number of electors of the State of Massachusetts was increased from 12 to 13. It was 12 in the Presidential election which took place in 1848 and 13 in that which took place in 1852. So, of course, precisely the same thing must have happened as will happen now. The number of electors assigned to the different States was based on the number of Representatives to which the State was entitled in the Congress elected at the same time with the President, whose term of office as far as the Representatives were concerned, began at the same time with the President. That seems to be the logical and probable result.

Mr. CARLISLE. Of course, as I have said, these precedents are entitled to great force, but still they do not absolutely settle the question. It may be that upon the language of the Constitution which I have read it is proper for the State to choose the number of electors corresponding with the number of Senators and Representatives it may have in the next succeeding Congress. The language is this. I will read it again. It is a little peculiar:

> Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress.

Now, giving to that language a very liberal construction, it might be held properly, perhaps, that the State is entitled to choose the number of electors to which it may be entitled under some law which has been passed, but which has not yet taken effect. That, it seems to me, would be a rather strange construction of the provision of the Constitution.

My purpose in calling the attention of the Senate to it was not to have any contention about it or to take any very decided position upon the subject one way or the other, but simply to have it considered, and, if there is any way in which we can settle it so as to avoid any controversy hereafter when the Presidential election occurs, to have it done.

Of course the whole country is interested in having its Presidential election settled peaceably, lawfully, and without any unnecessary agitation, and it might be, I will repeat, that the election of the next President of the United States would depend upon the votes of the increased number of electors, and, if so, there is no doubt that either party being defeated in that way would raise this question and endeavor to have it settled by some proper tribunal.

Mr. HALE. I find upon examining the record more fully that this acceptation of the effect upon the Electoral College has been adopted apparently without question in each of the Presidential elections occuring at periods precisely analogous to this.

Mr. CARLISLE. I had not looked at that.

Mr. HALE. In the election of 1852 the representation in the House of Representatives was 233 and the Electoral College vote was 296, and in 1833 the same conditions prevailed, and so following back. So that, bearing upon the suggestion which was made, as I understand rather apprehensively than otherwise, by the Senator from Kentucky, that this question might possibly be raised, the precedents are unvarying, and, so far as we know—and the Senator himself has some recollection, as I have, of the animated controversies that arose at least in one of these instances—no objection of this kind was taken. I do not think it occurred to any one in the election of 1872, which was precisely analogous to this.

Mr. CARLISLE. That election, as I have said, went very largely one way; there was no controversy at all, and the result did not depend in any degree whatever upon the increased number.

Mr. HALE. No, it did not; and yet I remember, as a member of the House of Representatives at that time, a great many objections and technical points were brought up. I conceive, in the face of precedents so unbroken as this as to the basis of such laws, that it is safe enough to follow in the footsteps that our fathers have made.

Mr. CARLISLE. Of course those precedents are entitled to very great weight and would have their influence upon any tribunal called upon to settle the question, but still they are not conclusive.

Mr. REAGAN. The provision of the bill is—

> That after the 3d of March, 1893, the House of Representatives shall be composed of 356 members, to be apportioned among the several States, etc.

That would be the number of members for the Fifty-third Congress. While the term of those members does not begin until the 4th of March, 1893, they are elected Representatives in the November preceding that time. I do not know what will be held as the proper construction; but it seems to me that we might safely base our action upon the assumption that the law providing for the election will make that election come on before the date at which their service actually begins.

I take it for granted that the members of the Senate, like a court, would be required to take notice of the existing law, which provides that in November, 1892, the Representatives for the Fifty-third Congress are to be elected. It seems to me, that being so, it would not be a great strain of construction—I admit, however, the difficulty of it—to assume that the members who are elected on the day that the electors for President are elected might be those whose numbers would determine the number of electors. I only make the suggestion.

Mr. HALE. I find in the original legislation upon this subject that the representation in Congress was fixed by the apportionment of April, 1792, at 105, and the Electoral College which was elected in the fall succeeding and which took effect in the succeeding March was composed of 135, being the number of the House of Representatives that had been fixed in advance at 105 and the 30 Senators, two from each State, making 135. So that even then the plan of the Electoral College, being based upon the subsequent House and the Senatorial representation, was recognized; and beginning in that way it has to continue in that way, and has so continued ever since, as I have said, without a question. We have, therefore, an unbroken line, with the initiatory election being fixed in this way, and it never has been departed from.

Mr. CALL. Mr. President, the apportionment under the census is a question which requires very grave consideration. It is capable of being the means of very great injustice in the distribution of political power, and it is very difficult to attain any apportionment on the principles upon which an apportionment is required to be made by the Constitution which will do exact or even approximate and impartial justice to the different portions of the country in respect to representation.

Therefore it is a matter which should require very great care and consideration and discussion before arriving at a final conclusion. It involves, in the first place, an accurate and an actual enumeration. The question of how far imperfections or failures to make an enumeration are to be considered as vitiating any enumeration that may have been made as a basis of apportionment is most important.

For myself I see nothing in the circumstances which have attended this enumeration to justify any imputation upon the head of that bureau, the Superintendent of the Census. As far as my observation has gone he has been diligent and capable and extremely courteous in his intercourse with Senators and Representatives. I see nothing to impeach his capacity in the evidence which has been presented, and, so far as my opinion is concerned, it is quite favorable to him.

But that is not the question. However great a man may be in his executive and administrative ability, the taking of a census, its innumerable details and the thousands and tens of thousands of people on whose intelligence and industry and thorough performance of their duties the accuracy of the enumeration depends, is beyond the control, as a matter of absolute certainty, within any fixed period of time, of any man. Therefore the enumeration is a matter to be carefully considered, and the question is, how far can Congress proceed without definite and certain and reasonable probabilities in regard to the enumeration which has been made?

The provisions of the Constitution are quite plain:

> Representatives shall be apportioned among the several States which may be included within this Union according to their respective numbers.

That is an imperative requisition. How shall that be done? "According to their respective numbers." If you make the ratio a million, is that an apportionment "according to their respective numbers?" Then all the States, giving them the one Representative required by the

Constitution, with the exception of the few great States whose population exceeds that, will be left without any increased representation. One Representative to a State with 997,000 people would not be an apportionment "according to their respective numbers;" and therefore the question of ratio is an indispensable question in distributing the apportionment according to their respective numbers to the States.

If it be larger than the average, it deprives the greater number of the States and a greater aggregate of population of any representation; and so far as it relates to the constitutional requirement of a distribution and an apportionment, in the language of the Constitution, "according to their respective numbers" between the States, that portion of the requirement entirely fails.

What, then, shall be the rule? There is a question that has been one of very great difficulty from the foundation of the Government, as it obviously is to the eye of reason and thoughtful consideration. How will you attain an apportionment of Representatives between the States according to their respective numbers? Mr. Webster's argument was that it could not be attained with exactness, but as nearly as may be, and certainly that is the true rule. But, then, there is as much difficulty in its application as there was before. What fraction is it? Is it the majority or minority fraction? Is it the perturbation figures, as the Senator from Minnesota [Mr. DAVIS] very aptly described it, which may result from one or the other, or can there be some fixed rule or principle obtained upon which this apportionment may be made?

It seems to me that, instead of its being an assignment of a Representative to the States where there is a majority fraction, it should be such a fraction as will give to the greater number of States a representation which will give to the greater number of the States an apportionment upon the basis of their respective numbers—the respective numbers of all the States—and not of one, two, three, four, or half a dozen.

In this proposition there is contained, I think possibly, matter for serious consideration of the idea by which we may approach the constitutional requirement of a distribution or apportionment of political power in the House of Representatives to the different States "according to their respective numbers." I do not desire here to express an opinion upon the majority or minority report, except to say that the Senator from Maine has with very great clearness, and I think with logical force—I will not say with conclusiveness—presented the principles upon which the majority report proceeds.

In neither the majority nor minority report can be found a principle to sustain the proposition that, because one, two, three, or four States may have a majority fraction or within an infinitesimal distance from the ratio required, therefore the constitutional requirement relating to all the States, that the entire political power of the House shall be distributed or apportioned "according to their respective numbers," there being not one nor two, but all, may be disregarded. On the contrary, it is clearly apparent that such fractions as will give to the greater number of States their representation in respect to their fractions, whether it be a minority or a majority fraction, is the true rule and the true principle to be ascertained.

How far this is worked out in this proposition nobody can tell without further consideration and without greater calculation. Giving to the observations of the Senator from Maine all the force which properly belongs to them, and admitting that we avoid a difficult and a distracting and an exciting discussion upon subjects which might result in bad feeling and bad legislation, by adopting the majority report, I wish to say for myself that I do not recognize in either of these propositions the true rule of the apportionment of the political power of the House of Representatives between the different States "according to their respective numbers." And we can not comply with the constitutional requirement by submitting our action to the control of this consideration.

It requires no argument to show that giving those States that have a majority fraction of the ratio selected a Representative for such fraction will not obtain this result. If you make the ratio a million, you might give to the States which had the majority fraction all the representation, after giving the constitutional requirement of one Representative to each State, whether it had ten, twenty, or thirty thousand, and you would leave them without any further representation.

If this be true, then the principle is in itself vicious and unreasonable, and it can not be made the basis of any proper compliance with the constitutional requirement. That could only be done by ascertaining the fraction which will give, according to their respective numbers, whatever ratio may be prescribed, representation to each State, which would give to the greater number of States, either great or small, the representation which the Constitution requires to be distributed respectively amongst them "according to their respective numbers;" not one State nor two States "according to their respective numbers," but according to the respective numbers of all the States which are included within this Union.

That is the language of the Constitution—not one or half a dozen, but all. This might be a majority fraction or minority fraction, but it would have to be the average fraction resulting from the respective numbers over the ratio of the greater number of the States.

Mr. President, that is one branch of the subject for consideration which shows how carefully this matter must be considered in order to do the exact or even the approximate thing required by the Constitution.

But the Constitution requires this to be done in a particular way. It provides that—

> The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct.

The "actual enumeration." What does that mean? Is it an "actual enumeration" to make an imperfect enumeration? Is it an "actual enumeration" to make an incorrect enumeration? Certainly not. It must be an actual enumeration (the work must be performed) of the whole number of the inhabitants in the State. Certainly the principle of the law applies, *de minimis non curat lex*, small things, things too small to affect the substantial performance of the thing, will not have consideration.

But suppose from any cause the census is imperfect—imperfect not in respect to small particulars, but in respect to the important particulars of an actual enumeration; that some great part of the people are left out; then, unquestionably, it is not an "actual enumeration;" then, unquestionably, constitutionally it can not be the basis of the apportionment of political power. A false enumeration, an incorrect enumeration, is not an "actual enumeration." Nothing but an "actual enumeration" can be the basis of this most important of all the legislative functions of this Government, the distribution of the political power of the House of Representatives between the respective States.

Then, Mr. President, it follows that it is necessary that we shall consider very carefully, not the merits of the officer who superintends the performance of this duty—which I, for one, freely admit and even commend him for possessing in a high degree—but the manner in which the work has been done by those who are subordinate to him and whom he has no power to control, whether we shall act hastily in this matter.

In regard to that, and I think there is the true point, to what degree is this enumeration not an "actual enumeration?"

To what extent is there reasonable ground for supposing that there has been a failure? It does not matter for what purpose nor what was the motive. It is the actual fact that we are to consider. Is there any reasonable ground for believing that this is not an "actual enumeration?" If there is, then beyond a doubt the political power of this Republic should not be for the next ten years fixed upon a false or an incorrect enumeration which is not an "actual enumeration" of the people.

I think there are very grave grounds for doubt that in the appointment (as likely would have been the case under any Administration, Democratic or Republican) of the enumerators from a strictly partisan standpoint—as to which I have no objection to make except as to the result of the work here—I think it very probable that there were a large number of inefficient people who were not competent to perform this work, who had not the industry, who had not the attention to details which was required in order to execute it properly, who would not go to all the houses and all the people and make a careful summary.

This complaint is made, and in some cases evidence has been presented to sustain it. Why shall not that be corrected? Why, where there is sufficient evidence in any particular case presented to Congress or to the Superintendent of the Census, shall not the error in that particular case be corrected? What great urgency is there not only that the enumeration shall be made, as required by the Constitution, within ten years, but that the apportionment shall be made within one month or two months or twelve months of the time when the report of the Superintendent of the Census was made? What object of public good is to be advanced if there be reasonable ground to believe that there are important errors in the enumeration which may be easily corrected under the supervision of the Superintendent of the Census? I can not see anything beyond the mere fact that the passage of this bill by the Senate as it now stands will prevent agitation in the House of Representatives, which might be unfortunate, which might be partisan, which might be sectional, which might be prejudiced, which might be interested. Beyond that proposition there is nothing to require that this body shall act without delay and that this Congress shall act in this matter.

I have not made up my mind, so far as I am concerned, whether this evidence is or is not sufficient. My impressions are that in some places, in the city of New York, for instance—and I have derived that simply from newspaper reports—there has been a large error; there has been no "actual enumeration" in the census, but an enumeration which is subject to very great imperfections, which has omitted a large part of the actual population, and in that respect it is not an "actual enumeration."

If that be so, the matter should be determined here. We should have the evidence and we should do justice to New York or any other State where there has been an enumeration which is not an "actual enumeration." What that shall be is another question. But until that fact is ascertained, until it is positively determined that there has been a certain and a reasonable and an "actual enumeration" of the people, you are not in a condition to proceed.

I think my colleague [Mr. PASCO] has presented very clearly the

idea that an enumeration by counties is absolutely essential to ascertain the final result and that it is essential to enable us to judge whether or not there has been an "actual enumeration" of the people in these different localities.

I do not know that there is any better way of settling this question than in either the majority or minority reports. It seems to me that, upon the face of these two reports, either of these two methods would be approximately fair, but yet we have no grounds to determine that. They may not be so. They may be entirely unfair. If the enumeration is not an "actual enumeration," if there have been great omissions here and there; if, as stated by the Senator from Minnesota, there has been a failure not only by the thousand, but by the ten or twenty thousand in two or three localities; if, as is claimed in New York, there has been an omission in the city of New York alone of 200,000 people; if, as supposed by the Senator from North Carolina [Mr. VANCE], there has been a very serious error of at least 50 per cent. in estimating the increase of population in that State, then, surely, you can not apply either the principle of the majority or of the minority report, you can not apply the principles of Mr. Webster's proposition, that you are not bound by the strict and technical words of the Constitution, because you can not make an exact apportionment, but you must make it as near as may be, giving the apportionment according to the numbers of the respective States. You can not apply either the one or the other.

I think, however, Mr. President, the true principle is that which is not contained, according to my judgment and reasoning in the matter, either in the majority or the minority report. It is not to assign a Representative to each of the States for the major fraction of the agreed ratio, but it is to find the fraction which will give to the greater number of States the apportionment of representation according, not to their numbers, but to "their respective numbers."

Such a fraction as that, I think, might be found; but it would be a fraction which would not be dependent upon political favor here or there; not be dependent upon the interested ideas of Senators or Representatives from the different States who desire to increase the representation of their States. Of all subjects, this question of the apportionment of the political power of the different States which shall have its effect upon the legislative power of the House of Representatives, is a question of the very first and fundamental importance to this Government and its perpetuity.

For these reasons, Mr. President, it occurs to me that we had better proceed slowly in this matter. While I admit the cogency and the clear analysis which has been made by the Senator from Maine [Mr. HALE] upon this subject and the condition of this question, which appeals with very great force to my mind, and, I think, to the intelligent judgment of everyone, yet there are paramount considerations which point to the fact that we should not act hastily in this matter, but we should act reasonably and with great deliberation and great care.

The PRESIDING OFFICER (Mr. FRYE in the chair). The question is on the amendment of the Senator from Minnesota [Mr. DAVIS].

Mr. HALE. The debate seems to be ended and, as the Senate is thin and this is an important measure, I ask unanimous consent that at 12 o'clock to-morrow the vote may be taken without further debate upon the bill and the amendments.

Mr. EDMUNDS. I object to that, Mr. President. I think I am perfectly willing to sit to-night and vote to-morrow, but I do not think we ought to tie ourselves up in that way. It is too much like the previous question.

Mr. HALE. I was going to connect with that a statement that the Senator from Iowa [Mr. ALLISON] was ready to go on with the army appropriation bill, to take up the nominal consideration and reading of it.

Mr. HOAR (to Mr. HALE). Ask unanimous consent to do that now.

Mr. HALE. My proposition is made upon the fact that the Senate is thin.

Mr. EDMUNDS. We can get Senators in. Let us vote.

Mr. HALE. If objection is made to my proposition, I have no objection to the vote being taken now, if we can get it.

Mr. GORMAN. I will say to the Senator from Maine that I know of a number of Senators who are called off to-day who are anxious to be present when the vote is taken upon this proposition. If the Senator will fix on to-morrow at 12 o'clock, I think there will be no objection to it. This is a matter of very considerable importance and I think we ought to have a full Senate when the vote is taken.

Mr. HALE. My proposition was made because suggestions have been made to me from Senators upon this side that they did not expect the vote to be taken to-day and that they had matters which they wished to attend to elsewhere. I think it is in the interest of dispatch of business if we can have the vote at 12 o'clock to-morrow, but still, if the Senator from Vermont objects——

Mr. EDMUNDS. Perhaps we can get one earlier. We can get a vote whenever the debate is concluded.

Mr. BLAIR. I should like to inquire of the Senator from Maine if he understands that as soon as this matter is disposed of the Senator from Iowa [Mr. ALLISON] proposes to proceed with an appropriation bill.

Mr. HALE. I understand that he does.

Mr. BLAIR. And that a motion to take up any other bill on the Calendar would be met by the appropriation bill?

Mr. HALE. Undoubtedly. There are several bills which the Committee on Appropriations have on the Calendar and desire that they be disposed of as soon as possible. If any Senator wishes to join further in the debate on the pending bill I hope he will do so now.

Mr. GORMAN. There will be further debate upon this bill, I think.

Mr. HALE. Very well, let us go on with the debate. I understand the Senator from Maryland does not object to my proposition.

Mr. GORMAN. I am very glad to give way to any arrangement to take the final vote to-morrow.

Mr. BLAIR. Something ought to be done to show that this is a deliberative body.

Mr. GORMAN. I understand the suggestion of the Senator from Maine is in exact accordance with the precedents of this body at all times to expedite action. That is the way in which we can get speedy action always. As far as I know the feeling on this side of the Chamber, we shall be ready to vote to-morrow at 12 o'clock, as suggested by the Senator.

Mr. CULLOM. Will the Senator from Maine allow me to make a suggestion?

Mr. HALE. Certainly.

Mr. CULLOM. As I understand, the Senate meets at 11 o'clock and there is an hour for morning business. The Senator from Vermont [Mr. EDMUNDS] suggests that he would like to make some remarks when the Senate is full. If the Senator from Maine, in charge of the bill, would fix the hour at 1 o'clock to-morrow for taking the vote, I think the Senate would agree to that.

Mr. HALE. I did not know before that the reason the Senator from Vermont objected was that he desired to speak to the Senate when it was full. Some of us have spoken to-day when there were very few Senators present; but in view of the statement the Senator from Illinois has made, that the Senator from Vermont seeks the presence of every Senator here when he speaks, I do not desire to cut him off from the attendance of a single Senator.

Mr. EDMUNDS. Mr. President, I do not desire the attendance of every Senator or of any part of them less or more than a Senate; and, as a late presiding officer of this body remarked not many weeks ago, that there were too few Senators present to have a unanimous agreement to bind everybody else to-morrow, I am very much afraid that that is the condition now.

I can say what I wish to say, if I am to say anything at all, in ten minutes now. But that is not the point. Senators who have had various views about this do not seem to be present now, and they may wish to say something; and we have been taught recently the fact that the wish to say something is a very sacred right. I think, therefore, that there will not be any difficulty in disposing of this bill if the debate is really exhausted, as I suspect it is, within a half hour after the regular order comes up to-morrow.

Mr. HALE. What shall we do in the mean time? I am, by courtesy of the Senate, in charge of the bill, and am hung up in midair, nobody being ready to go on.

Mr. ALLISON. If the Senator from Maine will allow me to help him out of his dilemma, I will suggest that the apportionment bill be laid aside informally in order that I may ask for the consideration of the army appropriation bill.

Mr. HALE. I do not conceive it to be in the interest of the expedition of business, without any understanding about to-morrow, to let this bill now be laid aside to come up to-morrow and perhaps take the whole of the day. That I do not desire to do. I am willing it shall be laid aside if we can have an understanding as to when the vote shall be taken to-morrow.

Mr. CULLOM. I suggest to the Senator from Maine that he ask for a later time than 12 o'clock to-morrow and see if he can not get consent for that; otherwise this bill will be pushed aside and will not be passed in a week, probably.

Mr. HALE. I suggest that the vote be taken at 1 o'clock to-morrow. That will give an hour for debate.

The PRESIDING OFFICER. The Senator from Maine asks unanimous consent that the vote on this bill and amendments may be taken to-morrow at 1 o'clock.

Mr. HALE. Without further debate.

The PRESIDING OFFICER. Without further debate.

Mr. EDMUNDS. And without further amendment?

Mr. HALE. Oh, no. I do not say "without further amendment."

Mr. EDMUNDS. If further amendments are to be offered, those amendments ought to be explained and debated. They may be very important. I will not consent to that.

The PRESIDING OFFICER. The Senator from Vermont [Mr. EDMUNDS] objects.

Mr. HALE. Then let the bill go on.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Minnesota [Mr. DAVIS].

Mr. GORMAN. Mr. President, yesterday during the consideration of this bill the Senator from Maine had a large part of the argument

by Mr. Porter, Superintendent of the Census, made before the House committee, read in answer to the complaint of the authorities of the city of New York and the governor of the State in regard to the census of that city. The complaint made by the mayor and city council is very fully set forth in the same document, and I ask the Secretary now to read the joint resolution directing the Secretary of the Interior to make a new enumeration of the city of New York.

The Chief Clerk read as follows:

Joint resolution directing the Secretary of the Interior to make a new enumeration of the city of New York.

Whereas the Superintendent of the Census has announced that the population of the city of New York, as returned by the enumerators appointed under provisions of the act of Congress passed March 1, 1889, providing for the taking of the eleventh and subsequent censuses, is 1,513,501; and

Whereas complaint has been made by the inhabitants of the city of New York against the completeness and correctness of said census; and

Whereas the inhabitants of that city, by the action of their mayor and lawful authorities, caused an enumeration of the residents of said city to be taken on the 1st day of October, 1890, which said enumeration showed the population of that city to have been at that date over 1,700,000; and

Whereas the result of such enumeration has been brought to the attention of the Superintendent of Census and the Secretary of the Interior, and application made to them by the chief executive officer of the city of New York to make anew the enumeration and census of said city, which application has been declined; and——

Mr. HISCOCK. From what page is the Chief Clerk reading?

The PRESIDING OFFICER. From the first and second pages.

The Chief Clerk continued the reading, as follows:

Whereas about the 15th day of November, 1890, the mayor, aldermen, and commonalty of New York demanded and received from the Superintendent of Census a list of the persons enumerated in the subdivision of that city known as the Second ward, consisting of 927 names; and

Whereas the enumeration taken by the authorities of the said city of New York for said Second ward showed its inhabitants to number 1,340; and

Whereas since that time it has been ascertained by the affidavits of residents of said Second ward and others that there were 420 persons living in said ward on the 1st day of June, 1890, who were not enumerated and included in the enumeration and census taken by the Federal authorities of said city, but who were included in the enumeration taken by the said city authorities, being a percentage of omissions in the Federal census in that ward or section of said city of New York of nearly 50 per cent.; and

Whereas affidavits showing that on the 1st day of June, 1890, and ever since such date, said 420 persons have been residents of said ward in said city, are now ready for submission by the municipal authorities of the city of New York for the use of the Senate and House of Representatives of the United States, or any committees appointed; and

Whereas the Superintendent of Census and the Secretary of the Interior have refused access to and inspection of the census and enumeration returns on file in the office of the Secretary of the Interior, and have furnished a copy of the list of names of only one ward; and

Whereas the correctness of the enumeration of inhabitants of the Second ward of the City of New York by the municipal authorities of that city has been thus verified, and the fact established that the 1,340 persons returned under such enumeration were residents of such ward not only on the 1st day of October, 1890, but also on the 1st day of June, 1890; and

Whereas it has likewise been demonstrated that the enumeration and census of that ward by the Federal authorities were grossly inaccurate and a case is thus made justifying the presumption that the entire Federal enumeration of the city of New York is inaccurate and incomplete; and

Whereas it is not the duty of the inhabitants or officials of that city to take or return a census, the expense, labor, and responsibility of which properly devolve upon the Government of the United States, and not upon any municipal body; and

Whereas it is the right of the State of New York, under the Constitution of the United States, that an accurate enumeration of its inhabitants be made in order that it may have representation in the Electoral College and in the Congress of the United States proportionate to its population: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to cause to be made at as early a date as practicable a new enumeration of the inhabitants of the city and county of New York, and report the result thereof to Congress. All officers and employés engaged in making such enumeration shall receive the same fees and emoluments provided by existing law for like services, and the sum of —— dollars, or so much thereof as may be necessary to defray said expenses, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. GORMAN. Mr. President, the resolution that has just been read states the case very clearly from the side of the citizens of New York. They followed that statement with such proof as they could get; that is, with a full and complete statement of the census taken by the police of the city of New York. They found that in one ward, the Second ward, the number of houses—not the inhabitants, but the number of houses, dwellinghouses, houses known as flats, as places where a great number of persons live—the number of houses reported by the police in the Second ward was 158, and that under the Federal census, upon which we are to make this apportionment, they only returned 89, or 67 fewer than were in existence in July, when the Federal census was taken. Now, there is no question whatever as to the presence or absence of the inhabitants of that section of the city, but the number of houses themselves, in which they claim that there was a population of several thousand, and that there was no excuse for this error. But when they came to the Census Office they found that the present law, different from any that had preceded it, made no provision whatever for a publication of the returns of the Federal officials, that there was no filing of a duplicate of that return with the clerk of the court, and no place upon the face of the earth where the authorities of the city could examine the returns of the Federal officials so as to ascertain whether there had been error except by application to the Census Office.

Mr. GEORGE. There was no deposit whatever in the local office?

Mr. GORMAN. There was no deposit whatever in the local office. I said to the Senator from New York a few moments ago that my recollection was—I have not been able to lay my hands on the statement here—that within a few days after the enumeration was made the newspapers obtained information from the local office of the supervisor in New York showing that the population, as I remember it, was 175,000 greater than the announcement finally made by the office here in Washington; whereupon, and immediately afterwards—that is to say, as soon as it was possible to make the application—application was made to the Department with the general statement that they believed the census to be inaccurate, but that it was impossible for them to give the details of it unless they could have access to the papers in the office here.

Mr. BERRY. Will the Senator permit me to interrupt him there?

Mr. GORMAN. With pleasure.

Mr. BERRY. I think the first discovery was made in New York by reason of the report of the board of health which showed that if the census taken by the General Government was correct the death rate had risen some 60 per cent., and it was such a startling fact, as there had been no pestilence or anything of that kind in the city, that attention was called to it, and thereupon the city authorities made arrangements to take a new census. In order that it might be perfectly fair they applied to the Superintendent to send an officer under whose supervision it should be done. That officer was sent by the Department here and the police census was taken under his supervision, he being present, and after it was taken it showed that at least in one ward 450 names had been left off, and that in the smallest ward in New York City. Application was then made here to see the reports of the various wards, so as to make a comparison. The Superintendent declined to exhibit them, and they could not therefore make the comparison as to the other wards, but it showed that they got 198,000 names on the police census that were not on the other.

Mr. GORMAN. I am very glad of the interruption; and right here I should like to ask the Senator a question. During the debate yesterday the Senator from Alabama [Mr. MORGAN] interrupted the Senator from Arkansas and asked him this question:

Suppose it had been corruptly and wrongfully made—

That is, the enumeration—

how does that relieve us from making the apportionment upon that basis? We are obliged to take it.

To which the Senator answered:

I will answer the Senator that it does not relieve us in any way. We have got to make the apportionment upon that basis.

I should like to ask the Senator if, after the statement just made, he adheres to that statement.

Mr. BERRY. I will state, with the permission of the Senator, that that statement was made under the supposition that the present Congress would make the apportionment, and I meant that it was impossible now, at this late day, to have the census retaken so as to make the apportionment at the present session of Congress. That is the only sense in which I used the words that "it does not relieve us." As a matter of course, if Congress sees proper to defer this matter and order the Superintendent by law to retake the census in the city of New York, then justice might be done, but that statement was made upon the theory and in the view that the apportionment would be made at the present session of Congress, and if that was true of course it would be impossible to retake the census.

Mr. GEORGE. I should like to inquire from some gentlemen who are acquainted with the matter whether it has been usual heretofore when a decennial census has been taken to make the apportionment in the year in which the census was taken, or at the short session of Congress succeeding the taking of the census, or whether it has not been usual for it to be made in the next succeeding Congress?

Mr. GORMAN. Always; it never has been made during the same year when the census was taken.

Mr. GEORGE. It has always been done by the succeeding Congress?

Mr. GORMAN. Always by the succeeding Congress. But there is this to be said in answer to that, that with the use of the telegraph and telephones, the fast-mail service, and all the other appliances, we have grown up to a state of affairs where the Superintendent of the Census, in making use of all these appliances, which were not in existence or rather were not in the same state of perfection that they are to-day, has had a great pride about having the whole matter accomplished at this session of Congress, and there may be other reasons.

The Senator from Maine suggested that the desire for this recount in New York was possibly political, that New York City is a great Democratic center. The result of the vote in the city of New York determines the vote of the State, it is true, and there may have been politics on that side, but unquestionably, from the haste of the other side to get the return in here and have the apportionment made at this time rather than to wait until hereafter, one can imagine that there was a political aspect to that side of it. But I assume we have all agreed that under the circumstances we will go on and the apportionment shall be made at this session of Congress. I believe that in doing that undue haste has been had in the legislation. It may be that it was because the whole Government was controlled by one political party. I do not know that we can complain that there is any unfair

advantage about it, and I only referred to it to point more strongly as the reason for coming to the conclusion I have that, if under all the circumstances which I have enumerated the apportionment is to be made at this session of Congress, then unquestionably we ought to do this justice to the States of Arkansas, Missouri, Minnesota, and New York.

Mr. GEORGE. Now, let me ask another question.

Mr. GORMAN. With great pleasure.

Mr. GEORGE. Does passing this bill at this session at all hasten the time when the apportionment shall take effect as compared with prior apportionments and as compared with the time it will take effect if made at the next Congress?

Mr. GORMAN. Not at all. The Senator from Maine and other Senators have discussed that phase of the question. Probably the Senator was out of his seat at the time. The act does not take effect until the expiration of the next Congress. So you gain no time; there is nothing to be gained by hastening the bill through at this session of Congress except for the reason which I have suggested.

Mr. McPHERSON. Will the Senator from Maryland allow me to call his attention to the language of the bill?

Mr. GORMAN. Certainly.

Mr. McPHERSON. The bill reads:

That after the 3d of March, 1893, the House of Representatives shall be composed of 356 members, to be apportioned among the several States as follows.

Certainly the Senator must be aware of the fact that the Representatives must be elected at the November election preceding the 3d day of March, 1893. Therefore they would be elected at the Presidential election of 1892.

While the Senator is upon that question I wish also to call his attention to another statement which was made by the Senator from Kentucky [Mr. CARLISLE], in which he took occasion to draw some distinction as to the members of Congress who will be elected under this bill and the electors for President and Vice President. The bill provides that if a Congress should be called, say, on the 4th day of March, 1893, the number of members shall be 356. Therefore does it not follow as well that the number of electors necessarily elected at the election in November, 1892, shall also have a vote in deciding the Presidential election, and can there be any doubt as to the number of electors to be chosen for President and Vice President any more than there is as to the number of Congressmen to be elected?

Mr. GORMAN. In the discussion between the Senator from Kentucky and the Senator from Maine and one or two others, probably the Senator from Minnesota, I think it was conceded all around that the bill as framed is in exact accord with all such measures as have preceded it, and that the number of Representatives that you fix now for the Congress after the next will determine the exact number of electors to be voted for in 1892. I understand the Senator from Maine and all in charge of the bill agree that that is true.

Mr. HALE. Yes, there is an unbroken precedent from the very first apportionment act up to the present time to that effect.

Mr. McPHERSON. All the precedents are in that line and in that direction.

Mr. HALE. All are in that line precisely.

Mr. SPOONER. That way?

Mr. HALE. That is what I mean, not only that they resemble it, but they are precisely in point that way. In all of the apportionments that were made previous to Presidential elections for a Congress beyond the Presidential election the Electoral College has been made up of the number of Representatives fixed by that apportionment with the number of Senators added. There is no exception to it from the beginning.

Mr. GEORGE. The number fixed for the next Congress after the election?

Mr. HALE. For the next Congress after the election, in cases where a Presidential election intervenes between the passage of an apportionment bill and the Congress; and the precedents are all one way, that the number of Representatives fixed in the apportionment, with the number of Senators added, make the Electoral College.

Mr. GEORGE. I do not see how that can be, if the Senator will allow me. When that is fixed if there should be a failure to make an election on account of no candidate having a majority of all the votes and the election should go to the House of Representatives, then nobody would vote except those who are elected to the Congress preceding that; and so we get into this very remarkable difficulty and absurdity, as I believe, that so far as Presidential electors are concerned, *eo nomine*, we are to be guided by a law which does not take effect for three months after the election, and yet should there be a failure to have an election we are to have an entirely different body act; that is, the President is to be elected by the Representatives who are elected under the old apportionment law. That seems to me to be an absurdity.

Mr. HALE. Of course that does follow, because in that case the apportionment has nothing to do with it, and a President must be elected by the House of Representatives which is then in session.

Mr. GORMAN. And by States.

Mr. HALE. And by States through their delegations in the Congress which is then in session. The apportionment has nothing to do with that.

Mr. GEORGE. Let me make another suggestion on that point. The Constitution says that each State shall have a number of electors which is equal to the two Senators and the Representatives to which the State may be entitled. That means, of course, the number to which the State may be entitled at the time the electors are chosen, and not at some future time. Now, suppose that in November, 1892, testing the question now beyond all doubt, there should be a vacancy in the representation of any particular State, how would that vacancy be filled? Would it be filled according to the old law or the new law? Manifestly according to the old law then in force. If that be so, then it appears beyond doubt that the State at that time is not entitled to the representation, if it be increased, provided for by the law which takes effect only three months afterwards. How gentlemen who look at this question can get around that I confess I am unable to see.

Mr. GORMAN. Mr. President, that branch of this subject I shall not discuss, but I will leave it to others to inquire into. I come back now to the case in New York. I have shown, or tried to show, that the change in the law, making no provision for the taking of the recent census by which the returns should be kept in any place where they were accessible to the people of New York, made it impossible for them to get the information as to the correctness of the returns except through the office in Washington, and as soon as it was possible for them to ascertain from the Census Office in a general way what returns had been made they did make application and asked permission to examine those returns and compare them with the returns which the city authorities had taken.

Now, I shall not go into all the correspondence. The application was made by the mayor and city council. It was first made by the mayor through his attorney, and he was curtly informed by the Interior Department that no response whatever could be made to that application unless there was a resolution passed by the city council of New York. The information was denied unless that formality was gone through with. The city council were assembled——

Mr. HISCOCK. I desire to say to the Senator from Maryland that as a matter of practical administration of the Census Bureau I have known instances of this kind in the taking of the recent census: Wherever a reputable man, without regard to party, charged that there had been a scant enumeration or frauds in the taking of a census in his town or neighborhood, that man, if a reputable man, a man of character, would be appointed an agent of the Department to investigate it himself, upon the theory that there was not a sufficient amount of clerical force to furnish copies of abstracts; that the papers could not be sent broadcast; that the original records could not be sent here and there and all over for examination.

If this man was a man of character he would be made an agent of the Government to inspect the records himself here; and I have not the slightest doubt in the world that, if a reputable man, upon the recommendation of the mayor of the city of New York, or any agent recommended by the mayor of the city of New York, had alleged, within a reasonable time, that in the Second ward, or in any other ward, the census had not been completely taken, that man would have been appointed a Government agent, which would have given him a right to inspect the returns from that district or from that section of the city in which he claimed the errors arose.

Now, with that extreme liberality, to my knowledge, the Census Bureau has been administered. In my State in half a dozen instances there have been complaints made in respect to wards or cities, that the census was incomplete. The question was, "Is this man a reputable man, a man of character, who makes this charge?" "Yes." "How long will it take him to investigate it?" "A day or two." "I can not send these records away from here; they are here and I have not clerical force to make copies. I will appoint him an agent, if you recommend it, or if you say he is a reputable man, to let him come here and investigate, and if he finds there are any errors they shall be corrected." That has been the liberal policy upon which the Census Office has been administered.

Mr. McPHERSON. If my friend from Maryland will excuse me a moment, I understand the Senator from New York puts in a plea that this application was not made within a reasonable time.

Mr. HISCOCK. Yes, I do say, in the first place, it was not made within a reasonable time. I say further that it was unfair to pick out the Second ward of all the wards in the city.

Mr. GORMAN. Why?

Mr. HISCOCK. As the Senator from New Jersey knows very well, it is purely a business ward, a ward filled with stores and shops and large houses. The population there is practically the labor that is engaged there for one day after another, or the guardians of those houses, etc. As the houses would be closed, or as their business would diminish in the summer months, the force would diminish and scatter to the winds, as is illustrated in this case, if I remember, and the Senator from Maryland doubtless has investigated this so that he can correct me if I am wrong.

I believe that in the police report of the census which was submitted for that Second ward there were somewhere from 200 to 400 residents of the ward found there in June who did not appear by the police reports when the census was taken in September and October. There were

found there in June, but who were not there in September and October, somewhere between two and three or four hundred. I am speaking from recollection as the fact comes to me from having read it at the time when this investigation took place. The Senator himself knows that a laborer is there to-day, a guardian of a building, a custodian, an engineer who runs up the elevator, with his family somewhere in the loft. Something transpires by which, perhaps, he can better his fortune or his employer is dissatisfied with him, and to-morrow he is somewhere else. It is a shifting population. The Senator from New Jersey knows that in respect to the Second ward. The Senator from Maryland is a little further from that point.

Mr. McPHERSON. It would be impossible, I think, for the Senator from New York to convince the people of that great metropolitan city that the census as taken in the city of New York was anything but a slipshod, inexpert, partisan enumeration.

Mr. HISCOCK. I am speaking from recollection again, but I have no doubt I am pretty near the statement as it was made, that to take the city of New York between the months of July and October there will be a changing in the population or a diminishing in the population; that there will be a less population in June or July than there is in September and October to the number of 40,000 in the servant girls alone, discharged because the people are going out of town, or they are going out of town with them, scattering in that sort of way, and with October, with the return of families there, and getting new employment in new places for other people, there is a change there alone of 40,000.

Mr. GORMAN. But if the Senator from New York will take the returns of the Second ward it is shown conclusively that sixty-seven houses were missed. Now, the houses were not absent in that part of the year; they were there during the whole year.

Mr. HISCOCK. The Senator has investigated this question and has this solicitude for New York. I am somewhat responsible to my constituents in New York, possibly not as responsible to them as the Senator from Maryland.

Mr. GORMAN. Mr. President, the Senator from New York ought not to make a remark of that sort.

Mr. HISCOCK. But how many houses were closed? As I said before, the Senator from New Jersey knows that is absolutely, perhaps as emphatically, a business and non-resident part of the city as any portion of the city of New York. How many of the houses were closed because the people had gone away? How many establishments had reduced their force? It is illustrated by the fact I stated a moment ago, that there is somewhere, as I recall it, from 200 to 400 that appear by the census reports to have been residents of that ward in the month of June and yet by the police census they were not residents there at the time. Now, in the city of New York and in other cities in the State of New York I do not believe it is possible for any force of men, I care not how honest they may be, to settle the question in October of who were residents of that town who were residents of the particular domiciles in the June previous.

Mr. GORMAN. Mr. President, I am very sorry that the Senator from New York seems to take exception to the discussion of this matter on our side.

Mr. HISCOCK. If the Senator will allow me, I do not take exception to it. I stated earlier in this discussion that under this report at 356, fixing that as the number of the House of Representatives, the State of New York gets 34 members, and fixing the representation in the House of Representatives at 360 it gets 35 members.

Now, I believe that is to the advantage of the State of New York in representation—a fraction a little less than half of one man, I think it is—and I have not believed that there were political considerations or that there was sufficient weight to it as a political grievance for the State of New York to demand a re-enumeration, for it would have come to that in that State, which must have been followed by a re-enumeration in the other States as a matter of course, because it seems to me absurd, as it must seem to the Senator from Maryland absolutely absurd, for any force of census enumerators to settle the question in great cities as to who were residents in those cities four months previous to the time when they are taking the census; and therefore of necessity we should be compelled to provide for a re-enumeration as of the date when the enumeration was taken.

I ask the Senator from Maryland does he believe that it would be practicable in the city of Baltimore, to be ascertained by the ordinary men whom you are compelled to depend upon to take a census, to determine in October or November who were residents in particular domiciles in the June previous?

Therefore, as I said, I have never favored a new enumeration, because it must be a new enumeration as of the date when the prior enumeration was made. It is practically impossible that you can make an enumeration of a date three or four months antecedent to the time when it is being actually taken.

Mr. BERRY. Will the Senator from Maryland permit me to state one fact in connection with what the Senator from New York has said?

Mr. GORMAN. Certainly.

Mr. BERRY. The Senator from New York says that the population was shifting. As I stated yesterday, and it was stated by Mr. CUMMINGS, a member of the other House from New York, affidavits were filed by heads of families showing that four hundred and fifty persons swore that they were residing there on the 1st day of June and that the enumerators never visited them and their names were never taken.

Mr. HISCOCK. If the Senator from Arkansas had been listening to what I stated he would have in his mind this fact, that while that was stated the record shows the additional fact that the population in that ward was so shifting that somewhere between two hundred and four hundred people appear by the census schedules as residents of the Second ward who do not appear to have been residents there at all at the time of which my colleague in the other House, Mr. CUMMINGS, speaks. That shows the value to be placed on affidavits of that kind.

Mr. McPHERSON. They were not residents there, the Senator understands, because they did not happen to be there on a particular day.

Mr. HISCOCK. The police could not find them in October. They were found in June.

Mr. McPHERSON. Now, I want to cite just a single case. We will suppose 40,000 people in the city of New York are temporarily residing at Long Branch, N. J., during the summer season, at the time the census was taken. I want to know where the census enumerators in registering those people have placed them. They have registered them as living somewhere; where do they live?

Mr. HISCOCK. The question the Senator has asked is a very pertinent one. We will take this condition of things: A census enumerator goes to a house in the city of New York. It is closed, absolutely closed; there is not even a watchman there.

Mr. McPHERSON. And the enumerator at Long Branch finds the person at Long Branch?

Mr. HISCOCK. The curtains are down, the doors are locked; there is no way to find out where those people are. Does the Senator undertake to say that three or four months after that an investigation shall transpire to ascertain whether those people were off somewhere visiting or not? I concede that New York City, and New York State, and all of the Atlantic States lose by the shifting of population from their business places in the summer months, but there is no way to correct it that I know of. As a rule it bears perhaps unjustly against New York or the cities from which they migrate, but there is no way in which we can find out but that they are actually enumerated at the place where they are residing when the census is taken.

Mr. McPHERSON. If they are absolutely enumerated in the case of which I have spoken, at Long Branch, N. J., the enumeration made by the census enumerators there would show that fact. Then when they return to New York in October, and when another census has been taken in the mean time which reveals the fact that more than 200,000 people had been left off the census rolls, what is the injustice and what is the objection to either crediting to the city of New York the people they have found elsewhere or taking a new census?

Mr. HISCOCK. I have endeavored to state the objection to it. In the first place, you do not know whether it is true or not. In the second place, it would take an army of officials, for which no appropriation has been made, to find out. In the third place, I believe it is absolutely impractiable to take a census as of November of the people who resided in any place in July or June previous by the ordinary men whom you are compelled to rely upon and by the ordinary machinery which must be adopted. Then I will add further that this applies to the whole country; it applies to one State as well as to another; and therefore perhaps, that being true, it may not work any great injustice.

Mr. HALE. Would there not be this further trouble, let me ask the Senator? If it was attempted to correct the census in the fall, as suggested by the Senator from New Jersey, would it by any means follow that the people who had left New York in May and June were the people who had come back in November? There are tens of thousands of people every fall going into New York who have never been there before, who come in from out of the county as fall and winter sets in, and if you attempt to establish a new enumeration in November you not only get the people who have left in June and come back, but you get thousands who have never been there before who have been enumerated in other places which were the places of their residence when the regular census was taken. It is all attended with the gravest difficulties, and it is all settled by the proposition that the census shall be taken everywhere in June.

Mr. GORMAN. Mr. President, I want to disclaim to the Senator from New York any intention to interfere unduly with the affairs of New York. That is not my purpose. But it is a matter which goes beyond New York. I was using the case of New York as an illustration why the bill should be amended. The Senator from New York knows me too well to suppose that I would attempt to say anything that would reflect upon him or to intimate that he did not represent his State properly. It was only with a view to the proper discussion of this matter that I referred to New York.

Mr. HISCOCK. If the Senator will pardon me, I do not think the Senator would intend to insinuate that. However, in this connection I will repeat what I have said before, that so far as the political consideration is concerned, as to whether New York upon one basis of rep-

resentation in the House of Representatives should have a certain number and upon another basis a certain other number, in one case increasing her representation to the whole body half of a vote or less, I have not regarded it as a sufficient ground for grievance or abuse of the State to conclude in my own mind that I ought to vote against this measure. I say to the Senator frankly that in my judgment if the census could be taken in October or November I believe that the representation of the State of New York would be increased not one, but two. But that is not the law.

I know that, in the town in which I live, in the summer months whole blocks are vacated and the people go off to a near village where they have their cottages or where they get board or something of that kind, and it is absolutely impossible to trace them. I speak of this because I have had experience in reference to it. There was complaint made that the census report did not show the exact population of the city in which I reside, and the people who made the complaint were instantly indicated as agents to ascertain the fact. They were highly reputable men, acting sincerely and in good faith. They encountered this difficulty. These families had gone 10, 15, 20 miles, whether they had lost their residence there or not; boarding houses were closed and it was utterly impossible for them to locate them. My recollection is that the tables as first presented by the enumerators were not substantially changed.

Mr. GORMAN. Mr. President, I was answering the Senator from Maine practically, whose statement was that this application from New York was somewhat political and unquestionably had that aspect. I refer to the application for a recount. Of course that was political from the Democratic standpoint. Therefore, my argument, I think, was entirely legitimate without trenching upon the affairs of the State of New York unduly.

But, taking the position of the Senator from New York himself, he admits that there is this doubt about the case, that the census if taken in October would show that New York had much greater population and probably would be entitled to two more Representatives. Taking the facts that are presented to the Census Office in connection with the statement presented by the officials of New York City and their census, it is shown that there is great question and doubt whether there was an accurate census taken, to say the least of it; but, basing it upon the figures of the Census Office, it leaves a fraction over 85,000, which unquestionably under the circumstances entitles the State of New York to another Representative.

The Senator from New York says that the rule of the Census Office here in Washington has been that wherever a reputable man came and asked for a count he received it.

Mr. HISCOCK. Perhaps I ought to change that statement to some extent. I will say that in my experience—and I have had a good deal of it in respect to the Census Office—in every case where I went to the Census Bureau with a complaint from the people of a town that there was an insufficient or that there was not an exact enumeration, I have been told, "I want an honest census; indicate some first-class man as special agent. He can go through with this matter in two or three days, examine all the people, learn all there is about it, and I will appoint him as special agent to investigate it." Now, that has been my experience.

Mr. GORMAN. Very good. Now, if that rule had been applied universally and applied in this case, there would have been no objection. But what occurred on the 4th day of September, 1890?

Mr. McPHERSON. What page?

Mr. GORMAN. I now read from page 196 of this report.

The following communication was addressed to the Secretary of the Interior:

OFFICE OF THE BOARD OF ALDERMEN,
New York, September 4, 1890.

SIR: At a meeting of the common council of the city of New York, held in the City Hall in said city on Tuesday, September 2, 1890, a preamble and resolution, of which the accompanying is a copy, was presented by Alderman William Tate, and adopted.

Very respectfully,

FRANCIS J. TWOMEY, *Clerk.*

Hon. JOHN W. NOBLE,
Secretary of the Interior.

That communication, bear in mind, was sent to the Secretary of the Interior on the 4th day of September, the census having been taken in July. It was sent at the earliest possible moment that sufficient facts could be gotten together to warrant a request for a recount. It was sent to the Department before other requests were made. It was sent by the board of aldermen, who, I presume, are respectable men.

Following that up and getting no satisfaction and no intimation that a recount would be admitted in the city of New York, the mayor of the city, Mr. Hugh J. Grant, whom we all know to be a respectable man, representing a great community, addressed the Census Office the following communication:

MAYOR'S OFFICE, *New York, October 16, 1890.*

SIR: It appears from an enumeration taken by the police force, under the supervision of myself and a representative selected by you—

That is, by the Census Office—

that there are many inhabitants of the city of New York who were not returned by the Federal census. In number there are more than enough to secure to this city an additional member of Congress and to this State an additional electoral vote.

It is the right of the people to be counted accurately and to have representation in Congress and in the electoral college proportionate to their population. In their name I demand, as their right, that the Federal authorities make an accurate enumeration of all the inhabitants of the city of New York.

HUGH J. GRANT, *Mayor.*

The SUPERINTENDENT OF THE CENSUS.

On the 17th day of October, that is, on the following day, the day after this letter was written——

Mr. HALE. Mr. President——

Mr. GORMAN. If the Senator will pardon me just until I finish this letter, to show how mistaken the Senator from New York is in stating that every application of this sort was treated with consideration, I will read the reply of the Acting Superintendent of the Census, written on the day after this application of Mayor Grant:

DEPARTMENT OF THE INTERIOR, CENSUS OFFICE,
Washington, October 17, 1890.

DEAR SIR: Yours of the 16th instant has been received, demanding that the Federal authorities make an accurate enumeration of all the inhabitants of the city of New York.

You state that it appears, from the enumeration taken by the police force under the supervision of yourself and a representative selected by me, that there are many inhabitants of the city of New York who were not returned by the Federal census. There has been no representative selected by me to supervise the enumeration taken by your force. It is proper that any misapprehension on your part, and the effect of your statement, should be corrected without delay, lest it might be deemed therefrom that this bureau was in any wise responsible for or bound by the enumeration you mention.

The right of the people of New York to be counted accurately and have representation in Congress and in the electoral college proportionate to their population has not been disputed and needs no assertion to have it acknowledged.

Your demand for an accurate enumeration of the inhabitants of the city of New York is without the support of any facts officially known to this office, and will be considered only when a case is presented in due form, and that will then be decided upon its merits.

You will please understand that this bureau has entire confidence in the enumeration it has made of the inhabitants of the city of New York, and will adhere to the same until convinced by proper proofs duly presented that the same is erroneous, and to a degree that demands a re-enumeration under the statute in such case made and provided.

You will please further take notice that the work of the census by the national authorities has proceeded so far that the results of the enumeration of the population will be probably announced within a few days, and that no great delay will be allowed you in presenting your case and the evidence you may have to support it.

Yours, respectfully,

A. F. CHILDS,
Acting Superintendent of Census.

HUGH J. GRANT,
Mayor of New York City.

Mr. President, I say now, and I know it can not be successfully contradicted, that when you come to the politics of the census it is all on one side. I give full credit to the Superintendent for a desire to accomplish a feat that has never before been attempted, and that is having the enumeration ready so that the apportionment might be made in the same Congress in which the census was taken; but I say behind all that is the further fact that he was spurred on to this action so that all the politics might be on one side. Now, that is the fact.

Mr. McPHERSON. Will the Senator from Maryland permit me to call his attention to a fact in connection with the correspondence he has read? He has spoken of the action of the board of aldermen. That action was taken, it seems, on the 4th day of September, 1890. The Senator is aware of the fact, I presume, that it was late in the month of August before we had any computation whatever of any of the cities of the American Union, including the city of New York. So it seems that the board of aldermen immediately upon the receipt of the computation as to New York, discovering it to be erroneous, proceeded to have something done by way of a correction of the faulty enumeration of that city, and I do not see how the Senator from New York can charge upon the people of that city any disposition to delay matters, because certainly they could not know what the enumeration was until it was made up by the Superintendent of the Census.

Mr. GORMAN. That is true. The Senator from New Jersey is quite right. After all this occurred and the relief had been denied, the matter was brought up in another body and a resolution introduced with a view of having the error corrected and a new census taken. It was so patent to everybody that there was a mistake, not a mistake in the enumeration of the inhabitants alone, but the most conclusive proof was shown that in one ward, the Second ward of the city of New York, there were sixty-seven houses that no enumerator had ever entered.

Now, the Second ward of New York is not a section of the city where the houses are closed and the inhabitants have gone off on summer vacations. They are the homes of people who are comparatively poor. The houses are never closed; they are always open. The mistake was there. No enumerator ever entered them or attempted to enter them. The proof was positive that the error had been committed. Notwithstanding that, the simple and modest request of the city of New York to have a recount was denied, and denied why? It was not denied because there was an iron rule of the office, as suggested by the Senator from New York, that it would not do to have a recount in October because it would do injustice to other sections of the country, because applications for a recount in other sections were granted at the time New York made her application, and they were properly granted.

This was denied for what reason? The Senator from Maine says

there was politics in it. Yes, Mr. President, I have no doubt the Senator is right; there was politics in it. Every official who had charge of making the enumeration was directly opposed to the politics of the people of that section of New York who were to be enumerated.

Mr. HALE. I give notice that directly after the routine morning business to-morrow I shall ask the Senate to take this measure up, and I hope that we may reach a vote at 12 o'clock, when there will be a full Senate. With that view I move that the Senate adjourn.

The PRESIDING OFFICER (Mr. PLATT in the chair). Before putting the motion the Chair will lay before the Senate a communication from the commissioners of the District of Columbia.

Mr. HALE. Certainly; I withdraw the motion.

COST OF GAS AND ELECTRIC LIGHTING IN THE DISTRICT.

The PRESIDING OFFICER laid before the Senate a communication from the commissioners of the District of Columbia, transmitting a report, prepared under the direction of the engineer commissioner, on the cost of gas and electric lighting for municipal purposes in the District of Columbia, in compliance with a provision of the District appropriation act approved August 6, 1890; which was referred to the Committee on the District of Columbia, and ordered to be printed.

HOUSE BILL REFERRED.

The joint resolution (H. Res. 275) authorizing use of building known as Marini Hall for money-order division of the Sixth Auditor's Office until May 1, 1891, was read twice by its title, and referred to the Committee on Appropriations.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4585) granting a pension to Mary B. Hascall.

PRESIDENTIAL APPROVALS.

A message from the President of the United States by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 26th instant, approved and signed the following acts:

An act (S. 2082) for the erection of a public building at the city of Staunton, Va.;

An act (S. 1354) to provide for the purchase of a site and the erection of a public building thereon at Sioux Falls, in the State of South Dakota; and

An act (S. 2427) to provide for the purchase of a site and the erection of a public building thereon at St. Albans, in the State of Vermont.

The message also announced that the President of the United States had on the 27th instant approved and signed the act (S. 1384) to provide for the purchase of a site and the erection of a public building thereon at Mankato, in the State of Minnesota.

EXECUTIVE SESSION.

Mr. HALE. At the suggestion of Senators about me, I do not renew my motion to adjourn, but move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 5 minutes spent in executive session the doors were reopened, and (at 5 o'clock p. m.) the Senate adjourned until to-morrow, Thursday, January 29, 1891, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate the 28th day of January, 1891.

REGISTER OF THE LAND OFFICE.

George K. Anderson, of Pittsburgh, Pa., to be register of the land office at Folsom, N. Mex., *vice* Thomas B. Baldwin, resigned.

COLLECTOR OF INTERNAL REVENUE.

David N. Comingore, of Kentucky, to be collector of internal revenue for the sixth district of Kentucky, to succeed John J. Landram, deceased.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 27, 1891.

PROMOTION IN THE REVENUE SERVICE.

First Lieut. Horatio D. Smith, of Massachusetts, to be a captain in the revenue service of the United States.

UNITED STATES MARSHAL.

Frederick W. Collins, of Mississippi, to be marshal of the United States for the southern district of Mississippi.

COLLECTOR OF CUSTOMS.

Patrick H. Downing, of California, to be collector of customs for the district of Wilmington, in the State of California.

PROMOTIONS IN THE ARMY.

Medical Department.

Capt. Charles B. Byrne, assistant surgeon, to be surgeon with the rank of major.

Cavalry.

First Lieut. Luther R. Hare, Seventh Cavalry, to be captain of cavalry.

First Lieut. Thaddeus W. Jones, regimental adjutant Tenth Cavalry, to be captain of cavalry.

Second Lieut. James F. Bell, Seventh Cavalry, to be first lieutenant of cavalry.

Artillery.

Second Lieut. Edward A. Millar, Third Artillery, to be first lieutenant of artillery.

Infantry.

Lieut. Col. John J. Coppinger, Eighteenth Infantry, to be colonel of infantry.

Maj. Jacob F. Kent, Fourth Infantry, to be lieutenant colonel of infantry.

Capt. George M. Randall, Twenty-third Infantry, to be major of infantry.

First Lieut. Edward B. Pratt, Twenty-third Infantry, to be captain of infantry.

Second Lieut. Edward S. Avis, Fifth Infantry, to be first lieutenant of infantry.

Second Lieut. Alfred B. Scott, Thirteenth Infantry, to be first lieutenant of infantry.

Second Lieut. Harris L. Roberts, Nineteenth Infantry, to be first lieutenant of infantry.

Second Lieut. Walter H. Chatfield, Fifth Infantry, to be first lieutenant of infantry.

Second Lieut. John F. Morrison, Twentieth Infantry, to be first lieutenant of infantry.

Second Lieut. Andrew S. Rowan, Fifteenth Infantry, to be first lieutenant of infantry.

First Lieut. Charles A. Williams, of the Twenty-first Infantry, to be captain of infantry.

POSTMASTERS.

Charles F. Wheeler, to be postmaster at Burlington, in the county of Chittenden and State of Vermont.

Robert C. Wilcox, to be postmaster at Clarksville, in the county of Montgomery and State of Tennessee.

John H. Ackerman, to be postmaster at Englewood, in the county of Bergen and State of New Jersey.

Alanza A. Bailey, to be postmaster at Evanston, in the county of Uintah and State of Wyoming.

Hervey L. Coe, to be postmaster at Port Washington, in the county of Ozaukee and State of Wisconsin.

Garry A. Willard, to be postmaster at Boonville, in the county of Oneida and State of New York.

James C. Youngblood, to be postmaster at Morristown, in the county of Morris and State of New Jersey.

William Cumberbeach, to be postmaster at Orange Valley, in the county of Essex and State of New Jersey.

Charles C. Hilton, to be postmaster at Appleton City, in the county of St. Clair and State of Missouri.

Miss Elizabeth V. Neyman, to be postmaster at Grove City, in the county of Mercer and State of Pennsylvania.

Henry A. Groman, to be postmaster at Bethlehem, in the county of Northampton and State of Pennsylvania.

Adrian H. Kriegsmann, to be postmaster at Blue Hill, in the county of Webster and State of Nebraska.

Ephraim R. Bee, to be postmaster at Cambridge, in the county of Furnas and State of Nebraska.

Alvin D. Pettit, to be postmaster at Ithaca, in the county of Gratiot and State of Michigan.

Mrs. Annie E. Sartwell, to be postmaster at Whitefield, in the county of Coos and State of New Hampshire.

John Mason, to be postmaster at Plymouth, in the county of Grafton and State of New Hampshire.

Chauncey H. Greene, to be postmaster at Littleton, in the county of Grafton and State of New Hampshire.

Miss Julia R. Walker, to be postmaster at East Northfield, in the county of Franklin and State of Massachusetts.

Charles A. Perley, to be postmaster at Baldwinsville, in the county of Worcester and State of Massachusetts.

John G. Orr, to be postmaster at Pittsfield, in the county of Berkshire and State of Massachusetts.

Ira D. Warren, to be postmaster at Zumbrota, in the county of Goodhue and State of Minnesota.

Fred Seebach, to be postmaster at Red Wing, in the county of Goodhue and State of Minnesota.

Ella L. Kempe, to be postmaster at Montevideo, in the county of Chippewa and State of Minnesota.

Edward Sorin, to be postmaster at Notre Dame, in the county of St. Joseph and State of Indiana.

Samuel Bucknell, to be postmaster at National Stock Yards, in the county of St. Clair and State of Illinois.

Alexander Smith, to be postmaster at Baton Rouge, in the parish of East Baton Rouge and State of Louisiana.

Franklin M. Cutcheon, to be postmaster at Portland, in the county of Ionia and State of Michigan.

Frank H. Putney, to be postmaster at Waukesha, in the county of Waukesha and State of Wisconsin.

John H. Whetstone, to be postmaster at Iowa City, in the county of Johnson and State of Iowa.

Executive nominations confirmed by the Senate January 28, 1891.

PROMOTION IN THE ARMY.

Ordnance Department.

Col. Daniel W. Flagler, to be Chief of Ordnance, with rank of brigadier general.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January* 28, 1891.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

PUBLIC BUILDING AT ROCKFORD, ILL.

The SPEAKER. The question is upon agreeing to the report of the committee of conference (pending at the adjournment last evening) on the bill (H. R. 4559) to provide for the construction of a public building at Rockford, Ill.

Mr. BRECKINRIDGE, of Arkansas. Does this carry an appropriation of money?

The SPEAKER. The Chair thinks not. At any rate, it is a conference report. For what purpose does the gentleman make the inquiry?

Mr. BRECKINRIDGE, of Arkansas. If it carries an appropriation of money, my purpose was to ask for the yeas and nays. Does this conference report increase the amount of the bill as passed by the House?

The SPEAKER. The gentleman from Illinois [Mr. HITT] can perhaps satisfy the gentleman on that point. The Chair can not answer.

Mr. HITT. What is the inquiry of the gentleman from Arkansas?

Mr. BRECKINRIDGE, of Arkansas. Whether this conference report increases the amount of the appropriation as passed by the House.

Mr. HITT. It does not change in any way the substance of the bill as passed by the House; there is simply a change of phraseology as suggested by the Supervising Architect.

The report of the committee of conference was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. KILGORE, for fifteen days, on account of sickness in his family.

To Mr. BARNES, indefinitely, on account of sickness.

To Mr. THOMAS, until the 30th instant, on account of sickness.

To Mr. MCCLAMMY, indefinitely, on account of the sickness of his father.

The SPEAKER. The Chair will state that the request of the gentleman from Texas [Mr. KILGORE] for leave of absence was handed to the Chair two or three days ago.

PRINTING OF TESTIMONY BEFORE A COMMITTEE.

Mr. BURROWS. I ask unanimous consent for the adoption of the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Committee on Levees and Improvement of Mississippi River be authorized to have printed such testimony taken by it, or such papers relating to matters pending before said committee, as it may deem proper.

The SPEAKER. Is there objection to the consideration of this resolution?

Mr. RICHARDSON. I object for the present. I wish to ask the gentleman from Michigan what this request is.

Mr. BURROWS. The request is to have printed the testimony of four witnesses who appeared before the committee——

Mr. RICHARDSON. I have no objection to the consideration of the resolution, but I do not like——

Mr. BURROWS. I ask consent for its adoption.

Mr. RICHARDSON. I do not like to give consent in this way to the passage of a bill or resolution.

The SPEAKER. Objection is made.

Mr. RICHARDSON. I am perfectly willing to have the resolution considered.

Mr. BURROWS. Let the resolution be referred, then, to the Committee on Printing.

The resolution was referred accordingly.

RENT OF BUILDING FOR MONEY-ORDER BUSINESS.

Mr. CANNON. By instruction of the Committee on Appropriations I ask consent for the passage of the joint resolution which the Clerk will read.

The Clerk read as follows:

Joint resolution authorizing use of building known as Marini Hall for money-order division of the Sixth Auditor's Office until May 1, 1891.

Resolved, That the provision in the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1891, which requires that the building known as Marini Hall shall be vacated by the money-order division of the office of the Auditor for the Post-Office Department not later than February 1, 1891, be, and the same is hereby, amended so as to authorize the use of said building for said object until not later than May 1, 1891. And so much of the appropriation made by the said act for the rent of an additional building for said money-order division from February 1, 1891, as may be necessary is hereby made available for the payment of the rental of said Marini Hall until not later than May 1, 1891, at the rate of $4,000 per annum.

The SPEAKER. Is there objection?

Mr. ROGERS. I rise to object until I can hear some explanation from the gentleman from Illinois.

Mr. RICHARDSON. I will state that I shall object to the passage of the resolution in this way; I do not object to its consideration.

Mr. CANNON. Then let it be considered.

Mr. RICHARDSON. I have no objection to that.

Mr. CANNON. I will say in a word to the gentleman from Arkansas [Mr. ROGERS] that there is a mandatory provision in the legislative appropriation bill for the current year requiring the removal of the money-order division of the Sixth Auditor's Office from the quarters now occupied in Marini Hall, which is a very unsuitable building.

Now, the Postmaster General contracted under law for the rental of a new building south of the Post-Office Department building, which is in process of erection and was to have been completed by the 1st of February, when this mandatory law goes into operation.

Mr. ROGERS. That is sufficient as far as I am concerned.

Mr. CANNON. This resolution therefore only extends that provision of law until May 1, in order to enable the Department to occupy this building until the completion of the new structure.

Mr. ROGERS. That is all I desired to know—simply the reasons for this legislation.

The SPEAKER. Is there objection to the present consideration of the resolution? The Chair hears none.

Mr. RICHARDSON. I did not object to the consideration, and I want to suggest now that the objection I made before to the resolution of the gentleman from Michigan, as well as that just introduced by the gentleman from Illinois, went only to the request for unanimous consent for the passage of the resolution, as I understood the request. We practically committed the House, in advance, to the proposition. It has usually been the practice in the House to ask if there is consent to the consideration of the resolution. I did not object and do not object to the consideration of either.

Mr. CANNON. Well, it is immaterial to me whether it is consideration or passage.

Mr. RICHARDSON. The Speaker will bear me out, and the gentleman from Illinois himself will I am sure, that the usual form is for present consideration.

Mr. CANNON. Precisely; but for obvious reasons the other day we wanted the passage of the resolution.

Mr. RICHARDSON. Certainly, and for obvious reasons the objection was made; but I hope that these reasons have ceased to exist.

Mr. BLAND. I understand that they have not.

The SPEAKER. The question is on the engrossment and third reading of the resolution.

Mr. SPRINGER. I wish to ask a question of my colleague. What is the proposed contract for the new building to which you have referred?

Mr. CANNON. It is for the leasing of a new building, under contract already made, south of the present Post-Office Department.

Mr. SPRINGER. At what rental?

Mr. CANNON. My recollection is $9,000.

Mr. SPRINGER. I desire to suggest to my colleague that some provision should be brought forward during this session in connection with the erection of the new post-office building for this city, so that the upper stories of it could be used for the General Post Office, and the present General Post Office could be used for the General Land Office. I do not see why we should not utilize the floors above the city post office for a General Post-Office building.

Mr. CANNON. I think the gentleman is perhaps quite right, but this is to keep the office where it is now, until May 1, or otherwise they will go into the streets after February 1.

Mr. DOCKERY. The proposition is entirely correct, and I hope it will be adopted.

The joint resolution (H. Res. 275) was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CANNON moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRINTING OF SILVER-POOL TESTIMONY.

On motion of Mr. DINGLEY, by unanimous consent, the following resolution was read, considered, and adopted:

Resolved, That the select committee to investigate the alleged silver pool be authorized to have printed the evidence taken before the committee.

FORT ELLIS MILITARY RESERVATION, MONTANA.

Mr. CARTER. Mr. Speaker, I call up the privileged report which has been pending for some time on House bill 8049. The report, together with the accompanying statement of the committee, has been read twice, and the question is on the adoption of the report.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 8049) to provide for the disposal of the abandoned Fort Ellis military reservation in Montana, under the homestead law, and for other purposes.

The SPEAKER. The question is on agreeing to the conference report.

Mr. DOCKERY. Mr. Speaker, what is this report?

The SPEAKER. It is a conference report which has been printed twice in the RECORD. The Clerk will again report the title of the bill, if there be no objection.

Mr. DOCKERY. Do I understand that this is a conference report?

The SPEAKER. It is.

Mr. DOCKERY. I think it would be desirable if the gentleman from Montana would explain the report.

Mr. McCREARY. I have on two occasions, I believe, opposed the passage of that report, because we did not have a quorum in the House for one reason. I had other reasons, but that was the main reason. I have now no further objection to the bill.

Mr. ROGERS. Let the accompanying report be again read.

Mr. CARTER. If the gentleman from Arkansas is willing, I will make a brief statement——

Mr. ROGERS. I am perfectly willing to accept that in lieu of the report. I only want to know what this is.

Mr. CARTER. There exists within the State of Montana a military reservation long since abandoned, known as the Fort Ellis reservation. There are no settlers on the reservation, and it has been in charge of a keeper appointed by the Government.

Mr. TAYLOR, of Illinois. It is impossible to hear what is going on here.

Mr. CARTER. I have just stated that this reservation is now in charge of a keeper appointed by the Secretary of the Interior, to guard the Government property. No settlers have ever been permitted to encroach upon the limits of this reservation. It is about 10 miles distant from the nearest town, and the survey plats show about two-thirds of the reservation to be mountainous lands, presumably mineral in character.

Mr. ANDERSON, of Kansas. How large is the reservation?

Mr. CARTER. About one and one-half townships of land.

As I have stated, it has long since been abandoned for military purposes and should be opened to settlement.

As the bill originally passed the House the land was to be thrown open to settlement under the mining and homestead laws exclusively; and it was provided that the old buildings formerly used by the military should be sold at public auction to the highest bidder. Upon an investigation in the Senate it was determined that these old buildings would not pay the cost of making a sale, they being constructed of a very poor character of material; nor would they pay for removal. It was considered, however, that they would be of some advantage to the State as a site for a military encampment.

Mr. CUTCHEON. Will the gentleman allow me? I understand this to be an abandoned military reservation.

Mr. CARTER. Yes, sir.

Mr. CUTCHEON. And that it is now in charge of the Secretary of the Interior?

Mr. CARTER. Yes, sir.

Mr. CUTCHEON. I wanted to be sure.

Mr. CARTER. In order to avoid the sale of the buildings and the consequent loss to the Government incident to the expenses exceeding the amount realized at the sale, the Senate incorporated an amendment granting to the State of Montana 640 acres of land, including these particular buildings.

A further amendment was made providing that the State might select, in partial satisfaction of a grant heretofore made for school purposes, a certain amount of the land on this reservation, to be taken out of the school grant made at the time of the admission of the State. That was deemed desirable because the conditions are such in the State at large that a considerable body of land can not now be procured under the grant at any particular point.

Mr. ANDERSON, of Kansas. Will the gentleman permit me? Does that amendment apply simply to this reservation of 18,000 acres or does it apply to all selections?

Mr. CARTER. It applies merely to this reservation. The State may select, under this act, within one year, certain lands within that reservation, to be deducted from the amount of the grant heretofore made for school purposes. That is in substance the character of the proposition now presented to the House.

Mr. BLANCHARD. Will the gentleman yield for a moment?

Mr. CARTER. Yes, sir.

Mr. BLANCHARD. About two years ago a proposition was passed through Congress withdrawing all lands now included within the public domain from sale or entry under any of the land laws of the United States except the homestead law. I wish to ask the gentleman if this particular piece of 18,000 acres is excepted out of the provisions of that general law.

Mr. CARTER. This bill provides no special law for the disposition of the land included in this reservation. On the contrary, it specially provides that the land shall be disposed of under the general land and mining laws of the United States, after the State shall have made its selections.

Mr. McCREARY. Will the gentleman from Montana allow me to ask him a question?

Mr. CARTER. Yes, sir; with pleasure.

Mr. McCREARY. How many acres of land are embraced in this Fort Ellis reservation?

Mr. CARTER. About 30,000 acres, I think.

Mr. McCREARY. And this bill proposes to allow the State of Montana to take this land in lieu of other lands heretofore granted to Montana for school purposes?

Mr. CARTER. Such portions of it as the State may desire to select in that way, of the nonmineral lands within the reservation.

Mr. ROGERS. Will the gentleman from Montana yield to me for a moment?

Mr. CARTER. Yes, sir.

Mr. ROGERS. I did not precisely comprehend why it was that any portion of this reservation was to be taken in lieu of the school lands heretofore granted to the State of Montana.

Mr. CARTER. I will state for the further information of the gentleman from Arkansas in that behalf that it is desirable that the State should own at some point within its jurisdiction a greater body of land at one place than 640 acres.

Under the existing conditions the State can not, in the nature of things, procure more than that amount at one point. We desire to locate at points in the State an agricultural college, an insane asylum, a State penitentiary, and other public buildings. If permitted to select 3 or 4 sections of land in a body we will have an adequate amount of land upon which to locate one of these institutions without being compelled to purchase or condemn for that purpose, and that is the design of this bill.

Mr. ROGERS. Well, if you were to appropriate this body of land to a purpose of that character would you not to that extent be curtailing from the public-school fund that amount of land?

Mr. CARTER. We would be taking that amount of land from the grants heretofore made.

Mr. ROGERS. Would not that be depriving certain school sections of their rights under the general law?

Mr. CARTER. I do not so understand it. The general law provides that sections 16 and 36 in each township shall be set apart as a special basis for a school fund. Now, in addition to that general appropriation of land, when the State of Montana and the other new States were admitted into the Union, it was provided that other lands in addition to sections 16 and 36 should be given the State for school purposes of various kinds, principally a State university, an agricultural college, and other specific purposes.

Mr. ROGERS. Is not the sixteenth section granted to each township in your State for public-school purposes?

Mr. CARTER. For public-school purposes.

Mr. ROGERS. Now, if you take any portion of the sixteenth section, in a larger body than the sixteenth section, are you not depriving that particular township, or some township, of these lands, unless the lands you select on this reservation be in addition to the grants already made?

Mr. CUTCHEON. The land does not go to the township, it goes to the State.

Mr. CARTER. The land would not go to the township, but to the State, and if section 36 were selected in this township for any special purpose, it would, of course, be taken under the general law, and not under the special act.

Mr. CUTCHEON. If the gentleman will allow me. Is not the reason why you desire to select this land because it will be more advantageous to the school fund than to take sections 16 and 36?

Mr. CARTER. It is in the interest of the school fund that this provision was made provided it becomes desirable to locate the university or some other educational institution on land selected within the boundaries of this reservation.

Mr. ANDERSON, of Kansas. How much of this land is fit for agricultural purposes?

Mr. COBB. Is not this an enlargement of the original grant?

Mr. CARTER. It is not an enlargement of the grant except as to

the one section upon which the old fort buildings are located. That section is granted to the State for the purpose of using it as a militia camping ground or for other public use.

Mr. COBB. That is an enlargement of the grant to that extent.

Mr. CARTER. To that extent it is. The grant is to be used simply for a public purpose; and after it ceases to be used for a public purpose it reverts to the Government under the terms of the bill.

Mr. ANDERSON, of Kansas. I would like to ask the gentleman from Montana how much of this reservation is mineral land.

Mr. CARTER. That question I can not answer definitely.

Mr. ANDERSON, of Kansas. How much of it is agricultural land?

Mr. CARTER. There are probably five or six sections of good agricultural land in the entire reservation.

Mr. ANDERSON, of Kansas. And the rest is probably mineral?

Mr. CARTER. The rest is probably mineral.

Mr. BLANCHARD. I wish to ask the gentleman from Montana if there is any Indian reservation upon any part of this land?

Mr. CARTER. There are no Indians on any portion of the land or within 100 miles of it.

The SPEAKER. The question is on the adoption of the report.

Mr. SPINOLA. Mr. Speaker, let me see whether I understand the gentleman correctly. This is a proposition to take a military reservation, or a portion of it, and transfer it to the State of Montana for the purpose of erecting penitentiaries and universities and furnishing a militia camping ground. Now, that I understand to be the proposition.

Mr. CARTER. That is not the proposition.

Mr. SPINOLA. Then I have misunderstood the gentleman.

Mr. CARTER. I will try to enlighten the gentleman from New York on the matter. This land has been abandoned for many years as a military reservation.

Mr. SPINOLA. That I understand.

Mr. CARTER. The purpose of this bill is to open the reservation ultimately to settlement under the general land and mineral laws. In the mean time, to avoid the necessity of the Government incurring a loss to the extent of the proceedings for the sale of the old buildings, 1 section (640 acres of land) is granted to the State for its use in connection with these buildings for a military camping ground or for some other public use. That is all.

Mr. SPINOLA. I understand the gentleman that they propose to take in all about 2,500 acres; that they propose to group together four entire sections.

Mr. CARTER. The gentleman in that particular is correct, but it is not giving a grant of that amount to the State of Montana. The ground thus selected is to be, according to the terms of the bill, deducted from the grant heretofore made to the State.

Mr. SPINOLA. That is all very well; but all the older States of the Union are called upon to purchase ground for camping grounds and other purposes connected with the National Guard of the various States. Now, I see no reason at this particular time why Congress should donate 2,500 acres of land to the State of Montana, 640 of which is to be used as a parade ground for the militia of the State, and the balance of it for some other purposes, as the gentleman has indicated. Now, Montana is a new State. It came into the Union in violation, in my judgment, of the rules and regulations governing the admission of new States.

Mr. CARTER. That question has been disposed of.

Mr. SPINOLA. Very well; so have some other questions that the gentleman has enlarged on.

Mr. CARTER. I yielded to the gentleman only for a question.

Mr. SPINOLA. Then I will wait till the gentleman gets through, and then I propose to speak on the subject.

The SPEAKER. The question is on the adoption of the report.

The question was put; and the report of the committee of conference was agreed to.

Mr. CARTER moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EXTRA COPIES OF REPORT OF SELECT COMMITTEE ON IRRIGATION.

Mr. STIVERS. Mr. Speaker, I am directed by the Committee on Printing to present a report on a resolution which I send to the Clerk's desk.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *September* 18, 1890.

Resolved by the Senate (the House of Representatives concurring), That there be printed 15,000 extra copies of the report of the Select Committee on Irrigation and Reclamation of Arid Lands, with the views of the minority and the testimony, to be bound in cloth in two volumes; 10,000 copies for the House of Representatives and 5,000 copies for the Senate.

The SPEAKER. The question is on the adoption of the resolution.

Mr. BLAND. I would like to understand why the committee report in favor of 15,000 copies being printed and bound, and what the cost will be.

Mr. STIVERS. The cost is given in the report.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

The Committee on Printing, to whom was referred Senate concurrent resolution to print 15,000 extra copies of the report of the Select Committee on Irrigation and Reclamation of Arid Lands, together with the views of the minority, and the testimony, have had the same under consideration, and respectfully report it favorably, and recommend that the House agree therein. The estimated cost of printing and binding the 15,000 copies is $23,077.50.

Mr. BLAND. Now, Mr. Speaker, the question of opening up the arid lands and the Government expenditure in connection with it I think are very grave questions, and especially when we are going to print reports costing $23,000. In view of the fact that it is proposed, as I understand by the majority report, that the Government should enter upon an unlimited expenditure of money in surveying these lands, providing for the reservation of the waters and reservoir sites, etc., I am opposed to the whole scheme of Government expenditures in that direction, and do not think that Congress ought to enter upon it.

I have no objection to the water rights being surveyed and reserved for the use of the States, to be disposed of by the States, but this seems to me to be a scheme for the purpose of having the General Government make this expenditure for the improvement of these lands; it means for Congress to take control and possession of these water rights and, by the building of reservoirs at great cost, to practically open up those lands for settlement. Now, we have a vast area of public land in our Western States still subject to homestead and pre-emption, cheap and fertile lands well fitted to make cheap homes for the people, without this vast expenditure of public money at this time. I hope the report will not be printed. I am opposed to the whole scheme, and also to the printing of the report.

Mr. STIVERS. Mr. Speaker, the gentleman from California, General VANDEVER, has taken great interest in the subject embraced in this report and is thoroughly conversant with it, so I yield to him to explain the feasibility and importance of making this publication.

Mr. VANDEVER. Mr. Speaker, I do not know that the House desires to go into the merits of this question of irrigation at this time. The pending resolution simply provides for the printing of the report made by a committee of the Senate which has thoroughly investigated the whole subject. It is a report which contains a great deal of valuable information. There is a report by the majority of the committee and also by the minority, and in order that the House and the country may understand the feasibility of irrigating these lands, and in order that the gentleman from Missouri [Mr. BLAND] himself may see some reasonableness in the proposition to provide the means for the project, I think that it is necessary that this report should be printed. As I have said, it contains a large amount of information that will be interesting to the whole country, information that has been collected by the Senate committee with great trouble and a great expenditure of personal effort. It contains also expert testimony which is valuable and instructive, and the whole report will, I think, prove deeply interesting to the people of the country at large.

Mr. OUTHWAITE. What is the nature of the information presented in the report?

Mr. VANDEVER. It embraces every phase of the question of the feasibility of irrigating these lands at present lying waste, in such condition that no one will ever settle upon them while the world lasts unless water can be provided to fertilize them. It is to show the practicability of the project of preparing these lands for homes for the people that this report ought to be printed. The scheme is in the interest of the Government and in the interest of the people, for the purpose of making these lands fit for settlement and carving out of them in the future great Commonwealths.

Mr. BLAND. Can the gentleman state what proportion of those arid lands are situated in States that are now organized and able to take care of themselves?

Mr. VANDEVER. A very large proportion of those lands are now within the limits of organized State governments; there is no doubt about that; but they are public lands.

Mr. BLAND. Then I will ask the gentleman if he thinks it is just that the people of other States, especially the people of the West, where there are still great tracts of fertile lands still subject to entry for homesteads, should be taxed for the purpose of improving desert lands which are situated in organized States whose people ought to be able to take care of themselves, and where, under their State laws, they ought, in all justice to the people of the rest of the country, to make the necessary expenditures themselves?

I am not disposed to interfere with any scheme which will simply provide for the Government surveying those water rights, leaving them subject to the disposition of the States. Or I would grant the lands to the States and let them develop them. But the idea that Congress is to call upon the people of all the States of the Union to pay taxes for the benefit of the two or three States in which these lands are situated is one to which I am certainly opposed. In my opinion the scheme is unconstitutional, and it is certainly very unjust.

Mr. VANDEVER. Does the gentleman from Missouri [Mr. BLAND]

take into consideration the fact that the public lands are surveyed at the expense of all the people, even when they are situated within the limits of organized States? That is the fact, but I am not aware that anybody has ever objected to those surveys on that account.

Mr. BLAND. I do not object to the survey.

Mr. VANDEVER. Now, Mr. Speaker, the gentleman from Missouri says that he would like to have these lands transferred to the States. Well, they have to be surveyed first. So far as I am concerned myself, I am quite in favor of transferring them to the States after these reservoir sites have been surveyed and defined. After that is done, let the States take the lands off the hands of the General Government, if that is thought desirable, and incur whatever expense is required to develop and perfect this irrigation system. But the information contained in this report has been collected at great expense and trouble, and the pending resolution does not involve any other expenditure than what is required for printing the report in order to give the people and to give to the members of this House the necessary information upon which to act upon this great subject of irrigation.

Mr. BLAND. If I understand this scheme and the report of the majority of the committee to which the gentleman refers, it contemplates the expenditure by Congress out of the Federal Treasury of the money required, not only for the survey, but also for the improvement of the lands, the construction of these reservoirs, and so on, a work which would entail upon the people of the whole country an expenditure of millions.

Mr. VANDEVER. Mr. Speaker, no matter what this report or any other report may recommend, it is in the discretion of Congress to determine whether they will adopt the recommendation or not; but I am prepared to say that this report does not undertake to prescribe any particular mode of carrying out this great enterprise.

Mr. RICHARDSON. It is not intended by this resolution to commit Congress to any particular scheme of irrigation or in fact to any scheme. The proposition is simply to print the report of the committee that has investigated this subject, together with the testimony which the committee has taken. The resolution for printing the report will include the printing of the views of the minority. The object is simply to give the country and the House information upon which action may be taken in regard to the irrigation of these arid lands. I can see no objection to the printing of this report.

Mr. BIGGS. Mr. Speaker, I will detain the House but a moment. I sincerely hope that this report will be printed. Unless the information collected upon this subject be laid before us in documentary form we can not act intelligently upon the question. What was the use of having the survey made if the report is not to be printed and the facts spread before Congress?

I have great respect for my friend from Missouri [Mr. BLAND]. I have followed him on almost every question since I have been a member of this House. He is in general an able and judicious leader; but on this occasion he is, for the first time within my knowledge, greatly in error. I know no man who can be more uniformly trusted as sound both in head and heart; but on this proposition his views are erroneous. He speaks of land open for settlement under the homestead law. Why, sir, I do not know where 160 acres of public land can be found which one of my sons could pre-empt as a homestead and make a support upon it for himself, his wife and children.

As to these lands known as desert lands, if we can have reservoirs made and secure irrigation for them they will be as fine lands as ever were cultivated. No land, even upon the Nile, would excel them. This enterprise is one which private capital can not undertake. No corporation can furnish the necessary supply of water for these millions and millions of acres. Gentlemen talk here about the demands of the farmer. Why, sir, the great agricultural interests of the country demand a measure of this kind at the hands of Congress. I ask that this report be printed.

The question being put on agreeing to the resolution,

The SPEAKER. The ayes seem to have it.

Mr. BLAND. Let us have a division.

The question being again taken, there were—ayes 95, noes 22.

Mr. BLAND. I call for the yeas and nays.

On ordering the yeas and nays there were—ayes 20, noes 105; not one-fifth in the affirmative.

Mr. BLAND. I call for tellers on ordering the yeas and nays.

Tellers were not ordered.

So tellers were refused, the yeas and nays were not ordered, and the resolution was adopted.

Mr. STIVERS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARY B. HASCALL.

Mr. BELKNAP submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 4585) granting a pension to Mary B. Hascall, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House of Representatives recede from its amendment and agree to the bill as passed by the Senate.

G. L. LAWS,
C. E. BELKNAP,
EDWARD LANE,
Managers on the part of the House.

C. K. DAVIS,
DAVID TURPIE,
PHILETUS SAWYER,
Managers on the part of the Senate.

The following statement of the House conferees was read:

Statement to accompany conference report on Senate bill 4585.

The adoption of conference report will in effect be to pass Senate bill 4585 without amendment, granting beneficiary named in the bill a pension of $40 a month.

G. L. LAWS,
C. E. BELKNAP,
On the part of the House.

The report of the committee of conference was adopted.

Mr. BELKNAP moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRINTING SUPPLEMENT TO CONGRESSIONAL DIRECTORY.

Mr. RICHARDSON. I desire to present a privileged report from the Committee on Printing.

The Clerk read the following resolution, introduced January 26, 1891, by Mr. WIKE and referred to the Committee on Printing.

Resolved, That there be printed 7,000 copies of the supplement to Congressional Directory containing maps of all Congressional districts, for the use of the House.

Mr. RICHARDSON. I ask for the reading of the report of the committee. It is very short.

The Clerk read as follows:

The committee have considered the House resolution to print 7,000 copies of supplement to Congressional Directory, containing maps of all Congressional districts, for the use of the House and direct me to report the same with the recommendation that it do pass. The estimated cost of the same is $343.35.

The SPEAKER. The question is upon the adoption of this resolution.

Mr. BRECKINRIDGE, of Kentucky. I will ask the gentleman from Tennessee what special reason there is for the printing of more of these documents. The apportionment bill will probably be passed at this session, so that the next Congressional election will be held under a different apportionment and with different districts. While I do not wish to seem to oppose the resolution, I would like to hear some explanation why it is desirable to print 7,000 copies of what looks to me something like a "back number."

Mr. RICHARDSON. In answer to the inquiry of the gentleman from Kentucky, as to the reason for printing this work, I can say that so far the House has had no copies printed.

There have been a few copies only printed under the direction of the Joint Committee on Printing, which belong to the Senate.

Mr. BRECKINRIDGE, of Kentucky. Will the gentleman allow me to interrupt for a question? I have been informed that the new apportionment is somehow to be embodied in this publication. Can that be possible?

Mr. CULBERSON, of Texas. I understand that this covers the census just taken, embodying the apportionment——

Mr. RICHARDSON. Of course the present publication does not undertake to include any new apportionment, but is based upon the apportionment which has been in existence for the last ten years. It does, however, include the population in all of the States by States and counties.

Mr. CULBERSON, of Texas. The population as shown by the last census?

Mr. RICHARDSON. Yes, the census of 1890.

Mr. CULBERSON, of Texas. That is what I understood.

Mr. RICHARDSON. And it will be valuable in all of the State Legislatures in making up the new apportionment. It is entirely nonpolitical; that is to say, it has as much to do with one side as the other.

Mr. McCREARY. Will the gentleman yield to me for a question? I desire to know what information he has as to the correctness of these maps? I know that presented to me a few weeks ago with regard to Kentucky was not corrrect and did not represent the districts as they are. I think before we undertake to print large numbers of the maps we ought to be sure of their correctness.

Mr. ELLIS. Let me ask, also, in that connection, what purpose this publication will serve, now that we have a reapportionment.

Mr. RICHARDSON. In response to the inquiries of the two gentlemen from Kentucky, I will say that I can not of course guaranty that the publication is entirely correct. Indeed I doubt whether any map is entirely correct; but this has been prepared with some care by the clerk of the Joint Committee on Printing, the gentleman who compiles and edits the Congressional Directory, Mr. Michael. That it is substantially correct I have no doubt. It is undoubtedly of great benefit, as I have already said, to the different State Legislatures, and the cost is trifling, for the number called for in the resolution will

be only $343.75, I believe. In view, therefore, of the small cost and of the benefit to be derived from the publication—and while I am not earnestly advocating its publication, yet I have been appealed to by a large number of members on both sides of the House to submit the request—many members have urged it because they thought the publication would serve a very proper interest in connection with the apportionment.

Now, Mr. Speaker, I move the previous question on the adoption of the resolution, unless some gentleman desires to debate it further.

The previous question was ordered.

The question recurred on the passage of the resolution.

The House divided; and there were—ayes 45, noes 26.

So the resolution was adopted.

Mr. RICHARDSON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate had passed with amendments the bill (H. R. 10862) to prevent counterfeiting or manufacture of dies, tools, or other implements used in counterfeiting, and providing penalties therefor, asked a conference with the House on the bill and amendments, and had appointed Messrs. EDMUNDS, EVARTS, and VEST as conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles; in which concurrence of the House was requested:

A bill (S. 4886) to authorize the Norfolk and Western Railroad Company to bridge the Tug Fork of the Big Sandy River at certain points, where the same forms the boundary line between the States of West Virginia and Kentucky; and

A bill (S. 3736) legalizing the action of the commissioners of the District of Columbia in granting permits to extend any building or buildings beyond the building line, and declaring such building or buildings to be lawful structures.

RESIGNATION OF A MEMBER.

The SPEAKER. The Chair desires, with the permission of the House, to lay before it the following communication, which explains itself:

ALBANY, N. Y., *January* 12, 1891.

DEAR SIR: I hereby resign my seat as a Representative of the Eighth district of New York in the Fifty-first Congress.

JOHN HENRY McCARTHY, M. C.

To Hon. FRANK RICE,
Secretary of State, New York.

[Indorsed.]

STATE OF NEW YORK, *Office of Secretary of State.*
Filed January 12, 1891.

THOMAS E. BENEDICT,
Deputy Secretary of State.

STATE OF NEW YORK,
Office of Secretary of State, ss:

I have compared the preceding copy of resignation with the original thereof on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole thereof.

Given under my hand and the seal of office of the secretary of state, at the city of Albany, this 27th day of January, in the year 1891.

[SEAL.] FRANK RICE, *Secretary of State.*

ORDER OF BUSINESS.

Mr. SPOONER. I now move that the House resolve itself into Committee of the Whole to further consider the Military Academy appropriation bill.

Mr. HALL. I ask unanimous consent, pending that, for the present consideration——

Mr. CAMPBELL. I call for the regular order.

The SPEAKER. The regular order is the motion of the gentleman from Rhode Island.

The motion was agreed to.

MILITARY ACADEMY APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. McCOMAS in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of the Military Academy appropriation bill. The Chair will state that of the time fixed for general debate one hour and thirteen minutes yet remain under the control of the gentleman from Rhode Island.

Mr. SPOONER. Mr. Chairman, I have no desire or intention of occupying the time of the committee in continuation of the general debate upon the various suggestions which have been so liberally discussed during the consideration of the pending bill. But, in view of that discussion, and especially that in relation to the Indian question and the recent difficulties in the Indian country, with the reflections which were made upon the course pursued by the Government in the treatment of the Indians, I deem it at least simply fair to state that as far as such reflections refer to the administration of the office of the present Commissioner of Indian Affairs, I believe they are both unjust and uncalled for.

In this connection I wish to state that I am specially authorized to say to the House that any investigation of the administration of the affairs of that office, and of its course of conduct under the administration of the present Commissioner of Indian Affairs, General Morgan, is not only desired, but courted. I know something of the Commissioner personally myself. I have the utmost faith in his honorable, upright, proper, consistent, and Christian treatment of the matters which are under his control as head of that office; and, whatever difficulties may have arisen in our treatment of the Indians, I do not believe that any of the difficulty has been caused or has arisen on account of improper conduct of the administration of the affairs of that office by the present Commissioner.

I thought it but due to the Commissioner and to the House, in view of some remarks and reflections that were made in that connection on yesterday, that I should say this much, and very briefly, concerning this particular matter.

There is no desire to continue the debate upon this side of the House; and I therefore ask that the bill be now read by paragraphs for debate and amendment, under the five-minute rule.

The CHAIRMAN. The gentleman from Rhode Island asks unanimous consent that further general debate be dispensed with and that the bill be now read by paragraphs. Is there objection? [After a pause.] The Chair hears none. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

For pay of cadets, $166,080; and no cadet shall receive more than at the rate of $540 a year.

Mr. SPOONER. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Amend by inserting on page 3, at the end of line 2, a semicolon instead of a period, and the following:

"And the number of cadets appointed from the United States at large, by the President, shall hereafter be twenty."

Mr. SPOONER. Mr. Chairman, it is due to the House that I should say that of course this is a matter of proposed new legislation; but it was carefully considered and favorably reported by the Committee on Military Affairs, and it is for the purpose of increasing the number of cadets to be appointed by the President from the United States at large to twenty instead of ten, as it now is. The committee believe that this is a proper change in existing law, but I thought it due to the House that I should state that it is a change, in order that it may not seem to have been surreptitiously inserted in the bill.

Mr. STONE, of Kentucky. I would like to ask the gentleman from Rhode Island what objection there is to increasing the number and making it one from each State, and requiring the appointment to be made one from each State.

Mr. ALLEN, of Michigan. Mr. Chairman——

Mr. SPOONER. In the opinion of the committee——

Mr. DINGLEY. Has the point of order been reserved?

Mr. SPOONER. No point of order has been reserved.

Mr. DINGLEY. I wish to reserve all points of order.

Mr. SPOONER. I think the gentleman is a little late.

Mr. OUTHWAITE. It is too late. Debate has been had.

Mr. ALLEN, of Michigan. I think not. It has not been considered at all. Three or four gentlemen rose at once, and the gentleman from Maine has the right to speak with the others. I think the point of order does not come too late.

Mr. DINGLEY. I think that when new legislation is proposed and the gentleman in charge of the bill states that it is new legislation, members ought to be allowed to reserve the point of order.

The CHAIRMAN. The Chair is of the opinion that the objection is well taken, that it comes rather late.

Mr. OUTHWAITE. I make the point that it does come too late and ask that the Chair so hold, because debate was had on the matter, certainly to such an extent as is necessary to save the question.

Mr. ALLEN, of Michigan. A parliamentary inquiry. The gentleman from Rhode Island [Mr. SPOONER] stated that this amendment was new legislation and obnoxious to a point of order, and he was simply going on to state the fact, and that he hoped the point would not be raised. Now, it was impossible for anybody to raise it while he held the floor. Therefore it is not too late for the point of order to be raised.

Mr. CUTCHEON. Other gentlemen had risen and addressed the Chair and had been recognized.

Mr. ALLEN, of Michigan. The rules of the committee do not permit more than one gentleman to speak at one time.

Mr. SPOONER. Personally, I have not the slightest disposition to take advantage of any question of that kind. It does seem to me, however, that there was debate before the point of order was raised, debate occurring after I had made the statement that I did to the committee.

Mr. HOOKER. Mr. Chairman, I beg to suggest that this is a matter of some importance. It certainly was the obvious intention of gentlemen to reserve points of order against the bill, if it introduced any matter which was subject to the point of order, like that to which the gentleman from Rhode Island has just called the attention of the com-

mittee with great frankness, namely, that this is a change of existing law, evidently himself anticipating that there would be some objection to it upon the ground that it infringed the rule which requires that no appropriation bill shall contain a change of existing law.

Mr. SPOONER. Desiring to be entirely fair in the matter, I personally would ask unanimous consent that the point of order may be reserved. I have no objection to it at all.

The CHAIRMAN. The Chair is of the opinion that the point of order comes too late. The question is on the amendment.

Mr. CUTCHEON. Mr. Chairman, I would be glad to be allowed to say just a word in answer to my friend from Kentucky [Mr. STONE]. I would say that this is a part of the bill introduced by myself, reported favorably, and I think unanimously, from the Committee on Military Affairs. It comes in this way. The Board of Visitors to the Military Academy at their last annual meeting in June last recommended a considerable increase of the corps of cadets for this reason: The Academy is adapted and equipped for the simultaneous instruction of three hundred and forty-five cadets. That is the authorized strength of the cadet corps, but through the failure of members of Congress to nominate, and through the failure of the cadets to pass their entrance examination, and especially their failure to pass their first semiannual examination, it happens that the corps of cadets usually is only about three-quarters full.

Instead of 345, the last board of visitors, of which I happened to be a member, found only 261. We took that matter into careful consideration, and believed that with this plant, adequate to instruct and turn out the full corps, it was a waste and want of economy to let the corps of cadets run down to three-quarters of the size and strength originally intended. The instructors are all there and the buildings are all there; everything is there except the cadets. Now, the gentleman from Kentucky [Mr. STONE] asks, why not authorize each of the States to nominate one? That was in contemplation. The bill which I had the honor to introduce authorized two from each State, with the idea that, by the same courtesy now extended to members, each Senator would have the nomination of a cadet; but after the apportionment bill passed through the House, which probably will also pass through the Senate, increasing the number of this House to 356, it occurred to the committee that that would make an increase of twenty-four in the corps of cadets.

Then this amendment would increase that by ten, making thirty-four, and with that number of cadets it would be difficult to make one to each State. The question would be who should nominate that one; and to make two in addition to this increase of twenty-four caused by the increased membership of this House would make the corps too large and compel us to begin rebuilding and enlarging the Academy. Even one to each State would do that, and we had no such intention. The intention of the committee was simply to utilize that which we already have, and not to make an enlargement of the Academy. Now, there are a large number of army officers who have no means of getting appointment except through the President——

The CHAIRMAN. The time of the gentleman has expired.

Mr. McKENNA. Mr. Chairman, if I can be recognized I will yield my time to the gentleman from Michigan.

Mr. CUTCHEON. I thank the gentleman. I was about to say there are a great number of army officers and others who have no means of securing appointments in the Academy except through the President. At the present time he has but ten appointments in the course of four years. This would double the number and give him five each year.

I think it is not going as far as we ought to go; but it seems to go as far as we can just now, and, in connection with the increase in the number of the membership of the House, will nearly utilize the teaching force and the accommodations of the Academy.

Mr. OUTHWAITE. I understand the gentleman to state that the President now has the appointment of ten every four years, and this will give him the appointment of twenty every four years, and not ten each year. That is all.

Mr. CUTCHEON. That is all. Not ten each year.

Mr. VAUX. Will the gentleman yield to me for a question?

Mr. CUTCHEON. Certainly.

Mr. VAUX. Why do you wish to increase the number of cadets when those who have gone through the Academy can find nothing to do in the Army?

Mr. CUTCHEON. We have no such trouble as that, Mr. Chairman. There are not enough cadets graduated to fill the vacancies in the Army. In the last few years, I believe in the last five years, there have been fifty appointments made from the noncommissioned officers of the Army and from civil life. It is an error to suppose that there is not employment for those who are graduated.

Mr. VAUX. Then why do you send them into the States to the different colleges as teachers if you have anything for them to do?

Mr. CUTCHEON. Because we think it is best.

Mr. BOATNER. I would like to ask the gentleman if he could not make a modification of the proposition so that he might propose that we appropriate money for the education and graduation of these proposed cadets at Yale or some other first-class college in order that they might be prepared to enter West Point and succeed. I suggest to him that probably the deficiency which he has found in the character of the cadets results from the fact that from the stringency of the regulations, or from some other cause, of which I am not aware, many of the young men are turned away from that school or taken out of that school who ought not to be turned away or taken out of it, but who ought to be permitted to graduate.

I ask him whether if, under the regulations or the manner of the execution of those regulations, a cadet ought not to be sent to a first-class military academy or other first-class college in the United States and graduated with first honors before he is prepared to enter West Point.

Mr. SPOONER. I think the gentleman states that rather strongly. My personal experience in the matter is that I have during my term of office as a member of this House nominated two candidates for appointment. Each of those nominees I selected by competitive examination and each of them passed his examination. One has now graduated from the Academy and is an officer in the United States Army; the other is successfully continuing his studies at the Academy to-day. I will suggest to my friend that if he would adopt a similar method in selecting his nominee (if he would have a competitive examination) I do not doubt that in his intelligent district he would find the same result that I have in mine.

The examinations that have been made in this matter in my district have called forth anywhere from fifteen to twenty-five young lads seeking for appointment, and having appeared before the examining board that nominee has been selected who has seemed to be most competent. In the past it has worked admirably in my district and there has been no failure since I have been a member of this House; and so far as I can recollect there has been no failure from a similar course of action upon the part of my predecessors in the seat which I now have the honor to occupy.

Mr. BOATNER. Will the gentleman yield for a question?

Mr. SPOONER. Certainly.

Mr. BOATNER. I desire to ask the gentleman if he will please state to the House what he knows as to the proportion of those young men who do not graduate.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SPOONER. I have given my personal experience. I have graduated one, and there is another in process.

Mr. STONE, of Kentucky. Mr. Chairman, I offer the amendment which I send to the desk:

The amendment was read, as follows:

Amend the amendment by making the number to be appointed by the President one from each State.

Mr. STONE, of Kentucky. Mr. Chairman, the gentleman from Michigan has just stated that the number provided for in the Military Academy is 345. But we have found that on an average only about three-fourths are in attendance. He says also that making the number to be appointed by the President one from each State would require an increase of facilities at the Academy. Now, if the average attendance is only 261, an addition of 44 would make 305, which would still leave 40 places for which provision is already made, so that there can be no good objection on that ground.

Mr. CHEADLE. I would like to hear the gentleman explain how it would be possible under the existing rules to keep the number at the maximum. How can anybody tell the number that will fail on examination?

Mr. STONE, of Kentucky. As to that we can only judge of the future by the past. The Academy has never been full and there is no probability that there will ever be a lack of a place for any cadet that may be sent there. I think that is a reasonable conclusion, judging from the past history of the Academy. Then, Mr. Chairman, this plan distributes the appointments over the entire country. It provides that the President may appoint one cadet from each State, but does not give him the power to appoint twenty cadets at large, whom he may take, if he chooses, from one State or from one Congressional district. If you give him the power to appoint one from each State then you will have in the Academy, by the President's appointment, one cadet from every State in the Union in addition to the number already provided for by law, and I can see no good reason why the amendment of the gentleman from Michigan should not be adopted.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, I want to make a suggestion at this point, not in the shape of an amendment, which I trust the Committee on Military Affairs and the Committee on Appropriations will take into consideration. We have already endowed with a very large amount of money an institution in each State which is required to have military tactics taught as a part of its regular curriculum, and we have passed a law assigning to each of those institutions an officer of the Army as an instructor. Now, it seems to me that the real move to make, in the spirit of the suggestions of my colleague from Kentucky [Mr. STONE], is not to provide that the President shall have the power to appoint one cadet from each State, but to provide that one student every year from each of these agricultural colleges shall be appointed by the President as a cadet to West Point.

In that way we shall obtain, through West Point, from the young men in all parts of the country who are attracted to these agricultural

colleges, the best students in each case as an addition to our Army. This will be an important step toward a result which seems to me to be highly desirable, bringing the Army more and more into sympathy with the people all over the country, relieving the Army from that feeling of prejudice some remnant of which still exists in the minds of the people in certain sections of the country, and at the same time holding up to the young men in these institutions which have been endowed by Federal aid, and in which military inspection is provided, the prize not only of an education at West Point, but also of a career of honorable service in the Army of the United States. Therefore I would like to see the chairman of the Military Committee, or some other gentleman who is familiar with the present state of legislation on the subject, offer an amendment providing that, by appointment of the President, there shall be appointed every year one student from each of these agricultural colleges as a cadet at West Point.

The CHAIRMAN. Debate on the amendment to the amendment has been exhausted.

Mr. FARQUHAR. Mr. Chairman, I move to strike out the last word. This debate seems to have lost sight of the object for which the appointment of cadets at large is authorized. It is well known that the reason why we have cadets at large appointed is to enable the Executive of the United States to have an opportunity to make appointments from the sons of active or retired officers of the Army. Nearly all the appointments at large that have been made within my knowledge have been made from that class of young men.

The idea is not simply that the appointments shall be distributed among forty-four States or among the agricultural colleges in the States, but, as I have said, it is to give the Executive the opportunity of appointing the sons of army officers, either active or retired, because it will be remembered that hardly any of the officers in the Army have a regular domicile. They can not come in and compete for appointments in our Congressional districts, and it was found necessary to provide this opportunity for them, and, as anyone who consults the record will see, a large proportion of the appointments at large from the first have been made from this class. Therefore it is clear that to make the change proposed would require not only that you should change the custom, but also that you should change the spirit of the original law authorizing appointments at large.

Mr. CUTCHEON. I desire to read the provision of the present law, that gentlemen may see just how this matter now stands. Section 1315 of the Revised Statutes of the United States provides that—

The corps of cadets shall consist of one from each Congressional district, one from each Territory, one from the District of Columbia, and ten from the United States at large.

The present proposition is simply to insert "twenty" instead of "ten," from the United States at large.

They shall be appointed by the President, and shall, with the exception of the ten cadets appointed at large, be actual residents of the Congressional or Territorial districts or of the District of Columbia, respectively, from which they purport to be appointed.

Mr. BRECKINRIDGE, of Arkansas. Does not the President now in fact appoint eleven? How is the nomination for the District of Columbia made?

Mr. CUTCHEON. The appointment for the District of Columbia, I suppose, must be made by the President.

Mr. BLANCHARD. Mr. Chairman, the amendment of the gentleman from Rhode Island proposes to increase from ten to twenty the number of cadets appointed to the Military Academy by the President from the Union at large. I am opposed to this increase. I believe that the number of cadets appointed from the Congressional districts is amply sufficient for every purpose and that instead of increasing the number to be appointed by the President we should take away from him the appointing power that he now possesses in this respect.

Mr. SPOONER. Is the gentleman aware that under the law the cadets are now all appointed by the President of the United States?

Mr. BLANCHARD. That may be so as a matter of law, but everybody knows that in fact they are appointed upon the designation of members of Congress from the respective districts.

Mr. CUTCHEON. That is by courtesy only.

Mr. BLANCHARD. It may be by courtesy, but it has grown into a custom, and it is a custom which should be maintained. Now, it is a fact that at the end of every ten years, when the census of the United States is taken, the membership of the House of Representatives is increased, and just in proportion as it is increased the number of cadets appointed to the Military Academy is enlarged. There passed this House a few weeks ago a Congressional apportionment bill increasing the membership of the House from 332 to 356. This is an increase of 24. That measure is now under consideration in the Senate, and an amendment is being urged there which would increase the membership of the House to 360, and, if adopted, would of course result in the increase of the number of cadets at West Point that much more. Yet in the face of this increase, which will not be less than 24 and may be more, the proposition is seriously made by the gentleman in charge of this bill that the President shall appoint ten cadets in addition to the number now authorized.

Sir, we are not increasing the military force of the Government; the Army of the United States is not being enlarged, and should not be, because we are at peace with all the world, unless the disgraceful conduct of this Government toward the Indians may be called war. Why should there be an increase in the number of cadets at the Military Academy? Is there any likelihood of a war with a foreign nation in the next few years? None whatever. Is there any necessity whatever for this increase? None has been shown. Why, sir, it is a fact that at the present time many young men of the United States who graduate at West Point retire from service by resignation and go into private life. There is no sufficient opening in the military service for them. Why, then, should there be any increase in the number of cadets? I have already shown that their number will be increased twenty-four, as the result of the Congressional apportionment act. Adopt this amendment and you make the increase thirty-four. Mr. Chairman, I am opposed to the amendment and trust that it will not be adopted.

[Here the hammer fell.]

Mr. BERGEN. I move to strike out the last two words. Mr. Chairman, I do not know that I am opposed to the suggestion that the number of cadets to be appointed at large should be increased from ten to twenty, but it seems to me it is simply an effort to remedy an evil which exists and which all must recognize in the present condition of things. It has been stated on this floor that there is no difficulty in getting admission into the West Point Academy. It seems to me the requirements for admission are so high that it is absolutely useless for any boy to undertake to pass them unless he has prepared himself specially. Any youth who presents himself must come fitted for almost any business, position, or vocation in life. Having established in this country a school for the education of youth for the military profession, why should we say that before being admitted they must have all this education?

Now, what is the fact? Only about three-fourths of those who apply for admission and enter the Academy complete their studies. There is this additional fact: While I can not state the exact figures, I am sure I am within bounds when I say that not one-fourth of the young men who apply for admission pass the examinations and are admitted.

Mr. FARQUHAR. Does the gentleman take into account the competitive examinations which are now held in three-fourths of the Congressional districts?

Mr. BERGEN. I am not speaking of them.

Mr. FARQUHAR. Those examinations are as severe physically and even mentally as the examination at the Academy, so that we get the pick of the young men of the country.

Mr. BERGEN. Those are the examinations which Congressmen may have in their own districts. I have nothing to say about them. They can make them what they please. The Academy has nothing to do with them. The examination to which I am referring is that which the youth has to pass in the first instance to get admission to the Academy, and I mean to say over and over again young men are thrown off who are quite well qualified, fairly well educated, who have passed the physical examination to which they are subjected, and who would make good and capable soldiers and officers. It is a burning disgrace that such young men should be thrown out and prevented admission because of some technical requirements——

Mr. CUTCHEON. Is the gentleman aware of the branches applicants are examined in? Does he not know that they are only in the common English branches; not even algebra and geometry or any of the foreign languages?

Mr. FARQUHAR. Oh, yes.

Mr. CUTCHEON. No; I have examined the matter——

Mr. BERGEN. The gentleman is mistaken.

Mr. CUTCHEON. I am not mistaken. I know what I speak of, for this matter was up before the Board of Visitors, and we discussed it with the faculty, and I made a recommendation that some knowledge of algebra should be required.

Mr. BERGEN. I know what is required, and, although I have not before me the exact list of requirements, yet I know in a general way what is demanded.

[Here the hammer fell.]

Mr. BLOUNT. Mr. Chairman, I am much gratified to say that the standard for admission to the Naval and Military Academies is so high that many young men, otherwise well qualified, necessarily fail to pass. It conveys an assurance to the country that the officers in charge of those institutions are faithful to their duties and that the men who are to command our armies and navies in the future are to be watched from the very threshold of their entrance into the Academies, to see that they are capable mentally and physically, and not only that, but that they are men of a high order of ability. This is of itself of far more consequence than whether my friend, whom I have appointed from my district, or the son of my friend, shall be enabled to get into the Military or Naval Academy.

I repeat, therefore, sir, that it is a matter of congratulation to the whole country that this is the type of men that the officers in charge of these institutions deem proper to receive into them, in order that they may be trained for the Government service. They are preparing in this way for all of the series of years and all the events that are to follow in the history of our country, and educating a class of men who will be well qualified to command our armies and navies in the event of

a struggle with foreign powers. We may just as well complain of the order of Providence that a great many men fail in all of the avocations of life as to complain that because of the rigidity of the examinations in these institutions many young men fail of admission.

It would be a very serious misfortune in this country in its future if these requirements should be changed and if young men are permitted to remain who are not qualified to continue there. I have been unfortunate myself, in the period I have been in public life, in the matter of my appointments to the Academy. I think in the time I have been here I have succeeded in having one graduate from the Academy after a period of eighteen years. But I have no complaint to make.

I have had more than once personal contacts with the officers in connection with this institution, and that contact always elevated the character of these men in my opinion. I have no possible complaint to make of them. If the requirements of the institutions are high, so much the better; it gives us a better quality of officers for our Army in the future. These men seem to me to be cultured, educated, and devoted to the public service. They have no interest in any other course of conduct; and I trust, sir, that there will be nothing done here to interfere with what they have determined after long experience to be best for the institution and for the country.

Mr. BERGEN. Will the gentleman yield for a question?

Mr. BLOUNT. I am sorry to decline, but the gentleman will see that I have but five minutes, and there are other things to which I desire to address myself.

Now, sir, we have a provision for the appointment of a member from each Congressional district, and this, by operation of the apportionment bill, is to be largely increased. We have likewise a provision of law for the appointment of ten cadets by the President from the country at large. I think so far as that number is concerned that it is wise. The longer I have had opportunity to come in contact with and observe the officers of our Army and Navy the more I see of the slight progress they make as to advancement in rank and pay. Cultured, able, brave, patriotic men, even in the fifties many of them, reaching only to the miserable rank of captain, with the small pay attending it.

The more I have been brought in contact with them the more I am satisfied also that the provision authorizing the President to take the sons of these officers, ten in number, men who have no representatives, who belong to no Congressional district, and assign them to these institutions, the more I feel that it is in accord with the proper sense of duty to these officers. I would not, sir, mar it by a change to twenty or by a change to a member from each Congressional district. The present arrangement seems wise, and I trust we will leave it as it is.

[Here the hammer fell.]

Mr. CHEADLE. Mr. Chairman, I think I can, from the varied experience I have had in securing appointments to the Academy, give expression in the course of about two minutes to a single thought which will explain the whole situation. Three-fourths of all the favorable points that a cadet at West Point can possibly receive in the course of study are received upon mathematics; so that if the cadet stands perfect in all the other branches he must stand above the minimum in mathematics or fail, and the reason why our boys fail to pass the first annual examination is because they are not strong enough in mathematics. We hold competitive examinations in our districts and select the boy whose general average is highest, without reference to the fact that mathematics plays the most important part at West Point and that when he goes there he must be unusually strong in mathematics if he is to maintain himself in that institution.

Mr. CUTCHEON. That is so.

Mr. CHEADLE. And so, if I had forty boys to nominate as cadets in each academy, I would not hold a competitive examination. I have appointed young men from the district I have the honor to represent in both of these institutions, selected by competitive examinations, and in each instance they failed, although their general average was between 95 and 100 in the examinations at home and they had no difficulty at all in passing the first examination at the Academy.

And while I would not in the least interfere with the present course of study there and I think the standard is none too high, yet I say here, in the presence of this committee and of the country, that our candidates will fail unless we know when we recommend them that they are especially strong in mathematics. I am opposed to the amendment to increase the number of cadets to be appointed by the President. I think the number large enough under existing laws.

Mr. HEARD. Will my friend allow an inquiry?

Mr. CHEADLE. Yes, sir.

Mr. HEARD. I will ask the gentleman from Indiana what better method he suggests for ascertaining their proficiency in mathematics than a competitive examination.

Mr. CHEADLE. If you have an examination, you must have a competitive examination upon all the branches that may be required.

Mr. HEARD. Suppose you do. Will that obscure their knowledge or proficiency in mathematics?

Mr. CHEADLE. It does not necessarily follow that a boy who can answer all the questions in the primary examination has a mathematical mind, because the members of this committee must remember that they are only examined in arithmetic; and yet they are required by the rules of the Academy to take on and thoroughly comprehend 265 pages of advanced Bourdon within six months after they go into that Academy.

Mr. ADAMS. Can you not do what I have always done, arrange the competitive examination so that mathematics will count a great deal more than anything else? I have always done that.

Mr. CHEADLE. I have asked the professors who have held these examinations to pay particular attention to mathematics. It may be that in the system adopted in our free schools in Indiana—and I think it is possibly true—they do not pay enough attention to a thorough comprehension and understanding of the elementary principles of mathematics; but I know this to be true, not only in the district I represent, but also in other districts in that State, there have been many failures at West Point, and in every instance it has been because the cadets were not strong enough in mathematics. We must remember that these military men are educated in that exact science, and they must be able to understand and comprehend it thoroughly before they can become graduates of that Academy. I would not lower the standard, but we must select cadets who are strong in mathematics.

Mr. FARQUHAR. If the gentleman will allow me one minute more I want to give him one hint as to the system I have adopted. I sent up to West Point to get the examination papers of four years preceding the competitive examination, so that it was utterly impossible for any boy in my district to know the questions beforehand, and those questions that passed the boy into West Point on the six months' examination were the questions put for the competitive examination. And no boy from my District ever failed.

Mr. COBB. Mr. Chairman, the proposition before the House is not whether the rules governing the admission of cadets to the Military Academy are wisely framed and properly executed, but whether or not the number of admissions to the Academy should be increased. I will say in passing that I agree with the views so well expressed by my friend from Georgia, Mr. BLOUNT, and, further, that the fact that the pending measure is thought to warrant an appeal for lowering the standard of admission to the Academy is a strong argument against it.

A few days ago there was before this House a measure which involved the proposition to send graduates of West Point—commissioned officers of the Army—as educators to various schools, public and private, throughout the country. Many of us opposed that feature of the measure which permitted these officers to be assigned to private schools. It was strongly urged by those having charge of the measure, and who seemed confident of the facts they asserted, that the Government had more officers than were needed for army service, and that the excess could not be provided with employment otherwise than by the assignments proposed.

To-day a committee of this House proposes to increase still further the number of these officers by increasing the number of cadets at the Military Academy.

Taking these two propositions together what is the result? Plainly it must be to fix on the country permanently the system of educating men at the public expense and commissioning them in the Army for the purpose of supplying teachers to private schools without charge. Is such a system desirable or in accord with the theory of our Government?

In the few moments at my command I can not enlarge at this point. There is abundant food for serious thought here. It well becomes us to reflect seriously on the ultimate effects of a proposition whose tendency seems to lead so clearly to the increase of Federal authority and influence in the States.

It may appear that to increase from ten to twenty the Presidential appointments to the Military Academy is a matter of no great consequence. But it is a part of a system, to which I have alluded, which if once fastened on the Government will be difficult of change, and which will demand a still further increase of these appointments in order to meet the still further demand for officers to be teachers in private schools.

Mr. Chairman, I——

[Here the hammer fell.]

Mr. LEWIS. Mr. Chairman, I move to strike out the last word. "*De mortuis nil nisi bonum.*"

Mr. KELLEY. What is that?

Mr. LEWIS. That is a classic quotation I do not expect the gentleman from Kansas to comprehend, but I hope he will lend me his ear.

Mr. KELLEY. Certainly, sir.

Mr. LEWIS. That is a sentiment that always finds in my heart a responsive echo; and nothing but a strong sense of duty to my constituents, who have been misrepresented and maligned on account of the killing of young Matthews in Mississippi, leads me to deny to this kindly sentiment its fullest office on this occasion.

While I would tread lightly on the ashes of the dead, yet for the truth of the history of current events I must make some assertion and offer some proof to show the character of young Matthews. I say, Mr. Chairman, that this young man was addicted to strong drink; I say that he was a boisterous and obstreperous character; I say that when he met his death his brain was fired with liquor; I say that he has frequently been guilty of a breach of the peace and that on sundry oc-

casions his friends were obliged to take forcible possession of him in order to prevent him from committing murder. In substantiation of what I have already stated I desire to submit in evidence the letter of a gentleman of Boston, Mass., which speaks for itself, and also two other letters and a certified copy of the proceedings of the court which tried William S. McBride for the killing of Matthews, who was postmaster at Carrollton at that time, appointed by this Administration; and it is my information that this Matthews is the young man mentioned in the letter of Waldo A. Pearce, which I have just read, all of which I request may be published as a part of my remarks.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEWIS. Mr. Chairman, I ask permission to have these letters printed in the RECORD, and also a certified copy of the evidence taken in the trial, which I desire to have printed as part of my remarks.

The letters and testimony referred to are as follows:

[The Associated Railways of Virginia and the Carolinas, comprising the Piedmont Air Line, the Atlantic Coast Line, the Seaboard Air Line.]

PASSENGER DEPARTMENT, *Boston, Mass., January* 9, 1891.

DEAR SIR: Relative to case referred to: Last June I was passing over the Georgia Pacific Railroad and noticed two passengers who were under the influence of liquor board the train at Eudora. I was in the forward passenger car which contained probably twenty passengers, they (the two) entered the second, while the third, a rear car, was occupid by fifty or more young ladies who were returning home from school at Columbus. Soon after the train started the negro porter rushed excitedly through the car in which I was seated, passing into the baggage car, he being immediately followed by the young man [Mr. Matthews] who frantically entered the car with pistol in hand, swearing vengence for some real or imaginary insult that had been given him by the porter; the condition of affairs for a few minutes was extremely perilous for the occupants of the car, owing to the excited and frantic state of the young inebriate and the perfectly reckless manner in which he handled the deadly weapon; he was eventually brought under partial subjection by some of the passengers, and great relief was experienced by all when he passed into another car.

His drunken frenzy, however, was soon again manifested by his entering the car containing the young ladies, where with pistol in hand and oaths of the most violent character, he created a consternation that can scarcely be imagined; at this stage of the proceedings he was taken in charge by the train crew at great risk to themselves and disarmed.

The vindictiveness manifested by him and his determined resolution to sacrifice human life were almost beyond comprehension, and it was a miracle that the passengers escaped unharmed. At Winona he used every effort possible to procure a pistol that he might shoot the members of the train crew.

That such disgraceful acts should be allowed in our enlightened days is unfortunate, but that men of intelligence and prominence can so far forget their own personality and their duty to their fellow-beings as to uphold or even defend the acts of beings who are so unworthy the name of man as was the chief actor in this affair, is a matter of extreme regret, and it is a question whether the actor or his defender is more deserving the contempt of the public.

Yours, respectfully,

WALDO A. PEARCE.

Hon. J. Z. GEORGE, 1508 *P Street, Washington, D. C.*

GREENWOOD, MISS., *January* 3, 1891.

DEAR SIR: Referring to the recent remarks of the distinguished Senator from Massachusetts [HOAR] relative to the occurrence at Carrollton, Miss., in which one of our young men was compelled in self-defense to shoot Matthews, I thought as a recently past event, showing the general character of the unfortunate young man, I would request you to forward this letter to Mr. Waldo A. Pearce, No. 228 Washington street, Boston, Mass., and ask him to please relate his experience in company with Dr. Henderson and myself on a Georgia Pacific train last summer, in which we all made a narrow escape from being shot by the infuriated young man, who, under the influence of whisky, flourished his 44-caliber pistol, raging the full length of a crowded passenger train in his endeavor to kill the colored porter, who was flying for his life, and of the efforts of the train crew, who finally separated him from his companion and fought him down and disarmed him in a car crowded with young lady graduates to prevent a bloody tragedy.

It was the most disgraceful scene ever enacted in the presence of the traveling public and showed the principal character to be a man utterly devoid of humanity and ready to take human life without any pretext whatever.

Among the numerous witnesses to this disgraceful scene I will further mention the names, as personally known to you, of Capt. Jno. Powell, Grenada, Miss., and Col. Powers, of Jackson, Miss., but I especially refer you to Mr. Pearce, of Boston, as it is quite likely from his prominence as a distinguished gentleman and business man he may be known personally to the distinguished Representatives from the East.

With highest regard, I am, respectfully, yours,

E. J. MARTIN.

I approve the within statement.

T. R. HENDERSON.

Hon. J. Z. GEORGE,
United States Senate Chamber, Washington, D. C.

JACKSON, MISS., *January* 17, 1891.

DEAR GENERAL GEORGE: The inclosed Washington "special" is clipped from to-day's New Orleans Picayune:

It so happens that I witnessed the conduct of young Matthews on the occasion referred to. Myself, Rev. Dr. Roudebush, and two other gentlemen were returning from Columbus, in charge of nearly one hundred young ladies, our daughters being of the party. The first I saw or heard of the trouble was when the conductor, young Matthews, and the fruit boy (an Italian, I think) came through the car I was in. Matthews had a pistol in his hand, and was trying to use it on the fruit boy, but the conductor, who was a very stout man, held him by both arms, and pushed him through our car onto the platform and against the door of the next car; but while he held him against the door Matthews used his left arm on the boy, whose face and back of one of his hands were bleeding; and while the three were in this position Rev. Dr. Roudebush rushed out and took the pistol out of Matthews's hand. Had it not been for this interference I am quite sure he would have killed the boy, and perhaps one or more of the young ladies would have been killed also. I heard at the time that he became enraged at the fruit boy because he asked him to keep quiet, calling his attention to the large number of ladies on the train.

A week or two after the occurrence an officer of the railroad asked my opinion as to the conduct of the conductor; also what was the expression among the passengers; and I replied that had he pitched young Matthews off the train while it was in motion it would have been nothing more than he deserved.

I had never seen or heard of the young man before; but from his conduct then I was prepared to hear at any time of his death by violence.

Very truly,

J. L. POWERS.

The State vs. W. S. McBride. Testimony in committal court, December 30, 1890.

TESTIMONY FOR STATE.

Lloyd Ford, a witness for the State, being first duly sworn, testified as follows:

I live in Copiah County. I was in Carrollton on 25th December. I am a third cousin of Coon Matthews. I was not present at time of killing. Mr. Matthews went for the dressing case and Mr. McBride would not send it. Mr. McBride went in post office, being called in by Mr. Matthews. Matthews told McBride that he had acted a damn rascal. McBride told him to come outside and they would settle. They went out and had a fight; don't know which one whipped. The next morning Matthews went to the depot with a shotgun to drink egg nog with Gunter. Came back and got out on Main street and came up the street and gave two or three loud yells when he passed along the street.

Matthews stood in his store with his gun in his hand auctioneering his goods.

Cross-examination:

Matthews seemed very quiet but he hallooed four or five times. He kept the rifle in his hand in the door. He was auctioneering goods. His gun was a Winchester. He got it Christmas eve. Coon told me he had done all he was going to do. He told McBride he had acted a damn rascal. Mr. Matthews left the store about half-past 11 the night of the difficulty. He told me that he was going to dinner. I told him I would go and get his dinner for him. The sheriff told him he would not be harmed if he would leave his gun in his store and not take it with him. I did not see Coon and sheriff go off. Matthews got his gun and went to the door and hallooed his goods but did not sell any. He got his gun after he returned from the courthouse. He had his pistol and rifle on the morning of the killing. He came up the street with a shotgun previous to the killing.

I was there when Matthews left to go down the street. He told me that he thought he would be murdered that day. He told me where he wanted to be buried. I tried to get him to put up his rifle and behave himself. I tried to get him not to go to dinner. I tried to get him quiet.

C. L. FORD.

Sworn to and subscribed before me this December 30, 1890.

R. H. Hansborough, a witness for the State, being duly sworn, testified as follows:

I was at post office when McBride came in after mail. Matthews told McBride that he had acted a damn rascal. Matthews and McBride went out to settle, and they had a fuss I never saw. I went to McBride and saw McBride in his drug store. I came to town about 10 o'clock. Matthews got out of the 'bus later with a gun in his hand.

I stood at Jackson's, heard him hallooing off goods with a Winchester in his hands. I saw Matthews coming down the street with a gun in his hand. I walked back in Jackson's store. Then I heard a gun shoot. I did not see any shooting.

Cross-examination:

I hired Matthews to help me on the 27th day of March. Matthews and I have been on good terms. I am acting as postmaster now. Matthews's bondsmen made me postmaster. I stated that if he had not gone down street with his gun he would not have been killed. Matthews said nothing to me the morning of the killing. I was not in the post office on the morning of the killing.

R. H. HANSBOROUGH.

Sworn to and subscribed before me this December 30, 1890.

Charley Terry, a witness for the State, being first duly sworn, testified as follows:

I was deputy postmaster; on the 25th December I was in Mr. Hafna's store when Matthews and McBride had a difficulty. The next morning Matthews took my gun and went to the depot. I went with him, and tried to get him to go off on the train. He would not go. I told him I would go with him. He said they would think he was running away. He went to Gunter's and shot firecrackers. He went up the street hallooing, and I told him I would not go with him. I went to the parsonage, and when I came back he was standing in his store with a gun. I went to Pegne's. Then I went to Pegne's furniture store. Matthews walked down the street. I heard a gun shoot and saw Matthews stagger and fall. It was about 10 feet from Jackson's door.

Cross-examination:

I heard the shots; saw McBride shoot at him with a pistol. Matthews staid at the depot about an hour. He got out of the 'bus half way between Ray's and Peavy's. It was about 25 yards from McBride's. He passed McBride's store. I heard somebody halloo. I saw no one trying to provoke a difficulty with Mr. Matthews.

He had the Winchester when I went up to the office.

C. H. TERRY.

Sworn to and subscribed before me this December 30, 1890.

John Buckland, a witness for the State, being first duly sworn, testified as follows:

I was at Carrollton on 25th December. I was not present at the killing. I was in the store the night of the difficulty. McBride came for his mail. Matthews called McBride in back of post office. Matthews told McBride that he had acted a damn rascal. They went out of the store and had a fight. The next morning Matthews went down to the depot with his gun. The next time I saw him he was in his door with his gun.

Cross-examination:

I met Matthews on the street early Christmas morning. He had no gun. I went up to the store and saw him get in the 'bus with his gun. I heard him halloo from Hafna's store; could not understand him. I heard Matthews say nothing about McBride. I was in his store early Christmas morning. I have been clerking for Matthews. I had not quit Matthews up to the time of the killing. I was in town the day of killing. I saw no one trying to provoke a difficulty with Matthews. Matthews made the first approach on the night before the killing. He tapped McBride on the shoulder. I did not see McBride the morning of the killing. Post office is kept in Matthews's store.

JOHN BUCKLAND.

Sworn to and subscribed before me this December 30, 1890.

T. H. Bingham, a witness for the State, being first duly sworn, testified as follows:

I am merchandising. I don't know anything about the difficulty. I only know about Matthews's conduct that day. The first time that I saw him he was in the bus. I did not see him when he got out of the bus, but saw him going

up the street with a gun in his hand, and heard him halloo three or four times. I saw him talking to somebody in front of Pegne's.

Cross-examination:

Matthews's manner was very defying. I did not come to the front until I heard him halloo. I heard him hallooing off his goods. There was nobody around him, he had no goods in his hands. He had a gun in his hands. I did not understand what he was saying. The distance from my store to Matthews's is about 150 yards.

T. H. BINGHAM.

Sworn to and subscribed before me this December 30, 1890.

G. C. Shackelford, a witness for the State, being first duly sworn, testified as follows:

I was at the post office after the difficulty; went to the hotel with Matthews. Matthews said the thing was not over.

I was on the street and heard him halloo, and made affidavit against him. I came on street after shooting and saw Matthews lying on pavement in front of Jackson's, just below the awning.

The shooting took place between 12 o'clock and half after.

Cross-examination:

It was between 11 and 12 o'clock when I went down street and Matthews told me the thing was not settled. He said he was not afraid of anybody.

I was in the drug store that morning when Coon passed drug store. I heard him halloo when he passed the drug store. He looked in when he passed.

McBride was not in the store when Matthews passed. Matthews had a shotgun and pistol the night before the killing.

G. C. SHACKELFORD.

Sworn to and subscribed before me this December 30, 1890.

TESTIMONY FOR DEFENSE.

Collins Shackelford, recalled for defense, being first duly sworn, testified as follows:

The next morning I told McBride what Matthews said. It was between 10 and 12 o'clock. Matthews said that he was not afraid of McBride, and that the thing was not settled.

G. C. SHACKELFORD.

Sworn to and subscribed before me this December 30, 1890.

TESTIMONY FOR STATE.

Philip Kent, a witness for the State, being first duly sworn, testified as follows:

I was at Matthews's store the night of the difficulty; McBride came to Matthews's store. They went into the post office. They quarreled. Matthews told McBride that he acted a damn rascal. About that both struck at each other. As they came down he said "You acted a God damn rascal." I then heard Matthews call him a damn liar.

PHILIP KENT.

Sworn to and subscribed before me this December 30, 1890.

T. H. Oury, a witness for the State, being first duly sworn, testified as follows:

Matthews said that he and McBride had a difficulty. Matthews had a gun on the street. The sheriff said he would protect him if he would leave his gun at home; but if he took it with him he could not protect him.

Cross-examination:

Matthews was very much excited and very angry about 11 o'clock. He seemed determined to go on the street with his gun.

T. H. OURY.

Sworn to and subscribed before me this December 30, 1890.

J. S. McCain, a witness for the State, being first duly sworn, testified as follows:

I went in drug store the night of the difficulty and McBride was dressing a wound on his head. I went in Bryan's store and heard some yelling. I saw Matthews cross the street and heard him halloo. I followed up to post office; took the gun away from him. I staid there and arrested him. He gave me a $100 check for his appearance the next morning. He said he was not afraid of a whole community. I told him not to appear on the street any more with his gun. I told him I would protect him if he would leave his gun. I told him I would go and get his dinner. Matthews said he was going to dinner with his gun. Matthews told me he expected to die; said he wanted to die a martyr like his father.

Cross-examination:

I saw no one attempting to attack Matthews; Matthews seemed determined to take his Winchester to dinner.

J. S. McCAIN.

Sworn to and subscribed before me this December 30, 1890.

TESTIMONY FOR DEFENSE.

P. M. Bankstone, a witness for the defense, being first duly sworn, testified as follows:

I am justice of the peace. I was in Southworth's office. Saw Matthews coming down the street with a Winchester in his hand. McBride stepped out of his drug store and fired at Matthews, and he fell in front of Jackson's. Matthews had his gun in his hand nearly half raised when McBride fired. Matthews fell on his face. Matthews was about fifteen or twenty steps from the drug store. Matthews halted and said something to Fields; he was walking on the outer edge of the pavement, keeping his eyes on the drug store.

P. M. BANKSTONE.

Sworn to and subscribed before me this December 30, 1890.

S. L. McBride, a witness for defense, being first duly sworn, testified as follows:

I am father of the defendant. I was at Pegne's store. Saw Matthews and stopped him. I told him we could settle without a difficulty. Matthews said that he and Willie could settle in a God-damn minute. I told my son what Matthews said. I was in Vaiden the night of the difficulty.

I asked him what was the trouble between he and Will. He seemed to be very angry.

S. L. McBRIDE.

Sworn to and subscribed before me this December 30, 1890.

W. S. McBride, a witness for the defense, being first duly sworn, testified as follows:

I am defendant in this case. On the 25th I saw Matthews. I had a difficulty with him on the night previous. I saw him get in the 'bus on the morning of the 25th. I saw him get out of the 'bus with a gun in his hand hallooing as he walked up the street. I was at Somerville's office. Oury and Shackelford and my father told me that Matthews had made threats. I was led to believe that we were to have a difficulty when we met. I saw Matthews when he left his store. I was standing in my door. As he passed Mulverhill's he had his gun in his hand a little raised. I stepped out of my door and fired. He was little past Jackson's when I fired. He was on the outer edge of pavement looking at me. I fired for the protection of my own life. I did not go to the post office after I had got the message from Matthews.

W. S. McBRIDE.

Sworn to and subscribed before me this December 30, 1890.

Dr. J. A. McBride, a witness for the defense, being first duly sworn, testified as follows:

I am a cousin of defendant. I was in Pegne's store; saw Matthews get out of the 'bus with a gun in his hands; hallooed as he passed drug store. Saw him several times with a gun. I was in the drug store; saw Matthews coming down the street; saw him stop at furniture store, then come on down. Matthews was coming down the street with a gun in his hand. Will McBride stepped out of the drug store and fired, killing him. I did not know at first which one would fire first. Matthews was on the outer edge of the pavement coming with his gun a little raised. Matthews acted very angry; he was hallooing and whooping. Matthews was standing in his door with his gun in his hand. Matthews was standing on the left hand his door as you go in. I had no conversation with Matthews that day.

At the time of the killing Matthews had his gun uplifted.

Matthews hesitated in front of the drug store in the morning as he passed by.

J. A. McBRIDE.

Sworn to and subscribed before me this 30th December, 1890.

B. F. Oury, a witness for the defense, being first duly sworn, testified as follows:

I am city marshal. I heard the racket up the street. I ran up there as fast as I could. I met some darky a hold of McBride. He seemed to be scuffling, trying to get away. I ran up and put McBride under arrest. I walked down to the drug store with him. He said that Coon Matthews jumped on him in post office. I told him I would go and see what was the matter; found Matthews behind the counter with a gun in his hand. I put Matthews under arrest. He asked me if I had arrested McBride. Matthews refused at first to put up his gun. He then put his gun on the counter. He then told me to tell McBride "if he come back in his house I will kill him." I told McBride what Matthews said. I told McBride he ought to prepare himself. McBride and I was sitting on my steps. Matthews passed by about 11 or 12 o'clock at night with a gun in his hand. I saw Matthews standing in his door with a gun in his hand. When Matthews fell he had a Winchester and a pistol. All the wounds were in his front. Nearly all the balls were in his breast and stomach. Eight were in his breast and two were in his arms. Matthews fell on the pavement in front of Jackson's. Matthews fell two or three feet on hotel pavement.

B. F. OURY.

Sworn to and subscribed before me this December 30, 1890.

A. H. George, a witness for defense, being first duly sworn testified as follows:

I know McBride. I think McBride's reputation for peace and quiet has been very good. I never heard of him being engaged in any other difficulty. He is always very pleasant and affable.

A. H. GEORGE.

Sworn to and subscribed before me this December 30, 1890.

James Kimbrough, a witness for defense:

I am supervisor in this beat. McBride's reputation for peace and quiet in this community has been very good. I never heard of him being engaged in any other difficulty.

J. W. KIMBROUGH.

Sworn to and subscribed before me this December 30, 1890.

J. R. Eggleston, a witness for the defense, being first duly sworn, testified as follows:

I was present when Matthews got a Winchester from Pegne's. He said he was going hunting. He had a .44-caliber. He said he wanted to hunt big game. He then got the .32 gun. This was twenty-four hours before the difficulty.

J. R. EGGLESTON.

Sworn to and subscribed before me this December 30, 1890.

STATE OF MISSISSIPPI, *Carroll County:*

I do hereby certify that the foregoing paper is a true and correct copy of the evidence in the case of the State vs. William S. McBride, tried before me on December 30, 1890, and that it is all the evidence heard in said case.

Given under my hand this 5th day of January, 1891.

WILL. T. CARPENTER,
Mayor of Carrollton.

Mr. ALLEN, of Michigan. Mr. Chairman, I desire to speak in opposition to the proposition and substitute offered by the gentleman from New Jersey. I have so far in this discussion, Mr. Chairman, been unable to find out why this increase in the number of cadets is proposed, except this: To give the sons of officers a place at the Academy by appointment of the President.

The gentlemen in charge of the bill have told us nothing about the increased cost to the people that follows increased numbers; nor have they told us that increasing the number of cadets in this school means next year an appropriation for buildings, and so on. If there is any need for it, we ought not to hesitate to grant it. But is there?

Mr. CUTCHEON. If the gentleman will allow me——

Mr. SPOONER. Will the gentleman allow me?

Mr. CUTCHEON. Did the gentleman hear my statement that the corps was only three-fourths full?

Mr. ALLEN, of Michigan. I did; but there are enough young men in this country to fill it without any additional legislation, so far as that goes. The fact is that by this additional expense we are opening the door for more hereafter; and for what purpose? What is to be the effect of it? What is the reason for it? Is there any military necessity

for more graduates than now yearly leave West Point? Cadets are crowding all professions and filling them after being educated at Government expense, crowding out young men who have been educated at their own expense. The Military Academy is for the purpose of training men to the life and duties of a soldier, not for any other avocation, primarily, and the people pay the great expense of that institution for such purpose. There has been no reason given why this bill should come in here with a proposition which is contrary to the rules of this House; and there has not been a single reason given for it, except that it gives to the President of the United States authority to appoint ten more cadets than he now has the power to do, he being now limited to ten.

In my opinion, sir, no young man should be allowed to receive his education at West Point, except he has won his spurs by competitive examination with his fellows in the district in which he lives. There should be no favoritism in appointments there. It is the school of the people, and is not for the aristocracy. Gentlemen say that competitive examinations are a failure. That is not true, so far as my experience is concerned at least, and it ought to be a penal offense for any member of Congress, or any other person in authority, because of the fact that he is a member of Congress or has authority to do it, to appoint, regardless of fitness, regardless of the rights of other young men, his boy or his nephew or any other relative to the West Point Academy.

Let them go there after they have measured themselves with their fellows and won their places; otherwise you will make it a school simply of aristocrats, who, as soon as they are educated at the people's expense, leave the people's service. I am opposed to allowing any increase in the number of students at West Point unless the committee in charge of this bill shall show that the public service demands more cadets there. They have failed entirely to show any necessity for it.

Mr. CUTCHEON. I suppose the gentleman is aware that every cadet has to sign an agreement to remain in the service for eight years.

Mr. ALLEN, of Michigan. I understand that they are obliged to sign such an agreement; but my friend from Michigan knows that there is no avocation but what is crowded with the cadets of West Point at the expense of men who have paid for their own education. The gentleman knows that. He knows that they are not in the Army——

The CHAIRMAN. The time of the gentleman has expired.

Mr. SPOONER. The same argument might be made against our free schools.

Mr. ALLEN, of Michigan. Not at all. The people pay for the free schools and everybody may attend them.

Mr. BOATNER. Mr. Chairman, I do not desire to occupy the position in which I was placed by the insinuation of the gentleman from New Jersey [Mr. BERGEN], that I am dissatisfied with the management of the Military Academy because, inferentially, my appointees to that institution have not had such treatment as I think they ought to have received. I desire to state to the gentleman that I have made no appointment to the Military Academy, and therefore that the cause of my criticism was not the treatment which any of my appointees have received, but what has come to my knowledge from the statements of other members and from general report. I concur cordially with the gentleman who has just taken his seat [Mr. ALLEN, of Michigan] that that Academy ought to be a school for the people. It ought not to be a school for the education of young men coming from any particular class or classes.

I am opposed to any regulation which would require an education for entering that institution which is not within the reach of the common boy of the country, and if the common boy who has received his certificate at a competitive examination, or who has received his appointment through his member of Congress, goes there and is found to be not sufficiently advanced in mathematics or in any of the studies which are regarded as necessary for entering the institution, then, in my opinion, Mr. Chairman, they ought to prepare him at the Academy. It ought not to be a school for any class or classes.

I have been told by a distinguished general of the Army of the United States, one who is hardly second to any now in the service, that if the rules and regulations at present prevailing in the institution at West Point had prevailed fifty years ago a large number of the most distinguished officers in the late war, on both sides, never could have entered or graduated from that institution. My complaint is not that the standard for graduation is too high, but that the regulations with regard to entrance and with regard to examinations from year to year are too rigorous, and that many young men who are entitled to be educated at West Point fail by reason of the too rigorous regulations that are made by the officers in control of the Academy.

Mr. WILLIAMS, of Ohio. Mr. Chairman, I am surprised to find members of Congress advocating on this floor a retrogression in the standard of education at West Point.

Mr. BOATNER rose.

Mr. WILLIAMS, of Ohio. I do not refer to the gentleman from Louisiana.

Mr. BOATNER. I have not advocated anything of that sort.

Mr. WILLIAMS, of Ohio. It strikes me, Mr. Chairman, that in the light of past events we should advance the standard of education at the national military school instead of lowering it, as advocated by the gentleman from New Jersey. It is not a question of past legislation. The only aristocracy that ought to be demanded at the West Point school is the aristocracy of intellect, and if your young men that you nominate by competitive examination, or in any other way, fail, let them pass out under the law of the "survival of the fittest." Members have given their experience of how they have appointed cadets. My friend from Michigan [Mr. ALLEN] has said that it ought to be a penal offense to appoint them in any other way than by competitive examination. If he will consult distinguished graduates of West Point, officers of the Army whose names are historical, they will tell him that the best soldiers are those who are selected from the common mass of the people, men like Sheridan, and Grant, and Longstreet, and others that I could mention.

Now, one word in regard to the subject under discussion. It is not, as I understand, the murder of Matthews, in Mississippi, nor the question of how you shall appoint cadets who are nominated by members of Congress, but it is whether or not the President of the United States should have the right to nominate twenty cadets instead of ten. In regard to that, Mr. Chairman, I desire to say that the military school, as every one knows, is sustained at the national expense, and our experience has shown that it can accommodate more students than are now in the institution.

Mr. HEARD. But what use have we for more when we graduate more now than we have places for?

Mr. WILLIAMS, of Ohio. What use have we for them? Does the gentleman pretend to say that an educated man is not a good citizen?

Mr. HEARD. The gentleman did not catch the whole of my question. I asked him what use he had for additional graduates when we now graduate more than we can find places for.

Mr. WILLIAMS, of Ohio. I will answer the gentleman. We are not a military nation, although in time of peace we undertake to prepare for war. They can find vocations in civil life if we have no place for them in military life.

Mr. HEARD. So they can without going to West Point to be educated.

Mr. WILLIAMS, of Ohio. Yes. My friend from Michigan [Mr. ALLEN] says that they are crowding out in civil life men who are educated at the common schools of the country. Well, sir, if that is the fact, let those men be crowded out under the operation of the same law to which I referred awhile ago, the law of the survival of the fittest. I have yet to learn that an educated man is not a good American citizen. Therefore, if we have a military school at all, let us fill the list, and if we have no occupation for them in the Army when they graduate, let them go into civil life, and when war comes we shall find again, as we have found in the past, the West Point graduates coming to the front to educate our citizen soldiery. Every American is always proud of the graduates of West Point, and let us keep up the standard.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOOKER. Mr. Chairman, I wish to say simply a word on the subject matter of the bill, to which I shall confine myself, and I would not do so if the amendment now proposed from the committee had not raised a question as to the method of conducting the West Point Academy where we educate our young men for the military profession at the expense of the nation.

Something has been said about the severity of the examination and the difficulty of passing it successfully. My information from gentlemen who have been at the institution, both elderly gentlemen and young gentlemen, is that the examination for admission to the West Point Academy is not a very rigid one and never has been.

It is probably more severe in the line of mathematics than in any other; but the universal experience, I think, of all men who have gone to that institution is that the examinations for admission are not very difficult. But as the students progress in the studies of the school the examinations become more difficult, and sometimes many students are dropped because of their inability to stand the examinations of the first and second years. But usually the most trying period is the first year. That is the test which manifests the diligence with which the student may have applied himself to the acquisition of knowledge in order to become a graduate of the institution.

Now, I do not wish to disparage other colleges or institutions of learning when I say there is but one college or university in this country whose standard of scholarship is higher than the standard at West Point, and the institution to which I refer is the University of Virginia. It is a well-known fact to gentlemen familiar with this institution that before the war, while there were usually some five hundred or six hundred students, yet out of the entire number there would be only five, six, or seven graduating with the degree of A. M. No man can carry off the honors of that institution unless he manifests an accuracy of knowledge with regard to the subject matters taught which entitles him to the degree of the university.

On one occasion I happened to be at that institution, when, passing along the street with my friend, Colonel Venable, then the chairman of the faculty, he pointed to a young man on the other side of the

street and said, "That young man is a fine Latin scholar, but he fell a fraction below the standard of excellence which we have established here, and if he staid here forty years he would never graduate."

You never can have a great educational institution unless you have a high and absolute standard of excellence. At the University of Virginia, as I have said, the test is the most severe in the country, as shown in the fact that its alumni are fewer in proportion to the number of students than those of any similar institution in the United States. No man graduates at the University of Virginia unless he not only understands the facts of the subject matter which he has studied, but is also able to give the philosophy of the question, the reason for the fact.

Next to the University of Virginia, in reference to the severity of the requirements for graduation, comes the Military Academy at West Point; and I hope this standard will not be lowered; because, as our country increases in population, as the young men who go there to be educated at the expense of the Government and to serve it in a military capacity become more numerous, it is all the more necessary that they should excel in that exact science which probably does more to train the human mind than any other study which can be taught, the science of mathematics. Their knowledge should be accurate because many of them are to be civil engineers, in the Army and out of it. The standard of scholarship should not be lowered, but should be maintained at its present high grade, making the institution an honor to our country, deserving the confidence of the Government and of the people.

[Here the hammer fell.]

Mr. LANSING. Mr. Chairman, any one familiar with the history of the West Point Academy knows that from its very inception or organization, there has always been a storm of criticism in the House of Representatives as to its management. At the start there was earnest opposition to its establishment. But, sir, while the disposition exists and always has existed in this House to criticise and arraign that institution, the people have entire confidence in its conduct and in the results of its training.

Now, we are told of the aristocratic tendencies of this institution. But, sir, that statement is belied by the history of the men who have been its graduates. Look to the North and to the South. The recent political and civil disturbances in this country brought the graduates of that institution before the eyes of the world and demonstrated the learning, the sagacity, and genius of those graduates. It is true that one hundred and fifty young men enter there every year, forming a new class.

A MEMBER. Not so many.

Mr. LANSING. Nearly one hundred and fifty. It is true that only about one-third, or perhaps 40 per cent., of those students graduate. But gentlemen here must remember that the young men who enter that school receive not only military training, but a liberal education in every respect, except, as I understand, in the classics. Besides, when they come out of that school they are athletes. More than half the young men break down there because unable to endure the physical regimen to which they are subjected, and which is necessary to the formation of a good soldier.

We are asked, what are we going to do with the men who graduate there? What is the school for? Any man who served in the army during the late war on either side is perfectly aware of the fact that a graduate from the West Point Academy can take under his care 1,000 citizens who have never perhaps seen a military company, and in a quarter of the time in which a man from civil life could accomplish the same results he can make an excellent regiment out of them. We have in these graduates the nucleus of an army which can be raised at any time within sixty or ninety days. An educated graduate of West Point who is put at the head of 1,000 green men is equivalent to half a regiment to start with.

We ought not to discourage young men from entering this institution; on the contrary, if it were in my power I would extend its operations so as to send out five hundred graduates annually instead of fifty. The Government of the United States, within the line of its constitutional powers, ought in my opinion to be a great patron of art and science; yet the only expenditure we make in that direction is upon this school, pre-eminently a military school; and every dollar spent to carry on this institution and educate the young men sent there seems to be begrudged by a large majority of members on this floor.

Now Mr. Chairman, the appointment of the ten additional men who are provided for in this amendment to the bill, if they can be placed nowhere else can certainly be worthily and justly placed in the hands of the men who have made military records for themselves, and, as one gentleman has said here, have transmitted their names as historical to future generations. These men, as has been well said, have no political status. They lose their homes. They are men of distinction who rendered service to the country; and if an appointment should happen to fall upon the son of one of these gentlemen I will give my bond that no aristocratic ideas or practices will arise from that appointment to endanger the liberty of the American people.

[Here the hammer fell.]

Mr. WHEELER, of Alabama. Mr. Chairman——

Mr. SPOONER. Mr. Chairman, before the gentleman proceeds I want to inquire if we can not agree upon some limitation to this debate?

Mr. ROGERS. I hope the gentleman will not limit the debate now. It will not run much longer, I am satisfied. It is valuable.

Mr. SPOONER. It has been running for quite a long time. I do not believe that either the committee, or myself, personally, are so specially interested in the adoption of this amendment that we would care to take up the whole of the day in the discussion.

Mr. BLAND. This is a question on which we do not divide politically. It is a very important one, and I hope we will have an opportunity to be heard for a reasonable time at least.

Mr. SPOONER. We have certainly had a reasonable discussion, if that is what the gentleman means, and I ask that the debate be closed in ten minutes.

Mr. BLAND. I hope that will not be insisted upon.

Mr. ROGERS. There is a conflict of opinion about this matter and it is well, I think, that we should have full opportunity for the consideration of it.

Mr. HEARD. Let the debate run on awhile, and then there will probably be no difficulty in closing it.

Mr. ROGERS. I can state to the gentleman that there is no disposition to delay the bill, but this is quite an important matter.

Mr. SPOONER. What is the suggestion of the gentleman from Alabama?

Mr. WHEELER, of Alabama. I think that all gentlemen who desire it should have an opportunity of expressing their own experience in regard to this subject. It is a matter in which the people of the country are largely interested. They are getting information from this discussion. The debate is quite important, and I think at least it should be permitted to run a short time longer unrestricted, and then we will be able to agree on some limit.

Mr. SPOONER. Of course the matter is under the control of the committee. I suggest ten minutes on each side for debate upon the pending paragraph and amendment.

Mr. HEARD. How to be divided?

Mr. SPOONER. If this can not be agreed upon, then I will ask the committee to fix a limit upon the debate, and if the committee do not feel so disposed I shall regard myself as not responsible for any further extension of the discussion.

Mr. WHEELER, of Alabama. I would suggest to my friend from Rhode Island that we would probably make better progress by letting the debate run for awhile.

Mr. SPOONER. Mr. Chairman, I ask unanimous consent that the debate on the pending paragraph, and all amendments to it, be limited to twenty minutes, ten on each side.

The CHAIRMAN. Is there objection to the request of the gentleman from Rhode Island?

Mr. STOCKDALE. I object.

Mr. SPOONER. Then I move that the debate upon the pending paragraph and amendments thereto be limited to twenty minutes from this time.

Mr. BIGGS. Say twenty on each side.

Mr. BLAND. I want at least five minutes.

Mr. ROGERS. I hope the Chair will indulge me a moment before submitting the motion. I want to say to the gentleman from Rhode Island that I do not think there is the slightest disposition in the world to delay the progress of the bill. I have sat here listening to all of the speeches and I have been trying to get the benefit of the information given to the House. I have had some experience myself in this regard, and I wanted to ascertain as nearly as I could the experience of other gentlemen in different parts of the country. I think if the matter is allowed to run on for a few minutes longer there will be no further disposition to discuss the provision of the bill, and there is certainly no disposition to delay its progress.

Mr. SPOONER. I have not the slightest disposition to limit proper and reasonable debate on this or any other matter——

Mr. ROGERS. Then let the debate run on for ten or fifteen minutes.

Mr. SPOONER. But here is a bill which is usually disposed of in two or three hours, on which we have been occupied for two days.

Mr. ROGERS. Perhaps not as much time as should have been taken has been occupied heretofore with it.

Mr. SPOONER. And we have prolonged the debate all day yesterday and a part of to-day by the introduction of matters entirely irrelevant.

Mr. ROGERS. The debate that is now progressing is not irrelevant.

Mr. SPOONER. On this simple proposition, although I have not taken the time exactly myself, probably the Chair can state, but I am convinced that we have occupied over an hour.

The CHAIRMAN. The Chair will state that the debate on this paragraph and amendments has progressed for an hour.

Mr. BLAND. This is a very important item and the debate is time well spent.

Mr. SPOONER. A part of the debate has been on matters entirely irrelevant. We have discussed matters foreign to the bill, foreign either to this proposition or to the bill itself.

Mr. ROGERS. Only for five minutes.

Mr. SPOONER. In view of the necessity for the consideration of other important matters before the House, I can not put myself in the attitude of consenting to a useless consumption of time.

Mr. ROGERS. But does not the gentleman know that he can not limit debate in this way as readily as he can by allowing it to run on awhile and then close it by consent?

Mr. WHEELER, of Alabama. I think the most of the debate on this subject has already taken place.

Mr. SPOONER. Will the gentleman consent to fifteen minutes on a side?

Mr. ROGERS. I do not want a minute myself. Let it run on fifteen or twenty minutes longer and there will probably be no difficulty in closing it.

Mr. SPOONER. Then say half an hour.

Mr. BLAND. A half hour on each side.

Mr. LEE. I would suggest to my friend from Rhode Island that there is new legislation—matters of importance—involved in the bill, and that perhaps it would be well to wait a little while before closing the debate.

Mr. SPOONER. I will ask, Mr. Chairman, unanimous consent to withdraw the proposed amendment. The committee are not so earnest—although they believe it fair and proper—in its support that they are willing to consume the whole time that should be devoted to the appropriation bills. The committee, I think, prefer, therefore, that it should be withdrawn entirely.

Mr. HEARD. I hope that will be agreed to.

The CHAIRMAN. Is there objection to the withdrawal of the amendment?

Mr. BLAND. I wanted five minutes on the paragraph.

The CHAIRMAN. The Chair hears no objection.

Mr. McKENNA. I object.

Mr. HEARD. But the gentleman has a right to withdraw before action is taken.

Mr. SPOONER. Then I ask the withdrawal of the amendment irrespective of objection.

Mr. BLAND. That can not be done after there has been debate upon it.

Mr. CANNON. Oh, yes; before a vote is taken.

Mr. McKENNA. Mr. Chairman, do I understand the Chair to hold that the gentleman has a right to withdraw the amendment?

The CHAIRMAN. After the Chair had announced that it was withdrawn without objection, the objection came too late.

Mr. McKENNA. Well, in view of the action of the gentleman in charge of the bill, I would like to know what is important in the bill.

Mr. SPOONER. We will proceed to consider that if the Clerk will read the next paragraph in the bill.

Mr. WHEELER, of Alabama. I move to strike out the last word.

I desire to correct a wrong impression which I see exists in the minds of some gentlemen regarding the examinations at West Point. From 1838 to 1885, 5,630 young men were examined at the Academy, and of those 1,378 were rejected; 638 were rejected as deficient in mathematics; 549 deficient in writing, almost as many deficient in writing as in mathematics; 544 were deficient in orthography; 542 deficient in grammar; 380 deficient in geography; 352 deficient in history; 179 deficient physically; 170 were rejected because they were deficient in reading.

Mr. RICHARDSON. I would like to ask the gentleman from Alabama if any of them were deficient in color.

Mr. WHEELER, of Alabama. During the last twenty-five years some very highly colored men have been appointed as cadets to West Point and they were all admitted I believe. At least none were rejected on account of their color. The impression as to the severity of the semi-annual examinations at the Academy is, I think, also exaggerated. They are certainly less rigid than is supposed. Any young man with ordinary aptitude and with proper diligence can, I think, without question, be graduated at West Point. The trouble is that too many young men neglect their studies. And it is for the neglect of studies that young men are found deficient, rather than from any great severity in examinations. There is one point that is as strict as the laws of the Medes and Persians, and that is that no young man can graduate at that Academy who is guilty during his four years of any conduct which is not in all respects consistent with that which should be the conduct of an officer and a gentleman.

Any dishonorable or ungentlemanly act is certain to terminate a cadet's connection with the Academy. The slightest prevarication or deception is not tolerated. What in some vocations of life and among some people would pass as a sharp trick would cost a cadet his commission.

[Here the hammer fell.]

The CHAIRMAN. The Clerk will continue the reading of the bill.

Mr. BLAND and Mr. BERGEN addressed the Chair.

The CHAIRMAN. The gentleman from New Jersey.

Mr. BLAND. I desire to debate the paragraph that has been read. The Chair was in such a hurry that I did not have time to get the attention of the Chair.

The CHAIRMAN. The gentleman from New Jersey [Mr. BERGEN] is recognized. The Chair will recognize gentlemen alternately on each side.

Mr. CANNON. What is the pending amendment?

The CHAIRMAN. A *pro forma* amendment.

Mr. BERGEN. Mr. Chairman, something has been said about the qualifications that were required for admission to West Point and the insinuation has been made that I argued that the standard at West Point should be lowered. I do not want it understood that I take any such position in this matter. The statement that I made I do not think carries with it that import. What I did say was that the requirements for admission are too great, and I hold in my hand here the book which is issued from the Academy showing the examinations which candidates are required to pass in order to be admitted.

I wish I could read the whole of it, which embraces in very fine type something like half a dozen pages. I desire to refer only to one or two subjects. Here is a specimen sample:

A and B can do a piece of work in 4 hours; A and C, in 3½ hours; B and C, in 5½ hours. In what time can A do it alone?

I would like to see the gentleman on this floor who can work that out.

Mr. BOUTELLE. I should like to see the one who could not.

Mr. MILLIKEN. I have a boy fifteen years old, and if he could not do it I would be ashamed of him.

Mr. OUTHWAITE. Here is a member who can do it [referring to Mr. STOCKDALE].

Mr. BERGEN. Here is another specimen:

English shillings are coined from a metal which contains 37 parts of silver to 3 parts of alloy; 1 pound of this metal is coined into 66 shillings; the United States silver dollar weighs 412.5 grains, and consists of 9 parts silver to 1 of alloy; what fraction of the United States dollar will contain the same amount of silver as 1 English shilling?

I should like to see the gentleman from Maine do this one.

Mr. MILLIKEN. Any boy will do that who is in school.

Mr. BERGEN. Again the candidate is required—

Sixth. To define the terms "ratio" and "proportion," to give the properties of proportion and the rules and their reasons for stating and solving questions in both simple and compound proportion, or single and double rule of three, and to apply these rules to examples.

Seventh. The candidates must not only know the principles and rules referred to above, but they are required to possess such a thorough understanding of all the fundamental operations of arithmetic as will enable them to combine the various principles in the solution of any complex problem which can be solved by the methods of arithmetic.

These in arithmetic; the other branches are just as severe, and they are more like catch questions than fair tests of qualification.

Now, Mr. Chairman, the point which I wish to emphasize is that the people of this country have a right to be admitted into this Academy and that it should not be an aristocratic institution.

Mr. SPOONER. Does the gentleman mean to say that the people of this country expect boys to be admitted to the Academy who are not qualified to pursue the course necessary to be taken in order that they may become accomplished military officers?

Mr. BERGEN. Not at all. The people of this country expect to have them well qualified when they are graduated, but they expect the youth who goes from the common school to be able to obtain admission there. But take this book and go through the examinations which are required in arithmetic, in grammar, in history and geography, and there is not a youth in our schools who can pass it to-day.

Mr. BOUTELLE. Will my friend permit me to interrupt him? I simply want to bring out his idea. Does my friend believe that a boy who could not pass that examination to which he refers on entering the Academy would easily qualify himself to pass an examination considerably further advanced in six months from the time of his entry? And, if not, how does he expect that a boy who does not enter at the standard set down there can be graduated after four years at the standard which he says is not too high for graduation?

Mr. BERGEN. Easily enough.

Mr. BOUTELLE. I would like to have the gentleman explain it.

Mr. BERGEN. Well, because he would have to study when he gets there; but he ought not to be expected to know everything before.

Mr. BOUTELLE. But he has only four years there.

Mr. BERGEN. You can learn a great deal in four years. Any amount of information can be acquired in four years.

Mr. STOCKDALE. Mr. Chairman, I am one at least who has no fault to find with the standard of examination at the national Academy at West Point, nor with the curriculum of that institution, nor with the standard of excellence required to enter and graduate there.

Mr. OUTHWAITE. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. OUTHWAITE. My point is that there is so much confusion in the Hall that I can not hear the gentleman speak while standing beside me.

The CHAIRMAN. The point is well taken. The Chair wishes gentlemen in the committee would preserve order.

Mr. STOCKDALE. Mr. Chairman, I say I have no objection to the high standard required for admission into the Academy, and have had some practical experience in making appointments in it. I had occasion to recommend for appointment as cadet to the Military Academy at West Point a boy not arrived at manhood, selected by competitive examination in the district I have the honor to represent, and he passed the examination that seems to be regarded as so formidable by members of this House without trouble.

I had occasion to appoint or recommend for appointment another boy, barely seventeen years old, as cadet at the Naval Academy last spring, also selected by competitive examination. He passed the examination at the national Naval Academy at Annapolis within three weeks after he was designated by the committee of examination, and did it with ease. These boys had no coaching schools to aid them, but passed on their own merits.

I desire to dissent from the position taken by the gentleman from New Jersey [Mr. BERGEN] that these are very difficult questions that he has read for boys to solve. I can furnish him boys from the pine woods of Mississippi fifteen years of age who will solve such questions in an hour, and as to there being no members of this House who can solve such problems, there are plenty of them I hope who could solve them. I should be sorry to think there were none. But I do not assent to the doctrine that the whole military idea of this country shall be centered in West Point. I do not assent to the declaration of the gentleman from Indiana [Mr. CHEADLE] that a West Point officer can discipline men faster and better than other officers.

I want to take occasion to say here what I have wanted to say for some time, that I believe the desertions in our Army to-day are largely the result of the want of capacity in the officers to discipline the soldiers of this country. Why, our Army has not moved forward a peg in a hundred years in the art of disciplining soldiers. They have kept the same rigid, brutal rules that have prevailed in European armies, of inflicting pain by irons, chains, and other harsh punishments. The whole system has the tendency to control the private soldiers by fear of discipline instead of inspiring them with patriotic sentiments.

Look at what the trials of army and naval officers lately have developed. We must remember that the soldiers of this country are the citizens of this country and you can not degrade them by this sort of discipline. Napoleon never did it. He went among his troops himself, he was easily approached by them, he taught them that the glory of France depended upon them and they would share it. The young Emperor of Germany is doing the same thing now, and is accessible to his soldiers, and inspires them to believe that they as well as himself are interested in the glory of Germany. He goes among his soldiers, he visits the laboring classes to see they are not imposed on and hear the complaints of the poor, and inspires them with a military spirit which you can never do by degrading, corporal punishment, and creating a class to be officers who have no sympathy with and often contempt for the soldiers. I would not utter a word in disparagement of West Point officers. I recognize and am proud of their great glory; their scientific attainments are a necessity to move great armies. But it is true that the officers who led the charges that made the breaches in the opposing lines, as a general proposition, were not West Point officers, but volunteer officers. It was the officers and the men who were taken from the citizen soldiery, gathered from their civil avocations, with mutual confidences and aspirations in a common cause.

There was very little discipline in either army in the late war in this country. In the South there was none—in the sense the word is used here. It was the individual courage and high aspirations of men; and the officer who had the heart of his men was the man who made the most efficient attacks upon the opposing line.

I want to say this: I am not opposed to the Academy; on the contrary I favor appropriations for its support; I favor a high standard; I would rather raise than lower it, but I want the men who are to be made the officers to lead the armies of this country hereafter taken from the various ranks of this country, and from the citizens in the various localities all over the country, and not appointed from any particular class, nor upheld above any other class; and I do not want, and we do not need, any more than will fill the places in the Army as now constituted. We do not need officers to be educated and sent over the country. If war comes, the brave men of the country will organize and choose their own officers. It is a wrong upon the people to spend their money to educate officers that are not needed.

[Here the hammer fell.]

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read:

For pay of the Military Academy band, $9,240, which shall be in full for the pay of the said band for the year ending June 30, 1892, any law to the contrary notwithstanding.

Mr. BLAND. I stated to the Chair that I desired to debate that paragraph. The Chair has directed the reading so rapidly that I could not claim the floor.

Mr. SPOONER. Will the gentleman allow this paragraph to be read?

Mr. BLAND. I want to debate the paragraph that provides for ten cadets to be appointed by the President. I want to strike out the whole of it.

The CHAIRMAN. That paragraph, the Chair will state, was passed before the last paragraph was read.

Mr. BLAND. Then the Chair misinformed me. That is the paragraph I wanted to debate.

The CHAIRMAN. The Chair made no statement at all and therefore did not misinform the gentleman.

Mr. BLAND. I rose to debate that paragraph. I so stated to the Chair, but the Chair recognized someone else.

The CHAIRMAN. The gentleman is recognized now.

Mr. BLAND. I wanted to strike out that paragraph.

The CHAIRMAN. It is passed.

Mr. BLAND. Mr. Chairman, I did not care anything about the amendment which was withdrawn.

The CHAIRMAN. The Chair will state to the gentleman that the clause in the bill to which the gentleman has referred is existing law. An amendment was offered to the paragraph to insert "twenty" instead of "ten." That amendment has been withdrawn, which it is in order to do before there has been any decision thereon.

Mr. BLAND. The remarks that I wanted to submit, Mr. Chairman, were in the line of those made by the gentleman from New Jersey [Mr. BERGEN]. I understand in the beginning the Military Academy at West Point and the Naval Academy at Annapolis were intended to be public schools, where the bright young men of the country, coming from the commonalty and poor classes, should have an equal opportunity with those in better circumstances, the sons of men able to educate them anywhere.

The difficulty now is that the standard of admission is so high that the country boy, who has not had the opportunity for what is practically collegiate education, is not able to be admitted into either of these academies. My idea of the academies at both of these places is that the best material should be selected, whether it comes from those who have not had the opportunity for education at home or not. In other words, among the poorer classes of our people we frequently find the brightest young men and the strongest physically, the very material that would make the best officers, but by the standard which has been set up at both these academies young men of that class are practically excluded, and only boys who have been crammed at colleges and schools, and who can, in a parrotlike manner, answer the school questions, have any show for being admitted.

And, Mr. Chairman, I venture the assertion that that very thing is the cause of so many failures at the academies. If the strong-minded and strong-bodied boys of the country to whom I have referred, who do not have the advantages which are thought necessary for admission, could be admitted to those academies, they would prove to be the very material which, once admitted, would go through and graduate with honors. Now, as to the increase, I understand that that part of the amendment has been withdrawn. I did not know that it had been withdrawn until the Chair so informed me. We are graduating more men from the Military Academy now than are needed in the Army. That was shown a few days ago when it was stated on this floor that we must find other employment for them than military life, by sending them out into the States to act as teachers in the agricultural colleges. Yet, notwithstanding that fact, it is still insisted that we shall keep up a standard of numbers which not only supplies the demand for military officers, but oversupplies it and furnishes such a surplus of graduates that they have to seek vocations in civil life.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

For pay of the Military Academy band, $9,240, which shall be in full for the pay of the said band for the year ending June 30, 1892, any law to the contrary notwithstanding.

Mr. MILLIKEN. Mr. Chairman, my first remark is that my friend on the left, whose name I will not designate, but whose voice I have heard very often here, suggests to me that I should not speak on this occasion. I think he has spoken forty hours in the House when I have spoken one minute, yet he urges me not to speak. [Laughter.] I have only to say that I am glad the gentleman has come to a due sense of repentance for having occupied the time of the House so much as he has done, and I hope he will continue in the same repentant frame of mind as long as he remains in this House. [Laughter.]

Mr. CANNON. I am going out on the 4th of March. [Laughter.]

Mr. MILLIKEN. That does not make any difference.

Now, Mr. Chairman, I was going to say a word in reply to my friend who has just taken his seat. I do not think there is anything in the proposition that West Point is a school open only to the aristocratic few.

The common schools of this country are open to all the boys and girls in the land, poor as well as rich, low as well as high, and it is in the common school that the bright young fellow of whom my friend [Mr. BLAND] speaks, who perhaps may not have been born with a silver spoon in his mouth, who may, perhaps, have been born and brought up in indigent circumstances, attends on equal terms with those who have had the best advantages in these respects, measures with them

the sward of intellect and of power, and shows whether he is of the right material or not.

Mr. BLAND. I call the gentleman to order. When he speaks of a young man with a silver spoon in his mouth, I do not admit that that has any application to me. If he had said "with a silver dollar in his mouth," it would have been different. [Laughter.]

Mr. MILLIKEN. Well, Mr. Chairman, I must leave the gentleman to settle the silver-dollar question with the champions on the other side. I can not occupy any of my time on that subject on this occasion. Now, the requirements for a boy to enter West Point are not too exacting. They are such as can be satisfied by any boy who has studied faithfully at our common schools. There is nothing required in the preliminary examination that the common school does not teach. I have had occasion myself to send two boys to the academies. Both had nothing but a common-school education. One I sent to Annapolis. He had not graduated more than a week from the common school before he took the examination for admission to the Academy, without having had the usual time for preparation, and he passed without trouble, and the same is true of the other.

[Here the hammer fell.]

Mr. JOSEPH D. TAYLOR. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. Debate is exhausted on the amendment.

Mr. MILLIKEN. I withdraw the formal amendment.

Mr. STONE, of Kentucky. Mr. Chairman, I renew the amendment. I do not believe, sir, that the standard of examination at West Point should be lowered. For a good many years before I had the honor to occupy a seat on this floor the district that I now represent was not represented at either Annapolis or West Point. My predecessor had said to the people that the reason no nomination was made from the district was that the examinations for admission were so difficult that the young men of our district could not pass.

I did not believe that to be true; and since my election to this House I have followed the course of advertising in my district the holding of competitive examinations for the selection of young men to enter the Military as well as the Naval Academy. The effect has been to beget a spirit of rivalry among the young men there, a disposition to so far advance themselves in all their studies as to be able to pass the examinations and enter these institutions. The result has been that on the day announced for the holding of one of these competitive examinations there have always been from fifteen to thirty applicants, and each time 75 per cent. of the young men who have appeared have passed so good an examination that any one of them would have passed the examination at the Academy.

The young men who were successful in these competitive examinations have not belonged to wealthy families, able to give their sons collegiate educations. Three out of four of the young men who have passed successfully were sons of farmers who were not able to educate their children except by sending them to the public schools of the State.

Therefore, sir, my experience is that the standard should not be lowered, that it should be kept up, and that gentlemen who have the privilege of nominating candidates for West Point should adopt the plan of competitive examinations, thereby encouraging the young men of the district by holding out to them the prospect of entering one of these academies. With proper encouragement young men will be found in large numbers who can pass these competitive examinations and enter this military school.

Some gentlemen have said to me that they have followed this method of competitive examinations and yet sometimes two or three young men in succession who had passed the competitive examinations have failed to pass at West Point. Such a thing can only have resulted from the fact that the examiners did not properly undertake to discharge their duty or were not capable of doing so.

I would not pretend to argue that the standard of intelligence in the district I represent is higher than in other districts of the United States; but I do say that we can produce from the common schools of Kentucky, from every county in the district, young men by the score who can pass the examinations and enter West Point Academy.

Mr. BERGEN. Does not the gentleman mean simply to state that the youth of his district in the common schools can become qualified, not that the common schools of the district give them such qualifications? And does not the fact that so many cadets are thrown out at West Point, so much larger a proportion than in any other institution, so that we can not keep the institution full—does not this fact prove that there must be something defective either in the examinations for admission or in the conduct of the course after the students have entered?

Mr. STONE, of Kentucky. Mr. Chairman, I believe (I can not say I know) that the failure of young men presenting themselves for admission to West Point Academy results from the want of the adoption of proper efforts and proper scrutiny in the selection of cadets.

[Here the hammer fell.]

The Clerk read as follows:

For additional pay of professors and officers (on increased rank) for length of service, $11,043.75.

Mr. GROSVENOR. Mr. Chairman, I think it would be a great misfortune to the country if it should prove to be true, as claimed by the gentleman from New Jersey [Mr. BERGEN], that the admissions to the West Point Academy are so hedged in by the standard of examination that the representatives of the common people of the country can not enter there. I wish to testify a little about my own observation and experience in this behalf. I do not want that there should be a lack of confidence in the West Point Academy or in its management. I committed the offense which the gentleman from Michigan [Mr. ALLEN] has said ought to be a criminal offense. I recommended a young man for appointment to the Military Academy without any examination by any competitive board. I am opposed to everything of that character.

Such is my opinion of the Civil Service Board that I would not allow myself to have anything to do with anything savoring of its methods in any form whatever. Besides, sir, it is within my knowledge that in Ohio Sheridan, Grant, Sherman, McPherson, Rosecrans, and I do not know how many more were sent to West Point without any competitive examination and yet came out tolerably well. I nominated a young man who had had tolerable advantages in a school of one of the large villages of my district and who underwent special training to fit him for admission.

While the matter was pending, a boy of sixteen or seventeen, the son of a miner living in a little village on the Ohio River, came to me one day when I happened to be at the courthouse. He was a stocky, strong-looking Welsh boy; his hands were grimy with the dirt of the coal mine. He said he wanted to go to West Point and told me he had received the advantages of a common school in the little mining village where he lived; and so far as I know he had had no other opportunities in the way of education. I sent his name to West Point as an alternate, and both boys made their appearance for examination. The boy I had first nominated failed upon one branch of his education—orthography—nothing else; and to my amazement (for I admit I was greatly amazed) the son of the miner, the boy of the common school, was admitted. He is now well advanced in his second year at the institution and is doing well.

I sent a boy to the Naval Academy; I did not have any competitive examination. I looked at him. I studied his characteristics as well as I could. I had known him from infancy. He was admitted without any trouble whatever. He has maintained a good standing at the institution and is now in his sixth year, about ready to graduate finally, and is going to be, in my humble judgment, some day not only an honor to the man who sent him there, but an honor to his State and to his country as well as to his *alma mater*. So I do not believe that there is any practical substance in the assertion, whatever may be the theoretical view taken, that West Point is not accessible to young men fitted by an ordinary education who are ambitious and who desire to gain admission to that institution. I believe that it is accessible to all, and they may gain honor and distinction there even with the rudiments of an ordinary education derived from the common schools of the country.

[Here the hammer fell.]

Mr. FRANK. I would like to ask the gentleman in charge of this bill whether the Military Academy band is ever permitted to enter into business competition with civilian bands.

Mr. SPOONER. Not as far as I have any knowledge. I should judge not.

The CHAIRMAN. The Clerk will read the next paragraph of the bill.

The Clerk read as follows:

For fuel and apparatus, namely: Coal, wood, charcoal, stoves, grates, heaters, furnaces, ranges and fixtures, fire bricks, clay, sand, repairs of steam-heating apparatus, grates, stoves, heaters, ranges, and furnaces, mica, $15,000.

Mr. SPOONER. There is a verbal correction that I think should be made in line 13. The word "and" preceding "furnaces" should be stricken out and inserted before the word "mica."

The amendment was adopted.

Mr. VAUX. Mr. Chairman, I move to strike out the last word.

On the subject of West Point, how it is filled, how it is managed, what is the style of its curriculum, or how students gain admission there, I have not a word to say. I take it for granted that the system is about the best that can be provided, and that the question of the admission of students is one that has received the careful thought and attention of men well qualified to fix the standard of admission. Therefore no criticism of mine is intended to be directed to the institution in general in any of its departments.

But I do desire to say to this House that I very much fear the results of the line of legislation you are entering upon here. I fear you are giving to the people of this country a love for military affairs, for military laws, military paraphernalia, which necessarily arises from this general influence that is exerted in sending out through all of the States young men educated at these institutions of Annapolis and West Point; and when I know that this Academy just below here called the Naval Academy is educating young men for naval warfare and the other one at West Point for land warfare I feel that you are encouraging a disposition among the young men of the country to look to the Army as if that was the field in which to gratify the natural ambi-

tions of life, and to connect themselves with the Army or Navy as a means of future subsistence.

There is a growing military spirit amongst the people of the country arising from this source, and it finds its outlet, to a large extent, in just such provisions of legislation as we are enacting here from day to day, large appropriations for the Army and for the Navy, for war steamers, for cruisers, and for navy yards, and all of the machinery of war, to be paid for by the money of the people. This education—this military education at West Point and Annapolis—is paid for out of the money of the people derived from taxes, and is of no benefit, because of the line of education pursued, to the great masses of the taxpayers of the country. Does it reduce the tariff rates that the laboring people of the country must pay? Does it reduce taxation in any shape?

Mr. Chairman, I ask this Congress to consider for a moment what is the amount now to-day that the Goverment of the United States is liable to pay for the support of the Navy. I ask you to consider what the Navy is making us liable for in the years to come by reason of new construction of war vessels, navy yards, and matters of that kind, not one dollar of which goes for the benefit of the people in reducing taxation. At West Point the great business of the institution is to make soldiers, and at this end of the line you have a retired list where if they can not get military service, when they graduate, in the field, they can go on the retired list, and are supported all of their lives at the expense of the people. This has a tendency to create a desire for military positions.

What is the result? You have these institutions, not for the promotion of peace, but for the encouragement of war, for the encouragement of conflict. This, Mr. Chairman, is a Republic of peace, as I had occasion to remark the other day when I had fourteen seconds allotted to me to make a speech on this floor. It is not a Republic of arms; and no republic of the world, in the few that have existed, ever lived long enough to put a mausoleum over the liberties of the people except by arms, and not by peace; by war, not by industry.

Do the people of the United States gain any commensurate benefit from the expenditure of this money? If so, I would like to have it pointed out to me. As to the education of the people, as to the young men going into the Military Academy, why, there are public, private, and State institutions which compare favorably with these, in all parts of the country. And there the children of the people have to go for their education. Here it is paid for by the people by the taxation which is wrung from them by law. As I have said, you educate the young men at the public expense and then put them on the retired list after a certain time if you have nothing for them to do, and support them all of their lives. And a distinguished gentleman on the other side says that it is of great benefit to the country to send these young men, educated at public expense, into the colleges and schools of the States as professors. Send them there for what purpose, Mr. Chairman? To still further educate the people of the State in the same general line, without giving them any benefit for the amount expended in the education of these young men at these Government institutions.

[Here the hammer fell.]

Mr. SPOONER. Mr. Chairman, I desire to say briefly, in response to the gentleman from Pennsylvania, that the Committee on Military Affairs in reporting this bill, was fully impressed with the idea of the propriety of sustaining the military establishments, as represented both in the Army and Navy in these schools for the education of cadets, to supply future officers for both arms of the service. They are quite satisfied that the great body of the American people are thoroughly in touch with, and sympathize in, that sentiment.

We have, of course, to a certain extent a skeleton organization for our Army, which is the only organization that can be properly maintained in a country like this; but it is essential for the purpose of enabling us in time of necessity to put into the field, through our volunteer force, a sufficient army for the national defense, to be led by the officers educated or prepared for that purpose. We have seen the necessity in the past for this force, and I believe the American people are not inclined to forget that good old maxim that "in time of peace we should prepare for war."

I do not think we need apologize.

The Clerk read as follows:

For department of natural and experimental philosophy: For additions to apparatus to illustrate the principles of mechanics, acoustics, optics, and astronomy, $1,000; for books of reference, text books, stationery, materials, and repairs, $400; for pay of mechanic assistant, $1,000; for repairs to the observatory building and clocks, $450; in all, $2,850.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, I want to say a few words on the line of debate which we have had so far this morning as to the number of cadets at West Point; and I select this point in the bill, for it develops the character of the studies which are conducted there and indicates the uses to which we propose and actually do put these young men who are graduated at the public expense. In the earlier days of our Government West Point was purchased primarily for purposes of public defense. It lay upon what was then the great highway of communication between our country and Canada, and during the Revolutionary war that point and that vicinity were quite extensively fortified.

At a later day, 1798, an act was passed authorizing the President to cause to be purchased for the use of the United States the whole or such part of that tract of land situated in the State of New York, commonly called West Point, as should be by him judged requisite for the purpose of such fortifications and garrisons as might be necessary for the defense of the same. This was a proposition restricted still by the primitive or initial idea that prevailed during the Revolutionary war, of using the post solely for purposes of defense. The amount of ground that was purchased originally was a little under 2,000 acres. Subsequently about 210 more acres were bought, making the whole amount 2,105 acres.

Now, while we are going over these authorizations here it may be well to note the gradual growth of this institution, and to consider, as we have considered during this debate for the first time, so far as I recollect, in a good many years, the question of the general theory and purpose of the Government in connection with West Point. For a number of Congresses this bill has been discussed simply as a question of money. We have had no elaboration of the West Point idea, we have had no comparative account of this educational institution of the Federal Government and those of other countries; and although we are living at a day when the whole science of war is changing more rapidly than ever before in the history of the world, we have made no changes since, I may say, prior to our civil war. And yet the art of war as we have practiced it in this country, and the art of war as we are prepared to practice it in this country, in many respects at least, is absolutely obsolete.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McCREARY. I ask unanimous consent that the gentleman from Arkansas may be allowed to proceed for five minutes. I will yield my time to him, if I may be allowed to do so.

The CHAIRMAN. The gentleman yields to the gentleman from Arkansas.

Mr. BRECKINRIDGE, of Arkansas. Now, we find that in an act approved March 16, 1802, the Government having previously acquired this property, the President of the United States was authorized and empowered, when he deemed it expedient, to organize and establish a corps of engineers. I need not go further into that proposition, but that was a very limited provision. The corps of engineers, officers and cadets, were not to exceed twenty in number.

Therefore, so far as this locality is concerned, it was first intended simply for purposes of defense, and when taken up by the Federal Government, its first and sole purpose, apart from that of public defense, was with reference to military engineering. And from that day to this we have gradually amplified the first establishment there into a very honorable and a very distinguished and a very useful institution. But, Mr. Chairman, when we consider the duties that we now impose upon the graduates of that institution, I do not concur with those who believe that our graduates are too numerous. We have now in the engineering corps about one hundred and twenty members.

If we treated this very small staff of military experts as the present necessities and the most reasonable probabilities of future requirements would dictate, and sent them over the world as military attachés to our foreign embassadors, as observers of operations in foreign wars and the military tactics of foreign Governments, we would find that equipment too small even for our military purposes alone. We have added to the duties of this corps, we have added to the requirements which we now impose upon West Point, the very large and the continually increasing work of civil engineering that pertains to the Federal Government. And I want to call attention to the fact that we have made no adequate provision for the education of these cadets with reference to the expenditure of sometimes from fifteen to twenty millions of dollars a year, that we require, under the directions of the officers that graduate there, purely upon civil and not upon military work. And I wish that matter had received some attention at the hands of the gentleman from Rhode Island [Mr. SPOONER], the painstaking gentleman who is in charge of this bill.

We have added instruction in French, we have added instruction in law, we have an instructor in military engineering, and we have, I believe, one instructor in general engineering; but there is no provision here, nor is there any provision anywhere else, so far as I know, for anything like careful theoretical training in this great branch of civil engineering which we require at the hands of these cadets ultimately; nor is there any provision whatever for that thorough and careful practical training which is so indispensable in connection with an engineering education.

The CHAIRMAN. The gentleman's time has expired.

Mr. HOLMAN. I would be glad to be recognized and yield my time to the gentleman from Arkansas.

The CHAIRMAN. That is not strictly in order, but in the absence of objection the gentleman will be recognized.

Mr. BRECKINRIDGE, of Arkansas. I have not much more that I care to say in this connection. It is a matter of great practical importance and concern to us all. I have noticed on a visit to Annapolis that the young men there are trained not only in the theory of their profession, but I have gone to the machine shops and I have seen those young cadets working there, and it would be impossible for any gentle-

man to tell whether they were being educated by the Government or simply men hired there to work by the day.

I mean by that to illustrate the hard practical work to which they are subjected; so besmeared with grease and dust that come from the metal in which they are working that you can not tell a cadet from some mechanic working there with them in an associate capacity.

I wish in that line of thought there was some provision made by which there would be special instruction at West Point in connection with the river and harbor work that is required of the graduates of that institution.

Mr. WILSON, of West Virginia. Does the gentleman know anything of the postgraduate course of the engineer cadets at Willets Point?

Mr. BRECKINRIDGE, of Arkansas. Nothing at all, thoroughly.

Mr. McADOO. If the gentleman from Arkansas will permit me, I will state that a year ago we passed a bill with reference to the Naval Academy that at the end of three years each boy shall select his course—whether he will go into the Engineer Department, which is staff, or into the line.

Mr. BRECKINRIDGE, of Arkansas. That is as to the Navy.

Mr. McADOO. That is in the Navy. I do not see why something of the same kind should not be applied to the Army, and especially as regards the Engineer Corps.

Mr. BRECKINRIDGE, of Arkansas. That is the practice of selection which prevails in all our great universities, and which is undoubtedly a sound principle of education. I do not understand to what extent this may obtain in the assignment of duty and in the requirements of duty at West Point; but undoubtedly it is a sound principle to observe in education and in special training for the public service. But I regret that there is not some provision made for thorough theoretical training in the first place in the civil work that we require of these cadets, and then that should be supplemented by a careful course of practical training. I mean by this that these young gentlemen should be put through as severe a course of instruction, as laborious as every successful man in every branch of life, public and private, knows is necessary for an understanding of the rudiments in business, and such a one as now prevails at Annapolis.

I am passing no criticism on the curriculum of West Point, so far as it extends, for I am not well informed except in the general way we get information on that matter. But this is a matter which has had no debate, so far as I know, in what may be called modern Congresses, or been discussed or treated by the committees with reference to the growing wants of our country, but it has simply been brought up in the ordinary course of routine and measured simply as a matter of money.

Now, I find that when these cadets who are assigned to the Engineer Corps are turned out from West Point, they go to Willets Point, where there is an engineer school, which, so far as I know, is somewhat, if not entirely, military in its character.

Then, if they are designed for the civil works of the Government, they are put upon duty under some older officers, under their care—and I do not mean in any way to disparage their ability—after long experience and practical knowledge of the duties they have in charge. But they are put there, how? They are put there not as a class of cadets or of young gentlemen taken under an officer and thoroughly instructed in all the details of these works; but they are put, to a certain extent, in charge of these works, without really having much knowledge, and ignorant of the first elements of their construction. Why, sir, gentlemen are familiar with the mode of instruction, where such a course is deemed at all advisable, that obtains in our great colleges. Classes are taken into the mountains to study geology and mining from Harvard and Yale. They are put through a severe course of practical training.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

For department of chemistry, mineralogy, and geology: For chemicals, chemical apparatus, glass and porcelain ware, paper, wire, sheet metal, ores, photographic apparatus and material, $900.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, I want to say just a few words, and I move to strike out the last word in this section in order to complete my remarks.

Gentlemen are doubtless familiar with the fact that Harvard and Yale Colleges, and I believe all our largest institutions, in instructing their classes, for instance, in geology, take them out and carry them over the mountains and put the young men to work, and there they get more thorough knowledge than they could get in any other way. They carry them also not only to the mines, but they carry them as a class and make them study the matter as a part of their course. But that is not the way we do. We should take these young men and put them out in the manner which I have just stated, and I think there ought to be some provision for more thorough theoretical and practical instruction.

That is all I wish to say at this point, Mr. Chairman.

The Clerk read as follows:

For contingencies, $100; in all, $4,930.

Mr. BRECKINRIDGE, of Arkansas. I would like to ask the gentleman in charge of this bill if there is any doubt about the Government having jurisdiction over the entire area of what the gentleman understands now to be the West Point property or location, which, so far as I know, embraces a little over 2,000 acres.

Mr. SPOONER. It is a military post belonging to the Government.

Mr. BRECKINRIDGE, of Arkansas. I believe the State of New York ceded jurisdiction over a small portion of this area in 1826, that is, about 160 acres; but the whole of the original purchase is for 2,000 acres. I would like to know if the Federal Government has control over the whole 2,000 acres or simply over the 160 acres.

Mr. SPOONER. It includes the Academy ground and the military post, for there is a military post as well as the Military Academy.

Mr. BRECKINRIDGE, of Arkansas. Is not that simply about 160 acres, the area that you speak of?

Mr. CUTCHEON. What is known as the post of West Point includes about 2,200 acres, extends back over the mountain, includes the old fort and over onto what is called Crow's Nest. The Academy occupies the plain.

Mr. BRECKINRIDGE, of Arkansas. That is about 160 acres, is it not?

Mr. CUTCHEON. About that.

Mr. BRECKINRIDGE, of Arkansas. Now, is not that the only part of the total area of which the gentleman has spoken over which the United States actually has jurisdiction?

Mr. CUTCHEON. No; it has jurisdiction of the whole 2,200 acres, and the whole of it is occupied for no other than Government purposes. In the battery practice the rest of the area is used, and they use Crow's Nest as a sort of a mark for their artillery. The ground is used for no other purposes than those of the military post, including the cavalry, the engineers, and a small detachment of enlisted men, and the Academy in conjunction therewith.

Mr. BRECKINRIDGE, of Arkansas. The gentleman from Michigan is doubtless aware that no part of this was property belonging to the General Government as a reservation for this or for any other purpose, but that all of it was acquired by purchase from individuals, and I find no record within my limited research of where the Federal Government has ever acquired actual jurisdiction over more than 160 acres, which was ceded by the State of New York in the year 1821. It had been purchased in some way, I believe, prior to that time, but the sovereignty still resided in the State; for I suppose that even when the Government buys private property the State must part with its sovereignty, in the sense of governmental jurisdiction, by a special act of the Legislature.

Mr. CUTCHEON. My understanding is that this is on the same basis as any other military reservation.

Mr. BRECKINRIDGE, of Arkansas. But this is not a reservation. It was acquired by purchase, not reserved.

Mr. CUTCHEON. I can not say that I have gone into that question, but it is usually considered that it occupies the same relation as any military reservation.

Mr. BRECKINRIDGE, of Arkansas. Now, Mr. Chairman, I know the gentleman from Michigan [Mr. CUTCHEON] has given these matters very careful attention, and I wish to ask him whether this 160 acres is not about the only area in the whole West Point property that would be available for the maneuvering of troops.

Mr. CUTCHEON. The plain is the only part that would be available for public defense in the sense of maneuvering troops, but the post is admirably situated with reference to the command of the Hudson River, being at a bend in the river with a wide sweep up and down. Old Fort Putnam occupied one of the neighboring eminences.

Mr. BRECKINRIDGE, of Arkansas. Yes. I have no doubt that West Point will always be valuable to the Federal Government as a military post, as a reserve camp, and for purposes of public defense. We are not very far distant from the time when there will be deep-water communication between the Lakes and Hudson River.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

For department of drawing: For books and periodicals on art and technology, $100.

Mr. BRECKINRIDGE, of Arkansas. I move to strike out the last word. As I was saying, we are not very far from the time when ocean steamers will pass between New York and Lake Erie, and if in some future national exigency the seaport city of New York should fall into the possession of a foreign enemy, as of course may be possible and as has taken place in the past, it would be at this point, at the elbow of the Hudson, that our troops and our naval defenses would take their stand. But the gentleman from Michigan has mentioned one feature which I think illustrates the possible inadequacy of this point for all the purposes that we may require of it if we look any distance into the future. He has spoken of the matter of gun practice.

I dare say that the width of the Hudson, which is a wide and stately river, and the distance which obtains between the plain at West Point and Old Crow's Nest Mountain were entirely adequate for artillery practice at the time when the Military Academy was established; but any place which gives a less range than from 5 to 10 miles does not bring into requisition the highest qualities of the guns of modern times.

Mr. LANSING. That sort of practicing is now done at Willets Point.

Mr. BRECKINRIDGE, of Arkansas. Of course there could be a separate place for a special school of artillery, and I dare say that we shall find it necessary to establish more than one special school in addition to our central Academy.

There is another point in connection with the education of our young men that I think well worthy the attention of those who have special charge of this matter. There has always been great importance attached, from the time of George Washington down, and by none in greater degree than by President Washington himself and President Jefferson, to a well-trained and well-equipped militia as the safest reliance for the public defense.

Those gentlemen who were old enough to observe critically during the late war know very well that the efficiency of the troops was in no slight degree impaired by the lack of familiarity on the part of the West Point graduates with the nature, the character, and the merits of the volunteer soldiery. I believe we should pay more attention to our militia than we do. We are appropriating but little more now for the maintenance and equipment of the militia of this country than we did when we had not more than one-third or one-fourth of our present population.

I believe it would be wise if our young men at that formative period of life when they receive their education should be trained at a point where annually there could be encampments of regular troops and of militia, and they could see the practical operations of those encampments, thus being brought into direct contact with our volunteer troops and officers. In this way they would learn more in one year at the age of a cadet than they would learn in two or three years of actual service in war later in life, when their minds had become hardened.

As thisdiscussion has, for the first time in a great many years, brought into question the policy of the Federal Government in this regard, permit me to say I think it would not be unwise for those who have especial charge of these matters to consider whether the best use ultimately for West Point is not as one of the special training schools we may be obliged to maintain under the multiplying requirements that we now impose upon the graduates of our military establishment.

[Here the hammer fell.]

Mr. BRECKINRIDGE, of Arkansas. I move to strike out the last two words.

Mr. SPOONER. Before the gentleman proceeds further I trust he will allow me to submit an amendment to correct the text of the bill.

Mr. BRECKINRIDGE, of Arkansas. Certainly.

Mr. SPOONER. On page 8, I move to strike out "nine," in line 16, and insert "one."

The CHAIRMAN. If there be no objection, this amendment will be regarded as adopted.

There was no objection.

Mr. BRECKINRIDGE, of Arkansas. I believe it would be well for gentlemen to consider whether we should not establish an institution of the general character such as I have described at some point where the facilities would be larger, where we could introduce more of what may be called the popular element of military training into the associations of our cadets, while we might continue West Point (which has a camping and parade ground of only 160 acres) as a military depot, and as one of the special schools which we doubtless must have from time to time to a greater extent than we have now.

The Clerk read as follows:

For extra pay of one ordnance soldier, as draughtsman and lithographic printer, at 50 cents per day, $143.50.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, as far back as 1812, the number of cadets at West Point was 250; and I think that, when we consider the present size of this country and the increased requirements we make of these graduates, gentlemen can not complain of the number of cadets being too large.

Mr. McADOO. I think I can suggest to the gentleman something apropos to the line of his remarks—not that he needs any suggestion at all, because he is very fertile in suggestions himself.

In 1882 a "rider" was placed on the naval appropriation bill, providing that only so many of the graduates of the Naval Academy should enter the service as there might be vacancies for; that the others should go back into civil life.

There has been a good deal of controversy about that question; but it has been held by numerous boards of visitors, and by others who have investigated the subject, that no harm is done by that provision of law to these young men, who get an excellent education at the expense of the Government, especially in all the mechanical sciences—electricity, mechanical engineering, etc., and are then sent out to earn their living. In favor of such a provision it may be said that in case of war these young men, scattered throughout the country in the civil walks of life, can be brought forward to take the command of vessels or of men.

Now, I have never been able to see why the whole class graduating at West Point should be mustered into the military service until under the present system our Army has become very top-heavy. I think no injustice would be done at all to these young men, if only those for whom there is actual occupation should enter the Army and the others be sent back into civil life in various parts of the country, where they would be subject to the call of the Government in case of war. I have not before me the Army Register, but I have no doubt that the disproportion between the number of men and the number of officers in our Army is very great, and as our Army may be for some time out of work, its "occupation gone" like that of Othello, except so far as it may be employed in hunting the few remaining Sioux Indians, this force will either have to be mobilized and put in large bodies in our cities, or the talents of which gentlemen have spoken will have to be utilized in the civil walks of life. I think the solution of the problem with which the gentleman has been wrestling so admirably during the last forty minutes would be that so many of these young men as we can not find immediate employment for in the Army should be sent back into civil life. I merely make this suggestion.

Mr. BRECKINRIDGE, of Arkansas. Well, I believe that home is a very good place for a man when he is out of a job. [Laughter.]

The CHAIRMAN. The time of the gentleman from Arkansas has expired. [Laughter.]

Mr. BRECKINRIDGE, of Arkansas. Well, my time was taken up by the gentleman from New Jersey, and now I move to strike out the last two words to get in what I wish to say. [Laughter.]

The CHAIRMAN. The gentleman will allow the Clerk to read the next paragraph of the bill, after which the Chair will recognize him.

The Clerk read as follows:

For extra pay of one ordnance soldier as machinist, at 50 cents per day, $143.50.

Mr. BRECKINRIDGE, of Arkansas. Now, Mr. Chairman, I move to strike out the last word.

Mr. ALLEN, of Michigan. Is the debate limited on this part of the bill?

The CHAIRMAN. The gentleman from Arkansas is entitled to the floor.

Mr. CUTCHEON. If the gentleman from Arkansas will permit me I would like to answer a little more fully the question he submitted to me a few moments ago as to the jurisdiction over West Point. I find by the act of the Legislature of New York, of March 2, 1826, that State ceded jurisdiction over the district now occupied by the Academy.

Mr. BRECKINRIDGE, of Arkansas. That is the 160 acres?

Mr. CUTCHEON. About that. I find also that by the act of March 2, 1889, we acquired 225 acres known as the Kinsley estate, a condition of the act being that the State of New York should first cede complete jurisdiction over that tract. I have not been able to find anything as to the remainder of the tract.

Mr. BRECKINRIDGE, of Arkansas. I think the first purchase was in 1790 from Stephen Moore; then 210 acres in 1824 from Oliver Gridley, which brought the total up to 2,105 acres; and I believe now that in their target practice there they have to fire across ground that the Federal Government has no semblance of authority over, and that the firing may interfere with the navigation of the Hudson River.

Mr. CUTCHEON. But the United States has complete jurisdiction over the river.

Mr. BRECKINRIDGE, of Arkansas. Yes; but you do not want to interfere with the navigation by firing guns up and down the river, especially if you are traveling on a steamboat. [Laughter.]

Mr. CUTCHEON. Well, the United States has jurisdiction over the river, of course.

Mr. BRECKINRIDGE, of Arkansas. Yes; but I say it can not exercise that jurisdiction without interfering with the navigation of the river and the passage of steamers.

Mr. CUTCHEON. I apprehend that we would if there was necessity for it.

Mr. BRECKINRIDGE, of Arkansas. That is exactly it. Now, however, there is no necessity for it. The cadets must have an opportunity of being trained in gunnery, and it must be done in some way that will not interfere with the ordinary peaceable pursuits of the people, and it is not necessary that it should. At the same time West Point, as the gentleman has said himself, is important in a military point of view, and it must be held by the National Government for purposes of national defense.

Mr. CUTCHEON. I do not apprehend that any foreign enemy, or domestic enemy either, would ever attempt to use this water way for hostile purposes. They would never get that far inland. Our trouble is below there, at The Narrows, below the city of New York.

I would say to the gentleman further that there is no great danger as to the long-range guns at West Point, because of the fact that we have not yet been able to furnish them with a modern gun for practice purpose.

Mr. BRECKINRIDGE, of Arkansas. Well, that is our fault.

Mr. CUTCHEON. Yes, it is; and they ought to have it.

Mr. BRECKINRIDGE, of Arkansas. And that is an additional point to illustrate the manner in which we accomplish the military education of our cadets. The perfunctory character of the debates which have taken place here for fifteen or twenty years past on military estimates and on the military establishment generally illustrates

largely this condition of affairs, it being left almost entirely to the industrious members of the Committee on Military Affairs, who have charge of the preparation of the bills.

Now, in maintaining a small standing army it should be our policy to have it a perfect model——

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. BRECKINRIDGE, of Arkansas. I move to strike out next to the last word.

Mr. SPOONER. Mr. Chairman, I hope we can have a vote on the pending proposition.

Mr. BRECKINRIDGE, of Arkansas. Permit me to add a few words more in this connection on the motion I have submitted.

I say, Mr. Chairman, that our standing army should be a perfect model. It should be a model of education and an object lesson to the militia of the States. They should be brought into close and frequent contact with it for the better understanding of one another and for the better instruction of each other; and we should have always a larger intellectual equipment than we have of material outfit, so that we are prepared to get an infusion of trained officers who can quickly assimilate themselves to the genius of the people among our volunteer armies whenever we have to fall back upon them.

Mr. CUTCHEON. I agree with the gentleman fully in that respect.

Mr. BRECKINRIDGE, of Arkansas. And all of that I think as a general thing we neglect utterly. We have no provision, or at least almost none, it seems, which specifies the duties we impose on these graduates from time to time, and yet we expend our millions every year, foolishly experimenting in the construction of great works, in the way of their education. Now, the number, therefore, at West Point is, if anything, inadequate. It is inadequate to the employment that we are providing for them.

Mr. CUTCHEON. I agree with that.

Mr. BRECKINRIDGE, of Arkansas. The peril to this country does not come from a liberal and well-trained staff of officers. It would only come, so far as the military establishment is concerned, from an unnecessarily large standing army. Therefore, I think we ought to increase the number who go to West Point. Yet I do not believe in lowering the standard. We must maintain a high standard if we would maintain an adequate public defense. But if we increase the number, as has been spoken of here, if we put the power in the hands of the President to appoint a cadet from each State—and I would consider that a small and indeed inadequate increase—I do not think that we should put any restrictions upon the appointing power. I do not believe, as has been broached here, that we should say that these appointments shall be based on "honor graduates," those who have graduated with honors out of those institutions which have received Federal aid, for two reasons.

First, it would be the entering wedge to Federal control over institutions where at present we have no control, to which we have simply granted the money without any requirements and without any control; and the best education we get in this country will be that which is left solely under local control. In the second place, we, by name, select a class of our people, those people not in the public service, those people not enlisted and who are still a part of the great mass of the people, who are still simply citizens, or if not citizens then not citizens simply by reason of their minority; and we have no right to pick out any class of mere citizens in this country and say that they shall be preferred or that others shall be discriminated against, as we would in the matter of promotion of those who are already enlisted in the public service; but we should enlarge the functions of that institution, we should provide a systematic enlargement of our facilities in this regard with reference to our enlarged and multiplied modern wants.

But whatever power we grant, whether to the President to appoint and select or to the Members of Congress or the Senators to nominate and then to the President to appoint, it should be without any distinction as to class in this country, simply leaving the matter with the power which it is proposed to allow to do the selecting, according to the exercise of its best judgment.

The Clerk read as follows:

For extra pay of three enlisted men, as printers, at headquarters United States Military Academy, at 50 cents each per day, $469.50.

Mr. CUMMINGS. Mr. Chairman, I desire to offer the following amendment:

The Clerk read as follows:

In line 22, page 12, strike out the words "fifty cents," and insert the words "two dollars," and in line 23, same page, strike out the words "four hundred and sixty-nine dollars and fifty cents," and insert "one thousand eight hundred and seventy-eight dollars."

Mr. CUMMINGS. Mr. Chairman, that would make the paragraph read:

For extra pay of three enlisted men, as printers, at headquarters United States Military Academy, at $2 each per day, $1,878.

Now, Mr. Chairman, these printers were enlisted as soldiers and not as printers. They ought to be required to perform the duties of soldiers, and not the work of printers. If the Government avails itself of their skill as printers, it ought to pay them printers' wages. There is not a typographical union in this country that would allow any one of its members to work at the case for 50 cents a day and found.

No respectable printer would do it except under the pressure of martial law. You practically apply this martial law when you make this insignificent appropriation for the pay of these printers. The great Government of the United States turns its little printing establishment at West Point into what is known by the craft as a "rat office." It may enlist members of a typographical union under false pretenses and then require them to violate their trade-union obligations under military pains and penalties. It either employs rat printers or it forces union printers to become rat printers. If this is right, why not establish a Government hat shop at West Point? After enlisting hatters as soldiers you can detail them to work at their trade at the rate of 50 cents a day and found. You can thus force union hatters to become what is known as "foul jours." Why not establish a Government machine shop at West Point and insist that machinists enlisted as soldiers should work there in defiance of their trade obligations for 50 cents a day and found?

And indeed, sir, I find in another section of this bill already passed by this committee, page 11, line 22, the following:

For extra pay of one ordnance soldier as machinist at 50 cents a day, $143.50.

What do the organized machinists of the United States think of this? The Government thus virtually tramples on their organization.

Why does the Government not establish a tinshop at West Point to make tin dippers and canteens for the soldiers? Then it can enlist tinners as soldiers and require them to work in the Government tinshop at 50 cents a day and found.

Sir, the faculty at West Point endeavors to instill into the breasts of the cadets one cardinal principle. It is the principle of honor. I say that this employment of enlisted men under false pretenses and requiring them to work at their trades at lower rates than their trade unions demand is dishonorable. It is more than dishonorable. It is unjust and damnable. [Applause.]

[Here the hammer fell.]

Mr. SPOONER. I sympathize with the evident interest in his craft that the gentleman from New York feels; but this provision is in accordance with the ordinary provision of law, and it has appeared in this bill for a good many years. The amount that is here provided for extra labor is the same as it has heretofore been for extra labor performed by enlisted men.

Mr. CUTCHEON. Mr. Chairman, if I may be permitted, just a word. These special detachments are paid for at the rate which is established or fixed by law—that skilled labor when used shall be paid at the rate of 50 cents a day in addition to the pay and allowance of the enlisted men. They have their monthly pay; they have their medicine and medical attendance, clothing, and everything else, and then in addition to that they get 50 cents a day when they are specially detailed to perform extra work.

Mr. CUMMINGS. They should receive regular trades-union rates. It is time, Mr. Chairman, for this outrage continued for so many years to be corrected. Here is the place to begin to correct it. Injustice grows with age. The men who work at Franklin's trade are certainly worth the regular rate of wages, and they should be paid regular rates by the Government that was strengthened and vitalized by Franklin at the court of Louis XVI at Versailles. Else the Government is dishonored and disgraced.

The Chairman put the question.

Mr. BLAND. Mr. Chairman, I do not see why the Chair wants to put an amendment and call for the "noes" when I want to address the committee.

The CHAIRMAN. Debate on the amendment has been exhausted.

Mr. BLAND. I move to strike out the last word. I rose for that purpose and was trying to make the Chair hear me.

The CHAIRMAN. That motion, now made, is in order, and the gentleman is recognized.

Mr. BLAND. Well, I hope I am. [Laughter.]

Now, Mr. Chairman, it seems to me that the amendment of the gentleman from New York, if his theory about this matter is correct, ought to be to prohibit these printers from doing work at all. I do not see, if they are enlisted in the regular Army and receive the regular pay for duty as soldiers, why they are to be detailed to do printing at all or any other work of that sort.

If it is permissible that they may be thus detailed as hatmakers, it is in the discretion of Congress to fix their wages. Now, it seems to me that the proper thing to do would be to prevent any detail of soldiers to do printing, to make tinware, or to make hats, or anything of that sort. They have been enlisted as soldiers, their duties are to be those of soldiers, and they ought not to be put to work at trades. I do not think they should be driven into any trades. It seems to me that the remedy here is to prevent that being done; and I would support an amendment in that direction: that when a man has been enlisted as a soldier his duties shall be confined to the duties of a soldier.

I think he should not be put into any of these trades, or to manufacturing, printing, or anything of that sort. It is to be presumed that when he enlisted as a soldier he went into the Army for the purpose of performing the duties of a soldier. It was not his idea when

he went into the Army to go into a printing office or any other business except that which would be legitimate business in the way of his duties as a soldier.

I do not know what the rules and regulations are or under what law a soldier can be detailed and put into a manufacturing establishment to make shoes, to do printing, or anything of that sort. It seems to me that the remedy ought to be to prevent it entirely instead of increasing the pay. That does not do away with the difficulty in my mind. If I understand the difficulty in this whole matter, it is when a man goes into the Army as a soldier he goes in there not for the purpose of engaging in a trade that he left and did not want to continue, probably, but he went in there for another purpose; and when detailed to perform a duty for which he did not enlist it is a fraud upon him. It is a fraud upon the men themselves. It is a fraud upon the printers of the country to put him in competition with them when he really wanted to cease that competition and engage in something else. So that I think the remedy is an amendment to prohibit it entirely; and I hope my friend from New York [Mr. CUMMINGS] will offer an amendment for that purpose.

Mr. CUTCHEON. Mr. Chairman, I desire simply to say in a word that this is done under existing law. These men enlist with the full knowledge that they are liable to these details, and many of them enlist for that purpose.

Mr. BLAND. I deny it. I deny that the man who enlists in the Army understands when he enlists that he is liable to these details. When he enlists he expects to perform the duties of a soldier. I assert here that, in my opinion at least, there is not one of these men who is a printer or bootmaker or mechanic of any sort who goes into the Army that wants any of this detail service. He has no knowledge of it; and to come in here and force him into that kind of service is not right.

The CHAIRMAN. Debate on the pending amendment is exhausted. [Cries of "Vote!"]

Mr. BLAND. I move to strike out the whole item.

Mr. CUTCHEON. I make the point of order on that.

Mr. SPOONER. I make the point of order——

The CHAIRMAN. The Chair understands that the gentleman from Missouri withdraws the *pro forma* amendment and moves to strike out the whole item.

Mr. BLAND. That is my motion.

The CHAIRMAN. The gentleman from Michigan will state his point of order.

Mr. VAUX. Will the gentleman from Missouri allow me to ask him a question? because he has the floor and it is hard to get it.

Mr. BLAND. These men are not detailed. They do not seek these details at all.

The CHAIRMAN. The Chair will inquire of the gentleman from Michigan if any statute authorizes this extra pay to be given to enlisted men who are detailed.

Mr. CUTCHEON. It is the existing law.

The CHAIRMAN. Then the Chair sustains the point of order.

Mr. SPRINGER. I desire to call attention to the gentleman's point of order. The gentleman says it is existing law. Is that existing law on an appropriation bill?

Mr. CUTCHEON. Yes, sir; it is in the current appropriation bill.

Mr. SPRINGER. Then that is not existing law, because it appears on an appropriation bill that is not existing law in the contemplation of the rule.

Mr. BLAND. If it is existing law, Mr. Chairman, there is no necessity for the paragraph and it ought to go out.

The CHAIRMAN. The Chair will hear from the gentleman from Missouri [Mr. BLAND] if he desires to be heard.

Mr. VAUX. I desire to ask the gentleman from Missouri a question. The argument which the gentleman makes now is against enlisting soldiers and giving them trades while under enlistment, because if they are soldiers they should be soldiers and if they are tradesmen they should be tradesmen.

Mr. BLAND. Certainly.

Mr. VAUX. Now, I want to know why you should educate men at West Point for officers and then enlist them as teachers for schools in the States?

Mr. BLAND. The gentleman from Pennsylvania and I agree upon that question.

Now, Mr. Chairman, I understand the point of order made to be that this is already existing law. If it is existing law, why re-enact it in this appropriation bill? It ought to be stricken out as surplusage. The whole thing ought to go out if it is existing law, and if it is not existing law, but simply a continuation of the provision of a former appropriation bill, then the point of order is not well taken.

Mr. CUTCHEON. Mr. Chairman, the existing law will be found in section 1287 of the Revised Statutes, which provides that—

When soldiers are detailed for employment as artificers or laborers in the construction of permanent military works, public roads, or other constant labor of not less than ten days' duration, they shall receive, in addition to their regular pay, the following compensation: Privates working as artificers, and noncommissioned officers employed as overseers of such work, not exceeding one overseer for twenty men, 35 cents per day, and privates employed as laborers, 20 cents per day. This allowance of extra pay shall not apply to the troops of the Ordnance Department.

But by the appropriation bills we have increased this extra-duty pay from 35 cents to 50 cents. That is the existing law in the appropriation bill, but the permanent statute puts the pay at 35 cents.

Mr. BLAND. Admitting that we have a law which authorizes an appropriation for this purpose, it certainly does not enjoin upon Congress the duty of making that appropriation. Congress can utterly refuse to make the appropriation by striking the whole thing out.

The CHAIRMAN. The Chair overrules the point of order. The question is upon the amendment of the gentleman from Missouri to the amendment to strike out the paragraph.

Mr. BLAND. I have not taken my seat, Mr. Chairman.

The CHAIRMAN. The Chair observes that fact. The Chair supposed the gentleman had relinquished the floor.

Mr. BLAND. Now that the gentleman from New York [Mr. CUMMINGS] has called attention to this abuse, it seems to me that it is our duty to take notice of it in good faith. I do not believe it is right or proper, where a man has enlisted in the Army as a soldier, leaving his trade, whatever it may be, tired of it and believing that he is abandoning it, that he should find himself the moment he has got into the Army detailed for this kind of special service and compelled to compete with his fellow tradesmen who are not in the Army, instead of performing the duties for which he enlisted and which are the duties of a soldier, as contemplated by law. The whole paragraph ought to be stricken out, and this abuse, as I consider it to be, ought to be remedied in that way.

Mr. SPOONER. The gentleman's position concerning these matters seems to me a little amusing. In the first place, if I understood him correctly awhile ago, he was criticising very severely the policy of maintaining any army at all, because, as he said, it creates a tax upon the laborers of the country. Now, forsooth, when the men are enlisted under existing law, he complains that they are not kept busy fighting all the time, or rather that they are occupied a part of the time in employments which must be filled by some class of toilers, and that they receive the compensation which is provided by existing law as extra-duty pay in addition to that which they get as soldiers in the Army.

We who are in favor of maintaining the organization of the Army and supporting West Point are not necessarily in favor of keeping in idleness the soldiers who have been enlisted, and where they have an opportunity such as they have at the headquarters at West Point for doing some printing for the necessities of the Academy, and where we find men who are printers by trade, who have been enlisted, who are at the military posts, and who are not only willing to occupy these positions, but delighted to have them, and to receive the extra pay of 50 cents per day over and above their compensation, clothing, quarters, and allowance as soldiers in the Army, why we think it is something to the advantage of our printer friends instead of being a discrimination against them. Furthermore, Mr. Chairman, we are only engaged in providing by this paragraph the appropriation required by existing law for compensation to these men.

Mr. OUTHWAITE. Can they be compelled by military law to work at these trades?

Mr. SPOONER. I think not. As I understand the matter, it is entirely one of selection or choice on their part, and sometimes of earnest desire.

Mr. RICHARDSON. I will ask the gentleman whether they are not required in some cases to do this work without extra pay?

Mr. SPOONER. I should judge not.

Mr. CUTCHEON. For periods of less than ten days.

Mr. RICHARDSON. If the gentleman will look at the next page, he will find a proviso to this effect:

Provided, That the extra pay provided for by the seven preceding paragraphs shall not be paid to any enlisted man who receives extra-duty pay under existing laws or Army regulations.

Mr. SPOONER. In other words, there shall not be any double extra duty and pay.

Mr. RICHARDSON. Then, if these men get any extra pay of any kind under the law or the Army regulations and are required to do this other extra work provided in the six following items of this bill, they can not get extra pay for the extra work thus done.

Mr. SPOONER. If the bill passes with this paragraph in it, as I hope it may, it will simply be a re-enactment of existing law, providing very properly that a soldier shall not draw double extra pay.

Mr. RICHARDSON. But you require him to do the extra work.

Mr. SPOONER. We are not requiring anything by the bill, but simply providing the appropriation necessary to carry out the existing law.

Mr. GROSVENOR. I wish to ask whether it is not the experience of everybody who was connected with the volunteer troops, at least, during the early part of the late war, that when extra-duty pay——

[Here the hammer fell.]

Mr. GROSVENOR. I move to amend by striking out the last word. I wish to say in answer to the gentleman from New York [Mr. CUMMINGS] that according to my experience—and I think it was the experience of every man who served in the Army during the late war—

while the extra-duty pay was allowed (I think it terminated somewhere about the latter part of 1862 or perhaps in 1863) there was always a rush of soldiers seeking to be put on the extra-duty rolls. This is a matter in the interest of the soldier. He can make a little more money in this way. He is already paid the wages of the ordinary soldier. It is purely a matter of option with him whether he will do this extra duty or not; and, so far as I am aware, no soldier has ever asked that this system shall be discontinued.

Mr. CUTCHEON. I never heard of any such case.

Mr. GROSVENOR. I have never seen any such request in the form of a petition, nor during all the time since the war have I ever received a letter from a soldier making any such request.

Mr. CUMMINGS. Are you willing that the Government shall employ "rat" printers if it can get them? and are you willing that it shall employ "rat" printers even if it has to get them under false pretenses?

Mr. GROSVENOR. Well, I do not know a great deal about the "rat" printer business.

Several MEMBERS. What is a "rat" printer?

Mr. GROSVENOR. I am opposed to "rats" in all their forms. [Laughter.] I am not an admirer of any of the rodent species anywhere, under any circumstances.

Mr. CUMMINGS. Then vote for my amendment.

Mr. GROSVENOR. I am simply speaking from my knowledge of what the private soldier desires. In the army of the Cumberland we had a regiment of men—blacksmiths, carpenters, telegraphers, etc.—who were called upon to do extra work in their special lines of business; and there were opportunities to enlist a brigade or a division of men for extra duty in that way, because the men were thus enabled to earn a little better pay. Nobody ever supposed there was any hardship practiced upon the soldiers in this regard; they were all in favor of that system; and I have no doubt that, if our regular Army should be polled to-day, 999 out of every 1,000 men would be opposed to the gentleman's amendment.

Mr. LANSING. Mr. Chairman, there is nothing new about this provision, and nothing singular about it. In every company connected with our cavalry and artillery organizations there are blacksmiths, artificers, and men of similar qualifications enlisted for a certain line of duty. Now, in connection with the West Point Academy, certain men have been enlisted with reference to their qualifications as printers; it is understood they are to do this business and to receive 50 cents a day extra pay. The other enlisted men do ordinary military duty. There need be no feeling that the soldier is abused by the practice in this respect; and my colleague from New York [Mr. CUMMINGS]——

Mr. CUMMINGS. You take advantage of the soldier's necessities and make him become a "rat" printer.

Mr. LANSING. Not at all. He is not obliged to be a printer if he does not care to be. There is no power in West Point or anywhere else that can detail a man who is not a printer and make him one.

Mr. CUMMINGS. There is a power to force a union printer to become a "rat" printer or else go to the guardhouse.

Mr. LANSING. There is no power, so far as I am aware, to force any union printer to go into the Army if he does not want to do so. And, so far as the question of wages is concerned, I think it a very singular position for a man belonging to a great organization to come here to Congress and say that two or three men——

Mr. CUMMINGS. Three men.

Mr. LANSING. Are going to change the economic condition of the great body of printers in this country.

Mr. CUMMINGS. I always smoke out a "rat" wherever I find him.

Mr. LANSING. Now let us see about this matter. These men get $16 a month as private soldiers; they get their sustenance and quarters, everything that they require to live upon; and they get 50 cents a day besides. Are your union printers doing any better than that?

Mr. CUMMINGS. Yes, sir, a great deal better; they are getting $21 a week.

Mr. LANSING. These men are getting better wages to-day than the ordinary printers of the country.

Several MEMBERS. Oh, no

Mr. LANSING. You may have some printers who get more than that, but on the average, taking the country and city together, I will venture to say that these men are getting more out of the Government than if they were the ordinary tramp printers.

Mr. CUMMINGS. Oh, the gentleman is entirely mistaken. If he knew anything about the printing business he would admit it.

Mr. LANSING. I know that to be true.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CUMMINGS. I renew the amendment.

Now, Mr. Chairman, I have listened with a great deal of interest to what the distinguished gentleman from Rhode Island, in charge of this bill, said about this extra-pay question. I am not complaining about extra pay, nor should I make any complaint at all if that extra pay averaged what is paid to printers on the Newburgh Journal, on the Fishkill Standard, or on the newspaper printed in Middletown by my good friend Mr. STIVERS. All these newspapers are printed within 20 miles of West Point. The Government ought to pattern from them. It is big enough and rich enough to pay its printers just as much as the editors of country newspapers pay their compositors.

Mr. LANSING. How much do they pay?

Mr. CUMMINGS. I can not tell exactly, but more than 50 cents a day. In the city of New York the weekly rate will average $21 per week. How does that compare with 50 cents a day and found, as you here propose?

Mr. LANSING. The 50 cents a day and board is more than an equivalent, I will venture to assert.

Mr. CANNON. Will the gentleman now state what the pay of the soldier is in that same connection?

Mr. CUMMINGS. Sixteen dollars a month, or hardly $4 a week. Now add 50 cents a day to that; six days a week is $3, making hardly $7 a week at West Point against $21 a week in New York. That is how it stands.

Mr. CANNON. But in addition to that you forget that the soldier has his allowance, his quarters, and his clothing.

Mr. CUMMINGS. Oh, yes; I know; board and clothing, such as it is. It is army fare.

Mr. CANNON. And his physician furnished free.

Mr. CUMMINGS. Add them all together and then compare your rate, and I can show you that there is a big difference between this $7 a week and $21 a week.

Mr. CANNON. Well, does not his board and clothing make more than that difference?

Mr. CUMMINGS. Well, tell me what you pay for board in Danville. [Laughter.] Is it $14 a week?

Mr. CANNON. I am asking you what the difference in board is.

Mr. CUMMINGS. It does not cost the Government $2.50 a week to board these men. I know it did not cost that when I was in the Army. I certainly did not get more than a dollar's worth of food a week.

Mr. CANNON. Then let me ask if the gentleman can not devise some way other than, professedly in the name of labor, where he can find some excuse to tax the masses of the people.

Mr. CUMMINGS. No, sir; I can devise no other way than to insist that the Government shall pay its printers what they are paid for the same work in civil life. That is the only way that I can devise, and I do not believe that I have put the sum high enough at that. They ought to have something extra for being under army discipline and subject to martial law. I have some regard for you economical people in the House. [Laughter.] Why, your provision would simply force a man to become a dishonorable man in his trade, by a violation of its rules, or else go to the guardhouse and suffer military punishment for refusing to obey orders. It is almost as bad as convict labor. It is putting men under military restraint to perform civil duty.

Mr. LANSING. Do you know anything about the average rate that typesetters of the country receive?

Mr. CUMMINGS. I do. It is more than 50 cents a day. Among city printers 50 cents an hour is common.

Mr. LANSING. I understood you to say that the average rate in the city and country together is $21 per week.

Mr. CUMMINGS. No, sir; I did not.

Mr. LANSING. Well, what was it?

Mr. CUMMINGS. I said the average rate in New York City was $21 per week.

Mr. LANSING. Well, then I will tell you what a man gets here. He gets at the rate proposed here, with his pay, $614 a year, counting his extra-pay allowance and all. Now, I desire to say that that is more than the average printer in the city and country together will make in the course of a year.

Mr. CUMMINGS. Just give me the items of your calculation.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FARQUHAR. I want to state, Mr. Chairman, as my attention has been called by the gentleman from New York to the fact, that I think his point is well taken in one matter. The United States in the enlistment of its soldiers has no right in the case of a union printer or a machinist or a blacksmith when he is enlisted under the control of the United States, whatever his pay and allowance may be, and they are small enough, to make that man do any work whereby he forswears himself with his own craft, and I think it is demeaning in the United States to demand that of any mechanic.

Now, this is in the same line with your printers in the penitentiary exactly. The contention that has been made by the trade unionists of America in every State in the Union comes up here in regard to this question of underpaid labor. If a man enlists as a soldier he takes a soldier's pay. If they need his ability for other purposes, the Government should pay exactly the wages paid in the environment where he is enlisted.

Mr. CANNON. Do they not pay that?

Mr. FARQUHAR. No, sir.

Mr. CANNON. How much do they pay?

Mr. FARQUHAR. The amount is stated here——

Mr. CANNON. Why, it has just been shown that the amount is $614 a year at West Point under this provision.

Mr. FARQUHAR. There is certainly no competent journeyman printer on the Hudson who can not earn fourteen or fifteen dollars a week.

Mr. LANSING. They get more than that under this bill.

Mr. FARQUHAR. With opportunities of earning $21 a week, and on piecework he is a poor stick who can not earn $30 or $35.

Mr. CUMMINGS. Yes, sir.

Mr. FARQUHAR. That is a plain statement, and I say now, just as the gentleman from New York [Mr. CUMMINGS] says, that I believe it is a contemptible business to make a man who is enlisted as a soldier take up a stick and a rule and stand up to work at rat wages. And that is all it amounts to.

Mr. SPOONER. The plain remedy is for these men not to enlist in the Army.

Mr. CANNON. I think our side is ahead on this.

Mr. CUMMINGS. No, sir; they were not ahead in the election of 1884. Mr. Blaine lost his election on account of the employment of rat printers on a well-known New York newspaper, devoted to his interest.

Mr. MCADOO. It seems to me, Mr. Chairman, that all this trouble arises from the habit of employing enlisted men for any duty except that of soldiers. Now, it is a notorious fact that in the United States Army, especially in the Western posts, great numbers of the privates are simply gardeners, hostlers, cooks, and general men in waiting. There has been so much talk here about "rats" that I am reminded of Boyle Roche's bovine exclamation, "I smell a rat, Mr. Speaker; I see it in the air; I will nip it in the bud." Let us nip this rodent in the bud. I suppose of the 25,000 men to-day in the Army a large proportion are not engaged in the duty of soldiers at all. It is known to everybody who has any experience about the Army that this condition of affairs exists, and the evil to be struck at is the employment of enlisted men for other purposes than the ordinary duties of soldiers. The remedy is that no man shall be enlisted unless he is to perform simply the duties of a soldier; and if you want a printer or a cook or a clerk or a gardener or a woodchopper or a messenger or a man to take care of horses or a butler or a carriage-driver or a man of all work, he ought to be employed as such by the Government at the wages which men are paid in the labor market for the same service.

Now, in all of our bills for the Army and the Navy the same trouble prevails. Men are enlisted as sailors or as soldiers and then employed for purely civilian purposes. Now, I am told by those who know something about this, as I said a moment ago, that out at some of these Western posts these men are simply laborers. I was reading the other day that during this Indian war they brought the band out every day and the band used to go and play for these savages, to "soothe their savage breasts." It did not seem to soothe them very much, probably because the music being paid for at rat rates it was not very good music. But after they had played in the morning they were set to work at chopping wood for the colonel's fire, and the weather being very cold and these men being disgruntled that they should turn from the sweet sound of harmony to the discords of an ax upon a frozen log, they selected the small and tender shoots of the log and prepared them for the colonel's fire, which made it sputter very much.

Now, the whole thing is all wrong. It should not exist. If the Army is too large as to soldiers, cut it down, and employ civilians for work other than soldiering. Let us honestly face it. If this Congress does its duty it will simply begin by striking out of this bill and out of the army appropriation bill and out of the naval appropriation bill all special items where soldiers or sailors who have been enlisted for military and naval purposes are employed for anything except those purposes, and in that way you will get rid of the trouble. My distinguished friend from New York [Mr. LANSING] says these men make rather a good thing out of it, and that probably if left to themselves they would prefer to do this work. My good friend from the metropolis [Mr. CUMMINGS] says they may be forced into the guardhouse if they do not do it. I do not know how that is. I suppose there are men enlisted in the Army who have had trades before going there, or special aptitude as artificers or laborers, who would be very glad to have a little extra money for doing what the mass of the Army are doing to-day without extra pay, performing common laboring work. The way to stop it is to change the system.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LANSING. Mr. Chairman, the gentleman from New Jersey [Mr. MCADOO] would inaugurate in our Army something that never was known in any army under heaven. A legitimate deduction from his remarks and his proposition would be that these men should not be their own servants at all, but that every common soldier enlisted in the Army should have a servant provided for him. Why, these men make their own beds. My friend from New Jersey [Mr. MCADOO], if he brought down his conclusions logically, would require that there should be in every barracks a dozen chambermaids to make up the beds of the soldiers. Now, my friend from Alabama [Mr. WHEELER], who is an old soldier, knows all about the regimen of a camp and of a garrison, and knows that the propositions that these gentlemen make are perfectly foolish and absurd. The men who are gardeners about the posts are men who are past service, and they are doing this work because they can do it and have the physical power to do it, but have not the physical power to be employed as soldiers of the line.

Why, all the artificers and everything connected with the Army, so far as an American army is concerned, have always been inside of the company and regiment. It is one of the military ideas that the military force goes forth with the power and experience in it to do everything that is to be done; and that is one of the very things which distinguished the American Army in the late war. You could get a man who could run an engine or a sewing machine or do anything else that was necessary to be done. A good many of them could exercise the craft of telegraphy, and they were called upon to do so. It has always been the case in our Army, and in every army that I know of, to have tailors, artificers, gardeners, and all such men; and in our Army every one of them gets extra pay.

The CHAIRMAN. The *pro forma* amendment will be considered as withdrawn, and the question is on the amendment to the amendment to strike out the paragraph.

Mr. CUTCHEON. On that I simply desire to call attention to the fact that if it prevails these men, instead of getting 50 cents a day, would get 35 cents a day.

The question was taken on the amendment to the amendment; and the Chairman announced that the noes seemed to have it.

Mr. BLAND. Let us have a division.

The committee divided; and there were—ayes 11, noes 54.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment.

Mr. CUMMINGS. Is that my amendment?

The CHAIRMAN. It is the amendment of the gentleman from New York.

Mr. CUMMINGS. I should like to have it read again.

Mr. BRECKINRIDGE, of Kentucky. I would ask to have it read again, if there be no objection.

The Clerk read as follows:

In line 22, page 12, strike out the words "fifty cents" and insert the words "two dollars," and, in line 23 of the same page, strike out the words "four hundred and sixty-nine dollars and fifty cents" and insert the words "eighteen hundred and seventy-eight dollars."

The question was taken on agreeing to the amendment; and the Chairman announced that the noes seemed to have it.

Mr. CUMMINGS. Division, Mr. Chairman.

The committee divided; and there were—ayes 25, noes 45.

Mr. CUMMINGS. Tellers, Mr. Chairman.

Mr. CANNON. Oh, no; do not do that.

Tellers were ordered; and Mr. CUMMINGS and Mr. SPOONER were appointed as tellers.

The committee again divided; and the tellers reported—ayes 38, noes 49.

So the amendment was rejected.

Mr. MILLS. I move that the committee do now rise. It is time for adjournment.

Mr. SPOONER. I hope we will finish the bill to-night. There is only a little of it to be disposed of.

Mr. MILLS. Oh, no; it is too late to go on further. I do not think there is anything to be gained by keeping the House in session after 5 o'clock.

Mr. CANNON. Now, I want to submit that two days is enough to take on the Military Academy bill. We can finish it in ten minutes if gentlemen desire to finish it and let us go on.

Mr. MILLS. It is always a saving of time to adjourn at 5 o'clock.

Mr. MCMILLIN. We did it by rule.

Mr. CANNON. I want to suggest that unless gentlemen desire to take up time it is simply a parliamentary discredit to take up two days with this bill.

Mr. BLAND. Gentlemen have taken up more time on that side than we have on this.

Mr. CANNON. I am not lecturing either side of the House.

Mr. SPOONER. Let us finish the bill.

Mr. MILLS. I do not withdraw my motion.

Mr. BLAND. I demand the regular order.

Mr. CANNON. Read the bill.

Mr. BLAND. What has become of the motion that was made that the committee rise?

The Clerk commenced to read:

For extra pay of one enlisted man——

Mr. FITCH. A parliamentary inquiry, Mr. Chairman. What has become of the motion that the committee rise?

The CHAIRMAN. Has the gentleman from Texas withdrawn his motion?

Mr. MILLS. I have not.

Mr. CANNON. I hope the committee will vote it down and that we shall finish this bill.

The question was put; and the Chairman announced that the noes seemed to have it.

Mr. MILLS. Division, Mr. Chairman.

The committee divided; and there were—ayes 46, noes 54.

Mr. MILLS. Let us have tellers.

Tellers were ordered; and Mr. SPOONER and Mr. MILLS were appointed to act as tellers.

The committee again divided; and the tellers reported—ayes 47, noes 53.

So the committee refused to rise.

The Clerk read as follows:

For extra pay for one enlisted man, employed in the philosophical department, observatory, as mechanic, at 50 cents per day, $156.50.

Mr. BRECKINRIDGE, of Kentucky. I move to strike out the last word for the purpose of submitting to the gentleman in charge of the bill an inquiry I submitted to the chairman of the Committee on Military Affairs while the Army appropriation bill was before the House, and to which I received no answer. The question was, What is the effective force of the Army? What proportion of the 25,000 enlisted men borne upon the rolls of the Army, and for which we are appropriating millions of dollars, is really effective in case of war? As an illustration of what I called attention to at that time, I understand that there is a large number of those who are nominally enlisted soldiers who are not soldiers at all.

There is a troop of cavalry, I understand, at West Point nominally, but they are really hostlers to take care of the horses of the cadets. In the late Indian trouble—or I will say the pending Indian trouble—so far as I was able to ascertain, we were only able to have about 3,800 or 4,000 effective troops brought to that point, and really our troops in number were almost equaled by the hostile Indians, who were as well armed as our own troops. Now, I submit to the gentleman in charge of this bill, and who must have had to look into the matter, the inquiry that I submitted to the chairman of his committee.

Mr. SPOONER. The committee has not had occasion to examine that question closely, and certainly it is not an apt question for consideration in connection with this particular bill which I have especially in charge. I hope that we may proceed with the consideration of the bill.

Mr. BRECKINRIDGE, of Kentucky. Will the gentleman tell us how many enlisted men who are borne on the roll nominally as soldiers are detailed at West Point for the performance of duties which are really not military? How many are gardeners, hostlers, musicians, librarians, mechanics, or employed otherwise than as soldiers?

Mr. SPOONER. I think information in regard to that might be obtained by the gentleman as well as by myself. It has no special connection with this particular bill.

Mr. BRECKINRIDGE, of Kentucky. The difference between us in this case is, with great respect, that the gentleman is in charge of this bill and the House is entitled to receive from him information whether the number at that particular place is a proper number, whether it ought to be increased or diminished, and whether the work can be more economically done by soldiers or by civilians. None of these questions can be answered by the House until the committee gives it the information, and if the gentleman who is to lead the House on this bill and who has it assigned as his special duty to obtain that information can not give it to us, then I confess I do not well see how we are to obtain it on this occasion.

Mr. SPOONER. There has been no tabulation of the number of men employed on extra duty. It would be a mere matter of computation, and the gentleman can ascertain it as well as I can by summing up the numbers mentioned in these various paragraphs.

Mr. BRECKINRIDGE, of Kentucky. I am very grateful to the gentleman; but I confess, after what he has said, that I do not consider it a very high compliment to be told that I can obtain it as well as he can, for if I can not obtain better than the gentleman can, then evidently I can not obtain it at all.

Mr. SPOONER. I have not counted them up. It is simply a matter of computation.

The Clerk read as follows:

For expenses of the Board of Visitors, including mileage, $3,000.

Mr. DUNNELL. Mr. Chairman, I move to strike out the word "three," in line 30, on page 13, in the paragraph just read. We annually appropriate this sum of money for the Board of Visitors to West Point. I am not aware that very much of good comes to the Academy or to the country from these visits. It is possible that the recommendations of the visitors are regarded as valuable, but I am not informed that any of their recommendations have ever become a part of the law regulating that institution. There are some matters in connection with the examination of applicants for admission to the Academy that I think should be well worthy the attention of the visitors at the Academy in June next.

I have had a little experience. I sent from my district last spring a very bright and intelligent young man, educated by his own manly efforts, a farmer's son, well fitted, admirably qualified, for admission into the Academy. He passed the examination. Going on to West Point in the cars, traveling by night, he got a severe cold. After his mental examination had been passed and he supposed that he was to be admitted, he had the misfortune to relieve his nose. Thereupon a doctor examined it and said he had a polypus. The young man was sent home mortified, chagrined, but with no more trouble in his nose than in that of the doctor. He simply had an ordinary cold. He applied for another examination, but no, he could not have it. He was condemned by that single examination.

Now, I say, Mr. Chairman, that when, at the examination in June, any young man fails, from any cause, to be admitted to the Academy, he should be given another examination in September. But he is not allowed it under the rule, because, immediately upon the failure of a candidate, the alternate steps forward and takes his place.

Mr. O'NEILL, of Pennsylvania. You are not obliged to name an alternate.

Mr. DUNNELL. Well, that is the recommendation of the War Department.

Mr. O'NEILL, of Pennsylvania. Yes; but you are not obliged to follow it.

Mr. MILLIKEN. Suppose the alternate had sneezed also? [Laughter.]

Mr. DUNNELL. Now, I say there ought to be granted in such a case, to a young man failing in June, an opportunity to be re-examined in September.

There is another thing, Mr. Chairman, that I wanted to say this afternoon, but others got ahead of me and I was too modest to crowd myself in. [Laughter.] It is this. I insist that the trouble at West Point, the reason that so many young men fall out, is that the requirements for admission are too narrow. If these requirements, as the gentleman from Mississippi well said, were more severe, fewer students would break down during the first year. Let the applicant have a preparation equal to that which is required for admission to Yale or Harvard, or something approximate to that. Then he will be fitted to stand the severe labors of the first and second years. The requirements for admission are too small.

One word further. Suppose a young man passes an examination in arithmetic, but though otherwise qualified has no acquaintance with algebra. When he comes to be examined at West Point he finds himself unable to pass the examination, or, if perchance he passes, he is plunged at once into the higher mathematics at the beginning of his first year. He breaks down. During the fourteen years I have been in Congress I have recommended to West Point, I think, four young men. Only one of them graduated. Two of them failed in the first and second years. They were bright young men, but they had not the discipline necessary to enable them to go through the severe curriculum at the Academy.

We have competent young men being educated in the high schools all over the country. Let them receive a full high-school course, and they will be prepared not only for the examination, but for the subsequent work of the Academy. The gentleman from Mississippi [Mr. HOOKER] said that the first and second years at West Point are the trial periods. They are, for the reason I have given.

I have no doubt there is some reason why the President should be authorized or permitted to appoint twenty cadets; but I do not think that the sons of distinguished army officers are necessarily worthy of nomination to West Point. The men who fought on either side in the late war were almost without exception destitute of any military prestige. They were not the sons of distinguished ex-officers. They were men who came from the field, as did Grant and Sherman; they were men who worked themselves up. I sent a young man to Annapolis who, in order that he might fit himself for that academy, stretched himself upon the kitchen floor at night and studied by torchlight. He was admitted and now stands high in the Navy.

I insist, Mr. Chairman, that it is not necessary for the Government to take special care of the sons of distinguished officers. That would be a species of class legislation. Let West Point be opened to all the ambitious and worthy young men of the United States. Let them feel that all stand on a common level and that there are not to be twenty young men thrust into West Point without special examination, simply because they are the sons of distinguished officers. I know very well that a distinguished officer, with family pride and personal ambition, may sometimes desire to have his son come in and follow in his footsteps; but in my judgment it is not a part of the duty of Congress to make provision for such appointments.

The gentleman from New Jersey in his side remarks has somewhat ridiculed my reference to the young man who was pronounced unfit because of a temporary disorder in the head. I say that no young man should be subjected to the disappointment and chagrin of rejection because of a temporary illness which he may have contracted while on his way to West Point. In such cases a second examination should be granted.

Mr. MCKENNA. Mr. Chairman, I have had the honor to be a visitor at West Point, though I do not know that I shall ever have the honor again. Perhaps the remarks of the gentleman from Minnesota [Mr. DUNNELL] had no application to me. But, sir, with all due deference to the gentleman, I will say that if I should be again assigned to that duty I would not consider it my function to investigate polypuses.

A MEMBER. What?

Mr. MCKENNA. I do not know whether that is the proper plural.

A MEMBER. Polypi.

Mr. McKENNA. Well, polypi, as the gentleman on my left suggests. [Laughter.]

The gentleman from Minnesota further indicates a suggestion as to the correction of the curriculum at West Point. If he had taken the trouble to read the last report of the visitors to West Point he would have found among their recommendations that identical criticism. The fact is, the only criticism that can justly be made upon the course of study at West Point is that suggested by the gentleman from Minnesota, that the examination for admission does not prepare a boy for what he must undergo in the first and second years of the course. But in all other particulars it seems to me that curriculum is not subject to criticism.

Mr. Chairman, I had not intended to say one word on this subject; but while on my feet I will add that the criticism I have heard pronounced here to-day upon that institution had at times passed through my own mind, but was entirely dissipated by a nearer inspection of the institution. When I discovered there the rigorous impartiality on the part of the professors, success coming to those boys who, considering all the circumstances, deserve success, I gave up the views which I had formed on partial knowledge and partial aspects.

Mr. Chairman, mere book learning is not the only thing that boys are to acquire at West Point. The appropriation of information from text books is not the whole discipline, but it includes character-training as well. And why should this be so important? The young man who graduates at West Point becomes an officer of this Government; he has placed in his charge the lives of his fellow-men; he has intrusted to him at times more than that, the very safety of the Government. Hence the whole course at West Point seeks to develop those characteristics—honesty, high sense of duty, industry, concentration—that will enable him to perform the high functions which are to be intrusted to him, and if he fails in any of these particulars he can not successfully graduate, and he ought not. This is about all I think it necessary to contribute to the discussion on this occasion.

Mr. ADAMS. Mr. Chairman, it may be that the curriculum at West Point, or the preliminary examination, ought to be modified; I say nothing about that; but some of the difficulties which have been complained of here in regard to admission to the institution could be avoided by gentlemen who recommend candidates for appointment. The possibility of rejection on account of physical defects might be largely met by a rigorous physical examination; and I, who am in the habit of calling upon the board of education or the school officials in Chicago to conduct the competitive examinations upon which I make my recommendations, never put them to that trouble unless the applicant is content to submit himself in the first place to a physical examination as rigorous as will be required at West Point. While the matter is managed in this way, I have no idea that any boy from my district will ever be rejected on account of physical disqualification.

Mr. WHEELER, of Alabama. Does the gentleman know that under the law as now in force these cadets may be examined by a surgeon near home, instead of at West Point?

Mr. ADAMS. I did not know that to be true.

Mr. WHEELER, of Alabama. That is the fact.

Mr. ADAMS. I am very glad to know it.

Now, in respect to the appointment of sons of army officers, I take it that the custom has arisen out of the fact that recommendations have generally been made by Congressmen of personal or political friends, for it is generally supposed that the regular army officer has no political friends to whom he can apply and has no direct representation in Congress.

But that is not so in my district. There are regular-army officers in service perhaps in California or at frontier posts, who have their wives and children resident in my district. I consider the sons of such persons as much entitled to appointment as anybody else in the district, and if all appointments were made in that way I believe there would be no complaint. I agree with the gentleman from Minnesota that no special provision should be made for the sons of army officers, and in connection with that I believe the amendment which was withdrawn this morning ought not to have been adopted.

Mr. McMILLIN. Now, Mr. Chairman, I move that the Committee rise.

Mr. CANNON. There are only about four pages more of this bill, and I trust the gentleman will allow us to go on with it and complete it this evening.

Mr. McMILLIN. It is getting quite late and it is manifest that we can not get through with the bill to-night.

Mr. CANNON. I think all the wind is pretty well out of the discussion.

Mr. McMILLIN. Well, the discussion has been running pretty lively on the other side.

Mr. CANNON. A great deal of time has been consumed on both sides, I admit. But we are apparently about through with it.

The CHAIRMAN. Does the gentleman from Minnesota withdraw his amendment.

Mr. DUNNELL. I withdraw the amendment.

Mr. McMILLIN. Now I insist upon the motion that the committee rise.

Mr. CANNON. I hope not.

The question was taken; and on a division there were—ayes 27, noes 59.

Mr. McMILLIN. Let us have tellers. There is no quorum here and three-fourths of the members have gone home.

Mr. CANNON. Well, we had just as well sit a little late now as to sit all night later on.

Mr. McMILLIN. We will not have to do either; and the bill can be finished early in the morning.

Mr. CANNON. It will take six years to pass the important bills yet remaining at the pace we are going now.

The CHAIRMAN. The question is on ordering tellers.

Tellers were ordered.

Mr. McMILLIN and Mr. SPOONER were appointed tellers.

The committee again divided; and the tellers reported—ayes 19, noes 55.

So the committee refused to rise.

The Clerk read as follows:

For miscellaneous and incidental expenses: For gas, coal, oil, candles, lanterns, matches, chimneys, and wicking for lighting the Academy, chapel, library, cadet barracks, mess hall, shops, hospital, offices, stables and riding hall, sidewalks, camp, and wharves, $3,500.

Mr. WHEELER, of Alabama. Mr. Chairman——

The Clerk read as follows:

For water pipe, plumbing, and repairs, $2,000.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, the gentleman from Alabama has risen and addressed the Chair, and the Clerk ought not to read when a member is on the floor seeking to offer an amendment.

The CHAIRMAN. The Clerk, the Chair is informed, has read to the end of the paragraph.

Mr. WHEELER, of Alabama. Mr. Chairman, I believe that every member of the House has given an account of his experience in the appointment of cadets to West Point.

Mr. LANSING. Not all.

Mr. WHEELER, of Alabama. Well, nearly all, either on the floor or in little coteries where they have explained the experience they have had in regard to making these appointments.

The CHAIRMAN. The Chair will suggest to the gentleman that there is no amendment pending.

Mr. WHEELER, of Alabama. I move to strike out the last word.

The first young man I appointed to West Point was a son of a countryman, a man of very little means. This boy had spent his life, up to the age of eighteen years, in working at the plow. The education he required before admission to West Point had been obtained in the evenings and at the time in the middle of the day when the other workmen were resting for dinner. He also, as the miller told me, when the boy came to the mill with corn or wheat to be ground, would sit in the corner and study his books while waiting for the grain.

A MEMBER. Was that the "Little Jack Horner who sat in the corner?"

Mr. WHEELER, of Alabama. No, sir; he was the son of a gallant Confederate soldier of Madison County, Alabama.

A MEMBER. Named Wheeler?

Mr. WHEELER, of Alabama. No; his name was Hearn. He went to West Point and entered with the education he had acquired himself and graduated eighth in the class, and is now studying for and will probably be appointed in the Ordnance Corps. The next one I appointed went to West Point and immediately rose to the head of his class.

Mr. LANSING. You do not mean to say you have two there? [Laughter.]

Mr. WHEELER, of Alabama. I have just told you that the first graduated. This young man stood at the head of his class two years in his studies. He is now, so I am informed, ready for graduation and will graduate third, having fallen in his class rank one on account of some demerit.

Mr. McKINLEY. That will put him in the Engineer Corps.

Mr. WHEELER, of Alabama. That will put him in the Engineer Corps.

As I have said, this failure or fall in rank was not from any deficiency on account of his studies.

That has been my experience in the appointments to West Point, and I believe that if all of the members who have appointments to make would take a little pains, such as has been recommended, in the selection of meritorious young men, as was suggested by the gentleman from Illinois, and not merely appoint the sons of political friends, a great many more would be successful, and it would be much better for the institution and for the country.

That is all I wish to say, and I withdraw the *pro forma* amendment.

The Clerk read as follows:

For cleaning public buildings (not quarters), $600.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, I think that is the wrong paragraph. The gentleman from Kentucky [Mr. BRECKINRIDGE] called attention to the fact that the Clerk had read beyond the end of the paragraph, although several gentlemen desired to be

recognized. I wish to offer an amendment to the paragraph just before that.

The CHAIRMAN. The gentleman is recognized. If there be no objection, the amendment will be reported to come in at the end of the paragraph indicated by the gentleman.

The Clerk read as follows:

Page 14, line 3, after the word "thousand" insert "six hundred," so that it will read "$2,600."

Mr. CANNON. I object that we have passed that point in the bill.

Mr. BRECKINRIDGE, of Arkansas. It was passed because the Clerk did not stop reading at the end of the paragraph.

Mr. BRECKINRIDGE, of Kentucky. I rose to make the point. The gentleman from Alabama rose when the Clerk had finished reading line 2 to move an amendment. The Clerk read line 3 and line 4. I rose to state to the Chair that the Clerk ought not to continue to read when any gentleman moved an amendment.

The CHAIRMAN. The direction is that the Clerk shall read a paragraph and that the member be recognized at the end of the paragraph, which was done in that case.

Mr. BRECKINRIDGE, of Kentucky. I beg the pardon of the Chair. The gentleman from Alabama [Mr. WHEELER] and myself both rose at the end of line 2. I said, "Mr. Chairman," and the gentleman from Alabama said, "Mr. Chairman," and the Clerk continued to read.

The CHAIRMAN. And as soon as the paragraph was finished the Chair recognized the gentleman.

Mr. BRECKINRIDGE, of Kentucky. I beg the pardon of the Chair. If he will look at the page he will see that there is a paragraph which ends with line 2. It is in this way that gentlemen lose rights on the floor to which they are properly entitled.

Mr. BRECKINRIDGE, of Arkansas. The Chair is mistaken in this, that there is a paragraph which ends with line 2. The Clerk continued to read the two lines following, which involved another paragraph; while I have had lying on my desk for some time an amendment which I proposed to offer at the end of line 2.

The CHAIRMAN. The amendment has been reported and will be considered.

Mr. BRECKINRIDGE, of Arkansas. This relates to water pipe, plumbing, and repairs of the Academy. Now, gentlemen will observe, in the report of the committee, that the improvements of that character are very much out of repair. The aggregate of these items is some $13,000 and odd.

Mr. FITCH. Will the gentleman yield for a question?

Mr. BRECKINRIDGE, of Arkansas. Yes, sir,

Mr. FITCH. Does the gentleman notice that on page 18 $15,000 is appropriated substantially for the same purpose?

Mr. BRECKINRIDGE, of Arkansas, I do not think it is for the same purpose. It is for sewerage.

Mr. FITCH. That is plumbing.

Mr. BRECKINRIDGE, of Arkansas. One item, I take it, is for the plumbing which brings the water in and the other for the plumbing which takes it out.

Mr. FITCH. That is true, but it comes under the general head of plumbing.

Mr. BRECKINRIDGE, of Arkansas. Gentlemen will observe that very many items here are embraced in the estimate as "miscellaneous expenses." The aggregate amount asked for was $14,500. In the appropriations for 1890 and 1891, the present fiscal year, the amount granted was $14,620. Now, that was cut down, I think, about $600. The committee speak in their report of the inferior character of this plumbing, etc., and they speak of there being sickness at the Academy because of its not being in a state of good repair. As they have mentioned the curtailment in this general connection, I think this is a very good place to make up what seems to be the deficit in their allowance, and unless the gentleman from Rhode Island [Mr. SPOONER], who is in charge of the bill, can explain that this particular item of $2,000 is the full amount asked for, and that the deficit does not come out of that item, I should consider it quite important that we pass this amendment.

Mr. SPOONER. The amount appropriated in the bill, if I understand the gentleman correctly as to the item that he refers to, is the sum that is estimated for in the Book of Estimates, and there has been no reduction as to that item.

Mr. BRECKINRIDGE, of Arkansas. If the gentleman will look on page 3 of the report he will see that in the aggregate there has been a reduction——

Mr. SPOONER. Oh, the gentleman is referring to pages 3 and 4. If he refers to the general matter of plumbing and sewerage, that is a different question.

Mr. BRECKINRIDGE, of Arkansas. That does not relate to plumbing and sewerage. That is a miscellaneous expense.

Mr. SPOONER. The aggregate of these miscellaneous expenses amounts to less than the aggregate of a similar class of miscellaneous expenses in the last annual appropriation bill; but that is because the estimate is less for this year. As a matter of fact, all the items estimated for under this head, "Miscellaneous expenses," have been provided for in the bill as reported, with the single exception of the matter of the pay of the five firemen, which instead of being increased $15 per month, has been increased by the provisions of the bill $5 per month each.

Mr. BRECKINRIDGE, of Arkansas. How much is that in the aggregate in the estimates?

The CHAIRMAN. The time of the gentleman has expired.

Mr. BRECKINRIDGE, of Arkansas. I call for a vote on this.

The question was taken; and the Chairman announced that the "noes" seemed to have it.

Mr. BRECKINRIDGE, of Arkansas. I call for a division.

The committee divided; and there were—ayes 13, noes 53.

Mr. BRECKINRIDGE, of Arkansas. No quorum is present, Mr. Chairman.

Mr. TRACEY. Mr. Chairman, I voted on both sides inadvertently. I desire to be counted only once.

The CHAIRMAN. The gentleman was counted once. The gentleman from Arkansas makes the point that no quorum has voted or is present.

Mr. BRECKINRIDGE, of Arkansas. I move, as there is no quorum present, that the committee rise.

Mr. CANNON. We can get a quorum.

The CHAIRMAN. The Chair will ascertain whether or not there is quorum present.

The Chairman proceeded to count the committee.

Mr. CANNON. I hope that will be voted down; and, if a quorum is demanded in the last five minutes on this bill, let us get a quorum.

The CHAIRMAN. The Clerk will call the roll.

The Clerk proceeded to call the roll.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, is it not in order to move that the committee rise?

The CHAIRMAN. Not while the roll is being called.

Mr. MCMILLIN. The gentleman moved that the committee rise before that was ordered.

Mr. BRECKINRIDGE, of Arkansas. But the Chair knows that that motion was put to the Chair before the Clerk was directed to proceed with the call of the roll. The Chair knows that that motion was made before the Chair made any announcement.

The CHAIRMAN. The Chair thinks that when a quorum is not found it is in order to call the roll to see if there be a quorum present.

Mr. BRECKINRIDGE, of Arkansas. But a motion that the committee rise is in order, and I made that motion.

The CHAIRMAN. The Chair holds that the only thing in order is to ascertain whether a quorum is present, and the Clerk will call the roll.

The Clerk again proceeded to call the roll.

Mr. BRECKINRIDGE, of Arkansas. The Chair has not responded to my point of order. Mr. Chairman——

The CHAIRMAN. The Clerk will proceed to call the roll.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, I rise to a point of order.

The Clerk proceeded to call the roll.

Mr. BRECKINRIDGE, of Arkansas. The Chair will certainly stop that proceeding when a gentleman rises to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BRECKINRIDGE, of Arkansas. I think the Chair himself will corroborate my statement that I made the motion before the count was taken and before the call of the roll was ordered, that the committee rise.

The CHAIRMAN. The Chair thinks that it is imperative that the roll must be called to ascertain whether there be a quorum present or not. The Chair so decides.

Mr. BRECKINRIDGE, of Arkansas. The Chair decides that. If the Chair will permit, I will say that that was necessary after the call of the roll had been begun; but the Chair did not decide it was not in order if made previous to the beginning of the call of the roll.

The CHAIRMAN. Whether or not the Chair is correct in his recollection as to the time the gentleman made his motion, the Chair decides that the only thing in order is for the Clerk to call the roll. It is imperative.

Mr. BRECKINRIDGE, of Arkansas. Does the Chair decide that my motion that the committee rise was not made prior to the commencement of the roll call?

The CHAIRMAN. The only thing in order is the call of the roll.

Mr. BRECKINRIDGE, of Arkansas. That is not the question. The Chair does not decide—— [Cries of "Regular order!"]

Mr. CANNON. I hope that the roll call will not be interrupted any further. I want to see if one man can set aside the rules of this House.

The CHAIRMAN. The Clerk will proceed to call the roll.

The Clerk proceeded to call the roll.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, will the Chair reply to my point of order? Will the Chair reply to my parliamentary inquiry?

The CHAIRMAN. The Chair has overruled the gentleman's point of order and has decided that the Clerk must proceed with the call of the roll.

Mr. BRECKINRIDGE, of Arkansas. The Chair has not stated the point of order as I stated it. If the Chair——

The CHAIRMAN. The Chair has decided that the point made by the gentleman, whether before or after the roll-call began as he asserts, is not in order, and the only matter in order is the call of the roll.

Mr. BRECKINRIDGE, of Arkansas. The Chair now states it correctly for the first time.

The Clerk continued and completed the call of the roll; and the following members failed to answer to their names:

Abbott,	Cothran,	Lanham,	Rogers,
Alderson,	Covert,	Lawler,	Rowell,
Allen, Miss.	Cowles,	Laws,	Rowland,
Anderson, Kans.	Craig,	Lee,	Rusk,
Anderson, Miss.	Crain,	Lester, Ga.	Sanford,
Andrew,	Culberson, Tex.	Lester, Va.	Sawyer,
Atkinson, Pa.	Dalzell,	Lewis,	Sayers,
Atkinson, W. Va.	Dargan,	Lodge,	Scranton,
Baker,	Darlington,	Magner,	Seney,
Bankhead,	Davidson,	Maish,	Sherman,
Banks,	De Lano,	Mansur,	Shively,
Barnes,	Dibble,	Martin, Ind.	Simonds,
Bartine,	Dickerson,	Martin, Tex.	Skinner,
Barwig,	Dingley,	Mason,	Smith, W. Va.
Bayne,	Dockery,	McCarthy,	Smyser,
Beckwith,	Dolliver,	McClammy,	Snider,
Belden,	Dorsey,	McClellan,	Spinola,
Belknap,	Dunphy,	McCord,	Stahlnecker,
Biggs,	Edmunds,	McCormick,	Stewart, Ga.
Bingham,	Ellis,	McRae,	Stewart, Tex.
Blanchard,	Enloe,	Miles,	Stewart, Vt.
Bland,	Evans,	Miller,	Stockbridge,
Bliss,	Ewart,	Mills,	Stockdale,
Boatner,	Finley,	Montgomery,	Stone, Ky.
Boothman,	Fithian,	Moore, N. H.	Stone, Mo.
Boutelle,	Flick,	Moore, Tex.	Struble,
Bowden,	Flood,	Morey,	Stump,
Brewer,	Flower,	Morgan,	Sweet,
Brickner,	Forman,	Morrill,	Sweney,
Brookshire,	Forney,	Morrow,	Tarsney,
Brosius,	Fowler,	Morse,	Taylor, E. B.
Brower,	Frank,	Mudd,	Taylor, Ill.
Brown, J. B.	Funston,	Mutchler,	Taylor, Tenn.
Browne, T. M.	Gear,	Niedringhaus,	Thomas,
Brunner,	Geary,	Norton,	Thompson,
Buchanan, Va.	Gest,	Nute,	Tillman,
Bucknlew,	Gibson,	Oates,	Townsend, Pa.
Bullock,	Gifford,	O'Donnell,	Turner, Ga.
Bunn,	Goodnight,	O'Ferrall,	Turner, Kans.
Burrows,	Greenhalge,	O'Neall, Ind.	Turner, N. Y.
Burton,	Grout,	O'Neil, Mass.	Vandever,
Butterworth,	Hall,	Outhwaite,	Van Schaick,
Bynum,	Hansbrough,	Owen, Ind.	Vaux,
Caldwell,	Hare,	Parrett,	Walker,
Campbell,	Harmer,	Paynter,	Wallace, Mass.
Candler, Ga.	Hatch,	Payson,	Wallace, N. Y.
Candler, Mass.	Hayes, W. I.	Peel,	Washington,
Carlton,	Haynes,	Penington,	Wheeler, Mich.
Carter,	Heard,	Perry,	Whitelaw,
Caruth,	Hemphill,	Peters,	Whiting,
Caswell,	Henderson, Iowa	Phelan,	Whitthorne,
Catchings,	Henderson, N. C.	Pickler,	Wike,
Cheadle,	Herbert,	Pierce,	Wiley,
Cheatham,	Hermann,	Pindar,	Wilkinson,
Chipman,	Hill,	Price,	Willcox,
Clancy,	Holman,	Pugsley,	Williams, Ill.
Clark, Wis.	Hopkins,	Quackenbush,	Wilson, Ky.
Clark, Wyo.	Houk,	Quinn,	Wilson, Mo.
Clarke, Ala.	Kelley,	Raines,	Wilson, Wash.
Clunie,	Kennedy,	Randall,	Wilson, W. Va.
Cobb,	Kerr, Pa.	Ray,	Wright,
Cogswell,	Ketcham,	Reilly,	Yoder.
Connell,	Kilgore,	Richardson,	
Cooper, Ind.	Laidlaw,	Robertson,	
Cooper, Ohio	Lane,	Rockwell,	

The CHAIRMAN. The Clerk reports that seventy-five members have answered to the call. There is no quorum, and therefore under the rule the committee must rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MCCOMAS reported that the Committee of the Whole on the state of the Union had had under consideration a bill (H. R. 12922) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1892, and had found itself without a quorum; whereupon the Chairman had caused the roll to be called, and now reported the names of the absentees to the House.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendments the bill (H. R. 11915) to ratify and confirm agreements with the Sac and Fox Nation of Indians and the Iowa tribe of Indians of Oklahoma Territory, and to make appropriations for carrying out the same, asked a conference with the House on the bill and amendments, and had appointed as conferees on the part of the Senate Mr. DAWES, Mr. PLATT, and Mr. JONES, of Arkansas.

The message also announced that the Senate had agreed to the reports of committees of conference on the disagreeing votes of the two Houses on the bill (H. R. 154) for the erection of a public building at Pueblo, Colo., and the bill (H. R. 188) for the erection of a public building at Columbus, Ga.

The message also announced that the Senate had passed the bill (S. 4951) to authorize the Lexington Ponton Bridge Company to construct and maintain a ponton bridge across the Missouri River at the city of Lexington, in the State of Missouri; in which the concurrence of the House was requested.

The message also announced that the Senate had passed the following concurrent resolution:

Resolved by the House of Representatives (the Senate concurring), That the number of copies of the eulogies delivered in both Houses of Congress upon Samuel J. Randall, late a Representative from the State of Pennsylvania (authorized by House joint resolution approved December 19, 1890), and upon William D. Kelley, also late a Representative from the State of Pennsylvania (authorized under House joint resolution approved June 5, 1890), to be specially bound by the Public Printer and delivered to their respective widows, is hereby increased from 50 to 100 each.

The message also announced that the Senate had passed the joint resolution (H. Res. 234) to increase from 50 to 100 the number of copies of the eulogies on the late Samuel Sullivan Cox to be delivered to his widow.

ORDER OF BUSINESS.

Mr. SPOONER. Mr. Speaker, I move that the House do now adjourn.

Mr. WILLIAMS, of Ohio. Mr. Speaker, pending that motion I ask unanimous consent to recommit House resolution No. 190 to the Military Committee.

The SPEAKER. There is no quorum. The Clerk will make note of the absentees. The question is on the motion of the gentleman from Rhode Island [Mr. SPOONER] that the House do now adjourn.

The motion was agreed to; and accordingly (at 6 o'clock p. m.) the House adjourned.

EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

USELESS FILES OF PUBLIC PAPERS.

Letter from the Secretary of the Treasury, transmitting a communication from the chief clerk and superintendent of that Department in relation to the disposition of the accumulation of useless papers in the files in the various public buildings throughout the United States—to the Committee on Public Buildings and Grounds.

UNITED STATES BUILDING AT ATLANTA, GA.

Letter from the Secretary of the Treasury, requesting an appropriation of $15,000 for the United States courthouse and post office building at Atlanta, Ga.—to the Committee on Appropriations.

MARTHA BRASHEAR, ADMINISTRATRIX OF OBADIAH BRASHEAR, DECEASED, VS. THE UNITED STATES.

Letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case Martha Brashear, administratrix of Obadiah Brashear, deceased, against The United States—to the Committee on War Claims.

UNITED STATES BUILDING AT BUFFALO, N. Y.

Letter from the Secretary of the Treasury, relative to the necessity of further legislation in regard to the United States post office, etc., building at Buffalo, N. Y.—to the Committee on Appropriations.

MEMORIALS AND RESOLUTIONS OF STATE LEGISLATURES.

Under clause 3 of Rule XXII, the following memorials and resolutions were introduced and referred as follows:

By Mr. PAYNE: Concurrent resolution of the New York Legislature, urging passage of bill to enable States to enforce laws in relation to oleomargarine—to the Committee on Agriculture.

By Mr. MILLIKEN: Resolution of the Legislature of the State of Maine, favoring an appropriation for the Kittery navy yard—to the Committee on Naval Affairs.

By Mr. KELLEY: Resolutions of the house of representatives of the Kansas Legislature, asking legislation in favor of the masses as against the classes, demanding the defeat of the so-called force bill, demanding the repeal of the McKinley tariff bill and the enactment of just and equal tariff legislation, having proper regard to all interests and especially to the great agricultural interests of the West, and demanding the enactment of laws providing for the free and unlimited coinage of silver and enlargement of the volume of the currency issued by the Government—to the Select Committee on the Election of President, Vice President, and Representatives in Congress.

RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolution was introduced and referred as follows:

By Mr. BUREOWS:

Resolved, That the Committee on Levees and Improvement of the Mississippi River be authorized to have printed such testimony taken by it or such papers relating to matters pending before said committee as it may deem proper;

to the Committee on Printing.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. FLICK, from the Committee on Invalid Pensions, reported favor-

ably the bill of the House (H. R. 13300) granting an increase of pension to John F. Whipple, accompanied by a report (No. 3618)—to the Committee of the Whole House.

Mr. NUTE, from the Committee on Invalid Pensions, reported favorably the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 13138) to pension Mary B. Peck, widow of Maj. James S. Peck. (Report No. 3617.)

A bill (H. R. 12803) granting a pension to Alice O. Leighton, widow of Everett W. Leighton, deceased, Company C, Thirteenth New Hampshire Volunteers. (Report No. 3618.)

Mr. SAWYER, from the Committee on Invalid Pensions, reported with amendment the bill of the House (H. R. 10324) to increase the pension of Edward Jardine, accompanied by a report (No. 3620)—to the Committee of the Whole House.

Mr. RANDALL, from the Committee on Pensions, reported favorably the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 13213) to pension Mrs. Adeline S. Wilbur. (Report No. 3621.)

A bill (H. R. 13212) granting a pension to George James. (Report No. 3622.)

Mr. O'NEILL, of Pennsylvania, from the Committee on the Library, reported favorably the bill of the Senate (S. 4211) authorizing and directing the Secretary of War to purchase the equestrian painting of General Winfield Scott, now in the Corcoran Art Gallery, and painted by Troy, accompanied by a report (No. 3623)—to the Committee of the Whole House on the state of the Union.

Mr. SPINOLA, from the Committee on War Claims, reported favorably the bill of the House (H. R. 4225) for the relief of Margaret Kennedy, accompanied by a report (No. 3624)—to the Committee of the Whole House.

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, severally read twice, and referred as follows:

By Mr. VANDEVER: A bill (H. R. 13390) to amend "An act to set apart certain tracts of land in the State of California as forest reservations," approved October 1, 1890—to the Committee on the Public Lands.

By Mr. BOATNER: A bill (H. R. 13391) for the protection of the harbor of Natchez, Miss., and for other purposes—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 13392) for the protection of the harbor of Lake Providence, La., and other purposes—to the Committee on Rivers and Harbors.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. ATKINSON, of Pennsylvania (by request): A bill (H. R. 13393) to incorporate the American Atmospheric Pressure Company—to the Committee on the District of Columbia.

By Mr. CARTUH: A bill (H. R. 13394) granting an increase of pension to Nancy O'Neal—to the Committee on Pensions.

By Mr. GEISSENHAINER: A bill (H. R. 13395) to provide an American register for the barge Sea Bird, of Perth Amboy, N. J.—to the Committee on Merchant Marine and Fisheries.

By Mr. McCOMAS: A bill (H. R. 13396) for the relief of George D. Frantz—to the Committee on Invalid Pensions.

By Mr. McKINLEY: A bill (H. R. 13397) granting a pension to James P. Conn—to the Committee on Invalid Pensions.

By Mr. MARTIN, of Indiana: A bill (H. R. 13398) to grant a pension to Eliza Tait, a dependent sister—to the Committee on Invalid Pensions.

By Mr. QUINN: A bill (H. R. 13399) granting a pension to James Anderson—to the Committee on Invalid Pensions.

By Mr. STRUBLE: A bill (H. R. 13400) to correct the muster-in of Louis P. Vance and for other purposes—to the Committee on Military Affairs.

By Mr. TOWNSEND, of Colorado: A bill (H. R. 13401) to increase the pension of E. H. Powers, late colonel Fifty-fifth Regiment Ohio Volunteer Infantry—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAKER: Petition of citizens of Rochester, N. Y., in relation to immigration—to the Select Committee on Immigration and Naturalization.

By Mr. BOATNER: Memorial of citizens of Lake Providence, La., praying for an appropriation to protect the harbor of said town from caving banks—to the Committee on Rivers and Harbors.

By Mr. BRUNNER: Petition of members of Company E, Two hundred and second Regiment Pennsylvania Volunteers, for relief—to the Committee on War Claims.

By Mr. CONNELL: Petition of 13 citizens of Cass County, Nebraska; also, resolutions of Fairland Alliance, Nebraska, in favor of the antioption bill (H. R. 5353)—to the Committee on Agriculture.

By Mr. DORSEY: Resolutions adopted by Farmers' Alliances of Nebraska; also, petitions from the same source, asking for the passage of the option bill (H. R. 5353)—to the Committee on Agriculture.

Also, petition from citizens of Nebraska, also from citizens of Northwest Nebraska, asking for an appropriation to dig irrigating ditches—to the Select Committee of Irrigation of Arid Lands in the United States.

By Mr. DUNNELL: Petition of A. L. Barr and 29 others, and of J. N. Dodge and 21 others, citizens of Minnesota, praying for the passage of the Butterworth option bill—to the Committee on Agriculture.

By Mr. ENLOE: Petition of James P. Wooster, of Hardeman County, Tennessee; also, of J. T. Towles, administrator of J. N. Towles, deceased, late of Fayette County, Tennessee, for reference of claim to the Court of Claims under provisions of the Bowman act—to the Committee on War Claims.

By Mr. GEISSENHAINER: Petition of citizens of Keyport, N. J., for the establishment of a lighthouse at East Point, Keyport Harbor—to the Committee on Commerce.

By Mr. GROSVENOR: Petition of certain citizens of Athens, Ohio, for a law to prevent the use of United States mails for carrying obscene literature—to the Committee on the Post Office and Post Roads.

By Mr. HARMER: Petition of the Laundrymen's National Association of America, in favor of House bill 5357, known as the Morrow exclusion act—to the Committee on Foreign Affairs.

By Mr. HENDERSON, of Illinois: Resolutions of Natick Alliance, of the State of Illinois; also, of Hume Alliance, No. 12, of Illinois; also, memorial of Hume Alliance No. 12, all urging the passage of House bill 5353—to the Committee on Agriculture.

By Mr. HENDERSON, of Iowa: Petition of the Laundrymen's National Association of America, urging favorable action on House bill 5357, relative to the Chinese exclusion act—to the Committee on Foreign Affairs.

Also, paper from W. S. Burke, of Albuquerque, N. Mex., asking for an increase of the appropriation for the Indian school at Albuquerque—to the Committee on Indian Affairs.

Also, resolutions by the convention of the Farmers' Alliance of Pennsylvania, against trusts and in favor of the Conger lard bill—to the Committee on Agriculture.

By Mr. KELLEY: Petition of Laundrymen's National Association of America, asking for the passage of the bill known as the Morrow Chinese exclusion act—to the Committee on Foreign Relations.

Also, petition (circulated by the Woman's Christian Temperance Union) signed by S. Levick, F. M. Griffith, Mrs. R. Rite, and 161 others, citizens of El Dorado, Kans., praying for the passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages—to the Select Committee on the Alcoholic Liquor Traffic.

Also, petition of the Cottonwood Quarterly Meeting of Friends, held at Emporia, Kans., asking for the appointment of a committee composed of both men and women to investigate the social vice in all its phases, relating to labor and wages, marriage and divorce, crime, public health, and morals—to the Committee on Education.

By Mr. KENNEDY: Resolutions of Rocky Point Farmers' Alliance, Clark County, Ohio; also, of Ralph Howell and 9 others, citizens of same county, asking passage of the antioption bill—to the Committee on Agriculture.

Also, petition of Frank B. Miller and 10 others, citizens of Clark County, Ohio; also, resolutions of Rocky Point Farmers' Alliance of same county and State, in favor of the Conger lard bill—to the Committee on Agriculture.

By Mr. KERR, of Pennsylvania: Petition of citizens of the county of Clarion, Pennsylvania, asking for the passage of House bill 3544—to the Committee on Invalid Pensions.

By Mr. McCLELLAN: Petition of Union Grove Farmers' Alliance, of Whitley County, Indiana, signed by 29 of its members who respectfully yet earnestly urge upon the Congress of the United States the necessity for the speedy passage of House bill 5353, defining options—to the Committee on Agriculture.

By Mr. MARTIN, of Indiana; Petition of citizens of Wabash, Ind., asking for the passage of the bill to pension Eliza Tait—to the Committee on Invalid Pensions.

By Mr. MOFFITT: Petition of the Woman's Christian Temperance Union of Warren County, New York, representing 250 members, for a national social vice commission of inquiry—to the Committee on Education.

By Mr. MORROW: Petition of Laundrymen's National Association of America, relative to the Chinese exclusion act—to the Committee on Foreign Affairs.

By Mr. PAYNTER (by request): Petition of Elizabeth Maxson, for original pension—to the Committee on Invalid Pensions.

Also (by request), petition of James A. Day, for discharge from service—to the Committee on Military Affairs.

By Mr. PEEL: Petition (circulated by the Woman's Christian Temperance Union) signed by J. C. Fraker, J. C. Carlock, Hattie L. Fraker, and 191 other citizens of Eureka Springs, Ark., praying for the passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages—to the Select Committee on the Alcoholic Liquor Traffic.

Also, petition (circulated by the Woman's Christian Temperance Union) signed by Minnie Rogers and others, of Eureka Springs, Ark., representing 7 members; also, other citizens of same place; also, by S. C. Barnett, superintendent of city schools, and 12 teachers of same place; also, by W. Trolan, superintendent, and 23 members of Bible class of Christian Church of same place; also, by R. S. Stevenson, pastor and 5 members, teachers of First Presbyterian Church of same place; also, by W. Irelon, pastor Christian Church, and 5 pastors of the various churches of same place; also, of R. N. Floyd, M. D., and 6 other physicians of same place; also, of J. C. Fraker, superintendent, and Nettie McCollister, secretary, of Bible class of the Methodist Episcopal Sunday school of same place; also, by L. P. Himes, superintendent of Bible class, Baptist Church, of same place, all praying for the passage of the bill providing for the appointment of a commission on the subject of the social vice—to the Committee on Education.

By Mr. QUINN: Petition of Laundrymen's Association of America, relative to the Chinese exclusion act—to the Committee on Foreign Affairs.

By Mr. RANDALL: Petition of the Arkwright Club, of Boston, Mass., against the free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. STEWART, of Georgia: Petition of Thomas T. Tucker, Clayton County, Georgia, for reference of his case to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. STIVERS: Petition of James Halford, Angie C. Crawford, and 78 others, citizens of Crawford, N. Y., praying for proposal of amendment to the Constitution of the United States providing that the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage shall be forever prohibited in the United States and that Congress shall enforce this article by needful legislation—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. STONE, of Missouri: Petition of Laundrymen's Association of America and others, praying favorable action on House bill 5357, relating to the exclusion of Chinese—to the Committee on Foreign Relations.

By Mr. STRUBLE: Petition of citizens of Oklahoma, for a modification of the town-site law—to the Committee on the Territories.

By Mr. TOWNSEND, of Colorado: Affidavit of E. H. Powers, to accompany House bill to increase pension of E. H. Powers, late Fifty-fifth Regiment Ohio Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. WADDILL: Petition and resolution of the Chamber of Commerce of the city of Norfolk, Va., in favor of the passage of the bill commonly known as the tonnage bill—to the Committee on Merchant Marine and Fisheries.

By Mr. WILSON, of Washington: Memorial of the Chamber of Commerce of Spokane Falls, Wash., for the free coinage of silver—to the Committee on Coinage, Weights, and Measures.

Also, petition of 81 citizens, praying for the repeal of the timberland act of June 3, 1878—to the Committee on the Public Lands.

Also, memorial of county commissioners of Kitsap County, Washington, relative to a site for dry dock and naval station on Puget Sound—to the Committee on Naval Affairs.

SENATE.

THURSDAY, *January* 29, 1891.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the Legislature of the State of New York, praying for the immediate passage of the bill to prohibit the adulteration of food and malt liquors; which was ordered to lie on the table.

He also presented the petition of Grant Cady and 11 other citizens of Custer County, Nebraska, setting forth the destitution in that locality in consequence of a drought, and praying for relief in the shape of provisions and seeds; which was referred to the Committee on Appropriations.

He also presented a petition of Frontier City Lodge, No. 92, Brotherhood of Locomotive Firemen, of Oswego County, New York, praying for a constitutional amendment securing to the women of the United States the right of suffrage; which was ordered to lie on the table.

Mr. BARBOUR presented the petition of Thomas S. Stodden and 44 other citizens of Stonewall, Frederick County, Virginia, praying for the passage of the Conger lard bill; which was ordered to lie on the table.

Mr. SANDERS presented a petition of the Philadelphia (Pa.) Board of Trade, praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. PADDOCK presented the following petitions, praying for the passage of the Conger lard bill; which were ordered to lie on the table:

Petition of John A. Hogg and 19 other citizens of Buffalo County, Nebraska;

Petition of Thomas Widdis and 15 other citizens of Adams County, Nebraska;

Petition of Horace E. Brown and 14 other citizens of Gates, Custer County, Nebraska;

Resolutions of the members of Star Alliance, No. 867, of Gibbon, Nebr.;

Resolutions of the members of Pleasant Ridge Farmers' Alliance, No. 863, of West Union Township, Custer County, Nebraska;

Petition of K. H. Dolan and 20 other citizens of Burt County, Nebraska;

Resolutions of the members of Good Hope Farmers' Alliance, No. 609, of Custer Country, Nebraska;

Petition of Arthur M. Brady and 17 other citizens of Chase County, Nebraska;

Petition of M. E. Harris and 10 other citizens of Cass County, Nebraska;

Resolutions of Fairland Farmers' Alliance, No. 1539, of Ashland, Nebr.;

Resolutions of the members of the Genet Farmers' Alliance, No. 595, of Custer County, Nebraska; and

Petition of G. W. Simmons and 14 other citizens of Custer County, Nebr.

Mr. PADDOCK also presented a petition of the Philadelphia Board of Trade, praying for the speedy passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. MANDERSON presented the following petitions, praying for the passage of the Conger lard bill; which were ordered to lie on the table:

Resolutions of Pleasant Lawn Alliance, No. 912, of Butler County, Nebraska;

Petition of Thomas Widdis and 13 other citizens of Adams County, Nebraska;

Petition of Clement Boland and 19 other citizens of Cedar County, Nebraska;

Petition of M. M. Harney and 19 other citizens of Burt County, Nebraska;

Petition of B. A. Shearer and 38 other citizens of Ways County, Nebraska;

Petition of W. J. Henderson and 38 other citizens of Custer County, Nebraska;

Resolutions of Mt. Pleasant Alliance, No. 1242, of Chase County, Nebraska;

Petition of S. Clothin and 12 other citizens of Champion, Chase County, Nebraska;

Petition of H. C. Chase and 12 other citizens of Custer County, Nebraska;

Resolutions of Janesville Alliance, No. 550, of Ansley, Custer County, Nebraska;

Resolutions of Progressive Alliance, No. 1099, of Banner County, Nebraska; and

Petition of W. W. Shearer and 39 other citizens of Cedar County, Nebraska.

Mr. DAWES presented a petition of the Springfield (Mass.) Board of Trade, praying for the passage of a bill to establish a limited post and telegraph service; which was referred to the Committee on Post Offices and Post Roads.

Mr. SHERMAN presented a petition of the Junior Order United American Mechanics of Irondale, Ohio, and the petition of the Junior Order United American Mechanics of Waynesburgh, Ohio, praying for the passage of a bill to restrict immigration; which were referred to the Committee on Immigration.

Mr. HOAR presented the petition of Rev. Arthur Anderson Brooke, of Greenfield, Mass., praying for the passage of a national bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of citizens of Boston, Mass., praying for the passage of the bill providing for a national social vice commission of inquiry; which was referred to the Committee on Education and Labor.

Mr. COCKRELL presented the following petitions of the officers and members of the Farmers and Laborers' Union, praying for the passage of the Paddock pure-food bill; which were ordered to lie on the table:

Petition of Farmers and Laborers' Union No. 357, of Phelps County, Missouri;

Petition of Farmers and Laborers' Union No. 617, of Maries County, Missouri;

Petition of Farmers and Laborers' Union No. 511, of Bates County, Missouri;

Petition of Farmers and Laborers' Union No. 196, of St. François County, Missouri;

Petition of Farmers and Laborers' Union No. 297, of Cedar County, Missouri;

Petition of Farmers and Laborers' Union No. 1193, of Pike County, Missouri; and

Petition of Farmers' and Laborers' Union No. 856, of Nodaway County, Missouri.

Mr. CULLOM presented memorials of members of Farmers' Alliance and Industrial Unions Nos. 117, 244, 92, 198, 190, 185, 209, 49, 161, 217, 254, and 228, of the counties of Green, Livingstone, Jo Daviess, Pike, Scott, Henry, and Morgan, in the State of Illinois, remonstrating against the passage of the Conger compound-lard bill; which were ordered to lie on the table.

He also presented a petition of the Board of Trade of Philadelphia, Pa., praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of Lodge No. 4854, Farmers' Mutual Benefit Association, of Jersey County, Illinois, praying for the passage of the Conger lard bill; which was ordered to lie on the table.

He also presented petitions of District Assemblies, Farmers' Mutual Benefit Association, Nos. 2456, 2394, 829, 932, 2245, 65, 622, 22, 879, 747, and 1608, of the counties of Clark, Washington, Hardin, Bond, Franklin, Wayne, Johnson, Clay, and Wabash, in the State of Illinois, praying for the passage of the Paddock pure-food bill; which were ordered to lie on the table.

Mr. TURPIE presented the following memorials of citizens of Indiana, remonstrating against the passage of the Conger compound-lard bill; which were ordered to lie on the table:

Memorial of 22 employés of the freighthouse at Indianapolis, Ind.;

Memorial of 27 employés of the Atkins Saw Works at Indianapolis, Ind.; and

Memorial of 29 employés of the Wheel Works of Indianapolis, Ind.

Mr. COKE presented the following memorials of citizens of Texas, remonstrating against the passage of the Conger lard bill; which were ordered to lie on the table:

Memorial of the Board of Trade of Austin, Tex.; and

Memorial of Alexander Hamilton and other citizens of Curro, Tex.

Mr. COKE also presented the petition of Jasper Brosy, C. R. Brockneay, and other citizens and business firms of San Antonio, Tex., praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of the San Saba Grange, No. 1118, Patrons of Husbandry, of San Saba County, Texas, praying for the passage of the Paddock pure-food bill; which was ordered to lie on the table.

Mr. EVARTS presented the petition of W. H. Mitchell, Charles E. Stoddard, Annie E. Dyer, and 363 other citizens of Binghamton, N. Y., praying for the passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages; which was ordered to lie on the table.

He also presented a petition of sundry citizens of New York City, praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of 45 citizens of New York State, praying for the passage of certain amendments to the international copyright bill; which was ordered to lie on the table.

Mr. EVARTS. I present a resolution of the Legislature of the State of New York in favor of the passage of the pure-food bill, and, as the matter is now pending, I ask that the resolution be read, as it is brief.

The resolution was read and ordered to lie on the table, as follows:

STATE OF NEW YORK.

IN SENATE, *Albany, January* 13, 1891.

Resolved (*if the assembly concur*), That the Senators and Representatives in Congress from the State of New York be respectfully requested to aid in the immediate passage of the bill now pending in Congress to prohibit the adulteration of food and malt liquors.

By order:

JOHN S. KENYON, *Clerk.*

IN ASSEMBLY, *January* 19, 1891.

Concurred in without amendment.

CHAS. R. DE FREEST, *Clerk.*

Mr. EVARTS presented the following resolution of the Legislature of the State of New York; which was read and referred to the Committee on Agriculture and Forestry:

STATE OF NEW YORK.

IN SENATE, *Albany, January* 6, 1891.

Resolved (*if the assembly concur*), That our Senators and Representatives in Congress from this State be respectfully requested to assist in procuring the passage of the bill now pending in Congress to enable the several States to enforce the State laws in relation to the manufacture and sale of oleomargarine.

By order:

JOHN S. KENYON, *Clerk.*

IN ASSEMBLY, *January* 19, 1891.

Concurred in without amendment.

CHAS. R. DE FREEST, *Clerk.*

Mr. WILSON, of Iowa, presented a petition of 10 citizens of Palo Alto County, Iowa, praying for the passage of the Conger lard bill; which was ordered to lie on the table.

Mr. QUAY presented the following petitions of citizens of the State of Pennsylvania, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Petition of James Scroggs and 7 other citizens of Ohio Township, Beaver County, Pennsylvania;

Petition of Daniel D. Dawson and 8 other citizens of Beaver County, Pennsylvania;

Resolutions of Hillsville Alliance, No. 21, of Lawrence County, Pennsylvania;

Petition of W. S. Shaffer and 27 other citizens of Lawrence County, Pennsylvania;

Petition of Seth Osborn and 17 other citizens of Summit Township, Erie County, Pennsylvania;

Resolutions of Kearsarge Farmers' Alliance, of Kearsarge, Erie County, Pennsylvania;

Petition of Milton Reed and 12 other citizens of Beaver County, Pennsylvania;

Petition of D. Eakin and 12 other citizens of Beaver County, Pennsylvania; and

Petition of N. G. Neff and 65 other citizens of Huntington County, Pennsylvania.

Mr. QUAY also presented a petition of Printers' Assembly No. 3990, Knights of Labor, of Washington, D. C., praying for the passage of the bill restoring the wages of employés of the Government Printing Office to the rates paid previous to March 3, 1877; which was ordered to lie on the table.

Mr. McCONNELL presented the petition of S. R. Greenwood and 35 other citizens of Moscow, Latah County, Idaho, praying for the speedy passage of the Conger lard bill; which was ordered to lie on the table.

Mr. SHERMAN presented the following petitions praying for the passage of the Conger lard bill; which were ordered to lie on the table:

Resolutions of Morrisville Alliance, No. 172, of Clinton County, Ohio;

Petition of L. P. Whinery and 12 other citizens of Clinton County, Ohio;

Petition of George W. Nowels and 43 other citizens of Holmes County, Ohio;

Petition of F. W. Gersuch and 41 other citizens of Delaware County, Ohio;

Resolutions of Ohio Harlem Township Farmers' Alliance, No. 396, of Ohio;

Petition of W. W. Martin and 24 other citizens of Williams County, Ohio;

Resolutions of Iler Suballiance, No. 74, of Ohio;

Petition of J. W. McCally and 18 other citizens of Richland County, Ohio;

Petition of E. H. Peelle and 42 other citizens of Clinton County, Ohio;

Resolutions of Woodside Suballiance, No. 71, of Sabina, Clinton County, Ohio;

Petition of John S. Orcutt and 19 other citizens of Forest, Hardin County, Ohio;

Resolutions of Fifth Jefferson Alliance, of Bowersville, Green County, Ohio;

Petition of William Hoover and 53 other citizens of Richland County, Ohio;

Petition of C. F. Secrist and 19 other citizens of Richland County, Ohio;

Resolutions of Worthington Alliance, No. 409, of Richland County, Ohio;

Resolutions of Salt Creek Subordinate Alliance, No. 439, of Fredericksburgh, Wayne County, Ohio;

Petition of John Hurst and 13 other citizens of McDonald Alliance, No. 595, of Hardin County, Ohio;

Resolutions of Bellbrook (Ohio) Alliance, No. 256, of Bellbrook, Ohio;

Petition of S. V. Calvin and 25 other citizens of Mahoning County, Ohio;

Resolutions of Vienna Alliance, No. 478, of Vienna, Trumbull County, Ohio; and

Resolutions of Union Township Farmers' Alliance, No. 346, of Norwich, Ohio.

Mr. WASHBURN presented a petition, signed by T. M. Rule, Carrie O. Brown, and 90 other citizens of Mankato, Minn., praying for the passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages; which was ordered to lie on the table.

Mr. PLUMB presented the following petitions, praying for the passage of the Paddock pure-food bill; which were ordered to lie on the table:

Petition of Farmers' Alliance and Industrial Union No. 2579, of Lincoln County, Kansas;

Petition of Farmers' Alliance and Industrial Union No. 1954, of Ellsworth County, Kansas;

Petition of Farmers' Alliance and Industrial Union No. 149, of Cowley County, Kansas;

Petition of Farmers' Alliance and Industrial Union No. 1937, of Chase County, Kansas;

Petition of Farmers' Alliance and Industrial Union No. 1996, of Pottawatomie County, Kansas;

Petition of Farmers' Alliance and Industrial Union No. 2357, of Douglass County, Kansas;

Petition of Farmers' Alliance and Industrial Union No. 104, of Labette County, Kansas;

Petition of Farmers' Alliance and Industrial Union No. 8, of Clark County, Kansas;

Petition of Farmers' Alliance and Industrial Union No. 16, of Ford and Meade County, Kansas; and

Petition of citizens of the State of Kansas.

Mr. PLUMB also presented the following memorials, remonstrating against the passage of the Conger lard bill; which were ordered to lie on the table:

Memorial of citizens of Le Loup, Kans.;

Memorial of citizens of Lincoln, Kans.;

Memorial of R. B. Simley and other citizens of Kansas; and

Memorial of Henry Hiatt and other citizens of Kansas.

Mr. PLUMB also presented the following petitions, praying for the passage of the Conger lard bill; which were ordered to lie on the table:

Petition of W. H. Brown and 11 other citizens of Sedgwick County, Kansas;

Petition of John F. Werbin and 22 other citizens of Sedgwick County, Kansas;

Petition of C. J. Brown and 21 other citizens of Mitchell County, Kansas; and

Petition of John Kiser and other citizens of Johnson County, Kansas.

Mr. PLUMB also presented a petition of the Morris County Farmers' Alliance, praying for the passage of House bill 5353, known as the option bill, the Paddock pure-food bill, and remonstrating against the passage of the Conger lard bill; which was referred to the Committee on Finance.

He also presented a petition, signed by A. S. Sparks and other citizens of Ellsworth, Kans., praying for the payment of the Indian depredation claims; which was referred to the Select Committee on Indian Depredations.

Mr. QUAY presented a petition of Encampment No. 42, Union Veteran Legion, of Wenen, Pa., praying for the passage of the bill to insure preference in appointment, employment, and retention therein, in the public service of the United States, to veterans of the late war; which was ordered to lie on the table.

He also presented the following petitions, praying for the passage of the bill to restrict immigration; which were referred to the Committee on Immigration:

Petition of the Washington Continental Guards, of Philadelphia, Pa.;

Petition of Integrity Council, No. 338, Junior Order United American Mechanics, of Philadelphia, Pa.;

Petition of Loyalty Council, No. 314, Junior Order United American Mechanics, of Cribbs, Pa.;

Petition of Ellsworth Council, No. 14, Junior Order United American Mechanics, of Philadelphia, Pa.;

Petition of Star of America Council, No. 305, Junior Order United American Mechanics, of Rice's Landing, Pa.;

Petition of Homewood Council, Junior Order United American Mechanics, of Homewood, Pa.;

Petition of Salina Council, No. 308, Junior Order United American Mechanics, of Salina, Pa.;

Petition of Lavansville Council, Junior Order United American Mechanics;

Petition of the Junior Order United American Mechanics, of Freedom, Pa.;

Petition of Lambertsville Council, No. 413, Junior Order United American Mechanics, of Lambertsville, Pa.;

Petition of Golden Rule Council, No. 332, Junior Order United American Mechanics, of Johnstown, Pa.;

Petition of Kensington Council, No. 5, Junior Order United American Mechanics, of Philadelphia, Pa.;

Petition of Donegal Council, No. 312, Junior Order United American Mechanics, of Donegal, Pa.

Petition of Diamond Council, No. 284, Junior Order United American Mechanics, of Saltsburgh, Pa.;

Petition of Pioneer Council, No. 380, Junior Order United American Mechanics, of Hyremansville, Pa.;

Petition of Pennsville Council, No. 315, Junior Order United American Mechanics, of Pennsville, Pa.;

Petition of Schuylkill Council, No. 12, Junior Order United American Mechanics, of Philadelphia, Pa.

Petition of Darlington Council, No. 386, Junior Order United American Mechanics, of Darlington, Pa.;

Petition of Portersville Council, No. 485, Junior Order United American Mechanics, of Portersville, Ind.;

Petition of Wampum Council, No. 226, Junior Order United American Mechanics, of Wampum, Pa.;

Petition of Spring Garden Council, No. 18, Junior Order United American Mechanics, of Philadelphia, Pa.;

Petition of Bainbridge Council, No. 128, Order United American Mechanics, of Pittsburgh, Pa.;

Petition of Columbia Council, No. 43, Order United American Mechanics, of Wilkes-Barre, Pa.;

Petition of Bessie Council, No. 301, Order United American Mechanics, of Perryville, Pa.;

Petition of Washington Council, No. 1, Order United American Mechanics, of Germantown, Pa.;

Petition of Prosperity Council, Order United American Mechanics, of Mahanoy City, Pa.;

Petition of Resolution Council, No. 6, Junior Order United American Mechanics, of Philadelphia, Pa.; and

Petition of Hazel Glen Council, Junior Order United American Mechanics, of Hazelwood, Pa.

Mr. SAWYER presented a petition of citizens of Milton, Wis., praying for the passage of the Conger lard bill; which was ordered to lie on the table.

He also presented a memorial of the Chamber of Commerce of Milwaukee, Wis., remonstrating against the passage of the silver coinage bill; which was ordered to lie on the table.

Mr. SPOONER presented the following petitions, praying for the passage of the Conger lard bill; which were ordered to lie on the table:

Petition of O. G. Lee and 13 other citizens of Barron County, Wisconsin;

Resolutions of Farmers' Alliance No. 135, of Barron County, Wisconsin;

Petition of Paul L. Rye and 12 other citizens of Barron County, Wisconsin;

Petition of Ole Johnson and 23 other citizens of Barron County, Wisconsin; and

Resolutions of Turtle Lake Alliance, No. 41, of Wisconsin.

MARY B. HASCALL.

Mr. DAVIS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 4585) granting a pension to Mary B. Hascall, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House of Representatives recede from its amendment and agree to the bill as passed by the Senate.

C. K. DAVIS,
DAVID TURPIE,
PHILETUS SAWYER,
Managers on the part of the Senate.

G. L. LAWS,
C. E. BELKNAP,
EDWARD LANE,
Managers on the part of the House.

The VICE PRESIDENT. The report requires no action by the Senate.

REPORTS OF COMMITTEES.

Mr. DAVIS, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 11534) to pension Mrs. Letitia Staenglen;

A bill (H. R. 4942) granting a pension to Mary E. Chamberlain; and

A bill (H. R. 1890) to pension Winemah Riddell.

Mr. WASHBURN, from the Committee on Commerce, to whom was referred the joint resolution (S. R. 145) to apply appropriation for lighthouse on Simmon's Reef in payment for three light ships in lieu thereof, reported it without amendment.

Mr. CHANDLER. I am directed by the Committee on Naval Affairs, to whom was referred the bill (S. 4777) for the purchase of a site and the building of a dry dock thereon at Port Orchard, in the State of Washington, and for other purposes, to report it with amendments, and to move that the bill be referred to the Committee on Appropriations, and printed as proposed to be amended.

The report was agreed to.

BILLS INTRODUCED.

Mr. BARBOUR introduced a bill (S. 4955) for the relief of loyal citizens, therein named, of Loudoun County, Virginia; which was read twice by its title, and referred to the Committee on Claims.

Mr. VANCE introduced a bill (S. 4956) for the relief of Margaret Kennedy; which was read twice by its title, and referred to the Committee on Claims.

Mr. STOCKBRIDGE introduced a bill (S. 4957) to provide for the purchase of a site and the erection of a public building thereon at Ionia, in the State of Michigan; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. EVARTS introduced a bill (S. 4958) for the relief of James Bigler; which was read twice by its title, and referred to the Committee on Claims.

Mr. BLODGETT introduced a bill (S. 4959) to provide an American register for the barge Sea Bird, of Perth Amboy, N. J.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HISCOCK introduced a bill (S. 4960) for the establishment of a fish hatchery in the State of New York near the St. Lawrence River; which was read twice by its title, and referred to the Committee on Fisheries.

Mr. CAREY introduced a bill (S. 4961) for the relief of Frances Irsch;

which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. WASHBURN introduced a bill (S. 4962) to authorize the Minnesota Boom Company to construct and operate booms and other structures in certain sloughs of the Mississippi River, and to drive and sheer into such booms logs, timber, and lumber found in said river; which was read twice by its title, and referred to the Committee on Commerce.

Mr. PLUMB introduced a bill (S. 4963) for the relief of Russell S. Newell; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. SPOONER introduced a bill (S. 4964) to authorize the appointment of an assistant superintendent of free delivery in the Post-Office Department; which was read twice by its title, and referred to the Committee on Post Offices and Post Roads.

Mr. BLACKBURN introduced a bill (S. 4965) for the relief of Patrick J. Murphy; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. MORRILL introduced a joint resolution (S. R. 153) to fill a vacancy existing in the Board of Regents of the Smithsonian Institution; which was read twice by its title, and ordered to lie on the table.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. WARREN submitted an amendment intended to be proposed by him to the army appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BUTLER submitted an amendment intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DOLPH submitted an amendment intended to be proposed by him to the naval appropriation bill; which was read, referred to the Committee on Naval Affairs, and ordered to be printed, as follows:

For the purpose of establishing and maintaing a coal and repair station for the use of the vessels of the United States upon the harbor of Pearl River, in the Island of Oahu, in the Kingdom of the Hawaiian Islands, and improving the entrance to said harbor, $300,000, or so much thereof as may be necessary.

RECOMMITTAL OF A BILL.

Mr. FAULKNER. I ask the unanimous consent of the Senate to have recommitted to the Committee on the District of Columbia House bill 11407, Calendar number 2273. I make this request under instructions of the Committee on the District of Columbia.

Mr. EDMUNDS. Let the title of the bill be read.

The VICE PRESIDENT. The title of the bill will be read.

The CHIEF CLERK. A bill (H. R. 11407) to improve car service on Fourteenth street extended.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the bill will be recommitted to the Committee on the District of Columbia.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. 6559) to provide for the issue of the commission of Philip C. Johnson as a rear admiral in the United States Navy; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills:

A bill (H. R. 154) to provide for the purchase of a site and the erection of a public building thereon at Pueblo, in the State of Colorado; and

A bill (H. R. 188) to provide for the purchase of a site and the erection of a public building thereon at Columbus, in the State of Georgia, and for other purposes.

GEORGE W. PITNER.

Mr. SHERMAN. There is a pension bill on the Calendar which was passed over under objection by the Senator from Missouri [Mr. COCKRELL], who has now withdrawn his objection, and I hope the Senate will allow the bill to pass so that it may take its place with the other pension bills that were passed. It will take but a moment.

Mr. HARRIS. What is the request of the Senator from Ohio?

Mr. SHERMAN. I ask the Senate to consider the bill (H. R. 3034) granting a pension to George W. Pitner.

Mr. HARRIS. Had we not better get through with the call of morning business and let the Senator ask for the consideration of the bill then?

The VICE PRESIDENT. Is there further morning business? Resolutions, concurrent or other, are in order.

Mr. SHERMAN. If there be no further morning business——

The VICE PRESIDENT. If there is no further morning business that order is closed, and the Calendar, under Rule VIII, is in order. The Senator from Ohio asks unanimous consent to proceed to the consideration of the bill (H. R. 3034) granting a pension to George W. Pitner.

Mr. EDMUNDS. Let it be read.

The VICE PRESIDENT. The bill will be read for information.

The Chief Clerk read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of George W. Pitner, late of Company E, Seventy-seventh Regiment of Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES MAX WITTIG.

Mr. ALLISON. I ask unanimous consent to have considered a bill that will take but a moment, which is akin to the bill called up by the Senator from Ohio, although reported from the Committee on Military Affairs. It is the bill (H. R. 1867) for the relief of Charles Max Wittig, which it is necessary to have sent back to the other House to make a correction in the name. I ask that it may be considered now. It relates to a man who is in very great distress in my State. It was reported by the Senator from Mississippi [Mr. WALTHALL].

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of War be, and he is hereby, authorized and directed to remove from the records the charge of desertion against Max Wittig, late of Company C, First Missouri Artillery Volunteers, and to issue to him an honorable discharge as of the date of his leaving that organization, and to pay him all pay, bounty, and allowances that may be due him, without reference to the charge of desertion.

Mr. EDMUNDS. I should like to hear the report, Mr. President.

The VICE PRESIDENT. The report will be read.

The Chief Clerk read the following report, submitted by Mr. WALTHALL January 19, 1891:

The Committee on Military Affairs, to whom was referred the bill (H. R. 1867) for the relief of Charles Max Wittig, having considered the same, report as follows.

The report on which this bill was passed in the House is set out below, and is concurred in so far as it states the circumstances of this soldier's alleged desertion.

The report from the War Department is also appended. Upon the facts of his case, this committee are of opinion that this soldier should be relieved, but to accomplish the purpose fully the bill should be amended by striking out all after the enacting clause and inserting the following:

"That the Secretary of War be, and he is hereby, authorized and directed to remove from the records the charge of desertion against Max Wittig, late of Company C, First Missouri Artillery Volunteers, and to issue to him an honorable discharge as of the date of his leaving that organization, and to pay him all pay, bounty, and allowances that may be due him without reference to the charge of desertion."

The title should be amended so as to read: "An act for the relief of Charles Max Wittig, alias Max Wittig."

Your committee recommend that these amendments be made and that the bill pass when so amended.

HOUSE REPORT.

The Committee on Military Affairs, to whom was referred the bill (H. R. 1867) for the relief of Charles Max Wittig, have examined and considered the same and report the same back to the House with the recommendation that it do pass.

It appears from the records in the Adjutant General's Office that said Wittig enlisted April 22, 1861, in Company B, First Regiment of Missouri Volunteers, for three months, and was transferred to Company C, First Missouri Artillery, to serve three years, and was present in said company in July and August, 1861, and that on the return for September, 1861, he was reported sick at home.

During this month this company was broken up and the men transferred to other companies, but his name was not put on the rolls of any new company. Wittig claims and swears that he did not know where his company was or what he should do, which does not seem unreasonable, and in any event he re-enlisted in August, 1862, in Company B, Eighty-second Regiment of Illinois Volunteers, and there served until discharged in September, 1864, for disability. Technically, not having got a discharge upon his first enlistment, he was and is a deserter, and not having re-enlisted within four months he can not be relieved under general laws, but there seems to be no just reason why he should not be relieved, and we so recommend.

RECORD AND PENSION DIVISION, *August* 29, 1890.

Case of Max Wittig, late private Company B, First Missouri Volunteers, and late private Company C, First Missouri Artillery, alias Charles Wittig, late private Company B, Eighty-second Illinois Volunteers.

Max Wittig, private Company B, First Missouri Volunteers, was enrolled April 23, 1861, to serve three months; was transferred to Company C, First Missouri Artillery, under a new contract to serve three years, and appears properly accounted for to August 31, 1861.

Regimental return for September, 1861, reports him sick at home. There is no further record of him as of said regiment.

His company, Company C, was broken up in September, 1861, and the men were transferred to other companies, but his name was not taken up on the rolls of any other company. He never rejoined the regiment, but re-enlisted August 13, 1862, as Charles Wittig, in Company B, Eighty-second Illinois Volunteers.

He served faithfully in this latter organization—was wounded at Chancellorsville, Va., May 2, 1863—until September 23, 1864, when he was discharged on surgeon's certificate of disability.

His name is not borne on the rolls as Charles M. or Charles Max Wittig.

Claimant swears that on the 16th day of September, 1861, he upset a kettle of boiling coffee on his right leg, and was sent to Charles Snyder's boarding house in St. Louis, for treatment; that on the 19th day of September, 1861, he received a furlough by order of the regimental surgeon, Florence Cornyn, and the orderly sergeant, G. Schuler, and went to his relatives (there being no hospital to which he could go), where he remained until able for duty, March 1, 1862, when he went to rejoin his regiment, but finding that it had left St. Louis, he re-enlisted in Company B, Eighty-second Illinois Volunteers.

There is no corroborative evidence on file; no record of furlough.

A letter from the Department to Hon. S. S. Farwell, House of Representatives, under date of March 16, 1882, quotes the record, the evidence, section 1242, Revised Statutes, article 50 (a soldier who enlists in another regiment, without having first received a discharge from the regiment in which he last served, shall be regarded as a deserter), and adds: "This is precisely what this man did, and this office is powerless to grant him any relief." (See joint resolution of March 1, 1870.)

Under date of November 24, 1883, a copy of the foregoing letter was trans-

mitted to claimant, and he was informed, by indorsement, that the act of August 7, 1882, did not modify or affect the decision contained therein.

On the same date, November 24, 1883, the attorneys in the case were notified, by indorsement, that claimant had been informed that inasmuch as he had become a deserter by operation of law (violation twenty-second Article of War), the charge of desertion against him could not be removed.

Application for removal of the charge of desertion was again denied to the attorney April 11, 1885, for reasons hereinbefore stated, since which time the status of the case has not changed.

Respectfully submitted.

F. C. AINSWORTH,
Captain and Assistant Surgeon, United States Army.

The SECRETARY OF WAR.

Mr. EDMUNDS. Now, I should like to ask, on that statement of facts, what in the world is the reason why the Secretary of War has not exercised the power that apparently the law gives him to remove that charge of desertion. It appears on the statement to be perfectly clear that it ought to be done.

Mr. WALTHALL. I can state the reason to the Senator. It is because the soldier did not re-enlist within four months.

Mr. EDMUNDS. Ah, but we have a law now that the Secretary of War may remove a charge of desertion in every case where it appears to have been unjustly entered against the soldier.

Mr. WALTHALL. The Senator is mistaken.

Mr. COCKRELL. I beg the Senator's pardon; I should like to see such a law. It never has been enacted by Congress.

Mr. EDMUNDS. Yes; it has been.

Mr. COCKRELL. I beg pardon.

Mr. EDMUNDS. There is no three or four months' limitation that I ever heard of before in respect of the power of the Secretary of War to remove a wrong charge of desertion.

Mr. ALLISON. I will say to the Senator from Vermont that it was claimed the Department has not that power under any existing law, and hence this bill is necessary.

Mr. WALTHALL. It has not that power, and if the Senator will listen to the reading of the report from the War Department that will appear. The committee investigated that question very thoroughly and concluded that this was a case of technical desertion; that the charge ought to be removed and that the Secretary of War did not have power to do it. Otherwise, on the facts stated, it is believed he would have done it.

Mr. CULLOM. Will the Senator allow me to say a word?

Mr. WALTHALL. Certainly.

Mr. CULLOM. I certainly think that the Committee on Military Affairs ought to bring in a measure to enlarge the power of the Secretary of War on that question, if he has not already the power that has been indicated by the Senator from Vermont. I suppose every Senator here is constantly called upon to procure correction of the records of private soldiers in the late war, and in every case almost that comes to me there seems to be conclusive evidence that it ought to be done. Instead of those cases coming to Congress all the time it seems to me that the discretion ought to be lodged with the Secretary of War, so that they could be disposed of by the Department.

Mr. WALTHALL. I quite agree with the Senator, but the only question before the Senate now is as to whether the Secretary of War has the power to grant relief in this particular case.

Mr. CULLOM. I understand, but I desired to make that suggestion.

Mr. WALTHALL. The Secretary of War thinks he has not the power, the Military Committee thinks he has not, and under the law certainly he has not.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Military Affairs.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Charles Max Wittig, alias Max Wittig."

Mr. WALTHALL. I move that the Senate request a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the Vice President was authorized to appoint the conferees on the part of the Senate.

TENEDOR TEN EYCK.

Mr. HAMPTON. I ask permission to call up the bill (S. 4671) to amend the act of Congress approved September 29, 1890, authorizing the President to restore Tenedor Ten Eyck to the Army and place him on the retired list. I will state that the bill is simply to correct a clerical error. In the act which was passed at the last session a clause was left out, and the Committee on Military Affairs recommend that the act be amended.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend the act of Congress approved September 29, 1890, entitled "An act to authorize the President to restore Tenedor Ten Eyck to his former rank in the Army and to place him on the retired list of Army officers," by adding, after the word "Infantry," where the same occurs in the act, the words "the retired list of the Army being increased in number to that extent."

Mr. REAGAN. Mr. President, it is useless to resist these applications for increasing the retired list. I only want to say that I wish to be understood as voting against this and all other measures of the kind.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FOURTH ASSISTANT POSTMASTER-GENERAL.

Mr. SAWYER. I ask unanimous consent to call up the bill (S. 4781) creating the office of Fourth Assistant Postmaster-General.

The VICE PRESIDENT. The bill will be read for information, if there be no objection.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That there shall be in the Post-Office Department an additional Assistant Postmaster-General, to be known as the Fourth Assistant Postmaster-General, who shall be appointed by the President, by and with the advice and consent of the Senate, and who may be removed in the same manner, and who shall be entitled to a salary of $4,000 a year.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. GORMAN. Let the report be read in that case.

Mr. REAGAN. Is there a report accompanying the bill?

Mr. SAWYER. Yes, sir; there is a report.

The VICE PRESIDENT. The report will be read.

Mr. SAWYER. I have no objection to the report being read, but I can state the case very briefly.

Mr. GORMAN. Let us hear the report.

The Chief Clerk read the following report, submitted by Mr. SAWYER January 9, 1891:

The Committee on Post Offices and Post Roads, to whom was referred Senate bill 4781, report as follows:

It is the purpose of this bill to relieve the First Assistant Postmaster-General of a part of the burdens of his office. In 1836 a similar relief was furnished that office by creating the Third Assistant Postmaster-General. Since that reorganization in 1835 the work of the First Assistant, at that time thought sufficient to engage the entire time of any one man, has grown to many times what it then was. That the growth of this office since the last organization may be readily seen, we submit a table of comparisons of the business for the years 1836 and 1890:

Items.	1836.	1890.
Number of post offices	11,091	62,401
Extent of post routes in miles	118,264	427,990
Revenue of the Department	$3,408,323.00	$60,858,783.40
Expenditure of the Department	3,841,766.00	66,645,083.80
Amount of salaries of postmasters	812,803.00	13,753,095.69
Amount paid for transportation of mails	1,638,032.00	33,885,978.63

That a better idea may be had of the necessity for creating this office, we submit some facts referring to the amount of business transacted during the past fiscal year in the office of the First Assistant Postmaster-General.

The office is composed of the following divisions: Appointment, bond, salary and allowance, free delivery, and division of post-office supplies.

APPOINTMENT DIVISION.

In this division are prepared all cases for the establishment, discontinuance, or change of name or site of post offices and for the appointment of all postmasters. It likewise has the general supervision of the management of all post offices, which necessitates careful oversight and much correspondence, especially in view of the fact that there were, on the 30th of June last, 62,400 post offices.

The total number of cases acted upon during the past fiscal year was 23,328, an average of nearly 2,000 per month; yet this number affords no criterion of the amount of labor and care involved in the determination, by correspondence, investigation, and in the hearing of the applicants, of many of these cases. Especially is much time devoted to the consideration of cases for the establishment or discontinuance of post offices, in order that the public interests may be properly served and no injustice be done to the parties immediately interested.

BOND DIVISION.

This is mainly a division of record concerning the appointment of postmasters, the establishment or discontinuance or change of name or site of post offices. It is also charged with the preparation, care, and examination of all bonds of postmasters, and also the custody of all oaths of these officers and their assistants, the whole number undoubtedly exceeding 150,000. Reports of the operations of this division are in some instances made daily and in others weekly to the other bureaus of the Department.

SALARY AND ALLOWANCE DIVISION.

To this division is assigned the consideration and adjustment of the salaries of postmasters at offices of the first, second, and third classes, and also the consideration of allowances at these offices for rent, fuel, light, and clerk hire, besides other matters pertaining to the expenses and management of offices of the above classes.

The readjustment of the salaries of postmasters at offices of the first, second, and third classes is required to be made annually, and during the past fiscal year involved in the examination of all the salaries the amount of $4,785,800.

The amount expended for clerk hire for the year ended June 30, 1890, was	$6,550,090.00
The amount expended for rent, light, and fuel during the year ended June 30, 1890, was	1,065,172.28
For miscellaneous and incidental items, including office furniture, the amount expended during the past fiscal year was	110,000.00

FREE-DELIVERY DIVISION.

To this division is assigned the work of general supervision of the letter-carrier service, its inauguration or extension in different cities, and the appointment of carriers.

The number of free-delivery offices June 30, 1890, was	454
The number of carriers employed	9,066
The total cost of the service for the fiscal year was	$7,976,202,72
The whole number of pieces of mail matter handled by the carriers during the year was	3,297,259,696
Average cost of service per carrier	$876.88

As this service is now rapidly increasing in importance, necessarily the details of its management require more time and attention than formerly.

DIVISION OF POST-OFFICE SUPPLIES.

This division furnishes the different postmasters, upon application, with wrapping paper, twine, balances and scales, and stamps, ink, and pads, also stationery to first and second class offices. It likewise has the disposition of the stationery for the Department, and supervises the requisitions of the Department upon the Government Printing Office, and keeps the necessary accounts for the same. Bids are invited and contracts made for all the articles first mentioned, and the amount expended for them during the past fiscal year was $449,857.

The appropriation for the work done at the Government Printing Office during the year was independent of the above sum, and amounted to $200,000.

Believing that the appointment of an additional Assistant Postmaster-General is demanded by the increased business of the Department, your committee recommend the passage of the bill.

This letter, recently received by the chairman of this committee, is respectfully submitted and made a part of this report.

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., January 8, 1891.

SIR: I have the honor to acknowledge receipt of your request for certain data relating to the operations of the various divisions of the office of the First Assistant Postmaster-General, and have caused this data to be procured to the latest practicable date, and herewith submit the same to you. These figures are for the use of your committee in the consideration of the bill now before you creating the office of Fourth Assistant Postmaster-General.

In response to your request for my views, I beg to say that I regard this measure as one of pressing necessity, and from the passage of which unquestioned benefits will accrue. I made reference in my first annual report after taking charge of this Department to the need of an additional officer to be in direct control of certain divisions of the Department, the supervision over which is now merely nominal. I pointed out that such a course would not be adding to the expense of the service, but would be a positive gain of revenue, since it is always advantageous in a business point of view to have one guiding direction instead of a separation of the responsibility. It was also pointed out that there will always be sufficient work for the First Assistant Postmaster-General in studying men for appointment, establishing post offices, changing sites, and examining the reports of post-office inspectors.

My experience for a second year has not changed my views in this respect, but on the contrary has rather emphasized the importance of such an addition to the staff of the Department as this bill contemplates.

There can be no better illustration of the necessity for this addition than the figures furnished herewith, which show the difference in business of the postal service between 1836, when the Third Assistant Postmaster-General was authorized, and the present date, the number of post offices being nearly six times as many, the extent of post routes nearly four times as great, and the revenues of the Department over seventeen times as large.

I earnestly hope the bill may become a law.

Very respectfully,

JNO. WANAMAKER,
Postmaster-General.

Hon. PHILETUS SAWYER,
Chairman, Committee on Post Offices and Post Roads United States Senate.

Mr. REAGAN. Mr. President, during the last session, I believe, we provided for an Assistant Secretary of War. The Departments, of course, are best informed as to their needs, but I do not see why the heads of bureaus can not, as they now do, make all the investigations in these different classes of cases. There are some things that may come before the First Assistant Postmaster-General which require his attention; controversies about the appointment of the lower grades of postmasters, indeed the appointments of all postmasters come before him.

I recognize the great increase of the business of the Post-Office Department, but I want to take this occasion to say that a great deal of that has grown out of a vicious, bad policy, that is, the policy of the Government carrying fourth-class mail matter at 1 cent a pound and the policy of making the Post-Office Department a common carrier for merchandise or commodities of 4 pounds and less, taking the place of the other common carriers of the country, such as railroads, express companies, and other means of conveyance. That is not a part of the Government's business, unless it intends to take charge of the private interests of the people. If these two reforms could be adopted, first, to repeal the provision of the law making the Post-Office Department a common carrier of merchandise, for heavy, bulky packages, and then making fourth-class matter pay reasonable postage, it would relieve a good deal of the burdens which are imposed upon the Department and of the expense which is paid now out of the general Treasury.

The people who avail themselves of the Post-Office Department for the purpose of carrying merchandise get their merchandise carried at the expense of other people. That is not right under our system of Government. When they have merchandise to carry they ought to pay for carrying their merchandise as other people pay for carrying theirs.

I do not know that there is any reason to hope that we can get these reforms, because behind the newspapers there are a great many votes and a great many comments. They are very potential, and they have caused that great error in our postage system. Then, the persons interested in getting cheap merchandise and the mercantile establishments that can send out packages cheaply through the Post-Office Department urge, for their especial benefit, that provision which makes the Post-Office Department a common carrier.

These remarks do not come strictly within what is brought up by this bill; and yet I felt as if I ought to say that much about the two great errors, as it seems to me, which have crept into our postal system and greatly increased the cost of the service in an improper and an unjust way.

Mr. EDMUNDS. May I ask the Senator a question?

Mr. REAGAN. Yes, sir.

Mr. EDMUNDS. I should like to inquire whether or not, in his opinion, the charges of the parcels-post service are not equal to the actual expense of doing the business of the transportation and the attention given.

Mr. REAGAN. I do not think they are; and, as evidence of that, if you want to send a Bible you have to pay 8 cents a pound for it; if you want to send a bundle of yellow-colored novels, producing vicious influences, or newspapers, you can send a pound for 1 cent. There can be no justification for that. If you want to send a schoolbook, you have to pay 8 cents a pound, but if you want to send a vicious novel, you can send it at 1 cent a pound.

Mr. President, I do not know whether we can ever get these reforms. It is easy to establish abuses of the public service to gratify particular classes, but it is very hard to correct those abuses. Instead of multiplying offices in the Post-Office Department, it seems to me the better way is to do away with the abuses in the Department.

The VICE PRESIDENT. The Senator's time has expired.

Mr. COCKRELL. We are not proceeding with the Calendar.

The VICE PRESIDENT. The Senate is proceeding under Rule VIII.

Mr. COCKRELL. I beg pardon.

The VICE PRESIDENT. The bill was considered by unanimous consent, no objection having been made.

Mr. COCKRELL. The five-minute rule does not apply. That is the only point I wanted to make.

Mr. REAGAN. I do not care to tax the patience of the Senate any further.

The VICE PRESIDENT. The Chair announced the conclusion of the morning business and that the Calendar was in order under Rule VIII. The proceedings have gone on so far by unanimous consent.

Mr. SAWYER. I ask for a vote on the bill.

The VICE PRESIDENT. The bill is before the Senate as in Committee of the Whole.

Mr. VANCE. Mr. President, I have not a copy of the bill before me. I have sent for it. As I heard it read, it provided something that I think is unusual. It provided that this officer to be created shall be "appointed by the President, by and with the advice and consent of the Senate," and "removed in the same manner." If those words regarding removals are in the bill, I move to strike them out. I do not wish to restrict the power of the President under the Constitution from making appointments or removals when he sees proper to do so.

Mr. SAWYER. I do not know that there is any objection to that amendment.

The VICE PRESIDENT. The question is on the amendment of the Senator from North Carolina, which will be stated.

The CHIEF CLERK. In line 7, after the word "Senate," it is proposed to strike out the words "and who may be removed in the same manner;" so as to read:

That there shall be in the Post Office Department an additional Assistant Postmaster-General, to be known as the Fourth Assistant Postmaster-General, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be entitled to a salary of $4,000 a year.

Mr. SAWYER. I have no objection to the amendment.

The amendment was agreed to.

Mr. COCKRELL. I want to say just one word. I am opposed to the creation of any unnecessary office. The public affairs of this Government should be administered with the smallest possible number of officers who can make the service efficient. I do not see that the criticisms of the distinguished Senator from Texas [Mr. REAGAN] affect the business in the office of the Post Office Department at all. Under the law we allow a large discretionary power to the Post Office Department in adjusting the salaries of postmasters of the first, second, and third classes, and the amounts that shall be allowed to their offices for clerk hire, for fuel, and for lights. I believe these amounts are appropriated in a gross sum.

Mr. SAWYER. Yes, they are.

Mr. COCKRELL. It amounts to about $6,000,000. This work heretofore has been almost exclusively performed by clerks. There are branches of the public service that the clerks can run. The Senator from Texas spoke of bureau officers performing the duties. He must remember that in the Post Office Department there are not separate bureaus, as there are in the Treasury Department and others, having charge of particular branches of business. The First, Second, and Third Assistant Postmasters-General are simply bureau officers themselves.

Mr. REAGAN. Will the Senator allow me?

Mr. COCKRELL. Certainly.

Mr. REAGAN. We have the head of the bond division, the head of the Dead-Letter Office, and the heads of the various divisions, which come in the sense that I speak of.

Mr. COCKRELL. Not at all.

Mr. REAGAN. They are charged with the general supervision of particular branches of the service.

Mr. COCKRELL. In the Post Office Department the First Assistant, the Second Assistant, and the Third Assistant Postmasters-General are to the Postmaster-General what, in the Treasury Department, the Commissioner of Internal Revenue, the Comptroller of the Currency, the First and Second Comptrollers, and the First, Fourth, Fifth, and Sixth Auditors are to the Secretary of the Treasury. In some Departments they are called heads of bureaus. In the State Department they are called assistant secretaries, but in the Postmaster-General's office they are called Assistant Postmasters-General.

If this business is to be done as it ought to be done, some one more than a chief of a division, some one more than a clerk in the Department, should have charge of it, and he should be a person responsible, and not be a mere figurehead, to register the edicts and judgment of the clerks in the office, but should give personal supervision, personal discretion, and personal judgment to the distribution of this $6,000,000 appropriation fairly and equitably and justly; and it strikes me, if an officer can be had who will give his personal attention to this business, that an additional officer would promote the best interests of the public service. Therefore, hoping that that may be the result, I do not feel at liberty to oppose the passage of this bill, although I am opposed to the creation of every office that is not absolutely necessary to the economical and judicious administration of the public service.

Mr. VEST. I have not examined this bill, and I should like to ask my colleague, who is discussing it, whether the bill gives to this officer the responsibility and obligations of which he speaks? What is the effect of it?

Mr. COCKRELL. It simply creates an additional Assistant Postmaster-General, to be called the Fourth Assistant Postmaster-General. There is no division in the law specifically of the various duties of these officers. The Postmaster-General says this officer is to be in charge of the duty of fixing the salaries and allowances of postmasters and the distributions specifically. I suppose there is no doubt that this officer will be assigned to that duty.

Mr. VEST. The next Postmaster-General might assign him to something else. If there is any force in the argument that my colleague makes, we ought to prescribe these duties in the law and not leave it to the discretion of the Postmaster-General hereafter.

Mr. COCKRELL. That might be very readily met by an amendment that this officer shall take charge of certain business.

Mr. VEST. As I stated, I have not examined the bill, but that ought to be done if we propose that such duties shall be assigned to this officer.

I shall not state anything as to the general proposition, because I suppose there will be no difference of opinion in the Chamber in regard to the desirability of not creating any more officers unless the public service absolutely demands them, but unquestionably, if my colleague is correct, we ought to specify now in this legislation what are to be the duties of this new officer and not leave the matter to the broad and loose discretion of any Postmaster-General hereafter.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

APPORTIONMENT OF REPRESENTATIVES.

Mr. VANCE. I move to take up Order of Business 1647, being the bill (S. 263) for the relief of Nathaniel Magruder.

Mr. EDMUNDS. The regular order comes up now, at 12 o'clock.

The VICE PRESIDENT. The hour of 12 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which is the apportionment bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12500) making an apportionment of Representatives in Congress among the several States under the Eleventh Census.

Mr. EDMUNDS. Mr. President, I do not wish to have this apportionment bill pass the Senate with entire silence on the part of every Senator concerning some parts of section 2 of Article XIV of the amendments to the Constitution, which have not been particularly alluded to. The whole of the section, being the section upon which this bill rests, is as follows:

SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

The House of Representatives in sending us this bill, and the Senate so far in considering it, have only appeared to see the first three lines of this constitutional provision, and that is those lines which say that representation shall be apportioned according to the whole number of the inhabitants of each particular State. Hitherto probably no attention has been given to this particular part of the subject, which is intrinsic to it, and is, so far as I have yet heard anybody say here or elsewhere, a matter which does not exclusively belong to the States, as it is said the election of members of Congress does, but which belongs to the Constitution of the United States as a whole, if there be any such thing, and belongs nowhere else.

There is the positive requirement of this fourteenth amendment, which declares that whenever in any State the right of any citizen of the United States residing therein, being a male person over twenty-one years of age, shall be denied—which is one thing—or in any way abridged, the representation of that State shall be diminished and apportioned accordingly.

Now, I suppose it is known to a great many people, and believed by a great many more, that in several of the States of this Union, and perhaps in all of them, there is some denial of suffrage to that class of persons. There is some abridgment in the State of Vermont, for instance, of paupers and insane persons as well as the criminal class, who I believe, by its constitution, are excepted and not allowed to take part in the government of that State by way of voting, and I suppose that is probably the law and constitution in every State of the Union.

It is an ancient one, and therefore, if no attention were paid to it, it would leave the representation still substantially equal, but I hold that if the State of Vermont under its constitution chooses to exclude paupers from her ballot boxes, by just that much, if there were enough of them, as happily there are not enough—I do not suppose there are five hundred in the State—to make any difference, if it were not an infinitesimal fraction, her representation ought to be reduced according to this constitution, accordingly. Other States have an educational qualification, a qualification intended and designed, not to repress the power of a body of its people, but a qualification designed to stimulate the small number comparatively; the small fraction of strangers, foreigners, immigrants, and others coming from countries where education had not been so much thought of and did not exist should be stimulated, in taking upon themselves the rights of citizenship, to acquire some knowledge of the institutions and of the literature of the country to which they come. In some of the States where those provisions have been made, they have always been accompanied by the amplest provision for free public teaching at the public expense of every child within the State.

Now, I think it to be clear, Mr. President, that an educational qualification is an abridgment of some portion of the inhabitants and the citizens of a State to their right to vote, because the law and the constitution may declare that he shall not vote unless he can read and write. It might declare that he should not vote unless he could read and write Greek or read and write the English rather than the Scandinavian tongue or whatever his mother tongue might be. It might require that he should have a knowledge of mathematics. In other words, it would be within the power of the governing power, unless this sweeping and broad safeguard provided in the fourteenth amendment is to have full sway, it would be entirely within the autocratic governing power of the few who should get possession of the automatic working of the State institutions to exclude everybody except their own set.

Then let us look at taxation. Is the payment of money under this constitutional prohibition to be the price of the exercise of the dearest right of a freeman? If the State of Vermont has the right to say, consistently with this Constitution, that every man must pay $2 per capita each year before he is entitled to vote, she may say that he shall pay a hundred dollars or she may say that he shall be the possessor of real estate; she may say that he shall be the director of a railroad corporation, perhaps, or a syndicate of some kind. She may say anything according to the actual power—not the right but the actual power—of the people who happen to be in possession of her government, by changing her constitution in any way that they may think it fit, to submit it to the people, or to change it without submitting it.

Mr. President, I only rose to say this in order that the silence of every Senator upon this subject, and this bill going through at this time, should not be drawn into precedent hereafter as a confessed construction and understanding of the Constitution of the United States, that it was neither within the competence of nor of consequence to the the Congress of the United States, when again we shall come to attend to this business, to look carefully and fully into the preservation of the rights of equality among the people of the United States and of the States themselves, which that provision of the Constitution was intended to, and does of right, preserve.

Mr. HALE. Mr. President, there was an informal understanding yesterday that, with the exception of the remarks of the Senator from Vermont, we should take the vote at or near 12 o'clock to-day. I shall ask a division of the amendment offered by the Senator from Minnesota [Mr. DAVIS], and I ask for the yeas and nays.

The yeas and nays were ordered.

The VICE PRESIDENT. The first amendment will be stated.

The CHIEF CLERK. In line 5 of section 1, it is proposed to strike out "fifty-six" and insert "sixty;" so as to read:

The House of Representatives shall be composed of 300 members, to be apportioned among the several States, etc.

Mr. DAVIS. I suggest to the Senator from Maine that, as the num-

ber of the House of Representatives rests upon the numbers allowed to the various States, it might be well to take the question upon the latter amendments first.

Mr. HALE. That would be better.

Mr. HARRIS. We can not hear a word that is going on upon the other side.

Mr. HALE. The suggestion of the Senator from Minnesota is a good one, because this should not be voted upon until it is seen what the Senate does in reference to adding representation to particular States. If the propositions to add to the representation of the different States are voted down, then the number 356 need not be changed to 360. The Senator's suggestion is a very pertinent one, and therefore I hope the first vote may be taken on the amendment in section 1, line 8, to strike out the word "six" and insert in lieu thereof the word "seven." That applies to the State of Arkansas and gives her 7 members instead of 6. The next amendment, in line 26 of section 1, to strike out "7" and insert "8," applies to Minnesota and gives her 8 members instead of 7. The next, to strike out "15" and insert "16," applies to Missouri, and the next applies to New York, to strike out "34" and insert in lieu thereof "35."

The VICE PRESIDENT. The first amendment will be stated.

The CHIEF CLERK. In section 1, line 8, after the word "Arkansas," it is proposed to strike out "6" and insert "7;" so as to read:

Arkansas, 7.

Mr. BERRY. I ask the Senator from Maine if he will not consent to let the vote be taken on the three amendments relating to Arkansas, Minnesota, and New York as one amendment.

Mr. HALE. Oh, no.

Mr. PADDOCK. Might not all the amendments be considered as one amendment?

Mr. HALE. I can not consent to that course.

Mr. BERRY. Very well. I hope, then, the vote will be taken as proposed by the Senator from Maine.

Mr. HALE. The vote now, as I understand, is on increasing the representation of Arkansas one.

The VICE PRESIDENT. The yeas and nays have been ordered, and the roll will be called.

The Secretary proceeded to call the roll.

Mr. CARLISLE (when his name was called). My pair with the Senator from North Dakota [Mr. PIERCE] has been transferred to the Senator from Georgia [Mr. BROWN], and I am at liberty to vote. I vote "yea."

Mr. CULLOM (when his name was called). I am paired generally with the Senator from Delaware [Mr. GRAY]. Not knowing how he would vote on this amendment, if present, I withhold my vote.

Mr. DANIEL (when his name was called). I am paired with the Senator from Washington [Mr. SQUIRE]. I beg leave, if there be no objection, to transfer my pair to the Senator from West Virginia [Mr. KENNA], who is temporarily absent, and I vote "yea."

Mr. DOLPH (after having voted in the negative). I inquire if the junior Senator from Kentucky [Mr. CARLISLE] has voted.

Mr. FAULKNER. The Senator from Kentucky has voted under the transfer of pairs suggested by the Senator from Oregon.

Mr. DOLPH. Very well. Then my vote may stand.

Mr. TURPIE (when Mr. VOORHEES's name was called). My colleague [Mr. VOORHEES] is detained from the Senate by illness. He is paired with the Senator from South Dakota [Mr. MOODY]. My colleague would vote "yea," if present.

Mr. WALTHALL (when his name was called). I am paired with the junior Senator from Wisconsin [Mr. SPOONER]. If he were present, I should vote "yea."

The roll-call was concluded.

Mr. PASCO. My colleague [Mr. CALL] is temporarily absent from the Chamber. I wish to announce his pair with the Senator from South Dakota [Mr. PETTIGREW].

Mr. KENNA. I am paired on this vote with the Senator from Washington [Mr. SQUIRE]. If he were present, I should vote "yea."

Mr. ALLEN. I wish to announce that the pair of my colleague [Mr. SQUIRE] with the Senator from Virginia [Mr. DANIEL] has been transferred on this vote to the Senator from West Virginia [Mr. KENNA].

Mr. BUTLER (after having voted in the affirmative). I am paired generally with the Senator from Pennsylvania [Mr. CAMERON]. Not being sure how he would vote in regard to this matter and having no authority from him to terminate the pair, I withdraw my vote.

The VICE PRESIDENT. The vote will be withdrawn.

The result was announced—yeas 32, nays 33; as follows:

YEAS—32.

Barbour,	Daniel,	Harris,	Ransom,
Bate,	Davis,	Jones of Arkansas,	Reagan,
Berry,	Eustis,	McMillan,	Stewart,
Blodgett,	Faulkner,	Morgan,	Turpie,
Carlisle,	George,	Paddock,	Vance,
Cockrell,	Gibson,	Pasco,	Vest,
Coke,	Gorman,	Payne,	Washburn,
Colquitt,	Hampton,	Pugh,	Wilson of Md.

NAYS—33.

Allen,	Evarts,	Mitchell,	Shoup,
Allison,	Farwell,	Morrill,	Stockbridge,
Blair,	Frye,	Platt,	Teller,
Carey,	Hale,	Plumb,	Warren,
Chandler,	Hawley,	Power,	Wilson of Iowa,
Dawes,	Hiscock,	Quay,	Wolcott.
Dixon,	Hoar,	Sanders,	
Dolph,	McConnell,	Sawyer,	
Edmunds,	Manderson,	Sherman,	

ABSENT—23.

Aldrich,	Casey,	Jones of Nevada,	Spooner,
Blackburn,	Cullom,	Kenna,	Squire,
Brown,	Gray,	McPherson,	Stanford,
Butler,	Hearst,	Moody,	Voorhees,
Call,	Higgins,	Pettigrew,	Walthall.
Cameron,	Ingalls,	Pierce,	

So the amendment was rejected.

The VICE PRESIDENT. The next amendment will be stated.

The CHIEF CLERK. In section 1, line 26, after the word "Minnesota," strike out "seven" and insert "eight;" so as to read:

Minnesota, 8.

Mr. HALE. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON].

Mr. CALL (when his name was called). I am paired with the Senator from South Dakota [Mr. PETTIGREW]. If he were here, I should vote "yea." If any Senator is authorized to represent the Senator from South Dakota and will say that he would vote "yea," if present, I should be glad to vote "yea." If not, I withhold my vote.

Mr. CULLOM (when his name was called). I am paired generally with the Senator from Delaware [Mr. GRAY]. If he were present, I should vote "nay."

Mr. DANIEL (when his name was called). I am paired with the Senator from Washington [Mr. SQUIRE]. I should vote "yea," if he were present.

Mr. HAMPTON (when his name was called). I am paired on this vote with the senior Senator from Rhode Island [Mr. ALDRICH]. I should vote "yea," if he were present.

Mr. HIGGINS (when his name was called). The Senator from New Jersey [Mr. MCPHERSON], with whom I am paired, is absent. If he were present, I should vote "nay."

Mr. WALTHALL (when his name was called). I am paired with the Senator from Wisconsin [Mr. SPOONER]. If he were present, I should vote "yea."

The roll-call was concluded.

Mr. DIXON. I desire to announce that my colleague [Mr. ALDRICH] is paired with the Senator from South Carolina [Mr. HAMPTON].

Mr. CALL. I am paired, as I have announced, with the Senator from South Dakota [Mr. PETTIGREW]. The pair is in charge of the Senator from North Dakota [Mr. CASEY]. I will vote "yea," if the Senator from North Dakota has any knowledge that the Senator from South Dakota would vote in that way if present.

Mr. CASEY. I have no knowledge on the subject.

Mr. CALL. Then I am paired and do not vote. I should vote "yea," if at liberty to cast my vote.

The result was announced—yeas 31, nays 32; as follows:

YEAS—31.

Barbour,	Colquitt,	Jones of Arkansas,	Ransom,
Bate,	Davis,	Kenna,	Reagan,
Berry,	Eustis,	McMillan,	Stewart,
Blodgett,	Faulkner,	Morgan,	Turpie,
Carlisle,	George,	Paddock,	Vance,
Casey,	Gibson,	Pasco,	Vest,
Cockrell,	Gorman,	Payne,	Washburn.
Coke,	Harris,	Pugh,	

NAYS—32.

Allen,	Edmunds,	McConnell,	Sanders,
Allison,	Evarts,	Manderson,	Sawyer,
Blair,	Farwell,	Mitchell,	Sherman,
Carey,	Frye,	Morrill,	Shoup,
Chandler,	Hale,	Platt,	Stockbridge,
Dawes,	Hawley,	Plumb,	Teller,
Dixon,	Hiscock,	Power,	Warren,
Dolph,	Hoar,	Quay,	Wilson of Iowa.

ABSENT—25.

Aldrich,	Daniel,	McPherson,	Voorhees,
Blackburn,	Gray,	Moody,	Walthall,
Brown,	Hampton,	Pettigrew,	Wilson of Md.
Butler,	Hearst,	Pierce,	Wolcott.
Call,	Higgins,	Spooner,	
Cameron,	Ingalls,	Squire,	
Cullom,	Jones of Nevada,	Stanford,	

So the amendment was rejected.

Mr. HALE. Now I ask for the yeas and nays on the next amendment, which is the Missouri amendment.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. In section 1, line 28, after the word "Missouri," strike out "15" and insert "16;" so as to read:

Missouri, 16.

Mr. BERRY. I do not think it is necessary to call for the yeas and nays on this amendment after the other votes we have had.

Mr. GORMAN. Oh, yes; let us have the yeas and nays.

Mr. HALE. I will ask that the vote may be first taken *viva voce*.

Mr. EDMUNDS. No; let us have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON].

Mr. CALL (when his name was called). I am paired with the Senator from South Dakota [Mr. PETTIGREW]. If he were present, I should vote "yea."

Mr. CULLOM (when his name was called). I am paired with the Senator from Delaware [Mr. GRAY]. If he were present, I should vote "nay."

Mr. HIGGINS (when his name was called). I transfer my pair with the Senator from New Jersey [Mr. MCPHERSON] to the Senator from Rhode Island [Mr. ALDRICH], who is absent.

Mr. HALE. I think a pair has already been announced with the Senator from New Jersey.

Mr. HIGGINS. The Senator from Rhode Island [Mr. DIXON] states he has paired his colleague [Mr. ALDRICH] with the Senator from New Jersey [Mr. MCPHERSON.] I therefore am at liberty to vote, and vote "nay."

The roll-call was concluded.

Mr. DIXON. Upon this vote my colleague [Mr. ALDRICH] is paired with the Senator from New Jersey [Mr. MCPHERSON].

Mr. MCPHERSON. Has the Senator from Delaware [Mr. HIGGINS] voted?

The VICE PRESIDENT. He has.

Mr. MCPHERSON. I vote "yea."

Mr. HARRIS. A pair has been announced between the Senator from New Jersey [Mr. MCPHERSON] and the gentleman from Rhode Island [Mr. ALDRICH].

Mr. MCPHERSON. Then I withdraw my vote.

The result was announced—yeas 30, nays 38; as follows:

YEAS—30.

Barbour,	Davis,	Kenna,	Turpie,
Bate,	Eustis,	Morgan,	Vance,
Berry,	Faulkner,	Paddock,	Vest,
Blodgett,	George,	Pasco,	Walthall,
Carlisle,	Gorman,	Payne,	Washburn,
Cockrell,	Hampton,	Pugh,	Wilson of Md.
Coke,	Harris,	Ransom,	
Colquitt,	Jones of Arkansas,	Reagan,	

NAYS—38.

Allen,	Evarts,	Manderson,	Shoup,
Allison,	Farwell,	Mitchell,	Spooner,
Blair,	Frye,	Morrill,	Stewart,
Carey,	Hale,	Platt,	Stockbridge,
Casey,	Hawley,	Plumb,	Teller,
Chandler,	Higgins,	Power,	Warren,
Dawes,	Hiscock,	Quay,	Wilson of Iowa,
Dixon,	Hoar,	Sanders,	Wolcott.
Dolph,	McConnell,	Sawyer,	
Edmunds,	McMillan,	Sherman,	

ABSENT—20.

Aldrich,	Cameron,	Hearst,	Pettigrew,
Blackburn,	Cullom,	Ingalls,	Pierce,
Brown,	Daniel,	Jones of Nevada,	Squire,
Butler,	Gibson,	McPherson,	Stanford,
Call,	Gray,	Moody,	Voorhees.

So the amendment was rejected.

Mr. HALE. I shall not call at present for the yeas and nays on the next amendment.

Mr. EDMUNDS. What is the next amendment?

Mr. HALE. As to New York.

Mr. BERRY. I ask for the yeas and nays.

Mr. EDMUNDS. Yes, let us have them all through.

The yeas and nays were ordered.

Mr. EDMUNDS. Let the amendment be reported.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 2, section 1, line 34, strike out "thirty-four" and insert "thirty-five;" so as to read:

New York, thirty-five.

The VICE PRESIDENT. On this question the yeas and nays have been ordered, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON].

Mr. CALL (when his name was called). I am paired with the Senator from South Dakota [Mr. PETTIGREW]. If he were here, I should vote "yea."

Mr. CULLOM (when his name was called). I am paired with the Senator from Delaware [Mr. GRAY]. If he were present, I should vote "nay."

Mr. MCPHERSON (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH]. If the Senator from Illinois [Mr. CULLOM] is willing, I suggest that my pair be transferred from the Senator from Rhode Island to the Senator from Delaware [Mr. GRAY], who is absent, and we can both vote.

Mr. CULLOM. I have no objection.

Mr. MCPHERSON. I vote "yea."

Mr. CULLOM. I vote "nay."

The roll-call having been concluded, the result was announced—yeas 29, nays 38; as follows:

YEAS—29.

Bate,	Faulkner,	McPherson,	Turpie,
Berry,	George,	Morgan,	Vance,
Carlisle,	Gibson,	Paddock,	Vest,
Cockrell,	Gorman,	Pasco,	Walthall,
Coke,	Hampton,	Payne,	Wilson of Md.
Colquitt,	Harris,	Pugh,	
Davis,	Jones of Arkansas,	Ransom,	
Eustis,	Kenna,	Reagan,	

NAYS—38.

Allen,	Edmunds,	McMillan,	Shoup,
Allison,	Evarts,	Manderson,	Spooner,
Blair,	Farwell,	Mitchell,	Stewart,
Carey,	Frye,	Morrill,	Stockbridge,
Casey,	Hale,	Platt,	Teller,
Chandler,	Hawley,	Plumb,	Warren,
Cullom,	Higgins,	Power,	Wilson of Iowa,
Dawes,	Hiscock,	Sanders,	Wolcott.
Dixon,	Hoar,	Sawyer,	
Dolph,	McConnell,	Sherman,	

ABSENT—21.

Aldrich,	Call,	Jones of Nevada,	Stanford,
Barbour,	Cameron,	Moody,	Voorhees,
Blackburn,	Daniel,	Pettigrew,	Washburn,
Blodgett,	Gray,	Pierce,	
Brown,	Hearst,	Quay,	
Butler,	Ingalls,	Squire,	

So the amendment was rejected.

Mr. HALE. Now let us go back to the amendment in section 1, line 5, and, as the bill has been left untouched, I hope we may have a *viva voce* vote upon that amendment and vote it down.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. In section 1, line 5, after the words "three hundred," strike out "fifty-six" and insert "sixty;" so as to read:

The House of Representatives shall be composed of 360 members.

Mr. DAVIS. As the votes just taken have settled the whole question, I will, with the permission of the Senate, withdraw that amendment.

The VICE PRESIDENT. The amendment is withdrawn, with the consent of the Senate.

Mr. BERRY. I ask leave to offer an amendment and ask that a vote be taken on it all together, as one amendment.

Mr. HALE. Let it be read.

The VICE PRESIDENT. The amendment will be reported.

The CHIEF CLERK. In line 5, section 1, strike out "six" and insert "nine;" in line 8 strike out "six" and insert "seven;" in line 26 strike out "seven" and insert "eight," and in line 34 strike out "four" and insert "five."

Mr. HALE. I make the point of order that that is precisely the amendment that has been voted down in detail, having been divided, as it may be, on the request of any member.

Mr. BERRY. The Senator from Maine is mistaken. The amendment offered by the Senator from Minnesota provided for 360 members, including one from Arkansas, one from Minnesota, one from New York, and one from Missouri. The amendment I propose provides for 359 members, including one from Arkansas, one from Minnesota, and one from New York, leaving out Missouri. Instead of 360, I propose 359.

I will state to the Senate that my amendment is upon the basis of 359. It gives one additional member to each one of the States having a majority fraction save and except Missouri. It is based upon that number, and if the whole amendment is adopted then the House of Representatives will consist of 359 members, and it will change the bill as it passed the other House simply by giving Arkansas 1, Minnesota 1, and New York 1. It is the amendment that I think ought to have been adopted all the while, but Missouri having a majority fraction, however, was included in the other amendment. I hope that the amendment will be voted on together and that it will be adopted.

Mr. HALE. It can not be voted on together, Mr. President. There will be nothing gained by it; it will be simply voting on the question right over again, because a division of the amendment will be called for.

Mr. BERRY. The Senator from Maine can use his pleasure about calling for a division. It seems to me if the Senator from Maine wants the Senate to have a fair opportunity to vote on the number of 359 by adding an additional member in each of the three States, as I have proposed, he ought not to object to taking the vote all together. If a majority of the Senate is against it I will yield as a matter of course, but it does seem to me that it is unfair on the part of the Senator from Maine to seek to avoid a direct vote on the question of 359 instead of 356.

Mr. HALE. Oh, Mr. President, it will strike every reasonable man that it is fair in an attempt to change the House bill that each State shall stand on its own basis. There ought not to be a log-rolling amendment that includes three States and the sympathies of three States, but each State should stand by itself. I am simply exercising

the ordinary parliamentary right that in such cases has always been exercised. Nothing will be gained by another vote. I demand a division, of course.

The VICE PRESIDENT. The question is on the first amendment offered by the Senator from Arkansas.

Mr. BERRY. I ask that the first amendment be read, so as to show how it would make the bill read.

The VICE PRESIDENT. It will be read.

The CHIEF CLERK. In line 5, of section 1, strike out "six" and insert "nine;" so as to read:

The House of Representatives shall be composed of 359 members.

Mr. BERRY. Now I want to say a few words on that amendment before the vote is taken. I want the Senate to understand that if 359 is adopted all will agree that the three States which should have the three additional members, making the difference between the House bill 356 and 359, are New York, Minnesota, and Arkansas.

Mr. HALE. Now right there let me say——

Mr. BERRY. I yield to the Senator, if he wishes to interrupt me.

Mr. HALE. It is precisely on that point.

Mr. BERRY. Certainly, I yield.

Mr. HALE. There can not be such an agreement as that because, when it comes to the three hundred and fifty-ninth member, I shall move to substitute Pennsylvania for Arkansas, Pennsylvania having a larger fraction than Arkansas.

Mr. BERRY. No, sir; I beg the Senator's pardon; that is an incorrect statement. On a basis of 359, Pennsylvania does not have a larger fraction than Arkansas; Arkansas has a majority fraction and Pennsylvania has less than a moiety, less than one-half. I hope the Senator from Maine will correct that statement. It is not a correct statement. I say that on 359 come the three States Arkansas, Minnesota, and New York, and the next State that comes would be Missouri, which is ahead of Pennsylvania. Those three States are the first, having the largest fractions of any three, and if the House of Representatives is constituted upon a basis of 359 those three States are bound to be the three that would get an additional member, because each one of them has a larger fraction than any other State. That is the correct statement, and I hope the Senator from Maine will admit that he made a mistake, because I do not want any misunderstanding about a matter of fact.

Mr. HALE. My statement with reference to Pennsylvania was based on the 360 basis.

Mr. BERRY. Yes, the Senator is correct on 360, but on 359 Arkansas has a fraction of 93,401 and Pennsylvania has 84,574. There are almost 10,000 more in Arkansas than in Pennsylvania on the basis of 359. I repeat, if 359 be adopted as the proper number, Arkansas, Minnesota, and New York will be the States having the largest fractions, and will be the three that are entitled to make up the 359 members, and there ought not to be any misunderstanding about it.

As I said awhile ago, it occurs to me that, if the Senator from Maine wants to meet this question fairly and let the Senate determine between 356 and 359, these three States being the three that must be entitled to this increase, if any are to get it, the amendment ought to be voted on as a whole and we should take the sense of the Senate upon that question alone. However, it will be a test on the first amendment at 359, and no Senator can escape the consequences of that amendment. If he fails to vote for that amendment he cuts the three States of Arkansas, Minnesota, and New York out of an additional member.

Mr. HALE. I move to lay the amendment of the Senator from Arkansas on the table, and on that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON]. If he were present, I should vote "nay."

Mr. CALL (when his name was called). I am paired with the Senator from South Dakota [Mr. PETTIGREW]. If he were present, I should vote "nay."

Mr. QUAY (when Mr. CAMERON'S name was called). In behalf of my colleague [Mr. CAMERON] who is absent, I will state that he is detained from the Senate necessarily and will be absent during the day. I am not authorized to state how he would vote upon the pending question, but it is my impression that he would vote to sustain the report of the Committee on the Census.

Mr. DANIEL (when his name was called). I am paired with the Senator from Washington [Mr. SQUIRE], and I withhold my vote.

Mr. MCPHERSON (when his name was called). By a transfer of pairs the Senator from Rhode Island [Mr. ALDRICH], with whom I am paired, is now paired with the Senator from Delaware [Mr. GRAY], which gives me the right to vote. I vote "nay."

The roll-call was concluded.

Mr. DIXON. By a transfer of pairs my colleage [Mr. ALDRICH] is paired on this subject with the Senator from Delaware [Mr. GRAY].

Mr. PASCO. Is the Senator from North Dakota [Mr. CASEY] recorded?

The VICE PRESIDENT. He is not.

Mr. PASCO. I am paired with that Senator. If he were present, I should vote "nay."

Mr. CULLOM. I understand that the Senator from New Jersey [Mr. MCPHERSON] has transferred the pair that existed between the Senator from Rhode Island [Mr. ALDRICH] and himself to the Senator from Delaware [Mr. GRAY], so that the Senator from Rhode Island [Mr. ALDRICH] and the Senator from Delaware [Mr. GRAY] stand paired, and that may be understood as standing for the day.

Mr. DANIEL. I ask leave to transfer my pair with the Senator from Washington [Mr. SQUIRE] to the Senator from Kentucky [Mr. CARLISLE], who is absent, and I vote "nay."

Mr. RANSOM (after having voted in the negative). Is the Senator from Massachusetts [Mr. HOAR] recorded?

The VICE PRESIDENT. He is not recorded.

Mr. RANSOM. I withdraw my vote. I am paired with him. I should vote "nay" and he would vote "yea."

The result was announced—yeas 38, nays 29; as follows:

YEAS—38.

Allen,	Evarts,	Mitchell,	Shoup,
Allison,	Farwell,	Morrill,	Spooner,
Blair,	Frye,	Paddock,	Stewart,
Carey,	Hale,	Platt,	Stockbridge,
Chandler,	Hawley,	Plumb,	Teller,
Cullom,	Higgins,	Power,	Warren,
Dawes,	Hiscock,	Quay,	Wilson of Iowa,
Dixon,	McConnell,	Sanders,	Wolcott.
Dolph,	McMillan,	Sawyer,	
Edmunds,	Manderson,	Sherman,	

NAYS—29.

Barbour,	Davis,	Jones of Arkansas,	Vance,
Bate,	Eustis,	Kenna,	Vest,
Berry,	Faulkner,	McPherson,	Walthall,
Blodgett,	George,	Morgan,	Washburn,
Cockrell,	Gibson,	Payne,	Wilson of Md.
Coke,	Gorman,	Pugh,	
Colquitt,	Hampton,	Reagan,	
Daniel,	Harris,	Turpie,	

ABSENT—21.

Aldrich,	Carlisle,	Jones of Nevada,	Squire,
Blackburn,	Casey,	Moody,	Stanford,
Brown,	Gray,	Pasco,	Voorhees.
Butler,	Hearst,	Pettigrew,	
Call,	Hoar,	Pierce,	
Cameron,	Ingalls,	Ransom,	

So the motion to lay Mr. BERRY'S amendment on the table was agreed to.

Mr. BERRY. The Senator from Maine asked for a division of the amendment and afterwards moved to lay either the first part of it or the whole of it on the table, I do not understand which. I want to know what the situation is.

Mr. HALE. My motion was to lay the whole amendment on the table.

Mr. BERRY. It was not so understood at the time. However, I, of course, make no question about it.

Mr. PASCO. I wish to state that on this first vote I did not notice the absence of the Senator from North Dakota [Mr. CASEY], and I voted inadvertently. My vote, however, did not change the result. I wish to make the announcement in order to do justice to him.

The VICE PRESIDENT. If there be no further amendment proposed as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment.

Mr. VEST. Mr. President, the action of the Senate upon the amendments which have been proposed indicates clearly that this measure will pass as reported from the committee. As a matter of course I take it for granted that nothing I could say would affect the result; but I desire to state very briefly why I can not give my support to the bill as it now stands.

The question now presented to the Senate is not what the Constitution should be, but what it is. If before us was the proposition to limit the members of the House of Representatives to a certain number, I am not prepared to say but that I should favor a smaller number than that named in the bill. That, however, is an unnecessary controversy. Until amended, the Constitution requires that Representatives shall be apportioned among the several States according to their respective numbers, as nearly as may be. In other words, it will be conceded that the spirit if not the letter of the Constitution requires that we should give representation as nearly as possible to every voter in the United States and to every citizen of the United States.

The bill as now presented to the Senate—and I do not attack its fairness—is intended simply to comply with certain arithmetical rules. The object of the framers of the bill seems to have been to find a divisor which would bring out certain results in regard to the States without reference to the number of citizens of the United States who would be left without representation. Under the bill as it now stands a large fraction in the State of Missouri is left entirely without representation, and it is so in Minnesota, in Arkansas, and in New York. In other words, we are called upon simply to meet an arithmetical necessity as it was thought to be by the framers of the bill, to take away representation from a large number of citizens of those States. I do

not concede that to be the duty of Congress. So long as the provisions of the Constitution remain as they are now, it is our duty to follow them and to give representation, as near as may be, to all the citizens of all the States in the Union.

For these reasons, sir, I shall vote against the bill.

Mr. GORMAN. Mr. President, I want to add one word to what the Senator from Missouri has so well said.

I think a great injustice is done to two or three, possibly to four States in the Union by the bill. I have no doubt whatever in my own mind, after examining critically all the statements which have been made pro and con, that an error in the enumeration of New York to the extent of 200,000 actually occurred and that it ought to have been corrected by a renumeration or otherwise. I think the officers of the Government, instead of obstructing and preventing that action, ought to have made in that case, as they did in others, a renumeration of the inhabitants of the city. In addition to that, as was so well stated by the Senator from Missouri, I think upon the return as made it was but fair and just to the States of Arkansas, Minnesota, Missouri, and New York that they should each have had another Representative. If this bill passes it stands as a matter of course for ten years, and in those growing States the inequality and injustice will be shown every year.

The fact that this bill is being forced through Congress at the very Congress in which the census was taken is extraordinary in itself. As I said yesterday, but for the fact that every department of the Government is in the hands of one political party it would not have been attempted. My belief is that fairness to all sections of the country would have required that this matter should have gone over until the next session of Congress, which would have given ample time to correct the defects, if they exist, as I believe they do, in the returns that have been made. At all events it ought to have gone over until the Census Bureau could have furnished a statement, as suggested by the Senator from Florida [Mr. PASCO], showing the enumeration in detail, when we could have had an opportunity to examine critically the figures of the office, and with the aid of the data that we could get from the local communities verify that statement.

I know it is impossible without obstructing the public business unduly to go further into this matter. We all understand the exact condition; it is understood perfectly on both sides of the Chamber I think, that the majority party in both branches of Congress have determined that this matter shall be adjusted at this session. That unquestionably is their right, and while protesting against the injustice that they are doing, and calling attention, as I have done specifically, to the reasons why I think it ought to have been delayed until the time approaches when the two great parties should be placed upon an equality and we could have come to a conclusion which is more exact and just than this, at the same time, at this late hour in the session, the present Congress terminating as it will on the 4th of March, with a desire to see the necessary legislation completed, and that we may go on with the affairs of the Government, with the great appropriation bills, not one of which has yet been passed, and knowing that all the time practically must be occupied in the discussion of those matters between now and the 4th of March, I for one submit to a vote upon this measure, imperfect and unjust as I believe it to be, because I think there are larger and greater interests which must be attended to.

Mr. JONES, of Arkansas. Mr. President, the lapse of time sometimes brings out an injustice. The sixteenth number of the Census Bulletin, dated the 12th day of December last, calls attention to what were clearly errors in the census of 1870; and while I have no disposition to enter into this discussion, as my colleague [Mr. BERRY] is a member of the committee having charge of this matter and I am satisfied he has done all that could be done for the interest of my State, I do desire to call the attention of the Senate to some admissions made by the Superintendent of the Census in this bulletin. He admits on page 3, after making certain calculations which seem to be absolutely correct, that there must have been omitted in the Southern States 747,915 white people in the census of 1870 and 512,163 colored people, making total omissions in the census of 1870 in the Southern States alone of 1,260,078 persons. We were by this means deprived then of about 10 members of the House of Representatives.

Now, I believe that this bill will perpetrate a similar wrong in my State. I believe that its percentage will be as great as the wrong under the census of 1870. I have no disposition to charge the present Superintendent of the Census with a willful disposition to do the State of Arkansas an injustice, but the fact remains that when the three supervisors were appointed they were selected by him. My colleague and I sought to have a man who had been experienced in work of this kind appointed, but we failed to do so. When the three supervisors selected by the superintendent recommended their enumerators they selected men in many instances, and I am persuaded in the large majority of instances, who were absolutely incompetent and unfit for the performance of the duties which they were called upon to discharge. There were now and then efficient men selected, but the rule was that inefficient men were selected; and the complaints which have come from different parts of the State satisfy me that there is a large falling off from the real census in the reports as made by the enumerators.

We were deprived under the census of 1870 of a considerable representation, as is now officially admitted by the Superintendent of the Census, and I believe time will demonstrate that we have been deprived of a large number of population in the reports made by the present census. We have a large minority fraction, almost enough under the reports of the census itself to give us an additional member. The Senate of the United States has refused to give us that additional member, and I believe that in addition to that number of people who have no representation under this bill there are just as many persons in the State who are not enumerated, and that we have fully enough to entitle us to another member without counting a minority fraction, if the truth should be known.

I wanted to call attention to this matter, because I believe that the Congress of the United States is doing my State a gross wrong in the enactment of this bill in its present shape.

Mr. MORGAN. Mr. President, I had the honor at one time of serving on the Committee on the Census, and I was then very much in favor of a permanent bureau for the enumeration of the people. It is perhaps the most important duty Congress has to perform to make an apportionment for the purpose of giving to the different States an equality of representation in the House of Representatives.

The inequality of representation in the Senate of the United States is something very startling. There is the State of Rhode Island with two members in this body and the State of Texas with two, and the State of Texas has two hundred and fifty-six times the area of the State of Rhode Island. If the Government of the United States consisted of but one legislative body, that would be considered an inequality that was absolutely intolerable; but the Constitution of the United States endeavored to balance up that inequality by providing for an equality of representation in the other House.

Now, our legislation on these subjects of late years, to say the least of it, has not had reference to providing for an equality of representation of the States in the other House of Congress. It has had reference a great deal more to the convenience of the body as to the size of it, the number of persons who are there, and still more in reference to the political complexion of the party in power at the time the respective apportionment bills have been under consideration and passed.

We have one State in the Union, the State of Nevada, which according to the returns of the last census has 44,327 inhabitants. The basis of representation under this bill is 173,901 inhabitants. So the State of Nevada has not one-fourth of the population that is necessary to entitle any other State in the Union to a representative in that body except the States recently admitted, which fall below the amount prescribed in this bill. For instance, Montana has 131,769; Wyoming, 60,589; and Idaho, 84,229.

We can not equalize the States in the American Union in any way except by a just basis of apportionment. What is a just basis? What is a basis which will bring exactly the correct result? Why, it is the lowest population in any one State. We will take Nevada, for instance, and that State having the smallest population we find the true basis of representation here. The only objection to adopting it is the expense of having a very large number of members of the House of Representatives and the inconvenient size of that body, which, according to the present state of the case, I believe, would under that ratio somewhat exceed the House of Commons in Great Britain in numbers, but not much.

But what is our duty, Mr. President? It is to equalize the States in the House of Representatives, not to cater to or to attempt to foist the advantages that may inure in favor of either of the political parties in the country. We have departed entirely from that, and we have got upon an arbitrary scheme regulated entirely, as I understand it, by two considerations. The first is, which of the two political parties would be the greatest gainer by a different basis of apportionment, and the next is whether the inconvenience of putting a large number of persons in the House of Representatives would be too great for the comfort and contemplation of members of the Senate.

The bill which is presented here to-day has no philosophical basis upon which it can rest; it is a purely arbitrary arrangement; and yet the Senate has just voted to deprive four States of an additional member in the House of Representatives when any one of those four States has about twice as large a fraction as the State of Nevada has in its entire population. Those States are four of the most progressive in the American Union, New York, Minnesota, Missouri, and Arkansas.

If the census that is before us now had been so arranged and so guarded in its taking, through a bureau whose business it was to supervise this question with such diligence and attention as to give a result that was really satisfactory to the people of the United States, then there would be less ground of complaint. But here is a census that is attacked on all sides. While they are attacking the census they are exonerating the gentleman who presides in the Census Bureau. The census may be all right and the gentleman may be all right, but the public are not satisfied. The people of the United States are not content; they do not believe that they are having an equality of representation in the House of Representatives; and that difficulty ought to be removed, if it is possible to do it.

I know it is too late now to offer any amendment or to attempt to revise or recast the system of apportionment presented here. Never-

theless, I suppose that if we pass the bill to-day we can in another Congress remedy the defects that we may find, that the people require that we shall remedy, by a new act making a new apportionment, just as we have the right to-day to pass a bill to provide for taking a new census.

Mr. President, there is another feature of this bill, that in my mind is very inadequate to the occasion. Here is a disputed census. Here is an arbitrary apportionment. Here are large fractions of the most prosperous States in the American Union left without representation when they amount to more than the entire population of some States that have one member in the House of Representatives. These progressive States doubtless within a month or two months or six months will have the population that is requisite to entitle them to an additional member in the House of Representatives. We disregard all these things, and we pass this bill during the present year. If I understand what the committee means by the bill, it does not become operative as a law until the 3d of March, 1893. In the mean time we have a law that is not repealed and the two measures stand in direct conflict with each other.

The law that we are passing to-day gives a very large increase of membership in the House of Representatives and carries along with it a very large increase in the electoral college. Now, there ought to be some provision in the bill, whether it is a controlling provision looking at it in the light of the Constitution or not—there ought to be a declaration on the part of Congress in the bill that in the next election for President of the United States the number of Representatives provided in the bill shall be the number of Representatives to which the States respectively would be entitled when comparing the electoral college with the numbers in the House of Representatives. The bill ought to state it. There ought to be left no open door of controversy about a matter of this kind. Have we not had enough of trouble and trial and difficulty in this country to admonish us that when we are laying down the basis of representation and thereby controlling the number of electors in the electoral college in the United States, we are dealing with the most delicate of all the questions that we ever have to touch? Ought not Congress to go forward and make its expression upon this question perfectly definite, so as to give the country to understand what we mean by what we are doing?

We pass a law here to take effect after the expiration of the next Congress as to the number of Representatives who shall occupy seats in the other House. In the mean time we hold a Presidential election under a law which is virtually repealed by the law we are passing to-day, so far as the number of members of the House of Representatives is concerned, and, incidentally, the number of electors for President and Vice President of the United States. We ought at least to say that it is the intention of Congress to repeal the existing law so far as the next Presidential election is concerned, and that the number of electors to which the States shall be entitled in 1892 is the number provided for in the pending bill.

But the committee have seen proper to leave this question entirely untouched. I should say nothing about it at this time except that I feel constrained to relieve myself of any responsibility on the subject when the difficulty arises, if a difficulty unfortunately shall arise, by reason of the neglect of Congress to be entirely distinct and specific as to the meaning of the act we are passing now.

Mr. HALE. Mr. President, I hope that we may have a vote on the bill itself.

The VICE PRESIDENT. The bill is in the Senate open to amendment. If no further amendment is proposed, the question is, Shall the bill be ordered to a third reading?

The bill was ordered to a third reading, and was read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. VANCE. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DIXON (when Mr. ALDRICH'S name was called). By a transfer of pairs my colleague [Mr. ALDRICH] is paired for to-day with the Senator from Delaware [Mr. GRAY].

Mr. CALL (when his name was called). I am paired with the Senator from South Dakota [Mr. PETTIGREW]. If he were present, I should vote "nay."

Mr. QUAY (when Mr. CAMERON'S name was called). I desire to announce that my colleague [Mr. CAMERON] has a general pair with the Senator from South Carolina [Mr. BUTLER]. If present, my colleague would vote "yea."

Mr. PASCO (when his name was called). I am paired with the Senator from North Dakota [Mr. CASEY]. If he were present, I should vote "nay."

Mr. WALTHALL (when his name was called). I am paired with the Senator from Wisconsin [Mr. SPOONER]. If he were present, I should vote "nay."

The roll-call was concluded.

Mr. HISCOCK (after having voted in the affirmative). Has the Senator from Arkansas [Mr. JONES] voted?

The VICE PRESIDENT. The Senator from Arkansas is not recorded.

Mr. HISCOCK. I withdraw my vote.

Mr. BUTLER. I have a general pair with the Senator from Pennsylvania [Mr. CAMERON], but I transfer that pair to the Senator from West Virginia [Mr. KENNA], who is absent. So the Senator from West Virginia and the Senator from Pennsylvania will stand paired, and that enables me to vote. I vote "nay."

Mr. COLQUITT. I am paired with the Senator from Massachusetts [Mr. DAWES]. If he were present I should vote "nay."

Mr. EUSTIS (after having voted in the negative). I am paired with the Senator from Nebraska [Mr. PADDOCK] and therefore withdraw my vote.

Mr. DANIEL. I am paired with the Senator from Washington [Mr. SQUIRE].

The result was announced—yeas 37, nays 24; as follows:

YEAS—37.

Allen,	Evarts,	Mitchell,	Stewart,
Allison,	Farwell,	Morrill,	Stockbridge,
Blair,	Frye,	Platt,	Teller,
Carey,	Hale,	Plumb,	Warren,
Chandler,	Hawley,	Power,	Washburn,
Cullom,	Higgins,	Quay,	Wilson of Iowa,
Davis,	Hoar,	Sanders,	Wolcott.
Dixon,	McConnell,	Sawyer,	
Dolph,	McMillan,	Sherman,	
Edmunds,	Manderson,	Shoup,	

NAYS—24.

Barbour,	Cockrell,	Hampton,	Ransom,
Bate,	Coke,	Harris,	Reagan,
Berry,	Faulkner,	McPherson,	Turpie,
Blodgett,	George,	Morgan,	Vance,
Butler,	Gibson,	Payne,	Vest,
Carlisle,	Gorman,	Pugh,	Wilson of Md.

ABSENT—27.

Aldrich,	Daniel,	Jones of Arkansas,	Pierce,
Blackburn,	Dawes,	Jones of Nevada,	Spooner,
Brown,	Eustis,	Kenna,	Squire,
Call,	Gray,	Moody,	Stanford,
Cameron,	Hearst,	Paddock,	Voorhees,
Casey,	Hiscock,	Pasco,	Walthall.
Colquitt,	Ingalls,	Pettigrew,	

So the bill was passed.

ADJUSTMENT OF ACCOUNTS UNDER EIGHT-HOUR LAW.

Mr. BLAIR. Mr. President, I move that the Senate proceed to the consideration of the bill (H. R. 11120) providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law.

The VICE PRESIDENT. The question is on the motion made by the Senator from New Hampshire that the Senate proceed to the consideration of the bill indicated by him.

The motion was agreed to.

The VICE PRESIDENT. The bill is before the Senate as in Committee of the Whole. It was read at length on a former occasion; and there is an amendment pending, which will be stated.

Mr. ALLISON. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Iowa?

Mr. BLAIR. Yes, sir.

Mr. ALLISON. I understood it was the desire of the Senator from New Hampshire to have this bill taken up in order that it may continue as the unfinished business until disposed of. I ask him to yield to me that I may request the bill to be informally laid aside so that the Senate may proceed to the consideration of the army appropriation bill.

Mr. BLAIR. I understood that the army appropriation bill, having the right of way, would come up as soon as my motion was disposed of. I was anxious that it should be disposed of favorably, so that the bill might have the right of way just as soon as the appropriation bill is passed or otherwise acted upon by the Senate. I suppose, from what I have been assured, that we may expect to reach this bill, the arrears-of-labor bill, later in the afternoon.

Mr. ALLISON. I think it very likely.

Mr. BLAIR. Some time during the day?

Mr. ALLISON. Yes, some time during the day. I hope so.

Mr. BLAIR. If not, the arrears-of-labor bill will be the unfinished business to-morrow at the conclusion of the morning hour.

Mr. GORMAN. Mr. President, I am very anxious for the consideration of the bill called up by the Senator from New Hampshire. I think it is a bill that ought to have been considered long since. I am also very anxious that another labor bill should be considered, the bill fixing the pay of employés of the Government Printing Office. I think there are two or three bills of that class which ought to be considered and acted upon. I voted with the Senator a few moments ago to take up this bill and I am ready to go on with it; but I must object to having a bill brought in here and simply laid over in this way and made the unfinished business. At this stage of the session it is not fair to other bills that are to come up. I am ready to vote to take up the bill at any moment. I trust the Senator from Iowa will go on with his appropriation bill in the regular way, and we can take up this bill at any time after we get through with that measure.

Mr. COCKRELL. The appropriation bill is a privileged question. It can be taken up, and it does not displace anything except as any other privileged question; it simply has precedence.

Mr. ALLISON. For some reason which I did not fully comprehend there seemed to be a general desire that this bill in charge of the Senator from New Hampshire should be taken up immediately after the army appropriation bill is disposed of, but for some motive in the way of securing a right of way the Senator from New Hampshire asked me to yield that he might move to proceed to its consideration now. I am perfectly willing to make a motion to take up the army appropriation bill, but that of course will set aside this bill.

Mr. GORMAN. Very good. The Senator from New Hampshire unquestionably can get this bill up whenever he desires to have it considered. What I object to is to take up a bill and then hold it over the business of the Senate and parcel it out.

Mr. BLAIR. I assure the Senator from Iowa my motive was most excellent, and the action is in strict accordance with the operations of the Senate ever since I have known anything about the body. I do not really comprehend the reason why the Senator from Maryland, who is so anxious for the consideration of this bill, should interfere with a motion already agreed to by the Senate, which will insure the consideration of this bill at the very first opportunity after the privileged appropriation bill is disposed of.

Mr. GORMAN. I am ready to go on with the consideration of the labor bill now.

Mr. BLAIR. So am I; but I am met with a request that it be laid aside informally in favor of the army appropriation bill, which can be pushed against it and displace it entirely. I assure the Senator that my motives, I hope, are as commendable as his own with reference to the passage of that bill.

Mr. GORMAN. There are one or two other bills of the same character that I should like to have brought up, and I think it is unfair all around to have this bill laid over to be brought up as unfinished business.

Mr. BLAIR. I have already been subject to a great deal of that sort of objection.

Mr. GORMAN. I am ready to go on with the consideration of the bill now; I voted to take it up; but the chairman of the Committee on Appropriations, I suppose, feels it his duty to move to take up the army appropriation bill, and as a matter of course every other matter will give way to that.

The PRESIDING OFFICER (Mr. PLATT in the chair). The Senator from Iowa asks unanimous consent that the pending measure may be laid aside informally, in order that——

Mr. GORMAN. I object to any unanimous consent.

Mr. ALLISON. Then I have the floor.

Mr. BLAIR. Then I do not yield.

Mr. HARRIS. I want to suggest to the Senator from New Hampshire that I think there is a very general, if not a universal, disposition to gratify his wish to take up this bill whenever it can be considered, even on the part of Senators who do not sympathize with him in desiring its passage. So far as I am concerned, I shall give preference to appropriation bills over any other class of bills. I hope, therefore, that we may either proceed by unanimous consent or that the Senator from Iowa will move to proceed to the consideration of the army appropriation bill; and, if he should so move, I can assure the Senator from New Hampshire that so far as I am concerned and I think I know enough about the sentiment of the Senate to assure him that he will have no difficulty in taking up his bill immediately after the disposition of the army appropriation bill.

Mr. BLAIR. The Senate has already voted and the bill is up. I was requested to yield and allow it to be laid aside informally. If objection is made I can not yield. Therefore I ask the Senate to proceed with the consideration of the bill.

Mr. COCKRELL (to Mr. BLAIR). Proceed with your speech.

The PRESIDING OFFICER. The Chair will again state the request of the Senator from Iowa.

Mr. COCKRELL. The Senator from New Hampshire has the floor. Let him make his speech. He will not yield the floor, and I object to anybody interrupting him.

Mr. BLAIR. Mr. President, I have no speech to make. I simply desire that the Senate shall proceed with the consideration of the bill.

Mr. COCKRELL. The Senator can not stand on the floor and force his bill through. If he has a speech to make, let him make it. If not, let him yield the floor for the transaction of business.

Mr. BLAIR. I do not understand the Senator from Missouri.

Mr. COCKRELL. Mr. President, I raise the point of order that the Senator from New Hampshire can not stand on his feet and hold the floor and prevent anybody else from addressing the Chair when a bill is pending before the Senate. He has called up his bill; it has been taken up; and if he has any remarks to submit, let him submit them, and if not, it is proper for him to take his seat.

The PRESIDING OFFICER. The Chair is of the opinion that the Senator from New Hampshire has been speaking on his bill pretty persistently.

Mr. COCKRELL. Let him proceed then.

The PRESIDING OFFICER. The Chair will again state the request of the Senator from Iowa.

Mr. ALLISON. It has been objected to, and I withdraw the suggestion. I shall endeavor to get the floor sometime during the day in my own right.

Mr. BLAIR. Mr. President, I have no remarks to make upon the bill. It has already been partially considered. I ask that the question be stated.

The PRESIDING OFFICER. The bill has been read at length, and an amendment is pending, which will be stated by the Chief Clerk.

The CHIEF CLERK. Strike out all after the enacting clause and insert——

ARMY APPROPRIATION BILL.

Mr. ALLISON. Pending that, Mr. President, I move that the Senate proceed to the consideration of House bill 12573, being the army appropriation bill.

The PRESIDING OFFICER. The Senator from Iowa moves that the Senate proceed to the consideration of the bill (H. R. 12573) making appropriations for the support of the Army for the fiscal year ending June 30, 1892, and for other purposes. The question is to be decided without debate.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 12573) making appropriations for the support of the Army for the fiscal year ending June 30, 1892, and for other purposes.

The bill was reported from the Committee on Appropriations with amendments.

The PRESIDING OFFICER. The bill will be read.

Mr. ALLISON. I ask unanimous consent that the formal reading of the bill may be dispensed with, and that, as the bill is read, amendments may be considered, the committee amendments being first in order.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that as the bill is read amendments may be considered, the committee amendments being first in order. Is there objection? The Chair hears none; and that order will be adopted.

Mr. COCKRELL. As a matter of course, all amendments to the text of the bill will be in order after the bill has been read, and the committee amendments have been acted upon.

Mr. ALLISON. Undoubtedly.

The Chief Clerk proceeded to read the bill, and read to line 5, on page 3.

Mr. COCKRELL. I do not remember that my attention has been called heretofore in these bills to the words which here occur, "for additional pay to such officers for length of service, to be paid with their current monthly pay." I see the same language occurs at various places in the bill; also the words, "for service pay of enlisted men, by reason of length of service, in addition to their monthly pay and payable therewith," etc. Has the practice existed heretofore to pay this longevity pay with the monthly payments that have been made?

Mr. ALLISON. I understand that that has been the rule. There is no change here in the existing practice.

Mr. COCKRELL. I did not know how it had been managed. I do not think we have ever had that language in the appropriation bills before.

Mr. ALLISON. We have. That same language is found in the last Army appropriation act.

Mr. COCKRELL. I did not know that.

The Chief Clerk resumed the reading of the bill, and read to line 19, on page 6.

Mr. GIBSON. I desire to give notice that I shall move to strike out the proviso beginning in line 17, on page 6.

Mr. ALLISON. I will state to the Senator from Louisiana that the committee make no recommendation respecting this provision as to retired officers. Therefore the provision stands as the other House has sent it here. I understand that the Senator from Connecticut [Mr. HAWLEY] proposes at a later stage to move an amendment.

Mr. GIBSON. I was not aware of that.

The PRESIDING OFFICER. The reading of the bill will proceed.

The Chief Clerk resumed the reading of the bill and read to line 4, on page 7, the last item read being as follows:

RETIRED ENLISTED MEN.

For pay of the enlisted men of the Army on the retired list, $134,872.87.

Mr. COCKRELL. I desire to call the attention of the chairman of the committee and also of the Senate to the fact that some years ago we provided a retired list for noncommissioned officers and privates after a certain length of service. I have discovered and have secured the data, in a report from the Secretary of the Interior, showing that quite a number of these noncommissioned officers and privates provided for in this clause here are also drawing pensions for the same military service for which they have been placed upon the retired list and receive three-quarters of their pay. When the pension appropriation bill comes up before the Senate I propose to have a provision inserted in that, and I hope the Senate will agree to it, providing that no officer

on the active list of the Army receiving his full pay for all his military duties shall at the same time receive a pension for anything done in the service, and also that these noncommissioned officers and privates, for their past services in the Army, for which they are now drawing their three-quarters pay shall not at the same time draw pensions.

In this connection I desire to say that there is a vast difference between this class of cases and the class referred to in the proviso in lines 17, 18, and 19, on page 6, "that no officer shall receive pay as an officer on the retired list while receiving a salary as a Government official." There is a service performed entirely independent of any service previously in the Army, and there is no connection between the two. They stand as independent propositions. An officer on the active list drawing his full pay for his military services, with longevity pay, etc., and at the same time drawing a pension, is drawing the pension too much, and he is not entitled to it. It is the same way with retired officers. We struck them off at the last session by a proviso. We found about a hundred or a hundred and fifty officers on the retired list drawing pensions. They were retired and drawing full pay and a pension besides.

Mr. ALLISON. I suggest to the Senator that the amendment he proposes would come more properly on the pension appropriation bill than here.

Mr. COCKRELL. Yes, I shall propose it on the pension appropriation bill; but I only give notice here that I shall let this go through with the distinct understanding that when the pension appropriation bill is under consideration I shall endeavor to have an amendment adopted providing that noncommissioned officers and privates on the retired list shall not receive a pension, as we provided in regard to officers on the retired list in the last pension appropriation act.

The Chief Clerk proceeded with the reading of the bill, and read the next paragraph, from line 6 to line 10, inclusive, on page 7, as follows:

For pay and traveling expenses of not exceeding fifty contract surgeons, for pay of not exceeding one hundred and sixty hospital matrons, and not exceeding fourteen veterinary surgeons, as now provided by law, in all, $90,000.

Mr. COCKRELL. Is this an increase or a diminution in the number of contract surgeons?

Mr. ALLISON. It is the exact number.

Mr. COCKRELL. It does seem to me that here is a branch of the service where there ought to be some reformation and change. With the large number of medical officers in the Army, the abandonment of so many military posts, and the concentration of the Army in fewer places than heretofore, it seems to me that the medical staff of the Army ought to be able to perform nearly all the military duties.

Mr. President, there are some abuses in connection with the employment of contract surgeons. If I remember rightly, last year we had before us a list of contract surgeons, and some of them had been in the service for fifteen, eighteen, and twenty years, and had been performing a class of service which certainly ought to have been performed by the officers of the Medical Department. Some of them were in exceedingly comfortable places and quite a number of them were employed in this city.

It does seem to me that it is about time that we should begin to pare down the number of these contract surgeons and reduce the number of surgeons to the number of commissioned officers in the Medical Department. It appears to me that that can be done and it ought to be done. I desire to call attention to the matter. I think there is an excess of contract surgeons employed. I think there could be from ten to fifteen or twenty of them stricken off, and the service be just as well performed as it has ever been. Let the medical officers perform the duties, and if there be a few places here and there with lighter duties than others, let some of the medical officers at least have the advantage of them.

The reading of the bill was continued.

The first amendment of the Committee on Appropriations was, in line 21, on page 7, before the word "furnished," to strike out the words "is not" and insert "can not be;" so as to make the proviso read:

Provided, That the maximum sum to be allowed clerks of the Pay Department, the expert accountant of the Inspector General's Department, and contract surgeons when traveling on duty shall be 4 cents per mile, and, in addition thereto, when transportation can not be furnished by the Quartermaster's Department, the cost of same actually paid by them, exclusive of parlor-car fare and transfers.

The amendment was agreed to.

The next amendment was, on page 7, line 25, after the words "courts martial," to strike out "military commissions;" and, in the same clause, on page 8, line 1, before the word "dollars," to strike out "fifteen" and insert "fifteen;" so as to make the clause read:

For compensation of reporters and witnesses attending upon courts martial and courts of inquiry, $8,415.73.

The amendment was agreed to.

The next amendment was, on page 8, line 4, after the word "buildings," to strike out the comma and the words "and so forth" and insert "and grounds;" so as to make the clause read:

For additional pay to officer in charge of public buildings and grounds, in Washington, District of Columbia, $1,000.

Mr. REAGAN. I ask what creates the necessity for $1,000 additional pay to this officer.

Mr. ALLISON. The law provides that the officer in charge of public buildings and grounds shall have the rank of colonel, and, if an officer of lower rank is assigned to that duty, he shall receive the pay of the assimilated rank. Therefore, this is in pursuance of law.

Mr. REAGAN. Is it colonel of cavalry or colonel of infantry?

Mr. ALLISON. I think colonel of cavalry; I am not certain.

Mr. REAGAN. While the Senator is looking for the law, I desire to call attention to section 1261 of the Revised Statutes, which provides that the pay of colonel is $3,500 a year. Then 10 per cent. is to be added to that pay for every five years' additional service.

In section 1267 it is provided that in no case shall the pay of a colonel exceed $4,500. So, this officer with the rank of a colonel would be paid somewhere between $3,500 and $4,500 a year. Now, it is proposed to give this officer, because he has an easy place at the Capital of the Government, $1,000 additional. He receives more pay already than most of the governors of States and judges of their supreme courts.

Mr. BLACKBURN. Will my friend from Texas allow me to correct what I think is an error he has dropped into in this case?

Mr. REAGAN. With pleasure.

Mr. BLACKBURN. The present officer in charge of public buildings and grounds in Washington City is not a colonel; he is only a major and he receives a major's pay. Now, under the law he is entitled to receive the pay of the higher grade and rank so long as he is detailed to this service here. So this appropriation of an additional $1,000 is simply in conformity with existing law, to bring up the pay of a major to what the law says the officer in charge here shall have. He is not a colonel.

Mr. REAGAN. I was guided by the statement of the Senator from Iowa that this officer was to have the pay of colonel whether he had that rank or not.

Mr. ALLISON. If the Senator will yield to me a moment I will state that in the seventeenth volume of the Revised Statutes, page 575, it is provided that—

The officer in charge of the public buildings and grounds shall have the rank, pay, and emoluments of a colonel.

That is the law, and we have simply appropriated in accordance with it.

Mr. REAGAN. Then I think the Senator from Kentucky was mistaken. According to that the officer already gets the pay of a colonel without reference to the $1,000 additional.

Mr. BLACKBURN. Let me ask the Senator from Texas how the officer would ever get that money unless we appropriated it out of the Treasury. We do this every year.

Mr. REAGAN. My understanding from the reading of the act is that the general appropriations for the pay of officers cover the pay in this case.

Mr. BLACKBURN. Oh, no; I assure the Senator he is mistaken. The law entitles him to this additional pay, but the money must be appropriated by Congress in this bill.

Mr. REAGAN. Is that the understanding of the Senator from Iowa?

Mr. ALLISON. I will state it exactly. This officer is a major, and there is an appropriation, of course, for all the majors, all the colonels, and all the lieutenant colonels, etc. Therefore, under that general appropriation he would receive the pay and emoluments of his rank.

Mr. BLACKBURN. A major.

Mr. ALLISON. But, in order that he may receive the pay provided for here, we must make an additional appropriation, and that has been done uniformly since the law was passed. I assure the Senator from Texas that this officer receives no pay that is not authorized and required by the law.

Mr. HARRIS. May I ask the Senator from Iowa if this additional $1,000 increases the pay of this officer above the pay of a colonel?

Mr. ALLISON. No; it does not.

Mr. HARRIS. It just brings it up to that?

Mr. ALLISON. It just brings it up to the limit.

Mr. HARRIS. And gives him just what the statute says he shall have while he is performing this duty?

Mr. ALLISON. Yes, sir.

Mr. BLACKBURN. If we did not appropriate the money as the bill proposes it would leave the present incumbent entitled to this amount of money in addition to the amount appropriated for his pay as major. The law gives it to him as a matter of right, but he can not get it through the Treasury Department unless Congress makes a direct appropriation of that amount of money.

Mr. REAGAN. Allowing that to be true, Mr. President—and I suppose the Senators who have charge of this bill understand its meaning of course—a major by the law is entitled to $2,000 a year. Then he is entitled to his longevity pay of 10 per cent. for every five years' additional service. I do not know how long this officer assigned to this duty has been in the service or how much longevity pay he receives. But this would make him receive a salary of $3,500 a year with any longevity pay that he might be entitled to.

I shall not take up that subject now, Mr. President, but at the proper place I propose to take up the subject and make a brief inquiry as to

the salaries of the officers of the Army. I know how ungrateful is the task of attacking anybody's salary, and especially the salaries of a large class of meritorious people; but there is a duty which we owe to the people who pay taxes as well as to those who receive salaries, and I do not propose to forget the people who pay taxes. If this officer gets $2,500 a year with his longevity pay and has his position of ease and comfort here at the Capital, I do not see the necessity of adding $1,000 to his pay.

I called attention some time ago, when a deficiency bill was under consideration, to the fact that, estimating the expenditures of the forty-four State governments of this country at $2,750,000 a year, which is certainly above the average expenditure, the appropriations which were made and should have been made for this fiscal year would be four times the cost of the forty-four State governments and $80,000 more. The proposition is startling, and it has become so by the extravagance of our appropriations.

At the close of the war the people of this country felt grateful to the Army and the Navy for their services. It was natural that they should feel so. At the same time the currency of the country was depreciated very far below the par of coin, down until it took two dollars or two dollars and a half in currency to equal one dollar in coin. As an act of justice to the officers of the Army and Navy their pay was increased so as to make it equal to the coin payment, and more than equal. Now, when the paper currency of the country is equal to coin, it seems to me that there ought to be a corresponding reduction in these enormous salaries. The law is as follows:

The officers of the Army shall be entitled to the pay herein stated after their respective designations: The general to $13,500 per year; the lieutenant general to $11,500 per year; the major general, $7,500 per year; the brigadier general, $5,500 per year; colonel, $3,500 per year; lieutenant colonel, $3,000 per year; major, $2,500 per year; captain, mounted, $2,000 per year: captain, not mounted, $1,800 per year; adjutant, $1,800 per year; regimental quartermaster, $1,800 per year; first lieutenant, mounted, $1,600 per year; first lieutenant, not mounted, $1,500 per year; second lieutenant, mounted, $1,500 per year; second lieutenant, not mounted, $1,400 per year; chaplain, etc.

Now, Mr. President, the officers of no army on earth receive any such pay. The general grades of officers in the best armies of Europe do not receive perhaps one-half this amount. I remember very well, sir, when a captain received $40 a month and was considered pretty well paid. Of course captains could not get along with that amount now, but I mention it to show the wide difference between the past and the present. I take it that no Senator can look at the present pay given to these officers and remember the compensation given to officers of State governments without feeling that it is monstrous.

Mr. HAWLEY. The Senator from Texas speaks of the time when a captain received $40 a month. I think he had some other allowances then. But does the Senator remember what Congressmen received at that time?

Mr. REAGAN. I think, $8 per day.

Mr. HAWLEY. About $2,500 or $2,600 a year. We have doubled our pay.

Mr. REAGAN. Speaking of pay, Mr. President, every brigadier general under this law receives $5,500 a year, with an expensive retinue of officers who perform all his labor. I venture the statement that the Senator who has just addressed the Chair does more work than five of these brigadier generals, and he gets his $5,000 a year for temporary employment. These salaries are paid to men who have life employment, who do not have to go into any expensive canvasses to secure elections by the people.

I shall not dwell upon this matter now, because there is another view of it. However, I do not know that it is worth while to spend the time of the Senate by calling attention to it, for we seem to have drifted into a hopeless extravagance, and how we are to get out of it I do not see. I do believe, however, that the American people will find a way to get out of it, and I do believe that the time is coming when they are going to investigate these things, and when they are going to demand some consideration for the people who pay the taxes as well as for those who receive salaries. Here we appropriate by this very bill under consideration, "for pay of officers on the retired list and for officers who may be placed thereon during the current year, $1,012,122.68;" and "for additional pay to such officers for length of service, to be paid with their current monthly pay, $294,381, in all, $1,306,503.68" paid to gentlemen because they are the fortunate possessors of high office with large salaries, establishing, sir, in the face of our theory of government and the Constitution, a privileged class who are to be paid these large amounts of money for doing nothing simply because they have been so fortunate as to hold important offices.

It may be too late for it to be done at this session, but I have hoped that the Committee on Appropriations might be willing to take upon it the labor of looking into the aggregate expenditures of the Government and seeing if there can not be large reductions made. A little over a year from now, with anything we can do, we shall find a deficiency of revenues. That may bring with it a blessing. It may bring with it reflections as to how we are to reduce the expenditures of the Government. If it shall do that, then it will not be a misfortune that there is found to be a deficiency of revenue.

I suppose, Mr. President, the point I originally made upon this clause is covered by law, and that the appropriation must be made as suggested by the committee, because it seems the existing law requires that $1,000 additional shall be paid. But, if it be in order, at the proper time I shall move to amend, if we can so amend on an appropriation bill, that section of the statute referred to, so as to strike out the provision for an additional $1,000.

The PRESIDING OFFICER. Is the Senate ready for the question upon the amendment of the committee?

The amendment was agreed to.

The next amendment was, on page 8, after line 5, to insert:

For additional pay to officer commanding military prison at Fort Leavenworth, Kansas, $500.

The amendment was agreed to.

The next amendment was, on page 8, line 9, after the word "information," to insert "from abroad;" so as to make the clause read:

For the pay of a clerk attendant on the collection and classification of military information from abroad, $1,500; and the officers detailed to obtain the same shall be entitled to mileage and transportation and also commutation of quarters while on this duty, as provided when on other duty.

The amendment was agreed to.

The next amendment was, on page 8, line 14, after the word "Department," to insert "to be appointed by the Secretary of War;" so as to make the clause read:

For pay of one expert accountant for the Inspector General's Department, to be appointed by the Secretary of War, $2,500.

The amendment was agreed to.

The next amendment was, on page 8, line 24, before the word "thousand," to strike out "seventy-five" and insert "fifty;" so as to read:

For mileage to officers when traveling on duty without troops, when authorized by law, $150,000.

The amendment was agreed to.

The reading of the bill was continued. The next amendment was, on page 9, line 20, after the words "two hundred and," to strike out "sixty-two thousand one" and insert "twenty-seven thousand six;" so as to make the clause read:

Making in all, for pay and general expenses of the Army, $13,227,679.19.

The amendment was agreed to.

The reading of the bill was continued. The next amendment was, on page 11, line 14, after the words "one hundred and," to strike out "twenty" and insert "ten;" so as to read:

And not more than $110,000 thereof shall be applied to the payment of civilian employés of the Subsistence Department.

The amendment was agreed to.

The next amendment was, in the appropriations for "Quartermaster's Department," on page 11, line 21, after the word "heating," to strike out "officers;" in the same line, after the word "stoves," to strike out "and appliances;" and in line 22, after the word "cooking," to strike out "and serving food;" so as to read:

Regular supplies: For the regular supplies of the Quartermaster's Department, consisting of stoves and heating apparatus, and repair and maintenance of the same, for heating barracks and quarters; of ranges and stoves for cooking; of fuel and lights for enlisted men, guards, hospitals, storehouses, and offices, and for sales to officers.

The amendment was agreed to.

The reading of the bill was continued. The next amendment was, on page 14, line 3, after the word "Army," to strike out "and at military posts;" so as to read:

Hire of veterinary surgeons; purchase of medicine for horses and mules, picket-ropes, blacksmiths' tools and materials, horseshoes and blacksmiths' tools for the cavalry service, and for the shoeing of horses and mules, and such additional expenditures as are necessary and authorized by law in the movement and operations of the Army, and not expressly assigned to any other department, $675,000, etc.

The amendment was agreed to.

The reading of the bill was continued. The next amendment was, on page 16, line 3, after the word "water," to strike out "and introducing the same into buildings" and insert "at such posts as from their situation require it to be brought from a distance," and line 6, after the word "drainage," to strike out "and for clearing roads, and for removing obstructions from roads, harbors, and rivers to the extent which may be required for the actual operation of troops in the field;" so as to read:

For procuring water at such posts as from their situation require it to be brought from a distance; and for the disposal of sewage and drainage; for the transportation of discharged military prisoners to their places of enlistment; for the payment of Army transportation lawfully due such land-grant railroads as have not received aid in Government bonds (to be adjusted in accordance with the decisions of the Supreme Court in cases decided under such land-grant acts), but in no case shall more than 50 per cent. of the full amount of the service be paid.

Mr. GORMAN. I ask the chairman of the committee for an explanation of the first part of the amendment.

Mr. ALLISON. This is an appropriation for transportation, and the committee were of the opinion that if the phraseology used by the other House was retained it would authorize expenditures from this fund to be made for what may be called ordinary plumbing in the public buildings of various kinds belonging to the Army. We thought it better to confine the appropriation to those temporary expenses which are incurred by the Army in transportation, and therefore we restored the phraseology of the bill to what has been used for many years.

Mr. GORMAN. Now, striking that out, would they still have authority to introduce water into the new public buildings being erected?

Mr. ALLISON. That, of course, would be a matter for those who expend the money to determine.

Mr. GORMAN. I mean under the law.

Mr. ALLISON. We did not think it wise to authorize that to be done directly. I will not say that if it is necessary this money might not be used for the introduction of water, to transport it by means of pipes, into a public building, but I think it would not authorize an enlarged system of plumbing for army buildings. That is the distinction I would draw, which is a delicate one, I confess.

Mr. GORMAN. Striking out the words would leave the appropriation in the same terms that have heretofore been used?

Mr. ALLISON. The phraseology that we employ is the same as the phraseology in the act of last year.

Mr. GORMAN. That is what I supposed.

The amendment was agreed to.

The next amendment was, on page 16, after the word "paid," at the end of line 15, to strike out the following proviso:

Provided, That in expending the money appropriated by this act a railroad company which obtained a grant of public land to aid in the construction of its railroad on condition that such railroad should be a post route and military road subject to the use of the United States for postal, military, naval, and all other Government service, and also subject to such regulations as Congress may impose restricting the charges for such Government transportation, having claims against the United States for transportation of any kind over such railroad, shall only be paid out of the moneys appropriated by the foregoing provision on the basis of not exceeding 50 per cent. of the compensation for such Government transportation as shall be charged to and paid by private parties to said company for like and similar transportation.

Mr. BLACKBURN. Mr. President——

Mr. ALLISON. If the Senator from Kentucky will allow me, I will say that the committee recommend that this provision be struck out with a view of adding on page 17, after line 9, what I send to the Clerk's desk. I have not had an opportunity to submit it to some of the members of the committee, but I was authorized to prepare an amendment covering the general view of the committee. I ask that it may now be read in connection with the lines proposed to be stricken out.

The PRESIDING OFFICER. The proposed amendment will be read.

The CHIEF CLERK. At the end of line 9, on page 17, add to the paragraph the following proviso:

Provided further, That in expending the money appropriated by this act a railroad company which has not received aid in bonds of the United States and which obtained a grant of public land to aid in the construction of its railroad on condition that such railroad should be a post route and military road subject to the use of the United States for postal, military, naval, and all other Government service, and also subject to such regulations as Congress may impose restricting the charges for such Government transportation, having claims against the United States for transportation of any kind over such railroad, shall only be paid out of the moneys appropriated by the foregoing provision on the basis of such rate for the transportation of troops and munitions of war as the Secretary of War shall deem just and reasonable under the foregoing provision, such rate not to exceed 70 per cent. of the compensation for such Government transportation as shall at the time be charged to and paid by private parties to any such company for like and similar transportation; and the amount so fixed to be paid shall be accepted as in full for all demands for such service.

The PRESIDING OFFICER. The Chair does not understand that this is a motion to strike out and insert.

Mr. ALLISON. No, it is not; I merely asked that it might be read, so that the Senate may see what we propose to substitute for the provision to be struck out. I desire to say one word——

Mr. BLACKBURN. Will the Senator allow me to make a suggestion? Inasmuch as this is certainly the most important feature of the bill and as even the members of the committee have not had an opportunity of examining the amendment that the Senator from Iowa sends up now to be inserted in lieu of what is proposed to be stricken out, I ask the Senator from Iowa to allow this matter to go over until the bill shall have been finished, and then let us come back to it to consider it.

Mr. ALLISON. Very well; I will allow both amendments to be passed over.

Mr. BLACKBURN. I did not desire to interrupt the Senator in any explanation or statement he may wish to make.

Mr. ALLISON. I will explain briefly the provision inserted by the other House which we recommend to be stricken out.

There are a number of land-grant railways, so called, with reference to which the act requires that they shall transport munitions of war, troops, the mails, etc., free of charge. Under that provision as to those land-grant railroads it has been finally decided by the Supreme Court that, although those roads were required to transport free of charge, that meant that the rolling stock should be furnished by the Government, and that 50 per cent. was a fair compensation for the actual transportation, etc. But it turns out that there are a few of the land-grant railway companies that have specific and different provisions respecting the transportation of Government troops, mails, etc. One of them is the Atlantic and Pacific Railway, a transcontinental railway having a land grant. The language of the act in reference to that road is:

That said Atlantic and Pacific Railroad or any part thereof shall be a post route and military road subject to the use of the United States for postal, military, naval, and all other Government service, and also subject to such regulations as Congress may impose restricting the charges for such Government transportation.

That is the phraseology in the land-grant act of the Atlantic and Pacific Railway Company, also in the land-grant act of the Northern Pacific road, and I think also in the act with reference to three or four other roads, giving Congress the power to make such regulations restricting the charges as it might deem just and proper. The House provision not only seeks to regulate the transportation of troops and munitions of war, but also in this bill seeks to regulate the price which shall be paid for the transportation of mails, and limits both to 50 per cent. of the rate charged to private persons for similar and like transportation.

As respects the mails, of course no provision in an army appropriation bill could be made to apply; but the Committee on Appropriations deemed it wise to insert some provision here which would restrict, as the law authorizes us to restrict, the appropriations to be made. Therefore the amendment which I propose, having the sanction of the committee in a general way, is that the Secretary of War shall take up this subject and allow a just and reasonable compensation, and that that compensation shall not be more than 70 per cent. of the compensation paid to private parties for similar transportation. We thought that that was a wiser provision than to undertake, upon an appropriation bill, without time for sufficient examination, to fix an arbitrary rate by act of Congress.

That is the substance of the amendment. Now, I will agree to pass it over, as the Senator from Kentucky desires, until the remainder of the bill is disposed of.

The PRESIDING OFFICER. The amendment will be passed over for the present, to be taken up when the reading of the bill is concluded. The reading of the bill will be proceeded with.

The next amendment was, on page 17, line 5, after the word "shall," to strike out "in all such cases."

Mr. ALLISON. I ask, as all these amendments are dependent on the general question, that the reading begin at line 10.

Mr. GORMAN. Begin at line 9.

Mr. ALLISON. Yes, at line 9. That is not dependent on the other.

The PRESIDING OFFICER. The amount is to be adopted as recommended by the committee, the Chair understands. The amendment in line 9 will be stated.

The CHIEF CLERK. On page 17, line 9, before the word "hundred," strike out "eight" and insert "seven;" so as to make the additional proviso read:

Provided further, That such compensation shall in all such cases be computed upon the basis of the tariff or lower special rates for like transportation performed for the public at large, and shall be accepted as in full for all demands for such service; in all, $2,750,000.

The amendment was agreed to.

The reading of the bill was continued. The next amendment was, on page 17, line 25, to strike out the following proviso:

Provided further, That not less than $50,000 of said sums shall be used to begin the repair and reconstruction of Jefferson barracks, Missouri.

The amendment was agreed to.

The reading of the bill was continued. The next amendment was, on page 19, line 15, after the word "million," to strike out "one hundred and fifty" and insert "two hundred;" so as to read:

Clothing, camp and garrison equipage: For cloth, woolens, material, and for the manufacture of clothing for the Army; for issue and for sale at cost price, according to the Army Regulations; for altering and fitting clothing, and washing and cleaning when necessary; for equipage, and for expenses of packing and handling, and similar necessaries, $1,200,000.

The amendment was agreed to.

The reading of the bill was continued. The next amendment was, on page 21, line 13, after the word "machinery," to strike out "clerk hire;" so as to make the clause read:

Engineer depot at Willets Point, New York: Incidental expenses of the depot, including fuel, lights, chemicals, stationery, hardware, extra-duty pay to soldiers necessarily employed for periods of not less than ten days as artificers on work in addition to and not strictly in line of their military duties, such as carpenters, blacksmiths, draughtsmen, printers, bookbinders, lithographers, photographers, engine-drivers, teamsters, wheelwrights, masons, machinists, painters, overseers, laborers, repairs of and for materials to repair public buildings, machinery, and unforeseen expenses, $5,000.

The amendment was agreed to.

Mr. GORMAN. In line 6 the words "necessarily employed" occur, and then in lines 9 and 11 are found the words "bookbinders" and "wheelwrights." Now, this is new; I understand it was not estimated for. I ask the chairman whether it is not going beyond anything we have had heretofore to have bookbinders in the Engineer Department? It is probably the beginning of a new bureau, a new industry.

Mr. ALLISON. I do not understand that they have a bookbindery in the sense of an establishment at Willets Point; they have a number of purely technical and scientific books relating to engineering, monthly periodicals, etc., and I understand they are bound either there by some skilled mechanic that they have, or they are bound in New York City near Willets Point, simply because it can be done a great deal cheaper in that way than by sending the books to the Public Printing Office. This has been the phraseology for some years. I do not think there is any abuse likely to occur.

Mr. GORMAN. I think if the Senator will look he will find that is new and is inserted here for the first time.

Mr. ALLISON. Bookbinders?

Mr. GORMAN. Bookbinders. I have no objection, as the Senator knows, to giving the Engineer Department all that is necessary for running their Department, but I do protest against establishing new printing offices and new bookbinding establishments outside of the great concerns that we have already. We have them in the Treasury and we have them in the War Department and in nearly every Department. This is the beginning, it seems to me, of a new industry at Willets Point.

Mr. ALLISON. I accept the suggestion of the Senator. I thought for a moment it was in last year's bill. It is new; but that was the reason given by the commanding officer at Willets Point, that it was much cheaper to bind the books at Willets Point or in New York City than to be obliged to send them here. I quite agree with the Senator it would not be wise to establish a new industry there.

Mr. GORMAN. Of course I do not want to break in on the order, but I trust the chairman will himself let that go out at this time.

Mr. ALLISON. If the Senator insists upon it I will consent that it may be struck out, and we will look into it further.

Mr. GORMAN. The item occurs in line 9, page 21.

The PRESIDING OFFICER. It will be reported.

The CHIEF CLERK. On page 21, line 9, strike out the word "bookbinders."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Engineer Department," on page 21, line 20, after the word "engineers," to strike out "and to acting engineer officers;" so as to make the clause read:

For purchase and repairs of instruments to be issued to officers of the Corps of Engineers for use on public works and surveys, $2,000.

The amendment was agreed to.

The next amendment was, on page 22, line 5, after the word "all," to reduce the total amount of the appropriations for the "Engineer Department" from "$28,500" to "$27,000."

Mr. GORMAN. I should like the Senator from Iowa for a moment to go back to an amendment on page 21.

The PRESIDING OFFICER. Does the Senator object to the amendment of the committee which has been read?

Mr. GORMAN. No, but I desire to call the attention of the Senate to the amendment which was passed in line 20, on page 21.

The PRESIDING OFFICER. The amendment under consideration at the present time will be considered as agreed to, if there be no objection. The Chair hears none, and the amendment is agreed to.

Mr. GORMAN. I now ask to go back to the amendment in line 20, on page 21, "for purchase and repairs of instruments to be issued to officers of the Corps of Engineers." At that point the committee reported to strike out the words which follow, "and to acting engineer officers."

A great number of these civil engineers are employed on all the public works, including rivers and harbors, and if we strike out the words to which I have referred there will be no provision for the purchase and repair of the instruments they use. As the Senator from Iowa is perfectly well aware, two-thirds, I suppose, of all the engineering duty in that class of work is by civilians.

Mr. ALLISON. The committee supposed it was usual that the civil engineers who were employed should themselves furnish their instruments. Here, for instance, is a civil engineer who is employed, say, for six months or three months, upon a public work. The Government furnishes him the instruments he uses. He may carry them off, for he is not under the military control of the Government in any way.

This is a new provision. It may be wise to strike it out until we can ascertain exactly how the money is to be expended and under what regulations.

Mr. GORMAN. I understand that the gentlemen who are employed as civil engineers come directly under the Chief of Engineers of the Army. On these various works they are required to have certain standard instruments so as to have uniformity in the work. The item is a small one, but at the same time we require them to have such a standard of instruments, and, as I understand, it is very desirable to have the Government to own them, or purchase them, and take care of them, and keep them in such shape as the Chief of Engineers requires.

It is a small matter, it is true, but it seems to me these very worthy men, and some of them men of great ability, who actually do the work under the direction of army officers, though they are not in the Army, should have the instruments supplied them.

Mr. ALLISON. It is a small item. They have got on very well without this for a long time, and I hope the Senator from Maryland will not insist upon changing it.

Mr. GORMAN. I merely desired to call the attention of the chairman of the committee to it.

The PRESIDING OFFICER. The Chair does not understand any further action to be required on the amendment.

Mr. GORMAN. No, sir.

The reading of the bill was resumed and continued to the end of line 25 on page 23.

The PRESIDING OFFICER. The Chair suggests that the comma after the word "Quartermaster's" should be stricken out at the end of line 23.

Mr. ALLISON. That is right.

The PRESIDING OFFICER. That amendment will be made, in the absence of objection.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for the "Ordnance Department," on page 24, after line 2, to insert:

For the purchase of machine guns, musket caliber, of American manufacture, $20,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "Recruiting service," on page 24, after the word "dollars," at the end of line 10, to insert:

and not exceeding $1,200 of this amount may be used for payment of a clerk to the officer disbursing this appropriation;

So as to make the clause read:

For expenses of recruiting and transportation of recruits from rendezvous to depot, including sending of recruiting parties to small towns, $130,000; and not exceeding $1,200 of this amount may be used for payment of a clerk to the officer disbursing this appropriation.

The amendment was agreed to.

The next amendment was, in the appropriations for "Signal Service," on page 24, line 21, after the word "all," to strike out "five thousand" and insert "seven thousand five hundred;" so as to make the clause read:

For expenses of the Signal Service of the Army, as follows: Purchase, equipment, and repair of field electric telegraphs; signal equipments and stores; binocular glasses, telescopes, heliostats, and other necessary instruments, including absolutely necessary meteorological instruments for use on target ranges; telephone apparatus and maintenance of same; in all, $7,500.

The amendment was agreed to.

The next amendment was, in the appropriations for "military telegraph lines," on page 25, line 1, after the word "dollars," to insert:

Provided, That the appropriations made by the two preceding paragraphs shall be disbursed by a bonded officer.

So as to make the clause read:

For the maintenance and repair of military telegraph lines, including rent of offices, fuel, salaries of civilian employés, lights, stoves, and fixtures, supplies, and general repairs, $15,000: *Provided*, That the appropriations made by the two preceding paragraphs shall be disbursed by a bonded officer.

The amendment was agreed to.

The next amendment was, in the appropriations for "contingent expenses," on page 25, line 9, after the word "departments," to strike out "$2,000;" in line 11, after the word "reference," to insert the word "and;" and in the same line, after the word "utensils," to strike out "and so forth" and insert "$2,000;" so as to make the clause read:

For contingent expenses of the Adjutant General's Department at the headquarters of the several military divisions and departments, being for the necessary articles of office, toilet, and desk furniture, stationery, bindery, maps, books of reference, and police utensils, $2,000.

The amendment was agreed to.

The next amendment was, on page 25, to strike out the clause from line 13 to line 18, inclusive, as follows:

For contingent expenses Inspector General's Department, contingent fund of Inspector General's Department at the headquarters of the several military divisions and departments for the purpose of binding orders and the purchase of maps, books of reference, professional literature, desk furniture, stationery, and police utensils, $1,000.

The amendment was agreed to.

The next amendment was, on page 25, after line 18, to insert:

For binding reports and orders, and purchasing books of reference and maps for the Inspector General's Department, $500.

The amendment was agreed to.

Mr. ALLISON. The Committee on Appropriations instruct me to offer the amendment which I send to the Clerk's desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 18, after line 14, it is proposed to insert:

For the purchase by the Secretary of War of buildings erected at permanent army posts by private parties under proper authority, and which may be suitable and actually necessary for the army service, and at prices not exceeding such appraisement as may be made by a board of army officers detailed for the purpose by the Secretary of War, $50,000.

The amendment was agreed to.

Mr. ALLISON. Now I ask to go back to the amendment which was passed over. I do not see the Senator from Kentucky [Mr. BLACKBURN] in his seat at this moment, but the Senator from Connecticut [Mr. HAWLEY], I understand, desires to offer an amendment. I am willing that that may be considered now.

Mr. HAWLEY. On page 6, beginning in line 17, I will move to strike out the proviso.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 6, line 17, after the word "cents," it is proposed to strike out all down to and including the word "official," in line 19, as follows:

Provided, No officer shall receive pay as an officer on the retired list while receiving a salary as a Government official.

Mr. HAWLEY. Mr. President, this is a change of existing law and of a law that has worked no hardship nor injustice, so far as I know. It applies to twelve officers only of the five or six hundred who may be on the limited list and the regular list of retired officers. There are two of those officers who were put on that retired list by special acts of Congress. The others were all retired by due action of law by reason of disability, and in most cases it is a very serious disability; as, for example, Major Huxford, clerk of the Committee on Military Affairs of the Senate, who was shot through the head terribly at Malvern Hill, twice captured, and, after these fearful wounds at Malvern Hill, in three months was back on duty, though he was so badly wounded that he was treated as a dead man. Another is Captain Mallery, retired, who was shot in the left hip and his arm badly wounded, a man who is doing excellent scientific work, for no great compensation, at the Smithsonian Institution.

There is Captain Morse, retired for disability after twenty-three years of honorable service, who has a family about him here, who went through the civil-service examination and got a clerkship in the Bureau of Labor, where he is adding something to his income and paying for the little house that he has bought.

I beg pardon of the gentlemen for mentioning their private affairs; but it seems almost indispensable to do so in discussing this amendment properly.

F. E. Brownell, a clerk in the Pension Office, was retired for disease incident to the service. He has a modest clerkship in the Pension Office. He goes down in history as the man who shot the inn-keeper who killed Colonel Ellsworth at Alexandria.

There is Capt. W. P. Atwell, who is a consul in France. He is from Wisconsin, and the Senator from that State can probably tell us how much he gets. I do not know. He lost his left leg and is unquestionably disqualified from anything like active service.

There is Captain Parker, who is treasurer of one of the soldiers' homes. He holds his place under special authority of law that retired officers may hold such appointments.

The last one on this list is Col. John R. Lewis, postmaster at Atlanta, Ga. He had an arm shot off at the shoulder.

I omitted two at the top of the list, General Rosecrans, who is the Register of the Treasury, and General William F. Smith, familiarly known as "Baldy Smith," who is employed as a civil engineer, doing some work, I do not know what, under the employment of the Engineer Corps. That work he had when the bill passed that put him on the retired list.

I submit that it is rather persistent, sharp, cold watchfulness to try, if you can, by this amendment, to prevent an injured and disabled officer from finding some place where he can add somewhat to his income. In a number of these instances, which I need not specify, these gentlemen have families, and I hope they are laying up a little something, because they are liable at any time, by reason of their disabilities, to be thrown out of these semicivil employments which they have.

I move to strike out the whole proviso. It seems to me that the generous feeling of the Senate will respond to that.

This prohibition in the law does not save the Government one solitary penny of money, not one single penny, for somebody else will be put in the same place.

Mr. HARRIS. I should like to ask the Senator from Connecticut, if these retired officers had taken employment in a railroad company, a bank, a commercial house, or in any other private employment, if any one could have consistently contended that they ought to forfeit their pay as retired officers.

Mr. HAWLEY. Certainly not; but the Senator will allow me to add that when these men come to ask for clerkships or get clerkships under the Government they are to the Government not John Smith, a retired officer, but John Smith, a citizen of the United States, who agrees to do certain work for a certain sum of money.

Mr. HARRIS. That is the very point that suggested itself to my mind. Instead of seeking employment in private life they have sought and obtained employment in the Government service, and I do not see that the principle is changed at all. A man when he was retired certainly had the right to take employment from a bank, a railroad company, a corporation of any kind, or a commercial house, and he has certainly the same right to take employment at the hands of the Government, as it seems to me.

Mr. HAWLEY. I thank the Senator. I think he is entirely right. The law very justly prohibits an officer upon the active list from engaging in any outside civil employment and receiving a salary therefor, etc.; but these men are entirely unfitted for military duty. They are of no use to the Government. They are by the action of the general law entitled to three-quarters of their active pay. Some of them have families of some size, and, as in one case I happened to mention, trying to pay for a home. There may be others like him. That gentleman has gone to the trouble of passing a civil-service examination and has a small clerkship. Now for a great big Government of 63,000,000 people to look down with a microscope to find a poor fellow like that and bar him out—upon my soul, I think is small.

Mr. GIBSON. I gave notice when the bill was being read that I should make the motion which I am very glad the Senator from Connecticut [Mr. HAWLEY] has made.

I do not think when an officer has been retired from the Army, either on account of wounds or on account of seniority, that any disability should be placed upon him, nor do I think that any disability should be placed upon the appointing power of the President of the United States. If, when retired from the military service or active service on account of wounds or of age, officers may be fitted to perform other services in civil life, if they are qualified to perform good service to the Government, I do not see why the Government should be denied the right to give them occupation. It is what every other citizen of the United States is entitled to, and I submit that this limitation ought not to be placed upon the appointing power of the President, who, under the Constitution, has the right to nominate and appoint, with the consent of the Senate, persons who, in his judgment, are qualified to discharge the duties of the different positions to which they may be assigned.

Now, Mr. President, look at the case of General Rosecrans. We all know that General Rosecrans was one of the most brilliant officers in the Army of the United States. I do not believe that there was a battle during the whole war that illustrated more capacity for generalship on the Union side than was illustrated by General Rosecrans at the battle of Stone River. To all intents and purposes that battle was lost and the Army of the United States was defeated in the battle, but the commander was not defeated, and, instead of giving an order to retreat, as was often the case during the war, he continued to fight that battle in the face of great disaster, and I believe he won it by his individual courage, firmness, and heroism.

Now he is not fit for active military service. He is on the retired list by reason of age; but why should the Government of the United States be denied the right to secure his services for such occupation as he is qualified for to-day, or why should we, who represent to-day the Government of the United States, the Union of these States, no matter what our personal views were during the recent war, place this veteran, this hero, upon a proscribed list, which denies him service under the Government of the United States, when all the soldiers in the army of the Confederacy may go to-day and receive appointments from the President of the United States and receive pay out of the Treasury of the United States in the civil service of the Union?

Mr. President, whether we are in favor of a civil list or not is not the question before us. This list of retired army officers has been established, and when I heard the Senator from Connecticut reading the names on that list I for one felt, sir, that every man who has a true appreciation of what has occurred in this country in the last twenty-five or thirty years would be willing not only to be just, but to be generous to the surviving heroes of that war.

Mr. REAGAN. Mr. President, under existing law persons are forbidden to draw two salaries from the Government at the same time, as I understand. I called attention a little while ago to the fact that the pay of the officers of the Army is very large, unusually large. We are appealed to now to allow them double pay because of their distinguished services and of their necessities. Several officers have been named, among others General Rosecrans. No one has more respect for him than I have. He is now, under an act of Congress restoring him to the service and authorizing him to be retired, drawing annually $4,125, independent of his longevity pay as an army officer. Then, his salary as Register of the Treasury is $4,000 more, which shows that he is now drawing $8,125 from the Treasury for the two services.

I submit, Mr. President, that sentimentality is all very well in its place and it is very nice when you have time to indulge in it; but that gallant officer is not going to suffer very greatly with $4,125 a year given to him without rendering any service, and there is no special reason why $4,000 more should be added to this, making him really for the discharge of the duties of Register of the Treasury receive over $8,000 a year, more than a Cabinet officer receives. The thing is so gross in itself that I am amazed that it should be urged.

Mr. President, it must not be assumed that I have less respect for the officers of the Army than have others. I know the high character of the men and I am aware of what great services many of them have performed. I am aware, also, that some have been retired on account of wounds received in the service or through disability, but ample provision has been made for them on that account, and it is not right that the taxpayers should pay double salaries to anybody.

Mr. President, it seems as if when any class comes up that that class commands all our sympathy and we wholly forget where the money is to come from that pays that class. We do not seem to remember the millions of men who get nothing from the Government, who toil through life, who rear their families and discharge the duties of citizens and have no favors from the Government. Men as honest, men as patriotic, men as worthy of respect as any others, are to be taxed for double salaries to the favorites and pets of the Government and one of its privileged classes. It may be the fault of my faculties, but it seems to me monstrous that the toiling millions should be made to pay double salaries to the privileged classes.

It is said, however, that these men might get employment in private life, and inasmuch as they might seek employment in private life the Government should give them employment. The illustration which is presented in the case of General Rosecrans, for whom personally and in every other way I have the highest respect, shows the gross injustice of the whole affair. These officers get three-fourths of the salary

of the rank upon which they were retired. That is sufficient for their support in independence and ease, and if they choose to accept Government employment, if the salary of the Government employment is greater than the retired pay, let them for the time being allow their retired pay to remain in abeyance, and if the retired pay is greater than the salary of the office, let the salary of the office for the time being remain in abeyance. Then no injustice is done, no wrong is done. But I submit, on the other hand, when we double the salaries of these officers and give the Register of the Treasury over $8,000 a year, it is a monstrous injustice to the people who pay taxes.

Mr. SPOONER. Without intending to reflect in the slightest degree upon the Committee on Appropriations which recommends this proposition, I join heartily with the Senator from Connecticut [Mr. HAWLEY] in the opinion that this is very small business on the part of the Government of the United States. There may be cases in which the argument made by the Senator from Texas [Mr. REAGAN] is entitled to weight. I am not absolutely certain that the argument as applied to a brigadier general, especially if he were not wounded and is in good health, a man of education and capacity, who is receiving a large salary as a retired officer, that he might be required, as a condition of accepting employment under the Government, to forego for the time being his salary, is not a sound one; but there are officers on the list, and it is a very small list, as to whom the adoption of this policy would, in my opinion, be simply contemptible on the part of the Government of the United States.

Take the case of Major Huxford, who is clerk to the Committee on Military Affairs of the Senate, a man who was, before he was of age, wounded twice in battle and captured, a man who since that day never in a waking hour has been free from pain and suffering, with a family upon his hands to support, children to educate, drawing three-quarters pay as a retired officer, perfectly competent to discharge the duties, and discharge them well, of clerk to the Committee on Military Affairs.

Mr. HAWLEY. Especially qualified.

Mr. SPOONER. Especially qualified, but a man who could not work regular hours day in and day out, year in and year out, in a railway office or in a store. Tell me upon what principle that man should be precluded from supplementing with the small salary which he draws as clerk of the Military Committee the small pay which he receives as a retired officer.

Mr. BUTLER. I ask the Senator from Wisconsin if the Committee on Military Affairs does not have to employ somebody to do that work; and, if that be true, why not give it to this man who is entitled to it?

Mr. SPOONER. I will get to that in a moment.

There is an officer on this list, Captain Atwell, who was a schoolmate of mine in my boyhood. I remember him as he was when he went into the Army, a brave, handsome, generous, high-spirited, and ambitious young man, with a very pleasant prospect before him in life. His leg was shot off near the body at Petersburgh, and he has dragged himself around on crutches from that day to this, unable to engage in the ordinary avocations of life, with a family upon his hands. Misfortune came to him, sickness in his family, involving additional expense, and he holds a little consulate, I believe, paying $1,500 a year, on the other side of the ocean, the duties of which he can discharge, and the climate of the country being so mild that he is relieved as he lives there. Why should he not be permitted to hold that little civil office, rendering a service for which he is paid, and rendering it with ability and with fidelity, without being compelled to forego the sum which is allowed him as a retired officer?

Mr. HAWLEY. The Senator will allow me. He is speaking of the Atwell case, I believe.

Mr. SPOONER. Yes, sir.

Mr. HAWLEY. His income as consul is dependent upon fees and does not average more than a thousand dollars a year, if that.

Mr. SPOONER. It is a trifle, but it helps him to live and to bring up his family. I do not doubt that if he had remained from the Army, if he had stifled the patriotism which led him to go to the front and had pursued his own course for his own purposes in life, he would have been receiving now a salary of $5,000 a year.

The Senator from Texas [Mr. REAGAN] talks about sentimentality. Almost every good impulse in a man's life is a sentiment. It will not do to sneer at sentiment. Patriotism is a sentiment. It was sentiment that led these men to the front, and they are not to be punished for it. This Government can not pay the debt it owes to a man who is bearing through life a maimed body, almost helpless and constantly suffering. It came to him in his efforts to preserve this Union and to make this what it is, a rich and prosperous country.

What will the Senator from Texas save by striking down this small band of maimed and wounded soldiers? Not one penny, because if they did not hold these civil positions, trifling as most of them are, civilians would be employed to discharge the duties and the Government would be obliged to pay them. It does not add a cent to the expense of the people, and I should be ashamed to believe of the people of the United States that they were so destitute of gratitude and sentiment—for gratitude is sentiment—as to begrudge these crippled veteran soldiers an opportunity to earn a little more money in the Government service, by industry to eke out the pay which they receive as retired officers.

The Senator from Tennessee [Mr. HARRIS] put it all in a nutshell when he asked the Senator from Connecticut whether, if these men were earning the same amount of money in the banks, in the stores, in the countingrooms, in the railway offices of the country, any one would suggest that they should forego, therefore, the pay which they receive as retired officers. No one would think of such a thing. We have recommended to the business men of the United States to give employment, wherever they can, to honorably discharged soldiers. It is worth while occasionally to read this section:

SEC. 1754. Persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty shall be preferred for appointments to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such offices.

There ought to be no statute of limitations, Mr. President, on the gratitude of this people to men who went into battle and saved this Republic, and when the sentiment which makes pets of them where it can be done, and done without cost to the people, has gone from the hearts of our people, patriotism will have gone with it from the hearts of our people.

Here is another section:

SEC. 1755. In grateful recognition of the services, sacrifices, and sufferings of persons honorably discharged from the military and naval service of the country, by reason of wounds, disease, or the expiration of terms of enlistment, it is respectfully recommended to bankers, merchants, manufacturers, mechanics, farmers, and persons engaged in industrial pursuits, to give them the preference for appointments to remunerative situations and employments.

We recommend that to the people of the United States as a part payment of the debt of gratitude we owe to honorably discharged soldiers. Why not practice what we preach? Why close the doors of governmental employment, Mr. President, except under penalty of forfeiting the pay of a retired officer, to these wounded soldiers?

Talk about class! It is not class legislation, in the sense in which the Senator from Texas uses that expression, for us to say that where there is a wounded hero of the war who can discharge acceptably the duties of a civil position we prefer he shall have it to some civilian who did not enter the Army. It is small business. It saves nothing, not a penny. It is an industrious discrimination against merit and against men who ought to be regarded with tenderness and with gratitude.

I should dislike very much to have the Congress of the United States in this day say that these wounded men, not many in number, who are discharging acceptably the duties of positions which civilians would have to discharge, should be turned away by such a proposition as that suggested by the Senator from Texas.

Mr. FRYE. I should like to ask the Senator a question.

Mr. SPOONER. Certainly.

Mr. FRYE. Why not except from the operation of this amendment officers who were retired by reason of wounds or diseases contracted in the Army?

Mr. SPOONER. I think there is force in that suggestion.

Mr. FRYE. I agree entirely with the Senator from Texas [Mr. REAGAN] that it is an outrage to pay General Rosecrans $4,125 a year as a retired officer, when he was retired by reason of old age, and at the same time pay him $4,000 a year as Register of the Treasury.

Mr. SPOONER. I have not differed from the Senator from Texas on that proposition.

Mr. FRYE. It seems to me there might be an exception made.

Mr. SPOONER. At the opening of my remarks I excluded such cases as perhaps proper to be dealt with by themselves. I am addressing myself to the proposition as applied to the other names on this list, men who were wounded, men who are suffering. I say it would be shameful for Congress to refuse to these men the opportunity to earn a little more money by faithful civil service without forfeiting the pay which they receive as retired officers.

Mr. FRYE. In that I agree entirely with the Senator.

Mr. REAGAN. Mr. President, one might infer from the course of the argument of the Senator from Wisconsin that I was disposed to do injustice to the meritorious class of officers to which he refers. Why, sir, the act of retiring them on three-quarters pay, with high salaries, it seems to me, was the highest manifestation of gratitude by the Government for the services they rendered. The soldiers who won the independence of the United States never had such a boon; the soldiers who fought through the war of 1812 never had such a recognition; the soldiers of none of our Indian wars have ever had such recognition. I am not complaining of that. I am simply complaining that, when ample provision has been made for them, there is no justice in doubling that provision; that it is wrong in principle and violative of the law upon that subject which forbids a person receiving two salaries at the same time under the Government of the United States.

But, Mr. President, the thing I thought I would speak of a moment, and I do not wish to detain the Senate, for I know very well that it is useless to resist the line of extravagance which has brought our Government to where it is with $500,000,000 of expenditure a year——

Mr. SPOONER. Does the Senator claim it is extravagance to allow these men to render this service when it does not cost the Government a single cent more?

Mr. REAGAN. I understand the argument of the Senator, and I

have said what I had to say upon that subject. If these men enter the service in a civil employment that gives higher pay than they receive as retired officers, then they ought to waive for the time being the receipt of the salary of retired officers. If they choose to enter the service under a salary less than the retired pay they ought to waive their right to that.

But, Mr. President, I come back to what I referred to this morning. Whenever a class comes for relief, ample argument can be made to stir our patriotism and to stir our sentimentality to its profoundest depths in their behalf. The Senator who goes to his home and mingles with the people there finds the thousands, the millions of as honest people, as patriotic people as any who get double salaries or live upon retired pay, humble it may be, toiling from year's end to year's end for the support of their families, suffering, possibly, from disease, from poverty, from distress, conditions appealing to our sympathy, appealing to our charity, appealing to the best sentiments that animate the human heart for relief, and yet no relief goes to them; but, instead of that, we put taxes upon them to double the pay of others no better than themselves. That is what I complain of.

I complain, sir, that here when we get into the Senate of the United States we forget the constituency that is behind us; we forget the suffering, the poverty, and privations of the men, the women, and children who make up the aggregation of population of this great Republic; we forget what they have to suffer, what they have to endure, and we make them the hewers of wood and the drawers of water for some classes who have enjoyed higher privileges and more of the blessings of governmental recognition than they have. I will not detain the Senate now, but I say to Senators that in my judgment it will not be long until the American people will call a halt upon this extravagance.

I called attention this morning to what I referred to some days ago, that the expenditures of this Federal Government were four times over more than the expenditures of all the State governments, with a large remainder besides. This is calculated to awaken the attention of citizens, if it can not reach the mental organism of Senators. When we think of forty-four States administered with less than one-fourth of the expenditures of the Government of the United States, it is something to arrest attention. I do not doubt it grows out of the fact that here we are removed too far from the people to feel our responsibilities to them. In the State governments, where the legislators are under the immediate eye of the people, such things would invoke reprobation and condemnation. Here we are so far removed from the people and this Federal machine has grown so wonderfully great that the people can not comprehend what we are doing. They can not comprehend the character of the extravagance that marks the progress of this Government.

Why, sir, during Mr. Buchanan's Administration about $70,000,000 was the expenditure. Now the expenditures are six times as much, and the growth of this Government does not justify an expenditure six times as great as that of thirty years ago.

Mr. SPOONER. The Senator ought not to forget that that Administration was getting ready to charge upon this country about a hundred millions of pensions.

Mr. REAGAN. I think the Senator is very unjust. I knew Mr. Buchanan. I know that his feelings were as strong for the Union as those of any man with whom I was acquainted. I know, too, that it has been popular with certain classes of politicians to charge otherwise. He was somewhat unfortunate in not being able to agree with either of the extreme lines of thought of his day. He was intensely devoted to the Union, and yet he did not see under the Constitution how he was to use force.

Mr. MORRILL. He agreed not to use it.

Mr. REAGAN. The Senator from Wisconsin [Mr. SPOONER] laughs at that.

Mr. SPOONER. Everybody else laughs at that.

Mr. REAGAN. Mr. Rawle, who was a Northern man and an antislavery man, who studied that question in the privacy of his office, and whose work upon the Constitution was the standard at the Military Academy at West Point, after surveying the field, could find no authority for the use of force. Our ablest writer on international law, a Northern man, an antislavery man, studying the question in his library, reached the same conclusion that Mr. Rawle reached. In the convention which formed the Constitution, when Alexander Hamilton proposed repression and coercion of refractory States, it was voted down by the convention.

I do not mention this now as controlling the views which prevail at this day, but I mention it as some of the things which the President of the United States might then have well considered, the opinion of the ablest law writers in this country, who were in sympathy with him. I know that under the amendments of the Constitution that now is changed, and that question about the right of a State to secede from the Union has been settled by the amendments of the Constitution. It is no longer an open question. I only call attention to it because the facts to which I have referred might well have been considered by President Buchanan. At that time I felt for him, because I was satisfied that both Northern men and Southern men did him great injustice, and I believe so to-day.

I do not believe there was a purer patriot in this land than Mr. Buchanan; I do not believe there was one who was more anxious to see the Union preserved than was Mr. Buchanan; but he felt the embarrassment of the circumstances to which I have referred. I stated that because I do not think the flings at him on that account are justified, at least in this great body.

Mr. President, I have detained the Senate longer than I intended, and I end with the reflection that I began with, that the people who pay taxes, the people who control and suffer under privations and misfortunes at home, are entitled to some respect while the Congress is bestowing its bounties on its favored classes.

Mr. BERRY. Mr. President, I think it is tolerably well known in this Chamber that I have never voted to put any man on the retired list who has resigned his commission in the Army and afterwards entered civil pursuits. I voted against the bill to put General "Baldy" Smith and General Rosecrans and all the other generals who had gone out of the Army on the retired list. If this were a proposition to-day to retire General Rosecrans or any other general I should oppose it. I am entirely opposed to that character of legislation. But that is not the proposition.

When the Senator from Texas [Mr. REAGAN] attempts to make it appear that this provision in this House bill will reduce the expenditure one dollar, he misstates the case entirely. He well knows that the result would simply be that General Rosecrans would lose the civil office that he now holds and would not be taken off the retired list of the Army.

Mr. REAGAN. I have never at any time said it would reduce the expenses of the Government, but I have said it was an outrage to double salaries.

Mr. BERRY. While I am not in favor of retiring any man who has resigned from the Army, neither am I in favor of giving to the widow of any officer a larger pension than that given to the widow of a private soldier. I have opposed it everywhere and intend to oppose it, but I do not like to do anything indirectly that I do not dare to do directly.

Everybody knows that the sole object of this provision is to benefit some hungry patriot who wants the civil position that General Rosecrans holds in one of the Departments of this Government. The Administration has not seen fit to call for his resignation; and for reasons of its own, I suppose, does not desire to do so, and this indirect method is sought to get that place without calling upon General Rosecrans to resign or removing him from the position which he now holds. I do not think that it is just and I do not think it is fair. If the Administration wants that place for some Republican, let the Administration take the usual course to get it, and not seek by legislation to strike at this man simply because he happens to be a Democrat and some one wants the position he holds. That is the true situation of the case. As I said before, I shall never vote to do indirectly what I have not the nerve and courage to do directly.

Mr. President, I say this provision will not save the Government one dollar, and if it be right to give the men who served in the Federal Army retired pay, on which I express no opinion, undoubtedly, if they can eke out an additional subsistence by engaging in other employment, they have a right to do it. What difference does it make to the people of these United States of America whether General Rosecrans draws that $4,000 from a civil appointment or whether some other man draws it?

Mr. REAGAN. Will the Senator allow me to interrupt him?

Mr. BERRY. Yes, sir.

Mr. REAGAN. The Senator speaks of it as if nobody but General Rosecrans was involved. Did he hear the Senator from Connecticut [Mr. HAWLEY] read the long list involved in this amendment?

Mr. BERRY. I did not.

Mr. REAGAN. General Rosecrans is only one, and I referred to him because I had before me the figures as to the amount of money he receives from the Government.

Mr. BERRY. I understand that the men who are intended to be struck at are General Rosecrans and General Baldy Smith. That is well known, and there is no use of concealing it. Those are the men who hold civil positions whom the Administration has not seen proper to remove. They have the right to remove them. I would not blame the President if he removed them. They are Democrats, and I do not say that they should hold the places, but I do object to the President seeking to do through Congress what the Administration has not seen proper to do and has itself the right to do.

As I said before, this does not add one dollar to the expenses of the people of the United States, and how can the Senator from Texas appeal to the Senate in behalf of the widows and orphans on this bill when he knows that it does not cost them an additional penny?

I repeat that I believe, when officers have left the service and engaged in civil business and have failed, that is their misfortune, and they ought not to come back to Congress and ask to be retired. As I have said, I never voted for one of them and I never intend to; nor do I believe in the law which the Senator from Wisconsin has read, that these men should be preferred for civil positions. I believe that each man should take his chances in this world. I do not object that the private soldier who was shot in battle or who lost a limb should be preferred. I say that I believe the Government ought to take care of them, but for this

great army of generals, who come here from time to time asking that they be placed upon the people of this country, I have no sympathy.

I say that they ought to be men enough to take care of themselves, and not be fastened upon the Government. At the same time, if these laws exist, if a man is getting retired pay by law, if he can get another place, then I can not see that anybody is injured by it, and I say it would be class legislation to pass a law that would cut them out.

I believe the amendment offered by the Senator from Connecticut [Mr. HAWLEY] should be adopted, and if these generals hold civil positions they ought not to hold, there is a mode and a method under the Constitution by which those places can be obtained, and then it will not go forth to the country that a Republican Congress, in order to get one or two more places, resorted to this indirect method as if they did not have the courage to do it in the direct and open way.

Mr. ALLEN. Mr. President, I am very heartily in favor of the proposed amendment of the Senator from Connecticut [Mr. HAWLEY]. A case which came under my own observation impresses the propriety of that amendment strongly upon my mind. Before the admission of my State into the Union, when the Territory of Washington existed by virtue of Congressional legislation and had no authority to create an office contrary to a statute of the United States, a one-armed soldier, a retired officer, had been elected county auditor of one of the larger counties of the Territory. He filled the position acceptably to the public; but, in the course of time, being involved in political controversies, some political opponents availed themselves of an existing statute, such as this would be without the proposed amendment, to question his right to hold his position because he was upon the retired list, and succeeded in obtaining a judgment ousting him from the office. Here was a gentleman who had served his country gallantly on many a battlefield and attested that service in the loss of his arm, who was eminently qualified for this civil position, and who was holding it acceptably to the public at large, but was adjudged disqualified because of the existence of a statute like this.

It seems to me, Mr. President, the only questions that can be involved in this measure are these: Is the holding of such a position under the United States inconsistent with the position of a retired officer? No reason has been advanced here to show that it is. In the next place, does the Government thereby involve itself in any additional expenditure? There is no claim whatever that it does. The only question then is whether these men, who may fairly compete in all civil avocations, shall have the door of opportunity closed against them for these political preferments.

In such a case as has been mentioned here—that of General Rosecrans, already receiving a large salary as a retired officer—the propriety of the appointment rests with the appointing power. It is with the authority that appoints to such positions to determine whether the one who holds a place upon the retired list is so well provided for that it would not be wise to give him an additional position under the Government; but the fact that he does hold that position ought to no extent whatever to debar him from this opportunity which is held out to all other citizens of the United States.

Mr. BLACKBURN. This debate, Mr. President, has been somewhat singular and surprising in more respects than one. The effervescence of all the pent-up fund of declamation, sentiment, and patriotism to which we have been treated I am sure was not looked for, and I am equally sure that it is sadly out of place in this connection. But this debate has developed another fact which is more pleasing, and that is that it is certainly a purely nonpolitical question that the Senate is engaged in considering.

The issue involved here has been stated after a fashion that was misleading, I think. I do not agree with the presentation made by the Senator from Louisiana [Mr. GIBSON]. I do not think that his objection is well taken when he rests it upon the charge that this provision of the bill is an inhibition upon the appointive power of the President, that Congress has no right either to do away with or to restrict the power conferred upon the Executive by the provisions of the Federal Constitution. The proposed paragraph, which it is now sought to amend, does not do any such thing. The President has a perfect right to send to this Senate for confirmation the name of every man on the retired list of the Army to-day if he pleases, and the Senate, under the operation of this bill, should it become a law, may go on and confirm them all.

Neither the President's right to nominate, nor the right of the Senate to confirm, nor the right of a retired officer to hold office is in anywise interfered with. It simply gives to that appointee the right of election. It does not require him to surrender permanently the advantage of his place upon the retired list of the Army in order that he may accept a civil position. It simply says for the time being he may take his choice and determine on the question of salaries. If he wishes, he may hold either one of the offices, but he shall not receive the pay for both during the same period of service.

Now, I do not see that that is such a grievous hardship upon these worthy veterans of the late war, whose crippled condition and whose untold sufferings have been painted in such glowing colors to us by the Senator from Wisconsin [Mr. SPOONER]. I think that Senator forgets when he is pleading the cause of eleven ex-soldiers that he is pleading against that untold army of just as worthy soldiers as they in whose ranks no diminution has yet appeared and in whose ardor and patriotism there seems to be no flinching, for they are as ready to serve the Government to-day as they have been for the last twenty-five years.

Here are a few Federal officers singled out, and we are told to pity them because of the proscription that this provision of the bill would impose upon them, and they find eloquent advocates here to plead their cause, but who speaks for that million and a half of worthy Federal soldiers who are not on the retired list and who are to-day anxiously inquiring for an opportunity to get upon the pay rolls of this Government?

Mr. HAWLEY. Everybody speaks for them.

Mr. BLACKBURN. I have not heard an advocate open his mouth for them this evening.

Mr. HAWLEY. But there are two imperative sections of the statutes of the United States directing the Government to employ them.

Mr. BLACKBURN. Then the Government has not discharged its duty nor obeyed the law, for I will venture that the Senator from Connecticut, in the light of his personal experience, if he answered candidly, as he would if he answered at all, would say that he could, without the aid of a search warrant, find fifty thousand men among his constituency who would be very glad to get the places that are now represented by men on the retired list.

Mr. HAWLEY. Why, yes; they would like to get the Senator's place and my place, too.

Mr. BLACKBURN. Certainly. Give them a chance, then. They have a chance to get your place, but you will not give them a chance to get these.

Mr. President, there is an issue involved here that ought to be stripped of all this fustian and integument and looked at candidly and fairly. If it is right in principle it ought to be adopted; if it is unsound and false in principle, it should be repudiated. How are we going to defend the position taken by the Senator who moved the amendment here? I do not intend to dissent from a single word that has been spoken in commendation or praise of any of the eleven officers whose names are borne upon that list. Some of them I know personally, others I know by reputation, and I have not a doubt in my mind that each and every man upon that list deserves everything that has been said and all that can be said on his behalf and in his praise.

The country is grateful to the men who saved it. The country appreciates the sacrifices and the heroism of the soldiers who battled for its maintenance. The country is grateful to every public servant, whether he be soldier or citizen, and the country will never cease to hold in grateful memory the service that these crippled men rendered in the years that lie behind us. The country is grateful to every member of the House of Representatives and every member of this Senate, whether it was twenty-five years ago or but a few days ago, who came out, putting patriotism above party, and rendered faithful service for the preservation of its institutions.

But when the Senator from Wisconsin [Mr. SPOONER], acting upon the suggestion made by the Senator from Maine [Mr. FRYE], proposes to modify the amendment as submitted by the Senator from Connecticut [Mr. HAWLEY] so as to deny this right to all men upon the retired list, save those who were sent there and retired for wounds, I would suggest that if direction of method be what the Senator wants to employ, as suggested by the Senator from Arkansas [Mr. BERRY], you might modify that proposed amendment to the amendment and make it shorter and yet make it no plainer, if you would just propose that this provision shall apply to General Rosecrans and General Smith and nobody else. I take it the Senate is hardly ready to do that. It may be unfortunate that they differ in their political conclusions from the majority in this Chamber, but I am not willing to believe—and in the face of this discussion I certainly am not induced to believe—that it is the purpose of the Senate to make any such discrimination or distinction as that.

Now, sir, this is not a proposition originated by the Committee on Appropriations of the Senate. I beg the Senator to remember that it came here from the House of Representatives embodied in this bill. We found it here when it was referred to the Senate Committee on Appropriations. We gave it fair consideration. That committee was in no wise extreme in its views or its conclusions. On the contrary, they hesitated as to what recommendation they should make or whether they should make any recommendation at all to the Senate upon this question. Being in doubt, we left the bill in that respect as we received it from the other House. So that it is the proposition of a Republican House, submitted here by a majority of Republican Senators for the Senate to consider dispassionately and fairly, and determine whether it is a sound and a correct principle or whether it is a vicious and bad one.

Mr. President, I will not repeat the suggestion that where there are but eleven men here on whose behalf these appeals are being made, there is not a loyal State in this Union in which there are not more than 11,000 Federal ex-soldiers as brave, as patriotic, as honest, as deserving, and doubtless as needy, who want one or the other of the advantages that these few selected gentlemen are receiving from the Government to-day.

Mr. HAMPTON. Mr. President, the amendment offered by the Senator from Connecticut meets my hearty approval, and I do not see in the argument of my friend from Kentucky if we do not pass the amendment how it would open the field any wider than it is now for those disabled Federal soldiers who are all over the country. I concur fully in what has been said so eloquently by the Senator from Wisconsin, the Senator from Tennessee, the Senator from Louisiana, and the Senator from Connecticut, and I should be unwilling, and I have been always unwilling while I have had the honor of holding a seat in the Senate, to refuse to do honor to a Federal soldier.

As long as the flag of the Confederacy braved the battles and the breeze I was a loyal soldier to it, and it is no disloyalty now to say that if that flag had been floating to the present day I should have been under its folds or under the sod. But when it went down in defeat, but not in dishonor, I recognized that I resumed allegiance to the General Government, and of those who fought the Federal soldier I would be the last man in the Senate or in the South or in the Union to refuse to do justice to those who had been my opponents, brave opponents, in the war. I earnestly trust that the amendment offered by the Senator from Connecticut will pass.

The Senator from Wisconsin alluded to a gallant soldier whom I know well, Major Huxford, but he omitted to state that Congress has decorated him and others because they had formed to lead a forlorn hope. Crippled, wounded, suffering, suffering as I know every man does who bears a bullet in his body, would you strike down that man simply because he in endeavoring to support his family seeks some other employment, and when the Government would not be relieved of one dollar of expenses if you did it?

Mr. President, I think it is a picayune business for a great Government like this to refuse to honor the soldiers who fought under its flag, and I for one, though I did not do it, will never consent by my vote to strike down a wounded Federal soldier. [Manifestations of applause in the galleries.]

Mr. HIGGINS. Mr. President, I understand it has been held by the courts that the retired pay of an officer holds the status of a pension, and that virtually the retired officers of the Government are the pensioners of this country. Whether that has been held or not as a matter of law, it stands in fact in that position. The retired pay is the compensation which is rendered to soldiers for services rendered by them to the Government, and especially is it true in regard to officers like those named upon this list who hold one of two positions, either retired because of disability from wounds or who have been retired by the vote of Congress as a special badge of honor for their distinguished services to their country. Yet this proviso proposes to take those two classes, comprising in the whole less than a dozen men, and in the most invidious way say that they shall not have the right or the privilege of serving their country. It seems to me, Mr. President, that it is small business; it is aiming cannon at swallows.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Connecticut [Mr. HAWLEY].

The amendment was agreed to.

The PRESIDING OFFICER. On page 16, a proposed amendment by the Committee on Appropriations was passed over. It will now be taken up. The Secretary will read the amendment.

The SECRETARY. The committee report to strike out the proviso after line 15, on page 16, as follows:

Provided, That in expending the money appropriated by this act a railroad company which obtained a grant of public land to aid in the construction of its railroad on condition that such railroad should be a post route and military road, subject to the use of the United States for postal, military, naval, and all other Government service, and also subject to such regulations as Congress may impose restricting the charges for such Government transportation having claims against the United States for transportation of any kind over such railroad, shall only be paid out of the moneys appropriated by the foregoing provision on the basis of not exceeding 50 per cent. of the compensation for such Government transportation as shall be charged to and paid by private parties to said company for like and similar transportation.

Mr. GORMAN. I understood that the Senator from Iowa offered a substitute for that proviso.

The PRESIDING OFFICER. The Senator from Iowa stated that if the clause proposed to be stricken out were stricken out he would move an amendment to come in after the word "service," in line 8, which amendment was read for the information of the Senate.

Mr. GORMAN. I ask that that amendment may be again read.

The PRESIDING OFFICER. The amendment proposed by the Senator from Iowa will be read.

The SECRETARY. After the word "service," in line 8, page 17, add the following additional proviso:

Provided further, That in expending the money appropriated by this act a railroad company which has not received aid in bonds of the United States, and which obtained a grant of public land to aid in the construction of its railroad on condition that such railroad should be a post route and military road, subject to the use of the United States for postal, military, naval, and all other Government service, and also subject to such regulations as Congress may impose, restricting the charges for such Government transportation having claims against the United States for transportation of any kind over such railroad, shall only be paid out of the moneys appropriated by the foregoing provision on the basis of such rate for the transportation of troops and munitions of war as the Secretary of War shall deem just and reasonable under the foregoing provision, such rate not to exceed 70 per cent. of the compensation for such Government transportation as shall at the time be charged to and paid by private parties to any such company for like and similar transportation; and the amount so fixed to be paid shall be accepted as in full for all demands for such service.

Mr. GORMAN. I trust the Senator from Iowa will now favor us with a statement as to the effect of the amendment, if adopted, striking out the proviso. I understand the Senator from Iowa, on page 16, commencing at line 10, proposes to let these words remain in the bill:

For the payment of Army transportation lawfully due such land-grant railroads as have not received aid in Government bonds (to be adjusted in accordance with the decisions of the Supreme Court in cases decided under such land-grant acts), but in no case shall more than 50 per cent. of the full amount of the service be paid.

Mr. ALLISON. I will say to the Senator from Maryland that the language read by the Senator remains, and the proviso found on page 17, beginning with "*Provided further*" (the word "further" should be stricken out), follows the text read by the Senator from Maryland; and the proviso which I propose, under the direction of the committee, will follow at the end, before the appropriating clause.

Mr. GORMAN. I trust the Senator from Iowa will explain the position the bill will be in then. We find on page 16 that, in regard to these land-grant roads, not more than 50 per cent. of the full amount of service shall be paid. As I caught the reading of the amendment of the Senator from Iowa, it provides that the compensation shall not exceed 70 per cent. I did not hear the Senator's explanation fully before, owing to some confusion in the Chamber, and I should like to have him state the case as he understands it.

Mr. ALLISON. The clause relating to the 50 per cent. is a provision under various land grants which provides that the railroad shall remain a public highway for the use of the Government of the United States free from toll or other charge upon the transportation of any property or troops of the United States. Now, the Supreme Court has held that that means that the Government may take any of these railroads and transport its own property over them, using the roadbed, and that it does not include the cost of transportation, the rolling stock, cars, motive power, etc.

That is the general provision in relation to these land-grant roads, but some four or five of them do not have that provision, but have in lieu of it a provision which I will also read as applicable to four or five of these roads, a provision which states that:

Said Atlantic and Pacific—

I read from the Atlantic and Pacific Railway grant—

Railway, or any part thereof, shall be a post route and military road, subject to the use of the United States for postal, military, naval, and all other Government service, and also subject to such regulations as Congress may impose restricting the charges for such Government transportation.

The provision as it comes to us from the other House not only undertakes to restrict in an army appropriation bill the charges for army transportation, such as troops and munitions of war, but it also undertakes to regulate the charges which shall be made for the transmission of the mails over these railways.

In my judgment, at least, a different regulation perhaps should be made as respects the mails of the United States from that which applies to the troops of the United States. Troops are transported as other persons are transported usually and when transported in large numbers at special rates and under special considerations. Munitions of war are transported as other freight is transported. But when you come to the question of regulating the mails of the United States, which are transported wholly under contract with the Government, which has not any similar transportation by which it can be judged, often going upon rapid trains, etc., I do not believe, nor do the committee believe, as I understand, that it is wise for us in this army appropriation bill to undertake, without information upon the subject, to regulate the whole question of Government transportation.

Therefore we recommend the striking out of this proviso, and recommend the regulation as respects the transportation of troops and munitions of war, not by fixing an arbitrary sum of 50 per cent.—that may be too much; I do not know whether it is too much as respects some one or another of these land-grant railways, and it may be too little as respects some of them—but the amendment proposed here requires the Secretary of War, who is the administrative officer as respects the expenditures of the sums for the transportation of supplies, etc., to examine into this question and to allow such sum as may be just and reasonable. Of course he will hear the parties who desire to be heard upon the subject.

We, however, believed, at least I believed, that these provisions were put in these land-grant acts for some substantive purpose, and that, therefore, they did reserve to Congress the right in some way to regulate the rates for transportation of troops and munitions of war. So we have inserted in the amendment a limitation that it shall not exceed 70 per cent. of the amount charged for like transportation. That may be too much, but it is a limitation upon the power of the Secretary of War in making up his decision upon this question.

That is all there is of it. We found this provision here in the bill, and we were compelled of course to examine it with some haste, without an opportunity of making such an investigation as probably ought to be made as respects a question involving so many interests and so many different people, but we have endeavored to put this in shape so

that it can be fairly considered by the Secretary of War upon what is described as a just and reasonable price.

Mr. BLACKBURN. Will my friend from Iowa answer me one question? I find it difficult to understand it clearly in looking over the text of the bill as we have it before us and trying to catch the amendment offered by the Senator from Iowa from the reading at the Clerk's desk. I beg to ask him, if this proposed amendment which he has submitted and which he did prepare at the request of the committee, but which we had never seen until to-day, shall be incorporated and agreed to here, will or will it not leave this portion of the bill with a maximum of 50 per cent. applied to the land-grant roads that received no bonded aid from the Government, and with a maximum of 70 per cent. applied to the other class of roads, those that did receive bonded aid?

Mr. ALLISON. The amendment which I sent to the desk does not apply to the roads that received bonded aid. I understand that the roads which have received bonded aid of the Government come under an entirely different rule.

Mr. BLACKBURN. I call the Senator's attention to the point I am trying to get at. It is whether the lines on page 16, from 10 to 15, inclusive, in which is fixed a maximum rate of compensation of 50 per cent., do not apply to roads that have received no bonded aid from the Government?

Mr. ALLISON. They do not.

Mr. BLACKBURN. If the amendment of the Senator from Iowa now pending should be adopted, would the lines to which I refer, from 10 to 15, inclusive, on page 16, be left with 50 per cent. as the basis of calculation, and then would 70 per cent. be established as the basis to be applied in the case of other roads—in short, roads that have received bonded aid?

Mr. ALLISON. The 50 per cent. provision found in the text of the bill is not changed or touched.

Mr. BLACKBURN. That remains?

Mr. ALLISON. That remains, because that applies only to one class of railroads, namely, those railroads which did not receive bonded aid, and those railroads which by their charters or grants were required to transport troops and munitions of war free from toll or other charge are the class of railroads contemplated in the amendment.

Mr. BLACKBURN. They come under the 50 per cent. provision?

Mr. ALLISON. They come under the 50 per cent. provision. Now, then, the bonded roads, consisting of the Union Pacific, the Central Pacific, etc., come under still other provisions and are not dealt with in this bill, as I understand it, or are not intended to be dealt with in the bill, either by the text found as it comes from the other House or by the amendment which I propose.

This amendment proposes to leave the bond-aided railroads in exactly the position in which they are now by existing law; that is to say, they are under what is known as the Thurman act, and their entire proceeds, or a certain portion of their proceeds, are paid into the Treasury. They come under their charters under a different rule, so they are not dealt with either in the amendment which I propose or in the bill as it came from the other House, as I understand it.

The only difference between the text as relates to land-grant railroads and the amendment which I propose is that difference which allows the Secretary of War to say what shall be just and reasonable under restrictions authorized by the original act, but that in making up what shall be just and reasonable he shall not exceed 70 per cent. of the amount charged to other persons.

Mr. GORMAN. Mr. President, I think it is unfortunate always when there is an attempt made on an appropriation bill to change the existing law relating to a matter of transportation material to these Government roads or in any case. It has grown up, however, of late, much to be regretted, and I hope will never be repeated again in the history of our country, that these provisions are inserted in appropriation bills, and practically without consideration, certainly with no fair debate. They came to this body in that shape at the last session of Congress, and they have done so at this, to perplex and annoy the committees and the Senate. I believe if the opportunity had been offered or granted the provision that we have just disposed of, relating to retired army officers, would probably have never reached this body, and so with this.

But we have a condition of affairs in the country where it seems that everybody who can do so without assigning a reason for it is catering to a public sentiment against corporations. That they ought to be restricted and kept within bounds we all agree, but to attempt to fix an iron rule, possibly an unjust one, without consideration, is a great wrong; and I am very glad that the chairman of the committee, authorized by his committee, has prepared an amendment which, hastily prepared as he says, not having had time, as he could not have had time to consider these matters as deliberately as ought to be done even by the Committee on Appropriations during this session, I have no doubt is a very much better provision than the one that came from the other House.

Mr. BLACKBURN. That is true.

Mr. GORMAN. The Senator from Kentucky says that is true. I think so, beyond question.

Now, the other House attempted by this provision to change the whole rule, to repeal the existing law, and to do it arbitrarily, without, as it appears from anything that I can find in the public records, any reason assigned for doing it except one, and that was that all the roads west of Chicago, including not only the land-grant roads and the aided roads, but all the railroads, had entered into a combination to fix prices, and for that purpose had formed an association in which they proposed to have a committee, I think, of three or four gentlemen. I will not trouble the Senate with reading the resolutions and the constitution or rule, whatever it may be, they adopted by which they can arbitrarily fix rates not only to the Government, but to everybody else. That is the only reason that I find assigned why this legislation should be had now.

Mr. President, that would be manifestly unfair and unjust to the railroads. It would probably have a tendency to bankrupt them. We are in a condition to-day in this country, owing to the legislation that we have already had, leaving the door open, and open wide, to the Canadian interest which is on our northern border with its land-grant roads and its aided roads and roads run for military purposes, to hamper and restrict and almost destroy the commercial prosperity of the lines within our own borders; and from what I can see of the provision as it came to us it would unquestionably have a tendency to jeopardize this great American interest, which is already so hard pressed because of the inequalities of the conditions between it and the Canadian roads. But I believe that the proviso on page 16, as it came from the other House, goes beyond anything that was contemplated before, and I should like to ask the Senator from Iowa whether I am mistaken in supposing that that provision as it comes to us would apply to every land-grant railroad—I mean its entire line that has been acquired since and without the aid of the Government to all the branches? It strikes me that that is the case.

Mr. ALLISON. I think the phraseology of the provision as it came to us would apply to the entire line of road, because it does not use the phraseology of the grant, "such road or any part thereof," but it provides that any railway company which obtained a grant of land shall receive 50 per cent., etc.

Mr. BLACKBURN. Now, let me ask the Senator in this connection, under the operation of this bill as it came to us from the other House, should we leave in what it is now proposed to strike out, would it not have the effect, for instance, in the case of the Chicago, Burlington and Quincy road, which I believe, in round numbers, has about 4,000 miles of road, and on about 450 miles of which it did receive aid in the shape of land grants from the Government, to subject to a 50 per cent. rate of charge all of the work that was done by that road over 4,000 miles because of the aid got on 450 miles?

Mr. ALLISON. I have not had time to examine in detail the charters of all the land-grant roads, as there are a great number of them, but I think the phraseology of the bill, if it should turn out that a part of the Chicago, Burlington and Quincy as now constituted had received a land grant subject to these conditions, would apply to the whole of it, and so of any other road.

Mr. CULLOM. I inquire if the chairman of the committee has so modified that provision as to prevent such a construction.

Mr. ALLISON. Yes, sir; I have.

Mr. CULLOM. By striking out all the lines through which the marks are drawn?

Mr. ALLISON. Those are stricken out. Now, if the Senator from Maryland will allow me a moment——

Mr. GORMAN. Certainly; I am glad to hear the Senator.

Mr. ALLISON. I think the difficulty with this provision is that it was inserted on the floor of the House, and injected into the middle of another amendment, and therefore made the last proviso of the other amendment apply to the particular amendment proposed by the House, thus making it rather inconsistent with itself. So the amendment I submit is proposed independent of the original text as found in the bill reported from the Committee on Appropriations of the other House.

Mr. GORMAN. As I understand that amendment, it is in effect, as I caught the idea presented by the Senator, that he simply provides that this whole matter shall be remitted to the Secretary of War so far as concerns the cost of the transportation of troops and munitions of war, etc., and limits the Secretary to 70 per cent. of their ordinary charge; that is, that it shall not exceed 70 per cent. for the purpose of giving to the railroad companies which are interested the right to go before the Secretary of War, and he may make some definite arrangements; in other words, putting the responsibility upon this executive officer for a fair charge.

Mr. ALLISON. That is what I propose.

Mr. GORMAN. The Senator from Iowa tells me that is his object. Now, there are a class of these roads, I understand, which under their charters are required to carry the troops and munitions without charge. I read now from a statement made elsewhere by Mr. CUTCHEON, of Michigan, which I take it for granted is a fair extract from the law:

> There are two classes of land-grant railroads. The first class covers the grants made to roads like the Illinois Central and most of the roads in the State of Michigan, and in the North generally. Those roads are simply declared to be post routes and free of toll. Under the decision of the Supreme Court they receive 50 per cent. of the ordinary rates for transportation done for the United States.

Now, the first provision on the subject in the bill as it comes to us, and which is retained, I understand, covers that case. Mr. CUTCHEON proceeds:

There is another class of charters, if I may call them such, in which it is declared that the roads shall not only be postal routes and public highways, and be free of any toll or charge to the United States, but there are further provisions. I take as an instance the Oregon and California road, where I find this: "And said railroad shall be and remain a public highway for the use of the Government of the United States free of all toll or other charges upon the transportation of the property or troops of the United States; and the same shall be transported over said road at the cost, charge, and expense of the corporations or companies owning or operating the same, when so required by the Government of the United States."

Now, there is a case, and it is only one of them, where under the organic law they are required to charge only the actual cost. This is a case in the State of Oregon.

Mr. ALLISON. I think, as a matter of fact, of that particular class of roads there are only two, the Oregon and California and the California and Oregon; and they are really one road. I think they are required to transport free of all charge; that is to say, they receive nothing for the transportation of troops or munitions of war.

Mr. CULLOM. Will the Senator allow me?

Mr. GORMAN. Certainly.

Mr. CULLOM. He is a member of the Committee on Appropriations. The proviso to this general provision on page 17 reads:

Provided, further, That such compensation shall in all such cases be computed upon the basis of the tariff or lower special rates for like transportation performed for the public at large.

What is the meaning of that phrase, "computed upon the basis of the tariff or lower special rates for like transportation?" I hardly know what the meaning of that expression is.

Mr. GORMAN. The intention is unquestionably this——

Mr. ALLISON. I can tell the Senator from Illinois if the Senator from Maryland will allow me.

Mr. GORMAN. Certainly.

Mr. ALLISON. The phraseology, "special rates," comes down from several years. Those words were inserted before the interstate-commerce bill passed, and they have come along down in these appropriation bills without change of phraseology.

Mr. GORMAN. I think they are absolutely necessary there now, because the Interstate Commerce Commission have, in the case of roads that come in competition with a line by sea, permitted them, on certain classes of goods, to make low special rates.

Mr. CULLOM. I understand; but it says, "Computed upon the basis of the tariff or lower special rates." I do not exactly know what that means.

Mr. SPOONER. The tariff rate might be one thing and an excursion rate might be another.

Mr. CULLOM. Certainly; and the lowest tariff rate that might be given to the public, I would understand; but there are higher rates and lower rates and lowest rates sometimes. I think it would be somewhat difficult for an administrative officer to determine exactly on what basis to settle a claim for transportation under that expression.

Mr. GORMAN. I agree with the Senator from Illinois that there is some difficulty about it; but my belief is that the Senator from Iowa, who is the chairman of the committee and who was authorized to prepare this amendment (although I had not seen it until I heard it read here to-day), has made the only proper provision that can be made under all the circumstances, saying that the amount of compensation shall not exceed 70 per cent. and putting the whole matter in the hands of the Secretary of War.

Mr. SPOONER. Within that limit.

Mr. GORMAN. Within that limit; so that the Secretary of War, as I trust, and as I think it is fair to all of these interests, will before fixing these matters give the roads an opportunity to present their case and make a fair allowance for the service to be rendered.

I think it is the only fair way that it can be done, and as I said a moment ago, while I have not the slightest interest in these railroads, on the contrary, my general impression has been that they have not dealt fairly and liberally with the Government; I think they ought to have been held to a more strict account in the past and possibly in the future; at the same time I think it goes beyond the mere question of dollars and cents as between the Government and these railroads. I think we have remained here, and my friend from Illinois [Mr. CULLOM] has labored to bring about a better state of affairs with them, but I think that we have by the legislation heretofore had, which I have participated in with my friend from Illinois, in the endeavor to regulate them, to prevent them from discriminating as between localities and cities, imposed upon them such conditions that they are throttled, they are jeopardized, and unless we come to their relief by putting such conditions or substantially equal conditions upon the Canadian roads immediately to the north of this great system of ours, the day is not far distant when you will bankrupt every road which the Government has aided heretofore.

Mr. President, I know it is said that in a section of our common country—and when you come to a question of that sort I mean the eastern section of our country, the New England States, and the country immediately upon the chain of Great Lakes and on the Canadian border—a lively and intense interest has been taken in the Canadian roads. They have received an encouragement from our people that simply has astounded me. Those who can use them at a small rate of cost without any thought or regard of the great interest of this country have strength enough up to this time to prevent Congress from putting them under restrictions as we have our own roads, and I look forward to the time at no distant day when it must be one of the great questions which the American people will be compelled to take hold of. They will recognize that it is one of the most threatening aspects of our whole foreign relations if we are to maintain our system, and if it is permitted to go on in the way in which we have permitted it to go on, it will lead to a great rupture before the matter is settled.

I believe on that line of the lakes through to the Pacific will be the center of the great population of this continent, a country the development of which is the marvel of the age; and I am not prepared by any vote that I shall give now to embarrass the people who control this great American interest, this great railroad system. I think they are threatened, and I know how popular it is for the moment, for the day, to vote for any proposition that looks like hampering these roads and reducing their charges. I subscribe to the proposition that we should keep them within reasonable bounds, and any measure to prevent extortion upon our people will always have my support.

But I am not content to vote for such a proposition as comes to the Senate from the House of Representatives, which I believe would not give the slightest relief to any citizen of the United States, but would tend to destroy this great American interest, and I am glad that the chairman of the committee, with his long experience in Congress, and with his full knowledge of this entire subject, with a desire, as has always been shown in every act of his life, to promote the best interest of the Government, has given us an opportunity to vote down this House proposition and adopt the amendment which he proposes, and face, if it is necessary, the temporary storm that is sweeping over the country of a raid upon these corporations. It is time that all of us should take a stand; and I say that in the presence of the chairman of the Committee on Interstate Commerce, who I know feels as I do about this matter.

Mr. HALE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Maine?

Mr. GORMAN. Certainly.

Mr. HALE. Is the Senator prepared to sustain any policy or legislation that will take away from the producer in the Northwestern States of Michigan, Wisconsin, Minnesota, the Dakotas, and the region including Montana the benefit of that competition that is gained by Canadian routes from that section to the extreme East or the Atlantic coast? Does the Senator believe in a policy or in a system of legislation that will shut out from competition Canadian railroads, the operation of which is to reduce the price of transportation to the producer in the Western region and the consumer in the Eastern region? I ask the Senator that question.

Mr. GORMAN. Mr. President, I answer no. I want to say to the Senator from Maine that he stands as I do in opposition to opening the door for the cheap transportation that might be had by Italian ships, by English tramps, and by the ships of any nation on the face of the earth in our coastwise trade. There he stands as this country has stood from the beginning, and I agree with him in that matter of transportation along the Atlantic coast. It belongs to our American people and we have excluded from it the ships that ply under any other flag. That is right, and under that system you have the finest fleet of vessels known in the world. You have had the cost of transportation reduced to a minimum. There is no service in the world that is equal to it as to cost or as to efficiency.

Now, you go to the land and we have at the cost of millions and millions of acres of land and hundreds of millions of dollars aided our own system of railroads; we have built them up, and we have made that vast plain bloom, and the population that has gone in has been the pride of all. Its development, as I said, is the wonder of the world, and with that system of roads thus aided and controlled by American people, we have placed upon them certain conditions to prevent them from making unjust charges to our people and unjust discrimination against localities.

At the same time there have grown up on the border, outside of the jurisdiction of the United States, two, if not three, great military roads, aided and made by the British Government, not only subsidized in the building, but actually operated as great military roads, running across the continent, with a steamship line subsidized from a port in Maine, running to Liverpool, and another from Puget Sound to China and Japan, with the time between China and Liverpool three days less than by our great lines. Aided in its operation to run under our laws, you have permitted them to enter Maine and New Hampshire and Vermont and Massachusetts and Connecticut and Rhode Island, and they have tapped every State bordering upon the great chain of lakes.

You permit them to come in, not on the condition of our own roads, but free, with no earthly control so far as our commerce or laws are concerned. They are there to attack us at every center and take the trade from us.

Now I say to the Senator from Maine that while I desire to see New England, that eastern section of our country of whose enterprises and people we are all proud, prosper and have the advantage of all these channels of transportation, I stand here to protest against their permitting, in their local interests alone, this great British organization to have that advantage over the American system of railroads.

Mr. HALE. Now, right there, the Senator has made a very clear statement of the condition. What I want to get at is whether, on the conditions just as he has described them, he is in favor of any legislative policy on our part that shall shut out those straighter and shorter and cheaper lines from the great Northwest to the Atlantic coast by provisions upon this bill or any other bill. I do not want a description of the conditions again; the Senator is in the habit of repeating himself; but is he in favor of a policy that, for the reasons he has indicated in speaking of the American lines, established at such greater expense, shall shut out these straighter and shorter lines as a competitive branch of business?

Mr. GORMAN. Oh, no; I am not in favor of closing them out. I am decidedly more liberal upon that matter than my friend from Maine and myself would be on the matter of ships on the Atlantic Ocean.

Mr. HIGGINS. Will the Senator allow me?

Mr. HALE. I do not ask the Senator to give illustrations or to enter into suggestions of comparison, but is he prepared to say that he is ready, and I think he has stated that he is not, to shut out these shorter and straighter and cheaper lines as an element of transportation between the East and the West?

Mr. HISCOCK. I should be very glad if the Senator——

The PRESIDING OFFICER. The Senator from Delaware [Mr. HIGGINS] rose to ask the Senator from Maryland to give way.

Mr. GORMAN. I will yield to the Senator from Delaware, and then I will yield to the Senator from New York afterwards.

Mr. HIGGINS. If the Senator from Maryland will allow me, I should like to ask the Senator from Maine a question.

Mr. GORMAN. Certainly.

Mr. HIGGINS. If the Senator from Maine will give me his attention, I ask him whether he thinks that the patriotic people of the Northwest, should it come to be their opinion that the permanent and paramount interests of this country require that Canadian competition be restricted, would go against the interests of the country for any local interest that they might have.

Mr. HALE. I will tell the Senator right there that I expect in his day and mine, without any aggressive movement or without in any way making it a part of our policy, the natural drift of events will bring about a complete, not only commercial but political union between us and our neighbors to the north of us, and that then everybody East and West will be interested in all these lines, and I am not prepared for any measure or any proposition that tends to postpone or avert that which, to me, is a much-to-be-wished-for consummation.

Mr. HIGGINS. Let me ask the Senator this question: Would he vote for anything which would prevent that state of things, which he properly desires, from being brought about?

Mr. HALE. I am in favor of everything that tends in a peaceful and natural way to accelerate that, to make it more early rather than to postpone it.

Mr. HISCOCK rose.

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from New York?

Mr. GORMAN. Certainly.

Mr. HISCOCK. I rose to ask the Senator from Maine if he is in favor, independent of whatever advantage there may be in these questions which only obtains in respect to a small portion of the transportation, to give to the Canadian roads an advantage over American roads in competing for American trading.

Mr. HALE. It of course is a question for consideration as to what is the advantage. I would not take away from them——

Mr. HISCOCK. The Senator from Maine put a categorical question, a direct question, to the Senator from Maryland, and I put a direct question to him. I am not presenting the conditions. I am simply putting it in the form which I have, whether he is in favor of avoiding the question of length of lines, and of discriminating in favor of Canadian roads in our legislation?

Mr. HALE. No; and nobody, Mr. President, is in favor of that. There is not a man in this Chamber who is.

Mr. HISCOCK. Certainly it is now and has been the policy of this Government for the last five or six years——

Mr. HALE. I certainly am not in favor of a policy that may destroy all the benefit which may come through Canada, not to her people but to our own people, from the competition that is derived from these lines. I am not in favor of a restriction that takes away that competition, that natural competition, and when it is properly arranged and is connected with the bonding system, which is a matter not so much of legislative as of executive duty and executive work, there is no difficulty about it. The two sections which are almost divided by that portion of Canada which runs down between ought not to be separated, and ought not to be a barrier between the two; it is not a foreign country to our own citizens.

Mr. MORRILL. May I ask a question?

The PRESIDING OFFICER (Mr. SPOONER in the chair). Does the Senator from Maine yield to the Senator from Vermont?

Mr. HALE. Certainly.

Mr. MORRILL. I desire to ask the Senator whether he is in favor of giving all these advantages to Canada in advance of the political and material positions he speaks of.

Mr. HALE. No, I am not. You do not want to take them away from the sections of our own country which are interested in it. I am not interested for Canada.

Mr. HOAR. Mr. President——

Mr. HALE. I yield to the Senator from Massachusetts.

Mr. HOAR. I did not desire to interrupt the Senator from Maine. I desire to speak when the Senator from Maine gets through.

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Massachusetts?

Mr. HALE. I yield.

Mr. HOAR. Mr. President, I am very sorry to have this great subject come up in this incidental way on an appropriation bill when it is impossible to ask the Senate to listen to the considerations which the interests of certainly large portions of the country require should be submitted; but as the question has arisen I do not want it to pass away without expressing my general concurrence as the representative of a great commercial, manufacturing, trading, traveling community, with large interests in foreign commerce, with domestic commerce to all parts of the country, and especially in railroad transportation, with the views which have been suggested, if I correctly understand them, by the Senator from Maine.

Now, we are situated in Massachusetts as all New England is situated, in a very peculiar condition. Transportation, which to the rest of the country is a great convenience and necessity, is the very life; cheap transportation and prompt transportation is the condition upon which our people can live. Everything that they use as a material is brought from large distances over the country, and it is returned by large distances over the country in its manufactured condition. Our market and our source of material and our source of food are at vast distances from the dwelling-place of our people.

A measure, an experimental measure, crude in some respects, though I do not mean by that that it did not receive the profoundest and most careful consideration from the committee that reported it, was adopted by Congress in regard to the railroad transportation of the country some years ago, which undertook to establish an iron rule in regard to the matter of transportation, that no railroad should charge for a longer distance over its road, the circumstances being the same, more than it should charge for a shorter distance over the same road in proportion. Though that measure was discussed considerably in both Houses of Congress, it was as it finally passed the work of six gentlemen, three members of the conference committee on the part of the Senate and three members of the conference committee on the part of the House of Representatives.

When it was pending I put to each of those six gentlemen two questions, the decision of which was absolutely vital to the manufacturing and commercial interests of the State of Massachusetts, and those questions were these: First, suppose two communities are rivals with each other for foreign commerce, like New York and Boston, does the fact that the article transported is intended when it reaches its destination in this country on land for foreign transportation by a line of which the domestic road forms but a part make the circumstances and conditions of those two places different within the meaning of this law?

One of the conferees on the part of the Senate answered no, that that did not make an exception to the law, and two of the conferees on the part of the House answered the written questions which I addressed to them no. The other three answered yes, they were special conditions which would allow special rates to be made between the railroads under those circumstances. That is one essential matter in regard to the meaning of the law, and three of the gentlemen who framed it differed irreconcilably with the other three gentlemen who framed it.

The other question was, suppose a railroad line connecting two important cities passes through a number of other important cities on its way and has competition with a coastwise route by sea in regard to the termination, having no such competition in regard to intermediate ports, does that constitute a special or exceptional case within the meaning of the interstate commerce law? And in regard to that, also, three gentlemen said it did not and the other three said it did.

In the New England States, in our competition with New York for the foreign commerce and in our competition with New York and Pennsylvania for the material of our manufactures and the conveying back of the manufactures from the East, we have been left for our food and flour, for everything we obtain from the Northwest, with a little longer railroad distance, about 135 miles, I think, between Chicago and Boston, and Chicago and New York; I do not remember the exact number of miles, but it is thereabouts. Boston, on the other hand, is a little nearer Europe on the sea voyage; and it had been the custom of the railroads to put those two things on an equality.

If the interstate commerce law is to retain this inflexible rule and is to be construed in the future as three of the gentlemen to whom I

addressed these questions construed it, both in the House and Senate, the foreign commerce and the manufactures of the New England States must be overthrown unless we are entitled to have the advantage of our nearness in the distance to St. Paul, Minneapolis, and the communities which are growing up on Puget Sound, and Duluth and the other northern places along the lakes, without having the fact that a portion of the Canadian territory intervenes brought up to prevent our having the natural result.

I do not allude to this question to discuss it. It ought to be discussed when hours of time are before the Senate for the purpose and when the statistics and the opinions of great business men and of railroad men and of experts can be cited, but I wish to say that this is a question of vital consequence, and nothing ought to be done to affect injuriously these communities. You can not deal with such a question as this by mere logic, as if the earth were a *tabula rasa* and the human interests were all to be created. You have great communities, great cities, great towns. We have twenty-five great cities in the State of Massachusetts and a much larger number of manufacturing towns and villages exceeding eight or ten thousand inhabitants in number. We have no city under twelve or thirteen thousand, most of our cities averaging twenty-five or thirty thousand, besides the city of Boston.

Now, when under a policy which has been existing for years in this country of letting this thing alone, great communities have grown up, men have built up their dwellings, formed their family ties, raised their children, and their modes of business have conformed to an existing policy, when vast investments which must perish if they are compelled to be moved have been made, and countless varieties of business interests, the product of invention, enterprise, and of individual lives and the lives of many men in combination, have all grown up, to come in here with this iron logic, to come in here to talk about the fact that the Canadian railroad is getting a little advantage in the transportation, is, it seems to me, absurd.

Mr. President, the complaint exists all over Canada among the opponents of Sir John Macdonald's policy, and among many of the business men who are its friends, that the Canadian railroad system, for which England has paid more than £100,000,000 sterling and for which Canada is in debt up to her eyes, is nothing but a tributary to the wealth and progress of the United States of America; and statistics will be found in the discussions in the Canadian Parliament and in the boards of trade and in the Canadian press, showing how that Canadian railroad system prefers the traffic and the travel between the United States cities to its own. There is a very large degree of justice in these complaints in Canada.

So without entering upon the question of our future relations to the Dominion of Canada, and looking solely not only at the interests, but the rights of the great American communities that are thrust up into the Canadian territory by nature, by their situation, I think the existing condition of things ought not to be rashly disturbed.

The question whether Canada is to join us in the future or whether this vast territory which almost equals ours in amount, which exceeds it unless we count Alaska, and which marches with us more than 4,000 miles by continuous boundary lines, is separated from us, is a question which must depend, I think, wholly hereafter upon the interest and the opinion of the people of Canada herself. The United States does not make conquests; she does not subject to her rule unwilling people; and she must trust to the great natural laws, which in the end and in the course of time operate in affecting the relations of nations and communities to each other, to settle that question.

I think we should not put into our legislation a single word, a single provision, intended either to compel, to influence, or to affect the free will of the people of Canada, but we should make our legislation solely with reference to our own interests, indifferent to the interests of all other people.

Mr. STEWART. Mr. President, in examining the provision of the bill as passed by the other House, which limits the charges to be made for Government service on land-grant roads, I think I see a hardship imposed upon the traffic, particularly the local traffic, of the country. If the Government withdraws from these roads half the compensation that it is now paying for services performed for the Government, they have to make their money out of private parties.

If it is provided that they shall only charge half as much for freight as they charge private parties, in order to save themselves, so they can charge more to the Government, they will have to raise the freight for private parties necessarily. So the Government being sovereign is shirking the responsibility and loading it upon private individuals, through the local traffic particularly and perhaps upon the through traffic. This will certainly increase the burdens of the people along these lines. It seems to me that it would be a step in the wrong direction to take at this time.

We have already passed a law called the interstate-commerce law, which I do not think benefits the people very much. Practically they get no relief from it; but it limits and hampers the roads which are in competition with this great northern road, which, according to the statement of the Senator from Massachusetts, has already received from the British Government $500,000,000; that is, it is subsidized to that extent, and it comes in competition with our roads.

Then, in addition to that, instead of relieving our roads and aiding them in this competition, the Government says that it will pay but half as much as private individuals will have to pay. Is that fair?

That will materially affect every one of those States where the land-grant roads are located. Those land grants were made for the general benefit of the country, for its development, and the result is wonderful, magnificent; but if the Government is going to use roads that are competing with the Canadian roads and refuse to pay freight as others do, the American companies will be put to a further disadvantage. They will have to reduce their through freights to the Canadian rates, and then the Government will only pay half those rates for the service performed for it. That will either destroy the local rates or the companies will have to put up the through rates. They will have to come down to the Canadian rates on the through traffic, but on local travel they can charge differently. This provision allowing the Government to refuse to pay its full share will fall entirely upon the local travel, the rates for which the companies will have to increase in order to keep their roads in existence.

If it be true that you are going to allow the Canadian Government to subsidize its roads and patronize its roads, and let them do the business in competition with American roads, and then put additional restrictions upon them, as you have in your interstate-commerce law, in every way, instead of the Government not paying its due proportion it ought to pay more.

If it is necessary for Massachusetts and for the East to have cheaper freights, they should not have them at the expense of the producers in the West, because, if the Government does not pay its just proportion, as other people do, the profits of the companies can not come out of the through rates. Competition will prevent that, and so the difference must come out of the people who are developing the West.

Under the circumstances by the legislation of this country you put the American roads at a disadvantage by making them compete with foreign roads, which are heavily subsidized, making individuals compete with the governmental power of England and with the appropriations of that government and the appropriations of Canada combined. The Government here says: "We will make our roads compete with subsidized roads on a shorter line and we will pay them but half the rates that citizens have to pay." That is unfair.

So far as allowing Canada to do our carrying trade, I see the full force of the argument of the New England States, and, if I did not, I should have talked about this before. I do not, however, want to see the Government aggravate the inconvenience of the producers of the West, while the Government shrinks from its responsibility after it has put this competition in the condition it is.

We protect our coastwise trade. Suppose that Massachusetts should ask that foreign ships be permitted to load at all other ports and to discharge only at Boston. Of course it would be a great advantage to Boston if foreign ships could discharge there and nowhere else; if they could pass around New York and could go and load all along the line and discharge cargo at Boston and take cargo from Boston to other ports, allowing foreign ships to come in competition with our coasting trade. Practically this is the same thing. We protect our coasting trade and we put all our ports upon an equality. If one port has the advantage of another on account of locality, that is the misfortune of the port which happens to be badly situated. We make no distinctions. We say this coasting trade shall be exclusively for American ships. It is an industry of our own. On the north is a coasting trade larger by far than all the seaport trade, many, many times larger, by the lakes and by the Canadian Pacific Railway.

There we are not only met by private enterprise in competition with us, but we are met with roads having vast subsidies, military roads, which are kept up for military and political purposes and which could be run if they had to carry freight for almost nothing.

While I am not prepared to say that I would break up that competition, I am prepared to say that it is unfair to do anything that shall further embarrass the American roads, particularly when your legislation forces the money out of the local traffic, out of the localities where these enterprises were made and built up. It is entirely wrong in principle. I think those who advocate it do not see upon whom the burden must fall if the Government of the United States does not bear its just proportion.

When our roads have this competition at the North if it is necessary that this condition should be kept up, in order to benefit the New England States on account of their particular locality, then the Government while benefiting them should make it possible for the roads to run, and if necessary give them more subsidy or do anything that may be requisite for their protection. I do not think we ought to make any further changes, and I do not think we ought to make a change that is going to fall on the local traffic. The local freights and fares in my State are high enough and they are a great embarrassment to our development.

If the Government is not going to pay its share, the railroad companies will say, "we can not live without charging higher rates on you," and it will be an excuse to them to impose such rates. That is what retards the development of the whole of that country; and to us it is a vital question. It seems to me that that section of the bill

should not be amended. Do not make it 70 per cent. Strike it out. It does not belong here. It is an injust discrimination against the people who have to pay the money out of the local earnings of the roads.

That, it strikes me, is the situation, and all I ask now is to let it alone. Do not take any other step to embarrass the people who live in the interior and who have to support these roads, because their existence depends upon the roads being maintained. The Government should not tolerate this fierce competition for the purpose of benefiting New England or any other section of the country that may desire it. It would not be tolerated if it was not for the benefit of New England.

Mr. HOAR. If the Senator will pardon me, there is not a pound of the freight of which he speaks for the benefit of New England in which a Western community at the other end of the line has not an equal interest. There is no peculiar benefit to New England. It benefits all sections alike.

Mr. STEWART. It does not make much difference to the people of the West whether they get their produce to New York or to Boston. The difference between the two is very trifling. The companies at present are now competing and taking Western produce to New York or to Philadelphia. To the people of the West that is a mere trifle; but if you increase the burdens of the local freights when they get to the shipping point, you will really affect them. I do not wish to have any legislation that shall diminish the facilities of New England in this matter. I am not talking about that, but I am calling attention to the fact that the Government by withholding its proportion of compensation for the services performed for it by these companies is loading it upon these local communities. That is what I am calling attention to.

Mr. WASHBURN. Mr. President, I do not know exactly how this discussion has been interjected at this particular time, as I was out of the Chamber when it commenced.

The PRESIDING OFFICER. The Chair ought to observe that the Senator from Maryland [Mr. GORMAN] is entitled to the floor.

Mr. GORMAN. I give way with pleasure to the Senator from Minnesota.

Mr. WASHBURN. I do not care at the present time to go into the discussion of the question which has come up. I desire, however, on behalf of the Northwestern States, to do simply what the Senator from Massachusetts [Mr. HOAR] has done in behalf of the New England States, enter my protest against any radical change in existing conditions so far as the question of transportation between the Northwest and the Atlantic seaboard is concerned through Canada, while the existing conditions remain; and, of course, the Canadian lines form a very important part in connection with or as one of those conditions.

Although New England and the Northwest, Maine and Minnesota, are a long way apart, yet their business interests are very large and very intimate. We are brought closely together comparatively by the short lines that run through the Canadian provinces. These lines and the American connecting lines have been constructed at an enormous expenditure of money. They have been built for a purpose, and that is to shorten the line of transportation for our great Western products to the Atlantic seaboard.

My own State and the citizens of my own State have contributed of their own means very largely to bring about this result, and they have brought in outside means to their assistance. Millions and millions of dollars have been expended in Michigan, Minnesota, and Wisconsin for the purpose of making exactly these connections, these short lines through Canada. I do not believe that it is fair play, or that it is just, or that it will be tolerated to have that money confiscated for the benefit of the trunk-lines of railroad in this country, from whom we have been trying to relieve ourselves for years and have finally succeeded.

There has been very much said at different times on this floor and in other places about the advantages which are given to the Canadian roads under the existing condition of things. There is nothing in this. The Canadian Pacific road has received quite large subsidies from the Canadian Government, but not nearly as large as has been represented, not nearly as large as has been given to many of our own roads. From those very subsidies who gets the benefit? Not the Canadian, not the Canadian farmer, not the Canadian producer or manufacturer, but the people of the Northwestern States who send their pork and their corn and their wheat over this Canadian line and get the advantage.

What does it amount to the Canadian Government, what does it amount to the Canadian people that these cars, these millions of cars, loaded with American products, are taken over their territory in the day or in the night? It cuts no figure.

Mr. HOAR. It is just as if it went over the ocean.

Mr. WASHBURN. It is precisely as if it went over the ocean. For one, when this matter comes up in a legitimate way, I propose to submit some figures and to submit further remarks in opposition to any radical change from the present existing conditions.

Mr. STEWART. I should like to inquire of the Senator if he approves of the Government of the United States at this particular time, when this competition is going on, refusing to pay the amount it has been accustomed to pay for freights and fares and make it necessary to take it out of the pockets of the people?

Mr. WASHBURN. That is another question entirely, to which I have given no attention.

Mr. STEWART. That is the question to which I addressed myself.

Mr. WASHBURN. That is not the question to which I have been addressing myself, but I have been addressing myself to the suggestions that came to my mind from the remarks of the Senator from Massachusetts [Mr. HOAR].

Mr. STEWART. In view of the surroundings, I was calling attention to the injustice to the people who had to maintain these roads.

Mr. GORMAN. Mr. President——

Mr. CULLOM. I had forgotten that the Senator from Maryland had the floor. I desire to say before this subject passes away that I wish to submit a few remarks on it, but as it is now half past 5 o'clock I prefer to do so to-morrow.

Mr. HOAR. If it be agreeable to the Senator from Maryland and the Senator from Illinois, as I understand the Senator does not wish to proceed to-night, I should like to ask unanimous consent for the consideration of a bill of six lines, reported from the Committee on Commerce, for a life-saving station at a place where there have been a great many wrecks. The Representative from that district is very anxious that the bill shall be passed at once.

The PRESIDING OFFICER (Mr. PLATT in the chair). The Senator from Massachusetts asks unanimous consent that the pending measure be informally laid aside in order to proceed with the consideration of a bill the title of which will be stated.

Mr. HOAR. Let the bill be reported in full for information.

Mr. HARRIS. When that is disposed of, will the Senator from Iowa consent that the Senate may adjourn?

Mr. ALLISON. I had hoped to be able to complete the consideration of the army appropriation bill to-night, but the debate having taken a pretty wide range, involving topics which are very remotely connected with the amendment (although I agree that in some sense the debate is germane to what is proposed), I shall not ask the Senate to vote on the bill to-night, and therefore I will yield to a motion to adjourn or to go into executive session, or for the Senator from Massachusetts to call up his bill, with the admonition, however, that I hope the pending bill may be completed at an early hour to-morrow morning, as the Committee on Appropriations is anxious to follow it immediately with the fortification appropriation bill, and both these bills I hope may be passed to-morrow.

Mr. BLAIR. Will the Senator call his bill up immediately after the morning business?

Mr. ALLISON. I should like to.

Mr. BLAIR. I hope the Senator will.

LIFE-SAVING STATION AT BRANT ROCK, MASSACHUSETTS.

Mr. HOAR. I now ask that Senate bill 4874, to which I referred, may be considered. It is a short bill, containing but six lines, and I do not think there will be any objection to it.

Mr. ALLISON. I think it is a good time to pass a life-saving measure.

Mr. HOAR. A life-saving station.

The PRESIDING OFFICER. The Senator from Massachusetts asks that the pending measure may be informally laid aside and that the Senate proceed to the consideration of a bill the title of which will be stated.

The CHIEF CLERK. A bill (S. 4874) to establish a life-saving station at Brant Rock, in the town of Marshfield, Mass.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Treasury to establish a life-saving station at or near Brant Rock, on the coast of Massachusetts, at such a point as the General Superintendent of the Life-Saving Service may recommend, at a cost not to exceed $10,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HOAR. I have in my hand a list of the wrecks which have taken place at that point in recent years, prepared by my colleague in the other House, and I ask that it may be printed in the RECORD as if read in full.

Mr. ALLISON. I hope the document will be printed in the RECORD.

The PRESIDING OFFICER. The list will be printed in the RECORD if there be no objection. The Chair hears none.

The list is as follows:

Names and dates of vessels wrecked near Brant Rock, in the town of Marshfield, Mass., in the last decade, attended with freezing, drowning, and loss of life.

February 1, 1873: Schooner Mary J. Castner, wrecked one-half mile south of North River; crew compelled to stay seven hours in the rigging.

May, 1875: Bark laden with sugar, lost in a fog; grounded in sandbar south of North River; was got off.

January 30, 1875: Herring schooner Bessie; wrecked about 1 mile north of Cut River.

January, 1879: Small schooner wrecked one-half mile south of North River: one man lost.

August, 1880: Brig from Portugal came ashore at Abington Village.

February 1, 1882: Schooner Louise D. Rathburn, wrecked 1 mile south of North River; two rescued after being in rigging a very long time.
December, 1886: Schooner Newpacket, laden with lumber, stranded a few rods south of North River.
August, 1887: A schooner ballast lighter, wrecked at Brant Rock.
February 11, 1888: Schooner Agnes E. Bacon, wrecked one-half mile south of North River, about 2 miles of Humane Society's boat; crew went to rigging at 2.30 p. m., were taken out at 11 a. m. by the Fourth Cliff Life-Saving men.
1888: Bark Chattanooga stranded about a quarter of a mile south of North River.
Without date: Little Kate, lost one quarter of a mile south of Cut River; sixteen men lost.
Without date: Sloop Bessie, wrecked in mouth of North River.
The above list is not complete and undoubtedly contains some omissions, but is taken from the most reliable data obtainable.

EXECUTIVE COMMUNICATION.

The PRESIDING OFFICER laid before the Senate a letter of the Secretary of the Interior, transmitting a communication from the Commissioner of Indian Affairs, with an accompanying draught of a bill setting apart and reserving a certain tract of land in the Territory of Arizona for Indian school purposes; which was referred to the Committee on Indian Affairs, and ordered to be printed.

PHILIP C. JOHNSON.

The bill (H. R. 6559) to provide for the issue of the commission of Philip C. Johnson as a rear admiral in the United States Navy was read twice by its title.

Mr. CHANDLER. A bill precisely like that has been reported favorably from the Committee on Naval Affairs of the Senate. I therefore ask that the House bill may be placed on the Calendar.

The PRESIDING OFFICER. The Senator from New Hampshire asks that the House bill may be placed upon the Calendar without reference to a committee. Is there objection? The Chair hears none, and the bill will be placed on the Calendar.

EXECUTIVE SESSION.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 30, 1891, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate January 29, 1891.

COLLECTOR OF CUSTOMS.

James H. Young, of North Carolina, to be collector of customs for the district of Wilmington, in the State of North Carolina, to succeed Enos J. Pennypacker, deceased.

COLONEL COMMANDANT MARINE CORPS.

Lieut. Col. Charles Heywood, United States Marine Corps, to be colonel commandant of that corps, from January 30, 1891, *vice* Colonel Commandant Charles G. McCawley, retired.

POSTMASTERS.

Corwin T. Bill, to be postmaster at Ozark, in the county of Franklin and State of Arkansas; the appointment of a postmaster for the said office having, by law, become vested in the President from and after January 1, 1891.

Alvin W. Cox, to be postmaster at Santa Maria, in the county of Santa Barbara and State of California, in the place of Frederick F. Field, resigned.

William C. Bushnell, to be postmaster at Clinton, in the county of Middlesex and State of Connecticut; the appointment of a postmaster for the said office having, by law, become vested in the President from and after January 1, 1891.

Wilbur S. Badley, to be postmaster at Caldwell, in the county of Ada and State of Idaho, the appointment of a postmaster for the said office having, by law, become vested in the President from and after January 1, 1891.

John T. Hubbard, to be postmaster at Decatur, in the county of Macon and State of Illinois, in the place of Samuel S. Jack, whose commission expired January 13, 1891.

John B. Lambert, to be postmaster at Atlanta, in the county of Logan and State of Illinois, in the place of Marcellus Keene, removed.

George C. Rankin, to be postmaster at Monmouth, in the county of Warren and State of Illinois, in the place of John W. Lusk, whose commission expires February 22, 1891.

Frank H. Robinson, to be postmaster at Morrison, in the county of Whitesides and State of Illinois, in the place of Martin V. B. Smith, whose commission expires February 26, 1891.

Richard A. Carleton, to be postmaster at Iowa Falls, in the county of Hardin and State of Iowa, in the place of James P. Carleton, removed.

Orrin Krouskup, to be postmaster at Humboldt, in the county of Humboldt and State of Iowa, in the place of Frederick A. Peck, whose commission expired January 20, 1891.

Joseph B. Dobyns, to be postmaster at Howard, in the county of Elk and State of Kansas, in the place of James R. Hall, whose commission expires January 29, 1891.

John C. Youngman, to be postmaster at Wilson, in the county of Ellsworth and State of Kansas, in the place of Charles F. Keyner, whose commission expires February 22, 1891.

Arthur I. Brown, to be postmaster at Belfast, in the county of Waldo and State of Maine, in the place of Henry A. Kilgore, whose commission expires February 26, 1891.

Walter L. Keith, to be postmaster at Campello, in the county of Plymouth and State of Massachusetts, in the place of Walter L. Keith, whose commission expires February 26, 1891.

James Shevlin, to be postmaster at Sandwich, in the county of Barnstable and State of Massachusetts, in the place of James Shevlin, whose commission expires February 26, 1891.

John W. Sproul, to be postmaster at Abington, in the county of Plymouth and State of Massachusetts, in the place of E. Clifford Nash, whose commission expires February 22, 1891.

Job C. Tripp, to be postmaster at Fairhaven, in the county of Bristol and State of Massachusetts, in the place of Eben Aiken, jr., whose commission expires February 22, 1891.

James M. Scarritt, to be postmaster at Hudson, in the county of Lenawee and State of Michigan, in the place of James B. Thorn, removed.

Eugene W. Randall, to be postmaster at Morris, in the county of Stevens and State of Minnesota, in the place of Frank E. Newell, removed.

William H. Mann, to be postmaster at Wilber, in the county of Saline and State of Nebraska, in the place of George H. Tracy, whose commission expired January 13, 1890.

George H. Barker, to be postmaster at Springville, in the county of Erie and State of New York, in the place of Carlos E. Chafee, whose commission expires February 28, 1891.

Charles L. Bentley, to be postmaster at Chateaugay, in the county of Franklin and State of New York; the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1891.

Norman Getman, to be postmaster at Richfield Springs, in the county of Otsego and State of New York, in the place of James S. Davenport, resigned.

Philander J. Hawkins, to be postmaster at Islip, in the county of Suffolk and State of New York, in the place of Caleb T. Smith, whose commission expires February 3, 1891.

John J. Kirkpatrick, to be postmaster at Patchogue, in the county of Suffolk and State of New York, in the place of Charles E. Rose, whose commission expires February 3, 1891.

Josis Miller, to be postmaster at Antwerp, in the county of Jefferson and State of New York, in the place of Martin L. Willard, whose commission expires February 3, 1891.

Charles H. Hubbell, to be postmaster at Chagrin Falls, in the county of Cuyahoga and State of Ohio, in the place of Tyron Bailey, whose commission expires February 3, 1891.

David J. Richards, to be postmaster at Zanesville, in the county of Muskingum and State of Ohio, in the place of Thomas S. Murphy, whose commission expires March 3, 1891.

Edwin G. Culbertson, to be postmaster at Edinborough, in the county of Erie and State of Pennsylvania, in the place of Joseph C. Wilson, removed.

Frank A. Larson, to be postmaster at Tomahawk, in the county of Lincoln and State of Wisconsin, the appointment of a postmaster for the said office having, by law, become vested in the President from and after October 1, 1890.

Harry B. Marsh, to be postmaster at Horicon, in the county of Dodge and State of Wisconsin, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1891.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 27, 1891.

PROMOTIONS IN THE ARMY.

Infantry.

Second Lieut. Frank B. Andrus, Fourth Infantry, to be first lieutenant of infantry, December 12, 1890, *vice* Earle (Second Infantry), deceased.

Second Lieut. John H. Willis, Twenty-second Infantry, to be first lieutenant of infantry, December 29, 1890, *vice* Smith (Twelfth Infantry), promoted.

Second Lieut. Frederick T. Van Liew, Second Infantry, to be first lieutenant of infantry, December 29, 1890, *vice* Dougherty (Eleventh Infantry), retired from active service.

Second Lieut. James E. Wilson, Fifth Infantry, to be first lieutenant of infantry, December 29, 1890, *vice* Brown (Eleventh Infantry), promoted.

Second Lieut. Daniel F. Anglum, Twelfth Infantry, to be first lieutenant of infantry, January 1, 1891, *vice* Cowles (Sixteenth Infantry), appointed regimental quartermaster.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January* 29, 1891.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. WILLIAM H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

ENROLLED BILLS SIGNED.

Mr. WILLIAMS, of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 188) to provide for the purchase of a site and the erection of a public building thereon at Columbus, in the State of Georgia, and for other purposes; and

A bill (H. R. 154) to provide for the purchase of a site and the erection of a public building thereon at Pueblo, in the State of Colorado.

REAR ADMIRAL PHILIP C. JOHNSON.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (H. R. 6559) was read, as follows:

Whereas Philip C. Johnson, after a long, faithful, and creditable service in the United States Navy, became entitled to promotion to the grade of rear admiral on the 25th day of January, 1887, but died without being commissioned: Therefore,

Be it enacted, etc., That the President be, and he is hereby, authorized and directed to issue the commission of Philip C. Johnson as a rear admiral in the United States Navy, to be dated January 25, 1887, and to deliver the same to the widow of said Philip C. Johnson.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. OUTHWAITE. I would like to have a statement of the object of passing this bill.

Mr. SHERMAN. The bill does not involve the appropriation of a cent. The widow of the admiral is now pensioned by special act at an amount greater than the law would allow her as the widow of an admiral. This is simply a question of sentiment. The widow and the children of the husband and father desire that the commission should be issued to which he was entitled, but which he died before receiving.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SHERMAN moved to reconsider the vote by which the bill was passed, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. SPOONER. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole on the state of the Union for the further consideration of general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. PAYSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole for further consideration of the bill the title of which the Clerk will read:

The Clerk read as follows:

A bill (H. R. 12972) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1892.

The CHAIRMAN. The question is upon the adoption of the pending amendment proposed by the gentleman from Arkansas [Mr. BRECKINRIDGE], which the Clerk will read.

The Clerk read as follows:

On page 14, line 3, amend by inserting after the word "thousand" the words "six hundred;" so that it will read "two thousand six hundred."

Mr. SPOONER. Mr. Chairman, I ought to say perhaps, in order to refresh the memory of the committee concerning this particular amendment, that the amount fixed in the bill is the full amount of the estimate. Everything has been granted in this item that has been asked for in the estimates, and therefore I hope the amendment will not be adopted, as it is entirely unnecessary.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, this matter was in some doubt. This item is embraced in an aggregation, as stated in the estimates on page 3, of $14,520. That total embraces this item and perhaps a dozen others, and therefore it was impossible to tell just upon what items the reduction of the sum total recommended by the committee was to be made.

Mr. SPOONER. If the gentleman will refer to the Book of Estimates, page 106, commencing at the top of the page, he will find there, in order, the various items for which these appropriations are made, and he can also find the sum total by adding those amounts together. The only difference, as I said yesterday, between the estimates and the amount proposed by the appropriation in these items is in the matter of the pay of the firemen. The pay of each of those firemen now under the existing appropriation law is $45 a month. The estimate increased that pay by $15 each per month, making it $60 instead of $45. The committee did not recommend that increased appropriation, but they did provide, by a paragraph closely following the one now under consideration, for an increase of $5, making the pay of each of these men $50 per month instead of $45. That is the only difference between the estimate and the amount recommended by the committee in these miscellaneous items.

Mr. BRECKINRIDGE, of Arkansas. That amounts to about $600?

Mr. SPOONER. Six hundred dollars.

Mr. BRECKINRIDGE, of Arkansas. The gentleman did make a statement in relation to this matter, but there was a good deal of confusion in the Hall, and perhaps it was not clearly understood. The amendment that I offered was somewhat conjectural, as I said at the time. Finding now that no reduction has been made by the committee, I will withdraw the amendment, as I, of course, have no desire to appropriate anything in excess of what is asked by the officials in charge of the Academy.

But there is in the report a statement of reduction in regard to plumbing.

Mr. SPOONER. That is the larger item which follows later in the bill—"for necessary repairs of, and for improving the plumbing and sewerage systems."

Mr. BRECKINRIDGE, of Arkansas. Exactly; but if the gentleman will look at the paragraph under consideration he will find that this appropriation is "for water pipes, plumbing, and repairs." Therefore I was ready to believe that perhaps a part of the reduction stated in the report as having taken place upon the item of plumbing applied to this bill.

Mr. SPOONER. No, not at all.

Mr. BRECKINRIDGE, of Arkansas. I understand the position now, and I withdraw the amendment.

The Clerk read as follows:

For compensation of librarian, $120.

Mr. FITCH. I move to amend by striking out the last word. I would like a word of explanation from the gentleman in charge of this bill in regard to the clause just read. A little farther down in the bill there is a clause providing "for pay of librarian's assistant, $1,000." The difference between the pay of the librarian's assistant, $1,000, and that of the librarian himself, $120, seems to me to require a word of explanation.

Mr. SPOONER. The librarian is an officer who receives pay for other services; the $120 is the ordinary additional compensation given him for this particular service; whereas the assistant librarian is an officer constantly employed in this special duty.

Mr. FITCH. During my service as a member of the Board of Visitors at West Point I was very highly impressed with the efficiency of all the arrangements except the management of the library. It seemed to me that that was something which ought to be more fully attended to than it is. I would like to ask what officer has charge of the library, what is his rank, and whether we ought not to make more efficient provision for the library at West Point than is made in this bill.

Mr. SPOONER. I can not answer the gentleman's question as to the person who fills this position——

Mr. FITCH. What is his rank and what are his other duties?

Mr. SPOONER. I can not speak as to that. This is the ordinary provision which has been in the Military Academy bill for many successive years.

Mr. WHEELER, of Alabama. My recollection is that originally the duties of assistant librarian were performed by a soldier who was detailed for that purpose, and of course received his extra pay which is given by law to extra-duty men, but some twenty years ago an act of Congress fixed the salary at $1,000.

The duties of librarian are performed by one of the professors or officers on duty at the Academy, and the law fixes his extra compensation at $120 a year. I think Professor Michie is the present librarian.

Mr. BLOUNT. Has not this arrangement of the compensation of librarian existed for many years?

Mr. WHEELER, of Alabama. Yes, the compensation has been the same as proposed by the bill for many years.

The act of April 23, 1856, provided that the librarian and assistant librarian receive additional pay, not to exceed the sum of $120 for each per annum, and this act is now section 1340 of the Revised Statutes, in these words:

The librarian and assistant librarian at the Military Academy shall each receive $120 a year additional pay.

An old enlisted man named Andrew Freis has held the position of assistant librarian for a very long time, possibly for half a century.

The act of February 18, 1871, Statutes at Large, volume 16, page 414, provided that the salary of librarian's assistant be $1,000—

while the office is held by the present incumbent.

The old man is still living and I have no doubt satisfactorily performing his duties.

The CHAIRMAN. Does the gentleman from New York [Mr. FITCH] withdraw his formal amendment?

Mr. FITCH. Yes, sir.

The Clerk read as follows:

For pay of engineer of heating and ventilating apparatus for the academic building, the cadet barracks, and office building, cadet hospital, chapel, and philosophical building, including the library, $1,500.

Mr. MOORE, of Texas. I move to amend by striking out the last word. While I am unwilling to interrupt the proceedings of the committee by any matter not germane——

Mr. SPOONER. Will the gentleman from Texas give way for a moment? I desire to move that the committee rise in order to give the gentleman from Maine [Mr. DINGLEY], chairman of the committee appointed to investigate alleged silver pools, an opportunity to make a motion which it is important should be made at once.

The CHAIRMAN. Does the gentleman from Texas yield?

Mr. MOORE, of Texas. I do.

Mr. DINGLEY. It is important that immediate action should be taken on the proposition I desire to submit.

Mr. SPOONER. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. ALLEN, of Michigan, having taken the chair as Speaker *pro tempore*, Mr. PAYSON reported that the Committee of the Whole on the state of the Union, having had under consideration the Military Academy appropriation bill, had come to no resolution thereon.

SILVER-POOL INVESTIGATION.

Mr. DINGLEY. I desire to present a privileged report by instructions of the special committee appointed to investigate alleged silver pools.

The Clerk read as follows:

The special committee appointed by the House of Representatives to investigate alleged silver pools, etc., report that on the 22d day of January, 1891, by request of said committee, the Speaker issued his warrant, directing the Sergeant-at-Arms or his special deputy to subpœna J. A. Owenby to appear before said committee in the room of the Committee on Rivers and Harbors on the 29th day of January, 1891, at 10 o'clock a. m., to testify touching matters of inquiry committed to said committee; and that on the 24th day of January, 1891, service was duly made on said J. A. Owenby, but that said J. A. Owenby has refused or neglected to obey said subpœna and testify before said committee. And inasmuch as the committee are of opinion that it is necessary for the efficient prosecution of the investigation ordered by the House that said J. A. Owenby should be required to respond to the subpœna and testify before said committee in relation to the connection of members of the House of Representatives with the alleged silver pool, as stated in detail in the Washington correspondence of the St. Louis Globe-Democrat under date of September, 1890 (which correspondence is printed in CONGRESSIONAL RECORD of January 13, 1891), it appearing by the testimony of W. B. Stevens, the correspondent of the said paper, before your committee on the 17th day of January, 1891, that the said J. A. Owenby was the authority for the statements therein contained, and claimed to have personal knowledge of the alleged facts therein stated, and also referred to in the letter of said Owenby to the said Stevens, dated Chicago, January, 1891, as hereto attached (copies of subpœna, return of deputy sergeant-at-arms, and certificate of his appointment are hereto attached), we therefore recommend the adoption of the following order:

"*Ordered*, That the Speaker issue his warrant directing the Sergeant-at-Arms attending this House, or his deputy, commanding him to take into custody forthwith wherever to be found the body of J. A. Owenby and him bring to the bar of the House to show cause why he should not be punished for contempt; and in the mean time keep the said J. A. Owenby in his custody to await the further order of the House."

N. DINGLEY, Jr.,
S. E. PAYNE,
J. H. ROWELL,
S. W. PEEL,
Committee of Investigation.

Mr. DINGLEY. On the adoption of that order I move the previous question.

Mr. FRANK. One moment, if you please.

Mr. DINGLEY. Unless the gentleman desires to be heard briefly, for which purpose I will yield him a few moments.

Mr. FRANK. I would like the Clerk to read the return of the officer who served that subpœna.

The SPEAKER *pro tempore*. The Clerk will read.

The Clerk read as follows:

STATE OF ILLINOIS, *County of Cook:*

I, Robert H. Forsyth, special deputy sergeant-at-arms of the House of Representatives of the United States, do hereby certify and return that the within and annexed subpœna came into my hands on the 22d day of January, A. D. 1891, in the city of Washington, D. C.

That on the same day I proceeded to the city of Chicago, State of Illinois, and then and there at restaurant, Hotel Richelieu, in the city of Chicago and State of Illinois, I served said subpœna upon the said J. A. Owenby, by personally reading to him the original subpœna, and then and there delivering him, the said Owenby, a true copy thereof.

Witness my hand, this 29th day of January, 1891.

R. H. FORSYTH,
Special Deputy Sergeant-at-Arms,
House of Representatives of the United States.

Mr. FRANK. Now, I would like to ask the gentleman offering the resolution if he does not think it proper, before the execution of the order he proposes, that it should be shown that this witness has been tendered his mileage and fees.

Mr. DINGLEY. I desire to state, Mr. Speaker, in response to the inquiry of the gentleman from Missouri, that after some investigation by the committee it has been thought unnecessary that the tender to which he refers should be made.

Mr. MCMILLIN. It is impossible in the confusion to hear what is going on here.

Mr. DINGLEY. I have just stated that the gentleman from Missouri inquired whether the committee did not think it necessary that the return should also show that the witness fees and mileage were tendered to the witness at the time the service was made to complete the service within the purview of the law. I have simply to say that the committee considered the matter somewhat and in their judgment when witness is summoned under authority of the House of Representatives the tender of the fee is not necessary; and therefore there has been no tender of it in the present case and of course none appears in the return of the officer.

Mr. RICHARDSON. I would like to ask the gentleman from Maine what answer the witness made, if any, to the subpœna?

Mr. DINGLEY. Of course the only information the committee have in the matter is obtained from the return which appears on the part of the Sergeant-at-Arms.

Mr. PEEL. Mr. Speaker——

Mr. DINGLEY. I yield to the gentleman from Arkansas, my colleague on the committee, for a few minutes.

Mr. PEEL. I was only going to add, by way of suggestion to what has already been stated, that from the very best information the committee could obtain the whereabouts of this witness is very uncertain. All the information we could obtain is that the witness was first at one place and then at another, and it would be very difficult to tell where he is to be found, and as the mileage would be calculated from the place where the subpœna was served, nobody knows how much should be tendered to him in that connection.

I do not think in a matter of this kind, where the witness is the author of the story which is published in the Globe-Democrat, and desires, as alleged, to see the wrong corrected, that he would hesitate a moment on a matter of that kind. It occurred to me, in consequence of his uncertain locality, that it would be difficult to figure up his mileage and tender the exact amount strictly in accordance with the provisions of the law in some of the States.

Mr. FRANK. It is not my purpose, Mr. Speaker, to throw any obstacle in the way of procuring the attendance of this witness, but, on the contrary, I wish to expedite it, and for that reason I should desire to see this order made effective if issued. If the witness has demanded his mileage, I think, without expressing a deliberate judgment, that he would be entitled to it before responding to the subpœna. There is nothing on the face of the warrant of the Sergeant-at-Arms to indicate what his reply was to the officer who served the subpœna. Hence it seems to me it would be well to go slow in passing so violent and drastic a resolution as this appears to be, without being able to carry it into execution after having adopted it.

Mr. CULBERSON, of Texas. Will the gentleman from Maine yield to me for a few moments?

Mr. DINGLEY. I yield to the gentleman from Texas for a few moments.

Mr. CULBERSON, of Texas. I simply desire the Clerk to read the headnotes of this decision of the Supreme Court.

The Clerk read as follows:

KILBOURN VS. THOMPSON.

1. Kilbourn, for refusing to answer certain questions put to him as a witness by the House of Representatives of the Congress of the United States, concerning the business of a real-estate partnership of which he was a member, and to produce certain books and papers in relation thereto, was, by an order of the House, imprisoned for forty-five days in the common jail of the District of Columbia. He brought suit to recover damages therefor against the Sergeant-at-Arms who executed the order, and the members of the committee who caused him to be brought before the House, where he was adjudged to be in contempt of its authority. Held, that although the House can punish its own members for disorderly conduct or for failure to attend its sessions, and can decide cases of contested elections and determine the qualifications of its members, and exercise the sole power of impeachment of officers of the Government, and may, where the examination of witnesses is necessary to the performance of these duties, fine or imprison a contumacious witness, there is not found in the Constitution of the United States any general power vested in either House to punish for contempt.

2. An examination of the history of the English Parliament and the decisions of the English courts shows that the power of the House of Commons, under the laws and customs of Parliament to punish for contempt, rests upon principles peculiar to it, and not upon any general rule applicable to all legislative bodies.

3. The Parliament of England, before its separation into two bodies, since known as the House of Lords and the House of Commons, was a high court of judicature—the highest in the realm—possessed of the general power incident to such a court of punishing for contempt. On its separation, the power remained with each body, because each was considered to be a court of judicature and exercised the functions of such a court.

4. Neither House of Congress was constituted a part of any court of general jurisdiction, nor has it any history to which the exercise of such power can be traced. Its powers must be sought alone in some express grant in the Constitution or be found necessary to carry into effect such powers as are there granted.

5. The court, without affirming that such a power can arise in any case other than those already specified, decides that it can exist in no case where the House, attempting to exercise it, invokes its aid in a matter to which its authority does not extend, such as an inquiry into the private affairs of the citizen.

6. The Constitution divides the powers of the Government which it establishes into the three departments—the executive, the legislative, and the judicial—and unlimited power is conferred on no department or officer of the Government. It is essential to the successful working of the system that the lines which separate those departments shall be clearly defined and closely followed, and that neither of them shall be permitted to encroach upon the powers exclusively confided to the others.

7. That instrument has marked out in its three primary articles the allotment of power to those departments, and no judicial power, except that above mentioned, is conferred on Congress or on either branch of it. On the contrary, it

declares that the judicial power of the United States shall be vested in one Supreme Court and such inferior courts as the Congress may from time to time ordain and establish.

8. The resolution of the House, under which K. was summoned and examined as a witness, directed its committee to examine into the history and character of what was called "the real-estate pool" of the District of Columbia; and the preamble recited, as the grounds of the investigation, that Jay Cooke & Co., who were debtors of the United States and whose affairs were then in litigation before a bankruptcy court, had an interest in the pool or were creditors of it. The subject-matter of the investigation was judicial and not legislative. It was then pending before the proper court and there existed no power in Congress, or in either House thereof, on the allegation that an insolvent debtor of the United States was interested in a private business partnership, to investigate the affairs of that partnership, and, consequently, no authority to compel a witness to testify on the subject.

9. It follows that the order of the House declaring K. guilty of a contempt of its authority and ordering his imprisonment by the Sergeant-at-Arms is void, and affords the latter no protection in an action by K. against him for false imprisonment.

10. Anderson *vs.* Dunn (6 Wheat., 204) commented on, and some of the reasoning of the opinion overruled and rejected.

11. The provision of the Constitution, that for any speech or debate in either House the member shall not be questioned in any other place, exempts them from liability elsewhere for any vote or report to or action in their respective Houses as well as for oral debate. Therefore, the plea of the members of the committee that they took no part in the actual arrest and imprisonment of K., and did nothing in relation thereto beyond the protection of their constitutional privilege, is, so far as they are concerned, a good defense to the action.

During the reading of the syllabus,

Mr. DINGLEY said: Will the Clerk suspend a moment? I desire to ask the gentleman from Texas [Mr. CULBERSON] if sufficient of that syllabus has not been read to show the point that is contained in it? It may be printed in full in the RECORD.

Mr. BLAND. I hope it may be read for the information of the House.

Mr. DINGLEY. Does the gentleman from Texas [Mr. CULBERSON] desire to say anything after the opinion is concluded?

Mr. CULBERSON, of Texas. I do not.

The SPEAKER *pro tempore*. The gentleman from Maine asks unanimous consent to suspend the further reading of the syllabus with the understanding that it may be printed in full in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. DINGLEY. I wish to yield to my colleague on the committee, the gentleman from Illinois [Mr. ROWELL], who has examined this question in behalf of the committee.

Mr. BRECKINRIDGE, of Kentucky. Will the gentleman from Maine or the gentleman from Illinois permit me to submit a question? I desire to submit an inquiry for my own information, and probably for that of the House. I could not catch in the reading of the paper any statement as to what was expected to be proven by this witness, who is to be brought before the committee, nor the relevancy of any such expected testimony to the matter that the committee had under investigation, or to the other testimony that it had taken; and I would be glad if the gentleman, for the satisfaction of the House, would state to us what is the general substance of the testimony they expect to elicit from this witness.

Mr. ROWELL. That is what I was going to do.

A MEMBER. What question has the witness refused to answer?

Mr. BRECKINRIDGE, of Kentucky. I understand he has not refused to answer any question yet, for he has not yet appeared before the committee at all.

Mr. ROWELL. Mr. Speaker, in the report made by the committee reference is made to the kind of testimony expected from this witness. The report makes a part of it the article in the St. Louis Globe-Democrat, which was published in the RECORD of the House. It states that from the testimony taken before the committee the information upon which that article was based was obtained from the witness sought to be attached; that that witness, of his own personal knowledge, has reported that members of the House of Representatives had been engaged in a silver pool, pending legislation upon that question. The Kilbourn decision, referred to by the gentleman from Texas [Mr. CULBERSON], goes to this extent, that, where there is original jurisdiction in the House of Representatives to pass judicially upon a question and act upon it without outside interference, there is also power to attach for contempt, as a court would have power.

For instance, under the Constitution the House of Representatives is made the sole judge of the election and qualifications of its members. And therefore, in attempting to ascertain the election and qualification of any one claiming to be duly elected to the House of Representatives it would be in the power of the House to use all methods necessary to bring before the House or its committee all witnesses who had knowledge upon that question, without referring the matter to any court; and, in such a case, the House, having exclusive jurisdiction, could deal with the witness.

Again, the House is the sole body authorized to present articles of impeachment. Therefore, in investigating matters with reference to presenting articles of impeachment, the House would be the sole body having jurisdiction of that question and could subpœna and deal with witnesses while investigating such questions.

Again, it may be suggested, the House alone, without the interference of any other body, has the power, upon a two-thirds vote, to expel one of its members for conduct justifying such expulsion. Therefore, in an investigation of that character, the House, and the House alone, may deal with witnesses subpœnaed touching that class of questions.

Now, the House is not without power to punish witnesses who come before it or to secure the punishment of witnesses coming before it where it is investigating other questions affecting legislation or any broader questions that they may investigate. But that power comes under a statute, where, the witness having appeared before the committee, declines to answer a particular question, a question not affecting these judicial powers of the House. Then the Speaker of the House, on having the matter brought before him, certifies the contumacy of the witness, his refusal to answer, to the district attorney of the District of Columbia, whose duty it is to present the matter before the grand jury.

The grand jury is authorized to indict and to have the case tried and the witness may be convicted and punished for his refusal to answer. That law was passed because of the decision in the Kilbourn case. But this witness is subpœnaed for the purpose of testifying as to matters supposed to be within his personal knowledge, or reputed to be within his personal knowledge, affecting the legislative action of members of the House of Representatives, and therefore matters with which the House and the House alone may deal. For that reason I believe that it is legitimate, not only to attach the witness for contempt in refusing to answer his subpœna, but that it may deal with him after he is brought here without referring the matter to the court of the District of Columbia.

Mr. COBB. Will the gentleman allow a question? There is no direct charge before your committee against any individual member of the House, as I understand it, is there?

Mr. ROWELL. Our special committee was raised by a resolution, incorporating an article published in the St. Louis Globe-Democrat. That article, without naming the members charged, charged that fifteen members of the House had been engaged in the matters therein referred to. The mention of the names was suppressed in the article, but the testimony before the committee declares that the names of these parties were given by Owenby to the correspondent, and the correspondent suppressed the names, and that Owenby could testify, if his statement to the correspondent were true, to the names of his own knowledge of members of the House of Representatives.

Mr. COBB. The question I desire to submit is this: Whether the authority of the House is not confined to cases where there is a direct issue made against some one or some individual members of the House, and not where the investigation is simply general to ascertain whether or not there is any testimony affecting any member of the House.

Mr. ROWELL. I will say that I have thought of that question, as I can see nothing in the philosophy of jurisdiction that makes any difference whether a member is charged by name or whether members are charged without their names being given. It in each instance is a charge against the integrity of some member of the House, his name being unknown to the House, which charges, if true, would be a subject of consideration by the House whether those members had committed any crime for which they could be dealt with under the constitutional power of the House.

Mr. COBB. But the gentleman is aware of the fact that it has been adjudicated that a grand jury has no authority whatever to summon witnesses to give general information as to the commission of crime, and that before that authority may be exercised there must be a case made by a direct charge against some one as to the commission of a designated offense.

Mr. ROWELL. There may be such a decision where that is the law, but it is not ordinarily the law. In nearly all the States the grand jury may summon a witness before them without any charge against anybody, for the purpose of asking him general questions as to any violations of the law.

Mr. DINGLEY. If the gentleman will allow me to read from the Globe-Democrat interview in the RECORD I can give an illustration of the character of the charge——

Mr. COBB. Let me ask the gentleman that question.

Mr. DINGLEY. If the gentleman will permit me to read, it will serve to show him what is charged.

Mr. COBB. What I wanted to inquire was by what authority any grand jury could exercise the power of summoning a witness to answer these general questions, unless they are authorized by a special State statute.

Mr. ROWELL. I want to say that I have had occasion to have grand juries exercise that power through a period of four years in various counties in the State of Illinois, and that the power is undoubted and unquestioned in that State.

Mr. COBB. But you have an Illinois statute authorizing it.

Mr. ROWELL. No, sir; it is done under the general power of common-law right as to summoning witnesses before a grand jury upon criminal matters.

Mr. COBB. There are, of course, cases where such power is exercised in some States under State statute, but I can cite to the gentleman repeated decisions of the court wherein——

Mr. PAYNE. What State?

Mr. COBB. The State of Alabama. The court decided that to al-

low the grand jury this general power of investigation would extend its authority to that extent that it would be detrimental to the interests of the citizen; and that before a witness could be punished for contempt for not answering (this was a case where the witness refused to answer a question before the grand jury) there must be a case under investigation. And in the case I have in mind it was decided that there was no contempt for the reason that the question for the refusal to answer which the witness was charged as for contempt was a general one, one touching the commission of crime in the county, and not relating to a specific investigation, and that such course, if allowed, would enable the grand jury to become an inquisitorial body.

Mr. FRANK. But the gentleman will remember that that has no application to this specific case.

Mr. COBB. I do not assert that it has. I was only submitting whether or not it has. I certainly desire to offer no obstruction to the proper exercise of power by the House in this case.

Mr. ROWELL. I do not care to be turned aside from the line I was pursuing. I understand such a decision was rendered in Alabama.

Mr. COBB. The gentleman from Maine proposed to read something, and I would like to have him read it now.

Mr. DINGLEY. I have given the interview to the gentleman from Illinois, who occupies the floor, and he will read the paragraphs to which I referred.

Mr. ROWELL. I know there was a decision in the District of Columbia that the grand jury could not investigate a question until it had previously been investigated by a justice and certified up to it; but it is not current law. I do not care anything about it. I want to read some specific charges made by this witness and then let gentlemen judge:

Q. Was there any Missouri Representative on the list for whom silver was carried by the pool?

The charge was that it was carried at the expense of the pool and the member was to have the profits, if any, but to suffer no loss. The answer was:

Yes; one.

And then he says:

Was he a Democrat or Republican?
A Democrat.

Then it goes on:

Representative ——, of New York, I expect, made more than any other member of the House on the deal. He got a barrelful out of it. Then there were two Californians, two of the Illinois delegation, one Kansas man, and two Iowa members that I remember now on the House list. I think that there were not more than fifteen Representatives who were taken in.

Mr. COBB. Will the gentleman allow me a moment's time?

Mr. DINGLEY. I desire, in justice to the gentleman from Rhode Island who has charge of the Military Academy appropriation bill, to have no more time taken up than is necessary.

Mr. PEEL rose.

The SPEAKER *pro tempore*. Does the gentleman yield to the gentleman from Arkansas?

Mr. DINGLEY. I yield to the gentleman from Arkansas, my colleague on the committee.

Mr. PEEL. Mr. Speaker, I desire to inquire of my colleagues and other members of the committee if we are not discussing this question prematurely. I do not think the power of the House goes into the question so far as that matter is concerned that is now before the House. As I understand in all tribunals having the power to subpœna witnesses to secure evidence the very fact of the refusal to obey the summons of the court is within itself a contempt of that authority, and it is for the court to determine. The court never inquires into the nature of the evidence desired.

The only question for the court to determine is, has the party been duly served? If the tribunal has jurisdiction over the subject-matter at all, it has a right to procure the evidence, and when it issues its process and that process is served upon the party and he fails to appear, that in itself is a contempt of the authority, and an attachment goes as a matter of course to bring him before the bar. As to whether we have the power to punish him for contempt when he comes, that is a different question, and it is one which certainly does not arise now. The committee have brought before the House the fact that this party has been subpœnaed and served, and that he has refused to obey the summons.

Now, then, if the House meant what it said when it referred this subject-matter to this select committee with authority to subpœna witnesses, administer oaths, and so on, it can not refuse to extend the other authority to force the witness to attend, because that would defeat the whole object of the investigation. If the House refers this matter to a select committee with authority to bring witnesses and if it then turns around and refuses to require the witness to attend, it makes the proceeding a farce and it would be idle to pursue it further. I hope the order will be granted, and let the other question be dealt with when it arises.

Mr. VAUX. You think the power to bring the witness here does not necessarily involve the power to punish?

Mr. PEEL. Not at all.

Mr. BRECKINRIDGE, of Kentucky. Let me suggest to the gentleman from Arkansas this question: Is it not a punishment in itself to attach the witness, take him in custody and bring him a prisoner from his own home, or wherever he may be found, to Washington, and does not the same question arise on the exercise of that power that would arise on the question of punishing him for contempt? Unless the House has jurisdiction to punish for contempt, it has no power to arrest the witness; for the witness can not be arrested until he is in contempt of the body whose process he has disobeyed. Therefore, is not the very question that the House has to decide the question whether it has the power to punish this witness by arresting him and bringing him in custody to its bar?

Mr. PEEL. I think not. In reply to the gentleman from Kentucky, I presume it is familiar to every member of this House who is a lawyer that no court ever goes into the question of whether it will punish a witness who is in contempt or not, until he has appeared before it and offered his excuse for refusing to obey the process. A witness may not be in contempt even though he has failed to obey the process. He may have a lawful excuse for not coming in obedience to the subpœna. That is a matter for the future. I say to the gentleman from Kentucky that I do not consider that the arresting and bringing a man here to answer for not appearing under process is any punishment at all, more than naturally and inevitably grows out of the nature of all tribunals. It is a thing that is incidental to the power of the court or other tribunal. If we have jurisdiction of the subject-matter and have power to subpœna a witness, to administer an oath and to hear his testimony, the same authority that gives us that jurisdiction has power to compel this witness to attend. The question whether, when the witness refuses to obey the subpœna, he is in contempt of the tribunal is an afterconsideration, to be determined on its merits. As I have already said, he may have a lawful excuse or he may not. That will be a matter for the judgment of the House when he offers his excuse, a question to be determined by itself when it arises.

Mr. DINGLEY. I yield two minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, this is a question of the power of the House to compel the attendance of a witness who has been lawfully summoned and has failed to respond to the summons. The question whether he has a communication which is privileged and which therefore he need not divulge, the question whether his testimony is unimportrnt or irrelevant, does not arise upon this motion. This is the assertion of the power of the sovereignty of the country to compel the attendance of a witness, and it is totally unimportant at this stage whether the witness knows anything, or whether what he does know is pertinent, or whether he is privileged to refuse to tell it. His duty is to come before the tribunal which is to decide that question, and answer, and submit to the judgment of the tribunal.

The next point made is in regard to tendering to the witness his fees and mileage in advance. I know of no sovereignty, whether of the nation or of the State, that ever permits a witness to demand fees in advance. In a case where the Government of the State or of the nation is a party the Government compels attendance, demands, requires, and has a right to the attendance of every citizen, and the Government will see to it that the rights of the witness in that behalf are carefully guarded. Nor, in any of the States of this Union, so far as I know, in a criminal prosecution or any proceeding which is of that nature, does the State permit a witness to excuse himself from attendance or to avoid attendance by demanding his fees in advance.

In civil cases in the several States it is provided that a witness may demand his fees in advance, and if they are not paid he is excused from attendance. But he must make that appear; it is not for the Government to show affirmatively that there has been a tender of fees or mileage.

[Here the hammer fell.]

Mr. VAUX. Will the gentleman allow me to ask him a single question? For he has given a very clear exposition of the law. Now, if I understand his proposition it is——

The SPEAKER *pro tempore*. The time of the gentleman from Ohio [Mr. GROSVENOR] has expired.

Mr. DINGLEY. I yield to the gentleman from Alabama [Mr. OATES], a member of the committee.

Mr. OATES. Mr. Speaker, the question of power to compel the attendance of this man as a witness is not necessarily before the House for consideration except to a very limited extent. This committee was raised by order of the House and instructed to investigate allegations which had been made that members of this House had been corruptly engaged in speculation in silver. In the disclosures of others before the committee this man has been mentioned as having stated that he knew of the existence of a silver pool in which members of this House were engaged for the purpose of speculating upon the Government. A condition of things is disclosed which might if established by reputable testimony lay a predicate for the expulsion of members of this House.

Now, that is a matter clearly within its jurisdiction by the provisions of the Constitution. The decision of the Supreme Court of the United States in the case of Kilbourn and Thompson draws the line separat-

ing the three departments of the Government and decides substantially that if the matter sought to be investigated belongs to the legislative department, and is one with which Congress or either branch of it may properly deal, and the witness refuses to make a disclosure touching such a matter, he is in contempt of the House and may properly be dealt with as for a contempt. But, as a matter of course, if the question is one belonging to the judicial department or the executive department, over which Congress has no jurisdiction, neither House of Congress can deal with him for contempt if he refuses to testify.

Now, here is a statement made to the committee which *prima facie* establishes a case within the jurisdiction of this House, and that is enough for the present inquiry. When the witness is brought here, if he then refuses to disclose his knowledge it will become a question for the House to determine, on the facts then developed, whether the matter is within their jurisdiction and whether they may punish him as for contempt in refusing to testify. If this committee is to do what the House has ordered us to do, the House ought to grant compulsory process at once to bring this man here to testify as a witness. When he has been brought here and testifies, whether his testimony is worthy of credit or not is another question.

Mr. DINGLEY. I now demand the previous question.

Mr. TURNER, of Georgia. Before the gentleman from Maine demands the previous question, I wish to ask him whether the effect of the decision in the Kilbourn case is not a declaration that the jurisdiction of the House is limited in this regard; and whether in view of that decision it would not be well for the officer who may summon this witness to be provided with a resolution reciting the facts necessary to give the House jurisdiction, so as to avoid the discharge of the prisoner upon habeas corpus? I call the attention of the gentleman to this matter in order that his resolution may be amended in this respect.

Mr. DINGLEY. The report of the committee (and of course the report is a part of the record and will go with the order) concludes with a recommendation for the adoption of "the following order."

Mr. TURNER, of Georgia. I suggest to the gentleman that the report may not necessarily be held to be a part of the resolution and that the question of the jurisdiction of the House might arise in the courts. In order to avoid any question of that sort it would be advisable to embody, with the resolution, something like the recitals in the report; otherwise the officer will be liable to have his prisoner taken from him on a habeas corpus proceeding anywhere between Chicago and the Capital.

Mr. OATES. I hope the gentleman from Maine will accept the suggestion of the gentleman from Georgia [Mr. TURNER]. It can do no harm and may obviate the very difficulty which the gentleman from Georgia suggests.

Mr. DINGLEY. The committee have followed a precedent which has been established from the foundation of the Government to the present time. We have not varied the course of proceedings, which has been for the committee to state in a report the facts of the case in connection with the order which they recommend.

Mr. TURNER, of Georgia. The gentleman will not forget that the Kilbourn case has been decided since those precedents were made.

Mr. DINGLEY. Some of those precedents have been since that case; and this recital of the facts concludes as follows: "We therefore recommend the adoption of the following order," which, it seems to me, makes the report accompany the order as a part of it.

Mr. PAYNE. I suggest to the chairman of the committee that he amend the resolution by prefixing something like the following: "Whereas the committee to investigate the alleged silver pools have presented the following report"—then let the report be inserted in full—"therefore resolved," etc.

Mr. OATES. That would be a sufficient amendment.

Mr. TURNER, of Georgia. The gentleman from Maine will see that the report is a separate thing from the resolution as now presented and that they ought to be united.

Mr. DINGLEY. I will accept the suggestion, and while the order is being modified I will yield two minutes to the gentleman from Wisconsin [Mr. CASWELL], who desires to bring to the attention of the House a case in point.

Mr. CASWELL. I ask the Clerk to read one paragraph of the syllabus in the case I have marked.

The Clerk read as follows, from Wisconsin Reports, volume 7:

The Legislature has power to institute an inquiry into the truth of an alleged bribery of any of its members, or of the members of a previous Legislature, connected with the disposal of a trust committed to the Legislature of the State, and continuing under its present and future guardianship and supervision, and in the exercise of such power it must necessarily have power to and may compel the attendance of witnesses before it or before a committee of either house or a joint committee of both houses, and compel such witnesses to testify; and also to inflict punishment, as for a contempt, upon such witnesses for their refusal to attend or testify.

Mr. CASWELL. I only wish to add that the decision in the Hallet Kilbourn case clearly holds that in ordinary proceedings or common-law investigations the Congress would not have power to punish for contempt; but whenever it involves the members of the House it may not only subpœna and compel the attendance of a witness, but may punish for contempt. Without such authority we would be perfectly powerless to compel the attendance of witnesses to give testimony as to the standing, character, or proceedings of members. Consequently the Supreme Court did not undertake to deny that power to Congress, and it is clearly within the reasoning of the court that Congress has not only power to arraign, but the power to punish for contempt.

Mr. DINGLEY. Now, Mr. Speaker, adopting the suggestions of several gentlemen, the committee have modified the resolution so as to make it clear that the report setting forth the facts on which the resolution was based forms a part of the resolution itself. I ask the Clerk to read.

The Clerk read as follows:

Whereas the special committee appointed by the House to investigate alleged silver pools presented the following report, to wit——

Mr. DINGLEY. That is all that is necessary to read, as the report follows. Now read the concluding portion.

The Clerk read as follows:

Therefore, it is ordered that the Speaker issue his warrant, directing the Sergeant-at-Arms attending this House, or his deputy, commanding him to take into custody forthwith, wherever to be found, the body of J. A. Owenby, and him bring to the bar of the House to show cause why he should not be punished for contempt, and in the mean time keep the said J. A. Owenby in his custody to wait the further order of the House.

Mr. DINGLEY. Now I demand the previous question upon the adoption of the report as modified.

The previous question was ordered; under the operation of which the report as modified, with the accompanying order, was adopted.

Mr. DINGLEY moved to reconsider the vote by which the report and order were adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. SPOONER. I now move that the House resolve itself into Committee of the Whole to further consider general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. MCCOMAS in the chair.

Mr. MOORE, of Texas. Mr. Chairman, when the committee rose a few moments ago, I was proceeding to state that during the progress of this debate the gentleman from Iowa, I believe, from his place took occasion to speak of a very eminent man in Texas, General Hamilton; and in respect to this distinguished man he paid him the tribute that General Hamilton certainly deserved, but spoke of him as one of the instances of the settled purpose of the State of Texas to retire and to keep in retirement their eminent sons who were engaged in the war on the Union side. In this connection he cited General Hamilton as an illustration of what he claims to be the treatment of such men.

Possibly no man could be mentioned around whose name the people of Texas cluster more interesting memories than that of General Hamilton, and I desire to emphasize one or two facts connected with it.

Leaving Texas when the war broke out he became a Union soldier, returning after the war as the provisional governor appointed by President Johnson. He gave the State of Texas such an unqualifiedly incorruptible and true administration of its public affairs that after the State was again reconstructed Mr. Hamilton became a candidate for governor before the people of Texas, opposed by Mr. Davis and by the Republican party under conditions such, perhaps, as no other people ever before witnessed.

But a single polling place was opened in each and all of the counties of the State, and marshals and deputy marshals crowded around the polls, surrounding all of the ballot boxes just as has been suggested in this famous election law. The result was that these ballot boxes were seized all over the State in different counties; Hamilton was counted out and Mr. Davis was counted in. When Hamilton went out of office he left a plethoric treasury with several hundred thousand dollars surplus and not a debt against the State. Governor Davis took the position and ran the government for three years. At the conclusion of his term there was not a dollar in the treasury, but there was nearly five millions of debt against the State credit.

But, says the gentleman from Iowa, and I will repeat his exact language:

Hamilton, of Texas, was relegated to the rear simply because he was devoted to the Union in the days when the life of the Union was involved.

How relegated? By whom relegated? Not by the people of Texas, not by the Democratic party of the State, for he had been but its recent candidate, but by that carpetbag government. Mr. Hamilton came to the front, a brave, great, generous man. A few years before engaged in war with us, then becoming a leader of the conservative people of Texas, to protect them from public pillage; and yet here to-day the charge is made against us that the people of Texas relegated that man to private life. I sought to correct the gentleman from Iowa. I quote from the RECORD:

Mr. MOORE, of Texas. I want to interrupt the gentleman right there. He made an allusion to Texas. Is he aware of the fact that General Hamilton is dead and that he died very soon after the war?

Mr. KERR, of Iowa. I know that; but he had to retire from public life in Texas before he died.

Mr. MOORE, of Texas. General Hamilton died in Texas very soon after the

war. He stood in the front rank in making war against the carpetbag administration.

These are the facts, and I desire to suggest to the gentleman from Iowa [Mr. KERR], not by way of any reformation, for I fear that would be hopeless, that hereafter, in his daily diatribes against the people of the South, and especially against the people of Texas, he mingle a little truth with them, and possibly that may have some effect upon the country or upon the House, whether it does upon the gentleman or not.

Mr. KERR, of Iowa. The gentleman from Texas has said something about my diatribes on the South. I have made no diatribes on the South, but I know that General Hamilton did canvass the North in favor of the reconstruction measures and that he stumped the North during the entire campaign of 1866 against Andrew Johnson and in favor of the reconstruction measures. I am not of course, and will not claim to be, familiar with the history of Texas. I do not believe there is any man in the North who sympathizes with any measures in the South that were calculated to depress their industries or to rob the people by unjust measures of legislation, on the part of any of the carpetbag governments so called. But we know that the measures for the education of the people in the South, the amendments to the Constitution, placing them in harmony with the general spirit of the age and the country, were inaugurated in the first instance by the carpetbag government.

Mr. OUTHWAITE. Will the gentleman yield for a suggestion right there?

The CHAIRMAN. Does the gentleman yield?

Mr. KERR, of Iowa. Well, if the gentleman wishes simply to make a statement. I do not yield for a speech. I have no objection to a brief statement.

The CHAIRMAN. The gentleman declines to yield.

Mr. OUTHWAITE. Very well. The gentleman has not declined to yield, Mr. Chairman.

Mr. KERR, of Iowa. In regard to General Hamilton, I, of course, am not familiar with the history of Texas, neither do I find that much fault has been found with Texas. I believe it is generally conceded in the North that the administration of affairs in the State of Texas has been more liberal, and that there has been a better spirit manifested in that State than in almost any other State in the South, although they have preferred the old Confederate leaders and have given them the offices. And consequently what remarks I have made in regard to the deprivation of the right of suffrage I do not suppose apply with as much force to Texas as to many other States.

But I protest that this continual statement on the other side of the House that, when any one on this side insists there should be free elections and a full vote and a fair count, it is an attack on the South, is not just. I hope the people who are opposed to fair elections in the South are not the South. The fact is that the majority of the people of the South have never been on the wrong side. If they were domineered over it was the dominating proslavery aristocracy before the war, and the old leaders still assuming to dictate the policy. The men who went into rebellion did not dare to submit a single one of their Confederate constitutions to a fair vote of the people of a single State. Not in a single instance were the constitutions of the Confederate States submitted to a vote of the people and adopted; but they were driven into rebellion, as they are dominated now, by the same old social aristocracy, the slaveowners and their descendants.

The CHAIRMAN. The time of the gentleman has expired.

Mr. OUTHWAITE. Mr. Chairman——

Mr. SPOONER. I rise to a point of order. We have had a great deal of irrelevant discussion upon this bill. It was expected that in the general debate, much license and liberty in that direction would be allowed——

Mr. OUTHWAITE. This does not come out of my time, Mr. Chairman.

Mr. SPOONER. But we are now engaged in considering the bill under the rule providing for consideration under the five-minute debate. If that rule is read, it will disclose that this debate upon irrelevant matter, upon matters not pertaining to particular subject-matter of the amendment proposed, is out of order.

Now, we have taken a very long time in the consideration of this little bill. I have no disposition to instruct gentlemen as to the manner in which they should present their views to the House at all reasonable and proper times. I did not interpose this morning when the gentleman from Texas [Mr. MOORE] made his remarks, because he said that he wanted opportunity to briefly reply to something that was said by the gentleman from Iowa [Mr. KERR], and when the gentleman from Iowa responded simply to that matter I could not well object; but it does seem to me that this has gone far enough, and I must protest against it, and I must ask that the discussion be confined to the subject-matter of the amendment and that we be permitted to dispose of this bill. When the next bill comes up under the general discussion I think an opportunity may perhaps be had for indulging in these ulterior and outside matters.

Mr. MCMILLIN. Will the gentleman permit me to ask him a question?

Mr. SPOONER. Certainly.

Mr. MCMILLIN. Does not the gentleman know that when the House is in Committee of the Whole on the consideration of any measure very great latitude is always given to debate?

Mr. SPOONER. Not under the five-minute rule. The rule is definite. I have had occasion many times to have it administered as against myself.

Mr. MCMILLIN. I have never seen any different rule.

Mr. SPOONER. I ask that the rule be read.

Mr. OUTHWAITE. I see no reason for delaying longer to occupy the five minutes to which I am entitled.

Mr. MCMILLIN. Go ahead.

Mr. OUTHWAITE. It is not my custom to indulge in political debate upon any measure before this House.

The CHAIRMAN. The *pro forma* amendment is pending and not withdrawn, and the committee is aware of the rule on that subject.

Mr. MOORE, of Texas. I withdraw it.

Mr. OUTHWAITE. Now, I renew the amendment.

Mr. MCMILLIN. Now, you have five minutes.

Mr. OUTHWAITE. I renew it, and I would like to go on uninterruptedly.

The gentleman from Iowa said that the educational features in the laws and constitutions of Southern States that were beneficial to the people of those States all originated from what are termed the carpetbag governments. I wish to suggest to him at this time that he was mistaken in at least one of those States; that is, the State of Georgia. The State of Georgia in 1865 and 1866 established a school fund that was to be for the benefit of the children of all of its citizens, and the State of Georgia was the first one of the Southern States that recovered self-government, released itself from the dominion of the carpetbag government, and established the Democratic party in power in that State.

There is an educational fund which was devoted to the Southern States by the benevolence of an eminent citizen, the trustees of which are drawn chiefly from the Northern States. The President of the United States is *ex officio* one and the Chief Justice is *ex officio* another of those trustees for distributing this educational fund. They distribute it according to the efforts made by the several States to educate their people, and they distributed more to the State of Georgia than they did to any of the States in the hands of the carpetbaggers. It is true that under the carpetbag governments of some States the expenses for education were greater; but I know of an instance in which $4,000 was appropriated and used, and the people taxed to pay it, to build a common country schoolhouse that could have been built for $800. That is the way in which the large debts were run up in those Southern States, ostensibly for good purposes, but generally to fill the pockets of the people who descended upon them worse than harpies. They made way with about all of the school fund of Georgia and other Southern States.

Now, Mr. Chairman, this is part of the history of this country, and it is a part of the history of this country well to take note of at this time, when it is proposed by gentlemen who sit upon the other side of the House by partisan legislation to place these people in danger of falling again into the hands of such wretched speculators and thieves as had control of them during the carpetbag government. They probably do not expect it to result so, yet the result of the legislation which has passed this House, ostensibly for pure elections, is really for the purpose of placing the Southern States under the control of political adventurers. It would have just such an awful result as that, and it is therefore that the business interests of those Southern States are largely aroused and alarmed to protect themselves from such a calamity.

The Clerk read as follows:

For pay of one landscape gardener, for such period as his services may be necessary, $500; in all, $13,920.

Mr. RICHARDSON. Mr. Chairman, I move to strike out the last word for the purpose of making a very brief response to one of the incorrect statements made by the gentleman from Iowa [Mr. KERR] a few moments ago.

The gentleman from Ohio [Mr. OUTHWAITE] has already corrected one or more of his historical inaccuracies, and I have reason simply to correct one in regard to a State which seceded from the Union. The gentleman from Iowa announced that in no single instance was there a vote by a Southern State upon the question of separation from the Union. Did he not say that?

Mr. KERR, of Iowa. I said that.

Mr. RICHARDSON. Now, then, Mr. Chairman, I desire to say that he is altogether mistaken so far as Tennessee is concerned. I am not going to discuss the right or wrong of the question, but simply to refer to the history of the question. After Mr. Lincoln was elected, in November, 1860, the South became apprehensive.

Mr. EVANS rose.

The CHAIRMAN. Does the gentleman from Tennessee yield?

Mr. RICHARDSON. I do for a question.

Mr. EVANS. Will the gentleman from Tennessee state the result of that election?

Mr. RICHARDSON. I will. That is what I have taken the floor for, if my colleague will only compose himself for a moment.

The Legislature of Tennessee soon after Mr. Lincoln was elected, anticipating injustice or wrong to the South, submitted the question of separation or no separation to the people of Tennessee. The election was held in the month of February, 1861, before Mr. Lincoln was inaugurated on the 4th of March, 1861. At that election the question of separation or no separation was submitted, and at the same time delegates were elected to a convention to be held in the event that separation from the Union prevailed. At that election the people of Tennessee, not then knowing that there was any serious danger, although it was threatened, voted down the question of separation by 60,000 majority; but in the month of April, after Mr. Lincoln was inaugurated and the firing began at Fort Sumter, the Legislature again submitted the question of separation or no separation to the people of Tennessee, and it was voted on in the month of June, and then it was that the question of separation carried by a large majority and Tennessee considered herself after that date out of the Union. These are the facts, and I simply rose to put them on record.

The Clerk read as follows:

For repair of cooking utensils and the replacement of worn-out cooking utensils in the cadet subsistence department, purchased in open market on the order of the superintendent, and to be immediately available, $100.

Mr. OUTHWAITE. I desire to offer an amendment at that point, to come in immediately after the sixth line on page 16.

The Clerk read as follows:

After line 6, page 16, insert:

"Reflooring Grant Hall (cadet mess hall), substituting for the board floor therein a white marble floor 96 feet long by 45 feet wide, to be immediately available upon the approval of this act, $3,024."

Mr. OUTHWAITE. Now, Mr. Chairman, that amendment is offered by me because I find in the estimates for public works at the Military Academy such an estimate, and I find also this note to the estimate:

Immediate availability is requested because of the urgency for a new floor. The present floor is very inferior, hard to keep clean, and is unsuitable for a dining room which is used thrice daily by so large a body as the corps of cadets; being used so often daily the water and soap used in the necessary cleansing is absorbed to a greater or less degree by the wooden floor, and as it dries out there is emitted an objectionable soapy odor which can not be gotten rid of, is always present, and which is most obnoxious to the habitués of the hall. This estimate is in the interest of health, cleanliness, and economy.

Now, I desire to say that this committee, in the beginning of their report, make this statement:

The total amount appropriated by the bill is $402,064.64, which is $150,672.26 less than the estimates and $33,281.47 less than the appropriations for the fiscal year ending June 30, 1891, as is shown in detail in the statement annexed to this report.

Mr. Chairman, I do not believe in that kind of economy. I do not believe in that method of cutting down the expenses of the Government. Here is an estimate which is sent to this committee from the officer having this matter in charge, and the reason for the estimate and the reason for the appropriation are that the improvement is needed, because the dining-room of this hall in which the corps of cadets take their meals three times a day is becoming decayed, is saturated with foul water, is not only offensive to those who dine there, but is objectionable also because of being unhealthy, and especially so to those who are compelled to remain there during the day. As the words of the note read, very emphatically: "The estimate is in the interest of health, cleanliness, and economy." I see no reason therefore why the committee should reject this amendment.

Mr. SPOONER. The committee examined this matter with some degree of care. The present floor of the mess hall was laid down about seven years ago. It is a wooden floor. The proposition contemplated by the estimate is for a marble or tile floor. The committee, after hearing what was to be said concerning the proposition, believed that other matters which are provided for in the bill were much more deserving of immediate consideration, and although the importance of having a new floor for that mess hall was to some extent recognized by the committee it was not considered to be a matter of very pressing necessity.

Mr. BUCHANAN, of New Jersey. Will the gentleman permit a question?

Mr. SPOONER. Yes, sir.

Mr. BUCHANAN, of New Jersey. I wish to ask the gentleman how many of these young gentlemen who are fed and clothed and educated at the public expense and receive a salary besides probably have marble floors in their dining rooms at home.

Mr. SPOONER. That is one of the questions that I shall not attempt to answer. I do not know.

Mr. CUTCHEON. Mr. Chairman, as stated by the gentleman in charge of the bill, the present floor of the mess hall was laid down seven years ago. It is an ordinary wood floor. It is not decayed, as stated by the gentleman from Ohio [Mr. OUTHWAITE], but it is somewhat worn, and undoubtedly by the time this appropriation would be expended it might properly be replaced by a new one. The only reason why the committee did not embody the appropriation in this bill was that there were other objects connected with the sanitary condition of the post that were regarded as much more important and urgent, and the committee had no doubt that this matter might without detriment wait until the next session of Congress.

The CHAIRMAN. The question is on the amendment of the gentleman from Ohio.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, I ask that the amendment be read again.

The amendment was again read.

The CHAIRMAN. The question is on the amendment.

Mr. OUTHWAITE. I move to strike out the last word. I wish to say a few words in reply to the gentleman from Michigan. I have taken the estimate as it was sent here. It provides for a white marble floor. I am not particular that the floor should be of white marble, but that is the kind of floor that is used in a great many dining rooms in different places throughout the country where a large number of persons have to eat together. The amendment, however, is susceptible of amendment so as to provide for a tile floor if the gentleman prefers that.

The marble floor would outlast a number of wooden floors, so that in the long run the cost would be about the same, and I suppose it is because of its durability and of its being easy to clean, that the marble floor was recommended.

Now, as to leaving this for the next Congress to provide for, that is one of the things I object to. It is the duty of this Congress to make such appropriations as are required for the public service and to keep the public buildings in such a condition as to make them useful and healthful in the highest degree. This bill up to this time, as is shown by the report, does not appropriate an amount equal to that appropriated for the current fiscal year by some $30,000, and therefore I do not think it is imposing any heavy or improper burden to require this Congress to make this appropriation.

Mr. BRECKINRIDGE, of Arkansas. I desire to ask the gentleman in charge of the bill what the official recommendations are in relation to this improvement.

Mr. SPOONER. They were read by the gentleman from Ohio [Mr. OUTHWAITE] from the Book of Estimates.

Mr. BRECKINRIDGE, of Arkansas. I did not understand the gentleman from Ohio to state that what he uttered was the official recommendation. I thought he was stating simply his own opinion.

Mr. OUTHWAITE. Oh, no. I read from a letter from the United States quartermaster and commander of cadets recommending this appropriation.

Mr. CUTCHEON. The note read by the gentleman was from the letter of Captain Spurgin, the quartermaster of the post. I will say further, for the information of the gentleman and of the committee, that when the Board of Visitors were at West Point in June last the superintendent recommended a new tile floor for the messroom.

Mr. BRECKINRIDGE, of Arkansas. Did he estimate the cost?

Mr. CUTCHEON. He estimated the cost at $3,024.

Mr. BRECKINRIDGE, of Arkansas. Is that the same amount mentioned by the gentleman from Ohio [Mr. OUTHWAITE]?

Mr. CUTCHEON. I believe it is. The committee did not decide that such a floor was not desirable or necessary, but they thought it might lie over a single session without detriment to the public service.

Mr. BRECKINRIDGE, of Kentucky. Did the committee consider the question of the propriety or necessity of providing at least a new floor of wood?

Mr. CUTCHEON. We considered that probably upon the whole, taking into consideration durability and cleanliness, when the present floor was replaced an encaustic-tile floor would be the best.

Mr. OUTHWAITE. Then I ask unanimous consent to amend the amendment so as to provide for a white-marble or encaustic-tile floor. I suggest the insertion of the words "or tile" after the word "marble."

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, this is in every way a very inappropriate species of economy. It seems that here is a permanent building subject to great use. The present situation is positively unhealthy. Now this thing has got to be done; it has been urged in the past that it be done; it is a small matter and it ought to be done now. We know very well that medical evidence is very pronounced in the opinion that where a plain floor is used in this manner it can not be kept from absorbing the materials that drop from the tables unless it is subjected to the rough usage that is practiced upon the decks of vessels, where a large rough stone is dragged over the deck at least once a day. And we all know that the material of which our floors are made would not last more than a year if subjected to such treatment. Therefore it may be safely assumed, in view of the use to which this hall is subjected, that the present difficulty is not simply that the floor is out of repair, but that it is actually unhealthy. We ought to guard the health of these young gentlemen and adopt the amendment.

Mr. KELLEY. Mr. Chairman, while this bill has been under discussion I have noticed that there has been some miscellaneous debate; and although my friend from New York [Mr. FLOWER] came around here and in a rather threatening manner said that I had better keep quiet [laughter] I think I will call attention to a statement which was made by my friend from Mississippi [Mr. LEWIS] two or three days ago in reply to a statement which I had made on this floor, and which I now reiterate, that James Prentiss Matthews, Republican post-

master at Carrollton, Miss., had recently been assassinated because he was a Republican.

At the time I made that statement or soon after I had made it, the gentleman from Mississippi took occasion to tell this House, and I suppose also the country—for I think he has since told me that it was in the papers of the country or some of them—that the Postmaster-General himself, upon the evidence obtained by the investigation made by him through an inspector, was of the opinion that there was no politics whatever in this murder. Now, Mr. Chairman, I want to say to the gentleman from Mississippi and to this House and to the country, upon the authority of the Postmaster-General himself, in contradiction of the statement made by the gentleman from Mississippi [Mr. LEWIS], and I have his permission to say it here, given to me for the purpose, that he believes that James Prentiss Matthews, Republican postmaster of Carrollton, Miss., was killed because he was a Republican.

Mr. BIGGS. Will you let me ask one question?

Mr. KELLEY. I will when I get through with this statement and one or two others that I am going to make.

Now, Mr. Chairman, the same gentleman from Mississippi [Mr. LEWIS], after introducing his remarks with a classical expression which being interpreted meant, "Say no evil of the dead" or "Say nothing but good of the dead," took occasion immediately after making that remark, classical as it was, to heap upon the Republican postmaster who has been assassinated in Carrollton, Miss., to pile slander upon his memory, for the purpose, I suppose, of vindicating the Democratic assassins that murdered him, for I can conceive of no other reason, and if every word he has said about this young Republican martyr's character is true, which it is not, it would be no justification to his assassins.

He has heaped, I say, some of the most vituperative slang or slander that could be piled upon a man even if he were alive, in which case such remarks I think would not have been made. Mr. Chairman, I can conceive of no crime more foul than the assassination of a man because he is a Republican, unless it be to assassinate the dead man's character to justify the assassins. I take occasion to-day to deny the statements that were made by the gentleman yesterday in regard to the character of this gentleman, Mr. Matthews, who has been assassinated. I want to say, and I can prove it by the testimony taken by an investigating committee that was sent down there for the purpose of investigating the assassination of this man's father, that not only this young man himself (he was only twenty-one years of age), but his brothers and sisters and the whole family, will compare favorably, so far as honor, integrity, intelligence, and wealth are concerned, not only with any gentleman or ladies of any family in the State of Mississippi, but also with the constituents, and the best constituents, of any gentleman on this floor.

In the report of the committee that investigated that assassination—a report signed by the chairman of the committee, Senator HOAR, and several other members of the committee, including Senators SHERMAN and FRYE—they took occasion to commend the appearance of this family and the appearance of the boys (of whom this young man assassinated was one), and at the same time they took occasion to state that when the father was murdered two of the boys were in college, and when one of them, after receiving a telegram that his father had been assassinated, got on the cars to go home, and being asked by a Democrat where he was going and what he was going for——

[Here the hammer fell.]

Mr. KELLEY. I will finish in a few moments. He stated that he was going home for the purpose of attending the funeral of his father, and then this Democrat told him that he knew he was to be killed.

I extract a few words from the report referring to the Matthews family. It reads:

> J. P. Matthews was a merchant about forty-five or forty-six years of age, of great capacity and energy, and of large property. He and his wife belonged to old and respectable Mississippi families. He was a native of Copiah County, as was his father before him. He had been a Union man through the war. He had two sons in college and two daughters, aged about nineteen and sixteen years. The wife and children all testified before the committee. It would be difficult to find anywhere a family whose appearance as they appeared before the committee could be more attractive. There is no member of the Senate who might not be proud to introduce anywhere as his own the four children who came to tell us the story of the murder of their father, for no other offense than that of being a Republican.

The testimony of Mr. McCain before the mock trial that was given the assassin, in Carrollton, is that Matthews told him that day he expected to die, and that he would die a martyr like his father. Another witness testified that Matthews told him he thought they would murder him that day, and also told him where he wanted to be buried. Mr. Chairman, in the great speech made by Mr. INGALLS in the Senate about a year ago he predicted that unless the conditions were remedied soon in the South "John Browns would spring up all over the South as willing martyrs to liberty." J. P. Matthews is one of them, as heroic a martyr for liberty as Brown or Wickliffe; and I want to say to my friends in Mississippi and elsewhere that it makes no difference whether you hang a martyr for liberty, or burn him, or shoot him with a double-barreled shotgun, the liberty for which he died will be the gainer and will eventually prevail.

Mr. Chairman, I had the honor of an acquaintance with this young martyr, and I deem it a great honor, and I shall never forget the heroic appearance of this bright, scholarly, manly young man; and of his death I can say in the language of the poet, that fitly described his end:

> Whether on the scaffold high
> Or in the battle's van,
> The fittest place where man can die
> Is where he dies for man!

Mr. Chairman, I shall take this occasion to say that, in my judgment, the assassination of Republicans in the Gulf States for the last twenty-five years, aggregating at a low estimate more than twenty thousand, will soon result in a national tragedy. How it will come or when no man can tell, how it will end no man can tell, but that it will come is as sure as that the wages of sin is death. The sin of this nation is the abandonment of its friends to become the victims of its enemies.

Mr. FLOWER. Mr. Chairman, the gentleman from Kansas in his remarks made allusion to me. I told him that if he made a speech somebody would "pitch into" him, and that he had better not do it. [Laughter.] Now, I did that because I knew that he had been in the habit of making speeches here pitching into my friend Mr. BRECKINRIDGE, of Arkansas, an upright, Christian man, who was unseated by that side of the House, but his State by a large majority sent him back here again to represent them, notwithstanding all of the speeches of the gentleman from Kansas, while on the other hand my suggestion that he had better not make a speech was based on the recollection that his constituents had found him out and had turned him down in the last election.

Mr. KELLEY. They did not shoot me because I was a Republican.

Mr. FLOWER. And let me tell you, my friend, the more you make that kind of speeches the better for the Democratic party. [Laughter.]

Now, I had something to say in my remarks a few days ago about a fair ballot and an honest count, or a free ballot throughout the country——

Mr. BOUTELLE. But you laughed when you said it.

Mr. FLOWER. Oh, I know the gentleman can not understand what a free ballot means. He resides in Maine. [Laughter.] But let me tell you that wherever throughout the North we have been able to reform the ballot and get it to a point where every vote is counted honestly as cast, and also wherever in the South that same condition of things has been accomplished, they have turned down the Republicans.

Mr. KELLEY. We do not mind being turned down by ballots; but we do object to being turned down by shotguns.

Mr. FLOWER. I do not know what they will do with you in Kansas if they keep on. [Laughter.]

A MEMBER. Turn him over to New York.

Mr. FLOWER. Because there seems to be thirty to forty majority in the Legislature now against you, and if you make any more speeches I do not know what will become of you or where you will end.

But, Mr. Chairman, I advise my friend from Kansas if he wants to make speeches to talk to and for the farmers. Let him tell them how to make a living and pay their mortgages——

Mr. KELLEY. Print Matthews was a farmer and also a merchant and a Republican, but he was assassinated.

Mr. FLOWER. Well, the gentleman from Mississippi [Mr. LEWIS] will take care of that. I have no doubt he heard what you had to say in reference to it. But I desire to say to my friend kindly, living as he does in a State west of the Mississippi River, nearly 4,000, certainly over 2,000, miles from the seaboard, to say the least——[Laughter.]

A MEMBER on the Republican side. Three thousand miles!

Mr. FLOWER. Well, let me tell you it starts 1,600 miles from the seaboard, and it does not end in less than 2,100 miles from seaboard.

Mr. KELLEY. Oh, we have other seaboards besides New York.

Mr. FLOWER. Now I say with reference to this State, which starts 1,600 miles and does not end until over 2,100 miles from the seaboard, that you need something else there than the kind of oratory the gentleman has been indulging in on the floor of the House to convince them that they are well represented on this floor. But that being your condition with reference to the seacoast, will you solve this problem? With the price of corn as it is at present——

Mr. KELLEY. Fifty cents a bushel in Kansas.

Mr. FLOWER (continuing). And wheat as low as it is—your corn will not stand more than a 100 miles transportation in wagons, and certainly not over 2,000 by railroad; your wheat will stand, say, 200 miles by common dirt roads in wagons and probably 2,500 miles by railroad at the present price before the cost eats it all up. Now, solve the question, with that condition of things, of building up something there whereby your farmers can make a living with their corn and wheat and save something which will result eventually in giving their lands a fair market price. Do that for your people, and you will be doing something which they will probably encourage. You will be doing something that your constituents will remember and send you back here again, and I hope some day that the gentleman, after having adopted that course, will be seen on the floor of this House.

Mr. CUTCHEON. Now the gentleman has given his opinion in regard to Kansas, how does he stand on the tile floor? [Laughter.]

Mr. BRECKINRIDGE, of Kentucky. Would it be in order to lay the Military Academy bill on the table temporarily, unless we can set-

tle these political questions and go on with the consideration of the bill?

A MEMBER. That is right.

Mr. BRECKINRIDGE, of Kentucky. I will not insist on the point of order.

Mr. LEWIS. Mr. Chairman, I move to strike out the last word.

While the patriotic and liberty-loving people of this great country are rejoicing in the strengthened hope of continued constitutional liberty, whose songs of gladness are heard around this continent, the stentorian and strident voice of the member from Kansas [Mr. KELLEY] is heard crying "Murder!" "Murder!" "Murder!"

Mr. SPINOLA. Call the police! [Laughter and applause.]

Mr. LEWIS. And he is the self-appointed and swift witness in every killing that has occurred in the States of Mississippi and Arkansas and on all occasions has sought to create the impression that the people of those States are in rebellion against the Constitution and the laws of the United States.

Mr. KELLEY. And has proved it.

Mr. LEWIS. I want to say to him that he is in rebellion against the mandate of the people expressed in last November's election. [Applause on the Democratic side.] I want to say that he is in rebellion against his own constituents, who have relegated him to the shades of private life. I want to tell him that he is in rebellion against his own State, which has just spoken, whose voice filled the "cathedral of this hemisphere," but fell unheeded upon his dull ears.

The gentleman from Kansas has undertaken to-day to charge me with aspersing the dead. He has denied, on what he claims is good authority, the assertion I made that the Matthews recently killed at Carrollton, Miss., was the identical man described in the letter of Mr. Waldo A. Pearce, which was read in the House on yesterday. I want to say, Mr. Chairman, that I reiterate that charge, and to prove it I will introduce testimony that can not be controverted by the mere statement of the gentleman from Kansas, nor by any other class of evidence of his procurement.

On yesterday he was magnanimous enough to notify me that he intended to contradict my statement. In order, Mr. Chairman, that I might speak with perfect authority I telegraphed yesterday evening at 5 o'clock to J. L. Power, of Jackson, Miss., who is the author of one of the letters read on yesterday, and I will read for the edification of the gentleman from Kansas my telegram and the answer thereto.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TURNER, of Georgia. Mr. Chairman, the gentleman from Mississippi has occupied very little of the time of the House. This is a matter involving one of the communities that he represents, and I ask unanimous consent that he may be allowed to proceed for five minutes further. If the Chair will recognize me, I will yield to the gentleman.

Mr. KERR, of Iowa. If the gentleman from Kansas [Mr. KELLEY] can have the same privilege, I will not object; but on yesterday the privilege was accorded to one side and not to the other.

The CHAIRMAN. The point of order is not made, and the Chair will recognize the gentleman from Mississippi for the time yielded to him by the gentleman from Georgia.

Mr. SPOONER. I hope it will be understood that at the close of that ten minutes this political debate will be concluded.

Mr. LEWIS. Mr. Chairman, I will now read the dispatch which I sent yesterday.

J. L. POWER, *Jackson, Miss.:*

Claimed here that Matthews you saw misbehaving on Georgia Pacific was the marshal and not postmaster at Carrollton.

That was the distinct allegation of the gentleman from Kansas [Mr. KELLEY]. Now, I want to read the reply of J. L. Power to that telegram, and I want to say that there is no man within the borders of Mississippi who stands higher in the estimation of her people than Col. J. L. Power, and no man who knows anything of him would stultify himself by attempting to contravene any statement that he might make:

JACKSON, MISS., *January* 28, 1891.

Hon. CLARK LEWIS, *House of Representatives:*

It was not the marshal, but "Coon" Matthews, the postmaster.

J. L. POWER.

I want to say, Mr. Chairman, that this Mr. Matthews was frequently called by the name of "Coon." I do not know by what means he acquired that sobriquet, but I do know that he was familiarly known through that country as "Coon" Matthews; and when Mr. Power says he was the postmaster at Carrollton he establishes the fact that this was J. P. Matthews who created that scene on the train of the Georgia Pacific Railroad, about which these letters were written.

Now, I want to say in conclusion, Mr. Chairman, that the gentleman from Kansas has made it his constant occupation, in season and out of season, to misrepresent and malign the people of the South; and I want to say that in this course he is in rebellion also against that lofty and beneficent sentiment uttered by the commander of the Union Army (one of the greatest generals of modern times) whose message of pacification at the close of the war was borne on the white wings of peace to every State, Territory, and district, every city, town, and hamlet within the wide circle of a restored and glorified Union. [Applause on the Democratic side.]

Mr. KELLEY. Mr. Chairman, I move to strike out the last word. I will say, to begin with, that I do not know anything about the Mr. Power whose telegram has been read to-day.

Mr. LEWIS. That is your misfortune.

Mr. KELLEY. I stand upon the assertion I made, and it is not necessary to reiterate it. I do not consider the evidence of Mr. Power, even if he is as good as he is represented to be—which I can not doubt—any evidence here in this case. Now, Mr. Chairman, there is one thing about this evidence that contradicts itself, that I wish to refer to. He says he referred to the Matthews that was postmaster at that time, as I understand it, at Carrollton, Miss. Mr. Power says, as I understand it, that the Matthews that he referred to was the one that was postmaster at Carrollton at that time.

Mr. LEWIS. And the one that was killed.

Mr. KELLEY. But at that time this Mr. Matthews had not been appointed postmaster at Carrollton, Miss.; consequently it could not have been the postmaster who raised this disturbance on the train. J. P. Matthews was not appointed postmaster for two months after the disturbance on the train referred to in that dispatch.

Mr. LEWIS. He was the same man.

Mr. KELLEY. And it contradicts itself in that respect. Now, Mr. Chairman, in reply to some of the assertions and some of the aspersions that have been made in reference to my own action, I desire to say I am not here to traduce any man in Mississippi, or in the South, or in the North.

I am here defending the character of a Republican in the South, who has been killed in Carrollton, Miss., killed because he was a Republican. And if he was a constituent of the gentleman from Mississippi, it seems to me that the gentleman is the man who ought to reply to the aspersion cast upon me, for it is his constituents that I am defending. Not his assassin constituents, but the Republican victims of those assassins.

Now, I want to go a little further, Mr. Chairman, in reference to this matter. When I was rapped down to-day at the expiration of my time, I was about to say that the evidence produced and the report made by the committee which investigated the killing of this man's father contained the further evidence that the very Democratic mass meeting that ordered the killing of him, the very Democratic mass meeting that indorsed the killing, also appointed a committee of Democrats to wait upon the Matthews brothers, and this boy who has just been assassinated, was one of the brothers, to inform them that they would not be permitted to take part in the politics of Mississippi if they wanted to live.

Mr. LEWIS. Has that anything to do with this case?

Mr. KELLEY. Yes, it has something to do with this case. It is natural that boys having been raised under those influences, that boys who had been subjected to these threats, should be on guard. It is one reason, perhaps, why this Matthews who was killed had a gun in his hand at the time he was killed. He had been frequently notified, a short time before and ever since he had been postmaster, that he was not to be allowed to live in Carrolton and act as postmaster, and his life was in constant danger. And the evidence that was produced by my friend, Mr. LEWIS, and contained in that record, shows that that morning he stated to his clerk that he believed they were going to kill him that day, that he felt it was going to be done, and that he had not any objection to dying a martyr, like his farther, and he gave directions even as to where he was to be buried. Could anything be more pathetic?

Now, if there is anything in this case that justifies a little boisterous conduct and a little bravado, as it might be called by the gentleman from Mississippi [Mr. LEWIS], it seems to me that this consideration would justify something of the kind.

Now, as the gentleman has referred to me as being a self-constituted defender of the persons who have been assassinated and murdered in the South, in reply to that I simply wish to say that I am sorry that the State of Mississippi can not furnish upon this floor some man who has got the sense of justice in him strong enough to come out and denounce these assassinations of Republicans and save me the necessity of doing it.

Mr. Chairman, I want to say further that this is only one of the cases of Republicans who have been assassinated in Mississippi because they were Republicans. Marshal Cook, who was a candidate for a place in the convention which has recently been held in the State of Mississippi, on the Republican ticket, after having made one speech as a Republican in favor of his election and having an appointment for another was notified by the Democratic committee of that county that if he proceeded in making his canvass as a Republican for the convention, he could not live in Mississippi. On his way to the next meeting he was cruelly assassinated by being shot from behind the walls of an old schoolhouse by two or three Democrats with shotguns. I could stand here until sundown and enumerate cases and prove every one of them.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOOKER. I move to strike out the last word.

Mr. Chairman, when I listened to the speech of the gentleman from Kansas the other day I had occasion to address the committee upon

the subject matter of the bill which is pending, and made no allusion to what he had said, because I considered it amply answered by the remarks of my colleague [Mr. LEWIS], who represents the district in which this killing is alleged to have occurred.

But I am getting tired of hearing this arraignment of Mississippi, these broadcast accusations against her people, before a tribunal that has not the power to try her. I think it is past the time, sir, when the Congress of the United States, either the House of Representatives or the Senate, shall sit in judgment upon crimes commiteed in that State. Both these offenses to which the gentleman from Kansas has alluded have been tried and determined, so far as they can be determined, by the only tribunal capable of trying them, the justice of the peace, who sits as an examiner in court, and the circuit court and courts of Mississippi.

When a gentleman undertakes, as a Representative here, to stand in his place, as the gentleman from the State of Kansas does, and arraign the whole State of Mississippi and says that her citizens are responsible for every killing that occurs, and particularly if it chances to be a Republican, that it is of a political character, he makes an assertion which I would be false to my duty if I were to retaliate by referring to cases in his own State or in the State of Indiana, which I had occasion to do at the last session of Congress. In the latter State a negro had been pursued for miles and shot down and riddled with bullets. It would have been unjust, it would have been outrageous to state to this House that the people of Indiana sided with that sentiment.

By what authority does the gentleman from Kansas undertake to say that the people of Mississippi have not reprobated all of these killings? They did at Carrollton. They do it everywhere. At Carrollton there is no question about this. This man was killed in self-defense; and the tribunal that tried the man who did the killing said he did it in self-defense. But the House of Representatives can not try this matter. But what has actuated the gentleman from Kansas in bringing this matter in here?

It is brought here for the purpose of exciting bad blood between the North and the South; for the purpose of appealing to a sentiment of ill-will between the two sections; for the purpose of saying that Republicans can not live there, which is absolutely false, because they have lived there, they do live there, and this very family to which he has now referred not only live there, but have been the recipients of four offices from this Administration. One of the brothers of this man was appointed marshal of the southern district until he was removed by the Department of Justice a few weeks ago because of improper conduct in that office.

Mr. KELLEY. He is marshal now.

Mr. HOOKER. He is not.

Mr. LEWIS. His successor has been appointed.

Mr. KELLEY. If the gentleman will allow me, I will state that he is now the marshal.

Mr. HOOKER. His successor has been appointed. He may be acting, but his successor is awaiting confirmation.

Mr. KELLEY. I received my information from the Attorney-General that he is now the marshal.

Mr. HOOKER. His successor is now awaiting confirmation. Three others of the family have received offices, and this man makes four, from the hands of this Administration.

Now, sir, as I understand it and from information which is given me, which is as good as any that the gentleman can have, having received a letter the other day from a gentleman who has generally acted with the Republican party in Mississippi, and not knowing that this matter came up here, he says, "Politics had no more to do with it than the man in the moon."

The truth of the business is that this man was running amuck against the town, with a rifle in one hand and a pistol in the other, and in that way was approaching the store of this young man, who finally killed him.

Mr. OUTHWAITE. Was he a citizen of the town before he was appointed postmaster?

Mr. HOOKER. No, he moved there to hold the office. I repeat, he was running amuck against the town; the papers have made the statement that he was standing in his store auctioning his goods with a Winchester rifle in one hand and a revolver in the other, and that he was armed in the same way when he approached this man's store and was killed. Now I wish to say a word in reference to the other matter long since passed and disposed of, which the gentleman from Kansas has attempted to revive here to-day.

[Here the hammer fell.]

Mr. OATES was recognized and yielded to Mr. HOOKER.

Mr. HOOKER. I want to say with reference to the killing of the father of this young man Matthews, which occurred years and years ago, that the man who did the killing was tried by the court and was acquitted by the verdict of a jury; and I want to ask, by what authority does the gentleman from Kansas call up that matter now, a matter occurring years and years ago, and attempt to excite party feeling, sectional hatred, malice, envy, and ill-will on account of it? A jury of the county sat on that case and acquitted the accused.

Mr. COOPER, of Indiana. Were there not negroes on the jury that acquitted him?

Mr. HOOKER. There were two and probably more negroes on the jury that tried and acquitted the man who killed the elder Matthews. The man was tried and acquitted by that jury on the evidence, after a long and protracted trial, in which the learned district attorney, who prosecuted the case with great zeal and vigor, was aided and assisted by the advice and counsel and powerful oratory of one of the ablest criminal lawyers in the State of Mississippi, Mr. McLaurin, of the town of Brandon. The accused was acquitted by the verdict of the jury, and I again ask by what authority does the gentleman from Kansas undertake to bring that case up here now and appeal to popular prejudice and popular passion on account of it?

And when the gentleman rises in his place in this House as a Representative from the State of Kansas and asserts that he is authorized by one of the Cabinet officers of this Government, the Postmaster-General, to say that he, the Postmaster-General, believes that the killing of young Matthews was a political killing, I might go further and say that neither Mr. Wanamaker, nor the gentleman from Kansas, nor this House, has the right to sit as an appellate court against the only tribunal that could try that issue; and if Mr. Wanamaker so far forgot the high position which he holds as a a member of the Cabinet as to express his opinion about a matter so foreign from the office which he holds, I might say further that his judgment is no better than the judgment of the gentleman from Kansas and no more to be relied upon so far as it attempts to make accusation against the people of Mississippi. [Applause on the Democratic side.]

He is undertaking to invade the province of the judicial tribunals of the country; and I call attention to the fact that if we here in the House of Representatives, either by the fiat of a Cabinet officer or by the action of a Representative upon this floor, are to undertake to supersede the criminal judicature in the States and in the counties where offenses are committed, we shall never be done trying in this high court of appeals the various crimes and offenses that occur all over the land.

I should never pretend to call in question the action of any community in any great State whose Representatives sit here because a killing has occurred there which can neither be justified nor palliated nor excused, and which no honest man attempts to justify, palliate, or excuse. And if I did refer to a case in which a jury in any of those great communities had acquitted a man charged with a crime or an offense, would I be justified in bringing that case up here for review before this House, when you can not pass any verdict upon it? You sit here not as a court of appeals, and the gentleman from Kansas ought to recognize that fact.

Now, sir, I insist that there are living at present in the town of Hazelhurst, and have been ever since the elder Matthews was killed, two or three of his sons. They have lived there in peace and in quietude, and they are living there to-day. So that the accusations which the gentleman has made that there was any special hostility against this particular family more than any other is not founded on fact, and there is no excuse for such assertions as the gentleman from Kansas has made here about the people of Mississippi.

The CHAIRMAN. Debate upon this section has been exhausted.

Mr. KELLEY and Mr. WILLIAMS, of Ohio, rose.

Mr. KELLEY. I move to strike out the last two words.

The CHAIRMAN. There are two amendments pending.

Mr. OUTHWAITE. I withdraw the last amendment offered by me, the formal amendment.

Mr. WILLIAMS, of Ohio. I always deplore the recalling on the floor of Congress of the history of the past "unpleasantness." I do not think it ever conduces to the benefit of legislation or the country. But there is one thing in which I do believe, a clear, unvarnished statement of history. A suppression sometimes amounts almost to a misrepresentation. I desire to state briefly and within the record the true situation in Tennessee at the time she voted to separate from the Union. The first vote cast was on the 9th of February, 1861, upon the question of a convention to take into consideration whether Tennessee should separate from the Union, and that proposition, Mr. Chairman, was voted down by 60,000 majority. Now I read from the history of Tennessee:

> The masses in the States were loath to dissolve the Union under which they had lived and loved so long, and were, in a great measure, in darkness as to the real issues pending and the real course to pursue. In this bewildering and doubtful maze of governmental relations, wherein a clear head and strong will could direct public action, Isham G. Harris, governor of Tennessee, proved to be the right man in the right place. This was the state of public affairs when the startling news came that Fort Sumter had surrendered and civil war commenced. Immediately succeeding this, while the public pulse was surging and the public brain reeling, came the call of President Lincoln for 75,000 volunteers, and the following telegram for Governor Harris from the War Department:
>
> WAR DEPARTMENT, WASHINGTON, *April* 15, 1861.
>
> Call made on you by to-night's mail for two regiments of militia for immediate service.
>
> SIMON CAMERON,
> *Secretary of War.*
>
> To His Excellency ISHAM G. HARRIS,
> *Governor of Tennessee.*

Mr. ENLOE. From what is the gentleman reading?

Mr. WILLIAMS, of Ohio. From the History of Tennessee.

Mr. ENLOE. By whom?

Mr. WILLIAMS, of Ohio. It is published by the Goodspeed Publishing Company, of Nashville.

Mr. ENLOE. I am glad you told us who published it.

Mr. WILLIAMS, of Ohio (reading):

Governor Harris was absent from the city upon the receipt of this dispatch, but upon his return on the 17th he promptly wired the following reply:

"EXECUTIVE DEPARTMENT, NASHVILLE, TENN., *April* 17, 1861.

"SIR: Your dispatch of the 15th instant, informing me that Tennessee is called upon for two regiments of militia for immediate service, is received. Tennessee will not furnish a single man for purposes of coercion, but fifty thousand, if necessary, for the defense of our rights and those of our Southern brothers.

"ISHAM G. HARRIS,
"*Governor of Tennessee.*

"Hon. SIMON CAMERON,
"*Secretary of War, Washington, D. C.*"

On May 6, 1861, an ordinance was passed, and on the 8th of June came the proposition for a declaration of independence. At the same date (and this is the point to which I desire to call the attention) the Legislature passed a military bill providing for an army of 55,000 men, 25,000 to be available at the earliest practical moment.

Now, I wish to read something further——

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON obtained the floor.

Mr. WILLIAMS, of Ohio. I ask permission to continue my remarks for a few minutes.

Mr. CANNON. I want to say a few words——

Mr. ENLOE. I would like to be heard on this matter.

Mr. CANNON. I would be glad to have order for just a moment.

The CHAIRMAN. Gentlemen will take their seats and the committee will come to order.

Mr. ENLOE. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ENLOE. I would like to know whether it is not the custom to recognize gentlemen alternately on opposite sides of the question.

The CHAIRMAN. The Chair has been doing that uniformly except that by an oversight two gentlemen were recognized on the right of the Chair, and now the Chair is undertaking to equalize that matter.

Mr. ENLOE. I wanted to find out whether the gentleman from Illinois [Mr. CANNON] is going to speak for or against the amendment.

Mr. CANNON. The gentleman will find out what I am speaking for. I will occupy but a minute or two.

Gentlemen understand that this is the third day that this Military Academy bill has occupied. Now, we gentlemen on this side of the House recognize the fact that we were routed, "horse, foot, and dragoons," in the last election, and you gentlemen on the other side seem to be aware of it also. There is but a short time left for the transaction of the public business of this session. If that business is to be done creditably to either side of the House, the time should be devoted to its discharge, as the doing of it properly may amount to a great many million dollars saved to the Government in intelligent, honest discussion and provision for the public service. The time has come when I think we can well afford to stop discussion, first on one side and then on the other, that sheds no light upon the bill. And I appeal to the gentleman in charge of this bill to proceed, if necessary, to close debate from paragraph to paragraph, and let the bill be finished.

Let this bill be followed by the diplomatic appropriation bill, and then the legislative bill will be ready for consideration, or, for that matter, it is now ready. I think we shall best deserve, those of us who go out and those of us who remain in, the thanks and approval of the public, as well as our own approval, if we pay orderly attention to the public business, it being necessary to do so during the remaining time of this session if that business is to be done creditably, as members of the House would desire to see it done and as it ought to be done. That is all I want to say. [Applause.]

Mr. WILLIAMS, of Ohio. I will occupy only a few moments. I have consumed but little time in this House——

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. WILLIAMS, of Ohio. I move to strike out——

Mr. CUTCHEON. I ask for a vote on the pending amendment.

Mr. OUTHWAITE. As several gentlemen have come in since the discussion of the amendment began, I ask that it be again reported.

The Clerk read as follows:

After line 6, page 16, insert:

"Relflooring Grant Hall (cadet mess hall), substituting for the board floor therein a white-marble or tile floor, 98 feet long by 45 feet wide, to be immediately available upon the approval of this act, $3,024."

The question being taken on agreeing to the amendment, there were—ayes 55, noes 65.

Mr. BRECKINRIDGE, of Arkansas. I call for tellers.

Tellers were ordered; and Mr. SPOONER and Mr. BRECKINRIDGE, of Arkansas, were appointed.

The committee again divided; and the tellers reported—ayes 57, noes 76.

So the amendment was rejected.

The Clerk read as follows:

For water works: Renewal of material in filter beds; improving ventilation of filter house and water house; hose for use in cleaning filter beds and water house, and for use in fire service at same; tools, implements, and materials for use of the two keepers, and for repairs of siphon house, filter house, and of 4½ miles of supply pipes; for shed for tools and storage of fuel for keeper at Round Pond, and for tool house at filter; for gauges at Round Pond and Delafield Pond, and stairs for access to same, $500.

Mr. WILLIAMS, of Ohio. Mr. Chairman, I move to strike out the last word. At the time that the distinguished friends of economy made it a test question on this floor whether they would furnish the cadet hall at West Point with a marble floor instead of a good old-fashioned oak floor, such as we have now, I was very willing to yield to their request.

Mr. OUTHWAITE. It is impossible to hear what the gentleman is saying.

Mr. WILLIAMS, of Ohio. I was almost through, but I say in the interest of economy, as displayed by my friends on the other side, I was very willing to yield on that point, especially as they wanted to make a marble floor in the cadet mess hall at West Point instead of a good old-fashioned oak floor, which we think good enough for the men to be educated as soldiers.

Mr. OUTHWAITE. Oh, no; not marble. I inserted "tile floor," of American make.

Mr. WILLIAMS, of Ohio. I understood the amendment.

But, Mr. Chairman, I have shown that before the last vote given on June 8, 1861, in the State of Tennessee, that State was an organized camp; that on the very same day that the Legislature passed the act submitting to the people the question of secession they also passed a military act calling for 55,000 men. I desire further to read, to show you the determination of the governor of Tennessee at that time to force Tennessee, the old volunteer State, into the ranks of the seceding States, another little item of history from a book evidently written by a historian who wrote in the spirit of a friend of the South, a Southern sympathizer. He says:

The only opposition encountered was in East Tennessee, but the governor, as commander-in-chief of the provisional army, determined to occupy that portion of the State immediately with troops, in the hope of subjecting it to the Confederate cause.

I admit that my friend from Tennessee stated the truth when he said that on June 8 Tennessee went out by a vote of the people. But she went out by the vote of the people with the 55,000 troops at the back of the governor to force the people into secession.

Now, my friends perhaps may draw a lesson from that, for I believe that is the history of almost every Southern State that went into disunion. They may draw this kind of a lesson: They talk long and loudly about soldiers at the polls, about bayonets, and about the elections bill in the interest of an honest ballot and a fair count, but they had no hesitation to call for soldiers, they had no hesitation in coercing the people in Tennessee and forcing them to enter into a rebellion, the most causeless that the history of the world records.

Now, Mr. Chairman, I believe my friend from Iowa, in a measure, was right when he said that no State of its own free will in the South, by the vote of the people, seceded from the Union. That is all I desired to say on the subject. I have no desire, sir, to make such comments as will stir up animosity on the other side of the Chamber. But what I have stated is the recorded history of Tennessee, the history of the act of secession which I believe to be true.

[Here the hammer fell.]

Mr. ENLOE. Mr. Chairman, I am very glad to see that the gentleman from Ohio, who is a member of the committee that reported this bill, understands its provisions as thoroughly as he does, and that he shares in the same great anxiety that the chairman of the Committee on Appropriations has expressed, that we should expedite the public business. And I want to congratulate the gentleman from Ohio also on his knowledge of the history of Tennessee.

He was at one time a resident of our State and a member of our State Legislature in the days of reconstruction, at a time when there were very few gentlemen who came out of the Legislature with any credit to themselves. [Laughter.] But I want to say that I believe the gentleman from Ohio did acquit himself creditably as a member of the Legislature, and I have no hesitation in saying that this is a great compliment to him. But he has been away from the State for so long a time that he does not know anything about our history.

Goodspeed's History of Tennessee is a subject of ridicule in that State amongst all of the people who know anything about it. This alleged history was published by a company organized or known as the Goodspeed Company——

Mr. WILLIAMS, of Ohio. Do you dispute the facts that I have recited from that history?

Mr. ENLOE. You wait until I get through with your history first, and I will take up the facts later on.

The gentleman says the Goodspeed Company produced a history of Tennessee written in sympathy with the South. The fact of the matter is that these gentlemen came from a Northern State, Indiana I believe was their home, and they came to my town and to Nashville, and to all of the prominent towns in the State, and entered into a con-

tract to write a history of Tennessee which was to be local in its character. I went over to see which edition it was that the gentleman had and which he quoted. He did not have the edition which was published in my town, because that edition contained a biographical sketch of myself, the publication of which cost me just $10. [Laughter.]

A MEMBER. Did it have your likeness?

Mr. ENLOE. Mr. Chairman, I was not the only victim, let me say; for I have no doubt that if I had time to examine the copy the gentleman read from I would find a biographical sketch of my friend here in front of me [Mr. WASHINGTON] if that edition happens to have been published in Nashville. [Laughter.]

A MEMBER. Is your history all right?

Mr. ENLOE. That is the only opportunity I have had to get into history; but I am not willing to get there again at the same price, unless it is a better history than that. [Laughter.]

These gentlemen came to Tennessee and wrote this history under contract. We understood when we subscribed for it that it was to be a local history, giving the story of the development of each county and town, and was to be transmitted to our posterity to enable them to make the history of the future trustworthy.

It proved to be a fraud. When they came into my town to collect the money, I acted with due caution about it, I think, because I acknowledged that I had been sold and paid my $10 but some of my neighbors refused to pay the $10, and when the publishers brought suit they failed to collect anything in the courts, because they had practiced a fraud on the community. Now, the gentleman ought to go to some other history of Tennessee. There is one, the earliest published, called Ramsay's Annals of Tennessee. There is a later one, which I think is a good history, by my distinguished colleague from the Tenth district [Mr. PHELAN].

Now, if that history had stated these facts, I would rely upon the history of my State. The gentleman may state some facts. He may draw some false conclusions from the facts; but he is unfortunate in his selection of the history of Tennessee, which he reads to this House. I hope the gentleman from Ohio, now that I have enlightened him upon what I know about this bill, will tell us what he knows about it.

Mr. WILLIAMS, of Ohio. Mr. Chairman, I desire to state that I examined the history written by the distinguished colleague of my friend [Mr. PHELAN] and it does not touch upon the question I referred to. The gentleman can refer back to Ramsay's Annals of Tennessee, which treats of the early and glorious history of Tennessee, and does not relate to the later and unfortunate, and, from a Union standpoint, disgraceful history of the old "volunteer State." And, Mr. Chairman, although I have not had time to look to see who was the author of that portion of Goodspeed's History of Tennessee, I will venture to say it was written by a Southern sympathizer. I say, Mr. Chairman, that the matters there stated are matters that the gentleman has not denied, and he can not cast a slur over the statements of that history unless he denies the facts that are stated therein. Furthermore, the only matter of unreliability that I find in the matter of the history, as he describes it, is the $10 worth of unreliability in which he wrote the history of himself and paid $10 to have it inserted therein.

Mr. ENLOE. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The Chair will state that debate upon the pending amendment is exhausted.

Mr. SPOONER. I ask unanimous consent that debate on this paragraph may be considered closed.

Mr. ENLOE. Mr. Chairman, I only ask the gentleman to yield three minutes.

Mr. SPOONER. I hope the gentleman will be very brief.

Mr. ENLOE. I will be very brief. It is not necessary that I should be very elaborate, because I listened for some time to see what point there was in the gentleman's argument. If there has been any manifest purpose in what he has said to this House, except a desire which seems to be lingering in the hearts of a few unfortunate gentlemen on this floor to go back and dig up ancient history and undertake to stir up bad blood in these latter days when we all want peace, I can not see what his motive is. He does not want to try the distinguished Senator from Tennessee [Mr. HARRIS] for his acts at that time. The people of Tennessee have passed upon those acts time and again.

Mr. WILLIAMS, of Ohio. I desire to say this to the gentleman from Tennessee, that if he had been present when his colleague [Mr. RICHARDSON] spoke he would understand why I made the remark I did.

Mr. ENLOE. I did not understand what the gentleman's object was and I do not care anything about what his object may have been. I want to say that to collaterally attack a gentleman in this way does not seem to me to promote any public end. The distinguished gentleman to whom he refers as the governor of Tennessee at that time, and whom he charges with having violated the rights of the people, has had that question passed upon by those very people at the polls time and again, and they have declared that he executed their will. If it had not been so he would not have been three times successively elected to the Senate of the United States. He has been tried often, and always found to be a patriotic citizen.

Whatever error he may have committed at the time—and the gentleman no doubt thinks he was in error—that is not a question to be settled to-day, for it has been settled long ago. There is a warning in the fate of the gentleman from Kansas [Mr. KELLEY] which the gentleman from Ohio [Mr. WILLIAMS] might well appropriate to himself. The people of Kansas have entered their judgment, I believe, that they do not need his services any longer; and, if the gentleman from Ohio does not cut loose from the dead past of twenty-five years ago and bring himself up abreast of these times, the people of Ohio will decide that they do not need him here, and will send a younger man in his place, and I hope a better one, although that of course would be a little hard to do, in his own party. The masses of the people of this country are sick and tired of dead issues, and politicians who are wedded to the dead past will be, as they ought to be, buried with it.

The Clerk read as follows:

For water works: Renewal of material in filter beds; improving ventilation of filter house and water house; hose for use in cleaning filter beds and water house, and for use in fire service at the same; tools, implements, and materials for use of the two keepers, and for repairs of siphon house, filter house, and of 4¼ miles of supply pipes; for shed for tools and storage of fuel for keeper at Round Pond, and for tool house at filter; for gauges at Round Pond and Delafield Pond, and stairs for access to same, $500.

For broken stone and gravel for roads, $2,000.

Mr. OUTHWAITE. I wish to offer an amendment.

Mr. BRECKINRIDGE, of Arkansas. I have an amendment here to offer to the paragraph that we have just been considering.

Mr. OUTHWAITE. My amendment is to a paragraph ahead of that and I will withhold it.

The CHAIRMAN. The amendment should be to the paragraph just read.

Mr. BRECKINRIDGE, of Arkansas. But I rose to offer my amendment in time. I wish to change the amount according to the recommendations of the official in charge of this work.

The CHAIRMAN. Did the gentleman rise before the reading began?

Mr. BRECKINRIDGE, of Arkansas. I rose instantly.

The CHAIRMAN. The amendment will be reported.

The Clerk read as follows:

On page 16, line 17, after the word "hundred," add the words "and twenty;" so that it will read "$520."

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, this paragraph relates to a very considerable amount of work at West Point:

Renewal of material in filter beds; improving of ventilation of filter house and water house; hose for use in cleaning filter beds and water house, and for use in fire service at same; tools, implements, and materials for use of the two keepers, and for repairs of siphon house, filter house, and of 4¼ miles of supply pipes; for shed for tools and storage of fuel for keeper at Round Pond, and for tool house at filter; for gauges at Round Pond and Delafield Pond, and stairs for access to same, $500.

Now, the amount recommended—and I ask the attention of the gentleman in charge of the bill to what I have to say—was $520, and $20 have been stricken off. There is very little here accomplished in the way of economy in a matter of as much minutia as this, and it is fair to presume that those in charge of this public property considered that every cent of that very small recommendation was necessary for this very extensive part of the property. Therefore, we ought to have some very good reason for striking off this $20, which, though small in amount, may be exceedingly necessary for the purpose for which it is intended; and I ask the gentleman to state to us why it is that he does not comply with the recommendation of the officers in charge there.

Will the gentleman from Rhode Island kindly give me his attention? The gentleman thinks we are going to have irrelevant discussion; but I wish to ask him why the amount recommended is not given, why this change is made, and why this additional $20 is not given, at the cost of public necessity.

Mr. SPOONER. I will state to the gentleman why the appropriation has been made. That recommendation has been made from year to year, and the committee were of opinion that when such a recommendation was made year by year they could reduce it by this small amount of $20. They thought that where the estimates are continued in the same channel and the same appropriation made for the same objects, sometimes it became excessive, and therefore reduced it.

Mr. BRECKINRIDGE, of Arkansas. Now, it is evident——

Mr. SPOONER. There is no special reason that implies the necessity for this particular fund recommended. As the gentleman can see, it covers a large number of items——

Mr. BRECKINRIDGE, of Arkansas. Of course it does.

Mr. SPOONER. In a gross sum.

Mr. BRECKINRIDGE, of Arkansas. And yet it is an exceedingly small amount. Now, it is very evident, Mr. Chairman, that no evidence has been taken in this connection. This paragraph covers a large number of items—a large amount of property—yet they are begrudged the small sum of $20. Now, that has been stricken out, and the committee comes in with a provision that only $500 was required, and it comes in apparently upon the ground that it preferred a round number. I do not believe that the careful estimates of these officials dealing with all these details should be called in question. We have every reason to believe from the painstaking reputation and the prudence of these officers that they have not asked for anything more than

is necessary for the public interest. I hope, therefore, that the amendment to incorporate this $20 will be adopted by the House of Representatives.

The question was taken on the adoption of the amendment, and the Chairman announced that the noes seemed to have it.

Mr. BRECKINRIDGE, of Arkansas. Division, Mr. Chairman.

The committee divided; and there were—ayes 28, noes 70.

So the amendment was rejected.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Ohio.

The Clerk read as follows:

On page 16, between lines 18 and 19, insert the following:
"For placing plumbing in the water-closet used by the male employés of the mess, $467."

Mr. OUTHWAITE. Mr. Chairman, if the committee were just a little bit more quiet I would be glad to be heard.

The CHAIRMAN. The gentleman's point of order is well taken. The committee will please be in order and gentlemen will resume their seats and cease conversation on the floor.

Mr. SPOONER. Mr. Chairman, I would ask permission to say here to the gentleman from Ohio——

Mr. OUTHWAITE. If it is not to be taken out of my time.

Mr. SPOONER. I will go on in my own time.

Mr. OUTHWAITE. Very well.

Mr. SPOONER. I simply want to say to the gentleman that he misapprehends the estimates. In the Book of Estimates appear a number of separate items regarding this matter of plumbing and sewerage. While the committee have reported a gross amount less than the total amount estimated, as stated in the report of the committee, yet we believe the amount sufficient for that purpose, as explained in the remarks I made in the general debate.

Mr. OUTHWAITE. I recollect that. Now, Mr. Chairman, that explanation does not satisfy me and ought not to satisfy this committee. Where the gentlemen who have this business in charge have estimated for $28,700 for general matters of plumbing, this committee has come in with an appropriation for only $15,000, and that does not include this item to which I have called the attention of the committee. That ought to have a separate appropriation, a separate paragraph you might say. Now, I trust that gentlemen in the committee will consider this amendment seriously, and not think that it is a luxury, such as marble or tile floors, against which there was some objection. Let me read to the committee what is said by the officer in charge as to the necessity for this particular appropriation at this time. I read from a note to the estimates on page 178:

The employés of the cadet mess are huddled together in a manner conducive neither to health nor cleanliness, and the expenditures above indicated are in my opinion absolutely necessary.

This is signed by Capt. William F. Spurgin, quartermaster and commander of cadets.

Captain Spurgin says, the committee will observe, that these expenditures are in his opinion absolutely necessary. Now, the Military Committee, that has not visited this place and has had no opportunity of observing whether they are absolutely necessary or not, has omitted this item. It is not included in the amount to which the chairman refers, and it is not in the bill anywhere. Therefore I insist that it is our duty at this time to make this amendment, and especially do I insist to gentlemen upon this side of the House because the necessity for the improvement is so patent that we shall certainly be called upon to make an appropriation in the next Congress if it is not made now.

It is not a great matter; it is but a few hundred dollars; but it is by omitting a few hundred dollars here and a few hundred dollars there and a few hundred dollars somewhere else that gentlemen upon the other side propose to make a show of economy. I trust that no gentleman upon the other side will interject into the discussion of this amendment any politics, as the gentleman from Kansas did awhile ago on a preceding one, to distract attention from the amendment which I have offered in good faith and which I desire the committee to pass.

The question was taken on the amendment of Mr. OUTHWAITE; and the Chairman declared that the noes seemed to have it.

Mr. OUTHWAITE. I ask for a division.

The committee divided; and there were—ayes 47, noes 76.

So the amendment was rejected.

The Clerk read as follows:

For repairs of present quarters married enlisted men, $5,000.

Mr. OUTHWAITE. I move to strike out the word "five" and insert the word "ten." I do that, finding in the Book of Estimates, page 178, an estimate for "repairs of present quarters for married enlisted men, $10,000," with this note.

This estimate is based upon an inspection by a board of officers who have reported, as a sanitary necessity, the repair of these quarters an economy to the Government.

Now, I have not heard from the chairman of the committee or from the gentleman who has this bill in charge that this amount is included in any other gross sum, and I do not believe it is. I observe in one of the appropriations here a provision for "two sets of officers' quarters to be immediately available, $20,000." That is to say, this committee has acceded immediately to the request for an appropriation for two sets of officers' quarters, at a cost of $20,000, but when the estimate is sent in here for $10,000 for quarters for the married enlisted men, it is cut down to $5,000.

Now, there may be some good reason for this. I believe it is proper that the officers' quarters should be in accord with the standing and rank of the officers in the academy, but why the repairs for the present quarters of the married enlisted men, men who are permitted to have their families there and who are there with their families, why they should be stinted in this way, and provision made for but one-half the amount asked for, and only one-quarter the amount which is to be appropriated for the quarters of two officers, I do not understand.

I insist, Mr. Chairman, that this is a proper amendment, a prudent amendment, and, in the language of the board of officers who inspected the quarters, "a sanitary necessity," and "an economy to the Government." This being so, I hope the gentleman having the bill in charge will permit it to be modified on this point in accordance with the estimate.

Mr. SPOONER. Mr. Chairman, I am very glad the gentleman is so largely in sympathy with the projects proposed to be expedited by this bill; but I think that if he had read the bill and considered the subject more carefully, he might have come to the same conclusion with the committee. The fact of the matter is that this appropriation is for repairs of old quarters, which are being gradually replaced by new quarters, for the married enlisted men, and the committee did not think it desirable to make any very large expenditure in that direction, and they did think the appropriation which they proposed for that purpose, $5,000, would prove to be reasonable and proper. Then, in the second paragraph following this, the gentleman will find that the committee have provided for "twenty sets of new quarters for enlisted men and their families, to be built in sets of twos, each set to contain four rooms, $24,000."

Mr. OUTHWAITE. In this matter you have cut down the estimate $6,000. Now, I shall be perfectly satisfied if you will either increase the appropriation for the new set of buildings up to the amount estimated, $30,000, instead of $24,000 as proposed in the bill, or if you will make this appropriation for repairs, because by means of repair houses can often be made almost as good as new.

Mr. SPOONER. The gentleman finds a good deal of fault with us on one line, and other gentlemen on another. The committee have tried to stand upon consistent and reasonable ground. The estimate of $30,000 reported in the Book of Estimates was upon examination by the committee, as will be explained in a moment by its chairman [Mr. CUTCHEON], found to be unnecessarily large, and the appropriation of $24,000 has been recommended for reasons which that gentleman will now state.

Mr. CUTCHEON. It was my fortune to be a member of the Board of Visitors to the Military Academy last summer and to spend two weeks there. As chairman of the subcommittee on buildings and grounds I visited and inspected every building at the post, including these quarters of enlisted men. They are situated in a very unsanitary location, down under the bluff, near tide water, almost entirely shut out from the light and from the breezes of heaven. The purpose of everybody connected with the post is to remove these quarters as rapidly as possible from the present low, unsanitary location to a higher and better one.

Therefore, instead of spending $10,000 upon repairs of these old wooden shanties, which ought to be torn down—my friend from New York [Mr. FITCH], who has been upon the Board of Visitors, knows whereof I speak—we thought we would recommend an appropriation of $24,000 for building new quarters in a sanitary situation, upon high ground, and expend $5,000 in making these old quarters habitable while the new are being erected. We appropriated $24,000 last year for new quarters for enlisted men; we propose an appropriation of the same amount this year, and I hope that the House next year will appropriate $24,000 more, until the last of these old wooden shanties down under the hills shall have been torn down and removed.

Mr. FITCH. I agree fully in what the chairman of the Military Committee [Mr. CUTCHEON] has said as to the present quarters being in a very undesirable spot. Instead of appropriating $5,000 to repair those buildings, I think the full amount of $30,000 as recommended should be expended in erecting new ones. I disagree entirely with my friend from Ohio [Mr. OUTHWAITE] when he says that $10,000 should be expended in repairing the present quarters. Not a dollar should be expended in the hole where those quarters are located——

Mr. CUTCHEON. Except so far as necessary to make them habitable.

Mr. FITCH. But I agree fully with the gentleman from Ohio when he says that the whole amount recommended, $30,000, should be expended in the erection of new quarters. I can not understand why this committee should desire to economize in the way here proposed. This military school is an institution of which every American may well be proud. It gave to this country the man who is most respected upon the other side in this generation and the man who on this side has the devotion of the men who knew him. We should be generous with this school.

Why the committee should recommend the cutting down of the estimates, where the full amount recommended is required for the comfort and the sanitary condition of this national military school, is something which I for one can not understand. Nobody on either side of the House has asked such action from the committee. We are ready to vote whatever amount of money may be necessary for the care and preservation of this spot, which is classic American ground, and for the comfort of the young men to whom the reputation and the safety of this country may some day be committed.

The question being taken on the amendment of Mr. OUTHWAITE, it was rejected.

The Clerk read as follows:

For two sets of officers' quarters, to be immediately available, $20,000.

Mr. SPOONER. I move to amend by inserting after the word "two," in the clause just read, the words "or more;" so as to read, "two or more sets of officers' quarters."

The amendment was agreed to.

The Clerk read as follows:

For twenty sets of quarters for enlisted men and their families, to be built in sets of twos, of brick, each set to contain four rooms, $24,000.

Mr. OUTHWAITE. I move to amend the clause just read by striking out the word "twenty-four" and inserting "thirty," so as to make the amount of this appropriation $30,000. I confess that until I heard the explanation of gentlemen upon this and the other side who have visited West Point, I was inclined to rely thoroughly upon the estimate sent here in the letter of the gentleman in command, and the estimates made by the board of officers who have reported as to the sanitary necessities of the institution. But as to the buildings proposed in the pending paragraph I have my doubts whether $24,000 will erect them as they should be erected.

Mr. CUTCHEON. This is based upon the experience with those buildings which were erected last year.

Mr. OUTHWAITE. A note which appears in the Book of Estimates in connection with this item is worthy of attention. It is as follows:

NOTE.—I deem the erection of new buildings absolutely necessary, in view of the condition of many of the old, dilapidated buildings now used as quarters for enlisted men.

Last year twenty sets of quarters were called for, of which number only ten sets were allowed. The increase this year is made with a view of carrying out the recommendations of a board of officers, who reported the destruction of several of the old quarters a sanitary necessity. Besides this, experience has shown that if quarters were provided for the many married soldiers now living in the adjacent village they would be more contented, continue to enlist, and render better service.

A larger sum is requested for the erection of these quarters than was called for in last year's estimate, owing to the fact that the lowest bid received in response to advertisements in the daily papers was $1,500 for the erection of each set of quarters, which sum is thought reasonable for constructing the quarters in accordance with the plans approved by a board of officers consisting of one professor of the academy, and one officer each of the Quartermaster and Medical Departments of the Army.—*Capt. Chas. W. Williams, acting quartermaster, United States Army.*

I do not know what can be said in opposition to such a proposition as this. In the first place these quarters are stated to be necessary because of the dilapidated and unhealthy condition of the old quarters. That is conceded, I believe, by the chairman of the committee.

Next, as he stated a little while ago, this proposes to erect these new quarters on a portion of the ground which is better suited for them and will be more healthful; and then we have the estimate that each of them costs $1,500, and if we erect twenty sets of them they will cost $30,000 instead of $24,000. Then we have the proposition, coming from those in charge and best acquainted with the subject, that it will contribute to the future contentment and good service of the enlisted married men living there.

[Here the hammer fell.]

Mr. SPOONER. I simply want to say that my friend from Ohio represents the excessively liberal sentiment in this connection. There is another sentiment which we have to consult, and that is the economical side. We have tried to hold the scales of justice, if I may so express it, in this matter as evenly as possible between these two sides. If the gentleman from Ohio had consulted the report of the Board of Visitors for last year, he would have found on page 9 of the report the letter of Colonel Wilson, superintendent of the Academy, to the Board of Visitors, in which, among other necessary matters that he calls to their attention, is the matter of twenty sets of new quarters for enlisted men, for the construction of which he states the sum of $24,000 will be required, being the same appropriation that was allowed for the construction of the ten officers' quarters provided by the preceding bill. I do not suppose that any one of us desires to appropriate what is unnecessary. I certainly do desire, and I think the committee does, to appropriate what is reasonable and necessary. I ask a vote on the amendment.

The amendment was rejected.

The Clerk read as follows:

For enlarging the storehouse and workshop of the cadet quartermaster's department, $10,666.70.

Mr. BRECKINRIDGE, of Arkansas. I would like the permission of the committee to ask the gentleman from Rhode Island in charge of this bill a question in regard to a point which we have just passed. In line 14 the gentleman offered an amendment, which was adopted by the committee, making the two sets of officers' quarters there provided "two sets or more." I would like to ask what were the reasons in that case for making this provision.

Mr. SPOONER. The reason for the amendment?

Mr. BRECKINRIDGE, of Arkansas. Yes.

Mr. SPOONER. That matter has been passed upon by the committee——

Mr. BRECKINRIDGE, of Arkansas. I am aware of that and have so stated.

Mr. SPOONER. But I will answer the gentleman's question with pleasure. The object was, as has been suggested by the superintendent of the Academy, that he thought with that appropriation he could put up more, perhaps, than two sets of officers' quarters on the ground.

Mr. OUTHWAITE. That he might be able to build two or, possibly, more.

Mr. SPOONER. That he might be able to increase the number with the appropriation.

Mr. BRECKINRIDGE, of Arkansas. That is to say, that with the sum of $20,000 he might put up more quarters?

Mr. SPOONER. Yes; and therefore it was the opinion of the committee that it might be proper to allow some leeway in that provision of the bill, so that if more could be erected for the appropriation it might be done and the institution would get the benefit of the increase. Since the passage of the McKinley bill, you know, all kinds of material have lowered very largely in price.

Mr. BRECKINRIDGE, of Arkansas. Do I understand the gentleman to say that since the passage of the McKinley bill wages have been so much reduced that they would be able with this appropriation to put up more quarters?

Mr. SPOONER. No, not wages, but products. But I think we had better not discuss that.

Mr. BRECKINRIDGE, of Arkansas. I think it is a matter that goes directly to the construction of these buildings and the consideration of its effect is eminently proper in this connection. Now, we know that neither the gentleman nor any member on that side of the House proposed to vote for that bill for the purpose, at least at this early day, of reducing the price of the articles which are protected. Therefore, in view of the unanimous recommendation that these gentlemen made in regard to that bill, in view of the unbroken provisions they made in regard to the effect of the legislation and their prophecies, the only reduction that the gentleman can possibly allude to at this time must be the reduction of the wages of the workingmen.

Mr. FLOWER. The gentleman's prophecies were as reliable as a gas meter. [Laughter.]

Mr. BRECKINRIDGE, of Arkansas. But I do not care to be led off on this generally extraneous subject which the gentleman introduced.

Now, the gentleman states, as I understand, that this amendment is recommended by the officers in charge, as a necessary enlargement of the power conferred upon them in the appropriation.

Mr. SPOONER. The matter of inserting the words "or more."

Mr. BRECKINRIDGE, of Arkansas. Yes, the matter covered by the amendment.

Mr. SPOONER. It was.

Mr. BRECKINRIDGE, of Arkansas. And I think the gentleman spoke of economy.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BRECKINRIDGE, of Arkansas. I move to strike out next to the last word, in order to complete what I have to say.

The gentleman spoke of economy only a short while ago in reference to this matter, and the gentleman from Michigan [Mr. CUTCHEON] alluded to the floor in the dining hall as one that could be provided for in the next Congress, if I mistake not. Now, I am not any more of an advocate for doing unnecessary things than I am for having necessary things unprovided for at any time; and therefore it seems to me that the gentleman perhaps, in vaguely allowing a larger number of quarters than was provided in the bill, might be opening a way for authorized expenditures and they will call on the next Congress for an unlimited amount of money; and I would like to ask the gentleman whether or not he considers that the officials there would be authorized, under this amendment, to inaugurate expenditures beyond the amount fixed by the committee here, that is to say, the sum of $20,000.

Mr. SPOONER. That amendment has already been adopted by the House.

Mr. BRECKINRIDGE, of Arkansas. That I stated; but I am talking in proper time about the general policy as to this bill, and that is not a sufficient answer to the question. We might go back to it if the committee had been inadvertently led to authorize expenditures further than intended in the bill. And I think if the House understood that the gentleman who now evades a direct answer to the question has led the House into expenditures not urged as being necessary and in excess of the amount appropriated here in the bill, the House by its majority at least would undoubtedly be in favor of going back to it and righting an error of that character.

Mr. SPOONER. It is very difficult for me to understand all the

gentleman says. As I understand his inquiry, it is whether the matter of the insertion of the words "or more" would increase the amount of the appropriation or the cost of the quarters.

Mr. BRECKINRIDGE, of Arkansas. Or commit us to a larger expenditure than $20,000. Suppose they should put in a dozen officers' quarters. There is no restriction here.

Mr. SPOONER. The gentleman is mistaken. It was simply a suggestion of Colonel Wilson that he thought with that appropriation he could probably cover in three sets of officers' quarters, instead of two, under one roof.

Mr. BRECKINRIDGE, of Arkansas. Exactly, and yet the gentleman——

Mr. SPOONER. With that idea the appropriation was extended, or the amendment was proposed, giving that extension.

Mr. BRECKINRIDGE, of Arkansas. And yet the gentleman has given unlimited power of extension, with no limitation at all upon the expenditure.

Mr. CUTCHEON. Oh, no. If my friend will allow me, in a personal letter received from Colonel Wilson he says:

> Would it be possible for you to interpolate in line 14, page 17 of the Military Academy bill, the words "or more" after the word "two," so that it would read "for two or more sets of officers' quarters?"
> I feel satisfied that by making one structure I can place three very nice sets of quarters under one roof, each set as separate and independent as a small city house in a row of buildings, each to have its front door, hall, etc.

And this is simply according to that suggestion.

Mr. CHEADLE. I move to strike out the last word. I ask for information of the gentleman in charge of this bill what is the grade of the officers who are to occupy these quarters?

Mr. SPOONER. They are among the officers provided by law.

Mr. CHEADLE. What is the rank of the officers who are to occupy these quarters? Because, Mr. Chairman, in order that the gentleman may be able to answer the question, I will say that I want to enter my protest if these quarters are to be occupied by lieutenants and captains. I want to enter my protest against expending $10,000 or $7,000 for the construction of quarters for an officer of that grade.

Mr. FITCH. Will the gentleman yield for a question?

Mr. CHEADLE. Yes, sir.

Mr. FITCH. What do you think a proper house for a captain or a colonel in the United States can be built for at West Point?

Mr. CHEADLE. I want to say to the gentleman that a man whose salary is no larger than that of a captain in the regular Army can not maintain an establishment the construction of the building alone for which is to cost $10,000, and it is unwise legislation to appropriate any greater sum than is required. I think I am stating the truth when I say that the $20,000 included in this item is quite enough to build four houses, and the more especially so where that number are to be built at once.

Mr. SPINOLA. May I ask my friend, is that a matter of personal experience?

Mr. CHEADLE. It is a matter of experience; it must be a matter of experience to every man who is as old as the gentleman from New York.

Mr. FITCH. What is your objection to an officer of the Army living like a gentleman?

Mr. CHEADLE. Nothing; I hold that it is wrong to compel him to maintain a larger home than is necessary.

Mr. HOOKER. Will the gentleman from Indiana yield for a question?

Mr. CHEADLE. Yes, I will.

Mr. HOOKER. And if he can not answer it I will yield to the gentleman who has the bill in charge. Inasmuch as the McKinley bill has cheapened articles so much, can he not reduce the appropriation for this item in this bill?

Mr. CHEADLE. I am in favor of a proper and legitimate appropriation for the construction of ample and sufficient quarters for the officers of the Army. I would not if I could withold a single penny from any proper appropriation; but as a representative of the people who have to pay for these buildings I want to enter my protest against building a $10,000 house to be occupied by a lieutenant or a captain in the regular Army. It is wrong, radically wrong, and imposes upon them an unnecessary burden. The experience of this House and the experience of the last Congress in being called upon to grant pensions to the widows of these officers has brought out the universal testimony in every case that they are left without anything at all by reason of the fact that we compel them to maintain establishments which are beyond their means.

Mr. SPINOLA. I wish to ask the gentleman from Indiana if a good farmhouse could not be built for $1,500?

Mr. CHEADLE. A good enough house could be built there for $4,000.

Mr. STEWART, of Vermont. They do not build farmhouses at West Point. I would like to inquire if there is any amendment pending. I do not understand there is.

The CHAIRMAN. The Chair will state that gentlemen have been discussing a paragraph which was voted upon and passed. The pending paragraph is one ending on page 17, line 21, and no amendment is pending. The gentleman from Arkansas.

Mr. BRECKINRIDGE, of Arkansas. I am discussing the other side of the amendment offered by the gentleman from Indiana.

The CHAIRMAN. There is no amendment pending.

Mr. BRECKINRIDGE, of Arkansas. Then I renew the amendment.

I want to say a word in regard to the letter produced by the gentleman from Michigan [Mr. CUTCHEON]. I have no doubt at all, from the character of the Superintendent at West Point, that the expenditure will be restricted to the limit provided by the bill; but the gentleman from Rhode Island [Mr. SPOONER] must recognize, I think, that while that is the usual form of suggestion that is made by officers as to a proposition they want incorporated in the bill, yet if incorporated it is followed up by a provision which usually accompanies such an introduction. For instance, it does not state "for two or more quarters," "not to exceed" a certain number; nor is there a proviso that the total expenditure for this particular purpose "shall not exceed the amount herein provided for."

It is a very loose form of legislation. It is unusual in Congress, and I regret we have passed it so that it can not be provided with the customary safeguards, involving, as it does, unusual and unreliable methods in making appropriations. I have desired to emphasize this matter to the House and to bring out the amount as construed by the gentleman in charge of the bill, and I am glad also that it is brought out by this statement of the gentleman from Michigan.

The Clerk read as follows:

> For painting and repairing the exterior and interior of the present building occupied by the cadet quartermaster's department, painting roof, replacing leaders to same, and for incidental repairs, $637.

Mr. OUTHWAITE. Mr. Chairman, I move to strike out the last word, and I do it for the purpose of making an inquiry of the gentleman in charge of the bill. The next clause is for—

> Galleries and repairs, riding hall, $2,000.

Mr. SPOONER. That has not been read.

Mr. OUTHWAITE. I know it has not been read; but I want to make an inquiry now because it will decide me as to whether I shall offer an amendment at this point. Now, I find in the Book of Estimates—

> Heating riding hall and stables, including building for apparatus, $15,000.

Is that item included anywhere in the bill?

Mr. CUTCHEON. No, sir; it is not.

Mr. OUTHWAITE. Is there anything in the bill in lieu of that item or is it simply ignored?

Mr. CUTCHEON. There is nothing for that item.

Mr. OUTHWAITE. Then I wish to offer an amendment at this point, which I wish to read, as follows:

> For heating riding hall and stables, including building for apparatus, $15,000, or so much thereof as may be necessary.

The CHAIRMAN. The Clerk will first report the paragraph to which the gentleman's amendment applies.

The Clerk read as follows:

> For galleries and repairs, riding hall, $2,000.

Mr. OUTHWAITE. Now, my amendment is:

> Heating riding hall and stables, including building for apparatus, $15,000, or so much thereof as may be necessary.

I offer it because the estimates, on page 179, contain that item, and the chairman of the committee says that in no place in the bill has it been inserted or included; that it is not included, as I understand him, in whole or in part, in any other appropriation within the bill.

Now, Mr. Chairman, besides attempting to secure these necessary appropriations I have another object. I wish to show to this committee that the Committee on Military Affairs, in the name of false economy, are neglecting to provide for expenditures which are necessary for the Government; that they are neglecting to do their duty at this time, and are doing so upon the sole idea that the next Congress will do its duty and make the appropriation which it neglects and omits to make. The note following this suggested appropriation in the Book of Estimates is as follows:

> The riding hall for cadets and the cavalry stables occupy a very exposed position along the bank of the Hudson, and during the winter months are exposed to severe mountain storms, whereby cadets, officers, and horses suffer greatly. All mounted exercises in the riding hall are attended with danger to life and limb through the tanbark covering of the floor becoming frozen. Various serious accidents have occurred to the cadets by reason of the horses slipping and falling when moving at a gait faster than a trot. During the winter of 1888–'89——

The CHAIRMAN. The time of the gentleman has expired.

Mr. OUTHWAITE. Mr. Chairman, I ask permission to finish the reading of this note, which is pertinent to the amendment.

The CHAIRMAN. Without objection, the gentleman from Ohio will be permitted to proceed.

Mr. OUTHWAITE. I ask permission to proceed for three minutes.

Mr. BIGGS. If I can be recognized I will yield the gentleman my time. I intended to speak on the matter.

Mr. OUTHWAITE. I ask members of this House and of this com-

mittee to give attention to this amendment and the reasons given here for its necessity:

During the winter of 1888-'89 one cadet had his leg broken at or near the hip joint. Under these circumstances the granting of this appropriation is respectfully urged upon Congress. It is thought that by heating the riding hall and the stables the comfort and safety of men and animals will be assured.

Mr. CUTCHEON. Who signs that—Captain Dorst?

Mr. OUTHWAITE. It is signed by Capt. Charles W. Williams, acting adjutant general, United States Army.

Now, look at that proposition. That it is necessary for the health of the officers, of the cadets, and the horses that this appropriation should be made. I have added the expression: "So much as may be necessary," in order that the whole amount may not be used unless it is necessary to provide the necessary heating apparatus and the building for the same; so that the young men who are sent there to be educated may not be subjected to unnecessary danger to life and limb in the practice they are required to do, and so that they may not be exposed to the rigors of that climate in midwinter. I trust that the committee will give this amendment serious consideration and place in the bill an appropriation which is necessary, and which will of course be sent back here to the next Congress unless it is disposed of as it should be.

The question was taken on the amendment; and the Chairman declared that the noes seemed to have it.

Mr. OUTHWAITE. I ask for a division.

The committee divided; and there were—ayes 56, noes 63.

Mr. OUTHWAITE. Mr. Chairman, I ask for tellers.

Tellers were ordered; and the Chairman appointed Mr. OUTHWAITE and Mr. SPOONER.

The committee again divided; and the tellers reported—ayes 61, noes 70.

So the amendment was rejected.

The Clerk read as follows:

For necessary repairs of, and for improving the plumbing and sewerage systems at West Point, N. Y., and putting the same in a sanitary condition, $15,000, to be expended under the joint direction of the superintendent, the surgeon, and the quartermaster of the Academy.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, I desire to offer an amendment to come in on page 18, line 5, striking out the words "fifteen thousand dollars" and inserting in lieu thereof "$35,698.76."

Mr. Chairman, this is in accordance with the recommendations that have been made for an appropriation for this purpose. This is the most important single item in the bill. If gentlemen will turn to the first page of the report of the committee they will find the statement that—

The building of some new sewers is, or will be, necessary, and repairs are required upon the old sewers in order to render them efficient and sanitary. The plumbing generally is of an unsanitary character, with fixtures unsuitable for use; the water closets of an obsolete pattern, without ventilation, and the soil pipes of lead and in many cases leaky and broken.

Now, the effect of this condition of things is set forth in the next paragraph, which says that—

There has been a number of cases of diphtheria and other sickness at the post within the last one or two years clearly traceable to the defective and unsanitary plumbing and system of sewerage.

Now, Mr. Chairman, if there were no more in the report than this, it is enough to make the amount provided in the bill by the committee quite astonishing. It is not 50 per cent. of the amount called for by the officer in charge of the improvements. That officer is a military officer. This improvement is an improvement of an exact character. It is not speculative or problematical, as are many of the improvements which we make. Nobody in providing plumbing for his own house would think of expending a less sum than he found necessary to secure the health of his family. The condition of the health of the cadets and others at West Point, not simply at this time, but for more than a year past, shows that these evils have been going from bad to worse until now they are a serious menace to the health of all the inmates of that institution. The committee have fallen short more than $20,000 of the estimates of the officer in charge.

When the committee admit that for two years there has been much sickness owing to these defective arrangements, I think they practice not simply poor but culpable economy when they seek to save an expenditure that can not be ultimately saved at all, and can be even temporarily saved only at the cost of the health of the inmates of the Academy. Sir, there are many of these cadets who must be regarded apart from the public interest, and, if I may say so, perhaps in a more sacred sense. If we lose a soldier or an officer, we can recruit out of the great body of our people some one to supply the want; but many of these cadets are the hope and the dependence of families; yet we are here deliberately leaving their health and their lives to be endangered in a poor attempt to save for a short space of time a few thousand dollars. I call attention to one expression used by the engineer in charge. He says: "I consider, owing to the defects in the sewerage and draining"——

[Here the hammer fell.]

Mr. McCREARY. If I can be recognized, I will yield my time to the gentleman from Arkansas.

The CHAIRMAN. The Chair thinks he ought not to indulge that practice.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, I trust that that which has been the practice will not be interfered with now. This is certainly the most important feature in the bill——

Mr. McCREARY. I ask unanimous consent that the gentleman from Arkansas be allowed five minutes more.

Several members objected.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, I withdraw the amendment and move to strike out the last two words. The officer in charge uses this language, and it seems to me that this language has not been properly weighed by the gentlemen who have cut down this appropriation more than 50 per cent. He says:

I consider, owing to the defects in the sewerage——

Mr. ALLEN, of Michigan. I rise to a parliamentary inquiry. How did the gentleman from Arkansas obtain the floor?

The CHAIRMAN. He withdrew the previous *pro forma* amendment and offered an amendment to strike out the last two words.

Mr. ALLEN, of Michigan. I make the point of order that the gentleman can not evade the rule so as to hold the floor in that way.

The CHAIRMAN. The objection comes to late; otherwise the Chair would entertain it.

Mr. BRECKINRIDGE, of Arkansas. The objection is not in order anyhow. I trust that these interruptions will not come out of my time.

The CHAIRMAN. The gentleman will proceed.

Mr. BRECKINRIDGE, of Arkansas. I wish to be courteous to the gentlemen——

The CHAIRMAN. The Chair will state (this does not come out of the gentleman's time) that hereafter, if objection is made, the Chair, following the rules of the House, will not allow a gentleman, after speaking five minutes upon an amendment, to withdraw it and move another amendment, thereby obtaining ten minutes for debate when the intention of the rule is that he should have only five.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, we will discuss that question when it comes up. I trust that these interruptions will not come out of my time.

The CHAIRMAN. The gentleman will proceed.

Mr. BRECKINRIDGE, of Arkansas. The officer having charge of these sanitary matters at West Point says that the conditions there are such as, if not remedied, will tend to the production of serious sickness. It appears that sickness has appeared there for two years past, as testified by the committee itself.

I have endeavored—

He continues—

to avoid suggesting unnecessary or expensive changes—

This estimate submitted by the officer in charge has been prepared with an eye to economy; he has purposely avoided suggesting expensive appliances or unnecessary changes—

or the use of anything but inexpensive fixtures. However, owing to the amount of work to be done, it must necessarily be costly; and as an approximate estimate I would state that it would probably require the sum of $25,000 to make the changes suggested.

Now, we find in the report of the committee that the estimate submitted for improving and modernizing the plumbing and sewerage systems at West Point was in the first place $35,698.76. But even the reduced estimate, confessedly too low, and made, as stated by this officer, with an eye directed strictly to economy, embracing nothing but what is indispensable to public health and shown to be necessary for two years past by the evidence taken by the committee, even this is reduced $10,000.

Mr. Chairman, this is no place for economy like that. It is not true economy. It is not proper, for the temporary saving of a few thousand dollars, to imperil the health and the lives of the officers of the Army. We have seen too many instances where legislation entered upon in this grudging spirit has been adopted with reference to the public buildings here in Washington, so that clerks in the Departments have been rendered invalids for life simply because of misdirected economy of this character. Large sums are expended in various parts of the country for matters of questionable necessity, for matters of mere adornment, not necessary for public uses; yet here, where there is not only a question of public utility involved, but where the committee itself recognizes the necessity of proper provision for the health of our public servants, it is insisted, and that too when gentlemen know that there is only a temporary saving——

[Here the hammer fell.]

Mr. BRECKINRIDGE, of Arkansas. I withdraw my former amendment and will now move to strike out the last three words; and I ask recognition of the Chair——

The CHAIRMAN. The Chair will not entertain the proposition.

Mr. BRECKINRIDGE, of Arkansas. I appeal from the decision of the Chair. Can the Chair point to anything in the rules which does not permit me to make an independent motion of this kind?

The CHAIRMAN. The Chair will rule——

Mr. BRECKINRIDGE, of Arkansas. Will the Chair cite some rule of the House?

The CHAIRMAN. The Chair will cite a rule:

No member shall speak more than once to the same question without leave of the House, unless he be the mover, proposer or introducer of the matter pending, in which case he shall be permitted to speak in reply, but not until every member choosing to speak shall have spoken.

The spirit of the rule which authorizes the five-minute debate in Committee of the Whole is that one member shall not be permitted to occupy the whole time to the exclusion of other members, in whose interest this rule has been made.

Mr. BRECKINRIDGE, of Arkansas. I am ready to yield to any gentleman on the other side. No gentleman on that side has risen to speak.

The CHAIRMAN. The gentleman has been recognized to offer a substantial amendment, then a formal amendment, and again a formal amendment. He now takes the floor to make another formal amendment, and the Chair declines to entertain it.

Mr. BRECKINRIDGE, of Arkansas. I make the point of order that this ruling is in violation of the literalism of the rules. I withdraw my former amendment.

The CHAIRMAN. The Chair overrules the point of order. The Clerk will read.

The Clerk proceeded to read the following paragraph:

For extending the water supply from the corner of academic building to the cavalry stables and riding hall, $500.

Mr. BRECKINRIDGE, of Arkansas (while the Clerk was reading). I appeal from the decision of the Chair. I trust the Chair will not hesitate to rule upon my appeal from the decision on the point of order. It is a parliamentary matter; and it is proper that the Chair should rule upon it. [The Clerk continued to read.] Mr. Chairman, this House does not recognize arbitrary proceedings of this character. Other gentleman have occupied the time of the House in discussing questions of partisan politics. I have read from an official report—— [Cries of "Regular order."]

I ask the Chair to rule.

The CHAIRMAN (the Clerk having concluded the reading of the paragraph). The Chair will now entertain an amendment upon the pending paragraph.

Mr. BRECKINRIDGE, of Arkansas. No, sir; the Chair must go back. I insist on my appeal.

The CHAIRMAN. The Chair will not go back.

Mr. BRECKINRIDGE, of Arkansas. Will the Chair overrule my appeal or entertain it?

The CHAIRMAN. The Chair overrules the point of order.

Mr. BRECKINRIDGE, of Arkansas. I appealed from the decision of the Chair.

The CHAIRMAN. When the gentleman for the third time offered a formal amendment and sought to occupy the floor the Chair directed the Clerk to proceed with the reading.

Mr. BRECKINRIGDE, of Arkansas. I appeal. Will the Chair rule upon my appeal?

The CHAIRMAN. It is now in order for the gentleman to move an amendment to the pending paragraph.

Mr. BRECKINRIDGE, of Arkansas. I insist that the course of the Chair is in violation of the literalism of the rule. What ruling does the Chair make on my appeal?

The CHAIRMAN. The Chair rules it out of order.

Mr. BRECKINRIDGE, of Arkansas. Why did you not say so at first, instead of seeking to override a gentleman on the floor?

Mr. OUTHWAITE. Mr. Chairman——

Mr. BRECKINRIDGE, of Arkansas. I wish to offer a pertinent amendment.

The CHAIRMAN. The gentleman is recognized to offer an amendment to the paragraph under consideration.

Mr. BRECKINRIDGE, of Arkansas. I do not recognize the propriety of the proceeding on the part of the Chair which attempts to prohibit me from offering an amendment to the paragraph I was discussing. [Cries of "Regular order!" on the Republican side.]

The CHAIRMAN. The gentleman from Arkansas will send up his amendment if to the pending paragraph.

Mr. BRECKINRIDGE, of Arkansas. I wish to amend that paragraph relating to the West Point Hotel. The gentlemen on the other side know that this proceeding is not customary and is certainly not courteous.

The CHAIRMAN. The amendment is not in order, because that paragraph has been passed over.

Mr. OUTHWAITE. I wish to offer an amendment.

The CHAIRMAN. The gentleman from Ohio is recognized to amend the pending paragraph.

Mr. BRECKINRIDGE, of Arkansas. I ask the Chair to state what it is.

The CHAIRMAN. If, in the confusion, the reading of the paragraph was not heard the Clerk will again report it.

Mr. OUTHWAITE. Mr. Chairman, I offer an amendment——

The Clerk read as follows:

For extending the water supply from the corner of academic building to the cavalry stables and riding hall, $500.

Mr. BRECKINRIDGE, of Arkansas. The gentleman from Ohio offers an amendment. Why do not you stop the Clerk from interrupting the gentleman from Ohio?

The CHAIRMAN. If the gentleman from Arkansas will pay attention to the proceedings he will see that the Clerk is simply rereading a section already read, and that the gentleman from Ohio is now recognized.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman——

A MEMBER on the Republican side. Sit down.

Mr. BRECKINRIDGE, of Arkansas. You rise in your place, sir, and tell me to sit down! You have got to demean yourself according to the rules of this House or we will have it out. [Cries of "Regular order!" and "Order!" on the Republican side.]

Mr. SPINOLA. Why do not you gentlemen on that side take your seats and keep order?

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. OUTHWAITE. I rose, Mr. Chairman, to address the Chair immediately on the announcement of the result, or before passing from the preceding paragraph, and I would ask whether the Chair recognizes me to offer an amendment there or not.

The CHAIRMAN. The gentleman is now recognized on the paragraph pending, which is the one just read.

Mr. OUTHWAITE. That is in reference to the repairs of the plumbing. My amendment relates to that, and it is to strike out $1,500 and insert $2,500.

The CHAIRMAN. That paragraph has been passed over. The one just read relates to the water supply, which is the pending paragraph.

Mr. OUTHWAITE. I was endeavoring by every reasonable method that I knew of to secure the recognition of the Chair at the time of the consideration of the preceding paragraph.

The CHAIRMAN. And the gentleman is now recognized to amend this paragraph.

Mr. OUTHWAITE. I wish to amend the preceding one.

The CHAIRMAN. That is too late.

Mr. OUTHWAITE. Then it is too late on account of the disorder prevailing on the other side of the House and the Chair utterly disregarding gentlemen on this side.

The CHAIRMAN. If the gentleman does not desire to amend the pending paragraph the Chair will direct the Clerk to read. The Clerk will read.

The Clerk read as follows:

For general repairs——

Mr. OUTHWAITE. Mr. Chairman——

The CHAIRMAN. Does the gentleman desire to amend the pending paragraph?

Mr. OUTHWAITE. No; as I have said I desire to amend the preceding one, but I ask——

The CHAIRMAN. An amendment there is not in order.

Mr. BRECKINRIDGE, of Arkansas. I desire to amend the pending paragraph.

The CHAIRMAN. The gentleman from Arkansas.

Mr. BRECKINRIDGE, of Arkansas. I move to strike out the last word.

In that connection I wish to speak of the discourteous and improper manner in which the preceding paragraph was passed over. Here is a recommendation of $1,500 to provide for the sewerage and plumbing of the West Point Hotel, when the officials in charge have stated that it is indispensable for the health of the cadets there that $5,200 be expended for that purpose.

Now, sir, we have witnessed a long, irrelevant debate here, more than two hours consumed by the other side of the House, largely in wholly improper discussion, discussion on subjects that not only do not have any consideration in this bill, but of which the House has no jurisdiction. And yet when gentlemen have risen here and sought to amend the bill in compliance with the recommendations of the officers of the Army—and it is a recognized fact, as we are told, that this is most important, that it is vital to the health of the officers and cadets at West Point—it is ridden down, disregarded, and treated as irrelevant matter.

I wish, sir, to protest against that sort of proceeding. I know now that the Chair would rule me out if I sought to go back and offer an amendment to bring this amount up to the sum recommended by the officers. I know that consent would be refused. I also know that at the point where the proceedings now pause it would not be in order, and I am not the man to struggle for that which is not my parliamentary right. But I do protest against the rudeness and discourtesy which has marked gentlemen on the other side, and the peremptory and improper manner in which the Chair has forced the proceedings.

Mr. CUTCHEON. Just a word in reply to the gentleman from Arkansas, and I think gentlemen will recognize the propriety of what I want to say.

In regard to the reconstruction of the plumbing and sewerage at West Point Hotel, during the twelve days that the Board of Visitors were in session the matter of reorganization of the plumbing and sewerage there was not even mentioned. When I called on Superintendent Wilson to report what was necessary in the way of repairs he responded in the letter which appears in the report of the Board of Vis-

itors, on page 9, and that matter of reconstructing the sewerage and plumbing was not even mentioned, and subsequently the report was made by an officer detailed from the War Department, who went and investigated the matter. He reported a universal overhauling of all the sewerage and all the plumbing, as supposed, at a cost of about $35,000. [Cries of "Vote!" Vote!"]

I hope gentlemen will be courteous to me. That officer was before the committee and was fully examined and stated to us that $15,000 in his opinion would be all that would be required to put the sewerage and plumbing in a sanitary condition, and we granted that amount.

The Clerk read as follows:

For general repairs, painting, pointing, and shingling of the cadet laundry building, and for repairing the smokestack (chimney) of same, $300.

Mr. OUTHWAITE. Mr. Chairman, I move to strike out the last word.

During the discussion of this bill but once have I been tempted to diverge from the legitimate object of considering the bill as it should be considered.

Mr. KELLEY. And that is what started the whole disturbance.

Mr. OUTHWAITE. That was in response to something that occurred on the part of the gentleman from Kansas [Mr. KELLEY]; but, Mr. Chairman, I wish to call the attention of the committee to the method in which it is legislating at this time. I rose at the proper time and addressed the Chair respectfully, and endeavored to get the eye and ear of the Chair, in order that I might propose a substantial amendment and a meritorious one. There was at that time great confusion in the Hall, and I now propose in these five minutes to show the necessity——

The CHAIRMAN. If the gentleman from Ohio will permit the Chair, the gentleman can certainly bear witness that the Chair has proceeded to recognize the gentleman for a great many amendments and has endeavored to give him ample and full recognition.

Mr. OUTHWAITE. I am not complaining of personal discourtesy. I am stating the facts as they occurred in the presence of this House. I had intended to move to increase the appropriation from $15,000 to $25,000, not to the extent recommended by the officer, for I will show to this committee, by referring them to page 179 of the Estimates, that an estimate was made for this improvement of $28,700. And these reasons were given for that estimate:

The present sinks and bath rooms for cadets have been condemned by all persons who have seen them in recent years. The bath rooms are in the basement of the cadet barracks, where they are badly located, as to sunlight and ventilation, and are in such a position as any sanitarian would condemn. The renewal and enlargement of the sinks is a vital necessity. With the foregoing amount, if appropriated, it is intended to put up a substantial building, with proper plumbing and fixtures, properly lighted and heated, well ventilated, conveniently located, and one fulfilling all the requirements of modern sanitary science.

Gentlemen, you each send from the homes of the citizens in your districts young men to this place, and you send them there in the face of this statement in the Book of Estimates, and in the face of legislation that you are passing hastily to-day. You send them there to meet with pestilence and possible death, and you do it knowingly. You have had your attention called to it time and time again, but for some reason or other you insist on voting as you yelled awhile ago, in a body.

Mr. COOPER, of Ohio. Will the gentleman permit me to ask him a question?

Mr. OUTHWAITE. Yes, sir.

Mr. COOPER, of Ohio. The statement you read is that these quarters have been repeatedly condemned. Why did you not make this change in the last Congress?

Mr. OUTHWAITE. The statement is that they have been repeatedly condemned by all persons who have seen them in recent years. It has not been shown that these estimates were ever sent to any preceding Congress. If they had been, and my attention had been called to the matter, as it has been recently called to this state of affairs there, I should have insisted that we make the proper appropriation. I never have been in favor of the House in which I was a member of the majority cutting down appropriations that were necessary for any public purpose. I never voted in that way, and I do not intend to vote that way in the next Congress. And it is because I do not want necessary and proper appropriations that should be made at this time to be put over upon that Congress that I take the position I take to-day; because, so far as I am concerned, they shall be made then if they are not made now.

The CHAIRMAN. Does the gentleman withdraw his *pro forma* amendment?

Mr. OUTHWAITE. Yes, sir.

Mr. SPOONER. I now move that the bill with the amendments be favorably reported to the House.

Mr. BRECKINRIDGE, of Arkansas. I hope the gentleman will not make that motion yet.

The CHAIRMAN. The motion of the gentleman from Rhode Island is not a debatable motion.

Mr. BRECKINRIDGE, of Arkansas. I know that. I am requesting the gentleman not to press that motion; there have been but five minutes allowed on the last paragraph.

Mr. SPOONER. Mr. Chairman, I ask that the motion be put.

Mr. SPINOLA. Has the bill been read through?

Mr. BRECKINRIDGE, of Arkansas. Does the gentleman insist upon his motion?

The CHAIRMAN. The gentleman from Rhode Island [Mr. SPOONER] moved that the bill be laid aside and that the Chairman be directed to report the same to the House with sundry amendments and a favorable recommendation.

Mr. SPINOLA. I wish to inquire if the bill has been read through.

The CHAIRMAN. The bill has been read through and the gentleman from Rhode Island has made his motion.

Mr. SPINOLA. I desire to make a few remarks on it.

Several MEMBERS. You are too late.

The CHAIRMAN. The question is on the motion of the gentleman from Rhode Island that the bill be laid aside with a favorable recommendation.

The question was taken; and the Chairman announced that the ayes seemed to have it.

Mr. BRECKINRIDGE, of Arkansas. Division. There has been so much time devoted to partisan debate and so little time allowed for legitimate debate that I am entirely opposed to this action being taken at this time.

The committee divided; and there were—ayes 75, noes 51.

Mr. BRECKINRIDGE, of Arkansas. Tellers.

Tellers were ordered.

The committee again divided; and tellers reported—ayes 74, noes 31.

The CHAIRMAN. The bill is accordingly laid aside, to be reported to the House by the Chairman.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HITT. Mr. Chairman, I move that the committee proceed to the consideration of the bill (H. R. 13069) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1892. I call it up.

I will say, if gentlemen will give me attention for a moment, that if we can dispense with the formal reading of the bill, and I can make an agreement with my colleague, the gentleman from Kentucky [Mr. MCCREARY], as to the time for general debate, we will then move that the committee rise.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, I raise a point of order against that motion.

The CHAIRMAN. The gentleman will state it.

Mr. BRECKINRIDGE, of Arkansas. Had not the committee already determined to rise?

The CHAIRMAN. The gentleman is mistaken. The motion of the gentleman from Rhode Island was to lay aside the bill under consideration, and to direct that the same be reported to the House with sundry amendments; and the gentleman from Illinois, the House being in Committee of the Whole for the consideration of general appropriation bills, called up for consideration the consular and diplomatic appropriation bill.

Mr. BRECKINRIDGE, of Arkansas. Then, I understand, the motion that the committee rise was not involved in the motion of the gentleman from Rhode Island?

The CHAIRMAN. It was not.

Mr. MCCREARY. Mr. Chairman, I understand the gentleman from Illinois [Mr. HITT], chairman of the Committee on Foreign Affairs, moves to take up the diplomatic and consular appropriation bill.

Mr. HITT. I call it up.

The CHAIRMAN. The Chair will state to the committee that the House is in Committee of the Whole for the consideration of appropriation bills, and the gentleman having been recognized called up that bill.

Mr. MCCREARY. I understand the gentleman from Illinois desires to simply call up that bill, and that it is not desired to have it read this evening.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, I rise to a parliamentary inquiry. It is not in the power of the gentleman to call up the bill.

Mr. HITT. I ask unanimous consent to dispense with the reading of the bill, and if we can agree as to the time for debate, I will then ask that the committee rise.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, has the gentleman from Illinois the power to call up this bill and by that means secure its consideration?

The CHAIRMAN. The Chair will state that the House is in Committee of the Whole for the consideration of general appropriation bills; the gentleman has been recognized to call up this bill for consideration, and it is now before the House.

Mr. BRECKINRIDGE, of Kentucky. Is it before the House until the Chair submits some steps by which the House agrees to its consideration?

The CHAIRMAN. The Chair begs pardon. It is before the committee.

Mr. BRECKINRIDGE, of Kentucky. I object to the consideration of the bill. I raise the question of consideration.

The CHAIRMAN. The question of consideration can not be raised in committee.

Mr. CUTCHEON. I understand it is the next general appropriation bill.

The CHAIRMAN. The Chair thinks that gentlemen might try to make some arrangement as to the time to be consumed in general debate.

Mr. McCREARY. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. McCREARY. Does the Chair decide that a member can not object to the consideration of a bill in Committee of the Whole—that it is in the power of no member simply to object when the chairman of a committee calls it up for consideration?

The CHAIRMAN. The Chair has decided that the bill is before the committee.

Mr. HITT. I called up the bill. I understand that the bill is before the committee, and the reading of the bill is the next thing in order, and not debate or any other proceeding. I ask gentlemen to give unanimous consent to dispense with that reading, and I hope, if that proposition be accepted, that then the gentlemen in charge of that side of the House will arrange as to the time to be consumed in debate, and then let the committee rise.

Mr. McCREARY. I hope my friend from Kentucky and my colleagues will allow me a moment to make an explanation simply. The gentleman from Illinois [Mr. HITT], chairman of the Committee on Foreign Affairs, as I understand it, desires now simply to call up the diplomatic and consular appropriation bill. He does not expect or desire to go into the consideration of the bill this evening, but desires to call it up, dispense with the first reading of the bill and agree upon the time for general debate, so that to-morrow we may go on with the debate.

Now, I think that is fair, and I believe we ought to do it. It lacks only fifteen minutes of 5 o'clock, and the committee will rise if we can make a proper agreement about general debate, and then to-morrow we can go on with the consideration of the diplomatic and consular appropriation bill. There are a number of gentlemen absent this evening, and I presume my friend from Illinois will not insist upon going on with the consideration of the bill now.

Mr. HITT. We will not proceed with it if we can dispense with the first reading of the bill and agree as to the time for general debate.

Mr. McCREARY. I suggest to the gentleman to let the bill be read by title and then it will be up, and then move that the committee rise.

Mr. HITT. No; let there be some agreement made as to the time for general debate.

The CHAIRMAN. The Clerk will read the title of the bill.

Mr. TURNER, of New York. I object to anything less than the full reading of the bill.

The Clerk read the title of the bill, as follows:

A bill (H. R. 13069) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1892.

The CHAIRMAN. Objection is made to the proposition of the gentleman from Illinois [Mr. HITT], and the bill will be read.

The Clerk proceeded to read the bill.

Mr. HOLMAN (interrupting the reading). Mr. Chairman, this being the first reading of the bill, I presume it is not necessary to present points of order upon propositions contained in it. That, I suppose, can be done on the reading of the bill by paragraphs.

The CHAIRMAN. All points of order are reserved.

Mr. HOLMAN. And may be presented when the bill is read by paragraphs.

The CHAIRMAN. Yes, as the paragraphs are reached in order in the committee.

Mr. TURNER, of New York. Mr. Chairman, if an agreement as to time can be reached between the two sides I will withdraw the demand for the reading of the bill in full.

Mr. McCREARY. I understand, Mr. Chairman, that the gentleman from New York is willing to withdraw his demand for the reading of the bill in order that we may see if we can agree as to the time for general debate.

Mr. TRACEY. I demand the regular order, Mr. Chairman.

The CHAIRMAN. The regular order is the reading of the bill. The Clerk will proceed.

The Clerk resumed the reading of the bill.

Mr. McCREARY (interrupting the reading). Mr. Chairman, I think the gentleman from Illinois [Mr. HITT] and myself, with the consent of the House, can agree upon the time for general debate, and my friend from New York says that if that can be done he will withdraw the demand for the reading of the bill in full. I therefore propose that we have two hours and a half on each side for general debate; that we agree upon that, and that then the committee rise.

Mr. CANNON. We will have this reading dispensed with first.

Mr. McCREARY. Does the gentleman from Illinois [Mr. CANNON] desire to have the bill read in full?

Mr. CANNON. If the gentleman from New York will withdraw his demand to have the bill read in full, I have no objection to an arrangement being made as to general debate.

Mr. McCREARY. Well, if we can agree upon the time——

Mr. CANNON. You can agree after he has withdrawn his demand for the reading. If not, you can fix it afterwards.

Mr. McCREARY. I think we can agree in a moment.

Mr. HITT. I will agree with the gentleman.

Mr. McCREARY. Then the gentleman from Illinois [Mr. HITT] agrees to my proposition for two hours and a half?

Mr. HITT. I would rather have it limited to the same time that was allowed in the case of the bill just disposed of, two hours on each side.

A MEMBER. That was two hours and a half on one side and two on the other.

Mr. SPINOLA. The extra half hour would be very useful to me on the monument bill. [Laughter.]

Mr. HITT. I suggest two hours on each side. I can agree to that.

Mr. TRACEY. If the gentleman from Illinois [Mr. HITT] will permit me, the gentleman from Kentucky [Mr. McCREARY] came to my seat and stated that he and the gentleman from Illinois had made an agreement.

Mr. McCREARY. Well, I think we have.

Mr. TRACEY. If they have not made an agreement I call for the reading of the bill.

Mr. McCREARY. I say to the gentleman now that I think we can make an agreement immediately.

Mr. HITT. I will agree to two hours on each side. Will the gentleman from Kentucky agree to that?

Mr. McCREARY. I will agree to two hours on each side.

Mr. HITT. The gentleman from Kentucky to control the time on that side.

Mr. McCREARY. And the general debate to begin not this evening, but in the morning.

Mr. McKENNA. Mr. Chairman, I wish to inquire of the gentleman from Illinois [Mr. HITT] whether he will honor a requisition from me for time.

Mr. HITT. Whatever is the regular usage I will follow. I will do all I can to accommodate gentlemen who are on this side of the question of the passage of the bill.

Mr. McKENNA. What is "this side of the question?" I am in favor of the bill.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, I make the point of order that this bill can not be considered if it is not the next bill on the Calendar.

Mr. McCREARY. Mr. Chairman, I make the point of order that the bill is now under consideration.

The CHAIRMAN. The point of order of the gentleman from Kentucky [Mr. BRECKINRIDGE] comes too late.

Mr. BRECKINRIDGE, of Kentucky. I raised the point of order at the proper time, but the Chair improvidently overruled it.

The CHAIRMAN. As the Chair now understands it, there has been an agreement suggested and proposed——

Mr. BRECKINRIDGE, of Kentucky. I simply desire to call attention to the fact that the ruling of the Chair was wholly an improvident ruling under the circumstances.

The CHAIRMAN. The Chair insists that that ruling was a proper one and the time for the consideration of it is passed. The Chair will now put to the House the agreement as the Chair understands it. First, the gentleman from Illinois [Mr. HITT] asks unanimous consent that the further reading of the bill be dispensed with. Is there objection?

Mr. TRACEY. I would like to know before withdrawing my request for the regular order whether the gentleman from Kentucky [Mr. McCREARY] and the gentleman from Illinois [Mr. HITT] have come to an agreement.

Mr. McCREARY. Mr. Chairman, I suggest that you put the whole proposition at the same time, that the reading of the bill be dispensed with, and that two hours and a half be allowed on each side for general debate.

Mr. HITT. Two hours.

The CHAIRMAN. Unanimous consent is asked that the first reading of the bill be dispensed with, and that general debate upon the bill be limited to two hours on each side. Is there objection?

There was no objection, and it was so ordered.

Mr. HITT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. McCOMAS reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 12922) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1892, had directed him to report the same back with sundry amendments and with the recommendation that it be passed as amended; also, that the Committee of the Whole, having had under consideration the bill (H. R. 13069) making appropriations for the diplomatic and consular service for the United States for the fiscal year ending June 30, 1892, had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate had passed without amendments bills of the following titles:

A bill (H. R. 3034) granting a pension to George W. Pitner; and

A bill (H. R. 12500) making an apportionment of Representatives in Congress among the several States under the Eleventh Census.

The message also announced that the Senate had agreed to the reports of the committee of conference on the disagreeing votes of the two Houses on bills of the following titles:

A bill (H. R. 4559) to provide for the construction of a public building at Rockford, Ill.; and

A bill (S. 4585) granting a pension to Mary B. Hascall.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 2591) giving the Court of Claims jurisdiction of the claims on account of property of the Chesapeake Female College possessed and used by the United States military authorities.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 4671) to amend the act of Congress approved September 29, 1890, authorizing the President to restore Tenedor Ten Eyck to the Army and place him on the retired list; and

A bill (S. 4781) creating the office of Fourth Assistant Postmaster-General.

MILITARY ACADEMY APPROPRIATION BILL.

The SPEAKER. The first question is on the adoption of the amendments reported from the Committee of the Whole to the bill making appropriations for the support of the Military Academy.

Mr. SPOONER. I move the previous question on the bill and amendments.

The previous question was ordered.

The amendments were read.

The SPEAKER. The question is on agreeing to the amendments.

Mr. BRECKINRIDGE, of Arkansas. I call for a separate vote on agreeing to these amendments. I would not do so but for the unfair course of the other side in regard to discussion.

The SPEAKER. The question is not subject to debate.

The question was taken on the first amendment, as follows:

In line 13, page 4, strike out the word "and" before "furnaces" and insert it after the word "furnaces."

The SPEAKER (having put the question). The ayes seem to have it.

Mr. BRECKINRIDGE, of Arkansas. I call for a division.

The question being again taken, there were—ayes 83, noes 20.

Mr. BRECKINRIDGE, of Arkansas. I demand tellers.

The SPEAKER proceeded to put the question on ordering tellers; when

Mr. BRECKINRIDGE, of Arkansas, said: I will withdraw that demand, and make the point that there is no quorum voting or present.

Mr. ALLEN, of Michigan. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 134, nays 11, not voting 185; as follows:

YEAS—134.

Adams,	Cutcheon,	McKenna,	Spinola,
Allen, Mich.	Dalzell,	McKinley,	Spooner,
Andrew,	Dickerson,	Moffitt,	Stephenson,
Atkinson, Pa.	Dingley,	Moore, N. H.	Stewart, Ga.
Atkinson, W. Va.	Farquhar,	Moore, Tex.	Stewart, Vt.
Baker,	Featherston,	Morey,	Stone, Ky.
Barwig,	Finley,	Morrill,	Stone, Mo.
Bayne,	Forman,	Morse,	Stone, Pa.
Belden,	Frank,	Mudd,	Struble,
Belknap,	Geissenhainer,	O'Neill, Mass.	Sweet,
Bergen,	Gest,	O'Neill, Pa.	Taylor, E. B.
Boothman,	Grosvenor,	Osborne,	Taylor, J. D.
Boutelle,	Harmer,	Outhwaite,	Taylor, Tenn.
Brewer,	Haugen,	Owens, Ohio	Townsend, Colo.
Brookshire,	Hays, E. R.	Parrett,	Townsend, Pa.
Brosius,	Hill,	Payne,	Tracey,
Browne, Va.	Hitt,	Peel,	Turner, Ga.
Buchanan, N. J.	Holman,	Perkins,	Turner, N. Y.
Buchanan, Va.	Hopkins,	Peters,	Vandever,
Burton,	Kerr, Iowa	Post,	Waddill,
Caldwell,	Kinsey,	Quinn,	Walker,
Cannon,	Knapp,	Raines,	Wallace, N. Y.
Carter,	Lacey,	Reed, Iowa	Wheeler, Ala.
Caswell,	Laidlaw,	Reyburn,	Whitthorne,
Cheadle,	Langston,	Rowell,	Wickham,
Clark, Wis.	Lansing,	Russell,	Wike,
Clark, Wyo.	Lester, Ga.	Sanford,	Wilkinson,
Clements,	Lind,	Sayers,	Williams, Ohio
Cobb,	Lodge,	Scranton,	Wilson, Ky.
Coleman,	Martin, Ind.	Scull,	Wilson, W. Va.
Cooper, Ohio	McAdoo,	Sherman,	Yardley,
Craig,	McComas,	Smith, Ill.	Yoder.
Crisp,	McCreary,	Smith, W. Va.	
Culbertson, Pa.	McDuffie,	Smyser,	

NAYS—11.

Breckinridge, Ark.	Ellis,	Mansur,	Mutchler,
Brunner,	Kerr, Pa.	Martin, Tex.	Tucker.
Cooper, Ind.	Lewis,	Montgomery,	

NOT VOTING—185.

Abbott,	Crain,	Houk,	Randall,
Alderson,	Culberson, Tex.	Kelley,	Ray,
Allen, Miss.	Cummings,	Kennedy,	Reilly,
Anderson, Kans.	Dargan,	Ketcham,	Richardson,
Anderson, Miss.	Darlington,	Kilgore,	Rife,
Arnold,	Davidson,	La Follette,	Robertson,
Bankhead,	De Lano,	Lane,	Rockwell,
Banks,	Dibble,	Lanham,	Rogers,
Barnes,	Dockery,	Lawler,	Rowland,
Bartine,	Dolliver,	Laws,	Rusk,
Beckwith,	Dorsey,	Lee,	Sawyer,
Biggs,	Dunnell,	Lehlbach,	Seney,
Bingham,	Dunphy,	Lester, Va.	Shively,
Blanchard,	Edmunds,	Magner,	Simonds,
Bland,	Enloe,	Maish,	Skinner,
Bliss,	Evans,	Mason,	Snider,
Blount,	Ewart,	McClammy,	Springer,
Boatner,	Fitch,	McClellan,	Stahlnecker,
Bowden,	Fithian,	McCord,	Stewart, Tex.
Breckinridge, Ky.	Flick,	McCormick,	Stivers,
Brickner,	Flood,	McMillin,	Stockbridge,
Brower,	Flower,	McRae,	Stockdale,
Brown, J. B.	Forney,	Miles,	Stump,
Browne, T. M.	Fowler,	Miller,	Sweney,
Buckalew,	Funston,	Milliken,	Tarsney,
Bullock,	Gear,	Mills,	Taylor, Ill.
Bunn,	Geary,	Morgan,	Thomas,
Burrows,	Gibson,	Morrow,	Thompson,
Butterworth,	Gifford,	Niedringhaus,	Tillman,
Bynum,	Goodnight,	Norton,	Turner, Kans.
Campbell,	Greenhalge,	Nute,	Van Schaick,
Candler, Ga.	Grimes,	Oates,	Vaux,
Candler, Mass.	Grout,	O'Donnell,	Wade,
Carlton,	Hall,	O'Ferrall,	Wallace, Mass.
Caruth,	Hansbrough,	O'Neall, Ind.	Washington,
Catchings,	Hare,	Owen, Ind.	Wheeler, Mich.
Cheatham,	Hatch,	Paynter,	Whitelaw,
Chipman,	Hayes, W. L.	Payson,	Whiting,
Clancy,	Haynes,	Penington,	Wiley,
Clarke, Ala.	Heard,	Perry,	Willcox,
Clunie,	Hemphill,	Phelan,	Williams, Ill.
Cogswell,	Henderson, Ill.	Pickler,	Wilson, Mo.
Comstock,	Henderson, Iowa	Pierce,	Wilson, Wash.
Connell,	Henderson, N. C.	Pindar,	Wright.
Cothran,	Herbert,	Price,	
Covert,	Hermann,	Pugsley,	
Cowles,	Hooker,	Quackenbush,	

The following-named members were paired:

Until further notice:

Mr. NIEDRINGHAUS with Mr. HATCH.

Mr. CHEATHAM with Mr. FOWLER.

Mr. WHEELER, of Michigan, with Mr. KILGORE.

Mr. HENDERSON, of Illinois, with Mr. CLARKE, of Alabama.

Mr. LESTER, of Virginia, with Mr. BOWDEN.

Mr. MASON with Mr. MCCLAMMY.

Mr. BUTTERWORTH with Mr. ALLEN, of Mississippi.

Mr. FLOOD with Mr. CUMMINGS.

Mr. BLISS with Mr. WHITING.

Mr. DE LANO with Mr. ROWLAND.

Mr. DARLINGTON with Mr. CAMPBELL.

Mr. HANSBROUGH with Mr. STAHLNECKER.

For the rest of the day:

Mr. GRIMES with Mr. ANDERSON, of Kansas.

Mr. BROWER with Mr. ABBOTT.

Mr. THOMPSON with Mr. HENDERSON, of North Carolina.

Mr. MILES with Mr. DAVIDSON.

Mr. FLICK with Mr. DARGAN.

Mr. TAYLOR, of Illinois, with Mr. CRAIN.

Mr. EVANS with Mr. RICHARDSON.

Mr. MCMILLIN with Mr. HERMANN.

Mr. VAN SCHAICK with Mr. GOODNIGHT.

Mr. RIFE with Mr. EDMUNDS.

Mr. STIVERS with Mr. WILSON, of Missouri.

Mr. ROCKWELL with Mr. LEE.

Mr. RAY with Mr. O'FERRALL.

Mr. DUNNELL with Mr. HOOKER.

Mr. KELLEY with Mr. WASHINGTON.

Mr. THOMAS M. BROWNE with Mr. ROGERS.

Mr. HOUK with Mr. PAYNTER.

Mr. KETCHAM with Mr. PENINGTON.

Mr. MCKENNA with Mr. GEARY.

Mr. BANKS with Mr. ALDERSON.

Mr. BINGHAM with Mr. WHITELAW.

Mr. BURROWS with Mr. SHIVELY.

Mr. MILLIKEN with Mr. DIBBLE.

Mr. O'DONNELL with Mr. WILEY.

Mr. SWENEY with Mr. STEWART, of Texas.

Mr. LEHLBACH with Mr. STUMP, until Monday next.

Mr. OWEN, of Indiana, with Mr. COVERT, until Tuesday next.

Mr. MORROW with Mr. CLUNIE, for one week.

Mr. EVANS. I am paired for this afternoon with my colleague, Mr. RICHARDSON. If he were here, I should vote in the affirmative.

Mr. ENLOE. I desire to withdraw my vote, as I remember now that I am paired with my colleague, Mr. HOUK.

Mr. MCKENNA. I am paired with my colleague, Mr. GEARY, but

with the understanding that I should be allowed to vote on a question of this kind.

Mr. DUNNELL. I have refrained from voting, because I am paired with the gentleman from Mississippi, Mr. HOOKER.

The SPEAKER. On this question the yeas are 134, the nays 11.

Mr. BRECKINRIDGE, of Arkansas. There is apparently no quorum. I make that point.

Mr. SPOONER. I move that the House do now adjourn.

The SPEAKER. There is no quorum.

The motion of Mr. SPOONER was agreed to; and accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned.

EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

SEWELL COULSON.

Letter from the Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General and its inclosures, in reference to an appropriation to pay Sewell Coulson for legal services in defending ex-officers and ex-soldiers—to the Committee on Appropriations.

NEW BUILDING FOR THE MINT AT PHILADELPHIA.

Letter from the Secretary of the Treasury, calling attention to the necessity for the passage of House bill 9957, which provides for the purchase of a site and the erection of a building thereon for the mint at Philadelphia—to the Committee on Public Buildings and Grounds.

INDIAN SCHOOL LAND IN ARIZONA.

Letter from the Secretary of the Interior, transmitting a copy of a communication from the Commissioner of Indian Affairs and accompanying draught of a bill setting apart a certain tract of land in the Territory of Arizona for Indian school purposes—to the Committee on Indian Affairs.

CHICKAHOMINY RIVER.

Letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a copy of the report of the preliminary examination of the Chickahominy River from Holly Landing to Long Bridge, Virginia—to the Committee on Rivers and Harbors.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. STONE, of Kentucky, from the Committee on War Claims, to which was referred the bill of the House (H. R. 13215) for the relief of Capt. John T. Bruen, reported in lieu thereof the following resolution:

Resolved, That the House bill No. 13215, for the relief of Capt. John T. Bruen, now pending in the House, together with all the accompanying documents, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, and said court shall proceed in accordance with the provisions of such act, and report to the House in accordance therewith;

which, accompanied by a report (No. 3625), was referred to the Committee of the Whole House.

Mr. PAYSON, from the Committee on the Public Lands, reported favorably the bill of the House (H. R. 13339) for the relief of Sylvester Truesdale, accompanied by a report (No. 3626)—to the Committee of the Whole House.

Mr. POST, from the Committee on Public Buildings and Grounds, reported with amendment the bill of the Senate (S. 2825) to provide for the purchase of a site and the erection of a public building thereon at Mansfield, in the State of Ohio, accompanied by a report (No. 3627)—to the Committee of the Whole House on the state of the Union.

Mr. LANSING, from the Committee on Military Affairs, reported favorably the bill of the House (H. R. 1882) directing the Secretary of War to amend the record of Prentice Holmes and grant him an honorable discharge, accompanied by a report (No. 3628)—to the Committee of the Whole House.

Mr. OSBORNE, from the Committee on Military Affairs, to which were referred the following bills of the House:

A bill (H. R. 5394) to increase the efficiency of the Inspector General's Department;

A bill (H. R. 5371) relative to the Inspector General's Department of the Army and the more thorough examination of accounts; and

A bill (H. R. 7506) to increase the efficiency of the Inspector General's Department;

reported, as a substitute therefor, a bill (H. R. 13403) to increase the efficiency of the Inspector General's Department; which was read twice, and, accompanied by a report (No. 3629), referred to the House Calendar.

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills and joint resolutions of the following titles were introduced, severally read twice, and referred as follows:

By Mr. PETERS: A bill (H. R. 13402) to incorporate the Washington and Great Falls Electric Railway Company—to the Committee on the District of Columbia.

By Mr. EVANS: A bill (H. R. 13404) to establish postal savings banks and encourage small savings—to the Committee on the Post Office and Post Roads.

By Mr. WHEELER, of Alabama: A joint resolution (H. Res. 276) for filling vacancy on Board of Regents, Smithsonian Institution—to the Committee on the Library.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. ATKINSON, of West Virginia: A bill (H. R. 13405) for the relief of Henry Snider, Moundsville, W. Va.—to the Committee on War Claims.

By Mr. BIGGS: A bill (H. R. 13406) for the relief of Jesse L. Beasley—to the Committee on Military Affairs.

By Mr. COOPER, of Indiana: A bill (H. R. 13407) to increase the pension of Samuel M. Graham—to the Committee on Invalid Pensions.

By Mr. DICKERSON: A bill (H. R. 13408) to pension James Carroll, of Dayton, Ky.—to the Committee on Invalid Pensions.

By Mr. FLOWER: A bill (H. R. 13409) granting a pension to Robert H. Holmes—to the Committee on Invalid Pensions.

By Mr. HILL (by request): A bill (H. R. 13410) granting a pension to Perry Carson—to the Committee on Invalid Pensions.

By Mr. HITT: A bill (H. R. 13411) to grant a pension to Joseph D. C. Arty—to the Committee on Invalid Pensions.

By Mr. KINSEY (by request): A bill (H. R. 13412) for the relief of Capt. L. W. Pritchett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13413) for the relief of Obe Sutherland—to the Committee on Invalid Pensions.

By Mr. MOORE, of New Hampshire: A bill (H. R. 13414) granting a pension to James T. Minard—to the Committee on Invalid Pensions.

By Mr. PERKINS: A bill (H. R. 13415) granting a pension to J. W. Baker—to the Committee on Invalid Pensions.

By Mr. REYBURN: A bill (H. H. 13416) for the relief of Augustus Boyd—to the Committee on Military Affairs.

By Mr. TOWNSEND, of Colorado: A bill (H. R. 13417) for the relief of Gustav Gruis, late captain of Company F, One hundred and eighty-first Regiment Ohio Volunteer Infantry—to the Committee on Military Affairs.

Also, a bill (H. R. 13418) to remove the charge of desertion from the military record of Leander Parker, late private of Company C, Seventieth Regiment Ohio Volunteer Infantry—to the Committee on Military Affairs.

By Mr. WHEELER, of Alabama: A bill (H. R. 13419) granting a pension to George W. Humphries—to the Committee on Pensions.

Also, a bill (H. R. 13420) authorizing the retirement of Capt. Henry Johnson with the rank of major—to the Committee on Military Affairs.

Also, a bill (H. R. 13421) for the relief of Dr. James W. Stewart—to the Committee on War Claims.

By Mr. WILLIAMS, of Illinois: A bill (H. R. 13422) granting a pension to John P. McDowell—to the Committee on Invalid Pensions.

By Mr. YODER: A bill (H. R. 13423) granting a pension to James M Miller—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALDERSON: Petition of Robert Scott, administrator of Andrew Hall, deceased, late of Raleigh County, West Virginia, praying that his war claim be referred to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. BOUTELLE, (by request of Mr. REED, of Maine): Resolutions of the Chamber of Commerce of Norfolk, Va., in favor of the tonnage bill—to the Committee on Merchant Marine and Fisheries.

By Mr. BRICKNER: Petition of Frank Gottsacker and 50 others, citizens of Sheboygan, Wis., asking for favorable consideration of House bill 892—to the Committee on Commerce.

By Mr. BROWNE, of Virginia: Resolutions of the Chamber of Commerce of the city of Norfolk, Va., urging passage of the tonnage bill—to the Committee on Merchant Marine and Fisheries.

By Mr. CANDLER, of Massachusetts: Petition of citizens of Medfield, Mass., to prohibit the manufacture, importation, exportation, and sale of alcoholic liquors—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. CONNELL: Resolutions of West Grove Alliance, of Cass County, Nebraska; also, resolutions of Wideawake Alliance, Nebraska;

also, petition of 13 citizens of Nebraska; also, petition of members of Progressive Alliance, No. 1099, Banner County, Nebraska; also, resolutions of Platte Alliance, No. 283; also, of Collum Alliance, No. 901; also, petition of 37 citizens of Cass County, Nebraska, in favor of the antioption bill (H. R. 5353)—to the Committee on Agriculture.

By Mr. COOPER, of Ohio: Petition of Danford Hare and others, citizens of Morrow County, Ohio, in favor of House bill 5353, defining options and futures—to the Committee on Agriculture.

By Mr. CRAIG: Resolutions of citizens of Stauffers, Pa., for restricting immigration; also, resolution by Saltzburgh (Pa.) Council of United American Mechanics, for same purpose—to the Committee on Immigration and Naturalization.

By Mr. FEATHERSTON: Petition on claim of Hiram Evens, of St. Francis County, Arkansas—to the Committee on War Claims.

By Mr. GREENHALGE: Petitions of Haverhill (Mass.) Board of Trade, St. Louis (Mo.) Board of Trade, and others, in support of House bill 12869—to the Committee on the Post Office and Post Roads.

By Mr. EDWARD R. HAYS: Petition of the people of Des Moines, Iowa, urging the passage of free-coinage bill—to the Committee on Coinage, Weights, and Measures.

By Mr. HILL: Petition of Perry Carson, for a pension—to the Committee on Invalid Pensions.

By Mr. McCLELLAN: Petition of 8 citizens of Whitley County, Indiana, praying for the speedy consideration and passage of the Butterworth option bill—to the Committee on Agriculture.

By Mr. McCORMICK: Petition for relief of William Magee—to the Committee on Invalid Pensions.

Also, of Elbridge Farmers' Alliance, Tioga County, Pennsylvania; also, of West Lawrence Farmers' Alliance, for the option bill—to the Committee on Agriculture.

By Mr. MOREY: Petition and resolution of New Harmony Alliance, Greene County, Ohio, in favor of the antioption bill—to the Committee on Agriculture.

By Mr. OSBORNE: Petition of Laundrymen's National Association of America, relative to the Chinese expulsion act—to the Committee on Foreign Affairs.

By Mr. QUINN: Preamble and resolutions of the Manhattan Club in opposition to the force bill—to the Committee on Elections.

By Mr. ROCKWELL: Resolutions of Springfield (Mass.) Board of Trade, in relation to a bill to establish a limited postal-telegraph service—to the Committee on the Post Office and Post Roads.

By Mr. RAY: Resolution adopted by the Star of America Council, No. 305, Junior Order United American Mechanics, favoring the passage of a law restricting immigration—to the Select Committee on Immigration and Naturalization.

By Mr. SHERMAN: Petition of Mary L. Johnston and Lewis County (New York) Woman's Christian Temperance Union, asking for passage of Senate bill 4173—to the Committee on Education.

By Mr. SMITH, of West Virginia: Petition of 101 citizens of West Virginia, praying passage of House bill 12448—to the Committee on Invalid Pensions.

By Mr. STONE, of Kentucky: Petition of Arrey Morris, Washington County, Arkansas, requesting his claim for property taken by and for the use of the United States Army during the war be referred to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

Also, petition on claim of Spencer G. Rogers, of the same county and State; also, of Joseph Bevan, of Nevada County, Arkansas—to the Committee on War Claims.

By Mr. STRUBLE: Resolutions from Sioux (Iowa) Alliance, No. 1765; also, petition of R. M. Ricketts and 10 others, citizens of Woodbury County, Iowa, urging the passage of House bill 5353—to the Committee on Agriculture.

Also, petition of W. G. Teakle and 47 others, citizens of Iowa, asking for the enactment of a law giving to the several States authority to control the manufacture and sale of oleomargarine, butterine, and all compounds in imitation of butter—to the Committee on Agriculture.

By Mr. SWENEY: Petition of 39 citizens of Allamakee County, Iowa; also, of 36 citizens of Fayette County, Iowa; also, resolutions of Fayette Mutual Alliance, No. 1901, for the option bill—to the Committee on Agriculture.

By Mr. JOSEPH D. TAYLOR: Petition (circulated by the Woman's Christian Temperance Union) signed by David Stratton, O. M. Hatch, and 90 others, citizens of Swanton Township and vicinity, Lucas County, Ohio, praying for the passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. TOWNSEND, of Pennsylvania: Petition of Council 385, Order United American Mechanics, against further immigration of the pauper and criminal classes; also, of Council, Order United American Mechanics, Philadelphia, Pa.; also, Darlington Council, Order United American Mechanics, No. 386, for the same relief—to the Select Committee on Immigration and Naturalization.

Also, petition of 36 citizens of Homewood, Pa., for restriction upon immigration—to the Select Committee on Immigration and Naturalization.

By Mr. WHEELER, of Alabama: Property claim and petition of William Wilbern, of Jackson County, Alabama—to the Committee on War Claims.

By Mr. WICKHAM: Petition of 37 citizens of Ashland County, Ohio, asking passage of House bill 5353, defining options and futures—to the Committee on Agriculture.

By Mr. WIKE: Resolutions of Fieldon Lodge, of Farmers' Mutual Benefit Association, Jersey County, Illinois, for the option bill—to the Committee on Agriculture.

Also, petition of William Lawler, president, and 30 members of Fieldon Lodge, No. 4854, of Jersey County, Illinois, praying for the passage of House bill 5353, defining and prohibiting options and futures and dealings therein—to the Committee on Agriculture.

SENATE.

FRIDAY, *January* 30, 1891.

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. J. G. BUTLER, D. D., offered the following prayer:

To whom, O God, can we come but unto Thee under this dark cloud? We rejoice that death does not end all. We praise Thee for the life immortal, through Jesus Christ our Lord. Teach us so to live before God, obediently, and humbly, and prayerfully, and trustingly; so to live before men, charitably, and kindly, and faithfully, that death may be to us but a sleep.

We thank Thee for this life so true, so pure, so useful, so honorable, so long preserved, so good, molded and fashioned by the faith in Christ. O Lord, hide not Thy face from us in the day when we are in trouble. Look in mercy and deal very tenderly with Thine handmaiden and with this family, now in greatest sorrow. Sustain and strengthen and comfort, and cause faith to triumph in the hour of great darkness. Teach us so to live day by day before God, in the discharge of every duty, that when we shall be called we may be ready to depart, to give our account to Thee, and to live where they die no more.

We thank Thee for this blessed faith through Thy precious Word, and through Thy Son, who has brought life and immortality to light. Bless each one of us to-day and direct us in all we do. Give us power over our hearts. Fill us with Thy good spirit. Inspire us with courage, with patience, with faith, and help us so to endure unto the end, so doing and so suffering, that God may be well pleased with us and that our lives may be made a benediction.

Bless this great land, and sanctify to us, O God, the visitations of Thy providence. Inspire us more and more with faith in Thee, and help us ever to stand for the true and the right among the nations. We ask it all, with pardon and grace, in Jesus' name. Amen.

The Journal of yesterday's proceedings was read and approved.

DEATH OF SECRETARY WINDOM.

Mr. MORRILL. Mr. President, in consequence of the recent calamity that has visited us in the sudden decease of a former eminent member of this body and a distinguished member of the Cabinet of the President, in the service as Secretary of the Treasury, and in accordance with former precedents, I move that the Senate do now adjourn.

The motion was agreed to unanimously; and (at 11 o'clock and 10 minutes a. m.) the Senate adjourned until to-morrow, Saturday, January 31, 1891, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January* 30, 1891.

The House met at 12 o'clock m.

The Chaplain, Rev. W. H. MILBURN, D. D., offered the following prayer:

O God, our Father; awe-stricken and overwhelmed with sorrow, we come to Thee, with the startling sense of the instant death of a chief executive officer of the nation, whose public service has been memorable and beneficent; whose devotion to the welfare of the commonwealth has been conspicuous; whose sweet and beautiful character as husband, father, friend, citizen, and gentleman has been his highest crown.

As the sobs of his broken-hearted wife and children in their darkened home come to our hearts, awakening in us the profoundest sympathy, we pray that Thy pitying love may descend to console them and Thy good providence to succor and provide for them.

Grant that this startling event may bring home to us the solemn sense that in the midst of life we are in death. So let the grasp of the world upon us be loosened, and our thoughts be elevated to the things which are imperishable and Divine; and may we turn our steps into the paths of duty, virtue, piety, and godliness, that whenever our summons shall come we shall pass from these scenes to our eternal rest at Thy right hand. Through Jesus Christ, our Lord, Amen.

The Journal of the proceedings of yesterday was read and approved.

DEATH OF HON. WILLIAM WINDOM.

Mr. MCKINLEY. Mr. Speaker, I beg leave to offer the resolutions I send to the desk.

The Clerk read as follows:

Resolved, That the House of Representatives has heard with profound sorrow of the death of Hon. William Windom, Secretary of the Treasury, who for ten years was a member of this body and for twelve years a member of the Senate.

Resolved, That a committee of nine Representatives be appointed by the Speaker, to join such committee as may be appointed by the Senate, to attend the funeral of the late Secretary on behalf of Congress, and to take such other action as may be proper in honor of the memory of the deceased, and as appreciation of Congress for his public services.

Mr. DUNNELL. Mr. Speaker, I second the motion submitted by the honorable gentleman from Ohio.

I have the honor to represent the district on this floor which, for ten years, was so ably represented by the honorable Secretary of the Treasury, whose death we this day deplore. He was for ten years a Representative in this House, and a member of the United States Senate from the State of Minnesota for the period of twelve years.

His death will be profoundly mourned in his own State, and throughout the country.

The SPEAKER. The question is on the adoption of the resolutions submitted.

The resolutions were adopted.

The SPEAKER subsequently announced as the committee on the part of the House Mr. MCKINLEY, Mr. MILLS, Mr. DUNNELL, Mr. HOLMAN, Mr. O'NEILL of Pennsylvania, Mr. FORNEY, Mr. VANDEVER, Mr. BLOUNT, and Mr. SNIDER.

Mr. MCKINLEY. As a further mark of respect I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 12 o'clock and 11 minutes p. m.) the House adjourned.

EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

INDIAN SCHOOL AT PHŒNIX, ARIZ.

Letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior, submitting an estimate of an appropriation for an Indian school at or near Phœnix, Ariz., in lieu of a like estimate for a school at Fort McDowell, Ariz.—to the Committee on Indian Affairs.

TRAVELING EXPENSES OF INDIAN SCHOOL SUPERINTENDENT, 1890.

Letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior, submitting estimate of a deficiency in the appropriation for the traveling expenses of Indian school superintendent, 1890—to the Committee on Indian Affairs.

INDIAN SCHOOL AT CARLISLE, PA.

Letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior, submitting an additional estimate for appropriation for the Indian school at Carlisle, Pa.—to the Committee on Indian Affairs.

TREATIES WITH THE KICKAPOOS.

Letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior, in relation to the estimates for an appropriation for fulfilling treaties with the Kickapoos—to the Committee on Indian Affairs.

INDIAN SCHOOLS.

Letter from the Acting Secretary of the Treasury, transmitting a communication from the Secretary of the Interior, submitting amended estimates of appropriations for certain Indian schools for the fiscal year 1892—to the Committee on Indian Affairs.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. DICKERSON, from the Committee on Commerce, reported favorably the bill of the House (H. R. 13070) for the establishment of a fish hatchery in the State of Vermont, accompanied by a report (No. 3630)—to the Committee of the Whole House on the state of the Union.

Mr. MARTIN, of Indiana, from the Committee on Invalid Pensions, reported with amendment the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 9429) for the relief of Elizabeth Truex. (Report No. 3631.)

A bill (H. R. 13038) to increase the pension of John E. A. Stephens. (Report No. 3632.)

Mr. SAWYER, from the Committee on Invalid Pensions, reported with amendment the bill of the House (H. R. 10323) to pension Frances E. Bidwell, accompanied by a report (No. 3633)—to the Committee of the Whole House.

Mr. TAYLOR, of Tennessee, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7051) granting a pension to certain East Tennesseeans engaged in the secret service of the United States during the late rebellion, reported, as a substitute therefor, a bill (H. R. 13424) granting a pension to certain East Tennesseeans engaged in the secret service of the United States during the late rebellion; which was read twice, and, accompanied by a report (No. 3634), referred to the Committee of the Whole House on the state of the Union.

Mr. NUTE, from the Committee on Invalid Pensions, reported favorably the bill of the Senate (S. 3995) granting a pension to Myra E. Lakin, accompanied by a report (No. 3635)—to the Committee of the Whole House.

Mr. BOOTHMAN, from the Committee on Claims, reported favorably the bill of the Senate (S. 1616) for the relief of Charles Adams, accompanied by a report (No. 3636)—to the Committee of the Whole House.

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, severally read twice, and referred as follows:

By Mr. COGSWELL: A bill (H. R. 13425) to provide for the possession, care, and maintenance of the Drexel Cottage on Mount McGregor, in the town of Moreau, in the State of New York—to the Committee on Military Affairs.

By Mr. STEPHENSON: A bill (H. R. 13426) giving the consent of the United States to the erection of a bridge across Portage Lake, Houghton County, Michigan, between the villages of Houghton and Hancock—to the Committee on Commerce.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, a private bill of the following title was presented and referred as indicated below:

By Mr. BELKNAP: A bill (H. R. 13427) granting a pension to Mrs. Adelia Coomer, an army nurse—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. COOPER, of Ohio: Petition of John Scott and others, citizens of Union County, Ohio; also, of C. E. Bonham and others, citizens of Byhalia, same county; also, resolutions of Farmers' Alliance No. 514, of Ohio; also, of Byhalia Alliance, No. 619, of same county and State, for passage of the option bill—to the Committee on Agriculture.

By Mr. DUNNELL: Petition of L. C. Titus and 70 others, citizens of Minnesota, asking for the passage of the option bill—to the Committee on Agriculture.

By Mr. ENLOE: A resolution of Subunion 606 of the Farmers and Laborers' Union of Tennessee, in favor of increasing the currency to three times the present volume—to the Committee on Coinage, Weights, and Measures.

By Mr. LODGE: Resolutions adopted by the National Association of Builders, asking that plans and specifications of all public works be furnished by the Secretary of the Treasury to Builders' Exchange—to the Committee on Labor.

Also, petition of same association for the passage of laws providing for the distribution of information in regard to the remuneration and hours of work of the industrial classes and statutes relating to industrial education—to the Committee on Labor.

By Mr. STRUBLE: Petition of J. J. Malcom and 12 others, citizens of Woodbury County, Iowa, urging passage of House bill 5353—to the Committee on Agriculture.

SENATE.

SATURDAY, *January* 31, 1891.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

CREDENTIALS.

The VICE PRESIDENT presented the credentials of JAMES DONALD CAMERON, chosen by the Legislature of Pennsylvania a Senator from that State for the term beginning March 4, 1891; which were read and ordered to be filed.

ENROLLED BILLS SIGNED.

The VICE PRESIDENT signed the following enrolled bills; which had previously received the signature of the Speaker of the House of Representatives:

A bill (H. R. 154) to provide for the purchase of a site and the erection of a public building thereon at Pueblo, in the State of Colorado; and

A bill (H. R. 188) to provide for the purchase of a site and the erection of a public building thereon at Columbus, in the State of Georgia, and for other purposes.

CHARLES MAX WITTIG.

The VICE PRESIDENT appointed Mr. MANDERSON, Mr. DAVIS, and Mr. WALTHALL as the conferees on the part of the Senate upon the amendment of the Senate to the bill (H. R. 1867) for the relief of Charles Max Wittig.

EXECUTIVE COMMUNICATION.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of September 22, 1890, certain information in regard to grants of land made to the State of California, including the Gorge of the Yosemite Valley and the Mariposa Big Tree Grove; which, with the accompanying papers, was referred to the Committee on Public Lands.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, dated January 27, 1891, inviting the attention of Congress to the statement and recommendation made in Department letter, dated April 17, 1890, relative to the necessity for further legislation in regard to the United States post-office building at Buffalo, N. Y.; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the Board of Trade of Philadelphia, Pa., praying for the immediate consideration and passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. CULLOM presented memorials of Farmers' Alliances and Industrial Unions Nos. 167, 64, 22, 50, 218, 201, 1, 139, 208, 48, 42, 79, 154, 101, 248, 24, 261, and 72, of the counties of Randolph, Macoupin, Brown, Henry, Woodford, Livingston, Richmond, Schuyler, Morgan, Cass, Adams, Jo Daviess, and Scott, in the State of Illinois, remonstrating against the passage of the Conger lard bill; which were ordered to lie on the table.

He also presented a petition of citizens of Edwardsville, Ill., praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of citizens of Jersey County, Illinois, praying for the passage of the Conger lard bill; which was ordered to lie on the table.

He also presented petitions of District Assemblies, Farmers' Mutual Benefit Association, Nos. 217, 752, 874, 434, 142, 465, 520, 1108, 1301, 1328, and 2307, of the counties of Hamilton, Hardin, Wayne, Cumberland, Wabash, and Jackson, in the State of Illinois, praying for the passage of the Paddock pure-food bill; which were ordered to lie on the table.

Mr. CULLOM. Mr. President, I present two resolutions, which I hold in my hand, adopted by the house of representatives of the Illinois Legislature, now in session, one of which instructs the Senators from that State to vote for and favor the passage of what is known as the free-coinage bill and the other instructs the Senators from that State to vote against the passage of what is termed in the resolution "the force bill."

I present these separate resolutions, coming from the house of representatives of the State of Illinois and ask that they be filed with the records of the Senate. As the silver bill has passed the Senate and gone to the other House and as the election bill has been reported from the Committee on Privileges and Elections, though not under consideration in the Senate at the present time, I move that the resolutions lie on the table.

The motion was agreed to.

Mr. WILSON, of Iowa, presented the following petitions, praying for the passage of the Conger lard bill; which were ordered to lie on the table:

Petition of Farmers' Alliance, No. 1626, of Woodbury County, Iowa;

Petition of 13 citizens of Woodbury County, Iowa;

Petition of 10 citizens of Winnebago County, Iowa; and

Petition of 11 citizens of Woodbury County, Iowa.

Mr. WILSON, of Iowa, presented a petition of citizens of Iowa, praying for the enactment of a law authorizing the several States to control the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

Mr. CASEY presented the following petitions, praying for the passage of the Conger lard bill; which were ordered to lie on the table:

Petition of W. J. Watts and 10 other citizens of Pembina County, North Dakota; and

Petition of James Fee and 5 other citizens of Pembina County, North Dakota.

Mr. CASEY (for Mr. MOODY) presented the following petitions, praying for the passage of the Conger lard bill; which were ordered to lie on the table:

Petition of Thomas Ford and 13 other citizens of Bruce County, South Dakota;

Petition of John W. Forrest and 14 other citizens of Buffalo County, South Dakota;

Petition of John Lass and 17 other citizens of Emmet Union, South Dakota;

Resolutions of the Colman Farmers' Alliance, No. 462, of Moody County, South Dakota;

Petition of Thomas McBride and 13 other citizens of Lincoln, McPherson County, South Dakota;

Petition of Andrew Dailey and 41 other citizens of Civil Bend Township, Union County, South Dakota;

Petition of John Larson and 14 other citizens of Campbell County, South Dakota;

Resolutions of the members of Fairview Farmers' Alliance, of Campbell County, South Dakota;

Petition of Jacob Nellis and 9 other citizens of Clay County, South Dakota;

Resolutions of Roundell Farmers' Alliance and Industrial Union of Brown County, South Dakota; and

Petition of John Tucker and 25 other citizens of Union County, South Dakota.

Mr. CASEY (for Mr. PETTIGREW) presented the following petitions, praying for the passage of the Conger lard bill; which were ordered to lie on the table:

Petition of C. F. Ladd and 15 other citizens of Banner Alliance, Marshall County, South Dakota;

Resolutions of Wheaton Farmers' Alliance, No. 316, of Hand County, South Dakota;

Petition of Joseph Liddle and 18 other citizens of Wheaton Alliance, No. 316, of Hand County, South Dakota;

Resolutions of Bruce Alliance, No. 521, of Brookings County, South Dakota;

Petition of J. E. Cook and 8 other citizens of Lawrence County, South Dakota;

Petition of Joseph Burdean and 24 other citizens of Custer County, South Dakota;

Petition of J. C. Harney and 17 other citizens of Colman, Moody County, South Dakota;

Resolutions of Lincoln Alliance, No. 612, of McPherson County, South Dakota;

Petition of Horace Walter and 49 other citizens of Sherman, Minnehaha County, South Dakota;

Resolutions of Civil Bend Alliance, No. 465, of Union County, South Dakota;

Petition of John Larson and 14 other citizens of Campbell County, South Dakota;

Resolutions of Tetonka Farmers' Alliance, No. 70, of Ashton, S. Dak.; and

Petition of P. H. Clarke and 15 other citizens of Spink County, South Dakota.

Mr. CASEY presented a memorial of the Philadelphia (Pa.) Maritime Exchange, remonstrating against the passage of a free-coinage bill; which was referred to the Committee on Finance.

He also presented the petition of Typographical Union, No. 2, of Philadelphia, Pa., praying for the early passage of the international copyright bill; which was ordered to lie on the table.

Mr. DAVIS presented two petitions of the Board of Trade of Minneapolis, Minn., praying for the passage of the Torrey bankruptcy bill; which were ordered to lie on the table.

He also presented the following petitions, praying for the passage of the Conger lard bill; which were ordered to lie on the table:

Petition of George Siegle and 19 other citizens of Carver County, Minnesota;

Petition of Terrebonne Alliance, of Terrebonne, Polk County, Minnesota; and

Petition of J. L. Cossett and 53 other citizens of Polk County, Minnesota.

He also presented a petition of the Association of Union Ex-Prisoners of War, of Oswego County, New York, at a meeting held on the 15th day of January, 1891, praying for the passage of the bill for the relief of Union ex-prisoners of war; which was referred to the Committee on Pensions.

Mr. MANDERSON. I present a petition quite numerously signed by citizens of Northwestern Nebraska, praying that an appropriation of money be made to be used in the construction of three irrigation canals, each 200 miles in length, of sufficient capacity, with the necessary reservoirs and storage basins to reclaim the arid district of the State. The petition further prays that the amount necessary for this expenditure be paid by the issuing by the Treasurer of the United States of legal-tender notes to the extent of the appropriation. It seems to be a combined petition, and I am at a little loss whether to have it referred to the Committee on Irrigation or the Committee on Finance, but I presume it ought to go to the Select Committee on Irrigation and Reclamation of Arid Lands. I make that motion.

The motion was agreed to.

Mr. MANDERSON presented a petition of citizens of Blaine County,

Nebraska, praying for the passage of the Conger lard bill; which was ordered to lie on the table.

He also presented five petitions of citizens of Nebraska, praying for the passage of Senate bill 4880, authorizing the construction of a railway bridge over the Missouri River at Omaha, Nebr.; which were ordered to lie on the table.

Mr. SAWYER presented a petition of citizens of Milwaukee, Wis., praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. CARLISLE presented a petition of certain operatives in flax and hemp spinning mills in the United States, praying that the duty be increased on twine made from flax and hemp; which was ordered to lie on the table.

He also presented a petition of certain members of the Farmers and Laborers' Union No. 1936, in the State of Kentucky, praying for the passage of the Conger lard bill; which was ordered to lie on the table.

He also presented the memorial of H. A. Watson, of Louisville, Ky., P. B. Dobbins, of Lexington, Ky., and 28 other farmers of Kentucky, remonstrating against the passage of the Conger lard bill; which was ordered to lie on the table.

Mr. CARLISLE. I present some papers and testimony in the nature of a petition in support of the application of John Knockilmann for the removal of the charge of desertion from his military record. I move that the papers be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. HARRIS. I present the regular printed form of petition that is being so industriously and generally circulated for signers, signed by 35 citizens of Milan, Tenn., praying for the passage of the Torrey bankruptcy bill. The bill having been reported, I move that the petition lie on the table.

The motion was agreed to.

Mr. FAULKNER presented the following petitions, praying for the passage of the bill restricting immigration; which were referred to the Committee on Immigration:

Petition of Ravenswood Council, No. 15, Junior Order United American Mechanics, of Ravenswood, W. Va.;

Petition of Magnolia Council, Junior Order United American Mechanics, of New Martinsville, W. Va.; and

Petition of Standard Council, No. 9, Junior Order United American Mechanics, of Wellsburg, W. Va.

Mr. SHERMAN presented the following petitions, praying for the passage of the Conger lard bill; which were ordered to lie on the table:

Petition of S. J. Hack and 12 other citizens of Mahoning County, Ohio;

Petition of Seaton R. Jones and 28 other citizens of Vale County, Ohio;

Resolutions of the Hewitt Fork Farmers' Alliance, of Jackson County, Ohio;

Petition of J. B. Crook and 23 other citizens of East Fairfield, Columbiana County, Ohio;

Petition of H. Ellis and 32 other citizens of Fayette County, Ohio;

Petition of F. S. Lewis and 10 other citizens of Lorain County, Ohio;

Petition of Charles T. Marks and 39 other citizens of Mahoning County, Ohio;

Petition of L. Andrews and 18 other citizens of Dover Township, Ohio;

Resolutions of Dover Township Farmers' Alliance, No. 621, of Union County, Ohio;

Resolutions of the Farmers' Alliance of Mahoning County, Ohio;

Petition of C. F. Stafford and 72 other citizens of Mahoning County, Ohio;

Resolutions of the Farmers' Alliance and Industrial Union of Vinton, Ohio;

Petition of James M. Coon and 19 other citizens of Ohio;

Petition of W. S. Plitcher and 25 other citizens of Muskingum County, Ohio;

Resolutions of Cherry Grove Suballiance, No. 578, of Jamestown, Ohio;

Resolutions of the members of Spring Lake Suballiance, No. 130, Ohio Farmers' Alliance;

Petition of H. P. Corey and 16 other citizens of Perry Township, Wood County, Ohio;

Petition of A. Wolfe and 24 other citizens of Hocking County, Ohio; and

Resolutions of the members of the Starlight Farmers' Alliance, No. 24, of East Lewistown, Ohio.

Mr. SHERMAN presented a memorial of the Chamber of Commerce of Milwaukee, Wis., remonstrating against the free coinage of silver; which was ordered to lie on the table.

Mr. ALLEN presented the following petitions praying for the passage of the Conger lard bill; which were ordered to lie on the table:

Resolutions of Grand Coulée Alliance, No. 66, of Lincoln County, Washington;

Petition of Julius Johnson and 33 other citizens of Lincoln County, Washington; and

Petition of J. A. McAvoy and 33 other citizens of Lincoln County, Washington.

Mr. PADDOCK presented the following petitions of alliances and citizens of Nebraska, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Petition of Silas McNeal and 35 other citizens of Sartoria, Buffalo County, Nebraska;

Resolutions of Powel Canon Alliance, No. 602, of Arnold, Custer County, Nebraska;

Resolutions of Spade Alliance, No. 1079, of Sartoria, Buffalo County, Nebraska;

Resolutions of Battle Bend Alliance, No. 559, of Mason City, Nebraska;

Resolutions of Platte Alliance, No. 283, of Nebraska;

Petition of W. S. Hormel and 17 other citizens of Buffalo County, Nebraska;

Petition of John T. Pratt and 17 other citizens of Buffalo County, Nebraska;

Petition of Perry W. Hayes and 20 other citizens of Custer County, Nebraska;

Petition of W. C. Lange and 35 other citizens of Sutton, Clay County, Nebraska;

Petition of J. A. Graham and 14 other citizens of Arnold, Custer County, Nebraska; and

Petition of J. Jelinek and 8 other citizens of Custer County, Nebraska.

Mr. PADDOCK presented a petition of the Laundrymen's National Association of America, praying for the passage of House bill 5357, known as the Morrow Chinese exclusion act; which was referred to the Committee on Foreign Relations.

He also presented a petition, signed by the Central Labor Union, of Philadelphia, Pa., and 46 other typographical and labor unions of the United States, praying for the passage of the international copyright bill; which was ordered to lie on the table.

Mr. MITCHELL presented a petition adopted at a special meeting of the Oregon State Board of Commerce, held in the city of Salem, Oregon, January 15 and 16, 1891, praying Congress to secure the immediate examination of the bars in the Willamette River, between Portland and Corvallis, in that State, to the end that an intelligent and correct estimate of the cost of removal of such obstructions and the improvement of the river may be made; which was referred to the Committee on Commerce.

He also presented a joint memorial, adopted by the Oregon Legislature at its sixteenth session, memorializing Congress to speedily enact a law granting to the Umatilla County Irrigation Company a right of way to construct a canal for irrigating purposes over and across the Umatilla Indian reservation, in Umatilla County, Oregon; which was ordered to lie on the table.

Mr. ALLISON presented the following petitions, praying for the passage of the Conger lard bill; which were ordered to lie on the table:

Petition of Alliance No. 1902, of Iowa;

Petition of Dane Alliance, of Palo Alto County, Iowa;

Petition of Sioux Alliance, No. 1765, of Iowa;

Petition of Lizard Farmers' Alliance, No. 1892, of Iowa;

Petition of Sergeant Bluff's Alliance, No. 1373, of Iowa;

Petition of Mount Valley Farmers' Alliance, No. 1215, of Iowa;

Petition of F. Stein and 38 other citizens of Allamakee County, Iowa;

Petition of L. M. Stranahan and 35 citizens of Fayette County, Iowa;

Petition of P. H. O'Connor and 7 other citizens of Palo Alto County, Iowa;

Petition of Tufer Hays and 37 other citizens of Taylor County, Iowa;

Petition of R. M. Ricketts and 10 other citizens of Woodbury County, Iowa;

Petition of Joseph Leach and 27 other citizens of Pocahontas County, Iowa; and

Petition of H. Halton and 29 other citizens of Winnebago County, Iowa.

Mr. ALLISON presented the petition of Frank Pierce and sundry other citizens of Iowa, praying for the speedy enactment of a law giving to the several States authority to control the manufacture and sale of oleomargarine, butterine, and all compounds in imitation of butter; which was referred to the Committee on Agriculture and Forestry.

Mr. COCKRELL presented the following petitions, praying for the passage of the Paddock pure-food bill; which were ordered to lie on the table:

Petition of Farmers and Laborers' Union No. 27, of Scott County, Missouri;

Petition of Farmers and Laborers' Union No. 664, of Rolls County, Missouri;

Petition of Farmers and Laborers' Union No. 81, of Daviess County, Missouri;

Petition of Farmers and Laborers' Union No. 59, of Gasconade County, Missouri;

Petition of Farmers and Laborers' Union No. 664, of Wright County, Missouri;

Petition of Farmers and Laborers' Union No. 676, of Cedar County, Missouri;

Petition of Farmers and Laborers' Union No. 988, of Randolph County, Missouri;

Petition of Farmers and Laborers' Union No. 1371, of Jackson County, Missouri;

Petition of Farmers and Laborers' Union No. 1023, of Randolph County, Missouri;

Petition of Farmers and Laborers' Union No. 449, of Jackson County, Missouri;

Petition of Farmers and Laborers' Union, of La Fayette County, Missouri;

Petition of Farmers and Laborers' Union No. 825, of Monroe County, Missouri;

Petition of Farmers and Laborers' Union No. 152, of Gentry County, Missouri;

Petition of Farmers and Laborers' Union No. 304, of Ralls County, Missouri;

Petitions of Farmers and Laborers' Union of Morgan County, Missouri;

Petition of Farmers and Laborers' Union No. 57, of Newton County, Missouri;

Petition of Farmers and Laborers' Union No. 643, of Randolph County, Missouri;

Petition of Farmers and Laborers' Union No. 67, of Jackson County, Missouri;

Petition of Farmers and Laborers' Union No. 58, Cape Girardeau County, Missouri; and

Petition of Farmers and Laborers' Union No. 787, of Gentry County, Missouri.

Mr. COCKRELL presented a petition of members of Farmers and Laborers' Union No. 67, of Jackson County, Missouri, praying for the passage of the Paddock pure-food bill and remonstrating against the passage of the Conger compound lard bill; which was ordered to lie on the table.

Mr. BLACKBURN presented a petition of Farmers and Laborers' Union No. 61, of Jefferson County, Kentucky, praying for the passage of the Conger lard bill; which was ordered to lie on the table.

Mr. QUAY presented a petition of the Board of Trade of Philadelphia, Pa., praying for the immediate consideration and passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented the following resolutions and petitions of councils of Pennsylvania, favoring the passage of the bill to restrict immigration, as reported from the Committee on Immigration; which were referred to the Committee on Immigration:

Resolutions of Superior Council, No. 404, Junior Order United American Mechanics of Williams, Pa.;

Resolutions of Council No. 401, Junior Order United American Mechanics, of Saversville, Pa.;

Resolutions of Council No. 176, Junior Order United American Mechanics, of Frankford, Pa.;

Resolutions of Black Creek Council, No. 51, Junior Order United American Mechanics, of Weatherly, Pa.;

Resolutions of Council No. 221, Junior Order United American Mechanics, of Leechburg, Pa.;

Resolutions of Cohocksink Council, No. 526, Junior Order United American Mechanics, of Philadelphia, Pa.;

Resolutions of Phil. H. Sheridan Council, No. 287, Junior Order United American Mechanics, of Allentown, Pa.;

Resolutions of Chosen Friends Council, No. 86, Junior Order United American Mechanics, of Philadelphia, Pa.;

Resolutions of John Murphy Council, No. 15, Junior Order United American Mechanics, of Philadelphia, Pa.;

Resolutions of Council No. 500, Junior Order United American Mechanics, of Ogontz, Pa.;

Resolutions of Riverside Council, No. 87, Junior Order United American Mechanics, of New Cumberland, Pa.;

Resolutions of Resolute Council, No. 27, Junior Order United American Mechanics, of Reading, Pa.;

Resolutions of William Valley Council, No. 317, Junior Order United American Mechanics, of Tower City, Pa.;

Resolutions of North Star Council, No. 493, Junior Order United American Mechanics, of Wilmerding, Pa.;

Resolutions of May Flower Council, No. 159, Junior Order United American Mechanics, of Derry, Pa.;

Resolutions of Grandview Council, No. 259, Junior Order United American Mechanics, of Pittsburgh, Pa.;

Resolutions of Wiconisco Council, No. 57, Junior Order United American Mechanics, of Lykens, Pa.;

Resolutions of Smoky City Council, No. 119, Junior Order United American Mechanics, of Pittsburgh, Pa.;

Resolutions of O. W. Howell Council, No. 210, Junior Order United American Mechanics, of Stauffer, Pa.;

Petition of George G. Meade Council, No. 50, Junior Order United American Mechanics, of Philadelphia, Pa.;

Petition of Cowansburg Council, No. 165, Junior Order United American Mechanics, of Lash, Pa.;

Petition of Allegheny Council, No. 112, Junior Order United American Mechanics, of Allegheny, Pa.;

Petition of Girard Council, No. 309, Junior Order United American Mechanics, of Philadelphia, Pa.;

Petition of Council No. 522, Junior Order United American Mechanics, of Uhlerstown, Pa.;

Petition of Benevolent Council, No. 25, Junior Order United American Mechanics, of Lower Providence, Pa.;

Petition of Cherry Wood Council, No. 420, Junior Order United American Mechanics, of La José, Pa.;

Petition of Council No. 241, Junior Order United American Mechanics, of Conshohocken, Pa.;

Petition of Beers Council, No. 283, Junior Order United American Mechanics, of Petersville, Pa.;

Petition of Yola Council, No. 379, Junior Order United American Mechanics, of Cowansville, Pa.;

Petition of Security Council, No. 158, Junior Order United American Mechanics, of Weaver's Old Stand, Pa.;

Petition of Council No. 238, Junior Order United American Mechanics, of Kittanning, Pa.;

Petition of Council No. 344, Junior Order United American Mechanics, of Myersdale, Pa.;

Petition of Council No. 355, Junior Order United American Mechanics, of Greensborough, Pa.;

Petition of Council No. 350, Junior Order United American Mechanics, of Slippery Rock, Pa.;

Petition of Industry Council, No. 165, Junior Order United American Mechanics, of Reading, Pa.;

Petition of Council No. 215, Junior Order United American Mechanics, of Chester Hill, Pa.;

Petition of Aurora Council, No. 304, Junior Order United American Mechanics, of East Prospect, Pa.;

Petition of Laurel Council, No. 126, Junior Order United American Mechanics, of Pittsburgh, Pa.;

Petition of Energetic Council, No. 459, Junior Order United American Mechanics, of Sandy Lake, Pa.;

Petition of Council No. 524, Junior Order United American Mechanics, of Ambrose, Pa.;

Petition of Council No. 324, Junior Order United American Mechanics, of Grove City, Pa.;

Petition of Council No. 123, Junior Order United American Mechanics, of Shickshinny, Pa.; and

Petition of McCalmont Council, No. 377, Junior Order United American Mechanics, of Panic, Pa.

Mr. QUAY presented a concurrent resolution of the Legislature of the State of Pennsylvania; which was read, and ordered to lie on the table, as follows:

IN THE SENATE, *January* 29, 1891.

Whereas it is our unalterable conviction that the free and untrammeled right to exercise the suffrage should be guarantied and enforced by the National Government in all national elections; and

Whereas we hold it as a self-evident truth that where representation is based on population every legally qualified elector in that population is entitled to the opportunity to cast his ballot and have that ballot counted; and

Whereas some measure to secure this right to vote and to have such vote counted has been pledged by the Republican party in its national and State platforms:

Resolved (*if the house of representatives concur*), That our United States Senators be earnestly requested to use every honorable effort to secure the passage of the Federal election bill.

E. W. SMILEY,
Chief Clerk of the Senate.

Concurred in by house of representatives.

JOHN W. MORRISON,
Chief Clerk of the House of Representatives.

Mr. FARWELL presented a petition of the Chicago (Ill.) Vessel Owners' Association, praying for the construction of a tunnel under the Detroit River; which was referred to the Committee on Commerce.

Mr. CALL. I present the petition of J. C. Sullivan, Mrs. W. C. Robbins, and 40 other citizens of Orange City, Fla., and the petition of Mrs. M. E. L. Herrick and 27 other citizens of Orange, Fla., members of the Woman's Christian Temperance Union, praying for the passage of a bill providing for the appointment of commission, composed of both men and women, to investigate the social vice in all its phases, its relations to labor and wages, to marriage and divorce, its effect on individuals, unborn children, and the general welfare of the people, and its economic, criminal, and moral aspects in connection with pauperism, crime, the public health and morals, etc. I move that the petitions be referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. PAYNE presented the following petitions of citizens of Ohio, praying for the passage of the Conger lard bill; which were ordered to lie on the table:

Petition of S. C. Stratton and 22 other citizens of Columbiana County, Ohio;

Petition of S. B. McMillan and 44 other citizens of Columbiana County, Ohio;

Petition of J. L. Beard and 30 other citizens of Williams County, Ohio;

Petition of H. H. Tucker and 24 other citizens of Sandusky, Ohio;

Resolutions of Buckeye Farmers' Alliance, No. 572, of Rice Township, Sandusky County, Ohio;

Petition of N. R. Tucker and 25 other citizens of Sandusky Township, Sandusky County, Ohio;

Resolutions of Warwick Alliance, No. 589, of Warwick Township, Tuscarawas County, Ohio;

Petition of Samuel Baker and 22 other citizens of Crawford County, Ohio;

Petition of Martin Sherck and 39 other citizens of Seneca County, Ohio;

Petition of Charles W. Wilkins and 25 other citizens of Licking County, Ohio;

Resolutions of Refugee Alliance, No. 206, of Licking County, Ohio;

Petition of C. S. Ireland and 17 other citizens of Van Wert County, Ohio;

Petition of Amos F. Davidson and 5 other citizens of Adams County, Ohio;

Petition of W. A. Starbuck and 37 other citizens of Wilmington, Ohio;

Petition of James Foster and 26 other citizens of Seneca County, Ohio;

Resolutions of Model Township Alliance, of Sandusky Township, Richland County, Ohio;

Petition of Emery Wickersham and 27 other citizens of West Township, Columbiana County, Ohio;

Petition of W. A. Sampson and 21 other citizens of Pike County, Ohio;

Petition of W. W. Stroup and 14 other citizens of Homeworth, Columbiana County, Ohio;

Resolutions of Homeworth Farmers' Alliance, No. 472, of Ohio;

Petition of Newton Rule and 37 other citizens of Morrow County, Ohio;

Petition of W. O. Johnson and 31 other citizens of Bowersville, Ohio;

Petition of George W. Roose and 8 other citizens of Trumbull County, Ohio;

Petition of C. F. Lehman and 71 other citizens of Holmes County, Ohio;

Petition of H. G. Newell and 10 other citizens of Jewell, Defiance County, Ohio;

Resolutions of Jewell Alliance, No. 536, of Jewell, Defiance County, Ohio;

Petition of G. Y. Smith and 29 other citizens of Wakatomika, Coshocton County, Ohio;

Resolutions of East Bridgewater Alliance, No. 663, of Ohio;

Petition of J. W. Powell and 40 other citizens of Wyandot County, Ohio;

Petition of L. B. Frederick and 38 other citizens of Mahoning County, Ohio;

Resolutions of Farmers' Alliance No. 143, of Ohio;

Resolutions of New Martinsburgh Alliance, No. 299, of Fayette County, Ohio;

Petition of William D. Sherwood and 19 other citizens of Delaware County, Ohio;

Resolutions of West Oxford Farmers' Alliance, No. 367, of Delaware County, Ohio.

Petition of D. Pence and 26 other citizens of Pleasant Township, Fairfield County, Ohio;

Petition of C. C. Durkee and 24 other citizens of Ashtabula County, Ohio;

Petition of J. M. Hamilton and 14 other citizens of Vinton, Gallia County, Ohio;

Resolutions of Dillon Alliance, No. 223, of Brush Creek, Ohio;

Petition of W. B. Fritch and 22 other citizens of Suffield, Portage County, Ohio;

Resolutions of Westfield Alliance, No. 575, of Westfield, Morgan County, Ohio; and

Petition of John P. Kennard and 43 other citizens of Morgan County, Ohio.

Mr. PLUMB presented petitions of Farmers' Alliance and Industrial Unions Nos. 2007, 256, 2346, 122, 130, 1946, 1940, 1970, 135, 240, 278, 2183, 2022, of the counties of Jewell, McPherson, Leavenworth, Reno, Sumner, Sumner, Chase, Jefferson, Sumner, Reno, Stafford, Smith, Republic, in the State of Kansas, praying for the passage of the Paddock pure-food bill; which were ordered to lie on the table.

He also presented the following petitions of citizens of Kansas, praying for the passage of the Conger lard bill; which were ordered to lie on the table:

Petition of A. R. C. Sloan and other citizens of Overbrook, Osage County, Kansas;

Petition of L. H. Stewart and other citizens of Green, Clay County, Kansas; and

Petition of Highland Alliance, No. 692, of Green, Clay County, Kansas.

Mr. PLUMB presented the memorial of William Adams, J. F. Oswalt, and other citizens of the State of Kansas; and the memorial of John Maxwell, W. J. Gilchrist, and other citizens of the State of Kansas, remonstrating against the passage of the Conger lard bill; which were ordered to lie on the table.

He also presented a petition of the Butchers' Protective Association No. 10, of Leavenworth, Kans., praying for the passage of the Conger lard bill; which was ordered to lie on the table.

Mr. PLUMB. I present a memorial numerously signed by farmers and others living in Northwestern Kansas, setting forth the needs of that section, and asking for the donation of a sufficient amount of money to buy seeds for their spring planting on account of the failure of the crop there last year by reason of drought. I move that the petition be referred to the Committee on Agriculture and Forestry.

Mr. PADDOCK. I suggest that the petition presented by the Senator from Kansas [Mr. PLUMB] relative to the furnishing of seeds for spring planting in Northwest Kansas should be referred to the Committee on Appropriations, as the Committee on Agriculture and Forestry has already reported an amendment to the agricultural appropriation bill for that purpose; which has gone to the Committee on Appropriations on my motion on behalf of the committee.

Mr. PLUMB. I suggested the reference to the Committee on Agriculture because I thought it likely that they might probably desire to give some further consideration to the subject involved in the petition than that which has been given in the amendment reported by them.

Mr. PADDOCK. A second consideration of this subject has been had and a conclusion has been reached by that committee, and, as I understand, the amount originally named in the amendment has been increased very considerably. I think, therefore, it would be well to have the petition go to the Committee on Appropriations.

Mr. PLUMB. I will accept the suggestion of the Senator from Nebraska and move that the petition be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. PLUMB. I also present a memorial of the Hornview Alliance, No. 324, of Russell County, Kansas, setting forth that a petition signed by that organization, protesting against the passage of the Conger lard bill, did not represent their sentiments, and that they are in favor of that bill. I move that the memorial lie on the table.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. TURPIE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8557) granting a pension to John McGregor; and

A bill (H. R. 8561) granting a pension to Martha Torrence.

Mr. DAVIS, from the Committee on Military Affairs, to whom was referred the bill (S. 3896) regulating settlement of military claims, reported it with an amendment, and submitted a report thereon.

He also, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 9425) granting a pension to William Dunn;

A bill (H. R. 3647) granting a pension to Jonathan S. Brink;

A bill (H. R. 2512) granting an increase of pension to Hugh McHugh; and

A bill (H. R. 7875) granting a pension to E. Patton, of Benedict, Kans.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (H. R. 12042) to authorize the construction of a tunnel under the waters of the bay of New York, between the town of Middletown, in the county of Richmond, and the town of New Utrecht, in the county of Kings, in the State of New York, and to establish the same as a post road, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 4401) to authorize the construction of a tunnel under the waters of the bay of New York, between the town of Middletown, in the county of Richmond, and the town of New Utrecht, in the county of Kings, in the State of New York, and to establish the same as a post road, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 4820) to amend the law relating to the residence abroad of the owners of American vessels in the foreign trade, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the joint resolution (S. R. 144) for the use of the appropriations in the river and harbor bill relating to the Apalachicola River, Florida, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 4816) establishing a port of delivery at Des Moines, Iowa, reported it without amendment.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (S. 4906) authorizing the Secretary of War

to cause an exploration and survey to be made of the interior of Alaska, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4610) granting to the State of Wyoming certain lands in the Fort D. A. Russell military reservation for agricultural fair and industrial exposition grounds, and for other purposes, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6921) for the relief of Charles H. Kellen, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 4806) for the relief of Abram F. McCurdy, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 7155) granting an honorable discharge to Howard Willison, reported it with an amendment, and submitted a report thereon.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 2968) for the relief of Thomas W. Houts, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 740) for the relief of Thomas W. Houts, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 6852) for the relief of North Storms, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 18) to remove the charge of desertion from the record of Michael Flaherty, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2204) to remove the charge of desertion from the record of Michael Flaherty, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 660) granting honorable discharge to John Lyons;

A bill (S. 661) granting an honorable discharge to William Pullman;

A bill (S. 672) granting an honorable discharge to Bennett Dorsey;

A bill (S. 823) to remove the charge of desertion from the military record of John Roos;

A bill (S. 1550) to remove charge of desertion against Henry Crangle;

A bill (S. 1648) to remove the charge of desertion against Norman Mann;

A bill (S. 2154) to remove the charge of desertion from the military record of William W. Kerbaugh; and

A bill (S. 2831) granting an honorable discharge to Thomas Fitzgibbons.

Mr. FAULKNER, from the Committee on Pensions, to whom was referred the bill (H. R. 7952) for the relief of Henry A. King, reported it without amendment, and submitted a report thereon.

Mr. SHERMAN, from the Committee on Foreign Relations, to whom was referred an amendment intended to be proposed to the diplomatic and consular appropriation bill, submitted by Mr. ALLEN on January 22, concerning the consul at Managua, Nicaragua, asked to be discharged from its further consideration, and moved its reference to the Committee on Appropriations; which was agreed to.

Mr. DOLPH. From the Committee on Foreign Relations I report an amendment intended to be proposed to the naval appropriation bill, and I move its reference to the Committee on Appropriations. It consists of only six lines, and I ask unanimous consent that it may be read at the desk.

The amendment was read, referred to the Committee on Appropriations, and ordered to be printed, as follows:

Amendment reported from the Committee on Foreign Relations by Mr. DOLPH to the bill (H. R. 12782) making appropriations for the Navy Department for the fiscal year ending June 30, 1892, and for other purposes, namely.

Insert the following:

"To enable the President to cause careful soundings to be made between San Francisco, Cal., and Honolulu in the Hawaiian Islands for the purpose of determining the practicability of and facilitating the laying of a telegraphic cable between those points, $50,000, or so much thereof as may be necessary; and the President is hereby authorized to direct the use of any vessel or vessels belonging to the United States in making such survey."

Mr. DOLPH. I also report from the Committee on Foreign Relations an amendment intended to be proposed to the naval appropriation bill, which is substantially like the amendment I offered on Thursday last, which was referred to the Committee on Naval Affairs. I call the attention of that committee to the fact that the amendment has been reported by the Committee on Foreign Relations. I move that it be printed and referred to the Committee on Appropriations.

The motion was agreed to.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (H. R. 11587) for the relief of Duncan D. Cameron, late first lieutenant Ninth United States Colored Troops, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 4224) to remove the charge of desertion against James Littleton, reported it without amendment, and submitted a report thereon.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 10727) granting a pension to Ira Agan; and

A bill (H. R. 11243) granting a pension to Sarah H. Philp.

Mr. STOCKBRIDGE, from the Committee on Fisheries, to whom was referred the bill (S. 4960) for the establishment of a fish hatchery in the State of New York, near the St. Lawrence River, reported it without amendment, and submitted a report thereon.

Mr. EDMUNDS. I am directed by the Committee on Foreign Relations to submit an amendment intended to be proposed to the diplomatic and consular appropriation bill and also to the sundry civil appropriation bill, although it is one and the same amendment, it being an open question on which bill the amendment ought to be placed; so I name both. I move that the amendment be referred to the Committee on Appropriations and printed.

The motion was agreed to.

Mr. VEST, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 4773) providing for the sale of the old customhouse and lot connected therewith in the city of Louisville, Ky., reported it with amendments.

HEARING BEFORE COMMITTEE ON PRINTING.

Mr. MANDERSON, from the Committee on Printing, reported the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the expenses of reporting the hearings given by the Committee on Printing of the Senate, under resolution relating to selection of a site for the Government Printing Office, be paid out of the contingent fund of the Senate.

BILLS INTRODUCED.

Mr. CALL (by request of the Wage-Workers' Political Alliance of the District of Columbia) introduced a bill (S. 4966) to encourage the mining of gold and silver, and for other purposes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Finance.

Mr. FRYE introduced a bill (S. 4967) to amend the law relative to the shipment, payment, and discharge of seamen; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. RANSOM introduced a bill (S. 4968) appropriating the sum of $30,000 for the enlargement and improvement of the United States Government building at Greensborough, N. C.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. PLATT (by request) introduced a bill (S. 4969) to enable the Prescott and Arizona Central Railway Company of Arizona to extend its line of road to the city of Phœnix, and for other purposes; which was read twice by its title, and referred to the Committee on Territories.

Mr. DAVIS (by request) introduced a bill (S. 4970) to authorize the President of the United States to cause certain lands heretofore withdrawn from the market, for reservoir purposes, to be restored to the public domain subject to entry under the homestead law and private entry for town-site purposes only, with certain restrictions; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. McMILLAN introduced a bill (S. 4971) for the relief of Bela R. Davis; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. DOLPH introduced a bill (S. 4972) granting a pension to Arthur M. Thorp; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GORMAN introduced a bill (S. 4973) for the relief of John Barron; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. PLUMB introduced a bill (S. 4974) confirming to the Kansas Central Railroad Company a right of way upon the military reservation of Fort Leavenworth, in the State of Kansas; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 4975) to readjust the salary and allowances of the postmasters at Guthrie, Oklahoma City, and Kingfisher, in Territory of Oklahoma; which was read twice by its title, and referred to the Committee on Post Offices and Post Roads.

He also introduced a bill (S. 4976) to confirm certain entries made upon the Osage rrust and diminished reserve lands, and for other purposes; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. SHERMAN introduced a bill (S. 4977) for the erection of a monument to the late Salmon P. Chase; which was read twice by its title, and referred to the Committee on the Library.

Mr. TURPIE introduced a bill (S. 4978) for the relief of John G. Eigenman and John Biedenkopf; which was read twice by its title, and referred to the Committee on Claims.

Mr. PADDOCK introduced a bill (S. 4979) to confirm certain entries upon the Otoe and Missouria reservation lands in Kansas and Nebraska; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. BERRY (for Mr. PUGH) introduced a bill (S. 4980) to enlarge the United States courthouse and post-office building at Birmingham, Ala., and to appropriate money therefor; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. WASHBURN introduced a bill (S. 4981) for the relief of Sylvester Truesdell; which was read twice by its title, and referred to the Committee on Public Lands.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. FRYE submitted an amendment intended to be proposed by him to the diplomatic and consular appropriation bill, proposing to increase the salary of the consul at Lyons; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. CHANDLER submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. SAWYER submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Post Offices and Post Roads, and ordered to be printed.

Mr. TELLER submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Patents, and ordered to be printed.

Mr. CASEY submitted an amendment intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. ALLEN submitted an amendment intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. PLUMB submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GIBSON submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GORMAN submitted an amendment intended to be proposed to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. DANIEL submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

CIVIL SERVICE COMMISSION REPORT.

Mr. MANDERSON submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That 46,000 copies of the Seventh Report of the United States Civil Service Commission be printed, of which 2,000 copies shall be for the use of the Senate, 4,000 copies for the use of the House of Representatives, and 40,000 copies for the use of the United States Civil Service Commission.

ORDER OF BUSINESS.

Mr. MANDERSON. I ask the unanimous consent of the Senate now to consider House bill 13071, which is a bridge bill to which there can be no possible opposition.

Mr. ALLISON. Is the morning business disposed of?

The VICE PRESIDENT. The morning business is not yet concluded. Resolutions, concurrent or other, are still in order.

Mr. ALLISON. I do not antagonize——

Mr. MANDERSON. I shall renew my request at the end of the morning business.

Mr. ALLISON. I am in entire sympathy with the Senator and I hope the bill will be considered.

The VICE PRESIDENT. Is there further morning business? If not, that order is closed, and the Calendar under Rule VIII is in order.

DEATH OF SECRETARY WINDOM.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following resolutions:

Resolved, That the House of Representatives has heard with profound sorrow of the death of Hon. William Windom, Secretary of the Treasury, who for ten years was a member of this body and for twelve years a member of the Senate.

Resolved, That a committee of nine Representatives be appointed by the Speaker, to join such committee as may be appointed by the Senate, to attend the funeral of the late Secretary on behalf of Congress, and to take such other action as may be proper in honor of the memory of the deceased and as appreciation of Congress of his public services.

The message also announced that in accordance with the foregoing resolutions the Speaker had appointed Mr. MCKINLEY, Mr. MILLS, Mr. DUNNELL, Mr. HOLMAN, Mr. O'NEILL of Pennsylvania, Mr. FORNEY, Mr. VANDEVER, Mr. BLOUNT, and Mr. SNIDER, as members of the committee on the part of the House of Representatives.

Mr. MORRILL. I ask to have the resolutions of the House of Representatives read.

The VICE PRESIDENT. The Chair lays before the Senate the resolutions of the House of Representatives, which will be read.

The Chief Clerk read the resolutions.

Mr. MORRILL. Mr. President, I offer a resolution and ask for its present consideration.

The VICE PRESIDENT. The resolution will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That a committee of seven Senators be appointed by the President of the Senate to join the committee of the House of Representatives in attending the funeral of the late Secretary of the Treasury, and to take such other action as may be appropriate in honor of the memory of the deceased and to manifest the respect and appreciation of Congress for his public services.

The resolution was considered by unanimous consent, and agreed to.

The VICE PRESIDENT announced as the committee on the part of the Senate, under the resolution, Mr. MORRILL, Mr. WASHBURN, Mr. SHERMAN, Mr. ALLISON, Mr. HARRIS, Mr. PAYNE, and Mr. GORMAN.

Mr. MORRILL. I offer the following resolution and ask for its present consideration:

Resolved, That the Senate will adjourn on Monday, February 2, at 2 o'clock p. m., to attend the funeral of the late Secretary of the Treasury.

The VICE PRESIDENT. The Chair hearing no objection, the question is on agreeing to the resolution.

Mr. HARRIS. Is not the funeral to take place at 12 o'clock?

Mr. MORRILL. It is to take place at 3 o'clock.

Mr. HARRIS. I saw it stated in the papers that it would take place at 12.

Mr. MORRILL. A communication from the Treasury Department authorizes the statement that it will take place at 3 o'clock.

Mr. HARRIS. I simply wanted to make the inquiry.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. MORRILL subsequently said: I understand that arrangements have just been made that will change the time of the funeral of the late Secretary of the Treasury. I therefore ask unanimous consent that the resolution which we passed may be amended so that the Senate will meet on Monday at 2 o'clock instead of adjourning at that hour.

Mr. HALE. As the funeral will be at 12 o'clock.

Mr. MORRILL. As the funeral is to be at 12.

The VICE PRESIDENT. If there be no objection, the vote will be reconsidered by which the resolution was agreed to. The Chair hears no objection, and the vote is reconsidered. The Senator from Vermont moves to amend the resolution by making it read that when the Senate adjourns to-day it adjourn to meet on Monday at 2 o'clock. The Chair hears no objection and the resolution is so amended, and the resolution as amended will be agreed to.

Mr. HALE. It is understood that the funeral is to be at 12 o'clock.

The VICE PRESIDENT. That is understood.

SMITHSONIAN BOARD OF REGENTS.

Mr. MORRILL. I desire to call up the joint resolution (S. R. 153) to fill a vacancy existing in the Board of Regents of the Smithsonian Institution, which was introduced on Friday and is on the table.

The VICE PRESIDENT. The joint resolution will be read.

The Chief Clerk read the joint resolution, as follows:

Resolved, etc., That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than members of Congress, shall be filled by the appointment of William Preston Johnston, of Louisiana, in the place of Noah Porter, of Connecticut, resigned.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE AT OMAHA.

Mr. MANDERSON. I now renew my request that the Senate consider the bill (H. R. 13071) authorizing the construction of a railway, street-railway, motor, wagon, and pedestrian bridge over the Missouri River near Council Bluffs, Iowa, and Omaha, Nebr.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. MANDERSON. I ask that the bill be read for amendment, and I transmit to the desk the House bill, and accompanying it a Senate bill which shows the changes proposed by the Senate Committee on Commerce to make the House bill in exact accordance with the bill reported from the committee.

Mr. COCKRELL. The Senate bill has been reported?

Mr. MANDERSON. The Senate bill has been reported favorably

and is on the Calendar. I propose to amend the House bill in exact accordance with the Senate bill.

The VICE PRESIDENT. The bill will be read and the amendments will be stated in their order.

The Chief Clerk proceeded to read the bill. The first amendment was, in section 1, line 18, after the word "railroads," to insert "and street railways;" so as to read:

And all railroads and street railways reaching the Missouri River near said point shall be permitted the unobstructed use of said bridge, etc.

The amendment was agreed to.

The next amendment was, in section 1, line 21, after the word "trains," to insert "in the case of railroads, and for electrical or cable equipments and cars in the case of street railways;" so as to read:

And trains in the case of railroads, and for electrical or cable equipments and cars in the case of street railways, at reasonable compensation and rates of toll.

The amendment was agreed to.

The next amendment was, in section 2, line 1, after the word "that," to insert:

Said bridge shall be constructed in all respects as a first-class railroad bridge, with ample trackage facilities, and with foundations and superstructure of sufficient strength to admit of the safe passage over the same of railway trains of the maximum weight usually drawn over like railway bridges of the first class by the use of locomotives, and.

The amendment was agreed to.

The reading of the bill was continued. The next amendment was, in section 5, line 10, after the word "telegraph," to insert the words "and telephone;" so as to read:

And equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies.

The amendment was agreed to.

The next amendment was, in section 6, line 1, after the word "companies," to insert "and street railways;" so as to read:

That all railroad companies and street railways desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railroad trains or cars over the same and over the approaches thereto, upon payment of a reasonable compensation for such use.

The amendment was agreed to.

The next amendment was, in section 6, line 7, after the word "railroad," to insert "and street railway;" so as to read:

And in case the owner or owners of said bridge and the several railroad and street railway companies, or any one of them, desiring such use shall fail to agree upon the sum or sums to be paid, and upon rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties.

Mr. WILSON, of Iowa. If I have caught the reading correctly the amendments suggested in line 1 of the sixth section and in line 7 of the same section do not correspond.

The VICE PRESIDENT. They do not.

Mr. WILSON, of Iowa. As reported from the committee, according to the print in my hand, they do correspond.

Mr. PADDOCK. I think the report of the committee is correct. The words "street railway" should come in before "companies" in the first line of the section.

Mr. WILSON, of Iowa. I think the form in which it was reported from the committee is better.

Mr. MANDERSON. It is a very easy matter to change the language and make it read "railroad and street-railway companies."

Mr. FRYE. It is all right as recommended by the committee.

The VICE PRESIDENT. The amendment in section 1, line 6, will be again stated as modified.

The CHIEF CLERK. In section 1, line 6, after the word "railroad," insert the words "and street-railway;" so as to read:

That all railroad and street-railway companies desiring the use of said bridge, etc.

The VICE PRESIDENT. If there be no objection, the former vote will be reconsidered, and the question is upon agreeing to the amendment as now reported.

The amendment was agreed to.

The VICE PRESIDENT. The amendment in line 7 of section 6 will be again stated.

The CHIEF CLERK. In section 6, line 7, after the word "railroad," insert "and street-railway;" so as to read:

And the several railroad and street-railway companies, or any one of them, desiring such use, etc.

Mr. WILSON, of Iowa. As reported by the committee, it reads: "railroad or street-railway companies."

Mr. MANDERSON. It is right the way it is now.

Mr. WILSON, of Iowa. But it was read "and."

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was continued.

The next amendment was, in section 7, line 8, to strike out the words "at the expense of" and insert the words "paid by;" so as to read:

And the expense of altering said bridge or removing such obstructions shall be paid by the owners of such bridge.

The amendment was agreed to.

The next amendment was, in section 8, line 2, after the word "commenced," to strike out "within one year and be finished within three years from its passage" and insert:

On or before the 1st day of January, 1892, and be completed on or before the 1st day of July, 1893.

Mr. MANDERSON. I suggest that there should be a later day fixed for the completion of the bridge than the 1st of July, 1893.

Mr. PADDOCK. It seems to me that for the construction of a low bridge two years and a half is ample time.

Mr. MANDERSON. It will not be two years and a half.

Mr. PADDOCK. It will be nearly two years and a half from the date of the passage of the bill. I have seen statements on the part of the projectors of this enterprise indicating their readiness to commence the construction immediately on the passage of this bill, and that it will be finished much earlier than the date named. They themselves can not fail to think the time ample.

Mr. MANDERSON. All right.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The VICE PRESIDENT. This concludes the amendments of the Committee on Commerce.

Mr. FRYE. What does the Senator from Nebraska say about the limit to July 1, 1893?

Mr. MANDERSON. It seems to me it is a little short as to the time for the construction of a bridge that bids fair to be so extensive as this, but my colleague appears to think that is time sufficient, and as it can be extended——

Mr. PADDOCK. Two years and a half for the construction of a low bridge I think is ample time. The idea is to so limit the time for the commencement and the completion of the bridge that it will be a bridge to be constructed and not a bridge to be speculated upon.

Mr. MANDERSON. We had better make it the 1st of January, 1894, and then there will be no trouble about it.

Mr. PADDOCK. I must insist on the date July 1, 1893. I have had very full information as to this subject; I think it in the interest of the enterprise itself, and I think it is the interest of the cities which specially desire this bridge that the date shall remain as fixed, July 1, 1893. It will afford ample time for the completion, as I am assured.

Mr. MANDERSON. As Congress would very manifestly extend the time if the bridge was partly constructed by the 1st of July, 1893, I care nothing about it. So let it go as it stands.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. MANDERSON. My attention is called to a misprint in the engrossed bill that came from the other House. In section 4, line 4, the word is "coration" instead of "corporation." I ask that that be corrected.

The VICE PRESIDENT. That correction will be made.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANDERSON. I move that the Senate request a conference with the House of Representatives upon the bill and amendments.

The motion was agreed to.

By unanimous consent, the Vice President was authorized to appoint the conferees on the part of the Senate; and Mr. VEST, Mr. SAWYER, and Mr. WASHBURN were appointed.

The VICE PRESIDENT. If there be no objection, Senate bill 4880, referring to the same subject as the bill which has just been passed, will be indefinitely postponed. The Chair hears no objection, and that order will be made.

ORDER OF BUSINESS.

Mr. QUAY. I ask unanimous consent that the Senate at this time proceed to the consideration of the bill (H. R. 9591) for the relief of George Gunnell.

The VICE PRESIDENT. The hour of 12 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which is the bill (H. R. 12573) making appropriations for the support of the Army for the fiscal year ending June 30, 1892, and for other purposes.

Mr. ALLISON. I must ask that that bill be proceeded with at this time.

Mr. HARRIS. I appeal to the Senator from Iowa and ask the unanimous consent of the Senate to consider at this time Order of Business 2224, being Senate bill 4592. It is a bridge bill of three pages, and if it takes any more time than is necessary to read it I will withdraw the request. It is important as a matter of time that the bill should pass now if it is to be passed at all.

Mr. ALLISON. I have had several requests of a similar character from Senators who have urgent bills. I think later in the day there will probably be an opportunity to reach bills that do not lead to debate. I hope the Senator will postpone his request for the time being.

Mr. HARRIS. Certainly, I yield to the suggestion of the Senator from Iowa, and I hope to get an opportunity later in the day.

Mr. BLAIR. Will the Senator from Iowa yield to me to say a word in the nature of a personal explanation?

Mr. ALLISON. Yes, sir.

Mr. BLAIR. I observe circulating in the newspapers of the country what purports to be a copy of an agreement alleged to have been entered into by Republican Senators in reference to the consideration of the force bill, so called, or the elections bill, more properly called, in which certain names are given as having violated the agreement, and the allegation is made that all the other Republican Senators signed the agreement without condition. I desire to say that these allegations are so broad and so general as to include myself among those who signed that agreement without condition. I wish to say that I never signed such an agreement, except with the written qualification attached to my name that it should not interfere with efforts for the consideration of the education bill.

Mr. TELLER. Mr. President, I do not myself intend to pay attention to newspaper reports. As a general rule, I have never given any attention to statements which are made by newspaper correspondents. I only now desire to say that the statement, very generally circulated, that I have been at any time in favor of the force bill, so called, or the elections bill, is incorrect.

The further statement that amendments were made to that bill in committee whenever I asked to have them made I pronounce also incorrect.

The statement that I ever agreed to support the bill, directly or indirectly, I also pronounce incorrect.

I will say now, Mr. President, for fear I shall have no other opportunity, that my opposition to the so-called force bill, or elections bill, has never grown out of my attitude on the silver question at all. If the silver question had been disposed of early last year in accordance with my wishes, my course upon the elections bill would not have been changed. I was opposed to that bill upon principle. I have never for a moment entertained the idea that it could be so amended that I should be able to vote for it, because that was to expect such a radical change in the bill that I knew the friends of the bill would not then care about its passage. That is all I propose to say, no matter what may be said about my attitude or my relations, except to repeat that I have never promised to support the bill, I never intended to support the bill, and I have not supported the bill.

ARMY APPROPRIATION BILL.

The VICE PRESIDENT. The unfinished business will be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12573) making appropriations for the support of the Army for the fiscal year ending June 30, 1892, and for other purposes.

The VICE PRESIDENT. The pending question is on agreeing to the amendment proposed by the Senator from Iowa [Mr. ALLISON], to add an additional proviso after the word "service," in line 8, on page 17.

Mr. ALLISON. Mr. President, after the debate upon Thursday last on the amendment, I hope we can have a vote now, or an understanding, at least, that the words proposed to be stricken out by the committee may be struck out, and then the question will be upon the amendment which is pending to insert a proviso at the end of the paragraph.

Mr. GORMAN. I have no objection to a vote upon that branch of the amendment, but I desire to say a few words on the subject.

Mr. ALLISON. My suggestion is made with a view to facilitate the consideration of the amendment.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 16, the Committee on Appropriations report to strike out all after line 15, down to and including the word "transportation," on page 17, in line 4, the words proposed to be stricken out being as follows:

Provided, That in expending the money appropriated by this act a railroad company which obtained a grant of public land to aid in the construction of its railroad on condition that such railroad should be a post route and military road subject to the use of the United States for postal, military, naval, and all other Government service, and also subject to such regulations as Congress may impose restricting the charges for such Government transportation, having claims against the United States for transportation of any kind over such railroad, shall only be paid out of the moneys appropriated by the foregoing provision on the basis of not exceeding 50 per cent. of the compensation for such Government transportation as shall be charged to and paid by private parties to said company for like and similar transportation.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee just read.

The amendment was agreed to.

The VICE PRESIDENT. Another amendment of the committee in the same paragraph will also be stated.

Mr. ALLISON. That is right.

The CHIEF CLERK. In line 5, of the same clause, on page 17, it is proposed to strike out the words "in all such cases."

The amendment was agreed to.

Mr. ALLISON. Now, let the question be taken on the amendment in line 4, to strike out the word "further."

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. In line 4, of the same clause, on page 17, it is proposed to strike out the word "*further*" after the word "*Provided;*" so as to read:

Provided, That such compensation shall be computed, etc.

The amendment was agreed to.

Mr. ALLISON. Now, the question is upon the amendment proposed by the committee, submitted by me on Thursday.

The VICE PRESIDENT. The question now is on the amendment proposed by the Committee on Appropriations, which will be stated.

The CHIEF CLERK. On page 17, in line 8, after the word "service," it is proposed to insert the following additional proviso:

Provided further, That, in expending the money appropriated by this act, a railroad company which has not received aid in bonds of the United States, and which obtained a grant of public land to aid in the construction of its railroad on condition that such railroad should be a post route and military road, subject to the use of the United States for postal, military, naval, and all other Government service, and also subject to such regulations as Congress may impose restricting the charges for such Government transportation, having claims against the United States for transportation of any kind over such railroad, shall only be paid out of the moneys appropriated by the foregoing provision on the basis of such rate for the transportation of troops and munitions of war as the Secretary of War shall deem just and reasonable under the foregoing provision; such rate not to exceed 70 per cent. of the compensation for such Government transportation as shall at the time be charged to and paid by private parties to any such company for like and similar transportation; and the amount so fixed to be paid shall be accepted as in full for all demands for such service.

Mr. GORMAN. Mr. President, when this amendment was under consideration on Thursday, in connection with the amendment which has already been adopted striking out the provision as it came from the House of Representatives, I was going on to show as best I could the absolute injustice of adopting the provision as it came from the other House. I gave some reasons why it should be stricken out, and the amendment now offered by the chairman of the Committee on Appropriations, with the concurrence of the whole committee, should be adopted. One of the reasons I assigned was the active competition of the Canadian roads just north of our system of roads to the Pacific; that, if the Government of the United States attempted to restrict and hamper and compel the roads to carry all the troops, munitions of war, and other property of the Government at a charge which was not equal to the cost of transportation, it would tend to the destruction of our American system of roads without the slightest benefit to the people of the United States who use the roads as a means of transportation.

Without much preparation I presented my views in that case. I was interrupted by the distinguished Senator from Maine [Mr. HALE] to ask me this question, as found in the RECORD, on page 1967:

Is the Senator—

Referring to myself—

prepared to sustain any policy or legislation that will take away from the producer in the Northwestern States of Michigan, Wisconsin, Minnesota, the Dakotas, and the region including Montana, the benefit of that competition that is gained by Canadian routes from that section to the extreme East or the Atlantic coast? Does the Senator believe in a policy or in a system of legislation that will shut out from competition Canadian railroads, the operation of which is to reduce the price of transportation to the producer in the Western region and the consumer in the Eastern region? I ask the Senator that question.

I answered him very promptly "no;" but afterwards, as the debate developed, the Senator from Minnesota [Mr. WASHBURN], whom I now see in his seat, unquestionably got the impression from the question and probably from the imperfect answer that I made at the time, that I was presenting a proposition for the purpose of excluding from transportation these Canadian lines. That is very far from my idea. I certainly made no such proposition and had no such thought in my mind. I agree that they have for some sections of the country the shortest line from the Northwest to the Atlantic seaboard; unquestionably the shortest when you take it from Minneapolis and other points in the Northwest through to Liverpool. That our people, as this competition has grown up, should have the benefit of that short transportation and cheaper line, I do not think there is a question. Whether it was politic in the beginning to permit that interest to go on and develop as it has developed, is another question.

As has been shown in the debates we have had upon this subject, it began with the Trunk Line of Canada. They crossed the river at Niagara and came in and began to absorb a great part of this trade without any authority, so far as I have been able to find, from Congress, but simply under a permission or a regulation of the Treasury Department. It, however, has grown and spread until the English Government have unquestionably adopted it as a part of their policy to create these great lines of transportation for political and military purposes, furnishing the money to construct them, indeed more than enough to construct them, and to supply whatever deficiencies may arise in their operation, so that the amount of traffic they receive from our Northwestern country and convey to New England and through New England to the other side is a clear gain to them and relieves them of the necessity of paying additional amounts of money per annum for the maintenance of those great roads.

I believe, Mr. President, that the time will come when this will seriously threaten our relations with that great country. The only thing to prevent it would be the adoption of the theory that the commercial relations that will grow up because of the construction of these

great lines of transportation may induce a closer union between the two countries. One of the two things must occur. There stands the case, however, and it must be dealt with and can not be postponed many years, in my judgment.

I have referred to the fact that every New England State—and I do not complain of it—as the world knows, encourages this great English enterprise. They are very glad to avail themselves of the opportunity of the cheap cost of transportation. There is scarcely a town in New England, of any importance, that has not a branch of this Canadian system entering it. There is not a manufacturing establishment—and when I say "not a manufacturing establishment" I state the general rule—that does not use the Canadian system for the shipment of its manufactures and wares through to the Pacific and thence to China and Japan.

This English system has almost exclusively the control of the transportation from that section of the country, and it is a marvelous thing, but it is true, that every resident of that section of the country sets his face against opening the doors for free competition upon the Atlantic Ocean for the coasting trade; and I believe they are right in that; but at the same time they are perfectly prepared to receive these vessels on wheels that are constructed in Canada and use them in order that they may have this cheaper transportation. This arises from a peculiar condition and frame of mind. It only shows how self-interest takes hold of communities, and especially communities as intelligent as those of New England. There it is. It has grown up.

I recognize, as the Senator from Minnesota [Mr. WASHBURN] has well said, the immense interest there is in the Northwest in this question. While that condition of affairs exists, while we can not exclude them, and I think there is no thought of excluding them, I do insist that it is but fair and it is, in my judgment, absolutely necessary to say to our people in this country, who have great prejudice against corporations and whose sentiments are found voiced in the proposition as it comes from the House of Representatives—and I think I have a right to say—that it is a proposition which is catering to an element and to a sentiment which, if carried out and enacted into law, would be destructive of American interests, and it is time for the Senate to stop.

While the proposition of the Senator from Iowa [Mr. ALLISON], drawn carefully, as it is, is more liberal and just and fair than the one that came to us from the other House, yet I believe that, under all circumstances and with the conditions which I have so imperfectly described, even the restriction of the Senator from Iowa that the Government shall not pay more than 70 per cent. of the usual charges for the Government transportation is a hardship upon these roads. We have passed the interstate-commerce law. We have placed these roads under it. The Canadian interest we have discussed operates outside of the law. Our roads are at their mercy. All I claim is that we must so adjust the law in the future as to bring that system under identically the same regulations with our own roads, or else relieve our roads, permit them to make their own rates, and to combine to protect American interests against this Canadian interest. That, I think, can be done with justice to the people of this country.

I believe, and I am justified in saying so from the testimony taken by the Interstate Commerce Committee, of which the distinguished Senator from Illinois [Mr. CULLOM] is the chairman, that the representatives of the American railroad interests themselves have come to the conclusion that the American people will not permit, by pooling, by combination, or otherwise, rates to be made too high or discriminations to be made as against individuals and corporations and cities and localities. The one way in which the subject may be controlled is to permit them to come together and not to cut each others' throats, as they have been doing in the past, on condition that the Interstate Commerce Commission itself shall first approve the agreements and the rates, so that we may enter upon a system where the people may have an opportunity to protect themselves as against extortionate charges, and at the same time enable these roads to live.

Mr. President, in the course of the investigation made by the Committee on Interstate Commerce we had the testimony of quite a number of distinguished gentlemen, and among others was Mr. Adams, a resident of Massachusetts, who, it was true, was president of the Union Pacific Railroad at the time. He was asked the question:

Senator GORMAN. Are you content to ask the strict enforcement of this law with the long and short haul clause and the prohibitions of pooling by our American roads, leaving the Canadian roads practically free to do as they please?

Mr. ADAMS. No; I am not.

Senator GORMAN. Well, what would you suggest?

Mr. ADAMS. The best way, if the law is defective, is to let it produce its results and amend it accordingly. I have not seen the law working long enough to have my own mind clear as to what the necessary amendment is.

I read from page 153 of the report. I do not follow the whole of it, but give extracts. Mr. Adams was asked this question:

Would it not be a fact that, if it is impossible under the present conditions and our present relations with Canada to enforce the provisions of our interstate-commerce act upon all the through trade from Chicago or the Northwest to Montreal, Portland, or Halifax, it would follow as a matter of course that we would be compelled to relieve our railroads of the present restrictions?

Mr. ADAMS. You would either have to relieve them of the present restrictions in a measure, or you would find that commerce, as I said before, would follow the line of least resistance.

Senator GORMAN. And that would be over the roads that were not so restricted?

Mr. ADAMS. Undoubtedly. Now, I have no doubt that in many respects—take European commerce with this country, for instance—the line of least resistance is through Portland, Montreal, Baltimore, and other cities. But that is more than compensated for by the commercial and other advantages predominating in New York; gravitation and everything else. There may be other considerations which would more than counterbalance, and which would enable us to hold our own; but whether that would be so or not, we should still be working under a disadvantage.

Mr. President, that is true, and it is recognized by all of the gentlemen who were identified with the American transportation interests. Mr. Adams was further asked:

Senator GORMAN. Then, as a fair arrangement, I ask your opinion whether it would not be the act of wisdom before the United States permits this road—

That is the Canadian road—

to complete its line through Maine and then on to Halifax, that we insist on the Canadian Government agreeing to operate with us under the same conditions that we impose upon you—

That is, upon the American roads.

Mr. ADAMS. That would be a perfectly fair proposition for us to make.

Mr. President, until we have reached that point where, by negotiation or otherwise, we can place these Canadian roads under the same restrictions as to through freight that we have placed upon our own, the tendency will be always to destroy our own interests. How that can be done is another question. Possibly it can only be done by negotiations and long delay; but in the mean time—and that is all that concerns us upon this proposition to-day—the Government of the United States in adjusting its affairs with this system of railroads should be fair and liberal and just in the amount that they pay.

Mr. POWER. May I ask the Senator a question?

Mr. GORMAN. Certainly.

Mr. POWER. In the carrying of military supplies, there is no competition by the Canadian Pacific Railroad on that traffic.

Mr. GORMAN. None whatever.

Mr. POWER. Then, I do not see how it can apply to this case.

Mr. GORMAN. As a matter of course, there is no competition between our roads and the Canadian roads in carrying military supplies.

Mr. POWER. Or the carrying of soldiers.

Mr. GORMAN. They will all of necessity go over our own roads; but if you provide by law, as is contemplated in this bill as it came from the House of Representatives, that for that servive, which must be over our own roads, you will require the roads to carry them at a charge which does not equal the cost of transportation, then one of two things must follow, either the railroads must put up their local charges on the people of Montana and of all the States through which they pass or else they must go into bankruptcy. You destroy them and make it impossible for them to live.

Mr. POWER. May I ask the Senator another question?

Mr. GORMAN. Certainly.

Mr. POWER. Does the Senator apply what he has said to the land-grant roads in the far West, where there is no competition, such as the Northern Pacific and the Union Pacific, where there is a space of 100 miles between the roads, or does the Senator mean the country this side of Lake Superior, Duluth, etc., where the competition is very severe?

Mr. GORMAN. This proposition, of course, covers the entire length of the roads and all their branches.

Mr. POWER. The land-grant railroads in Montana, Idaho, and Washington are not bankrupt. They are paying well. They have had over 25,000 acres of land granted them for every mile of road which has been built, and that land on an average is worth, and has been from the start, $3 per acre. That was given to them by Congress. Now, if we go on to protect them continually when they are making money, it is certainly a bad precedent. The Great Northern is now building to the Pacific without any aid and at great expense, and, instead of this being a hardship to the people of Montana, it is the contrary. If you lower the rate for military supplies, and particularly for the carrying of troops, which always pays well, it will help the citizens there, because they can then ask for and secure troops when they are needed.

Mr. GORMAN. Mr. President, I take it for granted that troops will be forwarded whenever they are needed, no matter what the cost of transporation may be. The Senator from Montana who has asked me the question, I think, has probably not followed what I have said, or I have failed to make myself understood: that in dealing with these roads the Government ought to be exactly just and fair. It ought to pay the roads a fair compensation for the services rendered. If the measure of that cost is half a cent a mile, or a cent a mile, or 2 cents a mile for a soldier, or whatever it may be, whatever is fair and just and proper and is agreed to by the Interstate Commerce Commission, then the Government ought to pay that fair and just compensation. It ought not to come in arbitrarily simply because it has the power and say to the railroads, "You must charge an amount that is less than the actual cost of service."

Mr. POWER. The Senator will excuse me for one moment further to explain what I undertook to say.

Mr. GORMAN. Certainly.

Mr. POWER. Wherever the railroads compete for the carrying of

troops with river transportation, they bring the rates down to 33⅓ per cent., or 25 per cent. The rates on the far west lines—I do not refer to the lines this side of Duluth, where I believe the Senator's suggestion will apply—are arbitrary, and the railroad companies change them to suit themselves. I have known instances where they have made coal oil "double first class" for special occasions and for special purposes. Under these conditions I do not think they need help here, when they are doing everything to help themselves and the people have no way of being protected.

Mr. GORMAN. This proposition does not reach the charges made for the local matter. My proposition is that if the Government unnecessarily hampers the roads, then it will follow, as a matter of course, that the railroads will recoup upon the citizens of this country, which would be all wrong and unjust. To show under what disadvantages they are competing, I wish to read from Senate report 847, Fifty-first Congress, first session, made by the Senator from Illinois [Mr. CULLOM], from which it will be seen what the English Government has done in the matter of creating lines of transportation in direct competition with our American lines. Here is a statement made by Mr. Nimmo to the committee, showing that the cash subsidies to the Canadian Pacific road are as follows:

Revised estimate of subventions of various sorts extended by the Dominion Government to the Canadian Pacific Railway Company, embracing securities which that company has been enabled to float (stocks and bonds) as the result of the Dominion guaranty and a grant of 25,000,000 acres of land.

Cash subsidies as follows: (a) Subsidy of 23,000,000 acres mentioned in section 3 of act of February 15, 1881; (b) 714 miles of railroad constructed by the Dominion Goverment, costing $35,000,000, which was presented to the Canadian Pacific Company as a gift, with interest to June 30, 1887. (See Public Accounts of Canada for 1887)...	$61,760,785
Capital stock, originally $100,000,000, but reduced to $65,000,000, with a dividend of 3 per cent. guarantied for ten years. (See Poor's Manual)	65,000,000
During the session of Parliament of 1884, the Dominion Government authorized a loan to the company of $29,880,916, to be paid as the work of construction continued, and for the purpose of expediting construction. Of this amount, $9,880,912 is secured by lien on the entire road and land grant subject to the then outstanding land-grant bonds; also Government bonds to the amount of $20,000,000, which was exchanged for a like amount of the company's loan of $35,000,000, which had been issued in the place of the $35,000,000 of original stock which had been retired. (See section 4, act 20 July, 1885)	29,880,912
Balance of $35,000,000 loan, after deducting $20,000,000 placed in the hands of the Government in order to secure the $20,000,000 bonds above mentioned	15,000,000
Land-grant bonds issued by the company as a lien upon the lands which it acquired by gift of the Dominion	25,000,000
Bonds, interest guarantied by the Dominion for fifty years at 3½ per cent., issued to the company for the purpose of remunerating it for the loss of its relinquishment of the monopoly of railroad building in Manitoba	15,000,000
Subsidy of $186,000 a year for twenty years to line through the State of Maine	3,720,000
Total	215,361,697

The report states this remarkable fact:

The balance sheet of the company for December, 1888, shows that the total cost of the road and its equipment, etc., was $167,093,895. The total stock, bonded debt, etc., of the company at same time amounted to $131,350,019. From this it seems that the aids received from the Government at their par value were largely in excess of the cost of the road and of its liabilities.

But even this fails to express the total value of the aids which the Dominion Government extended to the Canadian Pacific Railway, as will appear from a table on page 660 of the testimony.

Mr. Joseph Hickson, the general manager of the Grand Trunk Railway of Canada, was asked to furnish the committee with a statement of the amount of tonnage carried by his road in Canada which originated in the United States. He replied, on page 114, as follows:

I shall give you that if I can; if I have the information I will furnish it. The difficulty is that there is traffic which comes through the United States from foreign countries.

The statement is as follows:

YEAR 1888.

	Tons.
The tonnage from the United States coming into Canada, which includes importations from Europe and elsewhere through the United States, it being impracticable to separate such from the general business. (The figures include 603,592 tons of coal carried as freight)	1,072,000
There are, in addition to the foregoing, about 435,000 tons of coal per annum purchased by the Grand Trunk Company in the United States and brought into Canada, very nearly all of which comes in by railway.	
The tonnage carried by the company through Canada, from States to States, was, in 1888, about	2,171,000
The tonnage, purely local, to the United States roads, the operations of which are included in the Grand Trunk returns (i. e., in the 7,330,000 tons)	371,000
	3,615,000
The tonnage originating in Canada, and apart from the importation from the United States, was	3,715,000
The receipts of the Grand Trunk Company in Canada, in 1888, were	$16,900,000
On traffic originating in the United States, which includes foreign importations through the United States from Europe and elsewhere via Portland, Boston, etc., for Canada	$5,300,000
On traffic originating in Canada	11,600,000
	16,900,000

Mr. Albert Fink, the head of the Trunk Line Association in the United States, made a statement before the committee, on page 24:

Senator GORMAN. Now we come to the other road, the Canadian Pacific, which begins at Puget Sound and runs through Canada and reaches Halifax without coming through any part of our territory. The statement is made that it is a road which is practically built up by public money—a subsidized road—and statements have been published that they are already taking through freight from Cheyenne and elsewhere and delivering it at Liverpool at a rate with which our roads can not compete. Can you tell us something about that?

Mr. FINK. I can only speak in a general way of the Canadian Pacific. So far it has not been felt seriously, but it has the power of disturbing the whole American system, and in a measure reducing the profit and the income of the American railroad system. It can do a great deal of harm, but I can not say whether it will do it or not. There is less restraint upon the Canadian Pacific than upon the Grand Trunk. They are almost altogether in Canadian territory and have a long line tapping the American railroads at many points, and can be an element of great disturbance in American railroad operations. They have perhaps not the same reason to be conservative as the Grand Trunk. The Canadian Pacific was created by the Canadian Government, in a great measure, and they can better afford to fight than can the Grand Trunk. I do not say that that would be their policy, but we have less control over them by agreements than we have over the Grand Trunk.

Senator GORMAN. Assuming that the statements are true to which your attention has been called, that they have a line of steamships subsidized coming to Canadian territory at Halifax in connection with the rail line, and, as I understand, a trip of two days less time is made by this rail-and-steamship line between Liverpool and Japan or China than by any other rail-and-water route, and they are without any restrictions whatever, such as are imposed upon our railroads, with those conditions in view, if they are left free to act as they please, would it not be equivalent to a monopolization of the entire through traffic?

Mr. FINK. I think it would have that effect. I can illustrate it by a single fact. We have heretofore made very low rates on tea from China and the Eastern countries—import rates—in connection with the Suez Canal, bringing the freight by way of San Francisco. If the American roads carry out the interstate law or carry out the orders of the Interstate Commerce Commission, which require that all import business must pay the same rate as the local rate from the port of import, the Asiatic traffic in competition with the Suez Canal is ruled out and goes to the Canadian Pacific, and that is why I remarked some time ago that the commission ought to have discretion to vary the cast-iron rule, so as to allow the railroads to adapt themselves to the various conditions of competition that may exist.

To illustrate: Under the law the American roads, particularly the Pacific routes, would be shut out of the whole Asiatic business, and it would be concentrated on the Canadian Pacific roads, with the facilities and subsidies they have in establishing a through route between China and Japan and Liverpool. We are not left free—and I believe I made this argument before the Congressional committee when it first had the present law under consideration—we are not left free to compete with these roads. If we enforce the strict letter of the law we are at a disadvantage with the Canadian roads, except in so far as they are willing and find it to their interest to voluntarily submit to the restrictions put upon us.

Senator GORMAN. You mean by that, I suppose, that they would act in harmony with the American roads?

Mr. FINK. That they would restrict themselves in not taking advantage of their position, which they could do under the interstate law, to secure privileges that the American roads could not secure.

Senator GORMAN. In other words, they require you to give them freight that ordinarily and naturally would go over the American roads?

Mr. FINK. I could not say that. They would not ask anything more than was legitimate, I should think. Understand they have to work with the American roads in order to secure remunerative rates for themselves. They find that to be to their interest. Any advantage they take will naturally be resented and followed by a rate war.

Senator GORMAN. That does not apply with the same force to the Canadian Pacific as it does to the Grand Trunk, does it?

Mr. FINK. Yes, sir; it applies to both, but at present, perhaps, more to the Grand Trunk. The Grand Trunk knows that it needs the co-operation of the American roads to get business at remunerative rates and has to co-operate with them, no matter whether there is or is not an interstate law.

Senator GORMAN. So that in your opinion, as I understand you, it is absolutely necessary that by some negotiation or otherwise these Canadian roads should come under the same restrictions that are placed upon our own roads, or else our iron rule is to be relaxed and the rules left free to meet these complications?

Mr. FINK. Yes, sir.

Mr. President, I again repeat, when you have that condition of affairs in connection with the American roads, to compete with this Canadian system, which has been built and is being operated by the British Government, it is no time to talk about hampering our own American roads. I am, therefore, very glad of the opportunity to make this statement and to give my earnest support to the amendment offered by the Senator from Iowa, believing, as I do, that it is still too harsh and too restrictive upon the railroads, but at the same time it is infinitely better than the proposition which came from the House of Representatives.

Mr. REAGAN. Mr. President, I have not been able to investigate the facts sufficiently, as the committee no doubt has done, to determine whether the amendment proposed is a proper amendment or not, and, in the absence of such an investigation as would satisfy me that it is improper, I shall support the amendment.

Connected with that amendment, the discussion has run into another very interesting and important subject upon which, it seems to me, there has been some misapprehension as to facts and some suggestions as to policy, which do not meet my approval and upon which I think it is better to make a brief statement.

It is, I think, to be somewhat regretted that so important a question as the competition between Canadian railroads and the railroads of the United States should come up in this way. The subject has occupied the attention of investigating committees and reports have been made upon it. A great deal of testimony has been taken upon it, and a very great deal of interest is involved in it. It requires careful consideration, and statements based upon mere suggestions of local interest, without full investigation, may be misleading and may be unjust. I do not agree with the distinguished Senator from Maryland [Mr. GOR-

MAN], as I understood one of his propositions, that the remedy for competition with the Canadian roads is to relieve the American railroads from the restriction of the interstate-commerce law and allow them to make rates which would underbid the Canadian roads. I do not agree to that, because I apprehend that it can not be done without taxing the way freight to make up the loss of revenue on the through freight. I do not think that is our remedy. I am very far from thinking that is our remedy.

Mr. GORMAN. Will the Senator from Texas permit me a moment?

Mr. REAGAN. Certainly.

Mr. GORMAN. I did not state the proposition, I think, as broadly as that.

Mr. REAGAN. I do not think the Senator did. That was my inference from the statement which the Senator made.

Mr. GORMAN. I stated that my belief was that under the present condition, if we fail to put the Canadian roads under the same restrictions as the American roads, we should have to permit them to adjust their rates, not by pools, but to make some arrangement by which they could determine the amount of freights and charges under the supervision of the Interstate Commerce Commission, with a view of protecting the people from extortion.

Mr. REAGAN. I think one part of the proposition the Senator has made is the true way, that is, to place the Canadian roads doing business in the United States under the same restrictions that our own roads are under. The Interstate Commerce Commission a year ago last summer announced an opinion—whether it has been carried out practically I do not know—that if the Canadian roads accept and enjoy the hospitality and the commerce of the United States they should submit themselves to the laws of the United States. That was a sound and just principle, and it ought to be carried out.

But there seems to be a radical error running through this whole discussion in the assumption that the short line of transportation from the Northwest to the East is through Canada. I know by drawing an air line from Minneapolis to Boston it would be a little nearer to go across two or three lakes than it would be to go by Chicago, though not much nearer; but let any one who wishes to study the subject in the light of what has been said take the map of the United States and have it before him, as I have it now before me, and he will find the first place the Canadian roads enter our territory in the West—I mean excluding those that come down to New York and Boston and elsewhere in the East—is across the Niagara into Western New York, and then they come down into Pennsylvania and Ohio for freights to go to the East. Now, if those freights are going to any port in the United States, the distance is greatly shorter by the American railroads than it is by the Canadian railroads—I mean any freight that crosses at Niagara from the United States into Canada. Then take the Grand Trunk road, which comes into the United States at Port Huron and Detroit, extending through Michigan into Ohio, into Indiana, into Illinois, and into the Northwestern States. Any freight from the West that passes through Detroit or Port Huron for an American port, going over a Canadian road, has to travel further to get to an American port than it would if sent over American railroads.

I am sorry I have not the time to give the official statement of distances. Any freight passing through Chicago and going to the ports of the Atlantic goes by a shorter line from Chicago to any one American port than it can go by any road through Canada to an American port. The map shows this.

It may be that particular local interests may demand discriminations against American railroads and American commerce, but let us look at the facts as they stand before us and see whether such an assumption is justified. The vast commerce that passes Chicago and Detroit and Port Huron can all the time go through to any American seaport by a shorter distance on American railroads than it can go on any railroads through Canada, and yet the Canadian roads, avoiding the influence of our legislation and all the restrictions upon our own railroads, can regulate their rates so as to charge lower rates for through freight than the American roads are obliged to charge. By thus discriminating, sacrificing their revenues as to through freights and recouping upon Canadian citizens on way freights, they can afford to run their roads by reason of the subsidies they have received from their Government. So that it is idle to talk of the short route for any commerce going from Chicago or from Detroit or Port Huron through Canada to American ports.

Mr. ALLISON. How about Minneapolis and St. Paul?

Mr. REAGAN. The Senator inquires about Minneapolis and St. Paul. By crossing Lake Michigan and transshipping from railroad to water on Lake Michigan and retransshipping from water to railroad on the east side of Lake Michigan and crossing the river at Port Huron or Detroit by long ferriage a shorter line may be had for freights going to Liverpool, but if the Senator will look at the map which is before me he will see that going up into Canada and turning down to Boston the line is probably longer by railroad, even on that route, from St. Paul to Boston than from St. Paul by Chicago to Boston. I will not state that positively. It appears to be so from the map, and my impression is that it is so. When this subject comes up for full consideration I intend to give the distances officially, as I once did in the House of Representatives, but I do not remember the date and can not now refer to the figures.

The third place that the Canadian roads enter the United States is at Sault Ste. Marie, from which a road is extended to St. Paul and one to Duluth. The policy of the American States has allowed them to favor British capital to the extent of allowing them to build their railroads down into our territory wherever they are pleased to do so, so as to make American commerce the principal feeder to their railroads.

Contrasting the Canadian policy with our policy upon that subject, when the Canadian Pacific Railroad was chartered provision was made that no railroad should come within 60 miles south of that railroad into Canadian territory west of Lake Superior. The object of that was to exclude the entrance of American railroads into the vast territory extending from Lake Superior to the Pacific Ocean. That was modified subsequently on the protest of the Canadians so as to admit the extension of roads from our territory up to Winnipeg, but we are still excluded between Lake Superior and the parallel of Winnipeg and between that parallel and the Pacific Ocean, a thousand miles—I suppose it is fully that, or more than that, perhaps 1,500 miles—Americans are not permitted to extend their railroads into Canadian territory. So that, while the Canadians avail themselves of our hospitality and of our misjudged policy, as it is in my opinion, to extend their roads down into our territory and command our commerce, they refuse to permit our people to extend their roads into Canadian territory, at least to the west of Winnipeg and between Superior and Winnipeg, in order to avail themselves of Canadian commerce and Canadian hospitality.

Considered in connection with the fact that the Canadian Pacific road was built as a military and political road, built largely out of Government funds, built where private capital would never have built it, at least not until after generations had passed and the country had become somewhat developed, built for the purpose of securing a line of transportation across the continent through British territory from Asia to Europe, supplemented by a subsidized line of steamers from Portland, Me., to Europe, and another subsidized line from Vancouver to Asia, this is intended to take from our roads and our people and our capital the profits of transportation of the commerce between Europe and Asia passing over the American continent.

In strange contrast with the illiberality and the injustice of the policy thus dictated—though it may be wise for England, it is unjust to us—our Government has made every provision which the Treasury Department could make to facilitate the transmission of commerce from our ports into Canada and from Canada into our ports. For instance, if Asiatic traffic should come by steamers to San Francisco the goods may there be put in bond under Treasury regulations and sent over nearly two-thirds of the western water border of the United States to Puget Sound, there put upon the Canadian railroads and brought to New York at rates which political policy and subsidies enable that Government to put upon those freights. How are we to meet that? By crippling our own railroads? I think not. We should meet it by a policy which would say to them that they should not take the commerce from a place in the United States through Canada to another place in the United States without taking it upon the condition that they should comply with the laws of the United States. They pretend to do so. That was stated by the officers of their roads when they appeared before our committee of investigation, but the fact stands that they do not do it. The fact is that they could not do it and make a profit on such transportation.

It is said that the line of the Canadian Pacific to Boston is shorter than the line from San Francisco; but before getting to Puget Sound there are some 800 miles of transportation by water from San Francisco; it may be more than that—I do not know the distance—but I suppose it is about 800 miles, looking at the map.

It was suggested by the Senator from Maine [Mr. HALE] in the opening of this debate that we ought to pursue a policy which would insure reciprocity with Canada. It has also been suggested that we should pursue a liberal policy looking to future closer political relations with Canada. If we enable them to plunder our people at the expense of our railroads and our capital they will be great fools to consent to surrender that advantage when they can control it under their own government. They are not fools, and they are not going to do any such thing. So long as they can secure advantages by remaining separate they are going to remain separate. I would not do anything that would be unjust to Canada; I would not willingly do anything that would be unjust to any portion of the people of the United States; but I would demand justice for the American people, justice for the American railroads, and I would pursue a policy which would force that justice.

Whenever it becomes the interest of Canada to unite with us—and it will never be their interest until we show that we are able to take care of our interests as against British policy—whenever they get ready to do that I would welcome them as a portion of the American Union, but I do not expect to draw them here by consenting that they should plunder the people and wreck the railroads of the United States. I do not propose to pursue that policy to reach that end. I do not suppose they are idiotic enough to surrender such an advantage on such conditions by uniting themselves with us.

It seems to me, Mr. President, that the true remedy is by law to en-

force the policy indicated by the railroad commission a year ago last summer of saying to them that, when they take freight or passengers from a place in the United States through Canada to another place in the United States, they shall do so subject to the provisions of our law, the fourth section of the interstate-commerce law and all, and, when they do that, we can have no complaint; but, if they refuse to do that, I would exclude their cars from American territory. We have it in our power to compel them to be just. We must not let local interest and advantage to some one community cause us to sacrifice the general public good.

Now, sir, it may be true, and it is true, I think, that by the discriminations which they make they can carry merchandise from some parts of the Northwest to New England on terms lower than it can be legitimately carried in the United States. I say by means of their underbidding, cutting rates, they can take the merchandise from New England to some parts of the West cheaper because of their rate-cutting and their disregard of the restrictions placed upon our own railroads. Shall we permit that because we may give incidentally an advantage to the commerce and business of New England? New England surely will not demand the sacrifice of American interests in that way so long as by a just policy she can be placed upon an equal footing with the people of every other part of the country without thus sacrificing the interest of the remainder of the country.

The two main things I wanted to say are that I protest against the idea that we can repeal the fourth section of the interstate-commerce law to meet this question, and to expose to some extent what seem to me errors as to short lines between transportation East and West.

Mr. WASHBURN. Mr. President, I am not surprised at the patriotism shown by the Senator from Texas in regard to this matter, as his own locality is very surely not to be affected by any changes that have been suggested. I was absent from the Chamber when the Senator from Maryland introduced this subject the other evening and was not fully aware of the scope of his remarks at that time. I am glad to hear his expression this morning, although I do not agree fully with all the conclusions to which he has come or is likely to reach on the subject.

I want to reiterate to-day what I said day before yesterday with regard to the importance of the great line of transportation from the Northwestern States to the Atlantic seaboard and especially to New England. The States of Wisconsin, Michigan, and Minnesota have been largely developed by the construction and operation of the Canadian railroads. Their commerce has been built up and developed on that basis.

Millions of dollars have been expended in the construction of these roads on the theory and belief that they were to be maintained permanently and not to be confiscated. Any change in this policy will result most disastrously not only to the trade and commerce of the States to which I have referred, but to the other States that have grown up and developed at a later day. The two Dakotas, Montana, a large portion of Iowa, and a large portion of Nebraska are interested in this subject to the same extent as my own State, and I do not believe that they will submit tamely to any change which is to rob us of the advantages which we had supposed were permanently secured.

I think there is a great misunderstanding on this subject and that it has never really been treated fairly. There has been an attempt to create a prejudice on account of foreign capital and foreign ownership. It is true the Canadian Pacific is a foreign railroad. It is built through a foreign country. Its stocks and bonds I have no doubt are largely held abroad. Such is absolutely the case with very many of our own American roads. We talk about American railways when their bonds are very largely held abroad. Such is the case with the New York Central road; such is the case with the Milwaukee and St. Paul road, and in fact with nearly all of our Northwestern roads. The stocks and bonds are held largely abroad. So that really cuts but little figure.

What the people of this country want is the cheapest possible transportation. The people who have invested their money in the roads will likely take care of themselves. What we want are natural routes, cheap routes, cheap transportation; and we are not going to stop to inquire whether a railroad is owned in London, New York, or Chicago. We want the results to which we are entitled, and we intend to hold them if we can.

There has been much said about the enormous subsidies given to the Canadian railroads, so that our American roads can not compete with them. Now, what is the sum total of all this subsidy business? The original subsidy given to the Canadian Pacific Railroad was $25,000,000, and a certain large amount of land, worthless land without the construction of the road. Later the Canadian Pacific Company sold a portion of the land back to the Government and received $10,000,000 for it. So the sum total of all the money subsidies received by the Canadian Pacific Railroad amounts in the aggregate to $35,000,000, and when you consider that this is spread over from five to six thousand miles of railway it is not such an enormous subsidy.

Mr. POWER. It is not as much as the Northern Pacific received.

Mr. WASHBURN. It does not begin to be what the Northern Pacific had, or what the Central Pacific had, or the Union Pacific; there is no comparison. So this thing has been exaggerated and misused and the people have been led to a prejudice on account of these misstatements.

Now, so far as the American roads are concerned, if the Congress of the United States deliberately goes to work and hampers them and destroys their usefulness I do not believe it is any good reason why a section of country which from its natural location is to be relieved should take the burden or be subjected to what nature has never intended it should be subjected to. I think it is the good fortune of the Northwest, of my own State and of the other States I have referred to, that we can reach a foreign country, that we can reach the Atlantic Ocean, where we are not hampered by any legislation, and I do not believe in any proposition that is made that shall take away from us those natural rights and natural advantages that we obtain.

I do not agree with the Senator from Maryland that the Canadian roads should be brought under our supervision. I believe that when a railroad going over American soil strikes Canada it is just the same as though it struck the Atlantic Ocean. Those roads are beyond the jurisdiction of this Government. If a railroad comes to us that will take our freights cheaply it is our good fortune. If the Atlantic Ocean or the river St. Lawrence came to us so that we could get the advantage of the transportation which they afford, it is our good fortune. I believe it is neither just, nor right, nor logical for any legislation to be initiated looking to taking away from us those advantages which nature has given us.

Allow me to add just one word on the pending amendment. This discussion seems to be extraneous or outside of the real question. As I understand the bill as it comes from the other House it does not seem to carry with it any very great merit or justice in striking down to the extent it does the price for transporting munitions of war, etc. I should like to ask the chairman of the committee whether there is anything in the land-grant acts or in the legislation granting the charters whereby the Government has the right to fix the rates it shall pay for this transportation.

Mr. ALLISON. As respects the land-grant railroads affected by the provision under consideration, by which it is undertaken to fix the rates, the acts provide that the roads shall be "subject to such regulations as Congress may impose restricting the charges for such Government transportation." It is under that section, if any, that we can exercise the jurisdiction which it is proposed to exercise in this amendment. It seems to me clear that we can fairly exercise the power of regulating or restricting the rates to be charged.

Mr. WASHBURN. Does the Senator think that the Government has the power to restrict the rates to anything more than reasonable rates?

Mr. ALLISON. No, I do not; and the amendment provides that the Secretary of War shall make an examination—that is the implied requirement—and fix rates that shall be just and reasonable.

Mr. WASHBURN. Now, I ask whether a rate that is fixed for a citizen, which is considered reasonable, would not be the reasonable rate to be fixed for the Government? Is there any distinction between reasonable rates? We assume that the railroads under the existing condition of things are carrying freight at reasonable rates.

Mr. ALLISON. I see the point the Senator makes, but when I speak of reasonable rates I mean a reasonable rate having in view the original provision in the charter. I take it the theory on which these grants were made by Congress was that the Government should in consideration of the grants have control over the rates to be charged for Government service, and of course it was assumed, and I have no doubt it is true in fact, that the Government would exercise its power justly to all railways, taking into account the amount of land granted. So I think there is no great injustice in the provision proposed. Indeed I think it is a wise and proper provision.

Mr. CULLOM obtained the floor.

Mr. ALLISON. Before the Senator from Illinois proceeds, I desire to express the hope that the debate which has taken a wide range respecting our relations to the Dominion of Canada, and what we ought to do or ought not to do, as a matter of public policy relative to railroads there, will, as far as possible, be restricted and limited. I do not see that this amendment has any very great influence upon that question, and I have no doubt that question will be presented to the Senate in due time, when it will be open to an enlarged discussion. I do not wish to restrict my friend from Illinois, but I express the hope that we may get along with the bill as rapidly as possible.

Mr. CULLOM. Mr. President, the Senator from Iowa who has charge of this bill has said substantially what I intended to say in the outset. I only rise now to make a remark or two because day before yesterday, not knowing what the amendment of the Senator from Iowa before the Senate was and having paid very little attention to the provision of the bill which had seemed to be stricken out by the Senate committee, and after listening to the remarks of the Senator from Maryland [Mr. GORMAN] for a time I determined that perhaps I ought to say something upon the subject as it seemed to be spreading out over the whole question of regulating commerce among the States as well as with foreign nations. I have discovered, however, since I asked the privilege of saying something when the bill should come up again, that really there is nothing special in this amendment that justifies, if we desire to keep as close to the question as possible, any general discussion of the subject of interstate commerce or commerce with foreign nations; and that is practically what I desired to say this morning after looking at the question.

I could, if the Senate desired it—and I know they do not—discuss for a considerable length of time the question of competition between American and Canadian roads and what I deem the policy of the Government ought to be on that question, and I would take time also to discuss the question raised by the Senator from Massachusetts [Mr. HOAR], who is not here to-day, upon the propriety of the fourth section of the act regulating commerce. But I do not deem that to be pertinent to the bill before the Senate. So with this simple remark in reference to it, so far as I am concerned, the Senator from Iowa can proceed with the consideration of the appropriation bill now before the Senate.

Mr. BLAIR. Mr. President, if the Senator from Iowa will indulge me a moment I will state that in the summer of 1889 I served upon the Interstate Commerce Committee in taking testimony in which this whole subject-matter was very fully discussed and elucidated. Differing somewhat in my views from the majority of the committee, whose report was made by the chairman, nevertheless it seemed to me that it was not perhaps essential to present at the time any minority report. The majority report is comparatively brief, that is, as compared with the volume of testimony taken in the matter, and I wish to say that whoever desires to really study this question fully, as it has been explained and elucidated by the best business men of the country who are interested in the subject, will do well not only to peruse the able report of the majority prepared by the chairman, but also this volume of testimony, which in itself is a sufficiently brief discussion of the subject if that discussion is to be a thorough one.

It will be found by examining the testimony that the facts very strongly demonstrate, as I think, the soundness of the position taken by the Senators from the Northwest and the Senators from New England with reference to the relation of the transportation routes which pass northerly of Lake Champlain to the prosperity of the whole country—a question not merely important to New England or to the Northwest, but in its regulative effect almost indispensable to the element of transportation as an element of production to the whole country at large.

It will be found in the testimony that the relation of this coastwise traffic to the general subject is fully explained by men whose interests require of them that they should understand it. It will be seen that there is a false analogy, I think, relied upon as between the coastwise traffic which we do not protect and the relation which exists between the trunk-line railroads and those which compete with them passing a portion of the distance through Canadian territory.

As to the coastwise traffic, the proper ground by which its protection can be justified is that it is a great school for commerce, for the education of those who are to conduct commerce upon the water and for those who are to conduct war upon the water for the national defense. Other points of importance are of course involved in the testimony bearing upon that same question.

Whether routes outside of our own country may be made available to cheapen transportation to the general benefit of the people residing within it, even though that may be attended with injury to transportation routes which exist within the country and which might otherwise bear this traffic; in other words, whether the transportation routes are to be promoted and sustained at all events and for all time at the expense of the people themselves for whose benefit those roads were first chartered, and for whose benefit they exist, it seems to me, is a question which when once fairly submitted to the people will not receive the support of the people, although it may receive the advocacy of Senators upon this side of the Chamber. It might as well be contended that the American railroad system should be protected as against the construction of the Nicaragua canal, which is a line of traffic altogether outside of the United States, as that the producers and the consumers of the United States should be forever foreclosed from the advantages which result to them from the construction of railroad lines across the continent although a portion of their extent may be located in other countries than our own.

But I rose, not for the purpose of discussing this question, but to call attention, so far as I am acquainted with it, to the best repository of authentic facts bearing on the subject. It will be found in the testimony taken at large by the committee of the Senator from Illinois [Mr. CULLOM] in the year 1889, and that volume I suggest for the reference of those who care to consider the subject more fully.

Mr. CULLOM. If the Senator will allow me to say a word further——

Mr. BLAIR. Certainly.

Mr. CULLOM. I hope to have an opportunity to bring this subject before the Senate prior to the 4th of March, so that the Senate shall have a legitimate opportunity of discussing the whole question.

Mr. BLAIR. It seems to me, as has been suggested, that this continental discussion has no distinct or important reference to the amendment suggested by the Appropriations Committee. I see no reason why this discussion should have any bearing on the action of the Senate with reference to that amendment.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The question is on the amendment reported by the Senator from Iowa [Mr. ALLISON] from the Committee on Appropriations.

Mr. POWER. Mr. President, I wish to offer an amendment.

The PRESIDING OFFICER. Does the Senator from Montana propose an amendment to the amendment of the committee?

Mr. POWER. Yes, sir; I move to strike out the word "seventy" and add "fifty."

The PRESIDING OFFICER. The amendment to the amendment will be reported.

The SECRETARY. In line 15 of the amendment, strike out "seventy" and insert "fifty;" so as to read:

Shall deem just and reasonable under the foregoing provision, such rate not to exceed 50 per cent. of the compensation for such Government transportation as shall at the time be charged to and paid by private parties, etc.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

Mr. POWER. On that I call for the yeas and nays.

Mr. GORMAN (to Mr. POWER). Take a division first.

Mr. POWER. I wish to have the yeas and nays.

The PRESIDING OFFICER. On agreeing to the amendment the Senator from Montana demands the yeas and nays. Is the demand seconded? [A pause.] One-fifth of the Senators present do not second the demand, and the yeas and nays are not ordered.

Mr. POWER. I think it important to have the yeas and nays. The proposition fixing the 50 per cent. came to the Senate from the House of Representatives; it was sent here by the direct representatives of the people, and I should like to have the yeas and nays on the question.

Mr. COCKRELL. Let the amendment to the amendment be read again.

The Secretary again read Mr. POWER's amendment to the amendment of the committee.

Mr. POWER. On that I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CALL (when his name was called). I am paired with the Senator from South Dakota [Mr. PETTIGREW].

Mr. CULLOM (when his name was called). I am paired generally with the Senator from Delaware [Mr. GRAY]. He being absent, I withhold my vote.

Mr. WALTHALL (when his name was called). I am paired with the Senator from Wisconsin [Mr. SPOONER]. If he were present, I should vote "nay."

Mr. WILSON, of Iowa (when his name was called). I am paired with the Senator from Maryland [Mr. WILSON]. As he is not present, I withhold my vote.

The roll-call was concluded.

Mr. ALLEN. I am paired with the Senator from Tennessee [Mr. BATE]. Not knowing how he would vote upon this question, I refrain from voting, unless my vote is necessary to make a quorum.

Mr. BUTLER. I am paired with the Senator from Pennsylvania [Mr. CAMERON]. If his colleague will be kind enough to indicate how he would vote on this proposition, I should be much obliged to him.

Mr. QUAY. I am not authorized to state how my colleague would vote upon this question, but my impression is that he would vote "nay."

Mr. BUTLER. In the absence of any positive information on that subject, I announce my pair with the Senator from Pennsylvania [Mr. CAMERON]. If he were present, I should vote "nay."

Mr. HARRIS. I wish to suggest to the Senator from Washington [Mr. ALLEN], my colleague [Mr. BATE] being paired with him, that I am satisfied if my colleague were here he would vote "nay." The Senator may withhold his vote or cast it as he chooses.

Mr. ALLEN. I vote "nay."

Mr. VEST. I understand pairs are not to be regarded on this vote, and I vote "nay." I am paired generally with the junior Senator from Kansas [Mr. PLUMB].

Mr. BLACKBURN (after having voted in the negative). I wish to state that I am paired generally with the Senator from Nebraska [Mr. MANDERSON], and would not vote as I have done now except that my understanding is that pairs are not observed on this question.

Mr. WALTHALL. I am informed by his colleague that the junior Senator from Wisconsin [Mr. SPOONER] with whom I am paired would vote "nay." So I record my vote "nay."

Mr. EVARTS. I am paired with the Senator from Alabama [Mr. MORGAN]. Unless I should be advised by his colleague or otherwise that he would vote "nay," I withhold my vote.

The result was announced—yeas 3, nays 42; as follows:

YEAS—3.

Cockrell,	Davis,	Power.

NAYS—42.

Aldrich,	Dixon,	Higgins,	Shoup,
Allen,	Dolph,	Hiscock,	Stewart,
Allison,	Edmunds,	McMillan,	Teller,
Barbour,	Faulkner,	Mitchell,	Turpie,
Berry,	Frye,	Morrill,	Vance,
Blackburn,	Gibson,	Platt,	Vest,
Blair,	Gorman,	Quay,	Walthall,
Carey,	Hale,	Ransom,	Washburn,
Chandler,	Hampton,	Reagan,	Wolcott.
Coke,	Harris,	Sawyer,	
Daniel,	Hawley,	Sherman,	

ABSENT—43.

Bate,	Eustis,	McConnell,	Pugh,
Blodgett,	Evarts,	McPherson,	Sanders,
Brown,	Farwell,	Manderson,	Spooner,
Butler,	George,	Moody,	Squire,
Call,	Gray,	Morgan,	Stanford,
Cameron,	Hearst,	Paddock,	Stockbridge,
Carlisle,	Hoar,	Pasco,	Voorhees,
Casey,	Ingalls,	Payne,	Warren,
Colquitt,	Jones of Arkansas,	Pettigrew,	Wilson of Iowa,
Cullom,	Jones of Nevada,	Pierce,	Wilson of Md.
Dawes,	Kenna,	Plumb,	

So the amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment offered by the Senator from Iowa [Mr. ALLISON] from the committee.

The amendment was agreed to.

Mr. COCKRELL. I want to suggest to the Senator in charge of the bill an amendment on page 25, under the head of "contingent expenses." The provision now reads:

For contingent expenses of the Adjutant General's Department at the headquarters of the several military divisions and departments, etc.

The amendments recommended by the committee in that paragraph have already been agreed to, I understand.

Mr. ALLISON. They have been agreed to.

Mr. COCKRELL. I suggest to the Senator from Iowa to increase that amount from $2,000 to $3,000, and to insert after the word "reference," in line 11:

Including one copy of some standard work on military law and courts martial for each of the one hundred and eight military posts.

I will give the reason for the suggestion. I was not able to be present with the committee when the bill was made ready to be reported, and therefore I had no opportunity to make the suggestion at the time.

I hold in my hand a copy of "An act to promote the administration of justice in the Army," approved October 1, 1890, which provides—

That hereafter in time of peace all enlisted men charged with offenses now cognizable by a garrison or regimental court martial shall, within twenty-four hours from the time of their arrest, be brought before a summary court, which shall consist of the line officers second in rank at the post or station or of the command of the alleged offender, and at stations where only officers of the staff are on duty the officers second in rank shall constitute such court, who shall have power to administer oaths and to hear and determine the case, and when satisfied of the guilt of the accused party adjudge the punishment to be inflicted. There shall be a summary court record-book or docket kept at each military post, and in the field at the headquarters of the command, in which shall be entered a record of all cases heard and determined and the action had thereon, and no sentence adjudged by said summary court shall be executed until it shall have been approved by the post or other commander: *Provided*, That when but one commissioned officer is present with a command he shall hear and finally determine such cases as require summary action: *Provided further*, That the President be, and he hereby is, authorized to prescribe specific penalties for such minor offenses as are now brought before garrison and regimental courts martial.

There are one hundred and eight military posts now in the Army at which these summary courts martial exist under and by virtue of the operation of the act approved on the 1st day of last October, and the officer second in command at each one of these one hundred and eight posts is the summary court under that act of October 1, 1890, for the trial of all petty military offenses. The graver military offenses, as a matter of course, are tried by general courts martial, composed of from five to thirteen officers detailed for the purpose. In 1888 there were 1,730 trials by general courts martial; in 1889 there were 1,999, and in 1890 there were 1,782 trials for the kind of offenses coming now under the jurisdiction of these summary courts as provided for in the act of October 1, 1890. There were tried by what had been previously known as garrison courts martial in 1890 11,574 cases. The punishments inflicted ranged all the way from the forfeiture of a few dollars' pay for minor offenses or confinement for a few days in the post guardhouse to dismissal from office in some cases tried by general court-martial.

In these courts, particularly in the summary courts, important questions very frequently arise, and thus far no provision has been made for furnishing the posts where these summary courts are held with any work on military law and courts martial, containing forms, etc.

It seems to me that as we have introduced this system of courts we should furnish each one of these posts with some work on military law and courts martial, so as to enable them to adopt something like uniformity in their records which have to be kept there and in the trial of these petty offenses, in the admission of evidence, and in the infliction of punishment. It is estimated that $1,000 will probably supply this deficiency, and I hope the Senate will agree to it.

Mr. ALLISON. The attention of the committee was not called to the suggestion now made by the Senator from Missouri, who is also a member of the Committee on Military Affairs. So far as I am concerned, I think the amendment he proposes is a just one, and I shall not object to it.

The PRESIDING OFFICER. The amendment of the Senator from Missouri will be stated.

The CHIEF CLERK. Line 11, page 25, after the word "reference," insert the words:

Including one copy of some standard work on military law and courts martial for each of the one hundred and eight military posts.

And in line 12, before the word "thousand," strike out "two" and insert "three;" so as to read: "$3,000."

The amendment was agreed to.

Mr. COCKRELL. When the first part of this bill was considered in the Senate I was not present, having been detained on duty with a subcommittee of the Committee on Appropriations considering another appropriation bill, but I understand that provision in regard to retired officers was stricken out.

Mr. ALLISON. The proviso has been stricken out.

The PRESIDING OFFICER. If there be no further amendment to be proposed as in Committee of the Whole the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

FORTIFICATION APPROPRIATION BILL.

Mr. DAWES. I move that the Senate proceed to the consideration of the fortification appropriation bill, being House bill 12499.

Mr. ALLISON. Before that is done or after the bill is taken up, I desire to ask the Senator from Massachusetts, in charge of the bill, to yield for a moment to the Senator from Pennsylvania [Mr. QUAY] and to the Senator from South Carolina [Mr. HAMPTON], to whom I promised to yield this morning.

Mr. DAWES. After the appropriation bill is taken up I will yield.

The PRESIDING OFFICER. The Senator from Massachusetts moves that the Senate proceed to the consideration of the bill (H. R. 12449) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The motion was agreed to.

The bill was reported from the Committee on Appropriations with amendment.

The PRESIDING OFFICER. The bill will be read.

Mr. HARRIS. Mr. President, before the reading of the bill is proceeded with——

Mr. DAWES. Before I yield to Senators who wish to call up bills that will give rise to no debate, I ask that the bill be read by paragraphs, and that the amendments of the committee be considered first.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent that the formal reading of the bill be dispensed with and that the amendments of the committee be considered as they are reached. Is there objection? The Chair hears no objection, and it is agreed to.

Mr. DAWES. I now yield to the Senator from South Carolina [Mr. HAMPTON].

DR. JOHN B. READ.

Mr. HAMPTON. I ask unanimous consent to call up Senate bill 197. I will say that a similar bill was passed by the Senate at the last Congress and went to the other House, and was about being enrolled when the Senator from Vermont [Mr. EDMUNDS] asked that it might be recalled. That Senator has authorized me to call it up now. I will say, in justice to him, that he is still opposed to the bill. I ask that the bill be now considered, and, as it passed the Senate, I think, almost unanimously before, I hope there will be no opposition to it now.

The PRESIDING OFFICER. The Senator from South Carolina asks unanimous consent that the appropriation bill now before the Senate be temporarily laid aside and that the Senate proceed to the consideration of the bill (S. 197) for the relief of Dr. John B. Read. Is there objection?

Mr. HAWLEY. There is one Senator who is very strongly opposed to that bill, and I am sure he would be here if it were considered in any regular order.

Mr. HAMPTON. I think, if the Senator alludes to his colleague [Mr. PLATT], he would not object to my calling up the bill. He is opposed to the bill, but he will not object to its consideration.

Mr. ALLISON. Whilst I agreed to yield to the Senator from South Carolina, I think perhaps that is a pretty important bill and it might be as well for the Senator from Vermont [Mr. EDMUNDS] and other Senators to be in attendance when the bill is considered. I do not wish to make an objection myself.

Mr. HAMPTON. I have stated that I have the permission of the Senator from Vermont [Mr. EDMUNDS] to call up the bill. He said he would not make any opposition to it now.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Carolina that the bill be now considered?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $17,000 to pay to Dr. John B. Read his claim as royalty on all rifle projectiles with iron sabots, furnished, as found by the board of army officers, to the United States, under resolution of Congress, this sum to be received by him as royalty upon all such projectiles so furnished to the United States, and in full satisfaction of his claim.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CUMBERLAND RIVER BRIDGE.

Mr. DAWES. I now yield to the Senator from Pennsylvania [Mr. QUAY].

Mr. HARRIS. I ask the Senator from Massachusetts to consent, and the unanimous consent of the Senate, that we may now proceed to consider Senate bill 4592, a bridge bill of three pages. If it leads to any discussion whatever, I will withdraw the request.

The PRESIDING OFFICER. The Senator from Tennessee asks that the business before the Senate be temporarily laid aside, and that the Senate proceed to the consideration of the bill (S. 4592) to authorize the construction of a bridge across the Cumberland River for the use of the Chesapeake and Nashville Railway, and for other purposes. Is there objection to the request of the Senator from Tennessee?

Mr. BLAIR. Mr. President, I wish to call the attention of the Senator from Tennessee to the fact that I do not object.

Mr. HARRIS. Mr. President, I am profoundly obliged to the Senator from New Hampshire. It is the only meritorious thing I ever knew that he did not object to.

Mr. BLAIR. I hope the Senator will follow one good precedent.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, line 9, after the word "select," to insert "subject to the approval of the Secretary of War;" so as to read:

That the Chesapeake and Nashville Railway Company, a corporation organized under and pursuant to the laws of the State of Kentucky and Tennessee, or its successors, be, and is hereby, authorized to construct and maintain a bridge over the Cumberland River at such point in Trousdale or Sumner and Wilson or Davidson Counties, in the State of Tennessee, as it may select, subject to the approval of the Secretary of War.

The amendment was agreed to.

The next amendment was, in section 1, line 13, to strike out the word "which," and insert in lieu thereof the words "such reasonable;" in the same line, after the word "toll," to insert the word "as;" and in line 14, after the word "be," to strike out "charged" and insert "approved from time to time by the Secretary of War;" so as to read:

Said bridge shall provide for the passage of railway trains and, at the option of the said company, may be used also for the transit of animals, vehicles of all kinds, and foot passengers, for such reasonable rates of toll as may be approved from time to time by the Secretary of War.

The amendment was agreed to.

The next amendment was, in section 2, line 6, after the word "telegraph," to insert "and telephone;" so as to read:

And equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies.

The amendment was agreed to.

The next amendment was, in section 3, line 6, to strike out the word "bridges" and insert "bridge;" so as to read:

A design and drawing of the bridge and a map of the location thereof, etc.

The amendment was agreed to.

The next amendment was, in section 3, lines 7 and 8, to strike out the words "conformable to the regulations of the War Department in like cases" and to insert:

Giving the high and low water lines upon the banks of the river, the direction and strength of the currents at all stages of the water, with soundings, accurately showing the bed of the stream and the location of any other bridge or bridges; such map to be sufficiently in detail to enable the Secretary of War to judge of the proper location of said bridge, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject, and until such plan and location of the bridge are approved by the Secretary of War the bridge shall not be commenced or built; and, should any change be made in the plan of said bridge during the progress of construction, such change shall be subject to the approval of the Secretary of War.

The amendment was agreed to.

The next amendment was, in section 4, line 9, to strike out the word "bridges" and insert "bridge."

The amendment was agreed to.

Tha next amendment was to add as section 5 the following:

SEC. 5. That the Chesapeake and Nashville Railway Company shall maintain on said bridge, at its own expense, from sunset to sunrise, such lights or other signals as the Lighthouse Board shall prescribe.

The amendment was agreed to.

The next amendment was to add as section 6 the following:

SEC. 6. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date hereof.

The amendment was agreed to.

The next amendment was to add as section 7 the following:

SEC. 7. That the right to alter, amend, or repeal this act is hereby expressly reserved, and the right to require any changes in said structure, or its entire removal, at the expense of the owners thereof, whenever Congress or the Secretary of War shall decide that the public interests require it, is also expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE GUNNELL.

Mr. QUAY. I ask the unanimous consent of the Senate to proceed to the consideration of the bill (H. R. 9591) for the relief of George Gunnell.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Military Affairs with an amendment, in lines 8 and 9, to strike out the words "contemporaneous with the muster-out of said Seventh Regiment of Michigan Volunteer Cavalry," and to insert "as of the date of December 15, 1863;" so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to so correct the records of the service of George Gunnell, late of Company K, Seventh Regiment Michigan Volunteer Cavalry, as to remove the charge of desertion, and thereupon to issue to said George Gunnell a certificate of honorable discharge as of the date of December 15, 1863.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

YUMA PUMPING AND IRRIGATION COMPANY.

Mr. DAWES. I now yield to the Senator from Colorado [Mr. TELLER].

Mr. TELLER. I ask the Senate to proceed to the consideration of the bill (S. 4768) granting right of way for irrigation ditch and railroad sidetrack across the quartermaster's depot reservation in Yuma County, Arizona.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment, to strike out sections 3 and 4 in the following words:

SEC. 3. That the said Yuma Pumping Irrigation Company shall execute and deliver to the Secretary of the Interior a good and sufficient deed conveying to the United States, for the use of the Commissioner of Indian Affairs, a water right to irrigate the lands lying south and under said ditch within said reservation as now created and bounded, and therein shall agree to furnish water for irrigating said land in like manner as settlers under said ditch may be furnished by the rules and regulations of said Yuma Pumping Irrigation Company, but at one-half the regular rates charged to such settlers.

SEC. 4. That this act take effect and be in force from and after its passage.

And in lieu thereof to insert:

SEC. 3. That the rights herein granted are upon the express condition that the grantee or grantees thereof shall at all times, during the continuance thereof, furnish to the occupants of the lands situate south and under said ditch within said reservation, as now bounded, water sufficient for all domestic and agricultural purposes and purposes of irrigation on such terms and under such rules and regulations as shall be prescribed by the Secretary of the Interior. And any failure in the performance of said condition shall be taken and deemed to work a forfeiture of said rights without any act of Congress or judgment of court declaring such forfeiture.

SEC. 4. That the right to amend or repeal this act at any time is hereby reserved to Congress.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 11915) to ratify and confirm agreement with the Sac and Fox Nation of Indians and the Iowa tribe of Indians of Oklahoma Territory, and to make appropriations for carrying out the same, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PERKINS, Mr. BOOTHMAN, and Mr. PEEL managers at the conference on the part of the House.

The message also announced that the House had passed a bill (H. R. 12922) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1892; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice President:

A bill (S. 2591) giving the Court of Claims jurisdiction of the claims on account of property of the Chesapeake Female College possessed and used by the United States military authorities;

A bill (S. 4585) granting a pension to Mary B. Hascall; and

Joint resolution (H. Res. 234) to increase from 50 to 100 the number of copies of the eulogies on the late Samuel Sullivan Cox to be delivered to his widow.

PADRE ISLAND HARBOR.

Mr. DAWES. I yield to the Senator from Texas [Mr. COKE].

Mr. COKE. Mr. President——

Mr. BLAIR. Before the Senator from Texas proceeds I desire to ask the Senator from Massachusetts if he will not yield to me to call up House bill 11120, for the adjustment of accounts of laborers, workmen, and mechanics under the existing eight-hour law.

Mr. DAWES. That bill would require time.

The VICE PRESIDENT. The Chair understands that the Senator from Massachusetts has already yielded the floor to the Senator from Texas.

Mr. COKE. I ask unanimous consent to call up the bill (H. R. 8341) to promote the construction of a safe deep-water harbor on the coast of Texas, and I do this by permission of the Senator from Massachusetts.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Corpus Christi and Padre Island Harbor Company, created and existing under and by virtue of articles of incorporation drawn in accordance with and by authority of the general incorporation act of the State of Texas, and dated December 10, 1887, or its successors or assignees, to construct, at their exclusive cost, as in their charter provided, a sea wall, breakwaters, and viaduct off the shore of Padre Island, on the coast of Texas, within the jurisdiction of the United States, subject to the terms and conditions set forth.

The bill was reported from the Committee on Commerce with an amendment, to add the following section:

SEC. 7. That the said Corpus Christi and Padre Island Harbor Company be, and hereby is, authorized and empowered to construct bridges across Laguna Madre from the mainland to Padre Island, in accordance with such plans and specifications as the Secretary of War may approve.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. COKE. I move that the Senate request a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the Vice President was authorized to appoint the conferees on the part of the Senate; and Mr. COKE, Mr. CULLOM, and Mr. GORMAN were appointed.

UMATILLA IRRIGATION COMPANY.

Mr. DAWES. I yield to the Senator from Oregon [Mr. MITCHELL].

Mr. MITCHELL. I move that the Senate proceed to the consideration of the bill (S. 4937) granting to the Umatilla Irrigation Company a right of way through the Umatilla Indian reservation in the State of Oregon.

The VICE PRESIDENT. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill; which was read.

The VICE PRESIDENT. If there be no amendment as in Committee of the Whole, the bill will be reported to the Senate.

Mr. BLAIR. Mr. President, I rise to a point of order.

The VICE PRESIDENT. The Senator from New Hampshire will state his point of order.

Mr. BLAIR. The Senator from Oregon moved to proceed to the consideration of this bill, which displaces an appropriation bill.

Mr. MITCHELL. It was taken up by unanimous consent.

Mr. DAWES. But that was a mere form.

Mr. BLAIR. The Senator made the motion. I know it is a mere form, but there is substance in the form.

Mr. DAWES. It is understood that all these bills are considered by unanimous consent.

Mr. BLAIR. I should like to have this business of farming out the floor so conducted as to meet the approbation of the Senator from Maryland [Mr. GORMAN] and not involve us in any parliamentary entanglement.

The VICE PRESIDENT. The Chair did not put the motion. He understood that the Senator from Oregon desired to proceed by unanimous consent.

Mr. MITCHELL. I hope the Senator will let this bill be passed and then raise the question.

Mr. BLAIR. I have no objection to the passage of the bill, but I do not want to be involved in any parliamentary intricacy.

Mr. DAWES. I do not think there will be any record made of a motion. There was no vote taken.

The VICE PRESIDENT. The Chair will again state that he understood that the bill was being considered by unanimous consent. If there be no amendment as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CERTIFICATES OF MERIT TO ENLISTED MEN.

Mr. HAWLEY. I report favorably from the Committee on Military Affairs, and beg unanimous consent that the Senate may consider and pass, House bill No. 7976, which has no possibility of debate in it, I think.

The VICE PRESIDENT. The title will be read.

The CHIEF CLERK. A bill (H. R. 7976) to amend sections 1216 and 1285 of the Revised Statutes, relative to certificates of merit to enlisted men of the Army.

The VICE PRESIDENT. The bill will be read at length for information, if there be no objection.

The bill was read, as follows:

Be it enacted, etc., That section 1216, Revised Statutes, be, and is hereby, amended to read:

"SEC. 1216. That when any enlisted man of the Army shall have distinguished himself in the service the President may, at the recommendation of the commanding officer of the regiment to which such enlisted man belongs, grant him a certificate of merit."

SEC. 2. That section 1285, Revised Statutes, be, and is hereby, amended to read:

"SEC. 1285. A certificate of merit granted to an enlisted man for distinguished service shall entitle him, from the date of such service, to additional pay at the rate of $2 per month while he is in the military service, although such service may not be continuous."

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MILITARY POST AT PLATTSBURGH, N. Y.

Mr. HISCOCK. I ask unanimous consent to proceed to the consideration of the bill (H. R. 608) making an appropriation for the construction of new buildings and the enlargement of the military post at Plattsburgh, N. Y.

There being no objection, the Senate as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $200,000 to enable the Secretary of War to enlarge the military post at Plattsburgh, N. Y., to the capacity of twelve companies, and for beginning the construction of the necessary buildings, barracks, quarters, kitchen, mess hall, stables, storehouses, and magazines, and authorizes the Secretary of War to accept, free of cost to the United States, a donation of a tract of not less than 500 acres of land for a target range and other military purposes at or near the post of Plattsburgh Barracks, New York.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE B. KANE & CO.

Mr. MANDERSON. I ask the Senate to proceed to the consideration of the bill (H. R. 4385) to appropriate the sum of $517.60 to George B. Kane & Co., in full payment of a balance due them for printer's ink furnished by them to the Public Printer.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISRAEL KIMBALL.

Mr. WOLCOTT. I ask unanimous consent to proceed to the consideration of the bill (S. 3752) for the relief of Israel Kimball.

Mr. PADDOCK. Mr. President, I should like to inquire the parliamentary situation of the appropriation bill.

Mr. WOLCOTT. I hope the Senator will wait until this bill is disposed of.

Mr. PADDOCK. I will yield until the Senator passes his bill, but I think somebody ought to raise the question, and I may as well do it as anybody else.

The VICE PRESIDENT. The fortification appropriation bill is before the Senate and is being temporarily laid aside by unanimous consent. Unanimous consent is now asked to proceed to the consideration of the bill (S. 3752) for the relief of Israel Kimball.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill; which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Israel Kimball the sum of $10,000, in recognition of the valuable invention of the canceling die designed by the said Kimball and continuously used by the Government since, said sum to be in full compensation for the past and future use by the Government of the United States of said canceling die.

Mr. WOLCOTT. The bill I think will lead to neither discussion nor difference. I have been asked to explain what the bill is.

Israel Kimball, who is now dead, was the oldest chief clerk in any of the Departments. In 1863 he invented a canceling die which the officers of the Government say has saved the Government thereafter some $8,000,000 annually. It was reported as patentable; it was invented by Mr. Kimball after hours; he gave it to the Government, which adopted it and has constantly used it since. Every official who has investigated the matter has recommended that some compensation be made. Mr. Kimball died recently, and I have an amendment to offer making the legal representatives of Israel Kimball the beneficiaries of this legislation.

Mr. PADDOCK. How much does the invention save annually to the Government?

Mr. WOLCOTT. Eight million dollars. I move, in line 5, after the word "to," at the end of the line, to insert the words "the legal representatives of;" so as to read:

To the legal representatives of Israel Kimball the sum of $10,000, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of the legal representatives of Israel Kimball."

SALE OF TOBACCO TO MINORS IN THE DISTRICT.

Mr. MCMILLAN. I ask consent to call up Senate bill 4560, which will take but a moment.

Mr. DAWES. Mr. President——

The VICE PRESIDENT. The Chair had recognized the Senator from Michigan [Mr. MCMILLAN].

Mr. DAWES. I have promised to yield to the Senator from Florida [Mr. CALL]. I think after that the Senate will agree with me that I have redeemed all the promises of the chairman of the Committee on Appropriations. I yield to the Senator from Florida.

Mr. CALL. I ask the Senate to proceed——

The VICE PRESIDENT. The Chair had already recognized the Senator from Michigan [Mr. MCMILLAN].

Mr. MCMILLAN. It will only take a moment to consider the bill I wish to call up.

Mr. DAWES. I yield to the Senator from Florida.

Mr. PADDOCK. Mr. President, I think the Senator from Massachusetts had better call up his own bill and proceed with it. We have an understanding as to taking up some important bills the passage of which the country is demanding. I think there ought to be a little better consideration of the situation in respect to those bills. If the Senator wishes to push his appropriation bill I think he ought to do it.

Mr. HALE. The Senator from Michigan [Mr. MCMILLAN] has the floor, has he not?

The VICE PRESIDENT. The Chair has recognized the Senator from Michigan.

Mr. HALE. Then nobody can interfere at present.

Mr. DAWES. It is apparent that there must be some limit to the taking up of these bills or the fortifications appropriation bill can not be taken up for consideration to-night. I had agreed to yield to the Senator from Florida, and after that I will consider whether I shall yield further.

Mr. HALE. The Senator from Michigan has the floor. Nobody can take him off.

Mr. DAWES. The Senator from Michigan has not the floor. I have the floor; and if there is no objection I will yield it to the Senator from Florida. If there is objection——

Mr. HALE. I ask the Chair whether the Senator from Michigan was not recognized?

The VICE PRESIDENT. The Senator from Michigan was recognized by the Chair.

Mr. DAWES. If the Senator from Michigan insists upon taking the floor from me I have nothing further to say.

Mr. FAULKNER. I suggest to the Senator from Massachusetts that he yield the floor first to the Senator from Florida and then to the Senator from Michigan, and settle the question in that way.

Mr. DAWES. I supposed I had charge of the floor, but if I have not, that is all of it.

The VICE PRESIDENT. What is the pleasure of the Senate?

Mr. CULLOM. I will call up the amendment of the House of Representatives to Senate bill 3173. I believe that is in order.

Mr. MCMILLAN. I ask the Senate to proceed to the consideration of the bill (S. 4560) to prohibit the sale of tobacco to, or its use by, minors under sixteen years of age in the District of Columbia.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on the District of Columbia with an amendment, to strike out section 2 in the following words:

SEC. 2. That no minor under sixteen years of age shall smoke or in any way use any cigar, cigarette, or tobacco in any form in any street, avenue, alley, or other public place or resort within the District of Columbia, and each and every violation of this section shall be punishable by a fine of not less than two dollars nor more than five dollars.

So as to make the bill read:

Be it enacted, etc., That hereafter no person in the District of Columbia shall sell, give, or furnish any cigar, cigarette, or tobacco in any of its forms to any minor under sixteen years of age; and for each and every violation of this section the offender shall, on conviction, be fined not less than $2 nor more than $10, or be imprisoned for not less than five days nor more than twenty days.

Mr. BLAIR. I understand that the Senator from Massachusetts has abandoned his bill for the present, and as the next in order, at least I suppose by general understanding, the next bill to be considered that will take any time in the regular order of the Senate is the bill in regard to arrears of pay for labor under the eight-hour law. I desire to give notice that as soon as the pending bill is disposed of I shall move to proceed to the consideration of that bill, and I shall claim the floor for that purpose.

Mr. HALE. I do not understand that the fortification appropriation bill is by any means abandoned.

The VICE PRESIDENT. It is not.

Mr. HALE. The Senator from Massachusetts [Mr. DAWES] will be in again in a few moments. I hope the Senate will go on with the regular order.

Mr. BLAIR. Then is that the understanding? I wish to give notice that without much more trifling I shall make an objection in earnest unless the business can proceed somewhat in accordance with the understanding that prevails in the Senate.

Mr. PADDOCK. I have announced my disposition to second the effort of the Senator from New Hampshire.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Committee on the District of Columbia.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to prohibit the sale of tobacco to minors under sixteen years of age in the District of Columbia."

APALACHICOLA RIVER IMPROVEMENT.

Mr. CALL. I ask the Senate to proceed to the consideration of Senate joint resolution 144, a measure reported by the Committee on Commerce favorably this morning.

The VICE PRESIDENT. The title will be stated.

The CHIEF CLERK. A joint resolution (S. R. 144) for the use of the appropriations in the river and harbor bill relating to the Apalachicola River, Florida.

The VICE PRESIDENT. The joint resolution will be read at length, if there be no objection.

Mr. BLAIR. I object.

Mr. CALL (to Mr. BLAIR). Do not object to it.

Mr. BLAIR. Does the Senator ask leave to have the fortification appropriation bill informally laid aside that this may be considered or does he move to proceed to the consideration of the joint resolution?

Mr. CALL. Oh, no; I do not move it. The Senator from Massachusetts agreed that I should ask the Senate to proceed to its consideration.

Mr. BLAIR. Then the appropriation bill is informally laid aside?

Mr. CALL. Yes.

Mr. BLAIR. Very well.

Mr. CALL. I ask unanimous consent to proceed to the consideration of the joint resolution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported from the Committee on Commerce with amendments, in line 3, after the word "the" where it first occurs, to strike out the word "appropriation" and insert "appropriations;" in the same line, after the word "making," to strike out "appropriation" and insert "appropriations;" in line 4, to strike out "river" and insert "rivers;" in the same line, after the word "approved," to fill the blank with "September 19;" in line 6, after the word "river" where it first occurs, to insert "Florida;" in the same line after the word "river" where it occurs the second time, to insert the words "Georgia and;" in line 7, after the word "Alabama," to strike out the words "and Florida;" in line 8, after the word "said," to strike out "river" and insert "bay and rivers;" and in line 10, to add the following proviso:

Provided, That the amount so used shall not exceed $5,000.

So as to make the joint resolution read:

That the appropriations made by the act making appropriations for rivers and harbors, approved September 19, 1890, for the improvement of the Apalachicola Bay and Apalachicola River, Florida, and for the Chattahoochee River, Georgia and Alabama, and for continuing the improvements on said bay and rivers may be used in the discretion of the Secretary of War for the improvement of Lee's Slough, on the Apalachicola River: *Provided*, That the amount so used shall not exceed $5,000.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

INTERSTATE COMMERCE COMMISSION HEARINGS.

Mr. CULLOM. I ask the Chair to lay before the Senate the amendment of the House of Representatives to the bill (S. 3173) to amend an act entitled, "An act to regulate commerce," approved February 4, 1887.

The VICE PRESIDENT laid before the Senate the amendment of

the House of Representatives to the bill, which was, on page 3, after line 25, to insert as a new paragraph:

Witnesses whose depositions are taken pursuant to this act, and the magistrate or other officer taking the same, shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

Mr. CULLOM. I ask the Senate to concur in the amendment of the House of Representatives.

Mr. GORMAN. I trust the Senator from Illinois will explain the amendment.

Mr. CULLOM. The bill passed the Senate a good while ago, during the last session, the sole and only purpose of it being to allow the Interstate Commerce Commission to take depositions in certain cases without the expense to the Government of bringing witnesses over 100 or 1,000 miles to the Capital here at Washington, and it will save expense to the litigants also. It is a measure in the interest of great economy in the administration of the offices held by the commissioners, and that is all there is in it. It will hasten the trial of cases before the commission at a less expense than they have been put to by the law as it stands to-day. That is all there is of it.

Mr. GORMAN. I should like to ask the Senator, who I know has examined the question very thoroughly, whether the effect of this proposed act will not be simply to take *ex parte* statements all over the country before any notary public or commissioner, without having the formality of the trials here, and if after all it will not result in breaking down the whole system.

Mr. CULLOM. The bill follows the statute that governs the taking of depositions in United States courts to-day. Nearly all of it is *verbatim et literatim* what is now in the law, except that the law does not apply to this commission. Therefore the purpose of the bill is to extend the existing law to the commission, so that they may be able to take testimony after giving notice, and all that sort of thing, just as required under the United States law to-day. I think it is a measure that ought to be passed, because these cases are piling up before the commission more rapidly than they can dispose of them, and it is a great expense besides if they are compelled to send for witnesses to New Orleans or Chicago or New York or other places more than 100 miles away. I think if the Senator will examine it he will find that there is nothing else in the bill, and that it will simply be in the interest of economy and the progress of the commission in doing the work for which it was created.

Mr. GORMAN. Mr. President, I have only this to say, that I believe a great deal of good has resulted from the passage of the interstate commerce act. At the same time I think that I am within bounds when I say that the commission have rather sought to avoid the responsibility in all these cases. I think they have accomplished a great deal of good at the same time, but it does seem to me that it would be very much better, instead of having this roving commission with authority to take depositions everywhere, if the testimony would be taken before them where there can be a public hearing and both sides be heard, and put the responsibility where it belongs, right here on the commission itself.

Mr. CULLOM. If the Senator will allow me, I will state that the responsibility certainly remains with the commission, but it surely is a good thing to do, if the commission are struggling to perform their duty and to dispose of cases before them, to so frame the law as to enable them to take the testimony of witnesses without the expense or the necessity of the commissioners traveling over the country every time a case comes up for consideration and for trial. The commission are doing all that it is possible for any men to do in the preparation of these cases, and it is because they are unable to decide the cases as rapidly as they ought to do in order to satisfy the public judgment and public mind and take care of the interests of the people, that they ask that the commission be allowed to take testimony as other tribunals have been allowed to do.

Mr. MANDERSON. I ask the Senator from Illinois in charge of the bill whether this is not simply a matter of procedure.

Mr. CULLOM. Simply.

Mr. MANDERSON. Giving to the Interstate Commerce Commission the right which exists in every court that tries a cause in the United States?

Mr. CULLOM. Of course; that is what it is.

Mr. MANDERSON. The right in civil actions, or those akin to it, to take testimony by way of deposition?

Mr. CULLOM. There is nothing else in it.

Mr. MANDERSON. So it does not reach to anything that concerns the organization or continuation of the commission, but simply to the procedure under its organization?

Mr. CULLOM. There is nothing else in it.

Mr. PADDOCK. It is in the interest of economy as well as expedition?

Mr. CULLOM. Certainly; that is the purpose of it, and the only purpose there is in it. As to the question whether the opposite side will be present to cross-examine and all that, they will have the same opportunity that any litigant has in court to-day in being present and cross-examining the witness whose testimony may be desired to be taken.

The VICE PRESIDENT. The question is on concurring in the amendment of the House of Representatives to the bill.

The amendment was concurred in.

ORDER OF BUSINESS.

Mr. HALE. Now I call for the regular order, which is the fortification appropriation bill.

Mr. MANDERSON. Mr. President——

The VICE PRESIDENT. The Senator from Nebraska.

Mr. MANDERSON. That bill being before the Senate I move that the Senate proceed to the consideration of executive business.

Mr. SAWYER. I ask the Senator from Nebraska to give way.

Mr. MANDERSON. For what purpose?

Mr. SAWYER. I should like to ask unanimous consent to take up from the Calendar the private pension bills, subject to objection, for half an hour. We have not gone to the Calendar for some time.

Mr. MANDERSON. Until 4 o'clock?

Mr. PLUMB. It seems to me, unless there is objection to it, we might give some attention to individual cases on the Calendar.

Mr. DOLPH. I hope the Senator from Wisconsin will modify his request so as to include all unobjected cases on the Calendar.

Mr. BLAIR. I object to anything but the regular order unless the Senator in charge of the bill is present and is satisfied to waive its consideration in form.

Mr. MANDERSON. The regular order I understand is the fortification appropriation bill.

The VICE PRESIDENT. It is.

Mr. MANDERSON. Pending that, I move that the Senate proceed to the consideration of executive business.

The VICE PRESIDENT. The Senator——

Mr. BLAIR. Under cover of the wings of the Senator from Massachusetts I was anxious to go along with what I understood to be really the regular order of the Senate, the appropriation bill.

The VICE PRESIDENT. The Senator from Nebraska moves that the Senate proceeds to the consideration of executive business.

Mr. SAWYER. I ask the Senator to allow me to call up the unobjected pension bills.

Mr. MANDERSON. If it is the desire of the Senate to proceed to the consideration of pension bills that are unobjected to on the Calendar, I do not object to go on until 4 o'clock.

The VICE PRESIDENT. The Senator from Nebraska withdraws his motion for an executive session?

Mr. MANDERSON. I do.

The VICE PRESIDENT. Is there objection to the request made by the Senator from Wisconsin?

Mr. BLAIR. What is the request? It has been impossible to hear what is going on. I do not know what the request is.

Mr. SAWYER. I ask the Senate to proceed to the consideration of private pension bills.

Mr. MANDERSON. Until 4 o'clock.

Mr. BLAIR. Then what?

Mr. MANDERSON. Then to go into executive session.

Mr. BLAIR. I can not object to that request.

Mr. MANDERSON. No; of course not.

The VICE PRESIDENT. Is there objection to the request made by the Senator from Wisconsin to proceed to the consideration of unobjected pension cases on the Calendar until 4 o'clock? The Chair hears none. The first pension bill on the Calendar unobjected to will be announced.

The CHIEF CLERK. Order of Business 2214, Senate bill 4706——

Mr. PLUMB. I inquire of the Senator from Wisconsin if that is the beginning of the pension cases on the Calendar.

Mr. SAWYER. Yes, except those that went over to Rule IX. Order of Business 2214 is beginning where we left off before.

LUCY WOOD.

The bill (S. 4706) granting a pension to Lucy Wood was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lucy Wood, of Barre, Vt., as widow of John Wood, a teamster in the war of 1812, and pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. JANE HINSDALE.

The bill (S. 3552) granting a pension to Mrs. Jane Hinsdale was considered as in Committee of the Whole. It proposes to place the name of Mrs. Jane Hinsdale, late a nurse in Union armies, on the pension roll at $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALEXANDER MOORE.

The bill (H. R. 10456) granting a pension to Alexander Moore was considered as in Committee of the Whole. It proposes to place on the pension rolls, at $12 per month from the date of approval hereof, the name of Alexander Moore, late nurse of Company H, Twenty-fourth Regiment Indiana Volunteers, war of the rebellion.

Mr. COCKRELL. I wish to hear the report in that case. How does it happen that Alexander Moore was a nurse?

The VICE PRESIDENT. The report will be read.

The Chief Clerk read the following report, submitted by Mr. TURPIE December 23, 1890:

The Committee on Pensions, to whom was referred the bill granting a pension to Alexander Moore, have examined the same and report:

That from the facts stated in the House report, which is hereunto attached and approved, we believe this to be a meritorious measure and recommend the passage of the bill.

[House Report No. 3089, Fifty-first Congress, first session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10456) granting a pension to Alexander Moore, have considered the same and submit the following report:

It appears from the mass of testimony submitted in support of the bill that, upon the organization of the Twenty-fourth Indiana Volunteer Infantry, the claimant, who was a young man in good health, but ineligible for enlistment on account of a deformed leg, went with the regiment as nurse and cook.

He remained with the regiment some five months and was a vigilant and attentive nurse. The regiment suffered an epidemic of measles and chronic diarrhea during the claimant's stay with the organization, and his services in attending to the wants of the sick were in constant requisition, day and night, so much so that his health gave way and he was obliged to return home, suffering with rheumatism and diarrhea. His health continued to be so much impaired from said diseases that he was obliged to abandon his trade (that of shoemaker) on account of being unable to sit, and he still remains unable to do any manual labor on account of his sufferings from said diseases.

The facts above stated are sworn to by James T. Bailey, John Crow, Henry C. Shafer, William Quakenbush, John H. Preston, George Weinnour, Capt. W. L. Merrick, Capt. Thomas J. Reed, Alexander Reed, James S. Thomas, A. Hutchins, and Daniel T. Fry, all members of the regiment in which the claimant rendered the service and lost his health. These witnesses are all neighbors and acquaintances of the claimant of many years' standing and personally know the facts testified to. That they are all credible men and good reputable citizens is certified to by Governor Alvin P. Hovey, of Indiana.

The claimant resides at Petersburgh, Ind.

There is no provision in the general pension laws for cases of this kind, but your committee, recognizing the equity and justice of the claimant's prayer for relief by special act of Congress, respectfully return the bill, recommending its passage, amended by striking out the words "subject to the provisions and limitations of the pension laws," in lines 4 and 5, and inserting in lieu thereof the words "at the rate of $12 per month from the date of approval hereof."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZA PYLE.

The bill (H. R. 5079) for the relief of Eliza Pyle was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eliza Pyle, late a nurse in the hospital of the Fortieth Illinois Regiment Volunteers, at $25 per month.

Mr. COCKRELL. I should like to know why it is that the Committee on Pensions report $25 as the rate of pension here, when in nearly all the cases and in the case we passed over just a moment ago they only report $12.

Mr. CULLOM. The Senator from Indiana [Mr. TURPIE] reported the bill, and I have no doubt he can fully explain the reasons of the committee.

Mr. COCKRELL. Why is $25 allowed here, when in the case of Mrs. Jane Hinsdale, and in nearly all similar cases, but $12 has been allowed?

Mr. CULLOM. I hope the amount will not be reduced until we find out whether there are any good reasons why it should be less than $25.

Mr. TURPIE. I ask for the reading of the report, which will explain the case fully.

Mr. COCKRELL. I desire to have the report read. I have glanced over the report and I see that this lady is totally blind. That, of course, makes a difference. I ask that the report may be read, so that it may go into the RECORD.

The VICE PRESIDENT. The report will be read.

The Chief Clerk read the following report, submitted by Mr. TURPIE December 23, 1890:

The Committee on Pensions, to whom was referred the bill granting a pension to Eliza Pyle, late a nurse in the hospital of the Fortieth Regiment of Illinois Volunteers, have examined the same and report:

That, from the facts stated in the House report, which is hereto attached and approved, we believe this to be a meritorious measure and recommend the passage of the bill.

[House Report No. 2393, Fifty-first Congress, first session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5079) granting a pension to Eliza Pyle, submit the following report:

The evidence shows Eliza Pyle was a nurse in Fortieth Regiment Illinois Volunteers from September 7, 1861, to March, 1862; that she was industrious and faithful at all times while in the service; that in November, 1861, while in the service, she was taken sick of the measles, which affected her eyes at the time, and as a result of which she is now totally blind.

Your committee therefore report the bill back with the following amendment: After the word "volunteers," in line 7, add the following: "At the rate of $25 per month."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. ROCHIE BRIEN BUELL.

The bill (H. R. 3143) increasing the pension of Mrs. Rochie Brien Buell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mrs. Rochie Brien Buell, widow of General George P. Buell, late of the United States Army, at $50 per month, in lieu of the pension she is now drawing.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THEODORE RAUTHE.

The bill (S. 2072) granting an increase of pension to Theodore Rauthe was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Theodore Rauthe, late of Company K, Thirteenth Regiment of New York Cavalry, and to pay him a pension of $72 per month in lieu of the pension of $50 per month he is now receiving.

Mr. COCKRELL. Let the report be read in that case. This is a very large increase.

The VICE PRESIDENT. The report will be read.

The Secretary read the following report, submitted by Mr. DAVIS December 23, 1890:

The Committee on Pensions, to whom was referred the petition of Theodore Rauthe, praying for increase of pension, have examined the same and report:

The facts in this case were adjudicated by the Senate Committee on Pensions of the Forty-seventh Congress, first session, report No. 221, and in the Fiftieth Congress, first session, report No. 678, in the first instance to grant the claimant certain arrears for the time during which the Pension Bureau, misled by a forgery, had deprived him of his pension, and in the second instance to grant the increase to $50, which the law then allowed for the loss of both feet.

These bills, as reported, were duly passed upon and became law, and this soldier is now receiving $50 per month; but the Department refuses the increase to $72 per month, although he is thus pensioned for loss of both feet while in the military service of the United States and in line of duty, and this action is excused solely upon the ground that pension is now based upon special act of the Congress, which fixed the rate, and there is, therefore, no authority for the Pension Bureau to grant a higher rate. This soldier is thus deprived of the rate given to all of his class who have lost both feet in the service and in line of duty, as provided by the act approved March 4, 1890.

The official letter of the Pension Office giving the reason for rejection is herewith made a part of this report:

"WASHINGTON, D. C., *June* 16, 1890.

"SIR: Your claim under certificate No. 91357, as late of Company K, Thirteenth New York Cavalry, for increase of pension, is rejected under the provisions of section 4720, Revised Statutes, as amended, the rate of pension being fixed by special legislation, and therefore you are excluded from the operation of the act approved March 4, 1890.

"Very respectfully,

"ANDREW DAVIDSON,
"*First Deputy Commissioner.*

"THEODORE RAUTHE,
"*No. 305 Tenth Street, Northwest, City.*"

In view of the reasons for rejection being entirely technical and the strong equities of the case demanding increase as in all claims of this class under the general law, your committee recommend the increase of pension from $50 to $72 per month.

Mr. COCKRELL. I understand that if this pension had been granted properly, as it ought to have been by the Pension Office, the pensioner would now be entitled to $72, but the increase having been made by a special act of Congress the Pension Office can not increase the rate. Therefore the bill only gives this soldier exactly what the general law gives a soldier in the same condition.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. ELIZABETH P. NEWHOUSE.

The bill (H. R. 11456) for the relief of Mrs. Elizabeth P. Newhouse was considered as in Committee of the Whole. It proposes to place the name of Mrs. Elizabeth P. Newhouse, formerly wife of Christian Newhouse, deceased, late of Company E, Fourth Regiment Indiana Volunteer Cavalry, upon the pension roll, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BARTON P. SPENCER.

The bill (H. R. 5102) for the relief of Barton P. Spencer was considered as in Committee of the Whole. It proposes to place upon the pension roll the the name of Barton P. Spencer, late of Company G, First California Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRIDGET LYNCH.

The bill (H. R. 4246) granting a pension to Bridget Lynch was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Bridget Lynch, widow of Thomas Lynch, late of Company A, Seventy-seventh Regiment Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAROLINE A. FAIRFAX.

The bill (H. R. 9506) for the relief of Caroline A. Fairfax was considered as in Committee of the Whole. It proposes that the act entitled "An act to restore pensions in certain cases," approved June 9, 1880, shall be construed so as to include within its provisions Caroline A. Fairfax, Washington, D. C.

Mr. COCKRELL. Let the report be read in that case.

The VICE PRESIDENT. The report will be read.

The Chief Clerk read the following report, submitted by Mr. FAULKNER January 6, 1891:

The Committee on Pensions, to whom was referred the bill (H. R. 9506) for the relief of Caroline A. Fairfax, have examined the same, and report:

We adopt the report submitted by the Committee on Pensions, House of Representatives, and recommend that the bill do pass.

The House report is as follows:

"The committee believe that the act of June 9, 1880, was intended to include the widows of officers of the Army as well as those of the Navy.

"Mrs. Fairfax is the widow of Henry Fairfax, captain of Virginia Volunteers in the war with Mexico. Her case is similar to that of Jane M. McCrabb and others, which have already received the favorable action of the House.

"The bill is returned with a favorable recommendation."

Mr. COCKRELL. I do not see the Senator present who reported that bill. It strikes me that is a very strange provision.

Mr. SAWYER. The Senator may object to it and let it go over.

Mr. COCKRELL. No, I do not want to object to it if it can be shown to be right. The report is a very luminous one. It says: "The committee believe"——

The VICE PRESIDENT. The Senator from West Virginia [Mr. FAULKNER] who reported the bill is present.

Mr. COCKRELL. I wish to call attention to the report in this case. The House report, which is adopted by the Senate Committee on Pensions, says:

The committee believe that the act of June 9, 1880, was intended to include the widows of officers of the Army as well as those of the Navy.

Mrs. Fairfax is the widow of Henry Fairfax, captain of Virginia volunteers in the war with Mexico. Her case is similar to that of Jane M. McCrabb and others, which have already received the favorable action of the House.

I supposed that law of June 9, 1880, was intended specially to include, and did include, the officers of the Army and of the Navy.

Mr. FAULKNER. The law has been construed differently by the Pension Bureau. There were only four of these widows left out by the construction placed upon the law by the Department, and this is the last one of the four. Special bills have been passed in the other three cases and have become laws.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NANCY HARTLEY.

The bill (H. R. 4474) granting a pension to Nancy Hartley was considered as in Committee of the Whole. It proposes to place on the pension rolls the name of Nancy Hartley, widow of Hugh S. Hartley, late a member of Captain Ford's company of Black Hawk Rangers, in the war of 1832 and 1833, and allow her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LYDIA A. EATON.

The bill (H. R. 1425) granting a pension to Lydia A. Eaton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lydia A. Eaton, widow of William G. Eaton, late of Company A, Thirty-third Regiment Massachusetts Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAROLINE HAYES.

The bill (H. R. 1433) granting a pension to Caroline Hayes was considered as in Committee of the Whole. It proposes to pay Caroline Hayes, daughter of Nathaniel Hayes, deceased, late of Second Company of Sharpshooters of the Twenty-second Regiment Massachusetts Volunteers, a pension of $18 per month, through her legally constituted guardian.

Mr. COCKRELL. Let the report be read showing why this daughter of a soldier is pensioned.

The Chief Clerk read the following report, submitted by Mr. DAVIS January 7, 1891:

The Committee on Pensions, to whom was referred the bill granting a pension to Caroline Hayes, have examined the same and report:

The report of the Committee on Invalid Pensions of House of Representatives, hereto appended, is adopted, and the passage of the bill is recommended.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1433) granting a pension to Caroline Hayes, submit the following report:

Caroline Hayes is the only child of Nathanial Hayes, who died while serving as private of the second company of sharpshooters of the Twenty-second Regiment of Massachusetts Volunteers. She was pensioned after the widow's death, and remained on the pension rolls until February 7, 1879, when she reached the age of sixteen years. It also appears in evidence that she is now, and has been for many years, insane and under guardianship. She has no means nor income of any kind, and is kept out of the almshouse by the contributions of the Grand Army post of the town in which she resides. There is no possibility of improvement in her condition.

The case is similar to others in which Congress has taken favorable action. The bill is therefore returned with the recommendation that it do pass, amended, however, by striking out all after the word "of," in line 7, and inserting therein instead the words "eighteen dollars per month through her legally constituted guardian."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALFRED A. JEROME.

The bill (H. R. 4013) granting an increase of pension to Alfred A. Jerome was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alfred A. Jerome, late sergeant Company A, Twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension of $50 per month in lieu of his present pension.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BAZEL LEMLEY.

The bill (H. R. 9400) granting a pension to Bazel Lemley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Bazel Lemley, late a member of Company I, Eighth Pennsylvania Reserve Corps, transferred to Company H, One hundred and ninety-first Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. SUSAN YOUNG.

The bill (H. R. 5517) granting a pension to Mrs. Susan Young was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Susan Young, widow of the late Samuel Young, late captain of the Independent Scouts of West Virginia.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS J. WILKINS.

The bill (H. R. 11530) granting a pension to Thomas J. Wilkins was considered as in Committee of the Whole. It proposes to place on the pension rolls the name of Thomas J. Wilkins, late a private of Company D, Sixty-sixth Ohio Volunteer Infantry, and of Company L, Second Ohio Heavy Artillery, and to pay him a pension of $50 per month, he being totally disabled and infirm from wounds and army service.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DELILA ROE.

The bill (H. R. 3503) for the relief of Delila Roe was considered as in Committee of the Whole. It proposes to place the name of Delila Roe, widow of George C. Roe, on the pension roll and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRIET J. YARBROUGH.

The bill (H. R. 10735) granting a pension to Harriet J. Yarbrough was considered as in Committee of the Whole. It proposes to place on the pension rolls the name of Harriet J. Yarbrough, stepmother of Thomas J. Yarbrough, and to pay her the same pension as if she had been the dependent mother of the said Thomas J. Yarbrough, late a soldier in Company I, Eighty-first Indiana Volunteer Infantry.

Mr. COCKRELL. Let the report be read in that case to show why this is done.

The VICE PRESIDENT. The report will be read.

The Secretary read the following report, submitted by Mr. FAULKNER January 8, 1891:

The Committee on Pensions, to whom was referred the bill granting a pension to Harriet J. Yarbrough, have examined the same, and report:

We adopt the report submitted by the Committee on Invalid Pensions, House of Representatives, and recommend that the bill do pass.

The House report is as follows:

"Harriet J. Yarbrough is the stepmother of Thomas J. Yarbrough, who enlisted as private in Company I, Eighty-first Regiment Indiana Volunteers, July 15, 1862, and died while in said service, November 17, 1864, of chronic diarrhea. He left neither wife nor child surviving him. The mother of the soldier died in May, 1842. Claimant married the soldier's father when the son was but two years of age, and tenderly cared for him as though he had been her own son. The family was very poor, and as the son reached the proper age his labor contributed to their support, and after enlistment assisted his father and stepmother by frequent remittances. The soldier's father died in 1879, leaving no property out of which the claimant could obtain a maintenance. He had a claim for pension pending at the time of his death. The proposed beneficiary also applied, but, not being the natural mother of the soldier, has no title under the general law. She is now old and very poor.

"There are numerous precedents to warrant your committee in a favorable consideration of the bill above referred to, and they therefore return the same with the recommendation that it do pass."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUISA A. STARKWEATHER.

The bill (S. 4639) granting a pension to Louisa A. Starkweather was considered as in Committee of the Whole. It proposes to place on the pension roll, at $100 per month, the name of Louisa A. Starkweather, widow of John C. Starkweather, late colonel of First Wisconsin Infantry, and brigadier general of volunteers, war of the rebellion.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. ELIZABETH R. GORDON.

The bill (S. 4655) to increase the pension of Mrs. Elizabeth R. Gordon, widow of Maj. George A. Gordon, Fifth Cavalry, was considered as in Committee of the Whole. It proposes to increase the pension of Elizabeth R. Gordon, widow of Maj. George A. Gordon, Fifth Cavalry, to $50 per month, in lieu of the pension she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CABINET VACANCIES.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States; which was read:

To the Senate and House of Representatives:

The sudden death of the honorable William Windom, Secretary of the Treasury, in New York, on the evening of the 29th instant, has directed my attention to the present state of the law as to the filling of a vacancy occasioned by the death of the head of a Department.

I transmit herewith an opinion of the Attorney-General, from which it will be seen that under the statutes in force no officer in the Treasury Department, or other person designated by me, can exercise the duties of Secretary of the Treasury for a longer period than ten days. This limitation is, I am sure, unwise and necessarily involves, in such a case as that now presented, undue haste and even indelicacy. The President should not be required to take up the question of the selection of a successor before the last offices of affection and respect have been paid to the dead. If the proprieties of an occasion as sad as that which now overshadows us are observed possibly one-half of the brief time allowed is gone before, with due regard to the decencies of life, the President and those with whom he should advise can take up the consideration of the grave duty of selecting a head for one of the greatest Departments of the Government.

Hasty action by the Senate is also necessarily involved, and geographical limitations are practically imposed by the necessity of selecting some one who can reach the Capital and take the necessary oath of office before the expiration of the ten days.

It may be a very proper restriction of the power of the President in this connection that he shall not designate, for any great length of time, a person to discharge these important duties who has not been confirmed by the Senate; but there would seem to be no reason why one of the Assistant Secretaries of the Department wherein the vacancy exists might not discharge the duties of Secretary until a successor is selected, confirmed, and qualified. The inconvenience of this limitation was made apparent at the time of the death of Secretary Folger. President Arthur, in that case, allowed one of the Assistant Secretaries, who had been designated to act in the absence of the Secretary, to continue in the discharge of such duties for ten days, then designated the same person to discharge the duties for a further term of ten days, and then made a temporary appointment as Secretary, in order to secure the consideration that he needed in filling this important place.

I recommend such a modification of the existing law as will permit the first or *sole* Assistant, or, in the case of the Treasury Department, where the Assistants are not graded, that one who may be designated by the President to discharge the duties of the head of the Department until a successor is appointed and qualified.

BENJ. HARRISON.

EXECUTIVE MANSION, *January* 31, 1891.

The VICE PRESIDENT. What disposition shall be made of the message?

Mr. MANDERSON. I suggest its reference to the Committee on Finance.

Mr. ALDRICH. Let it be printed.

The VICE PRESIDENT. The message will be referred to the Committee on Finance and printed, in the absence of objection.

MARTHA LEACH.

The bill (H. R. 11577) granting a pension to Martha Leach was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha Leach, who was the widow of Robert Morrison, private in Company H, One hundred and fifth Regiment Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARIA AND APOLLONIA HASSENDEUBEL.

The bill (H. R. 11309) granting a pension to Maria Hassendeubel and Apollonia Hassendeubel was considered as in Committee of the Whole. It proposes to place on the pension rolls the names of Maria Hassendeubel and Apollonia Hassendeubel, sisters of Col. Franz Hassendeubel, late captain of volunteer artillery, Mexican war, and colonel of the Seventeenth Missouri Volunteers in the late civil war, and to pay them a pension of $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. MARY HOGAN.

The bill (H. R. 9163) granting a pension to Mrs. Mary Hogan was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Mrs. Mary Hogan, widow of Thomas Hogan, late of Battery D, Third United States Artillery, and to allow her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELLEN L. PELOUZE.

The bill (S. 4728) increasing the pension of Ellen L. Pelouze, widow of Lewis H. Pelouze, was considered as in Committee of the Whole. It proposes to place upon the pension roll, at $50 a month, in lieu of the pension which she now receives, the name of Ellen L. Pelouze, widow of Lewis H. Pelouze, a brigadier general in the United States Army.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM KARGER.

The bill (H. R. 8060) for the relief of William Karger was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Karger, a sailor in the United States Navy, and to pay him a pension of $40 per month.

Mr. COCKRELL. Let the report be read in that case to show why the increase is made.

The Secretary read the following report, submitted by Mr. DAVIS January 13, 1891:

The Committee on Pensions, to whom was referred the bill granting a pension to William Karger, have examined the same and report:

The report of the House Committee on Invalid Pensions, hereto appended, is hereby adopted and the passage of the bill recommended.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R 8060) granting a pension to William Karger, submit the following report:

That the claimant served as a landsman on the steamship Susquehanna from June 10, 1864, until July 14, 1865. The claimant has no record of sickness while in service.

He swears that he suffered from lameness that he called rheumatism, ever after he was discharged, that grew much worse in 1868 and developed into locomotor ataxy. In 1870 he was admitted into the German Hospital in Philadelphia, and later into the Hebrew Hospital in the same place. At this time his eyes became affected and he became totally blind.

There is no doubt that he now is, and for many years has been, totally blind, and is unable to stand by reason of the locomotor ataxy above mentioned. The Pension Office rejected his claim in 1887 on the ground of insufficient evidence of origin of disability. The case was examined by five special examiners, three of whom think there is merit in the case and all of whom report the character of the claimant good. There is no doubt of the truth of the claimant's story as to his increasing disability in the years 1868, 1869, and 1870, as he has medical evidence in point.

The claimant also shows conclusively prior soundness and great bodily vigor before enlistment; and Dr. M. Allen Starr, an eminent specialist, of New York, says this disease, locomotor ataxy, usually results from exposure and is slow in development. The claimant's occupation being that of a barber, it would be likely that he incurred same in service.

Dr. Ottoman, of Carbondale, Pa., testifies that he treated claimant soon after his discharge for rheumatism.

In view of the foregoing your committee believe that the claimant probably incurred his disability in the service, and, as the claimant is now sixty years old and poor and has been for nearly twenty years totally blind, they believe any doubt there may be should not debar him from needed relief.

Amended by inserting, "and pay him a pension at $40 per month."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORRIN DAY.

The bill (H. R. 11604) granting a pension to Orrin Day was considered as in Committee of the Whole. It proposes to place on the pension rolls the name of Orrin Day, late of Company A, Third United States Artillery, with Capt. Thomas Childs, in the Florida War, 1832.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUCY A. GEORGE.

The bill (H. R. 1427) granting a pension to Lucy A. George was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lucy A. George, widow of John S. George, private Company H, Twenty-second Regiment of Massachusetts Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH R. LEE.

The bill (S. 4488) granting a pension to Elizabeth R. Lee was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 11, after the words "date of," to strike out "her husband's death, October 20, 1890," and insert "the passage of this act;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth R. Lee, widow of Samuel Perry Lee, late major of the Third Regiment Maine Volunteer Infantry, and brevet colonel United States Volunteers, and major and brevet lieutenant colonel of the United States Army, and pay her a pension at the rate of $50 per month from the date of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN MORAN.

The bill (H. R. 9391) granting an increase of pension to John Moran was considered as in Committee of the Whole. It proposes to increase the pension of John Moran, late first lieutenant Company F, Fifty-fourth Regiment Kentucky Mounted Infantry Volunteers, and to allow him, in addition to his present pension, the legal rating for complete scrotal hernia of right side.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS H. BRUCE.

The bill (H. R. 4220) for the relief of Thomas H. Bruce was considered as in Committee of the Whole.

The preamble recites that Thomas H. Bruce, of Lewis County, Kentucky, was an engineer on steamboats employed by the United States Government in transporting troops and supplies during the late war of the rebellion, the position being dangerous, on account of the enemy

often firing from the banks of the rivers at the men on the boat; and that he was shot and wounded so as to unfit him for work ever since.

The bill proposes to place on the pension roll the name of Thomas H. Bruce, of Lewis County, Kentucky.

Mr. COCKRELL. Let the report in that case be read.

The VICE PRESIDENT. The report will be read.

The Secretary read the following report, submitted by Mr. DAVIS January 15, 1891:

The Committee on Pensions, to whom was referred the bill (H. R. 4220) granting a pension to Thomas H. Bruce, have examined the same and report:

The report of the Committee on Invalid Pensions of House of Representatives, hereto appended, is adopted and the bill recommended to pass.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4220) granting a pension to Thomas H. Bruce, submit the following report:

Thomas H. Bruce is a citizen of Quincy, Lewis County, Kentucky. During the late civil war he was a regular licensed engineer on boats used by the United States in the transportation of her troops. In October, 1864, he was an engineer on the steamer Belle of St. Louis, navigating the Mississippi River between Memphis, Tenn., and St. Louis, Mo. The steamer was ordered by the United States to transport her troops from Memphis to St. Louis. While on the trip between said points laden with United States troops the steamer was fired upon by Confederate troops at Randolph, Tenn., on or about the 27th day of October, 1864. As a result of such firing said Bruce, while on duty at his engine, received a gunshot wound in the left arm and shoulder. The effect of the wound has seriously disabled the left arm. Bruce was loyal to his Government during the late war. He was compelled to render the services which he was rendering when he was disabled. It was just as important to the Government to have him operate the engine of the said steamer as to have the services of a soldier in the field. Under the provisions of the general law he is not entitled to a pension. We recommend the passage of the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIS STURGEON.

The bill (H. R. 6309) granting an increase of pension to Willis Sturgeon, of Hart County, Kentucky, was considered as in Committee of the Whole. It proposes to pay Willis Sturgeon (a soldier of the Mexican war and a private soldier of Company K, Twenty-sixth Regiment Kentucky Volunteers, in the late civil war) a pension of $25 per month, in lieu of the pension of $8 per month he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM A. TODD.

The bill (H. R. 12420) to pension William A. Todd was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William A. Todd, who served as a private in Capt. John D. Sill's company of Col. William Wodd's battalion, Georgia Creek War Volunteers, 1836, and to pay him the same pension as is allowed by law for service in the war of 1812.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SIMON J. FOUGHT.

The bill (H. R. 9582) to grant an increase of pension to Simon J. Fought was considered as in Committee of the Whole. It proposes to increase the pension of Simon J. Fought, formerly a corporal of company D, of the Forty-sixth Regiment of Ohio Volunteers, to $50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS GORHAM.

The bill (H. R. 12383) to pension Thomas Gorham was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Gorham, of Wallacesburgh, Hempstead County, Arkansas, who served as a private in Capt. G. F. Swagerty's company, Second Regiment Georgia Mounted Volunteers, Florida and Cherokee wars of 1837 and 1838, and to pay him a pension of $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WALKER H. FOMBY.

The bill (H. R. 10603) to pension Walker H. Fomby for service in the Indian war was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Walker H. Fomby, of Sardis, Hempstead County, Arkansas, late a private of Capt. John Loyall's company, Georgia Mounted Volunteers, Creek Indian war, 1836, and to pay him the same pension as is allowed by law for service in the war of 1812.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH D. FOSTER.

The bill (H. R. 12541) granting a pension to Elizabeth D. Foster was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth D. Foster, widow of William R. Foster, late a captain of Company E, Fifty-first Pennsylvania Volunteers, and to grant her a pension of $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

APHIA M. BROWN.

The bill (H. R. 4707) granting a pension to Aphia M. Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Aphia M. Brown, mother of James F. Brown, late a private in Company D, Ninth New Hampshire Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANC E. BABBITT.

The bill (H. R. 2434) granting a pension to Franc E. Babbitt was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Infantry," to strike out "the pension of said Franc E. Babbitt to be fixed at the rate of $30 per month," and insert "subject to the provisions and limitations of the pension laws;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Franc E. Babbitt, sister and heir of George S. Babbitt, late lieutenant colonel of the Twenty-third Regiment Indiana Infantry, subject to the provisions and limitations of the pension laws.

Mr. COCKRELL. I ask that the report may be read in that case.

The VICE PRESIDENT. The report will be read.

The Secretary read the following report, submitted by Mr. SAWYER January 15, 1891:

The Committee on Pensions, to whom was referred the bill (H. R. 2434) granting a pension to Franc F. Babbitt, have examined the same and report:

The House report on which this bill was passed is as follows:

"The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2434) granting a pension to Franc E. Babbitt, submit the following report:

"Franc E. Babbitt is the sister of George S. Babbitt, late lieutenant colonel of the Twenty-third Indiana Infantry.

"Colonel Babbitt entered the service as a captain and remained until the close of the war; he ran the blockade at Vicksburg as a volunteer commander of the J. W. Cheeseman, manned by a volunteer crew from his company, remaining under fire for six hours, and the vessel was struck many times by cannon balls and grape, canister, and musketry beyond mention; the consort of the Cheeseman was relieved and rescued. Colonel Babbitt took part in all the battles under Grant, beginning at Belmont and ending at Vicksburg; he was in the battles about Atlanta; marched with Sherman to the sea. He contracted pulmonary disease in the Army and died after a lingering consumption June 22, 1869. He was never married; his mother died when he was a babe, and his father while he was a small boy. The sister was a mother to the boy and raised him. When he grew up he contributed to his sister's support until he became unable to do any kind of work. She is the heir at law; she cared for him in infancy and during his long illness; the soldier would not apply for a pension during his lifetime. The sister is sixty-five years of age, broken in health from her long care of the gallant soldier; she is without income, being dependent upon her exertions.

"General Gresham, on whose staff the soldier served, in a letter to Mr. O'Donnell, the author of the bill, testifies to the services of Colonel Babbitt as a faithful and valuable officer; he approves the proposition to have the sister pensioned by act of Congress. General Lew Wallace, who served with the soldier, also favors such action.

"In view of these facts and as it has become customary to grant pensions in cases of this nature, your committee recommend the passage of the bill."

The bill is reported with an amendment striking out all after the word "infantry," in the seventh line, and inserting "subject to the provisions and limitations of the pension laws;" and as so amended the bill is reported favorably, with a recommendation that it do pass.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

RUTH COLLIER.

The bill (H. R. 10427) granting a pension to Ruth Collier was considered as in Committee of the Whole. The bill was reported from the Committee on Pensions with an amendment in line 4, after the name "Ruth Collier," to insert "widow of John M. Collier, who was enrolled as a private in Company B, Eighth Tennessee Cavalry;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place the name of Ruth Collier, widow of John M. Collier, who was enrolled as a private in Company B, Eighth Tennessee Cavalry, on the pension rolls, subject to the provisions and limitations of the pension laws.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JEREMIAH M. SIDWELL.

The bill (H. R. 2417) granting a pension to Jeremiah M. Sidwell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jeremiah M. Sidwell, of Spring Arbor, Mich., late a private in the Indiana Home Guards, he having been wounded at the battle of Panther Creek, Kentucky, while serving in the Army of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA F. STEBBINS.

The bill (H. R. 9823) for the relief of Martha F. Stebbins was considered as in Committee of the Whole. It proposes to place on the

pension rolls, at $30 a month, the name of Martha F. Stebbins, widow of Dwight D. Stebbins, who volunteered and acted as surgeon when called on by the Government after the battle of Shiloh, and gave his professional services to the sick and wounded of the Union armies in response to the call, and, although not mustered into the service, died of camp fever while performing the services.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN PICKARD.

The bill (H. R. 9024) granting a pension to John Pickard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Pickard, late drum major in the Tenth Regiment of Indiana Volunteers, and late of the Forty-fourth Regiment of Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD H. LEIB.

The bill (S. 4474) to increase the pension of Edward H. Leib was considered as in the Committee of the Whole. It proposes to increase the pension of Edward H. Leib, late brevet lieutenant colonel Fifth United States Cavalry, from fifty to one hundred dollars per month on account of increased disabilities rendering constant personal attendance and assistance necessary.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. CAROLINE E. DURYEE.

The bill (H. R. 12202) to place on the pension roll the name of Mrs. Caroline E. Duryee was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, after the words "rate of," to strike out "thirty" and insert "fifty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Caroline E. Duryee, widow of Abraham Duryee, late a brigadier general, retired, of the United States Army, and pay her a pension at the rate of $50 per month from and after the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ADMINISTRATRIX OF WILLIAM PERINE.

Mr. HIGGINS. I ask the Chair to lay before the Senate the amendment of the House of Representatives to the bill (S. 828) for the relief of Sarah E. E. Perine, widow and administratrix of William Perine, deceased.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 828) for the relief of Sarah E. E. Perine, widow and administratrix of William Perine, deceased; which was to strike out all after the enacting clause and insert:

That the claim of Sarah E. E. Perine, widow and administratrix of William Perine, deceased, for further compensation for the construction of the iron-clad monitor Naubac and the iron tugboats Maria and Triana, may be submitted by said claimant, within six months after the passage of this act, to the Court of Claims under and in compliance with the rules and regulations of said court; and said court shall have jurisdiction to hear and determine and render judgment upon the same: *Provided, however*, That the investigation of said claim shall be made upon the following basis: The said court shall ascertain the additional cost which was necessarily incurred by the contractor for building the light-draught monitor Naubac and the iron tugboats Maria and Triana, in the completion of the same, by reason of any changes or alterations in the plans and specifications required, and delays in the prosecution of the work: *Provided*, That such additional cost in completing the same, and such changes or alterations in the plans and specifications required, and delays in the prosecution of the work were occasioned by the Government of the United States; but no allowance for any advance in the price of labor or material shall be considered unless such advance occurred during the prolonged term for completing the work rendered necessary by delay resulting from the action of the Government aforesaid, and then only when such advance could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractors: *And provided further*, That the compensation fixed by the contractors and the Government for specific alterations in advance of such alterations shall be conclusive as to the compensation to be made therefor: *Provided*, That such alterations, when made, complied with the specifications of the same as furnished by the Government aforesaid: *And provided further*, That all moneys paid to the said contractors by the Government over and above the original contract price for building said vessel shall be deducted from any amounts allowed by said court by reason of the matters hereinbefore stated: *And provided further*, That if any such changes caused less work and expenses to the contractor than the original plan and specifications, a corresponding deduction shall be made from the contract price, and the amount thereof be deducted from any allowance which may be made by said court to said claimant.

Mr. HIGGINS. I move that the Senate concur in the House amendment.

The amendment was concurred in.

BETHIA WHITE.

Mr. COCKRELL. Regular order.

Mr. SHERMAN. Is there anything before the Senate?

Mr. COCKRELL. We are not yet through with the pension bills.

Mr. SAWYER. The order for the consideration of pension bills is not concluded. It is to run until 4 o'clock.

The bill (H. R. 10707) restoring Bethia White, late Bethia Pool, to the pension roll was considered as in Committee of the Whole. It proposes to restore to the pension rolls the name of Bethia White, late Bethia Pool, widow of Nathaniel Pool, Company C, One hundred and fourth Regiment Illinois Volunteer Infantry, under pension claim No. 29206.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLOTTE B. NUTTING.

The bill (H. R. 8997) granting a pension to Charlotte B. Nutting was considered as in Committee of the Whole. It proposes to place on the pension rolls the name of Charlotte B. Nutting, mother of Henry D. Stoors, deceased, late of Company H, Sixteenth Regiment New York Volunteers, in the war of the rebellion.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ZERUIAH A. POTTER.

The bill (H. R. 11212) granting a pension to Zeruiah A. Potter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Zeruiah A. Potter, widow of Henry J. Potter, deceased, who was a private in Company E, Seventy-second Regiment Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES D. HANSCOM.

The bill (H. R. 12714) granting a pension to Charles D. Hanscom was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles D. Hanscom, late of Company I, Second Regiment Massachusetts Volunteer Infantry, at $36 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. LILLIE E. WILLIS.

The bill (H. R. 11513) for the relief of Mrs. Sallie E. Willis was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 5, to strike out "Sallie" and insert "Lillie;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Lillie E. Willis, of the city of New York, State of New York, widow of the late Benjamin A. Willis, major One hundred and nineteenth Regiment New York Volunteer Infantry.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Mrs. Lillie E. Willis."

FRANCES T. DANA.

The bill (H. R. 11244) for the relief of Frances T. Dana was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the words "rate of," to strike out "thirty" and insert "fifty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Frances T. Dana, widow of the late Commander William Starr Dana, of the United States Navy, and to pay her a pension at the rate of $50 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

GEORGE W. BRYANT.

The bill (H. R. 12984) granting a pension to George W. Bryant was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Bryant, late a corporal in Company H, Eighth New Hampshire Infantry, and to pay him a pension of $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM L. HURST.

The bill (H. R. 9595) for the relief of William L. Hurst was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William L. Hurst, of Wolfe County, Kentucky.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES DUERSON.

The bill (H. R. 5583) for the relief of Charles Duerson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles Duerson.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH J. BARTLETT.

The bill (H. R. 12998) granting an increase of pension to Joseph J. Bartlett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph J. Bartlett, late colonel Twenty-seventh Regiment New York Volunteers and brevet major general, and to pay him a pension of $100 per month in lieu of that which he now receives.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DREWRY PORTER.

The bill (H. R. 11708) granting a pension to Drewry Porter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Drewry Porter, of Mitchell County, Georgia, late a private in Captain McCrary's Georgia Volunteers in the Indian war of 1836, at $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMANTHA A. BIGNELL.

The bill (H. R. 12815) granting a pension to Samantha A. Bignell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samantha A. Bignell, an army nurse, and to pay her a pension of $12 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNIE M. KIMBALL.

The bill (H. R. 12053) granting a pension to Annie M. Kimball, widow of Alvah M. Kimball, Company H, Sixth New Hampshire Regiment Volunteers, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Annie M. Kimball, widow of Alvah M. Kimball, deceased, late quartermaster sergeant of the Sixth New Hampshire Volunteers, at $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAPT. ANDREW J. BRISCOE.

The bill (H. R. 12793) granting a pension to Capt. Andrew J. Briscoe was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Capt. Andrew J. Briscoe, pilot of the United States Government transport boats on the Ohio, Mississippi, Tennessee, and others rivers, at $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LORAIN M'COOK.

The bill (H. R. 12583) granting a pension to Lorain McCook was considered as in Committee of the Whole. It proposes to place on the pension roll, at $30 per month, the name of Lorain McCook, widow of General Edwin S. McCook, late a captain of Company I, Thirty-first Illinois Volunteer Infantry, and lieutenant colonel and colonel of that regiment, and a brevet major general in the volunteer military service of the United States in the war of the rebellion.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

POLLY GRAY.

The bill (H. R. 4514) for the relief of Polly Gray was considered as in Committee of the Whole. It proposes to place on the pension rolls the name of Polly Gray, widow of Truman Gray, late a soldier in the war of 1812, at $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed,

JOHN W. BUSSABARGER.

The bill (H. R. 6262) granting a pension to John W. Bussabarger was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Bussabarger, a drafted man who was forced to report while sick and was deprived of his hearing in consequence thereof.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY A. HOAR.

The bill (H. R. 6259) granting a pension to Henry A. Hoar was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry A. Hoar, a member of the Indiana Legion, and to pay him a pension of $50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH BURNETT.

The bill (H. R. 4513) granting a pension to Elizabeth Burnett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth Burnett, of Gallatin County, Illinois, late a nurse in the Fifty-sixth Regiment Illinois Volunteers during the late rebellion, at $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH PHILLIPS.

The bill (H. R. 6287) granting a pension to Sarah Phillips was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah Phillips, of Marion County, Illinois, widow of Jonathan Phillips, late a soldier in the Seminole Indian war, at $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALEXANDER STURGEON.

The bill (H. R. 7676) for the relief of Alexander Sturgeon was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Alexander Sturgeon, a private in Company E, in the Third Regiment of Indiana Infantry, and to pay him $20 per month in lieu of the pension now paid him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL KING.

The bill (H. R. 8465) to increase the pension of Daniel King was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Daniel King, a private of Company E, Third Regiment of Indiana Volunteers, of the war with Mexico, and to pay to him $20 per month, in lieu of the pension now paid to him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT CULLEN.

The bill (H. R. 12413) granting increase of pension to Robert Cullen was considered as in Committee of the Whole. It proposes to place the name of Robert Cullen, late captain Company I, Seventy-fourth Ohio Infantry, on the pension rolls, and to pay him a pension of $50 per month, in lieu of the sum now paid him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY SISSON.

The bill (S. 4791) granting a pension to Henry Sisson was announced as next in order on the Calendar.

Mr. COCKRELL. Let that bill be passed over for the present.

The PRESIDING OFFICER (Mr. HALE in the chair). The bill will be passed over, retaining its place on the Calendar.

LYDIA ZIEGLER.

The bill (H. R. 8259) to grant a pension to Lydia Ziegler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lydia Ziegler, mother of John Ziegler, D. R. Ziegler, C. F. Ziegler, W. H. Ziegler, S. B. Ziegler, B. F. Ziegler, and N. R. Ziegler, three of whom served in the late war from 1861 to the end of the war, two of whom served from 1862 to the end of the war, and two of whom served from 1864 to the end of the war, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RICHARD C. CABEEN.

The bill (H. R. 3534) to grant a pension to Richard C. Cabeen was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Richard C. Cabeen, who was a soldier in Company A, in Owen's battalion attached to Colonel Doniphan's First Missouri Regiment in the Mexican war, and to pay him a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT PORTSMOUTH, OHIO.

Mr. SHERMAN. As the hour of 4 o'clock has arrived, I hope the Senate——

Mr. SAWYER. I ask the Senator to give us fifteen minutes more for the consideration of pension bills. We have been interrupted by other bills.

Mr. SHERMAN. I ask the Senator to allow me to call up a little bill to increase the appropriation for a public building which is now being erected.

Mr. SAWYER. I shall not object to that.

Mr. SHERMAN. I ask the Senate to take up House bill 6460.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6460) to increase the appropriation for the erection of a public building at Portsmouth, Ohio. It increases the amount heretofore fixed as the limit of cost for the erection of a public building by the United States Government at Portsmouth,

Ohio, to $75,000, and fixes that sum as the limit of cost for the erection of the building, including site.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALLOTMENT OF LAND TO QUAPAW INDIANS.

Mr. PLUMB. I ask the Senator from Wisconsin to yield to me to call up a bill which was reported from the Committee on Indian Affairs last February.

Mr. SAWYER. Will the bill take much time?

Mr. PLUMB. It will only take the time necessary to read it. If it occasions debate, I will not press it.

Mr. SAWYER. I will not object.

Mr. PLUMB. It is Senate bill 2764.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2764) to provide for allotment of lands in severalty to the Quapaw Indians in the Indian Territory, and for other purposes therein named.

Mr. PLUMB. I move to strike out, in section 1, line 9, the words "February 8, 1890," that date having since elapsed.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 9 of section 1, after the words "Secretary of the Interior," it is proposed to strike out "February 8, 1890;" so as to read:

That the Secretary of the Interior is hereby authorized and directed, within ninety days after the passage of this act, to cause to be allotted to each and every member of the Quapaw tribe of Indians now located in the northeastern part of the Indian Territory, upon lists furnished him by the chief of said tribe and duly approved by the Secretary of the Interior, an allotment of land not to exceed 200 acres, out of their common reserve, to each person entitled thereto by reason of their being members of said tribe by birth or adoption.

The amendment was agreed to.

Mr. PLUMB. Now I move, after the word "adoption," in line 12, to insert the words "and their legal and natural offspring;" so as to read:

To each person entitled thereto by reason of their being members of said tribe by birth or adoption, and their legal and natural offspring.

These amendments are offered with the concurrence of the chairman of the Committee on Indian Affairs.

The amendment was agreed to.

Mr. PLUMB. In section 2, lines 13 and 14, an amendment should be inserted for the reason that the land office there described has been abandoned. I move, therefore, in line 13, after the words "sold at," to strike out "Baxter Springs, Kans., by the register of the land office at Independence, Kans.," and insert the words "such place as the Secretary of the Interior may designate by a commissioner to be appointed by the President."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 2, line 13, after the words "sold at," it is proposed to strike out "Baxter Springs, Kans., by the register of the land office at Independence, Kans.," and insert "such place as the Secretary of the Interior may designate by a commissioner to be appointed by the President;" so as to read:

The said lands when appraised shall be sold at such place as the Secretary of the Interior may designate by a commissioner to be appointed by the President.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SAWYER. Now I ask that the consideration of pension bills may be resumed.

The PRESIDING OFFICER. The consideration of pension bills on the Calendar will be resumed if there be no objection. The Chair hears none.

MRS. ETTA HUBBS.

The bill (H. R. 11050) to grant a pension to Mrs. Etta Hubbs, as an army nurse, was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Mrs. Etta Hubbs, of Carthage, Ill., who was an army nurse, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEGAL REPRESENTATIVES OF PETER LYLE.

The bill (H. R. 2456) for the relief of the legal representatives of Peter Lyle, deceased, was announced as next in order.

The Secretary read the bill.

Mr. COCKRELL. I think that bill had better be passed over.

Mr. SAWYER. Very well, let it be passed over.

Mr. BLAIR. I will say to the Senator from Missouri that I think that bill has twice passed the Senate.

Mr. COCKRELL. We will get to the Calendar again, and meantime I will examine it.

Mr. BLAIR. I wish the Senator would examine it. It seems to be a very meritorious case.

The PRESIDING OFFICER. The bill will be passed over.

MARY A. M'KEE.

The bill (H. R. 12639) granting a pension to Mary A. McKee was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mrs. Mary A. McKee, for her services as army nurse during the late war of the rebellion, and to pay her a pension of $12 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MAJ. GEN. FRANZ SIGEL.

The bill (H. R. 12293) to grant a pension to Maj. Gen. Franz Sigel was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Franz Sigel, late major general of volunteers in the Union Army, at $100 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELLEN E. TRUEX.

The bill (H. R. 1196) granting a pension to Ellen E. Truex was considered as in Committee of the Whole. It proposes to place on the pension roll, at $30 per month, in lieu of the sum now paid her, the name of Ellen E. Truex, widow of William S. Truex, late colonel of the Fourteenth Regiment of New Jersey Volunteers and brigadier general by brevet, United States Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MATILDA S. THOMPSON.

The bill (S. 4428) granting a pension to Matilda S. Thompson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, after the words "pay her" to insert "a pension," and in line 9, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Matilda S. Thompson, widow of A. B. Thompson, late a captain, and major by brevet, Eighteenth Regiment United States Infantry, and pay her a pension at the rate of $30 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY ANN DOUGHERTY.

The bill (S. 1736) granting a pension to Mary Ann Dougherty was announced as next in order.

Mr. COCKRELL. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. BLAIR. Let it go over without prejudice.

The PRESIDING OFFICER. The bill will retain its place on the Calendar in the absence of objection.

MATTHEW C. GRISWOLD.

The bill (H. R. 6196) granting an increase of pension to Matthew C. Griswold was considered as in Committee of the Whole. It proposes to increase the pension of Matthew C. Griswold, late a first lieutenant of Company L, Twentieth New York Cavalry, to $30 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. MARY BALDOUF.

The bill (H. R. 12432) granting a pension to Mrs. Mary Baldouf was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Baldouf, widow of Joseph Forestner, late a corporal in Company F, Eighteenth Regiment Connecticut Volteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DIANA DICKEY.

The bill (H. R. 12771) granting a pension to Diana Dickey was considered as in Committee of the Whole. It proposes to place the name of Diana Dickey, late widow of Daniel G. Carl, Company H, One hundred and fifth Regiment of Pennsylvania Volunteers, on the pension rolls at $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY ANN REID.

The bill (H. R. 2138) for the relief of Mary Ann Reid was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Ann Reid, the aged and blind daughter of Andrew Carman, who was a soldier in the war of the Revolution, and to pay her a pension of $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL GRAFF.

The bill (H. R. 6633) for the relief of Daniel Graff was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel Graff, late a private in Company I, Sixth Pennsylvania Heavy Artillery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANN M. MOSHER.

The bill (H. R. 11080) granting a pension to Ann M. Mosher was considered as in Committee of the Whole. It proposes to place on the pension rolls the name of Ann M. Mosher, mother of Charles H. Mosher, late a private of Company A, Eighteenth Regiment of Massachusetts Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RICHARD M. A. FENWICK.

The bill (H. R. 10895) for the relief of Richard M. A. Fenwick, late of the Mexican war, was considered as in Committee of the Whole. It proposes to place the name of Richard M. A. Fenwick, late a private in Thrift's company, First Regiment of Virginia Volunteers of the Mexican war, on the pension roll of the United States at $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET COONEY.

The bill (H. R. 11125) granting a pension to Margaret Cooney, formerly Margaret Dolan, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mrs. Margaret Cooney, widow of John Dolan, late a private in Company A, One hundred and sixty-third Regiment New York Infantry Volunteers, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES MURPHY.

The bill (H. R. 11329) to pension James Murphy was considered as in Committee of the Whole. It proposes to place on the pension rolls the name of James Murphy, late of Capt. James Ford's company, Colonel Dodge's regiment, in the Black Hawk war, at $25 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. MORSE.

The bill (H. R. 6516) authorizing an increase of invalid pension to William H. Morse, of Lawrence, Mass., was considered as in Committee of the Whole. It directs the Secretary of the Interior to cause the name of William H. Morse, formerly employed in the Ordnance Department at the Washington navy yard, and whose name is now borne on the invalid pension rolls under pension certificate (naval) No. 5429, to be entered upon the pension rolls for such increase of pension as may be recommended according to law for wounds and disabilities received by him while in the naval service of the United States, but not duly enlisted therein, on or about the 25th day of May, 1862, and subsequently thereto, and that he receive such increase of pension as he would have received had he been duly enlisted in the naval service of the United States when he received his wounds and disabilities.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. MARY A. M'CULLOCH.

The bill (H. R. 7789) to increase the pension of Mrs. Mary A. McCulloch was considered as in Committee of the Whole. It proposes to increase the pension of Mrs. Mary A. McCulloch, widow of the late Capt. Charles McCulloch, Seventh New York Heavy Artillery, to $32 per month, in lieu of the pension now paid to her.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THERESSA D. DOUBLES.

The bill (H. R. 12113) granting a pension to Theressa D. Doubles was considered as in Committee of the Whole. It proposes to place on the pension rolls the name of Theressa D. Doubles, the late widow of Israel D. Smith, Company B, Two hundred and eleventh Regiment Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. K. S. SUTLIFF.

The bill (H. R. 12319) granting a pension to Mrs. K. S. Sutliff, widow of John D. Sutliff, was considered as in Committee of the Whole. It proposes to place the name of K. S. Sutliff, widow of John D. Sutliff, late of Company D, Ninth Regiment Pennsylvania Volunteer Cavalry, on the pension rolls.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LYDIA P. HOLMES.

The bill (H. R. 12946) granting a pension to Lydia P. Holmes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lydia P. Holmes, of Athens, Somerset County, Maine, mother of William L. Holmes, late of Company I, First Regiment Maine Heavy Artillery Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANN MARIA BULLOCK SCHRAM.

The bill (H. R. 12835) granting a pension to Ann Maria Bullock Schram was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ann Maria Bullock Schram, a resident of Fort Plain, N. Y., at $12 per month, on account of disability resulting from disease contracted while serving as a hospital nurse during the war of the rebellion.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAROLINE E. GRAY.

The bill (H. R. 7394) granting a pension to Caroline E. Gray was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Caroline E. Gray, an army nurse during the late war of the rebellion, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNIE B. PETTIGREW.

The bill (H. R. 12244) granting a pension to Annie B. Pettigrew was considered as in Committee of the Whole. It proposes to pay Annie B. Pettigrew, dependent daughter of Henry J. Pettigrew, Company E, Third New Hampshire Regiment, a pension of $12 per month.

Mr. COCKRELL. Let the last part of the report in that case be read, so as to show why this daughter is pensioned. I ask the Secretary to read from the report the statement of the selectmen of the town.

The Secretary read from the report submitted by Mr. SAWYER, from the Committee on Pensions, January 22, 1891, as follows:

From the statements of the selectmen of the town in which she resides and the testimony of reputable physicians it appears that she is without property or means of subsistence and by reason of physical disability incapacitated to earn a support. Her disability is described as chronic inflammation of all the structures of joints, or rheumatic arthritis; the right knee is completely anchylosed, with limbs contracted; the left knee nearly stiff; left elbow entirely anchylosed, and the right partially; wrists involved, jaws stiff and incapable of free movement; back and shoulders in the incipient stage of the disease; is unable to move about without crutches. The disease is incurable. She is highly respected for her moral worth by all who know her.

Mr. COCKRELL. That is enough.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HANNAH C. REID.

The bill (H. R. 12195) to pension Hannah C. Reid was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hannah C. Reid, widow of Henry C. Reid, late a private in Company D, Forty-third Battalion New York Volunteers, and to pay her a pension of $12 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUCY J. BLANCHARD.

The bill (H. R. 12603) granting a pension to Lucy J. Blanchard, late a volunteer nurse in the United States military service, was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Lucy J. Blanchard, of Syracuse, N. Y., late a volunteer nurse in the United States military service during the war of the rebellion, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HANNAH L. PALMER.

The bill (H. R. 12797) granting a pension to Hannah L. Palmer was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Hannah L. Palmer, who served as a hospital nurse during the war of the rebellion, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SOPHIA WENZEL.

The bill (H. R. 12123) granting a pension to Sophia Wenzel was considered as in Committee of the Whole. It proposes to place on the pension rolls the name of Sophia Wenzel, widow of John Wenzel, of Company F, Seventh United States Infantry, in the Florida war, at $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time and passed.

MARGARET PROCTOR NOYES.

The bill (H. R. 12307) granting a pension to Margaret Proctor Noyes was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "thirty" and insert "fifty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension rolls, subject to the provisions and limitations of the pension laws, the name of Margaret Proctor Noyes, widow of General Edward F. Noyes, late colonel of the Thirty-ninth Regiment Ohio Volunteer Infantry, and brevet brigadier-general, at the rate of $50 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

CATHERINE DOYLE.

The bill (H. R. 4894) increasing the pension of Catherine Doyle was considered as in Committee of the Whole. It proposes to increase the pension of Catherine Doyle, widow of Michael Doyle, late of Company B, First Regiment District of Columbia Volunteer Cavalry, to $20 per month, in lieu of the pension now received by her.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUCINDA CALL.

The bill (S. 2302) granting a pension to Lucinda Hall was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the name "Lucinda," to strike out "Hall" and insert "Call," and in line 7, to strike out the word "Hall" and insert the word "Call;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucinda Call, dependent mother of Sidney Monroe Call, late a private in Company E, Seventh New York Heavy Artillery.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Lucinda Call."

ORDNANCE TO WASHINGTON HIGH SCHOOL.

Mr. COCKRELL. I suggest to the Senator from Connecticut that if he wishes to call up the joint resolution he spoke of, he had better do so now.

Mr. HAWLEY. I ask unanimous consent to proceed to the consideration of House joint resolution 240. The Military Committee are unanimously in favor of the joint resolution, and I think nobody will object to it.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. Res. 240) to authorize the Secretary of War to issue ordnance and ordnance stores to the Washington High School.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOUSE BILL REFERRED.

The bill (H. R. 12922) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1892, was read twice by its title, and referred to the Committee on Appropriations.

EXECUTIVE SESSION.

Mr. FRYE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 4 o'clock and 40 minutes p. m.) the Senate adjourned until Monday, February 2, 1891, at 2 o'clock p. m.

CONFIRMATIONS.

Executive nomination confirmed by the Senate January 19, 1891.

POSTMASTER.

Royce S. Pierce, to be postmaster at North East, in the county of Erie and State of Pennsylvania.

Executive nominations confirmed by the Senate January 31, 1891.

PROMOTION IN THE MARINE CORPS.

Lieut. Col. Charles Heywood, United States Marine Corps, to be colonel commandant of that corps.

REGISTER OF THE LAND OFFICE.

James P. Lindsay, of Beaver City, Nebr., to be register of the land office at McCook, Nebr.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January* 31, 1891.

The House met at 12 o'clock m.

The Chaplain, Rev. W. H. MILBURN, D. D., offered the following prayer:

We render to Thee devout and hearty thanks, Almighty God, for the blessed hope of everlasting life which Thou hast given us in the gospel of Thy Son, and which is our only comfort and support in time of bereavement and sorrow such as this, when we come to pay the last tribute of respect and affection to the memory and public services of a late member of this House, called untimely from the earth.

We pray that Thou wilt cheer and console his bereaved widow and family; and may they find in the faith of Jesus Christ and His teaching of the resurrection that only solace which is to be found for the broken-hearted.

Grant that Thy grace may rest upon all of the members of this House; and as they toil in the public service and expend their physical energies and strength may they feel the assurance that God is the strength of their hearts and their portion forever. We pray through Jesus Christ, our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MILITARY ACADEMY APPROPRIATION BILL.

The SPEAKER. The first question before the House is the roll call on the amendment to the Military Academy appropriation bill, on which a quorum failed to vote.

Mr. MCKINLEY. Mr. Speaker, I hope there may be unanimous consent granted to-day to vacate the order for the yeas and nays.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The several amendments reported from the Committee of the Whole were then agreed to.

The bill was ordefed to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SPOONER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed with amendments the bill (H. R. 1867) for the relief of Charles Max Wittig, asked a conference with the House on the bill and amendments, and had appointed Mr. MANDERSON, Mr. DAVIS, and Mr. WALTHALL as conferees on the part of the Senate.

It also announced that the Senate had passed a bill and joint resolution of the following titles; in which concurrence of the House was requested:

A bill (S. 4874) to establish a life-saving station at Brant Rock, in the town of Marshfield, Mass.; and

A joint resolution (S. R. 153) to fill a vacancy existing in the Board of Regents of the Smithsonian Institution.

The message further announced that the Senate had appointed a committee of seven Senators to join a like committee on the part of the House, to take appropriate action respecting the death of Hon. William Windom, late Secretary of the Treasury.

ORDER OF BUSINESS.

Mr. HITT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the State of the Union for the consideration of general appropriation bills.

Mr. RICHARDSON. I desire to ask the gentleman from Illinois if he will allow me to submit at this time a report from the Committee on Printing, to print some copies of the Constitution of the United States. It is short; the cost of the printing is very small, and I think it will occupy but a very brief time.

Mr. HITT. If there be no debate I will yield to the gentleman.

Mr. RICHARDSON. If it leads to debate I will withdraw it.

PRINTING ADDITIONAL COPIES OF THE CONSTITUTION.

Mr. RICHARDSON. Mr. Speaker, I send to the desk the report from the Committee on Printing which I ask to have considered.

The Clerk read as follows:

Resolved by the House of Representatives of America (the Senate concurring), That there be printed in pamphlet form 30,000 copies of the Constitution of the United States of America, of which 10,000 shall be for the use of the Senate and 20,000 for the use of the House.

Mr. RICHARDSON, from the Commitee on Printing, submitted the following report:

That the Committee on Printing have considered the concurrent resolution of the House to print 30,000 copies of the Constitution of the United States in pamphlet form, of which 10,000 shall be for the use of the Senate and 20,000 for the use of the House of Representatives, and direct me to report a substitute therefor in the form of a simple House resolution, as follows:

"*Resolved*, That there be printed, in pamphlet form, with paper cover, 30,000 copies of the Constitution of the United States of America for the use of the House of Representatives."

The estimated cost of same is $495.

Mr. KERR, of Iowa. Does this provide that they shall be printed without note or comment?

Mr. RICHARDSON. Mr. Speaker, I ask the previous question——

Mr. FRANK. Before that let me ask the gentleman if this contemplates that this is to be the Constitution pure and simple or is it to be annotated and with notes.

Mr. RICHARDSON. No; simply the undiluted form of the Constitution, without notes or comments.

The SPEAKER. The Chair will submit the question on the adoption of the resolution, unless the gentleman insists on a demand for the previous question. The first question is on the adoption of the amendment.

The amendment was adopted.

The resolution as amended was adopted.

Mr. RICHARDSON. I ask that the concurrent resolution lie on the table.

The SPEAKER. In the absence of objection, that order will be made.

ENROLLED BILLS SIGNED.

Pending the motion of Mr. HITT,

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

A bill (S. 2591) granting the Court of Claims jurisdiction of the claims on account of property of the Chesapeake Female College, possessed and used by the United States military authorities;

A bill (S. 4585) granting a pension to Mary B. Hascall; and

Joint resolution (H. Res. 234) to increase from 50 to 100 the number of copies of the eulogies on the late Samuel Sullivan Cox, to be delivered to his widow.

SAC AND FOX AND IOWA INDIANS, OKLAHOMA TERRITORY.

Mr. PERKINS. Mr. Speaker, pending the motion made by the gentleman from Illinois [Mr. HITT], I would like to call the attention of the Chair to a bill that is on the Speaker's table with Senate amendments. I would like to ask that the House nonconcur in the Senate amendments, and agree to the conference asked for by the Senate. It is a bill ratifying an agreement with the Sac and Fox Indians and the Iowa Indians in Oklahoma Territory.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 11915) to ratify and confirm an agreement with the Sac and Fox nation of Indians and the Iowa tribe of Indians of Oklahoma Territory, and to make appropriations for carrying out the same.

The motion of Mr. PERKINS was agreed to.

The SPEAKER subsequently announced as conferees on the part of the House Mr. PERKINS, Mr. BOOTHMAN, and Mr. PEEL.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HITT. I now renew my motion that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of general appropriation bills.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, for the purpose of considering general appropriation bills, with Mr. PAYSON in the chair.

Mr. HITT. I call up the bill H. R. 13069, being the diplomatic and consular appropriation bill.

The CHAIRMAN. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 13069) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1892.

The CHAIRMAN. At the prior session of the committee, as the present occupant of the chair is advised, the first formal reading of the bill was dispensed with. The bill is now open to general discussion, debate being limited by agreement, as the Chair is informed, to two hours on either side. The gentleman from Illinois [Mr. HITT] is recognized.

Mr. HITT. Mr. Chairman, this bill is to provide for the annually recurring wants of the consular and diplomatic establishment of the United States, and is in the main but a repetition of the appropriations that the House every year enacts. The rules of the House prevented the committee from reporting provisions changing in any considerable degree the status of our foreign service, and therefore we have reported the bill to sustain our officers, with the same pay and the same grades everywhere throughout the world as last year, with scarcely any modification.

The estimates which were sent to Congress by the Executive contain suggestions of a great number of improvements in the service, which we were constrained by the rules of the House to abstain from reporting. Those estimates for this service amounted to $1,942,000. We have reported a bill which appropriates $1,664,925, which is $45,890 less than the House appropriated for this service last year. The cause of this reduction lay largely in the omission of appropriations for purposes which have been completed and entirely subserved, and for which there was consequently no occasion for further appropriation. We have increased very slightly the compensation for clerical hire at one post, Havana, and diminished it at another, Matamoros, because in the one case the business had largely increased and in the other it had considerably fallen off.

We have also adopted in the bill a list of changes of consular officers from feed to salaried, contemplated in a provision in the act of last year. That law required the Executive to submit to Congress in the estimates a list of all those feed consulates where the fees amounted to more than $1,000 per annum, and estimate for them as for salaried offices, at a fixed compensation. We have carried out that provision of law and resulting estimate, and have transferred eighteen of the consulates from feed to salaried consulates. This will effect a reduction of the expenditures of the Government for these consulates, and at the same time greatly promote the efficiency of the service and the public interests concerned.

I will remind gentlemen, as touching this question of the public interest, that a feed consular officer is allowed to transact business at his post. He is often a member of some mercantile firm in the city where he is the accredited representative of the United States. He engages in that business which is most profitable, and it is often that line of business in which there is the largest export to the United States. He is at the same time the merchant and the officer who certifies his own invoices; and not only that, but he certifies, after inspecting them, the invoices of all the rival firms.

Mr. MCKENNA. Have you abolished that?

Mr. HITT. We have abolished that as to eighteen consulates. We could not go any further under the rules of the House, but we obeyed that direction contained in the statute of last year in regard to those which were given in the estimates.

The consulates where these changes have been made are set out on the second page of the report, and they are as follows:

Consulates.	Fees last year.	Salary proposed.
Trinidad	$3,440.79	$3,000
Huddersfield	7,090.00	2,500
Hull	1,339.50	2,500
Newcastle, New South Wales	2,315.29	2,500
Fürth	4,772.50	2,500
Roubaix	2,050.00	2,000
Magdeburg	2,565.00	2,000
Curaçoa	2,331.02	2,000
Rosario	1,182.00	1,500
Limoges	1,457.50	1,500
Rouen	1,315.00	1,500
Moncton	1,040.50	1,500
Port Rowan	1,470.50	1,500
St. Christopher	1,424.50	1,500
St. Hyacinthe	2,993.00	1,500
Stanbridge	1,631.25	1,500
Vancouver	1,158.50	1,500
Waubaushine	1,796.50	1,500
Total	41,373.35	34,000

Most of these are cities where the trade of the United States is in goods that are subjected to ad valorem rates, and the consul is allowed to certify to his own invoices in every case where he is engaged in the business of exportation. For instance, take Huddersfield, which until recently was an agency under Leeds, but is now an independent office and collects over $7,000 in fees; and it is here proposed to allow the consul a salary of $2,500, which will be a saving to the Treasury and a better method of compensation. All the goods shipped from Huddersfield are in the ad valorem class. At the present time this consular officer, being paid in fees, is permitted by existing laws to engage in trade. A consul who is a member of a mercantile house or engaged in trade comes into competition with other shippers. He certifies to his own invoices and has the constant privilege of inspecting the business of his rivals, as their invoices all come under his hands. By paying a salary to the consul it naturally results in a more healthy condition of the consular service and guards against temptation and possible frauds.

Some of these are ports where the consul has only to certify to accounts for the relief of seamen, and the Government pays them, and out of this grows temptation. Hull is a post to which the Department has invited the particular attention of the committee, not only by the estimates, but by communications last year and this year from the Assistant Secretary. This estimate has been submitted for four successive years, and the necessity for a fixed salary at that post sufficient to enable a worthy man to live, and to remove him entirely from the line of trade, is urgent, and in this case more than others. For fifteen years there has been a series of irregularities in the conduct of the office at Hull. The occupant of this office is permitted under the law to engage in trade and is compensated for his service by fees that he may collect for official service rendered. Hull is one of the great refitting seaports of England, second only to Liverpool so far as American vessels are concerned.

The most profitable trade in which the consul can engage being the supply of materials for refitting ships or boarding or relieving destitute

American seamen, he associates himself with persons engaged in those lines of trade. That his sales should be large is, of course, his first interest. They are large, as his accounts show, and so they have shown since this state of things existed, and so they may continue to show so long as matters are allowed to remain in their present condition. An energetic letter from the Secretary of the Treasury, accompanied by numerous inclosures, goes to show how extensive this is. There is no doubt that in years past serious fraud has been practiced on the Government, though it is very difficult to establish these facts by absolute proof.

By the shipping act now in force consular officers who are paid wholly or in part by fees are no longer required to look to the vessel or to the seamen for their fees, but they most willingly render, as they are required by the law to do, any and every service required by masters and seamen. It is said that they frequently suggest that service be rendered or certified, in order that they may secure a voucher from the master declaring that such services were required or rendered, which certificate, when presented to the Treasury Department, entitles the consular officer to draw from that Department cash payment for all such service. It is very desirable that a consul at this post may be secured who by law will be restricted from trade and whose compensation will be sufficient to enable him to live respectably and remove the temptations which now surround and for years past have surrounded the occupant of the consulate at Hull. It is an undesirable place for residence, but it is indispensable that we have a full consular officer at that post.

It will be found by going over the list, if gentlemen will inspect it, that there is a considerable saving made to the Treasury of the United States by this change. Every one who is familiar with the revenues of the service will see at once the great improvement it will effect to the service.

As I said, this bill contemplates no change of policy or method, no raising or lowering of grade or pay in any of the salaried officers, in the diplomatic or consular service; no new offices, no new expense. It is so familiar in its terms, in its details of every kind, to the members of the House who have listened to the discussion of this same appropriation bill heretofore, that, desiring to have the bill acted upon as promptly as possible, I will not detain the House further at this time, except it be to answer questions or to give, if I can, explanation that may be required, and therefore I shall yield now to my colleague on the committee.

Mr. McCOMAS. May I ask the gentleman a question?

Mr. HITT. Certainly.

Mr. McCOMAS. Why does not your committee recommend that our representatives at the courts of Great Britain and Russia and at Paris be made embassadors for the benefit of the public service, when it can be done by the expenditure of a word and of no additional money?

Mr. HITT. That is a question which has often been discussed in the House, and efforts have been repeatedly made on this floor to change the grade of our representatives, but never successfully; and the committee desired to have a bill that would pass and avoid provoking long, sterile, academic debates here. That has again and again been debated in the House, and while I admit the merit of the suggestion I know also it will be met by the assertion that it implies an increase in expenditure, and that would consequently raise objection to the passage of the bill. The committee did not consider it or put it in the bill.

Mr. McCOMAS. I know, Mr. Chairman, that recently our very able minister to France gave to me a statement showing great substantial loss, and perhaps humiliation to American citizens, by reason of the fact that this great country was compelled to come after a long line of embassadors from various little countries, to the positive detriment of our own citizens, in the delay of obtaining an audience with the President of the Republic of France.

Mr. HITT. I could confirm much of what the gentleman says from my own personal experience. I will now yield to the gentleman from Kentucky.

Mr. McCREARY. I desire to say to my colleague on the committee that it is not necessary that he should yield his time to me, as there are two hours of general debate on either side.

Mr. HITT. I yield the floor, not the time, to the gentleman from Kentucky.

Mr. McCREARY. Mr. Chairman, in considering our foreign relations there should be as little partisanship as possible. We should all desire to maintain peaceable, friendly, and dignified relations with all the countries of the world, and we should all desire that our diplomatic and consular service should be supported in a manner becoming and appropriate to our great nation. Washington, in his farewell address, announced the leading principle of our diplomatic policy when he said:

> The great rule of conduct for us in regard to foreign nations is, in exercising our commercial relations, to have with them as little political connection as possible.

And Jefferson condensed and made epigrammatic this policy when he said:

> Peace, commerce, honest friendship with all nations; entangling alliances with none.

The policy announced by these great patriots and statesmen has been adhered to by all Administrations since the organization of our Government, and there has also been conspicuous economy in the management of our diplomatic and consular service.

Last year about $460,000,000 were expended to pay the expenses of our permanent and regular appropriations. The whole amount expended that year for our foreign service was only $1,710,000. This year we have already passed a pension bill appropriating $135,099,785; we have passed an army appropriation bill amounting to $24,629,921; we have passed a District of Columbia appropriation bill amounting to $5,380,676; and we have passed a navy appropriation bill amounting to $31,000,000.

The bill now under consideration, known as the diplomatic and consular appropriation bill, appropriates only $1,664,925; but there should be deducted from this amount $1,039,658, which constitutes the total receipts of our consular service, leaving a net cost of only about $600,000 for the maintenance of our diplomatic and consular service.

There is no country perhaps in the world which has, considering all circumstances, a cheaper and more efficient service than we have. The diplomatic and consular service of Great Britain cost last year over $5,000,000 and that of France about $3,000,000; ours, therefore, cost but about one-half as much as that of France and a little over one-third that of Great Britain.

It may be said also in this connection that "the diversions of our diplomats" are both interesting and instructive. Their duties do not prevent them from indulging their literary tastes, for it is said that Hon. Whitelaw Reid, our minister to France, is now engaged in translating the memoirs of Talleyrand, and Hon. Charles Emory Smith, our minister to Russia, is translating into English The Czar's Reminiscences, which when published will be adorned with illustrations by Petrovich Shkinskoff, the greatest of Russian illustrators.

It is said also that Hon. William Walter Phelps, our minister to Germany, is preparing a compendious and critical review of the public life of Bismarck, and that Hon. Clark E. Carr, our minister to Denmark, has nearly completed his epitomization of famous Norse sagas, and that Hon. John C. New, the distinguished consul-general at London, is varying the monotony of his duties by writing a book on the manners and customs of England; and how many more of our diplomats and consuls have caught the literary fever I am not able to tell; but their diversions give us the pleasant assurance that our friendly relations with the nations to which these distinguished gentlemen are accredited are undisturbed, and peace reigns supreme.

THE BILL.

In most of its provisions the bill under consideration is the same as the act passed last year; no change is made in the salary of any minister or consul as fixed by existing law; but I wish to call attention to the changes proposed in eighteen commercial agencies, now being paid by fees, which have been changed to salaried consuls, and I now submit the names of the places, fees collected last year, and salaries proposed:

Commercial agency.	Fees last year.	Salary proposed.
Trinidad	$3,440.79	$3,000
Huddersfield	7,090.00	2,500
Hull	1,339.50	2,500
Newcastle, New South Wales	2,315.29	2,500
Fürth	4,772.50	2,500
Roubaix	2,050.00	2,000
Magdeburg	2,565.00	2,000
Curaçoa	2,331.02	2,000
Rosario	1,182.00	1,500
Limoges	1,457.50	1,500
Rouen	1,315.00	1,500
Moncton	1,040.50	1,500
Port Rowan	1,470.50	1,500
St. Christopher	1,424.50	1,500
St. Hyacinthe	2,993.00	1,500
Stanbridge	1,631.25	1,500
Vancouver	1,158.50	1,500
Waubaushine	1,796.50	1,500

The experience of the past shows that when a consul receives a salary he is not so vigilant in the collection of fees as when he obtains his compensation from the fees of his office. As there are eight of these commercial agencies where the fees collected last year were less than the salary now proposed to be given and as there are four where the fees were about the same as the salaries, I think it is to the interest of the service that they should remain as commercial agencies and not now be made salaried consulates. In this way $32,000 will be saved for our Government.

My observation, after six years' service upon the Committee on Foreign Affairs, is that, whenever a commercial agency is changed into a feed consulate, the industry, the watchfulness, and the close attention to duty of the officer frequently diminish. For this reason, where a commercial agent is now collecting fees only about equal to the amount proposed to be allowed by way of salary or less than the amount of the proposed salary, I am not in favor of making the change.

Mr. BREWER. Will the gentleman permit a question?

Mr. McCREARY. Yes, sir.

Mr. BREWER. The fees collected at the several consulates which are returned to the Government are those for certifying invoices, I believe?

Mr. McCREARY. Yes; mainly.

Mr. BREWER. Then I take it that, whether the officer be a commercial agent or a consul, he will certify all the invoices that are presented, and he can not either increase or decrease the number.

Mr. McCREARY. If the gentleman will take the Auditor's report and examine the commercial agencies that have been changed into feed consulates he will find that in almost every instance where the aggregate of the fees was small it has become still less after the agency was converted into a salaried consulate. I believe this result is owing to the fact that the officer after he is compensated by a salary becomes less vigilant than he was when he was paid with the fees collected by him.

The next item in the bill to which I call attention is as follows:

To pay the salaries of ministers, consuls, and other officers of the United States for the periods actually and necessarily occupied in receiving instructions, and in making transits to and from their posts, in pursuance of section 1740, Revised Statutes, so much as may be necessary for the fiscal year ending January 30, 1892, is hereby appropriated.

This item in the bill is objectionable, because it is too vague and indefinite and does not name the amount appropriated. An indefinite appropriation should never be made when it is possible to fix even approximately a specific sum, which in this case could be very easily done. The Department can certainly tell about what sum would be necessary under this appropriation.

Mr. ENLOE. I would like to ask the gentleman from Kentucky [Mr. McCREARY] whether there are in this bill any increases of salaries fixed at present by law.

Mr. McCREARY. No, sir; there are no increases of salaries except those to which I have referred, the salaries of the eighteen commercial agencies.

Mr. ENLOE. Are there any new offices created?

Mr. McCREARY. Only those to which I have referred, the changes of the commercial agencies into consulates.

Mr. ENLOE. I would like to inquire about the salary of the consul at Samoa. Has there been any change in that?

Mr. McCREARY. There has been no change in the salary of the consul at Apia (Samoan Islands).

The next item to which I call attention refers to a commercial bureau and is as follows:

For "The International Union of American Republics, for the prompt collection and distribution of commercial information," $36,000, and the sums contributed by other American republics for this purpose, when collected, shall be covered into the Treasury.

Mr. Chairman, every member of this House who has served here any length of time is aware that I am a friend in every regard of the people of Central and South America and am ready to do anything that can be done to improve our commercial and social relations with those people. For six years I have advocated in this House every measure that I thought would lead to the improvement of our relations with the republics south of us, and no one appreciates more than I do the friendly intercourse, the expanding business relations, and the identity of interests of the American republics; yet I do not believe this item of the bill should be passed in its present form.

The diplomatic and consular appropriation bill passed during the last session of Congress contained a provision appropriating $36,000 for the organization and establishment under the Secretary of State of this Bureau of Commercial Information. It is reliably stated that the bureau was organized last December and has headquarters somewhere on Lafayette Square. When I examine the full and complete quarterly reports made by the Bureau of Statistics, in the Treasury Department, on the foreign commerce of the United States, which includes comprehensive and exhaustive statements about all the nations of North, South, and Central America, and when I examine the annual report issued by the Treasury Department on the commerce of the United States and other foreign countries with Mexico, Central America, the West Indies, and South America, and when I remember reports issued by the Bureau of Statistics in the State Department and the reports of our consuls sent to the Department from every part of the globe and printed and distributed broadcast over our country, I can not appreciate the necessity for the Commercial Bureau, which was first authorized to be organized during the last session of Congress.

If this bureau has been of special value to American Republics or to members of Congress I have failed to ascertain it. No report, no pamphlet, no printed information of any kind has ever reached me from this bureau, whose location was unknown to me until yesterday. If this bureau is to be maintained at Washington it should be organized, as the law of last year intended, under the direction of the Secretary of State and located in the State Department, and not at an inconvenient place, and the United States should not appropriate $36,000, which is the whole amount needed to maintain the bureau, but we should appropriate $18,000, the amount allotted to the United States, and the other American Republics, according to the agreement, should contribute the other half.

Why should we furnish all the money to maintain the bureau and why should this bill authorize an establishment whose chief officers seemed to be obedient to the rule which places bureaus under the direct supervision and control of an executive officer of the Government? Proper respect for the other American Republics who contribute money to support this commercial bureau and proper regard for our interests require that this bureau, if organized, should be maintained in a manner becoming and appropriate to the interests and business of the American Republics.

Mr. RICHARDSON. I would like to ask the gentleman a question at this point. He appears to be addressing his interrogatory to his colleagues on the floor. Might we not more appropriately address that inquiry to the gentleman himself, who is a member of the Committee on Foreign Affairs? Might we not ask him to give us the reason, which he is calling upon us to give, why this bureau should be maintained?

Mr. McCREARY. I am simply calling the attention of the House to this provision. I am in the minority in this House and on the Committee on Foreign Affairs. Does the gentleman know that?

Mr. RICHARDSON. I am aware of it. [Laughter.]

Mr. McCREARY. And I will say to the gentleman from Tennessee that I am here trying to be a sentinel on the watch tower to call attention to that which seems to be improper or unnecessary in the bill.

Mr. RICHARDSON. May I ask the gentleman whether he was not in the majority on the same committee in the last House and why he joined in reporting this provision then?

Mr. McCREARY. My party was in the majority the last Congress, but no such provision was then in the bill.

Mr. RICHARDSON. Then I did not understand the gentleman.

Mr. McCREARY. I said that at the last session of Congress there was an appropriation made similar to that now asked and the same party was then in the majority as now.

Mr. GEISSENHAINER. How much of this $36,000 goes to pay the salaries or expenses of the officers who constitute this bureau?

Mr. McCREARY. I do not know the amount paid as salaries to those connected with this bureau. I have been informed to-day that there is a director, a Portuguese translator, two Spanish translators, a statistician, two clerks, a stenographer, and two typewriters.

Mr. ENLOE. I would like to know whether this bureau was organized by the Secretary of State under the appropriation to which the gentleman has referred, without any specific provision of law directing the organization, or was the organization of the bureau provided for by law and certain offices thereby created.

Mr. McCREARY. The organization and establishment of the bureau by the Secretary of State was authorized by a special provision in the diplomatic and consular appropriation bill passed last session, and $36,000 were appropriated for that purpose.

Mr. ENLOE. If the gentleman from Kentucky will excuse another interruption, I would like to inquire if there has been any more definite information in regard to this bureau brought before the committee than he has given to the House.

Mr. McCREARY. There was no other information brought before the committee than that I have given.

Mr. Chairman, these are the only objections which I wish to present to the bill at present, but now that we are so near the end of the session I wish to present to this House and to the country a brief history of

THE COMMITTEE ON FOREIGN AFFAIRS OF THE FIFTY-FIRST CONGRESS.

Although this committee ranks among the more important committees of the House, it did not have a day during the last ten-month session of Congress for the consideration of its bills, and it has not had an hour during this session for the consideration of its bills, although it has now upon the Calendars of the House twenty-seven bills, and many of them of great importance. During the last or Fiftieth Congress eleven days were given to the Committee on Foreign Affairs for the consideration of bills favorably reported by that committee, and in all the Congresses in which I have served at least three days each session have been allowed this committee.

It will not do to say that the committee has not asked for time, for resolution after resolution has been introduced and referred to the Committee on Rules providing for a day for the consideration of the bills reported by the Committee on Foreign Affairs; but all these resolutions have seemed to sleep the sleep which knows no awakening in the room of the Committee on Rules.

We had public scandals last session, the outgrowth of attempts to legislate without rules for nearly three months, although the Constitution declares "each House may determine the rules of its proceedings," and the result also of the unwise and unfair rules that were finally adopted, and we had a comedy of errors in legislation, such as the tariff bill, the silver bill, the force bill, and the bill to reorganize the Federal judiciary, all of which were rushed through under a gag rule limiting or denying debate. I hoped that fair play and justice would be inaugurated this session, but the attempt to suppress the business of the Foreign Affairs Committee shows that the reign of the Committee on Rules, sometimes called the committee of dictators, is still oppressing this House.

I can think of but one explanation for the treatment which has been

extended to the Committee on Foreign Affairs, and that is that the committee of dictators are unwilling for certain bills to be considered which have been reported and placed upon the Calendar by the Committee on Foreign Affairs. Among these bills, and high on the Calendar, are a bill in favor of

RECIPROCITY TREATIES

with the other republics of the American continent and a joint resolution to promote commercial reciprocity with Canada. Is there any good reason why these measures should not be considered? Are they the great obstacles which have prevented the consideration of any measure reported by the Committee on Foreign Affairs? Do they, like Banquo's ghost, stand in the way of fair play and justice in the transaction of the business of this House.

Recent advices from Canada indicate that there will be an early dissolution of parliament, to be followed speedily by a general election of members to a new house of commons. Those who profess to know are emphatic in the statement that a large majority of the Canadian people are in favor of commercial reciprocity between Canada and the United States. If we offer reciprocity to the Southern nations of this continent, why should we not offer it to Canada?

Bound together as this nation and Canada are by race, language, tradition, and similar institutions, with Canadian territory running hundreds of miles into the United States and the United States territory running hundreds of miles around Canada, with great transcontinental lines of railway connecting and cementing the two countries, it is difficult now to understand why the reciprocity treaty between the United States and Canada should have been terminated in 1866. Canada is a grand market for our products and a magnificent source of supply.

During the existence of the reciprocity treaty Canada bought from us largely more than she sold us; indeed she bought from us in those years more than all the Central and South American republics purchased, and Canadians are the only people in the world who now buy more from us than they sell to us. With only 5,000,000 people, Canada purchased last year from the United States $55,879,192 worth of our products. The purchases of South America and Central America, with 50,000,000 of people, amounted to only $45,000,000.

Why, then, should this House be denied the privilege under autocratic rules to even consider a resolution which simply encourages improved trade relations between the United States and Canada? Everything pleads for unfettered commerce, and, if any member of the House knows any good reason why we should not hold out to Canada the same opportunities for commercial reciprocity that we do to Mexico and the Central and South American Republics, I should like to hear them.

Mr. BUTTERWORTH. Before the gentleman leaves this will he permit a question?

Mr. McCREARY. Certainly.

Mr. BUTTERWORTH. Is there anything in this bill looking to the promotion of what my friend advocates?

Mr. McCREARY. To what point do you refer?

Mr. BUTTERWORTH. I have reference to the question of enlarging our trade with our neighbors on the north of us, to which the gentleman was referring when I entered the Hall. Is there anything bearing upon that question directly in this bill?

Mr. McCREARY. The gentleman came in while I was speaking and did not know the connection in which I made the statement. I said, before the gentleman entered, that during the last session of Congress the Committee on Foreign Affairs was not allowed a day for the consideration of its business; that at this session we had not had an hour, and that, therefore, there must be some reason why our resolutions asking for a day had been neglected, and that in my opinion one reason was that the Committee on Rules did not desire or that it was unwilling that we should consider commercial reciprocity with Canada.

Mr. BUTTERWORTH. Well, I think you are right.

Mr. ENLOE. I asked a question in regard to the salary of the consul at Samoa which has been answered. I would like the gentleman from Kentucky [Mr. McCREARY] to tell the House something respecting the condition of Samoan affairs and the result of the Samoan conference held at Berlin last year.

Mr. McCREARY. To answer the question of the gentleman from Tennessee I will have to give a brief history of Samoan affairs.

SAMOAN AFFAIRS.

Some years ago there was a revolution in Samoa. There are nine islands which constitute what is known as the Samoan Islands. The three most important of these are Sawaii, Upolu, and Tutuila. About three years ago the revolution which broke out there resulted in the king, Malietoa, being deposed. If I remember correctly Tamesese, the vice king, and Mataafa, commanding hostile forces, engaged in a civil war.

On account of the importance of these islands commercially and as strategic points, and especially on account of the importance of our harbor and coaling station at Pango Pango, the United States, Germany, and Great Britain, which also have important harbors there, have each been unwilling to let the other have control of the islands, and consequently each has had something to say for years past with reference to the manner in which Samoan affairs shall be managed. When the revolution broke out to which I have just referred and Malietoa was deposed, England, the United States, and Germany undertook to quiet and settle the trouble, and finally agreed to the conference to which the gentleman from Tennessee has referred.

That conference was held last year at Berlin, in Germany, and William Walter Phelps, John A. Kasson, and George Bates represented the United States; Germany was represented by three plenipotentiaries, and Great Britain also by three plenipotentiaries. The gentleman has asked me what was the result of that conference and if its conclusions were satisfactory. I must say for myself I am not pleased with the results of the conference. It lasted only about six weeks.

There were but nine formal conferences in all during the six weeks, and when the conference adjourned and the results were published it was found that Great Britain and Germany had controlled the conference through their plenipotentiaries. Malietoa was put back upon the throne, and it was provided that the King of Sweden and Norway should have the right to select the chief justice of Samoa if the three signatory powers should not agree. They did not agree, and the King of Sweden and Norway selected an Englishman, who is now chief justice of Samoa.

The king is a mere figurehead. The Berlin conventional agreement gives to the chief justice power almost absolute, for, in case a question arises in Samoa respecting the rightful election or appointment of king or any chief or respecting the validity of the powers of the king or chief, the chief justice has the power to render a decision which shall be final.

He also has the power to recommend to the Government of Samoa the passage of any law which he considers just and proper, and the practice and procedure of common law, equity, and admiralty, as administered in the courts of England, are made applicable to his courts and he is authorized to modify such practice and procedure as he think, proper.

The salary of the chief justice is $6,000 in gold per annum. According to the provisions of the Berlin conventional agreement, which has been ratified by the United States Senate, our Government is paying one-third of the salary required to maintain the chief justice of Samoa who has more power than any king on earth.

There is another provision in the articles agreed upon in the conference to which I will call attention. There is a provision which requires the president of the council of Apia to be paid $5,000 per annum. He is paid in the same way as the chief justice; and by that agreement the United States will this year, and perhaps every year, pay one-third of his salary. I am not able to explain why these expenses should be borne by the United States when we seem to get so little out of the conference.

There is still another provision which impressed me unfavorably when I read the various articles agreed upon by that conference. White laborers under the Berlin agreement are taxed $5 per head in Samoa. In this day and time when we are advocating so earnestly justice to the laboring man, and equality, I find an article adopted by this conference which is entitled, "A declaration respecting taxation and revenue in Samoa," which imposes a tax upon white laborers and domestics of $5 per head.

Mr. ENLOE. That, then, I understand to be a provision for taxing a man for the privilege of laboring?

Mr. McCREARY. It seems to be a very unusual and a very unjust provision. These gentlemen representing Great Britain and Germany and the United States while engaged at the conference did not forget the colored man.

They imposed a tax on the colored plantation laborers of $2 per head, but the tax on Samoans and other Pacific Islanders who are not laborers is only $1 per head.

Mr. ENLOE. I would like to inquire of the gentlemen from Kentucky [Mr. McCREARY] if he knows of any other country in the world where labor is regarded and treated by the authorities as a luxury and where the privilege of laboring is taxed as a luxury.

Mr. McCREARY. I do not know of any other country in the world where such a tax is imposed as is provided for in this Berlin Conference. And that is the reason why I have answered at some length the question of the gentleman from Tennessee [Mr. ENLOE]. I am not pleased with the result of that conference.

Mr. RICHARDSON. I would like to ask the gentleman from Kentucky [Mr. McCREARY] if our American commissioners agreed to that kind of a regulation. Did they indorse it and support it?

Mr. McCREARY. The message of the President of the United States and the printed copy of the agreement and proceedings transmitted by him to the Senate show that all of the United States commissioners signed the agreement which contains the provisions to which I have referred, and one of them, Hon. William Walter Phelps, has been rewarded by being appointed United States minister to Germany.

Mr. GOODNIGHT. Is not our tariff tax levied on the same basis and principle as that?

Mr. McCREARY. The tariff tax imposed by a Republican Congress is very much on that line.

Mr. SPRINGER. Will the gentleman from Kentucky allow me to ask him a question?

Mr. McCREARY. Yes, sir.

Mr. SPRINGER. In regard to the business of the Committee on Foreign Affairs, I desire to ask whether that committee has taken any action in regard to the message of the President of the United States referred to that committee on the 6th of December last, in regard to the killing of General Barrundia.

Mr. STEWART, of Vermont. Is he not dead?

Mr. SPRINGER. Yes.

Mr. McCREARY. I suppose the gentleman from Illinois [Mr. SPRINGER] remembers that on the 13th of September, 1890, I introduced a resolution in the House of Representatives declaring that the assassination of Barrundia on the steamer Acapulco, under the flag of the United States, was an outrage that demanded investigation, and called upon the President of the United States to send to this House such information as he possessed, if not deemed incompatible with the public interest.

After the lapse of a number of days the President did send us the information he had in regard to the assassination of Barrundia; and I hope that no member of this House, not only on this side, but on the Republican side, will feel offended when I characterize the killing of General Barrundia as "assassination," because the Hon. Secretary of State, James G. Blaine, who had before him all the circumstances and all the details of the case, in his letter to Mr. Mizner, characterizes it and denounces it as "assassination."

Mr. STEWART, of Vermont. We all agree about that. I do not see any necessity for making any further fuss about it. We all agree that it was assassination.

Mr. McCREARY. Mr. Chairman, I offered the resolution to which I have just referred, and at the time I offered it I said to this House:

The killing of General Barrundia by the Guatemalan authorities on the United States steamship Acapulco has attracted wide attention not only in this country, but in Central and South America and also in Europe. Public indignation has increased as the facts of this killing have become known, and public sentiment demands that there should be a thorough and searching investigation into the killing of this distinguished political refugee on an American vessel and under the flag of the United States.

General Barrundia was in 1885 the minister of war under Barrios, then President of the Republic of Guatemala. He was a man conspicuous in Central America, because of his scholarship and of his courage. Under the general mutations and changes in Guatemala he had become an exile from his own country, and at the time he was killed had taken passage upon an American vessel for Panama.

There was no law and no precedent to authorize the United States minister to Central America, Mr. Mizner, to direct or to even suggest to the captain of the Acapulco that it was his duty to give up this passenger upon his vessel to the authorities of Guatemala. And, Mr. Speaker, when United States Minister Mizner advised Captain Pitts, who was in command of the Pacific Mail steamship Acapulco, over which was floating the flag of the United States, that it was his duty to give up this passenger, he violated the law and all precedents relating to such cases.

I wish the resolution reported by the Committee on Foreign Affairs to be adopted, because I believe Minister Mizner exceeded his authority and is unworthy to be a United States minister; and the captain of the Acapulco committed a crime, or a blunder worse than a crime, and because I believe also that the United States officers in command of the war vessels Ranger and Thetis, that were within pistol-shot of the tragedy when it occurred, failed to do their duty; therefore we owe it to ourselves, we owe it to our country, and we owe it to our flag to investigate carefully the circumstances under which the killing occurred and provide for proper redress and for proper punishment.

The details of this cruel and unwarranted assassination are too well understood to need further comment by me. The Secretary of State, by order of the President, recalled and removed Minister Mizner, and in his letter to him said that he has yet to find in the records of the State Department the faintest trace of any instruction or the slighest warrant for the assumption by any diplomatic or consular representative of authority to act as did Mr. Mizner in connection with the killing of General Barrundia.

The Secretary of the Navy pronounced unqualified censure on Lieutenant Commander Reiter for his conduct and relieved him of his command and ordered him to return to the United States.

As all has been done that was demanded by me when the resolution of investigation was introduced and as the Committee on Foreign Affairs is satisfied with the action of the President and Secretary of the Navy, I respond to the question of the gentleman from Illinois [Mr. SPRINGER] by saying no further action has been taken by the Committee on Foreign Affairs relative to the message of the President.

There are some curious facts connected with the Barrundia affair to which I call attention. It is peculiar that Reiter, who was only a lieutenant commander when he failed to do his duty, and for which he was censured by the Secretary of the Navy, should have been promoted to the rank of commander on September 27 and confirmed by the Senate on the 29th of September, 1890, the very day he was relieved of his command. It is also very remarkable in connection with the Barrundia tragedy that the present Administration should have waited for about three months after the assassination of Barrundia, which was caused by the unlawful and unwarranted conduct of a United States minister on an American vessel and under the American flag, before disavowing his conduct and removing him from office.

It is strange also that the conduct of Mr. Mizner was not disavowed and the order for his removal issued until after the result of the last November election was thundering in the ears of the Administration. Would France or England have waited so long? Would Clay, Webster, Seward, or Bayard have taken so many days as the present premier has taken weeks to act after the sad and terrible facts were before him?

Mr. WILSON, of West Virginia. Before the gentleman leaves the Barrundia case I would like to ask him if he agrees with the interpretation of international law by the Department in their censure of Commander Reiter.

Mr. McCREARY. I believe that under international law Commander Reiter did not do his duty and I believe that Mr. Mizner did not do his duty. And in support of my position I will read to my friend from West Virginia [Mr. WILSON] the interpretation of international law made by that great and gifted, that tried and true statesman, Daniel Webster. In the Creole case, in 1842, in the course of his correspondence with Lord Ashburton, Mr. Webster used this language:

Enlightened nations in modern times do clearly hold that the jurisdiction and laws of a nation accompany her ships not only over the high seas, but into ports and harbors or wheresoever they may be water-borne, for the general purpose of governing and regulating the rights, duties, and obligations of those on board thereof, and that to the extent of the exercise of this jurisdiction they are considered as part of the territory of the nation itself.

Now, Mr. Chairman, the deck of that American vessel, the Acapulco, on which General Barrundia had taken passage from Mexico to Panama, was at that moment the same as the territory of the United States, and the Guatemalan soldiers, or police, had no more right to go upon that vessel and shoot down General Barrundia under the American flag than they had to come upon American soil and shoot him down. Secretary Marcy sustained Mr. Webster when he said:

To surrender political offenders is not a duty, but, on the contrary, compliance with such a demand would be considered a dishonorable subserviency to a foreign power, an act meriting the reprobation of mankind.

I have a number of authorities, Mr. Chairman, that I used when I was addressing the House before in connection with the Barrundia case. I shall not refer to them to-day because I do not think it is necessary.

Mr. McKENNA. Will the gentleman, before he leaves the citation of Mr. Marcy's language, tell the House in what relation Mr. Marcy used that language?

Mr. McCREARY. I have not the case before me. I have only the extract.

Mr. McKENNA. If you please. If we are to have the declaration of Mr. Marcy cited as an authority, we ought to know in what connection the language was used. When the case is examined it may be found as far from being an authority as the quotation from Mr. Webster is from being an authority in the Barrundia case.

Mr. McCREARY. Mr. Chairman, I desire to say to the gentleman from California that the quotation from Mr. Webster made by me is appropriate in this case, and I think any fair-minded man who examines it will believe that it is. Further, I call the attention of the gentleman from California to the fact that the present Secretary of State, Hon. James G. Blaine, a member and distinguished leader of the party to which the gentleman belongs, when he wrote his letter to Mr. Mizner recalling and removing him, thought the language of Mr. Webster to which I have referred was appropriate, and cited it as good authority.

Mr. DALZELL. Will the gentleman permit me to ask him a question?

Mr. McCREARY. Yes, sir.

Mr. DALZELL. Do I understand the gentleman to maintain the proposition that the deck of a merchant vessel within the jurisdiction of a foreign country is the same as the soil of the country to which the vessel belongs?

Mr. McCREARY. I have read the gentleman the authorities and I call his attention to them.

Mr. DALZELL. I ask you whether or not you intend to maintain that proposition.

Mr. McCREARY. I will read to the gentleman, if he desires it, what Mr. Webster said on that subject.

Mr. DALZELL. I ask the gentleman for his own views, not for Mr. Webster's. I understand what Mr. Webster said in the Creole case, but I want the views of the gentleman from Kentucky.

Mr. McCREARY. I will give the gentleman my views after I have read this extract. I read again from the Creole case. Mr. Webster said:

A ship, though at anchor in a foreign harbor, preserves its jurisdiction and its laws. It is natural to consider the vessels of a nation as parts of its territory, though at sea, as the state retains its jurisdiction over them; and, according to the commonly received custom, this jurisdiction is preserved over the vessels, even in parts of the sea subject to a foreign domination. This is the doctrine of the law of nations clearly laid down by writers of received authority and entirely conformable, as it is supposed, with the practice of modern nations.

If a murder be committed on board of an American vessel by one of the crew upon another or upon a passenger, or by a passenger on one of the crew or another passenger, while such vessel is lying in a port within the jurisdiction of a foreign state or sovereignty, the offense is cognizable and punishable by the proper court of the United States in the same manner as if such offense had been committed on board the vessel on the high seas. * * * It is true that the jurisdiction of a nation over a vessel belonging to it while lying in the port of another is not necessarily wholly exclusive. We do not so consider or so assert it. For any unlawful acts done by her while thus lying in port, and for all contracts entered into while there by her master or owners, she and they must, doubtless, be answerable to the laws of the place.

I indorse that position and have read it as an explanation of my remarks.

Mr. DALZELL. Then the broad proposition as stated by the gentleman awhile ago, that the deck of an American vessel, when in foreign waters, is the same as American soil is not to be relied upon——

Mr. McCREARY. I do not modify the statement I made. I answer your question simply by reading the statement of Mr. Webster and telling you that I indorse it.

Mr. DALZELL. Then, will the gentleman say whether he believes the statement made awhile ago is in exact accordance with the doctrine laid down by Mr. Webster?

Mr. McCREARY. The statement, so far as I made it awhile ago, is in accordance with the position of Mr. Webster.

Mr. DALZELL. Then I understand the gentleman.

Mr. McCREARY. The gentleman will have his time hereafter. I can not use up all my time in answering questions. Mr. Chairman, how long have I been speaking?

The CHAIRMAN. The gentleman has occupied one hour.

Mr. McCREARY. I will endeavor to close very soon.

The CHAIRMAN. If the present occupant of the chair correctly understands the position of the question, the gentleman from Kentucky [Mr. McCREARY] is entitled to control the time in opposition to the bill, and therefore in the absence of objection the Chair will recognize him as entitled to the floor until he concludes, the time occupied by him not to exceed two hours.

THE BEHRING SEA DISPUTE.

Mr. OUTHWAITE. Will the gentleman yield to me for a question?

Mr. McCREARY. Yes, sir.

Mr. OUTHWAITE. In your remarks you have referred to the fact that our country was enjoying peaceable relations with all countries. In the consideration and discussion of the naval appropriation bill, and I think also of the fortifications appropriation bill, we had held over us as an influence to make us make large appropriations the danger of war resulting from the Behring Sea trouble, a seal-skin war. I would like to know if any of the legislation the gentleman has mentioned looked to treating with that difficulty and if the Committee on Foreign Affairs has taken any steps or undertaken to take any steps in the direction of assisting the State Department in avoiding this threatened war.

I would like to have an explanation of the present status of the dispute.

Mr. McCREARY. The question asked me by the gentleman from Ohio [Mr. OUTHWAITE] presents a very interesting and an almost endless theme. The Behring Sea dispute is at this time comprehensive, important, and vexatious. It is both a diplomatic and judicial question. My limited time will not allow me to explain the present situation as fully as I would like, but I will be glad to answer the questions of my friend from Ohio as fully as my time will permit.

The Behring Sea dispute had its origin in the catching of seals in this now famous sea. Behring Sea is about 900 miles long and about 1,000 miles wide, and is bounded on the north by the Frozen Sea, south by the Pacific Ocean, east by Alaska, and west by Siberia. In 1867 the United States acquired Alaska from Russia by purchase for the sum of $7,200,000. The fur-seal islands of Behring Sea are four in number; two, the Pribylov Islands, called St. George and St. Paul, belong to the United States, and two, the Commander Islands, Behring and Copper, belong to Russia. The Russian seal rookeries are on the Siberian side and the American seal rookeries are on the Alaska side of Behring Sea. There are islands scattered all over Behring Sea, but only four of them have fur-seal rookeries.

In former years fur seals were found in great numbers on various islands in the South Pacific Ocean, but they were indiscriminately slaughtered, and the rookeries were all deserted except one rookery on Lobos Island, near the mouth of the Plate, in South America. It is believed that there were about four millions of fur seals at the United States rookeries in 1889.

Russia always asserted absolute jurisdiction over her North American possessions, and in order to understand how she exercised her dominion we have only to read the ordinance of the Emperor of Russia issued the 4th of September, 1821, which is as follows:

SECTION 1. Transactions of commerce and the pursuit of sealing and fishing or any other industry on the islands, in the harbors and inlets, and in general all along the northwest coast of America from Behring Strait to the fifty-first parallel, and likewise on the Aleutian Islands and along the eastern coast of Siberia, on the Kurile Islands, that is, from Behring Strait to the southern promontory on the island of Uril, as far south as latitude 45° 50′, are exclusively reserved to subjects of the Russian Empire.

SEC. 2. Accordingly no foreign vessels shall be allowed either to put ashore on any of the coast or islands of Russian dominion as specified in the preceding section, or even to approach the same within a distance of 100 Italian miles. Any vessel contravening these provisions shall be subject to confiscation, with her whole cargo.

This is not the time or the place to go into a lengthy discussion of the treaties and the law relating to the rights of the United States as regards Alaska and Behring Sea. The questions presented are both judicial and diplomatic, and as a member of a committee which may have to consider measures relating to the Behring Sea dispute I remit to other forums this branch of the case, simply using the forcible language of the distinguished officer, who seems to have studied this subject very closely:

Whence did the ships of Canada derive the right to do in 1886 that which they had refrained from doing for more than ninety years? Upon what grounds did Her Majesty's Government defend in the year 1886 a course of conduct in the Behring Sea which she had carefully avoided ever since the discovery of that sea? By what reasoning did Her Majesty's Government conclude that an act may be committed with impunity against the rights of the United States which had never been attempted against the same rights when held by the Russian Empire?

In 1870, three years after the purchase by the United States of Alaska from Russia, under authority of the Congress of the United States, the right to take fur seals was leased to the Alaska Commercial Company for twenty years, and during those years the seal fisheries yielded about one hundred thousand skins per year and netted to the United States over $8,000,000, or more than the whole amount paid for Alaska. The Canadian intrusion began in 1886 and it has been getting worse every year.

In 1890 the right to take seals was leased by the United States to the North American Commercial Company, with authority to take not exceeding 60,000 seal skins each year. During the last year this company was able to secure only 21,000 seal skins, but poachers and marauders, it is estimated, took 51,000 seal skins, and it is said there were 43 vessels taking seals in Alaskan waters in violation of law during the season of 1890. It is said by those who are thoroughly posted that this destruction of seal life in Alaskan waters last year amounted to 400,000, as the hunters did not secure more than one out of every seven or eight seals killed or mortally wounded; and it is estimated that at least 80 per cent. of the seals killed by poachers and marauders in going to the islands of St. Paul and St. George were females.

If this wanton destruction continues seals will soon be exterminated or driven away from St. George and St. Paul Islands, and the Government of the United States will be deprived of nearly a million dollars revenue per annum, and the natives of that country will become a charge on the Government, and Alaska instead of being a profit will be a burden on the United States.

Mr. RICHARDSON. Do you mean that the marauders took these seals on our side, the Alaskan side?

Mr. McCREARY. Yes; it is estimated that on the Alaskan side about 51,000 seals were taken by marauders and poachers.

Mr. OUTHWAITE. Were those taken within a league of the land?

Mr. McCREARY. I am not able to tell the gentleman how far from land they were taken.

Mr. RICHARDSON. Is that statement controverted by England?

Mr. McCREARY. I have never seen any contradiction of this statement.

Mr. HOLMAN. That embraces a large number of American vessels, does it not?

Mr. McCREARY. No vessel carrying the American flag——

Mr. HITT. A vessel carrying the American flag would be directly violating American law, and would be subject to seizure, and those engaged in it to punishment.

Mr. HOLMAN. Has not the Secretary of State, in his last letter to the British minister, made the statement that this poaching had been engaged in, unhappily and to the discredit of our Government, by our own citizens?

Mr. McCREARY. It has been alleged that there were such vessels, but every one carried the British flag.

Mr. HOLMAN. If my friend will allow me, I understood from the statement of the Secretary of State that these American citizens engaged in this business were doing so under a foreign flag, and perhaps that of Great Britain——

Mr. HITT. Under the employment of British subjects; just as Americans, engaged in the fishing interest on the eastern coast, often employ Canadian subjects.

Mr. RICHARDSON. Would not that be as clear a violation of law as if it were done by our own citizens?

Mr. McCREARY. If a vessel carrying the American flag were engaged in marauding and poaching, it would be directly in violation of the laws of the United States, and the vessel would be subject to seizure and the parties to punishment.

Mr. McMILLIN. If it will not interrupt my friend from Kentucky, Mr. Chairman, I would like to ask him if it is not a fact that notwithstanding our protest and our complaints of the action of the British Government, sealing vessels of that government have gone on and continued to take seals in violation of what we claim to be our rights.

Mr. McCREARY. That is true, and I referred to that before the gentleman from Tennessee came in.

Mr. BRECKINRIDGE, of Kentucky. Will the gentleman from Kentucky [Mr. McCREARY] inform us whether at any time the claim of Russia to the territory ceded to the United States was controverted by any of the maritime nations or whether the matter underwent any international agreement or dispute?

Mr. McCREARY. I do not remember now, excepting perhaps the dispute that occurred in the time of John Adams, which the gentleman will remember did not affect the seal interest and which affected the boundary line on the eastern part of Alaska.

But while Russia dominated and controlled Behring Sea I know of no question that was raised that involved her right with reference to the seal islands. Of course the gentleman from Kentucky [Mr. BRECKINRIDGE] remembers the important treaty of 1825 between Russia and England and the United States.

Mr. BRECKINRIDGE, of Kentucky. I knew the gentleman had examined the question very fairly. It is a very important one, and the point about which I desired information was whether the claim that Russia made, which by purchase we obtained, was ever seriously controverted during the time of Russia's ownership of Alaska and the Aleutian Islands.

Mr. McCREARY. The treaty of 1825 to which I have referred settled and determined the claim referred to by the gentleman from Kentucky.

Mr. HITT. May I add that it was, after much discussion, determined by treaty, one with England and one with the United States, in 1825?

Mr. McCREARY. The time has certainly arrived when some action should be taken and when a vigorous policy of some kind should be adopted by the United States. Great Britain has been informed, advised, and warned over and over again of the unlawful acts of her citizens and the damages being done to valuable interests of the United States. The letters of Lord Salisbury to Sir Julian Pauncefote and the letters of Mr. Blaine to Sir Julian Pauncefote have attracted wide attention, but as yet nothing has been done. In the mean time the sealing season, which commences in May and lasts four months, will soon come.

British war vessels will probably soon be cruising in Behring Sea waters, while British sealing vessels will continue to indiscriminately slaughter seals in violation of what we believe to be American rights. The new aspect of the Behring Sea controversy has been made more interesting by proceedings in the Supreme Court of the United States, where Her Britannic Majesty's attorney-general of Canada is seeking to have important questions relating to the Behring Sea dispute decided by the Supreme Court.

Mr. HITT. Will my friend permit me to inquire of him, in view of the course that is now being pursued, the one side having submitted a proposition for arbitration and our own Government having just responded in a still broader proposition, he would approve of that policy, I take it?

Mr. McCREARY. Mr. Chairman, the correspondence between Lord Salisbury and Sir Julian Pauncefote and the letter of the Secretary of State, Mr. Blaine, are all before the country; and I have no doubt that these letters have been read carefully by most of the members of this House. I do not think that the propositions suggested for arbitration by Lord Salisbury are comprehensive enough. The six propositions suggested by the Secretary of State for arbitration seem to me to be fair and fully embrace the questions involved in the Behring Sea dispute.

In order that we may properly understand these propositions I submit both. Great Britain announces through Lord Salisbury that she is willing to settle the dispute by arbitration. Her proposition is contained in the following paragraph of the letter of Lord Salisbury to the British Minister, Sir Julian Pauncefote.

> You will state that Her Majesty's Government have no desire whatever to refuse to the United States any jurisdiction in Behring Sea which was conceded by Great Britain to Russia and which properly accrues to the present possessors of Alaska in virtue of treaties or the law of nations; and that, if the United States Government, after examination of the evidence and arguments which I have produced, still differ from them as to the legality of the recent captures in that sea, they are ready to agree that the question, with the issues that depend upon it, should be referred to impartial arbitration. You will in that case be authorized to consider, in concert with Mr. Blaine, the method of procedure to be followed.

The propositions suggested for arbitration by the United States through the Secretary of State are as follows:

> First. What exclusive jurisdiction in the sea now known as the Behring Sea and what exclusive rights in the seal fisheries therein did Russia assert and exercise prior and up to the time of the cession of Alaska to the United States?
>
> Second. How far were these claims of jurisdiction as to the seal fisheries recognized and conceded by Great Britain?
>
> Third. Was the body of water now known as the Behring Sea included in the phrase "Pacific Ocean," as used in the treaty of 1825 between Great Britain and Russia? and what rights, if any, in the Behring Sea were given or conceded to Great Britain by said treaty?
>
> Fourth. Did not all the rights of Russia as to jurisdiction and as to the seal fisheries in Behring Sea east of the water boundary, in the treaty between the United States and Russia of March 30, 1867, pass unimpaired to the United States under that treaty?
>
> Fifth. What are now the rights of the United States as to the fur-seal fisheries in the waters of the Behring Sea outside of the ordinary territorial limits, whether such rights grow out of the cession by Russia of any special rights or jurisdiction held by her in such fisheries or in the waters of Behring Sea, or out of the ownership of the breeding islands and the habits of the seals in resorting thither and rearing their young thereon and going out from the islands for food, or out of any other fact or incident connected with the relation of those seal fisheries to the territorial possessions of the United States?
>
> Sixth. If the determination of the foregoing questions shall leave the subject in such position that the concurrence of Great Britain is necessary in prescribing regulations for the killing of the fur seal in any part of the waters of Behring Sea, then it shall be further determined: First, how far, if at all, outside the ordinary territorial limits it is necessary that the United States should exercise an exclusive jurisdiction in order to protect the seal for the time living upon the islands of the United States and feeding therefrom? Second, whether a closed season (during which the killing of seals in the waters of Behring Sea outside the ordinary territorial limits shall be prohibited) is necessary to save the seal-fishing industry, so valuable and important to mankind, from deterioration or destruction? And, if so, third, what months or parts of months should be included in such season and over what waters it should extend?

Two avenues are open to our Government for the settlement of the Behring Sea dispute. The first is to thoroughly examine and determine our rights, and then maintain them at all hazards, and the other is to settle the dispute by fair and honorable arbitration. I believe all proper efforts should be made to secure honorable arbitration and that we should maintain all the time a firm and friendly, but a bold and vigorous policy.

I have already occupied much more time than I intended, but the important questions asked and the subjects of national interest discussed I trust will excuse me.

Mr. Chairman, I understand that my colleague on the committee, the gentleman from Mississippi [Mr. HOOKER], desires some time, and now I yield to him ten minutes.

Mr. HOOKER. Mr. Chairman, as nothing has been said in opposition, if there is anything to be said on that side, I would like to hear it before I undertake to defend the bill. I am not very anxious to speak upon this subject, and unless some criticism is to be made upon the bill I shall speak generally but briefly to the matters which have been referred to by my friend from Kentucky. Therefore, I am not very particular about the amount of time accorded to me now, because I suppose the committee will be willing to give whatever additional time may be necessary to defend the bill should it be assailed.

As has been said by the gentleman from Kentucky [Mr. McCREARY], this bill is almost in *totidem verbis* the bill of last session of Congress so far as it relates to the offices and salaries of the various consuls and consular agents. I think, Mr. Chairman, it is a subject of congratulation, in view of the fact that there has been from time to time considerable opposition made to this consular and diplomatic system, which we adopt in common with all the other civilized nations, on the ground of its expense and inefficiency—I think, I say, it is a subject of congratulation that we have such a cheap consular and diplomatic system, because when we take into consideration the fees received and paid into the Treasury we find that the real expense of our consular and diplomatic system is very small as compared with that of other countries.

I have doubted whether the compensation paid to our representatives abroad is in all cases adequate. I have especially doubted whether the compensation paid to the four ministers whom we send as our diplomatic representatives to the four countries of the Old World which we regard as the highest, the highest salary being $17,000 per annum, is sufficient. There is, however, no proposition in this bill to increase those salaries; but there is a proposition to give salaries to consuls and consular agents in preference to fees. While the result may be what my friend from Kentucky [Mr. McCREARY] has said, namely, that these commercial agents of ours will not manifest quite so much activity when they are paid salaries as when they are compensated by fees, it must be remembered that the same relative situation exists between different classes of civil offices in our own country, some of whom are paid by salaries and some by fees.

But, Mr. Chairman, I was going to remark generally that the consular and diplomatic service brings the nations of the world into more intimate relations with each other and in that way does a great service to all. In that way it gave rise to a commission which appeared before the Committee on Foreign Affairs in the last Congress, of which I had the honor to be a member, at the head of which commission was the distinguished lawyer, Mr. Field, of New York. The members of that commission urged the committee to adopt, by a resolution to be presented to the House, the proposition that wherever difficulties grow up between nations, there should be a settlement of them by the arbitration of friendly powers rather than by a resort to the last arbiter between nations, the sword.

The able manner in which Mr. Field and his coadjutors presented that question led to the introduction of the resolution at that session of Congress, and I believe it was adopted. Mr. Chairman, I hold that the policy ought to be adopted of first having an arbitration of the difficulties which arise between nations and trying earnestly to settle them in that way; and I think nothing has tended to turn the public mind of the country to the favorable consideration of this question so much as the intimate relations which are brought about between this and other nations by means of our consular and diplomatic system, and this I regard as one of the valuable results of that system.

Other matters have been referred to by the gentleman from Kentucky [Mr. McCREARY] upon which I desire to say a few words. One of those is the Barrundia assassination, as it has been termed. I think, Mr. Chairman, that we ought to accord to the present distinguished head of the State Department, Mr. James G. Blaine, although he belongs to a different party from that to which many of us belong, the credit of saying that when he became satisfied that the minister, Mr. Mizner, who represented us in the country where this assassination was committed, had failed to perform his duty as our representative, he promptly recalled and dismissed him upon the ground that he had not properly asserted the rights, the dignity, and the honor of our flag. And, with reference to the conduct of the officer commanding the war cruiser

of the United States which was present in those waters at the time, the Secretary of the Navy did the same thing; he recalled and reprimanded that officer for not interfering for the protection of General Barrundia.

I think it is but just to say these thing about the conduct of the State and the Navy Departments in these matters; and I like to say them, because I do not believe that the diplomatic and consular service of the country, the administration of the great Department at the head of which the premier of the President sits, whether he be a Republican or Democrat, I do not think that the administration of that great Department ought ever to be a political matter. I believe that whether one party or the other prevails in this country the method of conducting the business and dealing with the great questions which pertain to our international relations should rise above the plane of parties, should rise to the dignity of patriotism and love of our common country. [Applause.]

Another matter has been alluded to by my friend from Kentucky in the course of his remarks, referring to the relations between our country and the countries lying south of us, Central and South America, and with reference to our relations to the possessions of Great Britain lying on our north. I allude to the question of reciprocity. I have ever advocated closer relations between the United States of North America and the Central and South American Republics.

I hope there are many within the sound of my voice who will live to see these great countries not only united by interoceanic communication by which they are now connected, but united by an expedited mail service to every port of South America, judiciously devised by the Government of the United States. I trust there are those who will live to see that great longitudinal railroad, which, starting from the northern portion of North America, traveling on the lines of longitude, passing over our own country and over the Isthmus of Panama, shall traverse the great countries of South America, opening up communication by rail as well as by water.

At the instance of a gentleman who has spent much time in Central and South America—I allude to Mr. Helper—a series of essays have been published giving a description of that wonderful country, which has fifteen republics whose forms of government are assimilated to our own, who have adopted constitutions resting upon the great bed rock on which our own Constitution rests: the right of home rule and of community independence.

[Here the hammer fell.]

Mr. HOOKER. I would like a little more time.

Mr. McCREARY. I have already yielded the gentleman twenty minutes. I desire now to request that we be allowed on this side thirty minutes more by unanimous consent.

The CHAIRMAN. The time as fixed by the House can not be extended by the Committee of the Whole.

Mr. HOOKER. Then I will ask the chairman of the committee [Mr. HITT] to yield me time, if there is no more left on this side. I do not know that there are any sides to this question. Nobody seems to be opposed to this bill. And if there is no objection I will take the floor in my own right. [Laughter.]

The CHAIRMAN. The gentleman from Kentucky is entitled to the floor.

Mr. McCREARY. I have already yielded the gentleman twenty minutes; I now yield him five minutes more.

Mr. HOOKER. I trust, Mr. Speaker, that the principle which is so generally recognized in regard to our relations with Central and South America will not be confined to those countries, but will be extended across the line separating us from the great empire of the north. I trust that this principle will embrace Canada as well as Central and South America. The doctrine of reciprocity, of intimate commercial relations between the nations on the south of us and those on the north, has had its hands tied by a system of unfriendly legislation on the part of the United States, which ought to be broken down. No laws impeding the interchange of commerce between the countries lying on the south of us and those lying on the north should be tolerated. No law should be allowed to stand upon the statute books impeding commercial relations between these countries, any more than laws should be allowed on the statute books of the States of our Union interfering with commerce between the States.

For, whenever you erect barriers to interdict in this way the free exchange of commodities, you do that very unwise thing which the Constitution of the United States provided the States of this Union should never do: you impose taxation upon commerce passing from State to State. The same great principle which has built up this wonderful country of ours, the principle under which the products of California pass freely to Massachusetts, and those of Massachusetts pass freely to California, over our lines of railroad, with no customhouses rearing their hostile fronts and demanding contribution as that commerce passes, should be recognized in this regard; and no customhouses ought to prevent familiar intercourse and rapid transit between Central and South America on the one side and Canada on the other.

In this connection I desire to have read by the Clerk (for his voice is more audible than mine) some memorable remarks delivered last night at the annual banquet of the Boston Merchants' Association at the Vendome, by Sir Richard I. Cartwright, the distinguished leader of the opposition in the Canadian Parliament. I desire to have these remarks read as expressing what I conceive to be the true idea of reciprocity between this country and the nations upon the same continent bordering us on the north and on the south.

The Clerk read as follows:

The trade of the United States is certainly worth more to us collectively than ours is to them. But free trade with Canada will benefit quite as many of the people of the United States as of the people of Canada, and to quite as large an extent. Man for man, you will gain quite as much as we will. Reciprocity will mean for you the addition of half a continent for commercial purposes and the creation of a complete new tier of Northern States, with an enormous area of unoccupied fertile land, with very great mineral resources, with a present population of some five millions, but with the capacity of maintaining fully fifty, and the certainty (in such a contingency) of a very rapid increase. Per head you sell more goods to Canada than to any other country. Absolutely we buy as much from you as France does, and more than any other country except Great Britain and Germany. I think, in fact, we stand third on the list of countries to which you export your productions, and we alone, 5,000,000 as we are, buy from you as much as 50,000,000 Mexicans and South Americans do all put together. Surely if we do this in the teeth of two hostile tariffs it is no idle word of mine to say that you can not measure or bound the possibilities which lie before both countries, if only these artificial walls were thrown down. Ours is a very peculiar position.

We are free to do as we see fit, and no British statesman at this time of day would ever dream of attempting to coerce us. We stand in a fashion midway between the two great English nations. We admire and respect the mother country of both of us as well. We entertain no idle visions of political reunion or of vast Anglo-Saxon empire, but we do think that on certain conditions and for certain common objects a firm and cordial alliance might well be created between the several nations which speak the English language, which should, humanely speaking, make it impossible that they should ever again come into hostile conflict, and we have further ventured to hope that the peculiar position of Canada, especially if close trade relations were established between her and you, might enable her to play some part in bringing about this consummation. I have long felt that England needs, above all things, to secure these two objects: First, to regain the good will of the United States; and, second, to conciliate the people of Ireland, and that these two most desirable ends can hardly be attained in either case without the other.

In spite of all mischievous legislation can do to interfere with it, the progress of science and the mere fact of our geographical position are daily and hourly forcing us into ever closer communication even in spite of ourselves.

Before the reading of the foregoing extract was concluded the hammer fell; when,

Mr. HOOKER said: I ask permission that the remainder of this paragraph coming from the eminent gentleman to whom I have referred, be read.

The CHAIRMAN. The gentleman from Kentucky [Mr. McCREARY] will give his attention. The gentleman from Mississippi desires that the reading of this newspaper extract may be concluded, which can only be done in the time controlled by the gentleman from Kentucky [Mr. McCREARY].

Mr. McCREARY. How long will it take to conclude the reading of the extract?

Mr. HOOKER. Only two minutes.

Mr. McCREARY. All right.

The Clerk resumed and concluded the reading.

Mr. CHIPMAN. Mr. Chairman, I regret very much that, as usual in the present Congress, the time for debate is so limited, that it will be impossible to go into this question at any length.

I do not entirely agree with the gentleman from Kentucky [Mr. McCREARY], my honored friend, in his estimate of the diplomatic corps of this country. I do not regard their services as so valuable or so important as he seems to regard them. I cheerfully and unqualifiedly admit that the consular system is one of great benefit, and that the consular reports, which are sought with avidity by all classes of our people, are of the utmost value to the nation at large. But when we come to the diplomatic corps proper it is very difficult to speak with any real seriousness concerning their functions or their services in the Government and in the affairs of the world, and I think that feeling is pretty well shown throughout the country; it certainly seems to be general in this House. And I must say that I regard my friend as somewhat unfortunate in illustrating the benefits which the corps is supposed to be to the country when he describes the occupations of some of the gentlemen who represent us abroad.

One gentleman, we are told, is engaged in writing a book concerning the manners and customs of the English people. What diplomatic function or what material service that will render to the country, or what great public utility it will be to our people, I do not pretend to know and I think it would be very difficult to explain. We have imitators enough now of English manners in this country, and it seems to me extremely singular, to say the least of it, that a high officer of this Government can not find any better or more important use to put his time to than to indulge in the production of a work of that character.

Another gentleman is described as writing the reminiscences of the Russian Emperor, of the greatest despot in the world, the only real autocrat among the nations. This may be very flattering to the Emperor, but how such a work has any connection with diplomatic duties, what value it will be to the people of the country, or how it can be the subject of praise on the floor of this House, I am unable to understand.

Another, we are informed, is translating the memoirs of Talleyrand—Talleyrand, the apostate priest, who is shown by history to have been the knave of every suit in the pack, probably the supreme example of all

the craft and all the villainies which may be attributed to the very worst kind of diplomacy.

I do not agree, therefore, with my friend from Kentucky, that these pursuits, however creditable they may be to a citizen in private life, are at all desirable to the public, useful to the Government, or a proper subject of praise in connection with this bill. I am glad, however, Mr. Chairman, that the gentleman gave the reason why the resolution looking to reciprocity with Canada has not been permitted to be brought up for consideration in this House. I, in common with other gentlemen on the frontier, have been almost daily beseiged with inquiries respecting the status of that resolution and its probable fate, and it is extremely difficult to make anyone outside of this House understand the condition of affairs inside of it. That which is an evil in the practice of the House, a settled evil in its practice, is ascribed possibly to neglect of the Representatives from the different districts on the floor.

But the real reason is, as the gentleman from Kentucky stated, that the Committee on Rules have not given a day to the consideration of matters reported from the Committee on Foreign Affairs, and that in their silence every member of this House is entirely helpless on the subject. The Committee on Rules are autocrats of the House, and yet if there is anything necessary to show in what low esteem our foreign policy is held by the people of the country and by the members of this House, if there is anything necessary to show, Mr. Chairman, that we have no foreign policy worthy of the name, it is the fact that the Committee on Rules have invariably, throughout the present Congress, failed to give an opportunity for the consideration of matters reported from the committee which is solely devoted to the consideration of foreign affairs.

Something has been said here about the Barrundia case. Perhaps nothing will better illustrate the condition of our diplomacy than that case. Who the man was that was sent there as our representative very few people in this country knew. Perhaps in some locality he may have been known, but to the great mass of the American people the man sent at that critical period to the States in Central America, to a country with which our relations are of the utmost importance, was unknown from one end of the land to the other. It seems as if almost anyone will do for a foreign minister.

Now, as to the principle which governs that case: I think it is very easily explained. There is a law of the port and there is a law of the ship. The law of the port has its functions within its legitimate limits and the law of the ship has its functions within its legtimate limits. I take it that every passenger, in mere transit, who happens to stop in an American ship in a foreign port, is not subject, so long as he is on the deck of the ship to the law of the port. Barrundia was a passenger in mere transit on board an American ship from a point outside of Guatemala to another point outside of it.

The American ship in which he was a passenger stopped in a Gautemalan port. He never left the ship. He had no communication with anyone on shore during the stay of the ship up to the time of his death. He had no business there. He was merely a passenger remaining on board of the ship, and therefore living on American soil, according to the fiction of the law, subject to the rules which govern American shipping, and subject to no other rules so long as he remained there, and hence was entitled to the protection of the American flag.

If he had gone ashore and had committed a crime, then the protection would have been withdrawn. If he, as the owner or manager of the ship or as a passenger on it, had violated the port laws in regard to commerce or any other subject connected with the police regulations of the port, he would have been subject to local law; but as a mere passenger, one *in transitu*, under the flag of an American ship, his person was sacred. There could be no control over him save the control of the laws of the United States.

There has been some discussion about our Behring Sea policy. My time is so short that I can not go into that great question; but there is an outcry here for an American policy, for "a strong American policy." Some gentlemen say we should insist that the sea should be considered as a *mare clausum*, a closed sea, and that pending these negotiations that should be the *statu quo;* in other words, that we should insist that our contention, pending negotiations, should be admitted by Great Britain or other nations with whom the contention is being carried on.

Well, sir, I am in favor of a vigorous American policy; but I can hardly see how that policy is to be carried out in our present situation. We can not carry it out with little revenue cutters, small steamships darting here and there, despoiling a vessel of its skins, taking the ship a few miles and then letting it go adrift. If gentlemen are seriously in favor of a policy of that kind, it can only be enforced by a fleet of war ships in that sea, because the very instant you attempt to enforce it, that very instant the Pacific squadron of the British Empire, a very large and powerful squadron, now in the Pacific waters, would be concentrated there, and your little revenue cutters would be utterly feeble, utterly worthless to make any opposition to their power, and would only be a demonstration of our weakness and place us in an attitude of ridicule before the entire world.

[Here the hammer fell].

The CHAIRMAN. The gentleman's time has expired.

Mr. CHIPMAN. I am sorry, Mr. Chairman, that I have no more time.

The CHAIRMAN. The Chair also regrets that fact.

Mr. McADOO. Mr. Chairman, if I may be recognized, I will be glad to yield five minutes to the gentleman from Michigan.

The CHAIRMAN. The limitation has been fixed by the order of the House. The two hours allotted to the opponents of the bill have expired, and the gentleman from Illinois [Mr. HITT] is recognized to control the remaining time.

Mr. SPRINGER. Will my colleague, the gentleman from Illinois [Mr. HITT], yield to the gentleman from Michigan five minutes of his time?

Mr. HITT. I should be very glad to do so, but I have already yielded the remainder of the time under my control to-day, except a small portion of it, which I desire to occupy in very briefly replying to some criticisms that have been made upon the provisions of the bill.

Mr. Chairman, there have been several points presented to-day touching the bill which are in the nature of criticism; and it is my duty to interrupt the general debate, which is so very discursive and perhaps more interesting than these details, and say a word or two upon the bill itself.

Objection was made by the gentleman from Kentucky [Mr. McCREARY] to the changes introduced in this bill, from fees to salaried consuls; that salaried officers would be less vigilant in the discharge of their duty. He said that where changes of the kind had been made heretofore the fees had fallen off. Of course, the revenues and business diminished. The fact is that merchants do not export goods to please the consul. They do not prosecute business to benefit the Treasury, but to make money; and whenever they export they must have their invoices certified and pay the fees. The fees received, their increase or diminution, if honestly gathered, have no relation to the wishes of the consul.

The fact I cited, that it was for the public interest in every way that a consul should never be allowed to certify to his own invoices, will be admitted, I am sure, by the honorable gentleman from Kentucky, and it ought to far outweigh any consideration of a difference of a few dollars in the amount of compensation. Yet that gentleman strenuously objects to some of these changes where the fees now received are not equal to the salary proposed. In the most of these eighteen cases there is a large manifest profit to the Treasury.

I am pleased to have an opportunity to answer the suggestions made by the gentleman from Kentucky in regard to the utility of the work begun and already in some degree achieved by the International Bureau of American Republics in the collection and dissemination of practical commercial information. Little is known to members about this bureau; and it is a natural criticism on the part of a member who has not had his attention specially drawn by some accidental cause to its work that this expenditure has so far shown no fruits. It is a work in the first place of collecting information. There has been since December only a little time for the accomplishment of results; all was preparation, but the fruits have already been considerable. That bureau has been organized and has been diligent, every one earnestly, I might say enthusiastically, devoted to the work. One result is a volume of several hundred pages, the proof sheets of which I hold in my hand; it is a handbook of the latest and most necessary practical information for merchants dealing with the republics of America, and its details and directions cover business with every one of the Spanish American and Portuguese republics.

Mr. McCREARY. Will the gentleman inform me how many men are connected with this new bureau?

Mr. HITT. There are a director, a Portuguese translator, two Spanish translators, a statistician, two clerks, a stenographer, and two typewriters. Col. J. N. Whitney, the chief clerk of the Bureau of Statistics, was detailed by the Secretary of the Treasury, at the request of the Secretary of State, to assist in the organization, because of his long experience and ability. Then a circular was issued, which was sent to the members——

Mr. McCREARY. What is the aggregate amount of salaries per annum?

Mr. HITT. I can not say, as all these men have not been put upon fixed salaries thus far. As the gentleman knows, the bureau was only organized last month and not everything has yet been adjusted.

Mr. McCREARY. What has become of the $36,000 appropriated last year?

Mr. HITT. The expense incurred so far would be paid for over and over again by that appropriation. Only a part has been expended and the main sum lies untouched. Much of that appropriation will not be expended, but turned in at the end of the fiscal year, as the expenditure did not begin until December. The salaries thus far paid have amounted to $3,439. The whole amount of the expenditure up to date is $7,972. There has been an expenditure for many items necessary in beginning—for the purchase of books, for stationery, printing, for fuel, furniture, and a number of miscellaneous items necessary to the organization of the bureau, and setting men to work.

Mr. McCREARY. I will ask the gentleman from Illinois this question——

Mr. HITT. Let me answer the question you have already asked.

Mr. McCREARY. We provided $36,000 last year——

Mr. HITT. Wait a moment until I answer your other question about the old $36,000 being a sufficient provision. That expires with the fiscal year, and this bureau is being organized in a manner so efficient and thorough that I am sure he will be gratified, for I know the catholic spirit of the gentleman, and when so organized it will probably require from all sources $36,000 in the course of next year, of which sum a part will fall upon the United States.

Mr. McCREARY. I only desire to have my friend from Illinois answer such questions as I may ask, to see whether I appreciate this bureau the same way he does. If it is necessary to have this bureau, I shall favor an appropriation; if it is not necessary, I do not think we ought to make an appropriation. I understand the gentleman to state that this bureau was organized only last month. What has become of the $36,000 appropriated last year?

Mr. HITT. It is lying in the Treasury, except the part used.

Mr. McCREARY. How much of it was used?

Mr. HITT. Seven thousand nine hundred and seventy-two dollars.

Mr. McCREARY. Is the residue of that available for the next year.

Mr. HITT. No; only for the remainder of this fiscal year.

Mr. McCREARY. Very well. How much was contributed by the nations of Central and South America. I believe that the section of the bill contemplated that the other nations will contribute and that money be covered into the Treasury.

Mr. HITT. They will contribute of it about $18,000, the whole sum being allotted or assessed in proportion to the population of each nation.

Mr. McCREARY. How much did they contribute last year?

Mr. HITT. They have not had an opportunity to contribute anything, because the expenses have not accrued nor bills been made out, but when they are they are to be sent to them to be met, each one his part, reimbursing the United States for that. We appropriate enough for the whole expenditure in order to get the work going, and a great part is to be repaid in this way.

Mr. McCREARY. How, then, does the gentleman know that they will contribute next year, when they have contributed nothing so far?

Mr. HITT. They have agreed to contribute. It was the proposition made in and by the International Conference of those countries sitting in solemn conference. We are acting on that agreement.

Mr. McCREARY. I understand that we have contributed $18,000.

Mr. HITT. No; more than that—that is, we have appropriated $36,000, of which a small amount has been spent. The expenditure will be shared by all. If all were expended our contribution would be about $18,000, and each country its proportion.

Mr. McCREARY. How much?

Mr. HITT. Well, it is so detailed I do not know that I can state at once from memory. I have in my hand a list of what every country is to pay, under an agreement made in this city last year by the representatives of these countries, beginning with Hayti, at $187.50; Brazil, $5,250, and Mexico $3,900, and so on.

Mr. McCREARY. Why should we contribute any more than is required of the United States and why not let each one of those States contribute the amount set apart for that nation?

Mr. HITT. The proposition having been made and assented to by the United States and agreed to by all the delegates here in the Capital of the United States at this international conference, it was thought proper by Congress last year that we should not wait for the gathering of the money from those countries, as undoubtedly these nations, which are honorable states, would pay the allotment which is required of each; therefore, in the first place, the expense should be appropriated for by the United States. The draft being sent to these governments the United States would be reimbursed by each of them meeting the draft. It is to be presumed that they will be honored as soon as presented.

Mr. McCREARY. One more question I desire to ask the gentleman from Illinois. Why can not the State Department or Bureau of Statistics, which we have in Washington, attend to all the business indicated by the gentleman?

Mr. HITT. Because Congress has seen fit to direct the creation of this bureau, following the recommendation of the conference of all the nations on the continent. That recommendation was accepted by this House.

Mr. McCREARY. The gentleman does not mean that this Congress directed it? He does not mean the Congress of the United States?

Mr. HITT. The statute law has provided for it.

Mr. McCREARY. There is no statute law for it.

Mr. HITT. It is in the appropriation act of last July.

Mr. McCREARY. There was a section in the appropriation bill. That, however, is not statute law.

Mr. HITT. An appropriation act, I believe, is law.

Mr. McCREARY. Certainly it is law.

Mr. HITT. And became law "to carry out the recommendation of the International American Conference;" and the conference spoken with great distinctness setting out the plan and anticipating the efficiency and the value of that bureau.

Mr. McCREARY. Will the gentleman answer one more question? If the appropriation bill of last year provided for the commercial bureau which the gentleman refers to, why did they delay for nearly a year before the bureau was organized?

Mr. HITT. They did not delay it for nearly a year.

Mr. McCREARY. I understood the gentleman to say that the bureau was organized only last December.

Mr. HITT. The active work began in December, but the gentleman should remember that the bill was not passed until far into the year; it was approved July 14. The conference had adjourned and this work had to be organized in concert with the other governments. It was not easy to obtain the services of the skilled and experienced persons required for the performance of these duties.

Mr. Chairman, I will, as the subject may interest gentlemen, add some further remarks on this subject.

During the visit of the foreign delegates to the International American Conference in the United States, that which impressed them most was the ignorance of our people concerning their countries, and particularly the ignorance of our merchants and manufacturers concerning the commercial requirements of their markets. For the purpose, therefore, of disseminating valuable and reliable information concerning the sister republics in the United States and elsewhere, the conference recommended the establishment at Washington of the Bureau of the American Republics, under the general supervision of the Secretary of State, each Government to pay its share of the expense. This expense was estimated at $36,000 per annum. The Government of the United States was requested to advance the money necessary, and at the end of each fiscal year to assess the Governments of the other republics for their share of the costs, the assessment to be made upon a basis of population, as follows:

Table of assessments for commercial bureau.

Countries.	Population.	Tax.
Hayti	500,000	$187.50
Nicaragua	200,000	75.00
Peru	2,000,000	975.00
Guatemala	1,400,000	525.00
Uruguay	600,000	225.00
Colombia	3,900,000	1,462.50
Argentine	3,900,000	1,462.50
Costa Rica	200,000	75.00
Paraguay	250,000	93.75
Brazil	14,000,000	5,250.00
Honduras	350,000	131.25
Mexico	10,400,000	3,900.00
Bolivia	1,200,000	450.00
United States	50,150,000	18,806.00
Venezuela	2,200,000	825.00
Chili	2,500,000	937.50
Salvador	650,000	243.75
Ecuador	1,000,000	375.00
Total	96,000,000	36,000.00

The Congress of the United States having authorized the establishment of the bureau (in the last diplomatic and consular appropriation bill), it was organized as soon as the work of translating and publishing the proceedings of the International Conference was completed, the employés having been selected from the staff of that conference. They consist of a director, a Portuguese translator, two Spanish translators, a statistician, two clerks, a stenographer, and two typewriters. Col. J. N. Whitney, the chief clerk of the Bureau of Statistics, was detailed by the Secretary of the Treasury, at the request of the Secretary of State, to assist in the organization because of his long experience and ability.

The first act of the bureau was to issue a circular, of which five thousand copies were distributed through the mails, informing commercial bodies and the public generally of its organization and purpose, and inviting applications for information upon commercial matters. Up to the 30th of January over three hundred inquiries upon every conceivable subject had been received and answered by the bureau, the most of them having come from manufacturers and merchants in the United States desirous of securing specific information concerning the markets of Central and South America.

The bureau at once commenced the preparation of a handbook of the American Republics, containing general information of a useful and interesting character, as shown by the following table of contents:

Object of the Bureau of the American Republics.
International American Conference (delegates, etc.).
International American Conference (recommendations).
Historical notes about America.
Credit systems in Latin America.
Trade-mark laws of America.
Commerce of the American continents.
Breadstuffs in Latin America.
The trade in sugar and coffee.
The trade in fruits and nuts.

Commercial statistics.
Coinage, weights, and measures of the American Republics.
Geographical information.
Official register.
Diplomatic and consular service.
Travelers' guide, freight rates to Central and South America.
Postal and cable guide.
Port regulations and charges.
Consular regulations.

The handbook will also contain maps of Central and South America and charts showing steamship and cable lines.

The handbook is now in press at the Government Printing Office, and will be ready for distribution by the 5th or 6th of February. An edition of 5,000 copies will be published for general free distribution.

This handbook will be followed by a second edition of a similar character, including a brief sketch of each of the American Republics, showing their systems of government, their resources, products, exports and imports, commercial peculiarities and advantages, religious and educational systems, finanial condition, railway and telegraph lines, banking facilities, systems of money, weights, and measures, customs regulations, sanitary regulations, postal regulations, patent and trade-mark laws, harbor dues, area and population, geographical divisions, population of cities, and other useful information.

The next publication will be a compilation of the tariff laws and duties of all the American nations, which will be a volume of considerable size. The work is already very well advanced, and the volume will be ready for distribution in the early spring. It will contain, first, the tariff laws and duties arranged by nations and, second, by articles of commerce, so that a merchant or a manufacturer in the United States may see at a glance what duty is charged upon cotton goods, or agricultural machinery and implements, or druga, or lumber, in each of the American nations. No such publication exists at present, and its value can not be overestimated.

Following this, and to appear within a few weeks, will be published a code of nomenclature, giving a list of articles of merchandise imported and exported by the several American Republics, with their equivalents in English, Spanish, and Portuguese. This code will be of the greatest value to importing and exporting merchants and manufacturers, as the same article is known by different terms in the various countries, and merchants engaged in the export trade who receive orders in Spanish, for example, from certain countries, for a certain article, often send the wrong article because of their ignorance of the terms by which such goods are known in local parlance. Such mistakes, which are unavoidable, subject them not only to the loss of the goods by confiscation, but also to heavy fines and penalties for attempting to violate or evade the revenue laws by introducing into the country an article under an improper name. It is proposed, when this code of nomenclature is completed, to have its terms adopted by the various governments as the official designation of articles of import and export, and to require consular invoices and ship's manifests to be made out accordingly. This will be a commercial dictionary of 8,000 to 10,000 terms.

The bureau is preparing to publish subsequently a compilation of the mining laws of the various American Republics; also, a compilation of the laws relating to irrigation; laws governing the sale and settlement of the public lands; laws governing railway and other concessions; statistics relating to wages and the price of labor, cost of living, etc.

It is also intended to publish a series of reports devoted to each of the several American Republics, at greater length and in greater detail than those given in the handbook before referred to. These will be prepared with the greatest care from official sources of information and will be of great educational value.

The work of answering inquiries from the public will also be continued. Each inquiry, as soon as it is received, is referred to the member of the bureau who is most familiar with the subject to which it refers, and a large and valuable library of works of reference relating to the various countries having been collected, he is generally able to give a prompt and satisfactory reply. But in cases where the information is not available the inquiry is referred to the legation or consulate of the country to which it relates, or to some experienced merchant who is familiar with the subject.

I now yield to the gentleman from California [Mr. VANDEVER].

Mr. VANDEVER. Mr. Chairman, the existing relations between the Republic of Mexico and the United States of America are of the most friendly character, and it is the desire of the people and Governments of both countries that they should so remain without interruption.

A joint resolution recently approved by the Committee on Foreign Affairs, now awaiting the action of this House, clearly expresses in its title the purpose for which it was introduced. The resolution "requests the President of the United States to negotiate with the Government of Mexico for the creation of an international commission to adjust all questions affecting the interests of both countries requiring settlement."

The report of the committee accompanying the joint resolution specifies the chief objects of negotiation. They are commercial and friendly and relate to a definite fixing of boundary lines; to irrigation of arid lands in the valley of the Rio Grande River, so that people on the Mexican side of said river, where it forms an international boundary, shall not be deprived of the use of the water of said river for the irrigation of their lands. The resolution also specifies that a certain class of alien immigration excluded by the laws of the United States from coming into its territory shall not be permitted to gain access to our country by being smuggled across the border from Mexico; that the laws of both countries for the collection of import duties upon foreign goods shall not be evaded by an abuse of the Mexican Free Zone law; that there shall be a fair administration of the customs laws of both countries at points of interchange on the boundary; and that there shall not be established and enforced by either party any unfair or burdensome customs regulations to encumber free commercial intercourse between the two countries or their citizens; that provision shall be made for the settlement of all equitable and valid existing claims of either country and its citizens against the other; that there shall be protection from enforced loans and contributions on the citizens of one country residing temporarily or located in the other country; and that there shall be a fair adjustment of any or all other questions affecting the interest of either or both countries or that may be deemed necessary to promote the welfare of either.

The early and definite adjustment of the Rio Grande boundary line and the regulation of the use of its water for irrigation purposes on both sides of the river; the prevention of smuggling, now extensively carried on under cover of the Zona Libre law of Mexico, in contravention of legitimate trade; and the suppression of illicit Chinese immigration into the United States through Mexico, as well as the adjustment and settlement of claims of our citizens against the International Company of Mexico, are matters of pressing importance, requiring the consideration of a joint commission as contemplated by the resolution submitted.

THE FREE ZONE OF MEXICO.

Chapter 12 of the general traffic laws of Mexico defines the extent of the Free Zone as follows:

ART. 312. The Free Zone shall extend from Matamoros to Tia Juana along the frontier of the Republic in the States of Tamaulipas, Coahuila, Chihuahua, Sonora, and the Territory of Lower California with respect to length; and as to width 20 kilometers into the interior from the frontier line (about 12½ miles).

In other words, the Free Zone established by the laws of Mexico extends along the boundary line between Mexico and the United States, from the mouth of the Rio Grande River to the Pacific Ocean, a distance of 2,000 miles, more or less.

Within this Free Zone foreign imported goods received through ports of the United States destined for Mexico are forwarded free under our immediate transportation act. The Mexican law permits goods thus imported through ports of the United States to be delivered in the Free Zone without payment of duty to Mexico.

The liberality of our laws which allow the free passage of foreign merchandise through American ports and over American lines of transportation to their destination in Mexico encourages English, French, and German importers of the goods of their respective countries to establish agencies in the Free Zone of Mexico along the border, whence, as is well known, these foreign commercial houses systematically smuggle their dutiable wares back into the United States in fraud of our customs revenue laws.

According to the statements of Mr. Romero, the Mexican minister, this contraband trade has been so long tolerated on the border that it has come to be regarded as legitimate business.

The advantages of the Free Zone inure to French, German, and other European merchants who have established commercial houses there, and who, by the courtesy of our Government, import European merchandise through the United States into Mexico free of duty to either Government.

The Zona Libre is in effect and practice a legalized "contrabandista," into which European goods are imported in evasion of the customs laws of both countries, to be subsequently smuggled into the United States or into Mexico beyond the Zona Libre, as circumstances may require.

It is impossible to discover from any available records what service the denizens of the Zona Libre have rendered the Mexican Republic to justify this exceptional privilege conferred upon them of importing European goods through our ports to Mexico free, while the rest of the citizens of that republic are assessed an onerous tariff, and it is still more difficult to discover what benefit accrues to the Government of the United States by permitting European merchandise to be transported in bond from San Francisco, New York, and other seaports to the Free Zone in Mexico for the purpose of being smuggled back into the United States in contravention of legitimate trade and in fraud of the revenue laws of both Governments.

The result of this free trade over the border is the destruction of American trade with Mexico in favor of legalized contraband trade with Europe. In the interest of both Governments it is high time that this illicit and demoralizing traffic should be abolished.

The commercial nations of Europe, especially England, Germany, and France, have strong footholds on the American side of the Atlantic. In Mexico, in Central and South America, their capitalists have made large loans.

Great Britain owns nearly half of the North American continent, and

twenty of the West India islands. She has large possessions, or at least claims them, in Central and South America. Her capitalists have invested in railway and governmental securities in these various countries, including Mexico, not less than $800,000,000. France owns five of the West India Islands. Spain owns Cuba. The nations of Europe together control five-sixths of the annual foreign commerce of the various American nations and islands south of the United States, amounting to an annual value of probably $1,000,000,000.

If we can not wholly protect ourselves against this powerful combination of European commercial interests, we should at least make some effort to protect our commerce against the frauds of the Mexican Zona Libre practiced on our Southern borders. If we do not we will incur the contempt in addition to the rivalry of these foreign competitive powers.

MR. ROMERO, MEXICAN MINISTER, ON ZONA LIBRE.

(Report furnished by Mr. Romero to Mr. Bayard, Secretary of State of the United States, January 4, 1886, at Mr. Bayard's request. Senate Executive Document No. 130, first session, Fiftieth Congress.)

Mr. Romero says, on pages 23 and 24 of said executive document, speaking of the Free Zone on the Mexican side of the Rio Grande River:

The bona fide merchants, not being able to compete with the smugglers, have been obliged to leave the country or to be smugglers themselves, and the population on both sides of the river has come to such a complete state of demoralization that contraband is generally considered as legitimate and even honest business.

Mr. Romero continues:

Before the Free Zone the smuggling was made with merchandise destined for the consumption of the places located now within the Free Zone and other places outside of it. After the decree was issued legalizing the free consumption in the border the contraband is made only with merchandise destined to places outside of the zone. Although the proportion of the contraband made before, for the consumption of the zone, was insignificant compared with what was made outside of it, it is an unexplainable fact that, under this point of view, the zone has diminished the contraband. But it has diminished it because it has authorized it in the same way that a law authorizing manslaughter and robbery would diminish crimes committed in the country. Contraband surely is nothing else than the fact of importing merchandise without paying the import duties established by tariff. From the moment that it is allowed to import merchandise into a place without payment of duties it can not be called contraband when it was conceded before as such.

The fact that the United States affords easy and cheap ways of communication, such as railroad and steamship lines, is a circumstance of which the contrabandists at once avail themselves; they import foreign goods with ease and cheapness, transport them through American ports, receive them free of duty in the Free Zone, and smuggle them into the United States and into Mexico as a regular business. And this has been going on for years, until forbearance has reached the limit of endurance.

Railroad and steamship lines operated between American ports and Mexico derive a large and profitable business from this contraband trade, and are therefore averse to disturbing the present condition of affairs.

In the preceding session of Congress Senator REAGAN, of Texas, introduced into the Senate a bill (S. 1642) on this subject, which bill proposes to deny the privilege of immediate transportation through American ports of goods destined to Mexico unless that country will repeal its Zona Libre law. This was considered a harsh way of striking at the evil. It was thought that retaliatory legislation would be ill-timed and specially offensive to Mexico and was not pressed, but it is worthy of note that the proposition brought out protests from railroad and steamship lines who derive much profitable business from the contraband trade.

Hereto are appended letters addressed to the honorable Secretary of State, Mr. Blaine, from the agents or attorneys of two transportation lines, remonstrating against the passage of Senator REAGAN'S bill, which are worthy of attention as indicating the motives prompting these lines to object to the Reagan bill or any measure that may tend to diminish their business, regardless of the general interest of either country.

It is evident that this is no new proposition, but that the time has fully come when neither Mexico nor the United States can longer remain indifferent to the systematic frauds that are being perpetrated on their revenues, nor to the evils resulting from indefinite boundary lines.

IRRIGATION ON THE RIO GRANDE.

On the 23d day of April, 1890, the following concurrent preamble and resolution passed the Senate:

Concurrent resolution concerning the irrigation of arid lands in the valley of the Rio Grande River, the construction of a dam across said river at or near El Paso, Tex., for the storage of its waste waters, and for other purposes.

Whereas the Rio Grande River is the boundary line between the United States and Mexico; and

Whereas by means of irrigating ditches and canals taking the water from said river and other causes the usual supply of water therefrom has been exhausted before it reaches the point where it divides the United States of America from the Republic of Mexico, thereby rendering the lands in its valley arid and unproductive, to the great detriment of the citizens of the two countries who live along its course; and

Whereas in former years annual floods in said river have been such as to change the channel thereof, producing serious avulsions and oftentimes and in many places leaving large tracts of land belonging to the people of the United States on the Mexican side of the river, and Mexican lands on the American side, thus producing a confusion of boundary, a disturbance of private and public titles to lands, as well as provoking conflicts of jurisdiction between the two Governments, offering facilities for smuggling promoting the evasion and preventing the collection of revenues by the respective countries; and

Whereas these conditions are a standing menace to the harmony and prosperity of the citizens of said countries, and the amicable and orderly administration of their respective Governments: Therefore,

Resolved by the Senate (the House of Representatives concurring), That the President be requested, if in his opinion it is not incompatible with the public interests, to enter into negotiations with the Government of Mexico with a view to the remedy of all such difficulties as are mentioned in the preamble to this resolution, and such other matters connected therewith as may be better adjusted by agreement or convention between the two Governments.

Subsequently, on the 29th of April, this concurrent resolution came up for consideration in the House, and upon motion of Mr. VANDEVER, of California, was amended by the addition of the following words:

And the President is also requested to include in the negotiations with the Government of Mexico all other subjects which may be deemed to affect the present or prospective relations of both Governments.

On the same day the Senate concurred in the foregoing House amendment to the concurrent resolution. The proceedings as reported in the CONGRESSIONAL RECORD of the Fifty-first Congress, first session, were as follows:

Mr. SHERMAN. I ask the Chair to lay before the Senate the amendment of the House of Representatives to a concurrent resolution of the Senate which has just come over.

The PRESIDING OFFICER. The amendment of the House of Representatives will be read.

The Chief Clerk read as follows:

"IN THE HOUSE OF REPRESENTATIVES, *April* 29, 1890.

"*Resolved*, That the concurrent resolution of the Senate 'concerning the irrigation of arid lands in the valley of the Rio Grande' do pass with the following amendment: Page 2, line 15, after the word 'Government,' insert 'and the President is also requested to include in the negotiations with the Government of Mexico all other subjects of interest which may be deemed to affect the present or prospective relations of both Governments.'"

Mr. SHERMAN. I move that the amendment of the House of Representatives be concurred in.

The motion was agreed to.

The Rio Grande River, for 1,200 miles of its course, forms a boundary line between Mexico and the United States. Its channel is shifting and erratic, and during the heat of summer becomes almost dry in portions of its course. At other times, when in flood, it becomes a raging torrent, spreading over a wide valley and often cutting for itself a new channel, so that lands which one year are on the Mexican side of the stream the next year are found on the American side upon the subsidence of the flood. This shifting character of the channel of the river gives rise to conflicts of jurisdiction and tends to favor those who engage in contraband trade or in depredations from one side or another along the boundary.

Mr. LANHAM. In this connection, if it will not disturb my friend from California, I would like to ask a question.

Mr. VANDEVER. I yield to the gentleman for a question.

Mr. LANHAM. I wish to inquire what, if any, action has been taken on the part of our Government in relation to the subject-matter of the concurrent resolution to which he has referred.

Mr. VANDEVER. In reply to the question of my friend I have to say that I am not aware of any steps having been taken in compliance with the concurrent resolution which passed both Houses of Congress at the last session.

Mr. LANHAM. My friend will remember that he and I called in person upon the President last year and endeavored to impress upon him the importance of the propositions involved in the resolution, and my inquiry was whether there had been any recent action taken upon it by the President.

Mr. VANDEVER. There has been no recent action that I am aware of. I desire to say in this connection that this joint resolution embraces that as well as other subjects of difference between the two Governments, and the preservation of peace and amity between the two great Republics of North America is involved in this matter, and it is important that it should be settled to their mutual satisfaction. This subject was treated by the chairman of the Committee on Foreign Affairs, the gentleman from Illinois [Mr. HITT], in a very interesting report which he submitted to the Fiftieth Congress. In that report he describes the situation as follows:

It [Rio Grande] has shifted its channels so often and so far, in some cases gradually, in others abruptly and by cut-offs, that no man knows accurately where the boundary is to-day. Sometimes the stream will suddenly cut a new channel, abandoning the old ones altogether and in a single day, by a cut-off, a tract or "banco" of a hundred acres will be found to be on the other side of the river. These causes have produced uncertainty as to the boundary, and this encourages smuggling, which is always carried on more or less on the border. When a man smuggles from a "banco" it is almost impossible to catch and convict him. No surveys are made nor official records kept of the time and place of cut-off changes, and no one can tell with accuracy the extent of a cut-off. The bed of the old channel is the boundary, though it may be long since dry. There are sometimes two or three old beds, and it is hard to tell where is the middle of the old bed contemplated by the treaty.

At the last term of the United States district court at Brownsville, the most noted case of smuggling was lost by the Government for want of that accurate knowledge that would satisfy the court. * * * These bancos with their uncertain boundaries afforded retreats for smugglers, thieves, kidnapers, murderers, and every class of criminals, as well as bases of supplies from which to carry on their operations, free from interference by either Government.

A SCRAP OF HISTORY.

In the month of March, 1865, the President of the Mexican Republic was a fugitive from his capital, and the Archduke Maximilian of Austria, claiming to be Emperor of Mexico, occupied the palaces of the Montezumas. Maximilian was supported by the armies of France, whilst Benito Juarez, an aboriginal of Mexico, chosen by the people for their chief magistrate, was in hegira, and the United States were just emerging from the terrible cataclysm of civil war.

At this time and under these circumstances, President Juarez, of the Mexican Republic, made a concession to Jacob P. Leese, of Monterey, Upper California, for the colonization of the peninsula of Lower California, but, being hard pressed for money, made it conditional upon the payment of $100,000 into the chancery of the Mexican consulate in San Francisco, Cal., within four months from its date. But the Maximilian government exerted such influence that not a dollar could be raised on account of this concession of the republican government.

On the 7th day of June, 1865, a meeting was held at the Cooper Institute, New York, "for the purpose of reaffirming the spirit of the Monroe doctrine and of expressing sympathy with the feebler and struggling republics of the continent." It was presided over by the venerable William Cullen Bryant. The vice presidents were William H. Webb, Cornelius K. Garrison, Leonard W. Jerome, Hon. James W. Beekman, Peter Cooper, Daniel F. Tiemann, Rev. Joshua Leavitt, Hon. Robert J. Walker, Maj. Gen. James A. Garfield, Manton Marble, Hon. Horace Greeley, John E. Williams, Edward E. Dunbar, Major General Rosecrans, Hon. Hiram Walbridge, Hon. Theodore E. Tomlinson, General E. L. Viele, and Hon. Charles D. Poston.

The resolutions, after affirming adherence to the principles of the Monroe doctrine, and reciting that "France has interfered to oppress our sister Republic of Mexico and to control its destiny against the choice of its people," and that "Spain has interfered to extend her system over Hayti and is now interfering to oppress the Republics of Chili and Peru," and after referring in appropriate terms to the death of Hon. Henry Winter Davis, who had been expected to make the principal address at that meeting, closed with a quotation from Mr. Davis's resolution, which passed the House of Representatives unanimously in the winter of 1864, and which reads as follows:

The United States are unwilling by their silence to leave the nations of the world under the impression that they are indifferent spectators of the deplorable events now transpiring in the Republic of Mexico, and that they therefore think fit to declare that it does not accord with the policy of the United States to acknowledge any monarchical government erected on the ruins of any republican government in America under the auspices of any European power.

Speeches were made at this meeting by William Cullen Bryant, Hon. T. E. Tomlinson, Señor MacKenna, of Chili, and Hon. S. S. Cox. Hon. E. G. Squier read letters from the following prominent men who had been unavoidably detained: Montgomery Blair, Senator Nesmith of Oregon, Senator John Conness of California, Hon. Robert Dale Owen, Hon. Daniel S. Dickinson, Hon. R. T. Van Horn, Hon. J. Baker, Hon. Charles Sitgreaves, General James A. Garfield, Senator Benjamin F. Wade, General Sickles, Hon. John A. Kasson, Speaker Schuyler Colfax, Hon. Hamilton Ward, Hon. R. W. Clarke, Hon. Horace Maynard, Hon. Samuel J. Randall, Senator Lane, and General Mussey.

The proceedings of this meeting were supplemented by a subscription of $100,000 for the relief of the Republic of Mexico and its President, which sum was transmitted to President Juarez by the hand of Minister Romero of the Mexican Republic.

This substantial sympathy and timely aid proved to be a pivotal point in the destiny of the Mexican Republic, a wave "taken at the flood, which led on to fortune." It led President Juarez back to the palaces of the Montezumas, it led the Archduke Maximilian to the executioner, and it indirectly led Louis Napoleon to Sedan.

These momentous events, accelerated by the august trumpet of public opinion announced from the forum of the Cooper Institute in New York, were supplemented in a short time by the re-establishment of the government of our sister Republic on a firm basis, owing in a large measure to the sympathy and material support awarded it in the hour of its greatest peril by the people of the United States of America. Under the circumstances, should Mexico decline to enter into negotiations with our Government for the correction of evils that affect the interests of both, it would redound little to her credit.

The sympathies of every loyal American were with Mexico in the hour of peril to that Republic. We extended substantial aid to its President, for which no recompense is asked or expected, but we expect and have a right to demand fair protection of our interests from the frauds practiced under cover of the Free Zone regulations of the border, which discriminate against the commerce of the United States in favor of the commerce of the countries that conspired to overthrow the republican government of Mexico and to establish a monarchy upon its ruins.

The following are the letters submitted by Mr. VANDEVER as an appendix to his remarks:

NEW YORK, *March* 1, 1890.

SIR: The undersigned, agents of the New York, Cuba and Mexico Steamship Line, have been informed that Senate bill 1642, Fifty-first Congress, first session, "to prevent the transportation of merchandise in bond through the ports and territory of the United States into the Republic of Mexico," etc., has been referred to your Department for a report thereon. We therefore desire to enter through you our respectful protest against the passage of said bill, and herewith to submit our reasons why it should not become a law.

1. The privilege of transportation of merchandise in bond is not so much a benefit to Mexico as to the people of the United States. Its abolition would affect Mexican interests to a very small extent, but would be a serious injury to various American steamship and railroad lines which are now enjoying a considerable and profitable traffic, and which, under the provisions of this bill, would be transferred to foreign steamship and railroad companies. The undersigned are now transporting through the port of New York a large amount of European goods to Mexico, for which they give through bills of lading at Liverpool and other European ports, and which are transhipped at New York to our steamers and delivered in the Gulf ports of Mexico, thus furnishing us a profitable and growing traffic. Owing to the cheap freight rates from Liverpool to New York, we are enabled to successfully compete with French, Spanish, and British steamers running direct to Mexico, notwithstanding those lines receive subsidy and mail pay from their own Governments and some of them from the Mexican Government also, while our line receives no subsidy or pay from our own or any other Government. After long years of earnest effort, struggling with great obstacles and without the aid of our Government, we have built up such a trade with Cuba and Mexico as has justified us in building in an American ship yard during the past few months three new first-class steamers to add to our former fleet of steamers. If the bill under consideration becomes a law, it will greatly restrict our carrying trade and seriously cripple our business. We had hoped that the present Congress would adopt some effective measure to encourage and strengthen us in our contest with the subsidized lines of foreign nations, and certainly were not prepared for a measure whose only effect will be to cut off a large part of our traffic, as well as that of other large American interests.

2. Our acquaintance with Mexican affairs leads us to say that the object had in view would not be accomplished or promoted by the passage of this bill, namely, the repeal of the Mexican Free Zone. As already stated, Mexico has much less interest in the transit privilege than the United States, and its abolition would now have little effect in Mexico, as it has completed lines of railroad from several of the seaports reaching to the most remote States of its frontier. Its chief effect would be to irritate, if not affront, the Mexican Government. The Free Zone is a vexed question in the domestic politics of Mexico, and its abolition is just now agitating the political circles of that country more than any other subject. The passage of this bill would be construed in that country as a hostile act on the part of our Government, and would be likely to turn the tide of public opinion to the side of the advocates of the Free Zone.

In view of the foregoing we earnestly hope that you will report that the passage of the bill would be inopportune and injurious to the interests of the United States.

Very respectfully,

JAMES E. WARD & CO.,
By JOHN FOSTER, *Attorney.*

Hon. JAMES G. BLAINE, *Secretary of State.*

OFFICE OF EVARTS, CHOATE & BEAMAN,
No. 52 Wall street, New York, March 4, 1890.

SIR: I learn that there has been referred to you by the Secretary of the Treasury a communication from the Committee on Commerce of the Senate of the United States, with reference to Senate bill No. 1642, being a bill entitled "A bill to prevent the transportation of merchandise in bond through the ports and territory of the United States into the Republic of Mexico, and to restore that privilege whenever the Zona Libre along the boundary between the two countries shall be abolished."

I am counsel for the Texas-Mexican Railway Company and the Mexican National Railway Company. The Texas-Mexican Railway runs from the port of Corpus Christi, in Texas, to a connection with the Mexican National Railroad at Laredo, in Texas, on the Rio Grande River. The Mexican National Railroad runs from Laredo to the City of Mexico. This Mexican National road has been built and is operated to a very considerable extent upon the reliance and expectation that it would be able to do considerable business in the carrying of merchandise imported at the port of Corpus Christi and passing from there in bond over the Texas Mexican Railroad to the Mexican line, and in that way delivered in Mexico.

The proposed bill introduced in the Senate of the United States, if it should become a law, would be a great damage both to the Texas-Mexican Railway and to the Mexican National Railroad. The Mexican National Railroad is a corporation organized under the laws of Colorado and has been built to a very great extent by the help of the citizens of the United States and the money of the citizens of the United States. The relations between the Texas-Mexican road and the Mexican National road are of such a nature that each road is damaged and diminished by anything that injures the other. The president of both of these roads is now in Europe, and in his absence I write you in behalf of these two roads, calling your attention to the facts herein stated, and assure you that the proposed bill, if it becomes a law, will greatly diminish the value of the property of these two companies. I am not familiar with the reasons that would justify the passage of such a bill, but in view of the damage that is certain to be done to the citizens of the United States, I feel that Congress would hesitate a long time before making the bill a law.

I assume that the purpose of such a bill is to retaliate upon Mexico for certain action that it has taken. The effect will be that the goods that would have reached Mexico through a port of the United States will reach Mexico through a Mexican port, and the damage will be done to the citizens of the United States who own steamship and railroad lines which otherwise would have had the transportation of these goods to Mexico, but in the case contemplated will lose such transportation by reason of the act of Congress. In other words, the proposed legislation will injure citizens of the United States, but not Mexico or its citizens.

If you should wish any information as to the amount of the business or of the merchandise that is carried in bond over the Texas-Mexican Railway, I could furnish the same.

Yours, very truly,

CHARLES C. BEAMAN,
Counsel of Texas-Mexican Railway Company and of the Mexican National Railway.

Hon. JAMES G. BLAINE,
Secretary of State, Washington, D. C.

DEPARTMENT OF STATE, *Washington, March* 6, 1890.

GENTLEMEN: I have to acknowledge the receipt of the letter of 1st ultimo, addressed to me on your behalf by Mr. J. W. Foster, attorney, in regard to the apprehended effects of Senate bill No. 1642 of the present session, "to prevent the transportation of merchandise in bond through the ports and territory of the United States into the Republic of Mexico, etc.," should the same become a law.

The bill in question is understood to be pending in committee; and the subject to which it relates falls primarily within the purview of the Treasury Department. So far as the question affects the Zona Libre of Mexico, the last report of the Department on the matter is contained in the executive document of which I inclose a copy for your information.

Deeming, however, that the statements contained in your letter, tending to show that the proposed abolition of the privilege of transportation of merchandise in bond to Mexico would injuriously affect various railroads and steamship lines of the United States, may be of consequence to the Treasury Department, I have had the pleasure to communicate a copy to the Secretary of the Treasury.

I am gentlemen, your obedient servant,

JAMES G. BLAINE.

Messrs. JAMES E. WARD & Co., *New York City.*

Mr. HITT. Mr. Chairman, in view of the special order for 3 o'clock, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYSON, from the Committee of the Whole, reported that they had had under consideration a bill (H. R. 13069) making appropriations for the diplomatic and consular service, and had come to no resolution thereon.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed acts and a joint resolution of the following titles:

An act (H. R. 5380) to provide for the construction of a public building at Davenport, Iowa;

An act (H. R. 4403) for the erection of a public building at Akron, Ohio;

An act (H. R. 7879) granting a pension to Emily P. Collins;

An act (H. R. 7471) to provide increase of pension to Hosea Brown, of the war of 1812; and

Joint resolution (H. Res. 210) to print the eulogies on Hon. Edward J. Gay.

FUNERAL OF THE LATE SECRETARY WINDOM.

Mr. McKINLEY. Mr. Speaker, the funeral services of the late Secretary of the Treasury will take place at 12 o'clock on Monday, and, in order that the members of the House may have an opportunity to attend, I ask unanimous consent that when the House adjourns to-day it be to meet at 2 o'clock p. m. on Monday.

There was no objection, and it was so ordered.

ENROLLED BILLS SIGNED.

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 3034) granting a pension to George W. Pitner;

A bill (H. R. 4559) to provide for the purchase of a site and the erection of a public building thereon at Rockford, in the State of Illinois; and

A bill (H. R. 12500) making an apportionment of Representatives in Congress among the several States under the Eleventh Census.

THE LATE REPRESENTATIVE WATSON, OF PENNSYLVANIA.

The SPEAKER. The hour of 3 o'clock having arrived, the Clerk will report the special order.

The Clerk read as follows:

Resolved, That Saturday, January 31, 1891, at 3 o'clock, afternoon, be set aside for paying tributes to the memory of Hon. Lewis F. Watson, late a member of the House of Representatives from the State of Pennsylvania.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, on Monday, August 25, 1890, in sorrow I announced to the House the death of my esteemed colleague, Lewis F. Watson, a Representative from the Twenty-seventh Congressional district of the State of Pennsylvania, of which State he was a native. He died suddenly in the city of Washington at about 11 o'clock in the morning of that day at the Shoreham, the hotel in which he and Mrs. Watson were living. He had come safely down stairs and when about stepping into a carriage at the door he became unconscious and fell. He breathed his last, a few minutes afterwards, in a reception room of the hotel, to which he had been carried, dying a painless death. He had not been in robust health for some months, but was not detained from the House by illness, excepting at intervals of a day or two at a time, and upon the day of his death he thought he was feeling stronger and insisted upon going to the House of Representatives. His good wife, and oh, how careful she was of him, did not approve of his going out that morning, but important public business called him and death came upon him as he was about to start to the performance of duty.

He was devoted to duty, whether in the walks of private life or in public official position. He liked occupation and was never happy without it. He did not deprive himself of moderate social pleasure, and he took proper rest when he felt that he needed it. Thus he lived, a busy man, who accomplished success, and amidst the anxieties of extensive business operations he spared time to cultivate and enjoy the happiness of home life; and he had a truly happy home—a devoted husband, an affectionate father, a true-hearted friend. He was held in high esteem by his fellow-citizens, joined them in enterprises for the advancement of the prosperity of his neighborhood, willingly aided in works of charity, and was noted for integrity in all his dealings. He was a man of great wealth and was not spoiled by it. He was easy of approach and never lost that gentleness and heartiness of manner which so endeared him to those who had started in life with him, but who had been less fortunate than he.

To accumulate wealth in honorable pursuits is most commendable, and communities esteem the citizen who by energy, uprightness, and perseverance realizes fortune. Mr. Watson stood pre-eminent among the wealthy men of his State because, in the enjoyment of his more than ample competence, he was ever ready to help to success the steady, industrious man of small means who was striving to better his condition by patient, uncomplaining work. The poorer members of a community do not envy the richer because of their wealth; but when riches create only pride, self-conceit, disdainful treatment, and want of sympathy in their possessor, then is the man of wealth looked upon as the enemy of progress and of the prosperity of his neighbors. No such feelings belittled Mr. Watson's nature. He was looked upon as a useful man, a benefactor, and a friend in the community in which he lived.

In this Congress death has taken from the Pennsylvania delegation three of its members. We, in the last session, eulogized William D. Kelley and Samuel J. Randall, and to-day we are paying tribute to the memory of Lewis F. Watson, a dear colleague to whom we were all so greatly attached. From the Thirty-eighth Congress, in which I had my first service, until now, the Fifty-first, no Pennsylvania member's death occurred during the sessions excepting that of Mr. Darwin A. Finney, who died abroad during a session of the Fortieth Congress. The distinguished statesman, Thaddeus Stevens, died in Washington after Congress had adjourned, and the beloved William A. Duncan, of the York, Adams, and Cumberland district, in the Forty-eighth Congress, departed this life at his own home during the interval between sessions. So death had for a long period spared our Pennsylvania colleagues during the sessions of both the Senate and House, saving us the grief of mourning here over their sad departure, until he came with relentless power into the present Congress, when three members, in the midst of their greatness, prominence, and usefulness, yielded up their lives.

Our days have indeed been saddened. Our pleasant companionship with these colleagues has been severed, and as in their lives we looked to them to aid us in legislating for our country we have missed them as Representatives of our dear old Commonwealth, for in their very souls each of them was true to the nation, true to Pennsylvania. Mr. Watson had been honored by three elections to the House of Representatives. His intelligence, habits of business, and knowledge of affairs gave him an enviable position among his fellow-members. In the Forty-fifth Congress he was assigned by its Speaker to the Committee on Agriculture, a committee of the highest importance to the interests of so many millions of the people. In the Forty-seventh Congress his merits gained him places in the Committees on Naval Affairs and on Public Lands. His services in these committees were highly appreciated by his fellow-members who were on them and by the House.

Coming to the Fifty-first Congress, his reputation as an attentive, influential member of former Congresses had preceded him, and its Speaker realized the importance to the country of placing him on the Committees on Naval Affairs and on Public Lands, in which he had served with such usefulness and distinction. Our colleague, my fellow-members from Pennsylvania, has left us an example we well may follow. He was so earnest in all he undertook. He was so ready to keep us at all times so well informed of his committee work. He was ever so anxious to have us come to him to inform him of what we desired him to do. He was so gentle in his manners, so affable, so pleasant, so communicative, that we can not but miss him constantly.

He was indeed our friend. That friendship I will never forget, and in speaking of him upon this occasion I am bowed down with personal sorrow and I grieve over the loss of one who to me was ever the agreeable companion, the constant friend. I can bring before me now his pleasant smile, I can in imagination feel the warm clasp of his hand when greeting him, while the softness of his voice seems to come upon my ear as it did in life. As we stood around his coffin, no manlier form, dead or living, had our eyes ever beheld.

My colleague [Mr. VAUX], who had expected to eulogize Mr. Watson, was called to his home yesterday. He will take occasion to add his tribute in the volume of the printed eulogies.

Mr. STONE, of Pennsylvania. Mr. Speaker, the admonitions of the uncertainty of life and the certainty of death which have come to the members of this House have been frequent and impressive.

Eleven of the men elected to the Fifty-first Congress have been removed by the hand of death from participation in its deliberations. Six did not live to take the seats to which they were elected and five passed away during the first session of this Congress.

Of these five, three (more than one-tenth of her entire delegation) were from the State of Pennsylvania. Randall, Kelley, and Watson all died during a single session. Three times within a few months the legislative business of this House has been suspended to pay becoming tributes of respect to the memory of Pennsylvania's dead Congressmen; and, whatever of solemnity this occasion may have for members of other delegations, to the Representatives from Pennsylvania it can

not fail to be impressive and suggestive of serious thought and reflection.

I knew Mr. Watson well. He was my neighbor for more than a quarter of a century. Our lines of action in business and in politics ran sometimes parallel and sometimes divergent, but the contact of daily life, the amenities of social intercourse, the intimacies of business relations, and the means of knowledge drawn from professional employment, sometimes in his service and often adverse, gave me a conception and comprehension of his character and characteristics which I can but imperfectly express or communicate to others.

Lewis Findlay Watson was born in Northwestern Pennsylvania, in the county of Crawford, on the 14th day of April, 1819.

He was of sturdy, Scotch-Irish lineage, and inherited and developed many of the characteristics of this ancestry. His parents were from the State of Delaware, but had early settled on the frontiers of Western Pennsylvania. They gave to their son the somewhat crude educational advantages of that section, until, at the age of thirteen, the necessity of earning his own living forced him to seek employment in a store in the then village of Titusville. Thus early he began the single-handed battle of life, which he fought out with unflinching courage and persistence to the end. He commenced with the advantage of poverty, the spur of necessity. His unremitting industry and unconquerable determination overcame all obstacles and ultimately crowned his efforts with a full measure of success.

He continued to work in different stores until 1837, when he became a clerk in the office of the prothonotary of Warren County. The following year he was enabled to enter the old Warren Academy, then under the charge of Rasselas Brown, who afterwards, on the bench and at the bar, attained honorable eminence and still lives loved and revered by a large circle of attached friends. I recently asked him if he remembered Colonel Watson as a scholar. "Yes," said he, "he was a quiet young man, a good student, especially in bookkeeping and mathematics."

In a few months he had completed his school education, and with a fair preparation for the sphere of labor which he had selected he entered actively and zealously into mercantile pursuits and the borough of Warren became his permanent home. With different partners and sometimes alone, he continued extensively engaged in trade until 1860, when he transferred his attention and energies to the manufacture and sale of lumber.

During these years he was rather frail in appearance, with a tendency to lung disease, which caused him for several winters to seek the more genial climate of the South, but produced little or no remission in his close attention to business. As he reached middle life he became stouter in person and his active outdoor pursuits brought to him more than average health and vigor, and these he retained till the last year of his life.

From 1860 he gradually extended his business operations. He acquired large tracts of land in Pennsylvania at low prices, and these afterwards became valuable for timber, for oil, and gas.

The rich wheat lands of Dakota attracted his attention, and several thousand acres in the best part of that vigorous young Commonwealth were added to his possessions.

A trip which he made in 1883 to the Pacific coast and along the shores of Puget Sound and back into the primeval forests of that wonderful region led him to considerable investments in the then Territory of Washington. The trained judgment and keen eye of the practical lumberman comprehended at once the vast future possibilities of that unrivaled timber region, and he sought to ally himself with its progress and development.

To the end of his life he continued engaged in the lumber business, and prided himself on his thorough and practical knowledge of all its features and details.

This, however, was not his only occupation. As early as 1859, soon after Colonel Drake had drilled his pioneer oil well near Titusville, Colonel Watson leased of his brother, who owned land in that vicinity, a single acre and in company with Archibald Tanner drilled what proved to be the first flowing oil well ever discovered, and for thirty years thereafter he continued to derive more or less income from the production of oil.

In the building of the railroad which was to connect his home with Lake Erie on the north and the stirring, enterprising oil region on the south, he was a leading and active spirit.

He helped to organize the First National Bank of Warren, and later the Warren Savings Bank, and was for twenty years president of this latter institution. To all these business enterprises in which he was interested he gave more or less of his personal attention.

He was clear in his calculations, strict in his requirements of others, inquisitive and watchful of every movement about him, careful in his attention to details, tireless in his pursuit of any enterprise he had in hand. He thus year by year extended his operations and increased his possessions until he became one of the wealthiest men of his section.

Until about 1870 he had taken no active part and manifested no special interest in politics. Soon after that date he began to cherish some political ambitions, which took practical form when two or three years later he sought but failed to obtain the Republican nomination for State senator.

In 1874 he received the Congressional recommendation of his county, but failed in the district convention. Two years later he was nominated and elected by an overwhelming majority over William L. Scott, who has since served with distinction in this body, and in due time he took his seat in the Forty-fifth Congress.

He represented an oil district, and when the producers, who had long suffered from discriminations against them by the carrying corporations from that section, determined to seek a remedy by national as well as State legislation, they prepared and placed in his hands what became afterwards known as the "Watson antidiscrimination bill." This measure he introduced, and he zealously labored to secure its enactment into law. It passed the House, but failed to receive action in the Senate. Its agitation, however, and the attention attracted to the subject opened the way to the future legislation which became embodied in the interstate-commerce law.

At the end of his term Colonel Watson failed to secure a renomination, but was more fortunate in 1880, and served as a member of the Forty-seventh Congress. Three times successively thereafter he sought the nomination of his party without success, but in 1888 he was nominated in the new district then recently formed and triumphantly elected, and prior to his death had been again renominated.

Early in last season he was afflicted with a sickness which proved the forerunner of an incurable disease. He struggled bravely against it, and while he wasted gradually away and his friends saw the dark angel hovering over him, he stood bravely at his post. The session was exciting, its requirements exacting, but his duty seemed to hold him here, and here he remained against the advice of his physician and the protests of his friends.

On the 25th of last August he left his home at the Shoreham to come to the Capitol, but before he reached the street he staggered, sank back into the arms of his secretary, and in a few moments ceased to breathe. "God's finger touched him and he slept." The stirring, busy life was ended; the spirit had returned to God who gave it.

The loving hands of family and friends and sympathizing associates from this House bore him back to his home in the beautiful valley of the Alleghany; and in the quiet cemetery on the mountain side, looking down on the home he had built and beautified and on the stirring town in which he had spent more than half a century of his life, they left him, dust returned to dust.

As a business man Colonel Watson was careful, prudent, energetic, indefatigable, persevering, and determined in what he undertoook, and hence he made a success of his undertakings. He was industrious in habit, cool in judgment, cautious in plan, thorough in investigation, and careful, even tiresome, in attention to details. He had clear and practical views, remarkable sagacity, and tremendous energy. He was possessed of abundant means to gratify every whim or wish, but he remained frugal in his tastes, economical and close in his business transactions. He knew the power of money and valued it accordingly. He used it intelligently and at times liberally. He combined the qualities which made financial success a certainty.

Into politics he carried his business methods. He decided what he wanted and set resolutely at work to obtain it. He concentrated his attention on the end to be gained with a determination that admitted no question or cavil, and thus sometimes he failed to discriminate carefully as to the means and agencies employed to reach that end; he was occasionally beaten, but he never surrendered.

As a member of this body he was quiet, attentive, and faithful; he made no speeches, took no part in debate nor in the management or molding of legislation on this floor.

He had come into this body without special adaptation or previous training, but he sought with patience, and fair success, to supply these deficiencies, and acquaint himself with the proceedings in which he was taking part. He was regular in attendance when not disabled by sickness, and by his votes voiced the sentiments of his constituents faithfully and intelligently.

He was dignified and gentlemanly in his deportment, disposed to be sociable and companionable with his friends and to cultivate the acquaintance and good will of his fellow-members.

He was attentive to the wants of his constituents and ever ready to answer their calls upon him. He employed competent assistance to look to what he could not personally do, and at the Pension Office and various departments, with the thoroughness and persistency which characterized the conduct of his private affairs, he sought to carry out the wishes and promote the interests of those he represented.

Serving in no two Congresses successively, he labored at all times more or less under the disadvantages and limitations which always surround and hamper a new member, but he had a fair measure of confidence in himself and asserted his position and rights with commendable zeal and courage; and he enjoyed the confidence and respect of his associates on this floor.

But, sir, his work is ended. The widowed wife and the only child

mingle their bitter burning tears over the new-made grave; business associates express their sorrow and tender their sympathies; the lawmakers of a great nation pause in their work and offer their tributes of respect and regard; but the great world moves on. The ranks close up. The tumultuous present crowds out the sad and saddening past. The necessity for action cuts short the opportunity for memory; and we turn again to the duties that confront us.

That the wound heals quickly does not indicate that it was not deep, but only that the system is in a healthy condition and the recuperative forces normal and strong.

Mr. HOLMAN. Mr. Speaker, I had only a brief acquaintance with Mr. Watson, and yet the judgment I formed of his character is admirably expressed in the eloquent addresses we have just heard from the gentlemen from Pennsylvania [Mr. O'NEILL and Mr. STONE], who had known him so long and well. I had the pleasure of forming an acquaintance with Mr. Watson in the Forty-seventh Congress; and it was with sincere gratification that I met him as a member of this House at the opening of its first session. During the present Congress and up to the time of his death he was a member of the Committee on Public Lands, of which I am a member; and until failing health compelled him to abstain from his active committee duty I had the pleasure of meeting him from week to week in the current business of that committee. I formed a very high opinion of his capacity in business affairs and of his qualities as a gentleman. He was a gentleman of fairness and candor, thoroughly upright and honest, and anxious to fulfill with fidelity the trust he had assumed as a representative of the people.

Mr. Watson, as a Representative, felt an earnest interest in everything that concerned the prosperity of our country, and I felt sure that such a man as he was could not live in any community without its being improved and bettered by his life. He was a gentleman of amiable disposition, around whom friends would gather. I have been informed that he was a gentleman of ample fortune, the result of his own honorable enterprise. Large fortunes, whether inherited or the result of patient industry, do not generally inspire in the hearts of their possessors a kind and benevolent spirit. Such fortunes suggest the endowment of great institutions and acts of public munificence, but their possessors seldom display the generous and heart-enlarging charity that without ostentation feeds the hungry, consoles the afflicted, and seeks to raise up the fallen.

I know nothing of the home life of Mr. Watson, but I feel sure that he was a kind and charitable gentleman, willing to aid the poor and unfortunate, and never turned from his door anyone seeking food, shelter, or relief. His face was pleasant, kind, and benevolent. I was charmed with his social qualities. He met his friends with a frank and cordial greeting. His conversation was pleasant and instructive.

At the close of a long life, devoted to enterprises beneficial to the community in which he lived and to his country, I am sure Mr. Watson merited and received that highest eulogy that can be expressed on a life well spent, the heartfelt regret of those who knew him well, that a good man was dead. In the final vicissitudes of life the tears of neighbors and friends are the highest tribute the living can pay to the memory of the dead.

Mr. BOUTELLE. Mr. Speaker, the House of Representatives of the Fifty-first Congress has been called upon to an unusual extent to observe in tributes to the departed the remarkable visitations of fatality which have followed the membership of this House. And to-day it becomes our duty to pause amid the busy work of legislation to pay a proper tribute of respect and esteem to the memory of one of our departed companions who, during a long and busy and honorable life, had filled out the full rounded measure of public duty and who has now gone to his reward beyond the limitations of our present mortal career.

My acquaintance with the deceased did not extend over a long period of years, nor was it of so intimate a character as that which I have had with some other members of the present and previous Congresses. But as a member of the committee of which I happen to be the chairman in this Congress I was brought into daily contact with him during the greater part of the last session, and had abundant opportunity to observe with interest and respect the admirable traits of character which adorned him. I learned to honor him as a man of earnest convictions, of great integrity, of wise judgment, and amiable temperament. He was peculiarly attentive, even in the minutest details, to any duty which devolved upon him. He was painstaking in his desire to discharge even the least of the obligations resting upon him in his legislative capacity.

In his association with his colleagues, he was a peculiarly delightful comrade and companion; and I may safely say that among the number of those who have gathered about the board of the Naval Committee no member could have been taken away around whose memory there would cling a gentler and sweeter incense of friendship and comradeship.

I have deemed it incumbent upon me to say this much in commemoration of an associate in the committee work of this Congress, a fellow-member for whom I have entertained a very high degree of respect and esteem, and whose sudden and almost tragic death came to me with all the effect of a severe shock and personal loss.

Mr. BROSIUS. Mr. Speaker, I do not hope to add anything to the truth or beauty of the tributes with which love and esteem have garlanded the memory of the distinguished dead; but I crave the indulgence of a moment to mingle my voice with the swelling anthem of affectionate and eloquent eulogy, because I respected and honored our departed friend while living, and dead I feel a sincere and reverential regard for his memory.

The duration of his life, the usefulness of his exertions, the elevation of his sentiments, and the nobility of his character united to form a career interesting, instructive, and admirable in a high degree. Whatever success rewarded his efforts was in no sense due to the conditions of his life. Neither birth nor rank nor fortune aided his advancement. He commenced with "parts and poverty," the characteristic patrimony of American youth. His achievements were due entirely to principles, qualities, and forces which summed up a strong personality.

He possessed a firm will, a sound judgment, and the courage of his convictions. He was a thoughtful man—quiet and unobtrusive—without ostentation or egotism, simple in his tastes, blameless in character, benevolent in feeling, and was, I believe, from my observation of him, a signal example of fidelity to conviction, devotion to duty, and loyalty to conscience and country. If the qualities exhibited during the brief period of our association as colleagues here were in any degree an index to his character, it is safe to say that no draft upon his duty, his honor, his patriotism, or his benevolence ever went to protest.

Remembering his promptitude and his unremitting attention to the calls made upon him, if I were to select from the cluster of his excellent qualities a single one to extol above others, I would say that no attribute of this superior man shone with a more supernal splendor than his conscientious and tireless devotion to duty. This is the "golden text" in the lesson of his life. He must have formed a part of his religion from the shipmaster in the story who prayed to Neptune, "Oh, God; Thou mayest save me if Thou wilt, or destroy me; but however it be I will hold my rudder true."

If Schiller's poetic soul had put to Colonel Watson the question, 'What shall I do to gain eternal life?" his kindred spirit would have answered back in the poet's own glowing words:

Thy duty ever.
Discharge aright the simple duties with
Which each day is rife; yea, with thy might.

So this good man has been twice ennobled. Death and duty ennoble all men. Such superb characters are the richest and rarest fruit of earth, and the fine vintage of their example should be garnered by their surviving countrymen for their instruction and refreshment. No man, with limited human vision, can see enough of the arc to be able even in imagination to picture the completed circle of noble influence exerted upon mankind by exhibitions of loyal devotion to high ideals. My soul bows in reverence and love before the human temple which enshrines the divinity of "duty."

Our brother reached the bounds of man's appointed years. The mysterious clock which the angel of life wound up to run for three score years and ten, and then handed the key to the angel of the resurrection, ran down at the appointed time. Death came suddenly. We heard the rustle and saw the shadow of his wings, and it was over. The record of a useful life was surrendered to the keeping of his surviving friends and the just judgment of history.

There is solace in the thought that his death was in season. He was gathered like the ripe sheaf into the garner. Life's blessings had been enjoyed; life's work was fairly done, though the harness was still on, when nature, with some rudeness in her touch, but with a soft and gentle purpose, disengaged the vital cord and he passed serenely to his final rest on the other shore of that mysterious sea "that never yet has borne on any wave the image of a homeward sail."

And now, as we leave the contemplation of our departed friend, those who loved him can carry with them the consolatory reflection "that, while green grass will cover his grave, blue skies bend over it, sweet birds sing near it, and the place will be hallowed ground, yet, greener than the grass, fairer than the skies, sweeter than the birds, more hallowed than the grave itself, will be his fragrant memory, enshrined with supreme sacredness in their heart of heart."

Mr. MUTCHLER. We are called upon to-day, for the third time during the present term of Congress, to mourn the loss and pay tribute to the memory of a member of the Pennsylvania delegation.

Thrice within a period of a little more than twelve months has the unerring archer selected a victim from among our number and sent his fatal shaft to remove him from the scenes that surround us.

The grass had scarcely begun to grow upon the grave of Kelley before we were called upon to follow thence all that was mortal of Ran-

dall, and while the eyes of friends and relatives of those two distinguished statesmen were yet moist with the tears of love and affection, and while the sound of their funeral bells still lingered in our ears, the same fell instrument of destruction winged its way into the heart of the subject of this day's eulogies.

My acquaintance with Lewis F. Watson began with the Forty-seventh Congress. Of his early life I have but little knowledge. He and I were reared in remote parts of the State, he on the western and I on the eastern border. It was, however, not long after our first meeting before I discovered that he possessed qualities of both head and heart which can not fail to command the respect and confidence due to a good man. He had large experience in business matters and a clear and comprehensive knowledge of the wants of the people. In his intercourse with his fellow-members he was always pleasant, kind, and affable, and never seemed to entertain an unkind thought of anyone.

As a man of business he was energetic, cautious, and successful. To every enterprise upon which he embarked he brought the vigor of a well-trained mind and the resolution of a strong and unyielding will. He had no patience with people who believe that happiness is to be found in leading an idle and useless life, but was firm in his conviction that it is the solemn duty of every man to faithfully and earnestly employ the talents with which nature has endowed him in honest effort to acquire the means which add to the material and intellectual wealth of the world, and which tend to make home more comfortable and life more enjoyable.

It was the good fortune of Mr. Watson, possessing, as he did, those qualities which are essential to success in all business men, that he was born and lived in that part of his State where, up to the time of his early manhood, some of its richest resources were yet undeveloped. The existence of vast forests of the choicest timber and the discovery of immense basins of petroleum afforded a grand opportunity for the exercise of his ability and energy as a man devoted to business enterprises. In the operation and production of these valuable articles of commerce he was actively engaged for many years, and the ample fortune which he enjoyed in the latter part of his life, and which he has left as a comfort to those nearest and dearest to him while here, is the evidence of his industry and ability.

That Mr. Watson enjoyed the respect and confidence of men who knew him best, is evidenced by the fact that he was three times chosen to represent them on this floor, and, had he not been stricken down while at his post of duty, he doubtless would have been continued another term at least.

The good opinion which a community may have with respect to the character of one of its number may not always be the truest measure of merit, but when that opinion is emphasized by the bestowal of repeated honors, as was the case with my lamented colleague, it is the surest test of a generous and winning disposition, a virtuous life, and of noble and exalted worth.

The death of my colleague was sudden, peaceful, and, to all appearances, painless. Almost within the twinkling of an eye and while apparently in good health, he was transported from earthly scenes "to others we know not of." He was not cut down in the vigor of physical manhood, but his days were prolonged beyond the period allotted to the great majority of mankind.

Mr. Speaker, to the darkness, pain, and sorrow of death all nature seems indifferent, harsh, and pitiless. We are born into the world, live for a day, and then take our departure, whither we know not. Yet faith and affection, listening to the small voice that comes from the tomb, hear the rustle of life and happiness beyond.

Mr. HALL. Mr. Speaker, my acquaintance with Lewis F. Watson began with the Fifty-first Congress. We were members of the same committee—Public Lands.

I was one of those selected to accompany the remains to its last resting place. We buried him in that beautiful spot, the cemetery at Warren, Pa., near the city in which he had led such a useful and honorable life and where his loss is so deeply felt. Mr. Watson and myself were drawn together in some unaccountable way, as men often are, from our first acquaintance. He was largely interested in pine land and lumber. I had had much to do with lumbering in early life. He owned and operated a large farm in Dakota. I was a farmer and much interested in matters pertaining to agriculture. Thus in some things our thoughts ran together and we became unusually good friends for the time we had known each other. I found him remarkably well informed upon all matters of business, and the scope of his information was not circumscribed by business alone. I learned to admire him for his sterling qualities and true worth.

Lewis F. Watson was every inch a true man; his colleagues knew it, his associates knew it, his neighbors knew it. He was a self-made man. In early life he earned his bread by the sweat of his brow. He adopted a code of rules; he hewed to the line, and by honesty and fair dealing, accompanied with energy and force of character, he amassed a fortune, one might almost say, with his strong right arm. What an example for the rising generation; what encouragement for the poor boy; what a tribute to honesty and true manhood! It shows the possibilities in this free land of ours.

Such men as Lewis F. Watson are milestones, as it were, to guide the feet and nerve on the discouraged youth who struggles with the realities of life and hardships attending small beginnings. He sees what honesty and energy have done; he goes forward to do likewise.

It has been said that "many a despicable wretch lies beneath a marble monument decorated with a flattering epitaph."

How opposite to this is it with our late friend and brother! Upon his tombstone may be recorded that priceless inheritance, dearer to his posterity and friends than wealth or station, the record of an honest man. The world is better for such as he having lived. He was an honest workman. He was a good merchant. He was an honest banker. He was a great, big, all-round man. He is gone. We miss him; his neighbors miss him; all who knew him miss him; and his brethren mourn.

With such striking examples as the life and successful career of our dear friend who has gone, may many others come forward upon the stage of action to lead useful and honorable lives guided by the noble actions of such as Lewis F. Watson.

Mr. QUINN. Mr. Speaker, on this sad occasion I am prompted to speak a few words of eulogy on the life and character of our late distinguished colleague, Lewis F. Watson. With what feelings of sorrow and grief the members of this, the Fifty-first Congress, have seen so many of their colleagues, so many of the noble and the good, stricken down by their side. Men strong in the hope of long and many years yet to come, men whose hearts beat warmly and tenderly and whose greatest hope was that they might be spared to render greater good, have been taken from among us, and on earth are lost to us forever.

And Pennsylvania, that State so loyal and true to every noble impulse, so patriotic in war and so affectionate and gentle in peace, has had to bear the greatest share in this irreparable loss.

Mourning as we did during the last session of Congress over the bier of William D. Kelley, he who was known as the Father of the House, he who had spent in the service of his country without stain or blemish of any kind the greater portion of a long and useful life, soon again we were called upon to mourn the loss of another of Pennsylvania's sons, the matchless Randall, he who in the darkest hour of our country's history, whether on the field of battle or in the Halls of Congress, was never known to flinch before an opponent when he believed that the cause which he was defending was just; in battle fierce and terrible, yet gentle and courteous to the most humble antagonist, and, when the battle was over, in disposition as sweet, genial, and bright as the morning sun. The name of Samuel J. Randall will go down through the ages to come, to our children, as one of the most brilliant and spotless in our country's history.

And to-day, Mr. Speaker, we mourn the loss of Lewis F. Watson, a man whose name may not have been as widely known as those of our late colleagues of Pennsylvania whose names I have just mentioned, but whose character was as pure and unsullied as that of any other man who had ever gone before him through the dread portals of death. As a member of the Committee on Public Lands along with Mr. Watson, I had an opportunity of studying and of fully knowing the character of our lamented colleague. Often have I watched and admired with what keenness and intelligence he studied the various and important matters coming before that committee, and never was he known to give his sanction to any of its decisions until he was fully convinced that that decision was for the public good.

Who are there that will not be compelled to admire the wonderful career of this truly good man? Born without any of the advantages which wealth and power give, he, in his life, was one of the truest exponents of the vast, the limitless possibilities of American manhood. In the seventy-one years which he lived what a brilliant example he has left to not only the people of this generation, but also to the generations yet unborn. By the sheer force of indomitable will he overcame every obstacle, becoming one of the wealthiest and most important merchants of his native State.

Honesty, integrity, and courage were all the inheritance he had to start life's battle with, but worlds have been conquered by just such qualities and by just such individuals.

Possessed in an eminent degree of all of these qualities is it any wonder that Mr. Watson rose in the esteem of his fellow-men, rose in wealth and power such as rarely fall to the lot of mankind? The distinguished gentlemen, his colleagues from Pennsylvania, who knew him well, have told you that with all his wealth he never for a moment forgot the poor and the afflicted, acting only as the agent in the distribution of his surplus means; for among the many wealthy men of his State none were so ready to lend a helping hand to the suffering and the needy as he, none so prompt to respond to the cry of sorrow and of suffering as he, and no man more ready to relieve the poverty and distress of those around him than was Lewis F. Watson.

No wonder that we join our sorrow with the devoted companion of his life, the sharer of his earlier struggles and of his greatest triumphs; no wonder that our hearts go out to the faithful, the affectionate wife in her bereavement; no wonder that Pennsylvania mourns the loss of one of its brightest sons; no wonder that a nation, through its Representatives on the floor of this House, mourns over his grave, for a nation's loss is the loss of such a son.

Well might we say with our venerable poet, he who is now himself hovering between life and death, General Albert Pike:

Life is a count of losses
Every year;
For the weak are heavier crosses
Every year.
Lost spring with sobs replying
Unto weary autumn's sighing
While those we love are dying
Every year.
But the truer life draws nigher
Every year,
And the morning star climbs higher
Every year.
Earth's hold on us proves slighter
And its heavy burden lighter
And the dawn immortal brighter
Every year.

What a consoling hope for weary mortals to feel that, after all our cares and sorrows, all our disappointments, and at times almost our despair, the truer life draws nigher, that faith, our beacon of hope, lifts our souls higher and higher, and as our hold on earth grows lighter we feel the dawn of immortality already overshadowing us. Then may we hear the sweet sounds of the angels mingling with the voices of our dear ones, our loved ones, who have gone before, inviting us to come to them, to be with them, in the mansions of eternal bliss, forever and forever.

Mr. McADOO. Mr. Speaker, as is well known to the members of this House, the closest friendships and the best knowledge of the individual members of this body are gained from personal contact in the committees. When this Congress organized and the Naval Committee, of which I have been a member during my service here, met for the first time last session I became acquainted with Mr. Watson, and in the close contact brought about by the business of the committee I gained a knowledge of his character and of his capacity which created in my mind a profound respect and admiration for the man.

He was thoroughly simple and yet dignified in his manner—an earnest, truth-seeking, practical man in everything that he did. He had reached more than the allotted years of the average man, and had arrived at that period of life at which, from the very laws of nature itself, he could not but know that the journey for him had well-nigh ended. He was, although vigorous in mind, somewhat feeble in health, and I was struck with the fact that during that long, hot summer, amid the turmoil and excitement of a memorable session and under circumstances, taking his age and physical condition into consideration, when he might well have been excused from close attendance on the committee, he was always present at its meetings and that the public duty of the office of Representative was to him an earnest matter of the highest interest and responsibility, to be attended to with unwavering fidelity, not alone in the presence of man, but in the sight of God—an honest, sincere, honorable, upright man performing his duty without ostentation or affectation; broad and catholic in his patriotism; intense in devotion to those homely virtues which mark the rugged manhood of the Republic; strong, severe, unaltering, yet natural, like the western mountains of his great State, and amiable, gentle, domestic withal.

I think there was no man on that committee who was more respected by his colleagues than was our deceased friend. I can well conceive that in the community where he lived, as has been said already to-day, he would be a man of commanding influence, as an honest, capable, patient, toiling man, of sincere convictions and absolute reliability will always be. I was attracted to Mr. Watson by those first impressions we are apt to form of men, and also felt an interest in him from the fact that he represented in Western Pennsylvania many who were allied to me by close ties of kinship and who were amongst the early settlers of Venango and the adjoining counties, a country of beautiful water ways, fertile valleys, rich in timber and petroleum and mineral deposits, but in the main mountainous and rugged, but picturesque. Men might grow slowly in developing their inner lives, but they grew naturally, surely, and strongly, giving to Pennsylvania its strong individuality and splendid position among the older and younger Commonwealths.

To-day in the presence of the bier of the late Secretary of the Treasury and recalling the awful suddenness and shocking swiftness of the summons to this statesman and executive officer of our common Government, as well as the swift and unlooked-for passing away of our friend, Mr. Watson, the words of the divine Master as recorded are profoundly impressive to every one of us:

But of that day and that hour knoweth no man; no, not the angels which are in heaven, neither the Son, but the Father.

Take ye heed, watch and pray: for ye know not when the time is.

For the Son of man is as a man taking a far journey, who left his house, and gave authority to his servants, and to every man his work and commanded the porter to watch.

Watch ye, therefore: for ye know not when the master of the house cometh, at even, or at midnight, or at the cock-crowing, or in the morning: lest coming suddenly he find you sleeping. And what I say unto you I say unto all: Watch.

Our friend in the morning of a summer day, at his post, despite his frailty and his years, on his way to the meeting of this House suddenly met the glorious apparition of the Master, feasted his eyes upon the unspeakable splendors of the kingdom of the faithful, and was not found asleep, but watching and working as commanded.

Mr. LACEY. Mr. Speaker, again and again has this Chamber been darkened by the passing wing of the angel of death.

On both sides of the aisle which divides this body into two political parties has the fatal shaft repeatedly fallen.

Death has made no distinction of age or political creed, and the venerable father of the House [Mr. Kelley], who has so long done honor to Pennsylvania, and the gifted young member [Mr. Walker] from Missouri alike have paid the debt of nature.

Pennsylvania has suffered great losses during the present Congress, and in the roll of the dead, comprising the names of Beck, Burnes, Townshend, Gay, Laird, Cox, Wilbur, Walker, Nutting, Kelley, Randall, and Watson, the Keystone State has lost three out of the twelve.

I remember in my boyhood an old tree that stood upon my father's farm. Its bare, gray, weatherbeaten arms were stretched upward as if in prayer. Wind, flood, and fire had all smitten it and left their mark, but they all seemed to strike in vain, for still it stood, the giant and master of the grove. On the morning after many a tempest I had looked to see it lying wrecked in the track of the storm, but it had withstood them all. But on one bright summer afternoon, when not a breath of air was stirring and not a cloud was in the sky, the old tree fell with a sudden and startling crash.

And so fell our colleague whom we commemorate to-day.

In apparent health, crowned with years which had added to the dignity of his appearance without hinting at serious decay, he bore all the marks of a vigorous old age.

Suddenly the word came that he had fallen.

Man's enemy lurks unseen, and decay is the common lot of all.

A worm is at the heart of youth,
And at the root of age.

The worm made its secret presence known at last, and the end came. The end, did I say? No, it was but the beginning. In a loftier life let us hope our friend has solved that greatest of all questions, "If a man die, shall he live again?"

Mr. Speaker, the time is not lost when the members of this House lay aside for a few hours the business of legislation to contemplate their mortality as men.

Our labors, as the first Congress in the second century of the nation's constitutional life, are soon to end. It has been a Congress full of political antagonism and one in which party spirit has run high. But while we gather around the Speaker's desk to hold in loving remembrance the name of Lewis F. Watson, a name kindly cherished by all who knew him on either side of the Chamber in the various Congresses in which he served, we can well lay aside the rancor of party spirit and remember only that we are fellow-citizens and colleagues in this great representative body.

It is upon the floor of the House that the scenes occur which imbitter the association of the Representatives of the people, and the antipathies arise which often last through afteryears. Men are too apt to represent their parties alone upon the floor.

But in the committeeroom the inner selves of members come to the surface, and there it is that friendships are formed which are not bounded by States or party creeds. There it is that the light of the man himself shines out. It is there that we see at once the business, the political, and the social sides of our colleagues, and find that the man whom we have so often condemned upon the hustings is one whom it is a pleasure to know.

It was in the Committee on Public Lands that I formed the acquaintance of Mr. Watson. My elbow touched his at the committeetable, and there I learned speedily to know and appreciate his qualities.

He was a watchful, observing, and working Representative, and although he was not active in debate he always kept informed upon the questions that were under consideration. Heartily in line with his political associates and fully imbued with the belief that the principles of his party were right, he never forgot the consideration that was due to his associates with whom he disagreed.

Practical good sense and a genial, pleasant manner made him alike a useful and agreeable companion.

The world had been kind to him and he was kind to all the world.

He was a prosperous man, but he shared his riches with his less favored fellow-men. He recognized the fact that with the possession of wealth came the responsibility of administering the same as a trust for the good of those around him.

Ripe in years he had lived the full period usually allotted to man.

It was said of a Greek mother that her death was the happiest recorded in history, because she died at the moment that she heard of the victory of her son at the Olympic games. So our departed friend died at the summit of earthly prosperity and success.

Fortunate and prudent in his life, he was happy in a quick, unexpected, and painless death, a death the suddenness of which did not find him unprepared. The prayer for delivery from sudden death is for those who are unfit to go.

Dying at the nation's Capital he was carried by the loving hands of his colleagues to his home in the State he loved so well, and there, followed by crowds of friends who had known him through his long and useful life, he was laid at rest amid familiar scenes.

Here again we have the old lesson renewed once more. Even while we sit here to-day another great life has gone. Another candle burning with a steady flame has suddenly been blown out, and the strong voice of William Windom had only sunk to silence, his lips had barely closed, when they opened in that mysterious afterlife to which we are all moving.

Montaigne says:

Why dost thou fear this last day? It contributes no more to thy destruction than every one of the rest. Every day travels towards death; the last only arrives at it.

Mr. MANSUR. Lewis F. Watson, of Warren, was born in Crawford County, Pennsylvania; received an academic education; engaged in mercantile pursuits, and for the past twenty years has been an extensive operator in lumber and in the production of petroleum; in 1861 organized the Conewango Valley Railroad Company, now known as the Dunkirk, Allegheny Valley and Pittsburgh, and was elected its first president; was elected president of the Warren Savings Bank at its organization in 1870, a position which he still holds; was elected to the Forty-fifth and Forty-seventh Congresses, and was elected to the Fifty-first Congress as a Republican, receiving 13,582 votes against 9,370 votes for William A. Rankin, Democrat, 1,670 votes for Charles Miller, prohibitionist, and 919 votes for J. Whiteley.

Such is the biographical information given by the Congressional Directory of last session relative to the life work of our deceased friend and colleague. On this sad occasion it is to be supplemented by his friends by further illustrations drawn from his life record, of traits of character illustrative of his career and of the great success attained by this strong yet modest man.

His achievements were many and varied. Trader, speculator, lumberman, banker, railroad promoter, builder, and manager, thrice a member of Congress, legislator in the great Sanhedrim of his nation—all attest the varied resources and capabilities of this strong man. Possessed of small means in his young manhood, he exercised a close economy that laid sure foundations for a colossal fortune extending into the millions, ranking him at the time of his death as one of the wealthiest men in Northwestern Pennsylvania.

At the start very close and economical in his habits, yet he had the sturdy sense as wealth grew upon him to liberalize himself in its use. So while his personal habits and tastes remained ever simple, to achieve a point, to create a home, to build up his town, to develop his region, to aid worthy charitable and benevolent objects, he eventually became fairly liberal.

His life achievment is one of which his friends, region, country, kindred, and family can be proud. It is another shining example of the possibilities open to our American youth, under stimulating influences of climate, soil, love of freedom, republican institutions, and democratic form of government, all creating a spirited rivalry among the sons of America, that in the end weed out the slothful, relegate the incapable to the rear of active participants, and give the crown of honor and success to those who so worthily win.

View the life of our deceased colleague as a well-rounded orb. Take it as a whole, estimate it as we do the sun that gives warmth, beauty, vigor to the earth and fecundates it with animal and vegetable life; how insignificant and how contemptible the criticism that would magnify the spots thereon or decry its glory in comparison with its products; so, in like manner, how small and puny any effort that would deprecate the high status and glorious standing among his fellow-men won by our deceased brother!

Death is at all times sorrowful to contemplate by loving kindred and family; yet when a beloved person has attained threescore and ten, the tendons and muscles stiff and working with difficulty, heart-throbs slow, irregular, pulsating feebly, nerves, palate, and eyesight each failing, a consciousness growing day by day that life's work approximates its end, yet sustained by an inner satisfaction that all obligations have been met with a stout heart and performed with an eye single to duty, to man, to country, and to God, then to such person, as also to friends and kindred, death is robbed of its fears, and when it comes all can join in the language of inspiration and exclaim:

O death, where is thy sting? O grave, where is thy victory?

In this light, the death of our friend was one to be courted, not shunned. Admonished, from time to time, as he was, that dissolution was drawing nigh; to fall at the post of duty as he fell; to suffer the great change, and in a twinkling to go from the terrestrial to the celestial, marks our friend as fortunate in his decease as he was favored in his life.

Mr. Speaker, appointed as a member of the committee of this House to do honor to and attend the burial of our departed friend, I shall not soon forget the great attendance, the sad hearts and funereal countenances, the universal desolation of woe shown in the myriad black and somber hangings everywhere exhibited that greeted our arrival and solemn procession with our dead through the streets of Warren to his residence, where consolations that religion only can bestow and grant were extended by a pious pastor to the widow, family, friends, and neighbors present in sympathizing sorrow and honor, and when again the procession was formed and wound its slow length adown the town and as

The bell doth toll
For some but now
Departing soul,

across the long length of a bridge over the phenomenally beautiful Allegheny, we began the winding ascent of a bold and beautiful promontory, where high up lay "a silent city of the dead." Reaching the open grave, it seemed the most beautiful spot upon the earth for a man to sleep his long and eternal sleep upon. The setting sun illuminated the west and shed a halo of glory over forest and stream. A summer shower glistened in globules of light on every bending twig and blade of grass and leaf of tree.

The grave overlooked long reaches of the river below, placid as a summer's dream; in front, all around, eternal hills robed in green foliage shut in the view; below us and at our feet were divers bridges spanning the river; along it, busy marts of industry now hushed in silence, the whole town of Warren looking as if but a stone's throw away, beautiful homes everywhere; among them, his home at his feet. Such are the surroundings and outlook from the spot where we laid him, amid a silence only broken by the twitter of the birds above, the low sobs of his family and friends, and the falling of the clods that covered him from view.

Of him and of his life I can say in the language of Bishop Hall:

Man is no sooner made than he is set to work. Neither greatness nor perfection can privilege a folded hand. How much more cheerfully we go about our business, so much nearer we come to our paradise.

Mr. RAY. Mr. Speaker, I shall occupy the time of the House but briefly in paying my humble tribute of respect to the memory of my deceased colleague from Pennsylvania, Hon. Lewis F. Watson.

My personal acquaintance with Mr. Watson was of comparatively short duration, covering a period of something less than nine months. It began with the beginning of the present Congress and terminated with the close of his honored and useful life on the 25th day of August, 1890. During that interval, although both coming from the same State and occupying seats on the same side of the House, we were only occasionally thrown together, and never, save once, except upon this floor.

My knowledge, therefore, of the deceased, gained from personal contact and intercourse with him, is very slight and will not justify me in attempting any analysis of his character, nor in passing any extended eulogy upon his manifold private and domestic virtues. That task has devolved upon those who knew him longer and better than myself and were better able, "by apt words fitly spoken," to do him justice.

Only a few days before his death—some two or three—in the course of quite a lengthy conversation he recounted to me the physical sufferings he had undergone during the past few months. He spoke of his abstemious habits in his struggle with disease, and expressed the hope, if not the belief, that he was then on the highway to full and complete recovery. Although burdened with threescore years and ten, their weight seemed to rest lightly upon him. He was looking forward, cheerfully and expectantly, to still coming years of labor, of usefulness, and of honor. His star of hope, if not in the zenith, was far above the horizon and shining brightly.

Alas, how frail and uncertain the tenure of human life. Even as we talked together he was standing, all unconscious and unsuspecting, upon the verge of "the valley of the shadow of death." Our conversation ended, we separated, and I saw him no more. The next mention I heard of his name was the announcement made to the House of Representatives that the dread messenger, to whose summons all men must make answer, had called him from his public station, and that his life, with all its hopes and aspirations, its pleasures and sorrows, its duties and responsibilities, had suddenly and unexpectedly ended. That announcement, with the recollection of his recent words still fresh in my mind, could not prove otherwise than painful and impressed upon me anew the thought that "in the midst of life we are in death."

How he met the last great ordeal I do not know. I can well imagine, however, and believe that he met it as he had met all the stern and stubborn realities of life, bravely, manfully, courageously, and that with unfaltering steps and unnerved heart he passed into the mysterious, and I trust happier and better, hereafter.

In my limited intercourse with him he impressed me as a man of plain and simple habits, of pleasant and unostentatious manners, of kindly sympathies and a genial, generous nature. He was uniformly courteous in his bearing, unobtrusive, and unassuming.

Although not college bred he was well educated and, what was better still, was largely endowed with the genius of common sense. To that rare endowment, added to his untiring energy and great capacity for work, he owed much of the success that he achieved both in private and in public life. As a business man he was keen, shrewd, practical, and methodical. Method, in fact, was part of the man. Throughout almost his entire business career he was not only eminently but uniformly successful, as farmer, merchant, banker, and railroad president. It seemed that whatever he touched as with magic power was changed to gold, and when he died he was the owner of a princely fortune.

The public life of Lewis F. Watson began with his election to the Forty-fifth Congress. Subsequently he was elected to the Forty-sev-

enth and Fifty-first Congresses, and was, at the time of his death, the nominee of his party for a seat in the Fifty-second. To the performance of his official duties he brought sound, discriminating judgment, tireless energy, and the wisdom "born of things achieved" in business life. From the beginning to the end of his public career he shirked no duty, evaded no responsibility, and had at all times the sublime courage of his convictions. Educated and trained in the school of practical affairs and believing the Government to be a business as well as a political institution, he advocated the application to its conduct of the same methods that had proven valuable to him in his private enterprises.

To the gifts and graces of oratory he made no pretensions, and his voice was seldom heard in the debates upon the floor. In the committeeroom, however, where the real work of Congress is done and where legislation is shaped and practically determined, his calm, clear, penetrating judgment frequently determined the fate of a measure.

In his attendance upon the sittings of the House and at the meetings of the committees of which he was a member, he was always prompt and punctual. Nothing but sickness or other unavoidable circumstances was ever permitted to interfere with his performance of the duties committed to his care. He served his constituents faithfully and well, and that they duly appreciated his worth and work is attested by the number of times they elected him to a seat in the highest legislative body of the Republic.

His public life was as pure as it was plain, earnest, and practical. No suspicion of corruption or evil-doing was ever, even in the slightest degree, associated with his name. He has made for himself a record that has upon its fair page no blot or stain, the record of a true, noble, manly, courageous life, of fidelity to home and family, of high regard for his fellow-man and sincere devotion to his country.

Mr. MAISH. Mr. Speaker, Mr. Watson possessed many commendable virtues. One of these, it seems to me, was the guiding star of his eminently successful life. Duty was to him an imperative command. Whatever he had to do, that path he would rigidly follow. It dominated his conduct in all the relations of life. It was, I believe, the secret of his success. A distinguished German author defined duty to be "the moral power of the individual." This was our brother's conception of it. Governed by it, he was rigidly just, thoroughly honest.

When it became apparent to his anxious friends that his strength was failing, they cautiously admonished him to repair to some health resort. To these suggestions he would firmly reply, "It is my duty to remain here." He told his sorrowing widow on the day of his death, who, seeing with the keen eye of affection, the portentous ravages of disease, urged him to go away, "I would rather die at my post."

Our brother was a man of unobtrusive manners. When, however, his opinions were sought he would give them decisively and firmly, as a man who knew what he was talking about.

He gave to every prominent public question a careful consideration and he possessed a direct and trenchant way of giving the reasons for the faith within him. This was no doubt the result of his business training. As is well known, he was an eminently successful business man, and by superior skill and judgment in that pursuit amassed a large fortune. Beginning as he did at the lowest round of the ladder, he rose to the very top by dint of great industry and extraordinary capacity. Chance played no part in it.

This, in my judgment, is among the highest types of intellectual power. The ability to forecast the complex and varied forces of human energy is the gift of comparatively few, and yet this gift is requisite to the successful man of business. It is well that men of this character are often elected to fill seats in Congress. Here great problems of finance and trade are constantly considered, and what class of men are better qualified to grapple with these subjects? Few I am sure ever occupied seats in this Hall who were better fitted by large and successful business experience for the performance of the duties of legislation, and the advantage this gave him was plainly manifest whenever he came to the consideration of financial questions.

His domestic qualities were of the gentlest and sweetest kind. I first met him in the Forty-fifth Congress, to which we were both elected. His kindly nature soon attracted me to him and we became friends. After an interim of eight years we again met here as members of this House. The friendship we first formed was speedily renewed. It was, I am sure, warm and sincere, and I could not omit to pay my tribute to his memory.

Death is always terrible, come as it may. Sudden death, however, strikes us with a peculiar horror. But why should it when it comes as it did to our brother? He fell as falls the warrior on the field of battle. He was in the midst of the struggle when the summons came.

There is a tinge of heroism in such a death. The anguish of the heart is relieved by the contemplation of a spectacle so brave and manly. How startling was the tragic death of Windom! Sympathy and sorrow fill every breast. Yet if the hour had arrived for the spirit's flight, it could not have come more opportunely. The mind, the spiritual part, had just finished its temporal task when the dread messenger knocked at the door. His work here was over, and straightway he joined the invisible choir of the dead.

How beautifully did our own poet, Fitz-Greene Halleck, convey the thought in that inimitable poem of his on Marco Bozzaris:

Come to the bridal chamber, Death!
Come to the mother's, when she feels,
For the first time, her first-born's breath;
Come when the blessed seals
That close the pestilence are broke,
And crowded cities wail its stroke;
Come in consumption's ghastly form,
The earthquake shock, the ocean storm;
Come when the heart beats high and warm,
With banquet song, and dance, and wine;
And thou art terrible,—the tear,
The groan, the knell, the pall, the bier,
And all we know, or dream, or fear,
Of agony are thine.

But to the hero, when his sword
Has won the battle for the free,
Thy voice sounds like a prophet's word;
And in its hollow tones are heard
The thanks of millions yet to be.
Come when his task of fame is wrought,
Come with her laurel leaf, blood bought,
Come in her crowning hour, and then
Thy sunken eyes' unearthly light
To him is welcome as the sight
Of sky and stars to prisoned men.
Thy grasp is welcome as the hand
Of brother in a foreign land;
Thy summons welcome as the cry
That told the Indian isles were nigh
To the world-seeking Genoese;
When the land wind from woods of palm
And orange groves and fields of balm
Blew o'er the Haytian seas.

Let us not, therefore, lament that our brother was so suddenly torn away from us. He died with his armor on, and we have the consolation of knowing that he left behind him a rare example of patriotic devotion to duty, which it would be well for the country if all persons charged with a public trust would imitate and practice.

Mr. STONE, of Pennsylvania. As a further mark of respect to the memory of the deceased, I move that the House do now adjourn.

Mr. MAISH. If my colleague will yield for a moment. I understand, Mr. Speaker, that a number of persons desire to prepare addresses on the death of our deceased brother, and I therefore ask unanimous consent that they may have permission to print such remarks in the RECORD when prepared.

The SPEAKER *pro tempore* (Mr. GROSVENOR). In the absence of objection, that order will be made.

There was no objection.

Mr. STONE, of Pennsylvania. I now renew the motion to adjourn.

The motion was agreed to.

The SPEAKER *pro tempore*. Pending the announcement, if there be no objection, the Chair desires to lay before the House certain personal requests of members.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HEMPHILL, for five days, on account of important business.

To Mr. CUTCHEON, for eight days, on account of an important engagement.

To Mr. WHITING, for ten days, on account of important business.

To Mr. HENDERSON, of North Carolina, for one week, on account of important business.

Leave of absence was also granted to the following members of the Select Committee on Immigration until Tuesday next, namely: Messrs. OWEN of Indiana, LEHLBACH, STUMP, and COVERT.

The result of the vote on the motion of Mr. STONE, of Pennsylvania, was then announced.

And accordingly (at 4 o'clock and 35 minutes p. m.) the House adjourned until Monday, February 2, at 2 o'clock p. m.

EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

MILITARY ACADEMY.

Letter from the Secretary of War, transmitting a communication from the superintendent of the United States Military Academy at West Point, and recommending an additional appropriation of $5,000 for the repair of cadet suits, etc.—to the Committee on Military Affairs.

MARY E. SAFFOLD VS. THE UNITED STATES.

Letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Mary E. Saffold against The United States—to the Committee on War Claims.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, a Senate bill of the following title was taken from the Speaker's table and referred as follows:

A bill (S. 4874) to establish a life-saving station at Brant Rock, in the town of Marshfield, Mass.—to the Committee on Commerce.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. CRAIG, from the Committee on Invalid Pensions, reported with amendment the bill of the House (H. R. 5199) granting a pension to Elizabeth Johnson, accompanied by a report (No. 3637)—to the Committee of the Whole House.

Mr. CRAIG also, from the Committee on Invalid Pensions, reported favorably the bill of the House (H. R. 12525) granting a pension to Caroline J. Craft, accompanied by a report (No. 3638)—to the Committee of the Whole House.

Mr. MORRILL, from the Committee on Invalid Pensions, reported favorably the bill of the House (H. R. 13307) to pension Morgan D. Lane, accompanied by a report (No. 3639)—to the Committee of the Whole House.

Mr. EZRA B. TAYLOR, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 13291) to divide the State of Kansas into an eastern and a western judicial district, and for other purposes, reported, as a substitute therefor, a bill (H. R. 13430) to divide the State of Kansas into an eastern and a western judicial district, and for other purposes; which was read twice, and, accompanied by a report (No. 3640), referred to the Committee of the Whole House on the state of the Union.

Mr. BURTON, from the Committee on Claims, reported favorably the bill of the Senate (S. 1926) for the relief of Mary L. Ross, accompanied by a report (No. 3641)—to the Committee of the Whole House.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported favorably the bill of the House (H. R. 13187) for the relief of the legal representatives of William W. Hildreth, deceased, accompanied by a report (No. 3642)—to the Committee of the Whole House.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported with amendment the bill of the House (H. R. 12332) for the relief of Charles H. Adams, accompanied by a report (No. 3643)—to the Committee of the Whole House.

Mr. LANE, from the Committee on Invalid Pensions, reported with amendment the bill of the House (H. R. 10683) granting a pension to Millie A. Ritenour, accompanied by a report (No. 3644)—to the Committee of the Whole House.

Mr. ELLIS, from the Committee on the District of Columbia, reported with amendment the bill of the House (H. R. 11436) granting parts of certain streets in Washington City to the vestry of Washington Parish for the use of the Congressional Cemetery, accompanied by a report (No. 3645)—to the House Calendar.

Mr. STEWART, of Vermont, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 13134) to divide the State of Kentucky into two judicial districts, reported, as a substitute therefor, a bill (H. R. 13434) to divide the State of Kentucky into two judicial districts; which was read twice, and, accompanied by a report (No. 3646), referred to the Committee of the Whole House on the state of the Union.

Mr. WILLIAMS, of Ohio, from the Committee on Military Affairs, reported favorably the bill of the House (H. R. 7466) to remove the charge of desertion against Alfred Rebsamen, accompanied by a report (No. 3647)—to the Committee of the Whole House.

Mr. WILLIAMS, of Ohio, also, from the Committee on Military Affairs, reported favorably the joint resolution of the House (H. Res. 255) for appointment of George H. Bonebrake manager of the National Homes for Disabled Soldiers, accompanied by a report (No. 3648)—to the House Calendar.

Mr. BOOTHMAN, from the Committee on Claims, reported favorably the bill of the Senate (S. 4017) for the relief of Nathan Kimball, postmaster at Ogden, Utah, accompanied by a report (No. 3649)—to the Committee of the Whole House.

Mr. CUTCHEON, from the Committee on Military Affairs, to which was referred the following resolution of the House:

Whereas it appears by an act passed March 3, 1885, the sum of $160,000 was appropriated to enable the Secretary of War to acquire a good and valid title for the United States to the Fort Brown reservation, Texas, and to pay and extinguish all claims for the use and occupation of said reservation: *Provided*, That no part of this sum should be paid until a complete title be vested in the United States; and

Whereas it is alleged that disputes have arisen between claimants as to their respective shares of this appropriation and that the Secretary of War has not paid any part of said amount; and

Whereas by an act of Congress passed in 1875 the sum of $25,000 was appropriated for the purchase of the grounds and payment of rent of the said Fort Brown, and in the report of General Sherman $25,000 was considered as sufficient; and

Whereas, from documentary evidence on file in the War Department, the Quartermaster General's Office, and from the testimony of army officers and civilians, it is alleged that the payment of the sum of $160,000 would be a fraud on the Government:

Resolved, That the Committee on Military Affairs be instructed to investigate the subject matter herein named; also to inquire into and report as to what necessity exists, if any, for a military post at said point and the cost to the United States of said post since 1865, and to report by bill or otherwise.

Resolved, That the Secretary of War be requested to withhold the payment of any part of said sum of $160,000 for the grounds and rents of the said Fort Brown reservation;

reported the same favorably, and, accompanied by a report (No. 3650), it was referred to the House Calendar.

Mr. ATKINSON, of Pennsylvania, from the Committee on the District of Columbia, reported with amendment the following bills of the House; which were severally referred to the House Calendar:

A bill (H. R. 13244) to incorporate the East and West Washington Traction Railway Company of District of Columbia. (Report No. 3651.)

A bill (H. R. 12572) to authorize the Washington and Chesapeake Railroad Company to extend its road into the District of Columbia. (Report No. 3652.)

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, severally read twice, and referred as follows:

By Mr. SIMONDS: A bill (H. R. 13428) to make Enfield, Conn., a port of delivery in the district of Hartford—to the Committee on Commerce.

By Mr. PETERS: A bill (H. R. 13429) confirming to the Kansas Central Railroad Company a right of way upon the military reservation of Fort Leavenworth in the State of Kansas—to the Committee on Military Affairs.

By Mr. CLARK, of Wyoming: A bill (H. R. 13431) granting to the State of Wyoming certain lands in the Fort D. A. Russell military reservation for agricultural fair and industrial exposition grounds, and for other purposes—to the Committee on Military Affairs.

By Mr. FITHIAN: A bill (H. R. 13432) providing for a survey of Little Wabash and Embanoss Rivers, Illinois—to the Committee on Rivers and Harbors.

By Mr. WADE: A bill (H. R. 13433) granting, upon conditions and limitations therein contained, the assent of the United States to certain leases of rights to mine coal in the Choctaw and Chickasaw Nations, Indian Territory—to the Committee on Indian Affairs.

By Mr. SIMONDS: A bill (H. R. 13435) concerning agricultural college funds—to the Committee on Education.

By Mr. GROUT: A bill (H. R. 13436) to provide for opening alleys and constructing sewers in the District of Columbia—to the Committee on the District of Columbia.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the following changes of reference were made:

A concurrent resolution of the Legislature of the State of New York urging passage of the bill to enable States to enforce laws in relation to oleomargarine—Committee on Agriculture discharged, and referred to the Committee on the Judiciary.

A bill (S. 1641) to empower Robert Adger and others to bring suit in the Court of Claims for rent alleged to be due them—Committee on Claims discharged, and referred to the Committee on War Claims.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BURTON: A bill (H. R. 13437) granting a pension to Elizabeth Schmid—to the Committee on Pensions.

By Mr. BYNUM: A bill (H. R. 13438) granting a pension to Charlotte O'Neil—to the Committee on Invalid Pensions.

By Mr. COLEMAN (by request): A bill (H. R. 13439) for the relief of John W. Youman—to the Committee on Claims.

By Mr. COOPER, of Indiana: A bill (H. R. 13440) for the relief of Henry Lanam—to the Committee on Invalid Pensions.

By Mr. CUTCHEON (by request): A bill (H. R. 13441) granting an increase of pension to Michael J. Hewston—to the Committee on Pensions.

By Mr. WALTER I. HAYES: A bill (H. R. 13442) granting a pension to Mary C. Broughton—to the Committee on Invalid Pensions.

By Mr. McRAE: A bill (H. R. 13443) to pension Nathaniel Moon—to the Committee on Pensions.

By Mr. O'DONNELL: A bill (H. R. 13444) granting a pension to Eunice J. Dubois—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13445) granting a pension to Evaline Laverty—to the Committee on Pensions.

Also, a bill (H. R. 13446) granting a pension to Abiah Stoughton—to the Committee on Invalid Pensions.

By Mr. PARRETT: A bill (H. R. 13447) for the relief of John G. Eigenman and John Biedenkopf—to the Committee on Claims.

By Mr. RAY: A bill (H. R. 13448) granting an increase of pension to Henry Scott—to the Committee on Invalid Pensions.

By Mr. SIMONDS: A bill (H. R. 13449) for the relief of the heirs of Henry A. Lee—to the Committee on War Claims.

By Mr. TRACEY: A bill (H. R. 13450) granting a pension to Catharine Cook—to the Committee on Invalid Pensions.

By Mr. WADDILL: A bill (H. R. 13451) for the relief of the estate of James Sheppard, late of Henrico County, Virginia—to the Committee on War Claims.

By Mr. WILLIAMS, of Illinois: A bill (H. R. 13452) granting a pension to Sarah Brooks—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolution of Illinois State Grange, to increase the per capita of currency—to the Committee on Coinage, Weights, and Measures.

Also, by same body, to improve inland water ways—to the Committee on Rivers and Harbors.

Also, petition of same body, against consolidation of capital and corporations to limit production and keep up prices—to the Committee on the Judiciary.

Also, by same body, in favor of Government control of railroads—to the Committee on Commerce.

Also, petition of same body, favoring the election of United States Senators and all Government officers by the people—to the Committee on the Judiciary.

By Mr. ATKINSON, of West Virginia: Resolution protesting against pauper immigration—to the Select Committee on Immigration and Naturalization.

By Mr. BUCHANAN, of New Jersey: Petition of Eureka Council, No. 54, and 129 citizens of Hamilton Square, N. J., to restrict immigration—to the Select Committee on Immigration and Naturalization.

By Mr. BURTON: Memorial of the Board of Trade of Cleveland, Ohio, against further legislation upon the subject of currency or free coinage of silver—to the Committee on Coinage, Weights, and Measures.

Also, resolutions of Donegal Council, No. 512, Junior Order United American Mechanics, of Pennsylvania; also, resolutions of Ambrose Council, Junior Order United American Mechanics, of Pennsylvania; also, resolutions of Cowansburgh Council, Junior Order United American Mechanics, of Pennsylvania; also, resolutions of the Kittanning Council, Junior Order United American Mechanics, of Pennsylvania; also, resolutions of May Flower Council, Junior Order United American Mechanics, Derry, Pa., for restriction of foreign immigration—to the Select Committee on Immigration and Naturalization.

Also, resolution of New Derry Grange, No. 917, Pennsylvania, favoring regulation of sale of oleomargarine—to the Committee on the Judiciary.

By Mr. DALZELL: Resolutions of Chamber of Commerce of Pittsburgh, Pa., concurred in by Reading (Pa.) Board of Trade, in favor of early financial legislation—to the Committee on Banking and Currency.

Also, resolution of American Defense Association, Hazel Glen Council, No. 208, Junior Order United American Mechanics; also of same association, Smoky City Council, No. 119, Junior Order United American Mechanics; also, of same association, Bainbridge Council, No. 128, Junior Order United American Mechanics; also, of same association, North Star Council, Junior Order United American Mechanics; also, of same association, Grand View Council, Junior Order United American Mechanics, in favor of bill to restrict immigration—to the Select Committee on Immigration and Naturalization.

By Mr. DE LANO: Petition of Ellen S. Gregory and 184 other people of Mount Upton, N. Y., praying for the passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. DORSEY: Petition of officers of Sherman County, Nebraska, asking that seed be furnished the destitute farmers for spring planting—to the Committee on Agriculture.

Also, petition of H. L. Pease, Mrs. H. S. Harboyh, and 63 others, citizens of Miller, Nebr., praying for the passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages—to the Select Committee on the Alcoholic Liquor Traffic.

Also, petitions of Farmers' Alliances in the State of Nebraska; also, resolutions adopted by other Farmers' Alliances in the State of Nebraska, asking for the passage of House bill 5353—to the Committee on Agriculture.

By Mr. FLICK: Petition of 21 citizens of Adams County, Iowa; also, resolutions of Jasper Central Farmers' Alliance, No. 6878, Iowa, asking passage of House bill 5353—to the Committee on Agriculture.

By Mr. FLOWER: Petition of the Quakers of Philadelphia, Pa., in regard to the Indians—to the Committee on Indian Affairs.

By Mr. GROUT: Petition (circulated by the Woman's Christian Temperance Union) signed by 50 citizens of Wardsborough, Vt., praying for the passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. HARMER: Memorial of the Philadelphia Maritime Exchange, protesting against the passage of the Senate bill pending for the free and unlimited coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. HAUGEN: Petition of Pat Houghton and 20 others, of Oak Grove, Barron County, Wisconsin, in favor of the antioption bill—to the Committee on Agriculture.

By Mr. EDWARD R. HAYS: Petition of people of Warren County, Iowa; also, of members of Alliance No. 1895, of Iowa, urging passage of the antioption bill—to the Committee on Agriculture.

By Mr. HENDERSON, of Iowa: Petition of 17 citizens of Delaware County, Iowa, urging the enactment of a law giving to States authority to control the manufacture and sale of oleomargarine, etc.; also, of 29 citizens of Golden, Iowa, for same measure; also, of 32 citizens of Jesup, Buchanan County, Iowa, for same measure—to the Committee on the Judiciary.

By Mr. KELLEY: Petition of 31 citizens of Overbrook, Osage County, Kansas, asking for the passage of a law preventing the adulteration of food and drugs—to the Committee on Agriculture.

Also, petition (circulated by the Woman's Christian Temperance Union) signed by Astic Pefley, William Belford, Francis M. Noble, and 60 others, citizens of El Dorado, Kans., praying for the passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages—to the Select Committee on the Alcoholic Liquor Traffic.

Also, petition of 26 citizens of Waverly, Coffey County, Kansas, asking for speedy passage of House bill 5353, defining options and futures and imposing special taxes on dealers therein—to the Committee on Agriculture.

Also, petition of citizens of Topeka, Kans., for the relief of Martha Allen, widow of Robert Allen—to the Committee on Invalid Pensions.

By Mr. LAIDLAW: Petition of F. M. Shattuck and 225 others, citizens of Forestville, N. Y.; also, of 150 citizens of Chautauqua County, New York; also, of 51 members of the Free Methodist Church of Forestville, N. Y., praying for the passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. LAWLER: Resolutions adopted by the Vessel-Owners' Association of Chicago, Ill., favoring a tunnel under the Detroit River—to the Committee on Commerce.

By Mr. McCLELLAN: Petition of James F. Mossman and 11 others, citizens of Whitley County, Indiana, praying for the immediate consideration and passage of House bill 5353—to the Committee on Agriculture.

Also, resolutions of Alliance No. 11, of Coesse, Whitley County, Indiana, in favor of same measure—to the Committee on Agriculture.

By Mr. McCOMAS: Petition of Augustus McDermitt, for allowance of claim for property taken by the United States Army during the late war—to the Committee on War Claims.

Also, petition of John J. Meyers, of Washington County, Maryland, that his war claim be referred to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. MARTIN, of Indiana: Petition of James R. Slack, James B. Kenner, H. B. Sayler, Frederick Dick, and 59 others, citizens of Huntington County, Indiana, for passage of the bill to increase the pension of George W. Whitacre; also affidavit of claimant to accompany said bill—to the Committee on Invalid Pensions.

By Mr. O'DONNELL: Petition of 31 citizens of Burlington, Mich., praying that a pension be granted to Eunice J. Dubois by special act—to the Committee on Invalid Pensions.

By Mr. OWENS, of Ohio: Petition of Dr. S. C. Fligchtner and 61 others, of Farmers' Alliance No. 393, of Muskingum, Ohio; also, of J. F. Zimmerman, of Holmes County, Ohio; also, of H. W. Swingle and 25 others, of Muskingum County, Ohio, praying for the passage of antioption bill—to the Committee on Agriculture.

By Mr. PETERS: Petition of Walnut Alliance, No. 887, Kansas, favoring the option bill; also, petition of citizens of Ness County, Kansas, for same measure—to the Committee on Agriculture.

Also, petition of William Mattox, C. A. Miller, and 33 others, citizens of Harper County, Kansas, asking Congress for appropriation of money for complete system of levees on the Mississippi River from Cairo to the Gulf, to prevent disastrous floods and improve navigation; also, petition of C. V. Montford and L. C. Rudicel and 8 others, citizens of Reno and Harvey Counties, Kansas, for same relief—to the Committee on Levees and Improvements of the Mississippi River.

By Mr. PUGSLEY: Petition of 14 citizens of Wayne Township, Fayette County, Ohio; also, of 14 citizens of Decatur, Brown County, Ohio; also, resolution of Alliance No. 421, Ross County, Ohio, demanding passage of House bill 5353—to the Committee on Agriculture.

By Mr. RAY: Resolutions adopted by Evening Star Council, Junior Order United American Mechanics, of Upper Middletown, Pa., in favor of restricting immigration—to the Select Committee on Immigration and Naturalization.

Also, resolutions adopted by Greensborough (Pa.) Council of same order, for same relief—to the Select Committee on Immigration and Naturalization.

By Mr. STRUBLE: Petition of P. H. Rush and 11 others, citizens of Woodbury County, Iowa; also resolutions of Pat Collins Alliance, No. 1526, Iowa, urging passage of House bill 5353—to the Committee on Agriculture.

By Mr. SWENEY: Petition of 63 citizens of Iowa, for a law to allow the States to control the manufacture and sale of oleomargarine, etc.—to the Committee on the Judiciary.

By Mr. EZRA B. TAYLOR: Petition of L. J. Moore and 7 others, citizens of Portage County, Ohio; also, resolutions of the Mantua (Ohio) Farmers' Alliance; also, of John Haas and 18 others, citizens

of same place, in favor of the option bill—to the Committee on Agriculture.

By Mr. TOWNSEND, of Colorado: Petition of the farmers of Phillips County, Colorado, for relief—to the Committee on Agriculture.

By Mr. TOWNSEND, of Pennsylvania: Petition of ex-soldiers, sailors, and marines for approval of Senate bill 3146—to the Select Committee on Reform in the Civil Service.

By Mr. VANDEVER: Petition of citizens of California, for appointment of a commission to investigate the status and affairs of the International Company of Mexico and of Hartford, Conn.—to the Committee on Foreign Affairs.

By Mr. VAN SCHAICK: Resolutions of Milwaukee Chamber of Commerce, protesting against the pending measure providing for the free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. WALKER: Memorial of the New England Shoe and Leather Association against further silver legislation; also of the Arkwright Club, of Boston, Mass., for same relief—to the Committee on Coinage, Weights, and Measures.

By Mr. WILLIAMS, of Illinois: General affidavits in support of claim of Malinda Porter for mother's pension—to the Committee on Invalid Pensions.

By Mr. WILLIAMS, of Ohio: Petition of T. G. Gold and 70 others, citizens of Preble County, Ohio, for passage of silver free-coinage bill—to the Committee on Coinage, Weights, and Measures.

SENATE.

MONDAY, *February* 2, 1891.

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Saturday last was read and approved.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented the following resolutions of the Legislature of Indiana; which were read, and referred to the Committee on Pensions:

Be it resolved by the senate (the house of representatives concurring therein), That our Senators be instructed and our Representatives in Congress be requested to vote for and use all honorable means for the speedy consideration and passage of House bill 319, known as the bill to pension the Union ex-prisoners of war, now pending in the United States Congress.

And be it further resolved, That a copy of this concurrent resolution be sent to the President of the Senate and the Speaker of the House of Representatives of the United States.

IRA J. CHASE,
President of the Senate.
MASON J. NIBLACK,
Speaker of the House.

The VICE PRESIDENT presented a memorial of the Roberts Lodge, No. 2773, Farmers' Mutual Benefit Association, of Hancock County, Kentucky, remonstrating against the proposed constitutional amendment to secure to the women of the United States the right of suffrage; which was ordered to lie on the table.

He also presented a petition of the West Litchfield Alliance, No. 166, of the National Farmers' Alliance and Industrial Union, of Hillsdale, Mich., praying for the adoption of an amendment to the Constitution securing to the women of the United States the exercise of the right of suffrage; which was ordered to lie on the table.

He also presented a communication from the president of the Chamber of Commerce of San Francisco, Cal., transmitting resolutions adopted by that body, favoring the construction of the Nicaragua Canal under such Government control as will secure moderate tolls and such political advantages as would accrue from such control; which was ordered to lie on the table.

Mr. COCKRELL presented the following resolution of the house of representatives of the Legislature of Missouri; which was read, and ordered to lie on the table:

Whereas Congress, in the exercise of its power to regulate commerce between the several States and Territories, has the right to pass all needful and necessary laws for the purpose of preventing the misbranding of adulterated or compound articles of food; and

Whereas, owing to the depression existing in the prices of all farm products, there is an increasing and urgent demand that all compound or adulterated articles of food shall be required to be properly branded and labeled, in order that the interests of the agricultural classes who are engaged in the production of articles of food may be properly conserved; and

Whereas being opposed to any exercise of the taxing power of the Government, either through the internal-revenue system or otherwise, by which any one industry is fostered and built up at the expense of any other industry: Therefore,

Be it resolved by the house of representatives of the Thirty-sixth General Assembly of Missouri, 1. That our Senators in Congress be instructed to vote against the so-called Conger lard bill, for the reason that it invokes the taxing power of the Government for the purpose of crushing out a legitimate industry for the benefit of a rival and competitive industry, and is therefore class legislation of the most vicious character.

2. That our Senators in Congress be instructed and our Representatives in Congress be requested to use their influence and votes to secure the passage of what is known as the Paddock pure-food bill, as a measure which is general in its scope and character and not sectional in its application and effect, and which will furnish adequate protection to the farming classes against counterfeit food preparations.

3. That the chief clerk of this house be instructed to transmit a certified copy of these resolutions to each Senator and Representative in Congress from this State at Washington.

I certify the foregoing to be a true copy of the original resolutions as introduced into and passed by this house of representatives of the Thirty-sixth General Assembly of the State of Missouri, January 28, 1891.

A. S. SMITH, *Chief Clerk.*

Mr. COCKRELL presented the following petitions, praying for the passage of the Paddock pure-food bill; which were ordered to lie on the table:

Petition of Farmers and Laborers' Union No. 607, of Texas County, Missouri;

Petition of Farmers and Laborers' Union No. 574, of Cedar County, Missouri;

Petition of Farmers and Laborers' Union No. 1223, of Barry County, Missouri;

Petition of Farmers and Laborers' Union No. 773, of Chariton County, Missouri;

Petition of Farmers and Laborers' Union No. 99, of Lincoln County, Missouri;

Petition of Farmers and Laborers' Union No. 308, of Perry County, Missouri;

Petition of Farmers and Laborers' Union No. 1189, of Marion County, Missouri;

Petition of Farmers and Laborers' Union No. 858, of Macon County, Missouri;

Petition of Farmers and Laborers' Union No. 797, of Johnson County, Missouri;

Petition of Farmers and Laborers' Union No. 291, of Cole County, Missouri;

Petition of Farmers and Laborers' Union No. 349, of Boone County, Missouri; and

Petition of Farmers and Laborers' Union No. 40, of Cass County, Missouri.

Mr. COCKRELL presented a petition of 44 members of the Farmers and Laborers' Union of Boone County, Mo., praying for the passage of the Paddock pure-food bill and remonstrating against the passage of the Conger compound-lard bill; which was ordered to lie on the table.

Mr. COCKRELL. I present a petition of 52 manufacturers and dealers in furniture in the city of St. Louis, Mo., a copy of which was also sent to my colleague, praying for the passage of the Torrey bankruptcy bill. As that bill is now pending, I move that the petition lie on the table.

The motion was agreed to.

Mr. VEST presented the petition of G. W. Collins, of Missouri, and the petition of Anthony Ittner and other citizens of St. Louis, Mo., praying for the passage of the Torrey bankruptcy bill; which were ordered to lie on the table.

He also presented a resolution adopted by the house of representatives of the General Assembly of Missouri, praying for the passage of the Paddock pure-food bill and remonstrating against the passage of the Conger lard bill; which was ordered to lie on the table.

Mr. SHERMAN presented the following petitions of temperance unions of the State of Ohio, praying for the passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages:

Petition of the Woman's Christian Temperance Union, signed by Jonathan B. Wright and Elizabeth B. Hanay, clerks of the Center Quarterly Meeting of Friends, representing 1,300 members, of Wilmington, Ohio;

Petition of the Woman's Christian Temperance Union, signed by D. R. Wample, William H. Smith, J. H. Reed, and 161 other citizens of West Alexandria, Ohio;

Petition of the Woman's Christian Temperance Union, signed by Allen Terrell and Caroline E. Nordyke, clerks of the Fairfield Quarterly Meeting of Friends of Clinton and Highland Counties, Ohio;

Petition of the Woman's Christian Temperance Union, signed by Mrs. Emma H. Unthank, president, and Mrs. Viola K. Hawkins, secretary, of the Quarterly Meeting of Friends, representing 250 members, of Clinton County, Ohio; and

Petition of P. W. Dickey, Daniel Price, Koto Crawford, and 54 other citizens of Belmont County, Ohio.

The VICE PRESIDENT. The petitions will be referred to the Committee on Education and Labor.

Mr. BLAIR. I will state that that proposition has been reported and is before the Senate, so that the somewhat numerous petitions bearing on the subject may lie on the table.

The VICE PRESIDENT. The petitions will lie on the table, if there be no objection.

Mr. SHERMAN presented the petition of A. K. Stone, moderator, and H. H. Thompson, clerk, of the Second Synod United Presbyterian Church, held in Morning Sun, Ohio, representing 8,148 members, praying for the passage of the bill providing for the appointment of a national commission on the subject of social vice; which was referred to the Committee on Education and Labor.

He also presented a memorial of the Board of Trade of Mansfield,

Ohio, and a memorial of the Board of Trade of Cincinnati, Ohio, remonstrating against the free coinage of silver; which were ordered to lie on the table.

He also presented the petition of 31 business houses of Findlay, Ohio, and the petition of 78 business firms of Columbus, Ohio, praying for the passage of the Torrey bankruptcy bill; which were ordered to lie on the table.

He also presented the following petitions, praying for the passage of a bill to restrict immigration; which were referred to the Committee on Immigration;

Petition of Junior Order United American Mechanics, of Zanesville, Ohio;

Petition of Sardis Council, No. 69, Junior Order United American Mechanics, of Sardis, Ohio;

Petition of Cleveland City Council, No. 55, Junior Order United American Mechanics;

Petition of Scioto Council, No. 61, of Scioto, Ohio;

Petition of Warwick Council, No. 117, Junior Order United American Mechanics, of Tuscarawas, Ohio;

Petition of Junior Order United American Mechanics, of Salineville, Ohio;

Petition of Freeport Council, Junior Order United American Mechanics, of Freeport, Ohio; and

Petition of General Stark Council, No. 25, Junior Order United American Mechanics, of Alliance, Ohio.

Mr. SHERMAN presented a petition of 40 citizens, of Knox County, Ohio, praying for the passage of the Conger lard bill; which was ordered to lie on the table.

Mr. EVARTS presented a petition of the Buffalo Merchants' Exchange, and the petition of L. J. Ullman & Co., of New York, praying for the passage of the Torrey bankruptcy bill; which were ordered to lie on the table.

Mr. HALE presented the following petitions, praying for the passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages; which were ordered to lie on the table:

Petition of O. W. Folsom and 42 other citizens of Bath, Me.;

Petition of John F. Libby and 31 other citizens of Rockland, Me.;

Petition of H. E. Andrews and 34 other citizens of West Paris, Me.;

Petition of M. W. Newbert and 42 other citizens of Caribou, Me.;

Petition of L. B. McIntyre and 65 other citizens of Warren, Me.;

Petition of L. A. Wadsworth and 32 other citizens of Camden, Me.;

Petition of J. E. Leighton and 29 other citizens of Pembroke, Me.;

Petition of George W. Horn and 47 other citizens of Upper Stillwater, Me.;

Petition of Jonathan Estes and 43 other citizens of Easton, Me.; and

Petition of Mary E. Phinney and Frances D. Hanscom, representing 13 members of the Christian Endeavor Society of the Baptist Church of East Machias, Me.

Mr. FRYE presented the following petitions, praying for the passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages; which were ordered to lie on the table:

Petition of Isaac Winslow, Cyrus Estes, Mrs. F. M. Chandler, and 35 other citizens of St. Albans, Me.;

Petition of J. C. Rockwood, G. E. Nash, Jennie Tarbox, and 20 other citizens of Red Beach, Me.;

Petition of Thomas Spinney, Charles M. Clark, and 31 other citizens of Georgetown, Me.; and

Petition of Hiram F. Day, James R. Talbot, May W. Day, and 82 other citizens of Machias, Me.

Mr. CULLOM presented petitions of district assemblies of the Farmers' Mutual Benefit Association of Illinois, Nos. 3144, 2010, 882, 124, 1217, 3483, 782, 1132, 2755, 388, and 2705, praying for the passage of the Paddock pure-food bill; which were ordered to lie on the table.

He also presented a memorial of citizens of Illinois, remonstrating against the passage of the Conger lard bill; which was ordered to lie on the table.

He also presented the following memorials, remonstrating against the passage of the Conger lard bill; which were ordered to lie on the table:

Memorial of 36 members of Farmers' Alliance and Industrial Union No. 103, of Glasgow, Scott County, Illinois;

Memorial of 16 members of Farmers' Alliance and Industrial Union No. 59, of Geneseo, Henry County, Illinois;

Memorial of 28 members of Farmers' Alliance and Industrial Union No. 182, of Illinois;

Memorial of 38 members of Farmers' Alliance and Industrial Union No. 229, Morgan County, Illinois; and

Memorial of 34 members of Farmers' Alliance and Industrial Union No. 203, Illinois.

Mr. CULLOM presented sundry petitions of citizens of Illinois, praying for the passage of the Torrey bankruptcy bill; which were ordered to lie on the table.

Mr. FARWELL presented the following petitions of temperance unions of Illinois, praying for the passage of the bill providing for the appointment of a national commission on the subject of social vice; which were referred to the Committee on Education and Labor:

Petition of William Kittle, pastor, and Fred. D. Smith, clerk, and 50 other members of Trinity Congregational Church, of Englewood, Ill.;

Petition of C. E. Mandeville, pastor, A. D. Morrison, clerk, and 600 other members of the Methodist Episcopal Church, of Englewood, Ill.;

Petition of Rev. Thomas Westendale, pastor, H. W. Roger, and 225 other members of Simpson Methodist Episcopal Church, of Englewood, Ill.;

Petition of T. J. Walton, pastor, John W. Howard, and 260 other members of Trinity Church, of Englewood, Ill.;

Petition of Hugh D. Atkinson, pastor, William Hobbs, and 50 other members of the Methodist Episcopal Church, of Englewood, Ill.;

Petition of F. Bartlett, pastor, O. Smith, and 206 other members of Covenant Baptist Church, of Englewood, Ill.;

Petition of William M. Hindman, pastor, and 240 members of Normal Park Presbyterian Church, of Englewood, Ill.;

Petition of Charles Reynolds, pastor, Charles Van Buren, and 93 other members of the North Congregational Church, of Englewood, Ill.;

Petition of Albert L. Smedley, pastor, J. E. Dures, and 800 other members of the First Congregational Church, of Englewood, Ill.; and

Petition of B. H. Hayden, pastor, Dora A. Mitchell, and 160 other members of the Church of Christ, of Englewood, Ill.

Mr. QUAY presented the following petitions, praying for the passage of a bill to restrict immigration; which were referred to the Committee on Immigration:

Petition of Park Council, No. 383, Junior Order United American Mechanics, of De Haven, Pa.;

Petition of the Boston Council, Junior Order United American Mechanics, of Boston, Pa.;

Petition of Tarentum Council, No. 91, Junior Order United American Mechanics, of Tarentum, Pa.;

Petition of Adams' Council, No. 274, Junior Order United American Mechanics, of Salix, Pa.;

Petition of the Junior Order United American Mechanics, of Montoursville, Pa.;

Petition of Philipsburgh Council, No. 24, Junior Order United American Mechanics, of Philipsburgh, Pa.;

Petition of Mercer Council, No. 467, Junior Order United American Mechanics, of Fredonia, Pa.;

Petition of Marion Council, No. 326, Junior Order United American Mechanics, of Marion Centre, Pa.;

Petition of Harrisville Council, No. 427, Junior Order United American Mechanics;

Petition of Saratoga Council, No. 262, Junior Order United American Mechanics, of Pittsburgh, Pa.;

Petition of West Branch Council, No. 414, Junior Order United American Mechanics, of Milton, Pa.;

Petition of Corapolis Council, No. 164, Junior Order United American Mechanics, of Corapolis, Pa.;

Petition of Bunola Council, Junior Order United American Mechanics;

Petition of Pleasant Hill Council, Junior Order United American Mechanics, of Sweet Valley, Pa.;

Petition of Globe Council, No. 45, Junior Order United American Mechanics, of Mount Carmel, Pa.;

Petition of Darling Council, Junior Order United American Mechanics, of Apollo, Pa;

Petition of Troy Council, No. 76, Junior Order United American Mechanics, of Wyoming, Pa.; and

Petition of Kempton Council, No. 544, Junior Order United American Mechanics, of Kempton, Pa.

Mr. PLUMB presented petitions of Farmers' Alliance and Industrial Unions Nos. 2295, 1977, 439, 2286, 165, 2298, 1980, 2258, and 353, of the counties of Elk, Lyon, Nemaha, Clark, Kingman, Sumner, Montgomery, and Ottawa, in the State of Kansas, praying for the passage of the Paddock pure-food bill; which were ordered to lie on the table.

He also presented the following petitions of temperance unions of Kansas, praying for the passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages; which were ordered to lie on the table:

Petition of J. A. Torrence and 75 other citizens of Denison, Kans.;

Petition of W. S. Seneder, president, and Maude McReynolds, secretary, of United Christian Endeavor Society of Methodist Episcopal and Christian Churches of Denison, Kans., representing 50 other members; and

Petition of M. E. Buffon, president, and Elmer McReynolds, secretary, of Christian Sabbath School of Denison, Kans., representing 36 other members.

Mr. PLUMB presented the petition of Henry Mitchell, president, and L. C. Wellman, secretary, of the Farmers' Suballiance No. 988, of Varck, Kans., representing 39 members, and the petition of W. E. Morgan and 49 other citizens of Varck, Kans., praying for the passage of the bill providing for the appointment of a national commission on the subject of social vice; which were referred to the Committee on Education and Labor.

He also presented the petition of W. Y. Cretcher, W. A. Welch, and other citizens of Kingman, Kans., praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of the Plate Printers' Association of New York City, praying for certain amendments to the international copyright bill; which was ordered to lie on the table.

He also presented the following memorials of citizens of the State of Kansas, remonstrating against the passage of the Conger lard bill; which were ordered to lie on the table:

Memorial of H. O. Pixley and other citizens of Covert, Kans.;

Memorial of Robert Law and other citizens of Harper County, Kansas;

Memorial of J. H. Noble and other citizens of the State of Kansas;

Memorial of the Farmers' Alliance and Industrial Union No. 998, of Cherokee County, Kansas;

Memorial of M. M. Wilson and other citizens of the State of Kansas;

Memorial of J. M. Naron and other citizens of Naron, Kans.; and

Memorial of R. C. Secor and other citizens of the State of Kansas.

Mr. MANDERSON. I present numerous petitions from Knights of Labor organizations and trades unions of the State of Nebraska, thirty in number, representing, as it is claimed, over 12,000 workingmen. The petitions, signed by many thousands of citizens of that State, pray for such legislation as will authorize the construction of a low railway bridge across the Missouri River at Omaha. As that bill has passed the Senate and is in conference, I move that the petitions lie on the table.

The motion was agreed to.

Mr. TELLER presented the petition of W. R. Eggleston, John Boling, Maggie D. Taggart, and 67 other citizens of Salida, Colo., praying for the passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages; which was ordered to lie on the table.

Mr. SAWYER presented a petition of vessel-owners of Milwaukee, Wis., praying for immediate action by Congress on the bill authorizing the Detroit Railroad and Tunnel Company to build a tunnel under the Detroit River; which was referred to the Committee on Commerce.

He also presented the petition of E. L. Durant, S. C. Johnson, Mrs. Hattie T. Bennett and 308 other citizens of Racine, Wis., and the petition of J. D. Eldridge, A. R. Hardy, Mrs. Ellen Galloway, and 154 other citizens of Durand, Wis., praying for the passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages; which were ordered to lie on the table.

Mr. McMILLAN presented the petition of Elmer E. Smead, E. W. Todd, Fannie C. Smead, and 77 other citizens of Allendale, Ottawa County, Michigan, praying for the passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages; which was ordered to lie on the table.

Mr. BLAIR presented a memorial of colored citizens of Pine Bluff, Ark., remonstrating against the passage of the Conger lard bill; which was ordered to lie on the table.

He also presented the following petitions of temperance unions and citizens of New Hampshire, praying for the passage of the bill providing for the appointment of a national commission on the subject of social vice; which were referred to the Committee on Education and Labor:

Petition of the Woman's Christian Temperance Union, signed by C. L. Smith, Mrs. S. A. French, and 10 other citizens of Sunapee, N. H.;

Petition of the Woman's Christian Temperance Union, signed by Rev. R. T. Wolcott, George H. Bartlett, Lillie T. Felch, and 22 other citizens of Sunapee, N. H.;

Petition signed by Charlie A. Johnson, president, and Beulah V. Young, secretary of the Young People's Society of Christian Endeavor, of Sunapee, N. H., representing 75 members;

Petition of George H. Bartlett, superintendent, and H. H. Baker, secretary of Methodist Episcopal Sabbath school, Sunapee, N. H., representing 150 members; and

Petition of Ella A. Angell, Charles Young, and 10 other citizens of Sunapee, N. H.

Mr. SPOONER presented the petition of J. D. Eldredge, A. R. Hardy, Mrs. Ellen Galloway, and 154 other citizens of Durand, Wis., praying for the passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages; which was ordered to lie on the table.

Mr. WOLCOTT presented the petition of D. W. Irwin and 16 other residents of Akron, Colo., praying that an appropriation be made for an artesian well at Akron, Colo., for irrigating purposes; which was referred to the Select Committee on Irrigation and Reclamation of Arid Lands.

He also presented the petition of A. E. Hanks, Ed. Owen, Cora Shultz, and 50 other citizens of Salida, Colo., praying for the passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages; which was ordered to lie on the table.

Mr. CASEY presented a petition of certain members of the bar of Stutsman County, North Dakota, praying for the passage of House bill 9014, for the relief of the Supreme Court of the United States; which was ordered to lie on the table.

Mr. ALLEN presented a petition of Union Alliance, No. 92, of Lincoln County, Washington, for the passage of the Conger lard bill; which was ordered to lie on the table.

Mr. COLQUITT presented a memorial of citizens of Atlanta, Ga., remonstrating against the passage of the Conger lard bill; which was ordered to lie on the table.

Mr. PADDOCK presented the following petitions, praying for the passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages; which were ordered to lie on the table:

Petition of Ike Cromwell, Mrs. W. G. Hills, Alice Cromwell, and 20 other citizens of Hendley, Nebr.;

Petition of W. A. Anderson, Flora Pennington, and 196 other citizens of Wilsonville, Nebr.; and

Petition of Lou L. Simonds, president, and Vinnie Scofield, secretary, of Woman's Christian Temperance Union, of Hendley, Nebr., in all 16 members.

Mr. DOLPH. I present a series of resolutions of the Chamber of Commerce of Portland, Oregon, concerning the bill to aid in the construction of the Nicaragua Canal. They are very brief, and instead of stating the substance of them I will ask that they may be read. They are resolutions in the nature of a petition addressed to Congress, although in the form of a telegram.

The VICE PRESIDENT. The petition will be read, if there be no objection.

The Secretary read as follows:

[Telegram.]

PORTLAND, OREGON, *February* 2, 1891.

Whereas a bill has been unanimously and favorably reported to Congress by the honorable Committee on Foreign Relations of the United States Senate, securing the construction of the Nicaraguan Canal under the control of the Government of the United States, with conservative guaranties to the Government against financial loss and to American commerce against heavy tolls for the use of such canal; and

Whereas the construction of the canal will secure advantages of great importance to the commercial and political interests of the Republic and will be of especial benefit to the Pacific coast: Therefore,

Be it resolved, That the Chamber of Commerce of Portland, Oregon, in session assembled, respectfully but urgently request the honorable Senate and House of Representatives in Congress assembled to pass the enactment above alluded to at as early a date as possible, the same securing an interoceanic highway from the Atlantic to the Pacific Oceans, practically an American canal under American control.

Resolved, That the attested copies of these preambles and resolutions be telegraphed to each of Oregon's Congressional representatives at Washington.

The Chamber of Commerce, Portland, Oregon.

T. F. OSBORN, *President*.

Attest:

FRANK MOTTER, *Secretary*.

Mr. DOLPH. I move that the petition lie on the table.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (H. R. 9877) directing the Secretary of War to issue an honorable discharge to Almond C. Walters, reported it with an amendment, and submitted a report thereon.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (S. 81) for the relief of Mrs. Clara Morris, asked to be discharged from its further consideration and that it be referred to the Committee on Claims; which was agreed to.

Mr. CHANDLER, from the Committee on Naval Affairs, to whom was referred the amendment, submitted by Mr. ALLEN, intended to be proposed to the naval appropriation bill, reported it favorably, and moved its reference to the Committee on Appropriations; which was agreed to.

Mr. PADDOCK. From the Committee on Agriculture and Forestry I report back a resolution of the Legislature of the State of New York, urging the passage of a bill now pending to enable the States to enforce the State laws in relation to the manufacture and sale of oleomargarine, with the recommendation that the memorial lie on the table, as a bill upon this subject is pending now in the Senate.

The VICE PRESIDENT. The memorial will lie on the table.

BILLS INTRODUCED.

Mr. ALLEN introduced a bill (S. 4982) granting an increase of pension to Augustus T. Pintler; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MANDERSON introduced a bill (S. 4983) authorizing the construction of a railway, street-railway, motor, wagon, and pedestrian bridge over the Missouri River between the city of Council Bluffs, Iowa, and the city of Omaha, Nebr.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. TELLER introduced a bill (S. 4984) authorizing the President to appoint and retire Patrick Edward Connor as a brigadier general in the United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MORRILL introduced a bill (S. 4985) to amend sections 177, 178, and 179, and to repeal section 180 of the Revised Statutes of the

United States; which was read twice by its title, and referred to the Committee on Finance.

Mr. STANFORD introduced a bill (S. 4986) to provide for the sale of a portion of Lime Point reservation, adjoining the town of Sausalito, in the county of Marin, California; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4987) to appropriate the sum of $3,496.80 to pay the claim of John Wedderburn against the United States; which was read twice by its title, and referred to the Committee on Claims.

Mr. TURPIE introduced a joint resolution (S. R. 154) proposing an amendment to the Constitution of the United States; which was read twice by its title.

Mr. TURPIE. I wish to state that the joint resolution proposed favors an amendment to the Constitution of the United States providing for the election of United States Senators by direct vote of the people of the several States. Myself and my colleague [Mr. VOORHEES] both concur in favoring the action and principle of the joint resolution.

The Legislature of our State now in session with singular unanimity, without almost any negative votes, passed instructions upon the subject, which have been forwarded. The joint resolution will, therefore, be regarded as embodying not only official but actual expression of the opinion of the people of Indiana on this subject. I move the reference of the joint resolution to the Committee on the Judiciary.

The motion was agreed to.

AMENDMENT TO APPROPRIATION BILL.

Mr. ALLEN submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Lands, and ordered to be printed.

REVENUE ACT AND TREATY STIPULATIONS.

The VICE PRESIDENT. Is there further morning business? If not, that order is closed and the Calendar under Rule VIII is in order. The first bill on the Calendar will be stated.

The bill (S. 4668) in respect to certain treaty stipulations was announced as first in order on the Calendar.

The VICE PRESIDENT. This bill was read at length on a former occasion, and it is before the Senate as in Committee of the Whole.

Mr. SHERMAN. I sincerely hope that the Senate will without further delay pass this bill. It is the same measure that was up the other day, and at the suggestion, I think, of the Senator from Kentucky [Mr. CARLISLE] it was postponed. There are reasons, growing every day stronger and stronger, why the bill ought to pass immediately, and it will receive, I hope, the concurrence of both Houses.

The circumstances are these: The tariff act modifies the treaty with the Sandwich Islands by levying duties upon several articles which by that treaty are made duty free. The recent change in the head of the Government of the Sandwich Islands makes it of vital importance that the treaty should be observed in good faith. The executive officers are now embarrassed by the fact that they are compelled to levy duties in violation of the treaty, and it may very seriously disturb the condition of our affairs in that country.

I have been appealed to over and over again to try to get the action of Congress upon the bill immediately. There can be no desire on the part of anyone to modify or change the Hawaiian treaty in that way. My friend from Vermont [Mr. EDMUNDS] and myself were always opposed to the Hawaiian treaty, but I certainly would not like to see it changed in this summary way just at this moment. Without pressing the matter any further it must be manifest to every Senator that any embarrassment of this kind in the Hawaiian Islands might be of very serious detriment to the public service.

Therefore the passage of this provision is urgent. It is substantially what was contained in the tariff bill, but it was dropped out by some misunderstanding, I do not exactly know how. There was a clause in the tariff bill as passed by the other House to the effect that no provision in the act should be construed so as to affect or change the terms of a treaty, and that clause by some means or other was dropped out in conference. It ought to have been retained. It was an oversight. Perhaps I am as much responsible as anyone; at any rate I am willing to take the responsibility, because as chairman of the Committee on Foreign Relations I ought to have seen that it was kept in. The Senator from Kentucky called attention to it at the time, but it was when it was too late, as it was thought, to amend the bill, and we did not foresee the consequences that might arise out of it.

I say, therefore, it is of vital importance that that mistake should be corrected. Otherwise we may lose the advantages which we have hoped would accrue from that treaty. We have already paid very heavily for those advantages, whatever they are, and I do not think we ought now to change the treaty in this way.

The only objection I heard made to the bill was by the Senator from Kentucky. I had some conversation with him on the subject. I am sorry he is not here, but I do not think under the circumstances he would insist upon an amendment of the bill. He stated to me that certain Senators on the other side of the Chamber desired to move some amendments looking to a modification of the tariff in other respects, but as a matter of course any attempt of that kind to put provisions relating to the tariff on this bill would defeat it.

I have conferred with members of the House committee and they are willing to have the bill passed; and if it will come there they will at once agree to it. Under the peculiar situation of things there they can not possibly take it up without encountering the same difficulty proposed here.

The tariff act ought to be modified in this particular immediately, because now we are collecting duties in violation of the treaty, a treaty that we never intended by the tariff law to change; but the legal effect of he act, under the decision of the Supreme Court, is to change the treaty, because the Supreme Court have held in one or two cases that a subsequent law inconsistent with the terms of a treaty repeals the treaty. Whether it was so designed or not that is the effect of the law.

Therefore the officers of the Government can now do nothing but levy the duty on articles which we have agreed to admit free of duty from the Hawaiian Islands; and that is all there is of this provision. It was reported from the Committee on Foreign Relations without division, the Senator from Alabama [Mr. MORGAN] taking a great interest in it and desiring very strongly that it should be passed. I am sorry he is not here to second my motion.

Mr. VEST. May I ask the Senator from Ohio what is the effect of this proposed legislation upon the revenue? Does it increase duties?

Mr. SHERMAN. No, sir; the effect of this proposed legislation is to admit free of duty into the United States certain articles, the products of the Hawaiian Islands, among them rice and one or two other articles.

Mr. VEST. It then affects the revenue?

Mr. SHERMAN. It does affect the revenue, but I do not think that is the design. At any rate, if there is any point made on the ground that the bill could not originate in the Senate, I may say with great confidence that that point will not be taken in the other House, and that it is the desire of the members of the committee of the other House, so far as I have conferred with them, that it should pass here as a matter of convenience. I do not want to discuss the constitutional question as to our power to originate this measure, but I do not think it falls within the inhibition against the Senate originating revenue measures.

Mr. COCKRELL. Will the Senator permit me to make a suggestion? The Senator from Kentucky [Mr. CARLISLE], who desires to be here when the bill is considered, is not present at this time, and the Senator from Alabama [Mr. MORGAN], a member of the Committee on Foreign Relations, is not here. I admit with the Senator that this is a matter which ought to be disposed of in some way, and I suggest that he give notice that on a certain time he will call it up, so that those Senators can be present.

Mr. SHERMAN. The reason why it is now up is because it is at the head of the Calendar, and if Senators object to its being considered now I should rather leave it where it is.

Mr. COCKRELL. Yes, and give notice that you will call it up at a certain time, and there will then be no excuse for postponing it on account of the absence of Senators.

Mr. SHERMAN. Very well. I now give notice that whenever the Senator from Kentucky is present and I am in order to make the motion I shall move to take up the bill, if that is satisfactory.

Mr. GIBSON. Mr. President, I think that is a proper course to take. This is a very important question in many respects. I suppose there never was a treaty made by the Government of the United States that cost the people of the United States so much as the treaty with the Hawaiian Islands. If there ever was a unilateral contract made by the people of the United States it is the Hawaiian treaty. I believe that we have paid five or six times over the total value of the Hawaiian Islands if we had attempted to purchase them when the treaty was originally made. It was stated at that time by the Secretary of the Treasury that the Hawaiian Islands would probably produce 25,000,000 pounds of sugar and we allowed their sugar to come in free of duty; they now produce 150,000,000 annually. It was also said that it would create a market for American productions. The treaty had hardly been passed before the Hawaiian Government increased taxation upon everything that was imported from this country into the Hawaiian Islands, with the exception of a few articles.

Mr. SHERMAN. With the exception of the articles named in the treaty.

Mr. GIBSON. With the exception of the articles named in the treaty, which were insignificant and amounted to nothing. The Hawaiian Islands carried on their intercourse with Great Britain at an increasing rate year after year, and we have been paying to the Hawaiian Islands $1 as a bounty or bonus for every dollar's worth of goods that they took from us. I repeat, we have paid more than the Hawaiian Islands would have cost us if we had been a purchaser in the markets of the world for them.

We have been urgent in this matter because whenever we are considering any question with the Hawaiian Islands we have had the bugbear of the British Government brought before us; England was about to grasp these islands; England was about to take possession of them, and they were important in order that we might secure in Pearl River a great harbor for our vessels of war and vessels of commerce. At first it was suggested that we should have a right to occupy a portion of Pearl River, but nothing of the kind has ever been granted to us. We have really received no advantage whatever through the treaty with

the Hawaiian Government. I think it would be important, Mr. President, if in the consideration of this matter we could secure permanently a coaling station at the mouth of Pearl River and establish a dock yard there whereby we could repair our ships; but I know very well that it is utterly impossible at this stage of the proceeding to secure any modification of the treaty.

Mr. SHERMAN. We have introduced an amendment to provide for that. We have already reported a provision from the Committee on Foreign Relations to provide for opening up a harbor on Pearl River. The Committee on Foreign Relations reported that amendment the other day, and that question will come up on the appropriation bill.

Mr. WILSON, of Iowa. Mr. President, I rise to a point of order.

The VICE PRESIDENT. The Senator from Iowa will state his point of order.

Mr. GIBSON. I wish to say one word further.

Mr. WILSON, of Iowa. I understand it has been agreed that this bill shall go over under the statement of the Senator from Ohio. I therefore make the point of order that it is not a subject for discussion at the present time.

Mr. GIBSON. I want to say——

Mr. WILSON, of Iowa. And if that be not the case, then I object to the consideration of the bill.

Mr. GIBSON. I do not propose to argue the case. I want in conclusion merely to say that I do not think we can argue the conditions upon which the treaty was made at the present time, and if, by an inadvertence in making the tariff law which was passed at the last session of Congress, any infraction of the treaty was made by any of the provisions of that law we ought at once as a matter of honor to meet the question and settle it, so that that treaty will not be impaired indirectly or by inadvertence.

Mr. REAGAN. Mr. President——

The VICE PRESIDENT. The Chair understands the request of the Senator from Ohio to be that the bill lie on the table until the Senator from Kentucky comes in.

Mr. SHERMAN. Yes, just let it lie over.

The VICE PRESIDENT. The bill will retain its place on the Calendar. Debate, therefore, is not in order.

Mr. REAGAN. I desire before the bill goes over to say one word.

The VICE PRESIDENT. The Senator can proceed by unanimous consent, of course.

Mr. REAGAN. I do not propose to discuss the question, but I wish to object to the language which conveys the idea that the Hawaiian Islands are getting the enormous bounty we are paying under that treaty. That bounty goes, I have no doubt, to American citizens. The provision originally was made for their benefit, and I so denounced it in the House of Representatives at the time of its passage there, and from year to year I have been more strongly convinced that the whole thing was a job gotten up for the benefit of certain capitalists.

The VICE PRESIDENT. The next bill on the Calendar will be stated.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. 3062) for continuing the erection of the public building at Worcester, Mass.

The message also announced that the House had passed the bill (S. 874) for the erection of a public building in the city of Roanoke, Roanoke County, Virginia, with amendments in which it requested the concurrence of the Senate.

The message further announced that the House had passed a bill (H. R. 13453) to amend section 180 of the Revised Statutes of the United States; in which the concurrence of the Senate was requested.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice President:

A bill (H. R. 3034) granting a pension to George W. Pitner;

A bill (H. R. 4559) to provide for the purchase of a site and the erection of a public building thereon at Rockford, in the State of Illinois; and

A bill (H. R. 12500) making an apportionment of Representatives in Congress among the several States under the Eleventh Census.

HOUSE BILL REFERRED.

Mr. MORRILL. I ask that the bill which has just come from the House of Representatives, which is on the same subject as the one introduced by me, may be laid before the Senate and referred to the Committee on Finance.

The bill (H. R. 13453) to amend section 180 of the Revised Statutes of the United States was read twice by its title, and referred to the Committee on Finance.

FORTIFICATIONS APPROPRIATION BILL.

The bill (H. R. 8150) to provide for the adjudication and payment of claims arising from Indian depredations was announced as next in order on the Calendar.

Mr. DAWES. I understood on Saturday night that the fortification bill was brought back to its position as unfinished business. If that is so, I desire to call it up at this time.

The VICE PRESIDENT. Does the Senator from Massachusetts move to proceed to the consideration of the bill? A motion would seem to be necessary.

Mr. DAWES. Yes, sir; I make that motion.

The VICE PRESIDENT. The question is on the motion of the Senator from Massachusetts.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 12499) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The VICE PRESIDENT. The bill will be read, and the amendments of the Committee on Appropriations will be acted upon as they are reached.

The Chief Clerk proceeded to read the bill. The first amendment of the Committee on Appropriations was, in the appropriations for "preservation and repair of fortifications," on page 2, to strike out lines 3 and 4, as follows:

Artesian well at Fort Monroe, Virginia: For obtaining water for the garrison, $10,000.

Mr. COCKRELL. I should like to inquire as to the reason why that provision is reported to be stricken out. Is there no water there?

Mr. DAWES. They have not very good water there, and it was considered by the House of Representatives that it would contribute very much to the health of the garrison to have a good artesian well; but it seemed to the committee that an artesian well could be made through to the other side for that sum, and it was thought, on consultation with the War Department, that possibly the appropriation might be postponed without injury to another year. The committee were of opinion that they would recommend the striking out of the item with a view to a further examination of it in conference.

The VICE PRESIDENT. The question is on the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 2, line 8, before the word "thousand," to strike out "one hundred" and insert "fifty;" so as to make the clause read:

Torpedoes for harbor defense: For the purchase of submarine mines and necessary appliances to operate them for closing the channels leading to our principal seaports, $50,000.

The amendment was agreed to.

The next amendment was, on page 2, line 10, before the word "thousand," to strike out "one hundred" and insert "fifty;" so as to make the clause read:

For needful casemates, and cable galleries, to render it possible to operate submarine mines, $50,000.

The amendment was agreed to.

The next amendment was, on page 2, to strike out the clause from line 12 to line 14, inclusive, as follows:

For construction of a wharf, a keeper's dwelling, and for a water supply for the torpedo station at Yerba Buena Island, California, $16,000.

The amendment was agreed to.

The next amendment was, on page 2, line 18, after the word "Washington," to strike out "one million" and insert "seven hundred and fifty thousand;" so as to make the clause read:

Gun and mortar batteries: For construction of gun and mortar batteries for defense of Boston Harbor, New York Harbor, San Francisco Harbor, Hampton Roads, and Washington, $750,000.

Mr. DOLPH. Before that amendment is acted upon I should like to make some inquiry in regard to the propriety of it. In the first place, I should like to ask the Senator in charge of the bill——

Mr. DAWES. Is the Senator referring to the amendment to strike out lines 12, 13, and 14?

The VICE PRESIDENT. The question is on the amendment on page 2, line 18, to strike out "$1,000,000" and insert "$750,000."

Mr. DAWES. The committee examined into that matter very thoroughly and heard the officers of the Ordnance Department as well as the Secretary of War, and were of opinion that $750,000 would be all that would be necessary for the expenditures contemplated this year. If, however, it should appear in conference that more will be needed to carry out the plans of this year, I have no doubt the committee of conference will yield to any addition to that sum that may appear after conference to be necessary.

There is no disposition on the part of the committee to curtail the operations of the War Department in this regard, but it is so desirable to carry out other features of the bill more fully than was contemplated in the original cast of the bill that it was deemed proper to cut down somewhere, and the committee recommend that the amount be cut down to $750,000, unless in conference it should appear to be necessary to carry out the plans of the War Department.

Mr. DOLPH. I should like to ask the Senator in charge of the bill whether he understands this proposed appropriation to include the armament of these fortifications or simply the emplacements.

Mr. DAWES. This particular provision is for the construction of

what may be called the casemates, not for the guns themselves, but the batteries upon which the guns are to be placed. The Senator will bear in mind that it takes much longer to construct a gun than it does to construct a place to put it, and the testimony of the whole Department was that these casemates could be and would be ready for the guns much sooner than the guns would be ready for them.

Mr. DOLPH. Mr. President, I do not understand that the Senator is correct. The largest gun can be manufactured in quite as short a time as the emplacements for the gun can be constructed. It is quite possible, however, with our limited facilities for manufacturing guns, that the casemates for those we can manufacture under existing facilities can be prepared more rapidly than the guns themselves. But the Senator has stated what I supposed was the real object in cutting down this item of appropriation when he said, in substance, that, in order to make provision for other things which were not provided for in the original bill, without largely increasing the total amount appropriated in the bill, it was necessary to cut down some of the other appropriations.

If this amendment stood alone I should probably not oppose it or have anything to say about it. It is because the Committee on Appropriations propose to cut down what appear to be necessary and proper appropriations in the bill and to insert appropriations for purposes which I think are of questionable merit, that I propose to say what I have to say upon this proposed amendment and upon some other committee amendments at this time.

Mr. CHANDLER. Will the Senator allow me to inquire whether he refers to the amendment on page 6 appropriating $400,000 for breech-loading rifled seacoast mortars, cast-iron, hooped with steel?

Mr. DOLPH. That is one of the amendments I refer to. Another is on page 8, largely increasing the amount which may be paid to parties who will contract for a hundred coast-defense guns.

Mr. DAWES. Of course the Senator will select that point which is most convenient to him upon which to offer his remarks. It occurs to me, however, we might proceed a page or two with the bill before he does that, unless the Senator has objection to this particular amendment.

Mr. DOLPH. I do have objection to this particular amendment because it reduces the amount proposed to be appropriated for what I consider necessary, important, and proper purposes, and, as I understood the Senator to say, this proposed reduction, with some others, is to be made so that other appropriations may be made for purposes not provided for in the bill as it came to the Senate without greatly increasing the total.

Mr. President, the Board on Fortifications and Other Defenses reported in favor of the fortification of one hundred and twenty-seven ports upon our coast line upon the Atlantic and Pacific and upon the Gulf and upon the Great Lakes. Among those which were named as the ports at which fortifications were most urgently needed are those mentioned in this clause of the bill, Boston Harbor, New York Harbor, San Francisco Harbor, Hampton Roads, and Washington. So that this appropriation is for four or five of the principal harbors of the United States. The same board reported that it would take as much time to provide emplacements for batteries as it would to construct the guns.

In the last fortification appropriation bill a small appropriation was made for the commencement of this work at the harbor of New York and the harbor of San Francisco. Every one knows that a public work is most economically carried on with an ample appropriation so there is never a lack of funds, so that the work is not required to stop nor permitted to deteriorate during the period until another appropriation can be made. The sensible and economical way to provide for the fortification of our seacoast would be to appropriate a lump sum for the entire work, to be available from year to year until expended, and there will be poor economy in appropriating less than can be economically used. The work, after it is once commenced, should be prosecuted without interruption and with ample funds if the best results are to be secured.

Mr. President, I observe that in this bill the committee reports in favor of reducing the amount proposed to be appropriated by the House "for the purchase of submarine mines and necessary appliances to operate them for closing the channels leading to our principal seaports" 50 per cent.; that is, they cut down the amount appropriated from $100,000 to $50,000, and also report to reduce the appropriation "for needful casemates, and cable galleries, to render it possible to operate submarine mines," from $100,000 to $50,000.

I must say that I consider this poor economy. There are many engineers who consider this means of coast defense as among the most important. There are some people who suppose the entrances to our harbors may be defended entirely by torpedoes. It appears to me that it is poor economy to cut down these appropriations, but I allowed those amendments to be adopted in silence.

Now I turn to the provision inserted on page 6 of this bill by the committee; which is as follows:

For breech-loading rifled seacoast mortars, cast iron, hooped with steel, of 12-inch caliber, $400,000: *Provided*, That contracts may be made for not more than one-half of the mortars herein provided for to be constructed on the Pacific coast, in the discretion of the Secretary of War.

While the committee have recommended cutting down appropriations for purposes that were recommended by the Board on Fortifications and Other Defenses, that have been recommended from time to time by the officers of the War Department, the Secretary of War and the Chief of Ordnance, for the defense of our harbors, they propose to insert an appropriation for something that I undertake to say has never been recommended by any board or by any officers of the War Department, except in a qualified way, and which was forced out of them by the importunity of men who want to manufacture these mongrel guns.

The Board on Fortifications, in discussing the question of what material guns should be manufactured, emphatically recommended forged steel, and the Senate Committee on Ordnance and War Ships, of which the honorable Senator from Connecticut [Mr. HAWLEY] was chairman, recommended forged-steel guns, and both the board and the committee especially condemned cast iron. I had occasion to investigate this matter to some extent when the last fortification appropriation bill was under consideration. I then read from a report made by the Senator from Massachusetts [Mr. DAWES], from the Committee on Fortifications, on the fortification bill of last session the testimony taken by the committee of General Benét and Colonel Abbot. If there are two men in the United States who are qualified above all others to speak upon this question they are these witnesses. The Senator from Massachusetts, while the Chief of Ordnance was before the committee, said to him:

Senator DAWES. You had some experience of casting iron mortars under the bill of 1888. How many did you try?

General BENÉT. Only one. The one submitted by Mr. Hunt to the Board of Ordnance and Fortification. It was tried and failed.

Senator DAWES. What was the cause of that failure?

General BENÉT. I suppose it would be difficult to say what causes a failure unless there was something wrong about the metal. Cast iron is a treacherous metal. We never know how it is going to turn out.

Senator DAWES. What I want to find out is whether you discovered anything special by which that could be remedied so that we could make another gun and avoid that result.

General BENÉT. I do not know that there is anything we could remedy, or whether if such or such a thing was done it would improve it; but all our experience is that you may take one mortar and it will last twenty rounds, as this one did, while probably the next will stand five hundred.

Senator DAWES proceeded:

Did his first experiment—

That is, Mr. Hunt's first experiment—

so satisfy you that you did not want to try any more?

General BENÉT. No; we have had experiments abroad and experiments here.

Senator DAWES. Suppose he would offer to make another one of different weight and different metal and at his own risk.

General BENÉT. I think if he added to the weight of the metal there would be some other difficulties. I have a paper here, notes on cast-iron rifled ordnance. There was a proposition before the House on this bill to make another cast-iron mortar, but make it heavier. We had the matter examined. We have formulas by which to work this out. The idea was to increase the mortar about 10,000 pounds. The one that went to pieces weighed about 30,000 pounds. Mr. Hunt made a proposition to make one that would weigh 40,000 pounds. From our examination, as stated here, the estimate to make it weigh 40,000 pounds would increase the strength only 3 per cent. You would be adding 25 per cent. to the weight of the mortar and only getting 3 per cent. added to the strength. It would be 6 inches wider than the one we fired, besides taking up valuable space in battery, which is a step in the wrong direction.

Senator GORMAN. What do the steel mortars weigh?

General BENÉT. The mortars are of cast iron. They make good mortars. We think that we could reduce the weight of the mortar, and probably when we get cheaper steel a steel mortar would be better.

Senator GORMAN. What is the difference in the cost between the steel-hoop mortar and the steel mortar?

Now I call special attention to this statement of General Benét:

General BENÉT. I think the difference is $2,000 or $3,000, but I can not state positively.

Colonel Abbot gave his testimony in regard to the use of cast iron for guns. Senator DAWES said to him:

Senator DAWES. Now, about the bursting of that South Boston gun, you gave up upon the failure of the first experiment. Were you satisfied upon the very first experiment that it was impracticable to use the cast iron?

Colonel ABBOT. That first experiment was in line with all our previous experience. We had at the outset no good reason to anticipate from the evidence on hand that cast iron was a suitable metal. We tried it because it was offered under the terms of that act.

Senator DAWES. You have no reason to suppose it was because of defect in the metal?

Colonel ABBOT. Not the slightest.

Senator DAWES. Or in the arrangement of the quantity? Is not Mr. Hunt certain that still with a different arrangement of the metal and a heavier gun he can accomplish the same thing?

Colonel ABBOT. It is possible, by making the mortar still more unwieldy. It was already a good deal bigger than what we would require of a steel mortar of equal power.

Senator DAWES. If he would take his own risk is there any harm in letting him try it again, and if he proves it a success would you care to have such guns?

Colonel ABBOT. I think that the question of cast iron for ordnance should be regarded as settled, simply and solely upon the ground that every single gun has necessarily its own individual character, and because you make one good gun you have no right to infer that the next one, made as nearly as possible in the same way, will be as good.

Senator DAWES. Is that to any extent true of steel?

Colonel ABBOT. It is not nearly so true of steel, because there we can test the parts. We build up the gun, and can test the metal that goes into it so that we know that every single piece is in its proper condition. A cast-iron gun is a mass of metal which has been cooled with a certain interior cooling in the bore, and it is impossible to regulate that process with precision.

Senator DAWES. That is true of an assembled gun, but is it true of a cast-steel gun?

Colonel ABBOT. It is not; and I have no faith in a cast-steel gun for that very reason.

Senator DAWES. You saw the cast-steel gun from Pittsburgh?

Colonel ABBOT. I know about both of the cast-steel guns recently tested by the Navy.

Senator DAWES. The cast-steel and the cast-iron guns came out in the same way?

Colonel ABBOT. Yes, sir; both metals were failures.

Now, Mr. President, notwithstanding the testimony of these two authorities upon this question as to what metal should be used for guns, the Committee on Appropriations reported an amendment to the last fortification appropriation bill which provided for an appropriation of $400,000 for mortars with cast-iron bodies hooped with steel. Notwithstanding the Chief of Ordnance and Colonel Abbot and, so far as I know, every officer of the Army and Navy who has ever made a statement concerning the subject say that cast iron is a totally unreliable metal, that if you make one good gun with that metal you can not infer that the next one will be of any value, this committee proposes that there shall be constructed for the Government, at a cost of $400,000, from forty-five to fifty mongrel guns, the bodies to be of this unreliable and treacherous metal and to be hooped with steel. The Chief of Ordnance, in his report to the Secretary of War, says what I will read from pages 30 and 31 in regard to the appropriation made in the last fortification bill for these mongrel mortars:

The proposals for forgings to be opened October 7 for the cast-iron bodies and finishing and assembling—

Speaking of the mortars—

the time of opening has been extended to October 22; also for the steel forgings, cast-iron bodies, and finishing and assembling of about twelve 12-inch B. L. mortars, under the same item of $400,000, to be manufactured on the Pacific coast, proposals to be opened November 6, 1890.

So it will be seen that, in all human probability, there is now on hand $400,000 already appropriated and unexpended for these mortars with bodies of cast iron and hoops of steel. The Committee on Appropriations propose now to double that amount, and notwithstanding the small appropriations which have been made here for torpedoes, for casemates, for emplacements, for forged steel for guns, and for other things required for the fortification of our coast, they propose to increase the amount now on hand by $400,000, so that there will be on hand, to be expended in these cast-iron, steel-hooped mortars, $800,000.

The Chief of Ordnance, on page 35 of this report, speaks of a steel rifled mortar for coast defense, and I desire to put on record what he says in regard to that:

A 12-inch B. L. steel rifled mortar, for coast defense, is now under manufacture at the army gun factory, the steel forgings therefor having been supplied by the Bethlehem Iron Works, South Bethlehem, Pa. The estimate covers the proposed test of the piece. It will fire a shell of from 800 to 1,000 pounds weight, using a maximum charge of about 100 pounds of powder, and will therefore be a much more powerful piece than the 12-inch B. L. mortars of cast iron, hooped, now under manufacture.

I desire to read that clause again, because I wish those Senators who are in the Senate Chamber and interested in this matter should hear what is said about this rifled steel mortar:

It will fire a shell of from 800 to 1,000 pounds weight, using a maximum charge of about 100 pounds of powder, and will therefore be a much more powerful piece than the 12-inch B. L. mortars of cast iron, hooped, now under manufacture.

Let us put these several statements of these authorities together. In the first place, cast iron is a totally unreliable and treacherous metal. It follows as a necessary consequence that it adds no reliable strength to the mortar. The entire strength and reliability of the piece is in the hoops of steel. It adds to its bulk and its weight. It is not as powerful. As I have just read, the Chief of Ordnance says the 12-inch rifled steel mortar is a much more powerful gun than the same caliber of a cast-iron mortar hooped with steel. The latter is much less endurable. Everybody knows that a built-up, forged-steel, rifled mortar must be far more endurable than one composed of these incongruous metals, one of them a treacherous and unreliable metal.

Now, about the cost and the time. The only argument that has been made in favor of cast-iron mortars as against steel, built-up mortars has been the difference in the cost and the difference in the time within which they could be provided. General Benét says the steel mortars would each cost from two to three thousand dollars more. I judge from the report of the Chief of Ordnance, in which he says that forty-five of these cast-iron mortars with cast-iron bodies and hoops of steel can be made from the appropriation of $400,000, that they cost somewhere in the neighborhood of from eight to ten thousand dollars apiece. Therefore, the mortar made entirely of forged steel can be produced somewhere from ten to twelve thousand dollars, or not to exceed, say, 20 to 25 per cent. additional; and when you have got them you have got a reliable gun; when you have them you have a more powerful gun, a more durable gun, a gun that can be relied upon to do good service.

Now, how about the time? I suppose at this time there are half a dozen establishments in the United States that could cast the ingots necessary for the manufacture of these mortars. The Pacific Rolling Mills, of San Francisco, can do it; the Bethlehem Iron Works, and the Midvale Iron Works, of Pennsylvania, can do it; and there are two or three other establishments in the country prepared to do the work. There is no trouble in procuring, as soon as they can be used, the necessary steel ingots for all the mortars that are proposed to be appropriated for in this bill, and they can be manufactured as soon as the emplacements can be provided for them.

Still, in the face of the action of the other branch of Congress, in the face of the statements of all the boards and all the engineers and officers of the Army who have ever made statements in regard to the question, in the face of the report of the Board on Fortifications and Other Defenses, in the face of the report of the Senate Committee on Ordnance and War Ships, in the face of the opposition of the chairman of the Committee on Military Affairs, in the face of the testimony of everybody qualified to speak who has ever spoken upon this subject, we find injected in the fortification appropriation bill every time it comes from the Committee on Appropriations this provision for the purchase of these guns, which are certainly, to say the most for them, inferior to steel guns, and which are not economical in view of the endurance and the power of the two kinds of guns.

Mr. BLAIR. I should like to ask the Senator how he accounts for it.

Mr. DOLPH. There seems to be a great difference of opinion among people as to what is the proper material for guns.

Mr. President, not only do I disagree with the committee in regard to this appropriation, but I am also strenuously opposed to the amendment which is found on page 8 of the bill, which I will ask the Secretary to read.

The Secretary read as follows:

That section 2 of "An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes," approved August 18, 1890, is hereby modified and enlarged so that the amount authorized to be expended thereunder be increased to $4,250,000, to be expended on the terms and conditions and for the purposes therein set forth, except that $50,000 of said sum shall be reserved to cover all expenses other than the powder and projectiles incident to the tests and inspection of the guns, and also that the Secretary of War be authorized to contract thereunder for such less number of guns than one hundred as he may deem for the best interests of the Government.

Mr. DOLPH. Mr. President, section 2 of the last fortification appropriation bill authorized the Secretary of War to purchase under contract, after due advertisement inviting proposals, and at prices which the Board of Ordnance and Fortification should adjudge to be fair to the manufacturer and for the interest of the United States, twenty-five 8-inch, fifty 10-inch, and twenty-five 12-inch guns, all of which guns should be breech-loading, single-charge, steel guns, and of weight and dimensions to be prescribed by the board and to fulfill the conditions provided in the act.

It was provided also that under the provisions of this section there should not be expended or contract or contracts entered into involving the Government in an aggregate expenditure exceeding $3,775,000, nor an expenditure on the part of the Government in any one fiscal year in excess of $1,000,000.

I was one of those who believed that it was not wise to authorize the Secretary of War to contract for these guns. My reasons were briefly as follows:

There is no market in the United States, and there will be no market in the United States for a long time to come, for guns, except that provided by Congress. There will be no purchaser but the Government. No private establishment can afford to take a contract for the construction of one hundred guns for the Government and take the risk of securing further contracts unless it receives a bonus on the contract substantially equivalent to the cost of the plant which will be required to be established for the construction of the guns. It may be accepted as a fact that no company, no corporation, no association or men are going to enter into a contract with the Government for furnishing guns which necessitates putting up a plant to cost $1,000,000, unless in the contract they substantially receive the cost of the plant so that they can take the chances of receiving any further contracts from the Government.

Now, it must be evident to everyone that if the Government is going to pay for the plant it had better erect it itself, and when one hundred guns are constructed the Government will own the plant and can proceed to construct others as they are needed. I repeat that if to secure one hundred guns by contract it is necessary to add to the necessary cost of the guns a sum substantially equivalent to the cost of the plant by which they are manufactured, everyone must see that it would be better for the Government to construct its own plant and own it.

I believe also that the amount proposed in the last fortification appropriation act was more than the Government ought to pay for them, but by the amendment reported from the committee it is proposed to add to that amount $475,000; in other words, to authorize the Secretary of War, if he has not contracted for the guns under the provision in the last fortification act, to pay an additional sum, which everyone must understand must be by way of bonus, of $475,000.

We have already a plant, a gun factory for the Army, at Watervliet arsenal in the State of New York, and a gun factory for the Navy which is doing good work at the Washington navy yard. We should have an additional plant. As a matter of economy there should be a gun factory established on the Pacific coast. Instead of contracting with private parties to furnish guns, necessitating the establishment of a plant by private parties, the proper thing and the economical thing for the Government to do would be to establish another plant.

During the last session of Congress the Committee on Coast Defenses reported a bill (S. 1260) to provide for the establishment of a gun factory for the finishing and assembling of heavy ordnance on the Pacific coast. I will ask the Secretary to read it.

The VICE PRESIDENT. The bill will be read by the Secretary.

The Secretary read as follows:

Be it enacted, etc., That the sum of $1,000,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the erection of suitable buildings, the purchase of suitable machinery and other materials necessary for the establishment and maintenance, at some point on or near the Pacific coast, of a plant for finishing and assembling the parts of heavy guns and other ordnance for the use of the Army and Navy.

SEC. 2. That the President is hereby authorized to appoint a board, to consist of three officers of the Army and three officers of the Navy, who shall examine and report what, in their opinion, is the most suitable site for the erection of the plant provided for in the foregoing section of this act; and no money therein appropriated shall be expended at any point until the point so selected shall have been approved by the President.

SEC. 3. That, for the payment of the necessary expenses of the board to be appointed under the provisions of the second section of this act, the sum of $2,500 is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

Mr. DOLPH. Knowing the difficulty of securing the passage of an independent bill for the purpose, by direction of the Committee on Coast Defenses I reported the same bill as an amendment to the fortification appropriation bill and had it referred to the Committee on Appropriations. I appeared before that committee and presented that amendment and others which I had offered and had referred to the same committee, and I will ask to have inserted in my remarks without reading what I said in regard to this amendment, unless there is objection:

The next amendment reported from the Committee on Coast Defenses is one bearing the same date—all three of the amendments bear the same date—providing for the erection of a gun factory upon the Pacific coast. This amendment provides that the sum of $1,000,000 be appropriated, out of any money in the Treasury not otherwise appropriated, for the erection of suitable buildings, the purchase of suitable machinery, and other materials necessary for the establishment and maintenance at some point on or near the Pacific coast of a plant for finishing and assembling the parts of heavy guns and other ordnance for the use of the Army and Navy.

Senator DAWES. That, in short, is Watervliet and Washington combined?

Senator DOLPH. Yes; the intention is to provide a plant for the use of both branches of the service on the Pacific coast. The second section of the amendment authorizes the President "to appoint a board, to consist of three officers of the Army and three officers of the Navy, to examine and report what in their opinion is the most suitable site for the erection of the plant provided for, and provides that no money appropriated shall be expended at any point until the point so selected shall have been approved by the President. There is a provision in the fortification appropriation bill as it comes to the Senate authorizing the President to appoint a board to consist of three officers of the Army, who shall inquire into the facilities for producing steel forgings for high-power guns at or near the Pacific coast" and in other places mentioned in the section. I prefer that prevision to none, because the report of such a board would be an official and authoritative statement as to our ability on the Pacific coast to furnish the ingots.

Senator PLUMB. I beg your pardon, Senator, but I think there is nothing left in reference to that to argue upon. I think we agree about that.

Senator DAWES. You may assume that we are with you on that.

Senator DOLPH. The Chief of Ordnance rather indicated in his report upon that subject to the Secretary of War that owing to the lack of sufficient supplies of coal of the proper quality for use in producing forgings he did not deem it advisable to recommend the proposition favorably. Therefore I called General Benét before the committee and I asked him this question: "The number of guns required for the defense of San Diego, San Francisco, and the mouth of the Columbia was between one-third and one-fourth of the entire number for the twenty-seven ports, was it not?" His answer was: "Yes, sir; it is about one-fourth of the number of guns and about one-fifth of the number of mortars."

The twenty-seven ports referred to were those the defense of which was recommended by the board appointed under the provisions of the act of March 3, 1885, by President Cleveland. The board made a very elaborate report, naming twenty-seven ports and describing the requirements of each.

Senator DAWES. After which they selected eleven of these ports as being of more importance than the rest.

Senator DOLPH. Yes. I then questioned General Benét: "Are you able to state whether there are other points upon the Pacific coast, besides Puget Sound ports and besides those named by the board, that will require to be included in a general system of coast defenses?" to which he replied, "I am not able to say. The matter was talked about in the board, I remember, but they did not come to any conclusion."

But General Miles was before the committee later, and stated that San Pedro would eventually require to be defended. It is the port of Los Angeles.

Senator DAWES. It is if Santa Monica is not.

Senator DOLPH. San Pedro is quite an important point and is the terminus of a branch of the Southern Pacific Railway.

Senator DAWES. You do not call the mouth of the Columbia one of the Puget Sound ports, do you?

Senator DOLPH. No, sir. But at some point on the Columbia it will be necessary to build fortifications for the defense of all the towns on the Columbia which can be reached from the sea. Fortifications at the mouth of the river will be necessary for the defense of Astoria. Puget Sound requires an entirely distinct provision for its defense. Unwisely, I think, the Board on Fortifications and Ordnance did not include Puget Sound in the list of places that required the immediate construction of works of defense, but since that report was made, four years ago, there have been wonderful changes in Washington, and Western Oregon has more than doubled in population. The cities of Seattle, Tacoma, Olympia, etc., have had a wonderful growth, and to-day Puget Sound ought not only to be classed in importance among the twenty-seven ports reported by that board, but it ought to stand high up in the list.

Then we are already building upon the Pacific coast vessels intended for the Navy. The Board on Fortification, which I have referred to, reported as necessary for the special defense of San Francisco harbor three floating batteries of a character described in their report, having very heavy armaments and heavy guns—heavier than any guns or armament of any vessel that could be brought to meet them—floating batteries that could sally out and meet an attacking fleet outside of the harbor; because San Francisco is so near the coast that projectiles from modern guns fired from ships anchored at sea could destroy the city.

Senator PLUMB. That is to say, that the sites for fortifications intended to defend San Francisco are too near the city, so that the defense would have to be made by means of harbor rather than shore defenses?

Senator DOLPH. Yes, sir; by floating batteries. Not vessels with great endurance, but adapted to carrying the heaviest possible armaments, and the heaviest guns that can be provided, and floated in order to be more powerful than any that can be brought against them. It is supposed to be impossible for a vessel in conjunction with sea-going qualities or endurance at sea to be capable of carrying an armament such as it would be possible to give these floating batteries.

Now, for the defense of San Diego, San Francisco, and the mouth of the Columbia, as well as for Puget Sound and other ports of less importance at the time that report was made, and for vessels in process of construction, including the three floating batteries which will have to be constructed for the proper defense of San Francisco, which is placed second on the list of important places to be defended, the most powerful guns will have to be provided, and I think it important that there should be a manufactory on the Pacific coast in which the guns can be assembled and finished for use on that coast.

Senator PLUMB. While you are on the subject of defenses of San Francisco, of course you are aware that we are already being provided with a somewhat elaborate system of defenses in the way of submarine mines, torpedoes, etc., for the defense of that city.

Senator DOLPH. I have an impression that the depth of water is so great and the tides so strong that the system of mines, which are a necessary adjunct to land fortifications, can not be as successfully applied in San Francisco Harbor as in some of the Eastern ports. I will have something more to say touching that question when we get further along.

Senator DAWES. Is it your idea to commence at once the construction of that factory?

Senator DOLPH. I think it just as important that we commence at once the preparations for the construction of this foundry as it was that the arsenal at Watervliet and the gun factory for the Navy here at Washington should have been constructed without delay.

Senator DAWES. Do you think that that new wing proposed for Watervliet should be suspended?

Senator DOLPH. No, sir; I am not so selfish as that, nor so selfish as some of the people interested in other establishments in the East. I do not want to interfere with them.

Senator DAWES. You think a sufficient amount should be added, then, to this bill to construct a plant on the Pacific coast?

Senator DOLPH. Yes. The bill already provides for the commencement of the construction defenses, emplacement for guns, at San Francisco. I understand there are batteries without guns and batteries with guns, and I do not know but that the guns themselves are sometimes called a battery.

Senator PLUMB. We do not use the term in that sense in the bill.

Senator DOLPH. The objections of General Benét to the policy of constructing that plant appear to be groundless. I had before our Committee on Coast Defenses General Miles and another gentleman who appeared to be thoroughly conversant with the subject, and I will read you a question I put to the general, and his reply [reading]:

"The CHAIRMAN. The serious question in that connection appears to me to be whether, when we already have one plant at Watervliet, which could be enlarged for the manufacture of 16-inch guns, and also a factory here at the navy yard at Washington, it would be judicious to erect another gun factory on the Pacific coast.

"General MILES. I have made an estimate of the cost of armament necessary for the Pacific coast, and I am satisfied that the cost of transporting large guns across the continent will be much greater than would be the additional cost of constructing them there, if there would be any. Some of our iron companies now are ready to construct the material for the 10-inch gun, which is probably as large as they will use for some time. The Pacific Rolling Mills, of San Francisco, can cast steel ingots weighing 37 tons. The specifications of the Ordnance Department of the Army call for ingots of 14 tons for 8-inch guns, 25 tons for 10-inch guns, and 40 tons for 12-inch guns."

Now, that is the statement of one well informed upon the subject, that the Pacific Rolling Mills can at this time furnish the ingots for the 8 and 10 inch guns, and that the capacity of their mills at the present time falls short only 3 tons of the capacity required for the size and weight of the ingot necessary for the 12-inch gun. That is, they cast ingots weighing 37 tons, while that necessary for a 12-inch gun is 40 tons.

Senator DAWES. The more serious question is as to whether you have the coal and other materials necessary.

Senator DOLPH. There is no doubt about the presence of the material at all. If we have not the right quality of domestic coal, the question of the transportation of the coal necessary to be used in casting these ingots is a mere trifle compared with the question of the transportation of completed guns, which would require the construction of carriages and cars made especially for their transportation, and the weight of large guns would test the capacity of some of the bridges on the lines of railroad. You may say that we would transport those guns by sea, but vessels thus heavily loaded would be not only legitimate but easy subjects of capture in times of war, and in times of peace they would be subject to all the sea risks.

Senator PLUMB. Do you have coking coal? And, if so, where is that found?

Senator DOLPH. We depend at present on Puget Sound for domestic coal for most purposes. I am told that the mines on Vancouver Island afford a superior quality of coal to any we have on the American side, but I have always been a little skeptical myself of that point. But we import the best quality of coal. We get coal from Australia and other quarters by vessels coming to San Francisco, Portland, and Puget Sound for wheat. We get the best quality of coal from abroad in that way, and at prices comparatively low.

Senator GORMAN. I suppose you get coal from the East here and mix it with your Australian coal?

Senator DAWES. But you do not think the coal an important factor in the question, then?

Senator DOLPH. There is no trouble about getting the coal.

Senator GORMAN. What does General Benét say about that?

Senator PLUMB. The trouble about the domestic coal would be, I suppose, the deleterious substances in connection with it, sulphur and other things.

Senator DOLPH. General Benét is not good authority on the question of coal. We get all qualities of coal out there. We get the very best quality of cannel coal in San Francisco.

Senator DAWES. Where does cannel coal come from?

Senator DOLPH. I do not know—from Pennsylvania for all I know; I know that we get it there. I judge that the price of coal is 50 per cent. higher than it is in Washington City to-day, but that is a very small consideration compared with the benefits to be derived by the country from the establishment of a plant on that coast.

Senator DAWES. You think it would be impossible to transport those guns without changes in the means of carrying them?

Senator DOLPH. Not only that, but I think that the largest guns would require changes in the bridges on the lines of railroads.

Senator PLUMB. I believe they carry 40 tons on some cars, but it is only where the bridges are known to have capacity for that weight.

Senator DAWES. The question with me is whether it is wise to carry on to completion the new wing at Watervliet and at the same time to construct an arsenal on the Pacific coast.

Senator DOLPH. I think there is no doubt that it would be wise. This bill and these amendments all proceed upon the theory that coast defenses are necessary, and that it is the part of wisdom to provide them. If it is the part of wisdom to provide them at all, it is the part of wisdom to provide them now. To use a common but somewhat inelegant expression, perhaps, we do not want to wait until the horse is stolen to bolt the stable door. To obtain the best results and to obtain them economically we ought to provide those defenses while we have time to deliberate, while we have time to proceed with the work without being hurried or driven. Therefore we ought to commence now to make provisions for the future, and we can not construct guns without the necessary tools, appliances, and factories.

Senator PLUMB. Let me ask you a question in regard to that. Suppose that adequate provision were made in this or some other bill for the making of contracts for the entire construction of guns, including not only the making of the forgings, but the complete fabrication of the guns, do you believe, or not, that there would be manufacturers on the Pacific coast who would enter into such contracts and be able to make the entire gun?

Senator DOLPH. Private parties?

Senator PLUMB. Yes; private parties. Allowing them to avail themselves of the skill, information, and intelligence of the army officers. We have the benefit of their suggestions about the types, and suggestions that come up generally as to methods of manufacture, and all that sort of thing, and thereby get the information on the subject which will be available when we come to contract with private parties for the construction of the gun entire. The question now is whether something of that kind would not really result in furnishing, quicker than any other way, the Pacific coast with guns.

Senator DOLPH. I will come to that question pretty soon, but I do not desire to discuss any propositions before the committee but my own. I shall have something to say on the floor of the Senate at the proper time.

Senator PLUMB. I do not desire, understand me, to enter into a discussion of the policy of authorizing the purchase of guns from private parties, but in the event of such a policy being adopted I would like to know what you think the result would be.

Senator DOLPH. I will say this, that if the Union Iron Works were permitted to bid for the construction of the mortars, and if the cost of transportation of the mortars from the Atlantic to the Pacific coasts was taken into consideration in connection with their bids, I have no doubt the Government would make a profit by contracting with them at their bid for the construction of all their mortars upon that coast.

Senator DAWES. That is, they would undertake to build them cheaper than what the gun could be built for East added to the cost of transportation.

Senator DOLPH. I have no doubt of it. They have the facilities for casting mortars. They have the facilities for furnishing the ingots for 8 and 10 inch guns, but it requires a good deal of outlay for the construction of a factory for assembling the parts, as the Government has already found in erecting such a factory here and at the Watervliet arsenal. The cost has been far in excess of the estimates of the Gun Foundry Board and the Board on Fortifications and other Defenses. I doubt, unless they could have a contract to furnish all the guns for that coast, or a sufficiently large order to justify the extraordinary outlay for a gun factory, whether they could compete with the Government or with the Eastern manufacturers, because only about one-third of the guns required by the Government are required for the Pacific coast.

The Pacific coast is a very extensive one. From the lower boundary line of California to the Straits of Juan de Fuca the distance is 1,620 miles. Puget Sound alone, including all its indentures, has 1,900 miles of shore on the American side, but there are comparatively few points to be defended. About one-third of all the mortars required for all the ports of the United States will be required on that coast, and I think that the Government ought now to commence preparations for providing this factory to manufacture the guns required at San Francisco, which, next to New York, is the most important of all the ports upon our coast. If we are to have this factory, we should make the appropriation to complete it without unnecessary delay.

Now, in addition to the manufacture of these guns, there will be carriages, repairs, etc., to keep the plant in constant employment. I judge from what I have read—and I get my information largely from the amendment presented in behalf of Mr. Emery, who wants a monopoly for furnishing guns for the Government—that guns while still serviceable require repairs.

Senator DAWES. Does he propose to stop the Government works?

Senator DOLPH. He wants us to strike out the provision for the Watervliet arsenal and wants the monopoly himself, as I understand it.

Senator DAWES. That arsenal would still exist under the provisions of his amendment. The main wing would still be kept in operation.

Senator DOLPH. Provision is made in that amendment that the carriages, guns, and so on are to be transported by the Government and repairs made by him, and I suppose on the Pacific coast there will be not only carriages, but the guns also to be repaired from time to time, and that the Government will require a gun factory there eventually if we construct these coast defenses. If we build up our Navy, there will be for that branch of the service work to be done from time to time, even after all the guns are provided.

So much for the establishment of a gun factory upon the Pacific coast. Although it was not my measure (it was introduced by Senator STANFORD), I believe it is a wise measure.

Instead of the amendment offered by me the following provision was inserted in the bill:

That the President is hereby authorized to appoint a board to consist of three officers of the Army, one of engineers, one of artillery, and one of ordnance, not below the rank of lieutenant colonel, who shall inquire into the facilities for producing steel forgings for high-power guns at or near the Pacific coast, and in the vicinity of the Rock Island arsenal, and in the vicinity of the Indianapolis arsenal, and at some point on or near the Gulf coast, and the advisability of erecting gun factories for finishing and assembling high-power guns, to be mounted in fortifications, at the Benicia arsenal, in California, or at the Rock Island arsenal, or at the Indianapolis arsenal, or at some point on or near the Gulf coast.

This was a very unsatisfactory provision. In my judgment it was intended to postpone any action in regard to the establishment of another gun factory and to secure all the appropriation for the time being for the factories at Watervliet arsenal and at the Washington navy yard. If it had been intended that Congress should act upon the report of this commission the inquiry should have been enlarged and the board should have been directed to ascertain at what point on the Pacific coast the factory should be located, to have ascertained which was the most suitable location. This was not done. It has been supposed by some that this provision amounted to a location of the proposed gun factory at Benicia, but it will be seen that that is not so.

The board was simply directed to report as to the cost of a factory at that place. But the report of the board is valuable inasmuch as it settles the question, or at least ought to settle the question, as to whether there can be found on the Pacific coast suitable material for the construction of forged steel guns. They not only report that the material can be obtained there in abundance, but report strongly in favor of an additional gun factory; and I will ask the Secretary to read from the report what I send to the desk.

The Secretary read as follows:

Having reached this conclusion, it remains for the board to express its opinion as to the place where a second factory should be located.

It is the opinion of the board that a second factory should be located on the Pacific coast. The quantity of guns required on that coast is sufficient to justify the erection of a factory for building them, and every consideration of fitness and propriety seems to make it advisable that the guns for the defense of the Pacific ports should be built on the Pacific shore.

No special difficulty exists; the facilities for building the factory are abundant; materials and workmen can be readily obtained for operating it. The Pacific States, being separated from the Atlantic by a wide expanse of intervening mountains and deserts, constitute a social, commercial, and industrial system by themselves, and this physical separation is a strong reason for promoting every work which may contribute to their industrial independence, to their material prosperity, or to their security. The inconvenience, expense, and risk of sending heavy guns across the continent or around Cape Horn are not only manifest, but appear more objectionable the more they are examined.

The board has collected a large mass of information on the subject of the facilities of many localities for producing steel forgings for use in finishing high-power guns, but postpones the discussion of that subject to a later report, being desirous to submit a report without delay on the other branches of the inquiry committed to it under the law, as they involve an appropriation by Congress if approved. While the evidence is very strong as to the existence at or near more than one point of all the materials necessary for the production of the best steel, the development of those natural industries is still very incomplete and more time is needed for an accurate determination of the extent of the deposits in many localities and as to the time and expense of bringing them together for the manufacture of steel. Capital seems ready to take hold and has already begun to locate itself definitely with this object at more than one point, but there is no plant yet ready on the Pacific or Gulf coasts equal to the manufacture of the best steel in large masses.

* * * * * * *

The board unanimously, and as strongly as possible, recommends the erection on the Pacific coast of a gun factory of a capacity such as to enable the guns for that coast to be ready at least as soon as those for the Atlantic and Gulf coasts, but does not consider it advisable at this time to recommend the erection of a third factory "at the Rock Island Arsenal" or "at the Indianapolis Arsenal" or "at some point on or near the Gulf coast." The board, however, is of the opinion that should a third factory be erected it should be at Baton Rouge. The board understands the location of a factory on the Pacific coast to be fixed by the law at Benicia, and adds an estimate of the cost thereof based upon actual experience in the preparation of the site and the erection of the existing building at Watervliet and upon estimates for the completion and the plant of the south wing.

Mr. DOLPH. To supplement what is said by the board as to the capacity to furnish the necessary steel on the Pacific coast I desire to read a single question and answer from the testimony of General Miles, given during the last session before the Committee on Coast Defenses:

The CHAIRMAN. The serious question in that connection appears to me to be whether, when we already have one plant at Watervliet, which could be enlarged for the manufacture of 16-inch guns, and also a factory here at the navy yard at Washington, it would be judicious to erect another gun factory on the Pacific coast.

General MILES. I have made an estimate of the cost of armament necessary for the Pacific coast, and I am satisfied that the cost of transporting large guns across the continent will be much greater than would be the additional cost of constructing them there, if there would be any. Some of our iron companies now are ready to construct the material for the 10-inch gun, which is probably as large as they will use for some time. The Pacific Rolling Mills, of San Francisco, can cast steel ingots weighing 37 tons. The specifications of the Ordnance Department of the Army call for ingots of 14 tons for 8-inch guns; 25 tons for 10-inch guns, and 40 tons for 12-inch guns.

So if General Miles is correct the Pacific Rolling Mills can cast steel ingots weighing 37 tons, 12 tons larger than those required for 10-inch guns and lacking but 3 tons of the size necessary for 12-inch guns.

Mr. President, I do not propose to continue the discussion upon this question. I should say that I again reported at the present session, from the Committee on Coast Defenses, the amendment providing for a gun factory on the Pacific coast and referred it to the Committee on Appropriations. It has not been reported, but it is in order, and when the proper time arrives I shall offer it and ask for a vote upon it.

What I do object to, however, in the pending bill at this time, and what I rose to discuss, is the proposed reduction of the appropriations contained in the House bill as it came to us for matters that were recommended by the board on fortifications and other defenses, matters necessary to the fortification of the coast in order to provide for an appropriation for securing cast-iron guns hooped with steel.

The VICE PRESIDENT. The question is on the amendment of the committee. The amendment will be again read.

The SECRETARY. In line 18, page 2, after the word "Washington," strike out "one million" and insert "seven hundred and fifty thousand;" so as to read:

Seven hundred and fifty thousand dollars.

Mr. COCKRELL. Did I understand the Senator from Oregon to offer an amendment to this amendment?

Mr. DOLPH. No; this is a committee amendment reducing the amount, and I object to it because, as I have stated, I think the amount contained in the bill as it came from the other House should be appropriated. I object to it because it does not decrease the total appropriation made by the bill, if the other committee amendments be adopted which have been proposed by the committee for matters not as meritorious as this item of appropriation.

Mr. COCKRELL. Mr. President, I heartily favor this amendment striking out "$1,000,000" and inserting "$750,000," and only regret

that there has not been a greater reduction made. I think $750,000 even would be very largely a useless expenditure, in a very short time at least.

This appropriation of $1,000,000 was made in the other House, and in a report which accompanied the bill occurs this language:

In the fortifications appropriation bill of last session we appropriated the sum of $1,221,000 for the purpose of constructing works of defense in which are to be placed the guns (and the placing of such guns) which it is expected will be completed and ready for placement previous to the 1st of January, 1892. The War Department asked for $1,735,000 for the purpose of providing places and placing such guns and mortars as are completed between the 1st of January, 1892, and the 1st of January, 1893. We have reduced the amount estimated for to $1,000,000, believing that that amount will be all that can profitably be utilized for the purpose named during the time mentioned. It is expected that there will be ready to be placed during the time last mentioned two 12-inch guns, five 10-inch guns, and six 8-inch guns, together with twenty-seven 12-inch mortars.

It does seem to me a waste of money, an absolute waste of money, to undertake now to expend what is contemplated by the Board of Fortifications and what the Senator from Oregon has advocated, a system of coast defenses which will require $125,000,000. If that amount is expended inside of ten years, in my judgment, it will be an absolute waste, and utterly worthless. Once before in the history of our country we had this spasmodic disposition to make extensive coast defenses, and we spent millions of dollars. To-day, a soldier would run from behind those defenses; he would not risk his life in them in an engagement. It will be the same way with the defenses that we are now constructing; in ten or fifteen years they will be utterly useless.

There is no possibility of this country being engaged in war at any time in the near future with any foreign power. There is no occasion for it. We need no great line of coast defenses. There is no danger of any nation coming here and undertaking to bombard any of our cities or to destroy our property. There is not money enough in the Treasury, there was not under an economical administration when there was a surplus, enough money there to induce any foreign nation to come here and undertake such a thing as bombarding New York City, or San Francisco, or any other city on the coast, and all this preparation for war is unnecessary.

We are a great nation; we are isolated; we have no foreign nations upon our contiguous soil that can harm us. England would not dare to attack us. If she did come and bombard New York what would it amount to? We would simply step over *en masse* into Canada, take possession of Canada and all the railroads and public property in that country, and extinguish and wipe out the liabilities held in England against them; and that would ten times remunerate us for all the damages England had done. England knows that as well as we do. War is war, and if she were to force us to war that would be the result of it. There are a billion dollars invested in Canada by English capitalists, and we would take it all. What would be the result? Mr. President, you can not get a war, and there is no necessity for preparation, and this is a useless expenditure.

Aside from that the United States is not a warlike nation. There is no reason why we should go to war. We are not for extension of our territory; we have got enough. We are not for conquest or dominion. We are the exemplar nation of the world. We can always afford to do right. We are not compelled to slap every little nation in the face that may talk saucily and impudently to us. We ought to be above it. We are a great nation that can afford to have other nations apparently for the time being treat us unfairly and unjustly. The United States would be in the position of a great, big, robust, athletic man who would go along the street slapping the boys in the face if they said any naughty words to him.

We occupy that position with reference to nearly all the nations of the earth, and, isolated as we are upon our own soil, united as we are, and homogeneous as we are, we can resist the combined powers of the entire earth. Let the nations of Europe combine, bring their armies and their fleets unitedly, and attempt to find a lodgment upon our soil, and they would be driven back in confusion. We have no danger; we have no risk to run. Mexico is our friend, the Canadians are our friends.

Suppose they were enemies, what would it amount to? Not a row of pins. I think, however, it would amount to a great deal if England would undertake to go to war. I think it would amount to an indemnification to the people of the United States for any possible damage that England may ever inflict upon us. I think we just hold right in our hand on Canadian soil compensation and remuneration and indemnification for every possible injury that Great Britain may at any time hereafter do us. There it is; all we have to do is to step over and take it, and reimburse and indemnify ourselves; and England knows it as well as we do.

Another thing, Mr. President. In the progress of the manufacture of arms and munitions of war and the absolute certainty that at no distant day we shall be able to have an abundance of aluminum, the indications are to-day that if that metal sustains the character and reputation it has and proves to be what it has thus far been tested to be, all these guns and armaments will be absolutely thrown aside as waste material.

The experiment of nickel has proved a great thing, but here is aluminum, a metal with a tensile strength greater than steel and as light as oak wood. You could make gun carriages out of that material which could be handled by hand power while you must have machinery to handle steel. You could make in all probability a 48-pounder or 50-pounder gun that could be hauled upon the field of battle with the same power that you take a 12-pounder upon an open field to-day, and it would be the same way with guns for coast defense.

Why should we throw away the people's money at this time? Have we a surplus in the Treasury? We heard of the incubus of the surplus, but it no longer exists. Within twelve months of this time the Congress of the United States will be confronted with the necessity of providing additional revenues. Now, why should we make this drain?

Mr. President, this is a step to be a permanent one, and the next step is to be an increased amount, because every dollar spent in this way will cause the expenditure of two more dollars.

I think the Committee on Appropriations of the Senate have acted wisely in reducing this amount from $1,000,000 to $750,000, and I only regret that they did not reduce it much more than that, even to $250,000. But it is better to save $250,000 by agreeing to the Senate committee amendment than it is to let the bill go through as it came from the House of Representatives, and therefore I shall support very heartily the Senate amendment. I only wish that it could be reduced much more.

Mr. HAWLEY. Mr. President, it is extraordinary that we have to discuss the propositions of ordinary common sense every year over and over again before a body that is supposed to be composed of the most intelligent legislators of 63,000,000 people. We have to demonstrate that steel is better than cast iron and that twice two are four.

The Senator from Missouri [Mr. COCKRELL] feels, as a great many candid and honest people do, that inasmuch as weighed on Fairbanks scales we weigh more than other people we can whip them all. I ask him what chance he, stark naked, as the Lord made him, would stand against a man with a Colt's revolver or a bowie knife. He would rely upon the moral strength of his cause and upon his superior physique.

There are 63,000,000 people in the United States capable of making the finest troops the world ever saw, but in case of an unexpected war with a foreign nation, summoned down to the coast to stand there in militia array, they would be what Wellington called "carrion for powder," absolutely helpless. What do you suppose the British navy would care for square acres or square miles of human flesh of that description, that could not shoot over 1,200 yards anyhow, and that with a 1-ounce ball?

The cold, practical fact is—it is a very humiliating fact, but it has been stated a great many times here; I do not want to show the nakedness of my country, but it so happens that the whole world knows it already—that every foreign legation has upon it usually some bright young man of the army or the navy who travels the country over and reads all the reports of your Secretary of War, your General of the Army, your ordnance officers, your quartermasters, your commissaries, etc., and makes a due report of it, and it is all written down and tabulated for their nation at home. They know as well as I do when I say here that we are absolutely helpless, that we can not honorably negotiate to-day; it is the Bible truth, as plain as the sun this morning was over our heads.

The British have a magnificent harbor up here at Halifax, a splendid dry dock, a noble battery, and abundant supplies of ammunition. They have a very noble fleet, altogether the heaviest and best in the world. It can be gradually collected there or at their leisure collected there, so far as we are concerned. They have another one at Bermuda. They have others scattered all about at convenient positions. They have one on the very northwesternmost corner of our country, where they can almost throw a shot to our lines. I do not know but that they can quite. The Senator from Washington knows.

Mr. ALLEN. You can hear distinctly, from the American side, the firing of their guns.

Mr. PLUMB. Is not the situation more alarming still? Is it not true that at some points along the border between the United States and Canada an American can hear a whisper on the other side? [Laughter.]

Mr. HAWLEY. Yes, I know all that very well. That is very funny, but it does not at all disturb what I have said. In case of any serious controversy with us they would assemble a few fleets at Halifax. Wars do not come by a year's agreement in advance. For the last hundred years not 10 per cent. of them have been formally declared; they explode upon the world without notice. Secret plans are laid for the occupation of a frontier, for some advantage to be seized without notice, and the first the world knows there is a war there. We had the biggest war the world has ever known, and nobody believed in it, and some did not believe in it until it was six months in operation. Some said it would be over in a day or two; that it was nothing but a little shower, as they told Noah. Wars, I say, do not come by agreement or long notice.

Great Britain you say will not fight; that she can not afford to go without our wheat and without our pork; that it is the same blood, we have the same Shakspeare, and all that sort of thing. John Bull is very much like other people; he gets mad and makes an ass of himself occasionally. He fights when he should not. He fights when he

wants to defend himself against robbery in a minute, and he fights for the sake of robbery sometimes. He will fight—I do not want to make a mistake about it—he will fight when somebody else will join him in fighting. But you say this is rot; we can whip anybody. Great Britain assembles at Halifax and in about twelve to eighteen hours a squadron sailing leisurely, going no faster than the slowest ship can go, 14 to 18 miles an hour—I have all this tabulated somewhere—is at Portland; in eighteen to twenty, at Boston; in twenty-four, perhaps, at New York, and there they can concentrate. They can meet the fleet at Bermuda at all ports along down our harbors.

There is not anything from New Orleans along that is sixty hours away from the guns of Spain and England starting from their own harbors.

What are you going to do when they come to New York? Go to work, you say. I do not know, but I know enough to take the judgment of the wisest men upon the arts of defense and attack in the world, and those I believe to be our own educated and accomplished scholars of the Army and Navy. Go and talk with them and see how well you are able to defend, absolutely nothing, against the ships that will be likely to be sent here. They could levy a tribute of $50,000,000 or $100,000,000 upon the city of New York and compel New York to pay it. But in the mean time these gallant sons of liberty, by the hundred thousand and five hundred thousand, would be rallying to the coast, and they would not be worth so much as a last year's bird's nest, the whole force, because you can not defend your harbor at Portland, at Boston, or New York, or Fortress Monroe, or Charlestown, nor at any of the deep harbors along the Southern coast, or at New Orleans, or anywhere. You can not defend them; you have not the modern guns.

You say we are a very ingenious people and we can extemporize something. So we can. We can collect several thousand ships and fill them with stones and sink them on the bar at the mouth of New York Harbor and help to keep those people off. That will do something towards it. You say we can sink torpedoes. So we can. That is one of the quickest methods of defense, and we have a great many torpedo shells already made, made with very considerable Yankee ingenuity. I have seen them and know all about how they are made. They are stored up there, but your torpedoes have to be charged; your torpedoes have to have anchors in the stream, and lead lines, and telegraph wires, and galleries or covered ways along on the shore—protected wire and protected holes for the operators, who will see just when the hostile ships cross the line, and turn the switch and explode it. It requires considerable preparation; just now it would require preparation of perhaps three or four months to get those magnificent weapons of defense in operation.

But this wise Appropriation Committee come in and knock down the very things that we need more than any other thing in the whole bill for prompt work; they knock it down from $200,000 to $100,000, I think, in one case, and from $100,000 to $50,000 in another. I will see what the exact figures are:

Torpedoes for harbor defense: For the purchase of submarine mines and necessary appliances to operate them for closing the channels leading to our principal seaports, $100,000.

The men who drew that knew the wise economy of this Congress or they would have made it greater; but this committee make it $50,000.

For needful casemates, and cable galleries, to render it possible to operate submarine mines, $100,000.

The committee, having confidence in naked beef, put that down to $50,000.

So much for that. There are some other things:

Gun and mortar batteries: For construction of gun and mortar batteries for defense of Boston Harbor, New York Harbor, San Francisco Harbor, Hampton Roads, and Washington—

Five of the most important points are selected, but there are men here enough who will tell me those are not all by any means—

$1,000,000.

One million dollars.

It sounds like a large sum, and until you begin to build proper and decent defenses it is a large sum. Some of these sums sound large, but, as planned by that famous and able Board on Fortifications and other Defenses here about three years ago, not all of it together begins to approach the sum that our people about fifty or sixty years ago deliberately determined to expend for the protection of our coast, and they completed practically Fortress Monroe—not entirely; it never has been altogether finished as it ought to be—and began magnificent works at Sandy Hook and elsewhere in accordance with a general system, the wisest of that time, the time when we had the best guns that could be found in the world on land or on shore; and after we had for half a century led the world in building new guns of the old cast-iron kind, the best that were to be got then, we had—let whoever will claim it, Democrat or Whig, in those days, I do not care—we had the best land defenses in the world, and many of the best guns; and what we then proposed far exceeded, in proportion to the taxable power of the country, the burden-bearing power, what anybody proposes to levy now upon us.

While I am talking about the bill I may as well refer to some other points in it. On page 6 the House of Representatives said very wisely, but very economically—

For purchase of oil-tempered and annealed steel for high-power coast-defense guns of 8, 10, and 12 inch caliber, in quality and dimensions conforming to specifications, subject to inspection at each stage of the manufacture, and including all the parts of each caliber, $1,000,000.

That means the rough pieces, the rough-forged and rough-turned, the long central tubes of the heavy rifle, and then the successive turns or jackets put upon it up to the big heavy one near the breech of the gun and to the trunnion to the jacket on some of them. That is as we have it now, because no one is expected to put up the full plant for the whole operation, and has not done so yet, except for small guns. Those heavy, forged, rough-turned parts we take to a finishing and assembling factory for the Navy here at the Washington navy yard, where they have built up from steel forged by our private manufacturers the best guns in the world absolutely; and for the Army they have taken a little, and will take more if you will give the money, to Watervliet, where we can easily have machine tools better than are to be found in Krupp's establishment or any other in the world, and where we can build up coast defenses for the batteries along the coast or take the light batteries in the field, the best steel rifled guns in the world perfectly easily now, if they are only to get the million that the other House appropriated. But the Senate committee, in the exercise of a wise and careful economy, made it $800,000, with no special reason for it. The men who estimated here say that a million would do so much. It is a reasonable and moderate amount. The committee say let us do a little less because it sounds well in the way of economy. Now, it would take the Government——

Mr. GORMAN. Will the Senator allow me?

Mr. HAWLEY. Let me finish the sentence.

Mr. GORMAN. Only on that point.

Mr. HAWLEY. Very well.

Mr. GORMAN. I want to say to the Senator from Connecticut, if he will look at the statement of the Ordnance Department he will find that they say that there is no necessity whatever for an appropriation of this amount until a year hence.

Mr. HAWLEY. I do not know how fast they could finish those rough-tempered parts, but as to those rough-bored parts, if they should get them together now to build, they can not finish them as fast as the rough parts are made. It is because we have been overeconomical in previous years in arranging for the tools for finishing and assembling factories.

Mr. DAWES. If the Senator will allow me, I will also suggest that the members of the Ordnance Department itself before the committee stated that $800,000 would be enough.

Mr. HAWLEY. Yes; I know all that. I am talking on a little broader scale than that. It may be that we can not do more than fifty cents' worth of work this year because we did but a dollar's worth last year in the way of appropriation; but I mean the whole thing is going on such a scale that it will take us anywhere from fifteen to twenty-five years to put ourselves in a satisfactory condition of defense.

Now, that is not all. Here comes a paragraph, bodily inserted by the Committee on Appropriations:

For breech-loading, rifled, seacoast mortars, cast iron, hooped with steel, of 12-inch caliber, $400,000: *Provided*, That contracts may be made for not more than one-half of the mortars herein provided for to be constructed on the Pacific coast, in the discretion of the Secretary of War.

I should have said that a quarter was quite enough under the circumstances, considering the number of great harbors we have; but that is not altogether the essential thing. We have cut down several indispensable things, things relating to the carotid artery of the system previously, in order to get room for an addition of $400,000 for seacoast mortars, cast iron, hooped with steel.

Now, the gospel on the subject I will give you in two or three minutes. The coast guns will be composed of materials not homogeneous, and can not, as a rule, be depended upon. Remember there is a terrific strain put upon it. It may fire admirably for twenty-five shots, and go to pieces. It may fire a thousand, two thousand, three thousand shots; nobody can tell what they will do.

Now, we propose to make the gun cast, and, in the first place, it is a mortar. Allow me to say, by way of premise, because some of these gentlemen may not quite understand it, the mortar of the present day is not the old mortar that we see lying about the arsenals and the navy yards; it is more in the general form of the old-fashioned carronade. Instead of being a 13-inch mortar only, about 35, 40, or 45 inches long, it is 9, 10, or 11 feet long. It is a short cannon fired at a great elevation, a rifled cannon having a projectile of six or eight hundred or a thousand pounds weight, to go up in the air and to come down, if the angle be at the right point, anywhere inshore with a good deal of accuracy.

That is the kind of mortar they propose to build nowadays; but we propose by this amendment here to authorize the construction of a large number of them to be made of the cast-iron guns, in the first place, with a hoop, a strong band of steel around the breech. Now, what is the use? We have tried that experiment; we know all about it. We had the Parrott gun all through the war, a cast-iron gun with a strong band of wrought iron around it. Those guns went to pieces

again and again. I think at Fort Fisher they killed more of our soldiers than we killed of the Confederates five times over. They were dangerous along the whole ship, for the fragments flew in every direction.

I do not care to speak of what I have seen myself, but I have seen those guns in the city of Charleston with my own eyes—in some instances not as far as the corner of that chamber from a 100-pound gun—go to pieces with a great whirligig of sand and smoke, and chunks over 100 feet in the air, scattering about, killing some people. It was an expected thing that they would go to pieces, and the fleet of Porter was partially demoralized by the fact that there were so many Parrott guns on board.

That is the thing you propose to try here now, except we shall have a steel band instead of a wrought-iron band. But that wrought-steel band will not strengthen the cast iron. We have made no advances in the science of casting cast iron within the last twenty-five years, within my knowledge. I do not know what this little taste of aluminum may have done with it, but there was no better casting ever done in the world than was done under the Rodman system and the Dahlgren system of guns twenty-five years ago, and no better cast-iron guns made.

Mr. WOLCOTT. I will ask the Senator if that is the gun to be made by the South Boston Iron Company.

Mr. HAWLEY. I do not know whether it is the South Boston people or some of them reorganized, or what it means, but I know they have been desperately struggling for the privilege of making cast-iron mortars and cast-iron guns of some sort. They have made some which have been adopted on experiment and some which have not been. Now, let me state the comparison. I will take a 12-inch mortar 9 or 10 feet long—I am not exact about these things; I have not got the figures before me, but I am approximately correct—and it will fairly illustrate whether my figures are exactly right or not.

We will build, we will say, some 12-inch mortars of cast iron with a turned-steel, strengthening band around the breech. Now, the cast iron we know to be unreliable. The advantage is from the cast steel about it. They will cost about eight or nine thousand dollars apiece. When they are done they will load them with a 600-pound shot or shell and put about 80 pounds of powder into them, and they may last over night; they may last a fortnight and they may not; but you have your cheap gun.

Now, if you will build a forged-steel mortar, and they can be made much safer than the 40-foot long and 35-foot long and 50-foot long iron cannon, it would be practically a safe weapon. They will cost you from $8,500 to $11,500, probably $3,500 more; I do not know but more; but when it is done you may rely upon the average life of the whole of a thousand of them, and it will take an 800-pound shot or shell with a 100-pound charge of powder, and will throw it with terrific power a distance of 6 miles, putting it up 2 miles in the air, and if you hit anything on deck it is gone, and the gun will last.

So while it costs—I will make a fair allowance—say 40 per cent. more—I do not care if you say 50 per cent. more—in the first place, it has more than 50 per cent. of crushing power, dollar for dollar, and more than 50 per cent., probably 100 per cent., more of life in it. Now, which is the true economy? The first-class gun, according to all modern ideas of construction would cost 50 per cent. more than these cast-iron half breeds that can not be depended upon.

Over here in the last part of the bill there is another matter that I venture to say not one Senator in this Chamber understands outside of the Appropriation Committee or outside of the subcommittee of the Appropriation Committee. It is in italics on page 8.

That section 2 of "An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes," approved August 18, 1890—

And that is a modification of an act of the previous year or two years before—

is hereby modified and enlarged so that the amount authorized to be expended thereunder be increased to $4,250,000, to be expended on the terms and conditions and for the purposes therein set forth, except that $50,000 of said sum—

This is a modification—

shall be reserved to cover all expenses other than the powder and projectiles incident to the tests and inspection of the guns, and also that the Secretary of War be authorized to contract thereunder for such less number of guns than one hundred as he may deem for the best interests of the Government.

There is a sort of saving clause in the end of it which helps it a little. Now that, in the last Congress, was in the act. Let me read a little and then I will tell the meaning of it if I can in plain language. Section 2 of the act one year ago provided—

That the Secretary of War is hereby authorized and directed to purchase under contract, after due advertisement inviting proposals, and at prices which the Board of Ordnance and Fortification shall adjudge to be fair to the manufacturer and for the interest of the United States—

It is not an ordinary matter of issuing proposals and asking people to bid—

twenty-five 8-inch, fifty 10-inch, and twenty-five 12-inch guns, all of which guns shall be breech-loading, single-charge, steel guns, and of weight and dimensions to be prescribed by the board, and shall fulfill the conditions hereinafter provided: *Provided*, That if two or more persons, citizens of the United States, submit proposals to furnish said guns, either in part or in whole, at prices not materially different from each other, contracts may be awarded, in such proportion, among the citizens submitting such proposals as the Secretary of War may direct.

One type gun of each of the above-mentioned caliber, with the proper supply of ammunition therefor, shall be presented for test at such place and within such time as the contract shall provide, and shall be subjected to such tests in respect to accuracy, range, power, endurance, and general efficiency as the Board of Ordnance and Fortification shall have prescribed. All the other guns of each caliber, with the proper supply of ammunition, shall be delivered at such place and within such times as the contract shall provide, and shall be subjected to the ordinary service test of ten rounds with the full charge and weight of projectile, which shall develop the standard power prescribed for the gun. If the type gun sustains the prescribed test to the satisfaction of the Board of Ordnance and Fortification, it and each of the other guns which sustains the ordinary service test, and the ammunition expended in such tests, shall be accepted under the contract.

All guns manufactured under these contracts, including the type guns, shall be subjected to inspection at all stages of manufacture, and no change whatever shall be made in the material, mode of manufacture, or dimensions of the guns for service from those employed in the type gun without the approval of the Secretary of War. Payment for each gun and ammunition for testing same, including cost of transportation, shall be made upon the satisfactory completion of the prescribed test for that gun. All tests of guns shall be made in the presence of the board and of the person presenting the gun, or his authorized agent, and due regard shall be paid to suggestions offered by him which respect the mode of making such test.

That under the provisions of this section there shall not be expended or contract or contracts entered into involving the Government in an aggregate expenditure exceeding $3,775,000, nor any expenditure on the part of the Government in any one fiscal year in excess of $1,000,000. And all guns and materials purchased under the authority of this section shall be of American manufacture and furnished by citizens of the United States: *Provided further*, That contracts may be made for not exceeding one-fourth of the guns herein provided for, to be constructed on the Pacific coast, in the discretion of the Secretary of War: *Provided further*, That all expenditures made under this section shall be paid from the amount made available and provided for in section 6 of the "Act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes," approved September 22, 1888, and the Secretary of War shall embrace in his estimates of appropriations for fortifications from time to time the amounts necessary to carry out all contracts made hereunder: *Provided further*, That full and accurate accounts shall be kept, showing the cost of all type and experimental manufacture of guns, and other articles, and the average cost of the several classes of guns and the other articles manufactured by the Government, a statement of which account shall be laid before Congress annually in the same manner as is now required from national armories under section 1665 of the Revised Statutes.

The substance of it is that citizens were invited to build a certain number of type guns, at least first-class, steel, built-up cannon, and bring them along, and if they stood a certain very expensive test to the satisfaction of the Board of Ordnance and Fortification, it and each of the other guns which sustained the ordinary service test and the ammunition expended in such tests should be accepted under the contract. In short, it asked men, if they were really going to build big guns, each of them to build a big gun for trial, to spend not less than a million and a half to two million and a half dollars before they could build a single gun, and undergo the anxieties and troubles of a costly test of that gun under the chance of getting some out of the one hundred guns to be built. Of course they would have the hope of having future contracts under the Government. I said last year when that provision was under discussion:

Anybody who thinks he can get several people to compete for the manufacture of costly steel guns by asking them to build one and send it up for a test makes a great mistake. Men can not put up the plant to make a 12-inch steel gun for much less than $2,000,000, and the idea that capitalists in this country are going to put up a $2,000,000 plant upon "spec" as to whether they shall sell one gun, or ten, or twenty, or even fifty guns, in competition, is a great mistake. Three million three hundred and seventy-five thousand dollars is the sum total provided for here, and the whole of it, or twice that, would not pay any man for putting up a $2,000,000 plant. I will tell you what will result from this—and I am glad of it—that some concern will get about the whole of it.

Now, there has not been a gun built under that last year's paragraph, just as I prophesied. I have not told all the weaknesses and disabilities of that proposition. It sounds like $3,775,000 there, and sounds like $4,250,000 here, but not one dollar that I can see is really appropriated, for it was provided in that previous statute, and this is like it—

That under the provisions of this section there shall not be expended or contract or contracts entered into involving the Government in an aggregate expenditure exceeding $3,775,000—

Now made $4,250,000—

nor an expenditure on the part of the Government in any one fiscal year in excess of $1,000,000.

Now we are watching for words of appropriation—

And all guns and materials purchased under the authority of this section shall be of American manufacture and furnished by citizens of the United States. *Provided further*, That contracts may be made for not exceeding one-fourth of the guns herein provided for, to be constructed on the Pacific coast, in the discretion of the Secretary of War.

And further on, to skip words not necessary to read—

And the Secretary of War shall embrace in his estimates of appropriations for fortifications from time to time the amounts necessary to carry out all contracts made hereunder.

The $3,775,000 was not appropriated. The $4,250,000 is not appropriated. It is provided that the Secretary of War shall estimate for it hereafter, and is there any practical business man in the world who supposes that capitalists will expend $2,000,000 to make a test gun under the chance of getting a contract when the money for the fifty is not appropriated, but is to be estimated for the succeeding year by the Secretary of War?

Any man who knows the history of Government contracts for ships

and guns or any other article of large expenditure and heavy cost, knows that no capitalists are so foolish, and they have proved that. Whatever the motive, the apparent motive of it was that all the manufacturers of the country should be invited in here to make a good gun and whoever made a good gun should have a good contract. I say the case is such that that thing could not be brought about; it has not been, nor is it likely to be, in my judgment. There is a possibility that under this provision some of these people who have already expended large sums, who, by adding a little something, can have machinery for finishing guns, will bring up one or two guns, and the result of it will be not what I should be glad to see, half a dozen establishments, but the one perhaps furthest advanced in the country will bring up something that can not be refused for lack of merit, and they will get the $4,000,000.

I do not care if they do, because they make good guns. What I am after is to get the guns, and in order to get them it was our theory two or three years ago that private parties should be invited to furnish the rough-forged and rough-turned parts of the guns, and that the Government in a navy shop, in an army shop, should fine-finish and assemble and fit those guns together ready for operation. If some of those private people are willing not only to spend a million and a half, as they have at Bethlehem, but two million, and to add another million for all machinery requisite to put finishing touches on these enormous guns, I am glad of it. The more of these establishments we have the better. But the very first duty of the nation is to see that some of these guns shall be made in its own shops, where it can be master of the situation and control and supervise the contracts; in a measure dominate them.

There are some items of appropriation here that have been cut down by the committee:

To complete army gun factory building at Watervliet Arsenal, West Troy, N. Y., by the erection of south wing, inclusive of ways for traveling cranes, $248,743.

The committee, to my grief and that of everybody's elsewhere whose judgment controls mine largely, cut that down from two hundred and forty-eight thousand and odd dollars to one hundred and forty-eighty thousand and odd dollars. That is for the completion of the building.

For machinery, tools, power plant, and fixtures adapted to the manufacture of steel seacoast guns, to complete the equipment of the south wing of army gun factory at Watervliet Arsenal, West Troy, N. Y., $468,000.

That is cut down by this committee to $268,000. Now, if you are going to build guns finish that shop. If you are not going to build guns do not finish the shop. If you are going to finish it in a quality that is appreciable in comparison with the great needs of the country put in your $200,000. That is the estimate of the builders last year. They cut down the appropriation for the building considerably because they said that the building, if they cut the appropriation down and put the rest on next year, could be finished in time for these heavy and costly boring and turning machines, which would be along in two or three years. Now, make all those machines ready long before the fiscal year shall have expired, and they have other machinery that they can put up there, and, in their judgment, it is best to finish that shop right away and be putting into it the heavy machinery as soon as it shall come. I see no economy in cutting it down.

I have no idea that the committee want to discontinue and to hamper those shops, and I think the $400,000 which they have cut down there can not be better expended in any other place in the whole United States than by completing the concern where we shall begin to get ready to prepare our defenses.

Mr. President, I respectfully submit that the committee have erred, in my judgment, in three places: One, in cutting down the two appropriations for finishing, and I may say mounting, torpedoes, on page 2; another, in cutting down the appropriation for the rough-forged and rough-turned parts of guns, in the upper part of page 6, though if the Ordnance Department say they can make no use of any more I do not care so much about that; and the other error, in my judgment, is in undertaking to make cast-iron mortars, which are worth something, of course, but are by no means the best.

Mr. BLAIR. Mr. President, I always feel greatly stirred up in listening to the Senator from Connecticut [Mr. HAWLEY] upon the fortification appropriation bill and the other warlike measures which he champions at every session of the Senate. All the rest of the session I find my natural tendencies leading to quietude and peace. I think I am a man of peace, opposed to pugnacity on general principles; but when the Senator from Connecticut gets up here and pounds the air and puts forth his belligerency in all that magnificent exhibition of what a thickset Yankee can do when he is all ready to fight, I admit that I feel a little of the warlike contagion, and in spite of myself I do really want war; and just now it seems to me that we ought to make war on Canada or Great Britain or upon all creation and have a fight. It seems to me that although perhaps there is not a quorum of the Senate present it would be well to resolve ourselves at once to march forth in some direction and have this belligerency thrashed out of ourselves or out of somebody else.

Mr. HAWLEY. I suggest to the Senator to try New Hampshire.

Mr. BLAIR. I will say to the Senator from Connecticut that we have tried fighting New Hampshire and she is all right, but I, being somewhat of a man of peace, may not have exhibited to the fullest extent of New Hampshire men the arts of war in my own behalf. I apprehend if the Senator from Connecticut had occupied my place either he would have returned here in triumph or all else of New Hampshire would have been dead. I have no doubt at all he would have swept the White Mountains from the face of the earth; all would be nothing now but a dead-level plain where now is our magnificent scenery, of which I think he with the rest of us is proud.

But, Mr. President, the Senator from Oregon [Mr. DOLPH] also, every time that the fortification appropriation bill comes up, excites our apprehensions of immediate assault from all mankind. He wants to expend one hundred and ten or one hundred and twenty million dollars forthwith in the way of fortifying our coast and insists upon its necessity. He made a very elaborate report one or two Congresses ago upon this subject, and nobody can read that report without being absolutely convinced that it is indispensable to the existence of this Government that that one hundred and ten or one hundred and twenty million dollars be expended forthwith in the way of coast defenses, or we shall lose the city of New York.

Boston has been bombarded in imagination one hundred times since I have been in the Senate, and utterly destroyed, and so of San Francisco. How often has Chili with her single ironclad bombarded San Francisco; and at Vancouver, away up there in the extreme Northwest, the Senator from Washington [Mr. ALLEN] it seems hears the guns from the northern waters occasionally himself. I would inquire of him if he ever heard of even a single projectile splashing in the waters that separate us from the Canadian shores?

But periodically at every session, every time there is a fortification appropriation bill, I am alarmed at the necessity of these tremendous expenditures in defending ourselves against foes that never have struck us except perhaps once in a hundred years, and then they only burned up a few buildings we had here in Washington. We had plenty of fortifications in those days, but they got around them, behind them, over them, or through them; they managed to evade them and burn our Capitol.

But, with that single exception, during all this long period of time, including the recent civil war, when we could have been taken at a disadvantage if ever, we have experienced not one single particle of hurt from any foreign power. All our defense against foreign powers has been in our Navy and in our invincible infantry at home. We did not rely upon coast defenses. They know very well that 65,000,000 people, able to put into the field at any time 10,000,000 at least of the best infantry on the face of the earth, armed with all the destructive expositions of science in its latest developments, can not be attacked successfully by all mankind, and therefore it is that they keep aloof. They build their fortifications at Halifax; they have fortified Bermuda, Jamaica, and in the Northwest; they can strike us, but they dare not.

We are just as safe without these fortifications as with them. Do you believe that Great Britain can concentrate anywhere upon the Atlantic coast or that she would, under any circumstances that can be imagined, concentrate anywhere upon the Atlantic coast a fleet which would do serious damage to the city of New York? What motive has she to do this? What motive save one of self-defense has Great Britain to prepare for war as against us? Here is a country north of us as large as our own, with natural resources equal at least to one-half those of our own, with 6,000,000 people scattered along a belt of land at least 4,000 miles in length, liable to be severed by a column of American infantry pushing northward to the pole, at any one or at all of twenty places which would disintegrate her empire. Across Canada is the great all-necessary line of commerce in the future to her Asiatic possessions, far more important to her than by the canal of Suez or around any of the capes.

Do you suppose that Great Britain would be prevented from going to war on us by fortifying New York? By spending $150,000,000 or $500,000,000 in fortifications around the harbor of New York you will not likely defend this country as against Great Britain, because Great Britain has no conceivable motive to make an attack upon us. If she did and could she would move upon us at some undefended points. She has only 35,000,000 people anyway. There are only 35,000,000 pure Englishmen on the face of the earth under her flag, and right at her own door is Ireland with 8,000,000 American allies in case of difficulty, and we furnishing them right along private contributions from America, Americans taxing themselves and contributing to the treasury of Ireland year after year in the cause of liberty, which unfortunately for the present at least places Ireland in opposition to the policy of Great Britain. What can she do? Suppose she should undertake to attack us. Suppose there were no Ireland; there are the prejudices of a thousand years, yea, two thousand years against Great Britain all over the continent of Europe. There is the tremendous Empire of Russia, to-day far more powerful than Great Britain for war, threatening her life in her Asiatic possessions, and the moment England turned a gun upon America the ally of Russia and Russia the ally of America for a hundred years, Great Britain would lose or at all events she would so apprehend the loss of her Asiatic possessions that she would be paralyzed before she got three marine miles from her own

shore, to say nothing of approaching within the same distance of our own.

If Europe wants to attack the United States, why were we not assailed during the recent war? Then there was opportunity. Then there was unanimity between France and England. Belligerent enemies for a thousand years, then they were united. Then the spirit of kinghood, of aristocracy, of antirepublican government, of all antirepublican power the face of the world over had the opportunity to concentrate upon us and destroy this nest of free institutions, this origin and home of liberty. Did they do it? Did they dare to do it when we were almost paralyzed by war among ourselves? Nay, verily; and what opportunity will this spirit of kingcraft, no matter who supports it, be likely to see in the future that will lead it to concentrate warlike efforts upon the United States of America?

We have doubled our own power and our own population since that time. We are ahead of the world to-day in warlike inventions, in knowledge of those subtle influences or powers of nature which can be concentrated upon any foe for destruction. We have a torpedo system superior to that of any other part of the world. We have machines for defense invented and which could be manufactured with great celerity surpassing those of all mankind, with which we could destroy the whole British fleet to-day. We have rams invented, we have dynamite and other forms of active destruction which make us now practically an invulnerable people to-day. What would they do with one of those great fleets if they had it here anchored off New York? What have they behind? Such a fleet must be in a harbor. The first storm would send half of it to the bottom if lying outside New York.

Mr. President, I verily believe that the only form of armament of which we need to avail ourselves by appropriations is that of defense or possibly of attack, in the nature of defense upon the water itself. I would not object to seeing the harbor at Portsmouth fortified a little. I admit there are reasons why Portsmouth, N. H., should be fortified. That is the proper great Northeastern naval station of the future, and it is very true that we need to look in that direction; but this idea of expending one hundred, one hundred and fifty, or two hundred million dollars in providing earthworks all the way around the coast of the United States seems to me a trifling with the serious things of life. History shows more need to build walls about our interior cities for their defense when we get to fighting among ourselves.

Mr. President, if you want to make this nation powerful for defense just improve the individual citizen. Put intelligence into the bayonet. Carry a little school money to the South and to the North. If you do not pass the election bill, at least pass the education bill, and without increasing the numbers even in a single generation you would double the offensive and defensive power of the American people.

I expect there has to be a little money paid out; there always is on the fortification appropriation bill. We will fool away a little money; that is well enough; but what I object to is the fooling away of these enormous amounts; and I object for another reason still, that such is the rapidity of progress in the arts and in the sciences which relate to war that an expenditure of $100,000,000 during the ten years immediately ensuing will be utterly obsolete at the commencement of the ten years beyond, while there is no possibility of any serious war in the immediate future.

The truth is, Mr. President, the people, the common people, of the human race will not fight a great deal if they have their own way about it; and just in proportion as you improve the individual man and as you spread truly republican institutions everywhere the motives of war cease. Kings want war; arbitrary governments can only be sustained by force; but as you increase intelligence among the common people you place power wherever you place knowledge, and the result is that a people truly governing themselves are always a peaceful people, never an aggressive people. It is not for the interest of any man to have his throat cut; he understands that very well, and he has no disposition to assault the rights of another if he can have his own way about it. So of the masses. When majorities are intelligent and majorities rule, then you have peace.

Now, perhaps you may adduce our own civil war a few years ago as an illustration to the contrary of this proposition, but not so. That war was never possible but by reason of the ignorance of the masses, of those who offensively engaged in it. Had there been a common-school system all over the United States, with its blessings extended to the masses everywhere, there never would have been a civil war. It was unreasonable; it was against the interests of the people. It was only because they were ignorant that they were warlike, and then warlike for the benefit of the few, and not of the many.

Free government implies knowledge, intelligence among the masses of men; and just as you spread that among the masses of men war disappears, because self-interest dictates that it shall disappear. The controlling force being in the masses of men, they will have peace for their own interests. Mr. President, the organized war power of this world is pretty much all in Europe to-day; that is, I mean to say, those expenditures which constitute such enormous burdens upon the masses of men are in Europe. There science has extended its discoveries and art has applied the discoveries of science to the destruction of men rather than to the amelioration of their condition.

What has been the result there? They have built up these enormous establishments simply by reason of the fact that they had forms of government where power was vested in the few, and the ambition of individuals and the prejudices that have grown up by reason of long controversies directed by individuals, those ambitions and those national and international quarrels made in the interest of individuals, of the few as against the many, have led to this development of the art of war, so that every nation there now, even in peace, is an arsenal and armed camp as against every other nation. There are between four and five millions of men in the regular armies of Europe to-day, while behind them are probably at least twice as many more, carefully drilled, who can be called into the field of battle in case of necessity; but those armies exist as offsetting forces against each other, and as one nation increases its armament another is obliged to, in order to be able to meet that other nation, and thus the burden forever grows. But the spirit of liberty is abroad on the continent to-day, and the masses of men are beginning to be felt.

Even the German Emperor himself is yielding to the influence of liberal ideas as they have spread and given power to the common people under his control, and all over Europe the masses of the people are coming to the front. Intelligence is spreading, and, as that intelligence increases, their control of themselves and of the authorities who exercise power over them is increasing. Every day, Mr. President, the probability of war in Europe is lessening, is diminishing, is passing away. The great powers there are seriously contemplating the reduction of their enormous military establishments and even the naval establishments, which in fact are less useful to them than forces for operations upon the land.

The tendency of the age, Mr. President, and the tendency of all future ages, as I believe, is and is to be in the direction of peace, for, to me, the thing which we call the millennium is no myth; it is that future condition of mankind when war shall be known no more, when the human race will exist for the purpose of rendering itself and the individuals who constitute it happier, rather than to contribute to their misery and destruction; and, sir, we should legislate with reference to that state of facts.

Now, how do we find ourselves? Here we are a nation of 65,000,000 people. As the Senator from Missouri [Mr. COCKRELL] so well expressed it, we are isolated and we are all-powerful. We have demonstrated on suitable occasions that we had vast power if we were obliged to use it. It is here, and all mankind know it. Is it wise for us, is it fulfilling the mission, if not the destiny, of the American people, that we should set to all mankind the example of arming ourselves now and for all future time in order that we may pursue the same course which the great empires of antiquity pursued and which the monarchies and the despotisms of modern Europe have pursued? Is our history, too, to be written in blood?

No, Mr. President; I believe just the reverse is what we should do. There is no occasion for this tremendous armament, and we should set a peaceful example which the rest of mankind may imitate, rather than foolishly and wickedly, as I believe, imitate, on the other hand, the example which they have set for us through these awful ages of war.

The lessons of history do not apply to a people like our own, for we are a free people, and occasions for war will never exist if the principles of liberty and of intelligence are spread among us and generally among mankind.

So it is, Mr. President, that it has seemed to me, and for a long time has seemed to me, that we ought, as the really great nation of the world, to enter upon a policy in exactly the opposite direction from that which has been pursued by the nations of Europe during the last two thousand years; in fact, from the dawn of time, ever since nations have existed upon the European and the Asiatic continents. We ought to set an example in the direction of peace; we ought to insist, so far as we have power, that the armaments of the world shall be diminished and gradually be reduced, rather than to increase our own in imitation of the bad example which has been placed before us in the past and in the present time.

If we should ask of Europe to-day, in view of the fact that we must arm against Europe or they must disarm as against us and the rest of mankind—if we should ask of them an international conference with a view to putting an end to occasions for war, for the adjustment of difficulties that arise between nations and between provinces and tribes, we should be sure to attract not alone attention, but compliance with our request, and to enter upon a policy which would save us enormous expenditure in the future and which would liberate all mankind from the domination of warlike power.

During the last session I introduced a proposition of this kind. I do not believe I shall be able to secure its enactment during this month of February, and therefore shall relieve the Senate from any very extended effort in that direction. Perhaps my successor, to whom the Senator from Connecticut [Mr. HAWLEY] made allusion a little while ago, may take up the work much more successfully than I could do myself. But I believe that, if the proposition contained in the joint resolution which I introduced on the 16th of June last could be adopted by the American Government, it would be of advantage not alone to

this country, but to the world, beyond all possible comparison. It was to this effect:

That the President be requested to invite all foreign powers with whom the United States maintains diplomatic relations to designate representatives to meet with those of the United States, not exceeding ten in number, to be appointed by the President, for the purpose of holding an international conference in the city of Washington on the first Monday of February, A. D. 1892, with a view to the formation of an international alliance, which shall be valid and binding upon those powers who shall ratify and agree to the same, the objects of which alliance shall be—

First. To suppress the crime of kidnaping and the slave trade within the limits of the continent of Africa, and to destroy the traffic in the liberty of human beings and the institution of slavery in all parts of the world.

It would astonish anyone who has not been a close student of history to know how much of the violence, rapine, and bloodshed which have existed on this planet of ours has grown out of the existence of the institution of slavery. As we all know, Africa is now the great hot-bed from which the slaves which are sold in many parts of the world are obtained. According to the best data which I have been able to secure—and I have made some effort in that direction—not less than 2,000,000 human beings are destroyed every year on the continent of Africa in the effort to obtain slaves for the supply of the slave markets of the world. It is stated that, in securing a single able-bodied slave not less than fifty human beings are massacred or destroyed, so that since the introduction of that resolution more than a million of human beings have been destroyed in that one dark continent in the effort to obtain a few slaves to maintain this institution mainly in portions of Africa and in Asia and in a few limited portions of Europe itself.

One of our own distinguished citizens, Mr. C. P. Huntington, of New York, as many of you will remember, about two years since, I think it was, issued a circular in which these facts were set forth at large, and in the aggregate what I have stated was found to be the number of human beings destroyed annually, some two millions, in this effort to supply the slave markets of the race. He proposed, as you know, a system of police stations crossing the continent from north to south, and from east to west, so arranged as to enable the civilized powers, by the appointment of a comparatively slight policing force, to entirely extirpate this traffic—a most humane proposition of the most honorable and practical character, and one which it seems to me at least the American people ought to show interest in and do something toward securing its promotion and success by co-operation with the nations of Europe.

The next proposition in this joint resolution was:

Second. To regulate and suppress the traffic in intoxicating liquors and other noxious substances, and also in firearms, gunpowder, and the means of destruction between so-called civilized men and nations and other less civilized peoples, especially with the inhabitants of the continents of Africa, Asia, and the islands of the sea, and also to promote among them the establishment of schools of common knowledge, of agricultural and mechanic industry, and the arts of civilized life.

This matter of the destruction of men by alcohol is one that at some time must receive the attention of civilized nations. In that same continent of Africa it has been estimated that the destruction of the human race is going on as fast from the introduction of intoxicating liquors at the present time as from the effort to supply the slave trade. Some four or five millions of human beings are being destroyed annually by alcohol and the trade in slaves on that continent. There never has been at any age of the world so gigantic a crime committed by man against man as the Christian nations of the world are now perpetrating against the heathen of Africa. I say nothing of the 800,000,000 of Asia. In Hindostan to-day the native races are being rapidly ruined by this same agency. There are data of appalling magnitude and of appalling significance in this direction which I might lay before the Senate.

Third. To secure the reduction and, so far as possible, the disbandment of existing military and naval establishments, and to prevent the arming of nations and the waging of wars hereafter; also to promote the creation of tribunals for the trial and settlement of international controversies and such other measures for the welfare of mankind as can be better secured by the joint efforts of nations.

I believe, Mr. President, if these three propositions were embodied in this fortification bill as an amendment to the bill and acted upon it would do more to preserve peace in this country and in all countries in future time than anything else that is likely to be done.

The creation of the means of war for the prevention of war is intrinsically an absurdity. The man that has no weapon will not fight with that weapon. If mankind were not armed as against each other there would be, under the influence of modern civilization, very little likelihood of violence being perpetrated by man as against his fellow.

The last section of this joint resolution proposes:

SEC. 3. That $100,000 are hereby appropriated from any money in the Treasury not otherwise appropriated, so much thereof as may be necessary to be expended in carrying out the object of this resolution.

Here is a fortification bill. I looked in vain at the close of it to see if I could find out the aggregate amount that is appropriated, and it is but a drop in the bucket of what we are likely to have according to the arguments made by the Senator from Connecticut [Mr. HAWLEY] and the Senator from Oregon [Mr. DOLPH]; but I venture to say that here are some three or four million dollars—I ask the Senator from Massachusetts [Mr. DAWES] how many millions are appropriated by this fortification bill.

Mr. DAWES. In the House bill $4,478,883 was appropriated. The reductions by the Senate Committee on Appropriations amount to $432,580, making the amount reported $4,046,303.

Mr. BLAIR. Mr. President, of course this is a thing to be laughed at. It is absurd to try to do anything to make things better in this world. A man is a crank who makes a proposition that might save the lives of one hundred and fifty or five hundred thousand of his fellowmen, of human beings. Any proposition that might add to the intrinsic force and prosperity and welfare and happiness through all future time of the nation he happens to belong to, is an idle, cranky thing, and a public man may well expect to go into obscurity who indulges himself in propositions of that sort, but I should like, under the rules, to avail myself of the privilege, which belongs to the humblest member, to move, as an addition to this fortification bill, this joint resolution, which proposes, in these great interests to which I have alluded, to appropriate $100,000 "from any money in the Treasury not otherwise appropriated, or so much thereof as may be necessary," to be expended in carrying out the object of this resolution.

The House of Representatives sent the bill over with four and a half millions. The Senate has pared it down to about four millions. If we could manage to expend $100,000 in this effort to have a convention of the civilized nations of the earth, who are now doing most of the mischief that is done in it, if we could pass a resolution or an addendum to this fortification bill that we should expend not exceeding $100,000 in the direction I have indicated, I should feel, for one, that I had not lived wholly in vain, nor the Senate wholly in vain, and that the United States of America had not existed wholly in vain. But if we are to pursue the other policy, if we are to go on and imitate the arbitrary powers of the Old World and convert ourselves into a great machine for the destruction of mankind, rather than for the blessing and amelioration of the race, then it would be better that a millstone were placed around our neck and we were drowned in the sea.

I will venture to move this joint resolution as an amendment to the fortification bill. It appropriates only $100,000.

The VICE PRESIDENT. Does the Senator move that as an amendment to the amendment now pending?

Mr. BLAIR. I will move it as an amendment to the bill itself, as an addition to the bill. I will not take the time of the Senate now, but I will offer it a little later, and now give notice that I shall move it as an amendment at the proper time.

Mr. President, I cheerfully vote whatever is necessary in the direction of actual defense. I am willing to help enlarge the Navy so far as is necessary for the purposes of defense. I am willing to make appropriations to enable our scientific men engaged in the military art to keep fully abreast with the rest of mankind in the discovery of those potent agencies which may be utilized for the destruction as well as for the benefit of our race. We are liable to be assailed until intelligence has spread the world over, and until mankind, governing themselves, shall be no longer interested to destroy each other. We are liable to attack, it may be here and there, and it is well for us to be in a situation that we can avail ourselves of the latest improvements in the arts of land or of naval war, but beyond that I think it is foolish for us to make appropriations.

These land defenses seem to me, unless a few may be proper at our most vulnerable points, an absolute waste of money. They are not likely to be in a form that will be available or sufficient when the destruction which we apprehend shall come, because there is such continual progress being made in the art of war. That art seems just in its incipiency, and such changes occur every few years that these tremendous expenditures for to-day are likely to be absolute losses.

When we have made the necessary appropriations to keep up in the knowledge of the art of war and to develop among ourselves the necessary skill in construction, so that in case of an emergency or a probability of conflict we shall be able readily to concentrate the energies of the nation in the way of defense or aggression, I think we have done all that is judicious or necessary to do; and if we set in motion this other line of influences in the direction of peace, cultivating peace among ourselves, and the spirit of peace everywhere among men, spreading general intelligence among the nations of the earth, we shall within a single generation find that there is nobody on the face of the planet who wants a war of aggression against anybody whatever.

Either the Bible is a myth and these splendid ideas upon which we have been fed all the way from childhood to maturity and to approaching age—either they are true or they are false, and, if they be true, when are they to be realized? Only as mankind evolve themselves or are evolved into a higher and better state. And it is a gradual process, one thing at a time, and we know the way for it has been pointed out to us from our infancy up. Why may we not walk in it? What it is the duty of an individual to do in his relation to his fellow-man, that same is the duty of a nation in relation to all other nations on the face of the globe.

Let us do that. Let us exert our tremendous influence upon mankind in the right direction and war will disappear. Let us do to other nations as we would that they should do unto us, and show them how. Let us call this convention together, let us create this alliance, let us make war upon the slave trade, upon the trade in intoxicating liquors,

and upon war itself, and then we shall have answered our mission among mankind, then we shall have heard the last of these fortification bills, and the Senator from Connecticut can turn his great oratorical powers in other and more beneficent directions.

The VICE PRESIDENT. The question is on the amendment reported by the Committee on Appropriations.

Mr. HAWLEY. Let the amendment be stated.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 2, line 18, after the word "Washington," it is proposed to strike out "one million" and insert "seven hundred and fifty thousand;" so as to make the clause read:

Gun and mortar batteries: For construction of gun and mortar batteries for defense of Boston Harbor, New York Harbor, San Francisco Harbor, Hampton Roads, and Washington, $750,000.

Mr. COCKRELL. Mr. President, in addition to what I have already said I desire to say that I hold in my hand Senate Executive Document No. 224, Fifty-first Congress, first session:

Message from the President of the United States, transmitting reports adopted by the conference of American nations recently in session at Washington relating to the subject of international arbitration.

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of State, which is accompanied by three reports adopted by the Conference of American Nations recently in session at Washington relating to the subject of international arbitration. The ratification of the treaties contemplated by these reports will constitute one of the happiest and most hopeful incidents in the history of the Western Hemisphere.

BENJ. HARRISON.

EXECUTIVE MANSION, *September* 3, 1890.

DEPARTMENT OF STATE, *Washington*, *August* 26, 1890.

The PRESIDENT:

The act of Congress approved May 24, 1888, authorized the President to invite the several other governments of America to join the United States in a conference "for the purpose of discussing and recommending for adoption some plan of arbitration for the settlement of disagreements and disputes that may hereafter arise between them." In pursuance of this invitation the conference recently in session at this Capital adopted three reports:

1. Recommending a definite plan of arbitration for the settlement of differences between the American nations.
2. Recommending the adoption of a similar plan by the nations of Europe.
3. Declaring that the right of conquest could not be recognized by the American nations.

I have the honor to inclose herewith copies of these reports for the information of Congress.

Respectfully submitted.

JAMES G. BLAINE.

Mr. President, here are our efforts. They have been successful. We have agreed with the South American nations, and yet the great American nation is leading off in enormous expenditures based upon an idea of war, based upon the theory of war, based upon the necessity for war, lining our coasts with bristling guns. Is this right? Is it just? Is it the course this nation ought to pursue? It is giving, I might say, the lie to the whole of our past actions in regard to this matter; it is falsifying our position; it is placing us in a false light before the nations of the earth. We meet; we agree with them for arbitration; the treaties are submitted, and then we begin preparing for war.

We have gone through more trying times without these coast defenses than we shall ever be called upon again to do. We had a celebrated controversy with the great maritime nation, England, at the close of the late war, when we were comparatively enfeebled and weakened by that fearful four years' contest, and when we had upon our shoulders an enormous debt of $2,845,000,000 to meet, and yet that great nation at that time, in our then enfeebled condition, upon our demand agreed to an amicable arbitration and adjustment. There is no doubt that the United States can always adjust all its international differences with any nation without having to resort to either a defensive or offensive war. This preparation is simply a means of securing the expenditure of the people's money along the coast line of the country for the benefit of the localities where it is to be expended.

Mr. BLAIR. Like the river and harbor bill.

Mr. GIBSON. Mr. President——

Mr. PLUMB. I ask the Senator from Louisiana [Mr. GIBSON] to yield to me to offer an amendment to the bill as a separate section. I ask that it may be read, printed, and lie on the table.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. It is proposed to add as a new section the following:

SEC. 2. That the Secretary of War be, and he is hereby, authorized to transfer such portion of the site of the United States powder depot, near Dover, N. J., to the Navy Department for magazine purposes as, in his judgment, may be for the interest of the public service, and the property so transferred shall thereafter be under the exclusive jurisdiction of the Secretary of the Navy.

The VICE PRESIDENT. The amendment will be printed and lie on the table.

Mr. BLAIR. I wish to offer an amendment. I have put the joint resolution which I read to the Senate in detached portions in the form of an amendment to be added to the bill as new sections. I ask—I have read the substance of it already—that it be printed at the close of my remarks.

The VICE PRESIDENT. It will be so ordered, in the absence of objection.

Mr. DAWES. I will raise the point of order on that amendment.

Mr. BLAIR. It appropriates $100,000 only.

Mr. DAWES. It does not conform to the rule.

Mr. COCKRELL. Let the amendment be read, so that we may know whether it is amenable to the point of order or not.

Mr. BLAIR. Let the amendment be read for information if the Senator from Missouri desires it to be read.

Mr. COCKRELL. I do not care to have it read unless the Senator desires it, provided it is to be printed.

Mr. BLAIR. It will answer my purpose if it be printed immediately at the close of my remarks and also be printed as an amendment to the bill.

The VICE PRESIDENT. Is there objection?

Mr. ALLISON. I should like to hear some general statement of what the amendment is.

Mr. BLAIR. Let the amendment be read, then.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. It is proposed to insert as additional sections the following:

SEC. 2. That the President be requested to invite all foreign powers with whom the United States maintains diplomatic relations to designate representatives to meet with those of the United States, not exceeding ten in number, to be appointed by the President, for the purpose of holding an international conference in the city of Washington on the first Monday of February, A. D. 1892, with a view to the formation of an international alliance, which shall be valid and binding upon those powers who shall ratify and agree to the same, the objects of which alliance shall be—

First. To suppress the crime of kidnaping and the slave trade within the limits of the continent of Africa, and to destroy the traffic in the liberty of human beings and the institution of slavery in all parts of the world.

Second. To regulate and suppress the traffic in intoxicating liquors and other noxious substances, and also in fire-arms, gunpowder, and the means of destruction between so-called civilized men and nations and other less civilized peoples, especially with the inhabitants of the continents of Africa, Asia, and the islands of the sea, and also to promote among them the establishment of schools of common knowledge, of agriculture and mechanic industry and the arts of civilized life.

Third. To secure the reduction and, so far as possible, the disbandment of existing military and naval establishments, and to prevent the arming of nations and waging of wars hereafter; also, to promote the creation of tribunals for the trial and settlement of international controversies and such other measures for the welfare of mankind as can be better secured by the joint efforts of nations.

SEC. 3. That $100,000 are hereby appropriated from any money in the Treasury not otherwise appropriated, so much thereof as may be necessary to be expended in carrying out the object of this act.

The VICE PRESIDENT. The question is on the amendment reported by the Committee on Appropriations.

Mr. HARRIS. What is the amendment?

The VICE PRESIDENT. The amendment on page 2, line 18.

Mr. HARRIS. Let the amendment be stated.

The VICE PRESIDENT. The amendment will be again stated.

The SECRETARY. On page 2, line 18, after the word "Washington," it is proposed to strike out "one million" and insert "seven hundred and fifty thousand;" so as to make the clause read:

Gun and mortar batteries: For construction of gun and mortar batteries for defense of Boston Harbor, New York Harbor, San Francisco Harbor, Hampton Roads, and Washington, $750,000.

Mr. HAWLEY. I wish to say with regard to that amendment that I have no objection that it shall be agreed to to-night, but I shall ask a separate vote upon it in the Senate and also on the amendments from line 5 to line 11, inclusive; that is to say, the two which relate to torpedoes and harbor defenses. I shall also ask a separate vote upon the amendment reducing the amount of the appropriation for the construction of guns and mortar batteries, and also on another amendment on page 6. I mean I shall ask a separate vote on all the amendments, except it may be the last one.

Mr. DAWES. Before the vote is taken on the pending amendment it is but fair, after what has been said by the Senator from Connecticut [Mr. HAWLEY], as well as by the Senator from Oregon [Mr. DOLPH], that the reason for the pending amendment should be stated.

Last year for this very purpose there was appropriated $1,221,000. The committee addressed a note to the Secretary of War to learn what portion of that $1,221,000 had been expended and what of it remained to be expended the next year, and this is the reply:

OFFICE OF THE CHIEF OF ENGINEERS, UNITED STATES ARMY,
Washington, D. C., January 16, 1891.

SIR: In reply to telegram of this date from Senator H. L. DAWES, herewith returned, requesting information as to what has been done up to date under the appropriation of last year for gun and mortar batteries, I have the honor to report that the act of August 18, 1890, appropriated in all $1,221,000, as follows:

For New York City the sum of $726,000, divided by the Secretary of War as follows:

Sandy Hook, battery for one 12-inch lift	$154,000	
Sandy Hook, one mortar battery	201,000	
Plumb Island, one mortar battery	141,000	
Staten Island Narrows, one 8-inch position for gun	80,000	
David's Island, one mortar battery	130,000	
Willets Point, one 8-inch position for gun	80,000	
		$726,000

For San Francisco the sum of $260,000, divided by the Secretary of War as follows:

Bluff above Fort Point, one 10-inch position	$50,000	
Bluff above Fort Point, one 8-inch position	50,000	
On Bluffs, one mortar battery	160,000	
		260,000

For Boston the sum of $235,000, divided by the Secretary of War as follows:

Fort Warren, one 8-inch position	$50,000	
Grover's Cliff, one mortar battery	185,000	
		$235,000
Total		1,221,000

The sites for all of these works are owned by the United States, excepting one mortar-battery site in San Francisco, one mortar-battery site in Boston, and one mortar-battery site in New York; and proceedings to secure these sites are now progressing.

All the works will be commenced in the coming season, except, perhaps, two of the mortar batteries, one in San Francisco and one in New York, and these will go on as soon as the land is acquired. The lateness in the last season at which the fortification bill was passed has been a bar to the earlier commencement of the works.

Very respectfully, your obedient servant,

THOS. LINCOLN CASEY,
Brigadier General, Chief of Engineers.

Hon. REDFIELD PROCTOR, *Secretary of War.*

So that, in point of fact, there is unexpended at this moment for this very work $1,221,000. The House of Representatives thought that $1,000,000 added to this $1,221,000 would, at the rate of expenditure thus far, be enough to keep the works going for the next year. The Senate committee thought that perhaps that sum could be reduced a little, and so they have proposed the reduction suggested in this amendment. If the amendment shall prevail the War Department will have on hand for the coming year $1,221,000 plus $750,000, which, as near as I can make it, lacks $29,000 of $2,000,000.

I think, therefore, the criticism of my friend from Connecticut, as well as that of my friend from Oregon, upon the economy of this committee, is eliminated.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Committee on Appropriations.

The amendment was agreed to.

Mr. DAWES. The Senator from Louisiana [Mr. GIBSON] took the floor to address the Senate upon the pending bill, but suggested to me that he did not feel quite in condition to proceed to-night, and, therefore, I move that the Senate proceed to the consideration of executive business.

The VICE PRESIDENT. The question is on the motion of the Senator from Massachusetts.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 3, 1891, at 11 o'clock a. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 31, 1891.

POSTMASTERS.

Edward M. Harris, to be postmaster at Duquoin, in the county of Perry and State of Illinois.

Edwin G. Culbertson, to be postmaster at Edinborough, in the county of Erie and State of Pennsylvania.

Frank A. Larson, to be postmaster at Tomahawk, in the county of Lincoln and State of Wisconsin.

Harry B. Marsh, to be postmaster at Horicon, in the county of Dodge and State of Wisconsin.

Eugene W. Randall, to be postmaster at Morris, in the county of Stevens and State of Minnesota.

Charles H. Hubbell, to be postmaster at Chagrin Falls, in the county of Cuyahoga and State of Ohio.

David J. Richards, to be postmaster at Zanesville, in the county of Muskingum and State of Ohio.

John W. Sproul, to be postmaster at Abington, in the county of Plymouth and State of Massachusetts.

Job C. Tripp, to be postmaster at Fairhaven, in the county of Bristol and State of Massachusetts.

James M. Scarritt, to be postmaster at Hudson, in the county of Lenawee and State of Michigan.

Arthur I. Brown, to be postmaster at Belfast, in the county of Waldo and State of Maine.

Walter L. Keith, to be postmaster at Campello, in the county of Plymouth and State of Massachusetts.

James Shevlin, to be postmaster at Sandwich, in the county of Barnstable and State of Massachusetts.

Orrin Krouskup, to be postmaster at Humboldt, in the county of Humboldt and State of Iowa.

Joseph B. Dobyns, to be postmaster at Howard, in the county of Elk and State of Kansas.

John C. Youngman, to be postmaster at Wilson, in the county of Ellsworth and State of Kansas.

George C. Rankin, to be postmaster at Monmouth, in the county of Warren and State of Illinois.

Frank H. Robinson, to be postmaster at Morrison, in the county of Whiteside and State of Illinois.

Richard A. Carleton, to be postmaster at Iowa Falls, in the county of Hardin and State of Iowa.

Wilbur S. Radley, to be postmaster at Caldwell, in the county of Ada and State of Idaho.

John T. Hubbard, to be postmaster at Decatur, in the county of Macon and State of Illinois.

John B. Lambert, to be postmaster at Atlanta, in the county of Logan and State of Illinois.

Corwin T. Bill, to be postmaster at Ozark, in the county of Franklin and State of Arkansas.

Alvin W. Cox, to be postmaster at Santa Maria, in the county of Santa Barbara and State of California.

William C. Bushnell, to be postmaster at Clinton, in the county of Middlesex and State of Connecticut.

PROMOTIONS IN THE ARMY.

Cavalry.

Second Lieut. James A. Swift, to be second lieutenant of cavalry.
Second Lieut. Robert B. Watkins, to be second lieutenant of cavalry.
Second Lieut. John C. Walshe, to be second lieutenant of cavalry.

Infantry.

Second Lieut. Benjamin F. Pursell, to be second lieutenant of infantry.
Second Lieut. Fielder M. M. Beall, to be second lieutenant of infantry.
Second Lieut. Julius H. Weber, to be second lieutenant of infantry.
Second Lieut. Frederick R. Day, to be second lieutenant of infantry.
Second Lieut. James Mitchell, to be second lieutenant of infantry.
Second Lieut. Frank W. Ellis, to be second lieutenant of infantry.

HOUSE OF REPRESENTATIVES.

MONDAY, *February* 2, 1891.

The House met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of Saturday last was read and approved.

CABINET VACANCIES.

The SPEAKER laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

The sudden death of the honorable William Windom, Secretary of the Treasury, in New York, on the evening of the 29th instant, has directed my attention to the present state of the law as to the filling of a vacancy occasioned by the death of the head of a Department.

I transmit herewith an opinion of the Attorney-General, from which it will be seen that under the statutes in force no officer in the Treasury Department, or other person designated by me, can exercise the duties of Secretary of the Treasury for a longer period than ten days. This limitation is, I am sure, unwise and necessarily involves, in such a case as that now presented, undue haste and even indelicacy. The President should not be required to take up the question of the selection of a successor before the last offices of affection and respect have been paid to the dead. If the proprieties of an occasion as sad as that which now overshadows us are observed possibly one-half of the brief time allowed is gone before, with due regard to the decencies of life, the President and those with whom he should advise can take up the consideration of the grave duty of selecting a head for one of the greatest Departments of the Government.

Hasty action by the Senate is also necessarily involved, and geographical limitations are practically imposed by the necessity of selecting some one who can reach the Capital and take the necessary oath of office before the expiration of the ten days.

It may be a very proper restriction of the power of the President in this connection that he shall not designate, for any great length of time, a person to discharge these important duties who has not been confirmed by the Senate; but there would seem to be no reason why one of the Assistant Secretaries of the Department wherein the vacancy exists might not discharge the duties of Secretary until a successor is selected, confirmed, and qualified. The inconvenience of this limitation was made apparent at the time of the death of Secretary Folger. President Arthur, in that case, allowed one of the Assistant Secretaries, who had been designated to act in the absence of the Secretary, to continue in the discharge of such duties for ten days, then designated the same person to discharge the duties for a further term of ten days, and then made a temporary appointment as Secretary, in order to secure the consideration that he needed in filling this important place.

I recommend such a modification of the existing law as will permit the first or *sole* Assistant, or, in the case of the Treasury Department, where the Assistants are not graded, that one who may be designated by the President, to discharge the duties of the head of the Department until a successor is appointed and qualified.

BENJ. HARRISON.

EXECUTIVE MANSION, *January* 31, 1891.

Mr. CANNON. Mr. Speaker, the message just read, I presume, would go to the Committee on the Judiciary.

The SPEAKER. The Chair thinks it would go to the Committee on Ways and Means.

Mr. CANNON. Well, I would ask unanimous consent that it be referred to the Committee on Ways and Means with leave to report at any time.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. BRECKINRIDGE, of Kentucky. I have no objection to the first part of the request of the gentleman, although I rather think that this message should go to the Committee on the Judiciary instead of the Ways and Means Committee; for while the Secretary of the Treasury is, of course, connected with the finances, this change is a change

of statute, and it ought to go to the Committee on the Judiciary. But I do object to the latter part of the gentleman's request.

Mr. CANNON. I should think that the Committee on Ways and Means might be trusted with that permission. I will state to the gentleman that if this is to pass at all of course it must be done at once; otherwise the object in view could not be attained.

Mr. BRECKINRIDGE, of Kentucky. I will say frankly to the gentleman from Illinois that the inclination of my own mind is against the adoption of the suggestion contained in the message, and therefore I do not feel like facilitating in any manner a bill to effect the object there asked for. I do not object, of course, to the reference of the message to the Committee on Ways and Means, if the gentlemen of the majority prefer that; but I do object to giving the committee a privilege other than that which grows out of the subject matter referred to them, to report upon at this time. While I would be as willing to trust that committee as any other committee of the House, I object to the leave to report at any time.

The SPEAKER. The message and accompanying papers will then be referred to the Committee on Ways and Means.

RELIEF OF SUFFERERS, WRECK OF TALLAPOOSA.

Mr. PAYSON. Mr. Speaker——

Mr. HOPKINS. Mr. Speaker, I desire to call up a bill——

The SPEAKER. There is some unfinished business which comes over from the last suspension day.

Mr. PAYSON. It does not seem to be called up now.

Mr. BREWER. It comes up of itself, under the rules of the House.

Mr. FLOWER. Mr. Speaker, I also desire to call up a bill.

The SPEAKER. The Chair is aware that that desire is quite generally prevalent in the House and has received personal as well as official notice of it.

Mr. PAYSON. The business which I wish to call up could be disposed of while the matter is being discussed.

The SPEAKER. The Chair thinks the business of the House should proceed in due form. The Clerk will first read the title of the bill upon the passage of which a roll call is pending.

The Clerk read as follows:

A bill (S. 724) for the relief of the sufferers by the wreck of the United States steamer Tallapoosa.

Mr. PAYSON. What is the pending question upon that bill?

The SPEAKER. The pending question is upon the suspension of the rules and the passage of the bill. The Clerk will call the roll.

The question was taken; and there were—yeas 116, nays 64, not voting 150; as follows:

YEAS—116.

Adams,	Flick,	McComas,	Smyser,
Allen, Mich.	Flower,	McDuffie,	Spinola,
Andrew,	Funston,	McKenna,	Spooner,
Baker,	Gear,	Miles,	Stephenson,
Belden,	Geissenhainer,	Moffitt,	Stivers,
Belknap,	Gest,	Moore, N. H.	Stone, Pa.
Bergen,	Greenhalge,	Morey,	Struble,
Biggs,	Grosvenor,	Morrow,	Stump,
Bingham,	Grout,	Morse,	Sweet,
Brewer,	Hall,	Mutchler,	Sweney,
Brosius,	Harmer,	Niedringhaus,	Taylor, E. B.
Burton,	Haugen,	O'Donnell,	Taylor, J. D.
Butterworth,	Haynes,	Osborne,	Taylor, Tenn.
Caldwell,	Hermann,	Owens, Ohio	Thomas,
Candler, Mass.	Hitt,	Payson,	Thompson,
Carter,	Hopkins,	Peters,	Townsend, Colo.
Caswell,	Kelley,	Pindar,	Townsend, Pa.
Cheadle,	Kennedy,	Pugsley,	Tracey,
Chipman,	Lacey,	Quackenbush,	Turner, Kans.
Clark, Wyo.	La Follette,	Quinn,	Van Schaick,
Cogswell,	Laidlaw,	Raines,	Wade,
Cooper, Ohio	Lansing,	Reed, Iowa	Walker,
Craig,	Laws,	Rockwell,	Wallace, Mass.
Crain,	Lee,	Russell,	Wallace, N. Y.
Culbertson, Pa.	Lewis,	Scranton,	Wheeler, Ala.
Daizell,	Lind,	Scull,	Williams, Ohio
Dorsey,	Lodge,	Sherman,	Wilson, Ky.
Evans,	Mansur,	Simonds,	Wilson, Wash.
Farquhar,	McAdoo,	Smith, Ill.	Wright.

NAYS—64.

Abbott,	Culberson, Tex.	Lester, Va.	Perry,
Alderson,	Davidson,	Maish,	Rogers,
Anderson, Kans.	Edmunds,	Martin, Ind.	Sayers,
Anderson, Miss.	Enloe,	Martin, Tex.	Shively,
Blanchard,	Finley,	McCord,	Skinner,
Bland,	Fithian,	McCreary,	Stewart, Tex.
Breckinridge, Ark.	Forman,	McMillin,	Stone, Ky.
Brickner,	Goodnight,	Montgomery,	Tarsney,
Brookshire,	Hare,	Moore, Tex.	Turner, Ga.
Brunner,	Holman,	Morrill,	Vaux,
Candler, Ga.	Hooker,	Norton,	Washington,
Caruth,	Kerr, Pa.	O'Neall, Ind.	Whiteclaw,
Catchings,	Kinsey,	Parrett,	Wike,
Clements,	Lane,	Paynter,	Williams, Ill.
Cobb,	Lawler,	Penington,	Wilson, Mo.
Crisp,	Lester, Ga.	Perkins,	Wilson, W. Va.

NOT VOTING—150.

Allen, Miss.	Bartine,	Boothman,	Browne, Va.
Arnold,	Barwig,	Boutelle,	Buchanan, N. J.
Atkinson, Pa.	Bayne,	Bowden,	Buchanan, Va.
Atkinson, W. Va.	Beckwith,	Breckinridge, Ky.	Buckalew,
Bankhead,	Bliss,	Brower,	Bullock,
Banks,	Blount,	Brown, J. B.	Bunn,
Barnes,	Boatner,	Browne, T. M.	Burrows,
Bynum,	Fitch,	McClellan,	Rowland,
Campbell,	Flood,	McCormick,	Rusk,
Cannon,	Forney,	McKinley,	Sanford,
Carlton,	Fowler,	McRae,	Sawyer,
Cheatham,	Frank,	Miller,	Seney,
Clancy,	Geary,	Milliken,	Smith, W. Va.
Clark, Wis.	Gibson,	Mills,	Snider,
Clarke, Ala.	Gifford,	Morgan,	Springer,
Clunie,	Grimes,	Mudd,	Stahlnecker
Coleman,	Hansbrough,	Nute,	Stewart, Ga.
Comstock,	Hatch,	Oates,	Stewart, Vt.
Connell,	Hayes, W. I.	O'Ferrall,	Stockbridge,
Cooper, Ind.	Hays, E. R.	O'Neil, Mass.	Stockdale,
Cothran,	Heard,	O'Neill, Pa.	Stone, Mo.
Covert,	Hemphill,	Outhwaite,	Taylor, Ill.
Cowles,	Henderson, Ill.	Owen, Ind.	Tillman,
Cummings,	Henderson, Iowa	Payne,	Tucker,
Cutcheon,	Henderson, N. C.	Peel,	Turner, N. Y.
Dargan,	Herbert,	Phelan,	Vandever,
Darlington,	Hill,	Pickler,	Waddill,
De Lano,	Houk,	Pierce,	Wheeler, Mich.
Dibble,	Kerr, Iowa	Post,	Whiting,
Dickerson,	Ketcham,	Price,	Whitthorne,
Dingley,	Kilgore,	Randall,	Wickham,
Dockery,	Knapp,	Ray,	Wiley,
Dolliver,	Langston,	Reilly,	Wilkinson,
Dunnell,	Lanham,	Reyburn,	Willcox,
Dunphy,	Lehlbach,	Richardson,	Yardley,
Ellis,	Magner,	Rife,	Yoder.
Ewart,	Mason,	Robertson,	
Featherston,	McClammy,	Rowell,	

So, two-thirds not voting in favor thereof, the House refused to suspend the rules and pass the bill.

The Clerk announced the following pairs:

Until further notice:

Mr. McCORMICK with Mr. REILLY.

Mr. KETCHAM with Mr. BUNN.

Mr. PICKLER with Mr. ALLEN, of Mississippi.

Mr. YARDLEY with Mr. DARGAN.

Mr. BROWER with Mr. BANKHEAD.

Mr. BOWDEN with Mr. MILLS.

Mr. NIEDRINGHAUS with Mr. HATCH.

Mr. CHEATHAM with Mr. FOWLER.

Mr. WHEELER, of Michigan, with Mr. KILGORE.

Mr. HENDERSON, of Illinois, with Mr. CLARKE, of Alabama.

Mr. MASON with Mr. McCLAMMY.

Mr. FLOOD with Mr. CUMMINGS.

Mr. BLISS with Mr. WHITING.

Mr. DE LANO with Mr. ROWLAND.

Mr. DARLINGTON with Mr. CAMPBELL.

Mr. HANSBROUGH with Mr. STAHLNECKER.

Mr. MORROW with Mr. CLUNIE, for one week.

Mr. EWART with Mr. HENDERSON, of North Carolina.

Until Tuesday next:

Mr. OWEN, of Indiana, with Mr. COVERT.

Until February 9, 1891:

Mr. CUTCHEON with Mr. LANHAM.

For this day:

Mr. REYBURN with Mr. PRICE.

Mr. ATKINSON, of Pennsylvania, with Mr. ELLIS.

Mr. HOUK with Mr. RICHARDSON.

Mr. DOLLIVER with Mr. BARNES.

Mr. STOCKBRIDGE with Mr. HEMPHILL.

On this vote:

Mr. BOOTHMAN with Mr. YODER.

Mr. EDWARD R. HAYS with Mr. GRIMES.

Mr. WADDILL with Mr. WILEY.

Mr. ATKINSON, of West Virginia, with Mr. McRAE.

Mr. THOMAS M. BROWNE with Mr. O'FERRALL.

Mr. MORROW. Mr. Speaker, the Clerk has announced a pair between myself and the gentleman from California [Mr. CLUNIE]. I desire to say that that pair has been transferred from myself to the gentleman from Illinois [Mr. CANNON]. I therefore desire my vote to stand.

Mr. CRAIN. Mr. Speaker, I ask that my colleague, Mr. MILLS, may be excused for to-day, on account of sickness.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted, as follows:

To Mr. FEATHERSTON, for ten days, on account of important business.

To Mr. MILLS, for this day, on account of sickness.

To Mr. ATKINSON, of Pennsylvania, until Thursday, on account of a death in his family.

To Mr. BARNES, indefinitely, on account of sickness.

The result of the vote was then announced as above recorded.

PUBLIC BUILDING, WORCESTER, MASS.

Mr. WALKER. Mr. Speaker, I move that the Committee of the Whole House be discharged from the further consideration of the bill (S. 3062) and that it be considered in the House. Let me say with reference to this bill that it is to grant $150,000 additional——

The SPEAKER. Debate is not in order until the bill is read. Does the gentleman move to suspend the rules?

Mr. WALKER. I do.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 3062) for continuing the erection of the public building at Worcester, Mass.

Be it enacted, etc., That the additional sum of $150,000 is hereby authorized to be expended by the Secretary of the Treasury for continuing the erection of the public building at Worcester, in the State of Massachusetts.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, I demand a second.

Mr. WALKER. I ask unanimous consent that a second be considered as ordered.

Mr. OWENS, of Ohio. I object.

Mr. BRECKINRIDGE, of Kentucky. I do not object.

Mr. WALKER. I hope there will be no objection.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts? [After a pause.] The Chair hears none.

Mr. WALKER. Mr. Speaker, I wish to say that this bill has been unanimously reported by the committee of the Senate, has unanimously passed the Senate, and has been twice unanimously reported by the Committee on Public Buildings and Grounds of the House.

There was a grant of $250,000 to buy the location and erect a public building in the city of Worcester. The plans were drawn and the building was started upon. The foundations were partly laid when it was found that the building must necessarily be so small that the business of the Department could not be transacted in it.

The location is a very elegant one in the center of the city, and the citizens have contributed $100,000 in order to have the finest lot in the city; and it has now been boarded up nearly two years. Now, the appropriation in this bill will not be as much as that for the building in the city of Toledo of the same population. They finished their building, and are now asking an additional amount because that building is not large enough to transact the business of the Department. We ask that $150,000 additional be appropriated, and of the cost of this building and grounds $100,000 have been contributed by the citizens of Worcester.

Mr. KERR, of Iowa. What is the amount of the postal receipts?

Mr. WALKER. The gross postal receipts were $120,000 in 1889, and the net income from $75,000 to $80,000.

Mr. ANDERSON, of Kansas. What is the population of the city?

Mr. WALKER. It is a hundred less than 85,000, and the city is growing rapidly, 25,000 in the last ten years.

Mr. STRUBLE. Are you willing to have this payment made in silver?

Mr. WALKER. I am willing to have this payment made in the money of the United States.

Mr. HOLMAN. I ask that the report be read.

The report was read, as follows:

The committee find the facts fully set forth in the Senate report accompanying said bill (S. 3062), which is annexed hereto and made a part of this report. Concurring in said report, the committee recommend the passage of said Senate bill, and that House bill 444, for a similar purpose, be laid on the table.

[Senate Report No. 517, Fifty-first Congress, first session.]

The Committee on Public Buildings and Grounds respectfully report this bill with an amendment, striking out "two" and inserting "one" in line 3, authorizing an additional sum of $150,000 for continuing the erection of the public building at Worcester, Mass. They submit the following in explanation of the bill:

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING ARCHITECT,
Washington, D. C., March 22, 1890.

SIR: The letter from your committee, dated March 15, 1890, requested an official report from this office upon Senate bill 3062, introduced March 11, 1890, by Hon. GEORGE F. HOAR, to provide for an appropriation of $250,000 in addition to the appropriations heretofore made, aggregating $350,000, for the site and public building at Worcester, Mass.

In reply I have the honor to submit the following:

Copy of a report dated February 19, 1886, addressed to this office by the postmaster of Worcester, Mass.;

Copy of a letter dated April 29, 1889, addressed to this office by Hons. GEORGE F. HOAR and JOSEPH H. WALKER;

Copy of a report dated February 8, 1890, addressed to this office by the postmaster of Worcester, Mass.;

Copy of a report dated February 10, 1890, addressed to this office by the honorable the Postmaster-General;

All in regard to the public business done in Worcester, Mass., and the requirements of a public building to meet the present and prospective needs of the Government office to be located therein.

By reference to page 1013 "Report of the Postmaster-General, 1889," it will be observed that the gross postal receipts in said city, for the fiscal year ending June 30, 1889, were $119,100.53; the salary, clerk hire, rent, light, and fuel, other incidental expenses, and free delivery aggregated $45,075.96; the net postal receipts were $74,024.57, and that in addition to said post-office being self-sustaining it yielded a net postal revenue of 62 per cent.

Act of Congress approved January 29, 1887, volume 24, page 370, Statutes at Large, limited the cost of site and building at $250,000.

Act of Congress approved March 3, 1887, volume 24, page 511, Statutes at Large, appropriated $75,000 on account of said limit.

Act of Congress approved October 2, 1888, volume 25, page 508, Statutes at Large, appropriated $100,000 on account of said limit.

Act of Congress approved March 2, 1889, volume 25, page 940, appropriated $75,000 on account of said limit.

The aggregate of the three appropriations made on account of the said limit of said site and building is $350,000, of which there is a balance remaining available of $170,044.75, the difference having been expended for site, preparation of plans, excavation, etc.

After the site had been procured, the plans, specifications, etc., made, and the general and trench excavations and concrete foundations for the building were completed, certain petitions were received from the mayor, city officials, *et al.*, and from Hon. GEORGE F. HOAR and JOSEPH H. WALKER, stating that the building as designed will not afford adequate accommodations for the transaction of public business, and after considering the subject the Department decided to suspend all further work in connection with the construction of the building, until after it should be ascertained whether Congress would increase the limit of cost of site and building, during its present session, to such an amount as would be required to construct a suitable building on the site purchased.

The plans prepared for the construction of the building within the $250,000 limit of cost, after payment of the site and incidental expenses connected therewith, provides about 5,867 square feet of floor area, each story, and the estimates, etc., for said building were based upon its construction being of brick with stone trimmings, wood for floors and roof, etc.

If the additional appropriation of $250,000 is made as proposed by said bill, thus increasing the limit of cost to $500,000, the building as designed could be so enlarged as to increase the floor area 1,892 square feet, giving 7,759 square feet of space on each floor, which would comply with the requirements stated by the postmaster as being essential, and permit the use of marble or granite for facing all exterior walls, a better character of interior finish, the erection of the building of fire-proof construction, including heating apparatus, vaults and approaches, and excluding elevator service, which is not deemed necessary, and would afford proper accommodations for the present and prospective needs of the Government office to be located therein.

Respectfully, yours,

JAS. H. WINDRIM,
Supervising Architect.

Hon. LELAND STANFORD,
Chairman Committee on Public Buildings and Grounds.

Mr. ROGERS. Mr. Speaker, as no one is occupying the floor, I want to be heard briefly. Do I understand that with the sum now asked for the limit of cost of this building will be $500,000?

Mr. WALKER. No, sir. That was the appropriation asked for, but the committee cut it down $100,000. The original appropriation was $250,000. This bill calls for $150,000, making $400,000, not $500,000, as the gentleman says.

Mr. ROGERS. The gentleman did not understand me. There was a sum heretofore appropriated. That sum added to the one that is now called for by this bill brings it up to $500,000?

Mr. WALKER. Four hundred thousand dollars, and it will have to be a brick building, very plainly built, to cut it down to that figure.

Mr. ROGERS. Pardon me a moment. Do I understand that the people of that city have contributed of their own money $100,000 towards the construction of this building?

Mr. WALKER. The citizens have contributed $100,000 toward buying a lot and have secured an elegant lot in the center of the city.

Mr. ROGERS. Is any part of this fund to be used for the purpose of refunding that money to the citizens?

Mr. WALKER. No, sir; not a cent of it.

Mr. ROGERS. So that your building, for a town of 70,000 inhabitants, is to cost $400,000?

Mr. WALKER. The population is 85,000 to-day and growing very rapidly. It is to cost $400,000.

Mr. ROGERS. Worcester—that is in Massachusetts?

Mr. WALKER. In the center of Massachusetts.

Mr. ROGERS. I am glad to know that some portion of the State of Massachusetts is growing.

Mr. WALKER. The gross postal receipts are $120,000 a year and the net income $75,000. I have not got last year's report, though there is a considerable increase in the net receipts.

Mr. ROGERS. Have you a Federal court there?

Mr. WALKER. No, sir.

Mr. ROGERS. What are the purposes for which this building is to be used?

Mr. WALKER. For a post office and internal-revenue offices.

Mr. ROGERS. Anything else except that?

Mr. WALKER. There are to be three stories in it, and it is proposed to leave the upper stories so that they could be used for any other purpose of the Government.

Mr. ROGERS. Mr. Speaker, I am disposed, owing to my own unhappy situation, to be liberal in regard to appropriations for public buildings. My own necessities are so imperative and so great that I am sure that my friend from Massachusetts is wholly unable to comprehend the thing; and then the time is so very limited in which we are to get these little sugar-plums through the House that I am getting a little anxious as well as apprehensive that we shall not be able to get mine through at all. I do not want, therefore, to take up the time of the House unnecessarily; but it looks to me that this is cutting it just a little fat—just a little fat. I notice in running hastily over the census of the United States that there are half a dozen towns in Massachusetts that are growing; but I failed to find any sort of evidence that there was any growth in the interior of the country. And here is a building in a city where there is no Federal court. However large you may make it, perhaps one story of the three would be taken up.

If a Federal court were to be created there, it would require room for the courthouse; a marshal's office, which usually requires two rooms; the judges' chambers also usually require two rooms; the clerk's offices, usually two rooms; sometimes a jury room, and so on. It seems to me that to spend $500,000 in a city of 70,000 population for a post office and an internal-revenue office is a little too much. I did not suppose that they had any use for an internal-revenue office in Massachu-

setts. I did not suppose that they used or made any tobacco or drank any liquor in that country; and simply to spend $500,000 for a custom-house in a city of 70,000 inhabitants—growing, it is true, as the gentleman says—it looks to me, in view of the vanishing surplus, that it is cutting it a little too fat. But, nevertheless, in view of the fact that I still indulge the hope that we shall finally get around to the Hot Springs bill, I will not consume any more time, but will only ask the honest, candid, and kindly consideration of the gentleman from Massachusetts when I do succeed in getting up that bill. [Laughter.] [Cries of "Vote!" "Vote!"]

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, I do not see the wisdom, as an economic proposition, of paying a rent of $25,000 or $30,000 a year in a town of 70,000 inhabitants, for that is what this bill amounts to.

Mr. WALKER. Mr. Speaker, I have stated repeatedly that the city is growing rapidly. It has grown 25,000 in the last ten years and it has now a population of 85,000.

Mr. BRECKINRIDGE, of Kentucky. What is the rent that we are now paying in that city?

Mr. WALKER. I do not know; but the Government offices are in a building which is not fit for the purpose.

Mr. BRECKINRIDGE, of Kentucky. What is the largest rent that any building in that city can command?

Mr. WALKER. I get $25,000 rent annually for a building that I own in the city.

Mr. BRECKINRIDGE, of Kentucky. That building would probably be much more than ample for the necessities of the Government business.

Mr. WALKER. This building will have to be constructed with great economy as to material and style in order to make it large enough for the Government purposes and keep the cost within $400,000. It can not be so good a building as I myself would erect if it were my own business.

Mr. BRECKINRIDGE, of Kentucky. I have no doubt in the world that the gentleman would feel authorized to build such a building as his judgment and his pocket would unite in requiring; but we are not spending our own money, and that, I think, is the reason why we are so lavish with it. If it were ours, I think we would be a little more careful.

But, Mr. Speaker, we have passed here a large number of public building bills, and we shall probably appropriate a good deal of money for that purpose and leave a good deal more to be appropriated by succeeding Congresses. Now, I am in favor of erecting moderate, fair-sized buildings for Government offices in the different cities of the country, and I would be glad to see a bill passed authorizing the Postmaster-General to have constructed post-office buildings of a fair size at a moderate cost in the different cities throughout the country. But the idea of putting up a $500,000 building, which is equivalent to paying $30,000 a year rent, to say nothing of the additional fees for a janitor, and other items which will bring the rent up to $32,000 or $33,000 a year, and all this in a city of 70,000 or 80,000 people, seems to me quite unreasonable.

Mr. WALKER. The amount has been cut down $100,000. The bill is only for $400,000.

Mr. BRECKINRIDGE, of Kentucky. But that is not going to complete the building.

Mr. WALKER. Yes, sir.

Mr. BRECKINRIDGE, of Kentucky. The gentleman said awhile ago that one story of the building would not be finished now for use, but would be left incomplete, to be completed hereafter, in case they got a court there. Wherever we have a court we ought to have a building, and wherever we have a post office it is probably necessary, for economical reasons, to have a building for that purpose. But, Mr. Speaker, one of the greatest evils in our legislation is the "logrolling" that these public-building bills produce in Congress.

Mr. ROGERS. Just as I suggested awhile ago in regard to my bill. [Laughter.]

Mr. BRECKINRIDGE, of Kentucky. The trouble about that is that my friend from Arkansas was not of sufficient value to get into the ring. They had enough votes without him and therefore did not take him in. [Laughter.]

Mr. ROGERS. And therefore I am negotiating. [Laughter.]

Mr. BRECKINRIDGE, of Kentucky. But too late in the session to do any good.

Mr. KERR, of Iowa. The colleagues of the gentleman from Arkansas got ahead of him.

Mr. BRECKINRIDGE, of Kentucky. I do not know whether the colleagues of the gentleman have been found to be more valuable or not, but I do mean to say that there is throughout the country a widespread suspicion that the public-building ring in Congress controls these appropriations that are made by this body, and, while I do not mean to say that that is true, I do mean to say that such an appropriation as this, by which we increase the rent paid by the Government in a particular city three or four times over, gives color to the idea that this business is not providently done. I reserve the balance of my time. How much time have I occupied, Mr. Speaker?

The SPEAKER. The Chair understands that ten minutes have been occupied on each side.

Mr. MILLIKEN. Mr. Speaker, I do not propose to detain the House with a speech upon this public-building bill, but I wish to say a word or two in reply to some observations which have fallen from the gentleman from Kentucky. An appropriation has already been made for the building in question, but it is not sufficient to complete the building in such a way as to answer the purposes of the Government there. The matter was fully gone into before the Committee on Public Buildings and Grounds, and my recollection is that we cut down some which were asked for. I believe we cut down the amount $100,000. Now, I think if the gentleman from Kentucky himself had been so situated that he could have examined the whole matter, he would have come to the same conclusion to which the committee came, namely, that this appropriation is necessary in order to erect such a building as the Government of the United States requires in that city.

Mr. BRECKINRIDGE, of Kentucky. I yield five minutes to the gentleman from Arkansas [Mr. ROGERS].

Mr. ROGERS. I do not want to use quite that much time, Mr. Speaker. I want first to make a remark in reference to the suggestion of the gentleman from Iowa [Mr. KERR] that my colleague has "got ahead." I do not know just how that was done, but that is not the special subject of inquiry now.

But in all candor I do think that when these appropriations are being made there ought to be something like an equal distribution of them among the various States. And out of all the appropriations which have been made for these purposes, running up to nearly $10,000,000, Arkansas gets only $25,000 this year for a little public building in Camden in that State. I believe we are asking for two public buildings in Arkansas, one at the place I have just named and the other at Hot Springs. No gentleman who has ever visited Hot Springs can fail to be aware of the conditions and circumstances which take that city out of the ordinary run of towns in this country——

Mr. CRAIN. That is so; that is the reason people go there.

Mr. ROGERS. I should like to see it receive justice at the hands of this House, and, therefore, I have occasionally referred to it during the present session.

Senator VEST recently said in the Senate (if I may take the liberty of referring to it) that Arkansas has received less in public buildings than any other State in the American Union; that taking the State throughout its whole history and considering its relative population, the growth of its towns, and everything of that kind, it has received less than any other State.

Mr. MILLIKEN. That can hardly be true, if the Senator took into account the new States recently admitted.

Mr. ROGERS. I do not suppose he was referring to those States at all, but to those which have been in the Union for some length of time. I will say, however, in this connection, that I believe nearly all the new States have public buildings——

Mr. DORSEY. Oh, no.

Mr. ROGERS. And some of them ought to have provision made for them at this session. I will add the suggestion that my friend over there [Mr. DORSEY] represents a State that ought to have some recognition in this regard.

Mr. DORSEY. That is right. I thank the gentleman for the suggestion.

Mr. ROGERS. I will say now in all candor that I hope at some time during the remainder of this session the public business will get into such a shape that Hot Springs can have some recognition and that a public building may be authorized at that town where the public necessity so much demands it.

Mr. BRECKINRIDGE, of Kentucky. I yield the remainder of my time to the gentleman from New York [Mr. SPINOLA].

Mr. SPINOLA. Mr. Speaker, I had made up my mind when this bill was called up to render my assistance, whatever it might amount to, towards the passage of the measure; and I do not know that this debate, which has taken a wide range, will have any influence in controlling my vote, which I had made up my mind to cast for the proposition. But it has occurred to me that there can be no more fitting time than this to call the attention of the American people to the importance of erecting a monument to the 11,500 martyrs who perished in the dungeon of the British prison ships. [Applause.] Mr. Speaker, the angels to-day are rocking the cradle of liberty in which slumber the spirits of those patriots; and in their name, when the time comes, I intend to appeal to this House to do justice to their memory. [Cries of "That is right!" and applause.] But, Mr. Speaker, in order not to delay the passage of this bill I shall not bring up that important question to-day, though I give notice that I shall do so on the very first opportunity. I will only say in conclusion that I cheerfully support this bill of my friend from Massachusetts [Mr. WALKER].

The SPEAKER (having put the question on suspending the rules and passing the bill). The ayes seem to have it.

Mr. BRECKINRIDGE, of Kentucky. I call for a division.

The House again divided; and the tellers reported—ayes 109, noes 34.

Mr. BRECKINRIDGE, of Arkansas. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 138, nays 55, not voting 137; as follows:

YEAS—138.

Abbott,	Edmunds,	McCreary,	Spinola,
Allen, Mich.	Evans,	McDuffie,	Spooner,
Anderson, Kans.	Ewart,	McKenna,	Stephenson,
Anderson, Miss.	Farquhar,	McKinley,	Stewart, Tex.
Andrew,	Finley,	Miles,	Stewart, Vt.
Baker,	Flower,	Milliken,	Stivers,
Bartine,	Funston,	Moffitt,	Stone, Pa.
Bayne,	Gear,	Moore, N. H.	Struble,
Belden,	Geissenhainer,	Morey,	Sweet,
Belknap,	Gest,	Morrill,	Taylor, E. B.
Bergen,	Gibson,	Morrow,	Taylor, Ill.
Biggs,	Greenhalge,	Morse,	Taylor, J. D.
Bingham,	Grosvenor,	Niedringhaus,	Taylor, Tenn.
Brewer,	Grout,	O'Donnell,	Thomas,
Burton,	Hall,	O'Neil, Mass.	Townsend, Colo.
Caldwell,	Harmer,	Osborne,	Townsend, Pa.
Cannon,	Haugen,	Outhwaite,	Tucker,
Carter,	Haynes,	Owens, Ohio	Turner, Kans.
Caswell,	Hays, E. R.	Payson,	Van Schaick,
Catchings,	Hermann,	Perkins,	Waddill,
Cheadle,	Hill,	Peters,	Wade,
Cheatham,	Hitt,	Post,	Walker,
Chipman,	Kelley,	Pugsley,	Wallace, Mass.
Clark, Wyo.	Kennedy,	Quackenbush,	Wallace, N. Y.
Clunie,	Kerr, Iowa	Quinn,	Washington,
Cogswell,	Kinsey,	Raines,	Wickham,
Coleman,	Lacey,	Reed, Iowa	Willcox,
Connell,	La Follette,	Rockwell,	Williams, Ohio
Cooper, Ohio	Laidlaw,	Russell,	Wilson, Ky.
Craig,	Lansing,	Scull,	Wilson, Wash.
Crain,	Lawler,	Sherman,	Wilson, W. Va.
Culbertson, Pa.	Lee,	Simonds,	Wright,
Dalzell,	Lewis,	Smith, Ill.	Yoder.
Dorsey,	Lind,	Smith, W. Va.	
Dunnell,	Lodge,	Smyser,	

NAYS—55.

Blanchard,	Culberson, Tex.	Lester, Va.	Perry,
Bland,	Davidson,	Maish,	Pierce,
Blount,	Dickerson,	Martin, Ind.	Rogers,
Breckinridge, Ark.	Enloe,	Martin, Tex.	Sayers,
Breckinridge, Ky.	Fithian,	McClellan,	Seney,
Brickner,	Forman,	McMillin,	Shively,
Brookshire,	Geary,	Montgomery,	Stone, Ky.
Brown, J. B.	Goodnight,	Moore, Tex.	Tarsney,
Brunner,	Hare,	Norton,	Turner, Ga.
Buchanan, Va.	Herbert,	O'Ferrall,	Vaux,
Bynum,	Holman,	O'Neall, Ind.	Whitelaw,
Caruth,	Kerr, Pa.	Parrett,	Wike,
Clements,	Lane,	Paynter,	Williams, Ill.
Cobb,	Laws,	Penington,	

NOT VOTING—137.

Adams,	Cothran,	Ketcham,	Richardson,
Alderson,	Covert,	Kilgore,	Rife,
Allen, Miss.	Cowles,	Knapp,	Robertson,
Arnold,	Crisp,	Langston,	Rowell,
Atkinson, Pa.	Cummings,	Lanham,	Rowland,
Atkinson, W. Va.	Cutcheon,	Lehlbach,	Rusk,
Bankhead,	Dargan,	Lester, Ga.	Sanford,
Banks,	Darlington,	Magner,	Sawyer,
Barnes,	De Lano,	Mansur,	Scranton,
Barwig,	Dibble,	Mason,	Skinner,
Beckwith,	Dingley,	McAdoo,	Snider,
Bliss,	Dockery,	McClammy,	Springer,
Boatner,	Dolliver,	McComas,	Stahlnecker,
Boothman,	Dunphy,	McCord,	Stewart, Ga.
Boutelle,	Ellis,	McCormick,	Stockbridge,
Bowden,	Featherston,	McRae,	Stockdale,
Brosius,	Fitch,	Miller,	Stone, Mo.
Brower,	Flick,	Mills,	Stump,
Browne, T. M.	Flood,	Morgan,	Sweney,
Browne, Va.	Forney,	Mudd,	Thompson,
Buchanan, N. J.	Fowler,	Mutchler,	Tillman,
Buckalew,	Frank,	Nute,	Tracey,
Bullock,	Gifford,	Oates,	Turner, N. Y.
Bunn,	Grimes,	O'Neill, Pa.	Vandever,
Burrows,	Hansbrough,	Owen, Ind.	Wheeler, Ala.
Butterworth,	Hatch,	Payne,	Wheeler, Mich.
Campbell,	Hayes, W. I.	Peel,	Whiting,
Candler, Ga.	Heard,	Phelan,	Whitthorne,
Candler, Mass.	Hemphill,	Pickler,	Wiley,
Carlton,	Henderson, Ill.	Pindar,	Wilkinson,
Clancy,	Henderson, Iowa	Price,	Wilson, Mo.
Clark, Wis.	Henderson, N. C.	Randall,	Yardley.
Clarke, Ala.	Hooker,	Ray,	
Comstock,	Hopkins,	Reilly,	
Cooper, Ind.	Houk,	Reyburn,	

So, two-thirds voting in favor thereof, the motion to suspend the rules and pass the bill was agreed to.

The following additional pairs were announced:

Mr. SKINNER with Mr. TRACEY, on this vote.

Mr. SWENEY with Mr. MCRAE, on this vote.

Mr. BUCHANAN, of New Jersey, with Mr. DUNPHY, on this vote.

Mr. ATKINSON, of West Virginia, with Mr. ALDERSON, on this vote.

Mr. SANFORD with Mr. WILEY, on this vote.

Mr. SAWYER with Mr. GRIMES, on this vote.

Mr. THOMPSON with Mr. HOOKER, for the rest of the day.

Mr. CLARK, of Wisconsin, with Mr. TILLMAN, for this day.

The result of the vote was then announced as above recorded.

PUBLIC BUILDING AT ROANOKE, VA.

Mr. EDMUNDS. Mr. Speaker, I move to suspend the rules and pass the bill (S. 874) for the erection of a public building in the city of Roanoke, Va., with an amendment recommended by the Committee on Public Buildings and Grounds.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post office and other Government offices, in the city of Roanoke and State of Virginia, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators and approaches, complete, not to exceed the sum of $100,000, which said sum of $100,000 is hereby appropriated for said purpose out of any moneys in the United States Treasury not otherwise appropriated.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed $6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

So much of the appropriation herein made as may be necessary to defray the expenses of advertising for proposals, actual traveling expenses of said agent, and the compensation and actual traveling expenses of said commissioners, and other expenses incident to the selection of the site, and for necessary survey thereof, shall be immediately available.

So much of said appropriation as may be necessary for the preparation of sketch-plans, drawings, specifications, and detailed estimates for the building by the Supervising Architect of the Treasury Department, shall be available immediately upon the approval by the Secretary of the Treasury of such site.

No money appropriated by this act shall be available, except as hereinbefore provided, until a valid title to the site for said building shall be vested in the United States, nor until the State of Virginia shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

After the said site shall have been paid for and the sketch-plans and detailed estimates for the building shall have been prepared by the Supervising Architect and approved by the Secretary of the Treasury, the Secretary of the Interior, and the Postmaster-General, the balance of said appropriation shall be available for the erection and completion of the building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

Mr. EDMUNDS. The committee recommend that the bill be amended by striking out "one hundred thousand" and inserting "seventy-five thousand;" also by striking out all of line 13, after the word "dollars," and lines 14, 15, and 16, being the appropriating clause.

The SPEAKER. As the Chair understands, the motion of the gentleman is to suspend the rules and pass the bill with the amendment recommended by the committee.

Mr. EDMUNDS. The committee, as will be seen by reference to the report, recommend that the appropriation be reduced to $50,000. This, however, is a mistake, as the recommendation of the committee was that the sum should be $75,000.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Virginia.

The motion was agreed to, two-thirds voting in favor thereof.

TEMPORARY CABINET APPOINTMENTS.

Mr. MCKINLEY. Mr. Speaker, I move to suspend the rules and pass the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 13453) to amend section 180 of the Revised Statutes of the United States.

Be it enacted, etc., That section 180 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"A vacancy occasioned by death or resignation must not be temporarily filled under the three preceding sections for a longer period than thirty days."

Mr. MCMILLIN. I demand a second, in order that we may have an explanation of this bill.

Mr. MCKINLEY. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

Mr. MCKINLEY. Mr. Speaker, the President of the United States on last Saturday sent a message to the House of Representatives, as well as to the Senate, calling the attention of Congress to the fact that under existing law he could designate an officer to a Cabinet place for

ten days, and ten only, and recommended that an extension of the time be given by public law. Doubtless gentlemen on both sides of the House have read the message in question and are aware of the occasion which led to its transmission to Congress. The bill I have sent to the desk proposes to amend section 180 of the Revised Statutes, which reads as follows:

SEC. 180. A vacancy occasioned by death or resignation must not be temporarily filled under the three preceding sections for a longer period than ten days.

Section 177 applies to the case which gives rise to this bill and is in the following words:

SEC. 177. In case of the death, resignation, absence, or sickness of the head of any Department the first or sole Assistant thereof shall, unless otherwise directed by the President, as provided by section 179, perform the duties of such head until a successor is appointed or such absence or sickness shall cease.

Section 180 limits the power of the President to appoint a successor until a permanent appointment is made and confirmed by the Senate, limiting it to a period of ten days, in which time the appointment must be made.

Now, this bill follows the language of section 180, which is in the same words, except that we insert "thirty" instead of "ten" days, so that it gives the President thirty days' time within which he may designate a head of a Department to hold until his successor is qualified or appointed and confirmed.

Mr. McMILLIN. Mr. Speaker, lest my demand for a second on the motion of the gentleman from Ohio should be misunderstood, I wish to say that I do not see any reason why this bill may not be passed.

If I remember correctly this is one of the statutes placed on the books in order to control President Johnson. I am not sure about it, but that is my memory.

I do not, however, assent to the reasoning embodied in the President's message and am unable to see how he can reason as he does to reach the conclusion at which he has arrived. The principal part of the message is taken up with a statement that it is indecorous to the dead to proceed to carry out the statutes for the benefit of the living. I do not think that would be an act of indecorum; and hence I should not vote for this proposition on that ground. But I can see that the period of ten days is a limit too short for the action which may be necessary in the appointment of the head of an Executive Department, and the Chief Executive might find himself at a great disadvantage in making that calm and judicious decision which should characterize his action.

Mr. VAUX. How many days does this bill propose to give?

Mr. McMILLIN. Thirty days.

I yield now to my colleague from Tennessee.

Mr. ENLOE. I do not think I shall object to the passage of this bill, but it seems a little peculiar to me that the present President of the United States has any greater difficulty in making up his mind in regard to such matters than other Presidents have had. If, however, this measure is likely to result in securing appointments which will not prove to be as great mistakes as many others that he has already made, I am quite willing to support it and take the chances of its doing some good.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, I desire to say just one word. I do not oppose the bill, but I would have been glad if the limit of time had been a little less than thirty days, because it has the look as if the President might be willing to let this Congress expire without sending the nomination to the present Senate; and I would have been glad if some shorter time had been specified, a time sufficiently short to require the nomination to be made during the session of the present Congress; but if the Senate, which will have to pass upon this, is willing to let itself be put in that attitude, I shall not object. I do not think the time is otherwise unreasonable.

Mr. McKINLEY. If my understanding is correct, that the thirty days would begin to run with the beginning of the vacancy, the thirty days will expire before the 4th of next March.

Mr. VAUX. Do I understand the bill carries the time beyond the expiration of this Congress?

Mr. McKINLEY. No, it does not, as I construe it. I suppose the time would commence to run from the beginning of the vacancy, and in that event this Congress will not have expired at the end of the thirty days.

The question was taken; and, two-thirds voting in the affirmative, the rules were suspended and the bill was passed.

DISTRICT ATTORNEYS' AND MARSHALS' FEES, ETC.

Mr. TARSNEY. Mr. Speaker, I move to suspend the rules and put upon its passage the bill (S. 3539) regulating the fees of district attorneys and marshals in the States of Oregon, Nevada, Idaho, Montana, Washington, North Dakota, and Wyoming.

The Clerk read as follows:

An act (S. 3539) regulating the fees and emoluments of district attorneys, marshals, and clerks in the States of Oregon, Nevada, Idaho, Montana, Washington, North Dakota, and Wyoming.

Be it enacted, etc., That the district attorneys, marshals, and clerks of the courts of the United States for the districts of Oregon, Nevada, Idaho, Montana, Washington, North Dakota, and Wyoming shall be entitled to receive, respectively, double the fees now allowed by law for the like services to other district attorneys, marshals, and clerks of the courts of the United States, but neither of them shall be allowed to retain for fees and other emoluments any greater sum in the aggregate than such other district attorneys, marshals, and clerks, respectively, are allowed by law to retain, and all fees, moneys, and emoluments received by them, respectively, above such aggregate amount shall be paid into the Treasury of the United States; and their accounts shall be made, audited, returned, and settled at the same times and in the same manner that the accounts of other district attorneys, marshals, and clerks are required to be made, audited, and settled; and whenever in either of said States the same person holds the office of clerk of both the circuit and district court he shall be allowed to retain for his personal compensation and emolument as aforesaid only such sum as is by law allowed to be retained by a person holding the office of clerk of only one of the said courts.

SEC. 2. That the foregoing section shall expire and cease to be in force on the 30th day of June, A. D. 1895.

SEC. 3. That section 837 and section 840 of the Revised Statutes of the United States be, and the same are hereby, repealed; and so much of section 16 of the act entitled "An act to provide for the admission of the State of Idaho into the Union, and for other purposes," approved July 3, A. D. 1890, as provides for fees and compensation of district attorneys, marshals, and clerks of the courts of the United States, and so much of section 16 of the act entitled "An act to provide for the admission of the State of Wyoming into the Union, and for other purposes," approved July 10, A. D. 1890, as provides for fees and compensation of district attorneys, marshals, and clerks of the courts of the United States are hereby repealed.

The SPEAKER. The question is upon the suspension of the rules and the passage of the bill.

Mr. ROGERS. Mr. Speaker, I demand a second.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

There was no objection.

Mr. TARSNEY. I yield to the gentleman from Montana [Mr. CARTER] for a statement.

Mr. CARTER. Mr. Speaker, I will state in explanation of the bill here presented, that the United States marshal and district attorney of the State of Montana, under present fee arrangement, are not able to collect a sufficient amount to pay their office rent and to justify them in continuing to discharge the duties of their offices. The same is true with reference to the other States named in the bill. This condition arises by reason of the sparsely settled character of the country, the great distance to be traveled from one point to another, and the extraordinary expense attending travel by rail and by stage through that thinly settled and rugged country. The purpose of the bill is to allow such fees in that region as will justify the officers in devoting their time to the execution of the laws of the United States. I have a letter here, signed by the district attorney of the State of Washington, Mr. Winston, which in some measure explains the difficulties to be contended with in that State. I send the letter to the Clerk's desk to be read.

Mr. CULBERSON, of Texas. I will ask the gentleman from Montana what committee has made a report on this bill.

Mr. CARTER. The Committee on Expenditures in the Department of Justice has favorably reported the bill.

The Clerk read as follows:

WASHINGTON, D. C., *January* 31, 1891.

MY DEAR SIR: I have the honor to suggest the following points to you, as requested by you, in favor of the fee bill of the United States attorneys, marshals, and clerks of Washington, Montana, etc., which Governor GEAR has promised to call up on Monday:

First. The expense of traveling and living in our country is double that in the older States.

Second. The courts in the States included in our bill are held considerable distances apart. In Washington they are held at four different points, one of them 420 miles, another 400 miles, and still another 213 miles from my home, at which the fourth is held. After paying our expenses we have nothing left for the service adequate to the work. Although the business does not pay the maximum, yet it is of exceeding importance, including customs and navigation, lawmaking in all its phases, Indian treaties, the Behring Sea question, and the usual matters of Federal courts.

Third. It is impossible to secure the services of competent deputy marshals; the mileage does not pay actual traveling expenses, and if they charge actual expenses they get nothing for services.

Fourth. Oregon and Idaho already get the double fees, and are only included in our present bill in order to secure uniformity in the statutes. We are doing as much in Washington as they are, and the cost of living is greater in Spokane Falls than in Portland.

Fifth. Although the bill gives us double fees, yet it provides that we shall not receive to exceed the maximum allowed in the older States.

In conclusion allow me to say that this matter is of vital importance to me, and if you should put this bill through on Monday I will be deeply indebted to you.

Yours, truly,

P. H. WINSTON.

Hon. THOMAS H. CARTER,
House of Representatives.

Mr. CARTER. I yield to the gentleman from California, who desires to make a request with reference to his State.

Mr. OATES. Before the gentleman yields I would like to ask him a question.

Mr. CARTER. Certainly.

Mr. OATES. A bill similar to this, if not identical with it, is before the Judiciary Committee of the House and has had some consideration there, but I believe no report has been made. I ask the gentleman if he does not think that instead of doubling the fees out there it would be a great deal better to make them only 50 per cent. greater. You will be able to retain your law a great deal longer, I think, than if you make the fees double.

Mr. CARTER. I will state to the gentleman from Alabama that I personally appeared before the Judiciary Committee of the House at

one time, believing that this identical bill had been referred to that committee. The district attorney of the State of Washington likewise appeared before the Judiciary Committee and made a brief statement in support of the bill. The committee, I believe, concluded to favorably report it; but upon examination it was found that the gentleman had appeared before the wrong committee; that no such bill had ever been referred to the Judiciary Committee at all. He thereupon appeared before the Committee on Expenditures in the Department of Justice, where the bill had actually been referred.

Mr. OATES. I remember the gentleman's remarks. I was present and I supposed the committee had the bill before them.

Mr. CARTER. No; on examination they found such was not the fact. Now, with reference to the gentleman's further suggestion I will say this: The bill contemplates a reasonable sum to be fixed as the maximum for the salary or income of each of the officers mentioned. That limit is no more than is paid to men of like ability in any ordinary business in that section of the country.

Mr. OATES. Your bill does not increase the limit.

Mr. CARTER. It fixes the maximum limit at the same figure as in other States.

Mr. McMILLIN. I want to ask the gentleman how it is that it will take twice as much to support these officers in 1895 as it will in 1896. You provide that this provision shall expire absolutely in 1895.

Mr. CARTER. The maximum limit is confined to the time prior to 1895. In the interim, it is believed that, upon the basis of the present rapid settlement of that country, railroad rates will have been reduced, that railroads will have taken the place of stagecoaches, and the general expense incident to travel in that region will be sufficiently reduced in that period of time to justify the repeal of the law.

Mr. McMILLIN. I will ask the gentleman if during the Administration of President Cleveland, when there were fewer persons living in those Territories than now live in the States, the fees were higher than they are now or as they are proposed to be by this bill.

Mr. CARTER. Permit me to suggest to the gentleman that during the Administration of President Cleveland complaint with reference to these identical fees was widespread and universal, not only on the part of the officers who sought to execute the laws, but on the part of the people who suffered by the inability of the officers to discharge their duty on account of the inadequacy of these fees.

Mr. McMILLIN. I am not asking the gentleman about the complaints; I am asking him what the law was.

Mr. CARTER. It is now what it was then.

Mr. McMILLIN. Did you have a plurality of applications for these places in the State of Montana under the existing law?

Mr. CARTER. Since the Administration of President Cleveland the United States courts have been organized throughout that country. They did not exist theretofore. Our Territorial courts had jurisdiction in United States cases, and that business was simply an incident attached to the Territorial court.

Mr. McMILLIN. Have any of these officers resigned on account of the present rate of the fees?

Mr. CARTER. I do not know that it is the fact that any have resigned——

Mr. McMILLIN. "Few die and none resign."

Mr. CARTER. But I am informed that several of them will be compelled to resign on account of inadequacy of the fees, unless the desired increase is allowed.

Mr. OUTHWAITE. What States are to be favored by this legislation?

Mr. CARTER. The States to be favored by this legislation are the thinly settled and sparsely populated States——

Mr. OUTHWAITE. By name?

Mr. CARTER. Wyoming, Idaho, Washington, Montana, Oregon, and the two Dakotas. The State of Oregon is inserted for the purpose of securing uniformity in that great extent of country.

Mr. OUTHWAITE. But it does not include the Territory of Utah or New Mexico at all, does it?

Mr. CARTER. For the very reason heretofore suggested, that a condition that can be tolerated in a Territory, because the United States courts proper have not been organized there, becomes an intolerable condition to the people of a State where the courts have been organized and are being conducted with sessions that are almost continuous.

Mr. OUTHWAITE. Almost all of these fees are mileage fees, are they not?

Mr. CARTER. Very largely mileage fees.

Mr. OUTHWAITE. And the distances are very great?

Mr. CARTER. Yes, sir.

Mr. OUTHWAITE. And the profit is increased in proportion to the ratio of the fees for mileage.

Mr. CARTER. I will state to the gentleman that I have known of witnesses in cases in the United States courts traveling 500 miles, and after receiving the mileage accorded by the statute come out as much as a hundred dollars behind on a single trip to obey the summons of the United States courts.

Mr. OUTHWAITE. I suppose that was one remarkable case or it may be a great many cases; but is that any reason why we should change the fee system of four States and favor the officers of the United States courts in those States over the officers in all other States?

Mr. CARTER. Where the conditions are peculiar and extraordinary I think it is proper to see that no injustice is done any officer.

Mr. McMILLIN. Is it not a fact that the fees in Idaho and Wyoming have already been doubled?

Mr. CARTER. That is true.

Mr. McMILLIN. What is the sense of repealing a law in order to get it re-enacted?

Mr. CARTER. The purpose of the arrangement is, as I have stated, to secure uniformity in those contiguous districts. They are all in the same circuit and it is desirable that the fees should be uniform.

Mr. MORROW. Mr. Speaker, I understand the committee has reported an amendment to this bill. I desire to know whether that amendment is pending or not. I am propounding a question to the Chair.

Mr. OUTHWAITE. Does that take in California?

Mr. MORROW. It provides for California by repealing the present law, so that we will have no fee bills at all.

Mr. OUTHWAITE. I would not want to cut out California.

Mr. MORROW. Mr. Speaker, this law proposes to provide for the States of Oregon, Nevada, Idaho, Montana, Washington, South Dakota, and Wyoming; and then it proposes to repeal sections 837 and 840 of the Revised Statutes, under which last section California has fees for its clerks.

The SPEAKER. The Chair understands that the only amendment that is pending is the amendment including South Dakota.

Mr. MORROW. I ask unanimous consent that an amendment may be considered providing that California shall remain as it is, and for that purpose that the name be inserted after Nevada in the bill.

The SPEAKER. The amendment pending on the report of the committee is: "And South Dakota and the clerks of the several circuit and district courts of California."

Mr. MORROW. Is that the amendment pending?

The SPEAKER. The Chair so understands.

Mr. MORROW. Then if that amendment is pending it will be necessary that the words "and section eight hundred and forty," in section 3, be stricken out. Will the committee agree to that?

Mr. ROGERS. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. ROGERS. I do not know what the parliamentary practice is upon this point, but the motion of the gentleman from Missouri [Mr. TARSNEY] was, in substance, this: "I move to suspend the rules and put upon its passage the Senate bill which I send to the Clerk's desk." The Senate bill has been read, and that is the motion before the House, and I make the point of order that the things embraced in the amendment of the committee are not pending.

The SPEAKER. The gentleman's point of order is correct if the motion of the gentleman from Missouri was as he states it. The Chair got his information from the Clerk's desk and made his statement to the House upon that information.

Mr. ROGERS. Now, I object to the unanimous consent asked for by the gentleman from California [Mr. MORROW].

Mr. MORROW. Then, Mr. Speaker, it becomes incumbent upon us to oppose the passage of this bill, because it is a proposition to repeal the existing law so far as the courts of California are concerned. The bill provides that sections 837 and 840 of the Revised Statutes be, and the same are hereby, repealed. Section 840 provides fees for the clerks of the circuit and district courts of California, and if that law is to be repealed we shall have no fees in those courts.

The SPEAKER. The gentleman from Montana [Mr. CARTER] has two minutes more.

Mr. CARTER. I desire that the bill, when passed, shall be satisfactory to the gentleman from California, and therefore I beg to withdraw it for the present, to the end that it may be amended as he desires. Or I ask unanimous consent that he be permitted now to make the correction which he proposes to have made.

The SPEAKER. The gentleman from Montana [Mr. CARTER] asks unanimous consent that the amendment proposed by the gentleman from California [Mr. MORROW] be incorporated in the bill.

Mr. ROGERS. To that I object.

The SPEAKER. Objection is made.

Mr. KERR, of Iowa. It seems to me, Mr. Speaker, that the bill is one that ought to go to the Judiciary Committee. It deals with a subject of which that committee has jurisdiction, and the committee has a bill before it now on this subject.

The SPEAKER. The gentleman is not in order. The gentleman from Montana [Mr. CARTER] has the floor unless some gentleman claims the right to speak in opposition to the bill.

Mr. ROGERS. Mr. Speaker, I claim that right. I have been waiting for the announcement of the expiration of the time on the other side.

Mr. CARTER. Mr. Speaker, I reserve the balance of my time.

Mr. ROGERS. How much time has the gentleman to reserve? I thought he had only two minutes left about two minutes ago.

The SPEAKER. One minute ago. [Laughter.]

Mr. ROGERS. Well, Mr. Speaker, I am opposed to the passage of this bill. I am opposed to it for more than one reason. My own inclinations are all in favor of granting some relief in this respect to the new States concerned here, but I object to the methods by which this bill has been brought before the House for consideration, and I think that no better illustration can possibly be made of the defect in the rule under which we are operating than is presented by the bill now pending.

This bill, I am told by the gentleman from Montana—no, I am not told that; I am told that a bill, whether this one or another relating to this subject, has been reported from the Committee on Expenditures in the Department of Justice. Now, that is a fine committee for a bill of this kind to go to! [Laughter.] That committee never had any jurisdiction of this subject-matter. I do not know who sent the bill there; I do not know how it got there; but that committee, I repeat, never had any jurisdiction of this subject-matter.

This is an illustration of the inexplicable confusion into which our present practice leads us. I do not go any further than that, and if I did I would not wish to make any special application to this bill, for I do not know anything about it; but this, I say, is an illustration of the tendency of our practice to encourage gentlemen to seek jurisdictions favorable to their particular measures instead of letting them go to those committees to which, by the rules of the House and in accordance with common sense and common justice, they ought to go in order to receive intelligent and proper consideration. This bill should have gone to the Committee on the Judiciary. That committee had under consideration a bill of a similar character.

I believe it was inclined to report a bill granting some relief. It is now said there was no bill before the committee; but if there was not that did not give the Committee on Expenditures in the Department of Justice any jurisdiction of the matter. That committee should in good faith have reported the bill back to be sent to the proper committee. It is to be presumed that the Speaker of the House in the organization of the committees looked somewhat to the *personnel* of the committees and the fitness of the members to pass upon the subjects confided to them. This reference wholly revolutionized that idea.

Here is a bill sent to a committee that had no jurisdiction of the subject-matter. They take jurisdiction of it, and report back some sort of a bill. What it is we do not know; we have no information on that subject. The Judiciary Committee ought to consider every measure of this character; and the propriety of this rule is best illustrated by the situation in which we now find this bill, as pointed out by the gentleman from California. The whole fee bill of that State is by the operation of the bill under consideration repealed; and no provision is made for anything in the way of a substitute. We could not have a better illustration of the fact that bills of this character ought to go to that committee to which jurisdiction of the subject-matter has been confided by the rules of the House.

But there is another objection to this proceeding. It destroys uniformity in the proceedings of Congress and all proper responsibility for the measures which we may pass. There is still another objection to which I wish to call attention; and it only shows how these things grow. This is Monday, a day set apart for suspension of the rules; and we are supposed to have recognitions from the Speaker alternating between the two sides of the House, for the purpose of moving to take up bills and pass them. Here is a bill called up by the gentleman from Missouri [Mr. TARSNEY], who has nothing on earth to do with those Territories out there and who is on the Democratic side of the House. Just before this bill was called up, a gentleman on the other side was recognized. Now, why is it that the gentleman from Missouri over here is calling up bills that relate to other people's business away out in the West?

Mr. TARSNEY. If the gentleman will yield a moment, I will explain why.

Mr. ROGERS. I will yield if the gentleman does not occupy too much time.

Mr. TARSNEY. It is because I am a member of the Committee on Expenditures in the Department of Justice, which reported the bill.

Mr. ROGERS. I will ask the gentleman whether this bill was ever reported from the Committee on Expenditures in the Department of Justice.

Mr. TARSNEY. The report at the desk will show whether it has been or not.

Mr. ROGERS. The gentleman does not answer my question. I take it the bill never has been reported. This is a Senate bill, as I understand, and as the gentleman does not answer my question I assume he does not want to answer it.

But it does not make any difference why the gentleman from Missouri called up the bill. By every principle of fair dealing this side of the House should have had recognition to bring up its business, for the other side had had its recognition; and by the ordinary rules or practices the bill should have been one affecting the interests of the gentleman making the motion, for usually the motions to suspend the rules on individual suspension day are upon bills in which individual members are interested—courthouse bills, bridge bills, and matters of that sort, relating to the local affairs of the district of the member who calls them up.

So the whole effect and operation of this proceeding is, first, to encourage the seeking out by members of some committee favorable to their particular scheme and to that extent the destruction of the integrity of the business of the House; secondly, to produce confusion by having the same measure before half a dozen committees, if you please, as it may suit the member who introduces it; and, finally, it brings us round to this situation, that we are found log-rolling backward and forward to get our measures through in a way which I think is not conducive to the integrity of the business of the House.

On all three of these grounds I am opposed to this bill. If I believed every part of this measure to be perfectly right in itself, I would be opposed to its passage in this way, because I want fair dealing and justice and correct action and uniformity of jurisdiction; I want to avoid confusion and to promote the best interests of the public by observing the rules.

Mr. MORROW. Will the gentleman permit one suggestion?

Mr. ROGERS. If it does not occupy too much time.

Mr. MORROW. I understand the committee to have investigated this question very carefully; and I want to state distinctly that, so far as I understand, this bill would be right and one which ought to be passed for the benefit of the States and Territories concerned, with the amendment which has been suggested by the committee.

Mr. ROGERS. That is what I understand the gentleman understands; but what I want to understand is that the proper committee, charged with the jurisdiction of this subject-matter, understands it exactly as the gentleman does. I undertake to say there are not twenty members on the floor who know what are the contents of the bill. The very fact that it contains a proposition to repeal the fee bill of the gentleman's own State shows that it has not had proper consideration before any committee either of the Senate or of this House. That is a conclusive consideration in the matter.

Mr. MORROW. But the amendment will do away with that trouble.

Mr. ROGERS. The fact that the bill ought not to be passed is conclusively shown by the indefinite, uncertain, and improper situation in which we now find it before the House. Moreover, if the bill were properly examined and considered, it might turn out to contain grosser errors than the one just mentioned.

Mr. CARTER. I would like to ask the gentleman what particular item in this bill does not come within the limits of expenditures in the Department of Justice.

Mr. ROGERS. The whole bill, from its title down to its conclusion.

Mr. CARTER. The gentleman has evidently misapprehended the surface and the depth of the bill.

Mr. ROGERS. Oh, no. The jurisdiction of your committee is confined entirely to expenditures in the Department of Justice. This bill involves not expenditures, but the creation of liabilities on the part of the Government and the change of existing statutes—matters belonging to the Judiciary Committee.

Mr. CARTER. The bill relates to the expenditure of money and the basis upon which it shall be expended.

Mr. ROGERS. That is a different thing. Your committee is confined to expenditures. The jurisdiction of ours embraces the modification and change of the criminal and civil laws, the jurisdiction of the courts, etc.; and our committee ought to have had jurisdiction of this measure.

Mr. McKENNA. I would like to make this suggestion to the gentleman. His criticism of the Committee on Expenditures in the Department of Justice is hardly just. Here was a Senate bill referred to that committee. They scrutinized it, saw its defects, and reported it with an amendment. But by the accident of a wrong motion having been made that amendment is not before the House. The bill, however, did receive proper attention and scrutiny and would be before the House in proper shape but for that accident.

Mr. ROGERS. Well, that is just assuming the very thing that the Judiciary Committee ought to have examined into and determined before they reported the bill. I do not know whether that is true or not. But whether true or not, that is the very thing that we should have had the report of the committee upon, to enable us to determine.

Mr. McKENNA. The committee did examine into this and made the proper correction. It was embodied in the report in the shape of an amendment, and would have appeared as a part of the bill if there had not been a mistake in the motion made by the gentleman. It was simply an omission in stating an amendment which appears from the report of the committee.

Mr. ROGERS. But the gentleman assumes this to be right, when we want to know that fact. We have a right to know that it is true; and the committee to which the jurisdiction properly belongs have a right to know that it is true before the bill is passed.

Mr. McKENNA. Well, it has been said in the presence and hearing of the gentleman more than once that the committee which he claims has jurisdiction had the matter before them and once favored it.

Mr. ROGERS. That may be. I did not hear the statement, but it does not alter the facts of the case now presented. Under the rules of the House the committee which assumes jurisdiction of this matter should have reported it back, so that it could be referred to the proper

committee. They did wrong in undertaking to determine the question. I do not think there is any dispute about that fact.

Mr. SHERMAN. Let me state to the gentleman that the committee which reports this is not the Committee on Expenditures in the Interior Department, but on Expenditures in the Department of Justice.

Mr. ROGERS. Oh, well, I may have so stated by a mere *lapsus linguæ*. I understood that it was the Committee on Expenditures in the Department of Justice. But that committee had no jurisdiction. These committees simply inquire into the expenditures made in the various Departments. They have nothing to do with the changes of law, with the repeal of statutes. There is no jurisdiction of that kind conferred upon them. None of these committees on expenditures in the various Departments have anything to do with that. Their duty is simply to look into the character of the accounts of the several Executive Departments and act, as it were, in the capacity of an auditing committee.

Now, it is altogether probable that this bill, if permitted to take its course, would have received proper, appropriate, and correct consideration in the proper committee. But, as these gentlemen have seen fit to go around it and take another course, as they have seen fit to bring the matter up in the way it is now brought up, I have only characterized it in a manner that I believe to be fair, and because of the facts I have alleged I am opposed to any amendment as well as to the passage of the bill.

The SPEAKER. The Chair desires to state to the House that this bill has been reported by the Committee on Expenditures in the Department of Justice and that the report of the committee contains the proposed amendment which the gentleman from California desires to have embodied in the bill. This amendment seems to have been overlooked in the course of the debate. The report on the bill was made by the gentleman from New York [Mr. SHERMAN], a member of that committee, who is also a member of the Judiciary Committee, and the bill was referred under the rules of the House, and correctly.

Mr. MORROW. I now desire to renew my inquiry as to what is the pending motion before the House.

The SPEAKER. The Chair will inquire of the gentleman from Missouri what it was that he presented to the House.

The Chair also wishes to say that he is informed from the Clerk's desk that the bill is not printed in the ordinary form with the amendments included, as is the custom, and that the error seems to have arisen more from that fact than any other cause. But if the gentleman from Missouri intended to present the bill with the amendment the Chair will rule that it was presented in that form.

Mr. TARSNEY. When I had been recognized, Mr. Speaker, I started to make the ordinary motion to suspend the rules, and at the same time sent up the Senate bill, and not only the bill, but the accompanying House report. Both were in the hands of the Clerk, and the motion I desired to make was not, perhaps, stated from the desk.

The SPEAKER. The Chair had so stated to the House, being so informed; but the gentleman from Arkansas stated to the contrary. The Chair also stated if that was a fact the amendment would not be a part of the bill.

Mr. ROGERS. But, Mr. Speaker, I appeal to the record. The gentleman from Missouri did not make any statement about excluding the amendment from the bill. He stated simply that he sent up the Senate bill——

The SPEAKER. But the gentleman from Missouri says he intended to send up the bill as amended by the committee.

Mr. ROGERS. That is what he intended, but I speak of what he did.

The SPEAKER. He sent up the bill containing the amendment.

Mr. ROGERS. I appeal to the notes of the Reporter. The gentlemen around me understood it as I do.

The SPEAKER. But the statement of the gentleman from Missouri must be taken as conclusive.

Mr. TARSNEY. Whatever I did, I certainly intended to send up the bill and the amendment together and have everything contained in the report considered. Whether I used the technical language necessary to do that or otherwise I know not.

Mr. BRECKINRIDGE, of Arkansas. Is the Senate bill or the House bill pending?

The SPEAKER. This is the Senate bill as amended by the committee.

Mr. ROGERS. I appeal, Mr. Speaker, to the official notes to show what the motion was.

The SPEAKER. The gentleman from Arkansas understands, as every gentleman present understands, that when a proposition is presented by a member in this form it is not a technical matter, but a matter in which the intention of the member is ordinarily carried out. If, by accident, the gentleman had not stated the motion in precise terms, it is the custom of the Chair to entertain the proposition as he intended to present it, if no change had been made in the situation.

Mr. ROGERS. I make the point of order that there has been a change in the situation; that is, that a second was ordered on the bill as presented by the gentleman from Missouri and debate has taken place.

Mr. BUCKALEW. I want to suggest to the Speaker that the bill was read, and a second on the bill, as read, was ordered.

The SPEAKER. The Chair thinks that there is just the difficulty, arising from the amendment not having been printed.

Mr. ROGERS. I have made a point of order. I hope the Chair will rule upon it.

Mr. SHERMAN. Mr. Speaker, a parliamentary inquiry. The only bill that is before the House is the bill as amended by the committee. The Senate bill has never been reported to the House in the form in which the Clerk read it, and, therefore, could it be so passed on suspension day? Could it be so passed in any other way than by unanimous consent?

The SPEAKER. The difficulty about the matter is, as suggested by the gentleman from Pennsylvania [Mr. BUCKALEW], that the bill has been read and the amendments were not in it. It is not customary to take advantage of technical objections of that kind.

Mr. SHERMAN. The amendment is contained in the report of the committee. It has been reported by the committee.

Mr. ROGERS. I make the point of order that the status has changed by reason of the second being ordered; and it does not follow at all that a second would have been ordered if the amendment had been read.

The SPEAKER. The Chair considers that is the decision of the House, and consequently that the second can not be withdrawn except by unanimous consent, and the House must take its action upon it as it stands. The question is on suspending the rules and passing the bill. As many as are in favor will say ay. [The question being taken.] The noes seem to have it; the noes have it, and, two-thirds not voting in the affimative, the bill is refused passage.

IN THE MATTER OF J. A. OWENBY.

Mr. DINGLEY. Mr. Speaker, I desire to present a privileged matter. I desire to announce that the Sergeant-at-Arms is ready to present at the bar of the House the body of J. A. Owenby, which he was commanded to bring to the bar of the House for contempt.

Mr. HOPKINS. I think it would be well for us to dispense with this matter until we can get through with some bills in which the public are interested. I move the present consideration of the bill——

The SPEAKER. The gentleman is not in order. This is a question of privilege.

The SERGEANT-AT-ARMS. Mr. Speaker, on the 29th day of January of the present session of Congress, the House of Representatives caused its warrant to be issued, through the Speaker of the House, directed to the Sergeant-at-Arms or his deputy, requiring him to take into custody forthwith, wherever found, the body of J. A. Owenby, and bring him before the bar of this House to show cause why he should not be punished for contempt. I have the honor to report that the order of the House has been complied with, and I now here produce the body of the said J. A. Owenby for such further action and order of the House as it may see fit to take.

The SPEAKER. Mr. Owenby, you have been arrested for contempt of the House in disobeying its summons. What have you to say in excuse therefor?

Mr. OWENBY. Mr. Speaker, when I was summoned I did not have the money to come on here with, and demanded my mileage. The deputy Sergeant-at-Arms stated to me that he was not prepared to give it to me and made an engagement with me to see me later in the day. I did not keep the engagement at the exact hour, but was an hour late. He was not there. The following day I received a note from him in which he stated that in reply to his communication with the Sergeant-at-Arms he had been notified that no fees were paid in advance or were advanced. I supposed the matter was dropped then and that I was not required, until after I read in the newspapers that a resolution had passed the House ordering my arrest.

I then telegraphed to Hon. W. E. MASON, of Illinois, asking him to see the Speaker of the House and also the chairman of the investigating committee, and state to them that if they would arrange means for me to come here, nothing further would be necessary, and I would come. I got no reply from Mr. MASON, but I did get a reply signed by Mr. Knight, stating that Mr. MASON was in Chicago; but before I saw Mr. MASON or communicated with any one else the deputy Sergeant-at-Arms came and arrested me.

The SPEAKER. Are you now ready to appear before the committee?

Mr. OWENBY. I am. I have here a copy of the note which was left by the deputy Sergeant-at-Arms, which I will present, if you wish. I would like to have it read if you have no objection.

Mr. DINGLEY. Mr. Speaker, I desire to present the following resolution.

The Clerk read as follows:

Whereas J. A. Owenby has been heard by the House pursuant to the order made on the 29th day of January, 1891, requiring him to show cause why he should not be punished for contempt for refusing or neglecting to respond to the subpœna named in said order by obeying the same, and has stated to the House that, in purging himself of the contempt for which he is in custody, he is now willing to obey said subpœna: Therefore,

Resolved, That the said J. A. Owenby shall have the privilege to appear forthwith before the special committee of the House to investigate alleged silver pools, etc., and testify touching matters of inquiry before said committee; and

that in the mean time the said J. A. Owenby remain in the custody of the Sergeant-at-Arms under said order until the further order of the House.

Mr. DINGLEY. On the adoption of that resolution I move the previous question.

Mr. BRECKINRIDGE, of Kentucky. Is it in order to strike out the last provision, which requires that the respondent shall remain in the custody of the House?

The SPEAKER. It would not be in order pending the motion for the previous question.

Mr. BRECKINRIDGE, of Kentucky. It seems to me an unnecessary punishment.

The previous question was ordered; and under the operation thereof the resolution was agreed to.

Mr. DINGLEY moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING AT ST. PAUL, MINN.

Mr. SNIDER. I move to suspend the rules and pass the bill (S. 654) for the erection of a public building at St. Paul, Minn.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to accept, as a donation from the city of St. Paul, in the State of Minnesota, a suitable lot of land in said city, and cause to be erected thereon a commodious and substantial building, with fire-proof vaults therein, for the accommodation of the United States post office, district and circuit courts, custom-house, internal revenue, and other Government civil offices in that city. The plans, specifications, and full estimates for said building shall be, upon the acceptance of said site, made and approved according to law, and shall not exceed for the said building complete the sum of $800,000. It shall be the duty of the Secretary of the Treasury, after the site for said building shall have been so accepted, to cause plans and specifications for said building to be prepared, which plans and specifications shall have reference to the probable increase of the population of the said city and the consequent needs of the Government for the next twenty years, but not involve an expenditure in the erection and completion of said building exceeding the sum hereby appropriated: *Provided*, That the site so accepted by the Secretary of the Treasury shall be of such dimensions as to leave the building to be erected thereon unexposed to danger from fire in adjacent buildings by an open space of not less than 40 feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Minnesota shall have ceded (if it has not heretofore ceded) to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein: *Provided further*, That the Secretary of the Treasury shall be, and he is hereby, authorized, after the completion and occupancy of said building, whenever in his judgment the public interest will admit, in his discretion, to sell and convey the present property of the United States in said city now occupied as a post office and court building, with the site thereof, the proceeds of the sale of said property to be covered into the Treasury.

During the reading,

Mr. BRECKINRIDGE, of Kentucky, said: Will the Speaker allow the Clerk to read where the city is?

The SPEAKER. The Clerk will finish the reading of the bill, and if the gentleman does not get the information he desires the Chair will endeavor to give it.

Mr. BRECKINRIDGE, of Kentucky. We could not hear at all.

The reading of the bill was resumed and concluded.

The SPEAKER. The Clerk will again read the title of the bill.

The title was again read.

Mr. BRECKINRIDGE, of Kentucky. What was the sum? We could not hear.

Mr. SNIDER. Eight hundred thousand dollars.

The SPEAKER. The question is on suspending the rules and passing the bill.

Mr. BRECKINRIDGE, of Kentucky. I demand a second.

Mr. MOFFITT. I ask unanimous consent that a second may be considered as ordered.

Mr. BRECKINRIDGE, of Kentucky. I think we had better order it.

The SPEAKER. The gentleman from Kentucky objects. The gentleman from Minnesota [Mr. SNIDER] and the gentleman from Kentucky [Mr. BRECKINRIDGE] will please take their places as tellers.

The House divided; and the tellers reported 97 in the affirmative.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, I shall not insist on the other side, as I have no doubt that is a majority.

The SPEAKER. A second is ordered. The gentleman from Minnesota and the gentleman from Kentucky will control the time.

Mr. SNIDER. Mr. Speaker, I desire to say to the House with reference to this proposition that the city of St. Paul, in the first place, as an earnest of its desire to have an adequate public building to conduct the Government business, proposes to donate a piece of ground in one of the most stately blocks in the city, valued at $200,000. This bill specifically authorizes the Government to accept title to that land. The present public building is inadequate, and was built when the city had a population of about 20,000; but it has now grown to be about 140,000.

The Government has two United States courts there. Both the circuit and district court are held at St. Paul, and there are also numerous other Government offices. The gross postal receipts at St. Paul were about $300,000 last year. The internal-revenue collections were over $2,000,000. I do not want to weary the House with a recapitulation of the great growth and progress of the city of St. Paul, but only desire to say that this building is very much needed there, and that our city, as an earnest of its desire to do the fair thing by the Government, proposes to give this valuable site, worth $200,000, in aid of its construction.

I reserve the balance of my time.

Mr. WASHINGTON. What amount of money will you want?

Mr. SNIDER. Eight hundred thousand dollars.

Mr. BRECKINRIDGE, of Kentucky. I yield five minutes to the gentleman from Ohio [Mr. OWENS].

Mr. OWENS, of Ohio. Mr. Speaker, I would like to have order here if I could get it.

The SPEAKER. The House will please be in order.

Mr. OWENS, of Ohio. Mr. Speaker, I have in my charge Senate bill 506, passed in February last year by Senator SHERMAN, and which is only asking $100,000 for the erection of a public building in Zanesville, Ohio, a city of 30,000 inhabitants. I have sought to get recognition at all times. I have been unkindly and unjustly abused by the Republican party for not getting recognition.

A MEMBER. You mean in your district.

Mr. OWENS, of Ohio. I mean by the Republicans of my district. Of course I do not spread over several States of the Union, possibly like the Speaker or somebody else; but I have failed to get this recognition, and exactly why special favorites are to be picked out and allowed recognition I do not understand. Therefore I object to this mode of passing bills. Let us take the bills up in their order. Mine is Senate bill 506 and this is Senate bill number what?

Mr. BRECKINRIDGE, of Kentucky. Senate bill 654.

Mr. OWENS, of Ohio. Senate bill 654. Let us have some kind of order about these things. I am willing to have comparisons made about it, but it seems to me that these things are unfair and unreasonable, and, so far as I am concerned, I shall not vote for them except in their order.

Mr. WILSON, of Washington. Will the gentleman permit an interruption?

Mr. OWENS, of Ohio. Yes, sir.

Mr. WILSON, of Washington. I desire to say that I have been abused throughout my district by the Democratic party for not securing recognition.

Mr. OWENS, of Ohio. I am glad that I have company.

The SPEAKER. If the Chair can judge from the complaints made to him, the gentleman must have a great deal of company.

Mr. OWENS, of Ohio. I think that this bill is more meritorious than the other. Let us take them in their order.

The SPEAKER. In what order does the gentleman think they should be taken up in—the order on the House Calendar or the order on the Senate Calendar?

Mr. OWENS, of Ohio. Either, when they come in the right order. [Laughter.] When you get to the House Calendar take them up in their order, and when you reach the Senate Calendar take them up in their order on that Calendar.

The SPEAKER. That is the trouble the Chair has had—to get at the right order.

Mr. WILLIAMS, of Ohio. I will ask my colleague if he does not think that the best order would be to call up the bill for Zanesville, Ohio.

Mr. OWENS, of Ohio. I want it in the regular order. I do not want it the way my friend thinks best.

Mr. WILLIAMS, of Ohio. I made the suggestion for the benefit of the gentleman.

Mr. OWENS, of Ohio. Never mind me, my friend; I will get along. Therefore, Mr. Speaker, I think these matters ought not to go on as they have done; and it seems that there ought to be some regularity about taking these matters up, either on the House or on the Senate Calendar.

This is Senate bill No. 506. It provides for a public building in a city of over 20,000 inhabitants. The bill passed in the last session appropriating $150,000, and it has been on the Calendar since the start, and I do not understand why it is that the Republican officials here snub my friend, Senator SHERMAN, of Ohio, in this way. It seems to be understood that I can not get this bill up in the House, and unless I can get it up I desire to interfere with the progress of other bills.

A MEMBER. What is the matter with the pending bill?

Mr. OWENS, of Ohio. Some one asks what is the matter with this pending bill. I want to know what is the peculiar merit of the pending bill as compared with mine that you give it precedence when it is lower on the Senate Calendar?

Mr. FLOWER. Mr. Speaker, I understand that this St. Paul bill was paired with the Kansas City bill on this side of the House, but, whether it was paired or not, this Government runs no risk and never loses any money when it builds a good public building in such a city as St. Paul or Kansas City. In those great business centers the Government always makes several dollars for every one it puts in. Take, for instance, the custom-house in New York, which cost perhaps $1,000,000 and will sell with the ground on which it stands for $4,000,000. There is not a building erected in any one of these large cities but will bring the Government more money than it costs.

Mr. KERR, of Iowa. Mr. Speaker, I only desire to say that this bill was reported to the House and put upon the Calendar——

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, I only yielded five minutes to the gentleman from Ohio [Mr. OWENS].

The SPEAKER. The gentleman from Ohio used his five minutes.

Mr. BRECKINRIDGE, of Kentucky. Then this is not to come out of my time.

The SPEAKER. This is time yielded by the gentleman from Minnesota [Mr. SNIDER].

Mr. KERR, of Iowa. Mr. Speaker, I only desire to say that this bill was reported to the House, recommending an appropriation of $800,000, before the Kansas City bill, which recommended an appropriation of $1,200,000; yet the Kansas City bill has already passed. [Cries of "Vote!" "Vote!"]

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, I did not ask for a second with any purpose to criticise in any way the discretion exercised by the Speaker in recognizing the gentleman from Minnesota to call up this bill. That is a matter about which I have nothing to say. I have no grievance myself of that kind, because I have never asked the Speaker to recognize me for such a purpose, and therefore have no complaint. If I had any grievance of that kind, my grievance would be against the Committee on Public Buildings and Grounds. I had a sort of promise from my good friend, the chairman of that committee, that they would report my Paris, Ky., bill, but I have never been able to get it reported. I have been in the same position as my friend from Arkansas [Mr. ROGERS]; my vote was not thought worth a public building, so I got cut out. But I have never made any special complaint.

Mr. WASHINGTON. You were "not in it."

Mr. BRECKINRIDGE, of Kentucky. I was "not in it," and consequently I have not been in a position, like my good friend from Tennessee [Mr. WASHINGTON] and other gentlemen here, who sometimes have to vote for iniquitous bills in order that they may get good ones through, or, as some gentlemen on this side of the House do, vote for enormous appropriations which they do not approve in order that certain other appropriations may go to their States. I demanded a second in this case only in order that the gentleman from Minnesota [Mr. SNIDER] might make a fuller explanation of the necessity for this appropriation than we are in the habit of having upon these public-building bills, and also for the purpose of ascertaining whether the House bill, which names the sum of $800,000 and then strikes out the only section which appropriates any money, is the bill here pending.

Mr. SNIDER. Yes, sir.

Mr. BRECKINRIDGE, of Kentucky. I take it for granted that the city of St. Paul needs a proper public building, and I am not prepared to say, in view of the way such things are done, that $800,000 is too large a sum to appropriate for its construction. I do not desire to oppose the erection of proper public buildings in the large cities or of proper public buildings in the smaller cities of the country. The objection I have to the whole system is that the propriety of the expenditure is not always a controlling motive, that this legislation is a sort of hotch-potch by which buildings which ought not to be erected are authorized and at an expense far too great, in order that gentlemen may obtain other buildings which probably are proper and the expenditure for which is not too great.

I have also objected to the practice at this session of Congress of ordering the construction of buildings without appropriating the money. I think this Congress ought to appropriate so large a proportion of the cost of the buildings whose construction it authorizes as will in good faith show upon which Congress the responsibility rests. I think that is due from each Congress to the people who elected it and to its successor. Here in the month of February, near the end of this Congress, is a bill authorizing a public building at a cost of $800,000, and there is no appropriation made of any part of that sum, but, of course, I apprehend that the gentleman from Minnesota [Mr. SNIDER] will desire to have some amendment inserted in the sundry civil bill making an appropriation for this purpose.

Mr. Speaker, how much time have I left?

The SPEAKER. The gentleman has seven minutes left.

Mr. BRECKINRIDGE, of Kentucky. I yield five minutes to the gentleman from Tennessee [Mr. ENLOE] and the remaining two minutes to the gentleman from Arkansas [Mr. ROGERS].

Mr. ENLOE. Mr. Speaker, I had desired to interpose and use my influence with the Chair in behalf of the gentleman from Arkansas [Mr. ROGERS], so that he might have an opportunity to get up his Hot Springs bill. I had some doubts about his standing with the Chair and thought perhaps mine might be better. [Laughter.] I had intended to request the Chair to recognize me to ask unanimous consent for the gentleman from Arkansas, but having this opportunity to occupy the floor and for fear I might not get it by an appeal to the Speaker——

The SPEAKER. The gentleman will confine himself to a discussion of the bill.

Mr. ENLOE. I am very much obliged to the Speaker for calling my attention to the fact that I was wandering from the subject.

The SPEAKER. The gentleman is on the floor to speak in opposition to the bill.

Mr. ENLOE. Yes, sir; I am very much opposed to this bill, because it stands in the way of the Hot Springs bill and in the way of my friend from Arkansas. I have sympathized with him in his distress and I sympathize with the gentleman from Ohio [Mr. OWENS]. I am in that fortunate position where I know it is unnecessary that I should ask any personal favors at the hands of the Chair, and I have no public-building bill that I am seeking to get through. I want to say in regard to this bill and all others of similar character that I object to the policy which has been inaugurated here of dodging the responsibility of appropriating the public money.

I object not to this particular bill, because I have no doubt, from the statements made by the gentleman who presents it, that it will be a profitable thing for the Government in this particular instance to authorize the construction of this building. I concur with the gentleman from New York in the view that frequently the Government is a very successful investor or speculator in lands in these large cities when it purchases from private parties the ground on which to erect public buildings. But I object to this transfer of responsibility from this House and from this Congress to the succeeding House of Representatives and the succeeding Congress. These very gentlemen who are asking for these appropriations of large sums of money will be before the people after the next Congress has adjourned, telling them that Congress has been exceedingly extravagant in this matter; yet they are laying the groundwork which will compel the next Congress to appropriate these sums of money.

Mr. ALLEN, of Michigan. And they will prove it.

Mr. ENLOE. Yes; no doubt they will prove this charge of extravagance by the testimony of the very gentlemen who are here to-day getting the "pork." Now, so far as I am concerned, I do not object to making proper appropriations for public buildings. I really think there ought to be some system by which public buildings should be erected all over the United States wherever the public service requires them. But it ought to be done according to a rule or system and not by favoritism and log-rolling, as it is being done in this House.

In regard to the order in which we shall take up these bills, one gentleman has said that we ought to stick either to the House Calendar or to the Senate Calendar. If he had the experience here which I have had, he would know that when it comes to dealing out "pork" in this way and by the recognition of the Chair, the matter, as the old proverb says of kissing, "goes by favor." I do not happen to be in the attitude to be "kissed" by those in authority in these matters; neither does my friend from Ohio. I will give him the benefit of this statement to take to his constituents; I will acquit him, as this House must acquit him, of all responsibility for failing to get recognition to bring up his bills, because he must enjoy the favor of the Speaker before he can do so.

Mr. SNIDER. As to the point which the gentleman has raised with regard to precedence on the Calendar, I wish to state that the St. Paul public-building bill is No. 214 on the Union Calendar, while the Zanesville bill is 286.

Mr. ENLOE. The order of precedence on the Calendar is not a matter of very great consequence, because it is not observed in any respect here. As I said before, these are purely matters of favor. I will now give way to the gentleman from Arkansas [Mr. ROGERS], that he may present the claims of Hot Springs.

Mr. ROGERS. Mr. Speaker, I take the floor simply to respond to the suggestion of my friend from Kentucky [Mr. BRECKINRIDGE]. I do not want the impression to go abroad, which I think he inadvertently made, that I have some grievance. Why, sir, I have no grievance. I am the happiest man in Congress, and I have nobody to curse me at home. They praise me throughout the length and breadth of the State.

Mr. BRECKINRIDGE, of Kentucky. Is that because you declined to come back to this House? [Laughter.]

Mr. ROGERS. Well, Mr. Speaker, that is such an unprecedented thing that I think I ought to be praised; and probably my constituency may have adopted to some extent that view. I "declined;" I am glad my friend has used the right word.

Mr. WHEELER, of Alabama. No doubt the reason they praise you is to induce you to come back the next time.

Mr. ROGERS. I wanted to say that I have no sort of grievance. If I had supposed that my friend from Kentucky, with all his astuteness, could have supposed for a moment that the part I have taken with reference to Hot Springs was serious, I should have advertised it on every occasion as a huge joke; for I have never had the slightest suspicion that I should be recognized to bring up the Hot Springs bill, or for any other purpose, even though I had asked recognition (which I have not done) a hundred times.

I repeat that I am perfectly contented, perfectly happy; my constituents, too, are happy and contented, either because I decline to come back, as suggested by my friend from Kentucky, or because they hope that some time I will come back again, as suggested by my friend from Alabama. I have never inquired as to which is the view they take.

With these very pertinent remarks, entirely germane to the bill under consideration (and really I do not know what State it comes from), I yield the floor for the purpose of expediting, as much as possible, the passage of the pending measure.

The SPEAKER. The question is on the motion of the gentleman from Minnesota [Mr. SNIDER] to suspend the rules and pass the bill which has been read.

The motion was agreed to, two-thirds voting in favor thereof.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 828) for the relief of Sarah E. E. Perine, widow and administratrix of William Perine, deceased.

It also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 3173) to amend an act entitled "An act to regulate commerce," approved February 4, 1887.

It also announced that the Senate had passed without amendment bills and a joint resolution of the following titles:

A bill (H. R. 608) making appropriations for the construction of new buildings and the enlargement of the military post at Plattsburgh, N. Y.;

A bill (H. R. 4385) to appropriate the sum of $517.60 to George B. Kane & Co., in full payment of a balance due them for printer's ink furnished by them to the Public Printer;

A bill (H. R. 6460) to increase the appropriation for the erection of a public building at Portsmouth, Ohio;

A bill (H. R. 7976) to amend sections 1216 and 1285 of the Revised Statutes, relative to certificates of merit to enlisted men of the Army; and

A joint resolution (H. Res. 240) to authorize the Secretary of War to issue ordnance and ordnance stores to the Washington High School.

The message also announced that the Senate had passed with amendments bills of the following titles; in which concurrence of the House was requested:

A bill (H. R. 12573) making appropriations for the support of the Army for the fiscal year ending June 30, 1892, and for other purposes;

A bill (H. R. 2434) granting a pension to Franc E. Babbitt;

A bill (H. R. 9591) for the relief of George Gunnell;

A bill (H. R. 10427) granting a pension to Ruth Collier;

A bill (H. R. 11244) for the relief of Frances T. Dana;

A bill (H. R. 12202) to place on the pension roll the name of Mrs. Caroline E. Duryee;

A bill (H. R. 12307) granting a pension to Margaret Proctor Noyes;

A bill (H. R. 13071) authorizing the construction of a railway, street railway, motor, wagon, and pedestrian bridge over the Missouri River near Council Bluffs, Iowa, and Omaha, Nebr; and

A bill (H. R. 11513) for the relief of Mrs. Lillie E. Willis.

The message also announced that the Senate had passed with an amendment the bill (H. R. 8341) to promote the construction of a safe deep-water harbor on the coast of Texas, asked a conference with the House on the bill and amendment, and had appointed Mr. COKE, Mr. CULLOM, and Mr. MORGAN as conferees on the part of the Senate.

It also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 1196) granting a pension to Ellen E. Truex;

A bill (H. R. 1425) granting a pension to Lydia A. Eaton;

A bill (H. R. 1427) granting a pension to Lucy A. George;

A bill (H. R. 1433) granting a pension to Caroline Hayes;

A bill (H. R. 2138) for the relief of Mary Ann Reid;

A bill (H. R. 2417) granting a pension to Jeremiah M. Sidwell;

A bill (H. R. 3143) increasing the pension of Mrs. Rochie Brien Buel;

A bill (H. R. 3503) for the relief of Delila Roe;

A bill (H. R. 3534) to grant a pension to Richard C. Cabeen;

A bill (H. R. 4013) granting an increase of pension to Alfred A. Jerome;

A bill (H. R. 4220) for the relief of Thomas H. Bruce;

A bill (H. R. 4246) granting a pension to Bridget Lynch;

A bill (H. R. 4474) granting a pension to Nancy Hartley;

A bill (H. R. 4513) granting a pension to Elizabeth Burnett;

A bill (H. R. 4514) for the relief of Polly Gray;

A bill (H. R. 4707) granting a pension to Aphia M. Brown;

A bill (H. R. 4894) increasing the pension of Catherine Doyle;

A bill (H. R. 5079) for the relief of Eliza Pyle;

A bill (H. R. 5102) for the relief of Barton P. Spencer;

A bill (H. R. 5517) granting a pension to Mrs. Susan Young;

A bill (H. R. 5583) for the relief of Charles Duerson;

A bill (H. R. 6196) granting an increase of pension to Matthew C. Griswold;

A bill (H. R. 6259) granting a pension to Henry A. Hoar;

A bill (H. R. 6262) granting a pension to John W. Bussabarger;

A bill (H. R. 6287) granting a pension to Sarah Phillips;

A bill (H. R. 6516) authorizing an increase of invalid pension to William H. Morse, of Lawrence, Mass.;

A bill (H. R. 6633) for the relief of Daniel Graff;

A bill (H. R. 7394) granting a pension to Caroline E. Gray;

A bill (H. R. 7676) for the relief of Alexander Sturgeon;

A bill (H. R. 7789) to increase the pension of Mrs. Mary A. McCulloch;

A bill (H. R. 8060) for the relief of William Karger;

A bill (H. R. 8259) to grant a pension to Lydia Ziegler;

A bill (H. R. 8309) granting an increase of pension to Willis Sturgeon, of Hart County, Kentucky;

A bill (H. R. 8465) to increase the pension of Daniel King;

A bill (H. R. 8997) granting a pension to Charlotte B. Nutting;

A bill (H. R. 9024) granting a pension to John Pickard;

A bill (H. R. 9163) granting a pension to Mrs. Mary Hogan;

A bill (H. R. 9391) granting an increase of pension to John Moran;

A bill (H. R. 9400) granting a pension to Bazel Lemley;

A bill (H. R. 9506) for the relief of Caroline A. Fairfax;

A bill (H. R. 9582) to grant an increase of pension to Simon J. Fought;

A bill (H. R. 9595) for the relief of William Hurst;

A bill (H. R. 9823) for the relief of Martha F. Stebbins;

A bill (H. R. 10456) granting a pension to Alexander Moore;

A bill (H. R. 10603) to pension Walker H. Fomby for service in the Indian war;

A bill (H. R. 10707) restoring Bethia White, late Bethia Pool, to the pension roll;

A bill (H. R. 10735) granting a pension to Harriet J. Yarbrough;

A bill (H. R. 10895) for the relief of Richard M. A. Fenwick, late of the Mexican war;

A bill (H. R. 11050) to grant a pension to Mrs. Etta Hubbs as an army nurse;

A bill (H. R. 11080) granting a pension to Ann M. Mosher;

A bill (H. R. 11125) granting a pension to Margaret Cooney, formerly Margaret Dolan;

A bill (H. R. 11212) granting a pension to Zeruiah A. Potter;

A bill (H. R. 11309) granting a pension to Maria Hassendeubel and Apollonia Hassendeubel;

A bill (H. R. 11329) to pension James Murphy;

A bill (H. R. 11456) for the relief of Mrs. Elizabeth P. Newhouse;

A bill (H. R. 11530) granting a pension to Thomas J. Wilkins;

A bill (H. R. 11577) granting a pension to Martha Leach;

A bill (H. R. 11604) granting a pension to Orrin Day;

A bill (H. R. 11708) granting a pension to Drewry Porter;

A bill (H. R. 12053) granting a pension to Annie M. Kimball, widow of Alvah M. Kimball, Company H, Sixth New Hampshire Regiment Volunteers;

A bill (H. R. 12113) granting a pension to Theresa D. Doubles;

A bill (H. R. 12123) granting a pension to Sophia Wenzel;

A bill (H. R. 12195) to pension Hannah C. Reid;

A bill (H. R. 12244) granting a pension to Annie B. Pettigrew;

A bill (H. R. 12293) to grant a pension to Maj. Gen. Franz Sigel;

A bill (H. R. 12319) granting a pension to Mrs. K. S. Sutliff;

A bill (H. R. 12383) to pension Thomas Gorham;

A bill (H. R. 12413) granting an increase of pension to Robert Cullen;

A bill (H. R. 12420) to pension William A. Todd;

A bill (H. R. 12432) granting a pension to Mrs. Mary Baldouf;

A bill (H. R. 12541) granting a pension to Elizabeth D. Foster;

A bill (H. R. 12583) granting a pension to Lorain McCook;

A bill (H. R. 12603) granting a pension to Lucy J. Blanchard, late a volunteer nurse in the United States military service;

A bill (H. R. 12639) granting a pension to Mary A. McKee;

A bill (H. R. 12714) granting a pension to Charles D. Hanscom;

A bill (H. R. 12771) granting a pension to Diana Dickey;

A bill (H. R. 12793) granting a pension to Capt. Andrew J. Briscoe;

A bill (H. R. 12797) granting a pension to Hannah L. Palmer;

A bill (H. R. 12815) granting a pension to Samantha A. Bignell;

A bill (H. R. 12835) granting a pension to Ann Maria Bullock Schram;

A bill (H. R. 12946) granting a pension to Lydia P. Holmes;

A bill (H. R. 12984) granting a pension to George W. Bryant; and

A bill (H. R. 12998) granting an increase of pension to Joseph J. Bartlett.

The message also announced that the Senate had passed bills and a joint resolution of the following titles; in which concurrence of the House was requested:

A bill (S. 197) for the relief of Dr. John B. Read;

A bill (S. 2072) granting an increase of pension to Theodore Rauthe;

A bill (S. 2302) granting a pension to Lucinda Call;

A bill (S. 2764) to provide for allotment of lands in severalty to the Quapaw Indians in the Indian Territory, and for other purposes therein named;

A bill (S. 3552) granting a pension to Mrs. Jane Hinsdale;

A bill (S. 3752) for the relief of the legal representatives of Israel Kimball;

A bill (S. 4428) granting a pension to Matilda S. Thompson;

A bill (S. 4474) to increase the pension of Edward H. Leib;

A bill (S. 4488) granting a pension to Elizabeth R. Lee;

A bill (S. 4560) to prohibit the sale of tobacco to minors under sixteen years of age in the District of Columbia;

A bill (S. 4592) to authorize the construction of a bridge across the

Cumberland River for the use of the Chesapeake and Nashville Railway, and for other purposes;

A bill (S. 4639) granting a pension to Louisa A. Starkweather;

A bill (S. 4655) to increase the pension of Mrs. Elizabeth R. Gordon, widow of Maj. George A. Gordon, Fifth Cavalry;

A bill (H. R. 4706) granting a pension to Lucy Wood;

A bill (S. 4728) increasing the pension of Ellen L. Pelouze, widow of Lewis H. Pelouze;

A bill (S. 4768) granting right of way for irrigation ditch and railroad sidetrack across the quartermaster's depot reservation in Yuma County, Arizona;

A bill (S. 4937) granting to the Umatilla Irrigation Company a right of way through the Umatilla Indian reservation in the State of Oregon; and

A joint resolution (S. R. 144) for the use of the appropriations in the river and harbor bill relating to the Apalachicola River, Florida.

FEES OF DISTRICT ATTORNEYS, ETC.

Mr. TARSNEY. Mr. Speaker, I desire to call up Senate bill No. 3529, together with the report of the House Committee on Expenditures in the Department of Justice thereon, and move to suspend the rules and pass the said bill together with the amendment reported from the House committee.

The SPEAKER. The bill will be read.

Mr. ROGERS. I wish to demand a second on the motion.

The SPEAKER. That will be in order after the bill is read.

The bill was read, as follows:

Be it enacted, etc., That the district attorneys, marshals, and clerks of the courts of the United States for the districts of Oregon, Nevada, Idaho, Montana, Washington, North Dakota, and Wyoming shall be entitled to receive, respectively, double the fees now allowed by law for the like services to other district attorneys, marshals, and clerks of the courts of the United States, but neither of them shall be allowed to retain for fees and other emoluments any greater sum in the aggregate than such other district attorneys, marshals, and clerks, respectively, are allowed by law to retain, and all fees, moneys, and emoluments received by them, respectively, above such aggregate amount shall be paid into the Treasury of the United States; and their accounts shall be made, audited, returned, and settled at the same times and in the same manner that the accounts of other district attorneys, marshals, and clerks are required to be made, audited, and settled; and whenever in either of said States the same person holds the office of clerk of both the circuit and district court he shall be allowed to retain for his personal compensation and emolument as aforesaid only such sum as is by law allowed to be retained by a person holding the office of clerk of only one of the said courts.

SEC. 2. That the foregoing section shall expire and cease to be in force on the 30th day of June, A. D. 1895.

SEC. 3. That section 837 and section 840 of the Revised Statutes of the United States be, and the same are hereby, repealed; and so much of section 16 of the act entitled "An act to provide for the admission of the State of Idaho into the Union, and for other purposes," approved July 3, A. D. 1890, as provides for fees and compensation of district attorneys, marshals, and clerks of the courts of the United States, and so much of section 16 of the act entitled "An act to provide for the admission of the State of Wyoming into the Union, and for other purposes," approved July 10, A. D. 1890, as provides for fees and compensation of district attorneys, marshals, and clerks of the courts of the United States, are hereby repealed.

Mr. ROGERS. I now demand a second on the motion.

Mr. TARSNEY. I ask unanimous consent that a second be considered as ordered.

Mr. ENLOE. I rise to a parliamentary inquiry. I would like to know whether or not this double recognition on this side is to be counted as two in balancing up the account of recognitions—this granting of two recognitions to some gentleman on this side of the House which belongs on the other side. Is that to be counted on this side of the House or the other?

The SPEAKER. The Chair thinks the gentleman does not present a parliamentary inquiry.

Mr. ENLOE. Then I make it a personal parliamentary inquiry.

The SPEAKER. The Chair is not answering personal inquiries here. Is there objection to considering a second as ordered?

Mr. HOLMAN. I think we had better have a count.

The SPEAKER. The Chair will appoint tellers.

Mr. TARSNEY and Mr. ROGERS were appointed tellers.

The House divided; and the tellers reported—ayes 65, noes 20.

Mr. ROGERS. No quorum.

The SPEAKER. The Chair thinks there is a quorum present.

Mr. ROGERS. I make the point that there is no quorum present and none voting.

The SPEAKER (having counted the House). One hundred and thirty-five members are present—not a quorum.

Mr. FITHIAN. I move that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. WHEELER, of Alabama) there were—ayes 52, noes 60.

Mr. FITHIAN. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 67, nays 84, not voting 179; as follows:

YEAS—67.

Anderson, Miss.	Brickner,	Caruth,	Culberson, Tex.
Andrew,	Brookshire,	Catchings,	Dickerson,
Baker,	Brunner,	Clements,	Dockery,
Barwig,	Buchanan, Va.	Cobb,	Dunnell,
Breckinridge, Ark.	Buckalew,	Cooper, Ind.	Enloe,
Breckinridge, Ky.	Bynum,	Crisp,	Fithian,
Flower,	Ketcham,	Outhwaite,	Stone, Ky.
Forman,	Lester, Va.	Owens, Ohio	Taraney,
Geissenhainer,	Martin, Ind.	Parrett,	Tucker,
Gibson,	Martin, Tex.	Paynter,	Turner, Ga.
Hatch,	McAdoo,	Peel,	Turner, N. Y.
Haugen,	McCreary,	Pierce,	Washington,
Herbert,	McKenna,	Pindar,	Whitelaw,
Holman,	McMillin,	Rogers,	Williams, Ill.
Kelley,	Moore, Tex.	Seney,	Wilson, W. Va.
Kerr, Iowa	Norton,	Smith, Ill.	Yoder.
Kerr, Pa.	O'Neil, Mass.	Stockdale,	

NAYS—84.

Adams,	Craig,	McDuffie,	Springer,
Anderson, Kans.	Culbertson, Pa.	McKinley,	Stephenson,
Bayne,	Dolliver,	McRae,	Stivers,
Belden,	Evans,	Milliken,	Stone, Pa.
Belknap,	Farquhar,	Moffitt,	Sweet,
Bergen,	Gest,	Morey,	Sweney,
Bingham,	Grosvenor,	Morrow,	Taylor, J. D.
Bowden,	Hall,	Morse,	Taylor, Tenn.
Browne, Va.	Haynes,	Mudd,	Townsend, Colo.
Caldwell,	Hays, E. R.	O'Neill, Pa.	Townsend, Pa.
Cannon,	Hermann,	Osborne,	Vandever,
Carter,	Hitt,	Payne,	Van Schaick,
Caswell,	Hopkins,	Payson,	Waddill,
Cheadle,	Kennedy,	Peters,	Wade,
Chipman,	Kinsey,	Post,	Walker,
Clark, Wyo.	Lacey,	Quinn,	Wheeler, Ala.
Cogswell,	La Follette,	Reed, Iowa	Wickham,
Coleman,	Laidlaw,	Rowell,	Wike,
Comstock,	Laws,	Sherman,	Williams, Ohio
Connell,	Lind,	Smith, W. Va.	Wilson, Mo.
Cooper, Ohio	Mansur,	Smyser,	Wilson, Wash.

NOT VOTING—179.

Abbott,	Cutcheon,	Lanham,	Rife,
Alderson,	Dalzell,	Lansing,	Robertson
Allen, Mich.	Dargan,	Lawler,	Rockwell,
Allen, Miss.	Darlington,	Lee,	Rowland,
Arnold,	Davidson,	Lehlbach,	Rusk,
Atkinson, Pa.	De Lano,	Lester, Ga.	Russell,
Atkinson, W. Va.	Dibble,	Lewis,	Sanford,
Bankhead,	Dingley,	Lodge,	Sawyer,
Banks,	Dorsey,	Magner,	Sayers,
Barnes,	Dunphy,	Maish,	Scranton,
Bartine,	Edmunds,	Mason,	Scull,
Beckwith,	Ellis,	McClammy,	Shively,
Biggs,	Ewart,	McClellan,	Simonds,
Blanchard,	Featherston,	McComas,	Skinner,
Bland,	Finley,	McCord,	Snider,
Bliss,	Fitch,	McCormick,	Spinola,
Blount,	Flick,	Miles,	Spooner,
Bontner,	Flood,	Miller,	Stahlnecker,
Boothman,	Forney,	Mills,	Stewart, Ga.
Boutelle,	Fowler,	Montgomery,	Stewart, Tex.
Brewer,	Frank,	Moore, N. H.	Stewart, Vt.
Brosius,	Funston,	Morgan,	Stockbridge,
Brower,	Gear,	Morrill,	Stone, Mo.
Brown, J. B.	Geary,	Mutchler,	Struble,
Browne, T. M.	Gifford,	Niedringhaus,	Sturap,
Buchanan, N. J.	Goodnight,	Nute,	Taylor, E. B.
Bullock,	Greenhalge,	Oates,	Taylor, Ill.
Bunn,	Grimes,	O'Donnell,	Thomas,
Burrows,	Grout,	O'Ferrall,	Thompson,
Burton,	Hansbrough,	O'Neall, Ind.	Tillman,
Butterworth,	Hare,	Owen, Ind.	Tracey,
Campbell,	Harmer,	Penington,	Turner, Kans.
Candler, Ga.	Hayes, W. I.	Perkins,	Vaux,
Candler, Mass.	Heard,	Perry,	Wallace, Mass.
Carlton,	Hemphill,	Phelan,	Wallace, N. Y.
Cheatham,	Henderson, Ill.	Pickler,	Wheeler, Mich.
Clancy,	Henderson, Iowa	Price,	Whiting,
Clark, Wis.	Henderson, N. C.	Pugsley,	Whitthorne,
Clarke, Ala.	Hill,	Quackenbush,	Wiley,
Clunie,	Hooker,	Raines,	Wilkinson,
Cothran,	Houk,	Randall,	Willcox,
Covert,	Kilgore,	Ray,	Wilson, Ky.
Cowles,	Knapp,	Reilly,	Wright,
Crain,	Lane,	Reyburn,	Yardley.
Cummings,	Langston,	Richardson,	

So the House refused to adjourn.

The following additional pairs were announced:

Mr. ATKINSON, of West Virginia, with Mr. ALDERSON, until further notice.

For the rest of the day:

Mr. STRUBLE with Mr. GRIMES.

Mr. ALLEN, of Michigan, with Mr. VAUX.

Mr. FEATHERSTON with Mr. STEWART, of Texas.

Mr. MCCOMAS with Mr. DAVIDSON.

Mr. GREENHALGE with Mr. SHIVELY.

Mr. LODGE with Mr. PENINGTON.

Mr. ROCKWELL with Mr. LEE.

Mr. BURTON with Mr. ABBOTT.

Mr. TAYLOR, of Illinois, with Mr. CRAIN.

Mr. SANFORD with Mr. SAYERS.

Mr. SCRANTON with Mr. MONTGOMERY.

Mr. BROWNE, of Indiana, with Mr. O'FERRALL.

Mr. WILSON, of Kentucky, with Mr. GOODNIGHT.

The result of the vote was then announced as above recorded.

Mr. FITHIAN. I make the point of order that there is no quorum present.

The SPEAKER. The tellers will resume their places.

Mr. ANDERSON, of Kansas. Mr. Speaker, I wish to ask whether the roll-call just taken discloses the presence of a quorum.

The SPEAKER. It does not; but a quorum is not required on a motion to adjourn.

Mr. ANDERSON, of Kansas. I know; but it does require a quorum to transact business.

The SPEAKER. That would come up in its legitimate order.

Mr. OUTHWAITE. I rise to a question of order.

Mr. CARTER. Is a motion to adjourn now in order?

The SPEAKER. That motion has just been voted down.

Mr. ENLOE. I rise to a point of order.

Mr. FITHIAN. I insist on the point of order.

The SPEAKER. If gentlemen would submit their points of order one at a time the Chair would have less difficulty.

Mr. CARTER. I move that the House do now adjourn.

Mr. ENLOE. I make the point of order, Mr. Speaker——

Mr. FITHIAN. I insist on the point of order that there is no quorum present to do business.

The SPEAKER. There is no quorum present.

Mr. ENLOE. I make the point of order that when a roll-call discloses the fact that no quorum is present, no motions are in order except for a call of the House or the motion to adjourn.

The SPEAKER. That is not when a roll-call on a motion to adjourn shows no quorum.

Mr. ENLOE. I will ask the Chair to look to the rule, and see if it does not specifically state that when a roll-call shows no quorum present nothing is in order except a call of the House or a motion to adjourn.

The SPEAKER. If the gentleman has any citation to give the Chair——

Mr. ENLOE. I will furnish the Chair with the rule.

Mr. KERR, of Iowa. Mr. Speaker, I move a call of the House. [Cries of "Oh, no!"]

Mr. OUTHWAITE. I ask unanimous consent that the House do now adjourn. [Laughter.]

Mr. KERR, of Iowa. If the call of the House is voted down then a motion to adjourn will be in order.

The question was taken on the motion of Mr. KERR, of Iowa, and it was rejected.

Mr. CARTER. I now renew the motion that the House adjourn.

The motion was agreed to.

Pending the announcement of the vote the following proceedings took place:

ENROLLED BILL SIGNED.

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the following bill; when the Speaker signed the same:

A bill (H. R. 6460) to increase the appropriation for the erection of a public building at Portsmouth, Ohio.

PURE LARD.

Mr. TARSNEY. Mr. Speaker, I ask unanimous consent to have printed in the RECORD certain resolutions of the Legislature of the State of Missouri.

Mr. KELLEY. On what subject?

Mr. TARSNEY. In reference to the Conger lard bill.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The resolutions are as follows:

Whereas Congress, in the exercise of its power to regulate commerce between the several States and Territories, has the right to pass all needful and necessary laws for the purpose of preventing the misbranding of adulterated or compound articles of food; and

Whereas, owing to the depression existing in the prices of all farm products, there is an increasing and urgent demand that all compound or adulterated articles of food shall be required to be properly branded and labeled, in order that the interests of the agricultural classes who are engaged in the production of articles of food may be properly conserved; and

Whereas being opposed to any exercise of the taxing power of the Government, either through the internal-revenue system or otherwise, by which any one industry is fostered and built up at the expense of any other industry: Therefore,

Be it resolved by the house of representatives of the Thirty-sixth General Assembly of Missouri: 1. That our Senators in Congress be instructed to vote against the so-called Conger lard bill, for the reason that it invokes the taxing power of the Government for the purpose of crushing out a legitimate industry for the benefit of a rival and competitive industry and is therefore class legislation of the most vicious character.

2. That our Senators in Congress be instructed and our Representatives in Congress be requested to use their influence and votes to secure the passage of what is known as the Paddock pure-food bill, as a measure which is general in its scope and character, and not sectional in its application and effect, and which will furnish adequate protection to the farming classes against counterfeit food preparations.

3. That the chief clerk of this house be instructed to transmit a certified copy of these resolutions to each Senator and Representative in Congress from this State at Washington.

I hereby certify the foregoing to be a true copy of the original resolution as introduced into and passed by the house of representatives of the Thirty-sixth General Assembly of the State of Missouri, January 28, 1891.

A. S. SMITH, *Chief Clerk.*

Whereas there is now pending in the Congress of the United States what is known as the Lodge election bill; and

Whereas the said election bill is in direct conflict with the principles upon which this Government is founded, inasmuch as it tends to a centralization of power in the hands of a few, with power to suppress the right of suffrage; and

Whereas the Congress of the United States has, by an act approved by the President of the United States, appropriated money for the World's Fair to be held in Chicago in the year A. D. 1892, and the President of the United States has by proclamation duly declared the same to the civilized world: Therefore,

Be it resolved by the General Assembly of the State of Missouri, That no money shall be appropriated for said World's Fair as long as Congress threatens the liberty of the people with the Federal election law; and should the Lodge election bill become a law, in no event will the General Assembly of the State of Missouri appropriate one single dollar for the World's Fair at Chicago.

I hereby certify the foregoing to be a true copy of the original resolution as introduced into and adopted by the house of representatives of the Thirty-sixth General Assembly of the State of Missouri, January 22, 1891.

A. S. SMITH, *Chief Clerk.*

SUPPLEMENTARY RESOLUTION.

Resolved, That the chief clerk be instructed to send a copy of the "World's Fair resolution" adopted by this house to Senator GEORGE G. VEST and one to Hon. JOHN C. TARSNEY, and request them to present the same to their respective branches of Congress.

A. S. SMITH, *Chief Clerk.*

RECOMMITTAL OF A JOINT RESOLUTION.

Mr. WILLIAMS, of Ohio. I ask unanimous consent to take from the House Calendar the joint resolution numbered 190 and recommit it to the Committee on Military Affairs.

The SPEAKER. The gentleman from Ohio asks unanimous consent to withdraw House resolution numbered 190 from the Calendar and recommit it to the Committee on Military Affairs. Is there objection?

Mr. ROGERS. A parliamentary inquiry. What is this?

The SPEAKER. The Chair has just stated.

Mr. ROGERS. I did not understand the Chair.

Mr. WILLIAMS, of Ohio. I will tell the gentleman——

Mr. ROGERS. May I inquire what the resolution is?

The SPEAKER. The gentleman has already inquired. It is a private bill.

Mr. ROGERS. I am very much obliged to the Speaker. I have no objection.

The SPEAKER. Is there other objection?

There was no objection.

Mr. ENLOE. I would like to answer the question of the Chair now with reference to the point of order I made.

[Cries of "Regular order!"]

The SPEAKER. The motion to adjourn has been carried.

The result of the vote on the motion to adjourn was then announced; and accordingly (at 5 o'clock and 37 minutes p. m.) the House adjourned.

EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communication was taken from the Speaker's table and referred as follows:

DEFICIENCIES IN QUARTERMASTER'S DEPARTMENT.

Letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War, submitting estimates of deficiencies in the appropriation for the Quartermaster's Department of the Army for the fiscal year ended June 30, 1891—to the Committee on Appropriations.

MEMORIALS AND RESOLUTIONS OF STATE LEGISLATURES.

Under clause 3 of Rule XXII, the following memorials and resolutions were presented and referred as follows:

By Mr. McCLELLAN: Resolutions of the General Assembly of the State of Indiana, requesting the members of Congress from that State to use all honorable means for the speedy consideration and passage of House bill 319, known as the bill to pension the Union ex-prisoners of war, now pending in the United States Congress—to the Committee on Invalid Pensions.

By Mr. PARRETT: Joint resolutions of the senate and house of representatives of the State of Indiana, in favor of the speedy consideration and passage of House bill No. 319, to pension the Union ex-prisoners of war—to the Committee on Invalid Pensions.

By Mr. WHITELAW: Resolution of the Missouri Legislature, in the interest of pure food—to the Committee on Agriculture.

By Mr. BROOKSHIRE: A joint resolution of the senate and house of representatives of the State of Indiana, requesting the passage of H. R. 319, a bill to pension ex-prisoners of war—to the Committee on Invalid Pensions.

By Mr. HATCH: Resolutions of the Missouri Legislature, in favor of pure food—to the Committee on Agriculture.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and a joint resolution of the following titles were taken from the Speaker's table and referred as follows:

A bill (S. 4671) to amend the act of Congress approved September 29, 1890, authorizing the President to restore Tenedor Ten Eyck to the

Army and place him on the retired list—to the Committee on Military Affairs.

A bill (S. 4781) creating the office of Fourth Assistant Postmaster-General—to the Committee on the Post Office and Post Roads.

A joint resolution (S. R. 153) to fill a vacancy existing in the Board of Regents of the Smithsonian Institution—to the Committee on the Library.

RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolutions were introduced and referred as follows:

By Mr. GREENHALGE:

Resolved, That the Clerk of the House of Representatives pay to Samuel Hosmer, assistant postmaster of the House of Representatives, the difference between the pay of the Postmaster and the assistant during the time he was acting Postmaster of the House of Representatives, from October 1 to December 15, inclusive;

to the Committee on Accounts.

By Mr. McCREARY:

Resolved, That on the 12th day of February, 1891, Senate bill 4675, to provide a unit of value and for the coinage of gold and silver, and for other purposes, shall be a special order and shall be considered in the House of Representatives immediately after the reading of the Journal, and continue to be considered each day after the reading of the Journal until a vote is taken on the passage of the bill;

to the Committee on Rules.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. SIMONDS, from the Committee on War Claims, reported favorably the bill of the House (H. R. 13449) for the relief of the heirs of Henry A. Lee, accompanied by a report (No. 3653)—to the Committee of the Whole House.

Mr. FARQUHAR, from the Committee on Merchant Marine and Fisheries, reported with amendment the bill of the House (H. R. 13350) to establish a fish hatchery in the State of New York near the St. Lawrence River, accompanied by a report (No. 3654)—to the Committee of the Whole House on the state of the Union.

Mr. SMYSER, from the Committee on Pensions, reported favorably the bill of the House (H. R. 10432) granting a pension to Nancy Shotwell, accompanied by a report (No. 3655)—to the Committee of the Whole House.

Mr. HERMANN, from the Committee on Rivers and Harbors, reported with amendment the bill of the Senate (S. 2785) making an appropriation for the construction of a boat railway at The Dalles and Celilo Falls and Ten-Mile Rapids of the Columbia River, and for the improvement of Three-Mile Rapids, accompanied by a report (No. 3656)—to the Committee of the Whole House on the state of the Union.

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills and a joint resolution of the following titles were introduced, severally read twice, and referred as follows:

By Mr. SMITH, of West Virginia: A bill (H. R. 13454) to amend section 3394 of the Revised Statutes—to the Committee on Ways and Means.

By Mr. BOUTELLE: Joint resolution (H. Res. 277) to provide for transfer of a part of the site of the powder depot near Dover, N. J., to the Navy Department—to the Committee on Military Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. ADAMS: A bill (H. R. 13455) granting a pension to Adelia S. Ferris, late a nurse during the war of the rebellion—to the Committee on Invalid Pensions.

By Mr. ALLEN, of Michigan: A bill (H. R. 13456) to place the name of Milton C. Miller on the pension rolls—to the Committee on Invalid Pensions.

By Mr. GOODNIGHT: A bill (H. R. 13457) for the relief of A. Floyd, of Warren County, Ky.—to the Committee on War Claims.

By Mr. McCLELLAN: A bill (H. R. 13458) to increase the pension of George W. North, Company K, Eighty-eighth Regiment Indiana Volunteers—to the Committee on Invalid Pensions.

By Mr. PARRETT: A bill (H. R. 13459) granting a pension to Eveline Britton, mother of John Britton—to the Committee on Pensions.

By Mr. CLEMENTS: A bill (H. R. 13460) for the relief of George Harlan—to the Committee on Pensions.

By Mr. WHEELER, of Alabama: A bill (H. R. 13461) granting a pension to Mrs. L. G. Baylor—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Petition (circulated by the Woman's Christian Temperance Union) signed by William Kittle, pastor, and Fred D. Smith, clerk, of Trinity Church, Englewood, Ill., representing 50 members; also by same union, signed by J. R. Brittain, pastor, and J. McClelland, clerk, of United Presbyterian Church, of Englewood, Ill., representing 100 members; also, by same union, signed by Albert L. Smedley, pastor, and J. E. Deeres, clerk, of First Congressional Church, of Englewood, Ill., representing 800 members; also, by same union, signed by C. E. Mandeville, pastor, and A. D. Morrison, clerk, Methodist Episcopal Church, of Englewood, Ill., representing 600 members; also, by same union, signed by Rev. Thomas Westerdale, pastor, and H. W. Rodgers, clerk, of Simpson Methodist Episcopal Church, of Englewood, Ill., representing 275 members; also, by same union, signed by Frederick J. Walton, pastor, and John W. Howard, clerk, of Trinity Church, Reformed Episcopal, of Englewood, Ill., representing 260 members; also, by same union, signed by Hugh D. Atchinson, pastor, and William Hobbs, clerk, of Normal Park Methodist Episcopal Church, of Englewood, Ill., representing 50 members; also, by same union, signed by M. H. Hindman, pastor, and B. S. Wilson, clerk, Normal Park Presbyterian Church, of Chicago, representing 2[illegible] members; also, by same union, signed by J. F. Bartlett, pastor, and C. W. Smith, clerk, of Covenant Baptist Church, of Englewood, Ill., representing 260 members; also, by same union, signed by Charles Reynolds, pastor, and Charles Van Buren, clerk, of North Congregational Church, of Englewood, Ill., representing 93 members; also, by same union, signed by B. H. Hayden, pastor, and Dorn A. Mitchell, clerk, of Church of Christ, of Englewood, Ill., representing 160 members, praying for the passage of the bill providing for the appointment of a commission on the subject of the social vice—to the Committee on Education.

Also, petition of Eva F. Clark, for invalid pension—to the Committee on Invalid Pensions.

By Mr. ALDERSON: Petition of William H. Bodkin & Co., of Upshur County, West Virginia; also of John Cook, of Raleigh County, West Virginia, praying their claims be referred to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. BAKER: Petition of citizens of Rochester, N. Y., to regulate immigration—to the Committee on Immigration and Naturalization.

By Mr. BELKNAP: Petition (circulated by the Woman's Christian Temperance Union) signed by Elmer E. Smead, John W. Everhart, Sarah J. Scott, and 80 others, citizens of Allendale County, Michigan, praying for the passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. BOUTELLE: Petition (circulated by the Woman's Christian Temperance Union) signed by E. H. Haskell, Alexander Smith, Hattie Tracy, and 37 others, citizens of Amity, Me.; also, by same union, signed by H. W. Cook, S. C. Allen, Mrs. E. L. Hulls, and 60 others, citizens of Harrington, Me.; also, by same union, signed by Leonard Mays, William M. Haskell, Adelia Day, and 39 others, citizens of Hodgdon, Me.; also, by same union, signed by Jonathan Estes, C. V. Parsons, Della M. Hoyt, and 37 others, citizens of Easton, Me.; also, by same union, signed by Charles E. Mason, G. P. Cowan, Elizabeth Myer, and 42 others, citizens of Bangor, Me.; also, by same union, signed by F. C. Rogers, J. S. Johnson, Alice C. Mays, and 53 others, citizens of Bangor, Me., praying for the passage of the bill providing for the appointment of a commission on the subject of the social vice—to the Committee on Education.

Also, petition by same union, signed by Fred. Parsons, W. D. Worth, Sarah M. Matthews, and 27 others, citizens of Upper Stillwater, Me.; also, by same union, signed by E. H. Haskell, Robert Wilcox, Hattie Tracy, and 41 others, citizens of Amity, Me.; also, by same union, signed by William M. Haskell, J. C. Perrigo, Mrs. George Pollard, and 39 others, citizens of Hedgdon, Me.; also, by same union, signed by H. W. Cook, George W. Hall, Bessie A. Downing, and 61 others, citizens of Harrington, Me.; also, by same union, signed by Mary E. Phinney, president, and Frances D. Hanscom, secretary, of Christian Endeavor Baptist Church, of East Machias, Me.; also, of the Congregational Church, and Sunlight Lodge, No. 131, Independent Order of Good Templars, of same place; also, by same union, signed by Hiram T. Day, J. R. Talbot, Mary Elliott, and 93 others, citizens of East Machias, Me., praying for the passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. CARUTH: Papers to accompany House bill 13394, granting an increase of pension to Nancy O'Neil—to the Committee on Pensions.

By Mr. CASWELL: Petition (circulated by the Woman's Christian Temperance Union) signed by E. L. Durant, S. C. Johnson, Hattie T. Bennett, and 308 others, citizens of Racine, Wis., praying for the passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. COOPER, of Ohio: Petition of Samuel Wheeler and others,

citizens of Knox County, Ohio; also, resolutions of North Liberty Alliance, No. 111, of same county and State, in favor of House bill 5353, defining options and futures—to the Committee on Agriculture.

By Mr. CRAIG: Resolution of Marion (Pa.) Council, No. 326, Junior Order United American Mechanics, favoring restriction of immigration—to the Select Committee on Immigration and Naturalization.

By Mr. DINGLEY: Petition (circulated by the Woman's Christian Temperance Union) signed by O. W. Folsom, Mrs. H. E. Poliver, and 42 others, citizens of Bath, Me.; also, by same union, signed by J. F. Libby, L. Turner, jr., H. H. Crie, and 31 others, citizens of Rockland, Me.; also, by same union, signed W. G. Wadsworth, G. W. Tiffany, Alice Knowlton, and 31 others, citizens of Camden, Me.; also, by same union, signed by H. G. Brown, L. D. Marshall, Mrs. Delia Berry, and 42 others, citizens of West Paris, Me.; also, by same union, signed by L. B. McIntyre, S. H. Enery, Mrs. G. W. Davis, and 13 others, citizens of Warren, Me., praying for the passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. DOLLIVER: Petition of D. L. Boynton and 94 others, citizens of Dennison, Crawford County, Iowa, in favor of a law to regulate the manufacture and sale of butterine, etc.—to the Committee on the Judiciary.

Also, petition of Joseph Leach and 27 others, citizens of Ledyard, Iowa, favoring the option bill—to the Committee on Agriculture.

By Mr. ENLOE: Petition of Glen S. Williamson, of Carroll County, Tennessee, for reference of claim to the Court of Claims, under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. GEST: Petition of citizens of Coal Valley, Ill., for the passage of House bill 5353, defining options and futures; also, petition of citizens of Rock Island County, Illinois, for the passage of the Conger lard bill—to the Committee on Agriculture.

By Mr. HAUGEN: Petition (circulated by the Woman's Christian Temperance Union) signed by Cynthia Carlisle, president, and Finley W. Goodrich, secretary, of the Society of Christian Endeavor, of Durand, Wis., representing 35 members, praying for the passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. EDWARD R. HAYS: Six petitions of the people of Iowa, urging the passage of the bill providing for the free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. HENDERSON, of Iowa: Petition of 36 citizens of Maxfield, Bremer County, Iowa; also, of 41 other citizens of Iowa, asking for the speedy enactment of a law giving to the several States authority to control the manufacture and sale of oleomargarine—to the Committee on the Judiciary.

By Mr. JOSEPH: Petition (circulated by the Woman's Christian Temperance Union) signed by B. A. Biggs, president, and Mrs. G. W. La Porte, secretary, Woman's Christian Temperance Union, of Chama, N. Mex.; also, by same union, signed by A. H. Kirkbride, J. D. Riggs, Mrs. S. M. Briggs, and 67 others, citizens of Chama, N. Mex., praying for the passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. KELLEY: Petition (circulated by the Woman's Christian Temperance Union) signed by William A. Billy, Frank Mills, Mrs. Dora Simpson, and 19 others, citizens of El Dorado, Kans., praying for the passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. KETCHAM: Petition (circulated by the Woman's Christian Temperance Union) signed by George P. Bell, C. W. Wright, Emma F. Palmer, and 37 others, citizens of East Chatham, N. Y., praying for the passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. MAISH: Resolution of Mulberry Grange, No. 978, Patrons of Husbandry, of York, Pa., favoring the passage of House bill 5353, defining futures and options—to the Committee on Agriculture.

Also, resolutions of the same organization favoring the passage of Senate bill 3991, known as the Paddock pure-food bill—to the Committee on Agriculture.

Mr. MORROW: Petition of the Chamber of Commerce of San Francisco, for soundings for Pacific Ocean cable from San Francisco to the Hawaiian Islands, thence to colony of New Zealand—to the Committee on Merchant Marine and Fisheries.

Also, petition of same body to extend benefits of existing laws to Alaska Indians—to the Committee on Indian Affairs.

Also, petition of the same body for the construction of the Nicaragua Canal—to the Committee on Railways and Canals.

By Mr. O'FERRALL: Petition of St. Clair D. Kirtley and Francis W. Kirtley, of Rockingham County, Virginia, praying that their war claim be referred to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. PARRETT: Petition of Rebecca J. Hall for pension, to accompany House bill 13364—to the Committee on Invalid Pensions.

By Mr. PERKINS: Petition (circulated by the Woman's Christian Temperance Union) signed by Henry Mitchell, president, and L. C. Wellman, secretary, of Farmers' Suballiance No. 988, of Varck, Kans., representing 34 members, praying for the passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages—to the Select Committee on the Alcoholic Liquor Traffic.

Also, by the same union, for the passage of the bill providing for the appointment of a commission on the subject of the social vice—to the Committee on Labor.

By Mr. PETERS: Petition (circulated by the Woman's Christian Temperance Union) signed by J. B. Pitts, A. J. Binford, Emma Gaddis, and 45 others, citizens of Naron, Kans., praying for the passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. POST: Resolution of G. W. Trafton Post, No. 234, Grand Army of the Republic, of Knoxville, Ill.; also, of Dan McCook Post, No. 53, Grand Army of the Republic, of Elmwood, Ill., relative to woman suffrage—to the Committee on the Judiciary.

Also, petition of R. M. Hanna and others, citizens of Peoria, Ill., for the early passage of the Torrey bankruptcy bill; also, resolutions of the Chicago Law Institute, for the passage of the bill for the relief of the Supreme Court—to the Committee on the Judiciary.

By Mr. STEPHENSON: Two petitions of practicing lawyers of the upper peninsula of Michigan, urging passage of bill pending in the House of Representatives providing for the creation of the upper peninsula of Michigan into a separate judicial district—to the Committee on the Judiciary.

By Mr. STRUBLE: Three petitions of citizens of Lyon County, Iowa, urging the speedy enactment of the Conger lard bill—to the Committee on Agriculture.

Also, petition of M. B. Darnell, esq., and 45 others, citizens of Hull, Iowa, asking for the enactment of a law giving the several States authority to control the manufacture and sale of oleomargarine, butterine, and all compounds in imitation of butter—to the Committee on the Judiciary.

By Mr. JOSEPH D. TAYLOR: Petition of R. M. Crabbs and 9 others, citizens of Jefferson County, Ohio, in favor of House bill 5353—to the Committee on Agriculture.

Also, resolutions of Fidelity Farmers' Alliance, No. 144, of the same county and State, for the passage of the Conger lard bill—to the Committee on Agriculture.

Also, petition (circulated by the Woman's Christian Temperance Union) signed by P. W. Dickey, Daniel Price, Sue E. Norris, and 52 others, citizens of Belmont County, Ohio, praying for the passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. TOWNSEND, of Colorado: Petition (circulated by the Woman's Christian Temperance Union) signed by J. T. Vallou, R. E. Hawks, Evaline Mitchell, and 50 others, citizens of Salida, Colo.; also, by same union, signed by W. R. Eggleston, John Boling, Maggie D. Taggert, and 67 others, citizens of same place, praying for the passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. TUCKER (by request): Petition of William R. Foster, of Augusta County, Virginia, praying that his war claim be referred to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. VAN SCHAICK: Resolutions of the Milwaukee Vessel-Owners' Association, favoring the proposed tunnel under the Detroit River—to the Committee on Commerce.

By Mr. WILSON, of Missouri: Petition of Isadora Lodge, No. 207, Missouri, in favor of free coinage of silver and the issue of all money directly from the Government—to the Committee on Coinage, Weights, and Measures.

Also, petition of William Richmond, W. Zink, M. M. Johnson, and 130 others, citizens of Denver, Mo., in favor of the free coinage of silver and for the issue of all money directly from the Government, composed of gold, silver, and greenbacks, all legal tender, etc.—to the Committee on Coinage, Weights, and Measures.

Also, petition of 44 citizens of Phelps City, Mo., in favor of free coinage of silver and the issue of all money directly by the Government to the people—to the Committee on Coinage, Weights, and Measures.

Also, petition of W. B. Fortner, Adolph Bishop, William Leach, Newton Bird, and 84 others, of Avenue City, Mo., in favor of the free coinage of silver and the issue of all money directly from the Government with legal-tender quality, including gold, silver, and paper—to the Committee on Coinage, Weights, and Measures.

Also, petition of London Union Farmers and Laborers' Union, No. 2061, of Atchison County, Missouri, asking for steps to be taken at as early a day as possible for the foreclosure of the mortgage held by the Government on the Union Pacific Railroad—to the Committee on Pacific Railroads.

SENATE.

TUESDAY, *February* 3, 1891.

The Senate met at 11 o'clock a. m.
Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.
The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a petition of the Philadelphia (Pa.) Board of Trade, praying for the passage of Senate bill 3786, permitting railroads to give reduced rates of transportation to commercial travelers; which was referred to the Committee on Interstate Commerce.

He also presented the following petitions of citizens of Illinois, praying for the passage of the Conger lard bill; which were ordered to lie on the table:

Petition of George Stanway and 11 other citizens of Randolph County, Illinois;

Petition of Henry Bessen and 24 other citizens of Randolph County, Illinois; and

Petition of the Prairie Du Rocher Lodge, Farmers' Mutual Benefit Association, of Randolph County, Illinois.

Mr. CULLOM presented a memorial of citizens of the State of Illinois, remonstrating against the passage of the Conger lard bill; which was ordered to lie on the table.

He also presented a petition of members of District Assembly No. 1851, Farmers' Mutual Benefit Association, of Christian County, Illinois, praying for the passage of the Paddock pure-food bill; which was ordered to lie on the table.

He also presented a petition of the Chicago (Ill.) Vessel-Owners' Association, praying for the passage of the bill authorizing the Detroit Railroad and Tunnel Company to construct a tunnel under the Detroit River; which was referred to the Committee on Commerce.

Mr. WILSON, of Iowa, presented the following petitions, praying for the passage of the Conger lard bill; which were ordered to lie on the table:

Petition of Farmers' Alliance 1701, of Carroll County, Iowa; and

Petition of 16 citizens of Carroll County, Iowa.

Mr. DAWES presented the petition of Charles S. Ashley and 86 other citizens of New Bedford, Mass., comprising more than 90 per cent. of all dealers in compound lards in that city, praying for the speedy passage of the Conger lard bill; which was ordered to lie on the table.

He also presented the petition of Houghton, Mifflin & Co. and other publishers of Boston, Mass., and a petition of citizens of Chicopee, Mass., praying for the passage of the Torrey bankruptcy bill; which were ordered to lie on the table.

Mr. HALE presented the following petitions, praying for the passage of the bill providing for the appointment of a commission on the subject of social vice; which were referred to the Committee on Education and Labor;

Petition of E. E. Moon and 82 other citizens of Cherryfield, Me.;

Petition of B. A. Campbell and 26 other citizens of Pembroke, Me.,

Petition of H. M. Spear and 82 other citizens of Gardiner, Me.;

Petition of Isaac Winslow and 37 other citizens of St. Albans, Me.; and

Petition of Erastus Richmond and 92 other citizens of Ellsworth, Me.

Mr. CHANDLER presented the following petitions, praying for the passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages; which were ordered to lie on the table:

Petition of Louis D. Morrill, president, and Elizabeth F. Houser, secretary, of the Young People's Society of Christian Endeavor, of Canterbury, N. H.;

Petition of Addie M. Heath, president, and Sarah W. French, secretary, of the Monthly Meetings, Woman's Christian Temperance Union, of Canterbury, N. H., representing 50 members; and

Petition of Rev. H. P. Page and 95 other citizens of Canterbury, N. H.

Mr. CHANDLER presented the following petitions, praying for the passage of the bill for the appointment of a national social vice commission; which were referred to the Committee on Education and Labor:

Petition of Louis D. Morrill, president, and Elizabeth F. Houser, secretary, of the Young People's Society of Christian Endeavor, of Canterbury, N. H.;

Petition of Addie M. Heath, president, Sarah W. French, secretary, and 50 other members of the Monthly Meeting, Woman's Christian Temperance Union of Canterbury, N. H.; and

Petition of H. P. Page, Alfred H. Brown, Lizzie H. Jones, and 54 other citizens of Canterbury, N. H.

Mr. DAVIS presented a petition of citizens of St. Paul, Minn., praying for the immediate consideration and passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented the following petitions of citizens of the State of Minnesota, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Petition of Marcus Lauritsen and 26 other citizens of Tyler, Lincoln County, Minnesota;

Petition of Jorgen Jakobsen and 26 other citizens of Tyler, Lincoln County, Minnesota;

Petition of G. A. Juhn and 18 other citizens of Mapleton, Blue Earth County, Minnesota;

Resolutions of Hope Farmers' Alliance, No. 823, of Lincoln County, Minnesota;

Resolutions of Town Badger Farmers' Alliance, of Polk County, Minnesota; and

Petition of T. O. Amundsen and 24 other citizens of Badger, Polk County, Minnesota.

Mr. BLODGETT presented the following petitions, circulated by the Woman's Christian Temperance Union, praying for the passage of the bill providing for the appointment of a commission on the subject of social vice; which were referred to the Committee on Education and Labor:

Petition of Helena Van Blarcom, president, and Adda Robertson, secretary, representing 103 members, of Paterson, N. J.;

Petition of Alexander Creasey, president, and J. C. Johnson, secretary, of the Evangelical Alliance of Ministers, representing 32 members, of Paterson, N. J.; and

Petition of Susanna Westervelt, president, and Sarah E. McCall, secretary, of the Woman's Relief Corps, Grand Army of the Republic, representing 35 members, of Paterson, N. J.

Mr. GIBSON. I present a petition of 11 Presbyterian clergymen of the city of New Orleans, La., praying for an amendment of the Constitution to prohibit lotteries. As the petition is brief, I move that it be printed as a document and lie on the table.

The motion was agreed to.

Mr. GIBSON. I also present a petition of citizens of New Orleans, La., representatives of banks, in which they earnestly deprecate the further discussion of the measure known as the free-coinage bill by the United States Congress, and in which they request their Senators and Representatives to use their influence in preventing agitation of this question any longer. The petitioners declare that the prolonged discussion of that measure is a standing menace to the growing prosperity of the whole country. I move that the petition be referred to the Committee on Finance.

The motion was agreed to.

Mr. PLATT. I present a petition of the Philadelphia Typographical Union, No. 2, praying for the passage of the copyright bill and urging that it may be passed without amendment of any kind. The petitioners call attention to the indorsements of the bill by other labor organizations, the United Labor League, of Philadelphia, signed by James Day, president; the American Federation of Labor, signed by Samuel Gompers, president, representing 650,000 working people; the United Brotherhood of Carpenters and Joiners of America, representing 83,000 carpenters; T. V. Powderly, general master workman of the Knights of Labor, representing that organization, all earnestly indorsing and praying for the passage of the copyright bill. As that bill has been reported I move that the petition lie on the table.

The motion was agreed to.

Mr. CASEY presented a petition of the American Photographers' Association, embodying resolutions adopted at the tenth annual convention at Washington, D. C., praying Congress to enact the Torrey bankrupt bill without delay; which was ordered to lie on the table.

Mr. ALLEN presented the following petitions, praying for the passage of the bill providing for the appointment of a national social-vice commission; which were ordered to lie on the table:

Petition of Mrs. A. J. Lacey, president, and Dora B. Pound, secretary, of the Woman's Christian Temperance Union, of Slaughter, Wash., representing 30 members;

Petition of Mrs. C. Lincoln, president, and M. E. Boyd, secretary, of the Woman's Christian Temperance Union, of Fernhill, Wash., representing 6 members;

Petition of Mary E. Le Sound, president, and Mary E. Chase, secretary, of Coupeville Woman's Christian Temperance Union, of Coupeville, Wash., representing 16 members; and

Petition of Mrs. E. K. Crosby, president, and Mrs. R. M. Folsom, secretary, of Snohomish Woman's Christian Temperance Union, of Snohomish, Wash., representing 16 members.

Mr. VEST presented the petition of S. A. Jackson and other citizens of the Indian Territory and the petition of John Volle and other citizens of Harrisonville, Cass County, Missouri, praying for the passage of the Torrey bankruptcy bill; which were ordered to lie on the table.

Mr. PADDOCK presented the following petitions of citizens of Nebraska, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Petition of J. P. Skow and 30 other citizens of Verona, Clay County, Nebraska;

Petition of M. P. Dendinger and 12 other citizens of Cedar County, Nebraska;

Petition of D. J. Dalrymple and 19 other citizens of Burt County, Nebraska;

Petition of D. W. McMillin and 19 other citizens of Antelope County, Nebraska;

Resolutions of Basil Alliance, No. 444, of Antelope County, Nebraska;

Petition of J. M. Hoben and 25 other citizens of Wheeler County, Nebraska;

Petition of James S. Yager and 32 other members of Star Alliance, of Antelope County, Nebraska;

Resolutions of Star Alliance, No. 1835, of Nebraska;

Petition of C. H. Walker and 37 other citizens of Butler County, Nebraska;

Resolutions of Buffalo Alliance, No. 832, of Lexington, Dawson County, Nebraska; and

Petition of D. S. Heckman and 16 other citizens of Custer County, Nebraska.

Mr. COCKRELL presented a petition of the Crystal Plate Glass Company and sundry other business and manufacturing establishments of St. Louis, Mo., praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of the Farmers and Laborers' Union No. 377, of Maries County, Missouri, praying for the passage of the Paddock pure-food bill, and remonstrating against the passage of the Conger lard bill; which was ordered to lie on the table.

Mr. COCKRELL presented the following petitions, praying for the passage of the Paddock pure-food bill; which were ordered to lie on the table:

Petition of Farmers and Laborers' Union No. 1374, Worth County, Missouri;

Petition of Farmers and Laborers' Union No. 721, of Saline County, Missouri;

Petition of Farmers and Laborers' Union No. 693, of Cass County, Missouri; and

Petition of Farmers and Laborers' Union No. 578, of Dent County, Missouri.

Mr. CARLISLE presented a petition of District Assembly No. 66, Knights of Labor, praying that a committee be appointed to investigate the conduct of assessors of real estate in the District of Columbia and of the district attorney and his associates in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. REAGAN presented a petition of the Photographers' Association of America, praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. PLATT presented a memorial of the New Haven Chamber of Commerce, remonstrating against the passage of the free-coinage bill; which was ordered to lie on the table.

Mr. WASHBURN presented a memorial of the Board of Trade of Duluth, Minn., remonstrating against the passage of the free-coinage bill; which was ordered to lie on the table.

Mr. HOAR presented the following petitions of citizens and business firms of Massachusetts, praying for the passage of the Torrey bankruptcy bill; which were ordered to lie on the table:

Petition of sundry business firms of Worcester, Mass.; and

Two petitions of sundry business firms of Boston, Mass.

Mr. HOAR presented a petition of 429 citizens of Newburyport, Mass., praying for the passage of a bill to restrict immigration; which was referred to the Committee on Immigration.

Mr. PAYNE presented a petition of George A. Whitney, William H. Tuttle, Laura Adams, and 127 other citizens of Defiance, Ohio, and a petition of M. A. Smith, chief templar, and Mrs. F. W. Young, secretary of the Independent Order of Good Templars, of Defiance, Ohio, praying for the passage of the bill to prohibit the importation, exportation, and interstate transportation of alcoholic beverages; which were ordered to lie on the table.

He also presented a petition of business firms of Bellaire, Ohio, praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. VEST presented the petition of Charles F. Joy, of St. Louis, Mo., praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (S. 4126) for the relief of Elizabeth Jones, widow of John Jones, reported it without amendment, and submitted a report thereon.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (H. R. 9072) increasing the pension of Alexander Evans, reported it without amendment, and submitted a report thereon.

Mr. JONES, of Arkansas, from the Committee on Indian Affairs, to whom was referred the bill (S. 4754) to amend the act authorizing the Choctaw Coal and Railway Company to construct a road through Indian Territory, reported it with amendments.

Mr. TELLER, from the Committee on Patents, to whom was referred an amendment submitted by himself on January 31, intended to be proposed to the legislative, executive, and judicial appropriation bill, reported it favorably, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

SUPPLEMENT TO CONGRESSIONAL DIRECTORY.

Mr. MANDERSON, from the Committee on Printing, to whom was referred the following concurrent resolution, reported adversely thereon; and it was postponed indefinitely:

Resolved by the Senate (the House of Representatives concurring), That there be printed 10,000 additional copies of the supplement to the Congressional Directory, 3,500 for the Senate and 6,500 for the House of Representatives.

Mr. MANDERSON. My reason for the request that the resolution be indefinitely postponed is that the House of Representatives has ordered for its own use, I think, 7,000 copies of the supplement. I ascertained upon inquiry that the supplement, which will contain maps of all the Congressional districts and the population of the United States by counties, by Congressional districts, and by States, can be printed to the extent of 7,000 copies for $400, which is within the limit fixed by law. I therefore submit the following Senate resolution and ask for its present consideration:

Resolved by the Senate, That there be printed 7,000 additional copies of the supplement to the Congressional Directory, containing maps of Congressional districts, population of States by counties, and population by Congressional districts, for the use of the Senate.

The resolution was considered, by unanimous consent, and agreed to.

PRINTING OF RESOLUTIONS.

Mr. MANDERSON. I am instructed by the Committee on Printing to report back favorably with an amendment the resolution submitted by the Senator from Alabama [Mr. MORGAN] on December 8, 1890; and I ask for its present consideration.

The VICE PRESIDENT. The resolution will be read.

The resolution was read, as follows:

Resolved, That all resolutions offered in the Senate and ordered to be printed shall be printed in bill form.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. MANDERSON. I move to amend the resolution by inserting after the word "that," the words "beginning with the next Congress." The reason for this action will be apparent. In the present form that Senate resolutions and concurrent resolutions are printed it is almost impossible for Senators to amend them, and this proposition is to put them in bill form, so that they will be readily amendable. The committee thinks it is a very important and valuable change.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. After the first word "that," insert the words "beginning with the next Congress;" so as to make the resolution read:

Resolved, That, beginning with the next Congress, all resolutions offered in the Senate and ordered to be printed shall be printed in bill form.

The amendment was agreed to.

The resolution as amended was agreed to.

PENSIONS IN TRUST.

Mr. WILSON, of Iowa. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 8589) to amend sections 4783 and 5486 of the Revised Statutes, to report it back favorably; and, as it is very brief and will not consume time, I ask that it may be considered now.

The VICE PRESIDENT. The bill will be read for information, subject to objection.

The bill was read, as follows:

Be it enacted, etc., That sections 4783 and 5486 of the Revised Statutes be, and the same are hereby, so amended as to read as follows:

"Every guardian, conservator, curator, committee, tutor, or other person having charge and custody in a fiduciary capacity of the pension of his ward, who shall embezzle the same in violation of his trust, or fraudulently convert the same to his own use, shall be punished by fine not exceeding $2,000 or imprisonment at hard labor for a term not exceeding five years, or both, at the discretion of the court."

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CABINET VACANCIES.

Mr. MORRILL. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 13453) to amend section 180 of the Revised Statutes of the United States, to report it with an amendment in the nature of a substitute. As it is a matter of some importance, I ask for the present consideration of the bill.

The VICE PRESIDENT. The bill will be read for information.

The Chief Clerk read as follows:

Be it enacted, etc., That section 180 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"A vacancy occasioned by death or resignation must not be temporarily filled under the three preceding sections for a longer period than thirty days."

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The VICE PRESIDENT. The amendment of the Committee on Finance will be stated.

The CHIEF CLERK. The committee report to strike out all after the enacting clause and insert:

That section 177 of the Revised Statutes of the United States is hereby amended to read as follows:

"SEC. 177. In case of death, resignation, absence, or sickness of the head of any Department the assistant thereof, if there be only one, or if there be more than one assistant then the one designated by the President, shall perform the duties of such head until a successor is appointed or such absence or sickness shall cease."

SEC. 2. That section 178 of the Revised Statutes of the United States is amended to read as follows:

"SEC. 178. In case of the death, resignation, absence, or sickness of the chief of any bureau, or of any officer thereof, whose appointment is not vested in the head of the Department, the assistant or deputy of such chief or such officer, or, if there be none, then the chief clerk of such bureau shall perform the duties of such chief or of such officer until a successor is appointed or such absence or sickness shall cease, unless the President shall authorize and direct some officer in any of the Departments whose appointment is vested in the President by and with the advice and consent of the Senate, to perform the duties of such office meantime, but the powers of such officer so designated by the President shall not continue for a longer period than thirty days; and if such a vacancy shall not be filled or such absence or sickness shall not cease during said thirty days the officer lawfully entitled to exercise the duties of such office without designation by the President shall perform the duties of such office until such vacancy shall be filled or such absence or sickness shall cease."

SEC. 3. That section 179 of the Revised Statutes of the United States is hereby amended to read as follows:

"SEC. 179. In any of the cases mentioned in section 177, except the death, resignation, absence, or sickness of the Attorney-General, the President may in his discretion authorize and direct the head of any other Department, or any other officer in any other Department whose appointment is vested in the President by and with the advice and consent of the Senate, to perform the duties of the office so vacant or the head of which is absent or sick, for a period not exceeding thirty days; and in case of such designation the powers devolved on any assistant, as provided in section 177, shall not be exercised, but the officer so designated by the President shall have and exercise, during such period of thirty days, all the powers of such head of the Department. In case of such designation by the President, if it shall happen that the vacancy in the head of any such Department shall not have been filled or such sickness or absence shall not have ceased during such period, the assistant described in section 177 shall be authorized to exercise the duties of such head of a Department until the vacancy shall be lawfully filled or such sickness or absence shall have ceased."

SEC. 4. That section 180 of the Revised Statutes of the United States is hereby repealed.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

Mr. TURPIE. It seems to me that the designation so often spoken of in the amendment ought to be required to be in writing; that it should be a written designation and that it ought also to be required to be filed in the Department to be affected thereby.

Mr. MORRILL. That is always done. There is no necessity for putting it into law.

Mr. SHERMAN. As a matter of course it is done. The designation must be in writing.

Mr. TURPIE. I do not hear the suggestion of Senators on the other side.

Mr. MORRILL. I say that that is the custom always and there is no need of its being the law.

Mr. SHERMAN. The word "designation" itself is a sufficient requirement. It must be in writing. It is always done.

Mr. MORRILL. It is always done.

Mr. TURPIE. There may be something in the force of custom, but there is nothing in the text requiring the designation to be in writing or requiring it to be filed at the Department to be affected by it.

Mr. MORRILL. There is no objection to putting in the words "in writing" after "designated," but it is entirely unnecessary.

Mr. SHERMAN. The amendment will be in the first section.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The CHIEF CLERK. In line 10, section 1, of the amendment, after the word "designated," insert the words "in writing;" so as to read:

In case of the death, resignation, absence, or sickness of the head of any Department the assistant thereof, if there be only one, or, if there be more than one assistant, then the one designated in writing by the President, shall perform the duties of such head until a successor is appointed or such absence or sickness shall cease.

The amendment to the amendment was agreed to.

Mr. GORMAN. Let the amendment now be read as amended.

The Chief Clerk read the amendment of the committee as amended.

Mr. GORMAN. The first section of the amendment I understand requires the President to designate an assistant to act for any length of time. There is no limit fixed as to when the time shall expire.

Mr. MORRILL. The Department is left in charge of the Assistant Secretary who has been confirmed by the Senate. If the sickness of the head of a Department should continue for more than thirty days, of course, it permits him to perform the duties. Otherwise the vacancy is to be filled within thirty days.

Mr. GORMAN. I ask the Senator from Vermont if that is not a very radical change and whether there ought not to be some limitation. We all know that gentlemen are selected for assistants of these Departments, for the great Treasury Department, and there might be some question as to whether favorable action was to be had in selecting a head of that Department. It does seem to me that there ought to be a limit. Formerly I understand the time was six months, and afterwards during President Johnson's time it was limited to ten days. Now, we are going back and throwing it open and permitting these officers to be designated and to act for any length of time.

Mr. SHERMAN. The Senator from Maryland will appreciate that it would be pretty difficult to fix a time in regard to sickness. For instance, take the case of Mr. Manning. It may continue for one month, or two months, or three, or four months, when it would not probably be a wise thing to remove the head of the Department because he was absent on account of sickness. Some limitation in the duration of the term of an Assistant Secretary would seem to be an obvious necessity if you could define the length of the sickness. As a matter of course, in case of death the provision made is for thirty days, but in the case of sickness no limitation can be fixed with any certainty that would require the President to make a new appointment of a Secretary of the Treasury, for instance, within a given time. Perhaps the limitation of a year would not be unreasonable, or six months, but certainly thirty days would not be sufficient for the head of a Department to recover from a serious sickness in case it should befall him during his term of office. I think, therefore, as it is always in the power of the President to remove, it would be pretty difficult to fix a limit in the case of sickness.

Mr. HALE. I should be very glad to have the Senator who reports this bill state to the Senate what reasons there were for going so largely into the question of the tenure of certain officers and their appointment. The emergency that arose was one that was clearly defined and was the subject of a special message from the President. The House of Representatives evidently took the matter up in that spirit, and passed a simple bill of a few lines, which I am bound to say suits me very much better than this long bill reported by the Senator from Vermont and sought to be put through now certainly without my being able to understand it. It occurs to me that the better thing to do would be to do just what the House of Representatives did, take that simple bill and pass it without any amendment.

Mr. MORRILL. I will say to the Senator from Maine that if he will read the report of the Attorney-General which accompanied the message of the President he will see that there is a difference in the construction of the statutes as they now stand by our Attorneys-General. It was thought better to revise the whole law on the subject, so that it would embrace any officer belonging to the Cabinet of the President and also reach the point in the case of extending the time from ten days to thirty days; and that is all that is proposed.

Mr. HALE. But the bill seems to go into other appointments; it deals with bureau officers.

Mr. MORRILL. No more than the existing law.

Mr. HALE. It evidently deals with them, and they are already dealt with by existing law. The Departments, for aught that any of us know, have gone on well enough. The simple bill providing for the emergency is easily understood by everybody; it met no objection anywhere; but, going wider and further, as the committee has into this matter, it does raise questions, and I for one hope that the Senate will pass the bill as it came from the other House.

Mr. EVARTS. Mr. President, I have made a careful examination of the clauses in the statute book now relating to this subject, and have come to the conclusion, without reference to the bill introduced into the Senate, which I had not seen nor heard of till this morning, that all that is necessary either for permanent legislation or for this exigency is to enlarge the period within which authority for temporary appointment is needed. This I understand now has been provided for by a bill which passed the other House, simply by substituting the word "thirty" for "ten," as the statute now reads. Whether any new regulations should be made hereafter (and I can not foresee their necessity) this measure is all that is needed for this exigency, and so far as I can see all that is necessary for any supervening exigencies hereafter.

Mr. HALE. I ask that the bill as it came from the House of Representatives, which is now before the Senate and which the committee proposes to amend, be read.

The VICE PRESIDENT. The bill will be again read.

The Chief Clerk read the bill.

Mr. HALE. What is the precise question before the Senate?

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Finance as amended.

Mr. GORMAN. I trust the Senator from Vermont will permit this subject to go over until to-morrow, so that we may have a chance to examine the amendment reported by the Committee on Finance.

Mr. ALLISON. If the Senator will allow me, the provisions of the amendment are perfectly clear as proposed by the Senate committee. Instead of making the term thirty days, an Assistant Secretary is appointed who shall hold indefinitely until the President shall have selected a Secretary. That is the difference between the House bill and the Senate amendment, and the only difference.

Mr. REAGAN. The effect of that might be that we should have the head of a Department holding indefinitely without the consent of the Senate, and I do not think that ought to be. I prefer the House bill.

Mr. CULLOM. So do I.

Mr. HALE. Let us have a vote on the amendment.

Mr. MORRILL. Mr. President, I ask the attention of the Senate

long enough to consider the question as to whether all the Departments ought not to be embraced in this bill and whether it would not be better to clear any cloud of doubt that there may be in the construction of the law.

As stated by the Senator from Iowa [Mr. ALLISON], the only point of difference between the House bill and the amendment, so far as the Secretary of the Treasury is concerned, is to extend the period from ten to thirty days. It strikes me it would be far better to revise all those three sections of the law, so as to make them apply definitely to every Department in case of the death or sickness or absence of the head of the Department, rather than to leave it to a contingency that may happen at any time in relation to any of the other Departments.

The VICE PRESIDENT. The question is on the amendment of the Committee on Finance as amended.

Mr. EDMUNDS. Mr. President, I should like to say a word on this subject if I am not too late. I did not know it was coming up this morning.

I think it quite important, in view of what has taken place hitherto in regard to the construction of sections 177, 178, 179, and 180 of the Revised Statutes, that, while we are legislating about it, we shall endeavor to make the law perfectly clear for the future. There has been doubt in the Attorney-General's Office and in the Departments, and with Presidents heretofore, whether the Assistant Secretaries, or the Secretary, as the case may be, the President not interfering at all, could exercise the functions of the office for more than the ten days which are mentioned in section 180. Sometimes it has been thought that they could, and at other times, by opinions of the Attorneys-General, that they could not in the case that I am now speaking of, there being no interference by the President under his power of designation.

Therefore, it appears to me, and I believe that is agreeable to the Department of Justice as well, that, if we are to legislate upon the subject at all, we should make a recast of all these sections, so as to make it clear what would be the powers at the end of thirty days, that we all agree upon as being a reasonable time, if the President should not have interfered and some accident should have happened which made it necessary for some one to administer one of these Departments at the end of thirty days. Accordingly, I believe the committee draughted an amendatory provision to these sections, to which I am sure nobody would disagree, which makes, or attempts to make, it entirely clear; whereas, if we pass the House bill alone, it leaves all these doubts and difficulties arising at the end of thirty days which now embarrass everybody at the end of ten days. While we are about it, it seems to me it would be quite wise to adopt the committee amendment and thus make the scheme complete in all its aspects.

Mr. MORRILL. I shall ask for a committee of conference if the amendment be agreed to, so that the amendment will not retard the final passage of the bill.

Mr. HALE. It appears to me that the very fact that this debate has arisen here and that doubts have come up in the minds of Senators as to the operation of this amendment is in itself a conclusive argument against the amendment. The other branch of the national Legislature took the subject up at once and unanimously passed the simple bill that disposes of the question, the only real question that there is in it, as the President desired undoubtedly—I do not pretend to speak for him—but that seems to be his desire as indicated by his message.

I do not understand that there has been any serious inconvenience in the Departments heretofore, excepting upon this ten days' limitation, and the only thing that was sought to be done in the other branch was to relieve that, and I, for one, hope we may follow in the line they have taken.

The VICE PRESIDENT. The question is on the amendment of the Committee on Finance as amended.

Mr. VEST. Is there any objection on the part of the committee to this bill lying over until to-morrow morning?

Mr. MORRILL. The time is very short. Already about half of the term of the ten days has passed, and in order to get action on the part of both Houses it is important that the bill should be acted on by the Senate to-day.

Mr. SPOONER. I ask why it would not be better to withdraw the committee amendment and pass the House bill. The bill is designed to meet an emergency. There has been no objection to that bill, and it does remove the objection which is indicated in the message of the President.

Mr. HALE. I do not understand that the amendment of the committee has been adopted.

The VICE PRESIDENT. It has not been adopted.

Mr. DAWES. I should like to hear from the Committee on Finance the reasons they have to give for extending the time indefinitely; why it is better to put it in the power of the President to have an adviser without the consent of the Senate than to have one for thirty or forty days, a time sufficient for all the purposes that could be expected or desired except for the purpose of having an adviser without the consent of the Senate.

Mr. MORRILL. I will say to the Senator from Massachusetts that that question can only arise in case of the sickness or absence of the Secretary. Of course we can not predict in advance how long a Secretary may be ill.

Mr. GORMAN. Mr. President, I have not looked into the subject particularly and it is comparatively new. My understanding, however, is that originally in the very first act passed upon this subject, during General Washington's Administration, six months was the limit.

Mr. MORRILL. It was.

Mr. GORMAN. I understand from the Senator from Vermont that I am correct in that statement. Congress was jealous about this matter and would not permit a designation to extend beyond the period of six months. So we ran along until we came to the exciting scenes during President Johnson's Administration, when the majority of Congress at that time thought there was some abuse by the President, even within that limit, in the appointment of his Cabinet officers and designating others to act in their place, and at that time a law was passed limiting the designations to ten days. From that period until now we have had a great many cases where the Administration, I have no doubt, has been embarrassed. I think we had one in the case of Secretary Manning, who was sick for quite a long time. Secretary Folger also during his service as Secretary of the Treasury was sick and afterwards died.

Mr. EDMUNDS. If the Senator from Maryland will pardon me right on that point, in the instance of Secretary Manning, Mr. Fairchild was the Assistant Secretary, whose office was fixed by law and who had been confirmed by the Senate under the law and with the idea that, in the illness of his chief, the duty would devolve upon him by operation of law, and not necessarily by any designation of the President. It is the law which provides it. Therefore, in my opinion, as the law now stands, an Assistant Secretary may proceed until the President chooses to oust him by designating somebody else, or, which is the same thing, the business of any Department can go on indefinitely by the deputy named by law, as distinguished from the selection by the President, until the vacancy is filled, and in that way Mr. Fairchild was enabled to go on. The only difficulty is in what I think is a wrong construction placed by a former Attorney-General in a very brief opinion upon this right of the lawful deputy or assistant to act for more than ten days, who held in one instance under the law that the Assistant Secretary could only act for ten days, which I think is a great mistake; but as the committee has reported this amendment, instead of leaving the law to operate upon the Assistant Secretary upon whom the duty is devolved, namely, the First Assistant, it authorizes the President to step in and take his choice for an indefinite period, which I do not think is right.

I thank the Senator from Maryland for allowing me to make the statement.

Mr. GORMAN. I am very glad to have the statement of the Senator from Vermont that he does not think it right, and, therefore, I trust the committee will permit this matter to go over so that we may have plenty of time to consider it calmly or else that we may adopt the bill as it came from the House of Representatives which we all agree to.

Mr. CULLOM. That is better.

Mr. GORMAN. Probably under the peculiar circumstances surrounding the case that would be the better course, as we all agree that thirty days would be a proper limit.

Mr. HALE. Why not do that to-day?

Mr. GORMAN. I have no objection.

Mr. HALE. Let us vote down the amendment.

The VICE PRESIDENT. The question is on the amendment of the Committee on Finance as amended.

The amendment as amended was rejected.

The bill was reported to the Senate without amendment.

Mr. GEORGE. Let the whole bill be read.

The Chief Clerk read the bill as passed by the House of Representatives.

The bill was ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. SAWYER introduced a bill (S. 4988) establishing a lighthouse at Ahnapee, Wis.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. WASHBURN introduced a bill (S. 4989) granting to the Minneapolis, St. Paul and Sault Ste. Marie Railway Company right of way across the military reservation at Sault Ste. Marie; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HOAR introduced a bill (S. 4990) granting a pension to Mrs. Mary S. Rugg; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HIGGINS introduced a bill (S. 4991) to aid in the establishment and temporary support of industrial schools; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. SPOONER introduced a joint resolution (S. R. 155) construing an act to provide for the incorporation of trust, loan, mortgage, and certain other corporations within the District of Columbia, approved

October 1, 1890; which was read twice by its title, and referred to the Committee on the District of Columbia.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the amendments of the Senate to the following bills of the House:

A bill (H. R. 1867) for the relief of Charles Max Wittig;

A bill (H. R. 9591) for the relief of George Gunnell;

A bill (H. R. 10427) granting a pension to Ruth Collier, of Tennessee;

A bill (H. R. 10862) to prevent counterfeiting or manufacture of dies, tools, or other implements used in counterfeiting, and providing penalties therefor;

A bill (H. R. 11244) for the relief of Frances T. Dana;

A bill (H. R. 12309) granting a pension to Margaret Proctor Noyes;

A bill (H. R. 11513) for the relief of Mrs. Lillie E. Willis; and

A bill (H. R. 12202) to place on the pension roll the name of Mrs. Caroline E. Duryee.

The message also announced that the House had passed the following bills:

A bill (S. 4560) to prohibit the sale of tobacco to minors under sixteen years of age in the District of Columbia;

A bill (S. 4592) to authorize the construction of a bridge across the Cumberland River for the use of the Chesapeake and Nashville Railway, and for other purposes; and

A bill (S. 4880) to authorize the Norfolk and Western Railroad Company to bridge the Tug Fork of the Big Sandy River at certain points, where the same forms the boundary line between the States of West Virginia and Kentucky.

The message further announced that the House had passed the bill (S. 654) for the erection of a public building at St. Paul, Minn., with amendments in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 6460) to increase the appropriation for the erection of a public building at Portsmouth, Ohio; and it was thereupon signed by the Vice President.

FORTIFICATIONS APPROPRIATION BILL.

Mr. DAWES. I move that the Senate proceed to the consideration of the fortifications appropriation bill.

The VICE PRESIDENT. The question is on the motion of the Senator from Massachusetts, that the Senate proceed to the consideration of the bill (H. R. 12490) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The VICE PRESIDENT. The reading of the bill will be proceeded with.

The Chief Clerk resumed the reading of the bill.

The next amendment of the Committee on Appropriations was, in the appropriations for "Armament of fortifications," on page 6, line 5, after the word "caliber," to strike out "one million" and insert "eight hundred thousand;" so as to make the clause read:

For purchase of oil-tempered and annealed steel for high-power coast-defense guns of 8, 10, and 12 inch caliber, in quality and dimensions conforming to specifications, subject to inspection at each stage of the manufacture, and including all the parts of each caliber, $800,000.

Mr. GORMAN. I move to amend the committee's amendment by striking out "eight hundred" and inserting "two hundred and fifty."

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. In lines 5 and 6 it is proposed to strike out "eight hundred" and to insert "two hundred and fifty;" so as to make the clause read:

For purchase of oil-tempered and annealed steel for high-power coast-defense guns of 8, 10, and 12 inch caliber, in quality and dimensions conforming to specifications, subject to inspection at each stage of the manufacture, and including all the parts of each caliber, $250,000.

Mr. GORMAN. Mr. President, in 1888 Congress appropriated $1,500,000 for the purchase of oil-tempered and annealed steel for these high-power guns, under which provision of law the War Department contracted for the entire amount of the appropriation. It appears from the statement of the Department, found in House report No. 3258 of the present session, on the fortifications bill, that the Department has contracted for the rough parts of the steel for the manufacture of these guns, and with their present facilities for finishing and assembling the rough parts so contracted for, the Department itself says that no additional appropriation whatever will be required for new material until 1892, and yet this bill comes here with a provision to purchase $1,000,000 worth more of this material two years before it is admitted by the Department there will be any necessity whatever for it.

I would read what the Department in its memorandum says on this subject, but my eye does not catch the statement at the moment. It is, however, to this effect, that they contracted for all of these rough parts and have gone on to complete the factory at Watervliet, and with the appropriations we have heretofore made the capacity of that factory will not use up the raw material which we have already provided for before 1893 or 1894. Therefore they say there is no necessity for the purchase of an additional quantity of this steel until next year, and no necessity even to authorize the contracts to be made for it.

When the original contract was made under which they are operating now, there was only one establishment in this country which could produce these forgings. That establishment received a contract for the entire amount. Since then, under the provisions of the second section of the same statute which we propose to enlarge at this time, private enterprises have been induced to increase their machinery so as to be able to manufacture this identical steel. If provision is made at this time in this bill for a contract to be made for $1,000,000 worth more of steel, which we do not require for two years, it is practically saying that the Department must contract with the only one party in condition to make this steel now, and we shall therefore be left practically without competition. That is a bad business method, and there can not be any reason, so far as I have been able to see, why this provision should now be made unless it may be that there is a fear that future Congresses may not respond to the demands of the Department and make these large appropriations, which is a condition of affairs that I do not apprehend will ever exist.

There is only one other reason that I have ever heard assigned which has any force in it for an appropriation at this session, and that is that we made provision last year, and again a provision is contained in this bill authorizing the Department to contract with machinists and mechanics to assemble and complete these guns out of the steel thus far purchased. Under the provision of the act of last year the West Point Foundry did make a contract with the War Department for the finishing and assembling of certain of the smaller calibers, 6-inch guns, as I understand, and not 8-inch guns, and if that continues it may possibly use up the smaller calibers we have heretofore purchased. Hence, to cover that contingency and to enable the Department to go on, I propose to give them $250,000 to supply whatever deficiency there may be in those calibers. When you go beyond that, to $800,000 or $1,000,000, it seems to me it is a wasteful and extravagant expenditure.

While I am up on this amendment I wish to say that while we attempted in the act of 1888 to open the door to private enterprise for furnishing these guns in competition with the Government factory, there is no question whatever, as the Ordnance Department has been constituted, there has been a studied effort to prevent private enterprise from coming into competition with the Government's factory. While we were building up one great establishment at Watervliet, and Congress thought, and I thought at the time, that we had ample provision to have healthy competition, such as we have in the Navy and such as has been thought best by all of the committees who have examined this subject and whose reports frequently have been made to Congress, we should at the same time open the door to the enterprise and the genius of the American people to manufacture these guns in competition with our own factories.

I am very glad to say that when the offer was submitted the public was requested to put in proposals, and we have had offers from two or three establishments, one in Pennsylvania, another in Kentucky, and still a third elsewhere, I have forgotten the location. But if we go on to buy the steel and pile it up two years in advance, then we must follow it up, as is proposed in this bill, with increased appropriations for the Government's works at Watervliet and elsewhere, and enter upon the system of the Government alone constructing these great guns. It does seem to me in every aspect of the case that it is all wrong to proceed one step further in the direction we have gone.

The Navy Department, on the other hand, has opened the door and the great establishment here at Washington is in active competition with machine shops in other sections of the country, and with the very best results to the Government.

I do trust under the circumstances that the Senate will adopt the amendment I have offered. The amount named in the amendment is more than the Ordnance Department itself thought was necessary at this session, although, as I stated a moment ago, it is said that since they made that report they probably have contracted for the finishing and assembling of some of the smaller-caliber guns and they may have some necessity for a small additional purchase, but not to the extent of $800,000.

Mr. DAWES. I hope that the amendment of the Senator from Maryland [Mr. GORMAN] to the amendment of the committee will not be adopted.

The reasons which led the committee to its conclusion are these: The Department estimated for $1,200,000 for this item. The House of Representatives agreed to $1,000,000. The Secretary and the acting or the efficient man in the Bureau of Ordnance appeared before the committee of the House of Representatives and their testimony is contained in the report I have here. The Secretary was of opinion that it was best to appropriate a million dollars for the reason that, although there was little chance of our exhausting the present supply so soon that we could not make appropriations next season for meeting the exigency, yet the purchase of this oil-tempered steel was, under all the conditions and circumstances, absolutely necessary, and whether it be

purchased this year or next year was only a question of interest upon the money.

Captain Smith, who is very active and in whom the Department has great confidence, came with the Secretary and stated before the committee that in his opinion we could get along with $800,000. The committee took the sum of $800,000. The present supply will stand the present demand till the beginning of the year 1894. The Department has signified, however, that it has reason to believe that private enterprise under the offers made heretofore and in the present bill have been and are about to make demand upon the present supply in the assembling and finishing of guns out of the material which is to be furnished under the old contract, and therefore it is best to be on the safe side and to have sufficient to meet such demands. Of course it is uncertain how large that demand will be, how much the enlargement of the gun factory at Watervliet and the completion of the south wing, which is now entered upon and will be carried out just as fast as it can be done, will make further demand. They were uncertain.

Mr. DOLPH. I wish the Senator would explain a little more at length what this demand of private parties for ingots already contracted for by the Government is. I do not understand how private parties can have any demand upon that supply.

Mr. DAWES. The Department have already made contracts with the West Point Foundry and with others for the assembling of 8-inch guns out of the steel rough forgings from the Bethlehem works. They are of opinion that others will enter into contracts under the statute of last year, and the modification of it which is in the bill this year, upon their recommendation.

Mr. DOLPH. But, if the Senator will allow me, under what provision of law is it that contracts are made for assembling guns and manufacturing them out of steel ingots purchased by the Department under the appropriations made by Congress for that purpose?

Mr. DAWES. I have not the data here.

Mr. HAWLEY. It is in accordance with the provisions of the act of August 18, 1890.

Mr. DOLPH. Is there anything in the act of the last session making appropriations for fortifications, or in the bill now before the Senate, which authorizes the use of ingots purchased by the Government for the purpose of manufacturing guns to be contracted for by private parties?

Mr. DAWES. The statute cited by the Senator from Connecticut is a continuing statute; the appropriation in that is a continuing appropriation; and under it they have already made the contracts to which I allude.

Mr. DOLPH. But I understood the Senator to say that we could not foretell what demand would be made upon the supply of ingots to be furnished the Government under the appropriation proposed by this bill and previous appropriations, by parties contracting under the provisions of the present bill and under the act of the last session. I do not understand those parties to have a right to call on the Government to furnish any portion of the material for their guns.

Mr. DAWES. The committee do not understand that a party who makes a contract to produce a gun that will stand the test of the Department is to use any of the steel purchased here.

Mr. DOLPH. That was what I wanted to ascertain.

Mr. DAWES. The committee were not indulging in that delusion.

Mr. President, it is the opinion of the committee that it would not be safe under the present demand and the prospective demand to either omit the appropriation or to cut it down to $250,000, as suggested by the Senator from Maryland; but with the apparent concurrence, as they believed, of the Department, upon the strength of the testimony of the officials before the committee, they believe that $800,000 this year will be all that will be required to meet not only the present but any prospective demand; and, more than that, that there will be such a supply on hand at the next session of Congress that there will be ample time to make a further purchase.

One other reason influenced the committee, and that was this: When this offer to private parties to furnish the oil-tempered steel was first made there was no party then known to be able to take the offer or to supply the Government with the oil-tempered steel. The Bethlehem works came forward and took the risk and developed such a marvelous ability to meet the broad demands of this coast-defense system as to surprise and gratify not only the Department and the board that had it in charge, but to the admiration of all parties at home and abroad interested in this work.

The success of the Bethlehem works has inspired others to undertake the same kind of work, and in different parts of the country, where the facilities of iron and coal and other material for producing steel forgings are abundant, there are springing up private establishments making ready to enter into competition with the Bethlehem works for this supply; and it is deemed wise by the Department, it is deemed wise by the committee not to forestall and shut off this competition by the purchase of more than this steel now, when the Bethlehelm works are at this moment the only establishment that can take this offer, but to only supply present demand and keep a sufficiency of stock on hand until the time comes when competition from various private establishments will serve to reduce the price as far as it can be safely reduced on business principles.

That was one reason why the Department and why the committee were not willing to go the length of purchasing at Bethlehem all that was necessary, but they would go as far as the necessities of the case demand, and further was not required.

Mr. DOLPH. I ask the Senator if there is not another contingency that ought to be taken into consideration. In a long session, for various causes, without reflecting upon either branch of Congress, from time to time the appropriation bills go through very late in the session, and if there is not ample provision made to keep the work going there might be a loss of a season by not having the requisite appropriation.

Mr. DAWES. All that was taken into consideration by the committee, and, inasmuch as the present supply could not be exhausted until the first of 1894, the committee thought that they had guarded the wants and demands of the Government sufficiently by $800,000. In this they had the concurrence of the Ordnance Bureau as represented by Captain Smith.

Mr. President, before I take my seat I want to allude to another thing. The Senator from Connecticut has mistaken the spirit of the committee. I want to assure him that his fervent and patriotic speech of last night upon the absolute necessity of coast defenses, and of preparing for them with all the speed possible and with the expenditure of money to the utmost limit prudence will justify, will find a response in no breast quicker or more in harmony with it than in that of the committee which reported this bill. However, if I may be allowed without impropriety to say it, the committee find themselves standing "between the devil and the deep sea" in this matter.

Fully appreciating and fully alive to all that may be said or has been said by the Senator from Connecticut, they find themselves on the one hand confronted by the sentiment proclaimed by the Senator from Missouri [Mr. COCKRELL], that we have no necessity for any fortifications whatever and that nobody dare approach us in a hostile attitude, however helpless we may be on all our coast from Maine to the Gulf and on the Pacific coast, and allied with him is my distinguished friend from New Hampshire [Mr. BLAIR], who proposes to turn this fortification bill into a missionary enterprise in Africa. On the other hand is the proposition of the Senator from Oregon [Mr. DOLPH], that we at once appropriate $121,000,000, to be extended over several years, but to be appropriated at once, in conflict with all the spirit of the appropriations of this country from the beginning to the end, throwing this vast sum out of the control of Congress and out of the reach of legislation except it may be in violation of contract entered into now, to be completed in ten or fifteen years hence, whatever modification invention and enterpise and change of condition may demand.

Mr. BLAIR. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from New Hampshire?

Mr. DAWES. Certainly.

Mr. BLAIR. I was simply going to ask the Senator, who claims to be "between the devil and the deep sea," which is the devil and which is the deep sea?

Mr. DAWES. The Senator from New Hampshire can have no question on that point.

Mr. DOLPH. Will the Senator yield to me a moment? There has been so much criticism upon the proposition to appropriate a sum sufficient to fortify our principal ports that I will ask the Senator what he supposes would be the difference in cost to the Government if there could be a lump appropriation made available from year to year, running from year to year, and the cost in the extravagant appropriations we are making now? Does he not believe it will cost at least $50,000,000 more to construct fortifications under his plan?

Mr. DAWES. I think there is some truth in what the Senator from Missouri said, that while we are going along there is a constant change, and some things will be worthless about the time we get them completed, although I do not come to the conclusion that the Senator from Missouri does, that therefore we shall do nothing. I propose that we shall go along, having the whole matter in our hands and under our control, pressing along from year to year with just as ample an appropriation every year as can be prudently and profitably expended according to the light of the hour. That is the theory of the committee.

Mr. President, I think that in this greatest of all the enterprises the Government has entered upon these many years some cognizance must be taken of the spirit of the people in this matter. If there is anything that will alienate them from the vast expenditure necessary for carrying out the great plans of the board for fortifying the coast it will be the attempt to grasp the grand total of $120,000,000 at once. The continual holding out to the people two things has been the great difficulty encountered in carying on this work. One is that it is going to take the long period of twenty-seven years to complete it. That is constantly brought before the minds of the people, unwisely, in my opinion. What the duty of to-day is, is sufficient for to-day, and he who climbs the steepest ascent gains nothing by keeping in his mind and looking at the vast distance between where he is and where he expects to be. Let us go along to-day upon the plan of the Fortification Board,

modified from day to day as the demands of science and invention and improvements of various kinds demand, and supply each year fully up to the very measure of prudent and wise expenditure; but let us not attempt to go so much further that the public will be alarmed and shrink back from this undertaking. It is almost as unwise as the idea that we have no need of fortification at all.

Mr. President, that is the spirit of the Committee on Appropriations in reporting this bill, and I assure my friend from Connecticut, responding in the spirit in which he portrayed the necessities of this case yesterday, that if he will point out a single item and subject of appropriation in the bill that has not in it provision for every dollar that can be wisely expended, even under an enthusiastic administration like that which the Senator from Connecticut himself would inspire—if he will point out a single item that lacks that provision I will meet him, so far as I am concerned, in any amendment that shall raise it. But, representing the Committee on Appropriations, I believe it to be wiser for us to go no further each session of Congress in these appropriations than a broad and wise and prudent expenditure of the money will justify.

As to what the Senator from Connecticut said in relation to certain other amendments in reference to the manufacture of guns by private parties and these steel-hooped, cast-iron mortars, I will reserve my answer until those items come up.

Mr. DOLPH. Mr. President, I desire to submit a few remarks in answer to the Senator in charge of this bill. He has made some criticism of a proposition to appropriate a large sum for the purpose of fortifying some of our principal harbors. If he is correct, if the Senator from Connecticut is correct, if the present Secretary of War is correct and all his predecessors in recent times, if the engineers and officers of the Army are correct, we are in a very deplorable situation. We have a seacoast line of about 5,000 miles that is totally unprotected. We are menaced by the fortified harbors of Halifax and Bermuda and the naval station at Esquimalt, in British Columbia.

The amount that is required for the fortification of twenty-seven of our principal ports is an insignificant amount. When we come to the fortification of our entire seacoast the amount of $121,000,000 or $125,000,000 is not a large sum. Everyone who knows anything about this subject or about public works knows that the cost of fortifying these harbors under the present plan of making appropriations instead of being kept within the estimates will be over $200,000,000. If we go on in a slipshod manner with insufficient appropriations, with appropriations that will require the works to be stopped from time to time; if Congress fails, as it undoubtedly will, to make appropriations from year to year, the work will deteriorate, the plant will go to ruin, skilled workmen will be dismissed, and the cost of the work will be greatly increased.

There seems to be a determination on the part of the Committee on Appropriations that the money appropriated for coast defenses shall be divided around. The appropriations for the necessary work of defense of the coast, for things that are recommended by the War Department and by the boards which have been appointed to consider the subject, are to be cut down in the interest of people who desire to secure a part of the appropriations, to get their hands into the Treasury, who seek to furnish the Government with inferior guns and to contract with the Government for the manufacture of guns.

Senators talk about the amount required as if it were extraordinary. This same committee reported at the last session of Congress a bill to provide, among other things, for the construction of three armored cruisers, the cost for the construction and armament and equipment and maintaining of which in commission for twenty-two years would amount to $66,000,000, as I showed, I think, by a fair computation in the Senate, and at the end of twenty-two years they would, according to the ordinary life of a ship, go out of commission, and $66,000,000 would have to be expended again to supply their place.

Six of those vessels would cost for twenty-two years' service money enough to fortify our entire coast from the northern boundary of Maine to the western boundary of Texas and from the southern boundary of California to Cape Farewell and Puget Sound. The committee are not afraid to report bills for the increase of the Navy that involve large expenditures. They are not afraid when appropriating for the Navy that they are going to frighten the public. These measures in the interest of the Navy are reported without question and passed by large majorities though the Senate in spite of all that is said against them and in the face of the fact that it is utterly impossible, if we may believe those who are qualified to speak, to protect our coasts by a navy, owing to our long line of seacoast and our many harbors; that it is impracticable to construct or maintain any navy sufficient for the defense of the coast, and in the face of the fact that if we had a navy to-day sufficient to protect our entire coast twenty-five years from now it would have to be wholly renewed in order to afford continued protection.

On the contrary, the expenditure of one hundred and twenty-odd million dollars will, according to the estimates of the Board on Fortifications and other Defenses, fortify our entire coast. It would fortify twenty-seven of our principal ports with turrets and casemates and other emplacements for the guns, with guns of the heaviest caliber, sufficient for the defense of the ports, and when once the expenditure was made, there would be no considerable expense for maintaining them. They would be always in order. We should always have a trained artillery corps to manage them. We should be prepared to defend every port in the country with this expenditure. For an indefinite time and without a large increase of the artillery corps, our coast would be perfectly defended.

In regard to these naval vessels, this same committee, this economical committee, the committee that is afraid of overdoing the matter in regard to coast defenses, and driving the people away from their support, reporting in favor of these expensive war ships, say that it is necessary to have them in order to raise a blockade, in case of war. Well, in case of war it might be well to be able to do that, but it would be far more important to be able to defend the harbors. It would be far more important, for instance, to the great harbor of New York to have land fortifications that were sufficient to keep away the great armored cruisers of the enemy and to protect the city from destruction, than to have armored cruisers to go out and meet the vessels of the enemy at sea and drive them away. Even if we had a navy as large as Great Britain and France combined, there would necessarily be ports that at times were not protected by the presence of the armored ships of the Navy. There would, in case of war, be for a time blockades which would interfere to some extent with commerce.

In this country we are not entirely dependent upon one port. If the port of New York, for instance, or the port of Boston or of Portland, Me., were blockaded there would be other ports upon the Atlantic and upon the Pacific by which we could have access to sea and by which our foreign commerce could be carried on. Still, I have not objected seriously to the increase of the Navy. I believe that we ought to have fast cruisers first, that could prey upon the commerce of the enemy in case of war. But before we go into this great expense for armored ships we ought to do the cheapest thing and the most effective thing for the protection of our coast: erect suitable land fortifications.

Now, in this bill we are appropriating, including the amount which the Secretary of War is to be authorized to expend under contracts with private parties, some seven or eight million dollars; this amount annually in seventeen years would aggregate the total amount required to fortify our coasts. What difference does it make whether we appropriate four million or ten million a year in the annual appropriation bill, or whether we shall appropriate the gross sum required for coast defenses available from year to year through a series of years? That would make the appropriation each year no greater than we now make it by a separate bill and we would thus secure abundance of funds at all times for carrying on the work. Are the people of this country so ignorant that they can not understand the difference between an appropriation of $120,000,000 to be expended in one year and the appropriation of $120,000,000 to be expended in twelve or fifteen or twenty years?

Such a statement would be a slander upon the people of this country. I tell the Senator that the people of this country, and especially of the Pacific coast, are beginning to understand that appropriations of inadequate sums from year to year for public works are extravagant and wasteful, and almost, if not quite, criminal.

Then the Senator says such an appropriation would involve the use of money for appliances of war that might become out of date; that we are constantly having new inventions. The only proposition ever made by the Committee on Coast Defenses has been so framed that at any time the work can be stopped by the Secretary of War and recommendations for changes referred to Congress. Does the Senator suppose for a moment that Congress could not at any time stop the expenditure of the money; that it could not at any time direct the expenditure of money even if such a provision were not contained in the bill? The Senator has put up a man of straw to beat him down again in regard to that proposition.

I will say that I do not expect that that proposition will be adopted, but in the interest of the people, in order to secure the speedy fortification of our coast, in order to secure the construction of the necessary fortifications for the least money, in order to prevent extravagance and secure an economical application of the people's money to this great national object, in order to keep off the vultures that hover over the Treasury and seek to divert these expenditures by the Government into their pockets, the adoption of a general plan for fortifications and the appropriation of a sufficient sum to construct them would be the wise and economical method to pursue.

Mr. President, I have said this much because I believe that the proposition which has been criticised by the Senator from Massachusetts is the best proposition in regard to coast defenses that has ever been made. It had the approval of the Secretary of War under the last Administration; it has had the approval of the Secretary of War under the present Administration; it has had the approval of the Chief of Ordnance under both Administrations; it has had the approval of the Board of Engineers; it has had the approval of every engineer and every officer in the Government interested in the matter of coast defenses that I have ever heard express an opinion upon it; and I put their opinions against the opinion of the Senator from Massachusetts, who assumes to know more about this question of coast defenses than the engineers of the Army and all authorities put together, more than

the chairman of the Committee on Military Affairs and the other committees charged with investigating this subject.

Mr. BLAIR. Mr. President, why does the Senator taunt me? After all, the missionary is a greater force than the warrior and has accomplished more good in this world. It is true that he has sometimes been the fighting missionary, or the fighting parson, or the fighting chaplain, but nevertheless physical force was not the chief element in his success. I have not advocated on this floor the employment of physical force the less, only as it might give opportunity for the exercise of that other and greater influence in human affairs, the missionary force, the more.

I desire the coast of my country to be defended and to be in condition for defense as against any reasonable apprehension of onslaught from outside. I desire New York to be fortified so far as she needs to be, and Boston and Portsmouth and San Francisco and the other great and important strategic points upon the coasts of the Atlantic and the Pacific, so far as I believe to be an actual necessity or so far as may be indicated by reasonable apprehension. I have not undertaken really in anything I have said upon this bill or on any former occasion in the direction of the use of means which should tend to ultimate and universal peace, to neglect those necessary precautions, those defensive precautions which it is our duty to take so long as the outside world is liable to make unjustifiable attack upon our own possessions.

But beyond that, Mr. President, I would not go. I would not arm my own country with a power to be exerted beyond that of proper self-defense. I would not arm my own country with a physical power, with a brute force that under the stimulus of ambition or other motives might be made use of for aggression upon mankind at large. And along that line of reasonable precaution in the way of self-defense I would fix the proper one of expenditure.

But, Mr. President, in connection with these tremendous expenditures in behalf of aggressive war, I have undertaken to call attention to thoughts and to policies which would tend to the ultimate relief of the entire necessity itself. I believe that in the progress of mankind as it has been illustrated during the last four hundred years it is perfectly evident that, without any extravagant exertion of the money power and by the use of moral forces, we may soon see the disappearance of the necessity of carrying further these tremendous burdens of war.

I tried to point out yesterday that general intelligence among the masses of men in any given nation tends to make it a nation of peace. The common people are not interested to do each other harm; and if you give them intelligence they will not do each other harm, and no more will the individuals who make up an intelligent and a peaceful nation in their collective capacity commit an injustice upon their neighbors or assault other nations making up the great family of mankind. As you advance intelligence and Christian civilization among the nations of the earth you remove the causes which impel to war.

Now, what is the proposition which I made and which the Senator from Massachusetts objects to—Massachusetts, the home of a peaceful civilization and of as peaceful a class of public men as I know of coming from any State? What is the proposition which I make and which the Senator from Massachusetts objects to and sneers at as a missionary proposition? It is simply this, sir, that the civilized nations of the world, those with whom we maintain diplomatic relations, shall assemble in convention, or at all events that the United States shall extend to them an invitation to assemble in convention, to form an international alliance which shall be binding upon the parties which enter into it, as binding as a national compact, that compact of union which exists between the States which make up this great nation—a compact which shall bind the parties who enter into it—the objects of which shall be the suppression of slavery, of the rum traffic, and of war itself; an international alliance which would have behind it not only the moral, but, if need be, the physical force of those who enter into that alliance, so that the belligerent and destructive forces of all mankind united could in that way be brought to concentrate upon these great evils which now afflict and have in all ages occasioned the wars which have cursed the race and which have darkened the pages of history.

If we can form a single nation, if we can rally our 65,000,000 to defend ourselves as against the rest of the human race, why may not England, France, Germany, Russia, Italy, Austria, and the United States combine to say that any subject of controversy arising among the nations of the earth, be they civilized or be they savage, shall be submitted to this high tribunal, that its judgment shall be enforced by all the warlike power, if necessary, that there is in their allied strength? When you have placed behind that decision the trained forces, the military forces, the police power of the entire civilized human race, you have then an end to the occasions of war. You have laid the foundation for the preservation of the peace of the world in precisely the same way that the Government of the United States and the power which is behind it preserves the peace of these States. We preserve peace, order, decorum, and prosperity within our own borders; and only in some such way as this will it ever be possible to remove the wars with which the world is not only now accursed, but threatened for all time to come.

That, sir, was the proposition. Nothing less; nothing more. We have had propositions like these in their motive, but never, in so far as I know, to this substantial effect. We have had our peace congresses, we have had our propositions for arbitrations and all that, but there has never been a compact entered into, and so far as I know no definite proposition to enter into a compact among nations, to enforce the decision of that arbitration if need be by international power.

An international alliance of the kind to which I have alluded would not only decide justly, so far as human tribunals are likely to decide justly upon international questions, but it would enforce that decision so that Great Britain with her tremendous navy would have no inducement to undertake to rebel or to disregard that decision, because the force of all mankind would be brought to bear to compel her to give obedience to that decision.

Thus we would have the means of compelling the peace and in such a way as to do justice among all mankind. The weaker power would be upon a level with the most powerful, just as the poor man in an upright court will get his right as well as the millionaire.

It is proposed by me to expend $100,000 in an effort to see whether this could be done, for the suppression of war, slavery, and rum, and a hundred thousand dollars goes a great ways in the promotion of peace and objects like these. It is but a drop in the bucket if it is to be expended in war and destruction. It will not begin to fortify Portsmouth Harbor; a million will not fortify Boston, ten millions will not fortify New York, and $120,000,000 will never fortify the coasts of the United States in such a way as to afford more than the slightest defense against a really dangerous effort to invade our shores.

A power which is coming to this country will come with the idea of a vigorous and destructive war, and such a power will not be under the necessity of making its descent at the port of New York or of Boston. It will seek some comparatively undefended portion of our of coastline or our land boundary, either on the north or on the south, and be sure, if it has the power behind it, and the cause of quarrel behind it, it will find its way within the territories of the United States. We shall never have any defense against a serious war but the men, the armed land forces of our country.

Mr. HAWLEY. I should like to get the Senator's opinion on this point. Does he really believe that there is any power existing or any imaginable power that will ever undertake to land infantry upon our coasts and attack us in that direction?

Mr. BLAIR. If we are ever seriously attacked at all I believe that it will be a land invasion; no other can do more than inflict the most trifling injury upon us. Suppose the city of New York was bombarded; suppose the city of New York was substantially destroyed—an unsupposable supposition, in my belief—what effect would that have upon the people of the United States comparatively? It would not be a flea bite upon the resources of this country. It would do nothing more than to stimulate the war feeling of the United States. It would create such a rage that you would find our armies in the United States or our armies of invasion precipitated if need be upon every other continent in the world, and they would never lay down their arms until the insult and the injury were thoroughly satisfied. If we are ever invaded at all, while we exist with our present geographical boundaries, I believe it will be by way of the land line north of us.

I believe that Canada will be made the great land basis of warlike operations against the United States, and therefore it is that in these earlier days, when that great semicontinent is comparatively empty—full of resources, but yet empty of population—that by all means I would secure and make a part of our permanent Union the Canadian territory. We might be invaded from the south, but are not likely to be.

Now, sir, I believe it will be a land invasion, if any, and that this proposed 4,000-mile line of fortifications on the north of us is simply so much of effort thrown away. It is better to put the line at the North Pole, to begin with, and then we will fortify with the seas and with the icebergs wherever it is necessary; and from north to south on the Atlantic and the Pacific we will make the necessary defensive preparations as against the world.

Mr. President, the Senator from Massachusetts alluded to what I proposed as a missionary enterprise with reference to the continent of Africa. He misconceives the scope and the comprehensiveness and the importance of the proposition altogether. But within that great continent and among those two hundred million of the human race there are to-day existing astounding atrocities and cruelties and crimes for which civilization is directly responsible and for which we are responsible as a great element in the civilization of the world, and to that continent of Africa I might properly direct the attention of the Senate and so far as I can of the country. There is the great hot-bed, the origin, the nursing ground of the institution of slavery to-day. There is being perpetrated more injury from the use of alcohol than anywhere else on the face of the earth to-day, and so far as this matter of war expenditure is concerned a little of it might well, I think, be directed to the policing and the protection of the millions who now inhabit that continent. There may be an impression that the slave trade is diminishing, but the truth is that the slave trade is increasing. Its virulence and its effectiveness as an element of destruction in the human race is greater to-day than it ever has been in the history of the world.

I had not that idea myself, but such seems to be the case. I have here an article taken from the Boston Transcript, by Francis William Fox, an English writer upon the subject, and he gives data which are astonishing to those who are not already familiar with it. He says:

Dr. Livingstone, in his time, groaned over the terrible evils and horrible cruelty and desolation which the Arab, and in some cases the Portuguese, traders inflicted on the countries comprised in the basin of the Zambesi and Lake Nyassa, and he earnestly prayed that some measures might be taken to stop this man-destroying scourge of Africa.

He speaks of what General Gordon says of the same fact:

General Gordon, while governor of the Equatorial Provinces of the Egyptian Soudan, witnessed and graphically described in his letters and journals the scenes of savage cruelty and suffering, and while governor did all that he could to suppress the slave trade in the provinces bordering on the basin of the Nile Valley.

But since these two good and great men have passed away the Arab raids have increased to an alarming degree everywhere throughout the great continent of Africa, but more especially in that tract of country extending from the Egyptian Soudan in the north to the Zambesi in the south, and from the Zanzibar coast on the east right across the continent to the basin of the Congo.

Cardinal Lavigerie, the well-known and much-respected archbishop of Algiers, who knows Africa personally and who has made the question of African slavery a lifelong and special study, estimates that the enormous number of two millions of lives are now being destroyed every year on the African continent through the horrors of the slave trade.

Captain Cameron, the African traveler and explorer, and other African authorities confirm this estimate of loss of life as not being in excess of the actual facts of the case.

Then follow quotations from Cameron. He speaks of the efforts of Great Britain:

Great Britain has during the past fifty years expended vast sums of money in trying to suppress the slave trade by gunboats along the African seacoast, but these efforts have proved ineffectual in stopping the internal and external slave trade.

I have here an article published in the same Boston paper—

SLAVERY IN AFRICA.

[By Henry Drummond.]

(Reprinted, by permission, from the pages of Scribner's Magazine, June, 1889.)

It is a very full and exhaustive statement of the existing condition of the slave trade in Africa. I have marked a few passages in this article which I would read, but prefer not to do so as it would consume the time of the Senate, and I will ask that the few extracts which I have noted with pencil may be printed as part of my remarks.

The VICE PRESIDENT. Is there objection to the request made by the Senator from New Hampshire? The Chair hears none.

Mr. GIBSON. It gives facts?

Mr. BLAIR. Yes, and the particulars and the horrible atrocities with which the trade is now being conducted. About 2,000,000 lives are sacrificed, and one estimate is to the effect that not more than 2 or 3 per cent. of those who were captured actually become efficient slaves or reach the market. Men, women, and children are destroyed in the capture of the villages and the march to the coast and under the oppressions and hardships which exist between the points of capture and the market, far greater in number than those who become actual slaves.

Mr. GIBSON. I will state to the Senator from New Hampshire that I have authorities which show that there are about 500,000 who pass into slavery every year.

Mr. BLAIR. Yes, about half a million pass into slavery every year. Here is a statement to the effect that out of 50,000 captured 5,000 reached the market in one particular instance, and a great deal of other matter which bears directly upon the subject. I will read:

A few years ago the well-known German explorer, Captain Wissman, found himself within a few degrees of the equator, in the heart of Africa. It was a region of great beauty and fertility, with forests and rivers and great and many-peopled towns. The inhabitants were quiet and peaceable, and lived a life of artless simplicity and happiness. For generations they had been established there; they grew many fruits in their gardens and excelled in the manufacture of cloth, pottery, iron ware, and wood carving. No Arab slaver had ever visited this country. Within its borders the very report of a gun had never once been heard. But as the explorer walked among the palm trees and met the kindly eyes of the country people who came to gaze upon the white man his heart sank. This Arcadia could not last. He knew, from what had happened in adjacent districts, from what happens every day in Africa, that its fate was sealed.

And the sequel showed too clearly that his silent prophecy was right. Four years passed. The same traveler led his caravan once more across this sylvan country. "As we approached the villages we wondered that no one came out to receive us with rejoicings, that no merry laughter greeted our ears. We entered the deep shade of the mighty palms, and to the right and left were the clearings where our friends had stood. Tall grass had overgrown all that formerly gladdened us. The crops were destroyed; everything was laid waste. The silence of death breathes over the lofty crowns of the palms waving in the wind. We enter, and it is in vain we look for the happy homesteads and happy old scenes. A charred pole here and there, a few banana-trees, are the only evidences that man once dwelt here.

"Bleached skulls by the roadside and the skeletons of human hands attached to poles tell the story of what has happened since our last visit." Some wretched fugitives from them supplied the missing links in the story. "People with long white shirts and wearing cloth round their heads (the Arabs) had been there with their chief, who was called Tippu Tib. He at first came to trade, then he had stolen and carried away the women. Those who had opposed him had been cut down or shot, and the greater part of the natives had fled to the ravines and forests. The Arabs had remained in the place in force as long as there was any chance of hunting and finally capturing the fugitives in the woods. What they could not utilize they had destroyed, or set fire to; in a word, everything had been laid waste.

"Then they passed on. The fugitives had returned to their former homes, and had endeavored to cultivate and renew their fields and rebuild what was possible. After three months Tippu Tib's hordes had again appeared, and the same scenes had been re-enacted, and again, for a third time, three months later. Famine and the greatest misery had been thereby produced throughout all the country of the Benekt. In Africa the results of famine are found mostly in the shape of frightful epidemics, especially small-pox. I was told that a few of the fugitives had escaped to the west, but only an imperceptibly small number in comparison with those thousands—I may almost say millions—that I had found there on my first visit."

These statements, told by Wissman himself to a meeting at Cologne, in October, 1888, might be paralleled by almost any traveler who has any experience of remoter Africa. The following account, by Mr. Fred M. Moir, of the African Lakes Company, refers to a totally different district, and I select it, not so much to emphasize the horrors of slavery, but to illustrate the Arab slaver's general policy and his method of setting to work.

"Within 20 miles of the station, while we were on our march from Nyassa to Tanganyika, the fertile valley of the Lofu was the scene of a terrible slave raid. An Arab, Kabunda, who had been settled there for about ten years, having many houses and slaves, determined to go to Zanzibar with his ivory. So he picked a quarrel with Katimbwe, the chief, and took all his cattle; then organized a sudden raid throughout all the valley, and every man, woman and child who could be found was seized and tied up. Very few managed to escape him or his keen hunters, and a caravan was made up for the coast; but the smiling valley that had been known as the Garden of the Tanganyika, from its fertility and the industry of its people, now silent and desolate, was added to that already long stretch of hungry wilderness through which we had passed." But this is only the first act of the drama. With the slave march to the coast the real tragedy begins. Here is the procession which a few days afterwards filed past Mr. Moir's tent:

"First came armed men, dancing, gesticulating, and throwing about their guns as only Arabs can do, to the sound of drums and panpipes and other less musical instruments. Then followed, slowly and sedately, the great man himself, accompanied by his brother and other head men, his richly caparisoned donkey walking along near by; and surely no greater contrast can be conceived than that between this courteous, white-robed Arab, with his gold-embroidered joho, silver sword and daggers, and silken turban, and the miserable swarm of naked, squalid human beings that he had wantonly dragged from their now ruined homes in order to enrich himself. Behind the Arab came groups of wives and household servants, laughing and talking as they passed along, carrying the camp utensils and other impedimenta of their masters.

"After that the main rabble of the caravan, the men armed with guns, spears, and axes. Ominously prominent among the loads were many slave sticks, to be handy if any turned refractory or if any likely stranger were met. Mingling with, and guarded by them, came the wretched, overburdened, tied-up slaves. The men who might still have had spirit to try to escape were driven, tied two and two, in the terrible goree or taming stick, or in gangs of about a dozen, each with an iron collar let into a long iron chain, many, even so soon after the start, staggering under their loads. And the women—I can hardly trust myself to think or speak of them—they were fastened to chains or thick bark ropes; very many, in addition to their heavy weight of grain or ivory, carried little brown babies, dear to their hearts as a white man's child to his. The double burden was almost too much, and still they struggled wearily on, knowing too well that when they showed signs of fatigue, not the slaver's ivory, but the living child would be torn from them and thrown aside to die.

"One poor old woman I could not help noticing. She was carrying a biggish boy who would have been walking, but whose thin, weak legs had evidently given way; she was tottering already; it was the supreme effort of a mother's love, and all in vain, for the child, easily recognizable, was brought into camp a couple of hours later by one of my hunters, who had found him on the path. We had him cared for, but his poor mother would never know. Already, during the three days' journey from Liendwe, death had been freeing the captives. It was well for them; still we could not help shuddering as, in the darkness, we heard the howl of the hyenas along the track."

According to the usual computation of travelers, the mortality during the slave march from the interior to the coast is set down at 50 per cent. In some cases it may be less, but in others it is undoubtedly more, the difference depending on climate, the nature of the country traversed, and especially the use to which the slaves are to be put when they reach their destination. In some caravans the able-bodied men receive all the attention, the other slaves being left to struggle on and live or die as it may be. In others, the women and children alone are needed, while the men, as a possible source of danger, are either killed or allowed to escape. In either case the loss of life, by cruelty, starvation, fatigue, or murder, is an element in framing a count against the slave trade which must be seriously considered.

No one who understands how human life is estimated by savage peoples will doubt the shocking and revolting accounts of travelers regarding this phase of the traffic; and no one who knows what an Arab's heart is made of will make any discount even for the exaggeration of an orator, as he listens to the following citation from a speech delivered the other day in London by Cardinal Lavigerie:

"The men who appear the strongest, and whose escape is to be feared, have their hands tied, and sometimes their feet, in such fashion that walking becomes a torture to them, and on their necks are placed yokes which attach several of them together. They march all day; at night when they stop to rest, a few handfuls of raw 'sorgho' are distributed among the captives. This is all their food. Next morning they must start again. But after the first day or two the fatigue, the sufferings, and the privations have weakened a great many.

"The women and the aged are the first to halt. Then, in order to strike terror into the miserable mass of human beings, their conductors, armed with a wooden bar to economize powder, approach those who appear to be the most exhausted and deal them a terrible blow on the nape of the neck. The unfortunate victims utter a cry, and fall to the ground in the convulsions of death. The terrified troop immediately resumes its march. Terror has imbued even the weakest with new strength. Each time some one breaks down the same horrible scene is repeated. At night, on arriving at their halting place, after the first days of such a life, a not less frightful scene awaits them. The traffickers in human flesh have acquired by experience a knowledge of how much their victims can endure.

"A glance shows them those who will soon sink from weariness; then, to economize the scanty food which they distribute, they pass behind these wretched beings and fell them with a single blow. Their corpses remain where they fall, when they are not suspended on the branches of the neighboring trees; and it is close to them that their companions are obliged to eat and to sleep. But what sleep! it may be easily imagined. Among the young negroes snatched by us from this hell and restored to liberty, there are some who, long afterward, wake up every night, shrieking fearfully. They behold again, in their dreams, the abominable and bloody scenes which they have witnessed.

"In this manner the weary tramp continues—sometimes for months, when the caravan comes from a distance. Their number diminishes daily. If, goaded by their cruel sufferings, some attempt to rebel or to escape, their fierce masters cut them down with their swords, and leave them, as they lie along the road, attached to one another by their yokes. Therefore it has been truly said that, if a traveler lost the way leading from equatorial Africa to the towns where slaves are sold, he could easily find it again by the skeletons of the negroes with which it is strewed."

Cardinal Lavigerie, be it remembered, does not speak here as the mere rhetorician. As archbishop of Algiers, he knows Africa personally. As Roman Catholic primate of Africa, he is in ceaseless communication with the missionaries of his church in the Sahara region, the Upper Congo, and the Great Lakes from the south of Tanganyika to the sources of the Nile.

"Our missionaries at Tanganyika write to us," he says, "that there is not a single day in which they do not see pass caravans of slaves which have been brought from afar as carriers for the ivory or from the markets of the interior, like human cattle. Never in any part of the known world, or in the pages of its history, has there been such butchery and murder and such contempt for human life. Already millions of human beings have thus been murdered during the last quarter of a century, but the numbers increase continually, and on the high plateaus of the interior the figures given by our missionaries surpass those given by Cameron for the slave trade of the Zambesi and Nyassa."

One would have thought the figures of Cameron here referred to impossible to beat. "Every minute," he wrote lately in a magazine, "a fresh victim is seized on by the slave-stealers; not an hour passes without more than fifty being killed or torn from their homes; and during this month of August in which I write forty-five thousand more victims are being added to the number of those who appeal to us for aid and protection from some of the foulest criminals that ever disgraced the earth."

I should willingly spare the reader the suffering of further acquaintance with the actual facts of the slave trade, but I am compelled before closing the evidence to recall one long, dark passage from Mr. Stanley's book on the Congo. The stress of this question must always lie, not upon its advocates, but simply on it witnesses, and the importance of Mr. Stanley's testimony forms its own apology for the extreme length of the following quotation:

"Our guide, Yumbila, was told to question them as to what was the cause of this dismal scene, and an old man stood out and poured forth his tale of grief and woe with an exceeding volubility. He told of a sudden and unexpected invasion of their village by a host of leaping, yelling men in the darkness who dinned their ears with murderous fusillades, slaughtering their people as they sprang out of their burning huts into the light of the flames. Not a third of the men had escaped; the larger number of the women and children had been captured and taken away, they knew not whither. We discovered that this horde of banditti—for in reality and without disguise they were nothing else—was under the leadership of several chiefs, but principally under Karema and Kibunga. They had started sixteen months previously from Wane-Kirundu, about 30 miles below Vinya Njara.

"For eleven months the band had been raiding successfully between the Congo and the Lubiranzi, on the left bank. They had then undertaken to perform the same cruel work between the Biyerre and Wane-Kirundu. On looking at my map, I find that such a territory within the area described would cover superficially 16,200 square geographical miles on the left bank and 10,500 miles on the right, all of which in statute mileage would be equal to 34,700 square miles, just 2,000 square miles greater than the island of Ireland, inhabited by about one million people. The band when it set out from Kirundu numbered 300 fighting men, armed with flint-locks, double-barreled percussion guns, and a few breech-loaders; their followers or domestic slaves and women doubled this force. Within the inclosure was a series of low sheds extending many lines deep from the immediate edge of the clay bank inland 100 yards; in length the camp was about 300 yards; at the landing place below were fifty-four long canoes, varying in carrying capacity. Each might convey from ten to one hundred people.

"The first general impressions are that the camp is much too densely peopled for comfort. There are rows upon rows of dark nakedness, relieved here and there by the white dresses of the captors. There are lines or groups of naked forms—upright, standing, or moving about listlessly; naked bodies are stretched under the sheds in all positions; naked legs innumerable are seen in the perspective of prostrate sleepers; there are countless naked children—many mere infants—forms of boyhood and girlhood, and occasionally a drove of absolutely naked old women bending under a basket of fuel, or cassava-tubers, or bananas, who are driven through the moving groups by two or three musketeers. On paying more attention to details, I observed that mostly all are fettered; youths with iron rings around their necks, through which a chain, like one of our boat-anchor chains, is rove, securing the captives by twenties.

"The children over ten are secured by these copper rings, each ringed leg brought together by the central ring, which accounts for the apparent listlessness of movement I observed on first coming in presence of this curious scene. The mothers are secured by shorter chains, around whom their respective progeny of infants are grouped, hiding the cruel iron links that fall in loops or festoons on their mammas' breasts. There is not an adult man captive among them. The slave traders admit they have only 2,300 captives in this fold, yet they have raided through the length and breadth of a country larger than Ireland, bringing fire and spreading carnage with lead and iron. Both banks of the river show that 118 villages and 43 districts have been devastated, out of which is only educed this scanty profit of 2,300 females and children and about 2,000 tusks of ivory! The spears, swords, bows, and the quivers of arrows show that many adults have fallen. Given that 118 villages were peopled only by 1,000 each, we have only a profit of 2 per cent., and by the time all these captives have been subjected to the accidents of the river voyage to Kirundu and Nyangwe, of camp life and its harsh miseries, to the havoc of small-pox and the pests which miseries breed, there will only remain a scant 1 per cent. upon the bloody venture. They tell me however that the convoys already arrived at Nyangwe with slaves captured in the interior have been as great as their present band.

"Five expeditions have come and gone with their booty of ivory and slaves, and these five expeditions have now completely weeded the large territory described above. If each expedition has been as successful as this, the slave traders have been enabled to obtain 5,000 women and children safe at Nyangwe, Kirundu, and Vibondo, above the Stanley Falls. This 5,000 out of the annual million will be at the rate of a half per cent., or 5 slaves out of 1,000 people. This is poor profit out of such large waste of life, for originally we assumed the slaves to have mustered about 10,000 in number. To obtain the 2,300 slaves out of the 118 villages they must have shot a round number of 2,500 people, while 1,300 men died by the wayside through scant provisions and the intensity of their hopeless wretchedness. How many are wounded and die in the forests or droop to death through an overwhelming sense of their calamities we do not know; but, if the above figures are trustworthy, then the outcome from the territory with its million of souls is 5,000 slaves, obtained at the cruel expense of 33,000 lives.

"And such slaves! They are females or young children who can not run away or who with youthful indifference will soon forget the terrors of their capture. Yet each of the very smallest infants has cost the life of a father, and perhaps his three stout brothers, and perhaps his three grown-up daughters. An entire family of six souls have been done to death to obtain that small, feeble, useless child. These are my thoughts as I look upon the horrible scene. Every second during which I regard them the clink of fetters and chains strikes upon my ears. My eyes catch sight of that continual lifting of the hand to ease the neck and the collar, or as it displays a manacle exposed through a muscle being irritated by its weight or want of fitness.

"My nerves are offended with the rancid effluvium of the unwashed herds within this human kennel; the smell of other abominations annoys me in that vitiated atmosphere. For how could poor people, bound and riveted together by twenties, do otherwise than wallow in filth? Only the old women are taken out to forage. They dig out the cassava tubers and search for the bananas, while the guard, with musket ready, keenly watches for the coming of the revengeful native. Not much food can be procured in this manner, and what is obtained is flung down in a heap before each gang to at once cause an unseemly scramble. Many of these poor things have been already months fettered in this manner, and their bones stand out in bold relief in the attenuated skin which hangs down in thin wrinkles and puckers.

"It is enough. Our hearts are sick with slaughter. Let the witnesses stand down. Is the smoke of this torment to go up for ever and ever? Remember that these deeds of blood and darkness are no isolated facts, no temporary misfortunes, no mere passing accidents of the savage state. They are samples of a sustained, accepted, and carefully organized system of cruelty and murder, which pervades and penetrates every corner of this continent. Do not let it be supposed that this horror is over, that this day of tribulation is at an end. This horror and this day are now. It is not even abating. Slavery is on the increase. Time, civilization, Christianity, are not really touching it. No fact in relation to the slave trade is more appalling than this. The fact of this increase, for a time denied, then doubted, has at last been reluctantly admitted, even by the Government of England. In a Government blue book issued only the other day, Her Majesty's consul for the Somali coast reports that 'the slave trade has been very active of late.

"'On the 16th of September, 1888, Captain Gissing captured three dhows and brought two hundred and four slaves to Aden.' The consul at Zanzibar writes (September, 1888) to the Marquis of Salisbury: 'There is a marked increase in the slave traffic carried on under the protection of the French flag.' The consul further states that dhows carrying French colors were constantly and regularly leaving for the Comoro Islands, Mayotta, and Madagascar loaded with slaves. In June, 1888, Brigadier General Hogg, dating from the Aden Residency, wrote to the Bombay Government: 'I have the honor to bring to the notice of Government that I have from time to time received reports of the activity of the slave trade from the neighborhood of the Gulf of Tajourra, and I deem it my duty to inform Government of this fact, with a view to such action being taken as may be deemed advisable.'

"Turning to a very different region, we find Consul O'Neill addressing a letter to the Marquis of Salisbury with reference to the coast of Mozambique: 'I have the honor to say that, with the opinion that the East African slave trade has received some considerable impulse and has greatly increased and strengthened, I am compelled regretfully but entirely to concur. The evidence I have myself received from the interior is of a similar nature.' The Portuguese authorities in that district concur in these statements. Thus the commandant of the lately established military post of Mji Mkwali, in his monthly report of the state of the province, calmly writes, under the heading 'Commerce:' 'The sole trade of this district, at the present, is in slaves.'

"The cause of this revived activity of the slave trade is not far to seek. It is the normal expansion of a paying business. More men engage in it; more capital is invested it. The Arab never retires from business. With the profits of his first small caravan he equips and heads a larger one. As the years pass, his flying columns grow larger and larger and fiercer and fiercer. Now he can attack with impunity a region which, in former days, he must have let alone. Formerly he fraternized and traded with the great interior nations; now he overthrows and carries them off bodily. Having much capital and better firearms he can push farther and farther into the country, establishing depots as he goes, which become minor centers of the trade. Long ago the Arab dared not venture beyond a limited distance from the coast line. Now he pervades and almost dominates the continent. As one region after another is drained of its slaves and ivory, fresh and remoter fields have to be sought out. So home after home is made desolate, region after region is ravished, state after state is demolished, nation after nation is mowed down like grass.

"Such being the state of matters in the interior of the country, to talk of the civilization of Africa till this butchery is stopped is but a mockery. No nation has either time or heart or encouragement to improve. To be rich is to excite cupidity and invite disaster; to be poor is to be the prey of the first murdering Arab who happens to pass that way.

"Where do the slaves go to; what is their final market and destination? These questions are among the first to be asked by those whose interest is awakened in the slave trade, and the answers are easy to put together. In the first place, multitudes are used up as mere beasts of burden. The mortality in a slave caravan has already been referred to. Now, in all cases where a slave who is a carrier or porter succumbs on the march, a fresh man has to be secured from some neighboring tribe to carry on his load. Vacancies caused by desertion are supplied in the same way.

"The vacancies caused among the local tribes due to the filling up of these vacancies again have to be supplied by fresh seizures of slaves from surrounding tribes, so that a perpetual circulation of this human currency is set in motion. Again, the domestic slaves of the coast regions were for a long time drained away by shipment from the various slaving ports. The supply throughout vast littoral territories was thus exhausted and had to be continuously replenished from caravans arriving from the interior. These domestic slaves were absolutely necessary to the coast tribes for household and agricultural purposes, and there can be no doubt that enormous numbers of slaves have lately been absorbed to replace those exported from the littoral zone at earlier periods.

"But in addition to this it is an open secret that several large and defined markets for slaves exist in many parts of Africa and in the adjoining islands. Off the Zanzibar coast, for instance, the extensive plantations of Pemba are wrought by slave labor. Owing to the nature of the work and the fatal insalubrity of the climate the death rate here is terrible, and a ceaseless traffic with the coast has to be kept up to supply the almost daily blanks. The slavers of the Mozambique Channel find a ready market in the Comoro market and even in Madagascar. Abyssinia, again, has many slave markets, the slaves being taken overland to Roheita, on the south of Assab Bay, whence they are shipped during the night in dhows to Jeddah, Codida, and elsewhere in Arabia. Turning to the north of the continent we find that almost every town in Morocco is furnished with its slave market. A few years ago these markets existed in all the Mediterranean provinces, and they are still in active life everywhere south of the European boundaries. In a word, it may be said that almost every Mohammedan town in the country is a receiving and distributing center for slaves.

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"In the foremost rank among those to receive honorable mention in contending with the slave trade must be placed that venerable and influential institution, the British and Foreign Antislavery Society. * * * The creed of the society may be gathered from a single clause of its constitution:

"'That so long as slavery exists there is no reasonable prospect of the annihilation of the slave trade and of extinguishing the sale and barter of human beings; that the extinction of slavery and the slave trade will be attained most effectually by the employment of those means which are of a moral, religious, and pacific character; and that no measures be resorted to by this society in the prosecution of these objects but such as are in entire accordance with these principles.'

"With the first two clauses of this sentence most men will be, in the main, agreed. The abolition of the status of slavery, could that be brought about, would of course annihilate the slave trade. But how could that be brought about? By a declaration, it is said, a declaration by all the European powers, including Turkey, in international conference assembled, that the status of slavery was no longer to be recognized, and that therefore any traffic in this commodity must be held as contraband or piratical and punished accordingly.

"But held contraband by whom? Punished by whom? Enforced by whom? Would not the mere attempt to enforce this throughout the vast territories of the Dark Continent demand the resort to physical force, at least at some point?

Not that the thing is not worth trying. In some quarters it would certainly do good. For even some of the European powers are themselves not above suspicion in the matter of countenancing, or at least winking at, the existence of slavery under the shadow of their own flag. But the bulk of the African tribes have no flag, in the political sense. And even where a European power has raised its standard over a native territory, its own existence there is in most cases too precarious to be periled by any serious attempt to extirpate so ancient a custom as that, for instance, of domestic slavery. That the abolition of the status of slavery would be a valuable auxiliary to those means of a 'moral, religious, and pacific character' which the society recommends is not to be disputed. That in time, also, these means would together bring about the end will be denied by no one who knows how the leaven of Christianity has wrought in history.

"But meantime? Are we to stand by and let chance after chance escape us of decisive action at particular points; as emergencies rise are we not to meet them? As favorable opportunities open of closing markets or of snatching the prey from the very arms of the slaver, are we not to utilize the forces and resources of civilization effectual for that purpose? The slaver can not be caught *in flagrante delicto* and dealt with effectively without the show, and, if necessary, the application of forces other than moral. The antislavery society would itself countenance punishment before a formal tribunal after the practice of slavery has been declared illegal. But till that hour has come an informal tribunal must take its place, and the way be paved for the introduction of the more peaceful, more permanent, and more beneficent influences so justly advocated by it.

"At this moment a freshly organized slaving center has just been erected in the heart of one of the most hopeful districts in Africa, the north end of Lake Nyassa. Civilizing and missionary agencies, after years of work and after the most serious cost in lives and money, were just beginning to tell upon that country. But everything is now disorganized, paralyzed, and put to confusion, and till these Arab intruders are driven from their intrenchments no further progress can be dreamed of. The very existence of the tribes who are there being worked upon is threatened, and those who know the local conditions intimately are compelled against all their previous policy and inclinations to call for the help of arms. Fortunately this cry for help has been raised by willing ears and a Nyassa defense fund is now being raised in Scotland to deal practically with this special crisis.

"But it is evident that if action along this line is to be taken at all it must not be local or temporary or spasmodic, but an organized system, with ramifications in every quarter of the continent. And hence schemes of a larger kind are being discussed. The general basis of these proposals is to have armed boats on the great inland lakes, with depots of men here and there, who would act as a sort of police patrol. To be more than child's play such schemes would have to be international in character, and co-operation between all the countries and agencies at work in Africa would be a first condition of success.

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"We say police administration, rather than military. An international military system would be almost impossible in practice, but that is not the main reason. It would be of the first importance to teach both African and Arab the distinction between a police and a military system. The policeman is a protector, the soldier is an avenger; so, at least, it would be in Africa. Soldiers would necessarily be regarded as enemies; with wise and patient management police patrols might come to be looked upon as guardians of the peace. The worst thing that could possibly happen, either for the slave trade for the African, or for the European in Africa, would be the letting loose upon this continent of expeditions of mere fighting men who from time to time would raid across the country and leave behind them only a trail of blood and hate. To do this is so easy; its cheap glory seems so real. An immediate end is sometimes served; these things are the temptation of the man who has power in Africa.

"But no man should be given power in Africa who has not learned the greater power of self-control, of a policy of patience, of the wisdom of quiet work for large and possibly remote ends. A sensational success may here and there bring momentary relief, but only a large, kindly, and restrained effort, carried out by men whose heads are cool and whose hearts are warm, can ever emancipate Africa.

"What we look for, then, for Africa is a limited occupation, the most limited conceivable, of picked men, who would ingratiate themselves with the various tribes, who would explain their mission everywhere as they went, and give the Arab to understand that they were there for a single purpose. What the native tribes really want is leaders and access to the munitions of modern warfare. Both of these would be supplied, if necessary, from the proposed depots, but the mere presence of these agencies in the country would probably render actual warfare an exceptional circumstance.

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"Such ideas as these are already possessing the public mind in England. Everywhere meetings are being held to discuss this question. The Government, the church, and the most famous names in the country are interested in it; and the time for action on the large scale can not be far away.

"What will America do to help? Time was when the United States kept a cruiser on the west coast of Africa to check this trade. But when the attitude of America to the Congo treaty is remembered, and her refusal to touch the question of the exportation to Africa of arms, ammunition, and liquor, can it be said that she keeps her place to-day in that moral reformation of the world which is the duty and privilege of all the foremost nations? Is it true of that Constitution of which she is so worthily proud that with reference to these questions, and in the words of the prime minister of England: 'They (the United States) have told us that, owing to the peculiarities of their Constitution, they are not very anxious to enter into obligations with foreign powers?'

"America has never been provincial. She must not become so. So manifold and pressing are now the interests of her own great country that she might almost be pardoned if she did. But the world will be bewildered and disappointed if she separates herself now from the rest of mankind in facing those great wrongs of humanity from which seas can not divide her and which her poorer brethren in every part of Europe are giving themselves to relieve. America does well in refusing the entanglements of European politics. Let her be careful lest she isolate herself from its humanities. None who know her will fear for a moment that the breadth of her sympathies and the greatness of her national heart will not continue to be shown in her sustained philanthropies, in her joining hand to hand with the advanced nations of the earth in helping on all universal causes which find their appeal in the world's great need and tribulation."

The article which I have submitted to be printed, by leave of the Senate, describes in particular the capture of the slaves, their march to the coast and the market, and the revolting scenes of horror and misery which I have no heart to read to the Senate. It will be printed, and I would request that the Senator from Massachusetts give special attention to the details of these horrors and then say whether it is not worth while for the representatives of Massachusetts, if from no other State, to give some aid and comfort to this missionary enterprise, which at the most will cost only $100,000.

I alluded yesterday to the circular of Mr. Huntington, the railroad millionaire of New York, who has thoroughly investigated this subject from the standpoint of a philanthropist and a practical business man of vast affairs and great ability, and who puts forth and approves a plan for the establishment of policed lines or posts throughout the continent of Africa, under the support and protection of united and international effort, crossing from east to west and from north to south in such a way as to interrupt and prevent these invasions for the capture of the natives, and for their protection from destruction and the slave trade. I will ask that Mr. Huntington's circular—it is only a page—be printed in connection with the other matter which I read:

A FEW WORDS TO AMERICANS ON THE SLAVE TRADE IN AFRICA.

I wish to call the attention of the public to an offense against civilization: the buying and selling of men and women into slavery. Livingstone, Gordon, Drummond, and many others have fought the battle of the slave. The King of Belgium and some of the best people of England, under the leadership of such a man as Sir William Mackinnon, are spending their time and their money to destroy this fearful traffic, and in its place plant commerce and civilization. Good and thoughtful people through many generations have endeavored to destroy this evil, and have so nearly succeeded that at this time no civilized nation engages in or tolerates it, and I believe that if one great, united effort were made even the Arab, the descendant of Ishmael, might be made ashamed and afraid to traffic in human flesh. Others have studied the subject more closely than I and have more leisure to deal with it, but for many years I have deeply felt the wrongs done to the African race and have been interested in their future; and I ask all good people to unite in one grand effort against the slave trade, with all its attendant evils, and thus make it possible for the future historian to say that the blackest crime of the ages—human slavery—was destroyed in the last decade of the nineteenth century.

I do not agree with Francis W. Fox, in his letter in the Boston Transcript of June 13, relying wholly on peaceful measures, as I think we should "fight the devil with fire." I publish the letter, with the article by Professor Drummond below referred to. The proposed line to be policed runs, as may be seen, from Suakim to the mouth of the Zambesi, the most of the way from 200 to 400 miles from the east coast; that is, it is to go west from Suakim to Berber, on the Nile, thence up that river to the Lakes Victoria Nyanza and Tanganyika, and thence to Lake Nyassa, thence along various water ways and portages to the ocean and the mouth of the Zambesi. Nearly all the distance can be traversed by steamers, and the land portion can be kept open, at first by wagon roads and later by railways, then with a railroad around the falls of the Congo, 265 miles (now being built), and some short portages between the steam navigation of the Upper Congo and the line from Suakim to the Zambesi.

With this line well policed I believe that this cruel and terrible traffic can be destroyed at its fountain-head. At the same time a commerce would be established which would tend to raise the African from his low estate, and in time might enable him to take a place among the civilized peoples of the earth. It is worth the trial; and if all the nations that condemn this evil would unite and make the improvements above referred to and police the lines, the cost would be as nothing when compared with the amount of good done, and we owe much to the African for the wrongs done him.

I write this, hoping that it may call more general attention to an article written by Professor Henry Drummond and published in the June number of Scribner's Magazine. I have been permitted to have this article reprinted, and those wishing to read it can do so either by sending for the magazine or by applying to the writer of this for a copy, which will be sent free to any one desiring it, together with a map of equatorial Africa I have had prepared. This map will show the country from Suakim, on the Red Sea, to the mouth of the Zambesi, and from the mouth of the Congo on the west coast of Africa to a connection with the first-mentioned line—the country that has been depopulated by the Arab slave-hunter, the country that is now being ravished, and the lines over which the slaves are taken to market. The object of this map is to show the feasibility of establishing and keeping open a line of communication as indicated thereon. I believe that the line, as laid down upon this map, can be policed by a comparatively small number of white men, carefully selected and trained for this work, and that they can train the native Africans in the use of arms, until they, under the leadership of these white men, become invincible when upon their own soil they fight for life and liberty, not only for themselves, but for their wives and children.

C. P. HUNTINGTON.

23 BROAD STREET (Mills Building).
New York, August 1, 1890.

Now, with reference to the other great evil, which it is not exactly in form to mention, I suppose, very much here, that of the use of alcohol and the application of alcohol by the civilized races to the destruction of the comparatively uncivilized, the inferior, the heathen people of the world, as we call them, the best statistics which we can obtain show that the United States, Great Britain, and continental powers are directly perpetrating upon the inhabitants of Africa—and what is true of Africa is also true of India and China and of the isles of the sea—are actually perpetrating upon the people of Africa and these other people of the world still greater horrors than those which characterize the slave trade itself. The annual life destruction is estimated to be quite as large as that which is occasioned by the slave trade.

A very large proportion of this death-dealing commodity is sent from the port of Boston, something from the port of New York, and every civilized power looks upon the trade of intoxicating liquors as by far the most important of any branch of its commerce with that continent. I believe that at least nine-tenths of the trade of some of these powers is in the commodity of intoxicating drinks. It is a very large proportion and I do not know but it is that proportion of the trade of America with Africa to-day. We pay them for what we receive by giving them this poison to drink.

There is an article which I will not read, but a very important article, discussing this subject fully, in Our Day, a periodical published in Boston, in June, 1890. I might read quotations from it, but the entire article is of very great excellence and importance, and it deals not only with alcohol in Africa, but the slave trade as well, and of the opportunities which America has, if she would embrace them, to do

good in Africa. This article is by the celebrated Joseph Cook. I will read a few paragraphs, in which he makes this appeal:

CANNIBALISM, THE SLAVE TRADE, AND THE RUM TRAFFIC ON THE CONGO.

Cannibalism yet stains many a curve of the Upper Congo. On the Ubangi River, an affluent of this great equatorial stream, the standard of commercial value is human flesh. At a village in this region the natives urged one of Mr. Stanley's officers to leave one of his boat's crew in exchange for a goat; "meat for meat," they said. They asked for help in fighting their neighbors and said to the white man: "You can take the ivory and we will take the meat." The cannibals exhibit rows of skulls around their tents to denote the number of men they have eaten. Slaves are killed and devoured with as little compunction as goats. Heathenism teaches certain of the African tribes that the position of a chief will depend in the next world, as it does in this, on the number of his slaves. Hence at the death of a chief several of his slaves are executed at his grave that their spirits may accompany his. One has a tendency to ask questions concerning the reasons of Divine Providence for allowing these atrocities, but, as Martineau has said, "God kidnaps no slaves." Man's abuse of his own freedom is the origin of all human iniquity. Immense regions in Central Africa have been absolutely depopulated by the infernalities of Arab and Africa slave-hunting. A profound epigram of the missionaries says: "The negro is God's image cut in ebony; the Arab slave-hunter is the devil's image cut in ivory."

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The slave trade has been abolished now along our own coast. Since 1808 we have had no participation in it, but we have maintained a curious and I think I may say shameful neutrality in the efforts of civilized nations to put it down elsewhere. We did agree in the Ashburton treaty to put our ships side by side with those of England in repressing piracy and the slave trade on the high seas, but we have kept only in a negligent, loose kind of way that high engagement.

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Why are Americans so torpid in this matter? Africa is at your doors. What has Africa to sell? Not men any more to us, thank God. But she is one of the richest regions on earth. Think of her camphor and gum woods and cotton, her palm oil, her India rubber, her ivory, her elephants, her spices and gems and silver and gold. Mr. Huntington, the chief organizer of our first transcontinental railway line, is accustomed now to tell young men that the magic word of commercial enterprise is soon to be the Congo.

If you wish to obtain millions and billions in fair trade, go there, buy India rubber, cotton, palm oil, ivory at a low price; bring it here as cheaply as you can and sell it at a high price. There are billions in the traffic, so this railway king thinks, and he has already invested money in African railways. There are six railways now in progress of construction from the exterior to the interior of Africa. One is going up the Nile; another is going westward from the coast opposite Madagascar; another is going up the Congo; three are going north from the British settlements at the Cape of Good Hope. America sleeps in this matter everywhere except in our mission rooms. There are some wise men among the Christian statesmen who guide our missions, who see that the tramping feet of commercial greed will make Africa a very difficult ground in which to sow the good seed of the gospel, unless missions make haste to antedate commerce in capturing the land.

In the name of commerce, in the name of just trade, in the name of Christianity, in the name of civilization, I appeal to you to throttle the American liquor traffic on the Congo. Go to yonder customhouse on the proud edge of Massachusetts Bay, and you may find official records showing that 737,236 gallons of rum were exported from Boston to Africa in 1883, 576,268 in 1894, 903,437 in 1885, 737,650 in 1886, 646,205 in 1887, 694,716 in 1888. The Afro-American Budget, to which several bishops of the colored churches contribute, said recently:

"The two curses of Africa are slave-hunting and rum-selling, rum-selling and slave-hunting. We do not try to determine which is the worse. The slave-hunting is conducted by Arabs, who are all bigoted Moslems; the rum-selling is in the hands of merchants of Europe and America, who are all Christians, at least nominally. We do not undertake to say that the Christian rum-seller is better than the Arab slave-hunter. He violates the principles of his religion, while the Arab slave-hunter does not. Both are engaged in a crime against humanity, and the poor African is the miserable victim.

The motive of the slave-hunter, who destroys peaceful villages, makes prisoners of the men, captures helpless women and children, and marches them in gangs, with untold hardships, to the slave centers, is the immense percentage of profit. The motive of merchants in shipping cargoes of rum to Africa, which bestializes the negro, ruins his villages, and destroys his desire for moral, religious, or material improvement, is the same: the immense percentage of profit.

Who shall say which inflicts the greater injury on Africa, the rum traffic or the slave traffic? The great antislavery congress at Brussels considers both curses as challenging the attention of the civilized world. The Berlin conference of 1884 recognized the control of the rum traffic in Africa as a vital question, and issued a circular urging concentrated action by the great powers. The subject was discussed by the German Parliament last May, and public opinion in England organized a society, under the presidency of the Duke of Westminster, to prevent the "demoralization of the native races by the liquor traffic."

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The Congo Free State contains many tribes of great promise. They are not thoroughly black; they are only bronze. Let us moderate our antipathy, therefore, to color. On the Congo are sprightly, alert, intellectual negroes. Most of these tribes are very shy of white men, but when once you obtain their confidence you, as white men, may have immense power among them, as the careers of Livingstone and Stanley indicate.

Black immigration is to be made a great regenerating force in Africa. Schemes of wholesale emigration are visionary, and yet it ought to be the sublime ambition of many a colored scholar, preacher, politician, author, reformer, to give his life to the elevation of the dark races in Africa. It is a ground of hope for the future of the best races in Africa that they already regard the black men of the United States, England, France, and Germany as their friends and as their natural leaders. You undoubtedly will have difficulties when you go abroad to officer the black regiments of Africa, even if you are black; but, as Edward Everett and Webster said long ago, nature has determined that Africa must be regenerated by Africans.

The whole matter is well worth the attention of those who care anything at all what becomes of mankind. Upon this subject in the Temperance Movement, a book that I prepared myself, there is a chapter devoted to this subject, some thirty or forty pages, in which the facts are very fully collected, and I have noted many of them here; but mindful of the fact that we have little time and that it is a comparatively trifling subject I will do no more than simply to refer to that source of information upon it.

The American people are under some obligation to the continent of Africa. At least 8,000,000 of our own citizens originated there. They have never done us harm; they have only done us good, and that continually, and they are to-day a very important industrial element in this nation. They are the foundation of the labor system of 25,000,000 people. They are an integral part of our nation; they can not be eliminated; and a nation which has inflicted upon them something of hardship and which has undoubtedly done to them much of good, yet in whose favor there is an immense balance of benefit by reason of the toil of these centuries, the benefits of which we have all received, might well expend $100,000 in the effort to set in motion the machinery which not only would alleviate the condition of their 200,000,000 countrymen in the Dark Continent, but would do as I believe much—as the first step may always be said to be the real cause of results—would do much, would do everything towards the ultimate extinction of this great curse of war, this greater curse of alcohol, and, perhaps greatest of all, of the trade in the bodies and souls of men.

The Senator from Massachusetts intimated that this proposition was subject to a point of order. I suppose it is subject to a point of order, yet the Appropriations Committee has been known to waive points of order, and whenever there is, as in this case, an opportunity to appeal to the sense of right, to the generosity, to the very highest qualities that can characterize manhood, the Committee on Appropriations is inclined to yield; and I trust that the Senator from Massachusetts, as he must see that there can be no other way in which the proposition can be made to give this invitation to the civilized powers of the world to take this first, this great step towards the desirable and glorious consummation—as, I say, he must see that it can only be done by withdrawing the point of order. I hope that he will consent to do it.

Let this be attached to the fortification bill along with the expenditure of four or five million dollars in behalf of war. Let there be this trifle given for the promotion of universal peace and the extinction of war, intoxication, and slavery and the causes which lead to them from the face of the earth.

If not now, Mr. President, there may come a time when there will be a committee which will appropriate $100,000 to this end. There may be a Senate and there may be a Congress that will, and if I should fail now, if the Senate should fail now, then I confidently appeal to that better time coming.

Mr. ALLEN. Mr. President, yesterday the Senator from Connecticut [Mr. HAWLEY], in the course of his remarks, inquired of me as a Senator from the State of Washington if the shores of Puget Sound were within gunshot reach of the batteries of the British Government on Vancouver Island. I answered that they were not within reach, but that they were so close at hand that the firing of the guns from the war ships and the fortifications at Esquimalt in British Columbia were very distinctly heard in the city of Port Towsend on the American side.

Looking into the RECORD this morning I happened to see that my distinguished friend from the State of New Hampshire [Mr. BLAIR] inferred from my answer to that question that I also was possessed of a belligerent spirit, and inquired of me if I had ever known of the waters of Puget Sound being disturbed with a projectile. I am happy in the thought, or at least in the hope, that these peaceful waters may never be the arena of war, and yet, Mr. President, I wish to say to the Senator from New Hampshire that immediately across these open waters, on the British side, there is a great military navy yard. It is supplied with all the modern equipments of warfare; it is a complete institution of its kind. It is within a strong bay, a Gibraltar in itself. More than that, it is fortified with torpedo boats and with land batteries.

Now, Mr. President, this strong naval station is the rendezvous of the British fleets in the Pacific Ocean. It is at the terminal point of a great military railway line, a strategic line across the continent, built by the British Government for the purpose of moving and massing troops and military supplies.

Not only that, but it is a fact that in the Pacific waters there are at least twenty-eight powerful naval ships that in the course of thirty or forty days might be rendezvoused at these headquarters within an hour or two's steaming of the cities of Puget Sound.

Now, over against these powerful naval and warlike preparations what has this Government to offer in resistance? I wish, for the instruction of the distinguished Senator, to read a paragraph taken from the report of the very able commission recently ordered by the President of the United States to make inquiry as to the selection of a dry-dock site and naval station on the North Pacific coast. The statement is entitled to great weight from the character of the men making it. It is a commission composed of distinguished civilians and military and naval officers. The civilians occupying positions upon this commission are no less than an ex-member of this body and an Ex-Secretary of the Navy, while those in the Army and Navy are men of distinguished character and attainments. This paragraph of the report is but part and parcel of a line of warnings, of reports, and of information that have been imparted to this Government from military and naval sources in years gone by. Speaking upon this subject and of the condition of Puget Sound they say:

This growth on Puget Sound alone is represented by a tonnage of over 2,000,000, by the populous cities of Seattle, Tacoma, and Port Townsend, and numerous smaller but thriving towns, embracing an aggregate wealth of many hundred millions.

At present this vast aggregate of wealth is wholly unprotected from attack in case of war. On the Atlantic seaboard our coast and inland commerce can retire to secure asylums of retreat, channels leading to cities can be obstructed, and time gained for defense.

This is not the case with Puget Sound, which presents unfortunately a situation peculiar to itself. Its depth permits no expedient for temporary obstruction, its width prevents no perfect reliability upon land batteries (which, however, nowhere exist), and there are no rivers or contracted harbors upon which commerce could take refuge, unless we except Port Orchard, the only place on the Sound that could be expeditiously fortified. It follows, therefore, that this vast wealth could be destroyed or laid under tribute by a comparatively insignificant force under an enterprising commander, since for the present, and for some time to come, the small naval force available will be required for the protection of San Francisco.

Under such conditions, although these remarks may not be wholly pertinent to this report, the commission feels that it would be derelict in its duty as citizens if it failed to call attention to the danger existing in permitting any longer such valuable interests to remain unprotected, a state of affairs which, until remedied, should continue to be a matter of the gravest concern to the whole country.

Now, Mr. President, while my distinguished friend from the secure heights of the White Mountains may look down with philanthropic and complacent disinterestedness upon the exposure of our coasts, I give him this information to show him the justification of solicitude and anxiety, upon the part of those who represent States that are so immediately exposed, for defenses in some measure proportioned to the exposure. I do not believe war with Great Britain probable. I am loath to think it even possible.

Despite the spirit of peace our Christian civilization promotes; contrary to the demand for peace brought about by international commerce; notwithstanding the tendency of arbitration to avert the calamity of wars, the last fifty years—marking the highest attainments of these benign agencies—have been among the bloodiest and most destructive in the annals of war. With nations, as with men, the unexpected often happens. Both prudence and humanity dictate that our Government should maintain a naval and coast defense of such strength at least as not to invite insult or attack.

Mr. HAWLEY. Mr. President, the temptation to protracted speaking upon this bill is very great, especially when we hear Senators of ability and intelligence making such extraordinary mistakes and differing so widely, differing totally from the judgment of the men who have given their lives to the study of all this business.

Now, our distinguished friend from New Hampshire has just been telling us that in case of serious disturbance and controversy with foreign nations we shall be invaded by land forces, and that the naval attacks upon our coasts and our great seaports would be of very little consequence. Nobody who studies the art of warfare thinks so or talks so, and I might leave it just there.

But he says that the destruction of the city of New York would be a mere flea bite as compared with the power of the whole country and the wealth of the whole country. There again he makes a very great mistake. New York is the throat or the carotid artery of the country as to its commerce and its finances, and a blockade of New York by a foreign fleet would be felt in twenty-four hours in every village in the country, as every mercantile man ought to know and as everybody, I think, would concede in a moment. But when great men making great wars start out they begin by attacking the great, rich commercial centers, the reservoirs, the great collections of wealth, and all under the powers of defense. They would think it an admirable thing to capture Paris; if necessary, to destroy Paris, for example. They would think it an excellent thing to take the cities along the Rhine. It would be an extraordinary feat to take London, and it would be thought very ridiculous if a man said it was of no consequence whether you took London or not or destroyed all its visible property; that the rest of the country would only get angry, and substantially, in the language of the Senator from New Hampshire, would devote itself for years to projects of revenge.

That is precisely the difficulty. Wars nowadays are brief, short, sharp, decisive, if possible, within a comparatively brief period of time, and the aim of them is to make the attacked party, the conquered party, pay the bills, and they are terribly destructive and terribly expensive also, I respond to the suggestion of the Senator from Massachusetts [Mr. DAWES], and therefore they are not likely to be long wars.

Everybody who studies this question sees that the way to distress us would be for great fleets to blockade a few of our large cities and levy upon them immense tribute or proceed to destroy them. War is not merciful. Now, there are within reach of long guns along our coast—I have not the table; I find I cut it out from my pamphlet and therefore lost it—in eight harbors, which include New York and Boston, etc., a grand total of $4,500,000,000 worth of destructible property—that is a very large fraction of the total wealth of the country—without any adequate security against the vicissitudes of war.

Mr. BLAIR. It is not one-twentieth.

Mr. HAWLEY. This table has been made up very carefully by men who have studied the returns and the tax lists, etc., of the various cities. The city of New York spends a million and a half dollars a year for a costly fire department. It spends for fire insurance $6,000,000 a year. That is seven and a half million dollars every year for defense against losses of property, partially of course for protection of life through the police, when seventeen and a half million dollars spent upon the outer defenses of New York would protect their property. About three years of its insurance money would put her in a condition of splendid defense.

Mr. BLAIR. The Senator will allow me to remind him that his question to me was whether I believed there would be land invasions, not whether I believed there would be assaults upon our ports. Now the Senator is putting me in the attitude of disclaiming the probability that there would be an attack upon New York. I said where there was so serious a purpose as to attack us at all I believed we should be invaded by way of the Canada line, and that the myriads of Europe and the myriads of Asia would be poured in upon us from Canada as a base of operations.

Mr. HAWLEY. Yes; I heard that. That is twice the Senator has said it.

Mr. BLAIR. The Senator did not seem to recognize it, and I did not say the other thing.

Mr. HAWLEY. What I was saying in regard to New York City did not necessarily apply to anything the Senator had said, except that the destruction of New York would be a mere flea-bite and New York would not be likely to be a point of attack.

Mr. BLAIR. I beg the Senator's pardon. I did not say that the destruction of New York would be a mere flea-bite. I said the bombardment of New York might not be more than that.

Mr. HAWLEY. A bombardment hurts usually.

Mr. BLAIR. A bombardment hurts and a blow may hurt; but John L. Sullivan has endured a great many hurts of that kind and has whipped all creation so far yet.

Mr. HAWLEY. Well, Mr. President, I just scorn to spend time to convince the Senator from New Hampshire that the destruction of four and a half billions of property in one of our seaports, the very center of all our trade and business, would seriously injure the country.

Mr. BLAIR. I ask the Senator, then, to indulge me further on that point to say that I have made no such intimation, and the Senator is putting into my mouth an assertion that I do not countenance at all.

Mr. HAWLEY. I thought the Senator used that word.

Mr. BLAIR. I alluded only to the city of New York; I spoke of the bombardment, not of the absolute destruction of the city. The Senator now undertakes to put me in the light of representing that the destruction of the whole four and a half billions of property lying along our seacoasts is a trifling affair. To be sure it is only about one-twentieth of the actual wealth of the country, but it would be a serious affair, and all the navies of Christendom could not destroy that property by an unresisted war of five years.

Mr. HAWLEY. I fail to see the interrogation point at the close of that question.

Mr. BLAIR. It was not an interrogation.

Mr. HAWLEY. I will not yield to speeches.

Mr. BLAIR. Then do not misrepresent those made, and apply——

Mr. HAWLEY. I had not touched the Senator hardly. I am coming to its utter nonsense, the monstrous nonsense of trying to argue to convince us that war with us is coming by the landing of land forces. There is no nation in the world that has got 100,000 men to spare for that purpose, and they would be fools to undertake it with less than half a million. If they should try to do it and muster all the enormous fleets and transport ships that would be needed for it, with its infinite quantity of supplies of all descriptions, to bring them 3,000 miles across the Atlantic, our best policy would be to summon our raw militia and stand back 100 miles and invite them respectfully to land and make themselves at home and camp, and then by sheer, brute, undisciplined force roll over them and drive them back into the water. Now, that is all. Nobody is going to try it, for there is not an idiot of a second lieutenant in any army of the world who would think of invading us by land. That is not where our trouble is.

Long wars are not probable anyhow; and in the short, sharp, decisive, tremendous punishment of us along the coast the millions of dollars of property the enemy could destroy, if they were angry enough, would be nothing. The gentleman is right, but nothing in comparison with what? With the infinite and eternal dishonor of the thing, in one sense of a just punishment for our idiotic imbecility in not having a gun to beat them with. There is where shame is coming. We are in no danger from a land invasion. To be sure we have no instructed, drilled army, but we could rapidly contribute one. That is a thing that comes nearer the possibility of extemporized effort than any other effort of defense or warfare. We can extemporize rapidly brave men and supply any deficiencies in the efficiency of the individual soldier by the extraordinary multitude and weight, by the brute power of the men summoned.

Now, a few words concerning the amendment moved by the Senator from Maryland [Mr. GORMAN]. I am a good deal surprised by his motion; yet it is in accordance with the science of fencing. When we are objecting to a reduction from $1,000,000 to $800,000 he comes in with a very plausible proposition to reduce it to $250,000, so that if we get the $800,000 grudgingly in we should have reason to congratulate ourselves upon the extraordinary generosity of Congress, because it would be shown that an able Senator thought $250,000 enough. That is the sole effect of it; it is simply a feint with the rapier, and it is a very nice one, too. The War Department wanted a million.

Captain Smith, representing the War Department, in the presence of the Secretary of War, said that perhaps they could do with $800,000. These men are going around hat in hand and begging the best they

can get, for cold victuals even, for the defenses of the country. The Secretary said it ought to be a million dollars, and what is this for? For the oil-tempered, annealed steel, for high-power, coast-defense guns, 8, 10, and 12 inch caliber; that is to say, these several parts, whether they be a dozen or fifty, of the great built-up steel guns such as modern science says we ought to have.

Now, the Senator from Maryland says, that being a separate operation and hitherto done in a finishing factory, we can not put on the fine turning and fine boring and the delicate fitting of all these guns so fast as they can be made. Yes; but, if you give out a contract within the next six weeks for the making of a million dollars' worth of those rough parts, those guns could not be made under one, two, three, or four years, and in the mean time we shall very easily finish up at Watervliet the necessary gun factory or finishing factory and induce private citizens elsewhere to adapt themselves to the work; and we have already made the beginning in that. The West Point Foundry has received a contract from us for the finishing of a little amount—quite a contract to them—eleven 8-inch guns; and if there were any certainty of our continuing to supply these rough parts not only the West Point establishment would enlarge, but others would be very glad to do it.

In short this is the truth: You can have just as much as you want well done and as rapidly as such heavy work can possibly be done, better done on the whole than is done anywhere else in the world, as fast as you want, if you will only say so, and your first rude process is to invite these great manufacturers to forge the heavy rough parts, and then you can get the finishing done. We want a fine Government finishing factory, that it may be a restraint upon all the others and a test. Our own Government factory made a smaller bid for that work than the West Point bid, but perhaps the interest upon the cost of the plant was not sufficiently calculated. At any rate, the Department very wisely gave that contract to the West Point Foundry to encourage them and to build them up in that work.

Now, $6,000,000 worth of the rough parts is only a small part of what the whole defense of the country will call for. When the Watervliet factory is done and in full operation, according to the plans of it, it will only finish eighteen a year of the highest class of guns, and by 1917, twenty-six years hence, it would finish four hundred and thirty-seven guns. It is a mere standard for manufacturing, as it were, even under the plans we speak of; and yet that factory in three or four years will require $1,300,000 worth of rough material every year to keep its finishing work in good order fully employed.

No, sir, there is no sense in going along from year to year, in the first place $1,000,000 for this and the next year $500,000 for it, and then a proposition for $800,000, and then a proposition to cut that down to $250,000. You prevent what the Senator from Maryland professes to desire and does desire, the calling in of private capital for this work in competition with each other and the Government work, that it may be well done, cheaply done, and that we may have as many places as possible where we can get it rapidly done.

Suppose he succeeds, which he will not, in getting this $800,000 reduced to $250,000, then these large manufacturing establishments, which would be delighted to get jobs of that sort, and which I say truly look at it not only with delight by reason of their professional tastes and skill, but by reason of their patriotism, are willing to risk something. They are willing to bid, willing to enlarge their factories, willing to do all these things, and glad to do them, and they want it done in the highest business principles, with the best competition and the best work. They will be glad to do it, if they can be sure of anything like a steady supply of work. They will turn around and look at this action here, at this debate here. They study all these things before they make bids. They will see that the House of Representatives said a million and the Senate committee said $800,000 and the Senator from Maryland had it reduced to $250,000; and they say, "Well, we are not going to bother with a new shop and new lathes and things of that sort which will be necessary to deal with a party like that. That is not the way enterprising private citizens carry on their business, and we will not have anything to do with them." And the Senator will defeat just exactly that which he gave as a reason for the amendment, the getting in of private parties.

Eight hundred thousand dollars is worth something if we can not get the million dollars, and that will bring about bids for finishing from private parties. It will take them from now until the time these rough parts are beginning to be delivered to get ready to take them to finish. If you offer your proposals as soon as possible I have no doubt concerns will be found that will be willing to take all that quantity of rough material, finish it up, and by the time that rough material can be laid at their doors they will be ready to begin the work of finishing.

Now, two or three Senators have said, "What is the use of hurrying about this thing?" We are not hurrying. By this slow, creeping, disjointed, inharmonious proceeding we are going where we would have something in the course of thirty years instead of a resolute determination to map out both for the Army and the Navy a certain sum each year; and let it be known, let the country be convinced from our talk and our votes that we are going on to do this thing year after year. That is the way to do it.

Senators say that some of these things will be antiquated, obsolete, by and by. The Senator from Missouri referred to the experiments made by a little alloy slightly of steel with aluminum to give it additional tensile strength, and all that. It is nothing but one of the little incidental improvements going on from time to time. That does not affect the great question at all, the necessity for defense, nor the general character of guns we should prepare. We do not know what will be done, of course. There will be extraordinary inventions; there will be great advances made in the art of throwing these enormous bolts of dynamite; and in the art of submarine explosion and attack great advances will be made. But, sir, no gun has been made that is entirely obsolete, entirely useless. They are obsolete in the common use of that word, because we have taken something better; but the old-fashioned carronade in the war of 1812, of, say, 6 or 7 inches caliber, a clumsy thing about 6 feet long, is not obsolete. It will throw a 6-inch shell now which is big enough for some purposes, and throw it a very considerable distance.

The time is never coming when one of these high-power steel guns throwing a 500-pound bolt of hardened steel 10 miles will be obsolete. It will never be obsolete until the laws of matter are reversed and 500 pounds dropping a mile will not hurt. Then these things will become obsolete. Not one of these guns will ever be useless, I do not care what the progress of invention may be. They will always carry miles; they will always penetrate a certain thickness in the sides of a ship; and the limit of ship armor is practically reached; anything further makes the ship unwieldy and unsafe. You can not carry armor sufficient to resist the power of the modern weapon. Man can make nothing that man can not destroy, and destruction as a rule keeps ahead of defense.

No, sir; we have seen, in my judgment, the last of the extraordinary experiments of very large and very heavily armored ships. They will be made smaller; some of them will be rapid and will expect to take blows, expect to be shot clear through and through, as men do when they go to war. They do not expect to encase themselves in armor which can not be penetrated. They went to that extent once, and got so that the knight had to be helped, I had almost said with a derrick, on his horse. So heavy was their armor that the men were practically useless, and then men with nothing but a short jacket and a pair of trousers—stark-naked men, almost—darted under and stabbed the horse or stabbed the man in undefended places. There are plenty of examples like that. So, by and by, men will come to the conclusion that you can not absolutely defend yourself, and that in war it is inevitable that somebody is hurt, and we will find lighter ships with tremendous power of aggression, and will expect to take our blows.

I think Senators make a great mistake in standing in the way of coast defense, as the Senate has done to a large extent. The Senator from Maryland points to what the Navy has done as worthy of emulation. The Navy has done nothing but what we have given it a chance to do, and the Navy got around so beautifully in this way: the public sentiment of the country demanded of Congress and compelled Congress to take some steps toward the reconstruction of our Navy. So we went on and ordered some very fine vessels. That passed through Congress with more or less carping criticism. It went through, and lo and behold, it turned out that if those ships were to be good for anything there must be some armor upon them, a number of very fine high-power steel guns.

Then Mr. Whitney, as an ordinarily sagacious business man would have done, clubbed those guns together and found that he had a very large job on hand which he could offer the manufacturers. If a man had come here and tried to get a bill through Congress to build two hundred steel guns he would have been met by all the objections of the Senator from Missouri and the Senator from New Hampshire and the Senator from Maryland; but, having ordered ship after ship until the aggregate guns and armor made a big contract, Mr. Whitney started to work, and he deserves credit for doing it.

Now, in the mean time the Army has not been able to do anything of the sort. Whatever it gets it must get by boldly asking for guns. Men mistake themselves if they think the country has any fault to find with us in this except the fault of this halting, inconsequential, pseudo-economical policy. Nothing in the world can be done by this body of legislators in both Houses and by statesmen who attempt to lead this body more entirely acceptable to the great mass of thinking, vigorous, patriotic, real Americans in this country than to embark upon a thorough, scientific system of coast defense.

I know all they say about the cost of these things. I have a table here somewhere, if I can turn my hands to it, which shows that the pro rata cost, the cost per inhabitant of that great, thorough, extensive scheme proposed by the Board of Fortifications would be far less than the cost of that which we were undertaking very thoroughly about 1840 and had made very considerable progress in. The cost of that was about $3.50 for each inhabitant. The cost of this scheme of the Fortifications Board, which the Senator from Oregon [Mr. DOLPH] has so diligently pushed, would be about $2.50 per inhabitant. In the mean time the average of wealth has very greatly increased; and I venture to say that this wildest proposition, as it is called, would not be one-half the cost in proportion to what the country was endeavoring to do fifty years ago.

But I, for myself, do not ask and nobody expects that we are going to order now the expenditure of $120,000,000. That is what this scientific board pointed out as putting all the harbors in a condition of complete and thorough defense.

Now, sir, by the time we have spent $40,000,000 in a series of six, or eight, or ten years we shall find that we have made great progress toward it, especially as in the mean time science will have made great advances in all these auxiliary methods of defense by reason of dynamite shells and the submarine shells also, in the whole of the torpedo system.

I hope, Mr. President, that the Senate will not think of cutting the $899,000 down or of cutting the million down. I object to either amendment. A million is what the men who know best say ought to be done. There is no question that it will be needed, and by the time it shall have been completed and furnished to the Government the process for putting that into finished guns will be ready for us.

Mr. BLAIR. Mr. President, the Senator from Connecticut [Mr. HAWLEY] has, between the first and last of his remarks, contrived to make about as thorough a demonstration of the folly of his general position as it is possible for a man of his great ability, intentionally directing his powers to that end, to do.

He admits that an attack upon the city of New York and the destruction of all the property that we have exposed upon the entire seacoast of the country would be but comparatively a trivial injury to the power of the American people.

Mr. HAWLEY. Oh, no; I did not say that. I said it would be a terrific injury.

Mr. BLAIR. In and of itself it might be great; but as an impression upon the warlike forces of the American nation, as a means of crippling our power and our ability to take reprisals from those who should have inflicted that injury upon us, it would be a trivial thing. That was his admission.

Mr. HAWLEY. How about the shame of it?

Mr. BLAIR. That was the Senator's statement. If that be so, if it be the fact—which is an inconceivable thing—that the $4,000,000,000 of property exposed at these twenty-seven ports which they propose to fortify were destroyed; if still the offensive, war-making power of the United States would be untouched, is the world ever to assail us, is a sensible single nation or a combination of nations ever to attack a people upon their coast, when, if they destroy everything that is within reach of navies and of marines along that coast, they have as yet done no injury, and are liable to be met with a returning onslaught of 65,000,000 of the most progressive and powerful people on the face of the earth, an onslaught which they could have no power to resist?

The Senator himself has disposed of all reasonable probability that we shall ever be attacked along the shore. What I stated was that if we were assailed, and assailed in earnest, as we never shall be assailed until we are assailed with the intention of doing us mortal hurt, if possible, we must be invaded by land. The Senator himself has proved that by saying that if the defenses and property of our entire coast, or even of our entire boundary, were made waste and obsolete, we should still be comparatively untouched in our actual power. Then whoever would do us a hurt, whoever would do us injury, must reach our population, our interior, where lie nineteen-twentieths of our wealth and our entire population almost, safe beyond the 12-mile guns which he describes to us.

I said, sir, not that we should be attacked in our interior, not that we should be invaded by land, not that we should be invaded anywhere, but I argued that it was improbable that we should be assailed along the coast and at our ports; so did the Senator from Missouri [Mr. COCKRELL] yesterday; and, therefore, that these tremendous expenditures in the way of fortifications and other things on shore seem to be almost idle, particularly when we are to be twenty-seven years in accomplishing the work, and considering the improvements which are made every year in the art of war, in the development of destructive science and art, rendering obsolete the digging and filling of dirt with which we shall have indulged ourselves every twelve months of these twenty-seven years.

But, sir, if we ever are to be invaded, the Senator proved that it must be by land, and not by sea; in fact he proved that we can never be invaded at all. Then why these appropriations? I did not say that invasion was probable; I argued yesterday that we were comparatively isolated, that we were safe from invasion at home and abroad by land and by sea; but I said if we were to be invaded it must be by land, and that I believed it would be along our Canadian line, and therefore I argued that now, in the incipiency of our existence, we should reach out to the pole, in the name of peace, in the name of unity, upon this continent; that we should not allow these coming generations to grow up with distractions and prejudices, as has been the case with nations on the continent of Europe, but that we grow up one great homogeneous people, and subject or rather permeate surrounding territories and provinces and populations with the influence of our own institutions.

Canada can maintain two hundred million people easily, as we can easily four hundred million. Canada now has but five or six million. She is an uninhabited country, and so, indeed, are we. Looking to the great future, five or six hundred million people at least will inhabit the North American continent. Take these vast uninhabited spaces and subject them to Christianity and to the present political institutions of this great Republic; develop them in accordance with those institutions, make them homogeneous, make them free, and they will be peaceable for all time.

But, sir, if our boundaries are to remain as they are now and we are ever to be invaded, if war should come, I say, as I said before, that in all human probability the invasion must come from along the Canada line. I argued yesterday that it was not probable, because if we were assailed by land or by sea we should inevitably take Canada, we should push columns of land legions to the north, we should sever the Canadian Pacific Railroad anywhere, everywhere, and should within thirty days, perhaps, have subjected Canada to the Stars and Stripes, and it would be impossible to take her away. Therefore, with almost absolute certainty, in view of the loss and dismemberment of the British Empire, we should never be assailed at New York. There is a possibility, as I can conceive in the far future, that if we fail to pursue our manifest destiny we may be invaded by land.

The British Empire is federated around the world, with her three hundred millions of population in India, with strongholds in her islands, with Australia developed as a great continent, all fighting under her flag, and when elsewhere Great Britain shall have developed her power, and so shall be able to draw re-enforcements from every part of this globe and concentrate in the mouth of the St. Lawrence and at Puget Sound, and thence moving to the interior all along the border on our north the hordes of Asia and Africa as well as the trained hosts of Great Britain herself—this she may some time do if Canada remains as she is.

That is a possibility, and with the incessant and continual sources of difficulty, almost leading up to war already, by which we are beset, it is very probable that if this continent remains in two great halves, and not Canada alone, but Great Britain is the other half, if European power, combined with Asiatic and African, is to be located on our north, if the world, in other words, is to destroy this Monroe doctrine which is our safety and our existence, if this is to be done, if this is to be allowed to be, then, Mr. President, we may some time be invaded, but it will be by way of the land which lies to the north of us, and not by way of water along our coast. China has four hundred millions of people and China is becoming a warlike nation. China has grievances against us. We have not always treated her as a civilized power. Not always have we treated her with that kindness which we should extend even to our inferiors.

It is not impossible, therefore, that in the coming centuries, or even in the years of the first century that is to come, we may have difficulties with China. China may enter into combination with India and with Great Britain, and it is very easy for the 600,000,000 people that thus may become the allies of Great Britain, with Canada as the dumping ground and basis of military operations—it is very easy for those 600,000,000 to invade our territory by land. That is a possibility, and it is the only probability, as I believe, and that a very remote one, that we will ever be attacked either by land or sea. We should guard against it by pursuing a course of diplomacy and a national policy, peaceful if possible, which would inevitably result in the unity of the North American continent.

Talk about the Monroe doctrine, that we will not allow a foreign power to dictate policy for other American nations, when we allow right north of us a country that now has 6,000,000 and is to be a nation of fifty or one hundred or two hundred millions in the future—allow that to grow up as part of a European empire! Mr. President, there is no Monroe doctrine if that policy is to prevail. Whether it means peace or means something else, in the interest of peace there must be community of peoples and unity against European powers on this North American continent.

Mr. President, the Senator alludes to what has been said—I forget his adjective, but it was equivalent to superlative—the Senator alludes to the superlative nonsense of my suggestion of invasion by land. These fighting men are liable, as was Washington at Monmouth, to forget themselves and indulge in forms of expression in which I am not permitted. I therefore will not use his exact words as suggested by the Senator at my right.

There are some people in this world who do not look upon this business as does the Senator from Connecticut. When he comes here and organizes battle, when he goes into action, as I said yesterday I myself feel like fighting; not with him, for what manner of man would think of entering into a contest with the Senator from Connecticut? No mere mortal certainly.

But there is such a man as General Beale, who was the intimate friend of General Grant, one of the wisest military men that this country has produced or now possesses, modest, but informed beyond most men on every subject upon which he undertakes to speak. I had a conversation with General Beale only a few nights ago, in which he derided this idea of great ships with 2 or 3 feet thickness of iron on the sides of them coming over here from the Old World to bombard New York, and our undertaking to defend against such a fleet by these mud works at a cost of $120,000,000.

If Great Britain should send such a fleet to this country how would we defend? By our armed cruisers. By our merchantmen that could

be armed in three months, with which, having no commerce of our own, we would within a very brief time sweep the merchantmen of Great Britain to the bottom of the sea. As long as she is vulnerable in that respect would she send a fleet of ironclads to New York?

Then, again, Mr. President, General Beale said to me that as a defense against such a fleet what we wanted were floating batteries and the torpedo system. We are giving our attention in that direction. And so I might go on. He gave me many other ideas, some of which I had myself had before; but he was a sufficiently high authority, it seemed to me, to quote for the consideration of the Senator from Connecticut.

I do not propose to say anything more, Mr. President, in regard to this business. I do not care how much you appropriate for defensive war. If you want this $120,000,000, take it; if you want $500,000,000, take it. I wish you would put $50,000,000 into common schools, and at the same time whatever is necessary for defensive war. I only ask that, in the impoverishing of this nation for the purpose of organizing destruction and delaying the dawn of the millennium, defiance to God and the inspiration of the future, instead of doing that and doing nothing more, in addition you will just give $100,000 more to help to carry out this project of an international alliance which may do something towards the destruction of the necessity of longer cultivating the art of destruction, something to bring in the era of universal peace, something to remind us, Mr. President, that what the poet has sung may in the far future be; a time when—

> All crimes shall cease and ancient fraud shall fail,
> Returning Justice lift aloft her scale;
> Peace o'er the world her olive wand extend,
> And white-robed Innocence from heaven descend.

Mr. GORMAN. Mr. President, I should like to bring the Senate back to the consideration of the proposition that is pending, and that is the amendment to strike out $800,000 and insert $250,000.

The Senator from Connecticut [Mr. HAWLEY] devoted a small part of his speech to that proposition, and, as I caught his remarks, he tried to create the impression that the amendment was moved with a view of obstructing the work of creating large steel guns. Such is not the fact. I have labored earnestly in the past three or four years, in company with the Senator from Massachusetts [Mr. DAWES] and others of this committee, and have contributed what I could to secure the most liberal appropriations both for the Army and for the Navy, and give them all the money that could be used economically for the construction of their factories and for the purchase of the material that is necessary in the construction of these great engines of war. Therefore the intimation of the Senator from Connecticut, whom I do not now see in his seat, that the reverse is the case, is without warrant; there is no fact to warrant such a statement.

But, Mr. President, I believe that you will retard this whole matter by making appropriations beyond the requirements of the Government, and I say that the proposition which comes to us in this bill from the House of Representatives appropriating $1,000,000 for the purchase of steel is unnecessary and was never thought of until after the November elections last year; that it comes in now with the full knowledge that the people who have elected their representatives, and who ought to have control of their purse-strings, have reversed the present majorities, and that they will in all probability, as the condition of the Treasury will require it, inquire more minutely into the expenditures that are to be made hereafter.

I believe that this entire proposition is an afterthought and it is on the line of permanent appropriations. Now, Mr. President, why do I say so? I hold in my hand a statement made by the Ordnance Bureau, with the sanction of the head of that bureau, whose term has just expired, a gentleman whom I have thought it my duty to criticise very severely because I believed that in the past he wanted extravagant appropriations, because I believed that he and his corps were trying to exclude from this work all the private enterprises of the country, that they wanted to monopolize it and keep it under the control of Army officers; but I never impeached his integrity or his intelligence. He has now passed out of that office, and I take pleasure in saying for him that during all this time and during the heated controversy which we have had over it no man ever said or ever intimated that he was not a gentleman of the highest character and ability, and that I believe of him to-day.

As will be found on page 20 of the report of the committee of the House of Representatives, No. 3258 of this session, accompanying this appropriation bill, he stated:

> It further appears that, under the appropriation of $1,500,000 made for steel-gun forgings in the fortification act of September 22, 1888, the twenty-three 8-inch guns will be completed by May, 1894; the twenty-four 10-inch by October, 1895, and the fifteen 12-inch by July, 1895, or all will be completed about one and a half years after December, 1893, the date of the expiration of the contract for the forgings, and a fresh appropriation for forgings need not be made until 1892.

That was the statement of the head of this bureau when there was no motive in the world except for him to give Congress the exact condition of his department. When we had him before the Committee on Appropriations, in considering this item of $1,000,000 as it came from the other House, I read this clause to him and asked him if the conditions were the same to-day that they were when he made this report in November or December last, and he frankly said they were, and that there was no reason in the world for this additional appropriation, qualifying it only, as I remember, by the statement that, in view of the fact that we had contracted with the West Point company for assembling 8-inch guns, they might be short prior to 1893 of the material for the small-caliber guns.

Mr. HAWLEY. Now, I should like very much to be assisted by the Senator in this inquiry. Did General Benét contemplate anything more than our present finishing facilities with those that are to be at Watervliet?

Mr. GORMAN. I am coming to that. I am glad the Senator has asked the question.

Mr. HAWLEY. I want to put this point before the Senator——

Mr. GORMAN. I assure the Senator that with all the money you can give them for Watervliet it is not possible for them to get ready for three years to do this work.

Mr. HAWLEY. That is not it exactly. Even when Watervliet is finished, when the factory is completed, it will be able to finish but a comparatively small number of guns in a year. But I want to do just what the Senator does. I want to get private parties interested (and it is very easy to do it) in the finishing process; and I know that if we appropriate this $800,000 worth of rough parts men can be found to finish them. Watervliet will do a small portion of the work in any event.

Mr. GORMAN. Now we are dealing first with the question of the purchase of material, and I repeat that this statement of the War Department was conclusive at the time it was made.

Mr. HAWLEY. But within a few days the Secretary of War and the representative of the Ordnance Bureau asked for at least $800,000.

Mr. GORMAN. That is what I say; we had an election in November last.

Mr. CHANDLER. Will the Senator from Maryland yield to me for a moment?

Mr. GORMAN. Certainly.

Mr. CHANDLER. He does not wish, I am sure, to make a misstatement on this subject.

Mr. GORMAN. I do not, on any subject.

Mr. CHANDLER. I hold in my hand the report of General Benét, Chief of Ordnance, to the Secretary of War, which is dated, as the Senator will see, on the 10th day of October, which, I believe, was prior to the last election, to which the Senator has alluded. On the 25th page of that report I find the estimate which is inserted in the bill, the clause which the Senator is now discussing:

> For the purchase of oil-tempered and annealed steel for high-power, coast-defense guns.

The same language that is in the bill is in this report of General Benét, and the amount estimated and submitted by him to the Secretary of War is $1,250,000. The Senator will find that that is the amount included in the Book of Estimates, with which he is thoroughly familiar, and annexed to the estimate in the Book of Estimates is, in fine type, a note, which is precisely the same as the language used by the Chief of Ordnance in his report of October 10, which I will read. If the Senator will look, he will see that I am correct in saying that it is the same language:

> This appropriation should be made at the next session of Congress, as it is urgently needed to furnish the requisite supply of forgings to meet the present manufacturing capacity of the army gun factory—north wing and center section. This plant, working alone, will require a new supply of forgings, with deliveries to commence about the end of the year 1893. If an appropriation is not made this session there is every reason to anticipate that the gun factory will run short of work before a fresh supply of forgings can be obtained. The necessity therefor is rendered doubly urgent in view of the provision in the fortifications act of August 18, 1890, which authorizes the Secretary of War to give out, under contract with private manufacturers, the finishing and assembling of 50 per cent. of the forgings being procured under the act of September 22, 1888; and further, by reason of an appropriation of $320,000 for additional machinery for gun manufacture, made in the fortifications act of August 18, 1890, which implies an increased demand for gun forgings in the near future.

That being the language of the Chief of Ordnance on the 10th day of October, I trust that the Senator from Maryland will withdraw his suggestion that this estimate is an afterthought since the November election; and certainly the Senator will not pretend that a statement for partisan purposes could be expected from General Benét, the late Chief of the Bureau of Ordnance.

Mr. GORMAN. I will again read what General Benét stated in November, so that the Senator from New Hampshire will get the full scope of it. I think the Senator from Massachusetts [Mr. DAWES] will bear witness that when General Benét was before the Committee on Appropriations, within a month, he repeated the statement which I shall now read, that there was no necessity whatever for an appropriation until next year on this account, and his reasons appear in the detailed statement which I hold in my hand. I will read it again:

> It further appears that, under the appropriation of $1,500,000 made for steel-gun forgings in the fortification act of September 23, 1888, the twenty-three 8-inch guns will be completed by May, 1894; the twenty-four 10-inch by October, 1895, and the fifteen 12-inch by July, 1895, or all will be completed about one and a half years after December, 1893, the date of the expiration of the contract for the forgings, and a fresh appropriation for forgings need not be made until 1892. These figures show a production for the first six years, from the date of the act,

September 22, 1888, of about nine guns per annum, while it is a well-recognized fact that there is not a single modern high-power steel gun mounted for coast defense.

The estimate which the Senator from New Hampshire [Mr. CHANDLER] refers to is based upon the completion of the factory at Watervliet to its full capacity, with all of its wings, and when that is completed we will require a million and more dollars' worth of steel every year to keep the factory going.

Mr. HAWLEY. Why not order some of that steel now? It will be needed in a year or two.

Mr. GORMAN. For the very reason which I have stated, that it is not necessary now.

Mr. HAWLEY. If you order it now, you can not get it under two years.

Mr. GORMAN. The point I make about ordering it now is that with the present condition of the factory and the great shops which make this steel, you would practically give this contract to one firm, the Bethlehem firm, which holds the present contract.

Mr. HAWLEY. Why would that do any great injury if they have had the enterprise to advance $2,000,000? I will tell the Senator, what he knows perfectly well, that he will find half a dozen firms ready to take this material up for finishing as soon as it shall have been forged.

Mr. GORMAN. That is a different branch of the subject. The Senator from Connecticut is constantly mixing the two branches. I am now discussing the rough steel, and not the finishing. I will come to the finishing in a moment. I am talking of the production of the rough steel itself, and not the finishing.

Mr. HAWLEY. Will the Senator pardon me a moment? I am talking of both, because the rough steel is not worth a cent unless it be finished into guns. The first contract must be for the rough forging. It will take at least two years to supply this $800,000 worth. That can be done under the present facilities. The facilities for finishing to that extent are not altogether ready, because we have not made use of our Watervliet establishment; but I tell the Senator that we can have finishing facilities of the kind he wants in private shops if we will say now by passing this $800,000 appropriation that we are going to require the finishing within two years.

Mr. GORMAN. I prefer to deal for the moment with what we have in hand. I will come to the finishing part a little later. If the Ordnance Department are correct (and I believe they are), their figures and tables show the fact that they have now contracted for all the steel they can possibly use until 1895, and that there is no necessity for more. Let us see what they say about it:

By the terms of the existing contract with the Bethlehem Iron Company deliveries will be made as follows:

End of—	8-inch.	10-inch.	12-inch.	End of—	8-inch.	10-inch.	12-inch.
1890	10			1892		20	9
1891	23	8	3	1893		24	15

Comparing these with the numbers of sets of forgings required, it is seen that there will be the following deficiencies:

End of—	8-inch.	10-inch.	12-inch.	End of—	8-inch.	10-inch.	12-inch.
1891				1894	20	9	11
1892				1895	32	23	31
1893	8		1	1896	44	40	47

The factory that we are creating for the assembling of these guns is not completed. Its capacity at present would not admit of the assembling and finishing of one-half the guns that we have made here within that time, giving plenty of opportunity to private enterprise and private shops to contract for the making of these guns. If that be so—and I think there can be no question about it—then I come back to the original proposition, that this is an expenditure of the people's money at an inopportune time and that the needs of the Government do not require it.

I make the further statement upon information, which I have received from any number of sources, that if you advertise for bids this day or during this year you might as well say in the law that this contract shall go to the Bethlehem Iron Works, for the reason that the balance of these great establishments are not prepared yet to compete with them.

There are the Carnegies, the South Boston Works, and quite a number of others which are making great progress in that direction, and the belief is, and I hope it is true, that within one year they will be in a condition to compete with the Bethlehem works. I have no hesitation in saying that the enterprise of the Bethlehem people in getting their great plant together and procuring the process for the manufacture of this character of steel entitles them to the highest consideration of everybody, and they will have an advantage in any contract that is offered at any time within the next two or three years, and properly so, but I think it is unwise for the Government. It has been the opinion of everybody connected with the War Department, the various boards which have been formed upon the subject, and of every committee of Congress, that it is unwise to rely upon any one establishment for the supply of material, as it is unwise for the Government to rely upon one great shop for the finishing and assembling of these guns. If we can do it for one year, as the Ordnance Department says in this matter, why not do it? Why anticipate when we know the great improvements which are being made in the steel itself and in the process of making it? There can not be any reason for it, I repeat, in my judgment, except the fact that a great change has taken place within the last five or six months. The members of every party are most anxious to go on and complete the fortifications and prepare these guns within reasonable bounds.

Mr. President, it is throwing money away to put a million or two million or five million dollars in the hands of officers to be expended now. We had better wait and try the experiment. There have been but one or two guns made out of this steel. There has been no thorough test except the one that has been made with the steel which we have already purchased. That work is going on, and going on gradually. We can afford to wait until next year before making additional appropriations.

As to the finishing and assembling of these guns, the Senator from Connecticut constantly brings that into the question of the forgings. The report states, on page 19:

The supply.—The best means and methods for procuring the armament recommended by the board had already been fully investigated by the Gun Foundry Board appointed under the provisions of the fortification act of March 3, 1883, said board having submitted a report with definite recommendations to the Forty-eighth Congress, first session.

In accordance with the recommendations of the Gun Foundry Board, the Navy Gun Factory was established at the Washington navy yard and equipped under the provisions of the acts of October 3, 1886, and March 2, 1889; while, under the fortification act of September 22, 1888, appropriating $700,000 for the purpose, an Army gun factory was established at the Watervliet arsenal, West Troy, N. Y.

The shop building for the Army Gun Factory was originally designed for the accommodation of sufficient machinery to give about the annual output of guns indicated by the Gun Foundry Board, namely, six 16-inch, ten 12-inch, fourteen 10-inch, and twelve 8-inch guns. It was to consist of two wings containing the machinery for finishing the guns, and a center section containing the shrinkage pit and the power and heating plant, etc.; the length to be 945 feet, width of north wing 128 feet, width of south wing 158 feet, height 75 feet.

As the policy of making, at first, only guns up to 12-inch caliber was regarded as most judicious, since at the outset the estimates for the work would be more or less conjectural, it was thought expedient to postpone the erection of the south wing of the gun factory until after some practical experience had been gained in the installation of a plant of this kind. Accordingly the erection of that wing was not urged at the time. The design for the building, as thus modified, when erected and fully equipped, being adequate for an output of five 12-inch, seven 10-inch, and twelve 8-inch guns per annum.

This output will require a supply of forgings to the amount of about $650,000 per annum, while the cost of completing the guns will amount to about $275,000 per annum, when in full working operation.

Under the appropriations made available for the purpose, work on the gun factory was begun in January, 1889, and the progress to date is as follows:

The north wing and center section have been erected, the floors are being laid, and the smaller machines are being placed as rapidly as delivered. All the smaller machines will be delivered by July, 1890. The first of the large boring and turning lathes will be delivered by December 1, 1890, and the remaining five by March 1, 1893, say three years from this date. The additional machinery for the full equipment of the north wing, for which an estimate to the amount of $165,000 has been submitted by the Department, should be delivered by July, 1893, or three and one-half years from date. The production of these large lathes, 40 feet long, with a swing of 72 inches over ways, will consume much more time than had been anticipated.

Machines of this character are not required in the trade. They are of unusual dimensions, and their manufacture is nearly tantamount to the establishment of a new industry. The power-plant engines, boilers, shafting, etc., will be in place in the shop building by July, 1890.

The total cost of the present shop and its full equipment, including railway facilities, will be as follows:

Shop building and railway facilities	$229,447
Machinery and power	652,024
Total	880,471

So, Mr. President, it will be seen that, notwithstanding we made the most liberal appropriation for this great factory, it will be March 1, 1893, before the large machines to finish and assemble these guns can possibly be put in position for work.

Mr. COCKRELL. And if we make an appropriation of a million dollars we go beyond that.

Mr. GORMAN. The Senator from Missouri says we are asked now to make an appropriation of a million dollars for the rough forgings used in these machines, which in themselves can not be set up until 1893. At the last session of Congress we began with an appropriation for additional machinery for another wing. In this bill is contained an appropriation for the building of the wing at Watervliet, and it will be 1895 before you can equip your factory for the purpose of utilizing this raw material.

Hence I say we have no right in the ordinary business way to anticipate so long ahead what the requirements of the Government will be. There is nothing in the condition of public affairs that warrants it, and if you are to make an appropriation there is not a possibility of utilizing the material for the next two years. It does seem to me that the proposition is perfectly clear as a business one. With every desire to give them a sufficient amount to go on with this work and make the best guns that are made in the world and complete the factory, and at the same time to give private enterprise an opportunity to

compete with our Government factories, a branch of the subject which I will not go into until we reach another amendment to the bill—I say in my best judgment, after having given the subject careful examination, there is not the slightest reason for an appropriation beyond $250,000, which will enable them to get the rough forgings for the small-caliber guns, which may be assembled at West Point and other places.

I know the Senator from Massachusetts is very anxious to go on with this bill. I have stated the main points in connection with the pending amendment, and I do not wish to detain the Senate. I must ask, however, for a vote on the amendment.

Mr. PADDOCK. I appeal to the Senator from Massachusetts and ask him to yield to me to present two or three reports.

Mr. DAWES. My experience with this bill in the past has been such that I feel it would not be safe for me to yield. The Senator knows I should be very glad to accommodate him if I could safely do it.

Mr. PADDOCK. The Senator will not forget that in some of the experiences to which he refers he had my co-operation for relief.

Mr. DAWES. If the Senator can suggest any way in which I can do it safely——

Mr. COCKRELL. I think the Senator can do that.

Mr. PADDOCK. I think that after five minutes the Senator will be able to resume his demand upon the Senate to finish the bill.

Mr. DAWES. If no Senator will take the floor away from me, I shall be very glad to yield to the Senator from Nebraska.

Mr. PADDOCK. No one but myself will take it while I have it.

Mr. DAWES. I will run the risk.

ADDITIONAL REPORTS OF COMMITTEES.

Mr. PADDOCK, from the Committee on Pensions, to whom was referred the bill (H. R. 8119) to grant a pension to Margaret Hawkins, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 5895) to grant a pension to Hannah Hurst, reported it without amendment, and submitted a report thereon.

Mr. ALLISON. I am instructed by the Committee on Appropriations, to whom was referred the bill (H. R. 12922) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1892, to report it without amendment. I desire to say, in making this report, that I hope the Senate will take up and dispose of the bill some time to-morrow.

OTOE AND MISSOURIA INDIAN LANDS.

Mr. PADDOCK. I am directed by the Committee on Public Lands to report favorably and without amendment the bill (S. 4979) to confirm certain entries upon the Otoe and Missouria reservation lands in Kansas and Nebraska. I desire to state that this is the unanimous report of the committee. I ask that the bill may be considered at this time.

The VICE PRESIDENT. The bill will be read for information, subject to objection.

The Secretary read the bill, as follows:

Be it enacted, etc., That all entries which have heretofore been made upon the Otoe and Missouria reservation lands under the acts approved August 15, 1874, and March 3, 1881, are hereby confirmed.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. COCKRELL. As I understand, that bill relates to lands that were sold by the Government for the benefit of the Indians after the lands had been appraised.

Mr. PADDOCK. Yes, sir.

Mr. COCKRELL. And they were sold at the appraised value, probably amounting to five or six dollars an acre. There was a condition in the act that only actual settlers were to be the purchasers, and some question has arisen as to the actual residence of the purchasers upon the land, but they have bought and paid for the land. I make this statement so that there may be no doubt about it.

Mr. PADDOCK. The settlers have bought and paid for the land. The Senator states it so well that it is unnecessary for me to add anything.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADJUSTMENT OF ACCOUNTS UNDER EIGHT-HOUR LAW.

Mr. PADDOCK. I ask the indulgence of the Senator from Massachusetts one moment longer, to present an amendment to the bill (S. 175) providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law. I ask that the amendment may be read and ordered to be printed.

The amendment was read, ordered to lie on the table, and to be printed, as follows:

That to secure laborers their wages for labor performed by them and material men the amounts due for material furnished by them for use on any Government building or other improvement for the United States, said laborers or material men may file with the proper officer or agent having charge of such work a sworn itemized statement of such labor or material furnished, showing the amounts past due and unpaid to them, with a duly authenticated copy of the contract, if any, under which such labor was performed and material furnished. And such notice shall constitute a lien on any and all moneys due, or to become due, from the Government for such labor and material, for the benefit of the laborers and material men by whom such labor was performed or material was furnished, and payment for which is past due and unpaid, whether said money may belong to the original or any subcontractor who actually employed such labor and purchased such material for such use. And the same shall be paid out of any moneys in the hands of the proper disbursing officer or agent appropriated for such purpose, on the demand of said laborers and material men, with unquestioned proof that the same is past due and unpaid; and the moneys thus paid shall be charged against the balance or balances due or to become due on the Government work for which such labor was performed and such material was furnished.

MILITARY POST AT SAN DIEGO, CAL.

Mr. STEWART. I ask the Senator from Massachusetts to give way one moment to me. There is a bill authorizing the War Department to report on and select a site for a military post at San Diego. It is very short and is reported by the Committee on Military Affairs with an amendment in the nature of a substitute.

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Nevada?

Mr. DAWES. I should be very glad to indulge the Senator, but I am very anxious to get the fortifications bill through.

Mr. STEWART. The Senator can get it through in one minute. He can object to all others after this bill is disposed of. It will take but a moment.

Mr. DAWES. Very well.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4397) to provide for the purchase of a site and the erection of suitable buildings thereon for a military post at San Diego, Cal., and for other purposes.

The bill was reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of War be, and he is hereby, authorized and directed to cause an examination to be made for a suitable site for a military post and harbor defenses at or near the city of San Diego, in the State of California, and to report to Congress a particular description of the land required for such purposes and the amount of money for which the owners of such land will convey the same to the United States for the purposes aforesaid. He shall further report what in his opinion is the value of such land, and if the price asked for the same is reasonable.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the selection of a site for a military post at San Diego, Cal., and for other purposes."

MARITIME CANAL OF NICARAGUA.

Mr. MORGAN. I wish to state that on Friday morning, at the conclusion of the routine morning business or as soon thereafter as will be convenient, I shall ask the Senate to take up the bill (S. 4827) to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1880, for the purpose of submitting some remarks upon it at that time.

PUBLIC BUILDING AT ST. PAUL, MINN.

Mr. SPOONER. I ask the Chair to lay before the Senate the amendments of the House of Representatives to Senate bill 654.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 654) for the erection of a public building at St. Paul, Minn.

The amendments of the House of Representatives were:

On page 1, line 11, to strike out "one million five" and insert in lieu thereof "eight."

On page 2 to strike out lines 11, 12, 13, and 14.

Mr. SPOONER. I move that the Senate concur in the amendments made to the bill by the House of Representatives.

The motion was agreed to.

ANNUAL REPORT OF COMMISSIONER OF PATENTS.

The VICE PRESIDENT laid before the Senate the annual report of the Commissioner of Patents for the calendar year 1890; which was referred to the Committee on Patents, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had nonconcurred in the amendments of the Senate to the bill (H. R. 13071) authorizing the construction of a railway, street-railway, motor, wagon, and pedestrian bridge over the Missouri River near Council Bluffs, Iowa, and Omaha, Nebr., agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MASON, Mr. SWENEY, and Mr. CAMPBELL managers at the conference on the part of the House.

The message also announced that the House had passed the bill (S. 4937) granting to the Umatilla Irrigation Company a right of way through the Umatilla Indian reservation, in the State of Oregon.

The message further announced that the House had concurred in the amendment of the Senate to the bill (H. R. 8341) to promote the construction of a safe deep-water harbor on the coast of Texas.

FORTIFICATIONS APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12499) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

Mr. DAWES. Now I hope we may have a vote on the pending amendment.

The VICE PRESIDENT. The question is on the amendment submitted by the Senator from Maryland [Mr. GORMAN] to the amendment of the committee.

Mr. FRYE. Let the amendment be read.

The SECRETARY. It is proposed to amend the amendment of the Committee on Appropriations on page 6, line 5, by striking out "800" and inserting "250;" so as to make the clause read:

For purchase of oil-tempered and annealed steel for high-power, coast-defense guns of 8, 10, and 12 inch caliber, in quality and dimensions conforming to specifications, subject to inspection at each stage of the manufacture, and including all the parts of each caliber, $250,000.

The VICE PRESIDENT. The question is on the amendment submitted by the Senator from Maryland to the amendment of the committee.

The amendment to the amendment was rejected.

Mr. DAWES. The question now is, I believe, upon the amendment of the committee.

The VICE PRESIDENT. The question recurs on the amendment of the Committee on Appropriations.

Mr. PLUMB. Mr. President, it may be hardly fair to detain the Senate at this time by further talk on this subject, but there are so many differences of opinion and so much contrariety of view that it seems to me fair that something more might be said from the standpoint of the committee which had this bill in charge and which reported to the Senate the amendments which it thinks ought to be made in order to perfect it.

In this case, as in most cases, the truth, I think, lies between the two extremes, the extreme of those who would do everything now and the extreme of those who would do nothing either now or at any other time, perhaps, at all events, not at the present moment. This is true because it is more or less a universal truth as applicable to human affairs, and it is true in this case because we are dealing with a question which must depend finally for its proper solution upon a certain state of public opinion, and public opinion can not at this time be relied upon, I think, to sustain, as the Senator from Massachusetts [Mr. DAWES] has very well said, the extraordinary appropriations which have been suggested, partly because the amount is a startling one and because it is of an indefinite character, which always elicits more or less disapproval on the part of the general public, but largely because it is within the experience and within the observation of nearly every one who has given this subject attention that from time to time as we progress in the way of doing a thing which we have in view we gain in methods, we gain in material, we gain in skill, in knowledge, and in everything that is necessary in order to produce a perfect thing. I am sure that in this matter, as in all other matters pertaining to administration, there is a constant gain by the supervision of Congress, even if that supervision is not always the wisest.

I am very sure that we get a better navy, better ships, a better *personnel*, and a more thorough devotion to the public interests as we get better ordnance, better projectiles, better machines for war of all kinds, by reason of the fact that every year those who are doing the work for us, whether they be private contractors or public officials, are required to show to us before they can go ahead what they have done and what they propose to do. The judgment of Congress may not always be intelligent and wise, but the fact that this supervisory power of appropriation is exercised every year and that it calls men to account, that it requires reasons for what is going on and for what is proposed to be done, constitutes the highest possible incentive to the officers of the Navy and the War Department and also on the part of those who are seeking as private contractors to do portions of the work which we think are necessary to be done.

It has been demonstrated practically by proof that only about a certain amount of money can be appropriated each year. That amount has been embraced in the bill of this year, and was in the bill of last year, and in the bill of the year before. That maximum may be stated as perhaps about $6,000,000 or possibly a little under that. Certainly, no very much larger amount can be had. I am prepared to say that that amount is about all that can be usefully spent.

Of course I agree that if we were confronted with the trouble which the Senator from Connecticut [Mr. HAWLEY] has so vividly depicted as something which is liable to occur, it would be a great deal better if we had the guns of last year than to have the project of guns of this year, although this year's guns are to be a great deal better than those of last year, and it would have been even better to have guns of ten years ago than not to have any. If we had been going through a period in which we were confronted with constant danger, as the Senator seems to think we have been, then of course it would have been better to have the imperfect guns we had at an early period of our experience in their manufacture rather than to have none. But, Mr. President, the guns that we get now are the best guns made in the world thus far. They are undoubtedly far better than the guns which we would have had five years ago or ten years ago.

In addition to that, we are going to have in the near future, unless I am very much mistaken, still better guns, not only because we shall have better material, better steel, a combination composed of steel and something still better than steel, but because we shall have better mechanics, better inventors, and all the things that come by experience and by the operations of genius.

I venture to say that one gun such as has already been made by the Navy and by the Army is better than any two guns which we could have had as the product of that same Army and Navy of ten years ago. We shall get better armor. We have outgrown a great many theories about coast defenses and about the character of ships we shall build. Nobody knows that better than the Senator from New Hampshire [Mr. CHANDLER] on my right, who, during his administration of the Navy Department, contributed so powerfully to give to the Navy an incentive in the direction of upbuilding, the effect of which is being experienced to-day, followed, as he was, by a very competent official under the Administration of Mr. Cleveland, and followed by still another one, possessing in the highest degree qualifications necessary for administration of the best sort, constructive, active, aggressive, forceful, discriminating, and patriotic. The Navy has a great deal to be proud of in its administration during the past two years. This has led to the production of better ships than are being produced elsewhere, and during that time, more significantly still, we have learned that a type of ship which ten years ago was regarded as possessing the highest qualities for offense and defense is now being eliminated entirely in the operations of modern naval warfare.

The public sentiment is such in this country that, if we had gone on ten or eleven years ago to build these great unwieldy monsters, such as have been built by Great Britain and other nations, and if they had proved to be failures here as they have been proved to be failures there, the Administration would have been ruined, public opinion would have been outraged and disgusted. The result would have been that nothing would be done, and at this moment it would be impossible to obtain any kind of appropriation to be expended under the direction of the Navy Department in the way of constructing a navy.

But we have gone on, feeling our way, not always, of course, prompted by the highest patriotism and sometimes having party contentions, but at the same time fairly responding to existing public opinion, what little we did doing well, instructing our navy officers and our army officers from time to time by contact and by observation and by experience in such a way that now they are among the most skilled of all the people in the world, probably, certainly in certain phases of gun-building and of shipbuilding.

Mr. President, as I said a moment ago, the end is not yet. The experiments carried on at Annapolis last September, I think it was, or last fall sometime, with reference to armor plate for vessels, demonstrated, I think, conclusively that our chief competitor, who has been mentioned here as waiting for an opportunity to descend upon our shores and liable to come down on us at any moment—and we could almost hear the sound of the hostile guns while the Senator from Connecticut was so eloquently depicting what was likely to happen—our competitor has not a vessel which is proof against even the 8-inch gun which we are now making.

That is a great gain, a great gain in money, and it is a gain in other ways. As we go on from time to time building upon the secure footing of actual knowledge acquired by experience and observation, developing the genius and skill of the American people, we shall illustrate how much better our people are than any other people in the world, not only in the arts of peace, but in the arts of war; not that we need so much, as we now see these things, and yet we can not, without criminal neglect, go on from time to time accumulating wealth and exposing points on our seacoast and elsewhere to what might come out of controversies with a foreign power.

Still, Mr. President, I have the conviction, which I have often expressed, that no man living on the American continent will ever hear a hostile gun fired. If he does it will be because, in the first place, for the reasons which have been suggested by the Senator from New Hampshire [Mr. BLAIR] and the Senator from Missouri [Mr. COCKRELL], because war is not for a day, and no nation would, except in a frenzy or crowded by some more or less ephemeral condition at home, ever enter upon a war with the American Republic simply for the purpose of bombarding New York and getting a contribution of any number of millions of dollars, however large, because that would only be the beginning of the trouble.

A nation like Great Britain never would do that, unless, as I said, it might grow out of some friction in the processes of negotiations or something of that kind where pride overcame reason. It will be remembered of course, that some years ago, I think it was in 1874, there was talk of a war with Spain, and at that time the Navy Department sold immense quantities of material in order to lay the bottoms for the ships of the monitor type, which have not yet been completed. Then it seemed reasonable on account of our exposed condition that they might make a dash at us, so to speak, hoping to get some tempo-

rary advantage which might serve in future negotiations; and so, on that account and because of the precaution that it is wise to be prepared for an emergency, it was exceedingly important that we should go on from time to time providing in a reasonable way for the public defense and against emergencies, and so on.

But more important still, Mr. President, than to have guns of a limited number on hand to-day, to-morrow, or next year, is it that we shall so distribute the operations of gunmaking and of shipmaking as to enable us to enlist, when the time of trial comes, all the skill and all the energy and all the capital of all the people of the United States in the utilization of the works of offense and defense which may become necessary beyond anything which we could ordinarily provide.

The Committee on Appropriations have had for a number of years a struggle with the House of Representatives as to what shape the efforts of Congress should take. There was a distrust of the Ordnance Bureau of the Army, a distrust which was well founded; that is to say, not a distrust of its patriotism nor of its good intentions, but a distrust of the methods of that bureau, a feeling that the bureau was so organized as to cling to old methods and old plans as against new ones, to reject new ideas, and especially to reject everything that came from outside—a policy which isolated the Department from the people of the United States, which took no account at all of the ability of the people of the United States to do things in case of emergency wherever it was necessary for defense, and which proceeded upon the theory that only an army officer was capable of making a gun or describing how a gun should be made.

One year no appropriation was made at all because of the disagreement between the two Houses. The extreme on one side insisted that the whole thing should be done by private contract upon plans and theories developed by the contractors themselves, and on the other side was the proposition that nobody but the Army should do anything, which of course amounted to doing nothing. As the result of all that, in the succeeding Congress provision was made for the establishment of a Board of Ordnance and Fortifications in order that the War Department and the Ordnance Bureau might have the advantage in an advisory way of the skill and judgment of men high up in the Army, and of representatives of all its different branches, of the engineers, the ordnance, and the artillery, and over them all should preside the General of the Army.

Great good has come out of that, and yet I am bound to say that I do not think we have had the good out of it that we ought to have had. I think that I can see that that Ordnance Board is too much governed by army methods, by army distrust of civilians, by too much of a contempt for the genius and capacity of persons in civil life, and that we are going along in the more or less hidebound way which is, to a certain extent, the characteristic of the regular Army in times of peace. But, still, we have made gains. Along with that we have intended that there should be offered in the freest and fullest way to the manufacturers of the United States opportunities to engage in this same work of gunmaking, just as in the Navy they are invited to build and do build ships, and just as in the Navy they have built or are building a large portion of the guns which are used for manning the ships that we provided.

In the first fortification bill which was agreed upon after all this controversy there was a section which provided for the submission of propositions to private manufacturers. It proved ineffectual. It was too stringent, and it did not carry an appropriation. There was a variety of reasons why the manufacturers did not avail themselves of it. In addition to that, the manufacturers had not been encouraged to believe that the Government had work for them to do, and they did not build a plant. The result was that we got no bids. Last year we put in the proposition a little differently modeled, a little more favorable to the contractors, and still more favorable to the Government, and bids were obtained. A concern in Kentucky, at a new town called Middlesborough, offered to build one hundred guns for the Government and to submit them to all the tests which the Government should apply, and to submit every stage of the manufacture to the inspection of the Government officials, but the amount of the bid was too large and the contract was not awarded.

It is proposed in this bill that we shall make another effort in that direction. We propose to enlarge the amount. It was not large enough, and yet persons appeared before the committee with facts and arguments which were not to be idly set aside, claiming that, when the interest on the Government plant and the shrinkage in its value from time to time and its wear and tear were taken into account, their proposition was better for the Government in a financial way than the building of guns at the Government factory at Watervliet or elsewhere; but the Secretary of War, a very wise and prudent man, and one of the best executive officers we have ever had at the head of that Department since my first experience in public life, thought he could do still better, and I think he can. I think by another year he will get bids very much lower than the ones which we had under the law of last year. We have given him authority to buy one hundred guns, or less than one hundred guns, according to the prices he shall deem fair to the Government and fair to the manufacturers.

There comes in one of the advantages of the Government gun factory. The Secretary has before him constantly an object lesson of what the gun factory has done in regard to the quality and in regard to the price, and that contrast had a very significant illustration in the operations of the Department last year. Following this same idea of which I have spoken, the Appropriations Committee last year put into the fortification bill a provision requiring the Secretary of War to invite bids for finishing and assembling guns by private parties. As is of course understood, heretofore the Government has bought the forgings and the built-up pieces of steel which represented in rough the gun. These are taken to the gun factory, where they are bored out and trimmed with a lathe and fitted in such a way that they become a perfect gun. That is called finishing and assembling.

It was found that the work was going on very slowly and it would take twenty-five or thirty years at the rate of progress now, or twenty years at least, before the 700 guns which had been estimated as necessary to defend our 6,000 miles of seacoast could be provided, and so the committee determined that private manufacturers should be invited to engage in the finishing and assembling of these guns, to take this steel which we had already purchased and finish and assemble the guns in order that we might have them earlier than on the other plan.

The Secretary invited proposals and required the army gun factory at Watervliet to bid, and it did bid. It was found on a comparison of bids that the West Point Foundry, at Cold Spring, N. Y., bid lower than the army factory. There we had a showing at once of the benefit of this proposition to enlist private manufacturers. We found that we could get guns quicker through their instrumentality than through the instrumentality of the gun factory alone. We found also that we could get them cheaper than through the instrumentality of the gun factory alone.

Mr. HAWLEY. I call the attention of the Senator to the fact that the statement of these bids shows that the army gun factory bid for 8-inch guns $4,500 apiece, and the West Point Foundry, at Cold Spring, $4,975. Nevertheless it was considered a fair bid, and the contract was given to the West Point Foundry.

Mr. PLUMB. It was considered a lower bid. The Secretary told me personally he considered it lower.

Mr. HAWLEY. He took into account the interest on the plant, etc.

Mr. PLUMB. Of course. The Government money is worth something, the Government wear and tear is worth something, and the salaries which are paid are worth something, and the Secretary said it was a better financial bid for the Government than the bid of the Government gun factory.

Mr. HAWLEY. The Senator will allow me to say that I think he misunderstood me.

Mr. PLUMB. I did not misunderstand the Senator, but I was responding to his apparent dissent to my statement of the financial result. The Secretary's statement was that the wear and tear of the plant and the interest on it, insurance and all that, were greater than the difference between the two bids. The Secretary says, and I have no doubt it is true and I have no doubt he will make it true by his wise administration, that the manufacture of guns at the army gun factory is going to be very much lower hereafter than heretofore, and he pointed to the significant reduction of the cost of guns made at the Washington navy yard.

The cost of the same kinds of guns by comparison between the present time and a former time, between the beginning and now, has been reduced in some cases at least 60 per cent., and we shall have similar reductions at the army gun factory without doubt, and we should also have similar reductions in the operations of private manufactories. We have thus got enlisted an additional agency of almost equal power and ability in an emergency to contribute to the national defense with the gun factory itself.

Mr. GORMAN. I should like to ask the Senator a question. From his long experience in this matter, has he any idea we shall ever get private enterprises interested in the manufacture of these guns? I mean in furnishing completed guns.

Mr. PLUMB. I have no doubt we shall do it. I shall be greatly surprised if, during the next fiscal year, we do not have bids which are 25 per cent. lower from private contractors under the last amendment of this bill than those of last year, and with the assurance, which I think no one doubts, that the guns which we shall get will be at least as good as those we get by means of the Government gun factory. When I say that, I do not say it to disparage the Government factory at all. I regard it as of the utmost importance that the Government should be carrying on this work so as to be able to establish all the time, not only competition, but a comparison between its own efforts and those of private manufacturers. It is important also for the instruction of the young men of the Army. It is important because it doubles the capacity for doing this most important work, and, as I said, besides that, if we give this work out to private manufacturers they can from time to time enlarge their plants if they will, and there are already a number of plants in this country that can build 8-inch guns. They have machinery large enough for that. The difference between an 8 and a 10 inch gun is not very great.

The Senator from Oregon [Mr. DOLPH] in a very interesting state-

ment he made before the committee last year showed us that one establishment on the Pacific coast had machinery sufficiently large for the manufacture of 10-inch guns, and he was hopeful then, as I am now, that within a short time that concern would undertake to build guns on the Pacific coast as cheap as we could build them on this side and transport them there. Thus we should have that agency set in motion, and that is important, not only by reason of the fact that we can thereby more readily add to the means of immediate defense, but because every one of these factories becomes a Government gun factory in time of war, when that time comes, and that is the greatest security we can possibly have.

Mr. President, with regard to the proposition to buy the cast-iron forgings that are recommended by the Secretary of War and by the General of the Army, the Senator from Connecticut [Mr. HAWLEY] yesterday very properly said that it is important and is entitled to be taken into account in legislation. The Secretary of War especially asks that to be put in this bill, and it is named in the estimates. It is undoubtedly true—I should not say it is undoubtedly true, but it is probably true—that the steel mortar is better, and yet these guns are not subjected to the strain the ordinary high-power gun is.

They simply shoot a shell high in the air and its effect is the result of the momentum of its coming down, a very important thing, I agree, but the strain upon them is nothing like what it is upon an 8 or a 10 inch steel gun under ordinary circumstances and conditions. It has been found by experiment that these guns will stand the strain and erosion of more than two hundred shots, and still be in good condition to fire as many more, far beyond the lifetime of an ordinary battery. They can be had quicker and cheaper and easier than a steel mortar can be had. No plant has been made especially for their manufacture. The Government gun factory can not make them without displacing the work it is doing on high-power guns.

None of the manufacturers who are now engaged in making forgings for the Government can make the forgings for these mortars unless they displace for the time being the forgings for the high-power guns; and so, taking this gun which has stood the test and which is not regarded as quite up to the maximum by army officers, at the same time it is a good modern weapon and it is deemed important that there should be more of them. The estimate is that it will take seven hundred of these to arm our coast with mortars. The Secretary of War wrote a letter to the chairman of the subcommittee of the Committee on Appropriations [Mr. DAWES], which I will read:

WAR DEPARTMENT, *Washington, December 29, 1890.*

SIR: Referring to the items of appropriations in the fortification bill as it passed the House, it will be observed that no provision has been made for continuing the manufacture of breech-loading, rifled, seacoast mortars, cast iron, hooped with steel, of 12-inch caliber, for which an estimate of $450,000 was submitted in the annual estimates. (See Book of Estimates, present session, page 174.)

The Department has at present contracts for the manufacture of only seventy-three of these mortars, and which will be completed in about three and a half years, thirty being manufactured under the provisions of the act of September 22, 1888, and forty-three under the provisions of the act of August 18, 1890.

I therefore deem it most important that a further appropriation should be made at this session for procuring a further supply of these mortars, as a large number of them will be required for coast defense and their manufacture comes well within the capacity of several of the private establishments of the country.

I would therefore respectfully recommend that a sum of not less than $250,000 be embodied for this purpose in the fortifications bill now pending in your committee.

Respectfully,

REDFIELD PROCTOR,
Secretary of War.

Hon. H. L. DAWES,
Chairman Subcommittee on Fortifications Bill,
United States Senate.

Mr. CHANDLER. Mr. President, I should like to ask the Senator this question. These cast-iron mortars are hooped with steel; that is, they have a steel jacket and they have rings of steel to strengthen the cast-iron tubes. I ask the Senator why an establishment that can provide the steel jackets and the steel rings which go around the cast-iron tubes can not also provide a steel tube around which to put the jackets and the rings.

Mr. PLUMB. It can.

Mr. CHANDLER. Then I ask the Senator why it is wise to go on and build these inferior guns with cast-iron tubes when the same establishment that makes them can make a mortar entirely of steel.

Mr. PLUMB. They can, of course, do that, but they can not do the two things at the same time, and therefore, if they are to be invited to make these steel tubes for mortars, they must abandon the making for the time being of the steel forgings for high-power guns.

Mr. CHANDLER. Let me ask the Senator, does he propose to go on and have the seven hundred mortars that are needed for proper coast defense made of cast iron?

Mr. PLUMB. I do not; that is to say, I do not care to speak of myself as being especially related to what may be done hereafter——

Mr. CHANDLER. I mean the Committee on Appropriations.

Mr. PLUMB. I do not think the committee would want to be spoken of in that connection. As the Senator from Massachusetts [Mr. DAWES] well expressed it awhile ago, we are trying to do to-day's work to-day. That is all. It may be demonstrated to-morrow that there is something better than either steel or cast-iron.

Mr. CHANDLER. Has it not been demonstrated, if the Senator will allow me, that cast iron is no material for gunmaking, and is it not rejected all the world over for the purpose of making ordnance?

Mr. PLUMB. I think that is true within a certain limit. I understand that mortars of this kind are still made in Europe. That is the testimony we have before us from officers who have been contending for the best instrumentalities of this kind, who are asking that this be done because, in the first place, these mortars answer a fairly good purpose—possibly not the highest, but a fairly good purpose. They can be had without interfering with the manufacture of the high-power guns.

I have no expectation that we shall go on with the whole seven hundred to be built in this way. I believe that long before we complete the high-power guns or seven hundred mortars we shall have found a better material than we are using for either or both of them. I shall be greatly disappointed if when this bill is reported four or five years from now it will not be said, by whoever has it in charge then, that there has been a great advancement in guns and gun material and gunmaking. We are not building a foundation which is to remain perpetual. It is to be a shifting one. We are constantly advancing. We simply say we are doing to-day what we can do to-day without interfering with the better thing which we are trying to do about the high-power guns.

That is supported by the statement of the War Department, and it is shown here that even the contracts we have now outstanding for steel forgings will not be completed until 1894. Of course the people who are making these forgings are making them as fast as they can. They want the money, and if they could make more they would make more; but they can not do it. Therefore, if we will say to them, "You make steel mortars," they will say "Very well"——

Mr. HAWLEY. If the Senator will permit me, it is not the same people at all.

Mr. PLUMB. No; but if we were to quit making them we would have to go to these people who are now making steel guns, because they are the only people who can do it.

Mr. HAWLEY. I think not. There are plenty of people who would be glad to take up the contracts, I think. I will say to the Senator that the cast-iron, steel-hooped mortar is a great deal better than nothing. That is the best I can say for it.

Mr. PLUMB. Very well.

Mr. DAWES. I understand that that is just the position of the Department. They want to make one hundred or two hundred of them while they are making the steel mortars, so as to have them upon the ground. When they come to supply the different classes of ports ultimately they will really give these cast-iron guns to the ports of the least importance and the best ones to the seaports of the greatest importance. They do not intend to make the whole of the seven hundred of cast iron. The question of time enters into the construction of the seven hundred, and to have half of them of steel and half of them of this material, is better than waiting twenty-seven years for the steel ones.

Mr. CHANDLER. What I should like the Senator in charge of this bill to say, and what I should like to have the Senator who is now upon the floor say, is whether or not there is any exigency upon this country that we are in such haste to make war material that it was necessary for us to appropriate $400,000 last year and it is necessary for us to appropriate $400,000 this year to create a weapon of warfare as the best thing that can be done, where the best that can be said about it is that it is better than nothing.

Mr. DAWES. If the Senator from Kansas [Mr. PLUMB] will allow me, if the 16-inch gun is a great deal better than the 8-inch gun, I ask the Senator from New Hampshire why we do not address ourselves absolutely to the manufacture of the 16-inch guns.

Mr. CHANDLER. If the Senator from Kansas will allow me, we build guns of various dimensions, of course. We build the 6, the 7, the 8, the 10, and the 12 inch guns now of steel, and nobody is so crazy as to think of building one of cast iron.

That is the reason why we build 16-inch guns and 12-inch guns here. When the whole world has discarded cast iron and when this Government has discarded cast iron for everything else, the proposition now is to put $400,000 more into this bill for the purpose of cast-iron guns, and then have the same establishment that casts the iron tubes make steel rings and steel jackets to put around them to see whether they can not be kept from bursting, as the cast-iron gun did burst which was tried under a similar law two years ago.

Mr. DAWES. Why does not the Senator adhere to his argument, which was, why do we apply ourselves to making an inferior article when we can just as well make the best? I answer him, for the same reason that we are making 8, 10, or 12 inch guns and not making them all of 16 inches.

The Senator says everybody has discarded cast iron. Everybody has not discarded by any means cast-iron mortars with steel hoops. Everybody is making them. The War Department and the Ordnance Bureau seem to take quite a different view of it from my learned and distinguished friend from New Hampshire.

Mr. CHANDLER. I understand very well that the Ordnance Bu-

reau and the Secretary of War are willing to go on and build these cast-iron mortars hooped with steel, but I understand the only reason why they are willing to do it is on account of the cheapness with which these guns can be made as compared with a mortar entirely of steel, and I say, that being the only reason under heaven why they are willing to make them, that being the only reason under heaven why Senators are willing to make them, that we can a great deal better afford to pay $10,000 for a mortar wholly of steel than we can afford to pay $8,000 for a mortar the body of which is of cast iron.

Mr. PLUMB. The Senator quotes the Senator from Connecticut [Mr. HAWLEY] as though he were the only authority upon this subject, when he says, "The best thing that can be said of these mortars is that they are better than nothing." That is not the best that can be said of them. They are just as good while they last as a steel mortar. Their range is just as effective.

Mr. HAWLEY. Will the Senator pardon me on that point?

Mr. PLUMB. Yes.

Mr. HAWLEY. A steel mortar would throw a shot 200 pounds heavier with 15 or 20 pounds more powder behind it, and would live much longer. The cast-iron mortar will throw about a 600-pound shot with perhaps 80 pounds of powder. The steel gun of corresponding caliber would throw 800 pounds with about 100 pounds of powder.

Mr. PLUMB. Of course, I surrender on that point to the Senator from Connecticut, but that is not the information I have had.

Mr. HAWLEY. The Senator will pardon me. I am stating nothing of my own knowledge. I get that straight from first-class ordnance officers.

Mr. PLUMB. First-class ordnance officers are abundant and they testify in different ways.

Mr. President, the argument has been all the time about this work that we ought to do something now; we ought not to wait until it is absolutely certain that what we get is the best that can be had. Why are we making now armor-plate of steel alone when we know that steel and nickel combined is better than steel alone? Simply because we can make one now and can not make the other, and it is better to have something now than to wait indefinitely for a better, because by the time that we get to the point that nickel and steel are better when combined than steel alone, we should find something still better and consequently postpone and never get anything; but if we determine now to have steel mortars, then we must either wait until some manufacturer is ready to erect a plant hereafter to make the steel forgings for them, and thus postpone for an indefinite period the having of them, and it would, of course, take a long time to manufacture them afterwards, or else we must displace the manufacture now going on of steel for high-power guns. The Senator will bear in mind that when we come to that we have also got to take into account the capacity of the gun factory at Watervliet for finishing and assembling these weapons.

Mr. CHANDLER. Why not enlarge it?

Mr. PLUMB. Perhaps we might enlarge it, but all that means time, the postponement to a more or less indefinite future. It will take three or four years before the plant we are now providing will be ready for work, at least three years. Why not postpone the whole thing? Why do you appropriate every year $400,000 for the making of Springfield rifles? Nobody claims they are the best rifle in the world. It is admitted we have got to have a rifle of a smaller caliber and we have got to have a magazine gun, but the time has not come when we can determine what is the best caliber and what is the best magazine gun irrespective of caliber.

Therefore we make these guns for current use and to provide for emergencies. We have four or five hundred thousand stored at Springfield to give them out to the militia and to arm the regular Army with them. They are a good gun, but they are not the best. They do not represent the highest thought that modern ingenuity can furnish. We are going slowly about this, but at the same time we are taking care to see that we have something on hand. We might just as well upon the same logic drop the high-power guns in this bill as to drop these mortars. We went on several years, as the Army people said, very wisely, lining and rifling the old cast-iron guns left over from the war, the Parrott gun, the Dahlgren gun, and so on, and I think we have about eight hundred of them. They are a short gun. They are all of cast iron, and yet the ordnance officers say they have performed a very important function in the matter of coast defense. They are just as good for a flanking fire as a high-power gun under certain circumstances.

In other words, they are a part of the inevitable equipment of any fort properly equipped for defense. So with these mortars. They may not do as much in certain directions as other guns will, and yet I venture to say that for all practical purposes the only difference between them and the steel gun is their life. The steel guns will last longer. These mortars will probably last long enough, and it is better to have one hundred or one hundred and fifty of these than it is to have nothing and postpone the manufacture of something until we get to new conditions the coming about of which we can not foresee.

In regard to the amendment about the Watervliet gun factory, there is a large amount of money on hand now that has not been spent, and the committee believe that the money which we provide for in this bill, reduced in amount as it is from that proposed in the House bill, is as much as can be spent during the current fiscal year anyhow; and inasmuch as experience shows that this bill can not carry more than about a certain amount of money and get through, it seems wiser to cut off some things on appropriations that can not be spent during the coming year, and to put on some other things which will enlarge the capacity for national defense.

There is no intention to minimize the appropriation to Watervliet, but on the contrary an intention to enlarge it. It is a great deal larger than was contemplated at the time the Ordnance Board, of which the Senator from Connecticut [Mr. HAWLEY] was a member, or, at all events, was in active consultation with, at that time, advocated the establishment of a gun factory. We have appropriated twice the amount of money already that was contemplated at that time, which shows not only a willingness to go ahead, but an eagerness to increase this important part of the instrumentalities whereby we are to build guns for seacoast defense, and it is just as well not to magnify the army gun factory at the expense of everything else.

It is just as well, while we are giving it what is necessary, to leave off the unnecessary part, in order that in other directions there may be a stimulus to the manufacture and creation, whereby, hand in hand, there shall go not only Government effort, but private efforts as well; and the committee, after giving due consideration to these matters and having before them the officers of the Department, are satisfied that what they have proposed is in the direction of the public interests.

On the question of the purchase of steel which is involved in the amendment of the Senator from Maryland, it is true that the Ordnance Bureau did report that at the date of the expiration of the contract for forgings the first appropriation for forgings need not be made until 1892. That is what they reported. There is no doubt about that. The Senator from Maryland makes this mistake. He is willing to agree with me that these people are not overwise, but he indorses them on this point while discrediting them on others. I want to strike a fair average. I do not believe in them when they have said that, any more than I do when they have said some other things from which I have dissented.

In addition, that was made upon the basis that we should make no guns, that is, finish and assemble no forgings except at Watervliet. While the Secretary of War has already contracted with the West Point Foundry for the completion of eleven guns at that foundry, and that hastened the construction of them, it was the work of a nearly year. The Senator shakes his head. I think it is beyond conjecture that that must be the case.

In addition to that, we are to bear in mind that the people who made that report have never intended, if they could help it, that any gun should be finished, assembled, or manufactured elsewhere than by their own instrumentality, and they therefore make all recommendations of every kind based upon that idea.

Mr. HAWLEY. The Senator has been so kind about interruptions that I venture to say to him that the army plan, as I understand it, never did contemplate doing all the finishing at Watervliet, because here is their statement; it is calculated up for twenty-five or twenty-six years, and they averaged about nineteen guns a year. They intended a great deal more than that, but the plan they adopted contemplated bringing in private efforts in both branches, forging and turning.

Mr. PLUMB. There was a citizen of Maine who gained considerable fame by saying that he was in favor of the Maine liquor law, but against its enforcement. So, Mr. President, while these people have rendered some little service to this idea of engaging private manufacturers in this work of national defense, at the same time all their plans have practically eliminated it. I do not speak of that now as a matter of reproach at all. They conscientiously believe that their way is the best, and they pursue it the best they can. I agree also that they are very competent men. They are a credit to the Army and a credit to the country; but I have faith after all that there is some wisdom outside and that they are wiser and stronger all the way by the pressure we put them under to justify their plan.

Now, Mr. President, we have had the $200,000 which we appropriated last year, and it is a continuing appropriation, for the purpose of assembling and finishing the guns. That has only been partly contracted for. There has only been a little over $50,000 of expenditure provided for by the letting of contracts for assembling eleven guns at the West Point Foundry, at $4,975 each. There is $140,000 more in that appropriation, but there is no doubt whatever that the Secretary of War will follow in the direction of finishing and assembling through the instrumentality of private factories more steel; and we need to have the steel. Steel is a thing we can not improvise. You may set a hundred shops at work at certain parts of gun manufacturing, but there are not more than one or two in the country, two at the furthest, which can at this moment undertake to make forgings for high-power guns.

Therefore, if there is anything we need to keep in stock and to have on hand up to a certain limit which will not be reached by anything proposed in this bill, nor if it should be duplicated in another bill, it is these forgings, so that at any time we may set in motion the agencies of one, three, four, or a dozen factories, if necessary, to finish them up in a hurry.

I would have been willing myself to allow the sum to remain at $1,000,000, but the ordnance officers, in testifying before the committee of the other House, said that it might safely be reduced to $800,000, and while the Secretary of War was very anxious it should be a million he still thinks they can get along with $800,000.

I am more of that opinion because, while that makes reasonable provision for our needs during the next three or four years, I have great faith that at the time when these are completed, and perhaps before they are completed, we shall be getting a great deal better forgings than we are getting now, so that the next contracts made will give us something superior. It is because of this change in our method of providing for the finishing and assembling of guns, which was inaugurated by the Senate bill and concurred in by the other House last year, that I especially believed that the appropriation ought to remain at $800,000, as recommended by the committee.

Mr. BLAIR. Will the Senator allow me a moment?

Mr. PLUMB. Certainly.

Mr. BLAIR. I have just been figuring. That million dollars would build five thousand schoolhouses that would accommodate fifty pupils apiece. In other words, that million dollars would furnish the means to shelter two hundred and fifty thousand of the colored and white children, North and South, who do not go to school at all. That is only one-quarter part of the amount that is appropriated in this single bill.

Mr. PLUMB. Yes, and, in the absence probably of a constable or some other official who might stand as guardian of the peace in that locality, somebody with a match that was not worth half a cent could burn the thing up.

Mr. HIGGINS. Mr. President, much has been said in the course of this discussion in respect of guns and ships, but it seems to me very little has been said with regard to fortifications. As far as I can see in the bill there is one appropriation of $500,000 for the care of existing fortifications and the purchase of sites, and that is all that is being done by this Congress at this session at least towards a place in which to place guns or for having the forts themselves, by which not only our seacoast but our lakecoasts can be defended.

In conversation with a leading officer of the Engineer Corps, General Newton, a year or two ago, he told me that before any fortification, according to modern requirements, could be placed for the defense of Philadelphia, at the only place where it can properly be defended, the existing fortification of Port Delaware has to be entirely razed to the ground and destroyed.

Surely that is something which is not dependent upon the state of the art of making guns. We do not have to wait to know any more in order to do that. So it seems to me that we might find at a great many other points along our coast that the engineers of the past have located the existing forts at the very strategic points where the new forts must be built. That brings up the need we have, if not for haste, at least for the abandonment of delay in the protection, not alone of our interests upon the water, but also of our vast interests upon the land against foreign attack.

The Senator from Kansas [Mr. PLUMB] says that we are going as fast as public opinion will permit. Then, Mr. President, let us educate public opinion. I never was more impressed with the justice of the claim to high statesmanship of the late Samuel J. Tilden than when, at the advent of the Administration preceding the present one, he wrote what I may justly term a solemn letter, intended for the American people, calling their attention to his judgment of the importance of these measures. It has not grown any the less important with the progress of time. Gentlemen are free to assert that because we are 65,000,000 we are not only impregnable, but that we are not open to foreign attack.

A late history, probably the best contribution ever made to the history of this country, by Mr. Henry Adams, has pointed out anew the sorrowful story of the experience of Jefferson and Madison. They assumed that the position of this country made it indifferent to the exigencies of European struggle and European warfare. But through untold humiliation, that brings the mantle of shame to the cheek now when an American repeats it, this country staggered in it and wallowed for years, until at last, when almost reason had gone, their exasperation broke out in the war of 1812. Through the embargo, through everything else we had to pass, and at last we came out not having accomplished the purpose of that struggle because we had no adequate antecedent preparation.

Mr. President, I do not want to protract this debate. I realize the justice of the desire of the Senator from Massachusetts [Mr. DAWES], who has charge of this bill, that it shall come to a speedy vote. But, Mr. President, debate is springing up, not only on this bill, but on almost every measure that is presented here in respect of a coming question, which is not going to grow less with any day in our future. It is not merely a coming question; it is one that is here. I refer to the relation of this country to our neighbor, Canada.

I do not intend to be betrayed into undertaking the discussion of that question on the pending bill and at this time. I should be very glad if the limited time before the Senate would permit me to say what I think upon it at some later period of the session. But, Mr. President, it is well enough to remember that the day upon which there appeared below the Potomac, the Ohio, and the Missouri Rivers a republic of 13,000,000 people—I think it was—at that moment there sprang at once into existence a condition of war.

I have always believed that that war was indispensable and not to be escaped, not merely because of the causes that led to it, not merely because of the issues involved in it, not because of the passions aroused by it, but because of the other and greater fact that the existence of two republics nearly equal in power upon this continent transformed the continent at once from the abode of peace under the ægis of one Federal Republic into that of two military governments standing armed to meet one another, just as the balance of power has made war indispensable and necessary upon the continent of Europe.

I believe, Mr. President, that if we have to arm to-day we need not have such a condition as that made permanent upon this continent and that our highest duty is for us without any delay to create the public opinion that ought to realize the importance of this subject, to accept that public opinion which I believe to-day is aroused in respect of it, and that we should employ without hesitancy, I will not say without limit, but to the utmost limit that the capacity of Government and private concerns can use, the means to at once put coast, lake, and sea in a condition in which we dare negotiate with a power whose numbers, as compared with our own, are but trifling and insignificant, that we may protect the honor of the country, that we may make secure those great commercial interests that are in our keeping, and that we may take the first and indispensable step towards making this continent for all time to come the home, not of war, but of peace.

Mr. CHANDLER. Mr. President, the next amendment proposed by the committee to this bill provides for the appropriation of $400,000 for additional seacoast mortars to be made of cast iron hooped with steel. I shall move to amend the committee's amendment by providing that these mortars shall be built entirely of steel. I believe that we should not at this time make an appropriation of $400,000 in addition to the sum of $400,000 which was appropriated one year ago. The language of the committee's amendment is a duplicate of the language of that appropriation in the fortifications act of August 18, 1890. That appropriation was in these words:

> For breech-loading, rifled, seacoast mortars, cast iron, hooped with steel, of 12-inch caliber, $400,000: *Provided*, That contracts may be made for not more than one-fourth of the mortars herein provided for, to be constructed on the Pacific coast, in the discretion of the Secretary of War.

In the report of the House committee of the present session, Report No. 3258, there appears a letter to the chairman of the subcommittee from the Secretary of War, in which is stated the progress that has been made in the construction of these mortars. It appears, as has been stated by the Senator in charge of this bill, that about seventy-three of these mortars are under construction.

The aggregate cost per mortar of those that are to be constructed this side of the Mississippi River is, according to one bid, $7,995 per mortar; according to another bid, $9,030 for each mortar. The bids for the complete construction of these mortars upon the Pacific coast, the Secretary of War said, would be $14,975 per mortar, and the Secretary under those circumstances has found himself unwilling to make contracts for their construction upon the Pacific coast, but proposes to construct them in this section and to transport them to California.

I understand that only two of these mortars have been entirely completed. Two have been completed and have been partly tested, and they have not been found defective.

But while the construction of these cast-iron mortars hooped with steel is thus going forward, the Senate is met by the proposition, not of the House bill, but of the Senate committee, that an additional appropriation shall be made, in precisely the same terms, of $400,000 more for the construction of these cast-iron mortars hooped with steel, with the same provision, that the Secretary of War, if he sees fit, shall provide for the construction of one-half of them upon the Pacific coast.

Mr. President, I hope the committee will withdraw this amendment, or at least I hope the committee will consent to the insertion of a provision that the mortars may be constructed entirely of steel. I do not propose at this stage of the consideration of the bill to enter into the question of the general policy concerning the armament, through fortifications or ships of war or guns, which it is proper for the United States to adopt. We have seen here in this debate a wide difference of opinion among learned, judicious, and able Senators. We have in the Senate a wide range of opinion. On the one hand we have Senators who would make no preparation whatever for coast defense. We have, upon the other hand, Senators who would make a preparation such as I deem entirely uncalled for by the condition in which the United States finds itself at the present time.

But all these Senators ought to agree upon one thing, that whatever implement of warfare we create we shall have the best possible implement that the world can produce. We ought, I say, to agree upon that proposition. If we are to build a ship, whether that ship is large or small, it ought to be as good a ship of its type as the world can produce. If we are to build a gun, that gun ought to be as good a gun as can be produced either in the United States or anywhere else in the world. Our system of fortifications, so far as it goes, to the extent to

which we conclude to fortify, ought to be constructed according to modern conditions, and our forts, such as they are, ought to be as good, as strong, and as efficient as any fortifications which can be found the world over.

I do not think that the Senator in charge of this bill, I do not believe that any Senator upon this floor, will refuse to concede that the use of cast iron for cannon is obsolete. The use of cast iron is something old and something that has been discarded by all the nations of the world. It is something that this nation has discarded. When, a few years ago, the United States entered upon its new methods of construction, if there was one thing that we supposed we had determined to dispense with it was the construction of guns of cast iron.

Yet we are now confronted with the proposition that we are to go on and appropriate at the rate of $400,000 a year for building cast-iron cannon, when it has been proved by demonstration that cast iron without hoops of steel and jackets of steel will burst and go to destruction at the first experiment. We are told that it is expedient to make the hoops of steel and the jackets of steel, and to put them around the cast-iron tubes, and see if we can not get a gun from this method of construction that it is useful and wise for the United States to build.

The same gentlemen who thought that cast-iron mortars hooped with steel would be a wise provision for our coast defense also thought that cast-iron guns without any hoops of steel would be a useful part of American armament; and so in the act of September 22, 1888, I suppose with the approval of the Senate Committee on Appropriations, this provision is found:

> Whenever any party shall present for test a completed cast-iron, breech-loading mortar of 12-inch caliber, of about 32,000 pounds weight—

With certain other provisions. The act says it shall be tested, and if it shall be shown to the satisfaction of the board to be the equal in accuracy, range, power, endurance, and general efficiency of the 12-inch, cast-iron, steel-hooped, breech-loading mortar now at Sandy Hook, a contract shall be made for not less than fifty and not more than one hundred of these cast-iron guns, at a cost not to exceed $6,500 each.

This act having been passed, the cast-iron mortar was presented to the War Department for test, and the trials began on October 3 and were continued on October 4 and 5, 1889, in the presence of members of the board and the representatives of the South Boston Iron Works. I read from the report of the Chief of Ordnance of October 10, 1889:

> At the twentieth round the mortar burst, explosively, into a number of fragments, which were thrown off with great violence. No other damage was done beyond the demolition of the mortar and its carriage, as the precaution had been taken to surround the mortar with high and heavy traverses of sand bags

And with the destruction of this cast-iron gun there was no more heard of the proposition that not less than fifty nor more than one hundred of these mortars should be constructed for the Government, at a cost of $6,500 each.

But the experiment still went on of cast-iron mortars hooped with steel. That experiment, which is costing this Government $400,000, has only proceeded so far that two of these guns have been completed and have been tested and have not yet exploded, and the Senate committee propose that we shall go on with the construction of $400,000 worth more of these mortars.

Mr. President, I do not believe that this is in accordance with the best interests of the country. I do not believe, as the Senator from Kansas [Mr. PLUMB] has undertaken to suggest, that we are in any such haste for the construction of guns as to need to build them of cast iron, even if we do hoop that cast-iron with steel rings and put steel jackets upon it, in order to preserve a metal which standing alone is sure to explode, and which has been utterly discarded as a method of military ordnance.

I never expected to see the Senator from Kansas standing here and arguing that we ought to make such haste in the construction of our coast-defense guns as to build them of cast iron. I thought that the Senator from Kansas believed as I believe, as I think the Senator from Massachusetts believes, that we should build our new armament, that we should construct our new defenses, that we should build our new ships, the very best in the world, and that when we discarded wooden ships and smooth-bore guns we also discarded at once and forever the use of cast-iron ordnance.

Mr. President, there is no excuse for going on with this construction, except the one that has been made, and will be made to-day, by the Secretary of War and by the Chief of Ordnance for going on with the construction, yes, even for recommending that there be additional construction of such guns, the one that they can be built cheaper than guns all of steel. They will give no other reason, and I say it is the utmost folly to pay $8,000 for a gun which is soft iron surrounded by steel when you can have a gun entirely of steel for $10,000. If I am wrong in the additional cost the Senator from Massachusetts will correct me; but in the one case we get a mortar that is serviceable and will last as long as any of our modern high-power, steel breech-loading guns will last.

We not only get a gun that will last as long as any others, but we get a gun that is efficient and useful and serviceable, while the cast-iron mortars hooped with steel will before long be utterly discarded and will take their place with the thousands of smooth-bore Parrott guns and Dahlgren guns that are now in the possession of the United States and that have been consigned to the scrap heap.

Mr. President, there is one special danger in these guns, and that is that the breech-plug which is inserted is placed within the cast iron. It is not placed within the steel jacket; the steel ring and the steel jacket are put around the cast-iron core of the gun. The breech-plug is inserted into this mass of cast iron, and these mortars are specially liable to explode at the breech; and that is the kind of gun that the committee of the Senate insist that we shall go on with the manufacture of.

Mr. President, I make no complaint of the committee for contending that we should go on with the manufacture of additional ordnance for our fortifications. If they believe that these guns will be in some measure serviceable, then it is their duty to recommend their construction; but I do believe that when the committee come to take this whole subject into consideration they will reach the conclusion that with the new era which we have reached of naval construction, of coast defense, and of the construction of a suitable armament for this country, offensive and defensive, it is not wise to linger longer in experiments with cast-iron ordnance, and that we had better go on with our construction according to the most approved methods, and such that we shall not be compelled within a very short period to discard the very guns which we are now undertaking to build under a method which we have proclaimed to the world is a modern method of national self-defense.

Mr. REAGAN. Mr. President, I concur with the Senator from New Hampshire [Mr. CHANDLER] in the belief that we ought not to go on manufacturing cast-iron mortars or guns. It is suggested that by the use of the $400,000 proposed for that purpose a considerable number of 12-inch mortars may be promptly made. When they are made they will be very much such as we now have on hand. If there was an apparent emergency which required them to be made, I should concur with the proposition of the committee, but there does not seem to me to be any emergency which should induce us to adopt the plan of making cast-iron mortars with steel bands which can not wait until we can make the mortars of steel and make them of the best quality.

When we take into consideration the superior durability of the steel mortar, with the less amount of powder required, the more efficient service which it would render, it seems to me there can be no question that instead of going on with cast-iron mortars we ought to provide for the making of mortars with steel.

The eloquent Senator from Delaware [Mr. HIGGINS] objected to the bill as reported by the committee because of the small amount of appropriation which it carries for fortification. The question of the extent to which we should go in the construction of fortifications of any material out of which they have heretofore been constructed may well cause some delay, and I am not disposed myself to complain of the provisions of the bill upon that subject.

There is another provision of the bill, however, which I regret to see has been stricken out. There may be sufficient reason for it, but it is that provision which provides—

> For two gun carriages of the disappearing type, $56,500, together with the sum of $13,500 appropriated for one 10-inch disappearing gun carriage by the act of March 2, 1889, which sum is hereby reappropriated for the object herein mentioned.

Having reference to our coast defenses, I have the impression that these disappearing guns and gun carriages are to occupy a very important position. Fortifications of masonry such as we have heretofore had will not stand in the presence of the ordnance now in use. Mere earth works will not be a sufficient defense against the assault of such ordnance; but these disappearing gun carriages, if properly made, constitute in themselves an impregnable fortification. There is a complete protection except when the gun is elevated to be fired, and by the appliances of science the distance and range can be almost arranged before the gun is brought to the surface, and the firing is made very rapidly and the gun retired out of view until it is reloaded.

I understand the reason why this clause was stricken out of the bill was that with the many plans presented for the disappearing type of gun carriages the War Department has not been able to determine which one should be adopted, and therefore the entire appropriation is left out. There is nothing connected with our seacoast defenses, it seems to me, that deserves more prompt consideration than the subject of retiring gun carriages, and hence I should be glad to see whatever experiments may be needed entered upon for the purpose of obtaining the best description of gun carriage of this kind and of guns suitable to be mounted on them.

Mr. President, I have a view upon this subject, that, while of course it is necessary and proper to have fortifications on our seacoast, it is not so important at the present time as it is to secure the best possible description of guns and an efficient navy. I am disposed, and have been at every time when the subject has come up, to agree with those who were willing to appropriate liberally for steel forgings and for all the preparations necessary to the production of the highest order of guns. When we have guns of the highest order and secure a navy that is capable of commanding the respect of other countries, we shall have done very much to render seacoast defenses of little importance to us.

I do not concur in the view of my friend from Missouri [Mr. COCKRELL], who thinks that because we are not likely to have a war with other nations therefore we should make no preparations for war, and while I listened with much interest to what was said by the Senator from New Hampshire [Mr. BLAIR] about the necessity of cultivating the means of preventing war, and I regard his observations as highly creditable to the goodness of his heart, I doubt whether that is a practical view to take of our relations with the rest of the world.

The commercial relations of the United States are steadily growing. Our relations with the country immediately north of us are of a character, as suggested by the Senator from Delaware [Mr. HIGGINS], to give some solicitude. The fact that a passageway across the Isthmus is likely to be soon established, by which the commerce of the world will be drawn more by our doors than at the present, by which our people will become more directly connected with the great commercial interests of the world than at present, may also present reasons for consideration. The United States occupies the position, which it can not abandon, of a first-class power at this time.

We remember a few years ago when a disturbance occurred about the Samoan Islands the humiliation which every American citizen felt at the time from the conviction that the United States, in case of unfriendly action, was unable to protect the rights of its citizens, the honor of the nation, or to carry out its obligations. Frequently subjects of negotiation arise. Just as long as this country or any other country is unprepared by material power to take care of its interests whenever negotiations arise it is to be placed at serious disadvantage.

We have the question with reference to the Behring Sea now before us as well as the question in relation to Canada. These questions will involve negotiations with a power which commands the sea, with a power always aggressive, with a power the best for negotiations and the most successful in negotiations of any power upon the earth, a government, too, that avails itself of all its advantages in every negotiation and which insists upon the extreme rights of both the government and its citizens. If we think we can deal with such a power as that without preparation for war, we shall make a serious mistake.

The very fact of a country being populous and wealthy without means of its defense is an invitation to aggression. It invites the cupidity of the more warlike nations of the earth; it endangers the peace, the prosperity, and the welfare of the country which possesses those very qualities of large population and large wealth and great establishments of peace without means of military defense.

So, Mr. President, I would build up a navy capable of taking care of our interests upon the ocean and capable of crippling the commerce of any nation which might choose to go to war with us. I would make first-class guns in sufficient number to place upon our vessels and to man our seacoast at such points as may be necessary.

These things being done, we need really have no fear of a land invasion, in my opinion. At least if we should have an attempt at land invasion, we would be prepared to meet it. These things being done, less importance may be attached, it seems to me, to the construction of fortifications with any material which has heretofore been used for forts.

In view of the description of ordnance which is now being made by the different governments, some different plan and different material for forts must be resorted to before we shall be enabled to build forts that will resist the weapons of the present time.

Hence it is that I recur to the suggestion which I made at the outset, that in addition to torpedoes and to the various other appliances for harbor defense we should endeavor to obtain carriages of a disappearing character, mounting first-class guns, so constructed as to be raised to the surface and to be fired and to be lowered for the purpose of loading. This is a fortification which is safe and secure, and I do not doubt the scientific skill and capacity of our people for arranging carriages of this kind, by which we may have batteries as they may be needed, with guns that may be brought to the surface and fired and retired in security for loading and for the safety of the gunners and officers.

We can not, Mr. President, avoid the responsibility of a first-class power. We ought not to desire to avoid that responsibility, and in order that we may meet that responsibility we should have guns equal to those of any other government on the earth, which we can have. We should have vessels equal to those of any other government. We may not need such a navy as Great Britain or some of the greater naval powers; but we do need such a navy as will enable us to cripple the commerce of another country if we should get into war with it, and such a navy as will not permit any other power to menace the United States with danger in case of negotiations, and to make the cheek of the American citizen burn, as it has often burned, with humiliation when the United States has been compelled by stress of circumstances to agree to a condition of things that if she had been better prepared would have not been allowed to exist.

Mr. DAWES. Mr. President, I really hope we may now come to a vote upon these several amendments.

If the Senate will indulge me for a minute, when this attack upon these cast-iron mortars hooped with steel was made yesterday it was charged that it was a persistent idea of the Senate committee alone, put year after year into this bill by the Senate committee against everybody else, the War Department, the Ordnance Bureau, and every skilled man, and we were called upon yesterday to follow the advice of those whose profession it is to know these things.

It turned out to-day, however, that this was the very plan of the War Department; that these mortars hooped with steel had been the plan of the War Department and the Ordnance Bureau year after year; that two years ago they recommended them and contracted for them, and last year and this year estimated for this $400,000, and considered it of so much importance that the Secretary of War wrote a special letter to the committee of the Senate saying that it was of the greatest importance that he should have the opportunity to build these mortars. Now it turns out that nobody knows anything, but we here in the Senate, about what ought to be done. The Ordnance Bureau and the Secretary of War do not know that these guns are utterly worthless.

We alone here in the Senate have discovered that these cast-iron mortars hooped with steel are not worth a farthing, because in the war thirty years ago there were some old cast-iron guns that blew up. There were a great many things that blew up in that war that will never blow up again.

Also, another test was that two or three years ago we provided for the manufacture of a cast-iron gun, which was built, and which burst on the twentieth round, and therefore that simple cast-iron gun they say we abandoned then. But the Senator from New Hampshire [Mr. CHANDLER], who brought up that awful warning, forgets that a cast-steel gun built at Pittsburgh burst into ten thousand atoms on the first fire.

Mr. CHANDLER. And nobody builds any more.

Mr. DAWES. But they went to work deliberately and cast another one, and that exploded. Now, here is the War Department——

Mr. CHANDLER. Will the Senator allow me a minute? I want to say that I do not think a cast-steel gun ought to be built in the United States.

Mr. DAWES. I am glad the Senator is so confident——

Mr. CHANDLER. I do not think any cast metal ought to be used for guns.

Mr. DAWES. I am gratified that the Senator is so absolutely confident in the conclusion to which he has arrived, that it is not worth while to take the advice or follow the plan adopted by the War Department in carrying out this great scheme of coast defense.

Mr. President, I will say no more about the amendment reported by the committee. I have shown that it did not originate with the committee; that it is a part of the plan of the War Department, persisted in by them for four years, and considered so important as to require a special letter by the War Department urging its adoption. If, however, we think that we can devise a better plan and determine upon a better gun than they can, and that it is not safe to leave it with them, I hope the vote may be taken and determine that, and we will proceed to the conclusion of the bill.

Mr. HAWLEY. Mr. President, I must correct a mistake or two of the Senator from Massachusetts. No civilized nation in the world, no board of army officers anywhere outside of Africa (if they have any there) believe in building a cast-iron mortar or gun or anything of the sort. We took about 210 old 8-inch, cast-iron guns, bored them out a little, put a steel tube in them and rifled them, and that patched up thing was welcomed because it would throw a little heavier bolt than the smooth-bore out of which it was created. It was a patch and a make-up, but undoubtedly worth something. But that is not what officers would like to build. They did that to utilize those old guns which otherwise would go to the scrap heap.

Now, whoever invented this mortar, this composite, this poor, bogus concern, did it because it could be done much more cheaply and because it was the best thing that he could do in a hurry. It carries an apology with it every time there is one built. There is not an ordnance officer in the world who builds them without begging pardon of science and common sense to do it, but he says it is the best he could do at present, and if he had his own way he would spend about 40 per cent. more on a gun that would live forever, practically, and would do 40 or 50 per cent. more service. That is the fact about it.

They ask us here to build some of them. I confess that I do not understand just why they do it, but I know it is not because they think it is the best form of gun. Nobody in the world would think so. I do not suppose they do it to oblige the South Boston works, but they must please somebody's sentiment. I do not know whose sentiment it is but that of the men who build them or their representatives in Congress. Now, that is the plain, bald, disagreeable truth about it.

Mr. DAWES. It is not a cast-iron gun that we are talking about; it is a cast-iron mortar hooped with steel; and if the Senator thinks he knows the opinion of those who recommend it to be absolutely at variance with what they recommend, he knows more than I do. That is all there is about it. I do not know that. I know they recommend it.

The Senator has taken pains to allude to South Boston and the representatives of the South Boston works. Mr. President, there is not one of these guns made at South Boston. There is not the slightest bid or desire to make them at South Boston. They have been made at Providence and they have been made at the West Point Foundry,

and they have been made for $5,500 and $5,800; and the others cost $14,000. That is all there is about that.

Now, I do not care whether we set up our own judgment against the War Department or follow the War Department; it does not make any difference with me. I care more to get a vote than I do as to the result.

Mr. HAWLEY. I want to explain that I did not know where they were built at the time. I threw in South Boston as a sort of fishing experiment. I find out where they are built now. I never inquired and never cared. The people who built them do not brag of them, I know.

Mr. DAWES. Then I do not think the Senator ought to have thrown out the remark he did.

Mr. HAWLEY. The South Boston people did a good deal of cast-iron work that went to the dogs. I did not know but that they built these. I am willing they shall build something because they are better than nothing, but I do not want them to say that the War Department wants them or believes in them.

Mr. DAWES. Then why did the Department ask for them?

The VICE PRESIDENT. The question is on the amendment reported by the committee on page 6, in lines 5 and 6.

Mr. GORMAN. Mr. President, I only want to say a word in reply to the Senator from Connecticut [Mr. HAWLEY] in regard to these mortars and the South Boston works. I am about as far removed from Boston and their interests as any Senator on the floor. I have been by assignment on the subcommittee for the consideration of this bill for several years, and this controversy has been going on as to the character of the mortars which should be constructed by the Government. The South Boston works, believing that a cast-iron mortar pure and simple, a cast-iron gun, is equal to a steel gun, were anxious to make a trial, and to make it at their own expense, without a dollar of cost to the Government.

The gun was a failure as it turned out. The construction of cast-iron mortars bound with steel is the project of the Department. They have followed it and persisted in it and insisted on it that we should make an appropriation from time to time for it, and it does not come here by the influence of Boston or any other locality or any particular Senator. It is the urgent recommendation of the Department and has been from the beginning and is now. As the Senator from Massachusetts has well said, the contracts that have heretofore been given went to Providence and the West Point Foundry and the establishment in Kentucky; so that there is not the slightest local interest or the slightest local pressure.

Mr. TELLER. I should like to ask the Senator from Maryland how many of this peculiar kind of guns we have.

Mr. GORMAN. Of these mortars?

Mr. TELLER. Of these mortars.

Mr. GORMAN. I think we have contracted for only forty, $400,000 worth now.

Mr. TELLER. Four hundred thousand dollars' worth now?

Mr. GORMAN. Only two of them have been completed, I understand.

Now, Mr. President, I want to say one word for the South Boston people, who are entire strangers to me. My attention was called to the case of a gentleman at the head of it and to that concern by a former Senator from Illinois, General Logan, as a new member of the committee at the time, with the request that I would take up their relation with the Government and the service they had rendered this country during the late war, where they placed their whole establishment completely at the control of the Government of the United States and the Ordnance Bureau. I was convinced by the proofs that were presented that no more patriotic man ever existed in this country than the head of that great establishment.

He sacrificed everything to serve his Government; and I say without the slightest hesitation that I believe no man, no organization was ever treated as badly by the officers of this Government as he was after the close of the war and from that day till now. It was years and years before he could even get pay for work that it was recognized he had performed for the Government, and I have believed from what I hear of him that so hostile have been the officers of the Government to that great establishment located at Boston, with the changed conditions it is true of the center of manufacture, that they have left that locality and gone elsewhere; they have gone to Southwestern Kentucky and Alabama, for the purpose or establishing their great plant, which from all accounts will rival Midvale.

I think it is due to the people who are interested in it, and to the Senator from Massachusetts, after the allusion that has been made, to make this short statement, which could be done much more fully, in justice to them.

Mr. CHANDLER. In view of the remarks of the Senator from Maryland, I desire to say that in opposing these mortars I am not influenced by any hostility to the South Boston company. That company may be entitled to all the credit which the Senator from Maryland wishes to give it. It has now moved to Middlesborough, Ky., and has located itself where I understand it finds a mountain of coal and a mountain of iron in close proximity, and it can run a tunnel and bring these two materials together and manufacture gun metal and guns as cheaply if not more cheaply than they can be manufactured anywhere else in the world. I have no doubt of it, and I have no objection to their having all the contracts which the Secretary of War chooses to give them.

My point is distinctly this, that they can make a gun the tube of which is of steel and the rings of which are of steel and the jacket of which is of steel just as well exactly, if they will take a little more time to do it, as they can make a gun with rings of steel and a jacket of steel and the tube of cast iron, which ought not to be used to make a modern gun of, any more than so much dough.

The VICE PRESIDENT. The question is on the pending amendment.

Mr. TELLER. What is the amendment?

Mr. HARRIS. Let the amendment be read.

The VICE PRESIDENT. The amendment will be read.

The CHIEF CLERK. On page 6, after the word "caliber," in line 5, the committee report to strike out "one million" and to insert "eight hundred thousand;" so as to make the paragraph read:

For purchase of oil-tempered and annealed steel for high-power, coast-defense guns of 8, 10, and 12 inch caliber, in quality and dimensions conforming to specifications, subject to inspection at each stage of the manufacture, and including all the parts of each caliber, $800,000.

The VICE PRESIDENT. The question is on the amendment reported by the Committee on Appropriations which has just been read. [Putting the question.] The Chair is in doubt.

The Senate proceeded to divide; and the ayes were 15.

Mr. HARRIS. Let us have the yeas and nays upon the question.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. ALLEN (when his name was called). I am paired with the Senator from Tennessee [Mr. BATE]. Not knowing how he would vote upon this question, I refrain from voting.

Mr. CASEY (when his name was called). I am paired with the Senator from Florida [Mr. PASCO]. I am not aware of his views on the subject, and I withhold my vote.

Mr. CULLOM (when his name was called). I am paired with the Senator from Delaware [Mr. GRAY].

Mr. DAWES (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT]. I do not know how he would vote on this question, and I will withhold my vote.

Mr. GORMAN. The Senator from Georgia [Mr. COLQUITT] would vote "yea" if present.

Mr. DAWES. Then I vote "yea," as I am informed that the Senator from Georgia would vote "yea."

Mr. EVARTS (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN], and therefore withhold my vote.

Mr. BERRY (when the name of Mr. JONES, of Arkansas, was called). My colleague [Mr. JONES, of Arkansas] is paired with the Senator from New York [Mr. HISCOCK]. If my colleague were present, he would vote "yea."

Mr. MCMILLAN (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE].

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. PIERCE (when his name was called). Has the Senator from Kentucky [Mr. CARLISLE] voted?

The VICE PRESIDENT. The Senator from Kentucky is not recorded.

Mr. PIERCE. Then I withhold my vote. I am paired with that Senator.

Mr. PLATT (when his name was called). I am paired with the Senator from Virginia [Mr. BARBOUR], who, I think, has not voted on this roll-call. I therefore withhold my vote.

Mr. QUAY (when his name was called). I have a general pair with the Senator from West Virginia [Mr. FAULKNER]. I am not aware how he would vote. If he were present, I should vote "yea."

The roll-call was concluded.

Mr. MANDERSON. My colleague [Mr. PADDOCK] is paired with the Senator from Louisiana [Mr. EUSTIS]. My colleague is necessarily detained from the Chamber.

Mr. PLATT. The colleague of the Senator from Virginia [Mr. BARBOUR] tells me that I am at liberty to vote, and I vote "yea."

Mr. HARRIS. My colleague [Mr. BATE] is paired with the Senator from Washington [Mr. ALLEN]. If my colleague were present, he would vote "yea" upon this question.

Mr. HIGGINS. I am paired upon this question with the Senator from New Jersey [Mr. MCPHERSON]. If he were present, I should vote "yea."

Mr. DOLPH (after having voted in the negative). I have been paired during a considerable part of the present Congress with the senior Senator from Georgia [Mr. BROWN]. By arrangement, that pair was transferred to the Senator from North Dakota [Mr. PIERCE]. The Senator from North Dakota has returned and has recognized his pair with the junior Senator from Kentucky [Mr. CARLISLE], which I presume would leave the pair to stand between myself and the senior Senator from Georgia. However, I am at liberty, under the terms of

the pair, to vote on a question not involving political consideration, and I shall allow my vote to stand. It will probably make a quorum.

Mr. MANDERSON. Being assured that the Senator from Kentucky [Mr. BLACKBURN], with whom I am paired, would vote "yea" on this question, in order to help make a quorum I will vote. I vote "yea."

Mr. ALLEN. In view of the statement of the Senator from Tennessee [Mr. HARRIS] I feel at liberty to vote. I vote "yea."

Mr. HIGGINS. I understand that the Senator from New Jersey [Mr. MCPHERSON], if present, would vote "yea," and to make a quorum I take the liberty of voting. I vote "yea."

Mr. CASEY. By the terms of my pair I am at liberty to vote to make a quorum, and I vote "yea."

Mr. CULLOM. I am informed that there is not a quorum voting.

The VICE PRESIDENT. Not a quorum has voted.

Mr. CULLOM. I am then at liberty to vote. I am paired with the Senator from Delaware [Mr. GRAY] with the understanding that I may vote when it is necessary to make a quorum. I therefore vote "nay."

The result was announced—yeas 39, nays 7; as follows:

YEAS—39.

Aldrich,	Dawes,	Hoar,	Shoup,
Allen,	Dixon,	Manderson,	Spooner,
Allison,	Edmunds,	Morrill,	Stockbridge,
Berry,	George,	Platt,	Turpie,
Blair,	Gibson,	Plumb,	Vest,
Carey,	Gorman,	Power,	Walthall,
Casey,	Hale,	Reagan,	Washburn,
Cockrell,	Hampton,	Sanders,	Wilson of Iowa,
Coke,	Harris,	Sawyer,	Wilson of Md.
Daniel,	Higgins,	Sherman,	

NAYS—7.

Chandler,	Dolph,	Hawley,	Teller.
Cullom,	Frye,	Stewart,	

ABSENT—42.

Barbour,	Eustis,	McConnell,	Pugh,
Bate,	Evarts,	McMillan,	Quay,
Blackburn,	Farwell,	McPherson,	Ransom,
Blodgett,	Faulkner,	Mitchell,	Squire,
Brown,	Gray,	Moody,	Stanford,
Butler,	Hearst,	Morgan,	Vance,
Call,	Hiscock,	Paddock,	Voorhees,
Cameron,	Ingalls,	Pasco,	Warren,
Carlisle,	Jones of Arkansas,	Payne,	Wolcott.
Colquitt,	Jones of Nevada,	Pettigrew,	
Davis,	Kenna,	Pierce,	

So the amendment was agreed to.

The Chief Clerk resumed the reading of the bill. The next amendment of the Committee on Appropriations was, on page 6, after line 10, to insert:

For breech-loading, rifled, seacoast mortars, cast iron, hooped with steel, of 12-inch caliber, $400,000: *Provided*, That contracts may be made for not more than one-half of the mortars herein provided for to be constructed on the Pacific coast, in the discretion of the Secretary of War.

Mr. CHANDLER. I move an amendment to the committee's amendment, which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. In line 11, after the word "rifled," strike out the word "seacoast" and insert "steel," and in the same line, after the word "mortars," strike out "cast iron, hooped with steel;" so as to read:

For breech-loading, rifled steel mortars, of 12-inch caliber, $400,000: *Provided*, That contracts may be made for not more than one-half of the mortars herein provided for to be constructed on the Pacific coast, in the discretion of the Secretary of War.

The VICE PRESIDENT. The question is on the amendment of the Senator from New Hampshire [Mr. CHANDLER] to the amendment of the committee.

Mr. GORMAN. I suggest that a very much better way would be to vote against the amendment of the committee rather than to move to amend it. The proviso that one-half of the mortars shall be made on the Pacific coast of course would be of no use if the amendment to the amendment is carried.

Mr. COCKRELL. Why?

Mr. GORMAN. Because it is impossible to construct them on the Pacific coast at this time.

Now, Mr. President, this amendment brings up the old question of whether we shall follow the recommendations of the Department or not. We have already in this bill, by a paragraph immediately preceding, appropriated $800,000 for the steel, oil-tempered and annealed steel, for the manufacture of the guns. It has been shown very clearly in this debate that they have not the capacity in any factories to-day to do more than is being done by the appropriations contained in this bill. I suggest to the Senator from Massachusetts in charge of the bill that it would be very much better to abandon the entire amendment rather than attempt to do what is impossible.

Mr. DAWES. It is for the Senate to say whether they will stop the plan of the War Department and the Ordnance Bureau and say themselves, we shall have it this way or shall not have it at all. I shall have no objection to voting for the alternative, either cast iron hooped with steel or steel, which is leaving it to the Department, where I suppose it should more wisely belong. But still I have said all I desire to say in reference to this matter. I have presented the views of the Department, and I want to say that there is no provision in this bill that does not meet with the approval of the Department.

If the Senate choose to say that the Department shall not make any more of these mortars, very well. They have seventy-three of them in process now. They can make contracts much cheaper than they have ever before for one hundred. There are to be seven hundred mortars made when this plan is carried out. It is the design of the Department, as I have said, to make the larger part of them of steel, and it is their opinion that it is a very wise provision to make a portion of them of cast iron hooped with steel. If the Senate think differently of course I have nothing to say.

Mr. TELLER. I should like to ask the Senator who has the bill in charge how many of these mortars the Department propose to build of cast iron and steel altogether.

Mr. DAWES. They have not determined the exact number. They propose to build a portion of them of either kind is the testimony of the Secretary of War before the committee, so that in the end the highest type of mortar shall be at the great ports and the smaller at ports of lesser importance, and in the first eleven ports that are selected for work at positions where they will be of just as much service as the guns of higher power and higher cost. They have already, as I said, made seventy-three of them. Two of them have been subjected to the test of the Department and the conclusion of the Department is in their favor.

Mr. TELLER. It seems to me that it ought to be the province of the legislative department of the Government to determine how many they would have of this kind or the other of these guns, and not the War Department. It seems to me that is a matter which Congress ought to settle. I do not know myself very much about guns, although I have tried to give some attention to the subject in the past. At this session I have given very little attention to it; but it is a matter I have formerly studied somewhat. I have listened to the Senator from Connecticut with a good deal of interest, and it seemed to me that he demonstrated that those guns are practically of no value at all.

Mr. HAWLEY. Not quite that.

Mr. TELLER. Well, they are not as good as steel, and in my judgment they are of very little value at all. Now, when you want a gun you want a good gun. An inferior gun is scarcely worth having. It is quite impossible for the War Department to divide the country up into classes and say at a certain port You want a good steel gun and that is a necessity, and at another port You can take an iron gun and that will do. There is nothing in the nature of things that will enable them to do that. You may need just as good a gun at the smallest port, if you need a gun at all, as you need at the largest one. I do not myself believe that it is worth while for the Government to manufacture any second-class guns.

I heard somebody say to-day, "Why not manufacture all 16-inch guns; why do you have some of them 8 inches?" An 8-inch gun is sometimes better than a 16-inch gun. That depends on what you need it for and where you want it, but a gun that is liable to burst and to do more damage to the people that are handling it than to the enemy is not a good gun at any time, in my judgment. It is not such a gun as we want.

Senators say that none of the guns have burst. Two of them have been tried out of the seventy-three in the process of making. It seems to me it would be wise to make a few more of these seventy-three and try and see whether they are practicable or not, whether they are valuable guns. I understand, as far as made, only two are ready to be tested and only two have been tested.

Mr. PLUMB. Thirty or forty.

Mr. TELLER. I seem to be quite unable to find out. One Senator says thirty or forty have been tested, and another says but two have been tested. I am not quite prepared to say what the facts are on the different statements which are made here.

Mr. CHANDLER. If the Senator will allow me, I learned at the Department this morning that only two of these guns had been tested by repeated rapid firing.

Mr. TELLER. That is what I understood. I supposed that was an authoritative statement when I made it. It was said in an undertone that thirty or forty had been made. Perhaps that is so.

Mr. PLUMB. The rule is to test one gun, a sample gun, to the extreme, not up to the bursting point and the possible destruction of the gun. The other guns are tested in a different manner. Two guns have been tested to show they will stand the firing of two hundred shots without serious erosion or breaking. The steel guns are tested on precisely the same plan. One gun is tested to an extent to represent the possible destruction of the gun to be fired ten rounds. The Senator from New Hampshire [Mr. CHANDLER] says two guns have been tested up to the point of possible destruction. That is not correct. The other guns are subjected to only reasonable tests.

Mr. TELLER. I should like to ask the Senator from Kansas whether the guns had been actually fired or whether they were only tested because they represent the type of the guns being made.

Mr. PLUMB. They have been fired, but it would hardly be fair to destroy a gun we have got in order to determine what we want.

Mr. TELLER. A Senator in an undertone tells me how they disposed of witches in Massachusetts at an early day. I am somewhat rusty on the history of witchcraft, and I will admit that whatever the Senator says about that is probably correct.

Mr. DAWES. If the Senator from Kansas will allow me, I understand the test to which the Senator from New Hampshire [Mr. CHANDLER] wants all these guns subjected is that they be fired until they burst. The Department has a different rule. The test which the Senator from New Hampshire proposes to apply to them is just the test that was applied to men and women who were charged with being witches down in Salem. They took them out into the harbor and threw them overboard. All those who sank were innocent and all those who came to the shore were hung as witches. That is precisely the test the Senator from New Hampshire says only two of these guns were subjected to. [Laughter.]

Mr. CHANDLER. I know the Senator from Massachusetts knows almost everything in this world, but he does not quite know everything that I wish. I have expressed no such sentiment as he says and I have expressed no wish on the subject of tests whatever. I have simply stated the fact that I learned that only two of these mortars had been actually tested, and I mean by that the extreme test.

The Senator from Kansas [Mr. PLUMB] states the facts exactly as I understand them, that a certain number of type guns are tested to the extreme, not up to the bursting point. They do not actually burst any gun on purpose that I know of, either in the War Department or the Navy Department, and the Senator from Massachusetts has never heard of any such test as that.

Any such test as that exists only in his imagination. The extreme tests are only made of a few guns, and I understand that only two of these seventy-three mortars have been subjected to that test which is not a bursting test. The other guns have undoubtedly been tested, as the Senator from Kansas says, by reasonable tests, and I think, as the Senator from Colorado [Mr. TELLER] suggests, that it would be a good idea to apply more tests to these guns than those which have already been applied before we invest $400,000 more in them.

While I am up I desire to say that I do not understand that the difference in the cost between an all-steel mortar and a composite mortar, such as the Senator from Massachusetts advocates, is greater than $2,000 for each mortar. I have an impression if $8,000 will buy a composite mortar $11,000 will procure an all-steel mortar.

In answer to the suggestion of the Senator from Maryland [Mr. GORMAN] it seems to me that if we are to put $400,000 in seacoast mortars we had better take forty of them all steel than to take thirty of them built up in this absurd way.

Mr. PLUMB. The Senator is mistaken as to one point. The cost of the mortar with iron hoops is about $6,000 or a little below $6,000. The tube costs about $1,775 and the jacket about $3,600.

Mr. DOLPH. What mortar does the Senator speak of?

Mr. PLUMB. I mean the 12-inch, cast-iron mortar with steel hoops. That would be about half of what the Senator from Connecticut states would be the cost of a steel mortar. The Senator may not be mistaken about that, but I believe he is.

Mr. DOLPH. Mr. President, I hold in my hand a report of a hearing before the Committee on Coast Defenses at the last session, at which General Benét was examined and made a statement. He was asked, among other things, to state what the cost of the guns necessary for the defense of the coast was. He stated it as follows, approximately:

16-inch guns would cost about	$150,000
14-inch about	100,000
12-inch about	58,000
10-inch guns would cost about	36,000
8-inch about	16,000
Mortars—	
That is understood to be the kind recommended by the board, forged steel, built up—	
Mortars about	$8,000

I asked him the number of guns recommended by the board for the fortification of twenty-seven of our principal ports. He stated the number to be as follows:

The estimate of the Board of Fortifications of the number of guns required for the principal seaports is about six hundred guns of different calibers and seven hundred mortars. There are twenty-seven seaports only that are considered. We did not pretend to work up all the fortifications for every little seaport.

We have, I believe, made appropriations prior to the last session of Congress for some of these mortars to be constructed of cast-iron bodies and steel hoops, and an appropriation was made at the last session of Congress of $400,000, which, as I stated yesterday, I believe is unexpended at this time. They may be contracted for, but the contracts had not been let in November. Somewhere, either in the report of the Chief of Ordnance or in some statement made before the Committee on Appropriations or the Committee on Coast Defenses, the Chief of Ordnance stated that that appropriation of $400,000 would procure from forty-five to fifty of these mortars with cast-iron bodies and steel hoops. If it procured fifty the cost of those would be $8,000, the precise estimate which he made for steel mortars.

Mr. PLUMB. That is a mistake. He was referring to these other mortars.

Mr. DOLPH. I am not mistaken.

Mr. PLUMB. You are mistaken. The Chief of Ordnance never estimated $8,000 for steel mortars. The Senator is certainly mistaken. The fact is the Department has never made an estimate that I know of, and I think I am posted on that subject, for the building of steel mortars. It has never been contemplated. It has been calculated that all the resources of the Government shops and of the private manufactories for a number of years to come would be enlisted and must necessarily be enlisted in making high-power guns.

Mr. DOLPH. Right there I will show that the Senator is entirely mistaken.

Mr. PLUMB. If we are to have any mortars we must have this kind, and, if not, we must postpone the making of the mortars until we have manufactured the high-power guns.

Mr. DOLPH. I know precisely what I am talking about. I am talking about whether we ever did manufacture steel mortars. I quoted yesterday from the report of the Chief of Ordnance the following:

A 12-inch B. L. steel rifled mortar, for coast defense, is now under manufacture at the army gun factory, the steel forgings therefor having been supplied by the Bethlehem Iron Works, South Bethlehem, Pa. The estimate covers the proposed test of the piece. It will fire a shell of from 800 to 1,000 pounds weight using a maximum charge of about 100 pounds of powder; and will therefore be a much more powerful piece than the 12-inch B. L. mortars of cast-iron, hooped, now under manufacture.

That is General Benét's statement.

Mr. PLUMB. That does not traverse what I said at all.

Mr. ALLISON. How much will they cost?

Mr. DOLPH. I think the estimate is given. I will read what I referred to:

The CHAIRMAN. The number of guns required for the defense of San Diego, San Francisco, and the mouth of the Columbia, was between one-third and one-fourth of the entire number for the twenty-seven ports, was it not?

General BENÉT. Yes, sir; it is about one-fourth of the number of guns and about one-fifth of the number of mortars.

The CHAIRMAN. Are you able to state whether there are other points upon the Pacific coast, besides Puget Sound ports and besides those named by the board, that will require to be included in a general system of coast defenses?

General BENÉT. I am not able to say. The matter was talked about in the board, I remember, but they did not come to any conclusion. Their duties were confined to the principal points, and therefore they took those three points as being the most important sites.

The CHAIRMAN. You have not any personal knowledge upon the subject?

General BENÉT. I have not.

The CHAIRMAN. Are you able to state to the committee about what the cost at the present time would be of those guns and mortars of different calibers?

General BENÉT. This is an approximation.

He then gives what I have already read, which shows that he had reference to the mortars and guns reported by the Board on Fortifications and other Defenses. I can not be mistaken because we were talking about nothing else. We were talking about the number of guns required by that report. I think I read the statement of General Benét as to the number of mortars, which would be 700 at $8,000 each, which would cost $5,600,000. I speak now of the steel mortars, if I am correct in supposing that General Benét referred to steel mortars.

If cast-iron mortars hooped with steel can be constructed and procured for $6,000, which does not appear from the statement I have already made and what I certainly have seen stated in regard to the number of mortars of this character that could be procured for $400,000, I suppose they could be procured for $6,000 each, which would amount to $4,200,000, which would be a difference in the estimates of $1,400,000 for all the mortars required for all the coast defenses. That is a mere bagatelle when we are expending millions for a navy, when we are providing for great war ships to cost in the neighborhood of $5,000,000 apiece when armored and put in commission, and costing a large sum each year to maintain them in commission.

When we are going on to manufacture great guns it appears to me to be a questionable saving to save that amount on these mortars when steel mortars, according to the statement of General Benét which I have just read, would be so much more effective and more durable.

Mr. COCKRELL. Will the Senator please tell us from what he is reading?

Mr. DOLPH. I quoted yesterday from the report of the Chief of Ordnance to the Secretary of War and gave the report to the Official Reporter yesterday. I do not have it before me at present, but I have sent for it.

Mr. COCKRELL. Which report of the Chief of Ordnance?

Mr. DOLPH. The report made for the fiscal year ending June 30, 1890, the last fiscal year. It does not state the probable cost, but it is under the head of an item contained in a previous appropriation bill. The item is as follows:

(9) For the test of one seacoast, breech-loading, rifled steel mortar of 12-inch caliber, $20,000.

He says this estimate about covers the proposed test and this is all he says about it. I quoted yesterday from his statement in answer to a question of the Senator from Massachusetts [Mr. DAWES], that these steel mortars would cost from $2,000 to $3,000 apiece more.

Now I will take the proposition of the Senator from Kansas [Mr. PLUMB]. Suppose that General Benét in his statement before the

Committee on Coast Defenses had reference to a mortar with a cast-iron body and steel hoops, then we have got to take the outside figure of $3,000 more, or $11,000 for a serviceable, durable gun; according to the statement of General Benét, that will be a much more powerful piece than the 12-inch breech-loading mortars of cast iron now manufactured; that is to say, the difference is only $3,000 apiece at the outside figure, and on seven hundred it would be $2,100,000 for seven hundred mortars, more than half of the guns to be used for fortifying the whole coast.

Mr. HAWLEY. The Senator will find these figures in the annual report of the Chief of Ordnance, dated last October. He says that under the fortifications act approved August, 1890, the sum of $400,000 was appropriated for the manufacture of 12-inch, hooped mortars, breech loading. This sum would procure from forty-five to fifty mortars, showing that he calculates an average of a little over $8,000 for each one.

Mr. DOLPH. A trifle over.

Mr. PLUMB. That would include the expense of testing and all that sort of thing.

Mr. DOLPH. Fifty at $8,000 apiece would cost $400,000, and forty-five would cost nearly $9,000 apiece.

Mr. PLUMB. I always differ with the greatest regret and diffidence from my friend from Oregon, especially in matters of this kind to which he has given a great deal of attention, and nobody doubts his candor or information, but I repeat what I said before, that the Department has never yet seriously estimated or contemplated a provision for the production of steel mortars. They have accepted it as a fact that in the present condition of the manufacture of steel forgings and of steel guns in this country it would not be possible to procure mortars contemporaneously with these high-power guns within the requisite period of time.

I do not mean to say they do not contemplate at some future time to get some part of these seven hundred mortars, but they do not contemplate it now. That was the only point of contention between the Senator and me, and I feel perfectly certain he will agree that, when General Benét spoke of a mortar costing $8,000, he meant a mortar with a cast-iron tube and a steel hoop or breech. But the question of economy, of diminished cost, did not enter into the question with the Committee on Appropriations at all. It was a question of doing something and of doing it now. If it did not represent the very best, it represented something better than to wait.

The Senator from Oregon has been one of the most conspicuous and able advocates on this floor of an elaborate and extended system of coast defense, and not only that, but of having things done promptly. I think he must see and realize that this thing can not be done upon his plan half as promptly as upon the plan proposed by the committee, and that a good weapon can be had now to answer all reasonable purposes for which mortars can be applied, except the one of endurance. The endurance of these mortars, however, is equal to their strain under any ordinary engagement, or perhaps two or three of them, and we are now confronted with just this condition: Shall we go ahead, getting a reasonably good weapon, one that will answer all reasonable purposes of coast defense within the latitude covered by a machine of this kind, or shall we wait until five, ten, or fifteen years have elapsed before providing anything of the kind at all? That is the point.

Something has been said about this appropriation and about the necessity of educating public opinion. The man who runs violently against public opinion will meet with the experience of one who runs against a locomotive. We have got to take things as they are. The revenues of this country are not illimitable, and whoever proposes to appropriate more than a certain sum of money now for current expenses, including this matter of coast defense, must likewise provide for raising the revenue necessary.

We know also that in that branch of Congress which comes immediately from the people and is supposed to reflect the more urgent and immediate phases of public opinion it is not possible to appropriate more than five or six millions of dollars, and in attempting to do more we are doing a vain thing. I believe in doing that which puts us forward on the road we have determined to go on, which is accomplishing something; and therefore I am willing to take, as my impatient and impetuous friend from Oregon is not, $5,000,000 instead of $21,000,000, and so I am willing to take what we now have in the shape of a good weapon of war and reasonably adequate to meet modern conditions rather than to have nothing.

I would not want to suggest that I have more in mind the interests and necessities of the section of country which the Senator represents than he has, and particularly that great indentation of coast known as Puget Sound, and all that sort of thing, but I want to say to him that under his plan there will be nothing at either one of these places in the shape of a mortar during the next ten years in my judgment; and, not wishing to assume to speak for that locality, I venture to suggest that perhaps his interest might be better served by doing something rather than to wait that indefinite period which the Senator desires to wait to get the best possible thing. The best possible thing always recedes. What is best to-day will not be best to-morrow.

Mr. DOLPH. Mr. President, I wish to say to the Senator from Kansas that in my judgment we have waited so long now that we can wait for a good gun; that we can wait until we can make the best. It is not necessary to construct an inferior gun, and if we had mortars to-day there is no place to put them. There is not a single emplacement for a mortar battery along either coast where they could be put and operated.

Mr. PLUMB. We have over two millions of money pending, which are being applied to the construction of mortar batteries along the different coasts at San Francisco, Boston, New York, and so on.

Mr. DOLPH. I wish to say another thing to the Senator. He is talking about running in the face of public opinion. The very worst thing he can do if, he wishes to have public opinion with him in this matter of coast defense, is to confine the appropriation to three or four harbors out of the twenty-seven important harbors on both coasts recommended for fortification, commencing with the harbor at Portland, Me., and running on down the Atlantic coast, the coast of the Gulf of Mexico, and the Pacific coast.

In the appropriation for the emplacements for these guns made last year it was proposed to commence the work at two harbors only, the harbor of New York and the harbor of San Francisco. It has been extended a little the present year, and it is now confined to four or five harbors out of the twenty-seven, and it is proposed that all the appropriations made for these emplacements shall be given to two harbors only, while the rest, under the plan now adopted by this committee, are obliged to wait for twenty years.

Mr. PLUMB. The Senator ought to be candid enough—I am sure he means to be—to say it is not the plan of the committee. It is the plan of the Department.

Mr. DOLPH. It is the plan of the bill. By the bill appropriations are only made for these two harbors, while the others are to wait indefinitely until these are taken care of.

Now, I desire to refer to what was said about large appropriations. No one has contended for a very large appropriation. There is a difference in the plans. I believe that the economical and wise plan to do this work would be to determine as near as we can what we are going to do, and to determine that we will do it in twenty years or thirty years, or in such time as the condition of the country will warrant it being done, and then to make such provision by law that the work will go along from day to day and from year to year without cessation and those stoppages, which the Senator must know make all public work cost very much more than it otherwise would.

That is all I have ever contended for. It is not a question whether we shall have $4,000,000 a year or $5,000,000 a year or $10,000,000 a year so much as it is that when we enter upon a great work there shall be money enough to carry it out, just as Congress has wisely concluded on certain great works of river and harbor improvement, the improvement of Galveston Harbor, the building of the locks at Sault Ste. Marie, the harbor at Philadelphia, the harbor at Baltimore, and some other Government works. I commend that plan, adopted by the Committee on Commerce in regard to these great works, to the Committee on Appropriations.

As I said before, we have waited so long and the work of providing emplacements and batteries for these mortars and for these guns is so much in arrears and the appropriations are so small that I think we can wait until we can get a gun of the kind which is of the best kind that can made. The Senator will himself see that, as a matter of economy, it is very poor economy to construct a mortar which is not the best of the kind, to adopt some makeshift because we can save on a gun that costs $8,000 and another $11,000 or because we can save from one to two million dollars on the total amount of seven hundred mortars required for the defense of twenty-seven ports.

With all due deference to the Senator and the Committee on Appropriations, I do not see that the plan adopted by the committee is likely to secure the fortification at the mouth of the Columbia and Puget Sound and at San Diego and Los Angeles, on the Pacific coast, or at Galveston, in Texas, or at New Orleans, in Louisiana, or at Savannah, in Georgia, or at any of the ports upon the coast. I do not see that they are likely to reach it any sooner by the plan the Senator proposes. The difference in the time required to construct forty-five or fifty mortars is insignificant compared with the time required to fortify the whole coast.

Mr. PLUMB. The Senator overlooks the threatened invasion from Halifax. It may come before we can construct even one. He overlooks another thing, and that is that this proposition in regard to mortar batteries is just exactly the reverse of the system adopted in the river and harbor bill. I confess the Committee on Commerce this year has got started in the right direction, that is, of completing an improvement when they get it under way. The former river and harbor plan of appropriations is exactly what the Senator seems to want, that is to scatter a little money here and there all over the country, doing a little work only to be washed out at the next tide, and then have another appropriation the next year, in order to make patronage and favor and all that sort of thing.

This bill proceeds upon an entirely different theory. It is to complete what we begin before we take up something else. It therefore provides for the New York harbor, for the Boston harbor, for the har-

bor of San Francisco, Hampton Roads, and Washington a sum of money which, added to what will come along next year, will complete the mortar batteries at these places and thereby leave the Government free to take up other places as well. I think that is the wiser way.

Mr. HIGGINS. Why is it not free now to take them up?

Mr. PLUMB. Simply because we can not get money to do it. The very bill the Senator voted for last year and tore his shirt about will prevent us having money to do it. As the Senator very well knows, the tariff bill of last year will leave us pretty closely pressed in about the next six or eight months.

EXECUTIVE SESSION.

Mr. QUAY. I move that the Senate proceed to the consideration of executive business.

The VICE PRESIDENT. The question is on the motion of the Senator from Pennsylvania.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive business the doors were reopened, and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 4, 1891, at 11 o'clock a. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 2, 1891.

POSTMASTERS.

John J. Kirkpatrick, to be postmaster at Patchogue, in the county of Suffolk and State of New York.

Philander J. Hawkins, to be postmaster at Islip, in the county of Suffolk and State of New York.

Norman Getman, to be postmaster at Richfield Springs, in the county of Otsego and State of New York.

Charles L. Bentley, to be postmaster at Chateaugay, in the county of Franklin and State of New York.

George H. Barker, to be postmaster at Springville, in the county of Erie and State of New York.

Executive nominations confirmed by the Senate February 3, 1891.

UNITED STATES ATTORNEY.

Robert E. Hannay, of Texas, to be attorney of the United States for the eastern district of Texas.

REGISTER OF THE LAND OFFICE.

George K. Anderson, of Pittsburgh, Pa., to be register of the land office at Folsom, N. Mex.

CIRCUIT JUDGE.

Marcus W. Acheson, of Pennsylvania, to be United States circuit judge for the third judicial circuit.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February* 3, 1891.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

DEEP-WATER HARBOR, COAST OF TEXAS.

The SPEAKER laid before the House the following House bill with Senate amendments:

A bill (H. R. 8341) to promote the construction of a safe deep-water harbor on the coast of Texas.

The amendments of the Senate were read at length.

Mr. LANHAM. Mr. Speaker, I move that the House nonconcur in the amendments of the Senate and that the committee of conference asked for be agreed to.

The motion was agreed to.

COUNTERFEITING, ETC.

The SPEAKER also laid before the House the following House bill with Senate amendments:

A bill (H. R. 10662) to prevent counterfeiting or manufacture of dies, tools, or other implements used in counterfeiting, and providing penalties therefor.

The amendments of the Senate were read at length.

Mr. WRIGHT. Mr. Speaker, I move to concur in the amendments of the Senate.

Mr. BLAND. I ask if there is any report accompanying the bill. We should like to know the effect of the amendments.

Mr. WRIGHT. The amendments are verbal and not of any importance.

Mr. BLAND. We would like to have an explanation of them.

Mr. WRIGHT. The amendments are merely verbal in character, changing the phraseology, but not changing the sense.

The SPEAKER. The question is on concurrence with the amendments of the Senate.

Mr. HOLMAN. In the hasty reading of the amendments it has been almost impossible to understand the effect of them. I ask that the fifth and sixth amendments be read again.

Mr. BLAND. Let the amendments be separately read.

Mr. HOLMAN. I ask that the context may be read so as to show the effect of the amendments.

The Clerk read as follows:

Page 1, line 12, strike out "has" and insert "shall have."

Mr. ANDERSON, of Kansas. So that it will read——

The CLERK. So that it will read:

Or who shall have in his possession——

Mr. ANDERSON, of Kansas. Is that a sample of the rest?

Mr. REED, of Iowa. Yes. The amendments are simply to correct the form of the bill.

The SPEAKER. The question is on concurring in the amendments of the Senate.

The motion of Mr. WRIGHT was agreed to.

So the House concurred in the amendments of the Senate.

ORDER OF BUSINESS.

Mr. NORTON. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. NORTON. I rise for the purpose of asking unanimous consent to have a bill considered.

The SPEAKER. The Chair can not entertain a request for unanimous consent until the Speaker's table is cleared.

GEORGE GUNNELL.

The SPEAKER also laid before the House the following House bill with Senate amendment:

A bill (H. R. 9591) for the relief of George Gunnell.

The amendment of the Senate was read at length.

Mr. TOWNSEND, of Pennsylvania. Mr. Speaker, I move to concur in the amendment of the Senate.

Mr. HOLMAN. What is to be stricken out?

Mr. MCMILLIN. What is the effect of the amendment?

The SPEAKER. The gentleman from Pennsylvania [Mr. TOWNSEND] moves to concur in the Senate amendment and the gentleman from Tennessee [Mr. MCMILLIN] asks what will be the effect of it.

Mr. MCMILLIN. I will ask to have read the part proposed to be stricken out.

The Clerk read as follows:

Strike out the words "contemporaneous with the muster out of Seventh Regiment of Michigan Volunteer Cavalry" and insert the following: "As of the date of December 15, 1863."

Mr. SPRINGER. Mr. Speaker, I desire to know why the date should have been changed from that contained in the original bill. How much longer time does it give to the soldier?

Mr. TOWNSEND, of Pennsylvania. A shorter time.

The motion of Mr. TOWNSEND, of Pennsylvania, was agreed to.

So the House concurred in the amendment of the Senate.

Mr. TOWNSEND, of Pennsylvania, moved to reconsider the vote by which the House concurred in the amendment of the Senate; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

RUTH COLLIER.

The SPEAKER also laid before the House the following House bill with Senate amendment.

A bill (H. R. 10427) granting a pension to Ruth Collier, of Tennessee.

The amendments of the Senate were read at length.

Mr. BLANCHARD. I move that the House concur in the amendments.

The motion was agreed to.

FRANCES T. DANA.

The SPEAKER also laid before the House the following House bill with Senate amendment:

A bill (H. R. 11244) for the relief of Frances T. Dana.

The amendment of the Senate was read at length.

Mr. ROGERS. Mr. Speaker, the amendment as read does not give the House any information. I would like to have the bill read as amended, so that we may know what the effect of the amendment is.

The SPEAKER. Without objection, the bill will be read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Frances T. Dana, widow of the late Commander William Starr Dana, of the United States Navy, and pay her a pension at the rate of $50 per month.

Mr. ROGERS. Mr. Speaker, is not that a bill that should go to the Committee of the Whole, inasmuch as it increases the amount or involves an additional expenditure over the House bill?

The SPEAKER. It does not where there is not a new subject or item of expenditure proposed. When the Senate have changed an amount the bill does not go to the Committee of the Whole; it only does so when there is a new item of expenditure. Such has been the uniform ruling and practice on this point.

Mr. ROGERS. As I had understood, though I have not looked at the

rule recently, where the Senate amendment involved an additional expenditure over that provided in the House bill, the bill went to the Committee of the Whole.

The SPEAKER. It does not where the same item is increased, because the House has discussed and passed upon that question.

Mr. KERR, of Iowa. I rise to an inquiry. What was the amount in the House bill?

The SPEAKER. Thirty dollars.

Mr. KERR, of Iowa. And what is the amount as it passed the Senate?

The SPEAKER. The Senate amendment increases the amount to $50.

Mr. SPRINGER. The Senate amendment increases it to $50.

Mr. CHEADLE. I move that the bill be referred to the Committee on Pensions.

The question was taken; and the Speaker announced that the "ayes" seemed to have it.

Mr. LODGE. Division.

The House divided; and there were—ayes 40, noes 55.

Mr. CHEADLE. Yeas and nays, Mr. Speaker.

Mr. PAYSON. Oh, no.

The yeas and nays were ordered.

The question was taken; and there were—yeas 95, nays 122, not voting 113; as follows:

YEAS—95.

Abbott,	Cooper, Ind.	Kerr, Pa.	Rogers,
Anderson, Kans.	Crain,	Lacey,	Sayers,
Anderson, Miss.	Crisp,	Lane,	Skinner,
Bankhead,	Culberson, Tex.	Lee,	Springer,
Barwig,	Dalzell,	Lester, Ga.	Stewart, Tex.
Biggs,	Davidson,	Lester, Va.	Stewart, Vt.
Blanchard,	Dockery,	Lewis,	Stone, Ky.
Bland,	Edmunds,	Martin, Ind.	Stone, Mo.
Blount,	Enloe,	Martin, Tex.	Tarsney,
Bowden,	Ellis,	McCreary,	Taylor, Ill.
Breckinridge, Ark.	Fithian,	McMillin,	Tillman,
Breckinridge, Ky.	Forney,	McRae,	Tracey,
Brewer,	Fowler,	Montgomery,	Tucker,
Brickner,	Goodnight,	Moore, Tex.	Turner, Ga.
Brookshire,	Grimes,	Mutchler,	Vaux,
Brown, J. B.	Hare,	Norton,	Waddill,
Buchanan, Va.	Haugen,	O'Ferrall,	Wheeler, Ala.
Bynum,	Heard,	O'Neall, Ind.	Whitelaw,
Candler, Ga.	Herbert,	Parrett,	Wike,
Caruth,	Holman,	Paynter,	Willcox,
Catchings,	Hooker,	Pierce,	Williams, Ill.
Cheadle,	Hopkins,	Pindar,	Wilson, Mo.
Clements,	Kelley,	Post,	Wilson, W. Va.
Cobb,	Kerr, Iowa	Robertson,	

NAYS—122.

Adams,	Evans,	McKenna,	Smyser,
Allen, Mich.	Farquhar,	McKinley,	Snider,
Andrew,	Finley,	Miles,	Spinola,
Baker,	Flick,	Moffitt,	Spooner,
Bartine,	Flood,	Morey,	Stephenson,
Bayne,	Flower,	Morse,	Stivers,
Belden,	Funston,	Mudd,	Stockbridge,
Belknap,	Gear,	O'Donnell,	Stone, Pa.
Bergen,	Geissenhainer,	O'Neil, Mass.	Struble,
Bingham,	Gest,	O'Neill, Pa.	Sweet,
Boothman,	Greenhalge,	Osborne,	Taylor, E. B.
Brosius,	Grosvenor,	Owens, Ohio	Taylor, J. D.
Browne, Va.	Grout,	Payson,	Taylor, Tenn.
Buchanan, N. J.	Hall,	Pennington,	Thomas,
Burton,	Harmer,	Peters,	Townsend, Colo.
Caldwell,	Hayes, W. I.	Pugsley,	Turner, Kans.
Candler, Mass.	Hays, E. R.	Quackenbush,	Turner, N. Y.
Carter,	Haynes,	Quinn,	Vandever,
Caswell,	Hermann,	Raines,	Van Schaick,
Cheatham,	Hitt,	Randall,	Wade,
Chipman,	Kennedy,	Ray,	Walker,
Clark, Wyo.	Kinsey,	Reed, Iowa	Wallace, Mass.
Cogswell,	Laidlaw,	Reyburn,	Wallace, N. Y.
Coleman,	Langston,	Rockwell,	Wheeler, Mich.
Cooper, Ohio	Lansing,	Sawyer,	Williams, Ohio
Craig,	Laws,	Scranton,	Wilson, Ky.
Cummings,	Lind,	Scull,	Wilson, Wash.
Dolliver,	Lodge,	Seney,	Wright,
Dorsey,	Mansur,	Sherman,	Yoder.
Dunnell,	Mason,	Smith, Ill.	
Dunphy,	McAdoo,	Smith, W. Va.	

NOT VOTING—113.

Aldersen,	Clancy,	Geary,	McComas,
Allen, Miss.	Clark, Wis.	Gibson,	McCord,
Arnold,	Clarke, Ala.	Gifford,	McCormick,
Atkinson, Pa.	Clunie,	Hansbrough,	McDuffie,
Atkinson, W. Va.	Comstock,	Hatch,	Miller,
Banks,	Connell,	Hemphill,	Milliken,
Barnes,	Cothran,	Henderson, Ill.	Mills,
Beckwith,	Covert,	Henderson, Iowa	Moore, N. H.
Bliss,	Cowles,	Henderson, N. C.	Morgan,
Boatner,	Culbertson, Pa.	Hill,	Morrill,
Boutelle,	Cutcheon,	Houk,	Morrow,
Brower,	Dargan,	Ketcham,	Niedringhaus,
Browne, T. M.	Darlington,	Kilgore,	Nute,
Brunner,	De Lano,	Knapp,	Oates,
Bucknalew,	Dibble,	La Follette,	Outhwaite,
Bullock,	Dickerson,	Lanham,	Owen, Ind.
Bunn,	Dingley,	Lawler,	Payne,
Burrows,	Ewart,	Lehlbach,	Peel,
Butterworth,	Featherston,	Magner,	Perkins,
Campbell,	Fitch,	Maish,	Perry,
Cannon,	Forman,	McClammy,	Phelan,
Carlton,	Frank,	McClellan,	Pickler,
Price,	Russell,	Stump,	Wickham,
Reilly,	Sanford,	Sweney,	Wiley,
Richardson,	Shively,	Thompson,	Wilkinson,
Rife,	Simonds,	Townsend, Pa.	Yardley.
Rowell,	Stahlnecker,	Washington,	
Rowland,	Stewart, Ga.	Whiting,	
Rusk,	Stockdale,	Whitthorne,	

So the motion to refer the bill was rejected.

The following pairs were announced until further notice:

Mr. OWEN, of Indiana, with Mr. COVERT.

Mr. MCCORMICK with Mr. REILLY.

Mr. EWART with Mr. HENDERSON, of North Carolina.

Mr. YARDLEY with Mr. DARGAN.

Mr. NIEDRINGHAUS with Mr. HATCH.

Mr. MASON with Mr. MCCLAMMY.

Mr. BLISS with Mr. WHITING.

Mr. DE LANO with Mr. ROWLAND.

Mr. DARLINGTON with Mr. CAMPBELL.

Mr. HANSBROUGH with Mr. STAHLNECKER.

Mr. ATKINSON, of West Virginia, with Mr. ALDERSON.

Mr. CLARK, of Wisconsin, with Mr. PRICE.

Mr. HENDERSON, of Iowa, with Mr. MILLS.

Mr. FRANK with Mr. ALLEN, of Mississippi.

Mr. CUTCHEON with Mr. LANHAM, until February 9.

For this day:

Mr. MORROW with Mr. CLUNIE.

Mr. FEATHERSTON with Mr. WASHINGTON.

On this vote:

Mr. MCCOMAS with Mr. WILEY.

Mr. KETCHAM with Mr. SHIVELY.

Mr. BUTTERWORTH with Mr. OUTHWAITE.

Mr. HOUK with Mr. RICHARDSON.

Mr. RICHARDSON. Mr. Speaker, I wish to know if I am recorded.

The SPEAKER. The gentleman is not recorded.

Mr. RICHARDSON. I am paired with my colleague, Mr. HOUK. If not paired, I should vote "yea."

The result of the vote was then announced as above recorded.

Mr. LODGE. Mr. Speaker, I move to concur in the Senate amendment.

Mr. CHEADLE. Is this motion debatable?

The SPEAKER. It is debatable; and the gentleman from Massachusetts has the floor.

Mr. LODGE. I reserve the time I have.

Mr. CHEADLE. Mr. Speaker——

Mr. LODGE. I will yield the floor to the gentleman from Indiana if he will let me know how much time he wants, and then I will demand the previous question.

Mr. CHEADLE. I want two hours in opposition to this amendment.

Mr. LODGE. Have I the floor?

The SPEAKER. The gentleman has the floor.

Mr. CHEADLE. Mr. Speaker, the gentleman said he reserved his time. I then arose and addressed the Speaker, and it seems that I am entitled to the floor. I do not want to do anything that is not entirely within the rule. Mr. Speaker, I rise for the purpose of opposing this amendment.

Mr. RICHARDSON. I rise to a question of order. It is impossible to hear what the gentleman is saying.

The SPEAKER. Will the House please be in order? Let the Chair understand the situation. The Chair recognized the gentleman from Massachusetts as being in control of the matter. If he yields the floor the Chair will then recognize some other gentleman.

Mr. LODGE. Mr. Speaker, I am perfectly willing to yield such time as the gentleman from Indiana wants in opposition to the bill. I do not wish to delay the business of the House on a small matter like this. I have no desire to take the time myself. The case can be stated in two minutes. It is perfectly understood by the House, and if the gentleman will name the time he wants I am perfectly willing to yield it to him, and then I will move the previous question——

Mr. CHEADLE. Mr. Speaker, I rise to a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. LODGE (continuing). Otherwise I shall demand the previous question.

Mr. CHEADLE. The gentleman from Massachusetts [Mr. LODGE] rose and asked that the Senate amendment be concurred in, and I call upon the Reporter to state from the notes if it is not true that he then reserved his time, and I rose for the purpose of opposing that amendment. My inquiry is, am I, in this condition of affairs, entitled to the floor?

The SPEAKER. If the gentleman from Massachusetts took his seat and did not maintain possession of the floor the gentleman from Indiana is entitled to it.

Mr. CHEADLE. That is my understanding, and I believe the Reporter's notes will substantiate it.

The SPEAKER. The gentleman from Indiana states that the gentleman from Massachusetts sat down reserving his time. If that is the case the gentleman from Indiana in entitled to the floor.

Mr. CHEADLE. Mr. Speaker, I rise for the purpose of opposing this amendment, and in doing so I want to call the attention of my Republican colleagues to the fact that if any of the valuable time of the remnant of this session is occupied in this way it is occupied at the instance of one of our colleagues who demands for some one of his constituents rights and privileges which are not granted to the people I represent. I have said so often in this House that it is not necessary to repeat it that I am in favor of the most liberal pension policy that can be formulated, but I demand that the Republican party shall keep its pledges to the people and preserve this Government as we received it from those who transmitted its control to us more than a quarter of a century ago.

The man who risked his life and who gave up his life in defense of the integrity of this Government made the greatest possible sacrifice that man can make. The status of widowhood is a completed status and condition, and, standing here as a representative of and speaking for the great mass of the common soldiers of this country who preserved this Government, I protest, in language just as strong and forcible as I can make it, against this innovation, this monstrous outrage upon the widows of the common soldiers of this country. I call attention to the fact that last June, when we were formulating a general pension measure into law, it was said, and said upon this side of the Chamber, that we could not afford to pay to the widows provided for in that measure $12 a month, and we therefore enacted a law which gives them only $8 a month.

Can any man go home to the people he represents, a majority of whom, like the people I represent, are wage-workers, and look into the faces of the toiling widows of our dead comrades who can only receive pensions of $8 a month, in the midst of the penury and want with which they are surrounded, and justify giving to the widow of anybody else a sum in excess of the largest amount that is authorized by the general pension laws of the country, to wit, $30 a month? My distinguished colleague in front of me [Mr. KERR, of Iowa], to whom I shall yield a portion of my time, will give expression to the views of the members of the Grand Army of the Republic in the section where he lives, who have just sent him a communication, as they have sent them to me and to others from every State in the North, from Maine to California, in relation to this subject.

I appeal to my colleagues upon this side of the Chamber to end at once and forever this species of class legislation, which can not be justified in morals, in law, or in equity. I ask gentlemen upon this side of the Chamber, when they contemplate the magnitude of the measures which remain before us unadjudicated and that we ought to settle and settle definitely, whether we can afford to enter upon such special class legislation as this. I want it distinctly understood, and I therefore repeat what I have often said in speaking upon this species of class legislation, that I oppose it not because I have anything against its beneficiaries.

I oppose it because I believe that the principle involved is radically wrong; that it is the beginning of the end of pension legislation. In nineteen out of twenty of these special acts that come before Congress social influences are brought to bear upon members; they are pleaded with and importuned to vote for measures which their judgments and consciences must tell them are wrong. I want to say to this side of the Chamber that there are—I made use of the figures once before, but men laughed and sneered in my face—there are, I repeat, more than fifty thousand of the widows of your dead comrades and mine now living in penury and want who have claims pending in the Pension Office unadjudicated, and yet the highest amount that any of them can receive under existing law is $12 a month. Shall we, the Representatives of all the people, pretend to be generous to a favored few before we are just to the deserving many?

If I was willing to take up the valuable time of this House I could mention instance after instance that has come under my limited observation to clinch the truth of every statement I have made; but I shall not weary the patience of the House by taking up its valuable time, because it would be unjust to the many important measures that are pressing for consideration. I do, however, again appeal to this side of the Chamber, and I tell gentlemen here that which I know the great mass of the common people of this country believe to be true, that they can not afford to go outside of the provisions of the general pension law, except in very rare and extraordinary instances, to ingraft upon our legislative system a class of special legislation that is inimical to the best interests of the people and diametrically opposed to the fundamental principles which underlie our political superstructure.

There is no Representative here to-day who can not remember within his personal acquaintances the widows of our dead comrades who are living in penury and want, bending over washtubs, doing all sorts of manual labor to keep the wolf of hunger from their humble homes; and I implore you, I beseech you, to stand by the general statutes which we have enacted and see to it that all of the pensioners who are entitled to pensions shall receive just recognition before you undertake to go outside of the general law and increase the ratings that are authorized by the general statutes of the country.

I wish you to remember this fact; do not lose sight of it; keep it in view all of the time: that the beneficiary of this act can receive under existing laws $30 a month, while according to the reports of the Pension Office, there are fifty thousand soldiers' widows, with claims now pending, who can never receive more than $8 or $12 a month at most and who are not now receiving any pension at all. Let us, therefore, enforce existing laws and not burden ourselves with special class pension legislation.

I yield to the gentleman from Iowa [Mr. KERR] such time as he may desire.

Mr. KERR, of Iowa. Mr. Speaker, I rise to say that this morning I presented to the House and filed in the petition box a remonstrance of a post in my district—Andersonville Post, No. 155—which by a unanimous vote resolved that they were opposed to this kind of legislation and adopted a resolution instructing me to vote against all such bills. I do not know that those gentlemen knew that I had opposed this kind of legislation ever since I have been a member of the House. They also call attention to the fact that the leading paper of my State, the State Register, of Des Moines, Iowa, has declared in recent issues against the policy of making special favorites under the pension legislation of the Government.

I believe the Government should see that no deserving widow who lost her support, her stay, by means of the war should be allowed to suffer. We ought to be just to them and provide for their support in cases of need. This is necessary in order to encourage the patriotism of the people and make them ready to undergo the proper sacrifices in case of succeeding wars. But we should pass no legislation which will make special favorites of any of the widows of the late war and we should never pass any law that has for its object the maintenance of any American citizen, male or female, in style.

Mr. CHEADLE. I reserve the balance of my time.

Mr. SPINOLA. I would like to know what the gentleman from Iowa means by "style."

Mr. KERR, of Iowa. The gentleman from New York asks me what I mean by "style." I mean a special distinction, a class privilege; and I will say in connection with this that according to my observation the gentleman from New York and his associates on the other side of the House have been quick, earnest, and efficient in supporting all measures of this kind that have been brought before the House, and that the blame for this kind of legislation attaches with as much force to them as to gentlemen on this side, and perhaps with more force.

Mr. SPINOLA. We intend to bear our share of the responsibility so far as I am concerned.

Mr. BLAND. Does the gentleman from Iowa, in the remark just made, allude to the vote on this bill?

Mr. KERR, of Iowa. No, I do not.

Mr. BLAND. I did not think you did, because that disproves everything you said.

The SPEAKER. The question is on concurring in the amendment of the Senate.

The question being taken, there were—ayes 74, noes 48.

Mr. CHEADLE. I call for the yeas and nays. [Cries of "Oh, no!"] I withdraw the call.

Mr. BLAND. I demand tellers.

Tellers were not ordered, only 11 voting therefor.

So the amendment of the Senate was concurred in.

Mr. LODGE moved to reconsider the vote by which the amendment of the Senate was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARGARET PROCTOR NOYES.

The SPEAKER laid before the House, with an amendment of the Senate, the bill (H. R. 12307) granting a pension to Margaret Proctor Noyes.

The amendment of the Senate was read, as follows:

In line 7, strike out "thirty" and insert "fifty."

Mr. CALDWELL. I move to concur in the amendment of the Senate.

The question being taken on the motion of Mr. CALDWELL, there were—ayes 83, noes 38.

Mr. BLAND. I call for tellers.

Tellers were not ordered, only 6 voting therefor.

Mr. BLAND. I demand the yeas and nays.

The yeas and nays were not ordered, only 8 voting therefor.

So the amendment of the Senate was concurred in.

Mr. CALDWELL moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 8589) to amend sections 4783 and 5486 of the Revised Statutes; and

A bill (H. R. 13453) to amend section 180 of the Revised Statutes of the United States.

MRS. CAROLINE E. DURYEE.

The SPEAKER laid before the House, with an amendment of the Senate, the bill (H. R. 12202) to place on the pension roll the name of Mrs. Caroline E. Duryee.

The amendment of the Senate was read, as follows:

In line 6, strike out "thirty" and insert "fifty."

Mr. CUMMINGS. I move to concur in the Senate amendment, and on that motion I call for the previous question.

Mr. BLAND. I hope we may have some debate on this question. I hope the gentleman does not intend to cut off discussion.

Mr. CUMMINGS. This is just the same as the last bill.

Mr. BLAND. We can have debate, I presume, after the previous question is ordered.

The previous question was ordered.

The SPEAKER. There are now forty minutes of debate allowed under the rule. The Chair recognizes the gentleman from New York [Mr. CUMMINGS] and the gentleman from Missouri [Mr. BLAND] to control the time allowed on the two sides upon this question.

Mr. CUMMINGS. Reserving my right to the floor, I yield to the gentleman from Missouri [Mr. BLAND], that he may occupy his twenty minutes.

Mr. BLAND. Mr. Speaker, it does seem to me that we ought to call a halt in this business. We have pension laws now, decidedly more liberal than any other Government ever had and a thousand times more liberal than we have ever granted to any of our other soldiers. There is nothing to prevent any worthy soldier or the widow of a soldier from having an increase of pension under the general laws where it is proper that such increase should be granted. The laws now on the statute books are sufficiently liberal to pension any person connected with the Army, not only every soldier who was wounded or who contracted disease in the service, but everyone, even since the war, who claims that he incurred disability at that time.

The difficulty and the great defect in all of this species of legislation is that we are scattering money where it ought not to go. The really meritorious soldiers of the country that were wounded or contracted disease in the Army find that the revenues are squandered on unmeritorious cases, so that we are not able, even though willing, to give them that pension to which they are entitled, sufficient to sustain them in their old age or diseased condition.

For my part I would rather vote to increase or double the pension of a soldier who served faithfully and who was wounded in honorable service or contracted disease in the line of duty than to pass these special-favor bills and put men on the rolls who never smelt gunpowder—mere camp-followers. And yet here we are to-day, and have been since the Congress convened, for political reasons, for reasons of favoritism, doling out the money of the people to favored classes instead of paying it to the soldier of the country who did honorable service, who went into the Army, carried his gun on his shoulder, and dealt the blow that he was able to deal to sustain the Government, and was wounded or diseased while in the service. If it were not for this reckless waste of the public money we would be able to double his pension, and that is the line of pension policy that I would like to see pursued in Congress. But we can not. We are unable to do so. We are simply making pensions odious in the eyes of the taxpayers of the country. And Congress will not call a halt.

Class legislation, favoritism, political legislation to confer pensions on persons who were never in the Army, probably mere camp-followers, who never smelt powder, simply because they are willing to come forward and swear that they have been in some way disabled by disease contracted in the service, but who have been able in all of these years since the war to perform all the duties of life. For my part I have little faith in a claim that dates the disability back to a period twenty or twenty-five years ago. But if these people can connect themselves with the Army, it seems, in any way, they go upon the pension roll. I say it is vicious legislation. It is contrary to the pension policy which should prevail in behalf of the true soldier, whose honorable discharge and pension certificate ought to be a certificate of honor. But instead of that we are making it here a certificate of mendicancy, a certificate of favoritism to those with political influence. I protest against the whole line of legislation indicated by this bill and those of similar character heretofore passed.

I yield now to the gentleman from Indiana [Mr. CHEADLE].

Mr. CHEADLE. Mr. Speaker, I merely wish to repeat my protest and that of the musket-carriers of this country against this form of special legislation. It may not sound very well; it may not be popular now, and the sentiment may be sneered at by some men who demand that we break down the fundamental principles upon which the whole superstructure of our Government rests; but I want now to just simply repeat the truth I have already stated, and which can not be denied, that this whole system of class pension legislation is radically wrong. It is unworthy of this House of Representatives; and in enacting this measure into law and all kindred measures, I want to say here in the presence of the House and of the country that we do not represent the people nor any respectable proportion of the people of this country.

There is not a laborer in all of this broad land that is in favor of this measure or of this character of legislation. There is not a farmer who is compelled to sell the products of his labor and of his farm at a merely nominal sum to provide a support for himself and his family, and there is no considerable class of the people of this country anywhere who could be found favoring such legislation. The great wealth-producers of the country are all opposed to it; the great masses of the survivors of the Union Army are opposed to it; and I repeat their protest again as a matter of principle against the formulating into law of this pernicious system of class pension legislation.

The SPEAKER. The question is on concurring in the amendment of the Senate.

The question was taken; and on a division (demanded by Mr. BLAND) there were—ayes 62, noes 21.

Mr. BLAND. I make the point that there is no quorum voting and I do not think there is a quorum present. I demand tellers.

The SPEAKER. Does the gentleman make the point that there is no quorum present?

Mr. BLAND. I do.

The SPEAKER (having counted the House). One hundred and seventy-eight members are present—more than a quorum.

Mr. BLAND. I demand tellers.

Tellers were refused.

Mr. BLAND. This House is perfectly reckless of the public money. [Laughter.]

The SPEAKER. Debate is not in order.

The amendment of the Senate was concurred in.

Mr. CUMMINGS moved to reconsider the vote by which the amendment of the Senate was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON, from the Committee on Appropriations, reported a bill (H. R. 13462) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1892, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. MCMILLIN. All points of order are reserved.

BRIDGE OVER MISSOURI RIVER, COUNCIL BLUFFS.

The SPEAKER also laid before the House the Senate amendments to the bill (H. R. 13071) authorizing the construction of a railway, street-railway, motor, wagon, and pedestrian bridge over the Missouri River near Council Bluffs, Iowa, and Omaha, Nebr.

The Senate amendments were read at length.

Mr. BAKER. I move to nonconcur in the Senate amendments and agree to the conference asked thereon.

The motion was agreed to.

LILLIE E. WILLIS.

The SPEAKER also laid before the House the following House bill with Senate amendments:

A bill (H. R. 11513) for the relief of Mrs. Sallie E. Willis.

The amendments of the Senate were read at length.

Mr. FLOWER. Mr. Speaker, I move to concur in the amendments of the Senate.

The motion was agreed to.

Mr. FLOWER moved to reconsider the vote by which the House concurred in the amendments of the Senate; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHARLES MAX WITTIG.

The SPEAKER also laid before the House the following House bill with Senate amendments:

A bill (H. R. 1867) for the relief of Charles Max Wittig.

The amendments of the Senate were read at length.

Mr. WALTER I. HAYES. I move that the House concur in the Senate amendments. They are merely formal.

Mr. HOLMAN. I hope the original bill will be read, so as to show the effect of the amendments.

Mr. WALTER I. HAYES. I can explain it to the gentleman in a moment.

Mr. HOLMAN. Very well.

Mr. WALTER I. HAYES. The reason of the amendment grows out of the fact that this man served in two or three companies. His name is Charles Max Wittig; but in the different enlistments there was a conflict in his name, he being sometimes called Charles Wittig, sometimes Max Wittig, and also Charles Max Wittig. The only purpose of the amendment of the Senate is to make the proper correction in the name.

Mr. HOLMAN. Is the latter portion of the bill the same as the latter portion of the original bill?

Mr. WALTER I. HAYES. The bills have the same object, and the only reason for the amendment grew out of this conflict in the name, in the different enlistments and services.

The motion of Mr. WALTER I. HAYES was agreed to.

Mr. WALTER I. HAYES moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

EXTENSION OF TIME TO PERFECT PURCHASE OF CERTAIN LANDS, ETC.

The SPEAKER also laid before the House the bill (S. 4814) to amend an act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes.

The Clerk read as follows:

Be it enacted, etc., That an act entitled "An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes," approved September 29, 1890, be, and the same is hereby, amended so that the period within which settlers, purchasers, and others under the provisions of said act may make application to purchase lands forfeited thereby when such period begins to run from the passage of the act shall begin to [run] from the date of the restoration of such lands to settlement and sale by order of the Secretary of the Interior.

Mr. HERBERT. Mr. Speaker, I move to amend the bill by inserting the following.

The Clerk read as follows:

Amend by inserting, in line 9 of the printed bill, after the word "thereby," the words "or assert any right under the settlement law of the United States."

Mr. HERBERT. I have conferred with the chairman of the Committee on Public Lands [Mr. PAYSON] in relation to this amendment, and he concurs with me in the belief that it will tend more fully to carry out the purposes for which the bill is intended.

Mr. HOLMAN. I hope the bill as amended will be reported to the House, so as to show the effect of this amendment.

The SPEAKER. The gentleman from Indiana desires to have the bill read as amended.

The Clerk read as follows:

So that the period within which settlers, purchasers, and others under the provisions of said act may make application to purchase lands forfeited thereby or assert any rights under the settlement laws of the United States when such period begins to run from the passage of the act shall begin, etc.

Mr. ANDERSON, of Kansas. Mr. Speaker, I would like to know precisely the object which will be covered by the amendment proposed by the gentleman from Alabama [Mr. HERBERT].

Mr. HERBERT. The original act proposed to give certain rights to homestead settlers.

Mr. ANDERSON, of Kansas. What rights?

Mr. HERBERT. The right of priority to those who were upon the land in certain cases, and in other cases, in relation to two railroads in Alabama, to give to settlers upon lands which were forfeited the right to perfect their entries, if within a given time they should apply. And this act as it came from the Senate was intended to apply to them; but on reading the act carefully there is some doubt as to whether or not the bill as it comes from the Senate would preserve the right of settlers; because the words "make application for the purchase" would seem possibly to exclude them. It is simply to carry out the full purpose of the Senate act and to secure not only to purchasers individually, but to such homestead settlers as had rights given to them under that act the further time of six months within which to file claims and perfect their entries.

Mr. ANDERSON, of Kansas. Under the amendment which the gentleman proposes can any railroad company, for instance, assert its right to any portion of this land?

Mr. HERBERT. No, sir; this is in the interest of the settler, in order to give him more time. The gentleman will remember that this act was passed some three or four months ago. The Land Office has had the act under consideration ever since that time, but has not yet formulated the regulations under which applicants to purchase and applicants to complete their homestead entries may act. The purpose of this act is to extend the time for six months from the date when these regulations shall be promulgated at the Land Office.

Mr. ANDERSON, of Kansas. What parties can go in under this act as purchasers?

Mr. HERBERT. Any one of those provided for in the original act.

Mr. ANDERSON, of Kansas. Who were they?

Mr. HERBERT. As I said before, only the persons who settled upon that land at the time of the passage of the original act.

Mr. ANDERSON, of Kansas. No railroad companies?

Mr. HERBERT. No railroad companies. It is entirely in the interest of the homestead settlers.

Mr. HERMANN. It authorizes no additional rights and grants none.

Mr. HERBERT. It authorizes no additional rights, but simply gives further time, because the Land Office has not formulated the rules under which this matter is to be accomplished. The original act gives six months from the passage of the act; this proposes to extend the time within which the settlers can make their purchases to six months from the promulgation of the regulations by the Land Office.

Mr. HERMANN. And four and a half months have already expired.

Mr. HERBERT. And four and a half months have already expired.

Mr. ANDERSON, of Kansas. What railroads does this apply to?

Mr. HERBERT. The Mobile and Girard Railroad of Alabama, and any other railroad.

Mr. HERMANN. And the Northern Pacific particularly.

Mr. HOOKER. Does it apply to any railroad outside of Alabama?

Mr. HERBERT. It gives no additional rights.

Mr. HOOKER. Outside of Alabama?

Mr. HERBERT. It applies to all railroads, so far as that is concerned, but gives no additional rights.

Mr. HOOKER. Does it apply to the Gulf and Ship Island railroad?

Mr. HERBERT. If the original act did, it does; if the original act did not apply to it, it does not. Whatever rights the settlers had under the original act are simply preserved and extended.

Mr. HERMANN. And only for that purpose.

Mr. HERBERT. And only for that purpose.

Mr. HOLMAN. Mr. Speaker, there are some amendments already proposed to be offered to this bill, and in view of the fact that this measure has not been before the House and has not in its present form been considered by a committee of the House, I hope that this bill may be permitted to remain on the Speaker's table until to-morrow. It is very desirable that no mistake should be made here, and that amendments that are pertinent to this subject should be ingrafted upon this measure. So I hope by unanimous consent the bill will be permitted to remain on the Speaker's table until to-morrow morning.

Mr. PAYSON. With the understanding that such amendments as are desired to be offered may be presented and printed in the RECORD for information.

The SPEAKER. The Chair would suggest that the amendments can be presented and printed in the RECORD as likely to be offered.

Mr. PAYSON. Simply for information.

The SPEAKER. For the information of members of the House.

Mr. HERBERT. With the understanding that the bill will be taken up in the morning.

The SPEAKER. The bill will be taken up if we go the Speaker's table. Is there objection to the request that the bill be permitted to remain on the Speaker's table as suggested? The Chair hears none, and it is so ordered.

The following amendments were presented to be printed for information of the House:

By Mr. PAYSON:

Add to the section the following:

"*Provided*, That nothing herein shall extend any time or enlarge any rights given by said act to any railroad company."

By Mr. HERBERT:

Amend by inserting in line 9 of the printed bill after the word "thereby" the words "or assert any rights under the settlement laws of the United States."

NORFOLK AND WESTERN RAILROAD COMPANY.

The SPEAKER also laid before the House the bill (S. 4886) to authorize the Norfolk and Western Railroad Company to bridge the Tug Fork of the Big Sandy River at certain points, where the same forms the boundary line between the States of West Virginia and Kentucky.

The bill was read, as follows:

Be it enacted, etc., That it shall be lawful for the Norfolk and Western Railroad Company, a corporation existing under the laws of Virginia and West Virginia, to construct and maintain bridges and approaches thereto across the Tug Fork of the Big Sandy River at such points where the same forms the boundary line between the States of West Virginia and Kentucky as the said company may deem suitable for the passage of its road over the said fork of the Big Sandy River, subject to the approval of the Secretary of War.

SEC. 2. That any bridge or bridges authorized to be constructed under this act shall be lawful structures, and shall be recognized and known as post routes, and they shall enjoy all the rights and privileges of other post roads in the United States, upon which also no higher charge shall be made for the transmission over the same of the mails, or for through passengers or freight passing over said bridge or bridges and approaches, than the rate per mile paid for transportation over the railroads leading to said bridge or bridges; and the United States shall have the right of way for postal-telegraph and telephone purposes without charges therefor across said bridge or bridges and approaches.

Said bridge or bridges shall be built and located under and subject to such regulations for the security of navigation as the Secretary of War shall prescribe; and to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of the bridge or bridges and a map of the location or locations, giving, for the space of 1 mile above and 1 mile below the proposed location or locations, the high and low water lines upon the banks of the river or rivers, the direction and strength of the current at all stages of the water, with the soundings, accurately showing the bed of the stream, and the location of any other bridge or bridges, such map to be sufficiently in detail to enable the Secretary of War to judge of the proper location of said bridge, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and should any change be made in the plan of said bridge or bridges during the progress of construction or after completion, such changes shall be subject to the approval of the Secretary of War.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved, and the right to require any changes in said structures, or any of them, or their entire removal at the expense of the owners thereof, or the corporation or persons controlling the same, whenever the public interest requires it, is also expressly reserved.

SEC. 4. That on any bridge or bridges constructed under the provisions of this act there shall be maintained, at the expense of the company or corporation owning or controlling the same, such lights and other signals as may be prescribed by the Lighthouse Board.

SEC. 5. That this act shall be null and void if actual construction of the bridges herein authorized be not completed within three years from the date hereof.

During the reading,

Mr. WILSON, of West Virginia said: I ask unanimous consent that

that bill be put on its passage. It is the same substantially as a bill reported to the House.

The SPEAKER. The Clerk will finish reporting the bill.

The Clerk resumed and concluded the reading of the bill.

The question was taken; and the bill was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. WILSON, of West Virginia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. Without objection, the bill H. R. 13131, for a similar purpose, will be laid on the table.

There was no objection, and it was so ordered.

LEXINGTON (MO.) PONTON BRIDGE COMPANY.

The SPEAKER laid before the House the bill (S. 4951) authorizing the Lexington Ponton Bridge Company to construct and maintain a ponton bridge across the Missouri River at the city of Lexington, in the State of Missouri.

The bill was read at length.

Mr. DOCKERY. Mr. Speaker, I desire to inquire whether a bill in like terms has been reported by the House committee.

The SPEAKER. The Chair is informed that this bill was held at the request of the Committee on Commerce, with the understanding at the Clerk's desk that a bill substantially the same had been reported by the committee of the House.

Mr. DOCKERY. I do not think there was, Mr. Speaker. Such a bill was passed at the first session of this Congress; but I think this is a new bill. I dislike to interpose a point of order, and I do not know that I shall; but I desire to reserve the point of order until I can inquire of my colleague [Mr. TARSNEY], who knows this bill, if a similar bill has been reported by the committee of the House.

The SPEAKER. If there be no objection, action on this bill can be postponed.

Mr. TARSNEY. Mr. Speaker, this bill, or a bill very similar to it, was passed last session of Congress. This bill is meant to supply some defects in that bill and it is recommended by the Secretary of War.

The SPEAKER. Has a similar bill been reported by the House committee?

Mr. TARSNEY. No, not now.

Mr. BAKER. I think this bill had better lie over for the present.

Mr. DOCKERY. I ask unanimous consent that it be allowed to lie on the Speaker's table for the present.

The SPEAKER. This bill can not be presented to the House if that be the case.

Mr. DOCKERY. By unanimous consent, could it not be allowed to lie on the Speaker's table?

The SPEAKER. It could be; but the Chair does not see how it could be presented except by unanimous consent.

Mr. DOCKERY. I do not desire to object to the bill, but simply want time to inquire.

The SPEAKER. The bill will have the same status as if it had been presented by mistake.

Mr. BAKER. I ask unanimous consent that it lie over until to-morrow in order to ascertain whether a similar bill has been reported by the committee.

The SPEAKER. The Chair understands the gentleman from Missouri [Mr. TARSNEY] to say there has not been. If that is the fact, the bill must be referred to the committee.

Mr. DOCKERY. It can be allowed to lie over by unanimous consent until the inquiry can be made.

The SPEAKER. It could only be called up by unanimous consent, precisely the same as any other bill could be, if a similar bill has not been reported to the House.

Mr. DOCKERY. I do not want to be understood as objecting to the bill. I only want time to examine it.

The SPEAKER. The Chair does not want to be understood as objecting to the bill, but only as desiring to keep the business of the House in regular order.

A MEMBER. Regular order.

BRIDGE ACROSS THE CUMBERLAND.

The SPEAKER also laid before the House a bill (S. 4592) to authorize the construction of a bridge across the Cumberland River for the use of the Chesapeake and Nashville Railway, and for other purposes.

The bill was read, as follows:

That the Chesapeake and Nashville Railway Company, a corporation organized under and pursuant to the laws of the States of Kentucky and Tennessee, or its successors, be, and is hereby, authorized to construct and maintain a bridge over the Cumberland River at such point in Trousdale or Sumner and Wilson or Davidson Counties, in the State of Tennessee, as it may select, subject to the approval of the Secretary of War. Said bridge shall provide for the passage of railway trains and, at the option of the said company, may be used also for the transit of animals, vehicles of all kinds, and foot passengers, for such reasonable rates of toll as may be approved from time to time by the Secretary of War.

SEC. 2. That any bridge built under this act and subject to its limitations shall be a lawful structure and shall be recognized and known as a post route, and it shall enjoy the rights and privileges of other post roads in the United States, and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies; and the United States shall have the right of way across said bridge for all purposes.

SEC. 3. That any bridge authorized by this act shall be located and built subject to such regulations for the security of navigation as the Secretary of War shall prescribe; and to secure that object the said company shall submit to the Secretary of War, for his examination and approval, a design and drawing of the bridge and a map of the location thereof, giving the high and low water lines upon the banks of the river, the direction and strength of the currents at all stages of the water, with soundings accurately showing the bed of the stream, and the location of any other bridge or bridges, such map to be sufficiently in detail to enable the Secretary of War to judge of the proper location of said bridge; and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until such plan and location of the bridge are approved by the Secretary of War the bridge shall not be commenced or built; and should any change be made in the plan of said bridge during the progress of construction, such change shall be subject to the approval of the Secretary of War.

SEC. 4. That all railroad companies desiring the use of said bridge shall have equal rights and privileges relative to the passage of railway trains over the same and over the approaches thereto upon the payment of reasonable compensation for such use; and in case the owner or owners of said bridge and the several railroad companies, or any of them, desiring such use shall fail to agree upon the sums to be paid, and upon rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties.

SEC. 5. That the Chesapeake and Nashville Railway Company shall maintain on said bridge, at its own expense, from sunset to sunrise, such lights or other signals as the Light-House Board shall prescribe.

SEC. 6. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date hereof.

SEC. 7. That the right to alter, amend, or repeal this act is hereby expressly reserved, and the right to require any changes in said structure, or its entire removal, at the expense of the owners thereof, whenever Congress or the Secretary of War shall decide that the public interests require it, is also expressly reserved.

Mr. MCMILLIN. Mr. Speaker, this bill is similar in every respect to one introduced by me which has been reported from the Committee on Commerce of the House. It complies with the rule, and I ask for its present consideration.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. MCMILLIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

By unanimous consent, the House bill (H. R. 12787) of similar import was laid on the table.

SALE OF TOBACCO TO MINORS IN THE DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House a bill (S. 4560) to prohibit the sale of tobacco to, or its use by, minors under sixteen years of age in the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That hereafter no person in the District of Columbia shall sell, give, or furnish any cigar, cigarette, or tobacco in any of its forms to any minor under sixteen years of age; and for each and every violation of this section the offender shall, on conviction, be fined not less than $2 nor more than $10, or be imprisoned for not less than five days nor more than twenty days.

SEC. 2. That no minor under sixteen years of age shall smoke or in any way use any cigar, cigarette, or tobacco in any form in any street, avenue, alley, or other public place or resort within the District of Columbia, and each and every violation of this section shall be punishable by a fine of not less than $2 nor more than $5.

The bill was ordered to a third reading; and it was accordingly read the third time.

The question was taken on the passage of the bill, and the Speaker declared that the ayes seemed to have it.

Mr. HATCH. I ask for a division.

The House divided; and there were—ayes 88, noes 3.

So the bill was passed.

Mr. ANDERSON, of Kansas, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

By unanimous consent, the House bill of similar import (H. R. 12442) was laid on the table.

WASHINGTON AND ARLINGTON RAILWAY COMPANY.

The SPEAKER also laid before the House the bill (S. 3770) to incorporate the Washington and Arlington Railway Company of the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That W. H. Randle, D. C. Forney, J. S. Lawrence, Beriah Wilkins, C. G. Lee, James L. Barbour, and their associates and assigns, be, and they are hereby, created a body corporate under the name of the Washington and Arlington Railway Company of the District of Columbia, with authority to construct and lay down a single or double track railway, with necessary switches, turn-outs, and other mechanical devices for operating the same, by horse, cable, or electric power, for carrying passengers, parcels, milk, and truck, by the following route, namely: Beginning at Seventh street and B street northwest; along B street and Virginia avenue northwest to Twenty-sixth street; along Twenty-sixth street to M street; along M street and Canal road to a point on the Potomac River at or near the point known as "The Three Sisters," where the said company is hereby authorized to construct and maintain a bridge across the Potomac River on such plans as the Secretary of War may approve; and from thence by, on, and over such lines as may be selected by the said company, with the approval of the Secretary of War, to the northwest entrance of the Arlington Cemetery, and thence through the Arlington estate outside of the cemetery grounds to the south or west line thereof, in the State of Virginia: *Provided*, That said road shall cross the Chesapeake

and Ohio Canal on a bridge that shall be so constructed as not to interfere with the use of the bed or towpath of the canal as a water way or as a railway, and in a manner satisfactory to the Secretary of War: *Provided*, That should any part of the track herein authorized occupy the same street or avenue with portions of any other duly incorporated street railway in the District of Columbia, but one set of tracks shall be used; and the relative conditions of use and of chartered rights may be adjusted upon terms to be mutually agreed upon between the companies, or, in the case of disagreement by the supreme court of the District of Columbia on petition filed therein by either party, and on such reasonable notice to the other party as the court may order: *And provided*, That so much of said line as may lie within the State of Virginia shall first receive the approval of the proper authorities of said State. And said company is hereby authorized to run its said railway through the United States reservation known as Fort Myer and such other land of the United States in the State of Virginia, excepting the Arlington Cemetery Grounds, as may be necessary to construct the railway between the points named in this bill; only if the Secretary of War shall deem the same promotive of the public interest and always subject to such conditions and regulations as the Secretary of War may from time to time impose.

SEC. 2. That the railway hereby authorized and lying in the District of Columbia and on the bridge shall be constructed by said company of good materials, and in a substantial manner, with grooved rails of the best pattern, and of a suitable gauge, all to be approved by the commissioners of the District of Columbia and the Secretary of War jointly. The tracks of said railway, so far as the same shall lie within the District of Columbia, and the space between the same and for two feet adjacent to the outer rails thereof, shall be at all times kept by said company well paved and in good order to the satisfaction of the commissioners of the District of Columbia; and it shall be lawful for said company to make all needful and convenient trenches and excavations in any streets or spaces where its railway may be constructed, and to place in such trenches and excavations all the needful and convenient devices and machinery for operating said railway in the manner and by the means aforesaid, subject to the approval of the commissioners of the District of Columbia, and subject to the other provisions of this act; and, also, it shall be lawful for said company to erect and maintain, at such convenient and suitable points along its line not in any avenue, street, alley, or other public place, as may be deemed advisable by said company or its board of directors, and subject to the approval and regulations from time to time made by the commissioners of the District of Columbia over the place or places where the same may be located, an engine house or houses, boiler house or houses, and other buildings necessary for the successful operation of said road.

SEC. 3. That the said company may receive a rate of fare not exceeding 5 cents for each passenger for one continuous ride over the route aforesaid or any part thereof, between the termini of said railroad, and shall sell tickets at the rate of six for 25 cents. Said company shall, on or before the 15th day of January of each year, report to Congress the names of all the stockholders thereof and the amount of stock held by each, together with a detailed statement of the receipts and expenditures from different sources and on whatever account for the preceding year ending December 31, which report shall be verified by the affidavit of the president and secretary of said company; and said company shall pay to the District of Columbia, in lieu of taxes on personal property for the next ensuing fiscal year, 4 per cent. of its gross earnings upon traffic for the preceding year, which amount shall be paid to the collector of taxes at the times and in the manner that other taxes are or may be payable and subject to the same penalty in case of arrear; and the franchise and property of said company, both real and personal, to a sufficient amount may be seized and sold in satisfaction thereof in the same manner as is or may be provided by law for the sale of other property for taxes, and said per centum of its gross earnings shall be in lieu of any and all other assessments upon its personal property in the District of Columbia, used solely and exclusively in the operation and management of said railway; but its real estate in said District shall be taxed as other real estate therein: *Provided*, That its tracks shall not be considered real estate for the purpose of taxation.

SEC. 4. That the capital stock of said company shall be $50,000, and may be increased to $300,000 by order of a majority of the stockholders at a general meeting, in shares of $100 each. Said company shall require the subscribers to its capital stock to pay in cash to the treasurer, appointed by the corporators hereinbefore named, the amount severally subscribed by them as follows, to wit: 10 per cent. at the time of subscribing and the balance at such times and in such amounts as the board of directors of said company may require; and no subscription shall be deemed valid unless 10 per cent. thereof shall be paid at the time of subscription, as hereinbefore provided; and if any stockholder shall refuse or neglect to pay any installment or installments as aforesaid, or as required by the resolution of the board of directors, said board may sell at public auction to the highest bidder so many shares of the stock of such defaulting stockholder as shall be necessary to pay said installments, under such general regulations as may be adopted by the by-laws of said company, and for the purposes of such sale the highest bidder shall be deemed and taken to be the person who shall offer to purchase the least number of shares for the assessments due; but no stock shall be sold at such sale for less than the total assessments due and payable at the time thereof; or said company may sue and collect from any delinquent subscriber, in any court of competent jurisdiction, the amount of the assessments at any time due and payable in accordance herewith, and bonds may be issued to the amount of $500,000, to be secured by mortgage or deed of trust upon the property of the company.

SEC. 5. That said company shall place first-class cars on its said railway, with all modern improvements, for the convenience and comfort of passengers, and shall run cars thereon as often as the public convenience may require, and according to a schedule to be made from time to time by said company and approved by the commissioners of the District of Columbia, but no steam cars, locomotives, or passenger or other cars for steam railways shall ever be run on said railway. Said company may buy land on which to construct passenger rooms, ticket offices, workshops, depots, and buildings as may be necessary, and as the business of said railway and the convenience of the public may require, at such points along its line as may be approved by the commissioners of the District of Columbia, as to so much of its railway as lies within the said District, and the Secretary of War as to the remainder of said railway. No person shall be prohibited from riding on the cars of said company or ejected therefrom by the company's employés for any other cause than being drunk, disorderly, or contagiously diseased, or for the use of profane or indecent language, or for refusing to pay the legal fare exacted, or to comply with the lawful general regulations of said company.

SEC. 6. That within thirty days after the approval of this act the corporators above named, or a majority of them, or if any refuse or neglect to act, then a majority of the remainder, shall cause books of subscription to the capital stock of said company to be opened, and kept open, in some convenient and accessible place in the District of Columbia from 9 o'clock in the forenoon until 5 o'clock in the afternoon for a period to be fixed by said corporators, not less than two days (unless the whole stock shall be sooner subscribed for); the said corporators shall give notice, by advertisement in two or more of the daily papers published in the city of Washington, D. C., of the time, manner, and the place where said books shall be opened, and subscribers upon said books to the capital stock of said company shall be held to be stockholders therein: *Provided, however*, That every subscriber shall pay at the time of subscription 10 per cent. of the amount by him subscribed to the treasurer appointed by the corporators aforesaid, or his subscription shall be null and void: *And provided further*, That nothing shall be received in payment of the 10 per cent. aforesaid except lawful money of the United States or certified checks of any established national bank. And when the books of subscription to the capital stock of said company shall be closed the corporators aforesaid, or a majority of them, and in case any of them refuse or neglect to act, a majority of the remainder, shall, within twenty days thereafter, call the first meeting of the stockholders of said company to meet ten days thereafter for the choice of directors, of which meeting notice shall be given by advertisement three times in two public newspapers published daily in the city of Washington aforesaid, and by written personal notice to be mailed to the address of each stockholder by the treasurer aforesaid; and in any meeting of stockholders each share shall entitle the holder to 1 vote, which may be given either in person or by proxy.

SEC. 7. That the government and direction of the affairs of said company shall be vested in a board of directors, not less than five nor more than nine in number, who shall be stockholders of record and who shall hold office for one year, and until their successors are duly elected and qualified, and the said directors (a majority of whom shall be a quorum) shall elect one of their number to be president of said company, and shall also elect a vice president, secretary, and treasurer, the last named of whom shall give a bond, with surety, to said company in such sum as said directors may require, for the faithful discharge of his trust. In case of vacancy in the board of directors by death, resignation, or otherwise of any director, the vacancy occasioned thereby shall be filled by the remaining directors, or in such other manner as the by-laws of said company may prescribe. The directors of said company shall have power to make, prescribe, amend, and alter such by-laws, rules, and regulations as they shall deem needful and proper touching the management of said company, and the disposition and management of its stock, property, estate, and effects.

SEC. 8. That the principal office of said company shall always be situated in the District of Columbia, and the books and papers relating to the business of said company shall be kept thereat, open at all times to the inspection of the stockholders. The meetings of the stockholders and directors of said company shall be held at said office, and there shall be an annual meeting of the stockholders for choice of directors to be held at such time, under such conditions, and upon such notice as the said company shall by its by-laws prescribe, and said directors shall hold such meetings as may by said by-laws be prescribed, and shall annually made a report, in writing, of their doings to the stockholders and to the commissioners of the District of Columbia. The book in which transfers of stock shall be recorded shall be closed for the purpose of such transfer thirty days before the annual election as respects said election, and for the purpose of paying dividends at such lawful and reasonable times before the payment thereof as the by-laws of said company may prescribe.

SEC. 9. That said company shall commence the construction of its said railway within twelve months from the approval of this act, and said railway shall be built its entire distance, with switches and turn-outs, and with cars running thereon for the accommodation of passengers, within three years from the date of such approval; otherwise this act shall be null and void.

SEC. 10. That the tracks of said company on the bridge and the approaches to said bridge may be freely used for the passage of cars with motive power of the kind described by this act belonging to any individual or corporation legally authorized thereto, upon making just compensation for such use, and in case any dispute shall arise concerning such compensation or manner of use any party in interest may apply to the supreme court of the District of Columbia, which court is hereby empowered to fix the amount to be paid for such use and the mode in which such use may be enjoyed.

SEC. 11. That if the corporation can not agree with the owner for the purchase, use, or occupation of land, gravel, earth, timber, or other material required for the construction, enlargement, or repair of any of its works, or if the owner be a married woman, infant, *non compos mentis*, or out of the District, the said corporation may apply to the supreme court of the District of Columbia, at any general or special term thereof, and said court, after reasonable public notice and hearing, shall proceed with the condemnation of such land or property for the use aforesaid.

SEC. 12. That for the purpose of ascertaining the value of any land or property so condemned the said court may direct the marshal and the marshal shall accordingly summon eighteen disinterested men, not related to either party; and if any of them refuse to attend he may then summon or call others immediately to make up the number of eighteen. Each party shall have the right, in person or by attorney or agent, if present at the time, to strike off three, and the marshal shall strike off such as shall not be so stricken off by the parties, until the number shall be reduced to twelve, who shall be a jury.

SEC. 13. That the marshal shall then administer an oath or affirmation to every person of the jury that he will impartially and to the best of his skill and judgment value the land or other property required by the corporation, and also, if the same be land required for the construction of the said railroad or work, the damage which the owner will sustain, if any, by the taking of the land for such use. The jury shall accordingly inquire of such value and damage, and make report thereof in writing, to be signed by them all, and setting forth in case of land the boundaries of the land and the estate, interest, or use to be taken by the corporation. Such inquisition and report shall be returned by the marshal to the clerk of the circuit court of the District of Columbia.

SEC. 14. That such inquisition and report shall be confirmed by such court unless good cause be shown to the contrary, and when confirmed shall be recorded by the clerk of said court; but for cause the court may set it aside and order another inquisition, or more than one, from time to time, to be conducted in like manner as the first and with like effect, until an inquisition and report shall be confirmed by the court. Upon such confirmation of the first or any subsequent inquisition and report and upon payment or tender of the amount fixed in the inquisition to be paid by the corporation, either to the owner or in court, as the court shall order, the said corporation shall be entitled to the property according to the nature of such condemnation and appropriation for the uses mentioned in this act.

SEC. 15. That said railway shall be constructed in such a manner as not to injure or endanger any of the pipes, fixtures, or apparatus of the water works supplying the District of Columbia, or any part thereof, and the operations of said company shall always be subject to the control and direction, in this respect, of the Secretary of War, and subject to the right of the Secretary of War or other lawful public authority to interrupt the construction or use of said railway whenever necessary for the protection or repair of such water works, or in respect of any increase thereof or additions thereto. That neither the said corporation nor its successors or assigns shall erect, maintain, or use any overhead electric or other wires or apparatus within the District of Columbia, or on any property of the United States either within or without said District.

SEC. 16. That Congress hereby reserves to itself the right at any and all times to alter, amend, or repeal this act.

Mr. GROUT. I move that that bill be taken up.

The SPEAKER. It is now before the House. The Chair understands that there is a similar House bill and that the Committee on the District of Columbia desire that the Senate bill shall be considered.

Mr. GROUT. The House committee have reported a similar bill, and they have instructed me to call up the Senate bill. This is a bill to authorize the building of a railroad from this city to Arlington.

The bill is correct generally, but it requires some amendment. I yield first to the gentleman from Virginia [Mr. LEE] to propose certain amendments, and after they are disposed of I have one which I desire to submit myself.

Mr. LEE. Mr. Speaker, I simply wish to state that in drawing this bill we have endeavored to meet the objections which were made some weeks ago when a similar bill was before the House. This bill proposes that the railroad shall start from the center of the city, the Sixth street depot, and take a southerly direction until it reaches Virginia avenue; then it is to go northward up Virginia avenue until it joins the Washington and Georgetown Railroad track; then westward to the terminus of that railroad, and thence on to its own bridge, which it proposes to construct across the Potomac River at the Three Sisters. The company has already a charter from the State of Virginia, and, so far as I am informed, there is no objection to this bill.

Mr. BLOUNT. Is this the road which is to go by the way of Arlington to Mount Vernon?

Mr. LEE. Yes, sir.

Mr. BLOUNT. Is there any restriction in the bill upon the charges that are to be made?

Mr. LEE. Yes, sir.

Mr. BLOUNT. What is it?

Mr. LEE. The fare to Arlington is restricted to 5 cents.

Mr. BLOUNT. What is to be the fare to Mount Vernon?

Mr. LEE. There is no limit fixed upon that because Mount Vernon is in the State of Virginia and a point not mentioned in the bill.

Mr. ANDERSON, of Kansas. I did not quite catch all that the gentleman from Virginia said about this bill. My understanding is that it authorizes the company to lay a second set of tracks on Pennsylvania avenue.

Mr. LEE. No, sir.

Mr. BLAND. I understood from the reading of the bill that the track is to be exempt from taxation. For what reason was that provision put in the bill?

Mr. LEE. They do pay 4 per cent. upon their gross receipts.

Mr. BLAND. There is no taxation of their property other than that?

Mr. LEE. All their real estate is taxed.

Mr. BLAND. Is not the track itself real estate?

Mr. LEE. I think that in the course of the bill the track is exempted from taxation.

Mr. HEARD. I will state to my colleague [Mr. BLAND] that this bill is in exactly the same form as all bills of this character. The roadbed is represented by the stock; and the stock is taxed in the hands of the company, whether held here or elsewhere. All the roadbed, therefore, is taxed. The real estate referred to here is such as enginehouses, ticket offices, and matters of that kind, outside of the roadway, and that is to be assessed and taxed just as other real estate is.

Mr. BLOUNT. I will ask the gentleman from Virginia [Mr. LEE] what limitation there is in this bill on the charge which may be fixed by this company for travel between here and Mount Vernon.

Mr. LEE. There is none, I believe.

Mr. BLOUNT. Would the gentleman have any objection to a limitation of that kind, a provision that the fare between here and Mount Vernon shall not exceed 25 cents? I think this is an important matter; it is one in which the whole country is interested; and I do not believe the power of the company should be unlimited in this respect.

Mr. LEE. I would dislike to interfere in any matter of that kind with this company. I do not know exactly what the cost of transporting passengers for that distance would be.

Mr. BLOUNT. This is no "interference," because the public is entitled to some limitation of these rates.

Mr. HEARD. I wish to suggest that Mount Vernon is not on the line of the road as defined in this bill. There is a company chartered by the State of Virginia which contemplates building a road from Arlington to Mount Vernon. The rate of fare to be collected between those points would be a matter to be fixed in the charter granted by the State of Virginia.

Mr. BLOUNT. I understood that the bill which was reported here contemplated a road from this city to Mount Vernon.

Mr. LEE. I will say to the gentleman in all frankness that I think he is correct.

Mr. BLOUNT. There can be no harm in providing a limitation of this kind; and I hope the gentleman will allow an amendment to be voted on providing that the fare from this city to Mount Vernon shall not exceed 25 cents.

Mr. HEARD. I wish to say in response to the gentleman from Georgia [Mr. BLOUNT] that I believe the gentleman from Virginia [Mr. LEE] is mistaken about this matter and I am correct. Mount Vernon is not named in this bill. As I have stated, a company which has been chartered by the Legislature of Virginia has in contemplation, I understand, the building of a road from Arlington to Mount Vernon, connecting with this road from Washington to Arlington. But that is no part of this bill; and as that is a matter affecting a railroad lying exclusively within the State of Virginia it ought to be controlled by that State.

Mr. McMILLIN. I was about to suggest that it is a matter which Congress can not regulate.

Mr. HEARD. It is purely a matter for regulation by the State of Virginia.

Mr. ANDERSON, of Kansas. But this is a line which is to connect with the road chartered by the State of Virginia; and we may have something to say about the matter of fares before we authorize this connecting line.

Mr. McMILLIN. I will say in response to the gentleman from Kansas that Congress may fix whatever rate it chooses as the charge for passengers between here and Arlington, but as to a line exclusively in Virginia, to be built by a company chartered by the Legislature of that State, I deny the right of Congress to fix fares, however much we might desire to do so.

Mr. ANDERSON, of Kansas. There is no dispute about that proposition; but Congress may, if it chooses, refuse this franchise.

Mr. HEARD. Certainly it may, and that is the question which Congress is called upon now to decide; but it is a question which I hope we shall discuss and consider outside of the question of what fare may be charged by another company operating under a charter granted by the State of Virginia.

Mr. BRECKINRIDGE, of Arkansas. Does this charter concern any line of road beyond the limits of the District?

Mr. HEARD. It does not concern any line of road beyond Arlington; and as to that we do fix the limit of the fare at 5 cents between here and Arlington.

Mr. BRECKINRIDGE, of Arkansas. But the road of the company which this bill proposes to charter will not extend beyond Arlington?

Mr. HEARD. Not at all.

Mr. BLOUNT. I wish to ask the gentleman from Missouri [Mr. HEARD] whether the gentlemen who have been urging this measure did not in their bill which was referred here contemplate the building of a line from this city to Mount Vernon, claiming that the Legislature of Virginia had taken action for a line co-operating, or proposing to co-operate with the line in the District of Columbia under the direction of this company, and providing a limitation on the rate of fare from here to Arlington and from here to Mount Vernon.

Mr. HEARD. No; I will say that my friend from Georgia is mistaken.

Mr. BLOUNT. I wish to say to my friend from Missouri that two or three gentlemen connected with this line called at my room at the hotel and stated that that was the measure they proposed, giving me the assurance that their bill would contain a limitation of 5 cents as the fare from here to Arlington and 25 cents as the fare between here and Mount Vernon. I am quite sure that this statement is the basis upon which they have been urging this bill; and it seems to me that unless gentlemen can follow up legislation on that line we had better take this matter up when we can examine it carefully, so as to ascertain what Virginia has done and what we ought to do; for it is a matter of importance to all the people of the United States that when we grant a charter looking toward a connection with a road which is to take passengers to Mount Vernon we should endeavor to protect the convenience of the people.

Mr. BLAND. I would like to suggest to my colleague from Missouri that it seems to me if we have the right to grant the charter we can try at least to limit it to this extent: By prohibiting this company from entering into a contract or combination or agreement with any other company by which the rate of fare to Mount Vernon shall exceed 25 cents.

Mr. HEARD. I concede that that is competent. But to assume here to regulate the price that this railroad company shall charge under a charter granted by the State of Virginia and between points inside that State seems to me to be entirely outside of our functions. We might just as well apply it to the road from here to Richmond or to Charleston, S. C., as to Mount Vernon. Mount Vernon is not a terminus mentioned in the bill. The road is not designed to run there.

The same company that has a charter from Virginia to build a line from the District of Columbia to Arlington has a charter, as I am informed, which authorizes the building beyond Arlington to Mount Vernon. I think it would be entirely competent, if it is the judgment of the House, to incorporate an amendment as suggested by my colleague [Mr. BLAND] prohibiting this company from entering into a contract with any outside company to put the rate beyond the sum specified here. But it seems to me to be a very extraordinary undertaking, and one not demanded by the interests of the public.

The gentleman from Georgia states that certain parties in Washington made suggestions to him about the purposes of the bill. I have understood from the promoters of the bill, and I have been friendly to the bill all along, and am now, that they have, as I stated at the beginning, a charter from the State of Virginia which authorizes the building of a road from the District line to Mount Vernon.

The road provided for in the pending bill is, however, distinctively a road for the city of Washington to Arlington Cemetery, and the fare is limited by law to 5 cents between the termini. But to go over into the State of Virginia and undertake to regulate the fare on a connecting line and between points in that State, seems to me to be going

[illegible]